UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 95th CONGRESS
SECOND SESSION

VOLUME 124—PART 3

FEBRUARY 8, 1978 TO FEBRUARY 21, 1978

(PAGES 2663 TO 4050)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1978

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 95th CONGRESS, SECOND SESSION

SENATE—*Wednesday, February 8, 1978*

(Legislative day of Monday, February 6, 1978)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by Hon. WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of creation and redemption, on this opening day of the penetential season, remind us again of our mortality and sinfulness. Lead us by way of the cross to behold eternal and universal love pouring out life for our sins. Teach us again that self-giving is the way to self-fulfilling and that giving life is the way to new life. Give us grace and wisdom, even amid the pressing pressures of daily duty, to follow the crimson road to a skull-shaped hill and know the truth of Thy word that without the shedding of blood, without life outpoured there is no remission of sins.

We pray in the name of the Great Redeemer. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 8, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. PROXMIRE thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Tuesday, February 7, 1978, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE—PANAMA CANAL TREATIES

Mr. ROBERT C. BYRD. Mr. President, I would hope that our respective cloakrooms would urge Senators who have special orders to be in the Chamber and ready to proceed with their statements under the orders. It is important that no later than 12:15 p.m. today, if at all possible, the Senate proceed with its consideration of the first treaty on the Executive Calendar. National public radio is geared up to broadcast the proceedings and has been told the proceedings will begin then.

There will be a rollcall vote today on the adoption of the conference report, after which the Senate will go into executive session to consider the first treaty.

To accommodate public radio and network feeding off the audio transmission I would hope that Senators who wish to present speeches will present them so that the Senate will be able to proceed at that time.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. Mr. President, might I ask the distinguished majority leader if he can indicate to me the probable course of our proceeding today.

Mr. ROBERT C. BYRD. Mr. President, I would anticipate that when the Senate goes into executive session, of course, Mr. SPARKMAN, the chairman of the Committee on Foreign Relations, should have the opportunity to address himself to the first treaty, and then Mr. CASE, the ranking minority member, should have the opportunity to address the treaty.

However, I would also anticipate that the distinguished Senator from Alabama (Mr. ALLEN) may wish to propound some parliamentary inquiries right at the very beginning, when we go into executive session, so as to help clarify the rules and to be sure of our guidelines.

I may want to propound some inquiries, because, after all, this is the first time in 55 years that the Senate will have operated under the Committee of the Whole procedure, requiring the reading of a treaty article by article. It will be a new experience for all Senators today in the Chamber.

I would say that parliamentary inquiries will be discussed first. The Vice President will be in the chair to respond to those inquiries. They may very well consume 1 hour at the most. After that, I would hope that the two proponents will proceed, and then perhaps those opposed to the treaties.

I believe the distinguished minority leader is prepared to state the names of Senators who will proceed on his side.

Mr. BAKER. The majority leader is correct. I think this is eminently a practical and equitable approach. While there is no limitation on time or control of time, I think this gives a fair shot to everybody on the opening day.

On behalf of the opponents, it is my understanding that the distinguished Senator from Nevada (Mr. LAXALT) and the distinguished Senator from Michigan (Mr. GRIFFIN) will wish to make statements today in response, presumably, to the opening statements by Senator SPARKMAN and Senator CASE; the chairman and the ranking member of the Foreign Relations Committee.

Might I ask the distinguished majority leader further whether he, as majority leader, has plans to speak today or tomorrow in advance of the general debate.

Mr. ROBERT C. BYRD. My plan is not to speak today.

I would think that once those four Senators I have named have spoken, there may be other Senators, depending upon what the time situation is at the moment, who will want to address their remarks to the treaties today.

I would imagine that the debate will resume tomorrow at 10 or 11 in the morning and last until 6 or 7 in the evening, and on Friday from about 9 in the morning until 5 in the afternoon. We will want to attempt to proceed in a way which will allow Senators to gain recognition when and as they can. Our respective sides would be well advised to attempt to keep things moving. Many times we do have Senators who are in the Chamber but are not ready to speak. We should keep in mind that we have audio

transmission to inform the public as to the debate on the treaties.

In the first 2 or 3 days, I would think we can lay out at the beginning of the day the names of a few of the speakers who will deliver remarks on that day.

Mr. BAKER. I agree with the majority leader. I might say, by way of information to my colleague, that yesterday, during the regular weekly luncheon meeting of the Republican policy group, I indicated that we have both opponents and proponents on both sides of the aisle in this case. For my part, I wanted it known that I wished to serve both sides in trying to arrange the details of our procedure. Whether for or against the treaties, those on my side of the aisle should advise me of their wishes in this respect. I would be happy to advise the majority leader to see if we can keep a steady flow of debate rather than start and stop as sometimes occurs.

Mr. ROBERT C. BYRD. While we are waiting for the first speaker, I should say at this point it will be in order, once we are in executive session, to have amendments proposed on each article as that article is reached in its sequence, and votes could occur on such amendments or the tabling motions of such amendments. So there is a possibility of rollcall votes today, tomorrow, and Friday.

I should rather think that for the most part the time in the remainder of this week will likely be consumed in debate.

Mr. BAKER. I thank the majority leader. I join him in that estimate. I think that will provide for an orderly transition into the general and sustained debate on these matters after we return from our Lincoln Day nonlegislative period.

Mr. President, I thank the majority leader for taking the time today to answer these inquiries and to volunteer a good schedule of activities for this week, so that everyone can make his plans. I am sure all Senators will find that very helpful.

REPORT OF DELEGATION STUDYING THE PANAMA CANAL TREATIES AND OTHER MATTERS OF INTEREST TO THE UNITED STATES (SEN. DOC. NO. 95–80)

Mr. BAKER. Mr. President, pursuant to Senate Resolution 179 adopted at the end of the session last year, it was my privilege to lead a delegation of Senators to Panama and certain other Latin American countries. I am today filing a report of that trip, and I ask unanimous consent that the report on the trip be printed as a Senate document.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. I thank the majority leader for his indulgence.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, we are going to have to charge quorum calls to the time of Senators this morning. We simply cannot allow time to drag on and on. I am going to ask in this first instance to put in a quorum call and not charge it to anyone, so we can get off to a good start; but after that, Senators had better be prepared to come to the floor and make their speeches, so that we can get started at 12 o'clock with the treaties, because it would be eminently unfair to national public radio, which has been planning for the beginning of the debate at 12 o'clock noon, to do otherwise.

I suggest that the cloakrooms get busy and get Senators over here to make their speeches.

Mr. BAKER. Mr. President, may I say it is my understanding that the series of special orders in which Senator JAVITS will participate will be here and ready to proceed at 10 o'clock.

Mr. ROBERT C. BYRD. There are two other Senators before him.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Under the previous order, the Senator from Missouri (Mr. EAGLETON) is recognized for not to exceed 15 minutes.

THE HORN OF AFRICA

Mr. EAGLETON. Mr. President, events occurring in other parts of the world frequently illuminate our foreign policy in such a way that we are compelled to reexamine our directions in the world. Such an event is taking place today in the Horn of Africa.

The war between Ethiopia and Somalia over the Ogaden region has been simmering since last summer when Somalia invaded the Ogaden, a territory in southeast Ethiopia which is inhabited largely by Somalis. Indications now are that Ethiopia has begun a major counter offensive against Somalia, aided by a massive infusion of weapons and troops from the Soviet Union and Cuba.

The administration said at the onset that it would not become involved in this regional conflict, either directly or indirectly. We have abided by this and have not assisted either side. We have neither provided direct assistance, nor have we approved any requests from third countries to transfer U.S. equipment to Somalia. Now, however, new developments require us to reassess our policy of detachment.

With the introduction of Soviet assistance into the area, this is no longer a regional conflict. The action now advances to the international stage. The Soviet Union is subsidizing Ethiopia's war efforts to the tune of approximately $1 billion, not to mention the 1,500 Russians serving in a military capacity in Ethiopia. In addition, Cuba currently has an estimated 4,000 troops and advisers in Ethiopia, and it is reported that deployments from Cuba could continue as necessary. Reports indicate that the Soviet Union has equipped Ethiopia with one of its most advanced fighter planes—the Mig–23—and that these planes have made bombing forays into Somalia, piloted by Cubans.

It would be naive to assume that the Soviet Union has no interest in this area beyond resolution of the conflict over the Ogaden. This is a vital piece of geography. The Red Sea, which flows past Ethiopia and Somalia, is an important oil lane. The Horn of Africa offers an important area on the African Continent for a Soviet foothold. It appears that the Soviet Union may be pushing on into Somalia with an eye to regaining control of the port of Berbera, and thus gaining substantial control over one important delivery route of Arab oil to the Western World.

President Sadat discussed his growing concern over Soviet involvement in the Horn of Africa at a luncheon with Members of the Senate which I attended yesterday. Without necessarily adopting all of his fears, I do want to share his thoughts with you:

> For all practical purposes, the Soviet Union has taken over in Ethiopia. It is now a Soviet base. The Soviets are now moving to Berbera which was the Soviet base in Somalia. Half the water of the Nile comes from Ethiopia. Naturally, I am alarmed with the Soviet's controlling half my water. After the Soviets knock out Somalia, they will then turn on Sudan and Egypt. Qaddafi of Libya is paying the Cubans fighting with Ethiopia. What is happening in Ethiopia is part of the Soviet international game.

As I said previously, this is no longer a regional conflict. But, because Somalia is technically the aggressor in this conflict, the United States does not feel it can in good faith supply arms to her. In other words, we must wait until Soviet troops march across the Ethiopian border into Somalia before we can assist this small country whose military currently is outnumbered by Ethiopia's by 1 to 3 and whose air defense has been severely eroded already by Ethiopian strikes.

In an editorial in the February 13 Newsweek entitled "Drifting with the Tide," Meg Greenfield observes that "the question is whether the U.S. Government is accommodating wisely to changes it cannot prevent or simply succumbing to pressures it need not put up with." In my opinión, in this case, the United States is guilty of the latter.

The administration is currently considering whether to permit an order for spare parts for F–5's to go to Ethiopia. The sale was concluded last year before we stopped arms sales to Ethiopia, and has been sitting in warehouses in New York pending delivery instructions from Addis Ababa. The administration still has the option of revoking the export permits, although it is reluctant to do so for fear that such an action might be interpreted as indirect assistance to Somalia. In my opinion, the decision should be simple: cancel the export licenses. It simply does not make sense to further contribute to Ethiopia's defenses when she is already the recipient of an enormous Soviet airlift.

I am not here to dredge up cold war rhetoric about Soviet conspiracies around the world. However, I do feel that the advancing Soviet effort in the

Horn of Africa necessitates a good hard look at our current policy.

I strongly opposed the American venture in Angola. We had no business being involved with two factions there. As far as I was concerned, our Angola adventure was doomed to failure. However, the situation in the Horn of Africa is different and clearly calls for new and innovative thinking before, rather than after, the fact. Should a land invasion of Somalia occur—and I am inclined to believe that this is a distinct and threatening possibility—it is doubtful that Somalia's relatively small and now-depleted military forces could meet the military might of Ethiopia's Soviet-backed forces, thus assuring a Soviet takeover in the Horn of Africa.

I am hopeful that President Carter is giving careful consideration to this dilemma. The greatness of our country lies in our ability to accommodate to change while, at the same time, confronting and withstanding inordinate pressures. My recommendation is that, first, we cancel the export licenses for spare parts to Ethiopia. Secondly, we should make preparations now for the deployment of military equipment to interested nations such as Saudi Arabia or to Somalia itself, with the final decision on deployment to depend on whether Ethiopian forces cross the border into Somalia proper. Further, we should notify the Soviet Union of our intentions in this regard.

In short, Mr. President, I view and I hope the administration views the Ethiopia-Somalia conflict as an exceptional situation calling for an exceptional solution.

Mr. President, I ask unanimous consent that the following articles be printed in the RECORD at this point:

(1) "War in the Horn", Newsweek, February 13, 1978.

(2) "Russia's 'Grand Design' ", Arnaud de Borchgrave, Newsweek, February 13, 1978.

(3) "Drifting With the Tide", Meg Greenfield, Newsweek, February 13, 1978.

(4) "Ethiopia Begins Ogaden Drive; Somalis Retreat", Washington Post, February 7, 1978.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Newsweek, Feb. 13, 1978]

WAR IN THE HORN

The Horn of Africa seemed about to burst. Ethiopian jets bombed villages in northwestern Somalia last week, and U.S. intelligence reports suggested that the pilots were Cuban. Fighting erupted on the edge of the disputed Ogaden region of Ethiopia (map), and Somalia—which occupies the area—charged that Cubans and Russians were doing battle there as well. Sooner or later, Soviet-backed Ethiopian forces were expected to launch an all-out counterattack in the Ogaden, and late last week Somalia officials claimed that a major offensive had begun. In the capital city of Mogadishu, a high-ranking Somalia official watched glumly as a Greek freighter unloaded bags of American flour. "I only wish that they were filled with gunpowder," he said.

The remark summed up Somalia's predicament. Last summer it invaded the Ogaden, which belongs to Ethiopia but is inhabited mostly by Somalis. But since November, while the U.S. and other Western powers took a "hands-off" attitude toward the conflict, the Soviet Union has made a prodigious effort to support the Marxist regime in Addis Ababa in its two-front war against the Somalis and against secessionists in the province of Eritrea. Moscow has shipped about $1 billion worth of arms to Ethiopia, including tanks, MiG fighters and missiles. By now there are about 4,000 Cubans and 1,500 Russians serving in Ethiopia, along with several hundred fellow travelers—East Germans, South Yemenis and even a few Bulgarians. "We will teach [the Somalis] a lesson they will not forget," declared Soviet Ambassador to Somalia Georgy E. Samsonov at a recent gathering. "We will bring them to their knees."

Ships: The buildup is Moscow's bluntest challenge yet to Jimmy Carter, and it seems to be far from over. Last week, intelligence sources told Newsweek's Lloyd H. Norman of reports from Havana that Cuba was mobilizing military reservists for deployment to Ethiopia. Sources also said two Soviet passenger ships were steaming for Havana, where they were expected to pick up 3,000 to 5,000 Cuban troops bound for the battleground on the Horn of Africa. The Russians already had more than twenty naval vessels in the Red Sea area, and last week the West beefed up its own naval presence there. The U.S. moved a destroyer down from the Sixth Fleet in the Mediterranean, to join three American warships already on station. And France ordered an aircraft carrier to the independent state of Djibouti in order to withdraw a 4,000-man French garrison in the event that the Ogaden war spills over in that direction.

So far Washington was determined to stay out of the fighting on the Horn. "We don't want the Soviets and the Cubans involved, and we certainly don't want them entrenched there,' 'said an American official. "At the same time, we confront the fact that the Somalis are the aggressors." But the stakes were high. They included control of access to the Red Sea and potential domination of vital Indian Ocean and Persian Gulf shipping lanes by the Russian Navy. In an exclusive interview with Newsweek's Arnaud de Borchgrave (following story), Somali President Muhammad Siad Barre claimed that the Western powers were "cutting their own throats" by refusing arms aid to his government. "Moscow has hoodwinked you," said Siad Barre, and he fired off another private appeal to Carter for military assistance. At a reception, the Czechoslovakian ambassador to Somalia appraised Siad Barre's position. "The Somalis made a terrible mistake," he said quietly. "They will soon find out that the people they believe are their new friends will do nothing to help them."

The military picture in the Ogaden was far from clear. The 80,000-man Ethiopian Army opposed 35,000 Somali regulars and guerrilla troops east of the ancient walled city of Harer. Besides tank and infantry engagements, the fighting last week involved heavy-artillery duels. Ethiopia's Soviet-built MIG fighters and American-built F5s immediately established air superiority, and even struck at targets inside Somalia. The newly arrived MiG's were flown skillfully—too skillfully, it seemed, for the pilots to have been raw Ethiopians. The Somalis also charged that Russiasn and Cubans were fighting alongside Ethiopian ground forces. To support that claim, they displayed a Cuban soldier captured in the Ogaden and said he had told them that a Cuban mechanized artillery battalion was fighting there. But the Somalis were not daunted. "They are mean bastards, and the Cubans are not going to intimidate them," remarked a Western envoy in Nairobi. "They'd just as soon shoot a Cuban as an Ethiopian."

Under Siege: In Ethiopia's "other war" in Eritrea, two secessionist armies continued to control the countryside and bottle up government forces in the cities. Asmara, the Eritrean capital, and Mesewa, the principal port, were under siege, while other rebels drove toward another port at Aseb. But air attacks and shelling from Ethiopian vessels in the Red Sea had weakened the rebels.

There appeared to be little doubt that the Russians and Cubans were in Ethiopia for a long haul. In Moscow, last week, Raúl Castro, Fidel's brother, discussed strategy on the Horn with Soviet President Leonid Brezhnev and Defense Minister Dmitry Ustinov. Diplomatic sources said Russian and Cuban officers were sitting with Ethiopian officers on a central war committee in Addis Ababa to review all plans for military operations in the Ogaden and Eritrea. And there were reports that the Cubans—commanded by Maj. Gen. Arnardo Ochoa, a veteran of Angola and a confidant of Fidel Castro—were furnishing a bodyguard to Ethiopia's strongman, Lt. Col. Mengistu Haile Mariam.

What lay behind Russia's enormous commitment in Ethiopia? The U.S.S.R. might be trying to make up for its recent loss of influence in the Middle East by seizing a foothold in the Horn—and all across Africa. According to one theory, the entire anti-Western campaign was being orchestrated from Zambia by Soviet Ambassador Vasily Solodovnikov, one of Russia's leading Africanists, and the ultimate objective of the Soviet "grand design" was to outflank NATO by denying African raw materials—and Arab oil—to the West. NEWSWEEK learned last week that the growing Soviet presence in Ethiopia had finally persuaded Israel to remove its own controversial military-assistance mission from the country.

Assistance: For its part, Somalia was receiving some outside assistance, notably from conservative Muslim regimes in Saudi Arabia, Iran, Egypt and the Sudan. Siad Barre's government had managed to buy European small arms and reportedly received 30 old American tanks from Oman, which in turn had borrowed them from Iran. Much of the military assistance it had been promised was conditional—to be delivered only if the other side invaded Somalia itself.

Washington has watched the Soviet-Cuban buildup with growing concern. Two weeks ago, President Carter warned Boris Ponomarev, the head of a Soviet parliamentary delegation visiting Washington, that Moscow's deepening involvement in the Horn of Africa could jeopardize Senate approval of a new strategic-arms-limitation agreement. There are those in the Administration who are speaking up for a tougher policy. So far, the Administration is reluctant to come to Somalia's aid. "For once, the Soviets could be seen to be helping a legal government repel aggression," said a senior Western diplomat in Nairobi. "Our best posture is to do nothing; if we don't panic we'll be sitting pretty." Carter's hands-off policy may soon be subjected to some rethinking, however, particularly if the impending Ethiopian counteroffensive is not confined to merely driving the Somalis out of the Ogaden. If Soviet-backed forces expand the war by invading Somalia itself, it may be time for the U.S. and its allies to review their options.

[From Newsweek, Feb. 13, 1978]

RUSSIA'S "GRAND DESIGN"

In Mogadishu last week, Somali President Muhammad Siad Barre granted an exclusive interview to NEWSWEEK'S *Arnaud de Borchgrave. Excerpts from their conversation:*

DE BORCHGRAVE. When I spoke to you last June, you rejected the idea that the Russians want to dominate the Red Sea and the Indian Ocean. Now some of your own spokesmen are making exactly that charge. What changed your mind?

SIAD BARRE. I said then that all big powers are pursuing their own interests as they

see them. That's a fact that can't be denied. What is puzzling is why the U.S. allows the Soviets to spread their hegemony. That must correspond to American interests as President Carter sees them, or he would not allow it.

The Soviets are creating trouble everywhere in Africa to neutralize Western actions and reactions. Yet Carter has now accepted the Soviet line on Ethiopia. We can only conclude that he must have made a deal with Moscow, or at least reached a tacit understanding. Otherwise, how can you explain that Russia is allowed to commit unprecedented criminal acts? Russia is outmaneuvering America. Soviet leaders have convinced the Carter Administration not to react to the biggest Soviet airlift in history. Bigger than the October war. Bigger than Angola. They have moved to Ethiopia highly sophisticated equipment that the Ethiopians cannot possibly use themselves. At first the Cubans convinced Ambassador Andrew Young they were just sending a few doctors. Now their regular forces are in place. Moscow has hoodwinked you.

Q. What do you mean by "criminal acts"? So far, no Soviet-Cuban counteroffensive has crossed the old boundary between Somalia and Ethiopia.

A. What do you mean? Of course it has. Somalia is being bombed every day now. Yesterday it was two more towns. And these MiG's were not being flown by Ethiopian pilots. It was highly skilled flying and accurate bombing. Our own pilots after six years on MiG's were not as good. And MiG's only arrived in Ethiopia a few weeks ago.

Q. How do Western oil supplies and oil routes fit into this over-all Soviet destabilization plan?

A. By producing reflexes of appeasement in the oil-producing areas. Mark my words. They will be the next Soviet target after the Horn of Africa. And because the U.S. is sitting on its hands, the Soviets are now confident they can move up their timetable. We stood up to them. But who is with us?

Q. In the light of all this, how do you feel about the five Western powers—the U.S. Western Germany, Britain, France and Italy—turning down your request for arms?

A. Maybe they have made a compromise with the Soviets and have told them, in effect, "Do what you want in Somalia." Why otherwise are the Western powers cutting their own throats? . . . I see the same situation as before World War II. I hope you wake up before it's too late.

Q. What are your immediate military needs?

A. Look at what the other side has built up in three months—more than $1 billion worth of modern equipment, including all categories of artillery and ground-to-ground missiles—even one type that has a 120-mile range. [The Ethiopians] even have MiG-23s. It's hardly a coincidence that each time I visit a foreign capital to seek assistance, Washington makes another statement that the U.S. will not extend military assistance to Somalia, a disguised warning to others not to help us either . . . Today the target of Soviet military might is Somalia. Tomorrow it will be another country in the region and so on until the design is completed . . . If you cannot see how your vital interests are affected, then we can only conclude you have decided to surrender to Soviet hegemony. But if that is the case, you should be honest enough to tell us so.

Q. Even though the Soviets and the Cubans were already backing Ethiopia when we talked last June, you said that although you disagreed with Moscow, you would never change alliances. What happened?

A. I didn't say exactly that. We suspected what the Soviet grand design was but we still had hopes we could talk them out of it. When I last saw you I was still hoping to influence events through quiet diplomacy. We didn't want any trouble. But Soviet leaders got angry with us. They told us to mind our own business. We pointed out the dangers to them, but they . . . disagreed. So be it.

Q. How many Soviet military advisers were here when you expelled them last November?

A. Almost 1,700. To be exact, 1,678 military advisers plus their families. Others were on leave at the time.

Q. Last June you told me that you would not break with the Russians unless you were guaranteed a credible source of military supplies. Did you get such a guarantee?

A. When we saw we were being treated as a puppet, we decided we could not [allow Russia to] exercise our sovereignty on our behalf . . . We had to alert the world that a third world war would be the ultimate result of the present drift. We had to try to reverse that drift. It's better to die honorably than slowly.

Q. What part did Washington's private assurance last year, as relayed to you by your American friend and physician Dr. Kevin Cahill and confirmed by your own ambassador in Washington, play in the all-out offensive in the Ogaden?

A. Cahill is a good friend of Somalia, a dedicated man of integrity—not an intriguer. Clearly all the conversations here and in Washington contributed to the elimination of misunderstandings. Cahill knows we are not aggressors. The U.S. subsequently changed its mind. Now they say they will help if we are invaded. That's like telling a sick man you will help cure him after he dies.

Q. The Soviets, Cubans and East Germans have now given air supremacy in the Ogaden to the Ethiopians. How do you hope to retain the parts of Ogaden already "liberated"?

A. Cities can be captured, but the guerrilla struggle will continue. The Vietnamese fought without air supremacy. But please keep your eyes on Soviet targets. It is not Ogaden but Berbera, the Djibouti Republic, the strait of Bab el Mandeb.

Q. Saudi Arabia and Iran have suggested that you pull out of positions around Dire Dawa and Harer, break off contact with the Ethiopian Army and regroup along new lines closer to the border, so as to deny the Soviets and the Cubans a pretext to mount a new offensive. Does this make sense?

A. No sense at all. That's the Soviet version and they have convinced even some of our friends of this. All these considerations have been overtaken by events that are now moving swiftly.

Q. Iran has said it will not stand idly by if the offensive crosses into Somalia proper.

A. We are grateful for such declarations but are waiting for practical results.

Q. What nations are doing the most to assist you now?

A. A number of Arab countries led by Saudi Arabia. But they cannot help us in a way that would provide a more effective defense, because their assistance is primarily financial.

Q. Two U.S. congressmen said after conferring with President Anwar Sadat that Egypt and the Sudan had each promised to send an armored brigade to help you.

A. What these gentlemen said is not correct.

Q. You apparently believe the Soviets want to take part of northern Somalia, including your second largest city of Hargeisa and the port of Berbera, as well as the independent republic of Djibouti. What is the evidence?

A. We have eyes and ears and many contacts. Our people are among them in Ogaden. We are absolutely sure of our intelligence on this score. Cuban paratroopers are to be dropped behind our lines, and the Soviets have already drafted what they will tell the world after these actions have taken place. There are also contingency plans for a landing from the sea . . . A probing offensive was launched last week to test our defenses. The bombing of our country has been stepped up to demoralize our people.

Q. Didn't the Soviets help train your guerrillas in the Western Somali Liberation Front?

A. Yes, and some of the cadres were even trained in Cuba. Now [the Cubans] are fighting those they trained.

Q. Why did you break diplomatic relations with Cuba last November, but not with the Soviet Union?

A. Because the Soviets then assured us that their only role in Ethiopia was to supply defensive equipment. Now that we know for a fact that they lied to us and are actually involved in the fighting, we are reconsidering the situation.

Q. What is the composition of the international brigade on the other side?

A. There are well over 10,000 foreigners in these forces, and they have come from the Soviet Union, Cuba, East Germany and other Eastern countries. They are divided between the Eritrean and Somali fronts. Some are guarding the Mengistu regime. Others are guarding installations, and the rest are training and fighting. Washington says the Cubans are just used for training. That's absolutely untrue, and we have the proof with our Cuban prisoners. One . . . confirmed to foreign journalists that Cuban units were engaged in the fighting with a mechanized artillery battalion.

Q. Do you see a connection between your expulsion of Soviet advisers last Nov. 13 and the beginning of Miscow's big arms airlift to Ethiopia, which got under way Nov. 26?

A. Yes, I do. Moscow decided Siad Barre's government should be forced to pay for daring to stand up to a superpower and interfering with its grand design.

Q. At what point do you think the other side will agree to negotiate?

A. We are ready—anytime, anyplace—to negotiate an honorable, equitable solution. But the Soviets want to take one or two of our cities first, and for this reason I do not think they will negotiate until they have reached their objectives.

[From Newsweek, Feb. 13, 1978]

DRIFTING WITH THE TIDE

(By Meg Greenfield)

"So what are you going to do about it?"—it is the classic bully's taunt, the menacing reminder from the big kid on the block that in fact there's nothing his victim can prudently do. I bring up this painful echo from our common schoolyard past because something like it is resonating through the diplomatic chambers where our foreign policy is conducted. Only here's the switch: we are, at least by conventional measures, the big kid on the block; but it is the others, including some of the world's most notorious economic and military runts, who are issuing the taunt.

So what *are* we going to do about it—if the rulers of Cambodia embark on a policy of national genocide, if the Cubans take up (Soviet) arms in Africa, if the Saudis lower production or increase the price of oil, if Southern Africa moves toward all-out racial war, if the Indians continue to build nuclear explosives, if the Western Europeans vote Communists into office? Is there anything we can do in an era in which we have even been admonished for expressing the hope that Italy remain a democracy? If that is regarded as an act of aggression, it tells you something about our role as a "superpower" in the post-Vietnam world.

DIMINISHING CONTROL

I am not about to seek sympathy for the "pitiful, helpless giant" of Richard Nixon's imagining, the much-preyed-upon, immobilized nation he told us we could become. No

one feels sorry for giants anyway. The point is that this country, for a variety of reasons, seems to have less control of events around the world than at any time in the past generation. It is a circumstance that sits oddly with our vast economic resources and nuclear arsenal and one that seems to be generating a lot of anxiety in the country—just as it is generating a bitter political argument in Washington. Today Panama, tomorrow SALT—the question is whether the U.S. Government is accommodating wisely to change it cannot prevent or simply succumbing to pressures it needn't put up with.

The first thing to be said is that a large part of what we have lost was not so much power to control events as the illusion of such power. In Budapest, in Vietnam, in the United Nations—indeed, in the Atlantic alliance itself, once Charles de Gaulle got into the act—it became plain that defying the American will did not necessarily have fatal consequences. Even so, the myth of American omnipotence continues to thrive in some quarters of our political life. I have in mind (1) the would-be interveners and bombers of the right, who believe we can shoot and scare our way to what we want and (2) the condescending left, which holds that all human behavior outside the United States is merely a reaction to our own and that we can determine events elsewhere by behaving in a certain good-hearted way.

If you want to know how far history and circumstances have brought us from a time when any of this was true—if it ever was—then consider the American condition vis-a-vis the Horn of Africa. What has changed is practically everything. It wasn't all that long ago, after all, that we wouldn't have especially cared what the Ethiopians and the Somalis were doing to each other; that, to be crude about it, we would have "bought" or "replaced" a government that gave us too much trouble there; that such governments, in any case, would have been plenty nervous about provoking our ill will, and that the Russians and Cubans would have been incapable of injecting a military presence into the scene.

Now we care—and our oil-producing friends in Iran and Saudi Arabia care even more. Our "control" of the situation, including even our control of our own attitude toward it, has been altered and diminished by a whole gaggle of circumstances and events. We (and our European friends) need oil; the American Government is nowhere near so free as it once was to manipulate foreign governments through "covert action" intelligence operations; the Soviets have developed a physical capacity to intervene in places around the world where they could not before, and to move directly against them and their Cuban proxies in the Horn would involve getting other countries to cancel overflight rights, imposing some kind of blockade and taking similar steps that could rapidly inflate to a full-fledged crisis.

FLAILING FOR LEVERAGE

Or so it is argued in some parts of the Administration anyway. We don't need to get into the tactical disputes now going on in Washington concerning the proper moment and method of intervention. The point is that, messy as it is, the Horn of Africa provides a kind of model of the current American foreign-policy dilemma around the world. And in this situation, people seem to be flailing about foolishly in search of new levers of power. Some of these, in my judgment, amount to little more than collective threats to hold our breath until we turn blue if some nation or other will not do our bidding.

Examples of this self-defeating and self-destructive type of gesture abound. There is the Speaker of the House's threat to curtail military aid to South Korea unless its government cooperates in his Korean pay-off investigation—never mind that U.S. aid to Korea presumably serves some independent and essential strategic purpose. Or there are the proposals to show our displeasure with the racial policies of the South African Government by removing our diplomatic presence from the country, never mind that the U.S. Embassy has served as an invaluable contact point with precisely those blacks and/or dissidents we are trying to encourage and help.

LIVING WITH CHANGE

Zbigniew Brzezinski, Jimmy Carter's national-security adviser, has made something of a point, if not in fact a career, of analyzing the manner in which the world is altering in its political, cultural and economic make-up. He argues that it is the function of an American Administration to try to affect, not halt, that change and that to do so does not require sinking into a fatalistic what-can-be-done-about-it attitude. Others believe that this Administration has in fact accelerated the slipping away of control, taking "far out" rhetorical positions and encouraging all sorts of insurrectionary activity that polarize the countries we are dealing with and make our chances of influencing their governments even slimmer.

My own sense of it is that we are at a point where we have become keenly aware of our own dependence on the economic behavior of others; where we have, in a passion of correction and reform, sharply limited the capacity of our executive branch to act overseas, and where our military and technological strength seems particularly ill-suited to backing up our values and interests around the world. We can no longer say we don't care what happens in the Horn—and we can no longer act forcefully or directly if we do. This disjunction between ends and means is the principal problem of our foreign policy.

[From the Washington Post, Feb. 7, 1978]

ETHIOPIA BEGINS OGADEN DRIVE; SOMALIS RETREAT

(By Jay Ross)

There were mounting indications yesterday that Ethiopia has begun its long-expected counteroffensive to repel a Somali invasion in the Ogaden region. The United States indicated that Cuban pilots are flying missions to support Ethiopian forces.

A high Ethiopian official told a news conference in Addis Ababa that Somali forces in the contested area in southeastern Ethiopia had been "crushed" with most fleeing back to Somalia and "the rest . . . surrendering."

News agencies reported from the Somali-occupied area that a commander of Somali forces said they had been forced to retreat in several places around the strategic city of Harrar because of bombardment by Ethiopian jets and artillery.

Other reports from Somalia talked of "a heavy battle" around Harrar and Dire Dawa, Ethiopia's two remaining strongholds and the largest cities in the area.

The reports came as the United States charged an escalation of Soviet and Cuban involvement in the conflict and indicated that Cuban pilots are flying missions in Soviet jets in the embattled area.

State Department spokesman Hodding Carter III said Cuban pilots are flying Soviet-supplied aircraft in Ethiopia and "we must allow for the possibility that they have been involved in the conflict."

The U.S. Navy said it had sent an additional destroyer from the 6th Fleet in the Mediterranean to the Red Sea last week because of the "general tension" in the Horn of Africa. Moving the *USS Truett* to the area brings the American force in the region to three ships, compared with 27 for the Soviets, a Navy spokesman said.

The United States has repeatedly criticized the Soviet military buildup of Ethiopia, which amounts to at least $800 million in equipment and aid, and the increase in Soviet and Cuban forces there.

Carter said yesterday that Cuba has increased its forces by about 1,000 over the past few weeks to bring the total to "3,000-plus" while Soviet forces have held steady at about 1,000.

In another development Israeli Foreign Minister Moshe Dayan disclosed that Israel is selling arms to Ethiopia, putting Israel in the curious position of being an acknowledged, if indirect, ally of the Soviet Union in this area. There had been frequent reports of such Israeli sales and of Israeli advisers aiding the Ethiopians but Israel had always denied them.

Yesterday's announcement in Addis Ababa by Capt. Fikre Selassie Mogderes, secretary of Ethiopia's ruling Provisional Military Council, was the first admission by Ethiopia of any major advances to take back the Ogaden—an area the size of Oregon that Ethiopia and Somalia have contested for almost a century.

Addis Ababa Radio quoted Fikre as saying, "The invading Somali forces in the Ogaden are tormented by hunger and thirst after being crushed by our revolutionary forces." He added, according to the Soviet news agency Tass, that the Somalis were "sustaining heavy losses in personnel and materiel (and) abandoning their weapons in their hasty retreat."

Somalia maintains that none of its forces are involved in the Ogaden but that the fighting is being carried out by the Somali-supported Western Somali Liberation Front. Jama Ali, the commander of the Front in Madawein, in occupied Ethiopian territory, told reporters that the retreat was ordered Jan. 25, three days after "enormous military bombardment directed by Soviet and Cuban military personnel" against forces attacking Harrar.

"We have made tactical withdrawals here and there," Jama Ali admitted.

He claimed the Ethiopian offensive was directed by Soviet and Cuban troops sent to Ethiopia after Somalia expelled Soviet advisers and broke its friendship treaty with the Soviet Union because of Kremlin support for Ethiopia.

"You should not underestimate what we are up against . . . They are soldiers of a superpower. We have reliable information they were manning all the tanks and planes at Harrar We could hear their voices on their radios," he added.

Jama Ali said the Ethiopian attack was directed eastward from Harrar toward Babile and the Somali border and westward along the Harrar-Dire Dawa road.

Ethiopia has said its forces killed 70 Somali troops and captured 150 in the fighting, according to the Ethiopian news agency.

Somali radio meanwhile claimed that the insurgents defeated Ethiopian forces at Negele, inflicting heavy losses.

A high-level delegation from the Organization of African Unity is in Addis Ababa seeking a negotiated settlement, but analysts doubt that much can be accomplished as long as the current heavy fighting continues.

The apparent Ethiopian counteroffensive comes amid increased criticism of the United States by the Marxist government in Addis Ababa.

Lt. Col. Mengistu Haile Mariam, leader of the military government, last week said that President Carter had sought to organize military and troop aid for Somalia during his recent Middle East tour—a charge that the United States has denied. The United States itself has refused Somali military requests. Ethiopia's ambassador to Washington, Ayalew Mandefro, returned to Addis Ababa late last month for consultations and has yet to return.

Washington Post correspondent H. D. S. Greenway reported from Jerusalem:

Dayan's confirmation of Israeli military assistance to Ethiopia, made on arrival in Switzerland on a visit yesterday and broadcast over Israeli Radio, took the Israeli Foreign Ministry by surprise.

"We are selling some arms to Ethiopia," Dayan said, "We have had cooperation with Ethiopia for years and years, never with Somalia. We want to retain the good relationship with Ethiopia. The fact that we are on the same side as the Soviets in this matter, well, that's another question."

Dayan said that the aid to Ethiopia had a great deal to do with "the fact that we are having our oil tankers going through the Red Sea" on which Ethiopia borders. "We want very much to retain good relationships with the countries along the Red Sea."

Correspondents have also reported the presence of Israeli military advisers in Ethiopia. It was not revealed how much aid Israel was giving Ethiopia.

There is some irony in the fact that while Israel now admits helping Ethiopia, Prime Minister Menachem Begin continues to tell Israelis that it would be impossible to allow the Palestinians to have a state because they would invite in the Soviets, who he contends would then establish a base there and fly in weapons from the Soviet Union.

That Israel continues to back Ethiopia despite recent political changes in that country might be interpreted as a gamble that, despite internal weaknesses, Ethiopia can prevail, and an indication that Israel would rather help an old friend than stand aside while Moslem countries take over the strategic approaches to the Red Sea.

Mr. EAGLETON. Mr. President, I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may yield my 15 minutes under the order to Mr. JAVITS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEADLOCK ON THE DISTRICT OF COLUMBIA APPROPRIATIONS BILL FOR FISCAL YEAR 1978

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont (Mr. LEAHY) is recognized for 15 minutes.

Mr. LEAHY. Mr. President, it is my purpose this morning to give the Senate a brief status report on the District of Columbia appropriations bill for fiscal year 1978. As many of you know, the bill has been deadlocked in conference with the House since October 12, 1977, and the city is currently operating under a continuing resolution.

The city's proposal for a $110 million convention center in downtown Washington is the issue which has deadlocked the conference. The Senate's objections to the current city proposal can be summarized by two simple statements.

First, a significant share of the benefits of a convention center would go to the private sector and, therefore, we have asked the private sector to make a significant investment in the project itself. So far the city and the business community have been unwilling to meet this simple criteria.

Second, it is the Senate's view that the convention center proposal is too expensive. At $110 million it is more than three times as expensive as centers recently built in Atlanta and St. Louis.

The strategy of the city and other convention center supporters has been described by the press as a game of chicken. Essentially, the convention center supporters have said that they will not allow a District budget without the convention center in its original form. The Senate conferees supported by the overwhelming vote of the full Senate on the convention center could not accept that.

Mr. President, I ask unanimous consent that a Washington Post editorial which appeared on December 11, 1977, be printed in the RECORD at this point. The editorial rather accurately describes the deadlock the House and Senate conferees are currently in.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 11, 1977]

CONVENTION CENTER: FACING FACTS

It is time to face facts—and concede defeat, if you will—on the District convention-center project in its present form. The House of Representatives is only narrowly and precariously in favor of it. The Senate is overwhelmingly against it. Until very recently, we had been clinging to the hope that some modest concessions might turn the situation around. But the evidence now seems overwhelming that congressional approval is not going to be forthcoming without a fundamental change in the concept—one that would involve the mobilization of a substantial private investment by the local business community. It is going to be necessary, in other words, for the city's businessmen, and the city government to go back, together, to the drawing board.

We have come to this position reluctantly, and as a result of what we believe to be a realistic assessment of the relative strength of the opposing forces in the conflict over the convention center. That conflict has produced what appears to be a total impasse, which is stalling action not only on the convention center, but also on the entire budget for the District of Columbia for the fiscal year that began Oct. 1. The strategy of city hall and the center supporters, championed by Rep. William Natcher (D-Ky.), chairman of the House Appropriations subcommittee on the District, has been essentially a game of chicken: The House conferees took the line that there would be no District budget without the convention center in its original form. To which the Senate conferees, led by Sen. Patrick Leahy (D-Vt.) replied, very simply, that in that case there would be no District budget. So the game, in effect was lost, and the result has been congressional passage of a thoroughly unsatisfactory continuing resolution that would allow the District to spend no more in the current fiscal year, ending next Sept. 30, than it spent in the last fiscal year. This means no increase in services, no pay raises, no construction on the University of the District of Columbia or any other new project.

Now one way to break this deadlock would be simply to set the convention center aside as a budget item for this fiscal year and proceed with final work on the budget. But this would remove a lot of the pressure for a new approach to the problem of financing the convention center and might well doom the project. A better alternative, we think, would be for the city and the business community to face reality and come up as quickly as possible with a new convention-center proposal that both houses of Congress can accept. This would clear the way for agreement on the city budget. Obviously, time is of the essence; the longer the continuing resolution stays in effect, the more the city will suffer.

What is needed, then, is some initiative from the business community and the city to revise the present convention-center plan. One solution might be some variation on the concept of private land assembly, which was the basis of John Hechinger's offer to donate the land for a center in Northeast Washington. The problem, it's true, is somewhat more difficult at the Mt. Vernon Square site because the land involved is owned by more than one party. Even so, the bulk of it is in the hands of three owners, and it's generally agreed that private assembly of sufficient land for the center in the Mt. Vernon Square area is entirely feasible if there's a will to do it. There are other ways that local businessmen could satisfy the congressional demand for substantial private investment. Sen. Leahy has indicated that private financing, of one kind or another, of anywhere from 15 to 40 percent of the total cost would be regarded by him as a sufficient demonstration of the business community's commitment to the project.

We have no illusions about the difficulty of getting the government and the business leaders of this city to agree on a counter-proposal. Somebody is going to have to take the lead—and the business community is going to have to demonstrate somewhat more solidarity on this issue than it has shown in the past. We think the effort is worth making and that there is a reasonable chance of a favorable reception by Congress. But we also think the decision cannot be put off much longer. If the business community and the city government do not want a convention center badly enough to make this effort, then the issue should not be allowed to drag on through next year at the expense of other programs and projects that cannot go forward for lack of action on the District budget.

Mr. LEAHY. Mr. President, I have suggested repeatedly that the convention center question be set aside for now and that we pass a budget for the city. So far the business community and the city have been unwilling to do this and to face the fact that the current proposal is unacceptable to the Senate and will not be approved in its current form. I am sure many of you will recall that the proposal was debated in the Senate and was rejected by an overwhelming 65-to-25 vote on October 4, 1977. Even a revised plan, supported by the committee and myself, could face opposition in the Senate.

There are a number of ways the current proposal could be amended to make it more acceptable, but so far the city has refused to consider an amended proposal. If the city is genuinely interested in having a convention center it is time for them to come forward with a proposal that would end the congressional deadlock. If they are not truly interested in having a convention center, all reasonableness would dictate that they withdraw their current request to permit the 1978 budget to be passed.

Mr. President, we have done everything we can in an attempt to move this situation forward. I have repeatedly offered to return to the conference table at almost any time but the House has not yet been able to return. On January 6, 1978, I met with a group of area businessmen, at their invitation, to explain once again the facts of this situation. I have talked with the Mayor and the Chairman of the City Council. The Senate has done all that it can to move

this issue off dead center and it is now up to the city. If the city truly wants a convention center they can get reconsideration of that question. If the city wants a budget for fiscal year 1978, as I do, they know how to get one. It is up to the city.

Mr. President, I ask unanimous consent that an editorial which appeared in last Sunday's Washington Post be printed in the RECORD at this point. The editorial, entitled "Last Call for the Convention Center," also makes the points that I have just been making.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 5, 1978]

LAST CALL FOR THE CONVENTION CENTER

It is now painfully clear that the District government must decide quickly either to modify its proposal for a convention center or to set the project aside. House and Senate disagreement over the project has become the principal reason for congressional deadlock over the city's 1978 budget. Sen. Patrick Leahy (D-Vt.), chairman of the Senate Appropriations subcommittee on the District, opposes the plan for a convention center, arguing that financial participation by the business community is inadequate. He has suggested that some demonstration of corporate financial commitment—either in cash or land—would assure him there was broad support for the effort. On the other hand, Rep. William Natcher (D-Ky.), chairman of the House Appropriations subcommittee on the District, is a stalwart supporter of the present center plans, and has fought hard to keep the project in the budget.

The result has been an end to any productive discussion about the center—or about the city's 1978 budget. Worse, the 1979 budget has already arrived on Capitol Hill, but it can't be seriously examined since there are no 1978 budget figures for comparison. Meanwhile, the city government seems reluctant to propose possible alternative plans for financing the center, for fear of losing the project altogether. It is true that the center could well be lost if it were dropped from this year's budget. But trying to keep it in the budget as is will not ensure its passage. On the contrary, there's every likelihood that continuing to press for the center as proposed will merely continue the congressional deadlock.

Instead of watching this battle from the sidelines, the city government should come up with new suggestions for the center's financing—some reasonable proposal to preserve downtown economic development plans while involving the business community to a greater extent than before. Otherwise, the city stands to lose much more than a convention center. The other programs and projects in the 1978 budget cannot, in the main, be undertaken until that budget is approved—and the cost overrun of construction projects to begin this year may not be picked up in negotiations over the next budget. Local leadership is going to have to decide just what it is willing to do to get the convention center—and at what cost to the city. In any case, time is running out. The deadlock in Congress and the pressures building to break it, one way or another, add up, in our view, to a last call for those who are serious about a convention center.

Mr. LEAHY. Mr. President, the convention center issue is not new. Instead it has been with us for 137 years. The basic strategy of the local business community and the city government has remained unchanged for 137 years. During this time the Congress has repeatedly turned deaf ears to the strategy of seeking total Federal funding for a convention center in the Nation's Capital. Not only has the Congress repeatedly refused to approve such a proposal but the citizens and taxpayers continue to object to it. The results of a survey conducted by Congressman FAUNTROY and mailed to 100,000 households in Washington, D.C., reported that 61 percent of the respondents do not favor the use of public money to construct a convention center in the District. Congressman FAUNTROY's survey supports what I have learned from the mail that I have been getting on this subject for the last 6 months.

We are now in our 138th year of debate and unless the city and the local business community finally face the facts that significant private sector funds must be included in this proposal the 138th year of this debate will end just like the previous 137 years.

The committee has already started hearings on the fiscal year 1979 budget for the city and we plan to move forward on fiscal year 1979 with or without an approved budget for fiscal year 1978. We must now leave resolution of fiscal year 1978 to the city.

Mr. President, I yield back the remainder of my time.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, we have a series of special orders times this morning. I ask unanimous consent that all of those times—that is, for Senators JAVITS, BAKER, PERCY, GLENN, ROBERT C. BYRD, HATCH, GARN, and MCCLURE—be under the control of the distinguished Senator from New York (Mr. JAVITS).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Constitution Subcommittee of the Committee on the Judiciary be authorized to meet during the session of the Senate today to hold hearings on S. 35, the Civil Rights Improvement Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, February 9, to consider H.R. 9851 and H.R. 10568, both dealing with amendments to the Federal Aviation Act and to consider executive nominations pending before the committee.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE DANGER ON INTERNATIONAL ECONOMIC FRONT

The ACTING PRESIDENT pro tempore. Under the previous order, and taking into account the unanimous-consent request of the Senator from Tennesse and the Senator from West Virginia, the Senator from New York will be recognized for not to exceed 2 hours.

Mr. JAVITS. Mr. President, It is my purpose this morning to review the international economic situation, especially insofar as it relates to the value of the dollar and the monetary system. I wish to call to the attention of my colleagues to what I consider to be an increasing danger, which requires major concerted action on the part of the United States, the other industrialized countries of the world, as well as of the OPEC countries, the developing countries of the world and the so-called Communist countries because, Mr. President, this is a common danger which faces all of us together. It is one of those dangers which has been signaled—and I think that is the best word for it—for some time now. The signals are being seen, but nothing is being done about dealing with the events which they portend.

This has concerned me very deeply, Mr. President, because I see a sudden emergency on the horizon for which no one is ready—either because he has not wished to see it or because he is blind to it.

Mr. President, as a Member of rather considerable seniority who is beyond that stage in my life and career where I have to be deeply concerned politically about my future, I feel that it is my duty to speak very frankly to the American people and to the American President when a set of events, which is so very clear, is looming up on the horizon, and is likely to hit us very heavily and adversely, almost without warning, not because we have not been warned, but because we have not paid any attention to the warning.

Today I wish to resume the very interesting and profound dialog which I had back in August 1977 before the committee of which the Presiding Officer is the distinguished chairman, and, because no progress in dealing with these issues has occurred in the interval, again address myself to this subject and point out and reiterate that the events since August 1977 in the international economy are confirming these signals which I saw then.

Mr. President, on other occasions recently I have addressed my colleagues on the critical situation facing us in the international economy, but today, I rise to discuss this increasing danger because I consider the issue to be of even greater urgency than before. It is an issue that concerns all of us, yet we are not addressing it in a coherent manner. I refer to the potential crisis facing the world economy which could lead to the dismantling of the open and private international system that we have worked so hard to develop since the end of World War II.

Since my return from the Conference on International Economic Cooperation, the so-called North-South dialog held last June in Paris and particularly in my testimony in late August before the Senate Committee on Banking, Housing, and Urban Affairs, I have sought to alert our people to the danger of that crisis. I have

no desire, Mr. President, to predict an Armageddon, but I do believe that the people have to be shaken out of their lethargy in order to avert this crisis. Unless far-reaching and innovative economic and political measures are taken in time to strengthen the fragile structure of the international monetary and economic system, I feel very deeply that the danger which I see may actually be visited upon us.

Senior administration officials in both the State and Treasury Departments, the two departments most intimately concerned, with the health of the international economy, have taken strong exception to my views and have gone out of their way to stress that the system, as a whole is not in any such position of imminent danger.

But I do not agree with them, and hence my return to this theme with added proof based upon the intervening events since last August.

Indeed, the President's economic report which was issued last month, and which we are now considering in the Joint Economic Committee, makes fundamentally the same points which I am making, but refuses to view the situation with alarm. Yet the danger signals abound and are all around us.

In his economic report the President clearly states the problem:

> The economic difficulties that we face in the United States also confront most nations around the world. Our mutual problems are the legacy of the trauma suffered by the world economy during the early 1970's. The massive escalation of oil prices since 1973 continues to impose great burdens on the world economy. Oil imports drain away the purchasing power of oil importing nations and upset the international balance of payments . . .
>
> Economic growth has stagnated in many countries, and the rise in the capital stock needed to increase productivity, raise standards of living, and avoid future inflationary bottlenecks is not occurring . . . The problems we face today are more complex and difficult than those of an earlier era . . . Our problems cannot be solved overnight. But we can resolve them if we fix our sights on long-term objectives (and) adopt programs that will help us to realize our goals . . .

Mr. President, I have listened very closely to the President's recent state of the Union address and I have read with particular interest all of the President's economic report and have come away with the feeling that these messages have failed to grasp the significance of the period of economic history in which we are living. For, in my judgment, we are facing today new economic realities which pose a serious challenge to the way we have grown accustomed to conducting our affairs since the close of World War II.

Evidence of the problem is all around us: The weakness of the dollar—widely advertised, very real, and deeply concerning; the $27 billion U.S. trade deficit and, roughly, $20 billion U.S. current account deficit in 1977, largely resulting from the inability of the United States to quench its thirst for energy imports; the lagging recovery and the low level of capital formation in the industrialized countries; the rapid accumulation of debt in the developing countries; difficulty of United States-Japan trade negotiations and, as a corollary, the rising protectionist mood in the United States as well as in Western Europe, the problems of recycling the vast accumulation of financial resources in the hands of a small number of oil exporting countries of the Persian Gulf, organized under the rubric of OPEC; the persistent unacceptable unemployment and inflation in the industrialized countries.

It is appalling, Mr. President, to note that the industrialized countries are expected to have 17 million unemployed in the course of next year. Taken together all of these developments show that I am on the right track.

These developments have appeared at a time when the very nature of leadership in today's world has changed. No longer is the United States as it was after World War II, the decisionmaker in the world's economic system; no longer can the United States almost alone set the economic solutions as well as the priorities for the world economy.

The United States still has the paramount role and the national will and leadership qualities but leadership in today's world economy must evolve from close cooperation between the United States and the other leading industrial powers, especially Japan and West Germany, and with the aggregate consideration in mind of the OPEC cartel and the organized developing country alinement.

In fostering this cooperative spirit, which I have described, the United States must agree with our economic partners on the nature of the new international economic order, which there is no doubt has been compelled upon us by circumstances and history.

Also it is critically important that Japan and West Germany, in sharing the economic leadership with the United States by virtue of their own economic strength accept the pivotal nature of their roles and why their economic decisions must take into account not only their particular self-interests, but also what is necessary for the well-being of the whole international economic system.

This is a delicate process, which needs the fine touch of leaders who are sensitive to the concerns and perceptions of their economic allies. We must avoid in the United States any appearance of coercion and ultimatums. Without such a sensitivity to the concerns of our economic allies, we will not be able to convince them to share the mantle of leadership with us, a step that is dictated by the new realities of economic power.

Another important characteristic of the present economic system is the confluence of two apparently contradictory strains in today's relations among nations. On the one hand, we have witnessed in the last decade a rapid increase in the interdependence of nations. We can pick up the telephone in Washington and in a matter of moments we can speak to almost any part of the world. We can walk into a store in Paris and choose from among goods that are produced in New York, Bombay, or Lusaka or contain components from even many more different corners of the world.

Yet, concurrently with the growth of an economic interdependence among nations, we have witnessed the continuation of the nation-state as the primary vehicle for decisions that affect the international economic system. Notwithstanding, all our hopes and aspirations at the end of World War II, the United Nations has not replaced individual governments as the locus of international decisions. These national goverments have legitimate responsibilities to their peoples and must adopt policies to insure their livelihood and well-being of their peoples. In many instances, the common good of the international economic system has not been well served by the interposition by these national governments of trade, industrial, and social policies that affect the larger international marketplace. Nevertheless, the right and the legitimacy of these individual governments to take these actions must be recognized and we must induce these governments to redirect their governmental policies to foster solutions that will increase the common good.

Taken together, these two apparently contradictory manifestations of an increased interdependence and continued national decisionmaking provide us with the framework for the development of solutions to the grave problems facing the world economy. There is no other way. We simply have to accept this paradox. We cannot, on the one hand, provide simplistic solutions that will turn the clock back and create artificial barriers to economic movement among the Nation's States. The increased interdedependence rules out the unilateral solution. For example, the U.S. industrial machine would grind to a halt if it could not draw on resources and commodities from many other parts of the world, especially many of the developing countries.

On the other hand, any collective decision to be taken by the family of nations will have to take into consideration the very legitimate concerns of the individual governments for the welfare of their own peoples. A supranational solution without concern for the individual nations is as much a prescription for failure as the unilateral solution.

It is with a recognition of not only these separate strains in today's international relations but also of the need for a new attitude toward a cooperative world leadership that I now turn to discuss the grave developments that have created today's new economic realities and, in my judgment, an economic crisis.

The dramatic 600 percent increase in the price of oil by the OPEC countries in 1973 and 1974 bears a heavy responsibility but cannot be blamed alone for the condition of the present international economic system. Superimposed on other strains in the world economy that were already evident at the time, the six-fold increase in the price of oil reduced the ability of the nonoil producing countries, both in the developed and developing world, to deal effectively with these problems. We are only today beginning to feel the grave implications

of that dramatic decision taken by the OPEC countries 4 years ago to increase the price of oil.

For, the oil price increase has created a drag on the economies of the oil importing countries and has forced them to devote a greater share of their resources to pay for the oil supplies that, in the short run at least, are so vital to their economies. Since 1974, the oil importing countries have spent approximately $155 billion for petroleum imports, a 250-percent increase over the cost for the entire 10 previous years taken together. The need to devote a larger share of their resources to energy has forced the oil importing nations to adopt a variety of measures. Some countries, especially in the industrialized countries, have increased their exports both to OPEC and third countries to pay for their increased oil bill and have benefited from the return inflow of OPEC capital. Others, especially among the developing countries which did not have the capacity to generate immediately increased exports, have dramatically increased their international debt to finance their oil bills. For both sets of countries the OPEC oil price increase represented a challenge that at some point in time had to be met with difficult but concrete decisions.

Given the relative inability of the major oil producers—Saudi Arabia, the United Arab Emirates, Qatar, Kuwait, and to a lesser extent, Iran—to use the goods and services that were being offered by the oil importing countries even for the most ambitious of development programs, the financial reserves of these OPEC countries continued to grow. OPEC's surpluses amounted to almost $133 billion in 1974–76, with a surplus of an additional $45 billion estimated for 1977.

This 4-year average of about $44 billion a year is especially striking when compared with the annual average surplus between 1971–73 of about $3 billion a year.

We estimate today that the OPEC countries, largely the Persian Gulf countries, have about $175 billion in foreign assets and that this figure will surge to over $250 billion by 1980.

The low absorptive capacity of these countries has turned them into international economic giants when measured in financial terms, yet when measured by the more traditional standards of economic development they are still in the category of developing countries.

By transferring financial rather than real resources to OPEC, the oil importing countries including the United States, have given OPEC extensive claims on their future real resources. Thus, it became critical for OPEC to insure that the value of their financial reserves was preserved for the day when their oil would run out and their economic development would progress to the point that they could use the real resources of the West.

That day is, however, not near. Under Secretary of the Treasury Solomon recently testified on behalf of the administration that "it must be expected that large imbalances will continue at least for the next few years." Some observers believe that OPEC surpluses will continue at an annual rate of $40 billion for the next 5 and perhaps the next 10 years. Thus, OPEC's concern to maintain the value of its reserves will continue into the foreseeable future.

This concern permeates OPEC's investment policy. Being essentially conservative investors, they have placed their money into short-term assets—1- to 2-year commercial certificates of deposit or Treasury paper—rather than in long-term savings or equity placements which would do the world the most good. When analyzed from the viewpoint of the OPEC countries, such a policy is highly rational and, in and of itself, not especially troubling. When viewed, however, from the perspective of the international economic system, this policy, if not reversed, has the potential of permanently contracting world economic growth. This is the very real danger that is inherent in the process that has come to be called the "recycling of OPEC funds."

The OPEC countries have, until now, used the sophisticated and resourceful complex of financial intermediaries (mainly banks) in the industrialized countries to serve their investment needs. The commercial banks, for their part, including U.S. banks, have placed the OPEC money, which they have welcomed, without regard to the ultimate use of the funds by the borrower. Their only concern was in the ability of the borrower in the aggregate, to repay the loan. Thus the "recycling of OPEC funds" quickly became no more than a game of balance-of-payments accounting with every dollar of deficit being balanced by a surplus dollar. Behind the accounting facade were, however, some very real problems.

Rather than first moving the money around, there is an urgent need to channel OPEC funds into productive investments. So long as that money remains in the form of financial paper, there is no guarantee that it will be used to build the factories and buy the capital equipment needed to increase productivity and stimulate noninflationary growth. Faced with balance-of-payments problems and the need to pay for energy imports as well as service increasing amounts of debt, the oil-importing countries, especially developing countries, cannot afford the only alternative to increased productivity, that is, a constriction of economic growth.

The problem of capital formation is especially critical in the industrialized countries. The inability to generate capital is proving to be a permanent feature of the sticky recovery from the 1973–75 recession. According to the Organization for Economic Cooperation and Development, the prospects for a significant boost for productive investment remain poor. Lack of confidence concerning future sales prospects and low levels of capacity use have served to keep business capital outlays unusually weak in most countries. Investment trends in the first half of 1977 were sluggish in all the major OECD countries. The OECD concludes that apart from the United Kingdom "advance indicators for the large countries suggest that a marked recovery of investment is unlikely in 1978."

I am concerned that the President's proposed tax cut of $34 billion—if we do not include his revenue increasing tax reform, whose chances of passage may be slim—is nothing more than a one-time shot in the arm. It does not adequately address itself to the longer term question of business confidence, without which we cannot expect our recovery to be sustained. It is imperative that more be done through our tax system to spur lagging capital investment and deal with structural unemployment, and I plan to speak to this issue in the near future.

There is an urgent need in Western Europe and Japan for investments not only to produce jobs but also to shift capital and labor out of declining industries and into more promising economic sectors. Without increased levels of productive investment, we run the risk, as the OECD states:

> Of a widening net of overt and covert subsidies to help particular sectors of the population or of industry.

It is very difficult to imagine a rapid increase in investment for projects with high startup costs and likely payoffs only in the very long term under present circumstances of low economic confidence and underutilization of existing capacity.

This shortfall of business spending, together with continued tight Government fiscal policies in Europe, could send unemployment, now at record post-World War II levels, to new peaks. It is imperative that a means be found to generate the necessary investments and investment climate.

Another problem closely linked to the low level of investment and business confidence in the developed countries is the need for structural economic adjustments. Too much attention is being focused on plans both here, in Western Europe and in Japan that will protect existing jobs in declining industries rather than on programs to promote the economic sectors in which these developed countries can expect to have a comparative advantage in the future. Attempts to protect workers either through the erection of high tariffs or predatory export pricing will lead to competitive protectionism, in which all countries including our own, will lose.

I am especially concerned about the rising forces of protectionism here and abroad that are presenting simplistic arguments about the deleterious effect of international trade on national economies. Recent pronouncements of my friends in the U.S. labor movement, with whom I have fought side by side so many battles on behalf of the U.S. worker, against an open trading system concern me deeply. As they are concerned about the 25,000 steelworkers who have lost their jobs in part due to imports, as am I, must they not also be concerned about the millions of American workers in export related industries—one out of every six in the United States—who could lose their jobs if other countries retaliated by shutting their doors to U.S. imports? Their jobs may not be as visible as those lost in industries affected by imports, but their impact on the U.S. economy is no less strong, indeed very much stronger.

In addition, the erection of barriers to trade robs the bulk of our consumers of the benefits of competition in terms of less costly and better quality goods; and U.S. productivity puts us in the cellar among the leading free world nations, while the U.S. industrial plant, which is developing big areas of obsolescence, has begun to provide signals to the very base of our power, namely our industrial production and technology is beginning to erode. This may be especially attributable to the fact that we are now far less willing to compete and far more willing to simply protect ourselves by protectionist laws and regulations.

We cannot permit a legitimate—and I emphasize that word—short-term concern for immediate employment to obscure the critical challenge facing the developed countries to restructure their economies.

The industrialized free world is stagnant—without real innovation or enterprise. It must be shaken from its torpor or we will find ourselves increasingly on the short end in the competition between an open free world and a closed Communist world.

I am especially concerned about the lack of technological innovation in our economies when the conventional wisdom dictates that the future of our economies lies in high technology. The relative emphasis placed by most of the major industrialized countries of the West on research and development activities has shown a declining curve, with the exception of Japan, since the beginning of this decade; while the Soviet Union's expenditures for research and development have continually bounded ahead for the last 15 years. It should be obvious that without increased research and development activities, it will be impossible for the United States and other industrialized countries to develop the technological advances that are the indispensable basis for that structural adjustment and acquisition of new markets that is required to avoid a return to rampant economic isolationism.

Our world has become too sophisticated and interrelated to limit our discussions with our trading partners to the traditional international issues. Rather it is imperative that our discussions focus on how the governments can harmonize their unilateral interventions in their domestic economies and particularly their full-employment policies. Countries cannot be permitted to export their unemployment by gaining markets through the dumping of exports. Yet at the same time we must be sensitive to the legitimate concerns of these governments for the welfare of their peoples.

It is for this reason that real structural adjustment cannot occur in the industrialized West on an individual country basis. Rather orderly structural changes must take place through a concerted effort which will apportion the costs and benefits among the various countries. I believe that this is possible.

Mr. President, I now turn my attention to the developing countries, mostly the poor non-oil-producing countries.

As I have already indicated, these countries have been able to finance their trade deficits, including heavy oil deficits, through continued heavy borrowing without any significant improvements in those parts of their economies that can generate the surpluses needed to get out from under that debt. According to a recent study published by the International Bank for Reconstruction and Development, the annual increase of the gross domestic product of the nonoil developing countries was smaller in 1974–76 than in the 5 previous years. Although investment as a share of total resources available in the developing countries actually increased in the 1974–76 period, this was partly a reflection of the continuation of investments initiated in 1973–74.

The problem for the developing countries does not exist in their past statistics. Rather, it exists in what is required for future growth. Large amounts of additional capital inflows will continue to be necessary. Yet this capital cannot permit these countries to avoid the needed economic adjustment policies, without which the additional capital will be only a holding action without generating real economic growth.

The investment crisis that is facing both the developed and developing countries can be met and overcome only if the countries of the world join together in a concerted effort. This effort will require a new outlook of leadership as well as a changed attitude toward collaboration among nations. Our leaders will have to overcome their parochial approaches and band together for the common good. They will, however, not be asked to sacrifice the self-interests of their individual nations; they will, however, be asked to redefine their immediate goals and seek to meet their particular needs through collective solutions. The hour is late and decisions must be taken immediately and the time and the place to take them is at the already scheduled economic summit to be held this July in Bonn.

The solution that I propose involves a dynamic, innovative approach. It may be criticized as "unrealistic," as going beyond what individual national leaders can even attempt to undertake. But let to be understood from the outset that I reject that argument as being too narrowminded and conservative at a time when the problems facing the international economic community demand boldness, imagination and a commitment by the leaders of at least the free world to a new form of international cooperation.

Because the investment and trade problems facing the developed countries differ from those facing the developing countries, my proposed solution has two elements, each geared to meeting the particular conditions facing each group, to wit, the developed countries and the developing countries.

First, the developed countries:

We must develop a large pool of capital using the large reserves of Western currency—for the most part, in dollars—that are being held by the oil exporting countries that are in surplus. I state this as a fundamental proposition, Mr. President, to which all of our diplomacy must be directed. It is critical that these funds, amounting roughly to about $175 billion, as I have already mentioned, be converted from short-term assets into long-term instruments with protection by guarantees against serious dilution through inflation and the right to call for earlier repayment as an emergency may require. We should use our leverage respecting OPEC to induce these countries to move into these longer-term instruments. These oil countries have a growing stake in the economies of the West; they hold our currencies—I repeat, largely in short-term paper—and have investments within our borders. We know that they are worried about the political and economic conditions in the West. If the OPEC countries are as worried as they profess to be, they must assume the responsibility for some of the problems and provide the needed long-term capital that will remove a major disequilibrium in the international economic system. The potential for disruption of our money markets which lies in the hands of even the most benign of OPEC money managers must be removed.

I am convinced that, with the proper mixture of partnership and leverage—including political and security—and inducements, the OPEC countries would provide the required capital pool. An effective blueprint on how to use this leverage on the part of the United States has recently been given the American people by the General Accounting Office—the Congress own agent—in a report entitled "More Attention Should be Paid to Making the U.S. Less Vulnerable to Foreign Oil Price and Supply Decisions" and issued by the Comptroller General Elmer Staats. It provides the specific steps that must be taken by the Chief Executive and by the Departments of Energy and State to provide the oil companies, and the major ones are U.S. based, with the support that is required to exert this leverage on the OPEC countries. From the foot-dragging reaction to the report that we have received from the Departments, whose reactions are published in the same document, we begin to understand clearly why we are no closer to any solution almost 5 years after the OPEC crisis began in 1973.

I hasten to add that with respect to this large pool of capital, the governments of the industrialized countries, including our own, must, of course, be prepared to meet OPEC's legitimate concerns for the preservation of the value of their funds. In return for a commitment of say $150 to $250 billion, representing conservatively one-half of the OPEC countries' surpluses over the next 10 years, the developed countries should agree to guarantee OPEC a rate of interest that will take into account reasonable expectations of inflation. Furthermore, a formula must be devised and it can very readily be done to permit the OPEC countries to withdraw in an orderly manner such funds as needed, should their development needs outstrip their oil and other receipts.

Although the present recycling process appears to meet the concerns of OPEC's financial managers, we must

show them why their long-term interests are not served by the present system. It is essential that the surplus OPEC countries be tied more intimately into the international economy because, without adequate funds, long-term projects aimed at generating the required investment levels in the non-oil-producing world and opening up broader markets will be doomed to failure.

The problem facing the developed countries is not one resulting from the shortage of money available from investors. Rather, the capital formation problem results from a lack of business confidence and from a need to develop a coordinated plan to encourage orderly structural adjustments. Pronouncements at economic summits issued in joint communiques by heads of state that their countries will increase mutual consultations are not enough. What is required is the immediate opening of discussions between willing industrial countries at the highest levels of government to develop—in treaty form, if necessary—a commitment to coordinate closely their industrial policies and macroeconomic policies. Only through the highest political decisions can the costs and benefits of the required painful shifts in the economies of the developed countries be shared and "beggar my neighbor" policies be avoided.

The understandings must embody enforceable commitments by industrialized countries about growth targets. Disparities in growth rates distort trade, as we are witnessing today, and generate the demands for protectionism as much as barriers at the border.

It is in the area of industrial policies that the national leaders must foresake their parochial views and achieve a common solution. The first step in this process must be a critical analysis of the relative structures of their economies in order to identify the economic sectors in which the individual countries will continue to have a comparative advantage—over other developed countries and most importantly with respect to the developing countries.

The most significant aspect of such a program will have to deal with the plight of the workers who may lose jobs because of the structural shifts. Structural adjustments in response to shifts in comparative trade advantage will not be made smoothly so long as there is a lack of new employment opportunity to match those which are lost to imports. In developing a common approach to structural adjustment in the West, we must insure that the individual workers are made whole and assisted through effective adjustment programs that will retrain them for work in growing sections of the economies, maintain them until they work, and relocate them where there are jobs. These programs must be innovative. They will be costly in the short run and the developed countries must be prepared to bear the costs.

To help alleviate the unemployment problems, special attention and the proper incentives should be given to nondistortive labor-intensive investments or particularly to industries which create new jobs for youth. Furthermore, investments might be targeted to geographic areas of high unemployment.

(At this point there was a colloquy participated in by other Senators which by unanimous consent is printed at the conclusion of Mr. JAVITS' remarks.)

Mr. JAVITS. I should like now to spend a few minutes dealing with the situation of the developing countries and the precariousness of their financial problems due to the magnitude of their borrowing from the commercial banks, especially from those in the United States.

While it is true that in the short run, these countries have been able to borrow internationally to meet their payments shortfalls, such borrowing cannot continue indefinitely.

The magnitude of the potential problem is especially alarming when one looks at the debt figures. The outstanding external debt of these countries to both private and public entities in the industrialized countries, while only $83 billion in 1973, stood at over $170 billion by the end of 1976 and has been estimated at nearly $200 billion at the end of 1977. While it is true that until now there have not been any major defaults, continuing developments in such countries as Peru, Portugal, Turkey, and Zaire are daily reminders of the precariousness of the situation.

Commercial banks have played an important role in providing the developing countries with capital, accounting for more than $65 billion in lending to the developing countries since 1973. The fragile nature of the lending of the commercial banks was recently highlighted in the survey of foreign lending by large U.S. banks jointly undertaken by the Federal Reserve, the Comptroller of the Currency and the Federal Deposit Insurance Corporation. Ninety-seven percent of the over $40 billion of the debt of the nonoil developing countries to the U.S. banks as of June 30, 1977, was not guaranteed. Thus, the commercial banks are highly exposed—but adequate capital protects them from being endangered—with respect to their lending to the developing countries, a condition which will make the banks increasingly conservative about future lending to many countries. Yet, the OPEC oil deposits of developing countries continue to require such intermediation by banks.

The private financial markets provided approximately 75 percent or $170 billion of the total $225 billion deficits financed worldwide, including those of the developed countries, in the 1974–76 period, of which, as I have already indicated, more than $65 billion was incurred by the developing countries. It is expected by administration planners that the commercial banks will provide approximately 60 to 65 percent of an estimated $300 to $350 billion needed to finance the projected deficits likely to be accumulated by oil-importing countries over the next 5 years. Developing countries, under the best of circumstances with no real increase in the price of oil over the next 5 years, are expected to account for approximately $125 billion of the additional debt.

Another fragile element in the system of financing arrangements that has been developed is in the short-term structure of the OPEC deposits and the longer term nature of the credits that the banks extend to the deficit countries. The dependence of the banking system on the goodwill of a small group of depositors makes the banks "hostage" to the threat of sudden withdrawals.

While in the aggregate the developing countries may well have adequate funds available, we are already witnessing a growing reluctance on the part of the commercial banks, which have until now been the primary vehicle for the financing of the payments imbalances of the developing countries, to continue to finance these deficits at the same level—75 percent of total financing—as in 1974–77 period, as forecast by the administration. The banks are quickly coming up against self-imposed or regulatory agency imposed limitations on their exposure in certain countries. We can therefore expect to see soon—if not necessarily right away—severe dislocations as countries scurry around for capital only to find that their internal economic policies are judged insufficient for more external capital. We must provide the developing countries with an alternative to the deflationary policies designed to reduce imports which might rectify their balance-of-payments problems and hence make them again creditworthy, but which will create severe political dislocations as real economic growth is sacrificed. In addition, stabilization plans designed to cut imports will hurt exports from the developed countries while developing country export stimulation, unless coordinated with structural adjustment in the developed countries, will quickly lead to protectionist demands among the latter.

To avoid these dangers, it is imperative that substantially higher levels of carefully targeted capital flows be directed to the developing non-OPEC world. In stressing the need to target the use of these funds, I know that I may well be accused of being "paternalistic" or "neocolonialistic" in my approach. To this I say that it is time that we seek to help the developing countries that show they wish to help themselves. We must develop a joint approach to their debt and development problems which recognizes the close interrelationship between our economies. Solutions to their developmental problems cannot be made in a vacuum oblivious to the play of economic forces in the developed world. Thus, structural adjustment is needed in the developed countries, because continued protection of inefficient industries will stifle any hope that we may have to generate real growth in the export earnings of the developing countries, which is the indispensable base for a sustained use by them of foreign credits and the broadening of their internal markets.

Just as we demand major changes from the industrialized countries so too must we demand changes in the economic systems of the developing countries. In exchange for a closer working relationship with the developed countries as well as a much improved political and economic climate for foreign investment,

we must be prepared to provide increased capital to the nonoil developing world.

Bilaterally we must maintain and increase all forms of our aid programs, international lending, direct private investment and bond financing. Bilateral U.S. programs in the developing countries must seek to help the neediest segments of the population, while U.S. efforts through the multilateral programs must seek to insure that other avenues of economic development, such as infrastructure programs, are supported.

The delivery of the U.S. aid programs is also in need of serious improvement. This is among the primary objectives of the International Development Cooperation Act of 1978, which I have cosponsored. In restructuring and reorganizing the economic development activities of the U.S. Government, the act will provide an overall coherence and unity to our efforts on behalf of the developing countries.

Multilaterally, we must provide the international financial institutions with the means and authority to play a much greater role in making the transfer of resources and technology more efficient.

We must begin to understand the tremendous stake which we have in terms of the value of our dollar and of our own prosperity in seeing that these international financial agencies are able to do their appointed jobs effectively.

It is very clear that the management of both the IBRD and the International Monetary Fund are hardheaded and conservative, and are not involved in giveaway operations. The World Bank, with its insistence on the viability of individual projects—its refusal to give budgetary support—is a sound, effective, and dependable multilateral development agency. Similarly the International Monetary Fund; with its insistence upon conditionality, has now materially dealt with the problems of such nations as the United Kingdom and Italy, and has demonstrated that it, too, can be entrusted to maintain a stabilizing influence in the system, without which I have very, very deep concerns about what could happen in the very near term to the world economy.

It is imperative that the Congress immediately act upon the administration's request for authority to contribute $1.7 billion to the recently created "Witteveen facility" of the International Monetary Fund. That we have not yet acted on so minor a facility as "Witteveen," Mr. President is a great mistake on our part. With its additional $10 billion in available credit, this emergency capital pool will expand the IMF's ability to meet the challenges posed by the present massive deficits. I regret only that the size of the facility could not have been the $16 billion Mr. Witteveen had originally asked for. I believe, therefore, that further increases in IMF quotes are needed to expand more substantially the capital available to the IMF for balance of payments financing and to insure that the international economic system will not break down under the strain of continued large deficits. Total quotas will stand at $45 billion when the expansion agreed to in the 1976 Jamaica agreement goes into effect early this year. A further increase of another $25–$30 billion should be seriously considered.

Although the creation of the "Witteveen facility" may have reduced the immediate need for the OECD financial support fund, the so-called safety net proposal first made by Secretary Kissinger in 1974, I continue to believe that its importance has not diminished. This is evidenced by the economic and monetary problems of a number of developed countries in Western Europe, Latin America, and Asia. By supplementing resources available through the IMF, the safety net would provide emergency sources of credit for OECD countries encountering serious balance-of-payments difficulties.

The IBRD and the other international lending banks should thus continue to have our support. These institutions have proved to be an effective mechanism for stimulating economic development in the developing world, and should be provided with the needed capital to increase significantly their lending to that part of the world. I support an increase in the general capital of the World Bank, which will reach $40 billion when the selective capital increase of $8 billion goes into effect this year. The general increase should be significantly larger than the last $8 billion increase, conceivably as high as $20 to $25 billion.

In addition to the funds available through the official institutions, I believe that it is necessary to create a mechanism to make available funds to the developing countries for productive investments that take into consideration the total needs of the international economic system. The $150 to $250 billion pool of OPEC capital should be used to stimulate sound investments in return for a pledge from the developing countries to develop rational domestic economic policies, including the maintenance of the flow of imports into their countries as well as of exports of commodities vital to the industrialized countries. Furthermore, these countries cannot be permitted to use the capital so supplied for investment in facilities that are already in excess supply, although exceptions could be made for industries in which the developing countries had an emerging comparative advantage. In the latter case, the structural adjustment would have to be made in the developed countries. Criteria for funding would also have to include the maintenance of a favorable investment climate—including the negotiation of a code or treaty for foreign private investment—as well as a demonstration of respect for human rights.

This investment plan will guarantee the most efficient international allocation of resources among the countries, regardless of their status on the development ladder. It cannot be undertaken in an atmosphere of confrontation and rhetoric. Rather, it must result from an acceptance of the existence of a community of interests among all the nations. Governments will be asked to give up some of the freedom of action they have enjoyed under the present system in exchange for real economic growth and increased welfare for their people.

To lower the rhetorical level and create the proper atmosphere for the development of such a plan, the North-South dialog must move away from global conferences to either functional or regional settings. For example, governments in search of solutions to particular trade problems should meet in the GATT; in the Paris Club if the problem involves debt; or in UNCTAD if the problems are commodities' supply. On the other hand all countries in Latin America, for example, could discuss all these issues in the context of their particular geographic concerns.

With an improved atmosphere conducive to a constructive solution to common problems, I believe that both the developed and developing countries will be more willing to undertake new commitments to innovative solutions.

Because the poorest countries face similar problems, we should develop a general approach to helping them. We should recognize that the relatively least developed countries, 28 countries with populations aggregating 270 million, face problems that are not similar to those of other developing countries. We should seriously consider some form of debt relief for those countries, a step which is included in the International Development Cooperation Act of 1978.

In addition to concentrating on aid, we should be prepared to help the developing countries increase their export earnings by providing economic opportunities in the developed countries. This can be accomplished not only through the international structural adjustment plan that I have proposed, but also through fair plans that seek to stabilize commodity prices. We should engage in specified commodity agreements, provide some financing of selected buffer stocks and underwrite some export earnings through economic programs similar to the Stabex plan under the Lome agreement. Some accommodation must be made with the developing countries on a "second window" that will provide soft technical assistance to commodity producers covered by the Common Fund.

We should also expand our system of generalized trade preferences, which will permit the LDC's to increase their exports of manufactured and semimanufactured products. I believe that an expansion of GSP can be undertaken especially in the context of an effective international structural adjustment program along the lines that I have already outlined.

We cannot forget that the international economic system also includes the Soviet Union and the other Eastern European countries, whose financial systems have increasingly become tied to those of the capitalist world—Eastern Europe's external debt to both governments and commercial banks in the West reached $36 billion in 1976, with an additional $31 billion lent in 1977, while Eastern European deposits in the Western banks totaled $6 billion.

We should encourage the Soviet Union and other Eastern European countries to participate actively in the operation of the international economic system by

joining the World Bank, the IMF, and other international financial institutions. With the exception of Romania and Yugoslavia, these countries have stayed away from these institutions, although the Soviet Union was to have been a member of the IMF and was assigned a quota at the Bretton Woods Conference in the 1940's.

It is also important that we bring these countries more fully into the system because the financial relationship between Eastern Europe and the developing countries has also mushroomed. The outstanding debt of the LDC's to the Soviet Union and its Eastern European allies under economic and military aid agreements is estimated to have exceeded $11 billion at the end of 1976. In addition, such internal events as bad harvests, changes in oil production, and changing developmental priorities have had serious and swift repercussions on price levels and economic performance in the West. Whether the Socialist leadership of the Eastern countries likes it or not, these countries are part of the international system and we must insure that they accept their share of the responsibility for its operation.

This call for action comes at a time when the international monetary system is undergoing severe strains. The system has been seriously disrupted during 1977, primarily because of a weak dollar. In 1977 the dollar sold off by nearly 22 percent against the yen and the Swiss franc, by 12 percent against the German mark, and even by 12.5 percent against the British pound.

I know that Treasury officials cite in rebuttal the fact that these declines in the relation of the dollar to European and Japanese currencies have been offset by the dollar's appreciation against the currencies of a number of our principal trading partners, namely Canada and some Latin American countries, thereby resulting in little net change in the "trade weighted" value of the dollar in 1977. This outcome probably would be satisfactory for most other currencies but not for the United States whose currency remains the international medium of exchange.

The United States seemingly has lost control of the dollar for the moment, and it is imperative that concerted effort be undertaken by the administration to regain control of our own currency. A prescription is admittedly not easy. The decline in the dollar cannot be explained by the traditional exchange rate theory that assumes currency values are determined rationally in the market and are based upon observable longterm trends, such as inflation rates, productivity, real growth, et cetera. Were these key influences to have been dominant in 1977, the dollar might have been one of the strongest, if not the strongest, of the major currencies.

The only assumption that can be made with any degree of certainty is that the external value of the U.S. dollar is nothing more than a reflection of the current supply-demand situation in the foreign exchange market, as well as of the day to day changes in the longer-term expectations of the foreign exchange traders and speculators.

The fact is that the historically large U.S. trade deficit of last year—close to $27 billion—has produced an excess supply of dollars abroad relative to demand for U.S. exports. The $42 billion oil import bill the United States paid last year contributed heavily to the U.S. deficit; and the expectation of continued large trade deficits on account of our inability seemingly to control our thrist for imported oil reinforces the downward trend of the dollar.

The recent behavior of the foreign exchange market has given us a clear signal of the precarious and totally nonrational situation that we are facing. With some $300 billion in dollars in the Eurocurrency market outside the United States, the possible disruption to the foreign exchange markets because of nervousness on the part of the 5 percent of that market can be very grave. What must be done to turn this situation around?

First, I believe that we must cut our dependence on high-cost foreign oil. All projections indicate that our dependence on imported oil will increase over the next several years, to the point where, by 1980, it is estimated that up to 60 percent of our domestic oil needs will be met by imports from the OPEC countries. We cannot let this happen not only because of its effect on the U.S. dollar and the world economy, but also because of its effect on our national security. We must reduce demand in America by immediately adopting the national energy plan that is now in conference between the House and Senate. Until the American people demonstrate their acceptance of effective constraints on energy consumption, we cannot expect any real changes in the direction of the value of the dollar.

In addition, we must adopt—even though the approach is largely unexplored—a way to meet our energy problem by obtaining more favorable contractual terms for the oil we import.

Currently, the terms under which oil is sold to the United States are arrived at through negotiations between mainly the U.S. oil companies and the oil producing countries. Despite the enormous social and political consequences of these negotiations, the U.S. Government takes a hands-off approach, viewing them as purely commercial negotiations. The result has been contracts that are favorable to the oil producers, but that may fail to take into account adequately U.S. national interests.

Again we revert to the GAO report and find this very point made there. I believe that the United States has a good deal of leverage in nonenergy areas that it could bring to bear to obtain better terms for imported oil and to assure this country of a secure supply of oil at more reasonable prices. But the oil companies by themselves cannot exert this leverage. Thus, I believe, the U.S. Government, through the Departments of State and Energy, must take a far more active role in these oil price negotiations, in order to inject public interest considerations into oil price and supply agreements, and to reduce our balance-of-payments deficits.

Second, the administration must continue to demonstrate its commitment to maintaining a strong and stable currency. The U.S. Treasury must recognize its special responsibility to the international monetary system to maintain the value of the dollar, because of its role as the world's reserve and transactions currency. The disorderliness in the market must be kept in check through continued and greater use of the swap networks and more aggressive intervention by the Treasury and the Federal Reserve.

Third, we must take immediate steps to begin to neutralize the dollar overhang, by encouraging those countries that are running sizable surpluses with the United States to hold rather than sell their dollar reserves.

With only approximately $25 billion available to the U.S. Government to support the dollar and our inability to turn the trade deficit or oil import policy around overnight, the reduction in the dollar overhang becomes critical. Consequently we must insure that governmental actions, especially in the surplus OPEC countries, will not worsen the situation by sudden shifts in their reserves out of dollars.

The short-term liabilities should be extended in some fashion—whether through the issuance of the U.S. Treasury securities with exchange rate guarantees or through the development of the capital pool that I described earlier, or both. In addition, we must continue to try to move Japan and Germany to rely less on their export sectors for economic stimulus and more on domestic expansionary policies.

Fourth, the administration must demonstrate its commitment to a serious export expansion program, using all of its tools to mobilize U.S. industry and agriculture to the benefits of exporting. The Government must particularly develop programs to encourage small and medium sized firms with no prior international experience to go out and explore for foreign markets. Proposals embodied in President Carter's tax reform package to eliminate the DISC (Domestic International Sales Corporation) and the tax deferral on undistributed profits earned abroad by affiliates of U.S. businesses do not make sense at a time when we are seeking to improve our balance of payments. Rather, we, in the Government, must do all in our power to reassure U.S. businessmen that we stand behind them as they seek to expand U.S. export business abroad.

We must develop new methods to regulate our commercial banks as well as coordinate the lending policies of the private sector in problem countries with the involvement of the International Monetary Fund and other international financial institutions.

I strongly commend the Comptroller of the Currency for proposing a new interpretative ruling that would combine, for the purposes of determining the 10 percent legal lending list, loans made by U.S. national banks to agencies of foreign governments if they are dependent on the central government for repayment. The structural changes of the shift from a commercial emphasis to country or "sovereign risk" of the overseas lending by major national banks pose new challenges for our bank regulators and I urge the swift adoption of the ruling.

Member countries of the IMF are obligated to permit the IMF to supervise their economic policies if they avail themselves of the so-called upper credit tranches. Commercial banks must insist that countries in weak balance of payments positions first enter into IMF standby arrangements requiring economic performance criteria—conditionality—before considering any increases in their country exposure. By conditioning their loans on these LDC's successfully meeting the IMF criteria, the banks would reinforce the IMF in insuring that recipient countries are meaningfully seeking to resolve their basic economic problems. The countries must, however, have carefully targeted investment capital—again need for a capital pool—to supplement the generally contractionary IMF conditions.

It is imperative that the commercial banks as well as the International Monetary Fund overcome their individual reluctance to work more closely with one another. The private and official elements of the international monetary system are too interdependent to permit the continuation of "business as usual." Although neither side would be asked to give up the ability to make the ultimate decision as to creditworthiness, et cetera, institutionally sanctioned cooperation would help insure that "mistakes"—due to faulty information and misperceptions—do not lead to the inadvertent unravelling of the international monetary system.

In conclusion, it is vital that we develop a completely different approach to dealing with the international economic situation. The administration must adopt new attitudes if it is to understand and react properly to the new realities facing the world economy. The people are no longer as confident as we want them to be in the ability of their leaders to exercise necessary leadership to turn this situation around. They are concerned about the uncertainty and hesitancy of our political leaders in addressing the major economic issues often with contradictory policies.

Now is the time for the leaders of the industrialized countries together with the responsible leaders of the developing countries to come together and map out a common long-term strategy to overcome the malaise that has permeated the very fabric of international society. We must rebuild confidence in the multilateral approach to the development of solutions to our international problems, many of which result from the inherent tension of conflicting national priorities. The United States, still the strongest and most dynamic Nation, must assume the mantle of leadership, in cooperation with its economic allies, to create innovative and far-reaching approaches.

We must rekindle the post World War II spirit that led to the development of the Marshall plan that saved Europe in its darkest political and economic hours.

The time for implementation of internal economic policies without reference to the international environment is long passed; the time has come even for the international coordination of domestic policies. Such a commitment must be made at the highest political level by Prime Ministers and heads of state.

At the next Economic Summit Conference, President Carter and his colleagues must confront this issue by instructing their respective staffs to begin the negotiation which will commit their governments to a common economic plan. A crucial objective will be to draw the economies of the leading countries—particularly the United States, Japan, and West Germany—more closely together and thereby to reduce the disparities between these economies that are one of the causes of extreme exchange rate fluctuations.

Another objective of the plan will be to bring the OPEC countries, with their vast financial resources, inextricably into the international economic system so that their resources can be put to productive use. Continuation of the present system will mean limited economic growth, high structural unemployment especially among our youth, and inflation.

The replacement of the present sterile and inefficient "recycling" system by a more productive long-term targeted investment program will, on the other hand, be translated quickly into real economic growth. The structural adjustments that will be undertaken in both the developed and developing countries will insure the long-term viability of the international economic system.

It is only through a common approach that the industrialized and developing countries as well as those in the OPEC cartel and Eastern bloc will be able to come to grips with the new economic realities and meet the resultant critical challenge to the international economic system.

If we fail to act seasonably I see a serious economic crunch—recession or even depression—threatening in the 1979–80 period. We can avoid it and put the world on a much higher economic and social plateau or we can stagnate and risk the most awesome social and economic dangers of this century.

(The following occurred during the presentation of Mr. JAVITS' remarks and by unanimous consent is printed at this point in the RECORD.)

Mr. JAVITS. Mr. President, I yield to the Senator from Pennsylvania (Mr. HEINZ).

Mr. HEINZ. Mr. President, I thank my distinguished colleague from New York (Mr. JAVITS) for yielding.

Mr. President, I want to commend my colleague, the distinguished Senator from New York, on his thoughtful and immensely perceptive speech. I know of no single Senator who has been considered such a thoughtful, concerned and leading spokesman on international economic problems as Senator JAVITS. His remarks today confirm that very well-earned reputation.

Senator JAVITS' speech is both comprehensive and encyclopedic, as well as positive, in its approach. It covers the spectrum of the economic problems facing the world today. It also poses, most importantly for our colleagues and for the administration, some directions for solution that bear careful scrutiny and careful consideration.

Although I would be the first to admit that I have had serious misgivings about some aspects of the trade policy that our administration is currently pursuing, I certainly agree with the Senator from New York on the need to approach our trade problems collectively, in tandem with other nations, particularly the other industrial countries that face similar problems. Unilateral action, particularly of a thoughtless or protectionist nature, too often leads to retaliation which does serious harm to all countries and their economies involved.

On the other hand, our experience of the last few years should tell us clearly that multilateral agreement does not come easily. Many of our trading partners have steadfastly refused to negotiate in realistic terms on trade issues and, in particular, the many unfair trade practices that have impacted on our own industries. For example, until recently, the Japanese have resisted our efforts to obtain a larger share of their markets while simultaneously ignoring our pleas for self-restraint with respect to their exports to our country. The latest agreement with Japan negotiated by the special trade representative provides some grounds for hope, but the record of the past is such that I can only say, "I'll believe it when I see it." That agreement, of course, also does little or nothing to control Japanese exports; it concerns itself entirely with our access to their markets, primarily in the agricultural sector. I doubt the benefits to our industry will be meaningful.

In a similar fashion our efforts in the OECD to make some multilateral progress on steel have met with little progress, largely due to the recalcitrance of the Japanese and the EEC countries. The next forum for such progress will be the multilateral trade negotiations, although here too I am pessimistic about the chances for significant progress with regard to nontariff barriers, which I believe are a more serious problem than tariff levels.

My conclusion from this sequence of events is that while the Senator from New York is entirely correct that any meaningful and realistic solution to international economic problems will be a multilateral one, achieving that end will be a long, arduous process. In addition, I fear the length of the process is too often enhanced by the timidity of our policy and of our negotiators. The lesson of the past is that our trading partners will be reluctant to make any movement whatsoever in directions we want, unless we can make a persuasive case backed up with some leverage. Simply put, we must be more forceful in making clear to our trading partners that the failure to act multilaterally will produce irresistible pressure here for unilateral action, however much we might deplore it in principle.

In some respects, the case of steel is a good example. In that situation, the administration has gotten the message and has acted unilaterally, through its reference pricing system, to deal with steel dumping. That system of reference pricing may or may not work—I have my doubts—but it does illustrate our readiness to cope with unfair trade practices by our partners in a unilateral way, if

necessary. Had our effort in the OECD yielded more, such a system might not have been necessary. In any event, the example is clear, and I hope it is one which will be taken to heart both by our trading partners and also by our own administration, which may have to employ it in areas other than steel if we are to make the kind of progress we want.

With respect to developing countries, Senator JAVITS makes a genuinely compelling case for both the IMF Witteveen facility, and for going beyond that, to ease the adjustment process for developing nations and to prepare them for the likelihod that private banks will become increasingly reluctant to finance additional debt. As that circumstance develops, defaults, and thus severe dslocations, will become more likely, and the International Monetary Fund will assume an increasingly critical role.

Mr. President, I was pleased that the Senate Banking Committee reported legislation authorizing U.S. participation in the Witteveen facility last week, but I was most concerned to read that the bill faces difficulties in the Congress. As the Senator from New York so accurately pointed out, what we really need is more than the Witteveen facility; yet there seems to be some doubt as to whether we will even have that.

I should like to point out to the people who report on Congress that the Witteveen facility financing was favorably reported unanimously by the Senate Banking Committee, with no reservations on the part of any of the members of the committee.

I think it would be a tragic error for the Congress not to act favorably on this legislation, and I hope Senator JAVITS' remarks this morning will give the bill the push it apparently needs.

Senator JAVITS concluded his remarks this morning with some suggestions for U.S. policy that I think we can all support. I was particularly interested in his comments about the need for vigorous export expansion. I have long felt such a program to be badly needed, and I expect the series of hearings that the International Finance Subcommittee—of which the Senator from Illinois (Mr. STEVENSON) is chairman and of which I am privileged to be the ranking minority member—has begun on export policy will make a compelling case for an expansionary program. The Senator from New York testified most convincingly before this subcommittee last August on the questions of international lending and LDC debt and their impact on the United States. As I said to our colleague from New York then and I repeat again today, his remarks at that time were an impetus for the set of hearings we are having now in that committee, and I think his contribution has been invaluable in that regard.

I would add, Mr. President, that those hearings, which are extremely comprehensive, will include several on reauthorization legislation for the Export-Import Bank, and it is my own hope that we will be able to expand the Bank's activity, without too many encumbrances, and thereby increase the importance of our export sector.

Finally, let me return to the central theme of much of this discussion. It seems to me that Senator JAVITS has been out in front of all of us in his recognition of the far-reaching nature of these problems and of the importance of a collective solution to them, one which involves the developed nations, the lesser developed countries, and also the Communist nations. Through his leadership many others are coming to the same realization, and I hope the result here in Congress will be greater consensus on the proper course of future action. We must also, of course make the same case, both to our own administration and to the rest of the world. Senator JAVITS has been a true leader in this process as well, and I hope he will continue in his efforts to make a most impressive and persuasive case, as he has done here today.

Mr. JAVITS. Mr. President, I am very grateful to our colleague from Pennsylvania for his statements and references to me personally. Actually, in saying what he has, and obviously having devoted himself to the serious study of this question as he has, he gratifies me beyond anything that I can say, because we are all human, and the greatest happiness to a public man is knowing that his work will be carried on. I am very grateful to the Senator from Pennsylvania (Mr. HEINZ), who gives every indication of carrying on what our country so urgently needs, to wit, broad economic thinking in order to improve the chances for peace and prosperity in our own country.

The Senator used two terms to which I should like to refer, Mr. President, and then I would like the privilege of yielding to the chairman of my own Foreign Relations Committee, who does me the great honor to be here this morning to hear what I have to say.

Senator HEINZ used the words "leverage" and "the vigorous expansion of U.S. exports."

First, he uses the word "leverage," which means the influences that we can bring to bear on other countries.

I believe we have gone through, since Vietnam, as a result of the searing and soul-searching experience of that disaster, a period of psychological denigration of ourselves.

The fact is, Mr. President, that we are by far the greatest economy and the greatest market in the world and everyone wants to get into our market. The size of our market is one of the biggest elements of the leverage that we have and we should not hesitate to use it.

Second, we have the most valuable money on earth, notwithstanding its weakness, which is relative. The fact is that there are some $300 billion in Eurodollars outside the United States, and most of the reserves, even of the OPEC countries, are in dollars rather than in the special drawing right of the International Monetary Fund or any other single currency.

Not only do we have the economic leverage, but also the security leverage. The entire free world looks to us for security against the intrigues and conspiracies which still infect the Communist system. That is plenty of leverage, but we do not use it with any courage and decisiveness.

The most useful purpose to which we can use our leverage is the promotion of responsible interdependence of all the nations of the world, including the Communist world, if it wishes to contribute to the well-being of mankind instead of conspiring against it.

The second point that our colleague referred to is the "vigorous expansion of U.S. exports." I think this is a critical proposition.

What we need to do is to acquire markets—not only we, but the other industrialized countries must acquire these markets. What we are really being plagued with is that production has outstripped markets, because so many hundreds and millions of people in the world are so poor that they cannot acquire the goods which we can so richly produce.

It has been estimated, for example, that if every person in India acquired one extra shirt—just think of it—if every person in India acquired one extra shirt, all the textile mills of the world would be taxed to their utmost capacity.

We must develop the markets for our exports. It can be done, Mr. President, but it cannot be done with fear and trembling and the avoidance of the use of our leverage, which we have the right to use, provided that we do it with humility and in cooperation with the rest of the world.

Mr. President, if Senator SPARKMAN is ready, I would like very much to yield to him.

The PRESIDING OFFICER (Mr. JOHNSTON). The Senator from Alabama.

Mr. SPARKMAN. Mr. President, I appreciate the Senator from New York yielding to me at this time. I do not intend to make a speech.

I want to compliment the Senator upon the very strong and convincing statement that he has given, a very careful analysis of the economic situation, I may say, of the world, the world in which we are living.

I want to ask him if this is not very much in line with the practice and preachings of Dr. Burns when he was head of the Federal Reserve Board?

Mr. JAVITS. I say to my chairman that it is very much in line with Arthur Burns' thinking.

Arthur Burns has come to be considered an economic conservative because many believed that he worshipped the curbing of inflation, whatever its social effects in terms of unemployment this is quite unfair. On the contrary, what Arthur Burns was saying was, "Let us have the strongest possible posture in which we can have the greatest leverage on the world economy, because, if we are weak and in disarray, then we will have committed the worst sin of all."

There was nothing in Arthur Burns that lacked humanity. Although a fiscal conservative, he advocated that the U.S. Government be the employer of last resort and that no person in the United States, who was willing and able to work, should be without a job even if the Government had to finance it. This is certainly not a conservative doctrine.

I believe that he is probably the most respected financial authority in the world of modern times and its leading central banker and that he leaves the Federal Reserve with that reputation very deeply established.

Mr. SPARKMAN. That is true, not only with reference to our domestic economy, domestic finances, but for international finances.

Mr. JAVITS. He was one who realized how inextricably they were woven together and that we just could not separate the two, and what affected one materially would inevitably affect the other.

Mr. SPARKMAN. I always felt that was one of the strongest points in Dr. Burns' administration of his program, that he understood international finance perhaps as well as anybody in the world.

Mr. JAVITS. He certainly did.

Mr. SPARKMAN. I would like to ask the Senator whether or not he has talked with Dr. Burns' successor?

Mr. JAVITS. I have not yet had that opportunity. I am looking forward to it and am seeking such a meeting.

His successor, Mr. Miller, comes from a different discipline. Dr. Burns was a highly respected academic economist. Mr. Miller is an industrialist. The President may very well have given us a personality as well as an outlook which although different from that of Dr. Burns, is very relevant to the times.

I am quite fully prepared to be receptive to that proposition and will look forward very much to the same kind of intimacy and cooperation with Mr. Miller that I had with Dr. Burns.

My strong advocacy of Dr. Burns for reappointment, and I rather think that of other Members, including the Senator from Alabama (Mr. SPARKMAN), was attributable to the impact which we all felt his reappointment would have on the economic world, which we consider to be in a very precarious condition.

Our support for Dr. Burns' reappointment did not mean we were denigrating or being disrespectful to his successor. His successor may very well prove to be as relevant, though with a different set of talents, to our times. Our job is to learn more about his successor and to do our utmost to cooperate with him effectively.

Mr. SPARKMAN. I was very much impressed with what President Carter had to say about both Dr. Burns and Mr. Miller when the appointment was made.

If I remember correctly, it was on television and both were present. President Carter praised both of them very strongly. Later, we had an opportunity in the Banking Committee to hear and see and talk with Mr. Miller. I want to say that he made a very fine impression. I am hopeful that strong policy that was carried on by Dr. Burns will continue under his successor, Mr. Miller.

Mr. JAVITS. I thank my colleague very much. I certainly join in that hope and will actively do my best to promote it.

Mr. SPARKMAN. Again, I compliment the Senator for the very fine statement he made with reference to the international economic situation.

Mr. JAVITS. I thank my colleague very much.

May I say that having served here a long time with the Senator from Alabama (Mr. SPARKMAN), that it has been constantly refreshing to me how the Senator has kept pace with modern times through the years without, as far as I outguess anybody else can perceive ever falling behind.

In addition, I cannot tell the Senator what an inspiration his understanding, which is all we ask for, of the problems of urban living in these great cities, especially in areas which may have seen their greatest day, has meant to me and to other legislators from those areas.

I thank the Senator very much.

Mr. SPARKMAN. I am grateful to the Senator for those kind remarks.

Mr. JAVITS. I thank the Senator.

Mr. President, I yield now to the Senator from Rhode Island (Mr. CHAFEE).

Mr. CHAFEE. Mr. President, I would like to take this opportunity to congratulate the senior Senator from New York for calling attention to these really serious international economic problems.

I also think the Senator is one who constantly keeps his eye on this area, which is of incredible importance. It seems to me, furthermore, he calls attention to not just what we have got to urge other countries to do, but what we have got to do ourselves.

He makes the point that the United States is no longer the decisionmaker in the world's economic system, and he points out the lack of research and development expenditures in this country. He points out the inability of U.S. industry to generate capital. He points out that the tax incentives that the administration has proposed are really one-shot things and do not meet the problems of this Nation's industry for greater capital investment.

He points out the dangers of rising protectionism and the lack of technological innovation. This never came home to me stronger than recently on a trip to Panama, where I spent some time viewing the Panama Canal. There, they constantly have to dredge the canal. More dirt has been taken out of that canal since it was built than during the construction process of the canal.

Recently, the canal company purchased a monstrous dredge, nearly as high as the ceiling of this Chamber, the latest technological dredge, costing many, many millions of dollars, just the kind of thing we build in the United States. But where was that dredge built? It was built in Japan. They could manufacture it, bring it across the ocean, and sell it here at a cheaper price, plus 25 percent, than the Americans could manufacture the dredge for themselves.

So something has gone wrong in our system. We see it also in the steel industry, which has run into problems, not because of imports but because our steel industry is not as innovative and as technologically sound as the Japanese steel industry.

The senior Senator from New York points out the need for making long-term capital investments instead of keeping the money in short term measures.

He points out, further, the need for a stable currency in the United States and the need to cut our dependence on high-cost foreign oil.

It seems to me that it is high time Congress passed an energy bill. I hope the conferees will get together. Certainly, I have a type of bill—we all do—that I would like to have passed, but let us get on and pass some type of bill.

I ask the Senator this question: On page 9 of his remarks, he deals with the lack of long-term confidence in our business community due to the need to spur capital investment. It seems to me that what we are talking about is our tax system, because that is what determines the kind of capital investment we have. I agree with the senior Senator from New York that the so-called $34 billion tax cut does not do this.

It seems to me that we have to get on with an increase in the investment tax credit, more rapid depreciation, and other measures of that type.

I wonder whether the senior Senator from New York has some specifics in that area, because he is knowledgeable in this field, and I think we all would rely on his judgment of what is the best measure to meet this problem.

Mr. JAVITS. That is exactly the point I am trying to make.

I am a liberal and am very humanistic in my approach. I believe that our country can afford to take care of its distressed people, but I also am very mindful of the fact that right now we face a very deep structural difficulty in the economy of our country, in terms of jobs. The endemic unemployment and the endemic inflation simply do not belong in a country as rich and productive as ours.

President Carter wanted to give $50 to the poor. The poor would rather have a job, and a steady job, than a $50 tax rebate. We have to bear that in mind.

I do not think that the trickle-down theory is facing today that it is immoral. The fact is that right now we need these jobs, and we need American business to produce them. I believe people are now willing to cooperate toward that end.

Therefore, I see a very real opportunity for an intelligently drafted investment tax credit which will be higher than that now granted, provided it is targeted toward new development, the removal of obsolescence, and new production in the right kind of business sectors.

Also, I believe we will see a willingness to give greater accelerated depreciation. In many countries, it can be as much as 100 percent in the first year. They could not care less what you deduct, because thereafter you have to pay taxes on the value of that machinery and what it produces.

What we need is new thinking; unfortunately the tax cut which the President so far has proposed represents old thinking.

The image is constantly invoked of 1960, when Jack Kennedy had a tax cut

and the economy turned around because of that tax cut. The 1960's are not 1978, and the remedies cannot be the same. Because the remedies worked then, it does not necessarily mean that they are going to work now. President Carter's suggested tax cut is a sizable slice of money—at the very minimum, $25 billion and probably as high as $34 billion. That is not what the American people need right now. They need jobs and they need an economy that inspires confidence.

Those are my feelings about tax cuts, and that is why I raised the issue as I did, because I think it is necessary to get politicians to think in other terms. The people are not so simplistic that you are going to buy them off with a tax cut, when they know in their hearts that that is not the proper remedy for a trouble that is caused by deep defects in the economy which now need to be corrected, if we are to have a bright future.

Mr. CHAFEE. I agree with the Senator.

It seems to me that we have to get the message through to the administration. They seem incredibly hesitant in this area. As the Senator from New York mentioned, they think there is something immoral in their judgment in helping our industry become more productive through tax reductions.

It is not a tax break. The Government is not entitled to take everything from somebody and say that if they are cutting it back a little, they are giving you a break. The Government has to prove its case before they take money from individuals or from corporations.

I agree with the Senator from New York as to more rapid depreciation. There is nothing wrong with even going to 100 percent depreciation. The Government will lose the first year, but they will get it the next year.

As to increasing the investment tax credit, it should not be to build new plants, as the President proposed. He proposed broadening the investment tax credit. He would have it cover new construction. That is not what we need. We need to have better machinery, more modern, innovative equipment—just the points the Senator from New York made in his speech.

I hope the administration will change its thrust and go to an increase in the investment tax credit, more rapid depreciation, so that this country can become more competitive with the rest of the world, and thus get our own house in order and followthrough with the constructive suggestions the Senator from New York makes.

Mr. JAVITS. I thank the Senator.

We have the privilege of amendment in the U.S. Senate, including amendments to tax bills, and I hope we will have the courage to followthrough on what we believe.

I thank the Senator from Rhode Island very much for his approbation of the issues I am presenting. One does not have to agree with the solutions or all of them. The fact is, that it must provoke our thinking and our action, and the Senator from Rhode Island has exactly defined my purpose.

I do not have the remotest pride in my authorship of solutions, but I do have enormous pride in my deep feeling about the fact that there is something deeply wrong that is seemingly going unnoticed in this country.

I am deeply grateful to the Senator, as I am to other Senators who have spoken today, for supporting that proposition, in order to arouse our people and especially those in authority who bear the responsibility.

Mr. CHAFEE. I thank the Senator.

Mr. JAVITS. Mr. President, I yield to the distinguished Senator from Maryland.

Mr. MATHIAS. Mr. President, I appreciate the distinguished Senator from New York yielding. In private comments on the subject that he is addressing today and in his speech today, the Senator from New York has pointed out warnings about the economic condition, not only of the country but of the world which have very often fallen on deaf ears. I want to say to the Senator from New York that I feel sorry for those deaf ears because they are missing information of very great importance, and they are also missing the eloquent appeal that the Senator from New York has made for commonsense in handling our economic affairs.

I welcome his speech today for two reasons. Let me point to one detail. He deplores the decrease in interest and investment in technology. As a member of the Senate Appropriations Committee, I have been fighting a rearguard action for the past several years to sustain at least the existing level of investment in technology. I think we ought to do more. It has been very depressing to me to find out how little interest there is, either in the public or private sector, in maintaining the enormous advantages we have. As a wise old man said to me a few years ago, the solution to the problems of technology lies in more technology. While we may get depressed sometimes with problems that technology has created, I think the wisdom of solution is really forced upon us. If we do not continue our investment in technology, we will not find solutions to problems we have in maintaining the ability to keep moving forward.

Aside from the extraordinarily detailed comments the Senator from New York has given us, I think he has done something more important. What he has really done, as I see the impact of his speech, is he has challenged us to advance the state of civilization. He says to us we cannot continue as narrow parochial interests in the world. We have to learn to live together. We have to recognize our interdependence. We have to accept the responsibilities of leadership. We have to develop a maturity in our lives, in the way we conduct our business affairs, in the way we conduct politics, a maturity that we have not yet demonstrated.

I do not look upon this as a speech which looks only to economics, to money, to narrow interests, to any one sector of our economy. But I view the speech as a challenge to advance the level of civilization, the way we live, the way we treat each other, the views that we have about how nations of the world should come together to save a situation which I think can be saved but which, if we neglect it very much longer, as the Senator from New York points out, we will find to be a very much worse situation than it is today. I thank the Senator for yielding me this time.

Mr. JAVITS. I am very grateful to my colleague from Maryland, one of the most thoughtful and farsighted people in the Senate.

Mr. President, I believe we are demonstrating today one of the strengths of this body, the Senate. It is a place where one can make a deliberate, long speech which will evoke thoughtful study and thoughtful contributions by men who will pick up the same torch which I and others before me have carried, and will continue to carry on our efforts to enlighten the leadership of our country. I am deeply gratified, and I am very grateful to my colleagues who have participated in this debate.

I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, I rise to commend the distinguished Senator from New York for his thoughtful analysis and the timely recommendations in bringing this matter before the Senate.

I commend the Senator, too, for cogently pointing out how escalating costs of oil from the Middle East has created a serious balance-of-payments problem for underdeveloped countries.

The United States has contributed to this problem through its continuing massive level of consumption of foreign oil.

We are, therefore, in a position to play a significant role in easing the crisis by decreasing our reliance on foreign energy sources.

Unfortunately, the energy bills which are currently in conference will not achieve this objective. Rather, according to the General Accounting Office, the Congressional Budget Office, the Office of Technology Assessment, and the Congressional Research Service, the Carter energy program will result in a 1,000,000 to 6,000,000-barrel-per-day increase over the amount currently imported.

We could make a major contribution to the Third World predicament by sidelining this ill-conceived proposal and starting over on an effective measure.

Of course, the Arab States themselves, as short-term beneficiaries of the Third World crisis, must play a vital role in resolving it.

But, while the United States cannot be the fount of all mercy in an international crisis in which we ourselves are one of the victims, there are steps which we can take.

First—and in this I heartily agree with the Senator from New York—we must maintain a strong and stable currency. Whatever the relative merits in the unemployment/inflation battle at home, I think it is clear which is more important to holders of U.S. currency abroad, faced with significant surpluses of dollars

which are shrinking in comparison with the price of goods and services.

Countries will be encouraged to acquire or hold dollars if they can receive some assurance that those dollars will appreciate, rather than depreciate relative to the value of other commodities. As Senator JAVITS notes in his speech, this may require some politically unpopular decisions. But the survival of the international monetary system is a goal which outweighs even some very important domestic objectives.

I hope the members of this body will keep this fact in mind in the event we are later called upon to deal with legislation creating jobs at the expense of runaway inflation.

Second—and here again I concur with Senator JAVITS—it is of pivotal importance that the United States deal with its own problems of structural unemployment in ways which do not impede the flow of international commerce.

It is often tempting to deal with tragic unemployment levels through protectionist measures. But, as I think the Senator realizes, America's stake in international trade, as evidenced by the one in six American workers employed in export-related industries, is stronger than its interest in protectionism.

Third, I am delighted with Senator JAVITS' recognition that the continued viability of the Nation's export industry is more significant, both to ourselves and our trading partners, than any misplaced notion that exorbitant taxes somehow equate with egalitarianism. I welcome the Senator's support for such concepts as DISC and the deferral of foreign source income.

I look forward to working with the Senator from New York in the year ahead on subjects which, as he has so articulately pointed out, form the base of the international monetary system. These include putting a cap on inflation and thereby strengthening the value of the American dollar, passing meaningful energy reform which will curb our reliance on foreign oil, and structuring a tax system which will encourage, rather than discourage business investment in job-creating sectors.

Mr. President, I thank the Senator for the initiative that he has taken and for the wisdom with which he has addressed the problems which confront this country.

Certainly, if we do not maintain a strong and viable economy, we cannot devote ourselves to the other concerns to which this country must address itself in terms of our national security, the strength of the free world, our ability to confront the forces of authoritarianism around the world as well as the very real social problems to which we must continue to address ourselves within the boundaries of our own country.

I thank the Senator from New York, for having taken this time this morning and permitting me to share with him at this time.

Mr. JAVITS. I certainly thank the Senator from Idaho.

He and I are perhaps not of the same mind regarding our political philosophies—liberal and conservative—but he has a very deep feeling for the future of our country and for the future of peace and justice in the world which I certainly deeply share with him.

I might say that my purpose this morning is not to have people agree with or praise me but to stimulate the thinking and the interest of my colleagues, and I am deeply gratified that what I have said has served that function with so distinguished a Senator as the Senator from Idaho.

Mr. McCLURE. I thank the Senator from New York.

Mr. JAVITS. I yield to the minority leader.

Mr. BAKER. Mr. President, I thank the Senator from New York for giving me this opportunity to join with others in commending him for his incisive address on such a serious danger as may lie ahead of the United States and the world on the international economic front.

This is a matter of major importance which Senator JAVITS has sought to bring to our attention on at least two previous occasions through earlier and other enlightened speeches and comments, and I commend him for it.

Mr. President, I wish to commend the distinguished senior Senator from New York for his incisive address on the serious danger which may lie ahead for the United States and the world on the international economic front. This is a matter of major importance which Senator JAVITS has sought to bring to our attention on at least two occasions now through enlightening speeches and I commend him for it.

One need not be a national or international banker or economist to recognize the fundamental changes that have taken place in the economic structure of the world since the price of oil increased fivefold. Nor must one share the distinguished Senator's view of the probable outcome of present trends to realize that this is a matter that must be confronted in the very near future.

Senator JAVITS has effectively begun the debate by describing the problem in terms we can all understand, and suggesting some possible solutions. I, for one, plan to review his proposal carefully and do what I can in the future to see that a thorough debate is had on this crucial subject before it is too late.

Clearly, the drain of U.S. dollars abroad has reduced the capital available for investment and expansion of our industrial capacity at home. This has impacted upon not only the competitive ability of many of our industries, but also their ability to significantly reduce unemployment.

We cannot begin to hope to control such basic considerations as employment and economic progress until we have a better understanding of the short- and long-term effects of paying $14 for a barrel of oil to the OPEC nations. It is for that reason that I applaud Senator JAVITS for his impressive contribution to that understanding.

Mr. President, I conclude simply by saying that no Member of this body on either side of the aisle in my view has a better grasp of international economic matters and affairs, nor treats them more dispassionately, carefully, cautiously, and responsibly than does the Senator from New York.

I for one thank him personally and as a Member of this body thank him for an extraordinary contribution.

Mr. JAVITS. How good of you, Senator BAKER. Again I am deeply gratified that a Senator who has such potential for leadership as you have, both because you are the minority leader and because of your own fine mind and character, finds enough in this speech to warrant the view that the speech not only is a contribution but might also be an incitement to action.

I am very gratified and grateful.

Mr. BAKER. I thank the Senator.

Mr. CURTIS. Mr. President, will the distinguished Senator yield?

Mr. JAVITS. I yield.

Mr. CURTIS. I commend the Senator for calling the attention of the Senate and the American public generally to some of these serious problems that we face in the world of commerce. It is only by discussion and presentation of the ideas, getting them out on the table, that the right answers can be arrived at. We do know that we just cannot blindly coast along.

There are many factors of our world economy that are abnormal so far as the general run of things that have been in the past decade. I refer primarily to the energy crisis and the more and more dependent we are upon foreign sources of petroleum, the greater the problem becomes. The more we buy, the higher price everybody will have to pay, including developing nations.

In that regard, I want especially to thank and commend my distinguished colleague for his support on the gasohol question. It is believed that we have resources that we can produce over and over again every year that can make a contribution to our motor fuel.

If it increases by any particular percent, the pressure to buy more foreign oil is lessened that much. That has an effect upon the price here, as well as upon the needs of the countries. That is just one phase of it.

These lending agencies and all these other matters are exceedingly important and it is something for us to think about.

Mr. JAVITS. I thank my colleague, very much. Senator CURTIS is the ranking member of the Committee on Finance, one of our most distinguished members. He generally has the reputation for being conservative in his views, but when it comes to these world problems, he shows a deep understanding. That is all I ask. I think that is all any Senator ought to ask of a colleague, just the grasp of a problem; what he wishes to do about it is very much within his own domain. We debate those questions and ulitmately vote on them. I am deeply grateful that he feels that I have made a contribution to the thoughtfulness and breadth of information, as well as, at least, presenting some challenging to

meet these great problems. I am very grateful to him.

Mr. President, I close on just one note; I wish to reiterate my views about the role of the Soviet Union and the Eastern European bloc in the economic situation.

Mr. President, I feel very, very deeply that the Soviet Union and the Eastern European bloc is already so intimately engaged in the international economic system. There are tremendous opportunities for a much better relationship, based upon hardheaded considerations, between the U.S.S.R. and Eastern Europe, on the one hand, and the free world. I, therefore, once again urge that efforts be made to bring the Soviet Union and Eastern Europe into the world monetary system.

Again, Mr. President, I am not bashful about using the word "leverage." I think that the Soviet Union and the Eastern European countries, with which it has so much influence, have a responsibility, if they wish to reach agreements with us in such areas as the SALT negotiations and discussions on the Helsinki Declaration of Human Rights, do their share with respect to the world's economy and the world's monetary system. They cannot be standing on the outside, getting the benefits of the international economic system, without assuming any of the real responsibility.

Mr. President, the President of the United States will have a great opportunity to consider many of the concepts and ideas which I have discussed and so that our country may put forward at the summit in Bonn, in July unnovative and creative solution to the problems facing the international economy. I hope very much that our President, the members of this Cabinet and the Members of our other body, the House of Representatives, will take heed of the danger signals which I have laid out and will give us their creative thinking and their creative action.

In making this presentation to the Senate this morning, I ask only one thing: that people hear, see and understand the red lights of danger that are already flashing and do their utmost to do something about it before it is too late.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF ENERGY ACT OF 1978—CIVILIAN APPLICATIONS

Mr. CHURCH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1340.

The PRESIDING OFFICER (Mr. JOHNSTON) laid before the Senate the amendment of the House of Representatives to the bill (S. 1340) to authorize appropriations to the Energy Research and Development Administration for energy research, development, demonstration, and related programs in accordance with section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, and for other purposes.

(The amendment of the House is printed in the RECORD of December 7, 1977, beginning at page 38738.)

Mr. CHURCH. Mr. President, the Congress passed $6.2 billion in funding for the fiscal year 1978 Department of Energy civilian programs on October 20, 1977, in the form of S. 1811. The President vetoed S. 1811 and returned it to the Congress with his veto message. His veto was primarily motivated by his objection to the fact that the bill contained $80 million in funding for the continuation of the Clinch River breeder reactor project. This compromise funding level had been approved by the conference committee in the spirit of trying to institute a 1-year pause in the project in order that we might reexamine the technical and managerial aspects of the project since we have nearly 7 years invested in the project to date which would be lost if the project were terminated. The President also expressed the usual executive branch disapproval of the one-House veto provisions contained in the bill.

In discussions between the House and Senate committees of jurisdiction, it was decided to modify the bill which was vetoed to meet the President's principal objections rather than seeking to override the veto. On December 7, the House took S. 1340, an authorization bill for non-nuclear research and development, from the desk, and amended it by striking everything after the enacting clause and offering a new text in the nature of a substitute amendment for the Senate-passed text. The substitute amendment contained all of the provisions in S. 1811 as passed by the Congress previously, except for deletion of the $80 million for the continuation of the Clinch River breeder reactor project contained in section 101 (21), section 106, and title V. The deletion of new authorization of funds for the Clinch River breeder reactor project makes it clear that we are authorizing no funds toward the $33 million that the President expected to use to terminate the project. Title V was deleted to meet one of the President's objections to a 1-House veto provision. Except for these changes, the House amendments to S. 1340 are identical with the provisions in S. 1811 as passed by the Congress.

Shortly I will move that the Senate concur in the House amendments to S. 1340. But before I do, I want to make it clear that I do not believe that the deletion of the funds calls into question the legal status of the Clinch River breeder reactor project. The Comptróller General of the General Accounting Office has issued an opinion in which he makes it clear that the Clinch River breeder reactor project is authorized until the Congress takes specific statutory action to de-authorize the project under section 106 of Public Law 91–273, as amended, since S. 1340, with the House amendment, is silent with regard to authorization of additional funds for continuation of the project. The $80 million contained in the conference report for the Supplemental Appropriations bill now pending before the House, H.R. 9375, is available for the continuation of the project once it is enacted into law.

In adopting the House amendments to S. 1340, it is the intention of the Committee on Energy and Natural Resources that the legislative history and the committee report on S. 1811 and S. 1340, as well as the statement of the managers contained in the conference report on S. 1811 be construed as congressional guidance on the use of the funds authorized in S. 1340 when it is signed into law. Chairman OLIN E. TEAGUE placed the statement of the managers from the conference report in the CONGRESSIONAL RECORD on December 7 when the House amended S. 1340.

Mr. President, this authorization bill authorizes new programs and the continuation of existing programs on a year-to-year basis for the new Department of Energy research and development activities as required in the Department of Energy Organization Act of 1977. The appropriation acts are not sufficient to carry forward the Department of Energy functions without a good deal of confusion regarding the status of any new initiatives. The authorization committee's role is to make careful studies of program initiatives and indeed make certain that the congressional intent is stamped clearly on agency activities.

I wish to clarify one aspect of the congressional intent with regard to the geothermal energy program. The $16 million contained in S. 1340 for the geothermal program is a specific authorization for appropriations for the first demonstration plant ($12 million) and for the second demonstration plant ($4 million).

Mr. President, this bill, S. 1340, and the one it supersedes, S. 1811, is and was a good bill. It is vitally needed to get our energy programs moving. While this bill contains no funding for Clinch River, funding for the base breeder technology program is still contained in this bill. We intend to vigorously pursue all technologies which have a role to play in increasing energy supply, and in reducing energy demand.

Mr. BAKER. Mr. President, I am more than willing to move forward with this piece of legislation, S. 1340, as long as I am assured by my colleagues that, by so doing, there is no intention to deauthorize the Clinch River breeder reactor project. My colleagues will certainly remember that an expressed appropriation of $80 million is contained in the supplemental appropriations bill, which is now held up in the House over the question of the B–1 bomber.

I can only agree to S. 1340 being approved if I am assured that it is the intention of all involved that the breeder reactor project go forward and that this particular measure in no way prejudices the going forward of that project. It is, furthermore, my understanding that the $80 million appropriation is meant expressly for this project and for no other

project, nor will this appropriation, upon becoming law, be subject to any use relating to termination of this project. It is furthermore my understanding that the General Accounting Office, in a December letter, expresses the opinion that the $80 million appropriation now contained in the supplemental appropriations bill, H.R. 9375, is sufficient to ensure the continuation of the Clinch River breeder reactor project at Clinch River, Tenn., which was originally authorized as part of the "Liquid Metal Fast Breeder Reactor Demonstration Program" in section 106 of Public Law 91–273.

It is my understanding, as above stated, regarding the expressed expenditure of these funds, that the ongoing development of this project, and the expressed opinion of the GAO is correct.

Mr. CHURCH. My understanding is the same as that expressed by the able Senator.

Mr. JACKSON. Mr. President, the adoption of the House amendment in the nature of a substitute for the Senate-passed bill, S. 1340, is important to insure that the new programs and initiatives receive explicit authorization for fiscal year 1978. The deletion of the authorization of funds for the Clinch River breeder reactor project from this bill does not constitute a congressional attitude toward the need for the continuation of the project. The Supplemental Appropriations Act, now pending in the House, provides self-authorization for the $80 million contained in that act for continuation of the Clinch River breeder reactor project. This is consistent with the intent of the House and Senate Authorization Committees to proceed with the project at a reduced level of activity in fiscal year 1978 to allow us to review the status of the project and its importance to the national energy program.

I urge the adoption of the House amendment to S. 1340.

Mr. SASSER. Mr. President, I want to thank my colleagues, Senator BAKER, Senator CHURCH, and Senator JACKSON, for their comments concerning the Clinch River breeder reactor project.

As a member of the Public Works Appropriations Subcommittee, which recommended funding this project in the fiscal year 1978 supplemental, I would like to state that I concur with the statements that have been made today.

It is clear that the basic legislation authorizing construction of the Clinch River demonstration plant is still on the books. This basic authorization is section 106 of Public Law 91–273 as amended by section 103 of Public Law 94–187. The Comptroller General's Opinion B–115398 addressed the question of the authorities and restrictions of section 106 which would indicate that any funds appropriated for the CRBRP can only be used to continue the project and not to terminate it.

I would also point out that it would be impossible for the administration to apply these new appropriations for any use other than continuing this project—none of these funds can be used to terminate or cancel the project in any way. According to the Comptroller General's opinion I have just cited, it would be unlawful for the administration to curtail the Clinch River program without specific authority from the Congress. Title 31, section 628 of the United States Code makes this clear:

> Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

I would also point out a further encumbrance upon the administration with regard to any action toward cancelling or terminating this project. The fact is that the regular appropriations bill, which the President signed into law, the Public Works Appropriations Act of 1978, Public Law 95–96, would prevent any employee of the Department of Energy who is paid subsequent to that act from participating in any effort to terminate or cancel or delay that project without specific authorization from the Congress. Title I of this act provides that:

> None of the funds appropriated herein shall be used to terminate the Clinch River Breeder Reactor project.

In summary, Mr. President, the project continues to be authorized. I think the intent of the Congress is clear that the administration must continue the Clinch River project.

Mr. McCLURE. Mr. President, S. 1340 was passed by the House on December 7, 1977. The bill contains the exact same text as S. 1811, the vetoed fiscal year 1978 Department of Energy, Research and Development conference report, with two exceptions.

The first and most important exception is that the bill has been stripped of all of the provisions of the S. 1811 conference report dealing with the Clinch River breeder reactor project. As we all know, that project was the reason the President vetoed the S. 1811. This bill will leave that issue for separate consideration in the context of the supplemental appropriations bill now pending again in the other body.

The other change is the removal of the provisions dealing with uranium enrichment pricing. We have received a new proposal on that subject from the administration, and we also are somewhat concerned that other new factors may require us to reconsider that issue.

Mr. President, it is our intention for purposes of legislative history that all of the committee and conference reports and statements on S. 1811 shall apply to this bill for the equivalent provisions. Our action in passing S. 1340 today is not intended to change in any way the legislative history which we have created for S. 1811 and therefore, S. 1340 will preserve that legislative history. This continued vitality of that legislative history is particularly important for any later litigation, as well as administrative implementation of this bill.

In regard to the legislative history, there has been some question as to our intent regarding the two geothermal demonstration plants we have authorized. It is our intent and it should be clear on the basis of our reports and the fiscal year 1977 ERDA authorization that we intend to authorize both demonstrations and thereby satisfy the requirements for such authorization in Public Law 93–577, the Federal Non-Nuclear Energy Research and Development Act, and Public Law 93–410, the Geothermal Energy Research, Development and Demonstration Act.

Let me now turn to the issue of the Clinch River breeder reactor project.

The Clinch River breeder reactor project (CRBRP) is the accepted designation for the breeder reactor project at Clinch River, Tenn., which was originally authorized as part of the "Liquid Metal Fast Breeder Reactor Demonstration Program" in section 106 of Public Law 91–273. Specifically, the original section 106 stated:

> SEC. 106. Liquid Metal Fast Breeder Reactor Demonstration Program—fourth round.—(a) The Commission is hereby authorized to enter into a cooperative arrangement with a reactor manufacturer and others for participation in the research and development, design, construction, and operation of a Liquid Metal Fast Breeder Reactor powerplant, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy and referred to in Section 106 of Public Law 91–44 without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and the commission is further authorized to continue to conduct the project definition phase subsequent to the aforementioned cooperative arrangement. Appropriations totaling $100,000,000 are hereby authorized for the aforementioned cooperative arrangement and for the project definition phase authorized by section 106 of Public Law 91–44 and this section, said total amount to include the sum authorized by section 106 of Public Law 91–44.

Of course, the authorizing committee at that time was the Joint Committee on Atomic Energy (JCAE). The original section also specified that the JCAE had to review the basis for any cooperative arrangement, or amendment thereto, before it became effective. The original authorization, therefore, was for the funding of the cooperative arrangements for the liquid metal fast breeder reactor powerplant, which became CRBRP, and Congress by law retained control over those arrangements.

The appropriations made available in the fiscal years since enactment of Public Law 91–273 on June 2, 1970, have continued to fund CRBRP through the cooperative arrangements authorized in Public Law 91–273. The original section 106 was amended in 1971 by section 105 (d) of Public Law 92–84 (85 Stat. 304) to increase the authorization limits for the funding of the cooperative arrangements. Section 106 was further amended in 1973 and 1974 by Public Laws 93–60 (88 Stat. 115) and 93–276 (87 Stat. 143). The congressional intent was clear throughout these years that appropriations for CRBRP were, in fact, funding the cooperative arrangements authorized by section 106, as amended. And, this use of section 106 was in keeping with the practice of the JCAE for continuing authorization.

A substitute for the original section 106 was enacted on December 31, 1975, by section 103(d) of Public Law 94–187, the first annual authorization for the then new Energy Research and Develop-

ment Administration (ERDA), pursuant to the requirements in the Energy Reorganization Act of 1974, Public Law 93–438 (88 Stat 1233). The authorization sentences in the substitute section 106 read as follows:

SEC. 106. Liquid Metal Fast Breeder Reactor Demonstration program—fourth round.—(a) The Energy Research and Development Administration (ERDA) is hereby authorized to enter into cooperative arrangements with reactor manufacturers and others for participation in the research and development, design, construction, and operation of a Liquid Metal Fast Breeder Reactor power plant, in accordance with criteria approved by the joint committee on Atomic Energy, without regard to the provisions of Section 169 of the Atomic Energy Act of 1954, as amended. Appropriations are hereby authorized for the period consisting of the fiscal year ending June 30, 1976, and the interim period following that fiscal year and ending September 30, 1976, for the aforementioned cooperative arrangements as shown in the basis for arrangements as submitted in accordance with subsection (b) hereof.

The substitute continued the previous approach of funding CRBRP through the cooperative arrangements. It is most noteworthy that the authorization of appropriations for fiscal year 1976 and the "interim period" in no way limits the operability of the cooperative arrangements and, therefore, the continuation of CRBRP. Clearly, the limitation on availability of appropriations was inresponse to the prior requirement of the energy reorganization act for annual authorization. Also, it is noteworthy that the substitute in subsection (b) continued the prior requirement in the original section for congressional review of any changes in the cooperative arrangements.

Appropriations in fiscal year 1976 and the interim period were made under this authorization. And, in fact, appropriations in fiscal year 1977 continued to fund the cooperative arrangements. The conference report for the fiscal year 1977 ERDA annual authorization died on the last day of the 94th Congress in this body. That conference report (H.R. 13350) would have amended section 106 to modify the fiscal year 1976 and interim period authorization to cover fiscal year 1977. Since the appropriations fiscal year 1977 for ERDA had been passed with a statutory requirement for an annual authorization, Congress passed House Joint Resolution 1105, the continuing resolution for fiscal year 1977, to lift the requirement for the first 6 months of fiscal year 1977. Funds were made available for use without the annual authorization and, in the case of CRBRP, without the amendment to the substitute section 106. The Comptroller General, in opinion B–178726 of December 15, 1976, expressly endorsed the continued funding of projects with prior authorizations. Only new projects which had an initial authorization in the dead conference report were subject to any limitation under the terms of the continuing resolution. House Joint Resolution 227 in the first session of this Congress fully freed all of the appropriated funds, including those for CRBRP, for use within existing statutory authorities.

An fiscal year 1977 ERDA authorization, finally enacted on June 3, 1977 as Public Law 95–39, did not include expressly the amendment to section 106 contained in the dead conference report. Despite the omission of the amendment, the appropriations made available for CRBRP in fiscal year 1977 were considered continuously by the administration to be required to be used for the cooperative amendments of section 106, as amended. A significant percentage of the funds were expended for CRBRP through the cooperative arrangements. A total of $31.8 million appropriated for fiscal year 1977 for CRBRP, in fact, was deferred by deferral No. 77–58 under the Impoundment Control Act of 1974, Public Law 93–344. It is particularly significant that the submission of the President, in the justification for the deferral message of May 18, 1977, expressly references CRBRP and its direct relationship to section 106. The justification states as follows:

The administration has determined as part of its overall energy policy that the Clinch River Breeder Reactor Plant project (CRBRP) is not required at this time. The administration proposes to send to the Congress a change to the project objectives, as required by section 106(b) of Public Law 91–273. The revised objective of the project is to complete systems design. This deferral is submitted for the 45-day period during which congressional action is pending on the proposed revision in order to preclude obligation of funds for new contracts that would not be necessary under the proposed new project objective. If the new project objective is not disapproved by the Congress while the proposed amendment is pending, necessary funds will be made available following the 45-day period to meet the revised project objective.

There, therefore, can be no doubt that President Carter and this administration fully recognize and have acknowledged that CRBRP for purposes of appropriations, in fact, is section 106. It, also, is extremely relevant that on May 18, 1977, when 106 had not been amended for express authorization of fiscal year 1977 appropriations the administration thereby acknowledged the necessity to utilize the procedures of section 106(b) to affect the use of the funds appropriated for fiscal year 1977. In other words, the administration by its own deferral action in fiscal year 1977 has evidenced irrefutably the fact that CRBRP is section 106, as amended, and that any appropriations for CRBRP continue to be governed by the amended section 106.

The administration similarly acknowledged the continued operability and vitality of section 106, as amended, in other actions this year. When the President announced on April 20 that CRBRP would be terminated, Senators JACKSON and BAKER questioned the authority for termination in a letter of April 25, 1977. The administration response was in the form of the May 18 deferral and a May 19 letter from the acting ERDA Administrator with proposed changes to the CRBRP to effectively terminate the project, under the provisions of section 106(b). Again, the administration acknowleged in a formal communication that section 106 continue to govern the conduct of the CRBRP in fiscal year 1977. By letters of May 26, Senators JACKSON and BAKER rejected the ERDA proposal, as being outside the congressional intent of section 106 to continue CRBRP, and requested the Comptroller General to rule on the proposed changes to CRBRP.

The Comptroller General, in opinion B–115398 of June 23, 1977, ruled that ERDA "lacked the legal authority to implement the President's plan" and, further, "expenditures of Federal funds to fully implement the plan would be improper unless ERDA first obtains the necessary authority." The opinion clearly and categorically summarizes the situation as follows:

To implement the President's plan without such authority would be in violation of law.

The Comptroller General's opinion was based on the GAO legal determination that section 106 and its procedures, including a clear intent to continue the project, still governed the use of appropriated funds for CRBRP, and, further, amending section 106 was the only way to authorize termination. The administration effectively withdrew the proposed changes after the ruling.

The GAO opinion should have been no surprise to the administration. The administration's May 20, 1977 amended ERDA authorization bill for fiscal year 1978 and fiscal year 1979 proposed exactly the type of amendment to section 106, which the GAO declared in the opinion was necessary to implement the President's plan. The May 18 amended bill included the following amendment:

SEC. 103 . . . (B) Public Law 91–273, as amended, is further amended by: . . .

(2) Deleting the present text from Sec. 106, and substituting therefor the following:

SEC. 106. Liquid Metal Fast Breeder Reactor Demonstration Program–fourth round–(A) the Energy Research and Development Administration (ERDA) is hereby authorized to enter into appropriate arrangements for completion of the systems design for the Clinch River Breeder Reactor project (CRBRP). Appropriations are hereby authorized for such purpose. (B) The ERDA is further authorized to agree, by modification to the principal project agreements and all contracts and agreements subsidiary thereto, reflecting such changes therein as it deems appropriate for the purpose, to the cancellation and/or reorientation of all other activities related to the CRBRP. Appropriations necessary to accomplish such purpose are also hereby authorized.

The attached bill analysis stated as follows:

Public Law 91–273. An act to authorize appropriations to the Atomic Energy Commission in accordance with Section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes . . .

Section 106 of Public Law 91–273, as amended, is further amended to reflect the discontinuance of the Clinch River Breeder Reactor project except for the completion of systems design.

This administration proposed amendment on May 18 directly acknowledged the fact that section 106 is operative, does govern the use of appropriated funds, and must be amended to allow termination of CRBRP. Again, it is noteworthy that this was the administration's posi-

tion at the time, even though the express authorization of appropriations in section 106 was only for fiscal year 1976 and the interim period. It also is extremely significant that no committee of either House, and neither the other body nor the Senate have supported the May 18 proposed amendment.

Section 106 remains today exactly as amended in Public Law 94–187 and, consistent with the views and actions of the authorizing committees, the GAO and the administration, itself, it remains the governing authorization for CRBRP and requires continuation of the project. As discussed above, every action of the 95th Congress and the new administration has reconfirmed the continued operability and vitality of the section for the CRBRP. With this fact as background, it is now appropriate to consider the fiscal year 1978 authorization and appropriation for CRBRP.

S. 1811 is the fiscal year 1978 authorization for the former ERDA, now Department of Energy, programs. S. 1811 contains an express authorization of $80 million for CRBRP. Section 106 of S. 1811 also would amend section 106 of Public Law 91–273, as amended, to expressly extend the authorization of appropriations through fiscal year 1978, and expressly state that funds appropriated pursuant to the authority of the section could not be used to terminate CRBRP. The former express statement was not a necessity under the fiscal year 1977 construction of the section by the Congress, the GAO, and the administration. Rather, while not required, it made clear expressly that fiscal year 1978 appropriations were authorized. Similarly, the latter express statement on nontermination merely codified the previously clear intent of Congress, as acknowledged by the GAO and the administration. The amendments to section 106 importantly did not contain the administration's May 18 proposed language, and thereby did not attempt to satisfy the administration's own request for the needed new authority in section 106 to terminate CRBRP.

As we all know, the President vetoed S. 1811 and no attempt has been made yet to override the veto. As a result, there has been some question as to the current status of an authorization for the $80 million contained in the supplemental appropriation H.R. 9375. The preceding discussion should make it abundantly clear that section 106, without the amendments in section 106 of S. 1811, still is operable and constitutes the authorization for the project. The Congress, the GAO, and the administration by their respective actions and expressed opinions in the past year leave absolutely no doubt about the continuing vitality of section 106 for any funds appropriated for CRBRP.

Mr. President, I am pleased to note that the Comptroller General, in opinion B–164105 of December 5, 1977, makes the same conclusion which I have discussed.

The opinion categorically concludes:

There is not the slightest justification for considering the funds contained in H.R. 9375 for the Clinch River Breeder Reactor Project as being unrestrained by the provisions of Section 106.

The opinion also concludes that—

Failure to do so (use the funds in accordance with section 106) would constitute contravention of section 628 of title 31, United States Code . . .

So, it is clear again that section 106 does provide continuing authority for CRBRP and does govern the use of funds appropriated for CRBRP. Mr. President, I ask unanimous consent that the cited opinion appear in the RECORD at this point.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
December 5, 1977.

HON. OLIN E. TEAGUE,
Chairman, Committee on Science and Technology, House of Representatives.

DEAR MR. CHAIRMAN: This replies to your letter of November 23, 1977, requesting our opinion as to the purposes for which funds contained in H.R. 9375 for the Clinch River Breeder Reactor Project might be used should the bill be enacted into law. In essence, the question is whether the President may properly use such funds to terminate the project or carry it forward on a basis different from that prescribed in the initial authorizing legislation.

The bill, making supplemental appropriations for fiscal year 1978, provides simply that:

"[Of the amount appropriated] $80,000,000 shall be for the Clinch River Breeder Reactor Project."

There is no existing legislation authorizing the appropriation of any sum for the project. The project itself was authorized, however, by section 106 of P.L. 91–273, as amended by section 103(d) of P.L. 94–187. In conjunction with authorization of the project, section 106 authorized appropriations for its implementation, but only through September 30, 1976.

Section 106 specifies stringent conditions governing the manner in which funds appropriated for the Clinch River project must be used. We have previously considered the extent to which section 106 constrains the purposes for which funds appropriated to carry out the project may be used and have concluded that the provisions of the section are controlling. See our letter of June 23, 1977 the Senator Henry M. Jackson as Vice Chairman of the Joint Committee on Atomic Energy, copy enclosed, in which we conclude that by reason of the provisions of section 106, the President may not curtail or terminate the Clinch River project.

The question you pose arises as a result of the lapse of authorization for appropriations to carry out the project and is somewhat complicated by reason of the President's veto of S. 1811, the "ERDA Authorization Act of 1978—Civilian Applications." The vetoed measure would have extended the authorization of appropriations for Clinch River through fiscal year 1978 and, further, would have emphasized in express terms the congressional mandate that any funds appropriated pursuant to authorization for the project be used only in conformity with the project authorization provisions and not for its cancellation or termination.

Had the President not vetoed S. 1811, there would be no question but that the $80 million contained in H.R. 9375 would have to be considered as being in furtherance of the appropriation authorization provided and subject to the constraints set forth. Aside from extension of the authorization for appropriations, however, the vetoed measure did not in any way touch upon the operative effect of section 106, referred to above, providing the basic authority for carrying out the Clinch River project except to emphasize congressional concurrence in its legal effect as previously construed in our letter to Senator Jackson. In other words, we do not consider that the substantive provisions of S. 1811 materially affected the project authorization requirements of section 106 and, but for the appropriation authorization provisions it contained, its failure of enactment into law had no significant effect on the Clinch River project.

The issue that we come down to, then, is whether an appropriation of $80 million for "the Clinch River Breeder Reactor Project" may somehow be construed as an appropriation for some other project than the one authorized by section 106 on the sole ground that the appropriation is not preceded by an authorization therefor.

In our view, there is not the slightest justification for considering the funds contained in H.R. 9375 for "the Clinch River Breeder Reactor Project" as being unrestrained by the provisions of section 106. There is only one project that conceivably can come under that name and there is no legislation which removes the project from the constraints of section 106 relating to it. Any doubt as to identification of the project for which the $80 million is being provided is utterly dissipated by reference to legislative history throughout which there was continuing concern over the legal effect of providing the funds without prior appropriation authorization. The fact, however, that an appropriation of funds to carry out the project will have been enacted without prior legislation authorizing the appropriation is of no consequence given the clear identification in the appropriation language of the purpose for which the funds are being provided.

Accordingly, we conclude that the Executivce Branch must use the funds to be provided by H.R. 9375 pursuant to the requirements of section 106 as discussed in our letter to Senator Jackson. Failure to do so would constitute contravention of section 628 of title 31, United States Code, which provides that:

"Except as otherwise provided by law sums appropriated for the various branches of expenditure in the public service *shall be applied solely to the objects for which they are respectively made, and for no others.*" (Emphasis added.)

Should the Executive Branch, without further authority, use the funds provided in a way that does not accord with section 106 requirements we will have to consider whether the taking of formal exception to such expenditures would be appropriate.

Finally, we point out that the President's exercise of the authority granted to him by the Impoundment Control Act of 1974 is a matter wholly idependent of the issues raised by using H.R. 9375 budget authority. Should rescission or deferral of all or part of the $80 million be proposed to the Congress pursuant to the Impoundment Control Act of 1974, the Congress will, at such time, have an opportunity to take whatever action it might deem appropriate in response thereto.

We hope the foregoing will be of assistance to you.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Mr. McCLURE. Mr. President, quite apart from the possibly unique facts which exist for the authorizations and appropriations of funds for CRBRP, the Comptroller General has previously ruled that appropriations for a program, for which an authorization has expired by the terms of a time limit in the authorization, still are authorized. (See Comptroller General opinion B–176994, 55 Comp. Gen. 289). In effect, the appropriation is self authorizing, because the Congress affirmatively acted to fund the program, thereby effectively extending the authorization for an additional fiscal

year appropriation of funds. Under that opinion, the supplemental appropriation would be under section 106, even if there was a question regarding the continued operability of the section after fiscal year 1976 and the interim period. In fact, that same theory would govern the fiscal year 1977 situation, where appropriations were used, and acknowledged by GAO and the administration to be governed by section 106.

It is absolutely clear, then, in the absence of an amendment to section 106 such as the administration proposed on May 18, that continued appropriations remain authorized and governed by section 106.

Legally, then, the pending supplemental appropriation, despite the veto of S. 1811, would be intended to fund section 106 of Public Law 91–273, as amended, as the currently effective and continuing authorization for the CRBRP through the cooperative arrangements in the LMFBR demonstration program. All prior appropriations, including fiscal year 1977 under this administration, have been premised on that fact. The funds are fully encumbered by the provisions of section 106. The Comptroller General's opinions of June 23, 1977, and December 5, 1977, insofar as they interpret the authorities and requirements of section 106 shall apply to these appropriations.

Further, any appropriated funds, as a matter of law, therefore, can only be used to continue the project pursuant to the cooperative arrangements and cannot be used to terminate it in any way, unless section 106 is amended to allow termination. Any change in CRBRP through the cooperative arrangements, other than termination, must be submitted to the authorizing committees in each House for review and approval. The absence of the amendments of S. 1811 regarding fiscal year 1978 authorization and nontermination do not eliminate or reduce in any way those clear aspects of the congressional intent in the existing section 106.

Enactment of H.R. 9375 with the $80 million for fiscal year 1978 and until expended would be a legally valid expression of congressional intent to continue funding for the section 106 authorized cooperative arrangements in fiscal year 1978. To that extent, the enactment of H.R. 9375 in any event would constitute a legally valid congressional expression of intent to authorize appropriations for CRBRP through section 106 in fiscal year 1978, pursuant to the applicable Comptroller General opinion. Also, these funds shall be encumbered to the same degree and in the manner by the requirements and restrictions of section 106 as prior appropriations and therefore should be managed and accounted for similarly. The supplemental appropriation does not create a separate legal category of funds from prior year appropriations for CRBRP. In addition, the funds are subject to the additional, coexisting requirements of 31 U.S.C. 628, because of the express allocation to CRBRP of the funds in the bill and, therefore, legally shall only be used for the project (as otherwise controlled by section 106). Consequently, it is the clear intent of Congress pursuant to section 106 that, in the absence of a congressionally approved deferral or rescission under the Impoundment Control Act of 1974, the funds shall be used to continue CRBRP in accordance with section 106 and shall not be used to terminate the project. Any use of the funds to terminate the project, therefore, also would constitute an impoundment as a matter of law.

In light of these conclusions of law, one might inquire about the value then of the President's veto of S. 1811, insofar as CRBRP is concerned. Frankly, that veto alone was of little value in the context of the legal realities discussed above. If the supplemental appropriations bill is enacted, the President will have only three choices under the applicable statutes, as already interpreted by the Congress, the GAO and the administration. He must, first, continue the project in accordance with section 106, second, propose a deferral(s) of the CRBRP funds, or third, propose a rescission of the CRBRP funds. In the latter two cases, he must seek congressional approval, in the form of nonveto by either House of a deferral or affirmative action by both Houses on a rescission. Certainly, there may be other administrative actions to frustrate or further delay the overwhelming congressional intent to continue CRBRP. Those actions would not be representative, however, of the good faith implementation of section 106, 31 U.S.C. 628, the Impoundment Control Act, and other applicable statutes.

My colleagues, the distinguished Senators from Tennessee, are discussing in this debate the various aspects associated with CRBRP and this bill. I have presented the very clear legal situation associated with the authorization aspects of CRBRP and this bill. As a member of the authorizing committee, who was the minority floor manager for S. 1811. I believe the relevant facts are clear and further that the actions of this administration have acknowledged the existence and application of these facts to CRBRP.

Mr. President, I ask unanimous consent that each of the opinions and letters mentioned in this discussion appear in the RECORD at the appropriate point in my discussion to provide a complete compilation of the referenced documents.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
April 25, 1977.

Mr. ROBERT W. FRI,
Acting Administrator, Energy Research and Development Administration, Washington, D.C.

DEAR MR. FRI: In his energy message to the Joint Session of Congress on April 20, 1977, the President indicated that he was going to take certain actions concerning the fast breeder program and specifically the Clinch River Breeder Reactor project.

As you are aware, review procedures have been enacted to insure careful Congressional scrutiny of developments in the Liquid Metal Fast Breeder Reactor Demonstration Program. In that regard Section 106 of Public Law 91–273, as amended by Section 103 of Public Law 94–187, requires that ERDA inform the Joint Committee on Atomic Energy of any proposed amendments to the cooperative arrangements which ERDA has entered into for research and development, design, construction and operation of the Clinch River Breeder Reactor Project, as well as any proposed changes to the criteria and justification data which have been submitted to the Joint Committee for that project. Any such proposed amendments or changes must lie before the Joint Committee for a period of 45 days while the Congress is in session.

In this connection, please provide me with a detailed description of the proposed changes to the Liquid Metal Fast Breeder Reactor Program, and specifically the Clinch River Breeder Reactor Project, which are to be made as a result of the President's announced energy plan. Please tell me what amendments to the CRBR cooperative arrangement, or changes in the CRBR criteria or justification data, will be required as a result of the President's announced energy plan.

The President's April 20th statement also indicated that the Administration plans to re-open the order books for uranium enrichment. Review procedures also have been enacted in the Atomic Energy Act to insure careful Congressional scrutiny of any criteria for the contracting of enrichment services. Pursuant to those provisions, I request that you provide the Joint Committee with the full details on ERDA's plans in the appropriate form and with the appropriate procedures prior to any final action.

I understand, of course, that the Joint Committee on Atomic Energy is about to be terminated and its functions in the Senate would be transferred to, among others, the Energy and Natural Resources Committee. I believe, however, that it is the responsibility of the Senate to fully consider the gamut of actions which could result from the overall policy stated by the President in his April 20th message to the Congress.

It is my intention to make this information available to each of the Senate committees currently concerned with nuclear matters.

Sincerely yours,

HENRY M. JACKSON,
Vice Chairman.

WASHINGTON, D.C.,
May 19, 1977.

HON. HENRY M. JACKSON,
Vice Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. VICE-CHAIRMAN: This is in response to your letter of April 25, 1977, concerning proposed changes in the Liquid Metal Fast Breeder Reactor (LMFBR) Program, particularly the Clinch River Breeder Reactor Plant (CRBRP), and amendments to the CRBRP justification data, resulting from the President's Energy message of April 20, 1977. Your questions regarding enrichment plans have already been covered in separate correspondence.

I. CHANGES TO THE LMFBR PROGRAM

A. Cause of Change

The Administration has reduced the overall LMFBR program FY 1978 budget request, including CRBRP, from $855 million to $483 in obligational authority. Along with this budget reduction, changes have been directed to the program plan, including:

Elimination of Large Plant Design work leading to a demonstration project (PLBR) beyond CRBRP;

Cancellation of construction, component construction, licensing and commercialization efforts for CRBRP, but completion of systems design;

Redirection of base technology support programs; and

Delay in modifications of existing facilities and new construction projects associated with fuels, safety and component systems testing and R&D.

The basis for these changes derive from:

An increased concern regarding the potential for proliferation of nuclear weapons ca-

pability through the deployment of fission energy systems in nonweapons states;

A substantial reduction in the estimate of the future contribution that will be required from nuclear power;

An associated policy aimed at encouraging other nations to pause in their development of plutonium-based technology, by deferring U.S. commitment to such technologies and by adopting legislation to guarantee the delivery of enrichment services to any country that shares U.S. nonproliferation objectives and accepts conditions consistent with those objectives;

An aggressive energy conservation policy;

A policy of increased reliance on coal for electrical energy production; and

An increased emphasis on the development of renewable and inexhaustible energy options other than breeders, to sustain economic growth beyond the year 2000, e.g., solar energy, geothermal energy, and biomass.

B. Program objectives

Previous program objectives were to:

Demonstrate the LMFBR option on a time table consistent with an assumed introduction date of 1993; and

Resolve outstanding environmental and safety issues by 1986 or prior to an irreversible commitment to commercial deployment.

It is now planned that these objectives will be deferred indefinitely, particularly the schedule for making a decision on breeder deployment. A statement of appropriate substitute objectives, from which to restructure the long-range breeder development plan, must await further definitive Executive Department and Congressional guidance.

In the meantime, the program for FY 1978 will be directed toward:

Initiating research and development work on fuels which may offer nonproliferation advantages, e.g., Thorium-232/Uranium-233;

A comprehensive reevaluation of alternate breeder concepts and advanced converters, leading ultimately to a redefinition of nuclear power development goals;

Maintaining a technology program baseline from which to reinstate an LMFBR development and demonstration program should this be deemed necessary or desirable at a future date;

Encouraging, on a quid pro quo basis, foreign involvement in the U.S. program, taking maximum advantage of the unique strengths of the U.S. base technology program; and

Utilizing as much useful information as possible from prior development and demonstration project activities, i.e., CRBRP and PLBR.

C. Scope of the revised fiscal year 1978 program

[Dollars in millions]

Large plants	0	0
The ERDA/EPRI target plant design studies will be closed out at the end of FY 1977.		
CRBRP	33.0	162.0
Continuation of systems design activities. Termination of detailed design, licensing, procurement and construction activities. Financial, legal, and managerial activities to settle claims. (See Sections II and III)		
FFTF	52.0	53.0
Continuation of construction and preparation for scheduled startup in FY 1979.		
Test facilities	62.5	64.0
Continuation of operational support for fuel, safety, and component R&D programs.		
Safety	56.9	54.9
Continuation of ongoing safety activities at a reduced level with redirection toward safety issues associated with alternative fuel technologies and advanced converters.		
Engineered systems and components	51.4	49.6
Perform heat transport component research, development and testing at reduced levels.		
Physics	9.9	10.0
Continuation of ongoing physics activities with a redirection toward analysis and experimentation on alternate fuels (Thorium-232/Uranium-233) and core designs.		
Materials and chemistry	10.4	10.4
No significant change.		
Fuels	41.2	41.8
Continuation of reference and advanced fuels and process development at a reduced scope, i.e., dropping two advanced fuel systems; and initiation of new work on alternate fuel systems (Thorium-232/Uranium-233).		
Reactor core components	19.9	16.4
Continuation of activities directed at fabrication and assembly of FFTF experiments; and continuation of fuel shipping cask development, at a slower pace.		
Total operating expenses	337.2	462.1
Capital equipment	30.0	43.2
Continuing procurements of support and laboratory equipment, at minimum levels, to sustain operations and restrain rising operating and maintenance costs.		
Construction projects	115.8	83.7
Provides for architect-engineer services only in FY 1978 for SAREF, EBR-II mods. LMEC mods, HPFL and FMEF consistent with a two-year delay in startup of these facilities. FFTF is continued.		
Total breeder reactor program	483.0	589.0

II. CHANGES IN CRBRP DEMONSTRATION PROGRAM

Following Congressional consideration of the proposed amendments to the basis of arrangement for the CRBRP Project, the construction contract will be terminated. All contracts for equipment will be terminated or completed if that is in the best interest of the government, e.g., lower cost, except for developmental items selected for completion and testing as part of the base R&D program. The developmental components to be selected for transfer to the base program will be limited by the availability of funds. Licensing efforts will be discontinued. Engineering and design efforts will be significantly reduced. Financial, legal and managerial activities will be conducted as required to settle claims, to negotiate open change orders, to inventory materials, work-in-process, and complete equipment and to complete other actions required as a result of the termination activities. Personnel not essential to conducting these termination activities or the systems design activities described below will no longer be supported by the Project. Personnel termination and relocation costs will be paid in accordance with contractual provisions.

Under the proposed plan, systems design will continue at a reduced pace. The effort will include 1) a review of the design of the major systems to determine what simplifications would be feasible and useful to future plant design activities; 2) identification and resolution of outstanding design issues on selected major systems; and 3) evaluation of existing designs and the development of required changes to accommodate the most propitious alternate fuel systems.

III. AMENDMENTS TO CRBRP COOPERATIVE ARRANGEMENT AND JUSTIFICATION DATA

At the direction of the President, and in compliance with Section 106(b) of Public Law 91-273, as amended, ERDA herewith submits the enclosed amended program justification data reflecting discontinuance of the CRBRP Project, except for completion of systems design so as to help identify engineering problems that will have to be solved in developing alternative types of reactors. The statutory criteria will likewise require commensurate revision.

Appropriate negotiations will, of course, have to be undertaken and concluded with the other Project participants, with the objective of implementing the proposed action concerning the Project, and the cooperative arrangement amended accordingly. In addition, amendatory legislation with respect to the basic enabling authorization for the CRBRP Project may be in order.

For the prescribed statutory period during which this revised basis of arrangement is required to lie before the Joint Committee, new obligations for the Project will be kept to a minimum consistent with prudent Project management. A deferral (No. D77-58) is being reported for the $31.8 million of CRBRP Project budget authority that will not be available during this period. Following such period ERDA will proceed with appropriate implementing actions.

Should you desire any further information at this time, please let me know.

Sincerely,

ROBERT W. FRI,
Acting Administrator.

Enclosure.

REVISED PROGRAM JUSTIFICATION DATA ARRANGEMENT NO. 72-106 (MAY 1977)

A. NAMES OF PARTICIPATING PARTIES

1. Prime contracting parties

Energy Research and Development Administration (ERDA),

Tennessee Valley Authority (TVA),

Commonwealth Edison Company (CE),

Project Management Corporation (PMC), and

Breeder Reactor Corporation (BRC).

2. Prime contractual relationship

(a)(1) BRC and PMC have entered into a contract under which BRC has agreed (i) to use its best efforts, working in cooperation with the Edison Electric Institute, the American Public Power Association, and the National Rural Electric Cooperative Association, to collect contributions to the project from various electric utilities and remit the collected funds (less BRC's costs) to PMC; (ii) that BRC will be reasonably available, through its directors, officers, and committees, for senior counsel in the interest of the success of the project; (iii) that BRC will keep ERDA generally informed of BRC's activities and give ERDA the opportunity to attend its Directors' meetings as an observer. PMC has agreed to keep BRC informed regarding project activities and to make regular reports to BRC concerning the project.

(2) PMC, ERDA, CE and TVA will enter into a contract which generally will provide as follows:

ERDA shall manage the project commensurate with the degree of ERDA's financial participation and risk, and PMC's role will be utility liaison and general project overview. The Project Steering Committee (PSC) will be a management review mechanism and will be responsible for keeping the PMC Board fully and currently informed. The Board and ERDA will constitute and support the PSC (composed of one PMC Director acceptable to TVA, one PMC Director acceptable to CE, and one member designated by and representing ERDA) so that PSC can effectively implement its responsibilities. Disagreement by PSC or the PMC Board with major project decisions may be appealed to the heads of ERDA, CE and TVA for final resolution pursuant to procedures set forth in the contract.

Among other things PMC will maintain general project oversight and liaison with the utility industry.

CE will undertake upon request to make available for the project individuals qualified to serve in managerial, administrative and technical capacities, and possibly additional assistance. CE will also make its senior management reasonably available for assistance in program guidance. CE's costs for the project (except the time of its senior management) will be reimbursed, subject to the credit referred to in 4.d. below.

TVA will undertake upon request to make available for the project individuals qualified to serve in managerial, administrative and technical capacities to provide services and procedures necessary to keep the project books of account and financial records, and to provide certain other services to the project, and possibly additional assistance. TVA will also make its senior management reasonably available for assistance in program guidance. TVA's costs for the project (except the time of its senior management) will be reimbursed, subject to the monetary credit referred to in 4.d. below.

ERDA will agree:

(i) to participate in the project as contemplated by Sec. 106 of Public Law 91–273, as amended; and

(ii) to provide technical supervision of the reactor manufacturer(s) and architect-engineer(s) regarding the nuclear steam supply system.

3. Principal subcontractural relationships

The commitments with one or more of the Project Definition Phase reactor manufacturer contractors for the design of the nuclear steam supply system and with the architect-engineer for other plant systems design will constitute the principal project subcontracts.

4. Other general features of the prime contractual relationship

(a) The term of the cooperative arrangement will end shortly following the completion of systems design (estimated to be within three years).

(b) The effective date of the PMC, ERDA, CE, TVA contract will permit PMC's costs and certain early costs of TVA and CE to be recognized as allowable costs.

(c) ERDA's policy with respect to inventions, discoveries, patents, and data and information will apply.

(d) The respective obligations of the utility contributors will be limited to the amounts provided for in the utility contribution agreements, provided, that upon completion of systems design, their liability shall be limited to the total amount of contributed cash on hand plus accrued interest if any (plus pledges due but unpaid), less PMC close-out (settlement) costs. The respective contributions of TVA and CE, aside from their commitments under their utility contribution agreements, will be limited to a monetary credit against reimbursable costs for services of $2 million less its expenses in preparing for the project.

(e) The bases for termination will include (i) insufficiency of project funds to permit the effective conduct of the project, including anticipated commitments and contingencies, (ii) prevention of proceeding to conclusion with the project by a final court injunction or administrative order, or (iii) failure to reach agreement on significant changes in approved reference design.

(f) All applicable laws and regulations will be complied with.

(g) A mutually agreeable procedure for resolving disagreements will be specified in the PMC-ERDA contract.

(h) The present preliminary estimated cost of the project, through completion of systems design (excluding termination costs of the quadrapartite contract) is shown in Attachment A hereto. This estimate will be subject to revision from time to time to the extent additional information indicates that such revisions are appropriate.

B. DESCRIPTION OF PROPOSED PROJECT

1. Principal underlying aim

This project is a part of ERDA's overall, long-range research and development program for development of alternative types of reactors.

2. Technical description

The systems design will be of an integrated electric power plant and will include: (a) a reactor and steam generation system; (b) a steam turbine driven electric generation system; (c) heat rejection system; (d) electrical switch yard; and (e) related auxiliaries and supporting structures and facilities.

Maximum use of existing technology will be stressed in the design activity to reduce technical risks and assure a safe, reliable design which would have minimum environmental effects. The design effort will be supported by a research and development program.

The following several approximate design parameters will be included:

Reactor Power (MWt)	975
Electric Power (MWe Gross)	375
Primary System Type	Loop
Number of Primary Loops	3
Reactor Outlet Temperature (°F)	1000
Reactor Vessel Boundary Temperature (°F)	900

Attachment.

ATTACHMENT A: CRBRP PROJECT COST ESTIMATE—THROUGH COMPLETION OF SYSTEMS DESIGN

Preliminary Estimated Project Costs:	
Total Estimated Costs Through June 30, 1977:	
ERDA funds	$277,992,000
Utility contributions	101,700,000
Reactor manufacturers' contributions	408,000
Total estimated costs Through June 30, 1977	380,100,000
Estimated cost to complete systems design	58,500,000
Preliminary estimated project termination costs [1]	147,100,000
Preliminary estimated project costs	585,700,000

[1] Excluding termination costs of the quadrapartite contract.

WASHINGTON, D.C., *May 26, 1977.*

Mr. ROBERT W. FRI,
Acting Administrator, Energy Research and Development Administration, Washington, D.C.

DEAR MR. FRI: Thank you for your letter of May 19, 1977 responding to the request of April 25, 1977 regarding the Clinch River Breeder Reactor Project (CRBRP). The letter apparently is intended to satisfy the statutory requirements contained in Section 106 of Public Law 91–273, as amended by Section 103 of Public Law 94–187.

We have thoroughly reviewed your letter and have found it to be insufficient and unacceptable to satisfy the Section 106 requirements. Consequently, we do not consider that the letter initiates the 45 day statutory layover period provided by Subsection 106 (b). You, therefore, should not proceed to implement the CRBRP changes proposed in the letter after 45 days, as you suggest on page 6 of the letter.

The letter is insufficient and unacceptable because the entire "Revised Program Justification Data Arrangement No. 72–106 (May 1977)" in the enclosure is premised on the President's proposed Fiscal Year 1978 redirection of the LMFBR program, rather than that current program. Section I. of tthe letter, "Changes to the LMFBR Program", makes it clear the program in which the proposed modified CRBRP would fit is not the currently authorized LMFBR program, but rather the proposed and, as yet, unauthorized redirection in the FY 1978 program. And, in fact, the Administration's detailed justification for the proposed changes have not yet been provided to the appropriate Committees of the Congress.

Both Houses are actively considering the proposed redirection in the context of the FY 1978 ERDA authorization. Your letter acknowledges this fact on page 2, in stating "A statement of appropriate substitute objectives (for the LMFBR program), from which to restructure the long-range breeder development plan must await further definitive Executive Department and Congressional guidance." Furthermore, there is no pending reprogramming, deferral or rescission for the Fiscal Year 1977 LMFBR program, other than the CRBRP.

There, as a result, is no basis in fact today for the discussions in Sections A.2., B.1. and B.2, among others, of the enclosure for, respectively, the ERDA role, the principal underlying aim, or the technical design. And, in any event, there is no way to judge whether the proposed system design, the completed components "for developmental items selected for completion and testing as part of the base R&D program" (page 5, paragraph 1) and the supporting R&D program (enclosure, page 4, paragraph 2) will support the objectives of any future redirection in the LMFBR programs.

The letter acknowledges in Section III, page 5, that new statutory criteria will be required and, in addition, amendatory legislation for the authorization may be required. The Administration has not proposed any such legislation. The mere requirement for such legislation before the proposed changes can be effected demonstrates the need for new authorizing legislation.

Also, as Section III states, negotiations with other participants are required. Significant changes in the current arrangements would be likely to result, notwithstanding the discussion in the enclosure. And, the new "CRBRP Project Cost Estimate", Attachment A to the enclosure, clearly indicates that the included costs do not include the termination costs which may be required as a result of those negotiations. Since we understand those costs could approach $100 million, the cost estimates are not satisfactory for further consideration.

In summary, your letter does not provide a sufficient basis for the Congressional review which was intended by Subsection 106(b). Further, it is our conclusion that the Section 106 procedures were intended to cover changes in arrangements, criteria and objectives in a continuing CRBRP, but not the effective termination proposed in your letter. We, therefore, do not accept the letter as satisfaction of the requirements of the

Subsection, and do not consider it as initiating the 45 day layover.

Also, we would remind you that Subsection 106(a) requires that the Joint Committee on Atomic Energy must approve any criteria for CRBRP. You have acknowledged (page 5, third paragraph) that the statutory criteria, in fact, will require revision. While it is true that Congress is currently considering legislation to reassign the authorities of the Joint Committee on Atomic Energy to standing committees in each House, the intent and spirit of Subsection 106(a) that Congress affirmatively approve (authorize) the CRBRP criteria is clear. It would be prudent, therefore, not to plan on proceeding with "appropriate implementing action" (page 6) unless and until the new criteria have been approved by Congress.

The President has proposed a profound change in direction in the LMFBR program and the CRBR project. That change has been in the context of the FY 1978 authorization, which now is being actively considered by Congress. Any FY 1977 CRBRP termination action, as you have proposed, might effectively pre-empt Congressional participation in that major policy decision or constrain the policy choices open to the Congress. In order to preserve the inherent and statutory Congressional prerogative to participate in this major decision, we firmly believe, therefore, that you should not initiate any termination action at this time. CRBRP and the LFMBR program should proceed as previously authorized and as funded by appropriations for FY 1977 pending affirmative Congressional action in response to the President's proposals.

If, however, the Administration chooses to propose the effective termination of CRBRP in FY 1977, as your letter indicates is the case (notwithstanding the proposed substitute "systems design"), the rescission procedures of the Budget Control and Impoundment Act should be utilized. Because the existing authorization and the FY 1977 appropriations provide for the continued commitment to CRBRP for this fiscal year, your proposed action would be a rescission under the Budget Act. In that regard, we are by separate correspondence requesting the Comptroller General to review the CRBRP deferral, D77–58, associated with your letter to determine if, pursuant to the Budget Act, it constitutes a rescission rather than a deferral.

Our rejection of your letter under Section 106 and our related comments should not be interpreted as reflecting any prejudgement of the ultimate Congressional conclusion on CRBRP and the LMFBR. We are acting to preserve the prerogatives of the appropriate Congressional committees and of the Congress at large to participate in these major decisions and to preclude any practical preemption of that statutory right. The Budget Act procedures are the only appropriate vehicle for such unilateral Administration budgetary changes pending full Congressional action on the President's proposals for next year.

Sincerely,

HENRY M. JACKSON,
HOWARD H. BAKER, Jr.

WASHINGTON, D.C.,
May 26, 1977.

Hon. ELMER B. STAATS,
Comptroller General of the United States, Washington, D.C.

DEAR MR. STAATS: The President has submitted Deferral No. D77–58, dated May 18, 1977, which defers $31.8 million of the funds appropriated for the Clinch River Breeder Reactor Project (CRBRP) in FY 1977. The Administration, in a letter of May 19, 1977, from ERDA Acting Administrator Robert Fri, has proposed changes to the project objectives pursuant to Section 106 of Public Law 91–273, as amended by Section 103 of Public Law 94–187. The deferral justification indicates that the Administration is deferring funds for obligations to new contracts during the 45 day statutory layover specified in Section 106(b), as amended.

We have reviewed thoroughly the May 19, 1977, submission by ERDA and have concluded that the actual intention of the Administration is effectively a budgetary termination of CRBRP in FY 1977, rather than a mere change in project objectives for which the Section 106 procedures were designed. Also, the President's proposed major redirection in the Liquid Metal Fast Breeder Reactor (LMFBR) program, including effective termination of CRBRP, is currently under active consideration in both Houses of Congress in connection with the FY 1978 authorization and appropriation processes.

Action under Section 106, as proposed by ERDA, would effectively preempt Congressional participation in that major policy decision. Accordingly, we are notifying ERDA that the submission under Section 106 is unacceptable.

Based upon the same judgement regarding the termination nature of the proposed changes in project objectives, we also believe that Deferral No. D77–58 may be a rescission action under the Impoundment Control Act of 1974, P.L. 93–344. Accordingly, we request you to immediately initiate a review of the deferral and all related information regarding CRBRP, including the Section 106 submission, pursuant to Subsection 1015(b) of P.L. 93–344, to determine if there has been an incorrect classification of this budget action or if any actions currently undertaken by ERDA exceed the agency's authority.

Please advise us as soon as possible regarding your conclusions and, in any event, please provide a status report of your review no later than June 8, 1977. If the budget action is, in fact, a rescission, we would expect submission of the report required by Subsection 1015(b) as soon as possible. We consider this a matter of urgency to ensure that the Congressional prerogative in the FY 1978 CRBRP decision is preserved and is not preempted by an unauthorized budget action in FY 1977.

Sincerely,

HENRY M. JACKSON.
HOWARD H. BAKER, Jr.

WASHINGTON, D.C.,
June 23, 1977.

Hon. HENRY M. JACKSON,
Vice Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. VICE CHAIRMAN: This replies to your letter of May 26, 1977, in which you and Senator Baker asked that we review deferral number D77–58 transmitted by the President to the Congress on May 18, 1977. By this action the President proposed to defer $31.8 million in budget authority appropriated for the Clinch River Breeder Reactor Project (CRBRP). Because you believe the action taken by the President should have been proposed as a rescission rather than as a deferral of budget authority, you ask that we review this matter to see if it has been correctly classified. You also asked if any actions currently undertaken or proposed by the executive branch toward significant curtailment of the CRBRP exceed or will exceed controlling statutory authorities.

Based on the facts currently available, we conclude that the action proposed to the Congress was correctly classified—it is a deferral of budget authority. However, we will monitor the situation and will promptly report to the Congress any future actions constituting a rescission or deferral under the Impoundment Control Act of 1974.

With respect to the second question, we believe that the Administration's proposed curtailment of CRBRP objective is substantially inconsistent with that set forth in the CRBRP program criteria that were approved as required by law, by the Joint Committee on Atomic Energy (JCAE). We also believe the curtailed program is not in accord with the statute authorizing the CRBRP. In our view, for these reasons the Energy Research and Development Administration (ERDA) lacks the legal authority to implement the President's plan.

Accordingly, expenditures of Federal funds to fully implement the revised CRBRP program would be improper unless ERDA first obtains the necessary authority to undertake such actions.

Should ERDA proceed to use CRBRP funds to implement the President's proposed plan without having secured such authority, this Office will review the specific actions taken with the objective of taking formal exception to such expenditures.

There follows a detailed discussion of our findings and conclusions.

I. BACKGROUND

A. *Progress to date*

Before discussing the legal issues raised by your letter, it is appropriate to discuss the history and facts surrounding the project the effects of the most recent executive branch actions on the CRBRP. In reviewing the President's actions, we met with ERDA and the effects of the most recent executive and at the project office site.

Prior to the recent executive branch actions, the Clinch River Breeder Reactor Demonstration Plant was scheduled to be operational by early 1984 and was to be the nation's first large-scale liquid metal fast breeder reactor (LMFBR) demonstration plant with a 380 megawatt capacity. Presently, design, procurement, and component fabrication for the project are about 25 percent complete, although no site preparation or actual plant construction has yet begun. According to ERDA estimates, the project, if completed, will cost about $2 billion, $270 million of which will be contributed by industry participants. As of May 31, 1977, ERDA had spent about $254 million and industry participants a little over $99 million.

B. *Origins and statutory basis of the CRBRP*

The CRBRP had its origins in 1969. In that year the Atomic Energy Commission (AEC) was specifically authorized to study the ways in which an LMFBR demonstration project could be designed. Section 106 of Public Law 91–44, approved July 11, 1969, stated:

"SEC. 106: Liquid Metal Fast Breeder Reactor Demonstration Program—Project Definition Phase.—(a) The Commission is hereby authorized to conduct the Project Definition Phase of a Liquid Metal Fast Breeder Reactor Demonstration Program, under cooperative arrangements with reactor manufacturers and others, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and authorization of appropriations therefor in the amount of $7,000,000 is included in section 101 of this Act."

One year later the Congress went further in the area of an LMFBR demonstration project and specifically authorized the design, construction, and operation of such a reactor. Section 106 of Public Law 91–273, June 7, 1970, stated:

"SEC. 106. Liquid Metal Fast Breeder Reactor Demonstration Program—Fourth Round.—(a) *The Commission is hereby authorized to enter into a cooperative arrangement with a reactor manufacturer and others for participation in the research and development, design, construction, and operation of a Liquid Metal Fast Breeder Reactor powerplant, in accordance with the criteria*

heretofore submitted to the Joint Committee on Atomic Energy and referred to in section 106 of Public Law 91–44, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and the Commission is further authorized to continue to conduct the Project Definition Phase subsequent to the aforementioned cooperative arrangement. * * *

"(b) Before the Commission enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which the Commission proposes to execute (including the name of the proposed participating party or parties with whom the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by the Commission and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee on Atomic Energy, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however,* That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five day period: *Provided, further,* That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as provided herein * * *." (Emphasis added.)

This basic scheme was retained in 1975 when section 106 of the 1970 act was amended by section 103(d) of Public Law 94–187. December 31, 1975:

"SEC. 106. Liquid Metal Fast Breeder Reactor Demonstration Program—Fourth Round.—(a) The *Energy Research and Development Administration (ERDA) is hereby authorized to enter into cooperative arrangements with reactor manufacturers and others for participation in the research and development, design, construction; and operation of a Liquid Metal Fast Breeder Reactor Powerplant, in accordance with criteria approved by the Joint Committee on Atomic Energy,* without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended. Appropriations are hereby authorized * * * for the aforementioned cooperative arrangements as shown in the basis for arrangements as submitted in accordance with subsection (b) hereof. * * *

"(b) *Before ERDA enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which ERDA proposes to execute (including the name of the proposed participating party or parties with which the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by ERDA and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee on Atomic Energy,* and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): Provided, however, That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of all, or any portion of, such forty-five-day period: Provided, further, That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as provided herein: * * *" (Emphasis added.)

Pursuant to the 1975 law, ERDA proposed criteria to the JCAE for its approval. On April 29, 1976, the JCAE approved the most recently submitted criteria. Those project criteria appear at page 63 of Modifications in the Proposed Arrangement for the Clinch River Breeder Reactor Demonstration Project. Hearings Before the Joint Committee on Atomic Energy, 94th Cong., 2d Sess., April 14 and 29, 1976 (1976 Hearings).

C. The present CRBRP criteria and contract

As a result of the JCAE's action of April 29, 1976 (a rollcall vote), the LMFBR demonstration program at the Clinch River site is governed by criteria that call for the design, construction, and operation of an LMFBR plant. These program criteria state that the CRBRP's major objectives are to demonstrate the technology pertaining to, and the reliability, safety, and economics of, LMFBR powerplants in the utility environment. Other objectives are to:

Provide for meaningful identification of areas requiring emphasis in the LMFBR research and development program;

Validate, to the extent practicable, technical and economic data and information pertinent to the total LMFBR program;

Assist in developing an adequate industrial base;

Provide for meaningful utility participation and experience in developing, acquiring, and operating LMFBR plants;

Help assure overall program success; and

Demonstrate and maintain U.S. technological leadership.

The criteria also specifically set forth design requirements and plant objectives stating, among other things, that the plant's first core is to use mixed oxide fuel consisting of uranium and plutonium and that it be designed, fabricated, constructed, tested, operated, and maintained in conformance with established engineering standards and high quality assurance practices.

Pursuant to the JCAE-approved criteria, ERDA entered into a cooperative arrangement with the Project Management Corporation (PMC), the Commonwealth Edison Company, and the Tennessee Valley Authority (TVA) on May 4, 1976. That contract recognizes the controlling statutory criteria for the LMFBR. For example, the contract states, pertinently:

A. Para. 1.1.9: " 'Project' means the cooperative effort to *design, develop, construct, test and operate the LMFBR Demonstration Plant* provided for in the Principal Project Agreements." [See para. 3.1] (Emphasis added.)

B. Para. 3.1: [Principal Project Agreements] "* * * TVA and ERDA will enter into an agreement *for the operation of the Demonstration Plant* * * * " (Emphasis added.)

C. Para. 4.1: "* * * ERDA shall, pursuant to this contract, manage and carry out the Project [see Para. 1.1.9, above] in an efficient, effective and timely manner consistent with the Principal Project Objectives, and shall use its best efforts to design and build the Demonstration Plant substantially in conformance with the Reference Design. * * *"

D. Recent ERDA plans and GAO evaluation

On May 19, 1977, Mr. Robert W. Fri, Acting Administrator, ERDA, sent to the JCAE notice of ERDA's plans to revise the CRBRP. Mr. Fri stated, *inter alia,* ERDA's plans for the—

"Cancellation of construction, component construction, licensing and commercialization effects for CRBRP, but completion of systems design;"

This letter clearly recognized that the plan proposed by the President and reflected in the May 18, 1977, deferral message would necessitate revision to the present JCAE-approved CRBRP criteria, and acknowledged that an amendment to the statutory authorization may be in order if the President's program revision is to be implemented. Mr. Fri stated:

"At the direction of the President, and in compliance with Section 106(b) of Public Law 91–273, as amended, ERDA herewith submits the enclosed amended program justification data *reflecting discontinuance of the CRBRP Project, except for completion of systems design* so as to help identify engineering problems that will have to be solved in developing alternative types of reactors. *The statutory criteria will likewise require commensurate revision.*

"Appropriate negotiations will, of course, have to be undertaken and concluded with the other Project participants, with the objective of implementing the proposed action concerning the Project, and the cooperative arrangement amended accordingly. In addition, amendatory legislation with respect to the basic enabling authorization for the CRBRP Project may be in order.

"For the prescribed statutory period during which this revised basis of arrangement is required to lie before the Joint Committee, new obligations for the Project will be kept to a minimum consistent with prudent Project management. A deferral (No. D77–58) is being reported for the $31.8 million of CRBRP Project budget authority that will not be available during this period. *Following such period ERDA will proceed with appropriate implementing actions."* (Emphasis added.)

In an attachment to his letter, Mr. Fri discussed the existing four-party contractual agreement and those contract amendments that would have to be made in order to limit LMFBR activities to systems design efforts. Systems design (roughly 60 percent of the total design work) would, under the President's proposal, be completed. Pursuant to this proposal, ERDA has reduced its fiscal year 1978 budget request from $208.7 million to $162 million. The funds requested would be used to continue systems design activities; to terminate detailed design, licensing, procurement, and construction activities; and to settle claims, primarily those anticipated from the termination actions.

Thus far, we have found no evidence indicating that project activity has been significantly slowed down as a result of the executive branch's proposed change in program objectives. To date, we have found no procurement actions that have been delayed or cancelled and ERDA officials told us there were none. However, the project office in Tennessee, at the direction of ERDA headquarters, recently submitted a list of 10 scheduled procurements to ERDA headquarters for approval. According to an ERDA procurement official, the proposed procurement actions involve contracts by Westinghouse, the lead reactor manufacturer, with its subcontractors. The amount involved in these procurements is about $9.8 million. (Should ERDA decide to prevent award of any of the subcontracts it may develop that further questions will exist regarding such actions in light of the Impoundment Control Act of 1974, discussed below.)

We compared the proposed changes on the Clinch River LMFBR project as submitted by ERDA to the JCAE on May 19, 1977, with the existing criteria. As part of this comparison, we discussed the criteria with the General Manager of PMC (the contract party that represents the utility participants in the project) on a line-by-line basis to pinpoint the specific program changes that would result from the President's actions. Based on our examination, we confirm that ERDA's proposal of May 19, 1977, represents a notice of its intention to proceed with the CRBRP

in a way that will result in a program that does not fulfill major objectives of the existing JCAE-approved statutory criteria; nor the object of the authorization itself—to operate an LMFBR demonstration plant.

We asked ERDA officials to give us their estimate of the additional costs that would be incurred assuming ERDA terminated the project, except for systems design, on or about July 26, 1977, and the Congress subsequently provided the funds to continue the project on December 1, 1977. We chose a December 1, 1977, date because it allows the Congress an opportunity to consider fully whether to go ahead with LMFBR efforts and the associated funding. Although it is uncertain when the Congress will make its decision on the project, and how quickly or completely ERDA may implement the proposed discontinuance of the program, we believe that the December date provides a good indication of the impact a project termination will have prior to Congress having an opportunity to fully consider the matter.

ERDA provided us with cost and schedule information using three assumption:

1. Assuming the licensing process could begin where it was stopped, project costs would increase by about $346 million and plant operations would be delayed between 1 and 1½ years. To restart the project where it was terminated in the licensing process, however, probably would require legislation that would, in effect, circumvent some of the normal licensing processes.

2. Assuming the licensing process would have to begin with a new application, project costs would increase by about $546 million and plant operation would be delayed over 3 years. Neither this assumption nor the first account for the possibility that ERDA may be required by the Nuclear Regulatory Commission (NRC) to locate the plant at a different site if projected plant operation is delayed. Such a relocation appears to be a distinct possibility based on past NRC proceedings on the Clinch River Project. In fact, the Deputy Director, Division of Site Safety and Environmental Analysis, NRC, told us that if the CRBRP is delayed for 2 years or more, it would be very difficult, if not impossible, for the NRC staff, in its analysis, to conclude that it is cost beneficial to locate the demonstration reactor at the Clinch River site.

3. Assuming the plant would have to be relocated, project costs would increase by about $1.1 to $1.3 billion and plant operation would be delayed 5 to 6 years. Although we did not have the opportunity to evaluate ERDA's estimates in detail, we believe they provide a reasonable indication of the magnitude of the costs of extent of schedule slippages that might occur if the project were terminated on July 26, 1977, and the Congress decided to restart it at a later date. By comparison, if ERDA were to delay project termination until December 1, 1977, by honoring ongoing contracts but not entering into additional contracts not essential to ongoing work, the estimated costs would be increased by about $61 million.

Based on the information set out above, it would seem that terminating the project prior to congressional deliberations could make restarting the project so costly as to outweigh its benefit. Thus, in effect, the executive branch, if it is successful in promptly implementing its present plan, may well have made a major policy decision unilaterally through administrative procedures which should have been made through the legislative process. The documentation we have examined discloses no intention on the part of the executive branch to proceed with completion of the LMFBR demonstration plant at Clinch River in the future.

II. THE IMPOUNDMENT CONTROL ACT OF 1974

Under the Impoundement Control Act of 1974 (Act), title X of Public Law 93-344, 88 Stat. 332, July 12, 1974, 31 U.S.C. 1400, *et seq.*, there are two types of impoundments—deferrals and rescissions. The distinction between the two categories is the duration of a proposed withholding of budget authority: a deferral is a proposal to withdraw temporarily budget authority from availability for obligation; a rescission is a request to cancel, *i.e.*, rescind, previously appropriated funds—in other words, a permanent withdrawal of budget authority.

In both categories of withholdings there exists a common characteristic—impoundment. While the term "impoundment" is not defined by the Act, we have operated under the view that an impoundment is any type of executive action or inaction that effectively thwarts the obligation or expenditure of budget authority. This does not mean, however, that impoundments always exist when budget authority is not used to implement all authorized activities.

The Act is concerned with the rescission or deferral of budget authority, not the rescission or deferral of programs. Thus, a lumpsum appropriation for programs A, B, and C used to carry out only program C would not necessarily indicate the existence of impoundments regarding programs A and B. So long as all budgetary resources were used for program C, no impoundment would occur even though activities A and B remained unfunded.

Consistent with this construction of the Act, sections 1012(b) and 1013(b) of the Act, 31 U.S.C. 1402(b) and 1403(b), respectively, provide that when proposed rescissions and deferrals are rejected the impounded budget authority must be "made available for obligation." If this is not done the Comptroller General is authorized to bring suit to compel the cessation of the withholding, 31 U.S.C. 1406. In this connection, the requirements of the Act clearly are to mandate the release of withheld funds. Significantly, no mention is made in the Act with respect to the uses to which the released funds are put. The Comptroller General can only seek, and the court can only grant, an order compelling the President to release the funds. Neither the Comptroller General nor the courts are authorized under the Act to constrain the executive branch in the way the funds are to be used once released.

Concerning the CRBRP, we have determined that, except for the $31.8 million held in reserve for deferral D77-58, all funds have been made available for obligation for either incurring or liquidating obligations associated with the project. Regarding the $31.8 million proposed for deferral, these funds also are planned for use. That available funding is being and will be used is the critical determination under evidence suggests an intention not to utilize (i.e., a rescission) the $31.8 million in the future. Thus, we are satisfied that the deferral has been properly classified. However, should we later determine that the executive branch has altered its plans for the use of the $31.8 million and has decided that a portion of the funds will not be used at all, we will, at that time, take the necessary action to reclassify the impoundment to a rescission.

In addition we are monitoring the executive branch's handling of the $9.8 million involved in the award of subcontracts currently being reviewed by ERDA. If we decide that ERDA's actions regarding the use of these funds or any other CRBRP funds indicate the existence of further budgetary withholdings, we will promptly report the matter to the Congress.

III. PROPRIETY OF THE REVISED CRBRP PLANS

The President's plans to curtail substantially the scope of the LFMBR program at the Clinch River site raise a number of questions that focus upon the legislation that authorized the project. Our analysis of the statutes setting forth the LMFBR activities of AEC and later ERDA is that they authorize the AEC (ERDA) to embark only on clearly delineated lines of effort. In 1969 the effort was to define what ultimately might comprise an LMFBR demonstration project cooperative arrangement. With enactment of the 1970 and 1975 legislation, AEC (ERDA) was authorized to enter into agreements for the research and development, design, construction, and operation of such a reactor.

We conclude that ERDA's proposed expenditure of funds for the curtailed LMFBR program is an intention to expend funds for unauthorized purposes. The most recent (1975) revisions of section 106 of the CRBRP authorization, quoted above, introduced the requirement of JCAE approval of LMFBR program criteria. We believe subsection 106(a) incorporates by reference into the statute itself the program criteria submitted to and approved by the JCAE. In our view, and we know of no other that contradicts it, the approved program criteria and the major objectives set forth therein are as much a part of subsection 106(a) as if they were explicitly stated in the statutory language itself. Thus, the currently approved program criteria, and of course the statute itself, establish the CRBRP's ultimate objective—to successfully complete, operate, and demonstrate the usefulness of an LMFBR powerplant.

Subsection 106(b) provides for a 45-day period of waiting during which time the basis or description of a proposed amendment to the cooperative arrangement must lie before the JCAE. This delay, prior to ERDA's executing the amendment it proposes. affords the JCAE and others time to express views on the specific means by which ERDA would accomplish the statutory objective of the program. We believe the proposed 106(b) are only those the execution of which lead to fulfilling this goal.

This construction of section 106 is supported both by the language of the statute and by its legislative history. Subsection (b) of section 106 provides not only that the basis or description of the amendment shall lie before the JCAE for 45 days, but also that the amended cooperative agreement ERDA is authorized to execute after the 45-day period is to be entered into "under the authority of subsection (a) of this section." Subsection (a) authorized ERDA to enter into cooperative agreements only in accordance with the statutorily approved program criteria. Those criteria, effectively a part of the statute itself, contemplate the eventual operation of an LMFBR powerplant. Therefore, ERDA's authority to initiate the running of the 45-day period after which it may proceed to implement its plans to amend the cooperative agreement, is constrained to offering to the JCAE a basis or description of amendments that are compatible with the objectives of the program criteria and of course the harmonious objective of the authorization act—operating as LMFBR demonstration plant.

Our construction of section 106 is supported as well by discussions of the JCAE. For example, during debate on the most recently submitted project criteria, the following exchange took place between Representative Moss and Mr. William Parler, Committee Counsel, JCAE:

"Representative Moss. If there is a conflict between the contract [the cooperative arrangement] provisions and the criteria, which controls?

"Mr. PARLER. The criteria and the justification data which the committee [JCAE] approved.

"Representative Moss. In other words, at all times that becomes the dominant factor in interpreting any contract [for the CRBRP]? It must be consistent at all times with the criteria?

"Mr. PARLER. That is my opinion, Mr. Moss; Yes, sir." 1976 Hearings, page 4.

Moreover, on April 29, 1976, Mr. Parler said:

"* * * If the Committee [JCAE] disapproves the criteria, ERDA cannot proceed with implementation of the modification to the contract." 1976 Hearings, page 521.

In meeting with ERDA representatives on President's plans to revise the CRBRP objective, we discussed the agency's reading of section 106. ERDA views subsection 106(b) as a requirement that it begin to implement its plans for proposed amendments, after the expiration of the 45-day period during which the bases for those amendments will have laid before the JCAE, irrespective of whether such action supports or destroys the objective of the authorization act. And, because subsection (a) of section 106 does not provide explicit time periods for either ERDA's submitting or the JCAE's approving new program criteria, subsection (a) "defers" to subsection (b). Thus, ERDA believes that its letter of May 19, 1977, was in compliance with the statutory mechanism of subsection (b) and it will, at the end of the 45-day period that began May 19, 1977, trigger both the necessary authority and the obligation to implement its revised plans to curtail the CRBRP. ERDA officials did not disagree that ERDA presently has no authority to revise the document representing the cooperative arrangement in ways that are inconsistent with existing statutory criteria, but apparently believe ERDA may effectively implement its plans without at the same time constructively revising the cooperative arrangement, an arrangement that calls for accomplishment, not termination, of the CRBRP.

In sum, ERDA views section 106 as conferring authority to begin implementing the cancellation of portions of the CRBRP 45 days after appropriate notice to the JCAE, but also requires that before ERDA formally modifies its contractual document it obtain from the JCAE approval of ERDA's proposed new program.

The practical consequences of ERDA's construction of the law deny the JCAE oversight of the LMFBR so long as the agency does not enter into a fully executed amendment of the formal contractual document. Such construction disregards the wideranging and very concrete changes that must be wrought upon the operation of the approved LMFBR program before implementation of the President's plan. ERDA apparently professes to read the relevant statutory language as indicative of congressional disinterest in whether ERDA unilaterally proceeds to change the statutory objective of the program. The simplest reading of that language is to the contrary—that Congress has a strong interest in maintaining the program objective fully in accord with criteria approved by a committee of Congress. ERDA assumes we think without a sound basis, that the actions it takes preparatory to abandoning the program it has commenced will not be tantamount to an amendment of the cooperative agreement that represents the commitment to go forward with the original program, and therefore that the actual changes, however dramatic, need not be of concern to the JCAE. This view limits the Committee's role to deciding whether to acquiesce in ERDA's subsequent recommendation to change the statutory criteria after ERDA's actions to change the statutory objective are already effectively accomplished, and appropriated funds are already obligated for the purpose of discontinuing instead of fulfilling the program objective of the statutory criteria.

We cannot agree the law was intended to so operate. Our view, as we have stated, is that before ERDA can invoke the authority of subsection (b) to implement new plans that before ERDA can invoke the authority major program objectives of the statutorily approved criteria, it must first, under subsection (a), secure JCAE approval of new criteria. Since we believe section 106(b) contemplates amendments the thrust of which is to fulfill the major objectives of the statutory criteria, we must also conclude that, because the May 19, 1977, proposal does not so accord with the criteria, it did not trigger the 41-day mechanism of section 106(b).

Moreover, while the JCAE's authority to approve criteria is broad, the statute under which the President is acting authorizes only efforts leading to the construction and operation of a reactor. Thus, the President would be compelled to obtain amendatory legislation to section 106 to authorize only the limited and different objective of LMFBR systems design, and to repeal those parts of the statute that speak to efforts beyond such activities.

The legal effect of this conclusion is that the status of the CRBRP remains unchanged, except for the current $31.8 million deferral now before the Congress. Federal funds may not be expended to implement the President's plan of curtailing the program, without appropriate change in the authorization statute and the program criteria.

To implement the President's plan without such necessary authority would be in violation of law since such expenditures would be for purposes inconsistent with those for which the appropriations were made. In this regard, 31 U.S.C. 628 provides:

"Except as otherwise provided by law, *sums appropriated* for the various branches of expenditure in the public service *shall be applied solely to the objects for which they are respectively made, and for no others.*" (Emphasis added.)

We hope the foregoing responds to your questions. A similar letter today is being sent to Senator Baker.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Mr. McCLURE. Mr. President, there can be little doubt that passage of S. 1340 in any way prejudices the CRBRP in terms of its continued authorization, as a matter of law. We will make the ultimate decision on CRBR funding for fiscal year 1978 in the supplemental appropriation and this bill will not change that in any way.

Mr. BAKER. I thank my colleagues and congratulate them on their continued support of this very worthwhile project. There can, therefore, be no doubt that the Senate has spoken and expressly acknowledged that the appropriation contained in the supplemental appropriations bill, that has been referred to, are clearly for the purpose of continuing the Clinch River breeder reactor project. I cannot overstate my belief that this project is in the best interest of the United States and is an extremely viable option in America's long-term quest for significant energy development. Again I thank my colleagues and yield the floor.

Mr. CHURCH. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the motion was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider the vote is laid on the table.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INOUYE). Without objection, it is so ordered.

ENDANGERED AMERICAN WILDERNESS ACT OF 1977—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the conference report on H.R. 3454, which the clerk will state by title.

The second assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3454) to designate certain endangered public lands for preservation as wilderness, to provide for the study of additional endangered public lands for such designation, to further the purposes of the Wilderness Act of 1964, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of January 31, 1978, H435.)

(The following remarks were made earlier in the day by Mr. STEVENS.)

Mr. STEVENS. Mr. President, while we are not technically on the wilderness bill yet, I would like to state for the record why I intend to vote against this bill.

I voted for it when it was before the Senate before, but there has been deleted from the coverage of this bill the West Chichagof Island study proposal under the provisions of the Wilderness Act of 1964.

I take the position that areas in Alaska to be considered for wilderness should be accorded the same treatment as areas in the other 49 States, and I am disturbed that the implication here is that this area, which is now being considered by one of the House committees for what we call "instant wilderness," will not be studied, and instead will be treated in the so-called D–2 legislation as it proceeds through Congress.

I want it to be understood that I do not oppose the wilderness concept per se. I was one of those who, on behalf of the Eisenhower administration, originally presented the wilderness proposal to Congress which was finally enacted in the next administration. But I protest the fact that Alaska lands apparently will be treated in a manner differently from those in the rest of the country as far as wilderness classification is concerned. Therefore, I intend to vote against this bill.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Iowa (Mr. CULVER), the

Senator from Alaska (Mr. GRAVEL), the Senator from Arkansas (Mr. HODGES), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Wisconsin (Mr. NELSON), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. ABOUREZK) and the Senator from Massachusetts (Mr. KENNEDY) are absent on official business.

I further announce that, if present and voting, the Senator from Iowa (Mr. CULVER) would vote "yea."

Mr. STEVENS. I announce that the Senator from Oklahoma (Mr. BARTLETT), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

I also announce that the Senator from North Dakota (Mr. YOUNG) is absent due to illness.

The result was announced—yeas 83, nays 5, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—83

Allen	Glenn	Morgan
Anderson	Griffin	Moynihan
Baker	Hansen	Muskie
Bayh	Hart	Nunn
Bellmon	Haskell	Pearson
Bentsen	Hatch	Pell
Biden	Hatfield	Percy
Bumpers	Mark O.	Proxmire
Burdick	Hatfield,	Randolph
Byrd,	Paul G.	Ribicoff
Harry F., Jr.	Hathaway	Riegle
Byrd, Robert C.	Heinz	Roth
Cannon	Helms	Sarbanes
Case	Hollings	Sasser
Chafee	Huddleston	Schmitt
Chiles	Humphrey	Schweiker
Church	Inouye	Scott
Clark	Jackson	Sparkman
Cranston	Javits	Stafford
Curtis	Johnston	Stevenson
Danforth	Laxalt	Stone
DeConcini	Leahy	Talmadge
Dole	Long	Thurmond
Domenici	Lugar	Tower
Durkin	Magnuson	Wallop
Eagleton	Mathias	Weicker
Eastland	McGovern	Williams
Ford	McIntyre	Zorinsky
Garn	Metzenbaum	

NAYS—5

Goldwater	McClure	Stevens
Hayakawa	Melcher	

NOT VOTING—12

Abourezk	Gravel	Nelson
Bartlett	Hodges	Packwood
Brooke	Kennedy	Stennis
Culver	Matsunaga	Young

So the conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was adopted.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

The VICE PRESIDENT. Under the previous order, the Senate will now go into executive session to proceed to the consideration of Executive N, which the clerk will report.

The legislative clerk read as follows:

Executive N, 95th Congress, 1st Session, treaty concerning the permanent neutrality and operation of the Panama Canal.

The VICE PRESIDENT. Under the rule, the treaty will now be considered as in Committee of the Whole, article by article.

Are there amendments to article I?

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The VICE PRESIDENT. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I believe that it might be well for certain rules and precedents to be clarified at the beginning of the debate. I think it will facilitate a better understanding on the part of all Senators and on the part of the press, as well as the people in the communications media, if this is done.

I read from a committee print of the role of the Senate in treaty ratification, a staff memorandum to the Committee on Foreign Relations, U.S. Senate:

The Committee of the Whole procedure requiring the reading of a treaty article by article has not been used in recent memory. A quick search of the Record indicates this procedure was last followed in 1922, during the Senate's consideration of the treaty with Japan concerning the disposition of certain islands in the Pacific.

While we have been in Committee of the Whole on occasions, I take it from the reading of this text that the reading of a treaty article by article in the Committee of the Whole has not occurred in the last 55 years.

I address a question to Senators at this point as to whether or not there will be any objection—and I take it that I know the answer already—to waiving the requirement of the rule that articles be read in sequence during the procedures in the Committee of the Whole.

Mr. ALLEN. Mr. President, I will object to any consideration other than the consideration that the rule require that they be considered article by article. I certainly would have no objection—and I am sure there would be no objection in the Senate—to merely waiving the full reading of the treaty, provided it is understood that that in no way interferes with the consideration article by article.

Mr. ROBERT C. BYRD. The Senator has answered my question, and there would be an objection to waiving the requirement that the articles be read in accordance with the rule, article by article and in sequence. So I will not propound that request, since it would be a request in vain, and I respect the distinguished Senator from Alabama for his insistence upon following the procedures precisely as the rule would require. However, I take the floor at this time to suggest—if we may have the indulgence of the distinguished chairman of the Foreign Relations Committee and the ranking member thereof, Mr. SPARKMAN and Mr. CASE, respectively—that we attempt at the beginning to establish a full clarification of certain rules and precedents. I am sure Mr. ALLEN is prepared to proceed to do this, and so am I, and there may be others.

So if we may go ahead with this procedure before we have the opening statements by the chairman and the ranking member, I would suggest just that.

I thank the Chair.

Mr. ALLEN addressed the Chair.

The VICE PRESIDENT. The Chair recognizes the Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, I express my appreciation to the distinguished majority leader for allowing me to proceed at this time. I also express my appreciation to my distinguished senior colleague, Mr. SPARKMAN, and the distinguished minority leader, Mr. BAKER, and the ranking Republican member of the Foreign Relations Committee, Mr. CASE, for allowing me to proceed at this time.

On Monday, I did express the hope that the Vice President would be in the chair at the time Executive N is laid before the Senate for consideration, in order that we might clear the air as to some of the complex phases of the rules governing consideration of treaties.

I must say, Mr. President, that I have not in the past drawn much comfort from rulings of Vice Presidents on parliamentary procedure. But I feel that the answers to these parliamentary inquiries will be so clear and the answer so indicated by the rules that we can have a full understanding and a proper guideline for consideration of these matters and that we will not from time to time have to raise points of order as to procedure.

My chief reason for feeling that the matter should be considered in the Committee of the Whole is that the rules provide a definite procedure for consideration of a treaty in the Committee of the Whole—that is, that the treaty must be considered article by article, that amendments must be offered to that article; whereas, the committee amendments, if any, would have precedence before a vote can be taken on a succeeding article, or, before amendments can be offered to a succeeding article, all amendments to the first article must be considered and there must be a final vote on that article.

Further, while the matter is in the Committee of the Whole, no resolution of ratification could be offered. That would have to come after the matter is considered by the Senate and lies over 1 day.

With the indulgence of the Chair and the Members of the Senate, I should like to propound parliamentary inquiries to the Chair. At the request of the Chair, I did reduce these inquiries to writing, in order that the questions might be studied by the Chair and by the Parliamentarian.

Mr. President, are there not two treaties before the Senate in the Committee of the Whole involving the Panama Canal? And will it not be necessary to complete action on one through the Resolution of Ratification before action can be commenced on the other?

The VICE PRESIDENT. If the Senator means there are two treaties in the Panama Canal package, the answer is "yes." If he means that the two treaties will be

before the Senate at the same time, the answer is "no."

As to the second part of his question, it will not be necessary to complete action on one before action can be commenced on the other. The Senate could, if it chose, go to the second treaty before completing action on the first.

Mr. ALLEN. I understand.

I might state to the Chair that I believe an effort will be made, after the recess, to reverse the order set by the committee and the leadership for consideration of these treaties and go back to the order in which the treaties were sent to the Senate by the President under Executive N. It may well be that that would be the first vote that the Senate takes on these treaties.

Are the amendments to articles IV and VI of the Neutrality Treaty referred to in the report of the Senate Foreign Relations Committee "amendments reported by the committee" as such term is used in Senate Rule XXXVII, or will such amendments be the amendments only of the Senators who offer and sponsor them?

The VICE PRESIDENT. If called up, these will be the amendments of the Senators who introduce and sponsor them.

Mr. ALLEN. I thank the Chair. I might state that I am a cosponsor of the leadership's resolution. I feel that that would be an improvement on the treaty. However, being a cosponsor of the leadership resolution, I feel that I am free to point out defects and shortcomings in the leadership amendments, and it will be my purpose and the purpose of other Senators of like mind to seek to improve on the leadership amendments, even though we may be cosponsors. I do not feel that approval of the leadership amendments would be decisive of the issue at all, because I believe that is overlooking the basic thrust of the treaties and the shortcomings and the ill-advised nature of the treaties themselves.

Mr. President, it is not in order without unanimous consent, is it, for a resolution of ratification to be proposed as to a treaty until the following procedure has taken place with respect to a treaty:

(a) Consideration and report by the Committee of the Whole to the full Senate;

(b) Consideration by the Senate of the action by the Committee of the Whole;

(c) Consideration of other amendments; and finally

(d) Lying over for 1 day?

The VICE PRESIDENT. The Senator is correct, with one caveat. After the Senate has completed the amendatory process on a treaty, the treaty does not have to lie over 1 day. The resolution of ratification cannot be presented until the next day, except by unanimous consent.

Mr. ALLEN. Yes. I believe I predicated my question "if it is not with unanimous consent." Without unanimous consent that would not be the case; is that correct, Mr. President?

The VICE PRESIDENT. The Senator is correct.

Mr. ALLEN. I thank the Chair.

In considering each treaty by articles, as the rules provide, with committee amendments, if any, to be considered first, would it not be necessary to consider amendments from the floor of the Senate as to an article and to have a vote on such article before amendments of any sort to the next succeeding article could be offered or considered in the Senate?

The VICE PRESIDENT. Amendments to the treaty are first considered article by article, but each article itself is not acted on. There is no vote on the article as such.

Mr. ALLEN. Would the Chair kindly repeat that? I did not quite understand the Chair.

The VICE PRESIDENT. Amendments to treaties are considered article by article, but each article itself is not acted on. There is no vote on the article as such.

Mr. ALLEN. But all amendments are considered; all amendments from the floor are considered before the Senate turns to the next succeeding article?

The VICE PRESIDENT. The Senator is correct.

Mr. ALLEN. I thank the Chair. If Calendar No. 1—the Neutrality Treaty—is approved, and Calendar No. 2—the Panama Canal Treaty—is not approved by the Senate, would not the action on the Neutrality Treaty be thereby vitiated, since it is not to go into effect until the expiration of the term of Calendar No. 2, the Panama Canal Treaty?

The VICE PRESIDENT. Under the precedents of the Senate, the Chair does not interpret the legal effect of Senate action. The Chair accordingly does not find it appropriate to answer the Senator's inquiry.

Mr. ALLEN. I thank the Chair for his nonanswer to my inquiry.

For cloture to be invoked as to the treaties, would not a separate cloture motion and a separate cloture vote by at least 60 Senators on each motion be required?

The VICE PRESIDENT. If the Senator means that cloture will have to be invoked once on each treaty, he is correct.

Mr. ALLEN. I thank the Chair. If cloture is sought on one treaty and voted by the Senate, would it not be necessary to complete action on the clotured treaty before there could be a cloture vote on the second treaty?

The VICE PRESIDENT. The Senator is correct.

Mr. ALLEN. At what point will the preamble of the treaties be before the Senate for consideration and for possible amendment, and for action by the Senate?

The VICE PRESIDENT. There are no preambles to the treaties as such. If the Senator refers to the declaration of the signatory powers as to their understanding and intent of the "Panama Canal Treaty" made at the time it was signed, the Chair would state that this in the past has been held by the Senate not to be part of the treaty and not subject to amendment.

Mr. ALLEN In other words, the introductory language, then, could make any statement whatsoever and the Senate would have no right to review and correct?

The VICE PRESIDENT. My answer would remain the same.

Mr. ALLEN. I ask unanimous consent that the "Documents Implementing the Panama Canal Treaty" and the "Other Documents" identified on page 221 of the report of the Committee on Foreign Relations (Executive Report No. 95–12) be identified in like manner in the RECORD at this point as predicate for my next two parliamentary inquiries. I am sure the Chair is familiar with those.

The VICE PRESIDENT. Without objection, it is so ordered.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

DOCUMENTS ASSOCIATED WITH THE PANAMA CANAL TREATIES

CONTENTS

Documents implementing the Panama Canal Treaty

Agreement in Implementation of Article III of the Panama Canal Treaty
Annex A
Annex B
Annex C
Agreed Minute
Agreement in Implementation of Article IV of the Panama Canal Treaty
Annex A
Annex B
Annex C
Annex D
Agreed Minute
Maps of the Land and Water Areas for the Operation and Defense of the Panama Canal, Referred to in the Agreements in Implementation of Articles III and IV of the Panama Canal Treaty [The maps are not printed here. The map atlas is deposited in the archives of the Department of State where it is available for reference.]
Exchange of Notes Relating to Postal Services.
Exchange of Notes Relating to Use of Commissary and Post Exchange Facilities.
Letter Describing Application of the Wholesale Price Index Referred to in Paragraph 4 (A) of Article XIII of the Panama Canal Treaty.
Letter Regarding Termination of Article XVII of the United States-Panama Air Transport Services Agreement.

Other documents

Agreement on Certain Activities of the United States of America in the Republic of Panama.
Agreement Pursuant to Article VI of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.
Note Regarding Economic and Military Cooperation.
Exchange of Notes Relating to Air Traffic Control Services.
Note Regarding the Establishment of the Panama Bureau of the United States Foreign Broadcast Information Service.
Exchange of Notes Relating to the Gorgas Memorial Institute of Tropical and Preventive Medicine, Incorporated, and to the Gorgas Memorial Laboratory.
Exchange of Notes Relating to Scientific Activities in Panama of the Smithsonian Tropical Research Institute.
Exchange of Notes Relating to Custodianship of the Barro Colorado Native Monument by the Smithsonian Tropical Research Institute.

Mr. ALLEN. I thank the Chair. Since most of the actual agreements between the United States and Panama are provided in the documents set forth in the RECORD pursuant to the foregoing unan-

imous-consent request, are such documents before the Senate for consideration and for vote thereon, and for possible amendment prior thereto?

The VICE PRESIDENT. Only the body of the treaty, including all of its articles, annexes thereto, protocols to it, et cetera, is before the Senate for consideration and therefore amendable.

The treaty before the Senate has two annexes and one protocol, which would fall into that category. The second treaty has one annex and 1 minute.

Mr. ALLEN. Any they would be amendable?

The VICE PRESIDENT. The Senator is correct.

Mr. ALLEN. Following the Chair's reasoning to its logical conclusion, then, it would be possible, in a treaty, to say that the United States and another country agreed to a treaty which is set forth in a separate agreement between the Presidents, and therefore the Senate would have no right to change that, shall I say, side agreement?

The VICE PRESIDENT. The Senate would, of course, have the choice to ratify it or not.

Mr. ALLEN. Have what?

The VICE PRESIDENT. The right to ratify it or not.

Mr. ALLEN. I see. But that would be a legitimate exercise of the treaty power, then, of the executive; is that correct?

The VICE PRESIDENT. The Presiding Officer prefers not to rule on hypothetical questions.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield for clarification?

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. The Senator earlier asked that the documents in the Panama Canal Treaty and the earlier documents identified on page 221 of the report of the Committee on Foreign Relations be included in the record as a predicate for his next two parliamentary inquires.

Mr. ALLEN. Not the documents themselves, I say to the distinguished majority leader; merely the page I am referring to. I did not want to encumber the record.

Mr. ROBERT C. BYRD. Will the Senator identify the pages again?

Mr. ALLEN. It is on page 221 of the Foreign Relations Committee report.

Mr. ROBERT C. BYRD. And going to what page?

Mr. ALLEN. Just the one page, the numbered items.

Mr. ROBERT C. BYRD. I see. So, then, according to the Chair's response, the texts of the treaties beginning on page 201—I am putting the response a bit differently—the texts of the treaties beginning on page 201 and ending on page 220, including the annexes, the protocols, and the single minute, would be in totality all that would be before the Senate for debate and amendment?

The VICE PRESIDENT. Will the Senator restate that?

Mr. ROBERT C. BYRD. As I understand the Chair's answer to the question propounded by the distinguished Senator from Alabama (Mr. ALLEN), all that would be before the Senate for its consideration would not include the documents implementing the Panama Canal Treaties, but would only include the text of the treaties themselves, the annexes thereto, the protocol and the one minute.

The VICE PRESIDENT. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. ALLEN. I thank the distinguished majority leader.

If amendments to a treaty or treaties inconsistent with the provisions of the documents set forth in the record pursuant to the foregoing unanimous consent request are agreed to by the Senate, would not such amendments so adopted supplant or supersede the inconsistent provisions of such documents?

The VICE PRESIDENT. Once again, the Senator is asking for an interpretation of the Senate's actions, which the Chair does not find it appropriate to indulge in.

Mr. ALLEN. Yet an amendment varying the terms of such other documents would be in order, would it not?

The VICE PRESIDENT. Amendments to matters before the Senate are in order at the proper time.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. ALLEN. Yes, sir.

Mr. ROBERT C. BYRD. But amendments to "other documents," to use the Senator's phraseology, would not be appropriate?

The VICE PRESIDENT. That is correct. The Chair has been very specific on that in response to an earlier inquiry.

Mr. BAKER. Mr. President, will the Senator yield to me briefly?

Mr. ALLEN. Yes, sir.

Mr. BAKER. Mr. President, I want to make sure I fully understand the ruling of the Chair and the inquiries by the majority leader and the Senator from Alabama.

It is my impression, then, that only those matters described in the committee report from page 201 to 220 are before the Senate and are available for action by the Senate?

The VICE PRESIDENT. The Senator is correct.

May I repeat that part of my earlier ruling that spells it out?

The treaty before the Senate has two annexes and one protocol, which are subject to amendment. The second treaty has one annex and one minute subject to amendment, and that minute was inadvertently left out of the committee's report.

The amendable portions of the treaty are described in the ruling just given.

Mr. ROBERT C. BYRD. Will the distinguished minority leader yield on this very point?

Mr. BAKER. I am very happy to yield.

Mr. ROBERT C. BYRD. While the Chair has stated that the minute was omitted from the Foreign Relations Committee report on the Panama Canal Treaties, actually, what is before the Senate is the document, the Panama Canal Treaties message from the President of the United States, September 16, 1977, 95th Congress, 1st session, Executive N, which does include the minute which was inadvertently left out of the committee's report.

The VICE PRESIDENT. The Senator is correct.

Mr. BAKER. Mr. President, I thank the majority leader.

Will the Senator from Alabama permit me one more clarifying question?

Mr. ALLEN. Yes.

Mr. BAKER. The effect of these statements, then, and the ruling of the Chair, as I understand it, is that those documents described on page 221 of the report of the Committee on Foreign Relations, under the heading, "Selected Documents" would not be available for action of the Senate, such as maps of the land and water areas for the operation and defense of the Panama Canal, and so on.

The VICE PRESIDENT. If they are not within the material that was earlier listed in my ruling, they would not be subject to amendment.

Mr. BAKER. I thank the Chair.

I thank the Senator from Alabama.

Mr. STEVENS. Will the Senator from Alabama yield to me for one inquiry?

Mr. ALLEN. I am glad to.

Mr. STEVENS. I ask the Chair, has the Senator from Alabama, then, inquired as to the status of the agreement and implementation of article III of the Panama Canal Treaty that appears on page 223 of the committee documents, what the status of that is as far as the Senate is concerned?

The VICE PRESIDENT. It is not a matter before the Senate for consideration. I, of course, would not be in a position to respond to what the status is.

Mr. ALLEN. I thank the Senator for his clarifying inquiry.

Mr. STEVENS. I thank the Senator from Alabama.

Mr. ALLEN. I say to the distinguished Senator from Alaska that the effect of the ruling is that most of the provisions having to do with the implementation of the canal treaties are an untouchable document. It just lies over there in limbo, so to speak, but cannot be touched by the Senate.

Mr. ROBERT C. BYRD Mr. President, will the Senator yield on that point?

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. I must respectfully state that I do not agree with the distinguished Senator in his last statement. They could be dealt with by reservations and understandings when the resolution of ratification is presented and, in addition, when the implementing legislation is before the House and the Senate.

Mr. ALLEN. I understand that point.

I say to the distinguished majority leader that I had previously asked the Chair if amendments to the treaty might be offered that would be inconsistent with these provisions and would they not supplant those provisions. He declined to answer.

Certainly, amendments embodying provisions at variance with these other documents would be in order, just as

the Senator points out, reservations and understandings.

The point the Senator from Alabama is making is that the agreements themselves are not subject to amendment, under the response of the Chair.

Mr. ROBERT C. BYRD. I agree with the distinguished Senator from Alabama.

Mr. ALLEN. Mr. President, Executive N contains in the case of the Panama Canal Treaty an annex and an agreed minute. Additionally, the treaty concerning the permanent neutrality and operation of the Panama Canal, also within Executive N, has two annexes each having a map attachment. At what point will the annexes, minutes, and associated attachments within Executive N be before the Committee of the Whole for consideration and possible amendment?

The VICE PRESIDENT. The two annexes and one protocol to the first treaty, and the one annex and one minute to the second treaty, will be before the Senate as in Committee of the Whole in sequence after the articles of each treaty have been considered for amendment.

Mr. ALLEN. I thank the Chair.

My next question has already been answered by the Chair, having to do with amendments offered to the treaties that might supplant the provisions of the other document. He has already responded to that.

Subject to the limitations that might be imposed by cloture, Mr. President, are not each article and each amendment to an article debatable?

The VICE PRESIDENT. The Senator is correct.

Mr. ALLEN. Are not amendments offered to a treaty amendable in like manner as amendments to bills in legislative session?

The VICE PRESIDENT. The Senator is correct.

Mr. ALLEN. Are perfecting amendments to portions of the treaty sought to be amended in order?

The VICE PRESIDENT. The Senator is correct. If I may respond further, the treaty is amendable in two degrees.

Mr. ALLEN. Did the Chair complete its ruling?

The VICE PRESIDENT. Yes. The answer is "Yes," the treaty is amendable in two degrees.

Mr. ALLEN. In like manner as a bill?

The VICE PRESIDENT. The Senator is correct.

Mr. ALLEN. Mr. President, In the absence of cloture, must amendments to articles be germane to the article under consideration?

The VICE PRESIDENT. No, unless cloture is invoked there is no rule of germaneness.

Mr. ALLEN. I thank the Chair.

Since both the Panama Canal Treaty and the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal are made in duplicate, in English and Spanish languages, both texts being declared equally authentic, are the Spanish texts of both treaties before the Senate for consideration?

The VICE PRESIDENT. No, under the precedents, only the English text is before the Senate for consideration.

Mr. ALLEN. What assurance then would the Senate have that the document in Spanish corresponded to the treaty as finally agreed to or to which the advice and consent of the Senate is given?

The VICE PRESIDENT. The only treaty being recommended for ratification by the Senate is that before us in English.

Mr. ALLEN. I will not argue with the Chair on that point, only to point out a number of discrepancies and different meanings are set forth in the Spanish text from the understanding of the English language.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield?

Mr. ALLEN. I yield.

Mr. ROBERT C. BYRD. Is it not true that the Senate often has treaties before it for giving of its advice and consent for ratification thereof which are in various languages and in every case it is only the English text that is before the Senate?

The VICE PRESIDENT. The Senator from West Virginia is correct. This is a long-standing precedent and tradition of the Senate.

Mr. ALLEN. I might say, parenthetically, we had some trouble with interpretations of the English language and I was just wondering who would interpret, who would put into Spanish the wording of the English treaty as completed here in the Senate.

I might inquire if Mr. Torrijos possibly might be the interpreter? I say that parenthetically, and I do not ask for a ruling on the question.

If they are not both before the Senate, when will the Spanish language texts be presented to the Senate; when, if at all, will the Spanish language texts be presented to the Senate for consideration and comparison with the English language texts for the purpose of ascertaining any discrepancies between them?

The VICE PRESIDENT. Again, under the precedents, the Spanish language texts will not be before the Senate for consideration.

Mr. ALLEN. I thank the Chair.

One final question: If the President transmits two treaties to the Senate under cover of one message and the same are received by the Senate and docketed as one executive message, if no action is taken in committee to change the manner in wihch the documents were transmitted, would not such documents remain in the order transmitted when reported by the committee to the Senate for consideration in the Committee of the Whole? In other words, is not really the Panama Canal Treaty before the Senate rather than the Neutrality Treaty?

The VICE PRESIDENT. If the Senator will propound the additional question, then I will answer it?

Mr. ALLEN. I ask: In other words, is not the Panama Canal Treaty rather than the Treaty on Neutrality, the treaty that should properly be before the Senate at this time?

The VICE PRESIDENT. The reporting committee can determine the sequence in which they are placed on the Executive Calendar.

Mr. ALLEN. Even though they were submitted by the President in the reverse order?

The VICE PRESIDENT. That is the position of the Presiding Officer. For example, the committee need not report them at all.

Mr. ALLEN. I might state that I agree with the President on his order of presentation of these treaties to the Senate, and I hope that in time we will have an opportunity to consider first the Panama Canal Treaty, because I do not believe we should be considering what takes place in the year 2000 before we decide whether or not the canal shall be given away. But I think there will be an appropriate time when that motion can be made, and I might say to the distinguished majority leader, I feel that even if we are proceeding now on the Neutrality Treaty we have lost no time, there will be no lost motion if the Senate should move to proceed to the Panama Canal Treaty first because I understand that only general opening speeches will be made at this time.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Mr. ALLEN. I thank the Senator.

Mr. ROBERT C. BYRD. I understand we will reserve until after the nonlegislative day period his making the motion to proceed to the Panama Canal Treaty in preference to the Neutrality Treaty, which is presently before the Senate.

I think I should compliment the Commitee on Foreign Relations at this time for its having reported out first the Neutrality Treaty. I think that that treaty contains questions which Senators would want to have answered before they vote on the Panama Canal Treaty. In other words, I do not think that Senators would want to vote to relinquish control of the Panama Canal after the year 2000 without first being assured that our war vessels and auxiliary vessels would indeed go to the head of the line in the case of need or emergency and without first also being assured that there is no question about the right of the United States after the year 2000 once it has relinquished control of the canal to act against any aggression or any action that would impair the open access or impede the use of the canal.

So I think that was the rationale for the committee's action. I think it was appropriate and I would hope that the Senate would support the committee and the joint leadership at such time as that motion is made.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. Mr. President, I am a member of the Foreign Relations Committee and in that capacity and also as one of the joint leadership I join with Senator BYRD in not only requesting that the Foreign Relations Committee consider reporting treaties in this man-

ner and in this sequence for the reasons that the distinguished Senator from West Virginia has enumerated, but for another and very personal reason to me—that is my previous announcement that unless the Neutrality Treaty is amended in certain respects I would not find it possible to support the Panama Canal Treaty. So for my part, at least, I wanted to see that issue resolved before we proceed to the question of the Panama Canal Treaty itself.

Mr. ALLEN. Mr. President, will the Senator yield a moment, please?

Mr. ROBERT C. BYRD. I yield.

Mr. ALLEN. I would like to express my appreciation to the Chair for his response to these questions. I believe that it does set a framework for proper and expeditious, I might say, consideration of the treaties.

The VICE PRESIDENT. I thank the Senator from Alabama, particularly for propounding his questions in writing in advance.

Mr. ALLEN. I thank the Chair.

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The Senator from Tennessee.

Mr. BAKER. I would like to express my appreciation to the distinguished Senator from Alabama. Someone asked me once, "Don't you wish you knew the rules as well as the distinguished junior Senator from Alabama?" And I guess I do. But I never cease to be amazed and gratified by his grasp of not only the rules themselves and the precedents of the Senate, but his feel for the totality of our procedure; and I think he has contributed immeasurably to the orderliness of our procedure.

Mr. ALLEN. I thank the Senator.

Mr. BAKER. Mr. President, I would like at this time, if I may, to make a request on behalf of the distinguished Senator from Michigan (Mr. GRIFFIN). It has been called to my attention that the committee report which contains, of course, his minority views, has rather extensive typographical errors. I believe that this has been cleared with the majority leader. I ask unanimous consent, Mr. President, that there be a star print of the report of the Committee on Foreign Relations carrying the corrections.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, will the Senator qualify his request by simply asking for a star print of the views of Mr. GRIFFIN? I think this would constitute a considerable saving of taxpayer money.

Mr. BAKER. I think not only will it constitute a savings but I think the Senator from Michigan would prefer that procedure. As a matter of fact, he originally had requested that his views might be printed separately.

Mr. GRIFFIN. In any event I say to the leader that would be satisfactory to the Senator from Michigan.

Mr. BAKER. I thank the Senator.

Mr. President, I revise my request so that there may be a star print separately bound of the views of the distinguished Senator from Michigan.

Mr. ROBERT C. BYRD. Mr. President, I am now informed that there are also errors in the committee report aside from the errors in the reported views of the distinguished Senator from Michigan, so I withdraw my suggestion that I earlier made to the distinguished minority leader and ask that the entire report be reissued as a star print.

Mr. BAKER. Mr. President, that is fine.

Mr. SPARKMAN. Mr. President, I say that is correct, and I am just on my feet to make that request.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

The VICE PRESIDENT. Without objection, it is so ordered, and the Chair will suggest that the omitted minute be added to that report as well.

Mr. ROBERT C. BYRD. Mr. President, would not cloture, if invoked on a treaty, be effective throughout the entire deliberations—including Committee of the Whole, actions in the Senate, and covering the resolution of ratification.

The VICE PRESIDENT. The Senator from West Virginia is advised that cloture if invoked on a treaty, pertains to all aspects of the treaty, the Committee of the Whole and action on both the treaty and the resolution of ratification.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, is a reservation, declaration, or understanding to the resolution of ratification considered to be an amendment in the first degree?

The VICE PRESIDENT. Yes; a reservation, declaration, or understanding is amendable in one degree.

Mr. ROBERT C. BYRD. Mr. President, once the Senate concurs in an amendment adopted in the Committee of the Whole, the amended language would not then be open to further amendment, would it?

The VICE PRESIDENT. The Senator is correct. The amended language would not then be open for further amendment.

Mr. SCOTT addressed the Chair.

Mr. ROBERT C. BYRD. But prior to the concurrence of the Senate to the amendment adopted in the Committee of the Whole, perfecting amendments to that amendment and substitute amendments to that amendment would be in order, would they not?

The VICE PRESIDENT. The Senator is correct.

Mr. SCOTT. Will the Senator yield briefly for clarification?

Mr. ROBERT C. BYRD. Yes.

Mr. SCOTT. Mr. President, I would pose the question that after the consideration of the treaty, as in the Committee of the Whole, the treaty will be before the Senate for consideration, and amendments can be offered at that time which have not been offered when considered as the Committee of the Whole?

The VICE PRESIDENT. The Senator is correct, as was pointed out by the Senator from West Virginia.

Mr. ALLEN. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. ALLEN. When the distinguished majority leader spoke of the reservation, I assume he meant reservations to the treaty, rather than to the resolution of ratification, did he not?

Mr. ROBERT C. BYRD. No, no, no, because I referred to the reservations, the resolutions of ratification only.

Mr. ALLEN. Very well.

May I then propound an inquiry?

Mr. ROBERT C. BYRD. May I say that it is my understanding no reservations can be offered to the treaty. Amendments are offered to the treaty.

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. Reservations are offered to the resolution of ratification.

The VICE PRESIDENT. The Senator is correct.

Mr. ALLEN. But a clarifying inquiry, though, obviously, a reservation to the resolution of ratification could not be offered until it had been presented to the Senate after the procedure that has been outlined heretofore.

The VICE PRESIDENT. The Senator is correct. Reservations are not in order until after the presentation of the resolution of ratification.

Mr. ALLEN. I thank the Chair.

Mr. ROBERT C. BYRD. Mr. President, when the proceedings had as in Committee of the Whole are reported to the Senate, is an amendment adopted in the Committee of the Whole considered to be an amendment in the first degree even though it may have been a second degree amendment in the Committee of the Whole?

The VICE PRESIDENT. The Senator is correct. It is considered an amendment in the first degree.

Mr. ROBERT C. BYRD. Mr. President, once the resolution of ratification has been presented to the Senate for consideration, if it contains amendments to the treaty previously adopted, is that part of the resolution of ratification open to amendment?

The VICE PRESIDENT. No, it is not.

Mr. ROBERT C. BYRD. Mr. President, are any amendments to a treaty in order after the resolution of ratification has been presented to the Senate for action, that is, after all decisions on amending a treaty shall have been reduced to the form of a resolution of ratification and presented to the Senate?

The VICE PRESIDENT. No. Once the resolution of ratification has been presented, amendments to the treaty are no longer in order.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. ALLEN. That would not preclude reservations which are presented at the time the resolution of ratification is before the Senate.

The VICE PRESIDENT. The Senator is correct.

Mr. ALLEN. Amendments, no; the reservations, yes. Is that correct?

The VICE PRESIDENT. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, after the amending process of a treaty "as in the Committee of the Whole" has been completed, what is the procedure for reporting the treaty back to the Senate?

In the House, when the House resolves itself into a Committee of the Whole, the Speaker steps down from the chair and a Member of the House takes the

chair, to preside during the Committee of the Whole; and when the Committee of the Whole rises, the appointed Representatives goes down from the chair, the Speaker reassumes his position, and the Member who presided over the Committee of the Whole then reports to the Speaker as to the consequences of the actions of the Committee of the Whole.

In the Senate, what is the procedure for reporting the treaty back to the Senate?

The VICE PRESIDENT. The Senate does not technically resolve itself into the Committee of the Whole, but it does, under the rules, consider the treaty as in the Committee of the Whole. Therefore, it is reported back by the Chair, who states this question: "Will the Senate concur in the amendments made in the Committee of the Whole?

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, would a proposed reservation, regardless of the subject matter, be subject to a point of order as not being in fact a reservation but an amendment, in reality, to the treaty?

The VICE PRESIDENT. In the past, this question has always been submitted to the Senate for its decision ab initio, and the Senate has decided that such a point of order will lie if the proposed reservation is really in fact an amendment of the treaty. But the decision is for the Senate.

Mr. ROBERT C. BYRD. Mr. President, I have one final question at this point.

When a treaty is being considered as in the Committee of the Whole for amendments, is it in order to offer an amendment that would amend more than one article of the treaty, or must an amendment be confined to the article that has been before the Senate?

The VICE PRESIDENT. It is only in order to offer an amendment to the article then pending bfore the Senate.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. ALLEN. Mr. President, I merely wish to reassert the Chair's ruling that the amendment does not have to be germane. One could not seek to amend article I by also amending articles II and III. But if one makes no reference to the other articles, it would be in order, inasmuch as there would be no rule of germaneness.

The VICE PRESIDENT. The Senator is correct. Unless cloture is invoked.

Mr. ALLEN. I understand.

Mr. ROBERT C. BYRD. My question was that the same amendment cannot go to two articles.

The VICE PRESIDENT. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, I express my gratitude to the Chair, the distinguished Vice President of the United States, for assuming the Chair at this time, in recognition of his constitutional duty to preside over the Senate and at a time when it is important that these guidelines be clearly made a part of the record, in view of the additional fact that we are about to proceed on a very historic debate; and I express my personal thanks to him for the excellent responses to the parliamentary inquiries.

I also thank the distinguished Senator from Alabama for the thoughtfulness and foresight he has demonstrated, which is characteristic of him, and for his service in presenting the parliamentary inquiries which will help to guide us all in our deliberations in the days ahead.

Mr. ALLEN. I thank the distinguished majority leader.

Mr. CANNON. Mr. President, in the hearings before the Armed Services Committee on the economic aspects concerning the canal, witnesses testified that treaty implementing legislation is the key determinant of the financial viability of the proposed Panama Canal Commission and thus the determinant as to whether there is or is not any burden on the American taxpayer.

My question is this: If implementing legislation is not considered by Congress prior to the ratification of the proposed treaties, would such implementing legislation have any legal effect, binding effect, on the treaties themselves?

The VICE PRESIDENT. Under the traditions of the Senate, the Presiding Officer does not interpret or render a legal opinion, and I therefore must refrain from responding to the question.

Mr. CANNON. I thank the Chair.

Mr. ROBERT C. BYRD. Mr. President, I think it only fair to all Senators to state at this time that the joint leadership would expect the Senate to be engaged in the debate and consideration of these treaties for a period of several weeks. I hope that final action can occur within 4 or 5 weeks. But, at best, it is going to be necessary for Senators to be on the floor as much as possible, to listen to the debates, and to be prepared to address their remarks to the treaties.

National Public Radio is reporting the developments of the debate. It will do so from the beginning of the debate until 5 o'clock in the afternoon, at the time of the presentation of the news. I believe that for the first 2 or 3 days of this week, it may be that National Public Radio will be going from gavel-to-gavel and will not be cutting off the audio transmission of the debate at 5 o'clock. Later in the evening there will be a condensation of the developments of the day by National Public Radio, and the networks will be feeding off audio feeds from those audio transmissions that are emanating throughout the country by National Public Radio.

What I am saying is this: If we chew up a lot of time in quorum calls, this is not accommodating the public; because it is for the purpose of informing the public as to the pros and cons of these treaties that the Senate has consented for the first time to audio transmission of the debates. Moreover, it will delay the Senate in its final action. It is hoped that Senators will be here on the floor and will be ready to make their statements.

For these reasons, the minority leader and I have come to the conclusion, based on our conversations with members of the committee and other Members, that during the debates on these treaties, it will be difficult to secure consent for committees to meet during the session of the Senate, except to deal with circumstances of an emergency nature. Of course, committees, under the Standing Rules, have the first 2 hours of the Senate session to meet without consent, and they can meet before the Senate goes into session.

I ask my distinguished friend, the minority leader, if he joins me in adjuring Senators to be on the floor as much as possible, alerting committee chairmen and subcommittee chairmen to the necessity of objecting to requests for meetings of committees and subcommittees while this historic debate is underway.

Mr. BAKER. Mr. President, if the Senator will yield, the majority leader is entirely right, and I fully agree with him.

As I advised him earlier in private conversation, I told the regular weekly Republican policy luncheon yesterday, that it was my purpose to object to all except the most extraordinary requests for committees to meet during the session of the Senate. Not only is it necessary in terms of the importance and the divisiveness of this debate but also because there will be many times when committees might otherwise be engaged in consideration of matters that would cause a real problem for Members of the Senate. Committees might be considering something of extraordinary importance that should not take Members away from this floor.

So I served notice yesterday—and I reiterate today—that I will view carefully any request for committees to meet during the session of the Senate, and I intend to object to all except the most remarkable ones.

I point this out to the majority leader, also: We may have a problem with respect to staff members on the floor. I just asked the desk to give me a compilation of the unanimous-consent requests that already have been entered, and there are 44 staff members in addition to the 50 or 55 that ordinarily have access to the floor. Now there are going to be more staff than Senators.

I do not know how we can address that problem, but I say to my friend and colleague, the majority leader, that I think we have a real problem. I believe we should give some thought to how we can thin out the ranks of staff during the course of this debate.

Mr. ROBERT C. BYRD. I say to the minority leader, in response to that question, that the Sergeant at Arms, I believe, ordinary attempts to rotate staff people to the extent that if there are more than can be accommodated in the seating arrangement at the rear of the Chamber, some are asked to go to the gallery to which I am pointing, which has been set aside for staff.

The minority leader has raised an important and pertinent question, and we will have to deal with that if it gets to be a problem.

I promised my distinguished senior colleague to say that during today and tomorrow and Friday, it is hoped that the Senate will, for the most part, be engaging in debate on the treaties. This

does not mean that a Senator cannot make a motion or cannot offer an amendment to the first article; and, of course, motions to table would be in order. There possibly could be rollcall votes.

However, insofar as the treaties are concerned—I have discussed this with Senator ALLEN and others—I believe that it would be the general feeling of Members that if we could confine these 3 days to the opening debates, with an understanding that no Senator is being deprived of his rights, we might anticipate debate only on the treaties.

This does not mean that following the debate on the first treaty on a given day there might not be a conference report that could be called up, either preceding or following the debate, and that a rollcall vote might occur on that conference report. But as to the treaties themselves, I say to my senior colleague that I am disposed to urge that we confine our activities to the debate on the treaties rather than to votes in regard thereto.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. I think that is a good arrangement, and I fully subscribe to it.

On the question of staff, I think the only thing we can or should do at this point is to urge that we use care and some discretion as to when we bring staff to the floor. Otherwise, we are going to be inundated with staff members.

I would add one other thing: These two seats in the center aisle in the front row are historic seats and traditionally belong to the majority leader and the minority leader. It implies in most cases that there is a difference of opinion between these two seats.

So I advise the majority leader that, except as to the distinguished Senator from New Jersey (Mr. CASE), who is the ranking and senior Republican on the Foreign Relations Committee, during the presentation of his statement, I have invited those who oppose the treaties to take this place, so that they can conduct their opposition from this position.

Mr. ROBERT C. BYRD. Mr. President, I have asked the distinguished chairman of the committee to sit in the chair which is normally held by the majority leader but which also customarily is relinquished to the managers of bills and treaties. I hope the chairman will accept my invitation to take that chair throughout the deliberation on the treaties.

Ordinarily, I am not on the minority side of the aisle, as I am now; so I ask the pardon of the members of the minority for my intruding on their side of the aisle.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. ALLEN. Mr. President, I commend the distinguished majority leader on his statements as to the conduct of the debate. I certainly approve and endorse his suggestion that Senators be on the floor not only to listen to the debate but also to be prepared to participate in the debate.

And I hope that it will not be necessary to make a single request for a quorum call. I believe it is possible to go through an entire day without this frequently used device being resorted to. I believe that, if Senators are attentive to the debate and are here to participate in the debate, it will not be necessary to have a quorum call.

The distinguished majority leader has said that he is hopeful that we can complete action on the treaties in some point of time up to 5 weeks. I would hope that we will be able to dispose of the treaties before then.

I anticipate no filibuster, I say to the distinguished majority leader. That does not mean that the issue will not be fully and carefully discussed and the whole issue brought before the Senate and before the American people. But I do believe that the people want a vote on this issue.

I do not believe that the public opinion would support and I do not believe that any overly extended debate will be successful unless it does have the backing of the people. I do not believe the people want this issue decided by an overextension of debate.

So certainly, as far as the Senator from Alabama and those of like mind here in the Senate in opposition to these treaties, we do not intend to delay unduly the consideration of these treaties. We do not expect to delay it by quorum calls or unnecessary delays of any sort. We are not going to have debates, as far as the Senator from Alabama is concerned, by delay. We are going to try to consider the merits and demerits of these and have votes on substantive amendments and then I feel that we will be ready to vote on the main issue. But there are a number, I would say in the nature of dozens, of substantive amendments that should be discussed and should be brought before the Senate and should be brought before the country, because this is an issue that is so important to the entire country and all of the people of the United States.

So I am hopeful we can have a full and free debate but that debate not extend beyond the point where the full issue is presented to the Senate so that action can then be taken.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator.

I also wish to thank the chairman and the ranking minority member for their indulgence in allowing us to proceed before they make their opening statement. They have been courteous and thoughtful as is customary.

Mr. BAKER. Mr. President, I revise my request to include the omitted minute.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BAKER. Two other housekeeping matters. I ask unanimous consent, Mr. President, that Allison Rosenberg of Mr. PERCY's staff and Caroline Randel of Senator HANSEN's staff may have privileges of the floor during consideration of these.

The VICE PRESIDENT. Without objection, it is so ordered.

Several Senators addressed the Chair.

The VICE PRESIDENT. The Senator from West Virginia.

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from South Carolina.

The VICE PRESIDENT. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that Mr. John Napier, of the Judiciary staff; Mr. Ed Kenney and Ken Fish, of the Armed Services staff, be granted privilege of the floor during consideration and voting on these treaties.

The VICE PRESIDENT. Without objection, it is so ordered.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. I yield to the Senator from New Jersey.

Mr. CASE. I make the same request, Mr. President, in respect to Michael Kraft of my staff.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, the same request for Martin James of my staff.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Nevada.

Mr. CANNON. The same request for Frank Krebs of my staff.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, I ask the same request for Marty Franks and Robert Paguin, of my staff, throughout deliberations and voting.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Nevada.

Mr. LAXALT. Mr. President, I make the same request on behalf of the following: Dr. John Bacher and Tom Carter of Senator HAYAKAWA's staff, Bob Turner of Senator GRIFFIN's staff, Steve Perles of Senator STEVENS' staff, Mark Edelman of Senator DANFORTH's staff, Margaret Lynch and Sylvia Castellanos of Senator MCCLURE's staff, Peter Lakeland of Senator JAVITS' staff, Bob Downen of Senator DOLE's staff. Al Dreschler and Margo Carlisle of my own staff.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I make the same request for Clifford Hackett of my staff.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the chairman of the committee.

Mr. SPARKMAN. I ask unanimous consent that the following staff members of the Committee on Foreign Relations be granted privilege of the floor throughout the debate on the two Panama Canal treaties: Norvill Jones, Robert Dockery, George W. Ashworth, Robert Barton, Michael Glennon, Ralph McMurphy, Joel Johnson and Ralph Nurnberger; and Bruce Van Voorst, of Senator CLARK's office.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Idaho.

Mr. CHURCH. Mr. President, the same request for Ira Nordlicht of my staff.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I ask unanimous consent that David LaRoche, of my staff, be granted privilege of the floor during discussions of the treaties.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, the same request for Jane Matthias, of Senator FORD's staff, and Carolyn Fuller, of my staff.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to my namesake, the distinguished Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, the same request for Jack F. Davis, of my staff, and Christopher Lehman, of my staff.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, I make the same request on behalf of Senator HATCH for Dr. Jim McClellan, and on behalf of myself for Dr. James P. Lucier.

I thank the Senator.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I thank the majority leader.

As I understand it, we have introduced amendments 20 and 21. I guess, any time prior to the consideration of those amendments, that cosponsors will be accepted.

I only point out that it is like cosponsoring one's own amendment since they are very much like amendments 7 and 8 of the Senator from Kansas' proposed language.

Mr. ROBERT C. BYRD. The Senator from Kansas is to be complimented for his leadership in this matter.

Mr. President, I yield to the distinguished Senator from Indiana.

Mr. LUGAR. Mr. President, the same request for Mark Lubbers of my staff.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, in order that we might have room for Senators here in the Chamber while this debate is going on. I make no request for assistants whatever.

The VICE PRESIDENT. Without objection, it is so ordered.

The VICE PRESIDENT. The Chair recognizes the Senator from Alabama.

Mr. SPARKMAN. Mr. President, first let me say I want to express my appreciation to the majority leader and to the minority leader for the very fine manner in which they have cooperated with the Committee on Foreign Relations. Of course, Senator BAKER is a member of the committee himself and he participated in all of the hearings and the voting and performed a wonderful job.

Senator BYRD appeared before our committee, testified forcefully, and was very helpful to us in our considerations.

I have a statement that I want to present as the opening statement in this debate.

Mr. President, the Committee on Foreign Relations has reported favorably the Panama Canal Treaty and the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal with recommendations to each. The committee reached its decision after long and careful consideration of the issues and the viewpoints of all concerned. I have no hesitation in recommending strongly that the Senate give its advice and consent to these treaties as reported by the committee.

Prior to reaching a decision on the treaties, the Committee on Foreign Relations held 15 days of hearings and heard 92 witnesses including 17 Members of the Congress, representatives of the executive branch, shipping interests and canal users and retired military officers. These hearings were conducted with the goal of gaining as much information and as many views as possible. Every effort was made to allow individuals with different positions to present their cases. I am proud of what I think was fair and objective consideration of the real issues, the dedication and hard work exhibited by the members of the committee and the harmony with which our consideration was conducted. I do not know how such an important proceeding could have been conducted more equitably.

In addition to the numerous hearings held by the committee, 10 members of the committee traveled to Panama and the canal in recent months. These committee members, and others in the Senate including our distinguished majority and minority leaders went to Panama to gain firsthand knowledge about the canal, its future and our relations with Panama.

I was in Panama last month, and I returned impressed by the basic goodwill of the Government and people of Panama toward the United States. I feel that when problems that have festered for many years are resolved by the ratification of these treaties, the United States and Panama will be able to cooperate well in operating and protecting the canal in their mutual interest.

Five volumes of hearings and an extensive report have been issued by the committee in connection with these treaties. I urge every Member of the Senate to review this information, but especially the committee's report. We considered and discussed the issues raised by those in opposition to the treaties, and the report details the committee's determinations on these issues and responses to them. However, I would like briefly to outline the major questions the committee examined.

First, the committee considered the need for a new treaty relationship with Panama to govern the operation of the Panama Canal. The committee was convinced that the surest way to place our position in Panama and in Latin America and the canal itself in jeopardy was to cling blindly to the 1903 Treaty.

The 1903 treaty was negotiated and ratified under circumstances that could be called questionable at best. The treaty was negotiated and signed for Panama by a Frenchman more interested in the welfare of the French Canal Co., of which he was a major stockholder, than in the newly formed Republic of Panama. When the Panamanians objected to the treaty, the threat of withdrawal of the U.S. military presence left them no choice but to ratify.

Since 1903, the treaty relationship and especially the U.S. control over the Canal Zone has been a constant source of conflict. As Secretary of State Hay said in a letter to Senator Spooner, the 1903 treaty is—

> Vastly advantageous to the United States, and we must confess, with what face we can muster, not so advantageous to Panama . . . you and I know too well how many points there are to which a Panamanian patriot could object.

The objections by Panamanians have not since decreased, but, instead, have intensified. The objections have been presented to the United States on countless occasions, to international bodies and, tragically, in demonstrations resulting in the death of United States and Panamanian citizens. It is inconceivable when looking at this record that the United States can reasonably hope to cling to the 1903 treaty and also maintain the cooperative environment essential to the operation of the canal.

Mr. President, I should like to interject right here that I have recently read two very interesting books on the Panama Canal. One was entitled "The Path Between the Seas." The other was "The Story of the Panama Canal."

I found them both interesting. But there was one thing pointed out in these books with which I was absolutely amazed, and that was the number of treaties there have been involving the Panama Canal and its precincts. The history goes way back to the DeLesseps Co. of France and its arrangement with Colombia. There were even efforts and treaties long before that. It has been a long, long trail.

(Mr. SARBANES assumed the chair.)

Mr. SPARKMAN. The outdated Hay-Bunau-Varilla Treaty of 1903 not only seriously hinders an effective relationship with Panama, but it is a major problem in our long term relationships with the other Latin American and third world nations. Even nations that have been our traditional allies recognize that the 1903 Treaty has no place in the modern world. When the U.N. Security Council met on the Panama Canal issue in 1973, the best the United States could do was to get Great Britain to abstain while the United States vetoed a resolution critical of the continuation of the 1903 Treaty.

During the committee's hearings, even the most vocal critics of the proposed treaties did not contend that the 1903

Treaty should govern canal operation into the future without some modification. The Committee on Foreign Relations agrees that modification is necessary, and has determined that the treaties under consideration offer the best solution that could be negotiated to deal with our difficulties with the 1903 Treaty.

The committee would like to make it clear that regardless of the questionable circumstances surrounding the negotiation and ratification of the 1903 Treaty, the United States has no reason to apologize for the manner in which it constructed and has operated the canal. The canal is truly a wonder of science and engineering. I am particularly proud of the great contribution in the area of disease control made by my fellow Alabamian, Col. William Crawford Gorgas. Without his work in the control of tropical diseases, the canal might not have been built, or the death toll would have been many times higher. Not only did the United States succeed in conquering the engineering and health problems, but we have compiled an admirable record in operating the canal as an international public utility at the lowest possible rates.

I may say that we take pride in the work done in connection with the laying out, the engineering, the construction of the canal in addition to the fine work that I mentioned done by Dr. Gorgas.

Next, the committee asked what was the most important interest of the United States in the canal and answered that use by our naval vessels and commercial shipping was the most critical interest of the United States. Use of the canal, and not ownership of the canal or jurisdiction over the Canal Zone, far outweighs any claims of sovereignty. Repeatedly during our hearings this view was stressed by military leaders and witnesses from the Departments of Transportation and Commerce who are directly concerned with naval and commercial traffic through the canal. Secretary of Defense Brown said:

> The first requirement includes free and unimpeded use of the Canal both by our Navy and by our merchant ships. Free use of the Canal is essential to assure optimum ability to shift our forces and materiel rapidly between the Atlantic and Pacific Oceans.

General Brown, Chairman of the Joint Chiefs of Staff, added:

> U.S. military interests in the Panama Canal are in its use, not its ownership.

After addressing the question of our major interest in the canal, the committee turned to the issue of how this interest could best be protected. The committee found that the long-term interest of the United States would be ill-served by maintenance of the present badly outdated treaty of 1903 since that treaty has been the cause of rancor ever since it went into effect. We must face the fact that the Panama Canal lies right in the middle of another nation, and logic compels us to realize that a cooperative environment in that nation is far more beneficial than an arrangement that has already caused violence on several occasions. Under the proposed treaty relationship, Panama will have a greater stake in the canal, and, thus, a greater interest in seeing that it remains open for the use of the ships of the United States and the world.

Secretary of Defense Brown said during the committee's hearings:

> Whether or not we will have that use depends on a good many things. It depends upon whether in extremis we have a military force capable of assuring that it is kept open, but it also depends importantly on the attitudes of the Panamanians. It is easy to damage a lock so that the Canal's operation is shut down for a brief period. It is easy to do that over and over again. What do we want? Do we want a situation where we may have to use force over and over and over again in order to preserve the operability of the Canal or do we want a situation where the people of Panama see themselves correctly as having an important stake in keeping the Canal operating? Well, clearly the latter is the preferable situation.

The committee believes the proposed treaties represent the best agreements obtainable; that they were carefully negotiated; and that they will protect our interest in the use of the canal.

Mr. President, I should like here to pay a compliment to our two chief negotiators of these treaties, Ambassador Bunker and Ambassador Linowitz. We heard from them at length. We felt that they had done a remarkably good job in negotiating these treaties.

The committee then considered the ability of the United States to take action to defend the canal should the need occur. Until the year 2000, the United States clearly has the primary responsibility for canal defense, and the Panama Canal Treaty provides for these defense responsibilities. However, the committee looked at the long range defense question as it will be affected by the neutrality treaty. The committee is confident that the Neutrality Treaty, as clarified by the joint statement issued by President Carter and General Torrijos and the committee's recommended amendment based on this statement, provides ample authority for the United States to act to protect its interest in the use of the canal. Also, our interest in priority use of the canal during times of need of emergency is fully protected.

Charges that the United States will be giving away the canal and the taxpayers will be paying Panama to take it were examined by the committee. The committee does not believe that such is the case. All annuity payments to Panama will come from canal operating revenues and not from the tax dollars of Americans.

The increased payments reflect, at last, adequate compensation to Panama for the use of its territory and natural resources, especially water.

It takes 52 million gallons of fresh water to send just one ship through the canal. With over 13,000 transits per year at present and many more than that by 2000, it should be easy to see that Panama contributes much to the successful operation of the canal.

The payments to Panama will aid in the maintenance of a progressive, free enterprise economy in Panama, which will contribute to Panama's ability to cooperate in operating the canal. The payments, also, will be a major incentive to Panama to see that the canal remains open and operates efficiently.

The committee also wanted to know the effects of these treaties on the economy of the United States. Our findings are that the treaties and the toll increase of approximately 30 percent that will be necessary will have a negligible effect on the U.S. economy. A 30 percent increase in tolls will have a very minimal influence in the cost of goods shipped through the canal. The U.S. merchant fleet will not be placed at a further disadvantage, since all ships will pay the same tolls. The canal will retain its advantageous position in comparison to alternative routes or methods of shipment.

Along with our interest in the use of the canal goes an interest in seeing that it is operated effectively. The Panama Canal Treaty fully provides for effectiveness through the transition period leading to operation of the canal by Panama in the year 2000. During this period of over 20 years, the United States will continue to operate the canal through the Panama Canal Commission to be established as an agency of the U.S. Government, and the necessary rights and authority for U.S. operation are provided. Secretary of the Army Alexander assured the committee that:

> In short, Mr. Chairman, the Treaty will provide us with all the rights necessary to adequately care for both the Panamanian and U.S. citizens of our dedicated work force.
>
> Mr. Chairman, under the Treaty we would retain all the specific rights necessary to efficiently operate the Canal and adequately care for our employees.

Until sufficient numbers of Panamanians can be trained to assume the operation of the canal in 2000, and possibly after that date, American employees will be needed. As noted by Secretary Alexander in the statement I just quoted, the treaties provide the rights necessary to care for the American employees.

Although some workers will be displaced; efforts will be made to retain workers in their positions, preference will be given for other U.S. Government jobs to those displaced and early optional retirement will be provided. For those Americans who will be employed by the Commission or our Armed Forces, adequate housing and appropriate health and educational facilities will be available. In addition, these employees and their dependents will be covered by status of forces type agreements to protect their interests.

After our lengthy and close examination of the foregoing points and others directly related to the treaties at hand, the Committee on Foreign Relations has concluded that the treaties meet the needs of the United States and that the Senate should give its advice and consent to their ratification with the recommendations reported by the committee.

Now, I would like to comment on some basic principles the committee used in its scrutiny of these treaties which I hope the Senate will also recognize.

These treaties will not resolve every issue in the relations between the United States and Panama such as human rights, Panama's relations with Cuba, the internal policies of Panama or the form of Panama's government. The treaties were not negotiated for these purposes, and it would be illogical to expect that any treaty could accomplish such a broad program, or that it should be expected to do so.

The committee did not focus its attention on extraneous issues or nonissues; and I feel the Senate would be making a serious mistake if it allowed itself to get bogged down in useless debate on matters not directly related to the real purpose of the treaties. The Senate could debate for days issues such as what sovereign interest the United States has in the Canal Zone; but debate of this type would add little to what must be a political decision of whether these treaties best serve the long-term interests of the United States.

No treaty arrangement to govern the operation of the canal could possibly remove every doubt or deal with every contingency. Our consideration of the treaties must not become confused by "what if's" or "may be's." The committee has determined that the treaties represent a workable, specific structure for future canal operations and defense with sufficient lattitude to deal with changed circumstances or contingencies that may develop.

I am confident that my colleagues will join in meaningful and responsible consideration of these important treaties and that the Senate's final decision will be based on rational analysis of the interests of the United States.

At this point, I would like to say again that I am proud of the work done by the Committee on Foreign Relations and of the manner in which the Panama Canal treaties were handled. I sincerely thank all the members of the committee, and especially Senator CASE, the ranking minority member, Senator CHURCH, the ranking majority member, and Senator SARBANES, the chairman of the Subcommittee on Western Hemisphere Affairs, for their splendid cooperation.

Mr. President, I ask unanimous consent that the text of the treaties and integral related documents, excerpts from the committee report, and certain other relevant materials be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. SPARKMAN. Mr. President, I conclude simply with this statement. I presume it is known that after the committee spent all of this time in getting all of the evidence, hearing from all of the people interested in the canal treaties, and considering all the arguments pro and con, the committee voted 14 to 1 to report the treaties. I will say this, Mr. President it is recognized, of course, that treaties come under the jurisdiction of the Foreign Relations Committee regardless of what other reports or what other information may come out.

EXHIBIT 1

I. PANAMA CANAL TREATY

The United States of America and the Republic of Panama,

Acting in the spirit of the Joint Declaration of April 3, 1964, by the Representatives of the Governments of the United States of America and the Republic of Panama, and of the Joint Statement of Principles of February 7, 1974, initialed by the Secretary of State of the United States of America and the Foreign Minister of the Republic of Panama, and

Acknowledging the Republic of Panama's sovereignty over its territory,

Have decided to terminate the prior Treaties pertaining to the Panama Canal and to conclude a new Treaty to serve as the basis for a new relationship between them and, accordingly, have agreed upon the following:

ARTICLE I

ABROGATION OF PRIOR TREATIES AND ESTABLISHMENT OF A NEW RELATIONSHIP

1. Upon its entry into force, this Treaty terminates and supersedes:

(a) The Isthmian Canal Convention between the United States of America and the Republic of Panama, signed at Washington, November 18, 1903;

(b) The Treaty of Friendship and Cooperation signed at Washington, March 2, 1936, and the Treaty of Mutual Understanding and Cooperation and the related Memorandum of Understandings Reached, signed at Panama, January 25, 1955, between the United States of America and the Republic of Panama;

(c) All other treaties, conventions, agreements and exchanges of notes between the United States of America and the Republic of Panama, concerning the Panama Canal which were in force prior to the entry into force of this Treaty; and

(d) Provisions concerning the Panama Canal which appear in other treaties, conventions, agreements and exchanges of notes between the United States of America and the Republic of Panama which were in force prior to the entry into force of this Treaty.

2. In accordance with the terms of this Treaty and related agreements, the Republic of Panama, as territorial sovereign, grants to the United States of America, for the duration of this Treaty, the rights necessary to regulate the transit of ships through the Panama Canal, and to manage, operate, maintain, improve, protect and defend the Canal. The Republic of Panama guarantees to the United States of America the peaceful use of the land and water areas which it has been granted the rights to use for such purposes pursuant to this Treaty and related agreements.

3. The Republic of Panama shall participate increasingly in the management and protection and defense of the Canal, as provided in this Treaty.

4. In view of the special relationship established by this Treaty, the United States of America and the Republic of Panama shall cooperate to assure the uninterrupted and efficient operation of the Panama Canal.

ARTICLE II

RATIFICATION, ENTRY INTO FORCE, AND TERMINATION

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of the two Parties. The instruments of ratification of this Treaty shall be exchanged at Panama at the same time as the instruments of ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, signed this date, are exchanged. This Treaty shall enter into force, simultaneously with the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, six calendar months from the date of the exchange of the instruments of ratification.

2. This Treaty shall terminate at noon, Panama time, December 31, 1999.

ARTICLE III

CANAL OPERATION AND MANAGEMENT

1. The Republic of Panama, as territorial sovereign, grants to the United States of America the rights to manage, operate, and maintain the Panama Canal, its complementary works, installations and equipment and to provide for the orderly transit of vessels through the Panama Canal. The United States of America accepts the grant of such rights and undertakes to exercise them in accordance with this Treaty and related agreements.

2. In carrying out the foregoing responsibilities, the United States of America may:

(a) Use for the aforementioned purposes, without cost except as provided in this Treaty, the various installations and areas (including the Panama Canal) and waters, described in the Agreement in Implementation of this Article, signed this date, as well as such other areas and installations as are made available to the United States of America under this Treaty and related agreements, and take the measures necessary to ensure sanitation of such areas;

(b) Make such improvements and alterations to the aforesaid installations and areas as it deems appropriate, consistent with the terms of this Treaty;

(c) Make and enforce all rules pertaining to the passage of vessels through the Canal and other rules with respect to navigation and maritime matters, in accordance with this Treaty and related agreements. The Republic of Panama will lend its cooperation, when necessary, in the enforcement of such rules;

(d) Establish, modify, collect and retain tolls for the use of the Panama Canal, and other charges, and establish and modify methods of their assessment;

(e) Regulate relations with employees of the United States Government;

(f) Provide supporting services to facilitate the performance of its responsibilities under this Article;

(g) Issue and enforce regulations for the effective exercise of the rights and responsibilities of the United States of America under this Treaty and related agreements. The Republic of Panama will lend its cooperation, when necessary, in the enforcement of such rules; and

(h) Exercise any other right granted under this Treaty, or otherwise agreed upon between the two Parties.

3. Pursuant to the foregoing grant of rights, the United States of America shall, in accordance with the terms of this Treaty and the provisions of United States law, carry out its responsibilities by means of a United States Government agency called the Panama Canal Commission, which shall be constituted by and in conformity with the laws of the United States of America.

(a) The Panama Canal Commission shall be supervised by a Board composed of nine members, five of whom shall be nationals of the United States of America, and four of whom shall be Panamanian nationals proposed by the Republic of Panama for appointment to such positions by the United States of America in a timely manner.

(b) Should the Republic of Panama request the United States of America to remove a Panamanian national from membership on the Board, the United States of America shall agree to such a request. In that event, the Republic of Panama shall propose another Panamanian national for appointment by the United States of America to such position in a timely manner. In

case of removal of a Panamanian member of the Board at the initiative of the United States of America, both Parties will consult in advance in order to reach agreement concerning such removal, and the Republic of Panama shall propose another Panamanian national for appointment by the United States of America in his stead.

(c) The United States of America shall employ a national of the United States of America as Administrator of the Panama Canal Commission, and a Panamanian national as Deputy Administrator, through December 31, 1989. Beginning January 1, 1990, a Panamanian national shall be employed as the Administrator and a national of the United States of America shall occupy the position of Deputy Administrator. Such Panamanian nationals shall be proposed to the United States of America by the Republic of Panama for appointment to such positions by the United States of America.

(d) Should the United States of America remove the Panamanian national from his position as Deputy Administrator, or Administrator, the Republic of Panama shall propose another Panamanian national for appointment to such position by the United States of America.

4. An illustrative description of the activities the Panama Canal Commission will perform in carrying out the responsibilities and rights of the United States of America under this Article is set forth at the Annex. Also set forth in the Annex are procedures for the discontinuance or transfer of those activities performed prior to the entry into force of this Treaty by the Panama Canal Company or the Canal Zone Government which are not to be carried out by the Panama Canal Commission.

5. The Panama Canal Commission shall reimburse the Republic of Panama for the costs incurred by the Republic of Panama in providing the following public services in the Canal operating areas and in housing areas set forth in the Agreement in Implementation of Article III of this Treaty and occupied by both United States and Panamanian citizen employees of the Panama Canal Commission: police, fire protection, street maintenance, street lighting, street cleaning, traffic management and garbage collection. The Panama Canal Commission shall pay the Republic of Panama the sum of ten million United States dollars ($10,000,000) per annum for the foregoing services. It is agreed that every three years from the date that this Treaty enters into force, the costs involved in furnishing said services shall be reexamined to determine whether adjustment of the annual payment should be made because of inflation and other relevant factors affecting the cost of such services.

6. The Republic of Panama shall be responsible for providing, in all areas comprising the former Canal Zone, services of a general jurisdictional nature such as customs and immigration, postal services, courts and licensing, in accordance with this Treaty and related agreements.

7. The United States of America and the Republic of Panama shall establish a Panama Canal Consultative Committee, composed of an equal number of high-level representatives of the United States of America and the Republic of Panama, and which may appoint such subcommittees as it may deem appropriate. This Committee shall advise the United States of America and the Republic of Panama on matters of policy affecting the Canal's operation. In view of both Parties' special interest in the continuity and efficiency of the Canal operation in the future, the Committee shall advise on matters such as general tolls policy, employment and training policies to increase the participation of Panamanian nationals in the operation of the Canal, and international policies on matters concerning the Canal. The Committee's recommendtaions shall be transmitted to the two Governments, which shall give such recommendations full consideration in the formulation of such policy decisions.

8. In addition to the participation of Panamanian nationals at high management levels of the Panama Canal Commission, as provided for in paragraph 3 of this Article, there shall be growing participation of Panamanian nationals at all other levels and areas of employment in the aforesaid Commission, with the objective of preparing, in an orderly and efficient fashion, for the assumption by the Republic of Panama of full responsibility for the management, operation and maintenance of the Canal upon the termination of this Treaty.

9. The use of the areas, waters and installations with respect to which the United States of America is granted rights pursuant to the Article, and the rights and legal status of United States Government agencies and employees operating in the Republic of Panama pursuant to this Article, shall be governed by the Agreement in Implementation of this Article, signed this date.

10. Upon entry into force of this Treaty, the United States Government agencies known as the Panama Canal Company and the Canal Zone Government shall cease to operate within the territory of the Republic of Panama that formerly constituted the Canal Zone.

ARTICLE IV

PROTECTION AND DEFENSE

1. The United States of America and the Republic of Panama commit themselves to protect and defend the Panama Canal. Each Party shall act, in accordance with its constitutional processes, to meet the danger resulting from an armed attack or other actions which threaten the security of the Panama Canal or of ships transiting it.

2. For the duration of this Treaty, the United States of America shall have primary responsibility to protect and defend the Canal. The rights of the United States of America to station, train, and move military forces within the Republic of Panama are described in the Agreement in Implementation of this Article, signed this date. The use of areas and installations and the legal status of the armed forces of the United States of America in the Republic of Panama shall be governed by the aforesaid Agreement.

3. In order to facilitate the participation and cooperation of the armed forces of both Parties in the protection and defense of the Canal, the United States of America and the Republic of Panama shall establish a Combined Board comprised of an equal number of senior military representatives of each Party. These representatives shall be charged by their respective governments with consulting and cooperating on all matters pertaining to the protection and defense of the Canal, and with planning for actions to be taken in concert for that purpose. Such combined protection and defense arrangements shall not inhibit the identity of lines of authority of the armed forces of the United States of America or the Republic of Panama. The Combined Board shall provide for coordination and cooperation concerning such matters as:

(a) The preparation of contingency plans for the protection and defense of the Canal based upon the cooperative efforts of the armed forces of both Parties.

(b) The planning and conduct of combined military exercises; and

(c) The conduct of United States and Panamanian military operations with respect to the protection and defense of the Canal.

4. The Combined Board shall, at five-year intervals throughout the duration of this Treaty, review the resources being made available by the two Parties for the protection and defense of the Canal. Also, the Combined Board shall make appropriate recommendations to the two Governments respecting projected requirements, the efficient utilization of available resources of the two Parties, and other matters of mutual interest with respect to the protection and defense of the Canal.

5. To the extent possible consistent with its primary responsibility for the protection and defense of the Panama Canal, the United States of America will endeavor to maintain its armed forces in the Republic of Panama in normal times at a level not in excess of that of the armed forces of the United States of America in the territory of the former Canal Zone immediately prior to the entry into force of this Treaty.

ARTICLE V

PRINCIPLE OF NON-INTERVENTION

Employees of the Panama Canal Commission, their dependents and designated contractors of the Panama Canal Commission, who are nationals of the United States of America, shall respect the laws of the Republic of Panama and shall abstain from any activity incompatible with the spirit of this Treaty. Accordingly, they shall abstain from any political activity in the Republic of Panama as well as from any intervention in the internal affairs of the Republic of Panama. The United States of America shall take all measures within its authority to ensure that the provisions of this Article are fulfilled.

ARTICLE VI

PROTECTION OF THE ENVIRONMENT

1. The United States of America and the Republic of Panama commit themselves to implement this Treaty in a manner consistent with the protection of the natural environment of the Republic of Panama. To this end, they shall consult and cooperate with each other in all appropriate ways to ensure that they shall give due regard to the protection and conservation of the environment.

2. A Joint Commission on the Environment shall be established with equal representation from the United States of America and the Republic of Panama, which shall periodically review the implementation of this Treaty and shall recommend as appropriate to the two Governments ways to avoid or, should this not be possible, to mitigate the adverse environmental impacts which might result from their respective actions pursuant to the Treaty.

3. The United States of America and the Republic of Panama shall furnish the Joint Commission on the Environment complete information on any action taken in accordance with this Treaty which, in the judgment of both, might have a significant effect on the environment. Such information shall be made available to the Commission as far in advance of the contemplated action as possible to facilitate the study by the Commission of any potential environmental problems and to allow for consideration of the recommendation of the Commission before the contemplated actions is carried out.

ARTICLE VII

FLAGS

1. The entire territory of the Republic of Panama, including the areas the use of which the Republic of Panama makes available to the United States of America pursuant to this Treaty and related agreements, shall be under the flag of the Republic of Panama, and consequently such flag always shall occupy the position of honor.

2. The flag of the United States of America may be displayed, together with the flag of the Republic of Panama, at the headquarters of the Panama Canal Commission, at this site of the Combined Board, and as provided in the Agreement in Implementation of Article IV of this Treaty.

3. The flag of the United States of America also may be displayed at other places and on some occasions, as agreed by both Parties.

ARTICLE VIII

PRIVILEGES AND IMMUNITIES

1. The installations owned or used by the agencies or instrumentalities of the United States of America operating in the Republic of Panama pursuant to this Treaty and related agreements, and their official archives and documents, shall be inviolable. The two Parties shall agree on procedures to be followed in the conduct of any criminal investigation at such locations by the Republic of Panama.

2. Agencies and instrumentalities of the Government of the United States of America operating in the Republic of Panama pursuant to this Treaty and related agreements shall be immune from the jurisdiction of the Republic of Panama.

3. In addition to such other privileges and immunities as are afforded to employees of the United States Government and their dependents pursuant to this Treaty, the United States of America may designate up to twenty officials of the Panama Canal Commission who, along with their dependents, shall enjoy the privileges and immunities accorded to diplomatic agents and their dependents under internationial law and practice. The United States of America shall furnish to the Republic of Panama a list of the names of said officials and their dependents, identify in the positions they occupy in the Government of the United States of America, and shall keep such list current at all times.

ARTICLE IX

APPLICABLE LAWS AND ENFORCEMENT

1. In accordance with the provisions of this Treaty and related agreements, the law of the Republic of Panama shall apply in the areas made available for the use of the United States of America pursuant to this Treaty. The law of the Republic of Panama shall be applied to matters or events which occurred in the former Canal Zone prior to the entry into force of this Treaty only to the extent specifically provided in prior treaties and agreements.

2. Natural or juridical persons who, on the date of entry into force of this Treaty, are engaged in business or non-profit activities at locations in the former Canal Zone may continue such business or activities at those locations under the same terms and conditions prevailing prior to the entry into force of this Treaty for a thirty-month transition period from its entry into force. The Republic of Panama shall maintain the same operating conditions as those applicable to the aforementioned enterprises prior to the entry into force of this Treaty in order that they may receive licenses to do business in the Republic of Panama subject to their compliance with the requirements of its law. Thereafter, such persons shall receive the same treatment under the law of the Republic of Panama as similar enterprises already established in the rest of the territory of the Republic of Panama without discrimination.

3. The rights of ownership, as recognized by the United States of America, enjoyed by natural or juridical private persons in buildings and other improvements to real property located in the former Canal Zone shall be recognized by the Republic of Panama in conformity with its laws.

4. With respect to buildings and other improvements to real property located in the Canal operating areas, housing areas or other areas subject to the licensing procedure established in Article IV of the Agreement in Implementation of Article III of this Treaty, the owners shall be authorized to continue using the land upon which their property is located in accordance with the procedures established in that Article.

5. With respect to buildings and other improvements to real property located in areas of the former Canal Zone to which the aforesaid licensing procedure is not applicable, or may cease to be applicable during the lifetime or upon termination of this Treaty, the owners may continue to use the land upon which their property is located, subject to the payment of a reasonable charge to the Republic of Panama. Should the Republic of Panama decide to sell such land, the owners of the buildings or other improvements located thereon shall be offered a first option to purchase such land at a reasonable cost. In the case of non-profit enterprises, such as churches and fraternal organizations, the cost of the purchase will be nominal in accordance with the prevailing practice in the rest of the territory of the Republic of Panama.

6. If any of the aforementioned persons are required by the Republic of Panama to discontinue their activities or vacate their property for public purposes, they shall be compensated at fair market value by the Republic of Panama.

7. The provisions of paragraphs 2–6 above shall apply to natural or juridical persons who have been engaged in business or non-profit activities at locations in the former Canal Zone for at least six months prior to the date of signature of this Treaty.

8. The Republic of Panama shall not issue, adopt or enforce any law, decrees, regulation, or international agreement or take any other action which purports to regulate or would otherwise interfere with the exercise on the part of the United States of America of any right granted under this Treaty or related agreements.

9. Vessels transiting the Canal, and cargo, passengers and crews carried on such vessels shall be exempt from any taxes, fees, or other charges by the Republic of Panama. However, in the event such vessels call at a Panamanian port, they may be assessed charges incident thereto, such as charges for services provided to the vessel. The Republic of Panama may also require the passengers and crew disembarking from such vessels to pay such taxes, fees and charges as are established under Panamanian law for persons entering its territory. Such taxes, fees and charges shall be assessed on a nondiscriminatory basis.

10. The United States of America and the Republic of Panama will cooperate in taking such steps as may from time to time be necessary to guarantee the security of the Panama Canal Commission, its property, its employees and their dependents, and their property, the Forces of the United States of America and the members thereof, the civilian component of the United States Forces, the dependents of members of the Forces and the civilian component, and their property, and the contractors of the Panama Canal Commission and of the United States Forces, their dependents, and their property. The Republic of Panama will seek from its Legislative Branch such legislation as may be needed to carry out the foregoing purposes and to punish any offenders.

11. The Parties shall conclude an agreement whereby nationals of either State, who are sentenced by the courts of the other State, and who are not domiciled therein, may elect to serve their sentences in their State of nationality.

ARTICLE X

EMPLOYMENT WITH THE PANAMA CANAL COMMISSION

1. In exercising its rights and fulfilling its responsibilities as the employer, the United States of America shall establish employment and labor regulations which shall contain the terms, conditions and prerequisites for all categories of employees of the Panama Canal Commission. These regulations shall be provided to the Republic of Panama prior to their entry into force.

2. (a) The regulations shall establish a system of preference when hiring employees, for Panamanian applicants possessing the skills and qualifications required for employment by the Panama Canal Commission. The United States of America shall endeavor to ensure that the number of Panamanian nationals employed by the Panama Canal Commission in relation to the total number of its employees will conform to the proportion established for foreign enterprises under the law of the Republic of Panama.

(b) The terms and conditions of employment to be established will in general be no less favorable to persons already employed by the Panama Canal Company or Canal Zone Government prior to the entry into force of this Treaty, than those in effect immediately prior to that date.

3. (a) The United States of America shall establish an employment policy for the Panama Canal Commission that shall generally limit the recruitment of personnel outside the Republic of Panama to persons possessing requisite skills and qualifications which are not available in the Republic of Panama.

(b) The United States of America will establish training programs for Panamanian employees and apprentices in order to increase the number of Panamanian nationals qualified to assume positions with the Panama Canal Commission, as positions become available.

(c) Within five years from the entry into force of this Treaty, the number of United States nationals employed by the Panama Canal Commission who were previously employed by the Panama Canal Company shall be at least twenty percent less than the total number of United States nationals working for the Panama Canal Company immediately prior to the entry into force of this Treaty.

(d) The United States of America shall periodically inform the Republic of Panama, through the Coordinating Committee, established pursuant to the Agreement in Implementation of Article III of this Treaty, of available positions within the Panama Canal Commission. The Republic of Panama shall similarly provide the United States of America any information it may have as to the availability of Panamanian nationals claiming to have skills and qualifications that might be required by the Panama Canal Commission, in order that the United States of America may take this information into account.

4. The United States of America will establish qualification standards for skills, training and experience required by the Panama Canal Commission. In establishing such standards, to the extent they include a requirement for a professional license, the United States of America, without prejudice to its right to require additional professional skills and qualifications, shall recognize the professional licenses issued by the Republic of Panama.

5. The United States of America shall establish a policy for the periodic rotation, at a maximum of every five years, of United States citizen employees and other non-Panamanian employees, hired after the entry into force of this Treaty. It is recognized that certain exceptions to the said policy of rotation may be made for sound administrative reasons, such as in the case of employees holding positions requiring certain non-transferable or non-recruitable skills.

6. With regard to wages and fringe benefits, there shall be no discrimination on the basis of nationality, sex, or race. Payments by the Panama Canal Commission of additional remuneration, or the provision of other ben-

efits, such as home leave benefits, to United States nationals employed prior to entry into force of this Treaty, or to persons of any nationality, including Panamanian nationals who are thereafter recruited outside of the Republic of Panama and who change their place of residence, shall not be considered to be discrimination for the purpose of this paragraph.

7. Persons employed by the Panama Canal Company or Canal Zone Government prior to the entry into force of this Treaty, who are displaced from their employment as a result of the discontinuance by the United States of America of certain activities pursuant to this Treaty, will be placed by the United States of America, to the maximum extent feasible, in other appropriate jobs with the Government of the United States in accordance with United States Civil Service regulations. For such persons who are not United States nationals, placement efforts will be confined to United States Government activities located within the Republic of Panama. Likewise, persons previously employed in activities for which the Republic of Panama assumes responsibility as a result of this Treaty will be continued in their employment to the maximum extent feasible by the Republic of Panama. The Republic of Panama shall, to the maximum extent feasible, ensure that the terms and conditions of employment applicable to personnel employed in the activities for which it assumes responsibility are no less favorable than those in effect immediately prior to the entry into force of this Treaty. Non-United States nationals employed by the Panama Canal Company or Canal Zone Government prior to the entry into force of this Treaty who are involuntarily separated from their positions because of the discontinuance of an activity by reason of this Treaty, who are not entitled to an immediate annuity under the United States Civil Service Retirement System, and for whom continued employment in the Republic of Panama by the Government of the United States of America is not practicable, will be provided special job placement assistance by the Republic of Panama for employment in positions for which they may be qualified by experience and training.

8. The Parties agree to establish a system whereby the Panama Canal Commission may, if deemed mutually convenient or desirable by the two Parties, assign certain employees of the Panama Canal Commission, for a limited period of time, to assist in the operation of activities transferred to the responsibility of the Republic of Panama as a result of this Treaty or related agreements. The salaries and other costs of employment of any such persons assigned to provide such assistance shall be reimbursed to the United States of America by the Republic of Panama.

9. (a) The right of employees to negotiate collective contracts with the Panama Canal Commission is recognized. Labor relations with employees of the Panama Canal Commission shall be conducted in accordance with forms of collective bargaining established by the United States of America after consultation with employee unions.

(b) Employee unions shall have the right to affiliate with international labor organizations.

10. The United States of America will provide an appropriate early optional retirement program for all persons employed by the Panama Canal Company or Canal Zone Government immediately prior to the entry into force of this Treaty. In this regard, taking into account the unique circumstances created by the provisions of this Treaty, including its duration, and their effect upon such employees, the United States of America shall, with respect to them:

(a) determine that conditions exist which invoke applicable United States law permitting early retirement annuities and apply such law for a substantial period of the duration of the Treaty;

(b) seek special legislation to provide more liberal entitlement to, and calculation of, retirement annuities than is currently provided for by law.

ARTICLE XI

PROVISIONS FOR THE TRANSITION PERIOD

The Republic of Panama shall reassume plenary jurisdiction over the former Canal Zone upon entry into force of this Treaty and in accordance with its terms.

1. In order to provide for an orderly transition to the full application of the jurisdictional arrangements established by this Treaty and related agreements, the provisions of this Article shall become applicable upon the date this Treaty enters into force, and shall remain in effect for thirty calendar months. The authority granted in this Article to the United States of America for this transition period shall supplement, and is not intended to limit, the full application and effect of the rights and authority granted to the United States of America elsewhere in this Treaty and in related agreements.

2. During this transition period, the criminal and civil laws of the United States of America shall apply concurrently with those of the Republic of Panama in certain of the areas and installations made available for the use of the United States of America pursuant to this Treaty, in accordance with the following provisions:

(a) The Republic of Panama permits the authorities of the United States of America to have the primary right to exercise criminal jurisdiction over United States citizen employees of the Panama Canal Commission and their dependents, and members of the United States Forces and civilian component and their dependents, in the following cases:

(i) for any offense committed during the transition period within such areas and installations, and

(ii) for any offense committed prior to that period in the former Canal Zone.

The Republic of Panama shall have the primary right to exercise jurisdiction over all other offenses committed by such persons, except as otherwise provided in this Treaty and related agreements or as may be otherwise agreed.

(b) Either Party may waive its primary right to exercise jurisdiction in a specific case or category of cases.

3. The United States of America shall retain the right to exercise jurisdiction in criminal cases relating to offenses committed prior to the entry into force of this Treaty in violation of the laws applicable in the former Canal Zone.

4. For the transition period, the United States of America shall retain police authority and maintain a police force in the aforementioned areas and installations. In such areas, the police authorities of the United States of America may take into custody any person not subject to their primary jurisdiction if such person is believed to have committed or to be committing an offense against applicable laws or regulations, and shall promptly transfer custody to the police authorities of the Republic of Panama. The United States of America and the Republic of Panama shall establish joint police patrols in agreed areas. Any arrests conducted by a joint patrol shall be the responsibility of the patrol member or members representing the Party having primary jurisdiction over the person or persons arrested.

5. The court of the United States of America and related personnel, functioning in the former Canal Zone immediately prior to the entry into force of this Treaty, may continue to function during the transition period for the judicial enforcement of the jurisdiction to be exercised by the United States of America in accordance with this Article.

6. In civil cases, the civilian courts of the United States of America in the Republic of Panama shall have no jurisdiction over new cases of a private civil nature, but shall retain full jurisdiction during the transition period to dispose of any civil cases, including admiralty cases, already instituted and pending before the courts prior to the entry into force of this Treaty.

7. The laws, regulations, and administrative authority of the United States of America applicable in the former Canal Zone immediately prior to the entry into force of this Treaty shall, to the extent not inconsistent with this Treaty and related agreements, continue in force for the purpose of the exercise by the United States of America of law enforcement and judicial jurisdiction only during the transition period. The United States of America may amend, repeal or otherwise change such laws, regulations and administrative authority. The two Parties shall consult concerning procedural and substantive matters relative to the implementation of this Article, including the disposition of cases pending at the end of the transition period and, in this respect, may enter into appropriate agreements by an exchange of notes or other instrument.

8. During this transition period, the United States of America may continue to incarcerate individuals in the areas and installations made available for the use of the United States of America by the Republic of Panama pursuant to this Treaty and related agreements, or to transfer them to penal facilities in the United States of America to serve their sentences.

ARTICLE XII

A SEA-LEVEL CANAL OR A THIRD LANE OF LOCKS

1. The United States of America and the Republic of Panama recognize that a sea-level canal may be important for international navigation in the future. Consequently, during the duration of this Treaty, both Parties commit themselves to study jointly the feasibility of a sea-level canal in the Republic of Panama, and in the event they determine that such a waterway is necessary, they shall negotiate terms, agreeable to both Parties, for its construction.

2. The United States of America and the Republic of Panama agree on the following:

(a) No new interoceanic canal shall be constructed in the territory of the Republic of Panama during the duration of this Treaty, except in accordance with the provisions of this Treaty, or as the two Parties may otherwise agree; and

(b) During the duration of this Treaty, the United States of America shall not negotiate with third States for the right to construct an interoceanic canal on any other route in the Western Hemisphere, except as the two Parties may otherwise agree.

3. The Republic of Panama grants to the United States of America the right to add a third land of locks to the existing Panama Canal. This right may be exercised at any time during the duration of this Treaty, provided that the United States of America has delivered to the Republic of Panama copies of the plans for such construction.

4. In the event the United States of America exercises the right granted in paragraph 3 above, it may use for that purpose, in addition to the areas otherwise made available to the United States of America pursuant to this Treaty, such other areas as the two Parties may agree upon. The terms and conditions applicable to Canal operating areas made available by the Republic of

Panama for the use of the United States of America pursuant to Article III of this Treaty shall apply in a similar manner to such additional areas.

5. In the construction of the aforesaid works, the United States of America shall not use nuclear excavation techniques without the previous consent of the Republic of Panama.

ARTICLE XIII

PROPERTY TRANSFER AND ECONOMIC PARTICIPATION BY THE REPUBLIC OF PANAMA

1. Upon termination of this Treaty, the Republic of Panama shall assume total responsibility for the management, operation, and maintenance of the Panama Canal, which shall be turned over in operating condition and free of liens and debts, except as the two Parties may otherwise agree.

2. The United States of America transfers, without charge, to the Republic of Panama all right, title and interest the United States of America may have with respect to all real property, including nonremovable improvements thereon, as set forth below:

(a) Upon the entry into force of this Treaty, the Panama Railroad and such property that was located in the former Canal Zone but that is not within the land and water areas the use of which is made available to the United States of America pursuant to this Treaty. However, it is agreed that the transfer on such date shall not include buildings and other facilities, except housing, the use of which is retained by the United States of America pursuant to this Treaty and related agreements, outside such areas;

(b) Such property located in an area or a portion thereof at such time as the use by the United States of America of such area or portion thereof ceases pursuant to agreement between the two Parties.

(c) Housing units made available for occupancy by members of the Armed Forces of the Republic of Panama in accordance with paragraph 5(b) of Annex B to the Agreement in Implementation of Article IV of this Treaty at such time as such units are made available to the Republic of Panama.

(d) Upon termination of this Treaty, all real property, and non-removable improvements that were used by the United States of America for the purposes of this Treaty and related agreements, and equipment related to the management, operation and maintenance of the Canal remaining in the Republic of Panama.

3. The Republic of Panama agrees to hold the United States of America harmless with respect to any claims which may be made by third parties relating to rights, title and interest in such property.

4. The Republic of Panama shall receive, in addition, from the Panama Canal Commission a just and equitable return on the national resources which it has dedicated to the efficient management, operation, maintenance, protection and defense of the Panama Canal, in accordance with the following:

(a) An annual amount to be paid out of Canal operating revenues computed at a rate of thirty hundredths of a United States dollar ($0.30) per Panama Canal net ton, or its equivalency, for each vessel transiting the Canal, after the entry into force of this Treaty, for which tolls are charged. The rate of thirty hundredths of a United States dollar ($0.30) per Panama Canal net ton, or its equivalency, will be adjusted to reflect changes in the United States wholesale price index for total manufactured goods during biennial periods. The first adjustment shall take place five years after entry into force of this Treaty, taking into account the changes that occurred in such price index during the preceding two years. Thereafter successive adjustments shall take place at the end of each biennial period. If the United States of America should decide that another indexing method is preferable, such method shall be proposed to the Republic of Panama and applied if mutually agreed.

(b) A fixed annuity of ten million United States dollars ($10,000,000) to be paid out of Canal operating revenues. This amount shall constitute a fixed expense of the Panama Canal Commission.

(c) An annual amount of up to ten million United States dollars ($10,000,000) per year, to be paid out of Canal operating revenues to the extent that such revenues exceed expenditures of the Panama Canal Commission including amounts paid pursuant to this Treaty. In the event Canal operating revenues in any year do not produce a surplus sufficient to cover this payment, the unpaid balance shall be paid from operating surpluses in future years in a manner to be mutually agreed.

ARTICLE XIV

SETTLEMENT OF DISPUTES

In the event that any question should arise between the Parties concerning the interpretation of this Treaty or related agreements, they shall make every effort to resolve the matter through consultation in the appropriate committees established pursuant to this Treaty and related agreements, or, if appropriate, through diplomatic channels. In the event the Parties are unable to resolve a particular matter through such means, they may, in appropriate cases, agree to submit the matter to conciliation, mediation, arbitration, or such other procedure for the peaceful settlement of the dispute as they may mutually deem appropriate.

Done at Washington, this 7th day of September, 1977, in duplicate, in the English and Spanish languages, both texts being equally authentic.

For the Republic of Panama:

OMAR TORRIJOS HERRERA,
Head of Government of the Republic of Panama.

For the United States of America:

JIMMY CARTER,
President of the United States of America.

ANNEX

PROCEDURES FOR THE CESSATION OF TRANSFER OF ACTIVITIES CARRIED OUT BY THE PANAMA CANAL COMPANY AND THE CANAL ZONE GOVERNMENT AND ILLUSTRATIVE LIST OF THE FUNCTIONS THAT MAY BE PERFORMED BY THE PANAMA CANAL COMMISSION

1. The laws of the Republic of Panama shall regulate the exercise of private economic activities within the areas made available by the Republic of Panama for the use of the United States of America pursuant to this Treaty. Natural or juridical persons who, at least six months prior to the date of signature of this Treaty, were legally established and engaged in the exercise of economic activities in the former Canal Zone, may continue such activities in accordance with the provisions of paragraphs 2–7 of Article IX of this Treaty.

2. The Panama Canal Commision shall not perform governmental or commercial functions as stipulated in paragraph 4 of this Annex, provided, however, that this shall not be deemed to limit in any way the right of the United States of America to perform those functions that may be necessary for the efficient management, operation and maintenance of the Canal.

3. It is understood that the Panama Canal Commission, in the exercise of the rights of the United States of America with respect to the management, operation and maintenance of the Canal, may perform functions such as are set forth below by way of illustration:

a. Management of the Canal enterprise.

b. Aids to navigation in Canal waters and in proximity thereto.

c. Control of vessel movement.

d. Operation and maintenance of the locks.

e. Tug service for the transit of vessels and dredging for the piers and docks of the Panama Canal Commission.

f. Control of the water levels in Gatun, Alajuela (Madden) and Miraflores Lakes.

g. Non-commercial transportation services in Canal waters.

h. Meteorological and hydrographic services.

i. Admeasurement.

j. Non-commercial motor transport and maintenance.

k. Industrial security through the use of watchmen.

l. Procurement and warehousing.

m. Telecommunications.

n. Protection of the environment by preventing and controlling the spillage of oil and substances harmful to human or animal life and of the ecological equilibrium in areas used in operation of the Canal and the anchorages.

o. Non-commercial vessel repair.

p. Air conditioning services in Canal installations.

q. Industrial sanitation and health services.

r. Engineering design, construction and maintenance of Panama Canal Commission installations.

s. Dredging of the Canal channel, terminal ports and adjacent waters.

t. Control of the banks and stabilizing the slopes of the Canal.

u. Non-commercial handling of cargo on the piers and docks of the Panama Canal Commission.

v. Maintenance of public areas of the Panama Canal Commission, such as parks and gardens.

w. Generation of electric power.

x. Purification and supply of water.

y. Marine salvage in Canal waters.

z. Such other functions as may be necessary or appropriate to carry out, in conformity with this Treaty and related agreements, the rights and responsibilities of the United States of America with respect to the management, operation and maintenance of the Panama Canal.

4. The following activities and operations carried out by the Panama Canal Company and the Canal Zone Government shall not be carried out by the Panama Canal Commission, effective upon the dates indicated herein:

(a) Upon the date of entry into force of this Treaty:

(i) Wholesale and retail sales, including those through commissaries, food stores, department stores, optical shops and pastry shops;

(ii) The production of food and drink, including milk products and bakery products;

(iii) The operation of public restaurants and cafeterias and the sale of articles through vending machines;

(iv) The operation of movie theaters, bowling alleys, pool rooms and other recreational and amusement facilities for the use of which a charge is payable;

(v) The operation of laundry and dry cleaning plants other than those operated for official use;

(vi) The repair and service of privately owned automobiles or the sale of petroleum or lubricants, including the operation of gasoline stations, repair garages and tire repair and recapping facilities, and the repair and service of other privately owned property, including appliances, electronic devices, boats, motors, and furniture;

(vii) The operation of cold storage and freezer plants other than those operated for official use;

(viii) The operation of freight houses other than those operated for official use;

(ix) Commercial services to and supply of privately owned and operated vessels, including the construction of vessels, the sale of petroleum and lubricants and the provision

of water, tug services not related to the Canal or other United States Government operations, and repair of such vessels, except in situations where repairs may be necessary to remove disabled vessels from the Canal;

(x) Printing services other than for official use;

(xi) Maritime transportation for the use of the general public;

(xii) Health and medical services provided to individuals, including hospitals, leprosariums, veterinary, mortuary and cemetery services;

(xiii) Educational services not for professional training, including schools and libraries;

(xiv) Postal services;

(xv) Imigration, customs and quarantine controls, except those measures necessary to ensure the sanitation of the Canal;

(xvi) Commercial pier and dock services, such as the handling of cargo and passengers; and

(xvii) Any other commercial activity of a similar nature, not related to the management, operation or maintenance of the Canal.

(b) Within thirty calendar months from the date of entry into force of this Treaty, governmental services such as:

(i) Police;

(ii) Courts; and

(iii) Prison system.

5. (a) With respect to those activities or functions described in paragraph 4 above, or otherwise agreed upon by the two Parties, which are to be assumed by the Government of the Republic of Panama or by private persons subject to its authority, the two Parties shall consult prior to the discontinuance of such activities or functions by the Panama Canal Commission to develop appropriate arrangements for the orderly transfer and continued efficient operation or conduct thereof.

(b) In the event that appropriate arrangements cannot be arrived at to ensure the continued performance of a particular activity or function described in paragraph 4 above which is necessary to the efficient management, operation or maintenance of the Canal, the Panama Canal Commission may, to the extent consistent with the other provisions of this Treaty and related agreements, continue to perform such activity or function until such arrangements can be made.

AGREED MINUTE TO THE PANAMA CANAL TREATY

1. With reference to paragraph 1(c) of Article I (Abrogation of Prior Treaties and Establishment of a New Relationship), it is understood that the treaties, conventions, agreements and exchanges of notes, or portions thereof, abrogated and superseded thereby include:

(a) The Agreement delimiting the Canal Zone referred to in Article II of the Interoceanic Canal Convention of November 18, 1903 signed at Panama on June 15, 1904.

(b) The Boundary Convention signed at Panama on September 2, 1914.

(c) The Convention regarding the Colon Corridor and certain other corridors through the Canal Zone signed at Panama on May 24, 1950.

(d) The Trans-Isthmian Highway Convention signed at Washington on March 2, 1936, the Agreement supplementing that Convention entered into through an exchange of notes signed at Washington on August 31 and September 6, 1940, and the arrangement between the United States of America and Panama respecting the Trans-Isthmian Joint Highway Board, entered into through an exchange of notes at Panama on October 19 and 23, 1939.

(e) The Highway Convention between the United States and Panama signed at Panama on September 14, 1950.

(f) The Convention regulating the transit of alcoholic liquors through the Canal Zone signed at Panama on March 14, 1932.

(g) The Protocol of an Agreement restricting use of Panama and Canal Zone waters by belligerents signed at Washington on October 10, 1914.

(h) The Agreement providing for the reciprocal recognition of motor vehicle license plates in Panama and the Canal Zone entered into through an exchange of notes at Panama on December 7 and December 12, 1950, and the Agreement establishing procedures for the reciprocal recognition of motor vehicle operator's licenses in the Canal Zone and Panama entered into through an exchange of notes at Panama on October 31, 1960.

(i) The General Relations Agreement entered into through an exchange of notes at Washington on May 18, 1942.

(j) Any other treaty, convention, agreement or exchange of notes between the United States and the Republic of Panama, or portions thereof, concerning the Panama Canal which was entered into prior to the entry into force of the Panama Canal Treaty.

2. It is further understood that the following treaties; conventions, agreements and exchanges of notes between the two Parties are not affected by paragraph 1 of Article I of the Panama Canal Treaty:

(a) The Agreement confirming the cooperative agreement between the Panamanian Ministry of Agriculture and Livestock and the United States Department of Agriculture for the prevention of foot-and-mouth disease and rinderpest in Panama, entered into by an exchange of notes signed at Panama on June 21 and October 5, 1972, and amended May 28 and June 12, 1974.

(b) The Loan Agreement to assist Panama in executing public marketing programs in basic grains and perishables, with annex, signed at Panama on September 10, 1975.

(c) The Agreement concerning the regulation of commercial aviation in the Republic of Panama, entered into by an exchange of notes signed at Panama on April 22, 1929.

(d) The Air Transport Agreement signed at Panama on March 31, 1949, and amended May 29 and June 3, 1952, June 5, 1967, December 23, 1974, and March 6, 1975.

(e) The Agreement relating to the establishment of headquarters in Panama for a civil aviation technical assistance group for the Latin American area, entered into by an exchange of notes signed at Panama on August 8, 1952.

(f) The Agreement relating to the furnishing by the Federal Aviation Agency of certain services and materials for air navigation aids, entered into by an exchange of notes signed at Panama on December 5, 1967 and February 22, 1968.

(g) The Declaration permitting consuls to take note in person, or by authorized representatives, of declarations of values of exports made by shippers before customs officers, entered into by an exchange of notes signed at Washington on April 17, 1913.

(h) The Agreement relating to customs privileges for consular officers, entered into by an exchange of notes signed at Panama on January 7 and 31, 1935.

(i) The Agreement relating to the sale of military equipment, materials, and services to Panama, entered into by an exchange of notes signed at Panama on May 20, 1959.

(j) The Agreement relating to the furnishing of defense articles and services to Panama for the purpose of contributing to its internal security, entered into by an exchange of notes signed at Panama on March 26 and May 23, 1962.

(k) The Agreement relating to the deposit by Panama of ten percent of the value of grant military assistance and excess defense articles furnished by the United States, entered into by an exchange of notes signed at Panama on April 4 and May 9, 1972.

(l) The Agreement concerning payment to the United States of net proceeds from the sale of defense articles furnished under the military assistance program, entered into by an exchange of notes signed at Panama on May 20 and December 6, 1974.

(m) The General Agreement for Technical and Economic Cooperation, signed at Panama on December 11, 1961.

(n) The Loan Agreement relating to the Panama City water supply system, with annex, signed at Panama on May 6, 1969, and amended September 30, 1971.

(o) The Loan Agreement for rural municipal development in Panama, signed at Panama on November 28, 1975.

(p) The Loan Agreement relating to a project for the modernization, restructuring and reorientation of Panama's educational programs, signed at Panama on November 19, 1975.

(q) The Treaty providing for the extradition of criminals, signed at Panama on May 25, 1904.

(r) The Agreement relating to legal tender and fractional silver coinage by Panama, entered into by an exchange of notes signed at Washington and New York on June 20, 1904, and amended March 26 and April 2, 1930, May 28 and June 6, 1931, March 2, 1936, June 17, 1946, May 9 and 24, 1950, September 11 and October 22, 1953, August 23 and October 25, 1961, and September 26 and October 23, 1962.

(s) The Agreement for enlargement and use by Canal Zone of sewerage faciilties in Colon Free Zone Area, entered into by an exchange of notes signed at Panama on March 8 and 25, 1954.

(t) The Agreement relating to the construction of the interAmerican highway, entered into by an exchange of notes signed at Panama on May 15 and June 7, 1943.

(u) The Agreement for cooperation in the construction of the Panama segment of the Darien Gap highway, signed at Washington on May 6, 1971.

(v) The Agreement relating to investment guaranties under sec. 413(b)(4) of the Mutual Security Act of 1954, as amended, entered into by an exchange of notes signed at Washington on January 23, 1961.

(w) The Informal Arrangement relating to cooperation between the American Embassy, or Consulate, and Panamanian authorities when American merchant seamen or tourists are brought before a magistrate's court, entered into by an exchange of notes signed at Panama on September 18 and October 15, 1947.

(x) The Agreement relating to the mutual recognition of ship measurement certificates, entered into by an exchange of notes signed at Washington on August 17, 1937.

(y) The Agreement relating to the detail of a military officer to serve as adviser to the Minister of Foreign Affairs of Panama, signed at Washington on July 7, 1942, and extended and amended February 17, March 23, September 20 and October 8, 1962.

(z) The Agreement relating to the exchange of official publications, entered into by an exchange of notes signed at Panama on November 27, 1941 and March 7, 1942.

(aa) The Convention for the Prevention of Smuggling of Intoxicating Liquors, signed at Washington on June 6, 1924.

(bb) The Arrangement providing for relief from double income tax on shipping profits, entered into by an exchange of notes signed at Washington on January 15, February 8, and March 28, 1941.

(cc) The Agreement for withholding of Panamanian income tax from compensation paid to Panamanians employed within Canal Zone by the canal, railroad, or auxiliary works, entered into by an exchange of notes signed at Panama on August 12 and 30, 1963.

(dd) The Agreement relating to the withholding of contributions for educational insurance from salaries paid to certain Canal Zone employees, entered into by an exchange of notes signed at Panama on September 8 and October 13, 1972.

(ee) The Agreement for radio communica-

tions between amateur stations on behalf of third parties, entered into by an exchange of notes signed at Panama on July 19 and August 1, 1956.

(ff) The Agreement relating to the granting of reciprocal authorizations to permit licensed amateur radio operators of either country to operate their stations in the other country, entered into by an exchange of notes signed at Panama on November 16, 1966.

(gg) The Convention facilitating the work of traveling salesmen, signed at Washington on February 8, 1919.

(hh) The Reciprocal Agreement for gratis nonimmigrant visas, entered into by an exchange of notes signed at Panama on March 27 and May 22 and 25, 1956.

(ii) The Agreement modifying the Agreement of March 27 and May 22 and 25, 1956 for gratis nonimmigrant visas, entered into by an exchange of notes signed at Panama on June 14 and 17, 1971.

(jj) Any other treaty, convention, agreement or exchange of notes, or portions thereof, which does not concern the Panama Canal and which is in force immediately prior to entry into force of the Panama Canal Treaty.

3. With reference to paragraph 2 of Article X (Employment with the Panama Canal Commission), concerning the endeavor to ensure that the number of Panamanian nationals employed in relation to the total number of employees will conform to the proportion established under Panamanian law for foreign business enterprises, it is recognized that progress in this regard may require an extended period in consonance with the concept of a growing and orderly Panamanian participation, through training programs and otherwise, and that progress may be affected from time to time by such actions as the transfer or discontinuance of functions and activities.

4. With reference to paragraph 10(a) of Article X, it is understood that the currently applicable United States law is that contained in Section 8336 of Title 5, United States Code.

5. With reference to paragraph 2 of Article XI (Transitional Provisions), the areas and installations in which the jurisdictional arrangements therein described shall apply during the transition period are as follows:

(a) The Canal operating areas and housing areas described in Annex A to the Agreement in Implementation of Article III of the Panama Canal Treaty.

(b) The Defense Sites and Areas of Military Coordination described in the Agreement in Implementation of Article IV of the Panama Canal Treaty.

(c) The Ports of Balboa and Cristobal described in Annex B of the Agreement in Implementation of Article III of the Panama Canal Treaty.

6. With reference to paragraph 4 of Article XI, the areas in which the police authorities of the Republic of Panama may conduct joint police patrols with the police authorities of the United States of America during the transition period are as follows:

(a) Those portions of the Canal operating areas open to the general public, the housing areas and the Ports of Balboa and Cristobal.

(b) Those areas of military coordination in which joint police patrols are established pursuant to the provisions of the Agreement in Implementation of Article IV of this Treaty, signed this date. The two police authorities shall develop appropriate administrative arrangements for the scheduling and conduct of such joint police patrol.

II. TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

The United States of America and the Republic of Panama have agreed upon the following:

ARTICLE I

The Republic of Panama declares that the Canal, as an international transit waterway, shall be permanently neutral in accordance with the regime established in this Treaty. The same regime of neutrality shall apply to any other international waterway that may be built either partially or wholly in the territory of the Republic of Panama.

ARTICLE II

The Republic of Panama declares the neutrality of the Canal in order that both in time of peace and in time of war it shall remain secure and open to peaceful transit by the vessels of all nations on terms of entire equality, so that there will be no discrimination against any nation, or its citizens or subjects, concerning the conditions or charges of transit, or for any other reason, and so that the Canal, and therefore the Isthmus of Panama, shall not be the target of reprisals in any armed conflict between other nations of the world. The foregoing shall be subject to the following requirements:

(a) Payment of tolls and their charges for transit and ancillary services, provided they have been fixed in conformity with the provisions of Article III (c);

(b) Compliance with applicable rules and regulations, provided such rules and regulations are applied in conformity with the provisions of Article III;

(c) The requirement that transiting vessels commit no acts of hostility while in the Canal; and

(d) Such other conditions and restrictions as are established by this Treaty.

ARTICLE III

1. For purposes of the security, efficiency and proper maintenance of the Canal the following rules shall apply:

(a) The Canal shall be operated efficiently in accordance with conditions of transit through the Canal, and rules and regulations that shall be just, equitable and reasonable, and limited to those necessary for safe navigation and efficient, sanitary operation of the Canal;

(b) Ancillary services necessary for transit through the Canal shall be provided;

(c) Tolls and other charges for transit and ancillary services shall be just, reasonable, equitable and consistent with the principles of international law;

(d) As a pre-condition of transit, vessels may be required to establish clearly the financial responsibility and guarantees for payment of reasonable and adequate indemnification, consistent with international practice and standards, for damages resulting from acts or omissions of such vessels when passing through the Canal. In the case of a vessel owned or operated by a State or for which it has acknowledged responsibility, a certification by that State that it shall observe its obligations under international law to pay for damages resulting from the act or omission of such vessels when passing through the Canal shall be deemed sufficient to establish such financial responsibility;

(e) Vessels of war and auxiliary vessels of all nations shall at all times be entitled to transit the Canal, irrespective of their internal operation, means of propulsion, origin, destination or armament, without being subjected, as a condition of transit, to inspection, search or surveillance. However, such vessels may be required to certify that they have complied with all applicable health, sanitation and quarantine regulations. In addition, such vessels shall be entitled to refuse to disclose their internal operation, origin, armament, cargo or destination. However, auxiliary vessels may be required to present written assurances, certified by an official at a high level of the government of the State requesting the exemption, that they are owned or operated by that government and in this case are being used only on government noncommercial service.

2. For the purposes of this Treaty, the terms "Canal," "vessel of war," "auxiliary vessel," "internal operation," "armament" and "inspection" shall have the meanings assigned them in Annex A to this Treaty.

ARTICLE IV

The United States of America and the Republic of Panama agree to maintain the regime of neutrality established in this Treaty, which shall be maintained in order that the Canal shall remain permanently neutral, notwithstanding the termination of any other treaties entered into by the two Contracting Parties.

ARTICLE V

After the termination of the Panama Canal Treaty, only the Republic of Panama shall operate the Canal and maintain military forces, defense sites and military installations within its national territory.

ARTICLE VI

1. In recognition of the important contributions of the United States of America and of the Republic of Panama to the construction, operation, maintenance, and protection and defense of the Canal, vessels of war and auxiliary vessels of those nations shall, notwithstanding any other provisions of this Treaty, be entitled to transit the Canal irrespective of their internal operation, means of propulsion, origin, destination, armament or cargo carried. Such vessels of war and auxiliary vessels will be entitled to transit the Canal expeditiously.

2. The United States of America, so long as it has responsibility for the operation of the Canal, may continue to provide the Republic of Colombia toll-free transit through the Canal for its troops, vessels and materials of war. Thereafter, the Republic of Panama may provide the Republic of Colombia and the Republic of Costa Rica with the right of toll-free transit.

ARTICLE VII

1. The United States of America and the Republic of Panama shall jointly sponsor a resolution in the Organization of American States opening to accession by all States of the world the Protocol to this Treaty whereby all the signatories will adhere to the objectives of this Treaty, agreeing to respect to regime of neutrality set forth herein.

2. The Organization of American States shall act as the depositary for this Treaty and related instruments.

ARTICLE VIII

This Treaty shall be subject to ratification in accordance with the constitutional procedures of the two Parties. The instruments of ratification of this Treaty shall be exchanged at Panama at the same time as the instruments of ratification of the Panama Canal Treaty, signed this date, are exchanged. This Treaty shall enter into force, simultaneously with the Panama Canal Treaty, six calendar months from the date of the exchange of the instruments of ratification.

DONE at Washington, this 7th day of September, 1977, in duplicate, in the English and Spanish languages, both texts being equally authentic.

For the Republic of Panama:

OMAR TORRIJOS HERRERA,
Head of Government of the Republic of Panama.

For the United States of America:

JIMMY CARTER,
President of the United States of America.

ANNEX A

1. "Canal" includes the existing Panama Canal, the entrances thereto and the territorial seas of the Republic of Panama adjacent thereto, as defined on the map annexed hereto (Annex B), and any other interoceanic waterway in which the United States of America is a participant or in which the United States of America has participated in connection with the construction or financ-

ing, that may be operated wholly or partially within the territory of the Republic of Panama, the entrances thereto and the territorial seas adjacent thereto.

2. "Vessel of war" means a ship belonging to the naval forces of a State, and bearing the external marks distinguishing warships of its nationality, under the command of an officer duly commissioned by the government and whose name appears in the Navy List, and manned by a crew which is under regular naval discipline.

3. "Auxiliary vessel" means any ship, not a vessel of war, that is owned or operated by a State and used, for the time being, exclusively on government non-commercial service.

4. "Internal operation" encompasses all machinery and propulsion systems, as well as the management and control of the vessel, including its crew. It does not include the measures necessary to transit vessels under the control of pilots while such vessels are in the Canal.

5. "Armament" means arms, ammunitions, implements of war and other equipment of a vessel which possesses characteristics appropriate for use for warlike purposes.

6. "Inspection" includes on-board examination of vessel structure, cargo, armament and internal operation. It does not include those measures strictly necessary for measurement, nor those measures strictly necessary to assure safe, sanitary transit and navigation, including examination of deck and visual navigation equipment, nor in the case of live cargoes, such as cattle or other livestock, that may carry communicable diseases, those measures necessary to assure that health and sanitation requirements are satisfied.

ANNEX B

PROTOCOL TO THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

Whereas the maintenance of the neutrality of the Panama Canal is important not only to the commerce and security of the United States of America and the Republic of Panama, but to the peace and security of the Western Hemisphere and to the interests of world commerce as well;

Whereas the regime of neutrality which the United States of America and the Republic of Panama have agreed to maintain will ensure permanent access to the Canal by vessels of all nations on the basis of entire equality;

Whereas the said regime of effective neutrality shall constitute the best protection for the Canal and shall ensure the absence of any hostile act against it;

The Contracting Parties to this Protocol have agreed upon the following:

ARTICLE I

The Contracting Parties hereby acknowledge the regime of permanent neutrality for the Canal established in the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal and associate themselves with its objectives.

ARTICLE II

The Contracting Parties agree to observe and respect the regime of permanent neutrality of the Canal in time of war as in time of peace, and to ensure that vessels of their registry strictly observe the applicable rules.

ARTICLE III

This Protocol shall be open to accession by all states of the world, and shall enter into force for each State at the time of deposit of its instrument of accession with the Secretary General of the Organization of American States.

THE LEGAL ADVISER,
DEPARTMENT OF STATE,
Washington, February 8, 1978.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: We have been asked to provide lists of (1) the documents constituting the Panama Canal treaties that are before the Senate for its advice and consent, (2) documents implementing the Panama Canal Treaty, and (3) documents which are not implementing agreements and concern activities of the United States Government in Panama not directly related to the Panama Canal Treaty. Following are the requested lists:

1. Documents Associated with the Panama Canal Treaties that are Before the Senate for Its Advice and Consent.

Panama Canal Treaty:
Text
Annex
Agreed Minute

Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal:
Text
Annex A
Annex B

Protocol to the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

2. Documents Implementing the Panama Canal Treaty.

Agreement in Implementation of Article III of the Panama Canal Treaty.
Annex A
Annex B
Annex C
Agreed Minute

Agreement in Implementation of Article IV of the Panama Canal Treaty:
Annex A
Annex B
Annex C
Annex D
Agreed Minute

Maps of the Land and Water Areas for the Operation and Defense of the Panama Canal Referred to in the Agreements in Implementation of Article III and IV of the Panama Canal Treaty.

Exchange of Notes Relating to Postal Services.

Exchange of Notes Relating to Use of Commissary and Post Exchange Facilities.

Letter Describing Application of the Wholesale Price Index Referred to in Paragraph 4(A) of Article XIII of the Panama Canal Treaty.

Letter Regarding Termination of Article XVII of the United States—Panama Air Transport Services Agreement.

3. Documents Which are not Implementing Agreements and Concern Activities of the United States Government in Panama not Directly Related to the Panama Canal Treaty.

Agreement on Certain Activities of the United States of America in the Republic of Panama.

Agreement Pursuant to Article VI of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere.

Note Regarding Economic and Military Cooperation.

Exchange of Notes Relating to Air Traffic Control Services.

Note Regarding the Establishment of the Panama Bureau of the United States Foreign Broadcast Information Service.

Exchange of Notes Relating to the Gorgas Memorial Institute of Tropical and Preventive Medicine, Incorporated, and to the Gorgas Memorial Laboratory.

Exchange of Notes Relating to Scientific Activities in Panama of the Smithsonian Tropical Research Institute.

Exchange of Notes Relating to Custodianship of the Barro Colorado Native Monument by the Smithsonian Tropical Research Institute.

Sincerely,

HERBERT J. HANSELL.

DEPARTMENT OF STATE,
Washington, D.C., February 8, 1978.

Hon. JOHN SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to a request from your staff for clarification regarding the content of certain documents published in connection with the Senate's consideration of the Panama Canal Treaties.

First, the "Agreed Minute" to the Panama Canal Treaty constitutes an integral part of that Treaty and was accordingly bound together with the signed original text. The Agreed Minute was contained in the initial reproduction of the Treaty provided to members of the Senate by the Department, and in various public documents susbequently published by the Department. Unfortunately, the particular, printing reproduced at pages 201–220 of the Committee's recent report (Exec. Rept. No. 95–12) did not include the Agreed Minute, and we regret any inconvenience this may have caused the Committee.

Second, we understand that some confussion has developed as a result of a printing error appearing on page 38 of the Committee print of the President's transmittal message (Exec. N). That document incorrectly identifies the Protocol to the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal as "Annex B". "Annex B" to the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal is in fact comprised of the maps which appear at pages 216–218 of the Committee's report, which correctly identifies them as such.

Sincerely,

DOUGLAS J. BENNET, Jr.
Assistant Secretary for Congressional Relations.

EXCERPTS FROM THE REPORT OF THE COMMITTEE ON FOREIGN RELATIONS ON THE PANAMA CANAL TREATIES (SEN. EX. REPT. 95–12)

* * * * *

II. COMMITTEE RECOMMENDATIONS

On January 26, the Committee concluded its hearings on the proposed Panama Canal agreements. Senator Robert C. Byrd, the Majority Leader, appeared before the Committee and testified in support of the agreements. In concluding his prepared statement, the Majority Leader addressed the Chair, and expressed "the hope that this Committee, in its recommendations to the Senate, will provide guidance as to how best to meet the concerns that many of us have about the treaties. * * * " He also cautioned the Committee not to create a situation that "would undercut all that has been done to move us toward a successful resolution of this matter."

Following the Majority Leader's presentation, Chairman Sparkman suggested to the Committee that it approve the following course of action:

"Under the circumstances, it seems like it would be the best procedure for the committee to make its recommendations to the Senate on amendments, reservations, or understandings in the committee report, but not as specific proposals in the resolution of ratification. As I understand it, that is in conformity with the wishes of the Majority Leader and the Minority Leader, I believe.

"This will allow the committee to make its views known to the Senate on specific amendments, reservations and understandings, and at the same time permit all members of the Senate to have maximum participation in the shaping of the Senate's action on these treaties. There will, of course, be re-

corded votes in the committee on any major proposal presented, and these votes will be recorded in the committee report.

"I recognize that this procedure is unusual, and I may say that as a matter of fact I myself would have much preferred following the more usual route. But we are in an unusual situation and we do have the well-expressed views from the Majority Leader and the Minority Leader. For that reason and since it is an unusual problem I think a departure from the standard committee procedure is justified if that is necessary to enable the Senate best to work its will on such an important issue."

This procedure had been discussed earlier with the Senate leadership and members of the Committee. Following its formal presentation to the Committee, Senator Case moved its adoption and the Committee approved it without objection.

The Committee does not view the procedure as a precedent-setting departure from established practice. Quite the contrary—the Committee views the procedure as unique, but one which is necessitated because the situation posed by the consideration of the Panama Canal treaties is in many ways unique.

This point was made clear in the following exchange between Senator Pell and the Majority Leader on January 26:

Senator PELL. Thank you, Mr. Chairman.

I have no questions and no real statement except to say that I hope this procedure would not become a precedent. I recognize the political imperatives that call for every member of the Senate to vote in order to show his position to his own constituents at home on the matter. * * *

Senator BYRD. . . . this will not be a precedent.

With the inclusion of the recommendations listed below, the Committee's support for the treaties is virtually unanimous—with 14 members supporting ratification and only one opposing.

Because the Committee firmly believes that ratification of the treaties will best serve our national interests, it agrees to depart from standard practice and to include its recommendations in the Committee's report instead of in the resolutions of ratification.

In the Commitee's view, the ultimate purpose is to serve the national interest by gaining ratification of the treaties in a manner that is fully acceptable and legally binding on both parties. To achieve this objective, two-thirds of members of the Senate present and voting must consent to ratification. In the Committee's opinion, the likelihood of securing this vote will be enhanced substantially by permitting the full Senate to work its will on the treaties and the resolutions of ratification without any formal encumbrances on them.

In taking this course of action, however, the Committee by no means intends to denigrate the importance of the specific recommendations listed below. Indeed, the Committee's strong support for the treaties is based, in large part, upon the recommendation approved overwhelmingly by the Committee. Without them, particularly the amendments to the neutrality treaty, many members of the Committee might have considerable reluctance in urging the Senate to ratify this agreement. But the Committee explicitly did condition its favorable recommendation with respect to the resolution of ratification accompanying the Panama Canal Treaty upon the Senate's approval of the resolution of ratification accompanying the Treaty Concerning the Permanent Neutrality and Operation of the Canal.

Conversely, the Committee believed it undesirable to make any recommendations beyond the ones it approved. During its mark-up sessions, members of the Committee considered all of the amendments, reservations and understandings which had been introduced up to that point, plus additional measures offered by the members themselves. It either rejected or set aside all of them except for two amendments and four understandings (two of which are identical). The two amendments approved by the Committee serve to incorporate the language of the Carter-Torrijos communique into the neutrality agreement.

The adoption of these Committee amendments made many other amendments moot, such as those offered by Senator Hollings, and Senator Dole, and Senator Bentsen. Their amendments were designed for the same purpose and each of the Senators along with the Majority and Minority Leaders—deserve much of the credit for underscoring the importance of this issue. The Committee wishes to express its gratitude to all of them.

All of the other measures presented for consideration were rejected by the Committee. In the Committee's view, this action was necessary because the adoption of any of them would serve only to cripple the treaties and to render them unacceptable. Additionally, approval of any of these provisions would seriously raise the prospect of requiring the Government of Panama to hold another plebiscite. In the Committee's view, it is desirable to avoid such a requirement to the maximum extent possible. The recommendations listed below accord with this view and do not run the risk of requiring another Panamanian plebiscite. The Committee's opinion in this regard is based on conversations with General Torrijos and other Panamanian officials, plus spokesmen from our own executive branch.

A. Amendment incorporating in article IV of the Neutrality Treaty the rights of defense set forth in Carter-Torrijos joint statement

The Committee recommends that article IV of the Neutrality Treaty be amended by adding at the end thereof the following:

A correct and authoritative statement of certain rights and duties of the Parties under the foregoing is contained in the Statement of Understanding issued by the Government of the United States of America on October 14, 1977, and by the Government of the Republic of Panama on October 18, 1977, which is hereby incorporated as an integral part of this Treaty, as follows:

"Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the Neutrality Treaty), Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the Canal or against peaceful transit of vessels through the Canal.

"This does not mean, nor shall it be interpreted as, a right of intervention of the United States in the internal affairs of Panama. Any United States action will be directed at insuring that the Canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama."

(See statement of intent regarding recommendation B, below.)

B. Amendment incorporating in article VI of the Neutrality Treaty the rights of priority passage set forth in the Carter-Torrijos joint statement

The Committee recommends that article VI of the Neutrality Treaty be amended by adding at the end thereof the following:

In accordance with the Statement of Understanding mentioned in Article IV above: "The Neutrality Treaty provides that the vessels of war and auxiliary vessels of the United States and Panama will be entitled to transit the Canal expeditiously. This is intended, and it shall so be interpreted, to assure the transit of such vessels through the Canal as quickly as possible, without any impediment, with expedited treatment, and in case of need or emergency, to go to the head of the line of vessels in order to transit the Canal rapidly."

STATEMENT OF INTENT

The Committee's intent in recommending the adoption of these two amendments to the Neutrality Treaty is that the Carter-Torrijos Joint Statement of October 14, 1977, be made an integral part of the treaty with the same force and effect as those treaty provisions submitted to the Senate initially for its advice and consent.

The Committee had originally voted to include the Joint Statement in a single amendment which would have added as a new article IX to the treaty. Upon being advised by the State Department—contrary to previous advice—that this placement could require a new Panamanian plebiscite, the Committee voted to reconsider the proposed article IX and voted instead to recommend the addition of that same material, in two parts, to articles IV and VI. This did not represent a "flip-flop"; in each instance the substantive wording was identical to that of the Joint Statement, and each provision—whether placed in one article or in two—would have had precisely the same legal effect, being equally binding internationally. The difference is purely one of cosmetics. If a negligible change in form, with no change whatsoever in substance, could obivate the need for a new plebiscite—an eventuality which could complicate vastly the ratification process—then the Committee concluded that it would happily oblige.

The meaning of these amendments, which together constitute the entire Joint Statement, is plain. The first amendment relates to the right of the United States to defend the Canal. (It creates no automatic obligation to do so. See p. 74 of this report.) It allows the United States to introduce its armed forces into Panama whenever and however the Canal is threatened. Whether such a threat exists is for the United States to determine on its own in accordance with its constitutional processes. What steps are necessary to defend the Canal is for the United States to determine on its own in accordance with its constitutional processes. When such steps shall be taken is for the United tSates to determine on its own in accordance with its constitutional processes. The United States has the right to act if it deems proper against any threat to the Canal, internal or external, domestic or foreign, military or non-military. Those rights enter into force on the effective date of the treaty. They do not terminate.

The above-described rights are not affected by the second paragraph of the amendment, which provides that the United States has no "right of intervention . . . in the internal affairs of Panama," and which prohibits the United States from acting "against the territorial integrity or political independence of Panama." The Committee notes, first, that these provisions prohibit the United States from doing nothing that it is not already prohibited from doing under the United Nations Charter, which proscribes "the threat or use of force against the territorial integrity or political independence of any state" (article 2(4)). The Committee never supposed that the United States, in entering into the Neutrality Treaty, intended to obtain powers that it had previously renounced. The Committee thus does not believe that the provision

in question substantively alters existing United States commitments to Panama.

Second, the prohibitions set forth in the second paragraph do not derogate from the rights conferred in the first. The Joint Statement recognizes that the use of Panamanian territory might be required to defend the Canal. But that use would be for the sole purpose of defending the Canal—it would be purely incidential to the Canal's defense; it would be strictly a means to that end, rather than an end in itself; and it would not be carried out for the purpose of taking Panamanian territory. The concepts of the territorial integrity and political independence of Panama are, in short, an integral part of the treaty, so that action directed at preserving the regime of neutrality set forth in the treaty would never be directed against Panama's territorial integrity or political independence.

For these reasons, use of Panamanian territory to defend the Canal would clearly be permissible under the portion of the Joint Statement incorporated in Article IV. This is made clear in an opinion presented to the Committee by the Department of Justice (hearings, part 1, p. 332):

"A legitimate exercise of rights under the Neutrality Treaty by the United States would not, either in intent or in fact, be directed against the territorial integrity or political independence of Panama. No question of detaching territory from the sovereignty or jurisdiction of Panama would arise. Nor would the political independence of Panama be violated by measures calculated to uphold a commitment to the maintenance of the Canal's neutrality which Panama has freely assumed. A use of force in these circumstances would not be directed against the form or character of composition of the Government of Panama or any other aspect of its political independence; it would be solely directed and proportionately crafted to maintain the neutrality of the Canal."

Finally, even if a conflict were somehow to arise between the two paragraphs, because the United States has the right to act against "any . . . threat directed against the Canal." there is no question that the first would prevail. The rights conferred therein are stated in absolute terms and must therefore be construed as controlling.

The meaning of the recommended amendment to article VI is equally clear. This provision—extracted verbatim from the Joint Statement—confers upon United States warships and auxiliary vessels the right to go "to the head of the line" in an "emergency". What constitutes an emergency, and when one exists, is for the United States and the United States alone to determine. The provision could hardly be more explicit.

Like the recommended amendment to article IV, this amendment, if adopted by the Senate, will become an integral part of the treaty, of the same force and effect as all other provisions. The Committee is informed by the Department of State that the Government of the Republic of Panama has concluded that no new plebiscite will be required for the approval of the two amendments. Together, they comprise the verbatim text of the Joint Statement, which was read by General Torrijos to the people of Panama live on national television three days before the October 23 plebiscite. (See p. 478 of part 1 of the hearings for a list of Panamanian newspapers in which the Joint Statement appeared prior to the holding of the plebiscite.) It thus is clear that the Panamanian people were fully apprised of the Joint Statement prior to the plebiscite, and were accorded a full opportunity to consider its provisions before approving the treaties.

C. Understanding regarding the requirement to conclude a prisoner transfer agreement (article IX (11), Panama Canal Treaty).

The Committee recommends that the resolution of ratification to the Panama Canal Treaty be amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "subject to the following understanding:

"Any agreement concluded pursuant to article IX, paragraph 11 with respect to the transfer of prisoners shall be concluded in accordance with the constitutional processes of both parties"

STATEMENT OF INTENT

Article IX (11) of the Panama Canal Treaty provides as follows:

"11. The Parties shall conclude an agreement whereby nationals of either State, who are sentenced by the courts of the other State, and who are not domiciled therein, may elect to serve their sentences in their State of nationality."

The Committee intends, through the above understanding regarding this provision, to make clear (1) that any agreement negotiated on this subject be submitted to the Senate as a treaty for its advice and consent to ratification; and (2) that should the Senate not give its advice and consent to the ratification of such an agreement, the United States will not be in violation of this provision.

As paragraph 11 of article IX is drafted, it can be construed as authority for the President to enter into a prisoner transfer agreement with Panama as an executive agreement. This, in the Committee's judgment, would be undesirable; United States practice with respect to such agreements, limited though it is, has been that they be concluded as treaties. Sound policy reasons underlie this procedure. Prisoner transfer arrangements are significant international agreements; they involve important foreign policy judgments regarding the criminal justice systems and human rights practices of the countries proposed as parties to such arrangements. The Treaty Clause requires that, normally significant international commitments be made with the concurrence of two-thirds of the Senate. Acting on the basis of his sole constitutional authority, the President would be without the power to enter into such an agreement. By removing any possibility that this provision may be relied upon as a source of authority for the conclusion of such an agreement, and by requiring that the agreement be entered into "in accordance with the constitutional processes" of the United States, this addition to the resolution of ratification will state the understanding of the Senate that any such agreement must be submitted to the Senate as a treaty, which is the mode contemplated by our "constitutional processes".

The understanding will, moreover, clarify the international commitment undertaken by the United States in this provision. As paragraph 11 has been drafted, it could be construed as requiring the United States to enter into a prisoner transfer agreement, and would thereby place the United States in violation of this treaty should the United States elect not to do so. Obviously, the authority of the Senate to advise and consent to a treaty is meaningless if it is required to be given; the authority to disapprove is implied if our "constitutional processes" are to be upheld. The effect of the reference to "constitutional processes" is thus to make clear that a right of choice is maintained. Although this understanding should not be interpreted as suggesting a disinclination to advise and consent to such a treaty, paragraph 11 should not be construed, pursuant to it, as circumscribing the authority of the Senate to exercise the full measure of its constitutional discretion.

D. Understanding regarding the prohibition against certain negotiations (article XII (2)(b), Panama Canal Treaty)

The Committee recommends that the resolution of ratification of the Panama Canal Treaty be amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "subject to the following understanding:

"The United States does not construe article XII, paragraph 2, clause b as precluding the President from exercising his constitutional authority to confer with any State regarding an interoceanic canal route or option in the Western Hemisphere; but, pursuant to such provision, the United States will not conclude with a third State a treaty for the rights to construct an interoceanic canal on any other route in the Western Hemisphere, except as the two Parties to the Panama Canal Treaty agree."

STATEMENT OF INTENT

Subparagraph (b) of article XII(2) of the Panama Canal Treaty provides as follows:

"(b) During the duration of this Treaty, the United States of America shall not negotiate with third States for the right to construct an interoceanic canal on any other route in the Western Hemisphere, except as the two Parties may otherwise agree."

The Committee intends, through the above understanding regarding this provision, to make clear that the provision may not be construed as precluding a future President from exercising his constitutional power to confer with other governments. "[H]e [the President] alone negotiates," the Supreme Court has said. "Into the field of negotiation, the Senate cannot intrude; and Congress itself is powerless to invade it." *United States v. Curtiss-Wright Corp.*, 299 U.S. 304, 319 (1936). A President may voluntarily commit himself not to enter into certain negotiations, but he cannot circumscribe the discretion of his successors to do so, just as they may not be limited in so doing by treaty or by law. As this Committee said in 1816, the President "must necessarily be most competent to determine when, how, and upon what subjects negotiation may be urged with the greatest prospect of success." U.S. Senate, Reports, Committee on Foreign Relations, vol. 8, p. 24. The recommended understanding would resolve this constitutional difficulty without doing violence to the substantive provisions of the treaty, the purpose of which, in the Committee's judgment, is to ensure that the United States not, during the duration of the treaty, *enter into* an agreement to construct an interoceanic canal on any other route in the Western Hemisphere without the agreement of Panama.

E. Understanding requiring the inclusion of Senate actions in the instrument of ratification of the Neutrality Treaty

The Committee recommends that the resolution of ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal be amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "subject to the following understanding:

"The President shall include all amendments, reservations, understandings, declarations, and other statements incorporated by the Senate in its resolution of ratification respecting this Treaty in the instrument of ratification exchanged with the Government of the Republic of Panama."

(See statement of intent regarding recommendation F, below.)

F. Understanding requiring the inclusion of Senate actions in the instrument of ratification of the Panama Canal Treaty.

The Committee recommends that the resolution of ratification of the Panama Canal Treaty be amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "subject to the following understanding:

"The President shall include all amendments, reservations, understandings, declarations and other statements incorporated

by the Senate in its resolution of ratification respecting this Treaty in the instrument of ratification exchanged with the Government of the Republic of Panama."

STATEMENT OF INTENT

The Committee intends, through the above understandings which it recommends be added to the resolutions of ratification of each treaty, to make clear that any material included by the Senate in its resolution of ratification for each treaty be included in the instrument of ratification for that treaty given to the government of the Republic of Panama.

This understanding has its origins in assertions made by representatives of the Department of State, following Senate approval in 1976 of the resolution of ratification respecting the Treaty of Friendship and Cooperation Between the United States and Spain, that the President possessed the authority to exclude from the instrument of ratification respecting that treaty the five-part declaration attached by the Senate to that resolution of ratification. (Members of this Committee advised that, in their judgment, no such discretion existed; a declaration was incorporated by reference in the instrument of ratification, although its text was set forth in an annex to the instrument.)

It remains the position of the Committee that the President is without such authority. Although the Treaty Clause of the Constitution does not expressly address this question, neither does it expressly authorize the Senate to condition its advice and consent to treaties. Traditional United States practice has nevertheless been that the Senate may grant its approval conditionally, just as traditional United States practice has been that, when conditions are attached, those conditions are transmitted as an integral part of the instrument certifying Senate and Presidential approval. That such conditions must be so included is as much a part of customary constitutional law in this country as the right of the Senate to grant conditional consent.

Accordingly, it is not the intent of the Committee to recommend the inclusion of an understanding such as this as a part of the resolutions of ratification respecting future treaties. The Committee was pleased to receive the assurance of the Department of State that the United States instruments of ratification of the Panama Canal Treaties would include all amendments of the treaties and of the resolutions of ratification that the Senate includes in the resolutions of ratification (letter from Douglas J. Bennet, Assistant Secretary for Congressional Relations, to John J. Sparkman, Chairman, Committee on Foreign Relations, January 26, 1978; hearings, part 5). The Committee does not doubt the Administration's good faith; it hopes that future presidents will adhere to this Administration's position, and thus wishes to establish no precedent with the recommended understandings. Nevertheless, the Committee believes that these understandings should be added to the resolutions of ratification respecting both treaties as a firm demonstration that the Senate will not countenance any interference with its constitutional prerogative of advice and consent and will take steps to counteract such interference on the part of any future Administration.

G. Summary—Recommended resolutions of ratification

The Committee recommends that the Senate adopt the following resolutions of ratification, which incorporate the six recommendations of the Committee, described above:

RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Concerning the Permanent Operation and Neutrality of the Panama Canal, together with the Annexes and Protocol relating thereto, done at Washington on September 7, 1977 (Ex. N, Ninety-fifth Congress, first session), subject to the following—

(1) amendments:

(A) Article IV of such Treaty is amended by adding at the end thereof the following:

A correct and authoritative statement of certain rights and duties of the Parties under the foregoing is contained in the Statement of Understanding issued by the Government of the United States of America on October 14, 1977, and by the Government of the Republic of Panama on October 18, 1977, which is hereby incorporated as an integral part of this Treaty, as follows:

"Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the Neutrality Treaty), Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the Canal or against the peaceful transit of vessels through the Canal.

"This does not mean, nor shall it be interpreted as, a right of intervention of the United States in the internal affairs of Panama. Any United States action will be directed at insuring that the Canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama."

(B) Article VI of such Treaty is amended by adding at the end thereof the following:

In accordance with the Statement of Understanding mentioned in Article IV above: "The Neutrality Treaty provides that the vessels of war and auxiliary vessels of the United States and Panama will be entitled to transit the Canal expeditiously. This is intended, and it shall so be interpreted, to assure the transit of such vessels through the Canal as quickly as possible, without any impediment, with expedited treatment, and in case of need or emergency, to go to the head of the line of vessels in order to transit the Canal rapidly."; and

(2) understanding:

The President shall include all amendments, reservations, understandings, declarations and other statements incorporated by the Senate in its resolution of ratification respecting this Treaty in the instrument of ratification exchanged with the Government of the Republic of Panama.

* * * * *

RESOLUTION OF RATIFICATION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Panama Canal Treaty, together with the Annex and Agreed Minute relating thereto, done at Washington on September 7, 1977 (Ex. N, Ninety-fifth Congress, first session), subject to the following understandings:

"(1) Any agreement concluded pursuant to article IX, paragraph 11 with respect to the transfer of prisoners shall be concluded in accordance with the constitutional processes of both parties.

"(2) The United States does not construe article XII, paragraph 2, clause b as precluding the President from exercising his constitutional authority to confer with any State regarding an interoceanic canal route or option in the Western Hemisphere, but, pursuant to such provis'on, the United States will not conclude with a third State a treaty for the right to construct an interoceanic canal on any other route in the Western Hemisphere, except as the two Parties to the Panama Canal Treaty agree.

"(3) The President shall include all amendments, reservations, understanding, declarations, and other statements incorporated by the Senate in its resolution of ratification respecting this Treaty in the instrument of ratification exchanged with the Government of the Republic of Panama."

* * * * *

The Committee recommends that these resolutions of ratification be adopted without further change. The two amendments and four understandings set forth above, in the Committees' judgment, more than adequately protect both the national security interests of the United States and the constitutional prerogatives of the Senate.

In the event the Senate concludes that some additional change is necessary, the Committee strongly urges (1) that such material be incorporated in the resolutions of ratification as an understanding, interpretation, declaration, or some similar designation; and (2) that that material not alter the rights, duties and obligations contained in the treaties. Any material so incorporated in the Senate's resolutions of ratification will have precisely the same force and effect, under both domestic and international law, as material included in the text of the treaties themselves. Any amendment to the text of the treaties, however, is virtually certain to require a new Panamanian plebiscite—which the Committee-recommended amendments will not. As noted above, these amendments incorporate the language of the Carter-Torrijos Joint Statement of October 14. That Joint Statement was widely publicized and made available to the Panamanian electorate prior to the plebiscite. No further modifications were contemplated at that time and none was presented to the voters of Panama when they cast their ballots on October 23.

While the Committee does not believe that the Senate should, to avoid the need for a new Panamanian plebescite, alter the substance of any new material which it believes the national interest of this country requires, it does believe that the Senate can and should take into account the form in which such material is added, since that form, even though legally inconsequential, could mean the ultimate success or failure of the ratification of these treaties.

COMMITTEE COMMENTS

There are a number of reasons why the Committee decided by vote of 14 to 1 to support ratification of the Panama Canal agreements. At the top of the list is the Committee's firm judgment that the proposed agreements promise to serve the national interest—and to serve it well. Underscoring this judgment is the fact that the treaties now before the Senate are the product of 14 years of negotiations.

Indeed, in the course of the past 14 years, 4 successive Administrations—two Republican and two Democratic—have endeavored to negotiate a new treaty relationship acceptable to both Americans and Panamanians. Success has been long in coming, but of this there can be no doubt: The pending Panama treaties are the product of a continuity of shared purpose and reflect the best traditions of a bipartisan foreign policy.

Though some may wish to believe otherwise, the proposed agreements are not the sole product of the Carter Administration. Nor are they the sole product of the Nixon years, which produced the Kissinger-Tack negotiating guidelines of February 1974. Nor are they the sole product of the 1967 draft treaties, which subsequently foundered on the rocks of nationalism. Nor are they the sole product of the agreements reached in September 1965 between President Johnson and President

Robles. Nor are they the sole product of the Johnson Administration's decision in December 1964 to negotiate "an entirely new treaty on the existing Panama Canal." Nor are they the sole product of the rioting and bloodshed that erupted in Panama in January 1964 and that cost the lives of 20 Panamanians and 4 Americans. Nor are they the sole product of the 1958 and 1959 flag-raising incidents . . . the 1955 treaty . . . the 1950 Act to Reorganize the Panama Canal Enterprise . . . the war years and the defense site negotiations . . . the 1936 Hull-Alfaro Treaty . . . the demise of the 1926 agreement . . . the Thompson-Urrutia Treaty of 1921 and the payment of $25 million in "canalimony" to Colombia . . . the opening of the Canal in 1914 . . . the events of 1903 . . . Roosevelt, Hay, Cromwell—and Philippe Bunau-Varilla . . . the Hay-Pauncefore agreement . . . Ferdinand DeLesseps . . . the Clayton Bulwer Treaty . . .

The pending agreements are not the product of any single event or incident, or any particular set of events or set of incidents. Rather, they are the product of the sweep of history and, most recently, the collective judgment of American and Panamanian leaders who committed themselves and their political fortunes to fashioning an up-to-date Panama Canal treaty relationship.

The Committee recognizes their untiring efforts and dedication to a political solution. They have threaded the "political needle" of the Panama Canal controversy and in the Committee's opinion their reasons, their decisions and their conclusions have withstood examination and painstaking scrutiny. Accordingly, it is the Committee's view that the pending treaties deserve the full support of the Senate and the American public.

In requesting this support, the Committee urges that one consideration be kept uppermost in mind—the pending agreements are first, foremost and fundamentally, political documents, based on political decisions and grounded in political logic.

They serve to define and accommodate the mutual interests of the United States and of Panama in the operation, maintenance and defense of an international waterway serving the shipping community and the navies of the world. They serve to resolve a complex political question involving an array of issues and sub-issues ranging from strategic policy to economic considerations; from the interpretation of legal standards to the protection of the rights of American and Panamanian citizens; and from the management and operational details of the Canal itself to the possibility of constructing a third set of locks and the building of a sea level canal.

Overhanging and interlacing all of these issues and sub-issues is a fervent nationalism, Panamanian nationalism on one side and American nationalism on the other. From the United States comes the rallying cry, "We bought it. We built it. It's ours. It's as American as the Liberty Bell or the Fourth of July." From Panama comes a different rallying cry, "Yanqui, go home. An end to colonialism. Freedom and independence now."

The nationalist sentiment on both side is as understandable as it is potentially dangerous. The United States succeeded where all others had failed. We conquered the unconquerable. We built the eighth wonder of the world. We linked the earth's two great oceans. We proved our technological prowess then, just as surely as we did in July 1969 when U.S. astronauts landed on the moon. And if the moon-landing was "a giant step for mankind," so, too, was the opening of the Canal in August 1914.

As Americans are justifiably proud of the Canal, the people of Panama are no less proud. It is, after all, the Panama Canal, not the American Canal in Panama. Simply stated, the Panamanian people are no longer willing to allow another nation to exercise sovereign rights in their country. This is just another way of saying that, though proud of the Canal, the pepole of Panama are more proud of their own country, their own nation—and rightfully so. Panama can exist without the Canal, but the Canal cannot exist without Panama.

The documents now before the Senate provide a reasonable political solution and at the same time serve to check the spread of nationalist sentiment. They represent a collection of political judgments and decisions. They are a composite of compromises running through and across a tangled bundle of interests, both real and imagined. Not surprisingly, they are just as controversial in our time as the 1903 treaty was in its time.

In the Committee's opinion, it is all but self-evident that the political judgments rendered in the pending treaties will serve better than those rendered 74 years ago. Moreover, the Committee is firmly convinced that the Panama treaties will stand the test of time because they serve the mutual interests of both parties. The political judgments contained in them are balanced, fair and equitable—if not long overdue.

The fact is, the 1903 treaty belongs to another era, despite the half-hearted efforts in 1936 and again in 1955 to dress the wounds inflicted at the turn of the century. But in retrospect, these efforts were little more than band-aids on the sores of history. The sores have continued to run and they have brought us to the point where the 1903 agreement, even in its amended form, serves more to jeopardize than to protect our nation's interests in the Panama Canal.

The Committee has not arrived at this decision lightly. If nothing else the hearing process and the materials and information assembled serve as ample testimony to the Committee's efforts to obtain the facts and render a judgment based on them.

In the Committee's opinion, the weight of evidence is overwhelmingly in favor of ratification. Here are the principal considerations based on the terms of the treaties which have brought the Committee to this conclusion:

THE TREATIES GIVE THE UNITED STATES THE DOMINANT ROLE IN A PARTNERSHIP ARRANGEMENT FOR OPERATING THE CANAL DURING THE REMAINDER OF THE 20TH CENTURY

Secretary VANCE. First, as to the long-term operation of the Panama Canal, the United States will control canal operations through a new U.S. Government agency, the Panama Canal Commission, to be supervised by a board composed of five Americans and four Panamanians. The Commission will operate the canal until the end of this century. . . .

The United States will maintain responsibility for managing the canal, setting tolls, and enforcing rules of passage until the year 2000. (P. 11, part 1, SFRC Panama Canal hearings.)

* * * * *

THE TREATIES GIVE THE UNITED STATES PRIMARY, DAY-TO-DAY RESPONSIBILITY FOR THE DEFENSE OF THE CANAL UNTIL THE YEAR 2000

Secretary of Defense BROWN. The treaty goes even further, however. It states unequivocally that during the life of the treaty, the U.S. armed forces shall enjoy the right and the primary responsibility to defend the canal itself. It further provides that during that period the United States may station, train, and support units of our armed forces in Panama, and that the United States will decide unilaterally whether and how to modify the force levels we maintain there. All key military bases and training areas which we now operate in the Canal Zone will remain under U.S. control. (P. 97, part 1, SFRC Panama Canal hearings.)

* * * * *

THE TREATIES GIVE THE UNITED STATES UNRESTRICTED RIGHT TO MAINTAIN THE PERMANENT NEUTRALITY OF THE CANAL FOREVER

Ambassador LINOWITZ. Under the treaty, the United States is in a position to assure that the canal's permanent neutrality is maintained, and there is not, as Secretary Vance has said, any limitation on our ability to take such action as we may deem necessary in the event the canal's neutrality is threatened or violated from any source. The precise type of response we might determine to make would, of course, depend upon all the political, military, legal, economic, and other factors involved in a particular situation, but the key point is that it is for the United States to make the determination as to how we should respond and how we should defend our rights under the canal's regime of neutrality.

Thus, the treaty provides for the United States maximum freedom to determine how to carry out its responsibility for canal neutrality. We are under no obligation to consult with or seek approval from any other nation or international body before acting to maintain the neutrality of the canal, nor [does] the treaty in any other way limit our ability to act. (P. 23, part 1, SFRC Panama Canal hearings.)

THE TREATIES GIVE UNITED STATES WARSHIPS AND AUXILIARIES THE RIGHT TO GO TO THE HEAD OF THE LINE IN THE EVENT OF A CRISIS OR OTHER EMERGENCY SITUATION

Senator CASE. That is to say you agree, as the negotiator and one who has dealt with this from the beginning, with the Secretary's statement. It means that our ships go to the head of the line?

Secretary VANCE. If necessary.

Ambassador LINOWITZ. If necessary. In other words, if we want to go through first, we are in a position to ask for it and get it. I am sure that both Ambassador Bunker and I understand that to be the meaning of he words "expeditious passage." (P. 31, part 1, SFRC Panama Canal hearings.)

* * * * *

THE TREATIES INSURE THAT AFTER THE YEAR 2000 FOREIGN TROOPS WILL NEVER BE STATIONED IN PANAMA

Secretary ALEXANDER. . . . I think it is a very positive sign about the attitude of maintaining neutrality after the year 2000. There will be no other country that will be able to be there and we have the unilateral right to insure the concept of the regime of neutrality under the treaty and that there will be complete access. The only interpretation I have heard is that no one other than the Panamanians can retain forces in Panama after the year 2000. (P. 324, part 1, SFRC Panama Canal hearings.)

* * * * *

Ambassador JORDAN. I think one of the interesting features of this particular article, Senator, is that this was not something that we pushed and demanded. This is something that the Panamanians wanted to have in, to put the world on notice at the end of this period when the U.S. forces had left they would never permit any other country to come in and establish bases in their country. (P. 325, part 1, SFRC Panama Canal hearings.)

* * * * *

THE TREATIES PROMISE TO HAVE MINIMAL IMPACT ON THE U.S. ECONOMY

Deputy Assistant Secretary (for Maritime Affairs) CASEY. Should toll increases immediately following ratification of the new treaties be about 30 percent, as some have suggested, the same line of reasoning would lead us to conclude that U.S.-flag operators would lose less than 15,000 tons of cargo.

The elasticity approach helps us to illustrate arithmetically what we have understood from the start: that tolls do in fact

make up only a small part of the total cost to the consumer of canal-transported commodities. I might add at this point the price elasticity theory is a short-term concept. However, all the economic studies we reviewed indicate that reductions in tonnages through the canal for toll increases approaching 100 percent, tend to be offset by longer-term trade growth. (P. 446, part 1, SFRC Panama Canal hearings.)

* * * * *

THE TREATIES FULLY PROTECT THE RIGHTS OF ALL AMERICANS CONNECTED WITH THE OPERATION, MAINTENANCE AND DEFENSE OF THE CANAL

Secretary ALEXANDER. One of the most important issues to be considered regarding the new treaty is how the rights and benefits of current employees of the canal enterprise will be protected. Let me list just a few of the many actions which we will take or propose be taken in order to adequately deal with this matter:

Provision of a priority job placement program.

Provision of an early optional retirement program which would be designed to ease the impact of necessary force reductions while at the same time providing an incentive for employees with essential skills to remain with the Commission.

Assurance of the continued availability of adequate housing.

Provision of the adequate educational and medical services.

Terms and conditions of employment no less favorable than those existing on the effective date of the treaty.

In short, Mr. Chairman, the treaty will provide us with all the rights necessary to adequately care for both the Panamanian and the U.S. citizens of our dedicated work force.

Mr. Chairman, under the treaty we would retain all of the specific rights necessary to efficiently operate the canal and adequately care for our employees. (P. 272, part 1, SFRC Panama Canal hearings.)

* * * * *

THE TREATIES GIVE THE UNITED STATES AN OPPORTUNITY TO MODERNIZE THE CANAL BY ADDING A THIRD LANE OF LOCKS, PLUS AN EXCLUSIVE OPTION TO BUILD A NEW SEA LEVEL CANAL THROUGH PANAMA, THE ONLY SITE RECOMMENDED BY THE INTEROCEANIC CANAL STUDY COMMISSION IN 1970

Secretary VANCE. The treaties further allow for the modernization of the canal through construction of a third lane of locks and foresee the possibility of construction in Panama of a new, sea-level canal. This would provide access for many modern supertankers and warships which are too large to pass through the present canal. (P. 11, part 1, SFRC Panama Canal hearings.)

* * * * *

The treaties do all of these things and more. They not only provide for the safe and efficient operation of an open, secure and neutral canal, but additionally, in the words of former Secretary of State Kissinger, they provide "an opportunity to advance fundamental American foreign policy interests." At the same time, Secretary of State Vance sees the treaties promoting fundamental, traditional U.S. values:

"Any nation's foreign policy is based, in the end, not just upon its interests, and in Panama our interests are clear and apparent. It is also based upon the nature and will of its people. I believe the American people want to live in peace with their neighbors, want to be strong, but to use their strength with restraint, want all peoples everywhere to have their own chance to better themselves and to live in self-respect. That is all a part of our American tradition." (P. 14, part 1, SFRC Panama Canal hearings.)

The Committee fully agrees with these observations, but also recognizes that the opportunity presented by the treaties is akin to a double-edged sword and points out that:

Acceptance of the treaties will evidence our firm commitment to the peaceful and equitable settlement of international disputes.

Acceptance of them will evidence our firm commitment to international cooperation among all nations, big or small, rich or poor, developed or undeveloped.

Acceptance of them will evidence our firm commitment to independence and self determination for all nations.

Acceptance of them will evidence our firm commitment to a foreign policy based on preserving the national interest without sacrificing our nation's principles, values or honor.

These are important commitments. If we do not honor them fully, the sword will cut the other way and our adversaries will exploit the situation to the maximum extent possible.

They will charge that the United States talks a good game, that we espouse the principles set forth in the United Nations Charter, that we speak of independence, self determination and human rights—but, when our interests are on line or when we move from the realm of the theoretical to the realm of the practical, that nothing has changed. The United States, they will say, is playing the same old shell game in the Western Hemisphere that it has played for years. The name of the game is Manifest Destiny, backed up by gunboat diplomacy, economic penetration and political subjugation. In a word, imperialism. And as evidence of all of this they will point to Panama and the Canal Zone.

Underscoring this concern, Gen. Maxwell Taylor, former Chairman of the Joint Chiefs of Staff, stated in testimony before the Committee, October 10:

". . . The Soviet Union always intriguing for leadership in the have-not world has taken as a primary objective the undermining of our Latin American relations, particularly those with our trade partners.

"It will always assure to Panama a large allocation of troublemakers to complicate our problems. Turbulence there is always good news to Moscow—so also are American blunders. In this connection, let us hope that we do not give the Kremlin chiefs the occasion to rejoice which our rejection of these treaties would undoubtedly afford." (P. 58, part 3, SFRC Panama Canal hearings.)

In a similar vein, but turning attention to Cuba, Secretary of Defense Brown observed:

"I cannot speak for Mr. Castro, but if I were Castro and I wanted to do the most that I could to increase the influence of Cuba in the Caribbean and in Central and Latin America, and decrease and harm the United States psychologically, politically, and diplomatically, I would do all I could to see the treaty rejected." (P. 160, part 1, SFRC Panama Canal hearings.)

With respect to the Western Hemisphere in particular, the foreign policy stakes are indeed much larger than the Panama issue itself. Time after time in the course of its hearings, the Committee was asked to focus on the significance of the treaties as a regional, if not global, issue rather than a bilateral one.

President Carter at the treaty-signing ceremony addressed the matter this way:

"This opens a new chapter in our relations with all nations of this hemisphere, and it testifies to the maturity and the good judgment and the decency of our people."

And Secretary of State Vance told the Committee on September 26:

". . . For years, Latin American peoples and governments have viewed our negotiations with Panama over the canal as a litmus test of our intentions toward their countries." (P. 11, part 1, SFRC Panama Canal Hearings.)

Former Secretary of State Kissinger also addressed this aspect of the issue and dealt with the charge that Latin American leaders say one thing publicly about the Canal issue and quite another thing privately:

"I find it significant that no Western Hemisphere leader, regardless of what his private feelings on this issue might be, feels able publicly to take any position other than that of strongest support for the modernization of the 1903 treaty. This reflects the depth of public sentiment on the issue. No government and no public opinion in any of the countries of this hemisphere would be willing to support us if we now refuse to modernize the canal relationship. We would witness a gradual deterioration of our relationships even when some leaders might prefer to retain constructive ties. If the treaties are accepted, on the other hand, our many friends in the hemisphere will be enabled to cooperate in the development of a constructive Western Hemisphere policy." (P. 527, part 3, SFRC Panama Canal hearings.)

Representatives of the academic world endorsed these observations. Abraham Lowenthal of the Woodrow Wilson Center for scholars presented the issue this way:

"It is in that context that the Panama issue become so important in U.S.-Latin American relations.

"United States relations with Panama, and especially the status of the Canal Zone itself, have long symbolized for many in Latin America all that was regrettable about some aspects of the so-called "special relationship" with the United States. All of the attempts by our Government to convince Latin Americans that we respect their rights and understand their interests would ring hollow if we could not bring ourselves to abandon the habits of thought and practice which have been epitomized by the status of the Panama Canal." (Pgs. 121–22, part 3, SFRC Panama Canal hearings.)

Jorge Dominguez, Associate Professor, Department of Government, Harvard University, linked passage of the treaties to U.S. and Cuban competition for influence in the Hemisphere:

". . . The United States has demonstrated by this treaty its continued importance to Latin America. This is something the Soviet Union cannot do; this is something Cuba cannot do. And this is also something no other U.S. ally can do. The point may bear an example. I have done a fair amount of work on Cuban foreign policy. In its competition with the United States over influence in Latin America, the Cuban revolutionary government has often called attention to the U.S. failure to agree with Panama on a new canal treaty. These new treaties, therefore, have taken away this argument with one stroke, and have demonstrated to many Latin American governments—including the government of Panama—that it may be more useful for them to work closely with the United States than with any other country, including Cuba." (P. 179, part 3, SFRC Panama Canal Hearings.)

After weighing all of the foreign factors, after considering all of the pros and cons, after pouring over 2,500 pages of testimony from 90 witnesses, the Committee on Foreign Relations finds that the national interest cost benefit analysis overwhelmingly supports ratification of the pending treaties.

Many witnesses who appeared before the Committee presented such an analysis. None was more penetrating or persuasive than that given by former Secretary of State Dean Rusk, as the following key excerpts indicate:

"I begin with the conviction that the treaty of 1903, as amended, offers a very fragile platform on which to try to stand in these closing decades of the 20th century. . . ."

* * * * *

"Treaties are the primary source of international law party because they are drafted in relatively precise terms of legal obligation and, more importantly, because they represent the consent of the sovereign parties who

agree to them. We cannot seriously suggest that the 1903 treaty represents the consent of Panama or of its people. It would be accurate to say that if the United States were a party to a treaty which became obnoxious to our public policy and repugnant to our people, we would move to denounce it and relieve ourselves of its burdens."

* * * * *

"But let us be under no illusion, an attempt to maintain our position in the Panama Canal Zone on the basis of the 1903 treaty would be an act of force, as in Eastern Europe. We can choose that course if we are prepared to pay the heavy political, economic and military costs involved. . . ."

* * * * *

"When the United Nations Security Council met in Panama in 1973 and had before it a resolution on Panama, hostile to U.S. interests, it was necessary for our representative to exercise a veto, with no member of the council voting with us. There were 13 "yes" votes, the U.K. abstained, and the United States cast the only negative vote. Close friends such as France, Australia, Austria, and Kenya voted against us."

* * * * *

"Opponents of these treaties object to our making such arrangements with a dictator. Having been involved with this problem before the present regime in Panama came to power, I would suggest that the more democratic the government in Panama, the more insistent they would be on a prompt and fundamental change in the arrangements regarding the canal."

* * * * *

". . . Providence has not given us the ability to pierce the fog of the future with accuracy and the year 2000 is a long way off.

"Perhaps we should not, today, try to answer every problem which might be posed to some future President and Congress. I must confess, however, that article IV of the neutrality treaty played a major role in my own decision to support these two treaties. If, God forbid, it should ever become necessary for a President and a Congress to take strong measures to keep the canal functioning and safe, they would, in my judgment, be in a far stronger position to do so under the treaties of 1977 than under the anachronistic treaty of 1903.

"Thus, whether we are thinking of the principles upon which we hope to see a cooperative community of nations move into the future or are thinking about a hardheaded approach to adverse contingencies which may lurk in the future, it seems to me to be to our advantage to give effect to these two new treaties. The consequences of not doing so could be very severe. I see no point in inviting these consequences upon ourselves now when we have a good chance to avoid them altogether." (Pgs. 520–23, part 3, SFRC Panama Canal hearings.)

These views command attention and respect. They present the Panama issue as rationally, as honestly and as dispassionately as it can be presented—indeed as it must be presented. The testimony of former Secretary Rusk, like numerous other witnesses before him and after him, sweeps away the emotionalism and the outdated symbolism that so many Americans attach to the Panama question and lays bare the cold necessities and realities of the last quarter of the 20th Century.

Here are the realities—as seen by America's top defense officials, Secretary of Defense Harold Brown and Chairman of the Joint Chiefs of Staff General George Brown:

Secretary BROWN. The canal was built for shipping, not slogans. We seek to guarantee transit of vessels, not theoretical claims of title. These goals we have sought, as I said at the beginning, are practical. The issues before you are practical ones. Our negotiations have obtained instruments which, more certainly than thousands of forces and their armaments on the spot, will assure those practical objectives for generations to come. (P. 98, part 1, SFRC Panama Canal hearings).

* * * * *

General BROWN. I think to describe the United States with this action as proof that the United States is a paper tiger, as this gentleman does, is absolutely wrong. I think, rather than that, it shows the United States to be enlightened. I think it shows the United States to be determined to live in the world today and not in the world of yesterday. I think it shows that we profit by the experience of the Portuguese in Angola and Mozambique, the French in Algeria and Indochina, and ourselves in the Philippines. We left the Philippines for the same reasons that I think we should renegotiate these. It is in recognition of the importance of the Panama Canal that I feel we should do this because we would then be guaranteed, I think, of a better opportunity and guarantee in the future of the use of the canal. (P. 193, part 1, SFRC Panama Canal hearings.)

Addressing these same considerations, former Secretary Kissinger also helped lay to rest the charge that the Panama treaties are just further evidence of a policy of retreat:

"I recognize the deep feeling of many Americans who wish, after the Vietnam tragedy, to see an end to yielding and retreat by the United States. No one can appreciate such concerns better than one who strove for an honorable outcome during the Vietnam period. But the Canal is not the issue to select to demonstrate that we remain strong and resolute. Panama is the smallest and weakest of nations. We are not 'giving' the Canal to Panama; we are, rather, ensuring our ability to protect it. By taking constructive action now to revise our relationship with Panama in an atmosphere free of physical pressure, while we are still able objectively to assess the longterm risks and benefits, we will be demonstrating fundamental strength, not weaknesses. It is just this ability to distinguish between symbol and reality, to plan for future needs and to take timely action to advance our basic interests, that is the essence of a strong and effective world policy." (P. 528, part 3, SFRC Canal hearings.)

The Committee recognizes that for many Americans the symbol and the reality are one—that the Panama Canal and Canal Zone are as much a part of our heritage as Alaska, Hawaii, or Missouri; that they are as much a part of our technological leadership as computers rockets, and satellites; that they are as much a part of our national security as missile sites in Montana or naval bases at Pensacola or San Diego; that they are as much a part of our world power status as our military presence in the Pacific or the Mediterranean. But the Committee does not have this luxury. It must distinguish between symbol and reality. For the nation's well-being, the Committee's decisions must be based on the present and the future—not the past. Reaching these decisions in the case of Panama has not been easy, but necessary—indeed, vital.

The Committee is convinced that if the public-at-large could devote as much time and energy to this issue as the Committee has, it would arrive at the same conclusion. Since this is not possible or practical, the public will have to rely on judgments rendered by its elected officials. In this instance, it is the Committee's firm judgment that the national interest requires ratification of the Panama agreements; that the symbol and the reality are separate and distinct and that the differences between them are in fact the differences between night and day.

The testimony of William Jorden, United States Ambassador to Panama, graphically portrays these differences by reversing the symbolism in order to highlight the reality:

. . Suppose, for example, that history had dictated that the Mississippi River and a strip of territory on each side were controlled by a foreign power. Suppose that in going from Illinois to Missouri, or from Louisiana to Texas you had to cross that strip.

"And imagine, if you will, that you broke the law in some fashion—by speeding or having a tail light out, or whatever—and you were arrested by a French gendarme or a Mexican policeman. It does not take great imagination to know what our reactions would be. Yet that is the situation that our Panamanian friends have found themselves in for the past 70 years. (Pgs. 281–282, part 1, SFRC Panama Canal hearings.)

The example cited by Ambassador Jorden sharply illustrates much of the basic reality of our present treaty relationship with Panama. If the situation were reversed, as the Ambassador suggests, Americans would view the reality of it as at best unacceptable, if not odious. Not surprisingly, Panamanians view it the same way.

In marked contrast, the proposed Panama treaties provide a positive response to a situation, a very real situation, that can no longer endure. Simply put, the treaties resolve a situation that is otherwise untenable. In its place, they hold out the genuine promise of establishing a partnership arrangement that will prove mutually satisfactory, mutually beneficial and mutually rewarding.

In their wisdom, the citizens of Panama have overwhelmingly endorsed that partnership arrangement as proposed in the treaties now before the Senate. The Committee strongly recommends that the United States follow suit and that the Senate give its advice and consent to the Panama Canal treaties.

VI. MAJOR ISSUES

The Panama Canal treaties raise a number of major issues. Most of these issues fall into one of three categories: legal aspects, defense and neutrality, and economic considerations. There follows a discussion of the issues categorized accordingly. In addition, the Committee's view on the sea level canal issue is also contained in this section. Finally, there is a discussion of the human rights issue and the question of any hidden financial commitments.

A. Legal aspects

(1) TRANSFER OF PROPERTY

The Committee has studied carefully the question raised by article IV, section 3, clause 2 of the Constitution, which provides that "The Congress shall have power to dispose of . . . the territory or other property belonging to the United States. . . ." The argument has been made that this provision grants to both Houses of the Congress the power to dispose a governmental property, that that power can be exercised only by statute, and that no treaty exercising that power can thus be effective in the absence of implementing legislation.

Whatever the validity of that position, it should be noted at the outset that the issue raised is not whether "concurrent jurisdiction" to dispose of government property resides in the President alone. An 1899 opinion of the Attorney General concluded that the power to dispose of certain governmental lands "cannot be exercised by the executive department of the government." 22 Op. Atty. Gen. 544, 545. The Committee fully concurs. The question, rather, is whether the concurrence of the House of Representatives, in addition to that of the Senate, is constitutionally required.

While reasonable arguments probably can be made for the mandatory inclusion of the House, the Committee believes that the weight of authority supports the conclusion

that the constitutional grant of the disposal power to the Congress does not thereby exclude that subject from the treaty power.

Constitutional Text

First, the constitutional text gives no reason to assume that the power to dispose of property may be exercised only by statute, and not by treaty. The disposal-of-property clause is drafted in the same way as the provision conferring enumerated powers upon the Congress (article I, section 8): both say that Congress "shall have power. . . ." Where two substantively similar provisions of the Constitution are in their jurisdictional terms worded identically, and where one of those provisions has been construed as conferring concurrent power, it is not unreasonable to construe the other provision also as conferring concurrent power. It has long been established that article I, section 8 of the Constitution confers concurrent power—that the enumerated powers conferred upon the Congress therein may be exercised both by statute and by treaty. To hold that the enumerated powers are by implication excluded from the treaty power would be to hold that hundreds of self-executing treaties dealing with such subjects as foreign commerce, copyrights, patents, and postal services are invalid. The Constitution on its face presents no reason for regarding the disposal power as different, jurisdictionally, from those powers.

It is true that certain powers cannot constitutionally be exercised by treaty. Enactment of a statute would be required, for example, to appropriate money from the Treasury, or to impose taxes, or to declare war. But exclusive statutory jurisdiction exists in those cases for reasons peculiar to the specific powers in question. A treaty may not impose taxes because the constitutional requirement that all bills raising revenue originate in the House of Representatives (article I, section 7, clause 1) seems clearly to have been intended to include the House in the revenue-raising process. A treaty may not appropriate funds from the Treasury because the language of the appropriations clause, like that of the revenue clause and unlike that of the disposal-of-property clause, does appear to be exclusive: it provides that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law" (article I, section 9, clause 7). A treaty may not declare war because the unique legislative history of the declaration-of-war clause (article I, section 8, clause 11) clearly indicates that the power was intended to reside jointly in the House of Representatives and the Senate. (See p. 74 of this report.) No such rationale applies to the disposal-of-property clause.

Finally, it seems relevant that the disposal-of-property clause appears in article IV of the Constitution, the article dealing with federal-state and inter-state relations. While by no means conclusive, this placement does suggest an intent to set out a power of the federal government as against the power of the states, rather than a power of the Congress as against the joint power of the Senate and the President.

Intent of the Framers

From all available records it appears that the Framers evidenced no intent to preclude the United States from disposing of governmental property by treaty. They rejected all proposals to limit the treaty power. A review of the discussion of the disposal-of-property clause indicates that the Framers' concern was that the Federal government have primacy over the states in resolving disputes among the states over certain western lands—suggesting, again, an intent to delineate federal power versus that of the states. A number of statements, indicating that territory and other property could be transferred by treaty, were made by the Framers during the debate on the treaty power after article IV was adopted.

Judicial Authorities

The Supreme Court appears to have favored a construction of the Constitution which would permit the disposal of property by self-executing treaty. It is well settled, as the Attorney General noted during the Committee's hearings, that the treaty power extends "to all proper subjects of negotiation between our government and the governments of other nations", although it does not "extend so far as to authorize what the Constitution forbids." *Geofroy* v. *Riggs*, 133 U.S. 258, 266–267 (1890); *Asakuru* v. *Seattle*, 265 U.S. 332, 341 (1924). The transfer of property from one nation to another clearly constitutes a proper subject of negotiation; the question is whether the Constitution forbids such transfer by treaty.

A number of cases suggest that it does not. The Court had no problem with several treaties transferring United States property to various Indian tribes. (Prior to the Indian Appropriation Act of 1871, Indian tribes were recognized as independent nations with whom the United States could contract by treaty, and the Court has held that the "power to make treaties with the Indian tribes is . . . co-extensive with that to make treaties with foreign nations." *United States* v. *43 Gallons of Whiskey*, 93 U.S. 188 (1876).) In *Holden* v. *Joy*, 17 Wall. (84 U.S.) 211 (1872), for example, the Court heard a challenge to a treaty with the Cherokee nation which transferred to it land belonging to the United States. The Court said:

". . . it is insisted that the President and the Senate, in concluding such a treaty, could not lawfully covenant that a patent should be issued to convey lands which belonged to the United States without consent of Congress, which cannot be admitted. On the contrary, there are many authorities where it is held that a treaty may convey to a grantee a good title to such lands without an act of Congress conferring it, and that Congress has no constitutional power to settle or interfere with rights under treaties, except in cases purely political." *Id.* at 247.

In *Jones* v. *Meehan*, 175 U.S. 1 (1899), the Court said that "[t]he title to the strip of land in controversy" had been "granted by the United States to the elder chief Moose Dung by the treaty itself. . . ." *Id.* at 32. The Court also stated as follows:

"It is well settled that a good title to parts of the lands of an Indian tribe may be granted to individuals by a treaty between the United States and the tribe, without any act of Congress, or any patent from the Executive authority of the United States." *Id* at 10.

It may be worth pointing out that in a number of cases, occasionally cited for the purpose of showing that the disposal power is unlimited, the Court discussed the scope of the disposal power in the context of federal power versus states rights; no treaties were involved. *See, e.g., Alabama* v. *Texas*, 347 U.S. 272 (1954); *Wisconsin Central Railroad Company* v. *Price County*, 133 U.S. 496 (1890).

While additional cases are cited on each side of the question, the Committee sees little merit in attempting to weigh dicta against dicta. The short of it is that the Court has never struck down a treaty for disposing of governmental property; that it has, over the years, had before it a number of treaties which did so; and that there is no reason to assume that *Holden* v. *Joy*, *supra*, and *Jones* v. *Meehan*, *supra*, do not represent the Court's thinking.

Historical Precedent

As the Committee has noted in the past, it does not believe that a constitutionally questionable practice, by mere repetition, becomes more constitutional. S. Rept. 94–605, January 30, 1975 (94th Congress, 2nd Session) at 15. The Constitution is not amended by violation; express prohibitions and requirements, such as those contained in the declaration-of-war clause, the treaty clause, and the disposal-of-property clause, are not expunged through non-observance. Nonetheless, historical precedent can be useful for corroborative purposes—not to show what the Constitution has become or what it should be, but rather as evidence that a given construction of that document is grounded on experience as well as logic. It is for that at purpose that the Committee notes the following instances in which property belonging to the United States Government has, according to the Executive Branch, been transferred by treaty.

[Supplied by Department of State]

The following list includes treaties which are couched in self-executing terms and transfer territory or property belonging to the United States to other nations or (in the case of Indian treaties) to specific individuals without prior Congressional act authorizing such transfer.

A. Treaties With Indian Tribes

1. An example of a treaty with an Indian tribe providing for the transfer to the tribe of title to lands belonging to the United States without prior Congressional authorization is the treaty with the Cherokee Nation of December 29, 1835.

2. An example of a treaty with an Indian tribe conveying land to an Indian individual without act of Congress is the treaty with the Chippewa Indians of October 2, 1863.

B. Treaties With Foreign Nations [1]

1. Treaty between the United States and Spain, February 22, 1819 (12 Bevans 528).

2. Treaty between the United States and Great Britain, August 9, 1842 (Webster-Ashburton Treaty) (12 Bevans 82).

3. Treaty between the United States and Great Britain, June 15, 1846 (Oregon Boundaries) (11 Bevans 95).

4. Treaty between the United States and the United Mexican States, February 1, 1933 (Rectification of the Rio Grande in El Paso-Juarez Valley) (9 Bevans 976).

5. Treaty between the United States and the United Mexican States, August 29, 1963 (Solution of the Chamizal Problem) (15 U.S.T. 21).

6. Treaty between the United States and the United Mexican States, November 23, 1970 (Maintenance of the Rio Grande and Colorado River as International Boundary) (23 U.S.T. 371).

7. Treaty between the United States and Honduras, November 22, 1971 (Swan Islands) (23 U.S.T. 2631).

8. Treaty between the United States and Japan, June 17, 1971 (Reversion of Ryukyu and Daito Islands) (23 U.S.T. 447).[2]

9. Treaty between the United States and Panama, January 25, 1955 (Treaty of Mutual Understanding and Cooperation), Articles VI [3] and VII (6 U.S.T. 2283).

---

[1] In some cases the transfers effected by the treaty required appropriations of funds by Congress to clear title.

[2] The treaty provisions are drafted in self-executing language. Some property may have been transferred in reliance in 40 USC §§ 511 and 512.

[3] Effectiveness of Article VI was postponed until withdrawal from certain sections in the City of Colon, but the Memorandum of Understandings attached to the Treaty recognized that the transfers subject to legislative authorization were "in addition . . . to the transfer of real property affected by Article VI of the Treaty."

Conclusion

The Committee finds that the constitutional text, the intent of the Framers, opinions of the Supreme Court, and historical precedent all suggest that the Panama Canal Treaty can validly transfer to Panama property belonging to the United States without a need for implementing legislation. This conclusion is in full accord with the opinion of the Attorney General that "[t]erritory or property belonging to the United States may be disposed of by action of the President and the Senate under the treaty clause."— Op. Atty. Gen.—(1977); *see* hearings, part 1, pp. 199–203.

(2) SOVEREIGNTY

Much confusion has surrounded the illusive concept of sovereignty and the issue of what sovereign interests the United States possesses in the Canal Zone. Whatever the term implies, and whatever such interests the United States holds, it seems clear that the phrase "territory . . . belonging to the United States" subsumes land over which the United States exercises sovereign power, and that the disposal-of-property clause, discussed above, empowers the United States to transfer sovereignty as well as common law property rights. The Committee does not therefore believe that the issue of sovereignty—as a strictly legal matter—is relevant to the Canal debate. The United States can legally transfer its interests; the question is whether as a matter of policy it should.

To whatever extent it is relevant, it appears that the United States does not possess sovereignty over the Canal Zone. "Sovereignty," broadly defined, is the ultimate power to exercise governmental functions within a particular territory. The Committee believes, based on the terms of the 1903 and 1936 treaties with Panama and court decisions, that Panama has always maintained titular sovereignty over that territory. The United States has held certain rights to exercise certain attributes of sovereignty, but those rights are distinguishable from the underlying sovereign interest of Panama over the Canal Zone.

Article III of the 1903 Treaty with Panama provides that the United States has

". . . all the rights, power and authority within the Zone . . . which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power of authority."

In his testimony before the Committee on September 26, 1977, Ambassador Linowitz, referring to Article III of the 1903 Treaty, noted that "If we had sovereignty we would not have needed the words that we have certain rights . . . to act as if it were the sovereign." As Ambassador Bunker put it, "We have had rights, but not sovereignty."

Article III of the 1936 Treaty of Friendship and Cooperation with Panama states that the Canal Zone is "the territory of the Republic of Panama under the jurisdiction of the United States."

One oft-quoted case, cited for the proposition that the United States has somehow acquired sovereign rights, is *Wilson* v *Shaw*, 204 U.S. 24 (1907). In that case, the Court said that—

". . . it is hyper-critical to contend the title of the United States is imperfect, and that the territory described does not belong to this nation, because of omission of some of the technical terms used in ordinary conveyances of real property."

The real question in *Wilson*, however, was not which nation possessed sovereignty but rather whether the United States had sufficient interest and authority in the Zone to expend funds for the construction of the Canal. The Supreme Court found that the grant of authority in the 1903 Treaty was sufficient. The limits of the Court's holding were pointed out by the Supreme Court of the Canal Zone that same year in *Canal Zone* v. *Coulson*, 1 Canal Zone Supreme Court Reports 50 (1907), in which the defendants contended that the Court in *Wilson* had held that the Canal Zone was the territory of the United States and that therefore, the Constitution applied in the Zone. The court rejected this contention and stated as follows:

"The Supreme Court did not hold more in that case [*Wilson*] than that the United States had the use, occupation and control in perpetuity of the Canal Zone. It is apparent from an examination of the treaty that the United States is not the owner in fee of the Canal Zone, but has the use, occupation and control of the same in perpetuity so long as they comply with the terms of the treaty. . ."

The Court went on to conclude that the rights of the United States in the Canal Zone were not such as to render the Constitution applicable.

In *Vermilya-Brown Co. Inc.* v. *Connel*, 335 U.S. 377 (1948), the Supreme Court was called upon to determine the status of certain United States military bases in Bermuda. The Court compared these bases to the Canal Zone, which the Court said was "admittedly territory over which we do not have sovereignty." The Court found that the ability of Congress to legislate depended not upon sovereignty, but upon control.

A variety of the other indices of sovereignty suggest that sovereignty over the Zone lies in the Government of Panama. In contrast to the sovereignty acquired by the United States through the purchases of the Louisiana Territory or Alaska, the United States did not acquire sovereignty; it acquired, under the 1903 Treaty, the use, occupation and control of the Canal Zone. This is made even more clear by the fact that the United States has made annual payments for privileges acquired in the Canal Zone—as contrasted with territories over which this country acquired full sovereign interest. Principles of "citizenship by birth" are not applicable in the Canal Zone; a person born in the Canal Zone to parents who are not citizens of the United States would not be a U.S. citizen, as that person would be were he born in the United States, the Virgin Islands, Guam, or some other United States possession or territory. In addition, the Canal Zone is not listed by the Department of State as a territory or dependency in reports by the United States to the United Nations. Finally, the United States has allowed Panama to display its flag within the Zone, to collect income taxes within the Zone, and to exercise customs and immigration functions within the Zone.

For all these reasons, therefore, the Committee agrees with the Attorney General that "the Republic of Panama retained titular sovereignty over the Canal Zone"—although as noted above it does not regard that fact as a matter of legal consequence.

(3) RELATION TO OTHER TREATY RIGHTS AND OBLIGATIONS OF THE UNITED STATES

The Committee also has given careful consideration to the effect these treaties may have on the rights and obligations of the United States arising under other pertinent treaties, specifically, the United Nations Charter, the Charter of the Organization of American States, the Rio Treaty, and the Hay-Pauncefote Treaty of 1901. Its conclusion is that no inconsistency exists between these treaties and the two now before the Senate, for the following reasons:

U.N. Charter

Three provisions of the United Nations Charter appear relevant:

Article 2, clause 4 of the United Nations Charter provides as follows:

4. All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the United Nations.

Article 51 provides in pertinent part as follows:

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security.

Article 103 of the United Nations Charter provides as follows:

Article 103

In the event of a conflict between the obligations of the members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

As to article 2, clause 4, the Committee notes that the Joint Statement of October 14, 1977, addresses this question directly. It provides that—

Any U.S. action will be directed at insuring that the Canal shall remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama.

The Administration's elaboration to the Committee (p. 332, hearings, part 1) makes clear that no inconsistency exists:

A legitimate exercise of rights under the Neutrality Treaty by the United States would not, either in intent or in fact, be directed against the territorial integrity or political independence of Panama. No question of detaching territory from the sovereignty or jurisdiction of Panama would arise. Nor would the political independence of Panama be violated by measures calculated to uphold a commitment to the maintenance of the Canal's neutrality which Panama has freely assumed. A use of force in these circumstances would not be directed against the form or character or composition of the Government of Panama or any other aspect of its political independence; it would be solely directed and proportionately crafted to maintain the neutrality of the Canal. Such a use of force in support of the Canal's neutrality would be consistent with the purpose of the United Nations.

As to Article 51 of the Charter, the Committee agrees with the Executive Branch (p. 333, hearings, part 1) that—

. . . action by the United States in defense of its rights [under Article IV of the Neutrality Treaty] is not subject to preconditions and the United States may act until the Security Council has taken necessary measures to maintain peace.

As to Article 103, since no conflict exists between the obligations of the United States under the Panama Canal Treaties and its obligations under the United Nations Charter, the Committee sees no inconsistency.

The OAS Charter

Article 18 of the Charter of the Organization of American States, which seems particularly relevant, provides as follows:

Article 18

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

The Committee again concurs with the position of the Executive Branch that this provision is not inconsistent with the rights

of the United States under the Neutrality Treaty. That position (P. 332, hearings, part 1) is as follows:

. . . Action conforming with the proposed treaty would not be interference in the internal affairs of Panama because being the subject of a treaty obligation, the matters embraced by the Neutrality Treaty are not the internal affairs of either State party to that treaty. Nor would action in implementation of Article IV be an intervention in Panama's external affairs; it would relate to Panama's external affairs in that action would be based on an international obligation of Panama. It would not, however, be "intervention" any more than reliance upon and implementation of a treaty right by one State and invocation of the corresponding treaty obligation of another ever is "intervention." Equally, performance of Article IV of the Neutrality Treaty would not be directed against the "personality of [Panama] or against its political, economic and cultural elements," but rather toward maintenance of the neutrality of the Canal.

The Rio Treaty

Article I of the Inter-American Treaty of Reciprocal Assistance (the "Rio Treaty") provides as follows:

The High Contracting Parties formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this Treaty.

Since no use of force (as described above) would be inconsistent with the provisions of the United Nations Charter, no inconsistency exists between this article and the Neutrality Treaty.

Hay-Pauncefote Treaty

The additional question has been raised whether Articles VI of the Neutrality Treaty, which relates among other things to the right to expeditious transit, would place the United States in violation of the 1901 Hay-Pauncefote Treaty with Great Britain. Article 3, paragraph 1 of that Treaty provides as follows:

1. The Canal shall be free and open to the vessels of commerce and of war of all nations observing these Rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges or traffic shall be just and equitable.

Inasmuch as the United States has taken the position that no third countries have acquired rights as third party beneficiaries under the Hay-Pauncefote Treaty, there thus being no third-country rights which might be abridged, the question is simply whether entry into force of the Neutrality Treaty would place the United States in violation of a treaty obligation with the United Kingdom. The Committee has been advised by the Department of State that it has consulted Her Majesty's Government concerning the relationship between these two treaties and that Her Majesty's Government "has confirmed that it agrees that the proposed Neutrality Treaty is consistent with the Hay-Pauncefote Treaty."

(4) WAR POWERS RESOLUTION

Section 8(a)(2) of the War Powers Resolution provides as follows:

"SEC. 8(a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred . . . from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution."

In the absence of the Joint Statement, article IV of the Neutrality Treaty, which commits the United States "to maintain the regime of neutrality established in this treaty," would appear to have committed United States to take such action—including the introduction of its Armed Forces into hostilities—as may be necessary to maintain the neutrality of the Canal. Thus, the United States would have been committed internationally to a course of action which under its domestic law it has expressly retained the right not to take.

This problem, about which a number of committee members expressed concern, was eliminated through the insertion of the Joint Statement by President Carter and President Torrijos on October 14. That statement provides that the defense of the Canal against any threat to the regime of neutrality will be carried out by each country "in accordance with their respective constitutional processes." The effect of this language is to make clear that the treaty does not obligate the United States to introduce its Armed Forces into hostilities or authorize the President to do so. It thus places the Neutrality Treaty, in terms of the "automaticity" of the United States' international commitment, in the same category as mutual defense treaties to which the United States is a party. All such treaties implicity reserve to the United States a right of choice in each individual situation to act, militarily, as it deems appropriate under the circumstances. Any treaty which did not do so would, in the Committee's judgment, unconstitutionally divest the House of Representatives of its share of the warmaking power and would, unconstitutionally, delegate to the President the power to place the United States at war. The amendment recommended by the Committee to article IV would obviate these difficulties by rendering the United States' commitment non-automatic, as is the commitment under article IV of the Panama Canal Treaty.

(5) MISCELLANEOUS LEGAL MATTERS

Third-party rights

The question has arisen whether third countries will derive rights under the treaties either through accession (to the Protocol to the Neutrality Treaty) or through the creation of third party beneficiaries.

The Committee concurs with the Executive Branch that no such rights are created in third countries. Customary international law requires that the parties to a treaty *intend* to accord a right to a third state before a right is created. "Nothing in either treaty evidences such an intent," according to the Department of State. "In fact, it was the clear intent of both parties that no third party rights be conferred." Letter of Herbert J. Hansell, Legal Adviser, Department of State, to Michael J. Glennon, Legal Counsel, Committee on Foreign Relations, January 26, 1978 (hearings, part 5).

Status of Forces Agreements

The Committee wishes to make clear that the Agreements in Implementation of Articles III and IV of the Panama Canal Treaty will be entered into pursuant to the authority of that treaty, and not pursuant to the President's constitutional authority. The Committee is pleased to note that the Department of State does not claim "inherent" authority on the part of the President to conclude these agreements. Letter to Herbert J. Hansell, *supra*.

C. Economic Considerations

* * * * *

In response to the Committee's request of January 20, 1978, for additional economic and financial data, the State Department provided the following information on February 3, 1978.

DEPARTMENT OF STATE,
February 3, 1978.

Hon. JOHN SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Attached to this letter you will find some additional economic and financial data concerning the operation of the Panama Canal. We are supplying this data in response to the request made by the Committee as a result of the hearing held on January 20, 1978.

We hope that this material helps to clarify some of the questions which arose during the hearing and stand ready to supply any additional information the Committee may need.

Sincerely yours,

DOUGLAS J. BENNETT, Jr.,
Assistant Secretary of State for Congressional Relations.

ECONOMIC AND FINANCIAL IMPLICATIONS OF THE NEW PANAMA CANAL TREATIES

This paper summarizes research on the ability of the Panama Canal to be operationally self-sustaining until the end of the century and examines the implications of the Panama Canal Treaty on domestic and world commerce.

Research performed by the U.S. treaty negotiating team, by independent consultants and by various U.S. Government departments indicates that:

1. The Canal enterprise can generate sufficient revenue under the basic treaty to cover all its costs.

2. Opportunities for toll increases substantially exceed the revenues which will be required.

3. Cost savings opportunities are substantial.

4. The impact of likely toll increases on domestic and world commerce will be minimal, if not negligible.

CAN THE CANAL PRODUCE SUFFICIENT REVENUE UNDER THE NEW TREATY TO COVER COSTS?

Since 1915 toll revenues have risen from $4 million to $165 million in fiscal year 1977. At current toll levels they will increase to $210 million in 1985 and to $224 million in 1990. With a modest 25 percent toll increase, revenues would increase to $251 million in 1985 and to $268 million in 1990.

At the same time various estimates have been made of the Panama Canal Commission's operating costs. An exhaustive study on Panama Commission cost projects has just been prepared by Arthur Anderson & Company for the 1979–83 period. These projections conclude that Canal costs, including payments to Panama and including an inflation factor, will range between $241 million and $249 million in 1979 to between $237 million and $262 million in 1983.

The most significant impact of the new Treaties on future Canal financial operations will be the several annual payments to Panama which will be funded out of Canal operating revenues as operating Canal expenditures of the new Panama Canal Commission.

Article XIII of the Treaty specifies three annual payments to Panama from Canal revenues as an equitable return to Panama on the national resources it has provided the Canal. The first payment is calculated on the basis of 30 cents per Panama Canal ton for each vessel transiting the Canal. Five years after the Treaty goes into effect, this payment will be adjusted every two years to reflect changes in the wholesale price index. This payment should cost the Panama Canal Commission about $45 million in fiscal year 1979. This payment is a direct result of Canal traffic and would not, of course, be paid if the Canal were not operating.

The Panama Canal Commission will also pay Panama a fixed annuity of $10 million out of Canal operating revenues. This payment is a fixed expense of the Company and is not a function of traffic.

The Commission will also pay Panama a third annuity of up to $10 million only to the extent the Commission has a surplus. Should the Canal's revenues not produce a surplus sufficient to cover this contingent payment, the unpaid balance would be paid from future year surpluses.

Any unpaid balance remaining at the expiration of the Treaty would not represent a liability to the United States. Since this payment is only a contingent obligation, the Panama Canal Commission is not required to reflect it in its budget or the toll base.

In addition, Artcile III of the Treaty which is discussed in greater detail below requires an annual payment of $10 million for specified public services furnished by Panama in Commission operating and housing areas. This reimbursement is for public services which currently cost the U.S. Government approximately $18 million to perform.

Governor Parfitt, speaking for the Panama Canal Company, has suggested that an initial toll increase of 19.6 percent over existing rates would be required to meet these costs. However, the Governor pointed out a similar toll increase would be necessary by 1981 even without the treaties. American Management Services Commission has suggested an initial toll increase of 25 percent. The State Department in its initial estimates and testimony had suggested a toll increase in the neighborhood of 30 to 40 percent which subsequent study indicates was excessively conservative.

A study on Canal traffic and revenue forecasts recently completed by International Research Associates offers estimates that are more optimistic than those developed by our negotiating staff during the actual treaty negotiations. The study concludes that:

(*a*) Tolls could be increased up to slightly over 100 percent before revenues would begin to decline.

(*b*) Toll rate increases ranging from 15 percent to 50 percent would result in losses of traffic, on a tonnage basis, ranging from 2.4 percent for a 15 percent increase to 11.8 percent for a 50 percent increase.

Various studies concur in the finding that an initial toll increase is well within the ability of the Canal to generate revenue through tolls.

This was our judgment during the negotiations. It is a judgment which has been supported by all subsequent analyses with which we are familiar, including the IRA study, a study of Commission costs by Arthur Anderson, and the findings of the Armed Services Committee consultant whose report was issued by the Armed Services Committee on February 1.

WHAT COST SAVINGS WILL BE EFFECTED?

Since 1951, the Panama Canal Company has been administered as a self-sustaining U.S. Government corporation. Currently, in addition to the Canal, annual costs funded by Canal revenues include the Canal Zone Government, Canal Company retail and commercial operations, an "interest" payment to the Treasury of $18 to $20 million and approximately $500,000 of the $2.3 million annuity paid to Panama under the 1903 treaty.

In addition to the requirement to provide payments to Panama, the cost structure of the Panama Canal operation will be changed significantly by the new treaty.

The costs of the Canal Zone Government (about $25 million per year) will disappear after a 30 month transition period. In addition, all commercial and retail facilities will no longer be part of the Canal operation. Costs of providing schools and hospitals for Canal Zone employees will be reimbursed from toll revenues, as is now the case.

The new treaty provides that the Commission pay Panama $10 million per year in return for public services provided by Panama in the Canal operating and housing areas. This cost will be in contrast to the costs currently paid of approximately $18 million.

The Executive Branch will specifically recommend to Congress that the legislation organizing the Panama Canal Commission not charge it with an annual "interest" payment to the Treasury of $18 to $20 million. Congress, however, can decide to include an interest payment in the cost base to be covered by increased tolls. The Congress should recognize that it has always been the policy of the United States to operate the Canal as a public service and that this interest charge is in some ways a departure from this concept.

Beyond these cost savings, American Management Services has reviewed planning budgets for the Panama Canal operation and has considered reductions proposed in connection with the reduced scope of activity of the Panama Canal Commission versus the Panama Canal Company. The American Management Study reported that cost reductions, even larger than those envisioned by the Company, could be made.

WHAT WILL BE THE IMPACT OF THE TREATIES ON DOMESTIC AND WORLD COMMERCE?

Since 1914, the Panama Canal has served world commerce as an important transportation route. Canal traffic has risen from 5 million Panama tons in 1915 to 123 million Panama Canal tons in fiscal year 1977. The IRA study indicates that traffic will further increase to 201.9 million tons by the year 2000.

Canal toll rates, however, have remained at low levels. They have changed very little over the years despite mammoth price changes for just about everything else. In 1914, tolls were set at $1.20 per laden Panama Canal ton, and changed to 90 cents per laden ton in 1937. Since 1974, there have been increases in toll rates of 50 percent. Tolls today are set at $1.29 per laden ton.

A toll increase of 20 to 30 percent over existing levels will have a minimum, if not negligible, impact on our trade and economy. A toll increase of about 30 percent will involve a transportation cost increase of less than one percent. Users of the Canal would pay only about $50 million more in tolls per year on cargoes that have a value in excess of roughly $50 billion, or one-tenth of one percent. In most instances, it will be the foreign buyer of U.S. commodities transiting the Canal who is the ultimate payer of Canal tolls and not the seller or shipper. Therefore, of the $50 million, U.S. businesses and consumers will be the ultimate payers of only about $15 million. The overall impact of this on a $1.7 trillion economy is negligible on either our business or the purchasing power of the consumer.

Obviously, there are uncertainties with respect to Panama Canal traffic and revenue, especially after 1990. The same is true of any projection of world or national economic conditions. These uncertainties would exist whether or not we undertake a new treaty relationship with Panama. The new treaty will provide a stable environment, while the alternative of continuing the present relationship could almost certainly involve greater costs and uncertainty for shippers.

Sea level canal provision and related issues

The size of ships which can transit the Panama Canal is limited by the capacity of the three sets of locks. Maximum size of ships is approximately 975 feet in length; 106 feet in width; with a 40 feet draft and a weight of 65,000 dead weight tons. The locks are filed by gravity flow and each transit through the Canal requires 52 million gallons of water.

Approximately 2,000 commercial vessels, primarily bulk cargo carriers and tankers, and 13 U.S. naval vessels are too large to transit the Canal. The Department of Transportation expects the number of commercial vessels too large to transit the Canal to increase. In addition, the Tokyo Bay class of ships may not be able to transit the Canal fully loaded according to DOT, and the transit time is longer for such large ships. The report of the Atlantic-Pacific Interoceanic Canal Study Commission stated that by the year 2000, 6 percent of bulk cargo carriers and 23 percent of tankers will be over 100,000 dead weight tons, and thus will be too large to transit the Canal. By 2040, the number of bulk carriers in excess of 100,000 DWT. will be 15 percent and 70 percent of all tankers will be too large to use the present Canal.

The increase in the size of ships indicates a potential need to increase the capacity of the Canal. Two major methods of increasing Canal capacity, a sea level canal or a third lane of larger locks for the Panama Canal, were considered by the Atlantic-Pacific Inter-Oceanic Canal Commission.

Article XII of the Panama Canal Treaty

In article XII of the proposed Panama Canal Treaty, the U.S. and Panama recognize that a sea level canal may be necessary in the future. The U.S. and Panama commit themselves to study jointly the need for and feasibility of a new sea level canal. Should a sea level canal in Panama be found desirable, the Parties will negotiate terms for its construction. Article XII also gives the U.S. the right to construct a third lane of locks at any time during the life of the Treaty if Panama is provided with a set of the plans.

Article XII, paragraph 2 contains restrictions on both the United States and Panama with respect to the construction of a sea level canal. Under paragraph 2(a), the United States has the sole authority to build a sea level canal in Panama until the year 2000, and the U.S. would have to agree to waive this option before a third nation could construct a canal. In exchange for this option, the U.S. agreed to paragraph 2(b) which will prevent the U.S. from concluding an agreement to construct a sea level canal any place else in the Western Hemisphere without the agreement of Panama until the year 2000.

The United States requested that the provisions of article XII, paragraph 2(a) be included because the construction and control of a sea level canal in Panama by a third nation could be detrimental to our national security and economic well-being. The Committee considered this question carefully and determined that this provision was a major benefit to the United States. Accordingly, the Committee decided to recommend strongly against adoption of an amendment to delete this important provision.

In arriving at its conclusion, the Committee determined that despite some questions about the terminology of paragraph 2(a), that the provisions of this subparagraph do form a binding commitment on the Republic of Panama. Panama commits itself not to allow the construction of a sea level canal by a third nation or consortium of nations unless the United States agrees to such action.

The language of paragraph 2(a) does differ from that of paragraph 2(b) and it has been contended that the restriction on Panama is less specific than that on the United States. Paragraph 2(a) states that no new interoceanic canal can be constructed in Panama except pursuant to the Treaty without the agreement of the United States. This language is sufficiently binding since the preceding paragraph of article XII clearly says

that the United States and Panama will jointly determine the feasibility of a sea level canal and negotiate for its construction. The provisions of paragraph 2(a) have to be read in the context of the entire article and particularly of paragraph 1 since that paragraph says that it will be the United States and Panama, and not some third party, that will negotiate for the construction of a sea level canal in Panama.

To gain this exclusive option for the United States, our negotiators found it necessary to give Panama assurance that the United States would not conclude an agreement for a sea level canal route elsewhere until the expiration of the Treaty. The Committee determined that this quid pro quo was reasonable and acceptable to the United States. In reality, the United States has gained an option important to its national security without giving up a real alternative. The Committee believes the interests of the United States are well served by this paragraph.

Since the restriction on the United States did form part of the basis of the exchange of commitments and since this exchange is beneficial to the United States, the Committee recommends that no amendment to strike out this part of article XII, paragraph 2 be adopted by the Senate.

The restriction on negotiations for a route outside Panama is not a major concession by the United States, because the preferred routes, as determined by the Inter-Oceanic Canal Commission, for a sea level canal are all located in Panama. They are:

(a) Route 10, which would be approximately 10 miles west of the present Canal and which would not interfere in the operation of the Canal; and

(b) Routes 14C and 14S, which vary only slightly, would follow generally the course of the present Canal and would, therefore, interfere in the operation of the present Canal.

Other routes that have been considered across Nicaragua, Costa Rica or Colombia would, to be economically feasible, require nuclear excavation, which is an unproven method that probably would be objectionable to the nations where the sea-level canal might be constructed. The Inter-Oceanic Canal Commission estimated that Route 10 would cost $2.88 billion in 1970 dollars while the major Nicaraguan route would require $11 billion using non-nuclear means. Nuclear excavation of the Nicaragua route would cost $5 billion, but would require relocation of over 500,000 people.

In his testimony before the Committee, Colonel John P. Sheffey, who served as Executive Director of the Inter-Oceanic Canal Commission said:

". . . I assure you that there are no foreseeable circumstances in which the United States would be likely to consider building a new Isthmian canal outside Panama. The only feasible routes are in Panama." (P. 515, part 4, SFRC Panama Canal hearings.)

Colonel Sheffey stated further:

"When we entered this study in 1965, one of our purposes was to prove that we could build a canal, a technically satisfactory canal, outside Panama because it would give us far better negotiating leverage to renegotiate our relationship with Panama.

"We spent $22 million of the taxpayers' money in 5 years and proved only that we could not build outside Panama." (P. 521, part 4, SFRC Panama Canal hearings.)

The opinion of the Department of Transportation was expressed by Mr. Edward Scott, Assistant Secretary for Administration before the Committee on Foreign Relations on September 30, 1977, Mr. Scott said:

". . . That Commission [The Inter-Oceanic Canal Commission] is the one which came to these conclusions, but everyone who has reviewed the work comes to the same conclusions, and I personally, and the Department [of Transportation], do not consider it a defect that the treaty commits us to building in Panama because that is the place to build and there is no question about it whatever." (P. 347, part 1, SFRC Panama Canal hearings.)

In 1914, the U.S. ratified the Bryan-Chamorro Treaty with Nicaragua which gave the U.S. an option in perpetuity to construct a canal across Nicaragua. This option in perpetuity came to be resented by Nicaraguans and the Inter-Oceanic Canal Commission recommended against a Nicaraguan route for a sea level canal in 1970. Accordingly, in 1971, the U.S. Senate by a vote of 66 to 5 gave its advice and consent to a treaty terminating the Bryan-Chamorro Treaty of 1914 and the option on a Nicaraguan route.

The third lane of locks alternative would be cheaper to construct, costing about three-fifths of a sea-level canal at Route 10. However, each transit through the Canal using the larger locks would require approximately 100 million gallons of water and a lock canal slows transit time. The Chagres River and Gatun Lake do not have the capacity to provide the amount of water necessary for the operation of a third lane of larger locks, and water would probably have to be pumped up from the ocean to operate the locks. With the smaller locks in use at present, water is already a problem. During dry periods, the draft of vessels using the Canal is limited. Pumping such a large amount of water would be very expensive and a third lane, although cheaper to build, could be substantially more costly to operate.

The construction of a larger third lane of locks under the Deep Draft Lock Canal Plan would allow the transit of ships of approximately 150,000 deadweight tons. Such a system would enable the Canal to compete with alternative means of commercial shipping, but such a lock system still could not handle the U.S. Navy's aircraft carriers.

The Committee on Foreign Relations has not attempted to make decisions on the construction of a sea level canal, a third lane of locks or on which sea level canal route in Panama is most desirable. Such decisions would have to be made only upon extensive analysis of the complex economic and scientific issues as was done by the Inter-Oceanic Canal Commission. However, the Committee has determined, based on the 1970 Report of the Inter-Oceanic Canal Commission and the termination of our option in Nicaragua, that the consideration of alternatives should logically be confined to Panama for the period until the year 2000. The Committee believes that the proposed Panama Canal Treaty and the options it contains are sufficient to protect the interests of the United States in the alernative methods of improving inter-oceanic canal service during the life of the Treaty.

* * * * *

VII. Committee Action

President Carter, on behalf of the United States, signed the Panama Canal Treaty and the Treaty Concerning the Permanent Neutrality of the Canal on September 7, 1977, at the headquarters of the Organization of American States in Washington, D.C. The treaties and accompanying documents were transmitted to the Senate on September 16 and referred the same day to the Committee on Foreign Relations.

The Committee held public hearings on these treaties in September and October 1977 and in January 1978. During the hearing process, the Committee received testimony from more than 90 witnesses and compiled a five-part hearing record totaling some 2,500 pages. In addition, at the Committee's request, the Library of Congress prepared an extensive 1700-page publication entitled, "Background Documents Relating to the Panama Canal," plus a complementary publication entitled, "Chronology of Events Relating to the Panama Canal."

The Committee's first round of hearings began the week of September 26 and lasted four days, September 26, 27, 29 and 30. During that time, the Committee heard from top Administration officials:

Monday, September 26.—

The Honorable Cyrus Vance, Secretary of State.

The Honorable Ellsworth Bunker, Ambassador at Large and Co-Negotiator, Panama Canal Treaties.

The Honorable Sol Linowitz, Co-Negotiator, Panama Canal Treaties.

Tuesday, September 27.—

The Honorable Harold Brown, Secretary of Defense.

Gen. George S. Brown, Chairman, Joint Chiefs of Staff.

Adm. Robert L. J. Long, Vice Chief of Naval Operations.

Lt. Gen. D. P. McAuliffe, Commander-in-Chief U.S. Southern Command.

Thursday, September 29.—

The Honorable Griffin B. Bell, Attorney General.

The Honorable Herbert J. Hansell, Legal Advisor Department of State.

The Honorable Clifford L. Alexander, Secretary of the Army.

Maj. Gen. H. R. Parfitt, U.S. Governor of the Canal Zone.

The Honorable William J. Jorden, U.S. Ambassador to Panama.

Friday, September 30.—

The Honorable Brock Adams, Secretary of Transportation.

The Honorable Richard N. Cooper, Under Secretary for Economic Affairs, Department of State.

The Honorable Anthony Solomon, Under Secretary for Monetary Affairs, Department of the Treasury.

Howard F. Casey, Deputy Assistant Secretary for Maritime Affairs, Maritime Administration.

On October 4 and 5, the Committee heard from 14 Members of the House and Senate who requested an opportunity to express their views on the proposed treaties. The Committee received testimony from the following Senators and Congressmen: Strom Thurmond; Ernest F. Hollings; James B. Allen; Mike Gravel; Paul Laxalt; Robert Dole; William Scott; and Jesse Helms. House Members who presented their views to the Committee were Representatives Samuel Stratton, Baltasar Corrada, John Murphy, Larry McDonald, Donald Fraser, and Robert Leggett.

Some 37 public witness and outside experts testified before the Committee during the week of October 10. Among others, the Committee heard from two former Chairmen of the Joint Chiefs of Staff, Admiral Thomas Moorer and General Maxwell Taylor, and from Admiral Elmo Zumwalt, former Chief of Naval Operations. The Committee was also honored to receive testimony in support of ratification of the proposed treaties from former Secretaries of State Dean Rusk and Henry Kissinger. A variety of other groups and organizations were heard by the Committee, including residents of the Canal Zone, experts on Latin America, labor officials, church groups and veterans' organizations. A list of all of the witnesses heard during the week of October 10 follows:

Monday, October 10.—

Adm. Thomas H. Moorer, USN-Ret.

Adm. Elmo R. Zumwalt, Jr., USN-Ret.

Gen. Maxwell Taylor, USA-Ret.

Mrs. Patricia Fulton, President, Pacific Civil Council, Canal Zone.

Mrs. Charlotte Kennedy, President, Cristobal-Margarita-Brazos Heights Civic Counsel, Canal Zone.

Mr. Harold Green, President, Gamboa Civic Council, Canal Zone.

Mr. Louis Fattorosi, Vice President, Canal Zone Federation of Teachers.

Tuesday, October 11.—

Prof. Jorge Dominguez, Center for International Affairs, Harvard University.

Dr. Abraham F. Lowenthal, The Woodrow Wilson Center.

Prof. Donald Dozer, University of California.

Prof. Lewis Tambs, Arizona State University.

Robert M. Bartell, Liberty Lobby.

Franklin Delano Lopez, Chairman, Puerto Rico Democratic Party.

Phillip Harmon, Canal Zone Non-Profit Public Information Corp.

Wednesday, October 12.—

William P. Thompson, President, National Council of Churches.

John Cardinal Krol, Archbishop of Philadelphia, on behalf of U.S. Catholic Conference.

Morris Levinson, Vice President, Synagogue Council of America.

Prof. Donald E. Miller, Church of the Brethern.

Kenneth Boehm, Young Americans for Freedom.

Mrs. (Leopoldo) Rose Marie Aragon, Mr. Richard Eisenmann, Panamanian Committee for Human Rights.

Dennis Small, U.S. Labor Party.

Thursday, October 13.—

Lane Kirkland, Secretary-Treasurer, AFL–CIO.

Martin Gerber, Vice President, United Auto Workers.

Alfred J. Graham, President, Canal Zone Central Labor Union and Metal Trades Council, AFL–CIO.

Capt. J. R. Williams, President, Panama Canal Pilots' Association, Canal Zone.

Rene C. Lioeanjie, Regional Director, Central and South America, National Martime Union, Canal Zone.

John Fred Schlafly, Chairman, Emergency Task Force on the Panama Canal, American Council for World Freedom.

Gary L. Jarmin, The American Conservative Union.

Dr. Herminio Portell-Vila, Editor, Radio Free Americas, American Security Council.

Hon. Hamilton Fish, former Congressman from New York.

Friday, October 14.—

Hon. Henry A. Kissinger, former Secretary of State.

Hon. Dean Rusk, former Secretary of State.

Robert Charles Smith, National Commander, The American Legion.

Frank D. Ruggiero, National Commander, AMVETS.

Maj. Gen. J. Milnor Roberts, USAR, Executive Director, Reserve Officers Association.

Col. Phelps Jones, USA-Ret., Veterans of Foreign Wars.

Following the release of the Statement of Understanding between President Carter and Chief of Government Omar Torrijos Herrera on October 14; co-negotiators Ellsworth Bunker and Sol Linowitz were asked to appear again before the Committee on October 19 to discuss the meaning and significance of the understanding in relation to the neutrality agreement.

On January 16, 1978, seven members of the Committee visited Panama and the Canal Zone during a two-day fact-finding mission. Chairman Sparkman led the group which included Senators Case, Church, Javits, Pell, Percy and Sarbanes. Other members of the Committee have also visited Panama in recent months. Senator McGovern visited Panama during the period December 3 to 6. Senator Pearson was there December 12 to 13 and Senator Baker, the Minority Leader, was in Panama January 3 to 7. These visits provided the Members with a first-hand opportunity to discuss the terms of the treaties with Panamanians and Americans alike, both in and out of government.

The itinerary of the Jan. 16 study mission follows:

Tuesday, January 17.—

0015 Arrive Tocumen International Airport.
0050 Arrive Holiday Inn.
0945 Leave Holiday Inn for Embassy.
1000 Country Team briefing in the Ambassador's office.
1100 Depart Embassy for Albrook Air Force Station (PAD).
1120 Overflight of Canal Zone.
1230 Southern Command briefing at Quarry Heights, Canal Zone.
1330 Depart Quarry Heights.
1345 Lunch with U.S. businessmen at the Union Club in Panama City.
1520 Depart the Union Club.
1545 Panama Canal Government briefing at Miraflores Locks. Brief tour of the locks.
1715 Depart Miraflores Locks.
1730 Call on Canal Zone civic and labor leaders.
1815 Depart Canal Zone for Holiday Inn.
1945 Depart hotel for Presidential Palace.
2000 Dinner hosted by President Demetric B. Lakas.

Wednesday, January 18.—

0800–Meeting with Archbishop McGrath, Bishop Shirley and Mr. De Lima.
0845–Meet with members of the Panamanian opposition at the Holiday Inn.
0945–Briefing at Holiday Inn by Minister of Planning and Economic Policy, Nicolas Ardito Barletta.
1045–Depart hotel for Paitilla Airport.
1100–Program by Panamanian Government, including lunch and discussions with Brig. Omar Torrijos at Contadora Island.
1530–Arrive Tocumen International Airport.
1630–Depart Tocumen for Washington.

The day after the study mission returned from Panama, the Committee began its final series of hearings on the treaties. These hearings took place on January 19, 20, 25 and 26. During the first three days, the Committee heard from historians, legal scholars, business associations, transportation groups, economists and a number of public witnesses.

On January 26, Senator Robert Byrd, the Majority Leader testified before the Committee.

The individuals who testified on January 19, 20 and 25 were:

January 19.—

David McCullough, Author of: "Path Between the Seas."

Jules Davids, School of Foreign Service, Georgetown University.

Elting Morison, School of Humanities, Massachusetts Institute of Technology.

Richard W. Leopold, History Department, Northwestern University.

Richard A. Falk, Center of International Studies, Princeton University.

Richard R. Baxter, School of Law, Harvard University.

John Norton Moore, Center for Oceans, Law and Policy, University of Virginia.

Covey T. Oliver, School of Law, University of Pennsylvania.

January 20.—

Ely M. Brandes, President, International Research Associates.

Henry Gevelin, President, Council of the Americans.

Patrick N. Hughson, President, Association of American Chambers of Commerce in Latin America.

Donald G. Griffin, Vice President, Distribution and Transportation, PPG Industries (on behalf of Transportation Association of America).

James J. Reynolds, Director, American Institute of Merchant Shipping.

Melvin Shore, Chairman, U.S. National Transportation Policy Committee, the American Association of Port Authorities.

Robert Corrigan on behalf of Seymour Milstein, President and Chief Executive Officer, United Brands Co.

January 25.—

Hon. Eldon Rudd, Congressman from Arizona.

Hon. William D. Rogers, Member, Committee of Americans for the Canal Treaties.

Peter V. Baugher, the Ripon Society.

Rev. Jesse L. Jackson, Operation PUSH.

Hon. Robert E. Bauman, Congressman from Maryland.

Col. John P. Sheffey, National Association for Uniformed Services.

Dr. George Fox Mott, the Mott Research Group, Washington, D.C.

Mr. Egon Richard Tausch, on behalf of U.S. Industrial Council.

Following the Majority Leader's appearance before the Committee on January 26, the Committee proceeded to begin mark-up of the treaties. Additional mark-up sessions were held on January 27 and 30. On January 30, the Committee ordered the treaties favorably reported to the Senate for its advice and consent.

The Committee acted first on the resolution of ratification to accompany the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal. It approved this resolution by vote of 14–1. Voting in favor were Senators Sparkman, Church, Pell, McGovern, Clark, Biden, Glenn, Stone, Sarbanes, Case, Javits, Pearson, Percy, and Baker. Senator Griffin voted in the negative.

The Committee then acted on the resolution of ratification to accompany the Panama Canal Treaty. It approved this resolution also by a vote of 14–1. Voting in the affirmative were Senators Sparkman, Church, Pell, McGovern, Clark, Biden, Glenn, Stone, Sarbanes, Case, Javits, Pearson, Percy, and Baker. Senator Griffin voted in the negative. The Committee conditioned its approval of this resolution of ratification on Senate approval of the resolution of ratification to the Treaty Concerning the Permanent Neutrality and Operation of the Canal.

The members of the Committee wish to note at this point the strong support given to the treaties by their former esteemed colleague Senator Hubert Humphrey. Senator Humphrey was one of the first members of the Senate to announce publicly his support for the agreements. He made that announcement on September 7, 1977, the day the treaties were formally signed. The statement released by Senator Humphrey is reprinted below:

STATEMENT BY SENATOR HUMPHREY

I have followed this issue very carefully and discussed the treaties with the President by telephone. I have pledged to the President my full and active support for the treaties. An important goal of these negotiations has been the establishment of a modern and mutually acceptable treaty relationship between the United States and Panama which provides for the efficient operation of the important waterway that will continue to remain open to all of the world's shipping.

This has been the bipartisan goal for four Presidents, Johnson, Nixon, Ford, and Carter, who above all others have the responsibility for the national security of our country. The United States has lost nothing through these treaties. We have not given up anything. Clearly, no international relationship negotiated more than 70 years ago can be expected to last forever without adjustment.

In sum, the new treaties, based on partnership, give the United States the rights we need to restore the crucial ingredient of Panamanian consent and strengthens our mu-

tual interest in a well-run and secure canal. The viability of any treaty depends on the underlying consent and shared interests of nations who are party to it.

Panama and our Latin American neighbors long have been dissatisfied with the 1903 treaty. This declining level of consent transcends any one government and now encompasses Panamanians of all strata.

There are some who claim that the proposed treaties will have an adverse effect on our security. However, the Panama Canal issue affects our relationships with other Latin American nations who view it as a test case of whether or not the United States will move into a more mature relationship with our neighbors in the Western Hemisphere.

Senate approval of the treaties will add substance and character to the good neighbor policy first enunciated by President Roosevelt.

The U.S. image and its leadership ability are under careful scrutiny around the world. Some Americans express concern that our national prestige would be diminished by the new treaties.

But in my view the case is just the opposite. The 1903 treaty is viewed abroad as one-sided and anachronistic, a holdover from a colonial era which other nations have discarded.

The ability of the United States to work through this emotion-fraught issue at home through ratification of the treaties in the Senate will be viewed abroad by friend and foe alike as a sign that we can make necessary accommodations to a changing world.

In essence, a new treaty relationship based on the concept of partnership and similar to other agreements with our allies throughout the world offers a tool that will better protect our basic interests.

COMMON MISCONCEPTIONS

(Prepared by the Department of State)

1. *We are paying Panama to take the Canal.*

Most opponents agree that Panama which contributes its location (its principal resource) deserves a larger return for the use of its territory. Payments to Panama, which end in 1999, will come exclusively from Canal users through tolls—not from tax dollars. We built the Canal to use; the new treaties protect our continued use of it forever.

2. *We will lose our ability to protect the Canal.*

The treaties give us permanent authority to take any action to protect the Canal against any threat. The Joint Chiefs of Staff worked closely with our negotiators; they believe the new treaties will safeguard our defense interests for the future far better than the old treaty would.

3. *The treaties are a sellout of our global responsibilities.*

No. They show a world leader recognizing changing times and moving to better secure its interests for the future. Our principal allies—West Germany, France, Great Britain, and Japan—support the treaties.

4. *We have sovereignty now.*

No. We have never claimed sovereignty. For example, we have always treated the Zone as foreign territory for purposes of customs and mail, and children born there of non-US citizens are not US citizens. The 1903 treaty gives us rights "as if sovereign." We give up only the "trappings of sovereignty" which we no longer need.

5. *We own the Canal Zone.*

Under the 1903 treaty we bought rights, not land, and we continue to make annual payments for these rights. The titles we have to a part of the Zone we got subsequent to the treaty from private holders, not Panama.

6. *The treaties will lead to Cuban/Soviet presence.*

An unlikely possibility since we'll remain there until the year 2000; we'll continue to have a permanent right to protect the Canal from *all* threats; and Panama has agreed that no foreign troops will ever be stationed there after 1999. Communism is unlikely to flourish among Panamanians unless we push them toward it.

7. *Panama is unreliable and unfriendly.*

We have close relations with Panama. For 75 years Panama has honored a treaty it has long resented as depriving it of national dignity and a fair return on its principal resource, the isthmus. Surely it is reasonable to expect that future governments will honor treaties that give Panama partnership in the enterprise and restore its dignity.

8. *Torrijos is disreputable and unreliable.*

Torrijos is controversial, but signing a treaty with him does not mean that we endorse him personally. In any case, we will operate and defend the Canal for 22 more years and it is unlikely that Torrijos will be in power then.

9. *The Torrijos government violates human rights.*

Panama is aware of our concern about some of its practices and has acted to modify some of its objectionable laws. In any event, we should treat human rights and the Canal issue separately, as does *Freedom House* which criticizes Panama's human rights record, but supports the treaties.

10. *The Torrijos govenment is anti-Semitic.*

Panama's Jewish community leaders have categorically denied the charge. There is no basis to it.

11. *Panama and Libya have agreed to make Panama a base for Arab terrorist activities in this hemisphere.*

Not so. Their agreements were routine and reflect no special relationship between the two countries. Indeed, Torrijos' recent visit to Israel has strained relations with Libya.

12. *We should not sign any treaty with a dictatorship like the Torrijos government.*

The feeling by Panamanians of all political persuasions that the present arrangement is unfair and unjust is quite independent of the current leadership in either Washington or Panama. Panama's plebiscite shows strong public support for a treaty.

13. *We need perpetuity.*

In 1903 a permanent U.S. presence seem necessary to eradicate disease, construct and operate the canal. (The canal area was disease-ridden and still a jungle frontier.) But by 1965 this presence no longer seemed necessary in perpetuity and under the new treaties, this presence would end in the year 2000. What we still need permanently is access to the canal, and this the new treaties establish.

14. *We negotiated under duress.*

While the United States is a super power, Panama is a very small country. As President Carter has said, we consider the canal to be important, and we will take whatever action is necessary to protect it. Panama understands.

15. *Panama lacks the technical capacity to operate the canal.*

Seventy-five percent of present canal employees are Panamanians. In the 22 years before Panama takes over operation, Panamanians will receive the training and experience to operate the canal efficiently. Self-interest will give Panama the incentive to develop the needed skills.

16. *Tolls will rise precipitiously.*

Experts estimate only about 30 percent. This will mean an immediate increase of about $60 million in payments by users for goods that gross about $40 billion in annual sales. Thus, the increase in delivered cost for most commodities would be less than one percent. The U.S. will set the tolls until 2000, and thereafter Panama's self interest in keeping traffic up will restrain any impulse to raise tolls unrealistically.

17. *The treaties are a bail-out of the New York bankers.*

Not so. Panama is a flourishing regional banking center (71 banks with $9.7 billion in assets for customers public and private, in and out of Panama). At the start of 1977, Panama's government had a disbursed external debt of $1.1 billion of which $356 million was owed to U.S. banks. But Panama has never defaulted on a bank loan and there is, therefore, no reason for a "bail-out."

18. *We have abandoned the Canal work force.*

The treaty states that the Canal work force will enjoy, in general, the same terms and conditions in effect immediately prior to the treaty. In some cases, workers will have more rights than now. Employees adversely affected by the treaty will be eligible for priority job placement assistance and liberalized early retirement.

19. *We risk having access to the Canal denied to us in wartime or other national emergency.*

Not so. Panama knows that we have the right to take whatever action we deem necessary to maintain our access to the Canal. Furthermore, in emergency situations, we have the right to go to the head of the line. Panama would not want to challenge these rights, since the political and economic risks of doing so would be huge.

20. *Latin American support for Panama's control of the Canal is more appearance than substance.*

Not so. 26 Latin American countries signed the Declaration of Washington supporting the treaties. Leaders are watching our debate over the treaties very closely. The region's leading democracies who are the countries most directly concerned are Panama's strongest supporters for the treaties.

21. *Carter has broken his campaign promise never to give up the Canal.*

The President promised not to give up "effective control." Under the treaties we will operate the Canal in this century and will have the permanent right to keep it open in accordance with the terms of the neutrality treaty.

22. *The Senate should not ratify a treaty opposed by the American people.*

Many people who oppose the treaties simply do not understand them. Polls indicate this. Our job is to present a full explanation so that a reasoned and informed judgment can be made of whether the treaties are in our national interest.

23. *We cannot protect the canal without retaining our full rights in the Zone.*

Not so. Defense of the status quo would lead almost certainly to significant problems. On the other hand, relinquishing what we do not need reduces the likelihood of the need for force, gains Panama's cooperation in canal defense, provides us all the facilities we need until the year 2000, and, finally, gives us the right to defend the canal's neutrality permanently.

24. *The new treaty with Panama will not last.*

Panama has a good record of abiding by its treaty obligations, including those under the present treaty. I would rather take my chances with a treaty supported by two out of three Panamanians in 1977 than a treaty signed more than 70 years ago by a Frenchman which is now and has been universally opposed by Panamanians.

25. *The treaty goes too far in trying to satisfy Panama.*

Perpetuity and U.S. jurisdiction over the Canal Zone are the key objections by Panama and other nations to the existing relationship. No new treaty would be possible without elimination of these aspects of the

existing relationship. In a tough negotiation, neither side gets all it might like, but these treaties contain every element needed to obtain our objective of permanent access to an efficiently operated and secure Canal.

Mr. CASE addressed the Chair.

The PRESIDING OFFICER (Mr. MOYNIHAN). The Senator from New Jersey.

Mr. CASE. Mr. President, our chairman, the Senator from Alabama (Mr. SPARKMAN), has presented in a very fine and complete way the major considerations relating to this issue, and I shall not take the time of my colleagues to hear me beat the same straw.

We may have to deal with the problem in a somewhat repetitious fashion in connection with amendments, but there will be time enough to do that.

Obviously, we are beginning today a prolonged and perhaps even extended debate about these two canal treaties, although I was more than happy and not surprised to hear the Senator from Alabama (Mr. ALLEN) state that he had no intention to filibuster. I have not heard of anybody who is. But if I am mistaken, we will have to deal with the matter as it comes up.

Certainly, it presents a controversy, I think one of the most intense foreign policy disputes we have had in this country since the Vietnam war. It does go to the heart of our image as a nation—our image both in our own eyes and in the eyes of the rest of the world.

Of course, it touches on our memories: The pride that we all had and have and always will have in the magnificent engineering achievement in finishing a task that the French could not complete, in the days when we worked our will, and in the popular memory of Americans everywhere when we were not being "pushed around by tinhorn dictators."

I did not live in those times. Well, I did, in a way. I was born in 1904, and the actions were still fresh in the minds of the people of this country. Certainly, they were fresh in the minds of my family. I do not think Teddy Roosevelt ever had a more devout admirer than my father, who was a minister of the Dutch Reformed Church to which President Roosevelt had allegiance.

I recall that, in many ways, my father followed the President's example and his precepts. We had six children in our family. That was one of the precepts that I think President Roosevelt suggested was good for good Americans to follow.

These treaties do touch on themes that stir our memories. I recall that my own response to the canal goes back to 1921, when, as an ordinary seaman, in my freshman year, on vacation from college, I went through the canal on a lumber boat from New York, the old Bush Terminal, up to Vancouver. I recall the great thrill that one feels, after a couple of weeks of sailing and seeing nothing, to see the canal, with the American flag flying over it. It is a very striking and touching thing. I do not in any way belittle feelings of that sort that people have. I think they are good feelings.

Little did I think, when I went through the canal that first time, or later as a tourist, that it was going to stir such a controversy in my lifetime. I just thought it was a fixed thing; it was ours. I understand that feeling.

Yet, nostalgia is not the most useful framework through which to view the treaties.

At the same time, we who support the treaties as well as those who oppose them should take into account the psychological aspects of this dispute. It would be a mistake for those of us who support the treaties to dismiss the opposition—I do not think any of us really do—as emotionalism or some sort of outdated chauvinism.

My office, as I am sure every other office in the Senate, has had thousands of letters and postcards and telegrams, communications of all sorts, from those who oppose the treaties. Some of that is organized, admittedly. Some of it may be ill-informed. In fact, the barrage started even before the treaties were signed and published. But the concern cannot be dismissed on any grounds such as that. There are real and deep concerns beneath the opposition, and they should be addressed.

The Foreign Relations Committee, as our chairman has told the Senate, held extensive hearings here, and a number of us made trips to Panama. We have been criticized as doing this a little too often. I do not think that criticism is very well justified. I would much prefer not having taken the 2 or 3 days we did take to go down there. It would have been much more pleasurable to stay home. The companionship of my colleagues is most enjoyable, but I had many other things to do. However, those trips were useful and they sharpened many points in my mind that helped me arrive at a conclusion.

There is the question of concern not related to specific provisions of the treaty—rather, the general idea of giving up this piece of America, as many people have come to feel about it—I am not talking technically about sovereignty now. I am just talking about our returning the zone to Panama and turning the canal over to Panama. I think that many people subconsciously feel it is another evidence that America is withdrawing from the world and that this is a very important factor in the trauma that the canal controversy has dealt us.

Mr. CHURCH. Mr. President, will the Senator yield on that point?

Mr. CASE. I yield.

The PRESIDING OFFICER. The Senator from Idaho. (Mr. CHURCH).

Mr. CHURCH. Mr. President, I think that the able Senator from New Jersey has touched upon the keystone of much of the passionate reaction that typifies much of the mail in opposition to the treaties, when he says that a new arrangement over the future operation and control of the canal, as contemplated under these treaties with Panama, is viewed as a kind of retreat or withdrawal on the part of the United States.

I could not agree with him more because my mail reflects this same feeling, and I am sure that this has been the common experience of all Members of the Senate. Yet I find it curious. I remember at the end of the Second World War it was the United States that first proposed to grant independence to the people of the Philippines. No one at that time suggested that this was a serious withdrawal or retreat on the part of the United States from the Western Pacific, even though the resources of the Philippines were massive by comparison to those of Panama. It was not viewed as an act of weakness or retreat, but rather as the act of a self-confident nation which still believed in its own traditions.

We granted the people of the Philippines their independence because we recognized that they had the right to govern themselves, even as we had claimed that right against George III 200 years ago in the American Revolution.

Then I recall some years later when the United States decided by treaty to return jurisdiction of Okinawa to the Japanese. There was no hue and cry about withdrawal or defeat when that treaty was brought before us for ratification, even though we had fought and bled for Okinawa in the Second World War and the sacrifice had been great, even though American control over Okinawa could not have been successfully contested by any exertion of power directed against us, for we dominated the whole of the Pacific.

Strangely, no one complained at that time that this was an act of weakness on the part of the United States. Rather it was just the opposite. Everyone seemed to recognize then that it took a strong, just, self-confident country to recognize that the people of Okinawa, being, of Japanese origin, wishing to live again as a part of their own homeland, were entitled to that new arrangement.

Mr. CASE. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. The Senator from New Jersey (Mr. CASE).

Mr. CASE. I yield to my eloquent friend for as long as he wants to talk at any time. But I did want to point this out: That there was this difference, and that is at Okinawa we just finished a victorious war.

Mr. CHURCH. Yes.

Mr. CASE. We did not need to be reassuring ourselves about our strength, our will, our determination, or our position as a world leader. We had established that. And it is always a little easier to be generous when you are self-confident.

The history since and including Vietnam has been quite different, at least so it seems to many people, and that is why I think they regard this as another step in withdrawal from a position of world power and a shrinking of America which they are deeply concerned about. That is the main difference.

Mr. CHURCH. Yes; I fully concur with the Senator because this action comes after the termination of the misbegotten policy in Southeast Asia, and the general psychology in the country is different now than it was then. Nevertheless, I think it is important to remind ourselves that recognizing the aspirations of the Panamanian people in these treaties is similar to what we did in the

case of the Philippines and in the case of Okinawa. Back in those days the people of the United States upheld the decisions that we made in granting independence to the Philippines and in restoring Okinawa to the Japanese as assertions of a self-confident nation and as acts which were consistent with our traditional principles.

Now, my question to the able Senator from New Mexico, the ranking member of the Foreign Relations Committee, is this.

Mr. CASE. New Jersey.

Mr. CHURCH. New Jersey; I am sorry.

Mr. CASE. I have that trouble with Senator DOMENICI, too.

Mr. CHURCH. The distinguished Senator is quite capable of representing two States, or three.

Mr. CASE. I thank the Senator. I hope that the citizens of my State and the voters will agree with his assessment come November.

Mr. CHURCH. The question that I would put to the distinguished Senator from New Jersey and the ranking Republican member of the Foreign Relations Committee is this: Are we not undertaking, in essence, to do the same for Panama as we previously did for the people of Okinawa and the people of the Philippines by putting an end to a canal zone which is 10 miles wide and 40 miles long that crosses the waist of Panama, the middle of that little country, in which we exercise, in effect, the rights of sovereignty, where American law and American jurisdiction is total? Do you not agree that the aspirations of the Panamanians, with respect to the restoration of the land as a part of their own country does not differ in character from the aspirations of the people of the Philippines and of the people of Okinawa when they asked for their independence in the one case and their restoration to their own homeland in the other, be acknowledged and conferred by the United States?

The PRESIDING OFFICER. The Senator from New Jersey (Mr. CASE).

Mr. CASE. The Senator from New Jersey responds: I do. I do most heartily agree with the Senator from Idaho.

This is as far as we are concerned in the same vein. Our action is in the same line of thought and principle as our action taken there, and it is the right thing to do. It is the right thing to do because of the Panamanians, and it is the right thing to do because of the United States. We are not giving up anything that we have a secure hold on. We may be giving up some things that are illusions of security. But we are not losing our security. In fact, we are increasing it. So, on both grounds of idealism and of pragmatism, this is the right thing to do for the United States at this time. And one does not have to go into the history of our involvement from the beginning with a consideration of a canal at that general area has gone on for more than a century and a half I think. All of the actions that we have taken perhaps are actions that we might not be very proud of having spread out in the public view again, although most everybody knows about what happened in those days.

But we do not have to upbraid ourselves for what went on in the past to justify our getting out now.

It is in our present interest to do this. We will, by this action, in my view, have a much more secure hold on the right of transit through the canal for our vessels in time of war and in time of peace than if we attempted to hold on under anything like the present arrangements.

This is the way the Senate should be looking at the matter. I take it we are here to express the best in America. But I do not think we are necessarily here to give away America, and the Senator would agree to that, I am sure. Nor do we regard this as any such thing. We are here to preserve the right of transit for Americans and the rest of the world, both in peace and for us in war, with the right of going to the head of the line, which the Senator and I have insisted on from the beginning.

On our first day of hearings, when Secretary Vance was testifying before us, he made the point, under our questioning, that these treaties provide for that. The issue aroused, of course, some concern and some statements made in Panama required clarification. Our committee made the claim that we would have to have that clarification, and it came about, through the joint statement of the President and General Torrijos, which we recommend and which undoubtedly will be incorporated into the treaty as two parts amendments under the leadership of our majority and minority leaders.

This is an affirmative action—and affirmative action in the interests of this country and in the interests of all that is good in our relations with the rest of the world, including Panama and Latin America especially.

I do not berate the concerns that people have had about this as a possible expression or symbol of withdrawal, but that is not the way to look at it. It is not a withdrawal from anything that we have. It is not submitting to blackmail. A person takes precautions against catching a cold by dressing himself warmly in the wintertime. That is not submitting to blackmail from winter "coming down from the frozen north, driving his iron chariot forth."

This is just commonsense. It is just commonsense.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield to the distinguished Senator from Idaho.

The PRESIDING OFFICER (Mr. MOYNIHAN). The Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. Mr. President, our distinguished colleague, Senator CASE, places these treaties in the right context. He emphasizes that we should look to the future, not the past. He emphasizes that the American interest is in the maintenance of a canal in Panama as a neutral, safe, and open passageway for our use and the use of other nations in the years ahead.

We have recommended, as a committee, that the Senate adopt an amendment that will eliminate any question as to the interpretation to be placed upon the provisions of the neutrality treaty with respect to the right of American ships to transit the canal at the head of the line in any case of future emergency or national need. That is one vital interest of the United States which will be clearly preserved if the Senate adopts the amendment we have recommended.

The second amendment to which the Senator has referred relates to the unilateral right of the United States, if necessary, even after the end of the century, to intervene for the purpose of protecting the canal against any threat that might affect its neutrality; and again the committee has asked the Senate to write that provision explicitly into the treaties.

If the Senate acts as I anticipate it will, and adopts both of these recommended amendments, I can support the amended treaties with full confidence that they will serve the best interests of the United States in the years ahead. If the treaties are not so amended, there is a possibility of ambiguity in the future that would concern me sufficiently that I would have to cast my votes against the ratification of these two treaties.

But when the Senator from New Jersey looked back to the early days and said that what we did then is a part of the past, and we must now address ourselves to the interests of our country in the future, he underscored for me a point that I think needs to be emphasized in this debate.

Back in 1903, this was a very different world. Half a dozen major powers controlled the whole world. There was a single empire, the British Empire, upon which the Sun never set, exercising its jurisdiction over one-third of the land area of the globe. Half a dozen imperial powers maintained colonies in Africa, in South America, and in Asia, and dominated the whole world.

In the 75 years that have followed, we have seen the most extraordinary transformation. The empires have melted away like so many icebergs in the spring. A hundred new independent governments have been established where colonies once existed. The Suez Canal, once controlled by foreign interests, has been restored to Egypt.

There is no way to preserve the past, no matter how nostalgically we might cling to it. The interests of the United States will be protected through a new arrangement with Panama which reflects the realities of the present. And even as our own national pride naturally is identified with the heroic achievements of the earlier years, when we managed to construct a canal that at the time was the greatest single engineering undertaking in history, even though we may still think of the Panama Canal in terms of our conquest of malaria and yellow fever, and Teddy Roosevelt an the White Fleet and the Big Stick, those are days that related to a period of empire, when great nations did as they pleased, with little hindrance. Those memories have nothing whatever to do with the realities of 1978.

Therefore, I now suggest, Mr. President, that retaining American jurisdic-

tion over a canal zone in a little country where we assert all the prerogatives of a colonial power is an anachronism which the world no longer accepts, and which the Panamanians cannot accept. For us to persist in this claim upon a little country would be to invite recrimination, hostility, and resentment that will extend far beyond Panama, and will affect our relations with all of the other republics of South America throughout the Hemisphere.

Mr. CASE. The Senator is so right. I am so grateful to him for his intervention. He may intervene any time.

Mr. CHURCH. I really apologize for having taken so much of the Senator's time.

Mr. CASE. I did not mind. I said to intervene and that is what I meant. It is a great compliment to the Senator from New Jersey to have the intervention of his colleague from Idaho. This will go down in history as one of the best speeches I ever made because of the intervention of my colleague, the Senator from Idaho.

Mr. President, I should like to point out that it is not just us soft-headed liberals that think this way. A fairly tough guy, General Brown, Chairman of the Joint Chiefs, expressed himself very simply and eloquently on the matter in our hearings. He said:

I think to describe the United States with this action as proof that the United States is a paper tiger is absolutely wrong. I think, rather than that, it shows the United States to be enlightened. I think it shows the United States to be determined to live in the world today and not in the world of yesterday. I think it shows that we profit by the experience of the Portuguese in Angola and Mozambique, the French in Algeria and Indochina, and ourselves in the Philippines.

As my friend from Idaho pointed out, in Okinawa, too.

Returning to the general, he said:

We left the Philippines for the same reasons that I think we should renegotiate these. It is in recognition of the importance of the Panama Canal that I feel we should do this because we would then be guaranteed, I think, of a better opportunity and guarantee in the future of the use of the canal.

And former Secretary Kissinger, who was before us at the same time, and who is a fairly tough guy, said:

I recognize the deep feeling of many Americans who wish, after the Vietnam tragedy, to see an end to yielding and retreat by the United States. No one can appreciate such concerns better than one who strove for an honorable outcome during the Vietnam period.

He spoke with particular poignancy on that point:

But the Canal is not the issue to select to demonstrate that we remain strong and resolute. Panama is the smallest and weakest of nations. We are not "giving" the Canal to Panama; we are, rather, ensuring our ability to protect it. By taking constructive action now to revise our relationship with Panama in an atmosphere free of physical pressure, while we are still able objectively to assess the longterm risks and benefits, we will be demonstrating fundamental strength, not weakness. It is just this ability to distinguish between symbol and reality, to plan for future needs and to take timely action to advance our basic interests, that is the essence of a strong and effective world policy.

Mr. President, those are very, very true words and very wise words. I should like, I think, to conclude this initial statement of my views with them.

I ask unanimous consent, also, that certain additional remarks be printed as part of my statement for purposes of the RECORD.

There being no objection, the additional statement was ordered to be printed in the RECORD, as follows:

ADDITIONAL STATEMENT BY SENATOR CASE

There are two major points which are being resolved with the leaderships amendments.

They are: one, the right of the U.S. to send troops to defend the Canal after the year 2000 when U.S. forces are to be finally withdrawn, and two, the right of the U.S. Navy to expeditious passage through the Canal in an emergency by going to the head of the line. As a result of the questioning during the hearings and agreements obtained when Senate foreign relations Committee members met Panamanian leaders, the Committee recommended that the treaties be amended to clarify and guarantee these rights. The language was taken from the joint Statement of Understanding agreed to by the United States and Panama on October 14, 1977. That statement was widely disseminated in Panama before the October 23 plebescite in which Panamanian voters approved the treaties. Thus a new plebescite is not necessary.

There is a third key article in the treaties as originally submitted to the Senate last September. In effect, Article V of the neutrality treaty prohibits Panama from allowing Cuban or Soviet troops on its territory after the year 2000 when the existing American presence is phased out.

These new provisions, absent in the 1903 treaty, strengthen the long range protection of our overall national security interests.

This was a focal point during the hearings and the trip to Panama was helpful in getting a first-hand appraisal.

The Panama Canal Zone—a ten mile wide strip—is an American enclave which cuts Panama in two—a fact that many Panamanians resent. As discussed in briefings there with Lt. Gen. D. D. McAuliffe, commander of the U.S. Southern Command, the thick jungle and hilly terrain along the Canal could make it easy for guerrillas to fire at ships, thus interrupting or halting effective use of the Canal without even trying to damage its vulnerable locks and support facilities. There is a concern that the U.S. would have to deal with terrorism and jungle war—which the Pentagon estimates could tie up 100,000 men for years—if the nationalism and anti-Americanism in Panama and other Latin American countries burst into leftist extremism in a reaction against rejection of new treaties.

Considering these possibilities is not giving into blackmail but a prudent effort to take into account all the factors involved in judging the future of the treaties.

Evaluating the treaties has some similarities to buying a house. Few are perfect and have all the features one would like. It took 13 years to hammer out the treaties. We did not get everything we wanted, nor did the Panamanians. But a new structure was created with a stronger footing. After weeks of hearings and investigations into it, I have concluded that, on balance, the treaties protect our national interests and should be ratified with the two amendments recommended by the Senate Foreign Relations Committee.

The PRESIDING OFFICER. The Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, as the only and lonely member of the Committee on Foreign Relations who voted against approval of the treaties, I wish at the outset to thank the distinguished chairman of the committee (Mr. SPARKMAN) and the ranking minority member (Mr. CASE) for their courtesy and their consideration during the course of the committee's deliberations. I wish to say now, as I have said before, that I respect our two Senate leaders and those of our colleagues who have reached a conclusion contrary to mine—those who are convinced in their own minds that these treaties do represent and serve the best interests of our Nation. I salute them for having the courage of their convictions, because I believe, with Edmund Burke, that a Senator does owe his constituents his judgment and should not sacrifice it to public opinion alone.

However, Mr. President, I also believe that when the call on the merits of an issue is a close as this is, or as close as I perceive it to be, the judgment of the people ought not to be taken lightly. Very honestly and frankly, I have come to the conclusion that, in this situation, as so often is the case, the people are right.

Mr. President, as nearly as I can boil down the basic arguments of many people around the country who believe these treaties should be approved, there are three:

First, they believe, and are told that the Panama Canal is obsolete or becoming obsolete—that we really do not need it anymore or will not need it very long.

That is not the case. Far from it, The canal is vital to U.S. security, important to our economy—and will be more, not less, important in the years ahead—as I will detail at a later point in my statement.

Second. A second argument is that unless these treaties are ratified, unknown terrorists and radicals will blow up the canal.

Like many other Americans, I am shocked and repulsed by such an argument, or suggestion, particularly when it is put forth by officials in high places in our Government. Surely, if we want self-respect as well as the respect of others, we cannot make our foreign policy on such a basis. Furthermore, as I will explain, I am deeply concerned that approval of these treaties will render the canal more vulnerable, not less, to the dangers of terrorism and sabotage in the years ahead.

Finally, the argument is made that we should ratify these treaties to divest ourselves of the guilt and stigma we are supposed to feel concerning the U.S. role in connection with the 1903 treaty and our operation of the Panama Canal.

Frankly, along with most Americans, I am proud of the United States role in building, operating, and maintaining the engineering masterpiece that is the Panama Canal. I do not think there is reason to be ashamed or to apologize. The canal has been good for the United

States—and good for Panama—and good for the world.

On the other hand, for other positive reasons—and because times and circumstances do change—I am willing to recognize, as one Senator, that a major revision in our treaty relationship with the Republic of Panama is in order—that it could serve the interests of both countries.

My problem, as a lawyer and as a Senator, is that after carefully studying the text of these treaties, and the accompanying documents, I could come to no conclusion other than that they are fatally flawed—that they are riddled with ambiguities—that the security interests of the United States are not adequately protected—and that the defects are so serious and basic that they cannot be remedied by trying to rewrite the treaties here on the Senate floor.

Being the lone dissenter on the Foreign Relations Committee—and for that reason alone—I find myself thrust into the role of floor manager for the opposition. I wish to make it clear, however, that my views—and what I say—will not necessarily reflect the views of other Senators who oppose these treaties. Each of them will, of course, speak for himself as this debate proceeds.

Although I believe these treaties should not be ratified, there is a course open to the Senate other than outright rejection, and strongly urge the Senate to consider it.

Let me explain by first underscoring the fact that I recognize the importance of maintaining close and friendly relations with the people of Panama and with the people of other nations in our hemisphere. I am conscious of, and concerned about, the impact that outright rejection by the Senate could have upon those relations.

Under the Constitution, the Senate's role is one of "advice and consent." Instead of consenting to these treaties, I believe it would be a wiser course for the Senate to exercise only its "advice" authority. In other words, without rejecting the treaties outright, the Senate, after examining these treaties in detail, ought to advise the President to send the negotiators back to the drawing boards with instructions to persist until more acceptable treaties can be fashioned.

Despite all of his knowledge about the history of the canal, or perhaps because of it, David McCullough, the distinguished author of "The Path Between the Seas" acknowledged before the Senate Foreign Relations Committee that he had experienced great difficulty in reaching a personal decision about the merit of these treaties. Although he finally decided, on balance, to support the treaties, when he appeared before the committee he made this profound and perceptive point:

> . . . If we say "yes" to these [treaties] in a grudging way . . . [because we think] we have painted ourselves into a corner and we have to get out . . . [that would be] unfortunate . . . [and] just as wrong, and in some ways a greater mistake than to say "no" in the spirit of saying "no" because [it should be] done right—because we don't want to have to come back in 15 or 20 years and have to do it all over again.

So, it would be my hope, Mr. President, that the Senate will consider and act in that spirit with respect to the treaties now before us.

In other words, I concur with those of my colleagues who believe and who will argue in the weeks to come that rejection of these treaties would be unfortunate and would adversely affect our relations with our allies in the hemisphere. But I also believe that it would be wrong to reject these treaties in effect by adopting substantive amendments on the Senate floor—that could do even more to poison the air of friendship than outright rejection.

Let us not kid ourselves or anyone else. To make substantive changes in these treaties by amendment on the Senate floor really amounts to rejection. It would amount to an ultimatum to the Panamanian people on a take-it-or-leave-it basis.

Of real concern also is the possibility that the self-appointed temporary ruler now controlling Panama might say with respect to other substantive amendments, as he has already said with respect to the Byrd-Baker amendment that it will not have to be submitted to a plebescite of the Panamanian people.

In other words, we could end up with an agreement with a self-appointed temporary ruler of Panama, but without an agreement or treaty with the people of Panama. In my view it is vital to our future relationship that any new treaty be an agreement with the people of Panama.

Mr. President, I wish to review with the Senate some of the basic concerns I have with respect to these treaties. I will discuss the broad issue of the canal and U.S. security; the question of a new or second canal, as well as some other concern.

Military experts may disagree as to the advisability of ratifying these treaties, but it is clear there is general agreement that the Panama Canal is very important—if not vital—to the security of the United States.

Indeed, as the Soviet Navy continues to grow larger and larger, while our own Navy shrinks in size—the canal becomes more—not less—important.

In just the last 10 years—since 1968—the number of ships in the U.S. Navy has been cut by more than half, from 976 vessels to 459. In 1974, when the Soviet fleet was smaller than it is today, our Joint Chiefs of staff stated that we need more than 800 ships to "support our current national defense strategy."

Yet our shipbuilding funds continue to be reduced—navy officials acknowledge that the fleet will shrink further in size before there is an upturn in the numbers—and the goal of expanding to more than 500 ships by the early 1980's now seems elusive.

In contrast, the Soviet Navy by 1975 had grown to 1,200 vessels—although, admittedly, their ships do not compare with ours in tonnage or combat effectiveness.

But the sobering fact is that the rapidly expanding Soviet Navy raises real concerns about future control of the maritime "choke points" of the world—one of which is the Panama Canal.

As Adm. Thomas Moorer, former Chairman of the Joint Chiews of Staff, has testified, we do not have a two ocean Navy. He said:

> A large majority of our war and contingency plans are totally infeasible unless one assumes that full and priority use of the canal will be available.

It is true that our aircraft carriers, of which we have 13, are too large to transit the canal. But the United States has a Navy that is effective in both major oceans precisely because the rest of the Navy, particularly supply and support ships for the aircraft carriers, are able to shuttle between the oceans through the canal.

If access to the canal were denied to ships of the American navy, the trip from ocean to ocean would involve an 8,000 mile journey around Cape Horn—an extra 17 days for a warship travelling at 20 knots.

In a letter to President Carter on June 8 of last year, four of the Nation's most respected naval leaders—each of them a former Chief of Naval Operations—forcefully stated that the strategic and economic values of the canal are at least as important to the United States now as ever before, and they declared that—

> Loss of the Panama Canal, which would be a serious set-back in war, would contribute to the encirclement of the U.S. by hostile naval forces, and threaten our ability to survive.

These officers—retired Admirals Carney, Anderson, Burke, and Moorer—forcefully warned the President of possible dangers to the canal because of the close ties between Panama and Cuba "which in turn is closely tied with the Soviet Union."

Of course we can only speculate about the real intentions of the Soviet Union and its Caribbean proxy, Cuba, with respect to the canal. But few will argue against the proposition that it would be a tragic blow to United States and free world security if the Panama Canal should fall into Communist hands.

Since as far back as the 1959 Panama riots, there has been reason for concern about the covetous eye of Mr. Castro. Those concerns have been underscored in recent years by the avowed friendship between Mr. Castro and General Torrijos. If evidence of Cuban influence in Panama has not been so obvious recently, it may be because at the moment Castro has his hands very full in Africa.

Against this background relating to the canal's strategic and political significance, let me comment on the adequacy of the proposed treaties in protecting the security and other interests of the United States.

During the 1976 Presidential campaign, Candidate Jimmy Carter told the voters:

> I would *never* give up complete control or practical control of the Panama Canal *Zone*. (Emphasis supplied.)

But these treaties—negotiated since President Carter assumed office—not

only turn the canal over to Panama in the year 2000; they would also turn over practical—if not complete—control of the Canal Zone within 36 months after ratification.

Even if we accept the decision to turn the canal over to Panama in the year 2000, our security interests still require, in my view, that the treaties be negotiated to include certain fundamental safeguards:

First, we need more control and jurisdiction between now and the year 2000 to insure that we will be able effectively to operate and defend the canal.

Second, we must have the right, in unambiguous terms, beyond the year 2000 to use military force, if necessary, to protect the neutrality of the canal against any threat—even a domestic Panamanian threat, or particularly an internal threat from within Panama, because that poses the greatest danger.

Third, we need to maintain our option to negotiate for construction of a second (perhaps sea-level) canal outside of Panama, should that prove necessary because of Panamanian intransigence, or desirable because of economic or security considerations.

As drawn, the Canal Treaty and the Neutrality Treaty do not provide these important safeguards.

Even if it is conceded that the United States is not now sovereign in the Panama Canal Zone, there is no question that under the treaty of 1903, The United States has all the rights, power, and authority as if it were sovereign. I strongly suggest that control on that order is important if the United States is to be able effectively to operate and maintain the Panama Canal between now and the year 2000. In other words, if we are going to keep the canal for 23 years, it is essential during that period at least for the United States to retain adequate control and jurisdiction.

Under the proposed Panama Canal Treaty, the United States would have the responsibility to operate the canal during the next 23 years with employees—both United States and Panamanian—who would be subject, even while performing their duties with respect to the canal, to the laws of Panama, the police of Panama, and the courts of Panama.

In other words, shortly after the ratification, we would be in the position of trying to operate and maintain the canal in a foreign country—rather than in a canal zone under our jurisdiction.

I am deeply concerned that instead of solving problems, this arrangement is pregnant with the seeds of acrimony and conflict.

Under the treaty, persons employed by the Panama Canal Commission would be "employees of the United States"; they would have the right to be represented by unions and to "negotiate collective contracts." If disputes arose—and that would not be unusual in labor-management relations—how would they be resolved?

Under the treaty arrangement, the Commission itself would be immune from suit in the courts of Panama, and could be sued only in the U.S. Court in Louisiana—something of an inconvenience for employees in Panama who may claim back pay for discrimination or who may have any other claims against the Commission. How would the Commission enforce legal obligations undertaken by others—a union, for example? Apparently, such matters would be left to the Panamanian courts. Would they apply U.S. law or Panamanian law?

It is no wonder that many U.S. military and civilian personnel who now work in the Canal Zone are deeply concerned about these aspects of the treaty arrangement.

Outside the boundaries of our four remaining military bases, of course, U.S. military and civilian personnel would be subject at all times to arrest and prosecution by Panamanian police in Panamanian courts.

We are assured by the State Department that arrested U.S. personnel in Panama would be protected by a "status of forces" type agreement set forth in annex D, which is similar to agreements we have with Japan and certain NATO countries where U.S. forces are stationed.

Annex D does recite that such U.S. citizens charged with crime in a Panamanian court would have the right to a "prompt and speedy trial," protection against involuntary confessions, self-incrimination, and the like. But the decision on what constitutes a "speedy trial" or an "involuntary confession" will be left, once again, to the Panamanian courts.

For years, Soviet citizens have been "guaranteed" human rights by the Constitution of the Soviet Union. The only problem, of course, is that officials of the Soviet Union pay no attention to those guarantees.

That reference would be unfair and out of order, I concede, if the Panamanian Government under General Torrijos had a good record of observing and respecting human rights in Panama. However, despite the fact that similar "guarantees" are set forth in the Constitution of Panama, last year the Torrijos government had the worst human rights record of any country in this hemisphere, except Cuba. Indeed, in this respect, Panama was rated by Freedom House as being about on a par with the Soviet Union.

Our status of forces agreements in other situations have worked reasonably well, perhaps because the host country has wanted the continued presence of our U.S. troops in their borders. Obviously, if a NATO ally did not appreciate our military presence and asked us to leave, we would.

In contrast, our troops are—and would be—stationed in the Canal Zone because we have a treaty right to protect the canal. Under the new treaty—at least in theory—our right to have troops there until the year 2000 would not depend on the continuing permission of General Torrijos or any successor.

In that kind of setting, it seems to me there is reason for concern about the adequacy of the protection that is accorded to U.S. citizens in annex D.

In a country where anti-Americanism has a proven political value, and where courts may be heavily influenced by the ruler in power, one is left to wonder whether such a treaty arrangement could even be used as the basis for harassing U.S. military and civilian personnel to force them out of the country.

Because many U.S. citizens—as well as some black Panamanians—who now work in the Canal Zone are deeply concerned about their human rights if the new treaty should be ratified, morale among such employees by all accounts, is "very poor." Many of these employees indicate that they will leave if these treaties are approved; one recent poll indicated that more than 60 percent of U.S. civilians in the zone consider themselves in that category.

According to Gen. H. R. Parfitt, Governor of the Canal Zone, there are at least 1,000 highly skilled U.S. citizens whose services are absolutely essential and for whom Panamanian replacements could not be trained in the short term. In this category are 210 ship pilots, all but 2 of whom are U.S. citizens.

In view of the great importance of keeping the canal open, it would be ironic indeed, it would be tragic if the Senate, by approving these treaties, should trigger an exodus that closes down the canal.

I am concerned not only with the mishmash of jurisdiction and responsibility that would exist between now and the year 2000 under the proposed treaties, but also about the situation that would prevail under the so-called Neutrality Treaty after the year 2000—particularly in light of differences in interpretation which have existed, and in some vital respects continue to exist, between the officials of our two countries.

For example, with respect to the right of the United States under article IV of the Neutrality Treaty to intervene and defend the neutrality of the canal with military force, if necessary, against an internal threat from within Panama, major disagreements have existed between United States and Panamanian negotiators. Those disagreements have continued after the signing of the treaties and they continue even after the joint statement of October 14, 1977, issued by President Carter and General Torrijos.

We owe it to ourselves, Mr. President, and to our children—who would have to suffer the consequences of our mistakes—to understand the depth of these disagreements and their grave implications for the future, if left unresolved.

The chief Panamanian negotiator, Dr. Romulo Escobar, declared publicly that:

> The draft neutrality pact * * * does not make the U.S. a guarantor of (the canal's) neutrality * * *"

Panamanian spokesmen have insisted that the United States would be able to respond militarily only if a foreign power attacked or threatened the canal. Just as often, our own negotiators and others have publicly asserted that the United States has a right to protect the neutrality of the canal against any threat, including a Panamanian threat.

Such statements and counterstatements are chronicled and detailed in the

statement of minority views which I have filed as part of the committee's report and which are available to all Senators.

I recognize and respect the effort that has been made to end some of the ambiguity, in particular the joint statement of October 14, 1977, issued by President Carter and General Torrijos. Without doubt it is an improvement over the actual text of the neutrality treaty, but unfortunately the joint statement itself is not without ambiguities.

(Mr. RIEGLE assumed the chair.)

Mr. GRIFFIN. Later on that same day of October 14, for example, General Torrijos stated that the United States would have the right to defend the canal if it were attacked by "a great power." Shortly thereafter, Ambassador Linowitz replied that the United States had a right to defend the canal against any threat or aggression from whatever quarter. So the difference in interpretation quickly surfaced again even after the Carter-Torrijos statement.

The situation was further complicated when General Torrijos arrived back in Panama and said, "I haven't even signed an autograph"—at least implicitly suggesting that the unsigned statement was of questionable legal validity.

When the Byrd-Baker amendments are adopted, as I predict they will be, the Carter-Torrijos joint statement will actually be incorporated as part of the text of the Neutrality Treaty that will be an improvement but, unfortunately, this action will not erase differences of interpretation which persist, as underscored by the American Law Division of the Library of Congress in a report which concluded:

> * * * It is not altogether clear that the joint statement would permit the United States to intervene in the event that the aggression or threat should result from Panamanian action.

Following the Carter-Torrijos joint statement and shortly before the vote by the Panamanian people, General Torrijos complicated an uncertain situation still further when he told the Panamanian people on radio and television that the role of the United States under the Neutrality Treaty was to defend the canal from foreign aggression if requested by Panama. Not once but twice he said:

> * * * the United States is obligated to come to our defense . . . *when we ring the bell here, when we push the button* . . . (Emphasis supplied).

On the record, it is painfully obvious that the United States and Panama have been in disagreement—and still disagree, despite the October 14 Carter-Torrijos joint statement—on at least two major points:

> Our administration tells the American people that the United States will have the right to defend the canal after the year 2000 against any threat to its neutrality, including an internal threat from within Panama. But spokesmen for Panama assert that the United States will have such a right only if the canal is threatened by a foreign power.
>
> Our administration tells the American people that the United States can determine unilaterally when such a right to defend the canal can be exercised. But Panamanian spokesmen insist that U.S. forces can come in only when requested or when the action is agreed to by Panama.

We would be living in a fool's paradise to assume that these contradictory interpretations will simply go away if this treaty arrangement is ratified.

It is essential, Mr. President, that we avoid being placed in the dilemma which such differing interpretations would create. Because it is by failing to reach a real agreement with the people of Panama by trying to paper over serious deficiencies and disagreements for short-term political gain, that we could be buying ourselves a one-way ticket to another Vietnam.

Mr. President, particularly, if we are to consider turning the canal over to Panama in the year 2000, and if the security and economic interests of the United States are to be protected, then we should not relinquish our option to negotiate for construction of a second canal, possibly a sea-level canal, in a country other than Panama.

That is exactly what we would do under article XII of the proposed canal treaty, which reads in part:

> During the duration of this Treaty, the United States of America *shall not negotiate with third States* for the right to construct an interoceanic canal on any other route in the Western Hemisphere, except as the two Parties may otherwise agree.

In exchange for such a clear and unequivocal commitment on our part not to build a new canal in any other country, surely it is reasonable to ask what would we get in return under the treaty?

The administration says we get a commitment in the treaty that Panama will not collaborate with any other nation to build a second canal in Panama. Whether that would be a fair exchange is open to serious questions. But beyond that, there are three important points to be made: First, the language of the proposed treaty does not say that; second, we already have such a guarantee under the existing 1903 treaty; and third, the existing guarantee would be wiped out if we were to ratify the proposed treaty before us.

In exchange for our clear and unambiguous commitment not to build a new canal in any other country, Panama would be bound, and I put "bound" in quotes, by the following language in article XII:

> * * * [D]uring the duration of the Treaty, both parties commit themselves to *study* jointly the feasibility of a sea level canal in the Republic of Panama, and *in the event* they determine that such a waterway is necessary, they shall negotiate terms agreeable to both parties, for its construction.

It is not necessary to have taken a high school course in business law to understand that, under such language, Panama would be obligated only to "study" and to "negotiate." There is no clear and unambiguous commitment there—or anywhere else in the treaty—that would preclude Panama's joining with a nation other than the United States to construct a second, or sea level, canal in Panama provided they complied with the requirements of the treaty that they first study and negotiate.

Mr. President, even though the existing canal is not obsolete, and will not be obsolete in the near future, it is necessary and important that we do look toward the day when the existing Panama Canal will no longer be adequate. The dream of a sea-level canal, a canal without locks, ought to be more than just a dream in an era when men and women are going to the moon.

It is true that studies have been made and have indicated that the least expensive place to build a second or sea-level canal would be in Panama. But I suggest that for political and other reasons, it might be very wise to construct such a second canal in another country, even though it would cost a few billion dollars more.

Furthermore, perhaps such a second canal should be built in another country under the auspices of the Organization of American States or some other arrangement of international interests.

In a study published under the auspices of the Council on Foreign Relations in 1967, Immanuel J. Klette observed:

> Although the cost of construction bears on the final choices, it should not be the prime factor in making decisions on a new canal. A waterway which is less expensive in dollars may be the most expensive in political consequences.

As we move toward a new treaty relationship with Panama, we should not ignore the value of competition—economic, political, and even diplomatic competition.

Holding open even the possibility of building a new canal outside of Panama—an option foreclosed by the proposed treaty—could provide very important and useful leverage in our relations with Panama.

After all, for the foreseeable future, Panama's economic survival is dependent on the Panama Canal. As Prof. Edwin C. Hoyt observed several years ago in the Virginia Journal of International Law:

> If Panama is too intransigent, she may lose the [sea level] canal to one of these other countries. This would be an economic disaster for Panama.

Furthermore, if a second canal were constructed elsewhere in Latin America, Panama would be forced to keep its own tolls competitive or risk losing most of the traffic to its almost certainly more modern rival.

A major conference on Panama sponsored by Georgetown University's Center for Strategic Studies in 1967 reached this key conclusion:

> Though the Republic of Panama seems technically to be the best place for a future canal facility, the United States should not abandon the right to approach other countries for possible canal location in the event that future political conditions exclude the project from Panama.

Under the circumstances, it is very difficult for me to see how article XII of the proposed canal treaty serves the interests of the United States.

In my minority views, Mr. President, I also speak to certain economic concerns that trouble me and many of my colleagues, and indeed many Americans. I will only state here in these remarks that the soothing assurances by President Carter and others speaking for the administration that these treaties, if rati-

fied, will not create a financial burden on the people of the United States are hardly justified by the record, particularly the record of the hearings of the Committee on Armed Services conducted only last week.

Finally, Mr. President, I feel compelled to call attention to a matter outside the text of the treaty which prompts a question: Despite the 13 or 14 years of intermittent negotiations, were these treaties, insofar as some of the final details are concerned, negotiated in haste, under the pressure of a time deadline?

Because the treaties contain so much ambiguous language and so many provisions of doubtful merit, it is appropriate to ask such a question. And, unfortunately, there is reason for some concern.

On February 10, 1977, shortly after he took office, President Carter named Mr. Sol Linowitz to represent the United States as a negotiator for the Panama Canal treaties. But, Mr. Linowitz was appointed only on a temporary basis—for a 6-month period. Under the law, an appointment on this basis does not require confirmation by the Senate. Such an appointment bypasses the usual scrutiny by a Senate committee of a nominee's qualifications and possible conflict of interest. Doubtless the administration had its reasons for pursuing this course of action.

But because the Senate is an integral part of the treatymaking process under the Constitution, I would suggest that it was unwise—and something of an affront to the Senate—for the administration not to submit a treaty negotiator's name for confirmation. Utilizing such a short-circuit procedure did not build Senate confidence in the treaty negotiations.

Even more important, in my judgment, is the question of whether this arbitrary and unnecessary 6-month limit on the tenure of a chief negotiator may have led the United States to make hasty and unwise concessions under the pressure of an artificial deadline.

We have been given to understand that at least one very significant concession—the surrender of our option to build a second canal outside of Panama—was made at the last minute.

We are left to wonder what else we may have given away—what ambiguities we may have settled for—what loose ends we may have left untied—in our rush to beat the clock.

We do know that:

Mr. Linowitz was appointed on February 10, 1977—and he had just 6 months, and 6 months only, to bring in a new treaty.

And interestingly enough, it was on August 10, 1977—exactly 6 months later, to the day—that negotiators for the two countries finally announced their agreement in principle on new treaties relating to the Panama Canal.

Mr. President, for these reasons and others which I shall not take the time to discuss here today, it is my reluctant but inescapable conclusion that these treaties should not be approved by the Senate.

Any new treaty relationship built upon the ambiguities of the treaties now before us would be doomed to failure from the start. We cannot afford to approve them as they stand. To do so would be no favor either to the Panamanians or to the people of the United States.

It is argued by some that defects in the treaties can be remedied if the Senate will adopt a series of amendments. I cannot agree. Such an expedient, however attractive it may seem politically, would be inadequate and unwise. It would do both too little and too much.

If we must say "no" to these treaties—as I am now convinced we must—I believe, along with David McCullogh, that how we say "no" in this situation is very important in terms of our future relations with the people of Panama and the people of the hemisphere.

I do not favor adoption on the Senate floor of a series of substantive amendments on a take-it-or-leave-it basis. That would be an affront to the Panamanian people. Furthermore, we would run the real risk that the Panamanian ruler temporarily in power would not submit such substantive charges to a plebiscite of the Panamanian people. If this happened we would end up with a treaty relationship only with the dictator in power, but not with the people of Panama.

Accordingly, Mr. President, I believe that the appropriate course for the Senate is to withhold its "consent" to ratification of the treaties now before us—and to "advise" the President to persist in negotiations until acceptable treaties can be fashioned.

Mr. President, I yield to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine (Mr. MUSKIE) is recognized.

Mr. MUSKIE. Mr. President, I thank my good friend from Michigan.

I ask unanimous consent that Madeleine Albright, of my staff, have the privilege of the floor during the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. I thank the Senator.

Mr. CLARK. Mr. President, will the Senator yield for a similar request?

Mr. GRIFFIN. I yield.

The PRESIDING OFFICER. The Senator from Iowa (Mr. CLARK) is recognized.

Mr. CLARK. Mr. President, I ask unanimous consent that Bruce Van Voorst, of my staff, be allowed the privilege of the floor during the consideration of the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask the same privilege for Dr. Charles Horner of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I ask the same privilege for Mark Edelman of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Does the Senator from Idaho seek recognition?

Mr. CHURCH. Mr. President, I do.

The PRESIDING OFFICER. The Senator from Idaho, Mr. CHURCH.

Mr. CHURCH. Mr. President, I do not propose to present a rebuttal at this time to the arguments that have been made by the distinguished Senator from Michigan. He is a fellow member of our committee. I respect him very much, and I know that he has conscientiously presented his case.

I do think, however, that two points that he makes ought to be addressed at this time, knowing that all of the points will be discussed at considerable length and in sufficient detail in the course of the debate during the next few weeks.

Two points that I would like to respond to at this time have to do with his argument that somehow the adoption of these treaties will augment or enhance the Communist threat in Central America and Panama, as it might be directed against the canal in the future.

Mr. President, I am at a loss to understand the basis for this argument. Certainly the Communists do not agree with it. The most radical and most leftist elements in Panamanian politics are the most strident opponents of the treaties. It is hard for me to believe they think that their own interests would be advanced by the approval of these treaties. If that were so they would not be agitating against them.

Furthermore, in the course of our hearings, this question came up again and again, and I think the RECORD at this point should contain answers to such questions from several of our most prominent generals and admirals.

I call the Senate's attention to page 51 of part 3 of the hearings of the Committee on Foreign Relations, to a question asked by Senator PERCY of Admiral Zumwalt, the former Chief of Staff of the Navy and former Chief of Naval Operations:

> Senator PERCY. Finally, what do you think would be the result if we simply fail to ratify these treaties? Certainly we want to get a clarification of many of the points you want clarified; I think we all agree on that. If we simply fail to ratify, what do you perceive ahead?

Admiral Zumwalt replied:

> I think the loudest cheers would be in Moscow and Havana. I think it would be a great asset, for their objective is to generate pressures to nonratify these treaties.

So Admiral Zumwalt points at once to the glee in Moscow and Havana, two centers of Communist power, in the event the Senate fails to ratify these treaties.

We also put the same question to Gen. Maxwell Taylor, former Chief of the Joint Chiefs of Staff, who stated in his testimony before the committee on October 10 as follows:

> The Soviet Union always intriguing for leadership in the have-not world has taken as a primary objective the undermining of our Latin American relations, particularly those with our trade partners.
>
> It will always assure to Panama a large allocation of troublemakers to complicate our problems. Turbulence there is always good news to Moscow—so also are American blunders. In this connection, let us hope that we do not give the Kremlin chiefs the occasion to rejoice which our rejection of these treaties would undoubtedly afford.

In a similar vein, but turning attention to Cuba, Secretary of Defense Brown observed:

I cannot speak for Mr. Castro, but if I were Castro and I wanted to do the most I could to increase the influence of Cuba in the Caribbean and in Central and Latin America, and decrease and harm the United States psychologically, politically, and diplomatically, I would do all I could to see these treaties rejected.

So, Mr. President, I suggest that the argument that our ratification of these treaties would somehow augment a Communist threat to the canal are baseless. Indeed, a careful consideration of the position the Communists have taken suggests that the very opposite is the case. The rejection of these treaties will undoubtedly enhance Communist influence throughout Central America and weaken our influence and relations with all countries south of our borders. Such an action would be welcome news to the Communists.

The second point I would like to take up deals with the argument of the Senator from Michigan that these treaties are fatally flawed. He says that as they may relate to our crucial right of expeditious passage, to go to the head of the line in case of national emergency or need in the future, and as with respect to the unilateral rights we reserve to intervene for the purpose of maintaining the canal as an open, safe, and neutral waterway in the years ahead, there are ambiguities in the treaty. He says we should go back again to the negotiating table and begin anew.

Well, Mr. President, we have been 14 years at the negotiating table. If after that long and difficult period of hard bargaining that has extended over a period of nearly a decade and a half we cannot draft a treaty that adequately protects our interests, then on what basis could one reasonably assume that to go back to the negotiating table for more years of negotiation will produce any better result?

Mr. President, the committee wanted to be perfectly certain that there might be no possibility of argument concerning these treaties in the future in connection either with our right to intervene to maintain the canal, or with respect to our right of transit in time of need. That is why we have recommended to the Senate the adoption of two amendments. There is no possible reason why we should go back to the negotiating table when these two amendments make it as plain as language can just what our rights will be in connection with these two crucial matters in the future.

Mr. President, I would like to read the amendments and let the words speak for themselves. I defy any negotiator to go back to the conference table and come out with any clearer language.

The two provisions of the treaty which would be amended to eliminate any possible argument as to their interpretation are article IV and article VI. The Foreign Relations Committee recommends to the Senate these two articles be amended as follows, and I now am going to read into the RECORD the language which would be added to the respective articles of the treaty. They would become an integral part of the treaty itself.

Article IV of the treaty, if the Senate approves the amendment recommended by the committee, would have the following language added at the end of the article:

A correct and authoritative statement of certain rights and duties of the Parties under the foregoing is contained in the Statement of Understanding issued by the Government of the United States of America on October 14, 1977, and by the Government of the Republic of Panama on October 18, 1977, which is hereby incorporated as an integral part of this Treaty, as follows:

"Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the Neutrality Treaty), Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure to ships of all nations. The correct intepretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the Canal or against peaceful transit of vessels through the Canal.

"This does not mean, nor shall it be interpreted as, a right of intervention of the United States in the internal affairs of Panama. Any United States action will be directed at insuring that the Canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama."

"This does not mean, nor shall it be interpreted as, a right of intervention of the United States in the internal affairs of Panama. Any United States action will be directed at insuring that the Canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama."

That is the amendment. I do not know how language could make plainer the right of the United States to act against any aggression or threat. And if any emphasis is needed, I call the Senate's attention to the following:

"The correct interpretation of this principle is that each of the two countries"—not both acting together, but each country—"shall, in accordance with their respective constitutional processes, defend the canal against any threat"—here I call attention to the fact that any threat must, by definition, include an internal threat or an external threat, because the language is "any threat"—"to the regime of neutrality, and consequently shall have the right to act"—each shall have the right to act—"against any aggression or threat directed against the canal or against the peaceful transit of vessels through the canal."

Mr. President, we do not have to go back to the bargaining table. There is no plainer way to make plainer the rights that are reserved to the United States than we have done by this language. Furthermore, it is language that has been agreed to by the Government of Panama and the Government of the United States, speaking through their chief executives, and it would be copper-riveted right into the text of the treaty itself.

Now, to turn to the second amendment proposed by the Foreign Relations Committee, relating to article VI.

Mr. SARBANES. Will the Senator yield before he goes to the second amendment?

Mr. CHURCH. I am happy to yield to the distinguished Senator from Maryland.

Mr. SARBANES. I think that the point the distinguished Senator from Idaho has made is extraordinarily important. It is not sufficient to simply characterize the language. We have to look at the language itself. I thank the Senator for quoting the language in full, word by word, that was recommended by the Committee on Foreign Relations to be included as an amendment to article IV.

As he has pointed out, this language states that "each of the two countries shall"—each of the two countries—"in accordance with their respective constitutional processes"—their respective processes. It is not acting jointly, not together but separately and acting individually—"defend the canal against any threat"—any threat—"to the regime of neutrality, and consequently shall have the right to act against any"—against any—"aggression or threat directed against the canal or against peaceful transit of vessels through the canal."

The distinguished Senator from Idaho is absolutely right. This provision, this statement, which is to be incorporated into the treaty, is clear in giving the United States the right to act against any threat and to protect the neutrality of the canal. It provides us, the United States, with the legal and moral basis to take any action which we deem necessary in order to protect the neutrality of the canal.

Mr. CHURCH. I thank the Senator very much. I cannot possibly envision how the language could be interpreted in any different way. The words speak for themselves.

The committee, on page 6 of its report, explains the committee's own understanding of this provision, though, as the Senator from Maryland correctly points out, it should stand on its own. It needs no further interpretation. Nevertheless, the committee read much testimony on this point. Therefore, I think that the committee's opinion has value. I read from page 6 of the committee report with reference to the recommended amendment of article 4:

It allows the United States to introduce its armed forces into Panama whenever and however the Canal is threatened. Whether such a threat exists is for the United States to determine on its own in accordance with its constitutional processes. What steps are necessary to defend the Canal is for the United States to determine on its own in accordance with its constitutional processes. When such steps shall be taken is for the United States to determine on its own in accordance with its constitutional processes. The United States has the right to act if it deems proper against *any* threat to the Canal, internal or external, domestic or foreign, military or non-military. Those rights enter into force on the effective date of the treaty. They do not terminate.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. CHURCH. I shall be happy to yield if the Senator wishes.

Mr. GRIFFIN. As the Senator from Idaho knows, we are imposing somewhat

upon the arrangement informally agreed upon as far as the time of the distinguished Senator from Nevada is concerned. I shall wait until the Senator from Idaho completes his statement. Then I should like a minute or two for response, if I may.

Mr. CHURCH. I thank the Senator. I assure him I shall take only a few more minutes.

Article VI of the treaty deals with the matter of the transit of vessels. The committee has recommended that the Senate amend this article, again to eliminate any possibiilty of argument in the future. The committee's recommendations would add, at the end of article VI, the following language:

In accordance with the Statement of Understanding mentioned in Article IV above: The Neutrality Treaty provides that the vessels of war and auxiliary vessels of the United States and Panama will be entitled to transit the Canal expeditiously. This is intended, and it shall so be interpreted, to assure the transit of such vessels through the Canal as quickly as possible, without any impediment, with expedited treatment, and in case of need or emergency, to go to the head of the line of vessels in order to transit the Canal rapidly.

Again, Mr. President, I suggest that the language speaks for itself. It is susceptible to no other interpretation but that the United States shall always reserve to itself the right to see that its ships may go to the head of the line in case of national need in the future. I think that is very significant, Mr. President, that both Chief Executives, of the United States and Panama, have agreed to this interpretation and that their agreement was presented to the people of Panama by Omar Torrijos at the time of the plebiscite, so that the people of Panama were fully aware of how these two provisions had been interpreted by the two Chiefs of State. That was presented to them prior to their vote, which should eliminate any argument concerning whether or not the people of Panama knew how these crucial provisions of the treaty are interpreted by both Governments.

Mr. SARBANES. Will the Senator yield?

Mr. CHURCH. Yes, I am happy to yield.

Mr. SARBANES. I think there is one other point that was made by the Senator from Michigan, who is a distinguished member of the Committee on Foreign Relations, in the course of his opening statement, that we ought to address briefly.

Mr. GRIFFIN. Will the Senator from Maryland allow me to respond first to the two points already argued before he proceeds to another one?

Mr. SARBANES. Surely.

Mr. GRIFFIN. Of course, we are imposing upon the Senator from Nevada, who is ready to proceed and is to be the next speaker.

First of all, perhaps the Senator from Idaho was not listening carefully, but those who did hear my statement will recall that I did not refer to "expeditious passage" or "head of the line." That was not one of the points I made at all with respect to the Carter-Torrijos statement.

I will say, however, as long as the subject has been raised, it is clear that "head of the line" treatment was not agreed to in the treaty itself. Indeed, "priority passage" was asked for by the United States negotiators and was rejected, as the chief negotiator for Panama has said time and time again. Accordingly, in effect, we are making a basic change in the treaty itself by adopting an amendment which accords the United States "head of the line" status.

But, be that as it may, that was not the point I made at all. I said that despite the so-called joint agreement of General Torrijos and President Carter that there were still, obviously, two points of disagreement.

One is that we say, and I am sure that the Senator from Idaho is convinced and I do not challenge his belief concerning his interpretation or what the State Department or the Committee on Foreign Relations interpretation of that agreement is, that we would have the right in the event of any threat to the canal to go in and use military force.

For the Senator from Idaho to recite his interpretation, however, does not mean that we have an agreement with the people of Panama, or in this case even with the leaders of Panama because they say the Carter-Torrijos statement does not mean that. They say it means we can come in if the canal is threatened or attacked by a foreign power but that we have no right, if the threat is an internal threat from within Panama.

Now, we cannot make an agreement with the people of Panama by just repeating over and over again what we think the language means. The critical point is, what do the people of Panama think it means?

In this instance, the interpretation will not be submitted to the people of Panama. We will let General Torrijos do the interpreting and he does not interpret it as we do.

The second point is that the Carter administration is taking the position and representing to the people of the country, and it is our interpretation of the Carter-Torrijos understanding, that the United States can unilaterally decide when we can go in to defend the neutrality of the Canal.

The Panamanians are not saying that. They say it means we can go in when they ask us to come in or when they agree we can come in.

Two very fundamental differences. They existed before the Carter-Torrijos statement. They still exist.

Now, let me address the other point made by the distinguished Senator from Idaho. He quoted a couple of advocates of the treaties as authority for what the Communist position is with respect to these treaties, or what they think it ought to be.

The impression was left that the Communists would oppose these treaties and that we would be playing into their hands if we do not go along with the treaties.

I am not sure we want to make our foreign policy on the basis of what the Communist Party believes—or does not believe—in any event.

But I am certainly not going to take just an undocumented opinion of somebody as to what the Communist view is.

It so happens that in Panama after General Torrijos put himself in office following the election by the people of Panama of a different leader, he did away with all the political parties in Panama except one, the Communist Party.

In the course of our hearings, it came up on several occasions as to what the position of the Communist Party in Panama was with respect to these treaties.

The State Department was asked for the answer and the State Department provided it. I will quote from the statement provided by the State Department:

The Communist Party of Panama on October 14, 1977, publicly announced its support of the new treaties, which it regards as part of a "trend toward decolonization." The party's statement is consistent with its general practice of not criticizing government policy initiatives as well as with statements by Communist Parties in Eastern Europe and the Soviet Union.

Mr. President, I ask unanimous consent that the statement be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMUNIST SUPPORT IN PANAMA FOR CANAL TREATIES

[Supplied by Department of State]

The Communist Party of Panama (Partido del Pueblo) on October 14, 1977, publicly announced its support of the new treaties, which it regards as part of a "trend toward decolonization." The Party's statement is consistent with its general practice of not criticizing government policy initiatives as well as with statements by Communists parties in Eastern Europe and the Soviet Union.

The PdP, however, is known to have reservations about certain aspects of the treaties, particularly the provisions for a continued U.S. presence in Panama until the year 2000 and continued U.S. rights thereafter as provided in the Neutrality Treaty.

This provision of qualified support contrasts with the solid opposition to the treaties by Panama's major ultra-leftist, ultra-nationalist and essentially anti-U.S. student organizations, as well as from the Revolutionary Socialist League, a very small Trotskyite group.

Mr. GRIFFIN. I thank the Senator from Nevada for yielding.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to take just a moment, if the Senator from Nevada will indulge me, to address one of the points that was made by the distinguished Senator from Michigan, a member of our committee, having to do with the sea-level canal.

Questions have been raised about this and I think it is very clear that the provision that has been put into the treaty, article XII of the Panama Canal Treaty, with respect to the sea-level canal, is clearly in the favor of the United States. It was put there at our insistence. I do

not think there is any doubt it serves our interests.

That article states that we will not negotiate with third states for the right to construct a canal on a route outside of Panama except as we in Panama may agree. In other words, if we want to go outside Panama, it has to be agreed to. In effect, we hold ourselves to building a route through Panama. In return—in return—the Republic of Panama agrees that no new interoceanic canal shall be constructed in the territory of the Republic of Panama during the duration of the treaty except as the parties may agree.

Mr. GRIFFIN. Will the Senator yield?

Mr. SARBANES. Except in accordance with the provisions of this treaty, or as the two parties may otherwise agree.

Now, in effect, what we have accomplished by that provision is precluded for the rest of this century that any other country can come into Panama, and build a canal unless we are prepared to permit that to take place. We can prevent that from happening because a canal cannot be built unless we agree to it being done.

Now, Colonel Sheffey, who is now retired, was the Executive Director of the President's Atlantic-Pacific Interoceanic Canal Study Commission.

He came before our committee and in the course of his statement said the following:

As the former Executive Director of the $22 million sea-level canal study in 1965–70, I assure you that there are no foreseeable circumstances in which the United States would be likely to consider building a new Isthmian canal outside Panama. The only feasible routes are in Panama. The economic, technical and political objections to the far longer routes in Colombia and Nicaragua eliminate them from practical consideration. Limiting the choice to Panama for the remainder of this century costs the U.S. nothing, and the treaty proposal for this prevents other powers meddling in the matter.

The theoretically feasible routes in Nacaragua and Colombia are 140 miles and 100 miles in length, respectively, as compared with 40 miles or less for the Panamanian route. The movement of large ships in narrow canal waters is a slow and hazardous operation. Ship operators would not readily accept the risk and time lost in transit on these long routes. The construction and operation costs of these longer canals would be three or four times the cost of the shorter canals in Panama, and even the shorter Panamanian routes are not economically feasible at currently forecast traffic levels.

In the 1970 study, the Nicaraguan and Colombian routes were considered only for a sea-level canal constructed by nuclear excavation. Nuclear excavation is of questionable technical feasibility at best, and is politically infeasible beyond doubt. Conventional excavation costs on these longer routes were so great that they were not even estimated with any precision. Today's construction costs on either route would be in excess of $20 billion, and this could easily double by the time such a canal might be needed.

Certainly, the foreseeable traffic cannot support two Isthmian canals, and 95% of the world shipping forecast for the year 2000 will still be of sizes that can pass the present Panama Canal. The 5% of superships that need a larger canal cannot possibly support its cost even in Panama. The military advantages of a relatively indestructible sea-level canal are attractive, but have not moved us to build one in Panama. They are far from sufficient to justify a $20 billion investment in a technically unsatisfactory and politically abrasive canal outside Panama.

Subsequently in the question period, to be absolutely certain about the thrust of his testimony, the following colloquy was held with Colonel Sheffey:

Senator SARBANES. Let me ask a question about the sea level canal.

I take it that you support the provisions of the treaty with respect to the sea level canal?

Colonel SHEFFEY. Yes, 100 percent, Senator.

The argument that we need the right to build a canal outside Panama for some unforeseen purpose is an empty one. We cannot build a canal outside Panama. * * *

When we entered this study in 1965, one of our purposes was to prove that we could build a canal, a technically satisfactory canal, outside Panama because it would give us far better negotiating leverage to renegotiate our relationship with Panama.

We spent $22 million of the taxpayers money in 5 years and proved only that we could not build outside Panama.

At that time, there was a very large measure of optimism that we could construct a canal with nuclear excavation. We found that nuclear excavation is probably not technically feasible, although we were unable to prove it one way or the other because of the limitations on testing. We know beyond any doubt that for the foreseeable future it is politically infeasible because you cannot excavate with nuclear explosives without spreading radiation over very large areas.

We also found that these long routes outside Panama just did not lend themselves to practical canals. They are too long, too winding, too difficult to navigate to make a practical canal.

Senator SARBANES. So, what we give up is that right to build a sea level canal outside Panama, and we are really not giving up anything.

Colonel SHEFFEY. It is giving up nothing whatever, Mr. Chairman.

Senator SARBANES. The Panamanians, as I understand it, give up at least the right to allow some other power to come into Panama to build a canal.

Colonel SHEFFEY. It is an extremely valuable quid pro quo. We are getting something for nothing.

Mr. GRIFFIN. Mr. President, with the concurrence of the Senator from Nevada, I will take another 30 seconds to respond to the distinguished Senator from Maryland.

First of all, the provisions of article XII of the Panama Canal Treaty are rather brief and very easy to read; and I urge anyone interested in this subject to get a copy and read it. You do not have to be, as I said, a lawyer or even have taken a course in law to understand what it says.

In very clear and unambiguous terms, the United States gives up the right even to negotiate with other nations to build a canal anywhere outside of Panama.

The Senator from Maryland focused upon some language in article XII which he says means that Panama will not be able to build a second canal in Panama in collaboration with any nation other than the United States. This is what that language says:

No interoceanic canal shall be constructed in the territory of the Republic of Panama during the duration of this treaty, except in accordance with the provisions of this treaty or as the two parties shall otherwise agree.

Obviously, there are two ways it can be done: First, the two parties may agree; or second, if pursued "in accordance with the provisions of this treaty."

What does that mean—to be in accordance with the provisions of this treaty? That is pretty ambiguous and fuzzy language. It seems very strange to me that good lawyers negotiating these treaties, who had no trouble finding language to pin down the United States, could not find better and clearer language to spell out the obligation of Panama.

I guess one can argue as the Senator from Maryland has; but frankly there is a very good argument on the other side. Or that all Panama has to do to be "in accordance with the treaty" is to fulfill its obligations under the treaty with respect to the construction of a new canal. And what are they? They are to "study jointly" and to "negotiate." Negotiating does not mean you have to agree. All you have to do is to negotiate. If Panama studies and negotiates, they can say "We complied with the treaty," and go ahead.

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. GRIFFIN. At least, it is ambiguous. Will the Senator agree to that?

Mr. SARBANES. No; I absolutely do not concede that it is ambiguous.

The point that the Senator has just made might be a good point if the word "agreeable" were not in there but paragraph 1 of article XII, talks about negotiating terms agreeable to both parties.

That paragraph states:

Both parties commit themselves to study jointly the feasibility of a sea-level canal in the Republic of Panama, and in the event they determine that such a waterway is necessary, they shall negotiate terms agreeable to both parties for its construction.

Mr. GRIFFIN. Great. In the event they agree, that is great. That really pins them down; does it not?

Mr. SARBANES. That provision "agreeable to both parties" gives us control. If it is not agreeable to both parties, it cannot be done by the other party. We control it. Panama cannot permit some other nation to build a canal if we are opposed to that happening.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Nevada, to continue.

The PRESIDING OFFICER. The Senator from Nevada (Mr. LAXALT) is recognized.

Mr. LAXALT. I thank the Senator from Michigan for yielding.

I also look forward with great pleasure to working with the Senator from Michigan during the course of the next several weeks in opposing vigorously the ratification of the Panama Canal treaties.

Mr. President, as we begin the historic debate on the Panama Canal treaties, I believe it is important that we pause for a moment to clear the air. I think that before we get too deeply involved in what will almost certainly be

a lengthy and heated debate, we should be certain as to just what we are discussing and how we should go about approaching it.

Quite simply, we are discussing the future of the Panama Canal which Adm. Thomas Moorer has referred to as one of the four major maritime gateways of the world, a waterway of the same level of importance as the Molucca Straits, the Suez Canal, and the Gibraltar Strait. The canal itself is approximately 50 miles long, contains three sets of locks, transits on an annual basis approximately 14,000 oceangoing vessels and is surrounded on both sides by a 10-mile strip of U.S. territory known as the Canal Zone.

How did the United States come to obtain sovereignty over the Canal Zone? Although this issue is essentially extraneous, it has been made a centerpiece of the proponents' position. Treaty proponents, in effect, argue that the United States obtained the zone in a classic exercise of gunboat diplomacy and because the age of colonialism is over, the United States should give up this colonial outpost. Reference was made to this effect the other evening, in the fireside chat, by none other than the President.

In fact, as I told the Foreign Relations Committee during my testimony on this matter, our presence in the Canal Zone is in no way colonial. Indeed, after we had all but decided on another route, the Panamanians asked us to come in in order to secure the economic benefits which the zone would provide. Panama is a prosperous, independent nation today because of U.S. expenditures in building and maintaining the canal.

Prior to concluding a canal treaty with Panama in 1903, the United States had studied several possible canal routes and had Panama not revolted and declared its independence from Colombia, the canal would have been constructed in Nicaragua. The independence movement in Panama in 1903, which was directed against Colombia, was for the expressed purpose in Panama in 1903, which was directed against Colombia, was for the expressed purpose of negotiating a treaty directly with the United States in order to head off the imminent Nicaraguan route. The Panamanians, at that time, realized that their best chance of surmounting their fate as a poverty-stricken, disease-ridden province of Colombia lay with the construction of the canal.

Nor, has there been any exploitation by the United States of Panama. Quite the contrary. Panama has prospered, because of the canal to a degree far greater than any other nation in Central America. Since 1904, the United States has invested over $7 billion in improving the canal facilities and the defense sites.

But, rather than spend a lengthy period discussing canal history which has been examined in great detail in hearings before the three Senate committees, I would instead like to discuss the broader questions of how I feel the Senate should approach debate on the treaties presently before us.

It seems to me that we need first to establish the standard by which the treaties should be judged. Then, it is vital that we look carefully in a balanced and reasonable way to determine that combination of strategic, diplomatic, and economic factors which we can fairly judge to make up the national interest of the United States in this matter.

In my judgment, on the canal treaty question, the proponents have performed a rather adroit reversal of typical legislative procedure. As my colleagues well know, the burden of proof in legislative matters lies with those doing the proposing. Thus, it is incumbent on anyone who wishes an affirmative vote of the U.S. Senate to present a clear and convincing case as to why the Senate should decide in his favor. Rather than present us with such a case, the proponents have turned to those of us who oppose ratification and confronted us with the question, "Why not?" This, to me, is the wrong way for us to approach this debate.

A second criticism which has been leveled at those of us who oppose the treaties confuses the question of who is to apply to this standard. I have heard many times that should the Senate reject the treaties, this would be tantamount to some kind of rejection of the President of the United States which would seriously impair his ability to conduct our foreign policy. In my view, this is simply not the case. The fact is that under our constitutional processes the current President, as every President before him, has only the power to negotiate. He has absolutely no power to bind. That is the function of the people acting through their representatives in the U.S. Senate. As far as our role is concerned, we should never be placed in a position of being a rubber stamp, because this would be a complete derogation of our constitutional responsibilities. We need to apply to our constitutional function to advise and consent our independent knowledge and the unique inputs each of us receives from our constituencies.

With that in mind, it seems to me that three basic questions should be asked as we approach these historic treaties. These are the same three questions which I discussed in my testimony on this matter before the Committee on Foreign Relations on October 5, 1977. What do these treaties represent in a broader sense for our Nation, what specifically do they say, and how is the administration going about selling them to the American people?

WHAT THE TREATIES REPRESENT

First of all, what do these treaties represent for us as a nation? Needless to say, this is a question which has been hotly disputed in the many hours of committee hearings. But, to me, the proposed treaties represent a grievous risk of loss within 22 years and an almost certain loss after that time of a vital strategic and economic asset for the United States. They also set a defeatist tone for our overall foreign policy which is unworthy of our people and which we will likely be a long time living down.

International politics, in general, is a notoriously treacherous business where the motivations and credibility of potential partners must be carefully assessed. If anything, this is even more true for the proposed canal treaties where the essence of the proposed agreement is a valuable piece of commercial and strategic real estate being traded for paper promises of future use. Here the character of the man and nature of the regime offering us these assurances is of particular importance. It is critical that we determine the nature and character of the partner with whom we are going to bed on these treaties.

Mr. President, I suggest in this uncertain world that we need, in general, to be very careful in selecting those upon whom we rely on basic security matters. And, what is more, when it comes to international partners, the present Panamanian regime is hardly one in which I would repose a lot of confidence, much less the guardianship of a vital U.S. asset.

General Torrijos' connections to Havana and, by extension Moscow, are well-documented. As a result, what we are doing, in essence, is relinquishing control over a vital international waterway to an unstable dictator who is a close confidant of Fidel Castro, and that does not come to me by way of hearsay evidence. In response to a direct question to the general he admitted, to his credit, that he is a close friend of Fidel Castro, that he has relied upon him for advice in the past.

It is naive for us to conclude in our deliberations here that we are dealing with anything else but a close relationship from every standpoint between General Torrijos and Fidel Castro.

With Castro as a Soviet catspaw doing most of the immediate work, the vacuum created by our withdrawal from the Canal Zone will be rapidly filled. When you think about it, if Cuba, at Soviet instigation, would send 17,000 troops into Africa to interfere in the internal affairs of that continent, can we seriously question the fact that once we pull out of Panama, located only a few hundred miles from Cuba, that Panama will not be subjected to the same type of invasion or infiltration?

To me, it is naive to think that that is not a very real possibility.

Admiral Moorer, in his testimony before the Armed Services Committee, cited the weakness and instability of Panama as well as the closeness of Torrijos to Moscow and Havana, to argue ably that U.S. departure from the Canal Zone would inevitably create a vacuum which would be quickly filled by the Soviet Union and by Cuba. As a result, he stressed that a confrontation over the neutrality of the canal, once the United States withdraws, will be transformed into a confrontation with the Soviet Union rather than any rag-tag group of Panamanian guerrillas or terrorists. We should remember that on this question we are not playing chess on a country club porch. We are playing international hardball. Anytime we delude ourselves to the contrary, we are inviting serious difficulties.

As important as the credibility of the Torrijos regime is in assessing the context of the treaties and as dangerous as the political vacuum would be should we

withdraw, of equal importance is the message which Senate acceptance of these treaties would send to our allies and adversaries around the world. On this matter, I fully agree with Secretary of State Vance, who said in his statement opening the Foreign Relations Committee hearings:

How we respond to an issue such as the Panama Canal will help set the tone of our relations with the rest of the world for some time to come?

Where I differ with the Secretary, of course, is the kind of tone which I believe these treaties will set for our foreign policy. We are told that we must ratify the treaties because to do so would improve our Latin American relationships in particular. I suggest, Mr. President, that Latin America is far more interested in keeping the canal open than in our capitulation to Torrijos. Our neighbors to the south have a vital economic stake in the situation and they know Torrijos. And Senator GARN, during the course of the debates next week will speak directly to that based upon direct conversations with the heads of state in that part of the world.

The people down there know the administrative and economic difficulties with Torrijos and, in private, they are most uncomfortable with the prospect of his running a canal which is vital to their economic interests.

We are told by the proponents that we must ratify the Panama Canal Treaties in order to improve the general tenure of our relations not only with Latin America but worldwide. Somehow, if we approve these treaties, the world will suddenly commend us for being generous and beneficent. I suggest that just the opposite is true. History has taught us certainly that we cannot buy friendship on an international level anymore than we can buy it personally or privately. On the contrary, all one needs to do is observe the antics of the Third World in the United Nations. The more we help, the more they seem compelled to give us a hard time.

So this to me is senseless logic and the worst premise in the world on which to make a vital decision of this kind. It is my view, traveling around this country a bit and traveling around the world, that we are losing our respect, because of this type of behavior. And, I think our friends would view Senate ratification of the proposed treaties with contempt and pity. Particularly, the Latin Americans. As a Latin, I think I know something about their psychology. They love macho and glorify in it. On the other hand, they detest weakness and I have a sneaking suspicion that this is how they would perceive our ratification of these treaties.

The big boy backed down.

In fact, it is difficult to see how they could perceive ratification in any other way. The proponents' position boils down to proposing to give away an important piece of real estate for the pure and simple reason that when push comes to shove, we do not think that we can hold it. The proponents cite fears of sabotage and guerrilla warfare and the alienation of Latin American opinion. The military leaders among them even draw distinction between concepts of possession and use of the canal. But, the essence of their position is that because the United States is not physically able to maintain its sovereignty over the Canal Zone, we should relinquish it before it is taken away from us by a country with 2,000 national guard troops.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. LAXALT. Certainly.

The PRESIDING OFFICER. The Senator from Idaho (Mr. FRANK CHURCH).

Mr. LAXALT. I hope there are not going to be too many interruptions. We saw fit not to interrupt the statements of the proponents.

Mr. CHURCH. We have the debate going now and we cannot debate this treaty under rules that prevent or preclude Senators from raising questions when assertions are made that need to be challenged.

Mr. LAXALT. I recognize all that, but we did operate initially here on the basis that we would devote these 3 days to general statements of position with debate on the specific provisions to commence when we come back from the recess. I have no objections to a debate. But we are changing ground rules. We are interfering with the time of other Senators who are going to speak after me. That is my only reservation, I say to Senator CHURCH.

Mr. CHURCH. Mr. President, I never agreed, nor do I know of any understanding that Senators may not engage in the traditional debate that does occur in the Senate.

Mr. LAXALT. I would be the last to defy the conventions of this body.

Mr. CHURCH. Interventions of this kind must occur; otherwise we are simply going to have pro forma orations made to the public radio, which is hardly the kind of debate that I think a matter of this importance deserves.

When the Senator says that the proponents of this treaty are urging it upon the Senate on the grounds that we are being forced to do it, that we are bending the knee, so to speak, to tiny Panama that we are acting under threats of coercion or blackmail—that was the essence of the Senator's argument—I must strongly disagree, for this is not the reason that I support the treaties if they are amended as the committee recommends. I support the treaties for just the opposite reason: That our security will be enhanced if we ratify the treaties, simply because it is obviously easier to preserve an open space, a neutral canal, in a climate of friendship and cooperation, than it is in a climate of hostility.

That is not an act of genuflection before Omar Torrijos, who will not even be in charge of Panama by the turn of the century when the actual transfer of the canal occurs. So I hardly see the relevance of that particular argument.

Mr. LAXALT. Will the Senator yield? Will the Senator yield?

Mr. CHURCH. Yes.

Mr. LAXALT. Are you contending, then, as a proponent of these treaties, as a factor for us to consider, that all possible fighting and aggression within Panama should be disregarded and be moot, as far as our future there is concerned?

Mr. CHURCH. No, not at all. I am suggesting that the Senate should consider, in a reasonable way, the climate affecting the security of the canal. Certainly the security of the canal is the paramount question.

As to the question whether the treaties would enhance or impede the security of the canal, I put exactly that question to General McAuliffe. This is my question:

Is it your opinion, General Brown, and also yours, General McAuliffe—

Both General McAuliffe and General Brown were at the witness table, at the time—

That the security of the canal would be enhanced or be impeded by these treaties?

This is what General McAuliffe replied:

If I may answer, Senator, in my judgment, our capacity to keep the canal open and in use for our country and the countries of the free world will be enhanced, considerably enhanced, by the provisions of the treaties. I say that because of the factors that I enumerated in my prepared statement. The heart of it is really having a friendly environment around the canal in which to operate, and we can do all of our defense tasks better in a friendly rather than in a hostile environment.

I am sure the Senator from Nevada would not suggest that General McAuliffe is a man who would bend his knee to the Panamanians, or would not stand up stolidly and defend the canal under any circumstances. But he is an enlightened and reasonable general, and he said:

My duty to protect the canal would be enhanced by these treaties, not impeded.

Then I put the question to General Brown:

As Chairman of the Joint Chiefs of Staff, would you agree?

He said:

I would agree, Senator Church.

So I simply would hope that if it is the security of the canal we are concerned about, we ought to at least heed the testimony of the men who are charged with the responsibility of the defense of that canal, the commander of our own forces in Panama.

Mr. LAXALT. May I say to the Senator I happened to be in Panama myself, and the impression I had rather clearly was to the effect that we presently have in the force in Panama sufficient troops to quell any serious disturbance.

And may I suggest further that the reason why we are talking about violence and suggested terrorist and guerrilla activity is because the proponents of this treaty—and I am not referring to the Senator from Idaho; I know he does not suggest anything of this kind—but there have been statements made by members of the administration all around this country indicating that if we do not give up the canal, we are going to have difficulties, therefore we should give up the canal. That has been the position of the proponents around this country, and it is absolutely wrong.

In addition, it is incomprehensible to me that it can be seriously suggested that we are going to be in a better defense situation of the Panama Canal when we are out of control, rather than being in control. I do not follow that argument at all. Who can seriously contend that this country is not going to be in a superior position militarily and defensewise to protect that facility if we are in control there, rather than the Panamanians?

Mr. CHURCH. Mr. President, there is a very good answer to that question. I would refer back again to General McAuliffe. At the time, members of the Foreign Relations Committee, including myself, were in Panama meeting with him and obtaining the briefing, he made the point very emphatically—and as to this I am sure the Senator from Nevada would be in full agreement—when he said:

I am not concerned about a military threat to the canal that takes the form of guerrilla warfare and substantial military force.

He said:

We can, with sufficient reinforcement, preserve the canal, maintain it as an open channel through which to put our fleets, if we deploy sufficient troops for that purpose. It is a small area; we can erect a shield on either side which would prevent it from being taken over by any force likely to be available or in that area for that purpose, from any force likely to be launched in Panama or Central America or anywhere thereabouts.

That was not the question that concerned the general.

Mr. LAXALT. Will the Senator yield? That is the question.

Mr. CHURCH. Let me finish, because I am quoting General McAuliffe. He said:

I have no doubt that with sufficient forces, we can keep the canal open against that kind of military aggression.

But he said:

What is the purpose of the canal? The purpose is not to establish an enormous fortification there, with 50,000 American troops standing arm-in-arm to prevent some force from wresting the canal away from us. Certainly the Panamanians do not possess that strength. The purpose of the canal is to be a peaceful, secure, safe passageway for the merchant ships of the world.

Ninety-nine point nine percent of the time that is how the canal is used. That is how the canal confers its benefits. That is what the canal was built for. In times of national emergency——

Mr. LAXALT. And that is precisely how it has been operated for over half a century, without any problems whatsoever.

Mr. CHURCH. There has been trouble in the past. There has been gun fighting in the streets, and the slaughter of Americans, because of this trouble. It is quite incorrect to say there has been no trouble before. There has.

Times change, Senator. Nationalism exists in Panama. They, too, have their pride.

Mr. LAXALT. I would point out to you, too, that I am getting a little tired of constantly hearing about Panamanian pride. There is American pride, too.

Mr. CHURCH. Which we share.

Mr. LAXALT. Millions of Americans wonder what is happening to this country when you subjugate the interests of this country to what is called Panamanian pride.

Mr. CHURCH. Mr. President, that is an absurd statement. It is just possible that American interests can be enhanced by taking into account the pride of the Panamanian people.

Mr. LAXALT. I have no quarrel with that, just so we do not give them the entire facility and pay them several billion dollars in tribute beyond that.

Mr. CHURCH. Senator, if we can finish with the security of the canal, we can debate the economics at an appropriate time.

General McAuliffe said the purpose of the canal, and I think we should all agree, is a peaceful passageway for the commerce of the world.

Mr. LAXALT. Does anyone seriously question——

Mr. CHURCH. May I just complete General McAuliffe's argument?

Mr. LAXALT. Surely.

Mr. CHURCH. After all, he is the commanding general there and does have the responsibility to keep the canal secure.

Mr. LAXALT. And he is responsible to the Commander in Chief, who supports these treaties.

Mr. CHURCH. And he is also an honest man.

Mr. LAXALT. I do not question that for a moment. But I would like to see what General McAuliffe's secret ballot would be on these treaties if we could get it from him.

Mr. CHURCH. I have no doubt as to how General McAuliffe would cast his vote because he told me personally afterward: "Senator," he said, "these are treaties that the military has been for, that we have worked for, for years." He said, "When I give it my endorsement, I give you my personal assurance that this is my personal belief."

Mr. LAXALT. If he did that, he would be flying in the face of almost a universal consensus of retired flag officers in this country.

I would like to yield the floor for just a moment to Senator GARN.

Mr. CHURCH. If I may just complete my thought——

Mr. GARN. If the Senator will yield to me——

The PRESIDING OFFICER. The Senator from Nevada has the floor. Does the Senator yield?

Mr. LAXALT. I have yielded to the Senator from Utah for a moment or two.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. I will allow my distinguished colleague to finish his opening statement, which I believe most people will agree to.

I would like to ask the Senator if I could get a brief response to one thing: The Senator has made a statement over and over again about signing these treaties and he has quoted General McAuliffe how it would be easier to defend with a friendly group in Panama. There is no doubt about it. It would insult anybody's intelligence to assume otherwise.

From a military standpoint, I think it strains my imagination to think that the mere signing of these treaties guarantees friendliness within the Panama Canal Zone. I think it is a very naive position to assume that. With the conditions down there, General Torrijos is going to be just about as much trouble if the treaties are passed as the expectations if they do not pass. I think it is ridiculous to assume that the treaties guarantee that we will have friendly relations, or some future dictator who replaces General Torrijos does not try one-upmanship. "Let's see if we can threaten them again in 5 years and see if we can squeeze a little more out."

Mr. CHURCH. My reply to the Senator from Utah is, of course, that no mortal can guarantee the future. I have not said at any point in this debate that the ratification of these treaties means that all of our problems in Panama, or elsewhere in Latin America, are solved. But I think it is a fair statement to say that most of the knowledgeable people in Latin America, most of the historians who have followed relations between the United States and her Latin neighbors, are in full agreement that these treaties are very likely to produce better feelings toward the United States owing to the long festering resentment on the part of Panamanians to our occupation of the Canal Zone, our control, our jurisdiction, our laws, our police, our courts, all of which to Latin Americans represents a colonial anachronism.

I took the floor to point out that in the matter of the canal's use, which is the important thing, General McAuliffe was not concerned at our inability to hold back substantial military threat. He said, "The things we cannot do is to prevent a continuous harassment of the use of the canal if a hostile climate develops."

He made this very clear. He said there is no way, with the jungles on either side of the canal, to prevent the lobbing of mortar shells into the area. There is no way to prevent sniper fire. If it occurs intermittently, if it constitutes a threat to passing vessels, in that situation what happens to the commerce in the canal? Are ships going to move through knowing that intermittent rifle fire, that harassment, will continue in that unfriendly climate? Is the captain going to expose himself on the deck where he might be shot from the jungle? This kind of security cannot be furnished by any military force.

This is the principal benefit of the canal, its use to the United States and to the merchant fleets of the world. That kind of use cannot be guaranteed by an American military force of any size, which is the reason that General McAuliffe, our commanding officer in Panama, says that the treaties will enhance the security and the use of the canal and not impede that security.

Mr. GARN. I do not want to impinge further upon the time of my colleague, but let me say we will be debating that at great length at the proper time. I happen to be a member of the Armed Services Committee, and the Armed Services Committee is charged with the

specific responsibility of authorizations to the Armed Forces of this country. I think we may have looked at it more critically. Though I would like to respond today, during the weeks to come expect me to be here refuting much of what the Senator has said today.

I would suggest in preparation the Senator might read the testimony of military officers, including members of the Joint Chiefs of Staff, before the Armed Services Committee. He will find some rather interesting things which are stated there. Just two examples rather quickly: Admiral Holloway testified that if he had his "druthers," and we lived in a perfect world and we did not have these threats down here, from a military standpoint he would much rather keep it in perpetuity; he would much rather keep defense positions there, and people. It would be much easier to defend. That is the testimony of the Joint Chiefs of Staff before our committee.

When I asked him about the differences between retired flag and general officers and what he thought would be the results if we had a secret poll of active duty flag and general officers, he said it would be about the same, with the caveat that, of course, they were not as intimately involved in the details as negotiators as the Joint Chiefs, that they did not know as much about it. We are going to talk a great deal more about this defense.

I would just make one more statement. It would be rather interesting if the Armed Services Committee had jurisdiction over this treaty. It would have never reached the floor of the Senate. I do not know exactly what the vote would have been, but I would guarantee on the very defense issues we are talking about, looking at it from a military and defense standpoint, it would never have reached the Senate floor and would not if we held a vote on it today.

Mr. CHURCH. I have read the report of the committee.

Mr. GARN. The time belongs to Senator LAXALT. I will yield back to him.

Mr. SCOTT. Will the Senator yield for a question?

Mr. CHURCH. If I may respond briefly to the statements of the Senator from Utah, then I will yield.

The PRESIDING OFFICER. Does the Senator from Nevada yield?

Mr. LAXALT. I yield.

Mr. CHURCH. I have read the record of the testimony before the Armed Services Committee. On this very point General McAuliffe, testifying before the Armed Services Committee, had this to say when Senator MCINTYRE asked the following question:

> Your thought would be, if we do run into real difficulty—I certainly hope we don't—you need in the vicinity of 50,000 troops to maintain the security of the canal over that period?

General McAuliffe replied as follows:

> That is correct; and I should add this, in my judgment, to prevent what I would call the destruction of the canal. However, even with that sizable force, or a larger one, I would say that unless extraordinary measures are permitted, such as moving across the national boundaries, there is no way that I could prevent the interruption of that canal, and the reason I say that, if I may use an illustration, the Canal Zone boundary is only 5 miles from the centerline of the canal. The exceptions are in the lake area. One can easily visualize, again, if there is a hostile Panama, visualize the use of standoff weapons only 5 miles away, and they wouldn't have to hit very much in the canal or in the Canal Zone, but they would terrorize the employees and probably stop commercial shipping, and that is whether they sink a ship or not.

That is the point. The use of the canal, by our general in charge, would be enhanced by the treaties.

Mr. GARN. I would only say there is more testimony of General McAuliffe later on in response to questions by the Senator from Utah about the vulnerability. I will not take any more time of my distinguished colleague. Later on we will discuss the rest of the testimony.

Mr. SCOTT. Will the Senator yield?

Mr. LAXALT. I yield.

Mr. SCOTT. Mr. President, it was this Senator's understanding that we are not going to have debate this evening. I have been over in my office preparing this short statement. There are other Senators sitting around. I wonder if we might let the Senators make their statements today and then have our argument later. I believe we have extended the courtesy so far. I hope that all Senators might give the other Senators an opportunity to have their opening statements.

Mr. LAXALT. I might indicate to the Senator from Virginia that that proposal has been made and it has met with an eminent lack of success. I have no objection to this. The opponents feel the debate should be kept current with the topical discussions as they arise.

For the purpose of the record, while we are on this point, may I read the testimony of Admiral Moorer before the Armed Services Committee. For those who may not be familiar with his background, as everybody knows, he served as chairman of the Joint Chiefs, retired, is as highly respected as anybody in this country in this field and, more importantly than anything else, is totally independent of any form of political pressure. He can tell it like it is.

Admiral Moorer indicated in his testimony:

> The proponents of these treaties proclaim again and again that the only way to handle the internal threat is to ratify the treaties and give up the Canal. It is repeated over and over again that we are not interested in ownership, only continued use, which can be acquired only with the help of the Panamanians. Otherwise, they say, 100,000 troops will be required to defend the canal and we will immediately be plunged into another Vietnam. I do not accept any of these scare statements. In the first place, a major part of the income of Panama is due directly to the existence of an operating canal. If the Panamanians make an effort to sabotage the canal they are the ones that will be harmed. Most of them know this.

I should like to carry on now with what remains of my prepared statement.

Referring back to the violence argument, which initiated the recent discussion, this violence argument is worthy of detailed comment. Ambassador Linowitz stated it in perhaps the clearest way when he said in a Voice of America broadcast:

> Expectations have been raised so high in Latin America that failure to get the treaties ratified could bring a whole range of consequences including violence.

Raised by whom? People like Sol Linowitz, making statements to this effect.

I do not believe that the issue of potential violence should be ignored. But, I do believe we need to inquire closely as to its origins. To me, the treaties represent the worst possible way of dealing with potential security threats to the canal from within Panama. The expectations of Panamanian extremists have certainly been raised by the prospect of their taking over the canal. But treaty proponents need to ask themselves whether those expectations would be satisfied by extremists being asked to wait 22 years or whether violence and sabotage are now possible irrespective of Senate ratification, simply because of the atmosphere of heightened expectations which the treaties create without really satisfying.

I might say on this point that Senator DOLE and I, when we traveled to Panama, made it abundantly clear to the Panamanian people through their press that the rejection of the treaties by this body would not be a rejection of the Panamanian people per se. It would be simply a rejection of very bad treaties, which we felt were not in the best interest of this country.

Robert Gomez, the secretary general of the Federal Panamanian Students, perhaps put the extremist position best in a speech last fall when he said:

> Contrary to what many think, the new agreement will not and cannot signal the end of the process or of the struggle for national liberation. Hail the unity of the patriotic forces and support for the liberating process; the struggle against imperialism and its internal allies will be continuous and prolonged. No one and nothing can stop it.

It was rather frightening to me when we asked General Torrijos, what if we reject the treaties; will you have control of this situation? He candidly admitted that perhaps he would not.

In view of this tinderbox situation, I see Senate refusal to ratify as providing at least some deterrence to violence by demonstrating that the power of the United States remains behind its legitimate interests. Ratification of a halfway house treaty, on the other hand, because it represents a clear capitulation under threat of force without satisfying extremist expectations would be a signal to potential rioters and saboteurs that they need not wait 22 years. All they need do is push just a little harder because the United States would have clearly demonstrated its willingness to succumb to violence. Then it would be open season for extremists to attack not only the canal but the property and persons of U.S. nationals throughout Latin America.

Let us discuss for a moment what the treaties say.

The terms of the treaties are no better than the overall tone which they set for American foreign policy, in my opinion. I am opposed to the front-end concession of the key principle of sovereignty.

Whether or not we would contend that

there is sovereignty, which is an open legal question, I believe that the initial admission that not only do we not have sovereignty now but we have never had it can be critically damaging.

I believe the rapid turnover of crucial support services to the Panamanians bodes ill for the effective operation of the canal. I think the human rights of Americans left in the Zone and our ability to guarantee the neutrality of the canal are inadequately protected under the terms of this treaty. It is, to me, an absolute scandal that we are proposing to pay the Panamanians what amounts to tribute to take the Canal off our hands.

With regard to sovereignty, the main purpose of the treaty is hardly concealed. The preamble to the agreement opens by "acknowledging the Republic of Panama's sovereignty over its territory." Quite clearly, at the very core of the nature of the present relationship between the United States and the Panama Canal is our own sovereignty over the Canal and Canal Zone. In my judgment, it would be bad enough if this new treaty confined itself to passing sovereignty to the Panamanian Government. But, as I read the existing language, it recognizes that Panama already has sovereignty. Thus, the Panamanians could presumably exercise their right to expel the United States from their country whenever they desire. Accordingly, in these agreements, we are not only giving away our canal, we are asserting that we have never had it.

President Carter has stated that we have never had sovereignty over the Panama Canal Zone. This is simply a distortion of the facts. The 1903 Convention between the United States and Panama gave the U.S. sovereign rights over the Panama Canal and the Canal Zone "in perpetuity" and "to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority."

Indeed, the question of U.S. sovereignty was debated and put to rest by the Supreme Court in 1970 (*Wilson* v. *Shaw* 204 U.S. 24 (1970)) and as recently as 1972 (*U.S.* v. *Husband R* 406 US 935 (1972)).

Initially, the United States paid the new Republic of Panama $10 million for the transfer of territory, assumed the annual obligations of the Panama Railroad and purchased its entire stock. We also purchased all privately held lands within the zone even those of squatters. All told, by the time of the completion of the canal in 1914, the United States had paid upwards of $54 million in acquisition costs to Panama, the French company, and private landowners. Later, we even settled with Colombia under the Thompson-Urrutia Treaty of 1922.

Mr. President, quite literally, we provided fair compensation to anyone having even the pretense of a just claim. We did buy it. We did pay for it. And it is ours.

EFFECTIVE CANAL OPERATION

Despite some obvious disputes over the running of the canal, particularly reflected in demands by Panama over the years for more revenue and control of the canal, nearly everyone agrees that the Panama Canal Company has skillfully maintained an extraordinarily safe, fair and efficient operation. It has made a major contribution to the development of world trade and preserved our own security interests in the Western Hemisphere.

In scrutinizing the terms of the new agreement, I cannot help but wonder whether the operation will continue in the same equitable and efficient manner in the future. Article X requires that the American workforce must "within five years . . . be at least 20 percent less than the total number" of those working there at present. And, under section four of the same article, new non-Panamanian employees can only work for terms of 5 years duration (aside from some special circumstances). Thus, discrimination is mandated in the treaty against the very personnel whose qualifications are necessary for the continued operation of the canal.

Quite simply, Panama does not now have, and cannot have within the short period of time required, the skilled personnel to fill adequately the jobs of those who will leave their present jobs, whether voluntarily or under duress.

The mechanisms of the canal do not operate by means of good feelings or improved relationships with Latin America. Rather, the canal, as an international waterway, requires the skillful manipulation of a complex series of gates and locks. Yet, many of the U.S. employees have stated that if the treaties are ratified they will return to America and not stay to train Panamanian replacements. Jobs such as the ships' captains that navigate the vessels through the canal now require 20 years of training and experience. Panama does not have such qualified people. At present, only 2 out of the 200 ships' captains are Panamanians. Until recently, no school even existed in Panama to train ship's captains and the country has virtually no navy. Nonetheless, the treaty requires that Panama assume control of an increasingly large portion of the skilled jobs in the operation of the canal.

And the question goes deeper than ability to one of willingness. Let us not shrink from the facts. The government of General Torrijos is shot through with mismanagement. Major management projects such as the new airport and Contadora resort island have failed utterly. Have we any reason to think Torrijos would prove either better able or more willing to handle the far greater challenge of running the multibillion dollar canal operation than these other tasks?

To make maters worse, the United States does not even have the option of building an alternative canal if the proposed arrangement with Panama does work out in practice. Under article XII, the United States is prohibited from negotiating "with third states for the right to construct an interoceanic canal * * * in the Western Hemisphere" without the consent of the Panamanian Government. Thus, even if there is an uprising and the canal is closed, Panama holds an absolute veto power over the United States pursuing an alternative route for the next 22 years.

HUMAN RIGHTS

The worst fears of the workers who now live in the Panama Canal Zone are fully realized under the terms of the proposed treaty. In all the discussion of alleged grievances and rights of Panama, we have curiously ignored the rights of the American citizens and perhaps equally tragic, those of the Panamanian employees of the Panama Canal Company, who live in the Canal Zone. In the treaty, we consciously expand Torrijos' authoritarian rule to include the zone without ever raising a question about the abysmal human rights record of this regime and its consequences for those who live and work there.

Under article XI, section 2, Panama does permit the United States to continue to have the "primary right to exercise criminal jurisdiction over the U.S. citizens employees" of the canal, their dependents and other American military forces. But, this protection is limited to only certain areas and, most importantly, lasts only for the transition period of 30 months. After this period of time, these people fall completely under Panamanian legal jurisdiction.

The human rights question must be squarely faced. The zonians have lived under the mantel of freedom provided by the United States in the Panama Canal Zone. Are they now to be abandoned? As I learned during a recent visit to the Canal Zone, simply in anticipation of the new agreement many employees have already left the area and in a 3-year period this emigration is predicted to turn into a flood.

The administration's quest for human rights in the international area is certainly laudable. Yet, I must object when that same administration proposes to turn the civil rights of many thousands of American citizens and even more U.S. Government workers over to a dictator.

SECURITY GUARANTEES

Presumably, to protect the U.S. vital security interests, a separate treaty provides for the permanent neutrality of the canal. Thus far, this entire section has been enveloped in a conflict of interpretations between American and Panamanian negotiators. If disputes have arisen before the agreement is even ratified, this certainly bodes ill for its prospective implementation.

In the discussion thus far concerning American rights under the Permanent Neutrality Treaty, the Panamanians have made a much more convincing case for their position. Rather than a genuinely joint declaration, the Panamanians have insisted that since the main treaty acknowledges their sovereignty over the canal, they alone can declare the neutrality of the waterway. And, under article I of the second treaty, the language indicates only that "The Republic of Panama declares that the Canal * * * shall be permanently neutral." Thus, if Panama alone can declare neutrality, then unless other specific language indicates otherwise, the United States has

no right under the treaty to proclaim unilaterally a threat to that neutrality and intervene to thwart such a threat.

Article IV of the neutrality treaty has been cited as a basis for the American right to intervention. This article does allude to both the United States and Panama agreeing "to maintain the regime of neutrality established under this treaty." The last four words of this quote clearly mean the kind of neutrality that Panama has declared already in the treaty and not an American right to determine this.

Thus, it is entirely understandable that General Torrijos in a speech to a Student Federation Congress in Panama on September 15, 1977, stated that:

> I am not afraid, nor am I denying, that we signed a clause which if misinterpreted by future U.S. generations could give place to intervention. But, I am not afraid because I know the youth that we are producing. And, in order for there to be intervention, there must be a people willing to accept intervention, and these people have no intention of accepting it.

The language of the Panamanian view of what this agreement does could hardly be more specific.

Many other Senators share my concern with the meaning of the Neutrality Treaty. In this light, the Foreign Relations Committee has recommended an incorporation of the October 14, 1977, Statement of Understanding between Carter and Torrijos as part of the treaty. Frankly, even if this statement was made part of the treaty, the problem of interpretation is not solved. Without another Panamanian plebiscite, it is unclear whether this statement is even legal and binding upon both parties. As Senator GRIFFIN indicated General Torrijos on returning to Panama after the October meeting with Carter, stated, "I haven't even signed an autograph." Certainly, this statement at least suggests a lack of legal validity.

Furthermore, the Carter-Torrijos Statement declares that the rights of the United States do not extend to intervention in the "internal affairs of Panama." What course of action would then be open to us if the canal's neutrality was threatened from forces within Panama?

The October 14 statement also grants the United States "expeditious" crossing of the canal, that is, we may "go to the head of the line of vessels in order to transit the canal rapidly." Of course, being at the "head of the line" does not guarantee that a Panamanian-controlled workforce will actually push the levers and open the gates to get us through the canal.

On this point, as well as many others, the most lucid discussion that has thus far appeared of the nature and direction of the negotiations has derived from the Panamanians. They have indicated that the original language proposed by American negotiators was unacceptable to them, and, ultimately, on the crucial issues they have prevailed. I cannot help but conclude, as the Panamanians have, that even with the understanding incorporated, the United States, under the terms of the Permanent Neutrality Act, has sacrificed all meaningful rights to maintain the security of the canal.

THE HIGH COST

While most Americans oppose giving the canal to Panama, they are literally livid at the prospect of paying Panama to take the facility off our hands. Thus, the economic arrangements will require special attention and some plausible justification must be provided to explain why, in the course of transferring this multibillion-dollar asset to Panama, we must at the same time provide for payment to Panama of upward of $50 million per year.

Of course, under the language of the treaty, the United States does not directly pay this money to the Panamanian Government, but the net result is the same. Under article XIII, dealing with the economic participation by the Republic of Panama, the agreement provides for Panama receiving $0.30 per ton for each vessel transiting the canal. Moreover, 5 years after the new treaty goes into effect, this figure will be adjusted upward each 2 years to reflect changes in the American wholesale price index.

Some have contended that this provision places a ceiling on the amounts that the tolls may rise for the next 22 years. But, more likely, the effect will be a rising floor for future toll increases. Coupled with the per ton figure, the United States also quadruples the anunity payment to Panama to $10 million and promises another $10 million if canal revenues exceed expenses. This last provision may seem to provide an incentive for the efficient operation of the canal, but more likely, this will simply encourage a rise in tolls that will permit the $10 million to be extracted.

All of this money derives from the revenues collected by the new Panama Canal Commission. The estimates of the total amount varies depending on the volume of cargo. But, on the basis of last year's volume of 117 million tons of cargo, this would have meant approximately $45 million, or about 20 times as much as Panama receives under the 1903 treaty. If the canal has its anticipated rise in traffic this coming year, but still runs a deficit, this figure would rise to over $50 million.

In order to compensate for this huge new expenditure by the operators of the canal, Ambassador Linowitz has already indicated that tolls will have to rise by 25 percent to 30 percent upon ratification of the treaty. This would represent the single largest increase in tolls since the Panama Canal began operations in 1914. This rise relates largely to compensation being provided the Panamanian Government. But, as indicated in the analysis above, probably larger incentives will have to be provided to skilled workers to remain in Panama under the new treaty.

Despite the fact that the revenues going into the Panamanian treasury derive from the general operation of the canal, the actual expense shall be borne by those ships that transit the canal and through them the producers and consumers of the goods shipped. This could have severe repercussion on some products, such as American agricultural goods being exported from the gulf coast to the Orient or oil flowing from Alaska to our gulf coast. Therefore, although the payments to Panama are indirect, the American taxpayer will bear much of the burden of the increase which persumably will rise each year due to the indexing procedures.

Overall, this constitutes a radical alteration of the concept of the Panama Canal. While the United States has always viewed the canal as facilitating world commerce, the Panamanians clearly view the waterway as their own OPEC in miniature, their monopoly over travel from one ocean to the other. And, given the veto power they hold over the American right to negotiate building another canal, Panama can effectively stymie any prospective competition.

Having expended an estimated $7 billion over the past 74 years in order to bring into existence and operate the canal and all its related facilities, the American people have a right to ask why they must pay to have this enormous asset, run so efficiently and fairly for so long, taken off their hands by the Panamanian Government. This is particularly true when sales of only several million dollars to other nations in Latin America have been suspended due to criticisms of the nature of their government.

Yet, with respect to Panama, no concern surfaces over the nature of the military distatorship in the country that the United States will in effect be rewarding with one of the largest gifts ever bestowed voluntarily upon another nation. If the Government of Panama appeared as a reliable friend of the United States, perhaps some justification for this enormous behest might be offered on foreign aid grounds. Instead, the Torrijos regime has constantly extolled Fidel Castro as a great Latin American leader and proceeded on its own social revolution that has substantially destroyed the Panamanian economy. In my judgment, if these treaties were to be ratified, the United States would be rewarding the wrong government, in the wrong place, at the wrong time, and in the wrong manner.

THE ADMINISTRATION EFFORT

Mr. President, in addition to my concerns about what these treaties represent and what they say, in closing, I would also like to express my concern about the manner by which they are being sold to the American public. Months ago Governor Reagan rightfully termed the whole affair a "medicine show". And, I can only accuse President Carter's chief political strategist, Hamilton Jordan, of understatement when he told the Baltimore Sun:

> We are going to spend a tremendous amount of political capital to get the treaty ratified.

I have found one of the most intriguing developments resulting from the Panama Canal treaty issue to be the negative approach most proponents have

adopted in their efforts to "sell" the document to the American people. Actually, "intriguing" is not a graphic enough description of the sales effort being promoted. "Insulting", although harsh, is probably a much more accurate description of a campaign which is calculated to frighten people into accepting a bad agreement by attempting to persuade them that because the Canal is vulnerable to attack by elements within Panama, this facility can only be insulated from destruction through acceptance of the current treaty.

This "argument" is the most prominently mentioned of the reasons for relinquishing control of the waterway. According to this line of reasoning, since the canal is susceptible to attack, the Panamanian Government has raised the spectre of guerrilla warfare unless we deliver—either our country accepts the treaty negotiated and turns the canal over or it will be put out of commission with everyone losing in the process. Largely upon this basis, the canal treaty proponents are mounting what they refer to as an "educational" program to apprise Americans of the purported dangers.

In my opinion, of all the approaches those who favor ratification could have chosen to "educate" the people with, this is the least likely to succeed. It would not succeed because the American people will reject it. Treaty supporters have maneuvered themselves into the unenviable position of attempting to convince the American public that they should forego a valuable strategic asset because violent actions have been threatened if we do not knuckle under.

I, personally, do not believe that an "educational" program heavily resting on the foundation of the "violence argument", when there is ample evidence that the document itself is faulty, dangerous and inequitable, will have any chance of success. Possibly, this is the only really viable avenue of approach for treaty proponents because the treaty is so poor as to be indefensible on most other grounds.

Mr. President, the whole concept of a propaganda campaign is disturbing in our American context. Certainly, the administration has the right, indeed even the obligation, to take its case to the people. But, the vehemence of their propaganda effort must be a function of the recognition that they have an uphill battle, since the Panama Canal agreement certainly will not sell itself.

I personally deplore the pomp and grandeur that accompanied the signing of the treaties last year. This ploy was clearly designed to force the hand of the Senate into acceptance of a document without scrutiny. The administration hoped to reduce the Senate's vital advise and consent role to that of a mere rubber stamp.*

What is far worse, however, in recent months the administration has begun to distort some of the fundamental facts regarding the Canal Zone—distortions which, if not corrected, will cause many Americans to reach wrong conclusions. I spoke earlier of the sovereignty question. As another example, notwithstanding President Carter to the contrary, the United States does not pay rent on the Canal Zone. Instead we pay an annuity of $2.3 million for use of the Panama Railroad franchise and the Rio Hato Air Base, which we built. There is no mention of rent or lease in the 1903 Treaty or its amendments.

These are crucial facts. And, I am afraid that their distortion could confuse the American people. Stating your case to the public is one thing, mistating it is another.

I regret to say that the whole affair smacks to me of arrogant elitism. Once again, the benevolent leaders of government, business and labor are purporting to prescribe to the masses policies against their wishes for their own "good."

There is almost a feeling of deja vu today as, one after the other, familiar names and faces of those who run our foreign policy in the 1960's reenter the scene to bless the Panama Canal treaty. I get the distinct impression they have once again found it comfortable returning to the arena where many programs they designed a decade ago are now being carried out. Yet, this is not particularly comforting since the era of "the best and the brightest" was not once renowned for its foreign policy successes.

It looks like big business is concerned enough about insuring its investments in Panama to back the treaty. It is no secret that the Torrijos regime is teetering close to the edge of financial collapse. What is less well known is that many U.S. companies have created offshore investment centers in Panama, taking advantage of Panama's lax banking and tax laws, and pouring literally hundreds of millions of dollars there.

If the walls caved in on the Torrijos government, American-dollars heavily invested in the country would be lost. With this treaty and its extravagant payoff plans, the Panamanian economy would be pumped up and many American businessmen saved from a financial drubbing. Additionally, I think the business community has bought the "violence argument" and is willing to have taxpayer dollars bail them out of imagined Latin difficulties.

The third leg of the establishment triad offering support for the Panama Canal Treaty is the leadership of big labor. There is so much politics tied in with this endorsement that I am not sure the merits of the treaty were a consideration. The polls show that the rank and file members do not support the treaty. Perhaps not all the leadership does either, but I cannot tell due to the heavyhandedness of George Meany. Louis Fattorosi is strongly against the treaty. Last month he was scheduled to speak out against the treaties as a member of the Panama Truth Squad. However, he was warned by the AFL–CIO head office that if he did so the AFL–CIO would revoke the charters of the Canal Zone unions.

So, once again, we see a case of establishment arrogance. The power blocs in Washington have decided to "educate" the masses on the necessity of ratifying the Panama Canal Treaty. In fact, they have determined the issue to be so crucial that they justify hiding secrets, heavyhandedness, and distortions in order to ram the treaties down the throats of the American people.

Mr. President, I sincerely doubt that any propaganda campaign, no matter how skillfully handled, could "sell" this very dangerous and inequitable treaty to the American people. The fact that there is nothing really positive to commend it has led to a campaign based largely on simple scare tactics and distortions. Mr. President, Americans will not buy it. We have responsibilities which must be met now and in the future and such responsibilities will not be dismissed by threats of blackmail which carries with them undesirable precedents. I firmly believe that it will be impossible to "educate" our people to accept something that is wrong.

Mr. CHURCH. Will the Senator yield on that point?

Mr. LAXALT. Yes, sir.

Mr. CHURCH. Is the Senator really maintaining that the United States has, in the past, claimed to be sovereign in the Canal Zone? I do not think that he will find that confirmed in any Supreme Court decision relating to the treaty of 1903. In fact, the treaty language itself does not claim sovereignty for the United States in the zone.

Mr. LAXALT. May I quote the language?

Mr. CHURCH. It says "as if sovereign."

Mr. LAXALT. May I quote the rest of the language?

Mr. CHURCH. Yes, because the Supreme Court has passed on that language and never has a claim of sovereignty been made by the United States. Why have we been paying Panama fees all these years if we were sovereign there?

Mr. LAXALT. Royalties, payments on the air base. If there never has been sovereignty, that is another thing——

Mr. CHURCH. There have been payments. Not much, I concede, because $250,000 a year is not much for a zone that is 10 miles wide and 40 miles long. I would like to get property on those terms.

Mr. LAXALT. Will the Senator from Idaho permit me to read a provision of the treaty which I think is critical to this discussion?

Mr. CHURCH. I will, indeed. I simply want to make the point that, to my knowledge, the United States has never claimed sovereignty over the Canal Zone.

Mr. LAXALT. Whether or not we have, the treaty specifically provides for the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. LAXALT. Certainly.

Mr. HOLLINGS. Aside from the language, did the distinguished Senator, when he left the Panama Canal, clear customs?

Mr. LAXALT. I do not recall.

Mr. HOLLINGS. The Senator does not

recall? Certainly he recalls. He had to clear customs when he left.

Mr. LAXALT. I really do not recall. I was preoccupied with other matters.

Mr. HOLLINGS. It is nice to get preoccupied, but does the Senator know we treat the Canal Zone in our Treasury practices as a foreign country?

Mr. LAXALT. Yes.

Mr. HOLLINGS. Certainly we do. We treat it as sovereign Panama, and not U.S. territory. When the Senator goes to Alaska, he does not clear customs, or to Louisiana.

Mr. LAXALT. I do not recall paying any customs in the Canal Zone.

Mr. HOLLINGS. The customs regulations are clear. The Canal Zone is not in any way included in the sovereign customs territory of the United States.

Mr. LAXALT. Because that is our property, over which I think we like to have sovereignty.

If I declared, I did so out of the Republic of Panama, with no reference to the Canal Zone, which, in my judgment, is our property.

Mr. HOLLINGS. When we look at our postal statutes—I am sure the Senator is familiar with those?

Mr. LAXALT. Not as familiar as the Senator from South Carolina.

Mr. HOLLINGS. As with customs, they are treated as a foreign territory. But look at the actual birthrights, because the Senator and I are both good constitutionalists. We know that under the Constitution and statutory laws of the United States of America, as in the Senator's State of Nevada, if a Panamanian couple came to Reno and had a child, that child born in Reno would be a citizen under the Constitution of the United States, because that is the sovereign United States out at Reno; is that not correct?

Mr. LAXALT. That is correct.

Mr. HOLLINGS. If we went down to the "sovereign" territory of the Canal Zone and that same Panamanian couple had that child in the zone, it would not be a citizen of the United States, would it?

Mr. LAXALT. That is true.

Mr. HOLLINGS. Well, the Senator has answered the question.

Mr. LAXALT. No.

Mr. HOLLINGS. How he treats it.

Mr. LAXALT. The premise of the Senator's argument is that these factors are conclusive. I go back to the wording of the original treaty, which specifically excludes and precludes any right of sovereignty on the part of the Panamanian Government in relation to the zone. If we do not have sovereignty, if Panama has no sovereignty, who does?

Mr. HOLLINGS. Panama has it, and the Senator knows good and well. Remember France and NATO. Charles de-Gaulle had the sovereignty, and we had the NATO Treaty, and he said, "Get out of France." We got out, did we not?

Mr. LAXALT. Will the Senator please explain to me then the express wording of the treaty to the entire exclusion of the exercise by the Republic of Panama, any such sovereign rights, power and authority, is that not the clearest sort of disclaimer we would want?

Mr. HOLLINGS. The distinguished Senator, in answering that, just keeps going in his history. I am going to actual facts.

I know the distinguished Senator was an admirer of President Eisenhower and I fought under him as General Eisenhower.

In the 1950's under President Eisenhower, there was the Suez Canal crisis when Egypt took over the canal. In the Eisenhower administration's viewpoint, Egypt had sovereignty over the canal even though there were those same language rights concerning France and England. Where did the United States stand under President Eisenhower on the Suez Canal? And is that not where we stand on the zone?

Mr. LAXALT. I do not think so. I think the cases are clearly distinguishable.

May I ask leave, Mr. President, to permit Senator HELMS to speak? He has been waiting patiently for a while. I am going to interrupt my particular presentation. He has an exceedingly pressing engagement and wanted very much to be heard on this today.

If my colleagues will not object, I would like very much to have Senator HELMS take the floor and make his presentation.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the distinguished Senator from Nevada for his courtesy to me.

I will say to him and to other Senators that it was made clear this morning that there would be opening statements today, and while I heard a number of statements which I consider to be erroneous and perhaps bordering on the absurd, I have not interrupted any of the proponents of the treaties, assuming that full debate would ensue at a later time on this floor.

I would say to the Senator from Nevada that it is undisputed that the United States does have sovereign rights in Panama, and we will get into that in some detail as this debate proceeds during the next few weeks.

But for the time being, Mr. President, the Senator from North Carolina wishes to address himself to the so-called Baker-Byrd amendment which has already been filed and which is at the desk.

Mr. President, the distinguished majority leader (Mr. ROBERT C. BYRD) and the distinguished minority leader (Mr. BAKER) has together sponsored amendments to the Neutrality Treaty which are designed to clarify and make more specific our rights and obligations under that treaty. Although I received an invitation to join as a cosponsor, I declined to do so, even though I appreciated their courtesy.

Mr. President, I do not disagree with the aims of the two leaders in proposing these changes. Indeed, I join with them in believing the American people are very doubtful about any Panama Treaty that does not clearly spell out our rights of defense of the canal. Like the two distinguished leaders, I believe that the treaty, as it stands, does not adequately define our defense rights.

Having said that, I must say that I differ with my two friends on the language they have offered to improve the treaty. In fact, as I look at their language, I fear it will unduly constrict the United States right to take unilateral action in defense of the canal. My reading of the language is that it makes the treaty worse, not better. It contains an inherent contradiction, requiring extensive, subtle argument to explain away.

Now, Mr. President, the contradiction is this, in amendment 20 the text states that each of the two countries shall defend the canal against any threat to the regime of neutrality, and, consequently, shall have the right to act against any aggression or threat directed against the canal or against the peaceful transit of vessels through the canal.

But, Mr. President, and nothing has been said on this floor about that this afternoon, in the next paragraph it says that this shall not be interpreted as a right of intervention of the United States in the internal affairs of Panama, and that any U.S. action shall never be directed against the territorial integrity or political independence of Panama.

Now, of course, such language would be satisfactory were the treaty proposing that we would retain our present status in the Canal Zone; but, of course, we would not.

So, from a practical standpoint, there is simply no way that we could conduct military operations in the defense of the canal without occupying at least some portions of Panamanian territory. If Panama should not concur in our action, or if Panama actively opposed it, there is no question in my mind that Panama would interpret such action as directed against her territorial integrity and her political independence.

The extent of the confusion is evidenced in the extent of the convolutions in the reasoning of the report of the Committee on Foreign Relations. Indeed, I must congratulate the Committee on Foreign Relations on its ingenuity. The basic reasoning put forth there is that we would not offend Panama's territorial integrity or political independence because we would have no intention of permanently detaching Panamanian territory.

Unfortunately, that simply will not do. Although the argument is somewhat ingenious, it is not ingenuous.

Here is a right, one of the most fundamental of the rights necessary to preserve our interests, yet the language supposedly guaranteeing that right is so vague that it needs extensive explanation, interpretation, and ex parte pleading.

Will it now be necessary to get General Torrijos to agree that the committee's interpretation of the interpretation is the correct one? It seems to me that a Panamanian interpretation could be exactly the opposite.

The geography of the canal is such that to secure it adequately, we would have to secure the surrounding territory and, if Panama did not concur, we would

have to do it anyway, or, allow the canal to be closed. Whether a "detaching" of territory would be "temporary" or whether it would be "permanent" would be a matter of interpretation.

Would we ever have to act against Panama's wishes? Every military expert who has testified on these treaties, including those strongly supporting them, has argued that the principal threat to the canal was from Panama. Whether this will change as a result of ratification of the treaties is a matter of conjecture—perhaps wishful thinking is more accurate. I think that any objective observer would agree that the odds are 50–50 or less.

Therefore, the only way in which the security of the canal can be assured is a treaty right that guarantees to the United States the clear right of unilateral action, no ifs, ands and buts.

Both the treaties and amendment 20 propose joint responsibilities; but all are silent upon whether the joint responsibility can also be exercised unilaterally. But only amendment 20 goes further than the treaties, and it specifically denies to the United States the right to take actions directed against territorial integrity of Panama.

Although we have other international treaty commitments that prohibit us from using force or the threat of force against other nations, the actual inclusion of such language in the context of supposed rights to take military action to defend the canal strongly undermines that right and it casts a cloud over any exercise of such rights.

Fortunately, however, Mr. President, there is an alternative. Former Deputy Defense Secretary William Clemens testified before the Armed Services Committee that, as a representative of the National Security Council, he, himself, had negotiated a security clause that had been approved by the Defense Department, and by the State Department; and I call the attention of the Senate to the fact that General Torrijos, himself, approved it.

It clearly and unambiguously spells out the right of unilateral action in the context of all other international treaty obligations. The language is as follows:

> In the event of any threat to the neutrality or security of the Canal, the two Parties shall consult concerning joint and individual efforts to secure respect for neutrality and security of the Canal through diplomacy, conciliation, mediation, arbitration, the International Court of Justice, or other peaceful means. If such efforts would be inadequate or have proved to be inadequate, each Party shall take other diplomatic, economic, or military measures as such Party deems necessary, in accordance with its constitutional processes.

Mr. President, this language says that each party shall take military measures as such party deems necessary. This phrase absolutely leaves the decision to the United States. There is no ambiguity about it being a concurrent decision; and, in my judgment, it would be a great improvement over amendment 20.

Therefore, I intend to submit this language as a substitute, as a means of perfecting the language offered by the two distinguished leaders of the Senate. It is not offered in opposition to their language and intentions but to support their intentions and to effect their purpose more accurately.

I understand the difficulty that faces both leaders. The Clements language was not made public until both leaders—the Senator from West Virginia (Mr. ROBERT C. BYRD) and the Senator from Tennessee (Mr. BAKER)—had announced their intentions; but, fortunately, the Armed Services Committee hearings did reveal this alternative in time for the Senate to act.

I believe that anyone who is a supporter of amendment 20 also could be a supporter of this substitute.

As former Deputy Secretary Clements has testified, even General Torrijos agreed to this language, so there should be no difficulty from that quarter.

Mr. President, I ask unanimous consent that the text of my proposed amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

> In lieu of the matter proposed to be inserted by the amendment insert the following:
>
> "In the event of any threat to the neutrality or security of the Canal, the two Parties shall consult concerning joint and individual efforts to secure respect for neutrality and security of the Canal through diplomacy, conciliation, mediation, arbitration, the International Court of Justice, or other peaceful means. If such efforts would be inadequate or have proved to be inadequate, each Party shall take such other diplomatic, economic, or military measures as such Party deems necessary, in accordance with its constitutional processes.".

Mr. HELMS. Mr. President, as we enter this historic debate, I would like to call attention to the hearings of the Senate Armed Services Committee, to which I alluded earlier, and to urge all my colleagues to peruse them carefully. As many are doubtless aware, these hearings were held on January 24 and 31, and February 1. For some reason, the news media saw fit to ignore those hearings for the most part. Except for coverage of the February 1 hearing by the Washington Star, little attention was paid to some of the extraordinary testimony that was developed at those hearings.

Because of the volume of material relating to the Panama Canal, and the haste with which consideration of the treaties was brought to the floor, special burdens have been imposed on Senators in their attempt to give judicious scrutiny to the issue. Although the treaties were signed on September 7, the 354-page report of the Foreign Relations Committee was not available Friday as hoped. I am informed that a few copies were available on Saturday, when the Senate was not in session. For all practical purposes, it was not available until Monday, when the Senator from North Carolina, returning from a meeting with the Governor of his State, was stranded in the worst blizzard to hit the east coast in 40 years, along with thousands of fellow citizens. While I am delighted to begin debate on an issue vital to the American people, let the record show the circumstances in which the debate has begun.

Similarly, the armed services hearings are available just today, about noon time. The committee staff is to be congratulated for the speed and diligence with which the hearings were edited and printed. Let the record show that this was accomplished in only 4 working days. Needless to say, the other Members of the Senate have hardly had time to become acquainted with their contents.

Coming at the end of a long period of public deliberation and discussion, the hearings of the committee, although brief, indisputably established two points:

First, the decision to give away the Panama Canal was based upon purely political pressures in total disregard of the defense and economic consequences of that decision;

Second, the outward rationale of the political decision is demonstrably false. Whether there was a hidden rationale, undisclosed to the public or to the Senate, was beyond the scope of the hearings conducted by the Armed Services Committee.

The hearings were notable for the quality of the testimony and the integrity of the witnesses, most of whom hold high offices under the U.S. Constitution, or did hold them in the past, and participated in historic events. Thus, in a very short space of time, the committee was able to amass an important set of facts, hitherto undisclosed, which deserves to have a profound influence as the Senate works its will on these treaties.

The questioning of expert military witnesses, both those who favor the treaties and those who oppose them, revealed that the Panama Canal still plays a vital role as a catalyst in our defense planning, and that role is placed in jeopardy by the treaties, especially the lack of authority for unilateral military decision and the requirement that our military forces leave after the year 2000. The economic aspects of the treaties are still in total disarray, with little agreement on future projections, except that it is going to cost the American taxpayer untold billions in appropriated funds. Indeed, certain fundamental economic issues yet remain to be negotiated. Let us take up each aspect in turn.

THE MILITARY VALUE OF THE CANAL

The testimony of both Admiral Holloway and Admiral Moorer was significant for understanding the military value of the canal. Admiral Moorer summed it up in one sentence:

> In fact, there is no feasible war plan for the United States, taking into account our reduced forces and extended commitments, that does not assume that the Panama Canal will be available for full time priority use.

Admiral Holloway's testimony pointed out that denial of the canal to the United States would require additional naval forces to fulfill our defense mission, and those forces would have to circumnavigate South America, a trip that would add 3 to 3½ weeks and 8,000 miles to the transit. He pointed out that this

redeployment would greatly multiply the area of ocean that the U.S. Navy would have to make secure, and we could expect severe losses without a proportionate increase in antisubmarine warfare forces. Indeed, he said:

> It would be extremely difficult to detect a shift in Soviet submarine operating areas from the north and middle Atlantic sea lines of communication to those around the tip of South America.

The testimony of both admirals deserves to be studied in detail. It is noteworthy that the testimony of both corroborates the findings of a study which was prepared at my request by a civilian analyst at the Library of Congress, Mr. Edmund J. Gannon. Mr. Gannon's study is available from my office.

DEFENSE BEFORE THE YEAR 2000

Under the treaties, the United States has the major responsibility for defense of the canal, without the specific authority to take unilateral action to defend the canal, even if the threat comes from Panama or from individual Panamanians. Although treaty proponents argue that the authority is implied, their arguments are devastated by the Carter-Torrijos understanding, which specifically forbids the United States to intervene in Panamanian internal affairs or to violate Panama's territorial integrity. Although clearly the United States has no wish to do either for its own sake, it is clear that the extension of Panamanian sovereignty over the canal operating areas makes it impossible to defend the canal without, at least secondarily, impinging on both.

The testimony of former Deputy Secretary of Defense William P. Clements, Jr., was extraordinary on this point. The entire controversy about the treaty's alleged provisions for intervention was directly refuted by Mr. Clements' revelation that the former administration had obtained consent for a security clause that clearly provided for unilateral intervention. It was on this basis that Mr. Clements had formerly been an enthusiastic advocate of new treaties; yet the final treaty drafts eliminated this clause completely.

Mr. Clements provided valuable historical testimony about the events which led to the reopening of full-scale negotiations in 1975. Mr. Clements himself was deputized by the National Security Council to solve the security problem, and flew to Panama to negotiate the issue with General Torrijos. The clause was drafted in the Department of Defense, approved by the Department of State and the National Security Council—and even approved by General Torrijos himself, as Mr. Clements affirmed in response to close questioning. The language was as follows:

> In the event of any threat to the neutrality or security of the Canal, the Parties shall consult concerning joint and individual efforts to secure respect for the Canal's neutrality and security through diplomacy, conciliation, mediation, arbitration, the International Court of Justice, or other peaceful means. If such efforts would be inadequate or have proved to be inadequate, *each Party shall take such other diplomatic, economic or military measures as it deems necessary,* In accordance with its constitutional processes. (Emphasis added)

At the present time the United States enjoys the rights of a sovereign in the Canal Zone, so it is not necessary even to consult to defend our own property. The Clements language is a step down from the rights we now enjoy; but it is a marvel of precision and definition when compared to ambiguity of the defense clauses, both denumerated article IV, in each of the treaties. The Clements language unambiguously gives the United States the unilateral authority for defense actions, even without the approval of Panama.

It is incredible that any negotiating team, with the best interests of the Nation at heart, would backdown from such a clause once it had been established. It is a defect that drives straight at the heart of the treaties and makes them unacceptable in any form. There are, of course, other great defects which vitiate the realistic value of the treaties; but the lack of clear-cut defense rights is the root cause of the numbing distrust of the treaties which has gripped the American people.

DEFENSE AFTER THE YEAR 2000

Another key issue is the defense of the canal after the year 2000. The treaty provides that only the Republic of Panama may maintain military forces in Panama after the year 2000, even though the United States and Panama agree to "maintain the regime of neutrality."

The military problem is that once U.S. forces have pulled out of Panama, it would be extremely costly both in terms of manpower, materiel, and money to attempt to reassert our presence in order to maintain neutrality in the canal's operation. If Panama resisted such an attempt, it would be even more difficult to keep the canal operational, since the canal would be then totally Panamanian in personnel and administration.

It is significant that Admiral Holloway, even though he had agreed to support the treaties because of their political implications, freely conceded that his military judgment was that the defense problem would be enormously complicated by withdrawal. Indeed, he revealed that he had strongly argued for a U.S. military presence, even if only in a limited form, after the year 2000. Without such a presence, it would be necessary to retake the airfields, or to land a marine amphibious force in the canal area. Every military man knows that such requirements are detrimental to defense needs.

Moreover, both Admiral Moorer and Admiral Holloway pointed out that the present Canal Zone serves as a base of naval and air operations 3,000 miles south of the United States. Admiral Moorer also drew attention to the fact that a modern navy depends upon ample stocks of petroleum products at strategic geographical intervals. He said that such stocks are not always available from commercial sources, particularly when such stocks are sensitive to political upheavals, such as the OPEC oil embargo. In the Pacific, the Canal Zone is the only U.S. refueling center south of California.

SUPPORT OF LATIN AMERICAN NATIONS

The major foreign policy rationale advanced for the ratification of the treaties is the argument that the Latin American nations eagerly support the withdrawal of the United States from the Canal Zone. Admiral Holloway testified that this was a consideration which tipped the balance for him in favor of the treaties, overriding his military judgment.

Yet upon close questioning, Admiral Holloway admitted that he had never personally conversed with the head of any Latin American state, and therefore, had no firsthand knowledge of their views. Instead, he relied upon State Department briefings for the information which apparently outweighed his years of considerable military expertise.

This attitude contrasted strongly with the views of another distinguished military officer on active duty, Lt. Gen. Gordon Sumner, Jr., Chairman of the Inter-American Defense Board. It is significant that General Sumner did not appear by choice, but appeared only at the express invitation of the committee, confirmed by the Chairman of the Joint Chiefs of Staff.

General Sumner is both an outstanding military analyst, and, by profession, an expert on Latin America. The Inter-American Defense Board is an independent international organization established by the Rio Treaty. In his capacity as Chairman, General Sumner represents the views of no single nation, but of all 19 members.

General Sumner testified he travels constantly in Latin America, and meets frequently with the heads of state of all members of the Board, as well as with their high-level defense officers. He testified that he had discussed the Panama Canal with all of them; and that 17 of the 19 members—United States and Panama excluded—expressed very grave concern about the treaties. He said that they were very disturbed about the economic consequences of the treaties, because of the fragile economies which many of them have. Since South America has no reliable east-west land transportation, the Panama Canal assumes a far greater importance to them.

General Sumner said that some of the Latin American countries were in favor of the treaties at first, but when they received copies of the treaties they became worried about their economic prospects. He said:

> When they looked at what this was going to cost them, they had very serious reservations. Almost without exception they have expressed their opinion that the way the United States has operated the Canal over the past decades has been fair and equitable.

MULTILATERAL VERSUS BILATERAL APPROACH

General Sumner also pointed out that the other Latin American nations had been ignored in attempting to solve the Panama Canal problem—even though the canal is so important to them that it should be called "The Canal of the Americas." He suggested that in times past when the bilateral approach to international plans had failed, that it was sometimes helpful to call in all parties with a direct interest to find a mutual solution.

Pointing out that the Inter-American Defense Board already had a structure to work together on the common defense of the hemisphere, he agreed to sound out members of the Board as to constructive solutions to the canal problem.

General Sumner's testimony points up the deep flaw in the argument that the giveaway of the Panama Canal will usher in a new era of good feeling in Latin America. On the contrary, just the opposite is likely to happen. The giveaway of the canal to a small and unstable nation is likely to inspire distrust, or at best indifference. Moreover, it is incongruous to pretend that the way to establish closer ties to Latin America is to ignore the direct interests of these nations in the canal for 14 years, to consult with no one, and then to hand the canal over lock, stock, and barrel to one nation whose political institutions inspire confidence in no one and which is allied in a show of friendship with the one Latin American pariah nation, Communist Cuba. Insulting and demeaning diplomacy never makes friends.

COSTS OF MILITARY RELOCATION

There is not the opportunity here to go into the additional military costs which would be imposed upon the taxpayers of the United States if the canal were closed to the U.S. naval fleet. Ship construction, relocation of communications and intelligence facilities, and higher costs of resupply would all have to be considered; but it is difficult to speculate on the future designs of potential enemies.

However, the committee received good estimates of the costs for the relocation of present U.S. military facilities in the Canal Zone. A number of these facilities will be turned over to the Panamanian National Guard as soon as the treaty goes into effect, and brandnew consolidated facilities will have to be constructed at other sites for the use of U.S. forces. This construction is totally unnecessary, except for the implementation agreements adopted pursuant to the treaties. Lt. Gen. D. P. McAuliffe, U.S. Army, testified that this construction would cost the taxpayers $42.9 million. All the new facilities will be turned over to Panama by the year 2000.

ECONOMIC ASPECTS OF THE TREATIES

The economic aspects of the treaties reflect the chaos and disarray of the negotiating process. It is difficult, even at this date, to assess the economic impact of the treaties. The facts simply are not available. Consider the following problems:

A study by American Management Systems, consultant to the committee, concludes that the two major systems of methodology for projecting traffic and revenues are inadequate and based upon guesswork, resulting in wide disparities in the extant professional projections.

A study commissioned by the Department of State and the Panama Canal Company by International Research Associates—a study which was supposed to be definitive—was strongly criticized by the president of the Panama Canal Company for being overly optimistic on its projections of revenues from North Slope oil. The study is not yet available to Congress.

The implementing legislation establishing the structure of the Panama Canal Commission, its accounting practices, and the range of labor benefits was promised for last October, but is still being withheld from Congress.

Basic financial issues yet remain to be negotiated with Panama—issues involving millions of dollars annually—and Governor Parfitt and other witnesses testified that the United States and Panamanian positions stand at opposite poles.

Millions of dollars of costs associated with implementation of the treaties do not appear in the Panama Canal Company budget or the projected Commission budgets because these costs will be transferred to other accounts as yet unselected—for example educational facilities may be transferred to the Department of Defense budget, and then again they may not.

Panama Canal Company projections are based upon unrealistic inflation assumption—for example 5 per annum, as against actual 6.7 percent today—and upon the forgoing of interest to the U.S. Treasury and of agreed-upon payments to Panama out of "surplus."

The Comptroller General of the United States estimated that deficits the first year could range from $37 million to $79 million, depending upon which set of assumptions as to accounting practices is used.

The Panama Canal Commission will lose 58 percent of the land available to the present company for operating the canal, 43 percent of its present U.S. employees, 52 percent of its present Panamanian employees, and 69 percent of its nontoll revenues—35.6 percent of all revenues. Although some of these employees may transfer to other United States or Panamanian entities, there is considerable doubt that present pay rates and job benefits will be preserved.

There is agreement on one thing, however; the American taxpayers will be paying billions of dollars in appropriated funds for the luxury of giving the canal to Panama. Although the language of the treaties suggests that payments will be paid to Panama out of tolls and other income by the Panama Canal Commission, the fact is that the Commission ought to be a U.S. Government corporation, if legal precedent is followed. As such, the Commission can pay no revenues to Panama; they will be paid into the U.S. Treasury—as the Panama Canal Company does at present—where they become funds belonging to the U.S. taxpayer.

According to the U.S. Constitution, no money shall be drawn from the U.S. Treasury but in consequence of appropriations made by law. Payments to Panama must therefore be appropriated by Congress every year by law. Although the appropriations doubtless will be established according to the treaty arrangements, the funds still represent funds which could have accrued to the benefit of U.S. taxpayers.

Moreover, extraordinary expenses of the Commission—removal of major slides, damage caused by war, and so forth—will still be the responsibility of the U.S. Government. Governor Parfitt also testified that any debts or liens remaining to the Commission by the year 2000 would have to be made up by the United States. The reality of that liability hinges upon the interpretation of an ambiguous section of the treaty, the clause promising contingent payments to Panama out of surplus earnings. Problems involve the following:

Whether or not the toll base should include the $10 million "surplus"; that is, should tolls be set high enough to produce a surplus?

Whether or not the treaty obligation to roll over the contingent obligation to the next year that a surplus is earned ends in the year 2000; that is, if no contingent fees are paid for 22 years, do we owe Panama $220 million in the year 2000?

Whether or not the Commission should pay interest to the U.S. Treasury on the U.S. investment; for example, is the projected amount of interest of approximately $20 million each year to be a donation by the U.S. taxpayers to the Commission's operation? The total is a minimum of $440 million over 22 years, yet the Panama Canal Company's projection of only a 19.5-percent initial toll increase is based upon forgoing the interest payment.

Whether or not the entire U.S. investment should be recouped through accelerated depreciation by the year 2000; for example, should the taxpayers make an additional gift to Panama of facilities with a current book value of $618 million, but a replacement value of $4.6 billion? Comptroller General Staats testified that recovery of the U.S. investment would require another $23 million per year to recover the book value.

OTHER HIDDEN COSTS

In addition to the above unresolved problems, there are hidden costs as well. These include:

The $8.9 million that the the Republic of Panama has refused to pay for services rendered by the Panama Canal Company, some of the debt going back as far as 1955.

Early retirement costs to be charged to the Civil Service Commission of some $7.5 million a year for 22 years, that is, $165 million total.

Costs of benefits for dependents of certain personnel transferred to DOD—mainly schooling—$5 million annually for 22 years, that is, $110 million total.

Complete inventory of all assets of the Panama Canal Company and Canal Zone Government, $2 million—the last inventory was in 1950–51 and cost $750,000.

Indirect subsidy to Panama of $6.6 million a year for at least 3 years, totaling $19.8 million, through the annual payment of $10 million for "services." Many of these services—for example fire—will be duplicated by the Commission to insure reliability; but even so it is estimated, that Panama, with its lower wage base, will provide the services at a cost of $4.4 million per year. After 3

years, the treaty provides that the payments will be adjusted on the basis of actual costs, but no definition of actual costs is provided.

SUMMARY OF UNEXPECTED COSTS

It is not certain by any means that all of the unexpected costs of the Panama Canal treaties have yet been discovered. Those discussed above, however, may be summarized as follows:

Military base relocation	$42,900,000
Forgoing of interests due to U.S. Treasury: $20 mil. p.a. × years	440,000,000
Forgoing of depreciation to recoup U.S. investment: $20 mil. p.a. × 22 years	440,000,000
Panamanian interpretation of amount due under article XIII (IV) (c) in the year 2000 if no "surplus" is produced during preceding 22 years	220,000,000
Arrears of Republic of Panama for services rendered by Panama Canal Company since 1955	8,900,000
Subsidy to Panama for fire, police protection over Panamanian costs: $6.6 mil. p.a. for at least three years	19,800,000
Early retirement costs charged to U.S. Civil Service Commission: $7.5 mil. p.a. × 22 years	165,000,000
Benefits for dependents of certain personel transferred D.o.D.: $5 mil. p.a. × 22 years	110,000,000
Cost of taking complete inventory	2,000,000
Total unexpected costs	1,448,600,000
Estimated annual tonnage fees due to Panama: $50 mil. p.a. × 22 years	1,100,000,000
Annual fixed fee: $10 mil. p.a. × 22 years	220,000,000
Total of expected treaty payments	1,320,000,000
Grand total	2,768,600,000

All costs are expressed in constant dollars without inflation factors or treaty provided upward revisions included.

THE HASTY TREATY

The committee hearings did not touch upon the grave constitutional issues, such as the role of Congress in the disposal of U.S. territory and property under article IV, section 3; or the role of the House in the appropriation process under article I, section 7. Nor did the committee hearings touch upon the important issue of national sovereignty and the national will. But within their true scope, they revealed that the negotiators completely bypassed the practical issues of military defense and economic stability in their search for a pseudo-political solution to a nonproblem.

Perhaps a small clue to the tenor of the negotiations which produced these treaties may be found in the testimony of Governor Parfitt when he was asked if Ambassador Sol Linowitz had ever consulted him directly about the operational problems. The Governor testified that the Ambassador had not; and in fact, to the Governor's knowledge, the Ambassador had never even come into the Canal Zone.

Mr. President, I hope that at later stages of the debate on the treaties we will have a substantial number of Senators here. I count about six in the Chamber at this moment, including the distinguished Presiding Officer, which means that the statements by the distinguished Senator from Nevada, the distinguished Senator from Idaho, and others will pass like a ship in the night.

I commend the distinguished majority leader and the distinguished minority leader, who suggested this morning that Senators stay on the floor and participate in the debate and hear the opposing views, so that they will have some understanding of what is at stake in this matter.

If Senators do not do that, if they voted a mishmash, then this Nation will suffer.

I thank the distinguished Senator from Nevada for yielding to me, and I thank the distinguished occupant of the Chair.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. President, I ask unanimous consent that following the remarks of the distinguished Senator from Nevada, because we deal in part with the issue of sovereignty and did not have the opportunity to fully complete it, certain excerpts of the report dealing with this subject be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

(2) SOVEREIGNTY

Much confusion has surrounded the illusive concept of sovereignty and the issue of what sovereign interests the United States possesses in the Canal Zone. Whatever the term implies, and whatever such interests the United States holds, it seems clear that the phrase "territory . . . belonging to the United States" subsumes land over which the United States exercises sovereign power, and that the disposal-of-property clause, discussed above, empowers the United States to transfer sovereignty as well as common law property rights. The Committee does not therefore believe that the issue of sovereignty—as a strictly legal matter—is relevant to the Canal debate. The United States can legally transfer its interests; the question is whether as a matter of policy it should.

To whatever extent it is relevant, it appears that the United States does not possess sovereignty over the Canal Zone. "Sovereignty," broadly defined, is the ultimate power to exercise governmental functions within a particular territory. The Committee believes, based on the terms of the 1903 and 1936 treaties with Panama and court decisions, that Panama has always maintained titular sovereignty over that territorly. The United States has held certain *rights* to exercise certain attributes of sovereignty, but those rights are distinguishable from the underlying sovereign interest of Panama over the Canal Zone.

Article III of the 1903 Treaty with Panama provides that the United States has ". . . all the rights, power and authority within the Zone . . . which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power of authority."

In his testimony before the Committee on September 26, 1977, Ambassador Linowitz, referring to Article III of the 1903 Treaty, noted that "If we had sovereignty we would not have needed the words that we have certain rights . . . to act as if it were the sovereign." As Ambassador Bunker put it, "We have had rights, but not sovereignty."

Article III of the 1936 Treaty of Friendship and Cooperation with Panama states that the Canal Zone is "the territory of the Republic of Panama under the jurisdiction of the United States."

One oft-quoted case, cited for the proposition that the United States has somehow acquired sovereign rights, is *Wilson* v. *Shaw*, 204 U.S. 24 (1907). In that case, the Court said that—

". . . it is hyper-critical to contend the title of the United States is imperfect, and that the territory described does not belong to this nation, because of omission of some of the technical terms used in ordinary conveyances of real property."

The real question in *Wilson*, however, was not which nation possessed sovereignty but rather whether the United States had sufficient interest and authority in the Zone to expend funds for the construction of the Canal. The Supreme Court found that the grant of authority in the 1903 Treaty was sufficient. The limits of the Court's holding were pointed out by the Supreme Court of the Canal Zone that same year in *Canal Zone* v. *Coulson*, 1 Canal Zone Supreme Court Reports 50 (1907) in which the defendant contended that the Court in *Wilson* had held that the Canal Zone was the territory of the United States and that, therefore, the Constitution applied in the Zone. The court rejected this contention and stated as follows:

"The Supreme Court did not hold more in that case [*Wilson*] than that the United States had the use, occupation and control in perpetuity of the Canal Zone. It is apparent from an examination of the treaty that the United States is not the owner in fee of the Canal Zone, but has the use, occupation and control of the same in perpetuity so long as they comply with the terms of the treaty. . . ."

The Court went on to conclude that the rights of the United States in the Canal Zone were not such as to render the Constitution applicable.

In *Vermilya-Brown Co. Inc.* v. *Connel*, 335 U.S. 377 (1948), the Supreme Court was called upon to determine the status of certain United States military bases in Bermuda. The Court compared these bases to the Canal Zone, which the Court said was "admittedly territory over which we do not have sovereignty." The Court found that the ability of Congress to legislate depended not upon sovereignty, but upon control.

A variety of the other indices of sovereignty suggest that sovereignty over the Zone lies in the Government of Panama. In contrast to the sovereignty acquired by the United States throught the purchases of the Louisiana Territory or Alaska, the United States did not acquire sovereignty; it acquired, under the 1903 Treaty, the use, occupation and control of the Canal Zone. This is made even more clear by the fact that the United States has made annual payments for privileges acquired in the Canal Zone—as contrasted with territories over which this country acquired full soverign interest. Principles of "citizenship by birth" are not applicable in the Canal Zone; a person born in the Canal Zone to parents who are not citizens of the United States would not be a U.S. citizen, as that person would be were he born in the United States, the Virgin Islands, Guam, or some other United States possession or territory. In addition, the Canal Zone is not listed by the Department of State as a territory or dependency in reports by the United States to the United Nations. Finally, the United States has allowed Panama to display its flag within the Zone, to collect income taxes within the Zone, and to exercise customs and immigration functions within the Zone.

For all these reasons, therefore, the Committee agrees with the Attorney General that "the Republic of Panama retained titular sovereignty over the Canal Zone"—although as noted above it does not regard that fact as a matter of legal consequence.

Mr. LAXALT. Mr. President, I now wish to yield the floor to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas (Senator DOLE).

Mr. HATCH. Mr. President, will the Senator from Kansas yield for just a few short remarks?

Mr. DOLE. I yield.

The PRESIDING OFFICER. The Senator from Utah (Mr. HATCH).

Mr. DOLE. Mr. President, I yield to the distinguished Senator from Utah, yes.

Mr. HATCH. Mr. President, I was particularly interested in the remarks and questions of the distinguished Senator from South Carolina (Senator HOLLINGS), on this question of sovereignty.

To be frank with you, he asked a couple of questions such as, as to a national, a non-American person who has a child in Panama, will that child become a U.S. citizen? The answer to that is, "No."

Also, the fact that you might have to go through Customs when you go through Panama, which generally includes the country of Panama.

He said these are two indications that we do not have sovereignty in spite of the explicit language within the treaty itself which says that we do.

I would just like to remind my distinguished colleague and friend from South Carolina that citizenship has nothing to do with sovereignty, because Congress is what sets sovereignty under the Constitution.

I might mention that sovereignty has never conferred citizenship nor does it under the Constitution. Only Congress confers citizenship.

One of the most important cases in recent years is United States against Husband. The holding of that case was that the Panama Canal Zone is unincorporated American territory over which basically we have sovereignty.

The 1907 case of Wilson versus Shaw, which is a Supreme Court case, made it clear that basically we have sovereignty, because the question in that case was, does the United States have title enough to justify the expenditure of American funds in Panama. and the answer to that was decided by the Supreme Court of the United States, and never refuted, yes, we do.

So, I might add, the interesting question as propounded by my distinguished friend and colleague hardly disturbs the question of sovereignty under the Constitution or under any aspect or interpretation of the Constitution. The fact is, Senator LAXALT is absolutely right, the treaties make it abundantly clear that we have sovereignty, that Panama has waived all rights to sovereignty, and that it is lodged in us.

Mr. LAXALT. Since the Senator from Utah has demonstrated his expertise in the sovereignty and legal aspects of this treaty. for the purpose of the record will he indicate what in his opinion is the effect of the disclaimer of sovereignty in the Panamanians under the terms of the treaty?

Mr. HATCH. The effect is that they have turned over all rights and interest to the United States.

There was another misconception cited by our distinguished friend and colleague from Idaho, Senator CHURCH. He indicated we are paying an $250,000 lease payment, or $250,000 payment for the use of the Panamanian land. That just is not true. That payment was paid pursuant to the waiver of Panama's rights to the Panamanian Railroad.

They released all rights to us in that railroad, and we have made that payment ever since—which now amounts to $2.328 million—every year since, in payment of the waiver of those rights.

We paid $10 million for the Panamanian territory that we now have as unincorporated U.S. territory, which, if it were increased to present worth from the 1914 price, actually the 1903 price, it would be worth about $120 million today in today's dollars.

Mr. SARBANES. Mr. President, will the Senator from Utah yield on this point?

Mr. DOLE. Mr. President, the Senator from Kansas has the floor.

Mr. HATCH. I am happy to yield back to the Senator from Kansas.

Mr. SARBANES. Will the Senator indulge me one moment?

Mr. DOLE. One moment. The Senator from Kansas would like to make his statement. I did not want to interfere with the orderly debate. We are going to have several weeks to do it.

I am happy to yield briefly.

Mr. SARBANES. I want to go directly to an assertion that was made that the $250,000 payment commitment contained in the 1903 treaty was directed to the railroad only. Article XIV of the 1903 treaty says:

As the price or compensation for the rights, powers and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay the Republic of Panama the sum of ten million dollars ($10,000,000) in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of two hundred and fifty thousand dollars ($250,000) in like gold coin, beginning nine years after the date aforesaid.

The provisions of this Article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference of opinion under this Article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

So, I think the 1903 treaty is very clear, that that payment is for the rights, powers, and privileges and, of course, that refers back in part to article III, which deals with this question of the grant made by Panama to the United States of certain powers that we can exercise as if we were sovereign.

Mr. HATCH. I have mentioned that all historical precedents that I have read and that all of the record indicates that the payment was strictly for release of rights with regard to the Panamanian Railroad. I do not think our article XIV changes that nor the Senator's interpretation of it.

I am happy to yield back to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, will the Senator from Nevada yield?

Mr. LAXALT. No; I yield the floor to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas, Senator DOLE, is recognized.

Mr. DOLE. Mr. President, let me say at the outset that I think this is probably one of the most important foreign policy questions yet to come before the 95th Congress, and perhaps it is the most critical foreign policy issue of this decade.

The Senator from Kansas does not know how many votes there are for the treaties and how many votes are against. In my judgment, it is too close to call at this point.

Perhaps during this debate some will change their minds and some will change their positions. That is the way it should be.

It can be a very instructive and a very constructive debate. Certainly the Senator from Kansas wishes to be a part of that effort.

I would hope we do not fall into the trap of trying to bring up the treaties in reverse order, as is now being suggested by the Senate leadership, because it seems to this Senator we first must debate whether or not there is going to be a Panama Canal Treaty before we decide the second half of that agenda.

So I would suggest that the orderly procedure would be to take up the treaties as they were sent to the Senate by the President, as the distinguished Senator from Alabama pointed out this morning.

There is no doubt in the mind of this Senator that there is a great deal of interest in both of these treaties.

TREATY DISCUSSIONS

Last Friday, the President asked me to step into his office, and we discussed the treaties. On Sunday, President Ford called me long distance and we discussed the treaties. On Monday, Ambassador Strauss called me, and we discussed the treaties. On Tuesday, former Vice President Rockefeller called me, and we discussed the treaties. On Wednesday, today, former Secretary of State Henry Kissinger called me, and we discussed the treaties.

I think it is common knowledge that they are all of one view, that they support the treaties. I had a very fine visit with each of these distinguished Americans and certainly I do not quarrel with their view.

I do not have the same feelings on sovereignty as some in the Senate. My concern is, are these the best treaties? Are they good treaties? Good for Panama, yes, but are they good for us, America?

I guess everyone here has had a very difficult time deciding just what to do, and how to posture himself. and how to vote, because there are political implications to the votes on these treaties.

Let me say that when the Senator from Kansas heard that our negotiators had reached an agreement last August 10, I resolved, as I assume every other Member resolved, to try to come to grips with the real issues in a conscientious and impartial frame of mind.

I did not have any preconceived notions. I did not yet know all the details about the treaties.

I might add I had gone through the entire campaign as President Ford's running mate in 1976, and as far as I can recall was never asked about the Panama Canal treaties, even though they were the big issue between President Ford and Governor Reagan in securing the Republican Presidential nomination.

As far as I know, I was never asked by anyone from August 19 through the election what my views on the treaties would be. So I had no preconceived notions or any partisan commitments on the issue.

Some of us were asked to support the treaties before they were ever made public; but until the treaties were made public and released on September 7, like most other Senators, this Senator withheld his judgment.

Once they became available for inspection, it was our obligation as Senators to study the treaties, to adopt what we thought might be the best course. I knew of the political significance, and so I discussed it with many people in my State of Kansas. Many I did not have to discuss it with; they sent letter after letter, by the hundreds and by the thousands.

In December, I went to Panama with the distinguished Senator from Nevada (Mr. LAXALT). We had a visit with Omar Torrijos, the leader of Panama. We discussed the canal, and aspects of the canal treaties, with Canal Zone employees and military officers. I have also discussed them with State and local public officials, and other concerned citizens throughout the Nation in the past several months. I state that, so that those who might be interested will know that the process of reaching a decision is very difficult.

The objective approach of the Senator from Kansas toward this critical issue has been consistent. There were a number of unresolved points, as I read the proposed treaties. I recognize that the present 1903 Treaty is out of date in many respects. There is room for revision, but only in a responsible manner and to a practical degree.

So now we have the treaties before us, before the Senate of the United States, and it is our obligation as Senators to advise and consent, to give our best judgment, based not on partisan considerations but on what may be best for America and for Panama.

THESE TREATIES UNACCEPTABLE

I think all the arguments we will hear on this floor, whether they are for the treaties or against the treaties, would boil down to whether or not these are good treaties in the sense that they fully protect U.S. rights and interests. And are they the best treaties? Why not insist upon the best treaties that we can negotiate? Maybe they are the best. Maybe, after weeks and weeks of debate, the majority will determine that these are the best treaties.

I think, in the end, the ultimate question will be this: Would American interests be best served by Senate ratification, by a series of amendments, or by outright rejection of the treaties?

There is no doubt about it, the majority of Americans are still opposed to the treaties. The latest Gallup poll indicated it was very close, and that there may be a margin for these treaties if certain amendments were adopted.

However, I could not vote for the treaties as they were transmitted to the Senate. I do think a case can be made for updating the 1903 Panama Canal Treaty in a way that fully protects our rights as a nation, as well as the rights of Panama. I know that many opponents of these particular treaties, including Governor Reagan and others, have indicated they would be agreeable to some revisions in the traditional Panama Canal agreements. Like them, I do not reject out of hand the concept of a new bilateral treaty.

Frankly, though, I am disappointed with most of the decisions rendered by the Senate Foreign Relations Committee with regard to modification proposals set forth by this Senator and others. With the exception of the one amendment recommended by the committee, and originally proposed by this Senator last October, the committee rejected all other treaty amendment proposals. The committee's action leaves most of the basic concerns about these treaties unresolved. I know that I cannot support the treaties in the form recommended by the majority of the committee members, and I will actively oppose final ratification of the treaties in that form. And those are the crucial words: "in that form."

Regretably, many of my Senate colleagues, like administration spokesmen, seem more preoccupied with avoiding treaty renegotiations or a second Panamanian plebiscite than with correcting treaty defects. Treaty modifications, they suggest, spell disaster both for these treaties and for the foreign policy stature of this administration.

THE CASE FOR AMENDMENTS

I reject the suggestion that Senate amendments to these treaties would be equated with defeat of the treaties. Neither do I accept the view that treaty amendments would be a crushing blow to the President's ability to conduct our foreign policy in the months ahead. Instead, I think the enactment by this body of any other amendments ought to be viewed in its proper light: As a new stage in canal treaty negotiations. As the Senate performs its constitutionally designated advisory role to the President in this international treatymaking process, further talks with the Panamanians on critical points may be necessary and should be welcomed.

But let us not overdramatize the consequences. Amendment of the canal treaties will not spell disaster for this administration's foreign policy program, and it should not, for it is not accomplished in a narrow partisan sense, or as a vote of "no confidence" for the President.

If we do our work as we should do our work, and as I think every Member of this body will do his work, it will be viewed by most thinking Americans as a conscientious effort by this body to preserve what we see as nonnegotiable interests.

I have listened to the arguments by treaty proponents that Panama will not accept changes in these treaties. But let me pose this question: Do my colleagues truthfully believe that Panama will reject out-of-hand a treaty that was 13 years in the making, simply because we suggest a few changes? Do my colleagues suggest that the Torrijos government will turn its back on the one thing that promises to insure that regime's popularity and power for years to come?

From a practical standpoint, Panama's leaders are not likely to reject these treaties simply because we insist on a few alterations. No, I think they will find it in their interest to "keep talking" at the negotiating table, as General Torrijos himself indicated to me during my visit to Panama last December.

As I recall General Torrijos' statement, he said he did not want a year-around plebescite, that another plebescite would be fine but he did not want a year-around plebescite.

So I suggest that whatever the action we take in the Senate, that Senate action will simply amount to a new stage in the treaty negotiations. And this Senator, for one, would be willing to see negotiations resume and continue for a few more months if it meant protecting America's vital defense and economic interests. Realistically, I think that is an arrangement that both governments can live with.

PRECEDENTS FOR TREATY MODIFICATION

All of us recognize, of course, that the U.S. Constitution gives the Senate the express responsibility to "advise and consent" on international treaty proposals, and there is ample precedent for our amending treaties such as this one. During the course of this Nation's history, more than 70 U.S. treaties with other nations have gone into force with Senate amendments attached. I believe it is our solemn duty and responsibility, as guarantors of the public trust, to modify treaties when necessary.

Least of all should we be deterred by the fear of renegotiation. I cannot, after all, accept the proposition that immediate ratification of these treaties is more important than guaranteeing the security of the canal and of our national interests. It would be far better that we spend a few more months at the negotiating table, than that we spend the rest of our lives regreting our handling of the treaty issue.

My general concern with the two proposed treaties is the careless and imprecise manner in which they were drafted. It is the ambiguities, the loopholes, and the concessions which disturb me the most, particularly as they relate to American rights of defense and use of the canal. It appears that much of

this can be attributed to the undue haste in which they were concluded last year.

ADMINISTRATION CONCESSIONS DURING NEGOTIATIONS

Let us put one idea to rest right now: That is the misconception that these treaties have the weight of four presidential administrations in their favor. In fact, some of the major points of conflict which had been at issue for the past 12 years were suddenly "resolved" within the first 6 months of the Carter Administration. Previous administrations preferred no treaty at all to one which would involve unacceptable concessions. And that is to their credit. America has always taken a stand of principle over appeasement.

When one reviews the record of negotiations during the first 7 months of 1977, however, there is the unmistakable appearance of several important concessions made by the United States—A reflection of this administration's single-minded efforts to conclude a treaty by midyear. The administration's obsession in this regard was no secret, evidenced both by public statements and by the temporary 6-month appointment of a new chief negotiator in February of 1977.

According to information that has come to light in recent weeks, it appears that this administration made critical concessions regarding the duration of the initial treaty; regarding the prospect for a continued American military presence following treaty termination; regarding preferential rights of passage for U.S. warships during emergencies; and regarding unilateral U.S. rights to protect the permanent security and neutrality of the canal, these points have surfaced through public statements by officials involved in the negotiations, and through certain documents that have recently come to my attention. I will talk more about these points during forthcoming debate on treaty amendments.

There is no question that the Panamanian Government renewed its old demands with the advent of the new administration. There is no question that subsequent bargaining involved mutual concessions. Negotiations necessarily require a conciliatory attitude on the part of all parties. But the treaty concessions I have just cited involved vital security interests which should have remained nonnegotiable from our standpoint. Unfortunately, they did not.

As a result, we have treaty "assurances" which are wrapped in ambiguity, and meaningless rhetoric where there should be iron-clad guarantees. We even find ourselves locked into a commitment for the next 22 years not to build a new canal in any country other than Panama.

In retrospect, it seems evident there should not have been an effort to rush the final stage of negotiations. At present, there is no justification for rushing the final ratification process by our two governments. If we do, we will certainly end up with a treaty that we will regret the generations to come.

SPECIFIC CONCERNS ABOUT TREATIES

Many of my colleagues are concerned along with myself about the vague treaty assurances on future American rights to defend the neutrality of the canal, and to use the canal for our own national Defense purposes. Our misgivings were heightened by contradictory definitions of particular provisions, such as articles IV and VI of the neutrality treaty. One thing is by now very clear: the differences in American and Panamanian interpretations on these points were real—They were not just a matter of "semantics."

THE "SECRET CABLE" AND THE "UNDERSTANDING"

For weeks after the treaties were made public last year, the administration sought to gloss over the differences. When I directed the Senate's attention to a confidential State Department cable in October, however, the realities of the contradictions became apparent. One week later, the joint "Carter-Torrijos Statement of Understanding" was issued, with its text closely modeled after two amendments I had introduced on September 23. The "understanding" was a step in the right direction, but only a first step.

It seems clear that the joint statement of understanding was a direct result of legitimate concerns raised by the State Department cable I presented to the committee on October 5. When Ambassador Sol Linowitz appeared before the Senate Foreign Relations Committee on October 19, he admitted that—

> Had the issue not been raised here, sir, we don't think it would have been necessary to have this statement of understanding.

With all due humility, I do believe the State Department cable was the catalyst for action by both the committee and the President to clarify our defense and passage rights under the neutrality treaty. Despite criticism leveled at this Senator for releasing the cable—classified for "limited distribution"—I have never doubted that my decision was in the national interest. I believe, in retrospect, that it has served the Senate well in its consideration of the canal treaties.

THE AMENDMENT PROPOSAL

I do want to commend the members of the Foreign Relations Committee for having the good judgment and the foresight to endorse the proposal that the Carter-Torrijos understanding be made a part of the treaty itself. There has been a tremendous reversal in opinion on this point since I introduced treaty amendments Nos. 7 and 8 to that effect on October 17, just 3 days after the statement of understanding was issued. Senator ERNEST HOLLINGS introduced a similar proposal as amendment No. 9, and Senator LLOYD BENTSEN followed suit with amendments Nos. 13 and 14 last month.

For months following the issuance of the Carter-Torrijos statement, the administration resisted and belittled my contention that clarifications and guarantees need to be written into the treaties themselves. A letter from the State Department to the chairman of the Foreign Relations Committee last December maintained that an amendment of articles IV and VI of the Neutrality Treaty "is unnecessary from a legal standpoint, and extremely undesirable in terms of maintaining the overall agreement on the treaties reached with Panama—such a step would, moreover, seriously complicate the ratification process." That was the State Department's opinion in December of last year. Due to the persistence of this Senator and others, the administration reversed its position 6 weeks later and agreed to the treaty amendment now recommended by the Senate Foreign Relations Committee.

The Senate leadership now supports that amendment as well, and I guess with 77, 78, or 85 cosponsors, one could say chances for approval appear good. But the effort to approve these treaties does not end there.

The Senator from Kansas remembers when it was indicated that he was obstructing the treaty process by offering amendments numbered 7 and 8. I do not hear that now, when those amendments have become amendments numbered 20 and 21 by the leadership. I do not think we should characterize any other amendments that are offered by this Senator or any other Senator as obstructions until we have had a full debate. The American people understand that those of us who have amendments are concerned about our national interests, are concerned about Panamanian interests, and are concerned about getting the best possible treaties.

So we have made progress, but we have not yet reached the objective.

TREATY DEFECTS

The treaties do not yet merit the support of those who would insure the future security interests of the United States.

As the Senator from Kansas indicated, I am not so concerned about the sovereignty dilemma as some others. I am not hung up on whether the canal is sovereign territory or not, or whether we own it in a technical legal sense. I am more concerned about what happens after the year 2000. I am less concerned about from now to the year 2000. We will still have troops there. There will be a presence there. But what happens after the year 2000, after the initial treaty terminates?

For the immediate future, I am bothered by uncertain protections of the rights of U.S. Canal Zone employees, and by excessive payments guaranteed to Panama which will create pressures for higher canal tolls. Maybe it will not hit us for 4, 5, or 6 years, but it is coming. Everyone agrees it is coming.

I am concerned about maintaining U.S. discretion in selecting a site for a new sea-level canal, and about Panamanian progress in the observance of human rights, though I might say it appears they are doing better. They have made progress in the past year, but much remains to be done.

It is for these reasons that I seek to improve the treaty language by proposing specific amendments and reservations—not to obstruct the proceedings any more than I was trying to obstruct proceedings with amendments Nos. 7 and 8, which are now amendments Nos. 20 and 21, but as one who seeks assurance of the Nation's welfare.

On September 23 of last year, I proposed six amendments and two reserva-

tions to the proposed Panama Canal Treaty and Neutrality Treaty. Those proposals focused on specific problems including American defense and passage rights, payment guarantees for Panama, duration of the transition period, the transfer of U.S. property, human rights, and restrictions on construction of a new sea-level canal. Subsequently, I introduced five additional amendments on October 17, and January 19 of this year. All of them, I believe, go to the heart of the defects and omissions inherent in these treaties.

HEMISPHERIC INTERESTS

Mr. President, we recognize that there is widespread nationalistic support in Panama for regaining full control of the canal and Canal Zone. We also know that there is support for a "new canal arrangement" among many of the Central and Latin American governments. Our friends in this hemisphere should understand that we do value the continuation of our good relations with them. We do want to base our future relationships on a foundation of mutual interest and respect.

But despite all the administration's claims about widespread support for these treaties throughout Latin America, we know that those governments want us to act responsibly in guaranteeing the canal's future security. They want us to do what we can to assure the continuation of low toll rates, efficient operation, and adequate maintenance in the future. To do any less would be to betray their trust in our good judgment, and would betray their own interests in the use of the canal.

As recently as last June, the Organization of American States unanimously adopted a resolution opposing excessive increases in canal tolls. Yet, it is now well known that the payment guarantees for Panama contained within these treaty provisions will necessitate immediate toll increases of as much as 25 to 40 percent—a fact that is sure to concern Latin American countries that are heavy canal users.

Mr. President, this Senator categorically rejects any onus of guilt or remorse on the part of the United States for our involvement with the canal. This Senator rejects any notion that we owe any other nation or nations an apology for our role in building the canal, in operating and maintaining it for 65 years, and in thereby enhancing the standard of living for the people of Panama.

This Senator rejects as well any suggestion that we retreat due to fear of unknown consequences. The governments of all nations must understand that we do not relinquish our presence in the Canal Zone because of veiled threats or direct pressures. They must know, without question, that we reserve all rights to protect the security of the canal when it is threatened, and that we expect to continue to play a vital role throughout this hemisphere. Free, then, of any sense of guilt or intimidation, we should now proceed to thoroughly discuss these treaties in an objective and responsible manner. We owe no less to those we represent, who will be listening carefully in the days ahead, perhaps more carefully than ever before.

A LONG DEBATE

Mr. President, the Senator from Kansas suggests, as he did at the outset, that this will be a long debate. It will be a constructive debate. Minds will be changed. Senators who now are uncertain may find, in the course of the debate or in the course of some amendments which will be offered, a way to improve the treaties and make it possible for them to vote for the treaties with certain improvements that go to the heart of the matter; that is, protection of America's vital interests.

Oh, yes, we are concerned about Panama. We know they are a small country, we know of the problems they have. We know about General Torrijos. We know that he has problems. We know there are difficult decisions for the leader of that country to make.

We know it is important to President Carter and we want to help President Carter when we can. It seems to this Senator that one way to assist the President is to make certain that we protect the national interest. Perhaps in the next week or 2 weeks or 3 weeks, amendments will be offered that will appeal to 51 Senators. It only takes 51 to amend the treaties.

It seems to this Senator that one way to assure passage of the treaties, perhaps by a wide margin in this body, is to make certain that we give careful attention to some of the amendments which will be proposed.

I shall only say one more time that there are those who yelled "obstructionism," when this Senator introduced amendments Nos. 7 and 8. I find now that 78 Senators share my early view. I do not see anyone saying they are obstructionist. They say it is a positive step forward.

The leadership has embraced the amendments. They now claim them to be their own. That is fine. That is the prerogative of the leadership. And the Senator from Kansas may want to consponsor his amendments at the appropriate time.

But I think there has been proof demonstrated, by the fact that the leadership is embracing these amendments, that they know the treaties were vague and they knew the treaties were ambiguous. They knew the political dangers in ratifying the treaties in their original form. They told the President so very candidly. They told the American people. Now they are telling us.

I suggest to my distinguished friends, the majority leader and minority leader, that we share their responsibility. We share their concern. We hope that when we offer amendments, they will share our concern and they will share our responsibility, and they will understand that we offer the amendments in good faith, just as they offer amendments Nos. 20 and 21 in good faith.

This Senator has a feeling that there is going to be a big effort around here to get amendments Nos. 20 and 21 adopted and then claim victory and say it is all over. The Senator from Kansas does not believe that should happen. There is no doubt in my mind that amendments Nos. 20 and 21 will pass. But if we proceed as we should, by first considering the Panama Canal Treaty and trying to make improvements in the Panama Canal Treaty before we get to the second treaty concerning the permanent neutrality and operation of the Panama Canal, then I think we can end this debate with a great deal of harmony.

Perhaps at that point, there will be sufficient votes for passage of the treaties. If not, if there is an effort to beat down every amendment, or to adopt amendments Nos. 20 and 21 and say, this is it—these are the big ones, this clarifies the treaty, this is all we need—then I would suggest that the final vote is too close to call.

It seems to this Senator that there should be no fear of renegotiation. There should be no fear of upsetting General Torrijos. We should not concern ourselves with whether or not this is a plus or a minus for this administration or the former administration. We ought to concern ourselves with our responsibilities. I am certain we will. One of our responsibilities is to make certain that we have not overlooked something.

I commend the Senate Committee on Foreign Relations. They have worked hard. They heard many, many witnesses, as did the Committee on Armed Services. And I guess, after hearing all the witnesses and after knowing about amendments 20 and 21, the great majority decided that the treaties were no longer flawed. But this Senator does not buy that. We want to make certain these are the best possible treaties that can pass this body.

Mr. President, the Senator from Kansas will pledge his efforts to be constructive, to keep the debate at the highest level, to offer responsible amendments; and then hope that my colleagues, who may be wavering or may have ideas of their own, will be able to support those amendments.

I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that debate on the treaties today end at 6:30 p.m.

The PRESIDING OFFICER (Mr. ZORINSKY). Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, after speaking with scores of people, reading voluminous testimony, listening to arguments on all sides of the issue, and visiting firsthand the Republic of Panama and the Canal Zone, I am deeply convinced that the case for approval of these treaties is strong and convincing. The U.S. national interest depends upon the proper use and assured security of the canal, not upon its ownership. And our national interests will be far more secure when Panama and other Latin American nations are our genuine allies—willing and able to cooperate with us and committed to similar, mutually beneficial goals.

I have thought long and hard about this historic issue and this is the final balance sheet I have come up with:

What does the United States gain if we approve these treaties?

The benefits, as I see them, are:

First. These treaties will vastly improve the prospect that the Panama Canal will remain secure, safe, neutral, and open to our commercial and military ships—and the ships of all nations—for now and the indefinite future. Keeping the canal open must be our overriding consideration.

Second. We retain the right for priority passage of U.S. ships in time of emergency.

Third. We retain the right to defend the canal forever against any perceived threat from within or without.

We already have that right of defense. But these treaties make the canal more secure, more safe for a simple—but all too often overlooked—reason: Military hostilities inevitably inflict casualties, and damage on both sides. Even the victor suffers some punishment.

The best way to defend the canal against attack is to take steps to avert an attack in the first place. The best way to protect the canal against damage—even temporary damage and temporary shutdown—is to remove as far as is in our power political provocation that might incite an attack.

Approval of these treaties will remove provocation of an attack against the canal by local nationalists—the very kind of attack to which the canal is most vulnerable.

Without any doubt, American military might can defend the canal and recapture it if recapture is needed. But Vietnam should have taught us that we cannot guarantee the transit of commercial shipping through the canal if ships are subjected to guerrilla attack in passage.

We do not want the canal closed to commercial traffic for years because of guerrilla warfare in the jungles of Panama.

We do not want the canal closed to our naval vessels for days or weeks or possibly months because of guerrilla warfare in the jungles of Panama and damage that guerrillas might inflict upon the canal.

Fourth. Approval of these treaties will right what all of Latin America has for generations perceived as a wrong. Approval of these treaties will establish us as the good neighbor we have always claimed we wanted to be, but have never quite succeeded in persuading anyone we were.

Fifth. Approval of these treaties will improve our image and our relations with all the nations of the Third World who see in our armed presence in the Canal Zone a vestige of the detested colonialism that they rebelled against—the very colonialism we ourselves rebelled against in our own Revolution.

Some people look upon the canal as a symbol of American power and ingenuity. But the canal has also become a symbol of American colonialism in an era when colonialism is in rightful disrepute. It is time for us to desymbolize the Panama Canal.

Sixth. Finally I believe these treaties will improve our relations—political, military, and commercial—with all the nations of the world. Approval will show us to be a strong, self-confident nation capable of dealing fairly with a small, developing country.

It will demonstrate to the world that we have the real, inner strength of the truly powerful—not the false bravado of the frightened bully.

Now, what would the United States lose if the Senate rejects the treaties—or emasculates them with demeaning amendments that would compel the Panamanians to reject them out of national pride and self-respect?

First. We increase the odds for domestic unrest that could imperil the peaceful passage of our ships.

Second. We increase the chances of a takeover of the Panamanian Government by right-wing—or left-wing—forces, thus further jeopardizing the canal.

Third. We raise the cost to us—in dollars and cents—in having to defend the canal against a disillusioned and possibly hostile populace and worse yet, in human lives. That cost could far exceed any monetary loss in ceding the canal—and I am speaking of American lives and Panamanian lives.

Fourth. And finally we lose that "decent respect for the opinions of mankind" that motivated our Declaration of Independence 200 years ago.

Once again we are being called upon to show a "decent respect for the opinions of mankind." Let us live up to our heritage.

Mr. President, I yield the floor.

Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. I thank the Chair.

Mr. President, we are today setting the framework of this debate and we will get into many of the finite details as the days go on. So I would like to address myself to the framework within which I believe these treaties should both be recommended for ratification by the President, which is the practical procedure, and why it is in the highest national interest of the United States that this be done.

Mr. President, we do not live in isolation. We live in a time of history. In a real sense the United States in respect of the Panama Canal has been defying history, and those who defy history are condemned to relive it and reliving it may involve this country in such difficulties, including war, as to call for an acceptance rather than a rejection of these treaties.

Mr. President, I hasten to say immediately that we are not, I hope, and I certainly will not lend myself to that, going to simply say to every effort to amend or to make a reservation or to make a declaration, we cannot do that, we do not wish to negotiate these treaties again, the matter is laid at rest with the adoption of the two amendments which are recommended by the Foreign Relations Committee, and that is the end of that.

Of course, it will be my duty and it will be the duty of every other Senator to examine, as we did in the Foreign Relations Committee—of which I have the honor to be a member—every one of the amendments proposed by Senator DOLE or Senator LAXALT or any other Senator, with a view toward improving the position of the United States in respect of this very difficult situation, if we can.

However, Mr. President, I do not believe that it should be made an argument for these amendments and reservations that we intend to turn them all down simply because we do not want to contend with them. I do not believe we should be prejudiced either way. We should consider them, we should debate them, and we should vote them up or down, as we deem them to be in the best interests of the situation.

It is for this reason that I supported the two amendments which the Foreign Relations Committee has recommended, because I believe in what they call for—the absolute unilateral right of the United States, after the year 2000, to defend this canal with whatever means it took, and whether or not it was on the territory of the Republic of Panama, itself; second, that in case of need, the war and auxiliary vessels of the United States would be entitled, upon the unilateral determination of the United States, to traverse the canal with the first priority over every other vessel.

Mr. President, I did that because I believe that is what the treaty says, the Neutrality Treaty, in article IV, as to the right to unilaterally determine that the canal neutrality is endangered and in article VI as to the right for priority passage of our war vessels, in case of need, through the canal.

Mr. President, where there was such a very general view that these were the two critical matters in respect of the treaty that had to be crystal clear beyond construction or interpretation of any kind or character, and where the Panamanians themselves concur, through the statement made by President Carter and General Torrijos in that declaration, I saw no reason why we should not adopt it as an amendment or a reservation or a declaration, or whatever anybody wished.

In short, there is no use going out and looking for trouble in respect of these treaties, if, by taking this action, we satisfy those who had any doubts on the subject that there was no room for doubt. But that does not mean that that is an open license to try to get the treaty turned down or to try to get the treaty made impossible of implementation because of the number or nature of the amendments which are thrown up against it.

So, Mr. President, in my judgment it was right and proper to support these amendments, and I am a cosponsor of them, and I am proud to be. But I do not believe that they were essential, except insofar as reassurance was concerned to many Members who wanted these particular points made crystal clear.

For those reasons, I hope very much that the treaties will be adopted.

It is very critical that this matter be looked at down the long corridor of history. This should be and will be, if I can have anything to do with it, a critically important part of the debate, because we

are an anomaly in the world. The fact that the United States controls the Panama Canal with the exclusivity that it does is an anomaly in this world.

Indeed, the whole of international law, all international opinion, all the stirrings and risings of the developing nations of the world, are directed exactly the other way. The fact is, too, that our history here is not unbloody, and let us not shut our eyes to that. The fact is that in 1964, in a real fracas in the Panama Canal, in respect of the Panama Canal, on this very issue which we face here, as to how it should be operated and run and whether or not we should assert the sovereignty over it which many would like to impute to us, many lives were lost.

Mr. President, that is history. The fact is that there was a war in respect of the Suez Canal, a war in which the United States took a very heavy responsibility to call off the forces of its two principal allies in Europe, France and the United Kingdom, and the forces of Israel, because the United States, back then in 1956, subscribed to the proposition that colonialism, in whatever guise, was dead and that it was no longer possible in this world to hold on with that degree of control to the kind of property which the United States, if the opponents of these treaties have their way, has asserted in respect of the Panama Canal.

In that respect, I must say that I look with great concern upon assertions, as I have heard already on this floor and that have been made in the public debate, that the United States is paying the Panamanians for taking the canal off our hands. One of the most shocking elements of the canal performance has been the way in which we have dealt with Panama on the question of payment. The fact is that, in essence, we are still paying today at 1903 rates. The fact also is, notwithstanding many of the contentions which have been made about this issue, that the United States has practically paid out everything it invested in the canal.

Indeed, I quote now from the testimony of Under Secretary of the Treasury Solomon, at page 434 of the testimony on this subject, in which he says:

> The total financial flows to and from the canal from the Treasury since the very inception of the building of the canal resulted in a situation where we have received everything back excepting about $58 million.

That is a very great difference from the assertions that we are paying the Panamanians to take the canal off our hands.

Mr. President, the virtue of these treaties, which must be very seriously weighed in their favor, is this 23-year lapse on the part of the United States in turning over the control and the operation of the canal to the Panamanians. Twenty-three years—an almost unheard of period in affairs of this character. Twenty-three years that the United States can administer this canal, in a commission which is five-to-four United States, where the principal operating official until 1990 will be a U.S. national. That, it seems to me, is the absolutely clinching argument for the worth of these treaties. A quarter of a century to put this matter in shape and to put it in focus, and all the time relieving us of the responsibility for treating it as a colonial possession; and with a gradually developing and intelligent and maturing cooperation with the people and the Government of Panama.

Mr. President, I have no illusions about President Torrijos and how long he is going to be there, any more than I have illusions about President Carter and how long he is going to be there. The most he can be there will be 7 years, if he succeeds in being reelected. As to President Torrijos, we have no idea as to the duration of his term. But the canal will be there, and the people of the United States and the people of Panama will be there; and these are the interests and the relationships which are essential to keep inviolate.

Nothing in life is perfect. We cannot guarantee to the opponents of these treaties that there will be no trouble about the situation once these treaties are ratified and approved; nor can we make predictions—not the best experts who testified can make predictions beyond 1984 or 1985—about the financial situation which will involve the operation of the canal and whether it will continue to be economically viable.

But we have to compare, Mr. President, those eventualities as they would exist under the treaty with the eventualities which would exist absent the treaty. And Mr. President, absent the treaty what have you got? You have got the 1903 so-called Hay-Bunau-Varilla Treaty, an absolute paragon and model of gunboat diplomacy and the big stick which the United States consummated after the flush of victory in the Spanish-American War. That is what happened and, Mr. President, I would think it would be unanimous in the United States that that day is gone and gone forever, and yet our opponents would have us believe that it still persists and that in the absence of these treaties we can, I know we can, and everybody knows we can go back to this 1903 Teddy Roosevelt dictated treaty to a small people who just got their head above the ground, revolting against Colombia, a revolt which most historians attribute to the activities of the United States itself.

Mr. President, we are not living in a dream world and so we have to have treaties. There is no other way. And let us see then which are the best treaties for our country and for the peace of the Americas and for justice in the world.

I believe that the absolutely decisive factor—and I suppose I will be arguing the law on many things in this matter, the two-House approval and many other things, and that will come another day—but to me the basic reason for ratification is that we have a quarter of a century to learn to live intelligently and in friendship and amity in this new framework.

Mr. President, I have enough confidence in the sense of justice, decency, and fairness of the American people and in the need of the Panamanian people, which is clearly recognizable, to believe that that will give us an opportunity to establish for all time, so long as this canal is useful at all, a relationship between a very large and powerful country and a small and weak country which will be truly a model of modern times, and that is that might does not make right.

So I hope very much, Mr. President, that these treaties within that framework and within that spirit will be approved.

I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from New York yield to me?

Mr. JAVITS. I yield.

Mr. ROBERT C. BYRD. I wish to congratulate him on this statement. He indicated that there is no way that we can predict with certainty to assure the opponents of these treaties as to what the economic realities may be, in 1985 or a few years hence. Is it true that we cannot predict with certainty what those economic realities may be under the 1903 treaty?

Mr. JAVITS. Of course.

Mr. ROBERT C. BYRD. And is it also true that one cannot predict with certitude the economic realities that may exist 10 years hence with respect to any number of other matters, not just the Panama Canal subject itself?

Mr. JAVITS. There is no question about it, Mr. President, and Senator BYRD, it so happens that I spoke this very morning with deep feeling and with an enormous load of evidence on the danger that 1979–80 could face us with one of the most dangerous monetary and economic crises which we faced in the latter half of this century and so what we are trying to do is to be provident, and it seems to me that the best insurance policy for providence was this quarter of a century in which we learned how to make this work.

Mr. ROBERT C. BYRD. Yes; so we are faced with a myriad of uncertainties and we attempt to view the future not just with respect to the Panama Canal operations themselves, and whether or not we are operating 10 years hence under the 1903 treaty or under the new treaties.

Mr. JAVITS. Exactly, and the auspices of the new treaty according as it does in modern terms with the aspirations of small peoples—that is small in terms of their country and the economic, political, and diplomatic power of those countries—is just as day is to night compared to this 1903 treaty to which we would revert if these treaties were turned down.

I believe that we should simply judge them on whether they are the best thing to do, but we should not damn them because we do not make a lot of amendments if they do not need it. We do not have to invite trouble, and at the same time we should be perfectly willing to give every reassurance we can, without tearing down the structure of these treaties, as Senator BYRD and Senator BAKER propose to do.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from New York.

Mr. JAVITS. I thank the majority leader.

I yield the floor.

The PRESIDING OFFICER (Mr. HODGES). Senator CLARK from Iowa.

Mr. CLARK. Mr. President, much has already been made this afternoon about the issue of the real position of the Joint Chiefs of Staff of our military on the questions of the wisdom of these two treaties, and I think there will be a great deal made of it as the debate goes on because I think the American people and the Members of this body respect very greatly the views held by former members of the Joint Chiefs of Staff and present sitting members of the heads of various military components.

We took this question up in the Foreign Relations Committee in some detail, and I would like to read sections both contrary and favorable to the position that the Joint Chiefs were really speaking for themselves because this becomes a critical issue. Many of the people that I have talked to in my home State and in other parts of the country are concerned about whether in fact the United States and our defense posture is improved or not by these treaties. So if I might read from some of the hearings that dealt very specifically with this question—I am reading from the hearings of the Committee on Foreign Relations, part I, administration witnesses, page 155.

(Senator CLARK speaking now to the Joint Chiefs:)

Senator CLARK. Gentlemen, some of the most bitter critics of the treaty say that those of you in the Joint Chiefs of Staff and the higher ranks of the military command are supporting this treaty in fear of maintaining or enhancing your positions. They say that you are being intimidated. What is your response to these accusations?

General BROWN. Senator, I just turned to Secretary Brown to ask if he would mind if I made an unsolicited statement at some point to get this on the record. I thank you for your question. The rules are quite clear and I think understood by all of us that nobody, no senior officer in uniform will remain on active duty and publicly be critical of a Presidential decision. I, in my role as chairman, and other members of the Joint Chiefs of Staff will articulate as forcefully and as logically as we can the view the Joint Chiefs of Staff hold on issues of national security, but if the judgment goes against us as it does in many cases, there is nothing in the law that says the President has to accept our advice, but we have to give it.

We don't go public without leaving active duty first in doing so. However, the rules are also quite clear that in response to interrogation before a congressional committee that we answer fully and factually. The public record is quite clear where we have been in opposition to a Presidential decision. I can cite two cases. One, and I am sure this comes as no surprise, was the B-1. The second was in January, the Joint Chiefs of Staff urged that the President not plan to withdraw the 2nd U.S. Division from Korea unless three things were made part of that program. One was that the drawdown be done in such a manner that the military balance on the peninsula not be disturbed. Second, that we make public a pledge of our continued support of the Mutual Security Treaty with the Republic of Korea, and third, that we remain a Pacific power. Those three conditions the President accepted, and it became part of his program, at which point the Joint Chiefs of Staff endorsed the program.

So, it is wrong to say that in the case of the Panama Canal we are doing this only because a decision has been made. I have personally worked very diligently for 4 years to achieve these treaties with Ambassador Bunker and subsequently with Ambassador Linowitz also, and as we have testified, the key point that finally found its expression in a treaty of neutrality was conceived within the Defense Department. We have worked hard for this treaty because we feel it is right.

Senator CLARK. Admiral, do you concur in that view?

Admiral LONG. Senator Clark, let me first of all speak for Admiral Holloway, the Chief of Naval Operations; I probably have as close a relationship with him as any naval officer on active duty. I can assure you and this committee that he has had absolutely no pressure placed upon him to form a position that would be contrary to his own belief.

As I indicated earlier, this statement that I have presented to you this morning was personally written by Admiral Holloway. This was not something that was prepared for him by the staff; he personally wrote it.

I think that Admiral Holloway has indicated on several occasions before committees or the Congress where he has had personal views that were divergent to the administration, when queried. Having had the privilege of testifying before several committees of this Congress, I also am well aware of the necessity and the procedures by which a witness is required, and expected, to give his own personal views, if asked.

So, I would jusl like to assure you, sir, that there has been absolutely no pressure placed upon the Chief of Naval Operations to form this opinion.

Senator CLARK. General, as Commander of the Panama Canal Zone area, what is your own personal view with regard to the treaty?

General MCAULIFFE. Senator, my own personal view is completely consistent with my professional view. Let me say that somewhat similarly to General Brown. Over the past 2 years during which I have been the commander of the Southern Command and stationed in the Panama Canal Zone, I have worked with the Joint Chiefs of Staff and, of course, with our negotiating team, for a new treaty, and in order to assure that our defense requirements, as best I could assess them, now and in the future, were adequately and sufficiently taken care of. I can assure you that this is how I come down on this issue.

Senator CLARK. I think all three of you have been very direct in your answers and very strong. I think it is appropriate that you do that because we hear this accusation from time to time.

Of course, it is a very serious accusation and if it were true, it would mean that you were putting your own careers above the interests of the Nation; it would mean that your relationship with the President of the United States is more important than the national defense of the country from the highest military officials of this land. So that is a pretty serious charge. If it were true, then I think the national defense would not have much going for it in any case.

Secretary Brown, you look like you want to say something.

Secretary BROWN. Yes, Senator Clark. I would like to say something about this because I think perhaps my uniformed colleagues cannot say it. It is this. The kind of charge to which you are referring—which clearly you do not share since you are not personally expressing it—is an insult to our senior military officials. I believe it is not helpful to the debate, any more than it would be helpful to the debate if the proponents of the treaty were to question the motives, the integrity, or the honesty of those who oppose it.

Senator CLARK. That is exactly right.

The CHAIRMAN. Let me say that there is a rollcall vote on.

I am giving you all this because I do not want to be selective in terms of the debate as it goes on, because it becomes more controversial.

Senator GLENN. Would the Senator yield for a comment on that point?

Senator CLARK. I yield for a comment from Senator Glenn.

Senator GLENN. I might say to the witnesses that I think the memory of General Singlaub has not been forgotten in the halls of Congress yet, and I think that is what feeds into some of this. I think when we have four former CNO's who take exception to this and all those on active duty are unanimous in their opinions on the other side, it cannot help but raise serious questions. I have been leaning toward approval of this, so I do not speak as one opposed to the treaty. But I think it is very serious when we have Admirals Carney, Anderson, Burke, and Moorer speaking out in opposition to this and those on active duty directly opposing them because it raises a question as to what their motivation is and who is best motivated in this area, knowing what happened to a previous man who disagreed with the administration.

So, I think that does linger over this a little bit. I would hope that if anyone has any reservations about this they would certainly speak out.

That is what is behind some of the questions that Senator Clark has raised. I know it has been in my mind a bit, and I find this extreme unanimity of opinion on one side and the other side a little difficult to cope with.

Secretary BROWN. The unanimity of opponents is more presumed, than real, Senator Glenn.

Admiral Zumwalt, who also is a former Chief of Naval Operations, supports the treaty. He gets considerably less publicity.

Senator GLENN. I found it difficult to just dismiss four CNO's as old battleship admirals who no longer have a valuable contribution.

Secretary BROWN. I do not dismiss them, nor do I question their integrity or their honesty. I have some question about how well informed they may have been since they signed the letter before the texts of the treaties were available.

Senator GLENN. Perhaps we could prevail upon them to recant their previous sins now that they have seen the light.

And so on.

General BROWN. Senator Glenn, I would also like to comment upon this.

And he comments:

I would just like to make a comment on the Singlaub affair. I don't propose that it be reopened here, but I think it only fair to say it has been mentioned by the people with whom I have talked about this—and it has been brought up to me as I have traveled around the country—you are absolutely right in how they understand it. But they really misunderstand it. They fail to recognize one fundamental thing that we cannot have in a military organization if we are to have a disciplined military force responsive to proper authority. This is, that once a decision is made, you support it or you get out and contest it. You don't stay on active duty and contest it.

That is where I must draw the line.

Senator GLENN. General, I hope nothing I indicated was to the contrary. I spent 23

years in the Marine Corps and I am fully familiar with that and I agree with it completely. It is the only way we have to maintain a working military organization. If we ever lose that structure and lose that discipline, we will be through with our military structure in this country. So, I support that fully.

But where people have lined up so much on one side and the other on this with apparent unanimity of opinion, it did raise some questions in view of what has happened that I think are good to bring out at these hearings so that we can clarify them. That was my point.

The discussion at that point ends and goes on to another matter. I hesitate to read all of it into the RECORD at this point, except to say that it seems to me that the Joint Chiefs of Staff have made a very clear point, that simply being that in their judgment they are required by law, when appearing before a congressional committee, to give their honest views; and, indeed, they cite two examples in this testimony where they did precisely that, in the case of the withdrawal of troops in Korea, where they opposed the President's position until it was changed, and did so publicly, and in the case of the B–1 bomber, where they opposed the President's decision and did so publicly.

There is no good reason, it seems to me, to believe that if they are prepared to take a position in opposition to the Commander in Chief when asked and required to do so in accordance with the rules of both Houses of Congress, that they would decide not to do so in the case of the Canal Treaty if they absolutely felt it was not in the national defense interests of the United States.

(Mr. STONE assumed the Chair).

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Iowa yield?

Mr. CLARK. I yield.

Mr. ROBERT C. BYRD. I compliment the Senator for his reference to the support which has been expressed for the treaties by the chairman of the Joint Chiefs of Staff and the Joint Chiefs themselves.

These are the people who are currently responsible for the defense of this country, are they not?

Mr. CLARK. This is correct.

Mr. ROBERT C. BYRD. These are the men who currently have the duty—not yesterday, not a year ago, not just 2 years ago, but now—is that correct?

Mr. CLARK. This is correct.

Mr. ROBERT C. BYRD. Does the Senator consider this to be an important point which ought to be made for the record?

Mr. CLARK. I believe so.

Mr. ROBERT C. BYRD. In other words, the men who are responsible today, not 10 years ago, for planning for the defense and security of this country support these treaties.

Mr. CLARK. That is exactly right. And I believe the Senator makes a good point. I really do agree with what Secretary Brown said before the Senate Foreign Relations Committee. That is that it is an insult to these military leaders to say that somehow they are not interested in the highest defense interests of this country. I think they are testifying to their own integrity.

Mr. ROBERT C. BYRD. Or it impugns their patriotism.

Mr. CLARK. That is right.

Mr. ROBERT C. BYRD. I believe it is important that the Senator has stated, and it should be stressed, that the Joint Chiefs of Staff, the Chairman of the Joint Chiefs, the people who are responsible today—not those who were responsible 10 years ago perhaps—who under today's conditions, and looking forward to the future, are in support, unanimously in support, of these treaties. Am I correct?

Mr. CLARK. That is correct.

Mr. LAXALT. Will the Senator yield?

Mr. CLARK. I yield.

Mr. LAXALT. That may well be. I will not minimize the impact of having the endorsement of the existing and present Joint Chiefs. But is it not also true that the vast majority of the retired Joint Chiefs are in solid opposition to these treaties?

Mr. CLARK. Well, I do not have any count. I know that Admiral Zumwalt, of course, is in favor, but the others that I quoted are opposed.

Mr. LAXALT. Admittedly, they are not currently in charge. Admittedly, their information may not be as current or topical. But surely we here in the Senate, and the American people, have a right to observe and perhaps properly regard their opinions in this matter, is that correct?

Mr. CLARK. I think it is entirely correct.

Mr. LAXALT. I might point out, if the Senators are not already aware, that within the past few weeks there was a secret poll conducted of some 300 retired flag officers who had served previously in this part of the world. Of those polled, only six favored these treaties. I think in order to make the record complete it should be pointed out that to the extent indicated there is a shap division among the military people.

Mr. CLARK. I do not question that. Really, the point I wanted to make, and make very clearly, and which I think the testimony makes, is simply this: Those people who argue that the members of the Joint Chiefs of Staff really do not favor this treaty, that somehow they are only doing that because their Commander in Chief favors it, are doing a great disservice to them. I think they have made a great case here in pointing out illustrations of when they have opposed the Commander in Chief, the B–1 bomber being a recent example and the withdrawal of troops from Korea being another.

One can disagree honestly over the treaties, military officials, former and present, but my feeling is that the present Joint Chiefs of Staff are unanimous in their honest opinion that the proposed treaties will serve the national interests of the United States better than the existing treaties. I am only trying to deal with the question of their forthrightness and their honesty in coming to their position. Admirals Berg and Zumwalt, and others, I am sure, are equally forthright and honest in coming to their position.

Many people around the country, some in this city, have suggested from time to time that, in fact, the Joint Chiefs are not being entirely open and honest in giving their candid opinion. I agree with Secretary Brown and with their own comments I have read into the RECORD. I think they are honest about it and they are giving us their points of view. I would like to have that point well established. I am particularly pleased with the fact that the Senator from Nevada, I believe, shares that opinion. I yield the floor.

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. Under the unanimous-consent agreement which has been entered into, we only have 3 more minutes of debate tonight on this subject. I would like to comment on the statement that the Joint Chiefs say that the canal can better be defended under the proposed treaties than it could be defended under the existing treaties.

The signed agreements provide that as soon as the Panama Canal Treaty is agreed to, the bases of the United States in Panama immediately drop from 14 to 4, and that at the end of this century we pull out all of our troops.

I do not care if the Joint Chiefs have the military genius of Napoleon, to say that we can better defend the canal with 4 bases than 14, and that we can better defend the canal with no troops there after the end of this century than having 14 bases there, just does not make good sense.

Certainly, at the end of this century if we do go back in after we have withdrawn all of our troops, if we go back in to protect the neutrality of the canal, we have to go back in, in effect, as invaders. We would have to go in by amphibious landing or by dropping paratroopers. We do not know what effect that would have on some of our potential enemies around the globe. Russia or Cuba would take a dim view of our invading Panama for the purpose of defending the canal.

I do not care what the Joint Chiefs say, it does not make sense to say that we would better defend the canal with 4 bases than with 14, and that at the end of the century we could defend the canal better with no troops there than under our present arrangement in having 14 bases there.

Mr. ROBERT C. BYRD. Will the Senator yield for a question?

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. Is it not true that under the 1903 treaty, the United States has no legal right to complain if a foreign country sets up a military garrison in Panama today outside the Canal Zone; whereas, the treaties which are being debated, if ratified, would provide that no foreign power would be allowed to set up a military post or garrison anywhere in Panama? In that respect, the new treaties are a great improvement over the 1903 treaties. That is after the year 2000.

Mr. ALLEN. Yet the new treaty provides that we cannot intervene in the internal affairs of Panama, and Panama might be the very offender. They might be the person or the country that was

forbidding us to use the canal. They might be the barrier; they might be the enemy. But we pledge that under no circumstances will we come in and interfere with the internal affairs of Panama.

Certainly, if they were forbidding our use of the canal, if we moved in to force our right to use the canal, that would be interferring with the internal affairs of Panama.

Mr. President, inasmuch as the allotted time has expired, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, article V of the Neutrality Treaty provides—and it is very brief—in the following sentence:

After the termination of the Panama Canal Treaty, only the Republic of Panama shall operate the canal and maintain military forces defense sites and military installations within its national territory.

Under the 1903 treaty, Mr. President, this protection is not provided. Any foreign power can, at this point or after the year 2000, station a military garrison in Panama and the United States would have no legal right to complain as long as that garrison were located outside the Panama Canal Zone.

The PRESIDING OFFICER. The Chair must rule that, pursuant to the previous order, the debate on the Panama Canal treaties will now terminate, the hour of 6:30 having arrived.

Mr. ROBERT C. BYRD. Mr. President, I congratulate Members of the Senate, who have carried on a very instructional debate. I commend them, both those who have presented views in support of and those who have presented views in opposition to the treaties.

ADDITIONAL STATEMENTS SUBMITTED

Mr. McGOVERN. Mr. President, I was pleased and proud to note that the January 4–7 issue of the Christian Century contained one of the best discussions I have yet seen on the Panama Canal treaties. The article was written by the president of Dakota Wesleyan University, Dr. Donald Messer, of Mitchell, S. Dak.

Dr. Messer was among a number of Americans who spent a day in Washington in November receiving briefings on the treaties from President Carter and other administration officials. In my view he has performed a real service to the country by collecting the most pertinent facts from those sessions, combining them with imaginative arguments of his own, and setting them forth for a wider audience in a highly readable form.

He addresses with particular cogency the question whether these treaties represent a retreat by the United States. Dr. Messer writes:

Actually, the opposite can be argued; it is evidence of a nation's greatness when it can live in peace and partnership with its neighbors. Gunboat-diplomacy days are long gone; the U.S. promotes the self-determination and development of nations, unlike the communists in eastern Europe who continue to practice a form of colonialism.

Mr. President, because I believe it will be of interest and help to my colleagues as we approach the debates on the Panama Canal treaties, I ask unanimous consent that the article I have described, entitled "Panama Canal Treaties: Answering Questions on Main-Street America," be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PANAMA CANAL TREATIES: ANSWERING QUESTIONS ON MAIN STREET AMERICA

(By Donald E. Messer)

Almost unnoticed in the wake of the world drama of Egyptian President Anwar Sadat's journey to Jerusalem was a mobilization meeting on Friday November 18 of grass-roots American citizens concerned with peace in the western hemisphere. Summoned to meet President Jimmy Carter at the White House, over 1,000 leaders, Democrats and Republicans from every part of the United States, spent a day being briefed on the Panama Canal treaties. Almost unprecedented, at least in recent times, is the degree of presidential prestige and persuasion being applied in the interests of treaty ratification.

Prompting Carter's effort in the realization that the treaties are in jeopardy: the majority of Americans are opposed to them, and treaty opponents have launched a well-financed campaign to exploit this sentiment. Republicans particularly are being subjected to a political litmus test of true conservatism. While Ronald Reagan is the best-known spokesman for this perspective, members of the American Conservative Union have for some months been carrying on a highly organized crusade, sponsoring petitions, speaking on radio/TV talk shows, producing mass mailings, and generating antitreaty letters and petitions to Congress.

The White House Conference was directed by a bipartisan group called the Committee of Americans for the Canal Treaties (COACT), headed by Averill Harriman and former Senate minority leader Hugh Scott. Speakers defending the treaties included Vice-President Walter Mondale; former Secretary of State Henry Kissinger; Sol M. Linowitz, U.S. treaty negotiator (with Ellsworth Bunker); Secretary of the Navy W. Graham Claytor, Jr.; and Ambassador Henry Cabot Lodge.

In welcoming his White House guests, Carter asked for help, noting that supporters "will not be received with gratitude" when they defend the treaties, for they are "not yet popular." What an understatement from a man noted for hyperbole! In South Dakota one high school poll showed 90 percent of students opposed, with the other 10 percent saying it was OK to "give [the canal] away." A recent New York Times/CBS nationwide poll revealed that 29 per cent approved, 49 per cent disapproved, and 22 per cent had no opinion.

NEEDED: A CLIMATE OF PUBLIC UNDERSTANDING

Evidence suggests, however, that the American people could be persuaded to change their minds, if they were to receive accurate information regarding the treaties. Many conscientious citizens on main-street America, though initially opposed to the treaties, are open to hearing new information. People are confused, victims of a jingoistic third-grade educational past, an emotional antitreaty campaign, and the failure of political, civic, church and educational leaders to address their doubts and concerns. When the Times/CBS poll put the question differently, asking respondents if they would support ratification if it were certain "that the United States could always send in troops to keep the canal open to ships of all nations," then 63 per cent approved, 24 per cent disapproved, and 13 per cent had no opinion. Ironically, the treaties do give America precisely that right of military intervention, but the American people don't know it.

Mere passage of the Panama treaties is insufficient. A climate of public understanding is critically needed. Indications are that two-thirds of the Senate can be persuaded but that many need "home" support. Pushing through to passage with only minority public support could have negative consequences in the long run. The political alienation fostered by the Vietnam war, Watergate and Koreagate would deepen. More critical would be the undermining of President Carter's ability to conduct the foreign affairs of this nation with authority and confidence. The public needs to understand and approve the Panama Canal treaties: otherwise, efforts toward a new SALT pact or negotiations in South Africa or the Mideast could be severely weakened.

Now, for the first time since the 1960s civil rights movement, church people have an opportunity to join with the administration in a bipartisan political and educational effort to influence a policy decision for peace and goodwill in the western hemisphere. The Senate vote is expected by the end of March 1978. In the next few weeks, grass-roots Americans must speak out.

AMERICA'S INVOLVEMENT IN PANAMA

Even the simplest recitation of the history of America's involvement in Panama will provide more information than most Americans remember. Few have given the matter consistent, thoughtful attention, yet now most feel emotionally involved. Capturing this mood was a recent cartoon of two men, one saying: "I don't know what is the matter with me. For 30 years I never thought about the Panama Canal and now I can't live without it." These widespread feelings are what opponents are accenting, believing that this is "one of those few issues that come along every ten or fifteen years in which a politician can make or break himself with one vote" (Richard A. Viguerie, quoted in "The New Activists," Newsweek, November 7, 1977, p. 41).

Most Americans are surprised to learn the circumstances and details of the original Panama Canal treaty. The facts of our involvement stand in sharp contrast to our historic ideals and our commitment to international justice, fair play and the self-determination of peoples.

It was the French who first attempted to build a canal across the Isthmus of Panama to give ships a more direct route between the Atlantic and Pacific Oceans. The French company went bankrupt, and Philippe-Bunau-Varilla, a French stockholder, approached the United States government in 1903. Recognizing the commercial and military value of a shortcut linking the Atlantic and the Pacific, the United States approached the government of Colombia and offered a treaty that would give the U.S. 100-year use of a six-mile swath of land through the province of Panama in exchange for $10 million and $250,000 annual rent. The Colombian legislature refused, arguing that the proposal was unreasonable.

The province was ripe for revolution. With American foreknowledge, if not assistance from military ships offshore, the Panamanians declared their independence and new nationhood. Three days later the United States recognized the new government and 12 days later signed a treaty for building a canal and creating a special zone. No Panamanians were even present; the treaty was signed by the Frenchman, Bunau-Varilla, who benefited significantly when the U.S. purchased his assets.

From the beginning the fairness of the treaty has been questionable. The offer rejected by the Colombians was far better than the agreement the Panamanians accepted. Rather than for a term of 100 years, the U.S. would hold the strip of land in "perpetuity"; not six miles but ten miles would be carved out of the center of their country. And "all the rights, power, and authority"

were given to the U.S. as "if it were the sovereign of the territory." A new nation, which owed its independence to America's military might, and had no bargaining power; it had to sign. Secretary of State John Hay, who signed for the United States, later wrote a U.S. Senator that it was "vastly advantageous to the United States, and we must confess, with what face we can muster, not so advantageous to Panama. . . . You and I know too well how many points there are in this treaty to which a Panamanian patriot could object" (quoted in *Panama Canal: The New Treaties* [Department of State, 1977], publication 8924, p. 5).

The construction of the canal fired America's imagination. From 1904 to 1914 America's spirit and technological know-how were pitted against enormous problems of topography, jungle disease and other hardships. It was "our moonshot of the early 1900s," according to Sol Linowitz. Built and run not for a profit but as a public service to the world, the canal has benefited ships of every nation.

Over the years minor treaty adjustments have been made, including an increase in the yearly payment to Panama to $2.3 million. Especially irritating to Panamanians, however, was the Canal Zone—the "little America"—in the heart of their country.

Actually it surprises many main-street Americans to learn of this colonial strip of land, ten miles wide and 51 miles long. Just ask how they would like for their state to be divided in two, with 10,000 foreign troops and eight military bases occupying a strip down the middle. This simple exercise in "walking in another's moccasins" helps one imaginatively to see the issue as the Panamanian people see it (cf. " 'Bought and Paid For'? A Historical Look at the Panama Canal Issue," by Raymond K. DeHainaut, Christian Century, July 7–14, 1976, pp. 629–631).

This anticolonial resentment exploded in 1964, resulting in the deaths of 24 people (20 Panamanians and four Americans). President Lyndon Johnson, after consultation with Presidents Truman and Eisenhower, began negotiations for a new treaty which finally reached fruition in 1977. Though Carter signed for the United States, the document really represents the bipartisan diplomacy of the past seven presidents. As former Secretary of State Henry Kissinger says, "*If* only two more states had voted differently, it would have been the Ford-Kissinger treaty."

PROVISIONS OF THE TWO NEW TREATIES

Technically there are two treaties: one called the "Panama Canal Treaty" and the other the "Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal." Interrelated, both need ratification by a two-thirds vote of the United States Senate.

The "Panama Canal Treaty" terminates and supersedes previous treaties and defines how the canal is to be operated and defended until the year 2000. Briefly, six provisions can be outlined: *First*, it is agreed that the United States will have prime responsibility for defense and canal operations until 2000, with increasing Panamanian participation during this time. Right now, 70 per cent of the canal work force is Panamanian, so transition should not be difficult. *Second*, in three years the Canal Zone will cease to exist and Panama will assume general jurisdiction. The U.S. retains its military bases until 2000.

Third, the canal will be operated by an American governmental agency, the Panama Canal Commission, made up of five Americans and four Panamanians, until the end of the century. The U.S. thus sets the rate of tolls for the next 22 years. Fourth, there are extensive provisions protecting the security and rights of current U.S. employees.

Fifth, Panama and the U.S. agree to study the desirability and feasibility of putting a new canal through Panama. A new sea-level canal (in contrast to the current one utilizing a complicated lock system) would be easier to defend militarily and would permit passage of larger ships. The U.S. will not attempt to build a canal in another Latin nation, and Panama has agreed not to construct a canal with the help of another country.

Sixth, Panama will immediately begin to receive more money from its most important economic asset, the canal. It will receive 30 cents per Panama Canal ton. Depending on traffic, this figure could total $40 to $50 million yearly. Additionally, an annuity of $10 million is guaranteed, and up to another $10 million is possible if revenues permit. All of this money comes from canal operating revenues, not from congressional appropriations.

The "Neutrality Treaty" is what its name suggests; it ensures that the canal "shall be permanently neutral"—open to commercial and naval vessels, without discrimination as to conditions or tolls. In time of national need, the "vessels of war and auxiliary vessels" of both the U.S. and Panama are "entitled to transit the Canal expeditiously."

Contrary to popular main-street American understanding, the treaty does provide that the United States has a right to intervene militarily after the year 2000 to ensure the canal's neutrality and the passage of America's warships. Controversy over whether Panama and the U.S. concurred in this interpretation resulted in a return visit to Washington this fall on the part of Panama's president, General Omar Torrijos. Since Carter and Torrijos issued a joint communique, affirming America's right to intervene militarily and "in case of need or emergency to go to the head of the line," this controversy has subsided somewhat.

Outlining a brief history and explicating the basic provisions of the treaties will resolve numerous queries. Yet most Americans are seeking an agenda of answers to their own questions and those raised by the vocal and active opponents of ratification. What follows are answers to typical questions being posed by main-street Americans today. No listing can be complete, but basically there are four types of concerns—those relating to sovereignty, costs, security and the American spirit.

1. "Why should we give away what is ours?" There are many variations on this "bought and paid for" or "giving back Alaska and the Louisiana Territory" argument. Some congressmen have even joined in a lawsuit against the president, contending that the treaties are "an unconstitutional giveaway of U.S. territory." Columnist Peter Reich of the Chicago Tribune suggests that next we will have to "show the Russians our good faith by turning Alaska back to them."

Sovereignty is the critical question—the U.S. has never owned or held title to the Panamanian land. The original treaty gave America "rights, power, and authority" as "if it were the sovereign of the territory." We bought Alaska in 1867 and the Louisiana Territory in 1803; in those cases there is no doubt as to our sovereignty. Even John Foster Dulles, Eisenhower's secretary of state, acknowledged in the United Nations that Panama never relinquished sovereignty over its land. A child born to non-American parents in the Zone has never been granted American citizenship. These slogans for sovereignty are not based in historical/legal fact or practices.

Gradually turning over the operation of the Zone and the canal to Panama certainly falls within the best traditions and ideals of America. As an enemy of colonialism and champion of freedom, the U.S. voluntarily gave freedom to the Philippines in 1946 and refused to occupy its defeated enemies Japan and Germany. The rights of longtime friend Panama must likewise be respected.

THE BOTTOM LINE

2. "Shouldn't Panama give us money, instead of America paying Panama?" Related are rumors of secret money deals and fears of another "rip-off" of American taxpayers.

To the various questions of cost, at least five responses can be given. First, America can be proud that it has never operated the canal to make money. Our interests has been to ensure that it remain open for us, not that it be a source of profit. America's initial investment has already been repaid many times over as our economy and our nation have grown.

Second, payments for Panama will come from the tolls charged, not from the American taxpayer. No new congressional appropriations are required. From 1914 to 1977 the tolls have increased only from $1.20 to $1.29 per Panama Canal ton. A 20 to 25 per cent increase in tolls is obviously inevitable and justifiable.

Third, increased tolls will have little if any effect on the American economy. The canal itself is obsolete for our larger vessels. Only about 4 to 7 per cent of our trade goes through the canal. The mechanism of the market is the best protection against future unreasonable rates; Panama wants to attract canal traffic, not discourage it. As someone has noted, if the canal were to close for any reason—sabotage, mismanagement, disaster or whatever—America's economy would hardly feel a tremor while Panama's would experience "an earthquake of a proportion no Richter scale could measure."

Fourth, Panama will receive increased loans from the United States, all to be repaid with interest. Apart from the treaties, America has agreed to stimulate further the national development of Panama by providing assistance via four international programs already existing and requiring no new funding. In the next five years Panama will get approximately $295 million, all in loans to be repaid with interest. Along with making available military credits totaling $50 million over a ten-year period, the purpose is to help Panama be more self-sufficient.

Fifth, it should be noted that it is Panama that could justify crying "rip-off" over all these years. The $2.3 million received annually by Panama's 1.5 million people from the tolls for the use of the canal and Zone amounts to about $6 per acre—hardly a fair price, especially when we remember that America pays rent to its allies around the world for the use of land for military purposes. Spain is getting $685 million during a five-year period; Greece, $700 million for four years. Turkey and the Philippines have been talking in terms of $1 billion for four years. What Panama will receive under the new treaties seems small indeed, when compared with other arrangements, the value of the canal, and the fact that the U.S. will continue to operate at least eight military bases there.

THE BEST DEFENSE

3. "Isn't America's national security endangered by these treaties?" Critics say that the "communists" may take over the canal; during war our enemies will use it; the Panamanians will sabotage it; Torrijos is pro-Marxist and can't be trusted.

The primary way to address these concerns is to point out that America's top military leaders unanimously support the new treaties. Prior approval was received from the Joint Chiefs of Staff and the Department of Defense before any provisions were inserted in the treaties. The chairman of the Joint Chiefs, General George S. Brown, asserts: "Our capability to defend the Panama Canal will be enhanced through cooperation with the government of Panama. I have per-

sonally worked very diligently for four years to achieve these treaties. We have worked hard for these treaties because we feel they are right." Apparently nothing angers the chiefs more than the claims of opponents that they really don't favor the treaties but must follow Carter's line. (Don't forget that these men advocated the B–1 bomber, though Carter opposed it.) For conservative senators to impugn the integrity of generals is really a switch!

Knowledgeable Panamanian observers report that communism has no popular base of support in that country and that Torrijos is no Marxist. Ratification would take away the most compelling communist argument: that America will not peacefully turn over the canal and Zone. Further, Panama could not invite Cuba or Russia to operate the canal or to establish military bases, since the Panama Canal Treaty provides that the U.S. can be the only foreign power with military bases in Panama until year 2000. After that date, the Neutrality Treaty specifies that only Panama can operate the canal and maintain military bases within its border. If neutrality is threatened, America can intervene militarily.

Fears that enemy warships would benefit from these "neutrality" provisions are not shared by America's military leaders. During World War II, Germany and Japan technically could have used the canal. According to Navy Secretary W. Graham Claytor, Jr., if an enemy ship tried using the canal during war, it would be destroyed before it got within three miles of the entrance. If somehow it got to the canal, the U.S. would carefully ensure its passage—then blow it up three miles out to sea!

What alarms American military leaders is not external threat but internal sabotage. Probably the canal is defensible, but General Brown predicts that it would take 100,000 troops to fight in a jungle environment worse than Vietnam. Even if General Torrijos or his successor wanted to avoid violence and sabotage, "Yankee colonialism" is so deeply resented that the war would be endless as guerrilla fighters would come from all of Latin America. As Henry Kissinger told that grass-roots gathering in Washington, D.C.: "Whatever we think, the 1903 treaty is not viewed anywhere in the world as equitable and just. We wouldn't stand a similar arrangement in our country."

Failure to ratify could have grave ramifications. Ratification would be the best defense, drastically reducing anti-Americanism in the hemisphere and making Panamanians responsible for operating and defending their own major economic resource.

AMERICAN IDEALS

4. "Shouldn't the United States quit retreating and take a strong stand in Panama?" This "spirit of America" question emphasizes America's need to show the world who's boss and the importance of not yielding to blackmail or negotiating under duress. Underneath is a fear that Panama will not stick to the terms of the treaties.

Many main-street Americans see the Panama treaties as evidence of this country's weakness abroad. Actually, the opposite can be argued; it is evidence of a nation's greatness when it can live in peace and partnership with its neighbors. Gunboat-diplomacy days are long gone; the U.S. promotes the self-determination and development of nations, unlike the communists in eastern Europe who continue to practice a form of colonialism.

The treaty negotiations went on for 13 years; the Panamanians displayed more patience than pressure. During this period no violence or sabotage occurred, though our military leaders say that sabotage would not have been difficult. It is said, for example, that a worker's lunchpail could hold enough explosives to create a sudden break in a dam or lock system; it would require two years' time for the system to refill with water.

No one can be sure that Panama won't try to abrogate these treaties at a later date. Unlike the 1903 pact, however, these documents were negotiated freely without the pressures of time, conflict or gunboat diplomacy. Since they were freely agreed to and signed in the presence of almost all the western hemispheric leaders, they have a political, moral and legal force that was lacking in 1903.

Furthermore, on October 23, 1977, in a free election, the Panamanians by a two-thirds vote supported these treaties. The one-third who voted against the treaties represent various political positions, but according to two American election observers, there is "near national unanimity that the time has come for Panama to begin taking responsibility for the Canal" (unpublished "Article on Panama Plebiscite," by Donald G. Herzberg and Timothy S. Healy, Georgetown University).

The U.S. got what it wanted out of the new treaties: an open, neutral, accessible canal—just what we have now. The "spirit of America" is best expressed when we act according to our ideals, demonstrating that America is strong and self-confident enough to act with fairness and justice toward smaller countries.

For many, John Wayne epitomizes America's patriotism, if not its "macho" pride. On Main Street, where treaty support is often thought to be limited to "bleeding heart liberals," it is sometimes effective to respond to emotion by quoting one of Middle America's heroes. The "Duke" has said:

I have carefully studied the treaties, and I support them on the basis of my belief that America always looks to the future and that our people have demonstrated qualities of justice and reason for 200 years. That attitude has made our country a great nation. The new treaties modernize an outmoded relationship with a friendly and hospitable country. They also solve an international question with our other Latin American neighbors. Finally, the treaties protect and legitimize fundamental interests of our country" ["Treaty Support From—Yes—'The Duke,'" Washington Post, October 25, 1977].

A TIME TO ACT

Ratification of the treaties is endangered by an "unholy trinity" of forces. A right-wing opposition campaign is clear-cut and well-financed, with full-time staff working in some states. From these opponents people who speak out for the treaties can expect pressure, mailings and even "labeling." The second force is the left wing, much less vocal and surely less organized. This group regards the treaties as being much too pro-American, manifesting an updated style of military colonialism designed to protect this country's economic and political domination of Panama and the region.

Completing this "unholy trinity" are the apathetic Americans who have not taken a thoughtful public stance. Until recently I could be counted in this category—basically supportive but with some questions and reservations, not raising my voice in public or writing to my senators and local editors. Conscientious but puzzled main-street Americans are not getting help from local leaders. This widespread apathy could lead not only to rejection of the treaties but to a strengthening of the "new right" in American politics, the defeat of some outstanding political leaders of both parties in the 1978 elections, and an undermining of the president's ability to conduct an effective foreign policy.

Some "wild tongues" are at work on main-street middle America, and we need to hear again Franklin Littell's warning: "At the last judgment the balcony-sitter may plead, 'I never harmed a fly.' But the Judge will say, 'The fly that you never harmed carried the plague to million'" (*Wild Tongues: A Handbook of Social Pathology* [Macmillan, 1969], p. 125). Now is the time for each of us to speak out for the treaties, acting preventively for peace to avoid a "plague" of violence and war for millions in the western hemisphere.

Better yet would be for America to act not out of fear of coming catastrophe, but out of a higher patriotism and idealism that reflect the goodness of our people and our commitment to international justice.

Mr. CANNON. Mr. President, I ask unanimous consent to have printed in the RECORD a joint statement concerning jurisdiction of the Committee on Commerce, Science, and Transportation in the Panama Canal matter.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF SENATORS HOWARD W. CANNON AND JAMES B. PEARSON RE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION JURISDICTION OVER THE PANAMA CANAL

As Chairman and Ranking Minority Member of the Committee on Commerce, Science, and Transportation, we would like to clarify for the record the jurisdiction of the Committee over the Panama Canal on the eve of the Senate's consideration of new treaties with the Republic of Panama which will determine the future of the Canal.

Under Rule XXV, Section 1(f)(1)12 of the Standing Rules of the Senate, the Commerce Committee has jurisdiction over "all proposed legislation, messages, petitions, memorials and other matters relating to the . . ."

"Panama Canal and interoceanic canals generally, except as provided in subparagraph (c)."

Under Subparagraph (c) of Rule XXV, Section 1, the Committee on Armed Services has jurisdiction over all proposed legislation, messages, petitions, memorials and other matters relating to the "maintenance and operation of the Panama Canal, including administration, sanitation and government of the Canal Zone."

Although the Committee on Commerce, Science and Transportation does not assert specific jurisdiction over the particular treaties which are now before the Senate, the Committee has followed their consideration by both the Foreign Relations Committee and Armed Services Committee through its own Members' participation on those Committees, and will discharge its jurisdictional responsibilities as future developments may require, including a careful review of any legislation proposed to implement the treaties.

A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE PANAMA TREATIES—PART I: THE PANAMA CANAL TREATY

Mr. HELMS. Mr. President, the full magnitude of the impact of the Panama Canal Treaty does not become clear until one studies the treaty, line by line, and compares it with our present status. Those who support the treaty assert that our present status has become untenable as a result of discontent among the Panamanian people. In itself, such an

assertion is a judgment about future events. It may be valid and it may not. It cannot be proven. It is only a judgment.

Our task here, therefore, is to examine such judgments. They must be compared with another judgment: Whether the treaty, along with the Neutrality Treaty, will provide the basis for a sound working relationship with the Panamanian people. In other words, we must judge the treaty not only against our present status, but also against the goals proclaimed by the negotiators of the treaty itself.

In order to assist Senators in this task, I have prepared a side-by-side analysis presenting the text of the treaty, the way it changes our present status, and the way in which the treaty measures up to its own goals.

Mr. President, I ask unanimous consent that this analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY

(By Senator JESSE HELMS)

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
The United States of America and the Republic of Panama,	The U.S. Supreme Court has consistently treated the Canal Zone as a "possession" of the United States and as U.S. territory. All laws passed by Congress have conformed to these decisions and to Congressional authority pursuant to Article IV, Section 3 of the U.S. Constitution. Panamanian laws, executive acts, and court decisions have likewise treated the territory as a "cession". The 1903 treaty entirely excludes Panama from exercising any sovereign rights, power, or authority over the Zone.	Bilateral action fails to recognize the deep and vital interests of other Latin American nations and Canal users.
Acting in the spirit of the Joint Declaration of April 3, 1964, by the Representatives of the Governments of the United States of America and the Republic of Panama, and of the Joint Statement of Principles of February 7, 1974, initialed by the Secretary of State of the United States of America and the Foreign Minister of the Republic of Panama, and		Neither document has any validity as the basis for the disposal of U.S. territory and property under Article IV, Section 3 of the Constitution, which requires Congress to authorize such disposal. The Joint Statement of February 7, 1974, was not submitted to Congress.
Acknowledging the Republic of Panama's sovereignty over its territory,		The phrase "Panama's sovereignty over its territory" implies that all previous legislative enactments relating to the Canal Zone were illegal and opens the door to chastic claims, e.g., Panama's present assertions that all those ever born in the Canal Zone are Panamanians, or at least "dual citizens" subject to Panamanian law. This last claim would apply to about 25% of the present U.S. work force and to about 80–90% of their children.
Have decided to terminate the prior Treaties pertaining to the Panama Canal and to conclude a new Treaty to serve as the basis for a new relationship between them and, accordingly, have agreed upon the following:		
Article I	*Article I*	*Article I*
Abrogation of prior treaties and establishment of a new relationship		
1. Upon its entry into force, this Treaty terminates and supersedes:	1. Since the Canal Zone was a cessation of territory it continues to be U.S. territory even with the abrogation of the 1903, 1936, and 1955 Treaties. The abrogation merely relieves us of making payments to Panama, and strips us of certain rights of entry through Panama territory, i.e., outside the Zone.	1. By implication, all of the jurisdiction which Panama receives under this treaty will be jurisdiction over U.S. territory, since the treaty fails to make explicit transfer of the U.S. territory involved.
(a) The Isthmian Canal Convention between the United States of America and the Republic of Panama, signed at Washington, November 18, 1903;		
(b) The Treaty of Friendship and Cooperation signed at Washington, March 2, 1936, and the Treaty of Mutual Understanding and Cooperation and the related Memorandum of Understandings Reached, signed at Panama, January 25, 1955, between the United States of America and the Republic of Panama;		
(c) All other treaties, conventions, agreements and exchanges of notes between the United States of America and the Republic of Panama concerning the Panama Canal which were in force prior to the entry into force of this Treaty; and		
(d) Provisions concerning the Panama Canal which appear in other treaties, conventions, agreements and exchanges of notes between the United States of America and the Republic of Panama which were in force prior to the entry into force of this Treaty.		(d) Each of these other treaties, conventions, agreements, and exchanges of notes should be examined to judge whether U.S. interests are degraded.
2. In accordance with the terms of this Treaty and related agreements, the Republic of Panama, as territorial sovereign, grants to the United States of America, for the duration of this Treaty, the rights necessary to regulate the transit of ships through the Panama Canal, and to manage, operate, maintain, improve, protect and defend the Canal. The Republic of Panama guarantees to the United States of America the peaceful use of the land and water areas which it has been granted the rights to use for such purposes pursuant to this Treaty and related agreements.	2. Since the Canal Zone is U.S. territory, we already have these rights and the treaty is unnecessary.	2. This clause sidesteps the question of ownership and grants the U.S. the "use" of what we already own. Thus the Canal is effectively "nationalized" by Panama on Day One of the treaty. This clause effectively converts the rest of the treaty into a management contract. The phrase "peaceful use" effectively cuts us off from any military uses not directly specified below as related to the defense of the Canal (e.g., hemispheric defense, use of Isthmian installations as an advance base for refueling and resupply of worldwide military operations).

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I:
THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
3. The Republic of Panama shall participate increasingly in the management and protection and defense of the Canal, as provided in this Treaty.	3. Panamanians have already been increasingly participating in the management and protection, but not the defense of the Canal.	3. It is noteworthy that this clause calls not for the participation by Panamanian citizens, but for the participation of the Republic of Panama, e.g., government-to-government participation.
4. In view of the special relationship established by this Treaty, the United States of America and the Republic of Panama shall cooperate to assure the uninterrupted and efficient operation of the Panama Canal.	4. Although at the present time governmental cooperation is helpful, and to the interest of both nations, it is not essential.	4. Although this clause is unenforceable, it points up the political threat that lack of Panamanian governmental cooperation under the new treaty has the potential to close the Canal.
Article II		*Article II*
Ratification, entry into force, and termination		
1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of the two Parties. The instruments of ratification of this Treaty shall be exchanged at Panama at the same time as the instruments of ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, signed this date, are exchanged. This Treaty shall enter into force, simultaneously with the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, six calendar months from the date of the exchange of the instruments of ratification.		1. The Constitutional procedures of the United States require that the House of Representatives authorize the disposal of U.S. territory and property before the instruments of ratification are exchanged. It is noteworthy that all the restrictions of the Neutrality treaty, preventing us from using the Canal or our military bases for non-neutral purposes, go into effect on Day One, not at the year 2000, as many have assumed.
2. This treaty shall terminate at noon, Panama time, December 31, 1999.		
Article III	*Article III*	*Article III*
Canal operation and management		
1. The Republic of Panama, as territorial sovereign, grants to the United States of America the rights to manage, operate, and maintain the Panama Canal, its complementary works, installations and equipment and to provide for the orderly transit of vessels through the Panama Canal. The United States of America accepts the grant of such rights and undertakes to exercise them in accordance with this Treaty and related agreements.	1. The U.S. is the territorial sovereign.	1. Note once again that this is a management contract; the United States agrees not to exercise its rights in any other fashion.
2. In carrying out the foregoing responsibilities, the United States of America may:	2. All construction in the Canal Zone was undertaken on the assumption that the U.S. had valid titles in perpetuity. The 1907 case of *Wilson* v. *Shaw* was a challenge to this very point; the Court ruled that in the Government's favor.	2. (a) The U.S. may use without cost (!) the various installations which the U.S. built and which the U.S. owns. The Agreement in Implementation is not a a part of the treaty; it is an executive agreement outside the reach of Senate consideration—yet it describes the use rights of the United States which make the treaty meaningful. "Sanitation" has a different meaning in the Canal Zone than it does in the continental United States. Here it means primarily the mosquito control program, which includes swamp controls, drainage of standing water, and removal and clipping of vegetation. Since the Panama Canal Commission will lose 58% of the area the U.S. now sanitates, failure by Panama to sanitate could lose the Canal by disease.
(a) Use for the aforementioned purposes, without cost except as provided in this Treaty, the various installations and areas (including the Panama Canal) and waters, described in the Agreement in Implementation of this Article, signed this date, as well as such other areas and installations as are made available to the United States of America under this Treaty and related agreements, and take the measures necessary to ensure sanitation of such areas;		
(b) Make such improvements and alterations to the aforesaid installations and areas as it deems appropriate, consistent with the terms of this Treaty;		
(c) Make and enforce all rules pertaining to the passage of vessels through the Canal and other rules with respect to navigation and maritime matters, in accordance with this Treaty and related agreements. The Republic of Panama will lend its cooperation, when necessary, in the enforcement of such rules;		
(d) Establish, modify, collect and retain tolls for the use of the Panama Canal, and other charges, and establish and modify methods of their assessment;		
(e) Regulate relations with employees of the United States Government;		
(f) Provide supporting services to facilitate the performance of its responsibilities under this Article;		

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
(g) Issue and enforce regulations for the effective exercise of the rights and responsibilities of the United States of America under this Treaty and related agreements. The Republic of Panama will lend its cooperation, when necessary, in the enforcement of such rules; and		
(h) Exercise any other right granted under this Treaty, or otherwise agreed upon between the two Parties.		
3. Pursuant to the foregoing grant of rights, the United States of America shall, in accordance with the terms of this Treaty and the provisions of United States law, carry out its responsibilities by means of a United States Government agency called the Panama Canal Commission, which shall be constituted by and in conformity with the laws of the United States of America.	3. The U.S., at present, has sole control over all aspects of Canal management.	3. The treaty is an intrusion upon the rights of the Legislative Branch, since it creates an international obligation on the Congress of the United States to pass a law that conforms to the treaty terms. Should Congress create an agency with a different structure, or should the House of Representatives refuse to act, the United States would default on its obligations. Just as with the House action required under Article IV, Section 3, so too ratification of the treaty should be contingent upon enactment of the necessary implementing legislation.
(a) The Panama Canal Commission shall be supervised by a Board composed of nine members, five of whom shall be nationals of the United States of America, and four of whom shall be Panamanian nationals proposed by the Republic of Panama for appointment to such positions by the United States of America in a timely manner.		(a) The Department of State has been unable to cite any precedent for a joint Board of U.S. and foreign nationals supervising a U.S. agency. The treaty fails to make it clear that the members of the Board, including the Panamanian nationals, should be confirmed by the Senate for the protection of U.S. interests. Provisions for a voting quorum on the Board are omitted from the treaty, and, if unilaterally proclaimed by the United States in favor of the U.S. majority, will become a cause of discontent and friction.
(b) Should the Republic of Panama request the United States of America to remove a Panamanian national from membership on the Board, the United States of America shall agree to such request. In that event, the Republic of Panama shall propose another Panamanian national for appointment by the United States of America to such position in a timely manner. In case of removal of a Panamanian member of the Board at the initiative of the United States of America, both Parties will consult in advance in order to reach agreement concerning such removal, and the Republic of Panama shall propose another Panamanian national for appointment by the United States of America in his stead.		(b) This provision ensures that all the Panamanian representatives will be puppets of the Panamanian government. Any Panamanian representative whose statements or actions supported good management practice in defiance of Panamanian political interests would be removed. In the event of a revolution or a communist takeover, the Panamanian representatives would change accordingly. The U.S. will not be able to remove any Panamanian without advance consultation. The obligations inherent in consultation are nowhere defined. Note that the U.S. and Panama must "reach agreement" concerning such removal.
(c) The United States of America shall employ a national of the United States of America as Administrator of the Panama Canal Commission, and a Panamanian national as Deputy Administrator, through December 31, 1989. Beginning January 1, 1990, a Panamanian national shall be employed as the Administrator and a national of the United States of America shall occupy the position of Deputy Administrator. Such Panamanian nationals shall be proposed to the United States of America by the Republic of Panama for appointment to such positions by the United States of America.		(c) The Administrator is the only instrument for enforcing the decisions of the voting majority of the Board. Because of the excessive drawdown of U.S. citizen employees, (43 percent in the first year, 48.5 percent in three years), the post quickly will become one of mere tokenism, perhaps within 5 years or sooner. By that time, the United States will have lost practical control of operations. When the U.S. Deputy Administrator takes over in 1990, he will be completely powerless. Both the Administrator and the Deputy Administrator should be confirmed by the U.S. Senate.
(d) Should the United States of America remove the Panamanian national from his position as Deputy Administrator, or Administrator, the Republic of Panama shall propose another Panamanian national for appointment to such position by the United States of America.		
4. An illustrative description of the activities the Panama Canal Commission will perform in carrying out the responsibilities	4. The activities divested provide $142,000,000 in annual revenues (FY 79), or 69 percent of the non-toll revenues (35.6	4. It is likely that the most profitable services (e.g., marine bunkering) will be taken over by private businessmen with

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
and rights of the United States of America under this Article is set forth at the Annex. Also set forth in the Annex are procedures for the discontinuance or transfer of those activities performed prior to the entry into force of this Treaty by the Panama Canal Company or the Canal Zone Government which are not to be carried out by the Panama Canal Commission.	percent of all revenues). Although some of these operations lose money, others are very profitable and help subsidize overall operations. The divestiture will also remove 43 percent of U.S. employees the first year. Although some will be transferred, the fate of many, perhaps most, is uncertain.	close ties to the regime. Others will become Panamanian government agencies. While private business management in Panama can be considered adequate, the potential for abuses, corruption, and political exploitation is obvious. Panamanian governmental services are notoriously mismanaged, wasteful, and inefficient. It is noteworthy that no preplanning has been done for the transfer of $142,000,000 worth of services, which will have considerable impact in a small economy. The wholesale shuffling of thousands of employees will have a detrimental effect on worker productivity throughout the Panama Canal Commission and the Panamanian economy.
5. The Panama Canal Commission shall reimburse the Republic of Panama for the costs incurred by the Republic of Panama in providing the following public services in the Canal operating areas and in housing areas set forth in the Agreement in Implementation of Article III of this Treaty and occupied by both United States and Panamanian citizen employees of the Panama Canal Commission: police, fire protection, street maintenance, street lighting, street cleaning, traffic management and garbage collection. The Panama Canal Commission shall pay the Republic of Panama the sum of ten million United States dollars ($10,000,000) per annum for the foregoing services. It is agreed that every three years from the date that this Treaty enters into force, the costs involved in furnishing said services shall be reexamined to determine whether adjustment of the annual payment should be made because of inflation and other relevant factors affecting the cost of such services.	5. Under the 1903 treaty, similar services were originally provided by the U.S. to the Panamanian cities of Colon and Panama City. When, at Panama's request, these obligations were abrogated, Panama's inability to provide the same levels of quality and delivery soon became notorious. Even today, garbage collection in Panama is seriously mismanaged, and utility rates are three times what they are in the Zone (where all costs are recovered). Perhaps that is why, under implementation plans prepared by the Panama Canal Company, the U.S. will duplicate many of the services purchased under this clause. For example, the U.S. will continue to operate 11 of its 13 fire stations.	5. The Panama Canal Company has estimated that the cost to Panama of providing the services for which the U.S. will pay $10 million per year is only $4.4 million primarily because of the lower wage levels Panama pays. The difference ($6.6 million per year) is a hidden subsidy to Panama. Although in theory one might argue that the fee could be adjusted downward, as well as upward, the context ("inflation and other relevant factors") implies an upward adjustment. Moreover, there is no definition of "cost of such services", an issue open to misunderstanding and resentment.
6. The Republic of Panama shall be responsible for providing, in all areas comprising the former Canal Zone, services of a general jurisdictional nature such as customs and immigration, postal services, courts and licensing, in accordance with this Treaty and related agreements.	6. These services are currently performed by the U.S. according to U.S. standards and law. The U.S. District Court at Balboa was established pursuant to Article IV, Section 3 of the Constitution and is part of the U.S. Federal Court System.	6. A major portion of the U.S. District Court's docket (60 or 70 cases per year) involves cases at admiralty (e.g., ships' claims involving accidents or damage) often with awards running into millions of dollars. Panama has no admiralty courts, no admiralty law; and does not subscribe to the International Admiralty Convention. Its standards of impartial justice are low. The transfer of customs, immigration, and courts for the major ports to Panamanian control has ominous implications for control of the narcotics traffic, inasmuch as Panama is a major transfer center for narcotics shipment to the U.S., apparently with the sanction and participation of the Torrijos family. With Panama controlling the police the customs and the courts the actual words of the treaty will mean less than the way Panama enforces and interprets its will.
7. The United States of America and the Republic of Panama shall establish a Panama Canal Consultative Committee, composed of an equal number of high-level representatives of the United States of America and the Republic of Panama, and which may appoint such subcommittees as it may deem appropriate. This Committee shall advise the United States of America and the Republic of Panama on matters of policy affecting the Canal's operation. In view of both Parties' special interest in the continuity and efficiency of the Canal operation in the future, the Committee shall advise on matters such as general tolls policy, employment and training policies to increase the participation of Panamanian nationals in the operation of the Canal, and international policies on matters concerning the Canal. The Committee's recommendations shall be transmitted to the two Governments, which shall	7. At the present time the U.S. has sole authority to set toll rates to decide investment practices to organize maintenance schedules to raise or lower service levels according to demand or economic necessity to hire or dismiss workers on the basis of negotiated labor agreements, and, in short, to set all management policies.	7. The impact of such consultation and advice particularly with the U.S. obligation of giving "full consideration" is difficult to conceive in advance. Presumably, when the national interests differ the U.S. will argue that it has given "full consideration" while Panama would argue that we have not. The three alternatives are capitulation, concession or confrontation. In practice, the Consultative Commission will become a battleground for psychological warfare resulting in Panama imposing its will on the United States. Note that the Committee "shall advise" even though the U.S. in Section 1 is supposed to make *"all* rules" pertaining to maritime matters. Panama is given a significant role.

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
give such recommendations full consideration in the formulation of such policy decisions.		
8. In addition to the participation of Panamanian nationals at high management levels of the Panama Canal Commission, as provided for in paragraph 3 of this Article, there shall be growing participation of Panamanian nationals at all other levels and areas of employment in the aforesaid commission, with the objective of preparing, in an orderly and efficient fashion, for the assumption by the Republic of Panama of full responsibility for the management, operation and maintenance of the Canal upon the termination of this Treaty	8. At the present time, the work force is 75% Panamanian. The U.S. retains key management, operational, and security posts, so that we retain the operational capability to run the Canal on an emergency basis (i.e., "control") even if all Panamanian employees refused to report for work or were prevented from doing so. At some point the upward curve of increasing Panamanian participation will cross the downward curve of U.S. practical control. That point could come within 3 years.	8. It should be noted that increasing Panamanian participation does not mean that more Panamanians will benefit from the high wages (three times Panamanian wage rates), stability, lack of political interference, and retirement benefits that is available to U.S. government workers. In actuality, fewer Panamanians will be employed in the Canal operation. Fiscal year 1979 (without treaty): U.S. workers ---------- 3,944 Non-U.S. ---------- 10,574 Total ---------- 14,518 Fiscal year 1979 (with treaty): U.S. workers ---------- 2,270 Non-U.S. ---------- 6,195 Total ---------- 8,465 Fiscal year 1982 (With treaty): U.S. workers ---------- 2,033 Non-U.S. ---------- 6,032 Total ---------- 8,068
9. The use of the areas, waters and installations with respect to which the United States of America is granted rights pursuant to this Article, and the rights and legal status of United States Government agencies and employees operating in the Republic of Panama pursuant to this Article, shall be governed by the Agreement in Implementation of this Article, signed this date.	9. We not only "use" these areas at present, but we also sanitate them, and prevent development which would destroy the ecological balance. The undeveloped jungle canopy in the Canal Zone attracts 20% more rainfall than the rest of Panama, rainfall which is essential to an adequate water supply to operate the locks. It also prevents siltation and runoff which would pollute the Chagres River, Madden Dam and Lake, and Gatun Lake, and the Canal itself. The Panama Canal Commission will give over to Panamanian control 58% of the land area it presently owns and protects.	9. The Implementation Agreement as noted above is an executive agreement not part of the treaty and beyond the reach of Senate action. In addition, the Implementation Agreement includes three detailed annexes, an "agreed Minute to the Agreement", and a detailed set of 29 maps deposited in the Archives of the Department of State. Reference to the maps reveals that many vital installations (schools, drinking water reservoirs, dams, electrical plants, communications sites) are not contiguous with the main areas and will be left isolated deep in Panamanian territory.
10. Upon entry into force of this Treaty, the United States Government agencies known as the Panama Canal Company and the Canal Zone Government shall cease to operate within the territory of the Republic of Panama that formerly constituted the Canal Zone.	10. The Panama Canal Company and the Canal Zone government were created by Congress through the Panama Canal Reorganization Act of 1950.	10. The Executive Branch is attempting to abrogate Congressional authority which has been continuously exercised under Article IV, Section 3, since 1902 (The Spooner Act), and specifically in this case, since 1950.
Article IV *Protection and defense*	*Article IV*	*Article IV*
1. The United States of America and the Republic of Panama commit themselves to protect and defend the Panama Canal. Each Party shall act, in accordance with its constitutional processes, to meet the danger resulting from an armed attack or other actions which threaten the security of the Panama Canal or of ships transiting it.	1. The U.S. defends the Canal on the same basis as other U.S. territories. The U.S. may also use the territory for any military mission it chooses, whether directly related to defense of the Canal itself or not. In defending the Canal Zone, the U.S. enjoys the advantages of a clearly defined land and water area, so that its military operations need not impinge on Panamanian sovereignty and territory, unless attacked from Panama.	1. The treaty is deeply ambiguous on the crucial point, namely, the right to take unilateral defense actions even if Panama is unable or unwilling. The concept that Panama, by herself, has any capability to defend the Canal is ridiculous; but nothing in the treaty prohibits Panama from calling in the troops of other nations to defend her sovereignty against the U.S. or even to fulfill her obligation here expressed to defend the Canal. This language contrasts with the clear, direct, right of unilateral decision expressed in the Clements clause: "each Party shall take such other diplomatic, economic, or military measures as it deems necessary."
2. For the duration of this Treaty, the United States of America shall have primary responsibility to protect and defend the Canal. The rights of the United States of America to station, train, and move military forces within the Republic of Panama are described in the Agreement in Implementation of this Article, signed this date. The use of areas and installations and the legal status of the armed forces of the United States of America in the Republic of		2. "Primary responsibility" is nowhere defined and later seems to be modified by "equal" roles on the Combined Board. Nor is the U.S. given authority to carry out its responsibility. The U.S. military bases and vital Canal installations are not contiguous, yet the treaty itself gives no authority to move from one to the other if military operations are necessary. The rights of movement are not described in the treaty, but only in the Implementation Agreement, an execu-

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
Panama shall be governed by the aforesaid Agreement.		tive agreement beyond the review of the Senate. The description of those rights is in the context of freedom from fees and licenses for vehicles, and makes no mention of military operations or movement of ground troops.
3. In order to facilitate the participation and cooperation of the armed forces of both Parties in the protection and defense of the Canal, the United States of America and the Republic of Panama shall establish a Combined Board comprised of an equal number of senior military representatives of each Party. These representatives shall be charged by their respective governments with consulting and cooperating on all matters pertaining to the protection and defense of the Canal, and with planning for actions to be taken in concert for that purpose. Such combined protection and defense arrangements shall not inhibit the identity or lines of authority of the armed forces of the United States of America or the Republic of Panama. The Combined Board shall provide for coordination and cooperation concerning such matters as:		3. The Combined Board falls under the same criticism as the Consultative Committee; namely it is a mechanism through which Panama can conduct psychological warfare against the U.S. Under this language, Panama has the right to be privy to all battle plans for Canal defense, even if Panama or Panamanian allies are the "enemy". The difference between "coordination" and "cooperation" is not spelled out, but note that the Combined Board "shall" provide for both. Paragraph (a) can be taken in two opposite senses: (1) The Board is responsible only for those contingency plans based on cooperative effort; or (2) all contingency plans for the defense of the Canal are required by treaty to be based upon cooperative effort—that is, the U.S. is forbidden to have contingency plans which exclude Panama. A similar ambiguity exists in paragraph (c), for it is not clear whether "United States and Panamanian military operations" are joint or could be separate. This paragraph goes beyond mere cooperation and planning and specifically involves "conduct", where Panama is given an "equal" role. The implication is clearly that Panama must be involved in everything; and that if the U.S. conducts operations without Panama or in opposition to Panama's wishes, it would be a violation of the treaty.
(a) The preparation of contingency plans for the protection and defense of the Canal based upon the cooperative efforts of the armed forces of both Parties;		
(b) The planning and conduct of combined military exercises; and		
(c) The conduct of United States and Panamanian military operations with respect to the protection and defense of the Canal.		
4. The Combined Board shall, at five year intervals throughout the duration of this Treaty, review the resources being made available by the two Parties for the protection and defense of the Canal. Also, the Combined Board shall make appropriate recommendations to the two Governments respecting projected requirements, the efficient utilization of available resources of the two Parties, and other matters of mutual interest with respect to the protection and defense of the Canal.		4. This clause is a mechanism by which Panama can protect the exercise of the U.S. right to set troop levels under Section 5.
5. To the extent possible consistent with its primary responsibility for the protection and defense of the Panama Canal, the United States of America will endeavor to maintain its armed forces in the Republic of Panama in normal times at a level not in excess of that of the armed forces of the United States of America in the territory of the former Canal Zone immediately prior to the entry into force of this Treaty.		5. This section sets a maximum, not a minimum level; the U.S. would be under enormous pressure from the mechanism of Section 4 to reduce force levels constantly. Even if a danger threatened, there is no definition of "normal times". If Panama or her allies were threatening the Canal, in our view, Panama might claim treaty violations if we reinforced our troop levels.
Article V	*Article V*	*Article V*
Principle of non-intervention		
Employees of the Panama Canal Commission, their dependents and designated contractors of the Panama Canal Commission, who are nationals of the United States of America, shall respect the laws of the Republic of Panama and shall abstain from any activity incompatible with the spirit of this Treaty. Accordingly, they shall abstain from any political activity in the Republic of Panama as well as from any intervention in the internal affairs of the Republic of Panama. The United States of America shall take all measures within its authority to ensure that the provisions of this Article are fulfilled.	At the present time, U.S. citizens who enter the Republic of Panama are obliged to follow the laws of that country. In the Canal Zone, they are protected by the laws of the United States, the Canal Zone code, and the Bill of Rights. The treaty is equivalent to a conspiracy to deprive U.S. citizens living in U.S. territory of their civil and constitutional rights. The experience of U.S. citizens with Panamanian courts and the Guardia has been very poor, with numerous bombings, deprival of right to counsel and even of the right to contact the U.S. Embassy. The State Department has admitted that Panama has violated on numerous occasions treaties intended to protect the rights of U.S. citizens, e.g., the right of unimpeded entrance and egress through Tocumen Airport, according to an agreement signed when the U.S., at Pana-	Article V amounts to a bill of attainder against U.S. citizen employees who, in Panama's judgment, fail to "abstain from any activity incompatible with the spirit of this treaty." Such a catch-all phrase is open to any interpretation and is designed to intimidate U.S. citizens. "Any political activity" obviously could even include a U.S. citizen writing to his Senator or Congressman, or exposing graft and corruption within the Panama Canal Commission, its suppliers, or allied Panamanian agencies. The phrase "intervention in the internal affairs of Panama" is a current code word regularly used today in Panama to harass U.S. citizens, and arrest them without charges. The requirement that the U.S. government conspire with Panama to deprive a U.S. citizen of his rights (e.g., by firing an outspoken U.S. citizen employee)

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
	ma's request, ended its air passenger service from the Zone.	is probably unconstitutional on its face. Even if Panama were not a dictatorship, Article V would be a blot upon the civil rights record of the United States.
Article VI	*Article VI*	
Protection of the environment		
1. The United States of America and the Republic of Panama commit themselves to implement this Treaty in a manner consistent with the protection of the natural environment of the Republic of Panama. To this end, they shall consult and cooperate with each other in all appropriate ways to ensure that they shall give due regard to the protection and conservation of the environment.	1. As mentioned above, the ecological balance of the Zone is very delicate, and is crucial to the continued trouble-free operation of the Canal. Indeed, the Panama Canal is probably the first large-scale project in the world which, for 75 years, has practiced effective environmental controls of great complexity. Certainly Panama has never managed controls on such a scale; rather, Panama has failed to cooperate (e.g., in removing squatters who have intruded on the eco-zone) and has practiced destructive development in the exploitation of jungle areas (e.g., slash and burn agriculture). The Commission will lose 58% of the land it now protects; the treaty should enlarge that area to include the whole Chagres River watershed, not diminish it. It is also noteworthy that, in ceding the Zone to Panama, the U.S. will lose the only U.S. National Forest with tropical flora and fauna.	1. There are few grounds to expect that environmental controls will be improved rather than degraded. The negotiations completely ignored the environmental considerations until the last minute. The State Department, in violation of law, filed its first hastily assembled draft environmental impact statement after the negotiations were completed, not before. The final EIS is woefully inadequate.
2. A Joint Commission on the Environment shall be established with equal representation from the United States of America and the Republic of Panama, which shall periodically review the implementation of this Treaty and shall recommend as appropriate to the two Government ways to avoid or, should this not be possible, to mitigate the adverse environmental impacts which might result from their respective actions pursuant to the Treaty.		2. The Commission on the Environment like the Consultative Committee and the Combined (Defense) Board, is a mechanism by which Panama can protest and intervene in nearly any operating decision of the Panama Canal Commission or of our military bases.
3. The United States of America and the Republic of Panama shall furnish the Joint Commission on the Environment complete information on any action taken in accordance with this Treaty which, in the judgment of both, might have a significant effect on the environment. Such information shall be made available to the Commission as far in advance of the contemplated action as possible to facilitate the study by the Commission of any potential environmental problems and to allow for consideration of the recommendation of the Commission before the contemplated action is carried out.		
Article VII	*Article VII*	
Flags		
1. The entire territory of the Republic of Panama, including the areas the use of which the Republic of Panama makes available to the United States of America pursuant to this Treaty and related agreements, shall be under the flag of the Republic of Panama, and consequently such flag always shall occupy the position of honor.	Article VII is symbolic of the total surrender of the United States to Panamanian pressure. Obviously, it is totally unnecessary if the territory is ceded to Panama, a mere administrative detail. Yet the concession by President Kennedy to allow the Panamanian flag to fly with equal honor on U.S. territory in designated places merely inflamed Panamanian nationalists, symbolically undermined our presence (although no legal concessions were made), and was the formal cause of the riots of 1964, described by Ambassador Bunker and Joseph Califano as Communist organized. Although the U.S. was exonerated by the International Commission of Jurists of any culpability with regard to the riots and the restoration of order, the events nevertheless were the occasion of opening the negotiations by President Johnson.	
2. The flag of the United States of America may be displayed, together with the flag of the Republic of Panama, at the headquarters of the Panama Canal Commission, at the site of the Combined Board, and as provided in the Agreement in Implementation of Article IV of this Treaty.		
3. The flag of the United States of America also may be displayed at other places and on some occasions, as agreed by both Parties.		

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
Article VIII *Privileges and immunities*		*Article VIII*
1. The installations owned or used by the agencies or instrumentalities of the United States of America operating in the Republic of Panama pursuant to this Treaty and related agreements, and their official archives and documents, shall be inviolable. The two Parties shall agree on procedures to be followed in the conduct of any criminal investigation at such locations by the Republic of Panama.		1. Although the installations will be inviolable, the personnel will not. After the transition period and even during it for some crimes, U.S. personnel will be subject to Panamanian jurisdiction. This is obvious in the clause on agreeing to procedure for criminal investigations to take place on the "inviolable" premises.
2. Agencies and instrumentalities of the Government of the United States of America operating in the Republic of Panama pursuant to this Treaty and related agreements shall be immune from the jurisdiction of the Republic of Panama.		2. The same is true for agencies of the U.S. government. If the agencies themselves are unreachable, a Panama intent to harass could act against the agencies by acting against the personnel. Moreover, there is a conflict with Article IX, which appears to apply Panamanian law to U.S. areas of use.
3. In addition to such other privileges and immunities as are afforded to employees of the United States Government and their dependents pursuant to this Treaty, the United States of America may designate up to twenty officials of the Panama Canal Commission who, along with their dependents, shall enjoy the privileges and immunities accorded to diplomatic agents and their dependents under international law and practice. The United States of Amercia shall furnish to the Republic of Panama a list of the names of said officials and their dependents, identifying the positions they occupy in the Government of the United States of America, and shall keep such list current at all times.		3. If diplomatic immunity is a necessity for the 20 key employees of the Panama Canal Commission, then it is a necessity for all U.S. citizen employees and their dependents. In fact, it is even more important for lower level employees who have less public visibility and are thus more easily harassed. The burden would not be great on Panama. Even if all present employees were given diplomatic immunity, the proportions of those immune to the population of Panama would be less than the proportion of those with diplomatic immunity in Washington, D.C. to the area population. But of course half the U.S. citizens will lose their jobs with the Commission anyway. Without immunity, it will be difficult to get U.S. citizens to stay long enough even for training Panamanians to take their places.
Article IX *Applicable laws and law enforcement*	*Article IX*	*Article IX*
1. In accordance with the provisions of this Treaty and related agreements, the law of the Republic of Panama shall apply in the areas made available for the use of the United States of America pursuant to this Treaty. The law of the Republic of Panama shall be applied to matters or events which occurred in the former Canal Zone prior to the entry into force of this Treaty only to the extent specifically provided in prior treaties and agreements.	1. At the present time, the Canal Zone is governed by U.S. law and the Canal Zone Code, in which the Bill of Rights is incorporated. The Court is guided by the Federal rules of criminal and civil procedure. Great attention is paid to the service of process and to the rights of defendants. The Governor of the Canal Zone is appointed by the President of the U.S. The U.S. Congress is the legislature for the Zone, since the Zone is an unincorporated U.S. territory under Article IV, Section 3.	The statement that Panamanian law is applicable in the areas made available for the U.S. appears to conflict with the inviolability of U.S. locations and immunity of U.S. agencies promised in Article VIII.
2. Natural or juridical persons who, on the date of entry into force of this Treaty, are engaged in business or non-profit activities at locations in the former Canal Zone may continue such business or activities at those locations under the same terms and conditions prevailing prior to the entry into force of this Treaty for a thirty-month transition period from its entry into force. The Republic of Panama shall maintain the same operating conditions as those applicable to the aforementioned enterprises prior to the entry into force of this Treaty in order that they may receive licenses to do business in the Republic of Panama subject to their compliance with the requirements of its law. Thereafter, such persons shall receive the same treatment under the law of the Republic of Panama as similar enterprises already established in the rest of the territory of the Republic of Panama without discrimination.	Law enforcement is based on a highly trained professional police corps, entirely separate from the military. In the Canal Zone, there are clean jails and a modern penitentiary where prisoners are held for up to six months and then transferred to Federal Penitentiaries in the United States. There is an excellent system of probations and parole.	U.S. law is based upon the U.S. Constitution and the Anglo-Saxon legal tradition, which puts more emphasis on the rights of the accused. Panamanian law has no jury trials, except for homicide. In such cases, there is provision for a seven-man jury, but no right of challenge in selection, as in the U.S. In Panama there are no civil jury trials, and all cases are taken by deposition, so that there is no opportunity of confronting or cross-examination of witnesses. Criminal and civil liability in actions in tort are interlocked, so that there is no civil liability without criminal liability. The police system in Panama is part of the military organization, the National Guard. There is no separate constabulary, no city police, no sheriffs. Each member of the Guardia has full powers of arrest. It is, in short, a full military dictatorship. Panamanian penal institutions are deplorable. They are dirty, crowded, and serve bad food. There is little opportunity for bail or probation. Many persons are kept for months without a hearing, irrespective of guilt or innocence. Political prisoners are not unknown, although in recent months Torrijos has taken the precaution to clear out political prisoners during the treaty debate.

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
3. The rights of ownership, as recognized by the United States of America, enjoyed by natural or juridical private persons in buildings and other improvements to real property located in the former Canal Zone shall be recognized by the Republic of Panama in conformity with its laws.		
4. With respect to buildings and other improvements to real property located in the Canal operating areas, housing areas or other areas subject to the licensing procedure established in Article IV of the Agreement in Implementation of Article III of this Treaty, the owners shall be authorized to continue using the land upon which their property is located in accordance with the procedures established in that Article.		
5. With respect to buildings and other improvements to real property located in areas of the former Canal Zone to which the aforesaid licensing procedure is not applicable, or may cease to be applicable during the lifetime or upon termination of this Treaty, the owners may continue to use the land upon which their property is located, subject to the payment of a reasonable charge to the Republic of Panama. Should the Republic of Panama decide to sell such land, the owners of the buildings or other improvements located thereon shall be offered a first option to purchase such land at a reasonable cost. In the case of non-profit enterprises, such as churches and fraternal organizations, the cost of purchase will be nominal in accordance with the prevailing practice in the rest of the territory of the Republic of Panama.		
6. If any of the aforementioned persons are required by the Republic of Panama to discontinue their activities or vacate their property for public purposes, they shall be compensated at fair market value by the Republic of Panama.		
7. The provisions of paragraphs 2–6 above shall apply to natural or judicial persons who have been engaged in business or non-profit activities at locations in the former Canal Zone for at least six months prior to the date of signature of this Treaty.		
8. The Republic of Panama shall not issue, adopt or enforce any law, decree, regulation, or international agreement or take any other action which purports to regulate or would otherwise interfere with the exercise on the part of the United States of America of any right granted under this Treaty or related agreements.		8. This is a meaningless provision. Either we have treaty rights or we do not. What is the purpose of putting a clause in the treaty saying that Panama should not violate the treaty? Did the negotiators expect Panama to violate it?
9. Vessels transiting the Canal, and cargo, passengers and crews carried on such vessels shall be exempt from any taxes, fees, or other charges by the Republic of Panama. However, in the event such vessels call at a Panamanian port, they may be assessed charges incident thereto, such as charges for services provided to the vessel. The Republic of Panama may also require the passengers and crew disembarking from such vessels to pay such taxes, fees and charges as are established under Panamanian law for persons entering its territory. Such taxes, fees and charges shall be assessed on a nondiscriminatory basis.	9. At the present time, there are no charges for the crew or passengers disembarking from a vessel.	
10. The United States of America and the Republic of Panama will cooperate in taking such steps as may from time to time be necessary to guarantee the secu-		

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
rity of the Panama Canal Commission, its property, its employees and their dependents, and their property, the Forces of the United States of America and the members thereof, the civilian component of the United States Forces, the dependents of members of the Forces and the civilian component, and their property, and the contractors of the Panama Canal Commission and of the United States Forces, their dependents, and their property. The Republic of Panama will seek from its Legislative Branch such legislation as may be needed to carry out the foregoing purposes and to punish any offenders.		
11. The Parties shall conclude an agreement whereby nationals of either State, who are sentenced by the courts of the other State, and who are not domiciled therein, may elect to serve their sentences in their State of nationality.		
Article X	*Article X*	*Article X*
Employment With the Panama Canal Commission		
1. In exercising its rights and fulfilling its responsibilities as the employer, the United States of America shall establish employment and labor regulations which shall contain the terms, conditions and prerequisites for all categories of employees of the Panama Canal Commission. These regulations shall be provided to the Republic of Panama prior to their entry into force.		
2. (a) The regulations shall establish a system of preference when hiring employees, for Panamanian applicants possessing the skills and qualifications required for employment by the Panama Canal Commission. The United States of America shall endeavor to ensure that the number of Panamanian nationals employed by the Panama Canal Commission in relation to the total number of its employees will conform to the proportion established for foreign enterprises under the law of the Republic of Panama.	2. For many years, an effort has been made to hire the maximum number of Panamanians consistent with the requirement to retain sufficient U.S. citizens in key operating, security, and management posts to operate the Canal in an emergency. This section is intended to prevent the United States from maintaining the capability to operate the Canal independently of Panama.	2. The Treaty imposes a dual requirement, that of increasing the proportion of Panamanian workers while simultaneously decreasing the numbers of both U.S. and Panamanian workers by approximately half. Despite the hiring preference, Panamanians, overall, will be worse off. Moreover, this clause seems to conflict with the standard requirement for "veterans' preference" in hiring by U.S. government agencies. The proportion of non-Panamanian employees established for foreign enterprises under Panamanian law is 20 percent. After reduction of 43 percent of U.S. employees in fiscal year 1979, the proportion will still be 36 percent, requiring drastic RIF's or a ban on new U.S. hiring to reach a proportion of 20%.
(b) The terms and conditions of employment to be established will in general be no less favorable to persons already employed by the Panama Canal Company or Canal Zone Govenment prior to the entry into force of this Treaty, than those in effect immediately prior to that date.		(b) The phrase "in general" connotes not a continuation of vested job rights, but rather arbitrary discretion. However, since half the employees of both nationalities will be "RIFed", the distinction is academic.
3. (a) The United States of America shall establish an employment policy for the Panama Canal Commission that shall generally limit the recruitment of personnel outside the Republic of Panama to persons possessing requisite skills and qualifications which are not available in the Republic of Panama.	3. This is already the practice, if emphasis is placed on the word "generally".	3. (a) Since Panama's pool of job skills is small, pressure will be exerted to redefine or lower job requirements. This has already occurred with the acceptance of two Panamanian pilot-apprentices who did not meet the basic job requirements (they will be the first two Panamanian pilots).
(b) The United States of America will establish training programs for Panamanian employees and apprentices in order to increase the number of Panamanian nationals qualified to assume positions with the Panama Canal Commission, as positions become available.		

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
(c) Within five years from the entry into force of this Treaty, the number of United States nationals employed by the Panama Canal Commission who were previously employed by the Panama Canal Company shall be at least twenty percent less than the total number of United States nationals working for the Panama Canal Company immediately prior to the entry into force of this Treaty.		(c) The requirement for 20% reduction in 5 years is conservative. Panama Canal Company plans estimate a 43% reduction the first year, and a 48.5% reduction within three years. This is based on job slots eliminated. In practice, many more will leave, including those with irreplaceable skills needed for operation. The latest poll of U.S. workers showed 69% prepared to leave. The requirement for a 20% reduction in 5 years is not to be confused with the requirement for a proportion of 20% U.S. workers required in Section 2(a).
(d) The United States of America shall periodically inform the Republic of Panama, through the Coordinating Committee, established pursuant to the Agreement in Implementation of Article III of this Treaty, of available positions within the Panama Canal Commission. The Republic of Panama shall similarly provide the United States of America any information it may have as to the availability of Panamanian nationals claiming to have skills and qualifications that might be required by the Panama Canal Commission, in order that the United States of America may take this information into account.		(d) Once more this is a pressure mechanism. Note that the pool is not of workers who have skills, but only of workers who claim to have skills.
4. The United States of America will establish qualification standards for skills, training and experience required by the Panama Canal Commission. In establishing such standards, to the extent they include a requirement for a professional license, the United States of America, without prejudice to its right to require additional professional skills and qualifications, shall recognize the professional licenses issued by the Republic of Panama.		4. There is no assurance that the professional licenses of Panama are equivalent to those of the U.S., or even that Panama licenses certain professions. Pilots are a case in point, since Panama is not a seafaring nation.
5. The United States of America shall establish a policy for the periodic rotation, at a maximum of every five years, of United States citizen employees and other non-Panamanian employees, hired after the entry into force of this Treaty. It is recognized that certain exceptions to the said policy of rotation may be made for sound administrative reasons, such as in the case of employees holding positions requiring certain non-transferable or non-recruitable skills.	5. Some Canal workers are third or fourth generation Zonians. This includes not only U.S. citizens, but also black descendents of the original Canal builders from the West Indies, most of whom speak English and are discriminated against by the Spanish-speaking Panamanians. Contrary to the media stereotype many Zonians (about 20%) have intermarried with Panamanians. Because of their intimate knowledge of Panama, such employees are often the most strongly opposed to the treaties. They also fear for their children who were born in the Zone (about 80–90%) since Panama claims them as Panamanian citizens.	5. This is fundamentally a punitive provision, grounded in resentment towards Canal Zone residents who have made the Isthmus their home. Although the 5-year rotation system is standard in U.S. military bases overseas, the Canal is a different situation, requiring the attention of career employees who dedicate themselves to the Canal as a life's work. Only long years of experience truly qualifies men for exacting and often hazardous operations. The exception clause will undoubtedly become a cause of strife.
6. With regard to wages and fringe benefits, there shall be no discrimination on the basis of nationality, sex, or race. Payments by the Panama Canal Commission of additional remuneration, or the provision of other benefits, such as home leave benefits, to United States nationals employed prior to entry into force of this Treaty, or to persons of any nationality, including Panamanian nationals who are thereafter recruited outside of the Republic of Panama and who change their place of residence, shall not be considered to be discrimination for the purpose of this paragraph.	6. At the present time, all wages and benefits are on the basis of equal pay for equal work (except for the tropical differential necessary to induce U.S. citizens to leave the U.S. proper). The Panama Canal Company wages are about three times the rate paid for the same jobs in Panama. The U.S. minimum wage law applies in the Canal Zone.	6. The elimination of the tropical differential for new employees makes it probable that it will be difficult to attract necessary skills not available in Panama.
7. Persons employed by the Panama Canal Company or Canal Zone Government prior to the entry into force of this Treaty, who are displaced from their employment as a result of this discontinuance by the United States of America of certain activities pursuant to this		7. The employees are not reassured by the phrase "to the maximum extent feasible." For example, the transfer of teachers from the Canal Zone Government to DoD will cause friction because the Canal Zone Government has a higher wage and benefit scale appropriate to

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
Treaty, will be placed by the United States of America, to the maximum extent feasible, in other appropriate jobs with the Government of the United States in accordance with United States Civil Service regulations. For such persons who are not United States nationals, placement efforts will be confined to United States Government activities located within the Republic of Panama. Likewise, persons previously employed in activities for which the Republic of Panama assumes responsibility as a result of this Treaty will be continued in their employment to the maximum extent feasible by the Republic of Panama. The Republic of Panama shall, to the maximum extent feasible, ensure that the terms and conditions of employment applicable to personnel employed in the activities for which it assumes responsibility are no less favorable than those in effect immediately prior to the entry into force of this Treaty. Non-United States nationals employed by the Panama Canal Company or Canal Zone Government prior to the entry into force of this Treaty who are involuntarily separated from their positions because of the discontinuance of an activity by reason of this Treaty, who are not entitled to an immediate annuity under the United States Civil Service Retirement System, and for whom continued employment in the Republic of Panama by the Government of the United States of America is not practicable, will be provided special job placement assistance by the Republic of Panama for employment in positions for which they may be qualified by experience and training.		career teachers in a lifetime job. Their wage levels will be frozen, i.e., they will receive no raises in the future. Many others will find no equivalent employment. There is no guarantee of a transfer within Civil Service, only the right to be put on a waiting list at a time when RIF's are occurring in the U.S. There is no assistance for those who are not eligible for early retirement, but want to quit rather than give up their Constitutional rights. Panamanian workers, particularly blacks, fear job discrimination if they are employed by Panamanian agencies. Those who must find work in the private sector will receive much lower wage scales. The offer of "special job placement assistance" is meaningless in a mismanaged economy that already has high unemployment, zero economic growth, and will have hundreds, if not thousands, looking for work at the same time.
8. The Parties agree to establish a system whereby the Panama Canal Commission may, if deemed mutually convenient or desirable by the two Parties, assign certain employees of the Panama Canal Commission, for a limited period of time, to assist in the operation of activities transferred to the responsibility of the Republic of Panama as a result of this Treaty or related agreements. The salaries and other costs of employment of any such persons assigned to provide such assistance shall be reimbursed to the United States of America by the Republic of Panama.		8. The loan of expertise may help in the transition, but it still does not eliminate the political mismanagement that has brought Panamanian governmental services and enterprises to a standstill.
9. (a) The right of employees to negotiate collective contracts with the Panama Canal Commission is recognized. Labor relations with employees of the Panama Canal Commission shall be conducted in accordance with forms of collective bargaining established by the United States of America after consultation with employee unions. (b) Employee unions shall have the right to affiliate with international labor organizations.		9. (a) The right of collective bargaining is mocked by other treaty provisions which call for RIF's of U.S. employees and of Panamanians whose job functions will be divested from the Canal organization.
10. The United States of America will provide an appropriate early optional retirement program for all persons employed by the Panama Canal Company or Canal Zone Government immediately prior to the entry into force of this Treaty. In this regard, taking into account the unique circumstances created by the provisions of this Treaty, including its duration, and their effect upon such employees, the United States of America shall, with respect to them:		10. The full cost of this provision is not yet clear. It will be disguised in the Civil Service Retirement System budget and has been estimated at $7.5 million per year, or $165 million over 22 years. The Administration has not yet provided the legislation proposed, so neither the U.S. Senate nor the Canal employees know what this means.

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
(a) determine that conditions exist which invoke applicable United States law permitting early retirement annuities and apply such law for a substantial period of the duration of the Treaty; (b) seek special legislation to provide more liberal entitlement to, and calculation of, retirement annuities than is currently provided for by law.		
Article XI *Provisions for the transition period*	*Article XI*	*Article XI*
1. The Republic of Panama shall reassume plenary jurisdiction over the former Canal Zone upon entry into force of this Treaty and in accordance with its terms. In order to provide for an orderly transition to the full application of the jurisdictional arrangements established by this Treaty and related agreements, the provision of this Article shall become applicable upon the date this Treaty enters into force, and shall remain in effect for thirty calendar months. The authority granted in this Article to the United States of America for this transition period shall supplement, and is not intended to limit, the full application and effect of the rights and authority granted to the United States of America elsewhere in this Treaty and in related agreements.	At the present time, U.S. citizen employees need not hazard their chances with the justice of a military dictator or the brutality of the Guardia and Panamanian justice.	Although these provisions are supposed to ease tensions, they will increase the apprehension of U.S. citizens in Panama. First, there is a confusion in definition between "the former Canal Zone" and "the areas and installations made available for the use of the United States." Second, Panama assumes "plenary jurisdiction" over the former Canal Zone, but the U.S. retains "primary jurisdiction" over certain criminal offenses. In any case, Panama will have criminal jurisdiction over U.S. citizens who are charged with offenses outside of U.S. installations. It will be virtually impossible for a U.S. citizen not to subject himself to Panamanian jurisdiction. A further confusion is introduced with the "joint police patrols" with opportunities for dispute over jurisdiction. The whole article must be read in the light of Article XIX, "Criminal Jurisdiction," of the Agreement in Implementation of Article III. In that agreement, Panama reserves the right to keep U.S. citizens in custody who are charged with murder, rape, robbery with violence, trafficking in drugs or crime against the security of the Panamanian state.
2. During this transition period, the criminal and civil laws of the United States of America shall apply concurrently with those of the Republic of Panama in certain of the areas and installations made available for the use of the United States of America pursuant to this Treaty, in accordance with the following provisions: (a) The Republic of Panama permits the authorities of the United States of America to have the primary right to exercise criminal jurisdiction over United States citizens employees of the Panama Canal Commission and their dependents, and members of the United States Forces and civilian component and their dependents, in the following cases: (i) for any offense committed during the transition period within such areas and installations, and (ii) for any offense committed prior to that period in the former Canal Zone. The Republic of Panama shall have the primary right to exercise jurisdiction over all other offenses committed by such persons, except as otherwise provided in this Treaty and related agreements or as may be otherwise agreed. (b) Either Party may waive its primary right to exercise jurisdiction in a specific case or category of cases.		
3. The United States of America shall retain the right to exercise jurisdiction in criminal cases relating to offenses committed prior to the entry into force of this Treaty in violation of the laws applicable in the former Canal Zone.		
4. For the transition period, the United States of America shall retain police authority and maintain a police force in the aforementioned areas and installations. In such areas, the police authorities of the United States of America may take into custody any person not subject to their primary jurisdiction if such person is believed to have committed or to be committing an offense against applicable laws or regulations,		

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I:

THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
and shall promptly transfer custody to the police authorities of the Republic of Panama. The United States of America and the Republic of Panama shall establish joint police patrols in agreed areas. Any arrests conducted by a joint patrol shall be the responsibility of the patrol member or members representing the Party having primary jurisdiction over the person or persons arrested.		
5. The courts of the United States of America and related personnel, functioning in the former Canal Zone immediately prior to the entry into force of this Treaty, may continue to function during the transition period for the judicial enforcement of the jurisdiction to be exercised by the United States of America in accordance with this Article.		
6. In civil cases, the civilian courts of the United States of America in the Republic of Panama shall have no jurisdiction over new cases of a private civil nature, but shall retain full jurisdiction during the transition period to dispose of any civil cases, including admiralty cases, already instituted and pending before the courts prior to the entry into force of this Treaty.		
7. The laws, regulations, and administrative authority of the United States of America applicable in the former Canal Zone immediately prior to the entry into force of this Treaty shall, to the extent not inconsistent with this Treaty and related agreements, continue in force for the purpose of the exercise by the United States of America of law enforcement and judicial jurisdiction only during the transition period. The United States of America may amend, repeal or otherwise change such laws, regulations and administrative authority. The two Parties shall consult concerning procedural and substantive matters relative to the implementation of this Article, including the disposition of cases pending at the end of the transition period and, in this respect, may enter into appropriate agreements by an exchange of notes or other instrument.		
8. During this transition period, the United States of America may continue to incarcerate individuals in the areas and installation made available for the use of the United States of America by the Republic of Panama pursuant to this Treaty and related agreements, or to transfer them to penal facilities in the United States of America to serve their sentences.		
Article XII	*Article XII*	*Article XII*
A sea-level canal or a third lane of locks		
1. The United States of America and the Republic of Panama recognize that a sea-level canal may be important for international navigation in the future. Consequently, during the duration of this Treaty, both Parties commit themselves to study jointly the feasibility of a sea-level canal in the Republic of Panama, and in the event they determine that such a waterway is necessary, they shall negotiate terms, agreeable to both Parties, for its construction.		1. A Sea Level Canal inside Panama is politically impractical, since the huge investment would be taken over by Panama. It is also economically infeasible. The only practical alternative would be in Nicaragua, an alternative approved by the 1931 Sultan Commission study. Although the 1970 study of the Atlantic-Pacific Interoceanic Canal Study Commission recommended a Panamanian site, a more recent study of the Nicaraguan site, based on new construction techniques perfected in Louisiana, says that Nicaragua is feasible. It would not, however, be justified unless the Panama Canal were denied to the U.S. Section 1 commits the parties only to a study, not to a project; Section 2 prohibits the U.S. both from negotiation or con-
2. The United States of America and the Republic of Panama agree on the following:		
(a) No new interoceanic canal shall be conconstructed in the territory of the Republic of Panama during the duration of this Treaty, except in accord-		

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
ance with the provisions of this Treaty, or as the two Parties may otherwise agree; and		struction with a third party. Such negotiation may be the only leverage we would still hold over Panama to obtain cooperation.
(b) During the duration of this Treaty, the United States of America shall not negotiate with third States for the right to construct an interoceanic canal on any other route in the Western Hemisphere, except as the two Parties may otherwise agree.		
3. The Republic of Panama grants to the United States of America the right to add a third lane of locks to the existing Panama Canal. This right may be exercised at any time during the duration of this Treaty, provided that the United States of America has delivered to the Republic of Panama copies of the plans for such construction.	3. At the present time, the U.S. has ample authority within its sovereign powers to construct a third lane of locks. Such a project was started in 1942, and $76 million was spent on excavations which could still be used in the project. All construction and all water levels would remain within the present Canal Zone. In addition, $95 million was spent on the enlargement of Gaillard Cut, making a total of $171 million spent in major modernization.	
4. In the event the United States of America exercises the right granted in paragraph 3 above, it may use for that purpose, in addition to the areas otherwise made available to the United States of America pursuant to this Treaty, such other areas as the two Parties may agree upon. The terms and conditions applicable to Canal operating areas made available by the Republic of Panama for the use of the United States of America pursuant to Article III of this Treaty shall apply in a similar manner to such additional areas.		
5. In the construction of the aforesaid works, the United States of America shall not use nuclear excavation techniques without the previous consent of the Republic of Panama.	5. Nuclear excavation has already been ruled out by the results of Project Plowshare tests and by the Nuclear Non-Proliferation Treaty.	
Article XIII	*Article XIII*	*Article XIII*
Property transfer and economic participation by the Republic of Panama		
1. Upon termination of this Treaty, the Republic of Panama shall assume total responsibility for the management, operation, and maintenance of the Panama Canal, which shall be turned over in operating condition and free of liens and debts, except as the two Parties may otherwise agree.		1. The requirement that the Canal be turned over "in operating condition" could cost billions of dollars if the Canal were destroyed by war, earthquake, major slides or Panamanian sabotage. The requirement that the Canal be turned over "free of liens and debts" implies that any cumulative operating deficits would have to be paid from the U.S. Treasury. According to testimony, the Panamanian interpretation that the $10 million payment to be paid out of "surplus", if no surplus is earned in 22 years, becomes a U.S. obligation ($220 million) under this clause.
2. The United States of America transfers, without charge, to the Republic of Panama all right, title and interest the United States of America may have with respect to all real property, including non-removable improvements thereon, as set forth below:		2. The U.S. transfers *all* title immediately to Panama, and retains only *use*. A cloud is cast upon our title by the word *may*. The transfer of *property* without authorization by both Houses of Congress is unconstitutional under Article IV, Section 3. No provision is made for the recovery of the U.S. investment in the Canal, either through depreciation or through payment; indeed, the transfer is "without charge" to Panama. Although the treaty mentions only the transfer of "non-removable" assets, as a pratical matter most removable assets will be given away too.
(a) Upon the entry into force of this Treaty, the Panama Railroad and such property that was located in the former Canal Zone but that is not within the land and water areas the use of which is made available to the United States of America pursuant to this Treaty. However, it is agreed that the transfer on such date shall not include buildings and other facilities, except housing, the use of which is retained by the United States of America pursuant to this Treaty and related agreements, outside such areas;		

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY	PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA
(b) Such property located in an area or a portion thereof at such time as the use by the United States of America of such area or portion thereof ceases pursuant to agreement between the two Parties. (c) Housing units made available for occupancy by members of the Armed Forces of the Republic of Panama in accordance with paragraph 5(b) of Annex B to the Agreement in Implementation of Article IV of this Treaty at such time as such units are made available to the Republic of Panama. (d) Upon termination of this Treaty, all real property and non-removable improvements that were used by the United States of America for the purposes of this Treaty and related agreements and equipment related to the management, operation and maintenance of the Canal remaining in the Republic of Panama.		
3. The Republic of Panama agrees to hold the United States of America harmless with respect to any claims which may be made by third parties relating to rights, title and interest in such property.		
4. The Republic of Panama shall receive, in addition, from the Panama Canal Commission a just and equitable return on the national resources which it has dedicated to the efficient management, operation, maintenance, protection and defense of the Panama Canal, in accordance with the following: (a) An annual amount to be paid out of Canal operating revenues computed at a rate of thirty hundredths of a United States dollar ($0.30) per Panama Canal net ton, or its equivalency, for each vessel transiting the Canal after the entry into force of this Treaty, for which tolls are charged. The rate of thirty hundredths of a United States dollar ($0.30) per Panama Canal net ton, or its equivalency, will be adjusted to reflect changes in the United States wholesale price index for total manufactured goods during biennial periods. The first adjustment shall take place five years after entry into force of this Treaty, taking into account the changes that occurred in such price index during the preceding two years. Thereafter, successive adjustments shall take place at the end of each biennial period. If the United States of America should decide that another indexing method is preferable, such method shall be proposed to the Republic of Panama and applied if mutually agreed. (b) A fixed annuity of ten million United States dollars ($10,000,000) to be paid out of Canal operating revenues. This amount shall constitute a fixed expense of the Panama Canal Commission. (c) An annual amount of up to ten million United States dollars ($10,000,000) per year, to be paid out of Canal operating revenues to the extent that such revenues exceed expenditures of the Panama Canal Commission including amounts paid pursuant to this Treaty. In the event Canal operating revenues in any year do not produce a surplus sufficient to cover this payment, the unpaid balance shall be paid from operating surpluses in future years in a manner to be mutually agreed.	4. The Panama Canal Company is a U.S. Corporation under 31 U.S.C. 846, and is subject to standard rules of accounting for government agencies. All revenues are paid into the U.S. Treasury, and drawn out only according to appropriations authorized by law. The annual payment of $2.3 million is paid out of State Department appropriations. The Treasury is reimbursed $519 million of this from the Panama Canal Company revenues, a sum representing in devalued dollars an amount equivalent to $450,000 specified in the 1936 treaty. That sum, in turn, is an adjustment of the $250,000 gold dollar equivalents. Paid under the 1903 treaty as compensation for the rights of the Panama Railroad, formerly paid to Panama. All U.S. Treasury payments to Panama are currently assigned to New York banks against Panamanian obligations, and are sent directly from from the U.S. Treasury to the banks.	4. Panama has dedicated no resources to the efficient management, operation, maintenance, protection, and defense of the Panama Canal, other than the rainfall which flows into the Chagres River basin. It is the U.S. which has dedicated all such resources. The payment mechanism specified in the treaty is unconstitutional. The annual amount is to be "paid out of Canal operating revenues." The fixed annuity is to be "paid out of Canal operating revenues." The contingent payment is to be "paid out of Canal operating revenues to the extent that such revenues exceed expenditures." Payments cannot be made to Panama by the Panama Canal Commission. As a U.S. government agency, all revenues must be paid into the Treasury, whence they can be drawn out only by funds appropriated by law. These are funds which belong to and could accrue to the benefit of the U.S. taxpayers. Thus even if payments to Panama are appropriated from the Treasury according to the treaty formula, it is an error to say that no appropriated funds are involved. The State Department has acknowledged that discussions are in progress so that future sums due Panama from the U.S. Treasury can also be assigned directly against Panamanian obligations with U.S. banks.

THE PANAMA CANAL TREATIES: A COMPARISON OF U.S. INTERESTS WITH OUR PRESENT STATUS AND WITH THE GOAL OF THE TREATIES—PART I: THE PANAMA CANAL TREATY—Continued

PANAMA CANAL TREATY

PRESERVATION OF U.S. INTEREST AS JUDGED BY 1903 TREATY

PRESERVATION OF U.S. INTEREST AS JUDGED BY ASSUMPTION THAT CANAL SHOULD BE GIVEN TO PANAMA

Article XIV

Settlement of disputes

In the event that any question should arise between the Parties concerning the interpretation of this Treaty or related agreements, they shall make every effort to resolve the matter through consultation in the appropriate committees established pursuant to this Treaty and related agreements, or, if appropriate, through diplomatic channels. In the event the Parties are unable to resolve a particular matter through such means, they may, in appropriate cases, agree to submit the matter to conciliation, mediation, arbitration, or such other procedure for the peaceful settlement of the dispute as they may mutually deem appropriate.

DONE at Washington, this 7th day of September, 1977, in duplicate, in the English and Spanish languages, both texts being equally authentic.

ANNEX—PROCEDURES FOR THE CESSATION OR TRANSFER OF ACTIVITIES CARRIED OUT BY THE PANAMA CANAL COMPANY AND THE CANAL ZONE GOVERNMENT AND ILLUSTRATIVE LIST OF THE FUNCTIONS THAT MAY BE PERFORMED BY THE PANAMA CANAL COMMISSION

1. The laws of the Republic of Panama shall regulate the exercise of private economic activities within the areas made available by the Republic of Panama for the use of the United States of America pursuant to this Treaty. Natural or juridical persons who, at least six months prior to the date of signature of this Treaty, were legally established and engaged in the exercise of economic activities in the former Canal Zone, may continue such activities in accordance with the provisions of paragraphs 2–7 of Article IX of this Treaty.

2. The Panama Canal Commission shall not perform governmental or commercial functions as stipulated in paragraph 4 of this Annex, provided, however, that this shall not be deemed to limit in any way the right of the United States of America to perform those functions that may be necessary for the efficient management, operation and maintenance of the Canal.

3. It is understood that the Panama Canal Commission, in the exercise of the rights of the United States of America with respect to the management, operation and maintenance of the Canal, may perform functions such as are set forth below by way of illustration:

a. Management of the Canal enterprise.

b. Aids to navigation in Canal waters and in proximity thereto.

c. Control of vessel movement.

d. Operation and maintenance of the locks.

e. Tug service for the transit of vessels and dredging for the piers and docks of the Panama Canal Commission.

f. Control of the water levels in Gatun, Alajuela (Madden) and Miraflores Lakes.

g. Non-commercial transportation services in Canal waters.

h. Meteorological and hydrographic services.

i. Admeasurement.

j. Non-commercial motor transport and maintenance.

k. Industrial security through the use of watchmen.

l. Procurement and warehousing.

m. Telecommunications.

n. Protection of the environment by preventing and controlling the spillage of oil and substances harmful to human or animal life and of the ecological equilibrium in areas used in operation of the Canal and the anchorages.

o. Non-commercial vessel repair.

p. Air conditioning services in Canal installations.

q. Industrial sanitation and health services.

r. Engineering design, construction and maintenance of Panama Canal Commission installations.

s. Dredging of the Canal channel, terminal ports and adjacent waters.

t. Control of the banks and stabilizing of the slopes of the Canal.

u. Non-commercial handling of cargo on the piers and docks of the Panama Canal Commission.

v. Maintenance of public areas of the Panama Canal Commission, such as parks and gardens.

w. Generation of electric power.

x. Purification and supply of water.

y. Marine salvage in Canal waters.

z. Such other functions as may be necessary or appropriate to carry out, in conformity with this Treaty and related agreements, the rights and responsibilities of the United States of America with respect to the management, operation and maintenance of the Panama Canal.

4. The following activities and operations carried out by the Panama Canal Company and the Canal Zone Government shall not be carried out by the Panama Canal Commission, effective upon the dates indicated herein:

(a) Upon the date of entry into force of this Treaty:

(i) Wholesale and retail sales, including those through commissaries, food stores, department stores, optical shops and pastry shops;

(ii) The production of food and drink, including milk products and bakery products;

(iii) The operation of public restaurants and cafeterias and the sale of articles through vending machines;

(iv) The operation of movie theaters, bowling alleys, pool rooms and other recreational and amusement facilities for the use of which a charge is payable;

(v) The operation of laundry and dry cleaning plants other than those operated for official use;

(vi) The repair and service of privately owned automobiles or the sale of petroleum or lubricants thereto, including the operation of gasoline stations, repair garages and tire repair and recapping facilities, and the repair and service of other privately owned property, including appliances, electronic devices, boats, motors, and furniture;

(vii) The operation of cold storage and freezer plants other than those operated for official use;

(viii) The operation of freight houses other than those operated for official use;

(ix) The operation of commercial services to and supply of privately owned and operated vessels, including the construction of vessels, the sale of petroleum and lubricants and the provision of water, tug services not related to the Canal or other United States Government operations, and repair of such vessels, except in situations where repairs may be necessary to remove disabled vessels from the Canal;

(x) Printing services other than for official use;

(xi) Maritime transportation for the use of the general public;

(xii) Health and medical services provided to individuals, including hospitals, leprosariums, veterinary, mortuary and cemetery services;

(xiii) Educational services not for professional training, including schools and libraries;

(xiv) Postal services;

(xv) Immigration, customs and quarantine controls, except those measures necessary to ensure the sanitation of the Canal;

(xvi) Commercial pier and dock services, such as the handling of cargo and passengers; and

(xvii) Any other commercial activity of a similar nature, not related to the management, operation or maintenance of the Canal.

(b) Within thirty calendar months from the date of entry into force of this Treaty, governmental services such as:

(i) Police;

(ii) Courts; and

(iii) Prison system.

5. (a) With respect to those activities or functions described in paragraph 4 above, or otherwise agreed upon by the two Parties, which are to be assumed by the Government of the Republic of Panama or by private persons subject to its authority, the two Parties shall consult prior to the discontinuance of such activities or functions by the Panama Canal Commission to develop appropriate arrangements for the orderly trans-

fer and continued efficient operation or conduct thereof.

(b) In the event that appropriate arrangements cannot be arrived at to ensure the continued performance of a particular activity or function described in paragraph 4 above which is necessary to the efficient management, operation or maintenance of the Canal, the Panama Canal Commission may, to the extent consistent with the other provisions of this Treaty and related agreements, continue to perform such activity or function until such arrangements can be made.

TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

The United States of America and the Republic of Panama have agreed upon the following:

ARTICLE I

The Republic of Panama declares that the Canal, as an international transit waterway, shall be permanently neutral in accordance with the regime established in this Treaty. The same regime of neutrality shall apply to any other international waterway that may be built either partially or wholly in the territory of the Republic of Panama.

ARTICLE II

The Republic of Panama declares the neutrality of the Canal in order that both in time of peace and in time of war it shall remain secure and open to peaceful transit by the vessels of all nations on terms of entire equality, so that there will be no discrimination against any nation, or its citizens or subjects, concerning the conditions or charges of transit, or for any other reason, and so that the Canal, and therefore the Isthmus of Panama, shall not be the target of reprisals in any armed conflict between other nations of the world. The foregoing shall be subject to the following requirements:

(a) Payment of tolls and other charges for transit and ancillary services, provided they have been fixed in conformity with the provisions of Article III(c);

(b) Compliance with applicable rules and regulations, provided such rules and regulations are applied in conformity with the provisions of Article III;

(c) The requirement that transiting vessels commit no acts of hostility while in the Canal; and

(d) Such other conditions and restrictions as are established by this Treaty.

ARTICLE III

1. For purposes of the security, efficiency and proper maintenance of the Canal the following rules shall apply:

(a) The Canal shall be operated efficiently in accordance with conditions of transit through the Canal, and rules and regulations that shall be just, equitable and reasonable, and limited to those necessary for safe navigation and efficient, sanitary operation of the Canal;

(b) Ancillary services necessary for transit through the Canal shall be provided;

(c) Tolls and other charges for transit and ancillary services shall be just, reasonable, equitable and consistent with the principles of international law;

(d) As a pre-condition of transit, vessels may be required to establish clearly the financial responsibility and guarantees for payment of reasonable and adequate indemnification, consistent with international practice and standards, for damages resulting from acts or omissions of such vessels when passing through the Canal. In the case of vessels owned or operated by a State or for which it has acknowledged responsibility, a certification by that State that it shall observe its obligations under international law to pay for damages resulting from the act or omission of such vessels when passing through the Canal shall be deemed sufficient to establish such financial responsibility;

(e) Vessels of war and auxiliary vessels of all nations shall at all times be entitled to transit the Canal, irrespective of their internal operation, means of propulsion, origin, destination or armament, without being subjected, as a condition of transit, to inspection, search or surveillance. However, such vessels may be required to certify that they have complied with all applicable health, sanitation and quarantine regulations. In addition, such vessels shall be entitled to refuse to disclose their internal operation, origin, armament, cargo or destination. However, auxiliary vessels may be required to present written assurances, certified by an official at a high level of the government of the State requesting the exemption, that they are owned or operated by that government and in this case are being used only on government non-commercial service.

2. For the purposes of this Treaty, the terms "Canal," "vessel of war," "auxiliary vessel," "internal operation," "armament" and "inspection" shall have the meanings assigned them in Annex A to this Treaty.

ARTICLE IV

The United States of America and the Republic of Panama agree to maintain the regime of neutrality established in this Treaty, which shall be maintained in order that the Canal shall remain permanently neutral, notwithstanding the termination of any other treaties entered into by the two Contracting Parties.

ARTICLE V

After the termination of the Panama Canal Treaty, only the Republic of Panama shall operate the Canal and maintain military forces, defense sites and military installations within its national territory.

ARTICLE VI

1. In recognition of the important contributions of the United States of America and of the Republic of Panama to the construction, operation, maintenance, and protection and defense of the Canal, vessels of war and auxiliary vessels of those nations shall, notwithstanding any other provisions of this Treaty, be entitled to transit the Canal irrespective of their internal operation, means of propulsion, origin, destination, armament or cargo carried. Such vessels of war and auxiliary vessels will be entitled to transit the Canal expeditiously.

2. The United States of America, so long as it has responsibility for the operation of the Canal, may continue to provide the Republic of Colombia toll-free transit through the Canal * * * Thereafter, the Republic of Panama may provide the Republic of Colombia and the Republic of Costa Rica with the right of toll-free transit.

ARTICLE VII

1. The United States of America and the Republic of Panama shall jointly sponsor a resolution in the Organization of American States opening to accession by all nations of the world the Protocol to this Treaty whereby all the signatories will adhere to the objectives of this Treaty, agreeing to respect the regime of neutrality set forth herein.

2. The Organization of American States shall act as the depositary for this Treaty and related instruments.

ARTICLE VIII

This Treaty shall be subject to ratification in accordance with the constitutional procedures of the two Parties. The instruments of ratification of this Treaty shall be exchanged at Panama at the same time as the instruments of ratification of the Panama Canal Treaty, signed this date, are exchanged. This Treaty shall enter into force, simultaneously with the Panama Canal Treaty, six calendar months from the date of the exchange of the instruments of ratification.

Done at Washington, this 7th day of September, 1977, in the English and Spanish languages, both texts being equally authentic.

ANNEX

The magnitude of the dismemberment of the Canal organization cannot be appreciated from the bare terms of the Annex. The Panama Canal Commission will lose 58% of the land available to the present Company for operating the Canal, 43% of its present U.S. employees, 52% of its present Panamanian employees, and 69% of its non-toll revenues (35.6% of all revenues.) Although some of these employees may transfer to other U.S. or Panamanian entities, there is considerable doubt that present pay rates and job benefits will be preserved. During the Armed Services Committee hearings, I requested Governor Parfitt to provide detailed statistics on the dismemberment of the Canal organization, and he supplied the following official charts:

THE PANAMA CANAL—EFFECT OF TREATY-IMPOSED CHANGES ON FISCAL YEAR 1979 PRESIDENT'S BUDGET

[In thousands of dollars]

Function	Fiscal year 1979 President's budget			Fiscal year 1979 under treaty-imposed changes								
				Activities retained			Activities divested			Activities reduced in scope		
	Expenses	Recoveries	Margin (cost)	Expenses	Recoveries	Margin (cost)	Expenses	Recoveries	Margin (cost)	Expenses	Recoveries	Margin (cost)
TRANSIT OPERATIONS												
Maintenance of channels—harbors	25,578		(25,578)	25,528		(25,528)				50		(50)
Navigation service and control	45,643	30,975	(14,668)	42,942	27,209	(15,733)				2,701	3,766	1,065
Locks operations	27,187		(27,187)	27,187		(27,187)						
General repairs, storehouse, engineering	8,107	5,500	(2,607)	6,357	1,127	(5,230)				1,750	4,373	2,623
Miscellaneous canal expenses	17,162	223	(16,939)	14,927	170	(14,757)				2,235	208	(2,027)

Function	Fiscal year 1979 President's budget			Fiscal year 1979 under treaty-imposed changes								
				Activities retained			Activities divested			Activities reduced in scope		
	Expenses	Recoveries	Margin (cost)	Expenses	Recoveries	Margin (cost)	Expenses	Recoveries	Margin (cost)	Expenses	Recoveries	Margin (cost)
SUPPORTING SERVICES												
Marine terminals	22,868	28,213	5,345				22,868	28,213	5,345			
Marine terminals close out costs [1]				76		(76)						
Railroad	2,603	2,621	18				2,603	2,621	18			
Motor transportation	374	424	50					424	424	374		(374)
Water transportation	3,540	3,690	150	8,021	5,408	(2,613)				(4,481)	(1,718)	2,763
Power system	11,686	12,958	1,272	13,762	15,708	1,946				(2,076)	(2,750)	(674)
Communications	910	1,052	142	869	905	36				41	147	106
Water system	3,812	4,073	261	3,966	3,933	(33)				(154)	140	294
Air-conditioning	61	66	5	644	783	139				(583)	(717)	(134)
Food units	4,512	4,058	(454)				4,512	4,058	(454)			
Retail units	41,802	36,790	(5,012)				41,802	36,790	(5,012)			
Theaters and bowling alleys	688	431	(257)				688	431	(257)			
Employee housing	6,547	6,005	(542)	5,184	4,850	(334)				1,363	1,155	(208)
Other	1,434	2,142	708	303	508	205				1,131	1,479	348
GENERAL CORPORATE												
General and administrative	55,448		(55,448)	47,763		(47,763)				7,685		(7,685)
Interest payment to U.S. Treasury	20,058		(20,058)				20,058		(20,058)			
CIVIL FUNCTIONS												
Customs and immigration	1,585		(1,585)	167		(167)	1,418		(1,418)			
Postal services	3,135	1,979	(1,156)	166		(166)	2,969	1,979	(990)			
Police protection	9,993	51	(9,942)	9,024	51	(8,973)	969		(969)			
Fire protection	4,332	5,422	1,090	3,860	2,578	(1,282)				472	2,844	2,372
Judicial system	334	200	(134)	191		(191)	143	200	57			
Public areas and facilities	5,376		(5,376)	2,774		(2,774)				2,602		(2,602)
Education—Libraries	25,062	24,407	(655)	628		(628)	24,434	24,407	(27)			
Internal security	367		(367)	301		(301)				66		(66)
Other civil affairs	947	846	(101)	527	4	(523)				420	842	422
HEALTH AND SANITATION												
Hospitals and clinics	28,872	32,341	3,469				28,872	32,341	3,469			
Other public health	4,903	813	(4,090)	2,191	15	(2,176)				2,712	798	(1,914)
GENERAL GOVERNMENT												
Governor's office	407		(407)	373		(373)				34		(34)
General expenses, Government	5,663	63	(5,600)	2,069		(2,069)				3,594	63	(3,531)
Total	390,996	205,343	(185,653)	219,800	63,249	(156,551)	151,336	131,464	(19,872)	19,936	10,630	(9,306)

[1] This amount is not included in the President's Budget.

THE PANAMA CANAL, SERVICES AND FORCE BY CITIZENSHIP

	Force, 1979 President's budget			Force, 1979 revised (treaty plan)		
	United States	Non-United States	Total	United States	Non-United States	Total
TRANSIT OPERATIONS						
Maintenance of channels and harbors	95	472	567	97	527	624
Navigation services and control	442	1,486	1,928	439	1,470	1,909
Locks operations	264	874	1,138	266	913	1,179
General repair, storehouse, engineering and maintenance services	398	1,417	1,815	347	1,285	1,632
General canal expense	123	102	225	97	101	198
SUPPORTING ACTIVITIES						
Marine terminals	64	1,501	1,565			
Retail units; food units; theaters and bowling alleys	118	1,117	1,235			
Railroad	43	134	177			
Motor transportation	36	426	462	36	345	381
Water transportation	58		58	63	34	98
Power system	59	41	100	55	45	100
Communications system	71	47	118	68	47	115
Water system	30	70	100	30	72	102
Grounds, custodial, and other services	47	726	773	46	444	490
GENERAL CORPORATE ACTIVITIES						
Annuitant welfare program		7	7		7	7
Joint personnel program	8	19	27	8	15	23
Executive direction	83	20	103	83	36	119
Operations direction	46	4	50	33	5	38
Financial management	170	211	381	161	209	370
Personnel administration	58	81	139	48	75	123
General services	45	41	86	48	73	121
Apprenticeship training	30	103	133	33	125	158
Total, Panama Canal Company	2,288	8,899	11,187	1,958	5,829	7,787
CIVIL FUNCTIONS						
Customs and immigration	65	4	69	7		7
Postal service	69	47	116	3	5	8
Police protection	245	112	357	177	96	273
Fire protection	25	148	173	25	126	151
Judicial system	9	1	10	5		5
Education—libraries	734	282	1,016	4	4	8
Public areas and facilities				30	16	46
Internal security	13		13	11		11
Other civil affairs	27	12	39	16	6	22
HEALTH AND SANITATION						
Hospitals and clinics	396	892	1,288			
Other public health services	66	176	242	18	112	130
GENERAL GOVERNMENT						
Office of the Governor	7	1	8	6	1	7
Total, Canal Zone Gov't.	1,656	1,675	3,331	302	366	668
Reorganization provision				10		10
Total, the Panama Canal year-end employments	3,944	10,574	14,518	2,270	6,195	8,465

THE PANAMA CANAL—PERSONNEL COMPENSATION BY CITIZENSHIP, FISCAL YEAR 1977 ACTUAL

[In thousands of dollars]

	U.S. citizens	Non-U.S. citizens	Total	Remarks
TRANSIT OPERATIONS				
Maintenance of channels and harbors	2,190	5,168	7,358	
Navigation services and control	14,591	11,862	26,453	Note 2.
Locks operations	5,782	7,296	13,078	
General repair, storehouse, engineering and maintenance services	8,040	15,543	23,583	Note 2.
General canal expense	1,670	1,160	2,830	Note 2.
SUPPORTING ACTIVITIES				
Marine terminals	1,321	11,733	13,054	Note 1.
Retail units	1,423	5,731	7,154	Note 1.
Food units	236	1,481	1,717	Note 1.
Theaters and bowling alleys	65	186	251	Note 1.
Railroad	920	1,323	2,243	Note 1.
Motor transportation	748	3,512	4,260	Note 2.
Water transportation	1,410		1,410	Note 2.
Power system	1,392	400	1,792	Note 2.
Communications system	1,235	499	1,734	Note 2.
Water system	659	554	1,213	Note 1.
Grounds, custodial, and other services	665	4,749	5,414	Note 2.
GENERAL CORPORATE ACTIVITIES				
Annuitant welfare program		135	135	
Joint personnel program	95	173	268	
Executive direction	1,887	299	2,186	
Operations direction	1,222	50	1,272	
Financial management	3,667	2,342	6,009	
Personnel administration	1,199	1,031	2,230	
General services	759	393	1,152	
Employment costs, apprentices	303	626	929	
Total, Panama Canal Co	51,479	76,246	127,725	
CIVIL FUNCTIONS				
Customs and immigration	1,172	39	1,121	Note 1.
Postal service	1,290	719	2,009	Note 1.
Police protection	5,510	1,565	7,075	Note 1.
Fire protection	691	2,250	2,941	Note 2.
Judicial system	161	15	176	Note 1.
Education—Libraries	12,437	3,286	15,723	Note 1.
Public areas and facilities				
Internal security	291		291	
Other civil affairs	478	104	582	Note 2.
HEALTH AND SANITATION				
Hospitals and clinics	8,692	8,766	17,458	Note 1.
Other public health services	1,621	1,250	2,868	Note 2.
GENERAL GOVERNMENT				
Office of the Governor	208	6	214	Note 2.
Total, Canal Zone Government	32,547	18,000	450,548	
Total, the Panama Canal Agency	84,026	94,246	178,273	

Note 1—These activities are to be divested from the Commission operations under the treaty. Note 2—These activities are to be reduced in scope of operations under the treaty.

THE PANAMA CANAL—NET BOOK VALUE OF FACILITIES AND EQUIPMENT, AS OF JUNE 30, 1977, AFFECTED BY THE TREATY

[In millions of dollars]

Function	Total facilities and equipment	Retained by Panama Canal Commission	To other U.S. Government agencies	To Panama— Upon entry into force	To Panama— During life of treaty
TRANSIT OPERATIONS					
Canal excavation, fills, dams and embankment, land and treaty rights	310.1	295.6		14.5	
Maintenance of channels and harbors	7.0	7.0			
Navigation service and control	12.2	12.2			
Locks	37.2	37.2			
General repair, storehouse, engineering and maintenance services	7.2	6.3		.9	
Thatcher Ferry Bridge	13.9			13.9	
Other general canal operations	.6	.5		.1	
SUPPORTING SERVICES					
Harbor terminals	5.8	.2		5.6	
Marine bunkering	2.6	.3		2.3	
Housing	31.7	.1	0.1	31.5	
Retail units, food units, theaters and bowling alleys	6.5	.5		3.3	2.7
Railroad	2.6	.1		2.5	
Motor transportation	2.8	2.5			.3
Water transportation	.1	.1			
Power system	20.1	20.1			
Communication system	4.1	4.1			
Water system	5.3	5.3			
Central air-conditioning	1.4	1.4			
Grounds custodial and other services	.9	.7		.2	
GENERAL FACILITIES					
Company buildings	4.4	3.3	.1	.9	.1
OTHER PROPERTY					
Facilities held for future use	.1	.1			
Plant additions in progress	29.8	29.8			
CIVIL FUNCTIONS					
Customs and immigration					
Postal service	.3	.1		.2	
Police protection	.6				
Fire protection	.6	.6			
Judicial system					
Education—Libraries	19.6		17.0	2.6	
Public areas and facilities	18.5	4.7	1.6	12.2	
Internal security					
Other civil affairs	.7	.2	.1	.4	
HEALTH AND SANITATION					
Gorgas Hospital	8.0		8.0		
Coco Solo Hospital	2.0		2.0		
Canal Zone Mental Health Center	.6		.6		
Palo Seco Hospital					
Other public health services	.4	.1	.3		
OTHER GOVERNMENT FACILITIES					
Miscellaneous buildings and facilities	2.0	.7	.2	1.0	.1
Plant held for future use	.1			.1	
Plant additions in progress	7.6	7.6			
Total	567.4	441.4	30.0	92.2	3.8

Inventory footnote: Retail inventories will be reduced through selective purchasing and price reductions prior to entry into force of the treaty, with the remainder offered to the U.S. Army Commissary and the Army and Air Force Exchange. Operating supplies and materials include approximately $1,000,000 of goods held for use in facilities to be transferred to Panama. These items will be offered to the individuals or agencies acquiring the facilities. The balance of the inventory will remain with the Commission. Inventory valuation (millions of dollars) as of June 30, 1977, are: goods held for resale, $7.9; operating materials and supplies, $18.8.

Housing footnote: The Panama Canal Commission retains the right of use of sufficient housing for the needs of U.S. citizen employees.

(The following occurred earlier today and is printed at this point in the RECORD by unanimous consent.)

Mr. ALLEN. Mr. President, I ask unanimous consent that we may proceed as in legislative session for not to exceed 3 minutes for the purpose of introducing a noncontroversial resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it so ordered.

EXPRESSION OF REGRET AND SYMPATHY ON THE DEATH OF JAMES L. JOHNSON

Mr. ALLEN. Mr. President, I send a resolution to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 395) expressing regret and sympathy on the death of James L. Johnson, who served as legislative clerk of the Senate for 32 years.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 395) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

RESOLUTION

Whereas, Hon. James L. Johnson, who served the Senate for 32 years, the last four years as Legislative Clerk, died on February 6, 1978; and

Whereas, Mr. Johnson was a loyal, dedicated, able public servant who was much beloved by Members of the Senate; and

Whereas, the Members of the Senate learned with deep sorrow of his death;

Now, therefore, it is hereby resolved by the Senate;

That the Members of the Senate express their sorrow and regret at Mr. Johnson's death and

That they express to Mrs. Johnson and other members of the Johnson family their appreciation for his dedicated service and their sorrow and their deep sympathy to them in their loss.

That Mrs. Johnson be furnished a copy of this resolution.

ORDER FOR RECESS UNTIL 10:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 10:15 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at 10:30 a.m. tomorrow, the Senate, as in legislative session, proceed for not to exceed 30 minutes with the debate on the resolution, Senate Resolution 393, a resolution from the Committee on Agriculture dealing with the farm economy; that that time be equally divided between Mr. TALMADGE and Mr. MUSKIE; and that, at the hour of 11 a.m., the Senate resume its consideration of the Neutrality Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR DEBATE ON PANAMA CANAL TREATIES TO END AT 6 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that debate tomorrow on the Panama Canal treaties end at 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 352—COMMENDING THE UNIVERSITY OF NOTRE DAME FOOTBALL TEAM ON ATTAINING THE NATIONAL COLLEGIATE CHAMPIONSHIP IN 1977

Mr. BAYH. Mr. President, I ask unanimous consent that, as in legislative session, the Senate consider S. Res. 352.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 352) to commend the University of Notre Dame football team on attaining the national collegiate championship in 1977.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, reserving the right to object, and I shall not object, is this the distinguished Senator's resolution commending the University of Notre Dame on its record in the last year and the early part of this year?

Mr. BAYH. That is accurate. The only reason reading was dispensed with is that it has already been read once.

Mr. ALLEN. Yes. I have no objection and I hope the distinguished Senator will be just as generous with a resolution I will offer after this one has been disposed of.

Mr. ROBERT C. BYRD. Mr. President, this resolution has been cleared with the leadership on both sides of the aisle.

Mr. BAKER. Mr. President, it has been cleared on this side. We have no objection to its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAYH. Mr. President, Notre Dame University is an institution known throughout the country for its academic excellence and dedication to the furtherance of human, moral and religious values. Its distinguished president, Father Theodore Hesburgh, is a figure of national prominence who has repeatedly served his country as an adviser to Presidents on a broad range of critical issues. The school itself is located on a beautiful campus in the northern part of my State and as an occasional lecturer and member of Notre Dame's Law School Advisory Council, I have been a frequent visitor.

As some of my colleagues might also know, Notre Dame has an interest in football. In fact, I do not think it would be an exaggeration to say that Notre Dame is probably the most widely known team in college football. Its supporters include not only the actual alumni, but also many additional "subway alumni" whose ony qualification need be an intense and abiding interest in Notre Dame's fortunes. It has a long and rich tradition which has provided America with some of its most colorful sports figures. The Four Horsemen of Notre Dame, Knute Rockne, The Gipper, Frank Leahy and Ara Parseghian, are not only well known to sports enthusiasts but have become household words in this country.

But I believe the tradition at Notre Dame represents more than just the appreciation of a good football team. For many years it was a living symbol for millions of ethnic immigrants who came to America seeking a better life—a symbol that represented the promise of success and acceptance in a competitive society. Its victories on the football field bolstered the pride of newcomers in an unfamiliar society and at the same time earned the respect and admiration of the country at large.

Mr. President, the 1977 Notre Dame football team has continued and added to this unique tradition. As I am sure we all know, this team won the Cotton Bowl game last month. Moreover, in a remarkable display of unbiased accuracy of the American news media, both the UPI and the AP polls recognized Notre Dame as the national college championship team. I feel it is entirely appropriate for the Senate to offer its congratulations on this occasion both to the team and its fine coaching staff headed by Dan Devine.

The work of the student athletes, coaches, and staff of this team is truly remarkable. It has been said, and I think accurately so, that playing varsity sports in college is equivalent to holding two full-time jobs. I think the efforts displayed by the members of the Notre Dame team in its endeavors over the season is a reflection of a high standard of dedication and commitment from which we can all learn.

Mr. President, I hope all my colleagues can join in this resolution of commendation for the 1977 Notre Dame football team upon its achievement of attaining the national college championship.

I say to the Senator from Alabama, I would think it would be possible for colleagues to permit a significant amount of leeway among themselves relative to the various interpretations they may place on the institutions of higher education within their own States, and I appreciate the Senator's opinion and appreciate the fact that he is prepared to permit the Senate to vote on the resolution of the Senator from Indiana.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 352) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

RESOLUTION

Whereas the Notre Dame football team has vanquished every opponent, save one, in its regular 1977 season; and

Whereas the Notre Dame football team was victorious in the Cotton Bowl contest on January 2, 1978; and

Whereas in the unbiased and professional opinion of the Nation's sportswriters and coaches the Notre Dame football team is the finest in the land and is, in fact, the National College Champions; and

Whereas the 1977 Notre Dame football team has continued and enhanced a unique tradition of excellence: Now, therefore, be it

Resolved, That the University of Notre Dame football team is commended for at-

taining the title of National College Champions for the 1977 season.

SEC. 2. The Secretary of the Senate is authorized to transmit a copy of this resolution to the president of the University of Notre Dame at Notre Dame, Indiana.

SENATE RESOLUTION 396—TO COMMEND HEAD FOOTBALL COACH PAUL "BEAR" BRYANT AND THE UNIVERSITY OF ALABAMA FOR HAVING MADE THE 1977 FOOTBALL SEASON ANOTHER MEMORABLE ONE FOR FANS THROUGHOUT THE NATION

Mr. ALLEN. Mr. President, on behalf of myself and Mr. SPARKMAN, I send a resolution to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. The Senator does this as in legislative session?

Mr. ALLEN. As in legislative session.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 396) to commend Head Football Coach Paul "Bear" Bryant and the University of Alabama for having made the 1977 football season another memorable one for fans throughout the Nation.

Mr. BAKER. Mr. President, I rise only to say that in the true ecumenical spirit I also have no objection to the consideration of this resolution.

Mr. ALLEN. I thank the distinguished Senator.

Mr. ROBERT C. BYRD. Mr. President, I want to state to the distinguished Senator from Alabama that I have succumbed to his cogent, lucid, and convincing arguments that this resolution should be passed today as in legislative session, and with great reluctance I have no objection.

Mr. ALLEN. I thank the distinguished majority leader.

The PRESIDING OFFICER. Is there objection to the present consideration tion of this resolution.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAYH. Mr. President, if the Senator will yield, I must say as a Member of this body that has the good fortune of representing the Norte Dame constituency, and as strong rivals as these two institutions are, I think we could almost get a unanimous vote on the Notre Dame campus on support of the resolution of the Senator from Alabama, perhaps not on the gridiron, but on the Senate floor.

Mr. ALLEN. I thank the distinguished Senator. I might say the same about his fine university and its great football team.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 396) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

RESOLUTION

Whereas, Coach Bryant in 1977 once again produced a contender for the National Collegiate Championship, the tenth time in his 20 years as head football coach of the Crimson Tide; and

Whereas, the 1977 University of Alabama football team defeated all but one of its 11 regular season opponents, including a 34 to 13 win over the University of Mississippi which later defeated Notre Dame by a score of 20 to 13; and

Whereas, while the University of Alabama was ranked the Nation's number three football team after regular season play, the Crimson Tide decisively defeated Ohio State by a score of 35 to 6 in the Sugar Bowl in New Orleans on January 2, 1978; and

Whereas, the top two ranked teams were defeated in post-season play; and

Whereas, Alabamians will always feel that on January 2, 1978 Alabama would have defeated any other college football team in the Nation; and

Whereas, in the collegiate football poll, the UPI Board of Coaches gave Notre Dame 23 votes and 365 points for first place while Alabama was close behind with 13 votes and 354 points; the AP sportswriters poll gave Notre Dame 37⅓ first place votes and 1,180 points and Alabama received 19⅓ votes and 1,132 points; and

Whereas, Coach Bryant and the University of Alabama have an unparalleled record in the number of former players who now are holding head coaching positions in collegiate and professional football; and

Whereas, the football teams of Notre Dame, the University of Arkansas, Penn State, and the University of Texas share with the University of Alabama an identical win-loss record;

Now, therefore, be it resolved that the University of Alabama and the other teams mentioned in this resolution and their coaches and staffs be commended for having provided millions of fans throughout the Nation a year of outstanding and wholesome competition that brings credit to their schools and to national collegiate football.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the RECORD show a period for the transaction of routine morning business at this time, as in legislative session, for the purpose of the introduction by Senators of bills, resolutions, petitions, and memorials.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 6:40 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 8200. An act to establish a uniform Law on the subject of Bankruptcies.

H.R. 9434. An act to amend the Social Security Act to increase the dollar limitations and Federal medical assistance percentages applicable to the medicaid programs of Puerto Rico, the Virgin Islands, and Guam.

The message also announced that the House has passed the bill (S. 9) to establish a policy for the management of oil and natural gas in the Outer Continental Shelf; to protect the marine and coastal environment; to amend the Outer Continental Shelf Lands Act; and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the bill (S. 2076) to authorize the Secretary of the Interior to transfer franchise fees received from certain concession operations at Grand Canyon National Park, Ariz., to the Grand Canyon Unified School District, Ariz., and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House has agreed to H. Con. Res. 473, providing for an adjournment of the House from February 9 to February 14, 1978, in which it requests the concurrence of the Senate.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 8200. An act to establish a uniform Law on the subject of Bankruptcies; to the Committee on the Judiciary.

H.R. 9434. An act to amend the Social Security Act to increase the dollar limitations and Federal medical assistance percentages applicable to the medicaid programs of Puerto Rico, the Virgin Islands, and Guam; to the Committee on Finance.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, February 8, 1978, he presented to the President of the United States the following enrolled bills:

S. 1360. An act to amend section 14(e) of the National Forest Management Act of 1976.

S. 1509. An act to provide for the return to the United States of title to certain lands conveyed to certain Indian pueblos of New Mexico and for such land to be held in trust by the United States for such tribes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CANNON:

S. 2516. A bill to amend the Federal Aviation Act of 1958 relating to eligibility for registration of aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself and Mr. SCHMITT):

S. 2517. A bill to amend section 402(d) of the Federal Land Policy and Management Act of 1976; to the Committee on Energy and Natural Resources.

By Mr. BELLMON:

S. 2518. A bill to provide for representatives of Indians to be members of relevant health systems agencies, and for other purposes; to the Committee on Human Resources.

By Mr. McGOVERN (for himself and Mr. DOLE):

S. 2519. A bill to establish a Department of Food, Agriculture, and Renewable Resources; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BELLMON:

S. 2518. A bill to provide for representatives of Indians to be members of

relevant health systems agencies, and for other purposes; to the Committee on Human Resources.

Mr. BELLMON. Mr. President, today I am introducing legislation which I believe corrects an oversight in a law passed during the 93d Congress, the National Health Planning and Resources Development Act of 1974, Public Law 93–641. The bill I am offering today would include the U.S. Public Health Service Indian Hospitals in the total health planning process.

When Congress first enacted the National Health Planning and Resources Development Act, the main findings and purposes for enactment were to address the major national, State, and local concerns about the planning, development, and operation of the Nation's health service system. The No. 1 priority for the Federal Government was at that time and, as I am sure my colleagues will agree, remains top priority, is the achievement of equal access to quality health care at a reasonable cost to all American citizens. However, Congress found that the massive infusion of Federal funds into the existing health care system has contributed to inflationary increases in the cost of health care and has failed to produce an adequate supply or distribution of health resources.

Mr. President, the facts continue to reach alarming proportions. I would like to review the statistics I presented in a floor statement in June 1977. It is estimated U.S. citizens spent over $150 billion for medical care in 1977 which represents 8.6 percent of the gross national product. This figure is more than 1½ times the entire national defense budget. Hospital costs account for about 40 percent of all medical care expenditures and represent the most inflationary component of the health care system. Since the early 1960's, for example, the Consumer Price Index has increased 75 percent.

At the same time, hospital costs increased 500 percent, physician charges over 250 percent and all other medical and dental services by 150 percent. Currently hospital costs are escalating at a rate of about 15 percent each year. These increases in health care and related costs have created tremendous inflationary pressures on other segments of the economy. Further, there is considerable evidence that excess hospital use and capacity, which make little or no contribution to health levels, represent major factors accounting for unacceptable levels of cost escalation.

Since 1960, over $35 billion has been invested in hospital beds and equipment. It is estimated that over $5 billion was invested in 1977 despite the fact that surplus capacity exists in most communities. The Institute of Medicine and others estimate that at least 10 percent of the existing hospital beds are not needed. These beds cost about $5 billion to construct and about $2 billion each year to operate. There is little evidence to suggest that excessive hospital beds contribute to better health.

Mr. President, as a result of the magnitude of problems facing the health care delivery systems, Congress sought to facilitate the development of recommendations for a national health planning policy, to enlarge areawide and State planning for health services, manpower and facilities and to authorize financial assistance for the development of resources to further that policy. Health planning as embodied in Public Law 93–641 provides a chance to help the health care system grapple with its problems so that people in more than 200 areas throughout the Nation can decide for themselves what health care services they require and want. The law provides the structure and process for planning, but it leaves the final planning to local and State determination, and the implementation of plans mainly to the private sector.

Under this law there are three organizations primarily responsible for health planning activities. They are the Health Systems Agency, the Statewide Health Coordinating Council, and the State Health Planning and Development Agency. Briefly the functions of each of these components areas follows:

Health Systems Agency begins as the Governor of each State designates one or more health service areas, each of which is represented by a Health System Agency. The HSA provides ways for individual citizens to participate in public hearings, ad hoc committees, task forces, or by serving on subarea advisory councils. The HSA has the responsibility for reviewing the appropriateness of services provided by hospitals, nursing homes and other health facilities and for recommending approval or denial of applications for proposed new health care services or facilities projects. The HSA is also responsible for developing a health systems plan, a statement of goals for improving the health of the citizens and an annual implementation plan, which contains objectives to achieve the goals established in the health systems plan.

The second component is the State Health Planning and Development Agency. This agency has several functions among which are the development of a preliminary State health plan (the State-level counterpart of the health systems plan developed by the HSA), a State medical facilities plan, the administration of health facilities grant, loan and loan guarantee programs, and the issuance or denial of certificate of need for proposed health services.

The third entity created under Public Law 93–641 is the State Health Coordinating Council (SHCC) which has the primary purpose of coordinating the health planning activities of the other two entities—the Health Systems Agency and the State Health Planning and Development Agency.

The functions of SHCC are the preparation of a State health plan, from the preliminary State health plan prepared by the State Health Planning and Development Agency and the health systems plan(s) developed by the one or more Health Systems Agencies in a State, review and approval or denial of specified State plans and grant applications for Federal health funds, to advise the State Health Planning and Development Agency on the performance of its functions, and review of the budget and annual applications for Federal funds of the Health Systems Agency.

Mr. President, the purpose of this information is to reiterate the specific intent of Congress when we first recognized the need for an organized, rational approach for health care industry planning. The main thrust of the legislation I am introducing today is to correct an oversight in the total health planning process—the process does not now include the Public Health Service Indian Health Hospitals. In the original version of Public Law 93–641 a provision was made to include representatives of the Veterans' Administration on specific health planning councils when the area serviced contains one or more health care facilities of the Veterans' Administration. My legislation simply requires a representative of the Indian community to be appointed to the Health Systems Agency(ies) and the State Health Coordinating Council as well as requiring the Director of Indian Health Service to represent the Indian health care delivery system as a member of the National Council on Health Planning and Development.

Mr. President, let me take this opportunity to explain the Indian health system in the United States today. The Federal Government has long had an historical and unique legal relationship to the American Indian people. A major goal of the United States today is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level and to encourage the maximum participation of Indians in the planning and management of those services. I have long supported these goals. However, I do not believe the Federal Government can best meet these objectives if we continue our present policy of building segregated hospital systems. It is my judgment the best health care systems can best be delivered through a total integrated community effort with input from the Indian people as well as the non-Indian community.

Mr. President, my own State of Oklahoma I am proud to say, represents the largest Indian population in the United States. There are six Indian Health Service hospitals in Oklahoma. These hospitals vary considerably in both size and age. One is almost 50 years old, another has only 25 beds with no surgical facilities. Four of the six facilities are in need of either replacement or major renovation. There are various Indian health clinics across the State of various ages and sizes. Several of these clinics are utilized to the fullest extent, some to the point of a several-hour wait to see the doctor. In other areas of the State, we have situations of beautifully constructed clinics which are severely underutilized although the staff and extensive equipment are there ready to assist. These situations are, in my opinion, examples of poor health planning. This

legislation will help avoid such situations in the future.

Mr. President, the General Accounting Office has been reviewing certain hospital construction projects proposed for funding by the Indian Health Service. Although the analysis has been limited to the Navajo area and the study is not yet complete, GAO has developed sufficient information to question the appropriateness of the planned number of acute care beds. In the preliminary report, GAO indicates that the methodology the Indian Health Service used to determine the bed sizes of the planned hospitals would result in the construction of too many beds. Because IHS uses the same methodology for planning hospitals throughout its system, GAO believes that similar problems may exist elsewhere.

At the present time both GAO and IHS are working to revise the IHS planning methodology and the final report is now targeted for April 1, 1978. Appropriations of funds for any IHS hospital construction and modernization projects not currently under construction cannot be recommended by GAO at this time until adequate justification explaining why expansion of existing underused facilities is necessary.

Mr. President, because of these recommendations the planning money for construction for two replacement IHS facilities in Oklahoma was stopped. However, in one specific IHS service unit, my office has worked on a 1-to-1 basis with the tribal officials in order to explore alternative methods of delivering health care to the Indian people without wasteful and expensive duplication of facilities, equipment, and personnel. While this particular program is still on the drawing board, talk has begun and both the Indian and the non-Indian communities are supportive and are beginning to realize the benefits both segments of the population stand to gain.

Mr. President, under no circumstances is this legislation intended to undermine the importance of the concept of Indian self-determination. This legislation, if enacted, offers tribal groups the necessary leverage needed to bring Indian health care up to par. After all, we are all Americans, and we all are entitled to the best medical science has to offer. Our objective should be to devise a health care delivery system that serves our total population as fully and as economically as possible. In my judgment, the present system drains off resources unnecessarily because it duplicates services. I believe times have changed and a better system can be supported. There is every reason for us to explore this possibility before we commit ourselves to another generation of mediocracy as far as Indian health is concerned.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2518

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1503(b)(1) of the Public Health Service Act is amended by—

(1) striking "fifteen" and substituting "sixteen" in the first sentence; and

(2) inserting in the second sentence after "Veterans' Administration," the following: "the Director of the Indian Health Service,".

SEC. 2. Section 1512(b)(3)(C)(iii)(III) of the Public Health Service Act is amended by inserting before the period at the end thereof the following: "and if the agency serves an area in which there is located one or more health care facilities of the Indian Health Service, include as an ex-officio member, an individual who is representative of such facilities".

SEC. 3. Section 1524(b)(1)(D) of the Public Health Service Act is amended by inserting before the period at the end thereof the following: ", and if the agency serves an area in which there is located one or more health care facilities of the Indian Health Service, include as an ex-officio member, an individual who is representative of such facilities".

By Mr. McGOVERN (for himself and Mr. DOLE):

S. 2519. A bill to establish a Department of Food, Agriculture, and Renewable Resources; to the Committee on Governmental Affairs.

CREATING A DEPARTMENT OF FOOD, AGRICULTURE, AND RENEWABLE RESOURCES

Mr. McGOVERN. Mr. President, I rise today to join with my colleague, Mr. DOLE of Kansas, in introducing a bill that would establish a Department of Food, Agriculture, and Renewable Resources.

President Carter has committed himself strong to the proposition that the Federal Government must be reorganized and improved. His announced aim has been to reduce drastically the number of Federal agencies, and reduce the Federal presence in the lives of many Americans.

The President has been successful in establishing a new department which consolidates most of the energy functions of the Government in one place.

The President has asked the Office of Management and Budget to examine other areas for opportunities of consolidation, including natural resources, economic development, and food policy. By September of this year, it is expected that Congress will have seen most of the reorganization proposals, and this body should be hard at work attempting to help the President reach his goals.

It seems to me that it might be well to examine this reorganization process as it has been set up, to see what kinds of conclusions might be reached.

First of all it has been established on a functional or incremental basis, which presumes that like kinds of activities ought to be lumped together so as to avoid duplication of effort.

What concerns me about this presumption is that certain agencies are multifaceted in their activities. For instance, the Department of Agriculture manages and conserves national forest lands. This management is tied intimately to national wood and fiber policy on private lands. Most of the private forest lands are held by farmers, whose land is also the base from which we get our food. These private lands are protected through the policies of the Soil Conservation Service. Farm income is protected by the Farmers Home Administration and the Agricultural Stabilization and Conservation Service, as well as other USDA agencies. Various shifts in farm and forestry economies, such as the pitiful low prices farmers are now receiving, have a decided impact on the economies of rural towns, which leads naturally into the department's rural development efforts.

Like the facets on a diamond ring, these functions are irrevocably tied together into a related package of Federal efforts that serve rural America.

The second question that a functional approach to reorganization raises is the desirability of competition between agencies. General Motors, which I think we will agree has had some business success, is organized along competitive lines. The Oldsmobile Division competes with the Buick Division, which competes with the Chevrolet Division, for customers of automobiles. This organizational success, and others like it, would seem to indicate that—while there is a definite need to streamline the Government and eliminate excessive overlap of functions—there is something to be said for having agencies compete with one another. A merging of agencies on a purely functional basis could certainly lead to departmental complacency and bureaucratic laxity. If you have the only store in town, it is easy to forget about customer service.

It is for the purpose of examining an alternative to functional reorganization that Mr. DOLE and I are introducing S. 2519 today.

Mr. President, there is something about the Federal Establishment that has continually led people to believe that somehow Government service can be delivered better tomorrow than it is being delivered today. That is probably a good attitude, for the process of democracy is a dynamic one. If we do not strive to polish and fine tune our institutions, eventually, through an evolutionary process, they will atrophy and die. I believe it is because of this attitude of "there must be a better way," that our Nation has received the necessary injections of new protein along the way, allowing us to prosper and adapt to new situations.

Undoubtedly, Mr. Carter was motivated toward reorganization because Americans in general think that the Government is too big. This year we will probably adopt a Federal budget of $500 billion.

Modern efforts at reorganization began around 1927, when the Government had a budget of only $2,857 million, and a surplus that year of $1.5 billion. It is interesting to note that in 1927 we had a national debt of $18.5 billion, more than seven times the amount of the Federal budget.

In that year unsuccessful legislation was introduced to establish a Department of Conservation.

In 1933 there was a proposal to abolish the Departments of Agriculture and Interior and create a Department of Development and Conservation.

During the 73d Congress, in 1935, there was an attempt to consolidate resource functions in the Department of Interior and designate it as a Department of Conservation and Public Works. This attempt was engineered by Interior Secretary Harold Ickes, and opposed vigorously by Secretary of Agriculture Henry Wallace. President Roosevelt, who seemed to enjoy watching his Cabinet officers spar and compete with one another, allowed the two to engage in a full-blown public battle over the issue, and Ickes nearly succeeded. His measure passed the Senate in 1936 and died in the House.

But the irascible and tenacious Ickes did not give up. He continued his campaign to capture the Forest Service and the Soil Conservation Service, as well as the independent Rural Electrification Administration.

Wallace emphasized that it was appropriate to keep the resources agencies in one place. He felt so strongly about this that he gave up the Food and Drug Administration, the Bureau of Public Roads, the Weather Bureau, and the Bureau of Biological Survey in order to maintain continuity in the resource programs. The Food and Drug Administration was given to the new Federal Security Agency, the predecessor of the Department of Health, Education, and Welfare, in order to give that agency some stature and something to do. Since then, HEW has grown enormously. That Department occupies more than 30 buildings in Washington alone.

In 1949, the first Hoover Commission was established. Its task force on natural resources recommended the creation of a Department of Natural Resources. It would have transferred the Forest Service to the new department (made up principally of Interior agencies), but not the watershed functions of the Soil Conservation Service. Instead, it recommended that USDA provide agricultural research and ordinary services to farmers.

The same Hoover Commission Task Force on Agricultural Activities recommended the transfer of lands and land activities of the Bureau of Land Management to the Department of Agriculture. The full Commission then recommended the transfer of BLM to USDA. Nothing happened.

In 1950, a Budget Bureau-Interior task force studied "Basic Objectives of Federal Organization to Deal With Land and Associated Resources," but the group came to no conclusion.

It was at about this time that the Department of Agriculture, under the leadership of Under Secretary True D. Morse, began to understand the interrelationships between farm and forestry income and the quality of life in rural towns. The towns could not exist without the farmers, and the farmers would find life very difficult without the infrastructure of healthy little communities nearby. Morse began the first of a series of pilot projects in rural development.

In 1955, the second Hoover Commission issued its report and made no recommendations for changing the resource agencies. However, its Task Force on Real Property Management reported that it considered dual control of Federal forest and grazing lands of far less importance than the need to eliminate the overlapping management of similar adjacent or intermingled lands.

The task force also said:

> Operation between agencies under a comprehensive and uniform system of real property management may prove as healthy in government as in private business; conversely, monopoly can be as destructive through the generation of complacency and political power.

The Kennedy and Johnson administrations did not take any actions to reorganize the resource agencies in a major way; however, Secretary of Interior Udall made a major contribution to his Department by placing professional resource managers at the head of his resource agencies. This effectively stopped the tradition of having political appointees dole out the public lands at bargain prices to a number of venal interests—an almost historic Interior Department policy, I might add. Unfortunately, the Udall precedent was not followed by succeeding administrations.

In January of 1971, President Nixon proposed major governmental reorganization, including the establishment of a Department of Natural Resources, in his state of the Union message.

During that year, and on into 1972, hearings were held on a number of proposals by the House and Senate Government Operations Committees. Efforts to create a Department of Natural Resources were defeated.

I have not recounted here some of the individual efforts by Members of Congress to affect reorganization. Former Senator Ted Moss of Utah was very active in this area, but not successful.

Mr. President, this is a long litany of effort, most of it amounting to nothing. That is why Senator DOLE and I offer this bill today on a contingency basis. Our feet are not locked in concrete. We are willing to discuss and listen to other points of view. Some might say we should have included in this measure rural community economic development operations of certain agencies outside of the Department of Agriculture. Certainly I would be willing to consider something like that.

As the Nation, and subsequently the Congress, have become more urban in nature, it has become clearer every day that the only department in Government willing and able to provide equity for rural America is the Department of Agriculture.

I note with interest the evolution of the Economic Development Administration in the Department of Commerce. Its original mission was to enhance economic development in the distressed areas of the country. As the new agency looked around, it found two-thirds of the Nation's substandard housing in rural America. It found half of the Nation's poor people there, and it began its efforts with a rural development focus. Over the short span of its existence, however, EDA has put more and more of its money and effort into large cities. And now, in the January issue of Nation's Cities magazine, Commerce Secretary Krepps tells us that she would like her Department to become the focal point for the urban programs of the Government. I do not know whether she has worked this out with the Secretary of Housing and Urban Development.

While the present members of the Cabinet have not been as vocal or abrasive as Franklin Roosevelt's first Cabinet, a number of them have made no secret that they would like to set up camp on the turf of other Cabinet officers.

I think competition is fine, but the building of power bases can be destructive. That is why I believe President Carter was correct when he ordered the Cabinet to relax and let the reorganization happen.

Almost as if he were anticipating the current situation, former Congressman Frank Smith of Mississippi said in his book, "The Politics of Conservation":

> In advocating better coordination and planning of our present and future conservation programs, let me emphasize that I am not pleading for procedure over effective action. Too much valuable time and money have already been wasted on purposeless fights over the methodology. Organizational fights conserve no resources.

Smith documents in his book how it is possible for key administration officials to work together for a common purpose, using the example of James R. Garfield, who was Secretary of the Interior, and Gifford Pinchot, Chief of the Forest Service in the Theodore Roosevelt administration. He also cites the cooperation of Secretary of the Interior Udall and Secretary of Agriculture Freeman in the Kennedy administration.

Smith, whose book was published in 1966, even has a warning for people like Senator DOLE and me, who submit proposals for reorganization of the natural resource functions of the Government. He says:

> National planning and national action are the only answer to most of the problems ahead. Ideally, the old concept of one single department of conservation and resource development, responsible for all Federal planning and action in the field, might still work if it could be achieved by waving a magic wand. It simply cannot be achieved, however, without a bloody, bone-shattering fight, which would leave the landscape so scarred that the conservation cause would be lost in the critical years immediately ahead. Various departments and agencies might be combined, abolished, modified, or mangled, through vigorous action by a powerful President, but neither the President nor his new department could eliminate the bitter, unyielding rivalries which would have developed among the various constituent interests served, or among the constituent committees of Congress that would have to be responsive to make the programs work. Obvious im-

provements will have to be made from time to time as their need is recognized, but major one-sweep reorganization would be a vast waste of energy and effort. A neater and more logical table of organization would appeal to many conservation purists, to theoreticians who imagine that duplicating functions are major parts of the cost of government, and, above all, to political scientists, who see organization charts as results rather than instruments. It would not be worth the delay, however, and it certainly would not be worth further fragmentation of the various forces which in total are the motivation for all of our conservation effort.

Proponents of the conservation agency ideal point to the history of interagency rivalry and say this is the means of eliminating it. Another way to look at the problem though might be to point out that much of the wasteful rivalry and delay of the past originated in resistance to consolidation during some of the earlier campaigns to combine conservation agencies. Realistically accepting the political impossibility of the ideal consolidation, the answer is coordination at the top, and effective action by Cabinet officers to snuff out petty bickering.

Smith goes on to suggest a Natural Resources Advisory Council, given effective powers by the President. And he concludes:

To make the most effective attack on the great problems which demand immediate planning and the earliest possible action, conservation forces cannot afford the luxury of leisurely regrouping. The fight has to be made with the tools at hand.

Because I find Congressman Smith's logic compelling, I enter the arena of reorganization with great trepidation. But I am driven to act simply because I do not think it enough to discuss reorganization only along functional lines.

The President has committed himself to maintaining a strong Department of Agriculture. Given the current plight of our farmers, this is obviously a wise decision. But as I listen to some of the suggestions toward a more functional reorganization of the Government, I begin to wonder whether it will be possible for the President to keep his pledge.

Let us consider some scenarios that have been proposed:

Some say the rural development functions of the Department of Agriculture should be placed into a Department of Community and Economic Development.

Some say the food and nutrition programs of the Department should be stripped out and sent to the Department of Health, Education, and Welfare. There are also designs being made on meat and poultry inspection.

Some others wish to capture the Soil Conservation Service and the Forest Service for the Department of the Interior.

On their face, none of these seems to be unreasonable ideas, unless one understands the inner workings of the agencies within the various departments. But in combination, these ideas would leave USDA with little but farm price support programs, and I submit that such an agency cannot survive at the Cabinet level. Among many other forms of mischief that such a set of reorganizational moves would create, the American farmer's voice would not be heard in the highest council of this Government. I simply could not stand by and watch something like that happen.

The Department of Agriculture is a strong agency that generally works with quiet efficiency. Unfortunately, it is sometimes too quiet. The essence of good public relations is to do good and then tell people about it. In many respects, USDA has failed to tell people what it does. The Department has been hiding its light under a bushel.

As a result, I think there has been too much emphasis placed on the notion that USDA should be a lovely orchard from which to pick programs to strengthen other agencies.

It is not difficult to understand why Secretary of the Interior Andrus would like to acquire the Soil Conservation Service and the Forest Service. As a result of the loss of his energy agencies to the new Department of Energy, he has a smaller budget and less manpower than the Assistant Secretary of Agriculture for Conservation, Research, and Education.

Four years ago while the Department of Housing and Urban Development was being rocked with scandal in its housing programs, many of its programs for the poor were shut down. At the same time, the housing programs of the Farmers Home Administration were operating successfully, and were allowed to continue to do so.

For the past several years, the Economic Development Administration has been undergoing an identity crisis, moving from a rural to an urban orientation. In the process, the agency has lost the confidence of many Members of Congress, and has been near death a number of times. At the same time, the rural development programs of the Department of Agriculture were being increased by the same Congress by billions of dollars. It seems this is a reflection of where the confidence of Congress lies.

During these same years, the Department of Agriculture has built an enormous amount of credibility in foreign agriculture and food and nutrition. It is not unnatural that the food, nutrition, and humanitarian concerns should be tied to the farmer's tractor in the field.

Some persons associated with the President's reorganization project have indicated that program shifts will be based, in some measure, on the strengths of existing individual agency and department heads. I think this is a serious mistake, if it is true. Political appointees in this city come and go with amazing regularity. The average tenure of an assistant secretary is 24 months. Programs of work, therefore, must be devised around those agencies with a pattern of successful operations, around agencies that have the organizational structure to deliver on what they promise. Therefore, my examples of problems in other departments are not meant to deprecate other agencies, but to show that in the fire storms of reorganization and Government confusion since 1973, the U.S. Department of Agriculture has quietly gone about its work with the confidence and backing of the Congress.

THE FARM AND FORESTRY CONNECTION

Non-Federal forest lands include four-fifths of the Nation's commercial forests. They are mostly intermingled with other rural lands with 60 percent in farms or other small, nonindustrial ownerships. Future increases in supplies of timber and other forest benefits must come primarily from these lands.

USDA programs extend to 90 percent of the Nation's land area. Forestry activities involve eight separate USDA agencies; each with special expertise. About 40 percent of Federal expenditures for private land forestry come from USDA agencies other than the Forest Service. National Forest management, soil and water conservation, technical assistance, loans, research, cost-sharing incentives to plant trees, rural conservation and development, et cetera, all are coordinated and oriented toward advancing forestry as a part of American agriculture. All are aimed at the protection and management of renewable natural resources.

Forestry research by the Forest Service is an integral part of USDA's research effort; closely coordinated with agricultural, economic, and related investigations.

Cooperative forestry programs are well-advanced. More than 50 years of careful effort has resulted in strong ties between the Forest Service, State forestry, and other agencies in each of the 50 States. Successful patterns of cooperation and strong State organizations have developed to carry out these activities in each of the States. The Forest Service also cooperates with some State Departments of Agriculture in forest pest control programs.

Private forest landowners hold the key to meeting America's long-range forest resource needs. The woodlands they own now make up 72 percent of the Nation's commercial forest land area—nonindustrial private ownerships comprise 59 percent of the total. Management on the bulk of these lands is inadequate, and the potential for increased timber yields is great. Improved management is essential if we are to meet total national requirements for wood and wood products from all classes of ownerships.

Forest Service cooperative forestry programs are aimed at upgrading the protection and management of private forest lands so that they can make their vital contribution to a national forestry effort. These programs are blended with the forestry assistance provided by the other USDA agencies, which in turn make 40 percent of the total departmental expenditures for private forestry. The cooperative forestry job of the Forest Service also ties closely with Forest Service and USDA research programs which are developing new approaches to capture the forestry potential on private holdings.

Thus with forestry, as with other agricultural programs, private owners will make the basic decisions affecting the

Nation's natural resources situation. The historic success, know-how, and leadership in encouraging wise private land use decisions, are in agriculture.

In relation to the possible retirement of croplands, forestry offers one of the biggest potentials and should continue to be a function of USDA.

The thrust and responsibility of USDA in the field of rural development requires full attention to the one-third of America that is forested. Forested areas and economically distressed rural areas tend to coincide. In some areas the national forests are the prime sources of economic strength. The decentralized, widespread Forest Service organization, including close ties to State and local organizations is a necessary part of USDA efforts in rural development—including land management planning coordination with units of State and local government.

Healthy competition among agencies and departments has proven to be effective in advancing forestry and related programs. Coordinating mechanisms are as effective as placing agencies "under one roof" in terms of promoting cooperation.

Management by separate functions—for example, timber, recreation, livestock, grazing, watersheds, wildlife, and so forth—instead of by areas or units of land results in chaos and conflict "on the ground" where resource management actions must be integrated to be effective. One of the strengths of the Forest Service/USDA approach is interdisciplinary, teamwork, and multipurpose management.

The combination of research, public land forest management, and cooperative State and private forestry has proven to be remarkably successful. The quality of national forestry planning is high because these elements are interwoven and coordinated within a single agency. It also provides a solid platform to meet the emerging issues of the next decade.

Mr. Secretary, the example I have just given shows interrelationships of great importance between the Forest Service and the Soil Conservation Service, and the Forest Service and the community development activities of the Department of Agriculture.

Certainly it could be legitimately argued that everything the Department does is related to economic development and community development in rural areas.

In a January 6 memorandum, entitled "Preliminary Evaluation of Federal Organization for Natural Resources and Environmental Management," William Harsch, Deputy Associate Director, Natural Resources/Environment Division of the President's Reorganization Project, sets forth 13 criteria for evaluation pertinent to alternative natural resource and environmental organization.

I would like at this point to cite these criteria and see how they fit into the existing USDA structure.

"1. The system must be capable of conflict resolution:" During the past 3 years the Congress has caused to be enacted the Forest and Rangeland Renewable Resources Planning Act of 1974; the National Forest Management Act of 1976; and the Soil and Water Resource Conservation Act of 1977. These three laws, individually and in concert establish a policy building organization which provides for interagency cooperation within the Department of Agriculture; more cooperation with State resource agencies; and a full range of public participation opportunities at each level of decisionmaking for resources.

Further, the Department of Agriculture is organized on a county and State level. Agencies are more and more being housed in Agricultural Service centers so that all USDA agencies can deliver their services and programs in a coordinated manner.

These organizational structures permit a system whereby resource decisions can be made closer to ground level, and less often in Washington. On the other hand, the Interior Department is organized on a structural basis. This means that conflicts between resource competitors often must be made by the Secretary of the Interior, who is often thousands of miles away from the environmental situation requiring attention.

"2. Conducive to Presidential Direction and Control": The Soil and Water Resource Conservation Act (RCA) and the Forest and Rangeland Renewable Resource Planning Act (RPA) each require an appraisal of the condition of resources on the ground. From these appraisals, prioritized programs of work are developed. The programs are then tied to the budget process. Both acts have strong program evaluation components so that the President and Congress can assess agency stewardship of both the resources and the taxpayers' money. The association of these laws with the budget means that the President can direct the focus and programs of each resource agency.

"3. Permit a comprehensive view of all significant and relevant matters": The assessment, program, and evaluation process in the RPA and RCA provide the executive and legislative branches with a clear overview of where the programs are heading on a long-term basis.

"4. Policy decisions at various levels can be converted into responsive and accountable actions": Again the evaluation components of the RPA and RCA should provide a clear view of agency operations.

"5. The organization should have durability": The resource management agencies of the Department of Agriculture have been in place for many years. The new RCA and RPA authorities are not new programs as such, but rather a dynamic process which will permit the agencies to adjust to changing situations.

"6. The organization should promote efficiency and economy": The resource agencies within USDA have developed, or are in the process of developing interagency agreements designed to avoid overlap of functions. The Forest Service and Soil Conservation Service agreements on rangelands is an outstanding example of this.

There is no need to go through the remaining seven criteria. It is enough to say that with the exception of one, they coincide with the institutional arrangements now in place in the Department of Agriculture. The exception is No. 12, which says, "Capable of fulfilling Indian trust obligations." At present the Department of Agriculture has no structure through which this criterion could be accomplished. However, as I understand it, there is some sentiment for dealing with these problems through some other means than through the resource agencies—some means which would be more sensitive to the requirements of the people involved. I have no recommendations of my own in this regard right now, but I wonder whether the lives and futures of native Americans should be in the hands of an agency whose prime purpose is the management of natural resources?

In Mr. Harsch's organization evaluation memo, he cites problems inherent in having resource responsibilities divided between the Bureau of Land Management and the Forest Service, and then he uses two pages explaining why the Forest Service structure and operations are best prepared to meet the challenges of the future.

THE SOIL AND WATER CONSERVATION CONNECTION

The Harsch memo is taken up in great part by the question of water, and it is true that this is a major problem, involving a number of agencies. It is also true, as Mr. Harsch points out in his paper, that coordination of the water functions of the Government between agencies and departments as well as with the States has been a serious problem.

In many respects, I think the bill we are introducing today will solve some of those problems. Certainly the Water Resources Council has never been given the muscle it needs to do this coordination. My distinguished colleague from Idaho (Mr. CHURCH) has drafted legislation to strengthen the Water Resources Council, and I think this should be examined. But the realities are that agriculture uses most of the water resources related to Federal programs, and the bill Senator DOLE and I are introducing today brings together these functions under one umbrella.

In the Organic Act of 1897, the Forest Service was given as a primary mission the protection of watersheds. As a result, national forests sit at the head of and protect virtually every major watershed in the United States.

More than 40 years ago the Soil Conservation Service was established to protect the soil and water resources of rural America from the kinds of circumstances which created the dust bowl; which caused major erosion; and siltation of our streams.

As Congress began to write major water pollution legislation, it quickly became evident that the only agency of the Government able to deal with the technical problems of water quality at ground level was the Soil Conservation Service. In the 1977 Clean Water Act

amendments, the SCS was written in as a full participant in the national effort to clean up our water supplies. The reasoning was simple. There is no other agency with people stationed in the counties capable of tackling the job.

Secretary of Agriculture Bergland pointed out the broad range of USDA activities in this area in a memorandum to Mr. Harsch on October 21 of last year. The Secretary said:

Whatever the semantics, when land and related water resource management is viewed as the shared responsibility of government and private owner-managers, the Department of Agriculture is centrally involved far beyond the functions of the Forest Service and Soil Conservation Service. Department of Agriculture programs and policies affect the conservation and use of farmland, rangeland, woodland and forests comprising about 90 percent of the land area of the United States.

Major functions of the Department of Agriculture which affect soil and water resource management on private lands include:

—Technical assistance for soil and water conservation.

—Federal cost-sharing and credit assistance to agricultural producers for soil and water conservation.

—Research and extension programs to develop and encourage use by private landowners of new technologies for production of food and fiber consistent with soil and water conservation.

Research activities in natural resources economics.

Federal-State-private cooperative programs in the conservation and use of forestry resources.

Surveys and classifications of land for agricultural uses, and for the preservation of prime agricultural lands.

Assistance to landowners for control of non-point sources of pollution.

Policies to divert land temporarily from intensive agricultural use which is particularly susceptible to soil erosion.

These functions cut across the Department of Agriculture and involve the areas of jurisdiction of three Assistant Secretaries and the Director of Economics, Policy Analysis and Budget. They are also linked with the basic economic stabilization policies for the agricultural sector which are administered by the Agricultural Stabilization and Conservation Service, and with the natural risk protection programs of the Department of Agriculture.

In administering these programs and policies, the Department of Agriculture works closely with individual landowners and operators, local units of government, and other local decisionmakers to orient the Federal programs to local needs and capabilities. Most U.S. farmers and small landowners participate in conservation programs through nearly 3,000 Soil and Water Conservation Districts, which cooperate under formal agreements with the Department of Agriculture. Through these arrangements, the Department of Agriculture offers the private rural landowner a rather complete array of financial technical assistance for the conservation and use of agricultural and forestry resources.

Another example of the public-private sharing of natural resource management responsibility is the arrangement which provides about 1,550 scientist years of research effort on forest and rangeland renewable resources. The Forest Service conducts 930 scientist years of this research. Through the Regional and National Agricultural Research Planning System, the Forest Service cooperates with universities in planning and conducting an additional 620 scientist years of research. The knowledge and technology developed by this research is disseminated through cooperative efforts of the Department of Agriculture and other Federal departments and agencies, State agricultural experiment stations, State extension services, State foresters and other State officials, and schools of forestry.

In his January 6 memorandum, Mr. Harsch points out that natural resource inventories are carried out essentially by four agencies. However, two of those agencies—Forest Service and SCS—are within USDA. This bill seeks to add to that group the Geological Survey. This would provide an integrated package of agencies that would collect all but oceanographic and weather information, now accumulated by the National Oceans and Atmospheric Administration.

USDA has an excellent working arrangement with NOAA on weather matters, and I see no reason to place oceanographic matters within a department which deals primarily with matters related to the domestic resources within the border of the United States.

THE RURAL DEVELOPMENT CONNECTION

In the 1970 farm bill, Congress said in title IX:

The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

The reasons that the Congress passed this legislation are clear. For the past 30 years—except for the years 1945–50—the average outmigration of the farm population from rural America has been 5 percent or more. In the 1950's the number of people leaving the farm was about 1 million a year. That number was reduced to about 600,000 a year during the 1960's, because of the greatly reduced farm population base.

Moreover 500 counties had a natural decrease in population between 1960 and 1970; that is, more persons died than were born in those areas. This factor usually reflects difficulties people living in those counties have in finding new sources of employment, or in making adequate wages at jobs that are available.

In 1970, the unemployment rate in agricultural work was 7.5 percent compared with a national rate of 5.2 percent in other occupations. In 1968 the per capita income in metropolitan areas was $3,811 a year compared with $2,614 a year for people living in places of under 50,000 population. In the farm population the per capita income received from farming was only $1,503 per year, which meant that many farm people had to operate their farms and find still additional work in nearby towns. Nearly as much income for farm families was generated by this off-the-farm work ($1,369 per capita) as was earned by farming.

Because of generally lower income, the amount of money that rural people were able to spend for government services like police and fire protection, medical services, education, roads, sanitation and public welfare was lower than that spent in metropolitan areas.

In metropolitan areas in 1967–68, the citizens spent more than $600 per pupil across the Nation, whereas in the nonmetropolitan areas, the expenditures per pupil were more than $100 less for the school year. This disparity grows even larger when it is considered that many rural school systems spend large sums to bus rural children long distances to consolidated schools.

Clearly there is an imbalance in job opportunities and community facilities between rural and urban America. This inequity in the quality of life has been a major factor in the imbalance of the American population, with 70 percent of the people living on less than 2 percent of the land.

This imbalance has overloaded the larger urban systems to the breaking point, and has created a national urban crisis for which no ready remedies have been discovered.

As I pointed out earlier, Under Secretary of Agriculture True D. Morse made the first contributions to rural community developent within the Department of Agriculture. His efforts, and those of many other dedicated people, finally led to the Rural Development Act of 1972. Section 603(b) of that act established the Secretary of Agriculture as a sort of czar for rural development, ordering that he coordinate Federal programs for rural development.

The reasons for this approach were many, including the urban bias of certain agencies of the Government. But there was an even deeper motivation that has been nurtured over many decades. To demonstrate this, I would like to read a short quotation from the 1909 report of President Theodore Roosevelt's Commission on Rural Life:

The problem of country life is one of reconstruction, and . . . temporary measures and defense work alone will not solve it. The underlying problem is to develop and maintain on our farms a civilization in full harmony with the best American ideals. To build up and retain this civilization means, first of all, that the business of agriculture must be made to yield a reasonable return to those who follow it intelligently; and life on the farm must be made permanently satisfying to intelligent, progressive people. The work before us, therefore, is nothing more or less than the gradual rebuilding of a new agriculture and new rural life.

There is very little contrast between this statement and one made by Mr. Elton L. Berck, president of the Nebraska Farmers Union, when he testified on the Rural Development Act. He said:

It is an oversimplification to say that $3 wheat and $2 corn will solve all the economic and social problems of State and nation. It is no exaggeration, however, to say that continuing deterioration in the farm cost-price relationship casts reflection on the city council meetings of every metropolitan area of the nation. . . . Farm production expenses have climbed 154 percent since 1947 while farm gross income was advancing 66 percent in the same period, creating a 1.3 percent drop in farm net income, while nonfarm groups were sharing substantially in the nation's economic growth. Farmers Union believes it to be self-evident that this nation must develop a land use and population distribution policy and soon.

I dare say this is the same kind of thrust now being taken by the American agricultural movement. What this means, of course, is that the farmer and the forester are the keys to rural development. They are out there. They produce income for small communities, and the small communities in turn are relied on by the farmers.

The farm income stabilization programs of the Department of Agriculture are rural development, as is the income produced by the former in normal marketing activities. Forest Service timber is essential to economic development and community stability of many western communities, just as many eastern communities rely on private timber supplies encouraged through USDA cooperative forestry programs. The transportation activities of the Agricultural Marketing Service are rural development. The programs of the Farmers Cooperative Service are economy building, and they are rural development.

The community and business development programs of the Farmers Home Administration are rural development, as are its housing programs. Farmers Home has loaned money for everything from rural fire stations to fish farms. That is rural development. When a district conservationist of the Soil Conservation Service develops a farm plan for a farmer, he provides a needed environmental service, but he also protects that farmer's land and water resources so that they will not wear out—so that they will produce income for many years to come. That is rural development.

Virtually everything the Department of Agriculture does is rural development, and those activities are focused at a rural constituency as in no other department of the Government.

THE FOOD CONNECTION

Mr. President, I have saved the food connection until last, because its relationship with agriculture is self-evident.

"FOOD" AND "AGRICULTURE" CONNECTION

The role of "food and nutrition" in our agriculture policy has increased dramatically in recent years, and that emphasis promises to continue.

The bounties of our land must be divided between the competing demands of foreign sale, foreign humanitarian donation, domestic sale, and our domestic food programs.

Nutrition is no longer viewed as a "fad," but as an important policy issue with potentially major consequences for American agriculture as well as health care. Six of the 10 leading causes of death in the United States have been linked to diet. It has been estimated that a significant savings in health care costs may accrue from a modest change in our dietary practices. Yet, at the same time, agriculture is our number one industry and its needs must be taken into account.

In short, it is of paramount importance that the United States have a coordinated food and agriculture policy—and to accomplish that goal these two areas must be united in a single department of agriculture.

I believe that this has long been the view.

The original mandate creating the Department of Agriculture in 1862 required the Department "to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of the terms . . ."

The first appropriation by the Congress to a Federal agency specifically for studies in human nutrition was made to the Department of Agriculture in 1893.

Later, the Research and Marketing Act of 1946 elaborated upon this general mission, provided specific legislative authority, and directed the Secretary of USDA:

to conduct and to stimulate research into the laws and principles underlying the basic problem of agriculture in its broadest aspects, including but not limited to . . . research into the problems of human nutrition and the nutritive value of agricultural commodities, with particular reference to their content of vitamins, minerals, amino and fatty acids, and all other constituents that may be found necessary for the health of the consumer and to the gains or losses in nutritive value that may take place at any stage in their production, distribution, processing and preparation by the consumer. Including such investigations as have for their purpose . . . the maximum contribution by agriculture to the welfare of the consumer.

The Food and Agriculture Act of 1977 declared:

that there is increasing evidence of a relationship between diet and many of the leading causes of death in the United States; that improved nutrition is an integral component of preventive health care; that there is a serious need for research on the chronic effect of diet on degenerative diseases and related disorders; that nutrition and health considerations are important to United States Agriculture policy.

Most recently, the Secretary of Agriculture, Robert Bergland, told the Select Committee on Nutrition and Human Needs:

We think this country must develop a policy around human nutrition, around which we build a food policy for this country and as much of this world as is interested. And in that framework we have to fashion a more rational farm policy. We've been going at it from the wrong end in the past.

Central to the development of a national nutrition policy is the Nation's food programs: Food stamps, school lunch, school breakfast, WIC, and the nutrition program for the elderly, among others. These programs which represent the Nation's backbone in the fight against hunger must not be neglected as we broaden our knowledge in the area of nutrition and begin to address other important nutrition issues: obesity, the relationship between diet and disease, nutrition research, and food labelling, and nutrition education. Indeed, as we progress into these other issues the food programs may provide a valuable source of information for consumption data, a forum for nutrition education, and perhaps other research information.

While it is true that most of our nutrition programs were developed as a means of disposing of surplus agricultural commodities—and may again be needed for that purpose in the future—they represent the nucleus of our current nutrition policy and should be built upon, not distributed to various agencies all over town. If you develop a national energy policy by creating a new agency to coordinate and pull together all aspects of the problem, you do not at the same time develop a national food and agriculture policy by dividing the question among as many agencies as possible.

In a preliminary report by GAO on nutrition research, it found the "lack of central focus and coordination" to be the No. 1 barrier to progress in the area.

I feel certain that progress in evolving a food and agricultural policy is equally dependent on having a central focus. The nutrition programs should not be sent to other agencies or departments; the food related functions of other departments should be consolidated in the Department of Agriculture.

In that regard, the Bureau of Foods, which is currently within the Food and Drug Administration at HEW should be returned to the Department of Agriculture where it had its beginnings in the late 1800's. For over 40 years the responsibility for food has been combined with drug regulation in an agency which is part of DHEW. This marriage would appear to be based on the fallacious reasoning that food and drugs are similar enough to be regulated by one agency.

In fact, the function of food is diametrically opposed to the role of drugs. Food contributes every day to maintaining our health. Drugs provide the opposite function; they are used when illness strikes to return a person to normal functioning. Drugs are powerful agents which should be utilized in the short term only. Drugs require strong and forceful regulation.

Food quality is vitally important in insuring that our health is protected. But a safe food supply, as defined by legal terms of liability which provide the basis for regulation, is no longer the same as a healthy food supply.

In the early part of this century, when the predecessor of the Bureau of Foods was transferred from USDA, our major food safety problem was basically a question of sanitation and contamination. In this area, I believe that we now have the safest food supply possible.

Individually, our foods are generally safe and efficiently distributed. That does not necessarily mean, however, that our average diet is as healthful as possible.

As Assistant Secretary of Health, Julius B. Richmond, M.D., told the Select Committee on Nutrition and Human Needs in October of 1977:

Many experts now believe that we have entered a new era in nutrition, when the lack of essential nutrients no longer is the major nutritional problem facing most American people. Evidence suggests that the major problems of heart disease, hypertension, cancer, diabetes, and other chronic disease are significantly related to diet. Although improved nutrition alone will not prevent these diseases, more attention is being focused on the underlying dietary habits which may be antecedent or contributing

causes of these conditions. We view this as a positive sign of the progress that has been made thus far and that undoubtedly will continue. . . . We believe it is essential to convey to the public the current state of knowledge about the potential benefits that could possibly result from the adoption of alternative dietary practices, such as reducing excessive caloric intake and eating less fat, less sugar, and less salt.

We must begin to view governmental actions to safeguard our food supply in a broader service sense than as simply a regulatory process. A report issued in late December by the Executive Office of the President, "New Directions in Federally Supported Human Nutrition Research," states that—

Research findings generally have not been presented in ways to help consumers choose diets advantageous to health.

American consumers have increasingly complained about the failure of the FDA to adequately protect their health interests with respect to food. The FDA record over the last 40 years speaks for itself in this regard.

We have no idea who is processing or distributing food in this country, what is contained in the food, what is the nutritional value of our foods, or what foods are being consumed. Further, we do not tell consumers the percent of calories in our foods from fat or sugar, the milligrams of cholesterol or salt, or the complete list of additives.

In short, our present regulatory approach with regard to food does not address the food issues of today. A recent Harris survey on consumerism found food manufacturers to be the No. 1 industrial concern of the general public ahead of the oil industry and car manufacturer.

Possibly the most important service that the Government can offer is the guarantee of a safe and healthy food supply. Thus, just as it is crucial that drugs be regulated by an agency which deals with disease, it is vital that we entrust the safety and healthfulness of our food to the agency that oversees the production of our food.

The department that handles the "farmers' " concerns should also handle "consumers' " concerns. We must not institutionally perpetuate the perception that producers and consumers have different interests. Both are a part of the same food chain and the issues that affect both groups should be addressed by the same department.

In developing this bill, Mr. President, we have attempted to do as little shifting as possible from existing agencies.

The bill transfers from the Department of the Interior to the new Department of Bureau of Land Management—except the Office of Mines; the Bureau of Reclamation; the Office of Water Resources Research; and the Geological Survey. Existing USDA agencies would remain in place.

It transfers from the Department of Health, Education, and Welfare's Food and Drug Administration the Bureau of Foods and the Bureau of Veterinary Medicine.

By taking these limited actions, much will be accomplished to allow one department of the Government to be of maximum coordinated benefit to the Federal Government.

I might add that it is our intention that notwithstanding the changes proposed, those committees of the Congress which now have jurisdiction over the transferred agencies would continue to maintain it. Both the House and Senate have worked many hours to devise a fair and equitable breakdown of committee jurisdiction. Whether this proposal is successful, or whether another takes its place, existing jurisdictional responsibilities should remain where they are.

Mr. President, I commend this bill to the Senate's serious consideration and attention. As I said, I am flexible on this whole matter. Neither Senator DOLE nor I are committed to every dotted "i" or crossed "t" of this measure. But we do believe it has merit and that the arguments on its behalf are compelling from many standpoints. I hope the Congress and the public will give it serious study and let Senator DOLE and me know what are believed to be its strong and weak points.

Mr. President, I ask unanimous consent that the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2519

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Food, Agriculture, and Renewable Resources Act of 1978".

DEFINITIONS

SEC. 2. As used in this Act—

(a) the term "Department" means the Department of Food, Agriculture, and Renewable Resources unless otherwise provided or indicated by the context.

(b)(1) reference to "function" includes reference to any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be; (2) reference to "perform," when used in relation to functions, includes the undertaking, fulfillment, or execution of any duty or obligation; and the exercise of power, authority, rights, and privilege.

(c) the term "Secretary" means the Secretary of the Department of Food, Agriculture, and Renewable Resources.

TITLE I—DECLARATION OF FINDINGS AND PURPOSES

SEC. 101. The Congress of the United States finds that—

(a) Natural resources activities on private and public lands have become increasingly interrelated and interconnected so that a strong national program is needed to promote the coordinated management and use of such lands.

(b) Most of the land and soil resources of the United States are nonfederally owned, virtually all of the cropland being privately held and four-fifths of the Nation's commercial forest lands being in State or private ownership. Consequently, decisions on land and related water conservation and use are made primarily by private owners and managers.

(c) The Department of Agriculture has had a long standing working relationship with private land owners and operators, both rural and urban, and with State and local governments in providing leadership and expert assistance in the encouragement of wise land use decisions. The Department has also had increasing renewable natural resource responsibilities. Under the Forest and Rangeland Renewable Resources Planning Act of 1974, the Department was given specific direction and authority to assess and plan for the management of renewable resources. Also, the Soil and Water Resources Conservation Act of 1977 provided additional authority to the Secretary of Agriculture for carrying out a program for furthering the conservation, protection, and enhancement of the Nation's soil, water, and related resources. The Department of Agriculture's charter for production of food and fiber is essentially identified with the National needs for management of renewable resources. The Department's existing cooperative arrangements and established well-functioning delivery system can link together programs and outputs on all lands, public and private, and promote cooperation and coordination at all levels, Federal, State, and local.

(d) Since the capacity of the Nation to produce food and fiber is largely dependent on water resource development, distribution, and research, it is necessary that food and agricultural programs and related water resource programs be well coordinated and integrated. This coordination and integration will be promoted by assigning such programs to a single executive agency.

(e) Federal lands which are being administered for a specific purpose should be managed so as to recognize their interrelation with other public and privately owned lands. Such integrated resource management can best be achieved when a single executive agency has the responsibility for administration of the Federal resource programs relating to both the private and public lands.

(f) The formulation and implementation of a program for the integrated management of the Nation's renewable natural resources requires the combination of Federal functions relating to the management and use of renewable natural resources on both public and private lands into a single department in the executive branch.

PURPOSES

SEC. 102. The Congress therefore declares that the establishment of a Department of Food, Agriculture, and Renewable Resources is in the public interest and will promote the general welfare by assuring coordinate administration of programs for the production of food and fiber and by promoting the best utilization and conservation of the renewable natural resources of the Nation. It is the purpose of this Act to—

(a) establish a Department of Food, Agriculture, and Renewable Resources in the executive branch; and

(b) achieve through the Department coordinated and effective management and utilization of the private and public lands of the United States to achieve maximum production of food and fiber to meet increasing national and world needs consistent with the conservation and production of renewable natural resources to meet the needs of future generations.

TITLE II—ESTABLISHMENT OF THE DEPARTMENT

ESTABLISHMENT

SEC. 201. There is hereby established at the seat of government an executive department to be known as the Department of Food, Agriculture, and Renewable Resources. This Department shall succeed to, and there is hereby transferred to the Department, all the functions, officers and other personnel, and appropriations available to the Department of Agriculture immediately prior to the date of this Act. The Department shall perform such additional functions and have available such additional officers and other personnel and funds as provided in this Act.

There shall be at the head of the Department a Secretary of Food, Agriculture, and Renewable Resources (hereinafter referred to as the Secretary), appointed by the President by and with the consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary in accordance with the laws applicable to the Department of Agriculture in effect immediately prior to the date of enactment of this Act as modified or supplemented by the provisions of this Act.

PRINCIPAL OFFICERS

SEC. 202. The principal officers of the Department shall be those provided by the laws applicable to the Department of Agriculture in effect immediately prior to the date of enactment of this Act. There may also be appointed such additional assistant secretaries as may be needed to carry out the responsibilities transferred to the Department under this Act. Such additional assistant secretaries shall be appointed in the same manner and at the same rate of compensation as provided for appointment of assistant secretaries in the laws applicable to the Department of Agriculture in effect immediately prior to the enactment of this Act.

TITLE III—TRANSFER OF FUNCTIONS

SEC. 301. (a) There are hereby transferred to, and vested in, the Secretary all functions of the Secretary of the Interior, and officers and components of the Department of the Interior, with respect to the—

(1) Bureau of Land Management, except the Office of Mines

(2) Bureau of Reclamation

(3) Office of Water Research and Technology

(4) U.S. Fish and Wildlife Service.

(5) U.S. Geological Survey

(b) These functions shall be preserved as separate and distinct organizational entities within the Department. Each such entity shall be headed by an Administrator appointed by the Secretary, such appointments to be subject to the provisions of the Classified Civil Service Act.

(c) All reference in laws, regulations, and other authorities to the Secretary of the Interior, the Department of the Interior, and officers and components of the Department of the Interior, with respect to the above enumerated functions shall be deemed to be references to the Secretary.

SEC. 302. (a) There are hereby transferred to and vested in, the Secretary all functions of the Secretary of Health, Education, and Welfare, and officers and components of the Department of Health, Education, and Welfare, with respect to the—

(1) Bureau of Foods of the Food and Drug Administration.

(2) Bureau of Veterinary Medicine of the Food and Drug Administration.

(b) These functions may be merged combined with other agencies of the Department or maintained as separate and distinct organizational entities within the Department. Should they be maintained as separate and distinct entities, each shall be headed by an Administrator appointed by the Secretary, and such appointments to be subject to the provisions of the Classified Civil Service Act.

(c) All reference in laws, regulations, and other authorities to the Secretary of Health, Education, and Welfare, and officers and components of the Department of Health, Education, and Welfare with respect to the above enumerated functions shall be deemed to be references to the Secretary.

TITLE IV—ADMINISTRATIVE PROVISIONS

GENERAL AUTHORITY

SEC. 401. To the extent necessary or appropriate to perform any function transferred by this Act, the Secretary or any officer or employee of the Department may exercise, in carrying out the functions so transferred, any authority or part thereof available by law, including appropriation Acts, to the official or agency from which such function was transferred.

SEAL OF THE DEPARTMENT

SEC. 402. The Secretary shall cause a seal of office to be made for the department of such design as he shall approve and judicial notice shall be taken of such seal.

REGULATIONS

SEC. 403. The Secretary is authorized to prescribe such regulation as he deems necessary to carry out his functions under this Act.

AUTHORIZATIONS FOR APPROPRIATIONS

SEC. 404. There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

TITLE V—TRANSITIONAL, SAVINGS, AND CONFORMING PROVISIONS

TRANSFERS AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 501. (a) Except as otherwise provided in this Act, the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions transferred by this Act, subject to section 202 of the Budget and Accounting Procedure Act of 1950, are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall only be used for the purpose for which the funds were originally authorized and appropriated. If any employee transferred under this Act is in the excepted service, there shall be established in the department for such transferred employees a corresponding excepted position.

(b) Any person who, on the effective date of the Act, held a position compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department to a position having duties comparable to those performed immediately preceding his appointment shall continue to be compensated in his new position at not less than the rate provided for his previous position, for the duration of his service in the new position: *Provided*, That the new positions in the Department resulting from the transfer of functions from the Department of the Interior, and the transferred personnel assigned to such positions, shall be covered into the competitive service at the appropriate salary grade under the Classification Act of 1923 as amended, and the quota of such grades in the department shall be increased by the number necessary to accommodate these transfers, such grades being in addition to the quota available to the Department of Agriculture immediately prior to the date of this Act.

(c) The transfer of personnel pursuant to this title shall not cause any employee to be separated or reduced in grade for one year after the effective date of this Act.

INCIDENTAL TRANSFER

SEC. 502. The Director of the Office of Management and Budget in consultation with the Secretary, is authorized and directed to make such determinations as may be necessary with regard to the transfer of functions which related to or are utilized in connection with the functions transferred by this Act, to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used arising from, available to or to be made available in connection with the functions transferred by this Act, as he may deem necessary to accomplish the purposes of this Act.

SAVINGS PROVISIONS

SEC. 503. (a) All orders, determinations, rules, regulations, permits, contracts, certifications, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal department or agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act to the Department after the date of enactment of this Act, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) (1) The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending at the time this act takes effect before any department, agency, or component thereof, functions of which are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(2) The Secretary is authorized to promulgate regulations providing for the orderly transfer of such proceedings to the Department.

(c) Except as provided in subsection (e)—

(1) the provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgements rendered in the same manner and effect as if this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act.

(e) If, before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act any function of such department, agency, or officer is transferred to the Secretary or any other official, then such suit shall be continued with the Secretary or other official, as the case may be, substituted.

SEPARABILITY

SEC. 504. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, neither the remainder of this Act nor the application of such provisions to other persons or circumstances shall be affected thereby.

REFERENCE

SEC. 505. With respect to any functions transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department, or agency or any officer or office the functions of which are so transferred shall be deemed to refer to the Secretary or other official or component of the Department in which such functions are vested.

TRANSITION

SEC. 506. With the consent of the department head concerned, the Secretary is authorized to utilize the services of such officers, employees, and other personnel of the department from which functions have been transferred to the Secretary, for such period of time as may reasonably be needed to facilitate the orderly transfer of functions under this Act.

TITLE VI—EFFECTIVE DATE

SEC. 601. The provisions of this Act shall take effect one hundred and twenty days after the date of enactment of this Act, or on such earlier date as the President may prescribe and publish in the Federal Register, except that at any time after the date of enactment of this Act, (1) the additional assistant secretaries provided for in Title II of this Act may be nominated and appointed as provided in that title, and (2) the Secretary may promulgate regulations pursuant to section 503(b)(2) of this Act at any time after the date of enactment of this Act. Funds available to any department or agency (or any official or component thereof), functions of which are transferred to the Secretary by this Act, may with approval of the Director of the Office of Management and Budget, be used to pay the compensation and expenses of any officer appointed pursuant to this subsection until such time as funds for that purpose are otherwise available.

Mr. DOLE. Mr. President, I associate myself with the pertinent and incisive remarks of the Senator from North Dakota, and I take pleasure in sponsoring legislation, with the distinguished Senator, to strengthen and improve the food, agriculture and natural resource functions of the Federal Government.

DEPARTMENT OF FOOD, AGRICULTURE AND RENEWABLE RESOURCES

The legislation we introduce today creates a Department of Food, Agriculture, and Renewable Resources by combining the existing functions and programs of the Department of Agriculture with the food regulatory functions of the Department of Health, Education, and Welfare, and with the renewable natural resources functions of the Department of the Interior.

Specifically, the bill provides for the transfer of the Bureau of Foods and the Bureau of Veterinary Medicine from the Department of Health, Education, and Welfare, and the transfer of the Bureau of Reclamation, the Bureau of Land Management—except the Office of Mines—the Office of Water Research and Technology, the U.S. Fish and Wildlife Service, and the U.S. Geological Survey from the Department of the Interior. These seven agencies, together with the agencies that now exist in the Department of Agriculture, would comprise the new Department of Food, Agriculture, and Renewable Resources.

NEED TO STREAMLINE FEDERAL GOVERNMENT

We introduce this legislation in recognition of the need to streamline Federal agencies and reorganize their functions in a way that makes possible the efficient delivery of services in a cost effective manner. The goal of a trim and streamlined Federal bureaucracy is supported by the administration and strongly advocated by a large and growing body of Americans representing every point on the political spectrum.

Clearly, the first step toward sound and effective reorganization is to gather into a single department of government all programs and functions which relate to one another in a direct, integral manner.

The seven food regulatory and natural resources agencies which we propose to transfer to an enlarged Agriculture Department have a direct, integral relationship to agencies and programs now lodged in USDA. From the point of view of the users—farmers, ranchers, and other rural Americans—it makes a great deal of sense to put all food and fiber-related agencies under a single roof so that users need only do business with a single department of government.

RENEWABLE RESOURCE PROGRAMS

Today, Mr. President, both the Department of Agriculture and the Department of the Interior share Federal responsibility for protecting and enhancing the Nation's renewable natural resources. Of the two departments, the Agriculture Department is charged with the greater responsibility, USDA, primarily through the Soil Conservation Service and the Forest Service, conducts research and provides technical and financial assistance to private landowners and units of local government for the improvement of the Nation's cropland, range and pasture land, forests, and watershed areas.

The Interior Department activities in the renewable resources area are primarily carried out by five agencies which I cited a minute ago. The Bureau of Reclamation works with local irrigation districts to provide irrigation water to farmers in Western States. Reclamation irrigation projects serve about 146,000 farm families and provide irrigation water for nearly 11 million acres of cropland.

The Bureau of Land Management is caretaker of 450 million acres of public domain—20 percent of our total land base. Among other activities, BLM leases grazing rights to thousands of western livestock producers. The Office of Water Research and Technology provides grants and contracts for research, development, training, and technology transfer programs in the field of water and water-related resources.

The Fish and Wildlife Service monitors and protects fish and wildlife species. Finally, the U.S. Geological Survey engages in a wide variety of tasks associated with the mapping, appraisal, and classification of land and water resources.

The work of these agencies complements, and in some instances duplicates, similar activities being carried on at USDA. The goal of improved coordination necessitates the transfer of these agencies to an enlarged Agriculture Department. To cite just one example, landowners — and taxpayers — would benefit from better coordination between the soil survey, inventory, and monitoring programs that are now being conducted by the Soil Conservation Service and the Geological Survey.

REGULATION OF FOOD

A similar situation exists in the area of Federal food regulation. The mission of the Bureau of Foods has little in common with the other responsibilities of the Department of Health, Education, and Welfare, but it directly complements the mission of USDA's Food and Nutrition Service.

Similarly, the programs of the Bureau of Veterinary Medicine has less to do with the human health activities of DHEW than with the closely related tasks of USDA supported land grant universities, as well as USDA's animal and plant health inspection service.

CONCLUSION

Since its creation during the Presidency of Abraham Lincoln, the Department of Agriculture has compiled a long record of service to farmers, ranchers and other rural Americans.

USDA has a proven delivery system with offices and staff in every rural county of the Nation.

USDA is skilled in dealing with private citizens as well as local government units.

USDA pioneered the voluntary, cooperative, cost-share approach to problem solving, and has evolved a mode of operation that farm and rural people are comfortable with.

USDA knows how to work with local decisionmakers to tailor Federal assistance to local needs and methods.

For these reasons, Mr. President, farm and rural citizens have come to look upon the Department of Agriculture as their advocate in Washington, D.C. Even when farmers are frustrated and disenchanted with national farm policies, they continue to look upon the Department's county-level agents with trust and respect.

Farm and rural citizens do not want to see the Department of Agriculture dismembered—they want to see it strengthened and enlarged. The legislation Senator McGOVERN and I introduce today will strengthen the food, agriculture and renewable resources functions of the Federal Government in the interest of more efficient Government and to the benefit of farm and rural citizens. I commend this bill to the Senate and urge its timely enactment into law.

ADDITIONAL COSPONSORS

S. 238

At the request of Mr. DOLE, the Senator from Nebraska (Mr. CURTIS) was added as a cosponsor of S. 238, a bill to exempt farm trucks and conservation trucks from highway use taxation.

S. 1010

At the request of Mr. McINTYRE, the Senator from California (Mr. HAYAKAWA) and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 1010, the National Consumer Cooperative Bank Act.

S. 1745

At the request of Mr. McINTYRE, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1745, the

Small Business Paperwork Reduction and Investment Act.

S. 1903

At the request of Mr. JACKSON, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1903, a bill to authorize the use of health maintenance organizations under the CHAMPUS program.

S. 2384

At the request of Mr. CRANSTON, the Senator from Colorado (Mr. HART) was added as a cosponsor of S. 2384, the Veterans' and Survivors' Income Security Act.

S. 2404

At the request of Mr. TOWER, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 2404, a bill to provide relief for James Antin Chua Tuan, M.D.

S. 2416

At the request of Mr. JAVITS, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Rhode Island (Mr. PELL), the Senator from Vermont, (Mr. STAFFORD), the Senator from Illinois (Mr. PERCY), the Senator from Montana (Mr. MELCHER), the Senator from Hawaii (Mr. INOUYE), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 2416, the Nurse Training Amendments of 1978.

S. 2475

At the request of Mr. CHURCH, the Senator from Wyoming (Mr. WALLOP) was added as a cosponsor of S. 2475, a bill to improve the range conditions of the public grazing lands.

SENATE JOINT RESOLUTION 103

At the request of Mr. MCINTYRE, the Senator from Connecticut (Mr. RIBICOFF), the Senator from North Carolina (Mr. MORGAN), the Senator from California (Mr. CRANSTON), the Senator from Delaware (Mr. BIDEN), the Senator from Arkansas (Mr. HODGES), the Senator from Arizona (Mr. GOLDWATER), the Senator from Connecticut (Mr. WEICKER), the Senator from Nevada (Mr. CANNON), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S.J. Res. 103, to declare 1978 as Franco-American Friendship Year.

SENATE JOINT RESOLUTION 104

At the request of Mr. MCINTYRE, the Senator from Connecticut (Mr. RIBICOFF), the Senator from North Carolina (Mr. MORGAN), the Senator from California (Mr. CRANSTON), the Senator from Delaware (Mr. BIDEN), the Senator from Arkansas (Mr. HODGES), the Senator from Arizona (Mr. GOLDWATER), the Senator from Connecticut (Mr. WEICKER), the Senator from Nevada (Mr. CANNON), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S.J. Res. 104, to declare July 11, 1978 as Franco-American Friendship Day.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MCGOVERN, the Senator from New York (Mr. MOYNIHAN), the Senator from Colorado (Mr. HASKELL), the Senator from Alaska (Mr. GRAVEL), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Con. Res. 62, requesting the United Nations to convene a World Alternate Energy Commission.

AMENDMENTS SUBMITTED FOR PRINTING

NAVIGATION DEVELOPMENT ACT—H.R. 8309

AMENDMENT NO. 1694

(Ordered to be printed and to lie on the table.)

Mr. STAFFORD submitted an amendment intended to be proposed by him to the bill (H.R. 8309) authorizing certain public works on rivers for navigation, and for other purposes.

Mr. STAFFORD. Mr. President, one of the more troublesome problems in many areas of the Nation—certainly in the Northeast—involves streambank erosion, which cuts away at property, undermines homes, produces severe siltation, and, at times of heavy rainfall, results in the uprooting of vegetation, blocking streams and producing significant local flooding.

During the 93d Congress, the "Streambank Erosion Control Evaluation and Demonstration Act of 1974" was enacted, authorizing a number of demonstration projects.

The amendment I am submitting today would supplement and extend that authority, allowing the Corps of Engineers to assist local governments and people with plans to combat serious streambank erosion. This amendment does not provide a penny toward the actual cost of construction work. By making the Corps expertise available to local communities and property owners, this amendment should enable people to help themselves more effectively.

I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1694

On page 17, after line 5, insert the following, and number accordingly:

"Sec. ——. Section 32 of Public Law 93–251 is amended by adding at the end thereof a new subsection:

"(f) In addition to the other authorities in this section, the Secretary of the Army, acting through the Chief of Engineers, shall provide technical assistance to retard streambank erosion to any person or agency requesting such assistance, if the applicant is experiencing, or can be expected to experience, erosion threatening dwellings or loss of property. The Secretary may also provide assistance to an applicant who would be likely to be affected by flooding downstream from property threatened by erosion, provided the owner of such property agrees to allow the applicant to perform erosion retarding work. There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection."

AMENDMENT NO. 1695

(Ordered to be printed and to lie on the table.)

Mr. STAFFORD submitted an amendment intended to be proposed by him to the bill (H.R. 8309), supra.

Mr. STAFFORD. Mr. President, a seasonal problem which afflicts much of this Nation might be called ice floods. Following a buildup in river ice, followed by a sudden thaw, flooding is often produced by the "ice dams" that accumulate at bridge abutments or other impediments in the river.

Ice flooding has occurred in many areas this winter. Here in Washington, there was even a recent threat that the bridges themselves crossing the Potomac River might be imperiled by ice. The threats in many areas of the North may be even more severe with the coming of spring.

The danger of ice buildup sometimes can be handled effectively through the emergency efforts of the Corps of Engineers. Such a project was approved recently for Montpelier, Vt. But such efforts may come too late, or may involve costly last-minute work, using explosives.

I believe that with systematic and coordinated planning we can achieve new techniques in the control of river ice. I believe that we can and should successfully develop improved ice breakup techniques, and provide this information to affected communities. The Corps is the proper organization to do this work, which is well beyond the means of many small communities.

To that end, I am today submitting an amendment to H.R. 8309 intended to strengthen the Corps' ability to meet the ice-flooding problem. I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1695

On page 17, after line 5, insert the following, and number accordingly:

"Sec. —— (a) The Secretary of the Army, acting through the Chief of Engineers, shall undertake a program of research to increase his capability to control river ice, and to assist communities in breaking up such ice that would otherwise be likely to cause or aggravate flood damage or severe streambank erosion.

"(b) The Secretary is further authorized to provide technical assistance to local units of government to implement local plans to control or break up river ice. As part of such authority, the Secretary is authorized to acquire and loan any necessary ice-control or ice-breakup equipment to local units of government.

"(c) The sum of $3,000,000 is authorized to be appropriated to the Secretary in each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981, to implement this section."

PANAMA CANAL TREATIES—EX. N, 95–1

AMENDMENT NO. 22

(Ordered to be printed and to lie on the table.)

Mr. SCOTT submitted an amendment intended to be proposed by him to Ex. N, 95–1, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

AMENDMENTS NOS. 23 THROUGH 25

(Ordered to be printed and to lie on the table.)

Mr. CANNON submitted three amendments intended to be proposed by him to Ex. N, 95–1, the Panama Canal Treaty.

AMENDMENT NO. 26

(Ordered to be printed and to lie on the table.)

Mr. SCOTT submitted an amendment intended to be proposed by him to Ex. N, 95–1, the Panama Canal Treaty.

AMENDMENT NO. 27

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to Amendment No. 20 intended to be proposed to Ex. N, 95–1, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

(The remarks of Mr. HELMS when he submitted the amendment appear earlier in today's proceedings.)

NOTICES OF HEARINGS

URANIUM ENRICHMENT POLICY

Mr. CHURCH. Mr. President, for the information of the Senate and the general public, the public hearing on the Department of Energy's uranium enrichment policy, originally scheduled to be held on Tuesday, February 7, was postponed. It has been rescheduled for Thursday, February 9, and will be held in room 3110 of the Dirksen Senate Office Building beginning at 10 a.m.

Mr. William R. Voigt, Jr., of the Department of Energy, and his associates will present testimony. Additionally, the General Accounting Office and other expert witnesses have been invited to testify.

Anyone wishing additional information with regard to the hearings should contact the subcommittee staff director, Willis Smith, at (202) 224–4431.

ADDITIONAL STATEMENTS

SOMETHING TO EXPLAIN FARM UNREST

Mr. McGOVERN. Mr. President, few of us are unmindful of the recent congressional visits from members of the American Agricultural Movement. Should any Senator be sufficiently statistically motivated to try to fathom why American farmers are at a point of revolt, I ask that he read an editorial from the Huron (S. Dak.) Daily Plainsman for January 31, 1978, indicating that in 1976 when the average American family paid $41 more for domestically produced food that in the previous year, the farmer got only $2 of this increase. Of the total food production pie of the domestically produced market basket, the farmer's share is down to 38 percent.

Of greater graphic interest is a letter to the editor of the same paper in the same issue from Harold L. Overbay of Wolsey, S. Dak., who painstakingly compiled a comparative study of farm prices and grocery store sales from a base period of 1947–48 in comparison to January 1978. In each instance, with the fluctuating and inflated dollar, the farmer receives less for what he sells and pays dramatically more for what he buys. At the same time, though consumer market basket prices were substantially higher from 1948 to 1978, the differences seem to conform much more closely to other economic patterns.

Mr. President, in the hope that other Senators will carefully consider the articles to which I have referred, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Huron (S. Dak.) Daily Plainsman, Jan. 31, 1978]

CHANGE DEMANDED

The Department of Agriculture reported last week that the average family paid $41 more for domestically produced food last year than in 1976. Of that amount only two dollars went to the farmer.

The farmer's share of that domestically produced food basket has been down to 38 percent during the last two years—1977 and 1976—as compared with a 42 percent share in 1975.

The domestically produced portion of the marketbasket of food (which would theoretically feed a statistically average family of 3.2 persons for a year) increased only 2.2 percent, from $1,895 to $1,936.

But the total food bill, including seafood, imported foods and restaurant meals jumped 6.5 percent. The difference was attributed to soaring prices for imported food such as coffee, tea, cocoa and bananas. And a part was attributed to more eating out. Last year restaurant meals made up about 25 percent of total food expenses.

From these figures it appears that American consumers, by choice, have increased their total 1977 food bill by about three times the amount that the bulk of their food produced by American agriculture contributed to that increase. In short, if the American producer had received the extra money spent on more expensive imported foods—coffee, tea, etc.—as well as some of the extra for more out-of-the-home preparation, he might have been less inclined to opt for a strike to call attention to his price problems.

Obviously consumers have resources and the inclination to pay a little more for the food they consume. This was proven last year if the Department of Agriculture figures are correct. What is needed is a national policy which will effectively improve the farmer's share of that domestically produced marketbasket. Other countries have not been bashful about propping up prices on foods that we import.

A reader's letter published in the Open Forum column on this page today provides a graphic illustration of what current price trends and the declining share of the marketbasket has done to the American farmer over the past 30 years. This information represents some interesting research and deserves thoughtful attention.

The future of agriculture demands a change. And the figures reported for the year 1977 are anything but encouraging.

COMPARATIVE PRICE STUDY

To the Editor:

After viewing microfilm of newspapers and visiting with many business people, I would like to share the following prices:

Nov. 12, 1947 to Jan. 25, 1948, newspaper ads:

Wheat, bu., $2.90.
Corn, $2.55.
Oats, $1.24.
Rye, $2.66.
Beef, $29.50–$33.00.
Hogs, $23.25–$24.75.
Beef Roast, lb., 35 cents.
T-bone steak, lb., 68 cents.
Ground beef, lb., 39 cents.
Pork Roast, 45 cents.
Beef—hind quarter, lb., 43 cents.
Coffee—2 lbs., 97 cents.
1948 Chev., $1,800.
1949 "G" JD tractor, $2,800.

(It took approx. 960 bu. wheat to buy a 40 hp tractor in 1948.)

Propane gas, gal., 13–14 cents.
Gas, gal., 28 cents.
Diesel fuel, gal., 16 cents.

January, 1978, Elevator Quotations and Newspapers:

Wheat (15 pct protein), $2.58 (32 cents less).
Corn, $1.95 (60 cents less).
Oats, $1.02 (22 cents less).
Rye $2.18 (48 cents less).
$41.50–$43.00 Sious Falls, 1–11–78.
$44.00–$44.75 Armours, 1–11–78.
Chuck Roast, lb., 89 cents.
Rump Roast, lb., $1.49.
T-bone steak, lb., $1.89.
Ground beef, lb., 89 cents.
Pork Roast, lb., $1.09.
Beef—hind quarter, lb., 95 cents.
Coffee—2 lbs., $5.99.
1978 Chev. Impala, $6,700.
1978 40 hp JD tractor, $14,000.
(It took approx. 5,400 bu. wheat to buy this tractor in 1978.)
1978, gal., 37 cents.
1978, gal., 54.9 cents.
1978, gal., 44.9 cents.

One year subscription to Daily Plainsman in 1948—$7.00; in 1978—$28.00.

Interest on land loan in 1948—4 percent; 1978—8¼ percent.

Land sold at $20–$50 acre; 1978—$200–$450 acre.

Interest on $50-acre land—$2.00; $300-acre land—$24.75-acre.

1948 taxes on bare 160 acres—$73.18; same 160 acres 1978—$313.14.

1948 taxes—160-a. with structures—$97.18; same 160-a. 1978—$469.60.

Wages—local inudstry 1948—$87½ cents hr.; same industry 1978 over $7.00 hr.

Farmers who sell grain are expected to buy equipment at today's prices with less than 1948 grain prices!

Thanks to all who helped provide the quotations used above.

HAROLD L. OVERBAY.

A TRIBUTE TO SENATOR HUMPHREY

Mr. BELLMON. Mr. President, throughout the history of our country many citizens have come to occupy places of special affection and respect in the public mind. Senator Hubert Humphrey was one of those. His personal buoyancy, his enthusiastic support for causes which interested him and his boundless energy made him the favorite of millions and won for him the respect even of those who disagreed with his policies.

Hubert Humphrey was one of the warmest, most compassionate persons ever to serve an elective office. He understood the problems of virtually every segment of our society.

Senator Humphrey remained partly a small town shopkeeper throughout his life. Many of his favorite stories and many of the events which shaped his character revolved around the Humphrey family drug store in South Dakota. Partly due to these experiences, he maintained a sound business sense which surfaced frequently in his legislative work.

My own respect for Hubert Humphrey grew through our association on the Agriculture Committee and during a trip we made to Moscow following the 1972 grain sale.

Hubert's small town background caused him to remain vitally concerned about the problems of farmers and rural Americans and gave him a special insight

into the needs of this important segment of our population. He chose service on the Agriculture Committee as the best way to effectively influence farm legislation and rural development and was instrumental in much constructive legislation in these fields. He was an eloquent spokesman and a tireless worker for rural America.

Throughout our association, I found him to be an innovative, constructive legislator, an engaging companion, an intellectual match for any adversary—including the Russians—and a complete humanitarian. He was more gifted than most, more sensitive than most, and more animated than most. Throughout his long and illustrious career, he led the Senate and the Nation into much previously unplowed ground. Many of the seeds which he helped sow have shown important results in both the national and international fields. There will never be another one like him—and I am pleased to join his many friends in this tribute.

EXPORT-IMPORT BANK FINANCING NOTIFICATION

Mr. PROXMIRE. Mr. President, I call to the attention of my colleagues a communication I have received from the Export-Import Bank pursuant to section 2(b)(3)(iii) of the Export-Import Bank Act notifying the Senate of a proposed additional Eximbank loan to assist the construction of two nuclear power plants in Taiwan. Section 2(b)(3)(iii) of the act requires the Bank to notify the Congress of proposed loans or financial guarantees for nuclear-related exports at least 25 days of continuous session of the Congress prior to the date of final approval. Upon expiration of this period, the Bank may give final approval to the transaction unless the Congress dictates otherwise.

In this case, the Bank proposes to extend an additional loan in the amount of $106,769,300 to the Republic of China's electric utility, Taipower, to assist in the purchase from the United States of the initial fuel cores to be used in the two nuclear powerplants. Eximbank has previously made loans and guarantees totaling $297,000,000 in conjunction with construction of these plants. The new credit proposed by Eximbank will cover 55 percent of the total cost of additional U.S. goods and services for the project. The loan will bear interest at the rate of 8¼ percent per annum and will be repayable over a 3-year period commencing October 31, 1984 for one nuclear plant, and July 31, 1985 for the other.

Mr. President, I ask unanimous consent that the letter from Eximbank pertaining to this transaction be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., January 31, 1978.

HON. WALTER F. MONDALE,
President of the Senate, U.S. Capitol, Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to Section 2(b)(3)(iii) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States Senate with respect to the following transaction involving U.S. exports to the Republic of China.

A. DESCRIPTION OF TRANSACTION

1. Background and purpose

In mid-1974, Eximbank authorized financial assistance of $297 million in the form of a direct credit of $198 million and a guarantee of commercial loans in the amount of $99 million to Taiwan Power Company (Taipower) to facilitate financing the U.S. costs of equipment, materials and services for the Maanshan Nuclear Power Plants #1 and #2 on the island of Taiwan. These plants were the fifth and sixth nuclear power projects in Taiwan. At the time no financial assistance was requested for the initial fuel core.

Taipower now requests financial assistance for the purchase in the United States of the initial fuel cores for the two Maanshan Power Plants and Eximbank is prepared to extend a direct credit of $106.8 million to Taipower for financing the purchase and export of uranium ore and its conversion, enrichment and fabrication for the initial fuel cores. Westinghouse Electric Corporation will be responsible for yellow-cake procurement and coordination of conversion and enrichment services, and will provide the fabrication services. The U.S. Department of Energy will provide the enrichment services. The total cost of the uranium and services is estimated to be $194 million which will be provided by the Eximbank direct credit, $48.5 million in private loans unguaranteed by Eximbank and a cash payment of $38.8 million.

2. Identity of the parties

Taipower, organized in 1946, is a corporation 95-percent owned by the Republic of China and its political subdivisions. It has the sole responsibility for the supply of electricity throughout the island of Taiwan. Taipower is one of the largest users of Eximbank's programs for its U.S. purchases and has maintained an excellent credit relationship with Eximbank.

The Ministry of Finance of the Republic of China will issue to Eximbank an unconditional, full faith and credit guarantee for repayment of the Eximbank direct credit.

3. Executive branch approval

In accordance with established procedures, Eximbank has requested through the Department of State the views of the Executive Branch on the proposed transaction. The Department of State's Bureau of Oceans and International Environment and Scientific Affairs has no objection to Eximbank's proceeding with this transaction. The Department of Energy advises that there is no actual or potential shortage of uranium ore in the United States; the enrichment services are covered by an existing contract with that Department; and there is more than sufficient capacity available for the fuel fabrication by U.S. firms.

B. EXPLANATION OF EXIMBANK FINANCING

1. Reasons

The Eximbank direct credit of $106.8 million will facilitate the export of $194 million of U.S. goods and services.

Eximbank perceives no adverse impact on the U.S. economy of these exports. This transaction will have a favorable impact on employment for substantial numbers of U.S. workers, as well as on the United States balance of trade. Westinghouse has advised Eximbank that its part of the transaction will result in 1,393 man-years of jobs created. The bulk of the Westinghouse work will be supplied from Pittsburgh, Pennsylvania and Columbia, South Carolina, which had unemployment rates of 6.9% and 4.7% respectively as of June 30, 1977. None of the goods or services to be exported are in short supply in the United States. While no actual foreign competition has been cited for this transaction, yellow-cake is available in South Africa, Canada and Australia; some enrichment facilities are available in Europe; and fabrication capabilities exist in many of the industrial nations.

2. The financing plan

The total cost of United States goods and services for the initial fuel cores is $194,126,000, which will be financed as follows:

	Amount	*Percentage of U.S. costs*
Cash	$38,825,200	20.0
Eximbank credit	106,769,300	55.0
Private loan not guaranteed by Eximbank	48,531,500	25.0
Total	194,126,000	100.0

(a) Eximbank charges:

The Eximbank direct credit will bear interest at the rate of 8.25 percent per annum, payable semiannually. A commitment fee of 0.5 percent per annum also will be charged on the undisbursed portion of the Eximbank credit.

(b) Repayment Terms:

The Eximbank direct credit and private loans, which total $155,300,800, will be repaid by the Borrowers in 6 semiannual installments (i) beginning October 31, 1984 for disbursements for the Maanshan No. 1 plant; and (ii) beginning July 31, 1985 for disbursements for the Maanshan No. 2 plant. Under the first repayment schedule, the first 3 installments will be applied to repay related disbursements under the private loans; and all the last 3 installments will be applied to repay related disbursements under the Eximbank direct credit. Under the second repayment schedule a portion of the first installment will be applied to repay related disbursements under the private loans and the balance of this schedule will be applied to repay related disbursements under the Eximbank direct credit.

Sincerely,

JOHN L. MOORE,
President and Chairman.

EXPORT-IMPORT BANK FINANCING NOTIFICATION

Mr. PROXMIRE. Mr. President, I call to the attention of my colleagues a communication I have received from the Export-Import Bank pursuant to section 2(b)(3)(iii) of the Export-Import Bank Act notifying the Congress of a proposed additional Eximbank loan to assist the construction of a nuclear powerplant in Spain. Section 2(b)(3)(iii) of the act requires the Bank to notify the Congress of proposed loans or financial guarantees for nuclear-related exports at least 25 days of continuous session of the Congress prior to the date of final approval. Upon expiration of this period, the Bank may give final approval to the transaction unless the Congress dictates otherwise.

In this case, the Bank proposes to extend an additional loan in the amount of $17,470,050 to four Spanish electric utilities to assist in the purchase of U.S. goods and services to be used in the modification and completion of the ASCO II nuclear powerplant. Eximbank has previously made loans and guarantees totaling $114,412,200 in conjunction with this project. The new credit proposed by Eximbank will cover 85 percent of the total cost of additional U.S. goods

and services for the project. The loan will bear interest at the rate of 8¾ percent per annum and will be repayable over a 10-year period commencing July 10, 1971.

Mr. President, I ask unanimous consent that the letter from Eximbank pertaining to this transaction be printed in the RECORD.

There being no objection, the letter was printed in the RECORD, as follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., February 1, 1978.

Hon. WALTER F. MONDALE,
President of the Senate,
S-212, U.S. Capitol,
Washington, D.C.

DEAR MR. PRESIDENT: Pursuant to Section 2(b)(3)(iii) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to Spain.

A. DESCRIPTION OF TRANSACTION.

1. Background and purpose.

In April, 1973, Eximbank authorized financial support in the form of a direct loan of $49,033,800, a guarantee of private bank loans of $49,033,800 and a local cost guarantee of offshore loans of $16,344,600 to four Spanish electric utilities—Fuerzas Electricas de Cataluna, S.A. (FECSA), Empresa Nacional Hidroelectrica del Ribagorzana, S.A. (ENHER), Hidroelectrica de Cataluna, S.A. (HEC) and Hidroelectrica del Segre, S.A. (SEGRE) (Borrowers) for the ASCO II nuclear power plant, located on the Ebro River in the Province of Tarragona, 135 KM West of Barcelona. This plant is the companion plant to the contiguous ASCO I nuclear plant. The Borrowers have requested, and Eximbank is prepared to provide, an additional direct loan of $17,470,050 to finance the increased U.S. costs being incurred by the Borrowers for the ASCO II project.

The Borrowers require the additional financing primarily for two reasons. First, to conform to nuclear power plant guidelines recommended by the U.S. Nuclear Regulatory Commission (NRC), the Borrowers have agreed to have their principal supplier, Westinghouse, upgrade its equipment supply and safeguard systems to permit implementation of the latest NRC-recommended technical design criteria and safety standards.

Second, Westinghouse is to provide additional engineering and project coordination services. In addition, the costs for fuel fabrication to be provided by Westinghouse and fuel enrichment to be undertaken by the U.S. Department of Energy have increased.

These increased costs, which are associated with evolving nuclear power plant technology and which were not included in the original design of the project, are common in current nuclear power projects. Eximbank considers the reasons for and the amount of the increased U.S. costs to be reasonable and necessary to complete construction of this project.

In connection with a two-year delay in the projected start of commercial operations of the ASCO II plant, commercial banks will provide loans of $20,965,000 to refinance the first four semiannual installments of the existing private financing for U.S. costs of the project. Since the installments to be refinanced are currently guaranteed by Eximbank, Eximbank's guarantee will apply to such new loans.

2. Approvals of other Government agencies

In accordance with established procedures, Eximbank requested through the State Department the views of the Executive Branch on the proposed transaction. State's Bureau of Oceans and International Environmental and Scientific Affairs advised that the Executive Branch has no objection to Eximbank's proceeding with this transaction. According to State, the Government of Spain has agreed to open discussions with the United States on amending its present nuclear agreement for cooperation to make it consistent with new agreements under the pending U.S. nonproliferation legislation. However, the present agreement meets all of the "initial criteria contained in such legislation," and hence, "the Executive Branch believes that the Eximbank financing proposed ... would be fully consistent with and supportive of U.S. non-proliferation objectives."

3. Identity of the parties

FECSA, a privately-owned company established in 1951 and headquartered in Barcelona, is Spain's third largest electric utility. It participates in the ownership of and financing for the project to the extent of 40 percent.

ENHER, incorporated in 1946, is a "national enterprise" corporation controlled by Instituto Nacional de Industria, an autonomous agency of the Spanish State established in 1941 to promote the establishment and reorganization of industrial enterprises important to the economic development of Spain. ENHER is the sixth largest electric utility enterprise in Spain and is a 40 percent participant in ASCO II.

HEC was incorporated in 1946 and is the twelfth largest electric utility in Spain. It is privately owned and is a 15 percent participant in the project.

SEGRE, a closely-held private company, is the twenty-first largest electric utility in Spain and is a 5 percent participant in ASCO II.

4. Nature and use of goods and services

The principal goods and services to be exported from the United States in connection with the increased U.S. costs are design services, start-up assistance, project site coordination and inspection services to be provided by the Bechtel Corporation, and a matrix fuel assembly core and turbine generator equipment to be supplied by Westinghouse.

B. EXPLANATION OF EXIMBANK FINANCING

1. Reasons

The proposed extension by Eximbank of a $17,470,050 direct credit will facilitate $20,553,000 of additional exports in the form of U.S. goods and services and higher prices for previously-contracted items.

Eximbank perceives no adverse impact on the U.S. economy from the export of these goods and services. This transaction will have a favorable impact on employment for substantial numbers of U.S. workers, as well as on the U.S. balance of trade. None of the goods to be exported are in short supply in the U.S.

2. The financing plan

The total cost of additional United States goods and services to be purchased by the Borrower is approximately $20,553,000, which will be financed as follows:

	Amount	*Percentage of U.S. costs*
Cash	$3,082,950	15
Eximbank credit	17,470,050	85
Total	20,553,000	100

(a) Eximbank Charges:

The Eximbank credit will bear interest at the rate of 8¾% per annum, payable semiannually on outstanding balances. A commitment fee of ½ of 1% per annum also will be charged on the undisbursed portion of the Eximbank credit.

Eximbank will charge a guarantee fee of 1% per annum on disbursed amounts of the new refinancing commercial bank loan and a commitment fee of ⅛ of 1% on the undisbursed amounts of such loan.

(b) Repayment Terms:

The portion of the Eximbank credit for additional plant costs will be repaid by the Borrowers in 20 semiannual installments commencing on July 10, 1981.

The portion of the Eximbank credit for additional fuel costs will be repaid by the Borrowers in 6 semiannual installments commencing on July 10, 1981.

Sincerely,

JOHN L. MOORE, Jr.

FLORENCE BARR—25 YEARS OF SERVICE TO THE SENATE BANKING COMMITTEE

Mr. BROOKE. Mr. President, 25 years ago, the Republican Party was in the majority in the Senate, and Senator Homer Capehart, Republican of Indiana, was the chairman of the committee that was then called Banking and Currency. And it was in February of 1953 that Chairman Capehart appointed a talented young woman from his home State, Miss Florence Barr, to serve on the Banking Committee staff. Now, Senator Capehart made many important contributions during his distinguished career in the Senate, but I do not think he ever made a wiser decision than hiring Florence Barr.

For the last 25 years, Florence has given dedicated service to the Banking Committee, and those who have worked with her—both committee members and staff—will testify to the unfailing enthusiasm and good humor with which she approaches her job. Not only is Florence an accomplished secretary, but her knowledge of the legislation and issues before our committee makes her a vital information source for staff members and the public as well. Her tremendous energy and her willingness to work until the job is done, combined with her style and charm, make her invaluable to the committee.

As she looks back over the last 25 years, I am sure that Florence has many memories. She has seen Senators and staff come and go: No present member of the committee or its staff, with the exception of Senator SPARKMAN, has served on the Banking Committee longer than she. But, no one expects Florence to lose too much time reminiscing; she is too busy with today's job. And we all hope she will be working with the Banking Committee, if not for the next 25 years, then at least for a good number of them.

But today, Florence, the majority and the minority, members and staff, join in offering you our warmest congratulations and thanks for 25 years of fine service to the Committee on Banking, Housing, and Urban Affairs.

THE PLAINVILLE, CONN., OBSERVER PUBLISHES FIRST EDITION

Mr. RIBICOFF. Mr. President, it is always a great pleasure for me to see a newspaper start up. Such an event has occurred in my State of Connecticut

where the Plainville Observer began publishing January 26, 1978.

Anthony L. Urillo, who also publishes the Southington, Conn., Observer and is president of the Step Saver, Inc., is the publisher of the new Plainville Observer. Andrew W. Nelson III, is the editor-in-chief and Kathleen G. Axelrod is the associate editor.

I wish them and all their associates at the Plainville Observer the very best of luck and congratulate them on their first edition—a lively, informative, enterprising newspaper. I know that many more will follow.

Mr. President, I ask unanimous consent that two articles from the January 26, 1978 edition be printed in the RECORD—an editorial entitled, "A Community Voice," by Anthony Urillo; and a news story with the headline, "New Observer Makes Debut in Plainville Beginning Today, January 26."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Plainville Observer, Jan. 26, 1978]

A COMMUNITY VOICE

In every community there exists a need for a central voice—for a vehicle to mirror and record the life of the community.

There's always been this need to recognize the accomplishments of our neighbors, our relatives, our friends, and quite naturally, our foes—whether the deeds are achieved in school, on the field of sports, in business, or exercising social and community leadership.

For years the Town of Plainville had its own newspaper reflecting the moods of the people, reporting the news both happy and sad. It is in this tradition that we, once again, will have a local voice in The Observer—a voice to report current news, social events, sports, farm and garden events, and to be a forum to reflect both sides of all issues pertinent to our lives.

Local news will be The Observer's heartbeat.

To perpetuate the tradition of a good sound, healthy voice for the community we have Andrew W. Nelson III, as Editor-In-Chief, who will mold his news vehicle to meet the contemporary needs of our community. He will be assisted by Associate Editor Kathleen Axelrod.

With today's first issue we will make every effort to bring you—the people of Plainville—the very best weekly newspaper in this area, just as our sister publication, The Step Saver, has become the voice of the advertiser in Plainville and surrounding communities. The Observer will be delivered to every home and business in Plainville every Thursday of the year.

Plainville is your community and The Observer is your newspaper.

We think the readers of this newspaper deserve more than amusement and distraction. We think the reader would like to read more about the people who are interesting not only because they have won an award or have been the victim of circumstances, but the people who are worthy for what they think and say.

It is The Observer's duty to explore the issues facing our readers and report them on our news pages—fairly and squarely.

It's our duty to stand up and be counted. And we will. We believe that one of the most important parts of The Observer is its editorial page. It is there that a local forum becomes alive; it is there that editorial comment becomes the voice of the community.

We will always welcome any comments that you may have concerning our effort to bring you the best news coverage of Plainville—and we sincerely look forward to serving you.

ANTHONY L. URILLO,
President, The Step Saver Inc.

NEW OBSERVER MAKES DEBUT IN PLAINVILLE BEGINNING TODAY, JANUARY 26

"A completely new weekly Observer—exclusively for the residents of the Town of Plainville—begins publication today, Thursday, Jan. 26," it was announced by Anthony L. Urillo, president of The Step Saver Inc., which also publishes The Observer for Southington plus six area editions of the Step Saver.

"Editor-in-Chief Andrew W. Nelson III will also be editor of the new Plainville Observer," said Urillo. "He will be assisted by Associate Editor Kathleen G. Axelrod, who will be handling the day-to-day reporting of Plainville news.

"In addition," continued Urillo, "the Plainville Observer will feature Matthew J. Buckler as associate sports editor and Arthur "Skip" Weisenburger as staff photographer to help insure local coverage of sports and features."

Mrs. Axelrod, 30, of Southington, has worked as a reporter and editor for Connecticut newspapers over the past 10 years beginning with the "Meriden Journal" (during this period she did a brief stint with the old "Plainville News") and later became Editor-in-Chief of "The Stratford News".

She has also worked for "The Bristol Press" and most recently Mrs. Axelrod did free lance articles for the "Greater Hartford Business Review" and the "New Haven Register."

Mrs. Axelrod, who graduated from Notre Dame Academy in Waterbury, holds a BA degree in English literature from Annhurst College, Woodstock, Conn.

Mrs. Axelrod, in commenting about her work in Plainville said she is anticipating "a truly exciting, interesting and enjoyable experience in my new job.

"Judging by the contacts I have made in Plainville over the past two weeks in my new capacity I expect a very rewarding experience in Plainville," she said.

"Nelson is no stranger to Connecticut or journalism," said Urillo. "He is a former reporter on the Torrington Register and a former resident of Wilton, and was the editor-in-chief of the Eagles-Times a daily and Sunday newspaper in Claremont, N.H."

"I feel that this is the opportunity of a lifetime," said Nelson. "It is rare one gets to create, design and plan the contents for a new newspaper in such a pleasant, attractive and viable community as Plainville.

"After some 20 years of living and working all over the world," Nelson added, "it's going to be a pleasure to become a part of one community.

While Nelson was editor-in-chief of the Eagle-Times he designed and produced New England's newest Sunday newspaper, plus helped merge the Claremont Daily Eagle with the Springfield (Vt.) Times-Reporter.

Nelson has been a newspaper reporter for the Troy (N.Y.) Record, the Manchester (N.H.) Union Leader, the Newport (N.H.) Argus-Champion, and the Milton (Mass.) Transcript.

He also served as director of public relations and advertising for Gulf & Western Corp. and the Singer Co. in New York City and for Montgomery Ward in Chicago. In addition he spent 14 years in various public relations posts with IBM in Washington, D.C., and New York.

Nelson was raised in Milton, Mass. and graduated from Boston University in 1950 with a B.S. degree in economics and journalism.

During World War II, he served in the U.S. Navy as a second class petty officer on board various ships in the Pacific from 1943 to 1947. He was recalled by the Navy to serve in the Korean conflict.

A TRIBUTE TO SENATOR METCALF

Mr. BELLMON. Mr. President, as a freshman Member of the Senate I had the good fortune to be assigned to the Subcommittee on the Outer Continental Shelf which was chaired by Senator Lee Metcalf of Montana. As a new Member of the Senate, I am confident my contribution to the work of that committee was minimal, but I gained immensely from the opportunity to observe the highly competent and totally fair manner which Senator Metcalf used in conducting the hearings and other investigations associated with this work.

Regardless of how heated or complex the controversies before our subcommittee became, Senator Metcalf, in a thoroughly judicious fashion, was always able to slice through the rhetoric and sort out the facts which the committee needed. Based upon his leadership and the work of the subcommittee, some significant changes in better administration and congressional policies resulted.

In addition, Mr. President, over the years I also had the good fortune to be closely connected with Senator Metcalf in our work on the Migratory Bird Conservation Commission. Many Members of the Senate are aware of the important work which this Commission does in supervising the expenditure of the millions of dollars raised through the sale of "duck stamps" each year. Through the work of the Migratory Bird Conservation Commission, millions of acres of waterfowl sanctuaries and breeding grounds have been preserved. As a result, this country's population of these important species has been protected and enhanced. Largely due to the leadership Senator Metcalf provided in his years of service to the Commission, many Americans will have the opportunity to enjoy an enriched environment.

Senator Metcalf was one of the most diligent, dedicated and hard-working Members of the Senate throughout his career. He studiously avoided the limelight and rather directed his considerable energies to areas of activities where constructive results were possible. The country is much better for his years of service and I am pleased to join in paying tribute to him as an illustrious Member of the Senate and I am proud to be counted as one of his admirers and friends.

JAPAN AND THE UNITED STATES IN THE WORLD ECONOMY

Mr. MUSKIE. Mr. President, on January 12, our colleague, Senator KENNEDY, delivered an address to the Foreign Correspondents Club of Tokyo. The speech expresses the dilemmas of our current trade relations with Japan so well that

I wanted to bring it to the attention of the Senate.

Almost every day my office receives requests for help from an industry hurt by imports. Workers write to me saying they want jobs, not welfare checks.

I have always believed that the great industrialized democracies must work together to develop a stable international economic system. But we cannot be the only country to abide by the rules of open trade.

I agree with Senator KENNEDY's statement:

Much of the world believes that Japan maintains too many practices that keep out foreign imports. As a result, Japan is also increasingly vulnerable to charges of unfairness in its trade.

And I also share the optimism of his comment:

Japan and the United States are on the threshold of a new period of partnership and leadership in the free world. Committed to one another, secure in our friendship, we move ahead to the future, confident that the promise of our two great nations will be fully met.

Mr. President, I ask unanimous consent that the entire speech, as well as Senator KENNEDY's statement on the joint Strauss-Ushiba trade statement be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

JAPAN AND THE UNITED STATES IN THE WORLD ECONOMY

(Address by Senator EDWARD M. KENNEDY)

It is a privilege for me to be here in Tokyo with you today in this auspicious week for relations between our two nations. In recent years, the relationship between Japan and the United States has become a beacon of increasing strength and durability in a rapidly changing world. We pride ourselves, and rightly so, on our capacity to find solutions to common problems and our ability to cooperate with other nations. Our bilateral relationship is built upon a firm commitment of cooperation and partnership in Asia and the world.

This close and enduring relationship between our two countries is perhaps the best example in the world today of how two nations with different cultures in different parts of the world can find common bonds of friendship. Our relationship is all the more unique, because it has risen like a Phoenix from the ashes of a tragic war. Through wise leadership and skillful statesmanship in both our nations, we have created a strong and enduring alliance between our two highly industrialized democracies. It is an alliance founded upon mutual benefit, mutual dependence, mutual trust, and mutual respect.

In the past twenty years, Japan has surpassed all other nations in its ability to modernize its economy and to create new industries capable of competing with any on the international stage. In the wake of the oil crisis, no country has moved more rapidly than Japan to improve its international trade position, in order to meet the soaring costs of natural resources. This very success makes Japan vulnerable to the frustrations of other countries which have fared less well in their efforts to solve this central global problem.

There is a more important source of frustration, however. I am not here today to make demands of Japan. You have already received a great deal of unsolicited advice in recent months. But there are facts to face. Much of the world believes that Japan maintains too many practices that keep out foreign imports. As a result, Japan is also increasingly vulnerable to charges of unfairness in its trade.

In light of these charges, it is right that Japan should consider ways in which it can foster more open trade and reduce its current surplus. It should also encourage greater imports of manufactured goods. Currently, Japan imports a far lower proportion of manufactured products than any other industrialized trading partner of the United States. The concern over this fact among industrial workers in the United States is evident to every Member of Congress in our nation.

Japan should also consider the ways in which it organizes its trade with its trading partners. Importing and exporting operations are complicated by many levels of marketing and traditional relationships. These relationships impede competition in importing goods that Japanese industry and Japanese consumers desire.

I come from a region of the United States that is particularly sensitive to these problems. In the recent past, imports of products such as textiles and shoes have wiped out entire industries in many parts of my region of New England. In my state of Massachusetts alone, over 150,000 people are now unemployed. And New England, like Japan, is heavily dependent on foreign oil.

More than any other factor, the demand for jobs and job protection is creating a new wave of protectionism in the United States. An unemployed textile worker or steel worker does not want to hear complex economic arguments in support of open trade policies. He does not want a welfare check. He wants a job. It is easy for him to see the threat of imports to his job and family. It is difficult for him to see the benefits of exports and expanding trade.

In the current international economic climate of stagnation and sluggish growth, the existence of serious trade barriers in any nation is an invitation to other countries to develop their own restrictive practices.

I am sure you are aware that the present situation is troublesome, not only for Japan, but also for those of us in the United States who are friends of Japan and who hope to maintain an open trade policy. It is extremely unlikely that the Congress of the United States will continue to support an open trade policy on the part of America, when a variety of restrictive policies continue to be practiced on the part of Japan.

We are aware, of course, that Japan's prosperity is dependent on raw materials imported from overseas. But the Japanese economy is a strong and resilient one. As a modern economic superpower, Japan should be in the vanguard among nations seeking to support the stability of the world economy. Such steps are also essential in the long run, if Japan's own trade-oriented economy is to prosper in the future.

We have no illusions as to the difficulty of this challenge. A world energy crisis, simultaneous recessions and inflation, world food shortages, and drastic trade imbalances post constant threats to international economic stability. Often, wise adjustments in trade policy are easily blocked or impeded by domestic political reactions. Because of the power of special interest groups in both our nations, these needed adjustments rarely take place overnight.

But the outlook is not without some signs of hope. A number of recent events have been encouraging. We welcome Prime Minister Fukuda's effort to achieve a growth rate of seven percent for fiscal year 1978. The announcement of an economic stimulus program, tariff reductions and increases in Japanese quotas are encouraging signs that Japan intends to increase its imports and reduce its current account surplus.

Ambassador Robert Strauss, President Carter's Special Trade Representative, is in Tokyo today and tomorrow. He is here to carry on the kind of frank dialogue about these difficult matters that marks the close and growing partnership between Japan and the United States.

In the spirit of this frank approach to our mutual problems, I believe we can work more effectively together to resist the harmful protectionist pressures that threaten to undermine our own trade relations and the stability of trade throughout the world. Such pressures, if allowed to grow, can bring severe damage to many nations. They can blight the economic, social, and political future of the entire world.

To avoid this disastrous vision of the future, we must promote stable economic growth in our respective domestic economies. We must strengthen economic cooperation among all industrialized nations. And we must pursue policies that are more responsive to the aspirations of developing nations.

The lessons of history teach us that our trade policy mirrors the aims and aspirations of our nation.

In protest against a tariff in the year 1773, the people of Massachusetts threw shipments of tea into the Boston Harbor, thereby taking a major step toward the American Revolution. During the great depression, our nation moved into isolation. We retreated into a virulent form of protectionism that reached its peak with the passage of the Smooth-Hawley Tariff, a law which only served to prolong and deepen the depression.

Fortunately, in the post-war era, we succeeded in reversing this trend toward isolation and protectionism. We opened our doors to trade. We entered a period of unparalleled economic growth and prosperity.

One example from recent history illuminates our current dilemma. During the Administration of President Kennedy in the early 1960's, the United States had a trade surplus with Japan. Japan was justifiably concerned about this surplus, and rightly demanded further reductions in trade barriers.

President Kennedy responded generously to the challenge of open trade. He called for the removal of trade barriers, because he understood the responsibilities of the United States to Japan and other nations of the world community. He said, "No nation can long bear the heaviest burdens of responsibility without sharing in the progress and decisions—just as no nation can assert for long its influence without accepting its share of these burdens.

Now the tables are turned. Japan has the surplus, and it is a large one. And the role of Japan has also changed. As a leading economic power in the modern world, Japan is now being asked to share the responsibilities, as well as the benefits, of creating and maintaining a healthy global economy.

There are also economic burdens and responsibilities to be faced by the United States. A weak American economy poses the greatest threat today to international economic stability. We cannot fairly ask Japan to act, without also taking actions in the United States to put our own house in order.

We have much work to do at home. Our national energy program must be enacted without additional delay, in order to reduce America's excessive and growing dependence on foreign oil and to increase the use of alternative sources of energy. We must hold down the rate of inflation. We must promote economic growth adequate to reach full employment. We must increase our own productivity and efficiency, in order to compete more effectively with imports. And we

must educate the American public and the American Congress to the fact that open trade policies will mean more jobs for more Americans and a more prosperous life for more peoples everywhere.

The future of the developing world depends on the will of the industrialized nations to redress the inherited disadvantages of the poor. We must seek agreements to promote development through a variety of steps:

Stabilization of world prices for commodities from developing countries.

Increased direct technical and development assistance.

Preferential access to markets in industrialized countries.

Increased multilateral assistance through institutions such as the Asian Development Bank.

And improved financing, including longer terms and lower interest rates, for exports from developing countries.

Building a new framework of cooperation between the developed world and the developing world has become one of the major challenges of the final quarter of this century. We have an opportunity to move away from military confrontation to economic cooperation, from the pursuit of militant and narrow national interests to the pursuit of broader international development. We can substitute health clinics for fighter planes, schools for tanks, and housing for guns.

Both of our two countries have begun to respond to this challenge. Japan's intention to double its development assistance in the next five years and to untie its aid programs are major steps forward. We look ahead to promote action that will implement this plan. We will both have to do more together in the years to come.

Here again, I am happy to see active and productive cooperation between Japan and the United States. I understand that Governor Gilligan, our AID Administrator, is holding extensive consultations this week with his counterparts in the Japanese government, and that once again, good mutual friendship and understanding are producing good results.

Together, we seek to shape the future of a world profoundly different from the world scarred by war a generation ago. New relationships are being born. Past differences have given way to a new movement toward an international system in which all nations share common goals and dreams.

As we move toward greater interdependence among our nations and peoples, old myths must be discarded and new realities must be embraced. The actions on which we have now embarked can be the beginning of a new and even more prosperous historical era for our nations.

Japan and the United States are on the threshold of a new period of partnership and leadership in the free world. Committed to one another, secure in our friendship, we move ahead to the future, confident that the promise of our two great nations will be fully met.

STATEMENT BY SENATOR EDWARD M. KENNEDY ON THE JOINT STRAUSS-USHIBA TRADE STATEMENT

I welcome the joint statement issued earlier this afternoon by Ambassador Strauss and Minister Ushiba. I commend the governments of both Japan and the United States for concluding this first stage of our newly developing trade relationship in a hopeful manner.

While many of the provisions in the joint statement had been publicly signaled by earlier discussions in recent months, there are three points in the statement that are relatively new and significant.

First, I am pleased to see the breakthrough on the question of additional imports by Japan of manufactured products. The indication that Japan anticipates an increase not only in the total volume of imports of manufactures, but also the proportion of manufactured products in total imports, is a welcome development that should help ease the resentment of American industrial workers over the current restrictive pattern.

Second, I am pleased to note the statement by the Government of Japan of its intention to take all reasonable and appropriate measures to meet the stated seven percent growth target for fiscal year 1978. This new statement of intention should help allay the recent fears that the Government of Japan "could not get there from here"—that the public expenditure measures announced so far were not sufficiently stimulative to meet the seven percent target.

Third, it is significant that Japan has now indicated that its aim in 1979 and future years is to reduce its current account surplus to equilibrium, including a willingness to accept a deficit in the course of these actions.

Of course, other aspects of the statement are also significant, particularly the increased quotas on beef, oranges, and citrus juice. Overall, the joint statement is a worthwhile step forward in our trade relations. The road to this result has been an arduous one, and we should have no illusions as to the difficulties still to come. But I believe the package is adequate to buy the time needed to achieve the results we all desire, free of unwarranted obstruction by protectionist forces in both our nations.

Ambassador Strauss and Minister Ushiba deserve our praise for the result they have achieved. The joint statement is a useful sign of the new maturity in our close relationship with Japan, and it augurs well for our common, peaceful, and prosperous future.

PROTECTING OLDER AMERICANS AGAINST OVERPAYMENT OF INCOME TAXES

Mr. ROTH. Mr. President, the Special Committee on Aging recently issued a document entitled "Protecting Older Americans Against Overpayment of Income Taxes: A Revised Checklist of Itemized Deductions for Use in Taxable Year 1977."

The checklist has been revised to incorporate changes in the tax law and is a very valuable tool for senior citizens who prepare their own tax returns. It will particularly aid our elderly citizens in determining whether or not it would be more beneficial to itemize deductions or claim the standard deduction. In addition, for elderly citizens living on fixed incomes it is especially important we take steps, such as the distribution of this document, to avoid an overpayment of income taxes. I ask unanimous consent the checklist be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHECKLIST OF ITEMIZED DEDUCTIONS FOR SCHEDULE A (FORM 1040)

MEDICAL AND DENTAL EXPENSES

Medical and dental expenses (unreimbursed by insurance or otherwise) are deductible to the extent that they exceed 3 percent of a taxpayer's adjusted gross income (line 31, Form 1040).

INSURANCE PREMIUMS

One-half of medical, hospital or health insurance premiums are deductible (up to $150) without regard to the 3 percent limitation for other medical expenses. The remainder of these premiums can be deducted, but is subject to the 3 percent rule.

DRUGS AND MEDICINES

Included in medical expenses (subject to 3 percent rule) but only to extent exceeding 1 percent of adjusted gross income (line 31, Form 1040).

OTHER MEDICAL EXPENSES

Other allowable medical and dental expenses (subject to 3 percent limitation):

Abdominal supports (prescribed by a doctor).
Acupuncture services.
Ambulance hire.
Anesthetist.
Arch supports (prescribed by a doctor).
Artificial limbs and teeth.
Back supports (prescribed by a doctor).
Braces.
Capital expenditures for medical purposes (e.g., elevator for persons with a heart ailment)—deductible to the extent that the cost of the capital expenditure exceeds the increase in value to your home because of the capital expenditure. Taxpayer should have an independent appraisal made to reflect clearly the increase in value.
Cardiographs.
Chiropodist.
Chiropractor.
Christian Science practitioner, authorized.
Convalescent home (for medical treatment only).
Crutches.
Dental services (e.g., cleaning, X-ray, filling teeth).
Dentures.
Dermatologist.
Eyeglasses.
Food or beverages specially prescribed by a physician (for treatment of illness, and in addition to, not as substitute for, regular diet; physician's statement needed).
Gynecologist.
Hearing aids and batteries.
Home health services.
Hospital expenses.
Insulin treatment.
Invalid chair.
Lab tests.
Lipreading lessons (designed to overcome a handicap).
Neurologist.
Nursing services (for medical care, including nurse's board paid by you).
Occupational therapist.
Ophthalmologist.
Optician.
Optometrist.
Oral surgery.
Osteopath licensed.
Pediatrician.
Physical examinations.
Physical therapist.
Physician.
Podiatrist.
Psychiatrist.
Psychoanalyst.
Psychologist.
Psychotherapy.
Radium therapy.
Sacroiliac belt (prescribed by a doctor).
Seeing-eye dog and maintenance.
Speech therapist.
Splints.
Supplementary medical insurance (Part B) under Medicare.
Surgeon.
Telephone/teletype special communications equipment for the deaf.
Transportation expenses for medical purposes (7 cents per mile plus parking and tolls or actual fares for taxi, buses, etc.).
Vaccines.
Vitamins prescribed by a doctor (but not taken as a food supplement or to preserve general health).

Wheelchairs.
Whirlpool baths for medical purposes.
X-rays.

TAXES

Real estate.
State and local gasoline.
General sales.
State and local income.
Personal property.

If sales tax tables are used in arriving at your deduction, you may add to the amount shown in the tax tables only the sales tax paid on the purchase of five classes of items: automobiles, airplanes, boats, mobile homes, and materials used to build a new home when you are your own contractor.

When using the sales tax tables, add to your adjusted gross income any nontaxable income (e.g., Social Security, Veterans' pensions or compensation payments, Railroad Retirement annuities, workmen's compensation, untaxed portion of long-term capital gains, recovery of pension costs, dividends untaxed under the dividend exclusion, interest on municipal bonds, unemployment compensation and public assistance payments).

CONTRIBUTIONS

In general, contributions may be deducted up to 50 percent of your adjusted gross income (line 31, Form 1040). However, contributions to certain private nonprofit foundations, veterans organizations, or fraternal societies are limited to 20 percent of adjusted gross income.

Cash contributions to qualified organizations for (1) religious, charitable, scientific, literary or educational purposes, (2) prevention of cruelty to children or animals, or (3) Federal, State or local governmental units (tuition for children attending parochial schools is not deductible). Fair market value of property (e.g., clothing, books, equipment, furniture) for charitable purposes. (For gifts of appreciated property, special rules apply. Contact local IRS office.)

Travel expenses (actual or 7 cents per mile plus parking and tolls) for charitable purposes (may not deduct insurance or depreciation in either case).

Cost and upkeep of uniforms used in charitable activities (e.g., scoutmaster).

Purchase of goods or tickets from charitable organizations (excess of amount paid over the fair market value of the goods or services).

Out-of-pocket expenses (e.g., postage, stationery, phone calls) while rendering services for charitable organizations.

Care of unrelated student in taxpayer's home under a written agreement with a qualifying organization (deduction is limited to $50 per month).

INTEREST

Home mortgage.
Auto loan.
Installment purchases (television, washer, dryer, etc.).
Bank credit card—can deduct the finance charge as interest if no part is for service charges, loan fees, credit investigation fees, or similar charges.

Points—deductible as interest by buyer where financing agreement provides that they are to be paid for use of lender's money. Not deductible if points represent charges for services rendered by the lending institution (e.g., VA loan points are service charges and are not deductible as interest). Not deductible if paid by seller (are treated as selling expenses and represent a reduction of amount realized).

Penalty for prepayment of a mortgage—deductible as interest.

Revolving charge accounts—may deduct the "finance charge" if the charges are based on your unpaid balance and computed monthly.

Other charge accounts for installment purchases—may deduct the lesser of (1) 6% of the average monthly balance (average monthly balance equals the total of the unpaid balances for all 12 months, divided by 12) or (2) the portion of the total fee or service charge allocable to the year.

CASUALTY OR THEFT LOSSES

Casualty (e.g., tornado, flood, storm, fire, or auto accident provided not caused by a willful act or willful negligence) or theft losses to nonbusiness property—the amount of your casualty loss deduction is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty, or (2) your adjusted basis in the property. This amount must be further reduced by any insurance or other recovery, and, in the case of property held for personal use, by the $100 limitation. You may use Form 4684 for computing your personal casualty loss.

MISCELLANEOUS

Appraisal fees for casualty loss or to determine the fair market value of charitable contributions.
Union dues.
Cost of preparation of income tax return.
Cost of tools for employee (depreciated over the useful life of the tools).
Dues for Chamber of Commerce (if as a business expense).
Rental cost of a safe-deposit box for income-producing property.
Fees paid to investment counselors.
Subscriptions to business publications.
Telephone and postage in connection with investments.
Uniforms required for employment and not generally wearable off the job.
Maintenance of uniforms required for employment.
Special safety apparel (e.g., steel toe safety shoes or helmets worn by construction workers; special masks worn by welders).
Business entertainment expenses.
Business gift expenses not exceeding $25 per recipient.
Employment agency fees under certain circumstances.
Cost of a periodic physical examination if required by employer.
Cost of installation and maintenance of a telephone required by the taxpayers' employment (deduction based on business use).
Cost of bond if required for employment.
Expenses of an office in your home if employment requires it.
Payments made by a teacher to a substitute.
Educational expenses required by your employer to maintain your position or for maintaining or sharpening your skills for your employment.

Political Campaign Contributions.—Taxpayers may now claim either a deduction (line 31, Schedule A, Form 1040) or a credit (line 38, Form 1040), for campaign contributions to an individual who is a candidate for nomination or election to any Federal, State, or local office in any primary, general or special election. The deduction or credit is also applicable for any (1) committee supporting a candidate for Federal, State, or local elective public office, (2) national committee of a national political party, (3) State committee of a national political party, or (4) local committee of a national political party. The maximum deduction is $100 ($200 for couples filing jointly). The amount of the tax credit is one-half of the political contribution, with a $25 ceiling ($50 for couples filing jointly).

PRESIDENTIAL ELECTION CAMPAIGN FUND

Additionally, taxpayers may voluntarily earmark $1 of their taxes ($2 on joint returns) for the Presidential Election Campaign Fund.

ADDITIONAL INFORMATION

For any questions concerning any of these items, contact your local IRS office. You may also obtain helpful publications and additional forms by contacting your local IRS office.

OTHER TAX RELIEF MEASURES

Filing status	*Required to file a tax return if gross income is at least—*
Single (under age 65)	$2,950
Single (age 65 or older)	3,700
Qualifying widow(er) under 65 with dependent child	3,950
Qualifying widow(er) 65 or with dependent child	4,700
Married couple (both spouses under 65) filing jointly	4,700
Married couple (1 spouse 65 or older) filing jointly	5,450
Married couple (both spouses 65 or older) filing jointly	6,200
Married filing separately	750

Additional Personal Exemption for Age.—Besides the regular $750 exemption allowed a taxpayer, a husband and wife who are 65 or older on the last day of the taxable year are each entitled to an additional exemption of $750 because of age. You are considered 65 on the day before your 65th birthday. Thus, if your 65th birthday is on January 1, 1978, you will be entitled to the additional $750 personal exemption because of age for your 1977 Federal income tax return.

"Zero Bracket Amount" (Standard Deduction).—The former standard deduction has been replaced by a flat amount the law calls "zero bracket amount." This amount depends on your filing status. It is no longer a separate deduction as such; instead, the equivalent amount is built into the new simplified tax tables and tax rate schedules. Since this amount is built into the tax tables and tax rate schedules, taxpayers who itemize deductions will need to make an adjustment. However, itemizers will not experience any change in their tax liability and the tax computation will be simplified for many itemizers.

New Tax Tables.—New simplified tax tables have been developed to make it easier for you to find your tax if your income is under certain levels. Now, even if you itemize deductions, you may be able to use the tax tables to find your tax easier. In addition, you no longer need to deduct $750 for each exemption or figure your general tax credit, because these amounts are also built into the tax table for you.

General Tax Credit.—The general tax credit has been revised to take into consideration the exemptions for age and blindness. Married taxpayers filing separate returns will now be limited to a credit based on $35 per exemption.

Multiple Support Agreements.—In general, a person may be claimed as a dependent of another taxpayer, provided five tests are met: (1) Support, (2) gross income, (3) member of household or relationship, (4) citizenship, and (5) separate return. But in some cases, two or more individuals provide support for an individual, and no one has contributed more than half the person's support. However, it still may be possible for one of the individuals to be entitled to a $750 dependency deduction if the following requirements are met for multiple support:

1. Two or more persons—any one of whom could claim the person as a dependent if it were not for the support test—together contribute more than half of the dependent's support.

2. Any one of those who individually contribute more than 10% of the mutual dependent's support, *but only one of them*, may claim the dependency deduction.

3. Each of the others must file a written statement that he will not claim the dependency deduction for that year. The statement must be filed with the income tax return of

the person who claims the dependency deduction. Form 2120 (Multiple Support Declaration) may be used for this purpose.

Sale of Personal Residence by Elderly Taxpayers.—A taxpayer may elect to exclude from gross income part or, under certain circumstances, all of the gain from the sale of his personal residence, provided:

1. He was 65 or older before the date of the sale, and

2. He owned and occupied the property as his personal residence for a period totaling at least 5 years within the 8-year period ending on the date of the sale.

Taxpayers meeting these two requirements may elect to exclude the entire gain from gross income if the adjusted sales price of their residence is $35,000 or less. (This election can only be made once during a taxpayer's lifetime.) If the adjusted sales price exceeds $35,000, an election may be made to exclude part of the gain based on a ratio of $35,000 over the adjusted sales price of the residence. Form 2119 (Sale or Exchange of Personal Residence) is helpful in determining what gain, if any, may be excluded by an elderly taxpayer when he sells his home.

Additionally, a taxpayer may elect to defer reporting the gain on the sale of his personal residence if within 18 months before or 18 months after the sale he buys and occupies another residence, the cost of which equals or exceeds the adjusted sales price of the old residence. Additional time is allowed if (1) you construct the new residence or (2) you were on active duty in the U.S. Armed Forces. Publication 523 (Tax Information on Selling Your Home) may also be helpful.

Alimony Paid.—Payments for alimony are now adjustments to income. You no longer have to itemize deductions to claim a deduction for alimony you paid.

Credit for the Elderly.—An expanded and simplified credit for the elderly has replaced the former more complex retirement income credit.

A taxpayer may be able to claim this credit and reduce taxes by as much as $375 (if single), or $562.50 (if married filing jointly, if the taxpayer is:

(1) Age 65 or older, or

(2) Under age 65 and retired under a public retirement system.

To be eligible for this credit, taxpayers no longer must meet the income requirement of having received over $600 of earned income during each of any 10 years before this year.

For more information, see instructions for Schedules R and RP.

Credit for Child and Department Care Expenses.—Certain payments made for child and dependent care may be claimed as a credit against tax.

If a taxpayer maintained a household that included a child under age 15 or a dependent or spouse incapable of self-care, a taxpayer may be allowed a 20% credit for employment related expenses. These expenses must have been paid during the taxable year in order to enable the taxpayer to work either full or part time.

For detailed information, see the instructions on Form 2441.

Earned Income Credit.—A taxpayer who maintains a household for a child who is under age 19, or is a student, or is a disabled dependent, may be entitled to a special payment or credit of up to $400. This is called the earned income credit. It may come as a refund check or be applied against any taxes owed. Generally, if a taxpayer reported earned income and had adjusted gross income (line 31, Form 1040) of less than $8,000, the taxpayer may be able to claim the credit.

Earned income means wages, salaries, tips, other employee compensation, and net earnings from self-employment (generally amount shown on Schedule SE (Form 1040) line 13). A married couple must file a joint return to be eligible for the credit. Certain married persons living apart with a dependent child may also be eligible to claim the credit.

For more information, see instructions for Form 1040 or 1040A.

POLL SHOWS AMERICAN PUBLIC SYMPATHETIC TO FARMERS

Mr. SASSER. Mr. President, the American farm sector makes up only about 4 percent of the population of the United States. There are only 14 rural districts represented in the 435 congressional districts comprising the Congress. It is therefore obvious to me, as a Senator from a State largely dependent on a profitable agricultural economy, that in order to pass substantive farm legislation the urban consumer will have to become involved in the solution to the farmer's problem.

Mr. President, I have recently been made aware of a Harris survey that addresses this very topic. I would like to share its findings with my colleagues in the Senate, both from rural agricultural States and from urban industrial States. I think the survey, conducted by this noted public opinion company, serves to point out consumer realization of the farm problem and the growing dedication of the American people to resolving the situation.

According to the poll, 80 percent of the American people are sympathetic to the farmers' situation. Eighty-seven percent realize that the farmer is not reaping a profit from rising food costs, but rather the middleman is responsible for a large part of the increased costs. Finally, and perhaps most importantly, a majority of the sample interviewed stated that they would favor as much as a 5-percent increase in food costs if this increase would assist the farmer.

Mr. President, I believe these figures to be a reflection of a renewed interest of the American people to preserving the farm economy of this Nation. I ask unanimous consent that the survey, "Farmers Have Public Support," be printed in the RECORD in its entirety.

There being no objection, the survey was ordered to be printed in the RECORD, as follows:

FARMERS HAVE PUBLIC SUPPORT

(By Louis Harris)

By 80-13 percent, an overwhelming majority of Americans is in sympathy with the farmers who have taken to their tractors to protest falling farm incomes.

Moreover, by 5 to 1 the public supports the basic demand of the farmers, which is to raise the prices of the crops they sell so that they would be based on 100 percent of parity. This would guarantee them a profit and enable them to make ends meet.

Of course, the acid test of such public backing is whether consumers would be willing to pay higher food prices to relieve the plight of the farmer. Over the past few years, Harris Surveys have consistently shown that, along with energy and health, more than 8 of every 10 Americans attribute their rising cost of living to the high cost of food. Indeed, in this latest survey of 1,259 adults nationwide, when asked how worried they would be about their own foods costs rising rapidly if farm prices were allowed to go up sharply, 35 percent said they were "greatly worried" and another 47 percent were "moderately worried."

Despite this, the public feels so strongly about the plight of the farmer that a 54-36 percent majortiy would be willing to have food prices rise by 5 percent in order to give farmers their parity goals. To be sure, when people were asked if they would be willing to see their food costs go up 10 percent, a 68-19 percent majority then said they would oppose the farmers' position.

But accepting a 5 percent rise in food costs is not insignificant. There are very few occasions these days when Americans express a willingness to pay more for any product or service.

Part of the reason for this deeply felt sympathy for the farmers can be traced to the fact that most people do not blame farmers for high food prices. By a lopsided 87-4 percent, a majority continues to agree with the charges of farm protest leaders that "food middlemen rather than the farmers are the ones who make most of the profits in food."

In many ways, these latest results are an unusual testimony to the fact that people do not behave strictly according to their own economic self-interest. Farmers are now less than 4 percent of the population. More than 3 out of every 4 Americans live in an essentially urban setting. Yet it is apparent that most people do not view the question as a simple matter of producer vs. consumer interests.

This becomes clear in a more detailed analysis of the pivotal question dealing with people's willingness to see their food prices rise by 5 percent in order to give farmers 100 percent of parity in prices, a level that will insure them a profit on their products.

Among people who live in big cities, a 48-37 percent majority favors parity, even if it means a 5 percent rise in their own food costs. To be sure, rural residents support the move by a higher 60-33 percent. But the key fact is that in the big cities, the issue has not been cast as consumers against farm producers.

Among union members, a high 59–33 percent majority would be willing to pay 5 percent more in food costs to give farmers their price goals. It is evident that union labor is capable of identifying with the plight of farmers, despite the long history of farm and labor union organizations being at loggerheads on most issues in Congress.

The most affluent and educated groups are also most supportive of the protesting farmers' movement. Among the college educated, a 57-34 percent majority is willing to pay 5 percent more for food costs, as is an even higher 62-29 percent majority of professionals. Among those with incomes of $25,000 and over, willingness to pay more to see parity given to the farmers reaches a high-water mark of 63-33 percent.

It is evident that the plight of farmers has become a matter of conscience to millions of Americans. And their depth of conviction is such that they are willing to affect their own economic status to see what they feel is justice done for farmers.

Between December 27–January 10, the Harris Survey asked the cross section:

"Farm income in this country has gone down over 60 percent in the past four years. In the meantime, farmers' costs have gone up. That is why farmers in their tractors have been protesting in Washington and in state capitals. The farmers say they want their prices raised, to be based on 100 percent of parity, which would raise the price they get for their crops and guarantee them a profit. In general, are you sympathetic with the farmers who are making their tractor protests or not?"

Sympathy toward farmers

	Total percent
Sympathetic	80
Not sympathetic	13
Not sure	7

"One of the reasons inflation has not risen above 6 percent this past year is that food prices have not been rising as they had in other years. If farmers were given sharply higher prices, would you be greatly worried that your food costs would rise rapidly, would you be moderately worried, or would you not be worried at all?"

Worry over rising food costs

	Total percent
Greatly worried	35
Moderately worried	47
Not worried at all	14
Not sure	4

"The farmers argue that for every dollar consumers spend on food products, food manufacturers get more of the dollar than the farmers who produce the food. Do you tend to agree or disagree with the farmers' argument that the food middlemen rather than the farmers are the ones who make most of the profits in food?"

Middlemen make most profits?

	Total percent
Agree	87
Disagree	4
Not sure	9

"Would you favor or oppose giving the farmers 100 percent of parity, thus guaranteeing them a profit, if that raised your food costs 5 percent?"

Five percent rise in food costs

[In percentage]

	Favor	Oppose	Not sure
Total public	54	36	11
Income:			
Under $7,000	48	41	11
$7,000–$14,999	56	34	10
$15,000–$24,999	54	33	13
$25,000 and over	63	33	4
Area:			
Cities	48	37	15
Suburbs	53	38	9
Towns	57	34	9
Rural	60	33	7
Sex:			
Men	56	36	8
Women	52	35	13
Union members	59	33	8

IMPROVING THE ORGANIZATIONAL STRUCTURE OF FEDERAL REGULATORY AGENCIES

Mr. PERCY. Mr. President, the Committee on Governmental Affairs recently issued another volume of its "Study on Federal Regulation," authorized by Senate Resolution 71. The new report, volume V of that study, concerns "Regulatory Organization."

The study reports that outmoded and confusing regulatory organization often leads to substantial governmental inefficiencies. It highlights specific organizational problems among agencies regulating the following areas: food, transportation, banking, antitrust enforcement, and health and safety.

In the area of food regulation, the report found considerable inefficiencies and conflicts of jurisdiction caused by the dual system of regulation currently in operation. At present, the Department of Agriculture has responsibility for most regulation and safety inspection concerning meat products. The Food and Drug Administration performs regulatory functions for nonmeat products.

In this day of complex and sophisticated food processing techniques, there is serious question whether such a division of regulatory responsibility is appropriate. Because meat and nonmeat ingredients are frequently processed and sold together, the current dual regulatory system has led to considerable duplication of effort, delays, conflicts, and slip-ups.

The report recommends that the food regulatory functions of the USDA be transferred to FDA, thus streamlining in the judgment of the staff, the regulatory process and lessening the overall level of regulation in the food area, at no sacrifice to consumer health and safety.

Since the committee recommendation, if implemented legislatively, would precipitate a substantial change in regulatory organization, I intend, to seek out the views of Agriculture Secretary Bill Bergland and HEW Secretary Joseph Califano on the subject as well as the Illinois Agricultural Association and other knowledgeable and interested parties. I look forward to having their considered thoughts as to the alleged inefficiencies, overlap, and conflicts of interest inherent in the current regulatory division between USDA and FDA.

At present, severe regulatory inefficiencies also plague policymakers in the area of Federal transportation planning. Investment and subsidy programs are found in several separate departments. Subsidy programs for ship construction, for example, operate within the Department of Commerce's Maritime Administration. It is very difficult to maintain meaningful priorities when policymaking is divided this way. Until we have a more unified national transportation policy, this Nation will continue to suffer from a hodge-podge of isolated decisions that, when put together, do not make good sense. I am convinced that we can vastly improve our handling of critical transit matters by focusing within the Department of Transportation more responsibility for an overall transportation strategy and budget including construction projects and all grant and subsidy programs.

Mr. President, harmful levels of radiation currently present a major potential danger to the health and safety of the American public. In addition to medical X-rays and airport scanning devices, Americans are exposed to radiation from radium clocks, microwave ovens and hundreds of now commonplace devices and appliances. The committee's inquiry into health and safety regulation found that at least eight executive departments, two independent commissions, and five agencies are charged with responsibility to regulate products and factories with potential radiation dangers.

If someone were to set out to devise a flawed, cumbersome, ineffective scheme to deal with harmful levels of radiation, he probably could not do better than what we now have. Because so many agencies have partial responsibility in this area, none of them is effectively protecting the public. The report proposes that the EPA be charged with overall authority to coordinate Federal efforts to control radiation levels. I most heartily endorse that proposal.

Bank regulation is another area where major inefficiencies exist in regulatory organization. Federal regulation of banking is currently divided between the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Reserve Board. The committee report recommends that this confusing and inconsistent system be consolidated into a single Federal Bank Commission. It is not clear to me that this specific step would most directly attack the more troublesome problems in Federal banking regulation. But discussion and debate over the proposal should pave the way for further serious indepth analysis of bank regulatory problems. By targeting the major flaws of the present system, the report strengthens the case for reform. I have asked for an analysis of the principle problems by the Illinois Bankers Association and other interested parties.

Mr. President, the report also makes specific proposals for regulatory reorganization in the areas of antitrust enforcement and energy regulation.

The report also contains recommendations for the improvement of independent regulatory commissions. One vital function of the Governmental Affairs Committee report is to emphasize and reiterate the independence of these commissions. Through the years, every so often a President tries to rein in the several regulatory commissions, forgetting or choosing to ignore the fact that Congress intended them to be independent of executive control. This report should serve as a stern reminder that the policymaking functions of these independent commissions are "off-limits" to the Executive.

The committee report proposes that independent regulatory commissions be granted the authority to send their legislative messages and recommendations directly to Congress without prior submission to the President or the Office of Management and Budget.

In addition to its specific proposals, the report contains general recommendations for the improvement of Federal regulatory organization. These general proposals aim toward three principal goals:

First. Increasing the independence and accountability of regulatory decisionmaking;

Second. Separating promotion/development programs from regulatory programs; and

Third. Improving coordination among regulatory programs.

Mr. President, I believe that this report can prove to be an invaluable help to the Congress and the executive branch as we move to improve the performance

of Federal regulatory organizations. The report is both comprehensive and detailed and a good starting point for our forthcoming debate on the vital issues raised. But it does not represent the considered judgment of the Senate in its present form. It is a beginning however.

For the assistance of my distinguished colleagues, Mr. President, I ask unanimous consent that a summary of recommendations and summary of findings from the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF RECOMMENDATIONS

SPECIFIC RECOMMENDATIONS

A. Food regulation

(1) Responsibility for Federal food regulation, which is currently divided, should be assigned to a single agency. The food regulatory functions of the Department of Agriculture should be transferred to the Food and Drug Administration.

The FDA should be given more stature and independence within the Department of Health, Education and Welfare, and be taken out of the Public Health Service. The Commissioner of Food and Drugs should be elevated from Level V to a Level III on the executive pay scale, with his deputies elevated accordingly. The Commissioner should be a Presidential appointee, subject to Senate confirmation. The Commissioner should have final authority for decisions regarding the safety of food and drugs, but the Secretary of HEW should be permitted to propose rules, regulations, and statement of policy, and to set deadlines for FDA action.

(2) Until the USDA food regulatory functions can be transferred to FDA, the following measures should be undertaken on an interim basis:

(a) USDA and FDA should systematically review their food regulations and jointly propose regulations to correct disparities in labeling, standards, or other requirements;

(b) USDA should alter its regulations to provide for generic approval of food labels, and enforcement of such standards should be required to take place on a systematic basis;

(c) USDA and FDA should designate continuing long-range planning committees and devise a regular procedure for coordinating their enforcement activities.

B. Transportation policy and regulation

(1) In order to consolidate Federal transportation planning, the Department of Transportation should have control of investment and subsidy programs now located in other departments. Subsidy programs for ship construction and operation now located in the Department of Commerce's Maritime Administration, and the navigation planning, investment analysis, and construction activities of the Civil Works Division of the Corps of Engineers, should be transferred to the Department of Transportation. Subsidy programs now contained within transportation regulatory agencies, such as the CAB's local service airline subsidy program, should also be transferred to the Department of Transportation.

(2) In order to establish a unified transportation policy, Congress should enact a National Transportation Policy Act on the model of the National Environmental Policy Act. The new Act should set national goals and priorities for transportation, and establish procedures for government-wide planning of Federal transportation programs and activities. The Secretary of Transportation should be responsible for administration of the Act.

(3) The National Transportation Policy Act should empower the Secretary to propose rules, regulations and statements of policy of general applicability, and to establish strict deadlines for agency action, with respect to any function of the transportation regulatory agencies. Such provision should be modeled on section 403 of the Department of Energy Act, which gives similar powers to the Secretary of Energy for proceedings of the Federal Energy Regulatory Commission.

For the present, the Interstate Commerce Commission, Civil Aeronautics Board, and Federal Maritime Commission should otherwise remain separate and independent from the Department of Transportation.

(4) In order to improve coordination among agencies and to permit planning for a national transportation policy, Congress and the Executive Branch should institute a combined transportation budget account, to include all water, air, highway, rail and mass transit grants, programs and investments, whether under the authority of the Department of Transportation or otherwise.

C. Banking regulation

Congress should enact legislation to merge the bank regulatory functions of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Reserve Board into a single Federal banking commission. Specifically, the legislation should provide that:

(a) The FDIC be retained as a distinct entity in the new consolidated commission, to provide insurance to both national and state banks;

(b) The non-regulatory functions of the Federal Reserve Board remain independent of the consolidated commission, with the Board retaining its independent authority over monetary policy, and continuing to conduct discount window operations and set interest rate ceilings and margin requirements;

(c) State banking authorities be strengthened to preserve the balance between innovation and stability, and be reimbursed by the commission for examinations and supervisory activities that are relied upon by the commission;

(d) The Chairman of the Federal Reserve Board have the authority to initiate and participate in proceedings of the Federal banking commission which the Chairman determines may have an impact on monetary policy. The Chairman should be authorized to require the commission to initiate proceedings to consider new rules, regulations, statements of policy, or interpretations, and to establish deadlines for commission action. The Chairman should also be empowered to participate in adjudications before the commission.

D. Antitrust enforcement

The current system of dual Federal antitrust enforcement, with responsibilities assigned jointly to the Federal Trade Commission and the Antitrust Division of the Department of Justice, should be maintained. However, the system can be improved, as follows:

(1) The liaison process between the FTC and the Justice Department should be expanded. Specifically, (a) the antitrust-related activities of the FTC's Bureau of Consumer Protection should be included in the liaison process; (b) more realistic time tables should be set for resolution of clearance requests; (c) representatives of the agencies should meet at least once a week to resolve clearance decisions; and (d) the agencies should be required to report to Congress any clearance dispute which takes more than two months to resolve.

(2) More coordination should take place between the agencies at lower levels. Among other things, the agencies should (a) expand efforts to share the use of computer facilities, (b) fully exchange information between staff attorneys and other staff professionals, (c) coordinate, as far in advance as possible, the anticipated issuance of any trade regulation rules, and (d) transfer personnel between agencies on a temporary basis.

E. Energy policy and regulation

Congress' recent consolidation of Federal energy programs in a new Department of Energy should assure more effective management of the nation's energy programs.

Congress should exercise vigorous oversight of the liaison arrangements established by the Department of Energy Act—specifically, the Leasing Liaison Committee between the Departments of Energy and Interior, the liaison between the Departments of Energy and Transportation for the fuel efficiency standards program, and the coordination between the Departments of Energy and Housing and Urban Development in the development of energy conservation standards for buildings and residences. Congress should also reexamine the Federal government's activities in the areas of environmental protection, land management, public land development, and ocean policy, and consider whether some or all of these functions should be consolidated into a counterpart agency to the Department of Energy.

F. Health and safety regulation

(1) There should be a much greater degree of inter-agency cooperation and coordination between the Consumer Product Safety Commission (CPSC), the Food and Drug Administration (FDA), the Occupational Safety and Health Administration (OSHA), the Environmental Protection Administration (EPA), and the Federal Trade Commission (FTC). This can be achieved without actually merging or radically restructing these Federal agencies. One mechanism for assuring coordinated Federal action has recently been established by Congress in the area of toxic substances. In the Toxic Substances Control Act of 1977 Congress designated the Environmental Protection Agency as the lead agency for those concerns, and empowered EPA to prompt action from other agencies under their separate statutory authorities. This mechanism should be used to assure concerted federal action in other areas of regulation.

(2) There are major organizational problems in Federal health and safety programs. Protection from radiation exposure and occupational safety and health are Federal activities which, for different reasons, require legislative attention. Radiation safety is marked by too many agencies administering too many laws, adopted in piecemeal approach. In large part, those functions have been assigned in a vertical fashion according to broad agency missions. No single agency at present has sufficient authority to coordinate those various programs and activities, and some radiation hazards are presently not subject to effective regulation by any agency. Occupational safety and health, on the other hand, has been centered in a single agency (OSHA)—but its jurisdictional mandate is too ambiguous and uncertain to allow OSHA to effectively coordinate other government units involved in those matters. Ever since that agency was created in 1970, there have been continuing jurisdictional conflicts between OSHA and other agencies. As a result, the comprehensive objectives of OSHA have been adversely affected.

The coordinating mechanisms contained in the Toxic Substances Control Act—which in effect designate and authorize a lead agency in that area—should be legislated for Federal radiation protection and occupational safety and health activities. In those areas, a single agency—EPA for radiation protection and OSHA for worker safety—

should have the ability to coordinate the programs and activities of other agencies. The ability would include the authority to submit formal requests for action by another agency; and if effective regulatory steps were not taken on a recognized hazard, within a certain timetable, then the lead agency could intervene and fill the gap created by inaction.

(3) In the area of motor carrier or truck safety, those functions should be transferred from the Federal Highway Administration to the National Highway Transportation Safety Administration. Both agencies are now located within the Department of Transportation. However, the present division of responsibility, which reflects a piecemeal approach along vertical lines, is illogical and has not served the public interest. Motor vehicle safety—for trucks, cars and buses—ought to be contained within a single unit of the Transportation Department.

GENERAL RECOMMENDATIONS

A. Independence and accountability for regulatory decisionmaking

The functional independence of Federal regulatory programs should be fully maintained. In particular, the independent agencies should be granted broader latitude in (a) litigation of substantive issues, (b) budget preparation and submission, (c) submission of legislative recommendations, and (d) selection of top agency staff officials.

Consistent with safeguarding independence, the political accountability of the regulatory agencies can and should be increased. Steps can be taken to ensure that actions by regulatory agencies are not inconsistent with established national policy and goals.

(1) To protect the independence of regulatory programs—

(a) Independent regulatory commissions should conduct and control their own substantive litigation, except for litigation taking place in the Supreme Court;

(b) Independent regulatory commissions should transmit any budget request to the Congress at the same time such messages are submitted to the Office of Management and Budget, or any other agency of the executive branch;

(c) Legislative communications from an independent commission to Congress should not be subject to prior clearance by the Office of Management and Budget, or any other agency of the executive branch; and

(d) Top staff officials at the independent regulatory commissions should be selected wholly on a basis of merit, and the selection decision by the agency should not be subject to clearance by officials outside that agency.

(2) To increase political accountability of the regulatory agencies—

(a) Heads of executive departments responsible for implementing established national policy should be empowered to intervene as of right in regulatory agency proceedings having significant policy impact. The executive department should also be authorized to initiate rulemakings before those agencies, and to set deadlines for action on proposed rulemakings. Such a power would be similar to the power granted the Secretary of Energy with respect to proceedings before the Federal Energy Regulatory Commission.

(b) The President should be empowered to designate which of the commissioners of an independent agency shall serve as chairman, subject to the advice and consent of the Senate. The chairman should serve at the pleasure of the President, and should be subject to removal from the position of chairman without a showing of cause.

(c) The mandates of the independent regulatory agencies should be drafted by Congress in as narrow and specific a manner as possible. Where broad delegations of authority are determined by Congress to be unavoidable, congressional oversight of subsequent agency action should be significantly increased.

B. Separating promotion/development programs from regulatory programs

Because promotional, developmental, and benefit-granting activities have a tendency to prevail over strictly regulatory or law enforcement activities when such activities are combined in a single agency, Congress should refrain from assigning such promotional or developmental responsibilities to agencies that perform regulatory or law enforcement functions. This principle guided Congress during its recent enactment of legislation transferring mine health and safety activities from the Interior Department to the Labor Department, and during the 1974 passage of legislation which assigned nuclear energy regulation to a new Nuclear Regulatory Commission. Congress should apply a similar division of responsibilities to the areas of transportation regulation, food regulation, and banking regulation.

Within regulatory agencies, the functions of licensing, certification, rate-making, or route allocation should be organizationally separate from enforcement functions. Agencies should be required to explore methods of guaranteeing that personnel engaged in licensing, rate-making, or similar functions do not play a significant role in enforcement decisions.

C. Improving coordination between regulatory programs

(1) In order to improve coordination, agencies should be required to publish a regulations agenda twice each year, describing in general terms the subject areas in which significant regulatory action is being contemplated. At least 60 days prior to publication of any proposed new rule, agencies should notify any other agency whose jurisdiction may be affected by the proposed rule, unless emergency considerations make such advance notice impractical.

(2) The Division of Program Analysis of the U.S. General Accounting Office should be empowered to assist agencies in resolving actual and potential jurisdictional, conflict, or overlap problems. All formal interagency agreements and understandings between or among regulatory agencies should be filed with the Division. Instances of overlap and duplication, inconsistent regulation, or failure to coordinate should be reported—by the agencies themselves, or by any affected industry or person—directly to the GAO office. The office should be empowered to assist the agencies to reach understandings, formal or otherwise, wherever possible. In addition, the office should report annually to Congress, supplying copies of all agreements for interagency cooperation, and indicating any instances or areas where programs of coordinatin or overlap continue to exist. Recommendations for legislative action should also be included, where appropriate and necessary.

SUMMARY OF FINDINGS

A. FOOD REGULATION

Divided responsibility between the Department of Agriculture and the Food and Drug Administration for food regulation has created a regulatory program which is often duplicative, sometimes contradictory, undeniably costly, and unduly complex.

The current jurisdiction overlap has resulted in redundant inspectons of the same plant, the shifting of responsibility of particular food items at various stages of production, and inconsistent food labeling policy. The recurrent poblems of overlap, duplication, and concurrent jurisdiction are addressed by USDA and FDA officials on an ad hoc case-by-case basis. There is currently no systematic or rational overall approach to federal food regulation.

B. TRANSPORTATION REGULATION

A unified and comprehensive national transportation policy is an essential prerequisite for an effective transportation regulatory system. There is no such policy now.

The Federal Government's responsibilities in transportation regulation and promotion have grown haphazardly—with little or no attention to coordinating new laws and programs with pervious laws and programs. The result has been a complex and inconsistent set of federal transportation policies and a fragmented system of federal transportation programs. This fragmented system gives inadequate attention to such problems as the impact of rates for various transportation modes on the overall economy, the impact of restrictions on competition within each transportation mode on the overall economy, energy conservation, environmental protection, and regional economic growth.

C. BANKING REGULATION

Federal responsibility for examination and supervision of commercial banks is divided among three federal regulatory agencies—the Comptroller of the Currency, the Federal Reserve Boad and the Federal Deposit Insurance Corporation. There are significant variations in federal supervision of commercial banks by the three agencies.

Federal responsibility for the approval of bank mergers is divided among the three federal bank regulatory agencies. Although statutory standards are the same, there are significant differences among the three agencies in applying these standards. The Comptroller, for example, has consistently indicated greater willingness to approve bank mergers than either the Federal Reserve Board or the Federal Deposit Insurance Corporation.

Federal responsibility over bank holding companies is similarly divided among the three federal bank regulatory agencies. The Federal Reserve Board supervises the holding companies as well as their non-banking subsidiaries, while the FDIC and the Comptroller continue to supervise subsidiary banks that fall within their jurisdiction. This divided regulation has caused significant variation among the agencies, as the Federal Reserve Board, acting through its ability to withhold approval of acquisitions, has exerted an influence over subsidiary banks.

The ability of commercial banks to select their federal bank regulatory agency—whether by changing charter status, joining the Federal Reserve System, or seeking federal deposit insurance—permits and encourages a regulated bank to select the regulatory agency most favorably inclined toward the type of activity engaged in by the bank. There has also been a tendency of the agencies to compete in attracting banks by implementing a particular regulatory approach or philosophy.

D. ANTITRUST ENFORCEMENT

The current Federal system of dual antitrust enforcement by the Department of Justice and the Federal Trade Commission is basically sound. We found relatively few instances of inconsistent enforcement, and virtually no cases of outright duplication of effort.

Improvement is needed in the FTC-Justice Department antitrust liaison process. It has not, in the past, assured the most rational and efficient allocation of resources. Under the process, it takes an average of 12.4 days for clearance requests to be approved or denied. Approximately 92 percent of clearance requests are resolved in 30 days. How-

ever, 2 percent of the clearance requests have taken over 2 months to resolve, a delay which cannot be justified.

E. ENERGY REGULATION

Until 1977 responsibility for development and implementation of federal energy policy was severely fragmented. More than 40 federal agencies, bureaus and commissions had some role in energy regulation; and 20 additional federal entities were involved in energy policy. The resulting duplication, overlapping jurisdiction, fragmentation of responsibilities, and conflicting mandates severely affected the government's ability to formulate, implement and enforce a coherent and consistent national energy policy.

The creation of the Department of Energy should alleviate these problems to a significant degree. It will not, however, eliminate these problems completely, and it will be essential for Congress to insure that the new liaison arrangements which have been established by the Department of Energy Act are permitted to work effectively. There also continues to remain significant fragmentation in areas which have a tangential impact upon energy, including land management and development, ocean policies, and environmental policies. There remains a clear need for Congress to consider potential new structural arrangements in these areas.

F. HEALTH AND SAFETY REGULATION

The statutory mandate, and the specific enforcement responsibilities, of the federal agencies in the area of Federal health and safety regulation are sufficiently separate and distinct to warrant continuation of the current basic regulatory structure. There is a clear and definable mission for each of the agencies which engage in health and safety regulation—the Consumer Product Safety Commission (CPSC), the Occupational Safety and Health Administration (OSHA), the Federal Trade Commission (FTC), the Food and Drug Administration (FDA), and the Environmental Protection Administration (EPA). Because of the nature of their missions, however, there is some degree of overlap between these agencies. Radical reorganization is not necessary to eliminate inconsistencies in this area; improved coordination and consultation between the agencies should suffice to remedy these problems.

There are, however, major problem areas in health and safety regulation. For example, new coordination mechanisms are required in the areas of worker health and safety and radiation safety. At present agency jurisdiction over these important matters is scattered, uneven and confused. No agency has the ability and responsibility to assess the overall situation, and prompt agency action in light of that asscessment. Our consideration of the coordination mechanisms recently adopted by Congress in the Toxic Substances Control Act, suggests that that procedure can be used to alleviate this situation.

NEEDS OF THE AMERICAN FARMER

Mr. SASSER. Mr. President, a great deal of attention has been focused on the needs of the American farmer. In addition, much has been said about the role of the farmer in the development of our society. The place of the American farmer is at a crucial economic crossroads, one really of survival or bankruptcy for many farmers in Tennessee.

The problem has not gone unnoticed by the General Assembly of Tennessee. Recently, the House of Representatives studied this problem and passed a resolution expressing the sense of that body about the grave situation facing farmers.

But it is up to us, here in Washington, to formulate definitive answers to the problems facing farmers. The Federal Government, long active in farm policy, must assert again a leadership role. The Federal Government has the capability, financially and practically, to set farm policy so that American farmers make a profit, rather than receiving pity and nothing more. We must get about that business.

Mr. President, I ask unanimous consent that the Resolution of the House of Representatives of the Tennessee General Assembly be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION No. 84

Whereas, agriculture has long been recognized as the foundation of industry, providing the necessities of daily life, nourishing and clothing every man, woman, and child in this nation and countless multitudes in nations around the world; and

Whereas, the American farmer has always been equal to the challenge during war and peace; and

Whereas, the American farmer has for generations continued to provide us with living example of the highest order in character, determination, hard work and self-reliance; and

Whereas, the American farmer has in recent years shown the ability to adapt and utilize advances in science, technology and industry to improve both the quality and quantity of the goods produced to become the most productive segment of our nation; and

Whereas, this hard working, efficient and productive minority has been overlooked by the economic planners in government who have provided safeguards to the majority of the workers of this nation through the medium of a minimum wage; and

Whereas, agricultural exports represent a $20 billion contribution to our balance of trade, this being the most significant item in our nation's crucial balance of payments; and

Whereas, the government planners have failed to take into consideration that the farmer deals largely in products which will spoil if not marketed and consumed in a short time and that the amount of production is subject to such unforeseeable factors as weather and disease; and

Whereas, the farmer has been placed in the position of being unable to pass inflationary costs on to consumers to the extent that a great inequity has arisen between the farmer and the remainder of the nation's business and industry; now, therefore,

Be it resolved by the House of Representatives of the Ninetieth General Assembly of the State of Tennessee, That we express our respect and support for the farmers of this nation by fully supporting their just demand for parity in order that they may be enabled to continue in their chosen profession and enjoy the fruits of their labors in dignity and that they may continue to provide the people of this nation with the products necessary for a strong, healthy society.

Be it further resolved, That a copy of this resolution be sent to each member of the Tennessee Congressional Delegation and the Secretary of Agriculture.

HUMAN RIGHTS AND GENOCIDE

Mr. PROXMIRE. Mr. President, last Monday, the United Nations Human Rights Commission began its annual session. By confronting worldwide violations of human rights, this body continues to uphold the 1948 Universal Declaration of Human Rights. The Commission deserves our support, and appropriately, we have sought for 30 years to increase its effectiveness.

Our support for the Commission, however, is only a small part of our commitment to the preservation of human rights. In the aftermath of World War II, the United States joined scores of other governments to establish treaties and organizations designed to guard against the types of violence and destruction perpetrated against individuals during the war. President Carter's call for human rights last year reaffirmed our concern for the rights of human beings.

Yet, there remains a startling inconsistency in our commitment to these rights. It would seem logical to assume that a treaty designed to prevent acts of genocide would be the foundation on which all other human rights safeguards are based, for all other rights are meaningless if the right to life is not protected. For this reason, the United States helped draft the Genocide Treaty, which undertakes to prevent and punish attempts to destroy national, ethnical, racial, or religious groups. For no good reason, I am sorry to report, ratification of the treaty remains a piece of unfinished business in the Senate.

If we are to sustain the thrust of our push for human rights, this treaty must be ratified. This must be the last year that the Commission on Human Rights convenes without our stated opposition to genocide. I therefore urge immediate support for the Genocide Treaty.

VETERANS HELPING VETERANS

Mr. MUSKIE. Mr. President, the disabled veterans outreach program in Maine, sponsored by the American Legion and funded by the Department of Labor, has in its first few months of operation proven to be a great success. Through this program 11 veterans, 8 of whom are themselves disabled, have already placed 62 disabled veterans in jobs or training positions. The American Legion deserves great credit for its effective implementation.

Mr. President, I ask unanimous consent that a report on the program's activities, and related materials be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

DISABLED VETERANS OUTREACH PROGRAM ACTIVITIES REPORT

Activities by outreach representatives for 13th week period starting October 24, 1977, and ending January 20, 1978.

Activities to date:	
Contacts made via:	
Mailings of brochures	1,794
Phone and personal	1,810
Referrals:	
Employment Service Activity:	
Job service	148
CETA	151
Employer	207
Total	506

Supportive Service Activity:	
Vocational rehabilitation	30
OJT	5
Legal	23
Education	97
Veterans' Administration	199
Medical	67
Other	133
Total	554

Total referral activity to date: 1,060.

New applicants for service, 34 weeks, 557 total.

Followup activity, 66 weeks, 468 total.

Total placements:

Disabled vet:	
In jobs	18
In training	8
Vietnam vet:	
In jobs	24
In training	10
Regular vet:	
In jobs	0
In training	2

AMERICAN LEGION DISABLED VETERANS OUTREACH PROGRAM

DEAR DISABLED VETERAN: The Disabled Veterans Outreach Program, sponsored by the American Legion State of Maine, has been specifically designed to assist you the disabled veteran.

Our goal is to seek out, encourage and assist disabled veterans in need of employment or other assistance and to bring them into the mainstream of the labor market, advising them of services available to them, including special preference in all employment assistance programs. Interested disabled veterans will be informed of the testing, counseling, training and placement services available through the Maine Job Service or CETA and other services available such as legal aid, benefits, education, etc., available through the Veterans Administration and other community agencies.

Each member of the DVOP is a fellow veteran. Our offices are located geographically throughout the state in areas with the heaviest population of disabled veterans to insure you that personal contact, if needed, is available. The name and address of your nearest DVOP representative is on the back of the tear-off response card. If our program can be of service to you, please complete both sides of the response card and mail to your area representative. "Veterans helping veterans."

AMERICAN LEGION DISABLED VETERANS OUTREACH PROGRAM

Office location and mailing address

Headquarters: Don Corning, Director, Doug Felton, Assistant, 21 College Avenue, Waterville, Maine 04901. Tel. No. 872–2537. American Legion, D.V.O.P. Program, P.O. Box 900, Waterville, Maine 04901.

Sanford: Thomas Fahey, Jr., 120 Main Street, Sanford, Maine 04073. Tel. No. 324–3043. P.O. Box 1131, Biddeford, Maine 04005. Biddeford: Charles B. Snow, 120 Main Street, Sanford, Maine 04073. Tel. No. 324–3043. P.O. Box 1131, Biddeford, Maine 04005.

Portland: Dan M. Cramer, 23 Deering Street, Portland, Maine 04101. Tel. No. 774–3548. 23 Deering Street, Portland, Maine 04101.

Topsham: Don Bright, Forside Road, Topsham, Maine 04086. Tel. No. 729–9775. P.O. Box 179, Topsham, Maine 04086.

Auburn: Charles J. Bleakney, 426 Washington Street, Auburn, Maine 04210. Tel. No. 784–1639. 426 Washington Street, Auburn, Maine 04210.

Augusta: Peter Johnson, 18 Perham Street, Augusta, Maine 04330. Tel. No. 622–6971. 18 Perham Street, Augusta, Maine 04330.

Waterville: Paul L. Connatser, 151 Silver Street, Waterville, Maine 04901. Tel. No. 873–4344. 151 Silver Street, Waterville, Maine 04901.

Bangor: John H. Malloy, 98 Harlow Street, Bangor, Maine 04401. Tel. No. 942–0777. 98 Harlow Street, Bangor, Maine 04401.

Caribou: Meo J. Bosse, 129 Sweden Street, Caribou, Maine 04736. Tel. No. 498–3634. P.O. Box 892, Caribou, Maine 04736.

FUNERAL SERVICE FOR SENATOR HUMPHREY

Mr. ANDERSON. Mr. President, I recently submitted the program of the funeral service held for our late colleague, Hubert H. Humphrey, on January 16, 1978, at House of Hope Presbyterian Church in St. Paul, Minn. I ask unanimous consent that the program of the funeral service held for the Humphrey family by the Chaplain of the Senate, Rev. Edward L. R. Elson, on Saturday, January 14, 1978, in the Capitol rotunda be printed in the RECORD.

There being no objection, the funeral service was ordered to be printed in the RECORD, as follows:

THE FAMILY FUNERAL SERVICE FOR SENATOR HUBERT H. HUMPHREY CONDUCTED BY THE REV. EDWARD L. R. ELSON

OPENING SENTENCES

God is a Spirit and they that worship Him must worship Him in spirit and in truth.

The souls of the righteous are in the hand of God and there shall no evil touch them. They are in peace.

Blessed are the pure in heart, for they shall see God.

They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary; and they shall walk, and not faint.

PRAYER

O Thou, Living Christ whom having not seen, yet we know and love and serve, come to us in all the vividness of Thy resurrection power to comfort, to heal and instruct us.

Our Father-God, we thank Thee that in Thy Providence Thou didst give Hubert Humphrey to the world, and especially to this company here gathered.,

O Lord, grant the consolation of Thy Love, the healing of Thy grace, the companionship of Thy presence to Muriel, the children and grandchildren and all who are near and dear to Thy servant.

Be with all of us that our family memorial and the public tributes may be according to Thy will. Make us strong in body and mind and spirit. May some measure of Hubert's love, his spirituality, his idealism, his innate goodness be gathered into us and expressed in our lives.

Be with this Nation and the world in its loss. May all people learn the lessons of life and freedom and service which is his legacy.

Now speak to us through the scriptures, in sacred silences and in hollowed memory.

Through Jesus Christ, our Lord. Amen.

OLD TESTAMENT SCRIPTURE

The Lord is my light and my salvation; whom shall I fear? The The Lord is the strength of my life; of whom shall I be afraid?

One thing have I desired of the Lord, that will I seek after; that I may dwell in the house of the Lord all the days of my life, to behold the beauty of the Lord, and to inquire in His temple.

I offer in His tabernacle sacrifices of joy; I will sing, yea, I will sing praises unto the Lord. (Psalm 27: 1,4,6)

The Lord is my Shepherd; I shall not want.
He maketh me to lie down in green pastures:
He leadeth me beside the still waters.
I shall not want.
He restoreth my soul:
He leadeth me in the paths of righteousness
for His name's sake.
I shall not want.
Yea, though I walk through the valley of the
shadow of death,
I will fear no evil: for Thou are with me:
Thy rod and Thy staff they comfort me.
I shall not want.
Thou preparest a table before me in the presence of mine enemies;
Thou anointest my head with oil;
My cup runneth over.
I shall not want.
Surely goodness and mercy shall follow me
all the days of my life:
And I will dwell in the house of the Lord
forever. (Psalm 23)
I shall not want.

NEW TESTAMENT SCRIPTURE

Beloved, let us love one another: for love is of God: and everyone that loveth is begotten of God, and knoweth God. He that loveth not knoweth not God; for God is love. In this the love of God was manifested toward us, that God sent his only begotten Son into the world, that we might live through him. Herein is love, not that we loved God, but that he loved us and sent his Son to be the expiation of our sins. Beloved, if God so loved us, we also ought to love one another. (I John 4:7–11)

FROM "THE PROPHET" BY GIBRAN

You give but little when you give of your possessions.

It is when you give of yourself that you truly give. . .

And there are those who give, nor do they see joy, nor give with mindfulness of virtue;

They give as in yonder valley the myrtle breathes its fragrance into space.

Through the hands of such as these God speaks, and from behind their eyes He smiles upon the earth.

MEMORIAL TRIBUTE

We have paused here, before the public ceremonies are opened to the whole world, to offer our simple tribute of affection and thanksgiving. Memory speaks to each of us with its own silent eloquence, though Hubert's voice is stilled.

He had scores of friends among the clergy—Priests, Rabbis and Ministers. He was a genuine Christian layman—committed to Christ and His kingdom in a catholicity of spirit which transcended any one denomination, although he was a devoted member of a particular church. He was steeped in the message of the Bible.

Not long ago my phone rang before eight o'clock in the morning and it was Senator Humphrey. "Chaplain", he said, "where do you find the passage in the Bible about the seven fat years and the seven lean years?" "How soon do you need it, Senator?" I asked. "In three minutes, minutes", he replied. "I can tell you now within half a dozen verses just where it is." He found it and went off to make his speech.

The Senate Chaplain's position is non-partisan and non-denominational but that doesn't control the activities of our grown children. To you we confess that our adult children, especially two redheads, worked untiringly in campaign offices for his election to the Vice Presidency and Presidency. They shared in both the joy and sorrows of those experiences.

After my election as Chaplain of the Senate in January 1969 I learned about the meaning of his quiet friendship. President Johnson sent him as his representative at the funeral of Trygve Lie. Thus, he would not be at the Democratic Caucus which was

to nominate a new Senate Chaplain. But before taking off he called Senator Richard Russell, the President pro tempore, and said, "It is time for us to elect Dr. Elson Chaplain of the Senate." Senator John Stennis made the nomination and the election took place January 9, 1969. All this I learned after assuming the office.

There are a thousand memories like these among us today.

Let me as a Christian clergyman salute him in three sentences—(1) In his condemnation of social evil and especially injustice he sounded like an Old Testament prophet calling for repentance and summoning all men to the way of righteousness; (2) In his compassion for the dispossessed and the suffering he had the character of a New Testmant saint; (3) In his inclusive love of all mankind he was like his Lord and Master.

PRAYERS

Eternal God, our fathers in their pilgrimage walked by Thy guidance and rested on Thy compassion. Still to their children be Thou the cloud by day, the fire by night. Take now the veil from every heart and join us in one communion with all those Thy servants, who trusted in Thee and were not ashamed.

We seem to give him back to Thee, O God, who gavest him to us. Yet, as Thou didst not lose him in the giving, so we have not lost him by his return. Not as the world givest, givest Thou, O Lord, what Thou gavest, Thou has not taken away. For what is Thine is ours always, if we are Thine. Life is eternal, love is immortal, and death is only an horizon, and an horizon is nothing save the limit of our sight.

Lift us up, strong Son of God, that we may see further: cleanse our eyes that we may see more clearly; draw us closer to Thyself that we may know ourselves nearer to our beloved who are with Thee. And while Thou dost prepare a place for us, prepare us for that place that where they are, and Thou art, we too may be.

We bless Thee for Hubert's home life, for his gift of friendship and outreach, for the breath of his human sympathies, for his infectious humor, for his keen intellect and polished gift with words, for his joy in the work of Thy Kingdom, for his influence reaching out to the ends of the earth, for his trust in Thee, and his devotion to the Church universal. Surely he was one who did justly, loved mercy, and walked humbly before Thee all the days of his mortal life. Remembering that he lived generously and served faithfully, may we enter into his unfinished labors. Thus may the past find fulfillment in the faithfulness of the present, and our memory of Hubert strengthen us in our delight to do Thy will.

Unto Thy mercy, O God, and the care of Thy love we commit Thy servant, in the sure and certain hope of the resurrection to eternal life.

Into the care of Thy love we commit ourselves, praying that Thou wilt lead us in the way of Thy commandments, and that Thou wilt grant unto us comfort in our loss and the peace which Thou alone canst give.

Lord, support us all the day long of our life, until the shadows lengthen and the evening comes, and the busy world is hushed, and the fever of life is over, and our work is done. Then in Thy mercy grant us a safe lodging and a holy rest and peace at last; through Jesus Christ our Lord; who taught us to pray, saying—

THE LORD'S PRAYER

(In unison)

Our Father, who art in heaven; hallowed be Thy name.

Thy kingdom come; they will be done; on earth as it is in heaven.

Give us this day our daily bread and forgive us our trespasses, as we forgive those who trespass against us.

And lead us not into temptation, but deliver us from evil.

For thine is the kingdom and the power and the glory for ever and ever. Amen.

BENEDICTION

The God of peace, that brought again from the dead our Lord Jesus, that great Shepherd of the sheep, through the blood of the everlasting covenant, make you perfect in every good work to do His will, working in you that which is well-pleasing in His sight; through Jesus Christ, to whom be glory for ever and ever. Amen.

FOREIGN CITIZENS EMPLOYED BY THE UNITED STATES ABROAD

Mr. SASSER. Mr. President, today I would like to pay tribute to the many citizens of foreign countries who have devoted their lives to the service of the United States. These persons, local employees of our diplomatic missions, have given of themselves in the successful execution of U.S. affairs in foreign countries.

Mr. Frank Volek, a local employee of our Embassy in Prague, Czechoslovakia, is a prime example of the excellent service these men and women have rendered. First employed by the Embassy in 1933, Frank Volek worked as a general handyman and was soon promoted to messenger. In a few years, Mr. Volek became Chief of Administrative Service, and was in charge of all the housekeeping activities of our mission in Czechoslovakia.

During the tragedy of World War II, Frank Volek was charged, along with the Swiss Embassy, with the maintenance and protection of all U.S. Government property in Prague. I might add that, even during the German occupation of Czechoslovakia, no damage was done to the Embassy, largely due to Mr. Volek's care and dedication to the protection of U.S. property.

In 1948, because of his long association with the U.S. Government, Frank Volek began to shoulder the burden of pressure and threats directed against him by the Communist Party. The pressure continued until 1954, when the Czechoslovak Ministry of Foreign Affairs terminated Mr. Volek's service with the Embassy. Despite the efforts of Ambassador U. Alexis Johnson, the Embassy was unable to prevent Volek's termination.

Thus, from December, 1954 to June, 1967, Frank Volek continued to work for the Embassy without pay. He was provided quarters, and during those 13 years ensured the safe operation of the Embassy's facilities.

In June, 1967, the Czechoslovak Government allowed Mr. Volek to be reemployed by the U.S. Government. Just 2 years ago, he was appointed permanent receptionist for the Embassy, a position he had occupied unofficially since 1967.

So again, Mr. President, I would like to show my appreciation for the dedicated service Frank Volek and countless others have given to the United States. Their loyalty and dedication are examples to us all. For their contribution to the well-being of American interests in countries around the world, the local employees of our diplomatic missions deserve the recognition and the thanks of the entire nation.

THE USE OF LIE DETECTION TESTS IN EMPLOYMENT

Mr. BAYH. Mr. President, the other evening on Channel 4 News Jim Vance in one of his respected and popular television commentaries discussed his objections to the use of lie detector testing in employment. In a very few minutes he was able to sum up many of the major reasons why the practice of testing job applicants or employees with these devices is troubling to many of us. On July 12 I introduced S. 1845, a bill which would control the use of polygraphs by employers in the Federal Government and private industry. Mr. Vance's concise but vigorous commentary addresses many of the same concerns which motivated this legislation. I ask unanimous consent to have the following commentary printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

WRC–TV COMMENTARY

(By Jim Vance)

Let's suppose you're seventeen years old and working part-time at a retail store. One day you're told to go to the boss' office where you're told you and all the other employees must take a lie detector test. It's not that you're suspected of doing anything wrong. Just a precaution, you see, against internal theft.

You're clean, but you're scared to death. You don't want to take the test, but if you don't, you're fired.

A lot of businesses are putting their employees through ordeals like that these days. They claim they have to do it to keep the employees from stealing them blind. They tell you that internal theft and crime cost them seven billion dollars a year.

On the other side are those who say lie detector tests are an invasion of privacy. The businessman responds that he's got a right to protect his property. He's got a good point . . . but not good enough. There have to be better ways to stop or discourage employee thefts. Polygraphs are notoriously inaccurate. Most courts acknowledge that by not allowing them as evidence.

One reason for the lack of accuracy is that the test is only as good as the operator, and not all of them are good. He's got to know what he's doing . . . ask the right questions in the right way . . . not all of them do. The machines are supposed to measure stress, but the very act of taking the test creates stress. So too often, the victim finds himself giving up too much information, personal information, to make sure the machine understands his answers.

I talked today with a store manager who requires the tests. He said in effect that he couldn't care less about the invasion of privacy argument. He cut his losses from 26 to eleven-thousand dollars in the first year.

He sparked a thought about another issue that he, and perhaps other businessmen, might overlook. It has to do with job conditions and employee-management relations. To be sure, some folks would steal their Momma's wedding ring given half a chance, but I just don't believe the nation's work force is as dishonest as some businessmen would have us believe. It seems to me some evident concern for the people who work for you, as well as the profit they make for you, might create conditions that don't require such draconian measures as lie detector tests. Those businessmen who insist they have no choice make me wonder if their problem is not so much incorrigibly dishonest employees as insensitive or incompetent management.

STAFF PLAYS A MAJOR ROLE

Mr. GLENN. Mr. President, at the completion of work on S. 897, the nuclear non-proliferation bill, which completed action on the floor late yesterday afternoon, several acknowledgments were made by other Senators with regard to staff members who had worked long and diligently on this bill. At that time, I was remiss in not adding several other staff members who played a very key and major role in formulating this legislation and in helping guide it through the legislative process.

This has been an effort some 2½ years in the making, and I wish to give thanks to a few other key staff persons not mentioned yesterday on the floor. For the past year, the staff director of our Governmental Affairs Subcommittee on Energy, Nuclear Proliferation, and Federal Services, Dr. Leonard Weiss, has carried a major share of the burden as we worked out all the complexities of this bill, not only on Capitol Hill, but with representatives of the administration and various agencies concerned with this problem. On my own personal staff, Mr. Leonard Bickwit worked on this legislation during the entire 2½-year period. For the last couple of months, they have also been aided by a new member of our subcommittee staff with considerable past experience in the nuclear licensing process, Mr. Sandy Spector. Working closely with them as part of this team has been Mrs. Connie Evans of Senator PERCY's Minority Staff on Governmental Affairs who has done an outstanding job in helping to bring order into this most complicated problem.

I also want to acknowledge the important contributions of Mr. Bill Ashworth and Mrs. Ellen Miller who had primary staff responsibility for the bill at the full committee level for the Foreign Relations and Governmental Affairs Committees, respectively.

On occasion there is legislation which advances to the floor of the Senate with little staff work required, but this bill involved problems of a highly complex nature that could only be brought to a successful resolution by extensive, dedicated staff work, and those I have mentioned, in addition to the others noted yesterday, were truly dedicated to realistically addressing the problems of nuclear nonproliferation. I am most pleased to acknowledge their efforts in this forum and to express to them and to my colleagues my sincere appreciation for a job well done.

WHEN MERIT YIELDS TO PATRONAGE

Mr. LUGAR. Mr. President, yesterday the House of Representatives passed its version of the omnibus judgeship bill by a vote of 319 to 80. Included in this bill was language which conditions the effective date of the bill on the President establishing procedures and guidelines for the merit selection of U.S. district court judgeships created in the bill.

The House language differs from Senate Resolution 353 which I introduced on January 19, by not prescribing minimum standards for merit selection and failing to call for the merit selection of U.S. attorneys and marshals. Nonetheless, it would, if adopted, place Congress on record as actively favoring the merit selection concept. With great respect, therefore, I urge my colleagues who will participate in the actions of the conference committee to support this House language.

I also take this opportunity to call attention to an article by Mr. Ronald Goldfarb which was published in the Washington Post on February 4, 1978. Mr. Goldfarb is a Washington attorney who writes a syndicated monthly column on the administration of justice.

Mr. President, I ask unanimous consent that Mr. Goldfarb's column be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

WHEN MERIT YIELDS TO PATRONAGE

(By Ronald L. Goldfarb)

In 1961, Attorney General Robert Kennedy sent me to Kentucky to conduct an investigation of organized crime and official corruption in that area. Before I could get to the serious matters, I had to deal with a more exotic issue. The lame-duck U.S. attorney refused to leave office. "The President of the United States appointed me to this job," he told me, "and I'm not leaving office until the President of the United States calls and tells me to leave." Despite my entreaties, he would not go, though President Kennedy already had appointed his own nominee who, with family and photographer in tow, was waiting to be sworn in. I pleaded my case to the local, octogenarian District Court judge; but he supported the adamant incumbent.

Back in Washington, researchers scrambled through law books to help me out of this predicament. Eventually, I was advised to tell the U.S. attorney and the judge that all that was necessary legally to bring about the change was to swear in the new man. If the judge would not do it, I was to go to anyone who had the right to administer an oath and get it done. The judge relented and swore in the new man. Message: The U.S. attorney serves at the pleasure of the President.

That is the legal story. But recent events have shown that the political aspect of appointing federal prosecutors, not the legal power alone, is a prime consideration. Traditionally, Presidents have deferred to local politicians to make the choice of U.S. attorneys in their area. The jobs usually are political plums that often go to supporters, former law partners and friends of senators and representatives. Defenders of this patronage system argue that most U.S. attorneys have been selected on the basis of merit and that the political ingredient is relevant and proper.

But in the wake of Watergate, the notion of merit selection has emerged. The idea is that panels of independent, local citizens, with lay and lawyer members, representative of their community, should select a slate of meritorious candidates from which the President would select and appoint a U.S. attorney. The party in power could be expected to choose candidates from its ranks; but the choices would have some public sanction, they would be based on merit, and in appropriate cases a meritorious candidate from the other party (or with no political connections) could be appointed or retained.

Some senators are happy to be out of the appointment business and have already endorsed this idea; selection panels are operating in several states. But many legislators insist on keeping their historical powers.

Responding to the public's post-Watergate skepticism about government, politics, law and Washington, Jimmy Carter campaigned in favor of the merit selection of judges and U.S. attorneys. And this attorney general affirmed this policy during his confirmation hearings, promising a depoliticized Department of Justice.

But President Carter quickly finessed merit selection of federal trial judges. And it was later disclosed that in late December 1976 or early January 1977, Carter or Judge Bell assured Sen. James Eastland (D-Miss.) that the selection of U.S. attorneys would be left in the patronage system.

The issue heated up for Carter in New Jersey. There, a popular incumbent with a good record as a fighter against political corruption wanted to stay. Carter chose Robert Del Tufo, a Democrat, to replace him. It happens that Del Tufo was an ideal candidate for the job. I know him personally. He is an exceptional, experienced lawyer with a good reputation as an administrator. The circumstances of his appointment, however, made it look like he was a product of the spoils system; to uninformed observers, he appeared to be less suited than the man he replaced. It was the process of his appointment, not its merits, that demeaned Del Tufo. A merit system surely would have surfaced him; it would have made Carter look better, while our justice system would have appeared to be working in the public interest.

The situation with David Marston, the U.S. attorney in Philadelphia, is even worse. A political appointee himself, Marston's credentials for the job could have been questioned at the time of his appointment. But Marston turned out to be an aggressive prosecutor who secured the convictions of Republican and Democratic politicians. Reportedly, he was conducting another investigation with political implications just when Carter was pushed by a congressman to replace him. Recently, *deja vu* disclosures of coverup have emerged in press accounts regarding political pressure on the President by a politician who allegedly was under investigation by Marston. The serious questions that have been raised about the integrity of the justice system should be particularly embarrassing to an administration that marched into town proclaiming its virtue and its immunity from such political hanky-panky.

Rep. Robert Drinan (D-Mass.), a critic of what he calls "'the buddy system" of choosing U.S. attorneys (a system that has resulted in few appointments of minorities and women, proposed legislation in March 1977. It would remove the President and Senate from this process, turning over all appointments of U.S. attorneys to the attorney general under the civil service merit system. Drinan argues that the President's power to appoint U.S. attorneys is not given by the Constitution but by the Judiciary Act of 1789. Since Congress gave the power to appoint "inferior" officers, it can take it back or limit it.

Sen. Richard Lugar (R-Ind.) introduced a resolution on opening day of the 95th Congress's second session calling for the Senate to "collectively relinquish" its control over appointments in favor of a system of merit selection of federal District Court judges, U.S. attorneys and U.S. marshals. Openly concerned about the political complexion of the 140 new judgeships Congress is expected to authorize, Lugar praised his colleagues from Colorado, Iowa, Kentucky, Oklahoma, California and Pennsylvania who voluntarily established merit selection systems in their states.

Lugar's resolution would require each senator to set up in each judicial district in his state an independent, nonpartisan, representative citizens selection commission. Since Lugar views the President's power to appoint these officials as a constitutional power, subject only to the Senate's advice and con-

sent, his resolution would not invade the President's prerogative but would only provide a Senate-endorsed merit system for the President to use if he wished.

Recent events demonstrate why a real merit selection system is so important: Justice and the appearance of justice and all the parties involved in the justice system are demeaned when the selection and appointment process is conducted any other way.

AMBASSADOR MIKE MANSFIELD ADDRESSES THE JAPAN SOCIETY

Mr. GLENN. Mr. President, our former colleague in the Senate and at that time majority leader, the Honorable Mike Mansfield, has since his departure from the Senate assumed responsibilities as U.S. Ambassador to Japan. For many of his years in the U.S. Senate, while serving on the Foreign Relations Committee, Senator Mansfield served as chairman of the Subcommittee on East Asian Affairs and has in fact had a lifelong interest in our relationships with nations in the East Asian area. He was an articulate spokesman in the Senate for those concerns and stressed repeatedly the extreme importance of our relationships in the immediate future. But even more importantly, he also brought to the attention of the Senate and the United States the importance of this area for the long-term future of the United States. His wise counsel and well-considered positions were continually a source of guidance for his colleagues.

Since becoming Ambassador to Japan, Ambassador Mansfield has been hailed in the Japanese press as not only meeting their expectations that he would be an excellent Ambassador, but has already assumed a stature in Japanese eyes as one of our greatest Ambassadors, a remarkable achievement in such a short period of time. Ambassador Mansfield has been in the United States for the past couple of weeks and gave an incisive and thoughtful address to the Japan Society in New York on February 2 entitled "The United States and Japan: Reflection on Our Partnership," which I ask unanimous consent to have printed in the RECORD. I commend Ambassador Mansfield's remarks for the consideration of my colleagues.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY U.S. AMBASSADOR MIKE MANSFIELD

THE UNITED STATES AND JAPAN: REFLECTIONS ON OUR PARTNERSHIP

When I left Washington eight months ago my former colleagues on the Senate Foreign Relations Committee assured me I would be welcome to return at anytime to testify, and that they would try not to be too hard on me. I told them I intended to wait until I knew all the answers. After eight months on the job in Tokyo I certainly don't know all the answers—although I think I have a better understanding of the nature of the questions. But I decided to come home anyway, and I hope you will be as kind as my Senate friends promised to be. The large and growing domestic dimension of our relations with Japan means that more and more Americans have a stake, and take an active interest, in our policy toward that country. I wanted to listen to some of those people—in the Congress, in business, in the labor movement, and in the Administration—and to talk to them about the way I see the US-Japan relationship. That is why I am here.

I have never subscribed to the definition of an Ambassador as an honest man sent abroad to lie for his country. In my eight months on the job I have tried to report accurately what I have seen, and to give the Japanese Government—and Washington—straight talk. I promise to offer the same to you tonight. I have also tried to avoid one of the perils of diplomacy—what they tell me is called "localists"—becoming so taken with the country to which one is accredited that judgment suffers and recommendations are warped. In Japan it is especially hard to avoid that pitfall. That country, like some others in Asia, exerts a powerful influence on those who live there.

But while I believe my objectivity is still unimpaired, I admit to being an enthusiastic advocate—as are all of you—of the importance to this country and the world of our ties with Japan. And despite its basic strength, the US-Japan relationship needs enthusiastic advocates these days.

This has not been an easy year in our relations with Japan, and undoubtedly we are not out of the woods yet. But we have come far enough to take stock—to tally our successes, to acknowledge some mistakes, and perhaps to draw some conclusions which might serve as useful benchmarks for the future.

Before I get into what I see as the pluses and minuses of the past year in US-Japan relations, I want to talk briefly about East Asia as a whole. My portfolio is Japan, but you can't talk about Japan—or any part of Asia—without reference to the entire region. Most of the crucial issues in Japanese foreign policy are Asian issues, and those issues form the prism through which Japan views its relationship with the United States. 1977 was an especially intriguing year in what for me has always been the most intriguing area of the world.

In the People's Republic of China we have seen over the past year an increasing turn toward pragmatism, its leadership searching for ways to modernize its economy while paying relatively less heed to ideological purity. As modernization progresses, the task of governing effectively so vast a segment of humanity, it will be over 2 billion by the year 2060, may well grow more rather than less difficult. In pursuing modernization, and a climate of security in which modernization can succeed, China is likely to turn outward—toward Japan, the United States and Europe—for technology and trade and, to a degree, for tacit political support. In my judgment, it clearly behooves us—Japan, the United States and Europe—to be judiciously responsive. For we all have a profound interest in a stable, peaceful China, engaged productively in the international system.

The USSR of course is also a participant in the affairs of East Asia. While the non-communist nations of the region see it as a somewhat unnatural phenomenon, a Soviet presence, military and political, is increasingly a fact of life. Our own attitude toward that presence has been realistic—we are concerned by Soviet activities and keep a careful watching brief, but we are not alarmed. East Asian nations themselves—the PRC of course included—are sufficiently wary of Soviet intentions that an effective limit is placed on the growth of Moscow's influence and disruptive potential in the region. But at the same time we have the vital responsibility to maintain a strong and credible military force in East Asia—one fully capable of sustaining the strategic equilibrium which has existed there in recent years, and without which there could be great danger for the region and for the United States.

The major testing ground of that equilibrium, now as always over the past 30 years, is Korea. The Korean peninsula remains the one area in East Asia—and arguably in the world—in which the interests of four major powers are so intimately juxtaposed and in which military conflict could prove so dangerous. Japan is of course uniquely sensitive to the situation in Korea and our policy toward it.

In Southeast Asia, the member states of ASEAN have made continued, impressive progress in economic development and regional cohesion. At the same time, I believe some Southeast Asians have been disturbed by what they perceive to be lessened US involvement in that region. They and Japan are establishing a relationship that promises great benefits to both sides—but which both hope will be complemented by a US–ASEAN relationship of equal substance.

Indochina is preoccupied with internal problems and harsh intraregional rivalries. Its immediate future is problematic—clearly the priority of its governments logically should be upon economic development and resolution of its currently violent internal conflict. If logic prevails, as I hope it will, the prospect for a continued peaceful and eventually cooperative relationship between Indochina and the rest of Southeast Asia would seem good. If that does occur, Japan's carefully evenhanded diplomacy toward Indochina as announced in the Fukuda Doctrine, will have contributed significantly to the outcome.

I would like to add one more observation about an aspect of East Asia especially pertinent in this era of declining energy resources. It is my personal view—and one, I should acknowledge, which is not shared by some of our government experts in this field—that the world's next, and perhaps last, great oil find will be in East Asian waters.

The results of exploration have been encouraging. There are indications of oil off the northwest coast of Sakhalin, in the Yellow Sea off the Gulf of Pohai, in the South China Sea, and in the waters of Viet-Nam and the Philippines as well as Indonesia. There are conflicting claims of sovereignty in some of these areas, such as the Spratleys and the East China Sea north of Taiwan, which have inhibited development even though much of the affected area is under lease. When those disputed claims are resolved, and admitting that in some cases this may take years, development will proceed—and the benefits to the entire world will be immense.

If, as I believe is the case, Japan's confidence in its partnership with the United States is based heavily on its perception of our role in East Asia as a whole, what the Japanese have seen over the past year could not have been entirely reassuring. The problem, I am convinced, is one of perception rather than of reality. I would argue, and have so argued in many conversations in Japan, that there has been no lessening of the importance this nation attaches to its ties with Japan and to its role in East Asia generally. But there is no doubt that we have at times given an impression of indirection and inconsistency. We have muddied the waters. This was probably an inevitable by-product of a transition in the United States as sharp as any since World War II. I, of course, am of the view that that transition was a healthy phenomenon, representing as it did a vitally necessary political renewal in this country. But it has had its disquieting side effects in our relations with Asia. In emphasizing change, we may have placed insufficient stress on the important elements of continuity in our policies.

I believe our task is to reaffirm the major elements of a well defined and widely understood Asian policy, while making the adjustments necessary to insure consistency with changing circumstances. Some of these adjustments are highly important, reflect-

ing the determination of this Administration to construct a foreign policy fully in accord with American values and which will elicit the broadest possible popular support. At the same time, the basic thrust of our policy toward the region is and should remain unchanged—we see ourselves, correctively, as a major participant in the affairs of East Asia. Japan is engaged in something more fundamental—tailoring its foreign policy to its position as a major world power, defining its role vis-a-vis its principal communist neighbors, Southeast Asia, Europe, and the rest of the world. In so doing, Japan continues to see its ties with the United States as the essential foundation upon which to build the structure of its worldwide diplomacy.

Japan's prospects for continued success, in an uncertain world, are good. The industry and talents of its people are limitless. But Japan faces serious problems as well, particularly in the economic area. Americans, and Japan's other training partners, sometimes tend to overestimate its strengths. We look at huge trade surpluses, astounding productivity, high growth rate, low levels of unemployment—and we feel a mixture of awe, envy, frustration and hostility. For their part, the Japanese tend to focus too sharply on their weaknesses. Despite their phenomenal economic success of the last quarter century and their rank as the world's third largest economy, the Japenese think of themselves as a small, exceedingly vulnerable society, hostage far more than other advanced nations to forces beyond their control—oil embargoes, recession, protectionism. The Japanese have thus been slow to recognize that their economic power imposes responsibilities, that other nations as well as they are vulnerable, that leadership rather than mere participation is called for. Perceptions, ours of Japan and Japan's of us, are out of phase, and perceptions as much as realities shape international relationships. That much was evident in looking back over the past year.

It is important to recall that a year ago there were not one but two new governments managing the U.S.-Japan relationship. When Vice President Mondale arrived in Tokyo on the last day of January 1977 he was representing a government one week old to one that was all of one month old. While our transition was a bit more sweeping than theirs, the fact is there was new leadership in Tokyo as well as in Washington, and each administration was to some extent an unknown quantity to the other. There was no dearth of issues to address—preeminently Korea, nuclear nonproliferation policy, and economic question—and all were to one degree or another affected by the newness of the governments dealing with them on both sides of the ocean.

The Japanese were disturbed when a withdrawal of ground troops from Korea emerged as a tenet of President Carter's foreign policy during the campaign, and when the Vice President reaffirmed it during his visit a week after the inauguration. The Japanese were bothered by the substance of the decision—questioning whether withdrawal could take place without upsetting stability on the peninsula and endangering regional security. They were perhaps even more concerned by the abrupt manner in which, in their eyes, the decision appeared to have been taken. I happen to believe the decision was correct—a wise and judicious measure which fundamentally is an extension of a policy of careful, gradual withdrawal of ground combat forces dating back to 1969.

The Japanese now understand that we have in mind a program of carefully phased withdrawal accompanied by measures to strengthen our remaining air forces and South Korean forces, and I believe they understand as well that this withdrawal does not portend any diminution of our commitment to the security of the Republic of Korea. But all this was not clear at first. Perhaps we had not taken sufficient pains to make ourselves fully understood; and certainly press treatment of the issue, in this country and in Japan, was not always accurate and well reasoned. In any event, the perceived abruptness of our action for a time undermined Japanese confidence in the constancy of American policy toward the most crucial security issue in Asia.

While the problem with Korean troop withdrawal from the Japanese perspective was its seeming precipitousness, the Tokai Mura issue seemed to Japanese observers to reflect at the outset a too doctrinaire American approach to an exceedingly complicated issue. Japan, as you all know, is second to none in its abhorrence of nuclear weapons. But as a nation with few energy resources, it is also second to none in its desire to exploit the productive potential of peaceful nuclear power. It sees nuclear industry—and the development of a so-called full fuel cycle, including reprocessing of spent fuel to extract plutonium for use in breeder reactors—as the only realistic means for Japan to achieve a modicum of energy self-sufciency. Thus, Tokai Mura, Japan's pilot reprocessing plant, had become something of a symbol in Japan.

When we announced in April, two months before Tokai Mura was to begin operation, that the United States would forego reprocessing and would encourage other nations to do the same, we had in mind a worldwide policy affecting all nations equally and to which all nations of good will could subscribe. Japan, and our European allies, saw it somewhat differently. For Japan in particular it caused serious problems. Not only would it have meant the abandonment of Tokai Mura and delays in Japan's nuclear industry development while alternatives to reprocessing were pursued, it also threatened perhaps irreparable damage to the national consensus which had been painstakingly built up in support of a nuclear industry. Moreover, it seemed potentially discriminatory—while we could only encourage the Europeans to forego reprocessing, we could, under the terms of our bilateral nuclear agreement, forbid it in the case of Japan.

But the problem was solved—and I regard its resolution as perhaps the single most significant achievement in U.S.-Japan relations in this past year. Ambassador Gerard Smith—and the President, who took a personal interest in this issue—deserve immense credit.

Intensive negotiations addressing both the political and technical aspects of the issue and extending from April through September resulted in an agreement meeting the essential needs of both sides—Japan's for an early startup of Tokai Mura, ours for a solution consistent with a more effective nonproliferation regime. The agreement reflected true compromise, and undoubtedly strengthened rather than weakened the prospects for broad international agreement on an alternative to conventional reprocessing. The reprocessing issue is now being studied and debated in an international context, where it properly belongs.

More complicated, more intractable, and less susceptible of tidy solution than Tokai Mura are the complex of economic issues confronted in our relations with Japan over the past year:

Japan's huge worldwide current account surplus;

Japan's massive surplus in our bilateral trade;

Japan's reputation, much of it deserved, as a restricted market for imports;

Pressures in specific sectors of the American economy attributed to Japanese competition.

The latter category—what the economists call sectoral trade problems—have seemed relatively more manageable. While extremely complicated, they at least are finite. Two such problems were especially prominent during the past year—color television imports and steel. A rapid increase in the sales of Japanese color TV sets in 1976 caused deep concern within the U.S. electronic industry and prompted calls for government action to redress the situation. Bob Strauss took this on as one of the first major problems with which he contended as the President's Special Trade Representative. He and the Japanese got together on several occasions, and through persistence, imagination and abundant good will—the latter always being the indispensable ingredient—and agreement was reached which places reasonable limits on the export to this country of Japanese color TV sets.

The second major sectoral problem was in the steel industry. Earlier in the year, we reached an agreement which placed limits on specialty steel imports. The industry's broader problems were addressed more recently by the Solomon Committee recommendations establishing a formula intended to insure fair pricing in a variety of steel products.

In respect to steel, the Japanese recognized months ago that something needed to be done and indicated they would try to cooperate in whatever solution we might propose. They had a considerable wait while we figured out what to do. We were without a steel policy for too long a time.

I am hopeful that our solution—the reference price system—will work and I commend Under Secretary Solomon for the creativity and vision of his efforts. It should be noted, however, that this system is, of course, only a stopgap measure pending a more permanent solution in the Multilateral Trade Negotiations. I think I also should point out an often overlooked aspect of the steel problem: that European producers, as much as Japan's—and in recent months more than Japan's—have also made life difficult for our industry. We ought not be quick in blaming other people for our problems—but if we are allocating blame at all, we should at least do it evenly.

I do not claim that OMAs, or VRAs, or reference price systems are fully consistent with the principles of free trade. But one can argue that in an era of worldwide recession, monetary imbalance, and economic adjustment, such measures are valid temporary solutions—and indeed support free trade ideals by forestalling what would otherwise be irresistable pressures for permanent protectionist solutions.

The larger aspects of these economic problems—our limited access to Japan as a market and Japan's huge global current account surplus—have been addressed intermittently throughout the year. Our dialogue on these issues began with the Vice President's visit last January, and continued at a high level with Prime Minister Fukuda's visit to Washington in March and the participation of both leaders in the London Economic Summit in May. They were a matter of almost daily contact at the expert level throughout the spring and summer. By the late summer, when it became apparent that projections made earlier in the year would not hold up, our efforts—and Japan's—were stepped up.

In September we and the Japanese began a process of consultation—not confrontation—as intensive and far reaching as any we have had with Japan, or perhaps with any other country, on any issue. Those consultations, including the visit here of Minister Ushiba in December, concluded with a visit by Ambassador Strauss to Tokyo in mid-January. It is fitting that this round—and it is only a round, we all recognize that—ended with Bob Strauss's visit. More than any other individual on our side, it was Bob Strauss who worked with Minister Ushiba and his colleagues in the Japanese Government to produce a highly satisfactory

outcome. Looking at it from my point of view, I would say that while we were not always totally consistent in our appreach, we certainly did not lack persistence—and the results were good:

Japan (our largest agricultural customer by far, with purchases approaching $4 billion a year) has agreed to increase its imports of agricultural products from the United States, in the face of strong opposition from its own farming industry;

Japan has indicated its intention to seek a domestic economic growth rate in 1978 of 7 percent, and has taken concrete measures to fulfill that goal;

Japan has allowed a sharp appreciation of the yen, which should over time be reflected in its trade balance, even though this has endangered many domestic businesses;

Japan has reaffirmed its commitment to the MTN, and in advance has lowered its tariffs on products important to the United States, including cars and computers;

Japan has indicated it will exercise restraint in its export policies and that it will in a variety of specific ways seek to open its own market to foreign products;

Japan has acknowledged that the eventual result of these measures should be a sharp reduction in its surplus or even equilibrium in its overall current account balance.

The ultimate effect of these efforts by Japan will not be evident for some months. But what is evident now, and what American observers of these issues should appreciate, is that the steps Japan has decided to take entail genuine sacrifice, painful adjustment in wide sectors of its economy, and significant political risk. They were not easy or empty concessions. Just as these economic problems impact directly on local communities and specific interest groups in the United States, creating strong pressures for favorable solutions which are reflected in and amplified by the Congress, so it is in Japan. Many sectors of the Japanese economy are in trouble; the Japanese Diet represents and defends the position of constituents who feel themselves threatened by American "demands." Thus, in the context in which they were taken, these were bold measures by the Japanese Government. We, and our European colleagues, must give Japan full credit.

I am optimistic. I know that the steps we and the Japanese Government have agreed upon are genuine and not merely cosmetic in nature, and I am convinced they are going to show results. More important perhaps, I know the determination and the commitment both governments bring to these issues; if solutions are possible—and, of course, they are—we are going to find them and apply them.

A word of caution is in order, however. No matter how effective all of our efforts prove to be, they are not going to solve the world's economic problems. Even if all goes as planned in the U.S.-Japan economic relationship, dysfunction in the U.S. and world economies will remain.

The problems are global and solutions must be global. The first major step toward a permanent global solution must be a restoration of general business confidence and a successful conclusion this summer to the Tokyo Round of the Multilateral Trade Negotiations in Geneva. Japan and we are committed to that goal.

Nor can even a successful windup of the MTN insure an end to our problems. The single most important source of our troubles is not being addressed in Geneva. I refer to our own massive oil bill. The United States is the world's greatest user, greatest waster and greatest importer of oil. So long as we spend $45 billion per year—or 30 percent of our total import bill—buying foreign oil, our economy and the world economy will be out of kilter and so will the dollar. Only we are to blame and only we can find a solution. We need an energy program—a strong one. The President has proposed one; it is time for the Congress to act on it.

When one considers the problems we have faced—none of them of our making, even though I have suggested we may have made one or two of them temporarily worse—we have gotten through the past year in relatively good shape. Major problems either are resolved or under control. An atmosphere of trust and confidence has been restored. Personal relationships at all levels are cordial. Thus, the structure for problem solving is intact and functioning. For years, people within the government have spoken of the impressive capacity of the US-Japan relationship to manage difficult issues, and have suggested that this was in fact the truest measure of the strength of the relationship. If that is true, I would say 1977 proved that our ties are in pretty good shape. We didn't get the best of every one of our problems, but at least we didn't let those problems get the best of us. So long as we emphasize candor and cooperation, steering clear of confrontation, we will be all right in the future as well. I think the outlook is good.

I want to leave you with one other thought. For years I have contended that Americans ought to look west—all the way to the Far East—that we have never made adequate efforts to understand Asia, and that without understanding Asia we are bound to make some serious mistakes in Asia. Our history unfortunately demonstrates this is so. When we do pay attention to the region it often is for the wrong reason, and it often is superficial. Our own ethnic and cultural heritage is predominantly European and, important though our ties with other regions are, we continue to have a European bias when we as a nation view the world. This is a perception we must work to change. Asia must loom larger in our national consciousness:

Our trade with East Asia reached almost $60 billion in 1977.

Japan is our largest overseas trading partner: our two-way trade came to nearly $29 billion last year.

Our direct capital investment in East Asia now exceeds $15 billion, and it is growing rapidly.

Japan is a vital, democratic society in a world widely hostile to democratic values; ours is truly an alliance of ideals.

Our role in East Asia—political, economic and strategic—is an essential element in the maintenance of peace, stability and progress in that region and serves American interests no less vital than those at stake in Europe.

MULTISTATE TAXATION OF INTERSTATE TRANSACTIONS

Mr. LUGAR. Mr. President, I would like to take this opportunity to comment on an important measure now pending before the Senate Banking Committee, and to commend my distinguished colleague from New Hampshire (Mr. McINTYRE) for his efforts in bringing this legislation to the floor of the Senate. As chairman of the Subcommittee on Financial Institutions, he has provided a clear signal to all interested parties of the continuing intention of the Federal Government to bring about order, certainty, and equity in the area of State taxation of interstate transactions being carried out by depository institutions.

Before I became a Member of this body, I was made aware of the complex State tax problems which arose as depository institutions of all sizes began to engage to a far greater degree in interstate transactions. I was privileged to serve as the vice chairman of the Advisory Commission on Intergovernmental Relations while it was studying State and local taxation of out-of-State financial depositories. From that vantage point, I was able to appreciate the importance of not discouraging the interstate flow of capital and the absolute necessity for comprehensive Federal legislation.

As the demand for capital has increased, many institutions following historic trade rules which allow the free flow of commerce across State lines, have participated in lending and borrowing activities virtually without regard to State boundaries. With this great expansion has grown a need to assure that these activities not be subject to duplicative or inequitable State or local taxes. To tolerate a patchwork of State tax laws would allow the creation of artificial tariff barriers along State boundaries, a concept repugnant to our forefathers and wholly inconsistent with the economical and efficient growth of interstate capital markets. The concern in the immediate sense is being expressed by financial institutions of all sizes whose lending activities go across State lines because of their ability to supply capital to a multistate market or due to their geographic service areas which naturally include portions of adjoining States. As determined by the Advisory Commission and other informed observers, it is clear that Federal legislation is necessary if multistate taxation is to be carried out on an equitable and uniform basis.

Recognizing the need for national coordination, Congress passed in 1973 a moratorium on State taxation to allow our Advisory Commission to examine this question in detail. On May 30, 1975, we submitted a final report which included our findings, the history and legal background of the study, and our recommendations for a program to deal with multistate taxation. While that report and supplemental information have been under active study, the moratorium on multistate taxation has expired. It had been my intention to introduce a bill to extend the moratorium in order to assure that no State incorrectly assumed that there would not be Federal legislation in this area. I have decided not to introduce such legislation, however, in light of the substantial progress on the pending bill, introduced, by request, by Senator McINTYRE.

Mr. President, I commend my distinguished colleague for his strong interest in this area, and in announcing and holding hearings on S. 1900, which is now pending in the Financial Institutions Subcommittee of the Banking Committee. I look forward to working actively with him in an attempt to bring this bill to the floor for early action by the full Senate.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 6 o'clock p.m. tomorrow, Mr. HUDDLESTON be recognized to proceed with a colloquy in which other Senators will participate in the introduction of a resolution.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, I am happy to report that at this point I have been able to clear that arrangement with the distinguished ranking Republican on the Senate Intelligence Committee (Mr. GOLDWATER) and to assure him and others that this does not, indeed, constitute double tracking as both the majority leader and I indicated we would not do during pendency of the consideration of the Panama Canal issue.

So on that basis, Mr. President, and with those representations, I have no objection.

Mr. ROBERT C. BYRD. Mr. President, I thank the minority leader.

Mr. President, I ask further unanimous consent that the colloquy and the introduction of the resolution be as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the majority leader for withholding this request until I could get those clearances.

Mr. ROBERT C. BYRD. The distinguished Senator is welcome, and so I am grateful for the good results.

ORDER FOR READING OF WASHINGTON'S FAREWELL ADDRESS TO OCCUR ON FEBRUARY 20, 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent as in legislative session that the reading of Washington's farewell address this year occur on February 20 instead of on February 22, as provided in the order of the Senate of January 24, 1901.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, February 20, immediately after the prayer, the address of George Washington be read as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. STONE). The Chair, as in legislative session, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified February 8, 1978, appoints the Senator from Kentucky (Mr. WALTER D. HUDDLESTON) to read Washington's farewell address at 10 a.m. on Monday, February 20, 1978.

ORDER FOR RECOGNITION OF MR. CLARK AND MR. GARN ON FRIDAY, FEBRUARY 10, 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, as in legislative session, that on Friday of this week after the two leaders have been recognized under the standing order, Mr. CLARK and Mr. GARN be recognized, each for not to exceed 15 minutes, as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF THE NEUTRALITY TREATY ON FRIDAY, FEBRUARY 10, 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the completion of the orders for the recognition of Senators that have been entered into, the Senate on Friday resume consideration of the Neutrality Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT OF THE HOUSE FROM FEBRUARY 9 TO FEBRUARY 14, 1978, AND RECESS OF THE SENATE FROM FEBRUARY 10 TO FEBRUARY 20, 1978

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 473.

The PRESIDING OFFICER. The Chair lays before the Senate House Concurrent Resolution 473, which will be stated.

The legislative clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, February 9, 1978, it stand adjourned until 12 o'clock meridian on Tuesday, February 14, 1978.

The Senate proceeded to consider the resolution.

UP AMENDMENT NO. 1212

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment to the resolution and an amendment to the title and ask that they be stated by the clerk.

The PRESIDING OFFICER. The clerk will state the amendment to the resolution.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) proposes an unprinted amendment numbered 1212:

On page 1, strike the period at the end of the resolution and insert in lieu thereof the following: ", and that when the Senate recesses on Friday, February 10th, 1978, it stand in recess until 10:00 a.m. on Monday, February 20th, 1978."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

The resolution (H. Con. Res. 473), as amended, was agreed to.

The PRESIDING OFFICER. The clerk will state the amendment to the title.

The legislative clerk read as follows:

Amend the title so as to read:

"Providing for an adjournment of the House from February 9 to February 14, 1978, and a recess of the Senate from February 10 until February 20, 1978."

The PRESIDING OFFICER. Without objection, the title, as amended, is agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on tomorrow the Senate will convene at 10:15 a.m.

After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business, by unanimous consent, as in legislative session, for the introduction of bills, resolutions, statements, petitions, and memorials, such statements not to extend beyond 2 minutes each and such period to end no later than 10:30 a.m.

At 10:30 a.m. the Senate will take up, as in legislative session, Senate Resolution 393, a resolution from the Committee on Agriculture, Nutrition, and Forestry, dealing with the farm economy. There is a time limitation of 30 minutes on the resolution, the time to be equally divided between and controlled by Mr. TALMADGE and Mr. MUSKIE.

At 11 a.m. the Senate will resume consideration of the Neutrality Treaty, and debate on the treaty will continue until 6 p.m. tomorrow. I would anticipate that the minority leader and I probably would have statements on the treaties tomorrow and that other Senators likewise will have statements.

If any Senator wishes to interrupt my statement at any point, ask a question, or attempt to challenge any of my statements, he or she is welcome to do so. I think this adds to the spirit of debate, to the spontaneity of it, and certainly to the enlightenment of the American public and the Members of the Senate themselves.

As I said today, I would not rule out a motion for an amendment on tomorrow, but the likelihood of such is not great, in my view, because I believe that most Senators will want to continue debate on the treaty throughout the remainder of this week, including Friday.

At 6 p.m. tomorrow, the debate will close, and the distinguished Senator from Kentucky (Mr. HUDDLESTON) will be recognized, under the order previously entered, for the purpose of conducting a colloquy with other Senators participating, and for the introduction of a resolution, with no action to be taken on the resolution.

RECESS UNTIL 10:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate in executive session, stand in recess until 10:15 a.m. tomorrow.

The motion was agreed to; and at 6:54 p.m. the Senate in executive session, recessed until tomorrow, Thursday, February 9, 1978, at 10:15 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 8, 1978*

The House met at 1 o'clock p.m. and was called to order by the Speaker pro tempore, Mr. BRADEMAS.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BRADEMAS) laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 8, 1978.

I hereby designate the Honorable JOHN BRADEMAS to act as Speaker pro tempore for today.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Create in me a clean heart, O God; and renew a right spirit within me.—Psalms 51:10.

Almighty and eternal God, fill our minds and our hearts with Thy presence as we enter the portal of Lent by worshipping Thee in spirit and in truth. May this Lenten period be an open door to a new life, a new power, and a new joy for each one of us. Let each day be a gateway through which we pass into a greater realization of Thy Spirit, a deeper experience of Thy grace, and a wider vision of the opportunities to serve our people and the people of our world. Help us to walk humbly in Thy wholesome ways and to work wholeheartedly in Thy worthy spirit that we may bear witness to the blessing of the more abundant life. Grant that by self-discipline and self-denial we may become masters of ourselves, prepare our hearts for a better life, and make our lives count for the good of our country and our world.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 266. An act to amend Public Law 92-314 to authorize appropriations to the Energy Research and Development Administration for financial assistance to limit radiation exposure from uranium mill tailings used for construction, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7843. An act to provide for the appointment of additional district and circuit judges, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7843) entitled "An act to provide for the appointment of additional district and circuit judges, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EASTLAND, Mr. KENNEDY, Mr. BAYH, Mr. ROBERT C. BYRD, Mr. DECONCINI, Mr. THURMOND, Mr. SCOTT, and Mr. HATCH to be conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1437. An act to codify, revise, and reform title 18 of the United States Code; and for other purposes.

ADJOURNMENT OF HOUSE FROM FEBRUARY 9, 1978, TO FEBRUARY 14, 1978

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 473) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 473

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, February 9, 1978, it stand adjourned until 12 o'clock meridian on Tuesday, February 14, 1978.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

BRESLIN WINS JOURNALISM AWARD

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, it is with distinct pleasure in the continuing success of one of Queens' more noteworthy citizens that I inform the House that New York News columnist Jimmy Breslin has been named "Journalist of the Year" by the Publicity Club of New York.

Mr. Breslin has been newspaper reporter, columnist, author of fiction and nonfiction, sports buff, political candidate, a "return to Ireland" advocate, and a working man's guide to good bars and restaurants. He has covered the famous and the infamous, the upright and the upbeat, the outcast and the downcast. He is the only reporter I know who could transfer his attention from the New York Mets to his favorite arsonist to the Watergate scandal without missing a beat, a deadline, or a good quote.

It was Mr. Breslin who was primarily responsible to returning to vogue the unpressed look in men's fashions. As a media star, he has perhaps done more to spread the uniqueness of the Queens accent than any man in recent memory. He is the street boy grown influential who remains most comfortable when he is back on the street gleaning the special stories he does so well.

He is, in addition to the above qualities, a nice person, a good father and husband, and a citizen who cares more for his city than he lets on. He is a good friend, and I am glad for him. And I am proud for him, as are the millions of readers who believe a day without Breslin is a day without sunshine.

PERMISSION FOR SUBCOMMITTEE ON FOSSIL AND NUCLEAR ENERGY RESEARCH, DEVELOPMENT AND DEMONSTRATION OF THE COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. FLOWERS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Fossil and Nuclear Energy Research, Development and Demonstration of the Committee on Science and Technology may be permitted to sit this afternoon during the 5-minute rule for the purpose of taking testimony.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, did the gentleman from Alabama (Mr. FLOWERS) say that he would be holding hearings only?

Mr. FLOWERS. It will be hearings only.

Mr. ROUSSELOT. I thank the gentleman and withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. MONTGOMERY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 45]

Alexander	Dornan	Pursell
Andrews, N.C.	Drinan	Roncalio
Archer	English	Rostenkowski
Beard, R.I.	Ertel	Ruppe
Beilenson	Fish	Scheuer
Bingham	Flood	Shipley
Boggs	Fuqua	Shuster
Bonior	Goldwater	Sisk
Buchanan	Harkin	St Germain
Burke, Calif.	Harsha	Steiger
Burke, Fla.	Heckler	Teague
Burton, John	Hillis	Treen
Cederberg	Holtzman	Tucker
Clawson, Del	Jones, Okla.	Udall
Coleman	Jones, Tenn.	Ullman
Conyers	Leggett	Walgren
Cotter	McDonald	Whitten
Davis	McKinney	Wiggins
Dent	Mathis	Wilson, C. H.
Derrick	Mikva	Wright
Diggs	Nix	Wydler
Dingell	Pike	

The SPEAKER pro tempore. On this rollcall 367 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS OF COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING 5-MINUTE RULE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary may be permitted to sit this afternoon during the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO MR. VICTOR C. SMIROLDO

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker and Members of the House, it is with a sad heart that I announce the untimely death of one who dedicated himself to the best interests of this Nation, one who has served the institution of Congress for a good number of years. I refer to the staff director of the House Committee on Post Office and Civil Service, Victor C. Smiroldo.

Mr. Speaker, Vic died with his boots on in his office here last night.

Through the course of my years in Congress I have never encountered anyone more dedicated to his duties than was Victor Smiroldo.

Vic, a native of western New York, the city of Buffalo came here some years ago under the tutelage of former Member Thaddeus Dulski, and assumed his role with this committee and ultimately became its number one person, staff director.

Mr. Speaker, I take this opportunity to extend my sympathy, my heartfelt sympathy, to his wife and his children.

Again, his presence in the Congress has contributed majorly to the deliberations and the productivity of this body.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. HANLEY. I yield to my friend, the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague's yielding. Vic's passing is indeed a sad loss.

I think it can be said on a completely nonpartisan basis that Vic was infinitely fair in the way he conducted the staff affairs of the Post Office and Civil Service Committee. He always made sure that the minority point of view was properly represented. It was just 3 weeks ago that we were in Mississippi on a hearing in which he conducted himself in a thorough and competent manner.

Mr. Speaker, Vic Simroldo will very much be missed.

Mr. HANLEY. Mr. Speaker, I thank the gentleman from California (Mr. ROUSSELOT).

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, I appreciate the gentleman's yielding.

Although I am not on the Committee on Post Office and Civil Service, I want to thank the chairman of that committee and the gentleman from California (Mr. ROUSSELOT), for bringing to the attention of the House the leadership and very fine work that Vic did for the country while he was with us. This news is sad indeed, not just for Vic's family and friends but for the country as well.

I know that if my friend, Thaddeus Dulski, were here, he would take the floor and tell all of us about the tremendous contribution Vic made to our Nation and to our western New York community by his able work on the Post Office Committee. As you know, he was Buffalo, N.Y.; and on behalf of the people of that city, of the State of New York, and of the whole country, I, too, want to rise and pay tribute to Vic Smiroldo and commend the gentleman from New York (Mr. HANLEY) for his statement and his tribute to Vic. God's richest blessing on Vic's family; our prayers are with them.

Mr. HILLIS. Mr. Speaker, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Speaker, I certainly thank the gentleman for yielding.

I just learned about the sad news which the gentleman brings to the Chamber.

Mr. Speaker, I was formerly a member of the Committee on Post Office and Civil Service and had the opportunity of working with this fine public servant.

Mr. Speaker, this really is a tragedy. I am very saddened to learn of it. Victor Smiroldo was one of the most competent staff people I have ever known in my time here in Congress.

Mr. HANLEY. I thank the gentleman for his statement, Mr. Speaker.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, I would like to associate myself with the remarks of the gentleman in the well and say that I have never met a more competent and considerate public servant at any level of government than Vic Smiroldo.

Not only will those of us who had the privilege to know him as a coworker and a friend miss him, but the country itself suffers a loss on the passing of this kind of public servant.

Mr. Speaker, Vic made a great contribution around here for many years, and his shoes will not be easy to fill.

Mr. HANLEY. Mr. Speaker, I thank the gentleman from Michigan.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. HANLEY. I yield to the gentleman from Illinois.

Mr. SIMON. Mr. President, I simply want to join my colleague, the gentleman from New York (Mr. HANLEY), and my other colleagues in their words of praise for Victor Smiroldo.

Mr. Speaker, Mr. Smiroldo, in a very real sense, was like many other unsung American heroes who quietly and competently do the kind of job that keeps our system of Government functioning.

Mr. Speaker, the loss of Victor Smiroldo is a loss to his family, and, in a very real sense, a loss to the whole Nation.

Mr. HANLEY. Mr. Speaker, I thank the gentleman for his remarks.

Mr. NOWAK. Mr. Speaker, I join my colleagues today in expressing a deep sense of loss and grief at the passing of a dedicated servant of the House of Representatives and the Nation—Victor C. Smiroldo, the executive director and chief counsel of the House Committee on Post Office and Civil Service.

During nearly a decade of service with the committee, Victor developed a reputation as a hard-working, respected, and capable professional. Victor was also a treasured personal friend whom I knew for many years before he came to Washington from his native western New York. We both graduated from Canisius College and the University of Buffalo Law School and later served as confidential law clerks to the same New York State Supreme Court Justice, Arthur J. Cosgrove.

Throughout my association with Victor, I found him to be a kind, thoughtful person, always willing to help whether the problem was professional or personal. He was a friend indeed.

I offer my sincere condolences to Victor's family—his wife, the former Rosemarie Viggiani, and their children, Diane, Denise, Victor, Jr., and Sandra, his mother, Mrs. Vita Sorrento Smiroldo, and his brother, the Reverend Onofrio Smiroldo, pastor of St. Edmund's parish in Tonawanda, N.Y.

To say that Victor will be sorely missed is a very large understatement. Words of tribute are inadequate at moments such as this.

While we all grieve at Victor's passing, it is with the awareness that we have all been enriched because he was part of our lives.

Mr. NIX. Victor Smiroldo's sudden and unexpected passing comes as a deep shock, I know, to his multitude of friends not only in Washington, but in his home city of Buffalo, N.Y., and all across the country.

Only 47, Victor was in the prime of his career and was one of the most dedicated and able congressional employees in my experience. His devotion to the institution of the House was unparalleled and we have truly lost a valued friend.

He joined the committee staff in 1969 at the request of the then chairman, the Honorable Thaddeus Dulski. He served as staff director under Chairman David Henderson and it was my good fortune to have him continue in that role when I became chairman of the committee.

Victor possessed exceptional administrative and organizational ability as well

as a keen and facile mind. He had an unusual grasp of the legislative process, which with his innate talent, helped me and all the members of our committee through some difficult times.

Victor was a man who thoroughly enjoyed life and in particular his work with the Congress. There is not a person I know who approached his work with more enthusiasm or dedication.

In addition to his duties with the Committee on Post Office and Civil Service, Victor also served as Staff Director and General Counsel of the House Commission on Congressional Mailing Standards and was a key architect of the laws governing our franking privilege.

Prior to coming to Washington, Victor practiced law in Buffalo, N.Y. Having received his doctor of laws degree from the University of Buffalo Law School. He served for 3 years as confidential law clerk to Supreme Court Justice Arthur Cosgrove of the Eighth Judicial District of New York. He also served in Korea from 1952 to 1954 with the U.S. Army, 17th Infantry Regiment and was honorably discharged with the rank of staff sergeant.

My heartfelt sympathy goes to his wife Rosemarie and his children, Sandra, Diane, Denise, and Victor.

Mr. Speaker, I know that every Member of this body who had the pleasure of knowing and working with Victor feel a deep sense of loss with his passing.

Mr. DERWINSKI. Mr. Speaker, I want to join the distinguished chairman of the Post Office and Civil Service Committee in expressing my personal sorrow over the unexpected loss of our staff director and counsel, Victor C. Smiroldo.

Mr. Smiroldo's sudden death last night means I have lost a trusted friend. For members of the committee, his untimely passing means they have lost the friendship and services of a dedicated professional staff member.

When I think of my work association with Vic, three words come to mind—a real pro. In his dual capacity as staff director and counsel, Vic found the time and energy to deal with problems large and small. He was father confessor for the staff. For the Members, he was the man who had earned a reputation for knowing how and when to schedule legislation. If there was a legislative problem to be solved, Vic was the man for the job.

Before joining the committee, Vic practiced law in Buffalo, N.Y. His return to private practice undoubtedly would have resulted in a much more lucrative income, but I know Vic was a man who truly had a continuing love affair with the Congress of the United States in general and the House Post Office and Civil Service Committee in particular. On the committee, he was the right man in the right place.

We have lost a friend who sincerely cared about Congress, its reputation, and its legislative record.

My deepest sympathies go to his lovely wife, Rosemary, and to their four wonderful children.

Mr. UDALL. Mr. Speaker, it was with an enormous sense of loss that I learned this morning of the death of Victor Smiroldo, a good and conscientious public servant who has served the Members of this body well as the executive director and general counsel to the House Post Office and Civil Service Committee.

Those of us who had the opportunity to work with Vic over the past years, grew to know a man of great talent with a keen sense of the legislative process; a respected attorney with a genuine feeling for the quality of life of the Federal work force; and a man of great strength and character who knew when to compromise and when to stand firm.

His death leaves a void that will not be easily filled. I have lost a trusted and cherished adviser and a fine friend.

I extend my deepest sympathy to his widow, Rosemary, and his four children: Diane, Denise, Victor, and Sandra.

Mr. GILMAN. Mr. Speaker, it was with the greatest shock and disbelief that I learned last evening of the death of Vic Smiroldo. Words can do little to ease the grief and sense of profound loss that all of us who knew Vic are experiencing at this moment.

I wish to extend my deepest sympathy and personal condolences to Vic's family—his widow, Rosemarie; his children, Diane, Denise, Victor, and Sandra; his mother, Mrs. Vita Smiroldo; and his two brothers, Reverend Onofrio and Joseph Smiroldo.

Through my work as a member of the House Post Office and Civil Service Committee, I came to have the deepest regard and personal respect for our committee's Executive Director and General Counsel, who was a man of great ability, unquestionable integrity, and unstinting generosity.

One of the greatest compliments that I can pay to Vic is to mention the impartial manner in which he treated all members of our committee no matter which side of the aisle they sat on. I can personally attest to his sense of fair play as I was a benefactor many times of his nonpartisanship. Nor can I recall any instance where a request that I made of Vic Smiroldo was too menial for his attention.

Victor Smiroldo was a successful general practioner of the law before he came to Washington in 1969. And those same traits that made him such a success as a practicing attorney—thorough professionalism, a fine intellect, great attention to detail, and lengthy preparation—he brought to his work on the Post Office and Civil Service Committee, where to the surprise of none, he rose to the top staff position.

The most recent opportunity that I had to personally benefit from Vic's quiet competence and keen political intuition was a committee hearing in my own district—26th, New York—at Bear Mountain on December 13, 1977. This hearing was one in a series of hearings in committee member's districts on the subject of the continuation of the 6-day mail delivery service. Vic's sense of political timing and his careful orchestration of these hearings made them uniformly successful and enabled many citizens across the country to participate in our legislative process as well as bring their personal views to the attention of their Representatives in Congress.

Vic's legacy is his wonderful family, many deep, warm friends and the strength and wisdom that he imparted to all who worked with him. We will all miss Vic as a close friend and associate.

GENERAL LEAVE

Mr. HANLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of the late Victor Smiroldo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

THE IRON HAND RETURNS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I take this opportunity to ask for a moment of silence in memory of the majority Members' freedom to vote as their conscience dictates. I understand that this freedom died a sudden death last night when Members of the majority party received a letter from the Speaker urging this vote for the Office of Consumer Representation.

I want to extend my sincere condolences to my many friends among the majority party. It is a terrible thing to lose the freedom to vote as one chooses especially when there is an implied threat of royal disfavor if you listen to the still, small voice of conscience. It is equally sorrowful to know that your loss of freedom is known to the entire country. I for one would hate to face the voters and try to explain that I voted for this turkey because the Speaker made me an offer I couldn't refuse. What will people think?

So, Mr. Speaker, let us have a moment of silent prayer for this loss of freedom. We hope it is only temporary.

NEW APPROACH TO FINANCING SOCIAL SECURITY SYSTEM

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I take this opportunity to bring to the attention of some of the Members who may not have heard the broadcast by that great news commentator, Joseph McCaffrey, on Sunday evening, February 5, at 6:15 p.m., on the social security proposal that I have sent "Dear Colleague" letters out on.

Joseph McCaffrey is one of the most honored and respected newsmen in this Nation. He is one of the most well informed members of the press, and one of the fairest members that I know of

in the news media. I hope the Members of this Congress will take the time to read the comments on the one-third, one-third, one-third proposal.

It is time that we took action. The other day I told the Members that, "On the beaches of hesitation lie the bleached bones of those, having sat down to rest a while, life passed them by."

The time has arrived to restructure the social security system. It is not going to be handled by any magic or anything else. We have to do it at the employment level and reduce this repressive tax that is driving 30,000 small businesses out of existence in America, laying off tens of thousands of employees in the auto industry, the steel industry, and the footwear industry, the textile industry, and so forth.

Mr. Speaker, the commentary by Joseph McCaffrey is as follows:

COMMENTARY BY JOSEPH MCCAFFREY

[As Broadcast Sunday, February 5, 1978, 6:55 p.m.]

Jim Burke of Milton, Massachusetts scoots around the Capitol in an electric wheel chair. He ended up there because of his diabetes which necessitated the amputation of a foot.

But even though he is in a wheel chair he is still pushing for what I always regarded as the most sensible approach to the financing of Social Security. Jim Burke talked about this four or five years ago, and even back then a lot of people agreed with him.

Unfortunately, when the show-down came on revamping the system in the last session of Congress, the House of Representatives didn't accept his theory.

Now, even though the law has only been on the books a short time, there is mounting dissatisfaction. The bite the tax collectors are putting on the worker is going to be too great, and the first evidence of that is that the President, in calling for a general tax cut justifies some of it as a counter to the higher social security taxes.

Now, even though he is bound to his wheel chair, Burke is trying to force the Congress to correct its mistakes. He has now introduced House bill 10668 which might be known as "The Triple Three" bill.

It could be called that because it would finance the social security system with a third taken from the worker, a third from the employer, and a third taken from the U.S. General fund of the Treasury.

But let me quote from the "Dear Colleague" letter that Mr. Burke sent to his fellow House members last week. After asking for their support as co-sponsors, he said, "My proposal would lower the social security tax rate from 6.13% to 3.9% in 1979, increase the taxable wage base in 1979 to $100,000 and provide for a ⅓ contribution from general revenues. This concept has been supported by the nation's leading economists, a series of Social Security Advisory Councils, legislative history, international precedent, and the plans of the program's original founders."

The Democratic Congressman, who chairs the Social Security subcommittee of Ways and Means, told his colleagues, "The ⅓ general revenue proposal would have a tremendous impact on virtually every aspect of our national economy. It would provide savings of over one billion dollars to labor-intensive industries and would substantially reduce operating costs for farmers. In the United States the employee/employer social security tax for a steelworker or autoworker is about $1500 more than the tax in competitive countries; in the footwear, textile, and electronics industries it is about $700 more than competitive countries. By reducing the cost of labor, my one-third financing proposal would alleviate our chronic unemployment situation and reduce the cost of doing business for every employer, large and small. It would reduce utility rates, improve corporate profitability and enhance capital formation."

Jim Burke has the answer. It is not the perfect answer, but it is a hell of a lot better than the one the Congress wrote into law last year.

The sooner Congress backs up and starts over, taking the Burke bill, the better we'll all be. Hang in there James—you'll win yet.

SMALL BUSINESS TAX RELIEF ACT OF 1978

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, I am today reintroducing the Small Business Tax Relief Act of 1978. The bill, consisting of six provisions aimed at reducing the tax burden imposed on the sole proprietor and the small, closely held corporation, was first introduced as H.R. 10540 on January 25.

The need for the Small Business Tax Relief Act is indicated by the fact that the bill has attracted the maximum number of cosponsors in a very short time. The cosponsors are from both sides of the aisle and from all parts of the Nation.

The plight of the small businessman is clearly not a partisan political issue. Virtually each Member of this House has within his or her district a significant number of small business enterprises which would benefit from this bill.

Approximately 87 percent of the commercial ventures in the Nation are small businesses. It is not an overstatement to indicate that the small businessman is the backbone of the American Commercial structure. As such, it is incumbent upon the Congress to insure that there are sufficient incentives for our citizens to start new business ventures. Thereafter, we must make certain that the tax structure facilitates growth and diversification of new businesses. The Small Business Tax Relief Act of 1978 will accomplish these goals.

Finally, my bill will assist in alleviating the problems of unemployment and capital accumulation. Businesses which are paying less in tax and which are expanding are also providing jobs and strengthening the economy generally.

I hope more of my colleagues will examine and support the Small Business Tax Relief Act of 1978.

PERMISSION FOR SUBCOMMITTEE ON LEGISLATION OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO MEET TODAY DURING 5-MINUTE RULE

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that the Subcommittee on Legislation of the Permanent Select Committee on Intelligence may be permitted to sit during today's proceedings under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONSUMER PROTECTION ACT OF 1977

Mr. BROOKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6805) to establish an Agency for Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BROOKS).

The question was taken.

Mr. LEVITAS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 377, nays 25, answered "present" 1, not voting 29, as follows:

[Roll No. 46]

YEAS—377

Abdnor	Butler	Evans, Colo.
Addabbo	Byron	Evans, Del.
Akaka	Caputo	Evans, Ga.
Alexander	Carney	Evans, Ind.
Allen	Carr	Fary
Ambro	Carter	Fascell
Ammerman	Cavanaugh	Fenwick
Anderson, Calif.	Cederberg	Findley
	Chappell	Fish
Anderson, Ill.	Clausen, Don H.	Fisher
Andrews, N. Dak.	Clay	Fithian
	Cleveland	Flippo
Annunzio	Cochran	Florio
Applegate	Cohen	Flowers
Archer	Coleman	Flynt
Ashley	Collins, Ill.	Foley
Aspin	Conable	Ford, Mich.
AuCoin	Conte	Ford, Tenn.
Bafalis	Conyers	Forsythe
Baldus	Corcoran	Fountain
Barnard	Corman	Fowler
Baucus	Cornell	Fraser
Beard, Tenn.	Cornwell	Frenzel
Bedell	Coughlin	Frey
Bellenson	Crane	Fuqua
Benjamin	Cunningham	Gammage
Bennett	D'Amours	Gaydos
Bevill	Daniel, Dan	Gephardt
Biaggi	Daniel, R. W.	Giaimo
Blanchard	Danielson	Gibbons
Blouin	Davis	Gilman
Boggs	de la Garza	Ginn
Boland	Delaney	Glickman
Bolling	Dellums	Goldwater
Bonior	Derwinski	Gonzalez
Bonker	Devine	Goodling
Bowen	Dickinson	Gore
Brademas	Dicks	Gradison
Breaux	Dingell	Grassley
Breckinridge	Dodd	Gudger
Brinkley	Downey	Guyer
Brodhead	Drinan	Hagedorn
Brooks	Duncan, Oreg.	Hall
Broomfield	Duncan, Tenn.	Hamilton
Brown, Calif.	Early	Hammer-schmidt
Brown, Ohio	Eckhardt	Hanley
Broyhill	Edgar	Hannaford
Buchanan	Edwards, Ala.	Harrington
Burgener	Edwards, Calif.	Harris
Burke, Fla.	Edwards, Okla.	Harsha
Burke, Mass.	Eilberg	Hawkins
Burleson, Tex.	Emery	Heckler
Burlison, Mo.	English	Hefner
Burton, John	Ertel	Heftel
Burton, Phillip		

Hightower	Mikva	Russo
Hillis	Milford	Ryan
Holland	Miller, Calif.	Santini
Hollenbeck	Miller, Ohio	Sarasin
Holtzman	Mineta	Sawyer
Horton	Minish	Scheuer
Howard	Mitchell, N.Y.	Schroeder
Hubbard	Moakley	Seiberling
Huckaby	Moffett	Sharp
Hughes	Mollohan	Simon
Hyde	Montgomery	Sisk
Ichord	Moore	Skelton
Ireland	Moorhead, Calif.	Skubitz
Jacobs	Moorhead, Pa.	Slack
Jeffords	Moss	Smith, Iowa
Jenkins	Motti	Smith, Nebr.
Jenrette	Murphy, Ill.	Snyder
Johnson, Calif.	Murphy, N.Y.	Solarz
Johnson, Colo.	Murphy, Pa.	Spellman
Jones, N.C.	Murtha	Spence
Jones, Okla.	Myers, Gary	St Germain
Jordan	Myers, John	Staggers
Kasten	Myers, Michael	Stangeland
Kastenmeier	Natcher	Stanton
Kazen	Neal	Stark
Kelly	Nedzi	Steed
Kemp	Nichols	Steers
Ketchum	Nix	Stockman
Kildee	Nolan	Stokes
Kostmayer	Nowak	Stratton
Krebs	O'Brien	Studds
Krueger	Oakar	Stump
LaFalce	Oberstar	Taylor
Lagomarsino	Obey	Thompson
Latta	Ottinger	Thone
Le Fante	Panetta	Thornton
Leach	Patten	Traxler
Lederer	Patterson	Treible
Lehman	Pattison	Tsongas
Lent	Pease	Tucker
Levitas	Pepper	Udall
Livingston	Perkins	Ullman
Lloyd, Calif.	Pettis	Van Deerlin
Lloyd, Tenn.	Pickle	Vander Jagt
Long, La.	Pike	Vanik
Long, Md.	Pressler	Vento
Lott	Preyer	Volkmer
Lujan	Price	Waggonner
Luken	Pritchard	Walsh
Lundine	Pursell	Wampler
McCloskey	Quie	Watkins
McCormack	Quillen	Waxman
McDade	Rahall	Weaver
McEwen	Railsback	Weiss
McFall	Rangel	Whalen
McHugh	Regula	White
McKay	Reuss	Whitehurst
McKinney	Rhodes	Whitley
Madigan	Richmond	Wiggins
Maguire	Rinaldo	Wilson, Tex.
Mahon	Risenhoover	Wirth
Mann	Roberts	Wolff
Markey	Robinson	Wydler
Marks	Rodino	Wylie
Marlenee	Roe	Yates
Marriott	Rogers	Yatron
Martin	Roncalio	Young, Fla.
Mattox	Rooney	Young, Mo.
Mazzoli	Rose	Young, Tex.
Metcalfe	Rosenthal	Zablocki
Meyner	Roybal	Zeferetti
Michel	Runnels	
Mikulski		

NAYS—25

Armstrong	Holt	Sebelius
Ashbrook	Kindness	Shuster
Badham	McClory	Symms
Bauman	Mitchell, Md.	Walker
Brown, Mich.	Quayle	Wilson, Bob
Collins, Tex.	Rousselot	Winn
Dornan	Rudd	Young, Alaska
Erlenborn	Satterfield	
Hansen	Schulze	

ANSWERED "PRESENT"—1

Poage

NOT VOTING—29

Andrews, N.C.	Flood	Shipley
Beard, R.I.	Harkin	Sikes
Bingham	Jones, Tenn.	Steiger
Burke, Calif.	Keys	Teague
Chisholm	Leggett	Treen
Clawson, Del	McDonald	Walgren
Cotter	Mathis	Whitten
Dent	Meeds	Wilson, C. H.
Derrick	Rostenkowski	Wright
Diggs	Ruppe	

Mrs. HECKLER changed her vote from "present" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 6805, with Mr. EVANS of Colorado in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, February 7, 1978, pending was an amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS) consisting of the text of H.R. 9178, which the Clerk had read through section 1.

Are there any further amendments to section 1?

If not, the Clerk will read.

The Clerk read as follows:

STATEMENT OF FINDINGS

SEC. 2. The Congress finds that the interests of consumers are inadequately represented and protected within the Federal Government; that such interests are adversely affected when Government rules, regulations, or orders are contrary to legislative intent or are duplicative or conflicting in purpose or implementation; and that vigorous representation and protection of the interests of consumers, essential to the fair and efficient functioning of a free market economy, require the establishment of an Office of Consumer Representation and the reorganization of certain existing consumer programs.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that section 2 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Tre CHAIRMAN. Are there amendments to section 2? If not, the Clerk will read section 3.

The Clerk read as follows:

ESTABLISHMENT

SEC. 3. (a) There is hereby established as an independent agency within the executive branch of the Government an Office of Consumer Representation. The Office shall be directed and administered by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall be a person who by reason of training, experience, and attainments is exceptionally qualified to represent the interests of consumers. There shall be in the Office a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Administrator shall perform such functions, powers, and duties as may be prescribed from time to time by the Administrator and shall act for, and exercise the powers of, the Administrator during the absence or disability of, or in the event of a vacancy in the office of, the Administrator.

(b) There shall be in the Office a General Counsel and not to exceed five Assistant Administrators appointed by the Administrator.

(c) No employee of the Office while serving in such position may engage in any business, vocation, or other employment or have other interests which are inconsistent with his official responsibilities.

(d) The Administrator, Deputy Administrator, General Counsel, and Assistant Administrators after holding such office, shall neither represent nor advise in a professional capacity a regulated party or association representing a regulated party on any issue pending during the term of their employment by the Office and concerning which they were involved in a decisionmaking capacity. The Administrator, Deputy Administrator, General Counsel, and Assistant Administrators shall, for a period of two years following the termination of their employment by the Office, neither represent nor advise in a professional capacity any regulated party or any association representing a regulated party with regard to any matter in which the Office participated before a Federal agency or in the courts during their employment.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that section 3 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas

There was no objection.

The CHAIRMAN. Are there amendments to section 3?

AMENDMENTS OFFERED BY MRS. FENWICK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mrs. FENWICK. Mr. Chairman, I offer amendments to the amendment in the nature of a substitute, and I ask unanimous consent that they may be considered en bloc.

The Clerk read as follows:

Amendments offered by Mrs. FENWICK to the amendment in the Nature of a Substitute offered by Mr. BROOKS: Page 3, line 4 strike out "five" and insert in lieu thereof "three".

Page 32, line 11 strike out "(5)" and insert in lieu thereof "(3)".

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. FENWICK. Mr. Chairman, the only point of these particular very small amendments is to eliminate the impression that here comes another blooming of bureaucracy. This is not the spring season for the blooming of bureaucracies.

Mr. Chairman, I believe this is agreeable, and I hope very much the amendments will be adopted.

Mr. BROOKS. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I have no objection to the amendments offered by the gentlewoman from New Jersey.

Mr. HORTON. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, we have talked this over with the gentlewoman from New Jersey. I think they are good amendments, and we are willing to accept them.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from New Jersey (Mrs. FENWICK) to the amendment in the nature of a

substitute offered by the gentleman from Texas (Mr. BROOKS).

The amendments to the amendment in the nature of a substitute were agreed to.

The CHAIRMAN. Are there further amendments to section 3?

AMENDMENT OFFERED BY MR. MATTOX TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. MATTOX. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. MATTOX to the amendment in the nature of a substitute offered by Mr. BROOKS: Page 3, immediately after line 24, insert the following new subsection:

(e) Notwithstanding the provisions of this or any other Act, the office shall not establish regional branches or offices for the performance of any of its functions.

Mr. MATTOX. Mr. Chairman, my amendment is very short. It would achieve only what the legislative history of this bill indirectly states, and that is to prohibit the regional offices.

The Office of Consumer Representation is designed to represent consumers at the hearings of Federal agencies before rules and regulations become final.

Almost invariably, these hearings are in Washington. This is where the OCR should be located. This is where the function should be coordinated and this is the only office I see a need for.

Twenty-six States now have a local consumer advocacy office. There is no need to add this bureaucracy.

I know that the authorization for the regional offices has been removed from the bill, but I want to add this language to make sure that the intent of Congress at this time is clear on this subject from the moment the bill passes.

I urge the passage of this amendment if we are going to avoid easy authorization for the regional offices in the future.

I yield back the balance of my time.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. MATTOX. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, what the gentleman is proposing to do is to eliminate the possibility of setting up regional offices?

Mr. MATTOX. Regional district offices: that is right.

Mr. HORTON. Mr. Chairman, that is the intent of the legislation, and I think it is a good amendment. I have no objection to it.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. MATTOX. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I have no objection to the amendment. We have discussed it. It clarifies the full intent of the existing bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. MATTOX) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Are there further amendments to section 3? If not, the Clerk will read section 4.

The Clerk read as follows:

POWERS AND DUTIES OF THE ADMINISTRATOR

SEC. 4. (a) The Administrator shall be responsible for the exercise of the powers and the discharge of the duties of the Office and shall have the authority to direct and supervise all personnel and activities thereof.

(b) In addition to any other authority conferred upon him by this Act, the Administrator is authorized, in carrying out his functions under this Act, to—

(1) subject to the civil service and classification laws, select, appoint, employ, and to the compensation of such officers and employees as are necessary to carry out the provisions of this Act and to prescribe their authority and duties;

(2) employ experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate individuals so employed for each day (including traveltime) at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(3) appoint advisory committees composed of such private citizens, including consumer and business representatives, and officials of the Federal, State, and local governments as he deems desirable to advise him with respect to his functions under this Act, and pay such members (other than those regularly employed by the Federal Government) while attending meetings of such committees or otherwise serving at the request of the Administrator compensation and travel expenses at the rate provided for in paragraph (2) of this subsection with respect to experts and consultants; members of an advisory committee to be appointed as consumer representatives shall, whenever practicable, constitute the majority membership of any such advisory committee and shall be individuals who by reason of training, experience, and attainments are exceptionally qualified to represent the interests of consumers;

(4) promulgate, in accordance with the applicable provisions of chapter 5 of title 5, United States Code, such rules, regulations, and procedures as may be necessary to carry out the provisions of this Act, and assure fairness to all persons affected by the Office's actions, and to delegate authority for the performance of any function to any officer or employee under his direction and supervision;

(5) utilize, with their consent, the services, personnel, and facilities of other Federal agencies and of State and private agencies and instrumentalities;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the Administrator may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or any political subdivision thereof, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b));

(8) adopt an official seal, which shall be judicially noticed;

(9) encourage the development of informal dispute settlement procedures involving consumers; and

(10) conduct conferences and hearings and otherwise secure data and public views necessary to carry out the purposes of this Act.

(c) Upon request made by the Administrator, each Federal agency is authorized and directed to make its services, personnel, and facilities available to the greatest practicable extent within its capability to the Office in the performance of its functions.

(d) The Administrator shall transmit to the Congress and the President not later than February 1 of each year a report which shall include a comprehensive statement of the activities and accomplishments of the Office during the preceding calendar year including a summary of consumer complaints received and actions taken thereon. Each such report shall include—

(1) a summary and evaluation of selected major consumer programs of Federal agencies, including, but not limited to, comment with respect to the effectiveness and efficiency of such programs as well as deficiencies noted in the coordination, administration, or enforcement of such programs;

(2) an identification of and comment on any rule, regulation, or order of a Federal agency found by the Administrator, in the course of his activities under this Act, to be contrary to legislative intent or in conflict with or duplicative of a rule, regulation, or order of another such agency; and

(3) an assessment of the impact of intervention and participation by the Office and by other persons and agencies on the effectiveness and efficiency of the administrative processes of the Government.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that section 4 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there amendments to section 4? If not, the Clerk will read section 5.

The Clerk read as follows:

FUNCTIONS OF THE OFFICE

SEC. 5. (a) The Office shall, in the performance of its functions, advise the Congress and the President as to matters affecting the interests of consumers; and protect and promote the interests of the people of the United States as consumers of goods and services made available to them through the trade and commerce of the United States.

(b) The functions of the Office shall be to—

(1) represent the interests of consumers before Federal agencies and courts to the extent authorized by this Act;

(2) encourage and support research, studies, and testing leading to a better understanding of consumer products and improved products, services, and consumer information, to the extent authorized in section 9 of this Act;

(3) submit recommendations annually to the Congress and the President on measures to improve the operation of the Federal Government in the protection and promotion of the interests of consumers;

(4) publish and distribute material developed pursuant to carrying out its responsibilities under this Act which will inform consumers of matters of interest to them, to the extent authorized in section 8 of this Act;

(5) conduct conferences, surveys, and investigations, including economic surveys, concerning the needs, interests, and problems of consumers which are not duplicative in significant degree of similar activities conducted by other Federal agencies;

(6) cooperate with State and local governments and private enterprise in the promotion and protection of the interests of consumers; and

(7) keep the appropriate committees of Congress fully and currently informed of all its activities, as required by this Act.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any amendments to section 5?

AMENDMENT OFFERED BY MRS. FENWICK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mrs. FENWICK. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mrs. FENWICK to the amendment in the nature of a substitute offered by Mr. BROOKS: Page 9, line 10 strike out "and".

Page 9, line 13 strike the period after "Act" and insert in lieu thereof "; and" and after such line insert the following "(8) to present testimony to Congress, when requested or on its own initiative, during hearings on legislation which, in the opinion of the Administrator, may substantially affect the interests of consumers.".

Mrs. FENWICK. Mr. Chairman, I think this is probably the most important amendment that we can make to this legislation.

What we are saying here is that those committees and subcommittees of Congress contemplating measures for the public good will have testimony at these hearings which presents the consumer interest. I do not think that any single thing that we could do would be more important than this.

For example, taking into consideration small business and the plethora of paper that lands on small business, that, too, should be considered.

Mr. HORTON. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I have talked with the gentlewoman from New Jersey about this amendment. What she is proposing to do is to make it possible for the Administrator to appear before the Congress and before appropriate committees of Congress on his own initiative to represent the interests of consumers.

Mr. Chairman, I think it is a good amendment, and I am in favor of it and I would be willing to accept it.

Mrs. FENWICK. Mr. Chairman, I thank my colleague, the gentleman from New York.

Mr. BROOKS. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I would like to say that I think I understand the import of this amendment.

The gentlewoman does not mean in any way to alter the rules of the House; it is just to give the Administrator or his staff an opportunity to come down and testify if they desire to, as I understand.

With that in mind, Mr. Chairman, I have no objection to the amendment; and I would hope that we could adopt it

Mrs. FENWICK. The chairman has very wisely stated the case.

Mrs. HECKLER. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER. Mr. Chairman, I would like to congratulate the gentlewoman from New Jersey (Mrs. FENWICK) for her leadership on this subject and her expertise.

I think there is no more graphic illustration of the need for this kind of input than the consideration of the Metric Conversion Act which this Congress passed without thinking about the impact on consumers. As a result of that, every single consumer across the country will have to reoutfit their medical thermometers, their kitchen equipment, their packing supplies, and any number of other personal products which are the necessities of life in American homes.

Mr. Chairman, the consumer was never questioned when the Metric Conversion Act was passed. If this amendment had been in the law, we would have heard from the consumer.

Again, Mr. Chairman, I congratulate the gentlewoman from New Jersey, and I certainly support her amendment.

Mrs. FENWICK. Mr. Chairman, I thank the gentlewoman for those most intelligent and searching remarks on behalf of the consumer.

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am surprised that the managers of this bill so glibly say that this is a fine amendment and that they are willing to adopt it.

It runs directly contrary to existing law. It runs directly contrary to the wording and the intent of existing law.

Mr. Chairman, existing law says, "Appropriated funds may not be used for the purpose of lobbying."

This amendment is going to direct this proposed new agency to be a lobbyist before Congress, to come in here and presume to tell the elected representatives of the people what the people want and what is good for the people.

Mr. Chairman, I mentioned yesterday the issue of natural gas price deregulation. This so-called consumer representative, if this amendment were adopted and the agency were in existence, would be the public spokesman for the consumer interests on that issue. He would come before the Congress and tell us what we ought to do.

Mr. Chairman, we have had a lot of trouble with the issue of saccharin and the FDA. If we have this amendment and if we have this agency, we would not have to worry about what was in the best interests of the consumer. The whole thing would be resolved not by the Food and Drug Administration, not by 535 elected representatives, but by one appointed bureaucrat who would have the authority to publicly state what was the consumer interest on a particular issue. He would have the authority to come before the Congress and lobby us with the money that we furnish him in order to try to get us to reach a certain conclusion or result.

I am really quite surprised that any Members of this House would consider changing our long-held policy of the prohibition of the use of appropriated funds for the purpose of lobbying the Congress. I hope this amendment is defeated.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield.

Mr. MOFFETT. The gentleman raises the concern about taxpayers' money being used to lobby us. As I understand the amendment, it only relates to testimony, not a congressional lobbying operation.

Second, who pays for the lobbying that is done by General Motors and IBM?

Mr. ERLENBORN. Well, I would say that General Motors and IBM pay for that.

Mr. MOFFETT. The gentleman does not think the consumers pay for it?

Mr. ERLENBORN. Oh, sure, the consumer pays for everything. Let us remember that. All these fine things we do in the name of the consumer, the consumer is paying for. That is something we all ought to reiterate as often as we can.

We passed OSHA. We said that we have given a little more safety in the workplace. But the consumer is paying for it. We passed the Environmental Protection Agency Act without ever identifying to the public that the cost they are paying is not only taxes, but additional cost of production.

The consumer is ultimately the one that pays through the nose, just as they will pay through the nose for the cost of this agency; not just taxes appropriated to support it, but all the additional cost for slowing down the regulatory process. We will probably have the consumer pay ten or twentyfold the identifiable cost of appropriation of this agency. Let us remember, on behalf of the consumer, that the consumer always pays.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. WAXMAN. We now have a number of departments and agencies, all of whom have congressional liaison, who come to committees of Congress and give us the benefit of their views. Sometimes we agree with the views, and sometimes we do not. How would the gentleman distinguish the views of a consumer agency from the views of, let us say, the Department of Energy or the Department of Commerce? Why should not they also present their views to the decisionmakers?

Mr. ERLENBORN. First of all, in answer to the gentleman, I would say that it at least is the custom, if not spelled out in law, for them to come before the committees of the Congress by invitation. This proposed amendment is in the alternative, at the initiative of the consumer representative or at the invitation of the Congress. I have no objection to

any bureaucrats responding to an invitation of the committee.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. LEVITAS and by unanimous consent of Mr. ERLENBORN was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I will be happy to yield.

Mr. LEVITAS. Do I understand the gentleman correctly in stating that it is now against the law for federally appropriated funds to be used to lobby Congress? Is that what the gentleman said?

Mr. ERLENBORN. That is correct.

Mr. LEVITAS. Would I be correct in thinking that if people from various agencies of the Federal Government, during the last few days, have been on Capitol Hill spending their time talking to Members of Congress about this legislation, that that might constitute a violation of that present law?

Mr. ERLENBORN. I think there is concern that it might be a violation of that law.

Mr. LEVITAS. One other point in connection with the question by my colleague from Connecticut. I think it is certainly improper for lobbying expenses to be deducted from tax returns, and in that fashion have them subsidized by many people around the Nation. I am happy to see that my colleague from New York, the chairman of the subcommittee on which I serve, is in the midst of an investigation to find out which people, in business, in trade associations, and in labor organizations, who may be using money taken from the consumer or deducted from taxes for these improper purposes.

I think in that way the gentleman has raised an excellent point. I thank the gentleman from Illinois for bringing this matter to our attention.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. FENWICK) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The question was taken; and on a division (demanded by Mrs. FENWICK), there were—ayes 31, noes 25.

So the amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. There being no further amendments to section 5, the Clerk will read section 6.

The Clerk read as follows:

REPRESENTATION OF CONSUMERS

SEC. 6. (a) Whenever the Administrator determines that the result of any Federal agency proceeding or activity may substantially affect an interest of consumers, he may as of right intervene as a party or otherwise participate for the purpose of representing the interests of consumers, as provided in paragraph (1) or (2) of this subsection. In any proceeding, the Administrator shall refrain from intervening as a party, unless he determines that such intervention is necessary to represent adequately the interest of consumers. The Administrator shall comply with Federal agency statutes and rules of procedure of general applicability governing the timing of intervention or participation in such proceeding or activity and, upon intervening or participating therein, shall comply with Federal agency statutes and rules of procedure of general applicability governing the conduct thereof. The intervention or participation of the Administrator in any Federal agency proceeding or activity shall not affect the obligation of the Federal agency conducting such proceeding or activity to assure procedural fairness to all participants.

(1) Except as provided in subsection (c), the Administrator may intervene as a party or otherwise participate in any Federal agency proceeding which is subject to section 553, 554, 556, or 557 of title 5, United States Code, or to any other statute, regulation, or practice authorizing a hearing, or which is conducted on the record after opportunity for an agency hearing.

(2) Except as provided in subsection (c), in any Federal agency proceeding not covered by paragraph (1), or any other Federal agency activity, the Administrator may participate or communicate in any manner that any person may participate of communicate under Federal agency statutes, rules, or practices. The Federal agency shall give consideration to the written or oral submission of the Administrator. Such submission shall be presented in an orderly manner and without causing undue delay.

(b) At such time as the Administrator determines to intervene or participate in a Federal agency proceeding under subsection (a)(1) of this section, he shall issue publicly a written statement setting forth his findings under subsection (a), stating concisely the specific interests of consumers to be protected. Upon intervening or participating he shall file a copy of his statement in the proceeding.

(c) In any Federal agency proceeding seeking primarily to impose a fine for forfeiture which the agency may impose under its own authority for an alleged violation of a statute of the United States or of a rule, order, or decree promulgated thereunder and which in the opinion of the Administrator may substantially affect the interests of consumers, the Administrator upon his own motion, or upon written request made by the officer or employee who is charged with the duty of presenting the case of the United States or the Federal agency in the proceeding or action, may transmit to such officer or employee all evidence and information in the possession of the Administrator relevant to the proceeding or action and may, in the discretion of the Federal agency or court, appear as amicus curiae and present written or oral argument to such agency or court.

(d)(1) To the extent that any person, if aggrieved, would have a right of judicial review by law, the Administrator may institute, or intervene as a party in, a proceeding in a court of the United States involving judicial review of any Federal agency action in which the Administrator intervened or participated

(2) The Administrator may institute, or intervene as a party in, a proceeding in a court of the United States involving judicial review of any Federal agency action in which the Administrator did not intervene or participate, to the same extent and in the same manner as any person not a party or a participant, if such court finds that such agency action may adversely affect in interest of consumers and, in the case of an intervention, that the consumers' interests would not otherwise be adequately represented in a judicial review of such action.

(3) The participation of the Administrator in a proceeding for judicial review of a Federal agency action shall not alter or affect the scope of review otherwise applicable to such agency action.

(4) The Administrator's judicial review authority under paragraph (1) and (2) of this subsection shall not be exercised as to a Federal agency activity described in subsection (a)(2) of this section unless the Administrator provides the President with thirty days advance notice in writing of his intention to seek such review, except that such notice to the President under this paragraph of intent to seek judicial review is not required when the Federal agency activity involved is that of an independent regulatory agency or of an entity within the executive branch of Government whose principal functions are of a regulatory nature.

(e) When the Administrator determines it to be in the interests of consumers, he may request the Federal agency concerned to initiate such proceeding or to take such other action as may be authorized by law with respect to such agency. If the Federal agency fails to take the action requested, it shall promptly notify the Administrator of the reasons for its failure and such notification shall be a matter of public record. To the extent that any person, if aggrieved, would have a right of judicial review by law, the Administrator may institute a proceeding in a court of the United States to secure review of the action of a Federal agency or its refusal to act.

(f) Appearances by the Office under this section shall be in its own name and shall be made by qualified representatives designated by the Administrator.

(g) In any Federal agency proceeding in which the Office is intervening or participating pursuant to subsection (a)(1) of this section, the Office is authorized to request the Federal agency to issue, and the Federal agency shall issue such orders as are authorized by the Federal agency's statutory powers, for the copying of documents, papers, and records, summoning of witnesses, production of books and papers, and submission of information in writing to the same extent, upon the same statement or showing, and subject to the same requirements as are applicable to requests for such orders from any other intervenor or participant.

(h) The Administrator is not authorized to intervene in proceedings or actions before State or local agencies and courts.

(i) Nothing in this section shall be construed to prohibit the Administrator from communicating with or providing information or analysis to Federal, State, or local agencies or courts at times and in manners not inconsistent with law or agency rules.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the section be dispensed with, that it be printed in the RECORD, and that it be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. LEVITAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. LEVITAS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS to the amendment in the nature of a substitute offered by Mr. BROOKS: In section 6(a) of the amendment in the nature of a substitute offered by the gentleman from Texas, insert immediately after the first sentence thereof the following new sentence: "Whenever the Administrator intervenes or otherwise participates in any such proceeding or activity and such proceeding or activity may substantially affect more than one interest of consumers, the Administrator shall seek to represent each interest of consumers substantially affected.".

Mr. LEVITAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEVITAS. Mr. Chairman, I think this is a very important amendment. One of the major problems of the many that exist in this legislation is the assumption that there is but one consumer interest in a matter. Indeed, in a complex society such as we have today, there are many consumer interests that revolve around the same issue, the subject of saccharin being one good example. There is a situation in which there are some people who believe that the taking of saccharin or the use of saccharin in a person's diet may cause cancer, and there are other people who suffer from heart disease or obesity who feel that there is a different risk involved. On the one hand, there are consumers for whom it may be a question of a diet causing cancer, and, on the other hand, those who have diabetes.

In situations of this type of conflict, there is more than one consumer interest involved; and it should not be left to one individual to set himself or herself up as a czar of the consumer interest and say: "I speak for the consumer."

This amendment says when there is more than one substantial consumer interest, all of them will be presented. It seems to me that this type of statement will make it quite clear that we are not trying to establish a czar of consumer interests, the arrogant individual who says: "I and I alone know what the consumer's interest is." There are many consumer interests, and it is wrong to say that there is only one which should be advocated, one which should be represented, one which should be spoken about. If we do that, we do not have consumer representation. We have the representation of the arrogance of one individual who decides what the consumer interest is.

I think that if this amendment is not adopted we will have put the lie to the entire bill, that it is not the consumer interest that is being represented but the bias and the arrogance of one person who becomes the czar of this agency. Therefore, Mr. Chairman, I urge my colleagues to adopt this amendment.

Mr. MOFFETT. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, I will try to be brief. I think it is clear from the legislative history that has been established thus far through the committee and also through the general debate yesterday that the OCS may decide—and I repeat—may decide where several consumer interests are involved that the host agency can in fact arrive at the best decision. We ought not to prohibit it; in fact we should encourage it, if it is apparent that there is more than one consumer interest.

The Department of Justice had at times filed multiple amicus curiae briefs in the same lawsuit so that there is precedent for this. But to say, as I understand the gentleman's amendment to do, that they have to do this, it seems to me is strangling the Administrator and is making it as inoperable as possible and is taking away from the intent that those of us who support the bill have.

I would also point out, Mr. Chairman, that the Department of Commerce, for example, which is the business organ within the Cabinet and within the Government, certainly is not required to calculate all of the business interests involved whenever it is involved in any kind of a matter. We hope that it does, but certainly we should not require that. The Secretary should have the discretion to do it. Likewise the Administrator in this case should have discretion.

Mr. HORTON. Mr. Chairman, if the gentleman will yield, perhaps the author of the amendment the gentleman from Georgia (Mr. LEVITAS) would wish to try to defend the amendment, but as I read it I really do not have that much trouble with it. I certainly agree with the comments that the gentleman has made with regard to the amendment, but as I read it, it says that the Administrator shall seek to represent. "Shall seek" is different from "shall represent."

So I look upon it as being a discretionary process. That is the way I read the amendment as it was offered by the gentleman from Georgia (Mr. LEVITAS). But if the gentleman from Georgia (Mr. LEVITAS) does intend that the Administrator "shall represent" that would be a different connotation than the connotation that I have received from just an initial reading of the amendment.

So as I read the amendment, it would seem to me that there would be some discretion on the part of the Administrator and if so I would have no objection.

Mr. LEVITAS. Mr. Chairman, if the gentleman will yield, I think in all candor that the House should understand and I think the amendment should be approved or rejected on its merits or on its demerits. What I am proposing is that where an issue is to be presented the consumer representative has the obligation to ascertain whether there are other substantial consumer interests involved. If he ascertains that there is more than one substantial consumer interest involved, not anything trivial or insubstantial, that he should not make the decision on which of the consumer interests should be presented and which should not be presented but he should say to the agency, "These are the substantial consumer interests. You make the decision." They ought not to be the voice for just some consumers but for all consumer interests.

It seems to me it is not too much to ask that some group of consumers not be left out in the cold and not have a voice that can be heard for those consumers but that we should hear the voices of all the consumers, and then that it ought to be the voice of all substantial consumer interests.

Mr. MOFFETT. By offering the amendment does the gentleman say that if there are two or three or four consumer interests that are presented and if the Administrator cannot represent all of them that then none will be represented?

Mr. LEVITAS. If the gentleman will yield still further, that is not in my amendment, that is in an amendment to be offered by another Member.

My amendment says that where there is more than one substantial consumer interest involved, they should all be presented.

Mr. MOFFETT. But if the Administrator does not present all of them, he will not present one of them.

Mr. LEVITAS. I assume what would happen is that if I were a diabetic consumer and find out that the consumer representative is only presenting the cancer side, presumably I could seek judicial recourse to compel the OCR to present my issue, just the same as the Environmental Agency can be compelled by citizen suit to enforce certain standards.

Mr. ROSENTHAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this is an amendment that would just add considerable confusion to the responsibility of the consumer advocate. Almost every agency and department, corporations and trade associations, at times represent divergent views and also represent various interests at various times. Frequently the Secretary of Agriculture has to take a position on whether he should represent the views of the Grange or the Farm Bureau, or the Eastern Cotton Growers, and at some point in time they take all these things into account.

At some point in time they take all these things into account. I think it is absolutely true of most major issues that there are competing consumer interests. We disable the consumer representative if that representative has to go before every board and agency representing each and every point of view that is presented to his or her own agency. I think we then shift responsibility further along the line and not centralize or say it has to be taken into account at any one time.

It was mentioned that safety and economic issues may be in conflict, but at some point in time a decision has to be made. The point I want to make, my own view is that if the agency is to be efficient, efficacious and economical, it can be frugal and responsive in what issues they will represent. If there are many conflicting interests, that might be a red warning flag to stay out of that particular case.

Clearly it seems to me in ratemaking cases or where consumer health issues are clearly present, that is a clear call for intervention or representation. Where there are major competing forces or where it is difficult to make a decision, I would rather have them, if this was their own free choice, refrain from intervention in that case, rather than go before another body and try to fairly—which makes it impossible—fairly to represent three or four or five issues.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I am happy to yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I am regretfully taking an opposite view from the distinguished sponsor of so much good legislation in this field. It seems to me every agency, every committee of Congress, everybody who cares about consumers, should know the various interests as they appear. Ignorance is not desirable and it is not desirable to have the consumer position not heard; but ignorance on a variety, so that those who are in a position of judging, as the agency of Congress must, can know what the elements are before they make the decision.

Mr. ROSENTHAL. Mr. Chairman, I do not want to pursue the point much further. I think the point is the consumer advocate can say to the parties they are intervening before, these are the issues, these are the conflicts; but at some point in time they should have to take a position. They should not be mandated in law to represent with the same degree of fervor or competency all the five competing issues. One should stick out as a major consumer issue; otherwise, it might be a case not to intervene.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I am happy to yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Chairman, I agree with what the gentleman says; but I do not think that is in opposition to the amendment. As I read the amendment of the gentleman from Georgia, it says:

> Whenever the Administrator intervenes or otherwise participates in any such activity and such proceeding or activity may substantially affect more than one interest of consumers, the Administrator shall seek to represent each interest of consumers substantially affected.

I do not believe that forces him to appear in favor of a different agency proceeding. It merely requires that when he appears in agency "A" to represent the consumer interest, he finds one or two, he mentions the one or two and seeks to represent them. I do not think that puts him under an undue burden.

Mr. ROSENTHAL. Mr. Chairman, my distinguished colleague knows there is a difference between mentioning and representing. You are passing the buck for the responsibility in representation by saying they must represent each interest with the same degree of vigor and with the same degree of interest.

Mr. McCLOSKEY. Mr. Chairman, if I felt this required the Administrator to represent each consumer equally, whether I think the consumer of oil comes ahead of the consumer of agricultural products in this proceeding, or vice versa, that is one thing, but it certainly does not preclude him from making a value judgment. He is required by the amendment to represent both consumer interests. I do not see any problem with that.

The CHAIRMAN. The time of the gentleman from New York (Mr. ROSENTHAL) has expired.

(On request of Mr. QUAYLE and by unanimous consent, Mr. ROSENTHAL was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, will the gentleman yield on that point?

Mr. ROSENTHAL. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I think this amendment has brought out one aspect of this legislation that has bothered me for a very long time, and that is this: Where we do have two substantial consumer interests at variance, then what does the Office actually do?

We have one proposal before us now that says basically it represents both of them to the degree they should be represented, as I understand it. I understand also that we perhaps will have another amendment offered later that will say in those instances the Office would stay out of it completely.

I do not know which is right, but I understand the gentleman feels the other stand is the proper one to take.

I would like to know exactly how the gentleman feels about this. I do not know which way to go, because I do not see how one office can represent two conflicting viewpoints.

Mr. ROSENTHAL. Mr. Chairman, let me say this to my very distinguished colleague, the gentleman from Missouri (Mr. VOLKMER):

Every agency has dozens of conflicting viewpoints. At some point in time it has to come down and make a decision.

Not to bring it into too much divergence from the statement of the gentleman from California (Mr. McCLOSKEY), let me state that the idea is to present all the conflicting views and then to permit discretion. That is something this amendment does not do. We should then permit them discretion to make a choice, and the office has the responsibility for the point of view it wants to represent.

It is also my personal view that if it is so equal and so confusing and so diffuse, it might be prudent for them not to go into that particular case. There will be many, many opportunities for intervention.

If I were this Administrator, I would go very, very slowly in picking and choosing situations where there are two or more consumer interests. I think we should not reduce the administration's discretion.

Mr. McCLOSKEY. Mr. Chairman, if the gentleman will yield further, I quite agree with him, but it seems to me there are other considerations.

The CHAIRMAN. The time of the gentleman from New York (Mr. ROSENTHAL) has again expired.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have studied this legislation. In fact, I have studied it a lot more than I wanted to, and I have looked at this amendment. I do not believe this amendment is going to do any great damage to the bill. I think if we cannot consider the interests of any group of consumers, we ought not to have the bill.

I think we ought to consider all the interests, and the Administrator can take a look at them and decide what he wants to present and what is the best case. Otherwise, if he cannot use that much discretion, we are just wasting our time, because there are 213 million consumers in this country. Each of them has an interest in many, many things.

This consumer agency is not going to be able to take 213 million cases. It is going to take those where they think there is a more significant impact on the people of this country, on the consumers of this country. It is just that simple.

I do not want to make a big issue of this, but I would think that while the gentleman from Georgia (Mr. LEVITAS) has not been our most devoted supporter in this area, this is not a disastrous amendment, and I would hope we could adopt it and get on with the rest of the amendments to this bill.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to my friend, the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I thank the gentleman for yielding.

For the record, I would like to propound a question to the author of the amendment to see if it does do exactly what the chairman of our committee says it does. Let me ask the gentleman from Georgia (Mr. LEVITAS) this question:

There was a question raised by my colleague, the gentleman from California (Mr. McCLOSKEY), as to whether the language, "The Administrator shall seek to represent each interest of consumers substantially affected," means in effect that the Administrator may merely represent an interest of the consumer on the one hand and strongly advocate another more important consumer interest on the other. Or does that language mean that the Administrator must devote the same amount of resources to advocate every consumer interest, whether it is in conflict or not and whether in his judgment he considers them of equal importance or not?

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. It is not my time, and I cannot yield.

Mr. BROOKS. Mr. Chairman, I have the time, and I yield to my friend, the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Mr. Chairman, I appreciate the gentleman's yielding.

In response to the question of the gentleman from California (Mr. WAXMAN), I would say this: that the chairman of our committee, a Member of great practical wisdom, has stated it quite accurately when he said that we obviously cannot represent 213 million different consumers' points of view—and that is probably what we have—but that where there are substantial consumer points of view which are affected, they should all be presented.

I remember when I was in the military service, I used to have to say, "Yes, sir," and "No, sir," and there are a lot of different ways to say, "Yes, sir" and "No,

sir." The words came out in the record the same way, but there was a different emphasis and inflection put on them.

I do not see how we could ever look at the mind and heart and conscience of this consumer representative, but what I do know is this: If we do not present every substantial consumer interest, then this will not be a consumer voice; it will be the voice of some consumer selected by whoever becomes the head of this agency.

Mr. Chairman, I do not think that is what the gentleman or the chairman of the committee or my distinguished colleague, the gentleman from New York (Mr. ROSENTHAL) means.

Mr. BROOKS. Mr. Chairman, I thank the gentleman for his comments, and I appreciate his agreement with me on my interpretation of that amendment.

Mr. HEFTEL. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Hawaii.

Mr. HEFTEL. I thank the gentleman for yielding.

Mr. Chairman, I think that the amendment is a perfect example of why we should have a Consumer Protection Agency, namely, to represent those substantial interests which are not now being adequately represented. The amendment merely clarifies the very reason for which we are advocating the bill; so I could not more strongly advocate that particular amendment, in view of the fact that we are trying to let the consumers know their substantial interests will be heard and represented.

Mr. QUAYLE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, first of all, I would like to thank my very distinguished chairman, who, after careful consideration, finds he likes this amendment, because I could not agree with him more. I think this amendment really goes to the heart of the problem by having one individual responsible for determining what is in fact consumer interests. As we know, there is a big difference in what consumer advocates may want rather than consumers. For example, in the saccharin case, most consumer advocates were in favor of the ban. Yet I would imagine that if one took a poll, most of the consumers themselves were opposed to the ban on saccharin.

So again I want to compliment the chairman, and I urge favorable consideration of this amendment.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if the gentleman who is the sponsor of the amendment would care to respond, I would like to pose a question.

First of all, I will make a brief statement that I am inclined to support the amendment, because I think it does point up the elitist sort of theory that was incorporated in the bill, that the professional consumerist knew better than the stupid consumer what was good for him.

Here, at least, these professional consumers would be required, under the language of the gentleman's amendment, to represent not just the one consumer interest that he chooses, but any substantial consumer interest.

Mr. Chairman, in the saccharin case before the FDA, obviously, as has been pointed out by the gentleman from Indiana, the interest of the cancer victim or the potential cancer victim, who would like to have the ban continued. There is the interest of the one who has a weight problem or a disease that requires the reduction of the intake of sugar, who would like to have the ban discontinued.

I think the gentleman would agree that both of those are substantial and should be represented before the FDA. Would the gentleman so agree?

Mr. LEVITAS. If the gentleman will yield, I would certainly say that that is a very clear example of where two substantial interests exist and where they both should be presented, in fairness to the consumers.

Mr. ERLENBORN. I thank the gentleman.

Mr. Chairman, I think it is quite obvious, from that situation, that these consumer interests are diametrically opposed. Where my problem comes, if I am sitting on the FDA, how am I going to guess which one of those interests is going to be grounds for appeal by the consumer representative? Or am I faced with the situation that, whichever way I rule, probably the consumer representative will appeal my decision because he did not agree with one of the diametrically opposed viewpoints.

Mr. LEVITAS. If the gentleman will yield, I think the gentleman has pointed out a potential problem which might certainly occur. On the other hand, there is nothing in this legislation that requires the consumer representative to appeal; so, therefore, one might find the situation where the consumer representative, in the exercise of his discretion, would decide not to appeal. On the other hand, if this legislation accomplishes anything, then it must set forth the position of substantial consumer interest. I am shocked to hear some of the supporters of this legislation suggest that that is not the case, that the voice of some consumers will be muzzled or stifled while the voice of only certain elitist consumers will be heard.

Mr. Chairman, that is why this is a very important amendment, because I think it sets the record straight, even though some of the supporters of this legislation—not all, I might say, but some—have indicated that as a result the consumers will do well by this legislation.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for his contribution.

I do think that there is this potential existing in the present law which is pointed up by the amendment offered by the gentleman from Georgia (Mr. LEVITAS), that the decisionmaker, the regulator, and the regulatory agency are going to be faced with a "damned if you do and damned if you don't" situation. Whichever way he rules, quite likely, the consumer representative is going to appeal.

As the gentleman pointed out before, it is going to put an awesome burden on the executive branch and also on the judicial branch when it does not agree.

Mr. Chairman, if the gentleman could offer as an add-on to his amendment a prohibition against appealing the decision so that we have the voice of the various interests of the consumers heard, but not have the decision appealed and then finally made by a judge, we might have come down to something that could be close to workable.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, it seems to me that the Administrator of an agency or board, in making a decision between conflicting positions and claims, is always faced with the dilemma that perhaps the losing side is going to appeal that decision.

I wonder why the gentleman seems to be so much more concerned about the consumer advocate appealing a decision as opposed to any other person or corporation or governmental entity with which ends up on the short end of the decision.

Mr. ERLENBORN. Mr. Chairman, I would say to the gentleman that in the ordinary situation, one side or the other may appeal, as we know. Here whichever way the ruling is, this Government agency may appeal. There is no way to satisfy them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Are there further amendments to section 6?

AMENDMENT OFFERED BY MR. TRAXLER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. TRAXLER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. TRAXLER to the amendment in the nature of a substitute offered by Mr. BROOKS: On page 14, after line 14, insert at the end of section 6 of the amendment in the nature of a substitute offered by the gentleman from Texas the following new subsection:

(j) The Administrator shall not intervene or otherwise participate in any Federal agency proceeding or activity or in any civil proceeding in a Federal court, and the Administrator may not initiate any civil proceeding in a Federal court, if such intervention, initiation, or participation is intended to restrict or limit, or has the effect of restricting or limiting, the manufacture or sale of firearms, ammunition, or components of ammunition, including blackpowder and gunpowder.

Mr. TRAXLER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TRAXLER. Mr. Chairman, I am offering a precautionary amendment to this bill, H.R. 9718. I want to make it clear that I do not wish to weaken this legislation, as I support the creation of this Office of Consumer Representation—I am only seeking to assure that the responsibilities of the Congress in governing the possession and use of firearms and ammunition remain with elected representatives.

This amendment would prohibit the OCR from taking any action with the intent or effect of restricting the manufacture, sale, or distribution of firearms, ammunition, or components.

Most of my colleagues should recall the problems we encountered when a Federal court ordered the Consumer Product Safety Commission to consider a petition to ban handgun ammunition as a "hazardous substance." While we had specifically excluded firearms and ammunition from the definition of a "consumer product" when we passed the Consumer Product Safety Act, we had failed to extend this exclusion from the CPSC's jurisdiction when we charged the Commission with the administration of the Hazardous Substances Act. To clarify this predicament, the Congress was forced to take special action in 1975 when we voted overwhelmingly to prohibit the Commission from having any authority over firearms, ammunition, and components. The CPSC controversy was resolved.

We do not want to find ourselves in a similar situation once the Office of Consumer Representation is established. Approval of my amendment will preclude our having to come back at a later date to clarify our intent.

If this body desires to enact new gun controls—which I believe it does not—then it is the responsibility of Members to stand on this floor and be recorded on their position. That responsibility should not be circumvented by any government action or agency. We should not have back door gun control.

The consumer advocacy legislation that has been reported in the other body already contains precautionary language similar to this amendment.

I believe that my colleagues recognize their responsibilities as elected representatives and I urge adoption of my amendment.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to my good friend and colleague, the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I thank the gentleman for yielding.

I want to compliment the gentleman for offering the language he has presented in this amendment.

I certainly endorse what he is trying to accomplish, and I support his amendment.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I also rise in support of the amendment. I have looked it over very carefully, and I think it is a very good amendment.

It was included, as the gentleman indicated, in the consumer product safety legislation which we enacted. I voted for it at that time. I think it is a good amendment to be placed in this bill, and I urge its adoption.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, as a longtime hunter and devotee of guns and firearms I have a deep sympathy and interest in this amendment, and I certainly will support it.

Mr. TRAXLER. Mr. Chairman, I thank the distinguished chairman for his assistance.

Mr. ROSENTHAL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I sense that this amendment is going to carry; and I am very much aware that the chairman of the committee, who has expressed his own personal interest in the principal subject, is going to accept the amendment.

However, Mr. Chairman, I would hope that in reading the legislative history of this bill—and it may well be that within the intervening responsibility and mandate of the consumer advocate that this is not one of the subjects which they ought to be interested in—I would certainly hope that no one reading the legislative history in the CONGRESSIONAL RECORD would assume that the House engaged in a public-policy debate on this issue and made a judgment as to firearms so as to exclude responsibility here.

I think what we are trying to do, on the assumption that this amendment is going to carry, is to narrowly interpret the role and responsibility of the consumer advocate, so that firearms is not one of the areas in which they would intervene, on the theory that there are hundreds of other issues bearing on health, economic interests, and safety that would take a higher priority.

But at the same time the House has made no judgment or decision as to the wisdom or lack of wisdom of individual citizens being engaged in some sort of use of firearms.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. Why not?

Mr. BROWN of Michigan. I thank the gentleman for yielding.

I would only ask, does the gentleman's discussion and colloquy with respect to this amendment also apply to the exemptions for labor and agriculture?

Mr. ROSENTHAL. I assume we will discuss each of those amendments at the appropriate time. What I am dealing with here is a decision by, I sense, the members of this committee to accept this amendment. I would merely hope the public and those who read the legislative history should not draw any improper inferences by what happens on this particular amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. TRAXLER) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. BROWN of Ohio. Mr. Chairman, those who deal in Government excess at the expense of the taxpayer—and of the consumer—have asked us to consider again the old consumer protection agency bill. I hope the House will see that it is a bad idea whose time still has not come, and hopefully never will.

It is true that we have a new wrinkle this time, a substitute bill which the bill's most ardent supporters have brought us in circumvention of the committee process. Among other things, the substitute gives the proposed agency a new name, Office of Consumer Representation. I suppose that the deescalation from "agency" to "office" is supposed to fool us into thinking that the ambitions of the sponsors has attenuated. I do not think the House is quite that naive.

But the name change does have its advantages. I have always felt the term, Agency for Consumer Protection, was a misnomer. The proposed agency has nothing to do with protecting consumers from unfair treatment by private business—a kind of Government Better Business Bureau to which consumers could take their complaints. It is instead a new superagency empowered to take other Federal agencies to court in the alleged consumer interest. As such, the name, Office of Consumer Representation, is more appropriate. But it would suffer from the same inherent difficulty of sorting out one overriding consumer interest from the multiple interests of all consumers. Some of us want economy, while others prefer luxury, safety, durability, or style. I do not believe we can create an agency that can replace the free market in catering to these varied tastes.

The proponents of this substitute proudly note that they would save $7 million by eliminating the existing consumer offices which now serve each agency by watching for consumer concerns. But none of us are so naive as to believe that the $15 million first year cost will remain at that level for long. If this new agency does not grow more quickly than Government revenues and the gross national product, it will be the first that did not. Besides, are we sure that eliminating the existing consumer offices is the best way to serve the American consumer? We are now considering, by way of a bill (H.R. 8588) reported by the Committee on Government Operations, creation of an Office of Inspector General of each Federal department, following the theory that ferreting out fraud the abuse should be of continuing concern in each department. The same logic may apply as well to the consumer offices. I am not sure we want to take concern for the consumer out of the hands of each department. That should be their continuing responsibility as well.

The other changes in the substitute constitute erratic tampering with very technical and complex legal powers which have never before been granted to any agency to be used against other agencies and against private corporations. The substitute, for example, removes the agency's authority to review any agency action that substantially affects the interests of consumers. But it substitutes authority to review any action in which the agency had participated. This will simply encourage the agency to participate in any action it intends to review.

The effect of this and other changes—hastily wrought to make the bill politically palatable—have not been thoroughly reviewed by any committee of Congress. The original bill, H.R. 6805, squeaked through the Committee on Government Operations by just one vote. The proponents of the substitute would have us believe that they are giving us a new Gidget in place of the old Xaviera Hollander. My concern with this bill is that when Gidget grows up she will still be Xaviera Hollander.

AMENDMENT OFFERED BY MR. LEVITAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. LEVITAS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS to the amendment in the nature of a substitute offered by Mr. BROOKS: In section 6(d) of the amendment in the nature of a substitute offered by the gentleman from Texas, strike out paragraphs (2) and (3) and insert in lieu thereof the following:

(2) The Administrator may institute, or intervene as a party in, a proceeding in a court of the United States involving judicial review of any Federal agency action in which the Administrator did not intervene or participate if such court finds that such agency action adversely affects a substantial interest of consumers and, in the case of an intervention, that such consumers' interests would not otherwise be adequately represented in a judicial review of such action.

(3) The participation of the Administrator in a proceeding for judicial review of a Federal agency action shall not alter or affect the scope of review otherwise applicable to such agency action. Nothing in this subsection shall be deemed to grant to the Administrator a right of judicial review of any Federal agency action greater than the right to seek such review which is available to private persons. In any case in which the Administrator intervenes under paragraph (2), the court shall likewise permit the intervention of any person who has a substantial interest affected by such proceeding and whose interest the court determines is not otherwise adequately represented in such proceeding.

Mr. LEVITAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEVITAS. Mr. Chairman, many people have been told, have received letters, and have heard that one of the changes in the substitute being offered today from the bill reported out of the committee is that the consumer advocate would have no greater litigious rights than private parties, businessmen, or private citizens. You have been told, that this is one of the changes that was made.

I suggest that a reading of section 6 (d) of the bill does not really bear out what we have been told by people who were speaking in the consumer's name; that in fact the administrator of this agency will have far greater rights of litigation and opportunity to participate and intervene than a private citizen would have. The purpose of my amendment is to make honest people out of those who have told us that this bill creates no greater rights for judicial review than private citizens would have.

This amendment makes two changes in the bill. The first change is that the administrator can intervene only where there has been a specific finding that there is a substantial interest of consumers involved. It is interesting that the bill as it is now written gives the consumer advocate a right to participate and intervene in agency proceedings where there is a substantial interest affected, but he can intervene in judicial proceedings and have judicial review even without a substantial interest being involved. So, the first change this amendment makes is that it requires that there shall be a finding by the court that there is a substantial interest of consumers involved.

The second change is that it gives to any other person the right to intervene where there is a substantial interest affected by the proceeding, and that interest has not been otherwise adequately represented in such proceeding. Now, the bill provides that even if the consumer advocate did not participate in the agency proceeding, did not intervene, did not take part, did not present his views, that he could still seek judicial review. No citizen of the United States has that right.

This amendment would simply say that if the consumer advocate can participate in a judicial review when he did not participate in the proceedings in the agency, then any other person who has a substantial interest affected by such proceeding and who has an interest the court determines is not otherwise adequately represented, shall have the same right.

This is a sort of truth-in-packaging amendment. It makes the package that we have presented truthful. It makes it live up to the propaganda which has been circulated about it. I think it is a constructive amendment, and I think it creates the verity that the bill contains what its advocates have told us that it contains.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it puts in the bill the language we have stated as a fact that—

Nothing in this subsection shall be deemed to grant to the Administrator a right of judicial review of any Federal agency action greater than the right to seek such review which is available to private persons.

That is, what we have stated is a purpose of the bill.

The last sentence might be a little broadening in that it might permit the intervention of any person who has a substantial interest to intervene in such a proceeding.

With that caveat I would not object to or fight the amendment too strongly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. LEVITAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. LEVITAS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS to the amendment in the nature of a substitute offered by Mr. BROOKS: In section 6(d)(4) of the amendment in the nature of a substitute offered by the gentleman from Texas strike out ", except that" and everything that follows through "regulatory nature".

Mr. LEVITAS. Mr. Chairman, I think that this may be a more controversial amendment than the other two, although I think it is just as meritorious. The bill before us permits this Administrator, this Agency, to sue other agencies of the executive branch of the Government. In effect it says that this individual appointed by the President of the United States and presumably carrying out the policy of the President of the United States can litigate with another person appointed by the President of the United States presumably carrying out the President's policy.

So now we have got two agencies of the Government, each working for the same person, in court suing each other. I would imagine that it is the responsibility of the President of the United States at least insofar as his own agencies are concerned to establish what his policies and priorities are. He does not need the gunslinger, the lone ranger out there shooting from the hip at his own agencies, trying to challenge policies which he in his own executive branch has established.

So what has this amendment done to deal with that problem? I think it has taken the first step on the road to sanity from the insanity of having agencies in the same Government suing each other. The circus atmosphere that would surround that and the disbelief of the American public are troublesome, but maybe the President feels there is some need for this to have a judicial determination. So what this provides is that before the consumer representative can sue another one of the President's appointees in court, he must give the President 30 days' notice.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, what is the President supposed to do after he gets that 30 days' notice?

Mr. LEVITAS. Mr. Chairman, I assume that if the President of the United States thinks one of the people he has appointed is doing something that conflicts with his policy by bringing into court and suing another one of his appointees, he would tell the person to shape up or ship out.

Mr. ROSENTHAL. So in every case you want the President to have the responsibility to review a potential intervention?

Mr. LEVITAS. I want him to have the opportunity to be able to say to one of his appointees, "Look, you are the advocate."

Mr. ROSENTHAL. I believe what the gentleman wants to do is to take away all the independence of the agency. The gentleman wants to just make him a lackey of the Presidential office.

Mr. LEVITAS. The whole concept of this legislation is that we do not have some independent agency sitting out there individually riding the range on his own horse.

The legislation that has been brought to the floor says that in certain matters the advocate does have to get Presidential consideration and let the President decide whether this lone ranger is interfering with his policies within the same branch of Government. What I am doing is simply extending it to the most important regulatory areas where the President of the United States has to make decisions, such as the Environmental Agency, the Federal Highway Agency, or any other agency where he says, "These are my policies." Is it not bizarre to find that a person who works for the President is not following those policies, causing the President to say, "Here, you are not carrying out my policies." Where that does happen, the President should be advised so he can advise his own appointee of his policies.

For that reason I believe the amendment makes great sense and will restore a better balance to the legislation.

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would say to my distinguished friend, the gentleman from Georgia (Mr. LEVITAS) that I never would have suspected that the gentleman would want to add more responsibilities to the already burdensome job of our President from Atlanta, Ga.

Mr. Chairman, I would say that I oppose this amendment, because H.R. 9718 already requires the Office of Consumer Representation to notify the President 30 days before filing suit against a nonregulatory agency within the executive agencies. This was put in the bill, because the gentleman from California (Mr. MCCLOSKEY) suggested that we ought to have some notice. We put that notice in when a nonregulatory agency is involved. But it was not our purpose of having similar Presidential notification in every similar situation of actions by regulatory agencies, because the President has no authority over them.

This amendment would simply cause needless delay and yield no purpose.

Mr. MCCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from California.

Mr. MCCLOSKEY. Mr. Chairman, I thank the gentleman for yielding to me and I must say that I am glad to have this chance to make some legislative history as to the reason for having the provision, in nonregulatory agencies the administrator would have to notify the President and the President could say that he does not wish to sue the Secretary of the Interior or the Secretary of the Treasury, but you do not need that reservation on the part of the President when the administrator is appearing before an independent agency. That independent agency is free from the influence of both the executive branch and the influence of the Congress, because we have set them up to be independent of political influence. We do not want the President to have the right to stop the consumer administrator from presenting an action on behalf of or reviewing actions made by independent regulatory agencies.

I respectfully say that this amendment would gut that intent that we want to create by this language. I think it is clear that this administrator would never go to court against another appointee of the President, without the consent of the President. I cannot conceive of the President allowing the consumer advocate to sue the Secretary of the Navy or the Secretary of the Treasury. But in the independent regulatory agencies we provide for actions by the Federal Trade Commission, the Federal Communications Commission, the Interstate Commerce Commission, and so forth.

So I think the President might well be notified, but we do not want any indication that the President could preclude the advocate from challenging the efficacy of an independent agency.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Massachusetts. The gentleman from Massachusetts made a great speech last night.

Mr. CONTE. Mr. Chairman, I am glad the gentleman from Texas was there. The gentleman deserves a rest. The gentleman has been working too hard.

Mr. Chairman, I agree with the gentleman from Texas and with the gentleman from California. The regulatory agencies are the arms of Congress and not the executive branch. Therefore, there is no need to notify the President.

I could not agree with the gentleman from Texas more. I cannot see why the gentleman from Georgia would want to put this burdensome work upon the gentleman's President from Atlanta.

Mr. BROOKS. Mr. Chairman, I yield to the gentleman from Atlanta, Ga.

Mr. LEVITAS. Mr. Chairman, I thank the gentleman from Texas.

Mr. Chairman, I think for openers I would suggest to the gentleman from Massachusetts and the gentleman from California that they read the provision in the bill, because the provision in the bill is not confined to independent regulatory agencies.

Mr. BROOKS. Nonregulatory agencies.

Mr. LEVITAS. Mr. Chairman, on page 13, lines 1 through 5, it says:

when the Federal agency activity involved is that of an independent regulatory agency or of an entity within the Executive Branch of Government—

Within the executive branch of government—

whose principal functions are of a regulatory nature.

Now, the Environmental Protection Agency is a classic example. It may be for purposes of cleaning up the air or cleaning up the water or saving lives the Environmental Protection Agency has made a regulatory decision. It may be that the consumer agency says that it will increase your water rate or increase the auto emission costs.

Does the gentleman mean to say that the Lone Ranger sitting out there by himself can say to the President of the United States, "I don't care what you told the Environmental Protection Agency to do, I am going to take you before the district judge and shove it at you."

I do not think the President from Georgia would like that to happen to him. It seems to me even though he cannot and would not control the independent regulatory agency, he can control the consumer agency.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(At the request of Mr. LEVITAS, and by unanimous consent, Mr. BROOKS was allowed to proceed for 1 additional minute.)

Mr. LEVITAS. Mr. Chairman, if the gentleman will yield further, so while he should not control the independent regulatory agency, it seems to me that the President can control his own consumer representative and before he takes somebody to court, just let President Carter know about it. Let him decide whether that is a fulfillment of his policy and then a decision can be made to go forward or to desist.

Mr. BROOKS. Mr. Chairman, I thank the gentleman.

I think the President has enough duties without having that onerous burden unnecessarily added to his programs and responsibilities.

Mr. Chairman, I ask for a "no" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 14, noes 18.

Mr. LEVITAS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Obviously, a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate pro-

ceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Georgia (Mr. LEVITAS) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 219, not voting 18, as follows:

[Roll No. 47]

AYES—195

Abdnor	Fowler	Moorhead, Calif.
Alexander	Frenzel	Mottl
Ambro	Frey	Murphy, Pa.
Anderson, Ill.	Fuqua	Murtha
Andrews, N.C.	Gammage	Myers, John
Andrews, N. Dak.	Giaimo	Neal
Applegate	Gibbons	Nichols
Archer	Ginn	Nowak
Ashbrook	Goldwater	Obey
Badham	Goodling	Pickle
Bafalis	Gore	Pike
Barnard	Gradison	Poage
Bauman	Grassley	Pressler
Beard, Tenn.	Gudger	Quayle
Bennett	Guyer	Quie
Bevill	Hagedorn	Quillen
Bowen	Hall	Regula
Breaux	Hammer-schmidt	Rhodes
Brinkley	Hannaford	Roberts
Broomfield	Hansen	Robinson
Brown, Mich.	Hefner	Roncalio
Brown, Ohio	Heftel	Rousselot
Broyhill	Hightower	Rudd
Buchanan	Hillis	Runnels
Burgener	Holt	Ryan
Burke, Fla.	Hubbard	Santini
Burleson, Tex.	Huckaby	Sarasin
Butler	Hyde	Satterfield
Byron	Ireland	Sawyer
Caputo	Jenkins	Schulze
Carter	Jenrette	Shuster
Cederberg	Jones, N.C.	Sikes
Chappell	Jones, Okla.	Sisk
Clausen, Don H.	Kasten	Skubitz
Cleveland	Kazen	Smith, Nebr.
Cochran	Kelly	Snyder
Coleman	Kemp	Spence
Collins, Tex.	Ketchum	Stanton
Conable	Kindness	Stratton
Corcoran	Krueger	Stump
Crane	Lagomarsino	Symms
Cunningham	Latta	Taylor
Daniel, Dan	Lehman	Thone
Daniel, R. W.	Lent	Thornton
Derwinski	Levitas	Treen
Devine	Livingston	Trible
Dickinson	Lloyd, Tenn.	Vander Jagt
Dornan	Lott	Volkmer
Duncan, Oreg.	Lujan	Waggonner
Duncan, Tenn.	McClory	Walker
Edwards, Ala.	McCormack	Walsh
Edwards, Okla.	McEwen	Wampler
Emery	McKay	Watkins
English	Madigan	White
Erlenborn	Mann	Whitehurst
Ertel	Marks	Whitley
Evans, Del.	Marlenee	Wiggins
Evans, Ind.	Marriott	Wilson, Bob
Findley	Martin	Wilson, Tex.
Flippo	Mathis	Winn
Flowers	Mazzoli	Wydler
Flynt	Michel	Yatron
Foley	Milford	Young, Alaska
Forsythe	Mitchell, N.Y.	Young, Fla.
Fountain	Montgomery	
	Moore	

NOES—219

Addabbo	Ford, Mich.	O'Brien
Akaka	Ford, Tenn.	Oakar
Allen	Fraser	Oberstar
Ammerman	Gaydos	Ottinger
Anderson, Calif.	Gephardt	Panetta
Annunzio	Gilman	Patten
Armstrong	Glickman	Patterson
Ashley	Gonzalez	Pattison
Aspin	Hamilton	Pease
AuCoin	Hanley	Pepper
Baldus	Harkin	Perkins
Baucus	Harrington	Pettis
Bedell	Harris	Preyer
Bellenson	Harsha	Price
Benjamin	Hawkins	Pritchard
Biaggi	Heckler	Pursell
Blanchard	Holland	Rahall
Blouin	Hollenbeck	Railsback
Boggs	Holtzman	Rangel
Boland	Horton	Reuss
Bolling	Howard	Richmond
Bonior	Hughes	Rinaldo
Bonker	Ichord	Risenhoover
Brademas	Jacobs	Rodino
Breckinridge	Johnson, Calif.	Roe
Brodhead	Johnson, Colo.	Rogers
Brooks	Jordan	Rooney
Burke, Calif.	Kastenmeier	Rose
Burke, Mass.	Keys	Rosenthal
Burlison, Mo.	Kildee	Roybal
Burton, John	Kostmayer	Russo
Burton, Phillip	Krebs	Scheuer
Carney	LaFalce	Schroeder
Carr	Le Fante	Sebelius
Cavanaugh	Leach	Seiberling
Chisholm	Lederer	Sharp
Clay	Leggett	Simon
Cohen	Lloyd, Calif.	Skelton
Collins, Ill.	Long, La.	Slack
Conte	Long, Md.	Smith, Iowa
Conyers	Luken	Solarz
Corman	Lundine	Spellman
Cornell	McCloskey	St Germain
Cornwell	McDade	Staggers
Cotter	McFall	Stark
Coughlin	McHugh	Steed
D'Amours	McKinney	Steers
Danielson	Maguire	Stokes
Davis	Mahon	Studds
de la Garza	Markey	Thompson
Delaney	Mattox	Traxler
Dellums	Meeds	Tsongas
Derrick	Metcalfe	Tucker
Dicks	Meyner	Udall
Dingell	Mikulski	Ullman
Dodd	Mikva	Van Deerlin
Downey	Miller, Calif.	Vanik
Drinan	Miller, Ohio	Vento
Early	Mineta	Walgren
Eckhardt	Minish	Waxman
Edgar	Mitchell, Md.	Weaver
Edwards, Calif.	Moakley	Weiss
Eilberg	Moffett	Whalen
Evans, Colo.	Mollohan	Wilson, C. H.
Evans, Ga.	Moorhead, Pa.	Wirth
Fary	Moss	Wolff
Fascell	Murphy, Ill.	Wylie
Fenwick	Murphy, N.Y.	Yates
Fish	Myers, Gary	Young, Mo.
Fisher	Myers, Michael	Young, Tex.
Fithian	Natcher	Zablocki
Flood	Nedzi	Zeferetti
Florio	Nix	
	Nolan	

NOT VOTING—18

Beard, R.I.	Jeffords	Stangeland
Bingham	Jones, Tenn.	Steiger
Brown, Calif.	McDonald	Stockman
Clawson, Del	Rostenkowski	Teague
Dent	Ruppe	Whitten
Diggs	Shipley	Wright

Mrs. HECKLER and Mr. LONG of Louisiana changed their vote from "aye" to "no."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LEVITAS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. LEVITAS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS to the amendment in the nature of a substitute offered by Mr. BROOKS: On page 13, line 24, of the amendment in the nature of a substitute offered by the gentleman from Texas, strike out "Federal agency shall" and insert in lieu thereof "Federal agency may".

Mr. LEVITAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEVITAS. Mr. Chairman, the purpose of this amendment is to assure that the consumer advocate does not have any greater right to subpoena documents and interrogatories than a private individual would have. So that it is only in the course of a proceeding in which the agency is involved as an intervenor or as a participant where the consumer advocate is actually participating that that consumer representative can seek discovery, and in doing so would have to meet the same criteria as any other person who was a party to such proceedings, and not have any greater rights.

It is my understanding from a discussion with one of the sponsors of the the legislation, the gentleman from New York (Mr. ROSENTHAL) that that is the interpretation of the power that is provided for in the section of the bill being enacted.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I think my distinguished colleague fairly and accurately states the case. The Office of Consumer Representation would have no greater opportunities for subpenas and interrogatories than any private party. This agency would also come in under the rules of practice and procedures of the host agency and their application for subpenas and interrogatories would have to meet the usual tests of relevancy, reasonableness and scope and meet all the other tests that the host has.

I think the gentleman fairly states that the OCR would have no greater rights than any other party appearing or participating.

Mr. LEVITAS. Mr. Chairman, in light of that explanation, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage either the gentleman from Texas or the gentleman from New York, either one, in a short colloquy again on certain language on the bill on page 13, lines 13 through 17. The language is:

To the extent that any person, if aggrieved, would have a right of judicial review by law,

the Administrator may institute a proceeding in a court of the United States to secure review of the action of a Federal agency or its refusal to act.

That is included in the same paragraph where the administrator has the right to request or petition a Federal agency for relief or for certain action.

The way I read this, they would have the right then to upon refusal to act to initiate proceedings that anyone else that is aggrieved would have.

Mr. ROSENTHAL. Mr. Chairman, if the gentleman will yield, they would have no lesser rights or any greater rights than any other citizen.

Mr. VOLKMER. That is what I want to clear up; no greater rights than any citizen who would petition the regulatory agency for action and if refused, they would have no more right to bring an action against the agency than any citizen.

Mr. ROSENTHAL. That is correct.

Mr. VOLKMER. Mr. Chairman, I thank the gentleman from New York.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had given notice of my desire and intention to offer other amendments to this section, one other amendment to this section of the bill and an amendment to section 7 of the bill. The other amendment that I had proposed to offer to section 6 was an amendment which would have established a congressional veto procedure in any proceeding in which the consumer representative participated in a rulemaking procedure.

On very careful examination of the precedents of the House, I have concluded that such an amendment would not be germane. If a point of order were made against the amendment, it would, in my opinion, be sustained and properly so.

I have been assured that if the amendment were offered, such a point of order would be made.

Therefore, I will not take the time of the Committee by offering such an amendment, but rather, shall continue with other Members of the House to offer such amendments seriatum to each piece of legislation that comes through relating to an agency.

The amendment that I have to section 7 would have stricken from the bill the provision which would set up an Office of Consumer Complaints. The reason I was going to offer this amendment is because in many ways, Mr. Chairman, I feel this is one of the most fraudulent parts of the bill.

Most Americans who think an Office of Consumer Representation is being established by this legislation are thinking in terms of someplace in Government where they can go when they have a question about their television set which is not repaired properly or about their toaster which does not work, or when someone does not honor a warranty or when their car is not serviced according to their expectation.

All of us who have read this bill know that this legislation will not do a single thing about that. We know that this legislation will not create one iota of new consumer protection. But by having an Office of Consumer Representation and ballyhooing it around America, what we are going to end up with is thousands and thousands and perhaps hundreds of thousands of letters, postcards, and complaints coming into this office, and nothing is going to be done about it, not one thing. These complaints are going to be shuffled around; they are going to be sent back to State agencies, they are going to be sent over to the Federal Trade Commission, and nothing will be done. We will just create another room where more paper will accumulate.

The consumer who thinks that something will be done about his complaint by the Office of Consumer Representation is going to find out that the Government had lied to him again and has taken advantage of him. He will find out that although the Government has said, "We are going to take care of your problems," in truth and in fact nothing will be done.

I think the American people ought to know about this. I think the American people ought to be informed that this is a fraud. They are being told there is an Office of Consumer Representation, that there is an office where they can register complaints, but it will do nothing about consumer complaints. We will see again the cynicism of the people who time and time again have been told that Government is going to help them, because they will find out that Government is not going to do anything except create a new office, a new bureaucracy, and put out more paper. Those people will justifiably be cynical, and I think they should be told what is happening to them.

However, I do not believe that the amendment which I would offer would improve the bill to any extent, because I think the people are going to send in their compaints to somebody anyway. So we might as well leave this in and let the bill stand for what it is. As I say, we cannot make a silk purse out of a sow's ear.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, the bill provides, in addition to allowing the Office of Consumer Representation to intervene on behalf of consumer interests, the authority to receive, evaluate, develop, and act on consumer complaints by transmitting them to the appropriate agency. It seems to me that is a worthwhile function. From the gentleman's remarks, I thought he might mislead some people to think the Office of Consumer Representation would never act on consumer complaints.

There is in fact a provision for them to receive, evaluate, and transmit these complaints to an agency which might be of assistance to them.

In addition, the substitute also directs the OCR to maintain a public document room containing an up-to-date listing of all signed consumer complaints of significance for public inspection, and this would detail whatever action was taken by the various agencies.

Mr. Chairman, I think it is important to point out this function of the OCR, because it does very well serve the purpose of protecting individual consumers as well as representing all consumers in other arenas.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. LEVITAS) has expired.

(By unanimous consent, Mr. LEVITAS was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr. Chairman, if I may respond to my dear friend, the gentleman from California (Mr. WAXMAN), the problem is, just as the gentleman has read from the bill, that what this Office of Consumer Representation will do is receive complaints and then ship those complaints out to other existing agencies in Government so they can do something about them. I do not think we need a bill to do that. I think we need a warehouse to take care of the complaints. Today we have consumer complaints coming into the Office of Consumer Affairs at the White House, and they are being shipped out, just as they would be shipped out under this bill.

What disturbs me—and it disturbs me greatly, and I do want the American people to know about it—is that they are being told an Office of Consumer Representation is going to be created, and they have that lurking suspicion that maybe somebody is going to do something about their problems. I am afraid they will find out nobody is going to do anything about their problems, and they will just be ripped off again.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield once more?

Mr. LEVITAS. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, it seems to me the major purpose of this office will be to intervene in those cases that affect numerous consumers. The representation that I thought the gentleman was making is that the consumer would be misled into thinking this would be an office to receive his complaints.

The office does, in fact, receive, evaluate, and try to transmit to the appropriate agency individual consumer complaints. More importantly, the OCR will be able to intervene on behalf of consumers generally and advocate the consumer's interest where there is one.

Mr. Chairman, I just wanted to clarify the record, because I think this agency will serve both purposes.

Mr. LEVITAS. Mr. Chairman, just in conclusion, I would like to say that there is no right of this agency of consumer representation in any way, shape, or form to intervene on behalf of any consumer. All it can do is shuffle paper around, and I think, if we have a lot of one thing in Washington, it is shuffling paper around, and we do not need a new agency for that purpose.

Mr. MOFFETT. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from Connecticut.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. LEVITAS) has expired.

(On request of Mr. MOFFETT and by unanimous consent, Mr. LEVITAS was allowed to proceed for 1 additional minute).

Mr. MOFFETT. Mr. Chairman, I have some sympathy about what the gentleman is saying about raising false hopes. I hope the gentleman will also recognize the cynicism that is derived from consumers knowing that the odds are stacked against them in the proceedings in these agencies, where industries have tens of millions of dollars and the consumer has no voice. There is a cynicism there.

Mr. LEVITAS. Mr. Chairman, I agree with my colleague. I think the consumer should have an effective voice in these proceedings, but the Office of Consumer Complaints is not that one, and I just do not think we should kid the American people.

The CHAIRMAN. Are there further amendments to section 6? If not, the Clerk will read section 7.

The Clerk read as follows:

CONSUMER COMPLAINTS

SEC. 7. (a) The Office shall receive, evaluate, develop, act on, and transmit complaints to the appropriate Federal or non-Federal entities concerning actions or practices which be detrimental to the interests of consumers.

(b) Whenever the Office receives from any source, or develops on its own initiative, any complaint or other information affecting the interests of consumers and disclosing a probable violation of—

(1) a law of the United States,

(2) a rule or order of a Federal agency or officer, or

(3) a judgment, decree, or order of any court of the United States involving a matter of Federal law,

it shall take such action within its authority as may be desirable, including the proposal of legislation, and shall promptly transmit such complaint or other information to the Federal agency or officer charged with the duty of enforcing such law, rule, order, judgment, or decree, for appropriate action.

(c) The Office shall ascertain the nature and extent of action taken with regard to respective complaints and other information transmitted under subsection (b) of this section.

(d) The Office shall promptly notify producers, distributors, retailers or suppliers of goods and services of complaints of significance concerning them received or developed under this section.

(e) The Office shall maintain a public document room containing an up-to-date listing of all signed consumer complaints of significance for public inspection and copying which the Office has received, arranged in meaningful and useful categories, together with annotations of actions taken by it. Complaints shall be listed and made available for public inspection and copying only if—

(1) the complainant's identity is protected when has requested confidentiality;

(2) the party complained against has had sixty days to comment on such complaint and such comment, when received, is displayed together with the complaint; and

(3) the entity to which the complaint has been referred has had sixty days to notify the Office what action, if any, it intends to take with respect to the complaint.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that section 7 to be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any amendments to section 7?

AMENDMENT OFFERED BY MRS. FENWICK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mrs. FENWICK. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mrs. FENWICK to the amendment in the nature of a substitute offered by Mr. BROOKS: Page 15, lines 18 and 19 strike "a public document room containing".

Page 15, line 20 strike "for public inspection and copying".

Page 15, line 23, strike out the period and insert in lieu thereof ", which listing shall be available in accordance with the provisions of section 552 of title 5, United States Code."

Page 15, lines 23 and 24 strike "and made available for public inspection and copying".

Page 16, line 5 strike out "displayed" and insert in lieu thereof "held".

Mrs. FENWICK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. FENWICK. Mr. Chairman, this amendment is offered, in the interest of justice. We have here in the Brooks amendment as now before us a reading room, a document room, where complaints can be lodged against businesses, with only the provision that a rebuttal by the business may be attached to the complaint. People can come in and browse and copy whatever is there, classified according to the complaint. I think this is very difficult for small business. Exxon and Sears will have no difficulty in having their corporation counsel make a splendid rebuttal, but Joe's Emporium will have a hard time.

Mr. HORTON. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I talked with the chairman of the committee and with the gentleman from New York (Mr. ROSENTHAL), one of the principal sponsors of the bill, and we are willing to accept the amendment.

Mrs. FENWICK. Mr. Chairman, I am most grateful, and I thank the gentleman.

Mr. BROOKS. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. I yield to the distinguished Chairman.

Mr. BROOKS. Mr. Chairman, I will say that I do not think the amendment is the best we have ever seen, but it is one we can live with, and I think we can live with it.

Mrs. FENWICK. I thank the Chairman for his broadminded and generous view.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. FENWICK) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Are there further amendments to section 7? If not, the Clerk will read section 8.

CONSUMER INFORMATION AND SERVICES

SEC. 8. (a) The Office shall develop on its own initiative, and, subject to the other provisions of this Act, gather from other Federal agencies and non-Federal sources, and disseminate to the public in such manner, at such times, and in such form as it determines to be most effective, information, statistics, and other data concerning—

(1) the functions and duties of the Office;

(2) consumer products and services;

(3) problems encountered by consumers generally, including annual reports on interest rates and commercial and trade practices which adversely affect consumers; and

(4) notices of Federal hearings, proposed and final rules and orders, and other pertinent activities of Federal agencies that affect consumers.

(b) All Federal agencies which, in the judgment of the Administrator, possess information which would be useful to consumers are authorized and directed to cooperate with the Office in making such information available to the public.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that section 8 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there amendments to section 8? If not, the Clerk will read section 9.

The Clerk read as follows:

RESEARCH

SEC. 9. (a) The Office shall, in the exercise of its functions—

(1) encourage and support through, both public and private entities, the development and application of information on consumer products and services, by research and testing, including methods and techniques for testing materials, mechanisms, components, structures, and processes used in consumer products; and

(2) make recommendations to other Federal agencies with respect to research, studies, analyses, and other information within their authority which would be useful and beneficial to consumers.

(b) All Federal agencies which, in the judgment of the Administrator, possess testing facilities and staff relating to the performance of consumer products and services, are authorized and directed to perform promptly, to the greatest practicable extent within their capability, such tests as the Administrator may request in the exercise of his functions under section 6 of this Act, regarding products, services, or any matter affecting the interests of consumers. Such tests shall, to the extent possible, be conducted in accordance with generally accepted methodologies and procedures, and in every case when test results are published, the methodologies and procedures used shall be available along with the test results. The results

of such tests may be used or published only in connection with proceedings in which the Office is participating or has intervened pursuant to section 6. In providing facilities and staff upon request made in writing by the Administrator, Federal agencies—

(1) may perform functions under this section without regard to section 3648 of the Revised Statutes (31 U.S.C. 529);

(2) may request any other Federal agency to supply such statistics, data, progress reports, and other information as the Administrator deems necessary to carry out his functions under this section and any such other agency is authorized and directed to cooperate to the extent permitted by law by furnishing such materials; and

(3) may, to the extent necessary and authorized, acquire or establish additional facilities and purchase additional equipment for the purpose of carrying out the purposes of this section.

(c) Neither a Federal agency engaged in testing products under this Act nor the Administrator shall declare one product to be better, or a better buy, than any other product; however, the provisions of this subsection shall not prohibit the use or publication of test data as provided in subsection (b).

(d) Nothing in this Act shall be construed to authorize the Administrator to establish a consumer product testing laboratory.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that section 9 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there amendments to section 9?

AMENDMENT OFFERED BY MR. HOLLENBECK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. HOLLENBECK. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. HOLLENBECK to the amendment in the nature of a substitute offered by Mr. BROOKS:

Section 9(d), on page 19, line 11, strike out the period and insert in lieu thereof the following: ", nor shall anything in the Act be construed to authorize the Administrator to request or direct the retesting of an aspect or characteristic of a consumer product or service when testing has been completed on such aspect or characteristic of that consumer product or service or a substantially identical consumer product or service by or at the request of an agency of the federal government within 18 months of the Administrator's request, unless a significant hazard to the consumer can be demonstrated."

Mr. HOLLENBECK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLLENBECK. Mr. Chairman, under section 9(b) of H.R. 9718, the Administrator would undoubtedly have the authority to demand duplicate testing over a broad range of consumer products and services. Bureaucratic delays and duplication of efforts, which incidentally the Carter administration had pledged to eliminate, are built into this provision.

I believe that my amendment is both necessary and in the best interest of the consumer. Essentially, it prohibits the Administrator from requiring the retesting of a particular aspect of a consumer product, if that same aspect had been tested by the Federal Government or at the request of the Federal Government within 18 months of the request. These restrictions would be waived if the Administrator demonstrates that the particular aspect would create a significant hazard to the consumer.

A hazard to the consumer could be demonstrated in any number of ways. For example, a test of a similar product could bring to light pertinent information which could prove previous tests to be inadequate. Also, there could be cases where testing done in a private or foreign laboratory could demonstrate the need for further study. Additionally, there is the obvious possibility of discovering hazards which could not have been anticipated during the original testing. Generally, these would occur after the product has been released on the market. These are merely examples, not an exhaustive list.

Mr. Chairman, bureaucratic redtape has historically served as a disincentive to research and development. The built-in delays contained within section 9(b) would serve to exacerbate this situation. A prime example is the drug lag which exists in this country. Extensive retesting and reverification, beyond safety and efficacy requirements, have forced many pharmaceutical companies to concentrate their research and development efforts overseas. In most instances, a period of several years transpires before new products developed overseas are introduced into the United States. There are several cases where new, life-saving and pain alleviating drugs can only be obtained by traveling to foreign countries where subsidiaries of American companies have developed new products. I believe that my amendment will ameliorate this problem by preventing any additional delays which could occur under section 9(b).

My amendment, like H.R. 9718, is designed to protect the consumer. It will save money by eliminating the costly and unnecessary retesting of a consumer product. At the same time, it clarifies the intent of the bill which is to insure adequate safeguards for the consumer. Mr. Chairman, I urge adoption of this amendment.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. HOLLENBECK. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I have discussed this amendment with the gentleman on several occasions.

I think it is a good amendment, and I would accept it.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. HOLLENBECK. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, this amendment is not a destructive one in any sense of the word.

I would just want to clarify one point. Is it correct that when the gentleman refers to product testing, he means product testing by some agency of the Government, not private product testing under some regulations?

Mr. HOLLENBECK. Yes, I do mean that.

For clarification, the amendment which is being considered is a revised amendment which incorporates language to the effect that the gentleman mentions.

Mr. BROOKS. Mr. Chairman, I thank the gentleman.

With that, I would certainly be in favor of the amendment and would have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLLENBECK) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Are there further amendments to section 9?

If not, the Clerk will read.

The Clerk read as follows:

INFORMATION GATHERING

SEC. 10. (a) Upon written request by the Administrator, each Federal agency is authorized and directed to furnish or allow access to all documents, papers, and records in its possession which the Administrator deems necessary for the performance of his functions and to furnish at cost copies of specified documents, papers, and records. This subsection does not apply to matters that are—

(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552 or 552b of title 5, United States Code): *Provided*, That such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(5) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(6) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investi-

gation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(7) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(8) geological and geophysical information and data, including maps, concerning wells;

(9) trade secrets and commercial or financial information obtained from a person and privileged or confidential—

(A) obtained prior to the effective date of this Act by a Federal agency, if the agency had agreed to treat and has treated such information as privileged or confidential and states in writing to the Administrator that, taking into account the nature of the assurances given, the character of the information requested, and the purpose, as stated by the Administrator, for which access is sought, to permit such access would constitute a breach of faith by the agency; or

(B) obtained subsequent to the effective date of this Act by a Federal agency, if the agency has agreed in writing as a condition of receipt to treat such information as privileged or confidential, on the basis of its determination set forth in writing that such information was not obtainable without such an agreement and that failure to obtain such information would seriously impair performance of the agency's function.

Before granting the Administrator access to trade secrets and commercial or financial information described in section 552(b)(4) of title 5, United States Code, the agency shall notify the person who provided such information of its intention to do so and the reasons therefor, and shall afford him a reasonable opportunity to comment. Where access to information is denied to the Administrator by a Federal agency pursuant to this subsection, the head of the agency and the Administrator shall seek to find a means of providing the information in such other form, of under such conditions, as will meet the agency's objections. The Administrator may file a complaint in court to enforce its rights under this subject in the same manner and subject to the same conditions as a complainant under section 552(a)(3) of title 5, United States Code.

(b) Consistent with the provisions of section 6103 of the Internal Revenue Code of 1954 (26 U.S.C. 6103), nothing in this Act shall be construed as providing for or authorizing access by the Administrator to information solely from a tax return or tax return information, as defined by section 6103(b) of such Code, except as provided by law.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any amendments to section 10?

If not, the Clerk will read.

The Clerk read as follows:

LIMITATIONS ON DISCLOSURES

SEC. 11. (a) Except as provided in this section, section 552 of title 5, United States Code, shall govern the release of information by any officer or employee of the Office.

(b) No officer or employee of the Office shall disclose to the public or to any State or local agency any information which was received solely from a Federal agency if such agency has notified the Administrator that the information is within the exceptions stated in section 552(b) of title 5, United States Code, and the Federal agency has determined that the information should not be made available to the public, except that, if such Federal agency has specified that such information may be disclosed in a particular form or manner, such information may be disclosed in such form or manner.

(c) The following additional provisions shall govern the release of information by the Administrator pursuant to any authority conferred by this Act, except information released through the presentation of evidence in a Federal agency or court proceeding pursuant to section 6:

(1) The Administrator, in releasing information concerning consumer products and services, shall determine that (A) such information, so far as practicable, is accurate, and (B) no part of such information is prohibited from disclosure by law. The Administrator shall comply with any notice by a Federal agency pursuant to subsection (b) of this section that the information should not be made available to the public or should be disclosed only in a particular form or manner.

(2) In the dissemination of any test results or other information which directly or indirectly disclose product names, it shall be made clear that (A) not all products of a competitive nature have been tested, if such is the case, and (B) there is no intent or purpose to rate products tested over those not tested or to imply that those tested are superior or preferable in quality over those not tested.

(3) Notice of all changes in, or any additional information which would affect the fairness of, information previously disseminated to the public shall be promptly disseminated in a similar manner.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any amendments to section 11?

If not, the Clerk will read.

The Clerk read as follows:

PROTECTION OF THE CONSUMER INTEREST IN ADMINISTRATIVE PROCEEDINGS

SEC. 12. Every Federal agency in considering any Federal agency action which may substantially affect an interest of consumers including, but not limited to, the issuance or adoption of rules, regulations, guidelines, orders, standards, or formal policy decisions, shall—

(1) notify the Office at such time as notice of the action is given to the public, or at such times and in such manner as may be fixed by agreement between the Administrator and each agency with repect to the consideration of specific actions, or when notification of a specific action or proceeding is requested in writing by the Office; and

(2) consistent with its statutory responsibilities take such action with due consideration to the interest of consumers.

In taking any action under paragraph (2), upon request of the Office or in those cases where a public announcement would normally be made, the Federal agency concerned shall indicate concisely in a public announcement of such action the consideration given to the interests of consumers. This section shall be enforceable in a court of the United States only upon petition of the Office.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any amendments to section 12?

Mr. BAUMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think every now and then a little social commentary on our procedures is proper. Today, just for the record, we ought to observe, based on the proceedings since 1 o'clock when we met, we are witnessing a repetition of what might now be called in this session the "OCS strategy." That is to say, a committee brings out a complex bill for floor consideration which is in real real trouble, and then in an effort to get any legislative vehicle to the other body so that a conference can rewrite the legislation, the leadership embraces any and all amendments, whether they are good, bad, or indifferent, so long as they enhance the passage of the bill.

Later, of course, Mr. Chairman, the bill will be rewritten in conference and an attempt made to jam it through eventually.

Mr. Chairman, I was under the impression that the substitute now pending and which we are considering was the pluperfection and end-all of consumer legislation, based on the statements made to us since last October when it appeared. However, we have seen a succession of one amendment after another being swallowed whole, without even reading.

Mr. Chairman, I am sure that there is no quid pro quo involved in the offering and acceptance of any of these amendments. Far be it from me to suggest that such a thing would happen in the people's House, logrolling to get votes for legislation.

I would suspect, however, Mr. Chairman, that this bill is still in trouble. I do not in any way question the motives of anyone who has offered any amendment. I think everyone in this House should be afforded the right to offer amendments and that they should be taken in good faith; but I also think it is strange that the authors of the bill, who have told us so many times that there is no need for further perfection, should accept so many amendments one after another, with little or no discussion.

Mr. Chairman, I think the House and the people of the United States should be fully aware of exactly what is being attempted here. It is not good legislative procedure to rewrite a bill of this magnitude on the floor. It is a parliamentary ploy based apparently on the hope that this bill might squeak through the House. It is also an object confession of the inherent imperfection of this unneeded legislation.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

Would the gentleman agree that it appears that the only thing the sponsors of this legislation seem to be interested in at the present time is the title of the bill, and even that has changed quite often during the course of its consideration?

Mr. BAUMAN. Most definitely.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to my distinguished colleague, the gentlewoman from New Jersey (Mrs. FENWICK), who has been so successful in offering amendments.

Mrs. FENWICK. Mr. Chairman, I rise in amazement that such suggestions can be made. The gentleman is questioning here the good faith or the gullibility of those who are working and have worked on both sides of the aisle in order to bring about a bill in the public interest.

I think that it is unfortunate that someone dares to judge the motives of other people. Are we so sure of our own that any one of us can decide exactly what is moving people to do what they do—covering allegations with a pro forma disclaimer; to suggest that we take up the time of this House in games? I assure you that that is not true.

Mr. BAUMAN. I am sure there is no defect in the gentlewoman's hearing. In fact, she has been sitting, during my remarks, within about 2 feet of me. She must have also heard me say that I in no way question the motives of those who have offered amendments. I question no one's motives in this House. I always assume the best of motives in all Members.

I do, however, think that after 4½ years here, I am able to judge what is happening in a parliamentary sense; that the authors of this bill know it is in trouble; that they do not have the votes and are amending everything onto this bill except the proverbial kitchen sink in order to get the votes. That does not involve motives; it involves strategy, but I hope the American people will see through what is being done. This bill is a monstrosity in conception and no amount of changes can improve it.

I do think, Mr. Chairman, that we ought to realize what is happening here. I think it is unfortunate. The substitute bill should have received full consideration in the committee in the due course of debate, and have been amended there if all these glorious amendments were so necessary.

Mr. ROSENTHAL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to bring to the attention of the members of the committee a verbatim transcript of a discussion that was held on the ABC evening news last night between Barbara Walters and Lou Harris. Barbara Walters said:

While Congress has been debating the question, ABC's expert on public opinion has been following the reaction. Lou Harris began charting the public attitude on the consumer protection agency back in 1975. Over a three-year period he reports a steady growth in favor of some type of protection for consumers. From the 44 percent favorable reading in 1975 public support had grown to 52 percent in 1976. A year later in 1977 even more support was recorded with 55 percent of the American people indictaing a favorable grass roots support for an agency to protect consumers. These latest figures also show 28 percent opposed to the agency while those not sure represent 17 percent of the public opinion. Well, Lou Harris is here in the office with us, and my question to you Lou is this; Congress is opposing a consumer protection plan. Is that following the will of the people?

Then, Mr. Harris said:

Barbara, not at all. We find by two to one the public wants such an agency. People do think just over two to one that, yes they don't want another bureaucratic agency, but far outweighing that is two out of every three who say that we worry about big business power over government which squeezes the consumer and short changes the consumer. Therefore, people say, give us a Consumer Protection Agency.

Mrs. SMITH of Nebraska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, during the 3 years I have served as a Member of the Congress, I have had more letters in opposition to this proposal than any other issue before the Congress. I cannot recall ever having received even one letter in support of it.

Whether it be cloaked in the euphemism, "Office of Consumer Representation," or under its common name, "Consumer Protection Agency," the creation of another governmental body to protect the Nation's consumers is founded on the fallacious assumption that a definable consumer interest exists. Identifying a single protectable consumer interest is the equivalent of deciding what is in the public interest, for every member of the public is, at last count, a consumer. How then would this fledgling bureaucracy propose to ascertain what is in the public interest?

Let me give a concrete example. A few months ago the Food and Drug Administration took steps to ban saccharin. Assume that the well-intentioned protectors in the new agency want to flex their untried muscle to help consumers prosecute the saccharin issue. Which consumers will the protectors protect? The overweight consumers? The diabetic consumers? The heart-patient consumers? How about the rats used to test saccharin? Based on the amount of consumption, this last group has a greater claim to the title of "consumer" than all the others put together.

You can clearly see the problem. There is no better standard for defining a consumer interest than we have for defining the general public interest. At best any standard adopted by the new agency would be ambiguous. Thus, whenever the agency attempted to act it would necessarily be balancing conflicting interests and choosing to help some consumers at the expense of others. In this sense, the "consumer protection agency" could also become a "consumer bombardment agency." Again the saccharin situation is an excellent example: If the consumer protection agency chose to encourage the ban, it would be bombarding the overweight consumers, the diabetic consumers, and the heart-patient consumers in order to protect other consumers.

Simply stated, a centralized government bureaucracy is ill equipped to ascertain what is beneficial to consumers or the public. When the framers of the Constitution wanted to insure that Government would be sensitive to the public will, they created Congress, not an imperial bureaucracy. Congress, and Congress alone, must define the consumer/public interest. This is one function that Congress cannot delegate because it is the essence of its purpose. No agency can draw together advocates for all varying viewpoints from all parts of our Nation and all walks of life to deliberate over what is best for the public. We are asking an agency to do what Congress must recognize as solely within its own province.

Another assumption underlies the argument for a Government body to protect consumers. That unstated argument implies that the consumer, that is, the American citizen, cannot protect himself. Earlier today we created 145 new Federal judgeships because Americans are peculiarly adroit at protecting themselves. The consumer is not a frail, defenseless creature. The caseload of our courts has doubled since World War II primarily because the average consumer/citizen is well aware of the constitutional process of seeking redress through the judiciary. Any businessman will tell you that his products liability insurance costs are exorbitant (in fact, this has become another major problem that needs solution) because America's "feeble" consumers are not really feeble at all.

While we are on the topic of false assumptions, let us discuss one more erroneous presupposition at the heart of this proposal. This implicit supposition is that America's businesses are insensitive to consumer interests. A moment's reflection will reveal the weaknesses of this assumption. No business will survive long in today's brutally competitive market unless its sole goal is to satisfy consumers. A few rumors that a product is dangerous or harmful is enough to destroy most businesses.

For example, scientists began to postulate several months ago that some spray cans may be harmful to the earth's ozone layer. I noted that nearly every spray manufacturer soon developed some kind of pump device to dispense their product. To avoid losing customers, these businesses made some voluntary changes. In other words, the marketplace reacted nearly instantly to what the consumers wanted. The market system is by far the best consumer protector because it operates as each consumer casts his vote at the cashier stand.

My remarks have not focused on the expense of this added layer of governmental "redtape" because my other colleagues have stressed these points admirably. It is clear, however, that this bill will inflict higher taxes on the American public for two reasons: First, the cost of supporting the new agency itself is over $15 million a year; and second, as the agency intervenes in other govern-

ment activities, it will cause expensive delays. Hence, the actual burden on the taxpayer will be much more than the $15 million we will be asked to give the agency every year. I simply cannot sit back quietly and watch this so-called "consumer protection agency" bombard consumers with higher taxes, delays, and unwanted regulations. I urge a resounding "no" vote to hush this "consumer bombardment agency" for once and for all.

The CHAIRMAN. There being no further amendments to section 12, the Clerk will read.

The Clerk read as follows:

SAVING PROVISIONS

SEC. 13. (a) Nothing contained in this Act shall be construed to alter, modify, or impair the statutory responsibility and authority contained in section 201(a)(4) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 481(a)(4)), or of any provision of the antitrust laws, or of any Act providing for the regulation of the trade or commerce of the United States, or to prevent or impair the administration or enforcement of any such provision of law.

(b) Nothing contained in this Act shall be construed as relieving any Federal agency of any authority or responsibility to protect and promote the interests of the consumer.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of the section, that it be printed in the RECORD, and that it be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. There being no amendments to section 13, the Clerk will read section 14.

The Clerk read as follows:

TRANSFER OF PROGRAMS, OPERATIONS, AND ACTIVITIES

SEC. 14. (a) The functions being performed by the entities enumerated in subsection (b) of this section and all funds, records, and property utilized in connection therewith, shall be transferred to the Office within one hundred and twenty days of the effective date of this Act.

(b) The following entities shall be subject to the provisions of subsection (a):

(1) Office of Rail Public Counsel, Interstate Commerce Commission;

(2) Legal and Consumer Research Sections, Office of the Consumer Advocate, Civil Aeronautics Board;

(3) Officer of the Commission (consumer representation function), Postal Rate Commission;

(4) Consumer Information Office, Consumer Product Safety Commission;

(5) Consumer Assistance Office, Federal Communications Commission;

(6) Special Assistant for Consumer Affairs. Federal Energy Regulatory Commission;

(7) Special Assistant to the President and the Office of Consumer Affairs, Department of Health, Education, and Welfare;

(8) Special Assistant for Consumer Affairs, Office of Human Development, Department of Health, Education, and Welfare;

(9) Consumer Affairs Officers of the Food and Drug Administration;

(10) Consumer Affairs Division, Domestic and International Business Administration, Department of Commerce;

(11) Special Assistant to the Secretary, Department of Labor;

(12) Consumer Coordinator and Special Assistant to the Under Secretary for Economic Affairs, Department of State;

(13) Office of Consumer Affairs, Assistant Secretary for Environment, Safety and Consumer Affairs, Department of Transportation;

(14) Community and Consumer Liaison Division, Office of Public Affairs, Federal Aviation Administration, Department of Transportation;

(15) Consumer Affairs Director, National Highway Traffic Safety Administration, Department of Transportation;

(16) Special Assistant to the Secretary for Consumer Affairs, Department of the Treasury;

(17) Such entity or entities with the Department of Energy as carry on the functions formerly performed by the Consumer Affairs and Special Impact Division, Office of Intergovernmental Relations and Special Programs, Federal Energy Administration;

(18) Consumer Information Center, General Services Administration;

(19) Advisory Group to the Commissioner of Internal Revenue, Department of the Treasury; and

(20) Consumer Affairs and Special Impact Committee, Department of Energy.

(c)(1) Except to the extent prohibited by law, the Director of the Office of Management and Budget is authorized and directed to review all other Federal programs and activities which have a consumer information, advocacy, or related function and identify those which would overlap, duplicate or conflict with the functions performed by the Office. This review shall be carried out as a part of the President's first budget review process following establishment of the Office.

(2) The Director of the Office of Management and Budget shall, one week after the submission of the President's budget to the Congress, report to the Committees on Appropriations and Government Operations of the House of Representatives and Appropriations and Governmental Affairs of the Senate the results of the review required by paragraph (1) of this subsection. Such report shall include (A) all activities identified as a part of the Office of Management and Budget's review; (B) a description of those activities including their costs during the fiscal year and how those activities overlap, duplicate, or conflict with the responsibilities of the Office; and (C) the budgetary recommendations to the Congress to eliminate such activities. Such budgetary reduction recommendations shall be no less than $10,000,000 in the ensuing fiscal year.

(3) Nothing in this subsection shall be construed to prohibit the Director of the Office of Management and Budget from including in the report required by paragraph (2) of this subsection, comments on the consumer related activities of independent regulatory agencies that overlap, duplicate, or conflict with the functions performed by the Office.

(d) The Administrator, pursuant to section 4 of this Act, shall be responsible for incorporating such programs, operations, and activities as are or may ultimately be transferred in such manner and to such extent as he deems consistent with the Office's responsibilities under section 5 of this Act, and for issuing such organizational directives as he deems appropriate to carry out the purposes of this section.

(e) The Administrator shall include in his second annual report, as provided in section 4(d), a full accounting of the implementation of this section to date.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of section 14 be dispensed with, that it be printed in the RECORD, and that it be open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. M'CLOSKEY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. McCLOSKEY. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute, and I ask unanimous consent that the Clerk read the entire amendment, which goes to two different sections.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was on objection.

The Clerk read as follows:

Amendment offered by Mr. McCLOSKEY to the amendment in the nature of a substitute offered by Mr. BROOKS: On page 26, beginning on line 13, strike out "within one hundred and twenty days of the effective date of this Act".

On page 34, strike out lines 13 through 18, and insert in lieu thereof the following:

(b) Prior to the effective date of this Act as prescribed in subsection (a), the Office of Management and Budget shall submit a report to Congress which states that, in the opinion of the Director of the Office—

(1) the transfers of the functions required in section 14 of each of the entities listed in section 14(b) can be fully effected within 30 calendar days following the effective date; and

(2) the sum of—

(1) the annual compensation, as of the date of transfer, of the personnel involved in the performance of each of the functions transferred pursuant to section 14; and

(ii) the sum of any addition expenses incurred in the performance of such functions in the fiscal year preceding the date of such transfer,

equals at least $11,000,000.

(c) Any of the officers provided for in this Act may be appointed in the manner provided for in this Act on the earlier of the date of submission of the report to Congress pursuant to section 20(b) or the 60th calendar day after the date of enactment of this Act.

Mr. McCLOSKEY. Mr. Chairman, this amendment is intended to allay the fears of those who have heard from chamber of commerce and business lobbyists that this bill does not accomplish what we set out to do.

What we set out to do—and this stems from an amendment offered by the gentlewoman from Massachusetts (Mrs. HECKLER) and myself 3 years ago—was that we would never again create a new agency of the Government of the United States unless as a part of the creation of this new agency we abolished more bureaucracy than we created.

This bill provides that before this new agency comes into being at an authorization of $15 million per year, we will abolish some 20 offices in the Federal bureaucracy that cost $11 million per year and for which $11 million was authorized to be appropriated in fiscal year 1978. It provides further that an additional $10 million of consumer functions

and programs will be abolished within a period shortly after this agency comes into being.

This marks the first time in the 10 years I have been in the Congress, that we have had the opportunity to abolish a part of the bureaucracy. I think for this reason alone this bill justifies the serious consideration of my conservative colleagues who have pledged, as all of us have, to try to cut the cost and the complexity of Government.

We are abolishing by this bill more than we create. By this amendment we require that until these other agencies are abolished, this new agency does not come into being. I only regret that we are not able under the germaneness rule to abolish the Consumer Products Safety Commission and I wish also that we could abolish the Renegotiation Board. Rarely can we abolish anything. On this occasion, by this amendment, we not only abolish but we require the abolition before this new agency comes into existence.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Chairman, I commend the gentleman from California for his statement and for his amendment.

Three years ago I rose in support of it and I rise in support of it now.

I hope the Chairman and the ranking minority member will accept this very wise amendment.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, I have looked over the amendment offered by the gentleman from California (Mr. McCLOSKEY). We have discussed the amendment for 2 or 3 days. I think it is reasonable and that it reflects that which we faced in the committee as well as here, that we are committed to the abolishment of this periphery of small agency programs through the Government and the consolidation of them. This will encourage and almost make mandatory that commitment of this administration to abolish those programs and consolidate them, as it is so stated in this amendment, and I agree with it.

Mr. Chairman, I might further add one further statement and that is that the gentleman from California (Mr. McCLOSKEY) spoke about the Renegotiation Board. It is not before us today, but I would like to work with the gentleman on that proposition.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I want to commend the gentleman in the well from California (Mr. McCLOSKEY). The gentleman has, as he indicated, been very much in the forefront of those who have been trying to eliminate some of these agencies who try to represent the interest of the consumer. The gentleman has spoken out on this issue before and has offered amendments in earlier bills. The gentleman has been very instrumental in the process that led up to the adoption by the sponsors of this legislation of the provisions which are to eliminate and to abolish some of these agencies in accordance with the reorganization plans and the Brooks amendment.

Mr. McCLOSKEY. I want to thank the gentleman from New York (Mr. HORTON) for the kind remarks he has made, but I must point out that I should not get all of the credit. I want to commend our colleague, the gentleman from California (Mr. ROUSSELOT) who when he was a Member of this body in 1961, suggested that the major goal of the Congress should be to abolish government rather than to create more government. I hope that we hold to the principle that is incorporated in this bill by abolishing 20 offices and programs costing $21 million. I would like to pledge to the gentleman, as long as we are on this issue that we have this sunset provision in the legislation after 5 years, and I believe that as long as we are in the House we can prevent this agency from expanding beyond the $15 million range, expanding into some sort of a monster. I think it is a rare privilege to abolish $21 million in government spending at a cost of only $15 million.

Mr. HORTON. Mr. Chairman, if the gentleman will yield still further, I wanted to indicate my support for this amendment because it does require the administration to document the savings involved before this act takes effect.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. LEVITAS and by unanimous consent, Mr. McCLOSKEY was allowed to proceed for 2 additional minutes.)

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I am happy to yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I thank my colleague, the gentleman from California (Mr. McCLOSKEY) for yielding to me. I might say, Mr. Chairman, that while I have great hope for the success of this amendment in the event that this bill should pass, I really would like to go on record today as saying that after these agencies are abolished, if they are, that it will only be a few years before they are reestablished again because you are going to have to have some place in those agencies to deal with the consumer complaints that section 7, the Office of Consumer Complaints, will be dealt with when they come over to these agencies.

Anyone who thinks you can create an agency in the Government and then cut it out and not get it replaced with a more expensive one—and I know the gentleman is a student of history—has not read the history of these past 20 years.

We made a staff study of what was going on in these offices that were being transferred and, frankly, they were not there to represent the consumer. They were called the Consumer Office, and through the guise of being called the Consumer Office there was the idea that somehow or other there was a representative of all of the people but that was just pure window dressing and they were not effective. I do not think that this Administrator is going to find any replacement for them.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, I would ask the gentleman from California (Mr. McCLOSKEY) what assurances the gentleman has that it is going to be possible to eliminate some of these people from the Federal payroll, and how that works out with the idea presented by the President in his reorganization plan where we were told that no one will be losing their job, no one will be cut from the Federal payroll? Can I ask the gentleman how this is going to be accomplished in the first place, how this will be realized? What assurances do we have in that respect because the gentleman's amendment, it seems to me, is not going to have that as the real end result.

Mr. McCLOSKEY. Let me remind the gentleman that in the abolition or transfer of the 20 agencies listed in section 14, the funds have to be taken out of those agencies, so that the agencies will no longer have $11 million to spend.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. GLICKMAN and by unanimous consent, Mr. McCLOSKEY was allowed to proceed for 2 additional minutes.)

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, as the gentleman knows, I am kind of a low voice in the wilderness on this issue. I am not sure that we ought to be doing this kind of thing, because I am not sure that the functions could be better handled by stronger advocates at the agency level; but what I would like to ask, does the gentleman envision, assuming this amendment passes that no consumer-related functions whatsoever will be handled at the agency level?

Mr. McCLOSKEY. Not at all; I merely say that we remove $11 million of payroll expense from those agencies. If they want to assign an assistant secretary or a clerk to funnel mail or someone else to the new agency, that is fine. How they handle it is up to them; but they will lose $11 million of their expense and this amendment assures that. I would hate to go to the House and urge this without that kind of certification. We take these offices out of existence by cutting off their funds.

Mr. GLICKMAN. Mr. Chairman, if the gentleman will yield further, inasmuch as the bill certifies that it goes back to the substantive agencies, I would assume people in the agencies would still have responsibility to handle consumer-related matters.

Mr. McCLOSKEY. Just as our offices as Members of Congress are responsible; if anybody raises a complaint with us, we owe them a response. That is part of our price of doing business.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman yield?

Mr. McCLOSKEY. I yield to the gentleman from North Carolina.

Mr. FOUNTAIN. Mr. Chairman, the gentleman's amendment would take from these agencies what little consumer experitise they now have and place it in the hands of a newly created agency which has no knowledge whatsoever of these respective agencies. For that reason, I oppose it.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am somewhat confused and really do not know whether I should support the gentleman's amendment or not. I suspect, although I know the gentleman is offering this amendment in every good faith, that its acceptace, by the bill's managers at least, is meant to give the appearance of some sort of conservative move to reduce expenditures every good faith, that its acceptance, by elsewhere to pay for the new expenditures that will be required by this legislation. But I am confused because this section 14 was drafted originally by the committee sponsors not to transfer personnel. If we look at section 14 it says that funds, records and property shall be transferred, no personnel. Yet I understood the gentleman from California to say a minute ago when the gentleman spoke from the well that some $11 million worth of personnel expense would have to be transferred before the bill would take effect.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Chairman, terminated, not transferred; if they want to transfer their personnel over to the new office, that is up to them. That would answer the objection of the gentleman from North Carolina (Mr. FOUNTAIN) that the expertise was not being lost; but I wanted to make clear by this amendment there would be no fuzzing up of this. We are not permitting $11 million to be spent in some other way. We have removed $11 million from these 20 agencies' budgets, from their operating expenses. We left how this was to be done up to the Office of Management and Budget.

Mr. ERLENBORN. Mr. Chairman, I suspect if the amendment is effective, it might eliminate jobs and run contrary to the President's promise.

Mr. McCLOSKEY. Absolutely; and I think the President ought to be held to his promise. You cannot cut back on bureaucracy without cutting back on jobs.

Mr. ERLENBORN. I think the President should be held to his promise, to the promise he made as a candidate that he would reduce the number of agencies, reduce the number of bureaucrats; yet he comes along and advocates the creation of an unneeded agency.

I suspect the observations made by my friend, the gentleman from North Carolina (Mr. FOUNTAIN) are quite accurate as well; that is, that since this bill requires that the host agency, the agency with the original authority must respond to consumer complaints, they are just going to recreate what we supposedly have transferred from these agencies.

I think that OMB could make this certification for the first year, since there is no requirement that it be replicated in ensuing years; that $11 million can be put right back in the budget and be made $22 million in the ensuing year. This may have the appearance of being a sop to the Members of this House, but I think it is a great deal of smoke.

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Chairman, if there is one thing the conservatives in this House are able to do, it is to examine that budget to see if OMB will put it back in here. If OMB should try, I am sure that, with my colleague, the gentleman from California (Mr. ROUSSELOT), looking at the budget, they will never get away with it.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for his observations. However, I would be much happier if they would have the authority not only to look at this but also to make some exceptions. With the composition of this House, however, I think that is unlikely.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. McCLOSKEY) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Are there further amendments to section 14?

If not, the Clerk will read.

The Clerk read as follows:

DEFINITIONS

SEC. 15. As used in this Act—

(1) the term "Office" means the Office of Consumer Representation;

(2) the terms "agency", "agency action", "party", "person", "rulemaking", "adjudication", and "agency proceeding" shall have the same meaning as set forth in section 551 of title 5, United States Code;

(3) the term "consumer" means any person who uses for personal, family, or household purposes, goods and services offered or furnished;

(4) the term "interests of consumers" means any concerns of consumers involving the cost, quality, purity, safety, durability, performance, effectiveness, dependability, and availability and adequacy of choice of goods and services offered or furnished to consumers; the adequacy and accuracy of information relating to consumer goods and services (including labeling, packaging, and advertising of contents, qualities, and terms of sale); and any concerns of small business entities that are consistent with those of consumers;

(5) the term "small business entity" means any person, including a family farming operation or enterprise, that, together with such person's affiliates, including any other person with whom such person is associated by means of a franchise agreement, does not have assets exceeding $5,000,000; or does not have more than the annual equivalent of twenty-five full-time employees; and

(6) the term "State" includes any State or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Canal Zone, Guam, American Samoa, and the Trust Territories of the Pacific Islands.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that the section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. CUNNINGHAM. Mr. Chairman, reserving the right to object, I wonder if the maker of the motion would yield first for a question?

Mr. BROOKS. Certainly, I would be delighted to yield to my distinguished friend, the gentleman from Washington.

Mr. CUNNINGHAM. Mr. Chairman, in reading the definitions, particularly that definition on page 31 relating to "small business entity," the question of assets is addressed, but there is no definition of "assets" per se.

Does that word, "assets," mean paid-in or net worth or just balance-sheet?

Mr. BROOKS. That would mean property.

Mr. CUNNINGHAM. Total property?

Mr. BROOKS. The gentleman is correct.

Mr. CUNNINGHAM. Mr. Chairman, still reserving the right to object, would the committee chairman and sponsor entertain a unanimous-consent request to change that word verbally from "assets" to "net worth"?

In today's economy, liabilities can greatly exceed in some instances assets, and I think what we are really after is trying to see that those who need the help get it. I do not want to be so brazen as to make the unanimous-consent request myself.

Mr. BROOKS. Mr. Chairman, I suggest that we explore that matter in the conference.

Is the gentleman saying that he would want to have the net worth be $5 million?

Mr. CUNNINGHAM. I would think that would be more equitable than just stating, "assets" of $5 million.

Mr. BROOKS. Mr. Chairman, let me check with our accountants. Let us check with what the standard accounting procedure would tell us, and then we will see if it should be: net worth of $5 million.

Mr. CUNNINGHAM. A bank would normally use a net worth figure.

Mr. BROOKS. That is right. I agree with the gentleman on that.

The language of the Administration was, "assets," and I may not object to changing it to "net worth." However, I suggest we explore that matter in the conference. I am perfectly amendable to the suggestion that we try and resolve the matter.

I would want to check with the administration and see whether the standard accounting procedure would include that.

Mr. CUNNINGHAM. Mr. Chairman, further reserving the right to object, to

put the shoe on the other foot, could we change it now and then, if it is not right, work it out in conference?

Mr. BROOKS. Mr. Chairman, let me say to the gentleman from Washington (Mr. CUNNINGHAM) that I would rather do it the other way. There is always the possibility that net worth might be only $100,000 while the assets of the business might be $30 million, most of which would be owed.

Mr. CUNNINGHAM. Mr. Chairman, I would not want to reply to that. There is only one State I am aware of recently that allows that type of loan to be made.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. Yes, I yield to the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, I would like to ask the chairman of the committee this question: As to that "small business entity" definition, since we have taken out the whole interrogatory section as it applies to small business, why do we even have that definition in there anyway? To what does it apply?

Mr. BROOKS. Mr. Chairman, there is a new provision in the bill that states specifically the Administrator shall represent the interests of small businesses that are consistent with those of consumers.

Mr. HARKIN. So this would be only for those businesses that could be represented, then?

Mr. BROOKS. That is the purpose, yes.

Mr. CUNNINGHAM. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there amendments to section 15?

If not, the Clerk will read.

The Clerk read as follows:

CONFORMING AMENDMENT

SEC. 16. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"(66) Administrator, Office of Consumer Representation."

(b) Section 5315 of such title is amended by adding at the end thereof the following:

"(114) Deputy Administrator, Office of Consumer Representation.".

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(141) General Counsel, Office of Consumer Representation.

"(142) Assistant Administrators, Office of Consumer Representation (5).".

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that section 16 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there amendments to section 16? If not, the Clerk will read section 17.

The Clerk read as follows:

EXEMPTIONS

SEC. 17. This Act shall not apply to the Central Intelligence Agency, the Federal Bureau of Investigation, or the national security or intelligence functions (including related procurement) of the Departments of State, Justice, and Defense (including the Departments of the Army, Navy, and Air Force), of the Nuclear Regulatory Commission, and of the Department of Energy, or to a labor dispute within the meaning of section 13 of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 113), or of section 2 of the Labor Management Relations Act (29 U.S.C. 152), or to a labor agreement within the meaning of section 201 of the Labor Management Relations Act, 1947 (29 U.S.C. 171): *Provided*, That nothing in this Act shall be construed to authorize the Administrator to intervene as a party or otherwise participate: (1) in any proceeding of the United States Department of Agriculture directly affecting or directly concerning (A) the market price of or loans, price supports, or payments for raw agricultural commodities, including crops (including, but not limited to, wheat, feed grains, soybeans, cotton, wool, rice, peanuts, tobacco, sugar, fruits, and vegetables), livestock, poultry, eggs, and dairy products, and (B) programs administered by the Soil Conservation Service, the Farmers Home Administration, the Rural Electrification Administration, or the Federal Crop Insurance Corporation, or (2) in any proceeding concerning Public Law 480 programs.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that section 17 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any amendments to section 17?

AMENDMENT OFFERED BY MR. QUAYLE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. QUAYLE. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. QUAYLE to the amendment in the nature of a substitute offered by Mr. BROOKS: Section 17, page 32, line 20, strike out ", or to a labor dispute" and everything that follows through "Management Relations Act, 1947 (29 U.S.C. 171)" on page 33, line 2.

Mr. QUAYLE. Mr. Chairman, very briefly, this amendment includes, instead of excludes, labor. I might add that the distinguished gentlewoman from New Jersey, following the vote on this amendment, will offer an amendment concerning agriculture, also. I think that throughout this debate and throughout the debate on the labor reform bill we kept talking about fairness. So I would say that this is probably a fairness amendment. And some of the literature that we have all been receiving includes a lot of testimony from the labor unions on the reasons that they like the consumer protection bill. I will just read a couple of them.

From the International Union of Operating Engineers:

It is because of the needed protection H.R. 9718 will offer to our members, we sincerely request your support of H.R. 9718 without any crippling amendments.

I can assure the Members that this is not a crippling amendment. This is a strengthening amendment, because it is going to make this bill much more fair than it is in the present form.

From the National Farmers Union:

National Farmers Union believes that passage of H.R. 9718 would be advantageous to farmers and urge your active support and vote.

From the Hotel and Restaurant Employees and Bartenders International Union:

Our International Union is strongly committed to the passage of H.R. 9718.

So I would say that this is really a fairness bill, because we are going to include instead of exclude.

As I read through the bill, the functions of this office, are:

The functions of the Office shall be to represent the interests of consumers before Federal agencies and courts. . .

And section 6 goes on to read:

REPRESENTATION OF CONSUMERS

Whenever the Administrator determines that the result of any Federal agency proceeding or activity may substantially affect an interest of consumers, he may as of right intervene.

It goes on, and it says:

The Administrator may intervene as a party or otherwise participate in any Federal agency proceeding.

And then later on it talks about everybody being included. And then on page 32, we get to the exemption. It says:

This Act shall not apply to . . . a labor dispute . . . or to a labor agreement.

I think, in all fairness, any labor dispute or labor agreement could in fact affect the consumers that this bill is so inherently interested in.

I could also cite in the National Labor Relations Board statute where they do allow intervention of interested parties, and it says, in Section 10(a) of the NLRB:

In the discretion of the member, agent or agency conducting the hearing, or the board, any other person may be allowed to intervene in the said proceeding and to present testimony.

So the NLRB does provide for intervention.

This bill specifically excludes labor. I think, in the pursuit of fairness, justice and equity, that this body should vote in favor of this amendment. It would strengthen the bill, because it would include instead of exclude a segment of society that does affect the interest of consumers.

Mr. BROOKS. Mr. Chairman, I rise in opposition to this amendment, and I say to my distinguished friend that the labor exemption provides now that the Consumer Office cannot participate in the activities of the National Labor Relations Board or the Federal Mediation and Conciliation Service, the only two agencies which affect labor and management collective bargaining contracts. This is really not an exemption at all.

It is basically, instead, a restatement of the intent of Congress in creating these agencies. A long line of Supreme Court cases correctly interpreted this intent.

The NLRB has jurisdiction over unfair labor practices in the selection of em-

ployee representatives. The Conciliation Service assists in the negotiations of a labor contract, but neither agency has the jurisdiction over contract terms concerning wages or hours or conditions of employment, matters which affect the consumer interest; and decisions in these areas have traditionally, rightly, and properly been left entirely up to labor and management.

Mr. Chairman, we have had dozens of these kinds of representations in my district; and I can assure the Members that the Conciliation Service does an excellent job in trying to get the parties together. But the parties themselves, not the Federal Government, not the Mediation Service, not the NLRB, decide what the wages or hours or conditions of employment are in the contractual arrangements between the employees and management and the unions, the working people, the management or the ownership in my district and in this country.

Mr. Chairman, I would be very much opposed to the amendment. I think it is undesirable, and I think that it is most unworkable.

Mr. QUAYLE. Mr. Chairman, will the distinguished chairman, the gentleman from Texas, yield?

Mr. BROOKS. I am very happy to yield to the gentleman from Indiana.

Mr. QUAYLE. Mr. Chairman, I think that by striking this provision we are not going to be engaged in private matters or in negotiations between management and unions. The only time that the consumer advocate will be involved is when it does get to the Federal agency or Federal entity, being the NLRB.

I believe I heard my distinguished chairman say that this was in line with Supreme Court decisions. I do not want to get into the private context, and I do not think this bill does either; but I think it does specifically preclude the consumer advocate's becoming involved as an intervening party and, as I read just a minute ago, other interested persons have that right to intervene. Since we are concerned about the consumers, this right should also not be precluded or be stricken from this piece of legislation.

Mr. BROOKS. Mr. Chairman, I appreciate the gentleman's attitude, but I would assure him that any intervention in the relationship between management and labor by people other than management and labor would not be deeply appreciated by either side.

Mr. ERLENBORN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am just going to take a moment to comment on the observation of the gentleman from Texas that the National Labor Relations Board does not have the authority to involve itself in determining wages, hours, or terms and conditions of employment.

That may traditionally have been true. I hope it will continue to be true. The gentleman has not recalled to the members of the committee the fact that this House just recently passed a bill to change the traditional role of the National Labor Relations Board under the NLRA; and the bill that passed this House, if it becomes law, gives the National Labor Relations Board the very authority that is involved here, the setting of wages, hours, and fringe benefits.

Mr. Chairman, I would say, in light of what this House has done to possibly involve the National Labor Relations Board in directly setting wages and hours that directly affect the consumer and the cost of production, we ought to have the consumer representative in there to be heard.

Therefore, Mr. Chairman, I think that the amendment offered by the gentleman from Indiana (Mr. QUAYLE) is quite proper in light of our earlier actions; and I hope it will be adopted.

Mr. ROSENTHAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, while I think the amendment is well intentioned, I do not think the author of the amendment appreciates the unique role that labor-management relations have had in this country over the last 40 years, and the very narrow limitation that the bill contains as far as the National Labor Relations Board and the Federal Mediation and Conciliation Service are concerned.

These are the only two agencies that touch the bargaining process, and traditionally those who are concerned with public policy have recognized that it is extraordinarily injurious for any outside forces to tamper with or to interfere with the labor-management relations.

Justice Hugo Black said in Porter versus NLRB as follows:

> It is implicit in the entire structure of the Act that the Board acts to oversee and referee the process of collective bargaining, leaving the results of the contest to the bargaining strengths of the parties.

Mr. Chairman, what the host agencies cannot do this consumer office should not do.

There really is no role for the consumer advocate in labor-management bargaining relations. The NLRB was created to protect employees' rights, to select bargaining representatives without management interference, and to bargain collectively. Similarly, the Federal Conciliation Service was created to offer mediation services to parties in which there is no intervention at all in labor disputes to help them resolve the disagreements peacefully.

Neither of these agencies has any regulatory function, and neither can dictate by decree the outcome of labor-management questions. In other words, the NLRB has the right to certify union votes and union negotiations. The Mediation Service mediates between the parties.

There is no decisionmaking process to which this agency addresses all of its statutory responsibility. The Congress has studiously followed a course of noninterference with the free give-and-take of collective bargaining. Let me state to my distinguished colleague that neither labor nor management supports the amendment that he offers, and both sides, all persons interested in collective bargaining and the free exercise of collective bargaining, supports the exemption in the bill.

In other words, this bill was designed to present the consumer's voice before regulatory and other agencies that make decisions. Neither of these two labor bodies make decisions, and to involve ourselves in the fine, intricate process of labor-management with a third party that is neither union nor management, employee or employer, would, in our judgment, be a disastrous kind of thing.

Mr. QUAYLE. Mr. Chairman, will the gentleman yield?

Mr. ROSENTHAL. I yield.

Mr. QUAYLE. I thank the gentleman for yielding. I agree with his statement that I do not want to be injurious to the process of negotiation between labor and management. However, this particular amendment would not be applicable until it got to the NLRB. Presently, as I said, the NLRB, the agent or the member has the discretion to allow other testimony. So if this exemption is taken out of the bill it still is discretionary with the NLRB as to whether, in fact, the consumer advocate is going to be allowed to file any kind of information with the NLRB in a situation where he or she deems to be a consumer interest.

Mr. ROSENTHAL. I think we made a very prudent and valid judgment in excluding certain agencies. We excluded the Central Intelligence Agency, the FBI, the National Security Agency, certain other security functions of State, Justice, and Defense; security functions of the Nuclear Regulatory Commission and the Department of Energy. Because of 40 years of free collective bargaining in this country, we exclude and do not want this consumer advocate to involve itself or disrupt the ordinary, healthy process of free collective bargaining, which is overseen by the NLRB and mediated by the Mediation Service.

I can understand the gentleman's desire to have as much intervention as possible, but there are times and places where it would be inappropriate and probably unconstitutional.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. QUAYLE and by unanimous consent Mr. ROSENTHAL was allowed to proceed for 1 additional minute.)

Mr. QUAYLE. Will the gentleman yield further?

Mr. ROSENTHAL. I yield.

Mr. QUAYLE. I would just say that perhaps the reason that labor is excluded in this is because the bill would be doomed to defeat if it was not specifically excluded.

Mr. ROSENTHAL. I think that is really an unfair statement.

I wonder if you could tell me what evidence you have to suggest that if this amendment were taken out, some people on this floor would vote one way or another on this bill?

Mr .McCLOSKEY. Mr. Chairman, will the gentleman yield?

POINT OF ORDER

Mr. BAUMAN. Mr. Chairman, a point of order. Mr. Chairman, a point of order.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BAUMAN. Mr. Chairman, I made the point of order while the gentleman from New York was speaking, before the gentleman's time expired.

The CHAIRMAN. There was so much noise the Chair did not hear the gentleman from Maryland. The gentleman from Maryland will state his point of order.

Mr. BAUMAN. Mr. Chairman, I demand that the words of the gentleman from New York be taken down.

The CHAIRMAN. The gentleman from Maryland is referring to which words?

Mr. BAUMAN. To the entire series of words of the gentleman from New York, from the first reference to the gentleman from Maryland to the last.

The CHAIRMAN. The Clerk will report the words the gentleman from Maryland wishes taken down.

PARLIAMENTARY INQUIRY

Mr. McCLOSKEY. Mr. Chairman, a point of parliamentary inquiry.

The CHAIRMAN. The gentleman from California will state the parliamentary inquiry.

Mr. McCLOSKEY. Mr. Chairman, is it possible, while we are waiting for the reporter, to continue in this dialog?

Mr. BAUMAN. Mr. Chairman, a point of order.

The committee cannot proceed under the rules.

Mr. McCLOSKEY. That is the point of my inquiry.

The CHAIRMAN. The Chair will state we cannot proceed, not until we have resolved the demand of the gentleman from Maryland that the words be taken down.

Mr. ROSENTHAL. Mr. Chairman, in the interest of expediency, I would ask unanimous consent that the words the gentleman from Maryland thought offensive be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BAUMAN. Mr. Chairman, do I understand that all reference made by the gentleman from New York to the gentleman from Maryland will be withdrawn completely from the remarks of the gentleman from New York as they will appear in the RECORD?

Mr. ROSENTHAL. Yes, in this particular case.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to point out that I am not quite sure that people still have clearly in mind what the NLRB does and why it really is irrelevant that we would have someone from the consumer representative office intervene there.

First of all, the one the NLRB does is representation case decisions as to how broad the bargaining units will be, in other words, will they have union representation in the general group of professional people in it or not. In such a case a lot of people testify as to how many people should be or should not be in that unit, the decision defining the unit is made and then they have a general election in that unit.

I see absolutely no reason for any kind of consumer voice in that determination.

Then we have the section eight rights in the NLRA which are really a bill of rights for the employees and employers. What they basically say is that people have the right to find someone else to represent them in the bargaining process and it sets down certain standards of fair play so people cannot be coerced. One cannot threaten them, fire them, or do anything else to employees if they opt to exercise their rights to have someone else represent them in the bargaining process. One of the rights is that neither side can refuse to bargain with the others. But again the NLRB does not make the bargain and does not sit down and decide whether or not it is a fair or unfair contract. The NLRB only makes sure both sides are fair in coming to the table and in talking to each other.

There is no relevance or need for putting a consumer voice in that process.

In section 10 they are talking about injunctions in the Federal court and talking about illegal picketing or talking about jurisdictional disputes where two or more unions are fighting over who represents what kind of work. Again this area does not have anything to do with consumer interests. So I would be very wary of voting for this amendment, although, on first blush, it sounds like a good idea. The result of the amendment would insert the Federal Government into a sort of a holy role where they would be sent around to determine whether or not wages were fair, prices are fair or whether or not the balance sheet was fair. No one wants the Federal Government getting involved in that sort of thing.

It is our current policy that we are to be totally neutral and just make sure that both parties are making some attempt to come together. The Government should only deal with the process. This amendment throws the Government in the substance that is very dangerous.

Mr. QUAYLE. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Indiana.

Mr. QUAYLE. Mr. Chairman, I thank the gentlewoman from Colorado (Mrs. SCHROEDER) for yielding to me.

Mr. Chairman, I would like to ask the gentlewoman a question. Does the gentlewoman not think that in some instances perhaps as the gentlewoman has mentioned, secondary boycotts, wildcat strikes in particular, or maybe some other labor dispute, that there could well be economic injury that could be suffered by a business and that because of this economic injury the loss in the prices that the consumers pay continues to go on? Would not or could not that be a possibility?

Mrs. SCHROEDER. If you are in the Federal court, in most instances you would be all right to join in if you could show some sort of economic damage. But, again, I am not sure you could prove it is a direct one. Other than direct economic interest I am not sure that the Federal Government should get involved.

Mr. QUAYLE. If the gentlewoman will yield still further, under section 10 of the NLRB, it would still be discretionary on whether a consumer advocate would be allowed to enter in and submit testimony, and I would not assume that there would be very many cases, I do not know, but I do not see the reason for specifically excluding this. That is my contention. That is the reason I offered the amendment.

Mrs. SCHROEDER. What I am basically saying is that I think you could intervene in some cases right now if you can show just direct economic cause, but to make it a policy that the Federal Government should get much more involved, without direct economic interest is a bad idea.

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 1 additional minute.)

Mrs. SCHROEDER. Mr. Chairman, in section 10, which the gentleman is addressing himself to, in that section again you have already got the Federal rules in the courts that protect you. But under section 8(a), in areas like "the refusal to bargain," I think it is dangerous to have the Government intercede and start measuring whether or not each side is bargaining fairly from the consumers' viewpoint.

I think that business would be as upset by this intervention as anyone else.

Mrs. FENWICK. Mr. Chairman, if the gentlewoman will yield, we are getting into a very emotional area here, and it seems to me we are not really discussing the bill. We are not exempting the NLRB and its actions from the consideration of the provisions of this bill. We are eliminating a definition in the judicial code, and we are eliminating section 2 of the act.

The CHAIRMAN. The time of the gentlewoman has again expired.

(On request of Mrs. FENWICK, and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mrs. FENWICK. Mr. Chairman, we are further discussing eliminating the mediation process, that is all. Section 1 of the National Labor Relations Act, which clearly states in four places that they shall consider what effects it has, ends by saying that they shall consider what is inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce.

Now, if this section 1 were to be exempted from consideration by the consumer agency, I think there are many people in this room who would not vote for this measure under any circumstances; but the truth is that the only part of the actions of the National Labor Relations Board where the consumer interest is covered is not exempted. I think that is perfectly clear.

I would like to ask, if possible, that the earlier speaker, the gentleman from New York, who said that this bill did exempt all actions of the National Labor Relations Board surely did not mean that section 1, which is not mentioned in the bill, should be exempted.

Mrs. SCHROEDER. Mr. Chairman, I believe section 1 deals specifically with the jurisdiction of the NLRA.

Mrs. FENWICK. Section 1 is quite clear:

It is the purpose and policy of this Act, in order to promote the full flow of commerce, to prescribe the legitimate rights of both employees and employers in their relations affecting commerce, to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other, to protect the rights of individual employees in their relations with labor organizations whose activities affect commerce, to define and proscribe practices on the part of labor and management which affect commerce and are inimical to the general welfare, and to protect the rights of the public in connection with labor disputes affecting commerce.

In other words, we have here the question of the consumer interest which might be damaged by the result of negotiations. The National Labor Relations Board in the provisions covered by this bill is concerned with fair process, but in section 1 we come to the substance of the results of that process.

Mr. HORTON. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment.

Mr. Chairman, at the outset I want to say that I was one of the sponsors of the original labor exemption that was put into the bill. I want to say also to the Members that the reason that the exemption was put in was not because of labor, but it was put in at the insistence of those who were representing the business interests. I thought it was a good suggestion and working with the staff of the Committee on Government Operations at that time, we drafted this exemption.

I would like to read what I said during the debate on the Consumer Protection Act of 1975 on November 6, 1975:

Mr. HORTON. Mr. Chairman, this is probably the most misunderstood section in this entire bill. The exemptions that are included in this section are a very narrowly drawn group of exemptions, because the sponsors of the bill did not want to exempt all the Federal agencies from the purview of this bill and from the actions of the Agency for Consumer Protection.

When this bill was drafted, it was suggested that we ought to look very carefully at the question of labor-management negotiations. I want to read the language that is in the bill so that all the Members understand it. The language in section 19 says as follows:

This is the same language that we are considering today in section 17:

This Act shall not apply to * * * a labor dispute within the meaning of section 13 of the Act entitled "An Act to amend the Judicial Code and to define and to limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 28, 1932 (29 U.S.C. 113) or of section 2 of the Labor Management-Relations Act * * * or to a labor agreement within the meaning of section 201 of the Labor-Management Relations Act, 1947 * * *.

Now, that is a very narrowly drawn exemption. It by no means exempts labor from the purview of the ACP. The language exempts labor disputes and labor agreements, as defined by the Labor-Management Relations Act. Those definitions are applicable only to the activities under the Labor-Management Relations Act.

It does not exempt other labor matters not using these definitions. In spite of what the Members may have heard, the ACP—

And in this case the ORC—

could get involved in those Fedral labor activities which do directly affect consumers.

For instance, the OCR could call for a Taft-Hartley injunction. It could involve itself in Federal activities under the Davis-Bacon Act or under the Walsh-Healey Public Contracts Act and the Services Contract Act. In addition, if there were a wage and price stabilization program similar to the old program, the OCR could get involved in that also.

In response to the committee's request—and we wrote to the NLRB regarding the provisions of that bill—the Chairman of the NLRB stated that the NLRB's functions and activities do not directly relate to nor are they concerned with consumers' interests. The Board was created to protect employees' rights to select bargaining representatives to bargain collectively and to prevent unfair labor-management practices. By law, which has been reinforced by judicial interpretation, the NLRB is not allowed to consider economic factors.

In other words, it is not allowed to consider consumer impact issues nor could it dictate contract terms dealing with such issues. Therefore, there is no role for the OCR to play in NLRB proceedings. That is all that definition means.

It is the duty of the Federal Mediation and Conciliation Service to assist the disputant parties in industries affecting interstate commerce to settle such disputes through conciliation and mediation. It should be clear to everyone that Federal mediators would not be asked to enter into labor disputes if they were representing a special outside interest. Outside parties are not allowed to intervene in the Mediation Service's activities, nor should or could the OCR.

There is simply no role for the OCR to play in any activities of the Federal Mediation and Conciliation Service.

Mr. Chairman, the point is that this is a very narrowly drawn exemption, and it only concerns labor-management relations.

The CHAIRMAN. The time of the gentleman from New York (Mr. HORTON) has expired.

(By unanimous consent, Mr. HORTON was allowed to proceed for 1 additional minute.)

Mr. HORTON. Mr. Chairman, I urge the Members not to knock out this exemption for an emotional reason. The exemption was put in basically to protect the interests of labor and management at that very critical point where labor and management did not want the Government intervening; namely, when they were attempting to negotiate concerning their rights under the provisions of the applicable law.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I thank the gentleman for yielding.

I am alarmed by the letter that the gentleman received from the National Labor Relations Board. They seem to be ignoring their duties under section 1.

Many votes may depend on this in this House, and I certainly hope that we are not going to allow the National Labor Relations Board to ignore its duty to the public welfare and commerce, as described and laid down in section 1.

Can the gentleman assure me that that will not happen?

Mr. HORTON. Mr. Chairman, this exemption does not change any law. We are not attempting to change any law. It would seem to me that if we do permit the OCR Administrator to intervene, we would be changing the law, and to that extent I think it is very important that we make that clear.

The CHAIRMAN. The time of the gentleman from New York (Mr. HORTON) has again expired.

(On request of Mrs. FENWICK and by unanimous consent, Mr. HORTON was allowed to proceed for 1 additional minute.)

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I really would like to clarify this matter. I would like to make sure that if the National Labor Relations Board has ignored its responsibilities under section 1, the Office of Consumer Representation would move before the Board and make them do it.

Mr. HORTON. If that is in their purview.

Mrs. FENWICK. It is. Section 1 is not discussed in the bill?

Mr. HORTON. Then they could appear.

Mrs. FENWICK. And they would so do that, I trust?

Mr. HORTON. There is no problem with that.

Mr. THOMPSON. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. THOMPSON was allowed to proceed for 2 additional minutes.)

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON) for 7 minutes.

Mr. THOMPSON. Mr. Chairman, I am in substantial agreement with the distinguished gentleman from New York (Mr. HORTON) and other Members in opposition to this amendment.

It is important to stress that the limitation under discussion is not an exemption for organized labor. To the contrary, unions have intervened directly in the product and service market and are as much subject to H.R. 9178 as any other person. During the last 40 years it has been acknowledged that labor-management bargaining could not work effectively unless the parties were left to negotiate without outside interference. The labor laws in this country have accordingly been extensively and carefully nurtured over the years to accommodate this reality.

Thus, the National Labor Relations Board and the Federal Mediation and

Conciliation Service, the only two agencies which brush the bargaining process, may not determine or dictate in any way, shape or form the parties' demands or the terms of their settlement.

The NLRB was created to protect employees' rights to select bargaining representatives without management interference and to bargain collectively. Beyond that, the NLRB does not have the authority to affect the actual outcome of the bargaining process. And I suggest to my colleague, the gentlewoman from New Jersey (Mrs. FENWICK) that she might look at the case of *Porter* v. *NLRB*, 397 U.S. 99.

Since Congress has determined that the Board is not to assess the "substantive terms of collective bargaining agreements," it could not consider arguments about the economic interests of consumers. It would be mischievous to empower the OCR to intervene before the Board to argue issues which are outside the scope of the Board's jurisdiction.

In order to provide relief to the general public in emergencies when a strike might threaten the public health, safety or welfare, the Congress conferred authority upon the President to impose what are commonly called Taft-Hartley injunctions (29 U.S.C. 176).

By exempting the NLRB from the OCR, the Congress would hardly be prohibiting that agency from calling upon the President to issue such an injunction. The important point is quite simply that the NLRB is not empowered to consider the effects of its actions upon the general consuming public.

Similarly, there is no role for the OCR to serve before the Federal Mediation and Conciliation Service, which was created simply to offer mediation services to parties in labor disputes to help them resolve their disagreements peacefully. It has no regulatory functions. The FMCS cannot impose its services upon unwilling parties nor dictate the outcome of negotiations where their services have not been solicited.

While some people may believe that the time has come to readjust the collective bargaining balance, the place to do so is not in the Consumer Agency bill. Any legislative tinkering with the collective bargaining process or the potential economic strength of the respective parties will require a thorough analysis of all labor laws and the amendment of many of their provisions. The relative state of labor peace we have achieved in this country by allowing two evenly matched, albeit economically powerful, parties to engage in unencumbered negotiations is not to be so cavalierly discarded.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I think it is becoming increasingly difficult to vote against the Quayle amendment with what has been said on the floor.

Mr. THOMPSON. If it had never been raised, it would not be difficult.

Mrs. FENWICK. As I understand it, the NLRB has the right to issue rules, and did, in August 1977. They issued a regulation.

Mr. THOMPSON. I believe the gentlewoman is correct.

Mrs. FENWICK. I am reading from it when I say that it is their duty to protect the general welfare and the rights of the public in connection with labor disputes affecting commerce.

This Brooks substitute, as I understand it, does not remove that section 1 from the purview of the consumer representative.

It does allow the consumer representative to urge the Board to do its duty, if necessary, and provide a regulation that would, if necessary, correct actions of labor and management in relation to consumers and the public welfare; is that not right?

Mr. THOMPSON. I am not certain that I follow the gentlewoman.

Mrs. FENWICK. It says so in the law.

Mr. THOMPSON. The law can be interpreted in innumerable ways.

My characterization of the Quayle amendment, with all due respect to the author, and I hope he will forgive my pun, is that it is a bird, and it should be shot down.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this amendment, although I can think of many reasons it will not be adopted.

The first and basic reason is that traditionally, one sovereign treats another soverign equally, so it is not any surprise to me that those who are for this bill would treat the unions as if they are sovereign within our country. They have acted that way for years, and that is precisely the legal position in which they find themselves.

Mr. Chairman, the unions in our country think they are a government. They act like they are a government. They treat their own members like they are a government. They have amassed the power and perquisites of a government; and, sad to say, they are treated by the U.S. Government as though they are a government. All too many Members of Congress fear their power which is akin to that of a government.

Therefore, Mr. Chairman, there obviously is every reason for one government to exempt another government from the coverage of a consumer protection bill, that is if you reason as my liberal prounion colleagues do. I do not. In the Campaign Reform Act, unions were treated like a sovereign and virtually exempted from the coverage the majority forced on business and individuals.

Mr. Chairman, the unions treat their own members as though the leaders are sovereign. The thing that bothers me the most about so many of my liberal colleagues is that in most other areas in which they see civil rights concerns they are most vocal. Yet if this sovereign, the union, denies rights to individual members, all of a sudden they look the other way. The court records are full of cases where the unions have fined their members for free speech, for speaking against an international union. They have fined their members for having the audacity to appear before a Government regulatory agency and raise a complaint about their union.

Mr. Chairman, time and time again they have fined their members for the exercise of rights which in every other way should be considered basic constitutional rights.

Therefore, it is very obvious why liberals would exempt them. They are a government.

Read the legislation, and I refer to page 32, under the head "Exemptions" where there is reference to a labor agreement being exempted simply because it is a labor agreement. No matter how the labor agreement affects comsumers, the majority wants a hands-off policy.

Mr. Chairman, let me point to one labor government to give an example of how it relates to the consumer. There is a dock in New York City to which over 100 workers come every week to report to work. There is only one problem: No ships have come in for the last 5 years and no ships will ever come into that dock if one believes what the New York Port Authority says. But these workers have a good labor agreement which is exempted on pages 32 and 33, that they do not have to go to any other dock. They have the power to go to that same dock every day in every week, a dock to which no ship will ever come in again, if we are to believe the New York City Port Authority. Furthermore, for the rest of their lives they will be paid 100 percent full-time pay because they have the power of a government, a labor agreement which is exempted by the majority no matter how much the consumer must pay and pay and pay for these excesses.

Mr. Chairman, that is what we are talking about here. You liberals are not fooling anybody. You may say that a labor agreement is so sanctified, is so outside the reach of this legislation that we must keep hands off. You may say we must leave the unions alone. You may treat the unions like they are a government on this consumer protection bill like you have in the past. You may continue with business as usual, excuse the pun in your double standard in the treatment of unions by exempting them but the American people are catching on. They know better.

Mr. Chairman, I include with these remarks an extension of remarks I inserted in the RECORD in 1976:

WHERE ARE CONSUMER ADVOCATES WHEN IT COMES TO UNION FEATHERBEDDING?

Mr. ASHBROOK. Mr. Speaker, I never cease to be amazed by the double standard of my liberal friends in this body, particularly those who call themselves consumer advocates. According to their thesis, the public is dumb and needs protection but that cloak of protection only extends to alleged bad business practices. Big Government and government controls are desired and shortcomings are only found in the free enterprise system, particularly in business. The most arrogant unions escape their scrutiny and the Nader disciples look for practices which adversely affect the consumer everywhere else, never labor.

Americans in increasing numbers are coming to understand that an attitude of intransigence and "the public be damned" on the part of many of our unions adversely affects the economy and represents an important part of the inflationary spiral in which we seem to be locked. The example of Great Britain presents a specter of what socialization, the end result of what the trade unions in England steadfastly sought, is doing in destroying that once proud nation. We see many similar attitudes in this country. The postal unions take the position that no sound management decision can affect their jobs. Cut everywhere else, they say, but you cannot lay off one single postal employee. San Francisco municipal unions are adamant in their public-be-damned attitude. They tell city officials to cut elsewhere but touch not a hair on their heads. Everywhere, it seems to be the same thing. No matter what the situation is, union leaders demand more, regardless. In education radical unionists claim they have the student's interests at heart but their demands are for more pay and less work.

Thousands of examples can be given of these practices which increase the cost for the consumer who must ultimately pay the bill. More and more union members are recognizing this and, indeed, there is within the rank and file of the union an increasing awareness that demands should be reasonable. However, like politics the union leaders find that you have to overpromise, overcommit, overdemand to be elected or keep the movement going.

Let me point out one significant illustration of this intransigent attitude which makes every consumer pay. In the official U.S. Department of Transportation, Federal Highway Administration, and New York State Department of Transportation Draft Environmental Impact Statement, and section 4(f) statement for the west side highway, Interstate Route 478, the following passage is neatly tucked away:

"The only significant investment in West Side shipping facilities since World War II has been the extensive remodeling of four finger piers at 23rd Street alongside Chelsea, and the construction of the three-berth box-like Pier 40 at Houston Street alongside the West Village. Both of these occurred more than ten years ago, and these facilities have only very limited container capability. The remodeled Chelsea Piers have not serviced a ship since 1968, and present cargo operations at Pier 40 are small. However, it should be noted that while the Chelsea piers have been classified as inactive since 1968, and prospects of revival for ocean traffic are remote, these piers continue to serve as a source of income for a large number of men. Collective bargaining agreements between the International Longshoremen's Association (ILA) and the New York Shipping Association provide a "Guaranteed Annual Income" (GAI) for all qualified union members in the Port, whether or not work exists for them. The GAI is paid from a special fund endowed by assessments on various shipping lines according to a formula based upon tonnages and man-hours. An eligible Longshoreman can collect his full annual wage in the form of GAI by merely signing in each working day at the appropriate waterfront hiring center. About 450 Longshoremen in the Chelsea area are estimated to be eligible for GAI, reporting each working day to find that there is no work, for there are no ships calling at the Chelsea piers. Thus, these Longshoremen and the Chelsea ILA Local (No. 791) have a continuing interest in these particular piers despite the present absence of cargo operations."

Read that statement over and over. It tells what is wrong in this country. Think of that, 450 longshoremen with the power to be paid for a full year's work without ever lifting a finger since 1968. Cut everywhere else; Mr. Small Businessman, Mr. Farmer, Mrs. Housewife, Mr. and Mrs. Retired Citizen, but do not touch a penny of our high wages. Then we wonder why American shipping lines are going out of business, must be subsidized or are on their last leg. Note the part of the Government statement which indicates:

"The GAI is paid from a special fund endowed by assessments on various shipping lines according to a formula based upon tonnages and man hours."

This means, in effect, the consumer pays. Where are the phony consumer advocates when it comes to these thousands of hidden costs we could document in everything you buy, use or touch?

The featherbedding list could go on and on. When will the public wake up? Certainly not with this Congress which bows and scrapes every time labor leaders wiggle a finger. Certainly not with the Naders and their antibusiness crusaders. It is fitting to note that the labor leaders were able to convince—what a joke, convince—the liberal Democrats in Congress to exempt labor from their so-called Consumer Protection Agency which would put its bureaucratic clutches on everyone else.

Mr. HORTON. Mr. Chairman, I move to strike the requisite number of words.

I would like to get the attention of the gentleman from New Jersey (Mr. THOMPSON).

One of the questions that was asked by the gentlewoman from New Jersey (Mrs. FENWICK), which the gentlewoman from New Jersey had addressed to me when I was on the floor opposing this amendment, was whether or not section 1 of the National Labor Relations Act applied. I replied that it was not effective because the exemption goes only to section 2. It is a very narrowly drawn exemption, and other provisions of the NLRA would not be subject to the exemption.

Mr. Chairman, I think there was a misunderstanding, as far as the gentleman from New Jersey (Mr. THOMPSON) was concerned, in replying to the gentlewoman from New Jersey (Mrs. FENWICK).

Mr. THOMPSON. If the gentleman will yield, Mr. Chairman, perhaps that is so.

Since I did not have the act in front of me, my interpretation of what my distinguished colleague, the gentlewoman from New Jersey, was doing was that she was reading the preamble.

I do agree that there is no exemption here and that section 1 is not touched, but section 2 is touched.

Mr. HORTON. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. QUAYLE) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 30; noes 42.

RECORDED VOTE

Mr. QUAYLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 274, not voting 20, as follows:

[Roll No. 48]

AYES—138

Abdnor	Frey	Nichols
Alexander	Fuqua	Pettis
Anderson, Ill.	Goldwater	Pressler
Archer	Goodling	Pritchard
Armstrong	Gore	Quayle
Ashbrook	Gradison	Rhodes
Badham	Grassley	Roberts
Bafalis	Guyer	Robinson
Barnard	Hagedorn	Rousselot
Bauman	Hall	Rudd
Beard, Tenn.	Hamilton	Runnels
Bennett	Hammer-schmidt	Ryan
Breaux	Hansen	Sarasin
Broomfield	Harsha	Satterfield
Brown, Mich.	Heckler	Schulze
Brown, Ohio	Hightower	Sebelius
Broyhill	Holt	Sharp
Buchanan	Huckaby	Shuster
Burgener	Hyde	Sikes
Burke, Fla.	Johnson, Colo.	Simon
Burleson, Tex.	Jones, Okla.	Skubitz
Butler	Kazen	Smith, Nebr.
Clausen, Don H.	Kelly	Snyder
Cleveland	Kemp	Spence
Cochran	Ketchum	Stangeland
Cohen	Kindness	Stanton
Collins, Tex.	Krueger	Stockman
Conable	Lagomarsino	Stump
Corcoran	Latta	Symms
Crane	Levitas	Taylor
Daniel, Dan	Livingston	Thone
Daniel, R. W.	Lott	Treen
Devine	Lujan	Trible
Dickinson	McClory	Tucker
Dornan	McKinney	Vander Jagt
Duncan, Tenn.	Mahon	Waggonner
Edwards, Ala.	Marriott	Walgren
Edwards, Okla.	Martin	Walker
Emery	Mattox	Wampler
English	Michel	Watkins
Erlenborn	Milford	Whitehurst
Evans, Del.	Miller, Ohio	Wiggins
Fisher	Montgomery	Winn
Flynt	Moorhead, Calif.	Wirth
Forsythe	Myers, John	Wydler
Frenzel		Wylie
		Young, Fla.

NOES—274

Addabbo	Chappell	Ford, Mich.
Akaka	Chisholm	Ford, Tenn.
Allen	Clay	Fountain
Ambro	Coleman	Fowler
Ammerman	Collins, Ill.	Fraser
Anderson, Calif.	Conte	Gammage
Andrews, N.C.	Conyers	Gaydos
Andrews, N. Dak.	Corman	Gephardt
Annunzio	Cornell	Giaimo
Applegate	Cornwell	Gibbons
Ashley	Cotter	Gilman
Aspin	Coughlin	Ginn
AuCoin	Cunningham	Glickman
Baldus	D'Amours	Gonzalez
Baucus	Danielson	Gudger
Bedell	Davis	Hanley
Beilenson	de la Garza	Hannaford
Benjamin	Delaney	Harkin
Bevill	Dellums	Harrington
Biaggi	Derrick	Harris
Blanchard	Derwinski	Hawkins
Blouin	Dicks	Hefner
Boggs	Diggs	Heftel
Boland	Dingell	Hillis
Bolling	Dodd	Holland
Bonior	Downey	Hollenbeck
Bonker	Drinan	Holtzman
Bowen	Duncan, Oreg.	Horton
Brademas	Early	Howard
Breckinridge	Eckhardt	Hubbard
Brinkley	Edgar	Hughes
Brodhead	Edwards, Calif.	Ichord
Brooks	Eilberg	Ireland
Brown, Calif.	Ertel	Jacobs
Burke, Mass.	Evans, Colo.	Jeffords
Burlison, Mo.	Evans, Ga.	Jenkins
Burton, John	Evans, Ind.	Jenrette
Burton, Phillip	Fary	Johnson, Calif.
Byron	Fascell	Jones, N.C.
Caputo	Fenwick	Jordan
Carney	Findley	Kasten
Carr	Fish	Kastenmeier
Carter	Fithian	Keys
Cavanaugh	Flippo	Kildee
Cederberg	Florio	Kostmayer
	Flowers	Krebs
	Foley	LaFalce

Le Fante	Myers, Michael	Scheuer
Leach	Natcher	Schroeder
Lederer	Neal	Seiberling
Leggett	Nedzi	Sisk
Lehman	Nix	Skelton
Lent	Nolan	Slack
Lloyd, Calif.	Nowak	Smith, Iowa
Lloyd, Tenn.	O'Brien	Solarz
Long, La.	Oakar	Spellman
Luken	Oberstar	St Germain
Lundine	Obey	Staggers
McCloskey	Ottinger	Stark
McCormack	Panetta	Steed
McDade	Patten	Steers
McEwen	Patterson	Stokes
McHugh	Pattison	Stratton
Madigan	Pease	Studds
Maguire	Pepper	Thompson
Mann	Perkins	Thornton
Markey	Pickle	Traxler
Marks	Pike	Tsongas
Marlenee	Preyer	Udall
Mathis	Price	Ullman
Mazzoli	Pursell	Van Deerlin
Meeds	Quie	Vanik
Metcalfe	Quillen	Vento
Meyner	Rahall	Volkmer
Mikulski	Railsback	Walsh
Mikva	Rangel	Waxman
Miller, Calif.	Regula	Weaver
Mineta	Reuss	Weiss
Minish	Richmond	Whalen
Mitchell, Md.	Rinaldo	White
Mitchell, N.Y.	Risenhoover	Whitley
Moffett	Rodino	Wilson, Bob
Mollohan	Roe	Wilson, C. H.
Moore	Rogers	Wilson, Tex.
Moorhead, Pa.	Roncalio	Wolff
Moss	Rooney	Yates
Motti	Rose	Yatron
Murphy, Ill.	Rosenthal	Young, Alaska
Murphy, N.Y.	Roybal	Young, Mo.
Murphy, Pa.	Russo	Young, Tex.
Murtha	Santini	Zablocki
Myers, Gary	Sawyer	Zeferetti

NOT VOTING—20

Beard, R.I.	Long, Md.	Ruppe
Bingham	McDonald	Shipley
Burke, Calif.	McFall	Steiger
Clawson, Del	McKay	Teague
Dent	Moakley	Whitten
Flood	Poage	Wright
Jones, Tenn.	Rostenkowski	

Messrs. MINETA, FINDLEY, and KASTEN changed their votes from "aye" to "no."

Messrs. MARTIN, WYDLER, and HUCKABY changed their votes from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 17? If not, the Clerk will read.

The Clerk read as follows:

NONDISCRIMINATION

SEC. 18. No person shall on the ground of sex, age, or handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or deny any other legal remedies available to a discriminatee.

PARLIAMENTARY INQUIRY

Mrs. FENWICK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. FENWICK. Are we reading section 17, Mr. Chairman?

The CHAIRMAN. The Clerk is in the process of reading section 18. The Chair inquired whether there were further amendments to section 17, and no Member sought recognition.

Mrs. FENWICK. Mr. Chairman, I missed section 17 because of so much noise. I thought we were on section 17 and we were about to ask for amendments.

Mr. BROOKS. Mr. Chairman, I ask unanimous consent that we reopen section 17, in view of the fact that two of the Members were prepared to offer amendments and they could not hear well enough to understand that we were still in section 17 and moving into section 18; these were the gentlewoman from New Jersey (Mrs. FENWICK) and the gentleman from Iowa (Mr. BLOUIN).

I ask unanimous consent that they be permitted to offer their amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. ASHBROOK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that section 18 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENTS OFFERED BY MR. M'CLOSKEY TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. McCLOSKEY. Mr. Chairman, I offer amendments to the amendment in the nature of a substitute. They refer not only to section 18, but to other sections previously referred to.

I ask unanimous consent to have the amendments considered at this time and that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. McCLOSKEY to the amendment in the nature of a substitute offered by Mr. BROOKS: On page 4, beginning on line 6 delete "upon him".

On page 4, line 8, delete "his".

On page 5, line 4, delete "he" and insert in lieu thereof "the Administrator".

On page 5, line 4, delete "advise him" and insert in lieu thereof "give advice".

On page 5, line 5, delete "his" and insert in lieu thereof "the Administrator's".

On page 5, line 24, delete "his" and insert in lieu thereof "the Administrator's".

On page 7, line 18, delete "in the course of his activities".

On page 9, line 17, delete "he" and insert in lieu thereof "the Administrator".

On page 9, line 22, delete "he" and insert in lieu thereof "the Administrator".

On page 11, line 5, delete "he" and insert in lieu thereof "the Administrator".

On page 11, line 6, delete "his findings under" and insert in lieu thereof "the determinations made under".

On page 11, line 9, delete "he shall file a copy of his statement in the proceeding." and insert in lieu thereof "in the proceeding, the Administrator shall file a copy of such statement."

On page 11, line 16, delete "the Administrator upon his" and insert in lieu thereof "upon the Administrator's".

On page 11, line 19, insert "the Administrator" immediately before the word "may".

On page 12, line 25, delete "his" and insert in lieu thereof "the Administrator's".

On page 18, line 2, delete "in the exercise of his functions".

On page 18, line 20, delete "his functions under".

On page 19, line 17, delete "his" and insert in lieu thereof "the Administrator's".

On page 22, line 14, delete "him" and insert in lieu thereof "that person".

On page 30, line 3, delete "he" and insert in lieu thereof "the Administrator".

On page 30, line 5, delete "he" and insert in lieu thereof "the Administrator".

On page 30, line 7, delete "his" and insert in lieu thereof "the".

Mr. McCLOSKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments to the amendment in the nature of a substitute be considered as read and printed in the RECORD. They are very simple amendments, and I can explain them.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. McCLOSKEY) that the amendments to the amendment in the nature of a substitute be considered en bloc?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. McCLOSKEY) for 5 minutes.

Mr. McCLOSKEY. Mr. Chairman, I will not take the entire 5 minutes. I will simply state that all these amendments do is this:

Wherever in the bill there appears the word, "his" or "him" and where there is reference to the male gender, the language is changed to that of the neuter gender.

Typical of this type of change is the amendment to delete the word, "he," and insert the words, "the Administrator."

We think the Administrator is going to be a woman, and we do not want to pass a bill that refers to "he" or "him."

Mr. BROOKS. Mr. Chairman, if I understand the gentleman and if he will yield, is he suggesting that we make the "Administrator" neuter?

Mr. McCLOSKEY. The Administrator can be either a man or a woman. If it is a she, so she will not be confounded, I have offered these amendments.

Mr. BROOKS. Mr. Chairman, there will be no objection on my part to the amendments. I hope there is none on the other side.

Mr. HORTON. Mr. Chairman, if the gentleman will yield, I have no objection to the amendments.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr.. McCLOSKEY. I am pleased to yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I have no objection either.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. McCLOSKEY) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The amendments to the amendment in the nature of a substitute were agreed to.

The CHAIRMAN. Are there further amendments to section 18?

If not, the Clerk will read.

The Clerk read as follows:

APPROPRIATIONS

SEC. 19. There are hereby authorized to be appropriated to carry out the provisions of this Act: $15,000,000 for the fiscal year ending September 30, 1978; and $17,000,000 for the fiscal year ending September 30, 1979.

Mr. BROWN of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask a question of the sponsor of the legislation or of the gentleman from California (Mr. McCLOSKEY), since he has been very much involved with respect to this authorization of appropriations.

It was my understanding that as part of the program there would be recovery of certain funds, because of the folding in of functions of existing consumer protection activities, and that OMB had been able to find approximately $11.6 million that would be folded in.

If there is an authorization of appropriation of $15 million, does this mean there will only be an appropriation of $3.4 million so that the total amount would be $15 million, or is this $15 million in addition to what would be folded in?

Mr. McCLOSKEY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. Certainly, I yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Chairman, the bill as drafted authorizes $15 million to be spent for the new agency. In section 14 of the bill there are listed 20 agencies which, pursuant to my amendment, will lose $11 million of funding in the next fiscal year and in this fiscal year. The funds have been withheld. They have not been spent this fiscal year, and they will not be included and have not been included in the budget request for 1979.

The additional $10 million results from another section of the bill which requires, that within a period of time, OMB identify consumer programs costing not less than $10 million to be eliminated in the ensuing fiscal year. Thus we have a provision for the abolition of $21 million in spending as contrasted to the $15 million authorized for the new agency.

Mr. BROWN of Michigan. What will be the requested appropriation?

Mr. McCLOSKEY. The requested appropriation will be $15 million for fiscal year 1979, and in the budget message of the President he identified $14.5 million in actual outlays in fiscal year 1979, with a budget authority of $15 million.

This is the first time in the history of the Congress that I can remember when we were able to abolish anything. We have abolished $6 million of expenditures as this bill now reads.

Mr. BROWN of Michigan. Mr. Chairman, if the gentleman will further answer my question, has not OMB said it cannot identify the $20 million the gentleman is talking about, and that it can only identify about $11.6 million that could be saved by the elimination of the consumer functions in other agencies?

Mr. McCLOSKEY. They have thus far identified $11.6 million of functions to be transferred, and they will have to certify those transfers and dollar figures before the agency comes into existence. They are directed by this bill to identify an additional $10 million in functions to be eliminated for the ensuing fiscal year.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman tell me: If OMB says they can only identify $11.6 million, how can one direct them to identify other savings that they cannot identify?

Mr. McCLOSKEY. The other $10 million are from existing programs performing consumer-related activities somewhere in the executive branch.

The reason we gave them the time to do this is because we could not identify the additional functions before this bill came before the House. I have no personal doubt that they will be able to identify an additional $10 million.

When we looked at this bill last year at one time, we had over $40 million that we thought could be traceable into the activities of the Federal Government entitled "consumerism."

I would like to see them abolish the Renegotiation Board as a part of this, quite frankly.

Let me refer to page 29 of the bill, in answer to my colleague's question.

"Such budgetary reduction recommendations shall be no less than $10 million in the ensuing fiscal year."

That is the law if we enact this bill. They must recommend a reduction in the budget of $10 million.

Mr. BROWN of Michigan. Then is not the gentleman saying that the appropriations would only need to be $5 million, to come up to the $15 million to be used in this agency, and is the gentleman saying that would be the maximum?

Mr. McCLOSKEY. I am absolutely sure that in the ultimate recommendation we would have a net loss of $6 million. That is all. We drop $11 million now, $10 million later, and that would be a total loss of $6 million.

Mr. BROWN of Michigan. I thank the gentleman for his comments, and I will be glad to review this colloquy in a year or two.

The CHAIRMAN. Are there any amendments to section 19? If not, the Clerk will read.

The Clerk read as follows:

EFFECTIVE DATE

SEC. 20. (a) This Act shall take effect ninety calendar days following the date on which this Act is approved, or on such earlier date as the President shall prescribe and publish in the Federal Register.

(b) Any of the officers provided for in this Act may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act at any time after the date of the enactment of this Act. Such officers shall be compensated from the day they first take office at the rates provided for in this Act.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that section 20 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there amendments to section 20? If not, the Clerk will read.

The Clerk read as follows:

SEPARABILITY

SEC. 21. If any provision of this Act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality and effectiveness of the remainder of this Act and the applicability thereof to any persons and circumstances shall not be affected thereby.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that section 21 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there amendments to section 21? If not, the Clerk will read.

The Clerk read as follows:

TERMINATION

SEC. 22. (a) This Act shall terminate five years after the effective date of this Act, and the Office of Consumer Representation shall be abolished as of the date of such termination.

(b) The President shall—

(1) commencing two years prior to the date of termination specified in subsection (a), conduct a review of the Office's overall performance including, but not limited to, a study of the Office's effectiveness in accomplishing its general purposes and promoting the general welfare; and

(2) not later than twelve months prior to the termination date specified in subsection (a), make public and submit to each House of Congress a report on the finding of the investigation conducted pursuant to paragraph (1), such report to include a recommendation that the authority of this Act be extended, that the Office be reorganized, or that the authority of this Act be allowed to lapse.

(c) The committees of the House and of the Senate having primary oversight responsibility with respect to the Office shall, not later than six months prior to the termination date specified in subsection (a), conduct an inquiry into the performance and effectiveness of the Office and make public a report of their findings, conclusions, and recommendations, including proposed legislation for such extension or reorganization of the Office as they deem appropriate.

Mr. BROOKS (during the reading). Mr. Chairman, I ask unanimous consent that section 22 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any amendments to section 22?

AMENDMENT OFFERED BY MR. BLOUIN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mr. BLOUIN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. BLOUIN to the amendment in the nature of a substitute

offered by Mr. BROOKS: At the end of the bill add a new section 23 to read as follows:

SEC. 23. Nothing in this Act shall apply to the Department of Agriculture's Agriculture Import/Export Policy or in any agency proceeding or activity under the Export Administration Act of 1969 relating to any agricultural commodity (except to communicate information to either the Department of Agriculture or Commerce).

Mr. BLOUIN. Mr. Chairman, let me apologize for my handwriting. This amendment was written rather quickly in order to make up for the inability to address the amendment at the appropriate time. I am sorry that we were not allowed, under an objection to a unanimous-consent request, to offer these amendments.

Mr. Chairman, as I have stated on many occasions, agricultural exports have become increasingly important to this country.

They have become a cornerstone in our balance-of-trade payments since the beginning of this decade.

President Carter's Special Trade Representative, Robert Strauss, acknowledged agriculture's importance in a recent letter to me on a related topic.

He said:

This nation's farm exports, involving roughly one acre out of every three, are a major factor in off-setting the high cost of oil imports. Without the billions of dollars of U.S. farm products shipped overseas—it was $25 billion in 1976—our balance of trade and thus the soundness of the dollar would be in greater jeopardy.

And while Ambassador Strauss did not mention it, while our nonagriculture trade balance showed an almost $19 billion deficit, our agricultural trade balance showed a healthy $12 billion surplus.

Our American Farmers continue to be the most productive in the world simply because they continue to produce far more than our Nation can consume.

And, unlike an automobile assembly line that can shut down on almost a moment's notice, the farmer plants his crops based on national projections of where his markets will be come harvest time.

Unlike the assembly line, the farmer cannot go out and rip up the seeds he has planted if something disrupts the process.

It is for this reason that when farmers are battling the law of averages just so they can receive a fair return on their investment, we should assure them that they can rely on a healthy and uninterrupted export trade to maintain adequate prices.

With noticeable exceptions this Nation's policies have generally promoted a vigorous agricultural export trade posture. At the same time we must consider what the consequences might be for the farmer and inevitably everyone else if a Federal Consumer Agency with the power to force court reviews of decisions it did not like, could do to this country's export trade policy.

Consider the confusion such an action, or the threat of such an action, would cause for farmers.

In a conversation with Secretary of Agriculture Bob Bergland, some time ago, he told me that our global trading partners were most concerned, above anything else, on the dependability of the delivery of goods.

With many of these countries it is not a question of a luxury, but a necessity. They need the food from whatever source.

The threat of lawsuits attempting to overturn USDA import/export policy or Department of Commerce functions prescribed in the Export Administration Act of 1969, would clearly be viewed by these nations as a threat to the dependability of delivery and might well force them to seek new sources of supply—an action which would have serious consequences to my State of Iowa and to the rest of the United States as well.

The impact on farmers, if they are unable to depend on ready markets for their produce, may not be a bad idea if you are a giant conglomerate that can either make your own deal or sit it out without fearing bankruptcy. But for the typical family farmer, it is a terrible idea.

It would seem to me to be in the overriding interest of the American public—both producers and consumers—to exempt agricultural import/export policies from the jurisdiction of the proposed Office of Consumer Representation.

It is for these reasons that I offer this amendment to exempt USDA import/export policy as well as any agency proceeding under the Export Administration Act of 1969 relating to any agricultural commodity, from the purview of the proposed Office of Consumer Representation.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield for a question?

Mr. BLOUIN. I yield to the gentleman from New York, the chairman of the subcommittee.

Mr. ROSENTHAL. Mr. Chairman, I have a memorandum put out by the National Farmers Union. It is dated February 3, 1978.

Let me read what it says. It says:

The one lingering fear that a consumer agency might involve itself in seeking to limit farm exports in order to reduce domestic prices has now been made moot by Section 1002 of Public Law 95-113, the Food and Agriculture Act of 1977.

Section 1002, identified as the American Agriculture Protection Program, provides that whenever the President or anyone else in the Executive Branch suspends the commercial export of farm products, the price support level on such commodity shall automatically and immediately be raised to 90 percent of parity and kept there until the stoppage of exports has ceased.

National Farmers Union believes that passage of H.R. 9718 would be advantageous to farmers and urge your active support and vote.

Mr. Chairman, I get the impression from reading this memorandum that this amendment really is not necessary and that the gentleman's constituents are adequately protected by section 1002 of the act.

Mr. BLOUIN. Mr. Chairman, let me reply to the gentleman, if I may.

No. 1, if that is the point, the gentleman has nothing to fear by the inclusion of the amendment.

Second, if we read through Public Law 95-113, we find that applies to cases other than situations involving short supply.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. BLOUIN) has expired.

(By unanimous consent, Mr. BLOUIN was allowed to proceed for 3 additional minutes.)

Mr. BLOUIN. As I was saying, Mr. Chairman, it applies to situations other than short-supply cases. If that is left open, a consumer agency could determine on their own what a trigger for short supply might be, and in that instance move into a court-review situation.

Mr. ROSENTHAL. But the way I read this thing, if the amount of exports is found to be unsatisfactory, that automatically triggers 90 percent of parity.

Mr. BLOUIN. As I have just said, that only applies to situations other than short-supply situations in the Nation.

In 1973 when the last limitations were put on it was determined that we had a short supply of certain commodities, and there were limitations set. That kind of of situation could still develop under that act without a 90-percent parity going into effect, and the threat of a court review over that policy, in my opinion, is enough to force some of our major trading partners in the world to begin to look to other sources for potential contracts. I think that in itself could have a devastating impact—the threat itself could have an impact.

Mr. ROSENTHAL. I tend to rely on the expertise of the Farmers Union people. Does the gentleman think they are in error in the position they take in this matter?

Mr. BLOUIN. I think they are interpreting Public Law 95-113 too broadly. If they are right, the amendment will not change it.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BLOUIN. I yield.

Mr. SMITH of Iowa. The answer is, They are in error. The agricultural act does not make this amendment remote or unnecessary. If exports orders trigger 90 percent of parity, how do they provide it; with a production program? a control program? Some farmers do not want that.

This amendment is designed to permit those people to raise grain or whatever it is for export, to sell their product for export, without interference rather than depending upon programs which may help some people but not all of them.

Mr. ROSENTHAL. If I may ask either gentleman a question, are there any administrative boards or tribunals under which an intervention would be appropriate that deals with this subject?

Mr. SMITH of Iowa. That is not clear. The way it works is, the Secretary of Commerce issues these export orders, but before he can do so he has to secure a written statement from the Secretary supply will not equal consumption, and then there is an interagency council that acts. I think it is necessary to have

this amendment to make sure that they cannot interfere, because if they hold up one of those export orders by 1 day, they have in effect killed the order. There is no redress.

Mr. ROSENTHAL. I am trying to determine in my own mind, under the design of the gentleman's amendment there has to be some proceeding, either formal or informal. It seems to me that the amendment is superfluous because I cannot think of any formal or informal proceeding.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent Mr. BLOUIN was allowed to proceed for 2 additional minutes.)

Mr. BLOUIN. If the gentleman will give me my time back for just a moment, there is a procedure in the Department of Commerce that may involve regulatory processes. It deals with giving general license.

Mr. ROSENTHAL. But that has nothing to do with agriculture.

Mr. BLOUIN. It has a lot to do with my amendment. My amendment includes both the Department of Commerce and Department of Agriculture policy.

Mr. ROSENTHAL. I am trying to be helpful in understanding this thing. The Department of Commerce licensing program does not have to do with agriculture, does it?

Mr. BLOUIN. But it has to do with my amendment. My amendment speaks to both.

Mr. ROSENTHAL. I want to find out why we need the amendment, and if we need the amendment. I am not aware of any board or regulatory process under which the kind of intervention the gentleman solicits would be appropriate.

Mr. BLOUIN. If that is the case, the gentleman has no objection to the amendment, because it would not have any effect.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. BLOUIN. I yield to the chairman.

Mr. BROOKS. I have looked at this amendment and considered it for the last week. I know how important export is to so many of our farmers. In my district we export a tremendous amount of rice. If we did not export that rice, my farmers would be in serious trouble. I think this is true in many other areas, and I think the amendment is well worth adopting.

Mr. BLOUIN. I thank the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield further?

Mr. BLOUIN. I yield.

Mr. SMITH of Iowa. Further answering, the Department of Commerce Export Control Agency does put export controls on agricultural products. They did it with cattle hides in 1968. They did it with soybeans. They were the ones who put a control on soybeans and other grains just a year or two ago.

Mr. BAUCUS. Mr. Chairman, will the gentleman yield?

Mr. BLOUIN. I yield to the gentleman from Montana.

Mr. BAUCUS. I want to associate myself with the gentleman from Iowa (Mr. BLOUIN). In my State of Montana, this is probably one of the most important aspects of the bill, in addition to other parts of the bill. In Montana, we export 80 percent of our grain overseas, and with recent farm prices, particularly the price of grain and also the price of cattle, this means a lot to all of us.

Mr. BLOUIN. I thank the gentleman.

Mr. LEVITAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know that the gentleman from Iowa is very sincere in this amendment and by offering it he is doing a service for many of his constituents who feel adversely affected by any consumer concern in export policy of agriculture commodities. But I think it should be made a matter of record for the American people to realize what we are talking about here. We are talking about the very problem that occurred in 1973 when a Russian grain deal, better known as the "great grain robbery," occurred and the price of bread in every American household in America went up.

What we are doing, if this amendment is adopted, is saying where something that important and that vital and of that great concern to the American consumer is involved, it is going to be exempt and the consumer representative cannot say a word, and the people who are consumers of America, who will be directly affected, will not even have a voice, as it were, under this legislation.

I remember when the labor unions and labor leaders in 1973 saw what was happening to them and the members of their unions and all other consumers, they spoke out loudly against this type of situation. Here is an opportunity to give a voice in that area, and what are we doing? We are exempting it from even a little voice being heard on behalf of the consumers.

When we take that and add it to the exemption given in the bill itself which prohibits any consumer representative to open his or her mouth in any proceeding directly affecting or concerning market price or loan price supports, payments for agricultural commodities, programs administered by the Agriculture Department, the Farmers Home Administration, crop insurance, or any program under Public Law 480, what we are doing is saying where the consumer voice is most needed—most needed—in order to save dollars and cents for the American household, we are saying the consumer representatives cannot even open their mouths.

What we would be doing with this amendment is going one step further. This is one of the most anticonsumer provisions put in the bill yet and it is being done obviously for the purpose of expediency.

Mr. ERLENBORN. Mr. Chairman, I rise in opposition to the amendment.

I think the gentleman from Georgia has pointed out the fallacy of this amendment and I think it is quite interesting to see the perception of many of the Members in this Chamber as to how this bill may interfere with business interests. In this case, it happens to be the farming business. But that is not the only business interest that will be adversely affected by the passage of this bill. I think, if we are going to have a so-called consumer representative that can interfere with the regulatory process and affect the consumer and the businessman, it is only fair that we have him in all of the regulatory proceedings and not exempt out our favorite businessman from the impact of this bill.

We have already told the unions by leaving in the union exemption that their labor-management negotiations and maybe even the actual setting of salaries and fringe benefits under the new so-called labor reform bill will not be interfered with by the consumer representative.

Now we are going to tell the farmer if we keep the general agricultural exemption in the bill which is in there now, and I think the gentlewoman from New Jersey will address that in a moment, that their farm price support programs and all the other things are exempt from the scrutiny of the consumer representative.

Now, if this amendment is adopted, the things that affect the consumer very directly as to the cost of agricultural products because of the effect of our export and world market prices will be exempt from the scrutiny of the consumer representative. I think that this shows really a crass disregard for equity.

As I said earlier, I believe the sponsors of this bill are willing to exempt everybody out as long as they can pass a bill that has the title. That is really all they are interested in. I do not know what will later happen when it comes out of the conference; we may be faced with something much different from what we are considering now.

So I would hope that in some sort of semblance to being fair to all businessmen and all consumers that we would reject this new exemption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. BLOUIN) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Are there further amendments to section 22?

Mrs. FENWICK. Mr. Chairman, I rise to ask unanimous consent if we might reopen section 17. Due to the noise in the Chamber I did not hear that we were leaving that section, and through the great courtesy of our chairman and ranking member, I would like to ask unanimous consent to return to that section of the bill.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

Mr. ASHBROOK. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Are there further amendments to section 22?

AMENDMENT OFFERED BY MRS. FENWICK TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROOKS

Mrs. FENWICK. Mr. Chairman, under those conditions, I offer an amendment to the amendment in the nature of a substitute which would add a new section 24.

The Clerk read as follows:

Amendment offered by Mrs. FENWICK to the amendment in the nature of a substitute offered by Mr. BROOKS: At the end of the bill add a new section to read as follows: New section 24:

Notwithstanding any other provision of this act, the OCR shall have the authority to intervene as a party in any proceeding of the USDA, the U.S. Conservation Service, the Farmers Home Administration or the Federal Crop Insurance Corporation.

Mrs. FENWICK. Mr. Chairman, I ask your indulgence. I know my parliamentary procedure is not polished. We must speak here, in all frankness, about the consumers.

Not long ago in this House the President asked us to hold the line on the bill concerning agriculture. What did the House do? It raised the support prices for peanut butter, which is one of the great staples of people with low incomes and it therefore means an additional burden to those families. In addition I may say that it raised the sugar subsidies, by a provision of the law, resulting in 50 cents on every 10-pound bag of sugar.

How can we say that agriculture does not affect the consumers? How is it possible that we intend to exempt this enormous section of our economy, one in which the interests of the consuming public are most urgently concerned.

I do hope that we will adopt this amendment.

I know how strong the arguments are against it. But if you will think of the consumers, people with a little pay envelope, a mortgaged home, dentists bills to pay, and a family they are trying to bring up in a proper way, then we should adopt this amendment. I am talking about agriculture, not the farmer's benefits, but the whole system which brings about such heavy increases in the food costs of the general consuming public.

Mr. SMITH of Iowa. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to point out that the section the gentlewoman seeks to strike refers to certain programs in the Department of Agriculture which deal primarily with income protection, not with consumer prices. Consumer prices are primarily set by the processor and set by the chain stores and by the distributors. The amendment strikes the exemption for programs dealing with income protection for the producer of the raw material. It also covers such agencies as the REA. REA was established in an attempt to get for rural people the kind of electric services that city people have had. We decided years ago that instead of making those utilities in the cities extend services to sparsely populated areas at a loss, we set up REA and let them borrow the money to provide distribution lines, although it has been paid off and, in that way, the city people would be indirectly benefited as well as those in the rural areas.

That is the kind of program that would be interfered with if this amendment is passed. We are not really referring, I say to the gentlewoman from New Jersey, to the kinds of programs that affect the consumer prices she mentioned, but what we are referring to here are programs designed to give rural people equality of living conditions and income protection, and I urge the Members to defeat the amendment.

Mr. BROOKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I want to say that the agriculture exemption is identical to that passed by the House in this last Congress. It would bar the Consumer Office from intervening in the Department of Agriculture proceedings directly affecting the marketplace of raw agriculture commodities, certain specified USDA programs, and any proceedings under the Public Law 480 program. The exemption seeks to prevent a confrontation between consumers and farmers that could be counterproductive to the interests of consumers and detrimental to the interests of both. The exemption does not prevent the ACP from representing consumers in Federal proceedings relating to nonfarm food costs, the most important factor in the cost of food to our constituents and to ourselves.

I believe that the limited agricultural exemption in the bill is desirable and appropriate, and I would urge the defeat of this amendment.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment to strike the agricultural exemption from the substitute bill. I strongly objected to the inclusion of this exemption in the original version, H.R. 6805, and I object just as strenuoously to its inclusion in the substitute.

As I said during general debate, I have cosponsored and I support the provisions of H.R. 9718, because I do want an effective representative of the consumer interest within the framework of the Federal Government. I assume—I sincerely hope—that that is what all of the supporters of this bill want.

Mr. Chairman, I respectfully submit that there are no issues of more concern to more consumers than the issues exempted by the proviso clause of the exemptions section of the bill before us.

Can we really claim to be giving the consumer an effective representative when we exclude from his or her jurisdiction proceedings "directly affecting or directly concerning—the market price of—raw agricultural commodities, including—wheat, feed grains, soybeans, cotton, wool, rice, peanuts, tobacco, sugar, fruits, and vegetables—livestock, poultry, eggs, and dairy products?" No! We will never have a true consumer representative as long as we prohibit him or her from becoming involved in these areas.

Mr. Chairman, the exemption this amendment seeks to strike does not just involve loans and price supports. It would be bad enough, in my opinion, if it extended only that far. But, it extends much further. It precludes intervention in any USDA proceeding affecting or concerning the market price of any of the products listed in the bill. The ones I have just picked off.

Every consumer in America is affected by these market prices. How can we tell them that their representative has to keep "hands off" of these issues? Are we going to tell them that the new OCR will see to it that they get a fair break when buying a new car, a new refrigerator, a color TV; but they will get no help when it comes to pricing the things they really need—meat, fruit, vegetables, milk, and eggs. These questions answer themselves. And the answers demand that we adopt this amendment.

Mr. Chairman, I would like to point out a recent development that argues strongly for this amendment. Last October 31, our Small Business Committee, during a series of hearings on meat marketing, heard from the attorney for the California public interest research group, Mr. George J. Schultz. He recited several horror stories. As many as 15 USDA meat graders were caught falsely grading meat, resulting in consumers paying high grade prices for low grade meats. This was not just a claim. There were indictments, convictions, and removals from office.

When I asked Mr. Schultz if there was anything the USDA could or should do to stop price manipulation, he responded that much of the manipulation could have been stopped years ago if the packers and stockyards administrations—of the USDA—had been doing its job.

Mr. Schultz and another witness at our hearings also told us that the USDA's compulsory yield grade regulations were essentially written by the big packers, and that they have resulted in the small producers getting less for their cattle while the consumer pays more for the beef.

These examples provide ample justification for giving the Office of Consumer Representation jurisdiction over USDA's procedures on matters involving market price.

Mr. Chairman, I hope the gentlelady's amendment is adopted.

Mr. FINDLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I doubt that the amendment offered by the gentlewoman from New Jersey (Mrs. FENWICK) has much of a chance, judging by the sentiments I have heard; but I would like to say that in the absence of an amendment such as the gentlewoman has offered, the Consumer Protection Agency bill really does not have much meaning.

Many of us in this Chamber, I have not been one of them, but many in this Chamber helped to enact the dairy support program in the last few years, a program whose whole thrust is to keep dairy prices high for the consumer. That is its whole objective.

Last year a vote by many of you was cast in favor of the peanut program, a program whose whole design was to keep peanut prices high. We could go down the list of other commodities for which we have legislated high prices for consumers.

Now, the gentlewoman from New Jersey (Mrs. FENWICK) is offering an amendment to permit the proposed agency to intervene with the USDA to bring the cause of the consumer to bear and it would present an interesting confrontation with the will of the Congress expressed in behalf of the amendment of the gentlewoman from New Jersey (Mrs. FENWICK), which would permit an agency of the Federal Government to intervene in behalf of consumer interests against programs authorized by law which have the express effect of putting consumer prices high.

Mr. Chairman, in the absence of the amendment of the gentlewoman from New Jersey (Mrs. FENWICK), this consumer protection bill is a toothless wonder.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. FENWICK) to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ERLENBORN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 105, noes 309, not voting 18, as follows:

[Roll No. 49]

AYES—105

Annunzio	Hollenbeck	Rangel
Archer	Holtzman	Reuss
Bennett	Howard	Rinaldo
Boland	Hughes	Rodino
Brown, Ohio	Hyde	Roe
Carr	Jeffords	Roncalio
Cleveland	Jones, Okla.	Rousselot
Cohen	Kostmayer	Roybal
Conable	LaFalce	Russo
Conte	Le Fante	Ryan
Cotter	Lehman	Sarasin
D'Amours	Lent	Satterfield
Dellums	Levitas	Scheuer
Dodd	Livingston	Schroeder
Downey	McCloskey	Seiberling
Drinan	McKinney	Sharp
Early	Maguire	Simon
Edgar	Markey	Snyder
Emery	Meyner	Solarz
Erlenborn	Michel	Spellman
Evans, Del.	Mikva	Stockman
Fary	Milford	Stokes
Fenwick	Minish	Studds
Findley	Mitchell, Md.	Treen
Fish	Moakley	Tsongas
Fisher	Moffett	Van Deerlin
Forsythe	Nedzi	Vanik
Frenzel	Nolan	Walgren
Giaimo	Oakar	Weiss
Gibbons	Patten	Wiggins
Gilman	Pattison	Wilson, Bob
Gradison	Pease	Wirth
Hamilton	Price	Wolff
Harris	Pritchard	Wydler
Heckler	Quayle	Yates

NOES—309

Abdnor	Evans, Ga.	Mollohan
Addabbo	Evans, Ind.	Montgomery
Akaka	Fascell	Moore
Alexander	Fithian	Moorhead, Calif.
Allen	Flippo	Moorhead, Pa.
Ambro	Flood	Moss
Ammerman	Florio	Mottl
Anderson, Calif.	Flowers	Murphy, Ill.
Anderson, Ill.	Flynt	Murphy, N.Y.
Andrews, N.C.	Foley	Murphy, Pa.
Andrews, N. Dak.	Ford, Mich.	Murtha
Applegate	Ford, Tenn.	Myers, Gary
Armstrong	Fountain	Myers, John
Ashbrook	Fowler	Myers, Michael
Ashley	Fraser	Natcher
Aspin	Frey	Neal
AuCoin	Fuqua	Nichols
Badham	Gammage	Nix
Bafalis	Gaydos	Nowak
Baldus	Gephardt	O'Brien
Barnard	Ginn	Oberstar
Baucus	Glickman	Obey
Bauman	Goldwater	Ottinger
Beard, Tenn.	Gonzalez	Panetta
Bedell	Goodling	Patterson
Beilenson	Gore	Pepper
Benjamin	Grassley	Perkins
Bevill	Gudger	Pettis
Biaggi	Guyer	Pickle
Blanchard	Hagedorn	Pike
Blouin	Hall	Poage
Boggs	Hammer-schmidt	Pressler
Bolling	Hanley	Preyer
Bonior	Hansen	Pursell
Bonker	Harkin	Quie
Bowen	Harrington	Quillen
Brademas	Harsha	Rahall
Breaux	Hawkins	Railsback
Breckinridge	Hefner	Regula
Brinkley	Heftel	Rhodes
Brodhead	Hightower	Richmond
Brooks	Hillis	Risenhoover
Broomfield	Holland	Roberts
Brown, Calif.	Holt	Robinson
Brown, Mich.	Horton	Rogers
Broyhill	Hubbard	Rooney
Buchanan	Huckaby	Rose
Burgener	Ichord	Rosenthal
Burke, Fla.	Ireland	Rudd
Burke, Mass.	Jacobs	Runnels
Burleson, Tex.	Jenkins	Santini
Burlison, Mo.	Jenrette	Sawyer
Burton, John	Johnson, Calif.	Schulze
Burton, Phillip	Johnson, Colo.	Sebelius
Butler	Jones, N.C.	Shuster
Byron	Jordan	Sikes
Caputo	Kasten	Sisk
Carney	Kastenmeier	Skelton
Carter	Kazen	Skubitz
Cavanaugh	Kelly	Slack
Cederberg	Kemp	Smith, Iowa
Chappell	Ketchum	Smith, Nebr.
Chisholm	Keys	Spence
Clausen, Don H.	Kildee	St Germain
Clay	Kindness	Staggers
Cochran	Krebs	Stangeland
Coleman	Krueger	Stanton
Collins, Tex.	Lagomarsino	Stark
Conyers	Latta	Steed
Corcoran	Leach	Steers
Corman	Lederer	Stratton
Cornell	Leggett	Stump
Cornwell	Lloyd, Calif.	Symms
Coughlin	Lloyd, Tenn.	Taylor
Crane	Long, La.	Thompson
Cunningham	Lott	Thone
Daniel, Dan	Lujan	Thornton
Daniel, R. W.	Luken	Traxler
Danielson	Lundine	Trible
Davis	McClory	Tucker
de la Garza	McCormack	Udall
Delaney	McDade	Ullman
Derrick	McEwen	Vander Jagt
Derwinski	McHugh	Vento
Devine	McKay	Volkmer
Dickinson	Madigan	Waggonner
Dicks	Mahon	Walker
Diggs	Mann	Walsh
Dingell	Marks	Wampler
Dornan	Marlenee	Watkins
Duncan, Oreg.	Marriott	Waxman
Duncan, Tenn.	Martin	Weaver
Eckhardt	Mathis	Whalen
Edwards, Ala.	Mattox	White
Edwards, Calif.	Mazzoli	Whitehurst
Edwards, Okla.	Meeds	Whitley
Eilberg	Metcalfe	Wilson, C. H.
English	Mikulski	Wilson, Tex.
Ertel	Miller, Calif.	Winn
Evans, Colo.	Miller, Ohio	Wylie
	Mineta	Yatron
	Mitchell, N.Y.	Young, Alaska
	Young, Fla.	Young, Tex.
	Young, Mo.	Zablocki
		Zeferetti

NOT VOTING—18

Beard, R.I.	Hannaford	Ruppe
Bingham	Jones, Tenn.	Shipley
Burke, Calif.	Long, Md.	Steiger
Clawson, Del	McDonald	Teague
Collins, Ill.	McFall	Whitten
Dent	Rostenkowski	Wright

Messrs. MIKVA, MOAKLEY, PRICE, ANNUNZIO, FISH, FARY, RANGEL, ROE, SOLARZ, WEISS, LAFALCE, LEHMAN, MARKEY, KOSTMAYER, CARR, LE FANTE, Mrs. SPELLMAN, and Mrs. HECKLER changed their vote from "no" to "aye."

Messrs. MARTIN, BROWN of Michigan, WALSH, HAWKINS, and AMMERMAN changed their vote from "aye" to "no."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Mr. ALEXANDER. Mr. Chairman, I rise in opposition to H.R. 6805, legislation to establish an Office of Consumer Representation.

Ten years ago American consumers were regularly ripped off by callous manufacturers who often were more interested in the profit picture than in the quality of their product or the safety of the consumer using it. However, during the decade of debate that has followed these past widespread abuses, many reforms have taken place.

Twenty major Federal agencies have established consumer offices. In addition to these offices, over half the States have consumer counsels with powers of intervention and judicial review. This increased activity at the State level is clearly evidenced in the number of State attorneys general who have become active and outspoken consumer advocates. Reform has occurred within the manufacturing industry as well. Indeed, the needs of the American consumer have been and are being met.

Today, the administration attempts to take yet another step toward consumer advocacy by establishing an Office of Consumer Representation. The agency's authority has been substantially cut back from previous proposals, which is, I believe, in itself an admission that consumer reform has been and is taking place.

Yet the sponsors of this legislation maintain that an additional $15 million budget for this new agency is needed to more fully meet consumer concerns.

I believe that the public interest is already sufficiently protected through Federal agency and State consumer offices and that the establishment of this new layer of bureaucracy is unnecessary.

It is difficult for me to understand how candidate Carter, now President, who a little more than a year ago ran on a platform of scaling down a bloated Federal bureaucracy, can today support this proposal.

The same job can be accomplished by Congress improving its oversight of regulatory agencies to see that the job for which they are being paid is carried out without necessitating an additional layer of bureaucracy and expense to the taxpayer.

I urge my colleagues to vote against this ill-advised bill.

Mr. BENJAMIN. Mr. Chairman, I appreciate the opportunity to express my views on H.R. 9718, the Consumer Representation and Reorganization Act of 1978. When the original bill, H.R. 6805 was reported out of committee last year, I had serious reservations about the proposed establishment of an Agency for Consumer Protection. It would have been easy enough to say, "I am for the consumer" and then blindly endorse H.R. 6805. I am for the consumer—but I was not interested in more bureaucracy that might have done little other than add to the frustration of my fellow citizens.

I think there were many of us who felt this way. It is obvious that the Government Operations Committee under the leadership of Chairman BROOKS wanted to provide Members with a viable alternative to H.R. 6805 and I believe that the substitute bill, H.R. 9718 accomplishes that goal.

My early reservations and problems with this legislation have been adequately addressed. I was concerned about the cost and I was fearful of duplication of effort among agencies with consumer protection functions. It is gratifying to see that the revised bill dictates a reorganization and consolidation of existing Federal consumer programs. Hopefully, this proposal will result in a net savings of $7 million over the first year costs of the Office of Consumer Representation. The Office of Management and Budget identified 26 consumer functions scattered throughout the Federal Government with over 200 employees affected. Streamlining and consolidating their functions will certainly be a step in the right direction and one that is now possible as a result of H.R. 9718.

Many of the businesses in my district were concerned about OCR's paper work requirements and interference. H.R. 9718 has clearly spelled out that OCR will not be allowed to issue interrogatories to any businesses and I think this provision will benefit consumers and businesses alike. The drafters of this legislation have taken particular pains to avoid pitting business against consumer interests. This is a positive approach since the thrust of the bill is to protect consumers and businesses are certainly consumers of goods and services.

The Office of Consumer Representation has some unique functions in that citizens will be able to identify it as a problem-solving agency. I was happy to learn that OCR would contain a complaint-handling clearinghouse to assure that consumer complaints are promptly sent to the Government department or business that can best resolve them.

I was particularly impressed with the inclusion of a provision in the new bill which would require OCR to report to Congress on conflicting or duplicative Federal regulations and orders. This is an overwhelming task but it is important for Congress to have such an oversight function. I am interested in streamlining government but this does not always mean abolishment of functions. Consolidation of complementary activities is one step in the right direction. My greatest hope for OCR is that the public will find an ally that will attempt to protect them in the areas of economics and safety.

Unfortunately there are still many businesses which feel that OCR is anathema to their concerns. It is my hope that through the efforts of OCR, businesses can improve their working relationships with their partners, the consumers. OCR also has an obligation to protect our reputable businesses from unscrupulous practices. In the final analysis, it is my hope that OCR's "stamp of approval" for a business enterprise will enhance its ability to provide a quality product and stimulate consumer confidence in American business.

Esther Peterson has been articulate in her position that this bill provides a means of gathering and distributing information to consumers as well as allowing OCR to appear before regulatory agencies on their behalf and to participate in certain legal proceedings. She has my vote of confidence today. Thank you.

Mrs. HECKLER. Mr. Chairman, I strongly support Mr. McClosky's amendment to guarantee the transfer of all funds to the Office of Consumer Representation.

Three years ago I proposed this amendment to the gentleman from California as a member of the committee, and I believe the concept has gone a long way to develop the credibility of this legislation. By guaranteeing the transfer of all funds and the consolidation of consumer functions into the OCR, costs will be kept down and the frivolous and wasteful tax expenses on separate and ineffective consumer efforts will be eliminated. The mood in the country today is to cut the size of Government—to make it more effective, not to make it bigger.

The Office of Consumer Representation is not meant to harass business but to look at valid issues where the consumer voice is absent. It does not create a sprawling bureaucracy, but it transfers funds from ineffective consumer outposts in existing agencies to a strong single consumer voice with a single mission and at reduced Federal spending for consumer representation.

Mr. LAGOMARSINO. Mr. Chairman, it is tempting to take the easy way out and vote for this bill. But I am going to resist the temptation, despite the threats which have been made against anyone who dares to raise an objection.

Ever since I came to this House 4 years ago, I have been hearing about this bill. In fact, I understand it has been around twice that long. If it were around 10 times as long, it would still not be a good bill.

The supporters of this bill seem to think by giving it an attractive name, they make it a good idea. Being for consumers is like being for motherhood, apple pie, and the flag. But what exactly is the interest of the consumer? That is the crux of this debate.

We recently witnessed the flap which occurred when some Canadian scientists discovered that rats can contract cancer by consuming large amounts of saccharin. Suppose this agency had been in existence at the time. Would it have gone to battle against the sale of food containing saccharin? Or would it have taken into consideration the plight of people who have diabetes and for whom saccharin is the only available sugar substitute? Where, in other words, does the interest of the consumer lie? And why, in a representative form of government, should it lie with a single authority to decide?

This is but one example of the often conflicting interests of consumers. The air bag controversy is another, where increased cost is pitted against the alleged safety advantages. I contend that the interest of consumers does not always fall on the same side of a question. Consumer interests are as diverse as are consumers.

Under our existing system of government regulatory agencies, the diverse interests of consumers are balanced and spread throughout Government, where they can compete on an equal basis. The result is not always completely satisfactory, but that is the nature of representative government. It certainly beats a dictatorship, where one man or agency of government has the final say.

I believe there is a need to upgrade consumer representation in Government. And that is what the amendment of the gentleman from Kansas (Mr. GLICKMAN) would have done. Unfortunately, the interests behind this bill fear that such a diffusion of power would mean a weakening of consumer interests. That is the difference between their philosphy and mine, because I believe that in diversity is strength.

The fact that we already have effective consumer affairs offices at the State and local levels, says to me that we do not need a consumer czar at the Federal level. Experience has proven that local and State officials are more answerable to the public than a Federal bureaucrat. Besides, what are all those other Federal agencies supposed to be doing but representing the interest of the consumer? What, in fact, are we ourselves supposed to be doing?

The logic of these arguments has not been lost on the proponents of this bill, Mr. Chairman. That is why they have made exemptions in the bill for organized labor, for farmers, for the military. But why single out these groups? Does labor not share part of the cost of a product with management? Is the consumer to be protected from the supermarket manager but not from grower? How can the bill be good for some but not for all?

Nor has the illogic of this bill been lost on the voters, Mr. Chairman. For the past several years, I have asked people in my district how they feel about a Federal consumer protection agency. Every time, in questionnaire after questionnaire, they have turned it down, the last time by a vote of 56 percent to 34 percent.

Mr. Chairman, I urge my colleagues to read the editorials in the Washington Post and the Washington Star of yesterday, both of which opposed this bill; listen to the voice of the people, who are, after all, the consumers; and then vote against this new burden on the taxpaying public.

The editorials follow:

REPRESENTING CONSUMERS

After much maneuvering and many delays, the latest version of the consumer-agency legislation is scheduled to come before the House today. During earlier congressional go-rounds on the issue, we endorsed the creation of a new federal agency to represent consumers' viewpoints before regulatory bodies and in judicial reviews of regulatory decisions. But both the legislation and conditions have changed. In our view, the advocates of the current measure, H.R. 8718, have failed to make a persuasive case for enacting, now, what is left of the idea.

We are not primarily concerned about the powers or costs of the Office of Consumer Representation now proposed. The agency's authority has been substantially cut back, so that it would not have a general license to quiz companies or appeal any regulatory decision it didn't like. On the question of costs, the bill's sponsors maintain that the $15-million budget of the new agency would be more than offset by the transfer or elimination of existing consumer programs in over 20 agencies. We find the net-savings claim a bit hard to swallow. If the new office did turn out to be as aggressive as its sponsors plan, its budget would surely grow. Still, it could be worth much more than $15 million—if it were the best way to make federal regulatory bodies more sensitive to considerations such as cost, public health, safety and the other factors often cited as "consumers' " concerns.

That gets to the real problems with this bill. One is the assumption that consumers' interests are so clear, so consistent—and somehow so distinct from the general public interest. Consumer advocates argue, of course, that they do represent the general public. Yet the public interest, in the modern regulatory world, is usually more complex; it may involve balancing a given degree of safety against a certain increment of cost, or keeping down tomorrow's price increases without jeopardizing next year's supplies, or making a much more complicated type of accommodation among a hundred forces and factors bearing on the marketplace. Those who emphasize health or safety or retail cost should certainly be heard, along with those who have other priorities. But to enshrine any particular "consumer" viewpoint in a government advocacy office raises philosophical problems that trouble us.

Beyond that, what is the real purpose here? Surely it's not just to add another voice at agencies' hearings or another pile of briefs on commissioners' desks. One's aim may be "consumer justice," as Mark Green puts it on the opposite page today, or a better grasp of the public interest in all its complexities. In either case, experience suggests that the most productive course is to change the character of the regulatory agencies themselves.

This may sound like a hopeless task. But the Federal Trade Commission, for one, made notable progress even during the Nixon-Ford years when most presidential appointments and executive-branch attitudes were inclined to favor corporate views. Since President Carter took office, some excellent appointments and a real shift in governmental attitudes have greatly improved the prospects for real regulatory reform. Thus there is much less need for any separate intervenor with limited powers—and much more reason for Congress to set this idea aside and concentrate on helping improve the regulatory agencies themselves.

NO NEED FOR ANOTHER AGENCY

The consumer protection agency bill that comes up in the House today poses a dilemma for many congressmen: if they vote for it they're voting to create another layer of bureaucracy and the additional federal spending that goes with it; if they vote against it, they're opening themselves to charges by the Naderites that they're anti-consumer.

We hope that good sense and consideration for the taxpayers' pocketbook, rather than fear of making Ralph Nader's blacklist, prevail. The proposed federal agency is unnecessary.

Legislation to create the agency has been kicking around in one form or another for a decade. Every time it fails in the Congress, the advocates change its name, rewrite some of its provisions, give it a new number and have it called up for new hearings and another vote.

In its latest rebirth, the governmental unit to be created would be called the Office of Consumer Representation. In the beginning it was to be the Consumer Protection Agency; in a later version, the Agency for Consumer Protection. We hope that no one is going to be fooled that an "office" is smaller, less expensive and less bureaucratic than an "agency."

There are other cosmetic changes in what the advocates call their "compromise" bill. But they don't change the basic thrust of the legislation, which is to insinuate the OCR, or whatever they want to call it, into the decision-making processes of other government agencies and to give it the authority to use the courts to push its point of view.

There is no public clamor to create this new agency. Its advocates have not made a convincing case that it would help consumers. There's even the chance that it could be harmful to consumers by increasing the cost of doing business and thereby driving up prices. The potential for creating additional federal red tape and tying up government decisions in the courts would be enormous.

It's time to get rid of this legislation for good. It seems to have more lives than a cat but a heavy vote against it in the House this time might do the trick.

Mr. COHEN. Mr. Chairman, during the heated debate over the proposal to establish a Federal consumer office, the primary purpose of such an agency has frequently been obscured or misunderstood. The Office would exist chiefly to assure that the consumer interest is represented in major Federal regulatory proceedings. The underlying premise of this legislation is that the public interest is best served when the decisions of Federal agencies are made after all concerned parties—including consumers—have had an ample opportunity to be heard.

Many small businessmen have contacted me to express their concern that this legislation would be burdensome to them by adding to the mountain of Federal paperwork already swamping the private sector. Because of their experience with other Federal agencies, some businessmen are understandably skeptical about the prospect of yet another agency. I originally shared this concern because of a provision in an earlier version of this bill which would have allowed the consumer agency to require businesses to complete written questionnaires.

But the compromise bill completely deletes the interrogatory power of the Office of Consumer Representation. The OCR will not be able to require businesses to answer questionnaires, file any reports, or complete any other paperwork. Moreover, the compromise bill correctly recognizes that small businesses are also consumers and specifically gives the OCR the power to represent the interests of small businesses as consumers of regulated goods and services. This provision would allow the OCR to represent the interest of small business on such matters as freight rates, utility costs, and enforcement of antitrust laws.

It is as important to look at the powers that were not given to this office as it is to list those limited powers that it would possess. The Office of Consumer Representation would have no power whatsoever to regulate any business activity. It could not issue any regulations, standards, or rules, or impose any fines, penalties, or sanctions. The OCR would have no power to overturn a regulation promulgated by another Federal agency. When intervening in court actions, the Office would have no more rights than any other party. In fact, in some instances, the OCR's right of judicial review is more limited than that of other parties. The bill also stipulates that no regional offices could be established, nor could the Office engage in product testing.

The limitation on the powers of the Office and the fact that it is nonregulatory have caused several businesses to endorse this proposal. Atlantic Richfield, Montgomery Ward, and Levi Strauss are just 3 of the more than 100 businesses that have announced their support for the compromise bill.

This legislation is basically a reorganization proposal designed to make the Federal Government more efficient at less cost. It mandates the abolition of more than 20 existing consumer offices, the functions of which would be transferred to the new OCR. This consolidation feature, which I believe is the most important provision of the bill, is estimated to save nearly $7 million of taxpayers' money—above and beyond the first-year operating costs of the new Office. The consolidation provision is very similar to an amendment I offered with Congressman MCCLOSKEY to the version of this legislation considered in 1975.

Another important safeguard included in this bill is the sunset provision. Unless renewed by Congress, the Office of Consumer Representation would go out of existence 5 years after enactment. This provision will insure that Congress thoroughly reviews its record. Should Congress find that the OCR is ineffective, burdensome, or simply unnecessary, it would be abolished.

Among the stated purposes of the office would be to work for the removal of conflicting or unnecessary regulations and to prod regulatory agencies into acting more quickly when the health and safety of consumers are at stake. If the OCR can achieve these goals, it will have served the American public well.

Ms. OAKAR. Mr. Chairman, I rise today to offer my support for H.R. 9718—the pending consumer protection legislation.

This evenhanded legislation will establish the Office of Consumer Representation (OCR). It is to be an independent, nonregulatory office. Its primary charge would be to advance the interests of the consumer before other agencies of the

Federal Government. Moreover, the OCR will provide the public with information about consumer matters. It must be emphasized that the OCR is without a regulatory mandate. It cannot force the businessman—corporate giant or neighborhood merchant—to change any of his business practices.

As to the judicial review provisions in this legislation and the OCR's power to bring suit, too much has been made of this limited and simple set of powers. In short, the OCR's administrator may seek judicial review of an administrative action if such action is reviewable under law. This is the same basic right granted to private persons and businesses aggrieved by agency actions. So, why is it surprising that the OCR, charged with the protection of all consumers, is in need of such powers? Moreover, these powers are limited to those situations where the OCR has filed a petition to reconsider the issue at hand with the appropriate agency. Only then can the matter be taken to court.

So, why all this fuss over a consumer agency with such a well-defined set of responsibilities? Why has a $15 million program been the target of so much criticism and opposition?

Part of the answer lies in the misunderstandings that surround the judicial review and information-gathering powers of the OCR. But, much of the force of the opposition must be attributed to the well-orchestrated and well-financed lobbying efforts of special interest groups.

Unsure of the impact of the OCR on their membership, the Chamber and the NAM have waged a long and hard battle to kill H.R. 6805 and the recent compromise measure embodied in H.R. 9718. Knowing full well that the President will sign this consumer measure, these business groups have brought new pressures to bear on this Congress. Their arguments, on first glance, are persuasive, but the premise of these arguments is faulty.

The OCR places no undue burden on the business interests of this Nation. The OCR adds no new teeth to whatever "bite" the American businessman now fears from the consumer activities of the Federal Government and private consumer groups. This legislation consolidates the current consumer services within the Federal Government, thereby giving more visibility to these services as well as providing a central clearinghouse for consumer information and complaints.

Mr. Chairman, this consumer legislation is not the negative measure that some of its opponents might suggest. This is a moderate and rational approach to consumer representation in Federal decisionmaking. I ask my colleagues to look closely at the arguments being advanced in opposition to this bill. Consider the limited nature of the proposed OCR's powers as put forth in the Brooks substitute. Consider the extensive lobbying efforts against this legislation. Then ask, "Why so much controversy? Why so much furor?"

Mr. DRINAN. Mr. Chairman, as a member of the Government Operations Committee, I rise in enthusiastic support of the Brooks substitute to H.R. 6805. The Consumer Representation and Reorganization Act of 1977, H.R. 9718, was introduced by the gentleman from Texas (Mr. BROOKS) as a compromise substitute for H.R. 6805, the Consumer Protection Act of 1977. H.R. 9718 meets the major objections raised by critics of the original bill, without sacrificing the principle of giving consumers an established and effective voice in the Federal Government. Passage of this legislation would be a major landmark in the history of the consumer protection movement.

H.R. 9718 would establish an Office of Consumer Representation as an independent executive agency. This agency would be delegated several tasks, including study of consumer interests, needs, and problems; support of research into consumer products and services; dissemination of consumer information; submission of annual recommendations to Congress and the President; and, most importantly, representation of the interests of consumers in the proceedings of Federal agencies and courts.

Simple justice requires that such a consumer advocate be created. Numerous studies have shown that businesses are thoroughly represented before Federal agencies, while all too often consumers lack the organization and resources to press their own interests effectively. Because of this imbalance of influence, regulatory agencies frequently fail to adequately consider consumer needs—in fact, they are often dominated by the very industries they were meant to regulate. The result can be reduced competition, higher prices, and dangerous products.

We would not think of denying representation to one party in a judicial proceeding; and if they cannot provide their own advocate, the Government supplies one. The proposed Office of Consumer Representation is no more radical than the system of public defenders in criminal cases. It would simply extend the same basic equity to administrative proceedings.

The concept of an institutionalized consumer advocate is not untested, either. Twenty-six States already have established such offices. In my own Commonwealth of Massachusetts, the attorney general's office contains a utilities section which represents consumers before State regulatory commissions and can seek judicial review of decisions harmful to them. Partly as a result of these efforts, the Massachusetts Department of Public Utilities awarded rate increases almost $190 million less than had been requested over the past 2½ years. The Office of Consumer Protection, which would have powers similar to the Massachusetts body, could yield even more impressive results at the Federal level.

In fact, there is already a dramatic example of the effectiveness of consumer advocacy at the national level. The General Services Administration represents the U.S. Government's own interest as a consumer in certain State and Federal proceedings. The cost of this intervention during fiscal year 1977 was $882,000. The estimated savings that have resulted from these activities since 1975 are $104 million.

Many of the criticisms of the original bill have been met in the compromise substitute. The Office of Consumer Representation's powers of discovery before Federal agencies and judicial review of their decisions would be no greater than those of any private business. It would not have the power to compel businesses to respond to written interrogatories. It would also have no authority to create product testing laboratories or regional offices.

The OCR would be authorized to represent the interests of small businesses as well as consumers, and would be required to report to Congress on the effect which its intervention has on the efficiency of regulatory agencies.

Those who charge that the Office of Consumer Representation would become a huge bureaucracy burdening the taxpayer are simply mistaken. The OCR's $15 million budget is very modest. In fact, $11.6 million of that will be transferred from other agencies which already have consumer offices, and the Office of Management and Budget will be required to cut an additional $10 million from existing programs which would duplicate the functions of the OCR. Therefore, passage of this legislation would actually result in a net saving of several million dollars annually.

There is also no reason to believe the Office of Consumer Representation would inevitably grow to massive proportions, as some have charged. The largest agencies are generally those which regulate, grant money, or contract out—the OCR would have none of these powers. It would function as an advocate only—and an advocate need not be large to be effective. In addition, this bill contains an innovative "sunset" clause, which means that the OCR would end after 5 years unless specifically extended by Congress after a review of its performance.

Those who consider the Office of Consumer Representation to be simply another regulatory agency are turning its purpose on its head. It would actually function as a watchdog over regulatory agencies, seeking to influence their decisions and reporting to Congress on regulations which conflict with each other or with legislative intent. This service would reduce bureaucratic "red tape," not add to it.

Some have suggested that consumer interests would be served just as well by creating special offices within Federal agencies, rather than one central office for the entire Government. However, no employee can be purely objective in overseeing his or her employer—only the presence of an independent advocate can insure the fairness of agency proceedings.

It has also been suggested that consumers should rely on private representation just as businesses do, rather than having a government agency provided for them. Such an argument neglects the reality that consumers rarely have the financial and organizational resources to compete effectively with large corporations. It also overlooks the fact that the Federal Government already has a $1.7

billion Commerce Department to "foster and promote" the interests of American business.

The possible reason for opposing this legislation as it now stands is a fear that business may lose the monopoly of influence over Federal agencies which it has so long enjoyed. The Brooks substitute has attracted a broad spectrum of support from individuals and groups such as President Carter, Common Cause, the AFL–CIO, Public Citizen, and the Consumer Federation of America, as well as over 100 corporations, including Stop and Shop, Montgomery Ward, Atlantic Richfield, Levi Strauss, Blue Cross, and Mobil Oil. I urge my colleagues to join this coalition in support of H.R. 9718. After many years of effort, the time to guarantee consumers an effective advocate in the Federal Government is long overdue.

Mr. FRASER. Mr. Chairman, I support the Brooks-Rosenthal substitute bill, H.R. 9718, to establish an independent, nonregulatory Office of Consumer Representation. The Office will protect, represent, and serve consumers in Federal agency proceedings and the courts.

This legislation combines the resources of 26 existing consumer fiefdoms spread throughout the Federal Government. These programs have a budget totaling $11.6 million a year. Establishment of this single Office by consolidating the existing funds and staff, will eliminate overlap and duplication.

The Office and the consumers represented would have no greater rights than those already enjoyed by businesses. The OCR would have no interrogatory power and could not require businesses to file mandatory reports.

At agency after agency, regulated industries dominate proceedings. Organized public interest representation accounts for a very small percentage of participation before Federal regulatory agencies. In more than half of the formal proceedings, there is no participation by consumers, and there is virtually none at informal agency proceedings. I believe consumers ought to have a greater impact on the judicial proceedings which are part of our regulatory decisionmaking process. The OCR can do much to provide a more effective consumer advocate at agency hearings.

Passage of this legislation assures American consumers they will have an effective voice in Washington. I urge passage of H.R. 9718.

Mr. FUQUA. Mr. Chairman, I rise in opposition to H.R. 6805, the Consumer Protection Act, and H.R. 9718, the so-called committee substitute.

First, let me address the problems with H.R. 6805. After much wrangling, the Government Operations Committee voted out this bill by the slim margin of 22 to 21. I cast my vote against the bill because, as I expressed it during committee debate, this legislation is like a "swiss cheese because of all the special exemptions."

Agriculture has an exemption from the provisions of this act at a time when both consumers and farmers are complaining about prices. The consumer feels he or she is paying too much and the farmer knows he is not receiving enough. Yet, strangely, this agency would have no power to investigate these claims.

Additionally, labor has an exemption. Labor costs, whether one believes them to be justified or unjustified, play a significant role in the final price the consumer pays. Yet, again, there is an exemption.

In committee, I introduced an amendment to strike these exemptions and I urge this body to adopt amendments making this a bill truly assisting consumers.

As reported, H.R. 6805 would permit the Agency for Consumer Protection to go to court against another agency of the Federal Government, a strange situation even if not unconstitutional. This provision is supported by the administration.

I believe it is important to note, however, that the Attorney General, in a recent speech in Washington, called for no agency except the Justice Department to have the power to go to court. After all, he commented, that is the proper function of the Justice Department * * * to represent the Government.

The letter to the Attorney General to Chairman BROOKS in support of the bill is tortuous in its explanation as to why, in this case, an exemption should be given to the ACP. Mr. Bell may be loyal to President Carter, but clearly the Justice Department is hard pressed to endorse this legislation.

H.R. 9718 is in no way a true committee substitute. This bill was drafted behind closed doors by the proponents of H.R. 6805 only after they realized that the original bill had no chance of passage.

This substitute is called a great compromise but its supporters are unwilling to let the Government Operations Committee examine the bill closely and carefully. Perhaps they fear that the committee would discover that H.R. 9718 has almost as many flaws as H.R. 6805.

H.R. 9718 may be better than the original committee bill, but I believe it should come first to the committee for examination. Let us see if it can survive careful scrutiny.

I also would like to call the attention of the Members to this morning's editorial in the Washington Post. Their comments are in agreement with my earlier statements in committee that the bill we have before us, in either form, is not worthy of the American consumer.

The House of Representatives should reject both H.R. 6805 and H.R. 9718 as unworthy pieces of legislation not deserving of passage.

Mrs. HECKLER. Mr. Chairman, I strongly support the amendment that authorizes the Office of Consumer Representation to intervene in any proceedings of the Department of Agriculture and other agricultural agencies.

Recent studies show that the farmer's share of the dollar spent has decreased, not increased, yet consumer prices continue to rise. The farmer is clearly not the culprit, and he must make a profit in order to stay in business and continue to produce.

At the same time, the consumers rely on the farmers to produce, so their relationship is a mutually dependent one. And farmers are—at the bottom line—consumers.

I seek to repeal the exemption for agricultural products because I believe there should be no exemptions for any segment of society but one standard for all. The Office of Consumer Representation must be perfectly fair to business and labor, to producer and purchaser, in order that complete integrity in public policy can be achieved for all.

Mr. LEGGETT. Mr. Chairman, one of the most pleasing aspects of the measure currently before the House is the widespread public debate which has taken place on the overall issue of a Consumer Representation Agency. The obvious benefits of this debate are apparent in the revamped edition of the original proposal which we are considering here today. Other, more subtle benefits have also accrued to this process.

Opponents of the bill tend to cast the question in a "us versus them" light of business interests versus consumer interests. This is a serious logical error which does grave injustice to that large class of businessmen, especially small businessmen, who are themselves consumers. As did other Members of the House, I recently received a letter from colleagues CORMAN, ST GERMAIN, and BRECKINRIDGE of the House Committee on Small Business pointing out the benefits that will accrue to business climate in general, and small businessmen in particular, as a result of legislation of this type. In a balanced marketplace where all interests are represented equally, honest businessmen and honest consumers alike benefit.

We have been provided with information which shows that, at present, there is an imbalance in representation in proceedings before regulatory agencies and Cabinet departments contemplating regulations. Providers of the goods and services in question are virtually always well represented; consumers rarely so. I believe that this imbalance works to the detriment of the consumers in the short range, but more severely to business and the marketplace in general in the long range. The obvious corollary to business confidence is consumer confidence, and there will be no consumer confidence as long as the consumer believes that he is at a disadvantage in the regulatory process.

Certainly there have been proposals in this area which have been in any balanced view excessive. I would not desire nor would the Congress ever permit regulations which would drive businesses out of existence, or even to the status of subsidiaries to the Government. By the same token, however, we have seen the necessity for Government protection of participants in the marketplace, such as in our recent attempts to deal with unfair competitive practices in the international steel market. It is only logical for us to be aware that consumers also require protection.

As all Members know, the litmus test of whether a piece of legislation will become an effective and useful law depends

on the kind of support it will receive from the public. In this regard, it is essential to note that this proposal is supported by most major associations of governments below the Federal level, religious groups, women's rights groups, civil rights groups, education groups, farm groups, environmental and energy groups, public interest groups, senior citizens groups, all major consumer groups, and major labor organizations.

Perhaps more important, however, is the reaction this proposal has received in the business community. While it is true that such major business organizations as the Chamber of Commerce, the National Association of Manufacturers, and the Business Roundtable oppose this bill, this opposition is by no means monolithic. More than 100 corporations and businesses, including such business giants as Mobil Oil Corp., the Atlantic-Richfield Co., Cummings Engine Co., the Polaroid Corp., Montgomery Ward & Co., and Warner Communications support the bill. This kind of forward-looking political presence on the part of these businesses convinces me that we are considering a workable proposal.

I strongly urge all of my colleagues to lend their support to this major effort at balancing the marketplace.

Mr. HUBBARD. Mr. Chairman, sometime last night I had a nightmare about Ralph Nader's dream to create an Office of Consumer Representation. In this nightmare, I was placed in the horrifying position of trying to justify H.R. 6805's enactment to a constituent named John Q. Public. I would like to share my nightmare with my House colleagues, several of whom apparently wish to share the nightmare of the Office of Consumer Representation with the people of the United States. In my nightmare, I picked up the phone only to experience the following discussion:

JOHN Q. PUBLIC. Hello, Congressman?

CONGRESSMAN. Yes, this is your Congressman.

PUBLIC. This is John Q. Public and I'm calling long distance. I'm at a pay telephone. I've got to talk fast; I couldn't locate much change. I hear Ralph Nader has created a nickel shortage. I'm the same guy who recently asked for your help in interpreting the OSHA regulation on toilet seats.

CONGRESSMAN. Sure, I remember you well, John. I trust you got my letter informing you that this regulation was repealed last December.

PUBLIC. I know I'm calling you late, but I just got off the three-to-midnight shift. We have a lot of snow out here in Kentucky. It took me two hours to drive home. Thank God I held on to my Corvair. Best car I ever owned—handles real nice in the snow. Havin' a little trouble with my seatbelt interlock system though, I spent twenty minutes trying to get out of my car seat. So, it must be late.

CONGRESSMAN. What can I do for you John?

PUBLIC. It's what you're gonna do to me that I'm callin' about. I hear you're gonna create a consumer protection agency. You guys are geniuses when it comes to throwing my tax money away.

CONGRESSMAN. But John, they say its only going to cost $15 million.

PUBLIC. Congressman, for sure you're gonna have to get up awfully early in the morning to put that one over me. What do you think will happen after they spend the first $15 million to get those bureaucrats cranked up? They're gonna need a whole lot more money every year to keep themselves occupied.

CONGRESSMAN. Well, have you heard that the new consumer protection agency would consolidate the consumer programs now operating in more than 20 different federal agencies?

PUBLIC. Oh sure, Congressman. And have you heard the one about the traveling salesman? I guess all those consumer programs that the Naderites are criticizing are gonna work real well once we get all those bureaucrats together in the same building in another super-agency. The last thing the American people want right now is more bureaucracy, more red tape, and more regulations from Washington.

CONGRESSMAN. Well, John, that's not exactly fair. They say this new consumer protection agency would have very limited powers—it won't have many teeth.

PUBLIC. Well then, Congressman, why bother creating it in the first place?

CONGRESSMAN. You got me there, John. Let me ask Ralph Nader in the morning.

Mrs. COLLINS of Illinois. Mr. Chairman, although a commitment previously made may necessitate my being absent when and if the final vote is taken today on the Consumer Protection Representation and Reorganization Act, I have requested to be paired for the bill. Should the final vote come before my leaving the House floor, then I will cast my vote.

I am in favor of this legislation because, as a strong advocate of consumer interests and the author of several bills in the area of consumer rights, I am fully cognizant of the need for an independent Office of Consumer Representation, to intervene on behalf of consumers in the proceedings and activities of Federal agencies. The Office proposed by this legislation, introduced by my distinguished colleague, Chairman JACK BROOKS, would have the right to initiate judicial review or intervene in a judicial review of any Federal agency action when the Office determines that such activities affect consumer interests. Should a Federal agency refuse such a request, the OCR could ultimately seek court review of the agency's refusal, so long as such review is not precluded by law.

This legislation represents, what is, in my view, a necessary compromise between the views of those who see an Office of Consumer Representation as a threat to their interests and those for whom the proposed legislation does not go far enough. Insofar as commercial and industrial interests are concerned, the bill contains detailed provisions for the purpose of protecting trade secrets and other legitimately confidential information. However, it is my view that where the health, safety and general well-being of the consumer is concerned, there are no legitimate secrets. Consumers have a right to be represented in all agency proceedings affecting their interests just as do the industries which are subject to agency regulation.

At the same time, those who criticize the limitations of this bill, overlook the extent to which consumers are currently underrepresented in the Federal regulatory process. With consumer affairs offices scattered through 20 different departments and agencies, it is not surprising that the consumer movement has been limited by fragmentation. By creating a single Office of Consumer Representation the proposed legislation promises to weld together the various components of what is potentially the strongest public interest group in America today.

Mr. GILMAN. Mr. Chairman, I rise to address myself to several aspects of the legislation, H.R. 9718, the Consumer Representation Act which is a substitute for earlier legislation, H.R. 6805. I believe that the substitute, or compromise legislation, has increased the effectiveness of the Consumer Agency, and that the substitute legislation has been carefully drafted to reflect a sound approach to an office for consumer representation.

One of the most distressing aspects of the debate on the Agency for Consumer Representation is the overwhelming amount of misinformation which has come to the forefront in the discussions on this topic. Scare tactics have sought to portray this legislation as an instrument of additional layers of bureaucracy, as justification for protracted and unnecessary court battles, and as an agency, equipped with incredible and unreasonable powers.

Such apprehension is unwarranted and provides further credence for establishing an office of Consumer Affairs with a sufficiently high status in our Government: To adequately and efficiently represent consumers in the court, before our Government agencies, and to raise the status and stature of our consumers to the level which they so rightly deserve.

Each and every one of us is a consumer of some kind, and for too long, American consumers have been faced with bleak prospects in their fight against inequities perpetrated by the unscrupulous or by the Government itself. Consumerism is a keyword to assurances that goods and services will be quality goods and quality services, and that the providers of those goods and services will be accountable and responsible.

H.R. 9718 does several things. First, it authorizes $15 million for fiscal year 1978 to create an Independent Office of Consumer Representation within the executive branch, an office which will be headed by an Administrator to be appointed by the President and confirmed by the Senate.

This legislation provides the American consumer with an effective voice in Washington without giving the Consumer Advocate more authority before the Government than any private party and without unnecessary powers that some felt might be used to harass business. This legislation further authorizes OCR to obtain information from nonexempt Federal agencies, and to act as a clearinghouse for consumer complaints. It will encourage product testing and research, and will disseminate information of interest to consumers. It also authorizes the Office to advocate the interests of small business as consumers of goods and services.

Most importantly, the new Office for Consumer Protection will consolidate the functions of some 20 existing Federal consumer offices to insure that consumer interests and consumer representation

is coordinated effectively. It has been estimated that this consolidation will result in a savings of $5 million to the American taxpayers.

New York State has had a consumer protection agency for the past several years. That agency has proven to be beneficial to New York State residents. A considerable sum of money was saved since the institution of that agency, and most importantly, New York consumers have enjoyed the benefits of proper representation for the first time.

While I strongly support this legislation, I am concerned about some aspects of the judicial process. Several issues must still be ironed out: For instance, the extent to which the OCR can and will intervene in agency proceedings, and the relationship that the OCR will have to other Federal agencies. These issues, however, I see as minor problems, outweighed by the resounding need for a Consumer Protection Agency. There is written into this legislation, a sunset provision, allowing a phaseout of OCR if, after a period of 5 years, the Congress does not feel satisfied with its performance.

Accordingly, I urge my colleagues to support this legislation, which has been long in coming, and which, if adopted, will insure that each and every American will be dully represented in his role as a consumer.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to both the substitute and the so-called original bill. I do not believe it does anything for the consumer.

Mr. Chairman, how many times do we have to go through this exercise before the administration and Ralph Nader get the message? My constituents do not want a consumer protection agency, an agency for consumer advocacy, or an office of consumer representation. They do not want, and they never did want, a new super agency to regulate the regulators. They listened when candidate Carter said in 1976:

> I am strongly opposed to the proliferation of new agencies, departments, bureaus, boards and commissions because it adds on to an already confused federal bureaucratic structure.

And because they took him at his word, they watched in shocked disbelief as the $10 billion Department of Energy was created. Today, a little wiser, they do not believe the proposal before us (H.R. 9718) will only be a consolidation of 26 existing consumer offices nor have they fallen for the line that it will cost merely $15 million—especially when the administration has promised that no individual will lose his or her job because of the so-called consolidation. What leaves my constituents even more skeptical is that the two groups most directly affecting consumer prices—labor and agriculture—are not subject to the provisions of this legislation creating an Office of Consumer Representation. This is absolutely ridiculous and they know it, and I know it, and all of you here in this Chamber know it.

Mr. Chairman, I am not alone in my opposition to this unnecessary legislation. In today's Washington Post, the editors have called for the defeat of H.R. 9718 stating that the proponents of the legislation fail to make a persuasive case for creation of an Office of Consumer Representation. I could not agree more and I urge all my colleagues to read the Post editorial if they have not already done so.

More is not necessarily better and this is especially true in the case of the proposal before us. The House should defeat this legislation because it does not help or assist the consumer, it just creates more big bureaucracy.

The editorial follows:

REPRESENTING CONSUMERS

After much maneuvering and many delays, the latest version of the consumer-agency legislation is scheduled to come before the House today. During earlier congressional go-rounds on the issue, we endorsed the creation of a new federal agency to represent consumers' viewpoints before regulatory bodies and in judicial reviews of regulatory decisions. But both the legislation and conditions have changed. In our view, the advocates of the current measure, H.R. 9718, have failed to make a persuasive case for enacting, now, what is left of the idea.

We are not primarily concerned about the powers or costs of the Office of Consumer Representation now proposed. The agency's authority has been substantially cut back, so that it would not have a general license to quiz companies or appeal any regulatory decision it didn't like. On the question of cost, the bill's sponsors maintain that the $15-million budget of the new agency would be more than offset by the transfer or elimination of existing consumer programs in over 20 agencies. We find the net-savings claim a bit hard to swallow. If the new office did turn out to be as aggressive as its sponsors plan, its budget would surely grow. Still, it could be worth much more than $15 million—if it were the best way to make federal regulatory bodies more sensitive to considerations such as cost, public health, safety and the other factors often cited as "consumers' " concerns.

That gets to the real problems with this bill. One is the assumption that consumers' interests are so clear, so consistent—and somehow so distinct from the general public interest. Consumer advocates argue, of course, that they do represent the general public. Yet the public interest, in the modern regulatory world, is usually more complex; it may involve balancing a given degree of safety against a certain increment of cost, or keeping down tomorrow's price increases without jeopardizing next year's supplies, or making a much more complicated type of accommodation among a hundred forces and factors bearing on the marketplace. Those who emphasize health or safety or retail cost should certainly be heard, along with those who have other priorities. But to enshrine any particular "consumer" viewpoint in a government advocacy office raises philosophical problems that trouble us.

Beyond that, what is the real purpose here? Surely it's not just to add another voice at agencies' hearings or another pile of briefs on commissioners' desks. One's aim may be "consumer justice," as Mark Green puts it on the opposite page today, or a better grasp of the public interest in all its complexities. In either case, experience suggests that the most productive course is to change the character of the regulatory agencies themselves.

This may sound like a hopeless task. But the Federal Trade Commission, for one, made notable progress even during the Nixon-Ford years when most presidential appointments and executive-branch attitudes were inclined to favor corporate views. Since President Carter took office, some excellent appointments and a real shift in governmental attitudes have greatly improved the prospects for real regulatory reform. Thus there is much less need for any separate intervenor with limited powers—and much more reason for Congress to set this idea aside and concentrate on helping improve the regulatory agencies themselves.

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is my intention at the appropriate time to vote against this bill as amended. I am taking this time, however, to state that it is my understanding that there are no more amendments pending either to the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS) or in the the original bill. It would be my hope that when the question is put on the Brooks substitute as amended that that vote be cast and adopted by a voice vote so that we can immediately proceed to vote on final passage where the issue will be very clear cut. Consequently I would suggest to those of us who are opposed to the bill or to the Brooks substitute that we would be best served by not proceeding with a record vote on the Brooks substitute but to adopt it by voice vote and then proceed to final passage of the bill or to defeat of the bill in the full House.

Mr. O'NEILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this compromise legislation providing for the Office of Consumer Representation. I know how long and how hard the advocates of consumer representation have worked toward reaching an acceptable compromise.

The issue is not a new one in this Chamber. It has been with us in the last three Congresses. The Jack Brooks committee and representatives in the consumer interests and businesses, led by Esther Peterson, have worked for more than 6 months to bring about a compromise that is acceptable to business and consumers alike.

All this bill does is create the Office of Consumer Representation. It creates an agency with a modest budget. Its powers before Government are no greater than those available to many business entities.

I have been around here for 25 years. I have never seen such extensive lobbying. In good conscience can we deny to the consumers, to the ordinary man and woman, to the housewife, the child, the breadwinner of the family, the laborer, the student, the teacher, the executive, the same protection and opportunity to be heard as industry now enjoys before the regulatory agencies?

In all my life I have fought for what I called a family saving wage. What is a family supporting wage? Is it a wage so that a man can have enjoyment with his family; it is a wage whereby he can have a little money put away so that he

can take his family on a 2-week vacation in the summer; so that he can have something put away to take care of their health and to provide for their education and needs around the house—to heat the house and to have food on the table.

You know, all of a sudden, we seem to be forgetting the person that wants the family saving wage. As I said, this is not new before this Congress, this is not new at all.

How did you vote on this matter in the 92d Congress? Three hundred and forty-four Members voted for the legislation and 44 voted in opposition. It looked to me as though it was bipartisan legislation.

And when we are talking about the consumer, when we are talking about Mr. John Q. Public, we are the only voice that he has, so yes, it should be bipartisan legislation. And that is what it was in the 92d Congress. In the 93d Congress, the House voted 293 to 94. Why, all of a sudden, is there this tremendous change in the feeling of this body? I do not understand it.

Why, all of a sudden, is there this tremendous change, where people are coming to me and saying, "I got myself in some difficulty; I made a promise to business along the line that I was going to vote against the legislation."

Business has its own representatives. They have their method so as to get before the various agencies but the people who send you here, John Q. Public, the only one that he has representing him are the people that are on the floor of this Congress.

This is needed legislation. Regulatory agencies cannot be advocates of consumer interests. We know that Government regulations are out of control. Yes, you and I know that at the polls they say 2 to 1 there are too many Government agencies. That is what the ordinary person says. But what do they say in the voice? They say yes. The same people in the same type of a poll will say, yes—by a vote of better than 2 to 1—we should have a consumer agency because somebody should be protecting John Q. Public.

That is what I ask of the Members today. I ask the Members to go along with the Brooks bill. I ask the Members to vote for final passage.

This is good legislation. Never mind the commitment that you may have made to a businessman along the line. You only have one commitment, and that commitment is to the public, to the person who has a family supporting wage, to the housewife, to the consumer. These are the people whom this Congress represents.

I hope that we are going to go along and pass this legislation as we have done in the last three Congresses.

I urge all my colleagues to vote "aye."

Mr. RHODES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my congenial friend, the Speaker, has in his usual eloquent fashion I think put the best foot forward as far as this bill is concerned. I do not think it has very many good feet, but if there were any, he found them.

Actually I think it is important for us to look at just what we are apparently asked to do here. We are asked, No. 1, to create another Federal agency. I think it is important for all of those who remember campaign promises to remember that the promises which we heard during the election of last year were promises to cut the number of Federal agencies, not to raise it.

I do not see any reason for this agency. Consumers are people, and people are smart, and smart people are able to take care of themselves at the supermarket. I am telling the Members I know one housewife who does not need any agency to tell her what to buy at the supermarket or anyplace else. Her name is Betty Rhodes, and I will bet there are a lot of other housewives who do not need this either.

While this is, as the Speaker says, a relative small agency being created, those Members who have been here as long as I have know that the most permanent thing in Washington is the temporary agency, and the thing which is most likely to get large is a small agency which starts like this one has. So do not be fooled about the probabilities as to what will happen if we pass this bill. We are going to have this agency involved in every bit of the warp and woof of Government, and the more it gets involved, the more people it is going to take, and the more expensive it is going to be.

Mr. Chairman, it seems to me that the House of Representatives is asked to make a choice here today. We are asked to make the choice between a course of action which will result in a smaller government, which the people have voted overwhelmingly in every poll that they would like to have, or we can go the other way and start again creating one agency after another—and this is only the first.

In the budget which was offered by the administration this year there are some 24 new activities which are created but which do not cost much money the first year, but the 5-year projection is rather large. So I think it is time right now for this House to tell the administration and to tell the country that we are going to go for a smaller Government, a leaner, more efficient Government, and that the American housewife can take care of her own destiny without some Federal agency telling her what to do.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my dear friend, the Speaker, raises the question or asks the question, "Why now in this Congress is there so much opposition to this consumer bill which has had in previous years a great deal of support?"

Mr. Chairman, if there is a consensus on any single issue in this country, it is a consensus of 215 million Americans that the long arm of Government is reaching too far into their lives and the people of America want the Government out of their lives. They want President Carter to make good on his pledge to reduce the scope of Government and the interference of Government in their lives.

They want my good friend, the gentleman from New York (Mr. HORTON), who heads the reduction in paperwork commission, to make good on that pledge to reduce paperwork; but instead, the gentleman brings up here a bill that is going to deluge us with paperwork.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I agree, it is important to cut back our paperwork, because as I said during the course of debate, this bill is the means of cutting back on all these regulations.

Mr. WAGGONNER. Mr. Chairman, I yield no further.

What the gentleman from New York (Mr. HORTON) say reminds me of an old saying of Abe Lincoln. He said, "How many legs does a lamb have if you call his tail a leg? The answer is four because calling his tail a leg does not make it so."

And the gentleman from New York (Mr. HORTON) saying that it is going to reduce paperwork does not make it so, because it is not going to happen.

Now, the people of this country want the Government out of their lives. Only we can get the Government out of our lives. Make a good start and kill this bill.

Now, here is a letter which appeared in the local paper yesterday. Listen to it, because this is the problem we are going to be confronted with and go home and tell your wife, go home and tell your constituents that you voted for this agency. It describes the concerns of this proposed agency perfectly. They will not use commonsense.

The title of this letter to the editor is, "These Days of Dangerous Living." It says:

THESE DAYS OF DANGEROUS LIVING

Every day we face a barrage of scare stories about how dangerous it is to be alive. We are told that eggs, butter, whole milk and other animal fats can kill us; nitrate, used to cure bacon and to preserve a variety of other meats forms nitrosamines, which are carcinogenic. Coffee raises our blood pressure (I suppose that also applies to colas and tea, which also contain caffeine). Hot dogs and other foods colored with Red Dye No. 2 cause cancer, too, they say. Salt is bad; sugar is pure poison. Cattle and poultry are fattened on carcinogenic chemicals (now their feed is being supplemented with concrete dust, but, so far, no one has discovered what ailment that will cause).

Tobacco and alcohol can kill you; so can hair dyes. Fluorocarbon aerosols and supersonic planes destroy the radiation-shielding ozone, and burning fossil fuels increases atmospheric carbon monoxide. The oceans are dying and the earth is becoming a huge pile of garbage.

The "pill" causes blood clots and strokes. Our drinking water may contain as many as 72 harmful industrial chemicals. Leaded gasoline is poisoning the air. Fireproof clothing for children causes cancer. Liquid-protein diets can kill you. Bacteria are becoming resistant to antibiotics. Asbestos is bad stuff. Radiation is all around us—microwave ovens, television sets, dental and other X-rays, smoke detectors and so forth.

Depending on which story appeals to you, we are either entering a new ice age or the carbon monoxide we are pouring into the atmosphere will result in a "greenhouse" effect that will melt the icecaps and raise the level of the oceans, inundating half the land masses in the world. Either way, there won't be enough agricultural land to feed the projected world population, so we might as well eat, smoke, drink, dye our hair and be as merry as possible under the circumstances.

Excuse me, I think my bacon is burning.

VIRGINIA M. HAWKINS.

WASHINGTON.

Let me tell you, my friends, this is just the beginning point for this consumer agency to get involved. Do not create this monstrosity. Every subject mentioned in this letter will be an area of action for this proposed agency. Every aspect of your life will be interfered with. There won't be a business or merchant in this country untouched. It will cost us jobs. It will damage our economy. If you vote for it and it passes your constituents will hold you responsible. Vote "no" now. Don't have to apologize later.

Mr. FOUNTAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to H.R. 6805, Consumer Protection Act of 1977, and the Brooks substitute, H.R. 9718, Consumer Representation and Reorganization Act.

Let me say at the outset that I have always supported the general motives of those who support this legislation. Protecting consumers is indeed a worthy goal which I am sure most of us share.

In fact, my work with the House Government Operations Subcommittee on Intergovernmental Relations and Human Resources, which I have chaired for 24 years, has been directed in no small part toward protecting Americans from dangerous and ineffective products and unwise practices. Long ago, for instance, we made many inquiries all over the country, trying to find out what the Federal, State, and local governments were doing to protect consumers. That was long before the idea of consumer protection had wide popular appeal. Many of our findings were ultimately acted on by a lot of people, including various congressional committees.

However, I cannot in good conscience support this legislation. Our bureaucracy is already bloated to the point of being ready to burst. And I am afraid that a taxpayers' revolt may be in the offing if the Federal Government gets much bigger, the pile of Federal rules and regulations much higher, and the string of redtape much longer.

I am deeply concerned that too many of us in this House, and around the country, have been taken in by the lofty phrases "consumer protection" and "consumer representation." It is sort of like God, mother, and apple pie. To even have the appearance of being opposed is un-American and heartless in the eyes of some. However, government "protection" may become so overbearing that the private citizen loses precious rights, liberties, and property.

One of my main concerns has to do with the fact that every man, woman, and child in this country is a consumer. To give any one person, one office, or one agency the power to say what is in the best interest of all of us is unrealistic, unwise, and downright foolhardy. Just a few minutes ago, the population clock at the Department of Commerce here in Washington showed that the population of the United States, as we debate this bill, is 218,402,667—and going up. It is folly for us to stand here in this Chamber and say that a new bureaucracy of the Federal Government can speak on behalf of every one of those consumers.

By this legislation, one more thick layer of expensive and costly redtape would be added to an already burdensome process of Government decisionmaking. And all of this would be accomplished at the expense of the taxpayers. Yes, consumers would pick up the tab.

In the past, we have had many examples of well-meaning Government agencies which have not lived up to expectations but have instead gone wild and swamped our people with costly mounds of paperwork and unnecessary delays before other administrative agencies and in court. It is sort of like the right hand fighting the left hand—neither comes out ahead and the pain and suffering are still there.

I firmly believe that this new agency or office or whatever appealing title we may want to put on it will add to the Frankenstein government we already have on our hands.

Our Federal Government has already become so big and powerful and unmanageable that it is like a train that is running away without an engineer. The problem is that the American people—consumers all—may well be standing on the tracks in the path of that loose locomotive if this bill is enacted into law. What we need to do is slow the train down, and back up a bit.

This legislation only stokes the coals of the runaway government train and adds to its speed. One day the train will run down, but when that will be, and what shape it will be in when it does, we do not know. But if we enact this legislation, that point will be farther into the unknown than it is now, and there is a real danger in that. The President of the United States already has the power and yes, the responsibility of making all agencies of Government more responsible and responsive to the needs and wishes of our people—consumers and taxpayers alike. And the Congress, through its committee system has the power and yes, the duty of exercising surveillance over such agencies and the names in which they serve all of the American people, including consumers.

We hear a lot these days about "reorganization" of "Big Government." Many candidates for public office, including the President, ran against it, and promised to reduce its size. But this bill is not reorganization, it is adding to. May I emphasize, adding to. Those who administer government love power, and this legislation will provide a beehive of activity for many eager beaver lawyers and bureaucrats out to save us all from ourselves and intent on strangling the private sector.

We need to strengthen and make just a few responsible changes in consumer areas already in existence.

Mr. Chairman, I urge my colleagues to oppose this legislation, which would create any other unnecessary super agency.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. BROOKS), as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. EVANS of Colorado, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6805) to establish an Agency for Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes, pursuant to House Resolution 872, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ERLENBORN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ERLENBORN moves to recommit the bill H.R. 6805 to the Committee on Government Operations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. ERLENBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

PARLIAMENTARY INQUIRY

Mr. RHODES. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RHODES. May I ask, Mr. Speaker, is the vote which is about to occur on final passage?

The SPEAKER. The gentleman is correct. The vote is on final passage.

The vote was taken by electronic device; and there were—yeas 189, nays 227, present 1, not voting 15, as follows:

[Roll No. 50]

YEAS—189

Addabbo	Ford, Mich.	Nowak
Akaka	Ford, Tenn.	Oakar
Allen	Fowler	Oberstar
Ambro	Fraser	Ottinger
Ammerman	Gaydos	Patten
Anderson, Calif.	Gilman	Patterson
	Gonzalez	Pattison
Annunzio	Gore	Pease
Applegate	Hannaford	Pepper
Ashley	Harkin	Pickle
Aspin	Harrington	Preyer
AuCoin	Harris	Price
Baldus	Hawkins	Pritchard
Baucus	Heckler	Pursell
Bellenson	Heftel	Rangel
Benjamin	Hollenbeck	Reuss
Biaggi	Holtzman	Richmond
Blanchard	Horton	Rinaldo
Blouin	Howard	Rodino
Boggs	Hughes	Roe
Boland	Jeffords	Rogers
Bolling	Jenrette	Roncalio
Bonior	Johnson, Calif.	Rooney
Brademas	Jordan	Rosenthal
Breckinridge	Kastenmeier	Roybal
Brodhead	Kildee	Russo
Brooks	Kostmayer	Scheuer
Brown, Calif.	Krebs	Seiberling
Burke, Mass.	LaFalce	Sharp
Burton, John	Le Fante	Simon
Burton, Phillip	Lederer	Smith, Iowa
Carney	Leggett	Solarz
Carr	Lehman	Spellman
Chisholm	Lloyd, Calif.	St Germain
Clay	Long, La.	Staggers
Cohen	Long, Md.	Stark
Conte	McCloskey	Steers
Conyers	McHugh	Stokes
Corman	McKinney	Studds
Cornell	Maguire	Thompson
Cotter	Markey	Thornton
D'Amours	Mattox	Traxler
Danielson	Meeds	Tsongas
Davis	Metcalfe	Tucker
Delaney	Meyner	Udall
Dellums	Mikulski	Van Deerlin
Dicks	Mikva	Vanik
Diggs	Miller, Calif.	Vento
Dingell	Mineta	Walgren
Dodd	Minish	Waxman
Downey	Mitchell, Md.	Weaver
Drinan	Moakley	Weiss
Early	Moffett	Whalen
Eckhardt	Moorhead, Pa.	Wilson, C. H.
Edgar	Moss	Wirth
Edwards, Calif.	Motti	Wolff
Eilberg	Murphy, Ill.	Wylie
Evans, Colo.	Murphy, N.Y.	Yates
Fary	Murphy, Pa.	Yatron
Fascell	Myers, Gary	Young, Tex.
Fenwick	Myers, Michael	Zablocki
Fisher	Nedzi	Zeferetti
Flood	Nix	
Florio	Nolan	

NAYS—227

Abdnor	Burleson, Tex.	Dornan
Alexander	Burlison, Mo.	Duncan, Oreg.
Anderson, Ill.	Butler	Duncan, Tenn.
Andrews, N.C.	Byron	Edwards, Ala.
Andrews, N. Dak.	Caputo	Edwards, Okla.
	Carter	Emery
Archer	Cavanaugh	English
Armstrong	Cederberg	Erlenborn
Ashbrook	Chappell	Evans, Del.
Badham	Clausen, Don H.	Evans, Ga.
Bafalis		Evans, Ind.
Barnard	Cleveland	Findley
Bauman	Cochran	Fish
Beard, Tenn.	Coleman	Fithian
Bedell	Collins, Tex.	Flippo
Bennett	Conable	Flowers
Bevill	Corcoran	Flynt
Bonker	Cornwell	Foley
Bowen	Coughlin	Forsythe
Breaux	Crane	Fountain
Brinkley	Cunningham	Frenzel
Broomfield	Daniel, Dan	Frey
Brown, Mich.	Daniel, R. W.	Fuqua
Brown, Ohio	de la Garza	Gammage
Broyhill	Derrick	Gephardt
Buchanan	Derwinski	Giaimo
Burgener	Devine	Gibbons
Burke, Fla.	Dickinson	Ginn
Glickman	McClory	Runnels
Goldwater	McCormack	Ryan
Goodling	McDade	Santini
Gradison	McEwen	Sarasin
Grassley	McKay	Satterfield
Gudger	Madigan	Sawyer
Guyer	Mahon	Schroeder
Hagedorn	Mann	Schulze
Hall	Marks	Sebelius
Hamilton	Marlenee	Shuster
Hammer-schmidt	Marriott	Sikes
	Martin	Sisk
Hanley	Mathis	Skelton
Hansen	Mazzoli	Skubitz
Harsha	Michel	Slack
Hefner	Milford	Smith, Nebr.
Hightower	Miller, Ohio	Snyder
Hillis	Mitchell, N.Y.	Spence
Holland	Mollohan	Stangeland
Holt	Montgomery	Stanton
Hubbard	Moore	Steed
Huckaby	Moorhead, Calif.	Stockman
Hyde		Stratton
Ichord	Murtha	Stump
Ireland	Myers, John	Symms
Jacobs	Natcher	Taylor
Jenkins	Neal	Teague
Johnson, Colo.	Nichols	Thone
Jones, N.C.	O'Brien	Treen
Jones, Okla.	Obey	Trible
Kasten	Panetta	Ullman
Kazen	Perkins	Vander Jagt
Kelly	Pettis	Volkmer
Kemp	Pike	Waggonner
Ketchum	Poage	Walker
Keys	Pressler	Walsh
Kindness	Quayle	Wampler
Krueger	Quie	Watkins
Lagomarsino	Quillen	White
Latta	Rahall	Whitehurst
Leach	Railsback	Whitley
Lent	Regula	Wiggins
Levitas	Rhodes	Wilson, Bob
Livingston	Risenhoover	Wilson, Tex.
Lloyd, Tenn.	Roberts	Winn
Lott	Robinson	Wydler
Lujan	Rose	Young, Alaska
Luken	Rousselot	Young, Fla.
Lundine	Rudd	Young, Mo.

PRESENT—1

Ertel

NOT VOTING—15

Beard, R.I.	Dent	Ruppe
Bingham	Jones, Tenn.	Shipley
Burke, Calif.	McDonald	Steiger
Clawson, Del	McFall	Whitten
Collins, Ill.	Rostenkowski	Wright

The Clerk announced the following pairs:

On this vote:

Mr. Wright for, with Mr. Ertel, against.

Mr. McFall for, with Mr. Steiger against.

Mr. Beard of Rhode Island for, with Mr. Ruppe against.

Mrs. Burke of California for, with Mr. Del Clawson against.

Mr. Bingham for, with Mr. Jones of Tennessee against.

Mrs. Collins of Illinois for, with Mr. McDonald against.

Mr. Rostenkowski for, with Mr. Shipley against.

Mr. ERTEL. Mr. Speaker, I have a live pair with the gentleman from Texas (Mr. WRIGHT). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. HOLLAND changed his vote from "yea" to "nay."

Mr. GONZALEZ changed his vote from "nay" to "yea."

Mr. ERTEL changed his vote from "nay" to "present."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. For the information of the Members, the Chair announces we will take up the rule only on the bill H.R. 3813, on the Redwood National Park.

PROVIDING FOR CONSIDERATION OF H.R. 3813, EXPANDING REDWOOD NATIONAL PARK

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1006 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1006

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 2(1)(4) of rule XI and section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3813) to amend the Act of October 2, 1968, an Act to establish a Redwood National Park in the State of California, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment, said substitute shall be read for amendment by titles instead of by sections and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI and clause 7, rule XVI, are hereby waived. It shall be in order, immediately after the enacting clause of the bill is read, to offer an amendment in the nature of a substitute to the committee amendment in the nature of a substitute, consisting of the text of the bill H.R. 10760, said amendment shall be considered as having been read, and all points of order against said amendment for failure to comply with the provisions of clause 5, rule XXI are hereby waived. At the conclusion of the consideration of the bill H.R. 3813 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, before I yield to my colleague, the gentleman from Ohio (Mr. LATTA), let me state to the House we are going to take only a very few minutes on this rule. It has been a rather controversial matter, but generally many of the rough edges have been smoothed off and we do not anticipate any serious problem. I expect to take less than 5 minutes on this side of the aisle, and I hope my colleague on the other side will not take very long; but I want to assure the Members we will not be here very long, I hope.

With that, Mr. Chairman, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1006 makes in order H.R. 3813, expanding the Redwood National Park in my own State of California.

This is an open rule providing 1 hour of general debate with the time equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs.

Although the rule appears somewhat complex and does include several waivers of points of order, the procedure outlined for floor debate on H.R. 3813 is designed to expedite consideration of the bill while maintaining fairness for all viewpoints on the issue.

The rule makes in order an amendment in the nature of a substitute recommended by the Interior Committee and now printed in the bill as an original bill for purposes of amendment. The substitute is to be read for amendment by title rather than by section.

At the beginning of the amendment process and immediately after the enacting clause of the amendment in the nature of a substitute is read, the rule provides that the text of H.R. 10760 may be offered as an amendment in the nature of a substitute. The substitute amendment is to be considered as having been read. In effect, this procedure allows the House to consider, perfect, and vote on the text of the compromise bill H.R. 10760 first. In the event that the amendment was not to pass, the House would then proceed to consideration of the committee amendment in the nature of a substitute. Upon completion of consideration of the bill, a motion to recommit with or without instructions would be in order.

Mr. Speaker, it should be noted also that H.R. 3813 was sequentially referred to the Committee on Appropriations after it was reported from the Committee on Interior and Insular Affairs. The Appropriations Committee reported the bill with an amendment on September 23, 1977. Although the Appropriations Committee did not testify on the bill before the Rules Committee nor did they request time on the measure, I am sure the chairman of the Appropriations Committee would be recognized at the proper time to offer his committee's amendment.

Mr. Speaker, the rule also includes several waivers of points of order. In order to consider the bill H.R. 3813, waivers are provided pursuant to clause 2(1)(4) of rule XI and section 402(a) of the Congressional Budget Act. Clause 2 (1)(4) of rule XI requires all committee reports to contain an inflationary impact statement. While the report of the Interior Committee contains the inflationary impact statement, the report of the Appropriations Committee does not, and, therefore, the waiver is required. The Budget Act waiver is necessary because H.R. 3813 as introduced included authorizations for fiscal year 1978. The bill, however, was not reported until August 5, 1977, and, thus, did not meet the Budget Act deadline of May 15, 1977, for reporting authorizations for fiscal year 1978.

The amendment in the nature of a substitute recommended by the Interior Committee also required waivers. The substitute amendment authorizes expenditures from the land and water conservation fund and, thus, technically violates clause 5, rule XXI, prohibiting appropriations in a legislative measure. Portions of the amendment are nongermane to H.R. 3813 as introduced and requires a waiver of clause 7, rule XVI. The bill as introduced provided only for a park expansion, but the committee substitute includes provisions for economic impact aid.

The bill H.R. 10760, like the committee amendment in the nature of a substitute, authorizes payment from the land and water conservation fund and must also have a waiver of clause 5, rule XXI, prohibiting an appropriation in a legislative bill.

Mr. Speaker, H.R. 3813 provides for the expansion of the Redwood National Park. Both the amendment recommended by the Interior Committee and the compromise bill provide for an expansion of the park by some 48,000 acres. These proposals authorize $359 million for the purchase of the land; $12 million for a comprehensive land rehabilitation program; and $5 million for certain expected litigation costs. Both proposals contain provisions to offset the adverse economic impact expected as a result of the expansion of the park. Sums as necessary are authorized for these programs, and the Interior Committee report notes that the administration is expected to ask for up to $40 million to cover the costs.

Mr. Speaker, as I am sure my colleagues are aware, there has been some measure of controversy surrounding the proposal to expand the Redwoods National Park. A discussion of the merits of the bill would be better left to the debate on the bill itself. Therefore, I would urge my colleagues to adopt House Resolution 1006 so that we may proceed to consideration of H.R. 3813.

Before yielding I would like to take just a brief moment to explain a possible misunderstanding some of my colleagues may have regarding the trees which will be protected with enactment of the bill before us.

Redwood National Park is a preserve for the coast redwood, not the more famous Sequoia redwood, 90 percent of which is already protected by Federal agencies, 2 percent which is in State hands, and 8 percent remaining in private hands.

It is the Sequoia redwood which is preserved in Sequoia and Yosemite National Parks, in Sequoia and Sierra National Forests, and the Calaveras Big Trees National Forest.

Indeed, it is the Sequoia redwood which attains the largest diameter—up to 35 feet around—and it is the Sequoia redwood which has attained the lengthy lifespan, some 3,200 years, or more in age.

But today we will undertake a debate on the coast redwood, taller than the Sequoia redwood and really a youngster as far as age is considered. These coast redwoods reach heights of more than 300 feet, but are only half as big around as the giant Sequoia and have a lifespan of about 1,200 years.

I present this as factual information only for the Members. I present it only to underscore the fact that I noticed some misunderstanding by others of what was involved. I trust I have been successful in explaining this one small aspect.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a fairly complicated rule. It contains five waivers of points of order and makes in order consideration of two separate amendments in the nature of a substitute.

While I do not want to go into great detail, Members should be aware of the procedure to be followed in the consideration of H.R. 3813, which provides for an expansion of the Redwood National Park.

The rule provides 1 hour of general debate. The bill will be open to amendment under the 5-minute rule. Two points of order must be waived in order to allow consideration of the introduced version of the bill. One of the two committees which considered this bill failed to include the required inflationary impact statement, and therefore, a waiver of clause 2(1)(4) of rule XI is necessary. In addition the introduced version of this bill authorizes funds for fiscal year 1978. Under section 402(a) of the Budget Act, authorizations for fiscal year 1978 should have been reported by May 15, 1977. Since this bill was not reported until August 5, 1977, a Budget Act waiver is necessary. The chairman of the Budget Committee has written a letter approving this waiver, based on his understanding that the committee amendment in the nature of a substitute corrects the violation.

The Committee on Interior and Insular Affairs reported an amendment in the nature of a substitute which is made in order as an original bill for the purpose of amendment. This committee amendment in the nature of a substitute also requires two waivers of points of order. First the committee substitute transfers previously appropriated funds to a new purpose; namely, the purchase of the additional parkland. Technically, this transfer constitutes an appropriation on a legislative bill. Therefore, a waiver of clause 5 of rule XXI is necessary. The committee substitute also includes provisions to help offset any local adverse economic effects of park expansion, such as increased unemployment. Since the introduced bill dealt primarily with land acquisition, the committee substitute would not be germane, and therefore a waiver of clause 7, rule XVI, is included in the rule.

According to testimony in the Rules Committee, a new compromise was worked out after the bill was reported. That compromise was introduced by the gentleman from California (Mr. PHILIP BURTON) as H.R. 10760.

This rule specifically makes in order the text of H.R. 10760 as an amendment in the nature of a substitute. H.R. 10760 contains the same violation of clause 5, rule XXI that is in the committee substitute, and the same waiver is necessary.

Mr. Speaker, the primary purpose of H.R. 3813 is to expand the existing Redwood National Park in the State of California by some 48,000 acres. The amendments in the nature of a substitute include various provisions to offset local adverse economic effects caused by the park expansion.

Mr. Speaker, the Committee on Interior and Insular Affairs estimates that land acquisition for this park will cost $359,000,000.

An additional $12 million is authorized for a comprehensive program of land rehabilitation. Necessary sums are authorized for the economic recovery aspects of the bill; the administration has pledged to seek up to $40 million for these purposes, according to the Interior Committee report.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to commend the Rules Committee and you, Mr. Speaker, for holding up this rule to enhance our ability to work at trying to improve this bill as much as possible.

I still oppose the legislation to expand the Redwood Park as unnecessary, unwarranted, and unaffordable. I will comment on this more in depth tomorrow during debate on the bill.

At this time, I recognize that the substitute contains certain improvements such as the evaluation of an increase in the allowable cut, the adoption of the Senate language with regard to the so-called park protection zone, a change in the court of jurisdiction, an improved highway corridor, and in the job protection and assistance title.

I will explain in detail tomorrow on the substantive issues involved in this most serious issue.

Mr. LATTA. Mr. Speaker, I have no further requests for time and I reserve the balance of my time.

Mr. SISK. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BETEL NUT SPEECH

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WON PAT. Mr. Speaker, today I am introducing legislation which will permit my constituents on Guam and their neighbors in the Northern Marianas and the Trust Territory of the Pacific Islands to chew betel nuts anywhere in the United States.

For years now, I have received complaints from constituents whose betel nuts have been confiscated by customs officials in their travels from Guam to the States; and for years I have been appealing to the Secretary of HEW and to the Director of the Food and Drug Administration to revise their opinion on the betel nuts and its suitability for importation under the provisions of the Food and Drug and Cosmetic Act.

These appeals have been in vain. The Food and Drug Administration has remained adamant in its position that betel nuts are not safe and should, therefore, be refused admission to the U.S. customs zone.

Mr. Speaker, betel nuts and the people of Guam go together. Guamanians have chewed betel nut since before recorded time. The betel nut has always been an integral part of social activities from weddings and meetings to informal gatherings, be they in the home or under a tree. Betel nuts are to Guamanians what coffee and tea are to Americans and Europeans: A mild stimulant and a source of relaxation at the same time. It is estimated that throughout Asia and the Pacific the betel nut is chewed by more than 250 million people. In fact, the people of Guam feel so strongly about betel nut that they have included it in their new constitution as one of the official fruits of the territory.

Today, however, it is not possible for a Guamanian to legally bring betel nuts with him to the 50 States. The Food and Drug Administration has determined betel nut is unsafe because they "contain a high concentration of tannic acid and substances which give them hallucinogenic properties." The FDA has also cited evidence linking betel nut usage to cancer. I have read the studies cited by the FDA and I remain unconvinced.

The bulk of the evidence cited by FDA in its claims that the betel nut has cancer-producing qualities is based on experiments or observations where the betel nut is being used in combination with tobacco and lime—commonly referred to as a "betel quid." In study after study researchers have concluded that only those persons who chew betel nut together with tobacco develop cancer, while chewing betel nut without tobacco "obviously does not lead to cancer."

On Guam, tobacco is not used with betel nut. But even if it were, would not such a ban amount to throwing out the baby instead of the bath water?

Mr. Speaker, my constituents on Guam and our neighbors in the Trust Territory have a difficult time understanding why it is that the United States can continue to allow the shipment of cigarettes and alcohol to their islands in vast quantities and yet they cannot carry a few betel nuts in their pockets when they visit the United States. In fact, the more I think about it and the more I try to rationalize the situation in my mind, the more incredulous I become. On the one hand we have tobacco, which has been repeatedly tested and condemned as cancer-producing, and on the other hand we have the betel nut, which has only been found to be cancer-causing when chewed with tobacco. Yet it is the tobacco which remains perfectly legal while the betel nut is condemned.

If, in fact, betel nut causes cancer I and the people of Guam want to be the first to know. To my knowledge, no one on Guam has ever contracted cancer as a result of chewing betel nut. If FDA has evidence to the contrary. I want to know about it. Until that time I feel the residents of Guam and the Trust Territory ought to be afforded the same rights any American citizen has when it comes to such unsafe hallucinogens as alcohol or such proven carcinogens as tobacco—the right to make his or her own decision as to whether or not he or she wants to use it.

Dr. Arthur Sachler, international publisher of the Medical Tribune, reached a similar conclusion in an article in the Feb. 9, 1977, issue of that journal. Dr. Sachler wrote:

> We hold no brief for betel nut . . . However, we have been and continue to be deeply concerned by the all too pervasive attitude which snidely treats the customs and folk uses of other peoples as "inferior"—or "unacceptable" while perpetuating as socially acceptable our polluting, carcinogenic, cardiotoxic habits of cigarette smoking and alcoholic use. One wonders "Who is civilized?" What constitutes civilized action? How should one view the incredible inconsistency of our drug regulatory legislative actions and our inaction and "tolerance" in respect to two of the most toxic substances known to man?

Dr. Sackler goes on to suggest that:

> . . . Before HEW clamps down further on the betel nut chewers of Micronesia we should get some hard data from the National Institute's of Health or the Surgeon General's office—such as a double blind study comparing the toxicity of tobacco with that of betel nuts.

I agree with Dr. Sackler; and if and when NIH carries out such a study and produces conclusive evidence that betel nut is, indeed, unsafe and a carcinogen, I will be the first to recommend that it be strictly controlled. Until such a time however, I am determined to continue fighting to see that the people of Guam and Micronesia have the same rights where betel nut is concerned that the rest of their fellow Americans have with their culturally accepted stimulants.

ONE MAN'S POISON IS ANOTHER MAN'S TEA

(Mr. MILFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILFORD. Mr. Speaker, this morning, the Air Force released an Air Installation Compatible Use Zone (AICUZ) study for Carswell Air Force Base in Fort Worth, Tex. This study, and one that was announced recently for the Dallas Naval Air Station, are the result of a Government-wide effort to determine the impact of aircraft noise on a neighboring community. The data furnished from these studies will be analyzed by various Federal agencies, including the Department of Housing and Urban Development, to provide direction toward achieving an effective noise control policy. These studies define three noise zones based on the levels of external noise exposure. One of the primary purposes of the studies is to protect noise

sensitive development in areas exposed to excessive aircraft noise.

However, as with most studies, there are some consequences. One of these consequences is the problem of what to do with dwellings that already exist in a high-level noise area. Government regulations state that a "zone III noise area" is an area that is exposed to excessive noise levels and, among other things, unacceptable for Federal assistance for new housing construction.

I agree that all parties—Federal, State, and local, should strive to prevent any new housing construction immediately surrounding an airport. I also have a concern for the people who already live in a zone III noise area.

They purchased their homes, in many cases, before the advent of jet aircraft, and at a time when aircraft noise was not the timely environmental issue that it is today. These people have been living with aircraft noise for quite a while and most are satisfied with the situation. They should not have to suffer any physical or personal loss of their property values because of a Government noise study.

If a seller has a willing buyer, who fully understands and realizes what he is buying and where he is buying, the Federal Government should not be allowed to prevent the sale of a dwelling as a result of a bureaucratic study. Homeowners near airports should have a right to know where they stand in terms of Federal noise control policy. Their property values should not be depressed by bureaucratic regulations.

As a result, I am introducing today legislation that would prohibit the denial of FHA or VA housing loan benefits to any existing housing within an area designated as most adversely affected by aviation noise, solely because of that noise designation. The Government guidelines for Federal assistance for existing housing are somewhat vague. I feel it is necessary to introduce this legislation to guarantee continued eligibility for FHA and VA loans for homeowners living in a zone III area. The market value of these dwellings should not be adversely or capriciously affected, because of constraints on securing Government loans. I do not feel that people who are already living in a zone III area should be penalized because of circumstances beyond their control.

ETHIOPIAN REFUGEES

(Mr. TSONGAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TSONGAS. Mr. Speaker, the escalating developments in the Horn of Africa are of great concern and the United States must play a mediating role in the dispute between Ethiopia and Somalia. Congressman BONKER and I have just returned from that region where we met with the leaders of Ethiopia, Somalia, Sudan, and Egypt. We are issuing a report with our observations and recommendations which we hope will help inform our colleagues and aid the development of a rational U.S. approach to the conflict.

What concerns me today, however, is the human side of the conflict. It is being brought home to me in daily meetings with Ethiopians who are in the United States, with U.S. citizens, many of whom lived in Ethiopia as Peace Corps volunteers, like myself, or in other capacities and who are concerned about the friends they left behind there. The major problem they are facing, they find, is the bureaucracy of the U.S. Government. Last week I received a telegram from a permanent resident of the United States who wired:

> My son is 11 years old. Last November he fled on foot from Asmara to Khartoum. His mother died. I enquired San Francisco Immigration Office the possibility of expeditious petition, and they advised me that petition takes six months. I need your assistance to get my son a visa. He is in very desperate situation in a strange city.

The State Department has made it very difficult for those who escape from Ethiopia to get refugee visas to enter the United States, issuing them only in a few locations—Frankfurt, Santiago, Hong Kong. The Immigration Service has granted "voluntary departure" status to the Ethiopians who are in this country on nonimmigrant visas, and does permit those who need it to work, but the people I have talked to say they cannot get good jobs without permanent resident status, nor can they leave this country without jeopardizing their right to return. The hardships are great and the bureaucracy appears not to budge.

I would like to see a more humanitarian approach from the Government officials at State and Immigration—a respect for the human rights of these refugees, all of whom have close ties to family back in Ethiopia and growing concern for their safety, but who are continually frustrated in efforts to help themselves or their families by an unbending, inflexible bureaucracy.

FEDERAL GOVERNMENT CONTINUES TO HARASS SMALL BUSINESSMAN

The SPEAKER. Under a previous order of the House, the gentlewoman from Nebraska (Mrs. SMITH) is recognized for 5 minutes.

Mrs. SMITH of Nebraska. Mr. Speaker, another example of the continuing harassment of the small businessman by the Federal Government has been brought to my attention by a concerned constituent. This time it involves the Bureau of the Census and its "1977 Census of Distributive Trades."

One of these forms, which is 10½ inches wide and 17½ inches long, double columned and five pages long, was sent to the Kelley Bean Co. of Scottsbluff, Nebr., and, I am sure, to other small businessmen in similar trades.

In a recent letter to me, Gary L. Kelley, president of this small company, outlined his objections to what he terms "some outstanding examples of Government fuzzy-headed thinking."

He says:

> For instance we are on a fiscal year. They are asking for information on a yearly basis. If they must take up our time answering questions, why can't they ask for information on the basis of how we run our business rather than on a totally unbusinesslike projection? Or at least have some flexibility in how we should report. For instance, how much space is occupied or unoccupied? Good grief! There is some space beside each occupied desk that is unoccupied and there is a lobby and some stairways not always occupied. For unoccupied warehouse space, they should see our Nebraska State Warehouse License. All they have to do is write to our State Capitol and ask for it. Of course, also, when we have received a new crop of beans each year, the warehouse is fully occupied and if we sell the beans regularly throughout the year, it becomes correspondingly unoccupied.

It is Mr. Kelley's opinion that "95 percent of the questions are just dreamed-up 'make work' that some bureaucrat doodled around with to put in some time at his/her desk."

It is my opinion that Mr. Kelley has hit the nail right on the head. One of the most pervasive, destructive forces in the American economy is excessive Federal regulation. I have seen the forms Mr. Kelley is expected—under penalty of law—to fill out, and they are not appropriate for a small businessman. Small companies do not have the resources, manpower or time to complete these types of forms which are unclear, redundant and ask for information which in some cases, is nobody's business.

The following is an example of a clarifying statement on the form which attempts to describe just how to fill in some of the blanks. It says:

> If this company operated more than one establishment (location) in 1977 under the same employer identification number, enter the location of your main establishment in Item 1 and report the combined data for all locations in Items 3 through 16. In Item 19c, provide information separately for each location, including the main establishment.

Is that clear?

In any case, Mr. Speaker, the small businessman in this country receives several hundred forms every year from the Government and is expected—sometimes required by law—to fill them out and return them to some bureaucrat whose job exists because someone has to tabulate these statistics. What the information is used for, nobody knows.

The Federal Government, it is estimated, spends $15 billion per year just to process paperwork. It costs businesses and individuals approximately $130 billion to comply with unneeded and wasteful regulatory policies. Congressional committees have estimated that the average small businessman must spend 2½ weeks each year just filling out Federal forms.

The Commission on Federal Paperwork recently estimated that the loss in manhours from productive work in industry and other businesses may exceed $100 million per year because of time needed to fill out Federal forms.

These figures are astounding. But it seems no one is listening. The forms keep coming. It is time we in the Congress act to put a stop to this overregulation of our society.

Perhaps we should direct the Census Bureau to make a survey of all the bureaucrats who dream up the Federal forms our businessmen are required to

fill out. Then, after we have identified them, we can eliminate their jobs. Now, that would be a productive survey.

ENERGY IS WHEN YOU NEED IT

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BOB WILSON) is recognized for 5 minutes.

Mr. BOB WILSON. Mr. Speaker, the history of the growth of the United States to its position as a world leader is the history of the availability and use of energy to produce what the Nation and the world needed. In the early days of this Nation and through the 1960's, the energy was generally available; it was the state of the health of the economy that determined how much would be used.

In the interest of demonstrating this point, I would like to quote a few figures:

In 1910, total U.S. gross energy input was 16,565 trillion British thermal units (Btu).

In 1929, it had climbed to 23,756 trillion units.

By 1932, it had declined to 16,392 trillion units, a value less than that in 1910.

It was not until 1940, after the start of World War II, when the United States was to become essentially the arsenal of the nonaxis world, that energy input again reached 23,000 trillion Btu.

ENERGY AND PERSONAL INCOME

If you are my age, you can remember those terrible days after 1929 when the economy went to pieces and our parents had to struggle to provide necessities. A significant drop in energy consumption has always been reflected in this country in an equally significant drop in disposable income. We should recall that at least 70 percent of U.S. energy consumption is for other than personal use—that is, commercial enterprise, manufacturing, and the transportation of goods, materials, and energy.

This also reflects a pet peeve of mine. There are those mindless persons in this country and abroad who constantly harp on the fact that the United States uses so much more total energy per person than the rest of the world. I ask these mindless persons—who supplies so much of the food that keeps other nations in the world from starving? Recall from the recent visits of our friends in the U.S. agricultural business how much energy it costs to grow that food. Let us kill that argument once and for all.

THE NEW AGE

Since the day Noah and friends climbed aboard the Ark, there have been those in this world who want to construct an Ark for the next doomsday. The new prophets foretell the rapid depletion of all nonrenewable energy sources. Cutbacks and conservation are the major planks in the deck of their new Ark. I agree that conservation is an excellent idea and should be pushed to rational limits. But, there must be reasonable economic payback periods, and reasonable amounts of energy must be saved in the conserving. It makes no sense to produce a product that will cost more energy that it can save over its lifetime. I cite as a classic example the District of Columbia metropolitan area metrorail project. I have heard dates of beyond 2010 before the system can service enough passengers to pay the energy costs of material, electricity, truck fuels, cement, and so forth, used to build and operate the system.

Conservation does not produce energy. It can save energy, if one goes about the conserving procedures properly. But how slow do you want to drive? How much insulation can you put in your attic? Do we know how to build a 30-story office or apartment building underground?

NEW ENERGY SUPPLIES VERSUS SOURCES

One must differentiate between new energy supplies and new energy sources. In mid-January the National Association for the Advancement of Colored People—the NAACP—took strong exception to the administration's policies on deregulation and conservation. I am certain that Mr. Clarence Mitchell, director of the Washington Bureau, NAACP, meant that it would be the development of additional supplies of proved out energy sources—coal, oil, gas, nuclear, hydro—that would provide the impetus to lift the poorest Americans out of their status of economic disaster. I am certain he was not referring to Sun, wind, water, and biomass, energy systems which might be of net economic value to this Nation by the year 2000. By that I mean they might be producing more energy than it takes to build the conversion systems—solar panels, windmills, and so forth.

Let us examine concrete examples. Solar heating and cooling has a chance corporated into specifically designed structures. The hundreds of billions of dollars' worth of buildings now in existence cannot truly profit except for small sources like domestic hot water supplies, and so forth. Electricity from solar power is 15 to 30 years away.

How about windmills? The January 1978 issue of Popular Science shows an artist's conception of the world's biggest windmill. Here are some pertinent facts. The blade diameter will be 300 feet and it will sit on a 200-foot tower. That's a maximum height of 500 feet—a 50-story building. The output will be 2.5 megawatts of electricity and the system will cost near $10 million. The important point to note is that it will take about 500 of these monster devices to equal the output from 1 modern nuclear or fossil generating plant. It would also cost $50 billion to build these windmills, about 40 times more than the comparable nuclear plant.

A high Department of Energy official has stated:

> The state of the art of wind systems today is where the airplane was in 1909.

I ask, do we have 30 to 70 years to wait while each bicycle shop in town gets the opportunity to prove out systems to provide the energy we need now?

Another energy saver and future energy source is a variety of the composting commode. Made in Sweden, the Mullbank solar powered toilet has the following advantages over the systems in use in most U.S. homes:

A standard toilet uses some 750 gallons of water a month per user; a composting toilet, none.

A composting john needs no septic tank, no drain field, no sewer treatment facilities.

The composter presents no chemical or incinerator worries.

It provides the commode owner with one of the finest garden fertilizers available.

It requires a constant blower source to levitate the fumes from the composting source and provide oxygen to the busy little bacteria.

It requires a constant source of heat to keep the little bacteria warm so they will want to eat.

This could be the perfect conservation system for one aspect of our civilization. Picture, if you will, even a small edifice like the White House, or the Governor's residence in Sacramento, outfitted with Mullbank composting commodes, exclusively. How about a building with a few hundred apartments? Would you want to live in that neighborhood? What happens if the exhaust fans quit? How do you get that finest of garden fertilizers to your garden? Would all that effort really be worth it to save 750 gallons per user per month?

It is this kind of wild idea we note coming from Sacramento as a new way to provide more energy for California. It would be humorous if it were not for the fact that many people are becoming convinced that they can get something for almost nothing with such schemes.

Should California opt for coal burning systems? The TRW Co. and others are optimistic that systems they are working on might provide economically desulfurized coal in the next decade or so. If the systems are not economic, the cost of energy could drive California industries into bankruptcy; they could not compete. One solution, of course, is to erect 1,000-foot high stacks that would let the wind waft all the noxious coal-burning products to Nevada, Utah, and to points north, east, and south.

Let's face the facts. Soon, and it could be sooner than many expect, other States may forbid the exporting of electricity to California. The conservationists and the Congress will no doubt forbid the use of gas and oil as boiler fuels. The fanatics will, as geothermal energy approaches commercial use in 20 or so years) at places other than the Geysers, fight the potential damage from smells, salts, and subsidence.

Taking the negative approach is not my way of conducting an operation or a campaign. However, I get terribly upset when supposedly rational, highly placed officials of California—both elected and appointed—want to jeopardize the future of this State by proposing only future energy sources which depend upon Sun, wind, and biomass. This approach to the real world could force California into degraded economic status that would make the Saharaian nation of Chad, in central Africa, prosperous compared to us.

If we cannot burn coal, oil, or gas to produce electricity, there is only one option left—nuclear energy.

PRAISE FOR SECRETARY ALEXANDER AND 483D BATTALION

The SPEAKER. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the disaster in my district caused by the severe blizzard on Monday and Tuesday was alleviated somewhat by the 483d U.S. Army Battalion and Secretary of the Army Clifford Alexander.

In response to my midnight telephone call on Tuesday, Secretary Alexander took the unusual step of activating the Reserve unit that is based in Taunton, Mass., and has a division in Attleboro—the 483d Battalion. Assistance through normal channels had not been forthcoming and it was gratifying to receive such a speedy and sensitive response to vital civilian needs.

The 483d has equipment that includes bulldozers, snowplows, dump trucks, and high loaders and was scheduled for extinction last year. It was retained, though a disaster of this proportion was never anticipated. The community-minded members of the battalion requested activation, but without the appropriate command they could not go to the assistance of their own neighbors.

The personal intervention of Secretary Alexander allowed the battalion to begin the long and arduous chore of clearing the streets, working to restore essential services and to return many areas of the 10th Congressional District to a semblance of order. There is no way to estimate how many weeks it will take and I give Secretary Alexander high marks for his responsiveness in getting the work underway.

THE ECONOMIC RECOVERY ACT OF 1978—SPONSORED BY REPRESENTATIVE RICHARD NOLAN

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. NOLAN) is recognized for 5 minutes.

Mr. NOLAN. Mr. Speaker, during the past 3 weeks Washington has been a city under seige. Thousands of farmers from across the country have descended upon the Nation's Capitol to voice their support for 100 percent of parity. A number of congressional and executive branch offices have frowned upon the farmers, wishing that they would all go home. But if farmers leave, the champions of the "cheap food" policy will still be here and economic disintegration will continue.

For 30 years, the "cheap food" policy has driven farmers off the land and, in the process, has brought the U.S. economy to its knees. The farmers dare not leave the politics of agriculture in the hands of the "cheap food" crowd any longer.

Members of the American Agriculture Movement are perhaps the most diverse group of farmers ever to assemble in Washington, D.C., and they truly represent democracy in action. They are bringing a message to Congress and to the American people that the best way to whip inflation and revive the economy is to assure stable, parity prices for agricultural commodities, thus eliminating the high inflation and speculative profit-taking that has constantly recurred in our boom and bust economy. Parity of income for agriculture also is the best way to assure the American people of an abundant supply of quality food at reasonable and stable prices.

The continued presence of farmers on the Hill adds a breath of fresh air to the atmosphere of farm politics. The American Agriculture Movement already has had a substantial impact on the attitude of Congress toward better farm prices. The fact that the House and Senate Agriculture Committees are now holding hearings to consider writing a new bill is evidence that the American Agriculture Movement is successfully getting the farmers' message across to Congress.

Like all new and growing movements, however, the members of American agriculture have expressed differences of opinion, particularly with regard to what forms of production and marketing controls are necessary. These differences have always existed among farmers and should not distract any of us, including farmers, from the essential reality that U.S. agriculture and family farming are in serious trouble. It is the 11th hour for our family farmers and the more concerted the course of action they are able to maintain in the face of difficulties, the more likely they will achieve their goals, not only for agriculture but also for the entire Nation's economy.

With the support of Minnesota farmers who have come to Washington as part of the American Agriculture Movement, and with the support of individual American agriculture members and delegates from other States. I plan next week to introduce a farm bill which will incorporate many of the proposals advocated by the American Agriculture Movement.

My bill will assure farmers of 100 percent of parity for their production at first point of sale. Previous farm bills have been attacked as being too costly for the Government. This bill makes it illegal to sell agricultural commodities for less than 100 percent of parity. No Government subsidies are necessary and there will be no Treasury outlays to support the price of farm products. Nonfarm corporations will not be provided any such price assurance and thus will have to phase themselves out of agricultural production.

The proposal I will be introducing also provides for national production goals, rational production controls, and orderly marketing prcedures, giving each commodity group the option of participating in acreage allotments or marketing quota programs. In addition, provision is made for acquiring agricultural commodities under a national strategic reserves program.

A National Board of Agricultural Producers will be elected by farmers to establish and administer all agricultural production and marketing programs. With the farmer board in office, grain trade executives and "cheap food" economists will no longer be able to control farm policy for the benefit of special interests or misguided economic theory.

The farmer board also is authorized to give particular consideration to the needs of new and beginning farmers and to safeguard the economic well-being of local communities and counties by developing policies which will strengthen family farming and put the brakes on farmland expansion by big farmers, corporations, investors, and absentee landlords.

My bill also mandates an export policy which requires that all agricultural exports be priced at 100 percent of parity. Our trade deficit can never be balanced by the self-defeating practice of trading agricultural commodities at a loss, as has been done for several yaers. Imports of agricultural commodities will not be allowed to enter the United States at prices less than 110 percent of parity, thereby placing a solid foundation under our domestic agricultural economy.

This farm bill, which incorporates many of the ideas supported by the American Agriculture Movement, is a blueprint for economic recovery and I urge your support.

A summary of the bill follows:

THE ECONOMIC RECOVERY ACT OF 1978

(Sponsored by Congressman RICHARD NOLAN)

ONE HUNDRED PERCENT OF PARITY

It shall be illegal for anyone to buy, sell, or trade any agricultural commodity for less than 100 percent of parity, or for more than 115 percent of parity, except that the prices of speciality products, including seeds, tobacco and breeding stock, and other such products as the Board may determine, shall be exempt from this provision.

NATIONAL BOARD OF AGRICULTURAL PRODUCERS

The National Board of Agricultural Producers shall be composed of fifty (50) persons, one (1) person representing each state in the United States.

Candidates for the Board directors positions must be actively engaged in agricultural production, as their primary source of income. Each director shall be elected by a majority vote of producers in each state and each director shall serve for a single three (3) year term. Approximately one-third (⅓) of the directors of the Board shall be elected annually. Before assuming their positions, the directors shall be confirmed by the Senate, as with Cabinet-level appointees.

The Board shall establish and administer all agricultural production and marketing policies and programs in the United States.

The Board shall have the authority to request technical assistance from the Department of Agriculture. The Board shall employ an executive assistant to coordinate the Board's activities and to carry out its mandate. Board members shall be compensated for their service on the Board, their salaries equal to the Assistant Secretary of Agriculture.

The Secretary of Agriculture or his representative shall attend Board meetings.

Parity prices shall be established monthly by the Board. The Board shall establish the parity prices within a range between the current revised parity formula and the original parity formula based on the 1910–1914 period, except that the parity price for livestock and milk shall be adjusted by an amount proportionate to the ratio between the parity price of corn under the revised parity formula and the parity price of corn under the 1910–1914 parity formula.

For all agricultural commodities, the parity prices established by the Board shall be based on grade, type, staple and quality standards determined by the Board. Agricultural commodities which do not meet these standards may be sold at prices less than 100% of parity as determined by the Board.

AGRICULTURE BUDGET OUTLAYS

In presenting the Budget to the Congress, the President shall list separately the Budget outlays and total expenditures for food assistance and nutrition and other programs administered by the Department of Agriculture. The President shall make available to the public a clear explanation and comparison of the costs of the different programs administered by the Department of Agriculture.

NATIONAL STRATEGIC RESERVES PROGRAM

At the request of Congress, the Board shall establish and administer a National Strategic Reserve Program under such terms and conditions as the Congress may recommend, provided that the size of such reserve shall be flexible enough to acquire stocks of commodities produced in compliance with national production goals but which, because of unforeseen changes in demand, the market cannot absorb. In order to acquire reserve stocks under any National Strategic Reserve Program mandated by Congress, the Board shall issue marketing quotas for the purchase of commodities produced in excess of domestic and export requirements.

Stocks of agricultural commodities in the National Strategic Reserve shall be released only for use in domestic food and fiber emergencies or disaster situations, as determined by Congress, and for humanitarian food or fiber relief needs in the event of foreign food or fiber emergencies, as determined by Congress.

National Strategic Reserve stocks may be stored by the producers at commercial storage rates and under such other terms as the board shall recommend, taking into account such factors as transportation and normal marketing patterns. Reserve stocks shall be rotated to facilitate maintenance of quality.

Producer-owned reserve stocks shall be maintained at the producer's expense and may be rotated to facilitate maintenance of quality. In case of production shortfalls, reserve stocks of each agricultural commodity may be sold in quantities equal to the difference between actual production and the national production goals for each commodity. If more than a minimal amount, as determined by the Board, of any commodity is required to meet production shortfalls, the additional production shall be purchased from available producer-owned stocks.

IMPORT-EXPORT POLICY

The Board shall limit volume of imports to the amount necessary to fulfill national consumption needs when we have a shortfall of domestic production.

All imported agricultural products shall be priced at a minimum of 110 percent of parity or 10 percent over the current market price, whichever is greater. The tariff revenues obtained from the importation of agricultural commodities shall be placed in a special credit account for the exporting nations to purchase United States Products. The special credit account shall be established and administered by the Board.

In no case shall imported agricultural commodities be allowed to enter the United States or its possessions at prices less than the level at whicch prices are supported for that agricultural commodity in its country of origin. No agricultural commodities shall be exported at less than 100% of parity except for those commodities exported under food assistance programs.

The Board must receive the prices, conditions and terms of all import and export sales or agreements, in order that records containing all terms and conditions of each sale or agreement shall be made available by the Board for public inspection no later than fifteen (15) days after execution of the contract sale.

Federal inspection regulations covering agricultural commodities produced in the United States shall also be applied to imported agricultural commodities as a condition for entry into the United States or its possessions.

All imported agricultural commodities and agricultural commodities combined with or made with imported ingredients shall be clearly labeled as such for all puchasers.

ASCS RELATIONSHIP TO THE BOARD

The ASCS county committees shall make recommendations to the Board regarding all agricultural production and marketing policies and programs. Such recommendations shall be forwarded to the State ASCS offices, which shall advise the Board of such recommendations.

State ASCS committees shall be elected by the producers in each State.

The Board shall appoint the ASCS regional administrators and the state ASCS executive directors who shall serve at the pleasure of the Board.

NATIONAL PRODUCTION GOALS

The Board shall establish annual national acreage and quantitative production goals for all agricultural commodities based upon: (1) estimated domestic requirements, including reserves, and (2) estimated export requirements, and (3) levels of production consistent with agricultural conservation programs established by the Government.

The Board shall establish rules and procedures to adjust the allocation of quotas and/or acreage allotments to assure fair and equitable allocation in the following situations: (1) when producers have no previous production history, and (2) to compensate for abnormal factors including weather variation, and (3) to reflect changes in farm ownership. New or beginning farmers shall be given first priority in reallocation of all marketing quotas. New and beginning farmers shall be allowed to retain their livestock production history for three years without having to raise livestock. The Board shall allocate marketing quotas in a manner that will not adversely affect the economy of any county or local community.

The Board shall establish marketing quotas and or acreage allotments for each agricultural commodity in an amount equal to the production goals established for each commodity. These goals shall be established on a fair and equitable basis according to past history for each farm. Once the history is established the quotas shall be maintained on a three (3) year rotational basis. Commodity groups may elect, through the producer referendum authorized by this Act, to participate in either the marketing quota or acreage allotment program.

Each producer's production history shall be retained with the land for which such production history is established. Producers shall not exceed their historical cropland acres unless specifically authorized by the Board.

If stocks of each commodity exceed the production goals for each commodity, or if an increase in stocks is needed in order to meet the production goals, the Board shall decrease or increase the allocation of marketing quotas and/or acreage allotments for each commodity to reflect decreases or increases in the production goals for each commodity. Such adjustments in the amount of marketing quotas and/or acreage allotments shall be applied uniformly to all producers of each commodity.

Producers may grow, raise or produce any amount of agricultural commodities on their individual normal crop acres, but no agricultural commodities shall be sold or traded in excess of their marketing quotas and/or acreage allotments. Marketing quotas shall be non-negotiable.

All excess production which exceeds the production goals (quotas and/or acreage allotments) shall be sealed by the Board and stored at the producer's expense as a producer-owned reserve which shall be administered under terms established by the Board. Individual producers may consume, sell or trade stocks which accumulated in their excess production reserve in previous years, but in no case shall the volume of agricultural commodities sold, traded or consumed annually exceed the amount authorized by each producer's annual marketing quotas and/or acreage allotments. All production must be recorded by ASCS offices at completion of harvest and all production sold or consumed must be drawn from the producers quota and/or acreage allotments.

NONFARM CORPORATIONS

No marketing quotas and/or acreage allotments shall be allocated under the programs established under this Act to nonfarm corporations if a majority interest in any such corporations is held by those not engaged in farming operations. The Board may, at its discretion, delay implementation of this provision from two to five years.

Farmer-owned cooperatives or corporations, family farm corporations and charitable organizations are exempt from this provision.

PENALTIES

Those persons who buy, sell or trade any agricultural commodity at less than 100% of parity shall be subject to a fine equal to twice the difference between 100% of parity and the sale price, if convicted in civil court. Repeat offenders shall forfeit their right to marketing quotas and/or acreage allotments for five years.

SECRETARY OF AGRICULTURE'S AUTHORITY

The Secretary of Agriculture shall administer all agricultural and marketing policies and programs in the United States not expressly reserved to the Board, until such time as the Board determines that it shall assume authority.

PRODUCER REFERENDUM

The Board's proposed rules and regulations shall be published in the Federal Register, and copies shall be made available to all producers at county ASCS offices. If 15 percent of the producers who have a production history affected by the proposed rule or regulation petition the Board for a referendum, the Board shall, not later than one month after validating the petition, conduct a referendum, by secret ballot, of producers who have a production history affected by the proposed rule or regulation. The Board shall proclaim the results of any referendum held hereunder within thirty days after the date of such referendum, and if the Board determines that more than a majority of the producers voting in the referendum oppose the proposed rule or regulation, such rule or regulation shall be withdrawn.

In the event any commodity group wants to be included or excluded from this act they may use the referendum procedure above mentioned to achieve their goals and type of regulation.

CONSUMER INFORMATION

Retail food stores shall be required to post information providing a comparison between average cost to consumers for food products and the average farm value of the same product in order to clearly establish the amount which farmers receive for their share of the food product. This information shall be displayed prominently in retail food stores.

REIMBURSEMENT FOR REDUCED PLANTING

In the event that this Act does not become law by planting time in 1978, and no adequate relief is provided by Congress or the present Administration, the following provision shall be effective:

Producers following the recommendations of the American Agriculture Movement and plant 50 percent of their cropland in order to assure American consumers of enough food to avoid starvation in this country, and if the Board determines that such reduction in planting will lead or has led to shortages of any agricultural commodity, the Board shall announce an increase in the respective 1978 production goals. Those producers who plant only 50 percent of their cropland shall be reimbursed by the U.S. Treasury for their reduced production in an amount equal to the percentage by which the Board increases the production goals for those producers able to do so: *Provided*, That such reimbursement shall be equal to each producer's net income that would result from 100 percent of parity, based upon the producer's 1977 planted acres.

HUD SECRETARY HARRIS SPEAKS TO WHITE HOUSE CONFERENCE

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. ASHLEY) is recognized for 5 minutes.

Mr. ASHLEY. Mr. Speaker, as many of our colleagues know, the White House Conference on Balanced National Growth and Economic Development has just concluded here in Washington, D.C. For 4 days, citizens from across the country—and observers from other nations—gathered to discuss the basic issues of growth and development and their effect on American society. Participating were representatives of State, local, and the Federal Government, business and industry, women, minority and underprivileged groups. Perhaps most important, however, was that, in their totality, these individuals became a homogenous cross section of America itself.

Secretary Patricia Roberts Harris of the Department of Housing and Urban Development addressed the Conference participants on Wednesday, February 1, Recognizing the diversity of backgrounds of Conference participants, and the fact that there was not even a common definition of the phrase "balanced national growth and economic development," Secretary Harris discussed certain basic concepts which must form the core of any discussion of these issues. Among these are that we cannot ignore the special needs of minorities, of women, and of urban areas.

She related the work of the Conference to President Carter's Urban and Regional Policy Group, which she chairs, and to the five fundamental policy objectives developed by the Secretary and Assistant to the President Stuart Eizenstat and recently signed off on by the President. These are:

First. To meet emergency needs of communities and people in distress—particularly the job requirements of young unemployed persons in central cities;

Second. To stabilize or strengthen the private sector economic base for all urban areas;

Third. To make cities more livable by curbing the deterioration of capital infrastructure, improving and expanding housing stock, and better addressing street crime;

Fourth. To improve the fiscal condition of urban areas to increase the competitive attractiveness; and

Fifth. To strengthen efforts to eliminate discrimination and encourage equal opportunity.

These objectives should be the principles upon which balanced national growth and economic development are founded. Perhaps Secretary Harris said it best when she asked the Conference delegates to resist the temptation to view our urban problems, our growth problems and our social problems narrowly and simply in terms of economic development, an approach which assumes that this one section of our incredibly complex society is capable of providing the "fuel to make the social engine move." The Secretary is correct in stating that the neighborhood and community values we hold dearest require more than a nearby factory or office building to give them life. As the Secretary said, the great challenge to this administration and to Congress "is to bring into harmony the interests of the business sector driven by profit and the competitive ethic, and the interests of the community, motivated by a search for stability and concerns about the quality of neighborhood life."

Mr. Speaker, we can all benefit from what I hope will be a continuing discussion of balanced national growth and economic development. While the White House Conference has concluded, I would like to see its recommendations thoughtfully considered as Congress begins its consideration of an urban policy.

Secretary Harris has done much to focus our attention on these matters, and I am inserting her speech in the RECORD:

REMARKS OF PATRICIA ROBERTS HARRIS

Mr. Chairman and Delegates, I welcome this opportunity to address President Carter's town meeting on National Growth and Economic Development.

Balanced National Growth and Economic Development are concepts with broad implications affecting a wide variety of critical issues. There is no agreed upon definition of what these concepts mean and the diversity of backgrounds of the delegates to this Convention suggest that these concepts, in fact, have different meanings to the different people in this town meeting.

Today, I would like to address the needs of an often forgotten constituency and I would like to request that their special needs not be overlooked as you proceed with your work and help this Administration develop National Economic Policies that will provide healthy and sustained economic growth for this country.

Today, I would like to speak of the special needs of minorities, of women, and of urban areas, and I want to underscore the fact that balanced growth must mean that these special groups in these specific areas will receive a fair share of the benefits that result from sustained economic development.

Let me first address the topic of balanced national growth as I see it through my Housing and Urban Development lenses.

The tie between the way in which we address the overall growth and development of the Nation and its effect on the present health and future prospects for the Nation's urban places—especially our major cities—is evident. I believe the viability of the Nation's cities is a critical factor—perhaps the most critical factor—in assuring the continuation of this Nation's economic vitality and the quality of life for its people.

Yet, many of America's larger, older cities are far from healthy. They are experiencing the severe problems—of physical decay, environmental pollution, crime, population and job loss, economic decline, disinvestment, and deteriorating neighborhoods.

These are problems which affect the lives of us all, no matter where we choose to live. They are related significantly to the fact that this Nation is growing—and that in the absence of a coherent national growth policy—that growth is having a negative effect on the areas which are left behind by the market.

All existing urban places—whether Frostbelt or Sunbelt, large or small—are caught in the wake of the dynamic growth forces of the last two decades.

Many of our lagging cities in the Northeast and industrial midwest can trace their urban problems to the massive post World War II migration of rural and unskilled populations from the rural South, accompanied by an outmigration of largely middle class residents. This dramatizes the doubled-barreled impact of unbalanced growth and development, and underscores the need for a national policy perspective on this question before the conditions become too extreme.

Our Nation is a network intricately linked by its diverse urban places and communities—and, the cities are the central glue which hold our complex society together. Each of the urban places along this network also is complex in its human, physical, economic and political dimensions. The soundness of America's health will depend on the strength of this urban network and the health of each of its urban places.

Clearly, there are significant urban problems along this network which must be addressed, by this conference and by this Administration.

I am pleased to inform you that initial action has been taken and that the President has approved the statement of principle and objectives developed by the Urban and Regional Policy Group.

This represents the Carter Administration's downpayment on a cohesive and rational urban policy.

The five interrelated policy objectives which were approved by the President are:

To meet emergency needs of communities and people in distress—particularly the job requirements of young unemployed persons in central cities;

To stabilize or strengthen the private sector economic base for all urban areas;

To make cities more livable by curbing the deterioration of capital infrastructure, improving and expanding housing stock, and better addressing street crime;

To improve the fiscal condition of urban areas to increase their competitive attractiveness; and

To strengthen efforts to eliminate discrimination and encourage equal opportunity.

In the coming months, we will articulate these objectives in greater detail, present the principals underlying them, and, most importantly, outline the specific programs to meet the objectives.

The Carter Administration recognizes both the severity of the problems of urban areas and the real limitation of the Federal Government's resources. This understanding has led to the recognition that Federal aid must be properly targeted to the areas of greatest need.

It is clear that this Conference must also address these concerns, and it must ask and answer numerous questions relating to the Federal Government's role in creating job opportunity and assisting specific populations and specific areas which are currently excluded from the benefits of economic growth.

It is instructive to ask what is the public attitude toward these questions.

A recent survey, conducted by Cambridge Reports Inc, offers clear indication that, in general, Americans support the concept of distributing Federal funds in accordance with need—even if this means an unequal distribution of funds, and they also support our active Federal role in the entire matter.

Let me cite four questions and responses from that survey.

When asked if: "All areas of the country should receive $1 in Federal spending for each $1 in taxes they send to Washington," only 26 percent agreed.

But, 49 percent agreed that: "Federal spending should be directed to areas, people, and local governments of greatest need, even if this means that some areas receive more in Federal benefits than they pay in taxes and other areas receive less in benefits than they pay in taxes."

Thus, by a 2–1 margin, people favor spending Federal dollars to areas of greatest need.

We asked a series of questions related to whether people felt Federal money should be spent to revitalize poverty areas; 48 percent agreed that, "Federal and States taxes should be spent to help revitalize the economies of places in the U.S. which have been losing population and jobs."

Only 33 percent took the position that: "The loss of population and jobs in some areas is inevitable; Federal and state taxes should help areas and their residents to adjust to these trends but should not try to reverse them."

Thus, a plurality of people support revitalizing poverty areas.

There is much more support, however, on the question of whether the government should encourage people to follow jobs or jobs to follow people.

When asked if: "The Federal Government should spend funds to help bring jobs to places where people are unemployed," 63 percent agreed.

Only 20 percent felt that: "The Federal Government should encourage unemployed people to move to places where jobs are more readily available."

To say it another way, only 20 percent of the voters favor relocation of people.

Finally, on the question of the proper role of the government, there is a prevailing feeling that the Federal Government has a legitimate role to play in providing incentives to declining areas.

50 percent agreed that, "The Federal Government should attempt to influence the location of people and business within the United States in order to help assure that some areas of the country do not suffer long-term decline while others experience explosive growth."

Only 30 percent felt that, "The Federal Government should not be concerned with the location of business and people within the United States."

The Cambridge Report Survey suggests that public opinion on these matters may be ahead of public policy makers. I think it also shows that the general public is very aware of the dangers of building public policy exclusively on a narrow definition of economic development that disregards the essence of community life.

What I read in the responses is that the general public is aware of the fact that the Federal Government cannot simply gear its policy to the short term cycles that motivate business. The poll reveals that the public knows that the Federal Government must build its policy with a strong regard to the continuing and permanent needs of America's communities.

If we are to improve the quality of life in America's cities, we must find ways to give urban neighborhoods something like the stability of community life that characterizes rural and small town America.

To accomplish this we must be very mindful of the potentially disruptive effect of economic and technological development and we must be conscious of the Federal government's role in this process.

We cannot let national economic growth be controlled exclusively by short-run competitive considerations that have often helped destroy the stability of our urban life. We cannot let the government, through inadvertent actions, reinforce the trends which divide urban America. Otherwise, balanced growth is impossible and the large social and economic costs resulting from the decline of places like Newark, South Bronx, and Detroit will repeat themselves again in Houston, Phoenix, and Dallas in the coming years.

Your evaluation of national growth policy must take into consideration the fact that business and government have been guilty of wasteful competition, of wasteful use of resources, and of wasteful scattering benefits.

You must focus on the need for more effective coordination between the government and the private sector, between regions and communities. You must also realize that if balanced national growth is to be achieved, the residential structure of our cities and the related community facilities cannot simply be left to the "free play" of market forces.

In short, what I am saying is this:

The delegates to this Conference and the members of this Administration must resist the temptation to view our urban problems, our growth problems, and our social problems narrowly and simply in terms of something thoughtlessly described as economic development: that is, as government efforts which depend solely on the private sector to achieve local development and stability. That approach assumes that a single sector of this complex pluralistic society can provide the fuel to make the social engine move. While I will admit that Lord Keynes is dead, I am not prepared to resurrect Adam Smith. The values of the community and the neighborhood require more than a nearby factory or office building to give them life.

We cannot overlook the fact that it is stability and not wide fluctuations which promote healthy balanced local development.

We cannot overlook the fact that our communities are place—specific—that is, They cannot simply pick up and move to follow the market. We must accord as much respect to individuals preference of a place to live as we do to business preference for a place in which to earn a profit.

The great challenge to you and to those of us in this Administration is bring into harmony the interests of the business sector driven by profit and the competitive ethic, and the interests of the community, motivated by a search for stability and concerns about the quality of neighborhood life.

This is no small challenge. I urge you to make your primary focus the preeminence of community and neighborhood values.

In addition to my concerns about the affect of national growth policy on urban areas, I am equally concerned about the affect on minorities and women.

I want to urge this Conference to keep in mind the unmet needs of many Americans and to keep in mind that to these Americans, balanced growth must mean equity.

Specifically, let us look at the current experience of non-white Americans. The facts are bitter but true:

There are twice as many blacks out of work today as there were ten years ago. In 1967, 638,000 or 7 percent of blacks were officially unemployed. But in 1977, 13 percent or 1,492,000 blacks were unemployed. Unofficially, unemployment rates are considerably higher—over 60 percent for inner city youths, according to the Urban League.

By most indices, the social and economic conditions of Urban Puerto Ricans and Mexican Americans is worse than that of blacks, and those of native Americans worse yet.

Is the American public aware of these realities? Not only does most of the population believe that very little discrimination exists, according to the polls, but an October 1977 New York Times/CBS survey showed that 40 percent of the citizenry think that the unemployment rate for blacks is either less than or equal to that of whites.

Your work can do much to correct this misimpression and more importantly, it can lay the groundwork for a national policy which will ultimately correct these historic injustices.

Finally, I also urge you to give specific attention to the status of women.

The stereotype of the two parent household no longer is the exclusive reality of American life.

Women are the sole heads of 34 percent of all minority families, and 11 percent of all white families. In 1972, 52 percent of the former and 25 percent of the latter were below the poverty level, compared to only 5 percent of families with a white male in them. While the percentage of all families in poverty has been declining in the last two decades, the rate of decline of female headed families has been much less than that of families with adult men in them. More and more, poverty is becoming a female problem because the programs to eliminate poverty disproportionately help men.

It is clear that a new sensitivity must be brought to national economic policies so that these policies reflect an understanding of the harsh realities women must face in the American job market, and the painful truth that economic problems hit women harder than men.

It is clear that the work ahead of you is very challenging and that the questions before you do not lend themselves to simple answers. It is also very clear that the work ahead gives you the great opportunity to elevate the concerns of people and places who are left out or left behind.

You will have my full support as you work to develop the broad policy outlines that will help to bring to this nation balanced economic growth, balanced in the sense that people and regions are not victimized by or sacrificed to the imperatives of short term interests and you also will have my full support as you work to bring a sense of community values to national growth and development policies.

It is my hope that this White House Conference on Balanced Growth and Economic Development will endorse the concerns that I have addressed today and will provide further impetus for this government and this society to take a much closer and more compassionate look at the needs of America's people.

RENTAL ASSISTANCE REFORM ACT

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today, my colleague from Pennsylvania and I are introducing a bill to address one of the most pressing issues in the United States today; namely, the housing shortage facing the elderly and families forced to survive on limited incomes.

Since 1974, HUD's section 8 rental assistance program has been the Federal Government's principal vehicle for providing housing to low income people. However, according to a recent GAO re-

port, the program has been less than successful in achieving that goal. As of September 1976, HUD had projected assisting at least 140,000 families. However, as of that date only 88,880 lower income families were receiving program assistance—84,513 in the program for existing housing and 4,367 in the new construction and substantial rehabilitation. Although these figures have increased somewhat in the last year, they are still well below the original estimate.

The key reasons for the program's ineffectiveness include the following:

First. Reluctance of owners, public housing agencies, and developers to participate, particularly in low vacancy areas.

Second. The fair market rents established under this program do not compensate owners for complying with Section 8 requirements for newly constructed, rehabilitated or existing housing.

Third. Lack of incentives for landlords and owners to rent to families with three or more children.

Fourth. Private owners' unwillingness to assume the management risks associated with housing lower income families.

Fifth. Smaller communities have been unable to participate due to low administrative fees which do not support the costs of the program.

Sixth. No outreach program to inform prospective participants.

Seventh. Lack of coordination between State finance agencies, regional HUD offices, and local public housing agencies.

Obviously, major changes are needed to improve the administration and increase the activity of this important program. The bill we are introducing today provides the means for achieving this goal.

SUMMARY OF PROVISIONS

1. Allows the rent subsidy to exceed the Fair Market Rent by 20% in low vacancy areas and for units to provide housing for families with 3 or more children.

2. Defines how a Fair Market Rents should be determined, spelling out that fair market rents should reflect construction costs, the costs of management, taxes, wages and all additional costs incurred by complying with HUD regulations.

3. Gives the owner the option to enter into agreements with local housing agencies so that the latter can take on the responsibilities of managing assisted housing.

4. Encourages public housing agencies to get involved in new construction and rehabilitation by setting aside 50 percent of funds for projects owned by public housing agencies.

5. Increases the role of new and minority developers by removing "lack of experience" as a criterion for rejection of a proposal in a preliminary evaluation.

6. Requires that private owners receive their monthly checks from local public housing agencies instead of HUD.

7. Establishes a grievance procedure so that private owners cannot evict a tenant without 30 days notice which is subject to appeal.

8. Requires that owners use relocation agencies when people are displaced by new construction and provides reimbursement for such expenses.

9. Ensures commitment of developer by requiring that he submit information concerning other Section 8 projects built by such developer prior to approval of a new project.

10. Directs the Secretary to establish a minimum administrative fee equal to that available for at least 50 units.

11. Requires that a state finance agency coordinate with local public housing agency before entering into contracts for new projects.

12. Provides authority and funding to establish an outreach program to inform prospective tenants and landlords about Section 8 program.

Mr. Speaker, it is my hope that this bill will rectify the problems impeding the success of the section 8 rental assistance program, for the success of this program really reflects the success of the Federal Government in the area of housing. Hundreds of thousands of Americans with limited incomes who are faced with inflation and rapidly increasing costs of living are depending on us to renew our commitment to providing them with the decent housing they so desperately need and deserve. Now is the time to demonstrate that commitment by amending the U.S. Housing Act of 1937 to make sure that the section 8 program works effectively and that it serves the specific needs of families, particularly those families who live in low vacancy areas.

WIDESPREAD AGE DISCRIMINATION VICTIMIZES SENIOR CITIZENS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, millions of Americans are denied the assistance of federally supported programs and benefits because they are either too old or too young. From mental health counseling to employment opportunities, age discrimination exists at nearly every level of these services.

This is the conclusion of a recent report by the U.S. Commission on Civil Rights, "The Age Discrimination Study," which finds that there is virtually no justification for the discrimination it uncovered. And why should there be? I have repeatedly stated that discrimination based on age is doubly as intolerable when so many efforts are justly extended to eliminate race or sex bias. We cannot afford to forget those who only because of their age are unable to find jobs, receive services, or even stay on jobs they may already have.

For example, the Commission found that such federally supported programs as the Comprehensive Employment and Training Act (CETA) and the vocational rehabilitaiton program (VR), as applied by local administrators, are denying older and even younger persons access to Federal assistance. This is not an intentional discrimination, as the study points out. Rather, the report found that participation of older persons is restricted because these programs depend on employment markets which themselves often discriminate on the basis of age. And furthermore, the Commission concluded that when faced with scarce resources, administrators will allocate them according to age. But can we continue to allocate against the elderly or will we end discrimination and open opportunities for everyone?

I strongly believe that one solution to this problem is current legislation now in conference, H.R. 5383, the bill to ban mandatory retirement. In fact, this study also finds that H.R. 5383 can result in an increased participation of older citizens in the CETA and VR programs and in the general work force as a whole. By raising the retirement age from 65 to 70 for private employees and eliminating it for public workers, millions of perfectly able and competent individuals will have a chance to continue contributing to society. And it will open the employment markets that the CETA and VR services rely upon. I have supported this measure with vigor and I will continue to support its principles until we can eradicate age discrimination once and for all.

Just last month a Federal appeals court in my hometown of Chicago issued a ruling prohibiting the forced retirement of a 65-year-old school teacher. "We cannot assume that a teacher's mental facilities diminish at the age of 65," the court ordered. Indeed, we cannot; nor that it diminishes in any other profession or line of work. This decision is a significant step forward in providing fair treatment for public employees. But what about those in the private sector? What about all the men and women, all the private citizens, who helped elect this Government and helped pay for this Government? Our Nation cannot afford to treat them like second class citizens deprived of their right to earn an honest living.

Naturally, many people look forward to retirement and that is an opportunity they deserve after many years of hard work. But some of our senior citizens also need a job income to support their families or to enjoy the activities they postponed until their families were grown. And these people should not be forced into a period of fruitless activity, with reduced income and often reduced self-esteem. H.R. 5383 will give them the choice to work or not and that is what is important.

Mr. Speaker, this bill is a green light to resolve the problems found in the commission's study. It will be a vital step in knocking down the barriers between our older citizens and the mainstream of society. I urge that H.R. 5383 will emerge from conference with the mandatory retirement ban intact. The sooner we can make this bill law, the sooner we will provide our senior citizens with the dignity and opportunity they deserve.

THE PLIGHT OF THE BREILOVSKY FAMILY

The SPEAKER. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today I would like to share a story with you

and my colleagues that greatly saddens me. Several months ago as a participant of the "Helsinki's Unfulfilled Promises" project, I spoke about a Soviet Jewish family, the Breilovsky's, who have requested permission to emigrate to Israel.

Since that time, no progress on the Breilovsky situation has been made. In fact, I have learned from a friend who visited the Breilovsky's recently that their situation has worsened. Among the various problems they are presently facing, they fear the loss of their jobs as scientists. Obviously, they would prevent them from keeping abreast of scientific developments and would hurt their future careers should they eventually be allowed to emigrate.

They report that not a single letter I have sent them has reached them. Additionally, the family is in constant fear of harassment and suspect they are frequently followed by the police.

I will not allow this turn of events to deter me from continuing to publicize the situation of the Breilovsky's. I hope that those of you who are also sponsoring families will continue your efforts on behalf of your own sponsorees. Furthermore, I urge my colleagues who are not sponsoring families to consider doing so. It is my hope that this unified effort will be instrumental to persuading the Soviet Government to allow the Breilovsky's and other families to emigrate.

HOSPITAL COST CONTAINMENT

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 60 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, as the 95th Congress enters its second year, the hospital cost containment debate has reached a crucial point. We must in the next few weeks take the steps necessary to resolve this issue in a responsible, decisive manner.

Just a year ago this month President Carter announced that efforts to control hospital costs would be one of his major domestic goals in this Congress. The cost increase figures cited at that time, startling as they were, continued to grow during the remainder of 1977 at rates that were unacceptable to all.

Immediately after its introduction, the administration's hospital cost containment proposal, H.R. 6575, was the subject of joint hearings by the Ways and Means and the Interstate and Foreign Commerce Committee's Subcommittees on Health. However, strong opposition to the proposal, as introduced, soon developed in my subcommittee. Although subcommittee approval by a narrow margin might have been possible last year, in my judgment such narrow approval would only have been the precursor of much stronger opposition within the full committee.

Mr. Speaker, in an effort to find a middle ground on this controversial issue, I have followed one of your most trusted maxims—that politics must be viewed as the art of the possible.

My most recent attempt to find a responsible compromise between the administration's cost containment proposal and the hospital industry's voluntary control efforts has not been warmly embraced by either the hospital industry or the Department of Health, Education, and Welfare. Such mutual reluctance is encouraging for its might well serve as the basis for a viable compromise—one by which both sides, although reluctant to agree, are well served.

The compromise, which was outlined in a recent speech before the American Hospital Association (CONGRESSIONAL RECORD, February 1, 1978, pp. H518–519) should not be viewed, as it was superficially interpreted in some of the early press accounts, as an end of serious legislative activity on this issue this year. Rather, I hope it will be seen for what it was intended to be—a sincere effort to break an impasse between a well-intentioned department committed to one form of mandatory controls and an industry sincerely committed to a voluntary effort—an effort which its very name indicates does not guarantee a change in the status quo.

This compromise, which is outlined in greater detail in an explanatory statement included at the end of my remarks, is primarily drawn from the positions of the opposing sides of the hospital cost containment debate. I have simply suggested that the industry's voluntary goals of a 2 percent reduction in total hospital expenditures for each of the next 2 years be used as a trigger for the President's mandatory program. If the industry fails to meet the 1978 goal, mandatory controls would go into effect for 1979 and following years until a permanent reimbursement reform system is ready. If the 1978 goal is met but the 1979 goal is not, controls would go into effect in January 1980.

Such a compromise gives incentives to the private sector to do its best to overcome the cost problem. During the economic stabilization program of the early 1970's, the industry said much about what it would do to restrain costs if ESP controls were lifted. Failure to fulfill these promises is why we still have a problem today.

For the advocates of mandatory controls who doubt the ability of the private sector alone to restrain inflation, my proposed compromise offers the following: if the voluntary goal succeeds, hospital inflation will be slowed to a level quite close to the goal outlined in the 1979 HEW budget which assumed mandatory controls; if the voluntary effort fails, the President's cost containment proposal would go into effect on January 1, 1979, a date that even its most ardent advocates would admit is as early as can be expected given the political climate in which the bill must necessarily be considered.

I commend the following explanation of my compromise proposal to my colleagues' attention and review. I have asked the staff in drafting this proposal to include many of the fine improvements made in the original administration proposal by my colleague Congressman PAUL ROGERS and his subcommittee—many of which previously have been discussed in my subcommittee. If this compromise option is acceptable to the Ways and Means Committee, the few remaining differences between title I of the Interstate and Foreign Commerce Committee bill and the Ways and Means Committee title can be amicably resolved on the House floor through the use of coordinating amendments.

In particular, my proposal would operate as follows:

ROSTENKOWSKI PROPOSAL FOR VOLUNTARY HOSPITAL COST CONTAINMENT PROGRAM WITH FEDERAL FALLBACK CONTAINMENT PROGRAM

In recognition of the voluntary efforts now being made by hospitals to achieve significant reductions in the rate of increase in hospital expenditures, the proposal would allow time for the voluntary program to demonstrate whether such a goal is attainable on a voluntary basis. Provision would be made, however, for the implementation of a fallback Federal cost containment program if these voluntary efforts fail to achieve the specified annual reductions in the rate of increase in hospital expenditures established by the hospital community as reasonable objectives. The Federal program would become effective only if and when data on hospital expenditures discloses that the specified reduction in the rate of increase has not been achieved for any given calendar year.

The proposal is divided into two parts. Part I specifies the cost containment objectives of the voluntary program, the criteria on the basis of which determinations would be made as to the success of the program in achieving specified annual reductions in the rate of increase in aggregate hospital expenditures, the data collection and monitoring system to be utilized in measuring the program's performance, and the steps to be taken in the event the voluntary program fails to achieve its objectives.

Part II establishes the Federal backup cost containment program that would be implemented should this program be needed. Similar in most essential respects to the cost containment proposal made by the Administration, this transitional Federal program would constrain the rate of increase in hospital costs by limiting the amount of inpatient revenues which hospitals may receive from each source of payment for patient care.

PART I—VOLUNTARY COST CONTAINMENT PROGRAM

1. Goals of voluntary program

The objective of the voluntary cost containment program, as set forth by the hospital community itself, is to reduce the annual rate of increase in aggregate hospital expenditures for community, nonfederal, short-term hospitals by at least two percentage points each year during 1978 and 1979. For each year thereafter, the reduced rate of increase achieved for 1979 is to be held constant. The proposal adopts these targeted reductions in the rate of increase as the criteria for assessing the voluntary program's performance. In the event the targeted reduction is not achieved in any given calendar year, the Federal fallback program would become effective with the first day of the calendar year immediately succeeding the calendar year in which the voluntary program failed to achieve the requisite rate. (The Federal fallback program would be applicable, with respect to each individual hospital, to that hospital's accounting year beginning on or after the first day of the calendar year in which the Federal program becomes effective.)

2. Base for calculating rate of increase in hospital expenditures

The base for calculating the reductions in the rate of increase in expenditures would be the rate of increase in nonfederal, short-term hospital expenditures experienced in calendar 1977. In order to objectively establish this base, as well as to assure the ongoing operation of a monitoring system that

will permit timely assessments of the performance of the voluntary program on the basis of reliable, comparable data, a minimal hospital expenditure reporting mechanism would be established. Data on actual expenditures for calendar years 1976 and 1977 would be derived from this reporting mechanism, thereby establishing an agreed-upon, reliable base. Subsequently, comparable data derived periodically from this reporting mechanism will assure timely determinations on program performance.

The need for such a reporting mechanism is evident from the fact that there is currently no source for verifiable and current data on hospital expenditures. Data collection systems currently used by the American Hospital Association or by the medicare program have serious limitations for the purposes of this program: in the case of privately collected data, the data is not audited and the reliability of the sample used has not been verified; in the case of medicare cost reports, the lag in receiving and tabulating the data is so great as to vitiate its utility for the purpose of this program. A data reporting mechanism appropriately designed, entailing minimum effort, yet capable of producing essential information on a timely basis is, therefore, necessary to assure responsible evaluation of the voluntary efforts.

3. Data source and monitoring system

Data necessary to establish the base and to assess the performance of the voluntary program will be derived from periodic, short-from reports submitted by hospitals. For the purpose of establishing the base, data will be initially obtained on expenditures for calendar years 1976 and 1977. Subsequently, to permit effective monitoring, quarterly reports would be submitted. To assure timeliness, the reports would be submitted within 30 days after the close of the quarter. The required data items on these reports would be limited to total expenditure information. Such a short form would not create undue burdens for hospitals since the required data is already routinely available in each hospital's financial records; nor would it require any major calculations to aggregate the data from all hospitals into usable figures for purposes of this program. (It may be worth noting that the hospital community's National Steering Committee for the voluntary program has itself asked all hospitals to prepare and record for use their total actual expenditures for their previous fiscal years.)

It is in the interest of hospitals to cooperate in making this reporting mechanism a timely and reliable instrument for measuring expenditures. However, as with all such mechanisms there may be some who may delay or fail to submit reports. To maximize incentive to cooperate, therefore, it may be necessary to provide a penalty in such cases, such as withholding medicare payment for failure to report, and where the hospital submits an understatement of its expenditures, nonpayment by medicare for additional amounts only subsequently disclosed in its cost report.

4. Criteria for triggering implementation of Federal fallback program

If the rate of increase in total hospital expenditures in calendar year 1978 is not at least two percent below the rate of increase in 1977 (or the rate of increase in 1979 is not at least two percent below the rate of increase in 1978), the Federal fallback program would become effective. (For calendar years subsequent to 1979, if the increase in the rate for a calendar year is not equal to or less than the percentage increase for the immediately preceding calendar year, the Federal program would become effective the next calendar year.)

PART II—FEDERAL FALLBACK

The Federal fallback cost containment program would be patterned on the Administration's proposed program (H.R. 6575), modified to include many of the improvements in that proposal made by the Interstate and Foreign Commerce Committee's Subcommittee on Health and the Environment in a substitute bill it approved—H.R. 9717.

1. Effective date for individual hospitals. If the mandatory program is triggered into effect, it would be applicable to an individual hospital for its first accounting year beginning after the calendar year in which the hospital industry failed to meet its cost containment goal. This failure, if it occurred, would be known very early in the next calendar year, and warning of potential failure would have been received still earlier. Thus it would be possible to begin the mandatory program as early as January 1 of the year following the year in which the voluntary effort failed, in the case of hospitals whose accounting year begins on January 1.

2. Percentage limitation on hospital inpatient revenues. The mandatory program, like the Administration's proposal, would impose a limit on the percentage increase that is allowed in each hospital's inpatient revenues, and the calculation would be on a per admission basis. The percentage limit would, like the limit in H.R. 9717, be equal to one and one-half times the percentage increase in the GNP deflator—a basic limit that would reflect general price trends in the economy.

3. Application of the limit. The percentage increase in inpatient revenues that would be allowed a hospital under the mandatory program would be calculated with reference to the hospital's base accounting year. This base year would be the hospital's accounting year two years prior to the accounting year in which mandatory constraints are applicable. In bringing this base year figure up to date, the calculation would use the hospital's actual revenues for the accounting year immediately preceding the accounting year in which the mandatory limit applies (but the minimum rate of increase used in the calculation for that year would be six percent, and the maximum rate used would be the rate that served as the total expenditure goal of the voluntary cost containment effort for the calendar year in which the hospital's accounting year began).

This base period and updating method is designed to avoid two problems. First, use of a relatively recent base year avoids the inequities that could result from a base period far in the past. Second, it responds to concern about the possibility that, anticipating failure of voluntary cost containment, some hospitals might attempt to increase their revenue base (against which mandatory percentage limits would be applied), thus frustrating the purpose of the voluntary effort.

As in H.R. 9717, the limits would apply to short-term community hospitals only; psychiatric hospitals would be excluded; also excluded would be hospitals heavily engaged in serving HMO's, small hospitals that are sole community providers and Shriners hospitals.

4. Adjustments and Modifications. The volume load adjustment—which recognizes changes in the annual number of hospital admissions since the hospital's base year—would be patterned on H.R. 9717. This would provide special recognition of unique situations facing hospitals in growth areas. small hospitals, hospitals that contract with HMO's, and problems that might otherwise arise because a hospital enters into approved shared service arrangements or because of the closing of another hospital in the community.

As in H.R. 9717, the revenue limit could be adjusted to offset changes resulting from a significant increase in coverage by a third-party cost payer, or from shifts among payers that result in a sizeable revenue loss. Hospitals could elect, as in H.R. 9717, to pass through wage increases for nonsupervisory workers.

5. Exceptions to the limit. As in the Administration bill and H.R. 9717, the Secretary could grant exceptions to the revenue limits where a hospital's volume load has increased by more than 15 percent, or where a hospital has undertaken major approved changes in facilities or services. These exceptions could be granted where the hospital demonstrates a current ratio of assets to liabilities of no more than two to one (excluding restricted and designated grants, gifts and income and depreciation funds required to be held in reserve as a condition of a loan). A hospital in a growth area or one in which another hospital has closed would not need to meet the current ratio test to obtain an exception for volume increases above 15 percent or for a substantial change in capacity.

6. Enforcement. If a mandatory program takes effect, it would be enforced, as in H.R. 6575 and H.R. 9717, through disallowing excess reimbursement under medicare and medicaid and by subjecting excess revenues paid by cost payers or received by the hospital to a 150 percent tax. The tax would not be imposed on a hospital that placed the excess revenue in escrow until it had incurred a shortfall in allowable charge revenue equal to the amount of excess previously acquired. As in H.R. 9717, the tax and escrow requirements would not be applied to excess revenue from charges in the first year of the mandatory program if the hospital met the two-year limitation by the end of the second year of the program.

7. Exemptions for hospitals in certain states. If the mandatory Federal program goes into effect, the Secretary would exempt (as under H.R. 9717) hospitals in States that have an effective program of hospital cost containment. The mandatory State program would need to apply to at least the hospitals covered by the Federal program and would need to demonstrate a capacity to contain inpatient revenue increases within a range of not less than the rate of increase in the GNP deflator nor more than 120 percent of the basic inpatient hospital revenue increase limit.

8. Other medicare amendments. Included in the proposal are other amendments added by the Subcommittee on Health and the Environment of the Committee on Interstate and Foreign Commerce which relate to a great extent to the medicare program. Some of these provisions previously have been the subject of discussion within the Committee on Ways and Means. One provision would require common audits of hospitals by medicare and medicaid to reduce the administrative burden on facilities as well as reduce program costs. A similar proposal was made in the Administration's FY 1979 budget.

Also, commissions, finder's fees, and rental or lease arrangements which are percentage based would not be allowed for medicare and medicaid reimbursement. Amounts paid on a percentage basis to hospital-based physicians under medicare and medicaid would be limited to reasonable maximum amounts.

Finally, small rural hospitals could use beds in the facility on a swing basis as long-term care beds or hospital beds, as needed.

HEW PLAYING A "NUMBERS GAME" WITH PUBLIC EDUCATION IN NORTH CAROLINA

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

Mr. PREYER. Mr. Speaker, my State of North Carolina for many years now has made quite an effort on behalf of public education. This has been true in primary and secondary education and it has been

true in higher education. In a number of years we have ranked in the top 10 States in the Nation in the measurement of State support of public education.

For this reason the action of the Secretary of Health, Education, and Welfare in rejecting North Carolina's plan for ending the vestiges of segregation in higher education has been especially disheartening.

This week I have written a column for the newspapers in my district commenting on this matter. It follows:

RICHARDSON PREYER COLUMN

The ideal of improving higher education opportunities in North Carolina is supported by most of the State's citizens. In recent years they have devoted a considerable amount of their tax dollars towards that effort.

However, the accomplishments made in pursuing this ideal are threatened today by the unreasonable attitude of the Department of Health, Education, and Welfare.

In response to a court suit against our State and several others, HEW has demanded of North Carolina the acceptance of some guidelines that would threaten both the integrity of our university system and would endanger the kind of education that most of us want for our children—whether they be black or white.

What has happened is that several groups who believe that we have not acted quickly enough to do away with the old segregated system of higher education went into federal court in the District of Columbia and sued North Carolina, Virginia, Georgia, Arkansas, Florida and Oklahoma. They asked the federal judge to order the Secretary of HEW to require those states to take whatever steps are necessary to do away with the old system.

The Secretary and his staff have spent many months talking with the officials of these systems and have now announced that they believe Arkansas, Oklahoma, and Florida have developed plans that are satisfactory. They say they do not believe the North Carolina plan is acceptable and have reported this to the court.

I think they are wrong.

North Carolina has a commitment to public education that is at the very heart of our character as a state. When other states burned crosses in the years after the Civil War, we built schools.

It would be dishonest to say that we built them equally well for all our citizens. We did have a segregated system, and unfortunately, many of our black citizens pay the price for that discrimination today.

Yet we cannot undo those mistakes of the past by committing new mistakes. If our state is required to adopt educational policies that are wrong, we will have built a sorry monument to the dreams and aspirations of the many North Carolinians—black and white—who have struggled so hard, first to build our system of higher education, and then to make it open to all our citizens.

The Department of HEW has a responsibility to see that the tax funds of our citizens are not being used to discriminate against any one or any group of them. That is not the issue in this controversy, however. The controversy has become one of formulas, a kind of numbers game in which constructive desegregation goals have been bypassed by HEW in favor of strict quotas and by the unwarranted instrusion of the federal bureaucracy into educational planning that would be costly. The greatest cost will be the loss of the kind of good will we need if we are to work and live and learn together as a state.

I hope the people of North Carolina will keep their heads in this controversy; the facts are on our side.

We should stand our ground and insist that we be allowed to run our state system of higher education ourselves.

We need to keep it on a steady path so that all of our children may realize their full potential.

We should never let anyone change the emphasis from people to numbers.

THE MIDDLE INCOME STUDENT ASSISTANCE ACT

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

Mr. FORD of Michigan. Mr. Speaker, I am today introducing the Middle Income Student Assistance Act (MISAA), a major new proposal announced by President Carter this morning. This legislation will be a tremendous help for students from hard-pressed, working-class and middle-income families who want to go to college. It is the biggest education initiative for middle-income families since the enactment of the GI bill after World War II.

The Middle Income Student Assistance Act is a $2 billion package to provide new funds for an expand several existing student aid programs. It is designed to get more dollars to middle-income families with college students and, at the same time, it protects and even increases, funds now available to low- and lower-middle-income families.

In fiscal year 1979, the administration proposes to provide an additional $1.21 billion for student assistance for middle-income families over the President's original budget request.

The Middle Income Student Assistance Act will guarantee for the first time that students from families with incomes of up to $25,000 can receive a minimum $250 grant each year for their college education. This provision alone assures that students from 75 percent of families with college-age children will be eligible for a basic grant. The number of students currently eligible for these grants would increase by more than 50 percent—from an estimated 2.2 million to a total of 5.3 million.

It also greatly improves the opportunity for independent students working to support themselves to get through school. By liberalizing the treatment of their income and assets when determining their need, many of these students who previously were not qualified will receive a grant. Many more independent students who now qualify will receive increased funds.

The MISAA plan will give a single independent student earning $4,200 a year a grant of $1,200. Under the present system, he receives nothing.

A divorced parent with a poverty level income and less than $6,000 equity in a small home receives no assistance at the present time from basic grants. With MISAA, this student would receive a grant of $1,800.

This proposal raises the income limit on interest-subsidized guaranteed loans from $30,000 to $45,000. This will permit middle-income families access to immediate cash to help with college bills. A student can borrow up to $2,500 a year and pay no interest while he or she is in school.

As a result, educational expenses not covered by grants or other forms of aid can be met with a subsidized, long-term loan.

It is our expectation that the changes we propose will make participation in the guaranteed student loan program attractive to banks and other lenders and make more capital available for student loans. These changes will make the guaranteed student loan program a reality, instead of something you read about in Government pamphlets but cannot get at your local bank.

Mr. Speaker, with the changes made under this proposal, an estimated 260,000 new loans can be made to students with family income above $16,000, almost doubling the number of loans available to students in this family income bracket.

Mr. Speaker, the MISAA proposal would also provide for an additional $150 million for the college work-study program. This increased funding will provide work opportunities for as many as 280,000 new students. As a result, over a million students who want to help with the cost of going to college will be now provided with part-time jobs. The MISAA proposal will bring up the college work-study to its maximum level for the first time.

Mr. Speaker, as I began my remarks, I mentioned that this was a $2 billion proposal and that it contained $1.2 billion in new funds over and above the President's original request for fiscal year 1979. As my colleagues know, President Carter specified this morning at the White House exactly how these funds should be committed. While we may have a little flexibility, especially with the funds aimed at the campus-based programs, I feel that the President's proposal is an excellent one.

With respect to the additional $800 million which we hope will be forthcoming in fiscal year 1980, there will be ample time to determine how these funds might best be used to provide middle and lower middle income students with greater access to postsecondary education and greater flexibility in choosing the type of school to attend as we work with this administration in reauthorizing all the Higher Education Act programs next year.

However, since there are no provisions in the bill I am introducting today to increase the funding of the supplemental educational opportunity grant program for fiscal year 1979, we have included a provision to increase the guaranteed funding level of this program to $450 million in fiscal year 1980. The guaranteed level is presently $130 million.

Mr. Speaker, in announcing this program today, President Carter made it clear that the Middle Income Student Assistance Act is an alternative for tuition tax credits. It is a much better way to help working class and middle-income families meet their higher education needs.

Secretary Califano stated at the White House press conference that this

balanced program "is a far fairer and far more sensible way to provide financial assistance to middle-income families with heavy college expenses than, as some have proposed, through a tuition tax credit."

Let us look first at the cost of the two major tax credit proposals and at the beneficiaries. Then we can compare that to the Middle Income Student Assistance Act.

According to the Congressional Budget Office, one of the proposals providing an eventual credit of $500 for postsecondary education tuition will cost a minimum of $2.5 billion. This tax proposal would be giving a $25 million tax break to families with incomes of $100,000 or more. Almost $600 million in benefits would go to families with incomes of $30,000 or more.

Under this tuition tax credit proposal, more of the benefits would go to families in the $30,000 to $50,000 income bracket ($432 million) than to families in the $15,000 to $20,000 bracket ($416 million).

It would further give a $25 million tax break to the over $100,000 income families but only $16 million to people with income from $0 to $5,000.

Another major tax credit proposal providing a $500 credit for postsecondary, elementary, and secondary tuition has been estimated to cost up to $6 billion. A draft analysis done by the Congressional Budget Office predicts that almost 25 percent of the benefits of that bill would accrue to families in the over $40,000 income category. Over 60.3 percent of the total benefits would go to families with incomes in excess of $25,000.

Let us compare that to who benefits from an expanded basic educational opportunity grant program. A Congressional Budget Office report prepared at my request tells us that a full 72 percent of the benefits of an $800 million expansion of basic grants would be to families with incomes between $10,000 and $25,000. And we all know that the majority of the remaining benefits from such an expansion will be going to low- and lower-middle-income families.

Mr. Speaker, with college bills ranging between $2,000 and $7,000, a $250 tax credit would give the middle-income or low-income families very little real help in meeting the bills. It would not reduce the out-of-pocket expenses to pay immediate bills because the money would not be there until the income tax returns are filed the next spring. In fact, in many cases, there would be no cash even then—the tax liability would be reduced.

Furthermore, Mr. Speaker, a flat, uniform tax credit for everyone, regardless of wealth, not only undermines the need-based student aid strategy which has always been part of the Federal educational policy, but it also flies in the face of our Federal tax structure.

Mr. Speaker, as I said at the White House press conference this morning, the President and the Secretary of Health, Education, and Welfare are to be commended for their sensitivity and concern for the burden facing working-class, middle-income people who struggle to provide their children with the opportunity for higher education. Their commitment is demonstrated by this proposal.

As chairman of the Subcommittee on Postsecondary Education, I will work with my colleagues on the subcommittee, the Committee on Education and Labor, and the chairman and members of the Committee on Human Resources in the Senate to insure speedy congressional action. In fact, with the cooperation of the chairman of the House Education and Labor Committee (Mr. PERKINS), the chairman of the Senate Committee on Human Resources (Mr. WILLIAMS), and the chairman of the Senate Subcommittee on Education (Mr. PELL), joint House-Senate hearings will be held tomorrow morning.

Mr. Speaker, I am happy to say that 26 of my colleagues have cosponsored this bill with me today. At this point, I would like to insert into the RECORD the names of my colleagues who have joined me as cosponsors and the text of the Middle Income Student Assistance Act.

COSPONSORS

Mr. Perkins, Mr. Thompson, Mr. Brademas, Mr. Quie, Mr. Buchanan, Mr. Hawkins, Mr. Phillip Burton, Mr. Clay, Mr. Biaggi, Mr. Ike Andrews, Mr. Blouin, Mr. Simon, Mr. Zeferetti, Mr. George Miller, Mr. Mottl, Mr. Austin Murphy, Mr. Heftel, Mr. Corrada, Mr. Kildee, Mr. Brodhead, Mr. Obey, Mr. Carr, Mr. Traxler, Mr. Blanchard, Mr. Diggs, and Mr. Goodling.

H.R. 10854

A bill to amend the Higher Education Act of 1965 to increase the eligibility of middle-income students for the various forms of student assistance available under such Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Middle Income Student Assistance Act of 1978".

SEC. 2. (a) Section 411(a)(2)(A)(i) of the Higher Education Act of 1965 is amended by inserting before the period at the end thereof the following: ", except that the amount of such grant shall not be less than $250 for any student whose annual adjusted family income (determined in accordance with regulations prescribed by the Commissioner) does not exceed $25,000".

(b) Section 411(a)(2)(B)(ii) of that Act is amended to read as follows:

"(ii) No basic grant under this subpart shall exceed whichever is the greater of—

"(I) the difference between the expected family contribution for a student and the actual cost of attendance at the institution at which that student is in attendance, or

"(II) $250.

If with respect to any student, it is determined that the amount of a basic grant plus the amount of the expected family contribution for that student exceeds the actual cost of attendance for that year, the amount of the basic grant shall be reduced until the combination of expected family contribution and the amount of basic grant does not exceed the actual cost of attendance, except that any reduction required by this paragraph shall not reduce the amount of any basic grant to less than $250: *Provided,* That in the case of a single independent student with no dependents, no basic grant under this subpart shall exceed the difference between the expected family contribution for a student and the actual cost of attendance at the institution at which that student is in attendance. If with respect to such single independent student, it is determined that the amount of a basic grant plus the amount of the expected family contribution for that student exceeds the actual cost of attendance for that year, the amount of the basic grant shall be reduced until the combination of expected family contribution and the amount of the basic grant does not exceed the actual cost of attendance at such institution.".

(c) Section 411(a)(2)(B) of that Act is amended by striking out subdivision (iii) and by redesignating subdivision (iv) as subdivision (iii).

(d) Section 411(a)(3)(C) of that Act is amended by adding at the end thereof the following:

"In addition, such regulations shall—

"(i) provide that the portion of assets which shall be exempt from assessment for contribution for an independent student who has one or more dependents shall be the same as the portion so exempt for the family of a dependent student;

"(ii) provide that the rate of assessment for contribution on that portion of assets of such an independent student which is not exempt under subdivision (i) shall be the same as the rate applied to the comparable portion of assets of the family of a dependent student; and

"(iii) in establishing a portion of effective family income which shall be exempt from assessment for contribution by reason of subsistence requirements of independent students who have no dependents, use the same method for computation of such portion for such students as is used for dependent students and for independent students who have dependents.".

(e) Section 411(b)(5) of that Act is amended by striking out "$237,400,000" in subparagraph (B) and inserting in lieu thereof "$600,000,000".

(f) Section 411(b) of that Act is amended by adding at the end thereof the following:

"(6) No payments may be made on the basis of entitlements established under this subpart during the fiscal year ending September 30, 1980, in which—

"(A) the appropriation for making grants under subpart 2 of this part does not at least equal $450,000,000; and

"(B) the appropriation for work-study payments under section 441 of this title does not at least equal $600,000,000; and

"(C) the appropriation for capital contributions to student loan funds under part E of this title does not at least equal $286,000,000."

(g) Section 415E of that Act is amended by striking out "$75,000,000" and inserting in lieu thereof "$100,000,000".

SEC. 3. Title IV of the Higher Education Act of 1965 is further amended—

(1) in section 428(a)(2)(B) by striking out "$25,000" each place it appears and inserting in lieu thereof "$40,000".

(2)(A) in section 438(b)(2)(A)(ii) by striking out "3.5 per centum from such average" and inserting in lieu thereof "3 per centum from such average during any period of repayment or subtracting 3.5 per centum from such average during any other period";

(B) in section 438(b)(2) by adding at the end thereof the following new subparagraph:

"(D) For purposes of subparagraph (A), the term 'period of repayment' means any period during which any installment of principal has become due in accordance with section 427(a)(2)(B) or 428(b)(1)(E) and such installment is not eligible for deferral pursuant to section 427(a)(2)(C) or 428(b)(1)(M).";

(3) in section 438(b)(2)(B) by striking out "(i)"; and

(4) in section 438(b)(2)(C) by striking

out the period at the end thereof and inserting in lieu thereof the following: "; or (ii cause such allowance to be less than 1 per centum for any such period, the special allowance rate to be paid for any such period shall be increased to the lowest one-eighth of 1 per centum rate which would not cause such difference.".

SEC. 4. (a) Section 1208 of the Higher Education Act of 1965 is amended by striking out ", part C of title VII," each place it appears in subsections (a) and (b).

(b) Section 1208(b) of such Act is amended by striking out "$215,000,000" and inserting in lieu thereof "$50,000,000".

IN SUPPORT OF THE CONSUMER REPRESENTATION AND REORGANIZATION ACT

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. DODD) is recognized for 5 minutes.

Mr. DODD. Mr. Speaker, I rise in support of H.R. 9817, the Consumer Representation and Reorganization Act, offered as a substitute to H.R. 6805, the Consumer Protection Act, by my distinguished colleague from Texas, Chairman BROOKS.

This substitute represents the last in a series of efforts by the bill's chief sponsors to take into account every conflicting viewpoint on this legislation and to work out what must be one of the greatest compromises in recent legislative history.

This bill has been pending in Congress for many years now, held up by the opposition of powerful business interests that have attempted to thwart its progress at every step of the process. Thus, I can only congratulate my colleagues from the Government Operations Committee, and in particular Chairman BROOKS, for their patience and their unfailing determination to bring to the floor a balanced piece of consumer legislation worthy of support by the majority of the Members of this House.

Despite the numerous modifications that this bill has undergone and despite the heroic efforts of its chief sponsors to meet the major criticisms directed against it, the bill continues to fuel a controversy that is wholly out of proportion with its scope and potential impact on the vested interests that oppose it.

A lobbying campaign equal only to that waged by the major oil companies during the consideration of the Outer Continental Shelf Lands Act amendments shows no signs of abating, and the distortions and misconceptions surrounding this bill appear to worsen as the debate goes on.

In point of fact, Mr. Speaker, what we have before us today is a bare bones bill, one that affords the millions of consumers in this country a very minimum of Federal support and representation when their interests are threatened by governmental proceedings and activities at the agency level. The Brooks substitute will very simply help to equalize what is currently a very unfair situation—one in which special economic interests are infinitely better equipped to advocate their positions before the Federal Government than the millions of consumers who are most likely to be effected by the actions ultimately adopted by the regulatory bodies and other Federal agencies.

H.R. 9817 would give the Office of Consumer Representation no more power than a private citizen to participate in agency proceedings or to seek court review. It does not give the OCR subpena power, and contains multiple weakening exemptions. It will however insure that the consumer viewpoint is represented, as it should be, in proceedings where the consumer interest is at stake.

We cannot fail to enact this legislation without failing to properly represent our very own constituencies, the American consumers who strongly support the enactment of this bill. I urge all of my colleagues to do the same, and to vote for passage of H.R. 9817 on the House floor today.

MIDDLE-INCOME STUDENT ASSISTANCE ACT

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, I am privileged to join my good friend and distinguished colleague, the gentleman from Michigan, the Honorable WILLIAM D. FORD, in cosponsoring the Middle-Income Student Assistance Act which is being introduced today. This major initiative, which was announced this morning by President Carter, was developed in close cooperation between Health Education and Welfare Secretary Joseph A. Califano and other officials of the administration and those of us in Congress with responsibility for higher education policy.

Mr. Speaker, I want particularly to commend Congressman FORD, the chairman of the Subcommittee on Postsecondary Education, for the outstanding leadership he has shown in developing this proposal.

Mr. Speaker, the student assistance programs of the Federal Government are based on the philosophy of helping students with financial need attend a college or university of their choice. It has become increasingly clear that it is not only students from low-income families who are hard pressed by college costs. Indeed, it is apparent that students from middle-income families are also having a difficult time meeting rising tuition charges.

Between 1967 and 1976, average college costs increased by 77 percent, and some colleges and universities now cost over $7,000 per year. While family incomes have also risen substantially, middle-income families have seen that part of their income available for college costs dwindle in the face of rampant inflation in health care, energy prices, and housing, among many other expenses. The dream of many hard-working and frugal middle-income families, that they will be able to send their children to college, is being called into question or will only be possible with extraordinary sacrifices.

The President's program and the legislation being introduced this afternoon to implement that program open wide again the door of opportunity for a higher education for students from middle-income families. I would emphasize that the President's program continues and, indeed, increases the support available to low-income students. Low-income students and their needs are in no way being sacrificed in order to provide assistance to students from middle-income families.

The program announced by President Carter today will provide $1.46 billion above the fiscal 1978 appropriations for a balanced package of grants, work study, and loans in fiscal 1979. This proposal means an unprecedented increase of almost 40 percent in the student aid programs.

The President is requesting an additional $1 billion for the basic educational grant program. These grants will be available to an additional 3.1 million students, more than doubling the number of basic grant recipients.

At least 2 million students from families in the $16,000 to $25,000 income range, who had not previously participated in the program, will receive basic grants.

All students from families with incomes of $25,000 or less will be guaranteed a $250 basic grant.

The maximum basic grant for students from low-income families will be increased from $1,600 to $1,800. The average grant for students from families with income between $8,000 and $16,000 will be increased by $200 to $1,050, and inequities in the treatment of self-supporting students will be eliminated.

Mr. Speaker, this legislation will also mandate an increase of $165 million over the fiscal year 1978 appropriation for the college work study program. These funds will provide work opportunities for as many as 280,000 additional students, of whom two-thirds will be from families with incomes above $16,000.

Mr. Speaker, the President's program also expands the guaranteed student loan program. Students from families with gross incomes of $30,000 or less are currently automatically eligible to obtain low interest, federally guaranteed loans, with the interest paid by the Federal Government while the student is in college. These subsidized loans will now be available to students from families with a gross income of up to $45,000. In addition, amendments in the loan program will provide increased incentives for lenders to participate in the program. These changes will address one of the major problems faced by potential student borrowers—the lack of sufficient lending capital for student loans.

Mr. Speaker, tuition tax credits, which have been advertised as relief for middle-income families, are a far less desirable and effective means of assuring access to higher education for students from middle-income families. Compared to the President's program, tax credits would be more expensive. They are untargeted, aiding those who do not need help as well as those who do; and they would have an inflationary impact on college tuitions.

Tax credits would have a particularly undesirable impact on the private sector of higher education. The President's balanced package, which provides assistance to students in relation to their need and

the cost of the institution they are attending, treats students at the private colleges and universities much more fairly.

The Middle Income Student Assistance Act makes necessary legislative changes to accomplish the President's program in fiscal 1979. I also anticipate another substantial increase in appropriations for student assistance in fiscal year 1980. My understanding is that an additional $800 million will be available for a further expansion of the basic grant program as well as for improvements in the campus-based student aid programs.

Thus, Mr. Speaker, we can look forward to a total increase for Federal student aid programs, of $3.2 billion in fiscal year 1980 over the fiscal year 1978 appropriations. This increase will almost double Federal student assistance within 2 years.

Mr. Speaker, I am confident that there is broad support for the President's program in all sectors of the higher education community.

The bill which Congressman FORD and I and others are today introducing will far more effectively than tuition tax credits, meet the needs of students from middle-income families in our country.

I hope that we will move expeditiously to bring this legislation to the President's desk.

THE DEFEAT OF THE BILL TO ESTABLISH AN AGENCY FOR CONSUMER PROTECTION

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 5 minutes.

Mr. SEIBERLING. Mr. Speaker, because of the action just taken by the House, this is, indeed, a sad day for the people of the United States. The very fact that over 220 Members of this House could vote against a bill to provide some assurance that the ordinary citizens' interests are going to be represented before agencies of the executive branch shows the need for some effective voice speaking for the unorganized mass of our people. The moneyed interests, and especially the huge business corporations of this country, can pay millions and millions of dollars a year to hire as many people as they need to represent their point of view before the agencies that regulate them. The very fact that they succeeded in defeating this bill as a result of one of the most massive lobbying campaigns in recent times shows their enormous power, for the latest polls show that the people of this country by a majority of 2 to 1 favor a consumer protection agency.

If I have learned anything in 7 years in Congress, it is the tremendous power of the moneyed interests to get their viewpoint across and the inability of the ordinary citizen to get his position and his needs represented before the executive branch. Oh, yes, he can talk to or write his Congressman and Senator, but that does not do him much good when the Nuclear Regulatory Commission, or the Civil Aeronautics Board, or the Interstate Commerce Commission, or the Federal Energy Regulatory Commission, or the host of others make decisions every day that can add billions to the people's utility bills or cost of medicines or groceries.

Some years ago, in the midst of an election campaign, my Republican opponent and I were debating various issues, and he started to lambaste me because I had voted for the then version of the Consumer Protection Agency bill. He said, "You know that the consumers are overrepresented and overprotected in this country and yet you voted for this bill and a lot of other pro-consumer bills. What do you say to that?" I turned to the audience—which was a rather good cross section of my community—and said "Well, everybody here is a consumer. How many of you feel overprotected? If you do, raise your hand." Nobody raised his hand. That was the last time he raised that issue.

So I will only add that I hope we can come up with some way of bringing this matter again to the floor a little closer to the election. If that happens, I suspect that, as the vision of the voters and the candidates gets sharpened by the proximity of election day, we will see quite a different result.

INTRODUCTION OF LEGISLATION TO AMEND TRUTH IN LENDING ACT

The SPEAKER. Under a previous order of the House, the gentlewoman from Maryland (Mrs. SPELLMAN) is recognized for 5 minutes.

Mrs. SPELLMAN. Mr. Speaker, why cannot contracts "talk" like we talk? Why cannot consumer agreements communicate at least some sliver of their meanings to the people who have to sign on the dotted line? Why cannot they be simply understandable instead of lengthy and legalistic?

The very fact that these questions have to be asked is the reason I am today introducing legislation to amend the Truth in Lending Act to require consumer agreements to be clear, coherent, and concise. To make them, in a word, "comprehensible." The law already requires that credit customers be given complete information about the cost of borrowing. But information is meaningless if it is couched in terms that only initiates can understand.

The argument is frequently made that simplified language is not sufficiently precise for legal instruments. I believe that quite the opposite is true. How many times have we read of cases where consumers were relieved of obligations when they could show they did not understand what they signed?

We tend to think that such things happen only when consumers are the victims of charletans and frauds. But the sad fact of the matter is that respected, responsible companies traffic in consumer confusion as a matter of course. Perhaps they are themselves victims—victims of regulatory excesses and technical complexity; victims of the "It's always been done this way" syndrome.

Clearly, when an eight-page regulation requires an eight-page explanation, as happened last year with the Federal Reserve Board and a regulation on the same Truth in Lending Act I seek to amend, something is most definitely askew. If "insiders" require that amount of explaining, how much would be needed to make the regulation understandable to the average citizen for whom the law was written in the first place? Ten pages? Twenty?

Why, when I sign a consumer contract, must I become the "undersigned?" Why cannot I say I? Or me? Or "the buyer?"

There is a homely old maxim that advises: "If it ain't broke, don't fix it." Plain, simple American English "ain't" broke. And even if it were, contractual gobbledygook hardly qualifies as the "fix" it would need.

Congress has struggled with this issue before, with mixed results. Indeed, each succeeding cure seems, eventually, to become worse than the disease.

My bill makes two basic points. The first one is: When in doubt, simplify. The second one is: When not in doubt, simplify anyway, for the simple sake of clarity. I believe this legislation is sorely needed, and I am certain many confused consumers agree with me. I hope my colleagues will as well.

BYRON'S REASONS FOR VOTING AGAINST PASSAGE OF H.R. 6805

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. BYRON) is recognized for 5 minutes.

Mr. BYRON. Mr. Speaker, I would like to take this opportunity to discuss my reasons for voting against the passage of H.R. 6805, the bill to establish an Office of Consumer Representation.

I agree with those supporting this bill that the interests of American consumers are not adequately represented in proceedings before Federal agencies. Efforts to give greater consideration to consumer interests in recent years have met with only modest success. I do not think, however, that the disappointments over the ineffectiveness of past and current efforts to increase consumer input into Federal executive branch decisionmaking necessarily leads one to conclude that we should absolve the Federal agencies of their obligations to consider the welfare of American consumers and thrust that burden on a small, underfunded, independent Office of Consumer Protection. I think such a course of action in the long run may prove to be counterproductive to the real interests of consumers.

Instead, it would be preferable to again try to improve the existing agencies by increasing their sensitivity to the effects of their decisions on consumers. To that end, I cosponsored the legislation offered as an amendment yesterday by Congressman DAN GLICKMAN of Kansas. This legislation, which unfortunately did not pass, would have established a Consumer Counsel in each of the Federal agencies and an Assistant Attorney General for Consumer Representation in the Justice Department. By drawing upon the expertise available in each of the departments, these consumer counsels could represent the consumer interest in a

much wider range of Federal decisions than an outside agency and could accomplish this job in a more cost-effective manner.

I have also introduced H.R. 7954 and H.R. 8732, the Agency Responsiveness Act. This legislation seeks to improve the performance of each executive agency in responding to the inquiries and complaints of citizens. This bill would require each agency to establish procedures for the handling of citizen inquiries and directs that top agency officials give consideration to the nature of these inquiries when making administrative and policy decisions. Each agency would also be required to periodically report to Congress on the effectiveness of their complaint-handling procedures.

Apparently a large majority of the constituents I represent also do not believe that the establishment of an independent Office of Consumer Representation is a desirable way to represent consumer interests. Just last month I asked a question on this subject on a constituent questionnaire delivered to every household in central and western Maryland. The returns have been running approximatley 4 to 1 against the establishment of the Office of Consumer Representation.

I am sure that a majority of my constituents would agree with the persuasive arguments raised yesterday in a Washington Post editorial, which I would like to include in the RECORD at this point.

REPRESENTING CONSUMERS

After much maneuvering and many delays, the latest version of the consumer-agency legislation is scheduled to come before the House today. During earlier congressional go-rounds on the issue, we endorsed the creation of a new federal agency to represent consumers' viewpoints before regulatory bodies and in judicial reviews of regulatory decisions. But both the legislation and conditions have changed. In our view, the advocates of the current measure, H.R. 9718, have failed to make a persuasive case for enacting, now, what is left of the idea.

We are not primarily concerned about the powers or costs of the Office of Consumer Representation now proposed. The agency's authority has been substantially cut back, so that it would not have a general license to quiz companies or appeal any regulatory decision it didn't like. On the question of cost, the bill's sponsors maintain that the $15-million budget of the new agency would be more than offset by the transfer or elimination of existing consumer programs in over 20 agencies. We find the net-savings claim a bit hard to swallow. If the new office did turn out to be as aggressive as its sponsors plan, its budget would surely grow. Still, it could be worth much more than $15 million—if it were the best way to make federal regulatory bodies more sensitive to considerations such as cost, public health, safety and the other factors often cited as "consumers' " concerns.

That gets to the real problems with this bill. One is the assumption that consumers' interests are so clear, so consistent—and somehow so distinct from the general public interest. Consumer advocates argue, of course, that they do represent the general public. Yet the public interest, in the modern regulatory world, is usually more complex; it may involve balancing a given degree of safety against a certain increment of cost, or keeping down tomorrow's price increases without jeopardizing next year's supplies, or making a much more complicated type of accommodation among a hundred forces and factors bearing on the marketplace. Those who emphasize health or safety or retail cost should certainly be heard, along with those who have other priorities. But to enshrine any particular "consumer" viewpoint in a government advocacy office raises philosophical problems that trouble us.

Beyond that, what is the real purpose here? Surely it's not just to add another voice at agencies' hearings or another pile of briefs on commissioners' desks. One's aim may be "consumer justice," as Mark Green puts it on the opposite page today, or a better grasp of the public interest in all its complexities. In either case, experience suggests that the most productive course is to change the character of the regulatory agencies themselves.

This may sound like a hopeless task. But the Federal Trade Commission, for one, made notable progress even during the Nixon-Ford years when most presidential appointments and executive-branch attitudes were inclined to favor corporate views. Since President Carter took office, some excellent appointments and a real shift in government attitudes have greatly improved the prospects for real regulatory reform. Thus there is much less need for any separate intervenor with limited powers—and much more reason for Congress to set this idea aside and concentrate on helping improve the regulatory agencies themselves.

ECONOMIC MYTHS ABOUT ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the Subcommittee on General Oversight and Alaska Lands has now completed its work on H.R. 39, and has reported to the Committee on Interior and Insular Affairs a revised version of this bill, the Alaska National Interest Lands Conservation Act, sponsored by Mr. UDALL and many other Members.

As this important conservation measure moves forward, Congress will no doubt be bombarded with allegations that it would "lock up" vital mineral resources and in other ways spell economic trouble. Of course, the truth is that this is an "unlock" bill and, further, by ending the uncertainty as to the status of Federal lands in Alaska and accelerating the transfer of land to the State and the Native corporations, will remove the major roadblocks to the economic development of Alaska.

One of the best analyses of the economic implications of this legislation to date appeared in the Anchorage Daily News for January 9, 1978, in an article by Mr. Benjamin A. Shaine. Mr. Shaine, who himself has led an important study team considering proposals for Alaska lands, draws upon recent studies by the State of Alaska, the Federal-State Land Use Planning Commission for Alaska, and work done for the Office of Technology Assessment.

Mr. Shaine points to several outstanding facts:

First, Alaska is becoming wealthy and the state's wealth is coming from oil.

Second, the state and the Natives are selecting most of the economically valuable lands. The boundaries of parks and refugees are drawn around most areas of high potential for minerals, timber or agriculture.

Third, national needs for energy and materials are not affected by [the] proposals.

Fourth, [the] proposals will not put people out of work.

Fifth, [the] proposals will not block access to private and state land.

Sixth, in times of real need [the] areas can be opened to development.

The text of Mr. Shaine's article follows these remarks.

[From the Anchorage Daily News, Jan. 9, 1978]

SORTING OUT D–2 FACTS, ECONOMICS

(By Benjamin A. Shaine)

For the Alaska Center for the Environment

Probably most of us have three concerns about land in Alaska:

As Alaskans, we feel a particular kinship to nature and the wilderness. At the same time, most of us depend on resource management or development activities for a living. Third, along with other citizens of the United States we worry about supplies of oil and other materials we use. We know that commodities from our state are becoming nationally important. Given these concerns, how should we feel about the d-2 proposals for parks, refuges and wilderness areas?

Our newspapers and radio have spread the word that environmentalist d-2 proposals threaten our economic well-being. Oil companies, for example, have printed large ads in The Daily News and other papers implying that federal withdrawals will lock up vast energy, mineral, and agricultural resources. Are they right?

Fortunately, we can look at several new reports on the subjects. The two best are by the Federal-State Land Use Planning Commission and by the State of Alaska. Both studies are objective; neither of these institutions is a promoter of the larger d-2 lands proposals. The commission study by Dr. Brandford Tuck is carefully researched, summarizing federal Bureau of Mines analyses, University of Alaska publications, and other sources. The state study was prepared to help in locating valuable lands for state selection—the d-2 analysis is only a by-product.

Several facts stand out when we read these reports:

First, Alaska is becoming wealthy, and the state's wealth is coming from oil. Prudhoe Bay and most of the potential onshore oil lands are owned by the State or by the private Native corporations. Most of the offshore petroleum is or will be leased by the federal government to private companies. Even the Udall and Carter d-2 proposals would restrict development of less than a fifth of the onshore resources. They would have almost no impact on the offshore areas.

New jobs and economic growth come primarily from state spending of tax and royalty dollars obtained from the oil industry. The future of the oil industry has next to nothing to do with d-2.

Second, the state and the Natives are selecting most of the economically valuable lands. The boundaries of parks and refuges are drawn around most areas of high potential for minerals, timber or agriculture. Five-sixths of Alaska's more valuable mineral lands will remain open to development, for example, even if the Udall bill, H.R. 39, passes Congress in its present form. Less than a fifth of Alaska's commercial timber is included in d–2 proposals. Of agricultural lands ranked in the top tenth percentile, three quarters are in State or Native ownership. None are included in H.R. 39.

Third, national needs for energy and materials are not affected by d–2 proposals. Alaska parks, refuges and wilderness areas would cover less than five percent of the nation's stock of resources including oil, gas, hard-rock minerals, and timber. Because of high costs, few large mines are expected to open in Alaska for decades or longer, regardless of d–2 withdrawals.

Fourth, d–2 proposals will not put people

out of work. None of the state's major employers will be forced to curtail activities. The Forest Service calculates for example, that H.R. 39 will not affect existing timber industry jobs in the Southeast region.

Fifth, d–2 lands will not block access to private and state land. I recently participated in a workshop that reviewed maps prepared for the Congressional Office of Technology Assessment with the help of experts from the minerals industry. We found surprisingly few places where transportation might cross d–2 lands to reach non-federal mineral deposits. Where there were conflicts, alternative routes appear available. Furthermore, H.R. 39 now includes a provision for opening d–2 areas to access corridors in cases of national need. This procedure is similar to the process recently used successfully in determining the routing of the gas pipeline.

Sixth, in times of real need the d–2 areas can be opened to development. As a result of the hearings in Alaska and across the country last summer, H.R. 39 has been modified. One of the changes to allow mining in some of the more promising areas if in the future Congress and the President find it necessary.

We can conclude that the d–2 question has little or nothing to do with Alaska's economy, growth, jobs, or contribution to national material needs.

BLACK FILMMAKERS AWARDS CEREMONY

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, it is with great pleasure that I share with my colleagues in the House of Representatives information concerning the fifth annual Oscar Micheaux awards ceremony which will be held at the Paramount Theatre of the Arts in Oakland, Calif., on Sunday, February 19, 1978. This event which is sponsored by the Black Filmmakers Hall of Fame, is significant nationally in that it continues a tradition of honoring the significant contributions of blacks to the film industry.

The Black Filmmakers Hall of Fame was established to study, teach, and preserve the contributions of black filmmakers to American cinema, and to serve as a museum, library, theater, archive, and production center for the community, State, and Nation. Since 1974, 67 of the brightest and most accomplished actors, actresses, producers, directors, and writers have been inducted into the hall of fame.

The theme of this year's program is "The Black Musical Presence in Cinema." Sidney Poitier and Brock Peters, honorees of former years' ceremonies, are cochairmen for the fifth anniversary celebration. Among this year's honorees will be such illustrious names as Nina Mae McKinney, Bill "Bo Jangles" Robinson, Hazel Scott, William Count Basie, Bennett L. Carter, Ella Fitzgerald, and Nat King Cole. We are proud to inform the Congress of this event, and to commemorate the occasion by this notation in the CONGRESSIONAL RECORD.

ALAN BARTH ON GUN CONTROL

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, 13 years ago, on February 9, 1965, an extraordinarily gifted journalist, Alan Barth, began to write an extraordinary series of editorials in the Washington Post. For a period of 11 full weeks, an editorial urging gun control written by Mr. Barth appeared every single day in the Washington Post.

Over the coming weeks, I would like to share periodically with my colleagues all of the editorials penned by Mr. Barth more than a decade ago. A purpose for doing so is to remind all of us again, as Mr. Barth attempted to do in the winter and spring of 1965, that handgun-related crime and violence are serious national problems which require congressional action.

I think you will find that Mr. Barth's editorials are disturbingly relevant to today's problems, even though they were written 13 years ago. Then, as now, the vast majority of Americans favored stronger gun control laws. Then, as now, Congress appeared to give its ear to the strident voices of the National Rifle Association and refused to pass stronger gun control laws.

While much has remained the same over the last 13 years, much has changed, too. The number of handguns produced each year has more than doubled since 1965—2 million new handguns now go into circulation each year and the total now in circulation is more than 40 million. Handguns homicides have increased fivefold since 1965. In fact, during the decade of the Vietnam War, more Americans were killed by handguns in the United States than were killed in that tragic war.

But those statistics reveal only a part of the changing scene since Mr. Barth tried to prod us all into corrective action. Those statistics have also cast a giant shadow on our city streets and neighborhoods. For it was during the period of soaring handgun production and handgun violence that our cities began to decline as places where people could live, work and play without fear of handgun violence or the threat of such violence.

Mr. Barth's editorials, in short, are even more timely now than when they were first published. Mr. Speaker, at this time, I would like to share with my colleagues four of Mr. Barth's editorials.

[From The Washington Post, Feb. 9, 1965]

AMATEUR COPS

"A policeman's lot" as W. S. Gilbert observed long ago, "is not a happy one." It is full of danger, and ordinary citizens would do well not to imitate it without a policeman's training and equipment. As officers of the Metropolitan Police Department put it the other day in advice to some aroused and anxious Northwest residents, a citizen can help catch a thief better by calling police than by playing policeman.

Gun lovers are fond of telling people that they can protect their homes by keeping loaded guns on hand. We consider the counsel extremely dubious. It may succeed in killing or capturing an intruder. But experience indicates that it is much more likely to end in getting shot oneself, or in killing a member of the family mistaken for a marauder—or in the kind of tragedy reported every day resulting from someone's picking up the gun and not knowing it was loaded.

We would all be a great deal better off if nobody had guns except the police. It would be a help at least if possession of them could be confined to those who have demonstrated by test that they know how to use them.

[From the Washington Post, Feb. 10, 1965]

GUN SHY

The Gallup Poll has a message for the National Rifle Association. The message is a very clear and simple one: 73 per cent of the American people (this means approximately three Americans out of every four) would favor a law requiring a police permit to purchase a gun. We'll give the NRA the precise language of Dr. Gallup's question: "Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?" This is a question about as free from ambiguity as anything of the sort can be. Seventy-three per cent favor such a law. Twenty-three per cent oppose it. Four per cent ventured no opinion.

A police permit requirement need not interfere in any way with possession of a gun by rational, adult, law-abiding persons. The conditions for issuing a permit should be fixed by law; and any refusal of a permit could be appealed to a court. The law would serve simply to keep guns away from juveniles, drug addicts, the mentally ill and those convicted of a felony. It would serve also to make every gun owner register his weapon and be responsible for disposition of it—for any injury it might do to others. It would make unregistered and unlicensed possession of firearms a crime and so help the police to disarm the lawless and the irresponsible.

Such regulation in the public interest would seem to us to be simple common sense—like regulating the ownership and use of automobiles. It could be accomplished best by state laws supplemented by a Federal enactment forbidding the shipment in interstate commerce of any firearm in violation of local regulations. A great many innocent lives will be spared if so simple and sensible a control system is adopted.

[From the Washington Post, Feb. 11, 1965]

HANDS UP!

Sen. Thomas J. Dodd, ordinarily a patient man, has threatened an investigation "to identify and expose the activities of the powerful lobbyists who have successfully stopped gun legislation from being passed in every Congress." We trust the Senator will press this investigation relentlessly. It should be most interesting.

We cannot say with certainty, of course; but we suspect the Senator will find out that the "powerful lobbyists" occupy a magnificent new multi-storied structure at Scott Circle, that they publish an "official journal," or magazine, full of mail order firearm advertisements which goes out to their 600,000 members organized into thousands of "affiliates" or rifle clubs, that they have an annual income or "take" of something like $4 million. We think, too, that if the Senator is ruthless enough in his inquiry, he will learn that the "powerful lobbyists" have an organization called something like the "Natinl R-fl- Ass-ci-ti-n."

Senator Dodd may find out to his surprise, however, that they are in no sense of the term a "lobby." In 1963, it is true, they spent, according to their own anual report, $144,459 to inform their members "about proposed anti-gun laws" so that they could be "alert" to "act quickly and decisively, in a well-organized manner, to defeat such threats" to the right to "keep and bear arms."

However, they do not register under the Federal Regulation of Lobbying Act because their stated purpose is not to influence Con-

gress but merely to "inform" or "educate" their own members and the public. So Senator Dodd may find himself in something like the situation of a fellow shooting at clay pigeon with blank ammunition.

[From the Washington Post, Feb. 12, 1965]

INSANITY

A 42-year-old man was charged with attempted murder the other day after his wife was shot during an argument in their Arlington, Va., home. Police found a sales slip for a .38-caliber revolver purchased the day before the shooting at a Silver Spring surplus store. Does it make sense to equip a man for murder, to put into unknown hands, without question or discrimination, so deadly an instrument, fashioned cunningly to kill and useful for no other purpose?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. COTTER (at the request of Mr. WRIGHT), for Tuesday, February 7, on account of inclement weather conditions.

Mr. BINGHAM (at the request of Mr. WRIGHT), for February 8 and 9, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COLEMAN) to revise and extend their remarks and include extraneous material:)

Mrs. SMITH of Nebraska, for 5 minutes, today.

Mr. BOB WILSON, for 5 minutes, today.

Mrs. HECKLER, for 5 minutes, today.

(The following Members (at the request of Mr. GINN) to revise and extend their remarks and include extraneous material:)

Mr. NOLAN, for 5 minutes, today.

Mr. ASHLEY, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 60 minutes, today.

Mr. PREYER, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. SEIBERLING, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ASHBROOK, to include extraneous matter during debate on the bill H.R. 6805.

(The following Members (at the request of Mr. COLEMAN) and to include extraneous matter:)

Mr. FORSYTHE.

Mr. CRANE.

Mr. FINDLEY.

Mr. LENT in two instances.

Mr. DORNAN.

Mr. KEMP in two instances.

Mr. BROYHILL.

Mr. SHUSTER.

Mr. BOB WILSON in two instances.

Mr. MCCLOSKEY.

(The following Members (at the request of Mr. GINN) and to include extraneous matter:)

Mr. ROE.

Mr. PANETTA.

Mr. MILFORD.

Mr. SATTERFIELD.

Mr. WON PAT.

Mr. FRASER in two instances.

Mr. CHARLES H. WILSON of California in two instances.

Mr. WAXMAN.

Mr. SISK.

Mr. CLAY.

Mr. GLICKMAN.

Mr. BRODHEAD.

Mr. HANLEY.

Mr. BEARD of Rhode Island.

Mr. MAGUIRE.

Mr. GEPHARDT in two instances.

Mr. HAMILTON.

Mr. HOLLAND.

Mr. MCKAY.

Mr. MCDONALD.

Mr. LEGGETT.

Mr. EILBERG.

Mr. HAWKINS.

Mr. BREAUX.

ADJOURNMENT

Mr. GINN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 20 minutes p.m.), the House adjourned until Thursday, February 9, 1978, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3205. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1979, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, to authorize the military training student loads, and to authorize appropriations for civil defense, and for other purposes; to the Committee on Armed Services.

3206. A letter from the Secretary of the Navy, transmitting the annual progress report for fiscal year 1977 on the Naval Reserve Officers Training Corps Flight Instruction Program, pursuant to 10 U.S.C. 2110(b); to the Committee on Armed Services.

3207. A letter from the Secretary of Agriculture, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3208. A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to authorize $8,868,000 for grants to the government of Guam for construction of Public facilities, and for other purposes; to the Committee on Interior and Insular Affairs.

3209. A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to authorize the appropriation of funds for the rehabilitation and resettlement of Bikini Atoll, Trust Territory of the Pacific Islands, and for other purposes; to the Committee on Interior and Insular Affairs.

3210. A letter from the Deputy Assistant Secretary of the Interior, transmitting the financial statements and annual report of the Colorado River Basin project for fiscal year 1977, pursuant to section 404 of Public Law 90–537; to the Committee on Interior and Insular Affairs.

3211. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of proposed supplemental manufacturing licensing agreements between United States and French firms for the joint design, development, and production of certain military equipment (MC–4–78), pursuant to section 36(d) of the Arms Export Control Act; to the Committee on International Relations.

3212. A letter from the Chairman, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, transmitting the Commission's report and recommendations on research involving those institutionalized as mentally infirm, pursuant to section 204(d) of Public Law 93–348; to the Committee on Interstate and Foreign Commerce.

3213. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

3214. A letter from the Secretary-Treasurer, Congressional Medal of Honor Society of the United States of America, transmitting the annual financial report of the Society for calendar year 1977, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

3215. A letter from the Chairman, Marine Mammal Commission, transmitting the fifth annual report of the Commission, covering calendar year 1977, pursuant to section 204 of Public Law 92–522; to the Committee on Merchant Marine and Fisheries.

3216. A letter from the Chairman, International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1979; to the Committee on Ways and Means.

3217. A letter from the Comptroller General of the United States, transmitting a report on the use of light-weight nuclear reactors for future naval ship propulsion (PSAD–78–74, February 8, 1978); jointly, to the Committees on Government Operations, and Armed Services.

3218. A letter from the Comptroller General of the United States, transmitting a report on development of secure voice systems for defense and civil agencies (LCD–78–105, December 30, 1977); jointly, to the Committees on Government Operations, and Armed Services.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DRINAN (for himself, Mr. COHEN Mr. CORNWELL, and Mr. MOFFETT):

H.R. 10829. A bill to provide additional assistance to small business concerns in acquiring procurement information and contracts from the United States; to the Committee on Small Business.

By Mr. McCORMACK (for himself, Mr. TEAGUE, and Mr. GOLDWATER):

H.R. 10830. A bill to provide for an accelerated program of research, development and demonstration of solar photovoltaic energy technologies leading to early competitive commercial applicability of such technologies to be carried out by the Department of Energy, with the support of the National Aeronautics and Space Administration, the National Bureau of Standards, the General Services Administration, and other Federal agencies; to the Committee on Science and Technology.

By Mr. EDWARDS of California:

H.R. 10831. A bill to extend the Commission on Civil Rights for 5 years, to authorize appropriations for the Commission, to effect certain technical changes to comply with other changes in the law, and for other purposes; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 10832. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. FRASER (for himself and Ms. KEYS):

H.R. 10833. A bill to amend title XX of the Social Security Act to increase the entitlement ceiling; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, Mr. BAUCUS, Mr. CORCORAN of Illinois, Mr. ERTEL, Mr. EVANS of Georgia, Mr. HARSHA, Mr. JENRETTE, Mr. KINDNESS, and Mr. ROE):

H.R. 10834. A bill to amend the Agricultural Act of 1949, as amended, with regard to disaster payments for wheat and feed grain producers; to the Committee on Agriculture.

By Mr. HYDE (for himself and Mr. TREEN):

H.R. 10835. A bill to amend title 18, United States Code, relating to the production of false documents or papers of the United States, and the use of false information in obtaining official documents and papers or the United States, involving an element of identification; to the Committee on the Judiciary.

By Mr. HYDE (for himself, Mr. DORNAN, Mr. GRASSLEY, Mr. KELLY, Mr. LAGOMARSINO, Mr. LUKEN, Mr. THONE, and Mr. YOUNG of Missouri):

H.R. 10836. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

By Mr. HYDE (for himself and Mr. CRANE):

H.R. 10837. A bill to amend the Internal Revenue Code of 1954 to allow individuals to designate $1 of their income tax liability to be used for purposes of reducing the public debt of the United States; to the Committee on Ways and Means.

By Mr. McCORMACK (for himself and Mr. FOLEY):

H.R. 10838. A bill to name the lake located behind Lower Monumental Lock and Dam, Washington, Lake Herbert G. West; to the Committee on Public Works and Transportation.

By Mr. MAGUIRE:

H.R. 10839. A bill to amend the Public Health Service Act to establish the National Institutes of Health Care Research; to extend and revise the assistance programs for health services research and health statistics; to establish the National Center for the Evaluation of Medical Technology, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MILFORD:

H.R. 10840. A bill to amend title 38 of the United States Code to provide that the Veterans' Administration will not deny financing assistance for the purchase of residential property solely because the property is located in an area identified by a Federal agency as an area subject to the highest noise-level resulting from the operation of aircraft at a nearby civilian or military airport; to the Committee on Veterans' Affairs.

H.R. 10841. A bill to provide that Federal assistance under the Federal Housing Administration will not be denied for housing solely on the basis that such housing is located in an area identified by a Federal agency as an area subject to the highest noise level resulting from the air transportation conducted in connection with the operation of a nearby civilian or military airport, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MINISH:

H.R. 10842. A bill to amend the Foreign Assistance Act of 1961 to provide for a reduction of the U.S. contribution to the United Nations; to the Committee on International Relations.

By Mr. OBERSTAR (for himself, Mr. WHITTEN, Mr. PRICE, Mr. SIMON, Mr. YOUNG of Missouri, Mr. BALDUS, Mr. BLOUIN, and Mr. GEPHARDT):

H.R. 10843. A bill to authorize access spurs for the Great River Road; to the Committee on Public Works and Transportation.

By Mr. PANETTA (for himself and Mr. KOSTMAYER):

H.R. 10844. A bill to provide that contracts for rental assistance payments under section 8 of the U.S. Housing Act of 1937 be administered by local public housing agencies whenever possible, to permit such agencies to manage section 8 housing and to give them control over the eviction of tenants, to provide for higher rents for units which are located in low vacancy areas or occupied by large families, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. QUILLEN:

H.R. 10845. A bill to amend title VIII of the Public Health Service Act to extend for 2 fiscal years the program of assistance for nurse training; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHULZE (for himself, Mr. ARCHER, Mr. BADHAM, Mr. BEVILL, Mr. CAPUTO, Mr. CEDERBERG, Mr. COUGHLIN, Mr. DORNAN, Mr. DUNCAN of Tennessee, Mr. GOODLING, Mr. HAGEDORN, Mr. HUCKABY, Mr. HYDE, Mr. KINDNESS, Mrs. LLOYD of Tennessee, Mr. MATHIS, Mr. MITCHELL of New York, Mr. MURPHY of Pennsylvania, Mr. PATTISON of New York, Mr. VANDER JAGT, Mr. WALKER, Mr. WALSH, Mr. CHARLES WILSON of Texas, Mr. WHITEHURST, and Mr. YOUNG of Alaska):

H.R. 10846. A bill to amend the Internal Revenue Code of 1954 to provide tax relief to small businesses; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 10847. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 10848. A bill to amend title XVI of the Social Security Act to provide that an individual who applies for SSI benefits on the basis of disability shall be considered presumptively disabled if he has received social security or SSI benefits as a disabled individual within the preceding 5 years; to the Committee on Ways and Means.

By Mr. WON PAT:

H.R. 10849. A bill to recognize the cultural tradition of the Pacific territories and possessions of the United States by allowing the possession of betelnut for personal use by residents of such territories and possessions; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRON:

H.R. 10850. A bill to assure that the Federal Government protects and serves the interests of consumers, and for other purposes; jointly to the Committees on Interstate and Foreign Commerce and the Judiciary.

By Mr. COHEN (for himself, Mr. CONTE, Mr. BAUCUS, Mr. CARR, Mr. COCHRAN of Mississippi, Mr. CORNWELL, Mr. EDWARDS of Oklahoma, Mr. FREY Mr. McCLOSKEY, Mr. O'BRIEN, Mr. OTTINGER, Mr. PURSELL. Mr. QUIE, and Mr. ZEFERETTI):

H.R. 10851. A bill to amend the Internal Revenue Code of 1954 to provide graduated corporate income tax rates; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. RINALDO, and Mr. VOLKMER):

H.R. 10852. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. HOLLAND:

H.R. 10853. A bill to amend the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. FORD of Michigan (for himself, Mr. PERKINS, Mr. THOMPSON, Mr. BRADEMAS, Mr. QUIE, Mr. BUCHANAN, Mr. HAWKINS, Mr. PHILLIP BURTON, Mr. CLAY, Mr. BIAGGI, Mr. ANDREWS of North Carolina, Mr. BLOUIN, Mr. SIMON, Mr. ZEFERETTI, Mr. MILLER of California, Mr. MOTTL, Mr. MURPHY of Pennsylvania, Mr. HEFTEL, Mr. CORRADA, Mr. KILDEE, Mr. GOODLING, Mr. BRODHEAD, Mr. OBEY, Mr. TRAXLER, and Mr. BLANCHARD):

H.R. 10854. A bill to amend the Higher Education Act of 1965 to increase the eligibility of middle-income students for the various forms of student assistance available under such act and for other purposes; to the Committee on Education and Labor.

By Mr. FORD of Michigan (for himself, Mr. PERKINS, Mr. THOMPSON, Mr. BRADEMAS, Mr. BRODHEAD, Mr. DIGGS, Mr. KILDEE, Mr. CARR, Mr. TRAXLER, and Mr. BLANCHARD):

H.R. 10855. A bill to amend the Higher Education Act of 1965 to increase the eligibility of middle-income students for the various forms of student assistance available under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. McKINNEY:

H.R. 10856. A bill to establish a commission to study the desirability of establishing a single intergovernmental authority to manage and finance the provision of mass transportation, air quality control, water, solid waste disposal, and sewer services in the Washington, D.C. metropolitan region; jointly, to the Committee on the District of Columbia, and Public Works and Transportation.

By Mrs. SPELLMAN:

H.R. 10857. A bill to amend the Truth in Lending Act to require that contracts and agreements respecting credit transactions subject to the act be written in clear and understandable language; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STEERS:

H.R. 10858. A bill to amend chapter 55 of title 10, United States Code, to provide additional dental care benefits under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); to the Committee on Armed Services.

By Mr. THORNTON (for himself and Mr. HOLLENBECK):

H.R. 10859. A bill to establish a materials policy for the United States, to promote a more effective materials research and development capability, and to provide an organizational structure for the effective application of such capability, and for other purposes; to the Committee on Science and Technology.

By Mr. TUCKER:

H.R. 10860. A bill to require that imported meat and meat food products made in whole or in part of imported meat be subjected to certain tests and that such meat or products be identified as having been imported; to require the inspection of imported dairy products and that such products comply with certain minimum standards of sanitation; to require that the cost of conducting such tests, inspections, and identification procedures on imported meat and meat food products and on dairy products, as the case may be, be borne by the exporters of such articles, and for other purposes; to the Committee on Agriculture.

By Mr. UDALL (for himself, Mr. SIMON, Mr. STEERS, Mr. BYRON, Mr. D'AMOURS, Mr. KILDEE, Mr. OTTINGER, Mr. MANN, Mr. MAZZOLI, Mr. MIKVA, Mr. JENRETTE, Mr. BEDELL, Mr. GIBBONS, Mr. CRANE, Mr. WEISS, Mr. FISHER, Mr. CLEVELAND, Mr. FITHIAN, Mrs. SPELLMAN, Mr. MURPHY of Pennsylvania, Mr. RYAN, Mr. GEPHARDT, and Mrs. KEYS):

H.R. 10861. A bill to amend title 5, United States Code, to promote proper and efficient activities of the Government, and to protect Federal employees disclosing situations in which such activities are not proper or efficient; to the Committee on Post Office and Civil Service.

By Mr. HANLEY:

H.J. Res. 729. Joint resolution to authorize and request the President to issue a proclamation designating the week beginning April 30, 1978, as National Small Business Week; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York (for himself and Mr. BREAUX):

H.J. Res. 730. Joint resolution to authorize the President to issue a proclamation designating the week beginning on April 16 through April 22, 1978, National Oceans Week; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE (for himself, Mr. GRASSLEY, Mr. BAFALIS, Mr. ARCHER, Mr. BROYHILL, Mr. BONIOR, Mr. MOTTL, Mr. DODD, Mr. MITCHELL of New York, Mr. GAMMAGE, Mr. DE LA GARZA, Mr. PICKLE, Mr. BROWN of Ohio, Mr. ROBERTS, Mr. HALL, Mr. BEARD of Rhode Island, Mr. BAUCUS, Mr. UDALL, Mr. CUNNINGHAM, Mr. CORNELL, Mrs. FENWICK, Mr. RINALDO, Mr. KRUEGER, Mr. KAZEN, and Mr. QUILLEN):

H.J. Res. 731. Joint resolution to designate May 21, 1978, as Firefighters' Memorial Sunday; to the Committee on Post Office and Civil Service.

By Mr. HANSEN (for himself, Mr. MURPHY of New York, Mr. JONES of Tennessee, Mr. FARY, Mr. HANNAFORD, Mr. WYDLER, Mr. SKELTON, Mr. WHITLEY, Mr. LUKEN, Mr. MCCLORY, Mr. HEFNER, Mr. BROOMFIELD, Ms. OAKAR, and Mr. CEDERBERG):

H. Con. Res. 474. Concurrent resolution expressing the sense of Congress with regard to the disposition by the United States of any right to, title to, or interest in the property of Canal Zone agencies and any real property located in the Canal Zone; to the Committee on Merchant Marine and Fisheries.

By Mr. DELANEY (for himself and Mr. QUILLEN):

H. Res. 1012. Resolution providing funds for the Committee on Rules; to the Committee on House Administration.

By Mr. TEAGUE:

H. Res. 1013. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Science and Technology; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

292. By the SPEAKER: Memorial of the Legislature of the State of South Carolina, relative to the plight of American farmers; to the Committee on Agriculture.

293. Also, memorial of the Legislature of the State of South Carolina, relative to the proposal by the Department of Health, Education, and Welfare to discourage smoking through increased tobacco excise taxes; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DORNAN:

H.R. 10862. A bill for the relief of Nathan Avineri; to the Committee on the Judiciary.

By Mr. EDWARDS of Oklahoma:

H.R. 10863. A bill for the relief of Ock Soon Kim; to the Committee on the Judiciary.

By Mr. HYDE:

H.R. 10864. A bill to permit the vessel *Manatra II* to be inspected, licensed, and operated as a passenger-carrying vessel, and for other purposes; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

393. By the SPEAKER: Petition of the Veterans of Foreign Wars of the United States, State of Virginia, Charlottesville, Va., relative to the issuance of a commemorative stamp to honor the diamond jubilee of Veterans Day; to the Committee on Post Office and Civil Service.

394. Also, petition of the Governor, Secretary of State, State auditor, attorney general, and State treasurer, State of Minnesota, Saint Paul, relative to income tax treatment of deferred compensation plans; to the Committee on Ways and Means.

395. Also, petition of the Southern Legislative Conference of the Council of State Governments, Atlanta, Ga., relative to the Resource Conservation and Recovery Act of 1976 and increasd support for the U.S. tobacco industry and the Agricultural Research and Cooperative Extension; jointly, to the Committees on Agriculture, Appropriations, and Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

H.R. 10717, A BILL TO AMEND THE SECURITIES ACT OF 1933 AND THE INVESTMENT COMPANY ACT OF 1940 TO ENCOURAGE INVESTMENT IN SMALL BUSINESS CONCERNS

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. BROYHILL. Mr. Speaker, I would like to call the attention of my colleagues to a bill I have introduced to help increase the flow of venture capital into small, growth-oriented enterprises throughout the country. H.R. 10717, introduced Thursday, February 2, with the cosponsorship of three of my colleagues on the Consumer Protection and Finance Subcommittee, would amend the Securities Act of 1933 and the Investment Company Act of 1940 so as to encourage investments in small business concerns. The shortage of funds for small, growing businesses is something about which I am very concerned since it is the venture enterprises of today that will offer price competition, product innovation and employment which will be so vitally needed to keep our economy healthy in years to come.

To illustrate the gravity of the problem, I quote from the January 1977 "Report of the SBA Task Force on Venture and Equity Capital for Small Business" which was chaired by former Securities and Exchange Commission Chairman, Bill Casey:

It is alarming that venture and expansion capital for new and growing businesses has become almost invisible in America today. In 1972 there were 418 underwritings for companies with a net worth of less than $5,000,000. In 1975 there were four such underwritings. The 1972 offerings raised $918 million. The 1975 offerings brought in $16 million. Over that same period of time, smaller offerings under the Securities and Exchange Commission's (SEC) Regulation A fell from $256 million to $49 million and many of them were unsuccessful. While this catastrophic decline was occurring, the money raised for all corporations in the public security markets increased almost 50 percent from $28 billion to over $41 billion.

My bill would do four things to help reduce existing impediments to small company financing. First, the SEC regulation A small offering ceiling would be raised from $500,000 to $3,000,000. Currently, given high fixed costs—mostly legal fees—it is not economic to make an offering at $500,000 so that regulation A is of very little use.

H.R. 10717 would also amend SEC rules 144 and 146 so that venture capitalists and small offerors would be able to operate with greater certainty and flexibility. Rule 144 currently allows a venture capital inventor to sell a total, in each 6-month period, of only 1 percent of the outstanding shares of that type. Since a venture investor may hold a large share of a small company, the "trickle-out" period under the Rule 144 provision can be very great. (For example, if an investor holds 20 percent of the common stock of a portfolio company, the complete sale of

his holdings under Rule 144 would take 10 years.)

The change to rule 146 under H.R. 10717 would merely limit the right of rescission in a manner completely fair to each individual investor. For example, if an investor claimed to be a sophisticated individual of substantial means and, after the financing was completed, was determined not to be such an individual, that person would be entitled to sue only for his or her investment back. Currently that person's suit could collapse or rescind the whole financing regardless of the sophistication or means of the other investors.

Finally, H.R. 10717 would eliminate the dual jurisdiction of the SBA and the SEC over those few small business investment companies which fall under the Investment Company Act of 1940. Those 32 companies would then be regulated only by the SBA as are the remaining 250 small business investment companies.

I encourage the support of my colleagues and invite their cosponsorship for this much-needed venture capital legislation.

LETTER FROM LENINGRAD

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. LENT. Mr. Speaker, I would like to call to the attention of my colleagues a heart-rending letter I recently received from behind the dark curtain of oppression which hangs over the Soviet Union. A Soviet Jew, Lev Shapiro, has managed to get a letter through to me concerning his attempts to get permission for himself, his wife, Leah, and their 3-year-old son, Israel, to emigrate from Russia to join his parents in Israel. In the letter, Lev Shapiro reports that he has again been denied permission to leave the Soviet Union, although the original reason for refusal—employment in a "secret" occupation—has not been valid for more than 7½ years.

Mr. Speaker, Lev Shapiro's case is one of several in which I have taken a personal interest. Like many of my colleagues, I have written numerous letters to Soviet officials in their behalf. In Lev Shapiro's letter from Leningrad I found one encouraging note. The Soviet official who notified Lev Shapiro of the latest refusal of permission to emigrate, mentioned that the Minister of the Interior of the U.S.S.R. had received a letter from me urging reconsideration of his case, but that the authorities were not going to change their decision. I find this encouraging, despite the refusal, because this is the first indication in more than 3½ years in which I have been writing letters to Soviet officials on behalf of Soviet citizens wishing to emigrate to Israel that I have had any indication those letters were actually being delivered to the persons to whom they were addressed, and were being noted by them. The fact that the Soviet officialdom does take note of our attempts to insure that the Soviet Union lives up to the guarantees of human rights in the Helsinki accords it agreed to in 1975 should encourage us all. Despite this latest setback for Lev Shapiro and his family, and others in the same tragic situation, I am now more confident than ever that they will eventually find the freedom they desire and deserve. But I also firmly believe that this will come about only if those of us who have pledged to work on their behalf continue those efforts. As a result, I have written again, this time to seven top Soviet officials, including President Brezhnev, urging a new study of Lev Shapiro's request in light of the Helsinki accords. I am continuing to write a letter each week to high Soviet officials demanding the release from prison of my "Prisoner of Conscience," Hillel Butman, imprisoned because he desires to join his wife and children in Israel. And, just to make certain that the Soviet leaders never forget our determination to make the world aware of the tragic abuse of human rights going on entirely contrary to the Helsinki accords agreed to by the Soviet Union. I am sending to President Brezhnev, and to Arthur Goldberg, chairman of the U.S. delegation at the Belgrade Conference on the Helsinki accords, copies of my remarks to the House of Representatives. I urge Mr. Goldberg to take official notice of Lev Shapiro's situation.

Mr. Speaker, I also call upon my colleagues to do all they can to bring public attention to bear on these flagrant violations of human rights going on each day in the Soviet Union. With our combined efforts, I believe we can provide real help to those who are fighting so courageously for the freedom to practice the religion of their choice in the country of their choice.

Mr. Speaker, at this time I ask that the full text of Lev Shapiro's letter from Leningrad be inserted in the CONGRESSIONAL RECORD to illustrate the courage and unflagging determination of those Soviet Jews seeking freedom. May this letter from Leningrad inspire us all to greater efforts on their behalf:

LENINGRAD, U.S.S.R.,
January 22, 1978.

Hon. Congressman NORMAN F. LENT,
Baldwin Plaza Building,
Baldwin, N.Y.

DEAR CONGRESSMAN LENT: My friend Michael Sabin has written to you on behalf of my family and has asked you to use your good offices to help us to join with my parents who live in Israel.

Please let me tell you about our situation more in detail. 14th October 1977 we (I, my wife Leah and our son Israel, aged three) have got a refusal in spite of there is no legitimate reason why we should be prevented from leaving. Long ago I left my job which could be considered as a secret one. The last 7½ years I occupy a job which is not secret at all according to Soviet rules. Nevertheless, the Soviet authorities did not give me the permission to emigrate because of my former work.

Thank you very much for your letter concerning the desires of my family to emigrate from the Soviet Union to Israel. Unfortunately, I must convey the sad news that we received a rejection once again some weeks ago after your representation. A clerk of the Leningrad Office of the Bureau of Visas and Registration (OVIR) rang me up and told that the Minister of the USSR Home Office had received your letter asking the Minister to reconsider their former negative decision of our going abroad. But a clerk has told me that the authorities are not going to change their decision and don't give us the permission to leave. I shall notify you immediately if we receive a different reply from OVIR about our exit application.

Thank you very much for your kind attention and assistance in our dream of reaching Israel and joining my parents. Your personal interest in our case and your wish to assist us are gratefully noted and we very appreciate this. We take our courage from the fact that our friends-sympathizers are thinking about us.

I am sorry that I cannot return your kindness but I believe that it will be possible for me to meet you someday and show our gratitude. With many, many thanks.

Sincerely,

LEV SHAPIRO.

DENTAL HEALTH THEATER PRAISED

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. GEPHARDT. Mr. Speaker, during the recess, I had the great privilege to be present for the dedication of the Foundation of the Greater St. Louis Dental Health Theater in Laclede's Landing, St. Louis' renovated levee district, on Sunday, December 18, 1977.

This historic location, located on the banks of the Mississippi River, is a business, entertainment, and tourist attraction in its own right, but the inclusion of the Dental Health Theater will add to it an educational theme for young and old alike.

Preventive dental hygiene for countless people will start at the theater. Being the only program of its kind in the world, this message will, like the holiday spirit we all share, know no boundaries—natural or manmade.

I was proud to be a St. Louisan standing at the center of international attention in opening the Dental Health Theater that day and in applauding the Foundation of the Greater St. Louis Dental Society's foresight for tomorrow. As the chairman of the project, Roy M. Wolff, D.D.S., said himself:

We in dentistry know that this was a great day for the City of St. Louis, the school children and the adults. Also it will give the city another "Arch" on the riverfront which will be another tourist attraction.

The Dental Health Theater is a project of community education of children and adults. The individuals as a result of their educational visit will employ the techniques demonstrated and practice better oral hygiene. There will be fewer dental emergencies, less need for dental care, fewer teeth loss and a healthy mouth for a lifetime. These concepts are basic to the existence of the theater.

In addition, during a period of rising health cost, the dental profession will be teaching the community techniques and philosophy of good oral hygiene that will positively reduce personal and community dental cost by eliminating the need

for dental services. We will be the first community and State in this Nation that has taken such unique positive action to stem health care cost. Besides not one penny of State or Federal funds are involved with this theater. This is an example of small business, private enterprise, and a profession working together to help a community at no expense to the taxpayer.

I invite my colleagues and the American public to St. Louis for many reasons, but the addition of the Dental Health Theater should attract your attention, if not your presence, and your praise.

TITLE XX SOCIAL SERVICES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. FRASER. Mr. Speaker, today my colleague Congresswoman MARTHA KEYS and I are introducing legislation that would raise the Federal spending cap imposed on title XX of the Social Security Act.

Title XX provides block grants on a 75/25 matched basis to States for their social service programs. The grants enable States to determine their unique needs and spending priorities and then structure their social services programs to meet those needs.

Within broad goals aimed at improving the self-sufficiency of low-income people, States provide a range of services. Elderly people who might need assistance in cleaning or home repairs can obtain the help that may keep them out of nursing homes. Child abusing parents can get counseling and their abused children can be cared for in facilities funded by title XX. Mentally retarded children who need environments that will assist them in learning to function independently can find that environment in title XX funded day activity centers.

In 1972, when a $2.5 billion spending ceiling was imposed, only six States used their entire allotment. By 1977, that number had climbed to almost 30. Congress enacted legislation in 1976 that added a temporary unmatched $200 million to title XX in fiscal year 1977, earmarked for day care services. During the first session of this Congress we voted to extend the $200 million for another year.

However, even with the additional $200 million the purchasing power of the original $2.5 billion has been nearly cut in half by a recession that has also created a greater need for social services. States at the ceiling have been compelled to cut back services or make up for the loss out of their own treasuries.

The ceiling should be raised. It has begun to frustrate title XX's original intent by forcing States to shrink their programs. We propose to increase the entitlement to $2.9 billion in fiscal year 1979, $3.15 billion in fiscal year 1980 and to $3.45 billion in fiscal year 1981 and each succeeding fiscal year. We believe these increases will make minor adjustments for past and continuing inflation while allowing States modest program expansion. Further, establishing predictable increases now for the next 3 years will enable States to undertake more effective long-range planning.

Mr. Speaker, title XX provides services to help people become self-sufficient. We believe such a program should be energetically supported by Congress and encourage our colleagues to recognize that the current ceiling has begun to inhibit a strong system of social services in this country.

FIFTIETH ANNIVERSARY PRESENTATION OF THE ACADEMY AWARDS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. WAXMAN. Mr. Speaker, I wish to direct the attention of my colleagues to an event dear to the hearts of Californians and to people the world over, the annual awards of the Academy of Motion Picture Arts and Sciences. The presentation of Oscars for notable film accomplishments of 1977 will be held on Monday evening, April 3, in Hollywood.

The motion picture industry, which has long been a significant element in our Nation's economy, is particularly important to my congressional district where many of its facilities are located, in which many of its employees live, and from where so much of its creativity springs. The industry directly employs thousands more in related industries. More important, perhaps, it brings untold enjoyment into the daily lives of millions, both at home and abroad.

The Oscar is the highest accolade in film, and is recognized as such throughout the world. By providing an incentive for artists, technicians, and creators, to strive for an increasingly better product, the Oscar Awards have helped raise the standards of motion picture production and made the American film industry the finest in the world.

This year's program is especially significant, because it is the 50th anniversary awards presentation. The Academy of Motion Picture Arts and Sciences was founded on May 4, 1927, and the first awards show held on May 16, 1929. The first program was attended by fewer than 300 people. There was no television, of course, and very little media coverage.

Today, the Oscar presentation is the most eagerly awaited show business event of the year. An estimated 70 to 80 million people watch it here at home, but the total audience reaches to untold millions more, because the show is beamed live by satellite to more than 40 countries around the world. Few, if any, programs have a greater worldwide reception.

Bob Hope returns this year as the sole master of ceremonies. It marks his 23d appearance on the program, a record among Hollywood celebrities. The program will be telecast by the ABC television network, starting at 7 p.m., Los Angeles time.

It will be an exciting evening's entertainment, which I am sure all of my colleagues will enjoy watching.

REX CAUBLE—A REMARKABLE GUY

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. MILFORD. Mr. Speaker, I would like to share an article from the Dallas Morning News with my colleagues in the House.

Mr. Rex Cauble, my friend and constituent, was honored recently for his 10-year tenure on the Texas Aeronautics Commission (TAC). Appointed by former Governor John Connally, he was chairman of the commission when he resigned last December.

Under his leadership, 33 new intrastate airline routes opened up increasing air passenger service of TAC certified carriers from 305,652 in 1971 to 2,025,403 in 1977. While Cauble was chairman, appropriations to the airport aid grant program increased from $575,000 to $1 million. Money in the airport aid program is used to improve small airports in Texas.

Rex Cauble is highly deserving of public recognition for his contribution and service to the Texas Aeronautics Commission. I place this article in the RECORD:

REX CAUBLE: A TEXAS-SIZED BUSINESSMAN

(By Jeanne Sara Dorin)

Driving on his sprawling ranch in Denton, Rex Cauble—at the wheel of his powder-blue Mercedes Benz—casually comments, "I don't like to be second at anything."

He is referring to a visit to his doctor's office several years ago when he failed a seven-and-a-half-minute treadmill test, proving he was not in as good shape as he thought he was.

So Rex Cauble went home and started working out and jogging, and a year later on a return visit to his doctor's office, the 64-year-old rancher was still going strong after 12.5 minutes on the treadmill.

This tenacity may be the guiding light behind Cauble's career, which reads like a rags-to-riches success story. Born the son of a cotton farmer in Vaughn, he is today majordomo of a multimillion-dollar business called Cauble Enterprises.

With offices based in Denton, Cauble's business extends into oil, banking, ranching, construction, horse trailer manufacturing, steel fabricating, western apparel and welding supplies. He owns 8,900 acres of land in Denton, 5,000 in Leon County and 3,710 in Bosque County.

He is also owner of Cutter Bill, a 23-year-old world champion quarter horse with the distinguishing characteristic of being the only champion to sire nine world champions.

Cutter Bill has netted more than a million dollars for Cauble, who bought him because Mrs. Cauble thought the horse was cute. A reputed $250,000 offer for the horse has not tempted Cauble to sell him.

Cutter Bill has been the inspiration of several of Cauble's ventures, including his chain of westernwear shops called Cutter Bill's. A huge arena on the Denton ranch also bears the name of the prizewinning horse.

The businessman-rancher handles Cutter

Bill with strong-handed assurance. He struts up to the stable and flings open the door. His small stature looks smaller in comparison to the massive animal, but he commands Cutter Bill to come, and the horse comes. Horseback riding is one of those things Cauble has done most of his life, and in 1964 he was named the world champion non-professional rider.

Walking with Cutter Bill beside him, Cauble looks like a cross between a rodeo showman and a cowboy who has made good.

He wears pointy cobra boots and a gold and diamond belt buckle that reads: "Cutter Bill: World Champion." A horseshoe-shaped tie clasp—also diamonds and gold—fastens his scarf, which is blue and white and matches his denim leisure suit and white felt cowboy hat.

This has always been Cauble's style. He's a western Beau Brummell.

But a flashy appearance is just one aspect of this man, whose demeanor is soft-spoken and gentlemanly.

When asked why he never ran for public office, he laughs. "It doesn't pay enough," he says. His westernwear business is fun, he says, but he wouldn't be in it if it didn't make a profit. He listens intently when a call comes into his office telling the results of an oil drilling, which is a major part of the business.

But to not look at another side of Rex Cauble would be stereotyping the Texan—judging on appearance and reputed fortune—and denying him the qualities which have, for example, made him the recipient of the American Medical Center Cancer Research Center Humanitarian Award for 1978.

It is an honor bestowed on an individual because of service to the cause of finding a cancer cure. Financial contribution have no bearing on who receives the award, says the director of development for the research center, Dariese Tinterow.

She says Cauble has served the center for the past 15 years, giving his time and participating actively. An ongoing cancer research fund will be established in his name.

On the invitation to the dinner is a tribute by Cauble's buddy, John Connally. "As long as I have known Rex Cauble, he has been a doer," Connally writes. "As long as I have known him, he has taken the word 'citizenship' seriously, ready to respond to the needs of his fellow man or his community."

Cauble considers the ex-governor the No. 1 man in Texas. It's a friendship that began in the late '40s and has lasted through the years.

Photographs of Connally hang in Cauble's office alongside pictures of other Texas public figures and mementos.

There's a picture signed by the crew of the Apollo-Soyuz spacecraft, and another picture of the moon's surface with the words underneath to Cauble: "This isn't exactly grazing land—but we're still looking."

Under it is a child's drawing signed by "Kevin." This came to Cauble as a result of his help in raising money for the North Texas State University Center for Behavioral Studies.

Cauble received another honor last Thursday from the Texas Aeronautics Commission, which passed a resolution commending him for his 10-year tenure on the commission. Appointed by Connally when he was governor, Cauble was chairman of the commission when he resigned from it last December.

"I'm proud of my accomplishments," Cauble says. "I like to make things work that other people can't or don't or haven't. I don't like to quit anything until it is working.

"You take a step at a time when you're going into accomplishments, goals and aims. I went from a roughneck to a driller to a toolpusher to a driller contractor—that was the big step."

Through the years, Cauble says he has mellowed and grown closer to God. He goes to church on Sundays and attributes his success to God's will. After church, as on every other day of the week, he goes to the office.

He still works out a lot. He says he wants to live a long time and that "deskitis can set in early."

Cauble likes to drink in moderation, likes to gamble and likes to have a good time.

While his office bears the signs of a high-powered businessman, enough time spent with him exposes a true sentimentality. He talks about his beloved dog Lep, and what the pet meant to him.

And driving up the long driveway to the Cauble ranch house, he quickly pulls over and stops to show the inscription on his dog's tombstone. Cauble kneels down next to the burial plaque as he talks about how special Lep was.

He says he has another dog now, but he is not as close to the new dog. No one will replace Lep, says the businessman. He was one of a kind.

So is Rex Cauble, whose personality and lifestyle capture a spirit and gusto exclusively Texas, a showiness and shyness blended with drive and machismo. It's the stuff from whence came the notion worldover that everything grows bigger in Texas.

CONGRESS GETS TURTLE SPEED MAIL DELIVERY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. FINDLEY. Mr. Speaker, I am somewhat chagrined to learn of the Postal Service's 1-day delivery service for 95 percent of eligible first-class mail—chagrined because for some reason I do not get such expeditious service. I want to share with my colleagues an account of the service I have been receiving, as outlined in my letter to the Postmaster General:

FEBRUARY 7, 1978.

Hon. BENJAMIN F. BAILAR,
Postmaster General,
U.S. Postal Service,
Washington, D.C.

DEAR MR. BAILAR: I have had an opportunity to review your annual report to the Congress for 1977 and want to compliment you on the dramatic reduction in your deficit. However, I was amazed at the section of the report titled "Here Today, There Tomorrow," which states that 95 percent of eligible first class mail is delivered overnight. My Springfield, Ill. office has been carefully monitoring receipt of mail from the Washington, D.C. office and I want to share departure and arrival dates with you:

Mailed December 12 and received December 15.
Mailed December 13 and received December 19.
Mailed December 14 and received December 19.
Mailed December 15 and received December 19.
Mailed December 20 and received December 27.
Mailed December 21 and received December 28.
Mailed December 23 and received December 27.
Mailed December 29 and received January 3.
Mailed December 30 and received January 3.
Mailed January 3 and received January 16.
Mailed January 4 and received January 9.
Mailed January 5 and received January 9.
Mailed January 6 and received January 9.
Mailed January 9 and received January 16.
Mailed January 10 and received January 16.
Mailed January 11 and received January 16.

As you will note, the shortest amount of time for delivery was 3 days and one delivery, that of January 3, did not arrive for 13 days. Does Congressional mail qualify for the "eligible first class mail" category which gets the quick service? Under postal regulations it is to be so handled. Your report makes me wonder where the speedy service you mention is happening.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

MRS. ROSINE DREESE, LAWNDALE WOMAN OF THE YEAR

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. CHARLES H. WILSON of California. Mr. Speaker, it is my pleasure today to honor a lady who has received special recognition from her community for outstanding service. Mrs. Rosine Dreese has been named as this year's Lawndale Woman of the Year.

This award, given annually by the city of Lawndale, seeks to give special attention to those residents who have unselfishly given of their time and effort to the community. Mrs. Dreese is most deserving of this year's award.

Rosine and her husband Frank have been residents of Lawndale for the past 21 years and have given a great deal to one of the city's most valuable resources, its young people. As Boy Scout leaders for many years, the young men who came in contact with these two people attest to their genuine interest and dedication. Mrs. Dreese has patiently taught many scouts the value of their American heritage through instruction in flag ceremonies for church, PTA, and city council meetings.

Because of her work in scouting, she has been the only woman in her area to have received the Silver Swan Award—one of the highest awards in the Scouting program.

Scouting, however, is not her only interest. An accomplished organist, she devotes time to her church—the Lawndale Congregational Church of which she is a member.

But, young people appear to be one of her main interests. She has served as PTA president for the Lucille Smith PTA, the Billy Mitchell PTA, the Jane Adams PTA, and is now serving her second term as president of the Lawndale Council PTA. When people say parents are not interested in their children's education or their neighbors children's education—they are not referring to Rosine Dreese. Because of the work she has done in the PTA, she has received merit awards including the National PTA Award and the Honorary PTA Service Award.

When other people are perhaps too busy to devote their time, particularly

when it seems there are not enough hours in the day, Rosine Dreese gets busy and devotes her time to all community drives such as the Community Chest, Multiple Dystrophy, the Red Cross, and many others.

She is a "perfect" volunteer. She is now involved in the "Meals on Wheels" program delivering warm meals every day to shutins or people who are not able to do their own cooking.

If that is not enough she also has worked in the Lawndale capital campaign drive for the YMCA and is now acting president of the Lawndale Women's Club.

Such community spirit and dedication deserve recognition and high praise. It is my pleasure to bring to the attention of my colleagues in the Congress, this year's Lawndale Woman of the Year—Rosine Dreese.

PAUL HARVEY ON MAJORITY RULE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. CRANE. Mr. Speaker, as the debate begins in the Senate over ratification of the Panama Canal treaties, it is appropriate that we consider the following comments by the astute political and social observer, Paul Harvey. I have been and continue to be a strong opponent of these two treaties—two treaties unwanted and unsought by the American people, but which are being shoved down their throats. The most direct representatives of the American people, the Members of the House of Representatives, are not even given a voice in this dramatic decision. The Panama Canal treaties are but are one more example of the arrogance of a Washington elite determined to convince the people that ultimate wisdom resides only in this city, and within the minds of that elite. It is an arrogance that continually seeks to "educate" the people and which assumes them to be an illiterate mob in need of education. It is an arrogance which has brought our national government to disrepute, and has made the very word "bureaucracy" hated throughout the country. Still, it is an arrogance so deeply rooted within the controlling interests of this Government that it grows sharper every year.

The distinguished commentator Paul Harvey has always spoken out for individual freedoms and curbs on State power. In the following article, printed in Frontier Airlines magazine last month, he describes the shameful trampling of majority rights in this country. I heartily recommend it to my colleagues:

NO "MAJORITY RULE" IN UNITED STATES

(By Paul Harvey)

The United States is demanding that other nations allow "majority rule."

We are demanding that the "majority" be allowed to rule in South Africa and Rhodesia. We call it a matter of "social conscience." That the "majority" must prevail.

I don't get it.

The majority most certainly does not prevail in the United States!

76% of the American people do not want to give away the Panama Canal—but we will.

77% of Americans of all ages think public school children should be allowed to pray in school—but they can't.

Seat belts, 55 mile speed limits and foreign aid—put to a vote by public opinion pollsters—are always voted down.

Yet our Federal Government continues to do as *it* wants.

Whatever happened to "government by the people?"

This arrogant, autocratic thumbing of the official nose at what we, the people, want is doing a lot more harm to a lot more people than saccharin or laetrile ever will.

The majority of the American people do not want pornographic movies—do not want metric—and certainly do not want members of Congress voting generous pay raises for themselves.

Yet all these things come to pass at the behest of a government which insists that it knows better than we do what's good for us.

It is our government's position that an elitist group of unelected bureaucrats has the authority to dictate to the majority.

If that's a fact—then in the same name of all that's consistent, let's stop preaching to the Rhodesians and the South Africans—or the Russians. Because they feel precisely the same way.

Whenever pollsters put it to a vote in the United States, we the people, are overwhelmingly opposed to illegal immigrants usurping American jobs, to taxes so complicated we must employ accountants, to allowing known sex criminals to run loose . . .

Yet they are and they do!

Americans vote two-to-one for capital punishment but some individual state governors seek to veto it.

Most Americans oppose daylight saving time, yet are required to accept and adopt and adapt.

Americans are 84% opposed to discrimination against blacks or whites, yet educators and employers are now court ordered to ignore white rights.

90 million workers are the majority but 13 million shirkers are getting the gravy.

This is "majority rule"? Come now!

If the "majority" ruled in the United States, our youngsters would all be going to neighborhood schools!

BETEL NUTS

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. WON PAT. Mr. Speaker, today I introduced legislation which would allow the people of Guam and of the Trust Territory of the Pacific Islands the right to chew betel nuts anywhere in the United States. I took this step following years of appeals to the U.S. FDA to have their ban on the importation of betel nuts relaxed. The following article which appeared in today's Wall Street Journal is I feel an excellent summary of my longstanding battle with the FDA and of the issues involved in this struggle. For the benefit of my colleagues I would like to have the article reprinted in its entirety:

CHEWERS AND CRITICS GIRD FOR SHOWDOWN IN THE BETEL BATTLE

(By Rich Jaroslovsky)

WASHINGTON.—The betel nut is the fruit of the betel palm. It is found mostly in the tropical reaches of the South Pacific and in South Asia. When dried and chewed, the nut mildly stimulates the nervous system. It is estimated that 200 million people around the world chew betel nut.

The question is: Can 200 million contented betel-nut chewers be wrong?

Obviously, the U.S. Food and Drug Administration thinks so. The FDA, which regulates such things, doesn't allow the importation and interstate sale of the betel nut because it can't be shown that chewing the fruit is safe. Indeed, the agency says, some evidence suggests that chewing betel nut may cause cancer.

Most chewers of betel (pronounced "beetle") probably couldn't care less what the FDA thinks. Most, in fact, have probably never even heard of the agency. But the issue is of paramount concern among the betel-nut-chewing majority of the 100,000 or so residents of Guam, the tiny U.S. island territory 5,000 miles west of San Francisco.

THOUSANDS IN UNITED STATES AFFECTED

In a nutshell, Guam officials say the FDA ban is unfair, scientifically unsound and detrimental to the well-being of the estimated 25,000 Guamanians living in the U.S. who can't obtain betel nuts, even in small quantities for personal use. Thousands of Filipinos, Vietnamese and other Asians living in the U.S. are also affected by the FDA policy.

After getting nowhere with the FDA, the Guamanians are carrying their argument all the way to the U.S. Congress. The man leading the betel battle is Antonio B. Won Pat, Guam's nonvoting delegate to the House of Representatives. Mr. Won Pat, who plans to introduce a bill today to ease the FDA restrictions, attributes the agency's action more to cultural differences than to science.

"Maybe they are biased" against customs unusual to them, he suggests. After all, he says, "they don't ban alcohol or tobacco."

It is true that at least some FDA people frown on betel-nut chewing for more than health reasons. "It's disgusting habit," an agency spokesman contends.

Dedicated chewers strenuously disagree. True, regular chewing of the walnut-sized nut can turn the mouth and gums purple and the teeth black. But Guamanians say betel chomping is a perfectly acceptable social habit in the Far East. On Guam, which grows its own betel nuts, the nuts are sold in vending machines, and most adults regularly partake. The governor of Guam is an avid chewer, and Mr. Won Pat used to be, an aide says, until "he gave it up at the same time he gave up smoking" a few years ago.

People who have gnawed on the nut say it has an acrid taste that causes the mouth to pucker. In the U.S., the betel probably is best known as the nut a character named Bloody Mary chewed on in the musical "South Pacific."

AGENCY CITES STUDIES

To back up its restrictions, the FDA cites studies indicating "that there seems to be a high incidence among betel-nut users of cancer of the mouth and esophagus," says Samuel Shibko, an agency official. Government scientists have identified a betel substance called arecoline as the likely cancer-causer.

But betel backers dispute such studies. They note that the nut is often chewed along with other substances known as a quid, which can contain betel leaves, tobacco leaves or lime. The pro-betel forces contend that the quid ingredients, especially the tobacco, may be responsible for the higher cancer levels. Among folks who just chew the nut, they say, there isn't any evidence of higher cancer rates. And "people have chewed betel for thousands of years," Mr. Won Pat says.

The supporters also cite studies like a 1963 German one that concluded that "virtually only those persons who chew the betel nut together with the tobacco leaf develop cancer." A 1976 German-Indian study said the

cancer-causing ingredient in betel chewing "is a question as yet unanswered."

Even if Mr. Won Pat's bill passes, chewers in the U.S. probably won't be able to buy betel at their corner grocers. The measure wouldn't allow "wholesale importation" of the nut, the legislator says, but would let chewers receive small shipments from friends overseas. In addition, customs agents wouldn't any longer confiscate the nut from people bringing it into this country. (The U.S. Customs Service says it doesn't know how much contraband betel it has seized.)

Meanwhile, back on Guam, a new constitution being drafted for the territory includes a provision guaranteeing that the right of a Guamanian to chew his betel won't be infringed. The provision makes betel nut the official Guamanian fruit.

DEPARTMENT OF ENERGY—PATRICK

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. COLLINS of Texas. Mr. Speaker, this morning I received an interesting letter from Bruce Alger who served for five terms in the U.S. Congress from Texas. Bruce is now very busy with the investment firm of Eppler, Guerin & Turner, Inc., in Dallas. He and Jim McCormick, also of EGT, were impressed with the statement that U. E. Patrick, of Patrick Petroleum Co., sent out to all of his shareholders. I am proud to see business getting involved, because most American stockholders do not realize what is happening to the American free enterprise system as a result of the liberal legislation voted by our present Congress.

Patrick Petroleum Co. has its headquarters in Jackson, Mich., but does business all the way from Montana to Kansas to Mississippi. U. E. Patrick saw this information in a letter from the Energy Consumers and Producers Association of Seminole, Okla. What this country needs is more of this information understood by the average American.

Here is a summary of this newly created Department of Energy and what it costs the American people:

The following facts tell the story about the newly created Department of Energy. This new department has a $10 billion budget (for 1978) and 20,000 employees.

To put that $10 billion budget in perspective, consider the following breakdown:

1. $500,000 per department employee or
2. $50 for each member of the U.S. population (212 million) or
3. $266,871 for each of the 39,763 new wells drilled in 1976 or
4. $58.35 per foot drilled in 1976 (181,855,700 feet) or
5. $3.59 for each barrel of domestic crude oil produced in 1976 or
6. $1.67 for each barrel of petroleum product consumed in 1976 (including imports) or
7. 10 cents for every gallon of gasoline consumed in 1976 or
8. 34.34 cents on every barrel of proven crude oil reserves in the U.S. as of December 31, 1976 (30.9 billion bbls).

It also exceeds all expenditures by the petroleum industry in 1975 to both explore for and produce domestic crude oil, natural gas, and natural gas liquids ($9.4 billion, according to the Chase Manhattan Bank).

Furthermore, the Department of Energy budget exceeds the 1974 profits of the 7 largest oil companies—profits which have been called "obscene" by certain politicians and special interest groups.

To say the industry is floundering in government red tape and regulation, is not an overstatement. The cost to the American taxpayer is staggering yet, in the whole, unknown to most citizens.

When these somewhat hidden regulatory costs are added to the already seemingly high cost of energy, the true cost of energy becomes high indeed.

Some plan for deregulation must be enacted. We believe there is no alternative. These excessive government costs cannot continue to build.

Perhaps it is time for your senator or congressmen to either agree to deregulation or explain why government regulation requires a budget equivalent to $266,871 per well drilled by the industry in 1976. Is it any wonder there is an energy shortage?

As an informed citizen with a direct financial stake in energy development, we urge you to write your senators and congressmen. Whatever their position on the subject, make them justify it.

COLD WAR—HOT WAR

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. BOB WILSON. Mr. Speaker, Howard K. Smith, one of the best known news commentators and analysts, had a very important message for the American people on Monday night, February 6, 1978. Here is what he said over the American Broadcasting System's evening news program:

COMMENTARY ON DEFENSE

HOWARD K. SMITH. Conventional wisdom was Walter Lippman's term for things people believe but that aren't true.

To me, the most incomprehensible item of conventional wisdom at present is the assumption that is now widely held that the Cold War is over and we're in a new period called Detente, or relaxation.

Well, where are the signs of that? I don't see them. Last week, General Brown, Chief of the Joint Chiefs, told a House Committee that the period called Detente has seen Russia outbuild and overtake us in almost every military item.

The increased weaponry is being used to capture Angola, putting Russia in good position to exploit the growing troubles in Southern Africa.

And in Ethiopia, the second most populous black African nation, ideal for launching its ventures in the rest of Africa.

In conferences to reduce tensions in the world, Russia is adamant. In three years of talks in Vienna, aimed to mutually reduce forces in Europe, Russia will not budge from her two to one, her four to one superiority over NATO, far more than she needs for her defense.

In the Belgrade conference on Human Rights, Russia refuses to even discuss her flagrant, unilateral violations of the Helsinki Treaty that she initiated.

The SALT talks are still secret, but rumors we hear are of Russia insisting on her new weapons and insisting that ours be curtailed or banned.

There's no more sign in basics of give under Brezhnev than there was under Stalin. The Cold War, which is a contest for power short of Hot War, goes on. And we're fooling ourselves into inferiority by thinking either is over.

A TRIBUTE TO ROLANDE "FRENCHY" AMUNDSON

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. PANETTA. Mr. Speaker, today I am submitting for the RECORD an article by Mr. Ben Reddick, the editor and publisher of the Paso Dobles Daily Press, about a very special person whom I am proud to call my friend—Ms. Rolande "Frenchy" Amundson.

"Frenchy," as she is called by the many to whom she has brought happiness and light, was recently honored at the annual dinner of the Special Forces Airborne Unit, stationed at Novato. Her lifetime commitment to sharing with others and her unparalleled patriotism serve as inspiration to us all.

I give you now Mr. Reddick's account of the special forces' tribute to "Frenchy":

SWEETHEART OF SENIORS FETED BY GREEN BERETS

(By Ben Reddick)

Anyone who ever lived in Paris for more than 24 hours learned how to loft a beret with a particular twinkle in the eye.

When the beret tops off a well done hairdo over naturally twinkling eyes it gains an added class. And a "Green Beret" with the silver leaf of a lieutenant colonel centered on the lightning sword of the 12th Special Forces Division, United States Army—well now that is something.

Nestled at the neckline is a complimentary indicia that signifies prideful achievement—the winged parachute.

All of these are adornments that will be seen on very special occasion on the person of Rolande Amundson. Ordinarily, there may be an apron (she earned that in Europe during World War II when she prepared mess allotments for up to 12,000 troops) she may don while serving her guests in the Senior Citizens nutrition program at the Paso Robles Veterans Memorial Building. She may wear a special corsage, presented with loving care and attention (similar to when she was secretary and translator in the American Embassy in Paris) or maybe a little motherly touch for a recovering guest (she was nurse in the French forces in Indochina).

But these new adornments (the Green Beret and silver medallion), they too are well earned and were presented last weekend in San Francisco during an annual dinner of the Headquarters, 3rd Battalion, 12 Special Forces Airborne Unit, stationed at Novato.

Yes, Rolande Amundson is one the most achieved.

During World War II she made three jumps behind the enemy lines in the service of the Freedom Forces. On her third jump, she was captured and spent 14 months in a Nazi prison camp.

All of this story of daring exploits of the past was recounted in San Francisco when Mrs. Amundson was the guest of honor at the Green Beret Banquet presided over by Lt. Col. James L. Beard, USAR.

"Frenchy" Amundson is not often tricked. She was on the "outing to San Francisco" with Vivian Meehan of Paso Robles, who says she was thrilled to share the accolade for "Frenchy" Rolande Amundson.

Sharing with others is a very special trait of Mrs. Amundson. She put together a great enlargement of the "nutrition program" in San Miguel. She brought senior citizens out of their unforced retirement to have lunch with friends. She made it a party—every day.

With her musical French way she would roll the names of septuagenarians off her tongue with great facility. She has done the same thing in Paso Robles where she fills the spot of pleasant party hostess at noon at the Veterans Building.

She has a way of making those who might feel depressed with aches and pains—and worse, neglect—feel as if they too were lofted high by parachute—with a "Green Beret."

EDWARD A. GIACOMELLI, LAWNDALE MAN OF THE YEAR

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. CHARLES H. WILSON of California. Mr. Speaker, each year, the city of Lawndale in the 31st Congressional District which I represent chooses people who have distinguished themselves in community activities and affairs. This year's recipient of the Lawndale Man of the Year Award is Edward A. Giacomelli. A man who, in my opinion, is most deserving of this award.

One of Mr. Giacomelli's outstanding achievements is the development of patriotic programs that involve many members of the community. When he first came to Lawndale, he started as principal at the Billy Mitchell School in 1962 where the idea for this worthwhile program began.

Simply acquainting students at the school with their American heritage was not enough. Members of the local Veterans of Foreign Wars, city council members, Congressional Medal of Honor recipients, members of the governing board, and members of all the Armed Forces also participated.

A veteran of World War II himself, he felt it was important to involve the community in the history of our country and provide a greater awareness of our democratic ideals. His programs were conducted from 1962 to 1966 at the Billy Mitchell School, 1966 to 1971 at the Will Rogers School, and from 1971 to 1973 at the Mark Twain School.

If students from these schools have a greater appreciation and love of their country—Edward Giacomelli is largely responsible. It is refreshing to hear of a school official who is so willing to go the extra mile.

If teaching and instructing young people is not enough, he also involves himself in a variety of other community activities including helping the United Way, working with the Coordinating Council and various PTA Councils, the YMCA, and each year—serving as one of Santa's helpers.

An amusing anecdote about Mr. Giacomelli says that if there is one woman in Lawndale who has not been kissed on the cheek by him—then she just moved there. No matter where in the South Bay area he goes, people young and old, approach him to exchange genuine greetings of affection. His warm and generous personality is an automatic drawing card for everyone.

He has been honored with awards, certificates of appreciation, plaques from the community such as the Lawndale City Council, Veterans of Foreign Wars, and PTA organizations. This special recognition from his community is not only because of his concern for young people, but his concern for the well-being of the community as well.

It is my pleasure to bring to the attention of my colleagues in the Congress a man who has given so unselfishly of his time and effort to Lawndale and who represents the high ideals of dedication and outstanding community service that many people talk about but few accomplish so well.

NO MORE PNEUMONIA

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. BRODHEAD. Mr. Speaker, I want to call the attention of my colleagues to a recent article in the New York Times concerning the social security payroll tax. The article describes the widespread dissatisfaction with the payroll tax increases enacted by Congress last year. It also describes an alternative to these increases which was recently introduced by Representative MIKVA and myself. I believe that H.R. 10754, represents a vastly fairer solution to the financial problems facing the social security system:

NO MORE PNEUMONIA

(By Tom Wicker)

The only way to cure a cold, as the old gag goes, is to give the patient a case of pneumonia. That's about what the Carter Administration has had to do in proposing a *reduction* in the progressive income tax in order to compensate American workers for a sharp *rise* this year in the regressive payroll tax for Social Security.

Many a Member of Congress, moreover, went home for the year-end recess expecting to hear words of praise from his older constituents for having "saved" the Social Security system. What most heard instead was biting criticism of the heavy payroll tax increases by which the rescue was effected. Congress, therefore, is suddenly more willing to consider alternative methods of financing Social Security, such as one being put forward by Representative Ab Mikva of Illinois and several House colleagues, together with Senators Gaylord Nelson of Wisconsin and John Danforth of Missouri.

To workers, the new Social Security taxes—which will continue to rise steeply each year through the 1980's—represent a sharp cut in take-home pay, despite continuing inflation. To employers, who must match the amounts their employees pay, the tax increases are an obvious barrier to hiring additional workers, despite high unemployment. For everyone, the increases provide upward pressure on prices by driving up employers' payroll costs.

Having already had a hard look at big new deductions from January paychecks, blue- and white-collar workers and the employers alike are beginning to realize the economic impact—which is going to get worse as the years go along. What many may not realize, however, is that the 6.05 percent tax both employees and employers are paying on wages is not devoted entirely to retirement benefits. Of the total this year, 1.775 percent is diverted to the Disability Insurance Trust Fund and the Hospital Insurance Trust Fund, which pays for the Medicare program.

That is the key to the promising Mikva-Nelson proposal. By eliminating the costs of Medicare and disability insurance from the payroll tax, then paying for these programs from general revenues, they say the payroll tax burden will be cut by nearly one-third, the retirement trust fund will be made actuarially sound until the middle of the 21st century, and a payroll tax rate below the 1978 rate will be possible for the next 42 years.

Here is a comparison of payroll taxes under the new law and under the proposed Mikva-Nelson bill. For a person earning $10,000:

	1979	1982	1987
New law	$613	$670	$715
Proposed	433	440	440
For a person earning $20,000:			
New law	1,226	1,340	1,430
Proposed	866	880	880
For someone earning $40,000:			
New law	1,404	2,131	2,860
Proposed	992	1,399	1,760

There's no free lunch, of course, and those payroll tax savings would cost the Treasury a wad—about $26 billion for Medicare and $16.5 billion for disability payments in 1980, for example, less the substantial amounts already in the two trust funds. But those figures assume no action on Mr. Carter's hospital cost containment program, no national health insurance, and no reforms in the haphazard and over-liberal disability program.

What shifting the costs to the Treasury really means, of course, is that Medicare and disability would be financed through the progressive and virtually all-inclusive income tax, rather than through a regressive payroll tax that millions of Americans—including members of Congress—don't have to pay. This would be particularly justified in the case of Medicare, which is in no way wage-related and is already partially funded from the Treasury. Disability insurance is more nearly wage-related but the Mikva-Nelson proposal would return the Social Security system to its original function as a retirement plan.

It also would lessen the tax burden on workers and employers alike, ease inflationary pressures and encourage employment. Unfortunately, it's unlikely to get much more than a hearing this year, but by next year, after the regressive payroll tax has taken an even bigger jump than it did this year, action is far more likely. With Carter Administration support, the Social Security tax could come down in election year 1980, rather than making still another steep rise.

GEORGE B. COLLINS

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. GLICKMAN. Mr. Speaker, while I have made it a general policy not to include material in the Extension of Remarks section of the CONGRESSIONAL RECORD, I choose to deviate from that policy to include the following editorial of February 1, 1978, from the Marion

County Record, Marion, Kans., in reference to my special friend, George Collins, who died last month. I would also like to include my own remarks.

George Collins was truly one of the most outstanding human beings I have ever known, evidenced by his success at business and law, his warmth and devotion to family. Special attributes of this kind of common sense are what have made this country great, and will never be forgotten by me, nor by anyone who knew him. George was never hesitant to tell a story, or give some advice to a young attorney, or to a struggling politician. Without question, his advice proved correct. George Collins spoke the same words and conveyed the same message to everyone: a wealthy Kansas oil man, a blue-collar worker, or a stranger. His humility was well known throughout the area where he lived. He was loved and will be missed by all.

Editorial from the Marion County Record:

Marion County lost a true friend Thursday when Wichita attorney George B. Collins died.

It was George Collins who was instrumental in seeing that the James Ryan Scholarship was established at the University of Kansas.

It was George Collins who was trustee of the Ryan Sisters Estate. It was he who suggested that St. Luke Hospital be made a major beneficiary of the estates of Anna and Nellie Ryan.

And it was George B. Collins who was always willing to help. He was in attendance at the 25th anniversary celebration of St. Luke Hospital a few short weeks ago. At that time he told the audience present that the future success of the hospital not only depends on 'the community working together,' but also on the willingness of people with means to remember that hospital in their wills.

While Marion County people know George Collins was a friend, not many really know much more than that about this man who did so much for our community.

He was a scholar, an attorney and an expert on the oil and gas industry. A former member of the Kansas Board of Regents, he was instrumental in getting Wichita State University into the state educational system.

An Irish-Catholic and a recognized authority on petroleum law, he was disturbed that there was no oil production in Ireland. So in the late 1950's he organized a wildcat expedition and made an oil and gas discovery in the Celtic Sea. Then he wrote a book about it, called "Wildcats and Shamrocks", and had it published by the Mennonite Press at Newton.

We'll miss his wit, and we'll miss the visits with this man who was one of the guiding hands of the Democrat party in Kansas. George Collins knew all the stories about politics, the ones that don't appear in print. Our last such visit was in October as his guest for lunch at the Wichita Club. We talked about St. Luke Hospital, the community of Marion, the Flint Hills, the oil business in El Dorado where he became an expert—and we talked about politics in Kansas. That is, he talked. We listened. It's a rare opportunity to sit in conversation with such a man. Only a fool would spoil such an opportunity by using his mouth more than his ears.

Such an opportunity will not present itself again. For George B. Collins is no longer with us. But the legacy he left behind will last longer than mortal bones.

IN DEFENSE OF SMOKING

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. SATTERFIELD. Mr. Speaker, we have been barraged by statements alleging health hazards in smoking cigarettes. Such statements by Federal officials, especially former Surgeons General of the United States, have provided an aura of truth where it does not exist.

Without doubt there is a crying need for research in order to discover the causes of disease and whether smoking plays a role. Yet the statements to which I refer have had the effect of stifling nearly all research efforts, except those by the tobacco industry which might determine exactly what, if any, illnesses or diseases can be directly attributable to smoking cigarettes or other tobacco products. It should be noted that the tobacco industry has committed more than $65 million in direct grants to promote research on smoking and health and that these efforts in many years have substantially exceeded those of Government agencies.

An article by Mr. Ross R. Millhiser, president of Philip Morris, Inc., was recently published in the New York Times. His article touches upon important aspects of this situation and I insert it here, so that my colleagues may read it:

IN DEFENSE OF SMOKING

(By Ross R. Millhiser)

The 60 million American adults who smoke are hard put these days to find a sympathetic word of approval for a practice that provides them with a certain sense of personal satisfaction, relaxation, and even pleasure.

So it is notable that the Carter Administration has brought an enlightened voice of reason to their harassed world of health warnings, induced guilt, and threatened social ostracism. That voice was heard recently as President Carter's top adviser on health, Dr. Peter G. Bourne, addressed the Tobacco and Smoking Research Committee of the American Cancer Society on the issue of smoking and health.

It is too bad the American people were not fully exposed to these reasonable observations. Because Dr. Bourne, who obviously is not in favor of smoking *per se*, had the political and professional courage to place in full view of his peers the whole gamut of unanswered questions about smoking and health—a subject that has been relentlessly probed by world scientists for more than 25 years.

Dr. Bourne is not alone in posing the tough questions that scientists must answer before coming to any conclusion that the smoking cigarette is also the "smoking gun."

By daring to suggest that there are known, and may be many unknown, benefits in tobacco components and smoking, Dr. Bourne's position is hardly radical. He is joined in his opinion by many eminent scientists.

The Surgeon General's well-known report notes a list of psychological and physical benefits—for example, "The significant beneficial effects of smoking occur primarily in the area of mental health and the habit originates in a search for contentment."

Prof. Ulf von Euler, a winner of the Nobel Prize in Medicine or Physiology, decries the lack of research on the benefits of smoking: "Nobody would believe that so many people would use tobacco or products containing substances similar to nicotine unless it had positive effects."

The eminent Dr. Walter Menninger, clinical director of Topeka State Hospital, flatly states that smoking relieves tension in certain types of individuals. And Dr. Hans Selye, one of the world's foremost authorities on stress, says it is "frightening" that no one mentions the benefits of tobacco.

As for the lack of research on the "harmful" effects of smoking, the fact is there is good reason to doubt the culpability of cigarette smoking in coronary heart disease. That point is buttressed by an exhaustive, seven-country study of coronary heart disease coordinated by the renowned Dr. Amcel Keys, director of physiological hygiene at the University of Minnesota. In the summary of the study, Dr. Keys said: "Examination . . . of the so-called risk factors shows that most of these factors, whatever may be their influence . . . cannnot explain the observed difference in the incidence of coronary heart disease . . . cigarette smoking cannot be involved as an explanation."

Harvard anthropologist Dr. Carl Seltzer stated in testimony before Congress: "The situation demands not special pleading but scientific truth, namely what is reasonably established. And, certainly, it has not been reasonably established that cigarette smoking causes coronary heart disease."

The inability of scientific probers to reach a verdict on cigarette smoking and lung cancer or respiratory disease is summed up by Dr. Philip Burch of Britain's University of Leeds. He says: "Studies that purport to show a causal connection between cigarette smoking and various cancers—particular lung cancer—fail when examined critically to establish the causal claim."

But, as significant as Dr. Bourne's remarks on the purely scientific side, his courage in expanding the scope of the debate to include the equally important social aspects of the tobacco issue set a new high in official Washington candor.

His call for a Federal strategy that deals realistically with the industry and the social fabric which has built up around tobacco use over the past 300 years is one that is rarely heard in the scientific debate. We support his belief that the scientific community should come up with some facts on the health hazards—if indeed any—of other people's cigarettes before it recommends issuing orders to a very large segment of the public.

It is not likely that anybody would see an endorsement of cigarettes in Dr. Bourne's forthright statement.

Nevertheless, we heartily endorse Dr. Bourne's endorsement of reason. It's such a rare commodity these days—and particularly in the Great Tobacco Debate.

CAPE MAY COUNTY'S FARE-FREE TRANSPORTATION SYSTEM

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. HUGHES. Mr. Speaker, I am proud to call to the attention of my colleagues a very successful program in my district which provides free transportation for poor, disabled, and elderly persons. The program is known as the fare-free transportation system of Cape May County. It was recently cited by the General Accounting Office as one of the most successful operations of its kind in the Nation.

Transportation is a necessity if disadvantaged persons are to get the full benefits of our many service programs. Many people simply do not have the means to get to and from these programs on their own. However, there has been much confusion at all levels of government as to how much coordination is permitted among these programs.

Cape May County has avoided this problem by instituting the fare-free transportation system under the auspices of a county transportation department. It provides transportation for elderly clients of the area agency on aging, and to clients of the State Division of Vocational Rehabilitation. It also has a purchase-of-service contract with the State for title XX clients, and supplements the transportation programs of other human services agencies. During 1976 the program served 84,000 riders, and received its funding through title III, title XX, and the vocational rehabilitation program.

The GAO report cited strong local leadership as the key to the success of the program, and to overcoming hindrances to coordinating transportation services. Jack Salveson, head of the county's transportation department, needs to be commended for his efforts. According to the GAO, he has been able to persuade local governments to provide additional aid, and to convince Federal and State officials to accept minimal levels of accountability. The system also could not operate without the support of the county board of chosen freeholders.

The 10-vehicle fare-free system successfully juggles schedules between fixed routes for shoppers, demand-responsive trips for medical appointments, regular routes for nutrition programs, and referrals from CETA and other agencies. The system requires that users log in a number on each ride which indicates their eligibility under title XX funds to the State. Monthly financial reports provide accountability for title III funds, while county funds are approved by the board of chosen freeholders every 2 weeks.

The ability of Cape May County to bypass existing problems and create a system which efficiently serves those in need of transportation is proof that Federal programs can be coordinated to allow them to work at their maximum levels. It is my hope that the fare-free transportation system of Cape May County will become a model for other areas of the country which are suffering, because transportation problems have not yet been resolved.

TEXTILE TARIFFS

HON. KENNETH L. HOLLAND

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. HOLLAND. Mr. Speaker, I am aware that the administration is proposing significant cuts in certain textile and apparel tariffs.

Those of us in the Congress concerned with the interests of the 2.3 million workers employed by this industrial complex deplore this action. This industry has already lost 400,000 jobs to imports. It can afford no more. Yet if tariffs are reduced, an additional 50,000 jobs stand to be lost annually, to say nothing of the ripple effect.

This is inconsistent with the administration's and this Congress objective to reduce unemployment. It is inconsistent with established trade policy for textile and apparel as embodied in the multifiber arrangement and the bilaterals negotiated thereunder. The only goal of these agreements is to provide orderly textile trade in order to preserve American jobs.

Some two-thirds of the employees in this industry are female and 19 percent are minority. It is uniquely situated in both rural and urban communities to provide meaningful job opportunities. It is the Nation's largest manufacturing employer, providing jobs for one of every eight workers in that segment of our economy.

As a member of the Trade Subcommittee of the House Ways and Means Committee, I have studied this matter carefully. I have a large textile constituency and I have spent many hours discussing the entire textile trade matter with the most knowledgeable people that I know, both inside and outside of Government.

My conclusion is that we cannot afford any reductions in textile and apparel tariffs for the reasons that I have mentioned. For this reason, I am today offering legislation amending section 127(b) of the Trade Act of 1974. That section automatically excludes from tariff reductions any items accorded import relief under the escape clause of the Trade Act or the Trade Expansion Act of 1962 or import relief under the national security clause of the latter legislation.

Textiles and textile products have also been accorded import relief by virtue of the actions taken by the United States pursuant to the multilateral arrangement regarding international trade in textiles (MFA) negotiated under the authority of section 204 of the Agricultural Act of 1956, as amended. Import relief for textiles and textile products under the MFA is mostly in the form of orderly marketing agreements which is one of the forms of import relief under the escape clause of the Trade Act of 1974. The United States also has the right under the MFA to impose quantitative restrictions on imports under certain circumstances which is another form of import relief under the Trade Act.

Yet, import relief under section 204 of the Agricultural Act is not recognized as a basis for exempting products from the tariff-cutting process, while similar import relief under the escape clause of the Trade Act is. The public policy considerations which led Congress to exempt products receiving import relief under the escape clause—it would be inconsistent for such products to receive import relief and then have that relief vitiated by cutting the tariffs on such products—apply equally to import relief under section 204 of the Agricultural Act of 1956. The proposed amendment to section 127(b) of the Trade Act of 1974 would accomplish this.

Mr. Speaker, I urge the early passage of this bill.

THE COURTS SHOULD FORBID THE NAZI'S MARCH IN SKOKIE, ILL.

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. LENT. Mr. Speaker, I am dismayed by the ruling of the Illinois Supreme Court allowing the American Nazi Party to display swastikas in a planned march in Skokie, Ill. I find it most difficult to understand how the Supreme Court of Illinois could ignore the fact that the obvious goal of the Nazis is to stir up racial prejudices and bigotry, and to incite violence.

This factor, it seems to me, is critical in consideration of the freedom of speech protection in our Constitution. That protection never has been absolute. The highest court in our land made that clear long ago. Frequently cited is the historic case of *Schenck* v. *the United States* (249 U.S. 47–1919) when Chief Justice Oliver Wendell Holmes noted that, in determining whether a political party was entitled to constitutional protection, it was vital to gage the effect of the event under question.

The Chief Justice wrote:

> The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force.

Mr. Speaker, I call particular attention to the latter sentence in Chief Justice Holmes' opinion. What the American Nazis scheme to do in Skokie, Ill. has all the effect of force. In their march, in their display of the swastika—the most blatant symbol of persecution, terror and oppression existing in the world today—American Nazis would promote their own brand of mindless hatred and violence against their own selected victims among the minorities in this country.

Does anyone doubt that the American Nazis would carry out their threats of violence and oppression against the minorities they hate if they had the opportunity? Does anyone doubt that through this demonstration they hope to build support to give themselves that opportunity?

It seems clear that the Skokie community has ample reason to pursue every constitutional means available to prevent the Nazis from using their community to incite racial hatred and violence. It seems clear that the Skokie community has every reason to challenge the promise of violence presented by this group with their blatant swastika symbol of oppression and persecution. If there ever was a case where an event may have all the effect of force this is it.

I hope the good citizens of Skokie will appeal the decision of the Illinois Supreme Court, and that the U.S. Supreme Court, in its review, will reverse the court below by a return to the reasoning of Chief Justice Oliver Wendell Holmes and thus prevent a very serious abuse of the Constitution of the United States by the American Nazis.

TWENTY-FIVE YEARS AS BISHOP FOR RT. REV. LYMAN C. OGILBY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. EILBERG. Mr. Speaker, this month marks the 25th anniversary as a Bishop for one of Philadelphia's outstanding religious and community leaders, the Rt. Rev. Lyman C. Ogilby.

For the past 4 years, Bishop Ogilby has served the Episcopal Diocese of Pennsylvania. Many times over, he has earned the respect of not only his fellow Episcopalians, but of a broad spectrum of greater Philadelphians active in religious and secular concerns.

Bishop Ogilby is widely known for his concern for people, and for his willingness to consider all points of views on the many difficult issues that face his church and our community. I want to congratulate the Bishop on his anniversary, and offer the following article from the February 1, 1978, Philadelphia Evening Bulletin as a tribute to Bishop Ogilby's unselfish labors on behalf of Philadelphia and the entire Delaware Valley.

The article follows:

EPISCOPAL BISHOP OGILBY TO CELEBRATE 25TH YEAR

(By Paula Herbut)

As a youth, he thought for a time that he might become a naval architect and design boats.

Then, when he was ordained an Episcopal priest and sent to the Philippines, he wanted only "to be a good priest," the Rt. Rev. Lyman C. Ogilby recalled.

"I wanted to live with the people and love the people there and learn from them and perhaps they could learn from me," he said.

Bishop Ogilby will mark his 25th anniversary as a bishop tomorrow. It is a rank he never anticipated for himself and one he still refuses to elevate above the ministries of priests and lay people.

"A parish priest is the pastor in a local congregation—he is the teacher, the administrator," he said. "My ministry is quite similar, but instead of having one congregation, I'm the pastor for all the clergy in the area, and I visit all the congregations."

"Any distinctions in the Christian family by the positions that people assume . . . are very minimal," he added.

Bishop Ogilby has been bishop of the Episcopal Diocese of Pennsylvania, which covers the five-county Philadelphia area, for four years. It is the third diocese he has headed.

He is the senior bishop holding "ecclesiastical jurisdiction," or presiding over a diocese, in the Episcopal Church.

As he talked during an interview in his 16th floor office at diocesan headquarters in center-city Philadelphia, the bishop, who describes himself as "restless," alternated between sitting and pacing the floor.

He has always been physically active. He won letters in football, baseball and hockey in high school and college. Several years ago, he spent a hockey season getting up at 4:30 A.M. to coach his younger son's hockey team before going to work.

At 56, he is tall, lean and intense.

Bishop Ogilby, who lives in Swarthmore, believes that "society needs to be changed more and more into the kind of society God wants." His methods are quiet but deliberate.

Within the Episcopal Church last year, controversy exploded across the country over the first approved ordinations of women priests.

In the Philadelphia area, however, long considered a center of the controversy, it was quiet.

Dissident clergy opposing women's ordination were startled to be told by Bishop Ogilby that they were still welcome in the diocese.

"The church is roomy" enough to accept different viewpoints based on conscience, Bishop Ogilby, a long-time supporter of women's ordination, said.

Bishop Ogilby said he decided to become a priest during World War II, when he was a lieutenant on PT boats in the South Pacific.

He had jointed the Navy in 1943 after graduation from Hamilton College in Clinton, N.Y.

War against Germany and Japan in those years was "the lesser of two evils," he said.

But, "I began to realize that war wasn't really solving a lot of problems," he said. "There must be a better way for the human family to exist together rather than through the military."

He entered the Episcopal Theological School in Cambridge, Mass., in 1946. When he graduated three years later, he was sent as a missionary priest to the Philippines.

Bishop Ogilby was in the Philippines for 18 years, most of them as a bishop. He married a missionary nurse there, and their three children were born there.

Although he had been elected bishop of the Philippine Episocpal Church by the U.S. House of Bishops, he believed it was "an antiquated, colonial way to do things."

He obtained the election of two Filipinos as bishops to assist him, then resigned to enable one of them to be elected bishop of the diocese church there.

He then lobbied back in the United States to permit the election by mission dioceses of their own bishops. When the U.S. church made that change in 1970, he resigned as bishop of South Dakota, his second mission diocese, to permit the diocese to elect its own bishop.

MEMORIAL TRIBUTE TO HUBERT H. HUMPHREY

HON. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. McKAY. Mr. Speaker, I would like to submit for the RECORD a copy of a memoral tribute to the late Senator Hubert Humphrey delivered before a joint session of the Utah State Legislature on Monday, January 16, 1978, by Dr. Edwin B. Firmage. Dr. Firmage is a professor of law at the University of Utah and served as a White House fellow on the staff of Vice President Hubert Humphrey in 1965 and 1966.

MEMORIAL TRIBUTE TO HUBERT H. HUMPHREY

It is a great honor for me to be invited by this body to offer words of tribute to Hubert Humphrey, a man I dearly loved as did many of the citizens of our state whose lives he somehow touched.

Senator Humphrey was a great friend to the people of our state. Hubert helped us with water conservation and with energy development even up to the week before his death. He aided our symphony and the Tabernacle Choir in accomplishing their world tours. I treasure the evenings he spent in our home with my children when he visited our city and the hours we spent working through the night together drafting speeches in campaigns from the middle sixties through his Salt Lake speech in the presidential campaign of 1968 to the present. Almost two decades of national campaigns had allowed Hubert to form so many thousands of friendships throughout our country that citizens of many states all claimed three senators: two uniquely their own and one who was truly the Senator of the United States of America.

The preeminent characteristic of Hubert Humphrey was love. Hubert could not make an enemy nor hold a grudge; with the fierceness of devotion that all too often characterizes the staff of one in politics, we sometimes wished he could. But we loved him because he couldn't. And we followed him because we knew that this great heart set him apart from most others that we knew. I was anxious and irritated as I tried to drag him out of the Capitol and away from several hundred Washington sixth graders, transfixed as America's finest stump speaker spent one hour telling them of the great debates that had taken place in his beloved Senate—of Webster and Calhoun and Clay. A cabinet secretary had been waiting in Hubert's Vice Presidential office that hour for his appointment.

For Hubert there simply was no comparison between telling our children about America and dealing with a government bureaucrat—even an important one. The apostle Paul told the saints at Corinth that love "keeps no score of wrongs." Hubert, as vice president, as "number two," occasionally had to suffer that peculiar anguish and develop that particular discipline of one called upon by virtue of office to subordinate his will to that of a superior. And in the fortuity that sometimes governs politics, the Happy Warrior obtained his party's nomination and ran for president in the late sixties when America was angry and torn apart by a vicious war. Hubert was hurt often by failure but experienced only enlargement. Cancer ravaged his body but vengeance never cankered his soul.

Hubert was a rare soul whose universal spirit refused to see the relevance of the divisions that humans force upon themselves: lines dividing state from state, pitting nation against nation, distinguishing race from race, or defining God differently.

The expression of love and good will from people throughout the world on Hubert's death are testimony that they perceived his belief with Paul that we all "are no more strangers and foreigners but fellow citizens . . .", Jew, Gentile, Christian, Moslem, black and white. Hubert said that men and women in our nuclear age of declining resources and increasing needs were like mountain-climbers roped together as we scaled the precipice.

I do not know all the characteristics that make for a great president. But I believe that Hubert Humphrey has done more by humane legislation and loving example than most presidents. And I believe that history will so conclude. Presidents are well advised to employ people more intelligent, more specialized than they in order to make government work. But no president can hire another to feel, to love for him. Other partial gifts will vanish away but love will never come to an end.

Somehow for me Washington will never again have the effervesence, the excitement and exhilaration now that Hubert is no longer there. As a house is less a home to one whose parents have passed on, so our capital will be more remote and aloof, more general and less particular to me.

If love is indeed the spiritual gift that will never come to an end while that which is partial passess away, then Hubert has bequeathed to us all his own special kind of immortality. Thank you.

RESOLUTION

Whereas . . . .

Hubert Humphrey has given a life of devoted service to his conutry.

In life he demonstrated the power of loving kindness shown to political ally and opponent alike. This love extended to those of whatever race, religion or nationality.

He worked always to help the poor and all who most needed help. His life was devoted to extending constitutional freedom and economic opportunity to all.

His willingness to help thousands of friends in many states made him preeminently the Senator of all the United States of America.

The people of Utah enjoyed his special friendship and often benefited from his willingness to help meet our needs on matters from the governance of public lar.ds and the development of energy to the conservation of water and the protection of the environment.

We enjoyed his presence, and that of Mrs. Humphrey, often in our state and we will sorely miss him.

In success he demonstrated humility, with grace and courage in defeat; he taught us how to live and how to die.

The Utah Legislature in joint session by resolution dedicates this memorial to Hubert H. Humphrey; colleague, fellow citizen, loving friend.

HUBERT HUMPHREY'S AID FOR AID

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. FRASER. Mr. Speaker, the introduction of Senator Hubert Humphrey's "International Development Cooperation Act of 1978" has elicited widespread favorable comment. The bill is the late Senator Humphrey's effort to reorganize and to make more effective the U.S. response to world poverty.

As the Saturday, February 4, Washington Post editorial put it:

As usual on questions of aid, as on so much else, Sen. Humphrey was right on the money.

The Christian Science Monitor editorialized 2 days earlier:

If passed . . . the legislation could give the nation the basic tools for dealing more effectively with the North-South issue, the split between the rich and poor nations that will undoubtedly trouble the world for decades.

The same day the Monitor published David R. Francis' article, "A Gathering Storm and HHH on Foreign Aid," which provides a backdrop to the Humphrey bill. All three items mentioned are reprinted in full at the conclusion of this statement.

Mr. Speaker, it is well known and acknowledged that this bill is Senator Humphrey's last word on a subject—human economic rights—that deeply concerned him his entire life. We recognize that the Senator's value to this cause—any cause—was not only the intellectual vigor he exercised in addressing a problem, but also his ability to mobilize support for his solutions. In this instance, while we have the fruit of his intellect, we lack the strength of his personality. This Humphrey legislative initiative will have to be popularized by others and that is why I am pleased to observe the initial positive reception the Humphrey bill has received.

The articles follow:

[From the Washington Post, Feb. 4, 1978]

HUBERT HUMPHREY'S AID FOR AID

Hubert Humphrey left behind a proposal, brought to public attention after his death, to collect the scattered and badly coordinated bits of American foreign aid into one organization place, the better for the President to direct and the Congress to oversee. He figured this would permit a more efficient use of the resources the United States expends on "development" through its own programs and the international banks. He thought such a reorganization would help now-muddled Congress to regain a vision of the responsibility of the United States in meeting the international obligations that cold self-interest compels it to acknowledge.

As usual on questions of aid, as on so much else, Sen. Humphrey was right on the money. Aid is in crisis. Americans have not made an adequate post-Vietnam transition to the concept that development assistance, far from being a cold-war tool or an expression of humanitarianism, is essential to the relations of the United States with a large number of nations increasingly important to it. Not only have the sums voted for development been niggardly; also, to the funds that are voted, Congress has gotten into the habit of attaching restrictive conditions—protectionists swooping in from the right, human-rights activists from the left. The Humphrey approach, offering the possibility of a fresh start, could break that logjam.

Such is the respect—not merely sentiment—for Mr. Humphrey's political command of development issues that his bill has gained substantial early Hill support, even from some of the quarters whose committee jurisdiction the measure would reduce. Hearings will open in March. It remains unclear, however, to what extent the administration will wish to use the bill, and the political steam building up behind it, to advance its own still-tentative plans to reorganize foreign aid in Washington and to focus it abroad further on the poorest nations and the poorest people. Reorganization, requiring bruising battles over turf, promises more political infighting than this administration may want to take on.

The result of a successful effort, however, would be a foreign-aid instrument measurably better suited to serve the President's own high-minded development ideals. That in turn would ease aid's path in Congress and leave the United States better able to play its natural and, in recent years, poorly filled leadership role in mustering support for global development. The practical advantages are so apparent that it is not even necessary—though it certainly is nice—to portray the new aid legislation as a memorial to Hubert Humphrey.

[From the Christian Science Monitor, Feb. 2, 1978]

HUMPHREY WORLD AID PLAN

During his last few months Senator Hubert Humphrey devoted much of his time to a sweeping legislative proposal to reorganize the foreign aid program of the United States. It deserves thoughtful consideration.

For a man who fathered some ambitious government programs, the proposal might seem rather plebeian for a last legacy to the nation—even though James Grant of the Overseas Development Council believes such an overhaul could increase the efficiency of foreign aid by 50 percent.

But it wasn't plebeian. Humphrey wanted to prepare the United States for what he foresaw as a "gathering storm." The Churchillian phrase does not apply to the possibility of another world war, but of fundamental and radical change in the relations between the poor and rich countries of the world.

He wanted to provide the nation with a framework "to channel our creativity and inventiveness in meeting the challenge of abolishing the worst aspects of poverty from the face of the earth."

Reflecting a concern that extended beyond the borders of his own nation to the majority of mankind in the developing world, he said in a statement finished just two days before his passing: "We live in an era in which man's scientific, political and sociological advancement should make poverty an anachronism."

However, as he noted, it was not so far. Today 700 million adults in the world are unable to read or write. More than 500 million are suffering from severe hunger and malnutrition. It has been estimated that 10 to 15 million people die each year unnecessarily from economic and social deprivation.

Through his bill, Mr. Humphrey hoped to give U.S. development assistance policy more focus. Right now various development activities are scattered among the Agency for International Development, the State Department, the Treasury, the Department of Agriculture, and ACTION (the Peace Corps). The result in the present and past administrations has been some policy chaos and an inability to grasp the "big picture" in dealing with development problems. Moreover, the basic Foreign Assistance Act of 1961 has been encrusted with some 28 amendments over the years, some contradictory in nature.

The Humphrey bill would combine the various aid activities into a separate agency, the International Development Cooperation Administration. Its administrator would report directly to the President. The legislation would also spell out more clearly the goals of U.S. foreign aid—such as alleviation of "the worst physical manifestations of poverty among the world's poor majority" and promotion of conditions to enable developing countries to achieve "self-sustaining economic growth with equitable distribution of benefits."

Unfortunately, passage of the legislation, which now has Democratic and Republican sponsors, will not be easy. It may face the opposition of some bureaucrats, for instance, in the Treasury, whose kingdoms will be reorganized or dissolved. Nor is foreign aid a vote-getting measure in an election year. Success will probably require the White House to announce its approval of at least the basic concepts of the bill.

If passed, however, the legislation could give the nation the basic tools for dealing more effectively with the North-South issue, the split between the rich and poor nations that will undoubtedly trouble the world for decades.

Says Mr. Grant: "Humphrey left us with a vehicle of hope, a challenge. Have we the capacity to pick up this charge?"

It is important the United States do so.

[From the Christian Science Monitor, Feb. 2, 1978]

A GATHERING STORM AND HHH ON FOREIGN AID

(By David R. Francis)

BOSTON.—As a last legacy to the nation, Sen. Hubert H. Humphrey left a sweeping legislative proposal to reorganize the foreign aid program of the United States. It was introduced in the Senate last week by Sen. John J. Sparkman (D) of Alabama, chairman of the Foreign Relations Committee, and Clifford P. Case of New Jersey, the ranking Republican on the same committee.

Senator Humphrey saw this legislation as more important than a mere shuffling of bureaucrats. He regarded it as preparing the country to deal with the new demands of the developing nations.

In a statement prepared just before his passing, he wrote: "How we respond will

have a major impact on world peace, prosperity, and stability for decades."

DIFFERENT PERCEPTIONS

He went on: "The major decisions in the world no longer can be made by a handful of Western leaders sharing a similar view of the world. These decisions increasingly are made in global forums, unwieldy in their size and struggling to achieve consensus in the face of the radically different perceptions of the world that are represented in their makeup.

"Failure, frustration, and stalemate on vital issues will persist until we change the very nature of our decisionmaking processes to reflect the democratization of world leadership.

"Demand for change—yes, fundamental and radical change—has been coming. It is like a gathering storm, and it has now arrived in all its fury. We have hoped it might pass away or that minor adjustments would be sufficient to weather the storm. This is understandable. Change does not come easy. And change on a global basis is threatening, unsettling, and revolutionary."

"But the fact is that the balance of this century will continue to be a period of incredible, massive change in political, economic, and social institutions.

IMPATIENCE POINTED UP

"The question is, will we, by our positive efforts, help to affect and move this global upheaval in a direction consistent with our values and beliefs? Or will we merely resist it? Will we design our future, or will we simply resign ourselves to it."

The statement is typical Humphrey rhetoric. But it pointed to a growing impatience in the poor nations with the pace of the so-called "North-South dialogue"—the efforts of the developing countries to establish what they term a "new international economic order" and the response of the industrial nations.

The official dialogue, the Conference on International Economic Cooperation in Paris, came to what one observer, Jahangir Amuzegar, Iran's ambassador at large, termed "a battered and confused end" last June. "Group of 19" developing countries at the conference were visibly dejected at its failure to produce a "comprehensive and equitable program of action."

They noted "with regret" that "most of the proposals for structural changes in the international economic system" and "certain proposals for urgent actions on pressing problems" had failed to receive the rich countries' support.

In the fall, subsequent negotiations on the establishment of a common fund to finance commodity stabilization measures stalled, probably until this spring. In the area of trade, many industrial nations moved to limit the growth of imports of manufactured goods, such as textiles, shoes, and electronic goods, from poor countries.

"DESPONDENT MOOD" NOTED

As a result, according to Mahbub ul Haq, director of the World Bank's policy planning and program review department, many third world intellectuals have been left in a "despondent mood." They are beginning to wonder if nothing is going to happen to dramatically relieve world poverty in their lifetime, he says.

This mood, he suspects, could soon be replaced by a "mood of greater belligerence." Already, he warns, the "search has begun" for "weapons" the poor nations can use to impress on the rich countries that their demands for greater economic opportunity and equity must be taken "very seriously."

The developing nations, of course, were highly impressed by the success of the members of the Organization of Petroleum Exporting Countries in increasing their share of the world's economic pie by quadrupling and eventually quintupling the price of oil. For some time the poor countries explored the possibility of duplicating the OPEC formula with other commodities. But they have had only minor success. No other resource has proved to be as critical to the economies of the industrialized nations as energy.

CARTELS OR CONFRONTATION?

Mr. Haq, however, does not regard simple commodity cartels as the best weapon of the poor countries in their struggle with the industrial nations. He writes in his book "The Poverty Curtain, Choices for the Third World" (Columbia University Press): "The real bargaining power of the poor lies in their ability and their willingness to disrupt the life-styles of the rich. In any such confrontation, the rich have far more to lose and are generally far more willing to come to a workable compromise."

Mr. Haq fears that out of frustration today's "moderate" leadership of the intellectual community in the poor countries will lose out to "radicals" such as those prominent in Algeria. One never knows, he says, what will happen when a "lot of pent-up grievances" are not dealt with.

Mr. Haq himself still has hopes for a continued "constructive" North-South dialogue. In the meantime, a prominent group of poor-country intellectuals known as the Third World Forum has embarked on a "major assessment" of the status of the North-South dialogue and where it should be taken in the future.

The group plans a more detailed study of the "principal inequities in the market structure" of the world. It will use this to make a more substantial case for a "new international economic order," Mr. Haq says.

WHAT ONE-SIDED ACTION?

Further, the group will examine the sources of unity and disunity among the developing countries over such issues as commodity agreement, debt relief, and development assistance. It will study what possibilities the third world countries have for "unilateral action" to improve their economic lot. Could they, for instance, with the help of the OPEC countries, set up their own common fund to provide financing for a limited number of commodity agreements? This, Mr. Haq says, might be better than being "stymied indefinitely in international negotiations."

He adds: "We are thinking more and more in terms of having a dialogue within the South itself." This might last a year or so. Then, with clearer ideas and a strategy, the South would be better prepared to negotiate with the rich North.

The late Senator Humphrey apparently hoped that when that day of more crucial North-South negotiations comes, the United States would be better prepared as a result of his legislation to offer constructive solutions to the problem of world poverty.

PROPOSED BILL DESCRIBED

"The International Development Cooperation Act of 1978," he stated, "is an attempt to start focusing our attention on these concerns."

The bill would establish a separate agency, the International Development Cooperation Administration, with responsibility for directing all major development assistance programs. Its administrator would report directly to the president.

It would absorb programs now administered by the Agency for International Development; the Peace Corps (now part of ACTION), the sections of the Treasury making contributions to the international lending agencies, such as the World Bank; the State Department activities related to the voluntary contributions to United Nations technical and humanitarian agencies; and the P.L. 480 food program of the Department of Agriculture.

The 159-page draft bill would repeal the Foreign Assistance Act of 1961, which has been amended by 28 acts of Congress. These amendments added many "barnacles" to the development assistance program which Senator Humphrey did not believe appropriate. For instance, there were bans on aid to countries that failed to pay their dues to U.N. agencies or that seized U.S. fishing vehicles.

PROMISE OF AMERICA

Foreign aid advocates hope the Humphrey bill will prompt the administration to develop further its program dealing with foreign aid and North-South relations. "The administration has not really come to grips with policy in this area," said John W. Sewell of the Overseas Development Council. "There is no driving force."

Stated Senator Humphrey: "We can launch a global assault on the historic plagues of mankind—the bondage of hunger, disease, and illiteracy—if we have the will and creativity to do so. And, as we do, we will move closer to fulfilling the promise of America—a life with dignity in the pursuit of happiness in a free society for our own people and for those throughout the world."

TORRANCE MAYOR KEN MILLER, CITIZEN OF THE YEAR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. ANDERSON of California. Mr. Speaker, on February 14, the Lions Club of Torrance will pay tribute to a man whose wisdom and leadership have long been dedicated to the service of his community. On that day, Torrance City Mayor Ken Miller will be honored as Citizen of the Year. I would like to commend the Lions Club for their excellent choice in giving this honor to Ken, and also congratulate Mayor Miller as he receives this award.

Ken Miller is a good friend, and I have been privileged to work with him closely over the years on a number of issues of concern to the people of Torrance. When he steps down from public office on March 14, 1978, after 18 years of active service in city government, his drive and abilities will be missed.

Born on August 30, 1922, in Torrance, Ken received his early education in that city, and graduated from Compton College before earning a bachelor of arts degree at Occidental College. He was awarded his teaching credentials after 2 years of postgraduate study at the University of Southern California. During the Second World War, Ken served in the U.S. Air Force from 1942 to 1946.

Ken was, and is, a successful realtor, owning his own firm in Torrance. So it was only logical that he start his career in city government as a member of the Torrance Planning Commission in 1960. Two years later, in 1962, Ken successfully ran for the city council.

As a councilman, Ken Miller was active on the community affairs and development committee, the transportation committee, and the police, fire and public safety committee. While serving on the city council, Ken Miller spearheaded the formation of the Torrance Beautiful Commission. Throughout his career as a city official, Mayor Miller has led Torrance and other South Bay municipalities in establishing effective land use controls,

developing lower unit per acre density of multiple residential areas.

Ken was elected mayor in 1970 after serving 8 years on the council, and ran successfully for reelection as the mayor of the third largest city in Los Angeles County in 1974. Under his able leadership, Torrance has continued to grow and prosper while maintaining a high standard of community service and awareness.

Among his many accomplishments have been the establishment of the city's highest capital improvement priority—more open space—including a feasibility plan on financing the program. Regulations regarding the hillside development on the nearby Palos Verdes Peninsula were refined with the aid of his abilities, and the joint city-county concept for beaches was expanded through a cooperative program for the Torrance beach area. Ken was locally active in supporting the creation of the consolidated county department of harbors and beaches.

A strong advocate of intercity cooperation, Ken often involved the mayors and city councils of the South Bay community cities in issues of mutual concern. In 1974, the Torrance mayor served on the Southern California Association of Government's Committee on Land Use and Growth; and in 1975 on the League of California City's Government Affairs Committee on Environmental Quality.

Currently, he is serving as chairman of the Los Angeles City Selection Committee of the League of California Cities; and as chairman of the Los Angeles Sanitation District No. 5 in the South Bay.

Despite his busy schedule in city affairs and private business, Ken has always found a way to dedicate his time and efforts on behalf of community affairs. He is a member of the local Elks Lodge, the Torrance Kiwanis, American Legion, Torrance Area Chamber of Commerce, and a past president of the Torrance-Lomita Board of Realtors. In addition, he belongs to the advisory boards of the Little Company of Mary Hospital, and the Young Women's Christian Association (YWCA).

Mr. Speaker, Mayor Ken Miller is eminently deserving of his award as "Citizen of the Year" for his community activities alone. It is especially fitting that he receive this honor as he draws his distinguished and highly successful career in civic government to a close.

My wife, Lee, joins me in congratulating Ken, and in wishing him the best of fortune in the years ahead. We would also like to extend our greetings to his lovely wife, Judy; and their children. Jimmy, Cathy, and Randy.

PERSONAL EXPLANATION

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. McCLOSKEY. Mr. Speaker, I will not be present tomorrow when the House considers the bill to expand the Redwood National Park, but were I here I would vote in favor of Congressman PHIL BURTON's substitute bill, H.R. 10760.

AMERICA'S MAGINOT LINE

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. SISK. Mr. Speaker, there are few symbols in this world that still have the power to inspire; the Statue of Liberty has that power.

Give me your tired, your poor
Your huddled masses yearning to breathe free . . .
The wretched refuse of your teeming shore,
Send these.
The homeless, tempest-tossed,
to me.
I lift my lamp beside the golden door.

Few verses have been learned "by heart" by as many people as the words Emma Lazarus wrote for the Statue's inscription. Together, words and stone have transmitted a message that grows more powerful with the years: There is hope in America.

Forty-seven million immigrants have come to the United States since the founding of the Republic. They have come in hope, to build a new and better life, to take part in the great democratic experiment, to become Americans.

America has offered refuge from every sort of human tragedy, from pogroms to potato famines, and it offered something more: It offered opportunity. If the first generation did not get rich—because the streets never were paved with gold—there was still the opportunity that the children would not be locked into the lives that their parents had led.

In all of our history, there have been only three decades, from 1881 to 1890, from 1901 to 1910, and from 1911 to 1920, when we have welcomed more immigrants than we have in the past 10 years. Between 1966 and 1976, the United States has legally become the home for more than 4 million people from other lands.

The United States will probably continue, for some time to come, to admit more new citizens, through its legal immigration system, each year, than all other countries combined.

But there is a new system of immigration to the United States, and it has been growing dramatically in the past few years. It has largely superseded the old one. This new system has grown entirely outside of our laws—the most lenient in the world—in conflict with our most basic beliefs, and without our knowledge.

By now it has become so widespread that we must be aware of it. And whether we call this new system illegal immigration or undocumented immigration, its most salient feature is injustice.

There is no justice in any of it.

There is no justice to the legal immigrants, the 47 million people who have obeyed the rules, waited in the lines, studied the documents, and earned their citizenship.

There is no justice in it for Americans, particularly the poorest Americans, who have had their wages depressed and their taxes raised, their social services stretched beyond the limit, and their natural resources disappearing faster than they can afford.

There is no justice for the criminals who feed off of this system, the smugglers, the forgers, the virtual slave traders who are seldom caught and punished.

Nor is there any justice for the illegal aliens themselves, who must endure incredible abuses, and live as outlaws.

There is no justice in allowing this system to continue. We are doing no one any favors. This system perpetuates one cruelty after another.

If we think the illegal immigration system is anything but another form of organized crime, we are fooling ourselves.

There is a tendency to forget that illegal aliens are people, and that their variety is as infinite as in any other group of human beings. It may make easy journalism to draw a "Profile of an Illegal Alien" because there is one category that has received more publicity than any other: the poor and exploited. Like any stereotype, there is an element of truth in it. But it is only one element in the whole system of exploitation, and I want to draw your attention to the consequences of letting things continue as they are: it is a system that victimizes more people than have been considered, because it threatens the life-support system of the North American Continent.

If that sounds exaggerated, let us examine the overall nature of this system. The Border Patrol is only slightly larger than a decade ago, but apprehensions have increased tenfold, to over 800,000 per year. Perhaps a minimum of 1.8 million people migrate to this country illegally every year. The actual figure is probably far higher. Certainly our former Commissioner of the Immigration and Naturalization Service, Leonard Chapman, made it clear that the problem had grown beyond the capacity of the INS to enforce the law.

General Chapman cited the 10-year backlog of casework in Los Angeles involving illegal immigrants; investigations by the New York Times indicate a million illegal aliens living in the New York area. In the last 5 years, district 3 in New York has deported 60,000 illegal aliens, with the help of only 28 agents. The entire investigative force of the INS is smaller than the police force of the District of Columbia. The enormous growth in numbers of apprehensions and deportations is not due to increased efficiency alone—it is simply evidence that the size of the job to be done has grown.

Meanwhile, what is happening to the people who are in the country illegally, who are not apprehended?

Some are abused and preyed upon, as we have noted. Some have been smuggled in automobile trunks and have died of suffocation. Many have been robbed, beaten, and raped. Others are exploited by their employers.

But at the same time, it must also be

noted that 50 illegals were apprehended in Chicago performing janitorial jobs; the next day 150 Americans lined up for these same jobs, 80 percent of the new applicants were of Hispanic origin. In 1974, New Jersey apprehended 3,217 illegal aliens working for pay between $2.10 an hour to $14,000 a year. California's State welfare board estimates payments to illegal aliens at $100 million annually; 1,000 illegal aliens were working in tuna canneries in California in 1974 earning from $3.50 to $4 per hour. The head of the El Paso Immigration Aid Station (operated by the U.S. Catholic Conference) points out that "What we are beginning to get are marble cutters and bricklayers and carpenters, as well as farmworkers"; 1,500 illegal aliens were apprehended in Detroit; 900 held jobs in heavy and light industry, the service industries and construction. Seventy percent of them earned more than $4.50 an hour, and only 1 percent were employed in agriculture.

Any tabloid newspaper has a column advertising where fraudulent documents can be obtained. The illegal subculture has spawned a variety of flourishing businesses in most of our major cities, dealing with fraudulent documents and forgery. Some are involved in smuggling people, which can be as profitable as smuggling drugs. The illegal aliens have broken one kind of law; the criminal organizations who specialize in these operations have broken every sort of rule of conduct we have on our law books. In our sympathy for the plight of the beleaguered alien, we have completely overlooked the criminal aspects of those who support this system. There has been no justice for them, either.

Nor is there any justice for the American citizens and legal residents. Who pays the most for the existence of this system? The poorest of Americans, who are often among the unemployed minorities. They pay several times over, in taxes, in lost social services, in lost jobs—the unemployment rate among minorities in our cities is as right as it is in any Third World city.

The working poor are also victimized—by working conditions that labor interests have fought for 50 years to improve and are now sliding rapidly backward. The vast pool of cheap, exploitable labor undercuts every advance we have made for the benefit of the worker since the Triangle Shirtwaist factory—and there is no sign of this trend's abating.

As long as this system continues, there will be no justice for the legal minorities—they will be caught in the crossfire. The more fraudulent documents in circulation, the more the documents will be devalued, and the more cultural prejudice will be turned against them. Those who truly care about the civil liberties of our native and naturalized minorities would be well advised to look to the system that most endangers them.

The danger to the country is apparent even now, but the cause is not. The cause is rooted in the population expansion in the poor countries that is driving these people to find somewhere else to go. Does anyone deny that there are close to 1 billion people on this globe living in abject poverty? Next year, there will be about 100 million more of them looking for shelter, food, energy, and employment, and what will happen the year after that? With nearly 40 percent of the world's population under the age of 15, can we not see what is happening?

We have a limited country. We have only so much water and land, only so many resources. The U.S. resources are finite. We have a system of democracy that we treasure, but democracy can only function if the numbers of people are in relative balance with available resources.

With the current influx of illegal immigrants, we will double our population and resource use in about 44 years. Our use of energy, for instance, will approach 26 billion barrels of oil equivalent per year, four times the current consumption of the rest of the world combined. These are ridiculously conservative figures, because they assume that we will not increase our energy consumption, and that the rate of immigration will remain the same. It will not. It can only increase, if we continue to allow it.

But the ecological argument is remote for most of us: it is our children who will hear the final round of that one, probably within 25 years. Many of us will be alive to watch it happen to them. The land, you see, will be the ultimate victim, as it always is where there are too many people to support.

Our agricultural land, now being reduced by 5 million acres annually, cannot possibly feed 450 million Americans—to say nothing of exporting the necessary grain to pay for our escalating petroleum bill. Not only will our topsoil be all but ruined, but our rivers, lakes, and streams will be choked with effluents, our timber resources leveled, and our air blackened. Another 225 million Americans in a short 44 years will make the pollution, environmental degradation, and urban-suburban sprawl of today look like child's play.

The intervening years will claim many victims, because even before our physical resources are exhausted, our social management capabilities will be.

Americans are not unaware of the injustice of the immigration system. A recent Roper poll shows that 91 percent of all Americans favor an "all out effort to stop" illegal immigration. In addition, by a margin of 4 to 1, Americans want to "reduce the quotas of legal immigrants" who enter the United States each year. The pollsters themselves were astonished; such unanimity on any social issue is unprecedented. People know the situation is dangerous; the sparks are already appearing in the way of border and urban clashes, and it is only a matter of time before widespread violence occurs.

If we continue our present policy of pretending that the problem is not there because we cannot obtain hard figures to analyze, we can safely anticipate the worst.

What can we do? First, we must recognize that the illegal alien system is riddled with injustices, from top to bottom. We can recognize which legislative steps must be taken to protect the rights of our people. We can take corrective measures so that the Immigration and Naturalization Service can do its real job: The processing of legal immigrants and helping new citizens to become Americans.

And we can correct the notion that somehow Americans have the sole responsibility to cure the world's problems, or that we are the cause of them. We will do what we can, where we can—as we have always done—in a spirit of good will toward mankind. But we can do nothing to help anyone if our own land and environment is demolished and our social system is in ruins.

History has given us warnings and vivid illustrations of the costs of ignoring those warnings. As our colleague, Mr. WOLFF has said:

> We really have a Maginot Line. It is outflanked, overflown and infiltrated. And you know what happened to the French.

The American people have given us a mandate.

Mr. Speaker, what are we going to do with it?

POORLY NEGOTIATED AND HASTILY DRAFTED

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. BAUMAN. Mr. Speaker, as all of my colleagues in this body are well aware, the debate in the other body over the ratification of the Panama Canal treaties is scheduled to begin today. Unfortunately, in my opinion, the public debate leading up to the final consideration of these treaties has been distorted and made confused by a number of misrepresentations and exaggerated claims by those who support the treaties. These parties are so eager to insure the ratification of these treaties that they are willing to overlook or to risk the very grave dangers these treaties represent to the economic vitality of all American port cities.

Under the administration of the United States, the Panama Canal has offered a vital service to all shipping nations without political discrimination and at a quite reasonable charge. This service has been so important to all port communities throughout the world and to the people who gain their livelihoods as a result of the international shipping trade that it would be extremely difficult to imagine the true level of its value. The Maryland Port Authority, in my home State, has stated recently that "the importance of the Panama Canal to the continued growth and viability of the port of Baltimore cannot be overstated." The very real concern in Baltimore and, indeed, in all east coast port cities, is that an unstable operation in the canal or an arbitrary increase in the toll charges would divert Far East shipping away from the canal to alternative routes and methods of transportation.

These concerns are well justified when considering the treaties. The probable consequences of the ratification of these treaties were discussed recently by a

noted authority on Latin American affairs, Dr. Roger W. Fontaine. Dr. Fontaine is the director of Latin American studies at Georgetown University's Center for Strategic and International Studies here in Washington, D.C. He has written an article which discusses the probable impact these treaties would have on the operation of the canal in the next several years. Considering the nature of the Torrijos regime and recognizing that the skilled American engineers and technicians who presently operate the canal would immediately come under the jurisdiction of the Panamanian courts, Dr. Fontaine considers the very important question of whether the Americans would remain to operate the canal. I believe it is a question which deserves to be asked, and I would ask my colleagues in this body and those in the other body who support these treaties to ask themselves if they would stay in Panama after ratification day to face the justice they would find in Panama's courts.

I include the article by Dr. Fontaine which was published in the February 7, 1978, edition of the Baltimore Sun:

POORLY NEGOTIATED AND HASTILY DRAFTED

(By Roger W. Fontaine)

Happily, the great canal treaty debate has begun to focus on real, not peripheral, much less imaginary issues. For once the sound and fury now seem to mean something.

Admittedly, President Carter's recent boiler plate address to the nation was not part of the serious debate. Nevertheless, well informed friends and foes of the treaties are beginning to agree on some fundamental points.

Today, for example, no one questions the continued commercial and strategic importance of the canal both now and well beyond the magic year 2000.

No one accepts American guilt for running a "colonial enclave," nor does anyone take seriously the prospect of "another Vietnam" if the treaties are not ratified.

And finally, no one believes there is no alternative to the present treaty signed in 1903. The quaint belief that our relationship with Panama should not change because it never has is an impudent revision of history.

But the question remains: Are these treaties the best we can do? Will they insure an open, secure, and well run canal?

Frankly, I doubt it.

The treaties were poorly negotiated and hastily drafted as the scores of mistranslations between the two texts, Spanish and English, so readily attest. Yet the principal question is still will the treaties work?

Again, I doubt it.

Two great unresolved problems remain. Neither the treaties as they stand now nor the most commonly discussed amendments provide a solution. The first problem deals with the arrangements for the canal's security after 2000. The second has to do with the canal's proper operation before and after that year.

The weakness of the second treaty, Articles IV and VI, have already been discussed at length. Those weaknesses without amendment would, of course, remain, providing us with only a few vaguely worded promises. The amendments on the other hand would specify the right to act unilaterally in defense of the canal, and the right to privileged passage of U.S. warships.

Considering the history of this issue, we can expect no less. Before and after the signing of the treaties very different interpretations were given to these controversial articles in Panama and in the United States. The subsequent Carter-Torrijos memorandum was designed to answer the critics here, but its effect was made largely nugatory by the lack of publicity given this clarification in Panama coupled by repeated remarks by Mr. Torrijos stating that his trip to Washington October 14 had changed nothing in the treaties signed on September 7.

But even if the amendments are passed, our newly spelled out guarantees will still not be secure without an American military presence after the turn of the century. Action initiated by us from the outside, seaborne or airborne, will be far more difficult and costly to carry out than if we had retained some base rights beyond 2000.

What happens after that year, therefore, is a real concern. But a greater concern is the likely course of events within the next few years.

It is not true that we have 23 years to carry out a quiet, orderly transition. In effect, the turnover period is much shorter—by 20 years to be exact. The Canal Zone and the Canal Company disappear on Treaty Day—six months after the exchange of the instruments of ratification. That means Canal Zone institutions like the police and the courts will begin to be dismantled and Canal Zone residents will fall under the jurisdiction of Mr. Torrijo's Guardia Nacional.

It is no secret that morale in the Canal Zone is low. It is also no secret that polls indicate that 70 per cent of the American workers will leave under those conditions. (Curiously, a good number of Panamanian workers in the Zone would also like to leave if they could.) It is also no secret that any part of the 70 per cent will be difficult to replace—the Canal Company today has a difficult time recruiting skilled workers.

Will 70 per cent actually go? I doubt it, not at first in any case. In fact, the exodus is likely to come in two stages.

Initially, between 15 and 20 per cent will leave, mostly company administrators. The actual operators of the canal, the pilots, engineers and control room personnel, will remain for awhile and test the Panamanian government attitude, knowing they will not be easily replaced.

Unfortunately, feelings are running high in Panama, and many of its officials actually believe they are capable of operating the canal now. Only one nasty incident would be needed to drive out many of the skilled employees.

That raises a related question. Can the canal be run by Panama? The usual answer is yes—at least in 23 years because the country is blessed with talented people, 80 per cent of whom are literate.

The problem, however, is more complex than that. The truth is no one knows what talent exists and where the rest can be found. More importantly, the question involves far more than recruiting several thousand highly skilled people—a big enough job at that for a country of less than two million people.

In the first place, the canal would not be run by Panama, but the Panamanian government. Its prospects in doing that—even in 20 years—cannot be called good. There is little reason, for example, why the Canal Commission won't be politicized, that is, jobs given as favors for services rendered. (General Torrijos now has more than three dozen relatives on the government payroll.)

Perhaps the point is best understood when one makes a simple comparison. The canal is a huge, complicated and aging public utility. It works as well as it does through careful management, including scrupulous observances of very strict maintenance schedules. There is no margin of error, no surplus whatever.

Yet Panama's government has an abysmal record in managing public enterprises. Both the phone and power companies after three years have quickly deteriorated while costs have skyrocketed. Other projects like the sugar mills, the new airport, the convention center, Bayamo hydroelectric have all failed because of bad and often corrupt management. Failure was not a question of mechanical skills, but honest management. The same fate awaits the canal.

Indeed, Panama's negotiators caught a glimpse of this when they inserted a provision permitting the railroad to be returned to the United States within five years for any reason. Could that happen to the canal as well?

Probably not. No matter how badly it may be run, no Panamanian government could admit abject failure. It will require, nevertheless, a large and permanent subsidy to keep the canal operating. Since the international lending agencies (including the banks) are not charities and since no other nations including the Soviet Union are notorious spendthrifts, it is not difficult to guess who Panama's rescuer will be. And we will do it, too.

Unfortunately, it would have been cheaper and better policy for all of us, American and Panamanian, to have negotiated a better set of treaties. As it is they will benefit only a few—and only for a while.

FEARS OVER LIABILITY CLOUD AIR BAG FUTURE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. SHUSTER. Mr. Speaker, the future of the airbag/passive restraint system mandated on the American people by the Carter administration appears quite uncertain.

A feature article by John E. Peterson in the Sunday, January 29, Detroit News, focuses on some of the problems which remain unresolved and thereby again highlights just how bad the mandate is:

FEARS OVER LIABILITY CLOUD AIR BAG FUTURE

(By John E. Peterson)

On the morning of Dec. 22, 1975, Mrs. Magdalena Ross was driving her 1974 Cadillac Eldorado in this picturesque Shenandoah Valley town when she momentarily glanced away from the road and collided with a parked truck.

The air bag in Mrs. Ross' luxury car—purchased as a $325 option after a salesman's assurance she'd never again have to wear a seat belt—failed to inflate.

Mrs. Ross, who had not buckled her lap belt, suffered "severe cervical strain" to her neck and was hospitalized for eight days. She promptly sued General Motors Corp. for $250,000 in damages for pain and suffering, and loss of income from her job as a local real-estate agent.

Although a federal district court upheld GM's claim that the Ross auto was traveling below the impact speed at which the air bags are designed to go off, "product liability" questions have been raised by that case and 10 unresolved auto-crash lawsuits involving air bags.

The impact of those 11 cases is just now beginning to reverberate in corporate board rooms around the country. Detroit auto makers and a number of their major parts suppliers, worried about potentially staggering losses from lawsuits stemming from malfunctioning air bags, are having second thoughts about putting them in cars. In recent months two air-bag manufacturers have quit making them, and others indicate they may follow.

While their concern may be exaggerated, some auto-industry observers envision a situ-

ation in which the government may have to form a quasi-public corporation such as Amtrak or Comsat to produce air bags to meet the federal passive-restraint requirements for cars.

Air bags are installed in steering wheels and under the dashboard, and are inflated automatically by a chemical propellant when a car collides with another vehicle at a combined impact speed of about 24 miles an hour or into a fixed barrier at speeds above 12 m.p.h.

The 11 product-liability cases to date stem from a relatively small fleet of cars—about 10,000 full-size cars that GM sold with optional air bags installed during the 1974 through 1976 model years.

Because millions of cars could have air bags by the late 1980's under a federal passive-restraint standard approved last year, and because jury awards for personal-injury victims are soaring, the potential losses from damage suits are staggering. Projections based on government records of the performance of the 10,000 air-bag-equipped cars sold by GM and some 2,000 air-bag-equipped test cars indicate there could be as many as 13,000 incidents of malfunctioning air bags a year once full production is under way.

Thus, airbag manufacturers new and used-car dealers, garage operators and even private owners who sell air-bag-equipped cars might face expensive lawsuits—actions they fear might result in damage payments of hundreds of millions of dollars each year.

Compounding the problem has been the reluctance of insurance companies to provide complete product-liability insurance on air-bag systems—a reluctance that many in the auto industry find ironic since leading auto insurers such as Allstate, Nationwide and Kemper spearheaded a campaign to persuade the government to make air bags mandatory.

Auto makers and air-bag suppliers have failed to obtain a commitment for product-liability insurance in exploratory negotiations with insurance companies thus far, and the prospects of such a commitment soon appear gloomy.

The product-liability issue already has caused one air-bag developer, Control Laser Corp, to abandon the market. It also was a key factor in the recent decision of Eaton Corp., an early innovator in the field, to get out of the air-bag business after investing some $25 million in research and development programs. In addition, four other potential air-bag suppliers, including the giant Allied Chemical Corp., indicate they are hesitant about committing themselves to full production until the product-liability problem is ironed out.

There are some other major uncertainties that must be resolved, too. The rapid downsizing of cars to meet federal fuel economy standards likely will mean a much smaller percentage of cars will have air bags than originally anticipated.

Auto makers can meet the passive-restraint standard, which takes effect with full-sized cars in 1982 model year and covers all new cars by 1984, by installing either bags or automatic safety belts. Currently, however, air bags have been installed mainly in full-sized cars, while automatic safety belts have been offered only in the deluxe version of Volkswagen's subcompact Rabbit. The belts which are attached to the door frame tighten automatically across the driver and front-seat passenger when the doors are closed.

One of the technological problems involved in installing air bags in small cars is the limited space under the dashboard for passenger-side airbags. Another problem is that the driver and front-seat passenger generally are closer to the dash in smaller cars—thus requiring air bags to deploy more rapidly to afford the same protection they do in larger cars.

Similar engineering problems have to be worked out before the automatic safety belt will be suitable for six-passenger cars. The Volkswagen system, for instance, requires bucket front seats as well as a door frame around the front-door window—a rarity in most American cars.

Domestic auto makers are working to develop an automatic safety belt system for six-passenger cars. Given a choice, they would prefer meeting the passive restraint standards with automatic belts rather than air bags, not only because of the product-liability concern, but also because the belts would cost consumers considerably less. The VW system runs about $30 more than the lap-and-shoulder belt system standard in new domestic cars. Airbag systems likely will add $189 to $300 to new-car costs. Replacement of air bags—necessary after they deploy—currently costs more than $600.

Although they would prefer to go with automatic belts, both GM and Ford currently plan to use air bags on large cars to meet the passive-restraint standard in the 1982 model year. GM hopes to have some available on 1979 models. Ford will offer the belts as options on at least one mid-sized car in 1980 as well as on a compact model in 1981.

The decision to offer air bags and automatic safety belts as options before the 1982 model year will give car buyers a chance to vote in the marketplace on which safety device they prefer.

"We'll be watching those sales figures very carefully, because they'll provide some indication of buyer preference that likely will influence the auto makers," said Bob Wulbrecht, director of Allied Chemical's air-bag program in Mount Clemens.

"We're not interested in producing only a low volume of air bags because of the initial capital investment required," he said. "Right now, no substantial facility exists for air-bag production anywhere in the country, so we'd have to build a new plant somewhere."

Allied, which has committed some $25 million to air-bag research since 1970, will continue its development program. Wulbrecht notes that the air-bag components it supplied for full-sized GM and Ford cars only a few years ago will have to be redesigned to fit the smaller full-sized cars of the 1980's.

In addition to the prospects of a dwindling market for air bags, Wulbrecht sees ' e product-liability issue as "another major uncertainty that has to be resolved."

"While we feel air bags are reliable, there certainly will be cases where the bag will inflate accidentally or won't inflate at all," Wulbrecht says. "The insurance companies haven't come up with an answer, although I imagine we'll be able to get insurance for a price . . . the question is whether the price will be reasonable."

Wulbrecht and others involved with air bags say the government has failed to address the product-liability issue satisfactorily.

Although auto makers, air-bag suppliers, the National Automobile Dealers Association and independent body-shop operators have expressed concern about the issue, federal officials have kept to the initial position expressed by Transportation Secretary Brock Adams when he announced the passive-restraint standards last summer—that the courts can deal with liability cases as they occur.

"The way things are going, if an air bag inflates and saves a man's life, but breaks his glasses in the process, we still might have to pay out a bundle in damages for the facial cuts he receives," says George Beiswinger, an official with Talley Industries of Mesa, Ariz.

While Talley has been involved mainly in manufacturing air-bag propellants and other inflator components, Beiswinger says the firm is committed to developing a full component system provided the product-liability hurdle can be overcome.

"The product-liability issue is a hairy one," he says. "Insurance companies don't want to totally insure against air-bag lawsuits, so we're faced with a 'damned if we do, damned if we don't' situation."

Officials with other potential air-bag suppliers, notably Rocket Research, the Hamil Division of Firestone, and Thiokol Corp., have similar reservations.

Only one official. A. L. Savoca, vice president and general manager of Thiokol's Wasatch Division in Brigham City, Utah, expressed much confidence that the product-liability issue will be resolved satisfactorily.

"I don't think there will be any problem in getting coverage eventually," he says. "There are a lot of things on cars that are potentially more dangerous than air bags, and insurance companies cover them. Heck, the acid in a car's battery and the gas in the fuel tank are definitely more hazardous."

Thiokol, like Talley Industries, has been involved mainly with air-bag propellants, supplying inflator systems for cars tested by Ford, GM and Mercedes Benz.

The National Highway Traffic Safety Administration (NHTSA), which has lobbied strongly for air bags under its new administrator, Joan Claybrook, continues to downplay the product-liability question.

"I don't think it's any more than a secondary issue at best," Claybrook aide Carl Nash said last week. Nevertheless, Nash concedes he conferred with officials of other potential air-bag suppliers about the status of their programs after Eaton Corp. decided in December to withdraw from the market.

Eaton, in a letter to Transportation Secretary Adams, said its decision was made "purely on the basis of business and economic considerations and does not reflect any lack of confidence in the air bag . . ."

The considerations cited by Eaton in its letter to Adams are especially interesting for their insights about the air bag's prospects.

"By the time air-bag mandates are in effect," the Cleveland-based firm said, "government automobile fuel efficiency requirements will have resulted in smaller automobiles than were envisioned when the air bag was first developed by Eaton in the 1960's. The alternate system to air bags for small cars—passive seat belts—appears to cost less than air bags. Thus, when this government-mandated market becomes a reality, we foresee a strong possibility that air bags will not, at least in the early years, appear on a high percentage of the passenger cars equipped to meet the mandate.

"We continue to be concerned at the product-liability aspects of this product, which remain unresolved," Eaton's letter continued. "Finally, the uncertain continuity of any market created by mandate rather than public demand, introduces another element of risk to which we cannot be indifferent."

Eaton, a pioneer in air-bag development, earlier last year had told Adams "that after its recent experience with mandates, Eaton finds it incredible that the Transportation Department should now be contemplating across-the-board mandate of the air bag.

"It would be utter folly to attempt it," Eaton warned. "And if government forces that kind of irrationality upon industry, the result is certain. There will be an unacceptable number of malfunctions and public attention will focus on them. The public will lose confidence in air bags and become hostile to the mandate. And the Transportation Department will reverse its decision, as it was forced to do with the ignition interlock, and again with the anti-lock air brake."

Whether the other air-bag makers decide to follow Eaton's exit from the market remains to be seen. If they should, GM and Ford might decide to design their own full component air-bag systems. Chrysler and AMC would be hard-pressed to finance their own systems and might be forced to purchase them from the bigger rivals.

One auto executive, speaking privately last week, gave this assessment of the air bag's future:

"I don't think you'll see many people buying them as options no matter how highly we tout them in our commercials. And how highly can we tout them without violating the 'truth-in-advertising' mandate of the Federal Trade Commission, if we're not convinced they're reliable. And we obviously aren't.

"Once the standard takes effect, you'll probably see bags on some larger cars until we can figure out how to get automatic belt systems on them. I think many potential large car buyers will turn to smaller cars with the belts, just to avoid the bags."

CONSPIRACY AGAINST BLACK LEADERSHIP

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. CLAY. Mr. Speaker, sometimes I am accused of being overzealous in my attacks against the press and individuals who malign our black elected officials across the country. Let me assure you that, on this matter, no one wishes more than I that I could be proven wrong.

We have witnessed the attempts to dissipate some of our victories through charges of "reverse discrimination," through redlining; resegregation of schools; and through gerrymandering to dilute our effectiveness at the polls. But perhaps the most vicious of all schemes is the national conspiracy to undermine and eliminate effective black leadership. It is a conspiracy involving the news media and certain other unscrupulous elements of government.

Those who would consider these charges as spurious must explain why 50 percent of all blacks in the U.S. House of Representatives have been under investigation for criminal activity and not 50 percent of all white Representatives.

We have been accused of payroll padding, income tax evasion, subversive conduct, fraud, misappropriation of campaign contributions, involvement in drug peddling, and numerous other illegalities.

Black U.S. Congresspersons do not, however, have a monopoly on this recent wave of repression and intimidation.

The latest victim of this type of harassment is C. Delores Tucker, who was dismissed from her position as Secretary of the Commonwealth of Pennsylvania as a result of baseless charges.

Ms. Tucker was confirmed for a second term in this post by a unanimous vote of 47 to 0 by the Pennsylvania Senate with the Governor's full support. Yet, on September 21, 1977, she was fired by Governor Shapp on information given him by the State Attorney General Robert Kane.

A full investigation by the Pennsylvania Department of Justice followed into the charge of "theft of services."

As you will note from the following memorandum, the charges were groundless and were subsequently dismissed. Ms. Tucker remains, however, the "former" Secretary of the Commonwealth of Pennsylvania.

And so Ms. Tucker joins that exclusive group of black public officials who have become the targets of criminal investigations and newspaper smears.

The memorandum follows:

To: The Honorable Robert P. Kane, Attorney General.

From: LeRoy S. Zimmerman, District Attorney of Dauphin County.

In re Pennsylvania Department of Justice Investigation of Former Secretary of the Commonwealth C. DeLores Tucker.

MEMORANDUM

On September 21, 1977, J. Andrew Smyser requested me as District Attorney of Dauphin County to review a State Justice Department Investigation into the acceptance of honoraria by former Secretary of Commonwealth C. Delores Tucker and her use of State employees on her staff during regular business hours to write speeches for her delivery.

The sole purpose of my review is to determine whether the Pennsylvania Crimes Code has been violated by her conduct, and if so, whether a prosecutable offense occurred within Dauphin County.

The facts in this case appear to present one of first impression.

The conclusion I reach in this matter will be based upon the following:

(1) My review of your State Justice Department's investigation.

(2) My staff's interviews of employees within the State Department.

(3) An analysis of the only relevant Pennsylvania Crimes Code Section, 18 Pa.C.S.53926 (b) entitled "Theft of Services".

(4) An analysis of the Governor's Board of Ethics Advisory Opinion No. 9, issued April 30, 1975, Re: "Honorariums as Conflicts of Interest".

(5) Review of the Commonwealth of Pennsylvania Legislative Journal dated Tuesday, July 1, 1975, Vol. 1, No. 40 at page 551, where it is recorded that Secretary of the Commonwealth C. DeLores Tucker was unanimously approved and confirmed 47–0 for a second term.

Note.—This approval came after state-wide news media publicity concerning Mrs. Tucker's using her staff employees to draft her speeches and her receiving honoraria for such speaking engagements.

(6) Review of the text of the speeches delivered, during the relevant period of time, by Mrs. Tucker.

The Justice Department's investigation clearly establishes the following:

(1) That C. DeLores Tucker, while serving as Secretary of the Commonwealth, utilized certain of her employees within the State Department to prepare speeches for her delivery, throughout the country on a variety of topics.

(2) That the same employees of the State Department on some occasions, also drafted speeches for delivery by other State government officials.

(3) That C. DeLores Tucker received honoraria for the delivery of some of her speeches.

(4) That C. DeLores Tucker during the period January 1, 1975 through April 19, 1977, delivered 357 speeches. She received honoraria for 156 of those speeches broken down as follows:

(a) January 1, 1975, to December 1975—56 speeches delivered Total Honoraria $18,950.

(b) January 1976 to December 1976—64 speeches delivered. Total Honoraria $32,727.

(c) January 1977 to April 19, 1977—36 speeches delivered. Total Honoraria $14,479.

Total paid speeches delivered during the aforementioned period—156.

Total Honoraria received—$66,156.

(5) That all of C. DeLores Tucker's expenses including travel, lodging and gratuities were paid by the organizations or groups requesting her to speak.

(6) That C. DeLores Tucker during the above described period also delivered at least 201 speeches for which she did not receive honoraria.

It is obvious that Mrs. Tucker, while a Cabinet official, derived personal benefit in the form of honoraria for delivering speeches prepared by her State Department employees. As a practical matter, every high government official derives some form of benefit by speaking to various groups or organizations. It may take the form of money, prestige or exposure for political purposes. Many public appearances are required of public officials, especially at the Cabinet level. They usually rely upon their staff to some extent for the preparation of their speeches. In fairness, such a practice is not unique to Mrs. Tucker. I suspect that it is the practice of most public officials at all levels of government to utilize their staffs, to some extent for the preparation of their speeches.

It is not my function to pass upon the ethical propriety of Mrs. Tucker's conduct, but only its legality in terms of existing statutes in the Pennsylvania Crimes Code.

However, part of the focus of my inquiry must be whether, under all of the facts and circumstances of this case, any benefit inured to the Commonwealth of Pennsylvania and its state government as a result of Mrs. Tucker's speeches. If so, then the services of those Commonwealth employees who drafted her speeches were not completely diverted from Commonwealth purposes in violation of 18 Pa. C.S. § 3926(b).

The federal government took the initiative and considered the potential for conflicts of interest, as well as the ethical and legal difficulties, created by elected or appointed officials or employees of the federal government accepting honoraria. The Congress enacted a statue imposing criminal penalties thereby making its intent clear in this particular area. The text of that statute is set forth as follows:

2 U.S.C.A. 441(i). Acceptance of Excessive Honorariums.

No person while an elected or appointed officer or employee of any branch of the Federal Government shall accept—

(1) any honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and his spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article; or

(2) honorariums (not prohibited by paragraph (1) of this section) aggregating more than $25,000 in any calendar year.

The criminal penalties for violations of the above statute are provided in 2 U.S.C.A. § 441 (j).

In the absence of any specific Pennsylvania statutory prohibition making it a criminal offense for a cabinet official to earn outside income while performing his or her duties, it is necessary for me to examine the only relevant section of our Pennsylvania Crimes Code, 18 Pa. C.S. § 3926(b) entitled "Theft of Services". In doing so, careful consideration must be given to the fact that there are no legislative guidelines for the performance of duties and responsibilities by State Cabinet officials. An application of the "Theft of Services" statute must be made against the background of all the facts and circumstances of this entire episode involving Mrs. Tucker, including the knowledge of her activities by her superiors. True, Mrs. Tucker did in fact have control over the services of her employees within the Department of State who drafted her speeches; and she in fact derived financial, as well as other forms of benefit from those services of her employees. However, the Commonwealth of Pennsylvania and its state government also received benefit by reason of those services rendered by her state employees in drafting speeches for her delivery

The quasi public nature of any appearance by a cabinet official makes it extremely difficult to separate the point at which

those benefits accrue to the different parties. Thus, to apply criminal sanctions to her conduct, where the results of the benefits are blended so closely together would, in my opinion, be an improper exercise of my prosecutorial discretion.

The Governor's Board of Ethics in its Advisory Opinion No. 9 issued on April 30, 1975, made reference to Mrs. Tucker's testimony before them, and stated in its opinion:

"She is black, a woman and the highest ranking such person in any state government in the United States. The message that she largely brings to the various organizations where she speaks is to urge citizen involvement, especially of the youth and minorities to improve our system of government."

A review of Mrs. Tucker's speeches indicates that she delivered them to religious, educational, professional, fraternal, political, social, governmental and charitable groups and organizations throughout the United States. In them she discussed a wide variety of issues including current social matters as well as governmental-political issues and the need for involvement of minorities in our system of government.

Mrs. Tucker's numerous speaking invitations came as a result of her national reputation as a high government official and an advocate for minority citizen participation in our system of government.

In conclusion, based upon the facts and circumstances of this case, including the absence of any legislative pronouncements making the receipt of honoraria by cabinet officials illegal, or the use of staff personnel and, considering that Section 18 Pa.C.S. 3926(b) defining theft and diversion of services fails to give adequate legal warning that conduct of the nature described in this case would constitute a criminal offense, it is my opinion that the initiation of criminal charges by this office against former Secretary of the Commonwealth C. Delores Tucker is not warranted.

PERSONAL EXPLANATION

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. BEARD of Rhode Island. Mr. Speaker, the unprecedented snowstorm in the State of Rhode Island is the basic reason for my absence from this Chamber. The snowstorm, the worst this region has ever experienced, has made a wasteland of Rhode Island with serious hardships and suffering everywhere. I feel that my presence can lend specific help to Gov. J. Joseph Garrahy, Maj. Gen. Leonard Holland, the adjutant general of the National Guard, and the thousands of selfless people who are trying to cope with an almost impossible situation. The President of the United States declared Rhode Island a disaster area at 4:30 p.m. on February 7, 1978; an hour before that I was on my way to join the residents of my district to see what I could possibly do.

Only the great hurricane of 1938 created a more dire emergency and I shall return to Washington when I am sure that the people of Rhode Island, with the swift help provided by Federal action, have been relieved of the enormous dislocation and hardship caused by this great storm.

NATIONAL INSTITUTES OF HEALTH CARE RESEARCH ACT OF 1978

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. MAGUIRE. Mr. Speaker, I am pleased to introduce today the National Institutes of Health Care Research Act of 1978. This legislation, if enacted, would amend the Public Health Service Act to establish the National Institutes of Health Care Research; extend and revise the assistance programs for health services research and health statistics; and establish the National Center for the Evaluation of Medical Technology.

It is my belief that the Federal Government has not devoted sufficient attention to the collection and analysis of health statistics, the conduct of epidemiological research, the support of health services research, and the evaluation of medical technologies. I hope that the enactment of this legislation will represent a major step in reversing this trend.

The National Institutes of Health Care Research Act of 1978 would accomplish the following specific reforms:

First: It would create a National Institutes of Health Care Research (NICHR) modeled upon and parallel to the National Institutes of Health. This umbrella organization would provide overall policy guidance and coordination for its component institutions.

Second. It would create a National Center for the Evaluation of Medical Technologies (NCEMT), a new agency within the NIHCR. Its major purposes would be to assess cost and effectiveness of medical practices and procedures.

Third. It would expand, redirect, and rename the National Center for Health Statistics. This agency would become the National Institutes for Health Statistics and Epidemiology (NIHSE) and would become a component agency of the NIHCR.

Fourth. It would expand, redirect, and rename the National Center for Health Services Research, which would become the National Institute for Health Policy Research (NIHPR). This new agency would also become a component part of the NIHCR.

The creation of the National Institutes of Health Care Research would provide support, long absent, for research disciplines and pursuits aimed at improving the quality, efficiency and effectiveness of the Nation's health care delivery system.

As a member of the House Subcommittee on Health and the Environment, I have often been troubled by the unavailability and poor quality of factual information on which we must base decisions which affect the well-being of every American. The Congress has enacted programs such as health planning, certificate of need, and quality assurance whose success is imperiled because of the absence of relevant data.

As the Congress grapples with different proposals for national health insurance, it is clear that a change in our data collection and analytical activities is necessary. It is essential that we know the state of our Nation's health, the incidence of disease in various populations, and what areas are medically underserved, for example.

There are currently 282 separate programs in HEW alone which have responsibility for the collection of health statistics. These separate efforts are frequently duplicative of one another and represent an unnecessary expenditure of our tax dollars. The Federal Paperwork Commission has estimated that the Nation would save $200 million if this overlap and duplication were eliminated. I hope that this legislation will implement a coordinated, standardized, and more efficient health data system.

In addition to improving our knowledge of the health status of our Nation, it is my hope that this legislation will provide support for the conduct of epidemiological research—the collection and analysis of health data directed at preventing and curing illness.

It is imperative that more research be conducted on populations at risk due to occupational or environmental exposures. The Center for Disease Control estimates that there are perhaps 100,000 excess deaths annually due to the exposure of workers to hazardous substances in their workplace environments. The fruits of our Nation's biomedical research, which has consistently received generous Federal support, must be directed toward developing practical strategies aimed at preventing disease.

We also need to learn more about medical technology. We must be careful that the products of health research are not transferred too rapidly to the bedside without any prior assessment of their implication on the cost and quality of care. It has been estimated that one-half of the annual increase in the cost of a day of hospital care can be attributed to the use of more technology in medical practice. That means that between 1966 and 1976 expenditures on medical technology added between $8 and $12 billion to our national hospital bill. We simply have not had the capability to evaluate whether there has been a commensurate improvement in the health of the American people. The evaluation of medical technology is an important part of the mandate of the National Institutes of Health Care Research and is critical to reducing the cost of medical care and improving the quality of our Nation's health care delivery system.

Let me outline briefly what the functions and responsibilities of the component institutions of the National Center Institutes of Health Care Research will be.

MEDICAL TECHNOLOGIES

The National Center for the Evaluation of Medical Technologies will have the task of setting priorities for the study of new and existing health practices, of funding such studies through extramural grants and intramural programs, of training health professionals and other personnel with the needed talents to conduct health practice evaluations, and of establishing three extramural centers for the evaluation of medical technologies.

The center will be advised in these tasks by a national Council for the Evaluation of Medical Technologies. The Council would be chaired by the Surgeon General. It would be composed of distinguished physicians, scientists, lawyers, economists, and lay people. It would also have as members representatives of the Federal agencies with an interest in the evaluation of medical technologies, including the Food and Drug Administration, the Health Care Financing Administration, the National Institutes of Health, and the National Professional Standards Review Council.

Aside from advising the NCEMT, the National Council would have the function of issuing, where appropriate, exemplary standards for the use of health technologies. These exemplary or model standards would be widely distributed through the National Library of Medicine. In order to undertake these activities, the NCEMT would be authorized to expend $25 million in fiscal year 1980 and $50 million in fiscal year 1981.

It would not be expected that the NCEMT would be solely responsible for the evaluation of medical technologies in the United States. The Food and Drug Administration would continue to perform its statutory duties in requiring industry studies of the safety and effectiveness of drugs and devices. Also the National Institutes of Health and the Center for Disease Control would continue to perform clincial trials as before.

However, it would be the responsibility of the NCEMT to insure that health practices needing evaluation received them, and to assist other agencies in designing studies to establish the efficacy, cost-effectiveness, economic, and social impact of technologies.

HEALTH STATISTICS AND EPIDEMIOLOGY

Another key element of the National Institutes of Health Care Research Act of 1978 is the establishment of the National Institutes of Health Statistics and Epidemiology (NIHSE). The new entity would incorporate the mission of the National Center for Health Statistics, and add some crucial new functions to the Center's activites.

NIHSE will continue the excellent and widely acknowledged health surveys and monitoring activities of the NCHS, which have kept us informed about such crucial matters as the relative burdens of various diseases in our country, the Nation's infant mortality rates, the frequency with which we see physicians and use hospital beds, and the levels of our expenditures on these and other related resources.

In addition, however, the NIHSE will have two functions which the NCHS never fully addressed or implemented:

First. It will become by law the Secretary's instrument for coordinating health data collection in the Department of Health, Education, and Welfare and for eliminating overlap, duplication, and lack of standardization in data gathering.

Second. It will take on major new responsibilities aimed at bolstering the Nation's capacity to perform epidemiological work aimed at improving our health.

The National Institutes of Health Statistics and Epidemiology would have responsibility for reviewing health data collection activities throughout HEW. The aim of this provision would be to insure that HEW programs have sufficient flexibility to meet their unique program needs but that their data collection not duplicate that of other agencies, and that the statistics that they collect be comparable.

Consistent with this expanded mandate, the legislation provides the NIHSE an authorization of $65 million in fiscal year 1979, $70 million in fiscal year 1980, and $75 million in fiscal year 1981. These increased authorizations will permit the NIHSE to expand the cooperative health statistics systems substantially. It will permit the Institute to arrange for three components of the system to be in place for all 50 States by the end of next year. By 1983, if the sums suggested become available, the cooperative health statistics system should be fully installed throughout the United States.

In addition, the added money should permit the NIHSE to begin undertaking an expanded program of intramural and extramural epidemiology and data analysis. The NIHSE could make a major contribution in environmental health monitoring, in unraveling the causes of trends in health levels in the U.S. population—for instance, the cause of the dramatic recent decline in deaths from heart disease—and in perfecting methodology in statistical work and epidemiology. Currently, the NCHS spends less than $300,000 out of a budget of $36 million on original research.

HEALTH POLICY

Finally, Mr. Speaker, the National Institutes of Health Care Research Act of 1978 will create a National Institute of Health Policy Research whose functions will be to incorporate and expand current activities at the National Center for Health Services Research. The legislation would authorize a modest increase in appropriations for health services research from $28.6 million in 1978 to $34 million in 1979, $40 million in 1980 and $45 million in 1981.

In addition, the NIHPR would acquire a specific mandate to conduct training programs for health services researchers and to fund the development and evaluation of medical information systems. This last directive grows out of a comprehensive Office of Technology Assessment study which illustrates the pressing need for work on medical information systems, particularly as they employ computer technologies.

The creation of a National Institute of Health Policy Research will express Congress sense that health services research needs to be preserved and strengthened but that it needs to be redefined and revitalized as well. The transformation of NCHSR into an institute within the NIHPR will convey a series of messages:

First. Health services research has to be regarded as a research discipline, not simply a short-term aid to policy formation.

Second. Health services research must be protected from political harassment and interference so that excellent research can be conducted and so that talented personnel can be recruited.

Third. Health services research must remain relevant to policy needs—thus the Institute for Health Policy Research—but the time frame for its payoffs must be reasonable.

Finally, the National Institutes of Health Care Research Act of 1978 will express the Congress sentiment that the excessive fragmentation of health services research must be ended. This would permit quality control and accountability in this important but troubled research field.

Mr. Speaker, the National Institutes of Health Care Research Act of 1978 will, in my view, provide this country for the first time with an integrated research program in the areas of health service delivery, health statistics, and epidemiology. It will initiate a critically needed new program in the evaluation of medical technology. And it will lay the groundwork for revitalizing our flagging efforts in the health services research area.

I commend Senator EDWARD KENNEDY who formulated this innovative solution to these pressing problems. I am pleased to join him in introducing the National Institutes of Health Care Research Act of 1978. I hope that it will receive favorable consideration by the House of Representatives.

THE PRESIDENTIAL MESSAGES: THE FEDERAL BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 8, 1978, into the CONGRESSIONAL RECORD:

THE PRESIDENTIAL MESSAGES: THE FEDERAL BUDGET

The President's budget, which was the first real ordering of priorities in his administration, essentially goes along with things as they are, with no bold new programs or painful cutbacks. It increases spending barely more than is needed to offset inflation.

The budget calls for expenditures of $500.2 billion, a modest 2% increase over last year's budget. President Carter could have kept the budget totals below the ½ trillion mark with only small alterations in the economic projections, but he wanted to play no games. The budget produces a deficit of $60.6 billion, about the same as this year's. According to the President, it is necessary to have this deficit in order not to slow economic growth and because large surpluses in state and local government budgets (totalling about $30 billion in 1977), coupled with a loss in our international transactions (nearly $18 billion in 1977), restrain economic activity and require that the federal budget provide a counterbalance.

Nonetheless, the President wants government's share of the economy to shrink. The best measure of this is the percentage of the gross national product (GNP) going to federal activities. Last year, government outlays came to 22.6% of GNP. Under the

President's proposals the figure drops to 22% in 1979 and goes even lower in subsequent years. Throughout his budget, an effort is made to balance the duty of government to meet the critical needs of the nation with the need for government to restrict its choices and its scope in the face of limited resources.

The budget also suggests that the President is retreating from some of his previous positions. He apparently qualified his pledge to achieve a balanced budget by the end of his first term, pointing out that he was proposing the smallest increase in federal spending in four years. He added that while we would need a balanced budget if there were unusually strong economic growth in the private sector, in an economy growing less strongly it is possible to balance the budget only by foregoing the tax reductions needed to achieve the goal of full employment.

The President listed several "new priorities" in his budget message, including:

Energy, with special emphasis on conservation and non-nuclear research and development, accelerated acquisition of a strategic petroleum reserve, resolution of problems of nuclear waste management and research into alternatives to the plutonium-fueled liquid metal fast breeder reactor;

Human needs, especially a start on his welfare reform program, health care for low-income mothers and children, major increases in education assistance at all levels, jobs programs (especially for low-income youths) and a start on a program to prevent unwanted adolescent pregnancies;

National defense, especially an increase in spending for NATO; 5% real growth in spending for basic research.

By far the most significant policy initiative in the budget is the tax cut. The $25 billion tax cut would reduce the income taxes paid by 96% of all taxpayers and would trim the taxes of the average family by $250 per year. The tax cut would primarily benefit families with low or moderate incomes. About 94% of all reductions would go to those with incomes of less than $30,000 per year, though the lower a taxpayer's income, the more his taxes would be reduced. Those with incomes in excess of $100,000 per year would see their taxes rise. Overall, Americans now pay 10.7% of their total personal income in federal income taxes. Under the Carter proposal, the figure would fall to 10.3%. In addition, the President's plan would simplify the tax code so that 84% of all taxpayers (as opposed to 77% last year) could claim the standard deduction on their federal income tax return.

Without a tax reduction the economy would be very weak at the end of 1978 and even with it a marked slowdown is expected in 1979. The appropriate size of the tax reduction will be a topic of lively debate. Much of the tax reduction merely offsets other tax increases. The increase in social security taxes and the increase of personal income taxes produced by inflation create enough drag in 1978 to eat up two thirds of the stimulative effect of the President's proposal. This calculation does not include energy taxes, which may prove to be significant.

THE GOVERNMENT SHOULD NOT TRY TO FOOL MOTHER NATURE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. PICKLE. Mr. Speaker, there is a growing concern in Texas over the Interior Department's attempts to save a toad.

The toad in question is the Houston toad.

This toad is seldom seen. In fact, it is not clear whether or not they live where the Interior Department says they live. The first pronouncement by the Federal Government had them living in a shopping center.

But the biggest problem is that the Houston toad is promiscuous. This toad will tryst with non-Houston toads.

In other words, the Houston toad is quickly loving itself out of existence.

The Government, however, has decided it might be wiser to stop all growth in the Houston area, and perhaps remove all the regular toads.

It would seem to me that Mother Nature would rather the regular toads stick around—and if the Houston toad wants to mate, so be it.

Early this year, NBC focused on this story in its "Weekend" show.

I would ask that the transcript of the show be placed in the CONGRESSIONAL RECORD. I think the show and its host, Mr. Lloyd Dobyns, put the discussion over the Houston toad in the proper perspective:

TRANSCRIPT OF NBC'S WEEKEND SHOW

ANNOUNCER. It's the first weekend of 1978—and here—still—is Lloyd Dobyns.

DOBYNS. Our new interest in ecology and our old interest in growth tend to collide . . . and they have collided again . . . this time in Houston, the fastest growing major city in the United States. About 480 cars are registered here every day and about a thousand people move here every week so all the land in and around Houston may soon be needed for roads and freeways, for housing, for schools, plants, offices, supermarkets, shopping centers, all those things that people need to live.

And there is only one thumb-sized problem, Buffo-encinensis, the Houston Toad . . . and its friend the federal government.

Houston is so fascinated by growth that it has no planning board and no zoning laws. If you own land, you can build anything you want on it. There is no other city like that in the country, and it is part of the reason for Houston's healthy economy.

Now the Interior Department wants to limit that growth to benefit a shy toad.

L. WELCH. These people generally have determined that the care of the toad on somebody else's property that they don't own is more important than the development of a growing and dynamic community. It's probably the finest example of bureaucratic fuzzy-mindedness that anybody could put their finger on.

Dr. JAMES JOHNSON. Basically, we're biologists. Politicians and economists look at critical habitat endangered species in an entirely different light.

Most biologists have a need, an understanding of something we call the species.

DOBYNS. For the species, government biologists wanted thirty square miles of Houston.

The land was in 7 areas in and around the city, including one that was already a shopping center almost entirely paved over. The Houston toad needs loose, sandy soil and temporary pools of water to survive, so one Houston writer wondered if the toad might thrive in the pot holes.

Embarrassed by the shopping center incident, the Interior Department's Fish & Wild Life Service sent a team of biologists to Houston to look at the land to see where the Houston toad, an endangered species, might survive.

Those areas the team found the Interior Department would declare "critical habitat" for the toad, restricting their use by people.

One problem was the team could not deal in certainty, it could deal only in probability. The Houston toad is so rare and so secretive, it can be located only by its distinctive mating call, which one expert labeled the most pleasing of all the toads.

No one on the team including its leader, Dr. James Johnson, a government biologist from Alberquerque, expected to hear that sound during the field trip in Houston.

For one thing, it was the wrong time of year. The Houston toad mates in the spring.

More importantly perhaps, in the last 3 years, there have been 2 Houston toads found in Houston. Just 2.

So the team wasn't looking for toads, it was looking for areas where the toad might survive.

And its orders from Washington were clear: The team was to consider only the biological needs of the toad, not the human, economic, or political implications.

So for 2 days, sun up to sun down, the team drove around Houston inspecting 6 of the 7 areas originally proposed. The shopping center was ignored. But in Houston and elsewhere in Harris County, land that is not already developed is planned for development.

David Wolff and his partner have invested millions in one of the areas over the last 7 years and were already developing part of it before they heard of the Houston toad. Wolff is worried.

D. WOLFF. And this property may be you know something we want to work on over the next 1, 2, 5, 10 years. Once it is designated I just don't know what would happen so we intend to fight it as hard as we can.

DOBYNS. A major oil firm owns another of the areas and is building houses for more than 14,000 people on it. For the inspection tour, the firm sent its attorney, the woman in blue jeans, and its public relations specialist, the man in a suit.

If this land were declared critical habitat for the toad, it would not effect the buildings already completed, and it would not necessarily stop the housing development.

Under the law, however, no federal money—even as loan guarantee—could be used in the development. No one seems to know exactly what that means, and the government's inspection team could not tell them.

JOHNSON. The team was given the guidelines only to work with the biology of the species, in essence ignore the money, the publicity, the politics behind it, get the biology down.

DOBYNS. The government does not buy critical habitat land: It restricts what the owner can do with his own land.

D. WOLFF. But the insidious thing about this is that they're able to inflict this on a property owner without it costing the federal government any money whatsoever.

DOBYNS. That was one of the points that upset property owners, but it was not the only one. What seemed to make them angriest was that no one—not the government, not the biologists—could tell them that the toad acutually exists on any of this land. No one could assure them that if they cooperated, they would save one of the rarest amphibians in the country.

What they could tell them was that the Houston toad wasn't even identified until—1953 and since then, its numbers have been in steady decline.

JOHNSON. We don't know what that toad needs. Maybe that area is the last remaining breeding population of the species?

WOLFF/POTTER. And if we err at this point, we try to err on the side of the toad.

VOICE. I see. Well . . .

VOICE. That could be debated.

VOICE. Well, it's very hard for a property owner to address himself to information that's not available to him.

VOICE. Well, we don't expect property owners to be biologically oriented.

DOBYNS. Developer Wolff learned that some of his property was involved from a newspaper story.

He wrote the Interior Department. The Interior Department did not answer.

When the team went to look at the land, he went with them to learn what he could. What he learned was that the Houston toad is not only rare, it hides in the ground and might not be seen for years—years that his land would be restricted as critical habitat.

VOICE. Facts, but right now I don't think the facts are available, they're certainly not available to us. Okay, well let's . . .

VOICE. They really aren't available to us either because this is a very secretive toad, it might not be found here for 10 years, and yet could be here.

VOICE. I see. So you still would go ahead and define credibility where it hadn't been found and hadn't been seen.

VOICE. For 10 years, that's right, as a possibility.

VOICE. That's interesting. That's interesting.

VOICE. That's biologically sound also I would think.

VOICE. It sounds like I think you've been able to find another species as far as I could determine. Is this the first endangered species that has never been found that you're going—I mean it has not been found in 7 to 10 years.

VOICE. This is a very secretive animal.

VOICE. I see. Have you found, have you defined other endangered species habitat that haven't been seen in 7 to 10 years?

VOICE. We haven't had one that has this particular lifestyle.

VOICE. It has to be a new first for us . . . Harris County will have . . .

VOICE. That's right.

VOICE. . . . the first one that hasn't been seen in 10 years.

VOICE. I have the feeling that the discussion is not going in a biological manner now.

VOICE. Okay, let's talk about . . .

VOICE. If we can't keep biology strictly, I think we'll have to stop.

DOBYNS. It is probable that Houston, which now swarms with people, once swarmed with toads.

About 20 thousand years ago, ice from the last Ice Age began to pull back from the North American continent. It was a lot cooler in Houston then than it is now and the Gulf of Mexico was a lot farther away, so this area wasn't nearly as humid. It was cool and dry, ideal for the Houston toad then but not now, and the toad may not survive the climate change. Even if it does, it may survive as a hybrid.

As the Gulf moved closer, so did the Gulf Coast toad, and when it comes to mating habits toads aren't particular about species. The government may set aside land in Houston to save the toad but unless it can control the climate and the mating habits of the Gulf Coast toad the Houston toad may not survive in Houston, anyway.

* * * * *

DOBYNS. The areas in Bastrop and Burleson counties will be recommended as "critical habitat" for the two inch long toad. But for biological reasons that have to do with the evolution of the species the scientists say an attempt should be made to save the toad—if it exists—in Houston.

JOHNSON. And therefore if we lose the Harris County individuals, we've lost part of what a Houston toad is all about.

BOBYNS. No one argues that the toad is as plentiful in Houston as it is in the other two areas, but the biologists believe in the Ark theory: If there are 2 toads, 1 of each sex, there is at least hope.

Hope may be all there is left. The area where the last prairie chicken was seen, and the last toad was a dozen years ago.

Still, since the federal government already owns the land, it would seem ideal as critical habitat. But Ellington is no longer an active air force base, and the government might sell it for private development.

The team will recommend it as a critical habitat, one of the 5 it says are suitable. Two of the original 7 were rejected.

But the 5 areas—17 square miles—are in and around a city devoted to growth, where the new mayor believes in the boom ethic. One thousand new people arrive every week, and no one is sure there are any toads left.

JOHNSON. I believe, in work that has occurred in the last 3 years, that has indicated that there is a definite decline in the population of Houston toads in the Harris County area, it does not indicate they are not there.

DOBYNS. One suggestion that has been made that might solve the problem is to catch some Houston toads, if there are any, in one of the 5 areas about a half mile away and set them loose here at a federal reservoir already owned by the federal government. It is fenced and protected by the Army's Corps of Engineers and seems to have what the Houston toad needs—sandy soil and some ponds of water. So far that hasn't been done, we don't know why but it could be that everybody, even an agency of government, knows it is easier to deal with private citizens than it is to deal with an agency of government.

TIME FOR A SOCIAL SECURITY CHANGE

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. GEPHARDT. Mr. Speaker, on Monday, February 6, 1978, I joined with Congressmen MIKVA, BRODHEAD, WIRTH, and TUCKER in introducing H.R. 10754 which calls for a change in social security financing by shifting funding for medicare and disability to general revenue. This is not a new idea but I hope it is an idea whose time is coming for two essential reasons.

First, there is a clear distinction from a conceptual viewpoint between a disability program and a medical program for the elderly on the one hand, and a public retirement program on the other. The former two possess less characteristics of a strict insurance program and more fall into the category of a catastrophic insurance that the vast majority of Americans cannot afford without society's help. While there is an element of intragenerational and intergenerational transfer of funds in the retirement program there is much less of it than with disability or medicare. Hence, funding these two with general revenue derived from a progressive tax system is more appropriate conceptually.

Second, no one correctly envisioned the tremendous growth in and ultimate cost of either program. We know today that to adequately fund both of them along with a retirement program will drive the regressive payroll tax to unacceptable levels. Even more sobering is contemplating the financial state of the social security trust funds by the middle of the next century if changes are not made. The chief actuary of the Social Security Administration recently published a final report on the 1977 Social Security Act and concluded that with the new payroll tax levels the fund would be in substantial deficit by the year 2051. Regarding long-term projections on the social security system, the chief actuary states as follows:

For the OASI program the tax income rises in steps in accordance with the scheduled increases. The expenditures rise in dollar amounts but decline as a percentage of taxable payroll during the period 1979–81. This is because of the gradual expansion of the taxable payroll during that period from 85 percent of total payroll in covered employment to 91 percent. Expenditures then begin rising slowly (primarily because of a projected rise in Disability Insurance expenditures) until early in the 21st century when they start rising rapidly as the children of the post-World War II "baby boom" begin reaching retirement age. After all the children of this baby boom period (which ended in the 1960's) have reached retirement age, expenditures decline slightly and then level off.

With regard to OASDI tax income is projected to exceed expenditures during the period from 1980 until the year 2010. At this time the combined OASDI trust funds are projected to be equal to about 3 years' outgo. Thereafter, outgo exceeds tax income requiring that the interest earnings on the trust fund, and later the principal of the trust fund itself, be used in order to make benefit payments. By the year 2025, the trust funds are projected to have fallen to the level of 1 year's outgo thus requiring an increase in taxes at that time in order to preserve the trust funds' ability to act as contingency reserves.

The mention of specific years and specific trust fund amounts many years in the future may give a false impression of the precision with which long-range projections can be made. The following general statements more fairly portray the long-range financing picture for the OASDI program after the Social Security Amendments of 1977:

Total income and total outgo are projected to be in approximate balance during the next 50 years (1977 through 2026).

During the succeeding 25 years (2027 through 2051) average expenditures are projected to be 16.69 percent of taxable payroll, or 35 percent greater than the scheduled tax income of 12.40 percent of taxable payroll.

The projected annual expenditures are frequently averaged over the 75-year projection period and compared to the average scheduled tax income with the difference of these two amounts referred to as the average "actuarial balance" or "actuarial deficit." The "actuarial deficit after the 1977 amendments is 1.46 percent of taxable payroll—compared to 8.20 percent before. While this reduction reflects a substantial improvement in the financial condition of the OASDI program, it should be noted that a substantial projected deficit of 4.29 percent of taxable payroll in the latter third of the 75-year period remains unresolved. Casual references to the 1.46 percent "actuarial deficit" may tend to obscure the timing and magnitude of the remaining problem.

For the HI program the tax income rises in steps in accordance with the scheduled increases. Projected expenditures as a percentage of taxable payroll increase steadily throughout the remainder of the century. During 1979–81 the increases are less pronounced than they would have been prior to the 1977 amendments because of the ad hoc wage base increases which result in a greater taxable payroll without affecting HI benefits. Expenditures continue rising in the 21st century as the children of the post-World War II baby boom begin reaching retirement age thereby becoming eligible for hospital insurance benefits.

The provision of the new law which increased the contribution and benefit base

has the effect of increasing tax income to the Hospital Insurance trust fund; however, the law also decreased the portion of the total Social Security tax rate which is allocated to the HI trust fund, so that on balance the HI trust fund is projected to be in approximately the same financial condition under the new law as it was under the old law.

As indicated by the 1977 HI Trustees Report, this financial condition is not good. Outgo is projected to exceed total income (including interest on the fund) beginning in the mid-1980's and it is estimated that the trust fund will be depleted by about 1988.

The Administration has proposed to Congress that certain hospital cost containment provisions be adopted in order to help hold down future increases in the cost of hospital care. If these provisions are adopted and if they operate as the Administration is assuming, the financial health of the HI program would be improved somewhat. If the provisions are not adopted, however, it seems likely that tax increases in addition to those called for by the Social Security Amendments of 1977 will be required in the mid-1980's to maintain the Hospital Insurance trust fund.

The possibility of enactment of hospital cost containment legislation and the possibility that the Hospital Insurance program will be absorbed by some form of national health insurance program within the next decade have tended to limit the emphasis on and the interest in the programs imminent financing problems. (Of course, the HI financing problems would still require correction under a national health system.)

The Social Security Amendments of 1977 made important revisions in the Social Security program; the full effect of these amendments will not be realized until many years in the future.

The most significant amendment was the change in the method of determining OASDI benefits so that future generations would not receive progressively higher levels of benefits relative to their preretirement earnings than today's generation receives. This action (frequently referred to as "decoupling") corrected the "overindexing" which was possible under the former law under certain economic conditions, and eliminated about one half of the future deficits which have been publicized widely the past 3 years.

Another far-reaching change was the expansion of the "contribution and benefit base" so that benefits payable to many persons in future generations will be related to a larger proportion of the person's earnings. In the future, about 91 percent of the aggregate earnings of persons covered by social security will be taken into account in determining benefits, instead of the present 85 percent. While this change may appear small, it is in fact a significant expansion of income security protection for the 15 percent of the population that is in the higher earnings brackets.

The other important area in which action was taken was in raising taxes so as to place the OASDI program in closer financial balance, at least over the near term. Future tax income will be greater both because of the increased tax rates and because of the increased wage base to which the tax rates will be applied. Pending these increases, which will not become effective until 1979, portions of the OASI and HI tax rates have been reallocated to the DI trust fund to prevent its depletion in late 1978 or early 1979. The most significant aspect of these amendments is not the particular methods employed to increase the tax income, since these methods may well be revised before they take effect. Instead, it is the expression of Congressional intent to do whatever may be necessary to sustain the Social Security program, thereby providing much needed assurance to the public.

The Social Security Amendments of 1977 did not attempt to solve all of the financial problems of the program. In particular, they postponed resolution of the following two potential problem areas:

With respect to the Old-Age, Survivors, and Disability Insurance program, the long-range financing problem beginning in the year 2011 when the children of the post-World War II baby boom begin to reach age 65.

With respect to the Hospital Insurance program, the short-range financing problem caused by the continuing rapid escalation of hospital costs, and the long-range financing problem caused by the aging of the post-World War II generation.

Much was accomplished by the Social Security Amendments of 1977. Much more remains to be done.

It is obvious that if we are to avoid massive additional payroll taxes in the future to support OASDI and HI, we must begin now to revise and modify the funding of the entire social security program.

I believe the funding changes contemplated in H.R. 10754 is just part of the task presently facing Congress. In addition, we must refine and improve the administration of the disability program so it is not misused or abused. Further, as a part of our whole health care cost containment effort, we must better control the cost of the medicare program. Other changes to improve the equity and contain the cost of the retirement program must be accomplished.

Some will legitimately question why the ideas presented by H.R. 10754 were not adopted as a part of the 1977 Social Security Act. The subcommittee and committee did not seriously consider general revenue financing of disability or medicare in 1977 because of time constraints on considering the urgently needed financing legislation and because such a fundamental change in the program demands and deserves a substantial period of national discussion and debate. H.R. 10754 provides the platform for such a debate. I think it will be healthy and beneficial for the future of one of the best products of our Government—the social security system.

INTRODUCTION OF OCEANS WEEK RESOLUTION

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. BREAUX. Mr. Speaker, today Congressman MURPHY and I are introducing a joint resolution to proclaim the week of April 16, 1978, as National Oceans Week. Senator TED STEVENS joins with us in support of this cause, as does the American Oceanic Organization (AOO), and has already introduced this resolution in the Senate.

For as long as civilization has existed on Earth, the oceans have held a profound romance and mystery for those whose lives have been entwined with them. It was the seafarers in centuries past that time and again initiated the spread of commercial and cultural exchange ultimately leading to civilization as we know it.

But, it was not until this century that we, with the help of modern science, began to fully appreciate the crucial role oceans play in the sustenance of all life on Earth. We now know that the oceans are not the inalterable, imperishable, or limitless environments we once thought them to be. They are, in fact, among the most complex and fragile ecosystems known to this planet. As a consequence, there is a real danger that continued ignorance of the impacts mankind is having on the oceans could lead to unforeseen calamities for the peoples of the world.

The knowledge of how the oceans function that we are now seeking in this country, and elsewhere in the world will not only help us to mitigate these impacts, but will tell us how to tap the great wealth of the ocean's recources for the benefit of all. The oceans represent what is still a very new and largely unexplored frontier that may hold unguessed at secrets and unimagined treasures of countless value.

We see oceans week as an excellent opportunity to heightcn the American public's awareness of our Nation's rich cultural oceans heritage and to alert them to all that the oceans offer us for the future. I think we have gone too long without fully appreciating the importance in our lives of the water that covers three-quarters of the Earth's surface.

As an added attraction, the American Oceanic Organization is planning a series of festivities that will highlight the week. Included in this celebration will be ship visits, marine art and craft shows, technical exhibits, public discussion forums, waterside concerts, and AOO's annual neptune awards banquet.

UNIVERSAL COLLEGE OF BEAUTY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. HAWKINS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

UNIVERSAL COLLEGE OF BEAUTY

Mr. Speaker, as representative of a congressional district that has an exceedingly high level of unemployment and that has during the past decade, depended heavily on federally funded manpower training and placement programs in an effort to reduce unemployment, I want to share here today the success of the Universal College of Beauty. Although the latter is a private cosmetology school, it has contributed much to the jobs training and placement of both young and older adults.

Perhaps one of the most influential contributors to the success of Universal, has been growing interest among persons of all ages and ethnic backgrounds in improved personal grooming. However, had the Federal Government not granted Mr. John C. Williams, proprietor of the school, a direct small business loan of $25,000 eleven years ago, there probably would be no Universal College of Beauty.

Mr. Williams had been employed in the first Black owned cosmetology school west of the Rockies. This school was founded in 1916 by Mrs. Henrietta Kent in Los Angeles, California. In 1931, the founder expired and Mrs.

Hazel Williams and Gertie R. Lee purchased the school.

John Williams, under the tutelage of his mother, learned the cosmetology business. When his mother and her partner retired in 1969, he bought the school and changed its name to the Universal College of Beauty.

The Universal College of Beauty was established in a new facility at 8619 South Vermont, with an enrollment of 25 students. The enrollment in its two locations is now 175 students. Six months ago, a second school was opened in the city of Inglewood.

The school takes pride in its multi-racial clientele and the ability to attract new and brush-up students from the western region of California, as well as some foreign students. Students are taught in both day and evening classes.

Participation in various State and Federal educational and manpower programs has also contributed to the school. Universal has trained students from a variety of programs such as job corp, neighborhood youth corp, project adult training, vocational rehabilitation, basic educational opportunities, etc.

As a part of the school's commitment to community service and betterment, it has provided free services to various California prisons, youth training programs, public schools, senior citizen groups, schools for the mentally retarded, etc.

The University College of Beauty is a family endeavor. Mr. Williams' mother, Hazel Williams; wife, Joneal Williams; daughter Vernita; cousin, Mable Durden; son-in-law, Tony; and niece, Debra; are a part of a staff of twelve people who each contribute to the school's success and broad based community recognition.

Since opening in 1965, universal trained 885 licensed operators; 39 licensed instructors, 12 of whom have received credentials from the Los Angeles city school system, and 16 foreign students. Additionally, the school has provided various levels of brush-up training to 150 out of State operators. Several of these participants were recipients of scholarships awarded by universal.

I share this success story today, because while many are prone to criticize the results of manpower training and placement programs as well as federally supported vocational schools, there are impressive examples of real success stories. The universal story is unique, because it has in many instances competely altered the lives of many women and men who would have otherwise been forced to remain on welfare and/or receive inadequate salaries for unskilled jobs. The school's vocational training has afforded its graduates well paying careers. Further, it has fostered their personal grooming and self-confidence. The latter has also been achieved in the various non-profit instructional settings where Mr. Williams and staff, as volunteers, have participated in various personal grooming programs.

I firmly believe that universal's success attest to the vital role of S.B.A. minority business loans and federal educational grants in the ongoing struggle to end joblessness, and thereby establish an atmosphere of full-employment for anyone able and willing to work.

I join universal's many friends and graduates in a salute on its tenth anniversary.

IMPORTANT FACTS EVERY FIFTH-GRADE STUDENT SHOULD KNOW

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. GONZALEZ. Mr. Speaker, it is always a privileged experience to present an American flag which has been flown over the Capitol to a school.

It is a serious and solemn occasion and I probably am second to no one in the number of flags I have donated in the 16 years I have served in the House.

Sometime ago I had the pleasure to present a flag to Woodrow Wilson Elementary School in my district.

A most talented and inspired teacher, a member of a very wonderful and dedicated family, has done something noteworthy enough to call it to the attention of my colleagues.

I herewith present a unique statement prepared by fifth-grade teacher Mrs. Gloria H. Garza, a very inspired teacher:

IMPORTANT FACTS EVERY FIFTH-GRADE STUDENT SHOULD KNOW

1. When you say the "Pledge to the Flag", what are you doing?

You are making a promise. A pledge is a vow, or a promise.

2. When you pledge allegiance, what are you promising?

You are promising to be faithful, to be true, to be loyal to your country. Allegiance means all these things.

3. What are some ways you can be true to your country?

By doing your best work in school always, by being a good and faithful son or daughter to your parents. By being honest and fair in work and play at school or at home or as a visitor in some other person's home. By showing proper respect for another person's feelings and possessions. By treating another person, grown-up or child with the same consideration and kindness you would want him or her to show to you.

Also by learning all you can about your country and what makes it "the land of the free" and what you must do to keep it a "democracy".

4. What does the word "indivisible" mean?

It means something which cannot come apart. Our country must stand together, north and south, east and west. In unity there is strength. United we stand, divided we fall. We must learn to live together and to find ways in which we are alike not only all the ways we are different. We all want to remain free, so our purpose is to find the "common ground", the things we all want which make our needs the same.

Now say the "Pledge" with new understanding and a deeper love for your country which you must remember was founded by men who believed in God as the Supreme Being.

I pledge allegiance to the flag, of the United States of America. And to the Republic for which it stands. One nation, under God, indivisible, with liberty and justice for all.

* * * * *

Red is for a burning love for our country.

White is for a purity of purpose with which we must serve our country.

Blue is for the loyalty we pledge to our country, the land of the free and the home of the brave.

"EUROCOMMUNISM" IN AMERICA: GRASSROOTS ORGANIZING—PART II

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. McDONALD. Mr. Speaker, in the first section of my report on the U.S. movement alined with the "Eurocommunist" variety of Marxism-Leninism (January 26, 1976), I discussed the growing collaboration of the left wing of the socialist and labor movement with the Communists in support of Moscow's drive for severe cutbacks in free world defense spending with a corollary program to raise demands that defense funds be transferred to massive domestic social welfare programs. The report then examined some of the groups playing a leading role in this campaign, concentrating on the Institute for Policy Studies (IPS) and its National Conference on Alternative State and Local Public Policies (NCASLPP), the Democratic Socialist Organizing Committee (DSOC), and the New American Movement (NAM) which is recruiting among the grassroots activists with the aim of providing a coherent Marxist ideological base for local anticapitalist organizing.

DEMOCRATIC AGENDA CONFERENCE

Joined by the left wing of the labor movement, these groups cam^e together under the sponsorship of the Democratic Socialist Organizing Committee (DSOC) at a November 11–13, 1977, democratic agenda conference held at the Mayflower Hotel here in Washington, attended by nearly 1,000 activists from labor, women's, and minority organizations, as well as community, environmental, and disarmament or anti-Vietnam movement organizations.

The principal topic of the conference was how to implement conversion from arms spending to human needs. This is identical with the program of the Soviet Union's World Peace Council (WPC), its U.S. subsidiary run by the Communist Party, U.S.A. called the National Center to Slash Military Spending; CPUSA's National Coalition for Economic Justice (NCEJ) which formerly was called the National Coalition to Fight Inflation and Unemployment (NCFIU); another U.S. group, the Mobilization for Survival (MFS), organized at the instigation of the WPC by leaders of the old CPUSA-dominated anti-Vietnam coalitions; by the Coalition for a New Foreign and Military Policy (CNFMP) and the Campaign for a New Foreign Policy, the old Indochina peace campaign organization.

The publicized speakers for the democratic agenda conference included DSOC founder Harrington; Gar Alperovitz, Jeff Faux, and Leslie Nulty of the Exploratory Project on Economic Alternatives (EPEA); Robert Browne of the Black Economic Development Center; Robert Lekacham; Anne Carter; United Auto Workers retired special projects director Nat Weinberg; Environmentalists for Full Employment leaders Hazel Henderson and Richard Grossman, a vocal participant in the 1977 New American Movement convention; Representative RON DELLUMS and International Association of Machinists President William Winpisinger, who demanded a new U.S. economic policy that assumes the opportunities and human rights of people are to be considered over and above the rights of property and the assumptions of orthodox economics.

As NAM and DSOC activist Harry C.

Boyte wrote in the Progressive, "Winpisinger's militancy set the tone for the weekend event," and he assessed the mood of the conference participants as "grave and radical."

Both Boyte and the Communist Party were pleased with the harsh attacks launched on the Democratic Party by leading Democratic agenda speakers. "Peace activist" and Nobel laureate in biology George Wald, for example, emotionally denounced the U.S. Defense Department, defense contractors, and wound up with the assertion:

Our government is a one-party state masquerading as a two-party state. If we don't get a people's politics in this country, we're doomed.

Anthony Mazzochi, vice president of Oil, Chemical and Atomic Workers Union, blamed economic ills such as inflation and unemployment on "private enterprise—private ownership" and on corporate efforts to "maximize profits." Mazzochi criticized the DSOC policy of working within the Democratic Party framework saying that "in the things we really care about changing," it made no difference whether a Democrat or a Republican were elected.

The Boyte article continued noting the content of some of the best known speakers at the Democratic agenda:

* * * Bella Abzug described the massive right-wing and corporate attack on progressive legislation of any kind. Representative John Conyers said there was urgent need to recruit thousands of members of the DSOC in order to help create a visible and respected socialist presence in the country.

The theme of unity among progressives resounded throughout the weekend. * * *

* * * In plenaries, workshops and panel discussions, participants explored strategies for grass-roots organizing and forms of national alliance. The consensus was that only a mobilized citizenry could counter corporate power * * *.

Although DSOC's Democratic agenda had significant participation from the left wing of the U.S. trade union movement who joined in attacks on what they termed the "reactionary" political and economic policies of AFL–CIO Chairman George Meany and Lane Kirkland, the bulk of conference goers came from the ranks of organizers of community groups against utilities and similar issues, environmentalists, and activists from the NCASLPP, NAM, and DSOC groups. The consensus predictably was that more grassroots organizing is needed around consumer, antiutility, environmentalist, and similar issues in order to develop the political base for "economic democracy and social change."

At this point a brief review of some of the local organizing pilot projects is in order.

THE GEORGIA POWER PROJECT

The Georgia Power Project (GPP) was established in 1972 by the Institute for Policy Studies' southern branch, the Institute of Southern Studies in Atlanta. GPP organizers were principally veterans of SDS and its Southern Student Organizing Committee (SSOC) who had gone on to full-time activist careers with the American Civil Liberties Union (ACLU), the National Lawyers Guild (NLG), the New American Movement (NAM), and IPS. Openly proclaiming its socialist ideological motivation at first, the GPP sought to develop and organize citizen opposition to rate increases by the Georgia Power Co. as the first step of a program for eventual takeover of the utility on a local or State basis.

With office facilities provided by the Institute for Southern Studies, the Georgia Power Project received tax-exempt, thus tax payer subsidized, funding from the Youth Project, whose executive director from 1972 to 1977 was Margery Tabankin, now assistant to Sam Brown at ACTION.

The Georgia Power Project members worked in coalition with members of the October League, a militant Maoist Communist organization now called the Communist Party, Marxist-Leninist, which had had some successes in exploiting local labor disputes. At a 1973 antiutility conference in Atlanta sponsored by the GPP, two speakers—IPS fellow Robb Burlage, now active with the NCASLPP, and Save Our Cumberland Mountains representative Jim Branscom—both indicated that sabotage and dynamiting would be acceptable tactics to stop such practices as strip-mining coal by companies owned by utilities. The GPP leaders and moderators found no cause to raise objections.

The GPP's aggressive tactics such as making full use of public hearings to make propaganda statements, packing meetings with their supporters, and taking a self-appointed media-oriented role as consumer representatives have served as an example for other antiutility efforts by NAM and other groups.

NAM'S GRASSROOTS ORGANIZING AGAINST UTILITIES

At the July 1974 NAM national convention, the organization agreed both to cooperate with militants fighting importation of low-sulfur South African coal by southern utilities, its local chapters across the country agreed to become involved in, as the resolution stated:

Local struggles around municipalization, fighting rate hikes, and/or regulation of utilities in the interests of workers and consumers; engaging in environmental struggles around production and uses of energy, as long as these struggles can be waged in terms of class conflict or local, democratic control * * *.

That fall, NAM began working "in coalition with other socialists" in the Chapel Hill, N.C., based Orange County Citizens for Alternative Power (OCCAP) in proposing public ownership of local utilities owned by the University of North Carolina being offered for sale to Duke Power and Southern Bell. OCCAP set up the Consumers Utility Corp. as a public, nonprofit corporation to bid for the utilities. NAM activists including Len Stanley and Bob McMahon testified at public hearings OCCAP had demanded in order to "educate" the public.

In 1975, NAM chapter energy projects began publicizing "lifeline" electric rate structures so that large commercial consumers would pay more for bulk use than small users. The Pittsburgh NAM chapter formed the People's Power Project (PPP) to lobby for State legislation for the "lifeline" rate structure. NAM PPP activists including Paul Garver and Joni Rabinowitz, working with the South Oakland Citizens Council and People's Oakland, organized buses to take elderly protesters to Harrisburg for Public Utility Commission hearings in opposition to a $128 rate increase requested by Duquesne Light. When the company pointed out that the NAM/PPP demands were "socialist," NAM responded by denouncing "redbaiting." Pittsburgh NAM members in AFSCME, the Service Employees International Union (SEIU) and Pennsylvania Social Services Union worked to gain trade union support for the NAM/PPP proposals.

The Dayton, Ohio, Mad River NAM chapter organized the Miami Valley Power Project (MVPP) in support of similar issues in that State. MVPP emphasized a "no-shut-off" policy for the elderly, poor, and unemployed during winter, lifeline rate structure, et cetera. MVPP organized a State initiative placing these issues on the ballot where the proposal was defeated in a statewide November 1976 vote. Other NAM energy projects are underway in southern California, Buffalo, N.Y., and Baltimore, Md., where NAM organized the Baltimore Utilities Coalition (BUC) to supplement the activities of the Maryland Action Coalition (MAC) which is active primarily in suburban counties and was formed with Youth Project help.

In December 1975, San Diego County NAM member Richard Hardesty of NAM's national Energy Project cataloged the advantages of local antiutility struggles over campaigns against the giant multinational corporations. Noting that local utilities were so weak that even the Ford Foundation's energy report recommended nationalization "should all else fail," Hardesty noted rising local distrust of both big business and big government, and continued:

* * * this is exactly why we must raise the socialist demand of worker-consumer ownership now. * * * Gas and electric utilities are a weak point * * * in the capitalist defense * * *. * * * Local utilities are weak and in many cases in (or approaching) financial crisis. We have a much better chance of beating San Diego Gas & Electric than Mobil.

By mid 1975, NAM's strategists had recognized that two successful models for these antiutility campaigns had developed:

The "Alinsky-type" neighborhood organization building where the group is begun and exists in its own self-interest around many issues of which utility rates and reforms are just one; and

Areawide and statewide coalitions made up of existing and autonomous community, environmental, and labor groups, of the variety of ACORN in Arkansas and the Southwest and of Fair Share in Massachusetts.

NAM's community organizing around energy issues has had considerable assistance from certain environmentalist groups. The Environmental Action Foundation (EAF) in Washington had worked with the Georgia Power project. The arguments against plant expansion so as

to increase generating capacity has been opposed by environmentalist groups arguing that plant expansion means pollution, that plant construction damages ecological systems; and have promoted strict conservation measures and "public ownership" of the land and natural resources in order to stop private development.

At the 1975 HAM utilities and energy workshop, EAP representative Tom Riesenberg gave HAM a regular column in the EAF newsletter, Power Line, and announced that EAF would train NAM energy activists in how to research utility company power structures and "tax evasion through investment credits" of the 150 largest U.S. utilities.

THE YOUTH PROJECT

A certain amount of funding for community organizing has come from small radical foundations pioneered by the Haymarket People's Fund. A much larger amount of funding has been funneled through the Youth project and has been provided by IPS, the Abelard Foundation, Samuel Rubin Foundation, Field Foundation, Resist, Lillian Boehm Foundation, Stern Fund, Cummins Engine Foundation, and Lilly Endowment among others.

From October 1972 until her appointment in 1977 as head of the ACTION/VISTA education programs, the executive director of the Youth project was Margery Tabankin, Ms. Tabankin, when president of the student body at the University of Wisconsin at Madison, had been a leading anti-Vietnam activist. Following her graduation she spent 4 months in training as a community organizer at Saul Alinsky's Industrial Areas Foundation in Chicago, then taught school for a year until her election as president of the National Student Association (NSA). Tabankin's continuing activities against U.S. assistance to the South Vietnamese fighting the Communists included a trip to Hanoi during the bombing of Hanoi where by her own statements she attacked American POW's whom the Communist showed her on account of the bombing. Following her return from Hanoi, she worked with Jane Fonda and Tom Tayden in the Indochina peace campaign (now called the Campaign for a Democratic Foreign Policy).

In a mid-1977 interview, Tabankin stated that although both Brown and she had been active in the anti-Vietnam movement, they had not known each other. She said that she had been recommended for her ACTION post by "mutual friends" specifically Lee Webb of IPS and the NCASLPP, and four other activists in that organization: Donald D. Green, Tom Hayden, Jane Fonda, and Heather Booth.

Having earlier provided funding assistance to the Georgia Power project and to the speakers bureau front set up by the Organizing Committee for a Fifth Estate/Counter-Spy magazine organization called the Public Education Project on the Intelligence Community (PEPIC), and to Jeremy Rifkin's People's Bicentennial Commission (PBC), 1976 Youth Project grants were predominently to community organizing programs for "public ownership," and "workplace organizing" mostly of women clerical workers.

The Youth Project paid travel expenses of some 50 organizers to attend a Movement for Economic Justice conference, tuition and travel for organizers to attend the Midwest Academy, and sponsored various "research" projects laying the groundwork for organizing fair share and ACORN-type organizations in many of the less-populated Southwest, New England, and Northwest States.

Other funds went to the Bozeman, Mont., Center for Public Interest which "contributed major work to an Exploratory Project for Economic Alternatives study on 'Public Trust of Natural Resources.' The study argues that land, water, air and other resources should be placed in public trust, with the individual and corporate trustees bound by law to manage the resources for the benefit of the public, not for private profit." It was recently announced that the Department of Housing and Urban Development had awarded a large contract to the EPEA.

The character of Youth Project grantees may be indicated by noting some of the 1976 projects selected for assistance:

Adams-Morgan Organization (AMO), a Washington, D.C., based community project organized by IPS in 1972 as a prototype. The YP assistance went toward a campaign against private persons who buy dilapidated slum housing in the neighborhood, renovate, then either live in it or sell at a profit. AMO opposes both "profiteering" and new owners living in renovated tenements because it "changes the character of the neighborhood."

Association of Community Organizations for Reform NOW (ACORN), active in some eleven South, Southwest and Midwest states. Membership is through family membership in affiliated community organizations. ACORN's staff of paid professional organizers are active with the NCASLPP project. ACORN has had the benefit of summer legal interns from the National Lawyers Guild (NLG) and cooperates with the Midwest Academy and NAM to the extent of sending NAM listings of job openings for paid organizers on ACORN's staff.

ACORN organizers emphasize that ACORN does not merely coordinate community groups in 11 states around health care, urban renewal and utility rate issues, but also works to get its candidates elected or appointed to local regulatory and advisory boards and commissions. ACORN has participated in the NCASLPP conferences and is viewed as one of the most successful anti-capitalist community prototypes.

Arkansas ACORN's emphasis has been on promoting "lifeline" utility rates and opposing telephone rate increases. South Dakota ACORN has worked on "lifeline" rates and opposing a coal-slurry pipeline.

The Dallas-Fort Worth ACORN began by developing a neighborhood constituency around issues such as abandoned housing, cleaning up vacant lots and inadequate garbage collection before moving on to public health care and "lifeline." With funding from the Youth Project, ACORN began organizing five neighborhood organizations in Houston. Next, the Houston and Dallas-Fort Worth ACORN groups joined as intervenors in opposing Southwest Bell's $110 million telephone rate increase request to the Texas Public Utilities Commission. ACORN organized attendance at rate hearings; eventually an increase of $36.3 million was allowed.

Baltimore Northend Project—supported by the Youth Project, this group led to formation of the Maryland Action Coalition (MAC) active primarily in suburban counties. Baltimore NAM followed by organizing the Baltimore Utilities Coalition to carry out MAC antirate increase campaigns in the city.

Bread and Butter—a project which funded six organizers who work "outside of established organizations and institutions." Grantees included "a young Chicano organizer * * * helping local citizen groups to take action around the abuse of Mexican aliens on large agri-business farms;" a member of the reporters and editors group organized after the Bolles murder in Arizona who investigated "land fraud and political corruption;" and a "young investigative reporter [who] researched the violation of Indian water rights as backup for organizing work on the Navajo reservation." The research provided the basis for court action.

Carolina Action—formed in Durham in 1974 and now with chapters also in Greensboro, Raleigh and Charlotte, NC, the organization has been urging the state legislature to increase business utility rates. NCASLPP reports this group is seeking full-time organizers "dedicated to bringing about social change."

Citizen Alert Project—a Nevada organization whose goals are to "discourage the development of nuclear power plants and nuclear waste storage facilities in Nevada" and to "encourage the development of clean, safe energy resources." In its program against nuclear power, CAP combines research, "public education," and testimony at public hearings. In its effort to block construction of a coal using electrical generating plant near Valmy, NV, the project filed as an intervenor in order to force the state Public Service Commission to hold hearings. In preparation for these, the Youth Project picked up the expenses for a 2-day conference between experts from another Youth Project funded group, the Northern Plains Project, and the Citizen Alert Project.

Citizens Action League/Citizens Action Research Project—formed in the San Francisco area in 1974, the CAL was instrumental in California's adoption of the "lifetime" utility rate structure. The Youth Project funded their expansion into San Mateo County and CARP compilation of a guide for local "power structure researchers."

Coalfields Issues Education Project—funds were provided for production of the movie Harlan County, U.S.A. whose purpose is stated as "building a greater public understanding of the daily struggles which miners and their families face." Other funding went to "a young Appalachian" who spent "several years" in Great Britain making videotapes of active and retired miners and union officials in Wales. The tapes have been edited in order to "educate" American miners and the public about the advantages enjoyed by members of the British coal miners' union which, particularly in Wales, has been for decades under the control of the Communists.

Community Issues Conference—The Youth Project paid the expenses of "over 50 organizers" to attend this MEJ conference.

Community Ownership Organizing Project (COOP), affiliated with Tom Hayden and Richard Flacks' Campaign for Economic Democracy (CED), aims to "develop economic and political policies which redistribute city resources." COOP issues include "public ownership of utilities," "progressive tax structures," decentralization of city governments into neighborhood administrative areas, promotion of rent control plans, and formation of city or cooperative owned banks. COOP produced the CED-distributed book, The Cities' Wealth: Programs for Community Economic Control in Berkeley, California." COOP has been working with other Youth Project-supported organizations in-

cluding Save Our Cumberland Mountains (SOCM), the Northern Plains Project and National Land for the People.

D.C. Power—funding for this Washington, D.C. based coalition enabled it to hire "several staff organizers and researchers" to support its opposition to Potomac Electric Power and the Washington Gas Light requests for rate increases; to demand "public participation" on the Public Service Commission; and the implementation of a "Utility Consumer's Bill of Rights."

National Land for the People—a Fresno, CA, based group whose stated goal is "democratic control of land and natural resources." NLP's immediate goal is enforcement of the 1902 Reclamation Act in the Westlands Water District requiring anyone owning more than 160 acres in a district furnished by federally subsidized irrigation to sell the excess land within ten years at pre-irrigation prices and in parcels of 160 acres or less. The NLP was instrumental in obtaining hearings in Washington by the Senate Interior and Small Business committees. NLP is continuing its efforts to break up holdings of private farmers and agribusinesses in excess of the 160 acres permitted under the 1902 law.

It is noted that organizations such as IPS and the North American Congress on Latin America (NACLA) have pioneered in the "anti-imperialist" attacks on U.S.-based agri-business.

Former IPS staffer and Chile activist Joseph Collins and Frances Moore Lappe, co-authors of Food First: Beyond the Myth of Scarcity (Houghton Mifflin, 1977) are also co-directors of another IPS spin-off, the Institute for Food and Development Policy, 2588 Mission Street, San Francisco, CA 94110. They note that agri-business multinational corporations like Bud Antle and Del Monte which developed over the past forty years were made possible by "federally funded irrigation projects and ill-paid Mexican labor."

National Land for the People is joining with other groups including NAM, the Agribusiness Accountability Project, the California Public Policy Center, Campaign for Economic Democrary, Coalition Against Utility Service Exploitation, Community Ownership Organizing Project, Grey Panthers, New School for Democratic Management, Northern California Coalition for Full Employment, Northern California Land Trust and Pacifica KPFA Radio to participate in the third annual California Conference on Alternative Public Policy to be held in Oakland, February 17–20, 1978. The Foundation for National Progress, a spin-off from IPS and its Bay Area Institute, will reportedly again pay the difference between registration fees and conference expenses.

Oregon Research Project—funding was provided for organizers to conduct surveys and make initial contacts in preparation of the organization of Oregon Fair Share on the model of Massachusetts Fair Share in which SDS veterans like Michael Ansara and the members of Middlesex NAM have taken prominent roles.

Pacific Northwest Research Center—a local Eugene, OR, "power structure research" group which under YP influence has become the research back-up for Oregon Fair Share and similar projects in Idaho, Oregon and Washington.

People Power Project—a New Orleans "community based association which initiates research in order to challenge rate increases by public and private utilities." "In particular," says the Youth Project, the PPP "represents the interests of low income and elderly citizens." The YP funded two researchers whose work "will be used in a suit filed jointly by the community organizations" against the New Orleans Sewerage and Water Board.

Save Our Cumberland Mountains (SOCM)—A Tennessee based anti-strip mining group formed in 1972 which worked with the former Georgia Power Project. In 1976, SOCM was able to prevent opening of a new strip mine by such delaying tactics as "citizen hearings, conferences with state officials and mining representatives, and legal proceedings."

Southern Indiana Community People's Alliance—the funding "enabled two of its organizers to attend training sessions at the Midwest Academy."

South West Fund—established by the YP at the request of two individual donors, the South West Fund in turn provided aid to the Institute for Local Self-Reliance, an IPS spin-off; to the ACORN-associated Arkansas Institute for Social Justice; to the Frontera del Norte Fund; to the Northern Plains Project; the Shiprock Research Center; the Southwest Research and Information Center; to the Vanguard Foundation; for an Indian Rights Water Supply to be published by the militant, violence-oriented American Indian newspaper Akwesasne Notes.

Textile Research Project—"With Youth Project funding, the Textile Research Project conducted extensive research on J. P. Stevens, including the company's history, its acquisition patterns, and labor relations; an analysis of the company's products, distribution, and marketing systems; and an analysis of its financial status and relationships with other corporations. * * * Finally, the Project helped launch the operation of Southerners for Economic Justice, a support group of prestigious persons, backing the Amalgamated Clothing and Textile Workers Union consumer boycott of J. P. Stevens."

Vermont Alliance—"Formed in 1972 as a network of young activists, the Alliance began to develop as a constituency-based organization in 1975 after Youth Project support enabled two of its organizers to attend a training session at the Midwest Academy."

With additional project support, the Vermont Alliance began organizing in east-central Vermont and the statewide staff director was sent to a training session at the ACORN-related Arkansas Institute for Social Justice. The project states that Alliance research "proved that a municipal system could provide electricity more cheaply than the current power company." In March 1976, the citizens of Barre (pop. 10,000) voted to sponsor a feasibility study on "municipal takeover of the town's electric utility distribution system."

Other Youth Project 1976 funding went to pay the staff of the Christian socialist newspaper, the Catholic Worker; to fund the antimilitary newspaper, Enlisted Times, which is part of the Coalition to Defeat S. 274/H.R. 120, the bill to outlaw military unionization. The Youth Project described the newspaper purpose as to be "a communications mechanism for the rank-and-file organizing movement now emerging in the military."

Additional assistance has been provided to the PEPIC group now merged into the Campaign To Stop Government Spying (CSGS) which is also using the name, Citizens Committee for Constitutional Liberty (CCCL).

Donors for 1976 are listed as including:

FOUNDATIONS SUPPORTING THE YOUTH PROJECT AS LISTED IN THE LATTERS 1976 ANNUAL REPORT

Abelard Foundation, Inc.
Akbar Fund
American Federation of Teachers, AFL-CIO
Cornelius N. Bliss Memorial Fund, Inc.
Board of Global Ministries of the United Methodist Church
Lillian Boehm Foundation
Campaign for Human Development
Caplin & Drysdale
Carnegie Corporation of New York
Cummins Engine Foundation
Alida Davison
Margaret Dulany
W. H. and Carol Ferry
Field Foundation
Florida State University
Wallace Alexander Gerbode Foundation
Adolph and Anita Goldfarb
Mr. & Mrs. Charles Gray
Joyce and John Gutfreund Foundation
Edward W. Hazen Foundation
Roy Arthur Hunt, III
Industrial Union Department, AFL–CIO
Institute for Policy Studies
Ittleson Foundation, Inc.
Jewish Community Foundation of Los Angeles—Laras Philanthropic Fund
D'Elbert and Selma Keenan Family Foundation, Inc.
Sol and Leona Kramarz
Laras Philanthropic Fund
Lilly Endowment, Inc.
Carol Buttenwieser Loeb Family Philanthropic Fund of the Jewish Communal Fund
Cynthia McClintock
Josephine H. McIntosh Foundation
Carolyn D. McIntyre
Maryanne Mott Meynet
Maya Miller
Stewart R. Mott
Ms. Foundation for Women, Inc.
New World Foundation
New York Community Trust
New York Foundation
Norman Foundation, Inc.
North Shore Unitarian Society, Inc.—Veatch Program
Northeastern Illinois University
Daniel Noyes
Ottinger Foundation
Louise L. Ottinger Charitable Trust
Playboy Foundation
Public Welfare Foundation, Inc.
David Ouattrone
Resist
Steven C. Rockefeller
Samuel Rubin Foundation, Inc.
Helena Rubinstein Foundation
Sachem Fund
San Francisco Foundation
Scherman Foundation
S. Spencer Scott Fund, Inc.
Seed Fund
Septimus Foundation II
Shalan Foundation
Sherwood Forest Fund
Sierra Club
Southern Education Foundation
Hope R. Spencer
Paul J. Sperry
Stern Fund
Sub-Board I, Inc.—Student Activities
Towe Foundation
United Auto Workers
United Church Board for Homeland Ministries
U.S. Jesuit Conference
U.S. Treasurer—Department of Health, Education and Welfare
University of Montana
van Ameringen Foundation
John Hay Whitney Foundation
Marylee Wiley

The Youth Project Board of Directors for 1977 includes:

Larry Farmer, 28, Field Organizer and Director of Training Mississippi Action for Community Education (MACE), Greenville, MS, Chairman.

Henry Scheff, 27, secretary; member of the Research and Education Staff, Amalgamated Clothing and Textile Workers of America,

Midwest Joint Board, Chicago, IL. Former research director of the Citizen Action Program.

J. Elizabeth Harris, 28, a graduate student at Harvard Business School and a former evaluation officer of the Irwin-Sweeney-Miller Foundation.

Charles Saunders, 24, an environmental consultant at A.T. Kearney, Inc., Reston, VA.

Linda Gutierrez, 28, editor, Intercultural Development and Research Association, San Antonio, TX.

Margery Tabankin, 28, Special Assistant to the Director of ACTION-Domestic Operations, Washington, D.C. and former Youth Project executive director.

Miles Rapoport, 27, organizer and Boston staff director, Massachusetts Fair Share.

Howard Boute, 24, Mississippi field organizer, Southern Cooperative Development Fund, Jackson, MS.

John Gaventa, 27, resource center director, Highlander Research and Education Center, New Market, TN.

Staff members include executive director Leonard Conway, a graduate of Georgetown University Law Center and Syracuse University who worked from 1972 until joining the YP staff in May 1976 for the Robert F. Kennedy Memorial first as coordinator of its fellows program and then as staff director; Charles Savitt, who has a B.A. in Community Studies from the University of California at Santa Cruz, was in 1974 a founding member and trustee of the Vanguard Foundation in San Francisco before becoming a program development officer of the Save the Children Federation and its companion Community Development Foundation.

YP comptroller is accountant Darlene Kovarik. National Administrative Coordinator is Jamie Kraen, a former student at Casper Junior College in Wyoming, and 1975–76 employee of the Robert F. Kennedy Memorial who joined the YP in June 1976.

The Youth Project regional staff include:

Lynne Brown, Southern Field Director who has worked with the organization since May 1975. With a B.A. from the State University of New York-Oswego, she previously worked as an educational consultant for the Southern Education Foundation, the NAACP Legal Defense and Educational Fund, and the Black Coalition for Higher Education.

Leslie Hill, Southern Field Representative, with a 1972 B.A. in Urban Studies from Columbia University's Barnard College, she is currently working for a Ph.D. in Comparative Politics at Atlanta University.

Charles Koppelman, Western Field Director, has a B.A. from the University of California at Santa Cruz and a M.A. in Political Science from UC Berkeley; has been employed by the project since the fall of 1975.

Gail Nishioka, Western Field Representative, has a B.A. and M.A. from the University of California at Davis. After two years on the Washington staff of the Japanese American Citizens League, from 1974 to 1976 she was JACL national youth director.

Kris Kasmer, Western Administrative Coordinator, attended Goddard College before becoming a researcher at the Philadelphia-based Aquarian Research Foundation and joining the project in October 1976.

Heleny Cook, Eastern Field Director, received a B.A. from Sarah Lawrence College before working for the National Welfare Rights Organization (NWRO), a citizens group in Port Chester, NY, and as chief organizer for Save Our Cumberland Mountains. She joined the project in June 1974.

Charles Biggs, Eastern Field Representative, received a B.A. from Princeton in June 1974. After several months as a free lance writer and researcher in Washington and some work for the National Endowment for the Humanities Youthgrants Programs, he joined the project in October 1974.

Luz Celia Carpenter, Eastern Administrative Coordinator, is a former Marine Corps Corporal who worked for two years at George Washington University's Center for Family Research in Washington.

The Youth Project administers its $1.9 million budget from 1000 Wisconsin Avenue, NW, Washington, DC [202/338–5721].

It was recently reported that the Youth Project has been awarded a federal contract from ACTION.

FEDERAL FUNDING FOR ACTIVIST PROJECTS

The Review of the News in its January 18, 1978 election (volume 14 No. 3) in an article by investigative reporter John Rees, entitled "Sam Brown Sits Atop Red Hot Scandal at ACTION" reported that grants from ACTION have been awarded not only to the Midwest Academy and the Youth Project, but also to another organization involved in organizing urban communities which has worked in association with the Movement for Economic Justice and other segments of the "economic democracy" movement.

The National Center for Urban Ethnic Affairs, affiliated with the U.S. Catholic Conference, was formed in 1970 by Fr. Geno Baroni who is now Assistant Secretary of Housing and Urban Development (HUD). Baroni had participated, for example, in the Southern Christian Leadership Conference voter drive in Selma, Ala., in 1963, helped organize Martin Luther King's march on Washington, and was a participant in the 1970 National Student Association convention along with many IPS veterans. ACTION Director Sam Brown and his assistant, Marge Tabankin, both were NSA activists.

Three ACTION contracts have been given to the National Center for Urban Ethnic Affairs (NCUEA), now headed by Baroni's successor, Gerson Green. Green, in addition, is a consultant to ACTION. In one of the NCUEA contracts, Green was not only ACTION's expert consultant, but also signed the contract on behalf of the NCUEA. In December, on the same day he received a letter from me inquiring into these grants, ACTION Director Brown ordered this contract canceled for "apparent" conflict of interest. The other contracts stand.

ACTION Director Brown's role in the National Conference on Alternative State and Local Public Policies began in 1975 when he was Colorado State Treasurer. As NCASLPP Administrative Committee member Barbara Bick, identified in the 1905's as a Communist Party member and who was later a Washington area disarmament and anti-Vietnam movement leader with Women Strike for Peace (WSP), wrote in the September 1977 NCASLPP newsletter which she edits, the 1977 Denver NCASLPP national conference was organized by Sam Brown who "brought together a broad-based group of labor, community activists, and State and local officials to form a hard working, dedicated, totally fantastic Host Committee * * *." Sam Brown is currently a member of the NCASLPP National Steering Committee.

At the 1976 NCASLPP convention, Brown and Hayden viewed with optimism candidate Carter's "promises to the left," but noted that despite the candidate's populist image, "the only people out to change things in the long run are in this room." "In the room" with Brown were the leaders of the NCASLPP, ACORN, the Youth Project, and many other community activist groups.

Midwest Academy Director Heather Booth has stated it is time for "people to organize to address visionary, long range questions, issues of national policy, the actual redistribution of wealth." The Movement for Economic Justice's slogan was "Robin Hood was right." The question is to what extent is taxpayers money going to fund that "actual redistribution of wealth?" And that is the question that should be asked when Congress is considering appropriations for ACTION.

NATIONAL DEFENSE STRATEGY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. BOB WILSON. Mr. Speaker, following every conflict in which the United States has participated in this century, Congress has imposed a serious drawdown in our Armed Forces. As that drawdown stabilized, inevitably the question would arise as to the future mission of our Navy. The traditional conclusion is that the Navy would not be a prime component of our national defense in the projected scenarios, but instead would serve far better in a support capacity, or a political "show the flag" role.

In each instance, the above conclusion by defense planners was ultimately proven to be in error and our Nation once again relied on our Navy to meet military situations either overlooked, ignored, or downgraded by our far-seeing military strategists.

Mr. Speaker, here we go again.

The administration's defense budget could be construed as an open season on our Navy, with high level Defense Department limited distribution memorandums as hunting licenses.

In the February 1978 issue of Sea Power magazine, Editor Emeritus L. Edgar Prina reviews what is happening behind those closed doors, delineates the upcoming battle for naval survival and warns of the dangers if the current DOD philosophy is allowed to persist.

I urge the attention of my colleagues to Mr. Prina's views and to remember his words when the Navy's budget comes before us for our consideration:

NATIONAL DEFENSE STRATEGY

(By L. Edgar Prina)

The Defense Department is in the throes of revising national defense strategy in a way that would build up Army and Air Force strength in Europe at the same time it relegates the Navy to a position of interested observer.

The focus of future national security planning, as spelled out in a so-called "consolidated guidance" memorandum now circulating in the Pentagon's upper echelons, will be on the Central Front in Europe, where the USSR and its Warsaw Pact allies are strongest. The theory, apparently, is that if war can be averted on the Central Front the northern and southern flanks of NATO can more or less take care of themselves.

There are strong suspicions in some quarters, however, that the new planning guide-

lines developed in the office of Russell Murray, top systems analyst for Defense Secretary Harold Brown, have been as much influenced by future defense spending limitations as they have been by realpolitik. If the Murray assumptions are followed in practice, it will give DoD the rationale it needs—and is apparently looking for—to cut the Navy's troublesome and very large, very expensive, shipbuilding budget.

It goes without saying that Navymen agree not at all with the new strategic rationale. Neither, for that matter, do a number of Congressmen privy to the memorandum and supporting data, which means a donnybrook of a defense debate can be expected when Secretary Brown begins this year's round of defense posture hearings on 2 February.

A "PEACETIME PRESENCE" ROLE

The Navy was told in the controversial Murray memorandum to, among other things, "plan carriers, surface combatants, direct support submarines, underway replenishment groups [supply and logistics vessels], and amphibious forces for localized contingencies outside Europe and [for] peacetime presence." "Peacetime presence" involves a variety of generally amiable duties such as showing the flag in potential trouble spots, making goodwill visits to Third World countries, and hauling the supplies and spare parts needed by shore-based troops and air units.

The Navy also was told to plan to use its carrier air wings "primarily" in situations in which the Soviet Union is not involved—situations, in other words, in which unilateral U.S. intervention would not be likely to start off a superpower confrontation.

The Navy has 12 carrier air wings in the inventory at present. Restricting their use to such a secondary role probably would be a convincing enough reason in the eyes of OMB (Office of Management and Budget) and congressional budgetcutters to chop that number in half.

The new strategic rationale, circulated in a closely-held memorandum dated 3 January, focused on U.S. naval forces used to project power against the enemy ashore, the largest and most expensive portion of the fleet.

The document has caused a furor within Naval ranks, although the guidance set forth is not yet a final directive from Defense Secretary Brown. The Navy is now preparing a reply to the assumptions, rationale, and conclusions put forward by Murray's Program Analysis and Evaluation office.

A primary objective of the new guidance seems obviously to reduce naval/military spending in the years ahead. If the Navy were to be taken out of "the big ball game" of a NATO war against Soviet-led forces in Europe, it might be possible to lessen or eliminate the need for additional large and expensive aircraft carriers as well as for the sophisticated and expensive tactical aircraft (such as the F–14 Tomcat) which constitute the "main battery" of the carriers.

The Navy currently has 13 deployable attack aircraft carriers, but will soon be down to 12 when the USS Coral Sea moves into a training ship status.

EMPHASIS ON BLITZKRIEG WAR

The new guidance, in proposing a reduction in the Navy's carrier strength from 12 to 10, said that because of Soviet air power it has become "dubious at best" to plan for early carrier operations north of the Greenland-Iceland-United Kingdom (GIUK) Gap and in the Mediterranean.

"Our emphasis on priority is on early combat capability, not on an unresolved nonnuclear war in Europe months after D-Day," it said.

An introductory passage to the overall document, which covers the four military services, says: "Our near-term objective is to assure that NATO could not be overwhelmed and spend our resources to that end."

The Navy has always planned on conducting offensive carrier operations against the Soviets' northern and southern flanks (the latter from the Mediterranean) in any NATO war and still does. Any change in that planning strategy presumably would have to be approved by NATO.

Brown's systems analysts assert that if two carriers, plus their escort and supply ships, were decommissioned, the United States could save $1.2 billion in annual operating expenses, and the need for building any new carriers could be put off until "at least" the 1990s.

Thus, another $1.4 billion could be "saved" by not building the vertical/short takeoff and landing (V/STOL) aircraft carrier (CVV) originally planned for fiscal 1981.

The document estimates that the Navy's "power projection" forces account for from 290 to 350 ships—70 to 80% of the Navy's active ship forces—and will cost $22.1 billion in the next fiscal year.

According to the DoD analysts, the total investment cost of a carrier task force, with its air wing and support ships, runs from $8 billion to $10 billion. They assert that twice that sum could be saved over the next 30 years in ship construction and aircraft procurement funds if the Navy's inventory is cut to 10 active carriers.

"With 10 carriers, the air defense of the Atlantic and Pacific sea lines of communications would still be possible," the DoD document says.

AN OVERNIGHT EVICTION

The analysts conceded that the United States would need support facilities in Iceland, Greenland, and the (Portuguese) Azores before the carrier force could be "markedly" reduced.

They did not, however, address the very tough political problems that could be presented by plans for additional American bases in those lands. Whether Iceland and Portugal would be willing to host U.S. bases is open to serious question. Also not addressed is a more difficult question: What happens if and when a once-friendly country says "Yankee Go Home!"—which a number of countries have done in the past. Eviction can be a virtually overnight process. Building a carrier takes about 10 years.

Even if the "12-carrier option," as they put it, were continued, the analysts foresaw major savings if the Navy's power projection role were downgraded in favor of the intervention/presence mission.

In that case, "we would buy only 12 Aegis (missile defense) ships instead of the 18 to 24 now proposed; fewer attack submarines; and fewer surface combatants."

Murray's analysts contend that land-based aircraft in England, Greenland, the Azores, and Iceland could give the same or better protection to the sea lines of communication "at a substantial reduction" in cost. They give land-based aircraft a 2:1 cost-effectiveness rating against carrier air. They also say greater use of land-based air "would increase the survivability of the carrier forces, permitting their use in lower threat areas or later in the war, if needed." They seem, however, to assume the survivability of land-based air, forgetting, apparently, that the supposedly vulnerable carriers can travel a lot faster and further in wartime than can permanently positioned land installations; the carrier may not be 100% survivable in a nuclear war, in other words, but it's far and away the most survivable air base of any kind in any war, conventional or nuclear.

The DoD anaylsts further argued that Navy resupply and reinforcement efforts on the southern flank and amphibious operations with the Marine Corps north of the GIUK Gap would have only "a small effect on the battle" in Central Europe, which the ruling powers at the Pentagon regard as the nation's highest priority defense front.

(Many naval analysts would agree, incidentally, that the Central Front is the most important—in economic and political terms, anyway. But they vehemently disagree that the Central Front is the most likely scene of superpower conflict, and make a strong case that the USSR is, in fact, more likely to concentrate on the vulnerable NATO flanks, knowing that if either of those fall the Central Front is likely to wither away without risk of a major war.)

SOUTHERN FLANK DISCOUNTED

At another point, the analysts, in what the Turks and Greeks might find a cynical observation, admit that "We have bought no war-fighting material to send to our allies on the southern flank in a NATO war."

They also discuss one war scenario in which four Navy carriers steam to the aid of Israel. Only two of the four would have as much as a 50–50 chance of survival against Soviet air/missile power, the DoD analysts estimate.

Noting that present plans call for a 12-carrier force through 1985, the analysts left themselves some room for retreat.

They acknowledged that if the Soviets decide to build a power projection force of attack carriers the United States would have to take that into consideration in deciding on its own carrier force level.

The Soviets today have three 40,000-ton V/STOL aircraft carriers either in commission or under construction. Some naval experts believe it is just a matter of time until they begin a large-deck carrier construction program. Whether that's so or not, the Navy knows it can't afford to wait to prove its case; the Russians certainly aren't going to cooperate by revealing their future carrier construction plans.

So the Navy and its supporters are once again going to battle stations. The target, it shouldn't be necessary to emphasize, is not—repeat NOT—the Army or the Air Force, both of which also need an urgent upgrading of their combat capabilities.

The real target, rather, is the same type of dubious thinking which, more concerned about costs than about capabilities, led to both Korea and Vietnam.

WOULD HISS BE FOUND GUILTY TODAY?

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. DORNAN. Mr. Speaker, a book is about to be published which concludes that Alger Hiss first, spied for the Soviet Union, second, lied to the Congress, and third, lied to a Federal grand jury.

What makes this book all the more damning in its evaluation of the actions of Hiss, is that the author, Allen Weinstein, began his work and research convinced that Hiss was innocent. But in his own words to Hiss, Weinstein, explained:

When I began working on this book four years ago, I thought I would be able to demonstrate your innocence, but, unfortunately, I have to tell you that I cannot; that my assumption was wrong.

Hiss shrugged and said, "I'm not surprised."

The publication of this book is the topic of an article in the February 13 Time Magazine. Although the book has not yet appeared in book stores, the Time analysis and summary gives more than a hint of the questions asked and

answered about Hiss and his accuser Whittaker Chambers. I ask that this article be reprinted as part of my remarks today.

From the Time summary, it is apparent that those who read the book will reject totally those who continue to defend Hiss and protest his innocence. It is also apparent that if he were tried again today, Alger Hiss would be found guilty as charged.

However, that is a big "if." Anyone who reads the accounts of the Hiss-Chambers case will soon come to realize that if there had been no House Committee on Un-American Activities, the accusations made by Chambers would have fallen on a half-deaf public ear. Fortunately, the United States had such a committee at the time, and Hiss and the Soviet spy network were exposed.

But the United States does not have such a committee today. Nor does it have a House Committee on Internal Security—despite the fact that over 170 members have cosponsored a resolution calling for its reconstitution.

So, Mr. Speaker, the question of whether or not Mr. Hiss would be found guilty if tried today is really just academic. Without a Committee on Internal Security, the question is rather: Would he be tried at all? I, for one, do not believe that he would.

That is lucky for any other Hisses we may have in our Government today. Lucky for them but unlucky for America.

The article follows:

HISS: A NEW BOOK FINDS HIM GUILTY AS CHARGED

(NOTE.—On the basis of fresh evidence, a scholar concludes that he spied and lied.)

On a crisp day in January 1950, Alger and Priscilla Hiss sat in a Manhattan courtroom, he pressing his lips in a tight smile, she fingering her handbag. A federal jury was ready to pass judgment on whether he had lied in denying that he had given secret State Department documents to a Soviet agent in 1938. Intoned the forewoman: "We find the defendant guilty on the first count and guilty on the second." Showing almost no emotion, Hiss and his wife slowly walked out of the room, surrounded by a pack of lawyers and spectators.

Thus ended the great spy trial that pitted an elegant, aristocratic cynosure of the Eastern Establishment against a rumpled, relatively obscure, former Communist. For many Americans, the contest was an elemental struggle between good and evil, between leftist New Dealers and right-wing anti-Communists. It divided the nation, set off widespread fears that the State Department was infiltrated by Soviet agents, and helped launch Joseph McCarthy on his hunt for Reds. Moreover, the case gave national prominence to a fledgling California Congressman, Richard Nixon, who used the notoriety to help win a Senate seat in 1950 and vice presidency in 1952.

The controversy over the trial has continued for nearly 30 years. Who was telling the truth? Was it the serene and unfailingly courteous Hiss, who went to Lewisburg prison for 44 months and today, at age 73, still professes innocence? Or was it his brooding, tormented accused accuser Whittaker Chambers, who died on his Maryland farm in 1961? Despite a dozen books and hundreds of articles about the case, many of them little more than briefs for one side or the other, the question has not been answered conclusively. Now Allen Weinstein, a respected historian at Smith College, has turned up previously undisclosed evidence that inexorably led him to this unqualified verdict: "The jurors made no mistake in finding Alger Hiss guilty as charged."

Weinstein carefully and persuasively documents his conclusion in an absorbing new book due to appear this spring, *Perjury: The Hiss-Chambers Case.** a copy of which was made available to Time. The historian set out convinced that Hiss was innocent. He changed his mind during five years of research into a mass of records that had never before been studied. Among them were more than 40,000 pages of FBI files, which Weinstein obtained by suing under the Freedom of Information Act. The files of Hiss's own attorneys, which Hiss opened to Weintein yielded other revealing facts that were kept hidden during the trial. The author also questioned more than 80 people who were connected with the Hiss-Chamber drama, including five former Soviet agents, and talked with Hiss on six occasions.

The last meeting between them took place in March 1976 in the office of Publisher Alfred A. Knopf, 21 floors above Manhattan's East 50th Street. After a few minutes of uneasy conversation, Weinstein told Hiss: "When I began working on this book four years ago, I thought I would be able to demonstrate your innocence, but unfortunately, I have to tell you that I cannot; that my assumption was wrong." Hiss shifted slightly, looked beyond Weinstein and said: "I'm not surprised." Later he added: "I've always known you were prejudiced against me." When the meeting ended, Weinstein told Time Senior Correspondent James Bell last week: "I realized I'd never speak to him again. I offered my hand, but he stepped away. He wouldn't even look at me." Hiss told Time that he was familiar with Weinstein's views but would not comment on them because the book had not yet been published.

In his interview with Bell, Weinstein said simply: "In the end, Chambers' version turned out to be truthful, and Hiss's version did not. Alger Hiss is a victim of the facts."

This judgment will not go unchallenged; when Weinstein published an article in the *New York Review of Books* almost two years ago detailing some of his findings, he stirred up a row, and his book is certain to do the same. For three decades, Hiss has waged a campaign for vindication, and next month he intends to ask the courts again for a new trial on the ground that the prosecution withheld vital evidence from him in 1949.

Hiss lately has been winning new sympathizers—some as a result of his son Tony's apologia, *Laughing Last*, and some who look on him as Richard Nixon's first victim. Ironically, Weinstein's book also discredits Nixon's performance, demonstrating that as a member of the House Un-American Activities Committee, he actually fell apart at critical points during the investigtion (*see box*).

Before Chambers' charges of espionage cut him down, Hiss had seemed headed for a great future; some associates even thought he was a potential Secretary of State. One of the New Deal's bright young men, he worked briefly for the Agriculture Department and the Nye committee, which was investigating the arms manufacturers of World War I, and then joined the State Department. In the 1940s he rose almost effortlessly as a protégé of Secretary Edward Stettinius and his deputy, Dean Acheson, serving as an adviser to Franklin Roosevelt at the Yalta conference and as Secretary-General of the founding convention of the United Nations. In 1947, at age 42, he became president of the prestigious Carnegie Endowment for International Peace.

Eighteen months later, Chambers (then a senior editor of TIME) told HUAC that Hiss was a Communist. Not so, said Hiss, who also insisted that he had never known Chambers. But Chambers knew so many details about Hiss's life—including the fact that Hiss, an amateur ornithologist, had once spotted a rare prothonotary warbler on the banks of the Potomac——that his adversary was finally forced to reverse himself. Then Chambers made a more serious accusation: that Hiss had passed State Department secrets to him in the late 1930s.

As evidence, Chambers produced four memorandums in Hiss's handwriting and 65 pages of retyped State Department documents, all but one of them undeniably produced on Hiss's old Woodstock typewriter. A few weeks later, Chambers led HUAC investigators to a hollowed-out pumpkin, where he had hidden five rolls of film, two of them containing photographs of confidential Government dispatches that he said had been given to him by Hiss. Because of the statute of limitations, Hiss could not be tried for espionage. Instead, he was indicted on two counts of lying to a federal grand jury: for claiming that he had never given Chambers secret documents nor even met with him in February and March of 1938.

"Poor Chambers," Nixon remarked to an associate early in the investigation. "Nobody ever believes him at first." But Weinstein came away from his research convinced that Chambers usually told the truth. Among the new evidence the historian uncovered were answers—not always complete—to these questions:

WAS CHAMBERS A SOVIET AGENT?

Some Hiss supporters maintain that Chambers' account of life as an underground Soviet courier was largely fiction. In FBI records, however, Weinstein found depositions from ex-spies that confirmed parts of Chambers' story. Additional details were corroborated during interviews with Jozef Peters, who headed the American Communist Party's underground work in the 1930s and now lives in Budapest. Nadezhda Ulanovskaya, wife of Chambers' Soviet spy master in 1931-34 and now a resident of Israel, told Weinstein after reading Chambers' 1952 memoir *Witness:* "All of it I find perfectly in order."

Continues Weinstein in his book: "Ella Winter [who was married to Muckracker Lincoln Steffens] recently recalled having been approached in her New York hotel room in 1933 by 'Harold Phillips,' whom she later identified as Chambers. Phillips asked Winter to transport a large sum of money from New York to California for the underground." She refused. Later, she turned down Chambers' request that she steal some pages from her friend William Bullitt's desk in Washington after Roosevelt appointed him the first U.S. Ambassador to the Soviet Union.

WAS HISS A COMMUNIST?

Two close friends of Hiss's were Communists: Government Officials Henry Collins and Lee Pressman, who recommended Hiss for his Nye committee job. Another Communist, Nathaniel Weyl, told the FBI that Hiss attended meetings of a secret party cell in Washington as early as 1933.

Weinstein also turned up some tantalizing details of how Hiss's 1929 Ford roadster ended up in Communist hands. Hiss testified that he had given the car to Chambers in mid-1935 but changed his story when HUAC investigators established that Hiss actually sold it to an auto dealer on July 23, 1936. That same day the car was resold for $25—less than half of its market value—to Communist William Rosen, who was acting as the middleman in a dummy transaction. Rosen's lawyer later told one of Hiss's attorneys that the deal had been arranged by "a very high Communist. His name would be a sensation in this case. The man who ultimately got the car is also a Communist."

* To be published in April (Knopf, $15).

WHEN DID HISS MEET CHAMBERS?

Hiss initially agreed with Chambers that they met in 1934, then switched to a January 1935 date. But Radical Novelist Josephine Herbst told Hiss's lawyers that Chambers began trying to recruit Hiss for undercover work in July or August 1934.

Hiss insisted that he stopped seeing Chambers by mid-1936—about 18 months before the period when Chambers claimed to have received secret documents from him. But in interviews with Hiss and one of his lawyers, Weinstein learned that Pediatrician Margaret Nicholson recalled for the Hiss defense team that she encountered a heavy-set, "very gruff man" at the Hiss home in January 1937. "You may not come in!" declared the man. Writes Weinstein: "From newspaper photographs in 1949, Dr. Nicholson recognized the man who had answered the door as Whittaker Chambers."

WAS HISS A SOVIET AGENT?

Noel Field, a confessed Soviet agent in the State Department, and his wife Herta fled to Czechoslovakia in 1948 and were questioned by both Czechoslovak and Hungarian security officials. Czech Historian Karel Kaplan, who read the interrogation records 20 years later, told Weinstein that the Fields named Hiss as a Communist underground agent during the 1930s. Indeed, writes Weinstein, "Herta Field, when seized in Prague, initially believed that American intelligence agents had come to kidnap her and bring her back to give evidence against Hiss."

Chambers testified that he gave Hiss and three other agents Bokhara rugs in January 1937 as gestures of appreciation for their undercover work. Hiss admitted receiving a red oriental rug from Chambers, but said it was in 1953 and was partial payment for a debt. Two other recipients told the FBI that they had received their rugs in early 1937. Moreover, a rug expert hired by the defense established from a description on a sales slip that Hiss's rug was apparently one of four that had been bought by a Communist agent for Chambers in December 1936.

WAS HISS FRAMED?

After Hiss's conviction, he insisted that Chambers had forged the 64 typewritten pages used as evidence at the trial. But, in the files of Hiss's lawyers, Weinstein found reports from two experts confirming that the documents were definitely typed on Hiss's Woodstock (serial number: N230099) by his wife Priscilla.

During December 1948 and January 1949, Hiss insisted to the FBI and a grand jury that he did not know what had happened to the typewriter; probably, he said, Priscilla had sold it to a junk dealer. But Weinstein found a letter in the defense files demonstrating that as early as Dec. 7, 1948, Hiss knew that Priscilla had given the typewriter in April 1938 to the son of a former maid. Says Weinstein: "While the FBI searched frantically for the machine, Hiss's brother Donald, aided by the maid's son, traced the typewriter in February 1949 but said nothing to the lawyers or the authorities. Two months later, Hiss's lawyer, Edward McLean, made a search of his own, found the machine and told the FBI that he had it." Thus, adds Weinstein, if the typewriter obtained by McLean was a fake, as Hiss later claimed, "the only two people, other than Alger Hiss, in a position to make a switch were Donald Hiss and the maid's son."

As the trial went on, even some of Hiss' attorneys began to doubt his innocence. Says Weinstein: "Several of them were persuaded that either Hiss or his wife committed perjury." Even Priscilla once deserted his cause. Weinstein reports that in 1968, during a dinner in Chicago, she exploded in anger and, according to a guest, "announced that she was sick of all the lies and cover-ups."

Weinstein found no conclusive proof that Hiss engaged in espionage after Chambers' defection from Communism in 1938. Still, CIA files show that Hiss in 1945 tried to obtain information from the agency's wartime predecessor, the Office of Strategic Services, on internal security matters in Britain, China, France and the Soviet Union. Says Weinstein: "It was obviously a bold move to collect highly classified intelligence data on those countries, whatever his use of the material might have been."

Another intriguing incident occurred in September 1945, when Soviet Ambassador Andrei Gromyko praised Hiss to Secretary of State Stettinius "for his fairness and his impartiality" and suggested that he be appointed temporary Secretary-General of the U.N. By that time, however, the FBI and the State Department's security staff were investigating Hiss' loyalty.

In 1946 Secretary of State James Byrnes cut Hiss off from confidential assignments and restricted his access to confidential documents. He was kept under surveillance, and even his desk calendar was monitored. But there was no evidence of his disloyalty, not until Whittaker Chambers made his bombshell revelations two years later. Even then, enough doubts existed for Alger Hiss to wage a 30-year fight for vindication—a campaign that shows no signs of slackening, despite Weinstein's fresh evidence that he was guilty as charged.

ON H.R. 7843, ADDITIONAL FEDERAL JUDGESHIPS

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mr. HARRIS. Mr. Speaker, court congestion, delay and inconvenience are a deterrent to justice. Citizens have a right to speedy, fair, and convenient justice. I believe that H.R. 7843, creating additional judgeships across the country, will go a long way toward providing prompt justice for Americans.

I am pleased the Committee on the Judiciary adopted my amendment to restore the second additional Federal judgeship for the western district of Virginia, a position which was deleted by the subcommittee. Two new judgeships were requested by the two current judges and the Judicial Conference and two were approved by the Senate.

HEAVY WORKLOAD REQUIRES TWO NEW JUDGES

Of all the Federal district courts in the country, the western district of Virginia ranked first in what are called "weighted case filings," with a total number of 2,015 in 1976. This means that in 1976, 1,008 cases were filed per judge compared to the national per-judge average of 430. The 2,015 case filings in 1976 was a 155-percent jump since 1971 when 791 cases were filed. The number of cases pending in this court increased 208 percent between 1971 and 1976, going from 419 to 1,291. Thus, while the number of cases have dramatically increased, the number of judges has remained the same—two.

Quite simply, two judges handled 791 cases in 1971; and two judges handled 2,015 in 1976. This is an extremely heavy workload which I believe justifies two new judges.

It was argued that the heavy proportion of social security—especially black lung—cases and prisoner petitions had pushed these caseload figures up and that those cases could be handled by magistrates. It is true that the western district had a high volume of social security and black lung cases and prisoner petitions—73 percent—because there is a large coal mining industry in the western district. Black lung cases in 1976 were 54 percent of the total civil case filings.

However, I disagreed with the subcommittee's apparent conclusion that such cases require minimal or no judicial review. The subcommittee underrated the work such cases require of judges. Every social security case and every prisoner petition must receive active consideration by a judge. At a minimum, and this would be unusual, a judge must make an initial examination of the case and then a final review of the determination. If, as in this district in 1976, each judge were responsible for 483 social security cases and 172 prisoner petitions, he would have devoted 328 hours or 41 days of work to these cases. On top of this would be the 353 other, more complicated and time-consuming cases he would have to handle. If there were three judges, as the subcommittee recommends, each judge would spend 219 hours or 27 days on these cases, on top of 235 other cases. I believe that the subcommittee's analysis of the time and work involved in social security cases and prisoner petitions is erroneous.

EASTERN DISTRICT OF VIRGINIA: TWO NEW JUDGES NEEDED

I am pleased too that the Senate and the House committee have agreed with the request of the Judicial Conference to add two new Federal judges in Virginia's eastern district. In this district, weighted filings have jumped in the last 2 years to 591 per each of the six judges. The two additional judgeships would reduce weighted filings to 443.

MERIT SELECTION A MUST

I also support the provision in the bill which recommends that the President establish guidelines for selecting these nominees on the basis of merit. It is time to get politics out of our judicial system and because of our traditional selection method I feel many qualified individuals have been systematically excluded. The bill takes note of the fact that only 1 percent of Federal judges are women and only 4 percent are blacks. It is my hope, particularly for Virginia, that the President's nominees reflect a true cross section of Virginians.

I am pleased to support H.R. 7843 and am especially pleased, since the Senate has added four, that Virginians can most likely expect four new judges in the coming months.

SENATE COMMITTEE MEETINGS

Title IV of the Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee of the time, place, and purpose of all meetings

when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 9, 1978, may be found in Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 10

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the National Science and Technology Policy Act (P.L. 94-282).
235 Russell Building

Judiciary
Juvenile Delinquency Subcommittee
To hold oversight hearings on the Drug Enforcement Administration's efforts to control drug trafficking on U.S. borders with Mexico.
2228 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Department of the Interior.
1114 Dirksen Building

Energy and Natural Resources
Energy Production and Supply Subcommittee
To resume oversight hearings on the Federal coal leasing policy and its impact on western coal development.
3110 Dirksen Building

Foreign Relations
African Affairs Subcommittee
To meet in closed session to receive testimony from administration officials on foreign military activities in Africa.
S-116, Capitol

Select Small Business
To resume hearings to determine the problems of attracting capital to small and medium-sized independent enterprises.
424 Russell Building

Joint Economic
To continue hearings to receive testimony on the President's economic report from Secretary of Commerce Kreps and Secretary of Labor Marshall.
345 Cannon Building

FEBRUARY 15

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the National Bureau of Standards.
235 Russell Building

FEBRUARY 20

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Navajo-Hopi Relocation Commission.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on proposed fiscal year 1979 authorizations for HUD.
5302 Dirksen Building

Foreign Relations
To hold hearings on the International Sugar Agreement (Exec. A, 95th Cong., 2d sess.).
4221 Dirksen Building

6:00 p.m.
Human Resources
Child and Human Development Subcommittee
To resume hearings to review the current programs on child care and child development and the need for additional legislation.
Until 9:00 p.m. 4232 Dirksen Building

FEBRUARY 21

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed fiscal year 1979 authorization for NASA.
235 Russell Building

9:30 a.m.
Environment and Public Works
To hold hearings on proposed fiscal year 1979 authorizations for the Economic Development Administration.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Water Research and Technology.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Health Service Administration, Department of HEW.
S-128, Capitol

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for HUD.
5302 Dirksen Building

Budget
To receive testimony from Director Bosworth, Council on Wage and Price Stability, in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee.
To hold hearings on S. 2158, to permit the storing of foreign-caught shark fins at U.S. foreign trade zones for eventual exportation to foreign countries.
5110 Dirksen Building

Foreign Relations
To hold hearings on H.R. 7819, S. 1256, and S. 1257, to guarantee fair and equitable compensation for Americans injured in auto accidents with diplomatic personnel, and to require compulsory auto liability insurance for all diplomats.
4221 Dirksen Building

Human Resources
Education, Arts, and the Humanities Subcommittee
To resume hearings on S. 1753, to extend and amend the Elementary and Secondary Education Act.
Until noon 4232 Dirksen Building

Select Intelligence
Budget Authorization Subcommittee
To hold closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407, Capitol

10:30 a.m.
Judiciary
To hold hearings on the nomination of Benjamin R. Civiletti, of Maryland, to be Deputy Attorney General, Department of Justice.
2228 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Center for Disease Control, Department of HEW.
S-128, Capitol

Select Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407, Capitol

FEBRUARY 22

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To hold hearings on proposed legislation to extend the Comprehensive Employment Training Act (CETA).
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of the Secretary.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To hold oversight hearings on HUD crime and riot reinsurance programs.
5302 Dirksen Building

Environment and Public Works
To hold hearings on proposed fiscal year 1979 authorizations for the Army Corps of Engineers.
4200 Dirksen Building

Joint Economic
To resume hearings on the President's economic report.
1202 Dirksen Building

Rules and Administration
To hold hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees, to be followed by consideration of these resolutions and other committee business.
301 Russell Building

Select Intelligence
To mark up S. 1566, to establish procedures for electronic surveillance in the area of foreign intelligence information.
Room to be announced

Select Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Select Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407, Capitol

FEBRUARY 23

9:00 a.m.
Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on proposed legislation to extend the Comprehensive Employment Training Act (CETA).
Until 12:30 p.m. 4332 Dirksen Building

9:30 a.m.
Environment and Public Works
Resource Protection Subcommittee
To hold hearings on S. 1820, to preserve examples of America's diverse natural ecological resources for classification, identification, and protection.
4200 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Veterans' Administration.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings to receive testimony from Secretary of the Interior Cecil Andrus, on proposed budget estimates for fiscal year 1979 for the Department of the Interior.
1114 Dirksen Building

Appropriations
Military Construction Subcommittee
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
S-146, Capitol

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold oversight hearings on U.S. export policy.
5302 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings on S. 201 and H.R. 7132, to establish an arbitration board to settle disputes between organizations of supervisors and the U.S. Postal Service.
357 Russell Building

Rules and Administration
To continue hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees to be followed by consideration of these resolutions and other committee business.
301 Russell Building

Select Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorization for Government intelligence activities.
S-407, Capitol

11:30 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Panama Canal Company and the Panama Canal Zone Government.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the National Institutes of Health, Department of HEW.
S-128 Capitol

Select Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407 Capitol

FEBRUARY 24

9:30 a.m.
Environment and Public Works
Resource Protection Subcommittee
To continue hearings on S. 1820, to preserve examples of all of America's diverse natural ecological resources for classification, identification, and protection.
4200 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal years 1979 for the Veterans Administration.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of HEW.
S-128, Capitol

Foreign Relations
To resume hearings on the International Sugar Agreement (Exec. A. 95th Cong., 2d sess.).
4221 Dirksen Building

Rules and Administration
To continue hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees, to be followed by consideration of these resolutions and other committee business.
301 Russell Building

FEBRUARY 27

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the impact of building codes on housing rehabilitation.
5302 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume oversight hearings on U.S. export policy.
6226 Dirksen Building

Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To hold oversight hearings on the SBA minority business program.
3302 Dirksen Building

Joint Economic
To resume hearings on the President's economic report.
12:02 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Health Resources Administration, Department of HEW.
S-128, Capitol

FEBRUARY 28

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

9:30 a.m.
Human Resources
To hold a business meeting to consider recommendations it will make to the Budget Committee for the fiscal year 1979 budget in accordance with the Congressional Budget Act.
Until noon 4232 Dirksen Building

Veterans' Affairs
To consider committee budget resolution.
412 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To consider additional funding for items of the Department of the Interior and related agencies, proposed to be included in a second supplemental appropriations, and to hold hearings on proposed budget estimates for fiscal year 1979 for Alaska Land Use.
1114 Dirksen Building

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
S-146, Capitol

Budget
To receive testimony from Energy Secretary Schlesinger in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To mark up H.R. 7744, to permit the contract dredging for improvement of rivers and harbors by private industry.
4200 Dirksen Building

Select Small Business
To hold hearings on small business aspects of the Administration's 1978 tax program.
424 Russell Building

Rules and Administration
To resume hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees, to be followed by consideration of these resolutions and other committee business.
301 Russell Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Education, Department of HEW.
S-128, Capitol

MARCH 1

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Bureau of Outdoor Recreation, and Land and Water Conservation Fund.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for elementary and secondary education programs, Department of HEW.
S-128, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on S. 2441, proposed Federal Public Transportation Act.
5302 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Joint Economic
To resume hearings on the President's economic report.
1202 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for school assistance in Federally-affected areas, and emergency school aid programs, Department of HEW.
S-128, Capitol

MARCH 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Consumer Product Safety Commission.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Park Service.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Education, Department of HEW.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Washington Metropolitan Area Transit Authority and the Civil Aeronautics Board.
S-126, Capitol

Banking, Housing, and Urban Affairs
To continue hearings on S. 2441, proposed Federal Public Transportation Act.
5302 Dirksen Building

Budget
To receive testimony from Defense Secretary Brown in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Office of Education, Department of HEW.
S-128, Capitol

MARCH 3

9:30 a.m.
Environment and Public Works
Resource Protection Subcommittee
To mark up S. 1820, to preserve examples of America's diverse natural ecological resources for classification, identification, and protection, and S. 1140, to encourage and assist States in development of improvement programs for the conservation of "nongame" species of fish and wildlife.
4200 Dirksen Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on spending practices of individual departments (Mission Budgeting) at HEW, and on proposed budget estimates for fiscal year 1979 for the Health Care Financing Administration, Department of HEW.
S-128, Capitol

Banking, Housing, and Urban Affairs
To continue hearings on S. 2441, proposed Federal Public Transportation Act.
5302 Dirksen Building

11:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
1318 Dirksen Building

MARCH 6

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on issues relating to the Federal highway program, including the level of Federal support, completion of the Interstate System, and the costs of maintenance on the Federal highway system.
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for the Office of Education, Department of HEW.
S-128, Capitol

6:00 p.m.
Veterans' Affairs
To resume hearings on a National Academy of Science study of health care for American veterans.
Until 10:30 p.m. 6226 Dirksen Building

MARCH 7

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To resume hearings on S. 50, the Full Employment and Balanced Growth Act.
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Surface Mining.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Human Development and special institutions, Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for military construction programs, and funds for NATO.
S-146, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by bank holding companies and other banks.
5302 Dirksen Building

11:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations from officials of the VFW.
318 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Office of Human Development and special institutions, Department of HEW.
S-128, Capitol

MARCH 8

9:00 a.m.
Commerce, Science and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 50, the Full Employment and Balanced Growth Act.
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Endowment for the Arts.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by bank holding companies and other banks.
5302 Dirksen Building

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Coast Guard and St. Lawrence Seaway Development Corporation.
1318 Dirksen Building

MARCH 9

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Environmental Protection Agency.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Fish and Wildlife Service.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
S-146, Capitol

Budget
To receive testimony from HEW Secretary Califano and Labor Secretary Marshall in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

MARCH 10

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Environmental Protection Agency and Council on Environmental Quality.
1318 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

MARCH 13

9:00 a.m.
Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To resume hearings on S. 2090, 2081, and 1919, to extend certain programs authorized by the Economic Opportunity Act.
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcomimttee
To hold hearings on proposed fiscal year 1979 authorizations for the Export-Import Bank.
5302 Dirksen Building

Foreign Relations
To hold hearings on U.S.-U.S.S.R. relations.
4221 Dirksen Building

7:00 p.m.
Human Resources
Child and Human Development Subcommittee
To hold hearings on S. 258, the Children and Youth Camp Safety Act.
Until 10:30 p.m.
4232 Dirksen Building

MARCH 14

9:00 a.m.
Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 2090, 2081, and 1919, to extend certain programs authorized by the Economic Opportunity Act.

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 27 and S.J. Res. 28, proposed constitutional amendments to limit the number of terms of service for Members of Congress.
5110 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Forest Service, Department of Agriculture.
1114 Dirksen Building

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
S-146, Capitol

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for the Export-Import Bank.
5302 Dirksen Building

Foreign Relations
To continue hearings on U.S.-U.S.S.R. relations.
4221 Dirksen Building

10:30 a.m.
Judiciary
Immigration Subcommittee
To hold hearings on S. 2252, proposed Alien Adjustment and Employment Act.
2228 Dirksen Building

MARCH 15

10:00 a.m.
Banking, Housing, and Urban Affairs
To mark up S. 2065, to provide consumer righs and remedies in electronic fund transfer systems.
5302 Dirksen Building

Budget
To receive testimony from Federal Reserve Board Chairman-designate Miller in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Foreign Relations
To continue hearings on U.S.-U.S.S.R. relations.
4221 Dirksen Building

MARCH 16

8:00 am.
Veterans' Affairs
To resume hearings on H.R. 5029, authorizing funds for hospital care and medical services for certain Filipino combat veterans of W.W. II.
Until 11:00 a.m. 357 Russell Building

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russel Building

9:30 a.m.
Judiciary
Constitution Subcommittee
To continue hearings on S.J. Res. 27 and S.J. Res. 28, proposed constitutional amendments to limit the number of terms of service for Members of Congress.
6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Smithsonian Institution.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To hold oversight hearings on FDIC report on preferential bank lending policies.
5302 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

10:30 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for National Highway Traffic Safety Administration.
S-126, Capitol

Judiciary
Immigration Subcommittee
To resume hearings on S. 2252, proposed Alien Adjustment and Employment Act.
2228 Dirksen Building

MARCH 17

10:00 a.m.
Budget
To receive testimony from Secretary of HUD Harris in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

MARCH 20

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 2040, the Comprehensive Drug Amendments Act.
Until 12:30 p.m. 4332 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Bureau of Mines.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for the Export-Import Bank.
5302 Dirksen Building

Budget
To receive testimony from Representative Bolling in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

MARCH 21

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on issues relating to Federal highway program, including the level of Federal support, completion of the Interstate system, and the costs of maintenance on the Federal highway system.
4200 Dirksen Building

Veterans' Affairs
To mark up S. 364, to provide for judicial review of administrative decisions promulgated by the VA, and to allow veterans full access to legal counsel in proceedings before the VA, and S. 2384, the Veterans and Survivors Income Security Act.
412 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Science Foundation.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Bureau of Land Management.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Federal Highway Administration.
S-126, Capitol

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for the Export-Import Bank.
5302 Dirksen Building

10:30 a.m.
Judiciary
Immigration Subcommittee
To resume hearings on S. 2252, proposed Alien Adjustment and Employment Act.
2228 Dirksen Building

MARCH 22

9:00 a.m.
Human Resources
To hold hearings on S. 2084, the Administration's proposed welfare reform legislation.
Until 12:30 p.m. 4232 Dirksen Building

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To continue hearings on issues relating to the Federal highway program, including the level of Federal support, completion of the Interstate system, and the costs of maintenance of the Federal highway system.
4200 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the National Science Foundation and Office of Science and Technology Policy.
1318 Dirksen Building

MARCH 23

9:00 a.m.
Human Resources
To continue hearings on S. 2084, the Administration's proposed welfare reform legislation.
Until 12:30 p.m. 4232 Dirksen Building

10:30 a.m.
Judiciary
Immigration Subcommittee
To resume hearings on S. 2252, proposed Alien Adjustment and Employment Act.
2228 Dirksen Building

APRIL 3

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Endowment for the Humanities.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To hold oversight hearings on the condition of the banking system.
5302 Dirksen Building

APRIL 4

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Bureau of Indian Affairs.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To continue oversight hearings on the condition of the banking system.
5302 Dirksen Building

APRIL 5

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Federal Aviation Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on U.S. programs and facilities designed to increase U.S. exports.
5302 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations from AM-VETS, Paralyzed Veterans of America, and Veterans of World War I.
Until 1:00 p.m.
6226 Dirksen Building

APRIL 6

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume oversight hearings on the National Bureau of Standards.
235 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Geological Survey.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Railroad Passenger Corporation (AMTRAK).
1224 Dirksen Building

APRIL 7

11:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Revenue Sharing, and New York City Seasonal Financing Fund, Department of the Treasury.
1318 Dirksen Building

APRIL 10

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to consider the reestablishment of housing goals and proposed extension of existing housing programs.
5302 Dirksen Building

APRIL 11

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 2253, to encourage prompt, informal, and inexpensive resolution of civil cases by use of arbitration in U.S. district courts.
2228 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to consider the reestablishment of housing goals and proposed extension of existing housing programs.
5302 Dirksen Building

APRIL 12

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To hold hearings on proposed authorizations for fiscal year 1979 for the National Science Foundation.
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Federal Railroad Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To continue hearings to consider the reestablishment of housing goals and proposed extension of existing housing programs.
5302 Dirksen Building

APRIL 13

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for HUD.
1318 Dirksen Building

APRIL 14

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for HUD.
1318 Dirksen Building

APRIL 18

10:00 a.m
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on the competitiveness of high technology U.S. exports in world markets and the potential adverse impact on exports from declining research and development expenditures by the U.S. Government and industry.
5302 Dirksen Building

APRIL 19

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Urban Mass Transportation Administration.
1224 Dirksen Building

APRIL 20

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for NASA.
1318 Dirksen Building

APRIL 21

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for NASA.
1318 Dirksen Building

APRIL 24

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on monetary policy.
5302 Dirksen Building

APRIL 25

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on monetary policy.
5302 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Federal Home Loan Bank Board and the National Institute of Building Sciences.
1318 Dirksen Building
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for Con-Rail and the U.S. Railroad Association.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Transportation Safety Board and the ICC.
1224 Dirksen Building

MAY 2

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of the Secretary, DOT.

1224 Dirksen Building

MAY 17

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To hold hearings in connection with restrictions employed by foreign countries to hold down imports of U.S. goods.

5302 Dirksen Building

CANCELLATIONS

FEBRUARY 19

10:00 a.m.

Appropriations

Defense Subcommittee

To resume hearings, in closed session, on proposed budget estimates for fiscal year 1979 for the Defense Establishment.

1223 Dirksen Building

FEBRUARY 20

9:30 a.m.

Environment and Public Works

To hold hearings on proposed fiscal year 1979 authorizations for programs within the Department of the Interior, including General Services Building proposals.

4200 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, February 9, 1978*

The House met at 11 o'clock a.m.

Rev. J. Cornelius Fauntleroy, the presiding elder of the Norfolk District of the African Methodist Episcopal Church, Virginia Conference, Hampton, Va., offered the following prayer:

Eternal God, keep this sacred moment from being a mere gesture of custom or formality—but make it a real experience for those of us assembled, as it were, in the Upper Room and on one accord.

Lord Jesus, may we be so mindful of Thy presence that Thou wilt provide the spiritual strength to motivate these, Thy peoples' Representatives, to think, say, and do that which will carry out the will of God for this—the land of the free and the home of the brave.

And from this holy intercession may there flow wisdom and humility and cooperation that will remain with them until Thy whispered benediction, "Well done, thou good and faithful servant," crown their efforts at the close of a perfect day.

In the name of Jesus, we pray. Amen.

CALL OF THE HOUSE

Mr. BAUMAN. Mr. Speaker, under rule I, clause 1 of the rules of the House, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. UDALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 51]

Alexander	Edwards, Calif.	Mikva
Ambro	Flynt	Moorhead, Pa.
Andrews, N.C.	Foley	Ottinger
Archer	Ford, Mich.	Pressler
Armstrong	Gephardt	Rangel
Beard, R.I.	Gibbons	Roncalio
Beilenson	Harrington	Rostenkowski
Biaggi	Hefner	Runnels
Bingham	Holland	Ruppe
Bolling	Ireland	Santini
Brademas	Jones, Okla.	Satterfield
Brown, Calif.	Jones, Tenn.	Scheuer
Brown, Mich.	Kazen	Shipley
Buchanan	Krueger	Shuster
Burke, Calif.	LaFalce	Smith, Nebr.
Chisholm	Lloyd, Calif.	Spellman
Clawson, Del	Luken	Stark
Conyers	McCloskey	Steiger
Corman	McCormack	Stokes
Cornwell	McDade	Teague
Coughlin	McDonald	Thornton
Dent	McFall	Tucker
Diggs	Mahon	Wiggins
Dingell	Marriott	Wolff
Drinan	Martin	Wright
Eckhardt	Mazzoli	Young, Alaska

The SPEAKER pro tempore. (Mr. DELANEY). On this rollcall 354 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3454) entitled "An act to designate certain endangered public lands for preservation as wilderness, to provide for the study of additional endangered public lands for such designation, to further the purposes of the Wilderness Act of 1964, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1340. An act to authorize appropriations to the Energy Research and Development Administration for energy research, development, demonstration, and related programs in accordance with section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended, and for other purposes.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following title:

H.R. 8638. An act to provide for more efficient and effective control over the proliferation of nuclear explosive capability; and

H. Con. Res. 473. Concurrent resolution providing for an adjournment of the House from February 9 to February 14, 1978.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8638) entitled "An act to provide for more efficient and effective control over the proliferation of nuclear explosive capability," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. PELL, Mr. CHURCH, Mr. RIBICOFF, Mr. GLENN, Mr. MUSKIE, Mr. JACKSON, Mr. CASE, Mr. JAVITS, Mr. PERCY, Mr. MATHIAS, and Mr. MCCLURE to be the conferees on the part of the Senate.

TRIBUTE TO REV. JERRY CORNELIUS FAUNTLEROY

(Mr. TRIBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRIBLE. Mr. Speaker, today it is my pleasure to introduce to my colleagues and welcome to the House a good friend and a devoted man of God—the Reverend Jerry Cornelius Fauntleroy.

Reverend Fauntleroy, a native of Newport News, Va., has been in the ministry for 20 years. Today he is the presiding elder of the Norfolk district of the African Methodist Episcopal Church and supervises the operation of 18 churches located in Norfolk and Virginia's Eastern Shore. He also serves as president of the presiding elders council of the Second African Methodist Episcopal Church which includes North Carolina, Virginia, the District of Columbia, and Maryland.

In addition to his duties as a minister, Reverend Fauntleroy has always been actively involved in the life of his community. He served as president of the Newport News NAACP for 16 years. During the turbulent period of the sixties, Reverend Fauntleroy sought to promote harmony and understanding between the people of Virginia. In 1968, Reverend Fauntleroy waged a vigorous campaign for Congress in which he articulated the concerns and dreams of many Virginians.

Reverend Fauntleroy also serves as the official chaplain for the Peninsula Shipbuilders Association. I believe this position is unique for I know of no other union that has in its charter the provision for a full-time chaplain.

Today in Washington, Reverend Fauntleroy is accompanied by his wife of 38 years, Evelyn. We are both proud of you, Jerry.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE SEVERAL REPORTS ON SEVERAL PRIVILEGED MONEY RESOLUTIONS

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file several reports on several privileged money resolutions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AN EXCEPTIONAL MAN—VIC SMIROLDO

(Mr. CHARLES H. WILSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHARLES H. WILSON of California, Mr. Speaker, occasionally a man comes along who demonstrates an exceptional ability in performing an assigned task. Such a man was Vic Smiroldo, staff director of our Post Office and Civil Service Committee.

Vic died in his office Tuesday evening, working hard and late, which has been his habit ever since he came to our committee in 1969.

Vic was born in Angola, N.Y., earned a business degree from Canisius College in 1952 and then served 2 years in the Army. He operated his own insurance agency in Buffalo, N.Y., from 1954 to 1959. He attended the University of Buffalo Law School and graduated in 1959.

He practiced law in Buffalo until he came to Washington to join the Post Office and Civil Service Committee. He had been the staff director of the committee since 1973.

As a subcommittee chairman on the Post Office and Civil Service Committee since 1969, it has been a rewarding experience to work with Vic. His ability as counsel to our committee and to the Commission on Congressional Mailing Standards clearly demonstrated his capabilities—hard work, intelligence, carry through, and tenacity—all done with a sense of humor and wit.

Having enjoyed Vic's humor, I know he would have appreciated Will Rogers' statement which I feel sums up Vic's philosophy on life, "Even if you're on the right track, you'll get run over if you just sit there."

It is a truism that the wealth of our Government consists more than anything else in the number of competent men that it has—such a man was Vic Smiroldo.

It has been said that "a man's dying is more the survivor's affair than his own." I, for one, am already feeling the loss.

HEARINGS ON RECODIFICATION OF FEDERAL CRIMINAL LAWS

(Mr. MANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MANN. Mr. Speaker, the Subcommittee on Criminal Justice will resume its hearings on H.R. 2311 and H.R. 6869, legislation to revise and recodify Federal criminal laws, on Wednesday, February 22. The subcommittee will also have under consideration S. 1437, the Criminal Code Reform Act of 1977, which the Senate passed last week.

The subcommittee has received several requests to testify at our hearings, and we are now well along in setting up our hearing schedule. Persons interested in participating in our hearings are advised to contact the Subcommittee on Criminal Justice (202–225–0406) as soon as possible.

TELEVISING HOUSE PROCEEDINGS

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, as you know, the Rules Committee has submitted its recommendations on a system for televising the proceedings of the House Chamber. We are, I think it is fair to say, approaching a historic point. For the first time, the American people will be able to view floor debates of the House of Representatives from their own homes.

We have, after years of discussion, apparently resolved the question of whether this should be done. What remains now is determining how.

The Rules Committee proposal calls for the House to install and operate its own system for television coverage and to make the results available to the news media. Before adopting this approach, however, the committee rejected a proposal by my good friend and colleague, BERNIE SISK, that the House permit the television news organizations to cover the House proceedings themselves on a pooled basis. Though supported by all the Republicans who were present at the committee meeting yesterday, this proposal was defeated on a 9-to-6 vote.

Mr. Speaker, it has always been my understanding that you intended to permit the House to determine the method of implementing television coverage, and I was pleased by your several statements in the news media recently to that effect. I believe this division of opinion within the Rules Committee as to how the House should be televised simply underscores the need to have the entire membership vote on this important question. I trust that, in light of your earlier statements, which I heartily endorse, you will move now to bring the question to the floor as soon as possible.

PROPOSED TV COVERAGE OF HOUSE PROCEEDINGS

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of Illinois. Mr. Speaker, our distinguished minority leader, the gentleman from Arizona (Mr. RHODES) has just indicated, there is good news and bad news this morning. The good news is that the House will have that vote that the Speaker promised on what kind of system we want to use to cover our debates. The bad news is that the vote will not occur until after the Speaker has bought his $5 million television network because last year the Speaker authorized the Architect of the Capitol to purchase expensive new TV cameras and equipment using already budgeted funds for other purposes and the chairman of the legislative subcommittee on appropriations of the House approved that transfer. Any vote occurring actually, therefore, will be on reimbursing the Architect for money already spent on buying TV equipment. It is clear that this will not give the House a clear vote and is sort of engaging in vote fraud. It is like your wife telling you you will have the right to register your protest on spending money to purchase a new dress that she already has after she gets the bill.

PROPOSED TV COVERAGE OF THE HOUSE

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, yesterday the Rules Committee voted to give you exclusive control of House TV coverage. I think that was an unwise decision. News management, preparation, or distribution is not our, or your, business.

We have no more business controlling TV coverage than we, or you, do telling reporters in our gallery what to write. In some cases, the press has earned a poor reputation with elected officials, But, no matter how inadequate the private press may be, experience proves that government news management is worse.

Since you have indicated on national TV, unmanaged national TV I might add, that the House should vote on this matter, I now request that you advise the House when it may expect such a vote and that you schedule a vote before you spend the taxpayer's money on a House-controlled system.

PROPOSED TV COVERAGE OF THE HOUSE

(Mr. KETCHUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KETCHUM. Mr. Speaker, I rise to echo the comments of my colleagues regarding television coverage of the House proceedings.

It seems odd to me that we go for this Mickey Mouse system that we have right now when the three great networks whom we sometimes complain about could do a far better job of coverage. We complain about the written news media in their interpretation of the news also so why not let the national media photograph what goes on in this Chamber so that the

people of the country will get the real action, the real words as spoken on the floor.

Mr. Speaker, it is incumbent upon the Speaker in the interest of openness in Government to allow the national media to cover this House. Let us vote.

A MOTION TO INSTRUCT CONFEREES ON H.R. 7843, ADDITIONAL FEDERAL JUDGESHIPS

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, later in the day a request will be made to appoint conferees on the judgeship bill which passed overwhelmingly here day before yesterday. In that connection I will offer a motion to instruct the House conferees to insist on section 6 of that bill to require the President to promulgate a program for the merit selection of the Federal district judges who are created by this legislation.

I might say that I had wished that this action might have been more extensive and that we might have included all Federal judges, but because of the rule of germaneness we were limited to including only the judges created by this legislation. I want to say that this action in the House Committee on the Judiciary was supported by my colleague, the gentleman from Ohio (Mr. SEIBERLING), and my colleague, the gentleman from Kentucky (Mr. MAZZOLI), and I know that my colleague, the gentleman from Delaware (Mr. EVANS), is very interested in this subject. This action to instruct the House conferees to insist on retention in the House-passed bill—that section provides for the merit selection of the Federal district judges created by this bill—should receive the overwhelming support of the House.

A SPECIAL ORDER ON PUBLIC SERVICE EMPLOYMENT AND PUBLIC WORKS EMPLOYMENT

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, I want to call the attention of my colleagues once again to the fact that at the close of business today I am having a special order on public service employment and public works employment. I by no means have made up my mind about these particular issues, but I think my colleagues have had many experiences in their districts which might illuminate the state of the programs before we extend them automatically.

Quite frankly, patterns are emerging with respect to the type of people who are employed in public service employment and public works employment, whether it actually is dealing with the unemployment problem in an effective way and what the effect on local government is going to be. I hope we will explore these matters on the record before we extend these programs and expand them to make them a permanent part of our Government program.

BEHIND CLOSED DOORS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, on the question of televising the proceedings of the House, I think there are two basic questions here. One concerns the kind of coverage we are to have; the other is perhaps even more important, and that concerns the way we will be making decisions in this body.

There is a growing feeling of suspicion among members of both parties that important questions such as these are being decided too often behind closed doors. I cannot see why the full House should not have the opportunity to vote on this. I do not believe this is a partisan issue, Mr. Speaker. I believe it is in the interest of all of us to openly debate the question of television coverage. I believe the national-media approach will prevail in such a debate, but we will never know unless we get the chance. I would urge the Speaker to make it possible that each and every one of us has an opportunity to express his own views on that very important subject.

PROPOSED TV COVERAGE OF THE HOUSE

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, yesterday, on February 8, the full Rules Committee accepted a report of so-called findings and recommendations from its subcommittee dealing with televising the proceedings of the House. With the exception of but one minor change, the full committee adopted the subcommittee's report entirely, which recommends: First, that the House employ its own system of television broadcast coverage; and second, that the Speaker should delegate to an existing or new committee the responsibility for implementing and coordinating broadcast coverage.

Frankly, I do not know how the committee could afford to make any kind of a recommendation based on the evidence it had before it. Contrary to the language of the report, which would lead one to believe that an exhaustive and thoroughly complete study was conducted, I can tell you as a member of the subcommittee running the investigation that the record is woefully inadequate and incomplete. At no time was a test conducted under actual live conditions by one of the most prominently-mentioned alternatives to an in-House operation—the television network pool. Consequently, no one has ever witnessed the type of broadcast quality the networks could produce under the day-to-day conditions in which we go about our business.

What about the cost of an in-House system run by House employees with oversight and direction by a House select committee which hires a full staff and technical consultants to boot? Well, I can tell you the cost will be more than $1 million just to get started. Beyond that I have seen estimates running as high as $5 million to purchase needed equipment (cameras, lights, computers, et cetera) and operate the system for a year.

All of this cost to the American taxpayer is not necessary. The networks could do the entire job for an estimated $330,000 a year.

Finally, I am very concerned about this institution's image with the public. Justifying the House's television coverage of itself, in my opinion, will be difficult if not impossible. I fail to perceive of any way to avoid an appearance of political motivation under a House owned and operated production.

I want to see the debates in this body on television. It will be of unparalled educational benefit to this Nation. At the same time, however, I fear that the way we are on the verge of going about it is wrong. But I am only one Member. For this reason, I strongly believe every Member of this House should have a hand in deciding what type of television broadcast system they want, or if they want one at all.

I urge a vote on this issue here on the floor.

PROPOSED TV COVERAGE OF THE HOUSE

(Mr. QUAYLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUAYLE. Mr. Speaker, I would just like to amplify on what has already been said concerning the House broadcast system. There is a very distinct difference between the electronic media and the print media. The distinguishing factor is that the electronic media is regulated and licensed by the FCC, whereas the print media is not. I must say, however, the first amendment on freedom of the press applies to both the print and the electronic media.

I would say there could be a serious question concerning the exercise of that first amendment if we are going to insist upon control of the House proceedings. I can only ask the Speaker, what are we afraid of in not being open in this particular case?

BROADCASTING OF HOUSE SESSIONS

(Mr. QUILLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, like most of us, I have had my doubts and my questions about some of the problems that will accompany broadcasting House sessions.

As a former newspaper publisher, however, I think we have to look at the bottom line—that being, what the public we serve expects of us. In that regard, one aspect of the question has to take precedence over all others, and that is the first amendment right of a free press.

This House should no more seek to control the manner in which its proceedings are covered by the broadcasting press than it would seek to control the "pencil press," our newspapers and periodicals.

No matter what provisions are made in a system controlled by the Speaker—no matter how professional any staff that we might hire—we will always be open to the charge that we are allowing only a censored view of our activities. This will inspire not the trust in Congress that we hope to inspire from the public, but doubt and suspicion, instead.

That thought is untenable under the principles of our Government. For these reasons, I am opposed to any recommendation from the Rules Committee that would do anything but allow a free press to cover the legislative body of this country.

This is an issue that demands the attention of the full House. I call upon the Speaker to honor the commitment he has made in public—that this matter be brought before the entire House, so each Member may have his say.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

A message from the Senate by one of the Clerks informed the House that the Senate had passed H. Con. Res. 473 with amendments in which the concurrence of the House is requested.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, after "1978" insert ", and that when the Senate recesses on Friday, February 10, 1978, it stand in recess until 10:00 a.m. on Monday, February 20, 1978".

Amend the title so as to read: "Concurrent resolution providing for an adjournment of the House from February 9 to February 14, 1978, and a recess of the Senate from February 10 until February 20, 1978.".

The SPEAKER pro tempore. The question is on the Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EXPANDING REDWOOD NATIONAL PARK

Mr. PHILLIP BURTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3813) to amend the act of October 2, 1968, an act to establish a Redwood National Park in the State of California, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. PHILLIP BURTON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill. H.R. 3813, with Mrs. KEYS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. PHILLIP BURTON) will be recognized for 30 minutes, and the gentleman from Kansas (Mr. SEBELIUS) will be reccgnized for 30 minutes.

The Chair now recognizes the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Madam Chairman, I yield myself such time as I may consume.

At this time I would like to yield to the distinguished gentleman from California (Mr. RYAN), who serves as the chairman of the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations.

Mr. RYAN. Madam Chairman, I thank the gentleman from California for yielding.

Madam Chairman, I am privileged to open the debate on the bill, H.R. 3813, the Redwood National Park bill. This bill, which will be gone into very much in detail by my colleague who is the chief author of the legislation, the gentleman from California (Mr. PHILLIP BURTON), was the subject of a study of my committee about a year and a half ago. The investigation lasted 8 months and included both a field trip to California and a field investigation in that State.

We found that the "timber cutting, associated road construction. and other harvest activities have had a serious adverse impact on the timber, water, and soil resources within the park."

The report continues:

If this damage continues unabated, the very existence of the Park is in jeopardy.

It is on that point I would like to speak for just a very short time this morning.

This park is located in a particular valley that empties onto the coast of California from the mountains that are close by. Some years back the Federal Government and this Congress purchased a piece of land to be called the Redwood National Park. The purpose of purchasing that land was to perpetually keep some of the tallest trees in the world from being cut down so they would become and would remain natural resources which the citizens of this country could own from time immemorial once the park was purchased.

In effect those trees became, as they already were, some of the natural jewels of this country. We do not have jewels of the kind that are in England today. Those jewels reside in the Tower; they are rubies and diamonds, and they are part of the heritage of the English. We do not have that kind of wealth in this country, but we do have other kinds of natural wealth, including these tall trees.

Were it not for the purchase of this land some time back, those trees would long since have been gone.

However, we found that in trying to purchase the required amount of land, what happened was that the tall trees themselves, which are on the bottom of the valley, are vulnerable to weather, because there is harvesting taking place on both sides, on both the hillsides. There have already been significant amounts of slash come down that valley and threaten the existence of those trees. In fact, I am told by foresters in California that it would take only a particularly good amount of rainfall to wash out those trees.

The whole purpose of buying additional land around that park is to protect these trees. In effect, it is to protect the jewels we have already bought. Unless we purchase this additional land to protect the jewels we already have, they will not be there much longer, and then there would not be much sense in keeping the land that is already there.

The purpose of this legislation, then, is to protect the jewels we already have. Those trees belong to every single citizen of this country, and they should be there to see and to enjoy from time immemorial. Those trees are several hundred feet high. They are thousands of years old. It does not do any good to say, "Well, if we don't purchase that land, other trees will grow up." Of course they will, but no one now or in generations to come can wait around to watch that happen.

The question really is: What is the value of natural resources permanently held by the people of this country for their enjoyment? What should be the capacity of this Congress to protect the jewels we already have?

That is the purpose of this legislation which the gentleman from California (Mr. PHILLIP BURTON) is managing today and which I support wholeheartedly.

Finally, I would like to speak to one section of the bill, because it relates to economic matters. Land costs money. The question is: How much?

There is one section of this bill which has to do with how the price of that land will be settled. The legislation should read that if we settle on a price, it should be settled in the regular Federal courts. In the past that has been settled in the Court of Claims, and the claims have been resolved in favor of developers and in favor of those who sold the land, the landowners. The settlements have been at such a high price that the American people themselves paying for this land have paid far too much, far more than they need to pay for the land itself.

As a consequence, the amendment having to do with the Court of Claims ought to be rejected, and the issue of how much to pay for these lands ought to be settled in the regular U.S. district courts.

Mr. PHILLIP BURTON. Madam Chairman, will the gentleman yield?

Mr. RYAN. I would be glad to yield to the gentleman from California.

Mr. PHILLIP BURTON. Madam Chairman, I would like to commend the gentleman in the well for his early lead-

ership in bringing to the attention of this House and the Nation the imperative nature of our effort today to enlarge the national park in the interest of preserving these very unique resources. I would also like to commend our distinguished colleague, Mr. HIGHTOWER of Texas, for his contribution in this respect.

Mr. RYAN. Madam Chairman, I thank the gentleman.

In closing, I would just like to say there are two points to be made:

One, do these lands need to be purchased today? The answer is that unless they are purchased immediately, the land that is already in the Redwood National Park will have no value in a very short time. It must be done now.

The second point is whether or not it is necessary to have it. Of course, it is if we believe in purchasing those kinds of natural resources that are of significant value to all of our citizens for all time. Unless that is done now, there is no chance and no way we can protect those tall trees from the forces of nature and the forces of man, because around that forest those forces are already tearing down the land to the point where those tall trees will be destroyed.

Mr. PHILLIP BURTON. Madam Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. WEAVER), a distinguished member of the committee.

Madam Chairman, will the gentleman yield?

Mr. WEAVER. I yield to the gentleman from California.

Mr. PHILLIP BURTON. Madam Chairman, may I take this time to observe the enormous talent and energy the gentleman from Oregon (Mr. WEAVER) has brought to the deliberations on this legislation. I highly commend him for his efforts in that respect.

Mr. WEAVER. I thank the gentleman for his remarks.

Madam Chairman, first, let me say that my admiration is great, and the respect of this body should be great, for the efforts of the gentleman from California (Mr. PHILLIP BURTON) for his leadership in what has been a very controversial and hard-fought bill. I happen to believe that this bill is one great monument of labor legislation, containing, as it does, carefully worked out reemployment, relocation, and retraining programs for the workers of the region affected. It shall stand as a great precedent to what I would hope to be future legislation affecting workers, employment, and business in areas affected by governmental policy decisions. A great tribute to the gentleman from California, Congressman PHILLIP BURTON, should be made for his efforts in working out and bringing to the floor such legislation which combines both environmental needs and employment needs.

Madam Chairman, I can support language in the redwoods bill to direct the Secretary of Agriculture to conduct a study of timber harvesting scheduling alternatives for the Six River National Forest. But in so doing, I wish to make it clear that I am not necessarily advocating increased cuts in the Six River National Forest. The timber industry in the north coast region of California has been declining for several years. This is taking place without an expansion of the Redwood National Park, and the proposed expansion of the park will not greatly affect this larger trend. This decline has been well publicized in the discussion of park expansion and certainly deserves our attention. But the solution requires a wider examination of alternatives. Certainly, one alternative is to increase the timber harvesting from nearby national forests, if a study indicates such an increase is justified within existing law. But other alternatives must be considered. These include restricting the export of unfinished wood products, the development of more effective logging methods in terms of both economic and environmental costs, finding more efficient methods of utilizing wood fiber, improving the management of small private woodlands, increasing efforts in reforestation of understocked lands, and better coordination in management of both public and private timber holdings. Efforts in all these directions are now being made and will continue to have my support.

In favoring a study of timber harvest scheduling alternatives on the Six River National Forest, I wish to state that there is no assumption that harvest levels can be or should be increased. It can well be that if harvest levels are increased now, we will pay a severe penalty later in loss of our resource base. We must harvest on a sustained yield only, to assure perpetual supplies of timber. Any such study must address itself to many intertwined elements including sivicultural, environmental, and social factors.

Further, the alternatives examined must fit within the constraints of existing laws requiring multiple use and sustained yield in accordance with the National Forest Management Act of 1976 as well as other provisions of that act and the National Environmental Policy Act. The Six River National Forest has many significant uses in addition to timber cut which must be taken into consideration. Its contribution to commercial fisheries is only one example. The proposed study will help us know more about what our options are to support employment levels in the north coast region. It is with that understanding that I support the language dealing with study of alternatives in the Six River National Forest.

Mr. PHILLIP BURTON. Madam Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. UDALL), the distinguished chairman of the full Committee on Interior and Insular Affairs, without whose patience and assistance this matter would not be this far along in the legislative process.

Mr. UDALL. Madam Chairman, I am here to join in supporting H.R. 3813—a bill to expand the Redwood National Park in the State of California.

As you undoubtedly know, since the Redwood National Park was created in 1968, there has been a great deal of concern about the effect of timbering activities in areas upstream and adjacent to the park. It is generally agreed that what takes place on these lands can, and does, directly affect the values for which the park was created.

H.R. 3813 addresses this issue by providing for the expansion of the existing park to include some of the remaining unprotected prime redwood lands. It also attempts to assure protection of the park against activities that would seriously impair the preservation of this outstanding virgin forest.

The Committee on Interior and Insular Affairs, in response to a tremendous effort by our colleague from California (Mr. PHILLIP BURTON), has attempted to take all factors into consideration. I cannot give too much credit to the untiring efforts of Mr. BURTON who has spent countless days and hundreds of hours in trying to resolve all of the difficult problems involved.

The bill provides for the acquisition of the best remaining virgin redwoods and for the purchase of such lands as are deemed essential to the preservation of the park. Altogether it provides for the purchase of 48,000 acres. In addition, another 30,000 acres of critical concern are subject to secretarial scrutiny so that if any particular parcels are threatened with activities which would jeopardize the future of the park, then the Secretary can take steps to acquire those areas and manage them in accordance with multiple use principles taking into consideration protection of park values.

To relieve the pressures on the local economies, the bill makes a special effort to assure employment and compensation to workers directly affected by the expansion. We owe the gentleman from California a real debt of gratitude for developing solutions to these difficult aspects of the problem.

In short, Madam Chairman, we have attempted to bring forth a bill which can assure the people of America of having a Redwood National Park worthy of the name. We think it is a good effort and a worthwhile cause. Everyone may not agree with all details of the legislation, but it certainly warrants your careful consideration and, I believe, your support. I urge the House to approve the amendment of our colleague (Mr. BURTON) and to support final passage of H.R. 3813.

Mr. PHILLIP BURTON. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. KREBS).

Mr. KREBS. Madam Chairman, I think those of us in California and the rest of the Nation have every reason to be very proud of the work of the subcommittee on which I am privileged to serve, chaired by the gentleman from California (Mr. PHILLIP BURTON).

As has already been mentioned by the chairman of the full committee, the gentleman from Arizona (Mr. UDALL), this legislative accomplishment of the gentleman from California (Mr. BURTON) will

go down in history as second to none; and much more importantly, I submit to the Members of this House that as a result of the efforts of the gentleman from California (Mr. PHILIP BURTON) and the benefits which will result from his efforts, generations of Americans, not just Californians, will be grateful for the foresight of the gentleman from California (Mr. PHILLIP BURTON) and the foresight of the Members of this House in passing legislation which is so long overdue and which will do so much for those of us here today and for those who will follow us on this Earth.

Mr. SEBELIUS. Madam Chairman, I yield myself 1 minute.

I would like to suggest to the gentleman from California (Mr. PHILLIP BURTON), our chairman, who has done an excellent job and who has been so imaginative, that he go ahead and explain this substitute which we saw just the day before yesterday.

Madam Chairman, I would prefer to proceed in that manner. I do not have any matters in rebuttal, but I think it is important to all of us here that that procedure be followed before we proceed to discuss the legislation generally.

Mr. PHILLIP BURTON. Madam Chairman, I yield myself 10 minutes.

Madam Chairman, I am going to include in the RECORD an appropriate listing of those who have worked so hard over so many years to bring this matter up to this point in the legislative process.

Madam Chairman, the rule provides that we will consider a substitute; and the substitute can be defined essentially as follows: In the context of the bill that was reported out months ago by the committee, it was my view and the view of a number of others that some of the provisions altered or deleted by the Senate in its deliberations lent themselves to similar action at this stage of the game by the House.

More particularly, if the members of the committee will recall, the subcommittee bill carried a provision for regulatory authority, which I thought was justified given the circumstances. Along with that regulatory authority went certain injunctive authority for the Attorney General and other collateral legal tools. The Senate, in facing this matter, decided that the potential risk of the precedent perhaps outweighed the justification of this proposal. So, the Senate, in adopting the same basic 48,000-acre design that the House developed—that was also the design of the administration—substituted for the regulatory authority certain abilities of the Secretary to acquire land in a 30,000-acre park protection zone, and as a result then dropped the variety of legal tools that the House committee had recommended in its bill.

It appeared to me that this compromise achieved essentially the protection of the Redwood Creek Basin, and although I might dispute whether this position was in everybody's best interests, this was a particularly contentious set of items. Because we can achieve an equivalent result, I thought it wise to accept the Senate views, with a refinement, in that respect.

Similarly, there has been a great controversy over the years on the appropriate forum to determine and resolve the value of the property taken. I am told that, during the consideration of the 1968 act, the affected landowners preferred this matter be adjudicated in the U.S. district court, and the Government preferred that it be adjudicated in the Court of Claims. Now, some years later, everybody has reversed sides. The landowners tend to prefer this be in the Court of Claims, and the Government tends to prefer that it be in the district court. I am reasonably satisfied none of them can know for sure which is the better forum for determining the effect on affected parties and the American taxpayer. Therefore, I cannot justify contributing to what appears to be almost the last obstacle to the assurance of the passage of this bill, by insisting on a change of forum for the resolution of these matters. We simply leave undisturbed the current law as it relates to the forum in which people will have an opportunity to have their claims adjudicated.

As to title II, this is the so-called job protection title. The title is essentially that which was approved by the House Interior and Insular Affairs Committee several months ago. It provides an entitlement to the benefits provided for the displaced workers. But we are now in a different calendar year and we have gone through a different phase in the cutting season. So, we have tried, while on one hand maintaining the status quo ante, to redesign the bill so that severance and other benefits could be paid under the terms provided in the substitute.

If we had not made these changes, we would have resolved nothing. The earlier version might look more generous on one hand, but it troubled me because I was not sure how manageable that version would be, and I wanted to have a more definitive determination of people being out of work before they were eligible for severance and some of the other benefits under the act, in view of the fact that we are in a different cutting cycle than we were when the bill was reported last summer.

That pretty much in sum describes the difference. We have lopped six or eight pages off the bill, because of the number of deletions that we made. I think it is a bill that we can be proud of.

There has been a great deal of interest expressed in this legislation. I do not know how many thousands of letters I have received, and I do not know how many dozens of editorials I have received from every section of the country in support of this legislation. The various parties all feel very strongly about this measure, as do I.

In 1968 I voted against the compromised Redwood Park establishment bill because I feared that the park was inadequate and the tall trees were inadequately protected.

Ten years later, we find ourselves in that terrible dilemma. So my attitude on this is longstanding and consistent, and I think we have arrived at a completely honorable accord to correct our earlier mistake in 1968.

We have tried to thoughtfully and reasonably protect the environmental considerations of the Redwood Creek drainage. On the other hand we also believe that the workers that may be dislocated should not bear the brunt of this legislation. It should be a part of our cost that we must accept if we are to justify the legislation.

And, finally, the effect on the woods employers and the mills to which they send their logs must be given some statutory assurance in the provisions of law; as in the substitute we bring before the Members. The committee bill left too much, as I understood their argument, to the noblesse oblige of the Secretary and they were completely unwilling to assume that the Executive would behave wisely and responsibly with that authority.

So we have reached what I believe to be a highly desirable accommodation of differing views, in the public interest, while providing for those who do bear the burden of the implementation of this national policy decision.

Now just one more sentence or so, if I may. I first visited the redwoods—heavens, it must have been now some 35 years ago, and it was truly an experience that anyone, particularly those of us who do not come from that area, will carry with himself all of his life. It is a cathedral-like experience. It is an awesome and moving, and without intending to be blasphemous, almost a religious experience.

We are, by this action, going to preserve for all generations to come this totally unique American heritage. We are protecting living things that were on the face of this earth before Jesus Christ was born. It is something we should do. It is something I believe we will do.

I will close this part of my presentation by especially commending my distinguished colleague, the gentleman from California (Mr. DON H. CLAUSEN), who has represented with very great enthusiasm and tireless energy the best interests of his community in the finest tradition of this House. Also the gentleman from Kansas, Mr. KEITH SEBELIUS, has always been very constructive, as have all members of the subcommittee. I will deal with that in the extension of my remarks.

I owe special thanks to the chair of our full committee, Congressman UDALL, and to all of our subcommittee members on both sides of the aisle for the hundreds of hours of work they put in in making this product possible:

SPECIAL THANKS TO LIST OF WORKERS

Congressman Kastenmeier, Congressman Bingham, Delegate Won Pat, Delegate de Lugo, Congressman Eckhardt, Congressman Byron, Congressman Tsongas, Congressman Florio, Congressman Mathis, Congressman Krebs.

Congressman Kostmayer, Resident Commissioner Corrada, Congressman Murphy of

Pennsylvania, Congressman Gudger, Congressman Sebelius, Congressman Clausen, Congressman Ruppe, Congressman Bauman, and Congressman Lagomarsino.

Finally, those fine folks on the staffs who have worked so hard on this issue:

Cleve Pinnix, Nat Weinberg, Nancy Drake, Maury Shean, Myron Struck, Judy Lemons, Lee McElvain, Eni Hunkin, Pat Krause.

Charles Conklin, Evelyn Bertorello, Betty Nevitt, Clay Peters, Chris Allwine, Spencer Smith, Ron Tipton, Lynn Coddington, and Joe Gnoffo.

There are thousands upon thousands of conservationists who have worked for years and years to expand the Redwood National Park and assure for future generations that this unique heritage will be preserved from desecration by human hands. Here are the names of some of these marvelous people, many of whom have never been given the attention and praise they deserve:

CONSERVATIONISTS WHO HAVE LONG FOUGHT FOR PROTECTION OF THE REDWOODS

Edgar Wayburn, Peggy Wayburn, Wayburn family, Mike McCloskey, Paul Swatek, Linda Billings, Mary Ann Eriksen, Martin Litton, Ed Easton, Jim Elder, Ricki Vineyard, Brock Evans, Dave Brower, Connie Parrish, Liz Kaplan, John DeWitt, Newton Drury, Destry Jarvis.

Anthony Wayne Smith, Pat Goggin, Gordon Robinson, Mike Sherwood, Ross Sandler, John Leshy, Marc Reisner, Rita Molyneaux, Gaines McMartin, Carl Holcomb, Professor Robert & Lee Rienow, Wilma Frey, Abigail Avery, Michele Perrault, John Denver, Bill & Irene Godden, Guru Sher, Thomas Duston, Lizbeth Carr.

Dave Minard, Lynn Wakefield, Dr. Michael Singer, Hans & Jean Jenny, Gary Pichon, The Sohns family, Bob Rutemoeller, Anne Wildwood, Harvey Richards, Alice Dodds, Sally Kabisch, Sara Beirne, Arlene F. Lau, Dr. James B. Lau, David Randall, Walter Wells, Erik Perkowski, Georgette and Sheldon Kaye.

Dave Gancher, Howard King, Jerry Waldie, Raye-Page, Peter Raynor, Harriet Hunt, Dave Conrad, Herman Sueinbjonos, Diana Duran, Diane Mayerfeld, Marsha Rockefellar, Martha Campbell, Jim Belsey, Mark Stapke, Gene Coan, Leslie England, Cornelia Ladd, Jim Eaton.

Mike Fromme, Michael Garabedian, Rob Mandell, Nancy Pearlman, Barbara Walmsley, John McComb, Chuck Clusen, Howard Brown, John W. Grandy, Blake Early, Brent Blackwelder, Ellen Kelly, Barry Tindall, Jack Lorenz, William Butler, Dr. Robert Jervis, Roberta Fels, Ann Roosevelt, Glen Phillips.

Peter Tolles, R. J. Kramer, Godfrey Rockefeller, Dick Leonard, John Hoffman, Bernard Krakower, Stef Barragato, Paula Carrell, Jim Moorman, Conley Zomermaand, Mary & Bill Taylor, Richard St. Barbe Baker, Larry E. Moss, Julie McDonald, Bob Curry, Nancy Dagle, Dick Norgaard, Peter Twight.

Jerry Kay, Gompers Saijo, Peter Xiquer, Larry Kolb, Willie Hyman, Steven Rauh, Peter Harnik, Louise Dunlap, Mike Zagata, Beth Kravitz, William K. Reilly, Carole Hunter, Paul Woke, Anne Widerstrom, John Boles, Ed Wesely, Lynn Kraynak, Ruth Harzula.

Loni Pecker, Nancy Cruickshank, Gene Zagorsky, Neil Goldstein, Bill Martin, Karin Schaefer, Don Larson, Steve Ralph, Beth Regenmorter, Jody Phibbs, Len Lyon, Sharon Turano, Brooks White, Jeffrey Norman, Grace Malakoff, Sally Koch, Marion Edey.

A very special class of citizens, who live in redwood country, and have made many personal sacrifices in this effort.

Most notably, the Emerald Creek Committee and its many members who have labored over the years without recognition.

Finally, and most preserving, was Ruth-Flo Harper Lee. Raised in Eureka, as editor of the 1921 Eureka High School paper, she eloquently pleaded for protection of the mighty redwoods. She is today yet a vigorous and loving defender of them.

Listed are many who made many personal sacrifices:

Meca Wawona, Steve Lau, Rudi and Louise Becking, Dehinda, Steve Brewer, Dave Van de Mark, Lucille Vineyard, Bill Vineyard, Jonathan Mertz, Kris Westbury, Randy Stemler, Scott Baird, Estaban Muldavin, Pedro Ojeda, Mike Matthews, Tim McKay.

Sid Dominintz, Suzie Van Kirk, Bill DeVall, Paige Meier, Ruth Spowart, Sarah Parsons, Steven Adams Bobby Lake, Eilene Brummel, Chloe Peart, Bill Rodstron, Dan Sealy, Dave DeShon, Christie Lee Fairchild.

Steve Cole, Pat Ferris, Mick Nickels, Nancy Elmer, Brooke Ida Wind Willow, Danny Einstein, Robert Rhode, William Van Fleet, Scott Sway, Wesley Chesbro, Alexandra Fairless, Chuck Henderson, John Amodio, Chuch Selden.

Emerald Creek Committee, Susan Lefever, Bill Shapeero, Walter Rivers, Eilene Shapeero, Kate Holt, Gary Roberts, Larry and Donna Ulrich, Richard Jett, Warner Chabot, Michelle Forrest Jerry Kreger Garree Stephans, Joe Gillespie, Gery Myers, Ty Allison, Reanne Becking.

Suzanne Guerra, Kay Chaffee, John Sawyer, Simignon Amodio, Rick Harms, Hollis Gayle Reddick, Theodore Trichello, John Corbett, Steve Salzman, Ken Greenwood, Margie Smith, Patrick Porto, Diane Warde, Bruce Lachergue, Dave Belise, David Horwitz, Kay Chaffee, Bagel Riesel, Smoky Becking, Erich Boemer.

A. Blakeman Early, Environmental Action.

Brent Blackwelder, Environmental Policy Center.

Ellen Kelly, Garden Club of America.

Destry Jarvis, National Parks and Conservation Association.

Marc Reisner, Natural Resources Defense Council.

Howard Brown, American Rivers Conservation Council.

John W. Grandy, Defenders of Wildlife.

William Butler, Environmental Defense Fund.

Elizabeth Kaplan, Friends of the Earth.

Jack Lorenz, Izaak Walton League of America.

Barry Tindall, National Recreation and Park Association.

Linda Billings, Sierra Club.

Ray-Page, The Wilderness Society.

William Reilly, The Conservation Foundation.

John J. Amodio, The Emerald Creek Committee.

The Carter Administration, most notably Secretary of Interior, Cecil Andrus.

Charles Warren, Chairman, Council on Environmental Quality.

Carleton Neville, Department of Agriculture.

Nick Yost, Council on Environmental Quality.

DEPARTMENT OF THE INTERIOR

Cynthia Wilson, Special Assistant to the Secretary.

Robert L. Herbst, Assistant Secretary for Fish and Wildlife and Parks.

David F. Hales, Deputy Assistant Secretary for Fish and Wildlife and Parks.

OFFICE OF THE SOLICITOR

Charles P. Raynor, Attorney Advisor.

U.S. GEOLOGICAL SURVEY

Dr. Richard J. Janda, Geologist.

HERITAGE CONSERVATION AND RECREATION SERVICE

John G. Tkach, Chief—Division of Federal Land Acquisition.

NATIONAL PARK SERVICE

William J. Whalen, Director.

John H. Davis, Deputy Regional Director—Western Region.

Dr. James K. Agee, Regional Forest Ecologist.

George Von der Lippe, Superintendent—Redwood National Park.

Einar Johnson, Director of the Interdisciplinary Research Team—Redwood National Park.

Steve Veirs, Research Scientist—Redwood National Park.

Dr. Richard C. Curry—NPS Office of Legislation.

I would also particularly like to commend Charles Nichols, secretary-treasurer of the Carpenter's Union, Al Lasley and Ray Nelson of the Lumber and Sawmill Workers, Jay Powers, Carpenter's Union representative, Robert Georgine, head of the National Building Trades Council, and Dan Mundy, building trades legislative representative for their constructive role in developing and strengthening the job protection features of this bill.

I shall also want to make special note of the early and effective support of this effort to merge the compatible objectives of environmental policy and job protection given to this legislation by two of America's great labor leaders, George Hardy, president, Service Employees International Union (SEIU) and Doug Fraser, head of the United Auto Workers.

Also some of the unsung heroes working for the State of California include Governor Brown, Resources Secretaries Claire Dedrick and Huey Johnson, among others:

Taylor Miller, Lou Moran, Francia Welker, Joe Beeman, Noel Gould, Louise Reanne, Jonathan Rhea, Zan Hensen, Chris Unkle, Cecile Rosenthal, Clyde Wahrhaftig, Dr. Henry Vaux Dwight May.

Virginia Harwood, Dave Pesonen, Dr. Dave Joseph, Andrea Tuttle, Steve Norwick, Suzie Morris, Chris Couza, Craig Johnson, Al Wellman, Phil Berry, John Gratton, Dale Weirman.

The following members of the press, who in fair and objective coverage of this complex and controversial issue, have performed a most valuable public service.

Ellen Hume, Bob Jones, Harry Trimborn—Los Angeles Times.

Bill Wyant—St. Louis Post Dispatch.

Coleman McCarthy—Washington Post.

Dale Champion, John Fogarty, Tempelton Peck—S. F. Chronicle.

Tom Eastham, Carl Irving—S. F. Examiner.

Rich Nelson—Eureka Times Standard.

Leo Rennert—McClatchy Newspapers.

Gladwin Hill—New York Times.

Dick Malloy—Thompson Newspapers.

Bill Steiff—Scripps-Howard Newspapers.

Ed Flattau—Baltimore Sun.

And also, George Navalle, Russ Butcher, Lou Wein, Tom Love, Tom O'Hara, and Dan Wertzman.

I am placing into the RECORD a number of editorials, in chronological order, in support of the expansion of the Redwood National Park:

A PARK IN PERIL

[From the San Francisco (Calif.) Chronicle, Sept. 3, 1975]

Redwood National Park in Humboldt county is in danger of destruction by the combined forces of nature and man, and U.S. District Court Judge William T. Sweigert has asked man, in his collective representation by the federal government, to report on what steps are being taken to stop it.

The danger stems from logging on privately-owned land adjacent to the park. Clearcut operations have caused major erosion, which is threatening the thousand-year-old redwoods inside the park. The National Park Service has been unsuccessful in attempts to convince three logging companies to declare a moratorium in areas where the problems are most serious.

If the companies persist in endangering the park trees, the federal government must act swiftly to protect them, as required by law. The companies should be warned that Congressman Phillip Burton of San Francisco has introduced legislation to expand the park and do just that.

[From the San Francisco Examiner, Mar. 6, 1977]

BALL ROLLING FOR EXPANDED REDWOOD PARK

A House environmental subcommittee has proposed that the federal government commit between $300 million and $400 million to expand the Redwood National Park in Humboldt County.

The subcommittee recommended that Congress acquire land in the Redwood creek basin "to preserve as many of the magnificent coastal redwoods as possible."

The proposal is a compromise between an Interior Department plan to add 21,500 acres to the park and a bill by Rep. Phillip Burton, D-San Francisco to add 74,000.

The subcommittee said 21,500 acres was not enough and that the cost of Burton's plan, about $600 million, was too much. The report did not mention an acreage limit, but it is expected to be 48,000.

With the Carter administration bearing on huge outlays for government projects, the compromise strikes us as reasonable, although we wouldn't complain if more of God's giant handiwork were saved.

California Resources Director Claire Dedrick is eager to see an expanded Redwood park, a major tourist attraction in Northern California. She has not endorsed a specific plan, preferring to let Congress make the selection.

Dedrick has suggested a jobs program to make up for employment losses resulting from an enlarged park. We believe the federal government would cooperate.

Three timber companies operating on private lands adjacent to the park oppose expansion. They claim the park is more than adequate in size and composition; that it is protected by agreements between them and the federal and state governments. They also say the cost would be tremendous and the local economy would be severely damaged. The companies charge that conservationists are responsible for the expansion drive.

If the early timber barons and land speculators had had their way with Congress, the national parks would be a far cry from the spacious grandeur that has awed millions of Americans and foreign tourists.

The Interior Department reports that visitors are overflowing the parks. In some cases, reservations for camp sites are recommended. The computer projects a population around 300 million in the United States by the year 2000. By then, unless the parks are enlarged a limit could well have to be set on the number of visitors.

[From the Sacramento Bee, Mar. 8, 1977]

SAVE THE TALL TREES

It was John Muir who said: "Any fool can destroy a tree . . . but only Uncle Sam can save them."

A news story by The Bee's Washington bureau chief, Leo Rennert, gives us new hope that Congress may heed John Muir's message.

In a move to save the tallest, finest trees in California from the ravages of erosion caused by timber cutting near the national park borders, the House conservation subcommittee will recommend that the United States spend from $300 million to $400 million to expand the Redwood National Park in Humboldt County.

The proposal by the subcommittee is a compromise between a Sierra Club-backed bill sponsored by Rep. Phillip Burton, D-San Francisco, which would add 74,000 acres to the park, and a more modest proposal by the Interior Department that the government buy 21,500 acres to add to the 58,000 acre park.

The subcommittee has not settled on a final acreage figure because it has not been determined how much the government would have to pay per acre to the private timber companies which own land adjacent to the park boundaries.

The committee rejected the Burton suggestion of purchasing 74,000 acres as being too costly. That purchase could run as high as $600 million and the subcommittee said costs approaching $500 million are "simply too great a price to pay."

There is no question but that the Tall Trees Grove in the national park is being threatened by soil and sediment which have built up upstream on Redwood Creek.

The way to save the majestic giants is to buy private timber properties on the higher slopes and include them in the park so logging will cease on those slopes and erosion can be controlled.

The subcommittee's suggestion is a reasonable one. Congress should act this year to spend the money for the additional land and save the tall trees.

[From the New York Times, Mar. 22, 1977]

SAVE THE REDWOODS

When Congress established the Redwood National Park in northern California in 1968, it was conceded by conservationists that the 58,000-acre park—the best political compromise obtainable at the time—was far from ecologically ideal. During the past eight years, a major part of the park has unfortunately proved to be extremely vulnerable to severe damage caused by logging activities on private lands beyond its boundaries.

Intensive logging has laid bare more than 12,000 acres of steep, unstable slopes, most of which lie upstream and unslope from the park in Redwood Creek Valley. This has caused vastly increased water runoff, soil erosion and stream siltation that have already toppled some of the towering giants and severely damages streams in the park And this is only the beginning. Far greater destruction is certain to result from winter rainfall.

Clear-cutting has also destroyed much of the park's scenic setting, including the famed Tall Trees Grove where some of the redwoods tower more than 360 feet.

During the Presidential campaign, Jimmy Carter was sharply critical of the Ford Administration's failure to safeguard the public's $150 million investment. He vowed: "A Carter Administration will end this great insensitivity. I will call on the timber companies to initiate a one-year moratorium on further cutting in the sensitive areas outside the park."

On March 1, legislation that would enlarge the park to create a more complete ecological unit was introduced by California's Representative Burton and cosponsored by more than a score of his colleagues. Proponents say it would cost $160 million; the loggers put the cost at three or four times that figure. Public hearings are to begin later this month. But new areas are even now slated for logging; the loggers contend that they have already had too many redwoods taken from them and from the tax rolls. If Congress is to have a real opportunity to consider this proposal, it is essential that President Carter deliver on his campaign pledge—either by encouraging a voluntary moratorium by the lumber companies or by directing the Justice Department to seek a court injunction.

As the ancient trees continue to fall under the rapacious chain saws, time is rapidly running out. Soon there will be little left for Congress to save except a tattered, flood-ravaged park, a miserable remnant of what might have been.

[From the Los Angeles Times, Mar. 23, 1977]

CLAMOR IN THE REDWOODS

President Carter should wait no longer in fulfilling his campaign pledge to call for a temporary moratorium on logging operations on private timberlands next to the endangered sections of Redwood National Park.

A halt in the cutting is an essential first step in ending the long, bitter controversy over the protection and possible expansion of the 58,000-acre park on California's north coast.

The three timber companies involved have rejected an appeal by Rep. Phillip Burton (D-Calif.) for a six-month cutting halt in areas that may be acquired for park expansion.

There are indications, however, that the rejection may be only a maneuver to prod the government to come up with a detailed compromise for acquiring additional acreage.

The rejection of Burton's appeal should not deter Carter from issuing a similar appeal. The prestige of his office would make it more difficult for the lumber companies to turn him down without damaging their position in the eyes of the public.

The White House has not responded to congressional and other appeals for a cutting halt. But it is expected to announce its redwood policy by April 15. Large-scale logging operations will have resumed before then after the normal winter stoppage.

Unless cutting is halted, sooner or later there will be no redwoods in the sensitive areas left to save. And additional cutting in those areas would increase wind and soil-erosion damage that has already harmed some groves in the park.

As Times Staff Writers Robert A. Jones and Ellen Hume pointed out in an article last week, the controversy between conservationists, lumber interests and public officials involves complex issues that years of study and argument have failed to resolve.

A cutting halt would provide a powerful incentive for action toward a solution. True, a moratorium would be weighted against the lumber companies by restricting in certain areas what is a lawful economic activity that provides jobs and helps sustain the economy of the area. But against this must be considered the deleterious environmental and esthetic effects of continued cutting.

Conservation forces might be tempted to try delaying tactics to keep the moratorium in effect for as long as it takes to get what they want. But a time limit on the cutting halt—Carter suggested it cover the normal seven-month cutting season—would serve to prod the conservationists into reaching a compromise. For if no agreement was reached on the expiration of the time limit, cutting would be resumed, and the conservationists would have lost their fight.

As experience has shown, hammering out a solution, even with a moratorium, will be a difficult—and probably a highly expensive—affair. Expansion of the existing park, already the most costly national park in the

country, could cost the nation as much as $600 million under a proposal by Burton, who wants to add 74,000 acres to the park. Other proposals for expansion entail less acreage.

Burton's package appears to be too ambitious, especially in view of the widely held opinion that expansion alone would not protect the park's key attraction, the so-called Worm along Redwood Creek, which contains some of the world's tallest trees. Trees there have been endangered by erosion damage caused by cutting in areas far upstream.

No doubt a more modest package will emerge from any compromise agreement. It should ensure protection, as far as feasible, for the groves in the Worm. It makes little sense to maintain this wandering half-mile-wide, eight-mile-long concourse of pristine beauty under present conditions if the pleasure it gives visitors is shattered by the clamor of logging operations that denude and scar its flanks.

[From the Detroit Free Press, Apr. 5, 1977]

THE THREAT TO PARK REDWOODS

When Jimmy Carter was running for president he said he would ask California timber companies for a year's moratorium on clear-cutting of sensitive areas near the fragmentary Redwood National Park. One day last week Interior Secretary Cecil Andrus asked the companies for just a six-month moratorium on 19 specific areas and before the day was out the lumbermen had rejected the request.

So much for timber company co-operation in giving the administration and Congress time to formulate a suitable park expansion plan.

Last December the Save-the-Redwoods League pledged $1 million for the purchase, from one of the companies, of several small parcels buffering the park's Tall Trees Grove. The company refused the offer.

So much for industry willingness to save even the most critical fragments of watershed areas outside the national park.

If Congress doesn't act this session to force the timber companies to withdraw from the park boundaries, where in many places they have clearcut up to the very edge, the American taxpayer's $150 million investment in the park will be washed away as surely as the topsoil from the denuded slopes.

Since the Redwood National Park was established in 1968, the companies have cut 12,000 acres of some of the finest remaining redwoods in the world, land that conservationists had hoped might someday be added to the adjoining park.

The resulting erosion and situation now threaten the downstream parklands as well, particularly the grove on Redwood Creek that contains the first, third and fifth tallest redwoods in existence.

Congressman Phillip Burton, D-Calif., and 24 co-sponsors, including Rep. Bob Carr, D-Mich., have introduced legislation that would expand the present 58,000-acre park by 74,000 acres.

Given the fact that unless adjacent lands are acquired soon, the entire park may be irreparably damaged, the money would be well spent. We hope President Carter incorporates the Burton bill, or something similar to it, in the environmental message he is to deliver to Congress shortly.

[From the Davis Aggie, April 12, 1977]

SAVE THE REDWOODS

(By John Stumbos)

A bill to create sound boundaries for Redwood National Park is in desperate need of your support. The bill, H.R. 3813, sponsored by Phillip Burton of San Francisco, would add 74,000 acres to the park at a cost of $150 million. The need for park expansion is rooted in the threat posed to the existing park because of irregular boundaries allowing nearby logging operations to create erosion and siltation problems in Redwood Creek. Audubon magazine (March 1977) described the shape of the park as a "mohawk haircut" surrounded by baldness.

Speaking at a recent hearing in Washington, a timber industry spokesperson said Redwood National Park is one of a hundred parks and redwood reserves containing 283 square miles along the coast, a fact which led him to conclude that "the redwoods are saved." Employment and economic analyses have shown that the effects of park acquisition on employment were imperceptible when compared to unemployment caused by timber industry mechanization and fluctuations in timber demand.

Tonight 2 Wellman Students for Environmental Action will be sponsoring a Sierra Club slide show on the redwoods. Please write to President Carter, Governor Brown and your congressional representatives, strongly urging them to support the Burton bill.

[From the Washington Post, Apr. 15, 1977]

SAVE THE REDWOODS (AGAIN)

We suppose that if you have been cutting down redwood trees or turning them into lumber all of your working life, the idea of *not* cutting them down is hard to accept—especially if not cutting them means a substantial decrease in the number of jobs available in your community. So we understand that the demonstrations in Northern California this week against the proposed expansion of Redwood National Park are not just somebody's idea of a spring lark. They are serious efforts undertaken by people who have a personal stake in the continued cutting of the trees. The message that Rep. Donald Clausen said was being sent—"that we are going to fight to keep our jobs"—came through loud and clear.

Unfortunately for Rep. Clausen and the people for whom he spoke, there are a good many others in the country prepared to fight to *keep* the trees. We count ourselves among them. There are few things on earth as magnificent as those giant redwoods, and the policy of the government ought to be to preserve as many, not as few, of them as it can. Redwood National Park should be expanded. And this should be done not merely to protect the watershed of the existing park, as some have suggested, but also to protect additional trees. The question is not one of saving just a few thousand acres of redwoods so that future generations can know what they look like, but rather of saving a part of our national heritage.

Of course, such thoughts are no comfort to people who face the loss of their jobs or a decrease in their business if the cutting of these trees is ended in another large section of Northern California. Their complaints need to be taken seriously because their livelihoods will be seriously affected by an expansion of the park. In this situation, it may be appropriate for the federal government to aid them, just as it aids those who are dislocated by other federal projects. Taking away a job, when there is nothing available to replace it in the community, is just as serious as taking away a house. But saving more redwoods is serious business, too, and Congress should move ahead with the park expansion proposals as rapidly as it can.

[From the San Jose News, April 18, 1977]

A LARGE REDWOOD NATIONAL PARK

California's North Coast loggers delivered their message with emphasis this past week: they don't want expansion of the Redwood National Park. After a lively demonstration and hearing in Eureka Wednesday, a caravan of loggers descended on San Francisco the following day for another congressional hearing on Rep. Phillip Burton's bill to increase the 58,000-acre park by 74,000 acres.

The controversy places in sharp focus the conflicts inherent in all environmental confrontations. AFL–CIO Executive Secretary John Henning, speaking in behalf of the loggers, declared:

". . . We're contemptuous of and offended by a system that lets people live in poverty while others are more worried about saving trees. People come first with us, not trees."

However, the issue is not necessarily one or the other. In this instance, Rep. Burton (D–San Francisco), chairman of the House national parks subcommittee, is mindful of the human side of the argument. As he told the lumbermen in Eureka, "We are determined that the people working in the timber industry will not suffer."

And not simply "trees" are involved. These are the world's oldest and most majestic trees, the existence of which is threatened by logging activities on the park's perimeter. The expansion is sought to buffer the Tall Trees Grove and halt serious erosion resulting from logging activity.

Environmental compromises in behalf of people's needs make sense. But this controversy involves unique, centuries-old trees that merit special consideration. Rather than their destroyers, this generation should be their keepers.

[From the Sacramento Bee, Apr. 24, 1977]

HOPE FOR THE TALL TREES

Interior Secretary Cecil Andrus has submitted a sensible and judicious plan to Congress for ending the dispute over the future of Redwood National Park in Humboldt County.

His proposal to expand the park by 48,000 acres falls short of the environmentalists' goal of 74,000 acres. Nor will it be acceptable to the timber industry which considers such inroads on its holdings as confiscatory. Yet Andrus has shown concern for both groups in reaching a decision which takes in the interests of a third element—the public.

The existing park contains 58,000 acres. Most of the property the administration seeks to buy is on either side of the so-called "worm," a tail of land extending for eight miles at the bottom of a steeply slopping, privately owned valley. The corridor within the park includes the Tall Trees Grove, site of the world's first, third and fifth tallest trees.

Logging has continued around the worm since the park was created in 1968. The Sierra Club and other environmental forces contend harvesting trees above this area creates erosion in the Redwood Creek watershed that threatens to harm and eventually topple some of the great redwoods.

There is another compelling reason for widening the park. State Resources Secretary Claire Dedrick has cited the "utter senselessness" of the existing park from the viewpoint of the users. What point is there, she asked recently, in maintaining a trail along the worm by the creek if hikers are greeted by the noise and dust of logging operations?

The proposed legislation not only would allow damaged terrain to recover but provide for purchase of 10,000 acres containing the remaining old-growth redwoods in the creek watershed.

Nobody can blame loggers, mill owners and businessmen in Humboldt County for being upset about the inevitable loss of jobs by the withdrawal of the timber lands from private hands. The Interior Department estimates as many as 1,100 workers would be laid off, and the rate of unemployment in the county already is an unacceptable high 14 per cent.

It has to be recognized, however, that employment has fallen off steadily for years as the supply of old-growth redwoods runs out. The expectancy is that at the present logging rate, what's left of these trees will be exhausted within 10 to 15 years.

Rather than letting it go at that, the interior secretary, who once owned a sawmill in Idaho, has pledged a major government effort to find jobs for the lumbermen, mill employes and truckers idled by the curtailment of timber operations.

Congress should act quickly and favorably to vote the requested $359 million and the authorization to go ahead immediately with the park expansion. Not to do so would invite the loss of a magnificent and irretrievable natural resource.

[From the Detroit Free Press, Apr. 30, 1977]

RACE TO SAVE THE REDWOODS

The redwood companies of northern California may be on their way to a fait accompli in their desire to log the old-growth giants abutting the Redwood National Park, unless Congress acts swiftly to stop them.

Two days after Interior Secretary Cecil D. Andrus asked the companies to suspend cutting in the disputed areas until Congress and the administration could devise a suitable park expansion plan, full-scale logging was ordered.

It now is a literal race between the lumber companies and the Congress, with the fate of trees whose ancestors flourished in the age of dinosaurs being in the balance.

If Congress proceeds at its ordinary pace, the big trees will be lost. So it's imperative that the leadership of both houses give the matter the emergency priority it deserves, and make an expanded Redwood National Park the first order of business on the publiclands calendar.

That task will be easier now that the Carter administration has proposed a compromise measure that would protect what the Save-the-Redwoods League calls the "irreducible minimum" that's needed to complete the park, at a cost that could be met by present non-tax funding sources.

The 48,000-acre proposal, including about 10,000 acres of old-growth redwoods, contrasts with the 74,000-acre bill introduced earleir by Congressman Phillip Burton, D-Calif., and 24 co-sponsors, who now may unite behind the administration measure.

The $359 million it would require would come from the Land and Water Conservation Fund—supported mostly by offshore oil and gas leasing revenues—whose funding level was greatly increased by Congress last year.

The administration bill also seeks to mitigate jobs losses by providing assistance to loggers under existing economic and job retraining programs.

The proposal, in short, meets every possible valid objection to making the Redwood National Park a viable unit, and does it without costing the taxpayer a penny.

It was apparent shortly after Congress created the present 58,000-acre park in 1968 that its boundaries would have to be expanded if the park was to survive. Timber operators began clearcutting up to the park's very edge, forcing visitors to such popular spots as the soaring Lady Bird Johnson Grove to look out upon a scene of muddy desolation.

Even worse was the clearcutting upstream and upslope from the Tall Trees Grove along Redwood Creek that shelters the world's tallest tree, a 367.8-foot-high redwood. This tree, as well as the third and fifth tallest redwoods in existence, almost certainly is doomed if increased erosion and runoff from logging are allowed to continue gnawing at the trees' shallow roots.

The administration bill would extend the present half-mile-wide Redwood Creek corridor to include the watershed from ridge to ridge, which is the only way to protect this national treasure.

But if it is to be protected, Congress doesn't have the luxury of time. Along Redwood Creek and elsewhere, descendants of trees that first shaded the California earth 130 million years ago may, within a few short weeks, have disappeared forever.

[From the California Aggie, May 3, 1977]

OF TREES AND MEN

Few people can pause in a grove of immense redwood trees at dawn or dusk and remain unmoved by feelings of solitude and permanence and peace.

The ancient trees, which John Steinbeck called "ambassadors from another time," shoot up over 300 feet high like living skyscrapers, splitting the sunlight into dusty green shafts far below and seem to muffle all sound in their thick bark. They are the tallest living things on earth, and some were sturdy saplings when the Vikings sailed for America.

The current proposals to expand California's Redwood National Park are sound and sorely needed. Created in 1968 over the stormy protests of timber companies, the 58,000-acre park in Humboldt County is threatened with irreversible damage from increased logging activities just outside its boundaries. The loggers, who employ devastating clear-cut techniques, have already ravaged most of this state's once-plentiful redwoods. In immediate danger now from erosion and siltation caused by logging near the park is the world's tallest tree, which has stood unmolested along the banks of Redwood Creek for a thousand years or more.

The Carter administration recently proposed expanding the vulnerable park by 48,000 acres at a cost of $359 million from already existing funds, not from tax monies. Rep. Phillip Burton (D-San Francisco) favors an even stronger measure, supported by the Sierra Club and most other national conservation organizations, to add 74,000 acres as a buffer zone to ensure the park's continued survival and protection for future generations. Congress is now considering the proposals.

The timber companies earlier refused to honor a voluntary moratorium called for by Secretary of the Interior Cecil Andrus to halt cutting of highly sensitive areas near the park. Although the companies claim Northern California will be beset by massive unemployment if the park is expanded, the administration and Burton bills include special proposals to mitigate loss of jobs and income through economic development and job retraining. Also, increased tourist revenues from the park once it is fully developed are expected to help ease unemployment, which state officials predict will be considerably lower than timber company scare-tactic estimates indicate.

The issues are emotional, but we believe Redwood Park is unique and must be preserved from the destructiveness of commercial interests. Though the logging concerns point to their practice of replanting harvested trees, redwoods are not a practical renewable resource. Once cut, a thousand-year old tree cannot be reharvested like corn. The redwoods take seventy to 100 years to reach harvestable size, and even if loggers were permitted to continue unchecked, they would exhaust their present holdings within a dozen years or less. Redwood Park would become an endangered oasis surrounded by a desolate moonscape.

Steinbeck wrote, "The redwoods, once seen, leave a mark or create a vision that stays with you always. The feeling they produce is not transferable. From them comes silence and awe."

In these times of asphalt and billboards and throw-away everything, we need the redwoods.

[From the Cleveland Plain Dealer, May 13, 1977]

SPEED A REDWOODS BILL

It has been almost a month since Interior Secretary Cecil D. Andrus proposed that Congress protect the world's largest trees by expanding Redwood National Park by 48,000 acres at a cost of about $359 million.

Andrus thereby carried out a Jimmy Carter campaign promise to seek protection for the California park where giant trees are under threat of death from logging operations on nearby lands owned by timber companies.

But since Andrus spoke out, the most significant thing that has occurred is a strengthening of forces opposed to park expansion. These forces, made up of the timber companies, their workers and merchants in cities near the park, have organized for a large-scale rally and lobbying effort in Washington later this month.

In Congress, meanwhile, movement toward protecting the park has been excruciatingly slow. The Carter administration proposal has yet to be cast into legislation. Hearings have been held on a bill introduced by Rep. Phillip Burton, D-Calif., to add about 77,000 acres to the 58,000-acre park. However, more committee work remains to be done.

We acknowledge that precipitous action is likely to do more harm than good in the legislative process. But in the matter of Redwood National Park expansion, more speed is essential, and for several reasons:

Timber company operations this year have moved into areas considered best for park expansion.

Likelihood of fatal erosion damage to park trees increases as intensive logging proceeds on neighboring slopes.

More progress with park expansion legislation could provide at least interim protection. Chances of the Interior Department winning a court-ordered moratorium on logging would be improved.

Inside and outside of Congress there is widespread sentiment in favor of protecting Redwood National Park. The idea deserves legislative priority.

[From the Norfolk Virginia-Pilot, May 20, 1977]

MENACED REDWOODS

A convoy of 23 big logging trucks, the lead one bearing an eight-ton log carved as a peanut, is taking a week to cross the country from California to Washington. It will arrive Monday and add to the Capital's traffic and air pollution.

The point of this ostentatious consumption of fuel for a 6,000-mile round trip is to protest to President Carter against withdrawal of timberland from logging, especially the proposed expansion of Redwood National Park in California. While the grievance is loss of jobs and profits, the means of protest displays an arrogant disregard for the scarcity—and the potential exhaustion—of both fuel and redwoods. The redwood timber industry could send a telegram, a lobbyist, or a Congressman to Washington, or mount a soapbox. The thirsty rolling stock should stay parked.

Moreover, the protest is in a doubtful cause. Injudicious harvesting has made preservation of remaining redwoods in Northern California and Southern Oregon essential. Clearcut timbering, felling every stick from sapling to giant, has ruined vast stands of trees that are the world's tallest and among the oldest of living specimens. It will take a thousand years or more to bring them back, if ever: harsh harvesting compacts the soil, removes vegetation and topsoil, and encourages water runoff that depletes the soil and clogs streams.

Mr. Carter favors expanding the 58,000-acre Redwood National Park by 48,000 acres, while Representative Phillip Burton, D-Calif., is behind a bill to enlarge it by 74,000 acres. The purpose of expansion is to establish watershed protection which the present park lacks and to place 10,000 acres of old-growth redwoods—the awesome, towering "cathedral groves"—in the public domain.

Since the national park was established in 1968, timber interests have cut 12,000 acres of trees on its borders. The lumbermen refused a million-dollar offer from the Save-

the-Redwoods League to buy and preserve some of the stands. While campaigning for election Mr. Carter proposed a year's moratorium on clearcutting near redwood parks. His Interior Secretary, Cecil Andrus, has refined that to a six-month halt at 19 specific sites. The lumbermen turned him down.

Imposing as they appear, redwoods are peculiarly vulnerable. All but a few of the world's specimens are confined to a corner of the Pacific Northwest where soil and climatic conditions are ideal. The big trees are bug- and disease-proof, highly resistant to fire and wind, but easy prey to man's destruction. Without protective legislation the public heritage involved in this natural wonder could become no more than fences, siding, grape stakes, and sad memory.

[From the Lincoln (Nebr.) Star, May 21, 1977]

REDWOOD DISPUTE HIGHLIGHTS "HELL-WITH-TOMORROW" APPROACH

We hope the federal government goes ahead and expands Redwood National Park in northern California by the 48,000 acres President Carter supports or even by the larger acreage figure proposed by Rep. Burton, D-Cal.

And we say that not without sympathy for the loggers who fear job loss if this timberland is withdrawn from commercial use and set aside as wilderness.

There may be immediate job losses associated with a cutback in tree harvesting lands, but the losses probably won't be as severe as the loggers are claiming, and the problems won't be nearly as great as they would be in the future if such preservation policies are not adopted.

The loggers, some of whom stopped in Lincoln on their way to Washington to protest the planned park expansion, won't see it that way. "More Jobs, Less Parks" expresses their sentiments on the subject as does another sign they carried addressed to one of the supporters of Redwood National Park expansion: "Sierra Club Take a Hike."

But that is essentially a "to-hell-with-tomorrow" approach.

Nebraska Sierra Club President Bob Warrick of Meadow Grove, in recognizing logger reaction to the park proposal, takes exception to that approach. "Not that we oppose their right to protest," Warrick said, "but they are taking the same shortsighted approach to conservation of our natural resources that the strip-mining industry does. Namely, let's rip off today and tomorrow is somebody else's worry. It is a known fact that the redwood industry is cutting itself out of the future and is cutting trees in areas of severe erosion, damaging the existing park."

This problem involving the failure of opposing elements of American life to strike a balance between short-term job and profit pictures on the one hand and the resource drain and environmental quality on the other is of course not unique to the redwood issue.

The same thing is seen in the stripmining controversy, as Warrick noted, in which opponents of strict controls say land reclamation regulations will result in such great expense that scores or thousands of jobs will be lost and energy will be prohibitively expensive. We don't believe that for a minute.

The same approach is taken in labor opposition to President Carter's proposed tax on gas-guzzlers and to rebates for the purchase of fuel-efficient cars and the proposed penalty tax on gasoline.

And it is seen in opposition by the bottle and can industries to container deposit legislation, which would be an aid to cleaning up the environment and cutting down on energy consumption.

We are not turning a deaf ear to the legitimate fears of labor or industry. But it's our belief that decision-makers must balance short-term and long-term needs and what is in the best interest of the nation now and in the future in light of resource development and quality of life.

In the context of a proper balance, there can be no substitute for such things as park expansion, strip-mining control, so-called bottle bills and energy conservation measures.

[From the Washington Post, May 29, 1977]

REDWOODS: HOW MUCH IS ENOUGH?

The fight between those who would save and those who would cut California's coastal redwoods has been going on for more than a century. So the arrival in Washington last week of a caravan of trucks carrying loggers and a huge peanut-shaped redwood log was, in one sense, just one more skirmish in a drawn-out conflict. But it was also a rather special event. That is because the bitterness in this year's battle over a proposed expansion of Redwood National Park is symptomatic of a wider war that is developing over how all the nation's forests will be used.

The issue on which lines are being drawn more sharply than ever is: How much is enough? In connection with the redwoods, that means how many acres of trees should be preserved inside national and state parks? In connection with the rest of the forest, it means what proportion should be maintained as wilderness areas?

The answers to these questions are not easy. On one side, jobs—thousands of them—and the economic viability of dozens of commuters are involved. On the other, there are considerations ranging from the aesthetic (trees are too beautiful to be cut) to the generational (trees and wilderness must be saved for our children's children). The current dispute over the redwoods in Humboldt and Del Norte counties, Calif., puts the arguments into specific, not theoretical, terms.

Most of the citizens of those two Northern California counties see the proposed expansion of Redwood National Park as a federal land grab that will eliminate 2,000 jobs and strangle their towns. They argue that enough redwoods have already been preserved. Those who favor the expansion of the park contend, just as vehemently, that some of the protected redwoods are being threatened by logging practices on areas surrounding the park and that you can never save too many of these beautiful old trees.

Where you come out after listening to these and other arguments depends, we suspect, on how you feel about redwood trees. To some people, they are among nature's greatest creations; to cut one is to diminish the world. To others, they are the stuff of homes and garden furniture—put on earth to be consumed, profitably. Not to cut them, this argument goes, would be to waste a remarkable resource that can replenish itself. We look upon the redwood trees both ways. As we said a few weeks ago, they are part of this nation's heritage and we favor saving as many as possible. But they are also building material to be used—prudently.

The cost of saving these trees is enormous, both in the price of the land and in the lost jobs. The first cost can be paid for with money; the second requires more than that. Congress must be prepared to meet both if it approves an expansion of the park, which we think it should. But we do not think that the expansion should be anywhere near as large as the 74,000 acres proposed in one bill. There is a practical limit to the amount of money that can be devoted to preserving any kind of natural area, especially when there are other areas elsewhere in the West where the same sort of hard choices are going to have to be made.

[From the Fresno (Calif.) Bee, May 20, 1977]

SAVING THE REDWOODS

About half of all the remaining huge "old growth" redwoods in the world are in Northern California's Redwood National Park or adjoining state parks. Federal officials now admit that when the national park was formed in 1968, the health of many of the largest redwoods was left vulnerable to sedimentation caused by commercial logging in the Redwood Creek drainage area, which is mostly outside the park.

This has precipitated a huge controversy. California Congressman Phillip Burton has proposed expanding the present park by 74,000 acres to take in much (though not all) of the Redwood Creek drainage area. The Carter administration offers a scaled-down proposal to add 48,000 acres to the park. The Burton proposal threatens an estimated 800 lumbering jobs and 1,200 other jobs while the federal proposal threatens marginally fewer jobs.

Local residents are so up in arms that Rep. Burton appears to be backing away from his proposal. The administration is sticking to its, however, apparently accepting in part the Sierra Club claim that those jobs would be lost anyway in 20 years when all the old-growth redwoods on private lands are logged off.

The federal proposal also calls for intensive rehabilitation of the Redwood Creek watershed, which would create some jobs, plus maximum use of other government employment, retraining and relocation programs. But not as many jobs would be created as would be lost, not for a while at least. While tourist industry employment would be more reliable than lumbering, that is for the future.

The redwoods dispute clearly illustrates the need for precise federal procedures, well-funded, to retrain and relocate the victims when federal environmental efforts cost jobs. Federal officials seem a little too willing to overlook all those to be thrown out of work—just as the lumber companies seem a little too willing to overlook the fate of the giant trees. Expansion of the park is needed, probably on the scale proposed by the administration. That same administration ought, however, to be considering new ways to ease the pain for the unemployment when it takes such actions.

[From the Detroit Free Press, May 30, 1977]

SLOW DOOM FOR REDWOODS?

There's one point on which advocates and detractors of an expanded Redwood National Park can agree: There are only so many old-growth redwoods left. The logging companies say that unless they're allowed to cut them, the California North Coast unemployment rate will skyrocket and its economy will stagnate.

One of the companies recently went so far as to say that the Carter administration's proposal for a compromise 48,000-acre park expansion was a "land grab" that flew in the face of Mr. Carter's expressed concern for human rights.

Secretary of Interior Cecil D. Andrus, who presented the administration plan to Congress, has said from the beginning that even if the park were not enlarged, the old-growth redwoods were being logged so fast that they would be gone within 10-15 years anyway.

Now there's important new evidence that that's precisely the case.

A draft U.S. Forest Service study obtained recently by the Los Angeles Times says that the rapid cutting of old-growth stands will bring as much as a two-thirds decline in timber production by 1985, from the present level of 1.5 billion board feet annually.

The study notes that for 125 years the lumber companies have been cutting thou-

sand-year-old redwood groves at a rate far exceeding the growth rate of new trees. As the remaining old-growth trees are logged, production will have to be sharply curtailed by the early 1980s. Total production could plummet to 160 million board feet—about 10 percent of the current level—by 1995.

It must be remembered here that the administration proposal for park extension involves only 10,000 acres of old-growth forest. And much of this is clinging to the precipitous slopes above the Redwood Creek "worm" that comprises the park's half-mile-wide, eight-mile-long southern appendage.

A key part of the Carter-Andrus proposal is the provision of $12 million for rehabilitation of the Redwood Creek watershed both inside and outside the national park. This work would be spread out over five to ten years in order to help the local employment picture as much as possible.

A 20-person federal task force recently arrived in northern California to begin an assessment of how the impact of park expansion might be mitigated further.

Meanwhile, the lumber companies are yelling "land grab" and stirring up their employes with the prospect of massive layoffs if the administration measure goes through.

One has to wonder just who the local residents' real friends are in the decade-long battle for a Redwood National Park that's worthy of the name.

[From the Roseville (Calif.) Press-Tribune, May 30, 1977]

SURVIVAL OF REDWOODS

Once again California's oldest residents have created an uproar heard across the nation.

The fight is on for the survival of California's largest and oldest natives, the Redwood trees. Loggers have driven into Sacramento and Washington, D.C. replete with trucks and felled trees, even a carved peanut to attempt to stop the movement to expand the Redwood National Park.

It is hard to step back and look at the issue calmly in times of economic hardship, especially for those in our North Coast region who will be most affected. However, in taking that look—just how important is the survival of the big trees?

The Carter Administration has proposed a plan to add 48,000 acres to the park. The addition is vital to complete the park so that it will be protected for all time in a single national park invulnerable to environmental damage

The Carter plan has struck a note of compromise between requests by environmentalist groups and logging concerns. The program would expand the park to an irreducible minimum by adding 10,000 acres of old-growth Redwoods and more importantly 38,000 acres of essential watershed.

In 1968 the Federal Government made a worthwhile investment in the purchase of a national park with the thought that the old-growth trees should not be destroyed.

It is now apparent, and documented by Interior Department studies, that the existing park was inadequate from the beginning. The fragmentary boundaries fail to protect the old-growth stands of Coast Redwoods downstream.

The cost of the expansion may be sizeable, but is necessary to protect past investments. In addition the Carter Administration proposal includes $12 million for rehabilitation of clear-cut acreage, that would employ many people and $40 million to develop jobs for those who may be laid off through park expansion.

A further point finds that only 10,000 acres of virgin Redwoods are included in the proposal and at the current rate of logging all those trees will be gone in 10 years. The jobs lost through park expansion will be gone at that time at any rate.

In addition to protection of the park the expansion would make more accessible the Tall Trees Grove on Redwood Creek. At present the trail to this grove involves a 16-mile hike round trip because lumber companies have refused access across the properties. If the park is expanded that hike could be cut to six miles. Included in that grove are the first, third and sixth tallest trees in the world.

In retrospect we must understand that additions of Yosemite and the Grand Canyon as National Parks faced vehement opposition. If we allow the Redwood National Park to be destroyed our decision is irreversible.

The Coast Redwoods are part of the California experience, a part of our heritage to be preserved. To allow economic interests the privilege of destroying that for their own gain would be a high crime for which we all should be impeached.

The answer is very simple for all. Roseville is blessed with a receptive congressman who is influential, and like senators, you have elected them; let your feelings be known.

[From the Los Angeles Southern Sierran, June, 1977]

HOPE FOR REDWOOD

The Redwood National Park was established in 1968—after a long and often bitter battle. But it was a compromise Park which could not survive with boundaries that failed to protect the watersheds surrounding it. Congressman Phillip Burton has introduced legislation which, finally, would make it secure from forces operating outside those boundaries. The bill is HR 3813 and deserves and requires the support of all of us.

BILL WOULD STEM BEGINNING DESTRUCTION

Congressman Burton's bill sets out to right these wrongs by accomplishing the following:

It will allow for the recovery of badly damaged terrain around the present Redwood National Park.

It will reduce erosion hazards which have already proved damaging to the Park and which, left unchecked, will continue to do so cumulatively.

It will reduce stream damage and help gain desperately needed protection for the area of the Tall Trees.

It will establish a unique Park Protection Zone upstream from the Redwood Forests in an area where the land and water can be managed for the protection of the Park downstream.

It will provide for the acquisition of the remaining old growth redwood in the watershed of Redwood Creek.

It will provide for fair appraisals so that the Federal government—the American taxpayer—will pay a just compensation, not the exorbitant prices paid after the Park was created in 1968.

Finally, but by no means least important, it will provide economic benefits for a region which has suffered from the domination of a single industry for more than a century. These benefits will come in the way of labor-intensive jobs in the area of Park rehabilitation. Benefits will acrue on a long-term scale since expansion of the Park will be large enough and stable enough to attract far greater tourism. With stream siltation decreased, it has been argued that fishing yields, in fact, will increase.

CLUB MEMBERS TESTIFY IN SUPPORT

Three Sierra Club representatives testified in Washington, D.C., on March 21, 1977 before the House Subcommittee on National Parks and Recreation of the House Interior Committee. Dr. Edgar Wayburn, past president of the Club, described the long and many-sided, but unsuccessful efforts the Sierra Club has made to persuade successive Secretaries of the Interior and State Government to carry out by regulation provisions which the 1968 Act allowed for protection of the Park. He concluded that the Park's only hope for survival was amendment of the Park Act and he argued for swift passage of Congressman Burton's legislation. Michael McCloskey, Executive Director of the Club, presented employment and economic analyses of the last several decades which indicate that the local effects of the earlier park acquisition were nearly imperceptable, especially when compared to the reduction of employment brought about by systematic timber industry mechanization and fluctuations in the timber demand. Gordon Robinson, a consulting forester on the Club's research staff, rounded out the presentation with testimony directed at the question of the cost of further acquisition. Robinson's cost estimate for acquisition of the 74,000 acres, which includes only 9,000 acres of remaining old growth, is $150 million and is based on recently-audited county assessors records. Cost is a critical question, since the National Park Service estimate is $400–600 million based on the earlier Court of Claims settlement.

If the Burton Bill is not passed quickly, we will all be the losers.

What you can do:

1. Write letters to your Congressman and Senators supporting HR 3813.

2. Alert others through "Letters to the Editor" etc.

3. Write letters of support to Chairmen of the House Interior Committee (Morris Udall) and Subcommittee on National Parks (Phillip Burton).

4. Write letters of support and urge early Senate Action to Chairman of the Committee on Energy and Natural Resources (Henry Jackson) and Subcommittee on National Parks (James Abourezk).

5. Write letters of support of Burton's bill to President Carter, Secretary of the Interior Cecil Andrus, and Governor Brown of California.

[From The Ashland (Ky.) Independent, June 2, 1977]

SHIELD FOR THE REDWOODS

The loggers who descended on Washington have a vested interest in preventing expansion of California's Redwood National Park. So do the lumber companies that employ them. The redwood stands that would be encompassed in the proposed expansion are where the lumbermen work.

The loggers' chief lobbying message is that if the park is enlarged that will cost residents of the area 2,000 jobs. They may be right; certainly lumbering would be curtailed.

An Interior Department task force is on the scene making a study of the proposed expansion's economic impact. Clearly, congressional action should be delayed until the task force issues its findings.

There are other considerations. One is that at the present rate of logging there soon won't be many jobs left, anyway. Sen. Alan Cranston has noted this. Though he appears to be leaning toward a considerably lesser expansion than is being proposed, he said he had "reached the impression that they are presently logging old redwood trees so rapidly that they will run out of many jobs they now have in 12 to 15 years, no matter what happens."

With this in mind, does it make sense to let logging proceed right up to the park's borders and thus endanger its stands of the arboreal giants? We think not. In our judgment, the best course would be to reasonably expand the park and provide government help in easing the transition for lumbermen thus thrown out of work.

Whether the park should be enlarged by 77,000 or 48,000 or some lesser amounts is still debatable, but as much as possible of the great redwood stands should be preserved for the enjoyment of this and future generations.

[From the Los Angeles Times, July 8, 1977]

GOOD FEELINGS ABOUT THE REDWOODS

There are two ways of looking at redwood trees, according to a colleague just back in the office after looking at tens of thousands of them along the north coast. He had this to say:

We looked at them as conservationists do—objects of reverence and beauty whose towering groves provide some of the intangibles that give quality and meaning to life; they must be spared from destruction.

We looked at them as a mill owner or logger might—a marketable resource that can be cut, milled and sculpted to provide jobs, incomes and thousands of products that protect and enhance life; like other resources, they must serve the material needs of mankind.

These are the views in collision in the controversy over the Carter Administration's proposal to add 48,000 acres to the 58,000-acre Redwood National Park in Northern California.

We crossed the disputed areas in a small plane, bounced over dusty logging trails to view a redwood-harvesting operation, and stumbled through a virgin forest. Preoccupied with trying to keep our balance in the thick, spongy undergrowth of ferns and wildflowers that carpet the forest floor, we scarcely had time to marvel at the delicate shapes and brilliant colors that provide a starting contrast to the massive trees.

The logging operations, in contrast, disfigure the land. The blasts of the shrill signal whistles are jarring intrusions in silent forests. A 10,000-pound log aboard a yarder tears through a stand of young trees like an attacking battle tank. And yet, as the lumbermen say, the blight is transitory, for the redwoods are renewable. We saw new trees growing out of the stumps of cut redwoods, saplings born of natural regeneration from trees left standing and from seeds scattered from planes and helicopters. We also saw a lumber-company nursery that our guide told us produces 9 million saplings a year.

We listened as lumber-company officials argued that the redwood trees are already saved for posterity; there are 181,000 acres of redwood forests now preserved in more than 100 parks and other reserves, according to their figures. Furthermore, they noted that the existing national park, which has already cost the government $173 million—about $73 million more than all other national parks combined—has few visitors.

But they miss the point. The fact that some trees have been rescued does not mean that more should not be. The number of visitors to any park at any time is irrelevant to the commitment to protect more stands for all time.

So we came back from the redwoods sensitive to the economic needs of the area's people and businesses, yet freshly aware that the park enlargement will have less economic effect than at first feared. We came back all the more convinced that the park must be expanded, both to protect the existing parkland from damage caused by logging on adjacent lands and to rationalize gerrymandered boundaries.

[From the Sacramento Union, July 12, 1976]

IT'S TIME FOR ACTION TO PROTECT REDWOODS

When devastating storms triggered floods in North California in 1955, many magnificent coastal redwoods were among the natural resource casualties. Specially, floodwaters of Bull Creek toppled 420 trees in Rockefeller Grove in Humboldt Redwoods State Park.

"Upstream logging practices, though in compliance with existing regulations of the California Forest Practices Act, were thought to have contributed significantly to the damage," a National Park Service report said.

What makes this incident relevant today is that, 21 years later, we apparently haven't learned the lesson of that flood.

For a narrow, eight-mile long corridor along Redwood Creek at the southern tip of Redwood National Park—with 1,800 acres of virgin redwoods, including the three tallest trees in the world—remains exposed to erosion damage from adjacent logging operations.

It is not as though no one is concerned about these 350 feet high giants that were there when Christ was born. But the controversy over the fate of the redwoods has bogged down into a messy wrangle distinguished by delays, threatened litigation and buck-passing among various government agencies.

It was just a year ago that U.S. District Court Judge William T. Sweigert found that the Department of Interior had failed to provide sufficient protection to the 58,000-acre park dedicated in 1968 by Ladybird Johnson.

A scientific study ordered by the National Park Service found "accelerated erosion" within Redwood Creek Basin. It was attributed to large-scale, tractor-hauled clear-cut timber harvesting and road construction on the steep, unstable land adjacent to the park.

The scientific team concluded that this process would result in loss of trees from bank erosion and deposit of sediments above banks, along with destruction of salmon spawning grounds.

The National Park Service asked the State Board of Forestry to impose a temporary moratorium on timber cutting in the area. The board refused, urging the Park Service to negotiate voluntary agreements with the timber companies to limit cutting.

The park service, with no funds available to buy adjacent land, asked timber companies to establish a 150-foot wide buffer zone next to park. Timber companies refused, countered with self-imposed restrictions that they say will adequately protect the park.

State Conservation Director Lew Moran blamed the Park Service for having "failed to develop a total action program to meet the overall problem," and suggested a number of ways to protect the trees, including building a rock wall to shield the Tall Trees grown from high water. The Park Service rejected this plan.

Currently, both the U.S. Department of Justice and the California attorney general are negotiating with timber companies to try to get voluntary limitations on logging operations next to the park. At this point no one is predicting the outcome but if there is a deadlock, each agency may file an injunction against the companies.

"A neighbor does not have a right to damage a neighbor," said. Asst. Secretary of Interior Nathaniel Reed.

The timber companies say they are anxious to reach an agreement with the various agencies. But they not unreasonably want to be compensated if they cannot harvest redwood land valued $35,000 an acre.

Last month Judge Sweigert said the Park Service has done all within its power but had been unable to obtain additional legislation, funds or litigation in efforts to comply with his year-old order.

The judge concluded, "primary responsibility for the protection of the park rests, no longer upon Interior, but squarely up to Congress to decide whether and, if so when, how and to what extent new legislation should be passed to provide additional regulatory powers or funds for protection of the Redwood National Park.

Rep. Phillip Burton, D-San Francisco, introduced a bill recently to expand the park from 58,000 to 132,000 acres. One company spokesman set the cost of such an acquisition at $600 million, which may explain why the Burton bill hasn't even had a committee hearing.

What is needed is for members of the California congressional delegation to press for a more realistic solution. The park must either acquire additional adjacent land, possibly through a land swap with the companies, or the secretary of interior should be permitted to regulate timber harvest practices on adjacent land with compensation to the owners.

The Tall Trees grove on Redwood Creek are a special resource unique to California. It would be an ecological calamity if they were lost while everyone was talking.

[From the Detroit Free Press, July 14, 1977]

REDWOODS BILL NEEDS ACTION

At this very moment, loggers' chainsaws are biting into the rich virgin timber of redwood trees that began growing as long as 1,500 years ago.

Within one hour after you have read this, one more towering giant will have been cut through and hurled to the forest floor, scattering bits of salal, rhododendron and sword fern in its wake.

This will happen on land that is under active consideration for addition to Redwood National Park.

Even many opponents of park expansion agree that Arcata Redwood Co.'s decision to log a 54-acre tract in the Skunk Cabbage Creek watershed adjacent to the park is deplorable.

The company's arrogance earlier was shown by the beginning of logging operations on a 36.8-acre unit in the same area, despite pleas by Interior Secretary Cecil D. Andrus and others to hold off. Fortunately the Save-the-Redwoods League stepped into the breech with private funds totaling $1 million to begin public acquisition of the land.

With the money deposited in U.S. District Court, the Interior Department proceeded to condemn the tract under terms of the 1968 act creating the present fragmentary park.

But no money is available to buy the 54-acre unit that Arcata has begun logging. All that will be left for the public there, when Congress gets around to acting on park expansion, will be giant stumps.

Regrettably, "when Congress gets around to acting" has become a tiresome phrase carrying the kiss of death for some of the best and the oldest redwoods left outside the original park boundaries.

For nine long years it has been apparent that those scraggly boundaries wouldn't suffice. This year, with a sympathetic administration proposing a 48,000-acre park expansion, the chance for saving what few virgin tracts remain around the park's edges seemed brighter.

But just when Congress should be speeding up consideration of the proposal, before these scattered groves are toppled one by one, action seems to have slowed. California agencies may allow the cutting of four more tracts in the vulnerable Redwood Creek watershed next month.

The opportunity for congressional leadership in protecting a truly unique national resource is slipping away. Legislation by chainsaw may not be admirable, but—unlike Congress' plodding pace—it is effective.

[From the Detroit News, July 21, 1977]

A NEW DRIVE TO SAVE REDWOODS

At the outset of his stewardship of the nation's natural resources and public lands, Secretary of the Interior Cecil Andrus vowed

to make "the three R's—rape, ruin and run—a thing of the past."

Andrus has kept his promise in the struggle over Redwood National Park in northern California, pushing an administration bill in Congress to expand the park by 48,000 acres.

The additional acreage, essential as a watershed buffer, will strengthen the fragmented and underacred Redwood National Park.

The redwood is such a magnificent species of tree—actually a "living fossil"—that you might wonder who would oppose the administration plan.

But the redwoods controversy poses a classic dilemma: jobs and the economy vs. the environment.

Lumber companies argue that if the government buys the 48,000 redwood acres, 2,000 jobs will be lost and a severe blow dealt to the area's economy.

Redwood benches and fences have always been so durable and so desirable that the market for redwood is lucrative.

To the lumber companies, the bigger the redwood—and some redwoods soar 300 feet heavenward—the bigger the profit.

But whatever the economic costs, the majestic redwood must be preserved from the wanton destruction of natural resources so shamefully frequent in American history.

[From the Sacramento Bee, July 22, 1977]

JOBS FOR LOGGERS

Like a weight-watcher counting calories, the House national parks subcommittee is counting the costs in hardship that might follow if California loggers are thrown out of work because the federal government buys private timber land for the expansion of Redwood National Park.

Recently the committee drafted a solid plan to put an additional $52 million in the parks expansion bill to cushion timber workers in Humboldt County against unemployment caused by the government's protecting the redwood trees.

The plan is a good one. It would guarantee displaced loggers up to six years of replacement work on federally funded land rehabilitation and forest projects. Further, it would give those workers affected by the slowdown in logging operations preferential hiring rights in other logging operations on nearby national forest lands and for federal jobs in or near the park. It would provide severance, pension-retaining and job-search benefits.

Attached to a previously approved $359 million proposal to add 48,000 acres to the Redwood National Park, it is a precedent-setting measure and a necessary one.

The combined measure to expand the park and take care of those thrown out of work will probably come to the full Interior Committee before the House takes its recess in August.

The measure should be approved and sent to the floor of the House so the government can get on with the expansion of the park and saving the old-growth redwoods on private lands which are being threatened by the chain saw.

[From the Fort Wayne (Indiana) Journal Gazette, Aug. 4, 1977]

SAVE THE GIANT REDWOODS

Redwood National Park is 2,300 miles from Indiana on California's north coast, but distance and problems close to home shouldn't deter Hoosiers from safeguarding the park's grand forest of giant trees, a unique part of nature's gift to all Americans.

Right now, the redwoods, some of them among the world's tallest and oldest trees, are in mortal danger from nearby logging that is upsetting soil conditions and drainage inside the park. Right now, Indiana's congressional delegation should lend its full support to bills introduced by Rep. Phillip Burton and Sen. Alan Cranston, both from California, to expand the park into a selfsustaining ecological unit. Right now, swift action by the Congress is needed because later could be too late to savo the redwoods.

PARK BACKGROUND

Congress established the park in 1968 by purchasing 28,000 acres of timber company land in the lower end of Redwood Creek's 60-mile dash to the Pacific Ocean. Congress intended another 30,000 acres of state parks to merge with the federal park, but the Nixon-Ford years of neglecting the National Park System also neglected to negotiate the transfer with California.

As the national park ascends the creek, it narrows into a 2,500 acre corridor called the "worm" that is roughly eight miles long by a half-mile wide. The worm includes several groves of ancient "old growth" redwoods that as long as 2,000 years ago sunk their shallow roots into the special soil of the streamside flats formed by creek-deposited sediments. Located in one of the worm's sharp bends, the Tall Trees Grove contains the first, third and sixth tallest trees on earth.

Almost surrounding the park, up both sides of the creek valley and upstream from the worm, are timber company lands. These areas include select stands of old-growth redwoods principally located along the creek's many tributaries that together make up half of its 280-square-mile watershed.

Obviously the Congress made an ecological mistake in originally creating a park that did not cover both sides of Redwood Creek's watershed to the ridge tops, and that failed to provide a substanial buffer area upstream. The park's boundaries, however, were determined like truce lines in a congressional armistice. Neither the timber interests nor the national interest in the redwoods won a complete victory in the 1960s and the hostilities continue today.

LOGGING SPREE

Here's what the timber companies in the two north coast counties where the park is located are doing in their share of the Redwood Creek watershed.

The timber companies are clipping redwoods faster than they can replenish them, at a rate the United States Forest Service estimates will put the industry out of business by the 1990s. The loggers are in a race with the Congress to capture the valuable old growth trees in the 48,000 acres proposed for addition to the park, and they are exhibiting a gold-rush mentality in harvesting too fast to maintain a renewable resource base.

The redwood companies may deny it, but the industry appears trapped by its past greed. If the industry slows down, it risks having a smaller redwood supply price itself out of the market. If timbering continues at its present pace, redwood can compete for another decade and then suddenly vanish from the marketplace.

Either way, the industry appears doomed, but it shouldn't drag the park along with it. The take-it-all approach is inflicting serious damage to the park and the cutover areas, while it also is setting the stage for an economic crisis in the redwood region when there's nothing left—inside or outside the park.

Heavily mechanized, the timbering operations are clearcutting and patchcutting in Redwood Creek's canyoned tributaries, up its old-growth-rich eastern slope and in some spots, like the Tall Trees Grove, right up to the park border. Unstable soils from steep terrain and the debris-strewn carnage from logging combine in a potentially lethal mixture that is carried by watershed streams and landslides into the park.

The buildup in Redwood Creek and the intense run-off from its denuded valley slopes threaten severe flooding that could topple the giant redwoods. On the park's edge, the clearcut view and the noise of logging blight the area's scenic beauty. And silt-filled streams endanger aquatic food chains, fish spawning and, ultimately, terrestrial wildlife in the entire watershed.

THE PARK BILL

Adding more acreage to the park and cushioning the impact from the redwood industry's inevitable decline is a far better alternative than the dangerous status-quo. Here's what the park legislation would accomplish.

The bill would purchase the park's watershed at a reasonable price from ridge to ridge and extend a few miles upstream from the worm's current limits. That would afford the smallest margin of erosion and scenic protection required to save the park and leave the greatest amount of land in the upper watershed for timbering under special federal controls.

The measure also would provide unemployment benefits for woods employees and offer them new jobs in reclaiming spoiled parkland and building improvements. As a strong recreational magnet, the enhanced park would contribute new jobs in the tourist industry and its related enterprises.

So here's the choice the Congress should make on behalf of everyone's redwoods.

Pass a park expansion bill that preserves nature's handiwork of the past two millenia and that encourages human activities in harmony with it—and pass it quickly.

[From the Fort Wayne (Ind.) Journal-Gazette, Aug. 25, 1977]

SAVE THE REDWOODS

Redwood National Park is 2,300 miles from Indiana on California's north coast, but distance and problems close to home shouldn't deter Hoosiers from safeguarding the park's grand forest of giant trees, a unique part of nature's gift to all Americans.

Right now, the redwoods, some of them among the world's tallest and oldest trees, are in mortal danger from nearby logging that is upsetting soil conditions and drainage inside the park. Right now, Indiana's congressional delegation should lend its full support to bills introduced by Rep. Philip Burton and Sen. Alan Cranston, both from California, to expand the park into a self-sustaining ecological unit. Right now, swift action by the Congress is needed because later could be too late to save the redwoods.

Congress established the park in 1968 by purchasing 28,000 acres of timber company land in the lower end of Redwood Creek's 60-mile dash to the Pacific Ocean. Congress intended another 30,000 acres of state parks to merge with the federal park, but the Nixon-Ford years of neglecting the National Park System also neglected to negotiate the transfer with California.

As the national park ascends the creek, it narrows into a 2,500 acre corridor called the "worm" that is roughly eight miles long by a half-mile wide. The worm includes several groves of ancient "old growth" redwoods that as long as 2,000 years ago sunk their shallow roots into the special soil of the streamside flats formed by creek-deposited sediments. Located in one of the worm's sharp bends, the Tall Trees Grove contains the first, third and sixth tallest trees on earth.

Almost surrounding the park, up both sides of the creek valley and upstream from the worm, are timber company lands. These areas include select stands of old-growth redwoods principally located along the creek's many tributaries that together make up half of its 280-square-mile watershed.

Obviously the Congress made an ecological mistake in originally creating a park that did not cover both sides of Redwood Creek's watershed to the ridge tops, and that failed

to provide a substantial buffer area upstream. The park's boundaries, however, were determined like truce lines in a congressional armistice. Neither the timber interests nor the national interest in the redwoods won a complete victory in the 1960s and the hostilities continue today . . .

The redwood companies may deny it, but the industry appears trapped by its past greed. If the industry slows down, it risks having a smaller redwood supply price itself out of the market. If timbering continues at its present pace, redwood can compete for another decade and then suddenly vanish from the marketplace.

Either way, the industry appears doomed, but it shouldn't drag the park along with it. The take-it-all approach is inflicting serious damage to the park and the cutover areas, while it also is setting the stage for an economic crisis in the redwood region when there's nothing left—inside or outside the park . . .

Adding more acreage to the park and cushioning the impact from the redwood industry's inevitable decline is a far better alternative than the dangerous status-quo . . .

[From the Los Angeles Times, Aug. 17, 1977]

SAVING THE REDWOODS

The pace of congressional action on proposals to expand the Redwood National Park in Northern California is much too slow. For, while Congress mulls over the proposals, virgin and second-growth stands of redwoods are being cut down in areas marked for public acquisition.

Conservationists estimate that unless an acquisition bill is signed into law this year, as many as 1,500 acres of mature redwoods could be lost before a bill could be signed next year.

This would be a serious setback, since there are only about 10,000 acres of such trees within the 48,000 acres that both the Carter Administration and Rep. Phillip Burton, D-Calif., hope to add to the existing 58,000-acre park. The rest is cut-over land that is needed to protect park timber stands from ecological damage caused by logging operations in nearby areas.

The harvesting operations in areas marked for park expansion are being conducted under permits approved in 1976 and earlier this year by the State Division of Forestry.

State officials say these permits cannot now be withdrawn, but that recent requests for other permits to harvest in the proposed expansion areas have been turned down. The state officials warn, however, that rejected permit applications may be approved on review if Congress fails to secure the added land in the next few months.

The urgency of congressional action is dramatized by the approval of Burton's park expansion bill by the House interior subcommittee on national parks. As welcome as that move is, it shows that the bill still has a long way to go for final approval. It has yet to be considered by the full Interior Committee, and in view of the month-long House recess final House action could not take place before September or October.

And a park expansion bill has yet to begin a legislative journey through the Senate. Sen. S. I. Hayakawa, R–Calif., has not taken a stand on park expansion, and the key individual on the issue, Sen. James Abourezk, D–S.D., chairman of the Energy and Natural Resources Committee, has deferred to Sen. Alan Cranston, D–Calif., for any Senate action on expansion.

Although he has said he favors park expansion, Cranston has been slow in moving toward acquisition. His office is only now getting around to formulating a bill, based on the administration's proposals, which he hopes to introduce in the Senate soon.

Park expansion is a highly controversial issue with important political overtones because of the widely conflicting views over its economic impact on Del Norte and Humbolt Counties. A recently completed government study reported that the addition of 48,000 acres to the park would put 611 lumber industry employes out of work, a figure well below the 2,000 to 3,000 job loss estimated by the industry and other antiexpansion forces.

The problem of just compensation both for land acquisition and for individuals who may suffer economically because of expansion is complicated and time consuming, and there are some controversial elements in the Burton bill on the means to solve it.

Among these is a proposal to pay compensation equal to up to six years full salary to certain workers laid off because of park acquisition.

Yet such issues should not slow the drive to increase the size of the park, especially in view of the refusal by lumber interests to agree to both federal and state calls for a cutting moratorium in the proposed expansion areas. Controversies over compensation could be settled after acquisition, just as some of them were after acquisition of the original park in 1968.

[From the Charleston Gazette, Aug. 26, 1977]

REDWOODS WORTH SAVING

It takes a redwood 1,000 years to mature 999 years, 364 days, 23 hours and 5 minutes longer than it takes to cut a redwood down.

Earth's tallest tree and among its oldest, the redwood has distinctive qualities. It is bug proof, disease proof, fire resistant, and impervious to high winds.

What the redwood isn't alas, is man proof.

On occasion, however, man is wise. One such occasion was in 1969 when Congress created Redwood National Park, a 58,000 acre preserve along California's North Coast.

Unfortunately, Congress thought too small, and extensive clearcut timbering near the park has endangered the park's watershed.

There's another problem: California's North Coast suffers from high unemployment, and efforts to save redwoods aren't applauded by lumber interests, either employers or organized labor. Rather are they resisted and denounced.

But Rep. Phil Burton, D–Calif., treads where angels fear to. He introduced legislation to add 74,000 acres to Redwood National Park and since has agreed to a compromise of 48,000 acres, the absolute minimum required to save one of the world's few remaining stands of redwood trees. Burton's bill, incidentally, furnishes aid to anyone whose job vanishes because of the park's enlargement.

Burton's bill merits support of West Virginia's congressional delegation. Preserving these huge splendid trees promotes not only this nation's heritage but also mankind's. And Burton, West Virginians should never forget, was as responsible for passage of federal black lung legislation—in turn as responsible as any development of the last several years for their state's prosperity—as any member of Congress.

[From the San Francisco Examiner, Sept. 11, 1977]

COMPLICATIONS ON REDWOOD PARK

The Redwood Park expansion bill, together with its provisions to cushion the impact of employment losses in the timber industry, has run up against some unexpected obstacles.

One of them is South Dakota's sometimes eccentric senator, James Abourezk, a Democrat who at this late stage has expressed his doubts about the efficacy of the bill's $40 million job protection provisions.

We don't know where Abourezk, chairman of the responsible subcommittee, has been all this time and why, after all the hard work that has been done by others in whipping the bill into shape, he raises issues once thought settled.

The bill bears the sanction of Rep. Phillip Burton and Sen. Alan Cranston, both of whom have built careers on liberal advocacy. The job program was ably and extensively explained in testimony by Interior Secy. Cecil Andrus. Apparently Abourezk grasped none of this and says he will schedule more hearings.

All this occurred as the lumber companies, which had fought the park expansion, were tempering their opposition and preparing a fallback position on the assumption the bill would pass.

A further complication seems to have arisen with the Jerry Brown administration proposing before Abourezk's subcommittee a deal under which the federal government would provide parks and open space near California cities in return for transfer of state parks to the Redwood Park.

The lumber companies' fallback position is this: If the park bill passes, removing 48,000 acres of potential timber, then let the federal government put up for bid an equivalent amount of national forest land, "Such a provision," says Arcata National, "would allow currently employed workers to plan their futures . . . increase the government's cash flow and help offset the park expansion costs."

This contains some logic, as does the Brown land trade proposal. But the Redwood Park bill is in danger of being turned into a grab bag. That threatens the measure's basic aim—saving the redwoods—and can only be viewed with concern.

REDWOODS: GETTING THE ACT TOGETHER

The Carter Administration and congressional supporters of the expansion of Redwood National Park in Northern California have no one to blame but themselves for the setback they suffered last week in their efforts to add 48,000 acres to the 58,000-acre preserve.

The setback occurred at hearings before Sen. James Abourezk (D-S.D.), chairman of the Senate energy and natural resources subcommittee on parks and recreation, on the Administration's park-expansion bill, sponsored by Sen. Alan Cranston (D-Calif.). A House version of the bill, sponsored by Rep. Phillip Burton (D-Calif.), has won House Interior Committee approval.

Lumber interests and union representatives of loggers fearful of losing jobs through park expansion made a major effort at the hearing to kill the Cranston bill. They were joined by Sen. S. I. Hayakawa (R-Calif.), who termed the bill "an unjustified land grab" and a rip-off of the taxpayer.

In contrast, Administration and congressional supporters of the bill turnd in a lackluster performance, based apparently in part on the belief that Abourezk's support for past conservation efforts would enable the bill to breeze through the subcommittee. But Abourezk, who is also prolabor, has not taken a public stand on park expansion, and was a tough questioner on the job implications.

Abourezk said he was not satisfied with the presentations of the proexpansion forces, "especially on the part of the Administration," which, he maintained, "has not presented any kind of an accurate picture on the jobs package." He decided to hold further hearings because of the failure to get the answers he sought. As a result, Senate action on the bill has been delayed by about two weeks—a delay that could result in failure to have a park-expansion bill enacted this year.

Any delay is serious because there is little time left for passing an acquisition law before Congress adjourns in October. Also, redwood trees continue to be cut in a few sections of the proposed expansion area under

state harvesting permits. More cutting may be authorized in mid-November if there is no acquisition law in sight by then.

The fumbling by the bill's supporters was surprising; numerous studies have been made on the economic effects of expansion. These included one by a special task force that the Administration sent to Del Norte and Humbolt counties for an on-the-spot assessment of the economic implications.

The supporters of the bill have the answers to Abourezk's questions; they need to get their act together so that the sounds of the chainsaw and the woodsman's ax can be silenced forever in the proposed expansion area.

[From the Boston Globe, Oct. 3, 1977]

TO SAVE THE REDWOODS

California is fighting to save the redwood trees on private property abutting the 58,000-acre Redwood National Park. But the spectre of job loss and industrial stagnation has stalled conservation efforts. A bill that would expand the park by 48,000 acres is stuck in the House Rules Committee as the October recess approaches. A similar bill in the Senate has yet to come to the floor for a vote.

Redwoods are a renewable resource and, without man's intervention, there would be no need to protect them. But of the estimated 2 million acres of redwoods which once grew in California, fewer than a million acres are left.

The special emphasis on the present legislation is because of that alarming decimation and because up stream logging operations are endangering redwoods in the National Park by causing land erosion and river silting.

Six mills on the coast have shut down recently, not because of conservation measures but because overcutting and mismanagement of timber resources are devouring the timber which is the source of jobs. A redwood takes 40 years to grow to maturity. Because reforestation is a relatively new aspect of the timber business in California, the likelihood that logging will outstrip replacement is real.

Secretary of the Interior Cecil Andrus proposed including the 48,000 additional acres surrounding Redwood National Park after a bill was introduced to embrace about twice that acreage. Congress will only be undermining its own initiatives when it created the park in 1968 if it fails to pass legislation now to protect the park's existing redwoods from logging-induced erosion, flooding and pollution.

If the bill is passed, more than a half-million acres of California redwoods would remain unprotected, and that seems sufficient to satisfy the most ravenous demand for picnic tables, paper products and summer homes.

[From the Sacramento Bee, Oct. 7, 1977]

REDWOODS IN DANGER

A booby trap went off in the plan to add 48,000 acres to the Redwood National Park in Humboldt County.

House Speaker Thomas P. O'Neill, listening to labor leader George Meany, blocked final congressional action on a bill to have the federal government spend $411 million to expand the park and save about 9,000 acres of majestic, irreplaceable, old-growth redwood trees.

This means there is little chance that the bill, supported by President Jimmy Carter, will reach the White House for his signature this year.

Meanwhile, there is concern, if not alarm, among conservationists for the fate of virgin redwoods in what was to be the expanded acreage adjoining the park.

Since the Redwood National Park was established in 1968, the timber companies have cut approximately 12,000 acres of some of the finest remaining redwoods in the world on land that the conservationists had hoped might someday be added to the park.

There are 9,000 acres of virgin redwoods left in the expansion area. And, according to the Save-the-Redwoods League, the delay in Congress threatens another 1,000 acres of the venerable trees on private land adjoining the park.

The State Forestry Board has held up approval on timber harvesting plans on private land around the park and in the expansion area in anticipation of the bill's passing at least one house of Congress this year.

It will be difficult for the state to hold the line on further timber cutting if the bill is pigeonholed. And speculation in Washington, D.C., is that blocking the progress of the bill in the House will lessen chances of final action in the Senate before adjournment this year.

Because of the opposition of the timber industry and organized labor, nobody expected the measure to have smooth sailing. Still, O'Neill's action in keeping the bill bottled up in the Rules Committee came as a surprise.

O'Neill apparently yielded to pressure from AFL–CIO leaders who say there will be a loss of jobs for loggers if the 48,000 acres are taken out of timber production.

But this objection had been met. The bill includes a $40 million job-replacement and income security provision for loggers who are unemployed as a result of the federal acquisition program.

O'Neill's action could jeopardize the expansion program which has been endorsed by the President and conservationists as the only way to save the redwoods.

The fact is that unless adjacent lands are acquired soon, even the existing park may be damaged by timbercutting on its boundaries.

O'Neill should reconsider his decision and ask the Democrats on the Rules Committee to send the bill to the floor for a vote this month.

REDWOODS: A SETBACK IS NO EXCUSE

The setback in the House on efforts to add 48,000 acres to the 58,000-acre Redwood National Park should not be allowed to serve as an excuse for a resumption of cutting in areas marked for park expansion.

The setback occurred last week when House Speaker Thomas P. O'Neill Jr. (D-Mass.) succumbed to AFL–CIO lobbying efforts to keep a park-expansion bill from a House vote this year. Organized labor fears lumber-industry job losses from an expansion, despite provisions for substitute jobs or compensation for job losses that might occur.

The State Board of Forestry, which refused to grant harvesting permits last summer in view of the expansion drive, has warned that new permits may be approved if there is no significant progress on acquisition by the time it meets Nov. 12.

This increases the need for swift action on the Senate version of the bill, sponsored by Alan Cranston (D-Calif.). Cranston says he is confident of Senate passage this year.

Yet, even if a Senate vote is delayed until 1978, the setback on the House bill, authored by Phillip Burton (D-Calif.), should not prompt the forestry board to approve new harvesting permits.

There is little doubt that the park will be expanded next year, so it would be a disservice to the public for the board to approve cutting at this late date.

[From the Fort Wayne (Indiana) Journal-Gazette, October 9, 1977]

RULES SHOULDN'T RUIN REDWOODS

The same timbering interests that are ruining the fragile watershed where the world's tallest trees grow—in Redwood National Park—also are besieging the House Rules Committee to kill a bill to save the redwoods by expanding their threatened park.

Chaired by Rep. James Delaney of New York, who at 76 has served 16 terms, the Rules Committee has yet to schedule the redwoods legislation for a hearing.

Imagine, Mr. Delaney from Queens, one of the House patriarchs, has spent nearly half his life in Congress and he still hasn't set a hearing for the very survival of nature's patriarchs, the giant redwoods that have spent more than a thousand years reaching to touch the sky.

But the timber lobbyists and their allies in the carpenters union, and maybe even "Mr. Labor," old George Meany himself, are all telling the Rules Committee that adding 48,000 acres of California's redwood country to the park will cost thousands of jobs.

What a tall tale of woe—taller by far than the redwoods.

The redwood industry never cared about jobs, except to eliminate as many as possible through automation and mechanization. The redwood region's timber jobs dropped from 15,000 in 1959 to about 9,000 in 1972, a 40 per cent cut in the work force. Perhaps an equal number of additional jobs were lost in other sectors of the region's economy through the multiplier effect—but admittedly, that's a guesstimate.

There's no guessing, however, on the massive unemployment that will result in about 10 years when the timber companies, cutting faster than the trees can grow, finish harvesting the last redwoods and then clear out of the region.

Sure, the park expansion bill will cause a moderate, short-term job loss, but it will lay the foundation for an entirely new economy that should be vibrantly alive long after the redwood industry completes another grim chapter in the nation's history of resource exploitation. The Interior Department estimates the park legislation will cost about 600 timber jobs and 750 jobs in other parts of the local economy.

But the redwood bill provides a broad program of relocation and unemployment benefits. It also sets up a $12-million program to employ loggers to rehabilitate the carnage from timbering, and the measure allocates $40 million for job creation and job retraining. A companion bill in the Senate, incidentally, contains $33 million for parkland rehabilitation.

Enough about creating jobs in redwood country.

Mr. Delaney's delay in hearing the bill and reporting it to the House floor for a vote in this session of Congress risks toppling some of the park's finest old-growth redwoods.

From October to May, the seasonal rains sweep in from the Pacific Ocean. Just one or two extra heavy rains could generate enough erosion and flooding in the park watershed to wipe out some of the tall trees.

These giants have survived on their own for more than a millennium, but now they need help. Rules shouldn't ruin the redwoods.

[From the San Francisco Examiner, Oct. 12, 1977]

COUNTDOWN ON REDWOOD PARK

The Senate's Energy and Natural Resources Committee is about to take up the Redwood National Park expansion bill, which, due to arbitrary action by House Speaker Thomas P. O'Neill, has suddenly become an endangered species.

More's the pity. The bill to add 48,000 acres to the park came out of the House Interior Committee with a satisfying 22–7 vote, but the Rules Committee at O'Neill's behest has shunted it into a sidetrack. O'Neill presumably acted after returning a telephone call from AFL–CIO President George Meany.

The immediate hope to preserve the stately groves rests now with the Senate. Sen. Alan Cranston, D-Calif., author of the bill now before that body, is not without influence. If he and likeminded colleagues can get the measure past the Senate, the state of California will be encouraged to hold its line against timber harvesting in the expansion area until the House can be prodded into appropriate action.

We recognize the legitimate interests of the timber companies, the concerns of the workers whose jobs are at stake and the unsettling effects on local economies. But hard public decisions have to be made with an eye on the long term. Taking that view, park expansion is the only way to go. The Senate should set the proper example before the House and vote to save the redwoods—and it should do so before Congress adjourns or the first snow powders the Capitol dome.

[From the Sacramanto Bee, Nov. 17, 1977]

DON'T CUT THE TREES

Last summer the expansion of Redwood National Park by 48,000 acres to save the world's oldest trees looked almost certain. Now, pressure by the timber industry and organized labor has dealt the park expansion bill a serious setback in both houses of Congress.

U.S. Sen. Alan Cranston announced over the weekend that the Senate will not act this session to pass the $400 million park-acquisition measure.

Earlier, House Speaker Thomas P. O'Neill Jr. was persuaded by AFL–CIO President George Meany to postpone action by the full House of Representatives until next year.

It is now up to the California State Board of Forestry to protect the big trees by holding the line on timber cutting by private companies in the expansion area bordering the park in Humboldt County.

The board so far has refused to approve timber-cutting permits for the private owners of land in the expansion area because the pending bill to purchase the acreage had the wholehearted backing of the Carter administration and was expected to have clear sailing through both houses of Congress.

Even though there can be no action to acquire the land until next year, the forestry board should not approve new timber-harvesting permits in the expansion area.

O'Neill and Cranston have promised early action on the expansion bill next year, and most timber harvesting is done in the spring, summer and early fall before the bad weather sets in in the coastal counties.

The board would be acting in the public interest to hold off on issuing new harvesting permits for land in the expansion area when it meets in Ukiah Dec. 6 and 7.

[From the San Francisco Chronicle, Oct. 19, 1977]

THE SENATE AND THE REDWOOD BILL

The Speaker of the House, Thomas O'Neill (Dem-Mass.), this week admitted he joined with organized labor to stop legislation which would add 48,000 acres to Redwood National Park from reaching the House floor this year. But he tempered this with a promise the bill would be one of the House's first items of business on the House agenda in 1978.

Between now and next January, however, the moratorium ordered by the State of California on pending timber harvest plans will begin to expire, allowing timber firms to fell trees in areas proposed for the expanded park.

The recent action of the Senate's Energy and Natural Resources committee, which authorized $359 million to expand the park's acreage, is a step toward protecting the tall trees grove along Redwood Creek. But that is not enough, in our opinion.

If the tall trees are to be spared, California should have some support from the federal government in denying the harvest plans of the logging companies. That buttressing could well come from the Senate, now that O'Neill has effectively delayed House action on the park until next year.

The Save-the-Redwoods League supports the 48,000-acre expansion of the park, maintaining that the addition will protect, among other areas, 9000 acres of old-growth Redwoods in the Prairie Creek drainage basin and in the area on both sides of Redwood Creek, ridge to ridge around the world's tallest trees.

The remaining 39,000 acres would provide essential watershed buffer land adjoining the existing park, the League maintains, and we find their arguments persuasive.

Indeed we agree with Federal Judge William T. Sweigert, who held in a 1975 decision "that there is substantial ongoing damage presently occurring to the timber, soil, streams and esthetics within the Park, downslope from and as a result of clear-cutting within the so-called buffer zone."

[From the Detroit Free Press, Oct. 24, 1977]

LAST CHANCE FOR THE REDWOODS

"Do what you can for the redwoods," said the aged voice at the other end of the line. "I've been working on the idea of a Redwood National Park for 55 years . . . I'm not easily disappointed."

The speaker was Newton B. Drury, 88, National Park Service director during the Roosevelt and Truman years, and a founding member of the Save-the-Redwoods League.

"Tell the Senate to get busy," he continued, on legislation that would add about 50,000 acres to the presently fragmentary Redwood National Park in northern California. Only about 10,000 acres are in old-growth redwoods.

The legislation has foundered most of the summer while logging companies continued to clear-cut areas intended for addition to the park. Only a $1 million donation by the Save-the-Redwoods League enabled Interior Secretary Cecil D. Andrus to condemn the 36.8-acre virgin grove pictured here, in the Skunk Cabbage Creek drainage. An adjoining 56 acres of similar scenic quality, however, was logged.

Next month a 180-day moratorium on the logging of three other tracts, in the Redwood Creek basin that is at the crux of the present controversy, expires. Unless Congress completes action on the administration backed bill by then, these areas, too, almost certainly will be lost.

That's why it's imperative that the full Senate act quickly now, after earlier favorable committee action, to pass Sen. Alan Cranston's S. 1976 and send it to the House. This becomes all the more urgent with the miring of the House version of the redwoods legislation—Rep. Phillip Burton's HR 3813—in the notoriously non-responsive Rules Committee.

Some labor unions, responding to the threats of the timber companies to lay off large numbers of loggers if the bill goes through, apparently have persuaded Rules Committee Chairman James J. Delaney and House Speaker Thomas P. O'Neill Jr. to keep the measure bottled up.

Mr. Burton reportedly has agreed to accept the Cranston bill, however, if it is sent over from the Senate before his own bill can be dislodged from Rules. This would expedite enactment of the redwoods legislation this year, before any more prime areas around the . . . than 50 tracts along Redwood Creek, where a gerrymandered half-mile-wide "worm" is all that exists in that area of the present national park.

The Senate committee unfortunately deleted the complicated jobs mitigation feature of the Cranston bill, but that can be—and should be—restored either on the Senate floor or in conference committee.

Michigan's congressional delegation should join Rep. Carl Pursell and others who have appealed to the House leadership to expedite this long-awaited legislation. President Carter should contact Mr. O'Neill, in particular, and reassert his interest in seeing the measure—for which he repeated his support in Detroit on Friday—voted up or down on its merits. Next year is too late for those cathedral groves that are on the chopping block right now.

[From the Palos Verdes (Calif.) Peninsula News and Rolling Hills Herald, Nov. 19, 1977]

REDWOOD CHALLENGE

California's magnificient redwood trees have been the source of running controversy over the recent conservation-minded decades. Their continued existence as a national treasure was hotly debated in the current congressional session.

Sponsors of bills to expand the Redwood National Park in order to protect the ancient trees from erosion caused by adjacent timbering activities concede that their measures are blocked in both the Senate and House for this year.

When enabling legislation in the Senate "become more than a simple up-and-down vote, floor action had to be postponed until January," said an aide to Senate sponsor Alan Cranston, of California.

Proponents are convinced that nearby logging is threatening the existence of the present park protecting trees of unique size and beauty. They say the erosion resulting from the logging (which can topple the giants) has reached the critical stage.

Their bills in Congress would put a stop to the problem, plus providing job assistance for workers let go by timbering firms whose production would be diverted to other areas. Park expansion plans include land rehabilitation through reforesting bare slopes, dredging siltclogged creek beds and site improvement work. The House bill contains an "income maintenance" package for retraining affected workers.

The legislation leaves timbering companies and labor leaders cold. The former claim that costs attending park expansion would be exorbitant. The latter claim hundreds of loggers and mill workers would lose employment, with their families subjected to serious social and economic disruption. A logger caravan to Washington dramatized their concern. AFL–CIO President George Meany was instrumental in bottling up the House bill in committee.

With the intensive lobbying against the bills going on in the two houses, the fate of the park expansion plan depends in large part on the sponsor's success in providing work assurance for the industry's labor force. The numbers of such workers may be nowhere near the total publicized by labor leaders, but their plight and general public concern over unemployment are facts to be squarely faced.

Proponents of the effort to preserve the redwood giants are coming up with answers to the related employment problem. We hope they prove acceptable.

[From the Washington Post, Nov. 19, 1977]

SAVING THE REDWOODS

Opponents of the plan to expand Redwood National Park have won a round in Congress this fall. On both sides of Capitol Hill, the expansion legislation has been set aside until 1978. While this is not likely to result in an immediate resumption of logging in the area, California cannot maintain indefinitely the moratorium that now exists. Congress will

simply have to give the park legislation priority in January if the right redwoods are to be saved.

Of course, it is not yet certain that Congress is going to approve this expansion. Although the House Interior Committee and the Senate Energy Committee have voted to add about 50,000 acres to the park, opposition is still vigorous. Some of it comes from those who think the land would cost too much and would not attract enough visitors to justify the cost. Some of it comes from those who agree with the belief of residents of the park area that the expansion would result in high unemployment among timber-company workers and a substantial loss of revenue for local governments.

While there is some merit in both of these objections, we think Congress should not hesitate to follow the general outline of the recommendations of the committees. They have built into the legislation several protections for displaced workers and local communities. These appear to be adequate, perhaps even generous, although they fall short of what the local citizens and organized labor have sought. The long-range key to economic vitality in that part of California, it seems to us, lies in a vigorous effort by the U.S. Park Service to turn an expanded Redwood Park into a major tourist attraction. Expansion of the park would eliminate some of the factors that now make it not particularly appealing for longer visits.

It is true that this park, if expanded, would be far and away the most expensive national park ever created. That is because of the present value of the trees (as lumber) that would be preserved. The 50,000 or so acres would cost somewhere between $350 million and $500 million—the low cost is the estimate of proponents of the park, the high one of its opponents. While that is a huge amount of money to put into a single park, it does not strike us as unreasonable, given the need to protect the already existing park and the desirability of preserving for the future a solid part of the nation's heritage.

[From the Washington Star, Nov. 25, 1977]

SAVE THE REDWOODS

Ronald Reagan was said to have remarked several years ago, during a controversy over redwoods: "If you've seen one tree you've seen them all." Like many passages that have become part of political lore, he may or may not have said it, or it may have been taken from a larger commentary that in its totality would have seemed less foolish.

Whatever its genesis, the statement as it has been bandied about the political circuit these many years is an absurdity. You certainly haven't seen them all if you've seen one tree. Especially California redwoods.

Each of these giant conifers of the Coast Range is magnificent in itself. Standing together in a forest they are awe inspiring. The centuries-old redwoods in Redwood National Park are, as Rep. Phillip Burton of California said, a priceless national heritage.

Congress thought so in 1968 when it created the park in Northern California. But politicians, when beset by conflicting interests, tend to compromise. That's what they did in 1968, with the result that the redwoods of Redwood National Park were not sufficiently protected from lumbermen who often do take the position that one tree is pretty much like another and that they're all made for cutting.

It isn't that the lumbermen are about to invade the park and start chopping down trees. But what they're doing may kill the park redwoods just as surely.

The problem is that logging operations are denuding adjacent areas, and the increased water runoff and erosion are threatening to destroy major sections of the park, including Big Tree Grove where the world's tallest tree is located. In some instances the water runoff undermines the roots of the big trees and they topple; in others silt eroded from adjacent logged areas is deposited around park trees and that can kill them.

Lovers of redwood (in the live tree state, rather than the picnic table), conservationists and Congressman Burton, among other legislators, came up with a solution: Expand the park to take in the area where logging creates the danger.

That sounds simple enough. But legislation to carry it out ran into the same opposition as the bill to create the existing park. Lumber companies harvesting the trees around Redwood National Park argued against governmental interference; unions argued that logging jobs would be lost; local government officials complained about taking land off tax rolls.

Legislation to enlarge the park has been approved by committees of the House and Senate but opponents engineered delays that kept it off the floor this year.

The legislation is expected to come up for House and Senate votes early next year. We hope it passes.

[From the Akron Beacon Journal, Nov. 27, 1977]

SAVE THE REDWOODS

Those noble, giant redwoods that stand like pillars of permanence in the California national parklands are being battered about in Congress like so many toothpicks.

Whether they continue to stand for the esthetic satisfaction of all or fall to the lumber industry must be decided soon in Congress.

For the pure sake of beauty and the enjoyment of thousands of yearly travelers to the parklands, the answer should be clear: Expand the park by the 48,000 acres proposed by the Carter administration and Interior Department Secretary Cecil Andrus.

This issue pits the environmentalists against the lumber and logging industry and raises the question of an appropriation of approximately $360 million to carry out House and Senate proposals.

A state moratorium on nearby logging has been tenuously extended beyond Nov. 8, the original deadline. And congressional maneuverings have held up expansion of the parklands until 1978—but it will not hold up the redwoods forever.

They already have been threatened by logging operations that have eroded the slopes of the Redwood Creek and allowed killing layers of silt to build up around some of the biggest trees.

The Senate Energy and House Interior committees have recommended expansion of the park. Both have included in their proposals provisions that would answer most of the complaints about loss of jobs, park jurisdiction and nearby logging operations that could be damaging to the Redwood Creek slopes.

Rep. John Seiberling (D–Akron) expects the redwoods bill to come up in January.

When it does, Congress will be torn by demands for money for energy, welfare, education, defense, health, research and a dozen other top priority items. But some part of the national effort must be designed to preserve the beauty of the land. There is no way a giant redwood, once fallen, can be replaced in our lifetime or many lifetimes to come.

The price for expanding parklands seems well worth paying.

[From the Palm Springs (Calif.) Desert Sun, Dec. 7, 1977]

SAVE HOW MANY REDWOODS?

The Save-the-Redwoods League is distressed because 1,000 acres of old-growth redwoods have been cut down while Congress has spent most of a year deadlocked over terms for expansion of the Redwood National Park. That's an irreplaceable loss, but over-ambition by people trying to save the redwoods is partly to blame for it.

The weight of opinion among naturalists, and probably in Congress, is that the National Park needs to be expanded if the stately trees originally placed under park protection in 1968 are to be assured of survival. The congressional wrangling is not so much on that issue as on how far the government should go in protecting redwood forests from the chainsaw and in cushioning the economic impact on timber companies and their employees.

Members of the House Senate in significant numbers are balking at the ultimate cost of the park—a figure exceeding half a billion dollars if the park enthusiasts get their way. Sens. James A. McClure of Idaho and Dewey Bartlett of Oklahoma say the proposal to extend government control over timber-cutting even outside the new park boundaries is "an egregious federal intervention in private property rights."

There is surely nationwide support for saving virgin forests of California redwoods in a National Park. But how much is enough?

Congress cannot be expected to pass a park expansion bill until the program is brought within the realm of sensible budgeting and fairness to an industry that should retain the right to go on harvesting and replanting redwoods in areas outside the park.

FUTURE OF REDWOODS

Those who want the giant redwoods preserved by adding 48,000 acres to the Redwood National Park in Humboldt County can take heart. The State Forestry Board is holding the line on timber cutting in the privately owned area adjacent to the park—an area which, once the federal government acquires the land, will be in the park.

While the board's action extending a moratorium on timber cutting in the expansion area will protect the trees for 180 days, it is clear the board cannot maintain a moratorium indefinitely.

Congress will have to give the park legislation a high priority in January if the majestic, irreplaceable redwoods are to be saved.

Although both a House and a Senate committee have voted to extend the park boundaries by about 48,000 acres, the opponents of the expansion, led by George Meany of the AFL–CIO, won a temporary victory last summer by getting the legislation to enlarge the park set aside until 1978.

Their opposition is still strong and will be just as vigorous when Congress begins a new session in January. The opponents say the expansion of the park will mean high unemployment among loggers and lumber company employes and the loss of revenue, in taxes, for the cities and communities in the county will be serious.

The authors of the expansion bill have taken this into consideration. They have put into the legislation a $40 million job-replacement and income security package for displaced workers. This seems to us adequate to meet the threat of unemployment.

Congress should put the Redwood National Park expansion bill high on the list of matters to be dealt with in January. Then it should follow the recommendations of its committees and pass the bill.

[From the Ontario (Canada), Daily Report, Dec. 16, 1977]

THE FOREST AND THE TREES

The Save-the-Redwoods League is distressed because 1,000 acres of old growth redwoods have been cut down while Congress has spent most of a year deadlocked over terms for expansion of the Redwood National Park. That's an irreplaceable loss, but over-

ambition by people trying to save the redwoods is partly to blame for it.

The weight of opinion among naturalists, and probably in Congress, is that the National Park needs to be expanded if the stately trees originally placed under park protection in 1968 are to be assured of survival. The congressional wrangling is not so much on that issue as on how far the government should go in protecting redwood forests from the chain saw and in cushioning the economic impact on timber companies and their employees.

Members of the House Senate in significant numbers are balking at the ultimate cost of the pack—a figure exceeding half a billion dollars if the park enthusiasts get their way. Sens. James A. McClure of Idaho and Dewey Bartlett of Oklahoma say the proposal to extend government control over timber-cutting even outside the new park boundaries is "an egregious federal intervention in private property rights."

There is surely nationwide support for saving virgin forests of California redwoods in a National Park. But how much is enough?

Congress cannot be expected to pass a park expansion bill until the program is brought within the realm of sensible budgeting and fairness to an industry that should retain the right to go on harvesting and replanting redwoods in areas outside the park.

[From the San Francisco Examiner, Jan. 15, 1978]

AN APPEAL TO FRIENDS OF REDWOODS

Getting legislation through Congress is a tricky process, even when it benefits the people. A case in point: The Redwood Nation Park expansion bills.

The measures by Sen. Alan Cranston and Rep. Phillip Burton are vigorously opposed by the timber industry and labor, whose lobbyists are pressing for an amendment for a big increase in the allowable cut in three national forests near the park in Southern California.

Backers of the bills have already agreed to compromises, including a reduction of the area to be acquired from 77,000 to 48,000 acres. Supporters claim any further reduction would endanger watershed protection for the stately tall trees.

Senate Majority Leader Robert Byrd has promised early consideration of Cranston's bill when Congress returns this week. Weakening amendments are likely to be offered.

House Speaker Thomas O'Neill, at labor's request, delayed action in last year's session. He's now ready for a vote. O'Neill is strong for an enlarged park, as are 23 members of the California Democratic House delegation.

The stumbling block is the House Rules Committee, where the timber industry would like to see the legislation held hostage for further compromises. The committee vote is expected to be close. The industry is not without clout.

If they make an effort, the people can always win over special interests. Conservationists and others interested in preserving great natural beauty for future generations should make their views known through their senators and representatives.

[From the Los Angeles Times, Feb. 2, 1978]

A DECISIVE YEA FOR THE REDWOODS

We hope the House of Representatives swiftly follows the Senate's lead in approving a bill to add 48,000 acres to Redwood National Park in Northern California. And we hope that House supporters will be just as successful as the Senate in beating down attempts to reduce the size of the proposed expansion area and to impose conditions that would raise the cost.

After the Senate's decisive 72–20 vote Tuesday on the Administration's measure, sponsored by Sen. Alan Cranston (D-Calif.), the next step for enlarging the 58,000-acre park is the House Rules Committee's. The House version of the bill, sponsored by Rep. Phillip Burton (D-Calif.), is expected to clear the committee next Tuesday. A floor vote in the House could come later in the week.

Yet there is a chance that enactment could be delayed through efforts in the House—like those of Sen. S. I. Hayakawa (R-Calif.) in the Senate—to dilute the scope and intent of park expansion.

Further delays could occur over controversial provisions in the Burton bill that were absent from the Cranston measure—an income-maintenance, retraining and reemployment package to assist lumber workers who would lose their jobs through park expansion. The package is a stopgap measure designed to protect workers who might not otherwise be included in existing federal job-protection programs.

The Burton bill would provide for varying amounts of assistance, based on circumstances of individual cases, up to a total of $40 million. This seems like an unacceptably high ceiling, especially in view of the $359 million price tag on the land in the expansion area. But the actual job-loss costs would probably be well below the ceiling, and affect relatively few workers.

The Department of the Interior estimates that the number of job losses would be 260 to 921. Conservation, rehabilitation and other forestry projects in the expanded park area would create as many as 960 replacement jobs, according to the department.

Changing jobs would be difficult for some workers. Yet in the long run it could prove to be their economic salvation. For an expanded park would offer work opportunities that would otherwise be lost if, as expected, the number of redwood logging jobs continues to decline as it has in recent decades.

[From the Washington Post, Jan. 29, 1978]

EXPANDING REDWOOD PARK

One of the items on its agenda that the Senate ought to dispose of before it begins debate on the Panama Canal treaties is the bill to expand Redwood National Park. Tempers in Northern California, where the park is located, are flaring. Eighteen of the huge trees already inside various existing parks have been vandalized since the first of the year, 10 of them fatally. The environmentalists in the area contend that some logger cut the trees in an effort to influence Congress; the loggers contend some environmentalist did it in an effort to discredit the loggers who are resisting expansion of the park. Either way, only speedy action by Congress can remove the uncertainty that has kept that part of California in turmoil for many months.

The bill, as it has been approved by committees in both houses of Congress, is neither as expansive as those who would save the redwoods wanted or as limited as the timber industry in the area insisted it must be for them to survive. It would add 48,000 acres to the existing park at a cost of something more than $350 million. That would run the land acquisition costs for the whole park to well over half a billion dollars, and there are other expenses as well. The legislation properly authorizes federal aid and jobs to displaced loggers.

Local governments may be able to recoup some of their lost taxes from federal payments. The total price is steep, but it seems to us to be reasonable. Expansion of the park will help protect its existing trees from erosion damage and will give the Park Service a better chance to develop an area that will attract tourists for more than a quick visit.

The most recent argument the timber industry has raised against expansion of the park is that such large amounts of money would be better spent on urban parks like the Gateway recreation areas in New York City and San Francisco. While it is true that more people would use such parks, the argument has a self-serving ring to it. We don't remember such support from the industry when the urban-park concept was first advanced.

In the long run, the country can afford both parks near the big cities and those, like Redwood, in which to preserve parts of what America was like before development began. The difference is that it is now or never for Redwood. If the park is not expanded, the trees will be gone in a few years. Once gone, they cannot be reclaimed. Congress has a chance now to save another small piece of the continent for future generations.

[From the New York Times, Feb. 6, 1978]

A VOTE FOR THE REDWOODS

A final skirmish in the long battle to enlarge and protect the Redwood National Park in northern California is about to begin. With the Senate's vote last week in favor of the park expansion bill, the spotlight now shifts to the House Rules Committee. The House version of the measure was bottled up by this committee last year. An affirmative vote now would give the full House its chance to consider the merits of the plan to add 48,000 acres to the park.

Although this additional acreage is less than some leading ecologists feel is ideal, it will go far toward halting the ongoing devastation. Clear-cut logging on private timber company lands immediately upslope and upstream from the park has laid bare some of Redwood Creek Valley's steepest and most unstable slopes to the full force of heavy winter rains. Within the park a number of towering trees have already been topped by flooding; others are dying from deposits of silt. Clear, fern-draped streams are being turned into tangles of logging debris.

Without House approval of this legislation, the damage will grow worse until, in the words of Robert Herbst, Assistant Interior Secretary, "you write off those unique resources and values that make this area a national park."

Mr. SEBELIUS. Madam Chairman, I yield myself 5 minutes.

Madam Chairman, I do want to commend the chairman of our subcommittee, the gentleman from California (Mr. PHILLIP BURTON) for his imagination and for the way he has tried to approach the very difficult problems in this bill. I have nothing but the greatest respect for the gentleman from California (Mr. DON H. CLAUSEN), in whose district this land is located and for whom the people and the jobs and the land involved are very basic and important.

Madam Chairman, I imagine there is not a Member of this body who does not by this time have some basic knowledge of the principal issues presented by this bill. I would further imagine however, that very few Members really know any detail at all of the contents of the bill itself.

Some of my concerns are related to new language which has surfaced for the first time in the substitute bill introduced just the day before yesterday, and which has had no scrutiny or input by other Members. Before debate is completed on

this bill today, I hope that we can address several of the more major of these matters so that legitimate concerns can be clarified and rectified.

Madam Chairman, the greatest dilemma presented by this entire issue is that the bill requires us to purchase such a large area at such a great expense, with the argument that this is necessary to solve the problems. The old growth virgin redwoods which yet remain are widely scattered about the 48,000 acres encompassed by this bill. In order to prevent the additional erosion and stream sedimentation which might result from cutting these remaining trees, and in order to preserve these magnificent remnants of virgin forest themselves from destruction, a sizable acquisition area is proposed by this bill.

While in a way it is most unfortunate that all of the remaining old growth does not remain consolidated and contigous to the existing park so that the acreage to be acquired would be greatly reduced to perhaps 8,000 to 10,000 acres, in another way the larger acreage we are acquiring here will result in gaining control over a much larger part of the upstream watershed, thereby affording permanent direct control over its future use. Nearly all of the cost of this addition, in terms of land acquisition, is in the 8,000 or so remaining acres of virgin old growth. Only a relatively small part of the land acquisition cost is attributable to the larger 40,000 cut over acres—the dollar value from these acres has been substantially removed by its having been logged.

Madam Chairman, I feel the most legitimate action needed to be taken here is to adequately protect the Tall Trees Grove and the so called "worm" configuration of the present park boundary in which it exists, from the adversities of both sedimentation impact and visual intrusion of adjacent ugly clearcuts. I am fearful however, that so much of the upstream drainage has already been logged that most of the damage which can result from abnormal stream sedimentation is already well underway. From that aspect, there may be little significant positive effect in the short run of our acquisition efforts under this bill. One exception to this, however, is that the prevention of further cutting on a number of critical nearby streams could be greatly beneficial in preventing serious abrupt damage to the Tall Trees Grove—namely on tributary streams such as Tom McDonald Creek, which empties into Redwood Creek directly across from the Tall Trees Grove.

Without doubt however, from a visual standpoint, prevention of further cutting in the vicinity of the Tall Trees Grove and the existing park boundary will be of great benefit to future visitor enjoyment of this part of the park. The contrast between virgin redwood forest and an adjacent clearcut is one of the most abrupt and striking displays of magnificent beauty and ghastly desolation one could ever expect to experience on the face of this Earth. I have been there and had that experience.

We desperately need some further protection of the Tall Trees Grove and the "worm" area of the present park. I am only sorry we have not been able to find a way to accomplish this satisfactorily without going as far as this bill goes in both acreage and cost.

The greatest message of this entire situation is that we are inexcusably too late in our action here, and we have no one to blame any more than ourselves—the Congress: First, for creating such a totally unworkable boundary for the original park in 1968, wherein park protection and adjacent timber harvest could not possibly coexist, and second, for our not taking more immediate action to rectify this great error long before this time.

Madam Chairman, one specific matter over which I have strong concern is the lack of integration of the existing State park land—now constituting half of the current park—into the larger national park. At the proper time later on, I intend to offer an amendment aimed at trying to help resolve that situation. I would like to enter into the RECORD at this point, some correspondence exchange I have had with the State of California on this and related matters.

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., June 30, 1977.

Hon. EDMUND G. BROWN, Jr.,
Governor, State of California,
Sacramento, Calif.

DEAR GOVERNOR: As I am sure you know, the Subcommittee on National Parks and Insular Affairs of this Committee, of which I am a senior member, has been conducting discussion and markup sessions on legislation proposing the expansion of the Redwood National Park in northern California.

Numerous questions have arisen regarding the past and particularly the future involvement of and relationship with the State of California in this matter. While the Subcommittee has recently received copies of the "Statement on Redwood National Park Expansion" developed by your Secretary for Resources, there still remain many unanswered questions as to the future role and relationship of the State of California in this issue. It is most unfortunate that the State did not testify at our public hearings so that these matters could have been thoroughly explored by the members of the Subcommittee.

Consequently, we are now facing the dilemma of possibly taking this matter to the floor of the House soon with the indefensible position of not being able to explain to our colleagues precisely what assistance the State of California is able and willing to contribute toward the resolution of the park expansion controversy.

I believe that it is absolutely essential that we have further delineation by the State as to its position on various aspects of this situation. I would therefore be most pleased, as I am sure most other members of the Committee would be also, if you could respond in detail to the enclosed questions.

Since we will likely be concluding Subcommittee markup the week of July 11, 1977, it would be most helpful to have your response by no later than July 8. You should be aware that presently pending before the Subcommittee is an amendment which provides that the proposed expansion of the park to include an additional 48,000 acres would become active only after the consummation (or a firm commitment to complete consummation) of donation of state park lands within the present national park boundaries. This underscores the perceived importance of the relationship of those state park lands to Federal commitments to expand the Federal park.

It is gratifying to see the cooperative spirit and helpfulness which has to date been so well exhibited by the State, and you are to be highly commended for it. We will look forward to hearing from you soon.

With best wishes,

Sincerely,

KEITH G. SEBELIUS,
Member of Congress.

QUESTIONS FOR STATE OF CALIFORNIA REGARDING PROPOSED EXPANSION OF REDWOOD NATIONAL PARK

In order to be meaningful, the following questions require responses which go beyond the positions indicated in the May 1977 "Statement on Redwood National Park Expansion".

STATE PARK LANDS

1. What is the specific position of the State with regard to the donation of state park lands within the boundaries of the Redwood National Park?

2. If legislation would provide for the acceptance of complete state park donation with whatever reasonable reverters may be legally required or stipulated by the State and Save the Redwoods League, would the State then be willing to consummate the donation?

3. To what extent would full involvement of the State in the development of a general management plan for Redwood National Park contribute to the State's willingness to donate state park lands?

4. Please explain in detail what legal requirements would need to be satisfied for the State to donate the state park lands to the federal government.

5. Would you indicate the extent and location of Federal lands within or adjacent to state park units or elsewhere which might be considered for some type of exchange arrangement, and indicate as definitively as possible any arrangements which you feel might be workable in that regard. Please expand on this in any way you see fit.

REHABILITATION

6. The proposed federal legislation provides for an up drainage land rehabilitation program to be undertaken. To what extent is the State willing and able to assist in some measure on such a land rehabilitation program, both financially and in the form of strengthened regulatory action, should that be appropriate?

ECONOMIC IMPACT

7. What are the specific abilities and commitments of the State in terms of aid and assistance to help alleviate any possible adverse economic impact resulting from park expansion? Please elaborate in detail.

HARVESTING REGULATIONS

8. Please elaborate as to what the State is able and willing to do beyond the present situation, if necessary, to exert further regulatory control over harvesting operations within the Redwood Creek drainage upstream from the park?

THE RESOURCES AGENCY OF CALIFORNIA,
Sacramento, Calif., August 30, 1977.

Hon. KEITH G. SEBELIUS,
Member of Congress,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN SEBELIUS: I am responding on behalf of Governor Brown to your letter of June 30, 1977, in which you asked several questions relating to the expansion of Redwood National Park.

These questions covered the topics of state park lands, rehabilitation, economic impact, and finally, harvesting regulations. I will attempt to respond to the concerns you raised in each of these areas.

STATE PARK LAND

The State of California, in conjunction with the Save-the-Redwoods League and other organization and private individuals has wisely invested in, and diligently maintained, three redwood parks on the North Coast of California: Prairie Creek, Del Norte Coast, and Jedediah Smith Redwood State Parks. These parks comprise over 28,000 acres of magnificent stands of old growth redwood. The parks have extensive visitor serving facilities, and many beautiful, well maintained trails.

Under P.L. 90–545, the law which nine years ago established Redwood National Park, these three state parks have been included in the boundary of Redwood National Park, but transfer to the federal government has not yet been made. The only method of transfer recognized in P.L. 90–545 is donation. The only option left to the state has been to simply surrender an extremely valuable resource of its citizens with no compensation received in return. Further, the 1968 Act contemplated no role for the state, which has had many long and successful years of planning for and operating its redwood parks, in the management of the unified park. Under these circumstances, it is not difficult to see why such a transfer has not taken place.

However, as current legislation to expand and improve Redwood National Park and rehabilitate the watershed and the economy of the immediate area is being considered, we have an opportunity to make a new beginning.

California recognizes that both state and federally run parks should be planned and operated as a single unit for the purposes of ecological management and visitor service.

If the state and federal government were to function as equal partners in planning and monitoring the operation of the Redwood Park System, and if the public and groups such as Save-the-Redwoods League were involved in the planning process, upon completion of the master planning process for an expanded, ecologically integral park, the state of California would be willing to negotiate the transfer of the state parks or some interest therein. One of our paramount concerns, however, would be that the plan for what now encompasses the state parks provide for that segment in a manner at least equal to what the state now provides.

It would be necessary, however, to secure authority for transfer through the state legislative process. In addition, there are approximately 160 deeds, covering parcels in the three state parks, each of which must be read to ascertain any disabling condition which might result in a reversion or right of entry. Many deeds from the Save-the-Redwoods League contain the following language:

"Upon the express condition that the property herein described shall be maintained as a public park devoted to the perpetuation of the redwood and other forests thereon for all time, as part of the *California State Park System*."

For deeds which have such reversions or conditions such as easements or mineral claims (which exist on much of the property), it would be necessary, before any transfer occurs, to either obtain the written consent of the reversioners, or request the Attorney General to commence legal actions for declaratory relief or to quiet title if the facts merited such action.

As can be seen by the enclosed League resolutions and its March Congressional testimony, the Save-the-Redwoods League has consistently taken the position that it would countenance no park transfer until planning and acquisition programs for the park recognize the principle of complete ecological unit and watershed management.

The process of negotiating park transfer should provide the state options other than transfer of a fee, i.e., transfer of a management interest which could possibly be done without legislative authority but which would certainly require the consent of the Save-the-Redwoods League. Of course, as mentioned before, the state would insist on options that go beyond donation. In this context, we are pleased to note your request for a specific listing of federal lands in the state which could be the subject of an exchange agreement.

At the present time, we have no specific parcels of land in mind, nor is the state in the best position to list the particular federal lands in which we might be interested. We are not specifically aware of the many land holdings of the various federal agencies within the state. Should we be in the position of being allowed to negotiate, we would certainly request such a list from the federal government.

In your letter to Governor Brown, you mentioned an amendment then pending before the Subcommittee which would make expansion of the park contingent upon state donation of its redwood parks. While the state's strong disagreement with this amendment has already been expressed in my July 11 telegram to you, I believe it important at this point to once again indicate our position to this concept. A proposal which makes expansion of the park, and thus protection of existing park resources and values depend on the state's surrender of a unique resource entrusted to its care, is nothing more than a device to scuttle park expansion.

REHABILITATION

Section 4671 of the Public Resources Code of the State of California gives the Department of Forestry authority, if in accordance with the policy of the Board of Forestry, to enter into agreements with the federal government (or any other agency of government or person) to engage in rehabilitation work. Thus, the Department of Forestry could assist in developing the rehabilitation work project and could provide the expertise to supervise the project and lead the crews hired to undertake the physical tasks involved in rehabilitation. The above cited section does, however, require the approval of the Department of Finance for any agreements entered into, and it is certain that any approval will be contingent upon the agreement recognizing the paramount federal responsibility involved in a project undertaken for the primary benefit of a national park.

ECONOMIC IMPACT

As you know, representatives of the state have participated along with federal representatives in the Redwoods Interagency Task Force for Economic Development. That Task Force has developed findings and transmitted the report of a consultant (Greenacres Consulting Corporation of Seattle) concerning the economic impact of the Redwood National Park expansion to the Secretary of the Interior. That report, a copy of which has been delivered to the National Park and Insular Affairs Subcommittee and the full Interior Committee, details the various programs and capabilities of the state regarding employment development and economic adjustment. We would view the normal use of existing state programs as a possible supplement to the federal programs projected for the area. We do not believe, however, that the existence of some state capabilities should in any way relieve the federal government from its primary responsibility to mitigate economic losses associated with park expansion.

HARVESTING REGULATIONS

The State Board of Forestry in recent years has undergone a substantial change in membership. The Board can be expected to monitor very closely the effectiveness of recently established forest practice rules and take close heed of the views of the National Park Service regarding the effectiveness of the rules in the Redwood Creek watershed. The Board has mandated that erosion studies be conducted to determine if the rules are effectively minimizing soil erosion while at the same time protecting streams. The Board will determine through the studies conducted whether current regulations are adequate. In addition, legislation is pending that would further strengthen the State Forest Practice Act (already one of the most stringent in the nation). The Department of Forestry shall continue to cooperate with the National Park Service in joint review of timber harvest plans in the Redwood Creek area.

In summary, I feel it important at this time to express strong state support for four major concepts:

(1) park expansion to final boundaries;

(2) watershed rehabilitation with the Redwood Creek watershed;

(3) the proposed programs for economic readjustment and job replacement; and,

(4) strict standby regulatory authority of further logging in the Basin.

These concepts have been successfully embodied in 3813, a bill authored by Congressman Phillip Burton, and which will shortly be up for consideration on the House floor.

I want to underscore once more the strong role the state has taken consistently with regard to the question of park expansion. As can be seen from the attachments to our May testimony, we have provided studies regarding park expansion alternatives, watershed rehabilitation, reforestation, and finally, a study of the economic losses due to park expansion. Starting in September of last year, we first raised a public voice supporting park expansion, but we also insisted upon a program of watershed rehabilitation, forest practice regulation, and mitigation of adverse economic effects. Presently, the Board of Forestry is in court in support of its decision, and that of the Director of the Department of Forestry, to temporarily deny certain timber harvest plans in the area contemplated for park expansion. Whatever the court might rule in November of this year, the affected timber companies will be free to resubmit their plans to harvest. If the Redwood Park legislation has not been enacted by that time, a new round of confrontation will result, to the detriment of goals which both the state and federal government wish to achieve. And we therefore urge that Congress not delay, but act swiftly to expand the park, and thus, preserve permanently what the state can only protect temporarily.

Sincerely,

HUEY D. JOHNSON,
Secretary for Resources.

Another concern I have relates to continued use of existing logging roads within the expanded park. I recognize the immediate need for this to continue to be the case transitionally, but it is historically and traditionally unacceptable to permit this type of activity to continue indefinitely within the boundary of a national park, and I may offer an amendment later on to address this.

Madam Chairman, the great bulk—possibly as much as 80 percent or better—of the land this bill proposes to acquire, has been very recently cut over. Nearly all of this is by the clearcutting method, whereby the earth has been laid totally bare and raw. Proper follow-through erosion control attention requires significant intensive work and sizeable fund expenditures. The timber

companies have taken all the goodies off the land, and are leaving all the problems. In effect, we are buying a great amount of headache with the raw, logged-off land we are acquiring. I would hope that when the appraisals and payments are made for this land that this very situation is taken into full account so that there will be an appropriate discounting on the land value for that major rehabilitation work the timber companies would have normally had to incur, but which is now instead being passed on as a major obligation of the Federal Government. Moreover, I would hope and expect that any rehabilitation effort undertaken under this bill involving expenditure of Federal funds on non-Federal lands, would assure that the efforts of the owner are fully in compliance with existing State and local rehabilitation and reforestation laws and regulations before Federal funds are applied. That is, it would be inexcusable to see Federal funds used in any instance to perform work which is already required to be done by law or regulation at the expense of the owner.

Madam Chairman, there are several other matters which I feel need clarification or change which I shall possibly bring forth at a later time as the debate on this bill progresses.

Madam Chairman, our colleague the distinguished gentleman from California (Mr. DON H. CLAUSEN) in whose district this park is located has been very vigorous and very helpful in working on the problems associated with the protection of the Tall Trees, and yet not take so many needed acres out of production which in the long run will displace so many jobs. I understand that the gentleman from California (Mr. DON H. CLAUSEN) will offer a motion to recommit that will reduce the acreage and reduce the cost, because the cost at the present time may run something near the amount of half a billion dollars before it is all over. I would certainly urge my colleagues to give very strong consideration to a favorable vote on the motion to recommit.

Mr. KREBS. Madam Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Madam Chairman, on behalf of the half a million American citizens I have the privilege to represent, I rise in support of this legislation and remind the committee that we share the Earth.

In closing, Madam Chairman, I assert my feeling that speeches are made by fools like me, but only we can be gaveled by thee.

Mr. SEBELIUS. Madam Chairman, I yield 10 minutes to the gentleman from California (Mr. DON H. CLAUSEN) who is vitally interested in this legislation.

Mr. DON H. CLAUSEN. Madam Chairman, the issue that is before us is entirely within the confines of my congressional district and, while other people are making reference to the remainder of the country, or the remainder of the State, the focus of the impact is directly on the county of Humboldt and its neighboring county of Del Norte. We went over this back in 1968, and today we are seeing a rerun.

I want to state at the outset I deeply regret to advise the membership that only two members from the Interior and Insular Affairs Committee other than myself have actually visited the area and have a first-hand understanding of what we are talking about. As a result, I will attempt to convey to the Members in the short time that we have available some of the reasons why I am opposed to this bill.

Mr. SEBELIUS. Madam Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, she will vacate proceedings under the call when a quorum of the Committee appears. Members will record their presence by electronic device.

The call was taken by electronic devicc.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The gentleman from California (Mr. DON H. CLAUSEN) is recognized for 8½ minutes.

Mr. DON H. CLAUSEN. Madam Chairman, to continue my comments, I brought to the floor of the House today a cross section of a redwood tree which was presented to me by the loggers and mill workers who came over 3,000 miles across country in a convoy of 23 logging trucks and others who flew to Washington to hold a rally on the steps of the Capitol protesting expansion of the park. I have had this cut of redwood on display in my office since May and many of you have stopped by to see it. I have brought it here today in order to demonstrate, hopefully, once and for all, to the Members of the House that the catch phrase "last redwoods" is a myth, and it is an intellectually dishonest statement.

This is not old-growth redwood. This is second-growth redwood. It is cut from a tree that is 64 years of age and is 59 inches in diameter. If the Members will also take a look at the pictures down there on that redwood slab, they will see a full watershed of second growth that has grown and is a part of a renewable resource program that has been going on for years.

The redwood is the fastest growing conifer in the world. The area in this Redwood Creek is the fastest tree growing area in the world.

This is a renewable resource, and the objective of the people in the area is to grow redwood forever, on a sustained, perpetual-yield basis. But I would remind each and every one of the Members that in order to do this you have to have a lot of money, you have to retain a lot of land and you have to have a lot of manpower and expertise. That is what we have been doing for years. We employ some of the finest forestry practices in the world, and this is what we want to continue.

There has been a report going around that timber owners, labor, and environmentalists have agreed to this substitute. That may be true, but I can tell the Members that the people from Humbolt and Del Norte Counties represented by the "Save the Jobs Committee" do not agree. They do not think this is necessary because they are the ones who are affected.

I submit that the provisions of the substitute are substantially better than those which cleared the committee and, as a consequence, I have said we ought to move on and approve the substitute, to get to the amending process.

As I stated before, I will be offering a motion to recommit with instructions to bring this thing down to size in terms of acreage and cost. I predict that the land acquisition cost alone on this proposal that is now pending before us is going to be one-half billion dollars. Ten years from now, when we get through acquiring the land, I would like to talk to the Members, and we will add up all of the costs. I predict we will have a $10 billion package 10 years from now. This is what it is all about.

Madam Chairman, throughout the so-called Redwood Park controversy we have all been subjected to an avalanche of information, and misinformation in regard to the north coast of California and its forests.

As I said at the outset, the area we are discussing is entirely in my congressional district. It is an area of great natural beauty that has spawned almost 200,000 acres of redwood parks to protect these trees, and over 6 million acres of seashore and forest-land that is available to the recreationists throughout the land. There are 5,600,000 acres of federally owned land immediately to the east of this entire area on the coastal range of California.

Will we have access to recreation on the 48,000 acres? No. Because that 48,000 acres does not lend itself to the kind of recreation that normally and routinely goes with parks. But I can tell the Members one thing: That anyone who wants to have recreation can roam around the 5,600,000 acres of Federal Government forest land that is now being managed under the multiple-use program.

Supposedly, the issue involved here is park protection. However, anyone with commonsense can look at the map of the proposed addition and see that it is simply a smokescreen for a land grab. It should not be much of a secret that this effort is an attempt to seize another large chunk of timberland.

The park protection issue is an over dramatization of the situation. The mystique of the so-called last redwood has been created in an effort to see that even more land is taken from the tax rolls and set aside.

Madam Chairman, the people of the area, the people whom I represent,

knowing full well that the redwoods are already completely protected in perpetuity and knowing that additional acreage is being added to the park regularly, are asking the question: "How much is enough?" They want to know whether additional land is really necessary to be taken for an already protected resource when their jobs, their families, and their homes will be lost as a result.

Madam Chairman, they rightfully question the intentions of a Government that promises an improving economy and a lower unemployment rate, while at the very same time taking jobs away and disrupting the entire industry. They want to know if a half billion dollars is necessary for the avowed purpose of protecting three of the tallest 10 trees.

Madam Chairman, this kind of expenditure sounds very expensive to these threatened individuals who know what a half billion dollars could do if it were spent with people in mind.

Those of us from the area know that the redwoods are already preserved and not in danger of extinction, as some would have us believe.

Madam Chairman, I am concerned with the number of exaggerated and inaccurate statements that have been made on this whole issue.

Madam Chairman, despite the claims by many, the records of both the House and Senate committees clearly show that the redwoods are protected forever. We have redwood parks. There are 30 State parks that run over a strip of 500 miles, all the way from Santa Cruz south of San Francisco up to the Oregon border. Every level of government from the Federal Government to the State of California, to counties and local governments have already set aside the prime examples of old-growth redwoods which will be here to enjoy by future generations.

Madam Chairman, in the 1968 act we established the Redwood National Park made up of 28,000 acres in the three State parks—the "jewels," if you will—plus the 30,000 acres acquired by the Federal Government at that time. In addition, there are the State parks in southern Humboldt County which contains some of the most beautiful redwoods in the world, which are now protected. In the Rockefeller State Park there are 48,000 acres.

As we know we preserved the Point Reyes National Seashore back in 1968. We have these areas all over the north coast, and all one would have to do is to go there to see it firsthand to appreciate why we are concerned about the kinds of misinformation being disseminated throughout the land. Every level of government, from the State of California to counties and local governments, have already set aside the prime examples of old-growth redwoods which will be here for future generations to enjoy, as my chairman, the gentleman from California (Mr. PHILLIP BURTON) has said.

Madam Chairman, the second issue that has been raised is the subject of protecting the tall trees. This issue has been the subject of much comment, and to some extent, it has been obscured in the other issues involved.

This has been true even though two-thirds of the proposed addition is downstream from the tall trees and therefore could have no effect in protecting them under any circumstances.

Madam Chairman, one of the reasons these trees grow as large as they do is because of the natural erosion process off the watershed itself. The bulk of the erosion is a part of the natural process. It comes from an area contiguous to the creek bed in Redwood Creek. It is not coming off the watershed in a way which many people are claiming is damaging to the tall trees.

Madam Chairman, let me take the Members back to 1964, and this is a real test of whether or not those trees are in danger. In 1964 we had major floods in the Eel River basin and the Klamath. There were volumes of water in the amount of 780,000 cubic feet per second boiling out to sea.

Do you know what? The tall trees are still standing.

To emphasize this fact, during the decade preceding the flood, outmoded logging techniques disturbed the soils in the area far more than modern practices. But the tall trees are still standing. No evidence of actual damage to a single tall tree has been shown. In fact, during the debate on this proposal over the past year on a theme of "protecting the redwoods," no damage to the park has been shown.

We have aerial photographs of the Redwood Creek basin dating back over 40 years which show no significant changes in the channel or creek bed before, during or after logging.

Some argue that the reason expansion of the park is required is to prevent logging in the basin on the claim that logging will cause more gravel to accumulate in the stream and raise its level and flood the Tall Trees. This suggestion is dubious particularly because these trees have withstood and, in fact, thrived under the heavy, natural erosive processes for centuries.

The tallest trees grow in the alluvial flats because of erosion and the natural nutrients this process brings from the watershed during periods of heavy precipitation. These same rains and the damp summer fogs are the reasons the redwoods grow so well in this area, but they are also responsible for the low visitor utilization of the park—which ranks among the least visited national parks even though it is the most expensive.

The problem is going to continue for a number of reasons—not the least of which is a decade of experience those of us from the area have had in watching for Interior Department estimates of increased visitation that have not only failed to materialize, but have been proven to be so exaggerated that they must have been conceived in fantasy.

The weather that grows redwoods is not conducive to the kind of visitor use we associate with national parks in other climates. In addition, the 45 miles of spectacular coastline that is already included in the existing national park and the hundreds of miles of coastline outside the park will continue to hold our visitors' attention and time. As has been the case historically, most visits will be of a relatively short duration and to those portions of the park away from the coast—virtually all of the proposed addition will go almost unvisited and unused—and unseen.

The distance from major metropolitan areas is an obvious barrier to any kind of dramatic increase in tourism. To give my colleagues a sense of the distances involved and the lack of population density I can point out that if my district were located on the east coast it would stretch from Washington, D.C., to Boston, Mass.

The capacity of Highway 101 which runs north-south through the area is also extremely limited and frustrates a growth in the number of those willing to travel to the park since the automobile and bus provide the only access.

In the process of considering this proposal, we must not overlook the wide range of adverse impacts that this proposal will have. I doubt that any similar governmental action could disrupt a local economy on as many fronts as this one.

The CHAIRMAN. The time of the gentleman from California (Mr. DON H. CLAUSEN) has expired.

Mr. SEBELIUS. Madam Chairman, I yield 5 additional minutes to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. ASHBROOK. Madam Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Madam Chairman, I am particularly interested in what my colleague has said. I have listened with interest, and he three times has dwelt on the point of information being disseminated about this bill.

I am also a little concerned about the information not disseminated about this bill.

I think my colleague, the gentleman from California (Mr. DON H. CLAUSEN), is aware of a letter that the Speaker of the House received only yesterday expressing the strong opposition of the Office of Management and Budget to the so-called labor provision in this bill.

I want to read a part of that letter, if the gentleman will yield for that purpose. It says:

> We want to share with you (that is, the Speaker) the Administration's concern over title II of H.R. 3813. Title II would have the Secretary of Labor provide extraordinary services and cash benefits for up to 6 years to individuals who are presumed to have been affected by the Federal law.

He goes on to say that the provisions of title II are neither desirable nor appropriate. They would apply to one group of a workers' trust fund a good many costly and specialized benefits. I have been listening in the debate, and nobody has mentioned that. I wonder what the problem is.

Mr. DON H. CLAUSEN. In the first place, I have just been made aware of the fact that this letter was sent.

Mr. ASHBROOK. I was not talking about the gentleman. I was talking about the other side of the aisle. Mr. UDALL received a copy of this letter, and it went to

the Speaker. It seems strange that it has not been mentioned.

Mr. DON H. CLAUSEN. The point I am making is that none of this would have to be a concern if they were not talking about the expansion, but I have to say this to the gentleman: If the decision of this body is to bring about an expansion bill, there has to be something in the way of a program which protects the people as this would be a Government act. It does, however, raise the question of the promises made in 1968 by the Government that have never been fulfilled. When the OMB sends up that kind of message to the Speaker and says that they are not supporting that provision, it concerns me a great deal because the people out there will have to have job assistance. I will obviously support the job package and I will have it in my motion to recommit, because I have to protect my workers.

Mr. ASHBROOK. It does seem rather strange that those of us not on the committee and not privy to the inside work on this bill have not been advised of this strong—very strong—opposition on the part of the administration to what they refer to as creating a very special class. The administration goes on to say that they certainly want to help workers in the same way they have helped others, but not setting up a special file.

Mr. SYMMS. Madam Chairman, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield.

Mr. SYMMS. I think the point the gentleman from Ohio (Mr. ASHBROOK) brought up is very important, and it is certainly important to the gentleman in the well, the gentleman from California, who has people—workers in his district—who will lose their jobs.

Yet somehow, we live in some kind of an Alice in Wonderland world, where we think we can create some other job. After all, to say that everyone can run a laundry and no one ever has to make a shirt seems strange. Somewhere along the line, if everybody runs laundries, we will run out of shirts.

I think it is tragic when we talk about putting in an area 10 percent the size of the State of Rhode Island. We already have redwood trees protected, as the gentleman pointed out. I think it is important to our heritage, but to continue to expand and expand and expand at the expense of people who need homes, buildings, jobs from all that this lumber can produce, seems incredible to me.

I am sympathetic with the gentleman in the well, and I support his efforts to try to reduce the size of this appropriation.

Mr. DON H. CLAUSEN. I thank the gentleman.

Mr. SKUBITZ. Madam Chairman, will the gentleman yield for a question?

Mr. DON H. CLAUSEN. I yield.

Mr. SKUBITZ. I would like to bring up one point. Is it not true that the labor provision in this bill is not something new? Actually, this is what the House placed in the Revitalization Act.

Mr. DON H. CLAUSEN. That is my understanding. Of course, what the gentleman should do is direct that to the gentleman from California (Mr. PHILLIP BURTON), who is the principal architect of the provision itself.

Would the gentleman from California care to make any comment?

Mr. PHILLIP BURTON. The gentleman from Kansas (Mr. SKUBITZ) is correct. This is not a first time for this. We have done this in the Railroad Reorganization Act. This matter was put to a definitive vote in committee, and the vote was 31 to 2 for leaving it in. It has been in the bill for several months.

Mr. DON H. CLAUSEN. The reason the people out in my area are so up tight and concerned is because of the devastating effect this legislation will have on the economy of the area. If Members will recall, they led a logging truck convoy all the way across the United States in protest, just as the farmers are doing here this morning.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. SEBELIUS. Madam Chairman, I yield 4 additional minutes to the gentleman from California.

Mr. DON H. CLAUSEN. These loggers came across the country to try to project their concern as to what was going to happen to them. We have in that area 14 percent unemployment now, and that is the reason that they were so concerned about the impact of this legislation.

There are already 400 people who are out of work and they are out of work because of a moratorium that was declared by the State of California on harvesting permits in this particular area until such time as there was a disposition of this Redwood Park issue. Under the California Forest Practices Act, each of the harvesting plans has to be approved by a forestry board, and the resources agency refused to permit harvesting to be approved. As a consequence of that, there are some 400 people who are out of work. And, what about the indirect job loss that will be caused? It cannot be denied and yet the supporters of this legislation would have us believe this is the biggest economic benefit ever to hit the redwood region.

One of the reasons I support the jobs provision is because this is the only way those people will get a chance to have an assured income because of this pending governmental action.

In addition the tax base is covered as a provision under the in-lieu-of-taxes payments provision, and I want to thank my colleague, the gentleman from California and the gentleman from Arizona (Mr. UDALL) who promised me that they can have that kind of coverage, but I can tell the Members it will only partially compensate for and only for a limited period of time. This will mean a burdensome drop in the ability of counties and cities and school districts to provide vital services at a time they will most be needed.

The losses caused by the enactment of this bill would not be confined to northern California. Redwood lumber is used directly and indirectly by consumers acros the Nation. Already as a result of the threatening of this action, the redwood price has gone up by some 30 percent, which is going to add incidentally to the cost of this acreage. I have said all along that it is unnecessary, that it is unwarranted, and that it is unaffordable. And I want to warn my colleagues that this bill—while devastating enough on its own—is just another attempt to set aside vast acreage for nonproductive isolation and a foot in the door for future efforts throughout the Nation.

This effort is being carried out with religious fervor in the name of environmental protection. I have to ask again on behalf of all those families whose lives will be irreparably harmed by this action—"How much is enough?"

Mr. RYAN. Madam Chairman, will the gentleman yield on the point he just raised?

Mr. DON H. CLAUSEN. I yield to the gentleman from California (Mr. RYAN).

Mr. RYAN. Madam Chairman, the gentleman said the redwood price has gone up because of the pending nature of this action. He implied a cause and effect there which I think is a little bit narrow.

Is it not just as fair to say the reason why the redwood prices have gone up is because there is a rate of cutting of redwoods that is far greater than the supply of redwoods in California, so inevitably as the product or the commodity itself becomes scarcer, the price goes up, whether the Redwood Park is there or not?

Mr. DON H. CLAUSEN. The point the gentleman makes tends to amplify my point, that we are taking away from the basic supply.

Our objective is to retain the old growth and sustain our operation until the second growth can come along, and then we can be on a kind of perpetual yield cutting cycle that would be consistent with our objective of having growing redwoods forever.

I ask the Members to pay particular attention to the motion I will offer to recommit.

I thank all the Members for giving their time and attention to this, and particularly I express to my friend, the gentleman from California (Mr. PHILLIP BURTON), my appreciation. Certainly we have fought this through the years, head to head, and we have been in opposition on this, but the outcome will be decided here in a few minutes.

I thank the Members for listening.

Mr. SEBELIUS. Madam Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Madam Chairman, here we go again. We are talking about a land mass that is 10 percent of the size of the State of Rhode Island, one of our fine founding States of the Original Thirteen Colonies.

It seems to me that maybe we should pay a litle bit of attention to the needs of some of the people of this country who also use wood and trees for something besides praying under the trees—and I think the gentleman from California (Mr. PHILLIP BURTON) talked about the religious experience one gains by visiting and sitting under the redwoods. I

certainly agree with him. I have been there and I agree it is a marvelous experience. For any of those who have not done it, I recommend they go and sit out there under one of those trees and be able to contemplate and think about the marvels of nature.

But I wonder how many of these trees we need when the record shows that only less than 1 percent—or less than that, less than one-tenth of 1 percent of the people who go to the redwood parks ever get more than 50 yards from the roads. We are talking about 50 miles of trees from the road back here that we are protecting.

Besides the fact that people go and sit out there under the trees and enjoy nature, there are other ways in which people can use those trees and enjoy them. It is called housing and churches and furniture, homes for people.

We have been listening to testimony upon testimony in the House Committee on Agriculture for the last 10 days by farmers coming in and telling us the cost is too high for the prices they receive.

But then the Congress comes along and is going to make cost higher for any wood products they might use.

Here is an ad that was recently paid for by the workers in Humboldt County, and they say:

Unemployment in Redwood County is already twice the national average. Why destroy 2000 more jobs?

Madam Chairman, I would like to quote from some of the things that the workers from Humboldt County have to say about this legislation and what the Congress is doing for them:

For those of us who live and work in Humboldt County, California, the question of the redwoods is a bread and butter issue.

They continue and say that if—

. . . the Redwood National Park is expanded, 2000 of us will lose our jobs.

They talk about the fact that we will have to print some more money downtown, let me say that it takes trees to make the wood pulp to make the paper on which the dollars are printed. You have to have trees in order to make the money.

They go on and say:

Our local economy will be destroyed—$9.1 million in timber industry payrolls would be lost; $25.9 million in total regional income would be lost; $30.6 million in Federal-state taxes and income would be lost.

When Redwood National Park was first created in 1968, we were told by the Federal government what a blessing this park would be to our local economy and to the tourist industry. Washington promised that displaced workers would be retrained, that there would be family assistance programs and business programs for those badly hit by the park's creation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEBELIUS. I yield 1 additional minute to the gentleman from Idaho.

Mr. SYMMS. Madam Chairman, I could go on and on. I might add to what the workers are saying that I believe what we are talking about is that we are talking about a basic commonsense issue. When the good Lord gave us these resources, they were given to us with the intention of using them and replacing them.

Over to my left on the floor here is a section of a tree that grew that size in some 60 years to what we see here today, and yet all the time we hear from the extremist groups that it takes 1,000 years. This one just took 60 years. Many of the Members in the Chamber were born when that tree started to grow. I see the gentleman from California (Mr. WILSON) has raised his hand.

Further, I think the cost is highly excessive and highly overblown. This is a time in our history when Congress is engaging in absurdities by attempting to lock up our renewable resources. Of all of our resources trees represent a solar energy converter. The sun shines down on the trees and is converted into wood and fiber. We need to plant trees and cut trees and plant trees and have an endless supply of energy in our environment. It is incredible to think that the Congress would even bring up this bill much less discuss it, and destroy our vital renewable resource base.

Mr. SEBELIUS. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Madam Chairman, I take this time to commend the gentlemen who have been most heavily involved in this issue, the chairman of the Subcommittee on National Parks and Insular Affairs of the Committee on Interior and Insular Affairs, the gentleman from California (Mr. PHILLIP BURTON) and the ranking minority member of the subcommittee. I think the gentleman from California (Mr. DON H. CLAUSEN) has represented the interests of his constituents in an outstanding way. And if improvements have been made in this bill, and I believe they have been, then I submit the gentleman from California (Mr. DON H. CLAUSEN) can well take a lot of the credit for them, although perhaps he may not want to do so. On the other hand, the chairman of the subcommittee, the gentleman from California (Mr. PHILLIP BURTON) certainly is to be commended for his patience, for considering all the views presented, and for taking a long time because I suspect that probably at a much earlier moment than this, the gentleman could have brought this bill to the floor in a different form. I think the gentleman is to be commended for taking all views into consideration and for making the many accommodations he has.

Mr. PHILLIP BURTON. Madam Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from California.

Mr. PHILLIP BURTON. I thank the gentleman for yielding.

I would like at this point most emphatically to commend the gentleman from California (Mr. LAGOMARSINO) who I do believe attended as many or more subcommittee meetings and markup than did any member of the committee. His role has been most helpful and constructive throughout. His diligence on this and all other matters, as well as his thoughtful judgment, I should like to record for the RECORD at this time.

Madam Chairman, I yield back the remainder of my time.

Mr. SEBELIUS. Madam Chairman, I believe that the bill reported by the Interior Committee goes much further and is more expensive than necessary, but I had nevertheless planned to support it. However, there are several new provisions in the substitute bill just adopted today which go much further than the committee bill, particularly with regard to the Secretary's almost totally unconstrained authority to purchase thousands of acres of additional land in the new 30,000-acre "park protection zone"—well beyond the 48,000 acres of the committee bill.

Considering this, along with other changes incorporated in the new substitute and the tremendous cost of the bill overall, I feel compelled to vote against the bill on final passage.

Mr. SKUBITZ. Madam Chairman, I feel that the substitute bill adopted just recently adds some new features which are unacceptable, and while I was prepared to support the committee bill, I cannot support this new substitute, and will therefore vote against it.

Mr. MILLER of California. Madam Chairman, I rise in strong support of this legislation to preserve the magnificent redwood groves of northern California by expansion of the existing Redwood National Park in Humboldt County, Calif. But more importantly, I rise to say that I strongly believe that this bill would not have been possible at all had it not been for the dedicated efforts of the chairman of the National Park Subcommittee, Mr. PHILLIP BURTON, of San Francisco.

Several months ago, a columnist in the San Francisco Bay area, Mr. Abe Mellinkoff, wrote an article describing the dilemma of bringing all sides together on the issue of the Redwood Park's expansion, noting the very diverse interests of the lumber companies, environmentalists and the labor movement. And he predicted "an eyeball-to-eyeball confrontation between union labor and the environmentalists." This, in fact, was the case when this legislation was originally introduced; but after years of incredible negotiating by Congressman BURTON, these very diverse interests have been brought together in general agreement rather than in confrontation.

There have been many nights when I have left my office to head home very late in the evening only to walk by the National Parks Subcommittee office and to look in the door and see Congressman BURTON in very intense, and sometimes even colorful, negotiations with either labor, the timber companies, or the environmentalists. Again I repeat, without that kind of dedication, without that commitment, and without the political skill that he has become so famous for, the redwoods would not be preserved for

future generations of Americans to enjoy. Nor would the constructive dialogue between labor, the environmentalists, and the business community have taken place without PHIL BURTON as the catalyst.

I would like to enclose for the RECORD the article by Mr. Mellinkoff as it appeared in the San Francisco Chronicle.

[From the San Francisco Chronicle, Apr. 15, 1977]

TO THE (REDWOOD) BARRICADES!

(By Abe Mellinkoff)

Both lumber workers and conservationists are in love with redwood trees, the two groups differing only in the angle of their affection. While the latter prefers his redwood in a vertical position reaching majestically to the sky, the former enjoys his view of that same tree horizontal on the long bed of a truck rolling up to the sawmill.

If there is any Freudian basis for these two emotional attitudes, I leave it to the medical experts.

More certain however, is the nasty problem the redwoods are making for Congressman Phil Burton. For the San Francisco Democrat has had a long-standing political love affair with both segments of the redwood fanciers.

Anybody who thinks the life of a congressman is always easy—even at the new, patriotic salary of $57,000-a-year and fringes—should have heard those lumber workers boo at Burton's appearance in Eureka the other day. The Sierra Club representatives who also testified there were not as loud but equally sincere and determined.

At stake is Burton's proposal to add 74,000 acres of trees to the existing Redwood National Park in Humboldt county. No one can deny that if the federal government buys those additional acres, mills in the area will close and hundreds, maybe even a couple of thousand men, will lose jobs. It is equally clear that erosion in the park made bare by logging.

Another loss is less tangible. The redwoods are an ancient species and individual trees often survive through ten times man's "threescore years and ten." That sense of eternity in a groove of them is quickly diminished when redwoods are going down by loud chain saw across the park boundary.

Many Californians have enjoyed that feeling and they have also looked for jobs. But for Burton, the issue is even more poignant. It could cost him a bundle of votes.

Organized labor regularly supports him at the polls as he does them in the House of Representatives. The Committee on Political Education, the money-raising and money-spending arm of the AFL–CIO, gave Burton its rating of 100 percent in 1974.

Now, the Sawmill and Lumber Workers Union membership is not very great, and it's small in Burton's district. It is affiliated, however, with the Carpenters Union, a powerhouse in the AFL–CIO and close to George Meany.

But Burton also received in 1974 a rating of 100 percent from the League of Conservation Voters. This organization, national like the AFL–CIO, is considered the most effective in the field.

An eyeball-to-eyeball confrontation between union labor and the environmentalists is not unique. But this may be the first one that had a firm ally of both placed so squarely between the two warring forces. It is precisely the situation that congressmen dream about—dream that it will never happen to them.

Mr. RAHALL. Madam Chairman, I rise to commend the gentleman from California (Mr. PHILLIP BURTON) for his strenuous and very effective work in regard to preserving a part of our Nation's heritage. I have cosponsored this legislation and strongly urge its passage.

I wish also, Madam Chairman, to draw my colleagues' attention to an editorial written in the Charleston Gazette, Charleston, W. Va., by Ned Chilton. These words put forth very clearly my feelings on this bill.

[From the Charleston Gazette, Aug. 26, 1977]

REDWOODS WORTH SAVING

It takes a redwood 1,000 years to mature—999 years, 364 days, 23 hours and 5 minutes longer than it takes to cut a redwood down.

Earth's tallest tree and among its oldest, the redwood has distinctive qualities. It is bug proof, disease proof, fire resistant, and impervious to high winds.

What the redwood isn't, alas, is man proof.

On occasion, however, man is wise. One such occasion was in 1969 when Congress created Redwood National Park, a 58,000 acre preserve along California's North Coast.

Unfortunately, Congress thought too small, and extensive clearcut timbering near the park has endangered the park's watershed.

There's another problem: California's North Coast suffers from high unemployment, and efforts to save redwoods aren't applauded by lumber interests, either employers or organized labor. Rather are they resisted and denounced.

But Rep. Phil Burton, D-Calif., treads where angels fear to. He introduced legislation to add 74,000 acres to Redwood National Park and since has agreed to a compromise of 48,000 acres, the absolute minimum required to save one of the world's few remaining stands of redwood trees. Burton's bill, incidentally, furnishes aid to anyone whose job vanishes because of the park's enlargement.

Burton's bill merits support of West Virginia's congressional delegation. Preserving these huge splendid trees promotes not only this nation's heritage but also mankinds. And Burton, West Viriginians should never forget, was as responsible for passage of federal black lung legislation—in turn as responsible as any development of the last several years for their state's prosperity—as any member of Congress.

Mr. LEGGETT. Madam Chairman, the bill before us today which would enlarge the Redwood National Park in my home State of California is not a simple matter of local or even national interest, but a matter for the concern of the whole of humanity. In this world of ours, there are myriad varieties of living things each of which is important to mankind as an integral part of his environment. This Congress has consistently recognized that importance by enacting conservation measures for many species of plant and animal life.

Although every species on this Earth deserves our respect and conservation efforts, there are some species which stand out as deserving special attention. The redwood is just such a species. Redwoods are not just a majestic and beautiful tree but they are the world's tallest species of plant life.

It was with this special status of the redwood in mind that the Redwood National Park was created by Congress in 1968. The most distinctive feature of the Redwood National Park is a meandering strip of land some 7½ miles long but only one-half mile wide along the banks of Redwood Creek. This strip constitutes the heart of the park because it contains the tallest tree, as well as four of the five next tallest trees, in the world.

Although these trees are now in no danger of being destroyed for commercial purposes, their existence is threatened by past and present logging activities in the areas surrounding the present park.

Much of the area forming the drainage basin for Redwood Creek has already been logged. With the ever rising demand for redwood products, the remaining forest in the drainage basin, but outside the park, is in imminent danger of increased logging activity. Previous logging activity in the drainage basin has led to increased erosion in the area. The resultant silt has raised streambed levels at a rapid rate, and altered the course of the creek so that root systems of streamside trees within the park are being undercut.

Further logging activity would aggravate this erosion particularly since the remaining stands of trees that could be logged within the basin are on the steepest, and most unstable slopes in the watershed, and many are within 1,000 feet of tributary streams.

The current danger to the redwoods in Redwood Creek is so great that the Department of the Interior has determined that not only must no new logging activity be allowed in the drainage basin, but that efforts including reforestation must be made to reduce the current erosion rate.

The bill we are considering today would set aside for the national park an additional 48,000 acres surrounding the Redwood Creek section of the current park. The addition of this land will secure the drainage basin of the unique stands of redwood in the present national park from further logging and increased erosion. Much of the additional land is natural prairie or land that has already been cut over. The bill would provide funds for the National Park Service to intensively manage this land to reduce the erosion rate and rehabilitate the cut over areas.

The addition of 48,000 acres to the Redwood Park is the minimum needed to protect the park from irreparable damage. Indeed, the original committee reported bill contained, in addition, a provision that would have permitted the National Park Service to regulate land use practices in the areas surrounding the new addition. This provision although potentially necessary for the conservation of the redwoods was, I believe, a wrongful intrusion of the Federal Government or local authority. I am glad to see that the Burton substitute that we are considering has dropped that provision. I am equally glad to see that the necessary safeguards against adverse future actions in the affected area have been achieved in the Burton substitute by authorizing the Department of the Interior to acquire an additional 30,000 acres within a designated park protection zone if necessary to protect the park from physical damage.

Anything we were to do short of the actions proposed by this bill would in my view constitute taking an unjustified risk with the future of one of the

most splendid natural wonders of the world.

Opponents of this bill have expressed the fear that the enlargement of the Redwood National Park would result in economic loss, and more important, increased unemployment in this area of northern California. However, a recent and comprehensive study by the Department of the Interior, with the assistance of the Department of Commerce, has found that a direct loss of between 260 and 921 jobs would occur due to the park expansion. At the same time, Interior identified 820 high probability replacement jobs and 140 moderate probability replacement jobs which will be created soon after park expansion.

These figures indicate that there may in fact be a net job gain in the affected region. In any event, this bill provides a job diversification program whereby substitute employment would be encouraged in the region affected. Included in this program is a provision that would require the Department of the Interior, when filling jobs requiring woodsman skills, to hire such skilled individuals who may be displaced from the timber industry. In addition, the bill provides an income protection program that would guarantee for up to 6 years the incomes of workers of woods, mill or contract employers laid off due to park expansion. With these generous provisions, I feel that the fears of increased unemployment due to the park expansion are unjustified.

The cost of expanding the Redwood National Park and protecting the largest of our redwood from harm is high, over $350 million. However, the unique nature of these magnificent giants and the imminence of the danger to which they are exposed dictates that we must take immediate action. I urge your vote in favor of H.R. 3813.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read by titles the committee amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the reported bill as an original bill for the purpose of amendment, and it shall be in order immediately after the enacting clause of the bill is read to offer an amendment in the nature of a substitute to the committee amendment in the nature of a substitute, consisting of the text of H.R. 10760, which shall be considered as having been read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PHILLIP BURTON FOR THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. PHILLIP BURTON. Madam Chairman, I offer an amendment in the nature of a substitute for the committee amendment in the nature of a substitute, which consists of the text of the bill H.R. 10760.

The CHAIRMAN. Under the rule, the amendment in the nature of a substitute for the committee amendment in the nature of a substitute is considered as having been read.

The amendment in the nature of a substitute for the committee amendment in the nature of a substitute is as follows:

TITLE I

SEC. 101. (a) In order to protect existing irreplaceable Redwood National Park resources from damaging upslope and upstream land uses, to provide a land base sufficient to insure preservation of significant examples of the coastal redwood in accordance with the original intent of Congress, and to establish a more meaningful Redwood National Park for the use and enjoyment of vistors, the Act entitled "An Act to establish a Redwood National Park in the State of California, and for other purposes", approved October 2, 1968 (82 Stat. 931), is amended as follows:

(1) In subsection 2(a) after "September 1968", insert "and the area indicated as 'Proposed Additions' on the map entitled 'Additional Lands, Redwood National Park, California', numbered 167–80005–C and dated October 1977,".

(2) In section 2, subsection (a), delete "fifty-eight thousand" and substitute "one hundred and six thousand" and delete the period at the end of the subsection and add "and publicly owned highways and roads." In section 2, subsection (b), delete "by donation only". At the end of section 2, insert the following new subsection "(c)":

"(c) Within the area outside the boundaries of Redwood National Park indicated as the 'Park Protection Zone' on the map entitled 'Proposed Additions, Redwood National Park, California', numbered 167–80005–C and dated October 1977, the Secretary is authorized to acquire lands and interests in land: *Provided,* That lands owned by an affected woods employer may be acquired only upon a finding by the Secretary that failure to acquire all or a portion of such lands could result in physical damage to park resources and following notice to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives. Any lands so acquired shall be managed in a manner which will maximize the protection of the resources of Redwood National Park, and in accordance with the Act of October 21, 1976 (90 Stat. 2743). Acquisition of a parcel of land under the authority of this subsection shall not diminish the right of owners of adjacent lands to the peaceful use and enjoyment of their land and shall not confer authority upon the Secretary to acquire additional lands except as provided in this subsection.".

(3) In subsection 3(a), delete the period at the end of the second sentence and add the following: "which donation of lands or interest in lands may be accepted in the discretion of the Secretary subject to such preexisting reverters and other conditions as may appear in the title to these lands held by the State of California, and such other reverters and conditions as may be consistent with the use and management of the donated lands as a portion of Redwood National Park. Notwithstanding any other provision of law, the Secretary may expend appropriated funds for the management of and for the construction, design, and maintenance of permanent improvements on such lands and interests in land as are donated by the State of California in a manner not inconsistent with such reverters and other conditions.".

(4) In subsection 3(b)(1), after "NPS–RED–7114–B", insert "and effective on the date of enactment of this phrase, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the area indicated as 'Proposed Additions' on the map entitled 'Additional Lands, Redwood National Park, California', numbered 167–80005–C and dated October 1977, and all right, title, and interest in, and the right to immediate possession of the down tree personal property (tree severed from the ground by man) severed prior to January 1, 1975, or subsequent to January 31, 1978, within the area indicated as 'Proposed Additions' on the map entitled 'Additional Lands, Redwood National Park, California', numbered 167–80005–C and dated October 1977,".

At the end of subsection 3(b)(1), insert the following new paragraphs:

"Down tree personal property severed subsequent to December 3, 1974, and prior to February 1, 1978 may be removed in accordance with applicable State and Federal law, or other applicable licenses, permits, and existing agreements, unless the Secretary determines that the removal of such down timber would damage second growth resources or result in excessive sedimentation in Redwood Creek: *Provided, however,* That down timber lying in stream beds may not be removed without permission of the Secretary:

Provided, That such removal shall also be subject to such reasonable conditions as may be required by the Secretary to insure the continued availability of raw materials to Redwoods United, Incorporated, a nonprofit corporation located in Manila, California.

The Secretary shall permit, at existing levels and extent of access and use, continued access and use of each acquired segment of the B line, L line, M line, and K and K roads by each current affected woods employer or its successor in title and interest: *Provided,* That such use is limited to forest and land management and protection purposes, including timber harvesting and road maintenance. The Secretary shall permit, at existing levels and extent of access and use, continued access and use of acquired portions of the Bald Hills road by each current affected woods employer or its successor in title and interest: *Provided,* That nothing in this sentence shall diminish the authority of the Secretary to otherwise regulate the use of the Bald Hills road."

(5) In subsection 3(b)(2), delete the last sentence and add the following sentences at the end of the paragraph: "Any action against the United States with regard to the provisions of this Act and for the recovery of just compensation for the lands and interests therein taken by the United States, and for the down tree personal property taken, shall be brought in the United States Court of Claims. At any time after the expiration of thirty days from the date of enactment of this phrase, the United States may initiate proceedings in the United States Court of Claims or in the district court for the district in which the property is located, without regard to the amount in controversy, seeking a determination of just compensation for the lands, or interests therein, or down tree personal property, taken by the United States pursuant to the provisions of this Act: *Provided,* That the landowner shall not have previously initiated an action against the United States in the United States Court of Claims for the recovery of just compensation for such lands and property so taken. In any action or proceeding for the recovery of just compensation for the lands and interests therein, and for the down tree personal property, taken pursuant to the provisions of this Act, the United States may deposit in the registry of the court in which any such action or proceeding is pending, the estimated amount of just compensation, or any portion thereof, due to the former owner of the property generally in accordance with the procedure described in section 258a of title 40, United States Code. Interest shall not be allowed on such amounts as shall have been paid

in the court from and after the date of such deposit. In the event that the Secretary determines that the fee simple title to any property (real or personal) taken under this section is not necessary for the purposes of this Act, he may, with particular attention to minimizing the payment of severance damages and to allow for the orderly removal of down timber, revest title to such property subject to such reservations, terms, and conditions, if any, as he deems appropriate to carry out the purposes of this Act, and may compensate the former owner for no more than the fair market value of the rights so reserved, except that the Secretary may not revest title to any property for which just compensation has been paid; or, the Secretary may sell at fair market value without regard to the requirements of the Federal Property and Administrative Services Act of 1949, as amended, such down timber as in his judgment may be removed without damage to the park, the proceeds from such sales being credited to the Treasury of the United States. If the State of California designates a right-of-way for a bypass highway around the eastern boundary of Prairie Creek Redwood State Park prior to October 1, 1984, the Secretary is authorized and directed to acquire such lands or interests in lands as may be necessary for such a highway and, subject to such conditions as the Secretary may determine are necessary to assure the adequate protection of Redwood National Park, shall thereupon donate the designated right-of-way in the State of California for a new bypass highway from a point south of Prairie Creek Redwood State Park through the drainage of May Creek and Boyes Creek to extend along the eastern boundary of Prairie Creek Redwood State Park within Humboldt County. Such acreage as may be necessary in the judgment of the Secretary for this conveyance, and for a buffer thereof, shall be deemed to be a publicly owned highway for purposes of section 101(a)(2) of this amendment effective on the date of enactment of this section.".

(6) In subsection 3(e), delete "sixty days" in the last sentence and add the following sentences at the end of the subsection: "Effective on the date of enactment of this sentence, there are made available from the amounts provided in section 10 herein or as may be hereafter provided such sums as may be necessary for the acquisition of interests in land. Effective on October 1, 1978, there are authorized to be appropriated such sums as may be necessary for the implementation of contracts and cooperative agreements pursuant to this subsection: *Provided*, That it is the express intent of Congress that the Secretary shall to the greatest degree possible insure that such contracts and cooperative agreements provide for the maximum retention of senior employees by such owners and for their utilization in rehabilitation and other efforts. The Secretary, in consultation with the Secretary of Agriculture, is further authorized, pursuant to contract or cooperative agreement with agencies of the Federal Executive, the State of California, any political or governmental subdivision thereof, any corporation, not-for-profit corporation, private entity or person, to initiate, provide funds, equipment, and personnel for the development and implementation of a program for the rehabilitation of areas within and upstream from the park contributing significant sedimentation because of past logging disturbances and road conditions, and to the extent feasible, to reduce risk of damage to streamside areas adjacent to Redwood Creek and areas and road conditions, and, to the extent feasible, to reduce risk of damage to streamside areas adjacent to Redwood Creek and for other reasons: *Provided*, That authority to make payments under this subsection shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts. Such contracts or cooperative agreements shall be subject to such other conditions as the Secretary may determine necessary to assure the adequate protection of Redwood National Park generally, and to provide employment opportunities to those individuals affected by this taking and to contribute to the economic revival of Del Norte and Humboldt Counties in northern California. The Secretary shall undertake and publish studies on erosion and sedimentation originating within the hydrographic basin of Redwood Creek with particular effort to identify sources and causes, including differentiation between natural and man-aggravated conditions, and shall adapt his general management plan to benefit from the results of such studies. The Secretary, or the Secretary of Agriculture, where appropriate, shall also manage any additional Federal lands under his jurisdiction that are within the hydrographic basin of Redwood Creek in a manner which will minimize sedimentation which could affect the park, and in coordination with plans for sediment management within the basin. To effectuate the provisions of this subsection, and to further develop scientific and professional information and data concerning the Redwood Forest ecosystem, and the various factors that may affect it, the Secretary may authorize access to the area subject to this subsection by designated representatives of the United States.".

(b) The first section of the Act of August 18, 1970 (84 Stat. 825), is amended by adding the following: "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined in section 2 of this Act, shall be consistent with and founded in the purpose established by the first section of the Act of August 25, 1916, to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.".

(c) Notwithstanding any provision of the Act of October 2, 1968, supra, the vesting in the United States of all right, title, and interest in, and the right to immediate possession of, all real property and all down tree personal property within the area indicated as "Proposed Additions" on the map entitled "Additional Lands, Redwood National Park, California," numbered 167–80005–C and dated October 1977, established by subsection (a)(4) of the first section of this Act shall be effective on the date of enactment of this section. The provisions of subsection 3(b)(3) of the Act of October 2, 1968, supra, shall also relate to the effective date of this section. From the appropriations authorized for fiscal year 1978 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended, not more than $359,000,000 may be expended for the acquisition of lands and interests in lands, and down tree personal property, authorized to be acquired, or acquired, pursuant to the provisions of this Act.

SEC. 102. (a) The Secretary, in consultation with the Secretaries of Agriculture, Commerce, and Labor, shall conduct an analysis of appropriate Federal actions that may be necessary or desirable to mitigate any adverse economic impacts to public and private segments of the local economy, other than the owners of properties taken by this Act, as a result of the addition of property to Redwood National Park under the first section of this Act. Not later than January 1, 1979, the Secretary shall submit to the Speaker of the House of Representatives and the President of the Senate a report of his analysis, including his recommendations with respect to actions that should be taken to mitigate any significant short-term and long-term adverse effects on the local economy caused by such addition.

(b) The Secretary of Commerce and the Secretary of Labor, in consultation with the Secretary, and pursuant to his study, shall apply such existing programs as are necessary and appropriate to further mitigate identified employment and other adverse economic impacts on public and private segments of the local economy, other than with regard to the payment of just compensation to the owners of properties taken by this Act and by the Act of October 2, 1968, supra. In addition to the land rehabilitation and employment provisions of this Act, which should have a substantial positive economic effect on the local economy, the Secretary of Commerce and Labor are further authorized and directed to implement existing authorities to establish employment programs, pursuant to such grants, contracts and cooperative agreements with agencies of the Federal Executive, the State of California, any political or governmental subdivision thereof, any corporation, not-for-profit corporation, private entity or person, for the development and implementation of such programs, as, in the discretion of the Secretaries of Commerce and Labor, may be necessary to provide employment opportunities to those individuals affected by this taking and to contribute to the economic revived of the Del Norte and Humboldt Counties, in northern California. Effective on October 1, 1978, there are authorized such sums as may be necessary to carry out the employment provisions of this Act and to further implement such other economic mitigation measures as in the judgment of the Secretary can most effectively achieve the purposes provided for herein: *Provided*, That the authority to make payments under this section shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(c) The Secretary of Agriculture within one year after the date of enactment of this Act, shall prepare and transmit to Congress a study of timber harvest scheduling alternatives for the Six Rivers National Forest. Such alternatives shall exclude the timber inventories now standing on units of the Wilderness Preservation System and shall be consistent with laws applicable to management of the national forests. In developing the alternatives, the Secretary shall take into consideration economic, silvicultural, environmental, and social factors.

PREFERENTIAL HIRING

SEC. 103. (a) In order to utilize the skills of individuals presently working in the woods and in the mills to the greatest degree possible to both ease the personal economic effects of this taking, and to assist in the necessary rehabilitation, protection, and improvement of lands acquired by this Act through implementation of sound rehabilitation and land use practices, the Secretary shall have power to appoint and fix the compensation of seven full-time and thirty-one temporary personnel to assist in carrying out such programs necessary for the protection and enhancement of Redwood National Park. In filling these positions, full consideration shall be given to affected employees as defined by this Act.

(b) In order to effectively administer the expanded Redwood National Park created by this Act in a manner that will provide maximum protection to its resources, to provide

for maximum visitor use and enjoyment, and to ease the local economic effects of this taking, the Secretary shall have power to appoint and fix the compensation of two full-time and twenty temporary employees in the competitive service. In filling these positions, full consideration shall be given to affected employees. The Secretary shall further have power to appoint and fix the compensation of an additional thirty-two full-time and forty temporary employees in the competitive services as provided by this subsection at the time of the donation of those parklands or interests in land owned by the State of California as are within the boundaries of Redwood National Park as provided herein. In filling these positions, full consideration shall be given to those State employees affected by this transfer for a period not to exceed six years from the date of transfer; permanent State civil service employees shall be provided the oportunity to transfer to a comparable Federal civil service classification.

(c) An affected employee shall be given full consideration for certain civilian jobs as provided in this section both with the Federal Government and with those private employers that have certain undertakings or programs that involve Federal participation or approval for the period beginning on the date of enactment of this Act and ending September 30, 1984, if the positions will be primarily located in Humboldt or Del Norte Counties or other counties in California adjacent thereto, and if the employee is otherwise qualified under this section.

(d)(1) Any Federal agency that is creating or filling a civilian Federal job that is within the scope of clause (2)(A) of this subsection, pursuant to contract, civil service merit system, or otherwise, that will be primarily located in Humboldt or Del Norte Counties, California, or other counties in California adjacent thereto, must provide notice of the availability of that job and must provide qualified affected employee applicants for these positions with full consideration for these positions if the further conditions set forth in clause (2)(B) of this subsection are met. The notice required by this paragraph shall be provided by applicable law and regulation through the offices of the Employment and Training Services located in Humboldt and Del Norte Counties, California, and through such other means as are likely to gain the attention of affected employees.

(2) Consideration for employment under this section shall be provided under the following conditions:

(A) the job involves skills and training that could reasonably be expected to have been gained by individuals who have been employed as logging and related woods employees or sawmill, plywood, and other wood processing employees, or office employees, or that can reasonably be expected to be gained while so employed, or pursuant to retraining as provided herein; and

(B) the applicant has the ability, or can reasonably be expected to have the ability after appropriate training of reasonable duration provided herein, to perform the duties of the job: *Provided*, That the full consideration shall not be required with respect to those affected employee applicants requiring training in a situation where the schedule for completion of the work is such that the period during which said employee can reasonably be expected to work following completion of training is determined by the Secretary to be incommensurate with the time and funds required to provide said employee with the necessary training.

(e)(1) Any Federal agency involved in the manner provided herein with a private employer responsible for filing an employment position that is within the scope of clause (2)(A) of subsection (d), above, that will be primarily located in Humboldt or Del Norte Counties, or other counties in California adjacent thereto, is directed to require that any Federal contracts, grants, subsidies, loans, or other forms of funding assistance, and any Federal lease, permit, license, certificate, or other entitlement for use, not constituting an existing property right as of the date of enactment of this Act, that is a condition to or a requirement of the conduct of harvesting and related activities or replanting and land rehabilitation or the conduct of wood processing and related activities or the conduct of highway construction and related activities shall be subject to and conditioned upon said private employer giving full consideration to affected employees as provided herein.

(2) Any private employer who participates with a Federal agency in the manner described above and who is, accordingly, subject to the requirements as provided herein, shall—

(A) provide notice of the availability of those jobs described in subsection (d)(2)(A) in the manner generally provided by subsection (d)(1); and

(B) provide full consideration to qualified affected employee applicants for these positions if the further conditions established by clause (2)(B) of subsection (d) are met.

(f) The Secretary is authorized and directed to enter into agreements with affected employers and industry employers providing that full consideration shall be given with respect to the employment of affected employees who had been employed by affected employers in jobs that may become available in Humboldt and Del Norte Counties and other counties adjacent thereto.

(g)(1) The Secretary, except as otherwise provided, shall be responsible for the implementation of this section and—

(A) is authorized and directed to make needed training available to an affected employee applicant who, although not presently qualified for a position, can be reasonably expected to be qualified after appropriate training;

(B) may require that an applicant who requires training for a job with respect to which said applicant has a right to full consideration be hired effective as of, and subject to, successful completion of the training: *Provided*, That there is no substantial reason to believe that the applicant would be unable to perform the duties of the job after proper training. If the job is one that must be filled while the affected employee is in training, the person filling that job must be advised at the time said person is hired for, or transferred into the job, that it will be held only temporarily;

(C) shall require that, in a case in which two or more affected employee applicants have approximately equal qualifications for a job for which they are to receive full consideration, that applicant with the greatest creditable service shall be selected;

(D) upon the filing of a complaint by an employee who alleges that said employee's rights to full consideration were disregarded, the Secretary shall make a finding on the merits of such complaint. If it is determined that there has been noncompliance with this section, the Secretary shall take such action as may be appropriate to correct the situation.

(2) To assist in implementing this section, agencies shall notify the Secretary, in advance, of any job opening as provided for by subsection (d) and of any Federal commitment as provided for by subsection (e).

(3) The Secretary shall—

(A) seek the cooperation of the State of California and the county and local governments within Humboldt and Del Norte Counties in the implementation of the provisions of this section and in the adoption of similar provisions for full consideration of affected employees with regard to State, county, and local jobs and activities.

(B) appoint, from among nominees proposed by certified or recognized unions representing employees, a person or persons who shall serve as the Secretary's liaison with employees and their union and as consultant to the Secretary with regard to the administration of those provisions of this Act for which the Secretary is responsible.

(h) An employee, a group of employees, a certified or recognized union, or an authorized representative of such employee or group, aggrieved by any determination by the Secretary under this Act shall be entitled to a review of such determination by an appeals panel to be established by the Secretary. The appeals panel shall consist of one person appointed by the Secretary, one person selected by the Secretary from among nominees proposed by certified or recognized unions representing employees, and a third person, who shall be chairman, selected by agreement of the first two. In the event the Secretary's designee and the union representative are unable to agree on a chairman, said chairman shall be selected from among the American Arbitration Association's list of labor arbitrators in accordance with the procedures used by said association for the selection of arbitrators in labor disputes. Decisions by the panel shall be final and binding. The designees of the Secretary and the union shall receive no compensation for service on the panel. The Chairman shall receive compensation not to exceed that provided in this section.

(i) Nothing in this section shall be construed to affect any additional or alternative rights under a law, regulation, or contract (including, but not limited to, veteran preference and contracts between private employers and unions) in effect as of the date of enactment of this Act, and the implementation of this section shall be carried out in accord with applicable civil service laws and regulations. Employees appointed to Federal jobs pursuant to this section shall have their compensation fixed at rates not to exceed that now or hereafter prescribed for the highest rate of grade 15 of the General Schedule under section 5332 of title 5, United States Code.

SEC. 104. (a) The Secretary shall submit an annual written report to the Congress on January 1, 1979, and annually thereafter for ten years, reporting on the status of payment by the Secretary for real property acquired pursuant to section 101(a)(4) and section 101(a)(2) of this amendment; the status of the actions taken regarding land management practices and watershed rehabilitation efforts authorized by section 101(a)(6) and section 102(b) of this amendment; the status of the efforts to mitigate adverse economic impacts as directed by this Act; this status of National Park Service employment requirements as authorized by section 103 of this amendment; the status of the new bypass highway and of the agreement for the donation of the State park lands as contemplated by section 101(a)(5) of this amendment; and, the status of the National Park Service general management plan for the park.

(b) No later than January 1, 1979, if possible, and in any event no later than January 1, 1980, the Secretary shall submit to the Committee on Interior and Insular Affairs of the House of Representatives, and to the Committee on Energy and Natural Resources of the Senate, a comprehensive general management plan for Redwood National Park, to include but not be limited to the following:

(1) the objectives, goals, and proposed actions designed to assure the preservation and perpetuation of a natural redwood forest ecosystem;

(2) the type and level of vistor use to be accommodated by the park, by specific area,

with specific indication of carrying capacities consistent with the protection of park resources;

(3) the type, extent, and estimated cost of development proposed to accommodate visitor use and to protect the resource, to include anticipated location of all major development areas, roads, and trails;

(4) the specific locations and types of foot trail access to the Tall Trees Grove, of which one route shall, unless shown by the Secretary to be inadvisable, principally traverse the east side of Redwood Creek through the essentially virgin forest, connecting with the roadhead on the west side of the park east of Orick.

SEC. 105. Effective on October 1, 1978, there are hereby authorized to be appropriated $12,000,000 to carry out the rehabilitation provisions of this Act.

SEC. 106. (a) Notwithstanding any contrary provision of the Act entitled "An Act to provide for certain payments to be made to local governments by the Secretary of the Interior based upon the amount of certain public lands within the boundaries of such locality", approved October 20, 1976 (90 Stat. 2662), the Secretary is authorized and directed to make payments on a fiscal year basis to each unit of local government, in the manner provided by the Act of October 20, 1976, in which lands owned by the United States within Redwood National Park are located. Such payments may be used for any governmental purpose. The amount of such payments shall be computed as provided in subsections (b) and (c).

(b) Payment made for any fiscal year to a unit of local government shall include that amount determined pursuant to the provisions of section 2 of the Act of October 20, 1976.

(c) Payment made for any fiscal year to a unit of local government shall also include that amount determined pursuant to the provisions of section 3 of the Act of October 20, 1976: *Provided, however,* That any amount computed as provided by section 3(c)(1) of the Act of October 20, 1976, but not paid because of the limitation of subsection (c)(2) and subsection (d) of that section shall be carried forward and shall be applied to future years in which this portion of the total payment would not otherwise equal the amount of real property taxes assessed and levied on such property during the last full fiscal year before the fiscal year in which such land or interest was acquired for addition to Redwood National Park until such amount is exhausted.

(d) The Redwoods Community College District shall be considered as an affected school district for purpose of section 3(a) of the Act of October 20, 1976, as amended herein.

SEC. 107. The Secretary is further authorized, and the Congress specifically directs that it shall be a purpose of this Act, that the community services and employment opportunities provided by Redwoods United, Incorporated, a nonprofit corporation located in Manila, California, shall be maintained at the present rate of employment to the greatest degree practicable.

SEC. 108. The Congress further acknowledges and directs that the full faith and credit of the United States is pledged to the prompt payment of just compensation as provided for by the fifth amendment to the Constitution of the United States for those lands and properties taken by this Act, through utilization of funds deposited in the Land and Water Conservation Fund account.

SEC. 109. By January 1, 1979, and within every three years thereafter through October 1, 1990, and after full public involvement, the Secretary shall formally determine whether or not existing California laws, rules, and practices provide sufficient protection for the resources within Redwood National Park, and shall submit his findings with recommendations for appropriate action to the Governor of the State of California, along with a request for his prompt reaction and suggestions for rectification, and to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 110. Unless otherwise indicated hereinbefore, or in subsections 103(d) through 103(i), a reference to the Secretary will refer to the Secretary of the Department of the Interior. For the purposes of subsections 103(d) through 103(i), a reference to the Secretary will refer to the Secretary of the Department of Labor.

TITLE II

DEFINITIONS

SEC. 201. As used in this title, the term—

(1) "Secretary" unless otherwise indicated, means the Secretary of the Department of Labor;

(2) "expansion area" means the area indicated as "Proposed Additions" (exclusive of the park protection zone) on the map entitled "Additional Lands, Redwood National Park, Humboldt County, California", numbered 167–80005–C and dated October 1977. The number of acres authorized to be included within the expansion area is forty-eight thousand acres, as further provided herein;

(3) "employee" means a person employed by an affected employer and in an occupation not described by section 13(a)(1) of the Fair Labor Standards Act (29 U.S.C. 213(a)(1));

(4) "contract employees" are employees performing work pursuant to a contract or agreement for services within or directly related to the expansion area between an affected contract employer and an affected woods employer;

(5) "industry employer" means a corporation, partnership, joint venture, person, or other form of business entity (including a predecessor or successor by purchase, merger, or other form of acquisition), of which a working portion or division is an affected employer;

(6) "affected employer" means a corporation, partnership, joint venture, person, or other form of business entity (including a predecessor or a successor by purchase, merger, or other form of acquisition), or a working portion or division thereof, which is engaged in the harvest of timber or in related sawmill, plywood, and other wood processing operations, and which meets the qualifications set forth in the definition of affected woods employer, affected mill employer, or affected contract employer;

(7) "affected woods employer" means an affected employer engaged in the harvest of redwood timber who owns at least 3 per centum of the number of acres authorized to be included within the expansion area on January 1, 1977, and on the date of enactment of this section: *Provided,* That an affected woods employer shall be only that major portion or division of the industry employer directly responsible for such harvesting operations;

(8) "affected mill employer" means an affected employer engaged in sawmill, plywood, and other wood processing operations in Humboldt or Del Norte Counties in the State of California who has either (A) obtained 15 per centum or more of its raw wood materials directly from affected woods employers during calendar year 1977, or (B) is a wholly owned mill of an affected woods employer: *Provided,* That an affected mill employer shall be only that major portion or division of the industry employer directly responsible for such wood processing operations;

(9) "affected contract employer" means an affected employer providing services pursuant to contract with an affected woods employer, if at least 15 per centum of said employer's employee-hours worked during calendar year 1977 were within or directly related to the expansion area pursuant to such contract or contracts;

(10) "covered employee" means an employee who—

(A) had seniority under a collective bargaining agreement with an affected employer as of May 31, 1977, has at least twelve months of creditable service as of the date of enactment of this section, and has performed work for one or more affected employers on or after January 1, 1977, or

(B) has performed work for one or more affected employers for at least one thousand hours from January 1, 1977, through the period to the date of enactment of this section, and has a continuing employment relationship with an affected employer, as determined by the Secretary, as of the date of enactment of this section or, if laid off on or after May 31, 1977, had such a relationship as of the date of such layoff;

(11) "affected employee" means a covered employee who is either totally or partially laid off by an affected employer within a time period beginning on or after May 31, 1977, and ending September 30, 1980, unless extended, or is determined by the Secretary to be adversely affected by the expansion of the Redwood National Park as further defined by section 203 of this Act;

(12) "total layoff" means a calendar week during which affected employers have made no work available to a covered employee and made no payment to said covered employee for time not worked, and "partial layoff" means a calendar week for which all pay received by a covered employee from affected employers is at least 10 per centum less than the layoff or vacation replacement benefit that would have been payable for that week had said covered employee suffered a total layoff: *Provided,* That the terms "total layoff" and "partial layoff" shall also apply to a covered employee who had received any workers' compensation benefits or unemployment compensation disability benefits after said covered employee becomes able to work and available for work and is otherwise within the meaning of total layoff and partial layoff as defined in this paragraph;

(13) "Federal agency" has the same meaning as "agency" in section 552(e) of title 5, United States Code:

(14) "suitable work" shall be defined—

(A) as set forth in the California Unemployment Insurance Code, or Federal law if applicable unless otherwise more restrictively defined by the Secretary, taking into account the unique characteristics of logging and related work; and

(B) with respect to an employee who has completed retraining paid for by the Secretary, as a job paying no less than the prevailing wage rate in the area for the occupation for which said employee was retrained; or

(C) as a job comparable with that which said employee would be required to accept pursuant to the seniority provisions of the applicable collective-bargaining agreement (or, if not covered by such an agreement, in accordance with the usual practice of the affected employer);

(15) "seniority" with respect to an employee covered by a collective-bargaining agreement with an affected employer, shall be determined as provided in such agreement and shall be deemed to refer to company seniority, if the agreement provides for such seniority and, otherwise, to plant seniority;

(16) "continuous service" with respect to employees not having seniority under a collective-bargaining agreement with an affected employer or an industry employer shall mean a period of time measured in months equal to the sum of all hours during which the employee performed work for

said employer plus all hours for which the employee received pay for time not worked divided by one hundred and seventy-three;

(17) "performed work" shall include any time during which an employee worked for an affected employer or with respect to which an employee received pay from such an employer for time not worked, and shall also include any time during which an employee would have been at work for such an employer if not for service in the armed forces or for a disability for which said employee received workers' compensation, disability compensation benefits provided under California law, or social security disability pension benefits: *Provided,* That contract employees shall be deemed to have performed work during the period of such service or disability only if—

(A) the employee worked within or directly related to the expansion area immediately prior to the occurrence of such service or disability and

(B) the employee returned or sought to return to work for an affected contract employer immediately after the end of the service or disability if that was prior to the date of enactment.

The term "work performed", when used in relation to a period of time, shall also be deemed to include any period during which an employee is deemed to have performed work;

(18) "terminal pay" means the payments to employees provided for in sections 207, 208, and 209 which, regardless of the designations used herein to distinguish among them are intended and shall be deemed to be severance pay and, as such, shall be treated for Federal income tax and State unemployment insurance purposes in the same manner as is provided by California State law;

(19) Notwithstanding any other provision of this Act, the Secretary shall reduce the amount of terminal pay for an employee, as calculated pursuant to section 207, 208, or 209, by the amount of the Federal and State income taxes which would be required to be withheld by an employer from wages equal to such terminal pay if paid to an employee with the same number of income tax exemptions as the recipient. For purposes of determining the amounts of such reductions with respect to severance payments made pursuant to sections 208 and 209, said severance payments shall be prorated over the number of weeks the equivalent sums would have been paid if the employees were eligible for and claiming the weekly layoff benefits provided in section 207. The Secretary shall withhold social security contributions from terminal pay in the same amounts as would be withheld if such pay (before the reductions provided for in this subsection) were wages and the Secretary shall make contributions on behalf of employees receiving terminal pay to the trust funds created under section 201 of the Social Security Act equal to the contributions required to be made by an employer paying wages equal to such unreduced terminal pay; and

(20) "Sixty-fifth birthday" means the last day of the month in which the sixty-fifth birthday occurs.

SEC. 202. The Secretary is authorized to develop the necessary procedures to implement this title.

AFFECTED EMPLOYEES

SEC. 203. The total or partial layoff of a covered employee employed by an affected employer during the period beginning May 31, 1977, and ending September 30, 1980, other than for a cause that would disqualify an employee for unemployment compensation, except as provided in section 205, is conclusively presumed to be attributable to the expansion of Redwood National Park: *Provided,* That the Secretary may, for good cause, extend this period for any group of covered employees by no more than one year at a time after September 30, 1980. Any covered employee laid off during that period by an affected employer shall be considered an affected employee at any time said employee is on such layoff within the period ending September 30, 1984, or, if earlier, the end of said employee's period of protection as defined herein: *Provided, however,* That the number of affected employees with respect to an affected employer (other than employees of an affected mill employer described in section 201(8)(B) or an affected woods employer) shall be limited to any week to—

(1) that number of covered sawmill, plywood, and other wood processing employees otherwise affected as provided herein, that is equal to the percentage of the affected mill employer's supply of raw wood materials obtained from affected woods employers to the affected mill employer's total supply of raw wood materials during calendar year 1977, unless the Secretary determines that employees are being laid off by an affected mill employer as a result of the shutdown of a plant or a department, or a shift in the plant, because of the unavailability of sufficient materials to sustain a profitable level of operations. In the event of such a finding, the number of affected employees shall also include that number of additional covered sawmill, plywood, and other wood processing employees, otherwise affected as provided herein, as the Secretary deems to have been affected by said shutdown;

(2) notwithstanding clause (1) of this section that number of affected employees for any affected woods employer—

(A) owning less than 5 per centum of the total acreage of the intact virgin old growth timber in the expansion area, or

(B) in a case where the expansion of Redwood National Park takes less than 5 per centum of the intact virgin old growth acreage owned by said woods employer in Humboldt and Del Norte Counties as of the date of enactment,

that is equal to no more than 5 per centum of the average number of said employer's covered employees (including, for this purpose, employees of its wholly or partially owned affected mill employers and its affected contract employers) during calendar year 1977. Said 5 per centum shall be applied separately to such employer's woods employees, to the employees of its wholly or partially owned mill employers and to the employees of its contract employers, respectively.

(3) The number of affected contract employees shall be limited in any week to that number of such employees otherwise affected as provided herein that is equal to the percentage of the affected contract employer's employee hours during calendar year 1977 that were worked within or directly related to the expansion area.

(4) For purposes of determining whether the number of affected employees in any week exceeds the applicable maximum number provided for in clause (1) or (2) of this section, there shall be included, as if they were currently affected employees, individuals who have ceased to be so classified because they have received severance pay.

(5) During any week when the number of an affected employer's covered employees on layoff exceeds the applicable maximum number in clause (1), (2), or (3) of this section, only those among such covered employees, but no more than the applicable maximum number, having the greatest seniority (or continuous service) shall be considered affected employees notwithstanding the requirement that an employee must have been laid off during the period specified in this section in order to be considered an affected employee for the purposes of this Act.

SEC. 204. (a) The Secretary shall provide, to the maximum extent feasible, for retention and accrual of all rights and benefits which affected employees would have had in employment with affected employers had said employees been employed during the periods for which they are eligible for layoff and vacation replacement benefits. The Secretary is authorized and directed to enter into agreements as may be appropriate with affected employers, labor organizations representing covered employees, and trustees of applicable pension and welfare funds. Such agreements shall provide for employees, during each period in which they are eligible to receive layoff and vacation replacement benefits (including the benefits provided for in section 207(d)):

(1) retention and accrual of seniority rights, including recall rights (or, in the case of employees not covered by collective bargaining agreements, application of the same preferences and privileges based upon length of continuous service as are applied under the affected employer's usual practices) under conditions no more burdensome to said employees than to those actively employed;

(2) continuing entitlement to health and welfare benefits and accrual of pension rights and credits based upon length of employment and/or amounts of earnings to the same extent as and at no greater cost to said employees than would have been applicable had they been actively employed.

(b) The agreements described in subsection (a) shall provide, additionally, for continuing entitlement to health and welfare benefits (other than group life and additional death, dismemberment and loss of sight benefits) for employees who—

(1) retired from employment with an affected employer for reasons other than disability on or after May 31, 1977;

(2) are receiving pension benefits under a plan financed by industry employers;

(3) were age sixty-two or older but less than age sixty-five at the time of retirement; and

(4) are not eligible for benefits under title XVIII of the Social Security Act.

(c) The agreements described in subsection (a) of this section shall provide for the Secretary, effective October 1, 1977, to make payments on behalf of eligible affected employees including employees eligible for the benefits provided for in section 207(d) to the applicable pension and welfare trust funds and to insurance companies equivalent to the difference between the amounts payable by their affected employers and labor organizations pursuant to collective bargaining agreements (or, in the absence of such agreements, pursuant to established practice) and the amounts that would have been paid by their affected employers and their labor organizations had said employees worked or received pay for the periods for which they receive layoff benefits: *Provided,* That no payment shall be made to a pension fund on behalf of an employee who is receiving a pension from such fund. For purposes of determining the amounts of contributions calculated on the basis of worked or compensable hours, layoff and vacation replacement benefits shall be converted into the hours they represent in accordance with regulations to be issued by the Secretary.

(d) In the event an affected employer goes out of business or any party refuses to enter into an agreement of the kind provided for in this section to which said party's consent is necessary in order to carry out the purposes of said section, the Secretary shall make other arrangements to assure the effectuation of those purposes with respect to health and welfare and pension benefits. Such arrangements may include direct payment of such benefits by the Secretary, effective October 1, 1977, and shall provide for adjustment of benefits (as well as related matters such as conditions of eligibility) in conformity with changes made with respect to the employee's last affected employer's

active employees, if said employer continues in business, or otherwise in conformity with changes made by comparable employers in the same industry in Humboldt and Del Norte Counties of the State of California: *Provided,* That, with respect to employees covered by a trust fund to which more than one employer contributes or has contributed, only the changes made in benefits and related matters by that trust fund shall be used as the basis for the adjustments provided for herein.

(e) It is expressly intended, and Congress so finds and directs, that the agreements contemplated by this section and by section 103 are of the essence of this legislation and that no affected employer or industry employer shall be provided any benefit or advantage under this Act unless said employer enters into both such agreements.

SEC. 205. (a) An application for unemployment compensation filed by a covered employee on or after the first Monday following the date of enactment shall be deemed an application for the benefits provided by this Act.

(b) An affected employee shall be eligible (unless said employee has received a social security retirement or disability benefit or a pension under a plan contributed to by an affected employer, except as otherwise specifically provided in section 204(b) and in the final proviso of section 208(a)) for layoff and vacation replacement benefits, as defined herein, effective the first Monday following the date of enactment, for each week of total or partial layoff if, with respect to said week, said employee—

(1) is registered with the United States Employment and Training Service in Humboldt or Del Norte Counties or one of the adjacent counties in the State of California or at such other location as the Secretary may designate;

(2) is eligible for unemployment compensation benefits under the California Unemployment Compensation Code: *Provided,* That the Secretary is authorized and directed to provide for the payment of benefits under this title to an affected employee who is held ineligible or is disqualified for benefits under said code solely because of one or more of the following reasons: insufficient base period earnings; exhaustion of benefit rights; earnings in excess of the amount which would entitle the employee to a partial benefit for the week; the waiting week requirement; uavailability for work because of jury duty, National Guard duty, retraining authorized, financed or approved by a public agency, or because of a similar reason as determined by the Secretary; refusal of work which is not "suitable work" as defined in section 201(14); receipt of a worker's compensation or other benefit for partial disability which the employee would be entitled to receive while working; and any other cause of ineligibility with respect to which the Secretary determines that, under the circumstances, it would be unreasonable or otherwise contrary to the purpose of this Act to deny said employee a benefit provided for herein; and

(3) the employee's period of protection has not been exhausted or otherwise ended by acceptance of a severance payment.

SEC. 206. (a) The period of protection for an affected employee shall start with the beginning of the first week for which said employee is eligible to receive a layoff or vacation replacement benefit as provided by this title, and shall continue until the earliest of (i) the date said employee accepts a severance payment provided for below, (ii) a period equal to the length of the employee's creditable service is exhausted, or (iii) said employee's sixty-fifth birthday. In no event shall such period extend beyond. September 30, 1984, except as provided by subsection (d) of section 207.

(b) Creditable service shall be computed as follows:

(1)(A) A period equal to the length of an employee's seniority (or continuous service as defined herein) with said employee's last affected employer as of the date said employee's period of protection begins; plus

(B) A period equal to the sum of all prior periods during which the employee had seniority (or continuous service) with the same affected employer and with other industry employers: *Provided,* That if such seniority was broken (or such continuous service was interrupted) for more than three consecutive years for any reason other than periods of service in the Armed Forces or disabilities for which said employee received any workers' compensation benefits or unemployment compensation disability benefits or disability benefits under the Social Security Act, any periods of seniority (or continuous service) prior to the break in seniority (or interruption in continuous service) shall be disregarded.

(c) If necessary, in order to establish an employee's creditable service, the Secretary shall request authorization to examine said employee's social security wage record and shall compute such service from it by a method to be prescribed by regulation.

SEC. 207. (a) Except as further provided in this section, the amount of an eligible employee's weekly layoff benefit shall be equal to (1) the annual average of all hours of work performed by said employee for the last affected employer for whom the employee worked prior to the date of enactment of this section during those three of the five calendar years immediately preceding said date during which such hours were greatest, counting hours paid for at time and a half and double time as one and one-half and two hours, respectively, multiplied by (2) the wage rate applicable, during the week for which the benefit is payable, to the highest paid job held by said employee, other than by temporary assignment, with said affected employer during the period from January 1, 1977, through the date of enactment of this section, and divided by (3) fifty-two.

(b) The weekly benefit amount for an eligible employee with less than five calendar years of employment with one affected employer immediately prior to the enactment date shall be equal to the lesser of—

(1) the average benefit that would be payable with respect to the same week to those covered employees (if they were eligible in the same week) who had five or more calendar years of employment with the same affected employer (in accord with subsection (a) of this section) whose benefit amounts are computed on the basis of the wage rate for a job the same as, or most similar to, the highest paid job said employee had held, other than by temporary assignment, with said affected employer during the period from January 1, 1977, through the date of enactment of this section, or

(2) an amount calculated by substituting in clause (1) of subsection (a) the annual average of all hours of work performed by said employee for said employer during those calendar years for which said employee had performed work and throughout which he had seniority (or continuous service).

(c) Notwithstanding subsections (a) and (b), the Secretary shall classify as a "seasonal employee" any affected employee whose highest paid job held, other than by temporary assignment, with said affected employer during the period from January 1, 1977, through the date of enactment of this section was in an occupation in which the average annual number of weeks during which work was actually performed by all covered employees employed in said occupation during the five calendar years preceding the enactment date was forty or less. With respect to such seasonal employees—

(1) the calculation of benefit amount set forth in subsection (a) shall be modified by—

(A) deducting from the hours for which said employee received pay those hours representing vacation pay and vacation pay increments and;

(B) substituting for the fifty-two provided in clause (3) of subsection (a) a divisor equal to the average annual number of weeks for which said employee performed work for an affected employer in said occupation during those three of the five calendar years immediately preceding the date of enactment during which the number of such weeks was greatest: *Provided,* That this calculation shall be modified in accord with subsection (b) with respect to those employees who had less than five calendar years of employment with one affected employer immediately prior to the date of enactment of this section.

(2) the number of weekly benefits payable in any calendar year shall not exceed the annual average number of weeks for which a seasonal employee received pay from an affected employer for work performed in the employee's occupation, as established by paragraph (1)(B), and shall be payable only during those weeks of each year determined by the Secretary to be the usual season for that occupation;

(3) vacation pay and vacation pay increments shall be paid in the same amounts and at the same times of each year as they would have been paid had said employee performed work during all of the time for which said employee receives layoff benefits. Such pay is referred to herein as "vacation replacement benefits".

(d) Notwithstanding any other provision of this Act, the benefits for any affected employee who will reach the age of sixty on or before September 30, 1984, shall be extended after the end of the employee's period of protection (unless severance pay has been accepted) until the employee's sixty-fifth birthday, and shall be equal to the lesser of (1) said employees' weekly layoff benefit or (2) the average weekly wage paid at the time to all employees then employed in Humboldt and Del Norte Counties in occupations included in the definition of covered employees.

(e) The benefit amount provided by this section for any week of total or partial layoff shall be reduced by—

(1) the full amount of any earnings, including pay for time not worked with respect to the same week, from employment obtained pursuant to section 103, or employment by employers engaged in timber harvesting, or in related sawmill, plywood, and other wood processing operations;

(2) 50 per centum of earnings and pay for time not worked from any other employer with respect to that week; and

(3) the full amount of any unemployment compensation.

SEC. 208. (a) An affected employee (other than a short-service employee described in subsection (a) of section 209) shall be paid severance pay in accordance with this section if said employee:

(1) has been a continuous layoff from employment with the employee's last affected employer for a period of at least twenty weeks subsequent to December 31, 1977;

(2) has no definite recall date for work with the affected employer by whom the employee was laid off and no offer of suitable work by any affected employer; and

(3) applies for severance pay during a week with respect to which said employee has not performed work for an affected employer: *Provided,* That this clause shall not result in denial of severance pay to an otherwise eligible employee who at the time of application

is totally and permanently disabled as defined in the Social Security Act; or

(4) was permanently separated from employment with an affected employer during the period beginning May 31, 1977, and ending on the date of enactment of this Act, as a result of the closure of the mill or plant in which said employee was employed and has not, since said separation, been employed by an affected employer: *Provided*, That an employee shall be deemed an affected employee for purposes of section 208(a) if said employee meets the requirements of clauses (1), (2), and (3), of section 204(b).

(b) The amount of severance pay payable to an employee shall be computed by multiplying the applicable number of weeks determined in accordance with subsection (c) by the amount of the weekly layoff benefit (without reduction for earnings or other benefits) which is payable, or would be payable if the employee were eligible, for the week in which the application was filed: *Provided*, That for a seasonal employee the amount so calculated, plus the amount of vacation replacement benefits applicable for that year shall be multiplied by the number of weeks in said employee's usual season, as determined in section 207(c), and the result divided by fifty-two.

(c) The number of weeks of severance pay shall be equal to one week for each month of the employee's creditable service up to a maximum of seventy-two weeks: *Provided*, That the severance payment to any employee shall not exceed the total amount of the weekly layoff and vacation replacement benefits which would have been payable if said employee were to be eligible for such benefits continuously from the week of application until the end of the applicable period of protection (or, in the case of an employee described in the proviso of subsection (a), until said employee's sixty-fifth birthday), calculated on the basis of the weekly amounts of such benefits as of the date of application for severance pay.

(d) Acceptance of severance pay terminates the affected employee's period of protection and makes said employee ineligible thereafter for all other forms of terminal pay and for the protections provided in section 204, except as otherwise specifically provided in this Act.

(e) Before making a severance payment to an employee, the Secretary shall obtain said employee's written agreement that, upon resumption of employment in the industry within Humboldt and Del Norte Counties and the counties adjacent thereto in the State of California prior to September 30, 1980, or such later date established by the Secretary with respect to said employee pursuant to section 203, said employee will return it in weekly installments equal to a specified percentage of the employee's earnings in the industry, which the Secretary shall set at a reasonable level. The agreement shall include authorization for the Secretary to arrange with an employer for withholding of the applicable amounts from the employee's pay.

SHORT-SERVICE EMPLOYEES

SEC. 209. (a) Notwithstanding any other provision of this Act, an affected employee as defined in this title shall be ineligible for any benefits under this title except as provided in this section if:

(1) said employee will not reach age sixty before October 1, 1984; and

(2) said employee as of the date of becoming an affected employee, does not have service credit for pension purposes of at least five full years under a pension plan contributed to by industry employers.

(b) An affected employee described in subsection (a) shall be paid severance pay in accordance with this section if said employee meets the requirements of section 208(a).

(c) Said employee shall be paid a severance payment equal to forty times the hourly wage rate applicable at the time of application for severance pay to the highest paid job held by said employee, other than by temporary assignment, during calendar year 1977, with the employee's last affected employer for each one hundred and seventy-three hours for which said employee performed work for affected employers.

(d) Subsection (d) of section 208 shall be applicable to employees applying for and accepting severance payments pursuant to this section except that such employees shall remain eligible for allowances provided for in sections 211 and 212, and for retraining as provided for in section 210(a) and while in good faith engaged in such training shall be paid the same stipends and allowances as are generally applicable to individuals engaged in such retraining programs who are not employees as defined in this Act.

RETRAINING

SEC. 210. (a) An affected employee is eligible to apply for and the Secretary shall authorize training (including training for technical and professional occupations) at Government expense during said employee's period of protection if—

(1) the Secretary determines that there is no suitable employment available for the employee within a reasonable commuting area; and

(2) there is substantial reason to believe that the employee's employment prospects would be enhanced after successful completion of the training for which application has been filed.

(b) An affected employee engaged in training authorized by subsection (a) shall be paid layoff and vacation replacement benefits while in good faith engaged in such training and shall continue to be paid such benefits while so engaged, notwithstanding said employee's removal from the category of "affected employee" pursuant to clause (4) of section 203.

SEC. 211. Upon application filed by an affected employee during said employee's period of protection, said employee shall be eligible for a job search allowance under the same terms, conditions, and amounts as provided in section 237 of the Trade Act of 1974 (19 U.S.C. 2297).

SEC. 212. (a) A relocation allowance shall be paid upon application by an affected employee during the applicable period of protection if—

(1) the Secretary determines that said employee cannot reasonably be expected to obtain suitable work in the commuting area in which said employee resides; and

(2) the employee has obtained—

(A) suitable employment affording a reasonable expectation of long-term duration in the area in which said employee wishes to relocate; or

(B) a bona fide offer of such employment; or

(3) the employee relocated during the period May 31, 1977, and ending on the date of enactment, because of acceptance of employment requiring a change in residence to a location outside the commuting area in which said employee resided immediately prior to becoming an affected employee.

(b) The Secretary shall provide the same moving expense benefits for the same purposes as are set forth in the Regional Rail Reorganization Act of 1973 (Public Law 93-236).

ADMINISTRATION

SEC. 213. (a) The Secretary shall be responsible for paying promptly all benefits and payments provided by this title.

(b) Effective October 1, 1977, there are authorized to be appropriated annually such sums as may be required to meet the obligations provided for in this title.

(c) The Secretary shall have the authority to obtain information necessary to carry out the responsibilities created under this Act in the same manner as provided by section 249 of the Trade Act of 1974 (19 U.S.C. 2321).

(d) The Secretary shall offer all reasonable cooperation and assistance to individuals who believe they may qualify for the benefits, payments, preferential hiring rights, and other protections provided for employees under this Act. Among other things, the Secretary shall—

(1) provide all covered employees with literature stating their rights and obligations in nontechnical terms; and

(2) develop and implement procedures for the filing (including filing by mail in appropriate circumstances as determined by the Secretary) of applications, appeals, and complaints relating to the rights and entitlements established for employees by this title designed to facilitate prompt determinations and prompt payment to eligible applicants.

(e) The Secretary shall direct that notices reports, applications, appeals, and information concerning the implementation of this title required to be filed with the Secretary shall be filed at the offices of the United States Employment and Training Service in Humboldt and Del Norte Counties of the State of California and that information required to facilitate employees' exercise of their rights under this title shall be kept available at such offices unless the Secretary shall designate additionally.

(f) In all cases where two or more constructions of the language of this title would be reasonable, the Secretary shall adopt and apply that construction which is most favorable to employees. The Secretary shall have the authority to exercise reasonable discretion to avoid inequities adverse to employees that otherwise would arise from an unduly literal interpretation of the language of this title.

TECHNICAL AMENDMENTS OFFERED BY MR. PHILLIP BURTON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PHILLIP BURTON FOR THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. PHILLIP BURTON. Madam Chairman, I offer technical amendments to the amendment in the nature of a substitute for the committee amendment in the nature of a substitute, which I have cleared with the minority.

The Clerk read as follows:

Technical amendments offered by Mr. PHILLIP BURTON to the amendment in the nature of a substitute offered by Mr. PHILLIP BURTON for the committee amendment in the nature of a substitute:

Page 4, lines 18 and 19, change "December 3, 1974," to "December 31, 1974,".

Page 11, line 10, change "established" to "as established", and on line 11 insert a comma after the word "Act".

Page 13, line 6, before "Del Norte" delete "the".

Page 13, line 11, change "Secretary" to "Secretaries of Commerce and Labor".

Page 36, lines 20 and 21, change "clause (1) or (2)" to "clause (1), (2), or (3)".

Page 48, line 12, change "(1) has been" to "(1) has been on".

Page 49, line 10, change "section 208(a)" to "this section".

Page 50, line 10, change "in the proviso" to "in the final proviso".

Page 53, line 5, change "clause (4)" to "clause (5)".

Page 53, line 23, change "period" to "period beginning".

Mr. PHILLIP BURTON (during the reading). Madam Chairman, I ask unanimous consent that the technical amendments to the amendment in the

nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The question is on the technical amendments offered by Mr. PHILLIP BURTON to the amendment in the nature of a substitute offered by Mr. PHILLIP BURTON for the committee amendment in the nature of a substitute.

The technical amendments to the amendment in the nature of a substitute for the committee amendment in the nature of a substitute were agreed to.

AMENDMENT OFFERED BY MR. SEBELIUS TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PHILLIP BURTON, AS AMENDED, FOR THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. SEBELIUS. Madam Chairman, I offer an amendment to the amendment in the nature of a substitute, as amended, for the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SEBELIUS to the amendment in the nature of a substitute offered by Mr. PHILLIP BURTON, as amended, for the committee amendment in the nature of a substitute:

Page 3, line 24, add the following at the end of section 101(a)(3):

"Notwithstanding any other provision of law, as compensation for its complete and substantially prompt transfer to the Federal government of all state park lands within Redwood National Park, the Secretary may credit the State of California's allocation of Land and Water Conservation Fund monies, in lieu of the State's providing its matching funds, an amount equal to 25 percent of the total publicly funded acquisition cost for all such state owned lands, based on their value at the time of acquisition for state park purposes, adjusted to the current dollar value of the funds expended. Contingent upon the consummation, by no later than January 1, 1980, of a written agreement between the Secretary and the State of California that transfer shall be effected in conformance with the provisions of this paragraph, the Secretary shall so credit the State's allocation match requirements in such manner as to pro-rate the full value of such lands in equal portions for each of the remaining years of authorization of the Land and Water Conservation Fund (but in no event to extend beyond September 30, 1989)."

Mr. SEBELIUS (during the reading). Madam Chairman, I ask unanimous consent that further reading of the amendment to the amendment in the nature of a substitute, as amended for the committee amendment in the nature of a substitute be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. PHILLIP BURTON. Madam Chairman, if the gentleman will yield, may I ask a question of the gentleman from Kansas? Is this the amendment that the gentleman from Kansas (Mr. SEBELIUS) and the gentleman from California (Mr. DON H. CLAUSEN) discussed with me?

Mr. SEBELIUS. Yes; this is the amendment.

Madam Chairman, when this park was first created in 1968, one of the main issues was that the 28,000 acres of State-owned parkland embraced by three State parks—and included wholly within the new national parks—would be transferred or donated to the Federal Government. This has not yet occurred, and yet nearly everyone seems to agree that for the best interest of proper management of this area, that transfer should ultimately occur.

This amendment is designed to help us enter a stronger and more serious position on this matter. The amendment would basically permit the Secretary to credit the State of California's match for their allocation of the land and water conservation fund, prorated over the remaining years of the fund's existence, such credit to be equal to 25 percent of the value of the original publicly funded acquisition cost for these areas, with that value adjusted to current dollar value of those funds expended. In other words, we would make the State whole for all their expenses of the past, and then credit them at a rate of 25 percent of that amount.

Now the 25 percent is totally arbitrary at this point. Perhaps it should be some other percentage. That proper figure would depend on what could be worked out on paper before we would deal with this matter in conference.

I feel that the adoption of this amendment would give us a major leg up on resolving this longstanding problem, and I believe adoption of it at this point does not lock us into anything irreversible, since we can retreat from it totally in conference with the Senate if we so desire.

Mr. DON H. CLAUSEN. Madam Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I thank the gentleman for yielding.

I support the amendment because it follows the objective that I made before the committee in terms of moving toward singular management of these parks, and hopefully this amendment will accomplish that.

Mr. Speaker, it is clear from the debate that the expansion of the Redwood National Park proposed by the gentleman from California (Mr. PHILLIP BURTON) is far too large in terms of acreage, which would cost the American taxpayer over one-half billion dollars in land acquisition alone. A total of 48,000 acres is not needed to protect the tall trees and environmentally sensitive areas in the park.

Now, I propose to cut the size of the acreage to 14,180 acres.

Now, I think the U.S. Park Service designation of units in my proposal consists of the following: There would be 1,000 acres for the Orick Slope along Highway No. 101.

The areas that I would cut out are, as shown on this chart, areas 1, 2, and 6. I would leave in areas 3, 4, and 5, and then I would add to that a 1,000-acre shield along Highway 101 to protect the scenic valley of the area.

To explain to the Members how I have arrived at this, the entire issue has been based upon the issue of full protection of the tall trees. As I said from the beginning, that is not necessary, because under the 1968 act—and this is one of the reasons why I am asking that the discretionary authority for an additional 30,000 acres by the Secretary be deleted—there is a requirement for a protective action among the Department of the Interior, the State of California, and the timber operators, under the Forest Practices Act of California.

I have taken this approach because this is the minimal amount the park service has said is necessary "to protect the tall trees."

This area, including Skunk Cabbage, Boyes Creek, Mays Creek, and Lost Man Creek in unit 1, is outside the area and is not involved in the so-called protection issue. It is totally outside the Redwood Park area.

One of the reasons I have asked this be deleted is that it would afford an opportunity to continue to cut for the operating organization in Skunk Cabbage. In Skunk Cabbage they have something in the vicinity of 1,000 acres of old growth. This comprises about 3,000 acres. Two thousand acres have already been cut over, so they are going to have to go back to the second growth.

This would afford an opportunity to sustain the employees for about 1½ years, and if this were left in the bill, it would substantially lessen the cost of the proposal.

My proposal would cost in the vicinity, according to the estimates, of about $150 million. None of us can project in precise terms what the ultimate cost of this package is going to be, but my reason for doing this is because it would substantially lessen the cost. In addition, it will protect the park, because it is an environmental protection measure, and at the same time it will protect jobs and lessen the costs of the so-called job provision by maintaining employment for some of the people in the area.

Mr. PHILLIP BURTON. Madam Chairman, the amendment is acceptable to the majority.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. SEBELIUS) to the amendment in the nature of a substitute offered by Mr. PHILLIP BURTON, as amended, for the committee amendment in the nature of a substitute.

The amendment to the amendment in the nature of a substitute, as amended, for the committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Are there any other amendments? If not, the question is on the amendment in the nature of a substitute, as amended, for the committee amendment in the nature of a substitute.

The amendment in the nature of a substitute, as amended, for the committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and

the Speaker having resumed the chair, Mrs. KEYS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3813) to amend the act of October 2, 1968, an act to establish a Redwood National Park in the State of California, and for other purposes, pursuant to House Resolution 1006, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DON H. CLAUSEN

Mr. DON H. CLAUSEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DON H. CLAUSEN. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DON H. CLAUSEN moves to recommit that bill H.R. 3813 to the Committee on Interior and Insular Affairs with instructions to report the same to the House forthwith with the following amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

TITLE I

SEC. 101. (a) In order to establish a more meaningful Redwood National Park for the use and enjoyment of visitors, the Act entitled "An Act to establish a Redwood National Park in the State of California, and for other purposes", approved October 2, 1968 (82 Stat. 931), is amended as follows:

(1) In subsection 2(a) after "September 1968," insert "and the area indicated as 'Proposed Additions' on the map entitled 'Additional Lands, Redwood National Park, California', numbered 167–80005–E and dated February, 1978". Such map includes (A) the real property in the vicinity of the Redwood National Park known as the 'Orick Slope' (Park Service Unit #3) consisting of approximately 1,000 acres; (B) the real property in the vicinty of Redwood Creek, west to the first ridge (Unit #4), consisting of 4,800 acres; (C) real property in the vicinity of Redwood Creek, east to the hydrologic boundary (Unit #5), consisting of 7,380 acres; and (D) real property in the vicinity of the Highway 101 right-of-way (in Unit #2) to serve as a screen for the highway consisting of approximately 1,000 acres.

(2) In section 2, subsection (a), delete "fifty-eight thousand" and substitute "seventy-two thousand one hundred and eighty".

(3) In subsection 3(a), delete the period at the end of the second sentence and add the following: "which donation of lands or interest in lands may be accepted in the discretion of the Secretary subject to such preexisting reverters and other conditions as may appear in the title to these lands held by the State of California, and such other reverters and conditions as may be consistent with the use and management of the donated lands as a portion of Redwood National Park. Notwithstanding any other provision of law, the Secretary may expend appropriated funds for the management of and for the construction, design, and maintenance of permanent improvements on such lands and interests in land as are donated by the State of California in a manner not inconsistent with such reverters and other conditions.

Notwithstanding any other provision of law, as compensation for its complete and substantial prompt transfer to the Federal government of all state park lands within Redwood National Park, the Secretary may credit the State of California's allocation of Land and Water Conservation Fund monies, in lieu of the State's providing its matching funds, an amount equal to 25% of the total publicly funded acquisition cost for all such state owned lands, based on their value at the time of acquisition for state park purposes, adjusted to the current dollar value of the funds expended. Contingent upon the consummation, by no later than January 1, 1980, of a written agreement between the Secretary and the State of California that transfer shall be effected in conformance with the provisions of this paragraph, the Secretary shall so credit the State's allocation match requirements in such manner as to pro-rate the full value of such lands in equal portions for each of the remaining years of authorization of the Land and Water Conservation Fund (but in no event to extend beyond September 30, 1989)."

(4) In subsection 3(b)(1), after "NPS–RED 7114–B", insert "and effective on the date of enactment of this phrase, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property within the area indicated as 'Proposed Additions' on the map entitled 'Additional Lands, Redwood National Park, California', numbered 167–80005–E and dated February, 1978."

(5) The Secretary shall permit, at existing levels and extent of access and use, continued access and use of each acquired segment of the B line, L line, M line, and K and K roads by each current affected woods employer or its successor in title and interest: *Provided*, That such use is limited to forest and land management and protection purposes, including timber harvesting and road maintenance. The Secretary shall permit, at existing levels and extent of access and use, continued access and use of acquired portions of the Bald Hills road by each current affected woods employer or its successor in title and interest: *Provided*, That nothing in this sentence shall diminish the authority of the Secretary to otherwise regulate the use of the Bald Hills road.

The Secretary of Agriculture within one year after the date of enactment of this Act, shall prepare and transmit to Congress a study of timber harvest scheduling alternatives for the Six Rivers National Forest. Such alternatives shall exclude the timber inventories now standing on units of the Wilderness Preservation System and shall be consistent with laws applicable to management of the national forests. In developing the alternatives, the Secretary shall take into consideration economic, silvicultural, environmental, and social factors.

SEC. 102. (a) The Secretary shall submit an annual written report to the Congress on January 1, 1979, and annually thereafter for ten years, reporting on the status of payment by the Secretary for real property acquired pursuant to section 101(a)(4) and section 101(a)(2) of this amendment; the status of the new bypass highway and of the agreement for the donation of the State park lands as contemplated by section 101(a)(5) of this amendment; and, the status of the National Park Service general management plan for the park.

(b) No later than January 1, 1979, if possible, and in any event no later than January 1. 1980, the Secretary shall submit to the Committee on Interior and Insular Affairs of the House of Representatives, and to the Committee on Energy and Natural Resources of the Senate, a comprehensive general management plan for Redwood National Park, to include but not be limited to the following:

(1) the objectives, goals, and proposed actions designed to assure the preservation and perpetuation of a natural redwood forest ecosystem;

(2) the type and level of visitor use to be accommodated by the park, by specific area, with specific indications of carrying capacities consistent with the protection of park resources;

(3) the type, extent, and estimated cost of development proposed to accommodate visitor use and to protect the resource, to include anticipated location of all major development areas, roads, and trails;

(4) the specific locations and types of foot trail access to the Tall Trees Grove, of which one route shall, unless shown by the Secretary to be inadvisable, principally traverse the east side of Redwood Creek through the essentially virgin forest, connecting with the roadhead on the west side of the park east of Orick.

SEC. 103. (a). Notwithstanding any contrary provision of the Act entitled "An Act to provide for certain payments to be made to local governments by the Secretary of the Interior based upon the amount of certain public lands within the boundaries of such locality", approved October 20, 1976 (90 Stat. 2662), the Secretary is authorized and directed to make payments on a fiscal year basis to each unit of local government, in the manner provided by the Act of October 20. 1976, in which lands owned by the United States within Redwood National Park are located. Such payments may be used for any governmental purpose. The amount of such payments shall be computed as provided in subsections (b) and (c).

(b) Payment made for any fiscal year to a unit of local government shall include that amount determined pursuant to the provisions of section 2 of the Act of October 20, 1976.

(c) Payment made for any fiscal year to a unit of local government shall also include that amount determined pursuant to the provisions of section 3 of the Act of October 20, 1976: *Provided, however*, That any amount computed as provided by section 3(c)(1) of the Act of October 20, 1976, but not paid because of the limitation of subsection (c)(2) and subsection (d) of that section shall be carried forward and shall be applied to future years in which this portion of the total payment would not otherwise equal the amount of real property taxes assessed and levied on such property during the last full fiscal year before the fiscal year in which such land or interest was acquired for addition to Redwood National Park until such amount is exhausted.

(d) The Redwoods Community College District shall be considered as an affected school district for purpose of section 3(a) of the Act of October 20, 1976, as amended herein.

SEC. 104. The Secretary is further authorized, and the Congress specifically directs that it shall be a purpose of this Act, that the community services and employment opportunities provided by Redwoods United, Incorporated, a nonprofit corporation located in Manila, California, shall be maintained at the present rate of employment to the greatest degree practicable.

SEC. 105. The Congress further acknowledges and directs that the full faith and credit of the United States is pledged to the prompt payment of just compensation as provided for by the fifth amendment to the

Constitution of the United States for those lands and properties taken by this Act, through utilization of funds deposited in the Land and Water Conservation Fund account.

SEC. 106. Unless otherwise indicated hereinbefore, or in subsections 103(d) through 103(i), a reference to the Secretary will refer to the Secretary of the Department of the Interior. For the purposes of subsections 103 (d) through 103(i), a reference to the Secretary will refer to the Secretary of the Department of Labor.

TITLE II

DEFINITIONS

SEC. 201. As used in this title, the term—

(1) "Secretary" unless otherwise indicated, means the Secretary of the Department of Labor;

(2) "expansion area" means the area indicated as "Proposed Additions" exclusive of the park protection zone on the map entitled "Additional Lands, Redwood National Park, Humboldt County, California", numbered 167–80005–E and dated February 1978. The number of acres authorized to be included within the expansion area is forty-eight thousand acres, as further provided herein;

(3) "employee" means a person employed by an affected employer and in an occupation not described by section 13(a)(1) of the Fair Labor Standards Act (29 U.S.C. 213(a)(1));

(4) "contract employees" are employees performing work pursuant to a contract or agreement for services within or directly related to the expansion area between an affected contract employer and an affected woods employer;

(5) "industry employer" means a corporation, partnership, joint venture, person, or other form of business entity (including a predecessor or successor by purchase, merger, or other form of acquisition), of which a working portion or division is an affected employer;

(6) "affected employer" means a corporation, partnership, joint venture, person, or other form of business entity (including a predecessor or a successor by purchase, merger, or other form of acquisition), or a working portion or division thereof, which is engaged in the harvest of timber or in related sawmill, plywood, and other wood processing operations, and which meets the qualifications set forth in the definition of affected woods employer; affected mill employer, or affected contract employer;

(7) "affected woods employer" means an affected employer engaged in the harvest of redwood timber who owns at least 3 per centum of the number of acres authorized to be included within the expansion area on January 1, 1977, and on the date of enactment of this section: Provided, That an affected woods employer shall be only that major portion or division of the industry employer directly responsible for such harvesting operations;

(8) "affected mill employer" means an affected employer engaged in sawmill, plywood, and other wood processing operations in Humboldt or Del Norte Counties in the State of California who has either (*A*) obtained 15 per centum or more of its raw wood materials directly from affected woods employers during calendar year 1977, or (*B*) is a wholly owned mill of an affected woods employer: Provided, That an affected mill employer shall be only that major portion or division of the industry employer directly responsible for such wood processing operations;

(9) "affected contract employer" means an affected employer providing services pursuant to contract with an affected woods employer, if at least 15 per centum of said employer's employee-hours worked during calendar year 1977 were within or directly related to the expansion area pursuant to such contract or contracts;

(10) "covered employee" means an employee who—

(A) had seniority under a collective bargaining agreement with an affected employer as of May 31, 1977, has at least twelve months of creditable service as of the date of enactment of this section, and has performed work for one or more affected employers on or after January 1, 1977, or

(B) has performed work for one or more affected employers for at least one thousand hours from January 1, 1977, through the period to the date of enactment of this section, and has a continuing employment relationship with an affected employer, as determined by the Secretary, as of the date of enactment of this section or, if laid off on or after May 31, 1977, had such a relationship as of the date of such layoff;

(11) "affected employee" means a covered employee who is either totally or partially laid off by an affected employer within a time period beginning on or after May 31, 1977, and ending September 30, 1980, unless extended, or is determined by the Secretary to be adversely affected by the expansion of the Redwood National Park as further defined by section 203 of this Act;

(12) "total layoff" means a calendar week during which affected employers have made no work available to a covered employee and made no payment to said covered employee for time not worked, and "partial layoff" means a calendar week for which all pay received by a covered employee from affected employers is at least 10 per centum less than the layoff or vacation replacement benefit that would have been payable for that week had said covered employee suffered a total layoff: *Provided*, That the terms "total layoff" and "partial layoff" shall also apply to a covered employee who had received any workers' compensation benefits or unemployment compensation disability benefits after said covered employee becomes able to work and available for work and is otherwise within the meaning of total layoff and partial layoff as defined in this paragraph;

(13) "Federal agency" has the same meaning as "agency" in section 552(e) of title 5, United States Code:

(14) "suitable work" shall be defined—

(A) as set forth in the California Unemployment Insurance Code, or Federal law if applicable, unless otherwise more restrictively defined by the Secretary, taking into account the unique characteristics of logging and related work; and

(B) with respect to an employee who has completed retraining paid for by the Secretary, as a job paying no less than the prevailing wage rate in the area for the occupation for which said employee was retrained; or

(C) as a job comparable with that which said employee would be required to accept pursuant to the seniority provisions of the applicable collective-bargaining agreement (or, if not covered by such an agreement in accordance with the usual practice of the affected employer);

(15) "seniority" with respect to an employee covered by a collective-bargaining agreement with an affected employer, shall be determined as provided in such agreement and shall be deemed to refer to company seniority, if the agreement provides for such seniority and, otherwise, to plant seniority;

(16) "continuous service" with respect to employees not having seniority under a collective-bargaining agreement with an affected employer or any industry employer shall mean a period of time measured in months equal to the sum of all hours during which the employee performed work for said employer plus all hours for which the employee received pay for time not worked divided by one hundred and seventy-three; and

(17) "performed work" shall include any time during which an employee worked for an affected employer or with respect to which an employee received pay from such an employer for time not worked, and shall also include any time during which an employee would have been at work for such an employer if not for service in the armed forces or for a disability for which said employee received workers' compensation, disability compensation benefits provided under California law, or social security disability pension benefits: Provided, That contract employees shall be deemed to have performed work during the period of such service or disability only if—

(A) the employee worked within or directly related to the expansion area immediately prior to the occurrence of such service or disability.

(B) the employee returned or sought to return to work for an affected contract employer immediately after the end of the service or disability if that was prior to the date of enactment.

The term "work performed", when used in relation to a period of time, shall also be deemed to include any period during which an employee is deemed to have performed work.

(18) "terminal pay" means the payments to employees provided for in sections 207, 208, and 209 which, regardless of the designations used herein to distinguish among them are intended and shall be deemed to be severance pay and, as such, shall be treated for Federal income tax and State unemployment insurance purposes in the same manner as is provided by California State law.

(19) Notwithstanding any other provision of this Act, the Secretary shall reduce the amount of terminal pay for an employee, as calculated pursuant to section 207, 208, or 209, by the amount of the Federal and State income taxes which would be required to be withheld by an employer from wages equal to such terminal pay if paid to an employee with the same number of income tax exemptions as the recipient. For purposes of determining the amounts of such reductions with respect to severance payments made pursuant to sections 208 and 209, said severance payments shall be prorated over the number of weeks the equivalent sums would have been paid if the employees were eligible for and claiming the weekly layoff benefits provided in section 207. The Secretary shall withhold social security contributions from terminal pay in the same amounts as would be withheld if such pay (before the reductions provided for in this subsection) were wages and the Secretary shall make contributions on behalf of employees receiving terminal pay to the trust funds created under section 201 of the Social Security Act equal to the contributions required to be made by an employer paying wages equal to such unreduced terminal pay.

(20) "Sixty-fifth birthday" means the last day of the month in which the sixty-fifth birthday occurs.

SEC. 202. The Secretary is authorized to develop the necessary procedures to implement this title.

AFFECTED EMPLOYEES

SEC. 203. The total or partial layoff of a covered employee employed by an affected employer during the period beginning May 31, 1977, and ending September 30, 1980, other than for a cause that would disqualify an employee for unemployment compensation, except as provided in section 205, is conclusively presumed to be attributable to the expansion of Redwood National Park: *Provided*, That the Secretary may, for good cause, extend this period for any group of covered employees by no more than one year at a time after September 30, 1980. Any covered employee laid off during that period by an affected employer shall be considered an affected employee at any time said employee is on such layoff within the period ending September 30, 1984, or, if earlier, the end of said employee's period of protection

as defined herein: *Provided, however,* That the number of affected employees with respect to an affected employer (other than employees of an affected mill employer described in section 201(8)(B) or an affected woods employer) shall be limited in any week to—

(1) that number of covered sawmill, plywood, and other wood processing employees otherwise affected as provided herein, that is equal to the percentage of the affected mill employer's supply of raw wood materials obtained from affected woods employers to the affected mill employer's total supply of raw wood materials during calendar year 1977, unless the Secretary determines that employees are being laid off by an affected mill employer as a result of the shutdown of a plant or a department, or a shift in the plant, because of the unavailability of sufficient materials to sustain a profitable level of operations. In the event of such a finding, the number of affected employees shall also include that number of additional covered sawmill, plywood, and other wood processing employees, otherwise affected as provided herein, as the Secretary deems to have been affected by said shutdown;

(2) notwithstanding clause (1) of this section that number of affected employees for any affected woods employer—

(A) owning less than 5 per centum of the total acreage of the intact virgin old growth timber in the expansion area, or

(B) in a case where the expansion of Redwood National Park takes less than 5 per centum of the intact virgin old growth acreage owned by said woods employer in Humboldt and Del Norte Counties as of the date of enactment,

that is equal to no more than 5 per centum of the average number of said employer's covered employees (including, for this purpose, employees of its wholly or partially owned affected mill employers and its affected contract employers) during calendar year 1977. Said 5 per centum shall be applied separately to such employer's woods employees, to the employees of its wholly or partially owned mill employers and to the employees of its contract employers, respectively.

(3) The number of affected contract employees shall be limited in any week to that number of such employees otherwise affected as provided herein that is equal to the percentage of the affected contract employer's employee hours during calendar year 1977 that were worked within or directly related to the expansion area.

(4) For purposes of determining whether the number of affected employees in any week exceeds the applicable maximum number provided for in clause (1) or (2) of this section, there shall be included, as if they were currently affected employees, individuals who have ceased to be so classified because they have received severance pay.

(5) During any week when the number of an affected employer's covered employees on layoff exceeds the applicable maximum number in clause (1), (2), or (3) of this section, only those among such covered employees, but no more than the applicable maximum number, having the greatest seniority (or continuous service) shall be considered affected employees notwithstanding the requirement that an employee must have been laid off during the period specified in this section in order to be considered an affected employee for the purposes of this Act.

SEC. 204. (a) The Secretary shall provide, to the maximum extent feasible, for retention and accrual of all rights and benefits which affected employees would have had in employment with affected employers had said employees been employed during the periods for which they are eligible for layoff and vacation replacement benefits. The Secretary is authorized and directed to enter into agreements as may be appropriate with affected employers, labor organizations representing covered employees, and trustees of applicable pension and welfare funds. Such agreements shall provide for employers, during each period in which they are eligible to receive layoff and vacation replacement benefits (including the benefits provided for in section 207(d)):

(1) retention and accrual of seniority rights, including recall rights (or, in the case of employees not covered by collective bargaining agreements, application of the same preferences and privileges based upon length of continuous service as are applied under the affected employer's usual practices) under conditions no more burdensome to said employees than to those actively employed;

(2) continuing entitlement to health and welfare benefits and accrual of pension rights and credits based upon length of employment and/or amounts of earnings to the same extent as and at no greater cost to said employees than would have been applicable had they been actively employed.

(b) The agreements described in subsection (a) shall provide, additionally, for continuing entitlement to health and welfare benefits (other than group life and additional death, dismemberment and loss of sight benefits) for employees who—

(1) retired from employment with an affected employer for reasons other than disability on or after May 31, 1977;

(2) are receiving pension benefits under a plan financed by industry employers;

(3) were age sixty-two or older but less than age sixty-five at the time of retirement; and

(4) are not eligible for benefits under title XVIII of the Social Security Act.

(c) The agreements described in subsection (a) of this section shall provide for the Secretary, effective October 1, 1977, to make payments on behalf of eligible affected employees including employees eligible for the benefits provided for in section 207(d) to the applicable pension and welfare trust funds and to insurance companies equivalent to the difference between the amounts payable by their affected employers and labor organizations pursuant to collective bargaining agreements (or, in the absence of such agreements, pursuant to established practice) and the amounts that would have been paid by their affected employers and their labor organizations had said employees worked or received pay for the periods for which they receive layoff benefits: *Provided,* That no payment shall be made to a pension fund on behalf of an employee who is receiving a pension from such fund. For purposes of determining the amounts of contributions calculated on the basis of worked or compensable hours, layoff and vacation replacement benefits shall be converted into the hours they represent in accordance with regulations to be issued by the Secretary.

(d) In the event an affected employer goes out of business or any party refuses to enter into an agreement of the kind provided for in this section to which said party's consent is necessary in order to carry out the purposes of said section, the Secretary shall make other arrangements to assure the effectuation of those purposes with respect to health and welfare and pension benefits. Such arrangements may include direct payment of such benefits by the Secretary, effective October 1, 1977, and shall provide for adjustment of benefits (as well as related matters such as conditions of eligibility) in conformity with changes made with respect to the employee's last affected employer's active employees, if said employer continues in business, or otherwise in conformity with changes made by comparable employers in the same industry in Humboldt and Del Norte Counties of the State of California: *Provided,* That, with respect to employees covered by a trust fund to which more than one employer contributes or has contributed, only the changes made in benefits and related matters by that trust fund shall be used as the basis for the adjustments provided for herein.

(e) It is expressly intended, and Congress so finds and directs, that the agreements contemplated by this section and by section 103 are of the essence of this legislation and that no affected employer or industry employer shall be provided any benefit or advantage under this Act unless said employer enters into both such agreements.

SEC. 205. (a) An application for unemployment compensation filed by a covered employee on or after the first Monday following the date of enactment shall be deemed an application for the benefits provided by this Act.

(b) An affected employee shall be eligible (unless said employee has received a social security retirement or disability benefit or a pension under a plan contributed to by an affected employer 204(b), except as otherwise specifically provided in section 204(b) and in the final proviso of section 208(a) for layoff and vacation replacement benefits, as defined herein, effective the first Monday following the date of enactment, for each week of total or partial layoff if, with respect to said week, said employee—

(1) is registered with the United States Employment and Training Service in Humboldt or Del Norte Counties or one of the adjacent counties in the State of California or at such other location as the Secretary may designate;

(2) is eligible for unemployment compensation benefits under the California Unemployment Compensation Code: *Provided,* That the Secretary is authorized and directed to provide for the payment of benefits under this title to an affected employee who is held ineligible or is disqualified for benefits under said code solely because of one or more of the following reasons: insufficient base period earnings; exhaustion of benefit rights; earnings in excess of the amount which would entitle the employee to a partial benefit for the week; the waiting week requirement; unavailability for work because of jury duty, National Guard duty, retraining authorized, financed or approved by a public agency, or because of a similar reason as determined by the Secretary; refusal of work which is not "suitable work" as defined in section 201(14); receipt of a worker's compensation or other benefit for partial disability which the employee would be entitled to receive while working; and any other cause of ineligibility with respect to which the Secretary determines that, under the circumstances, it would be unreasonable or otherwise contrary to the purpose of this Act to deny said employee a benefit provided for herein; and

(3) the employee's period of protection has not been exhausted or otherwise ended by acceptance of a severance payment.

SEC. 206. (a) The period of protection for an affected employee shall start with the beginning of the first week for which said employee is eligible to receive a layoff or vacation replacement benefit as provided by this title, and shall continue until the earliest of (i) the date said employee accepts a severance payment provided for below, (ii) a period equal to the length of the employee's creditable service is exhausted, or (iii) said employee's sixty-fifth birthday. In no event shall such period extend beyond September 30, 1948, except as provided by subsection (d) of section 207.

(b) Creditable service shall be computed as follows:

(1)(A) A period equal to the length of an employee's seniority (or continuous service as defined herein) with said employee's last affected employer as of the date said employee's period of protection begins; plus

(B) A period equal to the sum of all prior periods during which the employee had seniority (or continuous service) with the same affected employer and with other industry employers: Provided, That if such seniority was broken (or such continuous service was interrupted) for more than three consecutive years for any reason other than periods of service in the Armed Forces or disabilities for which said employee received any workers' compensation benefits or unemployment compensation disability benefits or disability benefits under the Social Security Act, any periods of seniority (or continuous service) prior to the break in seniority (or interruption in continuous service) shall be disregarded.

(c) If necessary, in order to establish an employee's creditable service, the Secretary shall request authorization to examine said employee's social security wage record and shall compute such service from it by a method to be prescribed by regulation.

SEC. 207. (a) Except as further provided in this section, the amount of an eligible employee's weekly layoff benefit shall be equal to (1) the annual average of all hours of work performed by said employee for the last affected employer or whom the employee worked prior to the date of enactment of this section during those three of the five calendar years immediately preceding said date during which such hours were greatest, counting hours paid for at time and a half and double time as one and one-half and two hours, respectively, multiplied by (2) the wage rate applicable, during the week for which the benefit is payable to the highest paid job held by said employee, other than by temporary assignment with said affected employer, during the period from January 1, 1977, through the date of enactment of this section, and divided by (3) fifty-two.

(b) The weekly benefit amount for an eligible employee with less than five calendar years of employment with one affected employer immediately prior to the enactment date shall be equal to the lesser of—

(1) the average benefit would be payable with respect to the same week to those covered employees (if they were eligible in the same week) who had five or more calendar years of employment with the same affected employer (in accord with subsection (a) of this section) whose benefit amounts are computed on the basis of the wage rate for a job the same as, or most similar to, the highest paid job said employee had held, other than by temporary assignment with said affected employer, during the period from January 1, 1977, through the date of enactment of this section, or

(2) an amount calculated by substituting in clause (1) of subsection (a) the annual average of all hours of work performed by said employee for said employer during those calendar years for which said employee had performed work and throughout which he had seniority (or continuous service).

(c) Notwithstanding subsections (a) and (b), the Secretary shall classify as a "seasonal employee" any affected employees whose highest paid job held, other than by temporary assignment with said affected employer, during the period from January 1, 1977, through the date of enactment of this section was in an occupation in which the average annual number of weeks during which work was actually performed by all covered employees employed in said occupation during the five calendar years preceding the enactment date was forty or less. With respect to such seasonal employees—

(1) the calculation of benefit amount set forth in subsection (a) shall be modified by—

(A) deducting from the hours for which said employee received pay those hours representing vacation pay and vacation pay increments and;

(B) substituting for the fifty-two provided in clause (3) of subsection (a) a divisor equal to the average number of weeks for which said employee performed work for an affected employer in said occupation during those three of the five calendar years immediately preceding the date of enactment during which the number of such weeks was greatest: *Provided*, That this calculation shall be modified in accord with subsection (b) with respect to those employees who had less than five calendar years of employment with one affected employer immediately prior to the date of enactment of this section.

(2) the number of weekly benefits payable in any calendar year shall not exceed the annual average number of weeks for which a seasonal employee received pay from an affected employer for work performed in the employee's occupation, as established by paragraph (1)(B), and shall be payable only during those weeks of each year determined by the Secretary to be the usual season for that occupation,

(3) vacation pay and vacation pay increments shall be paid in the same amounts and at the same times of each year as they would have been paid had said employee performed work during all of the time for which said employee receives layoff benefits. Such pay is referred to herein as "vacation replacement benefits".

(d) Notwithstanding any other provision of this Act, the benefits for any affected employee who will reach the age of sixty on or before September 30, 1984, shall be extended after the end of the employee's period of protection (unless severance pay has been accepted) until the employee's sixty-fifth birthday, and shall be equal to the lesser of (1) said employee's weekly layoff benefit or (2) the average weekly wage paid at the time to all employees then employed in Humboldt and Del Norte Counties in occupations included in the definition of covered employees.

(e) The benefit amount provided by this section for any week of total or partial layoff shall be reduced by—

(1) the full amount of any earnings, including pay for time not worked with respect to the same week, from employment obtained pursuant to section 103, or employment by employers engaged in timber harvesting, or in related sawmill, plywood, and other wood processing operations;

(2) 50 per centum of earnings and pay for time not worked from any other employer with respect to that week; and

(3) the full amount of any unemployment compensation.

SEC. 208. (a) An affected employee (other than a short-service employee described in subsection (a) of section 209) shall be paid severance pay in accordance with this section if said employee:

(1) has been a continuous layoff from employment with the employee's last affected employer for a period of at least twenty weeks subsequent to December 31, 1977;

(2) has no definite recall date for work with the affected employer by whom the employee was laid off and no offer of suitable work by any affected employer; and

(3) applies for severance pay during a week with respect to which said employee has not performed work for an affected employer: *Provided*, That this clause shall not result in denial of severance pay to an otherwise eligible employee who at the time of application is totally and permanently disabled as defined in the Social Security Act; or

(4) was permanently separated from employment with an affected employer during the period beginning May 31, 1977, and ending on the date of enactment of this Act, as a result of the closure of the mill or plant in which said employee was employed and has not, since said separation, been employed by an affected employer: *Provided*, That an employee shall be deemed an affected employee for purposes of section 208 (a) if said employee meets the requirements of clauses (1), (2), and (3) of section 204(b).

(b) The amount of severance pay payable to an employee shall be computed by multiplying the aplicable number of weeks determined in accordance with subsection (c) by the amount of the weekly layoff benefit (without reduction for earnings or other benefits) which is payable, or would be payable if the employee were eligible for the week in which the application was filed: *Provided*, That, for a seasonal employee the amount so calculated, plus the amount of vacation replacement benefits applicable for that year shall be multiplied by the number of weeks in said employee's usual season, as determined in section 207(c), and the result divided by fifty-two.

(c) The number of weeks of severance pay shall be equal to one week for each month of the employee's creditable service up to a maximum of seventy-two weeks: *Provided*, That the severance payment to any employee shall not exceed the total amount of the weekly layoff and vacation replacement benefits which would have been payable if said employee were to be eligible for such benefits continuously from the week of application until the end of the applicable period of protection, (or in the case of an employee described in the proviso of subsection (a), until said employee's sixty-fifth birthday), (or, in the case of an employee described in the proviso of subsection (a), until said employee's sixty-fifth birthday), calculated on the basis of the weekly amounts of such benefits as of the date of application for severance pay.

(d) Acceptance of severance pay terminates the affected employee's period of protection and makes said employee ineligible thereafter for all other forms of terminal pay and for the protections provided in section 204, except as otherwise specifically provided in this act.

(e) Before making a severance payment to an employee, the Secretary shall obtain said employee's written agreement that, upon resumption of employment in the industry within Humboldt and Del Norte Counties and the counties adjacent thereto in the State of California prior to September 30, 1980, or such later date established by the Secretary with respect to said employee pursuant to section 203, said employee will return it in weekly installments equal to a specified percentage of the employee's earnings in the industry, which the Secretary shall set at a reasonable level. The agreement shall include authorization for the Secretary to arrange with an employer for withholding of the applicable amounts from the employee's pay.

SHORT-SERVICE EMPLOYEES

SEC. 209. (a) Notwithstanding any other provision of this Act, an effected employee as defined in this title shall be ineligible for any benefit under this title except as provided in this section if:

(1) said employee will not reach age sixty before October 1, 1984; and

(2) said employee as of the date of becoming an affected employee, does not have service credit for pension purposes of at least five full years under a pension plan contributed to by industry employers.

(b) An affected employee described in subsection (a) shall be paid severance pay in accordance with this section if said employee meets the requirements of section 208(a).

(c) Said employee shall be paid a severance payment equal to forty times the hourly wage rate applicable at the time of application for severance pay to the highest paid job held by said employee, other than by temporary assignment, during calendar year 1977, with the employee's last affected employer for each one hundred and seventy-

three hours for which said employee performed work for affected employers.

(d) Subsection (d) of section 208 shall be applicable to employees applying for and accepting severance payments pursuant to this section except that such employees shall remain eligible for allowances provided for in sections 211 and 212, and for retraining as provided for in section 210(a) and while in good faith engaged in such training shall be paid the same stipends and allowances as are generally applicable to individuals engaged in such retraining programs who are not employees as defined in this Act.

RETRAINING

SEC. 210. (a) An affected employee is eligible to apply for and the Secretary shall authorize training (including training for technical and professional occupations) at Government expense during said employee's period of protection if—

(1) the Secretary determines that there is no suitable employment available for the employee within a reasonable commuting area; and

(2) there is substantial reason to believe that the employee's employment prospects would be enhanced after successful completion of the training for which application has been filed.

(b) An affected employee engaged in training authorized by subsection (a) shall be paid layoff and vacation replacement benefits while in good fath engaged in such training and shall continue to be paid such benefits while so engaged, notwithstanding said employee's removal from the category of "affected employee" pursuant to clause (4) of section 203.

SEC. 211. Upon application filed by an affected employee during said employee's period of protection, said employee shall be eligible for a job search allowance under the same terms, conditions, and amounts as provided in section 237 of the Trade Act of 1974 (19 U.S.C. 2297).

SEC. 212. (a) A relocation allowance shall be paid upon application by an affected employee during the applicable period of protection if—

(1) the Secretary determines that said employee cannot reasonably be expected to obtain suitable work in the commuting area in which said employee resides; and

(2) the employee has obtained—

(A) suitable employment affording a reasonable expectation of long-term duration in the area in which said employee wishes to relocate; or

(B) a bona fide offer of such employment; or

(3) the employee relocated during the period May 31, 1977, and ending on the date of enactment, because of acceptance of employment requiring a change in residence to a location outside the commuting area in which said employee resided immediately prior to becoming an affected employee.

(b) The Secretary shall provide the same moving expense benefits for the same purposes are set forth in the Regional Rail Reorganization Act of 1973 (Public Law 93-236).

ADMINISTRATION

SEC. 213. (a) The Secretary shall be responsible for paying promptly all benefits and payments provided by this title.

(b) Effective October 1, 1977, there are authorized to be appropriated annually such sums as may be required to meet the obligations provided for in this title.

(c) The Secretary shall have the authority to obtain information necessary to carry out the responsibilities created under this Act in the same manner as provided by section 249 of the Trade Act of 1974 (19 U.S.C. 2321).

(d) The Secretary shall offer all reasonable cooperation and assistance to individuals who believe they may qualify for the benefits, payments, preferential hiring rights, and other protections provided for employees under this Act. Among other things, the Secretary shall—

(1) provide all covered employees with literature stating their rights and obligations in nontechnical terms; and

(2) develop and implement procedures for the filing (including filing by mail in appropriate circumstances as determined by the Secretary) of applications, appeals, and complaints relating to the rights and entitlements established for employees by this title designed to facilitate prompt determinations and prompt payment to eligible applicants.

(e) The Secretary shall direct that notices reports, applications, appeals, and information concerning the implementation of this title required to be filed with the Secretary shall be filed at the offices of the United States Employment and Training Service in Humboldt and Del Norte Counties of the State of California and that information required to facilitate employees' exercise of their rights under this title shall be kept available at such offices unless the Secretary shall designate additionally.

(f) In all cases where two or more constructions of the language of this title would be reasonable, the Secretary shall adopt and apply that construction which is most favorable to employees. The Secretary shall have the authority to exercise reasonable discretion to avoid inequities adverse to employees that otherwise would arise from an unduly literal interpretation of the language of this title.

Mr. DON H. CLAUSEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. PHILLIP BURTON. Mr. Speaker, reserving the right to object, is the amendment a long one?

Mr. DON H. CLAUSEN. Mr. Speaker, if the gentleman will yield, the motion to recommit will be to cut down the acreage from 48,000 to 14,000 acres, also to strike the 30,000-acre discretionary authority.

The balance of the motion to recommit contains the same language that was in the substitute as it cleared the Committee of the Whole House.

Mr. PHILLIP BURTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Speaker, I make the point of order that a quorum is not present and I move a call of the House.

The SPEAKER. The Chair will advise the gentleman from California that under rule XV his point of order is not in order at this time.

The gentleman has 5 minutes to speak on the motion to recommit.

PARLIAMENTARY INQUIRY

Mr. DON H. CLAUSEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DON H. CLAUSEN. Mr. Speaker, can I not make a point of order at this time that a quorum is not present?

The SPEAKER. The Chair has not put the pending question to a vote at this time and thus cannot entertain the point of order. The gentleman has 5 minutes.

Mr. KINDNESS. Mr. Speaker, will the gentleman yield?

Mr. DON H. CLAUSEN. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the gentleman's motion, and I wish to express the indignation of the voters of Ohio and other States throughout the country who will never see the Redwood National Park and who are concerned about the profligate waste of money that is proposed in this bill.

Mr. Speaker, what is the purpose of the legislation? What is the problem it seeks to remedy? Let us look at the preamble. It gives a threefold justification:

To protect the existing redwoods from "damaging upslope and upstream land use."

What in the world does that mean? How far upstream, and upslope will we have to go? This can be pretty significant because as I understand the bill, it provides for 48,000 acres which certainly would not cover all of the upstream and upslope areas above the Redwood National Park. How do we know that is enough to prevent this "damaging upstream and upslope land used"? The Senate bill contains an interesting loophole which gives the Secretary of the Interior an opportunity to mull over this question a little further. Then . . . if he decides it is necessary, he can add another 30,000 acres to the 48,000 already provided for in the bill.

Now, it seems to me that if we are in fact certain that the problem we are attempting to deal with in this bill is "damaging upstream and upslope land use," the proponents of this legislation ought to be able to tell us specifically, and right now, which acreages are susceptible to "this damaging land use," and further to show us which practices are considered damaging, and to show specifically the manner in which they would threaten potential harm to the redwoods. One possible harm I have heard referred to is that of erosion and siltation, and it supposedly poses an immediate threat to those redwood trees located in the "worm area." First of all, it seems a little unusual to have both erosion and siltation at the same location at the same time. It seems to me it would have to be one or the other which was the principal problem. In my judgment, the evidence in the record is woefully lacking in terms of documenting:

First. That there is siltation or erosion, whichever it is, or even both;

Second. That, assuming one or both do exist, it is the result of "damaging upstream and upslope land use";

Third. That, further assuming one or both do exist and that some direct tie could be established; the proposed cure will solve the alleged problem.

"To provide a land base sufficient to insure preservation of significant examples of the coastal redwood in accordance with the original intent of Congress":

First. This makes it sound pretty much like the land grab that it is, an effort to

provide an even larger playground for a small group of elite hikers, backpackers, and so forth.

Second. The last part should really baffle the courts, since the "original" legislation is presumed to speak for itself, and it said 58,000 acres. It seems highly presumptive to me for this Congress now to say no, the 90th Congress really intended 106,000 acres—and maybe 136,000. Must have been a typo, or an error on the part of the enrolling clerk.

Third. We should also be mindful of the fact that there are plenty of redwoods already protected in over 100 Federal, State, and local parks. To be specific, they cover approximately 283 square miles and some 181,000 acres.

"To establish a more meaningful Redwood National Park for the use and enjoyment of visitors."

First. The record speaks for itself on this point. The original legislation passed in 1968 contemplated that the State of California would turn over a number of State-owned redwood parks along with the newly acquired Federal land to make one large Redwood National Park. The record of the Federal Government has been so bad with respect to the handling of the Federal area, that the State has refused to turn over its parks. So the only portion of the redwoods which are truly "meaningful for the use and enjoyment of visitors" at the present time are those controlled and operated by the State of California. Will this clause in the preamble convince the State of California that they should now turn over their parks?

Second. I think we have to look, too at the question of "meaningful for the use and enjoyment" of who? It currently has the distinction of being one of the least visited national parks. Small wonder, in view of its lack of facilities, relative inaccessibility and its relatively remote location with respect to large urban populations. Can we afford to spend all of this money on relatively few people, when many Americans lack recreation facilities conveniently close to their homes?

LOST JOBS

It has been estimated that as many as 2,000 jobs will be lost in an area which is already suffering from unemployment of nearly 15 percent.

At the time of the 1968 acquisitions there were bold promises of new jobs, and assistance for those who did lose their jobs. Ask the residents of Humboldt County about the shallowness of such promises? Ten years later they have very little to show for it. The big promises were made when the original legislation was enacted in 1968.

COSTS

We started out with an original cost of $92 million. That figure has been escalated to $172 million, and there is the potential for an additional $110 million as a result of pending litigation.

The sponsors of this legislation project a cost of $359 million for the basic 48,000 acres which would be authorized initially. And, that still leaves the "Secretary's optional 30,000 acres" to be paid for.

It is conceivable that if all costs related to this park were included it could well become our first $2 billion national park. And—hopefully—our last.

LEGISLATIVE TAKING

This is a very drastic measure, and should be exercised only after the clearest demonstration of urgent public need for the land—a showing which we have not seen in this case.

CHANGE IN JURISDICTION OF COURTS

This legislation contemplates a major change in the jurisdiction over disputes arising from the taking. All future redwood claims would be under the jurisdiction of the U.S. district courts, rather than the Court of Claims.

Sufficient evidence has not been presented to justify this change. The committee with legislative authority over the courts, the Committee on the Judiciary, has not had an opportunity to review the proposed changes.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield back the balance of my time.

Mr. PHILLIP BURTON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. DON H. CLAUSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 116, nays 274, answered "present" 1, not voting 41, as follows:

[Roll No. 52]

YEAS—116

Abdnor	Frenzel	O'Brien
Andrews, N. Dak.	Frey	Pettis
Archer	Goodling	Poage
Ashbrook	Gradison	Quayle
Badham	Grassley	Quie
Bafalis	Guyer	Quillen
Bauman	Hagedorn	Regula
Beard, Tenn.	Hall	Rhodes
Bowen	Hammer-schmidt	Roberts
Breaux	Hansen	Robinson
Brown, Mich.	Harsha	Rousselot
Brown, Ohio	Hillis	Rudd
Broyhill	Hollenbeck	Runnels
Burleson, Tex.	Holt	Satterfield
Butler	Horton	Sebelius
Carter	Ichord	Shuster
Cederberg	Johnson, Calif.	Sisk
Chappell	Johnson, Colo.	Skelton
Clausen, Don H.	Kelly	Skubitz
Cleveland	Kemp	Smith, Nebr.
Cochran	Ketchum	Snyder
Coleman	Kindness	Spence
Collins, Tex.	Latta	Stangeland
Corcoran	Leach	Stanton
Crane	Lent	Stockman
Cunningham	Livingston	Stump
Daniel, Dan	Lott	Symms
Daniel, R. W.	McEwen	Taylor
Devine	Marlenee	Thone
Dickinson	Martin	Treen
Dornan	Mathis	Trible
Duncan, Oreg.	Michel	Ullman
Duncan, Tenn.	Milford	Vander Jagt
Edwards, Ala.	Montgomery	Walker
Edwards, Okla.	Moore	Wampler
Erlenborn	Moorhead, Calif.	Whitten
Evans, Colo.	Mottl	Wilson, Bob
Forsythe	Myers, John	Winn
		Young, Alaska
		Young, Fla.

NAYS—274

Addabbo	Ford, Tenn.	Myers, Gary
Akaka	Fountain	Myers, Michael
Alexander	Fowler	Natcher
Allen	Fraser	Neal
Ambro	Fuqua	Nedzi
Ammerman	Gaydos	Nichols
Anderson, Calif.	Gephardt	Nix
Anderson, Ill.	Giaimo	Nolan
Andrews, N.C.	Gibbons	Nowak
Annunzio	Gilman	Oakar
Applegate	Ginn	Oberstar
Ashley	Glickman	Obey
Aspin	Goldwater	Ottinger
AuCoin	Gonzalez	Panetta
Baldus	Gore	Patten
Barnard	Gudger	Patterson
Baucus	Hamilton	Pattison
Bedell	Hanley	Pease
Beilenson	Hannaford	Pepper
Benjamin	Harkin	Perkins
Bennett	Harris	Pickle
Bevill	Hawkins	Pike
Biaggi	Heckler	Pressler
Blanchard	Hefner	Preyer
Blouin	Heftel	Price
Boggs	Hightower	Pritchard
Boland	Holland	Pursell
Bolling	Holtzman	Rahall
Bonior	Howard	Railsback
Bonker	Hubbard	Rangel
Brademas	Huckaby	Reuss
Breckinridge	Hughes	Richmond
Brinkley	Hyde	Rinaldo
Brodhead	Jacobs	Risenhoover
Brooks	Jeffords	Rodino
Broomfield	Jenkins	Roe
Buchanan	Jenrette	Rogers
Burgener	Jones, N.C.	Roncalio
Burke, Fla.	Jones, Okla.	Rooney
Burke, Mass.	Jordan	Rose
Burlison, Mo.	Kasten	Rosenthal
Burton, John	Kastenmeier	Roybal
Burton, Phillip	Keys	Russo
Byron	Kildee	Ryan
Caputo	Kostmayer	Santini
Carney	Krebs	Sarasin
Carr	Krueger	Sawyer
Cavanaugh	LaFalce	Scheuer
Chisholm	Lagomarsino	Schroeder
Clay	Le Fante	Seiberling
Cohen	Lederer	Sharp
Collins, Ill.	Leggett	Sikes
Conte	Lehman	Simon
Conyers	Levitas	Slack
Corman	Lloyd, Calif.	Smith, Iowa
Cornell	Lloyd, Tenn.	St Germain
Cornwell	Long, La.	Staggers
Cotter	Long, Md.	Stark
Coughlin	Lujan	Steers
D'Amours	Lundine	Stokes
Danielson	McClory	Stratton
Davis	McCormack	Studds
de la Garza	McDade	Thompson
Delaney	McHugh	Traxler
Dellums	McKay	Tsongas
Derwinski	McKinney	Udall
Dicks	Madigan	Van Deerlin
Dingell	Maguire	Vanik
Dodd	Mann	Vento
Downey	Markey	Volkmer
Drinan	Marks	Walgren
Early	Mattox	Walsh
Edgar	Meeds	Watkins
Edwards, Calif.	Metcalfe	Waxman
Eilberg	Meyner	Weaver
English	Mikulski	Weiss
Ertel	Mikva	Whalen
Evans, Del.	Miller, Calif.	White
Evans, Ga.	Miller, Ohio	Whitehurst
Evans, Ind.	Mineta	Whitley
Fary	Minish	Wilson, C. H.
Fascell	Mitchell, Md.	Wilson, Tex.
Fenwick	Mitchell, N.Y.	Wirth
Findley	Moakley	Wolff
Fish	Moffett	Wydler
Fisher	Mollohan	Wylie
Fithian	Moorhead, Pa.	Yates
Flippo	Moss	Yatron
Flood	Murphy, Ill.	Young, Mo.
Florio	Murphy, N.Y.	Zablocki
Flowers	Murphy, Pa.	Zeferetti
	Murtha	

ANSWERED "PRESENT"—1

Conable

NOT VOTING—41

Armstrong	Clawson, Del	Emery
Beard, R.I.	Dent	Flynt
Bingham	Derrick	Foley
Brown, Calif.	Diggs	Ford, Mich.
Burke, Calif.	Eckhardt	Gammage

Harrington	Marriott	Steiger
Ireland	Mazzoli	Teague
Jones, Tenn.	Rostenkowski	Thornton
Kazen	Ruppe	Tucker
Luken	Schulze	Waggonner
McCloskey	Shipley	Wiggins
McDonald	Solarz	Wright
McFall	Spellman	Young, Tex.
Mahon	Steed	

The Clerk announced the following pairs:

Mr. Bingham with Mr. Shipley.
Mr. Dent with Mr. McDonald.
Mr. Flynt with Mr. Teague.
Mr. Ford of Michigan with Mr. Mahon.
Mrs. Burke of California with Mr. Kazen.
Mr. Steed with Mr. Wright.
Mr. Young of Texas with Mr. McFall.
Mr. Rostenkowski with Mr. Thornton.
Mr. Waggonner with Mr. Harrington.
Mr. Foley with Mr. Eckhardt.
Mr. Diggs with Mr. Gammage.
Mr. Tucker with Mrs. Spellman.
Mr. Mazzoli with Mr. Ireland.
Mr. Brown of California with Mr. Beard of Rhode Island.
Mr. Jones of Tennessee with Mr. Wiggins.
Mr. Derrick with Mr. Del Clawson.
Mr. McCloskey with Mr. Steiger.
Mr. Schulze with Mr. Emery.
Mr. Luken with Mr. Marriott.
Mr. Solarz with Mr. Ruppe.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SISK). The question is on the passage of the bill.

Mr. SEBELIUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 328, nays 60, answered "present" 1, not voting 43, as follows:

[Roll No. 53]

YEAS—328

Addabbo	Burke, Mass.	Evans, Del.
Akaka	Burlison, Mo.	Evans, Ga.
Alexander	Burton, John	Evans, Ind.
Allen	Burton, Phillip	Fary
Ambro	Byron	Fascell
Ammerman	Caputo	Fenwick
Anderson, Calif.	Carney	Findley
Andrews, N.C.	Carr	Fish
Andrews, N. Dak.	Carter	Fisher
Annunzio	Cavanaugh	Fithian
Applegate	Cederberg	Flippo
Ashley	Chappell	Flood
Aspin	Chisholm	Florio
AuCoin	Clay	Ford, Tenn.
Bafalis	Cleveland	Fountain
Baldus	Cochran	Fowler
Barnard	Cohen	Fraser
Baucus	Coleman	Frenzel
Beard, Tenn.	Collins, Ill.	Frey
Bedell	Conte	Fuqua
Beilenson	Conyers	Gaydos
Benjamin	Corcoran	Gephardt
Bennett	Corman	Gibbons
Bevill	Cornell	Gilman
Biaggi	de la Garza	Ginn
Blanchard	Cornwell	Glickman
Blouin	Cotter	Goldwater
Boggs	Coughlin	Gonzalez
Boland	D'Amours	Gore
Bolling	Danielson	Gradison
Bonior	Davis	Grassley
Bonker	Delaney	Gudger
Bowen	Dellums	Guyer
Brademas	Derwinski	Hamilton
Breaux	Dicks	Hanley
Breckinridge	Diggs	Hannaford
Brinkley	Dingell	Harkin
Brodhead	Dodd	Harris
Brooks	Downey	Harsha
Broomfield	Drinan	Hawkins
Brown, Calif.	Duncan, Tenn.	Heckler
Brown, Mich.	Early	Hefner
Brown, Ohio	Edgar	Heftel
Buchanan	Edwards, Ala.	Hightower
Burgener	Edwards, Calif.	Hillis
Burke, Fla.	Edwards, Okla.	Holland
	Eilberg	Hollenbeck
	English	Holt
	Erlenborn	Horton
	Ertel	Howard
	Evans, Colo.	Hubbard
	Forsythe	Huckaby
	Giaimo	Hughes
	Goodling	Hyde
	Hagedorn	Jacobs
	Hall	Jeffords
	Hammer-schmidt	Jenkins
	Hansen	Jenrette
	Ichord	Johnson, Calif.
	Kelly	Johnson, Colo.
	Kemp	Jones, N.C.
	Ketchum	Jones, Okla.
	Kindness	Jordan
	McEwen	Kasten
	McKay	Kastenmeier
	Michel	Keys
	Milford	Kildee
	Montgomery	Kostmayer
	Pettis	Krebs
	Pickle	LaFalce
	Poage	Lagomarsino
	Quillen	Latta
	Rhodes	Le Fante
	Roberts	Leach
	Robinson	Lederer
	Rousselot	Leggett
	Rudd	Lehman
	Satterfield	Lent
	Sebelius	Levitas
	Shuster	Livingston
	Skelton	Lloyd, Calif.
	Skubitz	Lloyd, Tenn.
	Stangeland	Long, La.
	Stockman	Long, Md.
	Stump	Lott
	Symms	Lujan
	Taylor	Lundine
	Treen	McClory
	Wampler	McCormack
	Young, Alaska	McDade
		McHugh
		McKinney
		Madigan
		Maguire
		Mann
		Markey
		Marks
		Marlenee
		Martin
		Mathis
		Mattox
		Meeds
		Metcalfe
		Meyner
		Mikulski
		Mikva
		Miller, Calif.
		Miller, Ohio
		Mineta
		Minish
		Mitchell, Md.
		Mitchell, N.Y.
		Moakley
		Moffett
		Mollohan
		Moore
		Moorhead, Calif.
		Moorhead, Pa.
		Moss
		Mottl
		Murphy, Ill.
		Murphy, N.Y.
		Murphy, Pa.
		Murtha
		Myers, Gary
		Myers, John
		Myers, Michael
		Natcher
		Neal
		Nedzi
		Nichols
		Nix
		Nolan
		Nowak
		O'Brien
		Oakar
		Oberstar
		Obey
		Ottinger
		Panetta
		Patten
		Patterson
		Pattison
		Pease
		Pepper
		Perkins
		Pike
		Pressler
		Preyer
		Price
		Pursell
		Quayle
		Quie
		Rahall
		Railsback
		Rangel
		Regula
		Reuss
		Richmond
		Rinaldo
		Risenhoover
		Rodino
		Roe
		Rogers
		Rooney
		Rose
		Rosenthal
		Roybal
		Runnels
		Russo
		Ryan
		Santini
		Sarasin
		Sawyer
		Scheuer
		Schroeder
		Seiberling
		Sharp
		Sikes
		Simon
		Sisk
		Slack
		Smith, Iowa
		Smith, Nebr.
		Snyder
		Spence
		St Germain
		Staggers
		Stanton
		Stark
		Steed
		Steers
		Stokes
		Stratton
		Studds
		Thompson
		Thone
		Traxler
		Trible
		Tsongas
		Udall
		Ullman
		Van Deerlin
		Vander Jagt
		Vanik
		Vento
		Volkmer
		Walgren
		Walker
		Walsh
		Watkins
		Waxman
		Weaver
		Weiss
		Whalen
		White
		Whitehurst
		Whitley
		Whitten
		Wilson, Bob
		Wilson, C. H.
		Wilson, Tex.
		Winn
		Wirth
		Wolff
		Wydler
		Wylie
		Yates
		Yatron
		Young, Fla.
		Young, Mo.
		Zablocki
		Zeferetti

NAYS—60

ANSWERED "PRESENT"—1

Conable

NOT VOTING—43

Anderson, Ill.	Harrington	Ruppe
Armstrong	Ireland	Schulze
Beard, R.I.	Jones, Tenn.	Shipley
Bingham	Kazen	Solarz
Burke, Calif.	Krueger	Spellman
Clawson, Del	Luken	Steiger
Dent	McCloskey	Teague
Derrick	McDonald	Thornton
Eckhardt	McFall	Tucker
Emery	Mahon	Waggonner
Flowers	Marriott	Wiggins
Flynt	Mazzoli	Wright
Foley	Pritchard	Young, Tex.
Ford, Mich.	Roncalio	
Gammage	Rostenkowski	

The Clerk announced the following pairs:

Mr. Bingham with Mr. Shipley.
Mr. Dent with Mr. McDonald.
Mr. Flynt with Mr. Teague.
Mr. Ford of Michigan with Mr. Mahon.
Mrs. Burke of California with Mr. Kazen.
Mr. McFall with Mr. Foley.
Mr. Eckhardt with Mr. Harrington.
Mr. Rostenkowski with Mr. Thornton.
Mr. Young of Texas with Mr. Wright.
Mr. Derrick with Mr. Beard of Rhode Island.
Mr. Krueger with Mr. Mazzoli.
Mr. Roncalio with Mr. Solarz.
Mr. Flowers with Mrs. Spellman.
Mr. Tucker with Mr. Waggonner.
Mr. Gammage with Mr. Anderson of Illinois.
Mr. Ireland with Mr. Jones of Tennessee.
Mr. Del Clawson with Mr. Wiggins.
Mr. Steiger with Mr. Ruppe.
Mr. Schulze with Mr. Emery.
Mr. Pritchard with Mr. Marriott.
Mr. McCloskey with Mr. Luken.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed, and that I may be permitted to include extraneous matter in the body of the remarks made by me in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5981, AMERICAN FOLKLIFE PRESERVATION ACT AUTHORIZATIONS EXTENSION

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 95–867) providing for consideration of the bill (H.R. 5981) to amend the American Folklife Preservation Act to extend the authorizations of appropriations contained in such act, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR SUBCOMMITTEE ON SCIENCE, RESEARCH, AND TECHNOLOGY OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO MEET TODAY DURING 5-MINUTE RULE

Mr. FLIPPO. Mr. Speaker, I ask unanimous consent that the Subcommittee on Science, Research, and Technology of the Committee on Science and Technology may be permitted to meet this afternoon for hearings during the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CONFERENCE REPORT ON H.R. 3454, ENDANGERED AMERICAN WILDERNESS ACT OF 1978

Mr. UDALL. Mr. Speaker, I call up the conference report on the bill (H.R. 3454) to designate certain endangered public lands for preservation as wilderness, to provide for the study of additional endangered public lands for such designation, to further the purposes of the Wilderness Act of 1964, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of January 31, 1978.)

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The SPEAKER pro tempore. The gentleman from Arizona will be recognized for 30 minutes, and the gentleman from Colorado (Mr. JOHNSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a number of my colleagues have asked about the schedule for the three bills next on the calendar, all from the Committee on Interior and Insular Affairs.

With regard to this conference report, I think most of the controversy, although not all of it, has been eliminated. I would expect to take 10 minutes on our side. We will not ask for a record vote, but I do not know what the pleasure of the other Members will be. I hope we can dispose of this matter expeditiously.

Immediately after that we will call up the Black Hills-Sioux Indian bill. On that, I propose to ask unanimous consent to consider that bill in the House as in the Committee of the Whole. The controversy that has been hanging over that bill has been worked out with the gentleman from Colorado (Mr. JOHNSON) and the gentleman from Maine (Mr. COHEN). I believe we can handle that bill in less than 10 minutes. We will not on our side ask for a record vote on the bill.

Following that, the Chattahoochee bill will be called up.

Mr. SYMMS. Mr. Speaker, will the distinguished committee chairman yield?

Mr. UDALL. Yes; I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the distinguished gentleman for yielding.

My question concerns the Chattahoochee bill. We have a bill here that contains minority views that have been signed by some eight Members who are interested in the Chattahoochee bill. The leading opponent of Dr. McDONALD's legislation is in Georgia today and is unable to be here.

I was just wondering if there is any necessity why we have to consider the Chattahoochee bill today in the absence of that one Member.

Mr. UDALL. Mr. Speaker, I cannot respond to the gentleman's question entirely because the floor manager of that bill is the gentleman from California (Mr. PHILLIP BURTON). Both he and I have conferred with the other Members of the Georgia delegation.

This bill has been riding the calendar for some time. Action has been delayed for over a year since the proposal was first reported by the committee.

Mr. SYMMS. Mr. Speaker, if the gentleman will yield further, I feel constrained to ask why we cannot delay this matter until our distinguished colleague, the gentleman from Georgia (Mr. McDONALD) can be here. It seems rather unusual that it is so important as to whether a bill, which is a local bill and which is not debatable as to its national impact, passes this week or next week. I am wonderering why it is that we have to bring the bill up today in the absence of the one Member of the Georgia delegation who is opposed to it, a Member who has very ably and capably, during the 94th Congress and during the 95th Congress, addressed the issue. As I say, he is unavoidably detained and cannot be here.

Mr. UDALL. I would say to the gentleman that if the gentleman will stand by and let us consider these two measures, we can probably have a discussion concerning Chattahoochee. I have committed myself to the Georgia Members, who have been very patient for a long time, that this would be on this week's schedule.

Mr. SYMMS. Mr. Speaker, I do not like to be dilatory, as the chairman knows, but I think now is the time we have to find out. If we could get some agreement that this bill will be taken off the calendar today, until the gentleman from Georgia (Mr. McDONALD) will be here, then I would find no reason to be dilatory in the actions of the House. But if that is not the case, I think we will have to try to slow things down a bit.

Mr. UDALL. I can make no assurances until we can discuss this with the gentleman from California (Mr. PHILLIP BURTON). The gentleman will be the floor manager of this bill.

Mr. FOWLER. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Georgia.

Mr. FOWLER. I thank the gentleman for yielding.

Mr. Speaker, I cannot, of course, speak for the leadership, but I can attest to the certainty that this bill was scheduled today as a day certain, at the specific request of my colleague, the gentleman from Georgia (Mr. McDONALD). It was scheduled by the leadership last week. It was moved at his request to Monday this week. It was then moved to a day certain that he picked, today, Thursday, and that is why it is on the calendar.

Mr. SYMMS. I thank the gentleman for his comments.

Mr. Speaker, if the gentleman from Arizona will yield further, I think, as the gentleman well knows, it is because of a legal proceeding the gentleman is not able to control that he asks to delay the bill. It just seems to me that we could wait 1 more day because the gentleman from Georgia (Mr. McDONALD) is unable to be here. He is in Atlanta. I think we accommodate everyone else in the House, and it seems to me that the least we could do here is to make an accommodation for a Member who is not here.

And this is also in his district.

Mr. UDALL. Mr. Speaker, I rise in support of the conference report on the Endangered American Wilderness Act. This legislation, which I was proud to sponsor in the House last year, is in fulfillment of the precepts of the original Wilderness Act of 1964. In that act, it was declared to be a policy of Congress "to secure for the American people of present and future generations the benefits of an enduring resource of wilderness."

Here in this legislation, the Congress has recognized this responsibility, and has proposed that 17 carefully selected roadless areas in the western national forests be designated as wilderness. In the process of identifying and refining these areas, we have sought to put a spotlight on the whole question of de facto wilderness on our national forests. Basically, this de facto wilderness is the still unroaded and undeveloped land—land which could be preserved or developed, but for which no final decision has yet been reached.

In recent years, a number of problems have plagued the effort to resolve the future of these lands. Clearing up some of those problems is a key step both in expediting decisions on additional wilderness areas and in proceeding with the overall job of sound multiple use management of our national forests generally. As we have worked out this bill, we have also made significant progress in settling a number of key policy issues, and I want to briefly summarize that progress for purposes of a clear legislative record.

A long and distracting debate over issues of basic definition has kept us from getting down to the real issues of substance. That controversy over criteria and definition has complicated an already too complex study, review, and decisionmaking process, which has simply beyond bogged down. Finally, a lack of quality control within the study, review, and decisionmaking process in the executive branch has culminated in a widespread lack of public trust in the decisions being made, and so challenges and further controversy have ensued.

The first of these problems plaguing wilderness decisions has become widely known as the "purity" debate. Since passage of the parent Wilderness Act in 1964, some agency interpretations have distorted the criteria of wilderness suitability into an excessively pure and narrow set of standards. Those standards have become far narrower in important details than the criteria Congress set down in the original law. As a result,

decisions made by the agency have not been acceptable, have aroused additional controversy and required challenges and requests for Congress to intervene, case by case, to correct agency errors.

For example, contained in the bill are areas in close proximity to major metropolitan regions. One, Pusch Ridge, is the scenic backdrop of my hometown, Tucson. In years past, many beautiful areas such as this—easily accessible to thousands of people, young and old, have not been considered for wilderness just because they were close to people. Another is the Lone Peak Wilderness, a grandly spectacular mountain complex immediately contiguous to Salt Lake City and Provo, Utah. The great scenic values of these areas are readily enjoyed by thousands who view them from the nearby cities and highways. Naturally, if such a wilderness can be seen and enjoyed from afar, it follows that from the heights of the mountain, the cities and highways below are readily apparent to an observer hiking in the wilderness. Now, the misguided interpretation which confused this issue was the idea that an area can not be designated formally as wilderness if it is "degraded" by the sights and sounds of nonwilderness activities outside, beyond its boundaries.

That idea simply does not conform to the definition set out by Congress in the original Wilderness Act, yet it grew up into a kind of article of faith among some agency personnel, and any land subject to such outside "sights and sounds"—and even smells—was rejected out of hand.

This interpretation was simply wrong. In our decision to designate the Pusch Ridge, Sandia, and Lone Peak Wilderness areas, the Congress is clearly rejecting that erroneous criteria, as we have made quite clear in the committee reports. We have rejected the whole "sights and sounds and smells" criteria simply because the only relevant question to be addressed in determining wilderness suitability is whether the area of land itself is of wilderness character, as an entity.

Also included in this legislation are areas that do have some previously existing nonconforming structures. While I agree with the concept that wilderness areas ought to be as pristine and unmarred by man's activities as possible, I also feel very strongly that the overly stringent concept of wilderness should not be used to preclude the reality of wilderness. With the exception of Alaska, there are probably no areas left in the United States completely free of signs of man's activity. If we followed the strict concept of wilderness purity, then very few, if any, areas in the Lower "48" would ever be included in the system.

In adopting a new policy guiding these questions of wilderness criteria, the Department of Agriculture has moved back to the intent and spirit of the Wilderness Act. The result, as we have seen as we reviewed each of the areas in this bill with the Department and Forest Service witnesses, is a significant reduction in the amount of debate over criteria, and a better focus on the substantive questions. I want to particularly commend the Carter administration and Secretary Bergland and Assistant Secretary Cutler for the policy reforms which have realigned agency direction with the intent of Congress to a substantial degree. The result of clearing up these long debated issues is that the whole process of resolving important de facto wilderness questions can be greatly expedited. I certainly hope that other agencies involved in the wilderness study process will not repeat the kind of misinterpretations we have now largely settled with the Forest Service. The Bureau of Land Management, in particular, should profit by this legislative record in order to avoid the same unnecessary controversy and delays which the purity debate brought in the national forest wilderness review process.

When we passed the Wilderness Act of 1964, we identified a wilderness study process for certain categories of lands. Certain procedures were laid out, including analysis of the area by the managing agency, public hearings, and the final executive branch reviews, leading to a Presidential recommendation.

Some have thought that the same exact process was required for each additional area that might be considered for wilderness designation. Indeed, some have even suggested that no area may be proposed by the administration or considered by Congress unless and until that exact process has been completed. That is simply not the case. No such blanket study process was required or contemplated by the Wilderness Act. Congress has specifically mandated that the same process be used for some individual areas, and for those that process should of course be followed. But other procedures may properly be used in reaching such decisions for other lands, where a specific congressional mandate, in a statute or in direction from the Senate or House committee, has not been set.

What is necessary is that these decisions be made on the basis of good and adequate information, with ample opportunity for broad public comment and participation. There is no set, preordained, standardized wilderness study process, nor was any such ritualistic, inflexible procedure intended by the Wilderness Act—as I can say from my perspective as a major participant in framing that bill 5 years ago.

In considering these wilderness decisions, we have insisted that the standards Congress set in the statute be adhered to, and we have insisted that the information Congress needs to make a sound decision be available. The way that information is gathered, organized, or published is not the important point. A variety of processes have been used, and a number of the wilderness areas we have designated over the years have resulted from congressional investigations and analysis, even in the absence of any formal wilderness study by any agency. I make this point with some emphasis, for I think it is wrong to suggest that a rigid formula for wilderness study is required, except where Congress has specifically applied the process outlined in the Wilderness Act to individual areas.

In other cases, we can review the information presently available, and develop additional information through our own congressional hearing procedures, and we can thus satisfy ourselves that we already know enough to make sound decisions. In such cases, to insist upon further study would simply be to waste the taxpayers money, the time of the agencies, and the time of the Congress. And to force every potential wilderness area through that whole long and drawn out process before we can decide whether or not all or part of it will be preserved would totally undermine our goal of expediting decisionmaking.

Needless opposition to wilderness has often been generated by widespread misinformation about what activities are and are not permissible within wilderness areas. Much of this had been the result of excessively rigid wilderness management policies of the Forest Service itself. For example, often the Forest Service mistakenly called for immediate removal of nonconforming structures the moment that an area was designated as wilderness.

In my State of Arizona, ranchers are properly alarmed by Forest Service plans to remove existing grazing structures and improvements. The continued existence and maintenance of the needed improvements is clearly mandated by the requirement in the Wilderness Act itself that the grazing of livestock "shall be permitted to continue." Other users of wilderness lands have cited numerous similar examples of excessively strict management.

One of the direct and beneficial results of the consideration of this legislation has been a review by the Forest Service of their wilderness management policies to bring them more in line with congressional intent. Assistant Secretary Rupert Cutler testified that they would be "more innovative in managing around objectionable features to minimize their impacts." This more flexible approach is welcomed, and long overdue.

In our committee reports, the Congress has directed that a number of areas not incorporated in the final bill, be fully reviewed in the ongoing RARE II (roadless area review and evaluation) program. Our intent is to return to the consideration of each of those areas when this review is completed.

One of these cases involves the roadless lands contiguous to the expanded Kalmiopsis Wilderness in Oregon. This was the most difficult issue that was resolved during the deliberations of the conference committee, but our colleague from Oregon, JIM WEAVER, and the senior Senator from Oregon, MARK HATFIELD, reached a sound compromise. These contiguous roadless lands will be considered through the complete RARE II process.

It is my intent to consider the designation of additional lands as a part of the Kalmiopsis Wilderness when we receive the results of this RARE II review. Proposed developments and other commitments of these lands to nonwilderness uses should be deferred until Congress has had a chance to act on the recommendations generated by the RARE II study.

For certain other areas (including the Boulder Creek and Hidden Wilderness

study areas in Oregon, and the Spruce Creek addition adjacent to the new Hunter-Fryingpan Wilderness in Colorado) we have concluded that the more elaborate full wilderness study process set forth in the subsections 3(b) and 3(d) of the Wilderness Act is desirable. In these cases we have called for a full study either by statute or in directives stated in our reports. These studies should use existing authorities and well established procedures.

For one area, the proposed Galiuro Wilderness additions in my State of Arizona, we have concluded that although a full wilderness study is not needed, neither should this important area be lost in the shuffle of RARE II. In particular, the specific boundary recommended by the administration was hastily drawn without adequate local public input. The conferees directed the Forest Service to review their recommendations with a view toward determining whether certain boundary adjustments might be appropriate. It is essential that local interested and affected persons and organizations be fully involved in this study. It is my hope that after this review is completed we can identify areas which are clearly wilderness in character and which would not adversely affect existing uses of the area.

In emphasizing the distinctions between the RARE II areas and those for which we direct a more formal study, we are demonstrating a flexible approach by applying the appropriate procedures to the needs of each case. In each case, the Forest Service should manage these areas so as to preserve the perogatives of Congress to determine the future of these lands.

As a result of legislation passed by the last Congress the Forest Service is working on substantial improvements to their land use planning process. Although it got off to a bad start, the RARE II process offers the promise of a more balanced and nationally consistent review of the remaining roadless and undeveloped areas on our national forest lands. It is our hope that the Forest Service will not make premature decisions about the future of these lands through the existing and often flawed land-use planning process. In a number of cases involving areas in this bill, earlier Forest Service plans were fundamentally deficient in ways that nearly guaranteed prolonged controversy, appeals, and lawsuits.

We have always sought balance in our wilderness designations. To say, in effect, that yes we can have the best of both worlds. We can set aside the prime areas of wilderness to meet our obligation to the millions of yet unborn Americans and at the same time insure that there are enough multiple use lands remaining to meet this Nation's needs for minerals, timber, and livestock. My good friend and colleague, TENO RONCALIO, as chairman of the Interior Committee's Subcommittee on Indian Affairs and Public Lands, was charged with the responsibility of handling this legislation. With great devotion and dedication Mr. RONCALIO conducted an extensive set of hearings both here in Washington, and in the West where the views of those who would be directly affected by the bill were heard.

In this process, every attempt was made to balance wilderness goals with economic development. Portions of areas were excluded from the wilderness boundaries to accommodate potentially valuable areas of known mineralization or other resource rich areas. I, myself, withdrew the section which would have expanded the Galiuro Wilderness in Arizona when it became apparent to me that the administration's recommendations for immediate wilderness designation might have adverse impacts on those whose livelihoods depend in some part on the area.

This bill is significant for the outstanding areas it adds to our treasury of protected wilderness areas. It is significant, too, as the vehicle for demonstrating some real progress with the problems I have discussed here. We have found it possible to reach decisions which enjoy a broad consensus, and we have thus narrowed the range of controversy. The executive branch leadership has put new policies into effect that promise further improvements, in criteria and in procedures. Just as I was pleased to have a role in securing the Wilderness Act in 1964 and the Eastern Wilderness Areas Act of 1974, so I am pleased with the real progress and the real balance represented by this landmark conversation measure, the Endangered American Wilderness Act of 1978.

So, we stand here today with a good bill, a bill in which we can all be proud. In this legislation we are proposing that 1.3 million acres of our great national forests will be preserved forever in their natural state. To some in the resource extraction industries, this is an unnecessary lockup; to millions of other Americans it is an opportunity, an increasingly rare opportunity, to behold the wonders of nature basically unaffected by man's often destructive activities. One only has to go to Yellowstone, the Boundary Waters Canoe Area or any of our other great conservation areas to see the real need and interest of the American public in preserving what little we as a Nation have left in a natural state.

Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Speaker, I want to pay tribute to the chairman of the Committee on the Interior, the gentleman from Arizona (Mr. UDALL) and to the chairman of the subcommittee, the gentleman from Wyoming (Mr. RONCALIO) for their outstanding diligence and work on this bill. They struggled long and hard to bring this bill to final conclusion. One-fourth or more of the land lies within the State of Oregon, and I take special pride in having this bill come to its conclusion, to preserve such wonderous and beautiful lands in the State of Oregon.

I would like to say that, while the senior Senator from Oregon (Mr. HATFIELD) and I did have our differences on one section of the bill, we resolved them; and the senior Senator acted as a gentleman in all negotiations I had with him. I appreciate that.

Mr. UDALL. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. JOHNSON of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Speaker, the scenario with which this bill has gone through the House and the other body and comes back is an interesting one which I shall not bore the House with. The Members may recall that when the bill came up on the floor of the House of Representatives it passed here on the Suspension Calendar. There was a great deal of discussion about this bill prior to the date that it ever went to hearings. It included many lands in many States.

Those individuals in whose districts the lands lay had discussions and had some accommodations made, with one exception, and that is the Golden Trout Wilderness which lies totally within the confines of the 18th Congressional District of California.

There were many discussions held with the gentleman from Wyoming (Mr. RONCALIO), who was most courteous in those discussions and most helpful, I might add, and with the chairman of the full committee, the gentleman from Arizona (Mr. UDALL).

The administration's position on this bill and on that particular portion of the bill affecting the 18th Congressional District was the subject of some conversation by the administration.

Mr. Speaker, I think it is interesting to note that this affects several lumber mills. It affects recreational activity. It affects camping activity. It affects access, and it affects a couple of counties. It affects employment in those counties.

The administration's view at that time was that instead of rather substantial acreage, that acreage should be reduced to 179,000 acres; and as the bill came before this body, the Golden Trout Wilderness had 179,000 acres.

The distinguished gentleman from Arizona (Mr. UDALL) and I discussed that; and he indicated to me that he felt that this was a suitable compromise and that the former acreage was really much too big. That satisfied me. The gentleman from Arizona (Mr. UDALL) asked me if I had any objections to bringing the bill before the House under suspense. I did not. In fact, I supported the bill as it went through the House and spoke on its behalf, as a reasonable accommodation between the environmental community, the business community, and the recreational community.

Mr. Speaker, the story changed, however, as the bill left this body and went to conference with the other body. The very morning that this was being discussed in conference the administration, in a move which is not new to any of us here, switched its position and came out for an area in excess of 300,000 acres.

Unfortunately, the conferees on the part of the House did not stand up for the House position, but instead acceded to the other body.

Mr. Speaker, while I may have my disagreements with various Members in

this body, I have never lacked trust in anybody in this body. That is a myth that is now exploded.

This bill practically locks up the Southern Sierra in my district. The bill which we just passed relative to the redwoods locks up some more, and I would submit that if this conference committee version is accepted, we might as well write off the Sierra Nevada except for those athletic enough to carry a pack or to ride a horse.

The area that this includes shuts off an area that has previously had access to those individuals who are aged or infirm. Indeed, the misnomer "Golden Trout Wilderness" shuts off and will require the removal of the department of fish and game propagation at Cottonwood Lakes since, as we know, in a wilderness area we cannot have anything that looks like anything except the pristine wilderness which it is supposed to be.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. KETCHUM) has expired.

Mr. JOHNSON of Colorado. Mr. Speaker, I yield 2 additional minutes to the gentleman from California.

Mr. KETCHUM. Mr Speaker, I thank the gentleman.

The area that this encompasses even has an airport that has been used for years for access for fishermen and campers to that particular area.

Mr. Speaker, I would have, had the rules permitted, offered a motion to recommit, but we all know how the game is played. The other body considered the bill and discharged their conferees, so such a motion would be out of order.

Therefore, I now have no other alternative than to ask for a "No" vote on this conference report.

Mr. Speaker, this bill which could have represented a compromise—and it did in the eyes of my friend, the gentleman from Wyoming (Mr. RONCALIO), who was of great help—would have if it went into effect, on behalf of the public other than those I have mentioned, such as the backpackers and horseback riders. It would have given access to those lands to the rest of our American citizenry.

For the reasons stated, Mr. Speaker, I respectfully request a "no" vote on this conference report.

Mr. SISK. Mr. Speaker, will my colleague yield?

Mr. KETCHUM. I will be delighted to yield.

Mr. SISK. I appreciate the gentleman yielding to me.

I share with my colleague from California (Mr. KETCHUM) some concerns about this matter. I recognize at this point in time that there is, frankly, very little we can do. I supported this bill when it went through at 179,000 acres.

I am very upset, and I intend to make it clear to our people in California, many of whom are going to be probably left without work in connection with certain sawmills, as to who is responsible. I think some of our Senators on the other side are going to have to take the blame for the loss of jobs, as well as locking up almost double what we had generally agreed to.

So, I simply want to go on record with my colleague as to my concern on the matter.

Mr. KETCHUM. I thank my friend from California for his remarks.

Mr. JOHNSON of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Speaker, I share the view that the gentleman just indicated when he was speaking from the floor to my colleague from California. I think that one of the major problems we have with the Endangered American Wilderness Act, which has been passed now by both bodies and is back in a conference report, is that it does not give any consideration at all to a State-by-State analysis of what we want to do. We grab a little bit here, some from Arizona, some from California, Colorado, Utah, Montana, Wyoming, Idaho; and of course Oregon. Our colleague from Oregon (BOB DUNCAN) told me that the last sawmill in his district is just being shut down now, and that of course is because of curtailed timber supplies that are made available to it out of the National Forest System.

My big objection to the bill is that we do not know where we are going with respect to the minerals. If we took this piece of legislation and did it one State at a time, analyzed the National Forest System, the BLM lands in the State, and then decided how much the public could afford for recreational wilderness use and wilderness land, and acreage that should be kept for timber supplies, grazing, minerals, mining, and so forth, it would make more sense, but what we are doing here is defining what the purpose can be.

A good example of this is my own district where the House-passed version provided no acres, but the Senate added 206,000 acres in my district, the Gospel Hump in Idaho and in addition to that created contiguous management areas of 92,000 more acres.

A Forest Service geologist got a hold of me and said:

> Congressman, what in the world is going on in Washington, D.C.? What about the grab bag samples?

Those are mine ore samples taken from the old mines which were mined in the late 1860's and 1870's. He said:

> Right next to the line where the Senate's line was drawn by a lot of people who think that they are endowed by the Creator to have great wisdom, they have drawn an arbitrary line. I am a mining engineer, and we have to mine where the minerals are. We cannot have some arbitrary line.

It was drawn by a group of politicians and he says the minerals are in here. Grab bag samples are worth $439 a ton. That is a very valuable supply of minerals.

But, the overall geological survey and studies are not done. Only 2 years ago this Congress passed the Hells Canyon recreation bill ahead of the geological survey done by the Department of the Interior, Bureau of Mines, before the report came in. Now, we certainly cannot get to the mineral supplies inside that national recreation area.

I think what we have here is a hopscotch of a piece of legislation which denies access to basic resources to American citizens who need the resources. That is not to say that we should not protect some of our environment. Of course we should, but we should know where we are going. Doing it in this manner, a little bit from this State, a little bit from that State, we just end up down the road somewhere where no one knows where we are going.

No matter what we say, of 25 million acres of national forest land at the present time, 55 percent of those acres are set aside either in wilderness classification, primitive areas classification, recreational area classification, or in what they call land II studies. So, it is treated as a wilderness area.

So the sawmills start closing, and so what does this do? It puts people out of work and they all move to Boise and there is a big building boom in Boise and we have a water table problem. It dislocates the life style and environment of these areas.

The wilderness areas, for those of the Members who do not know what it means, provide those areas will not be used by any kind of mechanized vehicle. It means there will not be any mining taking place and it means there will not be any timbering taking place and it means only restricted grazing can take place. So it is single-use recreation for the very wealthy elite in this country who may be able to backpack and go in there.

Snowmobilers were cut out of the Gospel Hump region. They have been using it under the present codification. Those who were using it were people who were living nearby and working in sawmills, and then on a weekend for recreation they would go up in the Gospel Hump area in the winter and use their snow vehicles. These are people who work 5 days a week to make a living and the only way they can go in there is by snowmobile. When one drives a snowmobile over a snowy area, after the spring thaws come, there is nothing left. It is like an Indian rowing a canoe across Lake Michigan. He never did very much damage. But somehow we have escaped reality.

I have had the privilege of looking at the Gospel Hump region by helicopter, but I would say 90 percent of the people in the region will never see the area we are locking up because they will be denied access to it which they would have by the road that might have been built if we might have developed it. We could cut some timber and use it. This is true in every instance. In a national forest system in the United States of America we have 6 billion board feet of timber that is falling and rotting and going to waste. I ask the Members of this body to analyze what 6 million board feet of timber means. It means an annual income of $600 million and it means homes and it means the use of a renewable resource.

By not using the timber we close down sawmills and deny lumber to people who need lumber and deny our future gen-

erations lumber that could be grown because as the trees get old they get diseased and they die and fall and rot and we have more Tussock moth invasion and more rotting. The young trees are like young people: They are not as unhealthy as old people.

It seems incredible to me that a Congress that has got to be looking at a deficit of somewhere between $67 billion and $117 billion could be putting all this valuable resource up and locking it away from the basic use by the citizens.

Mr. UDALL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. KREBS).

Mr. KREBS. Mr. Speaker, I would like to go on record in commending the chairman of the subcommittee, the gentleman from Wyoming (Mr. RONCALIO), as well as the chairman of the full committee, the gentleman from Arizona (Mr. UDALL), for the work that they have done in putting this legislation together.

In a bill of this size with its many components, there are no doubt some deficiencies which exist. The legislative process, as we all know, is not a perfect one. I personally am not particularly happy about the Golden Trout situation. At the subcommittee level I offered an amendment which would have excluded specifically an area known as the Maggie Moses Area covering some 6,000 acres which is not included and which represented a potential ski area. I am frankly somewhat at a loss to understand why this area was indeed included in the Golden Trout Wilderness Area, especially since the trout problems that exist in other areas of the Golden Trout Area were not involved. I think it could have been left quite easily out of the bill and provided for a wilderness study.

So what I am trying to say is that, while each of us can find some deficiency in this legislation, as a whole I think this is a good package and I would urge the Members of this Congress to vote in favor of it.

Mr. UDALL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I had not intended to take any further time, but I want to say to the House and to the gentleman from California (Mr. KETCHUM) that I am sorry he feels aggrieved in connection with this bill, and I want to apologize if he may think that anybody on this side misled him. But I would point out two things. One is that the senior Senator from California also represents the State of California and the gentleman's district and the people of that State, and he was very adamant on the acreage of the Golden Trout area.

Secondly, I went on record on the report of this bill filed last July, signed by me and six of my colleagues, saying that I favored a much bigger Gold Trout area. So my personal opinion has been on record for a long time.

We need people engaged in the timber supply industry, we need jobs, and we need a permanent timber supply, but one would think from the rhetoric we have heard that we are locking up all of our national forests.

There are some 2 billion acres in America. If I ask you as reasonable people how much should we have of that put away for a wilderness, how much of it in the lower 48 States, 3 percent, or 5 percent? People might agree that that would be reasonable. Well, we have 1 percent of all the land in the lower 48 States. And we are almost through with rounding out our wilderness system. You may say that that is not important. I think we should round out the wilderness system.

What would you think would be agreeable on the number of acreage in the national forests? Maybe 80 out and 20 in? The fact is that with this bill, and again, we are almost through with rounding out the wilderness system, 92 percent of all our national forests are outside the wilderness area and 8 percent will be in.

That is a pretty good bargain.

I am willing to work with people on specific areas because we do need lumber for homes and jobs, and I do not want to be held responsible for expanding it beyond what it is.

Mr. UDALL. I yield such time as he may consume to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO. Mr. Speaker, I rise in support of the conference report on H.R. 3454, the Endangered American Wilderness Act of 1978. The bill as reported from conference would designate 17 areas, totaling approximately 1,303,407 acres of national forest lands, as components of the National Wilderness Preservation System. An additional area of 8,000 acres would be mandated for wilderness study.

Prompt action on H.R. 3454 is necessary to protect the outstanding wilderness characteristics of the 17 areas from proposed development activities that could irreparably harm their ability to provide a wilderness experience to the public. This is especially important as at least 10 of the areas are located in very close proximity to important national or regional population centers, and as such, will afford a nearby wilderness experience to millions of Americans. In particular, the Sandia Mountain area, which form the scenic backdrop for Albuquerque, N. Mex., the Lone Peak area, which touches the outskirts of Salt Lake City, Utah, and the Zigzag additions to the Mount Hood Wilderness, located some 30 miles from the suburbs of Portland, Oreg., are easily accessed from these major cities.

Mr. Speaker, H.R. 3454 is a necessary response to the Nixon administration's inadequate 1972 roadless area review and evaluation (RARE I) of some 56 million acres of national forest roadless areas. Of the 1,449 roadless areas identified during that 1972 review, only 274 were targeted for further study as to their potential for inclusion in the Wilderness System; 1,175 roadless areas, totaling over 44 million acres, plus some unidentified roadless areas were rejected out-of-hand from further wilderness consideration. Subsequent Forest Service land use planning has threatened many of these nonselected areas with timber harvest and other activities inconsistent with wilderness values. While no group is suggesting that all 56 million acres of roadless land be added to the Wilderness System, intense criticism has been leveled at the Forest Service's planning process and rating system used to disqualify the 44 million plus acres of nonselected areas. Among other things, the 1972 Forest Service RARE review: First, arbitrarily fragmented large roadless tracts into smaller units thus lowering possible points given on the Forest Service's rating system for "solitude"; second, deducted points for areas containing commercial timber reflecting a Forest Service policy that wilderness should not contain any commercial timber—a policy certainly not contained in the Wilderness Act; and third, adopted a definition of wilderness (the so-called "purity" issue) so stringent that few areas could qualify for further wilderness study.

As a result of these and other inadequacies in the 1972 RARE review, and as a result of the oversight of these problems which occurred during the hearings on H.R. 3454, the current administration has initiated another review of the roadless and undeveloped lands in the National Forest System that are not included in H.R. 3454 or other wilderness proposals pending before Congress. On November 18, 1977, this "RARE II" review identified some 1,920 acres, totaling some 65 million roadless acres, which will be evaluated for wilderness potential. By the end of 1978, the Forest Service will release a final environmental statement which will recommend that certain of these areas either: First, have wilderness characteristics that merit immediate addition to the National Wilderness Preservation System; second, have wilderness qualities, but need further study of their wilderness potential; or third, are not suited for wilderness designation and should be returned to nonwilderness multiple uses such as timber harvest. It is my hope that this RARE II process will result in a final recommendation based on an objective and thorough nationwide analysis of the wilderness potential of all National Forest roadless areas, and will not overlook areas with obvious wilderness characteristics, regardless of the status of land-use planning in certain areas. If these guidelines prevail, Congress and the public should have a fairly comprehensive statement of where the National Wilderness Preservation System involving National Forest lands is headed upon completion of RARE II. It will also mean that the wilderness "limbo" which currently surrounds the management of millions of acres of National Forest lands will be eliminated in substantial portions of the National Forest roadless areas.

Along these lines, I would also hope that the Bureau of Land Management will learn from the problems encountered by the Forest Service as it proceeds with the review of BLM roadless lands required by section 603 of the Federal Land Policy and Management Act. If BLM is able to learn from the Forest Service's experience, especially the RARE I "purity" and administrative problems, the delays and uncertainty associated with the Forest Service's review can be eliminated. This will benefit all parties involved, and enable Congress to deal with BLM wilderness in an orderly fashion.

Finally, I should note that we have asked the Forest Service to include sev-

eral areas dropped from H.R. 3454 in its RARE II review. Some of these areas are mentioned in the House report on H.R. 3454, and also in the conference committee report. I expect that the Forest Service has already taken the necessary steps to include these areas in the RARE II process.

In closing, Mr. Speaker, allow me to stress that the 17 areas included in H.R. 3454 as reported by the conference committee contain outstanding wilderness values which merit immediate inclusion of the areas in the National Wilderness Preservation System. Although, various alternatives to label these areas as scenic areas, backcountry or other administrative classifications were advanced during the hearings on H.R. 3454, these alternatives were rejected precisely because the areas exhibited wilderness characteristics as defined in the Wilderness Act. As such, wilderness designation is the only appropriate classification to insure that their outstanding values are legislatively protected so that they will remain intact for future generations of Americans.

I urge my colleagues' strong support of the conference committee report on H.R. 3454.

Mr. JOHNSON of Colorado. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I have to agree with the actual remarks made by the gentleman from California, (Mr. KETCHUM) as to his position, and I also have to accept some of the legitimacy of the remarks made by the gentleman from Idaho (Mr. SYMMS). I would say that in the conference committee there was action taken with respect to a wilderness area in my own district that I did not agree with. However, as we fought through that conference committee the Senators presented their side and we gave our side. It does not always come out the way one would want it to come out in every case, but I think it is unreasonable to argue that just because we did not get what we wanted in our own districts that we should vote against the whole bill. The 17 areas that have been mentioned were considered, and an honest and diligent attempt was made to represent the position taken by the House. I would have liked to have seen it turn out differently, but this is the way things happen around here, and I do not think that we should decide to vote against the bill because of what happened in the conference committee on one or two districts.

So I would urge that we go ahead and vote for the bill recognizing the legitimate interests, to which sometimes we do not pay enough attention, and those are the legitimate interests of the Representatives of the concerned area.

I have said many times on this floor that too frequently we decide that a cheap environmental vote is one that imposes wilderness on somebody else, and I hope that we get away from that. But in this case I urge passage of the bill.

Mr. Speaker, I yield back the remainder of my time.

Mr. UDALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KETCHUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 333, nays 44, not voting 55, as follows:

[Roll No. 54]

YEAS—333

Addabbo	Davis	Hyde
Akaka	de la Garza	Ichord
Alexander	Delaney	Jacobs
Allen	Dellums	Jeffords
Ambro	Derrick	Johnson, Calif.
Ammerman	Derwinski	Johnson, Colo.
Anderson, Calif.	Dicks	Jones, N.C.
	Dodd	Jones, Okla.
Andrews, N.C.	Downey	Jordan
Andrews, N. Dak.	Drinan	Kasten
	Duncan, Oreg.	Kastenmeier
Annunzio	Duncan, Tenn.	Kelly
Applegate	Early	Kemp
Ashley	Edgar	Keys
Aspin	Edwards, Ala.	Kildee
AuCoin	Edwards, Calif.	Kostmayer
Bafalis	Eilberg	Krebs
Baldus	English	LaFalce
Barnard	Erlenborn	Lagomarsino
Baucus	Ertel	Latta
Beard, Tenn.	Evans, Colo.	Le Fante
Bedell	Evans, Ga.	Leach
Beilenson	Evans, Ind.	Lederer
Benjamin	Fary	Leggett
Bennett	Fascell	Lehman
Bevill	Fenwick	Lent
Biaggi	Findley	Levitas
Blanchard	Fish	Livingston
Blouin	Fisher	Lloyd, Calif.
Boggs	Fithian	Lloyd, Tenn.
Boland	Flippo	Long, La.
Bolling	Flood	Long, Md.
Bonior	Florio	Lujan
Bonker	Flowers	Lundine
Bowen	Ford, Tenn.	McClory
Brademas	Fountain	McCormack
Breaux	Fowler	McDade
Breckinridge	Fraser	McHugh
Brinkley	Frenzel	McKay
Brodhead	Frey	Madigan
Brooks	Fuqua	Maguire
Broomfield	Gephardt	Mann
Brown, Mich.	Giaimo	Markey
Brown, Ohio	Gibbons	Marks
Broyhill	Gilman	Marlenee
Buchanan	Ginn	Martin
Burke, Fla.	Glickman	Mattox
Burke, Mass.	Goldwater	Meeds
Burlison, Mo.	Gonzalez	Metcalfe
Burton, John	Goodling	Meyner
Burton, Phillip	Gore	Michel
Byron	Gradison	Mikulski
Caputo	Gudger	Mikva
Carney	Guyer	Milford
Carr	Hagedorn	Miller, Calif.
Carter	Hall	Miller, Ohio
Cavanaugh	Hamilton	Mineta
Cederberg	Hanley	Minish
Chappell	Hannaford	Mitchell, Md.
Chisholm	Harkin	Mitchell, N.Y
Clay	Harris	Moakley
Cleveland	Harsha	Moffett
Cochran	Hawkins	Mollohan
Coleman	Heckler	Moore
Conable	Hefner	Moorhead, Calif.
Conte	Heftel	
Conyers	Hightower	Moorhead, Pa.
Corcoran	Hillis	Moss
Corman	Holland	Mottl
Cornell	Hollenbeck	Murphy, Ill.
Cornwell	Holtzman	Murphy, N.Y.
Cotter	Howard	Murphy, Pa.
Coughlin	Hubbard	Murtha
D'Amours	Huckaby	Myers, Gary
Danielson	Hughes	Myers, John
Natcher	Rinaldo	Stratton
Neal	Roberts	Studds
Nedzi	Rodino	Taylor
Nichols	Roe	Thone
Nix	Rogers	Traxler
Nolan	Roncalio	Treen
Nowak	Rooney	Trible
O'Brien	Rose	Tsongas
Oakar	Rosenthal	Udall
Oberstar	Roybal	Ullman
Obey	Runnels	Van Deerlin
Ottinger	Russo	Vander Jagt
Panetta	Ryan	Vanik
Patten	Santini	Vento
Patterson	Sarasin	Volkmer
Pattison	Satterfield	Walker
Pease	Sawyer	Walsh
Pepper	Scheuer	Wampler
Perkins	Schroeder	Waxman
Pettis	Sebelius	Weaver
Pickle	Seiberling	Weiss
Pike	Sharp	White
Pressler	Simon	Whitehurst
Preyer	Slack	Whitley
Price	Smith, Iowa	Wilson, Bob
Pritchard	Smith, Nebr.	Wilson, C. H.
Pursell	Snyder	Wilson, Tex.
Quayle	Solarz	Winn
Quie	Spence	Wirth
Quillen	St Germain	Wolff
Rahall	Staggers	Wydler
Railsback	Stanton	Wylie
Rangel	Stark	Yates
Regula	Steed	Yatron
Reuss	Steers	Young, Fla.
Rhodes	Stockman	Young, Mo.
Richmond	Stokes	Zablocki

NAYS—44

Abdnor	Dickinson	Poage
Archer	Dornan	Risenhoover
Ashbrook	Edwards, Okla.	Robinson
Badham	Forsythe	Rousselot
Bauman	Grassley	Rudd
Burgener	Hammer-schmidt	Shuster
Burleson, Tex.		Sisk
Butler	Hansen	Skubitz
Clausen, Don H.	Holt	Stangeland
	Jenkins	Stump
Collins, Tex.	Jenrette	Symms
Crane	Ketchum	Watkins
Cunningham	Kindness	Whitten
Daniel, Dan	Lott	Young, Alaska
Daniel, R. W.	McEwen	
Devine	Montgomery	

NOT VOTING—55

Anderson, Ill.	Gaydos	Schulze
Armstrong	Harrington	Shipley
Beard, R.I.	Horton	Sikes
Bingham	Ireland	Skelton
Brown, Calif.	Jones, Tenn.	Spellman
Burke, Calif.	Kazen	Steiger
Clawson, Del	Krueger	Teague
Cohen	Luken	Thompson
Collins, Ill.	McCloskey	Thornton
Dent	McDonald	Tucker
Diggs	McFall	Waggonner
Dingell	McKinney	Walgren
Eckhardt	Mahon	Whalen
Emery	Marriott	Wiggins
Evans, Del.	Mathis	Wright
Flynt	Mazzoli	Young, Tex.
Foley	Myers, Michael	Zeferetti
Ford, Mich.	Rostenkowski	
Gammage	Ruppe	

The Clerk announced the following pairs:

Mr. Bingham with Mr. Shipley.
Mr. Dent with Mr. McDonald.
Mr. Flynt with Mr. Teague.
Mr. Ford of Michigan with Mr. Anderson of Illinois.
Mr. Gaydos with Mr. Ruppe.
Mr. Harrington with Mr. Del Clawson.
Mr. Ireland with Mr. Whalen.
Mr. Waggonner with Mr. Cohen.
Mr. Brown of California with Mr. Wiggins.
Mr. Beard of Rhode Island with Mr. Sikes.
Mr. Dingell with Mr. Emery.
Mr. Diggs with Mr. Michael O. Myers.
Mrs. Burke of California with Mr. Eckhardt.
Mr. Foley with Mr. McKinney.
Mr. McFall with Mr. Marriott.
Mr. Luken with Mr. Horton.
Mr. Zeferetti with Mr. Walgren.
Mr. Thompson with Mr. Schulze.
Mr. Kazen with Mr. Jones of Tennessee.
Mr. Wright with Mr. Evans of Delaware.

Mr. Mahon with Mr. McCloskey.
Mr. Rostenkowski with Mr. Steiger.
Mrs. Collins of Illinois with Mr. Krueger.
Mr. Gammage with Mr. Thornton.
Mr. Mathis with Mr. Young of Texas.
Mr. Tucker with Mr. Mazzoli.
Mr. Skelton with Mrs. Spellman.

Mr. FORSYTHE changed his vote from "yea" to "nay."

Mr. DICKS changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. UDALL

Mr. UDALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. UDALL moves that the House recede from its disagreement to the amendment of the Senate to the title of the bill and concur therein.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore (Mr. BOLLING). Is there objection to the request of the gentleman from Arizona?

There was no objection.

REQUEST FOR CONSIDERATION IN HOUSE OF H.R. 2664, SIOUX INDIAN CLAIMS

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the bill (H.R. 2664) to amend the Indian Claims Commission Act of August 13, 1946, and for other purposes, be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. SYMMS. Mr. Speaker, reserving the right to object, would the gentleman please tell me what he is doing?

Mr. UDALL. Mr. Speaker, if the gentleman will yield, most of the controversy regarding this Sioux Indian bill has been worked out. In light of the time situation this afternoon, and the desire of a lot of Members to catch their airplanes, in light of the time constraints, and since we have worked out the objection of the gentleman from Maine (Mr. COHEN) I arranged with the gentleman from Colorado (Mr. JOHNSON) the minority manager of the bill, to proceed, if we could, by unanimous consent, to save time, by resolving to go into the Committee of the Whole, and we would consider the bill in the House as in the Committee of the Whole, with all Members' rights reserved.

Mr. SYMMS. Mr. Speaker, further reserving the right to object, I would be glad to yield to the chairman to answer a question as to what happened in respect to the Chattahoochee bill. That would certainly make an impact on my decision.

Mr. UDALL. Mr. Speaker, it is my understanding that the Chattahoochee bill will be called up after this matter.

Mr. SYMMS. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

SIOUX INDIAN CLAIMS

Mr. UDALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2664) to amend the Indian Claims Commission Act of August 13, 1946, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. UDALL).

The question was taken.

Mr. SYMMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 337, nays 17, answered "present" 1, not voting 77, as follows:

[Roll No. 55]

YEAS—337

Abdnor	Cavanaugh	Flippo
Addabbo	Cederberg	Flood
Akaka	Chappell	Florio
Alexander	Chisholm	Flowers
Allen	Clausen, Don H.	Ford, Tenn.
Ambro	Clay	Forsythe
Ammerman	Cleveland	Fountain
Anderson, Calif.	Cochran	Fowler
Andrews, N.C.	Coleman	Fraser
Andrews, N. Dak.	Conable	Frenzel
Annunzio	Conte	Frey
Applegate	Conyers	Fuqua
Archer	Corcoran	Gephardt
Ashley	Corman	Gibbons
Aspin	Cornell	Gilman
AuCoin	Cotter	Ginn
Bafalis	Coughlin	Glickman
Baldus	Crane	Goldwater
Baucus	Cunningham	Gonzalez
Bauman	D'Amours	Goodling
Beard, Tenn.	Daniel, Dan	Gore
Bedell	Daniel, R. W.	Gradison
Beilenson	Danielson	Grassley
Benjamin	Davis	Gudger
Bennett	de la Garza	Guyer
Bevill	Delaney	Hagedorn
Biaggi	Dellums	Hall
Blanchard	Derrick	Hamilton
Blouin	Derwinski	Hammer-schmidt
Boggs	Dickinson	Hanley
Boland	Dicks	Hannaford
Bolling	Dodd	Harkin
Bonker	Downey	Harris
Bowen	Drinan	Harsha
Brademas	Duncan, Oreg.	Hawkins
Breaux	Duncan, Tenn.	Heckler
Brodhead	Early	Hefner
Brooks	Edgar	Heftel
Broomfield	Edwards, Ala.	Hightower
Brown, Mich.	Edwards, Calif.	Hillis
Brown, Ohio	Edwards, Okla.	Holland
Broyhill	Eilberg	Hollenbeck
Buchanan	English	Holt
Burgener	Erlenborn	Holtzman
Burke, Fla.	Ertel	Howard
Burke, Mass.	Evans, Colo.	Hubbard
Burleson, Tex.	Evans, Del.	Huckaby
Burlison, Mo.	Evans, Ga.	Hughes
Burton, John	Evans, Ind.	Hyde
Burton, Phillip	Fary	Ichord
Byron	Fascell	Jacobs
Caputo	Fenwick	Jenkins
Carney	Findley	Jenrette
Carr	Fish	Johnson, Calif.
Carter	Fisher	Johnson, Colo.
	Fithian	Jones, N.C.
Jordan	Moss	Sawyer
Kasten	Murphy, Ill.	Scheuer
Kastenmeier	Murphy, N.Y.	Schroeder
Kelly	Murphy, Pa.	Sebelius
Ketchum	Murtha	Seiberling
Keys	Myers, Gary	Sharp
Kildee	Natcher	Simon
Kostmayer	Neal	Skubitz
Krebs	Nedzi	Slack
LaFalce	Nix	Smith, Iowa
Lagomarsino	Nowak	Smith, Nebr.
Latta	O'Brien	Snyder
Le Fante	Oakar	Solarz
Leach	Oberstar	Spence
Lederer	Ottinger	St Germain
Lehman	Panetta	Staggers
Lent	Patten	Stangeland
Levitas	Pattison	Stark
Lloyd, Calif.	Pease	Steed
Lloyd, Tenn.	Pepper	Steers
Long, La.	Perkins	Stratton
Long, Md.	Pettis	Studds
Lott	Pickle	Stump
Lujan	Pike	Taylor
Lundine	Poage	Thompson
McClory	Pressler	Thone
McCormack	Preyer	Traxler
McDade	Price	Treen
McEwen	Pritchard	Trible
McHugh	Quie	Tsongas
McKay	Quillen	Udall
Madigan	Rahall	Ullman
Maguire	Railsback	Van Deerlin
Mann	Rangel	Vander Jagt
Markey	Regula	Vanik
Marlenee	Reuss	Vento
Martin	Rhodes	Volkmer
Mattox	Richmond	Walgren
Meeds	Rinaldo	Walsh
Metcalfe	Risenhoover	Wampler
Meyner	Roberts	Watkins
Michel	Robinson	Weiss
Mikulski	Rodino	White
Mikva	Roe	Whitehurst
Milford	Rogers	Whitley
Miller, Calif.	Roncalio	Wilson, Bob
Miller, Ohio	Rooney	Wilson, Tex.
Mineta	Rose	Winn
Minish	Rosenthal	Wirth
Mitchell, N.Y.	Roybal	Wolff
Moakley	Rudd	Wydler
Moffett	Runnels	Wylie
Montgomery	Russo	Yates
Moore	Ryan	Yatron
Moorhead, Calif.	Santini	Young, Fla.
Moorhead, Pa.	Sarasin	Young, Mo.
	Satterfield	Zablocki

NAYS—17

Ashbrook	Hansen	Rousselot
Badham	Kemp	Shuster
Collins, Tex.	Kindness	Stockman
Devine	Mitchell, Md.	Symms
Dingell	Myers, John	Walker
Dornan	Quayle	

ANSWERED "PRESENT"—1

Brinkley

NOT VOTING—77

Anderson, Ill.	Ireland	Rostenkowski
Armstrong	Jeffords	Ruppe
Barnard	Jones, Okla.	Schulze
Beard, R.I.	Jones, Tenn.	Shipley
Bingham	Kazen	Sikes
Bonior	Krueger	Sisk
Breckinridge	Leggett	Skelton
Brown, Calif.	Livingston	Spellman
Burke, Calif.	Luken	Stanton
Butler	McCloskey	Steiger
Clawson, Del	McDonald	Stokes
Cohen	McFall	Teague
Collins, Ill.	McKinney	Thornton
Cornwell	Mahon	Tucker
Dent	Marks	Waggonner
Diggs	Marriott	Waxman
Eckhardt	Mathis	Weaver
Emery	Mazzoli	Whalen
Flynt	Mollohan	Whitten
Foley	Mottl	Wiggins
Ford, Mich.	Myers, Michael	Wilson, C. H.
Gammage	Nichols	Wright
Gaydos	Nolan	Young, Alaska
Giaimo	Obey	Young, Tex.
Harrington	Patterson	Zeferetti
Horton	Pursell	

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the con-

sideration of the bill H.R. 2664, with Mr. HOWARD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arizona (Mr. UDALL) will be recognized for 30 minutes, and the gentleman from Colorado (Mr. JOHNSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I yield myself such time as I may consume.

(By unanimous consent, Mr. UDALL was allowed to speak out of order.)

BALANCE OF LEGISLATIVE PROGRAM FOR TODAY

Mr. UDALL. Mr. Chairman, I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I was wondering if I might make an inquiry to the sponsor of the bill or to the chairman, if any accommodation has been made with regard to the Chattahoochee River National Park legislation.

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from California.

Mr. PHILLIP BURTON. Mr. Chairman, as I understand the situation, I think we have arrived at an understanding, the understanding being that we will proceed today with general debate, hopefully with dispatch, so as to allow the Committee on the Judiciary to work their will after Chairman UDALL's bill is completed, so that the matter will be scheduled on Tuesday and all parties will agree that that is a fair solution, that it ought not be extended beyond that time.

Mr. SYMMS. Then on Tuesday there will be consideration under the 5-minute rule on the Chattahoochee River National Park bill?

Mr. PHILLIP BURTON. That is correct.

Mr. SYMMS. I thank the gentlemen very much for their accommodation.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Chairman, as one of the seven members of the Georgia delegation who cosponsored this legislation, we all wanted to give Dr. McDONALD every opportunity to oppose this bill and, therefore, have agreed to this matter.

Mr. SYMMS. I thank the gentleman.

Mr. UDALL. Mr. Chairman, with regard to the Sioux bill now, I think with the cooperation of the Members we can dispose of this in about 10 minutes. I will not ask for a record vote; I hope no one else will.

In a statute adopted in 1877, the United States acquired title to 7 million acres of land on the Great Sioux Reservation, which included the Homestake Gold Mine. The Black Hills Claim for the Sioux Indians was just compensation for the taking of this property.

In 1975 the U.S. Court of Claims, after relating the Government's involvement and treacherous dealings with the Sioux Indians, observed that "a more ripe and rank case of dishonorable dealings will never, in all probability, be found in our history." Nevertheless, the court felt obligated to sustain the narrow technical defense of res judicata based on a 1942 decision.

This bill is needed to waive that technical defense of res judicata so that both the Sioux and the Government can receive a full, fair hearing on the merits.

There will be a couple of committee amendments. There will be an amendment offered by the gentleman from Colorado which is agreeable to me.

Mr. Chairman, I will now yield such time as he may consume to the gentleman from North Carolina (Mr. GUDGER). He has one of the finest legal minds on our committee and has some views on this bill that I do not fully agree with, but he is a very valuable member of our committee and should be heard.

Mr. GUDGER. Mr. Chairman, after such an introduction, I do not know whether to yield back the remainder of my time or proceed with my very sincere remarks.

I feel, quite frankly, that this is a situation in which we need to be consistent. We voted down this bill on September 27, 1977, by a vote of 173 yeas to 239 nays. We did so, I am confident, because we recognized in the bill a real and serious departure from the separation-of-powers doctrine, which I think should continue to govern us and has governed us in the past.

Mr. Chairman, I speak in opposition to H.R. 2664, because the bill is designed to amend the Indian Claims Commission Act of August 13, 1946, by requiring that:

> The Court of Claims . . . review on the merits without regard to the defense of res judicata or collateral estoppel, the determination of the Indian Claims Commission entered February 15, 1974, adjudging the Act of February 28, 1977 (19 Stat. 254) effected a taking of the Black Hills portion of the Great Sioux Reservation in violation of the fifth amendment and shall enter judgment accordingly.

I submit that this bill has the precise and exact effect of reversing a decision of the Court of Claims which has heretofore been sustained by the Supreme Court of the United States. Thus, it places the Congress of the United States in the position of reviewing and reversing a judicial decision in direct violation of the separation-of-powers doctrine so basic to our tripartite form of government.

I call to your attention that, in this instance, we are not asked to change the law, applicable uniformly to all cases of like nature throughout the land, but that this bill proposes to change the application of the law with respect to one case only. In doing this, we are not legislating, we are adjudicating. Moreover, we are performing the adjudicatory function with respect to a case on which the Supreme Court of the United States has acted. Thus, in this instance, we propose to reverse the decision of the Supreme Court of our land.

In speaking to this issue in the brief dissent which I filed to the committee report, I pointed out that regardless of the apparent merits of the moral obligation which the Sioux Black Hill Indian Tribe claims against the United States, the Congress of the United States should not make of itself a forum to determine expressly a single claim in litigation. In that dissenting opinion I stated as simply and succinctly as I could that I might find it easy to support a bill to grant a specific appropriation to the Sioux Nation for the purpose of extinguishing a moral or equitable obligation arising upon the Black Hills claim, but that I could not justify in my own mind this exercise of congressional review of a judicial decision which I consider contravenes our exclusively legislative responsibility under the separation of powers doctrine. I also pointed out in that dissent that I felt it to be in the best interest of the Indian nations that their claims be resolved by law under legal principles applicable at the time of the enactment of the Indian Claims Commission Act of August 13, 1946. And I stated that it is against the best interests of our Indian citizens to withhold from their claim that uniform application of the law which we enforce in all other transactions affecting all other citizens. I stated then that the ultimate effect will be to degrade the law and to make more difficult the closing of old wounds and the settling of ancient claims which was the purpose of the Indian Claims Act to resolve.

It gives me no satisfaction to speak against the Sioux Nation of Indians with whom I have no quarrel, but I do feel that someone needs to express firmly the principle of law which I have expressed in these comments and in the dissenting views which were registered by me as a part of the committee report on this bill.

Mr. UDALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming (Mr. RONCALIO), who chairs the subcommittee and has done great work on this legislation.

Mr. RONCALIO. Mr. Chairman, on September 27, 1977, this bill failed on suspension of the rules by a vote of 173 for and 239 against. It was apparent to me that a large part of the negative vote was not due to the lack of merit of the bill, but rather to a lack of information of the merits.

Therefore, I would like to take this opportunity to provide some background information to the members prior to Thursday's action.

The history of this claim and the litigation involving the claim is lengthy and complex. The claim arose in 1877, 100 years ago. The litigation began in 1920, over 50 years ago. I will try briefly to lay out the highlights for the Members.

HISTORY OF THE CLAIM

In 1868, the United States entered into a treaty with the Teton or Western Sioux Indians. In this treaty, the Sioux reserved to themselves the Great Sioux Reservation, comprising all of what is now western South Dakota, including the Black Hills area. The Sioux ceded to the United States all their interests in vast tracts of land outside of the Great Sioux Reservation.

In return for this cession of land, the United States made certain promises to the Sioux, including—

First. They would never take any more land from the Sioux without the consent of three-fourths of the adult male population of the Sioux;

Second. The Great Sioux Reservation was set apart for the absolute, undisturbed use and occupation of the Sioux; and

Third. The United States agreed that it would not permit any persons, other than authorized Federal personnel, to pass over, settle upon, or reside in the reservation.

Between 1868 and 1875, gold was discovered in the Black Hills area of the reservation. One exploratory expedition was conducted by Lt. Col. George A. Custer. White gold seekers, in violation of the 1868 treaty, flooded into the Black Hills. Initially, the United States tried to fulfill its obligation under the treaty by having the Army prevent non-Indians from entering the reservation.

Then occurred a blatant, secret decision of President Grant, the Secretary of the Interior, and the commanding generals of the Army to violate that solemn treaty promise. Mr. Chairman, in support of this statement, I will cite in full the text of three secret letters obtained in 1974 from the files of the Library of Congress:

[Confidential]

NOV. 9TH, (187)5.

MY DEAR GEN. TERRY: At a meeting which occurred in Washington on the 3rd of November, at which were present, the President of the United States, the Secretary of the Interior, the Secretary of War and myself, the President decided that while the orders heretofore issued forbidding the occupation of the Black Hills country, by miners, should not be rescinded, still no further resistance by the military should be made to the miners going in; it being his belief that such resistance only increased their desire and complicated the troubles.

Will you therefore *quietly* (Emphasis added) cause the troops in your Department to assume such attitudes as will meet the views of the President in this respect.

Yours truly

(Signed) P. H. SHERIDAN,
Lieut. General.

* * * * *

CHICAGO, *Nov. 13–75.*

MY DEAR GENL SHERMAN: After my return from the Pacific, I was obliged to go East to see Mr. Chandler about the Black Hills and my report has thus been delayed.

Terry has been sick, but is now better and I am expecting his report daily.

The enclosed copy of Confidential letter to Terry will best explain the present status of the Black Hills.

The whole thing has gone along about as I had expected.

The Terry letter had best be kept confidential (Emphasis added).

Yours truly,

(Signed) PH SHERIDAN.

* * * * *

HEADQUARTER ARMY OF THE
UNITED STATES,
St. Louis, Mo., Nov–20, 1875.

Gen. P. H. SHERIDAN,
Chicago, Ill.

DEAR GENL—: Your letter of Nov–13 with enclosure was duly received, and would have been answered immediately. Only I know that the matter of the Black Hills was settled at all events for this year. In the Spring it may result in Collision and trouble. But I think the Sioux Indians are all now so dependent on their rations, that they will have to do whatever they are required to do. My own idea of their Treaty is that settlements may now be made all along up the Western Boundary. And if some go over the Boundary into the Black Hills, *I understand that the President and the Interior Department will wink at it for the present* (Emphasis added).

Truly your friend

(Signed) W.T. SHERMAN.

Mr. Chairman, against the background of the 1868 treaty, nothing can be said of this exchange of letters and the surrounding history of the taking of the Black Hills by the United States, but that there was a knowing, secret violation of the solemn promise of the United States. In fact, the President, his generals, and the Secretary of the Interior intentionally kept this decision from the Senate, which had ratified the 1868 treaty, and from the House of Representatives.

What was the upshot of this secret deal? When the Sioux refused to sell the Black Hills and the Congress resisted the pressure of the President to unilaterally take the Black Hills, the administration, in the words of the Indian Claims Commission, "precipitated the Sioux situation into a crisis." In furtherance of this planned crisis, Custer found the Sioux on the Little Bighorn River on June 25, 1876, where he and a third of his command were destroyed.

Incensed by this shattering defeat, Congress attached a rider to the appropriation act of 1876 which refused to provide the treaty rations to the Sioux unless they agreed to sell the Black Hills. Both the Indian Claims Commission and the Court of Claims have characterized this as the "sell or starve" rider.

The Sioux still refused to sell. In 1877, by the act of February 28, 1877 (19 Stat. 254), Congress unilaterally took the Black Hills, comprising 7,345,157 acres, from the Sioux, in direct violation of the treaty provision requiring the consent of three-fourths of the adult male members of the Sioux.

HISTORY OF THE LITIGATION

Until 1946, the judicial tribunals of the United States were closed to Indian tribes seeking a redress of grievances against the United States. The only avenue open was a petition to the Congress to permit the tribes to present their claim to an impartial tribunal. During the years following 1877, the Sioux repeatedly sought such relief.

Finally, in 1920, Congress passed a special jurisdictional statute permitting the Sioux to bring their claims against the United States before the Court of Claims. The Sioux filed, among other claims, the claim for the wrongful taking of the Black Hills. Twenty-two years later, the Court of Claims dismissed the Black Hills claim with a muddled, confusing opinion. *Sioux Tribe* v. *United States*, 97 Ct. Cl. 613, cert. denied 318 U.S. 789 (1943). It is hard to decide whether the court dismissed the claim on the merits or for lack of jurisdiction under the jurisdictional act.

In 1950, the Sioux refiled this claim with the Indian Claims Commission, established in 1946. In 1973, the Commission ruled that the United States had taken the Black Hills from the Sioux in violation of the fifth amendment of the Constitution and that the Sioux were entitled to an award of $17,500,000 plus 5 percent simple interest per annum from the date of the taking. The Commission rejected the defense of the United States that the 1942 decision of the Court of Claims was res judicata, one, because the United States failed to properly plead the defense as required by the rules of procedure and, two, that the 1942 decision was not res judicata because it was a dismissal for lack of jurisdiction and not on the merits.

The United States appealed the Commission decision on a fifth amendment taking to the Court of Claims on the grounds that the 1942 decision was res judicata. After stating that "A more ripe and rank case of dishonorable dealing will never, in all probability, be found in our history * * *," the court upheld the defense of res judicata with respect to the fifth amendment taking claim.

The court then said:

Since in 1942 this court did, *rightly or wrongly* (Emphasis added), hold on the merits, . . . interest cannot be awarded. . . . The Congress which wiped out the rations offset could correct this situation also, but we are without power to do so.

H.R. 2664

The bill, H.R. 2664, which the Members will shortly be asked to approve or reject, will carry out the suggestion of the Court of Claims. Simply put, it will waive the technical defense of the United States to the fifth amendment taking issue based upon res judicata and directs the Court of Claims to review, on the merits, that issue.

I want to emphasize that the bill does not make a congressional determination of whether or not the United States violated the fifth amendment. It does not say that the Sioux are entitled to the interest on the $17,500,000 award. It says that the court will review the facts and law in the case and determine that question.

Mr. Chairman, there has been some concern among the Members about setting a precedent on waiving the defense of res judicata and on violating the sanctity of that doctrine.

First, Congress has in the past enacted legislation waiving that defense, mainly in private claims cases. In addition, in two cases, Congress waived the defense with respect to Indian claims against the United States; act of March 3, 1881 and act of February 7, 1925. No precedent will be established.

Second, the doctrine of res judicata is not a statutory or congressional doctrine. It is a judicially developed doctrine designed to avoid a multiplicity of litigation and relitigation of decided issues. However, it is not a doctrine which should be permitted to bring about a gross miscarriage of justice, particularly in those cases where the United States acts as trustee for Indian tribes and their lands and resources. As stated in American Jurisprudence, Second:

Res judicata, as the embodiment of a public policy, must at times be weighed against competing interests, and must, on occasion, yield to other policies. 46 Am. Jur. 2d, Judgments, s. 402.

I submit, Mr. Chairman, that this is one time when that public policy of res judicata should yield.

There has been some concern about the report of the Department of Justice on this bill. They say in their report that, one, Congress should defer action on this bill because Justice is conducting a study of these class of cases, and, two, if Congress chooses to act, the bill should be amended to permit a trial de novo on the issue. I understand that the Justice Department has communicated its position that no such review is underway or planned. With respect to the trial de novo, while we feel that it is unnecessary and meaningless, we are willing to accept an amendment so providing.

Mr. Chairman, it is said that justice delayed is justice denied. The Sioux have petitioned for 100 years for justice and for their full day in court. That justice has been denied for 100 years. If the Court of Claims is right when it says that "a more ripe and rank case of dishonorable dealing will never, in all probability, be found in our history * * *," then we should not deny a full airing of that case in a court of law because of the technical defense of res judicata.

Mr. UDALL. Mr. Chairman, I have no further requests for time.

Mr. JOHNSON of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. ABDNOR).

Mr. ABDNOR. Mr. Chairman, as we look at H.R. 2664, I think that it is very important that we look at what events have transpired and have led to the introduction of this bill. The history of the claim is outlined in the committee report, so I will not relate that portion of it to you. I would, however, like to review the odyssey to which the Sioux claim has been subjected.

On June 3, 1920, a special statute was enacted granting the Sioux Nation's permission to bring suit in the Court of Claims. Thirteen cases were filed by the Sioux covering 18 claims. The Black Hills claim, which was one of these, was dismissed in 1942, 19 years following its filing. The claim was refiled in 1950 under the provisions set forth under the Indian Claims Commission Act.

On February 15, 1974, the Indian Claims Commission handed down decision in favor of the Sioux. The decision held, first, that the action of taking the Black Hills from the Sioux Nation under the act of February 28, 1877 (19 Stat. 254) makes the United States liable to pay compensation for the property under the fifth amendment; second, that a fair market value for the Black Hills land and minerals in 1877 was $17,500,000; and third, that an interest payment on the initial sum would be just compensation.

The Government appealed the Indian Claims Commission, and on June 25, 1975, the Court of Claims issued an opinion reversing the Indian Claims Commission decision on interest. The Court of Claims cited the judicial doctrine of res judicata.

Then on December 8, 1975, the Supreme Court denied a petition to review the Court of Claims decision. I must note that the Supreme Court has done this in virtually every case arising under the Indian Claims Commission Act.

The only remaining course of action is for the Congress to waive the Government's defense of res judicata so that the case can be reviewed on its merits.

In closing, I should point out two factors which I believe indicate the uniqueness of this case. The first is the Court of Claims statement:

. . . More rank case of dishonorable dealings will never, in all probability, be found in our history.

The second is President Ford's statement upon signing the Indian Claims Commission Act of 1974 when he stated that while the Black Hills claim, with interest, could total nearly $103 million:

If such a claim is held to be valid, it would be unfair and unjust to try to avoid paying it by deducting the cost of previously supplied food and provisions.

We must allow the courts to look at the merits. That is why I introduced this bill.

Mr. JOHNSON of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from South Dakota (Mr. PRESSLER).

Mr. PRESSLER. Mr. Chairman, I join my colleague, the gentleman from South Dakota (Mr. ABDNOR). I also commend the remarks of the gentleman from Wyoming (Mr. RONCALIO).

We are, indeed, here asking for a review and providing the groundwork for a review. I do not believe that we would be reviewing a decision; indeed, the same decision might be reached.

Mr. JOHNSON of Colorado. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, there has been some controversy with respect to this bill and the prime concern of the gentleman from Maine (Mr. COHEN) has been addressed. I intend to offer an amendment when we go under the 5-minute rule in just a few minutes and I will explain the gist of the amendment at that time; that will, I hope, satisfy any objections that Members might have with respect to the bill as it presently stands.

Mr. JOHNSON of Colorado. Mr. Chairman, I have no further requests for time. I yield back the balance of my time.

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 20(b) of the Act of August 13, 1946 (chap. 959, 60 Stat. 1054), as amended, is hereby further amended by adding a new sentence at the end thereof, as follows: "Notwithstanding any other provision of law, upon application by the claimants within thirty days from the date of the enactment of this sentence, the Court of Claims shall review on the merits, without regard to the defense of res judicata or collateral estoppel, the determination of the Indian Claims Commission entered February 15, 1974, adjudging that the Act of February 28, 1877 (19 Stat. 254), effected a taking of the Black Hills portion of the Great Sioux Reservation in violation of the fifth amendment, and shall enter judgment accordingly.".

(b) Any award made before, on, or after the date of the enactment of this Act, under any judgment of any authority, with respect to any lands that are also the subject of a claim submitted under this Act shall not be considered as a defense, estoppel, or setoff to such claim, and shall not otherwise affect the entitlement, or amount of, any relief with respect to such claim.

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 1, strike all of line 3 and insert in lieu thereof the following: "That section 20(b) of this Act of August 13, 1946 (c.".

Page 2, line 1, strike "(19 Stat. 254)" and insert "(19 Stat. 254),".

Page 2, strike all of lines 5 through 11.

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. JOHNSON OF COLORADO

Mr. JOHNSON of Colorado. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Colorado: Strike all of line 11, page 1, and all of lines 1 through 5 on page 2 and insert in lieu thereof the following: "collateral estoppel, that portion of the determination of the Indian Claims Commission entered February 15, 1974, adjudging that the Act of February 28, 1877 (19 Stat. 254), effected a taking of the Black Hills portion of the Great Sioux Reservation in violation of the fifth amendment, and shall enter judgment accordingly. In conducting such review, the Court shall receive and consider any additional evidence, including oral testimony, that either party may wish to provide on the issue of a fifth amendment taking and shall determine that issue de novo."

Mr. JOHNSON of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. JOHNSON of Colorado. Mr. Chairman, this amendment which contains some of the language that the gentleman from Maine (Mr. COHEN) had intended to offer, and I think sent copies around to many of the Members, deals with the

issue of the trial de novo at the level of the Court of Claims. We have added the following language to partially satisfy the complaint of the gentleman from Maine (Mr. COHEN):

In conducting such review, the Court shall receive and consider any additional evidence, including oral testimony, that either party may wish to provide on the issue of a fifth amendment taking and shall determine that issue de novo.

This does not go quite as far as the gentleman from Maine (Mr. COHEN) desired. The gentleman had desired that the whole process be opened up again for review. There are several of us that felt that was inappropriate, because the original appeal from the Indian Claims Commission decision had been such that it did not address anything else other than the fifth amendment taking and res judicata.

So rather than have the whole appellate process start over again, we worked out an agreement with the gentleman from Maine (Mr. COHEN), because he felt this is the most important section. Rather than have a conflict or a battle that would require confrontation here on the floor between these two opposing viewpoints, both sides gave in and we are suggesting this as a compromise solution.

My own point of view is that rather than send it back for a trial of any kind, we ought to be giving the Indians interest on the value of the land since the taking of the land, which is approximately $85 million. To send it back to trial could be a travesty; it is going to cost additional time, and they are not going to wind up with as much as they have have. But that is the nature of the legislative process, because we have to accommodate conflicting interests.

In this respect I want to congratulate the gentleman from Maine (Mr. COHEN) for helping us reach this accommodation. I want to thank the chairman of the full committee and the chairman of the subcommittee for trying to work this out. There has been a great injustice done. I am sorry we have to proceed in this roundabout way so the Indians can get some form of justice.

Mr. Chairman, I hope they will prevail in the courts, and I hope we will adopt this amendment.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the chairman of the committee.

Mr. UDALL. Mr. Chairman, I want to thank the gentleman from Colorado (Mr. JOHNSON) for his very conscientious help and assistance in regard to this bill.

When we had the bill before the House previously, there were objections from the gentleman from Maine (Mr. COHEN) and other members of the Committee on the Judiciary. There were also some objections and opinions from the Department of Justice.

This amendment is acceptable to the gentleman from Maine (Mr. COHEN), to the gentleman from Wyoming (Mr. RONCALIO), and to me, and I think it meets the purpose and the intent of what the Justice Department was trying to tell us.

So this is a pretty happy way out of the problem. I congratulate the Members for their work, and I am going to support the amendment.

Mr. JOHNSON of Colorado. Mr. Chairman, I thank the committee chairman.

Mr. GUDGER. Mr. Chairman, I move to strike the last word.

I want to say very briefly that the Cohen amendment does not change the argument which I addressed earlier to the main bill. Let me point out quite simply and quite succinctly what we have here.

We have here a case in which the Supreme Court has held that the parties are not entitled to a new trial, and that that law had been properly administered. If we adopt the Cohen amendment to this bill. The parties go back to a new trial, notwithstanding the Supreme Court's edict. They go back into a new trial in which two propositions of law are suspended, and they now have by the Cohen amendment a trial de novo, which is exactly what the Supreme Court held they were not entitled to.

It is for this reason. Mr. Chairman, and for this reason only, that I have risen in opposition to this bill. I have no quarrel with the Sioux Indians. I do have an obligation to retain a principle of law to which I have adhered during my State experience and to which a great senior Senator from North Carolina adhered in the other body for a long, long time and revered as a basic proposition of law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. JOHNSON).

The amendment was agreed to.

Mr. TREEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to ask one or two questions.

Is it correct that the judgment of approximately $17.5 million is not affected by this bill? In other words, the Sioux Nation will receive or has received $17,550,000?

Can the chairman of the committee tell me if that is correct?

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. TREEN. I yield to the chairman of the committee.

Mr. UDALL. That is correct. The amount due the Sioux is not in issue under the bill. The question is on the interest. If there is a fifth amendment taking, they are entitled to interest; if there is not a fifth amendment taking, they are not entitled to interest.

Mr. TREEN. Has the $17.5 million been paid?

Mr. UDALL. No; it has not.

Mr. TREEN. If the bill is passed, does that mean there will be further judgment for $85 million, or does that decision rest on events about which we are unsure?

Mr. UDALL. Not necessarily. As the gentleman from Colorado (Mr. JOHNSON) said earlier, if the amendment included the total amount, we might as well appropriate the $85 million and give it to them, and he is right. All the bill says is that it goes to the Court of Claims for this matter to be considered on its merits, and it does not allow the United States to raise a technical defense of res judicata.

Mr. TREEN. Let me ask this further question. How many parties in interest will share this $17.5 million or perhaps $100 million? How many people are we talking about?

Mr. UDALL. There are about 60,000 Sioux Indians who would be eligible to participate.

Mr. TREEN. I thank the gentleman.

The CHAIRMAN. Are there further amendments?

If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HOWARD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2664) to amend the Indian Claims Commission Act of August 13, 1946, and for other purposes, pursuant to House Resolution 958, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. GUDGER) there were—ayes 53, noes 17.

So the bill was passed.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 958, the Committee on Interior and Insular Affairs is discharged from the further consideration of the Senate bill (S. 838) to amend the Indian Claims Commission Act of August 13, 1946, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. UDALL

Mr. UDALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. UDALL moves to strike out all after the enacting clause of the Senate bill (S. 838) and to insert in lieu thereof the text of the bill H.R. 2664, as passed, as follows:

Strike out all after the enacting clause and insert:

That section 20(b) of the Act of August 13, 1946 (c. 959, 60 Stat. 1054), as amended, is hereby further amended by adding a new sentence at the end thereof, as follows: "Notwithstanding any other provision of law, upon application by the claimants within thirty days from the date of the enactment of this sentence, the Court of Claims shall review on the merits, without regard to the defense of res judicata or collateral estoppel, that portion of the determination of the Indian Claims Commission entered February 15, 1974, adjudging that the Act of Feb-

ruary 28, 1877 (19 Stat. 254), effected a taking of the Black Hills portion of the Great Sioux Reservation in violation of the fifth amendment, and shall enter judgment accordingly. In conducting such review, the Court shall receive and consider any additional evidence, including oral testimony, that either party may wish to provide on the issue of a fifth amendment taking and shall determine that issue de novo."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2664) was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

CHATTAHOOCHEE RIVER NATIONAL PARK

Mr. PHILLIP BURTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8336) to enhance the outdoor recreation opportunities for the people of the United States by expanding the National Park System, by providing access to and within areas of the National Park System, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. PHILLIP BURTON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8336, with Ms. HOLTZMAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. PHILLIP BURTON) and the gentleman from Kansas (Mr. SEBELIUS) will be recognized for 30 minutes each.

The Chair recognizes the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, H.R. 8336, as reported by the Committee on Interior and Insular Affairs, would establish the Chattahoochee River National Recreation Area in the State of Georgia. This bill represents an opportunity for a State and Federal partnership to protect a significant natural resource and provide an outstanding outdoor recreation opportunity to the people of this region.

The Chattahoochee River rises in northern Georgia and flows through the very heart of the Metropolitan Atlanta area. H.R. 8336 would designate a 48-mile stretch of this river from the existing Buford Dam to Peach Tree Creek, and not more than 6,300 acres of related lands, as a National Recreation Area to be managed by the National Park Service

I want to commend the members of the Georgia delegation who have pressed their case for so long in this matter. Congressman ELLIOTT LEVITAS has not only pursued the establishment of this area for two Congresses, but was the author of the Metropolitan River Protection Act during his tenure in the Georgia House of Representatives. Representative WYCHE FOWLER, whose district contains a portion of the proposed area, has also worked for its establishment, carrying on the commitment of his predecessor, Ambassador Andy Young. Congressman DAWSON MATHIS has assisted the legislation in its progress through our committee.

The State of Georgia has already made a superior effort in protecting this valuable area. The river corridor has been remarkably free of development in past years, and the river itself is so free of pollution that it serves as the primary source of drinking water for the Atlanta area. The State acted to protect this vital water quality and its watershed by enacting the Metropolitan River Protection Act of 1973. This State law provides for control of all proposed development within the river corridor and protects the vital floodplain itself. This State law and the restrictions which it places on development are important components of the proposal before us today.

The State of Georgia, drawing on earlier studies of the river made by both the Federal Government and others, identified slightly more than 6,000 acres of prime land adjoining the river within this corridor. These carefully selected units provide access points to the river for boaters and fishermen, and also protect areas of great natural beauty and historic significance. State and local governments have moved forward with an acquisition program for these tracts so that today some 1,000 acres of this land is already protected. But, as the Governor of Georgia has testified, the State's resources have been extended to the limit with the acquisition program already underway. To assure the full protection of these lands and to fully realize the recreation potential of this area, it is necessary for the Federal Government to move forward with the remaining land acquisition. The State would donate the lands acquired to date with a value in excess of $14 million.

The administration strongly supports the enactment of this measure. The National Park Service has testified that this area is worthy of the designation "National Recreation Area" and the Secretary's Advisory Board has recommended the designation of this area as such. National Park Service management of the Chattahoochee River would provide this great metropolitan area with a protected natural and recreational resource such as the Congress has authorized in similar circumstances, such as the Indiana Dunes National Lakeshore or the Golden Gate National Recreation Area.

I know there has been concern expressed by some Members as to the implications of establishing this recreation in close proximity to a major urban area. The Department of the Interior is completing a study of urban recreation needs and opportunities. I expect to closely review results of this study when it is transmitted to the Congress. Let me point out, however, that the Chattahoochee River proposal stands on its own merits as a significant resource base in which the National Park Service can operate to provide a high quality visitor experience. We are not breaking new ground here, but are authorizing an area within the existing standards for units of the National Park System. The Chattahoochee is a unique proposal that would not be possible in this form without the State legislation and commitment that has preceded this bill. It is this effort which will allow us to concentrate our efforts in the Chattahoochee corridor on the very best lands which remain.

Title II of this measure increases the ceiling on appropriations for the Fort Scott historic area in Kansas by some $750,000. This will permit the continuance of the reconstruction program presently under way at this area. Congressman JOE SKUBITZ, the ranking Republican member of our committee has long worked for the preservation of this area, and it is due to his good efforts that the reconstruction of this area is going forward.

Title III of the bill states the intent of Congress that the land acquisition programs in the existing units of the National Park System be completed in an additional 4 years, with certain exceptions. I intend to offer an amendment to this title which will insure that the four areas authorized before 1960 which still have very complex private inholdings will not be covered by this intent, so that there will be additional time to solve these problems.

Madam Chairman, I urge the support of my colleagues in sending H.R. 8336 on to the Senate at this time.

Madam Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. FOWLER).

(Mr. FOWLER asked and was given permission to revise and extend his remarks.)

Mr. FOWLER. Madam Chairman, the Chattahoochee River area is exceptionally beautiful. Even though its waters flow through the heart of Metropolitan Atlanta, the Chattahoochee remains remarkably unspoiled by urbanization. We would be foolish to let the opportunity to preserve this area pass us by. Furthermore, if we do not act quickly we will lose that opportunity. Already the city of Atlanta has rezoned some of the affected area to allow commercial development.

As you know, H.R. 8336, the companion bill to S. 1791, would establish the Chattahoochee River National Recreation Area, a 48-mile segment of the Chattahoochee River in the State of Georgia from Buford Dam to Peachtree Creek. The Secretary of the Interior is authorized to acquire lands, waters, and interests within the recreation area and to develop the area for public use. There are several aspects of this bill which deserve particular mention.

First, the Chattahoochee Recreation Area is of substantial Federal interest because of its recreational, historic, and natural values. The unique location of the river in and near a regional urban center, which is itself a transportation nexus for the entire Southeast, affords accessibility of the river to literally millions of people. Last year 2.5 million people used the river somehere along the proposed 48-mile stretch. In other words, the number of people who used the river last year exceeded the number (2.4 million) who visited Yosemite National Park in 1974 or the number (1.9 million) who visited Yellowstone National Park in 1974. It is worth noting that this usage occurred even with the current very limited accessibility to the river. As the river is made into a national recreation park, its usage will probably multiply.

In addition to the recreational value of the river, which has already been discovered by millions of people, this is an area in which nationally significant historic and archeological resources exist. These resources must be protected. Furthermore, it is in the national interest to preserve the outstanding geologic formations, as well as the ecological community which protects endangered species, for ourselves and for future generations.

Second, despite the compelling nature of this bill, there have been some objections raised to creating a national recreation area along the Chattahoochee. In particular, it has been charged that the area will be impossible to police and to administer properly, that it will hamper the water supply to the city of Atlanta, that it will work a hardship on those who own land along this 48-mile corridor, and that citizens have not had the chance to express their views on this legislation. I do not feel that any of these concerns are warranted by the facts.

The Chattahoochee River area will consist of 14 separate nodes along a 48-mile stretch of land. The fact that these separate parcels are not contiguous has aroused some concern for proper policing and administration of the area. These fears are unfounded.

In a comprehensive letter to Chairman UDALL endorsing this legislation, Secretary of the Interior Cecil Andrus made no mention of any policing problem. More positively, the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments found that "the Chattahoochee corridor more than met the established criteria for national recreation areas." At the present time, there are four sites which have been purchased by the State of Georgia, and they have posed no particular policing problems. In fact, the main problem in the area right now is that of trespass. In order to gain access to the River, users must cross through private property. The trespass problem would be virtually eliminated with the passage of this bill.

The charge that the establishment of the recreation area would hamper the water supply to the city of Atlanta is also without substance. Because the Chattahoochee River is the main source of water for the city of Atlanta, the concern for the effect of this legislation on Atlanta's water supply is a legitimate one. However, H.R. 8336 includes protective language—the Jenkins-Fowler amendment—which is not incorporated in S. 1791 but which I believe will be by the other body. Specifically, although the House bill protects the river from construction of any water resources projects which might have an adverse affect on the area, the House version excepts projects which the State of Georgia deems necessary and which are authorized by the Congress. This balance between recreational values and the provision for an adequate water supply for the city of Atlanta was developed after extensive consultation with local environmental groups, the Georgia Department of Natural Resources, and members of the Georgia delegation working on this bill. Moreover, the House version of the bill clearly states that it is not the intention of Congress by this legislation to manipulate the water levels in Lake Sidney Lanier, which draws from the Chattahoochee. As a consequence of these provisions, Atlanta's water supply will be protected.

Another concern which has been voiced on occasion is that the legislation might work a hardship on those who own land along the 48-mile corridor. I think that the facts of the matter lay this concern to rest.

Both the House and Senate versions of the bill address the question of the timing of land acquisitions to assure that area residents are not disadvantaged or inconvenienced. The Secretary of the Interior is directed in the House version of the bill to proceed as expeditiously as possible to acquire the lands and interests necessary to meet the requirements of the Chattahoochee Recreation Area. S. 1791 states the intent of Congress to be complete acquisition within 5 years.

In addition, landowners can sell or develop their property until the day the Park Service actually buys it. Typically, the designation of an area as a potential park increases land values somewhat. Thus, it is very likely that landowners will benefit from the legislation more than they will be inconvenienced.

Another protection for property owners is that the right of use and occupancy of most of the land to be acquired is retained by the landowner. The owner may elect to continue to use the property for residential purposes for 25 years or until the owner's or spouse's death, whichever occurs later.

Finally, the land must be purchased by the Park Service at current market prices. The aggregate effect of these provisions is to protect the landowner from undue uncertainty, to insure use of the property by the landowner for those who wish to continue to live on their land, and to make certain that landowners will not suffer a financial loss.

A final concern is the question of whether local citizens have had an adequate opportunity to express their views on this legislation. Several points should be made here. First, the Bureau of Recreation identified the 14 sites as far back as 1970. These sites were identified with the aid of a citizens' advisory board. Second, the Atlanta Regional Commission, which is itself made up of citizens and elected officials, again identified the 14 sites in 1972 at which time public hearings were held. Third, the Congress has conducted a number of hearings on this legislation both here in Washington and in Atlanta. Members of Congress have conducted onsite inspections of the Chattahoochee area. As Congress has been considering this legislation for over 3 years, the newspapers have prominently reported these activities.

In sum, we would be remiss not to move quickly on the Chattahoochee River bill. The bill itself has been the result of extensive cooperation among and consultation with local governments, businesses, citizens' groups, landowners, and individual citizens. We are not acting precipitously here. A decade of dedicated work is represented in this legislation. The Chattahoochee River bill offers a rare opportunity to improve the quality of life in this country. I urge you to move swiftly to save the Chattahoochee for the Nation.

Mr. PHILLIP BURTON. Madam Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LEVITAS).

Mr. LEVITAS. Madam Chairman, I rise in support of H.R. 8336, a bill of which I am principal sponsor, to establish the Chattahoochee River National Recreation Area, encompassing more than 5,000 acres along the banks of the Chattahoochee River near Atlanta, Ga. I have the unique and satisfying privilege of participating in the realization of this dream from its early stages. In 1973 as a State legislator in Georgia, I was the principal sponsor of the Metropolitan River Protection Act which provided multijurisdictional, regional regulation of construction in the Chattahoochee River corridor area; and I subsequently cosponsored the bill under consideration today as soon as I arrived in the Congress.

This legislation has broad support throughout the State, from environmentalists, property owners, and local governments; and it has been cosponsored by seven Georgia Congressmen. Both Georgia Senators have sponsored similar legislation in the other body. The members of the subcommittee conducted a field inspection of the area in October 1975, were briefed by Gov. George Busbee of Georgia and other State officials, viewed the area by helicopter, in-

spected part of the river by canoe, and were favorably impressed by the high quality of the resource.

The Chattahoochee River, called the River of Flowered Stones by the Creek Indians, is still a largely unspoiled recreation spot which is immediately available to more than 1.5 million people in the metropolitan Atanta area and to millions more all over the Southeast. This beautiful resource is in an urban area and can be reached by a 15-cent transit bus ride, yet it provides a place of respite from the busy activity of everyday life in the urban centers, enabling people to get away for fishing, hiking, canoeing, camping, cycling, or any number of outdoor activities which serve to renew the spirit. I think we can agree on the need we all have for recreation, and the Chattahoochee fulfills this most important need for citizens in the metropolitan Atlanta area. But it is also a national resource because of its location in the heart of the Southeast situated between two interstate highways near a point of their convergence. Travelers from all over America will have easy access to this area of historic significance and natural beauty.

It is truly a national park. At this point I insert in the RECORD a letter on the national nature of this park written by Secretary of the Interior Andrus.

Madam Chairman, the letter referred to follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., January 31, 1978.

Hon. ELLIOTT LEVITAS,
House of Representatives,
Washington, D.C.

DEAR MR. LEVITAS: This is in response to your request for the views of this Department on H.R. 8336, a bill "To authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes."

As I have communicated to the Congress several times over the past year, we recommend enactment of H.R. 8336. Assistant Secretary Herbst testified in support before the Senate Committee.

H.R. 8336 would preserve a 48-mile segment of the Chattahoochee River which is rich in a variety of environments. From Buford Dam on the north, the Chattahoochee River flows southward in broad reaches past wide valleys, curves in sweeping bends around forested hills, and races in white-water rapids through a spectacular palisades gorge into the city limits of Atlanta to its junction with Peachtree Creek. This river possesses high recreational value, and we believe that it ought to be preserved. We endorse the statement in the bill that the values of this segment of the Chattahoochee River are of "national significance." We believe that this area has high intensive worth which combined with its association with an urban center makes its preservation and protection highly desirable.

The Department's support for this concept dates to 1970 when the Bureau of Outdoor Recreation studied the recreational potential of the river. The Staff Report of that study recommended that the river segment be established as a national recreation area. In October 1975, the Advisory Board on National Parks, Historic Sites, Building, and Monuments found that "the Chattahoochee corridor more than met the established criteria for national receration areas, and that private and State facilities for development have been exhausted." The Board recommended that the National Park Service proceed with necessary studies with the intent of adding to the National Park System the Chattahoochee River National Area.

The Department is of the opinion that the unique and physical features of this 48-mile segment of the Chattahoochee River make it an outstanding candidate for designation as a national recreation area.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

CECIL D. ANDRUS,
Secretary.

It is crucial that the move to preserve the area for recreation be taken now, before further development causes increasingly damaging pollution and destruction of the natural beauty and wilderness. Private local groups have been acting for nearly a decade to raise funds for its preservation; State funds have been spent; and though Georgia's Metropolitan River Protection Act provided some measure of protection, there is now an urgent need for Federal recognition and protection of this important natural resource. I insert at this point a copy of a letter from Georgia Gov. George Busbee.

The letter referred to follows:

OFFICE OF THE GOVERNOR,
Atlanta, Ga., January 27, 1978.

Hon. ELLIOTT LEVITAS,
House of Representatives,
Cannon House Office Building,
Washington, D.C.

DEAR ELLIOTT: Congratulations on the most recent advancement toward establishment of the Chattahoochee River National Recreation Area. I am extremely pleased that the bill passed through the House Rules Committee and is now ready for House floor action. Your efforts are appreciated by all who enjoy the rich cultural and recreational benefits that the Chattahoochee River offers.

I am writing to reaffirm the State of Georgia's support for the Chattahoochee Bill and to address, once again, a couple of the issues associated with the concept since it was initiated five years ago.

There are those who feel that the Federal government should not become involved in acquisition and management of the Chattahoochee. However, there are overriding reasons for the Federal government's involvement. First, the Chattahoochee is a resource of national significance because of its recreational, historical and natural attributes. A major segment of the land proposed for acquisition is within the city limits of Metropolitan Atlanta, now a city of 1.7 million people. In addition, thousands of people from across the nation pass over the river daily on two of the busiest highways in the nation, I–285 and I–75. The latest surveys indiate that over 2.5 million people used the Chattahoochee last year alone. A significant portion of that use came from outside the State of Georgia.

With regard to historical significance, the Chattahoochee offers relics and sites that date back to man's first settlement on the continent. Ancient Indian rack shelters and village sites are found throughout the corridor dating back as much as 10,000 years. The Chattahoochee was the last defense line before the burning of the City of Atlanta during the Civil War and the corridor still contains evidence of shelters and trenches used by the Union and Confederate armies. Indeed, the historical value of the corridor far exceeds local or State importance.

The recreational and natural aspects of this river corridor are amazing considering its proximity to a major urban center. The cool, clear water supports a wide variety of fish (including trout), abundant fowl and unique plant life. The Chattahoochee warrants national attentions based on its natural significance alone as evidenced by past comments by the Department of Interior.

Second, the State and local governments do not own enough public land to accommodate the demands that are currently being placed on the river. The biggest problem on the river is trespassing, created by the lack of public access. State and loal financial resources available for public acquisition have been exhausted at the expense of the other recreation needs. Almost 1,000 acres valued at $14 million have already been acquired. Federal resources are desperately needed if demand is to be met.

Finally, it is true that the Metropolitan River Protection Act will protect the river corridor from unsound development. But the Act does not prohibit development. It only says that if development does take place, that it must meet certain standards. It does not guarantee public access or public recreation areas. To exacerbate the problem, I have recently learned that some 1,300 acres have been rezoned for development, 100 acres of which is currently being cleared and landscaped for residential development. This is certainly disheartening to those of us who see the value of the Chattahoochee as a public and *not* a private resources.

One other point that I would like to discuss briefly is the statement by those who believe that the State's budget surplus this year should be earmarked for acquisition of the Chattahoochee corridor. Nothing would please me more than to take the money and spend every penny of it on the Chattahoochee, if that action would ensure its protection. Unfortunately, however, the excess is not to be considered "mad money," to be spent without consideration of competitive needs.

The budget crunch of 1975–76 hit everyone in the nation. The South was not spared. As Governor, it was my job to cut all programs not considered essential during that time period. We reduced the State budget by $176 million. State agencies were directed to cut their budgets by 3½%. The Legislature has just passed a supplemental appropriation act for the current year which spends substantially all the surplus for deferred capital outlay needs.

Finally, the point we have stressed time and again is that the Chattahoochee River is a national resource and not strictly local or State. More money has been committeed to the Chattahoochee River than to any other outdoor recreation project in the State. I do not believe that we can or should move away from our original concept of a local/state/federal partnership in protecting and managing this beautiful resource.

Again, I am appreciative of your efforts, as are all citizens who value the merits of the river. If I or my staff may be of further assistance, please let me know.

Sincerely,

GEORGE BUSBEE.

Madam Chairman, H.R. 8336 would preserve the natural integrity of the corridor along a 48-mile segment of the Chattahoochee River from Lake Lanier, northeast of Atlanta, to Peachtree Creek, which is about 5 miles from Five Points, the heart of one of America's great cities. The bill authorizes acquisition of not more than 6,300 acres, and the Secretary of the Interior would be authorized to acquire State and local government-owned lands by donation and private lands by purchase. State and local recreation plans would be taken into ac-

count in the development of the area, allowing for desirable local input to the project. Of course, no funds would be provided for any projects deemed to have a material adverse effect upon the river. The lands acquired and the river itself would be managed by the National Park Service to provide a wide range of outdoor recreational experiences. The Secretary would also be responsible for the formulation of a management plan for the area which would be transmitted to the Congress, thus insuring that there will be a congressional review of any substantial development proposed for the area and an opportunity for consideration of the fully developed plan.

Another important reason for acting promptly to preserve the Chattahoochee River area, and perhaps a more important reason, is that it provides drinking water for one-fourth of the Georgia population, and allowance of further development along the river will only worsen the pollution problem. In addition, since the cost of land acquisition will increase as time passes, it is more economical to begin the acquisition program now.

The bill under consideration will enable the Federal, State, and local governments on behalf of the people they represent to make significant advances to preserve the area for reasons of health and recreation while there is still something to preserve. Further, it offers an opportunity for high-quality outdoor recreational experiences on a significant natural resource in close proximity to a major urban population.

By passing this bill today, we will have spoken for our posterity. This beautiful but fragile bit of God's nature will be preserved for use and enjoyment by millions of Americans today and tomorrow and those yet unborn. They, too, will hear the falls drum their song; they, too, will watch the white water at the rapids and hear the birds sing as they nest below the grandeur of the palisades in arbors of green. Failure to pass this bill will lead to the irreversible loss of this resource forever.

As the experience of the Chattahoochee has been immortalized by the well-known Georgia poet, Sidney Lanier . . .

I hurry amain to reach the plain,
Run the rapid and leap the fall,
Split at the rock and together again,
Accept my bed, or narrow or wide,
And flee from folly on every side
With a lover's pain to attain the plain . . .

I strongly urge your support for this most important piece of legislation.

Mr. PHILLIP BURTON. Madam Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Madam Chairman, I rise to speak about the peculiar problems of creating a national park on an urban river and a working river which supplies all of the quality water for drinking and industrial purposes for the entire city of Atlanta and a large portion of that metropolitan area.

The evolution of this bill, H.R. 8336, reflects the competing demands on our dwindling water resources and the need for a reasonable and balanced approach in conserving our precious natural heritage. I represent the Ninth District of Georgia through which the historic and poetic Chattahoochee River flows. It begins as a beautiful mountain stream in the great mountains of north Georgia and flows southward into Lake Lanier through Buford Dam onto Morgan Falls and through the city of Atlanta winding its way southwest through Georgia to historical Columbus and onward to the Gulf of Mexico.

While my friends and colleagues, ELLIOTT LEVITAS and WYCHE FOWLER of Atlanta, have sponsored this bill and worked admirably for designation of this 48-mile segment of the Chattahoochee River as a national park, I have worked to insure that the good aspects of the bill do not impose inflexible solutions to the future of water usage and water supply in the metropolitan Atlanta area and in north Georgia. As I testified early last year before the Subcommittee on National Parks, which is chaired so ably by my colleague PHIL BURTON, there has never been any disagreement that the Chattahoochee River is an area of great natural scenic value and historical value and this area's preservation is a worthy and admirable objective.

My message to the subcommittee and bill sponsors at that time was simply that:

We must truly face some realities of the future regarding the Atlanta Region's ever increasing need for a quality water supply.

I pointed out in that testimony:

In the area our quality water resources are limited and there is a great need to balance conservation of the Chattahoochee for its recreational value with its great value as a quality water supply resource for the Atlanta region.

The Committee on Interior and Insular Affairs in its wisdom has reported to the House a balanced bill. Today, the language of H.R. 8336 preserves the river for recreation and enjoyment by our citizens and insures that reasonable water supply solutions can be implemented. I represent one county in the metropolitan Atlanta area. Additionally, the large part of the river designated for this park is located in my district and my people will be most directly affected. Therefore, I insisted that their voices be heard and I insisted on amendments to the bill as originally introduced which amendments are included in H.R. 8336.

The first of my amendments appears in section 104(a) and provides that a water supply or water quality project can be established in the park area on the river where such project is determined by the State of Georgia to be necessary for water supply or water quality enhancement purposes and where such project is authorized by the Congress. The necessity of this amendment is simple and logical. Atlanta and its surrounding region will need more water over the next 10 to 25 years. The Atlanta Regional Commission in its study of July, 1976 projects that the average day water demand by the Atlanta region will more than double its present demand by the end of the century. Under an existing interim water supply solution the Chattahoochee River will only meet the area's water demands until 1985.

Under the federally commissioned Metropolitan Atlanta Water Resources Study the participants have identified the probable need for a water re-regulation facility within the park area to meet future water needs. My amendment is intended by myself and the sponsors to assure that creation of the park does not foreclose this alternative or other water supply and water quality enhancement alternatives.

My second amendment which is now in the bill provides that it is not the intention of Congress by this act to require the manipulation or reduction of lake levels in Lake Sidney Lanier. This language is crucial to me and the people of my district and without it I could not support this bill.

The reason and meaning of that language is simple and direct. It means that creation of the park is not intended to so limit usage of the Chattahoochee River below Buford Dam for water supply purposes that the Atlanta region is required to draw its water for whatever purposes from Lake Sidney Lanier.

The waterflow in the Chattahoochee River along the 48-mile stretch being proposed for the national recreation area is largely fed and controlled by Bulford Dam. The proposed park would begin at Buford Dam. As you know, Buford Dam is a power generating facility operated by the U.S. Army Corps of Engineers. Not only does Buford Dam control waterflow downstream in the Chattahoochee River where the park will be, it controls the lake level in Lake Sidney Lanier, a 38,000-acre impoundment lake lying entirely within my district and contiguous to a number of towns and municipalities.

Reduction in water levels of Lake Sidney Lanier to supply Atlanta is unacceptable to my people and clearly undesirable as a matter of policy. Lake Sidney Lanier is the Nation's most used and popular surface water recreation area. Manipulation of water levels would have an undesirable economic effect on the people of north Georgia and would destroy this highly used recreational resource. The amendment in the bill is intended by myself and the sponsors to avoid an inflexible water supply solution for the future which would require water level reductions or manipulation in Lake Lanier.

I can support this bill as written. It is the product of thoughtful and honest deliberations. The park will stand as a monument to the many Georgians who are vitally interested in conservation.

Additionally, this legislation will serve as a reminder to us of the kinds of problems that we face and must accommodate in designating our urban and working rivers as parks. There are many good citizens who are disturbed by creation of this park. They are some of the owners and residents of property along this river corridor. I know them and I understand their concerns. I would just say

that as much attention as possible has been given to their needs in this bill. I shall expect the Interior Department to deal with these families in a cooperative and compassionate manner and I shall personally monitor the Department's attitude during the acquisition period.

Madam Chairman, I have two or three questions that I would like to ask the sponsor of this bill, the gentleman from Georgia (Mr. LEVITAS), if he will permit me to do so.

First, is it a correct statement that section 104(a) is not intended to prohibit construction of a water reregulation facility in the area of the park where the State of Georgia has determined its need for water supply or water quality enhancement purposes and Congress authorizes such project?

Mr. LEVITAS. If the gentleman will yield, Madam Chairman, that is a correct statement. Such a facility could be permitted under the bill where the need is determined by the State and Congress approves.

Mr. JENKINS. Madam Chairman, I have a further inquiry of the sponsor of the bill.

Am I correct that creation of the Chattahoochee River National Recreation Area under this bill, as reported by the committee with amendments, does not intend to prohibit implementation of any of the water resource alternatives recommended by the Metropolitan Atlanta water resources study as authorized by the Public Works Committee of the U.S. Senate on March 2, 1972?

Mr. LEVITAS. Yes. Section 104(b) of the bill permits the construction of water resource facilities in accordance with its provisions.

Mr. JENKINS. Specifically, does this bill and, more particularly, the language of section 104(b) shown on page 11, lines 4 through 6, provide that the Congress is not requiring future Metropolitan Atlanta water needs to be satisfied from Lake Sidney Lanier in preference to the Chattahoochee River below Buford Dam?

Mr. LEVITAS. Yes. The bill intends that Congress, by creating this park, does not mandate or require the reduction or manipulation of water levels in Lake Sidney Lanier to provide for future water needs in Atlanta.

Mr. JENKINS. Madam Chairman, I have one further question of the sponsor of the bill.

Should the bill be interpreted as neutral insofar as imposition of any future water resource solution on the city of Atlanta, the Metropoltian Atlanta area, and the entire north Georgia area?

Mr. LEVITAS. It is my understanding of the bill as now amended that it should be interpreted as imposing no particular resource solution for the future. It should be considered neutral on the subject.

Mr. JENKINS. Madam Chairman, I thank the gentleman.

Mr. PHILLIP BURTON. Madam Chairman, I yield back the remainder of my time.

Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Ms. HOLTZMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8336) to enhance the outdoor recreation opportunities for the people of the United States by expanding the National Park System, by providing access to and within areas of the National Park System, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON H.R. 7843, ADDITIONAL FEDERAL JUDGESHIPS

Mr. RODINO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7843) to provide for the appointment of additional district and circuit judges and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MOTION OFFERED BY MR. MCCLORY

Mr. McCLORY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McCLORY moves that the Managers on the part of the House at the conference on the disagreeing vote of the two Houses on H.R. 7843 be instructed to insist on retaining section 6 of the bill as passed by the House, which relates to the merit selection of district judges.

The SPEAKER. The gentleman from Illinois (Mr. McCLORY) is recognized for 1 hour.

Mr. McCLORY. Mr. Speaker, last Tuesday we agreed to a motion to suspend the rules and pass H.R. 7843 by a vote of 319 to 80. In the main the arguments against the bill were procedural—that the bill should not have been brought to the floor under the suspension procedure. The purpose of my motion is not to reopen the entire bill but to permit the Members of this body to express their views with regard to the sole issue of merit selection of district judges. Since a separate vote was not permitted under last Tuesday's procedure, it is not inconceivable that some Senators might suggest that the overwhelming vote in favor of the bill was actually a vote in favor of judgeships and not a vote in favor of merit selection. I have made my preferential motion in order to anticipate that argument.

The merit selection amendment to H.R. 7843 was authorized by the gentleman from Ohio (Mr. SEIBERLING), the gentleman from Kentucky (Mr. MAZZOLI), and myself. In fact even before the judgeship bill had been introduced, I introduced H.R. 7471, a bill to provide for merit selection of Federal judges.

This provision of the omnibus judgeship bill is of paramount importance. The bill augments the Federal judiciary by 30 percent and district courts by over 25 percent. Never before in our history have we in one bill created so many judgeships. The men and women appointed to these positions will alter the course of justice in this country for years to come. Can we trust so awesome a responsibility to cronies and political hacks? I think not. Lifetime appointments should deserve greater care than "politics as usual" allows.

I think it is time to give the President some backbone in fulfilling his campaign promise of 1976:

All federal judges . . . should be appointed strictly on the basis of merit without any consideration of political aspect or influence. We can no longer afford to treat the administration of justice as political patronage.

I could not have said it better. If the House holds fast to this provision, the only losers will be the campaign managers and buddies of U.S. Senators who all too often have the inside track. Candidates of true merit who have no political pull will no longer be embarrassed into silence. When they come forward, the beneficiaries will be all the American people.

I think the issue is clear. We debated the matter last Tuesday. But if other Members wish to comment further, I will be happy to yield but for purposes of debate only.

Mr. Speaker, I yield to the distinguished gentleman from New Jersey, the chairman of the committee (Mr. RODINO), for debate only.

Mr. RODINO. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Mr. Speaker, as I remarked in debate on H.R. 7843 earlier this week, the merit selection provisions as drafted by the committee are major steps forward. They are worthy of the support reflected by the gentleman's motion.

I think it is important, however, to point out to the House that the committee's action predated by nearly 2 months the recent controversy surrounding the selection of U.S. attorneys. The committee's action in incorporating section 6 within the judgeship bill was an independent decision to move toward merit selection, a judgment not provoked by any single event but motivated rather by a desire to enhance the quality of Federal justice.

Under article II of the Constitution, of course, the President is given the power to nominate, and by and with the consent of the Senate, to appoint Federal judges authorized by the Congress.

Section 6 of H.R. 7843 is not an attempt to circumvent, limit, or interfere with the exercise of that authority. For that reason, section 6 is drafted with the existing constitutional parameters in mind.

But section 6 does, nonetheless, express the strong desire of the Congress to move toward an established, affirmative system of merit selection of district

court judgeships. Because of the scope of H.R. 7843, it is necessary to limit the first step to those judgeships created by the bill. But it is hoped that the promulgation by Executive order of such regulations and procedures by the President will in turn lead to implementation of a merit selection policy with regard both to additional district court judgeships that may be authorized in the future and to vacancies that may arise in existing judgeships.

The committee notes the expressed desire of the incumbent President to proceed on the basis of merit selection and notes also the establishment by executive order in February of 1977 of the U.S. Circuit Judge Nominating Commission designed to recommend for judgeships at the circuit court level "persons whose character, experience, ability, and commitment to equal justice under law, fully qualify them to serve in the Federal judiciary." Section 6 of H.R. 7843, relating to the district courts, is intended in that same spirit.

Mr. Speaker, once again I would like to single out not only the leadership of the gentleman offering this motion, but also the efforts of the authors of the amendment—the gentleman from Ohio (Mr. SEIBERLING), and the gentleman from Kentucky (Mr. MAZZOLI). Their leadership merits the notice of the House.

Mr. McCLORY. Mr. Speaker, I appreciate the gentleman's comments.

I do want to emphasize that this is a bipartisan proposal and affects only the newly created district judges that are established by this legislation. This is an issue whose time has come. I know that there is great popular support for the merit selection of judges. I think it is extremely important that we instruct our conferees to hold the line on section 6 of the bill as it passed the House.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. Mr. Speaker, I am pleased to yield for debate only to my colleague and author of the legislation, the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I thank the gentleman from Illinois for yielding.

I certainly commend the gentleman for the leadership that he has shown on the Republican side in this matter. The gentleman from Kentucky (Mr. MAZZOLI) and I were delighted to work with the gentleman from Illinois in offering this amendment. We were very gratified that the Judiciary Committee adopted it after it had failed on a tie vote in the subcommittee several months before.

Several questions were raised during the debate on the bill the other day which I think need to be elaborated and if the gentleman would give me a couple of minutes I would just like to expand on them.

Some complaints were made that this was watered down or weak or full of loopholes, and I think it is important to point out some of the limitations under which we must of necessity operate.

First of all, I had some research done on this, and it is quite clear to me that the Congress may not constitutionally tell the President how he has to select nominees to Federal district judgeships. That would probably be an unconstitutional act and an infringement upon his nominating power. Thus it would probably have been unconstitutional, for example, to say he must create panels or some other specific approach.

What the bill does is to tell the President that he must select candidates on the basis of merit, and this is merely adding a qualification to the office which I think Congress has a clear power to do. It is like saying, for example, that judges must be lawyers, that they must have practiced law for a minimum period.

There is a provision in here that the President can waive this procedure, but that does not mean he can name nonmeritorious individuals. It only says he can waive the procedures that he has by regulation established.

Finally there is a provision that no nomination or appointment may be invalidated on account of his failure to comply. That is simply intended to prevent lawsuits challenging whether a particular nominee or, more importantly, a judge appointed after the enactment of this section could serve as a judge in the event of, say, some technical failure to comply with the regulation. For example, the regulation might say the advisory panel should have six members and maybe the particular one had five. Certainly no one should be able to challenge the nomination or the appointment on those grounds.

So I think it is important to get in the RECORD that we felt we had gone about as far as we could as a matter of constitutional law and as a matter of practicality and that this will indeed require the President to come up with a merit selection procedure.

I commend the gentleman for putting it to the conferees in such a way that their hand will be strengthened because it is not going to be easy to get the other body to accept this.

Mr. McCLORY. I thank the gentleman. I applaud the gentleman for his participation in this subject.

Let me point out that section 6 is a condition precedent to the creation of the district judgeships. In other words, in order for the 110 district judgeships to become effective a mode of merit selection of district judges created by this bill must be put into effect.

Likewise we have taken care, as the gentleman from Ohio indicates, to assure that this is a constitutional exercise of our authority.

It does not impinge or detract from or violate the constitutional prerogative which the President has with regard to nominations or the Senate's right to advise and consent with regard to those nominations.

Mr. HOLLAND. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield briefly, for the purpose of debate only, to the gentleman from South Carolina (Mr. HOLLAND).

Mr. HOLLAND. Mr. Speaker, I appreciate the gentleman yielding. I support the notion of having a merit system of selection but I take extreme exception to the gentleman's statement that by doing this we will avoid appointment of political hacks or senatorial buddies.

I am interested in knowing why this procedure was not applied in the 8 years of the Nixon and Ford administrations. Is the gentleman saying that all judges appointed in that period were nothing but political hacks and senatorial buddies?

I take the gentleman to mean that now that the Democrats have an opportunity to appoint some judges that I can see why the minority would want to apply some restrictions in an effort to interfere with the President's constitutional right. I would say further that this is a device by which the orderly process of nominating through which there has been an historically extremely well qualified Federal bench in this Nation, is a device by which that process may now be disrupted. This is an invasion of the President's constitutional right.

Mr. McCLORY. I think it is important that the proposal for the merit selection of judges include a bipartisan mechanism in suggesting nominees.

With regard to the subject of the Nixon and Ford administrations, let me say we endeavored during that period to have such a bill but without success because of the fear that a Republican President would have appointed so many judges. Even in the last Congress I coauthored a bill which would provide for the appointment of 49 judges and offered an amendment to defer the effective date until after the beginning of the next Presidential term in order to eliminate the feeling that we were creating judgeships for "midnight" Republican appointments. So I do not think it can be charged that there is, or has been, a lack of desire to provide for a merit selection. The issue is before us now because the President promised merit selection of Federal judges to the country, and we want him to fulfill that promise.

Mr. HOLLAND. I know that the gentleman from Illinois (Mr. McCLORY) does not want to yield to me any longer but I would like to know if the gentleman could advise this House what the Justice Department proposes in the way of preparing regulations and what the qualifications will be for a judge?

Mr. McCLORY. Let me just say this that the President has already promulgated regulations with regard to the merit system of circuit court judges. Also a number of Members in the Senate, in their own States, have established their own regulations.

So that what this will do will be to encourage the rest of the Members of the other body and encourage the President to fulfill his campaign pledge on this matter to provide for a merit selection system for Federal judges. I think we can help the President to fulfill that promise.

Now, Mr. Speaker. I will yield to the distinguished gentleman from Delaware (Mr. EVANS) for the purpose of debate only. The gentleman from Delaware (Mr. EVANS) is extremely interested in the motion which is pending here before the House at this time.

Mr. EVANS of Delaware. I thank the distinguished ranking minority member of the Committee on the Judiciary for yielding, and I congratulate all of those who have played a role in developing the language in section 6.

I think the motion will send an unmistakable message to the Senate of the United States that the time for political wheeling and dealing over Federal judgeships is over. The confidence that we have in our judicial system goes to the very heart of our constitutional form of government, and that confidence is based on equal justice under the law without regard to political influence. It is the cornerstone of our judicial system, and that blindfold on the Lady of Justice is there for a reason. It is symbolic of equal justice under the law, and it is symbolic of fair and equitable justice, free of any political consideration.

But I believe that recent events have placed a cloud over some of these basic principles. First, there was David Marston who was fired as U.S. attorney from the eastern district of Pennsylvania. I do not know why David Marston was fired, but it certainly appears as if he was getting too close to some very powerful political figures. The American people I do not believe know exactly why David Marston was fired, but I can tell the Members one thing, that their perception does not do anything for the level of confidence that they have in our judicial system.

Next we read in the news media that the President has made a deal with the chairman of the Senate Committee on the Judiciary to retain political appointments of some Federal judgeships and prosecutors. Frankly, following on the heels of Watergate and Korea, these events have shaken the confidence of many of the people in America. I think they have shaken the confidence that people have in our public institutions and government generally. Section 6 is not the total answer to the problem, because the President can still waive with impunity the regulations regarding merit, the regulations regarding merit that he promulgates. However, it is certainly a step in the right direction, and I congratulate all the members of the Committee on the Judiciary for the role that they played, because it does place the House of Representatives on record that we care about confidence in our judicial system. This motion will strengthen the hand, undoubtedly, of our House conferees and put the Senate on notice once and for all that political influence in our Federal courts must end.

Mr. McCLORY. I thank the gentleman for his statement and for his support of this motion. Let me just point out that the gentleman is correct. This is a good start. It does not affect any of the sitting judges or any of the judgeships that have already been created. It only affects the district judgeships that are created by this legislation. Likewise, it does not provide for the merit selection of prosecutors. That is a subject that has to be dealt with at a later time.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I will be happy to yield to the gentlewoman from New Jersey for purposes of debate only.

Mrs. FENWICK. I thank my colleague for yielding for purposes of debate only.

I would like to address myself to the remarks of an earlier speaker on the other side of the aisle. The question was, how is it that suddenly now in the United States of America we are questioning the appointment of judges and U.S. attorneys? I think the answer is very clear. I think President Carter wisely brought to our attention a practice that had often led to evil, and if it had not, in almost every case might, and he wisely proclaimed in the primary and in the general election campaigns this vision of what a new day could be, of how people could have renewed confidence in their political system, that we were not going to follow the old ways. This accounts for the heat behind the general public and the press as to what is going on now. We thought there was a new day coming, because we had a promise in that regard.

Mr. McCLORY. I thank the gentlewoman.

Let me just say that I have given assurance that I would not take the entire hour, and I would urge the rest of the Members to revise and extend their remarks, if they do not mind.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. McCLORY. I yield briefly for debate only to my colleague, the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, I do wish to rise in support of the motion to instruct. I want to commend particularly my colleague, the gentleman from Delaware (Mr. EVANS), who I think has taken a leadership role in the whole issue of merit selection.

I also want to commend the gentleman from Illinois, as well as the Democrat members of the committee who saw fit to support the merit selection provisions in the bill.

I could not help, Mr. Speaker, but hear the debate where somebody alluded to the Ford administration. I would like to point out that without any kind of campaign rhetoric, without making any promises, President Ford did appoint Democrats to about 20 percent of the judicial vacancies. What really concerns me about this particular administration is, with all of its lofty promises and rhetoric, of the 31 Federal judges nominated by President Carter and confirmed by the Senate, not one has been a Republican.

Mr. Speaker, I am not going to get into the issue of the Marston case, except to express my opinion that the Marston case should not be permitted to in any way interfere with what I think is going to be an honest, sincere attempt to provide a meaningful structural change which will result in merit selection of not only Federal judges but also U.S. attorneys.

Mr. McCLORY. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield briefly for debate only to my colleague from Ohio.

Mr. SEIBERLING. Mr. Speaker, I realize the hour is late and we had agreed to wind this up. I just want to respond to the gentleman from South Carolina (Mr. HOLLAND) about constitutionality.

On June 21, 1977, I received an opinion from the Congressional Research Service on the question of the constitutionality of this provision in which they held that they found no constitutional infirmities whatsoever and they pointed out:

> The key in the instant situation is that Congress has established the district courts and in this act could have or still can, of course, place any qualification they may desire upon the nominees for judgeship.

I distinguish that from spelling out how the President is to carry out his constitutional prerogative of selecting the nominees and we do not impinge upon that.

Mr. McCLORY. Mr. Speaker, I yield briefly for purposes of debate only to the gentleman from South Carolina (Mr. DAVIS).

Mr. DAVIS. Mr. Speaker, maybe we do need merit selection. Maybe we need merit review of some judges on the bench already with the power to remove; but what I resent today is the railroading of this bill that came to the floor under suspension, a closed rule, if you will, with 40 minutes of debate, no opportunity for amendments whatsoever.

The gentleman says we debated the thing and then as the ranking Member who supported the bill comes in and asks for a motion to instruct, which really is a violation of the free will of debate on the floor of the House.

I just want to say on the record that the Committee on the Judiciary does an injustice to the entire body when this type of railroading is done in this kind of procedure and then we are asked to go along because we debated it in committee. I wish they would give the same opportunity to the rest of the body.

Mr. McCLORY. Mr. Speaker, let me say in response to the gentleman from South Carolina that not since 1970 have we done anything about creating additional judgeships. We have studied this and worked on it. It is a very difficult job. Our subcommittee labored long with all kinds of statistics and details from the 94 district courts all over the country analyzing and reanalyzing and debating and discussing and finally bringing it to the full committee and going over the entire bill once again in painstaking detail.

It is a very laborious undertaking and it would be an extremely difficult, if not an impossible task, to debate it here on the floor of the House in the same detailed, precise manner.

The purpose of this motion is to insist on language which the Members put into the bill after deliberation and by a

20 to 12 vote in the committee last November. Section 6 has support from both sides of the aisles as far as the Committee on the Judiciary is concerned. It seems to me it is something that the full House wants to support expressly.

I will be moving the previous question; but I yield 2 minutes for debate only to to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, I just want to comment on the remarkable procedure in which we are engaged today. I think the gentleman from South Carolina (Mr. DAVIS) has already touched upon the concern that I have. As the record will indicate, I demanded a second on this bill when it was before us under suspension of the rules on Tuesday last, because I felt it was a highly discriminatory procedure. This procedure takes away from the full House and that of each Member the right to deliberate or amend this judgeship bill or to deal with the different sections, including the so-called merit section by having the rights to offer amendments that in their opinion would enhance the legislation.

We were not permitted to do this under the suspension procedure. But now to come in with a motion to instruct on a provision of the bill that we were not even permitted to amend is highly unusual.

I must say that it would have been the better part of order to allow the House to work its will fully, perhaps by offering strengthening provisions to the merit section of the bill and other sections. I was much concerned about the so-called advisory quotas for various ethnic, racial, and sexual groups on the Federal bench, because that to me is an unusual precedent to set.

I just wonder if in the future we can avoid these kinds of motions to instruct on suspensions coming out of the Committee on the Judiciary. It just seems strange to me that it took the Committee on the Judiciary the better part of a year to remove the President of the United States and yet they gave us about 40 minutes to create 150 new judges. I think there is an imbalance somewhere in the consideration of important matters in that kind of procedure.

Mr. Speaker, I do appreciate the gentleman's yielding time to me on this occasion.

Mr. McCLORY. Mr. Speaker, I appreciate the gentleman's comments. I would like to say that we spent the better part of a year on the judgeship bill as well.

There were not any amendments that I know of that someone wished to offer except for one amendment with regard to a district in Texas that was clearly without merit. It appears easier to complain about the procedure than the details of the legislation. But here and now, the issue is solely how strongly this body desires merit selection of district judges.

With that, Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOLAND). The question is on the motion offered by the gentleman from Illinois (Mr. McCLORY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAVIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 321, nays 19, not voting 92, as follows:

[Roll No. 56]

YEAS—321

Abdnor	de la Garza	Hyde
Addabbo	Delaney	Ichord
Akaka	Dellums	Jacobs
Allen	Derrick	Jeffords
Ambro	Derwinski	Jenkins
Ammerman	Devine	Jenrette
Anderson, Calif.	Dickinson	Johnson, Colo.
Andrews, N.C.	Dicks	Jones, Okla.
Andrews, N. Dak.	Diggs	Kelly
Annunzio	Dodd	Kemp
Applegate	Dornan	Ketchum
Archer	Downey	Keys
Ashbrook	Drinan	Kildee
Ashley	Duncan, Tenn.	Kindness
Aspin	Early	Kostmayer
AuCoin	Edgar	Krebs
Badham	Edwards, Ala.	LaFalce
Bafalis	Edwards, Calif.	Lagomarsino
Baldus	Edwards, Okla.	Latta
Bauman	Eilberg	Le Fante
Beard, Tenn.	English	Leach
Bedell	Erlenborn	Lederer
Beilenson	Ertel	Leggett
Benjamin	Evans, Colo.	Lehman
Bennett	Evans, Del.	Lent
Biaggi	Evans, Ga.	Levitas
Blanchard	Evans, Ind.	Livingston
Blouin	Fary	Lloyd, Tenn.
Boland	Fenwick	Long, Md.
Bonker	Findley	Lott
Bowen	Fish	Lujan
Brademas	Fisher	Lundine
Breaux	Fithian	McClory
Breckinridge	Flood	McDade
Brinkley	Florio	McHugh
Brodhead	Flowers	McKay
Brown, Mich.	Ford, Mich.	Madigan
Brown, Ohio	Ford, Tenn.	Maguire
Buchanan	Forsythe	Markey
Burke, Fla.	Fountain	Marks
Burke, Mass.	Fraser	Marlenee
Burleson, Tex.	Frenzel	Martin
Burlison, Mo.	Frey	Mattox
Burton, John	Fuqua	Metcalfe
Burton, Phillip	Gephardt	Michel
Butler	Giaimo	Mikulski
Byron	Gilman	Mikva
Caputo	Glickman	Milford
Carr	Goldwater	Miller, Ohio
Carter	Gonzalez	Mineta
Cavanaugh	Gore	Minish
Cederberg	Gradison	Mitchell, Md.
Chappell	Grassley	Mitchell, N.Y.
Clausen, Don H.	Gudger	Moakley
Clay	Guyer	Mollohan
Cleveland	Hagedorn	Moore
Cochran	Hall	Moorhead, Calif.
Coleman	Hamilton	Moorhead, Pa.
Collins, Tex.	Hammer-schmidt	Murphy, Ill.
Conable	Hannaford	Murphy, N.Y.
Conte	Hansen	Murphy, Pa.
Conyers	Harkin	Murtha
Corcoran	Harris	Myers, Gary
Corman	Harsha	Myers, John
Cornell	Hawkins	Natcher
Cornwell	Heckler	Neal
Cotter	Hefner	Nedzi
Coughlin	Heftel	Nichols
Crane	Hightower	Nix
Cunningham	Hollenbeck	Nowak
D'Amours	Holt	Oakar
Daniel, Dan	Holtzman	Oberstar
Daniel, R. W.	Howard	Ottinger
Danielson	Hubbard	Panetta
Davis	Huckaby	Patten
Delaney	Hughes	Pease
Dellums	Ireland	Pepper
Derrick	Jacobs	Perkins
Derwinski	Jeffords	Pettis
Devine	Jenkins	Pike
Dickinson	Jenrette	Pressler
Dicks	Johnson, Colo.	Preyer
Diggs	Jones, Okla.	Price
Dodd	Jones, N.C.	Pritchard
Dornan	Jordan	Pursell
Downey	Kelly	Quayle
Drinan	Kemp	Quie
Duncan, Tenn.	Ketchum	Quillen
Early	Keys	Rahall
Edgar	Kildee	Railsback
Edwards, Ala.	Kindness	Rangel
Edwards, Calif.	Kostmayer	Regula
Edwards, Okla.	Krebs	Reuss
Eilberg	LaFalce	Rhodes
English	Lagomarsino	Richmond
Erlenborn	Latta	Rinaldo
Ertel	Le Fante	Risenhoover
Evans, Colo.	Leach	Robinson
Evans, Del.	Lederer	Rodino
Evans, Ga.	Leggett	Roe
Evans, Ind.	Lehman	Rogers
Fary	Lent	Rooney
Fenwick	Levitas	Rose
Findley	Livingston	Rosenthal
Fish	Lloyd, Tenn.	Rousselot
Fisher	Long, Md.	Roybal
Fithian	Lott	Rudd
Flood	Lujan	Russo
Florio	Lundine	Ryan
Flowers	McClory	Santini
Ford, Mich.	McDade	Satterfield
Ford, Tenn.	McHugh	Sawyer
Forsythe	McKay	Scheuer
Fountain	Madigan	Schroeder
Fraser	Maguire	Sebelius
Frenzel	Markey	Seiberling
Frey	Marks	Sharp
Fuqua	Marlenee	Shuster
Gephardt	Martin	Skubitz
Giaimo	Mattox	Slack
Gilman	Metcalfe	Smith, Iowa
Glickman	Michel	Smith, Nebr.
Goldwater	Mikulski	Snyder
Gonzalez	Mikva	Solarz
Gore	Milford	Spence
Gradison	Miller, Ohio	St Germain
Grassley	Mineta	Staggers
Gudger	Minish	Stark
Guyer	Mitchell, Md.	Steed
Hagedorn	Mitchell, N.Y.	Steers
Hall	Moakley	Stockman
Hamilton	Mollohan	Stokes
Hammer-schmidt	Moore	Stratton
Hannaford	Moorhead, Calif.	Studds
Hansen	Moorhead, Pa.	Stump
Harkin	Murphy, Ill.	Symms
Harris	Murphy, N.Y.	Taylor
Harsha	Murphy, Pa.	Thompson
Hawkins	Murtha	Thone
Heckler	Myers, Gary	Treen
Hefner	Myers, John	Trible
Heftel	Natcher	Tsongas
Hightower	Neal	Udall
Hollenbeck	Nedzi	Ullman
Holt	Nichols	Van Deerlin
Holtzman	Nix	Vander Jagt
Howard	Nowak	Vanik
Hubbard	Oakar	Vento
Huckaby	Oberstar	Volkmer
Hughes	Ottinger	Walgren
Ireland	Panetta	Walker
Jacobs	Patten	Walsh
Jeffords	Pease	Wampler
Jenkins	Pepper	Watkins
Jenrette	Perkins	Waxman
Johnson, Colo.	Pettis	Weiss
Jones, Okla.	Pike	Whalen
Jones, N.C.	Pressler	White
Jordan	Preyer	Whitley
Kelly	Price	Wilson, Bob
Kemp	Pritchard	Wilson, Tex.
Ketchum	Pursell	Wirth
Keys	Quayle	Wolff
Kildee	Quie	Wydler
Kindness	Quillen	Wylie
Kostmayer	Rahall	Yates
Krebs	Railsback	Yatron
LaFalce	Rangel	Young, Alaska
Lagomarsino	Regula	Young, Fla.
Latta	Reuss	Young, Mo.
Le Fante	Rhodes	Zablocki
Leach	Richmond	
Lederer	Rinaldo	
Leggett	Risenhoover	
Lehman	Robinson	
Lent	Rodino	
Levitas	Roe	
Livingston	Rogers	
Lloyd, Tenn.	Rooney	
Long, Md.	Rose	
Lott	Rosenthal	
Lujan	Rousselot	
Lundine	Roybal	
McClory	Rudd	
McDade	Russo	

NAYS—19

Bonior	Jones, N.C.	Roberts
Brooks	Jordan	Simon
Carney	Kastenmeier	Sisk
Davis	Montgomery	Traxler
Dingell	Moss	Whitten
Ginn	Pickle	
Holland	Poage	

NOT VOTING—92

Alexander	Goodling	Nolan
Anderson, Ill.	Hanley	O'Brien
Armstrong	Harrington	Obey
Barnard	Hillis	Patterson
Baucus	Horton	Pattison
Beard, R.I.	Ireland	Roncalio
Bevill	Johnson, Calif.	Rostenkowski
Bingham	Jones, Tenn.	Runnels
Boggs	Kasten	Ruppe
Bolling	Kazen	Sarasin
Broomfield	Krueger	Schulze
Brown, Calif.	Lloyd, Calif.	Shipley
Broyhill	Long, La.	Sikes
Burgener	Luken	Skelton
Burke, Calif.	McCloskey	Spellman
Chisholm	McCormack	Stangeland
Clawson, Del	McDonald	Stanton
Cohen	McEwen	Steiger
Collins, Ill.	McFall	Teague
Dent	McKinney	Thornton
Duncan, Oreg.	Mahon	Tucker
Eckhardt	Mann	Waggonner
Emery	Marriott	Weaver
Fascell	Mathis	Whitehurst
Flippo	Mazzoli	Wiggins
Flynt	Meeds	Wilson, C. H.
Foley	Meyner	Winn
Fowler	Miller, Calif.	Wright
Gammage	Moffett	Young, Tex.
Gaydos	Mottl	Zeferetti
Gibbons	Myers, Michael	

Messrs. MITCHELL of Maryland, KELLY, and EVANS of Georgia changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. RODINO, BROOKS, FLOWERS, and SEIBERLING, Miss JORDAN, and Messrs. MAZZOLI, HUGHES, McCLORY, WIGGINS, and COHEN.

There was no objection.

NUCLEAR NONPROLIFERATION ACT OF 1978

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8638) to provide for more efficient and effective control over the proliferation of nuclear explosive capability, with a Senate

amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Nuclear Non-Proliferation Act of 1978".

STATEMENT OF POLICY

SEC. 2. The Congress finds and declares that the proliferation of nuclear explosive devices or of the direct capability to manufacture or otherwise acquire such devices poses a grave threat to the security interests of the United States and to continued international progress toward world peace and development. Recent events emphasize the urgency of this threat and the imperative need to increase the effectiveness of international safeguards and controls on peaceful nuclear activities to prevent proliferation. Accordingly, it is the policy of the United States to—

(a) actively pursue through international initiatives mechanisms for fuel supply assurances and the establishment of more effective international controls over the transfer and use of nuclear materials and equipment and nuclear technology for peaceful purposes in order to prevent proliferation, including the establishments of common international sanctions;

(b) take such actions as are required to confirm the reliability of the United States in meeting its commitments to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies by establishing procedures to facilitate the timely processing of requests for subsequent arrangements and export licenses;

(c) strongly encourage nations which have not ratified the Treaty on the Non-Proliferation of Nuclear Weapons to do so at the earliest possible date; and

(d) cooperate with foreign nations in identifying and adapting suitable technologies for energy production and, in particular, to identify alternative options to nuclear power in aiding such nations to meet their energy needs, consistent with the economic and material resources of those nations and environmental protection.

STATEMENT OF PURPOSE

SEC. 3. It is the purpose of this Act to promote the policies set forth above by—

(a) establishing a more effective framework for international cooperation to meet the energy needs of all nations and to ensure that the worldwide development of peaceful nuclear activities and the export by any nation of nuclear materials and equipment and nuclear technology intended for use in peaceful nuclear activities do not contribute to proliferation;

(b) authorizing the United States to take such actions as are required to ensure that it will act reliably in meeting its commitment to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies;

(c) providing incentives to the other nations of the world to join in such international cooperative efforts and to ratify the Treaty; and

(d) ensuring effective controls by the United States over its exports of nuclear materials and equipment and of nuclear technology.

DEFINITIONS

SEC. 4. (a) As used in this Act, the term—

(1) "Commission" means the Nuclear Regulatory Commission;

(2) "Director" means the Director of the Arms Control and Disarmament Agency;

(3) "IAEA" means International Atomic Energy Agency;

(4) "nuclear materials and equipment" means source material, special nuclear material, production facilities, utilization facilities, and components, items or substances determined to have significance for nuclear explosive purposes pursuant to subsection 109 b. of the 1954 Act;

(5) "physical security measures" means measures to reasonably ensure that source or special nuclear material will only be used for authorized purposes and to prevent theft and sabotage;

(6) "sensitive nuclear technology" means any information (including information incorporated in a production or utilization facility or important component part thereof) which is not available to the public and which is important to the design, construction, fabrication, operation or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water, but shall not include Restricted Data controlled pursuant to chapter 12 of the 1954 Act;

(7) "1954 Act" means the Atomic Energy Act of 1954, as amended; and

(8) "the Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons.

(b) All other terms used in this Act not defined in this section shall have the meanings ascribed to them by the 1954 Act, the Energy Reorganization Act of 1974, and the Treaty.

TITLE I—UNITED STATES INITIATIVES TO PROVIDE ADEQUATE NUCLEAR FUEL SUPPLY

POLICY

SEC. 101. The United States, as a matter of national policy, shall take such actions and institute such measures as may be necessary and feasible to assure other nations and groups of nations that may seek to utilize the benefits of atomic energy for peaceful purposes that it will provide a reliable supply of nuclear fuel to those nations and groups of nations which adhere to policies designed to prevent proliferation. Such nuclear fuel shall be provided under agreements entered into pursuant to section 161 of the 1954 Act or as otherwise authorized by law. The United States shall ensure that it will have available the capacity on a long-term basis to enter into new fuel supply commitments consistent with its non-proliferation policies and domestic energy needs. The Commission shall, on a timely basis, authorize the export of nuclear materials and equipment when all the applicable statutory requirements are met.

URANIUM ENRICHMENT CAPACITY

SEC. 102. The Secretary of Energy is directed to initiate construction planning and design, construction, and operation activities for expansion of uranium enrichment capacity, as elsewhere provided by law. Further the Secretary as well as the Nuclear Regulatory Commission, the Secretary of State, and the Director of the Arms Control and Disarmament Agency are directed to establish and implement procedures which will ensure to the maximum extent feasible, consistent with this Act, orderly processing of subsequent arrangements and export licenses with minimum time delay.

REPORT

SEC. 103. The President shall promptly undertake a study to determine the need for additional United States enrichment capacity to meet domestic and foreign needs and to promote United States non-proliferation objectives abroad. The President shall report to the Congress on the results of this study within twelve months after the date of enactment of this Act.

INTERNATIONAL UNDERTAKINGS

SEC. 104. (a) Consistent with section 105 of this Act, the President shall institute prompt discussions with other nations and groups of nations, including both supplier and recipient nations, to develop international approaches for meeting future worldwide nuclear fuel needs. In particular, the President is authorized and urged to seek to negotiate as soon as practicable with nations possessing nuclear fuel production facilities or source material, and such other nations and groups of nations, such as the IAEA, as may be deemed appropriate, with a view toward the timely establishment of binding international undertakings providing for—

(1) the establishment of an international nuclear fuel authority (INFA) with responsibility for providing agreed upon fuel services and allocating agreed upon quantities of fuel resources to ensure fuel supply on reasonable terms in accordance with agreements between INFA and supplier and recipient nations;

(2) a set of conditions consistent with subsection (d) under which international fuel assurances under INFA auspices will be provided to recipient nations, including conditions which will ensure that the transferred materials will not be used for nuclear explosive devices;

(3) devising, consistent with the policy set forth in section 403 of this Act, feasible and environmentally sound approaches for the siting, development, and management under effective international auspices and inspection of facilities for the provision of nuclear fuel service, including the storage of special nuclear material;

(4) the establishment of repositories for the storage of spent nuclear reactor fuel under effective auspices and inspection;

(5) the establishment or arrangements under which nations placing spent fuel in such repositories would receive appropriate compensation for the energy content of such spent fuel if recovery of such energy content is deemed necessary or desirable; and

(6) sanctions for violation of the provisions of or for abrogation of such binding international undertakings.

(b) The President shall submit to Congress not later than six months after the date of enactment of this Act proposals for initial fuel assurances, including creation of an interim stockpile of uranium enriched to less than 20 percent in the uranium isotope 235 (low-enriched uranium) to be available for transfer pursuant to a sales arrangement to nations which adhere to strict policies designed to prevent proliferation when and if necessary to insure continuity of nuclear fuel supply to such nations. Such submission shall include proposals for the transfer of low-enriched uranium up to an amount sufficient to produce 100,000 MWe years of power from light water nuclear reactors, and shall also include proposals for seeking contributions from other supplier nations to such an interim stockpile pending the establishment of INFA.

(c) The President shall, in the report required by section 103, also address the desirability of an cption for foreign participation, including investment, in new United States uranium enrichment facilities. This report shall also address the arrangements that would be required to implement such participation and the commitments that would be required as a condition of such participation. This report shall be accompanied by any proposed legislation to implement these arrangements.

(d) The fuel assurances contemplated by this section shall be for the benefit of nations that adhere to policies designed to prevent proliferation. In negotiating the binding international undertakings called for in this section, the President shall, in particular, seek to insure that the benefits of such undertakings are available to non-nuclear-weapon states only if such states accept IAEA safeguards on all their peaceful nuclear activities, do not manufacture or otherwise acquire any nuclear explosive device, do not establish any new enrichment or reprocessing facilities under their de facto or dejure con-

trol, and place any such existing facilities under effective international auspices and inspection.

(e) The report required by section 601 shall include information on the progress made in any negotiations pursuant to this section.

(f)(1) The President may not enter into any binding international undertaking negotiated pursuant to subsection (a) which is not a treaty until such time as such proposed undertaking has been submitted to the Congress and has been approved by concurrent resolution.

(2) The proposals prepared pursuant to subsection (b) shall be submitted to the Congress as part of an annual authorization Act for the Department of Energy.

REEVALUATION OF NUCLEAR FUEL CYCLE

SEC. 105. The President shall take immediate initiatives to invite all nuclear supplier and recipient nations to reevaluate all aspects of the nuclear fuel cycle, with emphasis on alternatives to an economy based on the separation of pure plutonium or the presence of high enriched uranium, methods to deal with spent fuel storage, and methods to improve the safeguards for existing nuclear technology. The President shall, in the first report required by section 601, detail the progress of such international reevaluation.

TITLE II—UNITED STATES INITIATIVES TO STRENGTHEN THE INTERNATIONAL SAFEGUARDS SYSEM

POLICY

SEC. 201. The United States is committed to continued strong support for the principles of the Treaty on the Non-Proliferation of Nuclear Weapons, to a strengthened and more effective International Atomic Energy Agency and to a comprehensive safeguards system administered by the Agency to deter proliferation. Accordingly, the United States shall seek to act with other nations to—

(a) continue to strengthen the safeguards program of the IAEA and, in order to implement this section, contribute funds, technical resources, and other support to assist the IAEA in effectively implementing safeguards;

(b) ensure that the IAEA has the resources to carry out the provisions of Article XII of the Statute of the IAEA;

(c) improve the IAEA safeguards system (including accountability) to ensure—

(1) the timely detection of a possible diversion of source or special nuclear materials which could be used for nuclear explosive devices;

(2) the timely dissemination of information regarding such diversion; and

(3) the timely implementation of internationally agreed procedures in the event of such diversion;

(d) ensure that the IAEA receives on a timely basis the data needed for it to administer an effective and comprehensive international safeguards program and that the IAEA provides timely notice to the world community of any evidence of a violation of any safeguards agreement to which it is a party; and

(e) encourage the IAEA, to the maximum degree consistent with the Statute, to provide nations which supply nuclear materials and equipment with the data needed to assure such nations of adherence to bilateral commitments applicable to such supply.

TRAINING PROGRAM

SEC. 202. The Department of Energy, in consultation with the Commission, shall establish and operate a safeguards and physical security training program to be made available to persons from nations and groups of nations which have developed or acquired, or may be expected to develop or acquire, nuclear materials and equipment for use for peaceful purposes. Any such program shall include training in the most advanced safeguards and physical security techniques and technology, consistent with the national security interests of the United States.

NEGOTIATIONS

SEC. 203. The United States shall seek to negotiate with other nations and groups of nations to—

(1) adopt general principles and procedures, including common international sanctions, to be followed in the event that a nation violates any material obligation with respect to the peaceful use of nuclear materials and equipment or nuclear technology, or in the event that any nation violates the principles of the Treaty, including the detonation by a non-nuclear-weapon state of a nuclear explosive device; and

(2) establish international procedures to be followed in the event of diversion, theft, or sabotage of nuclear materials or sabotage of nuclear facilities, and for recovering nuclear materials that have been lost or stolen, or obtained or used by a nation or by any person or group in contravention of the principles of the Treaty.

TITLE III—EXPORT ORGANIZATION AND CRITERIA

GOVERNMENT-TO-GOVERNMENT TRANSFERS

SEC. 301. (a) Section 54 of the 1954 Act is amended by adding a new subsection d. thereof as follows:

"d. The authority to distribute special nuclear material under this section other than under an export license granted by the Nuclear Regulatory Commission shall extend only to the following small quantities of special nuclear material (in no event more than five hundred grams per year of the uranium isotope 233, the uranium isotope 235, or plutonium contained in special nuclear material to any recipient):

"(1) which are contained in laboratory samples, medical devices, or monitoring or other instruments; or

"(2) the distribution of which is needed to deal with an emergency situation in which time is of the essence.".

(b) Section 64 of the 1954 Act is amended by inserting the following immediately after the second sentence thereof: "The authority to distribute source material under this section other than under an export license granted by the Nuclear Regulatory Commission shall in no case extend to quantities of source material in excess of three metric tons per year per recipient.".

(c) Chapter 10 of the 1954 Act is amended by adding a new section 111 as follows:

"SEC. 111. a. The Nuclear Regulatory Commission is authorized to license the distribution of special nuclear material, source material, and byproduct material by the Department of Energy pursuant to section 54, 64, and 82 of this Act, respectively, in accordance with the same procedures established by law for the export licensing of such material by any person: Provided, That nothing in this section shall require that licensing of the distribution of byproduct material by the Department of Energy under section 82 of this Act.

"b. The Department of Energy shall not distribute any special nuclear material or source material under section 54 or 64 of the 1954 Act other than under an export license issued by the Nuclear Regulatory Commission until (1) the Department has obtained the concurrence of the Department of State and has consulted with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, and the Department of Defense under mutually agreed procedures which shall be established within not more than ninety days after the date of enactment of this provision and (2) the Department finds based on a reasonable judgment of the assurance provided and the information available to the United States Government, that the criteria in subsection 127 a. or their equivalent and any applicable criteria in subsection 128 are met, and that the proposed distribution would not be inimical to the common defense and security.".

SEC. 302. Subsection 57 b. of the 1954 Act is amended to read as follows:

"b. It shall be unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except (1) as specifically authorized under an agreement for cooperation made pursuant to section 123, including a specific authorization in a subsequent arrangement under section 303, or (2) upon authorization by the Secretary of Energy after a determination that such activity will not be inimical to the interest of the United States: *Provided*, That any such determination by the Secretary of Energy shall be made only with the concurrence of the Department of State and after consultation with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, Department of Commerce, and the Department of Defense. The Secretary of Energy shall, within ninety days after the enactment of this section, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which are mutually agreeable to the Secretaries of State, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission for the consideration of requests for authorization under this section. Such procedures shall include, at a minimum, explicit direction on the handling of such requests, express deadlines for the solicitation and collection of the views of the consulted agencies (with identified officials responsible for meeting such deadlines), an interagency coordinating authority to monitor the processing of such requests, predetermined procedures for the expeditious handling of intra-agency and inter-agency disagreements and appeals to higher authorities, frequent meetings of inter-agency administrative coordinators to review the status of all pending requests, and similar administrative mechanisms. To the extent practicable, an applicant should be advised of all the information required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial requests should be identified as quickly as possible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly any necessary standards and criteria, including the nature of any required assurances or evidentiary showings, for the decision required under this section. The processing of any request proposed and filed as of the date of enactment of this Act shall not be delayed pending the development and establishment of procedures to implement the requirements of this section. Any trade secrets or proprietary information submitted by any person seeking an authorization under this subsection shall be afforded the maximum degree of protection allowable by law: *Provided further*, That the export of component parts as defined in subsection 11 v. (2) or 11 cc. (2) shall be governed by sections 109 and 126 of this Act: *Provided further*, That notwithstanding subsection 402(d) of the Department of Energy Organization Act (Public Law 95–91), the Secretary of Energy and not the Federal Energy Regulatory Commission, shall have sole jurisdiction within the Department of Energy over any matter arising from any function of the Secretary of Energy in this section.".

SUBSEQUENT ARRANGEMENTS

SEC. 303. (a) Chapter 11 of the 1954 Act, as amended by sections 304, 305, 306, 307, and 308, is further amended by adding at the end thereof the following:

"SEC. 131. SUBSEQUENT ARRANGEMENTS.—

"a. (1) Prior to entering into any proposed subsequent arrangement under an agreement for cooperation (other than an agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c. of this Act), the Secretary of Energy shall obtain the concurrence of the Secretary of State and shall consult with the Director, the Commission, and the Secretary of Defense: *Provided*, That the Secretary of State shall have the leading role in any negotiations of a policy nature pertaining to any proposed subsequent arrangement regarding arrangements for the storage or disposition of irradiated fuel elements or approvals for the transfer, for which prior approval is required under an agreement for cooperation, by a recipient of source or special nuclear material, production or utilization facilities, or nuclear technology. Commission and, whenever the Director declares that he intends to prepare a Nuclear Proliferation Assessment Statement pursuant to paragraph (2) of this subsection, after the receipt by the Secretary of Energy of such Statement or the expiration of the time authorized for the preparation of such Statement, whichever occurs first, notice of any proposed subsequent arrangement shall be published in the Federal Register, together with the written determination of the Secretary of Energy that such arrangement will not be inimical to the common defense and security, and such proposed subsequent arrangement shall not take effect before fifteen days after publication.

"(2) If in the Director's view a proposed subsequent arrangement might significantly contribute to proliferation, he may prepare an unclassified Nuclear Proliferation Assessment Statement with regard to such proposed subsequent arrangement regarding the adequacy of the safeguards and other control mechanisms and the application of the peaceful use assurances of the relevant agreement to insure that assistance to be furnished pursuant to the subsequent arrangement will not be used to further any military or nuclear explosive purpose. For the purposes of this section, the term 'subsequent arrangements' means arrangements entered into by any agency or department of the United States Government with respect to cooperation with any nation or group of nations (but not purely private or domestic arrangements) involving—

"(A) contracts for the furnishing of nuclear materials and equipment;

"(B) approvals for the transfer, for which prior approval is required under an agreement for cooperation, by a recipient or any source or special nuclear material, production or utilization facility, or nuclear technology;

"(C) authorization for the distribution of nuclear materials and equipment pursuant to this Act which is not subject to the procedures set forth in section 111 b., section 126, or section 109 b.;

"(D) arrangements for physical security;

"(E) arrangements for the storage or disposition of irradiated fuel elements;

"(F) arrangements for the application of safeguards with respect to nuclear materials and equipment; or

"(G) any other arrangement which the President finds to be important from the standpoint of preventing proliferation.

"(3) The United States will give timely consideration to all requests for prior approval, when required by this Act, for the reprocessing of material proposed to be exported, previously exported and subject to the applicable agreement for cooperation, or special nuclear material produced through the use of such material or a production of utilization facility transferred pursuant to such agreement for cooperation, or to the altering of irradiated fuel elements containing such material, and additionally, to the maximum extent feasible, will attemot to expedite such consideration when the terms and conditions for such actions are set forth in such agreement for cooperation or in some other international agreement executed by the United States and subject to congressional review procedures comparable to those set forth in section 123 of this Act.

"(4) All other statutory requirements under other sections of this Act for the approval or conduct of any arrangement subject to this subsection shall continue to apply and any other such requirements for prior approval or conditions for entering such arrangements shall also be satisfied before the arrangement takes effect pursuant to subsection a. (1).

"b. With regard to any special nuclear material exported by the United States or produced through the use of any nuclear materials and equipment or sensitive nuclear technology exported by the United States—

"(1) the Secretary of Energy may not enter into any subsequent arrangement for the retransfer of any such material to a third country for reprocessing, for the reprocessing of any such material, or for the subsequent retransfer of any plutonium in quantities greater than 500 grams resulting from the reprocessing of any such material, until he has provided the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate with a report containing his reasons for entering into such arrangements and a period of 15 days of continuous session (as defined in subsection 130 g. of this Act) has elapsed: *Provided, however*, That if in the view of the President an emergency exists due to unforeseen circumstances requiring immediate entry into a subsequent arrangement, such period shall consist of fifteen calendar days;

"(2) the Secretary of Energy may not enter into any subsequent arrangement for the reprocessing of any such material in a facility which has not processed power reactor fuel assemblies or been the subject of a subsequent arrangement therefor prior to the date of enactment of the Nuclear Non-Proliferation Act of 1978 or for subsequent retransfer to a non-nuclear-weapon state of any plutonium in quantities greater than 500 grams resulting from such reprocessing, unless in his view, and that of the Secretary of State, such reprocessing or retransfer will not result in a significant increase of the risk of proliferation beyond that which exists at the time that approval is requested. Among other factors in making this judgment, foremost consideration will be given to whether or not the reprocessing or retransfer will take place under conditions that will ensure timely warning to the United States of any diversion well in advance of the time at which the non-nuclear-weapon state could transform the diverted material into a nuclear explosive device; and

"(3) the Secretary of Energy shall attempt to ensure, in entering into any subsequent arrangement for the reprocessing of any such material in any facility that has processed power reactor fuel assemblies or been the subject of a subsequent arrangement therefor prior to the date of enactment of the Nuclear Non-Proliferation Act of 1978, or for the subsequent retransfer to any non-nuclear-weapon state of any plutonium in quantities greater than 500 grams resulting from such reprocessing, that such reprocessing or retransfer shall take place under conditions comparable to those which in his view, and that of the Secretary of State, satisfy the standards set forth in paragraph (2).

"c. The Secretary of Energy shall, within ninety days after the enactment of this section, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which are mutually agreeable to the Secretaries of State, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission for the consideration of requests for subsequent arrangements under this section. Such procedures shall include, at a minimum, explicit direction on the handling of such requests, express deadlines for the solicitation and collection of the consulted agencies (with identified officials responsible for meeting such deadlines), an inter-agency coordinating authority to monitor the processing of such requests, predetermined procedures for the expeditious handling of intra-agency and inter-agency disagreements and appeals to higher authorities, frequent meetings of inter-agency administrative coordinators to review the status of all pending requests, and similar administrative mechanisms. To the extent practicable, an applicant should be advised of all the information required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial requests should be identified as quickly as posible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly any unnecessary standards and criteria, including the nature of any required assurances or evidentiary showings, for the decisions required under this section. Further, such procedures shall specify that if he intends to prepare a Nuclear Proliferation Assessment Statement, the Director shall so declare in his response to the Department of Energy. If the Director declares that he intends to prepare such a Statement, he shall do so within sixty days of his receipt of a copy of the proposed subsequent arrangement (during which time the Secretary of Energy may not enter into the subsequent arrangement), unless pursuant to the Director's request, the President waives the sixty-day requirement and notifies the Committee of International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of such waiver and the justification therefor. The processing of any subsequent arrangement proposed and filed as of the date of enactment of this Act shall not be delayed pending the development and establishment of procedures to implement the requirements of this section. The processing of any request proposed and filed as of the date of enactment of this Act shall not be delayed pending the development and establishment of procedures to implement the requirements of this section.

"d. Nothing in this section is intended to prohibit, permanently or unconditionally, the reprocessing of spent fuel owned by a foreign nation which fuel has been supplied by the United States, to preclude the United States from full participation in the International Fuel Cycle Evaluation provided for in section 105; to in any way limit the presentation or consideration in that evaluation of any nuclear fuel cycle by the United States or any other participation; nor to prejudice open and objective consideration of the results of the evaluation.

"e. Notwithstanding subsection 402(d) of the Department of Energy Organization Act (Public Law 95–91), the Secretary of Energy, and not the Federal Energy Regulatory Commission, shall have a sole jurisdiction within the Department of Energy over any matter arising from any funciton of the Secretary of Energy in this section.

"f. (1) With regard to any subsequent arrangement under subsection a. (2)(E) (for the storage or disposition of irradiated fuel elements), where such arrangement involves a direct or indirect commitment of the United States for the storage or other disposition, interim or permanent, of any foreign spent nuclear fuel in the United States, the Secretary of Energy may not

enter into any such subsequent arrangement, unless:

"(A)(i) Such commitment of the United States has been submitted to the Congress for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and has been referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, but any such commitment shall not become effective if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that it does not favor the commitment, any such commitment to be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submission; or (ii) if the President has submitted a detailed generic plan for such disposition or storage in the United States to the Congress for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act), which plan has been referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate and has not been disapproved during such sixty-day period by the adoption of a concurrent resolution stating in substance that Congress does not favor the plan; and the commitment is subject to the terms of an effective plan. Any such plan shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions.

"(B) The Secretary of Energy has complied with subsection a.; and

"(C) The Secretary of Energy has complied, or in the arrangement will comply with all other statutory requirements of the Atomic Energy Act, under sections 54 and 55 and any other applicable sections, and any other requirements of law.

"(2) Subsection (1) shall not apply to the storage or other disposition in the United States of limited quantities of foreign spent nuclear fuel if the President determines that (A) commitment under section 54 or 55 of this Act of the United States for storage or other disposition of such limited quantities in the United States is required by an emergency situation, (B) it is in the national interest to take such immediate action, and (C) he notifies the Committees on International Relations and Science and Technology of the House of Representatives and the Committees on Foreign Relations and Energy and Natural Resources of the Senate of the determination and action, with a detailed explanation and justification thereof, as soon as possible.

"(3) Any plan submitted by the President under subsection f. (1) shall include a detailed discussion, with detailed information, and any supporting documentation thereof, relating to policy objectives, technical description, geographic information, cots data and justifications, legal and regulatory considerations, environmental impact information and any related international agreements, arrangements or understandings.

"(4) For the purposes of this subsection, the term 'foreign spent nuclear fuel' shall include any nuclear fuel irradiated in any nuclear power reactor located outside of the United States and operated by any foreign legal entity, government or nongovernment, regardless of the legal ownership or other control of the fuel or the reactor and regardless of the origin or licensing of the fuel or reactor, but not including fuel irradiated in a research reactor.".

(b)(1) Section 54 of the 1954 Act is amended by adding new subsection e. as follows,

"e. The authority in this section to commit United States funds for any activities pursuant to any subsequent arrangement under section 131 a. (2)(E) shall be subject to the requirements of section 131.".

(2) Section 55 of this Act is amended by adding a proviso at the end of the section as follows, "*Providing*, That the authority in this section to commit United States funds for any activities pursuant to any subject to the requirements of section 131.".

EXPORT LICENSING PROCEDURES

SEC. 304. (a) Chapter 11 of the 1954 Act is amended by adding a new section 126 as follows:

"SEC. 126. EXPORT LICENSING PROCEDURES.—

"a. No license may be issued by the Nuclear Regulatory Commission (the 'Commission') for the export of any production or utilization facility, or any source material or special nuclear material, including distributions of any material by the Department of Energy under section 54, 64, or 82, for which a license is required or requested, and no exemption from any requirement for such an export license may be granted by the Commission, as the case may be—

"(1) has been notified by the Secretary of State that it is the judgment of the executive branch that the proposed export or exemption will not be inimical to the common defense and security, or that any export in the category to which the proposed export belongs would not be inimical to the common defense and security because it lacks significance for nuclear explosive purposes. The Secretary of State shall, within ninety days after the enactment of this section, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which are mutually agreeable to the Secretaries of Energy, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission for the preparation of the executive branch judgment on export application under this section. Such procedures shall include, at a minimum, explicit direction on the handling of such applications, express deadlines for the solicitation and collection of the views of the consulted agencies (with identified officials responsible for meeting such deadlines), an inter-agency coordinating authority to monitor the processing of such applications, predetermined procedures for the expeditious handling of intra-agency and inter-agency disagreements and appeals to higher authorities, frequent meetings of inter-agency administrative coordinators to review the status of all pending applications, and similar administrative mechanisms. To the extent practicable, an applicant should be advised of all the information required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial applications should be identified as quickly as possible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly any necessary standards and criteria, including the nature of any required assurances or evidentiary showings, for the decisions required under this section. The processing of any export application proposed and filed as of the date of enactment of this Act shall not be delayed pending the development and establishment of procedures to implement the requirements of this section. The executive branch judgment shall be completed in not more than sixty days from receipt of the application or request, unless the Secretary of State in his discretion specifically authorizes additional time for consideration of the application or request because it is in the national interest to allow such additional time. The Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives of any such authorization. In submitting any such judgment, the Secretary of State shall specifically address the extent to which the export criteria then in effect are met and the extent to which the cooperating party has adhered to the provisions of the applicable agreement for cooperation. In the event he considers it warranted, the Secretary may also address the following additional factors, among others:

"(A) that issuing the license or granting the exemption will materially advance the non-proliferation policy of the United States by encouraging the recipient nation to adhere to the Treaty, or to participate in the undertakings contemplated by section 403 or 404(a) of the Nuclear Non-Proliferation Act of 1978;

"(B) that failure to issue the license or grant the exemption would otherwise be seriously prejudicial to the non-proliferation objectives of the United States; and

"(C) that the recipient nation or group of nations has agreed that conditions substantially identical to the export criteria set forth in subsection 127 a. will be applied by another nuclear supplier nation or group of nations to the proposed United States export, and that in his judgment those conditions will be implemented in a manner acceptable to the United States.

The Secretary of State shall provide appropriate data and recommendations, subject to requests for additional data and recommendations, as required by the Commission or the Secretary of Energy, as the case may be; and

"(2) finds, based on a reasonable judgment of the assurances provided and other information available to the Federal Government, including the Commission, that the criteria in subsection 127 a. or their equivalent, and any other applicable statutory requirements, are met: *Provided*, That for a period of twenty-four months after the date of enactment of this section, continued cooperation under an agreement for cooperation as authorized in accordance with section 124 of this Act shall not be prevented by failure to meet the provisions of paragraph (4) or (5) of section 127 for a period of thirty days after enactment of this Act, and thereafter if the Secretary of State notifies the Commission that the nation or group of nations bound by the relevant agreement has agreed to negotiations as called for in section 404(a) of the Nuclear Non-Proliferation Act of 1978; however, nothing in this subsection shall be deemed to relinquish any rights which the United States may have under agreements for cooperation in force on the date of enactment of this section: *Provided further*, That if, upon the expiration of such twenty-four month period, the President determines that failure to continue cooperation with any group of nations which has been exempted pursuant to the above proviso from the provisions of paragraph (4) or (5) of subsection 127 a. but which has not yet agreed to comply with those provisions would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security, he may, after notifying the Congress of his determination, extend by Executive order the duration of the above proviso for a period of twelve months, and may further extend the duration of such proviso by one year increments annually thereafter if he again makes such determination and so notifies the Congress. In the extent that the Committee on International Relations of the House of Representatives or the Committee on Foreign Relations of the Senate reports a joint resolution to take any action with respect to any such extension, such joint resolution will be considered in the House or Senate, as the case may be, under procedures identical to those provided for the consideration of resolutions pursuant to section 130 of this Act: And additionally provided, That the Commission is authorized to (A) make a

single application or request, where the applications or requests involve exports to the same country, in the same general time frame, of similar significance for nuclear explosive purposes and under reasonably similar circumstances and (B) make a finding under this subsection that there is no material changed circumstance associated with a new application or request from those existing at the time of the last application or request for an export to the same country, where the prior application or request was approved by the Commission using all applicable procedures of this section, and such finding of no material changed circumstance shall be deemed to satisfy the requirement of this paragraph for finding of the Commission. The decision not to make any such finding in lieu of the findings which would otherwise be required to be made under this paragraph shall not be subject to judicial review: *And provided further*, That nothing contained in this section is intended to require the Commission independently to conduct or prohibit the Commission from independently conducting country or site specific visitations in the Commission's consideration of the application of IAEE safeguards.

"b. (1) Timely consideration shall be given by the Commission to requests for export licenses and exemptions and such requests shall be granted upon a determination that all applicable statutory requirements have been met.

"(2) If, after receiving the executive branch judgment that the issuance of a proposed export license will not be inimical to the common defense and security, the Commission does not issue the proposed license on a timely basis because it is unable to make the statutory determinations required under this Act, the Commission shall publicly issue its decision to that effect, and shall submit the license application to the President. The Commission's decision shall include an explanation of the basis for the decision and any dissenting or separate views. If, after receiving the proposed license application and reviewing the Commission's decision, the President determines that withholding the proposed export would be seriously prejudicial to the achievement of United States non-proliferation objectives, or would otherwise jeopardize the common defense and security, the proposed export may be authorized by Executive order: *Provided*, That prior to any such export, the President shall submit the Executive order, together with his explanation of why, in light of the Commission's decision, the export should nonetheless be made, to the Congress for a period of sixty days of continuous session (as defined in subsection 130 g.) and shall be referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, but any such proposed export shall not occur if during such sixty-day period the Congress adopts a cocurrent resolution stating in substance that it does not favor the proposed export. Any such Executive order shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions: *And provided further*, That the procedures established pursuant to subsection (b) of section 304 of the Nuclear Non-Proliferation Act of 1978 shall provide that the Commission shall immediately initiate review of any application for a license under this section and to the maximum extent feasible shall expeditiously process the application concurrently with the executive branch review, while awaiting the final executive branch judgment. In initiating its review, the Commission may identify a set of concerns and requests for information associated with the projected issuance of such license and shall transmit such concerns and requests to the executive branch which shall address such concerns and requests in its written communications with the Commission. Such procedures shall also provide that if the Commission has not completed action on the application within sixty days after the receipt of an executive branch judgment that the proposed export or exemption is not inimical to the common defense and security or that any export in the category to which the proposed export belongs would not be inimical to the common defense and security because it lacks significance for nuclear explosive purposes, the Commission shall inform the applicant in writing of the reason for delay and provide follow-up reports as appropriate. If the Commission has not completed action by the end of an additional sixty days (a total of one hundred and twenty days from receipt of the executive branch judgment), the President may authorize the proposed export by Executive order, upon a finding that further delay would be excessive and upon making the findings required for such Presidential authorizations under this subsection, and subject to the Congressional review procedures set forth herein. However, if the Commission has commenced procedures for public participation regarding the proposed export under regulations promulgated pursuant to subsection (b) of section 304 of the Nuclear Non-Proliferation Act of 1978, or—within sixty days after receipt of the executive branch judgment on the proposed export—the Commission has identified and transmitted to the executive branch a set of additional concerns or requests for information, the President may not authorize the proposed export until sixty days after public proceedings are completed or sixty days after a full executive branch response to the Commission's additional concerns or requests has been made consistent with subsection a. (1) of this section: *Provided further*, That nothing in this section shall affect the right of the Commission to obtain data and recommendations from the Secretary of State at any time provided in subsection a. (1) of this section.

"c. In the event that the House of Representatives or the Senate passes a joint resolution which would adopt one or more additional export criteria, or would modify any existing export criteria under this section, any such joint resolution shall be referred in the other House to the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, as the case may be, and shall be considered by the other House under applicable procedures provided for the consideration of resolutions pursuant to section 130 of this Act.".

(b) Within one hundred and twenty days of the date of enactment of this Act, the Commission shall, after consultations with the Secretary of State, promulgate regulations establishing procedures (1) for the granting, suspending, revoking, or amending of any nuclear export license or exemption pursuant to its statutory authority; (2) for public participation in nuclear export licensing proceedings when the Commission finds that such participation will be in the public interest and will assist the Commission in making the statutory determinations required by the 1954 Act, including such public hearings and access to information as the Commission deems appropriate: *Provided*, That judicial review as to any such finding shall be limited to the determination of whether such finding was arbitrary and capricious; (3) for a public written Commission opinion accompanied by the dissenting or separate views of any Commissioner, in those proceedings where one or more Commissioners have dissenting or separate views on the issuance of an export license; and (4) for public notice of Commission proceedings and decisions, and for recording of minutes and votes of the Commission: *Provided further*, That until the regulations required by this subsection have been promulgated, the Commission shall implement the provisions of this Act under temporary procedures established by the Commission.

(c) The procedures to be established pursuant to subsection (b) shall constitute the exclusive basis for hearings in nuclear export licensing proceedings before the Commission and, notwithstanding section 189 a. of the 1954 Act, shall not require the Commission to grant any person an on-the-record hearing in such a proceeding.

(d) Within sixty days of the date of enactment of this Act, the Commission shall, in consultation with the Secretary of State, the Secretary of Energy, the Secretary of Defense, and the Director, promulgate (and may from time to time amend) regulations establishing the levels of physical security which in its judgment are no less strict than those established by any international guidelines to which the United States subscribes and which in its judgment will provide adequate protection for facilities and material referred to in paragraph (3) of section 127 of the 1954 Act taking into consideration variations in risks to security as appropriate.

CRITERIA GOVERNING UNITED STATES NUCLEAR EXPORTS

SEC. 305. Chapter 11 of the 1954 Act, as amended by section 304, is further amended by adding at the end thereof the following:

"SEC. 127. CRITERIA GOVERNING UNITED STATES NUCLEAR EXPORTS.—

"The United States adopts the following criteria which, in addition to other requirements of law, will govern exports for peaceful nuclear uses from the United States of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology:

"(1) IAEA safeguards as required by Article III (2) of the Treaty will be applied with respect to any such material or facilities proposed to be exported, to any such material or facilities previously exported and subject to the applicable agreement for cooperation, and to any special nuclear material used in or produced through the use thereof.

"(2) No such material, facilities, or sensitive nuclear technology proposed to be exported or previously exported and subject to the applicable agreement for cooperation, and no special nuclear material produced through the use of such materials, facilities, or sensitive nuclear technology, will be used for any nuclear explosive device or for research on or development of any nuclear explosive device.

"(3) Adequate physical security measures will be maintained with respect to such material or facilities proposed to be exported and to any special nuclear material used in or produced through the use thereof. Following the effective date of any regulations promulgated by the Commission pursuant to section 304(d) of the Nuclear Non-Proliferation Act of 1978, physical security measures shall be deemed adequate if such measures provide a level of protection equivalent to that required by the applicable regulations.

"(4) No such materials, facilities, or sensitive nuclear technology proposed to be exported, and no special nuclear material produced through the use of such material, will be retransferred to the jurisdiction of any other nation or group of nations unless the prior approval of the United States is obtained for such retransfer. In addition to other requirements of law, the United States may approve such retransfer only if the nation or group of nations designated to receive such retransfer agrees that it shall be subject to the conditions required by this section.

"(5) No such material proposed to be exported and no special nuclear material produced through the use of such material will be reprocessed, and no irradiated fuel elements containing such material removed from a reactor shall be altered in form or content, unless the prior approval of the United States is obtained for such reprocessing or alteration.

"(6) No such sensitive nuclear technology shall be exported unless the foregoing conditions shall be applied to any nuclear material or equipment which is produced or constructed under the jurisdiction of the recipient nation or group of nations by or through the use of any such exported sensitive nuclear technology.".

ADDITIONAL EXPORT CRITERION AND PROCEDURES

SEC. 306. Chapter 11 of the 1954 Act, as amended by sections 304 and 305, is further amended by adding at the end thereof the following:

"SEC. 128. ADDITIONAL EXPORT CRITERION AND PROCEDURES.—

"a. (1) As a condition of continued United States export of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology to non-nuclear-weapon states, no such export shall be made unless IAEA safeguards are maintained with respect to all peaceful nuclear activities in, under the jurisdiction of, or carried out under the control of such state at the time of the export.

"(2) The President shall seek to achieve adherence to the foregoing criterion by recipient non-nuclear-weapon states.

"b. The criterion set forth in subsection a. shall be applied as an export criterion with respect to any application for the export of materials, facilities, or technology specified in subsection a. which is filed after eighteen months from the date of enactment of this section, or for any such application under which the first export would occur at least twenty-four months after the date of enactment of this section, except as provided in the following paragraphs:

"(1) If the Commission or the Department of Energy, as the case may be, is notified that the President has determined that failure to approve an export to which this subsection applies because such criterion has not yet been met would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security, the license or authorization may be issued subject to other applicable requirements of law: *Provided*, That no such export of any production or utilization facility or of any source or special nuclear material (intended for use as fuel in any production or utilization facility) which has been licensed or authorized pursuant to this subsection shall be made to any non-nuclear-weapon state which has failed to meet such criterion until the first such license or authorization with respect to such state is submitted to the Congress (together with a detailed assessment of the reasons underlying the President's determination, the judgment of the executive branch required under section 126 of this Act, and any Commission opinion and views) for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate but such export shall not occur if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that the Congress does not favor the proposed export. Any such license or authorization shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions.

"(2) If the Congress adopts a resolution of disapproval pursuant to paragraph (1), no further export of materials, facilities, or technology specified in subsection a. shall be permitted for the remainder of that Congress, unless such state meets the criterion or the President notifies the Congress that he has determined that significant progress has been made in achieving adherence to such criterion by such state or that United States foreign policy interests dictate reconsideration and the Congress, pursuant to the procedure of paragraph (1), does not adopt a concurrent resolution stating in substance that it disagrees with the President's determination.

"(3) If the Congress does not adopt a resolution of disapproval with respect to a license or authorization submitted pursuant to paragraph (1), the criterion set forth in subsection a. shall not be applied as an export criterion with respect to exports of materials, facilities and technology specified in subsection a. to that state: Provided, That the first license or authorization with respect to that state which is issued pursuant to this paragraph after twelve months from the elapse of the sixty-day period specified in paragraph (1), and the first such license or authorization which is issued after each twelve-month period thereafter, shall be submitted to the Congress for review pursuant to the procedures specified in paragraph (1): Provided further, That if the Congress adopts a resolution of disapproval during any review period provided for by this paragraph, the provisions of paragraph (2) shall apply with respect to further exports to such state.".

CONDUCT RESULTING IN TERMINATION OF NUCLEAR EXPORTS

SEC. 307. Chapter 11 of the 1954 Act, as amended by sections 304, 305, and 306, is further amended by adding at the end thereof:

"SEC. 129. CONDUCT RESULTING IN TERMINATION OF NUCLEAR EXPORTS.—

"No nuclear materials and equipment or sensitive nuclear technology shall be exported to—

"(1) any non-nuclear-weapon state that is found by the President to have, at any time after the effective date of this section,

"(A) detonated a nuclear explosive device; or

"(B) terminated or abrogated IAEA safeguards; or

"(C) materially violated an IAEA safeguards agreement; or

"(D) engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and has failed to take steps which, in the President's judgment, represent sufficient progress toward terminating such activities; or

"(2) any nation or group of nations that is found by the President to have, at any time after the effective date of this section,

"(A) materially violated an agreement for cooperation with the United States, or, with respect to material or equipment not supplied under an agreement for cooperation, materially violated the terms under which such material or equipment was supplied or the terms of any commitments obtained with respect thereto pursuant to section 402 (a) of the Nuclear Non-Proliferation Act of 1978; or

"(B) assisted, encouraged, or induced any non-nuclear-weapon state to engage in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and has failed to take steps which, in the President's judgment, represent sufficient progress toward terminating such assistance, encouragement, or inducement; or

"(C) entered into an agreement after the date of enactment of this section for the transfer of reprocessing equipment, materials, or technology to the sovereign control of a non-nuclear-weapon state except in connection with an international fuel cycle evaluation in which the United States is a participant or pursuant to a subsequent international agreement or understanding to which the United States subscribes;

unless the President determines that cessation of such exports would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security: *Provided*, That prior to the effective date of any such determination, the President's determination, together with a report containing the reasons for his determination, shall be submitted to the Congress and referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act), but any such determination shall not become effective if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that it does not favor the determination. Any such determination shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions.".

CONGRESSIONAL REVIEW PROCEDURES

SEC. 308. Chapter 11 of the 1954 Act, as amended by sections 304, 305, 306, and 307, is further amended by adding at the end thereof the following:

"SEC. 130. CONGRESSIONAL REVIEW PROCEDURES.—

"a. Not later than forty-five days of continuous session of Congress after the date of transmittal to the Congress of any submission of the President required by this Act, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, and in addition, in the case of a proposed agreeement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, shall each submit a report to its respective House on its views and recommendations respecting such Presidential submission together with a resolution, as defined in subsection f., stating in substance that such House approves or disapproves such submission, as the case may be: *Provided*, That if either such committee has not reported such a resolution at the end of such forty-five day period, such committee shall be deemed to be discharged from further consideration of such submission and any resolution, as defined in subsection f., which is introduced within five days thereafter within such House shall be placed on the appropriate calendar of such House.

"b. When the committee has reported such a resolution or a resolution has been introduced and placed on the appropriate calendar pursuant to the proviso in subsection a., as the case may be, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

"c. Debate on the resolution, and on all debatable motions and appeals in connec-

tion therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to a motion to postpone, or a motion to recommit the resolution, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order. No amendment to any concurrent resolution pursuant to the procedures of this section is in order except as provided in subsection d.

"d. Immediately following (1) the conclusion of the debate on such concurrent resolution, (2) a single quorum call at the conclusion of debate if requested in accordance with the rules of the appropriate House, and (3) the consideration of an amendment introduced by the majority leader or his designee to insert the phrase, 'does not' in lieu of the word 'does' if the resolution under consideration is a concurrent resolution of approval, the vote on final approval of the resolution shall occur.

"e. Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such a resolution shall be decided without debate.

"f. For the purposes of subsections a. through e. of this section, the term 'resolution' means a concurrent resolution of the Congress, the matter after the resolving clause of which is as follows: 'That the Congress (does or does not) favor the transmitted to the Congress by the President on , .', the blank spaces therein to be appropriately filled, and the affirmative or negative phrase within the parenthetical to be appropriately selected.

"g. For the purposes of this section—

"(1) continuity of session is broken only by an adjournment of Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

"h. This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by subsection f. of this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.".

COMPONENT AND OTHER PARTS OF FACILITIES

SEC. 309. (a) Section 109 of the 1954 Act is amended to read as follows:

"SEC. 109. COMPONENT AND OTHER PARTS OF FACILITIES.—

"a. With respect to those utilization and production facilities which are so determined by the Commission pursuant to subsection 11v. (2) or 11 cc. (2) the Commission may issue general licenses for domestic activities required to be licensed under section 101, if the Commission determines in writing that such general licensing will not constitute an unreasonable risk to the common defense and security.

"b. After consulting with the Secretaries of State, Energy, and Commerce and the Director, the Commission is authorized and directed to determine which component parts as defined in subsection 11 v. (2) or 11 cc. (2) and which other items or substances are especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes. Except as provided in section 126 b. (2), no such component, substance, or item which is so determined by the Commission shall be exported unless the Commission issues a general or specific license for its export after finding, based on a reasonable judgment of the assurances provided and other information available to the Federal Government, including the Commission, that the following criteria or their equivalent are met: (1) IAEA safeguards as required by Article III (2) of the Treaty will be applied with respect to such component, substance, or item; (2) no such component, substance, or item will be used for any nuclear explosive device or for research on or development of any nuclear explosive device; and (3) no such component, substance, or item will be retransferred to the jurisdiction of any other nation or group of nations unless the prior consent of the United States is obtained for such retransfer; and after determining in writing that the issuance of each such general or specific license or category of licenses will not be inimical to the common defense and security: *Provided*, That a specific license shall not be required for an export pursuant to this section if the component, item, or substance is covered by a facility license issued pursuant to section 126 of this Act.

"c. The Commission shall not issue an export license under the authority of subsection b. if it is advised by the executive branch, in accordance with the procedures established under subsection 126 a., that the export would be inimical to the common defense and security of the United States.".

(b) The Commission, not later than one hundred and twenty days after the date of the enactment of this Act, shall publish regulations to implement the provisions of section 109 of the 1954 Act. Among other things, these regulations shall provide for the prior consultation by the Commission with the Department of State, the Department of Energy, the Department of Defense, the Department of Commerce, and the Arms Control and Disarmament Agency.

(c) The President, within not more than one hundred and twenty days after the date of enactment of this Act, shall publish procedures regarding the control by the Department of Commerce over all export items, other than those licensed by the Commission, which could be, if used for purposes other than those for which the export is intended, of significance for nuclear explosive purposes. Among other things, these procedures shall provide for prior consultations, as required, by the Department of Commerce with the Department of State, the Arms Control and Disarmament Agency, the Commission, the Department of Energy, and the Department of Defense.

(d) The amendments to section 109 of the 1954 Act made by this section shall not affect the approval of exports contracted for prior to November 1, 1977, which are made within one year of the date of enactment of such amendments.

TITLE IV—NEGOTIATION OF FURTHER EXPORT CONTROLS

COOPERATION WITH OTHER NATIONS

SEC. 401. Section 123 of the 1954 Act is amended to read as follows:

"SEC. 123. COOPERATION WITH OTHER NATIONS.—

No cooperation with any nation, group of nations or regional defense organization pursuant to section 53, 54 a., 57, 64, 82, 91, 103, 104, or 144 shall be undertaken until—

"a. the proposed agreement for cooperation has been submitted to the President, which proposed agreement shall include the terms, conditions, duration, nature, and scope of the cooperation; and shall include the following requirements:

"(1) a guaranty by the cooperating party that safeguards as set forth in the agreement for cooperation will be maintained with respect to all nuclear materials and equipment transferred pursuant thereto, and with respect to all special nuclear material used in or produced through the use of such nuclear materials and equipment, so long as the material or equipment remains under the jurisdiction or control of the cooperating party, irrespective of the duration of other provisions in the agreement or whether the agreement is terminated or suspended for any reason;

"(2) in the case of non-nuclear-weapon states, a requirement, as a condition of continued United States nuclear supply under the agreement for cooperation, that IAEA safeguards be maintained with respect to all nuclear materials in all peaceful nuclear activities within the territory of such state, under its jurisdiction, or carried out under its control anywhere;

"(3) except in the case of those agreements for cooperation arranged pursuant to subsection 91 c., a guaranty by the cooperating party that no nuclear materials and equipment or sensitive nuclear technology to be transferred pursuant to such agreement, and no special nuclear material produced through the use of any nuclear materials and equipment or sensitive nuclear technology transferred pursuant to such agreement, will be used for any nuclear explosive device, or for research on or development of any nuclear explosive device, or for any other military purpose;

"(4) except in the case of those agreements for cooperation arranged pursuant to subsection 91 c. and agreements for cooperation with nuclear-weapon states, a stipulation that the United States shall have the right to require the return of any nuclear materials and equipment transferred pursuant thereto and any special nuclear material produced through the use thereof if the cooperating party detonates a nuclear explosive device or terminates or abrogates an agreement providing for IAEA safeguards;

"(5) a guaranty by the cooperating party that any material or any Restricted Data transferred pursuant to the agreement for cooperation and, except in the case of agreement for cooperation and, except in the case of agreements arranged pursuant to subsection 91 c., 144 b. or 144 c., any production or utilization facility transferred pursuant to the agreement for cooperation or any special nuclear material produced through the use of any such facility or through the use of any material transferred pursuant to the agreement, will not be transferred to unauthorized persons or beyond the jurisdiction or control of the cooperating party without the consent of the United States;

"(6) a guaranty by the cooperating party that adequate physical security will be maintained with respect to any nuclear material transferred pursuant to such agreement and with respect to any special nuclear material used in or produced through the use of any material, production facility, or utilization facility transferred pursuant to such agreement;

"(7) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., a guaranty by the cooperating party that no material transferred pursuant to the agreement for cooperation and no material used in or produced through the use of any material, production facility, or utilization facility transferred pursuant to the agreement for cooperation will be reprocessed, enriched or (in the case of plutonium or uranium enriched to greater than twenty percent in the isotope 233 or 235, or other nuclear materials

which have been irradiated) otherwise altered in form or content without the prior approval of the United States;

"(8) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., a guaranty by the cooperating party that no plutonium, no uranium 233, and no uranium enriched to greater than twenty percent in the isotope 235, transferred pursuant to the agreement for cooperation, or recovered from any source or special nuclear material so transferred or from any source or special nuclear material used in any production facility or utilization facility transferred pursuant to the agreement for cooperation, will be stored in any facility that has not been approved in advance by the United States; and

"(9) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b. or 144 c., a guaranty by the cooperating party that any special nuclear material, production facility, or utilization facility produced or constructed under the jurisdiction of the cooperating party by or through the use of any sensitive nuclear technology transferred pursuant to such agreement for cooperation will be subject to all the requirements specified in this subsection. The President may exempt a proposed agreement for cooperation (except an agreement arranged pursuant to subsection 91 c., 144 b., or 144 c.) from any of the requirements of the foregoing sentence if he determines that inclusion of any such requirement would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security. Except in the case of those agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., any proposed agreement for cooperation shall be negotiated by the Secretary of State, with the technical assistance and concurrence of the Secretary of Energy and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director'); and after consultation with the Commission shall be submitted to the President jointly by the Secretary of State and the Secretary of Energy accompanied by the views and recommendations of the Secretary of State, the Secretary of Energy, the Nuclear Regulatory Commission, and the Director, who shall also provide to the President an unclassified Nuclear Proliferation Assessment Statement regarding the adequacy of the safeguards and other control mechanisms and the peaceful use assurances contained in the agreement for cooperation to ensure that any assistance furnished thereunder will not be used to further any military or nuclear explosive purpose. In the case of those agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., any proposed agreement for cooperation shall be submitted to the President by the Secretary of Energy or, in the case of those agreements for cooperation arranged pursuant to subsection 91 c. or 144 b. which are to be implemented by the Department of Defense, by the Secretary of Defense;

"b. the President has approved and authorized the execution of the proposed agreement for cooperation and has made a determination in writing that the performance of the proposed agreement will promote, and will not constitute an unreasonable risk to, the common defense and security;

"c. the proposed agreement for cooperation (if not an agreement subject to subsection d.), together with the approval and determination of the President, has been submitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate for a period of thirty days of continuous session (as defined in subsection 130 g.): *Provided, however,* That these committees, after having received such agreement for cooperation, may by resolution in writing waive the conditions of all or any portion of such thirty-day period;

"d. the proposed agreement for cooperation (if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of section 53, 54 a., 103, or 104, in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith) has been submitted to the Congress, together with the approval and determination of the President, for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, and in addition, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, but such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that the Congress does not favor the proposed agreement for cooperation: *Provided,* That the sixty-day period shall not begin until a Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency, when required by subsection 123 a., has been submitted to the Congress. Any such proposed agreement for cooperation shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions; and

"e. following submission of a proposed agreement for cooperation (except an agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c.) to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, the Nuclear Regulatory Commission, the Department of State, the Department of Energy, the Arms Control and Disarmament Agency, and the Department of Defense shall, upon the request of either of those committees, promptly furnish to those committees their views as to whether the safeguards and other controls contained therein provide an adequate framework to ensure that any exports as contemplated by such agreement will not be inimical to or constitute an unreasonable risk to the common defense and security.

"f. if after the date of enactment of the Nuclear Nonproliferation Act of 1978, the Congress fails to disapprove a proposed agreement for cooperation which exempts the recipient nation from the requirement set forth in subsection 123 a. (2), such failure to act shall constitute a failure to adopt a resolution of disapproval pursuant to subsection 128 b. (3) for purposes of the Commission's consideration of applications and requests under section 126 a. (2) and there shall be no congressional review pursuant to section 128 of any subsequent license or authorization with respect to that state until the first such license or authorization which is issued after twelve months from the elapse of the sixty-day period in which the agreement for cooperation in question is reviewed by the Congress.".

ADDITIONAL REQUIREMENTS

SEC. 402. (a) Except as specifically provided in any agreement for cooperation, no source or special nuclear material hereafter exported from the United States may be enriched after export without the prior approval of the United States for such enrichment: *Provided,* That the procedures governing such approvals shall be identical to those set forth for the approval of proposed subsequent arrangements under section 303(a) of this Act, and any commitments from the recipient which the Secretary of Energy and the Secretary of State deem necessary to ensure that such approval will be obtained prior to such enrichment shall be obtained prior to the submission of the executive branch judgment regarding the export in question and shall be set forth in such submission: And *provided further,* That no source or special nuclear material shall be exported for the purpose of enrichment or reactor fueling to any nation or group of nations which has, after the date of enactment of this Act, entered into a new or amended agreement for cooperation with the United States, except pursuant to such agreement

(b) In addition to other requirements of law, no major critical component of any uranium enrichment, nuclear fuel reprocessing, or heavy water production facility shall be exported under any agreement for cooperation (except an agreement for cooperation pursuant to subsection 91 c., 144 b., or 144 c. of the 1954 Act) unless such agreement for cooperation specifically designates such components as items to be exported pursuant to the agreement for cooperation. For purposes of this subsection, the term "major critical component" means any component part or group of component parts which the President determines to be essential to the operation of a complete uranium enrichment, nuclear fuel reprocessing, or heavy water production facility.

PEACEFUL NUCLEAR ACTIVITIES

SEC. 403. The President shall take immediate and vigorous steps to seek agreement from all nations and groups of nations to commit themselves to adhere to the following export policies with respect to their peaceful nuclear activities and their participation in international nuclear trade:

(a) No nuclear materials and equipment and no sensitive nuclear technology within the territory of any nation or group of nation's under its jurisdiction, or under its control anywhere will be transferred to the jurisdiction of any other nation or group of nations unless the nation or group of nations receiving such transfer commits itself to strict undertakings including, but not limited to, provisions sufficient to ensure that—

(1) no nuclear materials and equipment and no nuclear technology in, under the jurisdiction of, or under the control of any non-nuclear-weapon state, shall be used for nuclear explosive devices for any purpose or for research on or development of nuclear explosive devices for any purpose, except as permitted by Article V, the Treaty:

(2) IAEA safeguards will be applied to all peaceful nuclear activities in, under the jurisdiction of, or under the control of any non-nuclear-weapon state;

(3) adequate physical security measures will be established and maintained by any nation or group of nations on all of its nuclear activities;

(4) no nuclear materials and equipment and no nuclear technology intended for peaceful purposes in, under the jurisdiction of, or under the control of any nation or group of nations shall be transferred to the jurisdiction of any other nation or group of nations which does not agree to stringent undertakings meeting the objectives of this section; and

(5) no nation or group of nations will assist, encourage, or induce any non-nuclear-weapon state to manufacture or otherwise acquire any nuclear explosive device.

(b)(1) No source or special nuclear material within the territory of any nation or group of nations, under its jurisdiction, or under its control anywhere will be enriched (as described in paragraph aa. (2) of section 11 of the 1954 Act) or reprocessed,

no irradiated fuel elements containing such material which are to be removed from a reactor will be altered in form or content, and no fabrication or stockpiling involving plutonium, uranium 233, or uranium enriched to greater than 20 percent in the isotope 235 shall be performed except in a facility under effective international auspices and inspection, and any such irradiated fuel elements shall be transferred to such a facility as soon as practicable after removal from a reactor consistent with safety requirements. Such facilities shall be limited in number to the greatest extent feasible and shall be carefully sited and managed so as to minimize the proliferation and environmental risks associated with such facilities. In addition, there shall be conditions to limit the access of non-nuclear-weapon states other than the host country to sensitive nuclear technology associated with such facilities.

(2) Any facilities within the territory of any nation or group of nations, under its jurisdiction, or under its control anywhere for the necessary short-term storage of fuel elements containing plutonium, uranium 233, or uranium enriched to greater than 20 percent in the isotope 235 prior to placement in a reactor or of irradiated fuel elements prior to transfer as required in subparagraph (1) shall be placed under effective international auspices and inspection.

(c) Adequate physical security measures will be established and maintained with respect to all nuclear activities within the territory of each nation and group of nations, under its jurisdiction, or under its control anywhere, and with respect to any international shipment of significant quantities of source or special nuclear material or irradiated source or special nuclear material, which shall also be conducted under international safeguards.

(d) Nothing in this section shall be interpreted to require international control or supervision of any United States military activities.

RENEGOTIATION OF AGREEMENTS FOR COOPERATION

SEC. 404. (a) The President shall initiate a program immediately to renegotiate agreements for cooperation in effect on the date of enactment of this Act, or otherwise to obtain the agreement of parties to such agreements for cooperation to the undertakings that would be required for new agreements under the 1954 Act. To the extent that an agreement for cooperation in effect on the date of enactment of this Act with a cooperating party contains provisions equivalent to any or all of the criteria set forth in section 127 of the 1954 Act with respect to materials and equipment transferred pursuant thereto or with respect to any special nuclear material used in or produced through the use of any such material or equipment, any renegotiated agreement with that cooperating party shall continue to contain an equivalent provision with respect to such transferred materials and equipment and such special nuclear material. To the extent that an agreement for cooperation in effect on the date of enactment of this Act with a cooperating party does not contain provisions with respect to any nuclear materials and equipment under an agreement for cooperation with the United States and which are under the jurisdiction or control of the cooperating party and with respect to any special nuclear material which is used in or produced through the use thereof and which is under the jurisdiction or control of the cooperating party, which are equivalent to any or all of those required for new and amended agreements for cooperation under section 123 a. of the 1954 Act, the President shall vigorously seek to obtain the application of such provisions with respect to such nuclear materials and equipment and such special nuclear material. Nothing in this Act or in the 1954 Act shall be deemed to relinquish any rights which the United States may have under any agreement for cooperation in force on the date of enactment of this Act.

(b) The President shall annually review each of requirements (1) through (9) set forth for inclusion in agreements for cooperation under section 123 a. of the 1954 Act and the export policy goals set forth in section 401 to determine whether it is in the interest of United States non-proliferation objectives for any such requirements or export policies which are not already being applied as export criteria to be enacted as additional export criteria.

(c) If the President proposes enactment of any such requirements or export policies as additional export criteria or to take any other action with respect to such requirements or export policy goals for the purpose of encouraging adherence by nations and groups of nations to such requirements and policies, he shall submit such a proposal together with an explanation thereof to the Congress.

(d) If the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, after reviewing the President's annual report or any proposed legislation, determines that it is in the interest of United States non-proliferation objectives to take any action with respect to such requirements or export policy goals, it shall report a joint resolution to implement such determination. Any joint resolution so reported shall be considered in the Senate and the House of Representatives, respectively, under applicable procedures provided for the consideration of resolutions pursuant to subsection 130 b. through g. of the 1954 Act.

AUTHORITY TO CONTINUE AGREEMENTS

SEC. 405. (a) The amendments to section 123 of the 1954 Act made by this Act shall not affect the authority to continue cooperation pursuant to agreements for cooperation entered into prior to the date of enactment of this Act.

(b) Nothing in this Act shall affect the authority to include dispute settlement provisions, including arbitration, in any agreement made pursuant to an Agreement for Cooperation.

REVIEW

SEC. 406. No court or regulatory body shall have any jurisdiction under any law to compel the performance of or to review the adequacy of the performance of any Nuclear Proliferation Assessment Statement called for in this Act or in the 1954 Act.

PROTECTION OF THE ENVIRONMENT

SEC. 407. The President shall endeavor to provide in any agreement entered into pursuant to section 123 of the 1954 Act for cooperation between the parties in protecting the international environment from radioactive, chemical or thermal contamination arising from peaceful nuclear activities.

TITLE V—UNITED STATES ASSISTANCE TO DEVELOPING COUNTRIES

POLICY; REPORT

SEC. 501. The United States shall endeavor to cooperate with other nations, international institutions, and private organizations in establishing programs to assist in the development of non-nuclear energy resources, to cooperate with both developing and industrialized nations in protecting the international environment from contamination arising from both nuclear and non-nuclear energy activities, and shall seek to cooperate with and aid developing countries in meeting their energy needs through the development of such resources and the application of non-nuclear technologies consistent with the economic factors, the material resources of those countries, and environmental protection. The United States shall additionally seek to encourage other industrialized nations and groups of nations to make commitments for similar cooperation and aid to developing countries. The President shall report annually to Congress on the level of other nations' and groups of nations' commitments under such program and the relation of any such commitments to United States efforts under this title. In cooperating with and providing such assistance to developing countries, the United States shall give priority to parties to the Treaty.

PROGRAMS

SEC. 502. (a) The United States shall initiate a program, consistent with the aims of section 501, to cooperate with developing countries for the purpose of—

(1) meeting the energy needs required for the development of such countries;

(2) reducing the dependence of such countries on petroleum fuels, with emphasis given to utilizing solar and other renewable energy resources; and

(3) expanding the energy alternatives available to such countries.

(b) Such program shall include cooperation in evaluating the energy alternatives of developing countries, facilitating international trade in energy commodities, developing energy resources, and applying suitable energy technologies. The program shall include both general and country-specific energy assessments and cooperative projects in resource exploration and production, training, research and development.

(c) As an integral part of such program, Department of Energy, under the general policy guidance of the Department of State and in cooperation with the Agency for International Development and other Federal agencies as appropriate, shall initiate, as soon as practicable, a program for the exchange of United States scientists, technicians and energy experts with those of developing countries to implement the purposes of this section.

(d) For the purposes of carrying out this section, there is authorized to be appropriated such sums as are contained in annual authorization Acts for the Department of Energy, including such sums which have been authorized for such purposes under previous legislation.

(e) Under the direction of the President, the Secretary of State shall ensure the coordination of the activities authorized by this title with other related activities of the United States conducted abroad, including the programs authorized by sections 103(c), 106(a)(2), and 119 of the Foreign Assistance Act of 1961.

REPORT

SEC. 503. Not later than twelve months after the date of enactment of this Act, the President shall report to the Congress on the feasibility of expanding the cooperative activities established pursuant to section 502(c) into an international cooperative effort to include a scientific peace corps designed to encourage large numbers of technically trained volunteers to live and work in developing countries for varying periods of time for the purpose of engaging in projects to aid in meeting the energy needs of such countries through the search for and utilization of indigenous energy resources and the application of suitable technology, including the widespread utilization of renewable and unconventional energy technologies. Such report shall also include a discussion of other mechanisms to conduct a coordinated international effort to develop, demonstrate, and encourage the utilization of such technologies in developing countries.

TITLE VI—EXECUTIVE REPORTING

REPORTS OF THE PRESIDENT

SEC. 601. (a) The President shall review all activities of Government departments and agencies relating to preventing proliferation and shall make a report to Congress in

January of 1979 and annually in January of each year thereafter on the Government's efforts to prevent proliferation. This report shall include but not be limited to—

(1) a description of the progress made toward—

(A) negotiating the initiatives contemplated in sections 104 and 105 of this Act;

(B) negotiating the international arrangements or other mutual undertakings contemplated in section 403 of this Act;

(C) encouraging non-nuclear-weapon states that are not party to the Treaty to adhere to the Treaty or, pending such adherence, to enter into comparable agreements with respect to safeguards and to foreswear the development of any nuclear explosive devices, and discouraging nuclear exports to non-nuclear-weapon states which have not taken such steps;

(D) strengthening the safeguards of the IAEA as contemplated in section 201 of this Act; and

(E) renegotiating agreements for cooperation as contemplated in section 404(a) of this Act;

(2) an assessment of the impact of the progress described in paragraph (1) on the non-proliferation policy of the United States; an explanation of the precise reasons why progress has not been made on any particular point and recommendations with respect to appropriate measures to encourage progress; and a statement of what legislative modifications, if any, are necessary in his judgment to achieve the non-proliferation policy of the United States; and

(3) a determination as to which non-nuclear-weapon states with which the United States has an agreement for cooperation in effect or under negotiation, if any, have—

(A) detonated a nuclear device; or

(B) refused to accept the safeguards of the IAEA on all of their peaceful nuclear activities; or

(C) refused to give specific assurances that they will not manufacture or otherwise acquire any nuclear explosive device; or

(D) engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices.

(4) as assessment of whether any of the policies set forth in this Act have, on balance, been counterproductive from the standpoint of preventing proliferation; and

(5) a description of the progress made toward establishing procedures to facilitate the timely processing of requests for subsequent arrangements and export licenses in order to enhance the reliability of the United States in meeting its commitments to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies.

(b) In the first report required by this section, the President shall analyze each civil agreement for cooperation negotiated pursuant to section 123 of the 1954 Act, and shall discuss the scope and adequacy of the requirements and obligations relating to safeguards and other controls therein.

ADDITIONAL REPORTS

SEC. 602. (a) The annual reports to the Congress by the Commission and the Department of Energy which are otherwise required by law shall also include views and recommendations regarding the policies and actions of the United States to prevent proliferation which are the statutory responsibility of those agencies. The Department's report shall include a detailed analysis of the proliferation implications of advanced enrichment and reprocessing techniques, advanced reactors, and alternative nuclear fuel cycles. This part of the report shall include a comprehensive version which includes any relevant classified information and a summary unclassified version.

(b) The reporting requirements of this chapter are in addition to and not in lieu of any other reporting requirements under applicable law.

(c) The Department of State, the Arms Control and Disarmament Agency, the Department of Commerce, the Department of Energy, and the Commission shall keep the Committees on Foreign Relations and Governmental Affairs of the Senate and the Committee on International Relations of the House of Representatives fully and currently informed with respect to their activities to carry out the purposes and policies of this Act and to otherwise prevent proliferation, and with respect to the current activities of foreign nations which are of significance from the proliferation standpoint.

(d) Any classified portions of the reports required by this Act shall be submitted to the Senate Foreign Relations Committee and the House International Relations Committee.

(e) Three years after enactment of this Act, the Comptroller General shall complete a study and report to the Congress on the implementation and impact of this Act on the nuclear non-proliferation policies, purposes, and objectives of this Act. The Secretaries of State, Energy, Defense, and Commerce and the Commission and the Director shall cooperate with the Comptroller General in the conduct of the study. The report shall contain such recommendations as the Comptroller General deems necessary to support the nuclear non-proliferation policies, purposes, and objectives of this Act.

SAVING CLAUSE

SEC. 603. (a) All orders, determinations, rules, regulations, permits, contracts, agreements, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are the subject of this Act, by (i) any agency or officer, or part thereof, in exercising the functions which are affected by this Act, or (ii) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed as the case may be, by the parties thereto or by any court of competent jurisdiction.

(b) Nothing in this Act shall affect the procedures or requirements applicable to agreements for cooperation entered into pursuant to sections 91 c., 144 b., or 144 c. of the 1954 Act or arrangements pursuant thereto as it was in effect immediately prior to the date of enactment of this Act.

(c) Except where otherwise provided, the provisions of this Act shall take effect immediately upon enactment regardless of any requirement for the promulgation of regulations to implement such provisions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman explain to us if anything done in conference was substantially different from what we did in the House?

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I will advise the gentleman from California this is not a conference report. We are accepting the Senate amendment. The Senate has in no way changed substantially the bill that passed last year by a vote of 411 to 0 and passed the Senate by a vote of 88 to 3. The amendments that the Senate has adopted clarify some of the positions and policies and intent of the House.

Mr. ROUSSELOT. Further reserving the right to object, the gentleman can assure us that there are no changes in the House-passed version?

Mr. ZABLOCKI. There are no substantial changes from the House-passed version. All of the central elements of the House bill—including the important "timely warning" criterion—were faithfully preserved. There is no money involved. The ranking minority member of the committee as well as the other Republicans who are here can concur with the statement that there are no important differences. The changes made by the Senate served primarily only to clarify and further streamline the licensing process.

I would, however, like to take this moment to clarify our interpretation of one section of the Senate bill. I agree with Senator PERCY's statement during the Senate debate on this bill that the reference to a finding of no material changed circumstance in the additional proviso of section 126a(2) of the 1954 act could only be made when the export in question and the circumstances relating to the export are similar to the previous instance.

Thus, if there were a significant change in the type of export (for example, a fuel shipment in one instance and a reactor in the next) or in the type of technology being utilized (for example, if one export were a light-water reactor and the next were a heavy-water reactor) that would constitute a material changed circumstance and would require the Commission to make the full finding that, based on a reasonable judgment of the assurances provided and other information available to the Federal Government, including the Commission, that the criteria in subsecton 127a of the 1954 act or their equivalent and any other applicable statutory requirements are met.

Similarly, it would be a changed circumstance if the basic ground rules of the licensing process had changed; that is, if the criteria or the standards for meeting those criteria had changed. It would also be a materially changed circumstance if a significant event had occurred which could have a bearing on the nonproliferation implications of the export—for example, if the political situation in the recipient nation had changed substantially, or if a significant event had occurred in the recipient nation or elsewhere in the world which cast into doubt the recipient's peaceful intentions.

In implementing this provision, the Commission would have to make an affirmative finding of no changed circumstance in each case based upon the information before it.

It is also important to note that this authorization to make a finding of no changed circumstance is entirely within the discretion of the Commission, and the NRC may well wish to reserve its use for those nations which are adhering to effective nonproliferation policies, such as having accepted full-scope safeguards.

On the critical issue of timely warning, I am pleased to say that the Senate's legislative history was indeed quite consistent with our own.

Let me just emphasize that the President considers this legislation to be vital to his ongoing efforts to implement more effective antiproliferation policies. The administration's programs of international renegotiation, for which this bill provides the framework, have already been delayed for too long. Given that our differences are so narrow and given that we have worked painstakingly for so long, there is no good reason to tie this bill up for many more long and unnecessary months. Were this to happen, not only would U.S. proliferation policy suffer, but so too would nuclear trade.

Finally, Mr. Speaker, let me salute my colleague Congressman JACK BINGHAM for his sustained, tireless, and inspired work on behalf of this fine legislation.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I have followed the progress of this legislation very carefully. I concur in the comments by the gentleman from Wisconsin. I know of no Republican objection whatsoever to this procedure.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I would remind the gentleman I did have supplemental views when the House considered this. I have no problem now at all and I would suggest support of the request of the gentleman from Wisconsin.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman.

I withdraw by reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. CONABLE asked and was given permission to address the House for 1 minute.)

Mr. CONABLE. Mr. Speaker, I take this time for the purpose of asking the distinguished acting majority leader if he can inform us as to the schedule for the rest of the day and for the week to come.

Mr. LEVITAS. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Speaker, there is no further legislative business scheduled for today or the rest of the week.

The program for the House of Representatives for the week of February 13, 1978, is as follows:

Monday is a district work period.

Tuesday the House meets at noon.

There are no bills on suspension.

We will consider:

H.R. 8336, the Chattahoochee River National Park, votes on amendments and the bill;

H.R. 2637, cargo capacity for civil aircraft, under an open rule, with 1 hour of general debate; and

H.R. 5503, Defense Officer Personnel Management Act, under an open rule, with 1 hour of general debate.

Wednesday the House meets at 3 o'clock p.m. and will consider H.R. 9370, the Aquaculture Organic Act of 1977 under an open rule with 1 hour of debate.

There will also be a series of House committee funding resolutions.

Thursday the House meets at 11 o'clock a.m. and will consider the conference report on H.R. 4544, the Black Lung Benefits Reform Act of 1977. It will then take up H.R. 5981, American Folklife Preservation Act authorizations under an open rule with 1 hour of debate.

Friday the House will not be in session.

The House will adjourn by 3 o'clock p.m. on Fridays and by 5:30 o'clock p.m. on all other days except Wednesdays.

Conference reports may be brought up at any time and any further program will be announced later.

Mr. CONABLE. I thank the acting majority leader.

Mr. KETCHUM. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Speaker, I would like to ask the distinguished acting majority leader if he could advise me as to when the supplemental appropriation bill concerning the B–1 will be brought before the House. Will that be next week?

Mr. LEVITAS. If the gentleman will yield still further, the leadership has no present intention of bringing up the supplemental appropriation bill next week.

Mr. KETCHUM. If the gentleman will yield further, I would ask the distinguished acting majority whip if the leadership has indicated to the gentleman in any way that prior to that particular item being brought before the House that there will be issued at least a 1- or a 2-day warning?

Mr. LEVITAS. If the gentleman will yield further, the leadership has no intention at the present time of bringing up the supplemental appropriations bill next week and I have had no indications as requested by the gentleman.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I just wanted to inquire of the distinguished acting majority leader, the gentleman from Georgia (Mr. LEVITAS), whether or not his present appointment is as a result of the majority vote on the so-called consumer representation bill yesterday? I thought perhaps there was some significance in the role the gentleman has been fulfilling this afternoon. It is a well-deserved role if it is indeed the fact.

Mr. LEVITAS. I thank the gentleman for his comment.

Mr. CONABLE. Mr. Speaker, if I may reclaim my time, I would suggest that it is truly a merit appointment.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, on February 15, 1978, may be dispensed with.

The SPEAKER pro tempore (Mr. RICHMOND). Is there objection to the request of the gentleman from Georgia?

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ADJOURNMENT OF THE HOUSE UNTIL TUESDAY FEBRUARY 14, 1978

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, Februray 14, 1978, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ANY ENROLLED BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT OF THE HOUSE UNTIL TUESDAY, FEBRUARY 14, 1978

Mr. LEVITAS. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Tuesday, February 14, 1978, the clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT MONDAY, FEBRUARY 13, 1978, TO FILE TWO REPORTS

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight, Monday, February 13, 1978, to file two reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXPORT OR DIE

(Mr. WAMPLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WAMPLER. Mr. Speaker, Congress

must reverse the Carter administration's disastrous farm export policy. Unless we take this action, the American agricultural system as we know it, could die and the general economy of our country fall with it. The recent nationwide demonstrations by our farmers against low prices they are receiving for farm products are merely a reflection of their frustrations over the ineptness and failures of President Carter's farm policy.

Contrary to the pronouncements of the administration that the cause of the farmers' problems is a surplus of agricultural products—the basic cause is the lack of a vigorous farm export policy to move these products into overseas markets. This is particularly the case in our major agricultural export commodity—wheat.

Mr. Speaker, the major U.S. agricultural commodities with the most disappointing export performances during the past year were wheat and flour. Exports in these commodities in export year 1976/77 were down nearly 20 percent from the previous year and, for the first time in 4 years, fell below a billion bushels. Part of this decline in U.S. wheat and flour exports was due to a general decline in exports brought on by unusual worldwide climatic conditions that stimulated record overseas wheat production. Unfortunately, however, the United States absorbed two-thirds of the world decline in trade in these two commodities. Canada, Australia, and Argentina actually increased their exports of wheat and flour. Taking these factors into account, the U.S. share of world wheat and flour exports, which had been averaging about half of the total, fell to 42 percent. Unless our farm export policy changes, the likelihood is that wheat and flour exports will fall further in 1977/78.

I was informed last week that preliminary data gathered by USDA as of January 30, for the first half of the 1977/78 trade year—running from July 1 to December 30, 1977, now indicates that only 11.7 million tons or 432 million bushels of wheat have been exported. Previous projections had shown we should have exported 14.8 million tons or 545 million bushels at the half year mark. This could mean that our wheat exports for this export year could be 2.3 million tons or 96 million bushels lower than last year's low export year. The data I have included modifies the December 29, 1977, USDA publication "Foreign Agricultural Circular." The table on world wheat and flour from the circular follows:

WORLD WHEAT AND FLOUR TRADE YEARS BEGINNING JULY 1

[In millions of metric tons]

	1965/66	1966/67	1967/68	1968/69	1969/70	1970/71	1971/72	1972/73	1973/74	1974/75	1975/76	Preliminary projects 1976/77	1977/78
Exports:													
Canada	14.9	14.8	8.9	8.7	9.0	11.5	13.7	15.6	11.5	11.2	12.1	12.9	16.0
Australia	5.6	6.9	7.0	5.4	7.4	9.5	8.7	5.6	5.4	8.2	7.9	8.4	9.5
Argentina	7.9	3.1	1.4	2.7	2.1	1.6	1.3	3.4	1.1	2.2	3.2	5.6	2.7
Subtotal	28.4	24.9	17.3	16.8	18.4	22.7	23.7	24.6	18.0	21.6	23.2	27.0	28.2
West Europe	5.0	4.6	5.3	5.1	7.0	3.7	4.5	6.8	5.8	8.2	9.5	5.8	6.4
East Europe	.9	1.7	2.3	2.0	1.3	.9	.9	.9	2.0	1.7	1.3	1.8	1.9
U.S.S.R.	2.6	4.4	5.3	5.8	6.4	7.2	5.8	1.3	5.0	4.0	.5	1.0	2.0
Others	1.2	.7	.6	.6	.8	.3	.6	1.9	.7	.3	.3	1.0	2.2
Total, Non-United States	38.1	36.2	30.9	30.4	33.9	34.8	35.5	35.6	31.6	35.7	34.8	36.7	40.7
United States	23.4	20.0	20.2	14.7	16.5	19.9	16.9	31.8	31.1	28.0	31.5	25.4	29.7
World total	61.4	56.2	51.1	45.1	50.4	54.8	52.4	67.4	62.6	63.8	66.3	62.1	70.4

While the export of feed grains, poultry, meats, fresh vegetables, and fruits are up, there are many other commodities such as dried beans and peas, all canned and dried fruits, barley, oats, grain sorghums, rye, breeding cattle, baby chicks, lard, cotton seed and soybean oil, and animal oils and fats that have fallen. Improvements in these areas could improve our farm export picture considerably.

Recently, the American Farm Bureau, in setting forth the impact of farm exports on our general economy, stated:

In 1976, overseas markets took more than one-fourth of all commodities produced by U.S. farmers. About $1 in every $5 of gross farm income comes from these exports. Also, for every dollar that is earned by the farmer for exports another $1.33 is generated in the rest of the economy by such services as transportation, financing, warehousing, and supplying farmers with machinery, fertilizers and other goods. These farm exports of $22 billion generate approximately $50 billion worth of total business activity in the United States.

Additionally, the report says:

Some 1.2 million jobs, both off and on the farm are related to the export of farm products. Of these, more than 650,000 are nonfarm jobs.

When we talk about the effects of an unwise export policy on the total American agricultural economy, we are talking about the impact of such a policy on 15 to 17 million agricultural-related jobs and an industry that has over a $500 billion investment. If farm exports are down significantly and farm products are allowed to accumulate, the effect is to depress prices and force the whole system into a state of shock. Farm exports, then, make the whole farm industry function.

The alternative to a vigorous farm export policy is a return to strict control by the Federal Government of farm production and farm prices. Frankly, I have not found much support for this idea. American farmers prefer the freedom of the marketplace helped by friendly Government action to make American farm products more competitive at home and abroad.

For the past decade, we in the Congress have had expert testimony on top of expert testimony that a world food crisis is all but upon us. The time will shortly come, they say, when American farmers will not be able to grow enough food, even in our best productive years, to meet the demands of an ever-increasing world population. Already, we have experienced shortages of foods in several countries of the world lending credence to their proposition. We in the Congress have correctly enacted into law authority for an invigorated research effort to meet the demands of an expanding population for more food in the decades to come.

However, with some parts of the world teetering on the edge of famine—which could become a reality by a slight change in weather patterns—this administration, based on early predictions of record world crops this past year, announced a world surplus of wheat and corn and began its tour of duty by calling for grain reserves and control on farm production.

Following closely its call for expanded grain reserves and other controls on farm production, the new administration began a reversal—or at least failed to support—previous policy to expand American farm exports. The result: Farm prices fell to their lowest level since the Great Depression.

The new administration's farm export policy took this form:

Under the guise of alleged budget balancing, it proceeded to call for a cut in the number of overseas agricultural attachés the principal agricultural market development personnel overseas;

It reduced our participation in agricultural trade shows abroad that promote American exports;

It withheld vast quantities of American farm exports to developing countries authorized under Public Law 480 during the first quarter of fiscal year 1978, by creating a snarl of redtape while it allegedly decided whether or not these previously eligible foreign countries were exercising proper human rights toward their people;

It allowed the breakthrough forged by the previous administration opening vast trade opportunities with the Peoples Republic of China, for all practical purposes, to fall unused, thus depriving American farmers of new and expanded markets for their products;

It dragged its feet on appointing personnel to positions of leadership in the

Department of Agriculture agency responsible for trade policy and development. Instead, it took upon itself the higher priority of appointing to key positions consumer and environmental advocates in other agencies of USDA who favored policies that had in part the effect of slowing down an expansion of farm exports;

It permitted the Russians to finesse the American Government and the American farmer out of the farmers' fair share of the world market and a good price for American grains by overestimating the size of the Russian grain crop for 1977, causing a significant depression of the price farmers should have received for such grains;

It has allowed to go unchallenged efforts by the Soviet Union to take away many of our traditional markets in Latin American as recently reported by the Christian Science Monitor;

It stood by and allowed dock strikers to tie up shipments of farm products from American ports, causing a loss in trade and reducing the competitiveness of U.S. farm products in world markets by increasing handling costs of these products through United States export ports; and

It failed to request of Congress or support efforts in Congress to establish new export-import loan financing policies, which would allow developing countries and the Peoples Republic of China to purchase American farm products and food processing, storage, and transportation equipment.

In retrospect, the United States has been the most reliable supplier of farm products to the world since the end of World War II. It remains so today. The world seeks and needs our farm products and our farm export policy should be structured to emphasize this by expanding our efforts to sell abroad.

If we are to sustain our farm system and maintain our general economy, there are several actions that must be taken:

First, we should emphasize our advantages as a supplier to the world market. This can be done by expanding and not contracting our agricultural attaché system, establishing trade missions, participating in agricultural fairs and shows and funding of the Department's activities in these areas;

While preserving our strong export trade with Taiwan, we should vastly improve short-term Government credit arrangements with the People's Republic of China for the purchase of U.S. farm products and farm processes, thereby boosting sales. For example, it has been estimated that training the Chinese to use our technology for mass chicken production would also require sales of up to 1 million tons of U.S. feed grains to support such an industry;

We should obtain improved access to the markets of Western Europe and Japan for our agricultural products in the current multilateral trade negotiations;

We should develop a policy which expands U.S. farm export markets in the developing world, certainly one of our greatest priorities;

We should also revitalize and reemphasize the importance of exports in the Department of Agriculture, to the point of establishing an Under Secretary of Agriculture for Export Affairs to manage the affairs of the Foreign Agricultural Service, foreign market development, foreign commodity analysis and other foreign activities;

We should not be satisfied with the current level of agricultural exports at $24 billion this year, but we should set a goal of increasing farm exports to $30 billion annually by 1980 and begin moving toward this goal immediately; and finally,

We should adjust our domestic farm policies to allow American farm products to remain competitive in the world markets.

Mr. Speaker, several of the principles I have just outlined are contained in H.R. 10520, a bill I have jointly sponsored with the vice chairman of our committee, Mr. POAGE, and our distinguished colleague on the committee from Georgia, Mr. MATHIS. Other measures are before the Congress to improve our foreign agricultural export trade and still others are in the final drafting steps.

If, Mr. Speaker, we act quickly enough to bring this legislation to fruition and reverse our current deplorable farm export policy, we may be able to put our farm program back on the track and some harvest money in our farmers' pockets. If not, I am afraid we have seen but the first of the tractor marches on Washington.

PUBLIC SERVICE AND PUBLIC WORKS EMPLOYMENT PROGRAMS

The SPEAKER pro tempore (Mr. RICHMOND). Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 60 minutes.

Mr. CONABLE. Mr. Speaker, I appreciate this time being made available to me. As previously announced, I should like to talk today about public service and public works employment programs. I think it is important that this House consider the present status of these programs, because it appears not only to constitute a very large part of our budget but it has been considered critical by the administration in the economic stimulus effort that has been made.

Members will recall that when President Carter assumed office, he took the Ford budget and changed it minimally except with respect to the economic stimulus that he deemed necessary early in 1977. He added roughly $10 billion to the Ford budget in this respect in three major components: Countercyclical aid, the public works employment program—which had previously been in existence, funded to the extent of $2 billion, which he funded to the further extent of $4 billion, making a total of $6 billion of the $21 billion of applications for 100 percent Federal money that came in—and an increase in public service employment.

I would like to talk primarily about public service employment today, although I think we may consider these other proposals as well, at least in modest part.

Public service employment has not always been with us. We have had programs, of course, for the assistance of localities through categorical grant programs, and starting during the Nixon administration through the general revenue-sharing program. This sort of contribution to local financing has been considered increasingly appropriate by the Federal Government as the regressive taxation reached very burdensome levels and we were seeking ways to put progressive tax money, money raised primarily through the graduated income tax, into the discretionary hands at the local level.

The public service employment project had its origins here in Congress. President Ford at first vetoed this proposal. When it was clear that Congress wanted to go ahead with it, he tried to channel it, and by the period early in 1977 we had roughly 300,000 public service employment jobs, mostly in local government, funded by the Congress and supported by the Presidency. The Carter stimulus plan increased that level of public service employment to 725,000 jobs.

This level actually will be reached by March of 1978. It has taken some time to get all these employees on the payroll, but 725,000 people in public service employment sounds like a good many and, obviously, constitutes a major commitment.

The concept of public service employment, however, is beginning to extend beyond the so-called CETA or Comprehensive Employment Training Act. We are, for instance, seeing the concept of public service employment embodied in the President's welfare reform proposal. We are also seeing Humphrey-Hawkins accepting it as a basic principle. Of course, Humphrey-Hawkins has not been enacted; but that particular type of legislation accepts as a basic principle that the Federal Government must be an employer of last resort supposedly in public service employment of one sort or another.

So we find a lot of public service jobs either in existence or in contemplation at this point. The funding for such service employment under the CETA Act itself for fiscal year 1977 was originally estimated at $4.2 billion. The stimulus program of President Carter, the portion of the $10 billion economic stimulus he added to the Ford budget, would have increased public service employment costs to $9.3 billion.

The Carter fiscal year 1979 budget keeps the level at 725,000 public service jobs, even though President Carter called the program temporary during 1977 and promised to phase it out as unemployment fell. Unemployment has been falling, but the President apparently anticipates continuing public service employment, at least at the level of 725,000 jobs. Moreover, in his budget the President says that he intends to ask Congress for standby authority to increase the program if conditions of unemployment require it.

Now, because of this commitment, either expressed or implied, to public

service employment, it seems an appropriate time to start to review whether public service employment has, in fact, been helpful, whether it has created the jobs expected, whether it is a cost that has been reasonable or whether it has in any way changed the relationship of the Federal Government and the localities or in any way distorted the Federal system to which we are also committed.

The first question I want to raise about public service employment is whether or not it has worked to reduce unemployment and to train the hard-core unemployed.

Now, let us turn to some of the prime sponsors and these prime sponsors are the cities that have used this money specifically or the agencies that are overseeing the employment of people in public service employment.

From Baltimore:

While there has been limited success in bringing about the transition to unsubsidized employment, the balance of those individuals unable successfully to meet the transition is great and troubling to economic planners.

From Detroit:

The public service employment programs as currently enacted are ineffective in resolving unemployment problems.

From Kansas City:

We do not feel these programs are effective in attacking unemployment. The long-term unemployed need training, not just a job.

From Kenosha, Wis.:

CETA has not effectively attacked the problem of unemployment. Permanent employment has not been provided. Once CETA projects are completed, most CETA employees are again unemployed.

From Milwaukee:

The CETA title II and title VI programs—

Those are the two programs through which most of the public service employment is carried out—

do not appear to have made a significant contribution to attacking the causes of unemployment.

From Philadelphia:

There is a large pool of employed workers with job records and skills. These workers have absorbed a great majority of the CETA projects while the needs of the hard-core unemployed have not been met.

From these quotes I think it must be apparent that in spite of the common and widespread knowledge that these programs do not work, we are facing a situation in which the Government apparently wants to extend and expand them. For instance, we are going to add another 1.4 million if the President's welfare reform proposal goes into effect. The issue then of whether the program is providing employment for the hard-core unemployed should be considered in the light of these quotes from the prime sponsors, the ones who have been working with the program. I think it requires further investigation by the Congress, and I hope it will.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague's yielding.

I am sure the House would be appreciative of the points that the gentleman is making, especially since we are now approaching authorization time, a time when the various committees involved in the kind of programs to which the gentleman addresses himself are marking up bills for fiscal year 1979.

In our Committee on the Budget we have just heard a substantial number of administration spokesmen discussing how they plan to attack the problems of economic stimulus. The two programs the gentleman has already mentioned are two that are constantly brought up as ones that will be continued and in some places expanded. Yet this is done with the full knowledge that these programs do not necessarily work in producing real jobs.

We have had testimony before the Joint Economic Committee and before the Committee on the Budget that many times the CETA programs, for instance in local areas, do not produce jobs because the local units of government use this funding to merely substitute payroll for other people they were going to hire anyway or continue on the payroll.

Mr. CONABLE. Mr. Speaker, I will get to that later. I have some statistics on it.

Mr. ROUSSELOT. But this is a good example of the fact that we really as a House or as a Congress are not analyzing these programs carefully enough to see, one, if they are working, or, two, if they are really producing the jobs we have been told they are going to produce.

Mr. CONABLE. Mr. Speaker, I thank the gentleman for his contribution. I think some of the statistics we have available will bear out what he is saying.

First of all, let us go back to the issue of whether it really helps the hard-core unemployed. Title VI is supposed to be restricted to people who are considered long-term, hard-core unemployed. The prime sponsors have obviously tried to use the fund in other manners.

Public service programs contain virtually no training element. CETA workers are not taught skills; they are not given the substantial education needed to equip them for unsubsidized jobs. That also means that if local government wants skilled people, they are very likely to try to find some way of tapping the available pool of unemployed skilled workers.

Indeed, the characteristics of CETA workers show that they are the most skilled of the unemployed. Seventy-five percent have completed 12 or more years of formal education. Only 10 percent come from families on welfare. These percentages are for the last quarter of 1977 and thus reflect the recent buildup in the program under the 1976 law requiring emphasis on hiring the structurally unemployed.

In other words, despite that requirement, we still have these statistics, and the new percentages are the same, almost exactly, as they were a year ago when 310,000 jobs were authorized. We are now up to 725.000 jobs, reflecting persistent efforts by local officials to "cream" the labor market.

Many cities—and especially New York City has done this—use local funds on top of the CETA maximum wage of $10,000 to create skilled white-collar jobs paying $15,000 to $20,000. That is one way by which they get around the fact that they are supposed to pay no more than $10,000 maximum per job under CETA. Instead of paying $20,000 to fund one highly skilled position, they could have hired four of the structurally unemployed people at the minimum wage, but they do not do that.

In other words, they are trying to use these people for traditional Government purposes, and they are doing it at a fairly expensive level.

The gentleman from California (Mr. ROUSSELOT) raised the issue of substitution. Substitution is one of the most nagging problems, and I suspect it is becoming the worst problem as the program matures of all the problems afflicting the public service employment program.

By "substitution" we mean the prime sponsors seek to substitute Federal funds for their own, using CETA dollars to pay workers they would have hired, anyway, with local tax revenues. I think we have all had anecdotal experience in our district with people who have come up to us and who have said, "I used to be a permanent employee of the city. My job has now been terminated and I have been hired back under CETA"—perhaps at a lower rate, perhaps at a higher rate, but on a temporary basis, and usually to the detriment of their Civil Service status and their relationship to a permanent and a dependable public job. That is one reason, may I say, why many of the public employees unions are quite upset about CETA, and much of the information I have in my remarks comes from the American Federation of State, County and Municipal Employees, who have testified before the Welfare Reform Subcommittee of the House of Representatives on October 12, 1977. The substitution factor is widely acknowledged, but nobody seems to know what to do about it. In fact, it is even worse than it appears, because much of the growth in local government, which would have occurred anyway, is going on, funded by CETA money, in addition to those actual substitutions that are taking place.

Thus, we have great growth in the importance of the CETA payroll as part of the city work force.

I think my colleagues have a very slight idea of the dimensions that this has assumed in some of the cities, particularly in the Northeast.

For instance, as a percentage of the city work force, Buffalo has 32.8 percent employed by CETA; Hartford, 25.8 percent; Newark, 22.8 percent; Rochester, 21.1 percent; St. Louis, 19.4 percent; San Jose, 18.9 percent; Atlanta, 18.5 percent; Cleveland, 18.4 percent; Gary, Indiana, 16.3 percent; Youngstown, 15.9 percent; Detroit, 15.2 percent.

These figures are made available by the American Federation of State, county, and municipal employees, as I said. It illustrates to what extent the municipalities are becoming dependent upon CETA as a way of maintaining their payroll and continuing their local services. This suggests, Mr. Speaker, that this is moving out of the temporary program area and becoming an absolute neces-

sity to many cities which are viewing it not as a way of creating jobs, but as a way, instead, of transferring a portion of their payroll from the local taxpayers to the Federal taxpayers.

These cities, as we know, are a formidable lobbying group and can be expected to push to continue public service employment, at least to the level we presently have it, and probably expand it, if possible, in order to avoid putting pressure on their local taxpayers.

Political reality, in short, suggests, with a large portion of their work force paid for by CETA, cities with lots of help from the public employee groups are likely to start working very hard to see that these temporary emergency jobs programs will not be phased out.

On the substitution rate, one could get all kinds of figures about the extent to which this is actually occurring. Many economists accept that the substitution can be as high as 50 percent initially, and some say it can rise to 80 percent to 90 percent within about 1 to 2 years of the initiation of the program. That is what Brookings Institution says, in connection with its review of the 1979 budget. A recent Urban Institute study claims that substitution reaches nearly 100 percent within 15 months of the program's inception. And even the recent report of President Carter's own Council of Economic Advisers is skeptical of the program's impact in reducing net unemployment because substitution is so high.

However, one could say: Is this really so bad? Maybe it is just another form of revenue sharing, and we are helping out the localities. One might say further, don't forget what this program was put together to do in the first place. It was not supposed to be a revenue-sharing program. It was supposed to be a job-creation program, and many people have felt that it would be one of the cheapest ways to create jobs because the money goes directly to hire an employee. It is not one of those incentive type things, one of those macroeconomic stimulus plans that has some fallout in job production, but also some of the money is disbursed for other purposes.

If it is to be the cheap way of creating jobs, however, there must not be any of this substitution which appears to be so widespread.

Judging from at least the preliminary figures available to us, at an 80 percent substitution rate, CETA has to pay the full wages of five workers in order to create one new net job. That is one of the reasons the program can be a very expensive way of creating jobs.

If that is the purpose of the program, then clearly we do not want to go on putting a lot of money into it, if the net result is to create only fractional jobs because of the substitution factor.

Mr. Speaker, the Federal goal may be the creation of new jobs, but local incentives run in the opposite direction. They save local taxpayers money by substituting Federal jobs money, and therefore reducing local property taxes.

The mayors are quite candid about this. They are proud of their ability to save their local taxpayers by getting Uncle Sam to pay a part of their payroll costs.

For instance, according to former New York City Mayor Beame, CETA funds are used to "reduce or offset the loss of jobs through attrition."

Philadelphia Mayor Rizzo says:

This city has consistently sought to make maximum use of its personnel—

He meant CETA personnel—

as a means of holding down locally financed portions of the budget.

Mayor Rizzo, as a matter of fact, was quite proud of the fact that by using CETA money judiciously he was able to upgrade the bonded status of his city so that he could get a lower rate of interest on his municipal bonds.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Michigan.

Mr. FRENZEL. Mr. Speaker, the gentleman, I think, makes an interesting point where he states that at an 80-percent substitution rate, to actually create one job, we have to buy five jobs. Therefore, by using the lowest rate, which is $8,500, to create one real new job, there is a cost of $42,000.

However, in my State I think a $10,000 salary is more difficult. Furthermore, the administration costs to put people on the payroll to run these programs run the cost of the individual job up to about $12,500, I am told; that is, of the original 750,000 jobs. But again assuming that 80-percent substitution rate, that would make the cost of each of these jobs $62,500.

I note with some irony that that is the price or salary of a Congressman, and I would suggest that in some instances we are getting about as much good out of those five public-service jobs as we are out of some Members of Congress.

Mr. CONABLE. Mr. Speaker, I congratulate the gentleman on getting $5,000 more pay than I do.

Mr. FRENZEL. I thank the gentleman for correcting my mathematics, but I think the multiplication factor here is a staggering one, if the substitution rate is correct; and I note last year that the Department of Labor was admitting that it had a 60-percent rate, but it did not verify those figures in any way.

Mr. Speaker, I would have to agree with the gentleman, based on the experience in my district, with my local anecdotal experience, that the substitution rate is in excess of 80 percent, so the problem is probably worse than the gentleman suggests.

I thank the gentleman for his presentation.

Mr. CONABLE. Mr. Speaker, whether or not the problem is as bad as I suggest or worse, I think it is clear that as localities become more sophisticated in the use of CETA money, we can expect them to accept this more as their due or more as a revenue sharing program, more as a necessary part of their revenue sources, and they will oppose any efforts to phase out this endeavor because of reducing unemployment difficulties.

I do wish to point out that President Carter, in his State of the Union address, said that his economic programs had brought about a substantial improvement in the economy, and pointed to the fact that roughly 4.1 million new jobs had been created during his first year in office. The implication was that this was—at least, the implication I drew from that—was that he felt this occurred from a stimulus program that may have had some impact. But, even a liberal economist appearing before the Budget Committee yesterday estimated that no more than 400,000 people actually had been employed in public service employment despite the authorization of 725,000 jobs, and the fact that we were paying for that number. I suspect she was somewhat behind the statistics in that respect.

Mr. FRENZEL. Last week the Treasury Department published a report, which unfortunately is already out of print and apparently extra copies are being printed up, which indicated the extraordinary dependence some of our large cities are acquiring, dependence on Federal Government revenues. These, of course, are composed of a number of programs that we have, but I suppose that the most egregious example of the dependency, current dependency and increased dependency of the CETA program to which the gentleman refers. I hope the Budget Committee will have a close look at that particular document.

Mr. CONABLE. I would like to spend a little time on public works employment, but before I do that, let us try to summarize some of the concerns I think we should have, as responsible legislators, about the CETA program, because we seek to keep property taxes down and substitute Federal money for local funds. The effect of the CETA jobs actually in the impact on unemployment is small. The people who are being employed are the highly-skilled people and not the hardcore unemployed. Therefore, We have the Government in competition for the same labor force that would be affected by this economic stimulus. Thus, we have to view this as somewhat inflationary, while it would not be were we bringing the hardcore unemployed into employment.

Most all people familiar with the programs admit that they do little to improve the education and skills of the hardcore unemployed, and such people are unable to find permanent employment in the private sector as a result of the programs. That in itself is suggested by the fact that the President, in his proposed expansion of public service employment through 1.4 million public service jobs he wants as part of his welfare program, acknowledges that they should be at or near the minimum wage because the transfer of people of low skill from public service employment to private employment is very difficult if they are getting the prevailing wage, as they do under public service employment programs, instead of the minimum wage which is what they would get were they to use marginal skills in the private sector, and perhaps only intermittently at that.

There are two other considerations. The Federal Government goes to great

expense, from $9 billion to $10 billion per year, to create a comparatively few number of new jobs. The economy without CETA created more than 900,000 new jobs alone in November, 1977, at no cost to the Government—taxpaying jobs—and it created 4.1 million jobs during the year, again at no cost to the Government except whatever stimulus programs may have contributed to it.

The program has been going on long enough now so that cities have made it very similar to revenue sharing, too ingrained to be removed without the letting of a lot of political blood.

I am not saying all this is bad. I am saying we had better be aware of the realities in this CETA program. We had better analyze whether it is taking us in the direction we want to go and we had better be careful not to expand it further or extend it unless it fits in with our view of what we should have in the relationship between the Federal Government and the local governments and what we should have in a rational total jobs program for the Nation.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, I appreciate my friend yielding, and I want to congratulate him on his statement, particularly his conclusions.

The idea that the gentleman has brought to the debate over CETA as a means of creating jobs is particularly relevant: that of the substitution effect. CETA jobs are used to rehire municipal employees that have been laid off. Through CETA—this device—they are rehired with Federal funds.

I noticed in his statement that he outlines cities with CETA employees as a percentage of the city work force. I notice Buffalo, N.Y., ranks as number one in the entire Nation; it has 32 percent of the city work force as CETA employees.

I want to add at this point that Buffalo, N.Y., is the third highest per capita taxed city in the United States, second only to New York City and Boston, Mass. So the CETA program has not done a great deal of good in reducing the tax burden on the people of Buffalo.

What the gentleman from New York (Mr. CONABLE) is suggesting is that we give very serious consideration to the types of programs that will stimulate jobs and increase the wage base of this country and produce tax revenues rather than drain off tax revenues. That is really the way we should be going.

I am particularly pleased with the statement of the gentleman, and I appreciate his leadership in this matter. The House must address itself to alternatives to CETA, and should it decide to keep the CETA program on the books, to address itself to reform of that program. It is essential this be done.

Mr. Speaker, new scandals are popping up in the Comprehensive Employment and Training Act program in city after city.

The new scandals mirror those of the old. Politics and patronage. Ineligible participants. Hiring the already employed. Misuse of funds. Even theft.

There is no reason why these ripoffs of the taxpayers had to happen. The fault lies both in Washington and in the cities which have misused the funds.

The fault in Washington lies in two places: Congress and the Department of Labor. Exhaustive information on CETA scandals was before Congress and its Committee on Education and Labor when they turned deaf ears to the cries for reform of the CETA program and extended it for another year last spring.

Down Constitution Avenue, the Department of Labor clearly failed to monitor CETA funds until it was too late. The scandals had already started mushrooming.

It did not have to be. Information about irregularities in the CETA program has been a matter of public record for several years. Newspapers have carried extensive exposés. Pages of the CONGRESSIONAL RECORD have been devoted to them, as has testimony and statements to the Committee on Education and Labor. The investigative arm of Congress, the General Accounting Office, has conducted several investigations and reported its findings back to Congress. These have been made public. And, certainly, the internal audits and investigations of the Department of Labor have shown the existence of activities requiring remedial legislation, particularly with respect to abuse of program funds and goals.

It was this kind of information which brought me to introduce a CETA reform bill as early as November of 1974, over 3 years ago. As new scandals broke into the open, I revised the legislation to incorporate provisions to tightening standards, requiring more thorough departmental oversight of operations and finances, and providing for penalties. I introduced the revised package, the Comprehensive Employment and Training Act reforms of 1977, on March 2. Congressman JOHN LAFALCE of New York joined with me in cosponsorship of that measure several days later, and that bill is H.R. 4734.

PROBLEMS WITH CETA GO MUCH DEEPER

Mr. Speaker, I went through a long recitation of scandals in the CETA program in floor remarks on September 15 of last year because they illustrated one of the problems with that program. But they did not illustrate all of the problems. Others go much deeper.

The administration has placed heavy emphasis on the CETA program as a means of creating employment. The program was vastly expanded by Congress at the request of the administration this year, an expansion brought about by increasing the appropriations. This expansion is seen as a means of counteracting some of the persistently high unemployment across the country, unemployment which has not dropped since it came into office. While the administration is increasingly expressing its preference for jobs creation through the private sector of the economy, it continues to support these contradictory public service jobs programs.

We must be cautious about lengthy extensions and massive expansions of this and other public service job programs. Like all Government programs, funds to sustain it must come from the taxpayers. The well-meaning attempt here to put people back to work and to put some take-home pay in their pockets may be at the expense of the long-term jobs creation which can come only through leaving more of the people's income with them.

The most effective, long-term solution to our economic problems is a substantial infusion of investment capital into the expansion of industrial plants and the purchasing of tools and equipment required to preserve existing jobs and create new ones. This infusion is made nearly impossible when Government taxes at its present rates. It does little good to spend taxpayers' dollars, if the expenditures are counterproductive or, at best, only marginally beneficial, and the CETA program seems to me to fall into this category.

TRAINING FOR REAL JOBS MUST BE CETA'S FOCUS

My area of principal concern focuses on the kind of benefit provided to the program's enrollees.

The way the program is now being administered, the local prime sponsors' public service employment programs do not provide adequately for training. Yet training is essential to enhancing job skills and to lessening future dependence on tax-supported assistance in general and public service jobs in particular. Stated another way, these programs are contributing very little to lessening future dependency on the programs themselves.

Most of these jobs today has the character of "make work" with little genuine orientation to the long-range benefits needed by the community or to the person employed under the act. This is misleading to the community and the taxpayers, and it is outright cruel to the person employed or his or her family.

Unless these people are given sufficient training in skills related to jobs available within the private sector, there will be greater danger of them falling back into unemployment, underemployment, and other forms of public assistance at the end of the program. This, in turn, simply generates more pressures on the Congress to continue the program beyond its present termination date. Unless something is done by Congress to require program designs consisting with breaking such cycles of dependency, this "temporary" program could become like too many others—permanent.

Creating a higher level of employability for each person who is given a job under this program is essential. Logic demands these jobs ought to be oriented toward creating a more permanent employability of the participant. As a result of the program, the workers ought to be able to find and to keep a permanent job, becoming a tax generator instead of a tax consumer. This can be most effectively accomplished through on-the-job training within the private sector. The results would be manyfold: Enhanced job skills, improved motivation, lessened

dependence, less demand upon the public purse. In contrast, those types of public service jobs which have no, or little, private sector comparability are almost incapable of assuring a higher degree of employability. They give to the person little skill improvement. They do not lessen his dependence. And what it does to his motivation and morale borders on being immoral.

Make-work jobs take care of today's needs, but do nothing about tomorrow's. Only when we teach him or her new skills with which to better assure their own chances of gaining private sector employment, do we do him the service we owe to our fellow man. The greatest charity of all is to help a person to be able to help themselves.

After a thorough review of the act and its legislative history, I am convinced there is much latitude for providing training. The act allows it in instance after instance. Unfortunately, not enough emphasis has been put on that fact by the Federal headquarters and regional administrators in working, with the local sponsors. In my opinion, the Federal administrators ought to require—to insist—that training be given top priority before they approve the project plans submitted from the sponsors. I hope the Secretary of Labor and his departmental staff work in this direction.

PROVISIONS OF THE NEW LEGISLATION

The amendments proposed by Congressman LAFALCE and me address themselves to the basic act, as amended. They are as follows:

Section 3 restates the purpose of the act, elevating the importance of job training and other services which will lead to maximum employment opportunities in the private sector and enhanced self-sufficiency.

Section 4 assures the opportunity for private organizations and associations to train persons by contact with the local sponsors.

Section 5 authorizes public boards of education to act as additional prime sponsors.

Section 6 protects the autonomy of local governments as prime sponsors, principally against intrusions by State governments.

Section 7 establishes additional conditions for receipt of financial assistance, including maintaining records of expenditures accurately; maintaining records and reporting accurately on pension benefit costs accruing for program enrollees; and reviewing carefully job applications for completeness and accuracy, assuring the data on application forms are verified prior to any payment of funds.

Section 8 instructs the Secretary of Labor not to approve a comprehensive manpower plan or any amendment thereto until he determines, in addition to qualifications already set forth in the act, the description of the plan or amendment thereto describes and justifies adequately the activities funded under titles II and I of the act. The Secretary shall also require the regional offices to review thoroughly sponsors' planned expenditures shown in grant applications and actual expenditures shown in quarterly financial reports in order to assure compliance with the act. These were among the principal recommendations of the GAO study in addressing itself to inadequate administrative oversight of local programs.

Section 9 restates the purpose of the public employment programs, elevating the role of training and manpower services designed to enable unemployed, underemployed, and economically disadvantaged persons to move into training or employment not supported by the act.

Section 10 prohibits a requirement from being imposed on local sponsors by the Labor Department or any other entity to maintain a percentage of persons paid through CETA funds after the expiration of the Federal funding on local public payrolls. The dollar drain such a requirement imposes on State and local government is often so overwhelming that property and other local tax increases become inevitable.

Section 11 states a preference for unemployed veterans, urging the local sponsors to assure the percentage of veterans served under the program is no less a percentage than that of veterans among the total qualified population in the area.

Section 12 is designed to maximize the impact of public service expenditures by encouraging sponsors to concentrate most on those most likely to obtain permanent employment in the private sector within a reasonable time as a result of the assistance they receive under the act. This would be a 180° reversal from the present policy by which they are encouraged to concentrate on those least likely to obtain such permanent employment in the private sector.

Section 13 redefines CETA's $15,000 maximum salary limitation for local participants, requiring any earned income from moonlighting jobs held simultaneously by such participants to count against that $15,000 ceiling. For example, if a person were earning $4,000 in a moonlighting job, the most he could receive from CETA funds would be $11,000.

Section 14 makes it very clear that there can be no requirement imposed on sponsors to make contributions from these funds to public retirement programs. This is a crucial point. The GAO report zeroes in on this practice. Erie County officials told the GAO investigators that the State actively pushed for CETA participants to join the retirement system, because this was a means of putting funds in it borne by CETA rather than local governments and most of the participants would not be employed long enough with local government agencies to attain any vesting interest in the fund. Thus, the financial position of the retirement fund would be improved. Those officials said application blanks were mailed in bulk to the prime sponsor by the State comptroller. This amendment will stop this abuse.

Section 15 makes it clear that there shall be no assignment of public employment persons to the staffs of publicly elected officials.

Section 16 tightly defines nepotism, prohibits it within these programs, and sets forth penalties and forfeitures, first, for violations of the antinepotism provision and, second, for any failure by agreement to perform the service for which the person was hired—"no shows." These problems were dealt with in the GAO studies.

Section 17 incorporates persons employed through CETA funds at the local level within the coverage of the Hatch Act, prohibiting them from a wide range of political activities.

Section 18 sets forth the criterion for the maximization of employability within the private sector as a condition applicable to all programs under the act, not just the public service job programs.

Section 19 sets forth additional conditions applicable to all programs, including, first, the recovery of funds authorized under the act and paid to program participants found by any instrumentality of the Government or program sponsor under the act to have been ineligible for participation or assistance and, second, a limitation on the percentage of program costs which can be used for supplies and equipment—10 percent. These problems were brought out in the GAO report also.

Section 20 would prohibit the hiring of persons for the performance of functions which had been performed, at any time during the 180-day period immediately prior, to the date on which such hiring would occur, by persons employed under applicable civil service laws of the State or unit of general local government involved. This is to prevent the "busting" of Government employee unions.

Section 21 sets forth civil penalties—forfeiture of pay and a fine of not more than $1,000—for discrimination on the basis of political affiliation in the selection of participants.

These amendments follow the sequence of applicable sections of the existing act.

Mr. CONABLE. I thank the gentleman from New York.

I think we have a serious problem of dependency developing in places like Buffalo where such a large proportion of the payroll and thus municipal services will be performed under CETA with this type of program. I hope we will concern ourselves about this aspect of the Federal relationship, because the time may come when we try to tie these jobs to employment creation by making them categorical and by sharply limiting the use to which the money can be put, and when we do that we are right back into the Great Society again with the decisions being made in Washington for the delivery of local services and the availability of money for local problem solving.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for yielding again.

I did want to mention that although CETA embraces a wide range of programs and some of the CETA programs, particularly those of training and retraining which are very directional in nature, have had pretty good success.

The gentleman is not criticizing the whole program.

Mr. CONABLE. No.

Mr. FRENZEL. But basically the gentleman is criticizing the public service jobs sector of it?

Mr. CONABLE. Yes. I very much appreciate the gentleman's reminding me of that.

Many localities, for fear of becoming dependent on what they think may be a temporary program, have taken the CETA money and farmed it out among the nonprofit sector, for instance, where they do not feel that they will be creating an expectancy for local government services which might become irreversible and might ultimately fall on the backs of local taxpayers. I think in many cases that has been a wise approach.

I think quite frankly that many more unemployed people are much more likely to get the training that would be helpful to them in working in the private sector if they obtain it through the nonprofit organizations, rather than simply taking over a share of the public service in working for local governments.

Mr. FRENZEL. I thank the gentleman for that.

If the gentleman will yield further, I would like to talk about one of our experiences at home. In the predecessor program to CETA we had some irregularities revealed in our local newspapers, so I asked the General Accounting Office to come in and look at some of the previous programs and some of the current programs.

In our public service jobs program, as I understand it, there really are no criteria. The program was invented to help some hardcore unemployed people or disadvantaged people who could not get jobs. We wind up with college graduates who of course were unemployed before they got out of school. We wind up with the sons and daughters of politicians, we wind up with ward heelers, and we wind up with the sons and daughters of local judges.

In my State, for instance, these jobs are never even published at the local State employment agencies, or at least not often published. So it turns out to be a job corps of the elite for those who have friends in local and State governments, who are able to be appointed by those friends. They may be perfectly qualified people for the jobs, but it is not anything like what the Congress intended. As long as our authorizing committee is not going to put that program in position, so that there are some criteria, then I do not know why we in the Congress should go along with authorizations or appropriations until it reaches the kind of unemployed people we intended it to reach in the first place.

Mr. CONABLE. I would not say there are no criteria but that they have proven to be ineffective.

Mr. FRENZEL. No one can find out what the criteria are.

Mr. CONABLE. Not only is there substitution but there seems to be a great deal of looseness in the administration of the program. Quite frankly I have heard many objections that it has become a political patronage program through the device of providing employment for the party faithful, whatever that particular locality may be politically; and for that reason it is badly damaging the credibility of the Federal program.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I believe the gentleman from Minnesota (Mr. FRENZEL) and the gentleman from New York (Mr. KEMP), just a minute ago, as I think the gentleman from New York (Mr. CONABLE) has, have hit upon an extremely key point. That is money we are spending supposedly to reduce unemployment in these two areas is not only not effective, but it is not producing the jobs we were told it would produce. So it is wrong for both this Congress and the administration to mislead the American people into believing that $5.7 billion that are being spent in these kind of programs are really producing that many jobs and are reducing unemployment which it is basically directed at.

Mr. CONABLE. I think that is absolutely right.

Mr. ROUSSELOT. Mr. Speaker, if the gentleman will yield still further, let me add that large scale public service employment was recommended to and passed by the Congress as a temporary countercyclical program designed to reduce unemployment and train the hardcore unemployed. By January of 1977, there were slightly less than 300,000 public service jobs funded by the Federal Government under the Comprehensive Employment and Training Act (CETA). Following the President's recommendation, this program was dramatically expanded, and continues expanding to a level expected to reach 725,000 by March of 1978. The cost of this particular "stimulus" program in fiscal year 1978 is estimated to be $5.7 billion, accounting for nearly 44 percent of the total employment and training expenditures in the fiscal 1978 budget.

But what are the taxpayers of this country getting for their $5.7 billion? Are public service jobs under CETA taking people off the unemployment and welfare rolls and generating real economic growth?

Recent testimony before the House Budget Committee by Dr. Isabel Sawhill, Director of the National Commission for Manpower Policy, indicates how limited CETA's effects may be on unemployment and training. According to Dr. Sawhill, the direct benefits of CETA are realized only to the extent that CETA's Federal dollars are used by the local governments which receive them to hire more people than would have been hired in the absence of CETA. If there is simply a substitution of Federal dollars for local payrolls, then CETA becomes another form of revenue sharing.

The newspapers, of course, have carried numerous stories about municipalities which have deliberately laid off workers only to rehire them with CETA funds, or which have transferred existing positions to public service employment funding. But this type of substitution is only the most obvious and easily controllable—the tip of the iceberg. Much more difficult to detect is the gradual replacement of Federal for local funds.

This happens over a period of time as employee turnover or attrition occurs, and as local jurisdictions expand their employment base. Almost everyone who has studied the problem agrees that these subtler forms of substitution are likely to increase as local governments adapt their budgets to the availability of Federal funds.

According to Dr. Sawhill, this substitution, although it is difficult to measure, is estimated by those in the economic profession to run anywhere from 30 percent to 100 percent in the first year. Over the long run evidence suggests that there is nearly complete substitution.

Because of substitution, Mr. Speaker, public service employment does not directly create additional jobs in the economy, and it is most certainly not an effective countercyclical tool. It is easy enough to turn on the public service employment spigot during a recession; it is far more difficult to turn it off during a recovery, especially if local governments have become dependent on Federal dollars for essential services. We can be sure that cities with 20 percent or 30 percent of their employees on CETA money will lobby hard and long to see that these "temporary, emergency" jobs are not phased out.

Public service employment does not add directly to the total number of jobs in the economy. But does it, by any chance, take away jobs from skilled, employable workers and give them to the disadvantaged? Does it discriminate in favor of minorities and the structurally unemployed? Not at all. The average CETA employee is white, male, between the ages of 22 and 54, and with 12 or more years of education. The average CETA employee is a prime job prospect, not a hard core unemployable. Minorities have been employed in the PSE program in a slightly greater proportion than their representation among the general unemployed population, but if demographic statistics are examined—minority concentrations in the inner cities—the significance of this extra representation is questionable. I mention this, Mr. Speaker, not to give the impression that I would favor a job system which allocated existing jobs on the basis of race—I would not favor such a program—but those who currently support public service employment are under the misapprehension that PSE jobs are being targeted. They are not.

Even with better targeting, and even if the jobs created are additional jobs and not a substitution for existing job slots—even then, the question must be asked whether PSE can be continually expanded. Congress surely does not intend to create a castle-like system in which

the public sector becomes a kind of warehouse for the hard to employ. But currently, people are not moving out of PSE jobs into regular public or private jobs at a very rapid rate. Only one out of three program terminees is obtaining an unsubsidised job when he or she leaves the PSE program, and there is little indication that experience in a public sector job increases future earnings or employability. Where such gains are observed it is often because the program is selective of better qualified or more motivated people and because earnings improve for reasons unrelated to public service employment.

The Commissioner of the Bureau of Labor Statistics, Julius Shiskin, has testified on numerous occasions that employment in this country exists on a two-track system, that unemployment is disproportionally high for those who live in the inner cities, and who happen to be poor and disadvantaged. Macroeconomic policies such as increased Government spending have created few jobs for these groups—and indeed, some of us would suggest that increased Government spending has created no net increase in jobs for our economy. When the Government spends money to increase the overall level of aggregate demand—the sum of public and private spending—the Government must borrow or tax to pay its bills. Increased public spending is matched by decreased private spending, and the end result is merely an increase in the public sector at the expense of the private. General Government spending programs, and public service employment, have not in the past and will not in the future create jobs for the unemployed in our inner cities. Only the private sector can provide the employment which is necessary, not the Government. But how do we insure that the inner cities benefit, that we have a one-track and not a two-track system? The proper course of action, in my judgment, is to encourage low effective tax rates for businesses, including those in depressed areas; and if targeted jobs programs are chosen, we must concentrate them on private-sector employment.

Mr. CONABLE. Mr. Speaker, I would like to talk just briefly about public works employment because I believe something should be said about this matter. I would prefer to spend most of my time on public service employment hoping there will be additional analyses by Members of the Congress who cannot be here and who very well could add to the general understanding of these programs as they are being carried on, not as we intended them to be carried out.

The public works employment is that program, of course, which provides 100 percent Federal money for projects in the locality intended to create jobs. In many cases they are spending large amounts of money without creating jobs; they are doing things useful to the community. However the primary criterion of the public works program was the creation of jobs rather than usefulness to the community.

So many programs that were ready to go when the decision was made to go ahead with public works money, were comparatively low priority projects that were already on the shelf, already rejected through bond issue rejection by the public, or because they would not go ahead on a contributory matching grant basis when they finally decided what the costs and benefits would be.

The local public works program was enacted in fiscal year 1976–77, funded entirely in fiscal year 1977 to the tune of a total of $6 billion.

Unfortunately, this program also has not met its primary goal of relieving unemployment, although it has had some employment effect. I would like just to look into that briefly here this afternoon.

Round 1 of a local public works program was enacted on July 22, 1976, over President Ford's veto. The bill supporters contended it would relieve the unemployment almost untouched by general economic improvement. The Members recall at that time there was very severe unemployment within the construction trades. As such, it was considered by many to be the centerpiece of the Democratic economic recovery plan. Congressional supporters of the bill pointed to strained State and local budgets, an interesting assumption when we consider that at this point we have a $30-billion surplus in State and local governments. That was the total amount they ran last year. But they also pointed to persistently high unemployment rates in the construction industry as clear justification for the legislation. It was claimed for the program that it would create immediate jobs; that it would reduce nationwide unemployment; that the cost would be less than $25,000 per man-year of onsite employment; that it would create as many as 400,000 man-years of onsite employment; that it would reduce the backlog of construction projects around the country that were ready to go if only funding were available.

The Members will recall, Mr. Speaker, that there were some $21 billion worth of applications put in for public works projects of one sort or another. The original $2 billion allocation then reduced that $21 billion to $19 billion. The following $4 billion as part of the Carter stimulus program at the beginning of last year reduced the unexpended backlog to $15 billion. The results of the first round are not yet in. President Carter and the Congress embarked early in 1977 on the tripling of the size of the program, and at that time it was claimed here on the floor, and I quote:

> The success of the 1976 local public works program clearly attests to the need and support for additional funds for public works job creation.

However, the Wall Street Journal only 10 days earlier reported:

> Congress appropriated $2 billion for local public works last fall, but no worker has yet earned a cent, unless one counts the 265 people hired temporarily by the Commerce Department to figure out which cities should get the money.

The fact relating to unemployment is this: The Economic Development Administration estimates that by the end of fiscal year 1977, the first full year of the program, only 6,250 man-years of onsite employment were created, as opposed to the 400,000 man-years that were claimed. That is 2 percent of the 400,000 onsite jobs. Over 4 million jobs were created in the private sector, but obviously not through this program. It was claimed after round 1 had gone into the works that the local public works project had been legislatively redesigned to eliminate the lag time in both program startup and completion. Remember, there was a long delay. By the end of fiscal year 1977 only $585 million had been disbursed out of the $6 billion that had been obligated.

In a paper entitled "Overview of the Current State-of-the-Art of Federal Outlay Estimating," prepared by the Office of Management and Budget, December 15, 1977, OMB stated:

> The pressure of policy goals has sometimes interfered with making accurate outlay estimates. An example is the local public works program, for which the Congress appropriated $6 billion in fiscal year 1977. The objective of the program is to promote local public works projects as expeditious as possible and it has proved exceedingly difficult over the years for the managers of such programs not to be optimistic about the outlays associated with the achievement of this objectives.

Thus the administration estimated that $1 billion would actually be disbursed in 1977, a large amount for a new program, but consistent with the goal of rapid financing. Not to be outdone, the Congress estimated that $1.2 billion would be spent. Final figures for the 1977 spending show that only $585 million was actually spent. In such cases where estimates represent both objectives and forecasts, the likelihood of undermining outlay estimates is great. Please remember, we enacted this multibillion dollar program to stimulate the near-term economy; yet we now find that most of the funds actually will not be spent until the third and fourth years of the program, which is what happened in the 1963 program.

The conclusion you are forced to come to is that accelerated public works spend out at the same rate as regular public works. They do not provide near-term stimulus. They lack any national public works objective. They displace or substitute Federal spending for local spending.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I am happy to yield to the distinguished minority leader.

Mr. RHODES. Mr. Speaker, I just want to compliment the gentleman from New York on the very important statement the gentleman has made. This is, I think, the finest study I have seen of the whole subject of public works through the public sector.

Also, it is a very fine study of the effects that the present public works program has probably had on the economy, which I understand the gentleman's statements to indicate is practically nil.

I am particularly impressed with the fact that there was a shortfall in the first year and I cannot help but liken this to the budget estimates for fiscal year 1979 in which the Office of Management and Budget has estimated that there will

be some $60 million spread between the actual new obligational authority requested and the outlay, which also indicates another substantial shortfall.

Now, I do not know where all this shortfall will occur; but I assume by what the gentleman is saying there might be another considerable shortfall in this program which would certainly bolster the gentleman's original argument that this type of program is not the type of program needed and that it is not effective as in a stimulus which will affect a sagging economy immediately. It is not a quick fix, in other words, as it was sold to be back in those days.

Mr. CONABLE. Mr. Speaker, indeed, I would like to say to the minority leader that it may be counterproductive. We meet ourselves coming back up the road. The great bulk of spending may fall in a time when we are concerned about overheating the economy—inflation—rather than when the program was conceived as necessary because of widespread unemployment.

The Government moves slowly at best and in this case we have a pretty good example of how difficult it is to provide for even a segment of the economy, like the construction industry.

Mr. RHODES. Mr. Speaker, if the gentleman will yield further, although it is not proper of me to say, "I told you so," nevertheless, I think the gentleman will recall that when President Ford vetoed the public works bill originally, many of the Members on our side made pronouncements in support of the veto, that we did say that very thing, that it was not a quick fix, that we might meet ourselves when the economy turned the corner and the effect of the program might be to send the economy into orbit with a quick crash much sooner than anybody expected.

Mr. CONABLE. We certainly hope that will not happen; but conceptually we have to support the fact that we will have problems with this program, with this quick fix.

I thank the minority leader for his intervention.

Mr. Speaker, let me deal with a couple other things in this program. The Congressional Budget Office has estimated the cost per man-year of onsite employment is roughly between $20,000 and $60.000. As claimed here on the floor, it would be between $14,000 and $20,000.

Congressional proponents of emergency public works programs largely ignored the Congressional Budget Office estimates and touted the more optimistic Commerce Department estimates. The Commerce Department estimated that the $6 billion local public works program would produce about 420,000 man-years of onsite construction work. Using the actual average labor intensity, that is ratio of wage costs to total project costs for LPW projects actually underway now, the figures indicate that the program will ultimately produce 99,900 man-years of onsite employment—remember, many of them long after we are going to need them, we hope—at a cost of nearly $60,000 per man-year, not the $14,000 to $20,000 as originally claimed.

These numbers I have were derived from a study of the project under round I indicating an average labor intensity of 25 percent for all projects, not the 41 percent originally claimed for the program.

In most every industry, when business begins to pick up, companies will make greater use of their existing manpower in overtime and longer hours weeks before adding more employees. Contractors are doing the same thing, simply making greater use of the employees already on their payrolls on these public works projects.

In Baltimore only 10 percent of the workers funded under the LPW program were previously unemployed.

That is taken from the Wall Street Journal of July 21, 1977.

Likewise, construction involves many different trades and tasks so the average worker spends only about 30 days on the project scattered over the length of the construction period. Therefore, a "man-year" of employment translates into 1 month's worth for 12 different people. The result is the LPW program provides very little new jobs, and the few new ones it does create are not permanent but short-term.

It was claimed that round II was needed because unemployment remained high and there was a tremendous backlog of projects existing that were not funded under round I. These projects could be started immediately, it was said.

The Members will recall I said there were $21 billion in applications, that only $2 billion was funded originally, and later $4 billion was added to that fund.

Of the 8,555 projects approved for round II as of December 23, 1977, 629 were issued waivers from the 90–day, on-site construction start requirement of the law. Significantly, over 40 percent of the waivers were granted to projects that could not start because contractors would not bid on the project because they were too busy or overbid the projects, making them too costly to build under the regulations. Further, EDA officials believe as many as 2,000 projects may require waivers to preclude losing the funds because of the 90–day construction period start limitation.

To summarize on this particular program, Mr. Speaker, the local public works program has experienced significant lags in both program implementation and completion. As disbursements have fallen far short of estimates, so have employment opportunities. As the construction industry has rebounded, contractors have refused to bid on local public works projects and in many instances significantly overbid the project to make it competitive with private-sector opportunities. Without a doubt, far fewer jobs have been created or, for that matter, ever will be created, at 3 times the estimated cost per man-year of employment. As an employment program, the local public works program is unquestionably less than successful.

Mr. Speaker, I continue to suggest, although I cannot bear it out with the statistics, that there is one other problem with the program. For instance, as long as 100 percent money is a possibility for the $15 billion of unfunded applications that were brought into existence by this program, it is entirely possible there will be no contributory programs, that is, programs in which local governments raise a portion of the cost through bond issues. As a result, possibly needed public works programs will be stalled indefinitely in the hope of receiving more of that 100 percent Federal "manna from heaven" which clearly is nothing but a gift and, therefore, far preferred by local officials to those programs in which they have to press bond issues through before a skeptical public.

I do not know, but I suspect there may have been a net loss of construction during this period of time because of the pendancy of 100 percent money. We have had many public works projects over the years that have involved matching funds of one sort or another. But clearly the local politician who advocates matching funds as long as there is a chance of getting 100 percent Federal money is taking his political life in his hands. As a political animal myself, I know that very few local politicians are willing to get out on a limb to that extent, when we are dealing with millions of dollars, the kind of money that is involved in most local construction programs.

Mr. Speaker, I repeat again, I do not know that some use cannot be made of these programs. I think we should better deal with them, however, with understanding and with some awareness of the realities, rather than continuing to base our decisions on the biased hopes that were expressed when these programs came into being. It seems to me that the issue of accountability in the use of public funds to create jobs is raised by the statistics that I have quoted and the various considerations that other Members have brought to this deliberation.

I regret that more of our colleagues have not been here to participate. I appreciate the fact that some Members have been here.

Mrs. HOLT. Mr. Speaker, during our recent experience with high unemployment rates, it was very understandable that Congress wanted to do something about creating jobs. The Congress did "something" by sending billions of dollars to local governments on the theory that this shower of money for "public service jobs" would reduce unemployment. This was literally throwing money around and hoping for results.

If you examine the President's estimates in his 1979 budget proposals, you will find that we will have spent $13 billion in 3 years for public service jobs that were said to be temporary. The number of these CETA public service jobs is expected to reach the target of 725,000 this spring.

This program was very slowly maturing in calendar year 1977, when the economy created more than 4 million jobs. If CETA had any impact in that amazingly good economic performance, it was small.

There is no doubt that we have increased the number of federally-financed jobs. But there is an increasing body of

evidence that the number of new job slots is only half of what was expected from the CETA title VI program.

We have discovered that local governments use CETA money to fill vacancies or to fund jobs they would have created if Federal money had not been available. This is a substitution of Federal funds for local funds. It does not provide a net increase in the number of jobs.

It is not surprising that mayors are delighted at being able to use more Federal money to fund their municipal programs and services. They are avidly lobbying the Congress for more CETA funds. According to Isabel V. Sawhill, director of the National Commission for Manpower Policy, some econometric studies of the substitution phenomenon have been done, but have not produced any precise answers. The estimates say that anywhere from 30 to 100 percent of the CETA funds are substituted for local payroll funds.

Assume the initial substitution rate is 50 percent, meaning that the Federal Government is actually creating only one new job for an investment designed to create two. That means that the average Federal cost for each new job jumps from $8,500 to $17,000.

Even assuming a net increase in jobs in the first year CETA funds are used, those jobs tend to become permanent fixtures in the local government. Continuing the Federal funding for those positions provides "no new jobs." It is a revenue-sharing program.

The picture is very clear that CETA title VI is a very inefficient way to create new jobs, and we have every reason to believe that these jobs "will not be temporary." Local governments constitute an extremely potent lobby to maintain the CETA program and expand it.

There is substantial evidence that the CETA jobs are not going to the hard-core unemployed. The CETA title VI enrollees on September 30, 1977, included 73 percent high school graduates. Sixty-five percent of the participants were white, 63 percent were male, and 75 percent were between 22 and 54 years old. In other words most of the CETA jobs went to persons who had a reasonably good chance of obtaining employment in the private sector.

I find nothing surprising in the way the CETA title VI program has operated. From the very beginning I had strong doubts about the expectations of new jobs and promised relief for the hard-core unemployed.

After all local governments had already created most of the jobs they need to perform the essential public services demanded by their constituents. There are serious administrative problems associated with inventing large numbers of unnecessary jobs and managing their performance.

It is obvious that the temptation to substitute Federal funds for local funds in local payrolls is very strong. It is perfectly natural that local politicians want to avoid the liability of raising taxes and Federal funds offer a happy device for this purpose.

Finally, in hiring personnel with CETA funds, it is not surprising that local governments choose the applicants likely to perform the best. We cannot reasonably expect them to choose the least able applicants for jobs that are or become fully integrated into their local government operations. Unlike the Federal colossus, local governments tend to be commendably frugal in the use of taxpayers' money.

Given the emerging record of the CETA title VI program, we might expect the Carter administration to exercise some caution, to reevaluate, to avoid any large increases in the funds for this venture.

Instead, we find precisely the opposite. It is full speed ahead with outlays expected to increase to $5.9 billion in fiscal 1979, a leap of 20 percent from the outlays estimated by the administration for fiscal 1978.

In addition, we should note that President Carter has requested 1.4 million public service jobs as part of his welfare reform program.

After our experience with CETA, how can he possibly expect that thing to work.

GENERAL LEAVE

Mr. CONABLE. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks, and include extraneous matter, on the subject of my special order on today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

IATTC YELLOWFIN TUNA AND PORPOISE REGIME IN DANGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 60 minutes.

Mr. LEGGETT. Mr. Speaker, an international fishery crisis of major proportions is developing off the coast of California and Latin America in the eastern tropical Pacific Ocean. For the first time in its 19-year history, the Inter-American Tropical Tuna Commission (IATTC) has failed to set an annual yellowfin tuna quota. This Commission, which has done such an effective job of managing the international yellowfin and skipjack tuna resource in the past, is in disarray due to exorbitant demands by Mexico and Costa Rica for special closed season tuna allocations.

For years, the IATTC has been regarded as one of the most successful international fishery conservation organizations in the world. The IATTC was created pursuant to a convention between the United States and Costa Rica in 1949 and has expanded to include the eight major nations fishing for tuna in the eastern Pacific Ocean. Under the conventioin, the Commission is responsible for the conservation and management of yellowfin and skipjack tuna and the tuna bait fishes in the eastern Pacific. Yellowfin and skipjack tuna are the primary tuna species consumed by millions of Americans each year.

The IATTC uses an annual catch quota to maintain a maximum sustainable yield of yellowfin tuna. Over the years, the Commission has progressively increased the yellowfin quota, from 79.000 tons in 1966 to 210.000 tons last year, without damaging the yellowfin resource. This progressive increase in the yellowfin quota, and the resulting increase in the yellowfin catch, is perhaps the strongest evidence available of the tremendous success of the IATTC in scientifically managing this highly migratory tuna resource. Unfortunately, all of this success is now in jeopardy because of the totally unjustifiable Mexican and Costa Rican demands for special tuna allocations.

Although the IATTC operates under a free competition system whereby all members of the fishery can freely fish until the overall quota is reached, since 1969 the IATTC has responded to the special needs of the developing nations. In 1969 the Commission first permitted the small vessels to fish within the yellowfin regulatory area after the area had been closed to other vessels. Although the special allowance applies to all nations, it works primarily to the benefit of the Latin American nations whose vessels tend to be smaller than our own. Since 1969 the Commission has repeatedly and regularly liberalized the small vessel allowance to permit larger and larger vessels to fish for greater tonnages after the yellowfin season has been closed. In recent years, the small vessel allowance has been completely rewritten to permit all of the vessels of Costa Rica, Nicaragua, and Panama to take the so-called small vessel allowance.

In 1971, the IATTC again responded to the special needs of the developing nations. That year, the Commission granted to Mexico a special 2,000 ton closed season allowance for newly constructed vessels of any size. Mexico had asked for such a provision on the grounds that the Mexican fishery was in the early stages of development and that it needed this special allowance to compete effectively with the highly developed U.S. fleet. In 1973, this special hardship allowance for Mexico was increased to 6,000 tons, in 1974 to 8,000 tons, in 1975 to 10,000 tons, and in 1976 to 13,000 tons. The United States went along with all of these actions believing that the tuna fishery in these developing nations should be encouraged by permitting them to fish without having to face the competition of the American fleet.

Now, however, Mexico has asked for another dramatic increase in its hardship fishery allowance. At the most recent meeting of the IATTC, Mexico asked to increase its hardship allowance from 13,000 tons to 25,000 tons. The United States appropriately rejected this demand. Mexico's latest request for a tonnage increase has no relationship whatsoever to the current needs of its fleet. Last year, Mexico had an opportunity to catch approximately 25,000 tons of yellowfin in the open and closed season. Nevertheless, Mexico only managed to catch 18,500 tons of yellowfin tuna in the Commission's regulatory area.

It is crystal clear what Mexico is attempting to do with this latest demand. It does not seek an increase in its special allocation merely to encourage develop-

ment of a domestic tuna industry. Rather, they are attempting to guarantee themselves a percentage of the yellowfin resource in an attempt to attract U.S. vessels to Mexican registry.

Costa Rica has also asked for special allocations of its own. At the recent commission meeting Costa Rica demanded an increase in their special allocation from 6,000 to 20,000 tons, despite the fact that Costa Rica landed less than 1,000 tons of yellowfin tuna last year. Again, it is clear that Costa Rica, like Mexico, is merely attempting to guarantee itself a percentage of yellowfin resource and entice American vessels and capital to Costa Rica. We must resist this blatant attempt to steal American vessels and American jobs.

Mexico and Costa Rica claim that these tonnages are due them because they own a significant percentage of the tuna resource. Nothing can be further from the truth. Yellowfin and skipjack tuna are highly migratory species which sometimes cross the breadth of the Pacific Ocean only to be landed in the eastern Pacific Ocean. This is an international resource which belongs to no particular state and can only be effectively managed under an international fishery convention. This body recognized this basic fact last Congress when it enacted the 200-mile fishery zone legislation. That legislation properly describes tuna as a highly migratory species subject only to international management.

The stalemate at the IATTC may not only adversely affect the all-important yellowfin and skipjack resource, it could spell disaster for porpoise populations in the eastern Pacific Ocean. The United States has led the effort to reduce porpoise mortality incidental to yellowfin tuna fishing. We have invested millions of dollars under the Marine Mammal Protection Act to develop the equipment and expertise necessary to reduce porpoise mortality.

These efforts are now beginning to pay off. Last year, the U.S. fleet took an estimated 24,000 porpoise in the course of tuna fishing operations—down from an estimated 1976 mortality of 104,000. Nevertheless, the tuna-porpoise problem will never be solved unless all nations fishing for tuna agree to show the same concern for porpoises that our fishermen have demonstrated.

The IATTC made the first hesitant step toward an international solution of the tuna-porpoise problem last fall, when it agreed to develop a research program to evaluate porpoise populations and methods of reducing porpoise mortality. The commission also agreed to institute an international tuna-porpoise observer program similar to the one operating in the United States under our domestic law. The critical importance of an international porpoise conservation program is highlighted by the fact that foreign vessels are estimated to kill porpoise at 2½ times the rate of American vessels. I am extremely concerned that the current IATTC stalemate will adversely affect the IATTC's maiden effort to develop an international porpoise conservation program.

The magnificent tuna of the Pacific Ocean are an international resource which can only be managed by an international body. The United States should be more than willing to grant special allowances to developing nations when those allowances are justified. I believe the record adequately demonstrates that we have done so in the past. We should, however, resist the transparent Mexican and Costa Rican demands for an increased share of the tuna resource when those demands could very well destroy the American fleet, and endanger the porpoise of the eastern Pacific Ocean which have been protected by that fleet.

CATCH OF TUNA BY EASTERN PACIFIC FLEET, 1976–77 (CAPTURA DE ATUN POR LA FLOTA EN EL PACIFICO ORIENTAL, 1976–77)

CYRA–ARCAA

Country	Yellowfin (A. A. amarilla)		Skipjack (barrilete)		Bigeye (patudo)		Bluefin (A. A. azul)		Total (total)	
	1976	1977	1976	1977	1976	1977	1976	1977	1976	1977
Bermuda	3,220	3,834	3,302	3,372	523	288			7,045	7,494
Ecuador	5,535	6,764	6,692	10,968	568	750			12,795	18,482
Japan	904	995	334						1,238	995
Mexico	14,636	18,444	7,794	3,766	270	120	2,114	2,394	24,814	24,724
Panama	13,652	15,437	5,312	5,288	1,301	489			20,265	21,214
Peru	2,396	2,802	3,139	2,383	5	56			5,540	5,241
Spain	7,408	5,636	5,897	3,864	650	151			13,955	9,651
United States	145,442	120,996	96,065	50,826	7,702	3,185	9,527	3,325	258,736	178,332
Others [1]	16,207	26,509	12,023	7,874	515	1,257			28,745	35,640
Total	209,400	201,417	140,558	88,341	11,534	6,296	11,641	5,719	373,133	301,773
CYRA boundary to 150° W. (Desde el extremo del ARCAA hasta los 150° W.)	50,725	18,214	1,076	5,378		570			51,801	24,162
Subtotal									424,934	325,935

[1] Others include Canada, Congo, Costa Rica, Netherlands Antilles, New Zealand, Nicaragua, Senegal, and Venezuela. (Otros incluyen a Canada, el Congo, Costa Rica, las Antillas holandesas, Nueva Zelanda, Nicaragua, Senegal, y Venezuela.)

BILL INTRODUCED TO COMMEMORATE THE 30TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 30 minutes.

Mr. KEMP. Mr. Speaker, in all of the annals of human history, few events touch the human spirit with the intensity of feelings of renewal and hope as that of the founding of the modern State of Israel on May 14, 1948.

Although forced by conquest, oppression and persecution to dispense throughout the world for 2,000 years, the Jewish people never abandoned their hope for a recreation of the homeland. The founding of the modern State of Israel saw those hopes fulfilled. And its coming about only a few short years after the holocaust in which millions perished gives that founding particular significance.

It is altogether fitting and proper for the people of the United States and their Government to give special observance to the founding of the modern State of Israel, especially upon the occasion of its 30th anniversary this May 14.

There is another reason to do this too. On July 4 of 1976, the people of Israel commemorated with us the 200th anniversary of our Nation's independence, the founding of the United States. They did that for many reasons, reasons of friendship and common purpose, and reasons of thanks for United States, assistance in creating and in maintaining the security of Israel.

Israel and the United States, sharing common democratic ideals and principles of freedom, celebrated that day together in two ways.

On that day, most of the world rejoiced at the news that over 100 people were rescued from the hands of murderous terrorists and a dictator at a place called Entebbe. At first, we were stunned. But then we rejoiced. The ideals of justice and freedom, and the commitment to uphold those ideals were renewed in the hearts of all Americans. The American bicentennial day was not just a day of fireworks, picnics, and flagwaving. It was also a day to see the fight for freedom in action.

The people of Israel have issued a commemorative stamp celebrating our independence. It is an inspiring stamp, showing the American flag and the Israeli Star of David intertwined. The symbolism is clear: the United States and Israel have close bonds forged by friendship and common ideals.

These shared values are evident to anyone who visits Israel. The Israeli people admire our country, our people, our heroes.

The admiration, however, is mutual.

The American people admire the spirit and ideals of the Israeli people in the way they fought for the independence of their country and in the way they have protected their democratic society.

Mr. Speaker, there is a way in which we can reciprocate here, as an act of friendship and as one of support. It is the issuance of a postage stamp commemorating the 30th anniversary of the founding of the modern State of Israel.

I have, therefore, introduced a bill, H.R. 10634, to provide for exactly this: a 13-cent commemorative postage stamp to be issued by the U.S. Postal Service on or about May 14. Inasmuch as legislation providing for the designation of specific stamps customarily provides the Postal Service with a 90-day time frame, this should pose no problem, if Congress moves for its speedy enactment.

I have requested the Subcommittee on Postal Operations and Services of the Committee on Post Office and Civil Service to hold public hearings on this measure at the earliest possible date. That subcommittee is under the able stewardship of my colleague and friend from New York, JIM HANLEY of Syracuse.

Mr. Speaker, I will reintroduce this legislation on Tuesday, February 21, and I invite all my colleagues to join with me. This is something in which all people and their Representatives in Congress can truly unite.

COMMENTS ON CONSUMER PROTECTION LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND), is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, yesterday the House defeated by a vote of 189 to 227 legislation which sought to create a new Federal Consumer Protection Agency. I joined with a majority of my colleagues in voting against the measure.

First of all, my position on this issue stems from a belief that we can improve the existing Government structure to provide consumers with the representation they need, rather than resorting to the reflex action of adding another Federal agency as a panacea for every problem. Allegations that pressure from big business was the impetus behind the opposition are absolutely unfounded as far as I am concerned. As a matter of fact, the most intense lobbying pressures I encountered were from the White House and from Ralph Nader's nickel campaign.

Secondly, H.R. 9718 contained broad exemptions for labor and agriculture proceedings. These issues can substantially affect consumer interests. Consumers adversely affected by labor disputes would have no recourse through this agency. Although exemptions for national security are well justified, the labor and agriculture exclusions violate concepts of fundamental fairness.

Furthermore, a single consumer agency would be limited in its ability to act in all administrative proceedings affecting consumers and would have to select major causes and concentrate on them.

The Glickman-Leach substitute, although rejected by the House, had the virtue of providing consumer representation in Government proceedings without creating another Federal agency. For this reason, I voted in favor of this substitute. It would have established individual consumer counsels in each agency which could intervene in agency actions on behalf of consumer interests. This type of decentralization would retain the consumer focal point in each agency and permit the utilization of agency expertise, enabling a variety of consumer issues to be addressed, rather than a few major ones. In addition, since the substitute sought to build on existing consumer offices, it had the advantage of being more economical than H.R. 9718.

ALTERNATE PLAN TO HELP MIDDLE-INCOME FAMILIES—TUITION RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SAWYER) is recognized for 5 minutes.

Mr. SAWYER. Mr. Speaker, the skyrocketing costs of our children's education has created a very real problem for the future of American education. As a result. I am introducing legislation designed to allow taxpayer's to deduct one-half of the tuition they pay up to $300 for any elementary or secondary school, vocational school, college or university. There is no more important goal in the United States than providing broad educational opportunities to our children. But, spiraling costs threaten to put education out of the reach of many. The hardest hit are middle income families. They are unable to pay the high costs and seldom do they qualify for Federal financial aid.

A tax credit for tuition expense is one of the most effective ways to get financial relief to middle-income families. Under my bill, a tax credit, a sum subtracted from income taxes to be paid, is available for 50 percent of tuition costs up to a maximum of $300 per year for each student.

In addition to being a most effective method, a tax credit approach will be easy to administer and will not require heavy administrative expenses which take away from the assistance itself.

Nonpublic elementary and secondary schools will also benefit from the tuition tax credit. As private institutions have shrinking enrollments, it places an increasing burden upon our public education system. Furthermore, this trend threatens to disrupt the freedom of choice of the American people. A look at the day school enrollment in Kent County and Ionia County, Mich., demonstrates the great burden to be absorbed by all taxpayers should private schools disappear:

1977 day school enrollment, K–12

	Public	Nonpublic
Kent County	99,347	17,252
Ionia County	13,083	954

President Carter recently announced his program for student assistance but it did not go far enough in helping middle-income families keep pace with the soaring costs of college tuition. The plan which Carter outlined would lead to further administrative nightmares, would include parents who pay tuition for their children to attend K–12 classes at nonpublic schools and would do nothing to alleviate the heavy tax burden being placed on middle-income Americans by the Carter administration.

Finally, as a father who put four children through college, I know first hand of a parent's desire to provide their children with meaningful education opportunities. The tax credit will benefit parents, students and it should also make our schools better and the quality of education which they give.

I look forward to actively working for passage of tuition relief in 1978.

LEGISLATION RESTRICTING UNSOLICITED COMMERCIAL PHONE CALLS TO INDIVIDUAL SUBSCRIBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 10 minutes.

Mr. WHALEN. Mr. Speaker, I am pleased to join with more than 80 of my colleagues in cosponsoring H.R. 9505. This bill seeks to give individual residential telephone subscribers the right to restrict unsolicited commercial telephone calls from entering their homes.

In a letter from San Jose, Calif., to the author of the bill, Congressman ASPIN, a citizen wrote:

> Today, for the first and, your legislation permitting, I hope last time, I was awakened from a pleasant afternoon nap to hear a telephoned voice command: "Please, listen carefully! This is a recorded message . . . and we want you to. . . ." At this point, enraged, I slammed down the phone. What an utterly obnoxious, rude, incredible intrusion into an afternoon! The idea that I should be awakened to listen to a machine is really the last straw. . . ."

This is just one of several hundred comments concerned citizens have been making in regard to unsolocited commercial telephone calls. According to the U.S. Institute of Marketing, about 12 million phone numbers are dialed commercially each day. Of the 7 million reached, 4.2 million people immediately hang up, without listening to the spiel. Thus, only about 2.8 million listen, of which only 460,000 buy the product being advertised (at an average order cost of $60). This means that each day 1 out of every 16 homes is objecting to unsolicited commercial calls.

In terms of money being spent in this industry, Senator WENDELL ANDERSON has estimated that "at least $4 billion of the $17.5 billion business spends annually for telephone service involves calls to sell or buy." Also, Mr. ASPIN has suggested that to imagine the scale of this intrusion into our home lives, count the number of pieces of unsolocited mail received each day. Then imagine being called to the telephone that many times to be greeted by an unsolicited advertising pitch.

The problem is that the telephone industry recently has witnessed the introduction of automated dialing and recorded message players, ADRMP's. One of these devices automatically can "dial" up to 1,000 telephone numbers a day. There is another machine which can remember numbers not reached, and return to them at predetermined time intervals. And another machine dials numbers sequentially, ripping through entire telephone exchanges and paying no heed to whether a number is listed in the telephone directory or not. Further, a new generation is expected this spring with the introduction of a machine which will be able to cluster and dial up to 512 numbers simultaneously.

Despite all the impressive statistics regarding the use of robot telephone callers, their commercial effectiveness is debatable. According to Mr. Murray Roman, chairman of the Campaign Communications Institute of America—

> The robots aren't cost effective and they just wouldn't work . . . People are not going to buy hair tint from a machine.

He further notes that robot callers are "rotten for selling goods." However, soliciting buyers or sellers is not the only application of robot callers. There are certain, more easily justified uses. According to an article appearing last November in the New York Times—

> Robot phones have been bought mainly by radio stations and newspapers. They are used to attract new subscriptions, to sample listening audiences, and to conduct opinion polls. They might be effective delivering political campaign messages.

In addition, with the new generation of cluster callers, a union could summon its workers back to work after a strike, or a fire station could ring its volunteer members simultaneously and notify them of the whereabouts of an emergency, or an airline could notify its patrons of a flight delay or cancellation.

Nonetheless, there is no indication that robot calls, whatever their origin, simply will cease and desist. "The whole idea of telephone solicitation," says a legislative aide for Mr. ASPIN, "is growing at a dramatic pace * * * in the 1980's, you may be getting three calls a day." Another source deduces that if only 400 ADRMP's were put in use—and there soon may be—"about a hundred million automated junk calls a year could be made in this country."

Although the effectiveness of robot calls has been debated, it can be assumed that more automated equipment will lower the telephone advertiser's operating costs to a point where telephone advertising will compete with bulk mail. Already, telephone sales—including all-human and semi-automated—"do 2½ to 5 times what mail does, so the temptation is there to switch from mass mailings to phones," says Campaign Communications' Murray Roman.

Naturally, there are several problems associated with this rapid proliferation of unsolicited calls. Unlike third class mail, which usually can be recognized by its cover and which can be discarded at will if so chosen, automated calls can bring the unsuspecting on the run from the garden, across freshly waxed floors, down off ladders, away from cooking, out of bed, et cetera. One person from Los Angeles, Calif. wrote that unsolicited commercial calls "are a form of pollution that goes right into our homes. A good place to draw the line." For handicapped people, these calls are especially burdensome. A woman from Richmond, Va., wrote that—

> Both my husband and I are disabled and often find it quite painful to rise and answer the phone to hear a sales pitch. I have long held that it was the ultimate invasion of privacy.

Furthermore, in many parts of the country, if the householder slams down the phone while a taped spiel is running, and later picks up the receiver, he still may hear the tape. A man from Mobile, Ala., wrote to Mr. ASPIN about this very instance:

> I was attempting to get in touch with a vet about a very sick dog. The thing that really burned me up about that call was that I immediately became aware that hanging up did not stop it! Those so-and-sos kept my line tied up for about fifteen minutes. I had to go next door to make my call . . . What if there had been a fire, a need to call the police or a physician?

In addition, an unlisted number offers no protection, since the new robot machines can be set to dial all numbers from 0001 to 9999. Also, robots cannot distinguish between a human who answers a call and a machine. Also, it is possible—ironically enough—for one machine to answer another machine. Thus, automated calls can displace legitimate business calls on answering machines. And on a larger scale, a telephone company spokesman has pointed out that there is a long-term possibility that increased use of robot callers may necessitate implementation of more telephone lines, and, in turn, raise everybody's telephone bills.

Some people even have gone so far as to discontinue their telephone subscriptions altogether. But if this practice were to become widespread, "the overall effectiveness and utility of the telephone network would be placed in jeopardy," according to one study.

What is to be done? The American Telephone & Telegraph Co. (A.T. & T.) has adopted a hands-off policy, and labels the matter "really an interstate problem," since most robot calls originate from out of State. Dr. Walter Baer, a physicist from the Rand Corp. in Santa Monica, Calif. last August petitioned the Federal Communications Commission (FCC) to investigate this "potentially serious nuisance, annoyance and invasion of privacy." More than a dozen State legislatures are considering bills that range from complete banning of robot calls to limiting certain categories of automated calls.

I believe that H.R. 9505 adequately addresses the problem of unsolicited calls. This bill gives citizens the right to ban all incoming commercial solicitations, regardless of whether they are human, human fronted, or fully automated. In effect, a telephone subscriber could hang a "no solicitors" sign on his or her telephone line.

H.R. 9505 (and S. 2193) has four basic features. First, it requires that telephone companies give every subscriber the opportunity at least once a year to indicate if he or she does not wish to receive unsolicited commercial calls.

Second, any firm wishing to make such calls would need to obtain the list of subscribers who have hung "no solicitors" signs on their lines, and strike those numbers from their calling lists.

Third, violators would be subject to a fine of up to $1,000 or imprisonment of not more than 30 days for each call in violation. But because a firm trying to comply with the law may make an occasional honest error, the bill provides that no prosecution may begin until the tenth complaint against a single firm has been received by the local U.S. attorney.

Fourth, the bill provides that the administrative costs incurred by the telephone companies in carrying out the requirements of the act—estimated at "tens of millions of dollars," according to telephone company spokesman, W. Orville Wright—are to be recovered by the commercial firms using the lists. Therefore, no additional costs would be incurred by the residential telephone subscriber.

The FCC would be charged with the responsibility of drawing guidelines for the establishment of no solicitors lists.

Public reaction to this sort of bill appears favorable. One small telephone advertiser, who uses the all-human or boiler room technique, voiced his support for the bill by saying, "I'd just as soon know in advance who will be teed off at a call, so my people can avoid them." Further, 10,000 letters concerning telephone solicitation were sent to Ann Landers, the nationally syndicated columnist, within a 5-week period. According to Marcy Sugar, secretary of Ms. Landers, 99 percent of those letters opposed unsolicited calls.

In conclusion, this bill can be likened to the law which enables citizens to subscribe to a list prohibiting unsolicited mail from being sent to a particular address. That law was upheld by the Supreme Court in Rowan against U.S. Post Office Department in 1970. That opinion, entitled "Prohibition of Pandering Advertisements," held "that a mailer's right to communicate must stop at the mailbox of an unreceptive addressee." The Court added that:

> To hold less would tend to license a form of trespass, and would make hardly more sense than to say that a radio or television viewer may not twist the dial to cut off an offensive or boring communication, and thus bar its entering his home. Nothing in the Constitution compels us to listen to or view any unwanted communication, whatever its merit . . . The ancient concept that 'a man's home is his castle' into which 'not even the king may enter' has lost none of its vitality, and none of the recognized exceptions includes any right to communicate offensively with another.

I hope that my colleagues will overwhelmingly support H.R. 9505 when it comes to the floor, as this bill clearly and adequately arrests a growing infringement of our personal privacy.

AMERICA DESERVES TRUTH IN GOVERNMENT ACCOUNTING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 20 minutes.

Mr. COLLINS of Texas. Mr. Speaker, recently the Commerce Oversight and Investigations Committee held hearings regarding the establishment of more accounting standards for private industry. In these hearings, I was impressed with the quality and deep concern of the public accountants of America.

I think this raises a timely need for review of the accounting standards within the Federal Government. While private firms have always operated under high standards of reporting, the example set by the Federal Government has been one of omissions, misleading statements, and inadequate accountability.

We have just received from the executive department a budget of $500.2 billion, with an official deficit of $60.6 billion. As we reviewed this, it was quite apparent that the budget is at least $38 billion understated. This includes such unreported figures as cost underestimates of $6 billion, shortfall eliminations of $20 billion, projected restorations of $3 billion, and deficit-sensitive tax changes of $9 billion. Without even considering how many billions of dollars will be included in congressional add-ons, this hikes the so-called $60.6 billion deficit all the way up to $98.6 billion already.

Now, let us look at the figures from the past fiscal year:

The 1977 Federal budget was $417 billion, and the 1978 budget was $459 billion, so they told the taxpayers it was a $42 billion increase. But when you look at the national debt, it increased by about $85 billion, although the officially quoted deficit was $61.8 billion. Yet when they include the so-called off-budget program expenditures, the deficit was $73.4 billion. Now, which figures are the confused taxpayers supposed to accept—$42 billion, $85 billion, $61.8 billion, or $73.4 billion? How should the public react when the 1978 $60.6 billion deficit has already been demonstrated as really totaling at least $98.6 billion? If businessmen kept books and filed returns like the U.S. Treasury reports its budget, these businessmen would be sent by the boxcarload to Leavenworth Prison.

Government accounting should be a model system, especially considering the high standards of reporting the Government requires of corporations and accountants—in actuality the Government's own system is a code of complete confusion. The Government disregards accruals, expense commitments, future guarantees, and the duplicative efforts of fellow bureaucrats, and files financial returns that would shock the SEC into initiating a criminal investigation of a similar corporate return. The factual record shows that for Congress to write the standards for private accounting makes about as much sense as suggesting that Adolf Hitler and Idi Amin collaborate in writing a charter for human rights.

Here are some positive actions that the Government in Washington could consider to clean up its own house, before it even thinks of enacting one more accounting regulation on the Nation's private businesses and CPA firms.

First. Present a detailed, factual U.S. budget each year, so that the confused taxpayer does not have to choose from four or five widely ranging budgets.

Second. Go to a more realistic accrual accounting system, including all liabilities, long-term contracts or commitments, and required reserves. Now the Government only reports to the American people on about $1 of every $8 of total liabilities.

Third. Government pension reserves must be strengthened. With its own military, civil service, and social security pension plans falling deeper and deeper into insolvency the Government decided that it must increase regulation of the 99 percent sound private pension plans, and so burdened them as to drive 30 percent of them out of business in 3 years. Public statements and accountability for Federal pension reserves have always been inadequate; let us clean up the Government's own house first before we suggest any more of these guarantees for business.

Fourth. Income taxes must be indexed with inflation; the present IRS tax table provides the Government with a profitable source of income as taxpayers are driven by inflation into higher brackets. The average American receives more dollars which have less purchasing power but then is moved up to a higher percentage tax rate in government accounting. This is a completely unfair system of taxation and should be offset by fair accounting which would index for lower tax rates as inflation rises.

Fifth. Adequate provision must be made for replacement cost in depreciation. This is a classical example of inconsistency and injustice in Government accountability—the SEC requires disclosure of replacement depreciation rates and asset replacement costs in the 10–K report, showing less profit to potential investors, while the IRS refuses to accept the same system in computing tax liability. So the businessman gets the worst of both worlds and economic expansion and growth are discouraged.

Sixth. Environmental impact expenses and capital expenditures represent mandatory maintenance required by the Government, and should be fully tax deductible as ordinary operating expense items during the year they are installed. These are expenses, and should not be capitalized as the Government requires.

Seventh. Auditing standards should be required for major Federal grants and loans. The Federal Government made a massive loan to New York City in 1976, but made no full certification audit of the city. Only now has it turned up that the actual 1975 deficit was $2 billion, not the $1 billion figure which was considered a dangerous emergency situation at the time but was blindly accepted by the Federal accountants.

These problems are not new. Quotes from an article in the Journal of Accountancy in 1906 indicate how long overdue the necessary reform are:

It is generally admitted by students of municipal finance that the accounting methods of the United States are deplorably behind the times, and that similar methods would not be tolerated for a day in any successful corporation.

Today, 72 years later, we not only find that things have not improved but they have gotten worse. While business standards have been improving even more, Government standards have slipped further. Congress continues to allow the Washington bureaucracy to operate with foggy procedures, while frequently declaiming the need for stricter reporting standards in the private sector. Well, before we even consider more accounting regulations for private business, let us have the Federal Government catch up with modern standards. Let us require truth in Government accounting.

AMERICAN SOKOL ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, February 15 marks the 113th anniversary of the founding of the first American Sokol unit by a group of Czech immigrants in St. Louis, Mo., and on October 30, 1892, the first Slovak Sokol Society was organized. The American Sokol Organization—Czech—and the Sokol U.S.A.—Slovak—are working closely together to achieve their common goals. Also pursuing similar objectives are Catholic Sokols in the United States. These fine organizations conduct their activities in the belief that to achieve a free nation, its people must be physically and morally strong.

Sokol stresses the development of physical, spiritual, moral, and cultural enlightenment among its members and for this reason, I was proud to introduce the bill which passed the 92d Congress and became Public Law 92–486 designating October 30, 1972, as National Sokol Day and authorizing the President to call upon the American people to observe the date with appropriate ceremonies as a salute to all Sokol members across the country who have contributed so much to the freedom and individualism of America.

Also, on February 15, 1965, the U.S. Post Office issued a special Sokol Centennial Stamp in honor of American Sokols.

Czech and Slovak Americans benefit immeasurably from the varied activities of the Sokol societies. These activities include gymnastic clinics, schools, workshops, meets, and competitions which provide the means to maintain physical strength and stamina while teaching the value of hard work in personal achievement. The Sokol organizations conduct educational activities in the form of lectures and films. They also provide statistics on gymnasts and maintain a library. Other notable activities include the maintenance of camps for youngsters and the awarding of scholarships to worthy members.

In addition to gymnastic training and competition, social functions such as golf, bowling, and volleyball tournaments, as well as dances, parties, picnics, winter carnivals, and other events of interest are held throughout the year by and for all members, who range from the very young to the very old.

Sokol potential class leaders are offered the opportunity to plan their own social functions, and also to assist organizational activities. This enables the youth to learn leadership, responsibility, cooperation, and organization.

Mr. Speaker, it is with pride that I join with Sokol members in the 11th Congressional District of Illinois, which I am honored to represent, in the city of Chicago, and all over our Nation as they celebrate another year of achievement and resolve to continue their record of excellence.

LEGISLATION TO ESTABLISH A UNITED STATES-MEXICO JOINT DEVELOPMENT BANK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, today, I am introducing a bill to establish a United States-Mexico Joint Development Bank. The purpose of this Bank will be to join with Mexico in financing projects which will alleviate the economic conditions that are the cause of the massive illegal immigration from Mexico into the United States.

Several months ago I wrote President Carter and others in the administration to suggest that they consider such a special bank. I received cordial and supportive replies from Mr. Stuart Eizenstat, Assistant to the President and from Secretary Blumenthal.

In his letter to me, Mr. Eizenstat said:

> We fully agree that job creation in source countries such as Mexico will help to curb illegal immigration. Your suggestion for a bilateral development bank is certainly in the spirit of that policy and parallels in many ways some options for possible assistance to Mexico that are now under study within the Executive branch.

As a result of the administration replies and the findings of hearings held by the Subcommittee on International Financial Institutions, of which I am chairman, I have developed a proposal for a joint development bank.

The bill I am introducing states that it is the sense of Congress that—

The continuing flow of undocumented nationals from Mexico into the United States is a critical economic and political problem for both countries and a detriment to relations between the two nations.

The primary cause of the immigration is the lack of employment opportunities in Mexico and the disparity between wage rates in the two countries.

The long run solution to the problem of illegal immigration lies in increased economic development of Mexico and in particular in the creation of job opportunities in those sectors of Mexico that are the source of the immigrants.

It shall be the policy of the United States to work in partnership with Mexico on the immigration problem by combining resources to finance endeavors which will alleviate the ecoonmic conditions that are the cause of the immigration.

The bank that I am proposing is modeled after the multilateral development banks such as the Inter-American Development Bank and the Asian Development Bank, with which I have had experience as chairman of the authorizing subcommittee responsible for these institutions. However, the United States-Mexico Joint Development Bank would be unique in that it would be financed in equal shares by the United States and Mexico and managed jointly.

I propose that the authorized capital of the bank be $2 billion and that, as is the case with other institutions, part of the capital be paid-in and part callable. In this way the cash cost of the U.S. share of the bank—$1 billion—could be as low as $100 million. The additional capital would be raised in private capital markets.

The bank would be managed by Government officials from United States and Mexico and by using existing agency personnel, administrative costs would be held to a minimum.

The bank would be authorized and encouraged to enter into arrangements with the Inter-American Development Bank and the World Bank for cofinancing of projects, joint lending operations, sharing of technical assistance and making use of the vast amount of data which has been developed by these two institutions. In addition the proposed bank would be able to solicit commercial banks to participate in project loans.

The United States-Mexico Joint Development Bank would be, in my opinion, more acceptable to Congress than a unilateral assistance fund; it would enjoy far greater financial leverage than such a fund; and it would, in my judgment, be more acceptable to the Government of Mexico.

Illegal immigration is a major social and economic problem for our country, and it reflects serious economic conditions in Mexico. The proposed United States-Mexico Joint Development Bank would be the first time that we have joined with Mexico to finance endeavors which will solve the economic conditions that are the cause of the immigration. By financing job creation and economic development in the areas of Mexico that are the source of the immigrants, we will be taking the best single measure over the long run to interrupt the flow of people across the border. And by joining with Mexico on a shared basis, we can insure the political climate to make the program work.

EXPLANATION OF ABSENCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CARR) is recognized for 5 minutes.

Mr. CARR. Mr. Speaker, in recent days I have missed 3 recorded votes and 1 recorded quorum call (rollcalls numbered 36, 37, and 38).

On February 1, 1978 rollcall No. 26 was on the Danielson-Railsback Amendment to H.R. 8200. Due to an error on my part I believed I was recorded when in fact I was not. Had I been recorded, I would have been recorded "nay."

On February 6, 1978, blizzard weather and the diversion of my commercial flight from Washington National Airport to Dulles Airport caused me to miss two recorded votes and one recorded quorum.

Had I been present, I would have voted in favor of H.R. 9434, to amend the Social Security Act to increase the dollar limitations and Federal medical assistance percentages applicable to the medicaid programs of Puerto Rico, Guam, and the Virgin Islands. I also would have voted in favor of House Resolution 982, the rule providing for the consideration of the Chattahoochee River National Park bill, H.R. 8336.

LEGISLATION TO ESTABLISH A PROGRESSIVE CORPORATE INCOME TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

Mr. BEDELL. Mr. Speaker, I am today introducing a bill to establish a progressive corporate income tax.

One of the fundamental principles of any tax should be equity. Its burden should be fairly distributed. Unfortunately, present corporate tax rates do not conform to this basic principle, and, in my view, it is time to remedy this situation by making this tax structure more progressive.

At one time in our history, when $50,000 of corporate income represented a sizable business, we did have a progressive rate structure up to that level. However, this is no longer the case today. The current corporate rate structure provides a standard tax rate for all income below the $50,000 income level and a surcharge which is applied to income above that level, thereby providing little or no progressiveness in the Tax Code. This is clearly inequitable and should be changed.

My proposal, which would establish a graduated corporate income tax, would introduce a greater degree of progressiveness into the corporate tax structure at a lower level and apply this principle all the way up the income scale to corporations with profits of $100 million or more per year. Such a change would enable small- and medium-size firms to accumulate sufficient capital to fuel their own growth, and, by taxing corporations on their ability to pay, it would also help to equalize the unfair competitive capital acquisition advantages enjoyed by big business over smaller companies. A graduated corporate income tax would thus promote three important socioeconomic objectives: Economic growth, job creation, and equity in our society.

Earlier this month, President Carter announced his tax reduction proposals which he stated would be the principle method by which the Federal Government would promote growth. These proposals included a business tax reduction of $8 billion. Specifically, he recom-

mended reducing the overall corporate tax rate from 48 to 45 percent in fiscal year 1979, and to 44 percent in fiscal year 1980.

I support the objectives of the President's proposed corporate tax cut. However, I believe that my proposal would accomplish those objectives in a more effective and equitable manner.

The major difference between my proposal and the President's recommendations is that he would provide the largest tax cuts for the largest corporations, and smaller reductions for smaller firms. He proposes to lower the highest effective rate of 48 to 44 percent, a 4-percent reduction, while allowing only a 2-percent reduction at the lower end of the scale, from 20 to 18 percent.

I believe that this is the wrong way to go.

In my view, one of the greatest problems we have in our country at the moment is a pervasive and seemingly irresistible trend toward bigness and concentration of power within both the private and public sectors. This trend has the effect of keeping more and more people from having a close, personal involvement in their work, and, in turn, often has a negative effect on the quality of life in our country.

And, beyond the personal level, this trend toward bigness also has serious implications at the corporate level. Today's business environment gives large corporations a tremendous competitive advantage over smaller companies. They can borrow money at lower interest rates. With larger and more specialized personnel resources, they are better equipped to take advantage of tax loopholes, to cope with ever-increasing Federal reporting requirements, and to lobby effectively for special interest legislation. And large corporations can afford to tie up smaller companies in costly lawsuits.

It is no wonder that we are seeing large corporations gobbling up their smaller counterparts at an alarming rate and a corresponding decline in the number of small entrepreneurs in our society. You need only take a look at your own local community for verification of this fact.

Mr. Speaker, it is significant to note that a recent sampling of 143 giant corporations indicated that their effective tax rate was not the statutory rate of 48 percent but was rather 23.4 percent. This figure compared to an average effective rate of 33.4 percent for all U.S. corporations. That is to say that our Nation's largest concerns were paying roughly one-third less in effective tax rates than the average U.S. corporation.

Mr. Speaker, I believe that my bill, which would establish a progressive corporate income tax, would achieve the President's economic stimulus objectives while at the same time introducing greater equity into our tax code. In the process, it would begin to reverse the rush to bigness which currently afflicts this Nation by giving people the opportunity to run their own small independent businesses on a more competitive basis with large corporations. I invite my colleagues to cosponsor this legislation and urge that the House give it expeditious consideration.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEISS) is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, due to the severe snowstorm, I unavoidably missed the legislative business on Monday, February 6.

Had I been present I would have voted in the following manner:

I would have voted in favor of an amendment to H.R. 6232 (timber sales bidding) offered by Mr. KREBS of California that would have directed the Secretary of the Interior to "take such action as he may deem appropriate to obviate collusive practices" in timber bidding—enforcing the practice of sealed bidding for timber sales. Passage of this amendment would have been an important step to maintain ethical conduct in the timber industry.

I would have opposed the amendment in the nature of a substitute which adopted the Senate version of this legislation—S. 1360—in place of H.R. 6232. I am not convinced that S. 1360 assures fair competition among timber contractors, and safeguards our forest areas from unnecessary clearcutting operations.

Finally, I favored the passage of two measures: H.R. 9434, medicaid funding increases for Puerto Rico, Virgin Islands, and Guam—a bill which provided the first increase for these territories in their level of medicaid assistance since 1972; and House Resolution 982 which provided for an open rule with 1 hour of general debate on the Chattahoochee River National Park bill (H.R. 8336), an important measure to expand parkland in Georgia.

STATEMENT OF CONGRESSMAN CHARLES A. VANIK INVITING RECOMMENDATIONS FOR AMENDMENTS IN U.S. LAWS TO PROVIDE RELIEF FROM UNFAIR TRADE PRACTICES

The SPEAKER per tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, the Subcommittee on Trade has held a number of hearings related to the administration of the Antidumping Act, including its most recent hearing on the Solomon plan for the steel industry and a trigger price mechanism.

These hearings and trade staff investigations have led us to believe that the trade statutes dealing with unfair trade practices need to be reviewed for possible amendment or change in administrative procedures.

I ask unanimous consent to include in the RECORD the announcement by the Subcommittee on Trade inviting recommendations for amendment in U.S. laws on unfair trade practcies.

It is our hope that the entire trade community will give the Subcommittee on Trade the benefit of its thoughts and recommendations in order that a statutory base be developed to deal equitably and effectively with unfair trade practices involving U.S. imports which disadvantage or injure the producing sectors of the U.S. economy.

SUBCOMMITTEE ON TRADE, COMMITTEE ON WAYS AND MEANS INVITES RECOMMENDATIONS FOR AMENDMENTS IN U.S. LAWS TO PROVIDE RELIEF FROM UNFAIR TRADE PRACTICES

Congressman Charles A. Vanik (D., Ohio), Chairman of the Subcommitee on Trade, Committee on Ways and Means, today announced that the Subcommittee on Trade invites all interested parties to submit recommendations to the Subcommittee on Trade on how U.S. laws and regulations pursuant to such laws should be amended to provide more expeditious, effective, and equitable relief for domestic industries from unfair practices affecting import competition. Specifically, the Subcommittee is interested in recommendations for amending the Antidumping Act of 1921, as amended by section 321 of the Trade Act of 1974, the countervailing duty statute (sections 303 and 516 of the Tariff Act of 1930, as amended by section 331 of the Trade Act of 1974), provisions to deal with unfair methods of import competition (section 337 of the Tariff Act of 1930, as amended by section 341 of the Trade Act of 1974), and responses to foreign export subsidies under section 301 of the Trade Act of 1974.

In issuing this invitation, Chairman Vanik stated that a Subcommittee oversight hearing on the adequacy and administration of the Antidumping Act held on November 8, 1977, a hearing on the operation and administration of the reference price system developed by the Department of the Treasury for steel dumping cases held on January 25–26, 1978, and Subcommittee general oversight of the operation of the unfair trade statutes have demonstrated the need for the Subcommittee to consider legislative and administrative changes in these laws.

More specifically, the Subcommittee invites recommendations and comments on the following issues which have come to its attention, as examples of areas in which the Subcommittee seeks guidance in preparation for drafting legislation to restructure and simplify the U.S. law and its administration in the area of unfair trade practices.

GENERAL ISSUES

Possible replacement of existing laws by a single statute and/or administrative procedure for petitions dealing with all unfair trade practices whatever their cause;

Resolution of overlapping or conflicting jurisdictions between the Department of the Treasury and the International Trade Commission, particularly in antidumping and section 337 cases;

Coordination of unfair import practices provisions with other statutes dealing with prevention of unfair methods of competition, such as antitrust laws.

More expeditious time periods for reaching determinations, including possible concurrent rather than consecutive 3 month final Treasury dumping and ITC injury determinations and the inclusion of time limits for making determinations in section 301 cases.

Initiation of dumping and countervailing duty investigations by the Secretary of the Treasury;

Judicial review procedures, including review of negative ITC injury determinations in dumping and countervailing duty cases;

ANTIDUMPING ACT

Amount and type of evidence of dumping and injury required by Treasury from petitioners in relation to capability of petitioner to provide such information;

Cost of production concept and calculation, including the definition of a "reason-

able period of time" for recovery of all costs;

Price comparisons and verification of data, particularly in cases involving state-controlled-economy countries;

Retroactive withholding of appraisement and possible deposit of estimated duties in lieu of bond posting following a preliminary affirmative dumping determination;

Discontinuance of investigations on the basis of price assurances or special circumstances;

Assessment of dumping duties, including a possible statutory time limit for liquidating entries following a final dumping finding, and assessment of dumping duties across-the-board based upon price comparisons made during the fair value investigation rather than entry-by-entry based upon revised post-investigation data.

COUNTERVAILING DUTY LAW

Criteria or guidelines for determining what constitutes a direct or indirect "bounty or grant";

Application to government-owned or subsidized facilities;

Possible injury criteria in connection with agreement on an international subsidy/countervailing duty code in the Multilateral Trade Negotiations.

The above list is meant to be illustrative and the Subcommittee welcomes comments and recommendations on any aspect of this subject area, which should be submitted to John M. Martin, Jr., Chief Counsel, Committee on Ways and Means, U.S. House of Representatives, Room 1102 Longworth House Office Building, Washington, D.C. 20515; telephone: 202-225-3625 by April 15.

THE TAX ON LABOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues in the House the names of the Members who have been added to the social security honor roll for the year 1978.

These Members have demonstrated a social consciousness unparalleled in recent history. They have displayed the type of courageous leadership that is needed in these days of high unemployment, caused in part by the most regressive tax in the free world today.

With 60 nations of the world partially financing social security out of general revenue, they have shown farsighted leadership by cosponsoring legislation that would reduce the social security tax in the United States to 3.9 percent from the high 6.13 percent.

This legislation, H.R. 10668, will be a shot in the arm to the economy of the United States. In the United States the employee/employer social security tax for a steelworker or autoworker is about $1,500 more than the tax in competitive countries; in the footwear, textile, and electronics industries it is about $700 to $1,200 more than competitive countries. By reducing the cost of labor, my one-third financing proposal would alleviate our chronic unemployment situation and reduce the cost of doing business for every employer, large and small. It would reduce utility rates, improve corporate profitability, and enhace capital formation.

Now is the time that we should recognize the need to reduce the tax on low- and middle-income workers. As you know, that already burdensome tax is scheduled to increase enormously in the next decade. It is my hope that this progressive legislation can be enacted this year. Time is of the essence. We must act now.

In addition to bringing the attention of my colleagues the list of the members of the 1978 social security honor roll, I would like to include an article by the Washington Post on the regressive nature of the social security payroll tax:

THE TAX ON LABOR

The other day President Carter, wrote to the congressional conferees on the Social Security bill, warning them of the perils of excessive fairness. It is quite true that the Social Security rules are full of unfair eccentricities. Why, for example, should benefits be cut when recipients earn wages, but not when they get stock dividends? Income is income, after all. The trouble is that fixing the formula and ending the cuts would cost several billion dollars a year. With the enormous growth of the Social Security system over the past decade, even relatively small adjustments in the rules can be astonishingly expensive. Mr. Carter isn't the only citizen who's beginning to get apprehensive about the scale of the government's pension obligations.

Unfortunately, Congress is still determined to finance Social Security with the traditional payroll tax, and nothing else. Last spring Mr. Carter suggested that it might be wise to begin using in a modest and hesitant way, the general revenues. That means personal and corporate income taxes. Congress turned the idea down flat and Sen. Russell Long (D-La.), the chairman of the Senate Finance Committee, continues to scoff at it. The general revenues, he observes, already fall short of balancing the federal budget, and diverting some of them to Social Security would only increase the deficit.

There is less to Mr. Long's logic than you might think at first glance. Next year Congress is going to have to cut income taxes to compensate for the automatic increase in Social Security payroll taxes. The effect on the deficit will be precisely the same as if the income tax revenues were being used directly for pensions. The difference is that, when Congress cuts the income tax and increases the payroll tax, it is shifting the tax burden from a progressive tax to a regressive one.

There is another consequence as well, and it deserves more thought than Congress seems to be giving it. The payroll tax makes labor more expensive to the employer. The increases are very gradual, to be sure, but they are mounting up. To accelerate this trend over the coming years, as the emerging Social Security bill will do, is going to make it harder than ever to push the unemployment rate down.

These next few years are going to be a particularly bad time for the federal government to impose this kind of tax on labor. Because of the very high birth rates in the 1950s and early 1960s, unprecedented numbers of young people will be pourong into the job market. At the same time women are increasingly looking for paid work outside their homes. The proportion of the American population actually holding jobs has never before been as high as it was in November, according to the Bureau of Labor Statistics. But the unemployment rate—still a painfully high 6.9 per cent—is evidence that the number who want to work is even higher.

Congress keeps saying that, as a matter of national policy, it wants those people on payrolls. Quite right. But in that case, it does not make much sense to put a stiff, and steadily rising, tax on the payrolls.

SOCIAL SECURITY HONOR ROLL OF 1978

Addabbo, Joseph—New York
Annunzio, Frank—Illinois
Aspin, Les—Wisconsin
Baucus, Max—Montana
Beard, Ed—Rhode Island
Biaggi, Mario—New York
Bingham, Jonathan—New York
Blanchard, James J.—Michigan
Boland, Edward P.—Massachusetts
Bonior, David—Michigan
Brodhead, William—Michigan
Burke, James A.—Massachusetts
Burke, Yvonne Brathwaite—California
Burton, John L.—California
Burton, Phillip—California
Carney, Charles J.—Ohio
Chisholm, Shirley—New York
Clay, William—Missouri
Collins, Cardiss—Illinois
Conte, Silvio O.—Massachusetts
Conyers, John—Michigan
Corman, James C.—California
D'Armours, Norman—New Hampshire
Dellums, Ronald—California
Diggs, Charles—Michigan
Dodd, Christopher—Connecticut
de Lugo, Ron—Virgin Islands
Drinan, Robert F.—Massachusetts
Early, Joseph D.—Massachusetts
Edgar, Robert—Pennsylvania
Eilberg, Joshua—Pennsylvania
Evans, Frank E.—Colorado
Fary, John G.—Illinois
Fauntroy, Walter—District of Columbia
Flood, Daniel J.—Pennsylvania
Florio, James J.—New Jersey
Ford, Harold E.—Tennessee
Ford, William—Michigan
Gaydos, Joseph M.—Pennsylvania
Gore, Albert, Jr.—Tennessee
Guyer, Tennyson—Ohio
Hanley, James M.—New York
Harrington, Michael—Massachusetts
Hawkins, Augustus—California
Heckler, Margaret—Massachusetts
Howard, Jim—New Jersey
Jones, Walter—North Carolina
Jordan, Barbara—Texas
Kastenmeier, Robert—Wisconsin
Kostmayer, Peter H.—Pennsylvania
Le Fante, Joseph A.—New Jersey
Lederer, Raymond—Pennsylvania
McFall, John—California
McKinney, Stewart—Connecticut
Markey, Edward—Massachusetts
Metcalfe, Ralph—Illinois
Mitchell, Parren J.—Maryland
Moakley, Joe—Massachusetts
Moffett, Anthony Toby—Connecticut
Moss, John E.—California
Murphy, Austin J.—Pennsylvania
Murphy, Morgan—Illinois
Nix, Robert N. C.—Pennsylvania
Nolan, Richard—Minnesota
Ottinger, Richard—New York
Patten, Edward—New Jersey
Patterson, Jerry—California
Pattison, Edward W.—New York
Pepper, Claude—Florida
Perkins, Carl D.—Kentucky
Price, Melvin—Illinois
Quillen, James H.—Tennessee
Rangel, Charles—New York
Richmond, Frederick—New York
Rodino, Peter W.—New Jersey
Roncalio, Teno—Wyoming
Rooney, Fred B.—Pennsylvania
Rose, Charles—North Carolina
Rosenthal, Benjamin S.—New York
Scheuer, James H.—New York
Schroeder, Patricia—Colorado
Seiberling, John F.—Ohio
Shipley, George—Illinois
Simon, Paul—Illinois
Sisk, B. F.—California
Spellman, Gladys Noon—Maryland

St Germain, Fernand—Rhode Island
Solarz, Stephen—New York
Stark, Fortney "Pete"—California
Stokes, Louis—Ohio
Studds, Gerry—Massachusetts
Thompson, Frank—New Jersey
Tsongas, Paul E.—Massachusetts
Weaver, James—Oregon
Wilson, Charles H.—California
Wolff, Lester—New York
Won Pat, Antonio B.—Guam
Zablocki, Clement—Wisconsin
Zeferetti, Leo C.—New York

SENATORS

Durkin, John A.—New Hampshire
Eagleton, Tom—Missouri
Hathaway, William—Maine
Riegle, Don—Michigan

BANNING NUCLEAR MATERIALS IN SPACE VEHICLES

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, the crash of the nuclear-powered Soviet satellite last month which spread radioactive debris over Canadian territory also spread alarm throughout this country. But, as tragic as that mishap could have been, it could serve a useful purpose if it shocks us into recognizing that a serious problem exists which demands our immediate attention, and prompt action.

Apparently, such an accident was never supposed to have occurred. The public was assured that there was nothing to worry about—that satellites were designed to burn up harmlessly in the atmosphere before reaching the ground. Unfortunately, the Russian satellite did not follow the script. Fortunately, it did plunge into an unpopulated area. Can we be sure that the next one will do the same?

There are currently 16 Soviet nuclear reactors in orbit, and 9 U.S. spacecraft carrying nuclear materials. As a rule, these satellites are rocketed high into orbit, never to return to Earth. But as we have just learned, such a rule is not always reliable. As long as there are nuclear materials in orbit, the possibility exists that some similar episode could occur some time in the future, spreading radioactive contamination over a populated area.

President Carter's suggestion that the launching of Earth orbiting satellites carrying nuclear materials should be prohibited is a welcome one. Cooperation between the United States and the Soviet Union on this matter is a must. To this end, my colleague RICHARD OTTINGER and I have introduced a resolution urging the President to promptly negotiate an international agreement to ban the use of nuclear materials in space vehicles. We welcome the interest of our colleagues in cosponsoring this resolution.

EDUCATION BILLS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, I am today introducing four bills dealing with Federal education programs. Two of these bills with the problem of trying to reduce unnecessary paperwork in Federal programs; one bill deals with simplifying and strengthening title I of the Elementary and Secondary Education Act; and the last bill contains the recommendations for legislation made by the National Education Association.

Complaints about paperwork have become more and more vocal over the last several years for almost all of the activities in which the Federal Government is involved. In the area of education, institutions and agencies are complaining not only about paperwork generated directly from their participation in Federal programs but also about paperwork resulting from the Federal Government carrying out its general responsibilities. Two of the bills I am introducing today are meant to deal with both of those problems.

The first bill contains the recommendations of the chief State school officers of the country for reducing undue paperwork directly resulting from Federal educational programs. I would like to commend these State school superintendents for taking the time and devoting the energy to respond to the request I made to them several months ago to comb through all the major Federal elementary and secondary education laws and regulations in order to find the provisions which they considered to impose unnecessary paperwork and to recommend alternatives to these provisions. The chiefs have performed this task very well, but I am sure that some of their recommendations may not meet with universal agreement. So, I would encourage others interested in these programs to study carefully the chiefs' bill in order to advise the Congress on which of those recommendations make the most sense so that we can all move to eliminate unnecessary paperwork.

The second bill I am introducing dealing with paperwork attempts to establish an overall coordinating agency for all paperwork being requested of the country's educational institutions and agencies by Federal agencies. This bill would empower the National Center for Educational Statistics to perform this governmentwide coordinating function, and it would also establish certain definite rules for the type of paperwork which can be approved by the national center. This bill basically contains the recommendations of the so-called Paperwork Commission; and as with the first bill I am introducing today, I would urge the public to scrutinize carefully its provisions and to supply the Congress with advice on the value of its proposals.

The third bill I am introducing revises title I of the Elementary and Secondary Education Act of 1965. That program, which is the cornerstone of Federal aid to elementary and secondary education, provides nearly $3 billion a year for the operation of compensatory education programs for the educationally deprived. In 1974, Congress required the National Institute of Education to conduct a very intensive review of the program in order to present us with the data and analyses which we would need this year when we reviewed it for amendment and extension. The NIE has performed this task in an exemplary fashion; and this bill, which contains a number of the recommendations made by the NIE in several of its reports to the Congress, is a natural culmination of the 3 years of work which went into these reports.

The bill was prepared by the legal standards project of the lawyers' Committee for Civil Rights Under Law, under contract with the NIE, and does not reflect all of the findings of the NIE on title I nor does it represent the official views of the lawyers' committee; but it is a very praiseworthy attempt to rewrite title I in a fair and even-handed manner so as to simplify its provisions in order to make it more understandable to the ordinary citizen and to strengthen its administration at the Federal, State, and local levels so that it can better fulfill its purpose.

The last bill I am introducing was prepared by the National Education Association. This bill contains that organization's recommendations to the Congress for the revision of all expiring Federal elementary and secondary education programs. The NEA has long been an outstanding leader in American education and well represents the interests of the thousands and thousands of teachers who compose its membership. Elementary, Secondary, and Vocational Education expects to receive the recommendations of the Carter administration in the field of elementary and secondary education during the third week of February. Then, it is our intention to have a week of testimony from public witnesses on the administration's program and on any other related proposals, including the four bills I am introducing today. We will begin our markup sessions on extending and amending all of these laws on March 7.

REPORT ON ECONOMIC PROBLEMS OF OUR NEIGHBORS IN SOUTH AND CENTRAL AMERICA

(Mr. MOORHEAD of Pennsylvania asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD of California. Mr. Speaker, it was my privilege in early January to share with my colleague, HENRY REUSS, distinguished chairman of the Banking Committee, the leadership of the congressional delegation to South and Central America. The visit to seven countries in a period of 2 weeks provided a unique opportunty for a firsthand insight into the economic problems of our neighbors and to discuss some important subjects between us, such as the human rights question.

It quickly became obvious, Mr. Speaker, that inflation continues to pose serious problems for all of the nations to the south. We ourselves have been sorely troubled by inflation in recent years and know something about the difficulties in dealing with this problem. It makes it

easier for us to sympathize with and understand the difficulties faced by these nations which are so much more dependent than we on foreign imports and foreign capital.

I was particularly impressed in this regard in our meeting with the distinguished Minister of Finance of Brazil, Mario Henrique Simonsen. He is a skilled and articulate economist, and a seasoned public official. Minister Simonsen was good enough to provide a copy of a speech which he made in Switzerland on November 28 discussing the economic performance of Brazil, their methods of adjusting to the world crisis and recent measures for dealing with their balance of payments problems.

He also discusses the price indexing system followed by Brazil and its effects on inflation. They still suffer a 36 percent annual inflation rate, but this represents substantial improvement.

This speech parallels the discussions that we held with Simonsen and his colleagues in Brasilia and I would like to call it to the attention of the Members of Congress. It is an excellent case study of how world economic problems infringe on developing countries—even the more vigorous ones like Brazil:

BRAZIL'S ECONOMIC PERFORMANCE

(By Mário Henrique Simonsen)

It is my pleasure to be here in Switzerland, for the first time in my capacity of Minister of Finance of Brazil, and to have this opportunity of exchanging views with you on Brazil's recent economic performance. It is also my pleasure and privilege to be able to sign today the loan agreement of the first Swiss Franc public bond issue of the Federative Republic of Brazil in Switzerland. Obviously, due to the importance of the Swiss market, it is an important event and I convey my thanks to Swiss banking institutions participating in the transaction for their valuable help and cooperation.

The prospectus relating to the bond issue contains several information on the Brazilian economy. But I would like to profit this occasion to elaborate on certain aspects of the Brazilian economic strategy and then place myself at your disposal to answer whatever questions you may wish to ask.

TODAY'S BRAZIL IN BRIEF

Brazil is the fifth largest country in the world, has 4,600 miles of coastlines, and occupies nearly half of the land of South America. It is larger than continental United States and 17 times larger than France. The total area of Brazil is 3,286,000 square miles, of which approximately 5 percent is under cultivation and 17 percent is devoted to livestock.

In recent years the Brazilian economy has become increasingly diversified. Brazil is self-sufficient in most foodstuffs and ranks second only to the United States as an exporter of agricultural commodities. Brazil is rich in natural resources, and its iron ore reserves are the second largest in the world which currently generate iron ore annual exports of about $900 million.

Brazil produces consumer and capital goods, both for the domestic market and for export. It ranks eighth in the world in the production of motor vehicles, and currently its annual exports of motor vehicles run about $600 million, including engines and parts to the United States.

As to its energy needs, 60 percent are produced domestically and 40 percent come from external sources, mainly through imports of oil. In 1976 Brazil produced about 61 billion barrels of oil, which is roughly 20 percent of its current annual needs. As Brazil has one of the most extensive river systems of the world, approximately 88 percent of its electric power requirements are hydrogenerated. Nuclear power is expected to be an additional source of electric energy in the coming years and its first nuclear plant is expected to begin testing operations in 1978, and eight more by 1990.

In terms of GDP, Brazil's gross domestic product is now about $160 billion, which ranks Brazil about sixth in the world. Brazil's GDP is approximately the double of that of Mexico and Sweden, and three times that of Argentina and Denmark. Per-capita income is now slightly above $1.300.

The country's population is 115 million people, of which about half is under 18 years old. It has a populational annual growth rate of about 2.7 percent. The active workforce can be estimated roughly at 35 percent of its population, of which approximately 44 percent employed in the primary sector (agriculture, livestock, forestry and fishing), 18 percent in the industrial and mining sectors, and 38 percent in commerce, services, government and other activities. Brazil has been able to create over one million new jobs every year.

It is the policy of the Government to seek continued economic growth while at the same time improving the distribution of income, particularly through educational and social security programs. As a consequence, the literacy rate and the rate of schooling have improved substantially in recent years. Moreover, two years ago a special Ministry was created exclusively to take care of social security matters.

All indications are that everybody has benefited from the country's economic development, although some have benefited more than others. This seems unavoidable in a first stage of any development boom, mainly because of the unusual demand for skilled labor, as it became the case in Brazil after its gigantic efforts toward economic development started in 1964.

ECONOMIC PERFORMANCE

It is true that Brazil has gained worldwide attention for having achieved in the period 1968–1974 annual real growth rates of 10 percent per year, which meant a doubling of per-capita income in seven years. Yet, it must be recognized that economic growth is not a new phenomenon in Brazil. Recent achievements are but an acceleration of a development drive that extends back for over at least fifty years.

By 1964, in the context of a market oriented economy, Brazil implemented long-desired profound economic reforms and since then has pursued the implementation of conventional economic policies whether they are popular or not. It has learned the lesson that for a developing country the major problem is not that of conceiving the right economic policies but rather that of placing itself in a political framework that may enable the adoption of sound economics.

All through the recent Brazilian Administrations conventional economic policies have been pragmatically adjusted to the realities from time to time prevailing in the economy. Basically, these policies have had the objective of recovering high growth rates, of gradually reducing inflation, and of restoring relative equilibrium to the balance of payments.

To meet these targets, two fundamental changes of approach in economic strategy were adopted since 1964. On one hand, the gradualist approach was adopted for the control of inflation and an indexation system was established to allow for a peaceful coexistence with the inflation rates until their reduction to acceptable percentages. On the other hand, as a further step towards the objective of higher growth rates, paramount importance was attached to the full utilization of the potentialities of the external sector of the economy by way of absorption of sexternal savings through direct foreign investments accompanied by a transfer of modern technology, through an increased volume of foreign trade, where exports due to the income effect can play an important lever for expansion of the internal market, and through foreign borrowings to cover the savings-investment gap and to help finance occasional deficits in the balance of payments.

On a sectoral basis, a major strategy oriented the endeavors for industrial growth. Inasmuch as conditions on hand included superabundant cheap oil and favorable prices for raw materials and other intermediate goods, special emphasis and priority were attached to the development of light industries, whose projects normally require lower amounts of capital and mature much sooner than projects on basic industries.

These strategies and courageous overall economic management have been followed regularly since 1964, and the results achieved in the period 1964–1973 were very impressive. From declining growth rates of 1.6 percent in 1963, we moved to growth rates of the range of 10 percent per year until 1973; from an inflation of 90 percent in 1964, we moved gradually down to 15.5 percent in 1973; from unpaid time drafts of $600 million and foreign reserves of $245 million, we moved to foreign exchange reserves of $6.4 billion in 1973; and from a foreign trade stagnated at about $2.4 billion in 1964, we moved to a foreign trade of $12.2 billion and a slight trade surplus.

This was the situation prevailing in the Brazilian economy in 1973 when the fourfold increase in the price of oil provoked in all oil importing countries the emergence of high rates of inflation, of widespread huge deficits in the current account of the balance of payments, and a whole series of adverse effects in the world economy.

It seems beyond doubt that the art of directing economic policies has become much more complicated for petroleum importing countries since 1974. Since then, we have suffered through a series of crises in the West, including problems of inflation, unemployment, disequilibria in the balance of payments, and growing external debts. Some countries have been more affected than others, but even the least affected are far from the conditions of prosperity that prevailed in western economies until 1973.

In fact, the petroleum crisis had two dimensions. The first and most traumatic impact was the reflection of a quadrupling of fuel prices in the rate of inflation and levels of importation of petroleum purchasing countries. This occurred as if, quite suddenly, the OPEC countries had levied an indirect tax upon the rest of the world. Taxpayers can, of course, with some sacrifices, absorb taxes; and if the petroleum crisis had limited itself to this initial dimension, the western world would by now have found a new basis of stability.

The second dimension of the crisis, which was much less traumatic at first but brought more permanent effects, is the continuing accumulation of OPEC country credits against the rest of the world. In 1974, as a result of the quadrupling of petroleum prices, these countries accumulated a current account balance of $67 billion. It was expected that, with their increased income, the countries in question would increase their purchases throughout the world and

thereby re-establish the necessary equilibrium of commercial balances at a higher level.

Some of the biggest petroleum producers, however, proved incapable of spending this added income, owing to the demands of their internal markets. Hence, OPEC's current account balance was still as high as $44 billion in 1976, with little possibility of reduction in coming years. In addition, these countries have shown little interest in direct investments. Their balances have been accumulating in the form of credits, implying a growing debt for petroleum importing countries.

The natural order of the balance of payments would indicate that developing countries should be importers—and industrialized countries exporters—of capital. A country absorbs foreign savings in quantities exactly equivalent to its current account deficit, that is, an amount representing the excess of its imports over its exports of goods, services, and donations. Therefore, it is natural that a developing nation show a deficit in the current account of its balance of payments.

The second dimension of the petroleum crisis thus created a problem which was not algebraic but numerical. Until 1973, the amounts transferred from industrialized to underdeveloped nations via current account balances were never more than $10 billion per year. But, at the moment, OPEC's balance and the rest of the world's current account deficit is somewhat higher than $40 billion per year.

On the other hand, as countries worried about their current account deficits, a wave of strengthened protectionism emerged on a worldwide basis, which has added enormous difficulties to the world trading system and has been highly detrimental to the efforts of all deficit countries towards increasing their exchange earnings. Incidentally, the harmful effects of the protective measures adopted by the industrialized nations have not as yet been accurately measured. The apparently natural way of measuring the effect of protection in terms of its impact on imports of the relevant country does not properly reflect the harm which these measures can do to other countries. It would be more helpful to measure the effect of protection adopted for whatever purpose in terms of the harm it causes to the countries whose exports it affects.

A nation has but three ways to finance its current account deficit: either to receive direct investments from abroad, to increase its foreign debt, or to reduce momentarily its foreign reserves. As the OPEC countries have not shown great interest in direct investment, it is not surprising that the major problem of the petroleum importing world, and particularly of developing nations, should be an ever-increasing indebtedness.

While the OPEC countries maintain their high current accounts balances, we shall live in a world where it is impossible to speak of equilibrium—only of improved international distribution of desequilibrium. This has been occurring, in a way, as many of the developed countries are showing negative balances in their current transactions. The bigger burden, however, must be borne by the developing nations, whose current account deficits are now nearly three times what they were in 1973.

As part of the world we live in and as a country which still depends on oil imports for the supply of 80% of its needs, Brazil could not escape the rule of suffering with the oil crisis. Inflation increased to 34.5 percent in 1974 and to 46.3 percent in 1976. It must be remarked, however, that high rates of inflation can be reasonably tolerated by the Brazilian economy because of the widespread use of the indexation system. On the other hand, a most dramatic structural problem was the increase of the trade deficit to $4.6 billion and of the current account deficit to $7.1 billion in 1974.

ADJUSTING TO THE OIL CRISIS

Just as all other oil importing countries affected by the oil crisis and the recession provoked in the industrialized world, Brazil had to adjust itself to the new situation in the domestic and the world economic outlook. Consequently, the main concern of the Brazilian governmental authorities became the reconciliation of sustaining high growth rates simultaneously with the control of inflation and the restoration of relative equilibrium to the balance of payments.

It is clear that one cannot incur huge current account deficits year after year, since it would inevitably lead to an abrupt stop in imports, particularly those required for economic development purposes. Thus, top priority was naturally attached to the adjustment of the balance of payments. The control of inflation, within the framework of an indexed economy, became a close second priority and some reduction had to be accepted in the growth rates.

BALANCE OF PAYMENTS IN THE PERIOD 1973–77

Until 1973 the Brazilian balance of payments had presented a pattern of equilibrium in the trade account, and a deficit in the current account of an amount identical to the deficit in services. Inasmuch as net direct foreign investments plus net foreign loans exceeded the deficit in the current account, surpluses took place in the overall balance and there was an accumulation of foreign exchange reserves.

In 1974, due the quadrupling of the oil prices, the increase in the demand for imports, and the higher international prices of several raw materials and intermediate goods, Brazilian imports increased in about 106 percent and reached a total amount of $12.6 billion. Although exports had increased 28 percent and totalled $8.0 billion, Brazil was left with a trade deficit of $4.7 billion ($2.0 because of oil and $2.5 non-oil) and a current account deficit of $7.1 billion.

As Brazil has had annually about $1.0 billion of foreign investments, the natural consequence of the 1974 current account deficit was an increase in foreign indebtedness of $5.1 billion and a reduction in foreign exchange reserves of approximately $1.0 billion.

It is clear that no country can sustain such a rhythm of increase in its foreign indebtedness, or else it will lose its creditworthiness abroad and shall no longer be able to finance its current account deficit, thereby being led into catastrophic economic bottlenecks. Thus, the balance of payments had to be adjusted at any cost.

Once again, as in 1964 with the case of inflation, the Brazilian authorities were faced with two alternatives: either a shock treatment or a gradual adjustment of the balance of payments. Once more, the gradualist approach was selected as the one which would better comply with the environmental requirements of the Brazilian economy.

In fact, the understanding was that, since a recession is the less tolerable the lower is the per-capita income of a country, a shock treatment would seriously hinder the efforts for economic development. Therefore, the Brazilian authorities elected to pay for the oil crisis in installments, mainly taking into consideration the possibilities of producing domestically several major import items.

A revision of investment priorities was undertaken and higher priority was attached to oil saving projects such as in railway and shipping transportation. Moreover, soon the strategy was started for an increase in exports under the support of adequate exchange, fiscal and credit policies, as well as for the control and substitution of imports, the latter through a concentrated effort in the areas of pulp and paper, steel, nonferrous metals, petroleum, chemicals and fertilizers, and the manufacture of capital goods.

Fortunately, the efforts of the Brazilian public and private sectors have been very successful. In global terms, the trade deficit was reduced from $4.7 billion in 1974 to $3.5 billion in 1975, to $2.2 billion in 1976, and a surplus of $186 million has been registered from January through October 1977.

The current account deficit was reduced from $7.1 billion in 1974 to $6.7 billion in 1975, to $6.1 billion in 1976, and is expected to be around $4.0 billion in the current year. And all this was made possible simultaneously with a real growth rate of 9.6 percent in 1974, 4.2 percent in 1975, 8.8 percent in 1976, and probably 6 percent in 1977, at a time when most countries in the world have recorded negative growth rates, which may be a partial explanation for the absence of social unrest in Brazil despite growth rates lower than in the previous years, but yet quite high by worldwide standards.

Furthermore, all this was also made possible along with the sustainment of the same dollar amount for Brazil's total annual imports in the period 1974–1977, partly because of transitory import restrictions.

FOREIGN INDEBTEDNESS

Let me now elaborate a little bit on the question of foreign indebtedness, which I believe to be a major strand in Brazil's strategy to manage the balance of payments.

A natural consequence of Brazil's deliberate policy of absorbing foreign savings is the continuation of deficits in the current account of the balance of payments, of course in easily manageable proportions such as roughly corresponding to total direct foreign investments plus twice the increase in exports in every year. And since foreign indebtedness is the necessary by-product of current account deficits, it is clear that Brazil is a conscientious and regular borrower of funds abroad.

Obviously, the sustainment of this posture requires a preservation of the country's international creditworthiness, which in turn requires the adoption of economic policies and of a foreign indebtedness strategy which may ensure the confidence of foreign creditors.

Brazilian foreign indebtedness strategy has included, first and foremost, the adoption of economic policies aiming at the avoidance of deficits of an undue magnitude in the current account of the balance of payments. Next, to operate on a safe basis, we do disclose, differently from most countries, the total foreign debt, namely, public plus private debt, which in the case of Brazil runs closely on a fifty-fifty basis. Furthermore, inasmuch as repayment at maturity is essential for continuing creditworthiness and inasmuch as a sound schedule of repayments can avoid undue pressures in international payments, the profile of the debt must be protected by way of establishing minimum maturities for the country's foreign loans, of course according to market conditions.

Moreover, because sizable foreign reserves can be a further support of a country's creditworthiness, short term financing is admitted only for current commercial transactions and long-term borrowings should exceed actual needs so that foreign exchange reserves can become available to cope with occasional emergencies. Finally, since a country's ability to incur foreign debt is basically measured by the volume of its ex-

ports, every effort should be made for continued increases in exports, which incidentally also falls within the objective of a sound balance of payments.

Of course, we look into our ratio of the debt service to exports, but we believe that it should be looked upon with certain reservations with respect to Brazil. As almost all countries only include in their statistics their public debt, in which case the meaningfulness of the debt/service ratio becomes highly controversial, a comparison of their debt/service ratios with those of Brazil without taking into consideration that Brazil discloses public plus private debt might appear unfavorable to us. Yet, it seems that the appropriate way to analyse the debt servicing problem of a country should consider its total debt and not only the partial figure of the public sector.

Moreover, inasmuch as our foreign loans can also help in the accumulation of foreign exchange reserves, a second reservation should be attached to the debt/service ratio. It is true that any additional loan will deteriorate the debt/service ratio. However, common sense suggests that the increase in foreign reserves should improve and not deteriorate a country's creditworthiness.

Therefore, we pay special attention to an indicator relating the total net debt, i.e., total private and public debt minus foreign exchange reserves. Here, we believe that a safe level of foreign indebtedness is one where a net debt/exports ratio of up to 2 (two) is achieved. For 1977, with total exports above $12.0 billion, with a gross debt of $30.0 billion and a net debt around $24.0 billion, we are operating within such limits. For 1978 onwards, projected rates of growth of exports exceed the rates of increase of the debt, and therefore the net debt/exports ratio is expected to decline.

To put it briefly, we follow continuously and closely the evolution of our foreign indebtedness, within the framework of several strategies and under the guidance of a set of indicators, and pay special attention to the amounts, the maturities and the interest cost of our foreign loans. From time to time, in the interest of the country's global economic objectives and as market conditions may permit, we exercise a preference for larger amounts, longer maturities, lower interest costs, or a combination of either of these conditions.

All indications are that we have been successful in our foreign debt management, or else we would not have sustained our current levels of foreign borrowing. The success of Brazilian bond issues, which for 1977 alone should total about $700 million, and the smoothness in the placement of our syndicated loans, are further indications that we have been successful.

INDEXATION AND INFLATION RATES

Our indexation system is perhaps the institutional aspect of the Brazilian economy which rouses greater curiosity abroad. Until 1964 inflation in Brazil has caused all the distortions conventionally associated with chronic price increases, such as unstable and disorderly wage patterns, systematic deficits in the balance of payments because of overvaluation of exchange rates, discouragement of investments in public utilities due to their remuneration at historical cost, slowdown in the mobilization of savings, weakening of capital markets, illusory profits in balance sheets, and lack of equity in a fiscal system based on the illusion of monetary stability.

After 1964 a number of legal provisions gradually introduced automatic indexation to assets and liabilities, such as Treasury bills, long-term loans, mortgage transactions, balance sheets, private debt instruments, and tariffs of public services. At the same time, the whole fiscal system was adjusted to inflation. Indirect specific taxes were changed into "ad-valorem" rates. Indexation was automatically applied to all reference values of the income tax, and taxation of illusory profits was eliminated. On the other hand, taxpayers who delayed in their payments of taxes were obliged to make such payments at values adjusted to inflation.

In the field of foreign exchange, an adaptation was also made of the principle of indexation with the adoption of a system of minidevaluations. Basically, it must be recognized that while domestic inflation is significantly above inflation abroad there is no way to escape periodic devaluations of the cruzeiro. The problem lies in selecting the technique and establishing the amount and the interval of these devaluations. As of August 1968, we have adopted a system of small devaluations at short irregular intervals, which has been very effective in terms of stabilizing the real income of Brazilian exporters and of minimizing foreign exchange speculation.

As regards wage policy, the principle of indexation was introduced through the adoption of wage formulas for periodic adjustments. These formulas were given some improvement since their original conception in 1964 and at the present time have worked under the following principles: collective bargaining should establish adjustments equal to those established monthly by the Executive Power; adjustment of each wage category should be made every twelve months; percentages for wage increases should be calculated so that in the twelve months of enforcement of the new wage its average purchasing power be identical to the one of the preceding twelve months plus a percentage corresponding to increase in productivity. The practical use of the formula requires an estimate of the rate of inflation for the next twelve months, but any miscalculation of such estimate is automatically offset in the following adjustment.

The system of automatic indexation of wages offers several advantages. In the first place, it establishes an objective criterion for wage collective bargaining and provides a solution by way of mathematics for problems which in many countries have been solved through strikes and political pressure. Secondly, it makes collective bargaining very peaceful and leaves no room for disputes between employers and employees. Finally, the combination in the formula of past inflation with projected inflation makes it possible to reconcile wage adjustments with our gradualist approach to fight inflation.

After twelve years of experience, an evaluation could be made of the advantages and disadvantages of the indexation system. Its major advantage is the neutralization of a great number of the distortions classically associated with inflation. Chronic price increases with indexation is a completely different phenomenon from classical inflation as presented in textbooks and may co-exist with increasing saving rates, with developing capital markets, with equitable tax systems and with surpluses in the balance of payments. In other words, indexation constitutes a mechanism to allow the economy to coexist peacefully with inflation. Thus, as we analyse inflation in Brazil, it is paramount to bear in mind that Brazil has a system of generalized indexation, which significantly reinforces the resistance of the economy to chronic price increases. To put it in a nutshell, 30 percent of indexed inflation in Brazil represents perhaps a much less serious problem than 10 percent of conventional inflation.

The main disadvantage of indexation is that it leads to an automatic feed-backing of inflation. If a great number of prices and wages are automatically adjusted to past price increases, the continuation of inflation cannot be avoided. In reality, since all prices are not submitted to automatic adjustment and still some oscillate according to supply and demand, it is possible to reconcile indexation with the gradual reduction of inflation, as it was done between 1964 and 1973.

It cannot be denied, however, that the fight against inflation becomes considerably more difficult with indexation, and no method can be used other than a slow gradualism.

I have no doubt that indexation has been a brilliant solution for the Brazilian case after 30 years of endemic inflation. Yet, I would hesitate in recommending the system for other countries where inflation has been purely epidemic and where price stability has been somewhat the rule.

The most important byproduct of indexation in Brazil was certainly encouragement of savings and strengthening of capital markets. Until 1964 the Brazilian economy was based on a rudimentary financial market. Commercial banks limited themselves to short-term discount transactions. Longterm loans were made at minimum scales and at subsidized interest rates. Institutional investors were practically unknown. Progress achieved after 1964 with the development of new financial institutions and with the formation of institutional savings funds permitted the rate of domestic savings to increase from 15 percent to 25 percent of the gross domestic product from 1964 through 1974.

Even for an economy which widely uses indexation as a system to neutralize the distortions of inflation there are limits in what one can accept in terms of rates of price increases. Surely, the rates of inflation rising to a peak of 46.3 percent in 1976 appeared far above the tolerable limits for the Brazilian society.

The resumption of inflation rates was only in part the result of monetary and fiscal policies. In greater part it was due to unfavorable crops and to increases in the price of oil products within the national program of energy conservation. One way or the other, it was imperative that special efforts had to be made so as to reduce the inflation rate.

As explained above, the indexation system sets some crucial limits to the feasible speed in the reduction of inflation. Yet, some important results have been achieved basically through the tightening of monetary and fiscal policies. In the calendar year of 1977, the inflation rate is expected to decline to 39 percent and the average rate of inflation of the last six months has been brought down to 2 percent per month. Moreover, all our endeavors to bring inflation rates further down shall be continued in the months ahead, and even within the framework of indexation all possibilities seem to be much more in the direction of successful results particularly vis-a-vis current appearances of our having gone through the heaviest clouds of our balance of payments.

CLOSING REMARKS

As I have indicated earlier, since 1974 the Brazilian Authorities have worked to reconcile the three sometimes conflicting objectives of relative equilibrium in the balance of payments, of lower rates of inflation, and of sustainment of high rates of growth. Unfortunately, we cannot avoid the fact that at times what is good for controlling inflation and adjusting the balance of payments is bad for economic growth. This is why the Brazilian Government understood that we could not continue with the unusually high rates of growth of the last decade and by the end of last year took the courageous decision to cut back some of its programmed public investments. Yet, in no way should this imply that Brazil has abandoned or neglected the paramount objective of rapid economic development.

Current conditions make it fair to assume that the Brazilian balance of payments will continue in relative equilibrium and that inflation may be reduced to satisfactory levels for an indexed economy. Obviously, as these problems are brought under control, the Brazilian Authorities will have plenty of room to concentrate efforts on economic development and improvement of the quality of life of the Brazilian society, wherein foreign contribution can be a great help.

Therefore, I would like to repeat my statement that Brazil has adopted a deliberate policy of absorbing foreign savings to help accelerate its growth rates. Let me emphasize at this point that the Brazilian experience has shown to us how important can the contribution of foreign be at the margin. By 1973, for instance, out of a savings ratio of about 22 percent only 1 percent was foreign savings. But that one percent was strong enough to double per-capita income in 8/9 years instead of 11/12 years. At present, Brazil's capital formation is about 26 percent, of which only 2.5 percent is foreign. Also, foreign participation is less than 10 percent in the existing stock of capital.

It is clear that direct foreign investments bring in not only capital, that helps financing current account deficits in the balance of payments, but also important managerial, technical and marketing skills that cannot be supplied through aid mechanisms and through foreign trade. Thus, Brazil has been right in having welcomed foreign investments. In fact, since 1964 Brazil has adopted attractive legislation for foreign investments which has remained unchanged until today.

Net foreign investments, i.e., reinvestments excluded, have entered the country regularly at about $1.0 billion every year, and total foreign investments in Brazil amounted to $9.0 billion as of December 1976.

Unfortunately, the adjustment process which became necessary since 1974 has created some difficulties for the development of certain projects, partly because of their immediate import-demand impact and because of a need to control the expansion of the money supply. However, as the outlook for inflation and the balance of payments improve, greater and greater will be the possibilities for increasing business, particularly on an international basis, through foreign trade and foreign investments, the latter mainly related to export promotion and import substitution programs.

Exchange of views of the type we are having are extremely useful, including for all of us in the Brazilian government, as it can give valuable indications on the acceptance and effectiveness of our economic policies. The clarification of doubts can help foster a most desirable increase in the traditional business and cultural relationships between our two countries and I thank you for your contribution in our joint efforts to continue and expand this relationship.

Kindly feel free to ask your questions.

ATTACHMENT I

BALANCE OF PAYMENTS, WORLD CURRENT TRANSACTIONS (NET BALANCES) 1973/1977

[In millions of U.S. dollars]

Countries	1973	1974	1975	1976	1977
OPEC countries	6.2	67.2	35.3	44.0	42.0
Main industrial countries [2]	11.2	−9.8	17.8	−.1	1.8
Other developed countries	1.4	−13.9	−14.6	−12.0	−10.4
Developing countries	−10.8	−30.2	−38.4	−28.0	−29.0
Adjustments and others	−8.0	−13.3	−.1	−3.9	−4.4

[1] International Monetary Fund forecasts.
[2] Canada, United States, Japan, France, Western Germany, Italy, United Kingdom, Belgium, Netherlands, Denmark, Austria, Norway, Sweden, and Switzerland.

ATTACHMENT II

BALANCE OF PAYMENTS, 1973/1976

[In millions of U.S. dollars]

Items	1973	1974	1975	1976
1. Trade balance (FOB)	7	−4,690	−3,491	−2,147
Exports	6,199	7,951	8,670	10,130
Imports	−6,192	−12,641	−12,169	−12,277
2. Services	−1,722	−2,433	−3,213	−3,919
Receipts	944	1,558	1,331	1,179
Payments	−2,666	−3,991	−4,544	−5,098
Interest	−839	−1,370	−1,829	−2,039
Profits and dividends	−199	−250	−237	−383
Other	−1,628	−2,371	−2,479	−2,676
3. Unrequited transfers	27	1	0	4
Receipts	128	138	130	111
Payments	−101	−137	−130	−107
4. Current transaction (1+2+3)	−1,688	−7,122	−6,712	−6,062
5. Net capital flow	3,512	6,254	6,161	6,867
Investments (net)	940	887	895	1,010
Foreign investments (net)	977	945	1,007	1,145
Brazilian investments abroad (net)	−37	−58	−112	−135
Loans and financing	1,278	1,763	2,015	1,720
International organizations and foreign governmental agencies	562	979	920	768
Suppliers' credit	776	952	1,292	1,187
Brazilian loans and financing to foreign countries	−60	−168	−197	−235
Currency loans	3,217	5,128	4,515	6,201
Law 4 131	2,279	3,702	3,580	4,617
Central Bank Resolution	867	1,401	935	1,459
Bonds	71	25	----------	125
Other capita (short term)	−251	396	856	824
Amortizations	−1,672	−1,920	−2,120	−2,888
6. Net errors and omissions	355	−68	−399	387
7. Surplus or deficit	2,179	−936	−95	1,192

Source: Central Bank of Brazil.

ATTACHMENT III

FOREIGN DEBT, RESERVES, EXPORTS

[In millions of U.S. dollars]

Years	Total debt (A)	Reserves (B)	Ne debt (C=A−B)	Exports (D)	Ratio (C/D)
1968	3,780	257	3,523	1,881	1.87
1969	4,403	655	3,747	2,311	1.62
1970	5,295	1,187	4,108	2,739	1.50
1971	6,622	1,723	4,899	2,904	1.69
1972	9,521	4,183	5,338	3,991	1.34
1973	12,572	6,416	6,156	6,199	.99
1974	17,166	5,269	11,897	7,951	1.50
1975	21,171	4,041	17,130	8,670	1.98
1976	25,985	6,544	19,441	10,130	1.92

Sources: Central Bank of Brazil.

ATTACHMENT IV

FOREIGN DEBT SERVICE

[In millions of U.S. dollars]

Years	Debt services: Amortization: Short term (1)	Amortization: Medium and long term (2)	Amortization: Total (3)=(1+2)	Net interest (4)	Total (5)=(3+4)	Exports (f.o.b.) (6)	Ratio (5)/(6)
1968	336	480	816	144	960	1,881	51
1969	582	486	1,068	182	1,250	2,311	50
1970	577	665	1,242	234	1,476	2,739	51
1971	540	843	1,383	302	1,685	2,904	58
1972	767	1,196	1,963	359	2,322	3,991	58
1973	407	1,656	2,063	514	2,577	6,199	42
1974	36	1,907	1,943	652	2,595	7,951	33
1975	8	2,000	2,008	1,580	3,588	8,655	41

Source: Central Bank of Brazil.

TO BAN NUCLEAR MATERIAL IN SPACE

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, late last month the Cosmos satellite, carrying a nuclear power reactor, crashed to Earth in northwestern Canada. The highly radioactive material from the satellite is now being found in small fragments over a wide area near and on Great Slave Lake.

Fortunately for humanity, the Cosmos satellite crashed in a remote area, rather than in a major population center. But the event itself proves the possibility of such satellite failures, and the potential for other satellites to fall in the future. Next time we might be less fortunate.

President Carter appropriately expressed his concern, and suggested a negotiated agreement to ban the placement of nuclear materials in space.

My good friend and colleague, JOHN SEIBERLING, and I are today introducing a resolution that would support the President's position, in which we express the sense of the House that the President urgently enter into negotiations to halt the use of radioactive materials in space. We hope many of our colleagues will join in cosponsoring this important resolution when we reintroduce it.

In addition, we urge that the United States will immediately halt the use of nuclear materials in our own satellites and to ask Russia and other nations with satellite capabilities to join us in advance of formalizing a treaty. The hazards just demonstrated are too great to temporize. The practice of putting dangerous radioactive materials in space must be stopped before a tragedy occurs. The text of the resolution follows:

Resolution to urge negotiations for an agreement to ban the use of nuclear materials in space.

Whereas the use of nuclear materials in space vehicles poses potentially adverse health and genetic effects to all forms of life; and

Whereas the falling of a Russian satellite containing nuclear materials into Canada demonstrates the very real possibility of such satellites descending to earth and exposing populations to dangerous radiation levels; and

Whereas it is in the interest of the peoples of all nations to prevent such hazards to their populations as would result from a space vehicle containing nuclear materials falling on their territories; now therefor be it

Resolved, That the House of Representatives hereby urges the President of the United States urgently to initiate negotiations for an international agreement to ban the use of nuclear materials in all space vehicles.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLYNT (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. MARRIOTT (At the request of Mr. RHODES), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. LEGGETT, for 1 hour, on February 9; and to revise and extend his remarks and include a table.

(The following Members (at the request of Mrs. FENWICK) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 30 minutes, today.
Mr. CLEVELAND, for 5 minutes, today.
Mr. SAWYER, for 5 minutes, today.
Mr. WHALEN, for 10 minutes, today.
Mr. COLLINS of Texas, for 20 minutes, today.
Mr. MILLER of Ohio, for 10 minutes, today.

(The following Members (at the request of Mr. BEDELL), to revise and extend their remarks, and to include extraneous matter to:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. CARR, for 5 minutes, today.
Mr. BEDELL, for 5 minutes, today.
Mr. WEISS, for 5 minutes, today.
Mr. VANIK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MOORHEAD of Pennsylvania, and to include extraneous matter notwithstanding the fact that it exceeds 3½ pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,127.

Mr. LEVITAS, to insert extraneous material in his statement during debate on H.R. 8336.

(The following Members (at the request of Mrs. FENWICK) and to include extraneous matter:)

Mr. COUGHLIN in two instances.
Mr. COHEN.
Mr. CUNNINGHAM.
Mr. DORNAN.
Mr. ASHBROOK in two instances.
Mr. DERWINSKI in two instances.
Mr. ARMSTRONG in five instances.
Mr. KEMP in three instances.
Mr. WHALEN.
Mr. LAGOMARSINO in two instances.
Mr. PURSELL.
Mr. CARTER.
Mr. FRENZEL in three instances.
Mr. MARTIN.
Mrs. HOLT.
Mr. WINN.
Mr. EVANS of Delaware.
Mr. WYDLER.
Mr. WALSH.
Mr. MILLER of Ohio.
Mr. PRITCHARD.
Mr. FORSYTHE.
Mr. ROUSSELOT
Mr. MCDADE.

(The following Members (at the request of Mr. BEDELL), and to include extraneous matter:)

Mr. STARK.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. MURTHA in three instances.
Mr. LEVITAS in two instances.
Mr. DINGELL.
Mr. OBERSTAR in two instances.
Mr. BYRON in two instances.
Mr. WAXMAN in two instances.
Mr. EVANS of Georgia in two instances.
Mr. ROGERS.
Mr. BENJAMIN.
Mr. LEGGETT.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 266. An act to authorize appropriations for financial assistance to limit radiation exposure to the public from uranium mill tailings used for construction, and for other purposes.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7442. An act to amend the Communications Act of 1934 to provide for the regulation of utility pole attachments; and

H.R. 7766. An act to authorize the Mayor of the District of Columbia to enter into an agreement with the U.S. Postal Service with respect to the use of certain public air space in the District of Columbia.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on February 3, 1978, present to the President, for his approval, bills and a joint resolution of the House of the following title:

H.R. 2719. To authorize the Secretary of the Interior to contract with the Middle Rio Grande Conservancy District of New Mexico for the payment of operation and maintenance charges on certain Pueblo Indian lands;

H.R. 5798. To amend the Interstate Commerce Act to authorize appropriations for the Office of Rail Public Counsel for fiscal year 1978;

H.R. 10532. To amend Public Law 95–18, providing for emergency drought relief measures; and

H.J. Res. 386. To provide for the striking of a national medal to commemorate the bicentennial of an outstanding historic event or personality during 1777.

ADJOURNMENT

Mr. BEDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 473, 95th Congress, the House stands adjourned until 12 o'clock meridian, Tuesday, February 14, 1978.

Thereupon (at 5 o'clock and 6 minutes p.m.), pursuant to House Concurrent Resolution 473, the House adjourned until Tuesday, February 14, 1978, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3219. A letter from the Deputy Secretary of Defense, transmitting the annual report of the Reserve Forces Policy Board for fiscal year 1977, pursuant to 10 U.S.C. 133(c)(3); to the Committee on Armed Services.

3220. A letter from the Deputy Secretary of Defense, transmitting notice of his decision to increase the civilian strength authorized for the Department of Defense, pursuant to section 501(d) of Public Law 95–79; to the Committee on Armed Services.

3221. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report of the National Center on Educational Media and Materials for the Handicapped for 1977, pursuant to section 653(a)(3) of Public Law 91–230; to the Committee on Education and Labor.

3222. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on specialized or technical services provided to State or local governments by NASA during calendar year 1977, pursuant to section 304 of Public Law 90–577; to the Committee on Government Operations.

3223. A letter from the Chairman, Commission on Federal Paperwork, transmitting a report on the paperwork and disclosure requirements of the Consumer Credit Protection Act, pursuant to section 3(c) of Public Law 93–556; to the Committee on Government Operations.

3224. A letter from the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, transmitting a report on the committee's activities under the Freedom of Information Act during calendar year 1977, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3225. A letter from the Inspector General, Department of Health, Education, and Welfare, transmitting his quarterly report for the period ended December 31, 1977, pursuant to section 204(b) of Public Law 49–505; to the Committee on Interstate and Foreign Commerce.

3226. A letter from the Deputy Comptroller General of the United States, transmitting a report and recommendation on the meritorious claim of Jack W. Herbstreit against the United States, pursuant to the act of April 10, 1928 (45 Stat. 413); to the Committee on the Judiciary.

3227. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on the Office's positions in grade GS–17 during calendar year 1977, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

3228. A letter from the Administrator, U.S. Small Business Administration, transmitting the final report on the agency's surety bond guarantee program, pursuant to section 411(c) of the Small Business Investment Act of 1958, as amended (88 Stat. 749); to the Committee on Small Business.

3229. A letter from the Assistant Secretary of Transportation for Policy and International Affairs, transmitting the preliminary report to the Department's Coal Transportation Task Force; jointly to the Committees on Interior and Insular Affairs, Interstate and Foreign Commerce, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PEPPER: Committee on Rules. House Resolution 1014. Resolution providing for the consideration of H.R. 5981. A bill to amend the American Folklife Preservation Act to extend the authorizations of appropriations contained in such act (Rept. No. 95–867). Referred to the House Calendar.

Mr. JOHNSON of California: Committee on Public Works and Transportation. H.R. 10368. A bill to amend the Federal Aviation Act of 1958 relating to eligibility for registration of aircraft (Rept. No. 95–868). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANNUNZIO: Committee on House Administration. House Resolution 963. Resolution to provide for expenses of investigations and studies to be conducted by the Committee on Ways and Means; with amendment (Rept. No. 95–869). Referred to the House Calendar.

Mr. ANNUNZIO: Committee on House Administration. House Resolution 961. Resolution providing funds for the expenses of the Committee on Standards of Official Conduct with amendment (Rept. No. 95–870). Referred to the House Calendar.

Mr. ANNUNZIO: Committee on House Administration. House Resolution 954. Resolution to provided funds for the expenses of the investigations and studies to be conducted by the Committee on Agriculture; with amendment (Rept. No. 95–871). Referred to the House Calendar.

Mr. ANNUNZIO: Committee on House Administration. House Resolution 971. Resolution to provide funds for the Select Committee on Ethics (Rept. No. 95–872). Referred to the House Calendar.

Mr. ANNUNZIO: Committee on House Administration. House Resolution 981. Resolution to provide for the expenses of investigations, and studies to be conducted by the Committee on International Relations; with amendment (Rept. No. 95–873). Referred to the House Calendar.

Mr. ANNUNZIO: Committee on House Administration. House Resolution 975. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Education and Labor. (Rept. No. 95–874). Referred to the House Calendar.

Mr. ANNUNZIO: Committee on House Administration. House Resolution 972. Resolution to provide for the expenses of investigations, and studies to be conducted by the Committee on Armed Services; with amendment (Rept. No. 95–875). Referred to the House Calendar.

Mr. ANNUNZIO: Committee on House Administration. House Resolution 1004. Resolution to provide for the expenses of investigations and studies to be conducted by the Select Committee on Narcotics Abuse and Control; with amendment (Rept. No. 95–876). Referred to the House Calendar.

Mr. ANNUNZIO: Committee on House Administration. House Resolution 984. Resolution to provide funds for the Committee on House Administration. (Rept. No. 95–877). Referred to the House Calendar.

Mr. ANNUNZIO: Committee on House Administration. House Resolution 977. Resolution providing funds for the expenses of the Committee on House Administration to provide for the maintenance and improvement of ongoing computer services for the House of Representatives, for the investigation of additional computer services for the House of Representatives, and to provide computer support to the committees of the House of Representatives. (Rept. No. 95–878). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEDELL (for himself and Mr. OTTINGER):

H.R. 10865. A bill to amend the Internal Revenue Code of 1954 to provide graduated corporate income tax rates; to the Committee on Ways and Means.

By Mr. BLOUIN:

H.R. 10866. A bill to provide that the changes made by the Tax Reform Act of 1976 to the exclusion for sick pay shall only apply to taxable years beginning after December 31, 1977; to the Committee on Ways and Means.

By Mr. BYRON:

H.R. 10867. A bill to regulate and restrict the use of fuel adjustment clauses by federally regulated, and State regulated, electric and gas utilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN of Mississippi (for himself, Mr. KETCHUM, Mr. CLEVELAND, Mr. SCHULZE, Mr. BROYHILL, Mr. COUGHLIN, Mr. KINDNESS, Mr. CORCORAN of Illinois, and Mr. WALKER):

H.R. 10868. A bill to amend title 28 of the United States Code to provide for the appointment of a special prosecutor in appropriate cases, and for other purposes; to the Committee on the Judiciary.

By Mr. CUNNINGHAM (for himself, Mr. STUMP, Mr. HANNAFORD, Mr. CLAY, Mr. GEPHARDT, and Mr. THONE):

H.R. 10869. A bill to amend the Internal Revenue Code of 1954 to exempt certain State and local government retirement systems from taxation, and for other purposes; to the Committee on Ways and Means.

By Mr. DICKS (for himself, Mr. AKAKA, Mr. MIKVA, Mr. WOLFF, Mr. WHITEHURST, Mr. WALKER, Mr. PRITCHARD, Mr. CORNELL, Mr. CORNWELL, Mr. PATTISON of New York, Mr. WON PAT, Mr. MCCORMACK, Mr. ERTEL, Mr. NOLAN, Mr. PATTERSON of California, Mr. EVANS of Georgia, Mr. SIMON, Mr. CHARLES WILSON of Texas, Mr. HANNAFORD, Mr. HARRINGTON, Mr. FITHIAN, Mr. GORE, Mr. GEPHARDT, Mr. YOUNG of Missouri, and Mr. LENT):

H.R. 10870. A bill to improve the functioning of Federal agencies by requiring the completion of proceedings in a timely manner; to the Committee on the Judiciary.

By Mr. EVANS of Delaware:

H.R. 10871. A bill to provide assistance to the States for the construction, acquisition, and renovation of correctional institutions and facilities; to the Committee on the Judiciary.

By Mrs. FENWICK:

H.R. 10872. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under Federal programs will not have the amount of such benefits, aid, or assistance reduced because of general cost-of-living increases in the periodic benefits payable under specified Federal or federally assisted programs; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 10873. A bill to amend title VIII of the Public Health Service Act to extend for 2 fiscal years the program of assistance for nurse training; to the Committee on Interstate and Foreign Commerce.

By Mr. MARLENEE:

H.R. 10874. A bill to amend the meat import law to reduce the amount of meat permitted to be imported into the United States during any calendar year by the amount, if any, by which actual imports during the preceding calendar year exceeded the quota for that year, and for other purposes; to the Committee on Ways and Means.

H.R. 10875. A bill to amend the meat import law in order to impose the limitation thereunder if the estimated quantity of imported meat will equal or exceed 100 percent,

rather than 110 percent, of the quota for any year; to the Committee on Ways and Means.

H.R. 10876. A bill to prevent evasion of the meat import law by including within the yearly quotas established thereunder meat entered into foreign trade zones and insular possessions for processing into different products before importation into the United States; to the Committee on Ways and Means.

By Mr. MINETA (for himself, Mr. MCFALL, Mr. HEFNER, Mr. RAHALL, Mr. LLOYD of California, Mr. RONCALIO, Mr. YOUNG of Missouri, Mr. SNYDER, Mr. DON H. CLAUSEN, Mr. GOLDWATER, Mr. EDGAR, Mr. RYAN, Mr. ADDABBO, Mr. DOWNEY, Mr. GLICKMAN, Mr. PATTERSON of California, Mr. DORNAN, Mr. HUGHES, Mr. MCCLOSKEY, Mr. LAGOMARSINO, Mr. BEDELL, Mr. LEHMAN, Mr. STEERS, Mr. HARRINGTON, and Mr. CORNWELL):

H.R. 10877. A bill to amend the Federal Aviation Act of 1958 to authorize U.S. international air carriers to carry domestic traffic between U.S. cities on flights operated in foreign air transportation; to the Committee on Public Works and Transportation.

By Mr. MURPHY of New York (for himself, Mr. LEGGETT, Mr. FORSYTHE, Mr. ROGERS, Mr. BOWEN, Mr. TRIBLE, Mr. HUBBARD, Mr. HUGHES, and Mr. DORNAN):

H.R. 10878. A bill to extend until October 1, 1981, the voluntary insurance program provided by section 7 of the Fisherman's Protective Act of 1967; to the Committee on Merchant Marine and Fisheries.

By Mr. MOORHEAD of Pennsylvania:

H.R. 10879. A bill to authorize appropriations for the National Institute of Building Sciences; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MONTGOMERY (for himself, Mr. JENKINS, Mr. FLIPPO, Mr. ENGLISH, Ms. OAKAR, Mr. LENT, Mr. LUNDINE, Mr. DERRICK, Mr. BEVILL, Mr. ALLEN, Mr. CONTE, Mr. NOLAN, Mr. CARNEY, Mr. HAWKINS, Mr. GILMAN, Mr. ALEXANDER, Mr. COCHRAN of Mississippi, and Mr. SYMMS):

H.R. 10880. A bill to amend title 38, United States Code, to improve the pension programs for veterans, and survivors of veterans, of the Mexican border period, World War I, World War II, the Korean conflict, and the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MOTTL:

H.R. 10881. A bill to amend the act of October 29, 1949, to require the Federal Government to purchase more materials and goods manufactured in the United States; to the Committee on Government Operations.

By Mr. MURPHY of New York (for himself, Mr. LEGGETT, Mr. FORSYTHE, Mr. DINGELL, Mr. ROGERS, Mr. YOUNG of Alaska, Mr. HUBBARD, Mr. HUGHES, Mr. TRIBLE, and Mr. SIKES):

H.R. 10882. A bill to authorize appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1979, 1980, and 1981; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. LEGGETT, Mr. FORSYTHE, Mr. HUBBARD, and Mr. HUGHES):

H.R. 10883. A bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1979, 1980, and 1981; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. LEGGETT, Mr. FORSYTHE, Mr. ROGERS, Mr. HUBBARD, Mr. TRIBLE Ms. MIKULSKI, and Mr. HUGHES):

H.R. 10884. A bill to authorize appropriations to the Council on Environmental quality for fiscal years 1979, 1980, and 1981; to the Committee on Merchant Marine and Fisheries.

By Mr. NOLAN (for himself and Mr. GRASSLEY):

H.R. 10885. A bill to establish a council to assist in meeting the development needs of rural areas of the United States, and for other purposes; to the Committee on Agriculture.

By Mr. OBERSTAR (for himself and Mrs. KEYS):

H.R. 10886. A bill to amend section 422(c) of the Higher Education Act of 1965 to make a technical correction concerning the eligibility of certain new State agencies for advances to reserve funds under such section; to the Committee on Education and Labor.

By Mr. PATTERSON of California (for himself, Mrs. SPELLMAN, Mr. EDGAR, Mr. EILBERG, Mr. VENTO, and Mr. LAFALCE):

H.R. 10887. A bill to establish a program to provide assistance to local governments for solid waste disposal programs; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEDS:

H.R. 10888. A bill to designate certain lands in the State of Alaska as units of the National Park, National Forest, National Wildlife Refuge, Wild and Scenic Rivers and National Wilderness Preservation Systems, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS:

H.R. 10889. A bill to improve the administration of titles I, IV, VII of the Elementary and Secondary Education Act of 1965, title VII of the Education Amendments of 1974, and the Emergency School Aid Act; to the Committee on Education and Labor.

H.R. 10890. A bill to improve education in the United States; to the Committee on Education and Labor.

H.R. 10891. A bill to revise title I of the Elementary and Secondary Education Act of 1965 to clarify and to strengthen its provisions; to the Committee on Education and Labor.

H.R. 10892. A bill to amend the General Education Provisions Act to require coordinated effort to reduce paperwork; to the Committee on Education and Labor.

By Mr. PICKLE:

H.R. 10893. A bill to defer from income certain amounts deferred pursuant to State or local public employee deferred compensation plans; to the Committee on Ways and Means.

H.R. 10894. A bill to impose quotas on the importation of beef, including processed beef and beef quantities in the form of live cattle, when the domestic market price of cattle is less than 110 percent of parity and to impose custom duties on such articles when the domestic market price of cattle is less than 80 percent of parity; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 10895. A bill to establish a National Alcohol Fuels Commission, and for other purposes; to the Committee on Science and Technology.

By Mr. ROGERS:

H.R. 10896. A bill to amend the Public Health Service Act to repeal the authority for capitation grants to schools of medicine and osteopathy and to increase the authorizations for certain training programs of schools of medicine, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 10897. A bill to amend the Public Health Service Act to revise the primary care residency requirements for capitation grants to medical schools, to clarify the administration of the program relating to health professions data, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY:

H.R. 10898. A bill to amend the Regional Rail Reorganization Act of 1973 to authorize appropriations for the United States Railway Association for fiscal year 1979; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 10899. A bill to provide for Federal regulation of participation by foreign banks in domestic financial markets; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SAWYER:

H.R. 10900. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to claim a credit for amounts paid as tuition to provide education for himself, for his spouse, or for his dependents, and to provide that such credit is refundable; to the Committee on Ways and Means.

By Mr. SMITH of Iowa (for himself, Mr. SEBELIUS, and Mr. WEAVER):

H.R. 10901. A bill to temporarily suspend dealer and foreign commodity option sales by the Commodity Futures Trading Commission; to the Committee on Agriculture.

By Mr. SMITH of Iowa (for himself, Mr. CORMAN, Mr. CONTE, Mr. MIKVA, Mr. STEED, Mr. STANTON, Mr. ADDABBO, Mrs. LLOYD of Tennessee, Mr. FRENZEL, Mr. ST GERMAIN, Mr. MCDADE, Mr. CARNEY, Mr. GONZALEZ, Mr. HANLEY, Mr. JENKINS, Mr. CARTER, Mr. BRECKINRIDGE, Mr. LAFALCE, Mr. GINN, Ms. KEYS, Mr. RICHMOND, Mrs. FENWICK, Mr. RUSSO, and Mr. BUTLER):

H.R. 10902. A bill to amend the Internal Revenue Code of 1954 to provide tax relief to small businesses by establishing a graduated income tax rate for corporations; to the Committee on Ways and Means.

By Mr. SMITH of Iowa (for himself, Mr. CORMAN, Mr. CONTE, Mr. BALDUS, Mr. NOLAN, Mr. ICHORD, Mr. PRESSLER, Mr. NOWAK, Mr. LUKEN, Mr. LE FANTE, Mr. IRELAND, Mr. HEFNER, Mr. FOWLER, Mr. MOTTL, Mr. KASTEN, and Mr. JACOBS):

H.R. 10903. A bill to amend the Internal Revenue Code of 1954 to provide tax relief to small businesses by establishing a graduated income tax rate for corporations; to the Committee on Ways and Means.

By Mr. WHALEN:

H.R. 10904. A bill to amend the Communications Act of 1934 to prohibit making unsolicited commercial telephone calls to persons who have indicated they do not wish to receive such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. FORSYTHE (for himself and Mr. LEGGETT):

H.R. 10905. A bill to establish a conservation program for the living marine resources of the Arctic and Southern Oceans, and for other purposes; to the Committee on Merchant Marine and Fisheries.

Mr. GONZALEZ:

H.R. 10906. A bill to establish a United States-Mexico Joint Development Bank; jointly, to the Committees on Banking, Finance and Urban Affairs, and International Relations.

By Mr. KEMP (for himself and Mr. STUMP):

H.R. 10907. A bill to provide for permanent tax rate reductions for individuals and businesses; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 10908. A bill to amend the Public Health Service Act to revise and extend the programs of assistance for libraries of medicine and the programs of the National Heart, Lung, and Blood Institute and the National Cancer Institute, to revise and extend the program for National Research Service

Awards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. PREYER, Mr. SCHEUER, Mr. WAXMAN, Mr. FLORIO, Mr. MARKEY, Mr. WALGREN, and Mr. CARTER):

H.R. 10909. A bill to amend the Public Health Service Act to revise and strengthen the program under that act for national standards for and licensing of clinical laboratories, to amend the Social Security Act to require laboratories providing services financed under titles XVIII and XIX of such act to meet the requirements of such program, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. BAUCUS:

H.J. Res. 732. Joint resolution designating May 1978 as Family Camping Month; to the Committee on Post Office and Civil Service.

By Mr. DERWINSKI:

H.J. Res. 733. Joint resolution proposing an amendment to the Constitution of the United States with respect to the rights of unborn persons; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.J. Res. 734. Joint resolution directing the Office of Technology Assessment to study the potential in the United States for rapidly converting from existing energy sources to solar energy; to the Committee on Science and Technology.

By Mr. OBERSTAR (for himself and Mr. PRICE):

H.J. Res. 735. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. DERWINSKI (for himself, Mr. ASHBROOK, Mr. BAUMAN, Mr. BOWEN, Mr. CRANE, Mr. DAN DANIEL, Mr. ROBERT W. DANIEL, JR., Mr. DUNCAN of Tennessee, Mr. EDWARDS of Oklahoma, Mr. GOODLING, Mrs. HOLT, Mr. HYDE, Mr. ICHORD, Mr. KETCHUM, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. MOORHEAD of California, Mr. ROUSSELOT, Mr. RUDD, Mr. RUNNELS, Mr. SYMMS, Mr. TAYLOR, Mr. VANDER JAGT, and Mr. WAGGONNER):

H. Con. Res. 475. Concurrent resolution expressing the sense of the Congress that the United States should not be involved in any efforts to formulate a Rhodesian settlement which would repudiate democratic principles; to the Committee on International Relations.

By Mr. HANSEN (for himself, Mr. MURPHY of New York, Mr. CHARLES WILSON of Texas, Mr. EVANS of Indiana, and Mr. GUDGER):

H. Con. Res. 476. Concurrent resolution expressing the sense of the Congress with regard to the disposition by the United States of any right to, title to, or interest in the property of Canal Zone agencies and any real property located in the Canal Zone; to the Committee on Merchant Marine and Fisheries.

By Mr. FINDLEY (for himself, Mr. MOORHEAD of California, Mr. ASHBROOK, Mr. BURLISON of Missouri, Mr. HOWARD, Mr. JONES of North Carolina, Mr. MCCLORY, Mr. PATTEN, Mr. TEAGUE, Mr. WALKER, and Mr. YOUNG of Missouri):

H. Res. 1015. Resolution to maximize local nighttime radio service; to the Committee on Interstate and Foreign Commerce.

By Mr. GLICKMAN:

H. Res. 1016. Resolution relative to assuring U.S. farmers equality with regard to agricultural exports; jointly, to the Committees on Agriculture, International Relations, and Ways and Means.

By Mr. HARRIS (for himself, Mr. SOLARZ, and Mrs. SPELLMAN):

H. Res. 1017. Resolution to amend the Rules of the House of Representatives to restrict provisions of and amendments to appropriation bills; to the Committee on Rules.

By Mr. KEMP (for himself and Mr. STRATTON):

H. Res. 1018. Resolution to reaffirm the use of our national motto on currency; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MURTHA:

H. Res. 1019. Resolution to establish a select Committee on Developing a National Communications Policy; to the Committee on Rules.

By Mr. OTTINGER (for himself and Mr. SEIBERLING):

H. Res. 1020. Resolution to urge negotiations for an agreement to ban the use of nuclear materials in space; to the Committee on International Relations.

By Mr. PEPPER (for himself and Mr. WAMPLER):

H. Res. 1021. Resolution to provide for the expense of investigations, and studies to be conducted by the Committee on Aging, and for other purposes; to the Committee on House Administration.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

396. By Mr. QUILLEN: Petition of W. H. Logan, Erwin, Tenn., relative to repeal of the Federal withholding tax law; to the Committee on Ways and Means.

397. Also, petition of Oscar Riddle, Erwin, Tenn., relative to repeal of the Federal withholding tax law; to the Committee on Ways and Means.

398. By the SPEAKER: Petition of the Texas Energy Advisory Council, Austin, Tex., relative to the council's request for documentation from the Department of Energy in support of the national energy plan under the Freedom of Information Act; to the Committee on Government Operations.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 9214

By Mr. CAVANAUGH:

The Bretton Woods Agreements Act (22 U.S.C. 286–286k–2), as amended, is further amended by adding at the end thereof the following new section:

SEC. 29. The Secretary of the Treasury shall instruct the United States Executive Director to the International Monetary Fund to oppose and vote against the use of Supplemental Financing Facility resources by:

(1) a member country which has renegotiated for terms more favorable to itself, a majority of the value of its outstanding loans with the Fund, official export credit institutions, and any multilateral or regional development banks and has not agreed to comparable treatment of a majority of the value of its outstanding loans with private creditors, and;

(2) a member country which does not agree to refrain from seeking or accepting the renegotiation, for terms more favorable to itself, of a majority of the value of its outstanding loans with the Fund, official export credit institutions, and any multilateral or regional development banks unless it seeks or accepts comparable treatment of a majority of the value of its outstanding loans from private creditors.

The Secretary of the Treasury shall determine in writing, taking all relevant factors into consideration, whether comparable treatment has been agreed to. These written determinations shall be provided to the appropriate committees of Congress.

By Mr. STEERS:

Page 3, add new section after line 14:

"SEC. 3. The Bretton Woods Agreements Act (22 U.S.C. 286–286k–2), as amended, is further amended by adding at the end thereof the following new section:

"'SEC. . (4) The Secretary of the Treasury shall instruct the United States Executive Director on the Executive Board of the International Monetary Fund to initiate a wide consultation with the Managing Director of the Fund and other member country Executive Directors with regard to encouraging the IMF staff to formulate stabilization programs which, to the maximum feasible extent, foster a broader base of productive investment and employment, especially in those productive activities which are designed to meet basic human needs.

"'(2) In accordance with the unique character of the International Monetary Fund, the Secretary of the Treasury shall direct the U.S. Executive Director to take all possible steps to the end that all Fund transactions, including economic programs developed in connection with the utilization of Fund resources, do not contribute to the deprivation of basic human needs, nor to the violation of basic human rights, such as torture, cruel or inhumane treatment or degrading punishment, prolonged detention without charge, or other flagrant denials of life, liberty, and the security of person; and to oppose all such transactions which would contribute to such deprivations or violations.

"'(3) In order to gain a better understanding of the social, political and economic impact of the Fund's stabilization programs on borrowing countries, especially as it relates to the poor majority within those countries, the U.S. Governor of the Fund shall prepare and submit, not later than 180 days after the close of each calendar year, a report to the Congress. Such report shall evaluate, with respect to countries to which loans are made by the Fund during the year, the effects of policies of those countries which result from the standby agreement(s) on the ability of the poor in such countries to obtain:

"'(a) an adequate supply of food with sufficient nutrition to avoid the debilitating effects of malnutrition;

"'(b) shelter and clothing;

"'(c) public services, including health care, education, clean water, energy resources, and transportation;

"'(d) productive employment that provides a reasonable and adequate wage.'"

Page 3, add new section after line 14:

"SEC. 3. The Bretton Woods Agreements Act (22 U.S.C. 286–286k–2), as amended, is further amended by adding at the end thereof the following new section:

"'SEC. . (1) The Secretary of the Treasury shall instruct the United States Executive Director on the Executive Board of the International Monetary Fund to initiate a wide consultation with the Managing Director of the Fund and other member country Executive Directors with regard to encouraging the IMF staff to formulate stabilization programs entered into pursuant to loans from the Supplementary Financing Facility which, to the maximum feasible extent, foster a broader base of productive investment and employment, especially in those productive activities which are designed to meet basic human needs.

"'(2) In accordance with the unique character of the International Monetary Fund, the Secretary of the Treasury shall direct the U.S. Executive Director to take all possible steps to the end that all Supplementary Financing Facility transactions, including economic programs developed in

connection with the utilization of Fund resources, do not contribute to the deprivation of basic human needs, nor to the violation of basic human rights, such as torture, cruel or inhumane treatment or degrading punishment, prolonged detention without charge, or other flagrant denials of life, liberty and the security of person; and to oppose all such transactions which would contribute to such deprivations or violations.

"'(3) In order to gain a better understanding of the social, political and economic impact of the Fund's stabilization programs entered into pursuant to loans from the Supplementary Financing Facility on borrowing countries, especially as it relates to the poor majority within those countries, the U.S. Governor of the Fund shall prepare and submit, not later than 180 days after the close of each calendar year, a report to the Congress. Such report shall evaluate, with respect to countries to which loans are made by the Supplementary Financing Facility during such year, the effects of the policies of those countries which result from the standby agreement(s) on the ability of the poor in such countries to obtain:

"'(a) an adequate supply of food with sufficient nutritional value to avoid the debilitating effects of malnutrition;

"'(b) shelter and clothing;

"'(c) public services, including health care, education, clean water, energy resources, and transportation;

"'(d) productive employment that provides a reasonable and adequate wage.'"

SENATE—*Thursday, February 9, 1978*

(Legislative day of Monday, February 6, 1978)

The Senate met at 10:15 a.m., on the expiration of the recess, in executive session, and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Our Father-God who knows our needs before we ask, move into our lives with the grace of the Lenten season to control our thoughts, our attitudes, our judgments, and our speech. Fill our lives with Thy spirit that we may reflect here the religion we profess, the faith to which we cling, and the ideals which we espouse. Teach us to pray as we work and to work as the Master, who went about doing good and in whose name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. DECONCINI). The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 9, 1978.

To the Senate:

Under the provisions of rule I, section 3 of the Standing Rules of the Senate, I hereby appoint the Honorable DENNIS DECONCINI, a Senator from the State of Arizona, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. DECONCINI thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Wednesday, February 8, 1978, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PANAMA CANAL TREATIES DEBATE

Mr. ROBERT C. BYRD. Mr. President, yesterday was a good day insofar as the debate on the treaty was concerned.

Members of the Senate representing opposing views spoke strongly and articulately, and there were at times spirited exchanges.

I do not believe there was a single quorum call once the Senate began its debate on the treaties. I would hope that the same fine level of debate can be attained throughout today.

The debate will begin at 11 a.m. and will continue until 6 p.m.

I would anticipate no rollcall votes during that period, but one can never rule out such.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. Mr. President, I have no requirement for my time under the standing order, nor any request for any time under the standing order, except to say that I hope as many Senators as possible will be on the floor during the course of the debate today. I expect it to be a worthwhile debate, no doubt energetically conducted and helpful to our final determination of the issues before us.

Mr. President, I yield back the remainder of my time under the standing order.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, as in legislative session, not to extend beyond the hour of 10:30 a.m., with statements therein limited to 2 minutes.

EXTENSION OF TIME TO FILE REPORT

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Joint Economic Committee be granted an extension of time from March 1, 1978, to March 31, 1978, to file a report of its findings and recommendations with respect to the economic report of the President, as required by section 5(b)(3) of Public Law 79–304.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, as in legislative session.

COMMITTEE MEETING

Mr. SARBANES. Mr. President, I ask unanimous consent that the Armed Services Committee be authorized to meet during the session of the Senate today to continue hearings on the military procurement authorization for fiscal year 1979.

Mr. LAXALT. Mr. President, reserving the right to object, has this been cleared with the leadership?

Mr. SARBANES. Yes, it has. Yes, indeed.

Mr. LAXALT. I withdraw the objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

(Routine morning business transacted and additional statements will be printed later in today's RECORD.)

EMERGENCY ACTION TO BOLSTER THE FARM ECONOMY

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate will now, as in legislative session, proceed to the consideration of Senate Resolution 393. Debate on the resolution is limited to 30 minutes, to be equally divided between the distinguished chairman of the Committee on Agriculture, Nutrition, and Forestry, the Senator from Georgia (Mr. TALMADGE), and the distinguished Senator from Maine (Mr. MUSKIE).

The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 393) expressing the sense of the Senate that emergency action should be taken by the President and the Secretary of Agriculture to bolster the farm economy.

The Senate proceeded to consider the resolution.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the following staff members of the Committee on Agri-

culture, Nutrition, and Forestry be granted the privileges of the floor during the consideration of Senate Resolution 393, including any and all rollcall votes which may occur thereon: Michael R. McLeod, Henry Casso, Carl Rose, William Bates, Dale Stansbury, Karen Schubeck, Dale Sherwin, and Glenn Tussey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, since this Congress convened on January 19, thousands and thousands of farmers from every section of our Nation have been here on Capitol Hill in our offices and on the House side. They have also had tractorcades throughout the Nation, in my State, and I believe in every other State in the Union.

The reason is perfectly obvious. The farmers of this country are going broke, and going broke very rapidly. In fact, many of them are already broke. The reason they are broke is that the principal agricultural commodities—wheat, feed grains, cotton, rice, sugar, and many other agricultural commodities—are selling at below the cost of production. In recent years we have seen farm income decline from over $30 billion a year to $20 billion last year.

What has happened to everything the farmers have to buy? Prices continue to escalate year after year. Wages, taxes, fertilizer, farm equipment, pesticides, petroleum—everything, Mr. President. So the farmers find themselves in the worst economic squeeze they have seen since 1933, during the very depths of the Great Depression. In fact, the farmers of this Nation at the present time are receiving only 65 percent of parity. That speaks for itself.

Last year, as the distinguished Presiding Officer knows, we passed a farm bill, which was quite flexible, just for the purpose of contingencies such as farmers face today. We raised loan levels; and we raised target prices to the maximum degree that we could get acceptance by the House of Representatives and the Presidential signature.

Our farm bill also provided discretionary authority to increase loan levels for wheat and feed grains to 100 percent of parity.

In my judgment, the way to provide immediate relief to farmers, from the distressed prices of agriculture at the present time is to raise loan levels. That would force the price of the product up domestically, at least to near the loan level. In the end the Government would lose no money, because farmers would hold their commodities and sell only when the market price is higher than the loan level.

What else, Mr. President? We have increased plantings in the United States in recent years by well over 50 million acres. That caused no problem as long as we had droughts and disasters overseas and ready export markets. But in the last 2 years we have had extremely favorable worldwide growing conditions. We see even Bangladesh with a surplus of grain at the present time. India also has a surplus of grain at the present time.

Farm prices have been forced down by our huge carryovers. We will have 1.1 billion bushels of wheat carryover. That is enough to serve this Nation domestically for 2 years. We will have 1.2 billion bushels of feed grains carryover. We will have 6.2 million bales of cotton carryover.

The only means I know, Mr. President, to reduce these surpluses is a land retirement program, by which the farmers would be paid to retire some of their land.

We did that during the Kennedy and Johnson administrations. We were able to get rid of huge surpluses and force up market prices.

Mr. President, the time for action is now. The law is on the books. The Agriculture, Nutrition, and Forestry Committee by a unanimous vote reported this resolution to the Senate. We are urging the Senate to urge Secretary Bergland to take necessary action to increase the loan levels of various commodities and also to retire additional land.

In the long run this would save the Government money. If we can bring production of agricultural commodities into line with demand, then there will be an upward reaction in the marketplace, and we will not have to make large deficiency payments, as we would with the present low prices.

Mr. President, the resolution now before the Senate, which was reported unanimously by the Committee on Agriculture, Nutrition, and Forestry, provides this body with its first tangible opportunity to come to the aid and assistance of the distressed farmers of the Nation.

I do not believe there are any members of the Senate, regardless of what State they represent, who are not aware that American agriculture today is in the grips of a severe economic crisis.

The harshest impact of this crisis has fallen on America's farm families. But we know from the hard lessons of history that financial trouble for farmers ultimately means financial trouble for everybody.

Indeed, there is mounting evidence that the problem already is spreading beyond the farms and rural communities to other segments of the economy. Industries which manufacture farm equipment and supply fertilizer, chemicals and other essentials of agriculture are feeling the pinch. Others soon will be affected.

The farm crisis—and I emphasize the word crisis—has developed over recent months through a combination of circumstances: massive stocks, plunging prices, rising indebtedness, falling farm income, and—in some parts of the country, including my own State—a devastating drought.

I do not exaggerate the problem when I say that many farmers today have come face-to-face with bankruptcy. The ability of many to obtain financing to produce this year's crop is in question.

Tragically, among the hardest hit are young farmers. Many of these young people borrowed heavily to begin their farming operations. They have been forced to go ever deeper in debt in order to stay afloat this far. They cannot hold on much longer unless help is forthcoming.

The sense of frustration and despair that is sweeping across the farm communities of America has brought thousands of unhappy farmers and ranchers to the Capitol in recent weeks. They have come here seeking help from their Government and from their elected representatives. They have every right to do so.

Today, we have the opportunity to prove that farmers are not the forgotten stepchildren of the American economy. We have an opportunity to demonstrate that the Senate, at least, is not insensitive to their problems.

This opportunity lies in the adoption by the Senate of my resolution, Senate Resolution 393. This resolution calls on the administration to take action immediately, within the authority it has under the new farm law, to halt the spread of the farm crisis and to help restore the vitality of American agriculture.

Adoption of this resolution will send a message to the President and to the Secretary of Agriculture that the Senate of the United States wants action now to help the Nation's farmers.

Mr. President, one of the most significant pieces of legislation enacted at the last session of Congress was the Food and Agriculture Act of 1977. This legislation had its origins in bills that I and others introduced at the beginning of the session and was developed over many months by the Committee on Agriculture, Nutrition, and Forestry.

This legislation required the better part of the session to clear Congress. The proponents of the bill had to overcome many obstacles, including the implied threat of Presidential veto, budget constraints, and differences with the House.

The bill that finally emerged was not perfect. I for one was not completely happy with the final results. I wanted to go further in the direction of greater price and income protection for farmers.

But, as in the case of most major legislation, the final bill was a product of compromise. From the farmers' standpoint, I believe it was the best bill that could be passed by Congress and that the President would sign. It was the most favorable bill to farmers that has been enacted during my 21 years in the Senate.

The new legislation gives broad authority to the Secretary of Agriculture to take prompt and effective action in situations such as now exists, it gives the Secretary wide latitude to adjust price support loans on major commodities and provides him with mechanisms for bringing production into balance with need.

In fairness, I want to point out that the administration has exercised some of the authority that Congress has provided. I particularly want to commend Secretary Bergland for the steps he has taken to raise farm prices and assist farmers who suffered a disaster.

But there is a great deal that can be done and should be done.

On the 23d of January, I urged the President and the Secretary of Agricul-

ture to implement at once a five-point emergency program that would provide meaningful assistance and support to agriculture over the next several months.

My proposals can be accomplished under authority of the existing law. No legislative action by Congress would be necessary.

We are all aware that any attempt to write a new farm law would likely be a long and tortuous undertaking, with the outcome uncertain. At best, it is highly unlikely that anything could be accomplished with legislation that would be timely for this year's crops.

Briefly, my plan calls upon the administration to—

First. Activate a land diversion program of paymets to producers of wheat, feed grains, and cotton who voluntarily take land previously devoted to these crops out of production. This would be an annual program, not a long term tying up of land.

Second. Raise the announced price support loan for wheat by at least 50 cents per bushel to provide a floor of not less than $2.75 per bushel.

Third. Raise the announced price support loan for corn by at least 50 cents per bushel to provide a floor of not less than $2.50 per bushel. Loan levels for other feed grains would be adjusted upward according to their relationship to corn.

Fourth. Raise the announced price support loan for soybeans by at least $1.50 per bushel to provide a floor of not less than $5 per bushel.

Fifth. Set the price support loan on nonquota peanuts at $420 per ton, the same as the law mandates for quota peanuts.

Mr. President, the resolution now before the Senate essentially incorporates my emergency proposals. I am pleased that Senate Resolution 393 had full and bipartisan support in committee.

Now we come to the costs of my proposal. At the outset I want it clearly understood that these cost estimates are only that—estimates. As a matter of fact, it is my understanding that the Congressional Budget Office has indicated informally that they are unable to project reasonable estimates. The Department of Agriculture has provided the Congress with some estimates but even they place little reliance on them.

The staff of the Senate Committee on Agriculture, Nutrition, and Forestry also has provided us with some data based on its assumptions.

The crux of the problem of low farm prices today is an oversupply of major commodities as they relate to requirements for both domestic use and exports.

For example, at the end of this marketing year when the 1978 crops begin to come in, we will have a carryover of about 1.1 billion bushels of wheat; 1.2 billion bushels of corn; 270 million bushels of soybeans; and 6.2 million bales of cotton. All of these are record levels for recent years and are price depressing.

A way to quickly correct this is to retire a substantial amount of cropland acres from 1978 production. In this way, total supplies of these crops can be reduced dramatically and prices will strengthen.

Therefore, the centerpiece of my proposal is a massive land retirement program. Although not specified in the resolution, I have recommended that up to 50 million acres be retired from production this year at an estimated cost of up to $3.5 billion.

This figure was arrived at by using as a base an Economic Research Service analysis of cost of retiring 50 million acres of cropland. The average cost per acre in 1968 was about $14. Conditions have changed in the last 10 years. Therefore, the staff updated this per-acre cost by a factor of five, resulting in an average cost per acre of $70.

Whether such a retirement program would actually cost this much or more is debatable and unknown. But, the staff felt this figure provided a reasonable average for retirement of high quality cropland.

The law gives the Secretary authority under a voluntary land diversion program to institute a bid basis for such contracts or use such other manner as deemed appropriate. Under this authority, the Secretary has the means of controlling costs to a greater extent. But, in any event, this program could cost up to $3.5 billion.

If this program, once instituted, is successful and the total supply of the commodity, that is, the carryover plus production—be it corn, wheat, cotton, or soybeans—is reduced to levels more in line with needs, farm prices will rise to levels more in line with farmer expectations.

We have recent history to show that this will happen. In 1975–76, when the total supply of corn exceeded needs by about 400 million bushels, the season's price received by farmers averaged $2.54 per bushel. With the present supply, farm prices are expected to average only about $2. In the case of wheat, in 1975–76, when the total supply exceeded requirements by 665 million bushels, the season's price received by farmers averaged $3.56 per bushel, while with present stocks the season's price is expected to average only about $2.25. There have been similar experiences with both cotton and soybeans.

If the voluntary land retirement program is entirely successful, the staff believes the cost of the other parts of my proposal will be minimal.

On the other hand, if the land retirement program is not successful in lowering production and carryover stocks are not reduced materially, the staff feels that additional net outlays on loans for wheat at $2.75, corn at $2.50, and soybeans at $5.00 would be about $1 billion.

This breaks down to about 800 million bushels of wheat moving under loan at an additional 50 cents per bushel; 1 billion bushels of feed grains at an additional 50 cents per bushel; and about 70 million bushels of soybeans at an additional $1.50 per bushel.

Regardless of the success of the land diversion program, the cost of the peanut proposal is estimated by the staff at about $40 million. This estimate is arrived at by using a projected production of nonquota peanuts of about 200,000 tons at a cost per ton of $200.

Let me point out that benefits to farmers achieved by the additional Government outlays of either $3.5 or $4.5 billion would be substantially greater than the outlays themselves. This is the case because in either a successful or unsuccessful land diversion program, farmers would receive an additional 50 cents per bushel on the total crop of wheat and feed grains, plus any stocks sold from carryover, because of the increase in the loan level. In addition, farmers would receive an additional $1.50 or more on the total crop of soybeans.

Whatever the cost, I am convinced that this emergency program to bolster the Nation's agriculture will be well worth it. I believe the benefits to farmers and to the overall economy will far outweigh the cost.

The President has proposed to Congress a tax reduction for individuals and corporations of approximately $25 billion. These reductions have been proposed in the interest of stimulating the Nation's economy.

If the cost of the emergency farm proposals is a problem to the administration, I seriously recommend that the President withhold enough of the proposed tax reductions so that this money can be diverted to the agricultural economy.

No segment of the economy is in greater need of stimulus than agriculture. No segment would respond more dramatically. Economists tell us that every dollar spent on agriculture turns over seven times.

I do not suggest the diversion of tax reductions lightly. In fact, I presented the idea directly to the President in a meeting at the White House 2 weeks ago.

To me it makes good sense to attack the economic ills of our country where they clearly exist, and where the need is most urgent. These conditions certainly prevail in the agricultural sector today.

Mr. President, let there be no illusions as to the magnitude of the farm crisis. It is real and it is urgent.

Farmers are in trouble. The agriculture economy is in trouble. And the rest of the economy is threatened.

The time has come to act. Let us begin by adopting this resolution. I hope the Senate will do so and will leave no room for doubt as to the desires and intent of this body.

Mr. President, we are under a time limitation this morning of 15 minutes to a side. We have several members from the Committee on Agriculture, Nutrition, and Forestry on the floor and I know they want to make some remarks.

The distinguished Senator from Kansas desires some time. How much time does the Senator wish?

Mr. DOLE. Four minutes.

Mr. TALMADGE. I yield 4 minutes to the distinguished ranking minority member of the committee, Mr. President, who has been most cooperative in this matter as well as all other matters before the committee.

Mr. DOLE. Mr. President, I thank my distinguished colleague. I know he stated the case as I see it for the American

farmer, as he always has. I appreciate the continued leadership of my distinguished colleague and chairman, Senator TALMADGE.

There is no doubt about it that there have been a lot of farmers around Washington. Some have probably never seen farmers before, but they have seen farmers in the past 30 to 60 days. They are not here to cry on our shoulders; they are here to ask for help, help in the marketplace if that can be done.

As I have told some of the hundreds of farmers I visited, we are probably now at stage 3. The first stage was the farmers themselves through tractorcades, interviews, and other peaceable means, calling to the attention of the American consumer some of their problems. And their problems are real. If we do not accept the farmer's word, ask his banker. He will tell you they are real.

Farm prices have gone down. It is not the fault of the Carter administration. I think the last administration can share some of the burden, too. There is plenty of blame to go around. But the point is the farmer needs assistance.

I have talked, as Senator TALMADGE and others, to hundreds and hundreds of farmers, from Kansas, Georgia, Wisconsin, Illinois, Wyoming, from almost every State in the Union. They do not like the 1977 Farm Act. They think it is a disaster.

Well, as Senator TALMADGE indicated, it was the best we could do under the circumstances, the best we could do under the threat of a veto. But it does have some flexibility.

The resolution which was passed unanimously by the Senate Agriculture Committee, Senate Resolution 393, underscores and, in effect, tells the Secretary of Agriculture that as far as this body is concerned we would like some action taken that he has the authority to take now under the act.

I would hope Secretary Bergland, who is a farmer himself and certainly is in total sympathy with the efforts of the American agricultural movement and other farm organizations, will use whatever means he has available.

There is some indication in the set-aside announcement on feed grains, one sentence, which would indicate that Secretary Bergland is looking to other ways to improve farm income. I would hope that those ways can be announced and that they may follow some of the suggestions outlined by the Senate Agriculture Committee.

Mr. President, the 1977 Food and Agriculture Act grants broad authority to the administration to take actions to support depressed farm prices. I have no quarrel with this resolution which urges the administration to implement some of its present authorities in order to support farm prices. Farmers I have talked with are in a desperate financial state and need immediate help that the administration could grant. I hope Secretary Bergland will follow up on this resolution in carrying out programs that he already has authority for and, at the same time, express the administration's support for legislation that I and others have introduced to increase farm prices to more reasonable levels.

Specifically, I am referring to my flexible parity bill which allows farmers freedom of choice in selecting the target price he needs, up to parity. However, he must scale down his production accordingly, thus giving farmers a mechanism under which they can bring their own production more in line with market demand.

I also have introduced legislation that would:

First. Increase payment to farmers for grain storage to incentive levels but not less than 25 cents per bushel per year, and to lower interest charges to farmers on commodity loans to not more than the cost of money to CCC from the U.S. Treasury.

Second. Mandate additional funds for title I. Public Law 480 in 1978. Current levels of title I programing are too low in view of both the need to stimulate exports and to help meet the food requirements of developing nations. I believe that the title I funding level of $800 million should be increased to at least $1 billion.

Third. Change the Meat Import Act of 1964. Meat imports are not presently properly synchronized with U.S. beef production.

Fourth. Direct the Secretary of Agriculture to establish a program for expanding exports of farm commodities by making available Commodity Credit Corporation financing to exporters who extend deferred payment terms to foreign buyers.

Fifth. Express the sense of the Congress that the Export-Import Bank not discriminate between the financing of agricultural and industrial exports. If this sense of Congress resolution does not produce this fair and equitable treatment for farmers, I intend to introduce legislation which will mandate such treatment when the Export-Import Bank Act comes up for extension later in this session of Congress.

I also plan to introduce a bill to create an economic disaster loan program for farmers. The program would be implemented by the Farmers Home Administration. The bill would allow FmHA to make economic disaster loans to farmers who have suffered economic losses due to low prices. This is not allowed under present law.

Mr. President, I only say, finally, that the Senator from Kansas believes there are other ways we can help. This Senator and other Senators have introduced a series of bills to improve farm income. One is known as the Flexible Parity Act of 1978, where target prices would be adjusted based on land that the farmer may want to set aside; in other words, the more set-aside acres, the higher the target price. That is not Government payment; that is target price. It seems that may be the quickest and most efficient way and the most economical way to bring about some reduction in production to improve the market price.

In addition, we have suggested some changes in the Meat Import Act of 1964. We have directed the Secretary to establish a program for expanding exports through a commodity credit mechanism, where we would give credit to the exporter—not the country, but the exporter—and thus avoid some of the pitfalls in the other approach.

Mr. President, we have suggested probably six or seven areas that would be helpful. I only suggest that I certainly support this resolution.

I also hope that when the Senate Agriculture Committee starts hearings on February 23, it will take a close look at the legislation that has been introduced by a number of Senators, Democrats and Republicans, because we believe we understand that we must act and act quickly in a responsible manner if we are to save the American farmer and ultimately protect the American consumer.

Mr. TALMADGE. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Senator from Maine (Mr. MUSKIE).

Mr. MUSKIE. Mr. President, I yield myself 5 minutes. I expect that Senator BELLMON from the Budget Committee may be on the floor shortly to speak on the same subject, if he can get away from the Budget Committee hearing we are conducting this morning.

Mr. President, there is no question that all of us understand that the farmers of this country face a critical problem. What I have to say this morning should not be interpreted as a failure to understand the existence of that problem.

The farmers in my State have severe income problems. They have not benefited from the farm program since the 1940's. Potato farmers of my State are facing one of the most disastrous years in history. When I was elected Governor of Maine, there were 7,000 potato growers in my State. There are now less than 1,000. They have not benefited from a farm program since the 1940's. The resolution before us would benefit them in no way. The farm bill we passed last year benefits them in no way.

The poultry growers of my State benefit from no farm programs. Indeed, they have not solicited one. So this legislation and this resolution do not meet the problems that all of the farms of this country are facing.

Nevertheless, there is a problem. There is, of course, a program. The Agriculture Committee would not be meeting its duty, in my judgment, if it were not scheduling hearings to consider the options for action in this largely unanticipated situation. I rise to speak this morning so that the Record will not suggest that the pending resolution is to be interpreted as a policy-setting action by this body. It is only a sense-of-the-Senate resolution. If it were adopted without a word of question about it, I am fearful that it might later be interpreted as a policy-setting action which is binding upon the Senate as it considers future legislative proposals. That is the reason I rise to speak, Mr. President.

This resolution states:

It is the sense of the Senate that the President and the Secretary of Agriculture should exercise the broad authority vested in them under the Food and Agriculture Act of 1977 and other statutes to increase farm income.

First. The installation of a voluntary land diversion program for 1978 under which payments would be made to producers of wheat, feedgrains, and upland cotton who divert cropland from production.

Second. The establishment of higher price support loan rates for the 1978 crops of wheat, feedgrains, and soybeans at levels substantially above the rates in effect for these 1977 crops.

Third. The establishment of a price support loan rate for nonquota peanuts for the 1978 crop at the same minimum level required for quota peanuts.

Fourth. The expansion of export sales of American agricultural commodities, including increased sales under Public Law 480.

The resolution also states that—

It is not intended in any way to affect the consideration by Congress of additional legislation that may be needed to assist farmers for 1978 and subsequent crop years.

I am reassured, Mr. President, by the inclusion of that statement in the resolution to suggest that Congress will be free to take whatever action the hearing records may suggest later in the year on specific legislative proposals.

It is quite obvious that this resolution has major policy implications which could affect the second budget resolution levels of spending for fiscal 1978 and also the level of spending for fiscal 1979 and future years. For these reasons, as chairman of the Budget Committee, I wish to comment on it. While Senate Resolution 393 does not require the Secretary of Agriculture to take any of the actions specified, it puts pressure on the Secretary to increase Federal outlays to farmers.

The latest Senate scorekeeping report, issued last Monday, shows that, taking into account all possible later requirements known at this time, we may be over the second budget resolution ceiling for fiscal 1978 in budget authority by $300 million, although there is $2.1 billion left in the outlay ceiling in the overall totals in fiscal 1978.

However, the President's January budget contains estimates for fiscal 1978 which, if they prove to be correct, would cause the second budget resolution budget authority ceiling to be breached by $2.8 billion while outlays would be exceeded by almost $4 billion without any implementation of this resolution.

The Congressional Budget Office is now analyzing the President's budget estimates. We do not yet have their professional judgment as to the reasonableness of the President's estimates. We will know more in a week to 10 days, and I shall share that information with the Senate.

There is no question, however, that a proposal such as the Agriculture Committee is making would break the budget if it is implemented.

We do not know exactly what this resolution will cost. But it contains the same proposals which Senator TALMADGE, in a press release issued January 23, called on the Carter administration to implement in his five-point program to pump $8 billion into the farm economy. In that statement, Senator TALMADGE said his land diversion proposal would cost up to $3.5 billion for 1 year, and it can be assumed that, if it is implemented with the urgency he suggests, half or all of that cost could occur in fiscal 1978. Senator TALMADGE also urged that the loan level for wheat be increased by 50 cents per bushel to $2.75 for the 1978 crop, which he estimated would cost another $1 billion. Most of this billion-dollar outlay could occur in fiscal 1978. We can conclude that about half of the $8 billion he has said he wants farmers to receive in additional payments could become outlays in fiscal 1978. As I have said, I can assure my colleagues that if that occurs, it will bust the budget for fiscal 1978.

Let us get away from the overall budget totals and focus specifically on what this resolution does to the agriculture function of the budget. When the second budget resolution for fiscal 1978 was adopted by the Congress, it was more than generous in providing for the programs that comprise the agriculture function. It provided $2.1 billion in budget authority and $6.3 billion in outlays for fiscal 1978. That was $4 billion more in outlays than President Carter recommended in his February 22, 1977, budget message. That $6.3 billion in outlays was intended to be adequate to cover the costs of the Food and Agriculture Act of 1977.

The latest Senate scorekeeping report shows agriculture function outlays are likely to be $8.1 billion, or $1.8 billion above the functional ceiling in the second budget resolution.

The President's latest estimate of agriculture outlays for fiscal year 1978, contained in his January budget, is $9.1 billion, or $2.8 billion above the second budget resolution level. Preliminary information from the Congressional Budget Office indicates that this $9.1 billion total is likely to materialize.

So regardless of which estimate you use, the agriculture function outlay ceiling in the second budget resolution has already been exceeded by $1.8 to $2.8 billion, and that does not include the increased spending which the Agriculture Committee now urges.

Let me also say a word about the congressional budget process. On September 15, less than 5 months ago, we adopted a congressional budget. We set a ceiling on outlays at $458.25 billion, we set a floor on revenues at $397 billion, and we said the deficit should not exceed $61.25 billion. We set national priorities within those ceilings. Now we are considering a resolution that tells the President and the Secretary of Agriculture that we did not mean what we said when we established those ceilings, that we ought to ignore those ceilings and give a blank check to agriculture. That is what this resolution suggests. It does not even tell the Secretary of Agriculture how much to spend, just so long as he spends enough to satisfy those who want more and more and more for agriculture.

There is another important point that we ought to consider with respect to this resolution. This resolution was ordered reported by the Agriculture Committee on February 1—the same day that the chairman announced a full-scale inquiry into current farm problems with hearings to begin on February 23. Here we are considering a resolution to have the Secretary of Agriculture take action before the Senate Agriculture Committee hears a single witness discuss the proposals made in the resolution and before the committee can give adequate thought to the consequences of any proposals which may be offered.

I know farmers are having difficulty selling their commodities at a fair price, paying their bills, and providing for all of their needs. But so are a lot of other Americans. I hear complaints not only from farmers, but from people in all walks of life—the poor, the downtrodden, the middle-income wage earners who bear most of the tax burdens of this country, and the elderly who have a hard time paying their bills too. So it is not just the farmer that has a stake in the orderly budget process, but every American. And if we give in to one group who demand more Federal spending for their needs, where does it all lead. I will tell you where it leads—it leads us right back to where we started, before we set up this budget process, with no real control over spending, inflation or the Federal deficit.

I think the proposals presented here are far too important to be dealt with in cavalier fashion. One of the great strengths of the Senate is that it is a deliberative body which can think before it acts. This resolution was introduced and reported on Tuesday. I doubt seriously if many Members of this body have had time even to read the report filed with the resolution, much less consider the implications. Furthermore, it has been difficult to get the views of the Secretary of Agriculture due to the constraint of time. I asked the Secretary of Agriculture for his views on this resolution and for a cost estimate of its costs on Tuesday afternoon, as soon as a copy of the resolution was available. I have not yet received his response.

Because I do not think that this resolution will be implemented, and because I do not want to embarrass any of my colleagues concerning this resolution, I will not ask for a record vote on it.

I regard this resolution as a move away from the discipline of the budget process, and I hope we will not be faced with other proposals which urge the administration to exceed the level of the budget resolutions that have been agreed to by the Congress.

Mr. President, I reserve the remainder of my time. I understand I have about 3 minutes left.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. I yield 1 minute to the newest member of our committee, the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. HODGES. Mr. President, I am somewhat surprised by the remarks of the distinguished Senator from Maine.

I was involved in farming in 1974 when this problem began on the farms. It directly relates to the Federal Government and to these institutions. So this is not something that the farmer himself has gotten himself into.

It is unfortunate that only a short time is available to discuss and debate these matters. But the farmers' stress is apparently better understood by the American public. The leading Harris poll indicates a majority of the American public being polled were willing to pay an increase of 5 percent on their food in order to help the farmer, apparently having more sympathy in the general American public than they do in the representation in Maine.

But we were told in 1974 in the farming community, "Plant fence row to fence row because we can sell at high prices everything you produce." Now we have to come back to that same Government.

I am aware my time is up and I regret it because this is a serious issue, not only for the American farmer who is in deep trouble, but those who eat. So my remarks should be listened to only by those who eat three meals a day because they are the ones ultimately that will have to pay the price for the farmers' demands.

Mr. President, I rise in support of the resolution being offered by the Committee on Agriculture, Nutrition, and Forestry. I voted for this resolution in committee and I intend to vote for it again this morning. However, I think a word of explanation is in order so that the resolution may be placed in a proper context.

At my suggestion to the committee, section 2 was added to the resolution. This additional section is intended to indicate clearly that the resolution committed neither the Agricultural Committee nor the full Senate to the Agricultural Act of 1977, directly nor indirectly. Indeed, my personal view is that the Agricultural Act of 1977 is not sufficient to meet the severe crisis which is taking place in American agriculture. Certainly the responses of Secretary of Agriculture Bergland to this point have constituted the use of band-aids to stop a deep and open wound. His responses to date not only will not alleviate the problem, but essentially indicate a serious misunderstanding or lack of concern for a fair and equitable solution.

A brief restatement of the difficulties facing American agriculture is in order. Farm debt since 1972 has increased from $60 billion to approximately $120 billion. Farm net income in 1972–73 was approximately $31 billion, but has now decreased to $19 to $20 billion in 1977, and in terms of 1972 spending power is only $13 billion. It does not take an economics degree to realize the serious implications of the direct relationship of debt to income. Without immediate assistance many farmers will go bankrupt.

If those figures alone do not convince the executive branch, the spontaneous arousal of the American farmers, seen specifically in the American agricultural movement and farmers' presence in great numbers in Washington and at rallies across the country should provide the concluding evidence.

Farmers are by nature passive people, and probably to their own detriment have failed to become as involved in the political arena as have others. They are extraordinarily efficient in raising food and fiber, and in the past have relied upon hard work and efficiency to achieve a fair shake in the market place. In my judgment most of the present problems facing farmers trace directly to Government actions taken in the last 4 years. The soybean embargo by President Ford in 1974, the freeze on cattle prices by President Nixon in 1973, and the demand for full agricultural production in both 1973 and 1974 have both distorted and depressed farm prices.

I am of the opinion that within the next few years there will be substantially higher prices for farm products. Simple economics indicate that higher prices must occur because products can no longer be produced at a substantial loss to the producer. There will be food production in the future sufficient to meet the needs of America. Thus, the basic issue is not higher prices, which will occur, nor whether there will be food production. The basic issue is who will be doing the farming in the future, and how will such higher prices be obtained? Under the present policies of the Secretary of Agriculture and the executive branch of the Government, and under the Food and Agricultural Act of 1977, many of the small and medium farmers and cattlemen presently producing will be driven from production.

Agricultural production will then move into the hands of fewer people, and be controlled by large capital investment. The prices inevitably will rise, but that rise will be caused by the bankruptcy and losses of many of the people farming now. That approach is intolerable to me, unacceptable to a majority of Americans, and can be averted only by decisive and new action by this Congress and by the President.

It is time that we develop a comprehensive and total agricultural policy. The situation has existed for too long that one commodity receives benefits solely because of a disaster or severe economic problems in another commodity. The history of the last few years has been wholesale transfers of economic problems from one commodity to another, because when severe economic problems affect a commodity such as wheat, as in present markets, those producers who would ordinarily plant wheat then switch to soybeans. This is now occurring since there is an 8-percent increase in planting intention projected in soybeans for 1978.

The final result simply transfers the economic problems facing wheat markets to soybean markets. It is this transfer of economic problems from one commodity to another that has put American agriculture on a vicious cycle, and put the agricultural producer at the mercy of the middle men. This trend must stop. It can only be done, however, with a broad and consistent look at agriculture.

The American public has a large stake in seeing that the present character of agricultural producers does not change. The recent Harris poll which showed overwhelming public support for the family farmer and his severe economic plight is a clear signal the public itself is more sensitive to these problems than those decision makers in the executive branch. Indeed, a majority of those polled stated that they would be willing to see the price of food go up as much as 5 percent if it would benefit the American farmer. It is moving to me to see the sensitivity of the general public to these agricultural problems, and I call on our leaders to be as farsighted as their people.

In conclusion, I think it clear from my remarks that I do not believe that the Food and Agricultural Act of 1977 will alleviate the economic problems facing American agriculture. Our chairman, Senator TALMADGE, has set aside considerable time in the Agricultural, Nutrition, and Forestry Committee for hearings on specific suggestions for solving the farm problem. I admire his leadership in doing this, and applaud his openness and willingness to seek solutions that will not only be fair and equitable to the American farmers and the American public, but will also provide meaningful long range agricultural policies. The American farmers and stockmen are not asking for a Government handout nor for a guaranteed profit. They are simply asking for the ability to obtain a fair and reasonable price for the products which they grow so skillfully. The planting of a farm group or the raising of livestock is still the greatest risk venture in American business today. Farmers are willing to take those risks. They ask, however, that they no longer be a pawn in American foreign policy and a statistic to be manipulated in our balance-of-trade deficit. They no longer want their family and assets to be sacrificed for a policy of cheap food.

The general sense of this resolution is that not enough has been done for American agriculture, that considerable additional measures must be taken, and that those of us in the Congress are open to suggestions and moreover commit ourselves to seeking a fair and equitable solution for all.

Mr. TALMADGE. Mr. President, I yield 1 minute to the distinguished Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. I thank our chairman.

Mr. President, adoption of this resolution is absolutely essential. It is only an expression of what way we are going to go here in Congress in urging to the administration to recognize that and we will have to follow up with a solemn program that is legislated by the Congress and passed by the President to do something about farm and ranch income.

I point out at this time that when we raise the low rates on grain, we narrow the gap on deficiency payments. That

means there is less of a Treasury outlay for those deficiency payments for target prices, and raising the loan rates makes all kinds of new economic situations, not only for American farmers, but also for the Treasury, and will be demonstrated in the CBO study as an offset for any other costs that might be involved for the farm program.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. MUSKIE. What is the time situation?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. MUSKIE. Does the Senator from Oklahoma wish any time?

Mr. BELLMON. Mr. President, will the Senator yield me 2 minutes?

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, I was not in the Chamber for all the debate. I would not want to go over matters already covered, but I understand the concern that the Senator from Georgia feels about the plight of the American farmer.

There is no question, American agriculture is in a very serious condition. Many farmers have lost all the money they have had during the last couple of years when prices have been substantially below the cost of production.

I join with Senator TALMADGE in the desire to help improve the situation and I know unless improvements are made that the ability of this country to feed its people and furnish goods for our customers overseas is going to be seriously hurt and that we cannot allow this to happen.

I would not support the system that Senator TALMADGE has chosen to bring about these changes. Rather, I feel the Secretary of Agriculture, using the authority we gave him in the 1977 Farm Act, can set aside, or can cause farmers to set aside, additional acreages, in this way bring the supply of commodities more in line with demand, and in this way strengthen the prices in the market place in an orderly way.

My concern is that if we were to take the path Senator TALMADGE's resolution would call for, by increasing support prices, that it would price American farm commodities out of the world market.

Especially in cotton, it would be damaging, because higher support prices would make cotton less competitive with synthetics, reduce consumption of cotton, add to the oversupply, and thereby bring about further market depressing surpluses.

So I do not want to be on record as supporting the way Senator TALMADGE would go about helping American farmers, but I would like to be on record recognizing the seriousness of the problem and expressing my hope that the administration and the Secretary of Agriculture and the President will use the authority they have to help correct the situation.

Mr. MUSKIE. Mr. President, do I have 30 seconds left?

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Georgia has 30 seconds.

I might caution, we must dispose of the resolution before 11 o'clock, because we must go into executive session.

Mr. TALMADGE. Mr. President, I yield back my 30 seconds.

Mr. MUSKIE. May I have 15 seconds?

Mr. TALMADGE. I yield to the Senator, providing that will take us to 11 o'clock. I want to vote by 11.

Mr. MUSKIE. I just wanted to say to the distinguished floor manager of the resolution that the resolution is not binding. The record indicates there are issues that we will consider later in connection with legislation.

Because it is not binding, I will not ask for a record vote. I see no reason to challenge the right of Senators who want to express concern by this means to do so. I simply wanted the record to be clear as to what the possible costs of implementation of this resolution might be.

So, as an expression of my concern, I have no desire to ask for a rollcall vote.

Mr. ALLEN. Mr. President, I give my full and enthusiastic support to the passage of Senate Resolution 393 as reported by the Committee on Agriculture, Nutrition, and Forestry which has been so eloquently presented by its distinguished chairman, Mr. TALMADGE.

Our farmers are "on the ropes" financially. Neither the Congress nor the administration can stand idly by while some further "knockout punch" is delivered to this sector of our economy which is so vital to the welfare of our Nation. The farmers plight is not the result of their negligence. If anything, their present plight is the result of their response to our signal to plant fence row to fence row. Their ability to produce record crops has resulted in an oversupply.

They have also been at the mercy of the weather. Farmers in my State of Alabama have watched last year's corn crop burn in the fields due to the serious drought. That disaster was followed by the onslaught of army worms and aflotoxin. They stood by helplessly as other areas of the country were fortunate enough to produce record crops thus bringing the prices downward.

While prices farmers received plummeted, the cost of production continued to spiral upward. The cost of production has far outstripped prices farmers have received for their products.

In an attempt to anticipate the needs of the farmers of this country for the next 4 years, the Congress recently passed and the President signed into law the Food and Agriculture Act of 1977. That legislation, as pointed out in the resolution now before us, gives broad authority to both the President and the Secretary of Agriculture to meet emergency situations in the farm sector. If ever there were a time for this authority to be used it is now. Spring planting time is upon us. Farmers are in a quandary as to what they should do about sowing their crops. They need our assurance that we are going to do everything administratively and legislatively possible to bring some order out of this chaotic economic state in which they find themselves.

By passing this resolution, we will send a message to the administration that we here in the Senate are in agreement that they should act with dispatch under the authority which they have currently. We will also signal our farmers that we are "in their corner." We will also inform the consumer that we intend to insure them of an abundance of food and fiber at reasonable prices.

Mr. President I urge the adoption of Senate Resolution 393.

Mr. CURTIS. Mr. President, I wish to support the resolution which was reported out by the Committee on Agriculture, Nutrition, and Forestry, and presented to the Senate today by our distinguished chairman, Mr. TALMADGE.

I believe that we must do more to increase the income of the farmers of our country. We should explore every possible suggestion. We should be innovative and creative. However, in the meantime, it is very important that the Carter administration use whatever power they have under existing law to add to the income of our farmers. Steps could be taken now which would not only be beneficial to the farmers in their spring planting, but would also assist them materially in reference to their credit needs if actions were taken that would increase their cash receipts.

For these reasons I support this resolution.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the resolution.

The resolution was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. WALLOP. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

The resolution, with its preamble, reads as follows:

Whereas agriculture is the foundation of manufacture and commerce;

Whereas a strong and vigorous agriculture is essential to the welfare of the Nation;

Whereas more than 218 million persons in this country and many millions more throughout the world depend upon American agriculture for food and fiber;

Whereas the Nation's agricultural economy is undergoing a crisis of major proportions—farmers are being crushed by overwhelming debt, the cost of producing food and fiber has outstripped the prices many farmers receive for their products, and farmers have been devastated by drought, floods, and other natural disasters; and

Whereas the Food and Agriculture Act of 1977 grants broad authority to the President and the Secretary of Agriculture to provide price and income protection for farmers and assure consumers of an abundance of food and fiber at reasonable prices: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President and the Secretary of Agriculture should exercise the broad authority vested in them under the Food and Agriculture Act of 1977 and other statutes to increase farm income, including, but not limited to, the following actions:

(1) the institution of voluntary land diversion programs for 1978 under which payments would be made to producers of wheat, feed grains, and upland cotton who divert cropland from production in order to bring supply into balance with need;

(2) the establishment of price support loan rates for the 1978 crops of wheat, feed grains, and soybeans at levels substantially above the rates in effect for the 1977 crops in order to provide greater price protection for farmers;

(3) the establishment of a price support loan rate for the 1978 crop of additional peanuts at a level not less than the minimum level required for quota peanuts; and

(4) the immediate formulation and implementation of a program for the expansion of export sales of American agricultural commodities, including increased sales under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480).

SEC. 2. The adoption of this resolution is not intended in any way to affect the consideration by Congress of additional legislation that may be needed to assist farmers for the 1978 and subsequent crop years and alleviate the economic plight of the agricultural economy, including legislation involving new concepts and approaches.

SEC. 3. The Secretary of the Senate shall transmit copies of this resolution to the President and the Secretary of Agriculture.

TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

The PRESIDING OFFICER. The hour of 11 o'clock having arrived, the Senate will resume consideration of Executive N, 95th Congress, first session, which the clerk will report.

The assistant legislative clerk read as follows:

Executive N, 95th Congress, first session, Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

Mr. SCOTT addressed the Chair.

The PRESIDING OFFICER. Does the distinguished Senator from West Virginia desire recognition?

Mr. ROBERT C. BYRD. Yes. I yield to the distinguished Senator from Virginia (Mr. SCOTT), without losing my right to the floor.

Mr. SCOTT. Mr. President, I have a statement to make with regard to the Panama Canal treaties, and I assume the distinguished majority leader yields for that purpose.

The PRESIDING OFFICER. That is correct.

Mr. SCOTT. Mr. President, near the beginning of what may become a historic debate, one of vital interest to the people of this country, I believe we should not only closely examine these treaties and use our own best judgment in determining how to vote on them, but before voting should reflect upon the type of government we have in the United States and the part the people of the country should play in the decisionmaking process.

I am sure each Senator has received a substantial amount of mail, and that some of the mail is generated one way or another by groups with a special interest in the outcome. Because of this, I included a question in an annual opinion poll submitted to the people of Virginia last month. The newsletter containing the poll was sent to more than 400,000 Virginia homes. Let me add that the newsletter is sent to all registered voters in two of our congressional districts and to a representative group of citizens in the remainder of Virginia, of both political parties and holding differing philosophies of government. Our response to the question, "Would you vote to ratify the proposed treaties?" was 13 percent "yes" and 87 percent "no."

Mr. President, in 1820 when Thomas Jefferson wrote from Monticello to a friend regarding some constitutional questions he said:

I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.

Since 1820, of course, the general level of education throughout our country has risen considerably. I believe that with the ultimate sovereignty residing in the people of the country, we cannot, in making a decision, decline to be swayed at least in part by the overwhelming desire of the American people that these treaties be rejected. Next week we will be in recess, and I believe it will afford an excellent opportunity for any Senator who is in doubt about the feeling of the people of his State to confer with them.

In my own judgment, these treaties were written from the viewpoint of appeasing Panama and not from the viewpoint of what is best for the United States. I have no conflict in voting the way the overwhelming majority of Virginians believe and in accordance with my own personal belief. The Veterans of Foreign Wars, one of our great patriotic organizations, refers to the canal treaty as a "payaway." They do not define this word but I believe we can surmise that it is more than giving away a part of the United States, it is paying a foreign country to take the American Canal Zone. I say American Canal Zone knowing that we will have debate as to where sovereignty resides and there may well be a basis for a difference of opinion on this question.

Nevertheless, for the past 75 years, since the 1903 treaty, since we acquired the proprietary interests of the private owners and squatters, since we acquired the interest of the French Canal Co. and subsequently paid $25 million for the recognition by Columbia that we had a valid title, that we owned the canal, we have exercised complete and exclusive control over this zone.

Not now being a candidate for reelection to the Senate, I may have a greater degree of political freedom than most. Yet, the gist of my initial remarks is this: Let us confirm to our own people and to the world that in America the people rule. The American people are opposed to these treaties. I urge my colleagues that they get in close touch with those they represent before casting their vote on the matters before us.

(Mr. SARBANES assumed the chair.)

Mr. ROBERT C. BYRD. Mr. President, as one who has represented the people of the State of West Virginia for a period now of going on 32 years—6 years in the two houses of the State legislature, 6 years in the U.S. House of Representatives, and now going into my 20th year in the Senate, may I say to the able Senator from Virginia, I think I know what my responsibilities are to the people of West Virginia and to the people of the United States.

There is no question but that the majority of West Virginians today oppose the treaties. The easy vote for me, would be to vote against the treaties.

There is no political mileage to be gained in voting for these treaties.

I know what my constituents are saying. However, I have a responsibility not only to follow them and to represent them but also to inform them and to lead them when, in my judgment, based on the facts as I have carefully weighed them, it is in the best interests of the United States that the treaties be approved. That is my responsibility to the people of West Virginia—to act in the best interests of the United States as my lights allow me to see the facts and to understand what is in the best interests of the United States—because what is in the best interests of the United States is in the best interests of West Virginia and West Virginians.

Edmund Burke said:

Your representative owes you not only his industry but also his judgment, and he betrays rather than serving you if he sacrifices it to your opinion.

I am not going to betray my responsibility to my constituents. I owe them not only my industry but I also owe them my judgment. That is why they send me here. If I am to reach a judgment based only on the number of names on a petition or upon the weight of the mail, what we need is a computer and a set of scales, not a Senator, to represent the people of West Virginia in the U.S. Senate.

They understand. But when I differ with them in my viewpoint, it is for the reason that, based on the facts as I have weighed them—as contained in the committee hearings, the committee reports, my own personal study of the issues and the treaties, and my personal observations during my visit to Panama—I have reached a judgment, an honest judgment, a sincere judgment, a considered judgment, that the posiiton I take is, as I see it, in the best interests of the United States of America today and in the future.

So much for the polls, the letters, and the percentages. We have a responsibility under the Constitution, and I say that every Senator here will seek to uphold that responsibility whether he votes for or against the treaties.

But to urge that we contact our people and see what they are saying, I should think that a Senator who has been here for 20 years, in the Congress for 26 years, and representing the people of West Virginia for 31 years, knows and is not oblivious to what they are saying.

Woodrow Wilson said that one of the most important functions of the legislative branch is to inform the people, not just to legislate.

And that is one of my responsibilities, to help the people not only of West Virginia but also my colleagues and the people of this country to better understand what it is that we are debating, to better understand the ignominious history of the 1903 treaty—if there ever was an example of rough-riding diplomacy, Mr. President, that was it par excellence—and to better understand the contents of the new treaties. How many of those who implore, and urge me and you, I say to the minority leader, and to the distinguished Senator from Kentucky who ably presides over this Senate today, with a degree of dignity and efficiency and skill as rare as a day in June—how many of those who urge us to oppose the treaties have actually read the contents of these treaties? It is up to us Senators to read the contents and to reread and to reread the contents of the treaties.

And so we have to weigh all of these considerations in reaching our considered judgment as to what is in the long run best interests of the people of West Virginia, Kentucky, Tennessee, Virginia, Alabama, Maryland, and the other States in this great Union.

West Virginia has a very special interest in this canal dating back to the days of its construction. I now read from David McCullough's book, "The Path Between the Sea," page 597:

> Among the more fascinating facts about the Panama Canal, for example, is that all hardware for the lock gates—the lifting mechanisms for the stem valves, the special bearings, gears, and struts for the gate machines, all ninety-two bull wheels—was made by a single manufacturer in Wheeling, West Virginia.

So, Mr. President, the emotional feelings of West Virginians toward this canal predate today. They predate the month of September of last year when the signing of the treaties was witnessed across the Nation. They go back to the early days of the construction of that canal.

Now it has just been said by my distinguished and beloved friend from Virginia, Mr. SCOTT, that we paid $25 million to Colombia to show "that we had a valid title to the Canal Zone."

Mr. President, we paid $25 million to Colombia not to show that we had a "valid title to the Canal Zone" but, rather, as an indemnity to Colombia for the loss of Panama.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes, just in a minute.

Potentially the most valuable province in all of Colombia in that age. That was why we paid $25 million, and it was not paid until 1921, 7 years after the completion of the canal.

Mr. SCOTT addressed the Chair.

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Virginia.

The PRESIDING OFFICER (Mr. HUDDLESTON). The Senator from Virginia is recognized.

Mr. SCOTT. I am sure the majority leader would want to properly quote my remarks and since I was reading the statement I made was "and subsequently paid $25 million for the recognition by Colombia that we held a valid title," which is just a slight variation. And, Mr. President, if the distinguished leader will yield further——

Mr. ROBERT C. BYRD. Mr. President, will the Senator allow me to thank him for that correction? I misquoted him. I used the word "had;" he used the word "held." But the key words in his statement are these: "A valid title to the Canal Zone."

Mr. SCOTT. The distinguished Senator is quite correct. I have studied all of these documents, as I am sure the distinguished leader has, and I would agree with him that every Senator should read the various treaties. I have read the 1903 treaty. I have read both of the treaties. Now I have read the book that the distinguished Senator has on his desk and another book on the subject. I have attempted to inform myself as fully as possible, and I would agree with our distinguished majority leader that we do have a responsibility to exercise our own judgment, that we should not have a computer representing the people of any State here in the Senate. But I would add to that that we also have a responsibility to listen to the voice of the people and when the overwhelming majority of the people of the United States—and I firmly believe that the overwhelming majority of the people of the United States are opposed to this treaty, it should be persuasive, and I believe that at the next election we will see that it does have an effect upon the makeup of this Senate. I am not going to be a candidate for reelection; the distinguished leader is not up for reelection this year. But I believe that this year we will see that the people of America want their voices to be heard.

If I could just read a portion more from the works of Thomas Jefferson, this letter that I was quoting from a while ago. He says further on "My personal interest in such questions is entirely extinct." Now I assume he said that because he was no longer President. He had left the White House more than 10 years before 1820. "But not my wishes for the longest possible continuance of our Government on its pure principles."

And so at least this is the feeling of Thomas Jefferson, a great Virginian, a great American, one of our early Presidents, and I think it is worthy of consideration.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes, I shall yield briefly in a moment. The distinguished Senator from Virginia is entitled to the respect of every Member of this Senate in what he says. But I say that it is our duty to take a while for debate on these treaties so as to inform the American people, as best we can, as to the history of the 1903 treaty, as to the contents of the new treaties, and as to the impact of either rejection or ratification of the treaties on the future foreign relations of the United States with Latin American countries and other countries of the world. And then, based on an informed opinion on the part of the American public, I venture to say that the polls will reflect a different attitude toward the treaties by the American people.

As an example, on February 2, 1978, George Gallup ran a poll. Here is the title: "U.S. Public Opinion Shifts to Support of Panama Treaties":

> Among the large majority of Americans who have heard or read about the debate over the Panama Canal treaties, opinion is now closely divided with 45 per cent in favor and 42 per cent opposed. A survey taken three months ago showed opinion 48 to 40 per cent in opposition.

So you can see a shift in opinion.

Mr. DOLE. Will the Senator read the question he asked, though? That makes a difference.

Mr. ROBERT C. BYRD. I have not yielded to the Senator from Kansas. Will the Senator read the earlier question?

Mr. DOLE. I do not have it with me.

Mr. ROBERT C. BYRD. The Senator asks if I have the question that was asked in the Gallup poll. Does the Senator have the earlier question, which he said was different?

Mr. DOLE. I know they are different.

Mr. ROBERT C. BYRD. It does depend, I will say to the able Senator from Kansas, a lot on how the questions are phrased by the pollsters.

Mr. BAKER. Mr. President, will the Senator yield for just a moment?

Mr. ROBERT C. BYRD. Let me finish the quotation first:

> The latest survey was conducted in early January and therefore does not reflect the possible effect of the Carter administration's "January offensive."

Before I yield to the distinguished minority leader:

> Following is the survey question to determine the level of support for the treaties.

So I do have it. Here is one of the questions:

> The treaties would give Panama full control over the Panama Canal and the Canal Zone by the year 2000, but the United States would retain the right to defend the canal against a third nation. Do you favor or opposes these treaties between the U.S. and Panama?

The survey was broken down into various groups. One was designated as the "better informed" group—in other words, those who could answer all three questions correctly—and in that group the poll showed 57 to 39 percent in favor of the treaties.

Mr. President, I ask unanimous consent to have printed in the RECORD the questions and the percentages with respect to the responses to those questions in the Gallup poll to which I have referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. PUBLIC OPINION SHIFTS TO SUPPORT OF PANAMA TREATIES

(By George Gallup)

PRINCETON, N.J.—Among the large majority of Americans who have heard or read about the debate over the Panama Canal treaties, opinion is now closely divided with 45 percent in favor and 42 percent opposed. A survey taken three months ago showed opinion 48 to 40 percent in opposition.

The latest survey was conducted in early January and therefore does not reflect the possible effect of the Carter administration's "January offensive," a nationwide effort by administration officials to inform the American public about the key facts of the treaties.

An important finding from this survey is that the more Americans know about the Panama Canal treaties, the more likely they are to favor Senate ratification, as seen in the views of the "better informed."

The "better informed" are defined as those who are able to correctly answer three questions dealing with key facts about the treaties: the year the canal is to be turned over to the Republic of Panama; whether or not the U.S. has the right to defend the canal against third-nation attacks; and whether or not the biggest U.S. aircraft carriers and supertankers are able to use the canal.

The vote among this "better informed" group (i.e., those who can answer all three questions correctly) is 57 to 39 per cent in favor of the treaties, as seen below:

Views of the "better informed" on the treaties [1]

	Percent
Favor	57
Oppose	39
No opinion	4

[1] Results subject to wide sampling fluctuation due to small number of cases.

Following is the survey question to determine the level of support for the treaties.

"The treaties would give Panama full control over the Panama Canal and the Canal Zone by the year 2000, but the United States would retain the right to defend the canal against a third nation. Do you favor or oppose these treaties between the U.S. and Panama?"

Following are the questions asked of those who are aware of the debate in order to identify the "better informed" group, and the results:

"As far as you know, in what year is the Panama Canal to be turned over completely to the Republic of Panama, by terms of the treaties?" (Correct answers, 1999 and 2000.)

	Percent
Correct	20
Incorrect/don't know	
Not heard/read	80

"As far as you know, will the United States have the right to defend the Panama Canal against third-nation attacks after Panama takes full control?" (Correct answer, yes.)

	Percent
Correct	54
Incorrect/don't know	
Not heard/read	46

"To the best of your knowledge, how much do the biggest U.S. aircraft carriers and supertankers now use the Panama Canal—a great deal, quite a lot, not very much, or not at all?" (Correct answer, not at all.)

	Percent
Correct	24
Incorrect/don't know	
Not heard/read	76

The results reported today are based on in-person interviews with 1,536 adults, 18 and older, completed in more than 300 scientifically selected localities across the nation during the period Jan. 6–9.

Mr. ROBERT C. BYRD. I now yield to the distinguished minority leader.

Mr. BAKER. Mr. President, I thank the majority leader. I am reluctant to interrupt his presentation, and I will not take very long, but I must say that the remarks of the distinguished Senator from Virginia got my attention, because in that colloquy, in which he identified the majority leader and himself, in the one case the Senator is not up for reelection and in the other case the Senator is not running for reelection; and as far as I could tell, I was the only one who is running for reelection. Like the hod carrier who got hit across the nose with a 2-by-4, that got my attention.

Mr. President, all I want to say, as I have said previously to my good friend from Virginia, for whom I have great respect, and we have discussed the issue before—all I want to say is, let no one think that being up for reelection in 1978 makes one's position easier to decide. It does not. I have traveled in Tennessee, and I am aware of the concern about this.

It reminds me of what my father told me once about the sovereign electorate: You can doubt their judgment, but you had better never doubt their authority.

The reason I asked the majority leader to yield was to say, Mr. President, I think one of the key issues in this debate so far hinges on one of the statements made by the Senator from Virginia. I refer to his feeling that the country is overwhelmingly opposed to these treaties.

I do not think that is so. I think the country is overwhelmingly opposed to these treaties as they were submitted, but I think the country will support these treaties as I believe the Senate may amend them.

I thank the distinguished majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader for that very pertinent observation.

Mr. President, it was 131 years ago tomorrow—February 10, 1847—that President James K. Polk submitted to the Senate for advice and consent a treaty with the Republic of New Granada, later to become the Republic of Colombia.

Submission of that treaty—a treaty of "peace, amity, navigation, and commerce"—followed by 12 years the adoption of a Senate resolution requesting the President to open negotiations with other nations, particularly those of Central America and New Granada, "for the purpose of effectually protecting, by suitable treaty stipulations with them * * * to open a communication between the Atlantic and Pacific Oceans, by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever—securing forever—the free and equal right of navigating such canal to all such nations, on the payment of such reasonable tolls as may be established * * *"

The treaty submitted to the Senate in 1847 guaranteed the U.S. freedom of transit across the Isthmus of Panama while the United States guaranteed the neutrality of the Isthmus and New Granada's—Colombia's—rights of sovereignty and property in the isthmus.

In his message to the Senate, President Polk said the purpose of the agreement was not for a political objective but to secure to all nations the free and equal right of passage over the isthmus.

Mr. President, here we are, 131 years later, confronted with treaties the purposes of which are to secure to all nations the free and equal right of passage over the isthmus. Over a century and a quarter ago, that was the import of the President's message. The purpose was not for a political objective. The purpose was to secure to all nations free and equal right of passage over the isthmus.

The Senate gave its advice and consent to ratification of that treaty, and it entered into force in 1848. Although it did enable construction of the Panama Railroad, the United States and Colombia were never able to reach a final agreement on construction of a canal.

In 1903, the Senate gave its approval to the Hay-Herran Treaty, authorizing the United States to construct a canal across the Isthmus of Panama. However, the Colombian Senate unanimously rejected the treaty, with the opposition focusing on the threat to Colombia's sovereignty and what was regarded by the Colombians as inadequate payment to their country.

Later that year, with the clear encouragement of the United States, the Department of Panama declared its independence from Colombia and formed the Republic of Panama. U.S. forces, acting to maintain peaceful transit of the isthmus—get this, now—prevented Colombian troops from putting down the revolution.

In other words, we acted in violation of our solemn responsibilities, duties, and promise to Colombia, recognizing the sovereignty of Colombia over the province of Panama. It was the United States which prevented Colombian troops from effectively utilizing and exercising Colombia's rightful sovereignty.

Fifteen days after the uprising, before any Panamanian had had a chance to read it, the Hay-Bunau-Varilla Treaty was signed.

How do you like that? Before any Panamanian had had a chance to read it, it was signed—the treaty that no Panamanian ever signed. That is what we are talking about, the 1903 treaty. It was negotiated for Panama by Philippe Bunau-Varilla, a French citizen, and—get this—a major stockholder in the French canal company, a man who had not been in Panama for 18 years.

Under the agreement, the French company was paid $40 million for its holding. The Panamanian Government was paid additional compensation of $10 million. Colombia was eventually paid an indemnity of $25 million in 1921, settling differences arising out of the events of 1903.

How did Bunau-Varilla come out in the transaction? Well, let us turn to page 401 of McCullough's book.

Mr. LAXALT. Will the Senator yield?

Mr. ROBERT C. BYRD. Not at this point, but I will later. I will be delighted to.

Let us refer to page 401 of David McCullough's book, "The Path Between The Seas."

The Bunau-Varilla firm, for example, recovered all of its 2,200,000 franc stake ($440,000)—

Not just chicken feed even today—"in the Compagnie Nouvelle,"—in other words, the company "plus a profit"—they were doing pretty well—"of about 66,000 francs, or $13,200."

That is a pretty good haul for Bunau-Varilla, the man who wrote and

negotiated the treaties, the man who signed the treaties on behalf of Panama.

The Panamanian provisional government ratified the treaty on December 2, 1903, upon the strong urging of Bunau-Varilla and the United States.

Now I will yield to the Senator.

Mr. LAXALT. Is it true that at the time Bunau-Varilla came here to negotiate the treaties, he was a paid representative of the then Panamanian Government?

Mr. ROBERT C. BYRD. Yes. He had very adroitly manipulated himself into the position of securing from that revolutionary Junta, the title of minister plenipoentiary. What I am saying is that he was not a Panamanian, he had not been in Panama for 18 years but he himself had a personal financial interest in seeing that the treaty was signed, and he, himself drafted the treaty in its English form.

Mr. LAXALT. But aside from the fact that he had a personal interest in the outcome of the transaction, which may not have been all that bad, we must remember that at that time Panama was a struggling little crown colony of Colombia from which it had attempted many, many times, unsuccessfully, to obtain their independence. Because of his intercession in coming here and his successfully negotiating that treaty, Panama for the first time attained its independence.

Moreover, it must be remembered that after the treaty was negotiated here it was thereafter ratified by the Panamanian Government on the Federal level as well as on the local level,

Mr. ROBERT C. BYRD. Yes, with a pistol——

Mr. LAXALT. And it was considered throughout the country as a triumph for Panama.

Mr. ROBERT C. BYRD. As it were, with a pistol at its temple.

Mr. LAXALT. Just as the Panama Government was taken in 1968 by General Torrijos.

Mr. ROBERT C. BYRD. No, on. The Senator seeks to confuse the issue. Let us stick with the original history of how this rough-riding diplomacy occurred.

Mr. LAXALT. I would suggest to the majority leader, and respectfully, that history does not indicate that at all; that at the time when we entered into the treaty here, negotiated it and had it ratified, it was welcomed by all Panamanians. They had celebrations all over that little country, and well they might, because at that time they were a pest hole ridden by disease, and this canal presented to them an economic salvation as well as a political independence from Colombia. I think history would indicate that, rather than doing disservice to that little country, we rendered them a great service.

Mr. ROBERT C. BYRD. As we look back—it is great to have hindsight—as we look back over the years which have transpired since, yes, one can say that we rendered a service to the people of Panama. And we did, by ridding the jungles in that area of malaria and yellow fever. But at the time the governmental sanction of the treaties was, as it were, at the point of a gun, because there was the threat, not only implicit but explicit, that "If you don't ratify these treaties, the United States will withdraw its military forces."

And then what would have happened to the revolutionaries? Not only would the government have fallen, but the heads of those leaders of the revolution would have rolled in the streets.

Mr. LAXALT. But is it not true that those revolutionaries at the time represented the Panamanian aspirations for freedom and independence?

Mr. ROBERT C. BYRD. They represented the aspirations of some of the people.

Mr. LAXALT. Of most of the people.

Mr. ROBERT C. BYRD. Of some of the people.

Mr. LAXALT. Of a vast majority.

Mr. HATCH. Will the distinguished majority leader yield?

Mr. ROBERT C. BYRD. I would be delighted to.

I believe the Senator from Nevada complained yesterday because he had been interrupted, during the reading of his eloquent speech, by Senators who wanted to ask questions. I welcome questions.

Mr. HATCH. If the Senator would like me to ask questions now, I have a couple which I believe pertain to this specific point.

Mr. ROBERT C. BYRD. I yield.

Mr. HATCH. Is it not true also, I ask the distinguished majority leader, that David McCullough also wrote that not only did the Panamanian Government approve these treaties, but that the cabinet representing the Panamanian people approved the 1903 treaty, and then the full, complete Panamanian Governments in 1936 and 1955 reaffirmed modified treaties which took out many of the reprehensible aspects which had been criticized by those who criticized the treaties at the time? So we have had three approvals by the Panamanian Governments of the 1903, 1936 and 1955 combined treaty.

Mr. ROBERT C. BYRD. We have had approval by the Panamanian Governments of modifications of the 1903 treaty. One of those modifications was not only that the payments be increased but also that the United States relinquished its control over some of the lands and waters——

Mr. HATCH. And the United States——

Mr. ROBERT C. BYRD. If the Senator will allow me.

Mr. HATCH. Certainly.

Mr. ROBERT C. BYRD (continuing). Over some of the lands and waters, the use of which had been granted to the United States under the 1903 treaty, which, to me, is a clear point to substantiate the position that I take, to wit, that the United States has never had sovereignty—never had sovereignty—over the Panama Canal Zone.

Mr. HATCH. Will the Senator yield again?

Mr. ROBERT C. BYRD. Yes.

Mr. HATCH. I have to admit that I do not find sovereignty to be that great an issue.

Mr. ROBERT C. BYRD. That is one of the things.

Mr. HATCH. If I may finish.

Mr. ROBERT C. BYRD. I have the floor.

Mr. HATCH. The Senator yielded to me.

Mr. ROBERT C. BYRD. I am saying that one of the items in that 1936 treaty was a modification of the 1903 treaty, which modification favors the Panamanians and recognizes the justice of their cause, and, moreover, underwrites the fact that the United States never was given sovereignty over the Canal Zone in the beginning and does not have sovereignty today.

Mr. HATCH. If the Senator will yield again, I do not think that sovereignty is the major issue here.

Mr. ROBERT C. BYRD. It is one of the issues.

Mr. HATCH. Some of my colleagues do.

Mr. ROBERT C. BYRD. It is one of the issues.

Mr. HATCH. They may very well be right. But the point is this: The point that I was trying to bring out is that on three occasions, Panamanian officials approved this treaty. It has only been since the 1960's that we have had the major difficulties here with the advent of Torrijos.

All I am trying to point out is that we should not be led to believe that this was just a total reprehensible situation, where the Panamanians never had any decisionmaking role in the confirmation of these treaties, because they did. And they did on more than one occasion, long after the fact of the 1903 treaty.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Utah.

Mr. HATCH. I thank the distinguished Senator from West Virginia for letting me interrupt him.

Mr. HELMS. Will the Senator yield without losing his right to the floor?

Mr. ROBERT C. BYRD. Shortly.

Yes, Panamanians have agreed to subsequent treaties. But I reiterate that those treaties were modifications of the 1903 treaties, and justifiable modifications and were written in recognition by the United States of the justification for higher payments and for relinquishing control over some of the lands and waters——

Mr. HATCH. It was more than that. Will the Senator yield again?

Mr. ROBERT C. BYRD. The use of which had been granted by Panama to the United States in the 1903 treaties.

Now, let me say just a little bit more about this.

Mr. HATCH. Will my friend yield?

Mr. ROBERT C. BYRD. Let me say just a little bit more. Then I shall be glad to yield to the Senator. I am going to be around until 6 o'clock today. I do not want to monopolize the Senate's time, but I shall be glad to answer questions as long as Senators want to ask them.

The Senator from Utah pays me great tribute in asking me questions. I appreciate the questions that have been asked of me.

Mr. HATCH. I have great respect for the distinguished majority leader.

Mr. ROBERT C. BYRD. I appreciate the kind of attention that is being given by Senators to what I am saying. I hope

it will be as informative to them as it is informative to me to hear their views.

Someone has made reference to the approval given by the representatives of the Panamanian revolution. Dr. Amador, the first President of Panama, objected strenuously—strenuously—to the terms of the treaty. And one member of the delegation actually struck Bunau-Varilla when Bunau-Varilla rushed over to the train station to meet the delegation from Panama that had come down to the train. After Bunau-Varilla had signed the treaty, he rushed over to the train station and there told these representatives of the Panamanian revolution what had happened, what he had done. And McCullough said that one of them was reported to have struck Bunau-Varilla, which indicates to me that they were not too happy with what had been done.

I yield to my friend from North Carolina.

Mr. HELMS. I thank the distinguished majority leader.

He said that no Panamanian had signed the 1903 treaty.

Mr. ROBERT C. BYRD. No Panamanian signed the 1903 treaty.

Mr. HELMS. I beg to differ with the leader. Let me list the names of those who did sign.

From the junta: J. A. Arango; Tomas Arias; and Manuel Espinosa B.

Mr. ROBERT C. BYRD. What was the date?

Mr. HELMS. December 4, 1903. If the distinguished Senator will indulge me, let us go down the list and thereby pursue it further.

Not only did the three whom I have just mentioned sign it but the Minister of Interior, Eusebio A. Morales, signed it; the Minister of Foreign Relations, F. V. de la Espriella, signed it; the Minister of Justice, Carols A. Mendoza, signed it; the Minister of the Treasury, Manuel E. Amador, the Minister of War and Marine, Nicanor A. de Obarrio, and the Subsecretary of Public Instruction, Francisco Antonio Facio, signed it.

Mr. ROBERT C. BYRD. The Senator is talking about the ratification of the treaty. I am talking about the original signing of the treaty. No Panamanian signed that treaty. Bunau-Varilla and Secretary Hay signed the treaty.

Mr. HELMS. Who designated him, I ask the Senator, to sign it?

Mr. ROBERT C. BYRD. I went through that a while ago. Shall I go through it again?

Mr. HELMS. I wish he would. In the meantime, since the Senator is so concerned about a non-Panamanian signing the 1903 treaty I would remind him that Henry Kissinger was not born in this country. And Mr. Kissinger signed the Kissinger-Tack agreement.

Mr. ROBERT C. BYRD. I beg the Senator's pardon?

Mr. HELMS. Henry Kissinger negotiated for this country, and he was not born here.

Mr. ROBERT C. BYRD. Henry Kissinger is a citizen of this country.

Mr. HELMS. Bunau-Varilla could scarcely have become a citizen of a country that came into existence only a few days earlier.

Mr. HATCH. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. HATCH. By the majority leader's argument, I think at least 25 percent of the American people should sign these treaties, because that is about what was the number of Panamanians that signed this treaty.

[Disturbance in galleries.]

Mr. ROBERT C. BYRD. May we have order?

The PRESIDING OFFICER. There will be order in the galleries.

Mr. HATCH. If the Cabinet does not have the right to sign these treaties, who does?

Mr. ROBERT C. BYRD. The Cabinet did not sign the treaties.

Mr. HATCH. If they did not have the right to approve it, I do not know who did.

Incidentally, in the 1936–55 modifications, which were far more than giving a few water rights and property, I do not know of anybody striking any French citizen or American citizen during those times. They were more than happy to have them.

Mr. ROBERT C. BYRD. If the Senator insists, I refer him to the Background Documents Relating to the Panama Canal, prepared for the Committee on Foreign Relations, U.S. Senate, by the Congressional Research Service, Library of Congress. On page 288, he will find the two signatories listed, John Hay and P. Bunau-Varilla, and their seals.

Mr. SARBANES. Will the distinguished majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. SARBANES. Is it not the case that a delegation had come from Panama to discuss the treaty with representatives of our Government, hopefully to sign a treaty, and that they were held in New York—held in New York—by the maneuverings of Bunau-Varilla so he could have the time to rush down and meet with John Hay and sign the treaty.

It is important that the 1903 treaty was signed by a man who had a very special personal financial interest in the provisions of the treaty. There is no question about that. Bunau-Varilla and William Nelson Cromwell, a New York lawyer, who later had a lawsuit with Bunau-Varilla's company over the amount of fees that he was entitled to collect, all stood to gain from this treaty in a special personal way.

When the Panamanian delegation held in New York arrived in Washington, as the majority leader stated, and Bunau-Varilla met them at the train station and presented them with the treaty, they went into a state of shock, except for one fellow who maintained enough sensibility to strike him over what he had done.

Subsequently, the treaty was sent down to the Panamanians and, in effect they were compelled to agree to it by the threat that, if they did not do so, they would lose the independence which they had recently gained because the United States would withdraw its protective umbrella.

There is no doubt the Panamanians wanted their independence from Colombia. But there is also no doubt that the Panamanians did not want and were very much opposed to the provisions of the treaty, which Bunau-Varilla drafted himself and then signed, and that they have remained so opposed ever since.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, I have the floor, and I thank the distinguished Senator from Maryland.

Several Senators addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, I would yield and yield and yield, but I insist on maintaining my right to the floor and yielding when I get ready to yield.

Mr. SPARKMAN. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield to the distinguished chairman.

Mr. SPARKMAN. I ask the majority leader this because I am going to have to leave the floor. But before going, I want to make just these brief remarks.

It is easy to stand here on the floor and find objection. We can all find those objections. I do not suppose any one of us would claim that everything is absolutely right just as we see it.

But I would like to remind my colleagues that for weeks our committee held hearings and we heard all of the people who wanted to testify. We made it known that we would welcome them, and patiently we held out. Then our committee made a report that was favorable and incorporated two recommended amendments.

Here is something I want to call attention to because I think it is important. President Carter and General Torrijos had a meeting following the invitation to Western Hemisphere leaders to come to the United States. The Chiefs of State or the foreign ministers of virtually all of the Latin American countries had a big meeting here, and then when the meeting was over they issued a statement in which they laid down certain principles that ought to be observed and expressed their support for these treaties.

I had the feeling at that time that there was general approval among the nations of this hemisphere. We do not often get general approval on such an important issue.

I believe the Senator from West Virginia and the Senator from Tennessee, both acknowledged that there are people in their respective States who are not in favor of this treaty. That is true down in my State. There has been very strong sentiment expressed in my State.

I have said all along that this issue has been charged with emotionalism and that has had a tremendous influence on public opinion.

I think the Senator from Tennessee made a very fine statement when he reported on the fact that this was not popular all through his State. The Senator from West Virginia has also indicated the same is true in his State.

But I want to call attention to the fact that after hearing 92 different witnesses expressing every veiwpoint that I think could be had and spending days and

days and days on these treaties we reported them favorably, and the vote in the committee was 14 to 1.

I remind Senators that the Foreign Relations Committee is the committee that has jurisdiction over this question regardless of the interest that any other committees may have. It was the judgment of the Foreign Relations Committee after hearing all of this testimony that the treaties be reported favorably.

Furthermore, we had before us the communique, the joint communique, issued by President Carter and General Torrijos. We incorporated in our recommendations the text of the communique, a communique which when it was first issued was hailed by the people of this country.

I cannot think of any better recommendation for this than the fact that our committee almost unanimously voted in favor of these treaties with the condition that there be written into the Neutrality Treaty the substance of the communique issued by the ruling officials of the United States and Panama.

That is what we recommended and I believe that ought to be carefully considered by the Members of the Senate.

A lot has been said about the 1903 treaty. That was an important treaty at that time, but that is in the past. It is not relevant today. It is historical. Certainly that fact was taken into consideration by those who negotiated the proposed treaties.

I want to say that I do not think any country ever had more dedicated and able negotiators than we had in connection with these proposed treaties. I think great weight ought to be given that in the consideration of them.

I am going to have to leave the floor, but I did want to get in these few comments before leaving.

Mr. ROBERT C. BYRD. I thank the distinguished Chairman of the Foreign Relations Committee for his cogent and pertinent remarks.

Now, may I say that I am not going to yield and yield and yield and yield to the same Senator. It is going to be passed around if I am going to yield.

May I also say I am imposing on the time of the minority leader who is to speak after I finish mine.

Now, I yield to the Senator from Illinois who thus far has not asked me to yield.

Mr. PERCY. Mr. President, I shall be very brief. I will be speaking later, but I asked the majority leader to yield because I want to have interjected some voice of support.

First, I would like to commend the leadership for scheduling this debate prior to the Lincoln Day recess.

I want to commend Public Broadcasting for making the Senate deliberations on the Panama Canal available to the country so that when we go back home on recess this should be a very high priority topic for discussion.

When we begin to really think through this problem and what the consequences would be, if we do not ratify a new set of treaties, only then do we fully understand the importance of our pending decision.

That is, I think, the question we have to put to those who have formed an opinion in opposition to it. What do we do if we fail to ratify in an acceptable amended form? What consequences will follow?

I merely should like to report that, as I go back now, having taken a position in favor of the amendments that will be offered by this joint leadership and more than 70 Senators, I see the thinking changing in my State of Illinois. People are beginning now to say, "What would we do if we do not support the revised treaties?"

Time after time, I have seen hostile, emotional opposition melt in the face of hard facts. I do not want to interrupt the distinguished majority leader any longer to give some of those facts. I will have an opportunity later in the debate.

However, the most dramatic illustration I had was just the other day, when 150 elected officials representing postal workers from throughout the State of Illinois came down to talk about postal matters. We talked also about the Panama Canal, and at the end of the discussion, I asked for a vote by a show of hands, if they supported the position taken by the Foreign Relations Committee. The vote was 147 to 3 in favor of that position. That vote result never would have occurred a month ago.

So this debate is absolutely essential to have this matter much better understood. I think that by the time we come to the final vote, it will be better understood not only by the Senate but also by the country as a whole.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Illinois for his remarks.

I yield again to my friend from Utah.

Mr. HATCH. I thank the distinguished majority leader.

Mr. ROBERT C. BYRD. I yield for a question.

Mr. HATCH. My question is this: Is it not true, just to put this prior problem to bed. Is it not true that the Supreme Court of the United States has said in Wilson against Shaw, that with regard to the matter of original signatories, "A short but sufficient answer is that subsequent ratification is equivalent to original authority"?

So, regardless of what the emotional argument is, the 1903 treaty is valid.

I thank the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, I hope I have not been misunderstood to say that the 1903 treaty was not valid.

In pursuance of that point, may I say that, regardles of how many governments there may have been, regardless of how many times the Government of Panama may have changed since 1903, so far as I know, no government of Panama has ever sought to repudiate the 1903 treaty. They all have lived up to it. I have not said it is invalid. That is the point the Senator is making.

Mr. HATCH. The implication is there.

Mr. ROBERT C. BYRD. No, the implication is not there. I simply said that the treaty was not signed by any Panamanian.

Mr. HATCH. But the Senator will agree that it is a perfectly valid treaty.

Mr. ROBERT C. BYRD. I do not disagree with that.

Mr. CASE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. CASE. Mr. President, I think it is enormously useful for us to go into history of the origin of our relations with Panama. It is interesting as a matter of history. It is interesting as a matter of giving us a feel for this whole situation.

But I do suggest that whether the arrangements made with Panama in 1903 and subsequently changed and each change was absolutely valid—assuming that we had every right, that we were not overreaching, that it was a bargain between powers of equal strength and therefore the kind that would be enforced in a court of law if it were a justicable matter—nevertheless, the question still is, should that be changed now? That is what we really have to decide.

Is it in our interest, is it in the interest of the Panamanians, is it in the interest of the continued operation of the canal and its availability in peace and in war, that this arrangement be changed now? If so, is this change a good one?

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from New Jersey (Mr. CASE), the ranking member of the Foreign Relations Committee, has put his finger on the gravamen of the question.

Mr. CASE. I thank my colleague.

Mr. ROBERT C. BYRD. Is it in the best interests of the United States to ratify these treaties? That is the question I have made my benchmark from the beginning. Is it in the best interests of the United States for the Senate to lend its advice and consent and approval to the ratification of these treaties?

I yield to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished majority leader.

The point that I think is important is that the distinguished majority leader has said time and again that no Panamanian ever signed the treaty.

I call his attention to a most authoritative work, "Cadiz to Cathay," by Duval, on this subject. On page 393 of that monumental work we see this statement:

> The signatures were placed on the last page of the treaty in the following order:
> Junta Members; J. A. Arango, Tomás Arias, Manuel Espinosa B.
> Minister of Interior: Eusebio A. Morales.
> Minister of Foreign Relations: F. V. de la Espriella.
> Minister of Justice: Carlos A. Mendoza.
> Minister of Treasury: Manuel E. Amador.
> Minister of War and Marine: Nicanor A. de Obarrio.
> Subsecretary of Public Instruction: Francisco Antonio Facio.

That was on December 4, 1903. The U.S. Senate did not give its advice and consent to the treaty until February 23, 1904. So this signed treaty, signed by the Panamanian Government, signed by nine Panamanians, was before the Senate, I assume, from that time on, from December 4, 1903, up to February 23, 1904.

If the Panamanians had wanted to come out from under the treaty, they

had ample time to do it. In fact, the treaty was signed by members of the government—nine in all.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from Alabama has referred to an authoritative and monumental work, and it is, indeed. But there is nothing as authoritative as the original treaty itself, and that convention was signed at Washington on November 18, 1903.

On page 288 of "Background Documents Relating to the Panama Canal," I see two signatures: John Hay, Secretary of the United States, and P. Bunau-Varilla. Two signatures, neither of which is a Panamanian.

The distinguished Senator from Alabama has referred to the subsequent signing by Panamanians—not the signing of the treaty. He is referring to the ratification of the Hay-Bunau-Varilla Treaty of 1903, and that was done at Panama on December 2, 1903.

There is a difference in signing a treaty and in ratifying it. The treaty we are discussing before the Senate now has already been signed, but it has not been ratified. That is what we are talking about here. It is really a distinction perhaps without a difference, but there is a difference.

We are talking now about treaties—a treaty, the Neutrality Treaty, which already has been signed and was signed last September by the President of the United States, Mr. Carter, and by General Torrijos. By the time that treaty gets around to ratification, there may be different signatures. Who knows? An act of God may create a situation in which there will be different signatures.

I am saying that the original treaty was signed by John Hay and P. Bunau-Varilla, neither of whom was a Panamanian.

If we want to quibble about that, let us continue the quibbling on another day. But there is the record. And what did Bunau-Varilla do?

Mr. ALLEN. Mr. President, will the Senator yield at that point?

Mr. ROBERT C. BYRD. Three days after the approval of the treaty by the U.S. Senate, he submitted his resignation as envoy extraordinary, and this is what he said:

I had fulfilled my mission. I had safeguarded the work of the French genius.

And who was the French genius? Ferdinand de Lesseps.

I had avenged its honor. I had served France.

This was the signatory on the part of Panama—Bunau-Varilla. He had served France, not Panama, not the United States of America. He had served France.

Mr. LAXALT. Mr. President, will the leader yield?

Mr. ALLEN. Will he yield since he discussed that?

Mr. ROBERT C. BYRD. Those were his words. Those were his words. "I had served France."

Mr. ALLEN. If the Senator will yield further, the Senator makes a point about the treaty being signed only by Bunau-Varilla. The Senator would realize that the American Government did not bring in a whole host of signatories to this treaty and it would have been difficult for the members of the junta there in Panama and the Cabinet there in Panama to have been present in Washington for the purpose of signing the treaty. They were down in Panama representing the Government and the people of Panama. Obviously they could not be up here in Washington to sign it along with Bunau-Varilla.

Mr. ROBERT C. BYRD. No. They were on their way from New York.

Mr. ALLEN. They signed it, though, in Panama, signed the treaty on the last page, and I ask unanimous consent that this statement appearing on page 393 of this Duval work be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The signatures were placed on the last page of the treaty in the following order:[35]

Junta Members: J. A. Arango, Tomás Arias, Manuel Espinosa B.

Minister of Interior: Eusebio A. Morales.

Minister of Foreign Relations: F. V. de la Espriella.

Minister of Justice: Carlos A. Mendoza.

Minister of Treasury: Manuel E. Amador.

Minister of War and Marine; Nicanor A. de Obarrio.

Subsecretary of Public Instruction: Francisco Antonio Facio.

Mr. ALLEN. This was the first opportunity they had to——

Mr. ROBERT C. BYRD. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. I shall yield to the Senator.

Immediately following the printing in the RECORD of the extracts from the Duval work, I ask unanimous consent to print in the RECORD the 1903 treaty as it appears beginning on page 279 and ending on page 288, of the volume background documents relating to the Panama Canal which will show that the convention was signed at Washington on November 18, 1903, by two persons, John Hay and Bunau-Varilla, and I also ask unanimous consent that the following page 289 which deals with the ratification of that treaty on December 2 and the signatories thereon be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[No. 38. A Convention Between the United States and Panama for the Construction of a Ship Canal (Hay-Bunau-Varilla Treaty), November 18, 1903*]

ISTHMIAN CANAL

Convention signed at Washington November 18, 1903.

Ratified by Panama December 2, 1903.

Senate advice and consent to ratification February 23, 1904.

Ratified by the President of the United States February 25, 1904.

Ratification exchanged at Washington February 26, 1904.

Entered into force February 26, 1904.

Proclaimed by the President of the United States February 26, 1904.

Amended by treaties of March 2, 1936, and January 25, 1955.—33 Stat. 2234; Treaty Series 431.

ISTHMIAN CANAL CONVENTION

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oceans, and the Congress of the United States of America having passed an act approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention and have accordingly appointed as their plenipotentiaries,—

The President of the United States of America, John Hay, Secretary of State, and

The Government of the Republic of Panama, Philippe Bunau Varilla, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, thereunto specially empowered by said government, who after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I[3]

The United States guarantees and will maintain the independence of the Republic of Panama.

ARTICLE II[4]

The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of said Canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the Canal to be constructed; the said zone beginning in the Caribbean Sea three marine miles from mean low water mark and extending to and across the Isthmus of Panama into the Pacific ocean to a distance of three marine miles from mean low water mark with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra and Flamenco.

ARTICLE III

The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

*Bevans, Treaties and Other International Agreements of the United States of America, 1776–1949, v. 10, pp. 663–672.

ARTICLE IV

As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes and other bodies of water within its limits for navigation, the supply of water or water-power or other purposes, so far as the said rivers, streams, lakes and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal.

ARTICLE V [5]

The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.

ARTICLE VI [6]

The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any Article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States in which case the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation and protection of the said Canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint Commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damage shall be final and whose awards as to such damages shall be paid solely by the United States. No part of the work on said Canal or the Panama railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

ARTICLE VII [7]

The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors and within the territory adjacent thereto the right to acquire by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights or other properties necessary and convenient for the construction, maintenance, operation and protection of the Canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which, in the discretion of the United States may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal and railroad. All such works of sanitation, collection and disposition of sewage and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents or nominees shall be authorized to impose and collect water rates and sewerage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said works within a period of fifty years and upon the expiration of said term of fifty years the system of sewers and water works shall revert to and become the properties of the cities of Panama and Colon respectively, and the use of the water shall be free to the inhabitants of Panama and Colon, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and water.

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances whether of a preventive or curative character prescribed by the United States and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same.

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

ARTICLE VIII

The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties and concessions as well as the Panama Railroad and all the shares or part of the shares of that company; but the public lands situated outside of the zone described in Article II of this treaty now included in the concessions to both said enterprises and not required in the construction or operation of the Canal shall revert to the Republic of Panama except any property now owned by or in the possession of said companies within Panama or Colon or the ports or terminals thereof.

ARTICLE IX [8]

The United States agrees that the ports at either entrance of the Canal and the waters thereof, and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time so that there shall not be imposed or collected custom house tolls, tonnage, anchorage, lighthouse, wharf, pilot, or quarantine dues or any other charges or taxes of any kind upon any vessel using or passing through the Canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation and protection of the main Canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the Canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the Canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may deem necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the Canal and for other works pertaining to the Canal.

ARTICLE X [9]

The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the Canal, the railways and auxiliary works, tugs and other vessels employed in the service of the Canal, store houses, work shops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the Canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the Canal and railroad and auxiliary works.

ARTICLE XI

The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

ARTICLE XII

The Government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the Canal and its auxiliary works of all employees and workmen of whatever nationality under contract to work upon or seeking employment upon or in any wise connected with the said Canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the militarv service of the Republic of Panama.

ARTICLE XIII

The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imports, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation and protection of the Canal and auxiliary works, and all provisions, medicines, clothing, supplies and other things necessary and convenient for the officers, employees, workmen and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

ARTICLE XIV [10]

As the price or compensation for the rights, powers and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of ten million dollars ($10,000,000) in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of two hundred and fifty thousand dollars ($250,000) in like gold coin, beginning nine years after the date aforesaid.

The provisions of this Article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference of opinion under this Article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

ARTICLE XV

The joint commission referred to in Article VI shall be established as follows:

The President of the United States shall

Footnotes at end of article.

nominate two persons and the President of the Republic of Panama shall nominate two persons and they shall proceed to a decision; but in case of disagreement of the Commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments who shall render the decision. In the event of the death, absence or incapacity of a Commissioner or Umpire, or of his omitting, declining or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the Commission or by the umpire shall be final.

ARTICLE XVI

The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies or misdemeanors without said zone and for the pursuit, capture, imprisonment, detention and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies and misdemeanors within said zone and auxiliary lands.

ARTICLE XVII

The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the Canal enterprise, and for all vessels passing or bound to pass through the Canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

ARTICLE XVIII

The Canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by Section I of Article three of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.[11]

ARTICLE XIX [12]

The Government of the Republic of Panama shall have the right to transport over the Canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.

ARTICLE XX

If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or concession in favor of the Government or the citizens and subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modifications or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

ARTICLE XXI

The rights and privileges granted by the Republic of Panama to the United States in the preceding Articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other Governments, corporations, syndicates or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

ARTICLE XXII

The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the fuure earnings of the Canal under Article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Company and any and all other rights or claims of a pecuniary nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to Panama at or before the expiration of the terms of ninetynine years of the concessions granted to or held by the above mentioned party and companies, and all right, title and interest which it now has or may hereafter have, in and to the lands, canal, works, property and rights held by the said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through the New Panama Canal Company, including any property and rights which might or may in the future either by lapse of time, forfeiture or otherwise, revert to the Republic of Panama under any contracts or concessions, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company and the New Panama Canal Company.

The aforesaid rights and property shall be and are free and released from any present or revisionary interest in or claims of Panama and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

ARTICLE XXIII

If it should become necessary at any time to employ armed forces for the safety or protection of the Canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

ARTICLE XXIV

No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.

If the Republic of Panama shall hereafter enter as a constituent into any other Government or into any union or confederation of states, so as to merge her sovereignty or independence in such Government, union or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

ARTICLE XXV

For the better perfomance of the engagements of this convention and to the end of the efficient protection of the Canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.

ARTICLE XXVI

This convention when signed by the Plenipotentiaries of the Contracting Parties shall be ratified by the respective Governments and the ratifications shall be exchanged at Washington at the earliest date possible.

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the City of Washington the 18th day of November in the year of our Lord nineteen hundred and three.

[SEAL] P. BUNAU VARILLA.
[SEAL] JOHN HAY

FOOTNOTES

[3] Art. I superseded by art. I of treaty of Mar. 2, 1936 (TS 945, *post*, p. 743).

[4] Art. II modified by art. II of treaty of Mar. 2, 1936.

[5] Art. V abrogated in part by art. III of treaty of Jan. 25, 1955 (6 UST 2273; TIAS 3297).

[6] Art. VI modified by art. X of treaty of Jan. 25, 1955.

[7] First sentence of art. VII amended and third paragraph abrogated by art. VI of treaty of Mar. 2, 1936; first paragraph modified and second paragraph abrogated by arts. V and IV of treaty of Jan. 25, 1955. See also agreement of May 18, 1942 (EAS 359), *post*, p. 809.

[8] Art. IX superseded by art. V of treaty Mar. 2, 1936.

[9] Art. X modified by art. II of treaty of Jan. 25, 1955.

[10] Art. XIV amended by art. VII of treaty of Mar. 2, 1936, and art. I of treaty of Jan. 25, 1955.

[11] TS 401, post. vol. 12, United Kingdom.

[12] Art. XIX modified by art. IX of treaty of Jan. 25, 1955.

[Translation.—Decree No. 24, 1903, December 2, approving a treaty with the United States of North America.]

The Junta of provisional government of the Republic of Panama, considering that there has been signed, by the envoy extraordinary and minister plenipotentiary of the Republic accredited to the Government of the United States of America, and the Secretary of State of that Nation, a treaty which copied literally reads as follows:

[Printed ante.]

And considering:

1. That the guaranty of independence for the Republic has been obtained in that treaty.

2. That for reasons of exterior security it is indispensable to take up consideration of the treaty with the utmost celerity, in order that the paramount obligation on the part of the United States may begin to be effectively fulfilled:

3. That by this treaty is realized the aspiration of the people of the Isthmus touching the building of a Canal for the service of the commerce of all nations; and

4. That the Junta of Provisional Government, chosen by the unanimous vote of the people of the Republic, possesses all the powers of the sovereign of the territory,

DECREES:

Sole article: The treaty, signed in Washington the capital of the Republic of the United States of America, on the 18th of November of the present year, between His Excellency Philippe Bunau-Varilla, Envoy Extraordinary and Minister Plenipotentiary of this Republic, and His Excellency John

Hay, Secretary of State of the Republic of the United States of America, is approved.

Let it be made public.

Done at Panama, December 2, 1903.

(Signed) J. A. Arango, Tomas Arias, Manuel Espinoza B.

The Minister of Government, Eusebio A. Morales.

The Minister of Foreign Relations, F. V. de la Espriella.

The Minister of Justice, Carlos A. Mendoza.

The Minister of the Treasury, Manuel E. E. Amador.

The Minister of War and Navy, Nicanor A. de Obarrio.

For the Minister of Public Works, The Secretary, Francisco A. Facio.

[SEAL OF THE REPUBLIC OF PANAMA.]

Mr. ALLEN. I merely wanted to point out to the distinguished majority leader—he stated time and time again that no Panamanian ever signed the treaty when without question nine Panamanians representing the Government did sign the treaty on December——

Mr. ROBERT C. BYRD. Of course. Mr. President——

Mr. ALLEN. Let me finish my statement if I may.

Mr. ROBERT C. BYRD. I beg the Senator's pardon. It is just a matter of dispute between us.

Mr. ALLEN. Does the Senator dispute the fact that nine Panamanians signed the last page of the treaty on December 4, 1903?

Mr. ROBERT C. BYRD. I dispute the fact that nine Panamanians signed the treaty on November 18.

Mr. ALLEN. The last page would not count as part of the treaty?

Mr. ROBERT C. BYRD. Not as signing. The Senator is talking about the ratification of the treaty.

Mr. ALLEN. No. I am talking about signing the treaty.

Mr. ROBERT C. BYRD. I am talking about the original signing of the treaty.

Mr. ALLEN. I understand they were signed here in Washington that way. But still when it was presented to the Panamanians on December 4, 1903, it was signed by the officials of the Panamanian Government.

Mr. ROBERT C. BYRD. For ratification.

Mr. ALLEN. No, not for ratification. It was ratified on December 2.

Mr. ROBERT C. BYRD. And signed on November 18.

Mr. ALLEN. It was not approved by the U.S. Senate until February 23, 1904. If there had been any dispute by the Panamanians, there had been plenty of time to reject the treaty and ask that it be withdrawn.

Mr. ROBERT C. BYRD. Page 289 which—has the Senator completed his statement?

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. Page 289, which I have had printed in the RECORD, reads in part as follows:

The junta of provisional government of the Republic of Panama considering that there has been signed—

That there has been signed—

by the envoy extraordinary and minister plenipotentiary of the Republic accredited to the Government of the United States of America and the Secretary of State of the nation, a treaty—

There you are. The junta in consideration that there has been signed, past perfect tense.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Has been signed.

By whom? Not by any Panamanian. But by the envoy extraordinary and minister plenipotentiary to the Republic accredited to the Government of the United States of America, Bunau-Varilla who later said "I had served France."

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes, I yield.

The PRESIDING OFFICER. The Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. I want to say to the distinguished majority leader that he makes his case from the record. It is no surprise that the junta later acknowledged by their signatures that the treaty had been executed, because anyone familiar with the circumstances of the time will remember that a revolution had just taken place in Panama. The presence of American troops protected the junta whose members had perpetrated the revolution. The presence of American marines in Panama was their shield. They were confronted with one of two alternatives: Either to affix their names to the treaty that had already been signed, or return to Panama and face a Colombian firing squad. Under such dire circumstances, it can hardly be argued with a straight face that the 1903 Treaty was an arm's-length transaction. The fact is that the treaty was imposed on the Panamanians. They had to accept. For them, the alternative was even worse than the terms of the treaty. What else could they do but sign?

Mr. ROBERT C. BYRD. Mr. President, if the Government, as the distinguished Senator from Idaho (Mr. CHURCH) has just pointed out, had failed to ratify the treaty immediately, certain persons would have faced the most dire consequences, the most dire consequences, that of facing a firing squad, and the almost certain consequence would have been the suspension of the U.S. protection over the new republic, thus enabling Colombia to regain control.

Seventy-four years ago this month, on February 23, 1904, the Senate approved the treaty by a vote of 66 to 14.

As I have already indicated that treaty was drafted by Bunau-Varilla. He drafted all of the articles of the new treaty in longhand and in English.

And his lawyer and long-time friend, Frank Pavey, corrected the literary imperfections, polished the formulas, and gave them an irreproachable academic form. Here is what Varilla recalled later. He recalled later that, and I quote from McCullough's book again, page 391:

The "indispensable condition of success" was to write a new treaty "so well adapted to American exigencies" that it would be certain to pass in the Senate by the required two-thirds majority. A failure to obtain that two-thirds majority, he was convinced, could still * * *

And that Bunau-Varilla was equal to the task of writing such a new treaty that would be well adapted to American exigencies and that would pass in the Senate by the required two-thirds majority.

We have only to quote from a letter written by Secretary of State Hay to Senator Spooner. This is what Hay said:

The new treaty was "very satisfactory, vastly advantageous to the United States and we must confess with what face we can muster not so advantageous to Panama. You and I know too well how many points there are in this treaty to which a Panamanian patriot could object.

He conceded that the treaty "comes to us more liberal in its concessions to us and giving us more than anybody in this Chamber ever dreamed of having—we have never had a concession so extraordinary in its character as this. In fact, it sounds very much as if we wrote it ourselves."

Well, so much for the writing of the treaty, who wrote it, and to whose advantages it ran.

I yield again to the distinguished Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. Mr. President, I want to compliment the distinguished majority leader for laying out in such detail an accurate account of what happened back in 1903. Many of our people are unaware that, prior to the rebellion in Panama, the United States had reached an arm's-length agreement with the Government of Colombia with respect to securing the right to construct the canal across the Isthmus. That treaty had been negotiated in the normal manner, and it called, not for American rights in perpetuity, but rather for a 99-year lease of the Canal Zone.

When we were dealing at arm's length with another sovereign government, and not simply drafting a document to suit ourselves, making it as advantageous as possible, and dictating it to the helpless Panamanian junta, we were willing to settle for a 100-year lease of the Canal Zone.

Mr. ROBERT C. BYRD. And less than a zone 10 miles wide.

Mr. CHURCH. Yes, indeed; for considerably less than we arranged for ourselves in the subsequent treaty.

Moreover, the treaty with Colombia was submitted to the Senate and ratified, in 1902. It was rejected by the Colombian Senate in Bogota, for internal political reasons. Thereafter, the rebellion occurred in the isthmus.

The point I wish to make is this: Under the terms of the present treaty, American management of the canal will extend until the end of this century. Only then will the canal be transferred into Panamanian hands. At the end of this century, we will have had control of the Panama Canal Zone for 97 years—just 3 years less than we bargained for when we entered into a bona fide treaty with Colombia, not a puppet government, but another sovereign power.

*Foreign Relations of the United States, 1904, pp. 551–552; and Diplomatic History of the Panama Canal, Senate Document 474 (1914), pp. 303–304.

I do not think we are giving up very much. We were willing in 1902 to settle for 99 years, and under the terms of the pending treaty will exercise control for 97 years. It is not much of a difference.

Mr. LAXALT. Will the Senator yield for a short observation?

Mr. ROBERT C. BYRD. Mr. President, I do not yield for that purpose.

Mr. CHURCH. It is not much of a concession, in my view.

Mr. ROBERT C. BYRD. I thank the Senator for his comments. I will be glad to yield now to the distinguished Senator from Nevada for the observation.

Mr. LAXALT. I simply wanted to observe that in the context of the 99-year lease situation, that in itself would indicate we did not give up much.

Mr. CHURCH. Correct.

Mr. LAXALT. Since that time, the taxpayers of this country have invested some $7 billion in that facility. That presents a bit of a different picture, because if you are thinking in terms purely of physical assets, now, you are talking about $7 billion, which even in these exotic days is no mean amount as far as the American people are concerned.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Alaska.

Mr. GRAVEL. I thank the majority leader. I just could not help but rise in response to the observation of the distinguished Senator from Nevada.

Mr. ROBERT C. BYRD. Will the Senator speak a little louder?

Mr. GRAVEL. I will have my own statement to present in a moment, but first let me say that $7 billion you alluded to, most of that is defense, the cost of defending the canal for ourselves. The cost of building the canal was preciously small compared to all of that, and we were building the canal so we could use it and get the benefit of it.

The canal has been operated for the past 67 years to the benefit of the consuming nations of the world. So now you are making the allegation that the $67 billion is something we are giving them.

Mr. LAXALT. Seven billion dollars.

Mr. GRAVEL. Maybe the Senator is willing to give us a breakdown of what that is.

Mr. LAXALT. I will be delighted to furnish a breakdown. At the moment I do not have it. In general terms, this value is represented by the investment we have, on a cost basis, bookwise, in the cost of the facilities itself, the canal, and the cost of the basin. I can provide a breakdown of that information later for the edification of the Senate.

Mr. GRAVEL. We will look for that breakdown very shortly, and I think we will have time to go over it in great detail.

Mr. ROBERT C. BYRD. Well, there will be other figures presented in that connection. Now, if Senators will indulge me, I would like to complete my remarks, because time is fleeting.

The 1903 treaty has remained the basic document governing the operation of the canal, which was opened in 1913. As the distinguished Senator from Utah has told us, the Hay-Bunau-Varilla Treaty was subsequently revised by the treaties of 1936 and 1955. A defense site agreement, which would have permitted the United States to retain certain World War II bases within Panama, was unanimously rejected by the Panamanian National Assembly in 1947, following large-scale riots against the agreements.

The Panamanians had long resented the 1903 Treaty and the unusual circumstances under which it was concluded. Over the years, Panamanian criticism mounted. In 1959, and again in 1964, there were serious incidents following protests by Panamanian students. In 1964, 27 persons were killed and more than 400 injured. Panama briefly broke off diplomatic relations with the United States.

On December 18, 1964, President Lyndon B. Johnson announced that the United States and Panama would undertake negotiations for an entirely new treaty concerning the canal. In 1965, President Johnson and the Panamanians annouced agreement on negotiating guidelines. Those principles, which were endorsed by former Presidents Truman and Eisenhower—endorsed by former Presidents Truman and Eisenhower; does anyone question their patriotism toward these United States, or their dedication to what they felt was in the best interests of this country? They endorsed those principles, and those principles served as the basis for negotiations which continued through the administrations of President Nixon, President Ford, and now President Carter. They are embodied in the treaties signed September 7, 1977, by President Carter and the Panamanian head of government, General Torrijos. Thus, these basic principles, which I will be discussing in more detail, have enjoyed broad, bipartisan support over a period of 13 years.

So those who write and accuse the President of the United States, Mr. Carter, of being treasonous, those who write accusing Senators of the United States of being treasonous in supporting the treaties, should remember that President Truman, a Democrat, and President Eisenhower, a Republican, endorsed the principles, and President Nixon, a Republican, President Ford, a Republican, and President Carter have all continued these negotiations throughout their administrations. So the negotiations have had broad, bipartisan support over these 13 years, and the approval of the treaties is being given broad, bipartisan support now. This support has been from Presidents and from Senators who, upon entering their oath of office, swore, took a solemn oath under God, to uphold and defend the United States and the Constitution of the United States.

Mr. President, the treaties which are now before us have the same purpose as the resolution approved by the Senate in 1935 and the treaty submitted to the Senate 131 years ago this week by President Polk—opening communications between the Atlantic and Pacific oceans through a ship canal, and securing forever the free and equal right of navigating such canal to all nations on the payment of reasonable tolls.

Our forebears in the Senate demonstrated great wisdom and vision in recognizing the importance of opening a link between the Atlantic and Pacific through Central America. It required many years and a monumental effort before the canal across the isthmus which connects North and South America became a reality.

Just as those Senators of another era acted with remarkable foresight, so did those of a subsequent generation in making the decision to construct the canal.

The treaties before the Senate challenge us to act with equal vision.

With the inclusion of the two amendments I have introduced on behalf of the distinguished minority leader (Mr. BAKER), the distinguished chairman of the Foreign Relations Committee (Mr. SPARKMAN), the distinguished ranking member of that committee (Mr. CASE), the two distinguished whips, (Mr. CRANSTON and Mr. STEVENS), and 72 other Senators, a large bipartisan group, these treaties are, I am convinced, in the long term best interests of the United States. They are the best means of assuring what our Senate forebears sought so long ago—a secure canal connecting the two oceans, open to ships of all nations.

Mr. President, I have held the floor now for a little more than an hour and a half, and I feel out of respect to the distinguished minority leader I should not hold the floor longer today. I have read through nine pages of my prepared text. I am on the 10th page of a text that is 49 pages in length. I have yielded respectfully to others of my colleagues. I do not feel that I should continue with the remainder of my speech today. Out of my regard for the distinguished minority leader, I am about to yield the floor at this time. I shall continue my speech, and shall make the remainder of it, tomorrow, perhaps, or perhaps even after the nonlegislative day period.

I would like, however, at this time, to summarize the major reasons why I support the treaties if the two amendments proposed by the joint leadership are approved.

These treaties represent the product of negotiations conducted under four administrations, Republican and Democratic, over a period of 13 years. That is No. 1.

Mr. LAXALT. Will the Senator yield on that point for just a moment?

Mr. ROBERT C. BYRD. Yes.

Mr. LAXALT. During the course of the Senator's comments, this observation was made, and the point has been made several times around the country, suggesting that because five Presidents have negotiated with varying degrees of intensity, and because it is bipartisan, that perhaps then in the performance of our constitutional responsibilities this body should go along Is it not true that in accordance with that very same Constitution that the Presidents, whoever they may be, and however many there may be, only have the power to negotiate—only—and that we here in the U.S. Senate, reflecting as best we can within the framework of our consciences and our principles, and reflecting the will of

our constituencies, are the only ones with the power to bind? So if there had been 50 Presidents out there attempting to negotiate this treaty, it is of little moment to the Members of this body, because we eventually have the responsibility under the terms of the Constitution to finally make a judgment.

Mr. ROBERT C. BYRD. The Senator is correct. The Senate is not under any obligation, nor is any Senator under any obligation, to support the treaties merely because of the negotiations have been carried forward under the administrations of Presidents represented by both parties. That is not an argument, and I do not propose to make it an argument, for support of the treaties. I simply have said, and I say again, that the treaties represent the product of negotiations that have been conducted under Republican and Democratic administrations so that it cannot be said that these treaties are the product of a Democratic President only, but they reflect the kind of bipartisanship which both parties, throughout the history of those parties, have generally reflected when it comes to foreign policy.

Second, these treaties, in my view, are consistent with the long-perceived interest of the United States. What is that long-perceived interest? A secure international waterway open to neutral access and use in peace and war by the United States and other nations.

So the problem is one that has been given attention by many Presidents and by Congress over a period of 14 years in recognition, I believe, of its being in the long-perceived interest of the United States.

These treaties would assure a climate of good will and understanding which would be conducive to keeping the canal open and accessible to uninterrupted use, thus protecting our long-term economic and diplomatic interests.

As the Joint Chiefs of Staff have repeatedly emphasized, the real strategic value of the canal, from a military standpoint, is in its continued, open, and assured use by the United States.

When I speak of the Joint Chiefs of Staff, I speak of those men who, today, have the responsibility for the planning, for the defense and future security of this country—not men who had the responsibility a decade ago or 20 years ago or 50 years ago, but the men who have that responsibility today.

Such use is best guaranteed by ratification of the new treaties, which would result in an atmosphere of cooperation, good will, trust, faith, and mutual respect, rather than confrontation in Panama.

Panama would have a greater stake in the canal and thus a stronger interest in its continued efficient and unimpeded operation. However, the United States would retain a high degree of control over the canal through the end of the century, as well as defense rights thereafter.

All annuity payments to Panama will come exclusively from canal users through tolls—not from tax dollars.

The new treaties will create a climate in which the canal can continue to function as a financially sound public utility, serving not only the United States, but also the entire world.

Ratification of the treaties would be consistent with our own role as a leader among nations. It is particularly important for our relations with Latin America. Rejection, on the other hand, would be seriously detrimental to our economic and diplomatic relations with the nations of this hemisphere and would give new impetus to extremist elements throughout—not only in Panama but in other Latin American countries, and may I include in the democracies of Latin America.

Those extremist groups are still there. They are in Venezuela, they are in Colombia, they are in Costa Rica—the democracies.

Mr. LAXALT. Will the Senator yield?

Mr. ROBERT C. BYRD. To reject the treaty would give new impetus to those elements, would give ammunition to them so that they could criticize the United States and stir up strife within those countries and attack the governments of those countries.

If I could just finish, I shall be glad to yield.

Mr. LAXALT. May I make one observation in the context of the Senator's statement?

Mr. ROBERT C. BYRD. Yes.

Mr. LAXALT. The Senator speaks of extremists in these various countries, and I do not think there is any doubt that, as in other countries, they exist in Latin American countries. Is it not also true that there are a great number of extremists within Panama itself—people who may not be willing to take a 23-year siesta, as has been indicated by the rhetoric there but, instead, when these treaties are ratified, will immediately want to take possession of those facilities? Does that not present just as dangerous a situation potentially as the reaction we are going to get from extremists in other Latin American countries?

Mr. ROBERT C. BYRD. There are extremists in Panama; there are extremists in the United States of America. There have been extremists in Panama. There always have been extremists in every country. So to say that there are extremists today is nothing new. But I say again that, even though the extremists have been in Panama all these years since 1903 and although their governments have shifted from time to time and changed, not once has Panama, not once has any government in Panama ever attempted to repudiate the 1903 treaty, no matter how ignominious that treaty seemed to be to the Panamanian people.

So I am saying that if these treaties are rejected, we are playing into the hands of those extremists, I say not only in Panama, but also in the democracies of Latin America and in other countries.

Mr. LAXALT. Will the Senator yield for one last time?

Mr. ROBERT C. BYRD. Yes.

Mr. LAXALT. The Senator is not suggesting that the Senate make a decision that would be responsive to extremist demands, is he?

Mr. ROBERT C. BYRD. Oh, of course, not.

Mr. LAXALT. I would hope not, because, in my view, if we in the Senate ever start making policy decisions of the type we may be confronting here shortly to satisfy any extremist group, we are going to be terribly derelict in our responsibilities.

Mr. ROBERT C. BYRD. I have heard that, Mr. President. That is one of the arguments being used against these treaties, as though we are bowing the knee, bowing the knee to the extremists. There is not any conceivable situation that could arise in Panama if these treaties were rejected, no conceivable situation that could possibly arise in Panama that we could not handle with our military.

Mr. LAXALT. Is that not the case, I ask Senator BYRD——

Mr. ROBERT C. BYRD. So why are we bowing the knee? We are not bowing the knee. We are not tucking our tails between our legs and running, because of some fear that there might be a situation arise in Panama that would create a military exigency.

This Senator knows, as I know, that no conceivable situation could arise there that the U.S. military cannot cope with. That is not the question.

Mr. LAXALT. I cannot tell the Senator——

Mr. ROBERT C. BYRD. That is not the question, but that is the answer that would apply to those who would say that those who ratify these treaties are tucking their tails between their legs and running, because they are under threats and that it would be bowing the knee.

Mr. LAXALT. I cannot tell the Senator how delighted I am—may I make an observation?

Mr. ROBERT C. BYRD. Now the Senator wants to make an observation.

Mr. LAXALT. One last observation.

I cannot say how delighted I am to hear my leader make these observations, because the administration spokesman, like Sol Linowitz, like Mr. Bunker, have gone all over this country and indicated that if we do not ratify, if we reject, we are going to be meeting violence within the country of Panama. If that element is going to be omitted and deleted from our considerations, I think the debate is going to be far more fruitful.

Mr. ROBERT C. BYRD. That may very well be true. I do not know what we may be facing in Panama or anywhere else, for that matter. I do not know what we may be facing.

I do not know what we may be facing in West Virginia and Kentucky and the other coal-producing States if the coal contract if not ratified.

Mr. LAXALT. Or if these treaties are ratified.

Mr. ROBERT C. BYRD. But I am not using that argument, I say to my friend. General Brown had this to say. I quote from the report of the Committee on Foreign Relations, U.S. Senate, page 24:

I think to describe the United States with this action as proof that the United States is a paper tiger, as this gentleman does, is ab-

solutely wrong. I think, rather than that, it shows the United States to be enlightened. I think it shows the United States to be determined to live in the world today and not in the world of yesterday.

Mr. President, the best way to prevent increased Communist influence in the area is to approve the treaties.

Consideration of these treaties goes beyond the specific issue of the Panama Canal to the broader questions of the effectiveness of U.S. foreign policy and this Nation's image in the world. Rejection of the treaties would seriously impair our effectiveness in dealing with other nations and in undertaking important foreign policy initiatives. There can be no doubt that failure to approve the treaties would have serious repercussions for our overall foreign policy.

These are the fundamental reasons why I am convinced that ratification, not rejection, is in the best interests of the United States—militarily, economically, and politically.

Mr. President, as I say, I feel apologetic to the minority leader for taking the time that I have taken. I have attempted to respectfully yield to other Senators as they have sought to ask questions, and this has prolonged my holding the floor. But I owe that to other Senators, and I respect them for it. I feel a sense of pride that they would ask their questions, pride that they are concerned, and I think it all adds to the edification of the American people and to ourselves.

In many instances, such questions have a persuasive impact on my own viewpoint. I try to keep in mind that I can be wrong and that it is the collective—the collective—wisdom of the Senate that counts and not just one's own private personal judgment.

I thank Senators for their patience. I thank all who have contributed to the debate thus far. I apologize to the minority leader and at the same time thank him for his patience in waiting while I have held the floor.

Mr. LAXALT. I believe Senator ALLEN had an observation.

Mr. ALLEN. I want the distinguished Senator from Tennessee to get the floor and then, if he would be kind enough, to yield to me.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I have remarks at some length to make on this subject. But I understand that the distinguished Senator from Nevada has a question he may wish to put, and the Senator from Alabama has asked me to yield to him briefly so that he can respond to certain statements that may have been made yesterday.

I would be happy to do both those things, if I may, in whatever order my colleagues would wish.

I yield first to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from Tennessee, the able and outstanding minority leader.

Mr. President, I do wish to answer two points made by the distinguished Senator from Idaho (Mr. CHURCH) just a moment ago. But before doing so, I want to commend the distinguished majority leader (Mr. ROBERT C. BYRD) for his erudite, statesmanlike address and for his courtesy in yielding to Senators who might wish to make points contrary to the points being made by the distinguished majority leader.

The distinguished majority leader and I have reached different conclusions as to what is in our national interest as regards the Panama Canal Treaty, but certainly I respect him for the conclusion that he has reached and I respect him further and admire him very much for the very fine address that he has made here in the Senate.

Mr. ROBERT C. BYRD. Mr. President, may I say, if the Senator will yield, that that respect which the distinguished junior Senator from Alabama professes toward me is matched by my respect for him. Never would I question his sincerity of purpose.

I also must say that never have I seen a Member of the Senate who is more dedicated to his people, the people he represents, more dedicated to the Senate itself, more dedicated to its traditions, and more of a gentleman in his treatment of other Senators, than is the distinguished Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. I thank the distinguished majority leader for those most gracious remarks.

Mr. President, I did want to answer a point made by the distinguished Senator from Idaho (Mr. CHURCH), who will in the next year become chairman of the Foreign Relations Committee on the retirement of my distinguished senior colleague (Mr. SPARKMAN).

He made a point that at the end of this century we will have had control of the Panama Canal Zone for some 98 years and that when we were dealing with Colombia, which he referred to as a sovereign state with whom we had arms-length dealings, that we had in the treaty with Colombia provided for a lease of 100 years, that actually we were getting 98 years and why should we complete that turning the canal and the Canal Zone over to Panama.

The distinguished Senator overlooked the fact that the treaty with Colombia, while it did provide for a 100-year term of lease, had a further provision that it was renewable at the sole option of the United States.

So that is a far cry from being merely a certain period of 100 years.

The distinguished Senator from Idaho (Mr. CHURCH) talked about the fact that Bunau-Varilla had drafted a treaty that was much more favorable to the United States than was the treaty with Colombia that the U.S. Senate approved and Colombia rejected, but he overlooked the fact or did not mention the fact that at that time, at the time of these negotiations with Colombia, the Panamanian route was not the only route that was under consideration.

In fact, in the year 1902, the Hepburn bill had been passed in the House providing for a Nicaraguan canal.

I might say, that canal route was supported by one of my great predecessors in the United States Senate, Gen. John Tyler Morgan, of Alabama, who has been called the father of the Panama Canal.

That bill providing for a Nicaraguan route passed the House by a vote of 308 to 2 and, unquestionably, the sentiment in the country was for the Nicaraguan route.

So it is quite obvious, Mr. President, that something in the nature of competitive bidding must have taken place.

The House and the people of the United States wanted the Nicaraguan route and if the route was to go through Panama, obviously the concessions had to be made that would induce a change in sentiment, a shift in sentiment, from the Nicaraguan route over to the Panamanian route.

So there is no doubt but what the forces recommending the Panama Canal would have offered to make concessions that were favorable to the United States to see that the Nicaraguan route was not followed, so that official opinion and public opinion might shift in favor of Panama.

I did want to point out those two factors in answer to the comments of the distinguished Senator from Idaho (Mr. CHURCH).

I thank the distinguished minority leader (Mr. BAKER) for yielding to me at this time. I am amazed at his good nature in having his opportunity to address this issue be delayed as long as it has. I express my appreciation to him.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I was delighted to yield to the Senator from Alabama and I am pleased to have his remarks at this time.

Mr. President, I yield now to the distinguished Senator from Nevada.

Mr. GRAVEL. I wonder whether the Senator will yield half a moment, in order for me to make an observation.

Mr. BAKER. I had already agreed to yield to the Senator from Nevada.

Mr. LAXALT. I have no problem.

Mr. GRAVEL. I just want to juxtapose into the statement made by Senator ALLEN.

Of course, if the decision was made to go through Nicaragua, with the subsequent earthquakes and volcanic activity, we never would have had a canal.

Second, the Senator is right with respect to the treaty, the Hay-Herran Treaty, but he must remember that it was turned down unanimously by the Senate of Colombia.

Mr. ALLEN. Yes, and I am sure the Senator understands why that was turned down. There was a consideration of $40 million involved that they wanted to go to Colombia rather than to the French company, whose franchise had expired.

Mr. GRAVEL. If my colleague will look at the record, he will see that it was turned down over the issue of sovereignity.

Mr. BAKER. Mr. President, I hope my colleagues will pursue this dispute on someone else's time.

I yield to the Senator from Nevada.

Mr. LAXALT. Mr. President, I have an observation or two for the record in response to the observations of the Senator from West Virginia (Mr. ROBERT C. BYRD).

I thank him for his courtesy and cooperation as a leader. To be subjected to as many questions as we subjected him to is the height of patience.

He made observations indicating that military judgment through the Joint Chiefs is not part of the treaty. It is. But it might also be said, as was indicated yesterday, that outside of those presently in military positions in this country, the vast majority of military people, retired and independent, vigorously oppose these treaties.

Second, he stated that the payment of any tax dollars was not going to be required. I think it was amply and clearly demonstrated in the hearings before the Armed Services Committee last week that that is not the case, coming from no less a figure than the Governor of Panama, himself.

The responsibility of the American taxpayer in connection with this treaty is going to be substantial. It is going to amount to millions and millions of tax dollars.

He indicated that there was no problem in connection with the Communist tie in that part of the world. We respectfully disagree. General Torrijos, in remarks and questions to me, indicated that he is a close friend and confidant of no less than Fidel Castro. It is naive of us, as Americans, to think for a moment that if Castro is going to go several thousand miles away to Africa to do the handiwork of the Soviet Union, he will not, if there is a default in the power situation in Panama, travel a few hundred miles with several thousand troops to take advantage of what has been described by our military people as a hemispheric chokepoint.

I thank the minority leader.

Mr. GRAVEL. Mr. President, will the Senator yield for a moment?

Mr. BAKER. I am sorry, I cannot. I would be happy to do so under different circumstances, but I have just been advised by the assistant minority leader that he has to speak before 2 p.m. I have to speak before he does, and I would like to speak at this time, if I may. I apologize to the Senator from Alaska.

Mr. President, I thank all those who have participated thus far in this debate. In these 2 days, the Senate already has demonstrated that it retains its prime purpose and principal importance to the scheme of legislative and democratic government in the United States—that is, the opportunity for the Senate to provide a useful forum for the exchange of ideas; to provide for the country a stage on which the adversary positions of men and women of good will can be tested and compared; and to illustrate to the rest of the country that out of this adversary relationship comes neither anger nor disunity, but rather, a better legislative product.

In that view, I urge my colleagues, and indeed the entire country, to understand that in this debate, over such a divisive and emotional issue, the Senate is doing precisely what the Founding Fathers intended and what it does best in terms of the relevant needs of the country. The Senate is providing an opportunity to synthesize the best ideas, to test the best judgments, and to formulate the best policy for the future national security interests of the United States.

I would be the last to claim—indeed, I never have claimed—that all the wisdom on this issue is on one side or the other. Not only is the question of advice and consent to the ratification of the Panama Canal treaties a divisive issue; it is a close issue. Men and women of good will are still on both sides of this question and no doubt will be on both sides of it after we conclude our determination, make our judgment as a Senate, and certify our decision to the President in terms of our consent or the withholding of that consent to the ratification of these treaties.

However, I think the country will be best served by understanding that it is the function and the responsibility of the Senate to hear, to understand, to test, and to judge the differing points of view, not only in the country but more particularly in this Chamber.

I say at the very outset that I have nothing but the most profound respect for every Member of this body and for their points of view and that I will consider each of them separately.

In my own case, I already have announced to the people of Tennessee, on Tuesday night, that it is my judgment that the new treaties, with certain amendments that have now been offered by the distinguished majority leader and me, are in the best national security interests of the United States. I will explain why I think so and even a little of how I arrived at that decision. But before I do, I should like to say a little about the remarks made by the distinguished Senator from Virginia (Mr. SCOTT) at the very beginning of the debate today.

I asked the majority leader to yield to me only long enough to say that the sensitivity of one who is a candidate for reelection is probably greater than that of anybody else who was involved in that colloquy, and I was the only candidate involved. I know firsthand the difficulty of making a decision on this issue under those circumstances.

Mr. President, without trying to assume or play the role of a moral giant, which I am not, or to lay claim to intellectual superiority and insight, which I do not, it may serve some purpose to give some insight into how one who is under the gun—that is, up for reelection in 1978—in fact judged this issue, before I turn to an analysis of the question itself.

To begin with, this is not a new issue. Other speakers, yesterday and today, have remarked on the fact that the matter of revisions of our treaty arrangement with the Republic of Panama have been the subject of conversations at various levels since the administration of President Eisenhower and, actually, before that. This matter was actively pursued in the administrations of President Johnson and each succeeding President, Republican and Democrat. It is not like the cartoon I saw in a magazine the other day that showed two men standing at a bar, and one said, "You know, I have not thought about the Panama Canal in 30 years, and suddenly I find I cannot live without it." This is not a new issue. It has been around for a long time. It simply had not been the high-pitched, emotional issue that it has become in recent years.

I think that the intensity of the emotion and the extent of the public campaign in support of or in opposition to the treaties, does not relate to their importance in terms of our perception of national issues but rather to another factor—and that is that in this age of instantaneous communications and almost instantaneous transportation and at a time when the population is better educated and more aware than at any other time in the history of the country, there is a more active concern for the major issues that confront the country. Therefore, I judge the importance of this event in terms of the public's participation in it.

I do not resent that there have been extraordinary letter-writing campaigns, newspaper advertisements, and, in fact, the utilization of all the modern media to try to bring to bear the point of view of one party or the other. I am speaking now of people, not political parties. I think it is a good thing, because it verifies the fact that America, even now, is still maturing into its full role as a self-governing republic. It is uncomfortable for those of us who are running for reelection to have 40,000 letters pour into the mail room, with less than 30 staff members trying to handle them. I say again, to anyone who has not received an answer, just bear with me. It takes a while.

Mr. STEVENSON assumed the Chair.

Mr. BAKER. It always causes a concern to pick up a paper in Nashville, Tenn., and see a full page ad in a Sunday edition that says "Only HOWARD BAKER can save the Panama Canal." It never dawned on me that only HOWARD BAKER could save the Panama Canal. Moreover, the ad said, "Write, call, or visit." My wife asked: "Which one do you think they will do?" I said: "Probably all three." And they have.

But I welcome that as well because it is an extension of the public participation in a great national debate. It, likewise, caused a bit of consternation to go to a University of Tennessee football game in that magnificent stadium in my hometown of Knoxville that seats 102,000 people, which is almost as big as the city, and to see an airplane fly over at halftime saying: "Contact Senator BAKER. Save the Panama Canal."

So when my friend from Virginia (Mr. SCOTT) suggested that this was a matter of particular interest to the people who might stand for reelection in 1978, all I can tell him is that the "ain't seen nothing yet." I have been there and I know what it is about. I have visited with the American Legionnaires who talk in earnest about this matter and who listen patiently to my attempt to analyze the issue carefully and dispassionately for them.

Mr. President, even with that experience and with the sensitivity that I have to my own political fortunes, I would not presume to tell you or any of my colleagues what the country thinks about this issue. I rather suspect that the country wants us to help them decide what to think about this issue. I suspect that the polls recently taken indicate that most people instinctively oppose new treaties with the Republic of Panama, but with certain amendments and additional guarantees a majority probably support new treaties with the Republic of Panama. I would not presume to stand here on this floor and tell you that the American people think so and so. I can tell you what my judgment is and I have done so.

I believe that the judgment of the sovereign, the people of this country, is still to be made and that this debate may have a significant part to play in that judgment.

Parenthetically, Mr. President, I commend the majority leader for agreeing to broadcasts from the floor of the Senate. I had rather hoped that this debate might be televised as well, because I think electronic access to the Senate itself is a logical next extension of the public galleries. If the people of this country are to participate fully and meaningfully in the deliberations of their Government and if we are, in fact, to march together with the collective judgment of the sovereign, electronic communications from this Chamber will be very helpful and a good first step.

Mr. President, I have spoken of the sensitivity I feel for this issue. It is sort of like being, if my friend from Nevada will pardon the expression, a Las Vegas gambler. I feel sometimes you are betting every chip you have on this because this issue is a killer issue politically.

It may devour you, or you may survive it, but you cannot profit from it politically. No way.

Mr. President, all that does is make the issue more difficult. It does not shed any light on our determination. It makes it more uncomfortable. It does not facilitate the decision. It makes it more unpleasant, but it does not alter the facts.

Against that background of acute political distress, let me tell you how one Senator arrived at his decision. First, I know the majority leader will forgive me if I say that while we arrived at the same judgment on the desirability of amending these treaties by Senate action, and ratifying them as amendd, I believe we arrived at that judgment, in part at least, by different routes. For instance, I do not think the 1903 treaty was a bad treaty. I think it was good for Panama and good for the United States, and I am proud of the canal that came as a result of it. I believe the pride that it has brought to the United States is well justified.

But that is not the point.

The point is—I did not negotiate that treaty, and I refuse to accept a burden of guilt for someone else who did. I must take the facts as I find them. And I judge them on the basis of what will best serve the national security interests of this country in the future, not by what happened in the past. Some may say, "Oh, the insensitivity of that."

I am not insensitive, and I have a compassionate concern for the plight of the Panamanian people, then and now. But my official sworn responsibility as a U.S. Senator is to look to the future of the United States. My judgment must be made not on whether it was a good treaty then, but whether it is a good treaty now; and, whether that treaty agreement should be changed.

Mr. President, as far as I am concerned, this political odyssey began in August 1977, when I was in Tennessee during the period that the Senate was not in legislative session. I was enjoying an opportunity to travel about my State, even to visit with my family a little, and as I recall it was early one afternoon when I picked up the telephone and the operator said "Senator BAKER, the President wants to speak to you."

The President came on the line to tell me that negotiations with Panama were about complete and that he wanted me to know of this in advance. The President also said that he hoped that the treaty could be submitted to the Senate immediately and that we could have early action on that treaty in 1977.

I am sure the President will not be offended if I repeat now my reply in substance. I try to make it a policy not to repeat conversations in which only Presidents and I are present, but I think this is important and I believe the President would not judge it a mistake to deviate from that personal policy.

I thought for a minute and replied:

Mr. President, I am sure you know as certainly I know that this is an issue that will generate strong emotions, that will divide my State, the country, and indeed divide my party and your party, too. One only has to recall that extraordinary contest in the Republican Presidential primary in 1976 when this was certainly one of the principal issues in the campaign between President Ford and Governor Reagan, to know that it is going to be divisive. It is going to be difficult. And I must say, Mr. President, that I want you to know that I will consciously make the decision not to decide how I will vote during this year, and that I will wait until after the first of January to make that determination because I want to make certain that I fulfill my responsibilities as a Senator to my State and as minority leader to my party in the Senate.

I believe the President understood my point of view. When I returned to Washington I discussed the matter with the distinguished majority leader, and as a result he and I cosigned a letter to the Senate Committee on Foreign Relations, chaired by Senator SPARKMAN, of Alabama, and on which the senior Republican, the ranking minority member, is Senator CASE of New Jersey. The essence of the letter was: We want the Foreign Relations Committee to hold the most extensive hearings. We want you to take your time. We want you to provide a forum for everyone on every side of the issue to be heard. We will cooperate with you as majority leader and minority leader in seeing that you have all the time you need to meet, and would encourage you to meet even after the Congress adjourns sine die so that the Senate will be in a position after the Congress reconvenes in January to proceed to consideration of these treaties.

The Foreign Relations Committee did hold extensive hearings, and did hear a wide variety of testimony on every conceivable side of the issue. The report of the Foreign Relations Committee is voluminous and extensive indeed.

Following the hearings, Mr. President, if I may take just a little more of the time of my colleagues to describe how I arrived at my decision, the Congress adjourned sine die in December. There was an opportunity to return to Tennessee once more, to spend Christmas there, and to ponder on what had gone before, to try to understand this avalanche of information and contradictory testimony, to consider the views represented in the briefs and position papers submitted by two expert consultants that I had employed in my office as minority leader—one for the treaties and one opposed—and decide whether I had done all I needed to do to make a wise and reasoned judgment that would fully respond to my duties as a Senator and to my party in the Senate.

In December, I decided that the treaties did not meet the requirement that the future interests of the United States be fully protected, and that there was ambiguity in the neutrality treaty that I felt had to be dealt with. I had previously the privilege of visiting at the White House with President Carter. President Carter indicated then that he hoped to have a memorandum of understanding with General Torrijos to clarify articles IV and VI of the neutrality treaty.

I told the President that I would encourage him to do that—at that time the proposed memorandum of understanding was in the form of a letter—and I urged him to try to get General Torrijos to sign the letter. However, I also told him then that I did not think that a memorandum of understanding between President Carter and General Torrijos would suffice, that I thought that the matter had now moved to the Senate, that the Senate had an obligation under article II of the Constitution, and that, while a memorandum of understanding was desirable, I thought it did not meet the need for mandatory action by the Senate.

That was my final judgment. I decided there needed to be further amendments to the neutrality treaty before we turned to the consideration of the canal treaty itself, keeping in mind, of course, that unlike the 1903 arrangement, where there was one treaty—there are two in this case—the canal treaty and the neutrality treaty.

The question arose, what would the President of the United States say about the submission of such amendments? What would the Republic of Panama say? Would they reject the amendments? This was important because amendments require the formal concurrence of the other government. Was it or was it not worthwhile to try? What would the other countries of Latin America think? Mexico, for instance, or Colombia or Venezuela? In two or three of those countries, there is at least the possibility that a sea-level canal might be built. There is a provision in these treaties that the United States will not build a future canal anywhere except in Pan-

ama. What would these other Latin American countries think about amendments with respect to the sea-level canal?

Shortly after the first week of the new year it was my privilege to travel, in the company of two other Senators, pursuant to an authorizing resolution of this Senate, to Panama and to other countries, to ascertain their views. The distinguished Senator from Utah (Mr. GARN) and the distinguished Senator from Rhode Island (Mr. CHAFEE) accompanied me on that trip.

Mr. President, to abbreviate this chronology, I would like to say that on meeting with General Torrijos in Panama, I told him that I felt that our best interests, his and mine, would be served by absolute candor and frankness, and that I wanted him to know that the treaties in their present form, unamended, in my judgment had absolutely no chance of passing the United States Senate. If he was amenable to amending the treaties, I would like to know that before I decided whether it was worth while to ask the Senate to work its will, in the amendatory process, to change them.

Our delegation, Mr. President, met twice with General Torrijos and a number of other government officials, both military and civilian, and the net result was that in my judgment General Torrijos indicated that the Government of Panama was ready to consider certain amendments, that they would not object to them, and that a satisfactory package of amendments on additional guarantees might be put together that would have some chance of passing the Senate, as contrasted to the treaties unadorned, which, in my view, had no chance of prevailing.

Having reached that decision, I made an announcement in Panama that I would return to Washington and try to put together such a package of amendments; and, I did. The result of that, Mr. President, was the joint initiative of the distinguished majority leader and 77 other Senators, including me: a joint leadership effort and a bipartisan effort to put these treaties in shape so that they were consistent with the requirement that they serve the undoubted national security interests of this country, and so that they would have some reasonable chance of passing this Senate.

It is still uncertain whether the treaties, as amended, can pass this Senate. That is what this debate is all about. This is one of the few cases where the Senate will decide the issue on the basis of the debate. It is not a charade. What is going on here will probably determine the outcome.

But I was pleased that we were able to get that number of cosponsors. I think it augurs well, not only for the future of the treaties but also the spirit of this body, because it showed that although Members disagreed on the final outcome, many of them wanted to work together to try to improve the submission before the Senate.

I look around the Chamber and see the distinguished Senator from Utah, the distinguished Senator from Nevada, the distinguished Senator from Indiana—and there are others here—who cosponsored that amendment. I am certain that some of those I have named may not be entirely convinced that they should vote for the treaties, but I think the fact that they cosponsored the amendment signifies a healthy and wholesome attitude in the Senate, that is, that the Senate will work its will to improve the documents, and then make final judgment on what the outcome should be.

Mr. ROBERT C. BYRD. Will the distinguished minority leader yield for one observation at that point?

Mr. BAKER. Yes, I will.

Mr. ROBERT C. BYRD. I had the experience, and I am sure the distinguished minority leader had the same experience, in talking with some Senators about those amendments, that some Senators told me they would support the amendments, but for various reasons they did not want to cosponsor them. So actually the support of the amendments will be greater than is reflected by the 78 sponsors and cosponsors thereon.

Mr. BAKER. I thank the majority leader. I had, indeed, the same experience, and I was doubly grateful for the cooperation and indeed the assistance of Senators who do not favor the treaties at this point, in trying to improve them according to the suggestions contained in those amendments.

Mr. President, I do not want to state this next set of facts without great care. I want my colleagues to fully understand that while the Panamanian Government indicated to my satisfaction that they would support such amendments and would not object to them, it is still, as far as I know, the position of the U.S. administration that they do not favor amendments. I cannot say that the administration will favor them. I can only say that it is my best judgment that if the Senate works its will and does, in fact, amend the treaties, they will not be objected to by the administration. I want that carefully understood. I do not have that representation at present, but I have a strong view that the administration will not object if the Senate decides to work its will and, in fact, to amend these treaties.

Following that point, Mr. President, the distinguished majority leader (Mr. ROBERT C. BYRD) appeared before the Committee on Foreign Relations to express his point of view as that committee began proceedings which would lead to the reporting of the treaties to this body for its consideration. At his request, and at mine, the Foreign Relations Committee did not amend the treaties, but rather, made only recommendations for amendments. That was not to short circuit the Committee on Foreign Relations, but because we believed that every Member of the Senate should have an opportunity equal to that of members of the Foreign Relations Committee to participate in deliberations. After all, the Senate now in a special procedure, sitting as the Committee of the Whole, is the functional equivalent of the Foreign Relations Committee and has general jurisdiction of the subject matter as a committee. Therefore, I was particularly pleased that the committee accepted the judgment of the majority leader, in which I concurred, that the maximum opportunity for those for and against the treaties would be afforded by reporting the treaties to the floor without amendments, but, rather, with suggestions.

I think that was borne out by the fact that 76 people did participate in cosponsoring the amendments Senator BYRD and I suggested, whereas in the Foreign Relations Committee no one but the members could have participated. The amendments would have appeared here as committee amendments rather than Senate amendments. I pay special tribute to the Foreign Relations Committee for doing that because, while it did not diminish their stature, it did accommodate the greater need of a greater number of Senators in this Chamber.

Mr. SARBANES. Will the Senator yield?

Mr. BAKER. I yield.

Mr. SARBANES. As a member of the Foreign Relations Committee, I want to say that I believe the procedure suggested by the majority leader and supported by the minority leader was an extremely constructive procedure to follow in this instance. The minority leader is correct that the committee did not actually amend the treaties but it did adopt positive recommendation with respect to amendments which should be offered and which the majority and minority leaders had presented.

It was my view, shared obviously by the committee, that this was a constructive way in which to proceed, and that it would give maximum opportunity to the Members of the Senate to work their will in respect to this very important matter.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Maryland for his comments, and for his help in the committee in dealing with the issue there, and in supporting this method of bringing it to the floor for the consideration of this body as a Committee of the Whole. I appreciate his remarks.

Mr. President, I would like now to turn to the reasons why I believe the amended treaties best serve the national security interests of the United States.

I followed with great interest the colloquy just held between the distinguished majority leader, Senator BYRD, and the equally distinguished Senator from Nevada (Mr. LAXALT), about whether we were bending our knee as a nation to the threat of terrorists. I would like to state my views without any association with either point of view. I simply want to state my views on this subject.

I believe the United States of America can operate that canal come what may.

I think every Member of this body, and the President of the United States, would do whatever was necessary to see that that canal stayed open and available for shipping and military purposes, whether these treaties are amended or not. I just happen to think it is going to be a lot easier to try to keep the Panamanians as our friends and allies than it is to convoy ships through the canal.

I just happen to think it is going to be better to try to accommodate the purposes of 1978 instead of clinging to the status quo.

I believe, Mr. President, that the 1903 treaty was a good treaty then but I do not think it is a good treaty now.

I do not think the United States should approve these treaties out of fear of another Vietnam, because I do not believe there will be another Vietnam in Panama.

In traveling to Mexico, Venezuela, Brazil, and Colombia, I asked in each case what would happen if these treaties were rejected. Would there be assistance and aid from adjoining countries? Would there be a supply line to Panama as there was into Vietnam? The answer was, "Of course not."

I do not believe for one instant that terrorist activities or student activities in Panama could keep the United States from using and enjoying that great waterway. It might be necessary to reinforce our garrisons there, but if it is we will just do it.

However, I think there is a better way, Mr. President. The better way is with revised treaties, extending in perpetuity our right to defend that canal in its utilization and neutrality, and our right to use it in time of war against anyone else, even including Panamanians, forever.

Some say, Mr. President, that by doing this we are giving away the canal. On the contrary, Mr. President, if these treaties are ratified, as amended, we will have more rights to defend the Panama Canal after the year 2000 than we have at any other defense establishment anywhere else in the world—more than in Spain, in Greece, in Turkey, in England, or anywhere. We will have more permanent rights, more extensively held, in relation to the defense of the canal than anyplace else in the world.

Mr. LAXALT. Will the Senator yield for a question?

Mr. BAKER. Yes.

Mr. LAXALT. While it may be admitted that that may be the case in relation to our bases elsewhere, the Senator is not contending for a moment that we will have more rights after we give up this canal in its protection and operation.

Mr. BAKER. The Senator from Nevada is entirely right. That is one of the factors we have to take account of in making the balancing judgment. Certainly, we will have less rights after the year 2000 than we have now, but we will have more rights after the year 2000 than at any other military establishment anywhen else in the world, except those in the United States.

This points up, Mr. President, this very pertinent inquiry by the Senator from Nevada, the nature of the difficulty in arriving at these decisions. There is no clear-cut answer to this. Do we need greater rights than I have described? Do we need the rights we have now or even more rights than we have now in case of a world challenge in the future? I do not know.

All I can do is bring forth my very best judgment and decide, on balance, what is best for the country. Men can honestly differ on that point. It is a good point.

Mr. President, that brings me to the last point I would like to make. There is a section of the report on my trip to Latin American entitled "What Will the Neighbors Think?"

To summarize briefly, Mexicans think if a sea-level canal is built they may want to build it. In fact, I suspect that they are more interested in natural gas problems right now than they are in the Panama Canal.

The Colombians, on the other hand, have every right to be a little resentful. We may have, indeed, facilitated the loss of the Panama province. But I found no recrimination or bitterness in their attitude. I found instead that they are greatly concerned about the perpetuation of their rights to free passage of Colombian ships through the canal.

I found in Venezuela that there was a great concern for the unrest, the distress, and the political difficulty that might occur if the treaties were not ratified, particularly in terms of future encroachments by unfriendly powers such as Castro's Cuba.

I heard in Brazil a statement that America is a great power but it will not solve all of its problems in Latin America with the Panama Canal treaties. I would urge my colleagues to understand that. We are not going to solve every problem in Latin America with these treaties whether we approve them or do not approve them.

We have big problems with Brazil and I urge the administration to face them because they are problems of major consequence. Brazil has an economy that is growing so fast that in a few years its GNP, its population, and certainly its national pride may rival that of the United States. We have to put our house in order with Brazil.

Their general view is, "You ought to have the treaties but that does not solve all your problems. That is just an installment along the way."

I suspect this is probably right.

Mr. President, the President of Venezuela, who is an articulate, ebullient, capable politician, a great administrator, and magnificent host—we stopped at Caracas for 6 hours on the way back and spent a productive 4 hours with him in nonstop conversation—is most persuasive.

I asked this question, and I think it has a telling impact:

What would happen if some years in the future another head of government in Panama decided that Torrijos had done such a good job and made so much political hay out of new treaties with the United States, "Why don't I do it one better and negotiate that treaty again? Why don't I try to accelerate the day of the Panamanian take-over from 2000 to the year 1990, for instance?" It is a pretty good political issue in Panama.

The President of Venezuela said, and I am grateful to him for saying it, that if the United States does, in fact, negotiate satisfactory new treaties with the Republic of Panama, he will insist, as will, in his view, all Latin American countries, and even support the United States in the insistence that the treaties be fully performed according to their terms.

Mr. President, I close by saying, once again, that this is a close issue and a close call. I have indicated to my friends on this side of the aisle, on both sides of the question, that I wish to be of service to them in seeing that we have a meaningful and thorough debate. And I will do that.

Not only will future unity in this country be served by that, but significant debate on a close and important issue in the Senate go a long way toward the growth of our ability to govern ourselves intelligently at a time when we are better suited to it than ever before; at a time when the American Congress is more relevant to this era than ever before; at a time when our population is better educated and more aware than ever before; and at a time when our greatness has just begun.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BAKER. Yes; I yield.

Mr. JAVITS. Mr. President, I think the Senator has made a magnificent statement, very forthright, very frank, giving his reasons for his support of the treaty with the amendments. May I say, as one of those who did not believe that the amendments were necessary, I believe the treaty says exactly what Senator BAKER says it says. The purposes and intentions of the United States, it seems to me, are very clear. I do not know how many of us will be here in the year 2000, but I think our national purpose will be observed. I think we can proceed with confidence. But I also agree with Senator BAKER that if this is what is required to reassure 67 Members, then it should be done.

I think that the people in Panama have shown an extraordinary discipline, considering their deep national feeling on this subject, by voting 2-to-1 for this treaty. It was made clear to them that the substance of these amendments would be made a binding agreement. They could easily have taken offense on the ground that we were just belaboring the obvious. But the Panamanians are anxious for a settled course, which we are laying out with them in these treaties. I hope very much that these great purposes which is our objective can be served by the approval of the treaty with these amendments.

Mr. President, may I say, too, that I have the deep wish that those who so sincerely oppose the treaties—and I know Senator LAXALT is one who can be relied on to feel that way—will be gratified with us if it works out the way we think it will work out when we cast our votes.

Mr. DOLE. Will the distinguished minority leader yield?

Mr. BAKER. Mr. President, I am happy to yield to the Senator from Kansas (Mr. DOLE).

Mr. DOLE. Let me say, first of all, that I appreciate the statement of my friend, the minority leader. I know it was a very difficult decision that was made.

I will say, as I indicated yesterday to Senator BYRD, that there may be others of us who will cosponsor the amendments, having originally sponsored the amendments as early as last September, and I assume we are not precluded from that.

Mr. BAKER. Mr. President, I must say that the Senator from Kansas is exactly right. As far as I know, he was the first one to make these suggestions in virtually this form. I am grateful to him personally for taking those initiatives and he would be most welcome as a cosponsor.

Mr. DOLE. I think the second question is—and I know it has been very difficult. There are some political overtones. I have read about what will happen to Senator BAKER and Senator DOLE, what will happen to the treaties. We are all aware of that. But I think the Senator from Tennessee has addressed the question in the proper way. Our responsibility is to the American people, not to a political party. Our responsibility is to make a determination. And it is a very close call, as the Senator from Tennessee has indicated.

I guess the Senator from Kansas, having made some suggestions and having still others to suggest during the course of the debate, would hope, and he has no reason not to hope, that the distinguished minority leader, as well as the distinguished majority leader—because I know both men struggled mightily with the decision. It is not an easy decision. As the distinguished majority leader said earlier, if we took a poll, it would be a very easy decision. But we are called upon to do more than tabulate.

I commend both the leaders for arriving at that decision. I may not agree with it totally, but I agree with it. They have struggled and they have tried and they have made their decision.

I guess the question, then, is if other amendments are offered that have merit and that would improve the treaties in the interest of this country and the Republic of Panama, would the minority leader be in a position to support those amendments?

Mr. BAKER. Yes.

Mr. DOLE. Or are we being told that this is it, that we will have the two amendments to the neutrality treaty and that is all?

Mr. BAKER. Mr. President, I think the Senator from Kansas' question is a good one, as his questions always are. I can only answer for myself. The agreement to cosponsor the two amendments between the majority leader and me did not carry any obligation not to cosponsor any other amendments. It is my view that Senator BYRD probably will not, but I have not precluded that.

I must say in all candor, however, that I do not plan to support any amendment that would change materially the shape and the form of the treaties. For instance, I would not support an amendment that would change the date for transition. If it does not fundamentally change the shape and form of the treaties, then I would willingly consider not only amendments but, reservations and understandings that might also be helpful.

I might say that I have talked to a number of other Senators on this side who have a range of understandings that they wish to suggest in aid of interpretation of other parts of the treaty. Frankly, I have encouraged them to so proceed. So my answer to the Senator from Kansas is that this is not a take-it-or-leave-it proposition as far as I am concerned.

Mr. DOLE. I thank my distinguished colleague and emphasize that there may be differences, and there are very close differences. I think there are probably six to eight Senators—I cannot name them. I guess out of 100, there may be 6 or 8, as the Senator from Tennessee has said, who may be impacted by the debate. It seems to this Senator that, as we consider amendments, that is all we can ask, that they be considered as being responsible and well motivated, and offered in an effort to improve the treaties.

I thank my distinguished leader.

Mr. BAKER. Mr. President, I thank the Senator from Kansas.

I yield to the majority leader.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader for yielding.

I ask unanimous consent that Richard McCall, and Al Saunders of Senator HUMPHREY'S staff be granted the privilege of the floor during Senate consideration of resolution and ratification of the Panama Canal treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield the floor.

Mr. STEVENS addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield just briefly, I want to compliment the distinguished minority leader on his eloquent presentation that I have just listened to and congratulate him for the process by which he evolved his decision. It was a long one. It was a difficult one for him, and, as a Senator who is running this year, he is in a situation that, thankfully, two-thirds of the Members of the Senate are not in.

So I congratulate him and I applaud him for his courage and forthrightness in wrestling with this decision and for his fine statement.

Mr. BAKER. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I now thank the Senator from Alaska for indulging my comment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from West Virginia, the distinguished majority leader, for his comments. I, too, want to commend Senator BAKER, our minority leader, for his statement and for his very clear definition of his position and how he arrived at it.

I am one of those who is opposed to the treaties as they are now presented. I have stated that there are amendments that I feel must be adopted if these treaties are to reflect the best interests of the United States.

If the amendments are adopted, I will reconsider my opposition to the treaties. I believe it is possible for many of us to be satisfied with the terms of the treaties if the Senate is willing to make the changes that are necessary in order to deal with the reservations and fears we have concerning the text of the treaties as they now stand.

Mr. President, I am sending to the desk a technical amendment to the amendment of the majority leader and the minority leader, amendment No. 21, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 30

Insert at the end of amendment No. 21, the following:

"In accordance with Annex A to this treaty the term "auxiliary vessel" shall be deemed to mean, any ship, not a vessel of war, that is owned, operated, or otherwise engaged in the carriage of military and nonmilitary government cargoes by or for a state and used, for the time being, exclusively on government non-commercial service. This is intended, and it shall be so interpreted, to insure that vessels which are chartered or leased by a state, irrespective of the type of charter or lease, are considered to be "auxiliary vessels".

Mr. STEVENS. Mr. President, my amendment clarifies the definition of "auxiliary vessel" in order to insure that the vessels chartered or leased by the United States, vessels which carry the bulk of our military and nonmilitary Government cargoes, will receive head-of-the-line passage in the event of an emergency. The present definition of "auxiliary vessel" incorporated into the Treaty Concerning the Permanent, Neutrality and Operation of the Panama Canal through annex A fails to adequately insure this.

In order for a vessel to receive head-of-the-line preference, it must be either a "vessel of war" or an "auxiliary vessel" of a state. "Auxiliary vessel" of a state is defined in annex A to the treaty concerning the permanent neutrality and operation of the Panama Canal as a vessel that is owned or operated by a state. This poses a substantial problem for the United States, 97 percent of whose bulk cargo and 82 percent of whose petroleum cargo travels on civilian vessels under charter by the United States.

Under the traditional rule of international law, military charters and leases are considered Government-operated vessels. This doctrine, however, has been substantially eroded. A growing number of third-world nations now refuse to recognize Government-chartered vessels as operated by a state and to grant those vessels appropriate privileges. The incidents involving Military Sealift Command-chartered vessels have occurred not only in third-world nations, but nations of the industrialized world as well. A recent incident occurred in Okinawa where local customs officials refused to recognize an MSC-chartered vessel as operated by the United States.

The U.S. Coast Guard subjects vessels that are leased or chartered to the U.S. Government and operated by commercial operators to numerous Coast Guard regulations related to inspection and manning requirements including the Federal Water Pollution Control Act, the Dangerous Cargo Act, and the Hazardous Materials Transportation Act to which Government vessels are not subject.

My technical amendment which affirms the intent of the framers of this document unequivocally affirms the traditional rule of law and insures that vessels chartered or leased by the United States will be classified as auxiliary vessels. The

erosion of the traditional doctrine of International Law governing charter mandates this amendment.

In the past 15 years there have been numerous changes in traditional doctrines of international maritime law, some of which have been of substantial benefit to the United States—such as the implementation of 200-mile fishery conservation zones.

I would point out to my colleagues in the Senate that the Soviet merchant fleet will not have this problem. Whenever the Soviets choose to carry military cargoes they are always on-board Government-owned and operated vessels since their entire fleet is Government-operated. Unlike the Soviet counterparts, chartered or leased auxiliary vessels of the United States not recognized as auxiliary vessels for purposes of this treaty could be subject to safety inspections, search, and surveillance as a condition of transit. This could cause undue delay. It would be the height of irony if in a logistics emergency we were unable to resupply our military needs as fast as the Soviets because of our heavy reliance upon civilian vessels chartered by the United States for the carriage of our military cargoes.

Further, such vessels could be made to disclose their port of origin, destination, and cargo. Disclosures of this nature could be antithetical to U.S. security interests during a military operation. We should at the least require that this treaty put us on equal parity with the Soviet maritime fleet.

Mr. President, I have consulted closely with academia in the development of this position. Prof. Richard Baxter of the Harvard Law School, an internationally renowned specialist in this field who has been working with the Senate Foreign Relations Committee and who has testified before them on the canal treaties, agrees with my analysis of the "auxiliary vessel" definition. Professor Baxter is sending a letter to that affect which has been slowed down as a result of the blizzard presently inundating the New England area.

Mr. President, I believe in order for the Senate to fully understand the importance of this amendment, it would be helpful if a detailed description of the Military Sealift Command was presented. I would like to cover some of the highlights of the MSC mission, its organizational structure, and its operations. I also will note the resources the MSC has at its disposal and describe the manner in which those resources are managed. The Military Sealift Command is a unique organization which is a military unit, though its principal carriers are civilian vessels. It is a Navy command, staffed largely by a civilian work force.

MSC roles are both complex and varied. The MSC has a close relationship with all major elements of the Department of Defense, with the other single manager transportation operating agencies, and with a variety of civilian and Federal agencies. In 1949, the Department of Defense designated the Secretary of the Navy as single manager for DOD sealift, and directed that a sealift operating agency be established by the Navy. The MSC commander is the executive agent for the Secretary of the Navy and commands the Navy operating agency for sea transportation—the Military Sealift Command.

The MSC has supported U.S. force deployments in varied parts of the world in each decade since World War II. In the 1950's following the end of the war in Korea, MSC cargo carriage declined. It began to expand about 1961, and reached a peak in 1969. In that 1 fiscal year, MSC moved more than 30 million measurement tons of dry cargo worldwide. Half of that volume was delivered to Southeast Asia. It is important to note that MSC dry cargo lifts in fiscal years 1974 through 1977, were below the previously low volume—in fiscal year 1960. This has had a direct impact upon the configuration of the MSC government-owned cargo fleet, which is now at an all-time low. The following table points out the importance of the MSC dry cargo lift capability:

MSC traffic distribution

	Fiscal year 1976	Projected fiscal year 1977
Dry cargo (M/T's)	7,854,542	7,688,835
Government owned ships (percent)	5	2.8
Commercial ships (percent)	95	97.2
Petroleum (L/T's)	10,693,169	10,725,000
Government owned ships (percent)	15	18
Bareboat chartered ships (percent)	42	47
Commercial ships (percent)	43	35

On operational matters the MSC Commander reports directly to the Chief of Naval Operations. However, guidance on financial matters is provided by the Assistant Secretary for Financial Management. Guidance on policy and procurement matters is provided by the Assistant Secretary for Manpower, Reserve Affairs and Logistics. Allocation of sealift resources for support of the shipper services—the Army, Navy, Marine Corps, and Air Force—is provided, as necessary, by the Joint Chiefs of Staff.

MSC maintains a worldwide organization to support its operations. Command headquarters is in Washington, D.C., and four major subordinate units known as area commands, are located as shown—at Yokohama, Japan; Oakland, Calif.; Bayonne, N.J.; and Bremerhaven, Germany. Subarea commands are located in Naples, Italy, and New Orleans. Smaller MSC units known as MSC offices are located wherever Department of Defense traffic requires. The MSC now has 14 and, where warranted, it maintains even smaller MSC units and individual representatives.

The MSC lifts both dry cargo and fuel required by Air Force and Army. The MSC staff must maintain continuing contact with these military departments—as well as with the Navy Department. MSC maintains continuing coordination with the Military Traffic Management Command and Military Airlift Command, the other transportation operating agencies.

MTMC provides terminal services and traffic management data for MSC use in planning and in operations while MAC provides air transportation for rotating MSC ship crews. MSC maintains an interface with the maritime industry and transports petroleum products and dry cargo for all of the military services. Requirements for MSC carriage of petroleum products are levied on MSC by the Defense Fuel Supply Center. The MSC also operates ships for agencies involved in ocean research, space flight, or cable laying and repair. The MSC negotiates contracts with varied maritime labor unions, and with shipyards for repair and modifications to its ships. Since MSC ships about 97 percent of its dry cargo aboard commercial carriers, it maintains close relationships with the commercial shipping companies. My technical amendment seeks to protect the carriage of this cargo.

Obviously, as a major shipping agency, MSC has considerable contact with the Federal Maritime Commission and the Maritime Administration. In all that it does, the MSC is carrying out transportation and procurement policies established by Department of Defense. I might note that the MSC's relationship with the maritime administration includes review of new civilian ship designs—to incorporate defense features—and the use of assets in the National Defense Reserve Fleet.

Specific agreements and legislation have established constraints which impact on MSC operations—and on its acquisition of resources. One is the Wilson-Weeks agreement, negotiated more than 20 years ago by the Secretaries of Commerce and Defense. While recognizing the need for a militarily controlled fleet, capable of meeting initial requirements of a contingency, and requirements commercial ships cannot fulfill, the agreement establishes priorities for acquisition of sealift assets and services on civilian vessels.

Two historic acts which set forth U.S. policy with regard to utilization of commercial U.S.-flag ships have an impact on MSC management of its resources. The 1904 Cargo Preference Act requires that only U.S.-flag ships, including Government-owned vessels, be used for movement of military cargo. We can employ foreign-flag ships only when U.S.-flag ships are not available. And the so-called 50–50 law, requires that least half of Government cargoes be carried in privately owned ships. The key phrase here is "privately owned," as opposed to the key words in annex A, "operated by a state."

MSC tanker fleet operations are depicted by a similar graph. There is a difference here, however, that should be pointed out. POL deliveries during the Vietnam war years were much higher than during the Korean war, reflecting greater use of vehicles and aircraft. That trend has had an obvious impact on MSC long-range contingency planning.

I will now address MSC's sealift sources. These are the four primary sources of MSC sealift assets and serv-

ices. The Sealift Command has limited organic resources. Historically, it has relied heavily on the U.S. merchant marine and the National Defense Reserve Fleet. In some instances, as in South Vietnam, it relied on foreign-flag ships to move military cargo.

The effective U.S. control fleet consists of U.S.-owned ships registered under foreign flags which can be recalled in an emergency situation. We must insure that in an emergency situation these various types of vessels are considered to be auxiliary vessels of the United States. The MSC controlled fleet comprises 106 ships, 68 in the nucleus fleet, and 38 privately owned ships under charter by command. The MSC nucleus fleet is comprised of Government-owned ships and bareboat chartered vessels. The latter are all tankers. All ships in the nucleus fleet are known as U.S. naval ships and the initials USNS precede each of their names.

Fifty nucleus fleet vessels are civil service manned while 18 of our 21 nucleus fleet tankers are operated by prvate contractors for the command. All six of the dry cargo ships in the nucleus fleet are specialized vessels. Three are ice strengthened and are often used in the Arctic and Antarctic. Two are roll-on, roll-off vessels and one is a heavy lift ship. The bulk of the nucleus fleet is made up of special project ships and those involved in direct support of the Navy fleet. The special project ships, all civil service manned, support the Air Force missile test ranges. Navy oceanographic surveys and research activities, cable laying and repair requirements, and similar nontransportation tasks.

Included in the MSC fleet support inventory are eight oilers, a stores ship, four oceangoing tugs, and four fleet ballistic missile resupply ships. All of these are civil service manned. The major element of MSC dry cargo capability for contingency support is represented by the 21 vessels in the chartered fleet. Included are 14 *Challenges* class breakbulk carriers and six C–4 hulls, two of which are heavy lift ships. The MSC also operates three coal carriers and three small cargo ships which support Air Force missile test range stations. Tankers in the chartered fleet are generally under some type of voyage charter, although one is now on a time charter. Special project ships charters are generally of a specialized nature not available in the U.S.-flag inventory. All chartered ships are manned and operated by their owners—with seamen hired through union hiring halls.

It is obvious from the MSC's heavy reliance on chartered vessels manned by nonmilitary or GSA crews that the status of these vessels must be clarified.

Mr. President, I might add at this point, the present decline of the U.S. merchant fleet, is of substantial concern to the MSC. Several trends in the active merchant marine inventory of drg cargo ships are significant to MSC. The number of these ships has been declining rather rapidly. We now have only about 290 in operation, about half of the 1969 total, and well below the 4,100 we had at the end of World War II. However, the current fleet is highly productive since it contains a high percentage of modern container ships and barge carriers. Tramp ships—primarily breakbulk ships that go where the cargo is—have almost vanished from the U.S.-flag inventory. The 143 remaining breakbulk ships are largely operated by scheduled carriers.

Defense requirements for tankers can best be met by tankers under 50,000 deadweight tons. About 100 of these tankers are owned by independent carriers and many could be available for Defense Department employment.

What about the National Defense Reserve Fleet? The National Defense Reserve Fleet is a responsibility of the Maritime Administration. It now contains only 143 ships having potential military value. Eleven are seatrain class ships—self-sustaining vessels able to deliver wheeled vehicles and helicopters. The remainder of the useful NDRF inventory is made up of 132 victory ships. Their eventual demise is inevitable—no matter how indestructible they may seem to be.

In total numbers, the effective U.S. control fleet—U.S.-owned foreign flag carriers—appears to be a substantial contingency asset. However, more than 300 are tankers, many of which are too large for military use. Another 85 are bulk cargo ships with limited defense value. The primary potential of the EUSC fleet is that represented by tankers under 50,000 dwt—and the transports.

As we review both peacetime and contingency sealift requirements, current trends in shipbuilding are significant to DOD. New ships are largely non-self-sustaining and highly specialized, and required sophisticated cargo handling support facilities ashore. In an emergency, we may not have those facilities. Although the RO–RO's and barge carriers do not fit fully into this non-self-sustaining category, their numbers are limited. A high percentage of the existing carriers are container ships, vital elements of a global distribution system. Their withdrawal for military use would have a great impact on public sector requirements. Current merchant ship construction is following the same pattern. The bulk ships now under construction or on order are sorely needed since the United States has only 19 such ships to carry the 46 strategic raw materials we must import. Their contingency capability is limited.

In covering the MSC peacetime and contingency sealift missions, I have commented on the shipping resources available to us. No matter how limited, they are what we will have in an emergency. We must learn to reap the maximum advantage from their capabilities. MSC studies have given the United States information which is guiding our efforts to modernize our tanker and cargo fleets—and to effectively configure those fleets to meet both peacetime and contingency needs.

Such studies include MSC review of plans for new civilian ships to insure that as many defense features as possible are incorporated during construction. I refer to features which will help make the ship militarily useful—such as large loading ports and hatch covers, strengthened decks, and use of materials to minimize damage during an attack. An inherent problem is that the features which reduce a ship's commercial productivity are not enthusiastically received by a ship's owners—an understandable reaction. There is also the problem of financially subsidizing the desired military characteristics.

The net result of various planning efforts has been a series of Navy/MSC programs that we refer to under the general heading of sealift enhancement. That program is designed to improve both logistical and strategic sealift capabilities. The overall program was first presented in the Navy program objectives memorandum for 1977. The Navy directed a detailed analysis of the capability of the MSC controlled fleet, the NDRF and commercial ships committed to MSC for emergency use. A conclusion was reached that a substantial effort should be made to increase the numbers of available civilian ships, and to improve the response time of those assets.

One element is MSC's sealift readiness program. Under this program, commercial carriers who offer to carry MSC cargo commit up to 50 percent of their ships to military use in a nonmobilization type emergency. The ships would be called up in phases, and in accord with a contractual commitment by the carriers. Twenty percent would be available within 20 days; 10 percent more within the next 10 days, and the remainder within 60 days. We must be assured that these vessels will receive priority in the transit of the canal.

In the next fiscal year, MSC revenue is expected to be nearly $1 billion. Based on past experience, more than 80 percent of that will be paid to maritime industry organizations which provide assets, systems, and services to the command. The figures for 1977 are not in yet, but we expect commercial ships to have moved more than 97 percent of MSC's total dry cargo and 82 percent of our petroleum products. Unless my technical amendment is passed, these vessels may not receive priority in time of emergency for transit of the canal.

A recurring theme in sealift is the increasing DOD reliance on the merchant marine. This is understandable, and necessary. In the fiscal year 1977 budget cycle, the Navy initiated a sealift enhancement program. In its present form, this program places strong reliance on the merchant marine. The MSC continues to support funding for tests and exercises to learn how best to employ those privately owned and operated national assets.

Mr. President, I have clearly demonstrated the importance of the military sealift command's reliance on civilian-chartered vessels. It is imperative for the national security of this Nation that we make clear beyond a shadow of a doubt that vessels chartered or leased by the Government of the United States for the carriage of military and nonmilitary Government cargoes constitutes a vessel operated by the United States for purposes of this treaty. If we fail to do so, not only will the bulk of the auxiliary vessels used by the U.S. Navy fail to qualify as auxiliary vessels for head-of-

the-line passage, but we will be forever placing ourselves at an inherent, tactical disadvantage relative to the Soviet auxiliary fleet. I would urge each of my colleagues in the Senate to support this technical amendment which clarifies and affirms the intent of the drafters of the treaty.

Mr. President, I thank the Senator from Tennessee for his indulgence in permitting me to make a statement at this time.

Mr. HATCH. I ask unanimous consent that Thomas Parry and Deirdre Houchins of my staff be accorded the privileges of the floor.

The PRESIDING OFFICER (Mr. ANDERSON). Without objection, it is so ordered.

Mr. GRAVEL. Mr. President, I ask unanimous consent that Bill Hoffman and Heidi Boucher of my staff be accorded the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, the Foreign Relations Committee has painstakingly scrutinized all aspects of the Panama Canal Treaties during weeks of hearings and in our markup sessions. I believe that the recommendations we have made to the Senate are sound, and I stand ready to work with any of my colleagues and answer any questions they may have. I believe that if the treaties are amended to incorporate the defense guarantees embodied in the Carter-Torrijos statement of clarification, our interests will be well protected.

We are all aware that few issues in recent memory have provoked such an intense outpouring of public sentiment. Yet we in the Senate have an obligation to let rationality prevail.

I trust that at no time will we let this debate degenerate into a bitter and divisive, primarily emotional, battle. Certainly, to date the debate has been conducted in the highest tradition of the Senate.

These treaties were not written overnight. They come, as the distinguished majority leader pointed out earlier today, after 13 years of negotiations conducted with the support of both Republican and Democratic Presidents. The negotiators sought to devise an arrangement to satisfy Panama's justifiable desire to exercise sovereignty over all her territory, and at the same time to preserve the ability of the United States to protect the canal and keep it running efficiently. I think the treaties before us, as we propose to amend them, will achieve these goals.

If we now get bogged down in endless haggling about details, trying to squeeze out a few more years here, or trying to deny Panama some payments there, we will lose sight of our main purpose and we will surely kill the treaties in the process. While this may be the very objective of treaty critics, I would not want to be a party to it. I doubt that any of my colleagues would.

I have questioned treaty opponents about the likely consequences if these treaties are rejected, and have asked outright whether they were ready and willing to deal with the resulting situation. None of them has adequately addressed this problem to my satisfaction.

I believe it will not be as simple as saying, "Go back to the bargaining table." It would be difficult to convince Panama to do this after handing them and two American Presidents—President Carter and President Ford—humiliating defeats. We surely will not be able to get a treaty the next time around that gives us, as the proposed treaty does, almost a quarter century for an orderly transition of control. And we will be perceived by our neighbors in the hemisphere—indeed by countries all over the world—as being unwilling to respond to a nation's desire for sovereignty over all its territory. This is similar to the desire which burned in the hearts of colonial Americans 200 years ago.

This is an important moment in our Nation's history. We have an opportunity, in an atmosphere free from crisis, to demonstrate to the world how a large nation can work with a small nation. A large nation, and a powerful nation, as we are, has to lean over backward in dealing with a small nation, in making absolutely certain that fairness and justice prevail. We can show our willingness to be responsive to the aspirations of a small nation while maintaining our ability to meet our responsibilities as a great world power.

I hope that years from now we can look back on what happened during these proceedings and be proud of what we said and did here.

Mr. President, having studied this issue as intensively as any in my 11 years in the Senate, I have gained an increasing degree of respect for those who take an opposing viewpoint. I have expressed in the Foreign Relations Committee my deep admiration for the distinguished Senator from Michigan (Mr. GRIFFIN). He articulated a point of view which represented in the greatest traditions of the Senate the feelings of others of his colleagues who are not on the Foreign Relations Committee. He did so with dignity, with a depth of understanding of the issues, and with an understanding that others could hold opposite views and have his respect as well.

I was really pleased that we had one articulate, intelligent dissenting voice inside the committee and that we did not have a unanimous committee, because we would not have been reflective of the Senate as a whole. We have already heard on the floor articulate, intelligent, and deep feelings expressed by Senators whose patriotism and whose devotion to their country and its national interests cannot possibly be questioned.

The Armed Services Committee has been of great service to the country and to the Senate, even though it does not have jurisdiction in this matter, by having hearings and bringing out points of view, particularly with respect to the economics of the issue, which have helped clarify some of the problems we confront. I intend, as the debate goes on, to address myself particularly to the economic issues, because more factors were brought out that I think should be aired fully and debated fully.

So it is with considerable respect for those in this body and those in the country who have an opposing viewpoint to my own that I begin to engage in this process. But I do so having come to a conclusion, after as much study as I possibly could put into the subject, having arrived at a decision which I think is right, and which I intend to fight for, but also with deep respect for those who hold opposing views. I will listen attentively for any possible factors that I have not taken into account in my own deliberations and in my own study process in arriving at my own conclusions.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. GRIFFIN. Mr. President, I thank the distinguished Senator from Illinois for those very kind and generous remarks.

I say again, as I have said in the Committee on Foreign Relations, and in the Senate, that I deeply respect the views of those who have reached a conclusion contrary to mine. It has been a very agonizing decision for me, and I know it has been for others.

We are engaged in one of the most important and historic debates in my service in Congress, touching on any foreign relations issue; and the decision here is going to be one that we will have to live with for a long time.

It seems to me that there are good arguments on both sides, and I commend the Senator from Illinois for recognizing that. I commend all those who have not made a decision, whether they are in the Senate or outside the Senate, to do as the Senator from Illinois has recommended, and that is to listen and to weigh carefully the arguments on both sides.

I thank the Senator from Illinois very much for his contribution.

Mr. PERCY. I thank my colleague. All of us now will have an opportunity at the end of this week to go back to our respective States. I intend to go from one end of my State to the other and raise as a prime issue the Panama Canal and invite all of those who hold opposing viewpoints to address themselves to every aspect of it that they wish and to test my own judgment in any way that they wish.

I hope that I shall conduct myself with the same skill that I saw last night on public television, on one of those rare occasions when I was able to get home by 7:30 p.m. under this new humane policy we have that we will not have votes after 7 p.m.

It was the first time I had been able to get home in a long time at that hour. I saw the distinguished Senator from Maryland, Senator SARBANES, who I felt did an absolutely wonderful job. I had deep respect for Senator GARN, also, who held opposing views but who I think presented them well to the television audience on a very distinguished public television program, one of the finest in the country. I think the traditions of the Senate were certainly upheld in that half hour. They presented the kind of dialog that I think should go on in the country because our foreign policy is no better than the understanding of it that is gained by the American people.

Part of the job of a U.S. Senator, just as it is of a Congressman, is to not only

listen to all the arguments, study intensively, form our judgment, come to a judgment, make a decision, but then justify that decision. We are put on the pan time and again, and we intend to and will be many, many times in the next 8 days beginning Friday night. The country will have an opportunity to question us in every respect. I think we will come back perhaps somewhat chastened and a little more weary than we are right now possibly, but I think the process will really work, and that process is going to be engaged in right now.

I again extend my deep appreciation to my distinguished colleague from Utah who himself has been an articulate Member of this body on many, many issues. We have not always agreed, but I certainly have the greatest respect for his power of thought and reason and the tenacity with which he really fights for what he believes is in the national interest, and that is what he does on this occasion.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, Thomas Jefferson once remarked that he "never saw an instance of one of two disputants convincing the other by argument." Indeed, he added, "I have seen many, on their getting warm, becoming rude, and shooting one another." I expect the debate on the Panama Canal treaties will be warm and even heated at times, because there is a great deal at stake; and I trust that no one will be shot because of it.

What truly concerns me, however, is Mr. Jefferson's inference that passion rather than reason tends to govern human affairs, and that emotional concerns will dominate our discussion. Perhaps they will, in spite of our efforts to think these treaties through carefully. Perhaps some people have already closed their minds to further debate, and cannot be moved from their position by the force of logic or the disclosure of new facts. Certainly many of the proponents and opponents of these treaties have made emotional appeals in support of their arguments. A treaty of this magnitude, that may well determine the course of human history and the fate of the free world, is bound to arouse an emotional response.

I want to congratulate those who are broadcasting this debate. I am informed that this is the first time Senate debate has been broadcast across the air waves.

It is my sincere hope that in the weeks ahead we might prove Mr. Jefferson wrong.

Although I personally listened to all of the administration's arguments and public relations efforts with regard to their support of these treaties, I do want to hear all the points that are brought up on the floor during the debate.

I have always taken the position that we need to upgrade the 1903 treaty. It is not perfect. On the other hand, my present judgment is that these new treaties are not in our national interests. I intend to participate in these debates with an open mind and weight each and every argument on behalf of the agreements fairly and impartially. But I am going to have to be shown more than just the two amendments regarding our defense and transit rights. They are a good beginning, but they leave many problems unattended.

But I do question how the Senate can deliberate properly and intelligently under the conditions that have been imposed upon us by what I consider to be an impatient and nervous administration. Why is the Senate debating these treaties before the crucial details regarding their implementation have ever been seen? We have before us, as we prepare to offer our advice and consent, a considerable amount of information about the merits of these amendments. I seriously question, however, whether the Senate has sufficient information; and I doubt that Senators have had sufficient time to examine all of it carefully and thoroughly.

When we turn to the specific provisions of the treaties, I think we shall soon discover that there are parts missing or obscure and that we shall be compelled to proceed at a much slower and more cautious rate of speed than many had originally contemplated.

The Foreign Relations Committee has been so rushed that it must now print another report because its original version is peppered with omissions and typographical errors. Only within the last 3 days has the 354-page report of the committee been available to Members. Everywhere the report reflects haste and, in my opinion, carelessness. Aside from the printing errors, we find that many crucial issues have been either passed over lightly or ignored altogether.

Consider, for example, the section of the report dealing with the legal issues. The very complicated question of whether the President has the constitutional authority to dispose of Canal Zone territory by treaty alone, without the approval of both Houses of Congress, as is required by article IV, section 3, clause 2 of the Constitution, is dismissed in less than 5 pages—in a brief statement, I might add that I expect to show that this 5-page statement in the Foreign Relations Committee brief really is erroneous when I call up my amendment to the treaties requiring the President to gain congressional approval for these transfers of territory and property.

This is hardly a minor issue, and I must say I am quite astonished that it has been treated in the report in such a cavalier fashion.

At this very moment there is a resolution circulating in the House of Representatives, House Concurrent Resolution 347, the Murphy-Hansen resolution, which has the support of no less than 219 cosponsors. In other words, more than half the membership of the House of Representatives, both Democrats and Republicans, are opposing this flagrant abuse of our fundamental law. They are demanding that they also have the right to vote on this transfer of $10 billion of American territory and property, and I think the Constitution clearly supports their position.

We have taken extensive testimony in the Separation of Powers Subcommittee of the Judiciary Committee, testimony from leading constitutional authorities which shows conclusively that the Members of the House have a right and a duty to participate in the disposal of U.S. territory and property.

There are two types of treaties. One is a self-executing treaty, and the other is nonself-executing. The former does not involve the transfer of property, and it does not require the consent of the House of Representatives because no implementing legislation is needed. The President can go and negotiate it through the State Department, through his representatives or ambassadors, with the advice and consent of the Senate, bring it back, and if two-thirds of the Senate ratify it, then it becomes the law of the land.

But the second kind of treaty is the treaty that is involved here, and that is a treaty which involves the transfer of American property. And article IV, section 3, clause 2 of the Constitution says you cannot transfer American property without the consent of both Houses of Congress. The Canal Zone and all of the property there cannot be transferred by treaty alone. Implementing legislation is also required, because Congress has exclusive control over territory and property.

And the reason the Founding Fathers gave this power to Congress, is because they did not want any President acquiring, governing, or transferring territory or property without having all 535 Representatives of the people in this Federal republic having a voice in the matter.

I think it is pretty significant that just today at least 219 of the Members of the House of Representatives, our Congressmen, have signed a resolution demanding that they have the obligation and opportunity for and on behalf of their constituents and this country of voting up and down on these transfers.

I submit that they should have a right to do so and that we in this legislative body ought to prevent this overreach by the President in violation of the Separation of Powers Doctrine.

There has also been an extensive discussion, particularly in the House of Representatives, over the issue of whether the various payments to Panama as provided for in this agreement shall be based on legislative appropriations. The treaty is silent on this subject and so is the report of the Foreign Relations Committee. The Constitution provides that no funds shall be drawn from the Treasury except by appropriations and yet it is clear that the treaty provides for payments to Panama. Again, we have a President, the Executive, bypassing the Congress, bypassing the House of Representatives in derogation of the Separation of Powers and article I of the Constitution to extend his power. If this great body allows that to occur I think we will have abandoned one of the pillars of our Constitution.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. HATCH. If I could just continue for a minute.

Mr. SARBANES. It is just on the point.

Mr. HATCH. I am delighted to yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland (Mr. SARBANES).

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Maryland.

Mr. SARBANES. I think one thing is clear: The Senator may argue—I think it is an argument without legal validity—that the House of Representatives must be involved in the disposal of property, but I think the law is very clear on that point. I do not think it has been dealt with in a cavalier fashion by the committee. The number of pages which you give to a subject are not an indication of how well you deal with it; it is the quality of the consideration that matters.

Mr. HATCH. Let us include the matter of quality, because I do not think the quality of the statement is very high, either.

Mr. SARBANES. Obviously the Senator and I disagree on that point.

Mr. HATCH. It would seem that we do.

Mr. SARBANES. We are proceeding here with an exercise of the treaty-making power. The Senator's point really runs to the role of the Senate and the role of the House, and it does not establish overreaching on the part of the Executive.

Mr. HATCH. I respectfully disagree.

Mr. SARBANES. The Executive has never contested our role; clearly, for the treaties are now before us for advice and consent, which will require a two-thirds vote on the part of this body, an extraordinary majority on the part of the Senate to approve these treaties. So there has been no effort on the part of the Executive to bypass or to ignore the Congress.

The distinguished Senator may want to change the role of the Senate and the House of Representatives within the institution of Congress, but I do not think it is accurate, indeed it is not accurate at all, or fair, to say that the Executive is seeking to bypass the legislative branch of our Government in this matter.

Mr. HATCH. I appreciate the comments of the distinguished Senator from Maryland, but I sat through hours of hearings on this subject before the Separation of Powers Subcommittee of the Committee on the Judiciary, of which I am the ranking minority member, and the President's witnesses indicated repeatedly that he has concurrent jurisdiction with the Senate to dispose of territories in spite of the fact that article IV, section 3, clause 2 of the Constitution says that Congress—not the Senate, the Congress—shall have the power to dispose of and make all regulations respecting territory or other property belonging to the United States.

I might add that some of the leading legal scholars in this land support my position very strongly, and I cite in particular Dr. Raoul Berger, formerly associated with Harvard Law School, who, when he was criticizing President Nixon and providing legal ammunition by which President Nixon could be impeached, was praised throughout the country, but now when he is coming out in favor of House participation in the disposal of territory under these treaties, he is ignored by the media, despite the fact that he himself, if he were a Senator, would vote for the treaties except for these constitutional defects. But he has made it clear that no reasonable Senator should vote for these treaties unless the property transfers are approved by the House of Representatives as well as the Senate; and I think the precedents backs him up in every way.

The second point I would like to make is that these treaties are requiring the American people to make millions of dollars of payments in the absence of legislative appropriations.

The wording of the treaties suggests that the appropriations process will be sidestepped, and that the many different payments to Panama will be made by the new Panama Canal Commission out of tolls. As the sponsor of an amendment to the treaties requiring that all these payments be appropriated, I am rather mystified by the committee's total disregard of this important legal issue.

Likewise, the printed hearings of the Senate Armed Services Committee reached me only a few days ago, and Senators are still awaiting the committee report. This is hardly surprising in view of the fact the committee completed hearings only a week ago. These hearings were very brief, and did not even touch upon the constitutional issues concerning the role of Congress in the disposal of U.S. territory and the role of the House in the appropriations process. At the same time, they contain 525 pages of testimony. Thus within the short span of approximately 1 week, Senators are expected to have read and digested nearly 1,000 pages of hearings and reports. This does not include the Report of the Armed Services Committee, which was just arrived, or the 2,423 pages of hearings of the Foreign Relations Committee that were printed only about 3 weeks ago. This is not to mention the volumes of hearings that have already been printed by other committees in the House and Senate, and I cite with particularity the Separation of Power Subcommittee of the Committee on the Judiciary.

My purpose in bringing these matters to the attention of the Senate is not to fault the committees—for they have been faced with heavy demands in a short space of time—but to illustrate the fact we are not only presently overburdened with more information than we can possibly read and assimilate, but also are handicapped by the lack of specific information that is necessary for deliberation.

Mr. President, this is not a legislative atmosphere conducive to thoughtful debate. Speed is no virtue in a legislative assembly. If the Senate is to work its will properly, then we must be assured that each and every provision of these treaties will receive full and ample consideration. I trust, therefore, that Senators will resist political pressures to dispense with these treaties in a hasty manner, and that the proponents of ratification will, in particular, accommodate the need for thoroughness and precision.

TWENTY FLAWS

The need for extended debate will become more obvious, I believe, once it is clear that these treaties have been thrown together in a haphazard fashion and in their present form spell political, economic, and military disaster for the United States of America. My preliminary estimate is that there are at least 20 major flaws contained in the treaties, either explicity or implicitly, all of which warrant our close attention. At the appropriate time, I shall address my remarks to these problems in more detail. And doubtless other Senators will uncover ambiguities, discrepancies, errors, uncertainties, puzzling questions, and omissions that I have overlooked, or that I have presently chosen to omit, as we delve more deeply into the documents.

For the moment, however, I shall discuss them only briefly, in order to point out the scope of the problems and the direction I shall take in attempting to deal with them. Two problems that I have already touched upon concern the role of Congress in the disposal of U.S. territory and the role of the House in the appropriations process. These are certainly among the most serious problems we face in connection with these treaties, because they affect our Constitution. Let me turn to the other problems that I have encountered.

Third. A recent line-by-line analysis indicates that there are a number of substantive inconsistencies between the English and Spanish versions of the treaties. These inconsistencies create a second layer of problems for the United States, because they will require the United States to contend not only with conflicting interpretations of the English text, which, incidentally, are bad enough, but also the Spanish translation or translations.

I might mention that I am going to offer an amendment to the treaties which will provide that if we have disagreements upon the differences between the Spanish and English translations, then, in that event, the English text shall prevail.

Fourth. There is some doubt as to whether the joint statement issued by President Carter and General Torrijos allegedly clarifying the ambiguity over our right to intervene militarily to defend the canal actually accomplishes this purpose. According to the American Law Division of the Congressional Research Service, for example, the legal effect of the joint statement is uncertain. The CRS analysis concludes that—

> The Carter-Torrijos statement, while guaranteeing each party the right to act against threats directed at the Canal, also specifies that the U.S. may not intervene in the internal affairs of Panama. It is not altogether clear that the statement would permit the United States to intervene in the event that the aggression or threat should result from Panamanian action.

I think that is a pretty important consideration.

Fifth. International legal scholars point out that the treaties contains no mechanism for compulsory third party adjudication of differences concerning nondefense issues.

Sixth. International legal scholars also point out that the treaties contain two ambiguities on transit rights. Pursuant to annexes A and B of the Neutrality

Treaty, the treaty area is defined to include Panamanian territorial sea areas around the entrance to the canal delimited pursuant to the 3-mile limit. It is possible, therefore, that Panama would feel free to apply the more restrictive "innocent passage" provisions as they claim to apply them beyond the 3-mile area out to 200 miles.

Article VI(I) provides a right of transit for U.S. warships and auxiliary vessels "Irrespective of their internal operation, means of propulsion, origin, destination—or cargo carried." By negative implication, it might be argued that these features could be the basis for discrimination against certain categories of commercial vessels.

Seventh. There may be a potential ambiguity under articles 20 and 22 of the revised charter of the Organization of American States (OAS), which is binding on the United States, in connection with U.S. defense rights under the treaty. Article 20 provides that—

> The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever.

Article 22 then goes on to provide that "measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation" of this principle. The defense rights of the United States are presently exercisable under the 1903 Treaty—an "existing treaty" under article 22. Do these defense rights continue under article 22, in light of the fact these treaties terminate the "existing treaty" of 1903?

Eighth. Former Deputy Secretary of Defense William P. Clements has recently revealed that the former administration had obtained consent for a security clause that clearly protected American defense rights in the Canal Zone. The clause, which was approved by the National Security Council, the Department of State, the Pentagon, and even General Torrijos, unambiguously gave the United States the unilateral authority to defend the canal, even without the approval of Panama. Why was this clause replaced by the ambiguous terminology of the present agreement?

It makes one wonder because it had been completely agreed to before. We have testimony to that effect and yet we have people here who, at one time, argued that we did not even need these two amendments that the joint leadership recommended to us.

Ninth. The treaties purport to extend many guarantees to the United States. It is questionable whether such guarantees are meaningful, however, if they are simply paper guarantees—all sail and no anchor. The treaty provides, for example, that American warships shall enjoy expeditious transit, and the joint statement indicates that they shall even go "to the head of the line." But how does the United States enforce this guarantee if the Panamanians control all of the facilities of the canal and its ports, if Panamanians are in charge, and refuse or fail to cooperate? How can the United States be assured of expeditious transit if the United States does not own or even operate the canal?

Nothing in the treaties solves these difficulties.

Likewise, the treaty provides that only the Republic of Panama may maintain military forces in Panama after the year 2000. But how does the United States exercise its right to defend the canal and its duty to maintain the regime of neutrality if all of the military installations are owned and occupied by Panama? What would be the costs in terms of manpower, material, and money? Would U.S. troops occupy Panamanian soil to keep the canal operational? Would they have the ability to operate the canal or would the United States be required to keep a permanent corps of canal pilots and other trained specialists who could be sent to Panama to keep the canal operating in times of emergency?

Tenth. Except for the Joint Chiefs of Staff, who are politically answerable to the administration, most American military leaders warn that loss of the canal would jeopardize our national security. An exhaustive analysis by the Congressional Research Service of the Library of Congress concerning the importance of the canal in terms of our strategic mobility and logistic support indicates that the canal will be even more vital to our defense needs in the year 2000 than it is now. In examining the role of the canal in facilitating the shipment of munitions to an Asian military operation, the study shows, for example, that we have only one munitions port on the west coast, and that this port is capable of loading only 4,000 tons per day. Since, based on past experience, the requirement could easily be 10,000 tons daily, at least 6,000 tons would have to come from the east coast, where most munitions are manufactured, and from which most transit the canal.

Adm. James Holloway, Chief of Naval Operations, and Adm. Thomas Moorer, former Chairman of the Joint Chiefs of Staff from 1970 to 1974 point out that the present Canal Zone serves as a base of naval and air operations 3,000 miles south of the United States. Moreover, the Canal Zone is the only refueling center south of California in the Pacific. When the United States no longer has use of the bases and ports and facilities of the Canal Zone after the year 2000, will not the loss of these strategic sources adversely affect our ability to control and defend a vast area of land and sea?

Sometimes it overwhelms you when you stop to consider that the principal reason advocated for these treaties is for national security purposes. They seem to ignore a lot of these facts that are brought out, not necessarily by opponents to the treaties, but by people who they owe and other debts throughout the country.

Eleventh. The treaty assumes that the giveaway of the canal will usher in an era of good feelings in Latin America and that our Latin American neighbors support Panama's bid for the canal. The President has made this claim, as have representatives of the State Department.

But there is an abundance of evidence which suggests that many Latin American countries are deeply concerned about the treaties. This is not surprising, when we stop to consider that South America has no reliable east-west land transportation and must rely heavily on the canal. What do they stand to gain economically when the tolls increase, as they are sure to do under these treaties? When visiting heads of state from Latin America were invited to Washington by the President to witness the signing of the treaties and were asked to sign the so-called Declaration of Washington, what explains the fact that they refused to endorse the treaties and agreed simply to congratulate Carter and Torrijos "for having initiated the steps that would lead to full sovereignty of the Republic of Panama over the totality of its territory"? What explains the refusal of some Latin American political leaders to participate in these signing ceremonies?

Recently, Lt. Gen. Gordon Sumner, Chairman of the Inter-American Defense Board, which is an independent international organization established by the Rio Treaty, testified before the Armed Services Committee that there is widespread anxiety in Latin America about the economic consequences of these treaties. General Sumner based this observation on his personal discussions with heads of state and high level defense officers in 17 Latin American countries.

Twelfth. The treaty not only forbids the United States from entering into an agreement with a third country for the construction of a new hemispheric interoceanic canal, but in effect closes the door to completion of the modernization project of the present canal. Panama lacks the capital and other resources to complete the Terminal Lake-Third Locks project that was begun after the Second World War, and it is not likely that the United States would pour additional millions into a canal that it no longer owned. Consequently, it is highly unlikely that there will be any improvements in the canal during the remainder of this century under these treaties.

I suspect that the Panamanians will place a higher priority on banking debts they owe and other debts throughout the world—which, incidentally, have skyrocketed under President Torrijos' regime.

Thirteenth. Another underlying assumption of the treaties is that the canal is a potential military hazard to the United States and cannot be defended against guerrilla attacks and sabotage. But if the canal is already indefensible, then it would be even more so if the U.S. military presence is reduced from 17 to 4 bases, as this treaty provides. The question also arises as to whether a tiny country of less than 2 million people has the capability or desire of carrying on a sustained military operation against a well-defended canal from which it benefits economically.

Fourteenth. Many substantive matters concerning the relationship between Panama and the United States, including defense, are contained not in the treaties themselves but in supplementary executive agreements. These executive agreements can be modified in

the future by the President, without the assent of the Senate. The Senate is thus asked to approve not only the treaties themselves, but to grant wide discretionary authority to the President far into the future. This is delegation of legislative authority run rampant, which can serve only to expand the powers of the Chief Executive at the expense of the legislative branch—something which I hope none of us really wants to do.

Fifteenth. Under article IV of the agreement in implementation of article IV of the Panama Canal Treaty, the United States agrees to "emplace no type of nuclear armament of Panamanian territory," because Panama is a signatory to the Latin American Denuclearization Treaty. Such an important restriction serves no purpose other than to weaken our Southern defense and improve the nuclear strategy of our enemies.

On the other hand, I think it is a fair question to ask: Why did not our negotiators obtain language which keeps powers unfriendly to the United States out of Panama, including powers which possess nuclear weapons?

These treaties do not do anything about that. As a matter of fact, there is nothing in the treaties that prohibits an unfriendly power from using our ports, bases, and facilities. Nothing prevents Panama from opening those to the Soviets, to the Cubans, or to anybody else who would be eager to weaken or destroy us.

Sixteenth. Contrary to the assertions of State Department representatives, it seems certain that the canal cannot be operated under these treaties on a self-supporting basis, and that the American people will be called upon to pay millions, perhaps billions, of their hard earned dollars to the Panamanians. The Comptroller General of the United States, Elmer Staats, estimates, for example, that deficits during the first year could range from $37 to $79 million. Other estimates, such as that made under the auspices of the House Committee on Merchant Marine and Fisheries, indicate that the deficit could reach nearly $100 million.

It makes you wonder. Who is going to pay those deficits? Do you think Panama is going to be able to pay those deficits? Not unless they make a deal with somebody else that is most likely to be in contravention of the obligations that they would owe to us.

This wonderful friendship that is going to arise once we transfer the canal to them, that is miraculously to appear overnight. Even though we all know that Mr. Torrijos has gone all over the Third World, running this country down, and that his closest friends are Fidel Castro and Qadaffi, of Libya, is a pipedream.

I do not know about the folks in this Chamber, today. But I will tell you that the American people are not going to buy it and I am not going to buy it.

Seventeenth. The implementing legislation establishing the structure of the new Panama Canal Commission, its accounting practices, and the range of labor benefits has still not been presented to Congress by the administration, although it was promised for last October. What is more, basic financial issues have not yet been negotiated with Panama. Governor Parfitt of the Panama Canal Zone has testified that the United States and Panama are in disagreement regarding a number of these issues. Thus, the Senate is being asked to give its advice and consent on a treaty about which it does not have complete information.

Eighteenth. The treaties contain a number of hidden costs which have not been brought to the attention of the American people by the administration. In recent testimony before the Armed Services Committee, Comptroller General Elmer Staats revealed the following information: First, the Republic of Panama has refused to pay for services rendered by the Panama Canal Company in the amount of $8.4 million. Some of this debt goes back as far as 1955. Second, early retirement costs to be charged to the Civil Service Commission under these treaties will cost $7.5 million a year, or a total of $165 million over the next 22 years. Third, costs of benefits for dependents of certain personnel transferred to DOD (mainly schooling) will cast $5 million a year for the next 22 years, or a total of $110 million. Fourth, inventory costs could reach as high as $2 million. The last complete inventory of all assets of the Panama Canal Company, and Canal Zone Government took place in 1950–51, at a cost of $750,000, and that was in 1950–51 dollars. Fifth, the annual payment of $10 million to Panama for such services as police and fire protection, street maintenance, and garbage collection is actually an indirect subsidy, in part, of $6.6 million a year for at least 3 years, totaling $19.8 million. Because of Panama's lower wage scale, and other factors, it is estimated that Panama will need only $4.4 million per year to provide these services. The treaty provides that these payments will be adjusted after 3 years on the basis of actual costs, but the treaty does not define actual costs and it is not clear, therefore, how the costs will be calculated.

Nineteenth. There is no indication, from the language of the treaty, whether the commission should pay interest to the U.S. treaty on the U.S. investment, although the administration has indicated that the forthcoming implementing legislative package will relieve the commission of its statutory obligation to pay interest. Does this mean that the projected amount of interest of approximately $20 million a year will be a donation by the American people to the commission? Should the United States attempt to recoup its investment through accelerated depreciation charges? The treaty does not indicate how these problems are to be resolved—again thoroughly lacking in this area.

Twentieth. The treaty is no less ambiguous as to how the annual surplus or contingent payment of up to $10 million is to be treated with regard to financial and toll setting plans. Will the tolls be set at such a rate as to eliminate the surplus each year, and if so would this not cause friction between the United States and Panama? And if no contingent fees are paid for 22 years, does the United States owe Panama $220 million in the year 2000? The terms of the treaties do not give us any clues as to how these issues shall be resolved.

Mr. President, these are 20 problems that I have encountered with these treaties. There are many more, to be sure, and I intend to get into them in the course of this debate. This list is not definitive but illustrative of the many flaws contained in these documents. In a larger sense, of course, some of these defects are overshadowed by more serious issues that concern not just the canal but the integrity of our system of government and perhaps our very existence as a free, democratic Nation.

For many months, I have been increasingly disturbed by the manner in which these treaties were negotiated, and the way in which representatives of the State Department, especially the negotiators, were attempting to gain public support for the agreements. Negotiations, until they were actually concluded, were shrouded in secrecy, as though the administration had something to hide from the American people. No Member of the Senate, as is often the custom, was ever included in these negotiations.

I might mention that a representative of big labor went down there, insisted upon, as I understand it, by big labor's leaders. Yet not one Senator was invited, not one Congressman. We all know why the representative of big labor went down there. I think the millions of union members throughout the country know, almost all of whom are in disagreement with the leadership of the unions in this regard.

I might also mention that the President took no interest in any fireside chats to explain to the American people why these negotiations were being held or what they meant to us in terms of our national interests and security. A cold silence fell upon the White House and, except for a few courageous Members of Congress, no one sought to alert the American people to what was going on down in Panama. Neither the past administration nor the present came to Congress and so much as asked for authority to enter into the crucial negotiations which ultimately produced these incredible treaties. This, incidentally, would have been the way to do it under our Constitution.

And when the new administration came to power, the same pattern of aloofness and secrecy was adopted. Like his predecessor, President Carter labored behind the scenes at his self-appointed task. Instead of appointing a new Ambassador to conduct these secret negotiations in the normal manner, he appointed Mr. Sol Linowitz to a temporary post, thereby avoiding the Senate confirmation process and denying to the Senate an opportunity to find out what the President, on his own authority, without consulting the representatives of the people in Congress, was planning for us.

Certainly, every other ambassador has to come in and justify his credentials to prove he has no conflict of interest. Not only ambassadors, but many other people in government.

We have seen in the Bert Lance case how very important it is for the Senate

to do its confirmation job, to ask these people the right questions. We did not have that privilege with regard to Mr. Linowitz.

I do not know about the rest of my colleagues in the Senate, but I know there are a lot of people in this country that are very concerned about this and really believe that something is wrong.

The negotiations were so rigged that Linowitz' temporary appointment expired only hours before negotiations were completed and the treaty provisions basically agreed to.

And now, after all is done and we have been pushed by the President into a very difficult situation, he suddenly appears on television to tell us that President Theodore Roosevelt, of all people, would favor these treaties, and that much of the opposition to the treaties is based on misunderstanding and misinformation. If this be so, then who is to blame for not informing us a long time ago, when we sought information and were denied it?

But I would submit that is not true, anyway. I think the people of this country are not as foolish as many of our leaders think they are, I think they know what is going on and I think they realize that there are major issues here and this is not just a simple little treaty.

The truth of the matter, Mr. President—and this is what concerns me more than anything else I have discussed today—is that the American people are once again being subjected to what appear to be deliberate misrepresentations of the real facts by our Chief Executive. I hope I am wrong, but I do not know what else to conclude after listening to the President's address to the Nation last week. In that address, to give you an example, the President said—and I am quoting directly from his speech—"the canal should continue to be self-supporting." Are we paying Panamanians to take the canal?" asks the President. "We are not," he says. "Under the new treaties payments to Panama will come from tolls paid by ships which use the canal."

The question arises: On what basis can the President of the United States of America make such a flat, unequivocal statement when, on the very same day that he made those statements earlier, Elmer Staats, our Comptroller General, is here in the Senate explaining that there are not only millions of dollars of hidden costs in these treaties that will almost certainly be borne by the American taxpayer, but that the whole scheme is not at all likely to be self-supporting. As Staats makes abundantly clear in his closing remarks, and these are his words:

> If canal transits fall short of what is currently estimated, it is possible that toll revenues will be insufficient to cover the costs of the commission, including the scheduled payments to Panama. In this eventuality, the U.S. Government is likely to be required to provide financial assistance either through congressional appropriations or by allowing the commission to borrow from the Treasury.

That was the day of the evening when the President told us that we are never going to have to pay a dime as a result of these treaties.

And then a day later, Governor Parfitt of the Canal Zone came before the very same committee as Staats and told the members: "I believe you should be alert to the possibility that the canal operation may not be self-sustaining in the outyears," indicating that Panama will surely have economic problems in the year 1984, just 6 years from today.

Mr. President, we cannot inspire public confidence in our Government through negotiations secretly arrived at, or by twisting the facts. All of the facts that the supporters of these treaties have in their arsenal will be put to the test here on this floor.

So far as secrecy is concerned, I shall only say that it has no place here. Above all, it is no secret that the American people are overwhelming against these treaties and I am persuaded that even more will join in opposition when we are finished with this debate. And if, after our deliberations are concluded, it is clear that the supporters have not turned public opinion around in their favor, then it is clear that these treaties are doomed. For if they do not enjoy public support, they will not prevail. As former Secretary of State Rogers told the Senate in 1971:

> If there is one lesson we have learned from this involvement in Vietnam, it is that we need congressional support and we need public support.

Thus far, the administration has denied that it needs congressional support for these treaties, and it has every intention of bypassing the House of Represenatives. Until very recently, it has ignored the public and disregarded the fact that the American people are not inclined to surrender their canal for no apparent reason. I think that Senators will ignore these considerations at their own peril.

I might say finally that when I was down in Panama in August of last year that one of the leading members of our Government of the Canal Zone indicated to me that Mr. Linowitz had not at that point, as the treaties were being negotiated, even come into the canal zone.

Mr. HELMS. Will the Senator yield?

Mr. HATCH. Yes, I am delighted to yield to one of the great Senators in the U.S. Senate, the distinguished Senator from North Carolina (Mr. HELMS).

Mr. HELMS. I thank the distinguished Senator. Let me say that he is rendering great service in this body, and citizens all over America are increasingly grateful to him.

Mr. President, I commend Senator HATCH on his remarks, particularly his pinning down and specifying the misrepresentations which have been so abundant in the discussion of this issue over the past several months.

Now, I am not one to say that the President of the United States intentionally misled the American people in a report.

Mr. HATCH. Nor am I.

Mr. HELMS. But one thing is certain. Either he misled the people intentionally, or he did so unintentionally. The fact remains that his address was laden with misrepresentations.

For example, he said that not one Panamanian signed the 1903 treaty when, as a matter of fact, as the Senator from North Carolina pointed out on the floor this morning, nine Panamanians—I repeat: nine Panamanians—signed the 1903 treaty.

Mr. HATCH. That is right.

Mr. HELMS. The President also said that we—the United States—do not own the Canal Zone, that we have never owned it, when, as a matter of fact, the deeds are on record wherein the U.S. Government purchased from private landowners property. The United States paid Panama, and paid Colombia. The United States even paid the French Canal Co. for its lands in fee simple, its equipment, and its concessions.

Then, there is the question, I say to the distinguished Senator from Utah, of whether our friends in Latin America will love us if we do not give away the Panama Canal.

This Senator has been to South American countries representing three-fourths of the populations, the gross national product and the geography of South America. I have met with the heads of state in each of these countries and without exception they told me, in effect, "Don't give Torrijos that canal,"—because, I say to the Senator from Utah, they know what will happen. They know what will happen to the tolls.

The thing that bothers me as the Senator from North Carolina is: Why do we not level with the people of this country?

Thank the Lord that the American people have seen through all of the obfuscation because, as the Senator has just said, despite all the propaganda, despite the fact that the major news media of this country have virtually ignored testimony by distinguished Americans in opposition to this treaty, the American people still are opposed to the giveaway of the Panama Canal.

The Senator from Utah alluded to testimony before the Armed Services Committee last week and the week before. Except for one brief story in the Washington Star, this Senator has not seen one mention of testimony by Admiral Moorer, General Sumner, and others, who warned that the defense capability of this country will be imperiled if we surrender control of the Panama Canal.

So I commend the Senator from Utah for his careful examination of the evidence in this matter, and I wish him Godspeed in continuing. I thank the Senator for his courtesy in yielding to me.

Mr. HATCH. I thank my dear friend and colleague from North Carolina.

There is one other question I would like to raise in addition to the 20 I have raised, and there are a number of questions raised within the 20.

What happens if the canal becomes too costly for the Government of Panama to operate? If that happens, who then has the right to operate it? Who would receive the tolls from it? Under these circumstances, do we have a right then to go in and operate it, after the year 2000? What if Panama decides to shut down the Canal for any reason? I have been told by some of the proponents of this treaty that that will never

happen because Panama's economy depends too much on this canal. They say Panama would never do that to us because it is so dependent upon the United States of America, because 70 percent of all the traffic and tonnage that goes through the canal goes to or from the United States. This is what they say.

Some of these people are the same people who said that Fidel Castro would never turn his back on us. He was "the great agrarian reformer" who was going to liberate the people of Cuba.

I recall a banquet in Washington in which he was praised to the skies as the liberator of the Cuban people, and he went to New York and said he had been a Communist all his life. They said he would not turn his back on us because, frankly, he was dependent upon American commerce, our tourist industry, the tobacco industry, the sugar industry, and that that would never happen. But it did. It happened because a billion and a half bucks every year are poured down that sewer by the Soviet Union.

Why would it not be advantageous for the Soviet Union to do the same here and embarrass and put pressure on the United States. Then they will say, "My goodness, you always raise the scare." But is that so?

Last summer, in the Panamanian newspapers, it was very clearly delineated—we have copies of them—that a Soviet "trade delegation" headed by Nikolai Zinoviev went to Panama to do basically four or five things. Number one, to negotiate to build a heavy-duty equipment plant; two, to build a hydroelectric powerplant; three, to establish a Russian bank; four, to establish a Russian propaganda network; five, to acquire the rights to the Old France World War I airbase outside the city of Colon; and six, to purchase 50,000 metric tons of raw sugar at double the world price during a sugar glut.

Now, I wonder why they would be doing that? What makes me wonder even more is why the President does not wonder why they are doing that.

I could be wrong in my questions on this and the worries I have about it, but I think there is a lot more involved here.

I reiterate: I do not think the American people are stupid, as some of my friends in Congress think they are.

Mr. LUGAR. Mr. President, will the Senator yield for a question?

Mr. HATCH. I shall be pleased to yield to the Senator from Indiana.

Mr. LUGAR. I appreciate the Senator's mention earlier of the rights of the House of Representatives in this matter and the economic analysis which he mentioned in his arguments today.

I should like to pose this question for the sake of this debate, because I think the Senator has put his finger upon a very vulnerable part of both the treaty and the canal.

In connection with the cash situation faltering, Mr. Staats, in his testimony, indicated that there may be some very real difficulties; that the implementing legislation is not before us; that all the business arrangements remain virtually unknown at this point. The problem is clearly, as the Senator has pointed out, that we cannot calculate the flow of traffic, but we presume there may be some difficulties.

There is testimony with regard to the post-1980 period, with respect to the lack of oil traffic, for example, the fact that the tolls may be increased 30 percent to 40 percent right off the bat which could lead to some lessening of demand, although there is a projection that you have to get to a 75 percent increase before it tapers off drastically. There are the expectations on the part of the Panamanians of moneys that may flow and may help social services and upgrade the Government of Panama.

If revenues do not equate with expenses and there are not reserves to cover these, at some point this leads to a question of who will pay. How would the Senator face this question—that appropriations on the part of the U.S. Government might be called for in some year during the next 5 or 10 or 15 years?

Earlier in the remarks of the distinguished Senator from Utah, he mentioned that appropriation bills commence in the House of Representatives.

Mr. HATCH. Mandated by the Constitution.

Mr. LUGAR. This is an intriguing question with the regard to participation by the House of Representatives of this juncture. Very clearly, it has been expedient for the administration to attempt to gain rulings that the House was not involved, to try, I suppose, to finesse that entire issue, even while 219 of our colleagues in Congress, Members of the House, want very much to be involved. Very clearly, in my judgment—and I inquire whether the Senator shares this feeling—they may well be involved when appropriations are required to bail out the faltering economy of this situation on a business arrangement which is entirely inconceivable for the moment.

What does the distinguished Senator feel will be the reaction of the House of Representatives with regard to initiating appropriation bills to finance the Panama Canal in subsequent years, if their interest has been totally disregarded in the arguments?

Mr. HATCH. I thank the distinguished Senator from Indiana (Mr. LUGAR) for raising these interesting questions, because they really go to the heart of this problem.

We have not gone to the House of Representatives for authorization to begin the negotiations for these treaties. We are going to bypass them, regarding property transfers and payments according to some Senators—I hope not—in spite of the fact that 218 Members of the House have signed a resolution asking for their right to consider these transfers and their right to have 435 Representatives stand one way or the other and be counted.

I suspect that another fact is important at this juncture, and that is that it is not just later that they are going to be called upon to vote on appropriations. The minute this treaty goes into effect, they are going to be called upon to do this.

Who is going to pay the commission costs pursuant to a new treaty? Who is going to pay the labor costs, the transfer costs, the early retirement costs, and so forth? We had members of the State Department testify that some of these costs are subject to the appropriations process. They indicated that they will have to come in with their tail between their legs, to the House of Representatives, and beg them for appropriations.

I am sure that the great argument then will be that the United States will be embarrassed if we do not automatically grant these appropriations.

I will tell the Senator what I would do if I were a Member of the House. I would consider whether or not it might not be for the betterment of this country that it refuse to appropriate.

The Senator raises the question of the economic burden on the United States if Panama is unable to maintain and operate the canal pursuant to these treaties. At least for the next 22 years, especially during that period of time after 1984, according to Governor Parfitt's testimony, we will have to subsidize them or they will have to find money to maintain the canal.

They may be unable to pay for the maintenance of that canal, which is monumental. It is an engineering problem every year, and it is a costly problem. With inflation rising in Panama, they will have increasing difficulties in meeting the responsibilities, and these treaties may not take care of them.

Certainly not economically. I do not think anybody who knows anything about economics would argue that they do. If they cannot maintain the canal, there is nothing in these treaties that provides for a right of the United States to come in and manage it or take it over or do anything else.

But let me mention the importance of the Panama Canal to U.S. agriculture, just to cite one important economic consideration.

The Panama Canal continues to be the critical east-west link for U.S. agricultural trade. One-fifth of all American agricultural exports are shipped through the Panama Canal.

In 1976, one-fifth of all corn exports, one-fourth of all soybean exports, and nearly half of all grain sorghum exports went through the canal. These three products combined earned $9.1 billion in foreign exchange for the United States during 1976 out of the $23 billion in total U.S. farm exports. Adding in other bulk products dependent on canal transit—including wheat (especially hard red winter wheat from the Great Plains) and cotton—the figure would climb even higher.

In 1976, the Panama Canal handled 70 percent of all U.S. farm commodity exports to 15 markets in the Far East. The Asian market is now worth $8.5 billion annually to U.S. farmers.

Even with toll rises, the Panama Canal remains the most economic means of shipping bulk products. Rerouting grain shipments around South America would double transportation costs and shipping time. Cross country land-sea transportation would be prohibitively

expensive for grains and soybeans. Existing transportation and port facilities could not handle the volume increases required to circumvent the canal.

Without access to the canal, U.S. farmers would be unable to compete with Australia and other exporting nations with access to the Pacific for Asian markets.

Mr. LUGAR. Mr. President, will the Senator yield for a comment at this point?

Mr. HATCH. I am delighted to yield to the Senator from Indiana.

Mr. LUGAR. The Senator from Utah is certainly perceptive about the concerns of a great many citizens of Indiana because the agricultural shipments that are going to Indiana and other Midwestern States very frequently use the Panama Canal to reach our valued customers in Japan and elsewhere.

A very great concern of many of us is that the Panama Canal, as many have pointed out, is an aging utility. It is a utility that may require extensive maintenance and repairs. We are not talking about hypothetical expenses. We are talking about expenses that normally come with the facilities that many of our colleagues, including the distinguished Senator from Utah, have witnessed in operation.

Later in this debate I want to address attention of all of us to the fact that we should have been negotiating an economic treaty. We have been enraptured with the problem of sovereignty and we have been arguing that, and that is an important point, but the facts of life are that with whoever controls the canal we are going to come to a point of money. Precisely how is it to be financed, and how the cash flow is to be maintained, and which set of taxpayers will do this, and for whose benefit?

These are questions that are appropriately raised, I think, right along with any conditions of national security which are, of course, involved in this.

And I greatly appreciate the distinguished Senator from Utah's analysis this afternoon.

Mr. HATCH. I thank my colleague from Indiana.

Mr. DANFORTH. Mr. President, will the Senator yield for a question?

Mr. HATCH. I am delighted to yield to my friend and colleague from Missouri (Mr. DANFORTH).

Mr. DANFORTH. The Senator, I think, has very fairly stated the serious consequences that would flow from shutting down the Panama Canal. I wish to ask the Senator what course of events he could foresee occurring which would result in shutting down the Panama Canal or making it inaccessible for American shipping?

Mr. HATCH. Of course, that is calling for a prophecy, and I do not pretend to be a prophet, but I will say this: I believe that if we turn over the canal to the Panamanian Government pursuant to these particular treaties, which are so ambiguously written, so lacking in, I think, good legal form, with all of the problems that I have cited, we are in trouble.

Mr. DANFORTH. I understand. But what I am asking is what course of events would occur which would, as the Senator says, shut down the Panama Canal?

Mr. HATCH. I am getting to that.

I would submit that within 3 to 10 years, and I could be wrong on this—and I hope that I am—that the Panamanian leaders might find some reason, adequate or otherwise, for shutting down the canal to embarrass the United States of America.

It is not the first time we have been embarrassed by, should I say, antiethical powers.

I might add that there is a built-in economic inability on the part of Panama to operate that canal.

Mr. DANFORTH. I wonder if I could ask Senator GRIFFIN a question about one of Senator HATCH's conclusions. I know Senator GRIFFIN, as I understand it, is the floor manager on our side, or the Republican side on this matter, and a member of the Foreign Relations Committee, and he is an exceptionally able lawyer and student of this matter.

But Senator HATCH indicated that the Republic of Panama is unfriendly to the United States.

Mr. HATCH. No. Excuse me. I have to interrupt the Senator. I did not say the Republic of Panama. I said the leadership, Omar Torrijos and approximately 20 other leaders in Panama are unfriendly. The people in Panama are very friendly to this country.

Mr. DANFORTH. I wish to ask Senator GRIFFIN. We talk about friendly countries and unfriendly countries. Is Panama a friendly country to the United States?

Mr. GRIFFIN. I say to the Senator from Missouri that that is a question I suppose each Senator will answer for himself. Of course, it is friendly as compared with some countries and unfriendly as compared with others.

My own experience, having been there, is that there is an underlying friendship for the United States that you find among the people of Panama.

Despite the hostility that they have with respect to the canal, it has been my general impression that the people of Panama like the United States, and that there is at least the potential for the improvement of our relations.

My own position is that it is important that we conduct ourselves in considering these treaties and act wtih respect to them in such a way that we can improve rather than destroy our relations with the people of Panama and with the people of the rest of the hemisphere.

Mr. DANFORTH. The Senator would say, I would guess, that Cuba is not a friend of the United States.

Mr. GRIFFIN. Certainly the leadership of Cuba does not give any indication of being a friend to the United States.

Mr. DANFORTH. The Senator would not put Panama in that category?

Mr. GRIFFIN. I would like to hope that a lot of people who live in Cuba continue to be friends.

Mr. DANFORTH. Would the Senator put the United States in the same category as Cuba or not?

Mr. HATCH. Panama.

Mr. GRIFFIN. The Senator means Panama.

Mr. DANFORTH. Panama.

Would the Senator put Panama in the same category as Cuba or not?

Mr. GRIFFIN. No; I would not. But, on the other hand, it all depends what aspect of the Panamanian situation you are trying to evaluate. If you are trying to evaluate the leadership, trying to evaluate the human rights record, as I pointed out in my statement the other day, the Torrijos government of Panama last year was rated as having the worst human rights record of any government in this hemisphere except Cuba.

Mr. DANFORTH. Having a bad human rights record does not necessarily mean they are not a friend of the United States.

Mr. GRIFFIN. I agree. But I would also say to the Senator from Missouri that I think whatever the relationships are between our Government and the particular temporarily serving ruler of the Republic of Panama is a pretty unstable situation to focus on or to depend on. Because I would have a great deal of concern that the Government of Panama could turn over at any time.

Mr. DANFORTH. Senator HATCH was predicting the possibility of an attempt made to embarrass the United States——

Mr. GRIFFIN. I think the Senator from Missouri should direct his questions in that respect to the Senator from Utah.

Mr. DANFORTH. But I mean to follow—you are on the Foreign Relations Committee, and I was just curious to know whether you thought the relationship we had with Panama was of an unfriendly nature, which would lead the present Government of Panama to, as Senator HATCH says, shut down the Panama Canal in order to embarrass the United States.

Mr. GRIFFIN. I think one can only speculate about that.

Mr. DANFORTH. That is what I would like you to do.

Mr. GRIFFIN. I expressed the concern that I had, and that I continue to have, that under the treaties that we have before us, the situation between now and the year 2000, and the inadequate protection that we accord the U.S. citizens who are highly skilled and absolutely essential to the operation of the canal, we could have a situation where the very ratification of these treaties by the Senate could trigger an exodus of skilled U.S. personnel that could close down the canal. You know, that is a real possibility.

Mr. DANFORTH. But would it be an unfriendly act by Panama?

Mr. GRIFFIN. That would not be in and of itself, except as the concern of the U.S. citizens in the Canal Zone is reflected. Obviously, if you talk to them, they have concern about what is going to happen to them if we ratify these treaties. Now, they may or may not be justified in their concern, but they do have it. Suddenly, instead of operating in a 10-mile-wide area that is subject to the jurisdiction of the United States, they are going to try to operate and maintain a canal in a foreign country, under the

laws of Panama, the courts of Panama, and the police of Panama. They have concern, and I think with some reason.

Mr. HATCH. If I might take the floor a minute, do you know how many changes of regime Panama has had since 1913?

Mr. GRIFFIN. I do not know. It has been quite a few.

Mr. HATCH. It has been in excess of 50.

Mr. THURMOND. Fifty-nine.

Mr. GRIFFIN. I would take the Senator's word.

Mr. THURMOND. Fifty-nine, in 73 years.

Mr. HATCH. I would suggest to the Senator from Missouri and my other colleagues on the floor that that does not lead one to believe the Government of Panama is stable. I would also submit that I agree with Senator GRIFFIN, there is speculation as to whether they would shut it down to embarrass us.

I think it is not a speculative question if you look at the economics. That is a pretty important question, and I do not think we can ignore it. If you look at the economics of the situation, I do not think it is speculation to say that they would have to come back to the United States of America for funds if they want to continue the operation of the canal.

Mr. DANFORTH. I would say I am deeply concerned about the economics in connection with the question of the maintenance and continued operation of the canal, but I did want to ask these questions, and I appreciate your indulgence so I can ask them. It is that I think the image that people have of the proverbial tinhorn dictator who is the dupe of some foreign power and, for the sake of humiliating the United States, would just shut down the Panama Canal—I wanted to ask you and Senator GRIFFIN in particular, who have watched this matter so carefully, whether you think we are dealing with a really unfriendly government in the Republic of Panama now.

Mr. HATCH. I want to ask the Senator from Missouri a question.

Mr. DANFORTH. I am just asking; I am not purporting to——

Mr. HATCH. I know; I want to return the compliment. Do you feel there is no possibility whatsoever that the Torrijos government would want to embarrass the United States of America?

Mr. DANFORTH. I am asking you the question.

Mr. HATCH. Well, it is not my time—I have the floor, so let me ask you, in return.

Mr. DANFORTH. I am one of the uncommitted group.

Mr. HATCH. Let me say I think it is a possibility, and one we cannot ignore in dealings with Panama, among other nations.

Mr. DANFORTH. Let me ask you if you are concerned——

Mr. HATCH. But I am concerned with the economics, lest the American taxpayers be bled to death.

Mr. DANFORTH. I think the economic question is one with which I am less concerned. I would really like to address the political one.

The president of United Brands, which operates the United Fruit Co., claims to be the biggest user of the Panama Canal, and he said, in the Foreign Relations Committee:

> As a company, Panama has been good to us, and we believe it has been a good neighbor of our country as well.

You know, I am not talking about competence in upkeep, and I am not talking about economic considerations. I think that the economic considerations, as I say, are a matter that deserves very careful attention and debate during the course of these deliberations, but what I wanted to get at is the very simple question of whether Panama itself, as a country, historically, through 59 different governments, whether it has or has not been a good neighbor to the United States, whether it has or has not been a friendly country, and whether it is or is not a good neighbor and a friendly country today.

Mr. HATCH. Well, let me say this in answer to my friend's question: Yes, we have had a great friendship with Panama, which I would like to see continued. This friendship has not always been fostered in the atmosphere of the present leadership in Panama. Under the previous leader, Demetrio Lakas, we enjoyed great friendship, but I think very few people would argue, and I would be surprised to hear any Senator argue, that Omar Torrijos has been a great friend of the United States. I think all the evidence has been to the contrary.

I have never called him a tinhorn dictator, but he may be exactly that. I am saying he has never been a great friend of our country, and that these treaties, that are fraught with legal and economic difficulties, are not going to suddenly turn him on to be a great friend of the United States. I think history has shown otherwise. I think we cannot ignore history.

All I can say is this, that I think anybody who believes that these treaties are suddenly going to make great friends out of the leaders such as Torrijos is not correct.

Mr. DANFORTH. I am asking if today and historically Panama has been a friend of the United States. I am not asking if they love us but if they have been a friend.

Mr. HATCH. I really do think so. When we were there, we met a number of labor leaders. Two in particular stood up and said these treaties would not be good for Panama or the United States. It was an act of courage because Torrijos' friends were sitting there. That was said under a regime which has been rated the lowest in this hemisphere on human rights except for Cuba. The fact is they said it. Others were very much in favor of these particular treaties and some were diametrically opposed to the United States in a radical way. All of the American labor leaders at that point down there were basically against these treaties. That was back in August, and I do not know what has happened since, though I would be surprised if they changed their viewpoint.

Mr. DANFORTH. Can I pursue one more point? I apologize for taking up so much of the Senator's time. The Senator talked about maybe within the next 10 years Panama, in order to embarrass the United States, would shut down the canal.

Mr. HATCH. Or for any other reason, but that has to be considered as a potential problem.

Mr. DANFORTH. Am I mistaken that we are going to be operating the Panama Canal for the next 23 years, and that we are going to have troops on the scene?

Mr. HATCH. Basically, in some way, yes, because we are going to have a five-to-four control of the commission. That does not necessarily mean that we control it. Also, they might shut down our military bases from 17 to 4. We will be turning over all civil and military jurisdiction, even over our military forces, as I understand it, to the Panamanian Government. We will be paying them to do the garbage collection and military policing in the Canal Zone. We will not be doing that any longer.

Mr. DANFORTH. I am not talking about garbage collection. I am talking about operation of the Panama Canal.

Mr. HATCH. I think there will be considerable changes under these treaties.

Mr. DANFORTH. I am talking about whether or not, as a practical matter, it is possible between now and the year 2000 for Panama to shut down the Panama Canal.

Mr. HATCH. I think it is very possible, but let us——

Mr. DANFORTH. Does the Senator feel that would happen?

Mr. HATCH. No; because basically we are going to shut down the military bases from 17 to 4 and we are turning over jurisdiction to the canal. There are radicals in Panama who hate the United States of America, who may or may not be able to be controlled. The monetary difficulties are going to bring great and tremendous pressures on Panama. I think anybody who reads these treaties, and there was testimony on it, will see that that is a very serious problem. I think we have unfriendly leaders in Panama who certainly have not shown a propensity to be loyal supporters of the United States.

Mr. DANFORTH. Does the Senator think, and I am not arguing but I am trying to understand the argument, or does the Senator believe that there is a possibility that between now and the year 2000 Panama will shut down the Panama Canal?

Mr. HATCH. I think there is a possibility. I would not say it is a probability but it is a possibility. I think it is a probability that they will without further American financing, without further American appropriations. I think it is a probability.

Mr. DANFORTH. Without more financing than we would provide without the treaties?

Mr. HATCH. Than we would pay pursuant to these treaties.

Mr. DANFORTH. Without more financing than we would provide without the treaties?

Mr. HATCH. I do not know what financing we would provide without these treaties, in addition to what we are paying right now. It has grown from $169 million in 10 years to $2.9 billion today. So we are apparently not providing

enough to them, even though we have provided to Panama, on a per capita basis, more foreign assistance than any other country in the world.

Let me just say what Governor Parfitt said. Of course, he is a general in the Corps of Engineers. He said:

> Within the first year after the treaties went into effect, at least 43 percent of the American Canal Company employees have indicated that they would leave jobs in the canal, and that is a low estimate. Some have estimated as many as 69 percent. There wouldn't be enough really to run the operation in the first year, much less train Panamanians to do the jobs.

That was before the Armed Services Committee.

Mr. DANFORTH. Did he provide the figures on how many would be leaving if the treaties were not ratified?

Mr. HATCH. No; he did indicate before the Separation of Powers Subcommittee a personal opinion, that he felt that the problem was if we did not ratify the treaties, that the administration, regardless of who was in the administration, would act with dispatch to resolve any difficulties that might arise. He did indicate that. He was not afraid that the administration would act with dispatch, that he would stop any uprising which would occur, any more than he would be afraid of operating the Guantanamo Naval Base in Cuba.

Mr. DANFORTH. I have pursued the same line of questions with various people. I was told that there is some possibility of an exit of American personnel if the treaties are ratified. I was also told that there was some possibility of an exit of American personnel if the treaties are not ratified.

My basic view of the whole issue, as a matter of fact, is that the whole thing could very well turn sour whether we ratify the treaties or do not.

Mr. HATCH. That has been my argument for a long time, but because of the actions of our State Department and ambassadors over the course of time they have put us in such a serious dilemma by not negotiating proper treaties that we will be in trouble no matter what we do.

Mr. DANFORTH. I do not know whether or not any individuals or groups, but I think just the course of world events.

Mr. HATCH. This appears to be it. I share that sentiment.

Mr. DANFORTH. Can the Senator give me an assurance that if the treaties are not ratified, things will operate smoothly in Panama and that the Panama Canal will continue to go on without a hitch?

Mr. HATCH. The only thing I can say there is that I believe the interests of the United States would be better served and that we will probably over the long period of time have less difficulties in the United States if we refuse to ratify these treaties but make it clear that we will renegotiate the treaties so that they will be satisfactory to both nations. That would be in the best interests of both nations, and these treaties are not, in my opinion.

Mr. DANFORTH. Would the Senator agree with me that no matter what we do there is a fairly good chance that things are going to, in one way or another, go sour with the Panama Canal?

Mr. HATCH. I think there is a good chance no matter what we do that we are going to have difficulties. I think we are going to have much more difficulty, and I think history will bear it out, though I could certainly be wrong, I think we will have much more difficulty if we ratify these treaties in their present form without consideration of all the things I brought up today.

If we could resolve the difficulties that I have brought up today, I would not have any problem at all with voting for these treaties myself, but I do not think we are going to resolve those difficulties. It is a question of whether the Senators, 67 of them, are going to vote for the treaties or not. If they do, we will have to live with it. If they do not, we are not going to have the treaties and will have to live with whatever is there. But I hope at that point we will have an aggressive administration, and President Carter certainly has indicated that he would be aggressive. I would suspect if we do so judiciously and quickly we will not have a great many difficulties, but only God can tell the answer to that.

I yield to the Senator from New Jersey.

Mr. CASE. I thank my colleague for yielding.

I think the chief point I wanted to make, and which has perhaps been made by our colleague from Missouri, is that it seems to me that on the economic side a larger part of the concern would exist whether or not we entered into these treaties. There is no question about it, we will need new locomotives. We need a lot of work on the canal in addition to regular maintenance. That would have to be met whether we turned the canal over or not. And I do not think there would be any greater cost to the United States under the treaties than if we kept the Canal.

Mr. HATCH. As you are the ranking minority member of the Senate Foreign Relations Committee, I want to show that respect and deference on the floor, but I do not see how——

Mr. CASE. If I understand correctly, the Senator and I are very fond of each other and regard each other highly as individuals. We would not lift a finger to harm each other and we would defend each other to the death against the calumnies that people from the outside might attempt to visit upon us.

The question is, what is the wise thing to do here?

Mr. HATCH. I do say this: I do not think that a serious argument can be made that these treaties will not cost the United States a lot more money than we are presently paying right now because, if the tolls go up, the United States is going to pay the bulk of those tolls. If we transfer all of this property, we are going to have to see that it maintains itself through appropriations here.

The argument is going to come in afterward that we are going to need those appropriations in order not to be embarrassed. I am suggesting, why not face the problem now? Let the House vote on it. Maybe they will vote for these treaties. That would end a lot of the controversy.

Mr. CASE. Well, I am sorry that I cannot agree with the Senator that the House should have an initial voice in this decision.

Mr. HATCH. I understand that is the Senator's position.

Mr. CASE. I think this is a matter in which the Constitution requires action by the Senate—a two-thirds majority, not a majority as for legislation—and the Senate alone. If the House decides in its wisdom that it will not enact legislation to implement the treaty, that would be for the House to decide later. This has always been so in regard to treaties, commencing with the treaty that ended the Revolutionary War, where the House was not even, as the Senator will recall, permitted by General Washington to see the documents relating to the negotiations with France.

Mr. HATCH. That, of course, involved a totally different problem.

Mr. CASE. I know.

Mr. HATCH. What I am saying is that all prior legal precedents support my position, in my opinion and in the opinion of some fairly effective people.

Mr. SARBANES. Will the Senator yield on that?

Mr. HATCH. No, I will not.

Mr. CASE. I would yield, except I do not have the floor.

I would like to make this point. The Senator's argument in regard to the economic difficulties under the treaty really comes down to the question of whether it is going to be as competently maintained under, first of all, the Joint Commission, and then, eventually, of course, under the Panamanian Government alone.

Mr. HATCH. I do not think the word "competently"——

Mr. CASE. The expenses that are involved here are going to have to be paid in some fashion, whether out of tolls or out of governmental appropriations of money supplied by the taxpayers.

Mr. HATCH. Will the Senator admit, then, that we may have to have extra governmental appropriations in order to maintain the Panama Canal, after we have given it to Panama?

Mr. CASE. I do not know whether we will or not. I do know that, except for the argument that it is not going to be efficiently maintained, the Senator's whole economic position fails, because we are going to be in that position——

Mr. HATCH. No, because we would still have $10 billion worth of property. We would still be operating it. Last year, we lost $7 million, not the billions that we stand to lose under this particular treaty. We can raise the tolls again to cover the $7 million loss.

Mr. CASE. There is no argument between the Senator and me about several points. There is no argument that we have been taking what we call interest in varying amounts. We have not always been collecting the total amount.

Mr. HATCH. That is correct, but we have done fairly well.

Mr. CASE. That we are not going to get, that is true. There is no argument with the Senator, or between us, on the question of costs of our withdrawal in respect of retirement pay. There is no question about these arguments.

I do object, and I am sure the Senator would not disagree with me on this, to

accumulating depreciation and saying that we are paying $440 million over the next 20 years, or some such figure as that, on property that everybody admits we are giving away right now.

Now, you can say we should not give away the Panama Canal to Panama. That is one single point; that is, to do that. Except for these costs of operating the transfer, there is no argument between the Senator and me. We are either giving away something that has a depreciated value of some $600 million or something that has a present market value of $5 billion to $6 billion.

Mr. HATCH. Actually $10 billion, according to the staff.

Mr. CASE. We are giving it away.

Mr. HATCH. That is a significant difference.

Mr. CASE. I do not think it is at all. The only value the canal has for the United States or for the rest of the world, including Panama—except as she may be able to operate it at a profit which she can use for other purposes, which the Senator and I would agree is a very doubtful thing—the only use it has for anybody is to go through it. If the best way to go through it is to turn it over to Panama, as some of us think, if the best chance of keeping that right and keeping it an active right is to do that, then that is the wise thing to do, whether or not we go through the motions of saying, this is yours, now, it is not mine. It does not take a nickel to do that, except for the incidental costs the Senator and I would agree do exist. I do not argue with that.

Mr. HATCH. The Senator and I have our disagreement, as the Senator knows, on this matter.

I did not mean to sound as if I would not recognize Senator SARBANES before, but we had our colloquy going. I would like to recognize him at this time.

Mr. CASE. The Senator is in charge of the time.

Mr. SARBANES. I was prompted to interject by the statement of the Senator from Utah that all prior legal precedent indicates that there is a role for the House of Representatives with respect to property disposition in this matter. That is simply not the case.

Mr. HATCH. But there is.

Mr. SARBANES. The Senator from Utah may want to make an argument to that effect, but I think it is a legally deficient argument.

Mr. HATCH. Can the Senator cite one precedent that does not back up that argument? Would he cite a few precedents?

Mr. SARBANES. Yes, they are cited in the committee report.

Mr. HATCH. Why not tell me what those stand for?

Mr. SARBANES. There is a list in the committee report.

Mr. HATCH. Let us get it out and see what they stand for. Maybe we can do that later when I bring up my amendment.

But I can say right now that every one of the precedents that the Senate Foreign Relations Committee is considering is very extinguishable.

Mr. DANFORTH. Will the Senator yield on that point?

Mr. HATCH. If Senator SARBANES is through.

Mr. SARBANES. There are precedents set out on pages 65 through 69 of this committee report.

Mr. HATCH. If the Senator wants to cite one of them as a particularly weighty precedent, I should like to see it—any one he wants to cite.

Mr. SARBANES. I cite them all to the Senator.

Mr. HATCH. I ask him to cite one and tell us why it is a weighty precedent, because I do not think he can.

Mr. SARBANES. I think each of them is of weight and I cite them all to the Senator.

Mr. HATCH. Cite the fact and the issue and the holding involved in the case and tell me why it is a weighty precedent; that is all I am asking. I am saying there is not a weighty precedent on the Senator's side of the argument and there is all kinds of weight, including three transfers of property in Panama, all transfers in the past, which are made subject to approval by the House of Representatives. I think that is pretty weighty. I think my American people think it is a pretty weighty thing.

Mr. DANFORTH. May I just inquire on this point?

Mr. HATCH. Surely, I am happy to recognize the Senator from Missouri.

Mr. DANFORTH. It seems to me the Senator from Utah is a lawyer and Senator SARBANES is a lawyer; I am a lawyer; most people in the Senate are lawyers.

Mr. CASE. The Senate is many other things as well.

Mr. DANFORTH. Lawyers always argue about the meaning of cases and they never resolve it among themselves. I should not think the U.S. Senate would be a particularly good place to resolve an issue of law. That is what courts are for.

If treaties are constitutionally infirm, then they are not worth the paper they are written on. The only way, it seems to me, to determine whether they are constitutionally infirm would be to litigate that question in a court and then take it all the way to the Supreme Court of the United States.

So why not settle it that way? Why do we have to debate it here?

Mr. HATCH. Let me answer that question. I would suggest that if we have to wait for the court to handle this, they cannot do it in the next month that this will be decided. If we ratify this treaty and the court comes down and with an opinion that says yes, Senator HATCH and all the others who agreed with him are right, then nothing will be accomplished. We will not be able to do anything about it then, regardless of what the Supreme Court says.

I think it is an issue that has to be faced by the Senate, because we are going to make a determination without a vote in the House and thus be in error under article IV, section 3, clause 2, which is very important.

There have been things which I consider to be erroneous and, I think, very indefensible arguments by the State Department—for example, that the President has concurrent jurisdiction. But they cannot, in my opinion, bring forth a weighty case, and I do not think the five pages of the Senate Foreign Relations Committee report makes a weighty case against the position that article IV, section 3, clause 2 mandates, especially under the prior history and weight of information with regard to the three transfers of property in Panama, that the House of Representatives should vote on it.

I have taken enough time today and I would be happy to yield.

Mr. DANFORTH. May I ask one question?

Mr. HATCH. Surely.

Mr. DANFORTH. At what point in time does the first treaty, the Panama Canal Treaty, become effective?

Mr. HATCH. Six months after ratification is when it becomes effective.

Mr. DANFORTH. Six months after?

Mr. HATCH. As far as I understand.

Mr. DANFORTH. Is that correct, 6 months after ratification?

Mr. HATCH. That is correct.

Mr. DANFORTH. Well, I would imagine that the courts would deal with the matter in a very expeditious fashion.

Mr. HATCH. Does the Senator think, as an attorney, the case in the district court that has to go to a circuit court and then the Supreme Court, where cases languish as long as 6 years, will be determined in 6 months?

Mr. DANFORTH. I think with the importance of this case the courts would dispose of the issue very expeditiously.

Mr. HATCH. I understand the distinguished Senator from Missouri's point and as former attorney general of Missouri I have to give him a lot of credit to do that, but one of our major oaths as Senators is upholding the Constitution. We have, as a legislative body, a coequal right to define that Constitution under certain circumstances. This is one of them.

I understand the Senator's position and respect it, as I respect him, and he knows that. But the fact of the matter is that we are not going to solve this problem by letting a court solve it after the fact. I think we have to face the issue here as Senators and determine whether or not we are going to allow our colleagues in the House the opportunity to vote on this.

Several Senators addressed the Chair.

Mr. HATCH. My point is that we should.

Several Senators addressed the Chair.

Mr. GRIFFIN. Could another lawyer get in here?

Mr. HATCH. I am delighted to yield to the Senator from Michigan.

Mr. DANFORTH. Let me make this one point and, believe me, I will sit down.

I think one Justice said that the Constitution is what the Supreme Court says it is, and we are not, I do not think, in a very good position to adjudicate a constitutional issue on the floor of the Senate.

Mr. HATCH. But we are in a position to determine whether or not our colleagues in the House have a right to vote on it.

Mr. DANFORTH. This is what courts are for, and if we have done something which is a constitutional infirmity, then

it would become a nullity. So I do not understand why we have to bring that issue up.

My view is, frankly, that there are important issues to be raised with respect to the Panama Canal Treaty and with respect to the Neutrality Treaty; that they do involve maintenance; they involve repair and they involve economic questions; and that those issues should be debated at length.

But what concerns me is that we can sort of muddy the waters by bringing up unrelated issues, which I think we can go on and on and argue first, when there is another forum that can properly adjudicate it.

Mr. HATCH. The Senator and I respectfully disagree on that. As far as muddying waters, I think we are muddying by not deciding something as momentous as to whether or not the President is violating the separation of powers doctrine and extending his power to the exclusion of the other two coequal branches of Government. I think it is our responsibility when we know the courts cannot decide it, whether we ratify or do not ratify this. I think we would be remiss not to, especially in light of the fact that 219 Congressmen asked us to; I think it would be a breach of our responsibility.

I would go so far as to say it is an affront to the House of Representatives if we do not consider them in this.

Now, I am going to bring up the amendment. It may very well be that the Senate will vote and say that the House does not have the opportunity and will not have the opportunity. If that is the case,, I think we are wrong, but I will have abided by it, as we all know.

But I am going to argue as forcefully as I can that there is a lot more involved that just a minor constitutional issue. This is a major, monumental constitutional issue that the Senate does have a right to determine under these circumstances.

Mr. President, I yield the floor to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I just want to register another point of view. I want to say that I do not agree with the Senator from Utah that it is all that clear and absolute that the House has a constitutional right to be involved in the conveyance of property.

On the other hand, I think they have a good case to make and they have been making it throughout the history of Congress from the time of the Jay Treaties.

On the other hand, I do not agree with the Senator from Missouri that this is not an important issue in the sense that the Senate should look at it.

I would say this: Whether the House concurrence is required with respect to the conveyance of real estate and property, or not, there is no getting around the fact that these treaties are not self-executing.

They are not like other treaties that do not require implementation.

If we ratify these treaties without the approval or concurrence of the House, the very first thing that must be done under article III of the principal treaty is that the United States of America shall, in accordance with the terms of this treaty and the provisions of United States law, carry out its responsibility by means of a U.S. Government agency called the Panama Canal Commission, which shall be constituted by and in conformity with the laws of the United States of America.

Whether or not appropriations are going to be called for, and I tend to agree the day is not far distant when we will be asking the House of Representatives to appropriate additional funds, there is no question that the House of Representatives immediately is going to have to pass a bill to constitute a new entity known as the Panama Canal Commission which will be composed of five U.S. members and four Panamanian members.

Whether or not the House concurrence is required with respect to the conveyance of property, would it not be the better part of wisdom for the administration, to say nothing of the Senate, to seek the approval of the House of Representatives on these treaties?

Now, while it is not required by the Constitution, there is not anything to prevent the administration from submitting these treaties after they have been acted on by the Senate, if they are ratified, to the House for their approval.

Or another possibility would be to proceed, as the Senator from Utah has suggested, with an amendment to the ratification resolution which would withhold the deposit of the ratification document until the House of Representatives has approved them, and especially when 219 Members are on record now demanding participation and when there is no question they are going to have to participate. I frankly think that whether it is required by law or what the Supreme Court would say or would not say, it would be just, wise, and prudent policy to follow that course of action.

Mr. HATCH. I would like to thank my friend from Michigan (Mr. GRIFFIN) for the comments he has made.

But although we may disagree to a degree, I think his statement was a good statement and one with which I heartily agree, for the most part.

I want to say that I thank the public broadcasting system, or whoever is broadcasting this, because I do think that for the first time the American people have an opportunity of at least listening to some of these issues that are very important and very momentous.

I say that I, for one, will be very loathe to deny my colleagues in the House, when better than half of them have asked for a right to participate, when it is clear they are going to have to participate if the treaties are ratified, the right to participate now.

I think it is a mistake. I think it is a breach of our obligation as Senators.

Mr. President, I yield the floor.

Mr. CHURCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CHURCH. Mr. President, I would like to speak briefly to the question that has occupied the Senate during the last few minutes.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I had understood that I was to follow the distinguished Senator from Utah; is that correct?

Mr. CHURCH. I might have asked the Senator to yield. It will only take me a minute or two, to insert some material in the RECORD.

Mr. THURMOND. I yield.

Mr. CHURCH. I thank the Senator for his courtesy.

The PRESIDING OFFICER (Mr. HODGES). The Senator from Idaho (Mr. CHURCH) is recognized.

Mr. CHURCH. Mr. President, there is no question that the Senate could amend the treaty in such a way as to permit the House of Representatives to pass upon the question of divestiture of any property. If we did that, I think we would make a great mistake, for this would diminish the constitutional prerogative of the Senate to handle treaties.

I hope the Senate will reject any amendments of that kind, because the Constitution confers on this body the exclusive right to ratify treaties. We can do so only by mobilizing a two-thirds vote, while the House can decide by a simple majority.

But when the argument is made that the House possesses a constitutional right to participate, I think that is simply without foundation. Only recently, certain Senators who oppose these treaties brought an action in the Federal courts and sought an injunction on the very question of whether the House possessed a constitutional right to pass on the conveyance of property belonging to the United States. The Supreme Court refused to hear the case. The injunction was refused. Under our system, it is left to the courts to determine such questions. So I believe that this is an argument without foundation.

Moreover, when the committee held its hearings on the treaties, the Attorney General of the United States appeared, to address this very point. I will read into the RECORD his final conclusion, and then I will yield the floor. It reads as follows:

> The final point which I wish to make is that throughout our history Presidents acting with the advice and consent of the Senate have made numerous self-executing treaties transferring territory or property belonging to or claimed by the United States. One example, cited in the Opinion, is the 1819 Florida Treaty with Spain. Under that treaty the United States ceded all its territory beyond the Sabine River in Texas to Spain in return for the cession of the Spanish territories of East and West Florida. While there had been some dispute over some of the relevant boundaries, the congressional debates, as well as President Monroe's annual message to Congress, make it clear that many considered the action to be an outright cession of American territory in exchange for Spanish territory. 36 Annals of Congress 1719–38, 1743–81; 2 J. Richards, Messages and Papers of the Presidents 55 (1896). There was no statute authorizing this cession of American territory. There have been numerous other treaties which have transferred U.S. territory or compromised U.S. claims. See, e.g., United States-Great Britain Treaty of 1842 (Webster-Ashburton), 8 Stat. 572, T.S.

No. 119; United States-Great Britain Treaty in regard to limits westward of the Rocky Mountains of 1846 (Oregon Treaty), 9 Stat. 869, T.S. No. 120.

In conclusion, the text and history of the Constitution, as well as the decisions of the Supreme Court and historical treaty practice all support the opinion I recently rendered that property of the United States may be transferred by treaty absent statutory authorization.

Mr. GRIFFIN. Mr. President, will the Senator yield for a brief question?

Mr. CHURCH. I yield.

Mr. GRIFFIN. I listened carefully and noted that in that communication from the Attorney General, he referred to a self-executing treaty. I wonder whether the Senator from Idaho disagrees with the Senator from Michigan concerning whether or not these treaties, particularly the Panama Canal Treaty, are self-executing. I contend that it is not self-executing, in the sense that implementing legislation clearly is going to be required and the treaties cannot stand on their own.

Mr. CHURCH. My reply to the Senator is that, in certain respects, these treaties are self-executing. In other respects, implementing legislation will be required. However, with reference to the transfer of property, which is the question at issue, I think the treaties are self-executing.

Actually, I really believe that the Senator from Michigan and I are not on opposite sides of this proposition. He makes the case that, as a matter of policy, we should amend this treaty in such a way as to permit the House of Representatives to act on the question of property transfers.

Mr. GRIFFIN. Particularly because the treaties are not self-executing in other respects, irrespective of what the situation may be concerning property.

Mr. CHURCH. I believe, on the other hand, that to amend the treaties in this fashion would create a very bad precedent, because the Senate would be denigrating its own authority under the Constitution.

In any case, there is no legal basis for the argument that the Constitution itself confers some right upon the House of Representatives to act in this case, and the effort to establish that proposition has already been rejected by the Supreme Court of the United States.

Mr. ALLEN. Mr. President, will the Senator yield at that point?

Mr. CHURCH. I yield.

Mr. ALLEN. The Senator stated that this contention has been rejected by the Supreme Court. Not on the merits, I say to the distinguished Senator. It was on the matter of the separation of powers. The Supreme Court felt that it should not inject itself into a legislative matter. Is that not correct?

Mr. CHURCH. The Supreme Court refused to hear the case.

Mr. ALLEN. Yes, but not on its merits, I insist.

Mr. CHURCH. The purpose of the plaintiffs was to secure an injunction, and the effect of the Supreme Court's refusal to hear the case was to deny them the injunction.

Mr. ALLEN. Again I say that they did not decide the case on the merits and on the constitutional issue involved.

The PRESIDING OFFICER. The Senator from South Carolina (Mr. THURMOND) is recognized.

Mr. THURMOND. Mr. President, this week the Senate begins the formal debate on the Panama Canal treaties, a debate which in fact has been underway in the meeting halls, towns and cities of America since last September when President Carter and General Torrijos signed the treaty documents in ceremonies here in the Nation's Capital.

TREATIES FATALLY FLAWED

My visit to Panama in August 1977 and my study of the treaties since that time have convinced me these documents are fatally flawed and should not be consented to by this body.

This does not mean the United States should slam the door in Panama's face relative to a new treaty. Rather, a full debate and careful study of all the issues will reveal that these particular treaties are not in the best interests of the United States or the Republic of Panama. Therefore, I trust this formal debate will convince the Senate that on these treaties the Senators should advise the President to seek new agreements rather than consent to those already reached.

Mr. President, of great importance to this debate is the new information on the treaties which was developed in the recently completed hearings of the Senate Armed Services Committee. These findings impact on the financial, defense and economic aspects of the proposed treaties.

Key points highlighted by the testimony before our Committee on Armed Services included the following:

First. The Senate must receive and consider the implementing legislation if it is to act on these treaties in an informed and responsible manner. To do otherwise would defeat the purpose of this or any treaty, that purpose being to resolve or prevent disagreements, not create them.

Second. The American public must be told during this debate of the huge costs which may be incurred by the U.S. Government and the taxpayer under these treaties. The administration has not been forthright in their claim that the treaties "require no new appropriations, nor do they add to the burdens of the American taxpayers."

Third. The ability of the proposed Panama Canal Commission to make huge annual payments to Panama while at the same time remain self-sustaining must be carefully examined by the Senate during these debates.

Fourth. Issues for possible conflict between Panama and the United States under the treaties must be clarified and agreed to by both sides if we are to avoid setting the stage for serious disagreements in the future. Proponents of the treaties argue these documents will buy for the United States good relations in future years. However, a careful examination of the treaties, particularly the financial provisions, raises the likelihood that new disputes will be created rather than prevented.

1. IMPLEMENTING LEGISLATION

Mr. President, yesterday I delivered to the majority and minority leaders of the Senate letters urging that they use their position to prevail upon the administration and the State Department to submit the implementing legislation.

The Senate must know the direct costs of implementing these treaties and evaluate carefully the risks that appropriated funds will be required to meet our obligations over the next 22 years.

The treaty implementing legislation is the key determinant of the financial viability of the proposed Panama Canal Commission. Only this legislation can answer such critical questions as: What Government agency will run the Commission? How will the annual contingent payment to Panama be handled in financial and toll setting plans? How will personnel termination costs or base relocation costs be financed? What should be done to relate payments to Panama for public services to the actual costs incurred? How can the quality of these services be assured? What will be the range of labor benefits for Panamanian employees? What will be the accounting practices used and who will audit this new Commission? How will Panama's $8.4 million debt to the present Canal Company for past services be settled? How will the Commission finance capital improvements?

These are but a few of the questions for which there will be no answers until the implementing legislation is presented. In my judgment, the Senate will be making a serious mistake if we attempt to act on the treaties without the implementing legislation.

2. U.S. FACES HUGE COSTS

Mr. President, the Secretary of State testified before the Foreign Relations Committee as follows:

The Treaties require no new appropriations, nor do they add to the burdens of the American taxpayer.

Quite the contrary is true. Besides turning over to Panama a $8 to $9 billion investment, the Armed Services Committee hearings revealed costs of the treaties could run as high as $2.3 billion, some of which would come from appropriated funds.

Earlier this week, Secretary Vance in a letter to Senator JOHN CULVER, admitted the yet to be submitted implementing legislation would excuse the canal from interest payments to the U.S. Treasury. This alone would cost the Government a minimum of $440 million in income by the year 2000.

The treaties also trigger other direct costs to the Government, unles they are charged to the Canal Commission. These would include $43 million to relocate U.S. military bases, $165 million in early retirement costs for U.S. employees and $110 million in schooling costs. Testimony indicates all of these costs would come from appropriated funds.

Further, the United States has made these commitments to Panama: up to $200 million in Export-Import Bank credits, up to $75 million in Agency for International Development housing guarantees, $200 million in Overseas

Private Investment Corporation loan guarantees, and $50 million in foreign military sale credits.

In addition to the costs already cited, an approximate $1.5 billion over the next 22 years is expected to be paid directly to Panama under the treaties, all of which is to be financed by higher tolls. These costs include: $880 million collected by Panama from tonnage commission, $220 million in direct annuities, $220 million minimum payment for services rendered by Panama, and up to $220 million in payments from excess revenues of the Canal Commission.

Since about 70 percent of the canal traffic either originates or terminates in the United States, the American taxpayer will have to shoulder the burden of these higher costs.

3. CAN THE CANAL SURVIVE FINANCIALLY?

Mr. President, the great burdens placed on the finances of the Canal Commission by these treaties brings into question the very survival of this vital waterway.

In these treaties the administration has constructed a financial plan designed to pour millions of dollars into Panama's debt-ridden government. Hearings in the Armed Services Committee indicated the administration, in its efforts to meet Panama's money requirements, may have constructed through these treaties a financial scheme doomed to failure.

Maj. Gen. Harold Parfitt, Governor of the Canal Zone, warned the canal operation may not be self-sustaining after 1984 under the terms of the proposed treaties. Until 1984 large quantities of Alaska oil will be moving through the canal, but after that date this business will be lost to a new pipeline and the land bridge in the United States. Governor Parfitt testified there was a high probability that the United States would have to make up the difference between canal income and the required payments to Panama between 1984 and 2000.

The payments to Panama under the treaties of about $1.5 billion are to be financed through higher tolls on ships using the canal. However, tolls can be increased only to a point without the loss of business to the so-called land bridge. Tolls have already been raised about 40 percent in the last several years, and under the treaties an immediate inincrease of 25 to 40 percent is predicted.

Economic experts are in dispute as to how high the tolls can be raised without such actions being counterproductive. All experts agree, however, that once traffic managers decide to move their goods across land, the business is not easily or quickly regained.

Secretary Vance in a recent letter to the Senate, indicates that the implementing legislation will provide that the borrowing authority of the Panama Canal Company will be transferred to the Panama Canal Commission. Thus, it is obvious the administration itself recognizes the heavy financial risks involved in these treaties. Further, my colleagues should bear in mind the United States is obligated under the treaties to turn the canal over to Panama in 1999 debt free—I repeat, debt free. That means if the Canal Commission cannot sustain itself through higher tolls, the United States will have to pay off the deficits in 1999.

Thus, by placing these burdens on the Canal Commission are we unwittingly sowing the seeds which could bring about the failure of the canal as an economic means for movement of goods to and from the Atlantic and Pacific Oceans?

4. UNITED STATES/PANAMA CONFLICTS LIKELY

Mr. President, one of the most important revelations of the Armed Services Committee hearings was that the ambiguities ranging throughout the treaties raised the unwelcome prospects of new disputes—I repeat, new disputes—between Panama and the United States.

Some support the treaties chiefly in the belief that they will insure good relations with Panama. However, we have already seen that ambiguities such as the neutrality and priority passage clauses have created friction between the two nations. The financial provisions alone are replete with varying interpretations, all of which could fester into major disputes unless clarified by amendments or in the implementing legislation.

A major provision of the treaties relating to payments for Panama could easily create a serious conflict between the two nations in future years. This results from the fact that Panama is to be paid 30 cents per canal-ton until the year 2000. To finance these and other direct payments to Panama from operating revenues, the Canal Commission will be forced to increase tolls.

In an effort to generate income for these new expenses, it is not unlikely for the Canal Commission to increase tolls to the extent that less traffic transits the canal. Panama would oppose raising tolls to that extent as its payments would be lower due to the reduced tonnage transiting the canal. The question then arises, is the Canal Commission to risk losing traffic to meet its expenses to Panama, or should it meet those expenses through borrowing? Panama would strongly favor borrowing to avoid the tonnage loss, but the United States would hesitate to assume these debts, as in 1999 such debts would have to be paid off from the U.S. Treasury.

Another serious issue left in doubt by the treaties is whether or not the $10 million annual payment to Panama from excess revenues is cumulative. Panama contends it is cumulative, whereas the United States says it is not. This issue, and many others, must be nailed down in order to avoid the very disputes the treaties purport to prevent.

Further, there is the question of whether or not the $10 million annuity to Panama is to be paid from canal tolls or by direct payment from the U.S. Government.

Still another example is the fact that the treaties do not address the quality of the services to be rendered to the new Canal Commission by Panama. Comptroller General Elmer Staats testified:

> It is essential to establish standards for those services before they are assumed by Panama.

This involves a $10 million annual payment to Panama, although it is generally recognized Panama's costs to deliver these services will only be about $4.4 million. This is another subsidy to Panama.

The Senate should ponder carefully why these treaties are now being debated on the Senate floor when so many important questions remain unanswered. The Senate must demand all questions be fully answered. Further, the treaties are certain to lead to conflicts with Panama if allowed to stand in their present form.

Mr. President, all of these economic issues are dealt with in greater detail in the excellent report of the Armed Services Committee on its hearings. I invite the attention of my colleagues to that report as well as the hearings. It is my opinion, however, that these problems are so great that only through new negotiations could suitable documents be achieved.

NATIONAL SECURITY ISSUES

Aside from the economic issues, the flaws in these treaties relative to the national security areas were well documented in the Armed Services hearings.

All defense witnesses testified that the canal was vital to our national security in future years. This is even more-so the case when our own Navy has shrunk from 976 ships in 1968 to less than half that number today, about 475. At the same time the Soviets have built a huge navy designed to challenge us in the various "choke points" of the world, the Panama Canal being one of the most important.

Mr. President, future Navy commanders cannot develop strategy or base contingency plans on passage through the canal unless that passage is certain. Can we be certain after the year 2000 that our ships can transit the canal in times of emergency? I do not think so.

CANAL CONTROLS CARIBBEAN

The canal is critical to U.S. control of the Caribbean Sea, an important body of water almost at our shores. Our military withdrawal from Panama will greatly hamper the ability of our fleet to control vital passageways in the Caribbean such as the Yucatan Channel, the Mona Passage, and the Windward Passage.

Also, the Senate should be aware that our position at our naval base at Guantanamo Bay in Cuba will become even more precarious if these treaties are ratified. Both the Panama and Guantanamo treaties were negotiated in 1903 and efforts to get the United States out of Guantanamo will likely escalate if we hand over the Canal Zone to Panama.

ADMIRAL MOORER ISSUES WARNING

Adm. Thomas Moorer, former Chairman of the Joint Chiefs, made a strong statement in opposition to the treaties. He disputed the idea the canal could not be defended from internal threats. He also debunked the claim 100,000 troops would be needed to defend the canal terming it a "gross overstatement."

Both Admiral Moorer and Maj. Gen. George Mabry testified there was absolutely no comparison between the Canal Zone and Vietnam. The location of Panama in this hemisphere, the lack of road along its borders, the fact it is a

land bridge between two oceans all tend to make military operations there quite different from Vietnam.

Admiral Moorer also seriously questioned the ability of a small nation like Panama to run the canal. He cited Panama's weak economic base, lack of skilled labor and historical political instability as major problems in such a mammoth undertaking.

TORRIJOS-CASTRO CONNECTION

General Torrijos and Fidel Castro make no secret about their friendship and common views. Investigations of the 1964 riots revealed a strong Cuban hand as testified to by General Mabry, the main U.S. Army ground commander during the riots. It is likely that if these treaties are ratified, Cuban and Soviet influence in Panama will grow to an extent the United States cannot be certain of the canal's use in emergencies. Further, if problems develop, any U.S. military action could easily result in a confrontation with Cuba or the Soviets. Such prospects could be avoided if the United States insists on retaining control of the canal.

During testimony on national security matters, former Deputy Secreatry of Defense William Clements testified that in 1975 he had negotiated with General Torrijos a security clause insuring U.S. rights of unilateral intervention. Why then—I repeat, why then—has the current administration, in the brief span of about 6 months, junked this clause in favor of the weak and ambiguous "regime of neutrality"?

Administration witnesses claimed in testimony the treaties represent all possible concessions from Panama. Yet a stronger national security provision, agreed to by General Torrijos, was junked. This represents firsthand evidence that the administration failed to get the most favorable agreements possible from Panama.

BASE RIGHTS SURRENDERED

The Senate should also be aware that under these treaties defense of the canal will be costly in lives and resources. The Defense Department sought base rights for well into the 21st century, but the negotiators not only gave up these requirements, they also failed to even establish specified areas for U.S. forces to occupy, should U.S. forces be required to return to the canal after the year 1999. As a minimum, the United States should retain military bases in Panama after the year 2000.

General Mabry told our committee, as one who has had experience enforcing the 1903 Treaty, it was essential that any future agreement be explicit if it is to be effective. These treaties are anything but explicit and are certain to lead to disputes rather than prevent them.

Mr. President, there are many other elements in the treaties which I find totally inconsistent with the best interests of this Nation. These include the following:

The provision prohibiting the United States from even negotiating with another nation the right to build a sea level canal prior to the year 2000, as well as the requirement such a canal be built in Panama if undertaken prior to termination of the main treaty.

The provision which permits passage of ships of nations unfriendly to the United States even in wartime.

The practice of entering into treaties of this import with a dictator who has denied the human rights of his people and demonstrated through fiscal mismanagement he is incapable of responsible leadership.

The assumption by the Senate that the House of Representatives does not have a legitimate role in the disposal of publicly owned property as is the case with the Canal Zone.

The failure of the treaties to adequately provide for maintenance of American cemeteries in the Canal Zone.

The dangers represented by the language difference, Spanish and English, in which the treaties are written.

The abandonment of U.S. citizens and employees in the Panama Canal area to the laws of Panama, the very same laws the Torrijos government has so often ignored when it served their purposes to do so.

Mr. President, these remarks today represent some of my broad concerns relative to these treaties. As the debate progresses, I intend to say more about the specific articles as they are taken up in turn by the Senate acting as a Committee of the Whole.

In conclusion, I find these treaties totally unacceptable for many reasons. The flaws of the treaties are basic and numerous. Even with the Senate acting as a Committee of the Whole, it is my opinion the treaties could not be amended sufficiently to make them in the best interests of the American people. The Senate's responsibility is clear. Our responsibility is not to bail out the President, but to protect the interests of the American people. We can meet that responsibility only by refusing to consent to these treaties.

The PRESIDING OFFICER. The Senator from Alaska (Mr. GRAVEL) is recognized.

Mr. GRAVEL. Mr. President, since it first intruded on the Nation's consciousness three quarters of a century ago the Panama Canal has with dogged regularity generated more than its share of high emotion and partisan rancor in American politics. And unlike most other foreign policy disputes, the lines have not been drawn between those who favor a canal and those who oppose it. Americans as a whole consistently have supported the idea of an Isthmian Canal. The controversy has always been not over what we should do, but how we should do it.

That is again the situation today as we open debate on the question whether the Senate should advise and consent to the ratification of the new Panama Canal treaties.

The U.S. public at large still holds to its historical perception that the Panama Canal is an important commercial and defense asset for the United States and the world. But the new treaties now serve to polarize the debate between those for status quo and those for change, the protreaty forces.

Those of us who place ourselves among the latter group, argue that a new treaty which accommodates Panamanian grievances is the surest way of guaranteeing the United States basic interests in the continued fair, efficient, and neutral operation of the canal, the status quo position, on the other hand, emphasizes the legitimacy of U.S. rights assured in the 1903 treaty. Proponents of this position, though willing to fine tune the existing treaty, adamantly oppose a new treaty in accord with the principles of the one now before us. They raise the following particular objections:

First. The new treaty would relinquish U.S. sovereignty in the Canal Zone, thus abandoning U.S. citizens there and diminishing U.S. power and standing abroad.

Second. The new treaty would abandon huge U.S. capital investments in the Canal Zone, which rightfully belong to the American people.

Third. The new treaty would relinquish the U.S. right to operate the canal to the Panamanians, whose political instability and lack of technical and managerial skill make them poor candidates to assume the role so efficiently and impartially performed by the United States for the past 60 years.

Fourth. The new treaty would abandon U.S. citizens in the Canal Zone, who for generations have given their lives to the Canal's construction and operation.

Fifth. The new treaty would threaten hemispheric defense and U.S. security, to which the canal is vital.

Sixth. The new treaty would endanger the U.S. economy by relinquishing operational control of the canal.

Seventh. The new treaty would relinquish an important U.S. right to build a sea-level canal in some other Central American country by committing us until the year 2000 to undertake such a project only in Panama.

The validity of these obections to the new treaties is, of course, subject to challenge.

I have concluded that in fact each of these objections is, in one way or another, invalid. I hope to show that this is so. But let me first point out that each of these arguments against the new treaty contains a suppressed premise; namely, that the present treaty is fair and serves U.S. interests. If this premise is false, as I believe the evidence compels us to conclude it is, then all of the above arguments fail as a rationale for maintaining the status quo.

Let us look at the background to the present controversy. Almost from the start, the Panamanians have been dissatisfied with the present treaty. This is not hard to understand. Its terms grant to the United States "in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection" of a canal "of the width of 10 miles." The treaty further grants to the United States "all the

rights, power, and authority within the zone mentioned—which the United States would possess and exercise if it were the sovereign—to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority." In return for these generous concessions the United States agreed to pay the Republic of Panama $10 million and an annuity during the life of the treaty of $250,000, raised to $1.9 million in 1955 and subsequently adjusted for inflation in 1971 to $2.3 million, which is what we presently pay the Panamanians.

The events immediately preceding and leading up to the conclusion of the 1903 treaty with the Panamanians provide important perspective on the controversy over the new treaties. It is an historical record which, I believe, compels us to conclude that the present treaty arrangement is fundamentally unfair, and hence, that the demands of elemental justice require a redress of Panamanian grievances.

It is, of course, a separate issue whether or not the new treaties do this in a way that preserves U.S. interests. I am convinced they do, and I will point out how in due course. But first, let us take a brief look at history.

In 1902, Congress authorized the President to acquire a specified strip of land and additional rights and territory from Colombia, of which Panama was then a part, for the construction and operation of a ship canal. But negotiations with Colombia fell apart when the Colombian Senate unanimously rejected a proposed treaty as not in her best interests.

Then President Roosevelt took things more into his own hands by sending gunboats to stand offshore while the Pamanians declared their independence. The dust had not been settled when, 3 days later, the Roosevelt Administration hastily recognized the new republic and immediately set about negotiating a canal treaty with a Frenchman named Philippe Bunau-Varilla, who came to Washington from Paris, by way of New York carrying an honorary Panamanian citizenship and the title minister plenipotentiary to the United States.

Bunau-Varilla, who had financial interests in the construction of a Panamanian canal dating from the earlier French effort to join the oceans, had managed by a combination of brazen self-assurance and shrewd maneuvering to have himself appointed to the auspicious post of Panamanian envoy, even though he was a French citizen and had not set foot in Panama for years—almost two decades. At first, the provisional junta of the Government of Panama had been reluctant to accord him such high position, but Bunau-Varilla was not one to be outmaneuvered. He simply withheld funds the junta desperately needed and refused to take any formal actions on the new government's behalf until he had been granted the powers he felt proper to his station. Once they were in hand, he immediately set about taking necessary steps for the negotiation of a canal treaty.

Meanwhile, back in Panama, the members of the junta were taking what they regarded as necessary steps to assure their interests were properly represented by their French minister. They appointed Manuel Amador Guerrero and Federico Boyd delegates of the Republic of Panama and provided them written instructions to carry to Bunau-Varilla. He was to negotiate a treaty, "all causes" of which were to be "previously consulted" with Amador and Boyd.

So it was obviously their specific wish that he would not be able to do anything unilaterally. "You will proceed in everything," the junta directed, "strictly in agreement with them." That is, Amador and Boyd. And the treaty's provisions "must not be any less favorable for Panama than were those of the Hay-Herran treaty for Colombia."

That is very important. That was the intent of the junta at that time, that, minimally, they would not have anything less than what the United States had already signed with the nation of Colombia.

With these documents in hand, the Panamanian delegates sailed for New York on November 10, just 1 week after the uprising.

Bunau-Varilla, having received word of the Amador-Boyd mission, knew his time was short. He arranged to be formally received by President Roosevelt on Friday, November 13. That day, as he left the White House reception, he turned to Secretary of State John Hay and delivered a warning:

> For 2 years you have had difficulties in negotiating the canal treaty with the Colombians. Remember that 10 days ago the Panamanians were still Colombians and brought up to use the hairsplitting dialect of Bogota. You have now before you a Frenchman. If you wish to take advantage of a period of clearness, in Panamanian diplomacy, do it now! When I go out, the spirit of Bogota will return.

That is the quote from Philippe Bunau-Varilla to the Secretary of State of the United States of America about another country for which he had no citizenship.

Hay acknowledged that he understood and promised an early draft of a treaty that he would deliver to Bunau-Varilla.

The Frenchman did not have long to wait. On Sunday the 15th Hay's draft was delivered to his room at no other place than the Willard Hotel, right down the street. It was essentially the Hay-Herran Treaty with a few minor changes. Bunau-Varilla set to work feverishly. He felt the Hay-Herran Treaty carried the stigma of the long struggle with Colombia and must be changed. As he himself was to write later:

> I reached the conclusion that in order to succeed it was necessary to draft a new treaty so well adapted to the American requirements that it could defy any criticism in the Senate.

The amounts were to remain the same—a flat $10 million plus a $250,000 annuity—but the zone was to be increased from 10 kilometers to 10 miles, and it was to be "granted," not leased, to the United States "in perpetuity." Moreover, the United States was to be given even greater attributes of sovereignty than in the Hay-Herran Treaty, which, I want to say, was unanimously turned down by the Colombia Senate.

Even though this was the very point on which the Colombians regurgitated.

By 10 o'clock on the night of the 16th, which is now Monday, Bunau-Varilla, in his hotel room, had finished his task. Despite the late hour, he proceeded to Hay's home. On finding it darkened, he had to return the next morning.

On November 17 he presented Hay his draft and expressed his willingness to sign either it or the draft Hay had given him, however he expressed a preference for his draft because it "has the advantage of conferring upon the United States in broad and general terms the rights she is entitled to have * * *."

Time was now precious, indeed, as Amador and Boyd had arrived that very morning in New York, Tuesday morning. They had been delayed 1 day, but on the 18th the Panamanians would be in Washington to instruct their minister. On the night of the 17th Bunau-Varilla informed Hay that he wished to sign the treaty the next day before Amador and Boyd arrived in Washington. He stated:

> So long as the delegation has not arrived in Washington, I shall be free to deal with you alone, provided with complete confidence and absolute powers. When they arrive, I shall no longer be alone. In fact, I may perhaps no longer be here at all.

We can begin to sense the drama here of days and hours of moving forward on this crucial document on which we place such sanctity and justice and morality.

Alone, Hay was more than willing to accommodate.

After a hurried meeting the next day, that morning, with a group of influential Senators, he requested Bunau-Varilla to call at his home at 6 p.m.

There, at 6:40 in the evening, November 18, 1903, the Hay-Bunau-Varilla treaty was signed in the Secretary's private home—not at the State Department or some official place, in the Secretary's private home.

In fact, the Secretary had to use his own signet ring as a seal. Not a single Panamanian was present or had ever laid eyes on the document that was being signed in their behalf.

Bunau-Varilla had achieved his goal none too soon. That very evening at 10 o'clock, now mind, the treaty was signed at 6:40 in haste, at 10 o'clock, Amador and Boyd arrived at Union Station from New York. When Bunau-Varilla met the train, document in hand, and gave them the news of the signing, Amador almost passed out, for obvious reasons.

The next day, the Panamanian delegates who had the real power attempted to reopen negotiations with the Department of State. They obviously failed.

Hay, not to mention Bunau-Varilla, had now turned their attentions to getting the treaty ratified. Both men entreated the Panamanian delegates to ratify the documents on the spot, but they demurred, insisting they had no such authority.

So on November 24, Bunau-Varilla dispatched the treaty to Panama by boat. He then pressured the junta to

ratify it immediately upon arrival, suggesting darkly—and we can just feel the flavor of the situation—suggesting darkly that if they did not act with dispatch, the Colombians might make a better treaty and leading the United States to withdraw its support.

Although the Roosevelt administration had no such intention, rumors were abroad in Panama that Colombia might get—try to retain its lost territory and the junta feared the worst. In fact, they had to fear for their very lives, because the gunboats, to leave the shores, obviously, the Colombian troops would come back, and what do you think would happen to the junta? They would be promptly executed.

So when these people were pressured, they were not pressured with niceties of the international byplays. They were pressured with their very lives at stake.

So on November 26, with that element of duress at their backs, they cabled their willingness to ratify the treaty as soon as it arrived.

Now, mind, they had not even read the document, but they cabled back they would sign it as soon as it got there.

Six days later, on December 2, they did so, signed the treaty, having had the 31-page document for only 20 hours, and at that, only the English version and nobody in the junta could read English.

Mr. CHURCH. Will the Senator yield?

Mr. GRAVEL. I am happy to.

Mr. CHURCH. Under similar circumstances, would not the Senator have signed it even if he could not read it?

Mr. GRAVEL. If it is my life for a signature, obviously it is my signature you get with very great ease.

I may not like it and I may spend the rest of my life trying to get this great injustice corrected. It is like a person making a contract.

If I went over to the Senator right now with a gun and said, "Sign your name on a deed to your house right now that you have here in Washington, if you don't, I will blow your brains out," you are going to sign the deed.

Under American law, we have recourse in not delivering the house, but under international law we do not have those niceties.

Mr. CHURCH. I had a father-in-law who used to practice law in the mountains of Idaho. As a young man, he said he often wondered what he would do if he ever had to look into a gun barrel. He said he found out one afternoon when a deranged farmer came in, pulled a pistol and said, "Turn around, put your hands up and lean against the wall."

He turned around, put his hands up and leaned against the wall.

This was what the Panamanians were up against when they felt constrained to sign a treaty they had not negotiated and could not read. They were up against the wall. Small wonder that, in the years that have followed, they have sought to correct this wrong. And they have made a little headway. From time to time, rectifications have been made in the original treaty, minor rectifications. Nevertheless, the Panamanians have persisted, pressed on by their sense of outrage, their sense of diminished nationhood, their sense of pride. So now we come to the final rectification of that wrong. This is how we ought to judge these treaties.

A big power that can be generous enough to correct a wrong is a great power. To make amends is not a sign of weakness. It is a sign of strength. To do right is never wrong. But to hold that our might makes right would be to repeat again the mistake of 1903 in a world that has changed completely.

The Panama Canal Zone is the only strip of foreign territory, the only strip of land, that we hold anywhere in the world against the will of the inhabitants.

That may have been customary back in Teddy Roosevelt's time—indeed, that was the pattern—but the old empires are gone. The old colonies have given way to new, independent governments throughout the world.

We still retain territories abroad, to be sure: the Virgin Islands, the Commonwealth of Puerto Rico, Guam and American Samoa in the Pacific. But in none of these cases do we hold the land against the will of the people. The day that a majority of the Puerto Ricans vote in a free election to be independent, that day, if I am here, I will stand up on the floor of the Senate and say, "Grant them their independence; they are entitled to it, if that is what they want"—even as we were entitled to it, though we had to fight a revolutionary war to obtain it, 200 years ago.

Only the Panama Canal Zone, obtained from the Panamanians in a situation in which they either had to accept our terms or face a Colombian firing squad—only that strip of land in all the world—do we hold against the will of the people of that little country.

That can be rectified by these treaties, by an act of generosity that will enhance our stature throughout the world, not weaken it, and, in addition, will help to improve our relations with our neighbors south of our borders; for in this they are all agreed: that Panama is right in its claim to a restoration of its sovereign rights in the Panama Canal Zone. The world is agreed.

The Senator may recall, not so long ago, in the Security Council of the United Nations, that the question of the Panama Canal Zone came up. Even our trusted allies would not stand with us, not one of them. Not a country anywhere would uphold the proposition that we were entitled to keep this zone against the will of the people of the country. For this is the very definition of colonialism; it is a part of a past which is dead.

So it was that we had to veto the resolution in the Security Council. Ours was the single dissenting vote. Not one other member of the Council voted with us.

Thomas Jefferson wrote in the Declaration of Independence that "a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation." Even 200 years ago, he understood the importance of showing a decent respect for the opinions of mankind. How can we be blind to such considerations in this case?

I commend the Senator for going back and retracing the history, because it underscores the fact that the United States is big enough to rectify a wrong and strong enough to do right.

Mr. GRAVEL. Mr. President, I thank my colleague, because I believe he has touched upon what is the most important element in these deliberations on the treaty. We will go into a lot of the argument about the economics and defense and all those facets of it, but I think the most important thing for us as a nation is to be just and to be fair.

Too often, we measure strength, as the Senator has pointed out, by might, muscle, aircraft carriers, nuclear capability. That is not the strength of the United States of America. Our strength is our moral strength. It is our ability to give an example to the world as to the kind of people we are, and I think we are a very fair people.

I believe that when the facts are known, the American people will rally to this new change in establishing justice toward the Panamanian people.

Let us look at the matter of justice with respect to the treaty. As I already have indicated, any reasonable effort to come to terms with the objections to a new treaty raised by status quo forces must first of all assess the overall fairness of the existing agreement. If, upon examination, we are forced to the conclusion that the 1903 Treaty is fundamentally unfair, then surely we must abandon our objections to requesting it in more equitable terms.

Quite frankly, the more I have learned of the history of our present relationship with Panama, the more I am convinced that we must come to that simple, elemental decision of being just and that justice is lacking from the present equation.

The historical record is unequivocal on this point. Our own Secretary of State, Mr. Hay, at the time described the treaty as "vastly advantageous to the United States and not so advantageous to Panama."

These inequitable arrangements, moreover, were effectively imposed under a state of duress. Panama's very existence as a nation hung in the balance between her consent to the treaty and continued U.S. protection from Colombia.

As I stated earlier, her leadership, the gentlemen who were part of the junta, feared for their lives. She was encouraged to believe that without the one—that is, having the treaty with the United States—the other, her very independence, would fall asunder. Under such circumstances, she was pressured to ratify the treaty virtually sight unseen.

Panama's agent and spokesman in all of this was a Frenchman who failed at almost every turn to act in the Panamanian interests. Their rights were, therefore alienated by a man not even their countryman, acting purely in his own self-interest, and who repeatedly engaged in deceit to seek approval for actions detrimental to the Panamanian national interests.

What is more, U.S. officials at the time were aware of and therefore complicitous in these injustices. President Roosevelt so characterized it in 1911, when he

stated: "I took the Isthmus," and a statement upon which he later elaborated by explaining, "I took the Isthmus because Bunau-Varilla brought it to me on a silver platter."

Mr. CHURCH. Mr. President, will the Senator yield at that point?

Mr. GRAVEL. I am happy to yield.

Mr. CHURCH. It was indeed a silver platter. I believe, following the consummation of the treaty, that Bunau-Varilla said, "I have served the French well"—not the Panamanians mind you, but the French.

Indeed, the French had a big interest at stake. Having tried and failed to build the canal, they had spent an enormous fortune in the effort. The United States paid the French company $40 million to acquire the machinery, the buildings and the uncompleted works of the French company on the Isthmus.

Mr. Bunau-Varilla was a big stockholder in that company. This was the man who negotiated for the Panamanians, whose whole connection and financial interest and, by his own admission, whose motivation, was to serve the French; to recoup what he could for them and for himself. Is it any wonder that there has been a smoldering resentment through the years in Panama?

Mr. GRAVEL. As a footnote to history, it is interesting to note that the charter that the French company had, or the new company that was reorganizing, was to expire in a year. That was the charter with Colombia. With a new republic, probably no legal charter would have been involved.

So they would not have had to pay the French company and French stockholders—I might say not all were French stockholders. There were quite a number of American stockholders who did quite well in that enterprise—that $40 million that was paid through an American investment house in New York.

So I think it is difficult to get to the bottom of it. But if it could be aired with any finality, and scholars are laboring in this regard, I think it would be most interesting and I think a most disgusting page in American history.

I think we must try to put ourselves in the Panamanians' shoes, to see it as they do. The best way I know to do this is to cite an analogy which has great currency in Panama. It has been succinctly stated by Wayne D. Bray. It goes like this:

> To get an idea of how this situation looks to the people of Panama in 1977, imagine a strip of land extending 5 miles on each side of the Mississippi River within which a foreign power, by virtue of treaty rights granted under suspicious circumstances in 1783, exercises complete control as "if it were sovereign" and through which a resident of Illinois must pass to go to Missouri, during which passage he is subject to arrest by a foreign power and trial in a foreign court under a foreign system of laws.

Just imagine. I wonder how Americans would tolerate such a situation within our borders. That is exactly what the situation is in Panamanian borders.

The United States is a superpower and, of course, the Panamanians do not have much choice because they are one of the weakest nations in the world. Our military forces stationed in the Canal Zone are equal in size to Panama's entire national guard. It is really not much of a match.

On their side the Panamanians have only logic. They ask us to approve a new treaty. They point out that total U.S. control over a portion of Panamanian territory is a vestige of colonialism. They ask us to understand how it offends their national honor and pride as a people to have a U.S. police force, U.S. courts, and U.S. jails enforcing U.S. laws on Panamanian citizens within their own country. How if offends their pride. They show us how total U.S. control over land area in the Canal Zone limits the urban growth of their two largest cities, how U.S. control of all deepwater port facilities restricts the productivity of their country.

I was horrified when I found out that their ports, the best they have in their country, they do not even have access to. It is ours. It is the United States of America that has their ports. And how U.S. commissaries unfairly compete with local businessmen.

What Member of this body has not had a delegation from his State, from communities next to military bases, talking about the commissary problems? I think there is some knowledge and sympathy as to what is happening to the people of Panama, the business community of Panama, in this regard.

How do we answer these charges?

The most common way of justifying the present treaty arrangements is to cite the benefits which have accrued to Panama, not what we have taken from them but what we have given them. Obviously, the most important of these, it can be conceded, is her independence.

We say this unfortunately with a certain arrogance. They would not have a country if it were not for us.

Without the United States where would they be? Admittedly, that is essentially what happened. We guaranteed at a point in time that they were able to become independent. But I think to be fair, we must recognize that they hankered for their freedom for some three-quarters of a century before our gunboats showed up on the scene. They had quite a few efforts of revolution before that. So, they were not johnnie-come-latelys at thirsting for freedom and independence. There is no question that their freedom is a great blessing. What is doubtful is that this justifies an arrangement under which she signed away "in perpetuity" the most important part of her birthright. To say that it does is like saying that the United States should be forever indebted to France, without whom our own revolution could never have succeeded.

And I think if you want to look close at history, you would know that we would not be a free country today had it not been for the support of France, a royal government at that time.

This is history now.

And the United States has profited immensely in the interim. The relevance of that history for today is that it shows the very structure of the relationship from the beginning was one in which we consciously took advantage of the Panamanians. All the real sacrifices were on their side. They yielded up, forever, their nation's greatest resource—the land over which the canal was constructed. What should have been theirs became ours.

Some would suggest that Panama has been adequately compensated for this "use" of her territory by the $10 million the United States paid when the treaty was signed, plus the annuity she has been granted since. The facts belie the truth of this assertion, however, the annuity, for years set at $250,000 per annum, is today only $2.3 million per year; $2.3 million is what we now give Panama for its birthright. This is a mere pittance when compared, for instance, with the Panama Canal Company's fiscal year 1976 total operating revenues of more than $250 million. What is more, the U.S. Government has always set Panama Canal tolls at a breakeven level. The Panama Canal Company does not lose money, but neither does it make a profit.

This revenue policy of the Panama Canal Company has been analyzed by International Research Associates, IRA, of Palo Alto, Calif., and I believe—I will not assert here with certainty—but I believe that analysis was paid for by the Panama Canal Company, so I think we could assume that this is an objective study.

Mr. CHURCH. Mr. President, will the Senator yield at that point?

Mr. GRAVEL. I am happy to yield.

Mr. CHURCH. The committee has asked for figures showing the total payment to Panama since the United States commenced operations there in 1903. The Senator has alluded to the $10 million initial payment under the terms of the treaty and the annual payments since.

These payments total about $66 million, to be exact, $66,600,992. That is the total since 1903, which is nearly 75 years ago.

It comes to less than $1 million a year for a tract of land running right through the middle of the country, 10 miles wide and 40 miles long, good productive land.

I ask the Senator if he would not like to obtain property 10 miles wide and 40 miles long—a good big chunk of land, bigger than some countries in this world—for less than $1 million a year?

Mr. GRAVEL. I might say to my colleague from Idaho that in the real estate parlance we might call it a steal.

Mr. CHURCH. Perhaps. Now, when I hear opponents of the treaty say that we are paying the Panamanians a fortune to take the canal I think back over that long period of time when they received less than a million dollars a year for the rights we exercised in this Canal Zone, 10 miles wide and 40 miles long, which bisects their little country. The provisions of these treaties help to rectify that wrong; because the $40 million that Panama will receive will be taken out of the tolls of the canal itself, which incidentally are only 9 cents a ton above what they were when we opened the canal in 1914, $1.29 now compared with $1.20 then.

I mean it is amazing, when you consider how much the dollar has depreciated. The United States has subsidized the martime fleets of the world by holding that toll down to a level barely above

what it was when we opened the canal in 1914.

Mr. GRAVEL. Would the Senator state that again? I think it is a preposterous situation.

Mr. CHURCH. Well, it is preposterous; and who has been the beneficiary of all this? Not the American taxpayers. No, indeed. The beneficiaries have been the maritime fleets, subsidized all these years because of our refusal to impose a fee commensurate with the value of the passage.

As the Senator knows, our maritime fleet has grown smaller and smaller, so the principal beneficiaries have been the foreign-flag fleets of the world.

So why should we be upset at the prospect of a modest increase in the fare?

Mr. GRAVEL. Still less than the fuel that it takes.

Mr. CHURCH. Yes. It is modest. And if it generates the revenue that will enable the Panamanians to receive a $40 million payment from the canal each year, then this will go far toward rectifying the parsimonious payments of the past.

I say this again underscores the reason we should ratify these treaties: Because they are right. I just have no respect for that particular attitude which holds: "Let us be weak with the strong, but strong with the weak." If there was ever a time for us to be generous, it is when we are dealing with this little country, trying to work out an arrangement that will be acceptable to the Panamanians, protect the interests of the United States, and make for an orderly transition stretching out to the end of this century.

Mr. LAXALT. Will Senator CHURCH yield for a question?

Mr. CHURCH. I do not have the floor.

Mr. GRAVEL. I have the floor.

Mr. LAXALT. Do you mind if I ask Senator CHURCH a question concerning the financial deprivation of the Panamanians all these years?

Mr. GRAVEL. I think, in view of the fact that I have just received the floor here at almost 6 o'clock, I would like to finish my statement. If you want to make a brief observation——

Mr. LAXALT. Just one short observation, prompted by Senator CHURCH here. I do not want to take all your time, but I would not want to leave the impression that the total benefit to the Panamanians under the present treaty has been $66 million. I would suggest that the Senator inquire as to the $250 million that our facilities there have pumped into the Panamanian economy. There is no question about that, is there, Senator CHURCH?

Mr. CHURCH. Let me just say to the Senator that I have never pretended that our presence and our payrolls there have not had an economic impact upon Panama.

Mr. LAXALT. Substantial economic impacts.

Mr. CHURCH. Of course they have. But——

Mr. LAXALT. To the point that the Panamanians now, their living standards are No. 1 in that part of the world, and No. 4 in all of Latin America, due almost entirely to the presence of the Panama Canal.

Mr. GRAVEL. If the Senator will permit the repetition of an analogy made earlier, if I hold you up at gun point and take your home away from you, and I turn around and give you a job in the house, am I then entitled to say, "Aren't you lucky I gave you a job?"

Mr. LAXALT. Considering how the Panamanians have done over the years, I would love to have that job.

Mr. GRAVEL. Well, I do not think we have done such a hot job. Who is to say they would not have prospered even more with the management of their own assets and their own canal? Who is to say that 10 years later on, someone else would not have come along and built it?

Mr. LAXALT. The point is, had we not done it then it would not have happened there; that canal would have been built in Nicaragua.

Mr. GRAVEL. History shows there was an earthquake in Nicaragua, and had we gone ahead and constructed it there, we would have looked like fools.

Mr. LAXALT. I suggest that history does not support you. But I would not want the record to show that Panama's arrangement with our country has been a poor one financially. To the contrary, it has been extremely beneficial.

Mr. GRAVEL. I beg to differ with you. If you look at our standard of living and look at their standard of living, theirs is considerably less than ours. It is around $1,000 per capita, or $800 per capita. So when you say to someone, when you have taken his birthright, "Why, you are well off," while I walk around in a $200 suit and he has got rags, and tell him, "You should be happy with the rags I gave you," oh, no. That does not wash at all.

Mr. CHURCH. In any case, I would point out to the Senator that the benefit from investments we have made in the Canal Zone is one question, whereas our payments to the Government of Panama under the rights we exercise in the Canal Zone is quite a different one. The figures I have given accurately reflect what we paid the Panamanians for exercising complete possession and control of the Canal Zone.

I think any good realtor would agree that if you can acquire a stretch of land 10 miles wide and 40 miles long under an arrangement that requires you to pay less than a million dollars a year, you have a good deal.

Mr. GRAVEL. The real estate terminology on that is a steal, not a deal.

Mr. CHURCH. Very well.

Mr. LAXALT. I object to that terminology. If the Senator would permit me to make an additional observation, under the terms of this——

Mr. GRAVEL. Who has the floor, Mr. President?

The PRESIDING OFFICER. If the Senators will suspend for a moment, the Chair would remind the Senators it is getting into the shank of the afternoon, and perhaps the Senate might suspend for the evening in a little bit. The Senator from Alaska (Mr. GRAVEL) has the floor.

Mr. CHURCH. Mr. President, is this like the 2-minute warning in a football game?

The PRESIDING OFFICER. The Chair recognizes that this is perhaps the most volatile of issues, but would not want Senators to stray away from the issue at hand.

Mr. GRAVEL. Mr. President, I apologize, maybe, for the lack of decorum in my distinguished colleagues, whom I have great reverence for, and understanding, but I was just trying to make a point with respect to the paltry sum of money we have been paying the Panamanians over the years, by comparison. I was going to elaborate upon a study by a firm in Palo Alto called International Research Associates. The study that they did was entitled "The Economic Value Of The Panama Canal."

The study concludes that over the past 60 years (PCC) has chosen to operate the canal as an international public utility and has followed a revenue policy which just provides for recovery of annual costs, including depreciation of tangible assets, and a moderate rate of interest on investment funds originally advanced by the U.S. Treasury. The effect of this policy has been to produce a surplus to users of an amount equal to the difference between the maximum possible revenues recoverable under an alternative tolls policy and the break-even costs actually recovered. The IRA study projects that for 1975 the magnitude of the surplus would be equal to approximately 55 percent of the revenue recovered under present toll structures Applying this to the IRA-projected 1975 toll revenue figure of $119.5 million, we see that the surplus which could have been recovered was on the order of another $65.5 million. The benefits of this surplus, rather than going to the people of Panama, now accrue to three groups: First, those who purchase commodities that pass through the canal assuming they are passed on to them; second, those who produce such commodities assuming the maritime interests pass it on to those people; and third, those who move the commodities from producers to purchasers. Rightfully, this $65.5 million should have gone to Panama as its earnings on its fundamental resource.

To better appreciate the significance this $65.5 million could have had for Panama, it is worth noting some additional statistics. In 1975 the total revenues of Panama's central government were only $462 million; an additional $65.5 million would have increased the national budget by 14 percent. Still another way to look at this figure is in relation to Panama's debt-service costs, which constitute a crippling drain on the national economy. In 1975 international and external debt service was $64.8 million, or approximately the same as the toll revenue Panama lost due to policies pursued by the United States. Finally, the $65.5 million for just 1 year, which to my mind they were due, may be compared with the total direct income as Senator CHURCH stated earlier, Panama has, in fact, received from the canal since the inception of the treaty. That figure is only $67 million for the entire life of the canal, including the initial $10 million payment.

Imagine that. We gave the French company $40 million for their interests which would have expired with Colombia

within a year and which were dubiously legal with the new Panamanian Government. We gave them $40 million at one fell swoop which went through an American company's coffers in New York, and we have given since then, in the 60-odd years, $66 million.

As startling as these figures are, they probably do not give the true picture of the revenue Panama has forfeited through U.S. operation of the canal. This is so because the operating expenses of the Panama Canal Company include not only actual costs of running the canal, but also large subsidies for education and other social services for Canal Zone employees, even though these employees pay Federal taxes for that purpose.

They pay taxes for their education, but the education is paid from the tolls of the canal.

For instance, included in the PCC's 1975 operating expenses is $23.5 million for functioning of the Canal Zone Government. While not all such expenses could be eliminated through Panamanian operation of the canal, substantial savings could be expected through the integration of duplicative governmental functions on the one hand and the introduction of free market efficiencies to replace certain present governmental responsibilities on the other. Great inflation in costs associated with the Panama Canal appear to arise from the fact that its operation is not integrated with the local economy. The Panama Canal Company maintains an entire governmental and economic infrastructure, which cannot help but be inefficient. Clearly, there is a great deal of slack in the Panamanian operation.

One final way to measure the economic injustice of the present annuity arrangements is to examine what we pay for use of military facilities around the world. Recently the United States and Spain signed a treaty of friendship and cooperation which grants the United States the right to use military facilities at Torrejon, Zaragoza, and Moron air bases; the Rota naval bases; the Bardenas Reales firing range: and 18 other minor installations. In turn, the United States guaranteed Spain 190 million dollars' worth of military grants and credits over the 5-year life of the treaty, a far cry from in perpetuity.

Similarly, in 1947 we entered into a 99-year, rent-free agreement with the Philippines for the use of Clark Airfield, Subic Bay, and the Naval air station at Cubi Point. In 1959 we found it necessary to renegotiate this agreement, at which time we agreed that it should have a term of 25 years. We are now renegotiating it again, and while no agreement has yet been reached, discussions have centered around a proposal for a 5-year treaty, in return for which we would provide $1 billion, split equally between economic and military aid. These agreements may be compared with the $2.3 million annuity we pay Panama for the use of the canal and the land on which military bases are authorized. We have never compensated Panama for our military presence.

It can, of course, be argued that Panama has received extensive indirect economic benefits from the canal, as stated earlier, as well as improved health conditions, sanitary facilities, etc., all of which must be taken into account in assessing the present treaty. All these things are indisputably true, but they completely miss the point. They alone cannot make the arrangement either just or unjust. It is unjust by the fact that it prevents Panama from reaping the economic advantage of her primary resource. Moreover, it does so almost gratuitously. Panama could be returned the control over her resource without it materially affecting our own economic or strategic interests. In truth, our strength and greatness will lie not in continuing to demean ourselves by insisting upon some legalistic interpretation of our "rights," but in recognizing that an injustice has been done and acting to correct it. It is time we quit priding ourselves on how much we have done for the Panamanians in order that we may see what we took from them in the process.

SOVEREIGNTY

The most confused, but perhaps the most popular, objection raised against abrogation of the 1903 treaty is that to do so would entail relinquishing sovereignty over territory that is as much a part of the United States as the territory acquired by the Louisiana purchase or my home territory of Alaska purchased from Russia.

Nothing could be more wrong. In the language of the treaty, the United States is granted certain rights which are described as the sort the United States would have "if it were the sovereign" Surely, the commonsense meaning of this is that the United States is not the sovereign. This contrasts markedly with the treatment of sovereignty in the cases of Louisiana and Alaska. In 1803 France ceded the Louisiana Territory to the United States "forever and in full sovereignty." All public lands were transferred and all inhabitants were given U.S. citizenship.

The same is true in the case of Alaska. Russia ceded the United States all its territory on the American continent, including all rights and privileges previously belonging to Russia. Inhabitants were given the choice of returning to Russia within 3 years or becoming U.S. citizens. In neither case was provision made for an annuity or any other sort of continuing relationship regarding matters covered in the agreement.

Three additional points may be cited as evidence that the United States does not have the attribute of sovereignty in the Canal Zone:

First. A person born in the Canal Zone of Panamanian parents is a U.S. citizen, as he or she would be if born in Louisiana or Alaska.

Second. The exercise of power and authority by the United States in the Canal Zone is dependent upon the use to which the territory is put. If it ceased to be used for the operation of a canal, jurisdiction would revert to Panama.

Third, the United States has no authority to cede the Canal Zone to a third sovereign power, as it obviously would if the territory were its own.

Let us now look at economic importance of the canal. Despite widespread impressions to the contrary, the Panama Canal is not of any great economic significance to the United States. It is often said that approximately 70 percent of canal traffic either originates or terminates in U.S. ports, thus making the canal vital to the U.S. economy. While this figure is correct, the manner in which it is usually presented tends to misrepresent the truth. The "approximately 70 percent" figure is derived by adding the 40 percent of cargo tonnage originating in the United States to the 28 percent terminating here. But it is incorrect then to conclude that the United States accounts for 68 percent of the tonnage passing through the canal. The United States, both as shipper and receiver, is on only one end of the transaction. Therefore this figure must be halved, revealing that only 34 percent, or one-third, of all canal cargo is U.S. oriented.

But even this figure does not provide a proper measure of the economic importance of the canal. We have to ask, 34 percent of what? If the Panama Canal is largely not used, then the fact that 34 percent of its use is attributable to the United States becomes rather meaningless.

The United States is, in fact, the major user of the canal, but many alternative trade routes now exist for the most important products and commodities, and more would become economically competitive if the canal were closed. In terms of overall importance, the canal is much more significant to certain Latin American countries, particularly those on the west coast of South America, than it is to the United States. For instance, in 1972, only 16.8 percent of U.S. waterborne commerce passed through the canal. For Nicaragua, the figure was 76.8 percent, for Panama 29.4 percent, for Peru 41.3 percent, for Chile 34.3 percent, and for Colombia 32.5 percent.

Increasingly, the Panama Canal is becoming outmoded. Larger and faster ships, plus innovations such as container technology, are making the canal outmoded.

The shipbuilding industry, in constructing supertankers, increasingly discount the canal. In fact, 76 percent of the world tanker tonnage today cannot go through the Panama Canal.

The total world tonnage is already above 50 percent in its inability to go through the Panama Canal. In fact, the figure is somewhere around 54 percent of the world tonnage that cannot go through the present Panama Canal. This has been a drastic change in the last 10 years.

Increasingly, the Panama Canal is becoming outmoded. Larger and faster ships, as well as innovations such as container technology, are making alternatives to the canal more and more attractive. The shipbuilding industry—in constructing supertankers—increasingly discounts the canal, which cannot handle their size. More than half the world's tonnage is already too large for the canal.

The most meaningful perspective from which to view the economic value of the canal is an assessment of the impact it has on the total U.S. and world economy.

At present only 5 percent of total annual world seaborne trade transits the Panama Canal. According to the IRA study on "the economic value of the Panama Canal," if the canal were to be closed through an act of sabotage or some other means, the total impact on the world economy for the decade 1975–85 would be only $100 million per annum. Of this amount, the U.S. share would be only $34 million annually. In our trillion dollar-plus economy, which exports in excess of $100 billion a year, this impact is utterly trivial.

This minimal impact of complete loss of the canal must be counterpoised against the harm which this volatile issue can cause in our relationship with all of Latin America, and in fact the entire Third World.

The minor economic benefit which accrues to us from the canal would certainly be more than offset by the hostility we may engender by failing to resolve the canal issue in a way viewed as equitable by the world community. Even the strictly economic effect alone would surely be in excess of $34 million. This does not mean that the Panama Canal is of no importance. It is now and will continue to be for some time into the future a convenient means for waterborne transport. But in the words of the IRA study, "It cannot in any sense be regarded as either overwhelming or crucial."

THE ZONE AND THE ZONIANS

The Panama Canal Zone is surely the biggest company town to be found anywhere in the world. It consists of a 10-mile-wide swath of land, running the full 50-mile width of this small country. Its 400 square miles is the heartland and most valuable economic area of Panama. But it contains no Panamanian enterprises, no Panamanian farms, and no Panamanian officials. It is wholly controlled and administered by the United States, in the corporate person of the Panama Canal Company/Government. It has its own Governor, its own courts, its own police force, its own transportation facilities, its own housing units, and its own public utilities. It also operates its own retail stores, food service units, gasoline stations, theaters, and bowling alleys. It is, in fact, a colonial-socialist enclave under the American flag.

U.S. citizens have resided in the Canal Zone for three generations now. Understandably, they do not want to give up their life there. But just as certainly, the present arrangements cannot be allowed to continue. First of all, the socialistic enclave of the zone cannot be squared with our own commitment to a free enterprise economy as the most efficient and democratic social structure. In addition, the zone constitutes a direct affront to the national integrity of Panama, which cannot with honor tolerate a foreign governmental and legal structure imposed upon its people. The U.S. citizens who live in the zone will, of course, have to be protected. As individuals they are not responsible for the actions of their Government. They have acted in good faith in accepting the arrangements which exist today, and it would be unfair to leave them without recourse. In all probability, when the Canal Zone and its operation are returned to the Panamanians, these Americans will find suitable employment and living arrangements under Panamanian auspices. But should they be unable to, or should any of them choose not to, provision should be made for their relocation to the United States with a guarantee for appropriate new employment, job training, and vested retirement.

The guarantees that these Americans who are in Panama should receive, guarantees along these lines have been set out in the treaty, and I am confident the Congress will be quite liberal in its dealings with the Canal Zone citizens.

While even this will no doubt be somewhat unsettling to these 3,000 or 4,000 individuals, it is the only way that we can reasonably proceed as a matter of national policy.

OPERATION OF THE CANAL

Americans are understandably proud of their role over the last 70-some-odd years in the construction and operation of the Panama Canal. When the canal was built at the beginning of the century it was the engineering marvel of the day, much as the Moon landing is in our own time. And since its completion in 1914, the canal has been efficiently and impartially operated for the benefit of the whole world.

SUMMARY

The ultimate ratification of the treaties before us is dependent, first of all, upon the perceptions of the American and Panamanian people. Panamanians are convinced that the Canal rightfully is theirs, and that for years they have been dealt with unfairly by the United States, which has used her great power and the preemptory provisions of a 70-year-old treaty to treat them as second-class citizens within their own country. Americans, on the other hand, are inclined to believe that the canal belongs to the United States, that it is vital to our interests, and that if anything, Panamanian agitation over the issue in recent years proves that Panama cannot be trusted to run the canal alone. Clearly, for both parties it is a very emotional issue and one in which national pride plays no small part. But when the emotion is stripped away, the Panamanians have the better side of the argument, as I am convinced most Americans would agree if they only had the facts. Be that as it may, after a careful examination of the case, I find the following conclusions compelling:

First. The Panamanians are justified in their demand that we relinquish the canal to their control, and we perpetuate an historic injustice so long as we fail to do so.

Second. The United States in no legal sense owns the Canal Zone; we would not be forfeiting U.S. territory to return its control to Panama.

Third. The economic value of the canal is miniscule in terms of the entire U.S. or world economy; failure to resolve the canal issue in fact causes us great economic harm by exacerbating relations with the third world.

Fourth. The Canal Zone, as currently operated, is a colonial-socialistic enclave and thus incommensurate with the American taxpayers' ideals and national goals.

Fifth. The canal, while still militarily significant, is by no means vital to our national defense. It is almost indefensible against either sabotage or overt attack, and military contingency plans must allow for its blockage at any time.

Sixth. The Panamanians could assume operation of the canal in a very few years; they could easily contract for any skills they do not already possess.

Seventh. The construction of a sea-level canal across Panama appears to be a very viable and cost-effective alternative for moving Alaskan oil and gas surpluses to markets on the east and gulf coast. Such a canal could also save the United States costly new investment in energy supply infrastructures, provide important foreign policy flexibility, and greatly enhance our defense capability while simultaneously reducing defense costs. These advantages which could accrue to the United States through construction of a sea-level canal make it well worth our while to maintain the good will of the Panamanians, which I feel certain can be done if we ratify the new treaties. I therefore hope the Senate will vote affirmatively on the question of advising and consenting to the ratification of the treaties.

Mr. GARN. Will the Senator yield for one quick question?

Mr. GRAVEL. One quick question.

Mr. GARN. The Senator speaks of this great moral degradation of a country that I have listened to and which I cannot accept, and how badly we have treated Panama. I just ask the question, with the unbelieveable beauty of the State of Alaska, its fantastic resources, should we not renegotiate with the Soviet Union? Because we bought this from them, I think, for $7 million—all legal, no doubt about it.

If we talk about moralism and something we ought to redress, I would suggest that, from the military standpoint, the Soviets might like to have it back. It is rather strategic. It is a fantastic State; $7 million for Alaska and we have not ripped off the Soviet Union?

Mr. GRAVEL. We bought Alaska.

Mr. GARN. For $7 million.

Mr. GRAVEL. A good deal. I am sure they regret it every day.

Mr. GARN. That is called a steal in real estate terms, I say to the Senator.

Mr. GRAVEL. It sure is. The only difference is that we do not continue to pay them an annuity, which is proof of the fact that we do not have sovereignty.

Mr. GARN. Oh, but did we rip them off, though.

Mr. GRAVEL. If my colleague will indulge me, I shall answer his question and go on with my statement.

It is very simple. If the Senator cannot understand what I just put forth here in the legal argument of the difference between the Alaska and the Louisiana purchases and the Canal Zone, then the Senator is entitled to his views. I do

not share them. I shall go on with my statement.

Mr. GARN. I say to the Senator, I did not address myself to the legal issue. I am sure it was purchased legally. That is not what I am debating. I am talking about the moralistic aspect the Senator from Alaska was talking about, how we were ripping off the Panamanians and have done so since 1904. I am saying that with what we got for $7 million, we ripped off the Russians like nobody in the history of this Earth and we should go back because of this moralistic feeling.

Mr. GRAVEL. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Alaska (Mr. GRAVEL) has the floor.

Mr. GRAVEL. The big difference is when we signed a treaty for the purchase of Alaska, a Russian signed it. When we signed the treaty that permitted us to act as sovereigns in Panama, a Frenchman signed it and not one Panamanian had seen it.

Mr. GARN. The Senator is not responding to my question.

Mr. GRAVEL. I shall be happy to go back to my statement.

Mr. SARBANES. Will the Senator yield?

The PRESIDING OFFICER. The Chair asks the Senators to speak one at a time and observe the normal routine of yielding.

Will the Senator from Alaska yield to the Senator from Maryland?

Mr. GRAVEL. I am happy to yield for a brief question.

Mr. SARBANES. Of course, Manhattan was bought from the Indians for $24. We can go through the whole chronology of American history. The important thing is that the United States is in a situation where we have to have a continuing relationship with the Republic of Panama and with the Panamanian people if we are to most effectively make use of the Panama Canal. We have not, in effect, taken over that entire country and incorporated it into the United States, as we have incorporated other areas that have been acquired into the States of the Union. Therefore, we have a continuing relationship. It is pertinent to that continuing relationship, it seems to me, to understand the history of it, if for no other reason than to gain an understanding of the attitudes and the feelings of the Panamanian people.

Members of this body may differ on how attentive we should be to those feelings. Obviously, there may be some differences. But I think the history is important to understand the attitude of the Panamanian people toward this continuing relationship over time, which continues to be important, because we are in a situation where we have a relationship and we have to deal with one another. The question is, can we work out a means of doing that, hopefully in a friendly and constructive way, or are we going to have a relationship which has hostility running through it?

Therefore, I think that the historical recitation which the Senator from Alaska made—which I think has been extremely interesting—is most helpful in developing the basis for the considering of these treaties.

Mr. GRAVEL. I thank my colleague.

Mr. GARN. Will the Senator from Alaska yield to me to respond briefly?

Mr. GRAVEL. No. I just have 10 minutes left. I have a long statement. I will not complete it the way it is right now. I am in the middle of an economic argument.

Mr. GARN. Thirty seconds?

Mr. GRAVEL. I am happy to.

Mr. GARN. I just simply say once again, neither of my distinguished colleagues reverted to the issues that will be debated on this treaty, again examples that refer to the economics of the situation. Whether it was a steal, or not, my statement stands on its own merits.

Mr. GRAVEL. I want to apologize to my colleague in not being generous with what little time I have left. We will have 30 days to really go after this. I would enjoy further colloquy with my colleague. I did not mean to be abrupt in the point he makes. He feels deeply about his side of the issue, as I do about mine.

I certainly have that appreciation.

Mr. HELMS. Mr. President, there has been much discussion on the floor today alleging that Panama's consent to the 1903 Treaty was not freely given, but, in fact, represented capitulation to outside interests. I think that an impartial reading of history will demonstrate that not only the 1903 Treaty, but also the subsequent treaties and related agreements were in fact reasonable compromises, with give and take on both sides. Indeed, it was a situation involving mutual benefit for both sides, in which various alternatives had been tried and discarded as unworkable.

The 1903 Treaty cannot be viewed in isolation. In the United States, the Nicaraguan route had had strong proponents; negotiations had actually been started at one point. The negotiations with Colombia had resulted in a treaty that was stillborn, both because of the tremendous political opposition in the U.S. Senate—opposition that led to filibusters and a special session—and opposition in the Colombian Senate that led to failure to ratify.

On the Panamanian side, there was an enormous frustration with the actions of the Colombian Senate—not only in its failure to ratify, but in its refusal over the period of many years to treat Panama as an integral part of the nation. As a matter of fact, the confederation between Panama and Colombia had long been strained. There had been at least six revolutions against Colombian rule; and, during the debate in the Colombian Senate, the Panamanian representatives threatened that there would be a revolution if the Hay-Herran Treaty were not ratified.

Once the die has been cast, the political leadership of both nations were faced with the very real possibility of the defeat of the project—a defeat which would have meant a political disaster on one side, and crushing repression by Colombia on the other. Thus the draft of the Hay-Bunau-Varilla Treaty was based upon the Hay-Herran Treaty, with the addition of the amendments which had been proposed in the U.S. Senate and which had almost led to its defeat in the United States. Neither side could take the chance that the treaty would be defeated in the U.S. Senate. The concessions by Panama were not made out of unwilling weakness, but out of a very healthy desire to induce the United States to come to its aid.

Nor were the concessions all on one side. The United States made many important concessions which went against the grain of the U.S. Senate and the American people. The most important of these was the guarantee of Panama's independence—a guarantee that the military forces of the United States would be used to protect a far-away country, a guarantee that was no more popular in its day than it would be today.

We, however, kept to our promises. Our relations with Panama have had an honorable record, demonstrating mutual benefit to both nations and to the whole world. Far from taking advantage of a small and helpless nation, the United States has protected it in its infancy, assisted in its growth, contributed to its stability, and made its independence possible. The record shows clearly that we have made every effort to make adjustments in our relations with Panama, and we have been exceedingly generous in our concessions. There are occasions, I believe, when we have been too generous. Be that as it may, I fail to see how anybody could complain that we are arbitrarily imposing our will upon a reluctant neighbor.

Our relations with Panama, as I said, have been characterized by give and take. Moreover, the record shows that we have given to Panama far more than we have ever received in return. In the nature of things, considering the capabilities and needs of the two nations, this relationship has been one that is entirely correct. Generally speaking, we have freely given Panama various public works and projects worth many millions of dollars. We have relinquished many of the legal rights to activities which we have conducted in the territory of Panama. We gave to Panama concessions of property and the right to use property within our own territory of the Canal Zone. Furthermore, the annuity that was paid—an annuity that was derived from payments for the concessions of the Panama Railroad, not from "rent" for land—has been raised several times to adjust for the devaluation of the dollar.

In short, I would say that our concessions to Panama have been characterized by an increasing withdrawal from activities within Panama, and an increasing penetration of Panamanian activities within the Canal Zone. I recognize that the relationship of the Canal Zone to Panama is unique. It is inevitable that the proper operation and security of the canal will require some interchange between the two. Neverthe-

less, our sovereignty in the Canal Zone should not be negotiable. Other concessions may prove necessary or desirable, but the surrender of our sovereign rights is so radical as to make impossible any effective mechanism for guaranteeing the safe and continued operation of the Canal.

Mr. President, every Member of this body should become familiar with the generous concessions which the United States has made freely to the Republic of Panama, even before the negotiations for these present treaties began in earnest. Let us not demean ourselves, or beat our breasts in guilt. Our record will stand impartial examination.

Accordingly I would like to present to the Senate a list of the major U.S. concessions to Panama up to but not including the present treaties. These concessions are so numerous and so great that they are presented in chronological order. A brief of each concession stands next to the document and to the appropriate citation in the Canal Zone Code. I note that this is not a comprehensive list; a comprehensive list would include diplomatic and reciprocal arrangements, and technical matters such as control of radio frequencies and air traffic control. It would be so long that it would obscure the main point.

Mr. President, I ask unanimous consent that this compilation be printed in the RECORD at the conclusion of my remarks as exhibit 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, I also have a list of Panamanian concessions to the United States. I have construed the concept of "concessions" as widely as possible to give Panama the benefit of the doubt. For the most part, these are items of little significance. The major concession was the Defense Agreement of 1942. In that agreement, for example, besides the Rio Hato base, which has since been given back, Panamas concessions included such items as the following: Panama agreed to ask the United States cooperation in maintaining roads in the Republic which were used for common defense. In the 1955 Treaty, Panama gave up certain rights to free transportation on the Panama Railroad, a cause written in anticipation that the railroad would be given to Panama. Only intervention by Congress prevented the United States from losing the railroad at that time.

Because of the nature of the Panamanian concessions, they are more scattered that the U.S. concessions, and chronological order is of less significance. I have therefore summarized them by topics.

Mr. President, I ask unanimous consent that the Panamanian concessions be printed as exhibit 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

TREATY	U.S. CONCESSION	CITATION FROM CANAL ZONE CODE
Convention for the construction of a ship canal—Signed at Panama, 1903 (Hay-Bunau-Varilla Treaty)	1. The United States pledged itself to guarantee the independence of the new Republic of Panama.	Art. I, sec. 62: The United States guarantees and will maintain the independence of the Republic of Panama.
	2. The United States granted permission to have official dispatches of the Government of Panama transmitted over Canal Zone telegraph and telephone lines at rates not higher than those of officials in the service of the United States.	Art. XI, sec. 72: The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines estabilshed for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.
	3. Panama was awarded $10,000,000 in gold coin by the United States and an annual payment of $250,000, beginning 9 years after ratification.	Art. XIV, sec. 75: As the price or compensation for the rights, powers and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of ten million dollars ($10,000,000) in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of two hundred and fifty thousand dollars ($250,000) in like gold coin, beginning nine years after the date aforesaid.
	4. Panama was given the right to transport over the Canal its ships, troops, and war material without having to pay charges of any kind. This exemption was also extended to the auxiliary railway for the transportation of Panamanian governmental personnel.	Art. XIX, sec. 80: The Government of the Republic of Panama shall have the right to transport over the Canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order of said zone, as well as to their baggage, munitions of war and supplies.
	5. The United States promised to compensate for any damages that might be caused to property owners during the construction, maintenance, operation, sanitation and protection of the canal.	Art. VI, sec. 67: * * * all damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, sanitation, and protection of the said canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint Commission * * * whose decisions as to such damages shall be paid solely by the United States * * *.
	6. It was agreed that after 50 years, the system of sewers and waterworks constructed and maintained by the United States would become the property of the cities of Panama and Colon.	Art. VII, sec. 68: All such works of sanitation, collection and disposition of sewage and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents or nominees shall be authorized to impose and collect water rates and sewage rates

EXHIBIT 1—Continued

TREATY	U.S. CONCESSION	CITATION FROM CANAL ZONE CODE
		which shall be sufficient to provide for this payment of interest and the amortization of the principal of the cost of said works within a period of fifty years and upon the expiration of said term of fifty years the system of sewers and waterworks shall revert to and become the properties of the cities of Panama and Colon respectively, and the use of the water shall be free to the inhabitants of Panama and Colon * * *.
Treaty between the United States of America and the Republic of Panama—signed in Washington Mar. 2, 1936 (Hull-Allaro Treaty).	1. The United States renounced its right to guarantee the independence of Panama.	Art. I, sec. 32: Article I of the Convention of November 18, 1903, is hereby superseded.
	2. The right to expropriate without restriction additional land for Canal use was nullified. Henceforth, in the event of any unforeseen contingency, the 2 governments would attempt to agree upon such measures as necessary for the efficient operation of the Canal.	Art. II, sec. 33: * * * under Article II of the Convention of November 18, 1903, by which it granted in perpetuity to the United States the use, occupation and control of the zone of land and land under water as described in the said Article, of the islands within the limits of said zone, of the group of small islands in the Bay of Panama, named Perico, Naos, Culebra, and Elamerco, and of any other lands and waters outside of said zone, necessary and convenient for the construction, maintenance, operation, sanitation and protection of the Panama Canal or of any auxiliary canals or other works * * * the United States of America renounces the grant made to it in perpetuity by the Republic of Panama of the use, occupation and control of lands and waters, in addition to those now under the jurisdiction of the United States of America outside of the zone described in Article II of the aforesaid Convention * * *. While both Governments agree that the requirement of further lands and waters for the enlargement of the existing facilities of the canal appears to be improbable, they nevertheless recognize * * * in the event of some now unforeseen contingency, the utilization of land or waters additional to those already employed should be in fact necessary for the maintenance, sanitation or efficient operation of the canal * * * the Governments of the United States of America and the Republic of Panama will agree upon such measures as it may be necessary to take in order to insure the * * * efficient operation and effective protection of the canal, in which the two countries are jointly and vitally interested.
	3. The United States gave up its right of "eminent domain" in the cities of Panama and Colon.	Art. VI sec. 37: The first sentence of Art. VII of the Convention of November 18, 1903, is hereby amended so as to omit the following phrase: "or by the exercise of the right of eminent domain."
	4. The United States' unlimited right to defend the canal was renounced. In the event that the security of Panama became threatened, the 2 governments would consult each other.	Art. X sec.—: In case of an international conflagration or the existence of any threat of aggression which would endanger the security of the Republic of Panama or the neutrality or security of the Panama Canal, the Government of the United States of America and the Republic of Panama will take such measures of prevention and defense as they may consider necessary for the protection of their common interests. Any measures, in safeguarding such interests, which it shall appear essential to one Government to take, and which may affect the territory under the jurisdiction of the other Government, will be the subject of consultation between the two governments.
	5. The annuity was increased from $250,000 gold to $430,000 in standing currency.	Art. VII sec. 38: Beginning with the annuity payable in 1934, the payments under Article XIV of the Convention of November 18, 1903, between the United States of America and the Republic of Panama, shall be four hundred and thirty thousand Balboas (B/430,000.00) as defined by the agreement embodied in an exchange of notes of this date * * *.
	6. American authority over sanitation activities in the cities of Panama and Colon was transferred to the Republic of Panama.	Art. VI sec. 37: The third paragraph of art. VII of the Convention of November 18, 1903, is hereby abrogated.

EXHIBIT 1—Continued

TREATY	U.S. CONCESSION	CITATION FROM CANAL ZONE CODE
	7. Persons not connected with the operation or administration of the canal were barred from renting dwellings in the Canal Zone belonging to the U.S. Government and forbidden to reside in the zone.	Art. III sec. 34: (2) No person who is not comprised within the following classes shall be entitled to reside within the Canal Zone. (a) Officers, employees, workmen or laborers of the United States of America, the Panama Canal or the Panama Railroad Company, and members of their families actually residing with them; (b) Members of the Armed Forces of the United States of America and members of their families actually residing with them; * * * * * (3) No dwellings belonging to the Government of the United States of America or to the Panama Railroad Company and situated within the Canal Zone shall be rented, leased, or sublet except to persons within classes (a) to (e), inclusive of sec. 2 hereinabove.
	8. In order to aid commercial activities in Panama, the United States agreed to limit the sale of goods imported into the zone or purchased, produced, or manufactured there by the U.S. Government.	Art. III sec. 34: (1) The sale to individuals of goods imported into the Canal Zone or purchased, produced or manufactured therein by the Government of the United States of America shall be limited by it to the persons included in classes (a) and (b) of section 2 of this Article * * *.
	9. All private business in the zone, with the exception of concerns having a direct relation to the canal, were prohibited.	Art. III sec. 34: (5) with the exception of concerns having a direct relation to the operation, maintenance, sanitation or protection of the canal, such as those engaged in the operation of cables, shipping, or dealing in oil or fuel, the Government of the United States of America will not permit the establishment in the Canal Zone of private business enterprises other than those existing therein at the time of the signature of this treaty * * *.
	10. The United States extended to merchants residing in Panama the opportunity to make sales to vessels transiting or arriving at terminal ports of the canal.	Art. III, sec. 34: (7) The Government of the United States of America will extend to private merchants residing in the Republic of Panama full opportunity for making sales to vessels arriving at terminal ports of the canal or transiting the canal, subject always to appropriate administrative regulations of the Canal Zone.
	11. Permission was granted by the United States for vessels, entering or clearing Canal Zone ports, to use the facilities of these ports.	Art. III (6) * * * the United States of America will continue to permit, under suitable regulations and upon payment of the proper charges, vessels entering at or clearing from the ports of the Canal Zone to use and enjoy the dockage and other facilities of the said ports for the purpose of loading and unloading and receiving or disembarking passengers to or from the territory under the jurisdiction of the Republic of Panama.
	12. Panama was given the power to collect tolls and impose taxes on those merchant ships with goods destined to be sold in Panama.	Art. V, sec. 35: The Republic of Panama has the right to impose upon merchandise destined to be introduced for use or consumption in territory under the jurisdiction of the Republic of Panama, and upon vessels touching at Panamanian ports and upon the officers, crew or passengers of such vessels, the taxes or charges provided by the laws of the Republic of Panama; it being understood that the Republic of Panama will continue directly and exclusively to exercise its jurisdiction over the ports of Panama and Colon and to operate exclusively with Panamanian personnel such facilities as are or may be established therein by the Republic or by its authority.
	13. The United States agreed to furnish free of charge to Panama sites for the establishment of customs houses in the ports of the Canal Zone. Also, Panama was given exclusive jurisdiction to enforce its laws at these sites.	Art. V, sec. 36: The United States of America will furnish to the Republic of Panama free of charge the necessary sites for the establishment of customhouses in the ports of the Canal Zone for the collection of duties on importations destined to the Republic * * * and the Republic of Panama will exercise exclusive jurisdiction within the sites on which the customhouses are located so far as concerns the enforcements of immigration or customs laws of the Republic of Panama, and over all property therein contained and the personnel therein employed.

EXHIBIT 1—Continued

TREATY	U.S. CONCESSION	CITATION FROM CANAL ZONE CODE
	14. Certain lands transferred to Panama----	Art. VIII, sec. 39: In order that the city of Colon may enjoy direct means of land communication under Panamanian jurisdiction with other territory under jurisdiction of the Republic of Panama, the United States of America hereby transfers to the Republic of Panama jurisdiction over a corridor the exact limits of which shall be agreed upon and demarcated by the two Governments * * *.
General relations agreement, effected by exchange of notes signed at Washington May 18, 1942.	1. The United States transferred to Panama, free of cost, the waterworks and sewerage systems of the cities of Panama and Colon.	1. The waterworks at Colon and Panama: When the authority of the Congress of the United States shall have been obtained therefor, the Government of the United States will transfer to the Government of the Republic of Panama free of cost all of its rights, title and interest in the system of sewers and waterworks in the cities of Panama and Colon. At that time the United States will renounce the right which it obtained in the first paragraph of Article VII of the Convention between the United States and Republic of Panama signed at Washington March 2, 1936, to acquire lands, buildings, water rights or other properties necessary for purposes of sanitation such as the collection of disposal of sewage and the distribution of water in the cities of Panama and Colon.
	2. Free of cost, the United States agreed to transfer to Panama all lots of land owned by the Panama Railroad in the cities of Panama and Colon. The value of these lands was fixed at $12,000,000.	2. Railroad lots in Panama and Colon: The President will seek the authority of the Congress of the United States to transfer to the Republic of Panama free of cost all of its rights, title and interest to the lands belonging to or of which the Panama Railroad Company now has usufruct in the cities of Panama and Colon which are not current or prospectively needed for the maintenance, operation, sanitation, and protection of the Panama Canal * * * The Panama Railroad Company will convey to the Republic of Panama those lands which it possesses within that portion of Manzanillo Island * * *.
	3. The United States promised to provide one-third of the total annual maintenance cost of all roads used by U.S. military forces in Panama.	5. Jurisdiction over roads and highways in Panamanian Territory: The Government of the United States will bear one-third of the total annual maintenance cost of all Panamanian roads used periodically or frequently by the armed forces of the United States * * *.
	4. Whenever there is produced an excess of electrical energy from the Panama Canal's generating plants, it shall be furnished at an agreed price to the cities of Panama and Colon.	8. Provision of electrical current from the Alhajuela Dam for use in the Republic: The Government of the United States agrees that electrical energy, whenever an excess beyond the needs of the United States is available in commercial quantities at the generating station of the Panama Canal at Madden Dam, will be furnished upon request of the Panamanian Government, to the cities of Panama and Colon at a price and at points to be agreed upon by the two Governments.
	5. The United States agreed to assume the entire cost of the Rio Hato Highway.	9. The assumption by the United States of the entire cost of the Rio Hato Highway: The Government of the United States will after the necessary funds have been obtained by appropriations from the Congress, liquidate the credit of $2,500,000 made available to the Republic of Panama by the Export-Import Bank for the construction of Panama's share of the Chorrera-Rio Hato Road.
	6. Right-of-way for the construction of an oil pipeline, connecting Panama with the port of Balboa, was granted by the United States.	10. The desire of the Panamanian Government for 3 gasoline or oil tanks at Balboa: The Government of the United States will make available to the Republic of Panama a right-of-way beginning in the port of Balboa and ending at the Canal Zone-city of Panama boundary at a point to be agreed by the 2 Governments for the construction of a petroleum pipeline. It will also agree that the facilities of the Panama Canal for discharging bulk

EXHIBIT 1—Continued

TREATY	U.S. CONCESSION	CITATION FROM CANAL ZONE CODE
		petroleum products from ships berthed at Balboa and for the direction of such products into the pipeline above mentioned would be made available in regular turn to the Republic of Panama at reasonable cost.
Treaty of Mutual Understanding and Cooperation, signed at Panama Jan. 25, 1955. [Out of 21 demands sought by the Republic of Panama, the United States agreed to 11 major concessions.]	1. The annuity was increased from $430,000 to $1,930,000 (the State Department assumed the obligation to include the additional $1,500,000 in its annual budget although there was no need so stipulated in the treaty).	Art. I sec. 122: Beginning with the 1st annuity payable after the exchange of ratifications of the present treaty, the payments under art. XIV of the Convention for the Construction of a Ship Canal * * * as amended by art. VII of the General Treaty of Friendship and Cooperation * * * shall be one million nine hundred thirty thousand and no/100 Balboas (B/1,930,000) as defined by the agreement embodied in the exchange of notes of Mar. 2, 1936 * * *
	2. Subject to certain conditions, Panama was granted the power to levy income taxes on personnel employed by Canal Zone agencies, regardless of their place of residence.	Art. II sec. 123: * * * the United States of America agrees that the Republic of Panama may, subject to the provisions of paragraphs (2) and (3) of this Article, impose taxes upon the income (including income from sources within the Canal Zone) of all persons who are employed in the service of the Canal, the railroad, or auxiliary works, whether resident within or outside the Canal Zone, except: (a) members if the Armed Forces of the United States of America. (b) citizens of the United States of America, including those who have dual nationality, and (c) other individuals who are not citizens of the Republic of Panama and who reside within the Canal Zone.
	3. The United States renounced it monopoly with respect to the construction, maintenance, and operation of trans-Isthmian railways and highways, with the provision that no similar system would be financed, constructed, maintained or operated by a third country or nationals unless such action would not affect the security of the canal.	Art. III sec. 124: Subject to the provisions of the succeeding paragraphs of this Article, the United States of America agrees that the monopoly granted in perpetuity by the Republic of Panama to the United States of America for the construction maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean, by Article V of the convention signed November 18, 1903 shall be abrogated as of the effective date of this Treaty in so far as it pertains to the construction, maintenance and operation of any system of trans-Isthmian communication by railroad within the territory under the jurisdiction of the Republic of Panama. Subject to the provisions of the succeeding paragraphs of this Article the United States further agrees that the exclusive right to establish roads across the Isthmus of Panama acquired by the United States as a result of a concessionary contract granted to the Panama Railroad Company shall be abrogated. * * * In view of the vital interest of both countries in the effective protection of the Canal, the High Contracting Parties further agree that such abrogation is subject to the understanding that no system of interoceanic communication within the territory of the Republic of Panama by means of railroad or highway may be financed, constructed, maintained or operated directly or indirectly by a third country or nationals thereof, unless in the opinion of both High Contracting Parties such financing, construction, maintenance, or operation would not affect the security of the canal.
	It was contemplated that the Panama Railway would be liquidated. (Congress, however, after studying the situation, refused to cede the main line and as a result the 2 termini were given to Panama.)	Memorandum sec. 139: Legislation will be sought to authorize and direct the Panama Canal Company to remove its railway terminal operations from the city of Panama and to transfer to the Republic of Panama free of cost all of right, title and in-

EXHIBIT 1—Continued

TREATY	U.S. CONCESSION	CITATION FROM CANAL ZONE CODE
		terest of the Panama Canal Company in and to the lands known as the Panama Railroad Yard, including the improvements thereon and specifically including the railway passenger station. This action will also relieve the Government of the Republic of Panama of its obligation under Point 10 of the General Relations Agreement between the United States of America and the Republic of Panama signed May 18, 1942, to make available without cost to the Government of the United States of America a suitable new site for such terminal facilities.
	4. The United States renounced its right to prescribe and enforce sanitary measures in the cities of Panama and Colon.	Art. III sec. 125: The second paragraph of Article VII of the Convention signed November 18, 1933, having to do with the issuance of, compliance with, and enforcement of, sanitary ordinances in the cities of Panama and Colon, shall be abrogated in its entirety as of the date of entry into force of this Treaty.
	5. Certain lands, with their improvements were transferred free of cost to Panama. In Panama City, these included Paitilla Point, the Panama railroad yard and its station. In Colon, there was transferred New Cristobal, Colon Beach, the Fort de Lesseps area, Hotel Washington and Colon Hospital.	Art. V. sec. 126: The United States of America agrees that, subject to the enactment of legislation by the Congress, there shall be conveyed to the Republic of Panama free of cost all the right, title and interest held by the United States of America or its agencies in and to certain lands and improvements determined by the United States in and to certain lands and improvements determined by the United States to be no longer needed for the operation, maintenance, sanitation or protection of the Panama Canal * * * The United States also agrees that * * * there shall be conveyed to the Republic of Panama free of all cost all its rights, title and interest to the land and improvements in the area known as Paitilla Point * * *.
		Art. VI sec. 127: * * * This Article shall become effective upon completion of the withdrawal by the United States of America from the sections of the city of Colon known as New Cristobal Colon Beach, and the de Lesseps area * * *.
	6. Commissary and import privileges were withdrawn from non-U.S.employees of Canal Zone agencies.	Art. XII sec. 133: * * * there will be excluded from the privilege of making purchases in the commissaries and other sales stores in the Canal Zone all those persons who are not citizens of the United States of America, except members of the Armed Forces of the United States, and who do not actually reside in the Canal Zone but who are included in the categories of persons authorized to reside in said Zone: it being understood nevertheless that all personnel of the agencies of the United States of America will be permitted under adequate controls to purchase small articles such as meals, sweets, chewing gum, tobacco and similar articles near the sites of their jobs.
	7. The U.S. Congress was to be requested to enact legislation authorizing the establishment of a single basic wage scale and uniform application of the Civil Service Retirement Act to citizens of the United States and Panama employed by the U.S. Government in the Canal Zone.	Memorandum sec. 138 (a): The basic wage for any given grade level will be the same for any employee eligible for appointment to the position without regard to whether he is a citizen of the United States or of the Republic of Panama. * * * Legislation will be sought to make the Civil Service Retirement Act uniformly applicable to citizens of the United States and of the Republic of Panama employed by the Government of the United States in the Canal Zone
	8. The United States promised to guarantee equality of opportunity to citizens of Panama for employment in all U.S. Government positions in the Canal Zone for which they are qualified and in which the employment of U.S. citizens is not required for security reasons.	Memorandum sec. 138: The United States will afford equality of opportunity to citizens of Panama for employment in all U.S. Government positions in the Canal Zone for which they are qualified and in which the employment of U.S. citizens is not required, in the judgment of the United States for security reasons.
	9. Citizens of Panama were granted permission to participate in training programs conducted for employees by U.S. agencies in the Canal Zone.	Memorandum sec. 138: Citizens of Panama will be afforded opportunity to participate in such training programs as may be conducted for employees by United States agencies in the Canal Zone.

EXHIBIT 1—Continued

TREATY	U.S. CONCESSION	CITATION FROM CANAL ZONE CODE
	10. Panamanian products, when purchased for use in the Canal Zone, were exempted from the Buy American Act.	Memorandum sec. 140: Articles, materials and supplies that are mined, produced, or manufactured in the Republic of Panama, when purchased for use in the Canal Zone will be exempted from the provisions of the Buy American Act.
	11. It was agreed that Congress would be asked to appropriate and authorize building a bridge across the Panama Canal to replace the Thatcher Ferry (estimated to cost $20,000,000).	Memorandum sec. 142: Legislative authorization and the necessary appropriations will be sought for the construction of a bridge at Balboa referred to in Point 4 of the General Relations Agreement of 1942.

EXHIBIT 2

PANAMANIAN CONCESSIONS TO THE UNITED STATES

I. BOUNDARIES

A. Boundary Convention—Panama 1914

(Mainly concerned with demarcation of territory ceded by the Republic of Panama to the United States of America in perpetuity, transfer of railway rights, employment of Panamanian citizens, and jurisdictions of pending actions)

B. Colon Corridor and certain other corridors—Panama 1950

Article II

§ 73 The tracts of land transferred from the City of Colon to the Canal Zone by the boundary change stipulated in Article I of the present Convention are considered to form part of the Canal Zone in the same manner as though they had been included within the grants contained in the Convention of November 18, 1903. . . .

Article III

§ 74 . . . The corridor road, between Randolph Road, and the boundary line between the City of Colon and the Canal Zone, including storm and sanitary sewerage facilities made necessary by such road will be constructed, by or at the expense of the Government of Panama. . . .

The Government of the United States of America shall have the right to construct highways connecting Bolivar Highway and the highway forming the Colon entrance to the corridor.

The United States of America shall enjoy at all times the right of unimpeded transit across the said corridor at any point, and of travel along the corridor and along the Colon entrance to the corridor, subject to such traffic regulations as may be established by the Government of the Republic of Panama. . . .

II. CANAL CONSTRUCTION AND RIGHTS

A. Convention for the Construction of a Ship Canal—Panama 1903

Grants of perpetuity by Panama of use, occupation, and control of U.S. Canal Zone.

III. CLAIMS

A. Claims Convention—Panama 1926

(Established ad hoc joint commission for hearing certain claims)

B. Claims Convention—Panama 1950

Article III

§ 64 The Government of the Republic of Panama agrees to pay and the Government of the United States of America agrees to accept the amount of $349,356.00, currency of the United States of America, as the net balance due the latter, in accordance with the provision of Article II. . . .

IV. DEFENSE

A. Agreement for the lease of defense sites in the Republic of Panama—Panama 1942

Article I (Temporary use of certain lands for defensive purposes)

The Republic of Panama grants to the United States the temporary use for defense purposes of the lands referred to in the Memorandum attached to this Agreement and forming an integral part thereof. These lands shall be evacuated and the use thereof by the United States of America shall terminate one year after the date on which the definitive treaty of peace which brings about the end of the present war. . . .

V. GENERAL RELATIONS

A. General Treaty of Friendship and Cooperation—Panama 1936

Article IV

§ 35 The Government of the Republic of Panama shall not impose import duties or taxes of any kind on goods destined for or consigned to the agencies of the Government of the United States of America in the Republic of Panama when the goods are intended for the official use of such agencies.

Article IX

§ 40 In order that direct means of land communication, together with accommodation for the high tension power transmission lines, may be provided under jurisdiction of the United States of America from the Madden Dam to the Canal Zone, the Republic of Panama hereby transfers to the United States of America jurisdiction over a corridor, the limits of which shall be demarcated by the two Governments pursuant to the following descriptions:

* * * * * * *

The Government of the Republic of Panama will extinguish any private titles existing or which may exist in and to the land included in the above described corridor.

B. General Relations Agreement—Panama 1942

5. Jurisdiction over roads and highways in Panamanian Territory.

* * * * * * *

The Government of Panama guarantees that all roads under its jurisdiction used periodically or frequently by the armed forces of the United States will be well and properly maintained at all times. The Government of Panama will ask for the cooperation of the Government of the United States in the performance of repair and maintenance work. . . .

* * * * * * *

In consideration of the above obligations and responsibilities of the United States, the Government of the Republic of Panama grants the right of transit for the routine movement of the members of the armed forces of the United States, the civilian members of such forces and their families, as well as animals. . . .

C. Treaty of Mutual Understanding and Cooperation—Panama 1955

Article II

(3) The Republic of Panama agrees not to impose taxes on pensions, annuities, relief payments, or other similar payments, or payments by way of compensation for injuries or death occurring in connection with, or incident to, service on the Canal, the railroad, or auxiliary works paid to or for the benefit of members of the Armed Forces or citizens of the United States of America. . . .

Article VIII

§ 129(b). The United States Armed Forces, the members thereof and their families actually residing with them, and United States nationals who, in an official capacity, are serving with or accompanying the Armed Forces of the United States and members of their families actually residing with them will be exempted within the said area from all taxation by the Republic of Panama or any of its political subdivisions.

Article IX

§ 130. The Republic of Panama hereby waives the right under Article XIX of the Convention signed November 18, 1903, to transportation by railway within the Zone, without paying charges of any kind, of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of the Canal Zone, as well as of their baggage, munitions of war and supplies.

Article X

§ 131 . . . in the event of the discontinuance of the Panama Railroad, and of the construction or completion by the United States of a strategic highway across the Isthmus lying wholly within the Canal Zone . . . the United States of America may in its discretion either prohibit or restrict the use, by busses or trucks not at the time engaged exclusively in their servicing of, or the transportation of supplies to, installations, facilities or residents of the Canal Zone, of that portion of such highway which lies between Mount Hope, Canal Zone and the intersection of such highway with the Canal Zone section of the Trans-Isthmian Highway. . . .

Article XI

§ 132 The Republic of Panama agrees . . . that the United States of America may extend the privilege of purchasing at post exchanges small items of personal convenience and items necessary for professional use, to military personnel of friendly third countries in the Zone under the auspices of the United States.

C. Memorandum of understanding reached—Panama 1955

On the Part of the Republic of Panama:

§ 149 1. The Republic of Panama will lease to the United States of America, free of all cost save for the recited consideration of one Balboa, for a period of 99 years, two parcels of land contiguous to the present United States Embassy residence side, as designated on the sketch. . . .

§ 151 3. So long as the United States of America maintains in effect those provisions of Executive Order No. 6997 of March 25, 1953, governing the importation of alcoholic beverages into the Canal Zone, the Republic of Panama will grant a reduction of 75 percent in the import duty on alcoholic beverages which are sold in Panama for importation into the Canal Zone pursuant to such Executive Order.

§153 4. . . . the United States shall have free access to the beach areas contiguous to the maneuver area described in said Article VIII for purposes connected with training and maneuvers, subject to the public use of said beach as provided under the Constitution of Panama.

Mr. SARBANES. Mr. President, I ask unanimous consent that Steve Ward of Senator BENTSEN's staff be granted privilege of the floor during consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, we have now commenced the opening debate on the crucial treaty with Panama. I have often said over the last 15 years that I think some kind of a treaty could be negotiated that I could accept, but I have to admit that the longer I hear about this one from experts, the longer I read about it, the more dangerous it becomes. I am greatly impressed, for example, with the ability of the Panama Canal Company to run the finances of that Company and not have to come to the Congress for funds.

The finances of this whole treaty has become intriguing to me because I have mentioned before that I think our large banks and international banks have a lot more to do with this treaty than meets the eye, and I have made a rather detailed study of the history of the financial record of Panama over the last 8 years. I offer for the perusal of my colleagues, a breakdown of the moneys that have been borrowed by Panama and the results. I think we can safely say that Panama is bankrupt, and I think we can also safely say that beginning with the year 1969 Panama got into more and more trouble, and this alone causes me to have great question as to whether or not the Government of Panama will be able to run the canal company in the same excellent way that it has been run for 70 years. I doubt it. At the end of the study you will see the sources of my information and, in the future, and I hope in the not too distant future, I will make additional comments along these same lines.

It has been interesting to me to read the membership of the Trilateral Commission which I placed in the RECORD January 19, 1977. and realize that almost every member of the Carter administration, including the negotiators, members of our Senate Foreign Relations Committee, and other people close to our Government, are members of this organization. I believe that this is the reason we are getting all the pressure to push this treaty through, even though we do not have any legislation handed to us yet from the State Department, and it was supposed to be ready in early October; even though we have not completed hearings before the Senate Armed Services Committee; and even though we have not been told an honest story about how much this treaty is going to cost the American people.

For example, we are told it will not cost one red cent to the American taxpayer.

I strongly dispute this and while we have no one person nor even a source, at this time, who can guess at the ultimate expense to the American taxpayer, I am willing to put my neck out and say it is going to cost over a billion dollars. My feelings about the uncertainty of this whole treaty, particularly as it relates to finances, is that within 5 years after we hand the canal over to the country of Panama, we will be back running it and financing it ourselves. I will have more to say on this at a later date. I ask unanimous consent that the paper I referred to earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1. Loans approved for the Republic of Panama by the World Bank, International Finance Corporation, Inter-American Development Bank, Export-Import Bank, and AID.

(a) Total loans approved from 1960 to 1968 (9 years) U.S. $134,400,000.00.

Year	World Bank	International Finance Corporation	Inter-American Development Bank	Export-Import Bank	AID	Total
1969	0	0	9.8	0	4.8	14.6
1970	42.0	0	1.7	2.5	12.2	58.4
1971	23.4	1.5	17.4	21.5	11.0	74.8
1972	0	0	15.7	22.5	18.8	57.0
1973	34.7	0	18.0	41.6	0	94.3
1974	0	0	14.5	0	8.1	22.6
1975	24.0	0	42.2	27.7	21.2	115.1
1976	12.0	0	17.0	3.7	9.5	52.2
Total						489.0

Total loans from these agencies: 1960–1968—U.S. $134, 400; 1969–1970—U.S. $489,-000,000.00.

2. Loans approved by the International Monetary Fund for Panama. Total loans approved from 1060 to 1968; U.S. $10,000,000.00.

Year:	
1969	3.2
1970	10.0
1971	15.0
1972	9.8
1973	10.9
1974	31.1
1975	22.5
1976	29.2
Total	131.7

Total loans from this agency 1960–1068: U.S. $10,000,000.00; 1969–1976, $131,700,-000.00.

3. Loans approved by private banks to the Republic of Panama: Total loans approved from 1960 to 1968 $3,700,000.00.

Year:	
1969	7.5
1970	0.0
1971	58.2
1972	65.1
1973	205.1
1974	86.9
1975	216.8
1976	247.0
Total	886.6

Total loans from private banks 1960–1968: U.S., $3,700,000.00; 1969–1976, $886,600,000.00.

4. Total loans from all sources: 1960–1968 (9 years), U.S. $148,100,000.00; 1969–1976 (8 years), U.S. $1,507,000,000.00.

5. Revenues and deficits of the Government:

Year	Revenue	Deficit
1968	127.0	8.0
1969	133.0	62.1
1970	160.1	48.5
1971	181.2	32.3
1972	197.9	105.7
1973	226.0	144.7
1974	271.4	195.2
1975	297.1	148.0
1976	281.6	164.2
1977	250.5*	77.4

*Nine months:

(a) Debt amortization has been excluded from expenditures. Therefore, the deficits are substantially larger than the ones shown above.

(b) Sources: "External Financing of Latin American Countries", Oct. 1977, published by the "Division of General Studies", of the "Economic and Social Development Department" of the "Inter-American Development Bank."

(c) "International Financial Statistics", January 1978, published by the "International Monetary Fund."

Mr. STEVENSON. Mr. President, 75 years ago the United States began a relationship with Panama that enabled us to build the Panama Canal and develop it into one of the world's great waterways, an economic boon in peacetime and a vital defense link in wartime.

Now the U.S. Senate is in the midst of a historic debate on the Panama Canal Treaties, treaties designed to modernize that relationship, to build a partnership that will meet the needs and protect the interests of the United States in the next 75 years. I am ready to vote in favor of ratification of these two treaties. They represent the collective negotiating effort of four administrations and reflect a wise and just accommodation of the interests of the United States and Panama. President Carter and his associates deserve admiration for the skill and perserverance they have shown in reducing long-agreed general principles to the treaty texts we are considering today.

The distinguished majority leader and the distinguished minority leader have earned the thanks and respect of their colleagues for the way they have promoted consensus on this significant, but contentious, issue. I have joined with them, as well as the distinguished chairman of the Foreign Relations Committee, Senator SPARKMAN, the distinguished ranking minority member, Senator CASE, and many others in sponsoring amendments to articles IV and VI of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal. These amendments incorporate language from the Carter-Torrijos statement of last October regarding the right of the United States to defend the neutrality of the Panama Canal after the year 2000 and the right of the U.S. vessels to expeditious passage through the canal, including going to the head of the line in emergencies. These amendments are sound ones, making explicit in the text of the treaty what I believe was already implicit.

Of the two treaties we are considering,

the Panama Canal Treaty governs the operation of the canal until the year 2000. The other treaty, the Neutrality Treaty, insures the permanent neutrality of the canal after that date. The treaties grant the United States the primary right to protect and defend the canal until 2000, insure access by the United States and other nations, and guarantee its neutrality indefinitely after 2000.

The Senate Foreign Relations Committee has completed extensive hearings on the treaties in which the whole range of opinion, pro and con, was thoroughly explored. In its current debate the Senate is examining in the most minute detail the text of these treaties and their implications for the economy and defense of the United States.

Our chief concern should be the protection of long-term American interests in the canal—specifically its continued efficient operation and our access to it on a nondiscriminatory basis. The problem facing the United States is to insure our continuing military and commercial interests by putting relations with Panama on a realistic footing instead of trying to defend an indefensible status quo. Even most critics of the present treaties accept the fact that continuation of the status quo does not represent a practical alternative.

This subject has inflamed feelings and produced misunderstanding, although I have noticed from my mail that there is an increasing awareness of the long-term benefits these treaties will bring to the United States. We should keep in mind that, while protecting our own basic interests, we have to take into account the legitimate interest of the Panamanians in regaining control over their own land. Failure to reach a reasonable agreement with the Panamanians on this issue would diminish American influence, especially in Latin America, and could result in serious threats to the secure operation of the canal itself.

Far from forfeiting all control over the canal, the purpose of the Carter administration, like that of the Ford, Nixon, and Johnson administrations before it, has been to preserve the essential U.S. interests in the use and protection of the canal, to assure our right of access, and, finally, to assure the canal's neutrality indefinitely.

The questions that have been raised about the right of the United States to take military action, if necessary, to preserve the neutrality of the canal, and to enjoy expeditious passage of its warships through the canal have been dealt with satisfactorily by the assurances and clarifications provided by the administration and the Government of Panama. These assurances and clarifications are now incorporated in the amendments to the Neutrality Treaty I spoke of earlier.

Another matter of potential importance to the United States is the possibility of building a sea-level canal in Central America. The provision of the Panama Canal Treaty which prevents the United States from building an interoceanic canal in any other country in the region without Panamanian approval initially raised a question in my mind. I found, however, after investigating this that our studies indicate that the best route for another and more adequate canal is in Panama. The overall effect of this provision is to protect an important potential interest of the United States by preventing Panama from negotiating with another country for a new canal without our consent.

We are all dedicated to finding a workable and honorable arrangement that meets our needs and the valid aspirations of the Panamanians, one that looks ahead rather than is transfixed by a romantic vision of a noble but distant past. These treaties do that; I support them for that reason.

ROUTINE MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 6 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the concurrent resolution (H. Con. Res. 473) providing for an adjournment of the House from February 9 to February 14, 1978.

The message also announced that the House has passed the bill (H.R. 2540) pertaining to the inheritance of trust or restricted lands on the Umatilla Indian Reservation, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

S. 266. An act to authorize appropriations for financial assistance to limit radiation exposure to the public from uranium mill tailings used for construction, and for other purposes.

H.R. 7442. An act to amend the Communications Act of 1934 to provide for the regulation of utility pole attachments.

H.R. 7766. An act to authorize the Mayor of the District of Columbia to enter into an agreement with the United States Postal Service with respect to the use of certain public air space in the District of Columbia.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 8638) to provide for more efficient and effective control over the proliferation of nuclear explosive capability.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3454) to designate certain endangered public lands for preservation as wilderness, to provide for the study of additional endangered public lands for such designation, to further the purposes of the Wilderness Act of 1964, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 7843) to provide for the appointment of additional district and circuit judges, and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. RODINO, Mr. BROOKS, Mr. FLOWERS, Mr. SEIBERLING, Miss JORDAN, Mr. MAZZOLI, Mr. HUGHES, Mr. MCCLORY, Mr. WIGGINS, and Mr. COHEN were appointed managers of the conference on the part of the House.

HOUSE BILLS REFERRED

The following House bills were read twice by their titles and referred as indicated:

H.R. 2540. An act pertaining to the inheritance of trust or restricted lands on the Umatilla Indian Reservation; to the Select Committee on Indian Affairs.

H.R. 5646. An act to amend the Regional Rail Reorganization Act of 1973 to require ConRail to make premium payments under certain medical and life insurance policies, to provide that ConRail shall be entitled to a loan under section 2211(h) of such act in an amount required for such premium payments, and to provide that such premium payments shall be deemed to be expenses of administration of the respective railroads in reorganization; to the Commitee on Commerce, Science, and transportation.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications, together with accompanying reports, documents, and papers, which were referred as indicated:

EC–2734. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations during the fiscal year 1979, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve for each Reserve component of the Armed Forces and of the civilian personnel of the Department of Defense, to authorize the military training student loads and to authorize appropriations for civil defense, and for other purposes (with accompanying papers); to the Committee on Armed Services.

EC–2735. A secret communication from the Director, Defense Security Assistance Agency, and Deputy Assistant Secretary (ISA), Security Assistance, transmitting, pursuant to law, information concerning the Department of the Air Force's proposed Letter of Offer to the United Kingdom for Defense Articles estimated to cost in excess of $25 million (with accompanying secret papers); to the Committee on Armed Services.

EC–2736. A communication from the Secretary of Defense, transmitting, pursuant to

law, a Reorganization Order which conforms existing authorities to the current organization of the Department of Defense by eliminating six Assistant Secretary positions which are not filled (with accompanying papers); to the Committee on Armed Services.

EC–2737. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on funds obligated in the chemical warfare and biological defense research programs during fiscal year 1977 (with an accompanying report); to the Committee on Armed Services.

EC–2738. A communication from the President and Chairman, Export-Import Bank, transmitting a draft of proposed legislation to amend and extend the Export-Import Bank Act of 1945, as amended (with accompanying papers); to the Committee on Banking, Housing, and Urban Affairs.

EC–2739. A communication from the President and Chairman, Export-Import Bank, reporting, pursuant to law, with respect to financial support in the form of a direct loan of $49,033,800, a guarantee of private bank loans of $49,033,800 and a local cost guarantee of offshore loans of $16,344,600 to four Spanish electric utilities; to the Committee on Banking, Housing, and Urban Affairs.

EC–2740. A communication from the Director, Congressional Budget Office, transmitting, pursuant to law, a report—Part I, "Budgetary Strategies for Fiscal Years 1979–1983," focuses on the advantages of multiyear budgeting and discusses alternative budgetary policies that the Congress might pursue to reach such long-term goals as lower inflation and unemployment, a balanced budget, and initiation of domestic and national defense programs; and Part II, "The Economic Outlook," an analysis of national economic trends (with an accompanying report); to the Committee on the Budget.

EC–2741. A communication from the Chairman, Marine Mammal Commission, transmitting, pursuant to law, the fifth Annual Report of the Marine Mammal Commission, Calendar Year 1977 (with an accompanying report); to the Committee on Commerce, Science, and Transportation.

EC–2742. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations to carry out the Standard Reference Data Act (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC–2743. A communication from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, a report of total itemized revenues and expenses, revenues and expenses of each train operated, and revenues and total expenses attributable to each railroad over which service is provided, for the month of October 1977 (with an accompanying report); to the Committee on Commerce, Science, and Transportation.

EC–2744. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Administration and Status Report of the Marine Mammal Protection Act of 1972," U.S. Fish and Wildlife Service, December 1977 (with an accompanying report); to the Committee on Commerce, Science, and Transportation.

EC–2745. A communication from the Under Secretary, Department of the Interior, transmitting a draft of proposed legislation to authorize the appropriation of funds for the rehabilitation and resettlement of Bikini Atoll, Trust Territory of the Pacific Isands, and for other purposes (with accompanying papers); to the Committee on Energy and Natural Resources.

EC–2746. A communication from the Under Secretary, Department of the Interior, transmitting a draft of proposed legislation to authorize $8,868,000 for grants to the Government of Guam for construction of Public facilities, and for other purposes (with accompanying papers); to the Committee on Energy and Natural Resources.

EC–2747. A communication from the Chief Commissioner, U.S. Court of Claims, transmitting, pursuant to law, a report concerning the allowance of attorney expense claim in proceedings conducted in Docket No. F–8, Estate of Stanley J. McCutcheon, Clifford J. Groh, Ronald G. Benkert, and William A. Greene (with accompanying papers); to the Committee on Energy and Natural Resources.

EC–2748. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Petroleum Market Shares, Report on Sales of Refined Petroleum Products," October 1977 (with an accompanying report); to the Committee on Energy and Natural Resources.

EC–2749. A communication from the Chairman, Advisory Council on Historic Preservation, transmitting, pursuant to law, "A Plan to Preserve the Historic Resources of the Gettysburg Area of the Commonwealth of Pennsylvania," June 1977 (with an accompanying document); to the Committee on Energy and Natural Resources.

EC–2750. A communication from the Deputy Assistant Secretary, Department of the Interior, transmitting, pursuant to law, a draft report, and draft comprehensive supplementary environmental statement of the Secretary of the Interior on modification of the Garrison Diversion Unit, Pick-Sloan Missouri Basin Program (with accompanying documents); to the Committee on Energy and Natural Resources.

EC–2751. A communication from the Chairman, Council on Environmental Quality, proposed legislation to authorize further appropriations for the Office of Environmental Quality, and for other purposes (with accompanying papers); to the Committee on Environment and Public Works.

EC–2752. A communication from the Chairman, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, a summary of recommendations regarding the report on the Nuclear Regulatory Commission Safety Research Program (with accompanying papers); to the Committee on Environment and Public Works.

EC–2753. A communication from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes (with accompanying papers); to the Committee on Environment and Public Works.

EC–2754. A communication from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, reports in fulfillment of the annual reporting obligations under Sections 502B and 116 of the Foreign Assistance Act of 1961 (with accompanying report); to the Committee on Foreign Relations.

EC–2755. A communication from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to authorize a supplemental appropriation for the extension of credit and the issuance of guaranties under the Arms Export Control Act for the fiscal year 1978, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

EC–2756. A communication from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report concerning the extent to which the Republic of Korea is cooperating with the Department of Justice investigation into allegations of improper activity in the United States by agents of the Republic of Korea (with an accompanying report); to the Committee on Foreign Relations.

EC–2757. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States, within sixty days after the execution thereof (with accompanying papers); to the Committee on Foreign Relations.

EC–2758. A confidential communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the question of whether light-weight nuclear reactors should be considered for future naval ship propulsion (with an accompanying confidential report); to the Committee on Governmental Affairs.

EC–2759. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Accounting for Automatic Data Processing Costs Needs Improvement," February 7, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC–2760. A communication from the Secretary, Railroad Retirement Board, transmitting, pursuant to law, a report of the U.S. Railroad Retirement Board for the calendar year 1977, on positions in grades GS–16, 17 and 18 (with an accompanying report); to the Committee on Governmental Affairs.

EC–2761. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Handgun Control: Effectiveness and Costs," February 6, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC–2762. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Additional Cost of the All-Volunteer Force," February 6, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC–2763. A communication from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, with respect to the scope of the specialized or technical services provided to State or local governments by NASA during calendar year 1977 under Title III of P.L. 90–577; to the Committee on Governmental Affairs.

EC–2764. A communication from the General Counsel, Copyright Office, Library of Congress, transmitting, pursuant to law, a report entitled "Report of New System, Notices of Institution of Actions for the Infringement of Works Refused Registration (CO–10)" (with an accompanying report); to the Committee on Governmental Affairs.

EC–2765. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, an amendment to the approved prospectus for the Charlotte, North Carolina, Charles R. Jonas Federal Building, in the amount of $3,576,000 (with accompanying papers); to the Committee on Governmental Affairs.

EC–2766. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Stronger Federal Enforcements Needed to Uphold Fair Housing Laws," February 2, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC–2767. A communication from the Mayor, the District of Columbia, responding to the Comptroller General's report (GGD–76–73) entitled "Excess Classroom Space—A Case for Better Planning (with accompanying papers); to the Committee on Governmental Affairs.

EC–2768. A comunication from the Chairman, Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the An-

nual Report of the Postmaster General for fiscal year 1977 (with an accompanying report); to the Committee on Governmental Affairs.

EC–2769. A communication from the Chairman, Civil Service Commission, transmitting, pursuant to law, the 55th Annual Report of the Board of Actuaries of the Civil Service Retirement Board (with an accompanying report); to the Committee on Governmental Affairs.

EC–2770. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report covering the disposal of surplus Federal real property for park, recreation and historic monument purposes for fiscal year 1977 (with an accompanying report); to the Committee on Governmental Affairs.

EC–2771. A communication from the Comptroller, Washington Gas Light Company, transmitting, pursuant to law, a balance sheet as of December 31, 1977 (with an accompanying document); to the Committee on Governmental Affairs.

EC–2772. A communication from the Deputy Comptroller General of the United States, transmitting, pursuant to law, a report and recommendations concerning the meritorious claim of Mr. Jack W. Herbstreit against the United States (with an accompanying report); to the Committee on Governmental Affairs.

EC–2773. A communication from the Senior Vice President, Finance, Potomac Electric Power Company, transmitting, pursuant to law, a balance sheet of PEPCO as of December 31, 1977 (with an accompanying document); to the Committee on Governmental Affairs.

EC–2774. A communication from the Administration, National Aeronautics and Space Administration, transmitting, pursuant to law, a report concerning positions established during the calendar year 1977 pursuant to 5 U.S.C. 3104(a) (with an accompanying report); to the Committee on Governmental Affairs.

EC–2775. A communication from the Inspector General, Department of Health, Education, and Welfare, transmitting, pursuant to law, the third quarterly report of the Office of Inspector General, October 1, 1977 through December 31, 1977 (with an accompanying report); to the Committee on Human Resources.

EC–2776. A communication from the Chairman, National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, transmitting, pursuant to law, a report entitled "Report and Recommendations, Research Involving Those Institutionalized as Mentally Infirm," February 2, 1978 (with an accompanying report); to the Committee on Human Resources.

EC–2777. A communication from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting, pursuant to law, a proposed plan for the use and distribution of the funds awarded to the "Confederated Tribes of the Colville Reservation for and on behalf of the Joseph Band of Nex Perce" before the Indian Claims Commission in Docket 186 (with an accompanying document); to the Select Committee on Indian Affairs.

EC–2778. A communication from the Administrative Coordinator, Skagit System Cooperative, transmitting, for the information of the Senate, the Fiscal Year 1977 Annual Report of the Skagit System Cooperative (with an accompanying report); to the Select Committee on Indian Affairs.

EC–2779. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, orders suspending deportation, together with a list of persons involved (with accompanying papers); to the Committee on the Judiciary.

EC–2780. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, orders entered in 723 cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of such aliens (with accompanying papers); to the Committee on the Judiciary.

EC–2781. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Eleventh Report on the Federal Voting Assistance Program conducted by the Department of Defense under the Federal Voting Assistance Act of 1955, December 1977 (with an accompanying report); to the Committee on Rules and Administration.

EC–2782. A communication from the Public Printer, U.S. Government Printing Office, transmitting, pursuant to law, the Annual Report of the Public Printer for Fiscal Year 1977 (with an accompanying report): to the Committee on Rules and Administration.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions, which were referred as indicated:

POM–457. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation, jointly, by unanimous consent:

"ASSEMBLY JOINT RESOLUTION No. 31

"Whereas, Tuna is a source of high quality protein for a large proportion of the American people, particularly senior citizens and others on fixed incomes; and

"Whereas, The tuna industry, which is itself an important industry in California upon which several other service industries rely, is both a source of employment and a source of state revenues; and

"Whereas, United States fishermen are the only fishermen in the world currently required to take any precaution at all relative to protection of the porpoise; and

"Whereas, If the United States removes its tuna fishing fleet and other nations assume the United States' quota for certain kinds of tuna, it is certain that there would be an increase in the number of porpoise killed; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take whatever actions are necessary to resolve the impasse between the tuna industry and the federal government relative to porpoise kills, and to review existing laws and regulations to ascertain if any adjustments may be made in tuna quotas; and be it further

"Resolved, That the Legislature of the State of California memorializes the President to commence negotiations with other nations for the purpose of concluding an expanded treaty relative to tuna quotas and the killing of porpoise, which would insure that fishermen of all nations operate under the same rules, and would contribute to the protection of the world population of porpoise, as well as permit our fishermen to compete on an equal basis with other fishermen of the world; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Mr. HUDDLESTON. Mr. President, as in legislative session, I ask unanimous consent that a joint resolution No. 31, from the California legislature relative to tuna fishing, be referred jointly to the Committees on Foreign Relations and Commerce, Science, and Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

POM—458. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Finance and the Committee on Human Resources, jointly, by unanimous consent:

"CONCURRENT RESOLUTION

"Whereas, the Secretary of the United States Department of Health, Education and Welfare has proposed an extensive and expensive program to discourage smoking which will require the expenditure of an estimated twenty-three million dollars of federal funds; and

"Whereas, portions of the proposed program include a total ban on smoking in public buildings and on airplanes, a plan which is both offensive and in violation of the basic rights of citizens who choose to smoke; and

"Whereas, the proposed program suggests discriminatory increase in insurance rates for smokers without reference to other potential health standards, an obviously unfair proposal which is manifestly unenforceable; and

"Whereas, other provisions of the reformed smoker Mr. Califano's proposal would increase the already high excise taxes on tobacco which constitute a highly questionable use of taxation to regulate the morals of our citizens; and

"Whereas, the expenditure of twenty-three million dollars to destroy an industry that provides employment to many persons and generates billions in tax revenue is a strange business practice even for the federal government; and

"Whereas, Mr. Califano's proposed program is especially offensive to South Carolina whose leading money crop is tobacco and whose citizens deeply cherish and staunchly guard the rights of private citizens to control their private lives and personal habits without unnecessary guidance from the federal government. Now, therefore, be it

"Resolved by the House of Representatives, the Senate concurring: That the General Assembly memorializes the Congress of the United States to take necessary legal action to block the use of federal funds to implement the plan of the Secretary of the Department of Health, Education and Welfare to discourage smoking and increase federal excise taxes on tobacco. Be it further

"Resolved That copies of this resolution be forwarded to the Speaker of the House of Representatives, the Vice President of the United States and each member of the South Carolina Congressional Delegation in Washington, D.C."

Mr. HUDDLESTON. Mr. President, as in legislative session, I ask unanimous consent that a concurrent resolution, passed in the South Carolina Legislature, relative to the implementation of the HEW plan to discourage smoking and increase Federal excise taxes on tobacco, be referred to the Committees on Finance and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JACKSON, from the Committee on Energy and Natural Resources:

Lynn R. Coleman, of the District of Columbia, to be General Counsel of the Department of Energy.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. JACKSON. Mr. President, the Committee on Energy and Natural Resources today reported the nomination of Lynn R. Coleman to be General Counsel of the Department of Energy. The vote was 12 to 6.

The divided vote on this nomination reflects the concern of Senators about the ability of Mr. Coleman to function effectively as General Counsel because of his long association with a law firm which has many major clients associated with the energy industry. These are legitimate concerns which deserve careful consideration by the Senate when it acts on the nomination. However, I want to emphasize that no questions have been raised about Mr. Coleman's integrity or competence. On the contrary, the committee's examination of Mr. Coleman's record makes clear that his legal credentials are impressive and his reputation is outstanding.

Mr. President, I ask unanimous consent that Mr. Coleman's biography, his statement to the committee and his financial statement be printed in the RECORD. In addition, I ask unanimous consent that there be included in the RECORD two letters from Robert J. Lipschutz, Counsel to the President, dated September 30, 1977 and February 2, 1978 to Mr. Coleman discussing arrangements for dealing with possible conflict of interest problems.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHY OF LYNN R. COLEMAN

Lynn Rogers Coleman, age 38, is a Washington lawyer and a partner in Vinson & Elkins, a Houston-based firm which is one of the Nation's largest. He established the firm's Washington office in 1973 and has lived here since that time, engaging principally in an energy-related practice. Much of his work in recent years has involved representing the Commonwealth of Puerto Rico, where petroleum problems have been particularly critical since the Arab embargo of 1973 due to Puerto Rico's sole dependence on foreign oil. Coleman's other experience includes litigation, both civil and criminal, oil and gas law, legislation and practice before the Federal Power Commission and the Federal Energy Administration.

Coleman was born and spent his childhood in Vernon, Texas. He graduated from high school in Abilene, Texas, and attended Abilene Christian College, receiving a B.A. degree in 1961 with a major in history. He was a member of the debate team, winning or placing in the finals of a number of intercollegiate tournaments. He was active in student government and was elected to membership in the Blue Key Honor Fraternity and Who's Who in American Colleges and Universities. College expenses were earned by selling bibles during summer vacations.

Coleman graduated with honors from the University of Texas School of Law in 1964. Finishing near the top of his class, Coleman was an editor of the Texas Law Review, was elected to the Order of the Coif and Chancellors (the Law School's highest honorary group) and was a member of the Phi Delta Phi. Following graduation, Coleman served as the Law Clerk to Judge John R. Brown (now Chief Judge), U.S. Court of Appeals Judge for the Fifth Circuit.

Coleman then became an associate with Vinson & Elkins in 1965 and has since practiced continuously with that firm.

In Texas, Coleman was active in a number of Democratic campaigns. In 1972 he served as Houston campaign manager in Barefoot Sanders' U.S. Senate race, in both the primary and the general election.

Coleman is married to Sylvia de Leon, also an attorney, who is with the Washington firm of Akin, Gump, Hauer and Feld. Coleman has two children from a former marriage, a daughter, Sheridan, age 11, and a son, John, age 7, who reside with him.

STATEMENT OF LYNN R. COLEMAN

Mr. Chairman, Members of the Committee. I appreciate the opportunity to appear before you and I am grateful to President Carter for nominating me to serve as General Counsel of the New Department of Energy.

I have submitted to the Committee a detailed statement containing educational, professional, and financial information relating to my ability to function effectively as the Department's first General Counsel.

Mr. Chairman, I would like to summarize that statement. My experience as a lawyer is in private practice, though I have represented both private business concerns and governmental entities. My practice has been concentrated in the areas of litigation, oil and gas and federal administrative law. This has involved representing clients before the Federal Power Commission, the Federal Energy Administration, other executive departments and the Congress. I have also represented clients in a number of significant appellate cases in state and federal courts, including several in the United States Supreme Court. I have worked not only with lawyers, but with those trained in other disciplines such as economics, finance, accounting, engineering, geology, psychology, and business management.

My energy experience has included negotiating, drafting and interpreting gas purchase contracts, and I am familiar with other kinds of agreements and instruments used commercially in the oil and gas business, such as leases, operating agreements, farmouts, production payments, sale contracts and the like. Also, I have learned the rudiments of corporate, tax, antitrust, securities, and environmental law, as they relate to energy production, transportation and consumption.

While I believe my experience could be valuable to a General Counsel of the Department of Energy, I am aware that some think the very nature of this experience raises a question about the nomination. That is, I come from a large law firm with many energy clients, and I, myself, have represented companies which will be subject to regulation by the Department of Energy. I am prepared to address these concerns. Prior to my nomination, this subject was explored by the Counsel for the President and his assistants, culminating in a letter by Mr. Robert Lipshutz to me of September 30, 1977. I have supplied this letter to the Committee and as far as I am concerned, it may be made public. The letter deals specifically with three subjects:

First, it contains the details of my severance from Vinson & Elkins; if confirmed by the Senate, I will resign from the firm and make a complete settlement of my partnership interest.

Second, it specifies the procedures for my disqualification from all participation to avoid any potential conflict of interest, in cases where the firm represents clients before the Department, or, where major clients of the firm are involved in matters before the Department;

Third, the letter refers to an agreement by the law firm with which my wife is an associate, which restricts her from representing clients before the Department of Energy. In my view, these provisions are more than adequate to prevent any conflict of interest.

A second possible concern is whether my experience may have biased me in favor of the viewpoints of certain energy companies or would prevent me from fully and fairly enforcing the law as you have written it. I strongly believe to the contrary. As I see it, my experience has enhanced my knowledge of the energy area, hopefully it has sharpened my judgment, but I do not believe it has affected my independence or objectivity. For one thing, my experience, though concentrated in the energy area, has covered a wide range of subjects and has involved representation of different sectors of the oil and gas industry. I have represented producers (primarily smaller independents) in opposition to other producers and pipelines. I have represented pipelines in opposition to producers, and independent refiners in opposition to major refiners and producers. My private clients have been sometimes with, sometimes against, the government's position.

Since opening the firm's Washington Office in 1973, I have represented the Government of Puerto Rico in numerous situations where its interest was adverse to major oil companies, refiners and other industries.

My concept of being a lawyer is based on a long tradition in this country: you advise or represent your client as an independent professional, making careful analysis of the facts and the law, giving sound practical advice and when in litigation, forcefully and fairly advocating his case. I have tried to live up to this tradition and, at the same time, to give expression to a concern for the public interest—which the task at hand would permit me to pursue exclusively.

For a number of years I have followed the efforts of the Congress, the Administration, and the courts, as they have wrestled with the difficult economic and regulatory problems caused by the energy crisis. I have observed an increasing polarization of opposing viewpoints and tendency toward a crippling regionalism which, though I understand the motivations, I regard as unfortunate. I believe that the development of a rational and comprehensive national energy policy and its aggressive implementation is perhaps the most critical challenge facing this nation. Your recent action to create a single Department of Energy should greatly facilitate this goal.

I am honored that the President offered my name for your consideration as General Counsel of this new Department. I regard this task with utmost seriousness, and, if confirmed, assure you that this job will have my best efforts.

Thank you, Mr. Chairman. I am prepared to answer the questions you or the Members may have.

FINANCIAL STATEMENT

Provide a complete, current financial net worth statement which itemizes all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household. (As of September 1, 1977.)

ASSETS

Cash on hand and in banks. Sch. A, $47,039.

Real estate interests—add schedule B, $362,342.

Personal property, $50,000.

Vinson & Elkins retirement fund: $35,190.[1]
1971 Fiat, $1,000.
1975 BMW, $4,500.
Partnership interest in Vinson & Elkins (see answer to Number 1 below).
Total assets, $500,071.

LIABILITIES

Notes payable to banks—unsecured, $49,200.[2]
Unpaid income tax, $14,586.[3]
Other unpaid tax and interest, $3,000.[4]
Real estate mortgages payable—add schedule B, $244,000.
Other debts—itemized: Automobile loan, $2,276.
Total liabilities, $313,062.
Net worth, $187,009.

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers.

I have been a partner in the law firm of Vinson & Elkins. If confirmed, I will resign from the firm and make a full settlement of my interest in the partnership, as well as my interest in the firm's retirement plan and my interest in three real estate investment partnerships consisting of members of Vinson & Elkins. Due to a medical operation which I had in November 1976, which prevents me from obtaining new policies for conventional health and life insurance, I plan to continue to be covered pursuant to the firm's health insurance programs, for which I will pay the full premiums, and a special arrangement has been agreed upon, as part of my severance from the firm, whereby life insurance benefits, comparable to the death benefits presently provided by the firm's partnership agreement, will be provided through a private insurance company and completely independent trustee. This entire subject is dealt with in a letter from Mr. Robert Lipshutz, Counsel to the President, to me, dated September 30, 1977, which is attached hereto.

2. Are any assets pledged? (Add schedule.) Yes. See Schedule B for real estate mortgages; 1975 BMW has note, secured by mortgage, of $2,276.

3. Are you currently a party to any legal action? No.

4. Have you ever declared bankruptcy? No.

5. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit? No.

FOOTNOTES TO FINANCIAL STATEMENT

[1] Reported value as of December 31, 1976. My interest in the Vinson & Elkins retirement plan will be completely liquidated as part of the severance with the firm.

[2] Consisting of three notes held by the First City National Bank of Houston, Texas, including a note for $35,000 as a "bridge" loan made in connection with recent purchase of new residence, to be repaid following sale or refinancing of property at 1002 E. Capitol, N.E. (See Schedule B concerning real estate interests.)

[3] Consisting of third quarter estimated federal income taxes due September 15, 1977 and balance remaining due on 1976 federal income tax return (the time for filing of which had been extended), all of which was paid during September 1977.

[4] D.C. Income tax quarterly estimate.

Schedule A. Cash on hand and in banks (as of September 1, 1977)

CHECKING ACCOUNTS

Union First National Bank of Washington:	
Account 5-552-005	$3,328
Account 5-897-831	1,130
First City National Bank of Houston:	
Account 70-5900-0	15,567

SAVINGS ACCOUNTS

Home Federal Savings & Loan of Washington	$4,785
Citizens State Bank of Corpus Christi, Tex.:	
Account 201-499-8-20	6,150
Certificate of Deposit No. 07449	11,850
Corpus Christi Savings & Loan Association: Account 33000164-4	2,400
First State Bank of Corpus Christi, Tex.: Account 01132884	609
Capital Credit Union, Austin, Tex	1,310
Total	47,039

Schedule B. Real estate interests

Property at 1002 E. Capitol, N.E., Washington, D.C	[1] $130,000
Mortgage indebtedness:	
First trust held by Eastern-Liberty Federal Savings & Loan, Washington, D.C	48,000
Second trust held by Mr. Ernest Zupancic, West Newton, Mass	26,000
Total mortgage indebtedness	74,000
Equity	56,000
Property at 2210 Wyoming Avenue, N.W., Washington, D.C	[1] 215,000
Mortgage indebtedness: Mortgage held by B. F. Saul Mortgage Co., Chevy Chase, Md	170,000
Equity	45,000
Interests in real estate investment partnerships:	
L & M Co.[2]	[1] 4,500
L & M Co.—1973 [2]	[1] 4,560
L & M Co.—1974 [2]	[1] 2,595
F.G.R.C. No. 2 Ltd. (sole asset being a promissory note from sale of land which is repayable by annual payments of principal and interest.)	5,697
Total real estate value	362,342
Total mortgage indebtedness	244,000

[1] Estimated current fair market value.

[2] These real estate investment partnerships consist of members of Vinson & Elkins and have made real estate investments in Texas. These will be liquidated as part of my severance with the firm.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Coleman, Lynn Rogers.
Position to which nominated: General Counsel, Dept. of Energy.
Date of nomination: September 23, 1977.
Date of birth: August 17, 1939.
Place of birth: Vernon, Texas.
Marital status: Married.
Full name of spouse: Sylvia Anna de Leon.
Name and ages of children: Leslie Sheridan Coleman (daughter age 11). John Anthony Ross Coleman (son age 7).
Education:
Abilene Christian College, 1957–61, B.A., Aug. 1961.
University of Texas.
School of Law, 1961–64, LL.B., May 1964.
Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.
Quizmaster (research and teaching assistant), University of Texas School of Law, 1962–64.
Law Clerk, Covington & Burling, Washington, D.C. Summer 1963.
Law Clerk to Hon. John R. Brown, U.S. Circuit Judge, U.S. Court of Appeals for the Fifth Circuit, Houston, Texas 8/64 to 8/65.
Vinson & Elkins, Associate attorney, 1965 to 1971. Partner, 1972 to date. Houston, Tex., 1965 to 1973. Washington, D.C., 1973 to date.
Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement:
College: Outstanding Social Science Graduate; Blue Key Honor Fraternity; Who's Who in American Colleges & Universities; Numerous awards in debate and public speaking.
Law School: Graduated with honors; Order of the Coif; Chancellors; Phi Delta Phi; Quizmaster (research & teaching assistant); Texas Law Review Editorial Board; Awards for best legal writing in torts and administrative law.
Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations:
American Bar Association, 1964 to date.
Texas Bar Association, 1964 to date.
Houston Bar Association, 1965 to date.
Federal Bar Association, 1965 to date.
Federal Power Bar Association, 1967 to date.
District of Columbia Bar Association, 1973 to date.
Headliner's Club, Austin, Texas, 1973 to date.
Nat'l. Lawyers Club, Washington, D.C., 1973 to date.
Democratic, Club, Washington, D.C., 1976 to date.
Published writings: List the titles, publishers and dates of any books, articles, or reports you have written.
Comment, "Flags of Convenience and National Labor Policy," 42 Texas Law Review 842 (1964).
Note, "Effect of Comparative Negligence Statutes on Common Law Doctrines of Assumed Risk and Gross Negligence," 41 Texas Law Review 459 (1963).
Note, "Conflicts of Laws," 41 Texas Law Review 836 (1963).
Federal Local Rules of Procedure—1964 (unpublished).

3. Describe any business relationship, dealing or financial transaction (other than tax-paying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated. See attachment.

4. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy. See attachment.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items. See attachment.

Qualifications: State fully your qualifications to serve in the position to which you have been named. (attach sheet).

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

No.

3. Has anybody made you a commitment to a job after you leave government?

No.

4. Do you expect to serve the full term for which you have been appointed?

The position is one of indefinite term. I have signed a letter of commitment to the

President indicating my intention to serve during his term of office or for as long as he wishes me to serve.

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None: See letter of Mr. Robert Lipshutz to Lynn R. Coleman of September 30, 1977 concerning severance from Vinson & Elkins.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

None.

STATEMENT OF QUALIFICATIONS OF LYNN R. COLEMAN

I understand "qualifications" to be a combination of one's ability, experience, and attitude. My general attitudes were, of course, influenced by my rearing. I was raised in a rural area of northwest Texas and descend from frontier families who occupied themselves commercially as small farmers, merchants and craftsmen. My earliest jobs were working in my father's grocery store and attending to chores on my grandfather's farm. The commonly-held values to which I was exposed were respect for honesty, hard work, religious faith and concern for others. My rural background has obviously been tempered by living and working in the large university, commercial and government centers represented by Austin, Houston and Washington.

My law degree is from the University of Texas, where I exercised sufficient diligence to finish number one in my class at the end of the first year and to graduate fourth in a class of over 300. Upon graduation, I spent one year as law clerk for Judge John R. Brown, on the U.S. Court of Appeals for the Fifth Circuit. During my clerkship with Judge Brown, I worked on a wide variety of cases and became schooled in retaining one's objectivity while assessing legal problems. I was taught that, whether or not formally before the court, the public has an interest in every case of which counsel and the court must be mindful. This brief but intensive experience as a participant in judicial decision-making confirmed the law to me as a dynamic instrument of social policy, though through processes which honor tradition and provide stability in society.

My experience as a lawyer is in the private practice which, in my view, can well equip one for public service. I joined Vinson & Elkins as an associate in 1965 and was made a partner effective January 1, 1972. I have had a general practice, with concentration in the areas of litigation, oil and gas law, legislation, and federal administrative law, including representing clients before the Federal Power Commission and the Federal Energy Administration. I have had major responsibility on a number of significant appellate cases in state and federal courts, including several in the United States Supreme Court. Aside from developing the conventional skills of the lawyer, those of analysis, knowledge of the substantive law and procedure, and honing the arts of written and oral advocacy, my practice required work with those trained in other disciplines such as economics, finance, accounting, engineering, geology, psychiatry, and business management.

Working in Vinson & Elkins' Houston office from 1965 to 1973, I had wide experience with energy-related problems, including litigation involving land owners and mineral lessees, title to minerals under pubic land laws, pipeline easements, construction of deeds, contracts and torts. I became experienced in negotiating and drafting gas purchase contracts and gained familiarity with other kinds of agreements and instruments used commercially in the oil and gas business, such as leases, operating agreements, farmouts, production payments, sale contracts and the like. Working in this area also necessitated learning the rudiments of corporate, tax, antitrust, SEC, and environmental law, as they relate to energy production, transportation and consumption. My administrative law experience, gained through working on FPC and FEA matters, and my legislative experience, are catalogued in the response to Questions 3, 4, and 5 of the Committee's questionnaire.

In 1973 I established the Washington office of Vinson & Elkins. My practice in Washington primarily involved representing the Commonwealth of Puerto Rico in a wide variety of matters, most of them related to energy policy. This involved advice to and representation of the Governor, the Attorney General, the Secretaries of Treasury, Consumer Affairs and Natural Resources, the Administrator of the Economic Development Administration and the Puerto Rico Water Resources Authority (which generates all electricity on the Island). This representation also involved several appearances before the Federal Energy Administration, negotiations and contact with the Treasury Department, the Justice Department, the Interior Department, the White House and the Congress (detailed in a subsequent statement). From before the Arab embargo, I followed the efforts of the Congress, the Executive Branch and cognizant administrative agencies to wrestle with the difficult economic and regulatory problems caused by the energy crisis. In the course of my work I have had occasion to review the development of energy policy in this country from its inception to date and have studied most of the energy statutes passed by the Congress. Moreover, one cannot work effectively in this area without acquiring some awareness of conditions of energy resource development on a worldwide basis and related legal approaches of foreign countries.

My legal experience has not been confined to the energy area. I have worked on real estate and corporate transactions and litigation and a major environmental case. I have also represented without fee a number of indigent defendants in criminal cases and handled other cases raising constitutional due process questions. See *Clark* v. *Beto*, 359 F.2d 554 (5th Cir. 1966), *cert. denied* 386 U.S. 927, on remand, 283 F. Supp. (S.D. Tex. 1968), *aff'd* 415 F.2d 71 (5th Cir. 1969); *Rodgers* v. *Texas*, 448 S.W. 2d 465 (1969), *cert. denied*, 400 U.S. 851 (1970).

As retained counsel for the chief law enforcement officer of Puerto Rico, I briefed and argued before the Supreme Court the case of *Calero-Toledo* v. *Pearson Yacht Leasing Co.*, 416 U.S. 663 (1974), where the Court sustained the constitutionality of the Commonwealth's criminal seizure and forfeiture statute and confirmed the "compact" nature of the relationship between the United States and Puerto Rico. I also appeared as counsel for the Commonwealth of Puerto Rico in its amicus curiae appearance in *F. David Mathews, Secretary of Health, Education, and Welfare* v. *Jesus Rodriguez-Cintron*, October Term 1975, No. 75–142, in support of a class action suit on behalf of elderly American citizens residing in Puerto Rico, which raised the question whether they constitutionally could be excluded from eligibility for special old age benefits on the ground that, as Puerto Ricans, such persons were not subject to federal income tax liability.

I believe my experience qualifies me for the position to which I have been nominated. In my professional experience, I have tried to be professional: to retain objectivity, to analyze problems carefully and fairly, to give sound, practical advice, and to represent a client forcefully and persuasively. I have also felt a commitment to the public interest which I think is displayed in my law practice and other activities. I have no reservation about my ability to discharge faithfully the trust which I am willing to assume.

Responses to questions 3 and 5 concerning potential conflicts of interest

The Department of Energy combines functions formerly performed by several departments and agencies, including the Federal Energy Administration (FEA), the Federal Power Commission (FPC) and the Interstate Commerce Commission (ICC), before each of which Vinson & Elkins represented clients in pending matters on October 1, 1977, the activation date of the Department of Energy. Upon confirmation, I will resign from Vinson & Elkins and make a complete severance from the firm. The letter to me from Mr. Robert J. Lipshutz, Counsel to the President, of September 30, 1977, establishes procedures which will be followed to insulate me from potential conflicts of interest. Specifically, the letter states:

"You have advised that Vinson & Elkins represents a number of clients in the energy field and that you have personally practiced extensively in the energy field. Accordingly, in connection with your appointment as General Counsel of the Department of Energy, you have agreed to take the following steps in order to remove potential conflicts of interest with respect to particular matters which might come to your attention as General Counsel of the Department of Energy.

"1. You will disqualify yourself to act on any particular matter now pending before the Department of Energy or any of the entities to be incorporated into the Department of Energy, in which Vinson & Elkins has appeared as counsel.

"2. You will disqualify yourself to act, for a period of at least one year from the commencement of your service as General Counsel of the Department of Energy and for as long thereafter as you deem necessary, to remove the actual potential for or the appearance of conflict of interest, on any particular matter in which Vinson & Elkins appears as counsel for any party directly involved in such matter.

"3. You will disqualify yourself to act, for a period of at least one year from the commencement of your service as General Counsel of the Department of Energy and for so long thereafter as you deem necessary, to remove the actual potential for or the appearance of conflict of interest on any matter directly involving any of the following clients of Vinson & Elkins, which clients you have personally represented on an extensive basis, whether or not those former clients are represented by Vinson & Elkins:

"(a) The Commonwealth of Puerto Rico with respect to any matter in which the Commonwealth has a proprietary interest, or any rule, regulation, or order, which uniquely affects the Commonwealth of Puerto Rico;

"(b) The Commonwealth Oil Refining Corporation;

"(c) Houston Natural Gas Corporation.

"4. In addition, you will disqualify yourself to act, for a period of at least one year on particular matters uniquely affecting 'regular substantial,' clients of Vinson & Elkins. A 'regular, substantial' client means that Vinson & Elkins' billings to such client was in excess of ¾ of 1% of total billing over the three-year period 1974–76. You have identified these clients as:

"Texas Eastern Transmission Corporation.
"American General Insurance Companies.
"Quintana Petroleum Corporation.
"Royal Globe Insurance Company.
"Traveler's Insurance Company.
"Commonwealth of Puerto Rico.
"First Mortgage Company of Texas.
"First City Bancorporation of Texas, Inc.
"Occidental Petroleum Corporation.

"5. You will disqualify yourself from acting on any other matter where, in your judgment, a conflict of interest may exist or appear to exist."

In order to be responsive to the Committee's questionnaire and to indicate the scope of the disqualification obligation referred to in Mr. Lipshutz' letter, I have reviewed the matters which I personally have handled and have obtained information concerning matters which other Vinson & Elkins lawyers are presently handling. Listed below under the heading of the relevant agency are the clients which I have represented and a brief description of the work involved.

FEDERAL POWER COMMISSION

From 1965 to 1973, I was in the Houston Office of Vinson & Elkins and worked on a number of FPC proceedings and court appeals involving FPC decisions. I also handled a number of routine, uncontested certificate and rate filings for independent producer clients. Since opening the Washington office in 1973, my practice has been primarily in other areas, and I have handled only a few matters before the FPC and none of them has involved an extensive amount of my time. The significant matters which involved hearings before the FPC or appeals in the courts are listed below. To the best of my knowledge, only two of these FPC matters are in any respect still pending. The Department of Energy Organization Act creates the Federal Energy Regulatory Commission (FERC) as an independent agency within the Department of Energy, and neither the Commission nor any of its lawyers is subject to control by the Secretary or the General Counsel of the Department of Energy. Accordingly, it does not appear to me that FPC matters in which Vinson & Elkins appears as counsel and which are transferred to the FERC would create a potential conflict of interest for the General Counsel of the Department of Energy. Under Section 405 of the Department of Energy Organization Act, the Secretary has the right to intervene in any proceeding before FERC. However, I would anticipate that this authority would be exercised principally with respect to rulemakings involving major policy issues before the Commission. Conversely, I would not anticipate the Secretary intervening in the typical producer or pipeline certificate, rate or curtailment proceeding. However, if a decision were made by the Secretary to intervene in a particular FERC proceeding where the applicant or other active party is covered by the disqualification standards set forth in Mr. Lipshutz' letter quoted above, I would disqualify myself from participation in such matter.

Clients and matters before or involving the Federal Power Commission in which Lynn R. Coleman appeared as Counsel

(* indicates matter is still pending)

Texas Eastern Transmission Corporation (an interstate pipeline company regulated by the FPC).

In re Texas Eastern Transmission Corporation, FPC Opinion 540, 39 F.P.C. 630, (1968) *affirmed*, 414 F.2d 344 (5th Cir. 1969), *cert. denied* 398 U.S. 928 (1970). The case involved the question whether the FPC had the power under the National Gas Act to order a pipeline to flow through refunds received from gas producers where the pipeline had absorbed the producer rate increases to which the refunds were related. The FPC and the reviewing court held that the FPC had such authority. I worked on all of the briefs in this case on behalf of Texas Eastern.

**In re Texas Eastern Transmission Corporation*, F.P.C. Opinion 565, 42 F.P.C. 374 (1969), Opinion 565–A, 44 F.P.C. 1079, 1471 (1970), *rev'd, Public Service Commission* v. *F.P.C.*, 543 F.2d 575 (D.C. Cir. 1974) The "Rayne Field" case began in 1957 and is still not completed. Natural gas producers sold leasehold interests to a pipeline and the Supreme Court held the sale to be jurisdictional; then the FPC ordered the sale to be restricted to simulate a conventional gas purchase contract and refunds to be made by the producers. I worked on Texas Eastern's briefs to the FPC in 1969–70 on issues decided in FPC Opinions 565 and 565–A. A question concerning the amount of producer refunds is still before the FPC on remand. I have not worked on this case for over six years.

United Gas Pipe Line Company (an interstate pipeline regulated by the FPC).

Southern Natural Gas Company v. F.P.C., 361 F.2d 70 (D.C. Cir. 1963) The case involved a dispute between a pipeline and its customer over the correct amount due under the pipeline's filed rate. I worked on the brief for United in the appellate court.

F.P.C. v. United Gas Pipeline Company, 386 U.S. 2437 (1967). The case involved the extent of the FPC's authority, and whether such authority had been properly exercised, with respect to the federal income tax component in a pipeline's cost of service on which its rates were based. I worked on the briefs and assisted in preparation for oral argument in the U.S. Supreme Court.

Murphy Oil Corporation (a producer of natural gas).

Murphy Oil Co. v. F.P.C., 431 F.2d 805 (8th Cir. 1970). The case involved the power of the FPC to order producer refunds without first holding a hearing; the Court of Appeals vacated the FPC order. I worked on the brief in the appellate court.

Richardson Oils Inc. (a producer of natural gas).

Southwest Area Rate Proceeding, Docket AR67–1, et al., Opinion Nos. 607 and 607–A, 46 FPC 900 47 FPC 99. The case established area ceiling prices for natural gas producers. I made an appearance during the FPC hearings to offer evidence on operating conditions of small producers and filed a brief with the FPC.

Austral Oil Company (a producer of natural gas).

Southern Louisiana Area Rate Proceeding, Docket Nos. AR61–2, Opinion 546, affirmed, *Austral Oil Co.* v. *FPC*, 428 F. 2d 407 (5th Cir. 1970), *cert. denied*, 400 U.S. 950. The case established area ceiling prices for natural gas producers. I worked on the appellate brief.

TriCentral United States, Inc. (Formerly High Crest Oils, Inc., a small natural gas producer operating in Montana). High Crest and several other small, independent producers discovered (and later developed) the Tiger Ridge field in Montana, which easily was the most significant gas find in that State for 40 years. Then, the only market in that area for gas was the Montana Power Company which provided almost all electric and gas service, had the only pipeline system and owned 75 percent of the gas reserves connected to its system. This absence of competition enabled Montana Power to establish its own terms for gas purchases and, consequently, producer prices were by far the Nation's lowest and other terms were unfavorable. Over a several year period, I represented those producers in contract negotiations and the following FPC proceedings:

In re the Montana Power Company, FPC Opinion No. 555, 41 FPC 420 (1969). Montana Power sought to import additional quantities of Canadian gas. High Crest intervened in opposition, contending such requested import should be denied since gas supplies from the new discoveries in Montana could satisfy Montana Power's need for additional gas. The import authorization was granted.

In re Northern Natural Gas Company, FPC Opinion No. 618, 47 FPC 1202, (1972), rehearing denied, Opinion No. 618–A, 48 FPC 22 (1972). I represented the producers in negotiations with the interstate pipeline over a gas purchase contract and in the lengthy certification proceedings before the FPC. The Montana Power Company and TransCanada Pipeline Company opposed Northern's proposed purchase of Montana gas and the construction of pipeline facilities to transport such gas. Ultimately, the FPC granted High Crest and Northern the requested certificates.

In re High Crest Oils Inc., Docket Nos. RI74–79 and RI–74–174, filed November 8, 1973 and February 29, 1974. A filing was made requesting higher prices to facilitate a drilling program. A hearing was held and a decision issued by the Administrative Law Judge on April 23, 1974. No final decision was issued due to High Crest's voluntarily dismissing its application.

In re Tricentrol U.S. Inc., Docket No. CS75–341. I filed an application with the FPC on behalf of Tricentrol seeking a small producer certificate, which was granted in an Order issued January 25, 1977.

TransOcean Oil Company. Docket No. R–405. In 1973–74, I participated in a hearing and filed briefs with the FPC on behalf of TransOcean, objecting to its producing certain reserves data because of the threat to its competitive position in future offshore lease sales. The matter was decided by Opinions No. 687, February 4, 1974, and 387–A, April 3, 1974, which ordered production of such reserves data.

*International Minerals and Chemicals Corporation (an industrial consumer of natural gas.) *Lehigh Portland* v. *Florida Gas Pipeline Company*, Docket No. RP75–79, FPC Opinion No. 807. We represented a customer of Florida Gas in a proceeding involving the propriety of Florida Gas' curtailment plan. I worked only on the FPC proceeding; an appeal of Opinion No. 807 is pending.

CF&I Steel Corporation (an industrial consumer of natural gas in Colorado).

In re Colorado Interstate Gas Company, Docket No. CP73–184 and CF73–485. The proceeding involved CIG's proposal to increase rates to CIG's customers, to be devoted to gas exploration and development. The matter was terminated with a settlement agreement approved by the FPC in 1974.

In re Colorado Interstate Gas Compay, Docket No. CP75–347. The proceeding involved an application to reallocate gas supplies among its customers. The matter was resolved by settlement.

Northwest Pipeline Company (now Northwest Energy Company). Docket Nos. CP74–202, et al. Vinson & Elkins represented Northwest in connection with its participation in two certificate filings with the FPC related to the proposal of the Arctic Pipeline group to transport Alaskan natural gas across Canada to U.S. markets. The Northwest filings would have facilitated transportation of a portion of such gas to west coast consumers. These filings were withdrawn, and Vinson & Elkins ceased to represent Northwest at the time of its filing the Alcan proposal. My work was in 1974 and was confined to drafting and consulting with respect to the certificate filings themselves.

Small Producers Group (composed of a number of independent producers of natural gas holding small producer certificates under FPC Order No. 428). *FPC* v. *Texaco*, 417 U.S. 380 (1974). I worked on an amicus curiae brief in the Supreme Court in support of the FPC's Order No. 428 which established a simplified method of small producer regulation. The FPC's Order was challenged in court by Texaco, Phillips, the interstate pipeline association and the New York Public Service Commission. We supported the FPC's order in the brief filed in the Supreme Court, where the FPC's order was upheld.

FEDERAL ENERGY ADMINISTRATION

All of the FEA's functions have been transferred to the Department of Energy. As indicated below, almost all of my FEA practice has involved representation of the Commonwealth of Puerto Rico (the government

itself) or, during 1977, Commonwealth Oil Refining Company, (a refiner and petrochemical company in Puerto Rico). The matters which I handled for the Commonwealth of Puerto Rico have been concluded; there are pending matters concerning CORCO which I have handled. Other lawyers in Vinson & Elkins' Washington and Houston offices also represent clients with pending matters before the FEA, with respect to which I would disqualify myself from all participation while serving as General Counsel of the Department of Energy.

It is my belief, based on the number and kind of matters handled by Vinson & Elkins, and the manner in which the General Counsel's office will be organized, that full effectuation of the disqualification standards contained in Mr. Lipshutz' letter will not inhibit my ability to function effectively as General Counsel.

Commonwealth of Puerto Rico

From 1973–1976 I represented the Commonwealth of Puerto Rico in a wide variety of matters, most of them related to energy policy. This representation required handling matters before the Federal Energy Administration, negotiation and contact with the Treasury Department, Justice Department, Interior Department, the White House and the Congress. The FEA matters which I handled have been concluded and I have not had any contact with the FEA on behalf of the Commonwealth since the first of this year. The matters, which in my judgment are responsive to the questionnaire, are as follows:

(1) The Arab Embargo and the OPEC increase in the price of foreign oil (upon which Puerto Rico exclusively depends for all fuels, electric power and petrochemical feedstocks) severely affected Puerto Rico. The Emergency Petroleum Allocation Act of 1973 was made applicable to Puerto Rico, but the allocation regulations promulgated by the Federal Energy Office were poorly suited to Puerto Rico's unique climatological, economic and energy consumption conditions. To remedy this problem, we proposed and worked out with FEO a delegation (to the Governor of Puerto Rico) of allocation authority over petroleum products refined and consumed in Puerto Rico. 39 F.R. 9506 (March 11, 1979). This permitted the Puerto Rican Department of Consumer Affairs to promulgate its own regulations for allocation of petroleum products. As part of this task, we drafted such regulations, helped devise a system to obtain energy data from refineries and petroleum marketers, and worked with government officials and technicians to develop an energy conservation program.

(2) We encouraged FEA's extension of the "refiner rule" to govern petroleum product sales by subsidiaries of major oil companies, resulting in substantial savings to Puerto Rican consumers. 39 F.R. 17764 (May 20, 1974). The rule was challenged in court by Texaco, Exxon and Mobil. We intervened in support of the FEA and successfully defended the rule in the U.S. District Court, Court of Appeals and Supreme Court. *Texaco Inc.* v. *FEA*, 389 F. Supp. 865 (D.D.C. 1975, *affirmed*, 531 F.2d 1071 (T.E.C.A. 1976), *cert. denied*, 96 S. Ct. 2662. In April 1976, we prepared testimony which was given by Commonwealth officials at FEA hearings in Puerto Rico in support of FEA's retaining its cost passthrough rules applicable to marketing of petroleum products in Puerto Rico.

(3) We prepared comments and/or testimony for FEA rulemaking proceedings concerning: pricing of residual fuel oil to electrical utilities; extension of the old oil entitlements program to Puerto Rican refiners and subsequent modifications; proposed changes in the oil import program.

(4) President Ford's imposition of supplemental oil import fees in January 1975 threatened serious economic dislocation in Puerto Rico. We encouraged an amendment to the Oil Import Proclamation to permit establishment of a parallel system of import fees in Puerto Rico which could be administered, collected, and the funds thereby generated retained for the use of the Puerto Rican government. Following amendment of the Proclamation, we supervised the drafting of the implementing statutes in Puerto Rico and advised on the establishment of the collection system.

(5) In 1976, I engaged in a number of activities (meetings at FEA, drafting, testimony, appearance at hearings, etc.) related to the Commonwealth's successful effort to persuade the FEA to extend the entitlements program to cover imports of naphtha into Puerto Rico for use as a petrochemical feedstock. 41 F.R. 30321 (July 23, 1976).

Other energy-related matters for Puerto Rico, which did not involve the FEA, but which might be considered responsive to the questionnaire:

(6) In 1975, we presented to the United States Secretary of Treasury a claim for rebate of U.S. excise taxes on gasoline refined in Puerto Rico. This involved negotiations and conferences with the Secretary of the Treasury, his legal staff, and the Justice Department, and ultimately the institution of a pending suit in the U.S. District Court. *Puerto Rico v. Simon*, Civil Case No. 75–1035, D.D.C.

(7) There are seismic indications of potential oil and gas reserves off the North Coast of Puerto Rico. I was asked to plan and supervise the government's approach to this potential resource:

(a) We researched and advised the government of Puerto Rico on the question of its jurisdiction over mineral resources in submerged lands under international law, the Treaty of Paris, the Puerto Rican Federal Relations Act, and federal offshore leasing statutes. We also prepared and filed an extensive brief on this question with the United States Department of Justice;

(b) We worked on enabling legislation which passed the Legislature of Puerto Rico creating a public corporation with powers to enter agreements with oil companies and/or to conduct drilling operations itself;

(c) We advised on amendments to Puerto Rico's Mining Law to facilitate oil and gas operations;

(d) We drafted proposed leases, production-sharing agreements and regulations, supervised publication of invitations to negotiate to oil companies and, on behalf of Puerto Rico, conducted extensive negotiations with Mobil and Exxon.

Commonwealth Oil Refining Corporation (CORCO)

During 1977, I represented CORCO, a small independent refiner located in Puerto Rico, in connection with its efforts to overcome very serious financial difficulties. This representation has involved the filing of applications for relief with FEA's Office of Exceptions and Appeals.

Case No. FEE–3573, filed January 14, 1977. The case is a complicated one but generally seeks significant additional benefits for CORCO under the FEA's entitlements program. The Office of Exceptions and Appeals issued a decision on April 14, 1977, granting partial relief but denying relief on several points. We filed an appeal on May 2, 1977, which is still pending.

Case No. FPI–0122, filed June 13, 1977. CORCO sought continuation of its exemptions from import fees on imported crude oil and naphtha. A decision was issued on August 26, 1977 granting CORCO a substantial portion of the relief sought.

Case No. FEE–4431, filed July 15, 1977. A joint filing was made by CORCO and Ashland Oil Company seeking exception relief to facilitate consummation of an agreement between the two companies for Ashland to acquire control of CORCO. A decision was issued on August 12, 1977, allowing CORCO and Ashland to be treated separately for purposes of FEA regulations and extending to September 1978 the relief granted to CORCO in the April 14, 1977 decision (Case No. FEE–3573).

Quintana-Howell joint venture

In 1974, on behalf of a small refinery located in Corpus Christi, Texas, we filed an application with FEA's Office of Exceptions and Appeals, (Case Nos. FEE–1043 and FEA–0329) seeking an exception from the FEA regulation which had effect to require the owners of the refinery to continue selling their own crude oil to another purchaser. The application sought permission for the refinery owners to dedicate their own crude oil to support an expansion of the refinery. The FEA denied relief and the matter was terminated by a decision issued March 17, 1975.

Other lawyers in the Washington office of Vinson & Elkins are handling or have recently handled the following matters before (or involving) the Federal Energy Administration:

Sundance Oil Company, Case Nos. FIA 1238 and FRS 1415. Vinson & Elkins filed an application for exception relief which was denied by an order issued September 9, 1977.

Tipperary Corporation, Case No. FEE 2415. Vinson & Elkins filed an application for exception relief on behalf of the Tipperary Corporation for itself and its wholly-owned subsidiary, Ingleside Refining Inc., seeking an allocation of 5,000 barrels per day of crude oil to facilitate the operation of a new refinery. The matter is presently pending.

Continental Oil Company. Case No. FEE 3520. Vinson & Elkins filed a motion for dismissal without prejudice of an application for exception relief previously filed by other counsel, which is pending. I made an appearance before FEA's Office of Exceptions and Appeals in connection with this motion. Recently, Vinson & Elkins filed a separate application with the FEA's Office of Exceptions and Appeals requesting retroactive relief relating to recovery of non-product costs.

Continental Oil Company v. FEA, Civil Action No. 77–155, District Court of Delaware, filed April 22, 1977—involving the issue of sequence of pass-through of non-product costs.

I am advised that lawyers in Vinson & Elkins' Houston Office are involved in the following litigation wherein the indicated client seeks judicial review of an FEA decision or rule.

National Helium Corporation—*National Helium Corporation v. FEA*, (District Court for the District of Kansas, now pending on appeal before the Temporary Emergency Court of Appeals.)

Pyrofax Gas Corporation—*Pyrofax Gas Corporation v. FEA*, (District Court for the Southern District of Texas).

Southland Royalty Company—*Southland Royalty Company v. FEA*, (District Court for the Northern District of Texas).

T. C. Morrow Drilling Company—*T. C. Morrow Drilling Company v. FEA*, (District Court for the Southern District of Texas).

I am advised that lawyers in Vinson & Elkins' Houston Office are representing clients in one matter pending before FEA's Office of Exceptions and Appeals:

Florida Hydrocarbons Company, Case No. FXA–1459, seeking an exception permitting direct passthrough of the cost of fuel oil it will be required to burn in a natural gas plant.

and one request for an interpretation of the FEA regulations concerning the pricing of natural gas liquids. The firm also represents clients in twenty compliance matters which are handled on a confidential basis by the FEA. I am advised that the firm considers information regarding these matters as confi-

dential and covered by the attorney-client privilege.

Comment on potential conflicts of interest

To place in perspective the extent to which I might be obliged to disqualify myself from participation in FEA matters before the Department of Energy, I have requested certain information from the Department concerning the number of matters pending before the Office of Exceptions and Appeals, litigation involving FEA, interpretation requests and compliance matters. The FEA has 783 proceedings at the Office of Exceptions and Appeals and Vinson & Elkins is involved in seven of such proceedings, or, less than one percent of the total. The FEA has 170 pending lawsuits and Vinson & Elkins is involved in five of such cases, or, three percent of the total. The FEA has 109 pending requests for interpretations of its regulations and Vinson & Elkins appears in one of such requests, or less than one percent of the total. The FEA has 3,478 active compliance matters and Vinson & Elkins represents clients in twenty compliance matters, or less than one percent of the total.

INTERSTATE COMMERCE COMMISSION

The ICC's jurisdiction over oil pipeline rates has been transferred to the FERC. Certain other oil pipeline matters have been transferred to the Department of Energy. I have not represented clients in connection with any ICC matter. Vinson & Elkins is currently representing the following clients in ICC proceedings, as to which I would disqualify if the matter came to my attention as General Counsel:

Texas Eastern Transmission Corporation. Ex Parte No. 308 (pending before the FERC) is an examination of the valuation methodology historically used by the Interstate Commerce Commission in valuing pipelines subject to ICC jurisdiction and of the rate of return on those pipelines.

Texas Eastern Transmission Corporation (and its wholly-owned subsidiaries Trans-Ohio Pipeline Company and Allegheny Pipeline Company), Hess Pipeline Company, Crown Central Pipeline and Transportation Corporation, and Crown-Rancho Pipeline Corporation. Ex Parte No. 308 (Sub. No. 1) (pending before the Department of Energy) is an investigation to determine whether ownership and active control of common carrier petroleum pipelines by their shippers may tend substantially to lessen competition or to create a monopoly.

Amerada Hess Pipeline Company, I&S Docket No. 9164 (pending before the FERC). The proceeding involves the tariff of the Trans Alaska Pipeline System for the transportation of Alaskan crude oil.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

I have not handled any ERDA matters; I am advised that Vinson & Elkins similarly has not handled matters before ERDA.

Other matters arguably responsive to the Committee's questionnaire

The clients and matters listed below are included solely in the interest of full disclosure. All of such matters have been concluded, and I see no possibility for a future conflict of interest arising therefrom.

Belco Petroleum Corporation, *Krueger* v. *Morton*, No. 75-1456, D.C. Cir. July 22, 1976. I supervised preparation of the appellate brief and argued the case before the D.C. Court of Appeals. The plaintiff was an applicant for a coal prospecting permit under the Mineral Leasing Act who sought judicial review of the denial of the requested permit on the basis of an order issued by the Secretary of the Interior, suspending issuance of all coal prospecting permits until further notice. The Court agreed with plaintiff's contentions concerning his standing to challenge such order and the court's jurisdiction to entertain the question on the merits, but upheld the Secretary's coal moratorium as an act within his discretionary authority.

Exxon Corporation. In 1973, I reviewed a gas sales contract between a pipeline and a large volume user of natural gas, and gave advice concerning the proper interpretation of such agreement.

Union Oil Company of California. In 1973, I reviewed a proposed gas sales contract between a producer and a purchaser and gave advice on various points involved in negotiations.

American Petrofina Exploration Company. In 1974, I made an appearance at the Department of the Interior on behalf of American Petrofina at a hearing held to determine which of two companies was entitled to be issued an oil and gas lease on an offshore lease block put up for royalty bidding. The matter terminated with the Department's issuing an order finding American Petrofina to be entitled to the lease.

Response to question 4 concerning legislative activities

1. In 1971, in the 92nd Congress, I drafted testimony and appeared as counsel with a witness for Western Sunset Transmission Company before the Senate Committee on Commerce at hearings on legislation which would have permitted El Paso Natural Gas Company to retain ownership of the Pacific Northwest Pipeline System despite several Supreme Court decisions requiring divestiture on the ground that El Paso's acquisition of Pacific Northwest was in violation of the antitrust laws. Western Sunset, an applicant to acquire the to-be-divested pipeline system in the pending court proceedings, opposed such legislation.

2. In the 93rd Congress, on behalf of Houston Natural Gas Corporation, I supported legislation (which was adopted) to remove the tariff on fuel-grade methanol.

3. In the 94th Congress, on behalf of the Domestic Wildcatters (a group of independent producers of oil and gas), I participated (though not in a major role) in an effort to retain percentage depletion allowance benefits for small producers while removing such provisions for major oil companies.

4. In the 93rd, 94th and 95th Congresses, on behalf of Houston Natural Gas Corporation, I supported eminent domain legislation for coal slurry pipelines, specifically, the legislation offered by Representative Eckhardt.

5. In the 94th Congress, on behalf of the Commonwealth of Puerto Rico:

(a) I worked on legislation to revise the compact between Puerto Rico and the United States. This effort, which was ultimately unsuccessful, took the form of assisting in the drafting and revising, as well as occasional Congressional contacts and appearances before the Subcommittee on Territorial Affairs of the House Committee on Interior and Insular Affairs.

(b) Legislation calculated to return to Puerto Rico gasoline excise taxes paid in the United States on gasoline refined in Puerto Rico and shipped to the United States for consumption or sale. Legislation was introduced in the Senate, and hearings were conducted, but no bill was reported.

(c) In 1975, in response to a proposal for a windfall profits tax on domestic crude coupled with taxpayer rebates to accompany deregulation of domestic crude oil prices, discussions were held with Ways and Means Committee members and Joint Committee staff regarding a special provision for Puerto Rico inasmuch as Puerto Rico is not within the federal tax system.

6. Houston Natural Gas Corporation took positions on various natural gas policy questions in advance of the President's April 20, 1977 energy message, opposing new gas deregulation, and instead calling for ceiling prices for both interstate and intrastate sales of new natural gas tied to the price of upper tier domestic crude, legislative clarification of existing FPC rates for flowing gas, clauses guarding against the effect of redetermination provisions in contracts between producers and intrastate pipelines, and authorization for emergency sales of gas by intrastate pipelines to interstate pipelines. On behalf of Houston Natural, I followed the progress of Title I of H.R. 6831 in the House; drafted and suggested amendments which were basically technical in nature, including an amendment offered in the House Committee on Interstate and Foreign Commerce to the effect that there should be no requirement of any existing major fuel-burning installation using natural gas to convert to petroleum; and an amendment in the Ad Hoc Committee to permit the FPC to authorize sales or transportation of gas by intrastate pipelines subject to terms specified by the FPC but without otherwise subjecting the intrastate pipeline to FPC regulation.

THE WHITE HOUSE,
Washington, D.C., September 30, 1977.

Mr. LYNN R. COLEMAN,
General Counsel-Designate, Department of Energy, Washington, D.C.

DEAR MR. COLEMAN: I acknowledge receipt of your response to the Outline of Information Requested of Prospective Nominees. I congratulate you on your pending nomination as General Counsel, Department of Energy. I also acknowledge receipt of your letter of commitment to the President.

You have advised that since 1965 you have been associated with the law firm of Vinson & Elkins of Houston, Texas. Upon confirmation by the Senate, you will terminate your relationship with Vinson & Elkins, except for the remote connection noted below with respect to life and health insurance coverage.

You have advised that Vinson & Elkins represents a number of clients in the energy field and that you have personally practiced extensively in the energy field. Accordingly, in connection with your appointment as General Counsel of the Department of Energy, you have agreed to take the following steps in order to remove potential conflicts of interest with respect to particular matters which might come to your attention as General Counsel of the Department of Energy.

1. You will disqualify yourself to act on any particular matter now pending before the Department of Energy or any of the entities to be incorporated into the Department of Energy, in which Vinson & Elkins has appeared as counsel.

2. You will disqualify yourself to act, for a period of at least one year from the commencement of your service as General Counsel of the Department of Energy and for as long thereafter as you deem necessary, to remove the actual potential for or the appearance of conflict of interest, on any particular matter in which Vinson & Elkins appears as counsel for any party directly involved in such matter.

3. You will disqualify yourself to act, for a period of at least one year from the commencement of your service as General Counsel of the Department of Energy and for so long thereafter as you deem necessary, to remove the actual potential for or the appearance of conflict of interest on any matter directly involving any of the following clients of Vinson & Elkins, which clients you have personally represented on an extensive basis, whether or not those former clients are represented by Vinson & Elkins:

(a) The Commonwealth of Puerto Rico with respect to any matter in which the Commonwealth has a proprietary interest, or any rule, regulation, or order, which uniquely affects the Commonwealth of Puerto Rico;

(b) The Commonwealth Oil Refining Corporation;

(c) Houston Natural Gas Corporation.

4. In addition, you will disqualify yourself

to act, for a period of at least one year on particular matters uniquely affecting "regular, substantial" clients of Vinson & Elkins. A "regular, substantial" client means that Vinson & Elkins' billings to such client was in excess of ¾ of 1 percent of total billings over the three-year period of 1974–76. You have identified these clients as:

Texas Eastern Transmission Corporation.
American General Insurance Companies.
Quintana Petroleum Corporation.
Royal Globe Insurance Company.
Traveler's Insurance Company.
Commonwealth of Puerto Rico.
First Mortgage Company of Texas.
First City Bancorporation of Texas, Inc.
Occidental Petroleum Corporation.

5. You will disqualify yourself from acting on any other matter where, in your judgment, a conflict of interest may exist or appear to exist.

Your financial net worth statement indicates that you and your wife do not have any holdings in securities. You have indicated that you hold no interest in mining, drilling, or other mineral resources. It is my understanding that you have no other interests which may be described as "energy related" or are associated with "energy concerns."

You have further advised that upon resignation from Vinson & Elkins you will liquidate your interest in three real estate partnerships involving other members of Vinson & Elkins. Thereafter, you will have no further interest in such partnerships.

You have also advised that upon resignation from the law firm, you will retain no interest whatsoever in the Vinson & Elkins retirement plan. The retirement plan will pay you approximately $35,000, which represents the present value of your share of the plan.

Upon resignation, your partnership interest in Vinson & Elkins will be paid to you as follows:

1. An amount representing undistributed income already received by the firm and attributable to you, estimated to be approximately $30,000.

2. An amount representing your share of the firm's other assets, estimated to be approximately $55,000.

3. In accordance with the firm's understanding with the partners in its Washington office, an additional amount calculated to offset additional local income taxes related to your income from the firm during 1977.

No other payments will be made to you by the firm.

As is noted below, you will have continuing life insurance and health care coverage arising out of your former relationship with Vinson & Elkins. The need for continued coverage results from a medical operation you had last year and your inability to obtain health and conventional life insurance coverage for the five-year period following that operation. You and Vinson & Elkins have agreed that in the event of your death during the next five years, your estate will be the beneficiary of a deferred annuity contract purchased by Vinson & Elkins from a private insurance company for a lump sum consideration at the time of your severance from the firm. The annuity contract will be held by a trustee completely independent of Vinson & Elkins. The practical effect of this arrangement will be to provide life insurance through independent third parties equal to the contractual death benefit rights (approximately $100,000 at the outset) which you presently have under the Vinson & Elkins partnership agreement. At the end of five years, unless your death has previously occurred, the proceeds of the annuity contract will be repaid to Vinson & Elkins. The firm's obligation to arrange such coverage represents part of your severance agreement with the firm. Additionally, you may continue to be covered by the same group health carrier which provides coverage to Vinson & Elkins. You have advised that you expect to pay the premium cost of your participation in the group health insurance plan. Your coverage by these health and life insurance arrangements is permissible under 18 U.S.C. 209.

You have advised that your wife, Ms. Sylvia deLeon is an associate at the law firm of Akin, Gump, Hauer & Feld in Washington, D.C. You have further advised that that law firm represents clients before some of the agencies which will be brought into the Department of Energy. At my request, Akin, Gump, Hauer & Feld have examined the potential for conflict of interest resulting from Ms. deLeon's employment at the firm and have agreed to take the following steps, as delineated in the firm's letter of August 12, 1977, a copy of which is attached:

1 Akin, Gump, Hauer & Feld have advised that at this time, Ms deLeon is not working, and will not work, while you serve at the Department of Energy, on any matter for any client requiring her to appear before or have written or oral contact with any official or employee of the Department of Energy, except for the Federal Energy Regulatory Commission, which is independent of the Department of Energy General Counsel's Office.

2. Akin, Gump, Hauer & Feld have also advised that Ms. deLeon is a salaried associate, and does not receive a share of the firm's profits, as would a partner.

I approve of the steps which Akin, Gump, Hauer & Feld have agreed to take with respect to your prospective position.

It is my opinion that the steps you have agreed to take to insulate yourself from conflicts of interest which might otherwise arise as a result of your past association with Vinson & Elkins are appropriate and sufficient. Those steps demonstrate to me your sensitivity to the potential for conflicts of interest and your determination to avoid any actual conflicts of interest.

I am confident that your legal experience and familiarity with energy matters will enable you to make a significant contribution to the Department of Energy.

Sincerely,

ROBERT J. LIPSHUTZ,
Counsel to the President.

THE WHITE HOUSE,
Washington, D.C., February 2, 1978.

Mr. LYNN R. COLEMAN,
General Counsel-Designate, Department of Energy, Washington, D.C.

DEAR MR. COLEMAN: In connection with the resubmission of your nomination to be General Counsel of the Department of Energy, you have advised that the steps which you and your wife have agreed would be taken when you assume the position of General Counsel, and which are delineated in my letter to you of September 30, 1977, have not materially changed. You have my approval of one change and have advised me of a slight change in the list of Vinson & Elkins "regular, substantial" clients.

In connection with the life insurance coverage which Vinson & Elkins will guarantee for a five-year period following your separation from the firm, you have advised that the law firm prefers to guarantee such coverage through a trustee independent of the law firm, and over whom the law firm exercises no control, rather than through a private insurance company. I have no objection to coverage arranged through such a procedure, since continued health and life insurance coverage is permissible under 18 U.S.C. § 209.

My letter of September 30, 1977 defines "regular, substantial" clients. You have advised that Vinson & Elkins has examined its billings and identified "regular, substantial" clients for the period 1975 through 1977. The result is to add Houston Natural Gas Corporation and to drop Occidental Petroleum from the list. Since you had already identified Houston Natural Gas Corporation as a client which you have personally represented on an extensive basis, and were therefore disqualifying yourself to act on particular matters affecting that corporation, the net effect of the 1957–77 application would be to drop Occidental Petroleum from the overall list of those clients from whom you would disqualify yourself for a period of at least one year. You have advised that, notwithstanding the elimination of Occidental Petroleum pursuant to the established formula for "regular, substantial" clients, you have decided to leave Occidental Petroleum, as well as Houston Natural Gas Corporation, on the list of those clients from which you will disqualify yourself to act, for a period of at least one year, on particular matters affecting those clients.

The figures cited in my letter of September 30, 1977 with respect to monies to be paid to you by Vinson & Elkins upon your resignation from the firm, pursuant to the Vinson & Elkins partnership agreement, will be somewhat different from those cited in my letter, and you have agreed to advise me of the exact amount of your distribution from the firm when those monies are computed and distributed.

I appreciate the diligence and determination you have demonstrated during the confirmation process and am confident that you will perform your responsibilities as General Counsel of the Department of Energy effectively.

Sincerely,

ROBERT J. LIPSHUTZ,
Counsel to the President.

By Mr. JACKSON, from the Committee on Energy and Natural Resources:

George S. McIsaac, of the District of Columbia, to be an Assistant Secretary of Energy (Resource Applications).

Frank Gregg, of Massachusetts, to be Director of the Bureau of Land Management.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. JACKSON. Mr. President, today the Committee on Energy and Natural Resources approved the nominations of George S. McIsaac to be Assistant Secretary of Energy for Resource Applications, and Frank Gregg to be Director of the Bureau of Land Management in the Department of the Interior. I ask unanimous consent that their biographies and statements to the committee be printed in the RECORD at this time.

I also ask unanimous consent that their financial statements be included in the RECORD at this point, together with a letter from Robert J. Lipshutz, Counsel to the President, setting forth the terms and conditions under which Mr. McIsaac will terminate his relationship with McKinsey & Co.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH—FRANK GREGG

Frank Gregg is a 51-year-old native of Colorado with 26 years' experience in natural resource management, development and protection.

Mr. Gregg's career in natural resources began in 1951 with the Colorado Game and Fish Department as editor of Colorado Outdoors magazine and as liaison with wildlife,

cattle, mining, water development and other natural resource user interests.

For the past 10 years, since his appointment by President Lyndon B. Johnson in 1967, Mr. Gregg has been Chairman of the New England River Basins Commission, a joint federal-state agency established to coordinate the federal and state natural resource programs in that region. Under his leadership, the Commission has achieved wide recognition as one of the most effective interstate water resources organizations. As a result, he enjoys a national reputation in the water resources community as a progressive voice for interstate and state/federal cooperation on resource issues.

In between, Mr. Gregg served in positions in and out of government, dealing with natural resource management.

As vice president of the Conservation Foundation (1965–67) under Russell E. Train, former EPA Administrator, Mr. Gregg worked with officials of the Bureau of Land Management, U.S. Forest Service, National Park Service and Fish and Wildlife Service on a wide range of public land management issues. He also participated in deliberations of the Public Land Law Review Commission through various advisory panels.

From 1963–65, he was executive director of the Citizen's Committee for the Outdoor Recreation Resources Review Commission Report. The Commission, chaired by Laurance S. Rockefeller, was a joint executive-legislative study commission chartered by Congress to recommend ways of assuring outdoor recreation opportunities for the American people. Congressional approval of the Land and Water Conservation Fund Act, which came in 1965, was a primary goal of the Commission.

From 1961–63, Mr. Gregg was a staff assistant to Secretary of the Interior Stewart L. Udall. Assignments included assistance in development of water resources policies, including the Water Resources Planning Act, approved in 1965; initial development of the Land and Water Conservation Fund proposal; early efforts to improve restoration of strip mining areas; and soil and moisture conservation programs on public lands.

As Executive Director of the Izaak Walton League of America from 1957–61, he concentrated on water pollution control and public land management issues, including early involvement in wilderness legislation, the 1960 Multiple Use Act for the U.S. Forest Service. He was on the Forest Service's Central States Advisory Board during this period.

Throughout his career, Mr. Gregg has vigorously pursued a balanced approach to natural resource management, arguing for recognition that the country's natural resources must be used in ways that meet current needs while preserving the long-run integrity and productivity of natural systems. He has a continuous record of involvement in national resources councils, including the U.S. Water Resources Council, federal and state natural resource agencies, and associations of state and local officials such as the National Association of Counties, the Council of State Governments, Interstate Conference on Water Problems, and others.

Mr. Gregg has also had extensive involvement with the Federal OCS program from its inception, developing a regional approach in the North Atlantic area to carrying out onshore planning for economic and environmental impacts.

Member of a pioneer Colorado family, Mr. Gregg was born in Denver in 1925, reared in Grand Lake on the western slope, and graduated from the University of Colorado in 1949. His mother and stepfather, Mr. and Mrs. Jess Penfold, live in Evergreen. Penfold is a retired farmer and rancher from eastern Colorado. His great grandfather homesteaded on the South Fork of the Colorado River in Grand County in the 1880's, later serving as county surveyor. His father and grandfather lived most of their lives in Grand Lake until their deaths in the 1950's.

A brother, Dennis, is a vice president of Continental Oil Company headquartered in London. A sister, Mrs. Leslie Williams, and her husband own and operate a cattle ranch near Quinn, South Dakota.

Mr. and Mrs. Gregg, the former Virginia Ann Shea of Ironwood, Michigan, have two children, a son, Scott, 18, and a daughter, Sara, 16.

STATEMENT OF FRANK GREGG

Mr. Chairman, Members of the Committee, I appreciate the opportunity to appear before you as the nominee of the President to be the Director of the Bureau of Land Management.

I would like to offer some observations that may be useful to you in considering the nomination.

As you well know, we are in a period of transition in administration of BLM. The Federal Land Policy and Management Act of 1976, the new Organic Act for the Bureau, has broadened the purposes for which the public lands are to be managed, and has prescribed both new policies and new procedures to be followed in achieving these purposes. Long established ways of doing business are being changed at a time when new demands—for increased coal production and wilderness protection, for example—are being placed upon public land resources.

It would be astonishing if uncertainty, apprehension and conflict were not generated by these circumstances, particularly in communities and industries, such as the range livestock industry, most directly affected by change.

I see this circumstance of change, concern and deep interests as an opportunity to enlist the cooperation of all concerned in fashioning a public land resources management program responsive to the intent of Congress in the Organic Act and other legislation, and worthy of the support and confidence of all affected interests.

With that preface, I would like to comment on my own background, experience, and philosophy.

First, I should note that I am no stranger to the West or to the special problems of managing the western public lands. I was reared in Grand County, Colorado, in a family which had homesteaded there in the 1880's. I grew up with people—ranchers, owners of small tourist-serving businesses—whose livelihoods were directly affected by policies and practices of the National Park Service, U.S. Forest Service and the Grazing Service. My stepfather, now retired, raised calves, fed cattle and farmed in eastern Colorado for over 50 years. My sister and her husband have had, since the early 50's, a modest cow/calf operation in western South Dakota.

Much of my professional life, including six years of experience with the Colorado Game and Fish Department, and a decade working with national conservation agencies, public and private, has been concerned with public land management issues.

Second, I am in philosophical agreement with the principles of multiple use and sustained yield, and experienced in applying them in the management of natural resources.

For most of my career I have worked for institutions whose principal interests were in what might be called environmental quality. I did so with keen enthusiasm, and I did so within a firm philosophical framework which recognized and respected the economic needs of the country, the regions, states and communities involved, and the families and industries which use and develop natural resources to serve the economy and to make a living.

For the last decade I have directed an agency, the New England River Basin Commission, which is chargd by law with fiinding sensible balances among economic and environmental objectives in the management of water and related land resources.

In the process, I have worked with every conceivable resource user interest, with local, state and federal officials, with the Congressional delegations of seven states, and with several generations of governors of widely varying political convictions. We have found those sensible balances in New England on issues ranging from flood control to assessing the interests of the region in offshore oil and gas development. We did so by being honestly concerned with differing interests and perspectives by assembling good information, by careful analysis, and by listening very, very carefully.

I am confident those principles are transferable to BLM. The Federal Land Policy and Management Act of 1976 provides a framework for bringing affected interests together at the level at which conflicts and common interest can be most clearly identified, and analyzed against the capacity of the resources involved. The new four-year authorization process for BLM will, over time, provide a means for translating management objectives worked out on the ground into coherent national programs.

Among the programs I hope will emerge is a sustained program of range improvement. Management of the range has been the liveliest and most enduring controversy in the management of the public lands. Generations of stockgrowers, wildlife spokesmen, and public land administrators have fought what must by now be one of the longest running battles in our history.

While the battle has gone on, the range has deteriorated. How much or why may be a matter of dispute, but the fact that the ranges are well below their potential forage production is not.

As the range has deteriorated, conflict over use of available forage—usually conflict between wildlife and livestock interests—has become increasingly sharp.

I am persuaded that the time has come, really come, for all hands to join in a program to improve the range for all the demands upon it, instead of continuing to fight over who gets what share of a declining resource.

A productive range, restored and effectively managed in the context of multiple use and sustained yield, is the key to the future of both livestock and wildlife on the public lands.

Another and urgent example of the need for development and implementation of purposeful multiple use management is posed by the need for production of energy from federal resources. Skillful and dedicated performance by BLM, and a decent working relationship among all levels of government and many user interests, will be required to produce energy from federal resources in a timely, efficient and predictable fashion, while respecting the integrity of agricultural resources which are crucial to the long-run economic health of western states and communities.

I believe that reconciling conflicts between the needs of agriculture and energy within a framework that also protects other resource values may well be the most complex problem facing the Bureau.

Mr. Chairman, I have tried to convey in these remarks the spirit in which I would expect to approach the responsibilities of Director of the Bureau of Land Management.

If confirmed, I look forward to the opportunity to work with the Members of this Committee and other Members of Congress, with Secretary Andrus and Assistant Secretary Guy Martin, with local and state governments, with those who use the lands, and with the dedicated BLM staff in the interests

of responsible and responsive management of the resources for which the Bureau is responsible.

Thank you for the opportunity to offer these remarks.

FINANCIAL STATEMENT

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS

Cash on hand and in banks, $3,000.

Due from others, $900.

Real estate interests, including mortgages—add schedule, $85,000.

Personal property, $30,000.

Life insurance—cash value, $8,600.

NOTE: Both real estate interests and mortgage relate to single family residence owned by nominee; no other real estate holdings or mortgages.

Total assets, $127,500.

LIABILITIES

Notes payable to banks—secured, $1,300.

Accounts payable, $1,200.

Real estate mortgages payable—add schedule, $24,000.

Total liabilities, $26,500.

Net worth, $101,000.

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. From Teachers Insurance and Annuity Association of America: Deferred annuity of approximately $1,300 annually beginning 1/1/91 as result of prior employment with the Conservation Foundation, Washington, D.C.

2. Are any assets pledged? (Add Schedule.) No.

3. Are you currently a party to any legal action? No.

4. Have you ever declared bankruptcy? No.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Gregg, Raymond F. (Frank).

Position to which nominated: Director, Bureau of Land Management.

Date of nomination: January 26, 1978.

Date of birth: December 15, 1925.

Place of birth: Denver, Colorado.

Marital status: Married.

Full name of spouse: Virginia S. Gregg.

Name and ages of children: Scott F. Gregg, 18 and Sara A. Gregg, 16.

Education:

University of Kansas, July 1943 to December 1943.

University of Colorado, September 1946 to June 1949, BA, June 1949.

Honors and awards:

List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement:

Kappa Tau Alpha, Journalism, Honor Society, University of Colorado.

Designated "Outstanding graduate," University of Colorado, 1967.

Combat infantry badge, Purple Heart, U.S. Army, World War II.

Memberships:

List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations:

The First Parish in Hingham, Chairman, Parish Comm., various other offices, 1968–78.

Hingham Land Conservation Trust, Trustee, 1973–78.

The Izaak Walton League of America, life member.

Employment record:

List below all positions held since college, including the title and description of job, name of employer, location, and dates:

1. Building Editor, Institutions magazine, Chicago, Ill., 1949–1951.

2. Editor, Colorado Outdoors Magazine, Colorado Game and Fish Department, Denver, Colorado, 1951–1957. Position would have been more accurately described as director of publications and liaison to other natural resource agencies and groups.

3. Executive Director, The Izaak Walton League of America, Glenview, Illinois, 1957–1961. Staff director of citizen organization.

4. Staff Assistant, Office of the Secretary, Department of the Interior, Washington, D.C. 1961–1963.

5. Executive Director, Citizens Committee for the Outdoor Recreation Resources Review Commission Report, Washington, D.C., 1963–1965.

6. Vice President, Conservation Foundation, Washington, D.C., 1965–1967.

7. Chairman, New England River Basin Commission, Boston, Mass., 1967–1978.

Government experience:

List any experience in or direct association with Federal, State or local governments, including any advisory, consultative, honorary or other part-time service or positions:

Professionally, have worked for state government six years, Federal government total of 12. Have worked with local, state and Federal officials on natural resources issues and programs since 1951, both directly and through associations such as National Association of Counties, National Governors Association and others.

As private citizen, have served on Finance Committee, Town of Hingham, and various other Boards and Committees under appointment by the Selectmen.

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written:

Books: "A Guide to the Browse Plants of the Central Rocky Mountains," (editor). Colorado Game and Fish Department, 1955 (approx).

Articles: Too numerous to list, but including: articles on wildlife, public lands, water resources management, Colorado Outdoors, 1951–1957.

Articles on water pollution control, public lands management other natural resource issues, Outdoor America. The Izaak Walton League of America, 1957–1961.

Miscellaneous Papers: On outdoor recreation resources, water resources, public land management, coastal zone management, land use planning, energy/environmental issues; in various conference proceedings, 1950's–1978.

Reports: Various reports of the New England River Basin's Commission (as Chairman), 1967–1978. "Water Quality Criteria for Recreation and Esthetics," for Federal Water Pollution Control Administration, 1965.

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate. Yes; will be accepting new assignment in federal service.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization. No.

3. Has anybody made you a commitment to a job after you leave government? No.

4. Do you expect to serve the full term for which you have been appointed? Yes, at the pleasure of the President.

Potential conflicts of interest:

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated. None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated.

3. Describe any business relationship, dealing or financial transaction (other than tax-paying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated. None.

4. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy.

For the past 10 years have, upon request, testified on and worked with Members and staff of various Senate and House Committees on natural resources legislation and oversight in fields of water resources planning and development, water pollution control, coastal zone management, energy facility siting, land use planning, national recreation area designation and others, in capacity as Chairman, New England River Basins Commission.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items. No conflict foreseen; will take whatever action necessary if conflict is found.

STATEMENT ON QUALIFICATIONS OF FRANK GREGG, DIRECTOR DESIGNATE, BUREAU OF LAND MANAGEMENT

1. A LIFELONG INTEREST IN MANAGEMENT OF PUBLIC LANDS

Reared in Grand County, Colorado, in a community and a family strongly affected by land management policies and practices of the U.S. Forest Service, Bureau of Land Management and National Park Service.

2. LONG PROFESSIONAL INVOLVEMENT IN PUBLIC LAND ISSUES

I have been professionally concerned with public land management since 1951. Have worked with Federal public land management agencies from perspectives of the State of Colorado, private conservation organizations, the Office of the Secretary of the Interior, and of the New England region. I have worked directly with district managers and rangers; state and regional offices; directors and chiefs in Washington; have served on formal advisory boards to Federal land managing agencies, and participated informally in work of the Public Land Law Review Commission.

3. ADMINISTRATIVE ABILITY

Success in administration of the New England River Basin's Commission is a matter of public record. I was responsible for organizing and staffing it from its inception; for leading Federal and state members in establishing goals and methods of operation. The Chairman serves as chairman of the Commission as a deliberative body, and as the chief executive officer responsible for staff operations, budgeting and for financial accountability.

I have established and maintained effective cooperation with the Congressional delegation; with key officials of the executive branch; with the Governors; with natural

resource use and protection interests in the region.

The Commission has earned the steady support of the region, four national Administrations and the Congress because it has demonstrated its ability to strengthen Federal and state performance in natural resources management in the region, particularly in anticipating emerging demands and conflicts in resource use, and in preparing the region to deal effectively with them.

I have also performed administrative responsibilities for the Conservation Foundation; for the Izaak Walton League of America, to the satisfaction of both institutions. The latter is significant, involving the motivation and coordination of leaders of over 20 state divisions and 600 local chapters, a field organization not unlike the structure of BLM (but without line authority).

4. SPECIAL SKILLS IN CONFLICT RESOLUTION

The New England Commission has addressed a range of resource use conflicts, ranging from the choice between structural and nonstructural flood control measures in the Connecticut Basin to the suitability of sites for pumped storage electric generating facilities. By patient assembly of good data, by careful formulation of alternative solutions, and especially by seeking genuine understanding of conflicting needs and viewpoints, the Commission has developed effective support for responsible courses of action.

5. EXPERIENCE IN WORKING WITH THE CONGRESS

I have worked with Members and staffs of the Interior and Insular Affairs Committees regularly since 1957.

6. EXTENSIVE EXPERIENCE IN INTERGOVERNMENTAL COOPERATION

Have worked directly with local and state governments, all Federal natural resource agencies and local governments; with associations such as NACO, CSG and NGA; and have administered an intergovernmental agency. This background is pertinent to developing good relationships between local. state and national interests in the public land states.

7. AN APPROPRIATE PHILOSOPHY

I am in full agreement with the principles of multiple use and sustained yield as defined by the Congress in the Federal Land Policy and Management Act of 1976.

GEORGE S. MCISAAC

Born July 25, 1930, Auburn, New York. Married, two children, excellent health.

PERSONAL

Education

Auburn Public Schools; Rochester, 1961, M.S. in Business Administration; Yale, 1952 (NROTC Scholarship, Cogswell Award), B.S. in Industrial Administration.

Employment

U.S. Marine Corps, 1952 to 1954; Eastman Kodak Company (Progressed from film manufacturing staff to group leader in Management Systems Development Division), 1954 to 1962; McKinsey & Company, Inc., (Director, 1973), (Principal 1967), 1962 to present.

Government related duties performed for present employer

Government: United States

Managed several engagements for the Assistant Secretary of Defense, Comptroller and the Secretary of Defense that identified and corrected problems with the defense planning/programming system, 1965 to 1966; Managed and directed demonstration projects for the Postmaster General to identify and implement improvements in postal service operations and organization, 1967 to 1972; Led an overhaul of Comsat's top-level organization and management compensation structure instigated by the Chairman of the Board, 1966; Directed an effort for the Comptroller of the Army and Secretary of the Army to improve resource management throughout the Army, world-wide, 1966 to 1969; Directed the creation of Amtrak for the Board of Incorporators, 1970 to 1971; Directed development and installation of an operation control information system for the Department of Housing and Urban Development, 1968 to 1970; Provided counsel on the organization of personnel functions in the Department of Health, Education and Welfare, 1970; Determined how the National Science Foundation could play a role in improving private sector productivity, 1975 to 1976; Directed a study of alternatives to locating the Office of Telecommunications Policy within the Executive Office of the President, 1976.

Government: Federal Republic of Germany

Developed a "model" approach for government reorganization for the Cabinet Committee on Governmental Reform. Demonstrated approach by reorganizing the Ministry of Agriculture, 1972 to 1973; Directed a review of the capital development program of the University Hospital System for the State of North Rhein-Westphalia, 1971 to 1974.

Government: Tanzania

Helped lead an overhaul of planning and information systems controlling economic and social development to conform to a new, McKinsey-developed decentralized government organization.

Industry: United States and Germany

Led McKinsey's involvement with 14 clients in over 30 studies. Areas of concentration were product/market strategy, organization, financial and operating controls, mergers and acquisitions, industrial and labor relations, geographic diversification and expansion. About half the studies were conducted for diversified, large-scale multi-national manufacturing enterprises. Clients served ranged in size from sales volumes of $5 billion to $50 million and in product line from steel and petroleum to packaged foods and audio cassettes.

Financial Institutions: United States and Germany

Directed over 16 profit improvement, strategic planning, organization and management information studies for 7 clients, including two of the world's largest insurance companies, a sizable regional bank and a leading international financial service company.

Community groups

Directed McKinsey's "pro bono" review of the effectiveness of the Urban Coalition in 5 major cities and the combination and strategic redirection of the National Capitol Area United Givers Fund and the Health and Welfare Council, 1966 to 1969.

Internal administration

Exercised broad responsibility for management and development of McKinsey's practice and staff in Washington, D.C., and Germany. Currently lead McKinsey's Industrial and Labor Relations practice and hold responsibility for private sector clientele development in the Southeastern United States.

STATEMENT OF GEORGE S. MCISAAC

Mr. Chairman and Distinguished Members of the Committee: It is a privilege for me to appear before you as the President's nominee for the post of Assistant Secretary of Energy for Resource Applications.

If confirmed I will have a diverse managerial responsibilty for energy resource development and commercialization of new energy technologies. The components of this responsibility include the strategic petroleum reserve, the naval petroleum and shale reserves, the Federal Power Marketing Administrations, uranium enrichment for non-defense purposes (through both the current gaseous diffusion plants and the proposed centrifuge plant), and commercial development of new coal conversion, geothermal and hydroelectric generating technologies. My first priority will be to set a management course for these activities.

I believe my background has equipped me to deal effectively with this task. In 16 years of management consulting with McKinsey & Company—and my earlier manufacturing management experience with Eastman Kodak—I have exercised responsibility for projects directed to organizing, developing management processes and setting strategic and operational directions for a variety of very sizable public and private sector organizations. My government clients have ranged from the Office of the Secretary of Defense, to the German Agricultural Ministry. In the private sector, my consulting efforts have been devoted largely to improvement of the effectiveness and profitability of commercial institutions and industrial companies.

My interest in the national energy circumstance we face has been triggered and enlarged by two personal client experiences which I have had in the energy delivery field. The first of these occurred in 1969 when I directed an effort to join the Sun Oil Company with Sun-Ray DX. The resulting acquaintanceship with Sun's interest in developing the Athabasca Tar Sands first brought to my attention the need to develop new domestic sources of energy and helped me understand some of the problems to be found in developing non-conventional energy resources. Recently, I led a study for Vepco which was undertaken to institute revisions in organizational design, executive development and personnel practices to help that electrical company respond to the increasing challenges which face utilities today.

These experiences have given me a first hand knowledge of our intense need to both conserve energy and find reliable and environmentally sympathetic energy sources. They also have acquainted me with some of the technological and managerial difficulties which must be overcome to achieve that end.

I am convinced that the challenges we face in responding to this need are the most difficult I have seen in over twenty years of dealing with top management problems. I welcome the opportunity to take part in working out the nation's response. Thank you for your attention; I'll be happy to answer any questions you may have.

FINANCIAL STATEMENT

Provide a complete, current financial net worth statement which itemizes all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

Assets:

Cash on hand and in banks, (est) $3,000.

Listed securities—add schedule*, $180,800.

Unlisted securities—add schedule*, $220,000.

Accounts and notes receivable: Due from relatives and friends, $5,000.

Due from others.

Real estate interests—add schedule*, $377,000.

Personal property, (est) $30,000.

Automobiles, $8,000.

Participation in vested retirement trusts of McKinsey & Co., Inc., $370,000.

Total assets, $1,193,800.

Liabilities:

Notes payable to banks—secured, $18,000.

Notes payable to banks—unsecured, $50,000.

---

*See Appendix A.

Real estate mortgages payable—add schedule, $78,000.

Other debts—itemize: none.

Contingent liabilities: none.

Total liabilities, $146,000.

Net worth, $1,047,800.

Note: net worth includes $82,900 in securities held in trust for two sons age 21 and 18.

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers.

Assuming confirmation and subsequent termination of my employment by McKinsey & Co., Inc. I will convert my McKinsey shares at book value to an interest bearing note with principal and interest payments to be made in two equal installments. The first payment will be made within one month following my termination and the second will be made on Jan. 1, 1979. Payment will be guaranteed by Morgan Guarantee Trust to remove any interest on my part in the success of the Firm following confirmation. In addition, I expect a termination payment from McKinsey of approximately $75,000 or the equivalent of roughly six months compensation. There will likely be other payments for accrued vacation allowance, etc. which could amount to several thousand dollars.

2. Are any assets pledged? (Add schedule.)

Yes. My shares in McKinsey & Co., Inc., are currently pledged as collateral to a First National City Bank loan.

3. Are you currently a party to any legal action? No.

4. Have you ever declared bankruptcy? No.

5. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

Yes. In 1971 the IRS reviewed my return and I paid an assessment of $2,300 related to moving expenses incurred during my move from the U.S. to Germany in excess of allowable guidelines. Audit of my 1974 return disclosed an overpayment and I received a refund of about $200.

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: McIsaac, George Scott.

Position to which nominated: Asst. Secretary of Energy for Resource Applications.

Date of nomination: Dec. 1, 1977.

Date of birth: 25-7-30.

Place of birth: Auburn, New York.

Marital status: Married.

Full name of spouse: Betsy Ross Clark McIsaac.

Name and age of children: Ian Scott McIsaac, 21; Christopher Clark McIsaac, 18.

Education: Institution, dates attended, degrees received, and dates of degrees:

Yale University, 9/46-6/52, BS, 1952.

Univ. of Rochester, 9/57-9/61, MS, 1961.

Employment record: List below all positions held since college, including the title and description of job, name of employer, location, and dates.

1952-1954 USMC, 2nd and 1st Lt., Quantico, Fort Belvoir and Camp Lejeune; Training, Shore Party Team Commander, Shore Party Staff Officer

1954-1962 Eastman Kodak Co., Rochester, N.Y. 1954-7 Quality Control Staff Engineer, Film Testing Div. 1957-62 Systems Analyst and Project Leader, Management Systems Development Division

1962-present McKinsey & Co., Inc., management consultants; New York 1962-65; Dusseldorf, Germany 1971-74; and Washington, D.C. 1965-71; 1975-present; associate 1962-67, Principal 1967-73; Director 1973-present, performed a variety of consulting assignments for a broad range of government, industrial and commercial clients, exercised responsibility for studies, client relationships, various aspects of internal firm administration and served as leader of the firm's industrial relations practice.

Honors and awards: List below all scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Naval ROTC regular scholarship at Yale

Coggswell Award Yale University 1952.

Memberships: List below all memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization, office held (if any), and dates:

Yale Class of 1952, Treasurer, 1967-72.

Yale Class of 1952, Council Member, 1967-77.

Birch Road Assn., Westport, Ct., President, 1964-66.

Riparian Owners of Tisbury Great Pond, Director, 1975-present.

U.S. Chamber of Commerce in Germany, Member, 1972-74.

American Club of Dusseldorf, Member, 1972-74.

Yale Club of New York, Member, 1962-present.

University Club of Washington, Member, 1967-75.

Metropolitan Club of Washington, Member, 1975-present.

Downtown Club of Richmond, Va., Member, 1977.

St. Albans Tennis Club, Member, 1967-present.

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written.

1. "What's Coming in Labor Relations?" Harvard Business Review, Sept.-Oct. 1977.

2. "Codetermination: A Hidden Noose for MNCs," Columbia Journal of World Business, Winter 1974.

3. "Blueprint for a European Railway," Railway Gazette International, April 1974.

4. "Time for a Square Deal on Infrastructure Costs," Railway Gazette International, June 1973.

5 "Overstaffing or How to Live Dangerously," Supervisory Management, Dec. 1963.

6. "Let's Practice What We Preach in Effecting Change," Business Horizons, Fall 1962.

Qualifications: State fully your qualifications to serve in the position to which you have been named. See Appendix B.

Future employment relationships: 1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate. Yes. I plan to sever all connections as soon as confirmed.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization. I have no plans to resume any previous or current relationship.

3. Has anybody made you a commitment to a job after you leave government? No.

4. Do you expect to serve the full term for which you have been appointed? Yes.

Potential conflicts of interests.

1. Describe any financial arrangements or deferred compensation agreements or other continuing dealings with business associates clients or customers who will be affected by policies which you will influence in the position to which you have been nominated. I have no arrangements whatsoever except that I will receive externally-guaranteed payments for sale of my holdings in the Firm one-half upon termination and one-half on Jan. 1, 1979.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest with the position to which you have been nominated. None in my judgment—a complete statement of my holdings is submitted with this document.

3. Describe any business relationship, dealing or financial transaction (other than tax-paying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest with the position to which you have been nominated. None.

4. List and describe any lobbying activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation at the national level of government or for the purpose of affecting the administration and execution of national law or public policy. No lobbying activities whatsoever.

5. Explain how you will resolve any potential conflict of interest that may be disclosed by your responses to the above items. Sever the relationship.

APPENDIX A

Schedule I—listed securities:

Held by George S. McIsaac:		
800	Claremont Capital Fund ASE	$6,000
100	Jacobs Engineering ASE	1,200
300	Mark Controls NYSE	6,000
100	Norlin Corp. NYSE	2,400
200	Polaroid NYSE	5,300
100	Robins, AH NYSE	1,100
100	Royal Crown Cola NYSE	1,900
200	Scudder Duo Vest Capital Fund NYSE	1,400
100	Stanley Works NYSE	3,200
100	Taco Bell OTC	2,200
300	U.S. Bancorp Real Estate Trust ASE	3,000
	Total	33,700
Held by Betsy Clark McIsaac:		
800	Claremont Capital Fund ASE	$6,000
200	Imperial Corp. of America NYSE	3,200
100	Jacobs Engineering ASE	1,200
102	Lenox Corp. NYSE	2,500
10	Medical College VA 4.9 '06 Bonds	10,000
5	Mun Inv. Trust Units OTC	5,100
100	NCR NYSE	4,000
100	Overhead Door NYSE	1,400
2500	Pliotrend Mutual Fund	21,500
100	Polaroid NYSE	2,600
200	Quaker State Mortor Oil NYSE (will sell)	3,200
200	Scudder Duo Vest Capital Fund NYSE	1,400
200	U.S. Bancorp Real Estate Trust ASE	2,000
	Total	64,200
Held by Ian Scott McIsaac (in trust):		
700	Claremont Capital Fund ASE	$5,200
300	Central and So. West NYSE (will sell)	4,800
100	City Investing NYSE	1,300
5	City Investing Bonds 9s 96 NYSE	4,500
200	Jacobs Engineering ASE	2,400
100	MONY Real Estate Trust NYSE	1,100
160	Paul Revere Venture Fund OTC	2,400
1366	Pliotrend Mutual Fund	11,600
30	Polaroid NYSE	800
100	Royal Crown Cola NYSE	1,900
100	Rubbermaid NYSE	2,300
200	US Bancorp Real Estate Trust ASE	2,000
40	Utah Power and Light NYSE	800
	Total	41,100

Held by Cristopher Clerk McIsaac (in trust:

50	Capital Cities Broadcasting NYSE	$3,000
900	Claremont Capital Fund ASE	6,400
300	Central and Southwest NYSE (will sell)	4,800
100	City Investing NYSE	1,300
5	City Investing Bonds 9s 96 NYSE	4,500
200	Jacobs Engineering ASE	2,400
100	MONY Real Estate Trust NYSE	1,100
100	Overhead Door NYSE	1,400
160	Paul Revere Venture Fund	2,400
1270	Pliotrend Mutual Fund	11,000
30	Polaroid NYSE	800
100	Royal Crown Cola NYSE	1,900
40	Utah Power and Light NYSE	800
	Total	41,800

Schedule II—unlisted securities:

3500	Shares McKinsey & Co., Inc. (est)	$220,000

Schedule III—real estate:

1.	Home at 2814 Battery Place, NW., (encumbered by $78,000 mortgage) (est)	220,000
2.	Home at West Tisbury, Massachusetts (est)	140,000
3.	Interest in limited partnership to develop commercial property at 24th and P St., NW (West End Associates) (est)	17,000
	Total	377,000

APPENDIX B

STATEMENT OF QUALIFICATIONS

Throughout my 23 year professional career, I have concentrated on solving difficult organization and managerial problems in large-scale government departments and agencies, industrial companies and commercial institutions. I am currently a Director of McKinsey & Company, Inc., a top layer position in perhaps the world's best known general management consulting firm with 22 offices in 14 countries and a staff of over 600 professionals. In 15 years at McKinsey, I have served in three offices, New York, Dusseldorf and Washington and exercised broad responsibilities for a number of important client relationships in the United States and Germany—split about equally between government bodies and private sector organizations.*

This career has provided me with a depth of experience which, coupled with my educational background, equips me with the skills to discharge effectively the duties of the Assistant Secretary of Energy for Resource Applications. The pertinent dimensions of this experience are stated below.

STARTING NEW ORGANIZATIONS

Starting from scratch in late December 1970, I led the team which, working for the Board of Incorporators, created Amtrak as a going concern to meet the legislated deadline of 1 May 1971. In 1972/1973 I led a German-speaking team which created and executed a new leadership structure and approach for managing the Cologne University Hospital which would serve as a model for other large state-supported German teaching hospitals. Similarly in 1969, I led a joint client/McKinsey team which established a new organization for integrating the Sun Oil and Sunray DX oil companies.

*During this time I have served one oil company (Sun) and one utility company (Vepco) on matters related to internal organization, industrial relations and administrative efficiency—not on substantive matters pertaining to regulation, or government policy development. My work for Sun was completed in 1970 and I severed my connection with Vepco on November 15, 1977.

OVERHAULING ONGOING ENTERPRISES

In this regard, I have led McKinsey teams that have introduced organization and management process changes in a variety of government organizations including the Office of the Secretary of Defense, the U.S. Army, the Postal Service, the German Agricultural Ministry, the Government of Tanzania and a variety of private sector clients.

EXAMINING COMMERCIAL VENTURES AND INTRODUCING NEW PRODUCTS AND MANUFACTURING PROCESSES

Studies which I have led examined the commercial feasibility and related risks of developing new manufacturing processes and introducing new products in a variety of settings, e.g., an American company's decision to market new intravenous solutions in Germany, a German company's decision to increase its investment in production of magnetic tape in the United States, the appropriate level of investment for a German Company to make in selling hydraulic control devices in Brazil, whether a U.S. copper producer should expand his fittings business, to what degree a major U.S. chemicals company should invest in blow molded and injection molded plastics, etc. Also, in this regard, my early experience on project teams overseeing the introduction of new high-technology processes for manufacturing film at Eastman Kodak have proven particularly valuable.

IMPROVING EFFICIENCY AND PROFITABILITY

Starting with Eastman Kodak, I have been involved in a number of efforts to improve operating efficiency in a variety of settings. Examples of accomplishments include saving Metropolitan Life $18 million/year in administrative costs and conducting experiments which proved to the U.S. Postal Service that sizeable reductions ($100,000,000/yr.) could be achieved in labor costs without threatening the security of full-time employees.

MANAGING TECHNOLOGICALLY-ORIENTED OPERATIONS

My educational background includes an engineering degree with several courses related to the process industries, i.e., power generation and metals and chemicals manufacturing and construction engineering training in both college and the Marines. My clients have included a number of manufacturing companies that are large energy consumers or have high-technology manufacturing processes, e.g., steel, chemicals, metals and food products manufacturing. My experiences at Eastman Kodak—particularly in notably large scale computer systems to control film manufacturing—enabled me to participate in developing and applying new management techniques in one of the world's best-run technology companies.

IMPROVING EMPLOYEE RELATIONS

For three years, I have led the McKinsey practice effort in the field of Industrial and Labor Relations which has been directed primarily to training our own staff on events and trends in this area. As a corollary result, I have been involved in a number of examinations of client industrial relations policies and programs and frequently act as an internal consultant to various McKinsey teams that face industrial relations questions. Given the line nature and projected scope and size of the Resource Applications functions, this experience should prove useful.

PROJECT MANAGEMENT

Part of my work for clients in both the government and the private sector has involved examining and making improvements in the management of large scale development and construction projects. In addition, my constant participation and leadership to project teams—typically working on difficult problems and against very tight deadlines—has given me a vital working knowledge of a variety of project management techniques and their applicability in different situations.

EXERCISING MANAGEMENT LEADERSHIP RESPONSIBILITIES

Starting at age 14 as a Junior Assistant Scoutmaster, I have had a variety of experiences requiring extensive motivation, leadership and guidance of groups of people including small unit command in the Marines, group management at Eastman Kodak and leadership of consulting teams, internal projects and administrative units within McKinsey. In particular, working as a lead consultant without any authority other than the ability to analyze and persuade, I have been successful in moving large organizations in positive directions. I believe this capability is important to success as an Assistant Secretary of Energy.

I am 47 years old, in excellent health, have two grown children, am happily married and eager to get involved in helping resolve the critical problems facing the new Department of Energy.

THE WHITE HOUSE,
Washington, D.C., February 1, 1978.

Mr. GEORGE S. MCISAAC,
Assistant Secretary of Energy-Designate, Department of Energy, Washington, D.C.

DEAR MR. MCISAAC: I acknowledge receipt of your response to Information Requested of Prospective Nominees and of your letter of commitment to the President. I congratulate you on your pending nomination to serve as Assistant Secretary of Energy for Resource Application.

You have advised that you presently serve as a Director of McKinsey & Company, a management consulting firm. You have agreed, upon confirmation by the Senate, to sever your relationship with McKinsey & Company, except that you will not withdraw from the McKinsey & Company Profit Sharing Retirement Trust or from the McKinsey & Company Supplemental Retirement Program. You have advised that the McKinsey & Company Profit Sharing Retirement Trust is a retirement trust operated for all McKinsey & Company employees and you are fully vested in it. The Profit Sharing Retirement Trust is managed by trustees and its funds are invested by an independent adviser who exercises sole discretion as to the choice and timing of investments. Similarly, the McKinsey & Company Supplemental Retirement Program is managed by advisers independent of McKinsey; your interest in this retirement plan is fully vested. Your continued participation in each of these programs is permitted by 18 U.S.C. § 209.

In connection with your separation from McKinsey & Company, you have advised as follows:

Upon termination of your employment relationship with McKinsey, you will sell to McKinsey all of the shares of common stock in McKinsey which you hold, pursuant to the Agreement Among Common Shareholders of McKinsey dated July 1, 1974. Article Fifteenth of that Agreement provides that the sale of Common Shares in McKinsey is to be made at book value per share determined as of the date of termination of employment of the McKinsey & Company shareholder. Article Fifteenth further provides that the book value on the date of any termination other than at the end of a fiscal year (June 30), shall be calculated by a pro rata interpolation between the book value per share at the end of McKinsey's fiscal year preceding the date of sale, and the book value per share at the end of the succeeding fiscal year.

I have agreed that it is appropriate to wait until June 30, 1978 for purposes of valuation of the stock so that the procedure established in Article Fifteenth for termination on a date other than the end of a fiscal year may be followed. I have also requested, and McKinsey has agreed to pay you for your shares within a one year period rather than over the five-year period permitted by the Agreement. Accordingly, McKinsey has proposed to pay you

approximately 20 percent of the maximum estimated sale price of the stock, $45,000, upon your final separation from the company. The balance of the sale price shall be paid to you on January 15, 1979. McKinsey's obligation to pay the balance of the sale price will be evidenced by a promissory note guaranteed by Morgan Guaranty Trust Company of New York. You have agreed to provide this office with the opinion of your counsel that the above described procedures for valuation and sale of McKinsey stock do not violate 18 U.S.C. 208 or 209. I have received a draft opinion letter from the law firm of Sullivan & Cromwell of New York giving such an opinion and am satisfied that the final opinion letter will advise that the procedures outlined above are permissible under the applicable federal conflict of interest statutes.

You have, however, represented to me and to Sullivan & Cromwell that you will disqualify yourself from acting on any matter brought before the Department of Energy by McKinsey & Company for a period of at least one year and for such longer period of time as you may deem appropriate to remove the appearance of prejudice or bias on your part. You should also disqualify yourself to act on any particular matter, as defined in 18 U.S.C. § 208, affecting McKinsey & Company until you have received full payment for your shares in McKinsey, presumably January 15, 1979.

In connection with your separation from McKinsey & Company, you have advised that you anticipate receipt of a separation payment estimated to be less than $80,000. The payment will include a severance cash payment made to you as a departing McKinsey director, a normal McKinsey practice, payment for accrued vacation time, and payment for the forfeiture of benefits which would have otherwise accrued to you during this fiscal year pursuant to McKinsey & Company's Profit Sharing Plan. It is my understanding that the opinion letter from Sullivan & Cromwell will indicate that payment of this sum does not violate 18 U.S.C. § 209.

Your submission also indicates that you, your wife and minor children own a number of stocks. It is my understanding that you intend to divest these portfolios of any stocks which are energy related. For all other stocks which you, your wife or minor children retain, you should disqualify yourself from acting on any particular matter affecting the companies in which you, your wife or minor children have a security interest, pursuant to 18 U.S.C. § 208.

Based on a review of the materials you have submitted, and assuming you take the actions you have indicated you will take and those that are suggested in this letter, it appears that you will have complied with the Carter-Mondale Guidelines on Conflicts of Interest.

I wish you every success in the important undertaking you are about to assume in the interest of the people of the United States.

Sincerely,

ROBERT J. LIPSHUTZ,
Counsel to the President.

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation:

To be members of the Board of Directors of the National Railroad Passenger Corporation:

James R. Mills, of California; Harry T. Edwards, of Michigan; Charles Luna, of Texas; and Ronald G. Nathan, of the District of Columbia.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. WILLIAMS, from the Committee on Human Resources:

To be members of the National Council on Educational Research:

Harold Howe II, of New York; and Frederick Henry Schultz, of Florida.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. WILLIAMS, from the Committee on Human Resources:

Robert B. Lagather, of Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

Robert Clyde Benedict, of Pennsylvania, to be Commissioner on Aging.

William P. Adams, of Virginia, to be a member of the Railroad Retirement Board.

Bertram R. Cottine, of the District of Columbia, to be a member of the Occupational Safety and Health Review Commission.

John W. Snyder, of the District of Columbia, to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. STEVENSON (for himself and Mr. HEINZ) (by request):

S. 2520. A bill to amend and extend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Housing and Urban Affairs.

By Mr. CURTIS:

S. 2521. A bill to amend title II of the Social Security Act to provide that individuals who were eligible for disability benefits immediately prior to becoming eligible for old-age benefits shall continue to be eligible for certain rehabilitation vehicles and devices; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. WILLIAMS, Mr. JAVITS, and Mr. RIEGLE):

S. 2522. A bill to amend title X of the Public Health Service Act to extend appropriations authorizations for five fiscal years; to the Committee on Human Resources.

S. 2523. A bill to amend title XI of the Public Health Service Act to extend appropriations authorizations for five fiscal years; to the Committee on Human Resources.

By Mr. MATSUNAGA:

S. 2524. A bill for the relief of Amadeo Sembrano Timbol, his wife Hannah Apla Sangkula Timbol, his son Abel Sangkula Timbol, and his daughter Schiraliz Sangkula Timbol; to the Committee on the Judiciary.

By Mr. HUDDLESTON (for himself, Mr. BAYH, Mr. GOLDWATER, Mr. MATHIAS, Mr. ROBERT C. BYRD, Mr. BAKER, Mr. BIDEN, Mr. CHAFEE, Mr. GARN, Mr. HART, Mr. INOUYE, Mr. LUGAR, Mr. MORGAN, Mr. MOYNIHAN, Mr. PEARSON, Mr. WALLOP, Mr. CHURCH, Mr. CRANSTON, Mr. MARK O. HATFIELD, and Mr. RIBICOFF):

S. 2525. A bill to improve the intelligence system of the United States by the establishment of a statutory basis for the national intelligence activities of the United States, and for other purposes; to the Select Committee on Intelligence.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENSON (for himself and Mr. HEINZ) (by request):

S. 2520. A bill to amend and extend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Housing, and Urban Affairs.

EXPORT-IMPORT BANK ACT AMENDMENTS OF 1978

Mr. STEVENSON. Mr. President, I am today introducing on behalf of Senator HEINZ and myself at the request of the Export-Import Bank a bill to extend the operating authority of the Bank for 5 years, to September 30, 1983, and to increase by $15 billion the ceiling on the aggregate amount of loans, guarantees, and insurance the Bank may have outstanding at any one time. The present aggregate ceiling of $25 billion would be raised to $40 billion. The bill would also increase by $5 billion the amount of guarantees and insurance which the Bank may charge at 25 percent of face value against the aggregate ceiling. The Subcommittee on International Finance, which I chair, will hold hearings on this bill and other issues concerning the Export-Import Bank on March 13, 14, 20, and 21.

The hearings will be held in room 5302, Dirksen Senate Office Building, at 10 a.m. Persons interested in testifying or desiring additional information should contact Robert W. Russell, counsel to the Subcommittee on International Finance at 202–224–0819.

Mr. President, I ask unanimous consent that the bill and the section-by-section analysis thereof be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Export-Import Bank Act of 1945 (12 U.S.C. 635 and following) is amended as follows:

(a) Section 2(c)(1) of such Act is amended by striking out "$20,000,000,000" and inserting in lieu thereof "$25,000,000,000".

(b) Section 7(a) of such Act is amended by striking out "$25,000,000,000" and inserting in lieu thereof "$40,000,000,000".

(c) Section 8 of such Act is amended by striking out "September 30, 1978" and inserting in lieu thereof "September 30, 1983".

SECTION-BY-SECTION ANALYSIS

Section (a)

Section (a) would amend Section 2(c)(1) of the Export-Import Bank Act of 1945, as amended, to increase the amount of guarantees and insurance that may be charged on a 25% fractional basis against the overall commitment authority of the Bank from $20 billion to $25 billion.

Section (b)

Section (b) would amend Section 7(a) of the Export-Import Bank Act of 1945, as amended, to increase the aggregate amount of loans, guarantees, and insurance that the Bank may have outstanding at any one time from $25 billion to $40 billion.

Section (c)

Section (c) would amend section 8 of the Export-Import Bank Act of 1945, as amended, to extend the life of the Bank from September 30, 1978, to September 30, 1983. The expiry date of the Bank would then coincide with the end of fiscal year 1983.

By Mr. CURTIS:

S. 2521. A bill to amend title II of the Social Security Act to provide that individuals who were eligible for disability benefits immediately prior to becoming eligible for old-age benefits shall continue to be eligible for certain rehabilitation vehicles and devices; to the Committee on Finance.

Mr. CURTIS. Mr. President, today I am introducing a measure which will correct an inequity in the treatment of the elderly disabled in this country. Currently, a recipient of disability insurance is eligible for certain rehabilitation services and equipment, using funds provided under section 222 of the Social Security Act. When he turns age 65, however, he is automatically converted to the regular old-age social security retirement program.

At that point he no longer is eligible for the rehabilitation funds. A Nebraska constituent of mine, a double amputee, brought this to my attention; he has been endeavoring to purchase a van with a power lift and hand controls; the funds are there; but he is unable to have access to them because, in the process, he turned age 65.

The amendment I am proposing has very limited scope and is restricted to vehicles and devices otherwise included in the meaning of vocational rehabilitation services. I believe that longtime recipients of disability insurance should not have such equipment denied them simply because they turn age 65.

By Mr. HUDDLESTON (for himself, Mr. BAYH, Mr. GOLDWATER, Mr. MATHIAS, Mr. ROBERT C. BYRD, Mr. BAKER, Mr. BIDEN, Mr. CHAFEE, Mr. GARN, Mr. HART, Mr. INOUYE, Mr. LUGAR, Mr. MORGAN, Mr. MOYNIHAN, Mr. PEARSON, Mr. WALLOP, Mr. CHURCH, Mr. CRANSTON, Mr. MARK O. HATFIELD, and Mr. RIBICOFF):

S. 2525. A bill to improve the intelligence system of the United States by the establishment of a statutory basis for the national intelligence activities of the United States. and for other purposes; referred to the Select Committee on Intelligence.

(The remarks of Mr. HUDDLESTON when he introduced the bill appear earlier in today's proceedings.)

ADDITIONAL COSPONSORS

S. 1251

At the request of Mrs. HUMPHREY, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1251, the Child Nutrition Act of 1977.

S. 1880

At the request of Mr. HELMS, the Senators from Nebraska (Mr. CURTIS and Mr. ZORINSKY) were added as cosponsors of S. 1880 a bill to provide procedures for calling conventions for proposing amendments to the Constitution.

S. 2278

At the request of Mrs. HUMPHREY, the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 2278, a bill to establish an international emergency food reserve.

S. 2360

At the request of Mr. ROBERT C. BYRD (on behalf of Mr. MOYNIHAN), the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 2360, a bill to authorize an appropriation to reimburse certain expenditures for social services provided by the States prior to October 1, 1975, under titles I, IV, VI, X, XIV, and XVI of the Social Security Act.

S. 2385

At the request of Mrs. HUMPHREY, the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 2385, the Agricultural Trade Expansion Act of 1977.

S. 2475

At the request of Mr. CHURCH, the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 2475, a bill to improve the range conditions of the public grazing lands.

S. 2503

At the request of Mr. NELSON, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Minnesota (Mr. ANDERSON), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 2503, the Social Security Refinancing Act.

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. CHURCH, the Senator from Utah (Mr. GARN) was added as a cosponsor of Senate Concurrent Resolution 65, relating to reviews of federally owned roadless areas.

AMENDMENTS SUBMITTED FOR PRINTING

PUBLIC ASSISTANCE AMENDMENTS OF 1977—H.R. 7200

AMENDMENT NO. 1636

(Ordered to be printed and to lie on the table.)

Mr. NELSON (for himself, Mr. JAVITS, Mr. KENNEDY, Mr. RIBICOFF, Mr. HATHAWAY, Mr. HASKELL, and Mr. RIEGLE), submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 7200) to amend the Social Security Act to make needed improvements in the programs of supplemental security income benefits, aid to families with dependent children, child welfare services, and social services, and for other purposes.

Mr. NELSON. Mr. President, H.R. 7200 contains a provision, referred to as community work and training, that will enable States to require AFDC recipients to work off their welfare checks in unpaid jobs. The amendment I am offering today with Senators JAVITS, KENNEDY, RIBICOFF, HATHAWAY, HASKELL, and RIEGLE will delete the community work and training provision from H.R. 7200.

The community work and training provision in the legislation reported to the Senate by the Finance Committee will do little or nothing to improve the employment prospects of the structurally unemployed; nor will it do anything to improve the economic status of this group. Community work and training imposes all of the burdens of employment but provides none of the rights and benefits that usually accompany employment. In addition, community work and training will add another complicated layer of requirements on a welfare system that is often currently beyond comprehension, while at the same time duplicating some of the very requirements and purposes existing in the work incentive program (WIN).

HISTORY OF COMMUNITY WORK AND TRAINING

From the years 1962 through 1967, the Federal AFDC statute permitted Federal matching of AFDC payments made to recipients participating in a community work and training program. During these 5 years, the program failed to put a significant number of people to work or improve the employment prospects of the people required to participate. As a result, in 1967, the Congress removed the authority for Federal matching of AFDC payments made to recipients participating in such projects, thereby abandoning community work and training in favor of the WIN program. When attempts were made in both 1971 and 1973 to restore this authority, the Congress rejected the proposal both times. I believe the Congress should reject this proposal again.

COMMUNITY WORK AND TRAINING CREATES TWO CLASSES OF WORKING AFDC RECIPIENTS

Under the current AFDC statute, welfare recipients capable of work are required to register with the work incentive program (WIN) for job training and job placement. After providing some sort of job training WIN attempts to place recipients in jobs. WIN has not had complete success in finding jobs for welfare recipients for several reasons. The most apparent, however, is that employment situations which match the recipients' capabilities are often hard to find. In addition, this program's inability to find jobs for all employable welfare recipients may be due to the fact that the program receives no funding for job development or job creation and not enough for job training.

The authorization for Federal reimbursement to the community work and training program found in H.R. 7200 creates another separate work program in addition to the existing WIN program. Community work and training programs will, in effect, create two classes of working recipients—those that are able to find regular jobs through the WIN program and those that do not find regular jobs and must, therefore, be assigned unpaid jobs.

The community work and training proposal seems to come as a result of the frustration experienced because WIN has not accomplished all that it was intended to. However, community work and training cannot make up for the deficiencies in WIN. All that community work and training can possibly do is force all welfare recipients unable to find some sort

of regular employment to do assigned unpaid work.

HOW COMMUNITY WORK AND TRAINING WOULD OPERATE

As a condition of receiving AFDC assistance, a woman (or man if the State covers unemployed fathers under AFDC) would be assigned to an unpaid work position and would be required to work the number of hours necessary at the minimum wage rate) to work off the family's grant. For example, if a woman was receiving an AFDC grant of $300 a month for her family's needs and she was assigned to work valued at the minimum wage, $2.65 per hour, she would have to work 113 hours per month or 28 hours per week to work off her AFDC grant. In other words, under community work and training, a woman would receive no salary but would simply work off the amount of her AFDC grant.

PROBLEMS WITH COMMUNITY WORK AND TRAINING

Under community work and training persons assigned to unpaid jobs would not be considered employees of the agency for which they were working. These persons would not have available to them any of the usual employee rights such as collective bargaining or grievance procedures. The customary employee benefits such as sick leave, health insurance, and vacation time would also not be available. These unpaid jobs would not be covered by social security. In essence, these persons would not be employees in the usual sense of the word, but would instead be some form of second class or inferior workers not able to share in any of the normal rewards, rights, or benefits that customarily accompany work. Furthermore, recipients would have their monthly grants reduced because of the additional costs associated with working—costs such as transportation and additional food expenses. Community work and training does not provide for the reimbursement of extra expenses incurred by recipients due to the work requirement. Recipients, therefore, would actually lose money by working in a community work and training program.

In addition, because the recipient would have no actual earned income, the recipient would not be eligible for the work incentive bonus that is received by AFDC recipients working in actual jobs located by themselves or through the WIN program. Community work and training has the effect, whether by accident or design, to economically disadvantaged welfare recipients that cannot locate work through the WIN program.

I have prepared a comparison chart which illustrates the negative financial impact community work and training would have on AFDC families. An AFDC recipient in regular employment and a recipient participating in the WIN program both receive an incentive payment and are compensated for work expenses incurred. A recipient in community work and training would not receive an incentive payment nor would compensation be made for expenses incurred related to the work requirement. Community work and training would cause the AFDC family's net income to be less than the family's AFDC grant.

Mr. President, I ask unanimous consent that this chart comparing the financial implications of an AFDC recipient participating in regular employment, the WIN program and in community work and training be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF FINANCIAL COSTS AND BENEFITS TO AFDC RECIPIENTS IN REGULAR JOBS, WIN TRAINING AND COMMUNITY WORK AND TRAINING

Treatment of earned income	Income	WIN training program	Community work and training
Earnings	$360	0	0
Minus standard disregard	−30		
Subtotal	330		
Minus work incentive (⅓ of above)	−110	0	0
Minus work expense deduction	−60	0	0
Minus child care deduction	−150	(1)	(1)
AFDC grant reduced by remaining amount	10	0	0
Net income:			
Earnings	360	0	0
AFDC grant (family of 4)	400	400	400
Subtotal	760	400	400
Incentive payment		[2] 30	
Deductions	−60	[3]	[4] −60
	−150		
Subtotal	550	430	340
Benefit reduction	−10		
Total, net income	540	430	340

[1] Program must provide child care.
[2] Incentive payments of up to $30 per month may be made to participants in the WIN program.
[3] The WIN program can reimburse recipients up to $40 per month for expenses incurred due to WIN participation.
[4] Work expenses.

Mr. NELSON. Mr. President, the community work and training section of H.R. 7200 does not provide for job development, job creation, training or supervision. It authorizes no money for such activities. The omission of these crucial elements will do little or nothing to improve the employment prospects of the structurally unemployed.

In the Social Security Amendments of 1977 (Public Law 95–216) Congress enacted expanded authority to permit the States to conduct demonstration projects designed to employ welfare recipients. This expanded demonstration authority should serve as a signal to the States that the Federal Government is interested in innovative approaches to welfare and work. But that interest does not extend to a punitive work requirement such as the one included in H.R. 7200.

Establishing another layer of work requirements, through community work and training, in addition to the existing work requirements imposed on AFDC recipients will only further complicate the present welfare system. The Federal Government's previous experience with this program demonstrated this. For this reason, the Congress has rejected workfare three different times in the last 10 years.

At the time of the Finance Committee's action on community work and training, the New York Times in a September 29, 1977 editorial entitled "Work, Welfare—and Servitude," called the community work and training provision "potentially brutal," and declared that the Senate should undo the proposal. The editorial went on to say:

There is nothing wrong with the underlying aim of the Finance Committee's version of welfare reform: to put all able welfare recipients to work. That goal is increasingly shared by all students of welfare, including recipients, most of whom long for work but simply cannot find it. Work lies at the heart of the Administration's welfare reform plan, the "Proposal for Better Jobs and Income." The problem with the Finance Committee's idea is in how it seeks to achieve the goal. The Carter proposal would carefully devise 1.4 million public service jobs. The committee's plan calls for reviving a form of work—some students of social welfare refer to it, with only partial exaggeration, as "near slavery"—that has already been tried and has failed.

This idea, sometimes called "workfare," authorizes state and local officials to require welfare recipients to perform any kind of work assigned to them as a condition of getting welfare checks. Some officials, to be sure, might use this authority to create jobs as sound as those envisioned for the Carter reform plan. But it is more likely, to judge from experience, that two less enlightened kinds of work would be offered: Either welfare recipients would have to perform tasks so unimportant that the only imaginable motive must be to make them grovel for charity; or they would be exploited. To cite one real "workfare" example, poor people were required to work off their grants at the rate of $2.50 an hour side-by-side with regular park employees paid $5.43 an hour plus fringe benefits. That is not work; it is a kind of cruel, embittering servitude.

There will be abundant opportunity in the debate over the Administration plan for the Senate to help develop a work program that works, that helps people lift themselves out of welfare. Workfare does not. That is why it was amandoned by Congress in 1968 and why it should be rejected by the Senate now.

THE ADMINISTRATION'S WELFARE REFORM PROPOSALS

When President Carter sent his welfare reform proposal to the Congress last September, he made it clear that one of the crucial aspects of his proposal was the embodiment of a prowork principle. In fact, the plan incorporates a proposal to create jobs for welfare recipients, and to provide job training, job placement, and supervision, with the authorization of appropriations as a part of it. I believe the Congress must thoroughly examine the President's proposals. We may not agree with them all, but examination of the reform proposals certainly provides us with an excellent opportunity to review the current welfare system and its work requirements, and then if necessary to establish new initiatives.

At present this community work and training provision in H.R. 7200 is contrary to the principles put forth by the administration's welfare reform proposals. That is, that working recipients should receive higher benefits than those choosing not to work, that some incentive should be provided to work one's way off welfare, and that job requirements should be coupled with training components.

Mr. President, both Secretary Califano and Secretary Marshall have written to me indicating their opposition to the

community work and training provision in H.R. 7200. I ask unanimous consent that these letters be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Community work and training represents a patchwork approach to the problems associated with finding jobs for welfare recipients. If we have learned anything from our experience with the present welfare system, it is that patchwork answers do not work. A comprehensive approach to remedying the welfare system's problems is needed; that is what President Carter has proposed and that is what Congress is now considering.

Mr. President, this proposal is not justified at this time. I urge my colleagues to support this amendment to delete the community work and training provision from H.R. 7200.

EXHIBIT 1

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 8, 1978.

Hon. GAYLORD NELSON,
Committee on Finance, U.S. Senate, Washington, D.C.

DEAR GAYLORD: This letter is to provide you with the position of this Department with respect to the reinstatement of the Community Work and Training program, as provided in section 523 of H.R. 7200. The Department continues to oppose adoption of this provision.

In an earlier communication addressed to Senator Hathaway, I indicated the Department's view that the Community Work and Training program, which was in effect from 1962 to 1968 and which was rejected by the Congress as both unworkable and having failed to put a significant number of poor people to work, should not be reinstated. We continue to hold that view.

The Administration has offered a proposal for the comprehensive reform of the welfare system in S. 2084, the "Better Jobs and Income Act". We believe the integrated, comprehensive approach to both cash assistance and the provision of jobs as reflected in that proposal represents a better solution to the difficult problem of providing adequate work incentives and job opportunities for low income families while assuring reasonable levels of support for families that are temporarily in need. We continue to believe that work incentives and job requirements should be treated in the larger context of comprehensive welfare reform; therefore, we strongly oppose adoption of section 523 of H.R. 7200.

The Office of Management and Budget advises that there is no objection to the submission of these views and that enactment of section 523 of H.R. 7200 would not be consistent with the Administration's program.

Sincerely,

JOSEPH A. CALIFANO, Jr.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., January 17, 1978.

HON. GAYLORD NELSON,
Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR SENATOR NELSON: This letter is to indicate the Department of Labor's views on section 523 of H.R. 7200, the "Public Assistance Amendments of 1977." The Department is opposed to adoption of this section.

Section 523 would allow States to apply a work requirement to recipients of Aid to Families with Dependent Children (AFDC). This work requirement ("Community Work and Training Programs") is section 409 of existing law, but Congress in the Social Security Amendments of 1967 (P.L. 90-248) repealed it with respect to all States after June 30, 1968. Section 523 would reenact, with several amendments, this program.

The Administration has submitted comprehensive welfare legislation, S. 2084, the "Better Jobs and Income Act." That legislation recognizes the need to carefully integrate work and cash assistance to assure the proper incentives for work. The Administration anticipates initial implementation of the Better Jobs and Income Act in FY 1980.

Any work requirement should be considered in the context of the welfare proposal, and not in a separate piece of legislation. We, therefore, strongly oppose adoption of section 523 of H.R. 7200.

The Office of Management and Budget advises that there is no objection to the submission of this report and that enactment of section 523 of H.R. 7200 would not be consistent with the Administration's program.

Sincerely,

RAY MARSHALL,
Secretary of Labor.

PANAMA CANAL TREATIES—EX. N, 95-1

AMENDMENT NO. 28

(Ordered to be printed and to lie on the table.)

Mr. SCOTT submitted an amendment intended to be proposed to Ex. N, 95-1, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

AMENDMENT NO. 29

(Ordered to be printed and to lie on the table.)

Mr. SCOTT submitted an amendment intended to be proposed to Ex. N, 95-1, the Panama Canal Treaty.

AMENDMENT NO. 30

(Ordered to be printed and to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 21 intended to be proposed to Ex. N, 95-1, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

(The remarks of Mr. STEVENS when he submitted the amendment appear earlier in today's proceedings.)

AMENDMENT NO. 31

(Ordered to be printed and to lie on the table.)

Mr. DECONCINI (for himself and Mr. FORD) submitted an amendment intended to be proposed by them jointly to Ex. N, 95-1, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

Mr. DECONCINI. Mr. President, a good deal of the discussion involving the Panama Canal treaties has centered upon threats to the canal which might come from third parties—more specifically—Communist countries. While this concern is certainly justified, I have been equally bothered by the possibility that internal Panamanian activities might also be a threat to the waterway, should we give it up. Labor unrest and strikes; the actions of an unfriendly government; political riots or upheavals—each of these alone or in combination might cause a closure of the canal. In February 1975, for example, there was a "sickout" which disrupted the efficient operation of the canal. Yet as I read the treaties, there does not appear to be any specific guarantee that a disruption of the canal arising out of internal Panamanian activities can be swiftly and adequately dealt with.

Although General Torrijos has brought a welcome degree of stability to Panama in recent years, it can be argued that the history of Panama is one of substantial political instability and turmoil. Under normal circumstances, the United States would not or should not contemplate intervening in the internal affairs of another nation. However, there are extremely unique and special circumstances surrounding the relationship between the United States and Panama. Since the beginning of this century, the United States has exercised de facto sovereignty over the Panama Canal Zone, and has been responsible for the defense and operation of the canal. We have maintained this control over the canal for one very simple reason: the Panama Canal is vital to the security, economic and military, of the United States. This fact must be recognized in any treaty which contemplates a fundamental change in the American-Panamanian relationship.

The amendment being offered by Senator FORD and myself is designed to clarify and expand the language of the neutrality treaty even beyond the amendments offered by the leadership. It is still unclear from the treaty language or the clarifying amendments whether the United States possesses the right to intervene to maintain the operation of the canal in circumstances when the closure of the canal is the result of an action other than external aggression. Our amendment makes it perfectly clear that the United States has the right to insure that the canal continues to operate regardless of the cause of its closure.

We neither believe nor expect that this language gives to the United States an indiscriminate right to meddle in the affairs of Panama. It does, however, take the view that the continued operation of the canal for the benefit of all nations is of paramount importance. Thus, the language of our amendment states that—

If the Canal is closed, or its operations are interfered with, the United States of America shall have the right to take such steps as it deems necessary to reopen the Canal or restore the operations of the Canal, as the case may be.

We contemplate that if the Senate chooses to adopt this amendment that the American Government will act with restraint and with discretion. Without this amendment, however, the United States is essentially powerless under the terms of the treaty to insure free passage through this vital waterway.

I commend the amendment to our colleagues, and I hope they will regard it with favor during the deliberations of the next few weeks. I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 31

At the end of article V add the following: "Notwithstanding the provisions of the preceding sentence, if the Canal is closed, or its operations are interfered with, the United States of America shall have the right to take such steps as it deems necessary to

reopen the Canal or restore the operations of the Canal, as the case may be.".

AMENDMENT NO. 32

(Ordered to be printed and to lie on the table.)

Mr. DECONCINI (for himself and Mr. FORD) submitted an amendment intended to be proposed by them jointly to Ex. N, 95–1, the Panama Canal Treaty.

Mr. DECONCINI. Mr. President, on numerous occasions I have stated that there are a number of questions raised by the Panama Canal treaties which have not been satisfactorily answered. National security concerns which have rightly been given the most attention are now being addressed through the amendment process. Some of the flaws so apparent in the ambiguous language of the Neutrality Treaty are now the object of remedial action, although these corrective measures may still be insufficient.

But there are other issues that have emerged from the debate. Some of those involve the ultimate cost of the Panama Canal treaties to the American taxpayer. Testimony last week before the Armed Services Committee was particularly troublesome for it suggested that contrary to the repeated assertions of the administration, American citizens might be saddled with heretofore unsuspected and unjustifiable costs over the next 22 years, and beyond.

Let us consider for a moment the value of the asset we are giving to the Republic of Panama. A very conservative valuation for interest purposes places the value at $319 million. The total replacement value, however, is $8.5 billion. Panama will also receive anywhere from $50 to $70 million per year from a combination of increased tolls and annuity payments. Finally—although it is not a formal part of the treaty—Panama will receive loan guarantees and credit of up to $295 million. This is above and beyond the $331.5 million in economic foreign aid Panama has already received from the United States.

The information presented at the Armed Services hearings, particularly from Governor Parfitt, suggests that there may be some hidden costs about which we have not been informed. More importantly, he pointed out that the United States may be unwittingly accepting substantial further financial obligations.

I was particularly disturbed to discover that some Panamanian officials believe that the $10 million optional payment to Panama provided for in article XIII of the Panama Canal Treaty which is supposed to come from surplus revenues, will actually accumulate so that on the date we are supposed to leave their country, we shall owe them a $220 million lump sum payment. I find this incredible. The administration assures us that this interpretation is incorrect. If so, surely they can support the clarifying amendment which I now offer. Simply put, the amendment adds language to article XIII to the effect that the United States is not committed to any lump sum payment to Panama at the expiration of the Panama Canal Treaty. I do not believe that the American people are in a mood to pay more millions of their tax dollars for the privilege of giving up the canal. I hope my colleagues agree that we need to guard against this eventuality.

I ask unanimous consent, Mr. President, to have the text of the amendment printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 32

At the end of paragraph 4(c) of article XIII, add the following: "Nothing in this subparagraph may be construed to commit the United States of America to make any payment to the Republic of Panama after the date of the termination of this Treaty.".

NOTICES OF HEARINGS

REAUTHORIZATION OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Mr. NELSON. Mr. President, the Human Resources Subcommittee on Employment, Poverty, and Migratory Labor will hold several days of public hearings on reauthorization of the Comprehensive Employment and Training Act (CETA) during the months of February and March.

On February 16 and February 17 Senator RIEGLE will chair 2 days of field hearings in Michigan on the CETA reauthorization. On February 22, February 23, March 1, and March 2 the subcommittee will hold 4 days of hearings in Washington, D.C. On February 25 I will chair a day of field hearings on the CETA reauthorization in Madison, Wis.

For further information on these hearings, please contact Joan Hunziker of the subcommittee staff at (202) 224–3968.

REAUTHORIZATION OF THE ECONOMIC OPPORUNITY ACT

Mr. NELSON. Mr. President, the Human Resources Subcommittee on Employment, Poverty, and Migratory Labor will hold 2 days of public hearings on S. 2090, to extend authorization for and to amend the Economic Opportunity Act, S. 2081, to extend authorization for and to expand the Head Start program; and S. 1919, to amend the Economic Opportunity Act. The hearings will be held on March 13 and 14. For further information on these hearings, witnesses, and room numbers please contact Lori Hansen of the subcommittee staff at (202) 224-3968.

INTERNATIONAL DEVELOPMENT COOPERATION ACT OF 1978

Mr. SPARKMAN. Mr. President, on January 25, Senator CASE and I, together with 19 cosponsors, introduced S. 2420, the International Development Cooperation Act of 1978. This was Senator Hubert Humphrey's last piece of legislation.

The Committee on Foreign Relations, and in particular the Subcommittee on Foreign Assistance, will hold a series of hearings in March to consider S. 2420, as well as the administration's foreign assistance authorization request for fiscal year 1979.

The hearings will begin on Thursday, March 2, with Secretary of State Cyrus Vance testifying before the full committee on both the administration bill and S. 2420.

At the second hearing, to be held on Friday, March 3, the subcommittee will receive testimony from AID Administrator, Gov. John Gilligan and Treasury representatives. Governor Gilligan will address both the administration bill and S. 2420 while Treasury representatives will address the implications of S. 2420 for U.S. participation in the International Financial Institutions.

The third hearing, before the subcommittee, is scheduled for Monday, March 6, and will focus on two key issues raised by S. 2420. The first part of the hearing will begin with an examination of the interrelationship of international economic policymaking and U.S. development assistance efforts. The second part of the hearing will address the need for improved coordination of development assistance, a major theme of S. 2420.

At the fourth hearing, to be held Wednesday, March 8, the subcommittee will focus on the contribution of private and voluntary organizations and Peace Corps to development through the International Development Institute (IDI). S. 2420 establishes the IDI within IDCA as the main focus of U.S. Government support for public and private voluntary development programs. The Peace Corps and private and voluntary organizations will be invited to testify.

During the fifth hearing on Thursday, March 9, the subcommittee will consider the administration's requests for the economic support fund which replaces security supporting assistance.

The sixth hearing will be held Friday, March 10, at which time the subcommittee will concentrate on two areas. The first part of the hearing will deal with contributions to international organizations. The second part will deal with the administrative and personnel requirements of the proposed new organization which is to administer the aid program.

The seventh and last hearing on S. 2420 on Tuesday, March 21, will be for general public witnesses to discuss before the subcommittee various aspects of both S. 2420 and the administration's request.

On Thursday, March 23, before the full committee there will be an overall review of the administration's arms transfer policy with testimony from Secretary Vance and other administration witnesses.

On Monday, April 3, the subcommittee will receive testimony from administration officials on the fiscal year 1979 security assistance requests.

All hearings will be held in room 4221 of the Dirksen Senate Office Building and will begin at 10 a.m. each day.

VETERANS' AFFAIRS COMMITTEE

Mr. CRANSTON. Mr. President, I wish to announce for the information of the Senate and the public, the schedule of hearings of the Veterans' Affairs Committee through April.

The committee has been conducting a series of hearings on the National Academy of Sciences study entitled, "Health Care for American Veterans," and the Veterans' Administration's response to that study. The sixth and final hearing in this series is scheduled for March 6, beginning at 6 p.m. in room 6226 of the Dirksen Senate Office Building. This hearing will focus on the quality and cost of health care within the VA, and recommendations contained in a separate National Academy of Sciences study

of biomedical research in the Veterans' Administration. Persons wishing to testify should contact Ellen Miyasato or Edward Scott of the committee staff at 224–9126.

On March 7, beginning at 11:30 a.m. in room 318 of the Russell Senate Office Building, the committee will receive the Veterans of Foreign Wars legislative recommendations for 1978.

On March 16, beginning at 8 a.m. in room 357 of the Russell Senate Office Building, the committee will conduct a hearing on S. 2398, which would extend until September 30, 1980, the period of eligibility for Vietnam-era veterans' readjustment appointments within the Federal Government; and H.R. 5029, which would extend for 1 year, until September 30, 1979, the VA's authorities to enter into contracts with the Republic of the Philippines to provide hospital care and medical services to certain commonwealth Army veterans and new Philippine Scouts, and to maintain an office in the Republic of the Philippines. At that time, the committee will also examine the issues raised concerning VA programs in the Philippines in two recent General Accounting Office reports—"Potential for Reducing U.S. Financial Support and End VA Involvement in Medical Programs for Filipino Veterans" (HRD–77–95, May 20, 1977) and "Veterans' Administration Benefits Programs in the Philippines Need Reassessment" (HRD–78–26, January 18, 1978). Persons wishing to testify should contact Mary Sears of the committee staff at 224–9126.

On April 5, at 10:30 a.m. in room 6226 of the Dirksen Senate Office Building, the committee will receive the legislative recommendations for 1978 from the paralyzed veterans of America, Amvets, and the Veterans of World War I.

SUBCOMMITTEE ON FEDERAL SPENDING PRACTICES AND OPEN GOVERNMENT

Mr. CHILES. Mr. President, the Subcommittee on Federal Spending Practices and Open Government's hearing on oversight of Small Business Administration reform efforts of the 8(a) program, originally scheduled for February 7, 1978, in 457 Russell Senate Office Building, has been rescheduled for Monday, February 27, 1978, at 10 a.m., in 3302 Dirksen Senate Office Building. For further information regarding the hearing, please contact Mr. Ronald A. Chiodo, subcommittee chief counsel and staff director (224–0211).

ADDITIONAL STATEMENTS

DEVASTATING STORM IN RHODE ISLAND

Mr. PELL. Mr. President, I returned last night from a military flight to Rhode Island, where I saw for myself the paralyzing aftermath of a blizzard that started Monday and ended, after 36 hours, with the State buried under several feet of snow.

Rhode Island's major thoroughfares, including the interstate routes and central arteries through the Providence area, remain impassable. Thousands were trapped Monday afternoon at work or in their cars, attempting to return home. And, 3 days after the storm ended, many are still unable to return to their families by any means of transport.

Many of those stranded have been relocated to emergency shelters but have little immediate hope of seeing their families. Earlier they stayed wherever they could find shelter—in department stores, restaurants, hotel corridors and other buildings.

Interstate Route 195 out of Providence, when viewed from the air, shows how the bumper-to-bumper rush hour traffic had frozen in place as the throughway became impassable. Wind-driven snow has drifted across the stranded, abandoned vehicles. What remains is the herculean task of removing the vehicles, stranded three abreast along the throughway, and clearing a path through the mountains of hard-packed snow.

Governor J. Joseph Garrahy and his staff, including the workers at the Defense Civil Preparedness Agency's command center in the Rhode Island statehouse, have been working tirelessly and sleeplessly since the storm struck. Despite heavy winds that whipped snow back onto the runway as soon as it was cleared, a runway at Green Airport was opened with the help of the Rhode Island National Guard early yesterday morning.

A helicopter tour of Rhode Island with the Governor and other members of the State's congressional delegation showed me the extreme devastation of the storm, but a walk through downtown Providence really drove the point home. The only reliable means of transport through the downtown area is snowmobile or by foot. At one point I looked down by my feet and realized that I was walking by the roof of a car buried under the accumulated snow.

I dropped by one Mathison Street emergency shelter and found bone-weary citizens and organizers trying to keep up their spirits as they faced the third night in makeshift quarters. It is estimated that as many as 7,000 persons were stranded in 40 official emergency centers. That estimate does not include such examples as the 460 school children who spent Monday and Tuesday night at their schools.

Rhode Island residents, including State officials, police, work crews, private businessmen and volunteers, are responding with both stoicism and heroism to the storm. They are performing many acts of kindness and compassion for fellow Rhode Islanders, but they desperately need Federal assistance which the Governor first requested after midnight Tuesday morning.

This is the worst storm to hit Rhode Island in terms of paralyzing the State, blocking vital transportation and supply lines for days, stranding residents, splitting families and isolating the sick and the elderly. The tragic death toll of the storm is not yet known, but at least 15 storm-related deaths are reported.

In an effort to get this desperately needed Federal relief to Rhode Island, I have been in close touch since Tuesday morning with Federal officials including Jack Watson, Secretary to the Cabinet and Special Assistant to the President for Intergovernmental Relations; William Wilcox, Administrator of the Federal Disaster Assistance Administration; Clifford L. Alexander, Secretary of the Army; Bardyl Tirana, Director of Defense Civil Preparedness Agency at the Pentagon; Lt. Col. Robert Matlick, Disaster Chief at the Office of the Deputy Chief of Staff for Operations—Army Chief of Staff; Brig. Gen. William W. Hoover, Military Assistant to the Secretary of the Air Force, and with a number of other Federal and State officials.

As of this morning there were 166 Army personnel in Rhode Island, along with 61 pieces of military equipment. They arrived late yesterday and through the night in 32 C–130's and 4 C–141's.

By 4 p.m. today, I have been told, the remaining military personnel and equipment will be in Rhode Island—bringing the total to 323 military personnel and 82 pieces of military equipment, including bulldozers, heavy dump trucks, half-tracks, heavy front-end loaders, snow plows, tow trucks and assorted jeeps and trucks. They are to be flown in by two C–5's.

All men and equipment are coming from Fort Polk, La., Fort Benning, Ga., and Fort Stewart, Ga. I also was advised that the Army Corps of Engineers is negotiating contracts with private firms to tow stranded vehicles and plow roads in the State.

We are just beginning to meet the immediate needs of Rhode Island, clearing the roads that are our lifelines and ending the paralysis inflicted by this devastating storm. We have a long way to go to meet the State's immediate needs of rescue and supply. Once we have met that immediate need, the State will still confront the awesome task of recovering from the physical and economic damage inflicted by the storm and the days of paralysis.

I have been working and will continue to make every effort to assure that both the rescue and recovery needs of Rhode Island are met with as much efficiency and dispatch as possible.

Mr. President, I ask unanimous consent that four articles from the Providence Journal and the Providence Evening Bulletin be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Providence Journal, Feb. 8, 1978]

PROVIDENCE'S LIFE-LINES, ITS STREETS, ARE CHOKED BY SNOW AND CHAOS IS NEAR

(By Daniel Hackett and Randall Richard)

PROVIDENCE.—Rhode Island's capital city teetered on the verge of chaos yesterday.

Abandoned cars blocked intersections, which blocked plows, which blocked the clearing of streets, which led to near-chaos.

People having heart attacks couldn't get to the hospital. At least four died.

Pregnant women couldn't be rushed to hospitals, which resulted in a number of emergency deliveries en route.

Fire trucks couldn't get to a dwelling fire in Olneyville.

Police cars couldn't get anywhere.

There was some looting.

Those who required medication, or emergency medical services such as kidney dialysis to remain alive and well, had to call police to get it. Police, in turn, had to rely on volunteers with snowmobiles and four-wheel-drive vehicles to obtain it from a hospital and deliver it.

People who took shelter in public buildings were hungry.

Food last night was running short, the men and women manning the front lines were near exhaustion, the situation was not improving quickly and everybody was keeping fingers crossed that it wouldn't get worse.

Police and fire officials said they were coping with it all—but just barely. They said they were looking forward to the arrival of help from the Army, probably today.

Trying to cope with it all were some very tired men.

Fire Chief Michael F. Moise and Public Safety Commissioner Leo P. Trambukis had anguish written all over their tired faces yesterday afternoon as they listened to radio reports of firemen's efforts to reach a burning Olneyville apartment house.

The three-story vacant building on Willow Street eventually collapsed as firemen, relying on snowmobilers for transportation, arrived.

There were no injuries. But if there had been, it might have taken an hour for a rescue squad to arrive.

As a result of the fire, Moise issued a public plea for help from the public in fighting any and other fires.

It took 55 minutes Monday night for a rescue vehicle to take Seymour Berkowitz, 57, of 63 Villa Ave., Cranston, from just outside the Federal Building in Kennedy Plaza to Rhode Island Hospital. The trip normally takes about five minutes.

Berkowitz, who had suffered a heart attack, was pronounced dead at the hospital, police said.

George R. Milkaitis, 57, of 188 Oak Hill Ave., Pawtucket, was found lying in the police station parking lot, suffering an apparent heart attack, at 7:30 p.m. Monday by two detectives.

A nurse and a hospital pharmacist—two of the 200 or so people who had taken shelter inside police-fire headquarters—administered heart massage in vain.

Milkaitis was one of three heart attack fatalities who ended up at the police station.

Manuel Silva Jr., about 60, of East Transit Street died of an apparent heart attack Monday night after his car had become stalled in traffic at Brook and Wickenden Streets in Fox Point, police said.

Francis E. Smith, 65, of 110 Vine St. was brought to the police station after suffering chest pains nearby at about 9 p.m. Monday. He died of an apparent heart attack before he could be taken to the hospital.

A man was assaulted by a woman at the Civic View Inn, and the only way police could get him to the hospital was by calling in the National Guard, which took him in an armored weapons carrier, police said.

Capt. Chester H. Rich 3rd said that if it weren't for the people who answered the police and fire department's urgent plea for four-wheel-drive vehicles and snowmobiles Monday night and yesterday, things would have been much worse.

Rich said nurses Kathleen Bouvier and Deborah Medeiros and pharmacist Karen LaMorge, who staffed a makeshift infirmary at the police station along with several doctors, did much to aid a never-ending stream of people who came to the police station with medical problems.

By 8 p.m. Monday about 20 "four-wheelers" and 10 snowmobiles were taking policemen and firemen to rescue calls that they couldn't reach in their own vehicles, Rich said.

Just about all of the police department's vehicles and most of the fire department's became completely immobilized during the storm.

While policemen and firemen were doing their best to combat extreme conditions, there were few people looting stores and others pulling false fire alarms in the middle of the snowstorm.

Det. Lt. Pasquale Rocchio said three men were arrested inside a clothing store on Atwells Avenue in Federal Hill yesterday.

Rochio said the three apparently were not the first people to "loot" the store. Their names were not immediately available.

There were several reports of looting along Elmwood Avenue.

The Snyder Leather Outlet at 708 Elmwood Ave. was the victim of one such looting spree confirmed by police. It reportedly was completely "cleaned out" by looters. A man who lives near the store told the *Journal-Bulletin* that he saw two men break in about 1 p.m. and carry off a pile more than 100 leather coats. Ten minutes later, the witness said, two more men carried off armloads of coats. The witness said that by 4 p.m. police had still not arrived and the looting was continuing.

There was a happy ending to one incident reported to police.

Laura Gunderson, the seven-year-old daughter of Mr. and Mrs. Thomas Gunderson of 1327 Eddy St., was found at a South Providence home yesterday morning. The girl had been reported missing Monday afternoon after she failed to return home from the Broad Street School. Her parents, who themselves were stranded at the Mariott Inn, reported her missing. Police had searched for the girl with snowmobiles before broadcasting a plea for help from the public over radio stations yesterday morning.

As Public Safety Commissioner Trambukis tried to get the city moving again yesterday, he was confronted with a tough problem.

Trambukis said city plows were complaining that they couldn't plow the streets because of all of the abandoned cars. The tow truck operators, on the other hand, were complaining that they couldn't get moving until the streets were cleared somewhat.

At 4 p.m., the only streets in the entire city that had been plowed to any appreciable extent were those around Kennedy Plaza in the downtown area.

Monday night, the fire department had eight vehicles answering rescue calls. Four of those were "four-wheelers" driven by volunteers with firemen as passengers.

Police had a normal complement of men on duty. The fire department had five to six men, instead of the usual three to four, assigned to each of fire apparatus.

The number of refugees in city fire stations alone had reached more than 700 by dawn. Battalion Chief Gil McLaughlin said unofficial counts showed more than 300 people at the North Main Street station at 200 Branch Avenue and 90 at Brook Street.

The scene at the city's downtown police and fire headquarters, except for the storm-related deaths was typical.

For most of the 55 men and women who spent the night there it was a place of warmth, selflessness and even conviviality and some laughter. For several others it was a makeshift hospital. For the four apparent heart attack victims it was a makeshift morgue.

One unidentified young woman was dragged to the station unconscious by a man who happened to catch a glimpse of her handkerchief waving above a downtown snowbank just before she passed out. She was one of the lucky ones.

One man whose body was discovered by National Guardsmen was brought into the station about 10:30 p.m. Guardsmen, according to Fire Capt. Alfred Boehm, drove with the body on the truck for nearly three hours before depositing it at the station.

Most of those who got to the stations safely spent the night watching television, playing cards or trying to catch a nap in any unoccupied corner. Several firefighters surrendered their beds to elderly women. Captain Boehm gave his room to a diabetic woman and her husband.

At 10:30 a.m., civilians and firefighters gratefully devoured eight pounds of pasta and 15 pounds of meatballs and sausage that had been prepared by Acting Lt. Anthony Cacicia and Firefighter Edward Tavarozzi.

Later in the day, when firefighters returned from an alarm, they found all the dishes washed by their guests and their headquarters swept clean.

Mrs. Fred Rubiano of North Providence, who walked to the station from Branch Avenue nine hours earlier after her car got stuck, took over the kitchen. Declaring that she came from a big family and found cooking a joy, she used more than 70 eggs for her ham, onion and cheese omelettes.

Volunteers were numerous. Stranded nurses pitched in and two doctors worked through the night. A half-dozen snowmobile drivers ferried medical supplies from hospitals to diabetics and heart patients in shelters throughout the city.

[From the Providence Evening Bulletin, Feb. 8, 1978]

ARMY RESCUE FORCE LANDS TO AID STORM RELIEF EFFORT

(By Dave Reid)

Much of Rhode Island remained an arctic landscape today.

Movement by wheels was limited to the arrival of Army rescue troops by plane at Green State Airport and frenetic local efforts to clear narrow lanes for emergency vehicles on main highways.

Otherwise, passage was possible only on skis, by snowshoes and on foot along alpine, snow-packed trails down urban thoroughfares.

A ban on all but emergency travel remained in effect. The National Guard claimed to have cut a weaving lane from Westerly to Providence along Route 95, although in some places it was a narrow, snowy path passable only with four-wheel drive.

The first cargo plane of the federal storm relief effort arrived at the airport at 10:10 a.m. A total of 311 soldiers were scheduled for duty here as of this morning, although there were reports that the number could rise to 1,000.

They were to be accompanied by plows, track vehicles and half-tracks.

Moods soared and plummeted among the state officials overseeing The Great Dig-Out.

After a helicopter tour of the state, Governor Garrahy said the situation was "ghastly." Moments later, in a burst of optimism, a Garrahy aide said he expected most people could be back to work tomorrow, although many might not get back until Monday.

In Providence, Mayor Vincent A. Cianci, Jr. said virtually all city streets were still impassable and he predicted it would take several days before normal daytime activities resume for most of the 300,000 Rhode Islanders who spend their days in the capital.

Warwick officials said it would be at least three days before all roads are clear there.

In both Warwick and Cranston, city payloaders were forming convoys to escort Narragansett Electric Co. trucks through the snow to help powerless residents.

In southern and rural sections of the state, highway officials made much better progress. Many claimed to have two lanes open by this morning, although two rescues had to be made last night by toboggan in North Kingstown.

In Burrillville, 40 inches of snow and much bigger drifts represented a lasting problem. The biggest plows got buried and one broke its transmission trying to get free.

General John Kiely, assistant adjutant general, said people were still being rescued from cars on Route 146 last night. Four Guard helicopters were still searching remote highways today for lost motorists.

The long confinement, which officials said might not be relieved for days, began to produce new problems.

Scattered fuel shortages were reported. The Providence County Courthouse ran out of heating oil this morning and storm refugees sheltered there since Monday night had to be moved to the Mathewson Street United Methodist Church.

Emergency supplies reached Providence College and Butler Hospital late last night.

Food supplies were shrinking, with milk, bread and eggs running particularly low. Supermarkets and convenience stores were virtually the only businesses open, at Garrahy's request, and they reported brisk business.

Red Cross officials said skiers delivered food to more than a dozen shelters in Providence. In Kent County, about 700 snowbound people were fed by the Red Cross and then many set out to walk home in the welcome sunshine.

As of 9 a.m., an estimated 6,500 people were still isolated in emergency shelters.

Providence and Pawtucket police said about 25 stores were broken into after the blizzard began to abate yesterday. More than 25 people were arrested.

While trains continued to run, Green Airport remained closed to all but emergency aircraft and both Bonanza Bus Lines and the Rhode Island Public Transit Authority were waiting for streets to get cleared before resuming operations.

William Sturner, chief state medical examiner, said at least 30 people had died in the state since the storm began and he blamed 10 of them on the storm. There were increasing reports from hospitals of toes and fingers cut off in snowblowers.

While Garrahy said he had asked for 75 pieces of snow-removal equipment from Buffalo, N.Y., it will have to come from private contractors, according to that city's sanitation commissioner.

James C. Lindner said he is already getting criticized for not having side streets in his own city clear of seven inches of snow that fell yesterday. Lindner also warned Rhode Islanders not to expect the federal government to rescue the state.

After Buffalo's great blizzard last year, he said, most of the necessary work was done by a consortium of local contractors, not the Army.

And for the first time in the history of the Diocese of Providence, Ash Wednesday has been postponed until Sunday by dispensation of the Most Rev. Louis E. Gelineau. The Episcopalian Ash Wednesday observances are to go on as scheduled, according to the Right Rev. Frederick H. Belden.

The federal state of emergency in Rhode Island was declared by President Carter at 4:30 p.m. yesterday. According to the Federal Disaster Assistance Administration, that declaration entitles to the state to national help in reopening "supply routes," saving lives and protecting property and public health and safety.

The help to Rhode Island may be a little longer in coming because airport crews could not plow in time the minimum length of runway needed for the Army's huge C–5 military transport planes.

Officially, the state got 28.6 inches of snow in the storm. But that measurement was taken at the airport in Warwick and depths generally topped 30 inches from Providence north.

[From the Providence Evening Bulletin, Feb. 8, 1978]

BLIZZARD DEATH COUNT IN RHODE ISLAND IS EIGHT: GARRAHY DECLARES STATE OF DISASTER

It was the day the state stood still.

The worst snowstorm in Rhode Island history left much of the state immobilized today—trapped in homes, schools, fire stations and even in cars by drifts several feet high.

The blizzard was held responsible for the deaths of eight people who collapsed while walking and shoveling or who suffered heart attacks and could not get to hospitals in time.

Santo Amato, director of the state office of Civil Preparedness, said that as of 10:15 a.m. there were no groups of people left stranded on any highways in the state. He said the main problem now is trying to feed all the people in shelters around the state.

Earlier, an aide to Governor Garrahy said there is a "definite frightening possibility" that frozen bodies will be found inside buried vehicles as the digging-out goes on for the next several days.

About 1,000 people spent the night in their cars, but there were no immediate reports of deaths from freezing or carbon-monoxide poisoning, according to the chief state medical examiner, Dr. William Sturner.

Garrahy himself announced shortly after 9 a.m. that he had unofficial notification that the state would receive federal emergency equipment, although a request to have Rhode Island declared a disaster area was still pending.

"I want the people of this state to know that they should be prepared for at least a couple of days of isolation," the governor said. "This is probably the worst storm that has ever hit Rhode Island, in terms of paralyzing the state."

The governor issued his own disaster declaration last night. Providence Mayor Vincent A. Cianci Jr. urged all downtown businesses to cease non-emergency activity today.

In Fall River, Mayor Carlton M. Viveiros declared an emergency of his own.

Other officials predicted it would be a day or two before passage could be guaranteed on even major highways. Authorities throughout southeastern New England were advising people not to try to move.

The only public transportation that moved today were the trains, and Amtrak officials were reporting delays.

According to the National Weather Service office in Warwick, the official snow depth was 27.3 inches. When they went outside to measure, however, they found only 26 inches because "the bottom inch got crushed," said meteorologist Bill Tobin. As many as 33 inches were reported in Burrillville.

The storm gave the area one small break: after dawdling up the East Coast all of yesterday, it sped up this morning and moved out to sea. By 8:30 a.m., the sun was out along the south coast.

No more snow is in sight, Tobin said.

Metropolitan Providence this morning was a soft-white tableau of a rush hour gone crazy—major thoroughfares totally blocked by cars, trucks and buses that were deserted last night after their occupants all were released from work at about the same time and then spent hours in the blizzard without moving.

"It's just overwhelmed us," said a Cianci aide. "We tried all night but there's nothing we could do. Everything is stopped."

In West Warwick yesterday, women were seen slumped over their steering wheels in traffic jams, crying uncontrollably.

Rocco DeLuca, assistant state director of transportation for maintenance, said Routes 95, 195 and 146 in the Providence area were all choked by hundreds of abandoned cars yesterday and the plows lost their battle to keep up with the snow.

[From the Providence Evening Bulletin, Feb. 8, 1978]

SNOW CRISIS HAS USUAL QUOTA OF CRANKS AND UNSUNG HEROES

(By Karen Ellsworth)

The cranks, the unsung heroes and the Rhode Islanders who are a little of both were out in full force yesterday, trying their best to deal with the cruel hand dealt by Mother Nature.

Here are a few snow stories:

Bob Goffigan, 33, a telephone repairman, decided to walk from Providence home to Johnston Monday.

Lots of people are glad he did. He returned early yesterday morning on a snowmobile and began to transport badly-needed medicine from the city's hospitals to asthmatics, diabetics and heart patients stranded in shelters around the city.

Goffigan estimates that he made a dozen trips in as many hours.

Wendell Flanders, director of the state Department of Transportation, and Rocco DeLuca, deputy assistant director for maintenance, had their hands full.

Flanders was busy coordinating clean-up operations, and DeLuca was constantly at the state garage on Arline Street giving orders to the more than 400 workers in the streets and patiently answering questions from reporters.

But that's not where their work ended.

A reporter who had tried to contact DeLuca at the garage early last night was told that he and his boss were aboard a payloader bound for Mathewson Street Church in Providence, where they were to pick up food to deliver to emergency shelters throughout the city.

"It may not be the Hilton or the Marriott, but I think we should be thankful for being here," said a woman who spent the night at the North Main Street fire station.

Lt. David Giuliano, unshaven and haggard from a long night of work, said people began arriving at the station about 7 p.m. Monday.

"We did what we could," he said. "We turned over the 15 beds to the elderly and sick people, and made as much coffee as we could. We had 13 firefighters and one medic here who treated some of the people with heart conditions and other problems."

Capt. Owen McGurn said his men went up and down North Main Street checking to make sure no one was left in a car, but some people refused to leave their vehicles.

A lot of people whom Brenda Keeling never met made it possible for her to deliver a healthy baby girl at 12:49 a.m. yesterday at Womens and Infants Hospital in Providence.

State police brought Mrs. Keeling, 22, of Harrisville, to the Harmony Fire Station. From there, a rescue truck began the treacherous trip to Providence. At Smith Street, abandoned cars completely blocked the road, but 10 men moved cars from the path of the rescue truck for two miles.

Then the truck developed problems, and a Johnston rescue took her the rest of the way. She arrived at the hospital about 9 p.m. and gave birth to 7-pound, 11-ounce Jessica Lynn about four hours later.

Some women couldn't make it to Womens and Infants.

At St. Joseph's Hospital in North Providence, the second baby to be delivered since the hospital opened 24 years ago was born yesterday morning. And another expectant mother was ready to deliver there, too.

Snow-snarled streets didn't make too much of a dent in Bruce Melucci's business. Melucci, owner of Paperback Books on Weybosset Street in Providence, served his customers nips of brandy in paper cups as they shopped.

"I've had quite a few people who came in to buy two or three books," he said. "Their theory was they were going to be tied up by the snow for a long time, and they'd need a few books to keep them occupied."

Speaking on the telephone from behind a door that was barricaded by a snowdrift taller than she is, Mrs. Ina Pierce of Foster spoke yesterday morning with a certain amount of local pride.

"When I hear them talk about having snow in Providence, I think, well, goodness, those people don't know what snow is."

Mrs. Pierce, who is 84, has for 50 years kept Foster precipitation records for the Providence Water Department Supply Board.

Her daughter, Ina Wright, who lives next door on Route 6, helped monitor her mother's measuring equipment. After spending three hours to reach the equipment, she determined that snow on the "level" level measured three feet with drifts up to nine feet.

Mrs. Pierce said that, in her experience, the snowfall set a record.

Brown University's hockey team played their scheduled game in Vermont last night, but Rhode Island fans were unable to see it because the transmitter for Channel 36, the state's educational television station, had a power failure that knocked it off the air.

Bob Knott, an engineer at the station, said they were able to receive the feed of the game but had no way to get it out to the fans.

The team left Providence by bus at 4 p.m. Monday and arrived in Burlington at 2 a.m. yesterday.

Marion Beardwod, a substitute operator at the *Journal-Bulletin* switchboard, said that yesterday was the busiest day she has spent in 1½ years at the paper.

One of the calls that the *Journal's* city desk received was from a woman stranded on Smith Street. She called during the height of the storm to ask when the State House was going to open.

Several women called to complain that their husbands hadn't returned home from work on time.

Another woman called yesterday wondering whether schools in Providence would be open next Monday.

Seven employes at the Almacs store on Airport Road in Warwick slept on the checkout counter conveyor belts and on boxes of paper towels in the upstairs stockroom last night.

They played hi-lo jack for no money and used the bakery ovens to cook pizza from the frozen food section, said Bill Rose of Pawtucket, the assistant manager.

"I slept about an hour," Rose said. "I'll probably be here again tonight because the new shift hasn't come in." The store was open yesterday, he said, and the biggest selling items were milk and dog food.

Daniel Baughan of East Providence and his wife, Patty, both respiratory therapists, walked from Daniels' mother's home at 19 Wheldon Ave. in East Providence more than two miles yesterday to aid stranded motorists on the Washington Bridge.

They found one teenage girl, identified as Suzie, unconscious in her car with the motor running and the windows closed.

Daniel wrapped her in his coat and gave her mouth-to-mouth resuscitation and cardiac massage before she began to breathe again.

The couple carried Suzie to a private ambulance about a half-mile away, where she received oxygen. From there, a police four-wheel-drive vehicle took her to the hospital.

THE INTERNATIONAL WOMEN'S YEAR CONFERENCE

Mr. GOLDWATER. Mr. President, the International Women's Year Conference was held in Houston, Tex., last November. It was financed by the people's tax money of this country. I do not think there could be more than a small fraction of 1 percent of the taxpayers who would allow their money to be spent for this doubtful, questionable, and insidious conference if they knew what went on. I have examined the material a bit, because I want the President to understand that there is another Senator and taxpayer who is very critical of the use of tax moneys for these purposes. For example, I have some excerpts from resolutions which were passed at that conference, and I ask unanimous consent that these be printed at this point in my remarks.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM SOME RESOLUTIONS PASSED AT THE NATIONAL WOMEN'S CONFERENCE, HOUSTON, TEX., NOVEMBER 18 TO 21, 1977

CHILD CARE

The Federal government should assume a major role in directing and providing comprehensive, voluntary, flexible hour, bias-free, non-sexist, quality child care and developmental programs, including child care facilities for Federal employees, and should request and support adequate legislation and funding for these programs. (AB)

EDUCATION

The President should direct the vigorous and expeditious enforcement of all laws prohibiting discrimination at all levels of education and oppose any amendments or revisions that would weaken these laws and regulations. (AC)

Enforcement should apply to elementary, primary, secondary, post-secondary, graduate, vocational and technical schools, including sports and other programs and granting of scholarships and fellowships. (AC)

Bilingual vocational training, educational and cultural programs should be extended and significantly expanded, with particular attention to the needs of Hispanic Americans, Native Americans, Asian Americans and other minority women. (AC)

State school systems should move against sex stereotyping through appropriate action, including: (BC)

Review of books and curriculum.

Pre-service and in-service training of teachers and administrators.

Non-sexist counseling at every level of education, with encouragement of women to increase their range of options and choices to include both non-traditional and traditional occupations and to increase understanding of women's rights and status in various occupations.

(A) Original IWY Commission recommendation adopted by 43 State Meetings. (C) IWY Commission recommendation.

(B) 14 States thought these recommendations were important enough to add to original recommendations.

EQUAL RIGHTS AMENDMENT—ERA

In interpreting ERA, the courts can be expected to rely on the legislative history as expressed in the majority report of ERA of the Senate Judiciary Committee and the debate in Congress on passage of the Constitutional amendments.

ERA will: Allow a married woman to maintain a separate legal domicile from her husband's domicile.

HEALTH

Federal legislation should establish a national health security program Present Federal employees' health insurance policies and any future national health security program should cover women as individuals. (C)

Health insurance benefits should include: Preventive health services, comprehensive family planning services, reproductive health care, general medical care, home and health support services, comprehensive mental services.

Congress should appropriate funds to establish and support a network of community-based health facilities to offer low cost, reproductive health services. (BC)

HOMEMAKERS

The Federal Government and State legislatures should base their laws relating to marital property, inheritance, and domestic relations on the principle that marriage is a partnership in which the contribution of each spouse is of equal importance and value. (A)

The President and Congress should support a practical plan for covering homemakers in their own right under social security and facilitate its enactment. (A)

PEACE AND DISARMAMENT

The President and the Congress should intensify efforts to:

(a) build, in cooperation with other nations, an international framework within which serious disarmament negotiations can occur;

(b) reduce military spending and foreign military sales, convert excessive weapons manufacturing capacity to production for meeting human needs;

(c) support peace education in schools and advanced study in the fields of conflict resolution and peace keeping.

To this end the United States should take the lead in urging all nuclear powers to start phasing out their nuclear arsenals rather than escalating weapons development and deployment, and should develop initiatives to advance the cause of world peace. (B)

(B) 18 States thought this recommendation was important enough to add to the original recommendation.

INTERNATIONAL WOMEN'S DECADE

The U.S. should give vigorous support to the goals of the UN Decade for Women: Equality, Development and Peace in the General Assembly and other international meetings; should give financial support to Decade activities and should participate fully in the 1980 mid-Decade World Conference to review progress toward targets set in the World Plan of Action adopted unanimously by the World Conference of International Women's Year, 1975.

OLDER WOMEN

Federal and State governments: public and private women's organizations and social welfare groups should support efforts to provide social and health services that will enable elderly women to live with dignity and security. These services should include but not be limited to: (AB)

Suitable housing for women living alone, with special concern for their safety.

Home health and social services, including visiting nurse services, homemaker services, meals-on-wheels and other protective services that will enable older women to function comfortably in their own homes if they so wish instead of moving to institutions.

Public transportation in both urban and rural areas for otherwise housebound women.

Efforts to stimulate the elderly woman's interest in life with particular attention to needs of the frail elderly, age 75 and older.

Bilingual, bicultural programs, including health services, recreation and other programs to support elderly women of limited English-speaking ability.

Medicare provisions in the Social Security Act should be liberalized by: (AB)

Combining Part B benefits for optional medical services with Part A benefits for hospitalization so that all the elderly receive mandatory coverage for physicians' services as well as for hospital insurance.

Expanding the Medicare system to include prescription drugs, hearing aids, eyeglasses and eye care, and dental care.

Both health and social services should be geared toward home living for the elderly. These services include some of the following: visiting nurse service, home-health service, home-maker service, meals-transportation and escort services and other programs. However, no basic national support services program for the elderly exists. Services are fragmented and vary from State to State and among communities. Services range from excellent to spotty to nonexistent.

An adequate, assured income floor, comprehensive in-home and community-based services and short and long-term health care are needed to provide a dignified and satisfying old age. (1)

(1) *To Form a More Perfect Union . . .* pp. 283–284, 286–287.

REPRODUCTIVE FREEDOM

We support the U.S. Supreme Court decisions which guarantee reproductive freedom to women. (1) (A)

We urge all branches of Federal, State and local governments to give the highest priority to complying with these Supreme Court decisions and to making available all methods of family planning to women unable to take advantage of private facilities. (A)

We oppose the exclusion of abortion or childbirth and pregnancy-related care from Federal, State or local funding of medical services or from privately financed medical services. (2) (AC)

Programs in sex education should be provided in all schools, including elementary schools. (B)

SUMMARY BACKGROUND

Moral decisions relating to reproduction are rightfully the responsibility of individual women. Every woman, regardless of her economic circumstances, education, race or ethnic origin, age, rural or metropolitan residence, is entitled as a basic human right to have readily available the means of controlling reproduction. As the World Plan of Action adopted in Mexico City acknowledged, "The exercise of this right is basic to the attainment of any real equality between the sexes, and without it women are disadvantaged in their attempt to benefit from other reforms."

SEXUAL PREFERENCE

Congress, State, and local legislatures should enact legislation to eliminate discrimination on the basis of sexual and affectional preference in areas including, but not limited to, employment, housing, public accommodations, credit, public facilities, government funding, and the military. (B)

State legislatures should reform their penal codes or repeal State laws that restrict private sexual behavior between consenting adults. (B)

State legislatures should enact legislation that would prohibit consideration of sexual or affectional orientation as a factor in any judicial determination of child custody or visitation rights. Rather, child custody cases should be evaluated solely on the merits of which party is the better parent, without regard to that person's sexual and affectional orientation. (B)

(B) 34 States adopted various recommendations on sexual preference.

SUMMARY BACKGROUND

Lesbian women are discriminated against by current laws and practices. For example, 32 States have sodomy laws which criminalize private sexual behavior between consenting adults. Discrimination on the basis of sexual preference in employment, housing, public accommodations, credit, public facilities, government funding, and the military is not prohibited by existing Federal civil rights laws. Lesbian mothers have been denied custody of their children solely on the basis of their sexual orientation. These conditions allow for persecution and abuse of individuals selected for harassment.

Mr. GOLDWATER. Mr. President, I would hope that my colleagues would read this and ask themselves questions about what was suggested at this meeting. Now, the equal rights amendment is one thing and it is one thing I hope is not passed, but I held this feeling long before I read these excerpts.

Jean O'Leary, executive director of the National Gay Task Force, was appointed by President Carter to serve on the Women's Commission for the Observance of International Women's Year and I do not think an equaled percentage of the taxpayers would approve of this kind of action that went on as described in the excerpts I have chosen to be placed in the RECORD. I ask unanimous consent that an article by Jean O'Leary entitled "Lesbians and the Schools" be made a part of the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LESBIANS AND THE SCHOOLS

(By Jean O'Leary and Ginny Vida)

(NOTE.—The following appeared in the NOW publication, New York Chapter, entitled "Struggle to End Sex Bias—Report on Sex Bias in the Public Schools," Third Edition. Jean O'Leary, Co-executive director of the National Gay Task Force, was appointed by President Carter to serve on the National Commission for the Observance of International Women's Year.)

The sex role stereotyping promoted in all areas of our educational system is doubly oppressive to the lesbian. Not only does she learn that she is inferior because she is a woman; she also sees that as a woman who loves other women, she is labeled "sick" in psychology texts and is encouraged by school counselors to direct her love energies toward men.

In adolescence, she finds no outlet for her emotional and sexual feelings. She is told in sex education courses that she is going through a stage she will outgrow. Young men have virtually no visible role models to counterbalance the heterosexual programming in our schools and are constantly subjected to stories of Dick and Jane in every form. Since all women are conditioned in this manner, it is no wonder that they find it difficult to think in any terms other than heterosexual marriage. The struggle for equality of women must be extended particularly within the system to include control over our entire lives, especially our sexuality.

There are many lesbians in our schools, too many for us to ignore any longer the problems which the educational system poses for them. The schools must no longer deny students and faculty the right to acknowledge their lesbian identities openly and seek out intelligent information about themselves.

Specifically, there is an urgent need for changes in the following areas:

COUNSELING

School counselors should be required to take courses in human sexuality in which a comprehensive and positive view of lesbianism is presented.[1] (Colleges which do not offer such courses ought to design and provide them.) Lesbians as well as heterosexual counselors should be represented on the guidance staff.

In addition, the names and phone numbers of gay counseling services[2] should be made available to all students and school psychologists. Students should be given the opportunity, if they so desire, to contact these agencies.

No school counselor should ever refer a student to a psychotherapist for the purpose of changing her/his sexual preference from gay to straight. Such conditioning conveys to the student that her/his feelings of love are unworthy and unacceptable; it causes immeasurable conflict and ego damage, and can never be done in the name of mental health.

SEX EDUCATION

Courses in sex education should be taught by persons who have taken the human sexuality courses already mentioned. Students will thus be encouraged to explore alternate life styles, including lesbianism. Speakers from local lesbian organizations should be invited to these classes so that students can have their questions answered first hand.

Textbooks which do not mention lesbianism or which refer to it as a mental disorder should not be used in sex education courses. At the very least, teachers should expose the misinformation in these texts and provide additional reading material which includes a fair and positive view of lesbianism.

LESBIAN STUDIES

Schools should set up lesbian studies programs in connection with women's studies programs to foster pride in the adolescent lesbian and to show heterosexual students that lesbians have made significant contributions to society. Learning about these contributions would foster positive feelings on the part of all students.

LIBRARIES

School libraries should be supplied with bibliographies of lesbian literature and urged to purchase novels, stories, poetry, and nonfiction books that portray the joy of women loving women. The use of these books should be encouraged in literature and history classes.

LESBIAN CLUBS

Lesbian clubs should be established in the schools. These clubs would foster a community spirit among lesbians, who up until this time have been isolated due to the pressures of society. Such organizations would help lesbians to develop pride in their life styles, and to help overcome the prejudice of heterosexual students and faculty.

Recommended Nonfiction Books:

"Lesbian Nation." Jill Johnston, Simon and Schuster, New York, 1973.

"Lesbian Women." Del Martin & Phylis Lyons, Glide, San Francisco, 1972.

"Sappho Was a Right-On Woman." Sidney Abbot & Barbara Love, Stein & Day, New York, 1972.

* * * * *

Therefore, be it resolved: That N.O.W. recognizes the double oppression of women who are lesbians, and

Be it further resolved: That a woman's right to her own person includes the right to define and express her own sexuality and to choose her own lifestyle, and

Ee it further resolved: That N.O.W. acknowledge the oppression of lesbians as a legitimate concern of feminism.

Mr. GOLDWATER. Mr. President, again, ERA is one thing, and I guess you can say that being a gay is another thing, and you can go further to say that gays, lesbians, and so forth, have any right they want to live the kind of lives they want to, but I do not think it is proper to have this type of thing represented on any organization approved by our President. I will from time to time place further studies on this subject in the RECORD, because I am worried about it, somewhat incensed about it, and I think I speak with the majority of Americans when I use those words.

[1] Homosexual Community Counseling Center (Workshops), 921 Madison Avenue, New York, NY.

[2] Ibid.

THE FOREST SERVICE: WHY CHANGE?

Mr. TALMADGE. Mr. President, from time to time I have spoken out against recurring threats from many quarters to the integrity of the U.S. Forest Service.

One of the most persistent threats is to remove this efficient and responsive agency from the U.S. Department of Agriculture and place it within the Department of the Interior.

I unalterably oppose any such change in the status of the Forest Service and am gratified to know that a great many

others throughout the country share my views.

The associate editor of the Ogden, Utah, Standard-Examiner has written a letter to an acquaintance of mine who showed the letter to me.

I would like to share with my colleagues just three pertinent paragraphs of the letter:

In 15 years writing editorials here . . . I can't remember a complaint, even a letter to the editor, against the Forest Service.

On the contrary, have had frequent compliments.

So, if Forest Service under Department of Agriculture is working, then why change?

Mr. President, that is my question: Why change?

I ask unanimous consent that the text of a January 22, 1978, editorial from the Ogden Standard-Examiner be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEW REORGANIZATION POSES THREAT TO EFFICIENCY OF FOREST SERVICE

The widely-acclaimed efficiency of the U.S. Forest Service has long been treasured in Ogden—headquarters of the Intermountain Region and home of the Intermountain Forest And Range Experiment Station.

We've long admired the staff members for their professionalism and dedication and because—unlike so many other federal agencies—they were non-political.

Now there's a new threat to the very foundation of the Forest Service upon which that efficiency is based.

Under a directive from President Carter, the Office of Management and Budget is studying possible reorganizations of the Executive Department that could bring chaos to the federal, state and private forests now managed so effectively.

This isn't the first such proposal.

The Standard-Examiner joined thousands of far-seeing Americans in 1973 in successfully opposing a reorganization plan that would have redrawn the Forest Service's operational map.

The Ogden regional office would have been eliminated, putting forests in our area under jurisdiction of a Denver headquarters.

That wasn't the worst, though.

The Albuquerque region would have been dismantled—and Southwest forests managed from faraway Atlanta, Georgia!

Fortunately, the administration then saw the error of its ways and dropped the project—which was planned to include, eventually, transfer of the Forest Service from the Agriculture Department to the Interior Department.

Unfortunately, the latter part of that '73 threat has now been revived.

The OMB began a study of reorganization possibility affecting the Forest Service, the Soil Conservation Service, the National Oceanic and Atmospheric Administration, the Army's Corps of Engineers and other agencies last August.

The official Federal Register, which has extremely limited national circulation, published a series of alternative reorganization plans on Dec. 19.

Full public comment was requested. But, despite the intervening Christmas and New Year's holidays, OMB said it wanted those comments in its hands by Jan. 14.

Few of the millions of Americans who have a direct interest in the Forest Service and the other agencies even knew of the plan, let alone had time to file an official reaction.

As a result, the deadline has been extended until Feb. 14. Responses are to be sent to the Office of Management and Budget, President's Reorganization Project, National Resources Division, Room 3203 New Executive Office Bldg., Washington, D.C. 20503.

Readers who write to the OMB should also send a copy of their letters to members of Utah's congressional delegation. This is imperative.

Our feeling—and that of nonpartisan forest experts throughout the nation—is that the Forest Service should be left under the umbrella of the Department of Agriculture, where it was placed in 1905.

This makes sense because the forests are a renewable resource—just like the grains and grasses that grow in the farmers' fields. In many parts of the nation, private holdings of farmers form a major part of the saw timber harvest.

Under Agriculture, the Forest Service has remained a blue-ribbon agency, unaffected by political changes at the White House, Congress or Cabinet. The present chief, John McGuire, has already served under three presidents!

By contrast, the Bureau of Land Management—under the Interior Department—has undergone a constant, politically-based shuffle of its high command with resultant disruption of staff morale.

Since the Forest Service is a "winner," why change?

However, if there must be reorganization—to carry out President Carter's campaign pledges, if nothing else—there is a germ of possible efficiency in one of OMB's six suggested alternates.

This proposal—No. 3 on the reorganizers' list—would combine farm-related activities of the Department of Agriculture with management of public and private non-urban land and related renewable resources now placed in Agriculture, Interior and other departments.

Net result would be creation of a Department of Agriculture and Renewable Resources.

It just might "fly," if there must be a revision of the present, effective setup.

The other five suggested alternates—with OMB stressing that these are only preliminary ideas—have little merit, in our sincere belief.

No. 1, for example, calls for forming a Department of Natural Resources, adding the Forest Service and several other agencies to the present Interior Department. This is basically a name change, designed—as in earlier years—to assure political control.

No. 2 would add evironmental regulation to a Department of Natural Resources. Too diversified for efficiency!

Another would add ocean research. A fifth would split this general area into resource development and environment-conservation. The sixth would throw public health into the overall bureaucratic grab-bag.

These last three would result in such odd mixtures that control would be difficult, politics would be supreme and efficiency would suffer.

The 500 career Forest Service workers in the Ogden area are prohibited from participating directly in the reorganization battle.

If they could they would, to a man and woman, say "leave us alone." And, for hours, they would recite valid reasons why there should be no major change.

JACK C. MASSEY FOUNDATION

Mr. BAKER. Mr. President, I commend to my colleagues' attention a program established this year by one of my constituents from Tennessee, Mr. Jack C. Massey, to recognize achievements in medicine and health care cost containment with $50,000 in awards.

Mr. Massey is a well-known business executive and philanthropist, and among other positions, is chief executive officer of Hospital Corporation of America, the world's leading hospital management company. His Jack C. Massey Foundation is offering the awards in commemoration of the 10th anniversary of the company this year.

The awards are being offered to recognize and encourage developments in health-related sciences which affect the health of the people of the world or have significant impact on health care costs. I think this is an excellent program and one that deserves our attention and that of the American people.

The original announcement of this important program was published in the Nashville Tennessean, the morning newspaper serving that city, on October 27, 1977. Mr. President, I ask unanimous consent that the text of that newspaper article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MASSEY OFFERS $50,000 PRIZE IN HEALTH FIELD

(By Albert Cason)

Jack C. Massey, chairman and chief executive officer of Hospital Corp. of America, announced yesterday he will give two awards totaling $50,000 next year for outstanding achievement in health sciences.

The awards by the Jack C. Massey Foundation, to be made in Washington in May, will consist of $25,000 and an original glass sculpture for each of two contributions to the improvement of world health care or containment of health care costs.

The national awards were established in commemoration of the 10th anniversary of the founding of HCA by Massey and others in 1968.

Richard R. Shinn, president and chief executive officer of the Metropolitan Life Insurance Co., has been named chairman of a selection committee composed of leaders prominent in business and the professions. Members of the Committee are J. Kingsbury Smith, National Editor, Hearst Newspapers, Washington, D.C.; John Harper, Chairman, Executive Committee, Aluminum Company of America, Pittsburgh, Pennsylvania; Anne R. Somers, College of Medicine and Dentistry, Rutgers University, New Brunswick, New Jersey; Dr. James E. Cheek, President, Howard University, Washington, D.C.; Hugh Fitzpatrick, M.D., Director of Surgery, St. Luke's Hospital, New York, New York; Philip B. Hofmann, Chairman of the Board, Retired, Johnson and Johnson International, New Brunswick, New Jersey; Peter G. Peterson, Chairman of the Board, Lehman Brothers, Kuhn, Loeb, Inc., New York, New York; and Lloyd J. Old, M.D., Vice President and Associate Director for Scientific Development, Sloan Kettering Institute for Cancer Research, New York, New York.

The Massey awards will be based on the importance of the achievements, as they relate to the advancement of medical science and health care delivery, or to the reduction of health care costs, the announcement said.

It said nominations or applications on behalf of a candidate must be submitted in writing and accompanied by support data, with awards going either to individuals or teams responsible for achievements.

The selection committee will consider achievements authenticated, published or accepted by an appropriate professional body in the U.S. on or after Jan. 1, 1975, the announcement said.

Massey founded HCA with Dr. Thomas F. Frist, Sr., Vice chairman, and Dr. Thomas F. Frist, Jr., president.

ALTERNATIVE FINANCING PLAN FOR THE SOCIAL SECURITY SYSTEM

Mr. HATHAWAY. Mr. President, on February 6, I introduced S. 2501, a bill providing an alternative financing plan for the social security system.

Included in my remarks a list of organizations which have indicated support for the use of general revenue funds for social security.

I ask unanimous consent that a revised list of these organizations be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

REVISED LIST

American Federation of Labor and Congress of Industrial Organizations (AFL–CIO).
American Society for Personnel Administration.
Citizens Against Confiscation of taxes in U.S.
International Brotherhood of Teamsters.
International Ladies Garment Workers Union.
National Association of Social Workers.
National Coal Association.
National Conference of Catholic Charities.
National Council on Aging, Inc.
National Council of Senior Citizens.
National Farmers Union.
National Senior Citizens Law Center.
National Retired Teachers Association/American Association of Retired Persons.
United Auto Workers.

THE SHRINKING WORLD

Mr. GOLDWATER. Mr. President, the time is long since past that the United States declared that it could say it was even partially self-sufficient. Our need in a great many areas have far outreached our ability to supply and produce. Our dependence on foreign sources of oil is only one reminder of our dependency on other producing nations of the world. I believe it behooves us to take a look at just where we stand in this shrinking world—not only from a standpoint of material needs but from a standpoint of armaments and diplomacy.

In this respect, Mr. President, we are indebted to the Association of the United States Army for a pertinent and informative yearend assessment of just where we stand in relation to the rest of the world. I ask unanimous consent that this assessment, entitled "The Shrinking World—1977" be printed in the RECORD.

There being no objection, the assessment was ordered to be printed in the RECORD, as follows:

THE SHRINKING WORLD

An electric sign suspended from a building in downtown Washington, D.C., announces the minute-by-minute growth of the world's population. Each minute it ticks off an increase of 172. As this report was being prepared for printing, the world's total population stood at 4,342,600,345. If the sign is correct the population will increase more than 900 million in the next 10 years, and in twenty years by almost two billion.

In fact the only finite thing in the world that is increasing is its population. The trickle of lava from an erupting volcano in Hawaii has added nothing to the world's inhabitable surface. The useable mineral parts of the earth's crust are being consumed at rates millions of years faster than they were formed. Even in countries where there is still room to expand, the good arable land is being taken over by man's shelters rather than being reserved for the production of his food and clothing.

Everywhere there are signs of maldistribution of the earth's remaining assets. The granaries of the United States and a few other countries are overflowing while untold thousands in less fortunate nations go hungry. A handful of nations control the largest remaining pools of oil while a hundred other nations, large and small, seem to rush toward exhaustion of that vital commodity, unmindful of the cost or ultimate impact. Great industrial nations can no longer find the raw materials for their factories within their own boundaries and must turn to other countries whose commercial wealth is composed in some instances of raw materials alone.

The time has long past that any nation can keep up mid-20th Century standards of modern living by relying totally on its own resources. All nations, most of necessity, seem to be turning outward, either to assure existing conditions or to reach for improvements that will let them approach a more desirable quality of life.

A significant outgrowth of this increasing interdependency is a shift away from a concentration of influence in the hands of the two current super powers, the United States and the Soviet Union and a diffusion of that influence into the hands of many smaller powers who control natural resources. This shift from bipolar to polycentric sources of influence is best illustrated by the oil-rich Arab nations who although they themselves are very dependent on other nations for manufactured goods, are in a position to call at least a measure of the tune for their industrialized customers. Each nation has its own strengths and vulnerabilities. The United States may be more vulnerable to a shortage of oil than the Soviet Union but the USSR is far more dependent than the United States on foreign food and technology.

During the eight years beginning with 1970 the United States has spent far more money overseas than it has taken in from overseas customers. In only three of those eight years did U.S. industry and agriculture manage a surplus of sales abroad. Although the final figures for 1977 are not yet in, it is estimated that the balance of payments deficit for this past year will hit an all-time high (or low) of at least $25 billion. The biggest share of the deficit, of course, is from massive imports of oil.

BALANCE OF PAYMENTS

Unfortunately, this growing interdependence has not been accompanied by a lowering of the political, philosophical or social barriers that would permit that interdependence to operate unhindered. The United States and the Soviet Union, for example, compete to a degree for the mineral riches of the continent of Africa but that competition is being conducted on an ideological rather than economic basis. The United States has strong philosophical ties to the nation of Israel but its conduct of that relationship must be tempered by the facts of life in the mideast and the critical damage the Arabs could do to the U.S. economy in retaliation for improperly balanced support of the Jewish state.

The President of the United States' much heralded initiatives in support of the advancement of human rights have put the United States in a position of conflict with many friendly nations where the exercise of human rights has a different priority than those enunciated by President Carter. The overt reaction to this human rights policy has been strongest in Latin America where several national are just beginning to emerge as sources of vital raw materials. The policy has raised our involvement in the racial and representational problems in Rhodesia and South Africa, for example. Both are sources of strategically important metals which we need to import.

The United States even has a stake in the relationship between the two Marxist giants, the Soviet Union and the People's Republic of China for the tension between them plays a large role in the attention they pay to Western Europe, on the one hand, and East Asia on the other.

Never before in the history of the World have political and economic considerations been more closely intertwined. By necessity, the military posture of many nations is dictated as much by economic considerations as by the exercise of foreign policy. Amid this complex of problems, for example, the U.S. leadership must assure the nation's invulnerability to threats ranging from a cut-off of access to an emerging mineral-rich nation to the ultimate possibility of nuclear attack. Today only five nations have what might be considered major military and naval forces but the composition of those forces provides an insight into the way each of those nations views its role in the world.

MILITARY ESTABLISHMENTS—U.S., USSR, CHINA, GB, FRANCE

The most striking impression to be drawn from the chart centers on the huge advantage in conventional land combat power in the hands of the Soviet Union and the People's Republic of China. In raw numbers these nations approach parity with each other but the combined land combat power of the United States, Great Britain and France falls far short of a match in the numbers of divisions, tanks or artillery weapons.

Both the USSR and China occupy huge land masses and depend heavily on their ground forces as the best means for providing security. We recognize, too, that a sizeable portion of each force is deployed against the threat of the other. The fact remains, however, that even after we discount the 25 percent of the Soviet Army and 40 percent of the Chinese Army facing each other, the residue of each army available for commitment elsewhere has an overwhelming capability for outward projection.

The growth of the Soviet Navy to a position of numerical superiority in every category of ships except attack aircraft carriers may well be the best indication of that nation's decision to extend its influence further outward. The Soviet Naval force has long since progressed past the point at which it was considered little more than a force for the defense of home waters. The Soviet Union, after all, is less vulnerable to attack from the sea (except by submarine-launched missiles) than almost any other major nation. Yet, there are 219 attack submarines in the Soviet fleet (compared to just 78 in the U.S. fleet). The presence of the bulk of those submarines in the Atlantic and Mediterranean areas argues that their mission is primarily one of isolating Western Europe from outside sources of supply and reinforcement rather than patrolling the limited stretch of Soviet coastline exposed to possible attack from the sea.

The United States, Great Britain and France are no strangers to the process of extending power overseas. Their naval forces, exemplified by the attack aircraft carriers, antisubmarine units and amphibious formations, leave little doubt that their mission is to extend combat power away from home shores and into those areas where national policy demands the exercise of influence. The Soviet Navy now has similar capabilities, but theirs are growing while the others diminish.

	U.S.S.R.	China	Great Britain	France	United States
Army divisions	168	136 plus	19 regiments, 47 sep. bns.	9 plus	16 plus.
Tactical aircraft	5,262 [1]	5,900 [1]	120	334	4,600 [1]
Interceptors	2,650	(2)	108	120	331.
Strategic aircraft	611	80	106	32	441.
Major surface combat vessels	230	22	75	53	175.
Patrol/torpedo/missile boats	464	735	54	70	0.
Attack carriers	1 (+2 helo carriers)		1	2	13.
Attack submarines	219	66	27	21	78.
BM submarines	82	1	4	4	41.
SLBM's	909	Unknown	64	64	656.
ICBM's	1,477	60–80	0	18	1,054.
Marines	5 regiments	38,000	1 brigade	1 BN	3 div sions.
Tanks	43,000	10,000	1,181	2,180	10,575 [3]
Tube artillery pieces	19,000	20,000 [4]	340	Unknown	5,000.
Nuclear capable tactical missiles	1,200 launchers	Unknown	1 regiment	24	12 BNS.
Personnel, all services	4,425,000 [5]	3,950,000	339,150	502 000	2,100,000.

[1] Navy and Air Force combined.
[2] Up to 4,000 Navy and Air Force aircraft can be employed in this role.
[3] Army and Marine Corps combined.
[4] Includes rocket launchers.
[5] Includes border guard forces.

U.S. FORCES OVERSEAS

In Europe

Now, 313,700; change in 1977—Up 17,900.

	Now	Change in 1977
West Germany	224, 300	+15, 800
Britain	20, 100	−200
Italy	11, 400	−200
Spain	9, 200	0
Turkey	4, 700	+300
Greece	3, 600	+300
Iceland	2, 900	−200
Belgium	2, 000	0
Netherlands	2, 200	+200
Portugal	1, 400	0
Other countries	1, 000	0
Sixth fleet	30, 900	+1, 900

In Latin America

Now, 15,900; change in 1977—Up 100.

	Now	Change in 1977
Panama Canal Zone	9, 300	+200
Puerto Rico	3, 800	−400
Guantanamo	2, 800	+300

In Pacific and Far East

Now, 143,500; change in 1977—Up 10,700.

	Now	Change in 1977
Japan and Okinawa	48, 000	+2, 700
South Korea	40, 500	+100
Philippines	16, 000	+1, 400
Guam	8, 700	−900
Taiwan	1, 000	−1, 200
Midway Island	800	0
Australia	700	0
Other countries	300	0
Seventh Fleet	27, 500	+8, 600

In other areas

Now, 16,900; change in 1977—Down 1,700.

	Now	Change in 1977
Bermuda	1, 300	−100
Diego Garcia	1, 100	0
Iran	1, 000	−100
Morocco	800	−100
Canada	700	−100
Other	2, 500	−400
Naval forces afloat	9, 500	−900

Source: U.S. Dept. of Defense.

U.S. FORCES OVERSEAS

All five nations catalogued on the chart have nuclear weapons in their arsenals but only the United States and the Soviet Union have the capability to bring down total destruction on each other—or anyone else. Some would say that the Soviets, with a numerical advantage in warheads, holds the balance of terror over the United States and the rest of the world but the fact is that the U.S. by itself possesses a sufficient retaliatory capability to make the Soviet Union pay what we believe to be an unacceptable price for the first use of strategic nuclear weapons. At the moment, at least, the strategic nuclear balance seems to be one that doesn't favor either side with any certainty.

Economic factors underlie any comparison of military forces and the countries that sponsor them. Many smaller nations particularly in developing areas, spend a much higher percentage of their gross national product on their armed forces than do the more advanced countries.

There are variations to this pattern. Japan now the second-ranking trading nation in the world, has relatively scant armed forces, the result of forced reliance on the United States to provide security from outside threats. By worldwide standards Canada is a wealthy nation but it, too, has found that it can rely on treaty-based help from the United States and others and has chosen to limit its forces almost entirely to the defense of its home territory. Canada, after all, is primarily a producer of sought-after raw materials. At this point in its history Canada has no need to project itself outward.

US/USSR DEPENDENCE ON FOREIGN SOURCES OF STRATEGIC METALS

The struggle to secure sources of raw materials presents many anomalies. The United States is about 90 percent reliant on imported chrome as a vital element in the steel-making process but its two best foreign suppliers are Rhodesia and the Soviet Union. Rhodesia is quite happy to sell its chrome to the United States but the U.S. Congress has been adamantly resisting efforts to increase Rhodesian chrome imports because of that country's bad track record on human rights and representation.

Failure by the Soviet agricultural system to provide reliable sources of staple grains like wheat and corn have forced the Russians to make very large purchases of U.S. grain. Soviet agriculture expected bumper crops in 1976 and 1977 but both yields fell far short and the Soviet Union announced in mid-November, 1977 that more large corn and wheat purchases from the United States were in the offing. To the Soviets that U.S. grain is just as much a strategic material as Soviet chrome is to the United States.

Even a nation's attitude toward providing its citizens with creature comforts plays a role in the way its armed forces are supported. The U.S. economy is heavily dominated by the production of consumer goods, with the defense sector being allocated just over five percent of the U.S. Gross National Product in Fiscal Year 1978. While the availability of consumer goods is reported to be improving in the Soviet Union, the USSR still expends about three times as much of its GNP (16 percent) on its defense establishment as the United States does.

The U.S. devotion to producing non-military goods has another negative effect on its ability to meet the requirements of a sudden mobilization. While many production lines turning out trucks, engines, transmissions and other heavy duty items could probably be converted rapidly to production of militarized versions of civilian equipment there are few civilian production lines capable of quickly shifting to producing gear, like electronics, that will meet military specifications. The problem may be worst in the production of sophisticated ammunition and missiles where existing factories are fully committed to producing the relatively small amounts needed for peacetime training and stockpiling. Their ability to increase production rates to meet wartime consumption is very small and the special tooling and other equipment needed for opening new factories would have to be produced from scratch.

TRADE BALANCE CHART

While there is some hope that the United States might be able to reduce its dependence on imported petroleum by developing alternative sources of energy there is no apparent way to reduce the need to import strategic raw materials. Like it or not, the United States has become a dependent nation.

The United States now depends on foreign sources for much of the material crucial to its industry and its national defense. More and more over the past 25 years the United States has been focusing its attention outward:

Since 1950 the number of overseas telephone calls made annually from the United States has risen 5,517 percent.

In 1950 U.S. firms invested $11.8 billion abroad. In 1975 this figure jumped by 1,029 percent to $133.2 billion.

Over the same period annual foreign investments in the United States have climbed by 685 percent.

In 1950 trade among the nations of the Free (non-communist) World had a value of $53 billion. By 1976 that trade was valued at $875 billion—an increase of 1,463 percent.

EXTENSION OF THE OLDER AMERICANS ACT

Mr. CHURCH. Mr. President, the Congress must act on several measures of direct importance to aged and aging Americans during the second session.

One of the most important is the extension of the Older Americans Act, which expires on September 30.

The Human Resources Subcommittee on Aging, which is chaired by Senator EAGLETON, has held 4 days of hearings in which at least 28 witnesses have testified. The subcommittee plans to hold another hearing soon to hear from the administration concerning proposed changes in the act.

The overall record of the Older Americans Act, I strongly believe, has been excellent. It clearly deserves to be extended. I am convinced that the Congress will continue the legislation.

However, there are several steps which can be taken to strengthen and improve the law substantively and administratively.

On February 1, I submitted testimony to the Subcommittee on Aging, outlining the major concepts which I believe should be incorporated in the Older Americans Act extension. I plan to introduce legislation soon to implement these recommendations.

Mr. President, I ask unanimous consent that my testimony before the subcommittee be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY THE HONORABLE FRANK CHURCH

Mr. Chairman and members of the Subcommittee on Aging, I welcome the opportunity to submit testimony on legislation to extend the Older Americans Act.

The need for early action is pressing, as you know, because the Act expires on September 30.

The Older Americans Act, in my judgment, has served our Nation well. Twelve years of experience with this legislation have amply demonstrated its value and worth.

Today 560 Area Agencies on Aging have been established in jurisdictions where 92 percent of the elderly live. These units serve as planners, coordinators, and catalysts in developing comprehensive and coordinated service systems to link up older Americans with the services they need to continue to live independently in their communities.

Aged persons now receive a wide range of services, including information and referral, transportation, homemaker and home health, escort, legal counseling, residential repair, and others.

Another important service is the Title VII hot meals program. Nearly 578,000 nutritious meals will be served daily by the end of this fiscal year at 10,200 senior centers, schools, churches, and other nonprofit settings throughout the country.

The Older Americans Act also authorizes funding for the acquisition, alteration or renovation of facilities to be used as multipurpose senior centers. These units can serve as one-stop service centers for the elderly's everyday needs.

In addition, the Older Americans Act responds to one of the most critical problems in the field of aging: the need for more adequately trained personnel to provide services for the elderly. Nearly 890 students in 57 institutions received Federal assistance for academic year 1977–78 under the Title IV–A training program for careers in gerontology. Overall, 18,900 students enrolled in gerontology courses at colleges and universities throughout our Nation. Nearly 140,000 persons received short-term training.

The 1975 Amendments made Title IX a part of the Older Americans Act, although the Department of Labor administers this senior community service employment program. Title IX has proved to be enormously effective. It provides a dignified opportunity for low-income persons to help themselves while helping others in their communities. Today more than 37,000 older Americans are employed in a wide range of capacities, including environmental aides, home repair workers, health aides, legal aides, and others.

Title IX provides more than just a job for the elderly participant. It can be a means to engage in productive and fulfilling service, including a new and rewarding career.

These programs have all helped to improve the well-being of older Americans in one way or another, and they should be continued. At a very minimum, the Act should, in my opinion, be extended for three years.

My testimony this morning will focus on some of the major concepts which I believe should be incorporated in the Subcommittee's bill. I intend to introduce legislation later to implement these objectives.

STREAMLINING ADMINISTRATION

One of the first priorities, it seems to me, is to streamline the administrative responsibilities of State and Area Agencies on Aging.

Several important steps should be taken for this purpose.

The Older Americans Act has now evolved to the point where it is practical to consolidate the services titles—III, V, and VII—into one title, while retaining the separate authorizations for each program.

This would make it possible to permit a second administrative improvement: a single State plan for the Older Americans Act. As things now stand, State units on Aging submit several plans: one for Title III services, another for Title V senior centers, and still another for the Title VII nutrition program. My proposal would not only eliminate this burdensome paper work, but it would also permit better coordination of programs.

A recent report submitted by a consultant to the Committee on Aging documents the paperwork flow handled by State units on aging and their contractors. The report concludes that the costs and volume of paperwork relative to program resources and administrative budgets have reached a critical point. The reporting system for Titles III and VII alone results in an annual cost exceeding $1 million. A second study identified the separate reporting requirements for Titles III, V, and VII and the frequency of these reports as creating excessive burdens for many Area Agencies on Aging.

Administration of the Act can be further simplified by permitting a two-year planning cycle for State and Area Agencies on Aging. This would enable them to plan better for their elderly service programs. Under this approach, State and local offices on aging would submit a plan every two years, instead of once a year, as under present law. I am pleased that the Administration endorses this concept. In fact, the latest budget recommends funding for fiscal 1979 and 1980 for certain programs under the Older Americans Act.

We are all familiar with the popular Title VII nutrition programs, so visible in many communities throughout the country. However, I urge the Subcommittee to ask the Administration to give more effective assistance to the projects and States in developing better auditing and monitoring procedures for tracking the contributions received from participants in Title VII programs. State and project directors, elderly participants, and the General Accounting Office have told the Committee on Aging about the need for better control of these funds which, on a nationwide basis, could be as high as $30 million a year. The staff of the Committee on Aging has made a preliminary analysis of the situation and agree that more effective administrative controls must be developed.

PERFECTING AMENDMENTS

I think that the Act can be improved in other ways as well.

For example, it should be clear under the law that advocacy is a primary function of the Administration on Aging, State units on aging, and local offices on aging. If these units are to be effective focal points at the national, state, and local level, they must be effective advocates, working wherever possible with other agencies on behalf of the elderly.

One way to strengthen this advocacy function is to strengthen nursing home ombudsman programs, extending their responsibility to all forms of long-term care and defining their responsibilities to include consumer information, investigation, and recommendations to State legislatures.

A uniform 90–10 percent, Federal-local match formula should be applied to all service programs under Title III. Present law makes a distinction between planning and service areas with a designated Area Agency on Aging which are funded under a 90–10 percent matching formula and those without a designated Area Agency on Aging which are funded under a 75–25 percent match. This typically operates to the disadvantage of sparsely populated rural areas which may be unable to develop comprehensive service plans. Rural communities frequently have difficulty in meeting the 25-percent match requirement.

Title V can be improved in two ways. First, funding should be available to help staff multipurpose senior centers. Second, the Act should permit limited construction when it is not possible to acquire, renovate, or alter existing facilities to be used as senior centers. This would be especially helpful in rural areas where structures may simply not be available for senior centers. However, the overall emphasis—as it is now—should be directed at acquisition, alteration, and renovation of facilities because this will allow Title V funding to have a greater impact.

The provision permitting the Department of Agriculture to contribute surplus commodities to the Title VII nutrition program should be continued. This measure enables these programs to serve more people by expanding the food budgets.

Title IX should be made more flexible by extending eligibility to persons with incomes slightly above the poverty lines. Several income formulas could be used, such as 25 percent above the poverty thresholds, or the Department of Labor's lower level budget, or perhaps taking into account State income variations. The overall emphasis should continue to be on the low-income elderly because their needs are the greatest. However, there may be instances when individuals with income slightly above the qualifying limitations may be in greater need because of extraordinary circumstances.

The authorized funding level should be boosted to a level to provide 100,000 jobs within three years, or more than double the 47,500 who will be at work starting in July.

NEW INITIATIVES

1978 presents an opportunity to build upon the solid achievements of the Older Americans Act. One example is the Title VII nutrition program which provides at least one hot meal per day in group settings.

Title VII also supports home-delivered meals. However, existing funding—even though the appropriation is now $250 million—permits only a modest effort on behalf of the homebound elderly. In fact, only about 15 percent of Title VII funds are used for so-called meals-on-wheels programs.

Approximately 3 to 4 million older Americans are unable to participate in a group nutrition program because they are confined to their homes. These individuals frequently suffer from nutritional deficiencies because they may lack the incentive to cook for themselves, especially those living alone. Failing health may also make it difficult to prepare meals.

Many elderly persons are placed in nursing homes, simply because other alternatives—which may include a home-delivered meal—are not available.

A separate home-delivered meals program under Title VII would help to respond to these problems and provide greater flexibility in enabling these persons to continue to live independently in their homes. I support the efforts by Senator Kennedy and Senator McGovern to make meals-on-wheels more readily available and hope that the Subcommittee will incorporate this concept in legislation to extend the Older Americans Act.

Legal counseling is another service that should be expanded under the Older Americans Act. Legal services can have an important multiplier effect for older persons. For example, a paralegal or attorney may assist an elderly client in recovering back payments or to become eligible for Social Security,

Medicare, Supplemental Security Income, or other Federal benefits.

The Committee on Aging has been informed time and time again about the effectiveness of legal services programs in helping older persons recover benefits—in some cases several thousand dollars.

Older Americans have traditionally been underrepresented in legal services programs, despite their pressing needs. Legal services offices usually do not have the resources to provide the degree of representation older Americans need because they have limited budgets and staffs.

In recent years the Administration on Aging has funded 11 legal services model projects and a legal services developer in every State. These programs have demonstrated the feasibility and effectiveness of a legal services program working with the aging network under the Older Americans Act.

The Legal Services for the Elderly Act, which I have cosponsored with Senator Kennedy, would build upon this working arrangement and make legal representation more readily available for elderly persons. Legal services is clearly a priority need for older Americans, and it can be an effective mechanism to assure that they receive the services and benefits designed to help them.

I also urge the Subcommittee to establish a direct funding authorization for Federally recognized Indian tribes. Direct funding is now authorized under Title III, provided the Commissioner on Aging determines that (1) Indian tribe members are not receiving benefits equivalent to other older persons in the State, and (2) they would be better served through direct funding. This provision, however, has proved to be inadequate because the existing formula provides a relatively small amount of money—so small, in fact, that Indian tribes have difficulty in funding an adequate services program.

A separate authorization would help to correct this problem by enabling the Commissioner to fund a large-scale services effort. The Federal Government has a unique relationship with these governmental units. Many other Federal programs—such as Indian health services, the Comprehensive Employment and Training Act, Revenue Sharing, and others—now provide direct funding to Indian tribes. The needs of aged Indians are intensified because of geographic isolation from supportive services, lower life expectancy, substandard housing, and widespread poverty.

WHITE HOUSE CONFERENCE ON AGING

Finally, I recommend that the Subcommittee approve legislation to authorize a White House Conference on Aging in 1981.

In 1950 the first national conference on aging helped to sensitize our Nation to the problems and challenges of older Americans.

Since then, the Congress has approved legislation for a White House Conference on Aging in 1961 and 1971. Both conferences laid the foundation for important and far-reaching legislative achievements for the elderly, including Medicare, the Older Americans Act, the Age Discrimination in Employment Act, the nutrition program for the elderly, the senior community service employment program, Social Security increases, and others.

A third White House Conference on Aging is needed to assure that the momentum generated by previous conferences does not falter and die. Equally important, it would provide a means to take stock of the progress made in implementing the recommendations of the 1971 conference. A conference in 1981 would also provide a forum for older Americans and others to develop a long-awaited national policy on aging.

THE COMPELLING NEED

All Americans—whether they are young or old—have a vital stake in assuring that our commitment in aging is built upon a sound and effective strategy.

Our Nation cannot afford half-hearted efforts in responding to the problems and challenges of aged and aging Americans.

We must also recognize that we are in the midst of rapid changes affecting policies and retirement patterns. The Age Discrimination in Employment Act Amendments, which would, in effect, raise the mandatory retirement age to 70 for most workers, is one good example.

It may be difficult now to appreciate the dimensions and implications of these changes for present and future retirees.

Congress enacted the Older Americans Act in response to trends existing in 1965 and projected changes for the future.

Subsequent amendments have helped to update and perfect the Act to meet changing conditions and developments.

The amendments I have suggested for 1978 would help considerably to implement this goal.

These measures were devolped in close cooperation with leaders in the field of aging and older persons themselves. And, I urge the Subcommittee to incorporate them in the bill you report to the full Committee.

LLOYD E. RADER, DIRECTOR, OKLAHOMA DEPARTMENT OF INSTITUTIONS, SOCIAL, AND REHABILITATIVE SERVICES

Mr. BELLMON. Mr. President, in recent years many in Government have come to be increasingly distressed by the growing, and regrettably sometimes well-justified, outcries of criticism against the performance of public officials. This criticism has tended to undermine the public confidence in our representative form of Government and complicate the always enormous and difficult task of self-government.

It is, therefore, heartening when a long-time public official is recognized by the service he has rendered and for the accomplishments which have been made under his direction. Such is the case with Mr. Lloyd E. Rader, director of the Oklahoma Department of Institutions, Social, and Rehabilitative Services (DISRS), whose service was recently recognized on January 31 when the Oklahoma State Legislature passed a resolution commending Lloyd Rader for his contributions to Oklahoma.

DISRS is the successor to the Oklahoma Department of Public Welfare.

The Department of Public Welfare was established by an initiative petition approved by Oklahoma's voters in 1936. The department was created specifically to administer Federal-State assistance programs then being launched under the newly enacted Federal Social Security Act.

In its first year of operation (fiscal year 1937), the department had a total budget of just under $8 million. By fiscal year 1952, the first year under Lloyd Rader's direction, the annual expenditure level had grown to $80 million. Last year—fiscal year 1977—the DISRS budget exceeded $500 million.

The growth of DISRS' budget reflects both the expansion of benefits for the public assistance recipients the department originally served and the assignment to DISRS by successive Governors and legislatures of a continually expanding range of program responsibilities. DISRS now operates 13 major State institutions serving the mentally retarded, the blind, juvenile delinquents, and ill children. DISRS is responsible for 30 separate programs, most of which were not even dreamed of in 1937 or even in 1951. The expansion of medical services has been particularly dramatic, with over 40 percent of the DISRS budget now spent in the health care field.

1977 marked the completion of the new facilities of the Oklahoma Children's Memorial Hospital in Oklahoma City. The building and staffing of this facility is one of Lloyd Rader's proudest accomplishments. Remarkably, the hospital is now debt-free despite over $40 million having been expended in its construction. Most of this money was provided through economies achieved in other programs by Lloyd Rader and the other 10,000 employees of DISRS. It is most fitting that the hospital chapel has been beautifully equipped and dedicated to the memory of Lloyd's beloved wife, Ruth, by their many friends.

The Oklahoma Children's Memorial Hospital now has a capacity of 402 beds. It serves children and youth from throughout the State without regard to the ability of families to pay for care. Between July 1 and December 31, 1977, the hospital had 3,178 admissions, and provided care for 52,579 outpatient visits. There were 1,553 operations performed during that 6-month period. The occupancy rate averaged over 70 percent during that period, quite high for a newly-expanded hospital.

There is much, much more that could be said about Lloyd Rader and DISRS. The department's administrative costs, for example, are only about 4.3 percent of its total budget. Additional information about DISRS and its programs is summarized in the excerpts from the department's fiscal year 1977 annual report which follow these comments.

It is my firm conviction that Lloyd Rader and DISRS are providing the people of Oklahoma with efficiently delivered human services that contribute greatly to the quality of life in the State and serve as an example to other States. Oklahoma's progress in human service programs under Lloyd Rader's leadership should make us all wary of proposals to have the Federal Government take over welfare administration, health care financing, and other human service programs. Oklahoma has done well by its citizens; I doubt seriously that the Federal Government could run programs as well as DISRS is now running them.

DISRS's outreach touches the lives of many more Oklahomans than is commonly supposed. One rough estimate of the unduplicated number of agency clients comprises the following:

There are 199,300 persons budgeted during the year for direct grants; and an additional 93,900 persons in non-assistance USDA food stamp cases who received bonus stamps; and an additional 257,500 persons benefiting from commodity distributions to school lunch programs; and an additional 36,300 persons classified as "income eligibles" or as title IV–B recipients who were provided social services; and an additional 41,400 nongrant clients having medicaid

paid on their behalf, computed as 75 percent of the fiscal year's total number of medically needy; and an additional 1,300 beneficiaries of crippled children assistance, estimated at 20 percent of the year's caseload.

An additional 30,400 vocational rehabilitation clients, estimated as 60 percent of the rehabilitation caseload of 50,598 clients, not to mention their families; and an additional 20,300 inpatients and outpatients at Oklahoma Children's Memorial Hospital, estimated at 20 percent of the 5,119 inpatients and of the 96,532 outpatient visits this year; and an additional 2,200 children in DISRS custody at campuses of the division of State homes and schools, estimated as 60 percent of the during-the-year enrollment, and also including children not in custody but enrolled at schools for the handicapped; and an additional 400 persons enrolled this year at the three State schools for the mentally retarded, calculated as 20 percent of the total enrollment; and an additional 5,000 juveniles helped this year by the agency's court related and community services division; and an additional 7,700 applicants for disability insurance benefits, estimated at 25 percent of the year's 30,618 applications.

An additional 400 persons in families which received disaster relief from DISRS, estimated as 60 percent of 197 families served in fiscal 1977; and an additional 22,500 persons reached through titles of the Federal Older Americans Act of 1965, as discussed under the Special Unit on Aging, computed as 15 percent of their estimated annual caseload; and an additional 1,300 private petitioners for parent locator services and legal help in obtaining child support, as coordinated by the agency's Child Support Enforcement Unit; and an additional 146,900 persons whose Old Age and Survivor's Insurance contracts and accounts were negotiated and serviced by the agency's Bureau of Old Age and Survivor's Insurance, computed as 90 percent of the BOASI workload of 163,202 employees; for an overall estimated, unduplicated total of 866,800 persons. The total does not specifically include any of the following: non-technical medical care providers paid by DISRS, non-DISRS beneficiaries of day-care licensing services, foster- and adoptive-home parents, and non-DISRS patients in hospitals and intermediate care facilities which would close or reduce services if welfare cost reimbursements were unavailable. The total assumes that other agency programs such as refugee aid, general assistance, and State subsidies for children in private care institutions are reflected elsewhere and do not add to the client population. Of 2,766,000 resident Oklahomans in the most recent population estimate by the U.S. Bureau of the Census, some 31.3 percent—3 in 10—are touched by DISRS.

Mr. President, I ask unanimous consent that the text of the resolution adopted by the Oklahoma State Legislature be printed at the end of my remarks. I join with the Oklahoma State Legislature in paying tribute to a wise and dedicated public servant who has done much to improve the lives of a large number of the people in my State of Oklahoma.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION No. 33

Whereas, Lloyd E. Rader started with little and progressed through hard work to become a successful businessman, farmer and rancher when he requested to head the Welfare Department in 1951; and

Whereas, Lloyd E. Rader took a fragmented and shaky welfare program and turned it into an efficiently managed and highly professional organization; and

Whereas, Lloyd E. Rader has been a tireless and effective worker for the State of Oklahoma, often working nights, weekends and holidays; and

Whereas, the Department of Welfare was attacked for waste and inefficiency in Governor Dewey Bartlett's administration, but was found in the final report to be "well organized, efficient, skilled and modern, up to date business practices were used"; and

Whereas, Oklahoma's record in this regard is a remarkable testament of the skills of Lloyd E. Rader, for welfare programs in other states are clogged with waste, phenomenal losses and large numbers of ineligible persons; and

Whereas, the long experience of Lloyd E. Rader has served Oklahoma well in obtaining a maximum of federal aid for a minimum of Oklahoma tax dollars; and

Whereas, Lloyd E. Rader's abilities have won him bipartisan admiration, for he has been asked to remain as welfare director by every Governor of the state since Johnston Murray and was reappointed to the President's Commission on Mental Retardation by Presidents Kennedy, Johnson and Nixon; and

Whereas, the Oklahoma Legislature has expressed its confidence and admiration of Lloyd E. Rader by expanding the Department of Welfare into the Department of Institutions, Social and Rehabilitative Services, with statewide programs including two state homes for dependent and neglected children, four correctional schools for children, three schools for the mentally retarded, a school for the blind, a school for the deaf, a library for the blind and physically handicapped, the Lloyd E. Rader Children's Diagnostic and Evaluation Center, the Oklahoma Children's Memorial Hospital, a drug vendor program and a statewide juvenile justice and delinquency prevention service; and

Whereas, the Catholic Courier once described Lloyd E. Rader's role as one who "ministers to the unwed, aids the unemployable, comforts the impoverished, feeds the hungered, cares for the aged and infirm and is helping restore a whole generation of abused, dependent and neglected children to some degree of normalcy"; and

Whereas, in recognition of his many accomplishments, Lloyd E. Rader was named to the Oklahoma Hall of Fame in 1966.

Now, therefore, be it resolved by the Senate of the 2nd session of the 36th Oklahoma Legislature, the House of Representatives concurring therein:

SECTION 1. The Oklahoma Legislature hereby extends its heartfelt thanks and gratitude for the outstanding work of Lloyd E. Rader in the service of Oklahoma, and encourages him to remain at the post of Director of the Department of Institutions, Social and Rehabilitative Services for so long as he is able.

SEC. 2. Copies of this Resolution shall be distributed to Lloyd E. Rader and each member of the Public Welfare Commission.

THE LAW OF THE SEA CONFERENCE

Mr. CRANSTON. Mr. President, the third United Nations Conference on the Law of the Sea is scheduled to reconvene on March 28. Significant progress has been made since the 1967 U.N. General Assembly first created a committee to examine the problem of national jurisdiction over the uses of the world's seabeds and to draft new international legal standards and procedures. Major areas for negotiation during the Law of the Sea Conference include access to the exploration and exploitation of the deep seabed area, territorial sea limits, jurisdiction over continental shelf resources and the protection of the marine environment.

This year Sea World, Inc., a marine amusement park in California has begun an extensive campaign to inform the general public of the critical importance of the issues at stake during these upcoming negotiations. Major features of the campaign are a new multicolor graphic display and the distribution of pamphlets presenting basic information on the Law of the Sea Conference to more than 6 million people who will visit Sea World parks during 1978.

A constituent of mine, Mr. John M. Barbieri, manager of government affairs for Sea World, sent me an article he wrote which relates the conference topics to the oceanic interests of California and the country. I join with him in stressing the urgent need for successful negotiations during this seventh session of the Law of the Sea Conference.

I believe Mr. Barbieri's thoughtful and informative article will be of interest to my colleagues and I ask unanimous consent Mr. President, that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE

Few countries have more at stake in the shaping of a global oceans policy than the United States. Similarly, few states have as any ocean-related interests as California.

We are at a critical crossroads in oceans policy. Over 140 nations, including the United States, are now engaged in one of the most comprehensive and important negotiations in history. The third United Nations Conference on the Law of the Sea is attempting to devise rules to govern the domain of the oceans. The oceans cover two-thirds of the earth's surface. They both unite and divide mankind. We know that the freedom of navigation is essential to the security of all nations. We also know that the economic value of ocean resources is enormous. To continue to utilize and effectively manage the living, non-living, and non-extractive resources of the sea, and at the same time preserve the environmental quality of our last frontier, is of great importance.

Recently, Sea World of San Diego, one of several aquatic display institutions in California, launced an extensive campaign to inform the general public about the issues involved at the Law of the Sea Conference. The Sea World effort, which is being conducted in cooperation with the Carter Administration, Rep. Peter McCloskey of Palo Alto and Rep. Jerry Patterson of Santa Ana, consists of a graphic exhibit and relative

printed material to be made available to nearly two million Californians annually.

For the United States, what is at issue in the Law of the Sea negotiations is the future of our diverse community of maritime interests. And where we can see America's future maritime policy best is in the maritime-related interests of America's greatest state.

A major topic of discussion in the Law of the Sea negotiations concerns the freedom of navigation and unimpeded transit through international straits, the status of which is of vital importance to our legitimate national security interests. Maximum mobility for our naval forces is a key element in our nation's defense posture, and a matter of direct concern to America's largest naval base in San Diego and a smaller yet equally important base at Alameda in the San Francisco Bay Area.

Likewise, since roughly 90 percent of international trade takes place on the oceans, and disruption in the flow of commercial tanker traffic could result in economic chaos. For instance, tens of thousands of California jobs—shippers, shipyard workers, clerks, longshoremen, refinery workers and more—depend on a healthy U.S. trade policy. If the Ports of Long Beach and Los Angeles are to remain as major world trade centers we must maintain a viable merchant shipping fleet which depends, in part, on the freedom to navigate the world's waters.

Negotiators at the Conference are diligently working on conservation and management plans for the living resources of the sea within the limits of national jurisdiction. This is of particular significance to California's fishing interests in San Pedro, Monterey, Santa Barbara, San Diego and elsewhere. Our spokesmen are stressing that the conservation of highly migratory species, such as tuna and marine mammals, continue to be covered by international regulation where there has already been substantial progress made, especially in the case of saving the great whales.

Our state is richly endowed by the presence of some of the finest marine scientific research organizations in the world. The Scripps Institution of Oceanography, the Naval Oceans Systems Center, many of our universities, and others are actively involved in furthering our understanding of oceanic processes on a daily basis.

The Law of the Sea Conference is examining the problem of conducting marine scientific research beyond the territorial seas of any country and is considering solutions to this problem. All countries would benefit from a better understanding of oceanic processes. Any country which prohibits scientific research beyond the territorial seas will hinder the study of these processes. We must continue to strive to achieve a multilateral treaty which assures the right of any individual to conduct marine scientific research beyond the territorial seas of any nation.

The protection of the marine environment, including protection against vessel-source pollution, is another major issue at the Conference. And, access to and fair apportionment of the deep seabed minerals, particularly the nickel, copper, cobalt and manganese of the so-called manganese nodules, is of valid concern to Californians as well as all Americans because of, among other things, their strategic and economic value.

Oceans policy over the coming years is going to be of much greater importance to California and the rest of the country, as it will be to all nations of the world.

It is time, therefore, for the central issues of the Conference to be examined by peoples and governments with a new spirit of compromise and with a genuine concern for the protection and wise development of the oceans and their resources. Nothing less will assure the success of the Law of the Sea Conference and preserve the vital interests in ocean space of ourselves and our descendants.

CARRYOVER BASIS

Mr. DOLE. Mr. President, the Finance Committee adopted an amendment last week to H.R. 6715, the Technical Corrections Act of 1977, providing for suspension of the effective date of the carryover provisions enacted in the Tax Reform Act of 1976. Under the committee amendment, the effective date would be pushed back 3 years so that it would apply only with respect to property acquired from the decedent dying after December 31, 1979.

COMPLICATED AND ARBITRARY

Mr. President, 2 years ago when the Congress passed the Tax Reform Act, we all thought we were providing a measure of tax relief. However, much of that relief has been wiped out by carryover basis.

Carryover basis provides that the basis of most of the property acquired from a decedent who dies after 1976 is to be the same as the decedent's basis immediately prior to his death. The basis of appreciated property is increased by Federal and State death taxes attributed to the appreciation of that property. In addition, the aggregate basis of all carryover property may be increased to a minimum of $60,000. A $10,000 exemption is provided for households and personal effects of the decedent. The basis of the property, however, cannot be increased above the estate tax value by these adjustments. The carryover rules are riddled with transitional exceptions. If the law sounds complicated and arbitrary, that is because it is.

LAW IS UNWORKABLE

Mr. President, the fact is, the Senate until this year never held hearings on the issue of carryover basis. During the hearings, the Finance Committee received testimony from experienced lawyers and accountants who stated that the calculations involved in carryover basis were next to impossible. The concept was introduced at a conference committee. The Senate considered carryover only as one item in what later became a 413 page public law. I believe that the only sane course for the Senate to take would be to defer the effective dates for carryover basis.

The Senator from Kansas knows that there will soon be a spirited debate on carryover basis. The deferral proposal pushed by Senator BYRD of Virginia and myself is controversial. I would hope that my colleagues would take the time in the next few weeks to familiarize themselves on this very complicated issue.

I have received letter from all over the country detailing the problems of carryover basis. The Senator from Kansas would like to share a few of these letters with his colleagues so they may better understand the types of problems involved. I ask unanimous consent that the contents of these letters be printed in the RECORD, as follows:

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

KRAMER, NORDLING,
NORDLING & FAY,
Hugoton, Kans., January 11, 1978.

Re: 1976 Tax Reform Act Carryover Basis.

Hon. ROBERT DOLE,
U.S. Senate, Dirksen Building,
Washington, D.C.

DEAR BOB: I have the letter you sent out to many of us dated November 29, 1977, concerning Senate Bill No. 2227, you have introduced which would delay the effectiveness date for the carryover basis until December 31, 1978.

I like very much your thought in introducing this bill and do hope it will do some good in Congress this year. I actually feel strongly that the mess the carryover basis carries with it should be a good reason for having it repealed, but I doubt if this will get done because of other pressures in Congress. I am sure you know how we feel about the extra work and responsibilities placed on the attorneys, accountants and executors by the carryover rule and definitely hope you will do us some good in getting Congress to approve your bill or repealing the whole mess.

I just wanted to give you our thoughts on this matter and do appreciate your promptness in trying to get something done through the Senate Finance Committee.

With best personal regards, I remain

Very truly yours,

LELAND E. NORDLING.

EARL D. TANNER & ASSOCIATES,
Salt Lake City, Utah, November 16, 1977.

Senator ROBERT DOLE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOLE: My office practices law in the field of taxation and estate planning. As a result, we have come face-to-face with the present and future problems raised by the carry-over basis concept. We have been concerned with the inordinate difficulties incident to making this basic change in the estate tax law, but even more concerned with the obvious impact it will have on the ability of small, independent businesses, including farms, to survive beyond the generation in which it is established. The combination of estate and inheritance taxes appears likely to force small and medium sized business owners to liquidate or merge with large businesses in order to obtain the means with which to pay the taxes. This seems highly undesirable to me.

Admittedly, because of twenty-five years of practice in this field, I am biased against tax increases and apprehensive about the continued impact of inflation on the small business community (as well as on those with fixed incomes). I think, however, that my reaction to the ominous portent of the carry-over basis concept is not a reflection of bias but is a sound and reasoned conclusion founded on an accurate projection of the working effect of the new law.

Please continue to remain firm in your attempt to remove the carry-over basis and restore the older system. Your efforts in this regard are overwhelming in the best interests of the country, including the people of low economic levels.

Sincerely yours,

EARL D. TANNER.

THE UNIVERSITY OF NORTH CAROLINA,
Greensboro, N.C., November 16, 1977.

Hon. ROBERT DOLE
United States Senate
Washington, D.C.

DEAR SENATOR DOLE: As a college professor of taxation, a practicing attorney and, formerly, a practicing CPA, I have discovered the "carry-over basis" provisions of the recently enacted 1976 Tax Reform Act to be among the most exasperating and difficult-to-apply of all I have ever experienced. Talk

around local courthouses easily confirms my own reactions. Attorneys meet, discuss, argue and walk away no more certain of the law than they were before seeking assistance. Many attorneys are now simply refusing to handle small and medium-sized estates because the statutes are totally beyond their desire to even attempt to cope with them. The result, of course, will be to produce new tax attorneys and accountants whose higher fees will correspondingly reflect their specialty.

There is no question in my mind that the new provisions will have several profound effects. First, the cost of handling estates will certainly rise, decreasing both the amounts eventually reaching the heirs of an estate and the tax revenues based upon those amounts. Secondly, the government's administrative cost in attempting to assure compliance will probably offset any additional taxes that may result (not to mention that estate tax rates were substantially increased). Thirdly, these new provisions will prove to be a constant source of disagreement and litigation in much the same way the "contemplation of death" issue was before the 1976 Act resolved that issue.

Perhaps the basic issue is whether complicated rules and procedures are necessary to produce or are, in fact, going to produce a better and more equitable system of taxation. I would submit that they will not, and I will also suggest that Congressional adherence to such a policy will only serve to alienate both the professional community and the public from their government.

Please give the various new curative proposed legislation your careful consideration.

Thank you for your public dedication and service.

Very truly yours,

DAVID B. POST,
Assistant Professor.

HAWAIIAN TRUST CO., LTD.,
Honolulu, Hawaii, November 18, 1977.

Re Tax Reform Act of 1976: Carryover basis at death.

Hon. ROBERT DOLE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOLE: I am writing to express my concern about the administrative nightmare which we and all other trust institutions are facing as we attempt to comply with the "Carry-Over Basis at Death" provisions of the Tax Reform Act of 1976.

We estimate that in 25 percent to 30 percent of the estates which we settle, we will be unable to obtain the information needed to provide heirs with their new "carry-over basis" for inherited property, because records were either never maintained by the decedent or were misplaced, lost, or inadvertently destroyed by the decedent. The problem becomes particularly difficult in cases where real estate has been held in a family for generations, and repairs and improvements which change the cost basis have been made at different times over many years. In addition, unlisted securities held by a decedent for many years present a similar problem; stock splits, mergers, reorganizations, make it virtually impossible to reconstruct the data needed to apply the valuation formula called for in the law, even in those cases where we are able to trace the decedent's original cost basis.

Even in cases where the decedent has kept meticulous records, the additional time and effort which must be expended by ourselves as well as the attorneys and accountants involved in estate settlement in making the very complex calculations and explaining them to heirs will inevitably add significant additional expense to the already high "cost of dying." This is particularly unfortunate at a time when a nationwide movement has arisen to attempt to reduce these costs by the adoption of the Uniform Probate Code.

Finally, the carry-over basis law will generate untold confusion for heirs who inherit even modest estates, since they will have different income tax cost bases for the same inherited securities, depending upon whether they subsequently sell them at a gain or at a loss. We are concerned that persons of modest mean will be literally unable to file accurate income tax returns without expensive professional assistance because of this law.

We urge you to support a suspension of the effective date of this portion of the new law so that it can be reworked and simplified. The American Bankers Association has submitted a number of possible improvements in this area and we respectfully request that you consider the suggestions offered by people such as us who will have to live with the new law on a day-to-day basis.

Thank you for your anticipated consideration.

Sincerely yours,

_____.

NOTICE OF DETERMINATION TO PERMIT ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

Mr. STEVENSON. Mr. President, it is required by paragraph 4 of rule 43 that I place in the CONGRESSIONAL RECORD this notice of a Senate Member who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule 43 which would permit Senator JOHN TOWER to participate in a program sponsored by a foreign educational organization, the Wehrkunde Foundation of the Federal Republic of Germany, January 27 and 28, 1978.

It has been determined that participation of Senator TOWER in the program in West Germany, at the expense of the Wehrkunde Foundation to discuss Western European defense matters is in the interest of the Senate and the United States.

TRIBUTE TO CLIFTON UTLEY

Mr. PERCY. Mr. President, Clifton Utley, a truly gifted and accomplished news broadcaster and commentator who passed away recently in Hawaii, will be long-remembered by his many friends and admirers in Chicago and throughout the Nation.

His long career as a radio and television newsman made him a mainstay of the Chicago journalistic community. He was well-liked and well-known to countless Chicagoans who looked to him for interpretation as well as facts about the news of the day.

Most of all, Clifton Utley ranked among that select group of journalists who achieve notoriety and respect as commentators. He was an extremely well-educated and well-informed citizen. His voice of reason and insight, which he expressed especially well in the field of foreign affairs, brought a special dimension to broadcasting in Chicago.

As we pay tribute to this outstanding professional and valued friend, we extend our deepest sympathy to Clifton Utley's gifted and beloved wife, Frayn, and the entire Utley family.

Mr. President, I ask unanimous consent that articles about Clifton Utley from the Chicago Tribune and the Chicago Daily News be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Jan. 21, 1978]

NEWSCASTER CLIFTON UTLEY DIES AT 73

Clifton Utley, one of the first newscasters and commentators on Chicago television, died Friday in Hawaii at the age of 73.

Utley, who was born in Chicago and spent most of his working life here, moved to Hawaii in 1971.

He died in Maui Memorial Hospital in Kahului on the island of Maui. He was admitted there on Jan. 7 suffering from a heart condition.

Utley's son Garrick is a newsman with NBC television. His daughter-in-law Carol Marin is a news anchorwoman with WSM-TV, an NBC affiliate in Nashville.

Utley's wife, Frayn, was also an NBC commentator in Chicago and was a member of the Chicago Board of Education in the 1940s and 1950s.

Besides being a newscaster and commentator, Utley was considered an authority on foreign affairs. He served as a director of the Chicago Council on Foreign Relations for 11 years and was active as a lecturer on foreign affairs.

Utley also helped campaign for local independent and Republican candidates during the 1950s. He supported fund-raising efforts for independent Ald. Leon Depres [5th] and later endorsed Robert Merriam, Republican candidate for mayor of Chicago in 1955.

In 1952 he attempted unsuccessfully to mediate a conciliation between feuding Sen. Paul Douglas [D., Ill.] and Gov. Adlai Stevenson.

Before going into radio, Utley worked for the Chicago City News Bureau, the Chicago Daily News, and the Associated Press.

His radio career began in 1932 at WMAQ, the city's NBC affiliate.

Utley left television in 1953 because of illness, but returned to radio in 1956 and to television the following year.

He retired in 1959, but during his last year in television he figured in a controversy over replacement of local television programming with network shows.

In 1958, station officials decided to cancel Utley and other programs to extend the NBC network's Jack Paar program.

Less than a month later station officials backed down and restored Utley's program, though in an earlier time slot.

Utley is survived by his widow and three sons, Garrick, David, and Johnathan.

[From the Chicago Daily News, Jan. 20, 1978]

EX-LOCAL NEWSMAN CLIFTON UTLEY DIES

Radio and television news commentator Clifton Utley, whose crisp, authoritative voice and learned enunciation were staples of broadcast journalism for many years, died Thursday in a hospital in Kahului, Hawaii. He was 73.

Mr. Utley, who won wide admiration for his courageous fight to return to work here after a stroke nearly ended his life 25 years ago, had been admitted to Maui Memorial Hospital, in Kahului, Jan. 7 suffering from a heart condition.

Mr. Utley, long one of the most respected news commentators in Chicago broadcast-

ing, was especially known for his ability to analyze a story and make it understandable, often with little time for preparation.

A radio commentator for 24 years and a television commentator for 10, he was stricken with his near-fatal illness in 1953, resulting in partial paralysis. He overcame his handicap sufficiently to return to radio in September, 1956, and to television the following year.

He retired in 1962 and moved to Hawaii in 1971.

A native Chicagoan, Mr. Utley was a graduate of the University of Chicago who was a reporter for the City News Bureau, The Daily News and the Associated Press before beginning his broadcast career on WGN in 1935. He later switched to WMAQ and to WNBQ (Channel 5).

His wife of 47 years, Frayn, is former director of the Institute of International Education. A son, Garrick, is an NBC network newsman.

Also surviving are two other sons, David and Jonathan, two daughters, Mrs. Dorothy Marti and Mrs. Pauline Conterio; a sister, Mrs. Cesira Mallan, and three grandchildren.

Friends may call from 4 p.m. to 9 p.m. Friday at the Wm. H. Scott Funeral Home, 1100 Greenleaf, Wilmette.

"THERE'S A FUTURE IN AGING"

Mrs. HUMPHREY. Mr. President, America's population is becoming increasingly older. Today, almost 24 million persons are 65 years or older, or nearly 11 percent of all Americans.

Yet, many false stereotypes still exist about the elderly.

Quite clearly, major educational efforts are necessary to overcome these myths.

One good example occurred recently in Minneapolis at a conference on "The Zestful Generation: Exploding the Myths of Age."

Several renowned leaders in public and private life attended that conference and talked frankly about public attitudes on aging and what our policies should be.

One of the most enthusiastically received was Senator CHURCH, the chairman of the Committee on Aging.

He made a stirring presentation, describing several major challenges facing our Nation today, including:

Putting an end to poverty for older Americans.

Improving the financing of social security.

Moving toward national health insurance.

Providing affordable and acceptable housing arrangements.

Rethinking traditional work and retirement patterns after the mandatory retirement age is raised.

Senator CHURCH is justifiably regarded as one of the most respected authorities on issues affecting aged and aging Americans.

His presentation, along with his proposed legislative actions, merit the close attention of policymakers.

Mr. President, I ask unanimous consent that the text of Senator CHURCH's statement—"There's a Future in Aging"—be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THERE IS A FUTURE IN AGING

Perhaps it's the word "zestful" in the title of this conference that fills my mind so with thoughts of Hubert Humphrey.

Or, perhaps, it's being in the city he served so well as Mayor and in the State which elected and re-elected him four times to the Senate of the United States.

Hubert, the Happy Warrior, never was a member of the Senate Special Committee on Aging. But he might as well have been. He could be counted on, not only for the right vote, but for casting it for the right reasons.

If the Nation needed Medicare, Hubert Humphrey was in the vanguard to explain why.

If we had to make the case for a 20 percent Social Security increase back in 1972, combined with an automatic annual cost-of-living adjustment in future years, Hubert Humphrey was there, to help assure our success.

If the case had to be made for national group meals, Hubert was there talking about older persons he knew personally and why they would be helped by that program without giving up one bit of their precious independence.

How well I remember, just about a year ago, when Hubert involved himself in the Senate debate over whether to terminate the Committee on Aging.

That issue had come up because of a Senate reorganization plan to reduce the number of committees. For the sake of efficiency, it was proposed that aging be dealt with by a variety of consolidated committees, depending on their respective legislative jurisdictions.

I decided to fight that feature of the reorganization plan because the Committee on Aging had been established, way back in 1961, to be a kind of clearinghouse on a wide range of issues that do not fit neatly into any one committee's jurisdiction. An older person, after all, is not a conglomeration of fragmented needs, problems, and hopes. He or she is a whole person, and a Committee devoted to aging has to see the whole landscape, not just a few fragments of it.

That was Hubert's point when he spoke up last year. He said that the Committee should be retained "so that we in the Senate can do our jobs as we should, so that we have one place where all the needs of older people are tied together with all the information we can gather and positive legislative answers can result."

And then he said:

"I am going to conclude by reminding my colleagues, as I have done before, that the word 'efficiency' appears nowhere in the great books which give us guidance in our work. Look at the Old Testament, the Declaration of Independence, the Constitution, the Gettysburg Address, or the Emancipation Proclamation, or any of the other great documents of government and law. The words you find are 'justice,' 'service,' 'compassion,' 'fairness,' and their like.

"Those are the concepts which must shape our operations."

And those were the concepts which guided Hubert Humphrey in everything he did.

And they are clearly the concepts which guide the man who now serves as our Vice-President. Walter Mondale, as some of you may know, seized the initiative 10 years ago as a fairly new member of the Senate Committee on Aging. As Chairman of a new Subcommittee on Retirement and the Individual, he helped set the stage for the current assault on mandatory retirement.

I don't propose to bring you a complicated message today. I shall try to avoid the subtlety of a retail store owner in Boise, Idaho, who made the newspapers recently with the messages he puts on a marquee signboard at one of our Main Street's busy corners.

Sometimes his marquee messages aren't mysterious at all. For example, at the start of the peace initiative in the Middle East, up on his signboard went this declaration:

"Yessir, Sadat's my baby."

But he had everyone guessing during the Holiday Season when he put up what appeared to be the complete alphabet on the marquee.

There it was, from A to Z, and not a word of explanation.

Finally, some people began to notice that the letter "L" was missing from the alphabet.

The newspaper quoted the proprietor on what happened then:

"People would call us or drop in to tell us we left out the 'L' in the alphabet. They come in feeling pretty good to have caught the mistake. But then we tell them that's our Christmas message. No 'L.' Get it? No-el. Pretty good, isn't it?"

Well, no matter how good you may think it is, the marquee alphabet shows that sometimes subtlety is a poor substitute for coming right out and making your point.

And so let no one misunderstand the point of my address this morning.

My message is that there's a future in aging; a future which has national and worldwide application; a personal future for each one fortunate enough to grow old; a future which can and should be, as this conference says, "zestful," and a future which can be that—and more—if we understand what is already happening in aging and what more must be done.

THE FUTURE: A THREAT?

The future in aging can be told in part by numbers. Very briefly, we can expect the number of people 65 or older in the United States to increase from about 24 million today to nearly 32 million, an increase of about 33 percent, by the turn of the Century.

The turn of the Century: that sounds far away, but it's just 21 years, 10 months, and 24 days from now. We're closer to the year 2,000 than we are distant from the end of the Korean War!

And during those 21 years, 10 months, and 24 days from now, the younger age groups will probably decline as a proportion of our total population.

Should we worry about this? Should we fear it?

Should we heed economists who talk about "dependency ratios" growing dramatically because of the imbalance between the workers and those in retirement?

Should we even go so far as to say, as one French scholar has, that the future holds "a population of older people ruminating over old ideas in old houses"?

He was not speaking only of France. The "Graying of Nations" is occurring in all parts of the world: today's 291 million persons 60 years and over will be 585 million—an increase of almost 100 percent by the turn of the Century—and the sharpest proportional increases will take place in the less developed nations.

Yes, I think we should listen to what the numbers tell us. We should make adjustments in our Social Security systems. Better adjustments, I might add, than the Congress recently enacted.

Among them is finding a way to provide care outside of institutions for the rapidly growing numbers of older persons who could live in their own homes if they had the right kind of help.

At a recent hearing by the Committee on Aging, representatives of 12 nations talked about "The Graying of Nations" and spent most of their time on this issue.

When it comes to community-based care, let me tell you how glad I am during this visit to learn more, firsthand, about the Minneapolis Age and Opportunities program under its dynamic leader, Daphne Kraus. I also take some pride in saying that the Senate

Committee on Aging was the first to give Congressional recognition to the significance of her work and to invite her to testify—which she did, quite forcefully and, I might say, zestfully.

Part of Daphne Kraus' message, then and now, is that medical and social services can't exist in separate channels and be of much help to whole human beings. As she has said, the proper goal is to give seniors "the extra help—supportive services, medical, financial, moral, and others—that permit people to maintain independence as long as possible and to maximize their quality of life."

It took great efforts to make the M.A.O. work in Minneapolis. It will take the same kind of effort, from a strong community base in each case, to develop counterparts to M.A.O. all through the United States and, except for those relatively few nations that have already gone much further than the United States in non-institutional care, throughout the world.

And so, no one looking at this challenge and the many others related to aging can be smug about their present and future magnitude.

For this reason, I have proposed that the United Nations convene a World Assembly and a World Year on Aging in 1982. At my suggestion, the U.S. delegation to the U.N. has won approval of a resolution calling for other delegations to report their government's position on this issue by July.

In addition, I have advanced legislation, calling upon the United States to have a White House Conference on Aging in 1981. In both cases, I hope for more than jawboning; I hope for earnest and comprehensive efforts to get the facts together on what lies before us, and how we can change the future for the better.

But, naturally, we cannot afford a moratorium on action while we get ready for conferences. In the United States alone, I see five formidable problems that must be dealt with soon.

CHALLENGE 1: PUTTING AN END TO POVERTY FOR OLDER AMERICANS, ONCE AND FOR ALL

Our Nation has improved the economic status of older Americans within recent years. Nearly one and a half million elderly persons have been rescued from poverty since 1969.

But a nation as rich and powerful as ours has the capacity to abolish poverty altogether among the elderly.

A nation as good and humane as ours must translate this dream into a definite and attainable goal, because three and a third million older Americans still subsist below the official poverty line.

And another two and a quarter million are "marginally poor," trying to make do on incomes so close to poverty that they really can't detect much difference.

So the bottom line is that five and a half million older Americans need to be rescued from desperate want, intensified in most of the Nation by bitter winter and high utility costs.

This is why I believe Social Security beneficiaries should receive two cost-of-living adjustments a year—not just one—when inflation is unusually high.

After all, we provide semi-annual cost-of-living increases for government pensioners. We ought to do the same for persons who depend upon Social Security.

My case for the twice-yearly payments was strong enough last November to win Senate approval. But, unfortunately, the House conferees would not agree because the House Ways and Means Committee had not held hearings on this proposal. It was, therefore, deleted in conference.

You can be sure, though, that I will continue to fight for it, and with help from you and others, perhaps we shall win the next time around.

But this is only the first step. If we are to abolish poverty among the elderly, we must take other actions:

Supplemental Security Income levels must be lifted in steps to provide a total retirement benefit above the poverty line;

Employment opportunities must be expanded for those who need and want to work in order to supplement their retirement income; and,

The tax credit for the elderly should be improved for persons with little or no Social Security.

CHALLENGE 2: IMPROVING SOCIAL SECURITY FINANCING

A second major challenge is to insure that Social Security is financially sound without excessively relying on the regressive payroll tax.

Last year's amendments were designed to put Social Security on a firm financial footing. But if the cost—an extra $227 billion in the coming decade—is to be taken entirely from payrolls, the burden will fall hardest on those who least can afford it, and we shall face rising resistance to Social Security in the years ahead. Already, for over half our families, the Social Security tax is the largest of any paid.

Of course, the system must be kept solvent. It must enjoy the confidence of young and old, alike. But this can be done without saddling workers and their employers with unduly large payroll tax increases between now and 1985.

I voted against last year's Social Security bill because I thought that its financing should be more progressive and equitable.

But we seem headed in just the opposite direction, set upon further reductions in the Federal income tax—the most progressive tax we have yet devised—in order to offset the increase approved last year in the regressive Social Security tax.

Instead, I would leave the income tax alone, and lift a big burden from the Social Security trust fund by using general revenues to pay for one-third of the Medicare Hospital Insurance costs. Then we could re-examine the projected increases in the payroll tax and revise them downwards.

It is clear now, just as I said in December when I voted against the financing proposals, that Congress must go back to the drawing board for another look at Social Security, even though the ink is barely dry on the new law. Representative Ullman, Chairman of the House Ways and Means Committee, has said as much in recent interviews.

CHALLENGE 3: A NATIONAL HEALTH PROGRAM

The third challenge is the development of a truly comprehensive health care system for the elderly. Let it be a test-tube for various national health proposals, in order to demonstrate whether or not adequate medical insurance can be extended to persons of all ages, at prices we can afford to pay.

To be sure, Medicare was an important victory when it was enacted in 1965. Over the years, it has provided the elderly with valuable protection against rising hospital costs and physician fees.

But it is far from being the comprehensive health care program older Americans should have.

The elderly widow who needs new glasses to read the newspaper must pay for them out of her small Social Security check.

Prescription medicines which enable older Americans to live independently in their homes are charged to them, not to Medicare.

Older persons who want periodic physical check-ups aren't helped by Medicare. They must pay the bill themselves.

The problem with Medicare—and for that matter our whole care system—is that it's crisis-oriented. There is very little attention given to any type of preventive medicine.

Only a tiny fraction of Medicare, Medicaid, and other Federal health expenditures are spent on home health care. Practically everything is directed at institutional care, which is, of course, the most expensive of all.

Last year, the Department of Health, Education, and Welfare reported that 15 percent of the 700,000 hospital patients—or 100,000 in all—have no business being there. What is the extra cost for hospitalizing these 100,000 patients who should be getting their care elsewhere? It's a staggering $2.6 billion! Just think of what could be done with that money. If it were applied to Medicare, we could cover necessary out-of-hospital prescription drugs, pay for eye glasses and hearing aids, and reimburse physical check-ups, as well.

Federal health care programs have also been marred by fraud and abuse perpetrated by greedy profiteers. Most of our health care professionals and para-professionals are decent, honest, competent, and humane.

However, there are the racketeers who want to rip off the system, and they have. No one knows precisely to what extent, but it is substantial. A Senate Committee on Aging investigative report estimated that about 10 percent of Medicare funds were grabbed off by persons engaged in defrauding the system. Corruption is probably even more widespread under many State-administered Medicaid programs.

The elderly, the disabled, and the poor pay the price because the cost of fraud and abuse is reflected in cutbacks in the benefits they receive.

The Committee on Aging hears constantly from older Americans who complain about the uneven coverage of physician's fees. Medicare is supposed to cover 80 percent of reasonable fees beyond the initial $60 each patient must pay each year. In practice, though, the system does not work this way, since many doctors charge more than Medicare allows. Who is left to pay the excess bill The patient, of course, typically a senior citizen living on a limited Social Security check.

I know from personal experience of a heart-rending example. A dear friend of mine is 65 years old and recently developed a diabetic condition requiring both is legs to be amputated. He and his wife have worked hard all their lives. They are industrious people who saved for retirement. Now that nestegg is melting away because Medicare pays only a small portion of his health care costs.

I don't think people who work and save all their lives should live in fear of financial wipe-out because of protracted illness.

They deserve better.

They deserve a health care system that will save their bodies, without destroying their dreams.

CHALLENGE 4: AFFORDABLE, ACCEPTABLE HOUSING ARRANGEMENTS

A fourth challenge is related to housing needs of older persons.

From 1969 to 1976, the Congress barely managed to save one housing program for the elderly—the 202 direct loan authorization for nonprofit sponsors—from complete eclipse.

One result is that in many parts of the Nation high rents and high property taxes are, I am convinced, causing the same kind of deep-rooted anxiety that existed among older persons and their families before the enactment of Medicare.

Another result was reported in the Washington Post recently, in an article headlined "Senior Citizen Housing Crisis. An expert was quoted as saying: "At the rate of 200,000 (units) a year, it would take until 1987 just to meet current needs."

This being so, obviously much more should be done now to restore old structures and old neighborhoods in which many elderly persons live at relatively low cost.

Urban redevelopment, it seems, puts no value on such neighborhoods. In San Francisco, for example, the eviction of 30 older persons from an old downtown hotel became the signal for head-on confrontations last August and the mobilization of squads of police to protect the sheriff's eviction force. I ordered an investigation and found that hardly any thought had been given to the people who would be forced to find new quarters when the hotel closed down. The eviction has become a symbol of ruthless destruction of living arrangements and the Committee on Aging is looking further into the problem in San Francisco and other cities.

CHALLENGE 5: NEXT STEPS AFTER RAISING MANDATORY RETIREMENT AGE

Another challenge facing us is the rethinking of traditional work and retirement patterns.

Legislation still before Congressional conferees would have the effect of raising the mandatory retirement age from 65 to 70. I am glad that this step now appears to have gained irresistible momentum.

But after it becomes law, what else must change?

How can we help provide part-time work to those who don't want retirement all at once?

How can we rearrange educational opportunities so that they extend throughout the lifetime and provide two or three new careers?

How can we help fight the thoughtless assumption, still deeply ingrained that a person should be put "out to pasture" because a certain age has been reached, whether it be 65 or 70?

I am fully aware that not every older American wants to work beyond age 65 or to be an active volunteer in community work.

Older persons should, however, have the latitude and freedom of choice that younger persons have. As long as they can perform, they should not be denied the opportunity, solely because of age.

THE BIGGEST CHALLENGE: THE LIBERATED GENERATION

And so we come to the biggest challenge of all: How to make the elderly generations of today and tomorrow the most liberated generations of all, free of the age-ism which now mars the attitudes of so many persons.

Part of the answer to that question is to stand back and let it happen. Everywhere I go, in all corners of this Nation, I see older persons taking hold of their own destinies in ways unlike anything before.

I go to a senior center and see members making better lives for themselves and better communities for everyone.

I encounter state lobbying groups of seniors who are advocates not only for their own immediate goals but for broader issues, as well.

I see older people helping older people, in the Senior Companion program, in Green Thumb, and many others, or simply acting as good neighbors to their friends.

I have seen the elderly back at school, gray-and-silver-haired persons who, like Oliver Wendell Holmes, think that any age is a good time to improve the mind.

In other words, we seem more ready than we once were to celebrate the extension of life.

Perhaps some of you here saw Garson Kanin and Ruth Gordon on the "Good Morning, America" show a few weeks ago. They were lively and, yes, zestful guests. And Garson explained why he had named his book: "It Takes a Long Time to Become Young."

Actually, it isn't his title; he borrowed it from Pablo Picasso, who had coined it rather late in life. The artist had been asked why his very early paintings seemed staid when compared with the free and sometimes dazzling forms and colors of his later years.

His answer was that it had taken him a long time to become young in thought. Garson Kanin and Ruth Gordon said that it was the same with them: give or take a few decades, they needed lots of practice in arriving at a fresh view of life and how to celebrate it.

And who would enjoy that celebration more than Hubert Humphrey?

The Washington Post, in its editorial after Hubert's death, said that it did not want to describe him as a great man because the idea of greatness in American politics "has become too much burdened with connotations of over reaching power, eccentricity, and egocentricity and one-way rides to national disaster."

No, the Post saw Hubert as a good man who did great things.

In aging, the country is blessed with so many good, older persons who are doing great things, making today's successes in aging the model for tomorrow's triumphs.

But triumphs do not happen overnight. We have to work on them.

After all, it does take a long time to become young.

Thank you, my friends, for making me part of your day. Thank you, as well, for deciding that zest for life knows no mandatory retirement age.

A NEW SPOKESMAN FOR OIL

Mr. PERCY. Mr. President, I would like to bring to the attention of my colleagues an article which appeared in the Chicago Sun Times on January 29, 1978. This article describes the background and outlook of John Swearingen, the new chairman of the American Petroleum Institute. Because of the critical role the oil industry plays in the energy issue, it is important that we, in the Congress, better familiarize ourselves with the oil companies' new knowledgeable, articulate and forthright spokesman.

Mr. Swearingen, who is also chairman of Standard Oil, has indicated that he intends to dedicate considerable time to his new position. One of his stated objectives is to unify the industry's positions on matters which concern its relationship with Government. He describes this relationship as a "war" in which the Government is trying to "fully regulate the oil business or take it over entirely." As a dedicated proponent of laissezfaire, Mr. Swearingen believes that the vitality and greatness of this country can only be maintained if the Government is barred from the marketplace.

We need an energy policy, according to Mr. Swearingen, which emphasizes both conservation and development of new supplies. He is of the opinion that there are sufficient energy resources in this country to end our dependence on OPEC oil. He couples this opinion with an admonishment that development of these resources will be a costly process.

Mr. President, I ask unanimous consent that this excellent article on the new chairman of the American Petroleum Institute be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SWEARINGEN IS NEW OIL SPOKESMAN

(By Bess Winakor)

"I think if the government took over the oil business it would be a terrible disaster as far as the country is concerned."

John Swearingen, the Standard Oil (Ind.) chairman—who comes across like a bulldozer when he's championing his industry during television interviews—is making his point this time across his modern polished wood and leather-topped desk in the Standard Oil Building. The voice is soft, resonant, a trace of its South Carolina origin in its phrasing.

Swearingen is also the new chairman of the American Petroleum Institute, the oil industry's 8,000-member trade organization, and in that position, he will spend the next year as the industry's chief spokesman.

He accepted the API chairmanship, he said, because "the industry has a great many problems, especially in Washington."

As chairman, his three principal goals are "unifying industry positions on matters that interface between the oil and gas business and the government; to be active in the role of a spokesman for the industry, with respect to governmental affairs, and to review the activities of the API to insure that the money that's spent by that organization (around $30 million annually) is spent well and wisely."

Swearingen, a chemical engineer by education, speaks in paragraphs, like a linguist. As he speaks, he presents a strong-chinned profile. He occasionally puffs on his pipe, or gives a straight-forward look at his interviewer. He is charming yet aloof, and does not hesitate to aruptly leave to take telephone calls during an interview on a day that's sandwiched between travel to New York, London and California. His schedule takes him out of Chicago as much as half the year.

The API is the oil industry's primary trade group. It maintains a powerful Washington lobby staff and sponsors some joint research into industry problems such as pollution. It also compiles statistics on the industry.

Swearingen anticipates spending 20 to 25 per cent of his time on API activities.

He defines the oil industry's "war" with the government in terms of government attempts to "fully regulate the oil business or take it over in its entirety." The battles are on the regulation of gasoline and gas prices, regulation of refining operations and stipulations about health and safety of operations.

"I strongly believe that one of the principal things that has made our country great is freedom of choice, freedom of opportunity. If we end up having the government running everything, we will have lost that. Our industry just happens to be sitting on the front pew in church at the present time."

Swearingen, whose store of limericks can light up a private conversation, lets no sense of humor slip into this part of the discussion. Asked what he enjoys about the battles, he replies, "I consider this to be more of a necessity than a matter of enjoyment."

He says it's "just luck" that he entered the oil business at all. The son of the South Carolina state school superintendent, Swearingen, 59, studied chemical engineering at the University of South Carolina and received a masters degree in the same field from Carnegie-Mellon University in Pittsburgh.

He chose engineering because it interested him—specifically civil engineering. But he found he wasn't good enough at freehand drawing and turned to chemical engineering. A professor at Carnegie, who once worked at Standard Oil, influenced him to accept a job offer from the company in 1939. He began as a chemical engineer in research, became president in 1958 and chairman of the board in 1965.

If his successor were entering college now, Swearingen would advise him to become an engineer. "It's the best discipline for logical thinking that I know. Most problems you encounter in real life don't have a single simple answer to them. Engineering is a discipline that involves taking known factors and extrapolating those to new situations. That, by and large, is what life is all about."

In his life, Swearingen has known his share of world leaders.

Of those he has dealt with personally, he most respects the late President Lyndon Johnson, the Shah of Iran, Egyptian President Anwar Sadat and Dr. Eric Williams, Prime Minister of Trinidad. (Standard has operations in these nations.) He wears a set of cuff links made from gold coins given as souvenirs by the prime minister of Iran at a luncheon he hosted during the Shah's coronation festivities.

He says, of all the people he has known, his father, who was blind, influenced him most. "He was an extraordinary man. He was the brightest man, the best read man I've ever known. He put great store in education, provided counseling and encouragement to me, as well as setting an example which has always been before me, though I never claimed I could live up to the standard he set."

Swearingen declines to discuss his own strengths and weaknesses, or his success, except to say, "I don't know whether I've gotten any farther along the road than many, many other people I know," and to quote Thomas Edison: "Success is 90 per cent perspiration and 10 per cent inspiration."

He says he's made "lots" of mistakes, but "There is nothing anybody can do about mistakes other than learn to avoid similar mistakes in the future. I've always been out to look ahead and not behind."

For leisure, he fishes, hunts, shoots, plays golf, works crossword puzzles and reads, most recently, former Treasury Sec. George Shultz' "Economic Policy Beyond the Headlines." He spends very little time totally away from business.

Standard just reported 1977 profits of more than $1 billion, up 14 per cent over 1976, on revenues of $14.2 billion. Swearingen said he has "some concerns as to the level of business activity in 1978 and 1979." But he's optimistic about the economy for the long run.

"I think we're going to have a continued expansion of business activities, with the jobs and the wealth that this creates, for as far ahead as I can contemplate. The only reason that we wouldn't have such a thing is if we got into a truly disastrous war, or if we abandoned the principles of the market system that led us to prosperity that we've had up to now."

He sees continuing inflation. And he views the balance of payments and the dollar's decline as long-run problems which will be solved.

Citing energy as "the largest single item in our adverse balance of payments, running at a rate of about $45 billion," he said, "The first major step to (solving the problem) is going to be to adopt an energy policy which not only stresses conservation of what we have, but undertakes to provide additional supplies." He said we have enough energy sources in this country—particularly coal—to become independent from the OPEC nations.

"We are going to have to recognize the cost of energy is going to go up, whether it's oil or gas or coal or substitutes for those things that come from tar sands or shale or what have you. The resources are here. But you can't have them at yesterday's prices."

IMPACT OF THE FISCAL 1979 BUDGET UPON OLDER AMERICANS

Mr. CHURCH. Mr. President, the fiscal 1979 budget, which President Carter submitted to the Congress on January 23, will have a major impact upon the lives of all Americans.

The Committee on Aging staff recently made a preliminary analysis of the impact of the budget upon older Americans. A more detailed summary will be available at a later date.

The preliminary analysis reveals that the new budget recommendations are similar or identical in many respects to the present appropriations for programs serving the elderly.

Proposed funding for the Older Americans Act, for example, is $7 million above the fiscal 1978 level.

In some areas, the administration has requested additional funding, including section 202 housing for the elderly and handicapped, community educational programs, the nutrition program for the elderly, and the service corps or retired executives.

However, the fiscal 1979 budget proposes a $4.7 million reduction for the retired senior volunteer program. This recommendation would reduce the number of RSVP participants by 30,000, from 250,000 to 220,000. The number of projects would decline by almost one-fourth, from 692 to 554.

In adition, the administration proposes to reduce social security protection by limiting payment of retroactive benefits to 3 months (instead of 12 months as under present law) and starting entitlement for a retired worker's benefit the month after a person reaches age 62 (instead of the month the worker's birthday falls).

Quite clearly, the President's budget merits careful and thorough attention by the Congress.

The Senate Committee on Aging's preliminary analysis, it seems to me, would be helpful for this purpose.

For these reasons, I ask unanimous consent that the Committee on Aging's summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

CARTER SUBMITS PROPOSED FISCAL 1979 BUDGET

President Carter submitted his fiscal 1979 budget to the Congress on January 23, calling for $500 billion in outlays. Among the major items of interest to older Americans (including trust fund outlays and discretionary spending):

Older Americans Act. $545.75 million, or $7 million above the fiscal 1978 funding level. The new budget reflects the fiscal 1978 appropriations for all AoA programs except nutrition: National Information and Resource Clearing House, $2 million; Federal Council on the Aging, $450,000; Title III State and community programs on aging, $187 million (area planning and social services, $153 million; model projects, $15 million; and administration, $19 million); Title IV, $29.3 million (training, $17 million; research, $8.5 million; and gerontology centers, $3.8 million); Title V senior centers, $40 million; and Title VII nutrition, $287 million (including $37 million under proposed legislation to replace the Department of Agriculture's food commodity contributions with direct cash grants).

Social Security. A 6.2 percent cost-of-living increase is projected for July 1978. Estimated outlays for fiscal 1979: $102.1 billion for 35.3 million beneficiaries. Administration would reduce outlays by $600 million in fiscal 1979 by (1) limiting students' dependency benefits to the maximum educational opportunity grant ($1,600), (2) freezing the minimum benefit for current beneficiaries and eliminating it for future beneficiaries, (3) limiting payment of retroactive benefits to 3 months (now 12 months), and (4) starting entitlement for a retired worker's benefit the month after the person reaches age 62 (instead of the month the worker's birthday falls).

Medicare. Outlays. $20.5 billion for Hospital Insurance (HI) and $8.4 billion for Supplementary Medical Insurance (SMI) in fiscal 1979. Persons covered: HI, 26.6 million; SMI, 26.4 million. Legislative proposals: (1) increase SMI by $7 million for end-stage renal disease home dialysis and (2) hospital cost containment (saving for HI in fiscal 1979, $630 million).

Title IX Senior Community Service Employment. Funding will reach $190.4 million in July (compared with $150 million now), increasing the number of jobs from 37,400 to 47,500. Administration requests an additional $30 million for the period January 1, 1978 to June 30, 1979 to cover increased program costs attributable to the minimum wage hike. Budget also requests $228.45 million to continue Title IX from July 1, 1979 through June 30, 1980. Would fund approximately 47,500 positions.

Supplemental Security Income. Projected elderly, blind, and disabled recipients in fiscal 1979: 4.2 million (including 469,000 receiving only a State supplemental payment). Projected outlays: Federal benefits, $5 billion; State supplementary benefits, $1.5 billion.

Housing. Section 202: $800 million in loan authority for fiscal 1979 ($50 million above $750 million in lending authority in fiscal 1978, but $50 million less than the $850 million actually committed in fiscal 1977). Lending authority for 1979 will finance 25,000 units, with at least $50 million for 1,400 units designed specifically for handicapped persons.

Nursing Homes. Costs are projected at slightly more than $15 billion in fiscal 1979. Medicaid accounts for approximately one-half—$7.6 billion in fiscal 1979. Nursing home charges account for almost 38 percent of total Medicaid payments. Medicare outlays for skilled nursing care: $469 million for fiscal 1979.

ACTION's Older American Programs. $57.94 million: RSVP, $15.4 million; Foster Grandparents, $35.4 million; and Senior Companions, $7.14 million. Total request is $4.06 million below the fiscal 1978 appropriation of $62 million: RSVP, $20.1 million; Foster Grandparents, $34.9 million; and Senior Companions, $7 million. Effect of budget cut for RSVP: Volunteers reduced from 250,000 in fiscal 1978 to 220,000 in fiscal 1979; projects reduced from 692 to 554.

National Institute on Aging. $37.91 million ($572,000 above fiscal 1978 level of $37.338 million).

Community Services Administration. Senior Opportunities and Services, $10.5 million (same level as for fiscal 1978). Community Food and Nutrition, $22 million ($7.5 million below 1978 appropriation). Energy Conservation Services, $10 million ($55 million below 1978 appropriation). Reflects a shift of home weatherization activities to Department of Energy (see below). Community Action Agencies, $381 million ($12 million above 1978 funding).

Department of Energy. $198.95 million to weatherize 857,000 homes of low-income persons.

Veterans Benefits. Projected at $9.6 billion: non-service-connected disability pensions, $3.2 billion; disability compensation payments, $6.2 billion; and burial and other benefits, $200 million. Veterans and survivors of World War I and prior conflicts are expected to receive $944 million in pension benefits and $178 million in compensation payments.

Title XX Social Services. Outlays estimated at $2.45 billion, compared to $2.4 billion in fiscal 1978. It is estimated that 48 States will reach the Federal ceiling in 1979 (35 in 1978).

Food Stamps. $5.8 billion, including $5.4 billion for food stamp benefits. Food stamp recipients: 18 million (17.7 million in 1978).

Community Education. $5,791,000 ($3,553,000 in fiscal 1978). About 20 percent of the funding will be awarded to higher educational institutions for training grants; the remainder will be awarded to local and State educational agencies to establish and continue community education programs.

Home Health Demonstrations. $6 million (the same amount as the fiscal 1978 appropriation).

Urban Mass Transportation Assistance. Up to $28 million will be available in fiscal 1979 for capital assistance grants to private nonprofit groups for transportation services for elderly and handicapped persons.

Railroad Retirement, $4.291 billion for retirement, disability, and survivor benefits.

SCORE and ACE. $2 million for Service Corps of Retired Executives and the Active Corps of Executives ($1.3 million in fiscal 1978).

WYOMING'S BELOVED COWBOY

Mr. WALLOP. Mr. President, Col. Tim McCoy, affectionately called "Wyoming's beloved cowboy," died last month at the age of 87. A real-life rancher, cowpoke, and politician, McCoy was probably best known for his Hollywood portrayals of the manly "good guy" in early western films.

McCoy's film career spanned four decades, interspersed with stints as a circus star, Wyoming senatorial candidate, and Army officer during both World Wars. In 1974, Colonel McCoy was named to the National Cowboy Hall of Fame along with John Wayne, the actor who had played bit parts in some of McCoy's early films.

A contemporary of Tom Mix and Buck Jones. McCoy was one of the few stars who made the transition from silent films to talkies. He was a friend to the Shoshoni and Arapahoe Indians and knew their sign language, an expertise which got him to Hollywood in the first place to assist Director Jesse Lasky in handling the silent film classic "The Covered Wagon." Later, as a star in his own right, McCoy once said:

It was the hardest thing I ever did—playing myself in those westerns and reading some of those silly lines they handed me.

One of his more notable accomplishments was playing both the hero and the villain in the same film and chasing himself over the countryside, a feat familiar to many in Washington.

It is with great pride that I join with the people of the State of Wyoming and the Nation in honoring Colonel McCoy in these pages today. In his memory, Mr. President, I ask unanimous consent that the following editorials in tribute of Colonel McCoy be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Wyoming Eagle, Jan. 31, 1978]

COL. TIM MCCOY WILL BE MISSED IN WYOMING

Col. Tim McCoy, National Cowboy Hall of Famer, long-time cowboy movie star and recognized authority on the American Plains Indian, is dead.

He died Sunday at the age of 87.

Colonel McCoy will be missed by his long-time friends in Wyoming.

The colorful Colonel McCoy—last living member of the Tom Mix-Buck Jones-Ken Maynard generation of movie cowboys—was in Cheyenne in September, 1975, as a special guest on the Treagle football special, sponsored by The Wyoming Eagle and Wyoming State Tribune.

Colonel McCoy had many claims to fame, but his roots were in Wyoming. He was one of the biggest, if not the biggest, movie stars Wyoming ever produced.

Born in Michigan, Colonel McCoy left Ignatius College in Chicago at the age of 16 and came to Wyoming "to be a cowboy." He worked on ranches in the Wind River country, for a time, before filing a homestead claim in the Owl Creek area of the Big Horn basin. The homestead grew into a ranch which was the McCoy home for many years.

In order to learn from the Indians the whereabouts of stray cattle, McCoy studied the art of conversing with his hands, an almost universal language among the Plains Indians at that time.

Until his death, he remained one of the nation's outstanding authorities on the American Plains Indians.

In May 1919, Colonel McCoy was appointed Adjutant General of Wyoming. In this capacity he founded the 115th Cavalry Regiment, which constituted the entire Wyoming National Guard at that time.

In 1922, he went to Hollywood where he used his ability to converse in sign language to help direct several hundred Indians in the classic motion picture, "Covered Wagon." In 1923, Paramount kept him as a technical director, under contract to do a live prologue with 50 Wyoming Indians for "Covered Wagon."

Then, Metro-Goldwyn-Mayer signed him to a long-term contract as star of the MGM Outdoor Picture Co. He turned out to be one of the most popular of that studio's many stars. He was, in his own words, "one of the few who could really ride, shoot a gun—who was really a cowboy."

For three years in the late 1930's, he spent his summers as a star attraction with Ringling Brothers Circus.

In 1942, McCoy turned his attention to Wyoming politics. He become a "liberal" Republican candidate for the U.S. Senate. He lost to E. V. Robertson in the Republican primary.

Following World War II, he resumed his successful motion picture career. A few years later he took his initial step into the new field of television. The 90-minute "Tim McCoy Show," once a week, combined a live segment in which he discussed the history of the Old West with a Tim McCoy feature length motion picture.

He was inducted into the National Cowboy Hall of Fame, along with John Wayne, in the Spring of 1974.

Tim McCoy was quite a Wyomingite—quite a guy.

[From the Casper (Wyo.) Star Tribune, Jan. 31, 1978]

"THE REAL MCCOY"

Col. Tim McCoy, a real-life cowboy and link to the Wild West, died Sunday in Ft. Huachuca, Arizona. He was 87.

A native of Michigan, McCoy grew up in Wyoming, and but for whims of the voters, he could have been Senator. He was, however, State Adjutant General for many years.

Born April 10, 1891 in Saginaw, Mich., he attended college in Chicago and then left for the family's ranch in Wyoming. Here he learned how to rope and ride and was adopted into two Indian tribes.

He learned sign talk while in the cavalry and then became a colonel in charge of Indian reservations.

McCoy served in both World Wars and in 1919 he was selected to work in mapping the famous Indian battlefields, including the Custer in Montana and the Wagon Box in Wyoming. Four years later, when the famed Western epic, "The Covered Wagon," was being filmed, he was in charge of 500 Indians brought to Hollywood for the picture.

McCoy rose to the rank of colonel during the first World War and when the second broke out, he reenlisted. This was after he ran for U.S. Senate in 1942 on the Republican ticket but he lost out to Sen. E. V. Robertson.

McCoy maintained residency in Wyoming for 37 years. His ranch was on the north fork of Owl Creek near Thermopolis. He was a star in motion pictures for several years, first going to Hollywood in 1924 as a technical advisor for western films.

The West changes, but politics do not, as indicated by McCoy's campaign kickoff address in 1942:

"I have long ago formed the opinion that most political promises were like Christmas toys," McCoy said. "They were made in the fall and mostly all broken before spring. Therefore, in concluding my remarks to you tonight I want to make you just one promise, and that is when you have sent me to Washington to represent you in the halls of the United States Senate, I promise you they will know down there that there is a senator from Wyoming."

CONFIRMATION OF DR. ERNEST AMBLER TO BE DIRECTOR OF THE NATIONAL BUREAU OF STANDARDS

Mr. STEVENSON. Mr. President, on February 1, 1978, the Senate confirmed Dr. Ernest Ambler as Director of the National Bureau of Standards. On behalf of the Commerce Committee's Subcommittee on Science, Technology and Space, which I chair, I offer congratulations to Dr. Ambler and the promise of close cooperation in strengthening the scientific capabilities of the Bureau.

As you know, Dr. Ambler's nomination to be Director of the Bureau was forwarded to the Senate on November 11, 1977, and then again on January 26, 1978. It was referred to the Committee on Commerce, Science, and Transportation which conducted a careful review of Dr. Ambler's qualifications, including a detailed examination of biographical and financial information provided by Dr. Ambler, analysis of his written responses to 26 questions on NBS activities, a confirmation hearing on December 14, 1977, and conversations with more than 2 dozen members of the scientific and technical communities.

On the basis of this review, I concluded, and the Commerce, Science, and Transportation Committee concurred, Dr. Ambler was well qualified to be Director of the Bureau. There were no apparent conflicts of interest, a conclusion supported by letters from the Departments of Commerce and Justice. Also, his training and experience have prepared him well for his new responsibilities.

Beginning his Bureau career in 1953 as a researcher in low temperature physics, Dr. Ambler advanced to Chief of the Division of Inorganic Materials, Director of the Institute for Basic Standards, NBS Deputy Director, and in July 1975 to acting Bureau Director. Among those persons queried for reaction to Dr. Ambler's nomination, there was universal agreement with respect to his distinguished scientific career at the Bureau, his extensive knowledge of, and deep loyalty to the Bureau, and his growth as a manager

while serving as Acting Director under difficult and uncertain circumstances.

It is important to the Nation that there be a strong and vital National Bureau of Standards. Under Dr. Ambler's stewardship, it is expected that the Bureau's recent difficulties will be carefully analyzed and addressed. This will make it possible for the Bureau to continue its long record of significant contributions to the scientific and technical capabilities of the United States. As chairman of the Senate subcommittee that is responsible for oversight of the Bureau, I look forward to working closely with Dr. Ambler and his staff. As a first step, the subcommittee will commence oversight hearings of NBS on February 15, 1978, at 9:30 a.m. in room 235 of the Russell Senate Office Building.

Mr. President, I ask unanimous consent that a brief biographical statement describing Dr. Ambler's career be printed in the RECORD.

There being no objection, the biographical sketch was ordered to be printed in the RECORD, as follows:

DR. ERNEST AMBLER

Dr. Ernest Ambler has served with the Federal Government since 1953 when he joined the staff of the National Bureau of Standards. In 1973, he was appointed Deputy Director of that organization and has been serving as Acting Director since the resignation of Dr. Richard W. Roberts in June 1975.

Throughout his career, Dr. Ambler has worked to make NBS an increasingly valuable scientific and technical resource for industry, business, Government, education, and the public. As a scientist, he has contributed directly to the state-of-the-art in measurement technology. His expertise in nuclear physics and cryogenics formed the basis in 1956 for a cooperative effort that disproved the law of parity conservation, a concept that nuclear scientists had adhered to for more than 30 years. This pioneering project confirmed experimentally the theoretical work of Nobel Prize winners T. D. Lee and C. N. Yang.

As an administrator, Dr. Ambler has helped guide Bureau operations and policies to improve the efficiency with which NBS fulfills its mission. His management responsibilities began in 1961 when he became Chief of the Cryogenic Physics Section. Four years later, he was appointed Chief of the Inorganic Materials Division. In 1968, as Director of the Institute for Basic Standards, he assumed responsibility for directing the most basic of NBS research activities: developing and maintaining standard and measurement techniques for such quantities as length, mass, time and frequency, and temperature.

Among Dr. Ambler's continuing concerns is the Bureau's role in international science. He has long acknowledged that through its mission and diversity, the Bureau can act as a prime agent in international scientific cooperation and can support U.S. foreign commerce through participation in international standardization activities. In 1972, Dr. Ambler was elected to serve as the U.S. representative to the International Committee of Weights and Measures (CIPM), the coordinating body established by the Treaty of the Meter to guide the technical programs of the Treaty organizations. In addition, he serves as chairman of the CIPM Consultative Committee on Standards for Measurement of Ionizing Radiations.

Dr. Ambler is the recipient of numerous honors, awards, and fellowships including: The Department of Commerce Gold Medal, the NBS Stratton Award, Nuffield Fellow of Oxford University, the John Simon Guggenheim Memorial Foundation Fellowship Award, the John Price Wetherill Medal of the Franklin Institute, the Washington Academy of Sciences Award, the Arthur S. Flemming Award, the William A. Wildhack Award, and the President's Award for Distinguished Federal Civilian Service. He has authored 51 publications and holds a patent for low temperature refrigeration apparatus and processes.

Born in Bradford, Yorkshire, England, in 1923, Dr. Ambler earned his B.A., M.A., and Ph. D. in physics at Oxford University before coming to the National Bureau of Standards. He became a United States citizen in 1958. Dr. Ambler and his wife, Alice Seiler Ambler, a former staff member in the NBS Heat and Building Research Divisions, were married in 1955. They live in Bethesda, Maryland, with their two sons, Christopher and Jonathan.

ESTONIAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, on February 24, friends of Estonia throughout the world will commemorate the anniversary of Estonian independence. For all Americans who are too young to recall the forced occupation of Estonia in 1940, I would like to point out that Estonia was an independent, model democratic state with a libertarian constitution from 1918 to 1940.

On this occasion, free men everywhere should ponder the fate of the Estonians and the other Baltic nationalities, the Lithuanians and Latvians, in order to have a meaningful understanding of the situation which confronts the peoples of Eastern Europe. Yet, in their plight, the Estonians have somehow had the strength of will to keep faith with their national identity and heritage.

Let us here in the U.S. Senate express our support for the people of Estonia and for the fine Estonian American community in this country.

THE FARM COST-PRICE SQUEEZE

Mr. BENTSEN. Mr. President, for the past 3 weeks, I have met with numerous farmers, ranchers, and businessmen from the agricultural areas of Texas. These discussions have borne out what many of my colleagues have become increasingly aware of in the past several years; the American farmer is caught in the worst cost-price squeeze in modern times.

Last year, farmers in Texas had high crop yields. This efficiency should have been rewarded with good profits. Instead, the low prices which they received for their products, coupled with tremendous cost increases pushed them further in debt. These same farmers have made their projections for this year's crop, based on the 1977 farm bill, and once again they come up with not only no profit, but greater losses than last year. Finally, as a last resort, the farmer and rancher have turned to their elected representatives in the Congress for help.

Mr. President, the American farmer and rancher asks for very little. He has been content to stay on his land increasing his efficiency and production to a level where he is feeding over half the world population. I know that some of my colleagues may not agree with the proposals presented by these men and women. However, I hope they feel that the American farmer and rancher is entitled to a reasonable rate of return above his cost of production at the end of a year of hard work and successful production. The seriousness of this problem should not be underestimated. I am convinced that many of the farmers and businessmen with whom I have visited will not be in business next year unless the Government responds to their needs. The American family farmer has been the backbone of the food and fiber production for the world. He has never before been caught in a cost-price squeeze this serious.

Mr. President, it is for these reasons that I joined as a cosponsor of S. 2481, the Flexible Parity Act of 1978. This bill is, indeed, a flexible act. Each farmer has the opportunity to select the target price and set-aside level which best applies to his particular situation. I believe this legislation allows the farmer the flexibility he desires, while at the same time bringing production down to a level closer to current demand. An approach of this type allows the producer to make his own determination as to the risk he is willing to take. It does not guarantee the farmer a profit, but it at least allows him a fair chance to achieve a rate of return above his cost of production.

Mr. President, the current situation is most serious. Action must be taken now to insure that the family farmer is able to stay in business. If he is forced to sell his land and leave the farm, this problem will spread to every portion of our economy.

SPACE FACTORIES: NOT SO WILD—OR REMOTE—A DREAM

Mr. GOLDWATER. Mr. President, Dr. Adolph K. Thiel, who is senior vice president, Defense & Space Systems Group, TRW, Inc., has written a most interesting article for the Forum. It is a timely piece because before long we will be engaged in the debate on whether we should authorize and then spend the money necessary to put our laboratories in the sky and make it possible to have traffic between that and the Earth at our will. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPACE FACTORIES: NOT SO WILD—OR REMOTE—A DREAM

(Dr. Adolph K. Thiel)

In the past, critics of America's space program often asked why we were spending money on space when we had so many problems here on earth. Now, ironically, it is becoming apparent that space can offer us rather effective solutions to some of our earthly problems.

For example, to build a communications system, one can excavate an immense hole in the state of Arizona, consume huge amounts of energy refining the extracted copper ore and then dig trenches across the United States in which to place the copper cables. Alternatively, one can put a few pounds of copper into orbit in the form of a communications satellite and accomplish a similar end.

Recently, we have begun to understand that space offers us another dramatic but

heretofore neglected opportunity—namely, it is a place to learn how to manufacture some rather remarkable new products that might help us live better and more intelligently on our crowded, resource-limited spacecraft. These products range from semiconductors (those versatile electronic materials that give us synthetic intelligence in everything from hand calculators to sophisticated computers) to biological products that might save the lives of kidney patients, modify immunological responses to transplants or enable us to better understand the behavior and function of the nervous system.

What is there about space that makes it advantageous for manufacturing these products? It is, of course, a vacuum far better than we can achieve on earth. Space also has an effectively unlimited supply of solar power for use in energy-intensive manufacturing processes. But principally it is the virtual weightlessness experienced in space that makes it of special importance to manufacturing. On earth, weightlessness can only be achieved for rather short periods of time—twenty to thirty seconds, for example, in an airplane flying a special trajectory. The manufacturing processes that would be of interest to us take longer; hence the attractiveness of using space.

Consider the following illustration. Today America is fast becoming a post-industrial society. More than 50% of the Gross National Product is now accounted for by services and information, rather than manufactured goods. This basic change in the nature of our economy is closely associated with the remarkable synthetic intelligence being turned out by the electronics industry. By introducing a few impurities into the molecular structure of materials called semiconductors, the industry has succeeded in making small, inexpensive, powerful computers. A computer that used to occupy the entire floor of a building and cost $2.5 million is now about the size of a baby's fingernail and can be purchased for under $200. As a result, the computer is now a component as common as a resistor, and we have "smart" sewing machines, "smart" cars as well as "smart" microwave ovens.

To introduce impurities into semiconductors accurately, one must first have pure semiconductor material. On earth, growing perfect crystal semiconductors of materials such as silicon is very difficult because convection in the crystals (caused by gravity) creates a thermal turbulence in the forming crystal. The "yield" of such processes can be low, and typically only one in five of the crystals is usable. In the gravity-free environment of space, convection is not a problem, so that perfect high-yield silicon crystals can be grown.

Is such a space-manufacturing process economical? One study estimates that a manufacturer of integrated circuits could pay as much as four times the current cost of earth-produced crystals and still, because of the better yield, increase his profits by 20%. When we recall that semiconductors have been called the "steel' of the present revolution in electronics (i.e., the basic material from which most products will be made), the competitive margin offered by space could give America a substantial advantage in world electronic markets.

LASER LIGHT

Space manufacturing may also be of help to us in the rapidly changing communications industry. Today, more and more computers and people are communicating with one another by means of laser light traveling down thin glass pipes called optical fibers. Laser light is a coherent form of high frequency radiation (i.e., a single frequency lined up in phase) that makes it an ideal carrier for prodigious amounts of information. With laser light, one can put more conversations through an optical fiber the thickness of a human hair than through a cable the size of a wrist. This means that as telephone traffic increases we won't have to dig up New York City; we'll merely pull some strands of optical fiber through existing ducts. Within twenty years, most Americans will probably be talking to one another via glass pipes and laser light.

Both lasers and optical fibers require a pure, high-quality glass. Once again, space manufacturing can come to our rescue and point the way. On earth, it is difficult to maintain the purity of glass during the manufacturing process because the hot glass comes into contact with the walls of its containers, where it picks up impurities, or "devitrifies." Space offers us the great advantage of containerless processing. Melted materials such as glass can be positioned and maneuvered in space by relatively small acoustic, electromagnetic or electrostatic fields. Since there is no need for containers in space factories, there is no danger of impurities from containers entering the material.

Are the improvements in glass manufacturing offered by space processing really worth the expense of either making glass in space, or of experimenting with the glass-making process to improve production on earth? Owens-Illinois researchers have reported that a small increase in laser efficiency could produce a sizeable cost reduction in the United States laser-fusion program. An improvement in optical fibers might result in even larger cost savings. Present fibers have enough impurities to significantly attenuate signals being put through them, and thus require a signal booster or repeater every ten kilometers. Fibers manufactured in space would be pure enough to get by with a repeater every twenty kilometers. Considering the enormous distances that will be covered by fiber optics in the future, halving the number of repeaters needed could mean substantial savings.

SPACE BIO-FACTORIES

One of the most exciting prospects for space manufacturing lies in space bio-factories. In such factories, the virtual absence of gravitational fields would permit technicians to make delicate separations of biological materials that are not possible on earth. For example, it is inordinately difficult in an earthbound laboratory to separate the variety of human kidney cell that is used to make the enzyme urokinase, a substance that dissolves blood clots in the body. The difficulty means that patients requiring urokinase must pay $1,000 to $1,500 per dose. Space processing should reduce this cost by at least a factor of ten or more. Since 500,000 to 600,000 doses of urokinase are required annually in the U.S., the cost effectiveness of a space bio-factory is immediately apparent.

The gravity-free environment of a space bio-factory would also make it possible to separate various types of white cells (for modifying immunological response to transplants), isolate blood proteins (to study their cancer-resistant characteristics) and undertake many other advanced biomedical techniques.

What is the timetable for manufacturing in space? Right now, it looks as though the 1980s will be devoted to fundamental engineering and economic studies of materials behavior and space manufacturing equipment. The 1990s should then see the industrialization of space and culminate in the establishment of space stations for commercial manufacturing operations. It can be expected that output in space manufacturing will be measured in pounds rather than in tons, and that projects will be selected largely for a laboratory effect as a guide to improving manufacturing processes on the earth.

By 1985, the United States plans to fly about sixty Space Shuttle missions per year. In effect, this means that every Friday afternoon a spacecraft with the cargo capacity of a Boeing 707 is scheduled to depart for space. Given the availability of this remarkable space transportation system and the prospects space manufacturing has for saving not only money but human lives, doesn't it make sense to have America be the first nation in the world to use the resources of space for advanced manufacturing?

TRADE CONFRONTATION AVOIDED

Mr. BENTSEN. Mr. President, I would like to take just a moment of the Senate's time to commend the performance and accomplishments of Ambassador Robert Strauss, the President's special trade representative.

Hobart Rowen's article, "How U.S., Japan Avoided Trade Confrontation," which appeared in the February 5 Washington Post, is eloquent testimony to the effectiveness of Ambassador Strauss as a trade negotiator. I ask that the article be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENTSEN. Mr. President, in an era of international interdependence there are few issues more important—or more complex—than trade between nations. Every nation has vested, and frequently competing interests in how trade is conducted. In recent years we have seen vivid evidence of how trade policy is entwined with domestic economic policy: how it can affect the jobs of American workers; the profitability of American industry; the strength of the American dollar. We have learned what it means to run a $27 billion balance-of-trade deficit. And we have come to appreciate the clear requirement for a concerted international effort to address trade issues.

In his capacity as the President's special trade representative, Ambassador Strauss has earned acclaim from all quarters for his efforts to establish an equitable system of international trade and to insure that all parties play by the rules of the game.

During the past year, Bob Strauss has played a leading role in laying the groundwork for future negotiations and trade policies that should work to the benefit of all nations. Seizing on the President's success at the London economic summit last May, Ambassador Strauss has worked effectively with our trading partners to force the pace of the multilateral trade negotiations. He has made it clear that this Nation has the political will and the determination to see these negotiations through to a successful conclusion.

On the domestic front, Ambassador Strauss has helped to achieve vastly improved coordination between the various departments and agencies concerned with our foreign trade policy. He has enjoyed a remarkable degree of success in fostering the concept of consultation and consensus between agencies that have traditionally differed on important trade issues.

Finally, I believe that Ambassador Strauss has rendered an important service to the President and to the Nation by increasing public understanding of

the interrelationship between economics and politics. He appreciates the pragmatic, as well as the theoretical aspects of international trade. He has been an effective STR because he understands what international trade policies mean to the American worker, the American consumer, and to those elected to represent them.

Ambassador Strauss has combined this sensitivity with a grasp of the complex facts, a sense of diplomacy, and a skill in negotiation enhanced by his involvement in and appreciation of the American political process.

During his first year as Special Trade Representative, Ambassador Strauss has dealt creatively and effectively with a series of trade crises ranging from steel imports to shoes and color television sets. At the same time he has served as a catalyst, emphasizing the urgency and importance of strengthening the system of international trade and eliminating the injustices that have become so apparent.

Ambassador Strauss has not solved all our trade problems. He has, however, helped to establish an environment in which many of these problems will eventually be addressed. And he has served notice, in this Nation and abroad, that the United States is determined to see that international trade is conducted on a basis of equity and justice.

I think we owe Ambassador Strauss a vote of confidence and an expression of thanks for his outstanding record of accomplishment.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 5, 1978]

EXHIBIT 1

HOW THE UNITED STATES, JAPAN AVOIDED TRADE CONFRONTATION

(By Hobart Rowen)

Last Nov. 18, at almost the precise moment that Egyptian President Anwar Sadat's jet was touching down at Lod airport in Jerusalem, another diplomatic initiative was being launched on the other side of the world—in Japan. And this one appeared to be degenerating almost instantly into a tense confrontation.

But, remarkably, it didn't. What has happened since then is astonishingly good—perhaps the most noteworthy achievement of the Carter administration to date—although its potential significance has been perceived only dimly.

To be sure, nothing so monumental as Middle East peace was at stake although, in bottom-line economic terms of jobs and markets, it came close. At issue was an effort by this country to convince Japan, steeped in another tradition, that it must open its markets to Western goods to avert a retaliatory, protectionist wave that gradually would exclude Japanese goods from Western markets.

But the effort almost came unglued at critical moments. That it didn't is a tribute first to an unprecedented "team" effort by a number of normally competitive U.S. agencies; and second, to Japan's ability and willingness to consider its own long-range interests over painful short-term adjustments.

One of those moments of near-miss occurred that November weekend when what was intended to be a low-key American mission exploded into a seeming confrontation. Richard Rivers of the Office of Special Trade Representative and Erland Heginbotham of the State Department were supposed to nudge the Japanese into making some trade concessions.

The philosophy behind the mission, evolved by an interagency "assistant secretaries" group, was that neither Japan nor West Germany should add to the already unwieldy $40 billion oil cartel surplus by running huge trade and current account surpluses of their own.

"Japan has a vital interest in the strength of the international trading system," Richard Cooper, under secretary of State for economic affairs, said at that time. "And to the extent that Japan can reduce its surplus, it will reduce tensions in the U.S. and Europe, and defuse protectionist sentiment."

Heginbotham and Rivers were supposed to explain to the Japanese that they had a new role and responsibility, compatible with Japan's status as one of the three leading Free World powers today.

But the Japanologists on the American side instructed Heginbotham and Rivers to suggest an 8 per cent growth rate to the Japanese—and that was a mistake. Not only did the Japanese object that the rate was unrealistically high, but it proved indiscreet to apply any outside pressure in this sensitive area.

The resulting press coverage, which suggested that the U.S. and Japan were at loggerheads, conveyed a sense of mounting crisis, possibly jeopardizing not only economic but political and military relationships with Japan.

"Half of the Cabinet was upset," a senior official told The Washington Post. More to the point, President Carter himself phoned Special Trade Representative Robert S. Strauss to ask whether the U.S. had pushed the Japanese too far.

Strauss, in general charge of the negotiations, said "no," and assured Carter that the Japanese, for domestic political reasons, wanted something of a public push. But to make sure that the U.S. tactics were on course, Richard Holbrooke, assistant secretary of State for East Asian and Pacific affairs, cabled the U.S. ambassador in Japan, Mike Mansfield.

On behalf of the "assistant secretaries" group, Holbrooke asked Mansfield whether the U.S. was pressing Japan for things that couldn't be delivered, and whether, in the process, the U.S. might be fueling the very protectionist fires it was seeking to bank.

Mansfield—who in a brief year's time in his Tokyo diplomatic post had earned the respect of the Japanese government—responded in a series of reassuring cables now view as crucial.

Had Mansfield's tone been different, the U.S. determination to keep up the pressure might have changed. But significantly, the U.S. never again suggested an 8 per cent growth rate—or indeed, any other specific number, reiterating only the importance of faster growth in general terms.

According to Strauss, the final result of a communique issued Jan. 13 is that "Japan has embarked on an entirely new direction of the greatest significance." Holbrooke and almost everyone else connected with the effort ascribe most of the credit to Strauss' extraordinary skill as a negotiator. (Equally, Strauss gets high marks from his European counterparts in overall trade negotiations in Geneva.)

There is a danger, to be sure, that Strauss' accomplishments can be exaggerated, and this is a point of view held at top levels in the Commerce and Treasury departments. Commerce Secretary Juanita Kreps warns that the Japanese are not likely to abandon their perfectionist ways overnight, and that "it all hinges on how rapidly the Japanese are willing to move in the areas they've promised."

Even President Carter may be a bit skeptical. When Strauss' deputy, Alan Wolff, praised Strauss' accomplishments at a Cabinet session, Carter is reported to have said with a smile:

"I see you're learned well from your boss. He told me he got a C-minus agreement that he'd present as B-minus. The way I get it from you, it's an A-minus."

Whatever its ultimate ending, the story had its beginnings in late September 1977, when the U.S. government concluded that the staggering increase in the Japanese current account surplus would be a major political and economic problem for the U.S.

Japanese Prime Minister Fukuda had promised Vice President Walter Mondale in February that Japan would run a current account deficit of $700 million in 1977. By fall, it was clear not only that Japan was not running a deficit, but that its surplus appeared to be in the neighborhood of an astonishing $7 billion. (It turned out to be $10 billion.)

The Japanese commitment to a 6.7 per cent economic growth target was also clearly out of reach. At the International Monetary Fund annual meeting here in September 1977, growing hostility to the Japanese resulted in harsh threats of retaliation made publicly by Treasury Secretary W. Michael Blumenthal and British Chancellor of the Exchequer Denis Healey.

But the Japanese underreacted to these and other early signals. That led to formulation of the "assistant secretaries" group in October. This included representatives from the STR office, State, Treasury, Defense, Commerce, Labor, National Security Council, and Agriculture. A key role was played by Deputy STR Wolff, who filled in for and backstopped Strauss.

In seemingly endless meetings, this group determined as a matter of policy that it would not link the trade issue to the equally sensitive question of sharing military defense costs, nor would it deal with the foreign exchange value of the yen (although Assistant Treasury Secretary C. Fred Bergsten had once told the group that "half an hour on the exchange market could mean more in dollar terms than everything else we're talking about.")

It is difficult to cite the precise moment when the Japanese became convinced they would have to make basic changes in their attitude toward imports.

"I told them that they could choose between taking their problems up with their own Diest (legislature), or our Congress," Strauss said in a recent interview. In effect, Strauss was warning the Japanese that protectionist sentiment—especially among U.S. labor unions—could be so overwhelming that the Carter administration wouldn't be able to hold it off.

One consequence of the pressure following the Heginbotham-Rivers mission was inclusion in a new Japanese government announced Nov. 28 by Fukuda of two important new faces: Nobuhiro Ushiba as chief coordinator for international economic affairs, and Kiichi Miyazawa, as minister for economic planning.

Both were key figures in the subsequent negotiations. Ushiba, a former Japanese ambassador here (1970–73), speaks excellent English and knows this country well. Miyazawa, a former foreign minister and potentially a future prime minister, has strong pro-American leanings, and is considered a leading Japanese intellectual.

Fukuda, in political hot water, already had planned sweeping cabinet changes. But the rising value of the yen—it appreciated 22 per cent during 1977—was agitating Japanese businessmen, and Fukuda knew he had to get something going to defuse the pressure from inside and outside his country.

Encouraged by the Ushiba-Miyazawa appointments, the "assistant secretaries" group

developed a shopping list of what it wanted, including symbolic boosts in the Japanese import quotas on beef and citrus fruit, two areas where Japanese protectionist sentiment is especially strong. The plan was to send Wolff to Japan to pave the way for a deal. But Fukuda cleverly preempted the U.S. plan by sending Ushiba here with his own set of proposals.

Strauss & Co. prepared for Ushiba by making sure he would get the full treatment—exposure to key congressmen and senators, as well as members of the Cabinet and blue-ribbon leaders of American industry.

Some of these sessions were eye-openers for Ushiba, as he was to say later. At one, a business group session set up by Assistant Secretary Frank Weil at the Commerce Department Dec. 14, Philip Caldwell, Ford Motor Co. vice president, bluntly told Ushiba that if Japanese penetration of the U.S. car market reached 20 per cent, then Congress would be asked to require that one-quarter of the components in every imported car be American-made.

Ushiba visibly blanched. "That's impossible," he said. "Nothing's impossible," Caldwell replied.

At another important meeting—a luncheon hosted by Sens. Russell Long (D-La.) and John Glenn (D-Ohio), at least 15 senators fired complaints at the special Japanese envoy. Long summed it up by saying, "Basically, Mr. Ambassador, either you can buy more from us or we'll sell more to you."

Ushiba later told his old American friends that things had changed. "When I was ambassador here, the only man I had to talk to on Capitol Hill was (Rep. Wilbur) Mills," he said. "Now, to 'clear' Congress, I have to talk to Robert Strauss."

Ushiba had brought very little with him in terms of broad commitments to reduce the current account surplus or to juice up the Japanese domestic economy. His proposals for 318 modest cuts in tariffs were brusquely rejected as inadequate by Strauss, who startled Ushiba by caling a press conference immediately to blast the Japanese package.

But on the last day of Ushiba's three-day visit, the Japanese Cabinet in Tokyo announced two important decisions: a growth rate target of 7 per cent for 1978—well over the actual result of 5.3 per cent in 1977—and, even more strikingly, abandonment of a traditional rule that no more than 30 per cent of the budget could be financed by borrowing.

Those decisions lifted American hopes that Japan's $10 billion current account surplus might be trimmed by as much as $3 billion to $4 billion in 1978. But try as hard as he could, Strauss could not get Ushiba to agree that Japan, as a matter of principle, would give priority to moving into a current account deficit.

So Ushiba went back to Tokyo to report to Fukuda, with Strauss having warned him publicly that he would go to Tokyo to close the negotiations only if the "gap" between the nations could be closed.

After lower-level jockeying by phone, cable and on the spot by the American Embassy team in Tokyo, Strauss decided to go to Tokyo on Jan. 11.

What ensued then tested Strauss' skills at wheeling and dealing, polished over the years on the political hustings here. "Bob keeps everyone off balance, but he knows exactly what he wants and what he's doing," Holbrooke said.

According to someone who was present, Strauss would say: "Brother Ushiba, help me with my political problem and I'll help you with yours."

Strauss nevertheless found himself in a box when he got to Tokyo because the Japanese proposals—which he considered inadequate in terms of tariff concessions and the degree of commitment to work off their surplus—already had been leaked as final to the Japanese press.

Strauss had taken the precaution to phone Carter from Anchorage to warn him that there might not be a deal after all. In Tokyo, after one look at the draft communique, Strauss said it would never do, and that he might have to phone Carter that midnight to say negotiations had collapsed.

That caused panic among the Japanese negotiators. A side issue that worked to the U.S. benefit was that the Japanese were simultaneously having problems with the Russians over a Kurile islands agreement, and the Japanese—who attach great importance to the formality of communiques—could visualize a circumstance in which they would have two ongoing international negotiations in a single week—and no communique to show for either of them.

The two sides got together in a madcap session at the American Embassy following a party Mansfield had given in honor of Sen. Ted Kennedy (D-Mass.). When the dinner was over, Miyazawa asked for a private room, and he, Ushiba, Wolff, and Holbrooke adjourned to a second-floor drawing room of the residence and began redrafting the communique. By midnight, the small room was packed with two dozen Americans and Japanese, including Strauss and the Japanese ambassador to Washington, Fumihiko Togo.

By next morning, Ushiba, after night-long negotiations of his own at the Ministry of Trade and Industry (MITD) and the Ministry of Finance, proposed language that Strauss accepted. The final communique said Japan would take steps to achieve "a marked diminution" in 1978 of its present current account surplus, and thereafter, would make "all reasonable efforts" to achieve further reductions, "aiming at equilibrium, with deficit accepted if it should occur."

In exchange, Strauss readily conceded something the Japanese wanted very badly; a promise that the U.S. would reduce its dependence on oil imports, and and a personal expression of confidence that an effective energy program would be passed.

Just as significant, the communique added language designed to achieve "parity" in U.S.-Japan trading relationships by seeking to set "comparable levels of bound tariffs."

This issue, scarcely noticed here, eliminates the possibility that in future negotiations, Japanese tariff cuts would be from some theoretical level above the real tariff structure. Now, the U.S. and Japan will start any tariff-cutting from the same real level. (The situation has arisen because Japan had not been required in early tariff rounds to lower its legally binding tariffs as much as other nations.)

Strauss won other concessions, in addition to already well-publicized increases in import quotas of beef and citrus. For example, Japan promised to review and liberalize foreign exchange controls. There is also a commitment to forming Japanese buying missions here. And there is a promise of abandonment of bureaucratic non-tariff barriers—a promise that will be monitored by a "trade facilitation committee" in the Commerce Department.

None of this is going to happen overnight, as Secretary Kreps warns, and business-wise officials such as Weil hope American industry doesn't make the mistake of sitting back and waiting for Japanese missions to empty American warehouses. "They need to make the effort, and we need to meet them halfway," Weil says. "If so, we can make permanent, big inroads into a vast market. They want to buy our goods, and we can beat the competition (from Europe and elsewhere)."

There is a danger—and Strauss and the others involved recognize it—that if the U.S.-Japan communique turns out to be just words, there could be a real crisis, in the form of heightened protectionism, as early as the fall.

But there is some evidence that the Japanese in the end came to the conclusion that acquiescence to U.S. pressure was in their own interest—as Cooper has put it—"to maintain the open trading system that had served them so well."

What's more, Fukuda and Miyazawa appear to have staked their political futures on the success of the program. If they deliver, Carter can lay claim to a major economic and foreign policy success.

SUMMARY OF AGGREGATE FINANCIAL DATA AND KEY COMPOSITE ANNUAL COMPARISONS OF 40 MAJOR OIL COMPANIES

Mr. TOWER. Mr. President, on September 26, 1977, during the Senate's debate on natural gas pricing legislation, I inserted into the CONGRESSIONAL RECORD a copy of a draft report on oil company finances prepared within what was then the Federal Energy Administration. That report, entitled "Summary of Aggregate Financial Data and Key Composite Annual Comparisons of 40 Major Oil Companies," appears in the September 26, 1977, RECORD beginning on page 30803.

The copy of the report which I put in the RECORD was one which I obtained from sources outside of the FEA. I made the report public in that manner and at that time because of the critical importance of its contents and because officials of the Carter administration had failed to respond to my requests for information about the matter.

An official copy of this important draft report was finally made available to me by the Department of Energy on November 8, 1977. The Department's release of the report came after I had invoked the provisions of the Freedom of Information Act. The report released to me by the DOE was identical to the copy which I inserted into the September 26 RECORD.

The draft DOE report concluded, among other things, that "return on oil company stockholder equity is not excessive compared to other manufacturing industries * * *" and that "profits * * * are not excessive in relation to capital expenditures." The report further found that "oil companies have consistently been making capital expenditures in excess of available internally generated funds * * *" and that "outside borrowing and long-term debt ratios are increasing and may be approaching the limit beyond which credit ratings are impaired and more expensive financing results." The DOE conclusions, by the way, are consistent with those reached in other, similar analyses such as those recently conducted by Prof. Shyam Sunder of the University of Chicago, E. Anthony Copp of Salomon Bros., and Prof. Peter Rose of Texas A. & M. University.

The DOE draft report contained one particularly interesting—and ominous—statement. Commenting on the trend toward increasing oil company long-term debt ratios, the report states: "Based on these data, it appears that a choice may have to be made between allowing higher profits or probably seeing lower capital expenditures for privately financed energy development efforts." "The alternative," the report concluded, "Will be increased Federal participation in energy development by subsidy or direct operational participation." The DOE report

found, in other words, that oil company revenues are, if anything, inadequate—inadequate, that is, in terms of meeting national energy supply needs.

Despite facts to the contrary revealed by the DOE report, Carter administration officials have persisted in publicly condemning oil company profits as excessive and unjustified. In fact, on October 14, 1977, the same day that DOE officials refused my initial request for a copy of the DOE draft report, President Carter went on national television to denounce oil companies for "potential war profiteering" and for pursuing measures which could result in "the biggest ripoff in history."

On that same day the President told us that "the oil companies apparently want it all." in my judgment, all they really want is fair treatment and governmental policies which will permit them to make the massive private investment necessary to adequately meet national energy needs. Presidential rhetoric to the contrary notwithstanding, the DOE draft report demonstrates quite clearly the need for more generous economic incentives for energy development.

On December 27, 1977, the Department of Energy released to me the final version of its study of oil company finances. The report is entitled "Summary of Aggregate Financial Data and Composite Annual Comparisons of 40 Major Petroleum Companies" and is dated November 1, 1977.

A comparison of the final, public version of the report with the earlier, draft report shows that the text has been revised to obscure or eliminate the embarrassing, but obvious, conclusions contained in the earlier draft which the administration for so long tried to suppress. The format has been altered and the language has been rewritten somewhat, but the facts remain the same. The explicit—and revealing—conclusions in the original draft report have been eliminated, yet the figures are the same and the data and analysis in the final report lead inescapably to the stated conclusions in the earlier draft.

Mr. President, I ask unanimous consent to print in the RECORD at this point a copy of the final version of the DOE report, together with a chronology of the events leading to release of this report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF EVENTS LEADING TO RELEASE OF THE DOE OIL COMPANY FINANCES REPORT

August 23, 1977. Capital Energy Letter reported that "a detailed financial 'profile' of the 40 largest oil firms in the U.S. was prepared at FEA several weeks ago, . . . but it has strangely gotten tied up in the red-tape at FEA and has never been distributed . . ."

September 7, 1977. In a letter to FEA Administrator John F. O'Leary, Senator Tower asked for a response to the Capital Energy Letter article and requested a copy of the report.

September 23, 1977. Senator Tower acquired from sources independent of the Department of Energy a copy of the draft report entitled "Summary of Aggregate Financial Data and Key Composite Annual Comparisons of 40 Major Oil Companies", dated "June 1977".

September 26, 1977. During Senate debate on natural gas pricing legislation, Senator Tower made public the existence of the draft report and inserted into the Congressional Record a copy of the draft report together with a summary of some of the key findings and conclusions of the report. (See page 30803 of the Congressional Record of September 26, 1977) Tower called on the Carter Administration to officially make the report available to the public.

October 14, 1977. In a letter from Leslie J. Goldman, the Department of Energy responded to Senator Tower's September 7 letter to FEA. Goldman acknowledged that DOE was developing "preliminary working papers" with the objective of developing "a comprehensive report on the financial status of the oil industry." He said that the comprehensive report was expected to be completed "within the next month" and that a copy would be provided to Tower at that time.

October 17, 1977. Senator Tower responded to Goldman's letter in a letter to Secretary of Energy James R. Schlesinger. Invoking the Freedom of Information Act, Tower again requested that DOE provide him with a copy of the report.

November 8, 1977. In response to Senator Tower's Freedom of Information Act request. the Department of Energy provided Tower with an official copy of the draft report. The report was identical to that obtained by Tower from other sources on September 23, 1977. In a letter accompanying the report, Thomas E. Noel, Acting Assistant Secretary for Resource Applications, stated that the enclosed "working paper" is "not particularly useful for drawing any conclusions as to the adequacy of incentives for just the domestic production of oil and natural gas." Noel said that "the final product of this study should be available within another several weeks."

December 27, 1977. The Department of Energy provided Senator Tower with a copy of the "final report" entitled "Summary of Aggregate Financial Data and Composite Annual Comparisons of 40 Major Petroleum Companies". In a letter accompanying the report, Leslie J. Goldman, Deputy Assistant Secretary for Policy Development and Competition, said that the report was "part of a continuing analysis of the finanical structure of the petroleum industry", but that "further analysis is required in order to assess the adequacy of incentives for domestic exploration and production and the capital needs and resources of the industry." He said that "statistics showing overall rates of return for the petroleum industry are not a satisfactory means of measuring the incentive for domestic exploration and development . . ." and that "consolidated balance sheet statistics are not indicative of the financial resources available to the industry".

SUMMARY OF AGGREGATE FINANCIAL DATA AND COMPOSITE ANNUAL COMPARISONS OF 40 MAJOR PETROLEUM COMPANIES

INTRODUCTION

This report presents and summarizes some of the financial relationships that depict the operations of most of the world's largest petroleum companies. Financial data for a composite of 40 of the major worldwide petroleum companies are presented and analyzed on a consolidated, total-company basis. Rates of return on common equity for the 40-company composite are compared with similar statistics for a composite of approximately 2,000 non-petroleum manufacturing companies. The data presented cover the years 1967–1976.

The basic source for this study is C. H. Pforzheimer and Company, New York City, a respected source of financial and investment-related petroleum company statistics. Pforzheimer has made its data available as a service to the Government. The data consists of individual company statistics and a composite income statement and balance sheet reflecting the operations of approximately 40 major companies in the petroleum industry. These statistics are provided in the seven tables in Appendix A and are discussed in the text of this paper. Also included are definitions of financial terms at Appendix B. Lastly, annual comparisons of the composite data are provided at Appendix C.

ANALYSIS OF HISTORICAL DATA

Table 1 at Appendix A provides annual cash flow data for the composite 40 major petroleum companies. The purpose of this section of the paper is to briefly discuss the major components of this cash flow in terms of sources and uses of corporate funds.

Sources of cash flow

Net income and non-cash charges such as depreciation, depletion and amortization provided 85 percent of the funds needed fcr capital expenditures; dividends and working capital between 1967 and 1976.

Net income has increased at a compound rate of growth of 9.3 percent from $6.2 billion in 1967 to $13.8 billion in 1976.

From 1967 through 1972, industry net income was relatively flat, reflecting the stable worldwide petroleum price structure that existed prior to the substantial OPEC price increases that began in 1973.

In 1973, net income increased 73 percent, and in 1974, another 35 percent, due in part to nonrecurring inventory earnings caused by the major increases in OPEC oil prices. During this period, many petroleum companies changed to last-in, first-out (LIFO) accounting for their inventories to minimize the impact on their income statements of the 300 percent increase in OPEC crude oil prices.

Net income dropped 27.5 percent in 1975 as a result of reduced petroleum demand worldwide, an unusually warm winter throughout most of the U.S., the impact of inventory accounting changes, and higher taxes that resulted from the virtual elimination of the petroleum depletion allowance. Net income increased 19.4 percent in 1976, reflecting a recovery of the U.S. economy, higher domestic oil demand and a shift in production from lower-tier to upper-tier oil.

It should be noted that energy company net income must be considered in relation to all capitalized expenditures, returns to stockholders, outside borrowing and debt ratios. Details of these relaitonships are presented in Tables 3, 4, 5 and 6 in Appendix A.

Depreciation and depletion expenses have increased with less fluctuation than net income from 1967 through 1976. They have more than tripled since 1967, from $4.85 billion to $14.8 billion in 1976, increasing at a compound rate of growth of more than 12.8 percent. Year-to-year changes are indicated in Table 1 of Appendix A.

During 1973 and 1974, when net income grew by 73 and 35 percent, respectively, the depreciation/depletion category increased only 14.6 and 15.7 percent, respectively. The only year that expenses in this category declined was in 1975, the year in which the major petroleum companies lost virtually all of their percentage depletion allowance. In 1976, depreciation and depletion expenses increased 31.6 percent from this 1975 level; in 1976, the increase was greater than that for net income.

Total cash flow, including net income and depreciation/depletion, grew from $11.0 billion in 1967 to $28.6 billion in 1976, an average annual compound rate of growth of 11.2 percent. Year-to-year data for these categories also are presented in Table 1 of Appendix A.

Uses of cash flow

The uses of cash flow that are considered in this study are dividends paid to stockholders and capital and exploratory expenditures. Dividends may be considered a necessary use of cash flow, because petroleum-

company (and other) securities normally are priced to some extent based on their yield to investors. Table 2 in Appendix A indicates the relationship of dividends paid by companies in the composite to the composite's net income, for the years 1967 through 1976. While net income rose 9.3 percent per year, from $6.2 billion to $13.8 billion during that period, dividends rose only 8.2 percent per year, from $3.1 billion to $6.3 billion. As a result, the dividend payout ratio dropped from over 50 percent before the OPEC embargo to 38 percent in 1976. This decline in the payout ratio has resulted in an increase in the proportion of income that has been reinvested by the composite since 1973.

As Table 3 in Appendix A indicates, total capital and exploratory expenditures for the composite increased at approximately the same rate as cash flow, from 1967 to 1976. The former has increased at an average annual rate of 11.4 percent, from $10.9 billion in 1967 to $28.8 billion in 1976. The latter has increased at an average annual rate of 11.2 percent, from $11.0 billion to $28.6 billion in the same years. During the per-embargo period from 1967 through 1972, total internal cash flow before dividends represented 104 percent of total capital and exploratory expenditures. This ratio was 105 percent from 1973 through 1976. The data suggest that the historical relationship between these categories was re-established after the unusual years of 1973 and 1974, and that the petroleum firms have continued to finance their investments primarily out of cash flow.

To permit a more accurate analysis of the relationship between these categories, dividends may be adjusted out of cash flow. This reflects the practical necessity of the payment of dividends to provide a current return to investors. Cash flow after adjustment for dividend payments is provided in Table 3.

Total capital and exploratory expenditures (both capitalized and expensed) exceeded cash flow after dividends by $18.4 billion in the 1967–1972 period prior to the embargo, and by $13.6 billion during the 1973–1976 period. The sum of these, $32 billion, was financed by net increases of $25 billion in long-term debt, $5 billion in new equity, and a decrease in working capital of $2 billion. Cash flow after dividends funded 82 percent of capital and exploratory expenditures over the 1967–1976 period, long-term debt 14 percent, equity 3 percent, and working capital 1 percent. The borrowings in the 1973–1976 period included $4 billion of debt issued for the Trans-Alaska Pipeline (TAPS).

Financing of the difference between cash flow and capital expenditures

While cash flow has provided 82 percent of the capital needs of the composite, long-term debt increased at an average annual rate of 13.7 percent from 1967 to 1976 as petroleum companies have borrowed to support increased capital expenditures for exploration and production, downstream operations and diversification activities.

During this period, the ratio of long-term debt to total capitalization (debt ratio) has increased from 17.2 percent in 1967 to 26.4 percent in 1976. Table 4 provides year-by-year data on capitalization for the composite. Long-term debt as a percentage of total capitalization for all manufacturing companies excluding petroleum companies was 23.0 percent in 1967 and 26.5 percent in 1976 according to Federal Trade Commission data.

Rates of return

Table 6 shows that between 1967 and 1976, return on total capital for the composite averaged 10.0 percent and return on equity 11.8 percent. Over the same period, return on equity for 2,000 manufacturing companies (excluding oil companies) as compiled by Citibank, N.A., averaged 12.7 percent. During the pre-embargo period, 1967–1972, return on capital for the composite averaged 8.7 percent and return on equity 11.0 percent. During the post-embargo period return on capital has averaged 11.9 percent and return on equity 15.5 percent.

In the pre-embargo period, the return on equity for all manufacturing companies averaged 11.9 percent and exceeded that of the composite; in the post-embargo period, return on equity for all manufacturing companies averaged 14.0 percent compared to 15.5 percent for the composite.

APPENDIX A

TABLE 1.—SELECTED AGGREGATE CASH FLOW DATA FOR APPROXIMATELY 40 MAJOR PETROLEUM COMPANIES

[In billions of dollars]

	1976	1975	1974	1973	1972	1971	1970	1969	1968	1967
Net income	13.80	11.56	15.49	11.80	6.81	7.20	6.85	6.83	6.75	6.17
Depreciation/depletion, etc	14.82	11.26	13.00	10.54	9.11	7.95	7.38	5.74	5.16	4.85
Cash flow	28.62	22.82	28.94	22.34	15.92	15.15	14.23	12.57	11.91	11.02
Dividends paid	5.28	4.74	4.48	4.00	3.78	3.79	3.75	3.65	3.33	3.06
Net internal funds available for investment for debt repayment	23.34	18.08	24.46	18.34	12.14	11.36	10.48	8.92	8.58	7.96
Total capital and exploratory expenditures [1]	28.83	26.93	25.75	16.33	14.32	14.15	13.27	12.87	12.40	10.85
Long-term debt	36.37	28.89	25.04	22.48	21.78	20.78	18.52	16.25	14.60	11.50

[1] Includes both capitalized and expensed expenditures. Includes TAPS debt of approximately $9,000,000,000 total during 1973–76.

Note: These data represent approximate rather than actual year-to-year comparisons because of changes in the makeup of the group of companies due to mergers and other corporate changes. The year-to-year distortions that result from this are considered minor.

Source: C. H. Pforzheimer & Co., New York.

TABLE 2.—NET INCOME AND DIVIDENDS FOR APPROXIMATELY 40 PETROLEUM COMPANIES

[Dollar amounts in billions]

	1976	1975	1974	1973	1972	1971	1970	1969	1968	1967
Net income [1]	$13.80	$11.56	$15.94	$11.80	$6.81	$7.20	$6.85	$6.83	$6.75	$6.17
Dividends	$5.28	$4.74	$4.48	$4.00	$3.78	$3.79	$3.75	$3.65	$3.33	$3.06
Dividend payout ratio (percent)	38	41	28	34	56	53	55	53	49	50

[1] Before adjustment for extraordinary items.

TABLE 3.—CASH FLOW AFTER DIVIDENDS AS A PERCENT OF CAPITAL AND EXPLORATORY EXPENDITURES

[Dollar amounts in billions]

	1976	1975	1974	1973	1972	1971	1970	1969	1968	1967
Cash flow	$28.62	$22.83	$28.94	$22.34	$15.92	$15.15	$14.23	$12.57	$11.91	$11.02
Cash flow after dividends	$23.34	$18.08	$24.46	$18.34	$12.14	$11.36	$10.48	$8.92	$8.58	$7.96
Capital and exploratory expenditures	$28.83	$26.93	$25.75	$16.33	$14.32	$14.15	$13.27	$12.87	$12.40	$10.85
Cash flow after dividends as a percent of capital and exploratory expenditures	0.810	0.671	0.950	1.123	0.848	0.803	0.790	0.693	0.692	0.733

TABLE 4.—CASH FLOW AS A PERCENT OF LONG-TERM DEBT

[Dollar amounts in billions]

	1976	1975	1974	1973	1972	1971	1970	1969	1968	1967
Cash flow	$28.62	$22.82	$28.94	$22.34	$15.92	$15.15	$14.23	$12.57	$11.91	$11.08
Long-term debt	$36.37	$28.89	$25.04	$22.48	$21.78	$20.78	$18.52	$16.25	$14.60	$11.52
Cash flow as a percent of long-term debt	0.787	0.790	1.156	0.994	0.731	0.729	0.768	0.774	0.816	0.950

TABLE 5.—TOTAL CAPITALIZATION DATA FOR APPROXIMATELY 40 MAJOR PETROLEUM COMPANIES

[Dollar amounts in billions]

	1976	1975	1974	1973	1972	1971	1970	1969	1968	1967
Long-term debt	$36.37	$28.86	$25.04	$22.48	$21.78	$20.78	$18.52	$16.25	$14.60	$11.53
Preferred stock	.33	.39	.39	.38	.41	.43	1.34	.50	.53	.76
Common stock and retained earnings [1]	101.05	91.89	87.42	79.99	71.46	69.32	64.64	61.93	58.23	54.88
Total long-term capitalization	137.75	121.14	112.85	102.85	93.65	90.53	84.50	78.68	73.36	67.17
Long-term debt as a percent of total long-term capitalization	26.4	23.8	22.2	22.0	23.3	23.0	21.9	20.6	19.9	17.2
Common equity as a percent of total long-term capitalization	73.4	75.9	77.5	77.8	76.3	76.6	76.5	78.7	79.4	81.7

[1] Includes common stock, capital surplus and earned surplus accounts after adjustments.

TABLE 6.—NET INCOME ON TOTAL CAPITALIZATION AND AVERAGE NET WORTH FOR APPROXIMATELY 40 MAJOR PETROLEUM COMPANIES

	1976	1975	1974	1973	1972	1971	1970	1969	1968	1967	10-yr mean
Petroleum company composite—Net income as a percent of:											
Total average capitalization [1]	10.7	10.0	14.8	12.0	7.4	8.2	8.3	9.0	9.7	9.6	10.0
Average common equity	14.3	13.1	19.0	15.6	9.7	10.8	10.7	11.4	12.0	11.6	11.8
Manufacturing group net income as a percent of common equity [2]	15.0	12.2	13.9	14.7	12.5	10.7	9.8	12.6	13.4	12.6	12.7
Ration of net income-to-common equity percentages (Petroleum company composite versus manufacturing company composite)	95.3	107.4	136.7	106.1	77.6	100.9	109.2	90.5	90.0	92.1	92.8

[1] C. H. Pforzheimer & Co. data. Includes long-term debt, preferred and common stock, capital surplus and earned surplus.
[2] Citibank, N.A. aggregate data for approximately 2,000 nonpetroleum manufacturing companies.

Note: These data represent approximate rather than actual year-to-year comparisons because of changes in the makeup of the group of companies due to mergers and other corporate changes. The year-to-year distortions that result from this are considered minor.

[Table 7 not reproducible for the RECORD:]

APPENDIX B—DEFINITION OF TERMS

This section provides a brief definition of some of the financial terms used in this study.

(1) Net Income. This category represents the profits remaining to the companies after all costs are deducted from their revenues. Among the deductions are: royalties; production, severance, and ad valorem taxes; operating expenses (including depreciation and depletion); currency and inventory revaluation expenses; interest expense; income taxes, etc. Included as an operating expense is a portion of each company's expenditures made for exploration, development and production. The exact proportion varies from company to company.

(2) Depreciation, Depletion And Amortization. Depreciation is the allocation of historical costs over an asset's useful life. Amortization represents the allocation of certain capitalized expenditures to income over a period of time. Depletion represents the recovery of the cost of a wasting asset. For a number of years, petroleum companies have been entitled to both statutory (percentage) and cost depletion. As a result of the Tax Reduction Act of 1975, percentage depletion was virtually eliminated for the major petroleum companies. However, cost depletion still is permitted.

(3) Cash Flow. This is the sum of net income and noncash charges such as depreciation, depletion and amortization. Generally, this category represents internally generated funds from operations.

(4) Net Internal Funds Available. The difference between cash flow and dividends represents what is available for investment in new facilities, the retirement of debt and additions to working capital. These funds may be supplemented by additional external debt and equity financing.

(5) Capital And Exploratory Expenditures. These are the funds expended to explore for, produce and market new energy resources and expended for other energy and non-energy investment purposes. Energy-related expenditures include petroleum and petrochemical production, refining, transportation and marketing, and alternate energy (coal, uranium, solar, etc.) activities.

(6) Net Income As A Percent Of Average Total Capitalization. This ratio is one measure of the return on total capital employed in the business. Total capitalization includes both long-term debt and stockholder's equity. Average capitalization adjusts this figure to reflect the issue and retirement dates of securities.

(7) Net Income As A Percent Of Average Common Equity. This ratio measures the earnings return to common stockholders. After adjusting this figure for the proportion of net income paid to stockholders in the form of dividends, the balance is the proportion retained by the company for reinvestment. The reinvestment rate and the level of outside financing will determine the likely rate of growth of the company. The level and duration of that growth rate and the dividend yield to investors are the primary determinants of stock price levels.

APPENDIX C—COMPARISONS IN THE COMPOSITE DATA

Group comparisons—1976 versus 1975:

(1) During 1976, the composite group consisted of 44 petroleum companies. This group increased 1976 net income by 19.4 percent over 1975 results, after showing a 27.5 percent decline in 1975 profits from 1974 levels. Gross revenues for 1976 rose 17.2 percent from 1975 levels.

(2) The 1976 profit rebound from 1975 was due primarily to the domestic economic upturn. This caused domestic petroleum demand to rise 6.1 percent, to 17.3 million B/D. During this period, motor gasoline, distillate and fuel oil sales increased by 4.4 percent, 9.4 percent and 12.1 percent respectively. Profit margins widened slightly as Government regulations allowed the more rapid recoupment of certain costs.

(3) Total capital and exploratory expenditures increased 7.1 percent in 1976, to $28.8 billion. Cash flow after dividends was $23.3 billion. Dividend payments increased by 11.4 percent, to $5.3 billion. To finance the difference between capital expenditures and cash flow, long-term debt for the composite group was increased by 10.9 percent, increasing the debt to total capital ratio to 26.4 percent.

(4) The dividend payout rate of 38.3 percent was less than the 41 percent payout rate in 1975 and lower than the approximately 50 percent payout rate average which prevailed before the embargo. This was caused by net income increasing more rapidly than dividend payments.

(5) The rate of return on average common equity was 14.3 percent in 1976, compared with 15.0 percent earned by the Citibank's composite of 2,000 nonpetroleum manufacturing companies.

Group comparisons—1975 versus 1974:

(1) In 1975, the petroleum-company composite consisted of 43 petroleum companies. This composite reported a 27.5 percent decline in net income from 1974 levels. Decreased earnings resulted from lower world petroleum demand due to a worldwide recession, and from disappearing inventory profits, higher taxes resulting from the virtual loss of the depletion allowance and other provisions of the Tax Reduction Act of 1975, and from a warm winter in the U.S.

(2) A direct comparison of 1974 and 1975 profits is hampered by:

a. A change in accounting rules which modified the method of translating foreign earnings into dollars, and rules covering insurance and contingency reserves in foreign operations, and

b. The decision of some companies to restate downwards certain past year profits in accordance with an accounting rule change regarding tax deferrals necessitated by the decrease in percentage depletion.

(3) Capital and exploratory expenditures increased 4.6 percent to $26.9 billion in 1975. Net cash flow during the year was $18.1 billion after dividend payments of $4.7 billion.

Group comparisons—1974 versus 1973:

(1) The 43-company composite reported an aggregate increase in gross revenues and an increase of 35.0 percent net income increase compared with 1973 results. Reported earnings were higher due to increases in crude oil prices, following the trend set in 1973. A portion of the increase was from nonrecurring inventory profits. These inventory profits were offset to a degree by some companies switching to LIFO inventory accounting. Petrochemical profits were sharply up from previously-depressed levels.

(2) Capital and exploratory expenditures increased 57.7 percent. Most of this increase was from development rather than exploratory drilling, as companies attempted to increase shorter-term production. Actual aggregate capital expenditures amounted to $25.7 billion. Net cash flow was $24.5 billion after dividend payments of $4.5 billion.

Group comparisons—1973 versus 1972:

(1) In 1973, the 43-company composite reported an increase in gross revenues of 25.5 percent and an increase in net income of 73.2 percent. Most of this represented earnings on foreign production. U.S. earnings increased about 20 percent, slightly more than the percentage increase in domestic revenues. Major factors contributing to the increase included increased volumes of oil production and product sales, higher prices,

increased foreign income due to the U.S. dollar devaluation, inventory profits, fuller utilization of plant capacity, and improving tanker and chemical profits.

(2) The strong 1973 profit showing compares with the 1968–1972 period when group earnings showed little increase and heavy capital investment programs were maintained.

(3) Capital and exploratory expenses in 1973 increased 14.0 percent to $16.3 billion. Net cash flow was $18.3 billion, after dividend payments of $4.0 billion.

Group comparisons—1972 versus 1971:

(1) A 41-company composite increased its gross revenues by 9.3 percent. However, earnings decreased in 1972 by 5.4 percent. Individual company results were mixed: 27 of the companies showed increases in 1972 net income, 11 companies showed flat or slightly lower earnings, and declines in the profits of three international petroleum companies were sufficiently large to produce a profit decline for the group as a whole.

(2) Higher taxes and operating costs and weak product markets early in 1972 contributed to the earnings weakness.

(3) Capital and exploratory expenditures increased 1.2 percent to $14.3 billion. Cash flow was $12.1 billion after payment of $3.9 billion in dividends.

Group comparisons—1971 versus 1970:

(1) A 39-company composite reported an aggregate increase of 12.7 percent in gross revenues and 5.1 percent in net income over 1970 results. 25 of the companies reported increases in net income while the net income for 14 declined.

(2) The overall improvement in net income was due primarily to overseas operations. U.S. earnings were depressed by several factors, including depressed gasoline and chemical prices. U.S. demand increased 2.7 percent, compared with a foreign demand increase of 6.4 percent. U.S. crude production actually decreased 1.1 percent.

(3) The 39-company group increased capital and exploratory expenditures by 6.6 percent to $14.1 billion. Cash flow after dividends was $11.4 billion; dividend payments were $3.8 billion.

Group comparisons—1970 versus 1969:

(1) A 37-company composite reported an increase of 9.9 percent in gross revenues, but essential flat net income. 18 of the companies reported higher 1970 net income while 19 reported declining earnings. Fourth quarter earnings improvement prevented a decrease in aggregate income, as prices on some products improved. Starting in November, the domestic industry began to benefit from a $.25/BBL crude price increase and a $.07 /gallon gasoline price increase.

(2) Capital and exploratory expenditures increased by 3 percent over 1969 to $13.3 billion. Cash flow after dividends was $10.5 billion; dividend payments were $3.8 billion.

Group comparisons—1969 versus 1968:

(1) A 36-company composite reported an aggregate increase in gross revenues of 8.3 percent. U.S. product demand increased by 5.5 percent. Total free world demand increased 8.2 percent.

(2) The composite reported a net income gain in 1969 net income compared to 1968 results. 22 firms reported earnings increases while 14 reported declines. Increased costs for materials and labor, higher interest cost on debt and higher dry hole costs were not fully recovered in the marketplace, where selling prices generally were weak.

(3) Aggregate capital and exploratory expenditures for the year were $12.87 billion, an increase of 3.8 percent.

Group comparisons—1968 versus 1967:

(1) Gross revenues of the 37-company composite increased 9.6 percent, slightly more than the 9.3 percent increase in free world demand. U.S. demand increased 6.3 percent.

(2) The composite reported at net income increase of 9.4 percent compared with 1967.

(3) Capital and exploratory expenditures increased 14.3 percent over 1967 to $12.4 billion. Cash flow after dividends was $8.6 billion; dividend payments were $3.3 billion.

DOMESTIC GRAIN RESERVE

Mrs. HUMPHREY. Mr. President, I would like to take special notice of the President's decision yesterday to increase storage payments for grains held in the farmer-owned grain reserve program from 20 to 25 cents a bushel for the major grains for the 3-year life of the reserve.

This program is of great interest to me. As Members of this body may know, my husband authored the legislation which created the authority for the farmer-held grain reserve program. He believed that this program would benefit both farmers and consumers by smoothing out the radical fluctuations that cause so much chaos in our grain markets.

So far, farmers have not been coming into this program as fast as hoped, primarily because the storage payment has not been as much as storage costs. The 5-cent increase should be adequate, giving our farmers sufficient reason to participate in this important program.

This seemingly small increase will mean an additional $25 million yearly for the farmers of Minnesota and in excess of $200 million for the farmers of America—if they choose to participate in this program to the maximum extent possible.

Again, I would like to commend the President and Secretary Bergland for this very constructive step.

RESOLUTION OF SOUTH CAROLINA STATE LEGISLATURE ON LABOR LAW REFORM (S. 1883)

Mr. HOLLINGS. Mr. President, I had the privilege earlier today of hosting, along with my colleague Senator THURMOND, a delegation from the South Carolina State Legislature which had come to the U.S. Senate out of a sense of alarm over a particular piece of legislation.

That legislation is S. 1883, the labor law reform bill, and our State legislative delegation delivered to Senator THURMOND and myself a concurrent resolution of the South Carolina House and Senate memorializing the U.S. Congress to reject this bill.

I concur in the judgment of these elected legislators from across South Carolina that S. 1883 would adversely affect the economy and capital expansion of the State of South Carolina and other so-called Sunbelt States. The labor law reform bill, in my opinion, would seriously imbalance the relationship between management and labor. It would deprive workers of their rights and would have a chilling effect on the economic development of many States which are struggling today to expand their industrial facilities and so improve the well-being of all their citizens.

I appreciate the wisdom of the South Carolina Legislature and ask unanimous consent that its concurrent resolution to the U.S. Congress be included in the RECORD for the benefit of my colleagues.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, legislation currently pending in the United States Senate (S–1883) would impede the flow of capital expansion into the Sunbelt States, including South Carolina; and

Whereas, the South Carolina General Assembly is vitally concerned about industrial expansion which brings additional payrolls for our citizens and additional tax revenues for state and local governments; and

Whereas, the members of the General Assembly believe that S–1883 should not be enacted into law as its provisions could have the effect of hindering the economic growth of South Carolina and other neighboring states.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the members of the General Assembly hereby express their opposition to S–1883.

Be it further resolved that copies of this resolution be sent to each United States Senator from South Carolina and to each member of the House of Representatives of Congress from South Carolina.

STATEMENT ON MERIT SELECTION OF FEDERAL JUDICIAL OFFICERS

Mr. LUGAR. Mr. President, this afternoon, the House of Representatives passed, by a vote of 321 to 19, a motion to instruct the House conferees on the omnibus judgeship bill to insist on the merit selection provision of the House passed bill.

The House language conditions the effective date of the bill on the President's establishing procedures and guidelines for the merit selection of district court judges whose positions are created in the bill. The adoption of this language by the Senate-House Conference is a critical first step in the institution of merit selection procedures for all Federal judicial officers.

In light of this House vote, I take this occasion, once again, to invite my colleagues to cosponsor Senate Resolution 353, which I introduced on January 19, and which has been cosponsored by Senators STEVENS, WALLOP, and GARN. This resolution would require the establishment of merit selection commissions for selection of U.S. district court judges, attorneys and marshals. It would set minimum standards for the establishment and operation of these commissions, while allowing much flexibility in the tailoring of selection mechanisms by each State's commissions.

The House vote on its merit selection provision is proof of the overwhelming public support for the merit selection concept. It should now be clear to all concerned that the vast majority of the American people favor the removal of partisanship in the appointment of Federal judicial officers.

I commend the House of Representatives for this bold action, and offer special tribute to Representatives RODINO, SEIBERLING, MCCLORY, and MAZZOLI for their outstanding leadership in this important matter.

DAVID ROCKEFELLER ON "FREE TRADE IN IDEAS"

Mr. MORGAN. Mr. President, David Rockefeller, chairman of the board of Chase Manhattan Bank, spoke last month to students of the Wharton School of Finance. His topic was the "Free Trade in Ideas," and he spoke eloquently of the civic responsibilities of individual and corporate citizens in American society.

As Mr. Rockefeller notes,

> Our system of government depends on an idea marketplace where diverse viewpoints, from all elements in our society, vigorously compete for public acceptance.

The obligation to speak out and to attempt to educate and persuade the people and their elected representatives is thus a "first-rate responsibility" of all public-spirited individuals and organizations.

This responsibility is increasingly important as the role of government expands into more aspects of Americans' professional and private lives. A growing governmental role means that more than ever "Congress must rely on the diverse opinions and the information provided by experts on all sides of an issue." Each member of this body has certainly known the maddening frustration of trying to be in several important committee meetings at the same time—and of having to vote on complex and far-reaching legislation on which one cannot possibly be an expert.

Thus, as Mr. Rockefeller notes, while "lobbying" has regrettably been tainted by past practices on the part of some, it ought to be clear that the exercise of this basic right is essential to the formulation of sound public policy. I believe we need more meaningful participation in the formulation of legislation from those who are involved on a day-to-day practical basis in whatever particular business activity may be the subject of governmental scrutiny. It strikes me in my service on the Banking Committee that we frequently legislate with a wholly inadequate appreciation of the practical ramifications of our actions on the business community. I am very alarmed to hear civic-minded bankers in my own State and from around the country tell me that the cost of compliance with the myriad of governmental regulations has already become a disincentive to many banks' involvement in a range of activities which would benefit our communities. Yet I see no slowdown in the trend toward greater Federal regulation and deepening involvement in the economic life of our Nation. Therefore, when I speak to bankers and other business people in my State and elsewhere, I urge them to participate more fully in the policy process and to share the benefit of their perspective with those in government.

Obviously, the resources at Mr. Rockefeller's disposal are vast. But I believe that small business men and women throughout the country should also consider Mr. Rockefeller's thoughtful remarks on the role of the business community in the formulation of public opinion and public policy. I commend Mr. Rockefeller for his willingness to become involved in public affairs, and I ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

FREE TRADE IN IDEAS

Visiting the Wharton School is always a great pleasure for me. I'm particularly pleased to have this opportunity to share a few thoughts with the future leaders of business here today. While your invitation is most flattering, I am also reminded of Francois de La Rochefoucauld's observation that "giving good advice" is solace for people who are getting too old "to provide a bad example."

This afternoon, I would like to discuss a management function which I have no doubt will prove to be an important aspect of the promising careers which lie ahead of you.

Modern managers must actively participate in what Justice Wiley Rutledge once called "free trade in ideas." Effectively representing the corporation today means marketing ideas as well as products and services. More even than shareholders, customers or employees, the public has become our most challenging constituency in business these days. Promoting the corporation in the public arena has become a critical management task.

The most apparent reason for this development is the growing impact of public policy on business. We see as many decisions being made affecting the future of business and banking in the halls of Congress as in the corporate board rooms.

Recently, General Electric—a company long regarded a management pacesetter—became so concerned over the impact of governmental and interest group action on their affairs that they created a whole new tier of senior management to permit the executive office to focus more of its attention on external forces such as government regulation and taxation. For the same reason, a large and challenging share of my own working day, is also devoted to public policy developments which may directly or only indirectly affect Chase.

Government regulation is already commanding a good deal of business time. It is up to management to make sure that this time is well-spent.

It is not easy to ignore the growing influence of government on individuals as well as corporations. If for no other reason, one must pay attention out of self-defense. Yet, there is another, and I believe, an even more compelling reason to participate in public policy deliberations.

The freedom to speak out and petition government is a First Amendment right and a first-order responsibility. Our system of government depends on an idea marketplace where diverse viewpoints, from all elements in our society, vigorously compete for public acceptance. Corporate citizens, as leading employers, builders and producers, also have a right and a responsibility to promote aggressively their general and specific interests.

The corporation seeks in general terms to promote our democratic and competitive enterprise system—a system which has brought most Americans to a level of well-being unknown elsewhere in history.

More specific interests, of concern, include the nuts-and-bolts needs of the corporation. After all, management should have a right to have a voice in the process which determines government regulation, taxation and trade policies, for these factors have a very obvious and immediate impact on the bottom-line of its business.

Participation in public policy is both a basic responsibility of corporate executives and a management function which like any other must be approached with systematic business discipline. Corporation must establish public policy objectives, set priorities, implement a working plan and set guidelines for measuring their success. In the world of today, the diverse activities we call government and public relations, lobbying and issue advertising must all be part of an integrated management strategy.

These tasks are too vital to be consigned solely to a staff department. They have become a senior management activity which can't be delegated. Chief executives, line management and specialized staff must work in concert to represent the cooperation in the public sector.

The Chase Bank recognizes that "expressing one's viewpoint is an essential element of both individual and corporate citizenship." Indeed, those very words can be found in our policy guide. I believe we have also taken several positive steps to convert this broad statement of principle into a working program.

At Chase, each major department has a senior level issues contact officer who serves as the link betwen the line departments and Government relations staff. These officers—chosen by department heads—are responsible for measuring the impact of proposed regulation or legislation on their departments and customers. We aim for specific profit-and-loss measurements, as well as qualitative information and input of a broader, more philosophical nature.

A major financial intermediary like Chase has customers in virtually every industry as well as all over the world. So we are able to piece together a surprisingly complete picture of the potential effects of a government proposal on business generally.

The data gleaned by issues contact officers is weighed and assessed by them with the assistance of other specialized staff such as economists, lawyers and industry experts. Of course, these data sometimes reveal conflicting interests and priorities. What's good for one sector of the economy may not always best serve another. The Corporate Communications Group compiles all the facts, but the final task of choosing priorities rests with senior management. Once a policy position is taken, it becomes the basis of our corporate strategy in that field. These strategies, in turn, are used in our public testimony, our speeches, as well as our lobbying and marketing efforts.

We try to make sure that our public policy activities are not merely a hasty reaction to legislation already in its final stages, by attempting to anticipate issues. Chase has staff members in Washington, Albany and New York City, who provide an "early warning" to issues of growing interest and concern.

Today's headlines are often tomorrow's Congressional hearings and next week's legislative package. One consultant on government relations says he measures the importance of public issues with a ruler. He takes major newspapers and magazines and adds up the column inches devoted to each public issue. While this yardstick may be somewhat arbitrary, there does seem to be a very real relationship between media coverage and the issues which occupy our lawmakers.

One bank-related issue—loans to developing nations—illustrates this relationship. Loans to LDC's first emerged as an issue in the financial press and later became a frequent topic in the general media. Finally, and somewhat ironically, as the issue was being laid to rest by most experts, it became the subject of Congressional hearings and regulatory proposals. This is an issue on which we in Chase have been quite outspoken in press interviews, speeches and testimony.

Generally, when we see a government regulation which could be streamlined or simplified, or a law which is not serving its original purpose, we do not hesitate to make a suggestion for change, whether at the federal, state or local level.

On the New York State level, for example, we spoke out in support of statewide branch banking. We have believed for some time, that consumers would be best served if banks throughout New York State could compete to provide their services in whatever locations banking needs were perceived. Eventually, through slow and gradual changes in New York banking laws, statewide branch banking has become a reality.

On the federal level, to take another example, we helped the Senate Banking Committee staff pinpoint relevant issues for their survey of multinational banking. The study was based on concern over the possible adverse effects of competition from foreign banks in the domestic market.

We pointed out that the domestic and foreign banking markets were not two distinct entities and that competition—whether from American banks abroad or foreign banks in the U.S.—is healthy provided the competition is on an even footing.

When Congress began to draft the International Banking Act, Chase suggested ways to make the treatment of foreign and domestic banks more equitable without being overly restrictive to foreign banks. The law is still being debated in Congress.

On another occasion, Chase submitted ideas to the Federal Paperwork Commission on how to reduce the unnecessary and duplicative reporting requirements of bank regulatory agencies which are costly and time-consuming to banks.

Our advice in these diverse fields is frequently welcomed, though not always heeded, because lawmakers cannot possibly be experts on every issue. Even with their often outstanding staffs, they must rely on a good deal of outside assistance of the sort business is often in a position to provide.

As the role of government has expanded, so have the responsibilities of the lawmakers who represent us. Congress, for example, has confirmed as many as 48 nominees to federal posts on a single day. In a two-day period not long ago, our legislators sent 100 bills to the President for signature. This winter, a House banking subcommittee received a 168-page legislative package which was immediately brought to the floor for a vote with virtually no time for the responsible committee to study it.

Under these trying circumstances, Congress must rely on the diverse opinions and information provided by experts on all sides of an issue.

No one is more cognizant of this need than Congress itself. Charles Mosher, the recently-retired eight-term Congressman from Ohio noted that "Today, being in Congress is more than a full-time, year-round job. Undoubtedly, the most critical need in this changing Congress is for better resources to process coherently the mounting volume of information we need."

It is important—indeed, in my judgment, imperative—for business to be one of the sources of this information, whether or not it has a direct selfish interest in the bill under discussion.

We in Chase will be found in the corridors of Congress, the state capital and city hall ardently advocating our viewpoints, both on broad public issues and on matters specifically affecting our business. It is unfortunate that lobbying has developed unfavorable connotations in the minds of some people because regrettably, there have occasionally been illegal and unethical practices which have tarnished what is a fundamental and legitimate constitutional right.

Lobbying—the right to petition government—was considered sufficiently important by our founding fathers to be placed, along with freedom of speech and the press, in the very first amendment to our Constitution. Justice Rutledge reminds us that the "First Amendment is a charter for government, not for an institution of learning. 'Free trade in ideas' means free trade in the opportunity to persuade to action, not merely to describe facts."

Chase has exercised its opportunity to persuade on several important legislative issues. Often Chase will raise its voice in concert with associations like the N.A.M., Chamber of Commerce, the Emergency Committee for American Trade and the Business Roundtable. The business community, by working closely together on major issues, is merely adopting a strategy which for years has been well-utilized by its critics. Consumer, environmental and labor groups have never hesitated to be vigilant and vocal in expressing their views. It also behooves business to speak out, through its associations. Increasingly, it is doing so with a single voice.

Among these business associations, the Roundtable is gaining in effectiveness because of one distinguishing feature. As its Chairman, Irving Shapiro of Du Pont has observed: "The guts of the Roundtable is the fact that the chief executive officer is the man who participates." No substitutes are permitted.

CEO participation through speeches, testimony and informal visits with lawmakers is an essential means of conveying the importance of an issue.

Top-level participation by business leaders with leaders of other sectors of our society such as labor and the academic world, can also be the basis of quiet, constructive and innovative cooperative efforts in many fields where common interests are shared.

In New York City, for example, the Business/Labor Working Group brings together business and labor leaders with government officials. Together they seek solutions to New York's thorny economic difficulties. I have found it enormously gratifying to serve as co-chairman of the Group along with Harry van Arsdale, chairman of the New York Labor Council. The participants in this group came to discover that labor, business and government have in common the need to maintain and strengthen the City's economic base. While we sometimes differ over tactics, we have nonetheless agreed upon many constructive proposals.

Until now, I have discussed the public policy process only in the context of government.

Yet, in our democracy, the preeminent consideration of lawmakers will rightfully remain public opinion. Lawmakers will seldom vote in a manner they consider contrary to strongly-held beliefs of their constituents. If the corporation is to be effective with lawmakers, therefore, it must take its case directly to the public.

Mass marketing a complex idea is a good deal more elusive a task than selling a product. Yet, the analogy still bears some merit. Conflicting ideologies compete for market share in a manner similar to products which vie for public acceptance.

Chase, for example, believes that there is an urgent need in the U.S. for greater capital investment and several months ago we sought to raise public awareness of this issue. We embarked on an advertising campaign which graphically documented the problem and its consequences. The campaign was aimed at the public but our corporate customers were sent copies of the ads to let them know of our concern and our initiative in doing something about a problem which was of vital interest to them as well.

In addition to the ads in newspapers and magazines, members of Chase management gave speeches on the importance of capital formation and produced economic data to support their argument. We promised to debate the issue "anytime, anywhere" and, in fact, that pledge resulted in one of our economists going to Helena, Arkansas, where an ambitious young businessman challenged us to a debate.

While our public debate in Helena generated a good deal of comment and hence public interest in the capital investment issue, as a general rule, it is probably more efficient to reach the public more directly through the media. The press and electronic media have a very large role in interpreting issues to the public. I would argue that along with this important role, comes a good deal of responsibility.

Katherine Graham, publisher of Newsweek and the Washington Post has said that the business community should demand coverage which is "accurate, fair and grounded in real understanding of events." One way to help assure that media understand events is for business to provide journalists, as they do lawmakers, with the general information they need. Often journalists have only a superficial understanding of the workings of business. A corporation can go a long way toward improving its media relations if it is in a position to provide harried reporters with the background facts they need to meet deadlines on business-related stories.

Unfortunately, there have been occasions when the media have not lived up to the ethical standards one has a right to expect of them and when business coverage has been inaccurate, unfair and uninformed. At such times, the corporation has a right to defend itself as best it can. Irving Kristol suggests that, "what has to be done to set the record straight is a public rebuttal—detailed, polemical and sharply phrased . . ."

This rebuttal may not always get the attention it deserves and may not change public opinion. Yet, one hopes it may at least cause the journalist to take a second look at his story and think twice before he repeats the error.

You, as future business leaders, may well one day be representing a corporation in its dealings with the media, with government or with the general public.

Traditionally, business executives have not achieved higher positions in a corporation unless they have demonstrated exceptional skills in business matters. Today, business leaders need comparable skills in relation to the public arena. In my judgment, your success in this arena could well have a major bearing on the future course of your careers and perhaps more broadly on business and the nation. I urge you to give the matter your serious thought as you pursue your studies.

SCHWITZER, WALLACE MURRAY CORP.'S 60TH ANNIVERSARY

Mr. LUGAR. Mr. President, Schwitzer, Wallace Murray Corp., will celebrate its 60th anniversary in Indianapolis on February 17.

The company is a leading manufacturer of engine cooling fans, fan clutches, turbochargers, bulk unloading devices, and vibration dampers. Schwitzer products can be found in virtually every transportation and industrial application where gasoline or diesel engines are in operation.

The company is a living monument to Louis Schwitzer, who founded the company 60 years ago in a small rental room on Bates Street in Indianapolis.

Louis Schwitzer, who died May 9, 1976, at the age of 86, shared success generously with his fellow man. He contributed time and money to several worthwhile organizations including Indiana Central University, Butler University, the Indianapolis Symphony Orchestra, and the Indianapolis Symphonic Choir. I would like to congratulate the men and women of Schwitzer for an outstand-

ing record and tradition, and thank them for their many contributions to the Indianapolis community.

PHILIP SPORN, INNOVATIVE INDUSTRIALIST, DIES

Mr. RANDOLPH. Mr. President, it is with sadness that I note the death of Philip Sporn whose career contributed much to the well-being of the American people and to our State of West Virginia.

During his tenure as president of American Electric Power Co., Mr. Sporn exercised imagination and leadership in helping our country to meet its growing need for electric energy. I learned of his death from James W. Harris, my retired administrative assistant, who knew and admired Mr. Sporn.

Although he had been retired for several years, Philip was remembered as an innovator, a man who recognized the value of coal to produce electricity but who was not hesitant to explore different sources of energy. His contributions to the development of West Virginia are recognized in the powerplant on the banks of the Ohio River that bears his name.

Mr. President, I ask unanimous consent that an article on Mr. Sporn in the Washington Post, on January 28, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 28, 1978]

PHILIP SPORN, RETIRED HEAD, AMERICAN ELECTRIC POWER CO.

Philip Sporn, 81, retired president of the American Electric Power Co. and a recognized authority on both coal and the atom as energy sources, died Monday in New York City.

He had been an engineer and executive with AEP from 1920 to 1968. He also had been a consultant and adviser to various federal agencies and educational institutions.

AEP is one of the largest investor-owned electric utility systems in the world. Mr. Sporn directed its pioneering advances in electric power technology.

He was responsible for many innovations in his field, including higher pressures and temperatures in power generation, large generating units, natural-draft cooling towers and tall stacks.

While he was president of AEP, he helped form the Ohio Electrical Corp.

Born in Austria, Mr. Sporn came to this country as a child. He was naturalized in 1907. He earned a degree in electrical engineering from Columbia University in 1917.

He was a member of the National Academy of Sciences and the National Academy of Engineering. He was a fellow of the American Institute of Electrical and Electronics Engineers, the American Society of Mechanical Engineers, the American Society of Civil Engineers and the American Nuclear Society.

Mr. Sporn had worked closely with the engineering schools of Cornell, Columbia and Princeton Universities and the Massachusetts Institute of Technology.

He did work for the government of Israel and was founder and first chairman of the American Society for Technion (the Israel Institute of Technology). He was a governor of the Weizman Institute of Science.

Mr. Sporn's many honors included this country's highest engineering honor, the John Fritz Medal.

He is survived by his wife Sadie Posner Sporn of the home in New York City; three children, Mrs. Andrew Gilbert and Arthur D., of New York City, and Dr. Michael B., of Bethesda; a brother Dr. Harry of Old Westbury, N.Y., and six grandchildren.

RIDING THE POLITICAL RAILS

Mr. BAKER. Mr. President, the dismissal of U.S. attorney, David Marston, in Philadelphia recently by the present administration has been widely discussed in both political circles and press outlets of which we are all aware. Both the President and the Attorney General have dismissed any criticism of this particular move simply as political opportunism and Mr. Marston has now quietly resumed the practice of law with his former law firm. While I continue to concur with my colleague from Pennsylvania (Mr. SCHWEIKER) that the entire set of circumstances surrounding the Marston dismissal require a much more thorough congressional analysis than they have recently been given, there is an even broader policy at work in this administration, as evidenced in an article in this morning's Washington Post, that gives me even greater concern.

It is no surprise to all of my colleagues, most of whom have now served with me in the Senate under both Republican and Democratic administrations, to know that there are a large number of committees, boards. commissions, advisory groups, etc. in the United States where the membership of such groups is limited to a certain ratio between members of the party of the President and those of a party other than the President's. In most every instance a limitation on membership from one political party has been developed so that a full diversity of opinion and openminded exploration of a multitude of issues may be undertaken

It is, furthermore, no surprise to the Members of the Senate that I have publicly disagreed with the President over some of the processes being employed for appointive memberships on such boards and commissions by the present administration. The most serious breach of trust that I have been involved relates to the still unfilled Republican position on the Federal Election Commission. While I have considerable regard for Mr. Sam Zagoria's ability and past participation in the Republican Party, there can be no doubt that the President circumvented the expressed will of the Republican leadership in selecting him for a Republican seat on the Federal Election Commission.

Even though the Marston and Zagoria matters can rightfully be called troubling, the President's continuing effort to completely circumvent the legally established precedence of independent boards and commissions as well as to disregard the need for diversity of viewpoint on these boards and commissions is even more troubling. At the very base of American democracy and the validity of the two-party system as we know it is a sense of fair play and openness which allows for a regular expression of many viewpoints. I am afraid that this President is on the precipice of exhibiting to the American people a complete and total disregard for the rights of the minority.

The previous referenced article by Mr. David Broder entitled, "Riding the Political Rails" which appeared in this morning's Post is symbolic of the mind set on the part of the President to which I am referring. A former political crony of Mr. Carter's who has been a lifelong Democrat in the community of Thomasville, Ga., has now been unilaterally declared an Independent by the President and nominated as the consumer representative on the Board of Directors of Amtrak. The man who has been nominated by the President, Mr. Frank Neil whom I do not even know, is a former member of the Democratic State central committee of the President's home State of Georgia.

While I do not intend to comment one way or another on Mr. Neil's abilities to assume the post for which he has been nominated, and since I do not know him personally I am certainly in no position to do so; I am extraordinarily disturbed over the President's actions in this regard and want to alert the American people and Members of this body to the fact that not only are the President's actions of questionable legality, they continue to go against the very most basic rubric on which the American political system is built. No group, no political party, and no administration can effectively respond to the needs of the American people at large if the rights, responsibilities, and voice of any minority, even a minority political party, are ignored.

Although the President and I come from neighboring States, we come from vastly different States as far as political purposes are concerned and in Tennessee, as I believe in the Nation, as a whole, we respect both the rights of political minorities and even furthermore the value of the two-party system. I am increasingly disturbed that the former Georgia Governor has not yet made the transition to the National Capital where minority party appointments are still expected to be just that.

Mr. President, I would ask unanimous consent that the full text of these remarks and this morning's Washington Post article by Mr. David Broder be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RIDING THE POLITICAL RAILS

(By David S. Broder)

Down in Thomasville, Ga., they are a little surprised to hear what has happened to Frank Neel.

The former member of the Democratic state central committee has been born again as a political independent.

The air-conditioning contractor who last rode a train in 1964 has been picked as a consumer representative on the board of directors of Amtrak.

It was Jimmy Carter who decreed Neel to be an independent and a consumer representative. He had to, if he was going to get him on the Amtrak board. It already had five Democrats—all the law allows one political party. And the same law said there had to be some consumer representatives.

Carter cared enough to see that Neel was both, because Neel had long ago showed Jimmy Carter he cared, too.

In 1966, when Carter made his first, losing bid for governor of Georgia, his Thomas County campaign chairman and fundraiser was Frank H. Neel.

In 1970, when Carter ran again and won, Carter county chairman Neel was appointed to the Georgia Democratic Committee and two other state boards.

In the winter and spring of 1976, Neel left his $2 million-a-year business for months and campaigned for Carter in the New Hampshire, Florida, North Carolina, Wisconsin, Pennsylvania and Ohio primaries. In the fall, he joined the Peanut Brigade in New Hampshire and Vermont.

Today, the Senate Commerce Committee is scheduled to vote on Neel's appointment to the Amtrak board—the body that sets the rates and decides the routes for the federal railroad network. It should be routine.

But Sen. Robert P. Griffin (R-Mich.) is even more skeptical than the folks in Thomasville about the remarkable transformation in Frank Neel's life.

It's not the money—only $300 plus expenses for each of Amtrak's monthly meetings—Griffin says. It's the principle of the thing.

"The administration has put you forth as a consumer representative and . . . as an independent," Griffin told Neel during a brief confirmation hearing last November. "As a Republican, I don't like this at all. I think this is circumventing the purpose and intent of the statute."

Griffin said yesterday that he would raise the same objections today and insist that Neel be recalled for further questioning.

Neel says he can't understand it. He said in his original statement to the committee that he had voted for Dwight D. Eisenhower and Richard M. Nixon every time they ran, and he has since had at least three Republicans from his hometown write Griffin that they believed he had supported those Republican presidents against their Democratic opponents.

As for his membership on the state Democratic committee, Neel says it lasted only one year and involved only one meeting he can remember.

Further, he said in a telephone interview, "all the Republicans in Thomasville are my very dear friends. They know if it hadn't been Jimmy Carter running, I would have been very much for Jerry Ford. I just like Jimmy Carter, and if he had gone Republican, I would have been a Republican."

As for his consumer credentials, Neel said, "I'm a conservative businessman and I think I can represent the consumer as well as anyone on that board." He said he knew the problems people faced when the air conditioning broke—a condition not unknown on Amtrak trains—and thought he could give useful advice on what to do.

While it is true, he said, that he had not ridden a train in this country since 1964—a fact Griffin brought out in the November hearing—Neel said that in the last couple months "the conductor of the Floridian has been coming by a couple times a week, between runs, and I've been furnished an amazing amount of information by him. Joe Cannon, I believe his name is."

The White House personnel office, which is treating the nomination with the sensitivity of a top-level Central Intelligence Agency appointment, refers all inquiries about Neel to the press office. There, no one professes to know how the computer picked Neel for Amtrak.

Neel says: "I just told those folks I'd be willing to help anywhere they thought I could help. I never said anything about railroads. Actually I thought it would be something in the post office department. But, heck, I'm a guy who went into the Navy thinking I'd go to Saipan and I ended up at the Charleston Navy Yard."

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the prayer on tomorrow morning the orders for the recognition of two Senators immediately be entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF CONSIDERATION OF TREATY TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I make this request with respect to the orders for the recognition of Senators as in legislative session. I ask unanimous consent that at no later than 10:30 a.m. or upon the completion of the two orders for the recognition of Mr. CLARK and Mr. GARN, whichever is the later, the Senate resume its consideration of the treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

[Later the following occurred:]

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 10:30 a.m. tomorrow morning, the debate resume on the treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR DEBATE ON THE TREATY TO CLOSE NO LATER THAN 5 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the debate on the treaty tomorrow close at no later than 5 o'clock p.m

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 6 p.m. having arrived, the Senator from Kentucky (Mr. HUDDLESTON) is recognized, as in legislative session, for not to exceed 1 hour.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Kentucky yield to me for not to exceed 2 minutes?

Mr. HUDDLESTON. I yield.

Mr. ROBERT C. BYRD. I thank the Senator.

NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, as in executive session, that the Senate proceed to the consideration of the two nominations on the Executive Calendar.

Mr. BAKER. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. We are considering nominations as in executive session.

The PRESIDING OFFICER. We are as in executive session.

Mr. BAKER. Mr. President, reserving the right to object—and I will not object—I rise only to advise the majority leader that the nominations appearing under "Central Intelligence," Mr. Frank C. Carlucci, on page 1 of the Executive Calendar, and under "Department of Justice," Mr. William H. Webster, of Missouri, to be Director of the FBI, on the second page of the Executive Calendar, are cleared for action here; that I am prepared to waive the 3-day rule requirement as it relates to Judge Webster, and that I have no objection to proceeding to the consideration of the confirmation of these two nominations.

There being no objection, the Senate proceeded to consider the nominations.

The PRESIDING OFFICER. The nominations will be stated.

CENTRAL INTELLIGENCE

The second assistant legislative clerk read the nomination of Frank C. Carlucci, of Pennsylvania, to be Deputy Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of William H. Webster, of Missouri, to be Director of the Federal Bureau of Investigation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PANAMA CANAL DEBATE

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. ALLEN. I should like to point out to the distinguished majority leader that further evidence of the fact that we are not seeking to delay a final vote on the treaties is the fact that the distinguished majority leader moved to proceed to the

consideration of these nominations, without restriction, and of course they are debatable. If any Senator had wanted to prolong the discussion on the canal treaties, he could have easily have debated these nomniations.

I wanted to point that out to the distinguished majority leader, that there is no thought on the part of the opponents that the treaties should be defeated by extended debate.

Mr. ROBERT C. BYRD. The Senator goes out of his way to assure me of something he has assured me of privately, heretofore.

Besides, I asked for just 2 minutes to get this work done. At the end of 2 minutes, so far as I am concerned, we would have been back on the other business, for which an order had been entered previously for the Senator from Kentucky to be recognized for 1 hour. So I doubt that Senators would have wanted to attempt to filibuster on the nominations.

However, I thank my friend. He has again assured me that we are not going to be confronted with a filibuster.

Mr. ALLEN. I might state that I support wholeheartedly the two nominations.

Mr. BAKER. Mr. President, I rise only to confess that even notwithstanding those assurances, I could not resist casting a curious eye in the direction of the Senator from Alabama, to see if he was on his feet to speak.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Kentucky.

Mr. HUDDLESTON. I thank the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Kentucky (Mr. HUDDLESTON) is recognized.

NATIONAL INTELLIGENCE REORGANIZATION AND REFORM ACT OF 1978

Mr. HUDDLESTON. Mr. President, today on behalf of the distinguished Senator from Maryland (Mr. MATHIS) and the Select Committee on Intelligence of the Senate, I am introducing the National Intelligence and Reform Act of 1978.

Joining as initial cosponsors of this legislation, along with myself and Mr. MATHIAS, are Mr. BAYH, Mr. GOLDWATER, Mr. ROBERT C. BYRD, Mr. BAKER, Mr. BIDEN, Mr. CHAFEE, Mr. GARN, Mr. HART, Mr. INOUYE, Mr. LUGAR, Mr. MORGAN, Mr. MOYNIHAN, Mr. PEARSON, Mr. WALLOP, Mr. CHURCH, Mr. CRANSTON, Mr. HATFIELD, and Mr. RIBICOFF.

Mr. President, today marks both the end of a process and the beginning of a new one. The draft charters and guidelines which are being introduced today reflect more than 3 years' work, first by the temporary Senate committee which investigated charges of abuses within the intelligence community and then by the permanent Senate Select Committee on Intelligence which has exercised a new oversight over the intelligence community and worked with it both to eliminate questionable activities and to strengthen its essential functions. The draft charters and guidelines, were developed in consultation with the executive branch, the various entities of the intelligence community and dozens of outside experts. Thousands of hours of staff cooperation and discussion among the interested parties has resulted, first, in an executive order restructuring the intelligence community which was issued by the President on January 24; and, secondly, in the development of the legislation being introduced today. A number of disagreements have already been worked out; compromises have necessarily resulted.

But, as this process of drafting culminates, another begins—the process of hearings and debate as to the specifics of charters and guidelines. The legislation being presented today will form the basis for that dialog. It is far from perfect. It will undoubtedly be subject to modification and change. Few, if any, members of the Intelligence Committee are fully satisfied with all the proposals we are putting forward. None are wed to each provision and phrase.

I believe, however, that a majority of our committee, as well as the executive branch and the intelligence community, are committed to the concept of charters and guidelines and recognize the need to address the many and complex issues which are raised by this legislation. That is the task before us now—to examine and evaluate the proposed legislation and to prepare for presentation to the full Senate wise and well-reasoned recommendations.

The process has been long—and we are still not finished. But, we have made progress and we will make more.

And, charters and guidelines, when they are completed, will provide us with a sounder base for our intelligence activities.

Charters and guidelines, rather than reliance solely on an executive order, are necessary for several reasons.

First, executive orders can be changed immediately upon decision by the President. While this may be unlikely, it seems preferable to have statutes which have made their way through the legislative process and have been the subject of deliberation within both houses of Congress and of public debate. Such deliberation and debate will enable the agencies to gain the support they must have in order to perform functions essential to our security and well-being.

Second, there are no criminal sanctions for violations of an executive order. Again, there should be few instances where criminal sanctions are necessary. But, clear statements regarding what can and cannot be done, and penalties for violation of those rules would not only help restore faith in our intelligence agencies but also provide guidelines for those dedicated men and women who work in the intelligence agencies and eliminate the situation confronting us today where these individuals are being judged in retrospect by standards which may not have applied when actions were taken.

Third, charters and guidelines which authorize the existence of the various entities in the intelligence community, outline the activities which can be carried out and specify the limitations should help our citizens understand the functions of these agencies and should reassure them that activities which are necessary for our own security are undertaken to the greatest extent possible within our democratic traditions. There is a necessary tension between secret activities and our open, constitutional form of Government. Some of those activities, especially sophisticated technical ones, represent staggering achievements by our Nation; other secret activities undertaken in the back alleys of the world are less admirable but still necessary. Statutes can guide these activities, insure appropriate reflection upon them, and increase accountability.

Fourth, the enactment of charters and guidelines would represent a legitimate exercise of congressional powers in foreign affairs, enabling it to pursue its oversight and legislative responsibilities.

Finally, I would like to comment briefly on titles I, IV, and VI of the proposed legislation since these have been the particular responsibility of the Subcommittee on Charters and Guidelines, which I chair. Senator BAYH's statement will cover title II, intelligence activities and constitutional rights; title III, foreign intelligence surveillance; and title V, FBI intelligence activities.

Title I seeks to strengthen the role of the Director of Central Intelligence in the area of national intelligence, that is, in the collection, retention, processing, and dissemination of foreign intelligence information which is needed for national policy, as opposed to information which might be gathered from abroad and processed for a more limited purpose, such as use by a military field commander. In recognition of this, the Director of Central Intelligence would become the director of National Intelligence (DNI) with staff support to enable him to carry out his enhanced coordination responsibilities for the entire intelligence community in the national intelligence area. He would be the principal foreign intelligence officer of our Government. He would be responsible for the collection, production, and quality of all national intelligence. He would remain as head of the Central Intelligence Agency, although a mechanism for separation of the two roles is provided, should this be appropriate at a future time.

Very importantly, title I gives the Director of National Intelligence new tasking responsibilities. Through mechanisms such as the new National Intelligence Tasking Center, he will be able to determine which intelligence agency should collect which information. And, he is given increased authority over the intelligence community budget. Although each unit within the intelligence community will continue to draw up a budget, the DNI would have authority to make important choices among possible activities and eliminate waste, inefficiency, and duplication.

Title I establishes detailed standards and procedures for sensitive intelligence collection projects and for special activities. While such procedures cannot guarantee against mistakes in judgment, they will insure that careful attention is given to such projects and activities prior to the time they are initiated, and

they will provide the so-called paper-trail, which will help insure that policy makers are held accountable for the actions they approve.

Title I includes a number of prohibitions. The bill bars the paid use of full-time religious personnel, certain Government grantees and journalists accredited to U.S. media organizations by intelligence agencies but allows voluntary contacts and exchanges of information. The bill prohibits special activities which have as their objective or are likely to result in the support of international terrorist activities, the mass destruction of property, the creation of food or water shortages, the creation of epidemics or diseases, the use of chemical, biological, or other weapons or techniques in violation of treaties or other international agreements to which the United States is party, the violent overthrow of the democratic government of any country, the torture of any individuals or the support of any action of the police, foreign intelligence, or internal forces of any country which violates human rights. It prohibits political assassinations. In conjunction with the sections which Senator BAYH's statement describes, title I will help insure that necessary intelligence activities go forward without impinging upon the constitutional rights of our citizens.

Title IV authorizes the Central Intelligence Agency, providing for it to collect, produce, analyze, and disseminate national intelligence from sources outside the United States and to conduct special activities consistent with the provisions of title I. It would also have responsibility for the conduct of counterintelligence and counterterrorism activities undertaken outside the United States and for the coordination of clandestine human collection abroad of foreign national intelligence. The agency is authorized to establish cover for its employees, subject to the limitations in title I, and to operate proprietary companies within specified guidelines.

Criminal penalties are provided for a present or former Government employee who discloses the identity of an agent under cover if he learned of the agent's identity in the course of his Government duties, he acted knowingly and the disclosure results or could have been expected to result in injury to the agent.

Title VI provides a statutory base for the National Security Agency, which was created by Presidential directive. The agency is authorized to conduct signals intelligence activities and communications security activities for the United States. By focusing these activities in NSA, expensive duplication of effort should be restrained. The legislation leaves NSA within the Department of Defense but makes it responsive to the intelligence objectives and requirements of the director of national intelligence and provides for the director of NSA, in consultation with the Secretary of Defense, to prepare a consolidated signals intelligence budget.

As I noted earlier, this is another beginning. By beginning debate, however, we can take a major step toward insuring that we have a strong intelligence community authorized to do what needs to be done and relieved of the criticisms and self-flagellation which can threaten its ability to perform.

I also ask unanimous consent that the bill be printed in the RECORD in its entirety.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2525

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Intelligence Reorganization and Reform Act of 1978".

TABLE OF CONTENTS

TITLE I—NATIONAL INTELLIGENCE

PART A—SHORT TITLE; FINDINGS; PURPOSES; DEFINITIONS

Sec. 101. Short title.
Sec. 102. Statement of findings.
Sec. 103. Statement of purposes.
Sec. 104. Definitions.

PART B—AUTHORIZATION FOR NATIONAL INTELLIGENCE ACTIVITIES, COUNTERINTELLIGENCE ACTIVITIES, AND COUNTERTERRORISM ACTIVITIES; DIRECTOR AND DEPUTY DIRECTOR; DUTIES AND AUTHORITIES

Sec. 111. National intelligence activities, counterintelligence activities, and counterterrorism activities; authorization.
Sec. 112. Presidential designation of national intelligence activities.
Sec. 113. Director and Deputy Director.
Sec. 114. Duties and authorities of the Director.
Sec. 115. Departmental responsibility for reporting national intelligence.
Sec. 116. Assistant Directors; committees and boards.
Sec. 117. Authority of the President to transfer certain duties and authorities of the Director of National Intelligence.

PART C—BUDGET AUTHORITY; LIMITATION ON APPROPRIATIONS; COMPTROLLER GENERAL AUDITS

Sec. 121. National intelligence program and budget authority; information.
Sec. 122. Requirements relating to appropriations for national intelligence, counterintelligence, and counterterrorism activities.
Sec. 123. Audits and reviews by the Comptroller General.

PART D—PROCEDURES, RESTRICTIONS AND PROHIBITIONS RELATING TO INTELLIGENCE COLLECTION ACTIVITIES AND SPECIAL ACTIVITIES

Sec. 131. Procedures and requirements for sensitive intelligence collection projects and special activities.
Sec. 132. Restrictions on the use of certain categories of individuals for certain intelligence activities.
Sec. 133. Restrictions on the use of United States persons as combatants in foreign countries.
Sec. 134. Prohibition on assassination.
Sec. 135. Prohibitions against particular forms of special activities.
Sec. 136. Presidential waiver of the application of certain restrictions and prohibitions in time of war.
Sec. 137. Prohibitions and restrictions on activities undertaken indirectly.
Sec. 138. Conflicts of interest.
Sec. 139. Restrictions on contracting.

PART E—COUNTERINTELLIGENCE AND COUNTERTERRORISM ACTIVITIES; COMMUNICATIONS SECURITY

Sec. 141. Restrictions and requirements requirements regarding counterintelligence and counterterrorism activities.
Sec. 142. Communications security.

PART F—REPORTS ON VIOLATIONS; OVERSIGHT AND ACCOUNTABILITY; CONGRESSIONAL COMMITTEE REPORTS; CONGRESSIONAL DISCLOSURE PROVISIONS; ANNUAL REPORT OF THE DIRECTOR

Sec. 151. Intelligence Oversight Board; reporting on violations.
Sec. 152. Oversight and accountability.
Sec. 153. Congressional committee reports; disclosure provisions.
Sec. 154. Annual report of the Director.

TITLE II—INTELLIGENCE ACTIVITIES AND CONSTITUTIONAL RIGHTS

PART A—GENERAL PROVISIONS; RESPONSIBILITIES OF THE ATTORNEY GENERAL

Sec. 201. Short title.
Sec. 202. Statement of findings.
Sec. 203. Statement of purposes.
Sec. 204. Definitions.
Sec. 205. Responsibilities of the Attorney General.

PART B—AUTHORITY TO COLLECT INFORMATION CONCERNING UNITED STATES PERSONS, AND FOREIGN PERSONS WITHIN THE UNITED STATES

Subpart 1—Principles and Procedures Governing Collection of Information Concerning United States Persons, and Foreign Persons Within the United States.

Sec. 211. General principles.
Sec. 212. Implementing procedures and regulations.

Subpart 2—Authority to Collect Intelligence Concerning United States Persons

Sec. 213. Authority to collect counterintelligence and counterterrorism intelligence concerning United States persons.
Sec. 214. Authority to collect foreign intelligence concerning United States persons.
Sec. 215. Attorney General approval of collection utilizing certain techniques.
Sec. 216. Duration of collection.
Sec. 217. Written findings.

Subpart 3—Authority to Collect Other Information Concerning United States Persons

Sec. 218. Authority to collect information concerning targets of foreign intelligence services or international terrorists.
Sec. 219. Authority to collect foreign intelligence in the possession of United States persons.
Sec. 220. Authority to collect information concerning persons in contact with suspected intelligence agents.
Sec. 221. Authority to collect information concerning potential sources of assistance.
Sec. 222. Authority to collect information for the protection of the security of installations, personnel, communications, and sources and methods.

Subpart 4—Authority to Collect Information Concerning Foreign Persons Within the United States

Sec. 223. Authority to collect information concerning foreign persons within the United States.

PART C—RETENTION AND DISSEMINATION OF INFORMATION CONCERNING UNITED STATES PERSONS

Sec. 231. Retention.
Sec. 232. Dissemination.
Sec. 233. Retention and dissemination for oversight purposes.

PART D—RESTRICTIONS AND LIMITATIONS

Sec. 241. Prohibition of political surveillance.
Sec. 242. Prohibited dissemination.
Sec. 243. Participation in illegal activity.

Sec. 244. Restrictions on undisclosed participation in United States organizations.
Sec. 245. Restrictions on the provision of assistance to law enforcement authorities.
Sec. 246. Restrictions on the use of human subjects for experimentation.

PART E—REMEDIES

Subpart 1—Criminal Sanctions

Sec. 251. Illegal physical searches.
Sec. 252. Unconsented human experimentation.

Subpart 2—Civil Damages

Sec. 253. Joint and several personal and governmental liability.
Sec. 254. Sole governmental liability.
Sec. 255. Jurisdiction.
Sec. 256. Statute of limitations.
Sec. 257. Exclusive remedy.
Sec. 258. Defendant's fees and costs.
Sec. 259. Administrative adjustment of Claims.

Subpart 3—Administrative Sanctions

Sec. 260. Disciplinary action.
Sec. 261. Further administrative and disciplinary action.

PART F—PRIVILEGED COMMUNICATIONS; RULEMAKING

Sec. 271. Protection of privileged communications.
Sec. 272. Administrative rulemaking.

TITLE III—FOREIGN INTELLIGENCE SURVEILLANCE

PART A—SHORT TITLE; PURPOSE

Sec. 301. Short title.
Sec. 302. Statement of purpose.

PART B—ELECTRONIC SURVEILLANCE WITHIN THE UNITED STATES

Sec. 331. Amendments to title 18, United States Code.

PART C—AUTHORITY TO COLLECT INTELLIGENCE INFORMATION BY THE USE OF FOREIGN ELECTRONIC OR SIGNALS INTELLIGENCE ACTIVITY

Sec. 321. Foreign electronic or signals intelligence activities.

PART D—CONFORMING AMENDMENTS

Sec. 331. Amendments to title 18, United States Code.

PART E—PHYSICAL SEARCHES

Sec. 341. Requirements for physical searches by entities of the intelligence community.

PART F—MAIL OPENING

Sec. 351. Requirements for mail openings by entities of the intelligence community.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

PART A—SHORT TITLE; PURPOSES; DEFINITIONS

Sec. 401. Short title.
Sec. 402. Statement of purposes.
Sec. 403. Definitions.

PART B—ESTABLISHMENT OF AGENCY; DIRECTOR; FUNCTIONS

Sec. 411. Establishment of Central Intelligence Agency.
Sec. 412. Director; duties of Director.
Sec. 413. Functions.

PART C—GENERAL AND SPECIAL AUTHORITIES OF THE AGENCY; AUTHORIZATION FOR APPROPRIATIONS; GENERAL COUNSEL AND INSPECTOR GENERAL

Sec. 421. General authorities of the Agency.
Sec. 422. Procurement authority.
Sec. 423. Relationships with other Government agencies.
Sec. 424. Admission of essential aliens.
Sec. 425. Authorizations for appropriations and expenditures.
Sec. 426. General Counsel and Inspector General.

PART D—CRIMINAL PENALTIES; RESTRICTIONS

Sec. 431. Criminal penalties.
Sec. 432. Restrictions.

PART E—TRAVEL AND OTHER EXPENSES; RETIREMENT SYSTEM

Sec. 441. Travel, related expenses, and death gratuities for certain Agency personnel.
Sec. 442. Retirement system.

PART F—TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS; STATUTES REPEALED

Sec. 451. Transfer of personnel, property, and functions.
Sec. 452. Statutes repealed.

TITLE V—FEDERAL BUREAU OF INVESTIGATION

Sec. 501. Short title.
Sec. 502. Statement of purposes.
Sec. 503. Definitions.
Sec. 504. Supervision and control.
Sec. 505. Duties of the Director of the Federal Bureau of Investigation.
Sec. 506. Authority to conduct counterintelligence and counterterrorist activities; responsibility to coordinate certain counterintelligence and counterterrorism activities of other entities of the intelligence community in the United States.
Sec. 507. Authority to collect foreign intelligence.
Sec. 508. Authority to cooperate with intelligence, security, or law enforcement agencies of foreign governments.

TITLE VI—NATIONAL SECURITY AGENCY

PART A—SHORT TITLE; PURPOSES; DEFINITIONS

Sec. 601. Short title.
Sec. 602. Statement of purposes.
Sec. 603. Definitions.

PART B—ESTABLISHMENT OF AGENCY; DIRECTOR; DEPUTY DIRECTOR; GENERAL COUNSEL; INSPECTOR GENERAL; DUTIES

Sec. 611. Establishment of National Security Agency; function.
Sec. 612. Director and Deputy Director.
Sec. 613. Duties of the Director.
Sec. 614. General Counsel; Inspector General.

PART C—GENERAL AND SPECIAL AUTHORITIES OF THE AGENCY; AUTHORIZATION FOR APPROPRIATIONS

Sec. 621. General authorities of the Agency.
Sec. 622. Procurement authority.
Sec. 623. Printing and binding.
Sec. 624. Education and training.
Sec. 625. Authorization for appropriations and expenditures.

PART D—AUTHORIZATION TO REQUEST AND RECEIVE SIGNALS INTELLIGENCE; ACCESS OF PERSONNEL TO INFORMATION

Sec. 631. Authorization to request and receive signals intelligence.
Sec. 632. Access to signals intelligence and communications security information.

PART E—PATENTS AND INVENTIONS

Sec. 641. Special authority regarding patents and inventions.

PART F—TRAVEL AND OTHER EXPENSES; SPECIAL FACILITIES; RETIREMENT SYSTEM

Sec. 651. Travel, related expenses, and death gratuities for certain agency personnel.
Sec. 652. Commissary and mess services and recreation facilities.
Sec. 653. Retirement system.

PART G—RESTRICTIONS; SPECIAL DELEGATION OF AUTHORITY; PRESERVATION OF CERTAIN AUTHORITY AND RESPONSIBILITY

Sec. 661. Restrictions.
Sec. 662. Special delegation authority; miscellaneous preservation of authority and responsibility.

PART H—TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

Sec. 671. Transfer of personnel, property, and functions.

TITLE VII—MISCELLANEOUS AMENDMENTS AND EFFECTIVE DATE

Sec. 701. Amendment to the National Security Act of 1947.
Sec. 702. Amendments to title 5, United States Code.
Sec. 703. Amendment to the Federal Advisory Committee Act to eliminate exemption for the Central Intelligence Agency.
Sec. 704. Effective date.

TITLE I—NATIONAL INTELLIGENCE

PART A—SHORT TITLE; FINDINGS; PURPOSES; DEFINITIONS

SHORT TITLE

SEC. 101. This title may be cited as the "National Intelligence Act of 1978".

STATEMENT OF FINDINGS

SEC. 102. The Congress hereby makes the following findings:

(1) Intelligence activities provide timely, accurate, and relevant information and analysis necessary for the conduct of the foreign relations and the protection of the national security of the United States.

(2) The collection and production of intelligence, while necessary for the conduct of the foreign relations and the protection of the national security of the United States, are costly activities. Waste and unnecessary duplication of intelligence activities can be avoided by more effective centralized management.

(3) Without proper supervision and control, intelligence activities may disrupt the foreign relations of the United States or abridge the constitutional and legal rights of United States citizens.

(4) Existing law inadequately defines the authorities of the intelligence agencies of the United States, provides little guidance to the officers and employees of those agencies and leaves the roles of the various branches of government with respect to intelligence activities.

STATEMENT OF PURPOSES

Sec. 103. It is the purpose of this Act—

(1) to authorize the intelligence activities necessary for the conduct of the foreign relations and the protection of the national security of the United States;

(2) to replace the provisions of the National Security Act of 1947 governing intelligence activities;

(3) to insure that the national intelligence activities of the United States are properly and effectively directed, regulated, coordinated, and administered;

(4) to insure that the executive and legislative branches are provided, in the most efficient manner, with such accurate, relevant, and timely information and analysis as those branches need to make sound and informed decisions regarding the security and vital interests of the United States and to protect the United States against foreign intelligence activities, international terrorist activities, and other forms of hostile action directed against the United States;

(5) to provide for the appointment of a Director of National Intelligence, to delineate the responsibilities of such Director, and to confer on such Director the authority necessary to fulfill those responsibilities; and

(6) to insure that the Director of National Intelligence and the entities of the intelli-

gence community are accountable to the President, the Congress, and the people of the United States and that the intelligence activities of the United States are conducted in a manner consistent with the Constitution and laws of the United States and so as not to abridge any right protected by the Constitution or laws of the United States.

DEFINITIONS

SEC. 104. A used in this title—

(1) The term "Attorney General" means the Attorney General of the United States.

(2) The term "committee of the Congress" means any committee of the Senate or the House of Representatives or any joint committee of the Congress.

(3) The term "communications security" means the protection resulting from any measure taken to deny unauthorized persons information derived from the national security-related telecommunications of the United States, or from any measure taken to insure the authenticity of such telecommunications.

(4) The term "continuing resolution" means a bill or joint resolution of the Congress appropriating funds for one or more departments or agencies of the government for a temporary period of time pending the enactment of the regular appropriation Act or Acts for such departments or agencies.

(5) The term "counterintelligence" means information pertaining to the capabilities, intentions, or activities of any foreign government in the fields of espionage, other clandestine intelligence collection, cover action, assassination, or sabotage, or pertaining to such government's own efforts to protect against the collection of information on its capabilities, intentions, or activities.

(6) The term "counterintelligence activity" means—

(A) the collection, retention, processing, and dissemination of counterintelligence:

(B) the analysis of counterintelligence;

(C) any activity undertaken by the United States to counter the espionage, other clandestine intelligence collection, cover action, assassination, or sabotage, or similar activities of a foreign government or to counter such foreign government's efforts to protect against the collection of information on its capabilities, intentions, or activities.

(7) The term "counterterrorism activity" means—

(A) the collection, retention, processing, or dissemination of counterterrorism intelligence; and

(B) the analysis of counterterrorism intelligence; and

(C) any activity undertaken by an entity of the intelligence community intended to protect against an international terrorist activity.

(8) The term "counterterrorism intelligence" means information pertaining to the capabilities or intentions of any foreign government or of any organization, association, or individual to commit or otherwise participate in any international terrorist activity.

(9) The term "cover"—

(A) when used in connection with the Central Intelligence Agency refers to any means by which the true identity or affiliation with the Central Intelligence Agency of any activity, officer, employee, or agent of the Central Intelligence Agency, or of a related corporation or organization, is disguised or concealed;

(B) when used in connection with the Federal Bureau of Investigation, refers to any means by which the true identity or affiliation with the Federal Bureau of Investigation of any activity, officer, employee, or agent of the Federal Bureau of Investigation is disguised or concealed; and

(C) when used in connection with the National Security Agency, refers to any means by which the true identity or affiliation with the National Security Agency or the Department of Defense of any activity, officer, employee, or agent of the National Security Agency is disguised or concealed.

(10) The term "departmental intelligence" means foreign intelligence that is collected, retained, processed or disseminated primarily for the use of the head of the department or agency for the conduct of the affairs of the individual department or agency and which has little or no significant national policy-making purpose.

(11) The term "departmental intelligence activity" means any foreign intelligence activity, the primary purpose of which is to produce departmental intelligence.

(12) The terms "departments and agencies" and "department or agency" mean any department, agency, bureau, independent establishment, or wholly owned corporation of the Government of the United States.

(13) The term "foreign intelligence" means information pertaining to the capabilities, intentions, or activities of any foreign state, government, organization, association, or individual and also pertaining to the defense, national security, foreign policy or related policies of the United States, including information on the foreign aspects of narcotics production and trafficking.

(14) The term "foreign intelligence activity" means—

(A) the collection, retention, processing, and dissemination of foreign intelligence; or

(B) the analysis of foreign intelligence.

(15) The term "intelligence activity" means—

(A) any foreign intelligence activity;

(B) any counterintelligence activity;

(C) any counterterrorism activity; or

(D) any special activity.

(16) The term "intelligence community" means—

(A) the Office of the Director of National Intelligence;

(B) the Central Intelligence Agency;

(C) the Defense Intelligence Agency;

(D) the National Security Agency;

(E) any office within the Department of Defense conducting special reconnaissance activities:

(F) the intelligence components of the military services:

(G) the intelligence components of the Federal Bureau of Investigation;

(H) the Bureau of Intelligence and Research of the Department of State;

(I) the intelligence components of the Department of the Treasury;

(J) the intelligence components of the Drug Enforcement Administration;

(K) the intelligence components of the Department of Energy;

(L) the successor to any of the agencies, offices, components, or bureaus named in clauses (A) through (K); and

(M) such other components of the departments and agencies, to the extent determined by the President, as may be engaged in intelligence activities.

(17) The term "intelligence method" means any means which is used to provide support to an intelligence source or operation, and which, if disclosed, is vulnerable to counteraction that could nullify or significantly reduce its effectiveness in supporting the foreign intelligence, counterintelligence, or counterterrorism activities of the United States, or which would, if disclosed, reasonably lead to the disclosure of an intelligence source of operation.

(18) The term "intelligence-related activity" means any activity that is—

(A) a departmental or tactical intelligence activity that has the capability to provide national intelligence or to support national intelligence activities;

(B) is devoted to support of departmental intelligence activities;

(C) is conducted for the purpose of training personnel for intelligence duties; or

(D) is devoted to research on or development of intelligence capabilities.

Such term does not include any intelligence activity which is so closely integrated with a weapons system that the primary function of such activity is to provide immediate data for targeting purposes for that weapons system.

(19) The term "intelligence source" means a person, organization, or technical means which provides foreign intelligence, counterintelligence, or counterterrorism intelligence, and which, if its identity or capability is disclosed, is vulnerable to counteraction that could nullify or significantly reduce its effectiveness in providing such intelligence to the United States. Such term also means a person or organization which provides foreign intelligence, counterintelligence, or counterterrorism intelligence in the United States only with the understanding or on the condition that its identity will remain undisclosed.

(20) The term "international organization" means a public international organization designated as such pursuant to section 1 of the International Organizations Immunity Act (22 U.S.C. 288).

(21) The term "international terrorist activity" means any activity which—

(A) involves—

(i) killing, causing serious bodily harm to, or kidnapping one or more individuals, or

(ii) violent destruction of property, or

(iii) an attempt or credible threat to commit any act described in subclause (i) or (ii); and

(B) appears intended to further political, social, or economic goals by—

(i) intimidating or coercing a civilian population or any segment thereof; or

(ii) influencing the policy of a government or international organization by intimidation or coercion; or

(iii) obtaining widespread publicity for a group or its cause; and

(C) transcends national boundaries in terms of—

(i) the means by which its objective is accomplished;

(ii) the civilian population, government, or international organization it appears intended to coerce or intimidate, or

(iii) the locale in which its perpetrators operate or seek asylum.

(22) The term "national intelligence" means foreign intelligence which is collected, retained, processed or disseminated primarily for the use of officials of the United States involved in the formulation and direction of national policy, particularly defense, national security, or foreign policy. Such term also means the production of intelligence analyses coordinated among the entities of the Intelligence Community.

(23) The term "national intelligence activity" means (A) any special activity in support of national foreign policy objectives, or (B) any foreign intelligence activity the primary purpose of which is to produce national intelligence. Such term includes any foreign intelligence activity of the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, any office within the Department of Defense supervising special reconnaissance activities, and any foreign intelligence activity conducted by any other department or agency and designated by the President as a national intelligence activity.

(24) The term "national intelligence budget" means the budget prepared by the Director of National Intelligence pursuant to section 121 of this Act and includes all funds for—

(A) the programs of the Central Intelligence Agency;

(B) the programs of the Office of the Director of National Intelligence;

(C) the consolidated cryptologic program;

(D) the programs of any office within the Department of Defense conducting special reconnaissance activities;

(E) the General Defense Intelligence Program except such elements of the General Defense Intelligence Program as the Director of National Intelligence and the Secretary of Defense agree should be excluded; and

(F) any other program or programs of any department or agency designated jointly by the Director of National Intelligence and the head of such department or agency.

(25) The term "national intelligence program" means all intelligence activities funded in the national intelligence budget.

(26) The term "sabotage" means any activity which would be prohibited under chapter 105 of title 18, United States Code, if committed against the United States.

(27) The term "special activity in support of national foreign policy objectives" means an intelligence activity conducted abroad which is (A) designed to further official United States programs and policies abroad, and (B) planned and executed so that the role of the United States Government is not apparent or acknowledged publicly. Such term does not include any counterintelligence or counterterrorism activity or the collection, correlation, processing, dissemination and analysis of intelligence or related support functions, nor any diplomatic activity by the United States.

(28) The term "tactical intelligence" means foreign intelligence pertaining to the armed forces of a foreign government nad required by the armed forces of the United States to maintain their readiness for combat operations and to support the planning and conduct of combat operations by the United States.

(29) The term "tactical intelligence activity" means the collection, retention, processing, and dissemination of tactical intelligence.

(30) The term "United States media organization" means any organization publishing on a regular basis for public dissemination any newspaper, magazine, journal, or other periodical publication, any news services, any radio or television network or station, or any organization producing and distributing films or video or audio tapes, if a substantial part of such organization is owned by one or more United States persons, the principal place of business of such organization is in the United States, or the principal distribution of such organization is in the United States. Such term does not include any organization controlled or directed by a government of a foreign country.

(31) The term "United States person" means—

(A) any individual who is a citizen of the United States;

(B) any alien admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act), except that such alien may be presumed to have lost status as a United States person for purposes of this Act after one year of continuous residence outside the United States until information is obtained which indicates an intent on the part of such alien to return to the United States as a permanent resident alien is obtained;

(C) any unincorporated association organized in the United States or a substantial number of whose members are citizens of the United States or aliens lawfully admitted for permanent residence, except that an unincorporated association outside the United States may be presumed not to be a United States person until information is obtained which indicates the contrary; or

(D) any corporation which is incorporated in the United States and which is not controlled or directed by a government of a foreign country.

PART B—AUTHORIZATION FOR NATIONAL INTELLIGENCE ACTIVITIES, COUNTERINTELLIGENCE ACTIVITIES, AND COUNTERTERRORISM ACTIVITIES; DIRECTOR AND DEPUTY DIRECTOR; DUTIES AND AUTHORITIES

NATIONAL INTELLIGENCE ACTIVITIES, COUNTERINTELLIGENCE ACTIVITIES, AND COUNTERTERRORISM ACTIVITIES; AUTHORIZATION

SEC. 111. (a) The entities of the intelligence community are authorized to conduct, under the direction and control of the National Security Council, national intelligence activities, including special activities in support of national foreign policy objectives (hereinafter in this Act referred to as "special activities"), counterintelligence activities, and counterterrorism activities.

(b) National intelligence activities, counterintelligence activities, and counterterrorism activities may be undertaken only by entities of the intelligence community and only in accordance with the provisions of this Act.

(c) Nothing in this title shall be construed to prohibit any department or agency from collecting, processing, evaluating, or disseminating departmental or tactical intelligence if such department or agency is otherwise authorized to do so.

PRESIDENTIAL DESIGNATION OF NATIONAL INTELLIGENCE ACTIVITIES

SEC. 112. (a) The President shall determine annually which intelligence activities, if any, in addition to those specifically defined as national intelligence activities by this title, shall constitute national intelligence activities for the purposes of this Act.

(b) The Director of National Intelligence shall, on an annual basis, submit to the President and the National Security Council a report describing the relationships among national intelligence activities and other intelligence and intelligence-related activities and shall include in such report the recommendations of the Director of National Intelligence with respect to whether any changes should be made in those relationships and whether any intelligence or intelligence-related activity not specifically defined as a national intelligence activity by this title should be determined by the President, pursuant to subsection (a) of this section, to be a national intelligence activity.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 113. (a) There is established in the executive branch of the Government an office to be known as the "Office of the Director of National Intelligence" (hereinafter in this title referred to as the "Office of the Director"). There shall be at the head of the Office of the Director a Director of National Intelligence (hereinafter in this title referred to as the "Director"). There shall be a Deputy Director of National Intelligence (hereinafter in this title referred to as the "Deputy Director") to assist the Director in carrying out the Director's functions under this Act.

(b) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director and the Deputy Director shall each serve at the pleasure of the President. No person may serve as Director or Deputy Director for a period of more than six years unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. No person who has served as Director or Deputy Director for a period of less than six years and is subsequently appointed or reappointed to that same office may serve in that office under such appointment or reappointment for a term of more than six years. In no event may any person serve in either or both offices for more than a total of twelve years.

(c) At no time shall the two offices of Director and Deputy Director be occupied simultaneously by commissioned officers of the armed forces whether in an active or retired status.

(d)(1) If a commissioned officer of the armed forces is appointed as Director or Deputy Director, then—

(A) in the performance of the duties of Director or Deputy Director, as the case may be, the officer shall be subject to no supervision, control, restriction, or prohibition (military or otherwise) other than would be applicable if that officer were a civilian in no way connected with the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof; and

(B) that officer shall not possess or exercise any supervision, control, powers, or functions (other than those authorized to that officer as Director or Deputy Director) with respect to the Department of Defense, the military departments, or the Armed Forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) or any of the foregoing.

(2) Except as provided in this section, the appointment to the office of Director or Deputy Director of a commissioned officer of the Armed Forces, and acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade that officer may occupy or hold in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A commissioned officer shall, while serving in the office of Director or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of that officer's appointment as Director or Deputy Director.

(3) The grade of any such commissioned officer shall, during any period such officer occupies the office of Director or Deputy Director, be in addition to the numbers and percentages authorized for the military department of which such officer is a member.

(e) The Director and Deputy Director whether civilian or military shall be compensated while serving as Director or Deputy Director only from funds appropriated to the Office of the Director.

(f) If a commissioned officer of the Armed Forces is serving as Director or Deputy Director that officer shall be entitled, while so serving, to the difference, if any, between the regular military compensation (as defined in section 101(25) of title 37, United States Code) to which that officer is entitled and the compensation provided for that office under subchapter II of chapter 53 of title 5, United States Code.

(g) The Deputy Director shall act in the place of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director. The Director shall provide by regulation which Assistant Director of National Intelligence shall, whenever there is no Deputy Director, act in the place of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director and which Assistant Director of National Intelligence shall act in the place of the Deputy Director during the absence or disability of the Deputy Director or during any temporary vacancy in the office of the Deputy Director.

(h) In the event that no person has been appointed Director or Deputy Director under subsection (b) of this section as of the effective date of this title, the person holding the office of Director of Central Intelligence on the day before the effective date of this title may be designated by the President (without the advice and consent of the Sen-

ate) to serve as Director until the office of Director is filled as provided in subsection (b), and the person holding the office of Deputy Director of Central Intelligence on the day before the effective date of this title may be designated by the President (without the advice and consent of the Senate) to serve as Deputy Director until the office of Deputy Director is filled as provided in subsection (b); but no person designated to serve as Director or Deputy Director under authority of this subection may serve in such office under such authority for more than ninety days following the effective date of this title. While so serving such persons shall receive compensation at the rates provided by subsection (e) for the respective offices in which they serve. In computing the twelve-year limitation prescribed in subsection (b) of this section, any service by a person as Director or Deputy Director of Central Intelligence as those offices existed before the effective date of this title shall not be included.

DUTIES AND AUTHORITIES OF THE DIRECTOR

SEC. 114. (a) The Director shall serve, under the direction and control of the National Security Council, as the principal foreign intelligence officer of the United States.

(b) The Director shall be responsible for—

(1) the coordination of the national intelligence activities of the United States;

(2) the coordination of United States counterintelligence activities abroad; and

(3) the coordination of United States counterterrorism activities conducted abroad by the entities of the intelligence community.

(c) The Director shall, on a continuing basis, review all ongoing and proposed national intelligence activities of the United States in order to insure that those activities are properly, efficiently, and effectively directed, regulated, coordinated and administered; that those activities provide, in the most efficient manner, the executive and legislative branches with the information and analysis that those branches need to fulfill their responsibilities under the Constitution and laws of the United States; that those activities do not abridge any right guaranteed or protected by the Constitution or laws of the United States; that those activities fully support the national defense or foreign relations of the United States; and that those activities are conducted in conformity with the provisions of this Act and the Constitution and laws of the United States. To achieve these ends the Director shall provide such guidance to the head of each entity of the intelligence community as the Director deems appropriate.

(d) Subject to the provisions of section 117, the Director shall act as the Director of the Central Intelligence Agency and of such staff as may be required to discharge the Director's responsibilities under this Act.

(e) The Director shall coordinate and direct the collection of national intelligence by the entities of the intelligence community by—

(1) developing such plans, objectives and requirements for the entities of the intelligence community as are necessary to meet the intelligence needs and priorities established by the National Security Council;

(2) establishing procedures, in coordination with the heads of departments and agencies not within the intelligence community, to increase, insofar as is possible, the national intelligence contribution made by those departments and agencies without adversely affecting the performance of their other authorized duties;

(3) coordinating all clandestine collection of intelligence outside the United States including all clandestine collection of intelligence outside the United States utilizing human sources.

(f) The Director shall be responsible for the production of national intelligence, including national intelligence estimates and other intelligence community-coordinated analyses, and shall—

(1) provide, under appropriate security procedures, the executive and legislative branches with accurate, relevant, and timely national intelligence needed by such branches to fulfill their responsibilities under the Constitution and laws of the United States;

(2) insure that in the production of national intelligence any diverse points of view are presented fully and considered carefully, and that differences of judgment within the intelligence community are clearly expressed for policymakers; and

(3) obtain, in consultation with the head of any entity of the intelligence community, such analytic assistance from that entity as is necessary for the Director to fulfill the Director's responsibilities under this subsection;

(g) The Director shall be responsible for the dissemination, under appropriate security procedures, of national intelligence, and shall—

(1) insure that departments and agencies and appropriate operational commanders of the Armed Forces of the United States are furnished such national intelligence as is relevant to their respective duties and responsibilities;

(2) establish procedures to increase the usefulness for departments and agencies (including departments and agencies not within the Intelligence Community) of information collected, processed, and analyzed through national intelligence activities; and

(3) insure access of each entity of the intelligence community to national intelligence relevant to that entity's authorized national intelligence, counterintelligence, or counterterrorism responsibilities which has been collected or produced by any other entity of the intelligence community.

(h) The Director shall be responsible for evaluating the quality of the national intelligence that is collected, produced and disseminated by entities of the intelligence community and shall report on an annual basis to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on the results of such evaluations and on the Director's efforts to improve the quality of national intelligence.

(i) The Director shall insure the appropriate implementation of special activities and sensitive clandestine collection projects.

(j) The Director, in consultation with the Secretary of State, shall—

(1) formulate policies with respect to intelligence arrangements with foreign governments;

(2) coordinate intelligence relationships between the various entities of the intelligence community and the foreign intelligence or internal security services of foreign governments; and

(3) advise the Permanent Select Committee of Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of any proposed agreement governing the relationship between any entity of the intelligence community and any foreign intelligence or internal security service of a foreign government before such agreement takes effect.

(k) The Director shall assign to a single entity of the intelligence community, after consultation with the head of that entity, responsibility for any service which is of common concern to more than one entity but which can be more efficiently and effectively performed by a single entity.

(l) The Director shall be responsible, subject to the provisions of this Act, for the protection from unauthorized disclosure of intelligence sources and methods, and shall establish for departments and agencies security standards for the management and handling of information and material relating to intelligence sources and methods. The Director shall take such steps as are necessary, consistent with applicable laws and executive orders, to ensure timely declassification of such information and material.

(m) The Director may appoint, promote, and separate such personnel or contract for such personnel services as the Director deems advisable, without regard to the provisions of title 5, United States Code, governing appointments to, promotions in, and separations from the competitive service, and without regard to the limitations on types of persons to be employed, and fix the compensation of such personnel without regard to chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, but at such rates not in excess of the maximum rate for Executive Schedule V under section 5316 of that title. Such personnel may include, but shall not be limited to, persons employed by any entity of the intelligence community.

(n) Notwithstanding any other provision of law, the Director may terminate the employment of any officer or employee of the Office of the Director or the security clearance of any contractor of any entity of the intelligence community whenever the Director considers such termination necessary or advisable in the interests of the national security of the United States. The Director shall periodically report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on the exercise of the Director's authority under this paragraph.

(o) Any officer or employee of the Office of the Director who has been separated under subsection (m) or whose employment has been terminated under subsection (n) may seek or accept employment elsewhere in the Government if declared eligible for such employment by the United States Civil Service Commission. The Civil Service Commission may place such officer or employee in a position in the competitive civil service in the same manner as an employee who is transferred between two positions in the competitive service, but only if that officer or employee has served with the Office of the Director for at least one year continuously immediately preceding separation or termination.

(p) In order to carry out the Director's duties under this title, the Director is authorized to conduct program and performance audits and evaluations of the entities of the intelligence community and to obtain from any department or agency such information as the Director deems necessary to perform such duties; and each department and agency shall furnish, upon request and in accordance with applicable law, such information to the Director. The Director shall take appropriate steps to maintain the confidentiality of any confidential information which is provided by any department or agency.

(q) In order to carry out the Director's duties under this title, the Director shall review all research and development activities which support the intelligence or intelligence-related activities of the Government and may review all the intelligence and intelligence-related activities of the Government.

(r) Nothing in this section shall be construed to prohibit any entity of the intelligence community, if otherwise authorized to do so, from producing and disseminating its own analyses of national intelligence information collected by an entity of the intelligence community, but any such analyses shall be promptly provided to the Director.

DEPARTMENTAL RESPONSIBILITY FOR REPORTING NATIONAL INTELLIGENCE

SEC. 115. It shall be the responsibility of the heads of departments and agencies to ensure that all national intelligence obtained by such departments and agencies is promptly furnished to the Director or to the entity of the intelligence community designated by the Director to receive such intelligence.

ASSISTANT DIRECTORS; COMMITTEES AND BOARDS

SEC. 116. (a) The President is authorized to appoint, by and with the advice and consent of the Senate, not more than five Assistant Directors of National Intelligence to assist the Director in carrying out the responsibilities of the Director under this Act. At no time shall more than two of the positions of Assistant Director of National Intelligence be occupied by commissioned officers of the Armed Forces, whether in active or retired status.

(b) The Director, with respect to the Office of the Director, the Attorney General with respect to the Attorney General's duties and responsibilities under this Act, and the head of each entity of the Intelligence Community with respect to that entity is authorized to establish such committees or boards, composed of officers and employees of the United States, as may be necessary to carry out effectively the provisions of this Act.

(c)(1) The Director, with respect to the Office of the Director, the Attorney General woth respect to the Attorney General's duties and responsibilities under this Act, and the head of each entity of the intelligence community with respect to that entity is authorized to establish such advisory committees as may be necessary to provide expert advice regarding the administration of this Act.

(2) The provisions of the Federal Advisory Committee Act (86 Stat. 770; 5 U.S.C. App. I, 1–15) shall apply with respect to any advisory committee established under authority of this subsection except that the Director, Attorney General, or the head of any entity of the intelligence community, as the case may be, may waive the application of any or all of the provisions of that Act when such official deems such action necessary to the successful performance of the duties of the Director, the Attorney General, or any entity of the intelligence community, as the case may be, or to protect the security of the activities of the intelligence community. Any waiver exercised by the Director, the Attorney General, or the head of any entity of the intelligence community under this section shall be reported to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate and the names of all persons appointed to serve on any advisory committee established under authority of this subsection shall be reported to such committees.

AUTHORITY OF THE PRESIDENT TO TRANSFER CERTAIN DUTIES AND AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE

SEC. 117. (a) The President is authorized to transfer any or all of the duties and authorities of the Director which pertain to the Director's duties and authorities as head of the Central Intelligence Agency to any person serving as the Deputy Director or to any person serving as an Assistant Director of National Intelligence if such person was appointed to the position of Deputy Director or to the position of Assistant Director of National Intelligence by and with the advice and consent of the Senate and if—

(1) such person is not a commissioned officer of the armed forces whether in active or retired status:

(2) the President notifies the Congress in writing of the proposed transfer and specifically describes the duties and authorities to be transferred and identifies the officer or employee to whom such duties and authorities are to be transferred;

(3) sixty days of continuous session of the Congress have expired following the day on which such notification was received by the Congress; and

(4) neither House of Congress has adopted, within such sixty-day period, a resolution disapproving such transfer of authority.

(b) For the purposes of this section, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in sesison because of an adjournment of more than three days to a day certain are excluded in the computation of such 60-day period.

PART C—BUDGET AUTHORITY; LIMITATION ON APPROPRIATIONS; COMPTROLLER GENERAL AUDITS

NATIONAL INTELLIGENCE PROGRAM AND BUDGET AUTHORITY; INFORMATION

SEC. 121. (a) The Director shall be responsible for the preparation and approval of the national intelligence budget presented to the President through the Office of Management and Budget, and, after approval of such budget, for its presentation to the Congress. In carrying out the Director's responsibility under this section, the Director shall—

(1) provide guidance and assistance to the heads of the various entities of the intelligence community in the preparation of the programs and budgets of such entities which relate to national intelligence;

(2) after reviewing and evaluating the annual program and budget proposals submitted to the Director pursuant to subsection (b) of this section, prepare the national intelligence budget;

(3) present the national intelligence budget to the President through the Office of Management and Budget; and

(4) present and justify to the Congress the President's annual budget for national intelligence and, concurrently, submit a report to the appropirate committees of the Congress on the decisions of the President made under the authority of section 112(a) of this title.

(b) The head of each entity of the intelligence community shall develop and submit to the Director and the head of the department or agency in which that entity is located—

(1) a proposed program and budget, in such form and at such time as the Director shall prescribe, for that entity based upon program and budget guidance from the Director; and

(2) such information as the Director may find necessary to carry out the Director's program and budget responsibilities under this section.

(C) The head of each department or agency that includes an entity of the intelligence community shall take such action as may be necessary to ensure that internal program and budget decisions of such department or agency have no adverse effect on that department or agency's presidentially approved program or budget relating to the activities of the entity of the intelligence community within that department or agency.

REQUIREMENTS RELATING TO APPROPRIATIONS FOR NATIONAL INTELLIGENCE, COUNTERINTELLIGENCE, AND COUNTERTERRORISM ACTIVITIES

SEC. 122. (a) No funds may be appropriated for any fiscal year beginning after September 30, 1978, for the purpose of carrying out any national intelligence activity, counterintelligence activity, or counterterrorism activity by any entity of the intelligence community unless funds for such activity have been previously authorized by legislation enacted during the same fiscal year or during one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution.

(b) Whenever the Director determines such action to be necessary in the interest of the national security the expenditure of funds to cover matters relating to national intelligence activities, counterintelligence activities, and counterterrorism activities shall be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount certified therein, but funds expended for such purposes may be expended only for activities authorized by law. The Director shall report quarterly to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate on expenditures made under the authority of this subsection.

AUDITS AND REVIEWS BY THE COMPTROLLER GENERAL

SEC. 123. (a) All funds appropriated to the Office of the Director, all funds appropriated to entities of the intelligence community, and all national intelligence activities, counterintelligence activities, and counterterrorism activities conducted by entities of the intelligence community, and information and materials relating thereto, shall be subject to financial and program management audit and review by the Comptroller General of the United States, upon the request of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate.

(b) Nothing in subsection (a) shall be construed as a limitation on the existing authority of any other committee of the Congress to request financial and program management audits and reviews by the Comptroller General of the United States of any national intelligence activity, counterintelligence activity, or counterterrorism activity over which such committee has legislative jurisdiction, but the results of any such audit or review conducted at the request of any committee of the Congress other than one of the two select committees named in subsection (a) shall be submitted to (1) the Permanent Select Committee on Intelligence of the House of Representatives, in the case of any audit or review requested by a committee of the House of Representatives, and shall be made available by such select committee, in accordance with and subject to the provisions of section 153 of this title, to the committee of the House of Representatives which requested such audit or review; and (2) the Select Committee on Intelligence of the Senate, in the case of any audit or review requested by a committee of the Senate, and shall be made available by such select committee, in accordance with and subject to the provisions of section 153 of this title, to the committee of the Senate which requested such audit or review.

(c) Any audit or review of any national intelligence activity, counterintelligence activity, or counterterrorism activity conducted by the Comptroller General of the United States at the request of one of the two select committees named in subsection (a) or any audit or review conducted by the Comptroller General at the request of any other committee of the Congress of any national intelligence activity, counterintelligence activity, or counterterrorism activity over which such committee has legislative jurisdiction shall be conducted in accordance with such security standards as may be prescribed by the Director in consultation with the committee requesting such audit or review.

(d) The Comptroller General of the United States shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Comptroller General is conducting any audit or review of national intelligence activities, counterintelligence activities, or counterterrorism activities if such audit or review is being conducted under authority of law not requiring the request of a committee of the Congress. Upon completion of any such audit or review, the Comptroller General shall submit a copy of the results of such audit or review to such select committees.

(e) Notwithstanding the foregoing provisions of this subsection, the Director may exempt from any such audit and review any funds expended for a particular national intelligence, counterintelligence, or counterterrorism activity, and the activity for which such funds are expended if the Director (1) determines such exemption to be essential to protect the security of the United States, (2) notifies the appropriate committees of the Congress of such exemption and the reasons for granting it, and (3) reports semiannually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on each activity exempted under this subsection. In any case in which the Director exempts from audit and review under this subsection an audit and review initiated by the Comptroller General of the United States (not initiated at the request of any committee of the Congress), the Director shall submit the notification required under this subsection to the select committees named in the preceding sentence.

PART D—PROCEDURES, RESTRICTIONS AND PROHIBITIONS RELATING TO INTELLIGENCE COLLECTION ACTIVITIES AND SPECIAL ACTIVITIES

PROCEDURES AND REQUIREMENTS FOR SENSITIVE INTELLIGENCE COLLECTION PROJECTS AND SPECIAL ACTIVITIES

SEC. 131. (a) The National Security Council shall review, in accordance with this section, each proposed special activity, and such clandestine collection activities as the President specifies, conducted by any entity of the intelligence community or by any organization or individual for or on behalf of the United States. No decision or recommendation to the President with respect to any such activity may be made for the purposes of this section unless the activity has been considered by the National Security Council or a subcommittee thereof at a formal meeting at which the following officers or, in unusual circumstances when such officers were unavailable, their designated representatives were present: the Secretary of State, the Secretary of Defense, the Attorney General and the Director of National Intelligence. As used in this section, the term the "National Security Council" includes any subcommittee of such council if constituted as provided in the preceding sentence.

(b) (1) The President shall establish standards and procedures by which activities involving clandestine collection of foreign intelligence shall be reviewed and approved. Such standards and procedures shall provide criteria by which to identify activities whose importance or sensitivity requires review by the National Security Council and notification to the President of such review prior to initiation, and activities whose exceptional importance or sensitivity requires, in addition to National Security Council review, the President's personal approval prior to initiation.

(2) Any standard or procedure established pursuant to paragraph (1), any regulation promulgated to implement any such standard or procedure, and any amendment to any such standard, procedure, or regulation shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate at least 60 days prior to the date on which such standard, procedure, regulation, or amendment shall become effective.

(c) Whenever the National Security Council or the President reviews any special activity or clandestine collection activity, careful and systematic consideration shall be given to all appropriate factors, including, but not limited to—

(1) the justification for such proposed activity;

(2) the nature, scope, probable duration, estimated cost, foreseeable risks, likely consequences of disclosure, and actions necessary in the event of the termination of such activity;

(3) the relationship between the proposed activity and any previously approved activity;

(4) the likelihood that the objectives of such activity would be achieved by overt or less sensitive alternatives; and

(5) the legal implications of the proposed activity.

(d) No special activity may be initiated unless the activity has been approved by the President and the President has made a written finding that, in the President's opinion—

(1) such activity is essential to the national defense or the conduct of the foreign policy of the United States;

(2) the anticipated benefits of such activity justify the foreseeable risks and likely consequences of its disclosure to a foreign power;

(3) overt or less sensitive alternatives would not be likely to achieve the intended objectives; and

(4) the circumstances require the use of extraordinary means.

(e) No clandestine collection activity requiring the President's personal approval, under standards and procedures established by the President pursuant to subsection (b), may be initiated unless the President has made a written finding that—

(1) the information to be obtained by such project is essential to the national defense or the conduct of the foreign policy of the United States;

(2) the importance of the information justifies the foreseeable risks of the likely consequences of disclosure to a foreign power; and

(3) overt or less sensitive alternatives would not be likely to accomplish the intended objectives.

(f) The National Security Council shall review at least annually each ongoing special activity and each ongoing clandestine collection activity which, prior to initiation, required approval by the President or review by the National Security Council and notification of the President. Any such activity whose initiation required the President's personal approval may be continued after such annual review by the National Security Council only if the President reaffirms in a timely manner the findings required by subsection (d) or (e), as the case may be.

(g) The Director shall, prior to the initiation of any special activity or any clandestine collection activity which, prior to initiation, requires personal approval by the President or review by the National Security Council and notification to the President, notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of the facts and circumstances of such activity, and of the Presidential findings, if any, required by subsection (d) or (e), as the case may be. In extraordinary circumstances, any such special activity or clandestine collection activity may be initiated without such prior notification if the President notifies the select committees of the Congress named in the preceding sentence within 48 hours after the initiation of such activity, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why such delay would have been harmful. This subsection shall not, however, be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity.

(h) Any significant change in any special activity or in any clandestine collection activity which, prior to initiation, required personal approval by the President or review by the National Security Council and notification to the President shall require review, approval, and reporting to the select committees named in subsection (g) in the same manner as the activity itself.

(i) Any significant change in the factors considered under subsection (c) regarding any special activity or any clandestine collection activity which, prior to initiation, required personal approval by the President of review by the National Security Council and notification of the President shall be reported to the National Security Council and to the appropriate committees of the Congress.

(j) No department or agency other than (1) the Central Intelligence Agency, and (2) the Armed Forces of the United States during any period of war declared by the Congress may conduct any special activity. Notwithstanding the foregoing sentence, the Central Intelligence Agency, the Armed Forces, and other departments and agencies may provide support for any approved special activity conducted by the Central Intelligence Agency or the Armed Forces, as the case may be, if the President finds that the Central Intelligence Agency or, during a period of war declared by the Congress, the Armed Forces of the United States, as the case may be, would not be able to accomplish substantially the objectives of the special activity without such support from such other departments and agencies, and if the President promptly notifies the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of such report.

(k) The National Security Council shall maintain a record of all written findings made by the President pursuant to subsections (d) and (e).

(l) The Director shall submit a written report semiannually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on all ongoing special activities and clandestine collection activities which, prior to initiation, required personal approval by the President or review by the National Security Council and notification of the President being carried out by, for, or on behalf of, the United States.

RESTRICTIONS ON THE USE OF CERTAIN CATEGORIES OF INDIVIDUALS FOR CERTAIN INTELLIGENCE ACTIVITIES

SEC. 132. (a) No entity of the intelligence community may—

(1) pay or provide other valuable consideration to any United States person following a full-time religious vocation to—

(A) engage in any intelligence activity for or on behalf of the United States, or

(B) provide any intelligence information to any department or agency;

(2) pay or provide other valuable consideration to any United States person whose travel to a foreign country is sponsored and supported by the United States as part of a United States Government program designed to promote education or the arts, humanities, or cultural affairs to—

(A) engage in any intelligence activity for or on behalf of the United States while such individual is—

(i) participating in any such program, and

(ii) traveling or temporarily residing in any foreign country;

(B) provide any intelligence information acquired while such individual was—

(i) participating in any such program, and

(ii) traveling or temporarily residing in any foreign country;

(3) pay or provide other valuable consideration to any individual to engage in any intelligence activity for or on behalf of the United States or provide any intelligence information to any department or agency if such individual—

(A) is a journalist accredited to any United States media organization,

(B) is not an openly acknowledged officer, employee, or contractor of any entity of the intelligence community and regularly contributes material relating to politics, economics, international affairs, military or scientific matters to any United States media organization,

(C) is regularly involved in the editing of material for any United State media organization, or

(D) acts to set policy for, or provide direction to, any United States media organization;

(4) pay for or otherwise knowingly or intentionally support the distribution within the United States of any book, magazine, article, publication, film, or video or audio tape, unless such support is publicly announced;

(5) pay for or otherwise knowingly or intentionally support the distribution in any foreign country of any book, magazine, article, publication, film, or video or audio tape if the purpose of the distribution in such foreign country, or if the likely result of such distribution would be the substantial redistribution of such book, magazine, article, publication, film, or video or audio tape, as the case may be, within the United States unless such support is publicly announced;

(6) use, for the purpose of establishing, furnishing, or maintaining cover for any officer, employee, or agent of such entity, an affiliation, real or ostensible, with any United States religious organization, United States media organization, United States academic institution, the Peace Corps, or any United States Government program designed to promote education, the arts, humanities, or cultural affairs through international exchanges.

(b) No entity of the intelligence community may use as a source of operational assistance in any clandestine intelligence activity in any foreign country, any individual who—

(1) is a permanent resident alien who has applied for United States citizenship, unless the head of the entity which proposes to use such alien for such purpose makes a written finding that the use of such alien for such purpose is necessary to an authorized intelligence activity of that entity; or

(2) is a United States person whose travel to such country is sponsored and supported by a United States academic institution unless the appropriate senior officials of such institution are notified that such person is being used for such purpose.

(c) No entity of the Intelligence Community may use any United States person, other than an officer, employee, or contractor of an entity of the Intelligence Community or an individual assigned or detailed to an entity of the Intelligence Community to provide operational assistance in the conduct of any clandestine intelligence activity unless such person is informed of the nature of such assistance and of any reasonably anticipated risks to physical safety that such assistance may pose and such person voluntarily consents to provide such assistance.

(d) The Director shall formulate regulations necessary to carry out the provisions of this section and submit such proposed regulations to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and no such regulation, or amendment thereto, shall become effective until sixty days after the date on which such regulation or amendment, as the case may be, has been submitted to such committees.

(e) Nothing in this section shall be construed to prohibit voluntary contacts or the voluntary exchange of information between any person referred to in subsection (a) and entities of the intelligence community.

(f) Nothing in this Act shall be construed to prohibit any person described in subsection (a) or (b) from recommending or assisting in the recruitment of (1) employees for any entity of the intelligence community, (2) sources of information for any such entity, or (3) sources of operational assistance for any such entity.

RESTRICTIONS ON THE USE OF UNITED STATES PERSONS AS COMBATANTS IN FOREIGN COUNTRIES

SEC. 133. (a) No United States person acting for, or on behalf of any entity of the intelligence community, who is not a member of the Armed Forces of the United States serving on active duty may be assigned by any entity of the intelligence community as a combatant in any foreign country, except pursuant to a declaration of war by the Congress, or unless—

(1) the proposed assignment has been approved in accordance with the provisions for approval of special activities set forth in section 131 of this title; and

(2) the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate have been notified at least seventy-two hours in advance of the proposed assignment and informed of the circumstances necessitating the assignment, the constitutional and legislative authority under which the assignment will take place, and the estimated scope and duration of the assignment; except that in extraordinary circumstances the President may authorize such assignment without such prior notification of such committees if the President notifies such committees no later than forty-eight hours after the assignment has been made, describes in writing the nature of the situation that precluded notification to the committees seventy-two hours in advance of the proposed assignment, and informs the committees of the circumstances necessitating the assignment, the constitutional and legislative authority under which the assignment took place, and the estimated scope and duration of the assignment. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to making any such assignment.

(b) The President shall discontinue the assignment of any United States person described in subsection (a) not later than sixty days after the committees of the Congress named in subsection (a)(2) have been notified of such assignment unless the Congress has declared war or the continued assignment of such United States person as a combatant has been specifically authorized by law. Such sixty-day period may be extended for not more than an additional thirty days if the President determines and certifies in writing to the committees of Congress named in subsection (a)(2) that unavoidable necessity requires the temporary continued assignment of such combatants in such foreign country solely for the purpose of ensuring their prompt and safe removal from such country.

(c) No member of the Armed Forces of the United States serving on active duty who is assigned to duty with, or otherwise subject to the direction or supervision of, any entity of the intelligence community may be assigned by any entity of the intelligence community to any duty as a combatant except during a war declared by the Congress or during any period beginning on the day on which Armed Forces are introduced into a situation which requires a reporting of the President to the Congress under the war powers resolution (87 Stat. 555) and ending on the last day such forces are authorized to be in such situation (as provided in the war powers resolution).

(d) As used in this section, the term "combatant" means an individual who is introduced into hostilities in a foreign country or who is introduced into a situation in a foreign country where imminent involvement in hostilities is clearly indicated by circumstances. Such term does not include military or technical advisers not assigned to participate in hostilities.

PROHIBITION ON ASSASSINATION

Sec. 134. Title 18, United States Code, is amended by—

(1) redesignating chapter 85 (relating to prison-made goods) as chapter 86;

(2) redesignating section numbers 1761 and 1762 in the table of sections at the beginning of chapter 85 as section numbers 1771 and 1772, respectively;

(3) redesignating sections 1761 and 1762 as sections 1771 and 1772, respectively;

(4) amending the table of chapters in part I of such title by striking out

"85. Prison-made goods..... 1751"

and inserting in lieu thereof

"85. Assassination of foreign officials.. 1751"

"86. Prison-made goods..... 1771"; and

(5) inserting after chapter 84 a new chapter as follows:

"Chapter 85.—ASSASSINATION OF FOREIGN OFFICIALS

"S 1751. Assassination of foreign officials

"(a) Whoever, while within the United States or the special maritime and territorial jurisdiction of the United States, conspires with any other person to kill any foreign official because of such official's office or position or because of such official's political views, actions, or statements while such official is outside the United States and such jurisdiction, and one or more such persons do any overt act within the United States or such jurisdiction to effect the object of the conspiracy, shall be punished by imprisonment for any term of years or for life.

"(b) Whoever being an officer or employee of the United States, while outside the United States and the special maritime and territorial jurisdiction of the United States, conspires with any other person or persons to kill any foreign official, because of such official's office or position, or because of such official's political views, actions, or statements, while such official is outside the United States and such jurisdiction, and one or more such officers, employees, or other persons do any overt act to effect the object of the conspiracy, shall be punished by imprisonment for any term of years or life.

"(c) Whoever being an officer or employee of the United States, while outside the United States and the special maritime and territorial jurisdiction of the United States, attempts to kill any foreign official, because of such official's office or position, or because of such official's political views, actions, or statements, while such official is outside the United States and such jurisdiction, shall be punished by imprisonment for any term of years or life.

"(d) Whoever being an officer or employee of the United States, while outside the

United States and the special maritime and territorial jurisdiction of the United States, kills any foreign official, because of such official's office or position, or because of such official's political views, actions or statements, while such official is outside the United States and such jurisdiction, shall be punished by imprisonment for any term of years or life, except that any such officer or employee who is found guilty of murder in the first degree shall be sentenced to imprisonment for life.

"(e) The provisions of subsections (a) through (d) of this section shall not apply in the case of any conspiracy, attempt, or killing described in such subsection if such conspiracy, attempt, or killing was committed (1) during any period of war declared by the Congress against another country or during any period when members of the armed forces of the United States were introduced into hostilities against another country under circumstances which required a reporting by the President to the Congress under the provisions of the war powers resolution (but the exemption from such subsection shall not continue after the last day such forces are authorized to be in such country as provided in the war powers resolution), (2) against an official of such country, and (3) at the direction of an official of the United States acting in that official's capacity as an official of the United States.

"(f) As used in this section, the term—

"(1) 'officer or employee of the United States' means any officer or employee, whether elected or appointed, in the executive, legislative, or judicial branch of the Government of the United States (including the District of Columbia) and its territories and possessions, and includes any officer or member of the Armed Forces;

"(2) 'foreign official' means a Chief of State or the political equivalent, President, Vice President, Prime Minister, Premier, Foreign Minister, Ambassador, or other officer, employee, or agent of (A) a foreign government; or (B) a foreign political group, party, military force, movement, or other association; or (C) an international organization;

"(3) 'foreign government' means the government of a foreign country, irrespective of official diplomatic recognition by the United States; and

"(4) 'international organization' means a public international organization designated as such pursuant to section 1 of the International Organizations Immunity Act (22 U.S.C. 228).".

PROHIBITIONS AGAINST PARTICULAR FORMS OF SPECIAL ACTIVITIES

SEC. 135. (a) No special activity may be initiated or continued which has as its objective or is likely to result in—

(1) the support of international terrorist activities;

(2) the mass destruction of property;

(3) the creation of food or water shortages or floods;

(4) the creation of epidemics of diseases;

(5) the use of chemical, biological, or other weapons in violation of treaties or other international agreements to which the United States is a party;

(6) the violent overthrow of the democratic government of any country;

(7) the torture of individuals; or

(8) the support of any action, which violates human rights, conducted by the police, foreign intelligence, or internal security forces of any foreign country.

(b) The Director shall formulate regulations necessary to carry out the provisions of this section and submit such proposed regulations to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate; and no such regulation, or amendment thereto, shall become effective until sixty days after the date on which such regulation or amendment, as the case may be, has been submitted to such committees.

PRESIDENTIAL WAIVER OF THE APPLICATION OF CERTAIN RESTRICTIONS AND PROHIBITIONS IN TIME OF WAR

SEC. 136. The President may waive any or all of the provisions of sections 132(a) (1), (2), and (6), 132(b), and 135(a) (1), (2), (3), and (6) during—

(1) any period in which the United States is engaged in a war declared by Act of Congress;

(2) any period beginning on the day on which United States Armed Forces are introduced into a situation which requires a report from the President to the Congress under the war powers resolution (87 Stat. 555) and ending on the last day such forces are authorized to be in such situation (as provided in the war powers resolution), and (B) to the extent that the waiver is exercised for the purpose of, and is directly related to, the support of the United States Armed Forces in such situation, if the President determines such action is necessary to protect the security of the United States and notifies the appropriate committees of the Congress at least seventy-two hours prior to the execution of such waiver and informs such committees of the facts and circumstances requiring such waiver; except that the President may execute any such waiver during any such period without notification to such committees seventy-two hours in advance if the President notifies such committees not later than forty-eight hours after the execution of such waiver, describes in writing the nature of the situation that precluded notification to the committees seventy-two hours in advance of the proposed assignment and informs such committees of the facts and circumstances requiring such waiver, including the relationship between such waiver and the introduction of United States Armed Forces into a situation which requires a reporting of the President to the Congress under the war powers resolution; or

(3) any period when the President determines that there is a grave and immediate threat to the national security of the United States, that it is vital to the security of the United States for one or more entities of the intelligence community to engage in the activities prohibited by such provisions, and that only such activities will accomplish the objectives necessary to protect the security of the United States. Whenever the President proposes to exercise waiver authority under this subsection, the President shall notify the committees of the Congress having jurisdiction over national intelligence at least seventy-two hours prior to the execution of such waiver and inform such committees of the facts and circumstances requiring such waiver; except that the President may execute any such waiver without prior notification to such committees if the President notifies such committees within forty-eight hours after the execution of such waiver, describes in writing the nature of the situation that precluded notification to the committees seventy-two hours in advance of the proposed assignment and informs such committees of the facts and circumstances requiring such waiver.

(b) Any waiver executed by the President under this section shall be made a part of the records required to be maintained under section 152 of this title.

PROHIBITIONS AND RESTRICTIONS ON ACTIVITIES UNDERTAKEN INDIRECTLY

SEC. 137. (a) No entity of the intelligence community, and no officer or employee of any entity of the intelligence community, shall knowingly pay, cause, request, or otherwise encourage, directly or indirectly, any individual, organization, or foreign government to engage in any activity in which such entity of the intelligence community is prohibited from engaging.

(b) No entity of the intelligence community, and no officer or employee of any entity of the intelligence community, shall knowingly pay, cause, request, or otherwise encourage, directly or indirectly, any individual, organization, or foreign government to engage in any activity in which such entity of the intelligence community would be prohibited from engaging without prior Presidential approval or review, as the case may be, and prior notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate unless the same requirement or requirements have been complied with which would have been applicable to such activity, had such activity been undertaken by an entity of the intelligence community.

CONFLICTS OF INTEREST

SEC. 138. (a) The officers and employees of each entity of the intelligence community shall be subject to all laws, Executive orders, regulations, and directives relating to conflicts of interest and the misuse of information obtained in the course of their official duties. The Director of National Intelligence shall issue regulations necessary to implement such laws, Executive orders, regulations, and directives after consultation with and subject to the policy guidance of the Attorney General. The Director, or the head of any entity of the intelligence community with respect to any officer or employee of such entity, is authorized to waive the application of any operative provision of any such law, Executive order, regulation, or directive when the Director of National Intelligence or the head of the entity, as the case may be, deems such action necessary because of the unique function and mission of any officer or employee, but such waiver may be granted in any case only with the written approval of the Attorney General and only after notification of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that such waiver is to be made and the reasons therefor.

(b) In any case in which the Director of National Intelligence or the head of any entity of the intelligence community waives any law, Executive order, regulation, or directive, under the authority of subsection (a) relating to the filing and public disclosure of financial or other information regarding officers and employees of the United States, any officer or employee on whose behalf such waiver is exercised shall be required to file with the general counsel of the entity concerned the same information such officer or employee would otherwise have had to file, but such information shall not be subject to the Freedom of Information Act or other public disclosure requirements.

RESTRICTIONS ON CONTRACTING

SEC. 139. No entity of the intelligence community may enter into any contract or arrangement for the provision of goods or services with any private company or institution in the United States unless the entity sponsorship is known to appropriate officials of the company or institution. In the case of any company or institution other than an academic institution, entity sponsorship may be concealed if it is determined, pursuant to procedures approved by the Attorney General, that such concealment is necessary to maintain essential cover or proprietary arrangements for intelligence purposes authorized by this Act.

PART E—COUNTERINTELLIGENCE AND COUNTERTERRORISM ACTIVITIES; COMMUNICATIONS SECURITY

RESTRICTIONS AND REQUIREMENTS REGARDING COUNTERINTELLIGENCE AND COUNTERTERRORISM ACTIVITIES

SEC. 141. (a) It shall be the function of the National Security Council to advise and assist the President in the formulation of policy with respect to the counterintelligence and counterterrorism activities of the United States, to insure unified direction of such activities, and to insure that the counterintelligence and counterterrorism activities of the United States serve to protect the national security of the United States and are conducted in conformity with the Constitution and laws of the United States and in a manner that does not violate any right guaranteed or protected by the Constitution or laws of the United States. For the purposes of this subsection and subsection (b) the National Security Council shall include the Attorney General, the Director of National Intelligence, the Director of the Federal Bureau of Investigation, one employee of the Central Intelligence Agency designated by the Director, and such other members as the President may designate.

(b) It shall also be the function of the National Security Council, with respect to counterintelligence and counterterrorism, to—

(1) establish objectives and priorities for the counterintelligence and counterterrorism activities of the United States;

(2) monitor the coordination of the counterintelligence and counterterrorism activities of the United States;

(3) adjudicate disagreements among the entities of the intelligence community on matters relating to the counterintelligence and counterterrorism activities of the United States;

(4) prepare and submit to the President and to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate an annual assessment of the threat to which the United States and its interests may be subject as a consequence of the activities of intelligence and security services of foreign powers and international terrorist groups and an annual assessment of the effectiveness of the United States counterintelligence and counterterrorism activities against this threat; and

(5) review and assess the impact of the nonintelligence activities of the United States on the threat described in clause (4).

(c)(1) It shall also be the function of the National Security Council to review, in accordance with this subsection, each proposed counterintelligence and counterterrorism activity of the United States of a type specified by the President for review under this subsection. Each such proposed activity shall be considered by the National Security Council at a formal meeting at which the following officers, or in exceptional circumstances when such officers were unavailable, their designated representatives were present: the Secretary of State, the Secretary of Defense, the Attorney General, and the Director. No decision or recommendation may be made to the President by the National Security Council under this section regarding any such proposed activity unless such activity was so considered. As used in this subsection, the term "National Security Council" includes any subcommittee of such council if constituted as provided in the preceding sentence.

(2) The President shall establish standards and procedures by which counterintelligence and counterterrorism activities of the United States shall be reviewed and approved. Such standards and procedures shall provide criteria by which to identify counterintelligence and counterterrorism activities whose importance or sensitivity requires review by the National Security Council and notification to the President of such review prior to initiation, and counterintelligence and counterterrorism activities whose exceptional importance or sensitivity requires, in addition to National Security Council review, the President's personal approval prior to initiation.

(3) Any standard or procedure established pursuant to paragraph (2), any regulation promulgated to implement any such standard or procedure, and any amendment to any such standard, procedure, or regulation shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate at least 60 days prior to the date on which such standard, procedure, regulation, or amendment shall become effective.

(4) Whenever the National Security Council or the President reviews any counterintelligence or counterterrorism activity, careful and systematic consideration shall be given to all appropriate factors, including, but not limited to, the legal implications of the proposed activity under the Constitution and laws of the United States and under the treaties and other international agreements to which the United States is a party and the steps to be taken to safeguard rights protected by the Constitution and laws of the United States.

(5) The National Security Council shall review at least annually each ongoing counterintelligence and counterterrorism activity of the United States which, prior to initiation, required personal approval by the President or review by the National Security Council and notification of the President. Any such activity whose initiation required the President's personal approval may continue after such annual review by the National Security Council only if the President reaffirms in a timely manner the necessity for such activity.

(6) The Attorney General shall, prior to the initiation of any counterintelligence or counterrorism activity which prior to initiation requires personal approval by the President or review by the National Security Council and notification to the President, notify, in consultation with the Director with respect to any such activity conducted abroad, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of the facts and circumstances of such activity. In extraordinary circumstances, any such counterintelligence or counterterrorism activity may be initiated without such prior notification if the President notifies the select committees named in the preceding sentence within 48 hours after the initiation of such activity, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why such delay would have been harmful. This paragraph shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity.

(7) Any significant change in any counterintelligence or counterterrorism activity which, prior to initiation, required personal approval by the President or review by the National Security Council and notification to the President shall require review, approval, and reporting to the select committees of the Congress named in paragraph (6) in the same manner as the activity itself.

(8) Any significant change in the factors considered under paragraph (4) regarding any counterintelligence or counterterrorism activity which prior to initiation required the personal approval of the President or review by the National Security Council and notification to the President shall be reported to the National Security Council and to the select committees of the Congress named in paragraph (6).

(9) The Attorney General shall submit, in consultation with the Director with respect to counterintelligence or counterterrorism activities conducted abroad, a written report semiannually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on all ongoing counterintelligence and counterterrorism activities being carried out by, for, or on behalf of the United States and which, prior to initiation, required personal approval by the President or review by the National Security Council and notification to the President.

COMMUNICATIONS SECURITY

SEC. 142. (a) It shall be the function of the National Security Council to advise and assist the President in the formulation of policy with respect to communications security including the relationship between the communications security and intelligence activities of the United States. For the purposes of this section, the National Security Council shall include the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Secretary of Energy, the Director of National Intelligence, the Director of the National Security Agency, the Director of the Federal Bureau of Investigation, one employee of the Central Intelligence Agency designated by the Director, and such other persons as the President may designate.

(b) It shall also be the function of the National Security Council with respect to communications security to—

(1) establish objectives for the communications security activities of the United States Government;

(2) develop communications security standards for departments and agencies;

(3) provide communications security guidance to the Secretary of Defense in the Secretary's capacity as the executive agent of the United States Government for communications security;

(4) develop communications security policies governing the relationship between departments and agencies and foreign governments and between departments and agencies and international organizations, including policies governing the circumstances and terms and conditions under which departments and agencies may furnish to such foreign governments and organizations information and materials relating to communications security; and

(5) develop policies governing the circumstances and terms and conditions under which departments and agencies may furnish to United States persons information and materials regarding the vulnerability of nongovernmental United States communications to unauthorized interception and exploitation and regarding appropriate means of securing such communications from authorized interception and exploitation.

(c) The National Security Council shall review, at least once every two years, the communications security needs of departments and agencies, the effectiveness of the communications security procedures utilized by departments and agencies, and the vulnerability to interception of the communications of United States persons and organizations.

(d) The National Security Council shall report annually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate regarding the communications security activities of the United States.

PART F—REPORTS ON VIOLATIONS; OVERSIGHT AND ACCOUNTABILITY; CONGRESSIONAL COMMITTEE REPORTS; DISCLOSURE PROVISIONS; ANNUAL REPORT OF THE DIRECTOR

INTELLIGENCE OVERSIGHT BOARD; REPORTING ON VIOLATIONS

SEC. 151. (a) The President shall establish a board to be known as the Intelligence Oversight Board (hereinafter in this section referred to as the "Oversight Board") composed of three members who shall be appointed by the President from outside the Government, by and with the advice and consent of the Senate. No member of the Oversight Board shall have any personal interest in any contractual relationship with any entity of the intelligence community. One member of the Oversight Board shall be designated by the President to serve as chairman.

(b) The Oversight Board is authorized to employ such personnel as may be necessary to assist in carrying out its functions under this title. No person who serves on the staff of the Oversight Board shall have any contractual or employment relationship with any entity of the intelligence community.

(c) The Oversight Board shall, upon request, be given access to all information and materials relevant to the Oversight Board's functions under this title which are in the possession, custody or control of any entity of the intelligence community.

(d) It shall be the function of the Oversight Board to—

(1) promptly forward to the Attorney General any report received concerning any intelligence activity in which a question of legality has been raised or which the Oversight Board believes raises a question of legality;

(2) report in a timely manner to the President, and, as appropriate, to the Attorney General and the Director, any intelligence activity of any entity of the intelligence community which the Board believes raises a serious question of legality;

(3) report in a timely manner to the President and, as appropriate, to the Director, any intelligence activity the Board believes raises a serious question of propriety;

(4) conduct such inquiries into the intelligence activities of any entity of the intelligence community as the Oversight Board deems necessary to carry out the Oversight Board's functions under this title;

(5) review periodically the practices and procedures of the inspectors general and general counsels of the intelligence community designed to discover and report intelligence activities that raise questions of legality or propriety;

(6) review periodically with each entity of the intelligence community that entity's internal rules, regulations, procedures, and directives concerning the legality or propriety of intelligence activities in order to ensure the adequacy of such rules, regulations, procedures, and directives; and

(7) report periodically to the President, and as the Oversight Board deems appropriate, to the Director, the Attorney General, heads of the entities of the intelligence community, and the inspectors general and the general counsels of the entities of the intelligence community on the Oversight Board's findings.

(e) The inspector general and general counsel of each entity of the intelligence community shall—

(1) report, in a timely manner and at least quarterly, to the Oversight Board and the head of such entity any intelligence activity that such inspector general or general counsel believes raises any question of legality or propriety and report, as appropriate, any subsequent findings on such activities to the Oversight Board and the head of such entity;

(2) report promptly to the Oversight Board and the head of such entity actions taken, if any, with respect to the Oversight Board's findings, if any, concerning any intelligence activity that was reported pursuant to paragraph (1);

(3) provide to the Oversight Board any information requested by such board relevant to such board's functions under this title;

(4) formulate practices and procedures for discovering and reporting intelligence activities that raise questions of legality and propriety; and

(5) report to the Oversight Board, the Director, the Attorney General, and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on any occasion on which such inspector general or general counsel is directed by the head of the entity concerned not to report to the Oversight Board on any activity that such inspector general or general counsel believes raises a question of legality or propriety and on any occasion when such inspector general or general counsel is denied access to information or denied authority to investigate a particular matter by the head of the entity concerned.

(f) The Attorney General shall—

(1) report, in a timely manner, to the Oversight Board any intelligence activity that raises any question of legality which had not been previously reported to the Attorney General by the Oversight Board;

(2) report periodically to the President, the Director, the heads of the appropriate entities of the Intelligence Community, and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on any intelligence activity that the Attorney General believes raises a question of legality;

(3) report periodically to the President, the Oversight Board, Director, the heads of the appropriate entities of the intelligence community, and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on decisions made or actions taken in response to reports of intelligence activities;

(4) keep the Oversight Board, the Director, the heads and the inspectors general and general counsels of entities of the intelligence community, and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate informed regarding legal opinions of the Department of Justice affecting the operations of the intelligence community; and

(5) transmit annually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a written report identifying and describing any intelligence activity during the preceding year which the Attorney General believes constituted a violation of any right guaranteed or protected by the Constitution or laws of the United States or which the Attorney General believes constituted a violation of United States law, executive order, Presidential directive or Presidential memorandum, and describing corrective actions that have been taken or are being planned.

(g) The head of each entity of the intelligence community shall—

(1) keep the Director and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate informed of intelligence activities that raise questions of propriety and or findings by that entity's inspector general or general counsel on such activities;

(2) keep the Director and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate informed of actions taken, if any, with respect to findings by the Oversight Board, if any, concerning any intelligence activity that was reported pursuant to subsection (e)(1);

(3) insure that the inspector general and the general counsel of that entity have access to any information necessary to perform their functions under this Act;

(4) provide to the Attorney General, in accordance with applicable law, any information required by the Attorney General to fulfill the Attorney General's responsibilities under this Act; and

(5) provide, immediately, to the Attorney General, the Director, the Oversight Board, and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate an explanation, in writing, of any instance in which the inspector general or general counsel of that entity was denied access to information, instructed not to report to the Oversight Board on a particular activity, or was denied authority to investigate a particular activity.

(h) Notwithstanding any other provision of this section, the head of each entity of the intelligence community and the inspector general and general counsel thereof shall have primary responsibility for insuring the legality and propriety of the activities of that entity.

(i)(1) The head of each entity of the Intelligence Community shall with respect to that entity—

(A) report to the Attorney General, pursuant to section 535 of title 28, United States Code, and the Oversight Board, immediately upon discovery, any evidence of possible violation of Federal law by any officer or employee of that entity;

(B) notify, in a timely manner, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that the Attorney General and the Oversight Board have been notified pursuant to clause (A) of this paragraph; and

(C) report to the Attorney General any evidence of possible violation by any other person of any Federal law specified in guidelines issued by the Attorney General pursuant to section 151(i)(2)(C).

(2) The Attorney General shall—

(A) submit a full report, in a timely manner, to the President, the Oversight Board, the Director, and the head of the entity concerned on any determinations made by the Attorney General with respect to reports of possible violations described in paragraph (1)(A) of this subsection;

(B) submit, with due regard to the investigative and prosecutorial responsibilities of the Attorney General, a full report, in a timely manner, to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on any determinations by the Attorney General, including any determination not to prosecute because of questions relating to the classification of information or material, with respect to possible violations reported pursuant to paragraph (1)(A) of this subsection; and

(C) issue guidelines governing the reporting by officers and employees of entities of the intelligence community of evidence of violations of Federal law by individuals who are not officers or employees of any entity of the intelligence community.

(j)(1) Any officer or employee of an entity of the intelligence community having information on any past, present, or proposed intelligence activity which appears to be in violation of the Constitution or laws of the United States, or of any executive order, Presidential directive, Presidential memorandum, or rule or regulation or policy of such entity, or possessing any evidence of any possible violation of Federal law by any officer or employee of any entity of the intelligence community, shall provide such in-

formation or evidence to the inspector general, general counsel, or head of such entity. If such information or evidence is not initially provided to the general counsel of the entity concerned, the general counsel shall be notified by the head of such entity or by the inspector general of such entity.

(2) The Director shall regularly, but not less often than once each year, notify officers and employees of the intelligence community of (A) their duty to provide any information or evidence described in paragraph (1), (B) the officer or officers to whom such information or evidence should be provided, and (C) the necessity for fully cooperating with the Oversight Board and the Attorney General.

(3)(A) Nothing in this section shall prohibit any employee of any entity of the intelligence community from reporting any information or evidence described in this paragraph directly to the Director, the Attorney General, the Oversight Board, or to the Permanent Select Committee on Intelligence of the House of Repesentatives or the Select Committee on Intelligence of the Senate.

(B) The Attorney General shall take all steps necessary to insure that no employee who, in good faith, communicates information or evidence in such a fashion, or who communicates such information or evidence to a superior shall be subject, on account of the reporting of such information or evidence, to discipline through dismissal, demotion, transfer, suspension, reassignment, reprimand, admonishment, reduction-in-force, or other adverse personnel action, or the threat thereof.

(k) The head of each entity of the intelligence community shall, with respect to that entity, transmit annually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a written report in which the head of the entity shall identify and describe any intelligence activity of the entity during the preceding year which the head of the entity believes constituted a violation of any right guaranteed or protected by the Constitution or laws of the United States or which the head of the entity believes constituted a violation of United States law, Executive order, Presidential directive, or Presidential memorandum, and describing corrective actions that have been taken or are being planned.

OVERSIGHT AND ACCOUNTABILITY

SEC. 152. (a) Consistent with all applicable authorities and duties, including those conferred by the Constitution upon the executive and legislative branches, the heads of each entity of the intelligence community, with respect to the intelligence activities of that entity shall—

(1) keep the Permanent Select Committee on Intelligence of the House of Representative and the Select Committee on Intelligence of the Senate fully and currently informed of all the national intelligence activities and all intelligence activities which are the responsibility of, are engaged in by, or are carried out for or on behalf of, any entity of the intelligence community, including the significant anticipated intelligence activity; but the foregoing provision shall not constitute a condition precedent to the initiation of any such anticipated intelligence activity; and

(2) furnish any information or material in the possession, custody, or control of the Director or the relevant entity of the intelligence community or in the possession, custody, or control of any person paid by the Director or by any such entity whenever requested by the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate.

(b) The head of each entity of the intelligence community shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, at least annually, a report which includes a review of the intelligence activities of the entity.

(c) The Director shall maintain a complete record of all legal authorities, published regulations, and published instructions pertaining to the national intelligence activities of the United States; and the head of each entity of the intelligence community shall maintain a complete record of all legal authorities, published regulations, and published instructions pertaining to the intelligence activities of that entity. An index of each such record shall be maintained in the Office of the Federal Register, National Archives and Records Service, General Services Administration, under security standards approved by the Director

(d) The Director shall maintain a full and complete record regarding the national intelligence activities of the United States; and the head of each entity of the intelligence community shall maintain a full and complete record regarding the intelligence activities of such entity.

(e) The head of each entity of the intelligence community, with respect to the records of that entity of the intelligence community, shall, to the maximum extent practicable and consistent with guidelines established by the Administrator of General Services, provide for the necessary destruction of records at regular periodic intervals. No record regarding the activities of any entity of the intelligence community may be destroyed unless the head of the entity of the intelligence community concerned has given written notification of the proposed destruction, including a description of the records, to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate at least sixty days prior to implementation.

(f) The head of each entity of the intelligence community, with respect to the intelligence activities of that entity, shall promptly provide the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a copy of all rules, regulations, procedures, and directives issued to implement the provisions of this Act and notify such committees, in a timely fashion, of any waivers of such rules, regulations, procedures and directives, and the facts and circumstances of each such waiver.

CONGRESSIONAL COMMITTEE REPORTS; DISCLOSURE PROVISIONS

SEC. 153. (a) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate (hereinafter in this section referred to as the "permanent select committee" and the "select committee," respectively) shall report, at least annually, to their respective Houses on the nature and extent of the intelligence activities of the United States. Each committee shall promptly call to the attention of its respective House, or to any appropriate committee or committees of its respective House, any matter relating to intelligence activities which requires or should have the attenion of such House or such committee or committees. In making such reports, the permanent select committee and the select committee shall do so in a manner consistent with the protection of the national security interests of the United States. To the extent possible, consistent with the protection of the national security interest of the United States, such reports shall be made available to the public.

(b) No information or material provided to the permanent select committee or the Select Committee relating to the lawful intelligence activities of any department or agency that has been classified under established security procedures or that was submitted by the executive branch with the request that such information or material be kept confidential shall be made public by the permanent select committee or the select committee or any member thereof, except in accordance with the provisions of House Resolution 658 of the Ninety-fifth Congress in the case of the permanent select committee and its members, or in accordance with the provisions of Senate Resolution 400 of the Ninety-fourth Congress in the case of the select committee and its members.

(c)(1) The permanent select committee shall, under such regulations as that committee shall prescribe, make any information described in subsection (a) or (b) available to any other committee or any other Member of the House. Whenever the permanent select committee makes such information available, that committee shall keep a written record showing which committee or which Members of the House received such information. No Member of the House who, and no committee which, receives such information under this paragraph shall disclose such information except in accordance with the provisions of House Resolution 658 of the Ninety-fifth Congress.

(2) The select committee may, under such regulation as that committee shall prescribe to protect the confidentiality of such information, make any information described in subsection (a) or (b) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this paragraph, shall disclose such information except in accordance with the provisions of Senate Resolution 400 of the Ninety-Fourth Congress.

(d) The provisions of subsections (a), (b), and (c) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they shall be considered as part of the rules of each House, respectively, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (as far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

ANNUAL REPORT OF THE DIRECTOR

SEC. 154. The Director shall make available to the public an unclassified annual report on the national intelligence, counterintelligence, and counterterrorism activities conducted by entities of the intelligence community. Nothing in this subsection shall be construed as requiring the public disclosure, in any such report made available to the public, of the names of individuals engaged in such activities for the United States or the divulging of classified information which requires protection from disclosure by law.

TITLE II—INTELLIGENCE ACTIVITIES AND CONSTITUTIONAL RIGHTS

PART A—GENERAL PROVISIONS: RESPONSIBILITIES OF THE ATTORNEY GENERAL

SHORT TITLE

SEC. 201. This title may be cited as the "Intelligence Activities and Constitutional Rights Act of 1978".

STATEMENT OF FINDINGS

SEC. 202. The Congress hereby finds that—

(1) properly limited and controlled intelligence activities conducted within the United States or directed against United States persons abroad are necessary to protect against espionage and other clandestine intelligence activities harmful to the security of the United States, to protect against sabotage, international terrorist activities, and assassinations, and to collect information concerning foreign powers, organizations, or persons which is essential to the information and conduct of the foreign policy and to the protection of the national security of the United States;

(2) illegal or improper intelligence activities have undermined due process of law, inhibited the exercise of freedom of speech, press, assembly, and association, invaded the privacy of individuals, and impaired the integrity of free institutions; and

(3) legislation is needed to allocate clearly the responsibility for directing and supervising all intelligence activities conducted within the United States or against United States persons abroad, to establish standards and procedures for the conduct of such activities, to prohibit certain activities, and to establish adequate legal safeguards to ensure adherence to such standards and procedures.

STATEMENT OF PURPOSES

SEC. 203. It is the purpose of this Act—

(1) to provide statutory authorization for intelligence activities which are directed against United States persons or performed within the United States and which are necessary for the formulation and conduct of the foreign affairs and the protection of the national security of the United States;

(2) to establish comprehensive statutory standards and procedures for the conduct of the intelligence activities of the United States in order to protect individuals against violations and infringements of their constitutional rights;

(3) to provide fair and effective remedies and sanctions whenever any person's rights under the Constitution or laws of the United States are infringed or violated by intelligence activities of the United States; and

(4) to delineate the role of the Attorney General in ensuring that intelligence activities of the United States are conducted in conformity with the Constitution and laws of the United States.

DEFINITIONS

SEC. 204. (a) Except as otherwise provided in this section, the definitions in title I of this Act shall apply to this title.

(b) As used in this title:

(1) The term "clandestine intelligence activity" means any intelligence activity on behalf of a foreign power which is planned and executed in a manner intended to conceal the nature or fact of such activity or the role of such foreign power, and any activity carried out in support of such activity.

(2) The term "confidential records" means any documentary information or material which is not generally available to a private person.

(3) The term "covert human source" means any person acting on behalf of any entity of the intelligence community who is directed to collect specific information or material for such entity in a manner intended to conceal the nature or the fact of such collection, including any person who voluntarily agrees to perform such activity without compensation.

(4) The term "electronic surveillance within the United States" shall have the same meaning as in title III of this Act.

(5) The term "foreign electronic or signals intelligence activities" shall have the same meaning as in title III of this Act.

(6) The term "foreign organization" means—

(A) any unincorporated association organized outside the United States and not substantially composed of United States citizens or aliens lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act); or

(B) any corporation incorporated outside the United States.

(7) The term "foreign person" means any foreign power, any foreign organization, or any individual who is not a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act).

(8) The term "foreign power" means—

(A) any government of a foreign country, including any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and including any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated;

(B) any faction or body of insurgents within a country presuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States;

(C) any foreign political party including any organization or any other combination of individuals in a country other than the United States, or any unit or branch thereof, having for an aim or purpose, or engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof, but not including any United States organization; or

(D) any corporation incorporated in the United States which is directed and controlled by any government of a foreign country.

(9) The term "mail cover" means any systematic and deliberate inspection of the exterior of mail to or from a particular person without such person's consent before such mail is delivered to the person to whom it is addressed.

(10) The term "national agency check" means a record check of the Federal Bureau of Investigation fingerprint and investigative files, the Civil Service Commission security/investigations index, the Department of Defense central investigative index, the central files of the Central Intelligence Agency, or the central files of the Department of State, and, when there is a reasonable likelihood that relevant biographic information will be found in such files, the central files of any other Federal agency.

(11) The term "physical surveillance" means (A) any systematic and deliberate observation of a person without that person's consent by any means on a continuing basis, or (B) unconsented acquisition of a nonpublic communication by a person not a party thereto or visibly present thereat through any means not involving electronic surveillance within the United States or foreign electronic or signals intelligence activities. Such term does not include overhead reconnaissance not directed at specific United States persons.

(12) The term "United States", when used to describe a geographic location, means the several States, the Virgin Islands, the Commonwealth of Puerto Rico and the possessions and territories of the United States.

(13) The term "United States organization" means any unincorporated association or corporation which is a United States person.

RESPONSIBILITIES OF THE ATTORNEY GENERAL

SEC. 205. (a) It shall be the duty of the Attorney General to participate, as appropriate, in the National Security Council, and with the Director of National Intelligence, the Intelligence Oversight Board, and the heads of the entities of the Intelligence Community, in ensuring that all intelligence activities of the United States are conducted in conformity with the Constitution and laws of the United States and do not abridge any right protected by the Constitution or laws of the United States. In discharging this duty the Attorney General shall—

(1) have responsibility for the approval of all regulations or procedures proposed by the Director of National Intelligence or by the head of any entity of the intelligence community to implement any provision of this title;

(2) evaluate on a continuing basis all statutes, Executive orders, Presidential directives and memoranda, and all regulations and procedures, relating to intelligence activities to determine whether they adequately protect the rights of United States persons under the Constitution and laws of the United States, and the legal rights of any other persons who are in the United States, and make such recommendations for changes therein as the Attorney General may deem necessary to achieve such purposes;

(3) supervise the intelligence activities of the Federal Bureau of Investigation authorized in title V of this Act;

(4) review or approve intelligence activities when required to do so by this Act;

(5) Submit a written report annually to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on those intelligence activities which under this title require the approval or review of the Attorney General or his designee.

(b)(1) To assist the Attorney General in the discharge of his responsibilities under this title, the Attorney General shall designate—

(A) an official or officials from among the Deputy Attorney General, the Associate Attorney General, and Assistant Attorneys General who shall perform any duty assigned to the Attorney General's designee under this Act; and

(B) an internal inspection officer who shall have, to the extent determined by the Attorney General, the same responsibility and authority with respect to the intelligence activities of the Department of Justice as the inspector general of each entity of the intelligence community has under section 151 of this Act with respect to the intelligence activities of that entity.

(2) The Attorney General, on or before the effective date of this Act, shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate which of the officials specified in paragraph (b)(1)(A) of this section shall perform the duties assigned to the Attorney General's designee under this Act. If any such duties are subsequently assigned or transferred to any person who on the effective date of this Act had already been appointed to such office by the President, by and with the advice and consent of the Senate, the Attorney General shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of such assignment or transferral. Any such duties shall be assigned or transferred to any person who on the effective date of this Act had not yet been appointed to such office only if the Attorney General designate such person to exercise

such duties prior to such person's appointment to such office by the President, by and with the advice and consent of the Senate.

PART B—AUTHORITY TO COLLECT INFORMATION CONCERNING UNITED STATES PERSONS, AND FOREIGN PERSONS WITHIN THE UNITED STATES

Subpart 1—Principles and Procedures Governing Collection of Information Concerning United States Persons, and Foreign Persons Within the United States

GENERAL PRINCIPLES

SEC. 211. (a) No information concerning any United States person, or any foreign person within the United States, may be collected for any foreign intelligence, counterintelligence, or counterterrorism purpose except in accordance with this part.

(b) Information concerning any United States person, or any foreign person within the United States, may be collected by any entity of the intelligence community with the consent of that person. The consent of any such person shall be requested whenever making such a request would not frustrate the lawful purposes of the collection.

(c) Publicly available information concerning any United States person, or any foreign person within the United States, may be collected by any entity of the intelligence community when such information is relevant to an authorized function of that entity.

(d) All collection of information concerning United States persons, or foreign persons within the United States, shall be conducted by the least intrusive means possible. Whenever the information sought can reasonably be obtained from publicly available information, it shall be so obtained. Whenever there is a choice between two or more techniques of collection, each of which can reasonably be expected to obtain the information sought, the technique which is least intrusive shall be used.

IMPLEMENTING PROCEDURES AND REGULATIONS

SEC. 212. The head of each entity of the intelligence community shall, subject to the approval of the Attorney General, promulgate procedures and regulations—

(1) designating those officials of that entity who are empowered to—

(A) authorize the initiation, renewal, or extension of collection of information under this part; and

(B) authorize the use of particular techniques of collection;

(2) ensuring that the least intrusive techniques necessary to collect information concerning United States persons, or foreign persons within the United States, are used;

(3) providing guidance with respect to the circumstances in which the initiation or continuation of collection of information under the authority of this part would be justified and in which the use of a particular technique would be appropriate;

(4) prescribing requirements for the maintenance of written records, in accordance with section 152 of this Act, on the use of particular techniques; and

(5) prescribing any other requirements necessary to protect constitutional rights and to limit the use of information collected under this part to lawful governmental purposes.

Subpart 2—Authority To Collect Intelligence Concerning United States Persons

AUTHORITY TO COLLECT COUNTERINTELLIGENCE AND COUNTERTERRORISM INTELLIGENCE CONCERNING UNITED STATES PERSONS

SEC. 113. Counterintelligence or counterterrorism intelligence may be collected concerning any United States person who—

(1) is reasonably believed to be engaged in espionage or any other clandestine intelligence activity which involves or may involve a violation of the criminal laws of the United States, sabotage, any international terrorist activity, or any assassination, to be aiding and abetting any person in the conduct of any such activity, or to be conspiring with any person engaged in any such activity;

(2) is reasonably believed to be engaged in any clandestine intelligence activity outside the United States; or

(3) resides outside the United States and is acting in an official capacity for any foreign power or organization which is reasonably believed to be engaged in espionage or any other clandestine intelligence activity, sabotage, any international terrorist activity, or any assassination.

AUTHORITY TO COLLECT FOREIGN INTELLIGENCE CONCERNING UNITED STATES PERSONS

SEC. 214. Foreign intelligence may be collected concerning any United States person when a properly designated official of an entity of the intelligence community determines that the foreign intelligence would be significant foreign intelligence, and when such person—

(1) is reasonably believed to be engaged in espionage or any other clandestine intelligence activity which involves or may involve a violation of the criminal laws of the United States, sabotage, any international terrorist activity, or any assassination, to be aiding and abetting any person in the conduct of any such activity, or to be conspiring with any person engaged in any such activity;

(2) is reasonably believed to be engaged in any clandestine intelligence activity outside the United States;

(3) resides outside the United States and is acting in an official capacity for a foreign power and the information sought concerns such person's official duties or activities; or

(4) is a fugitive from United States justice abroad, reasonably believed to have relationships with foreign governments or organizations which would constitute significant foreign intelligence.

ATTORNEY GENERAL APPROVAL OF COLLECTION UTILIZING CERTAIN TECHNIQUES

SEC. 215. The following techniques may be used to collect intelligence concerning a United States person under this subpart, but only under exigent circumstances or when the Attorney General or his designee, or, in the case of counterintelligence or counterterrorism collection concerning a member of the Armed Forces, the appropriate service Secretary, has made a written finding that in the collection of information concerning such person the use of such techniques is necessary and reasonable—

(1) examination of the confidential tax records of any Federal, State, or local agency in accordance with any applicable law;

(2) physical surveillance for purposes other than identification;

(3) the direction of covert human sources to collect information;

(4) mail covers in accordance with applicable law of the United States;

(5) requests for information, for purposes other than identification, pertaining to employment, education, medical care, insurance, telecommunications services, credit status, or other financial matters from the confidential records of any private institution or any Federal, State, or local agency; and

(6) electronic surveillance within the United States, foreign electronic or signals intelligence activities, physical search, or mail opening in accordance with title III of this Act.

DURATION OF COLLECTION

SEC. 216. (a) Intelligence collection under the authority of this subpart may be initiated only upon the written approval of a properly designated official of an entity of the intelligence community. Such approval shall be valid for not more than ninety days, renewable in writing for one additional ninety-day period.

(b) Intelligence collection under the authority of this subpart may continue beyond the one hundred and eighty days authorized in subsection (a) only if a properly designated official of the entity of the intelligence community conducting such collection makes a written finding that continuation of collection is necessary and reasonable.

(c) The Attorney General or his designee, or, when the subject of the collection is a member of the Armed Forces, the appropriate service Secretary, shall review annually each collection under this subpart which has continued for more than one hundred and eighty days. Any such collection shall terminate after such annual review unless the Attorney General or his designee, or, if appropriate, the service Secretary, makes a written finding that the continuation of collection is necessary and reasonable.

WRITTEN FINDINGS

SEC. 217. Written findings under section 215 or 216 shall be based on the following considerations—

(1) the degree to which continuation of collection or the use of particular techniques of collection would infringe on the rights of the subject of the collection;

(2) the importance of the information sought;

(3) the credibility and specificity of information already obtained indicating that the subject of the collection continues to satisfy the standards for collection under this subpart; and

(4) when the collection is for a counterintelligence or counterterrorism purpose, the likelihood, immediacy, and magnitude of any harm threatened by such activity.

Subpart 3—Authority To Collect Other Information Concerning United States Persons

AUTHORITY TO COLLECT INFORMATION CONCERNING TARGETS OF FOREIGN INTELLIGENCE SERVICES OR INTERNATIONAL TERRORISTS

SEC. 218. (a) Information may be collected for up to 180 days by any entity of the Intelligence Community concerning any United States person—

(1) who is reasonably believed to be the object of a recruitment effort by the intelligence service of a foreign power or by any person or organization engaging in any international terrorist activity; or

(2) who is engaged in activity or possesses information or material which is reasonably believed to be the specific target of any international terrorist activity or the target of any clandestine intelligence collection activity, or who is reasonably believed to be the target of any assassination attempt by any foreign person or by international terrorists, but only to the extent necessary to protect against such terrorist or intelligence activity or assassination attempt.

(b) Any person who is the subject of collection of information under this section shall be advised of any risks to that person posed by the intelligence activities of a foreign power or by international terrorist activities, and such person's consent for collection shall be requested, unless a properly designated official determines that—

(1) informing the person would jeopardize intelligence sources and methods; or

(2) there is reasonable uncertainty as to whether such person may be cooperating with the foreign intelligence service or international terrorists.

AUTHORITY TO COLLECT FOREIGN INTELLIGENCE IN THE POSSESSION OF UNITED STATES PERSONS

SEC. 219. Foreign intelligence in the possession of a United States person may be collected by any entity of the Intelligence

Community without the consent of such person if—

(1) a properly designated official of the collecting entity determines that such intelligence is significant foreign intelligence, not otherwise obtainable;

(2) collection of information concerning the United States person is limited to information essential to understanding or assessing the foreign intelligence; and

(3) collection is limited to interviewing any other person to whom such United States person may have voluntarily disclosed such foreign intelligence.

AUTHORITY TO COLLECT INFORMATION CONCERNING PERSONS IN CONTACT WITH SUSPECTED INTELLIGENCE AGENTS

SEC. 220. Information may be collected for not to exceed 90 days by any entity of the Intelligence Community concerning any United States person who has contact with any person who is reasonably believed to be engaged in espionage or any other clandestine intelligence collection activity, but such information may be collected only to the extent necessary to identify such United States person and to determine whether such person currently has, has had, or will have access to any information, disclosure of which to a foreign power would be harmful to the United States.

AUTHORITY TO COLLECT INFORMATION CONCERNING POTENTIAL SOURCES OF ASSISTANCE

SEC. 221. Information may be collected for up to 90 days by any entity of the Intelligence Community concerning any United States person who is reasonably believed to be a potential source of information or operational assistance, but only to the extent necessary to determine such person's suitability or credibility as such a source. Collection without the person's consent shall be limited to publicly available information, national agency checks, and interviews. The consent of any such person shall be requested unless a properly designated official of the collecting entity makes a written finding that—

(1) there is a serious intention to use such person as a source of information or assistance, and

(2) such a request would jeopardize the activity for which information or assistance is sought.

AUTHORITY TO COLLECT INFORMATION FOR THE PROTECTION OF THE SECURITY OF INSTALLATIONS, PERSONNEL, COMMUNICATIONS, AND SOURCES AND METHODS

SEC. 222. (a) Each entity of the Intelligence Community, in order to determine whether any United States person within, on the grounds of, or in the immediate vicinity of any installation of that entity should, in accordance with any rule or regulation applicable to that installation, be excluded from that installation or from the immediate vicinity of that installation, may conduct physical surveillance of any such person, may request information concerning such person from the records of any federal, state, or local law enforcement agency, and may conduct a national agency check on such person.

(b) Each entity of the Intelligence Community may collect information concerning any Unted States person who is reasonably believed to be engaging in any activity which poses a clear threat to the physical safety of any installation or of any personnel of that entity, but the collection of such information within the United States shall be limited to such information as is necessary to determine whether the matter should be referred to an appropriate law enforcement agency, at which point the collection of such information shall be terminated. In no case shall the collection of such information within the United States go beyond—

(1) physical surveillance within, on the grounds of, or in the immediate vicinity of any installation of such entity;

(2) national agency checks;

(3) requests for information from the records of any federal, state, or local law enforcement agency; and

(4) interviews.

(c) Each entity of the Intelligence Community may collect information concerning any employee or contractor of that entity or any employee of a contractor of that entity to determine whether such entity employee or contractor or contractor employee has violated any rule or regulation of that entity pertaining to the security of that entity's installations, personnel, communications, sources or methods. Such collection may continue beyond 180 days only with the written approval of the head of the entity. The head of each entity may approve in writing the use of the following techniques of collection with respect to any such employee—

(1) examination of the confidential records of any federal, state or local tax agency in accordance with applicable law;

(2) physical surveillance for purposes other than identification;

(3) the direction of covert human sources to collect information;

(4) mail covers in accordance with applicable law of the United States; and

(5) requests for information, for purposes other than identification, pertaining to employment, education, medical care, insurance, telecommunications services, credit status, or other financial matters from the confidential records of any private institution or any federal, state or local agency.

Subpart 4—Authority To Collect Information Concerning Foreign Persons Within the United States

AUTHORITY TO COLLECT INFORMATION CONCERNING FOREIGN PERSONS WITHIN THE UNITED STATES

SEC. 225. Information concerning any foreign person within the United States may be collected for foreign intelligence, counterintelligence, or counterterrorism intelligence purposes if—

(1) such person is an officer or employee of any foreign power or organization;

(2) the circumstances of such person's presence in the United States make it reasonably likely that such person may engage in espionage or any other clandestine intelligence activity;

(3) information concerning such person is determined by the head of the collecting entity of the Intelligence Community to be significant foreign intelligence; or

(4) the collection of information concerning such person would be permitted under this part if such person were a United States person, but any limitation under this part on duration or techniques of collection that would be applicable to collection concerning a United States person shall not apply to collection under this section.

PART C—RETENTION AND DISSEMINATION OF INFORMATION CONCERNING UNITED STATES PERSONS

RETENTION

SEC. 231. (a) Information concerning any United States person which is collected in the course of collection of information for any foreign intelligence, counterintelligence, or counterterrorism purpose, which is not publicly available, and which permits the identification of such person (hereinafter in this part referred to as "private information"), may be retained in the records or files of any department or agency without such person's consent only if—

(1) collection of information concerning such person has been approved in accordance with the provisions of this title and such information is relevant to the approved purposes of collection;

(2) it is reasonably believed that such information may provide a basis for initiating intentional collection of information pursuant to the provisions of this title;

(3) such information concerns a possible threat to the physical safety of any person;

(4) it is reasonably believed that such information may be evidence of a crime;

(5) such information was collected in the course of authorized foreign intelligence, counterintelligence, or counterterrorism intelligence collection and is essential for understanding or assessing such intelligence;

(6) such information constitutes foreign intelligence, counterintelligence, or counterterrorism intelligence and the United States person concerned is the incumbent of any office of the United States Government having significant responsibility for the conduct of United States defense or foreign policy; or

(7) such information was acquired by overhead reconnaissance not directed at any specific United States person.

(b) Publicly available information concerning any United States person may be retained in the records or files of any entity of the Intelligence Community when relevant to a lawful function of that entity.

(c) Notwithstanding any other provision of this part, information collected by means of electronic surveillance within the United States or foreign electronic or signals intelligence activities shall be retained or disseminated only in accordance with the provisions of title III of this Act.

DISSEMINATION

SEC. 232. (a) Private information may be disseminated without the consent of the person which such information identifies only in accordance with this section.

(b) Private information may be disseminated within the entity of the intelligence community collecting such information (hereinafter in this part referred to as the "collecting agency") or within any department or agency subsequently receiving such information only to those persons who require such information for the discharge of authorized governmental responsibilities.

(c) Private information which constitutes foreign intelligence may be disseminated outside the collecting agency if the dissemination is to another department or agency having lawful access to foreign intelligence information and the identity of the United States person is essential to an understanding or assessment of the information's importance.

(d) Private information which constitutes counterintelligence or counterterrorism intelligence may be disseminated outside the collecting agency if—

(1) the dissemination is to another entity of the intelligence community having lawful counterintelligence or counterterrorism responsibilities, as the case may be, and having a direct interest in the particular information; or

(2) the dissemination is to a foreign government, if the information indicates that the United States person concerned may be engaged in international terrorist activities or in clandestine intelligence activities of direct interest to that foreign government, and if such dissemination is clearly in the interests of the United States.

(e) Private information which relates to any criminal activity may be disseminated outside the collecting agency if the United States person concerned is apparently involved in such criminal activity or is or may become the victim of that activity, and if—

(1) dissemination is to any federal, state, or local law enforcement agency having investigative jurisdiction over such criminal activity or responsibility for protecting against such criminal activity; or

(2) dissemination is to a foreign law enforcement agency having investigative juris-

diction over such criminal activity, and such dissemination is determined by the Attorney General or his designee, having due regard to the seriousness of the activity and any legal obligation imposed on the United States by any treaty or other international agreement, to be in the interests of the United States.

(f) Private information relating to the trustworthiness of any United States person who currently has, has had, or is being considered for access to classified information may be disseminated to the department or agency which employs, employed, or intends to employ that person, the department or agency which granted that person a security clearance or access to classified information, or to any department or agency having responsibility to investigate that person's trustworthiness.

(g) Private information relating to the suitability of any United States person as a source of information or assistance for any lawful intelligence purpose may be disseminated to any entity of the Intelligence Community requesting such information, if the request certifies that there is a serious intention to use such person as such a source of information or assistance.

RETENTION AND DISSEMINATION FOR OVERSIGHT PURPOSES

SEC. 233. (a) In the event that private information is collected by a means or in a manner prohibited by this Act, such information may be retained or disseminated only for purposes of oversight, accountability, and redress. Such information, when relevant to any administrative, civil, or criminal proceeding, shall not be destroyed or otherwise disposed of if the collecting agency is on notice of such a proceeding.

(b) This part shall not be construed to limit or otherwise affect in any manner any right of the Congress or any committee, subcommittee, or member thereof to have access to any information.

(c) This part shall not be construed to prevent the retention or dissemination of information about any United States person in a manner which would clearly not permit the identification of the United States person concerned.

PART D—RESTRICTIONS AND LIMITATIONS

PROHIBITION OF POLITICAL SURVEILLANCE

SEC. 241. No intelligence activity may be directed against any United States person solely on the basis of such person's exercise of any right protected by the Constitution or laws of the United States, and no intelligence activity may be designed and conducted so as to limit, disrupt, or interfere with the exercise of any such rights by any United States person.

PROHIBITED DISSEMINATION

SEC. 242. No person acting on behalf of any entity of the Intelligence Community may disseminate anonymously or under a false identity information concerning any United States person without such person's consent unless such dissemination poses no risk to the physical safety of such person, is not for the purpose of discrediting such person because of such person's exercise of rights protected by the Constitution and laws of the United States, and is made—

(1) to a foreign intelligence service when necessary to protect against espionage or any other clandestine intelligence activity;

(2) to persons engaged in sabotage, international terrorist activities, or assassination, when necessary to protect against any such activity; or

(3) to any person when necessary to the maintenance of property authorized cover for an officer, employee, or person acting for or on behalf of an entity of the Intelligence Community.

PARTICIPATION IN ILLEGAL ACTIVITY

SEC. 243. No person acting on behalf of an entity of the Intelligence Community may instigate or commit any violation of the criminal statutes of the United States unless such activity is undertaken pursuant to procedures approved by the Attorney General and—

(1) does not involve acts of violence;

(2) does not involve a violation of any other provision of this Act; and

(3) is necessary to protect against acts of espionage, sabotage, international terrorist activity, or assassination.

RESTRICTIONS ON UNDISCLOSED PARTICIPATION IN UNITED STATES ORGANIZATIONS

SEC. 244. (a) No person may, except in accordance with this section, join or otherwise participate in any United States organization, or any other organization within the United States, on behalf of an entity of the Intelligence Community without disclosing such person's intelligence affiliation to appropriate officials of that organization.

(b) The head of an entity of the Intelligence Community or his designee may, when essential for intelligence activities authorized by this Act, authorize undisclosed participation on behalf of that entity, without disclosing affiliation with that entity, in an organization within the United States which is composed primarily of foreign persons and is acting on behalf of a foreign power.

(c) The head of an entity of the Intelligence Community or his designee may authorize undisclosed participation in a United States organization without disclosing affiliation with that entity when necessary to collect information concerning the organization or its members under part B of this Act. Such participation shall be confined to the collection of information as authorized by that part, and shall be conducted so as not to influence the lawful activities of the organization or its members. Within the United States such participation may be undertaken to collect nonpublicly available information only on behalf of the Federal Bureau of Investigation.

(d) The head of an entity of the Intelligence Community or his designee may authorize undisclosed participation in a United States organization without disclosing affiliation with that entity when such participation is essential for preparing the participant for assignment to an intelligence activity outside the United States. Such participation shall be conducted so as not to influence the lawful activities of the organization or its members.

RESTRICTIONS ON THE PROVISION OF ASSISTANCE TO LAW ENFORCEMENT AUTHORITIES

SEC. 245. (a) Except as otherwise provided in this Act, no entity of the intelligence community other than the entities of the Departments of Justice and Treasury having law enforcement responsibilities may provide services, equipment, personnel or facilities to the Law Enforcement Assistance Administration or to state or local police organizations of the United States, or participate in or fund any law enforcement activity within the United States.

(b) Any entity of the intelligence community may—

(1) cooperate with appropriate law enforcement agencies for the purpose of protecting the personnel and facilities of such entity and conducting background checks on applicants for employment;

(2) participate in law enforcement activities, in accordane with this Act, to protect against espionage or any other unlawful clandestine intelligence activity, sabotage, any international terrorist activity, or any assassination; or

(3) with the prior approval of a designated official of such entity, provide specialized equipment, technical knowledge, or, pursuant to procedures approved by the Attorney General, the assistance of expert personnel for use by any federal law enforcement agency or, when lives are endangered, to support local law enforcement agencies.

(c) The Attorney General or the Attorney General's designee shall be notified in a timely manner of such provision of equipment, knowledge, or personnel, and shall review at least annually all provision of expert personnel to determine whether the proceedures approved by the Attorney General have been followed.

RESTRICTIONS ON THE USE OF HUMAN SUBJECTS FOR EXPERIMENTATION

SEC. 246. No entity of the intelligence community shall sponsor, contract for, or conduct research on any human subject except in accordance with guidelines on research involving human subjects issued by the Secretary of Health, Education, and Welfare. The requirements for informed consent and the documentation relating to such consent shall be the same as provided in such guidelines of the Secretary of Health, Education, and Welfare. The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research shall have jurisdiction to monitor, under appropriate security arrangements, compliance with such guidelines by the various entities of the intelligence community which conduct research on any human subject; and such commission shall advise the Director of National Intelligence and the Secretary of Health, Education, and Welfare on any changes in such guidelines as may be necessary to protect fully the health and safety of such human subjects.

PART F—REMEDIES

Subpart 1—Criminal Sanctions

ILLEGAL PHYSICAL SEARCHES

SEC. 251. (a) Section 2234 of title 18, United States Code, is amended by inserting "or other appropriate court order," immediately after "search warrant".

(b) Section 2235 of title 18, United States Code, is amended by inserting "(a)" before "Whoever" at the beginning of such section and adding a new subsection as follows:

"(b) Whoever maliciously and without complying with the provisions of the Foreign Intelligence Surveillance Act of 1978 procures a court order under that Act for an unconsented physical search, shall be fined not more than $1,000 or imprisoned not more than one year.".

(c) The first paragraph of section 2236 of title 18, United States Code, is amended by—

(1) inserting "or engaged in any intelligence activity (as defined in the National Intelligence Act of 1978)", immediately after "any law of the United States"; and

(2) inserting "or other appropriate court order" immediately after "property without a search warrant".

UNCONSENTED HUMAN EXPERIMENTATION

SEC. 252. (a) Part I of title 18, United States Code, is amended by adding at the end thereof a new chapter as follows:

"Chapter 123—UNCONSENTED HUMAN EXPERIMENTATION

"Sec. 2551. Prohibition against unconsented human experimentation

"Any officer, employee, or agent of the United States who knowingly engages in or authorizes the use of a human subject for experimentation in a manner which results in injury to or seriously jeopardizes the health or safety of such subject without such subject's informed consent shall be fined not more than $10,000 or imprisoned not more than 5 years, or both."

(b) The table of chapters at the beginning of part I of title 18, United States Code, is amended by adding at the end thereof the following:

"123. Unconsented human experimentation.".

Subpart 2—Civil Damages

JOINT AND SEVERAL PERSONAL AND GOVERNMENTAL LIABILITY

SEC. 253. (a) Any person shall have a civil cause of action against any employee or agent of any entity of the intelligence community, and against the United States, jointly and severally, if such person is aggrieved as the direct result of any act or omission committed by such employee or agent, under color of law, in which such employee or agent—

(1) authorizes or engages in any of the following activities without a court order where a court order is required by law or the Constitution—

(A) electronic surveillance within the United States;

(B) foreign electronic or signals intelligence activity;

(C) physical search; or

(D) mail opening;

(2) authorizes or engages in any intelligence activity and such activity was engaged in for the purpose of limiting, disrupting, or interfering with the exercise of any right of such person protected by the Constitution or laws of the United States; or

(3) sponsors, contracts, or conducts research on such person except in accordance with this title.

(b) Except as provided in subsections (c) and (d), civil damages shall be assessed against any employee or agent found liable under subsection (a) and against the United States, jointly and severally, as follows:

(1) actual and general damages, but in no event less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is higher;

(2) punitive damages; and

(3) reasonable attorney's fees and court costs.

(c) The provisions of this section shall not apply to any cause of action arising from the interception or disclosure of a wire or oral communication in violation of chapter 119, chapter 120, or chapter 121 of title 18, United States Code.

(d) (1) Proof that any act or omission committed by any employee or agent of any entity of the intelligence community giving rise to any civil action under this subpart was committed in good faith by such employee or agent shall constitute a complete defense to such action.

(2) A good faith reliance by an employee or agent of any entity of the intelligence community on—

(A) a written order or directive issued by an officer or employee of the United States having apparent authority to authorize the action in question; or

(B) a written assurance by any person employed as a legal counsel or legal advisor in any entity of the intelligence community stating that the action in question is legal,

shall constitute conclusive proof of good faith under paragraph (1) on the part of such employee or agent.

(3) Notwithstanding the existence of a good faith defense under paragraph (1), the United States shall, if such employee or agent was acting under color of law, be liable for any damages actually sustained by any person who has a cause of action under this section.

SOLE GOVERNMENTAL LIABILITY

SEC. 254. Any person shall have a civil cause of action against the United States if such person is aggrieved as a direct result of any act or omission by any employee or agent of any entity of the intelligence community that—

(1) violates any provision of this Act;

(2) is committed under color of law; and

(3) violates any right of the aggrieved person protected by the Constitution.

JURISDICTION

SEC. 255. The district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Claims, for all civil actions for money damages brought under section 253 or 254.

STATUTE OF LIMITATIONS

SEC. 256. No civil action may be brought under section 253 or 254 unless filed within two years after the date on which the aggrieved person discovered or reasonably should have discovered the facts giving rise to a cause of action under such section.

EXCLUSIVE REMEDY

SEC. 257. The remedies provided under sections 253 and 254 shall be the exclusive remedies for money damages under the laws of the United States, but shall not exclude any other remedy or relief (except for money damages) under law.

DEFENDANT'S FEES AND COSTS

SEC. 258. (a) The Attorney General, upon recommendation of the head of the appropriate entity of the intelligence community, may pay reasonable attorney's fees and other litigation costs reasonably incurred by any employee or agent of such entity against whom a civil action is brought under section 253.

(b) The court may award any employee or agent of the United States not found liable under section 253 reasonable attorney's fees and other litigation costs reasonably incurred if such costs are not paid under subsection (a). Fees and costs so awarded shall be paid by the United States.

ADMINISTRATIVE ADJUSTMENT OF CLAIMS

SEC. 259. (a) The first paragraph of section 2672 of title 28, United States Code, is amended by striking out the colon before the proviso and inserting in lieu thereof a comma and the following: "or any claim for money damages against the United States for any injury or loss arising under any provision of the Intelligence Activities and Constitutional Rights Act of 1978 committed by any employee or agent of any entity of the intelligence community (as defined in the National Intelligence Act of 1978), but the amount of damages may not exceed an amount that could be awarded under section 253 or 254 of the Intelligence Activities and Constitutional Rights Act of 1978, as determined by the head of the entity concerned with the approval of an official of the Department of Justice designated by the Attorney General:".

(b) The first sentence of section 2675(a) of title 28, United States Code, is amended by striking out the comma after "employment" and inserting in lieu thereof "or upon a claim against the United States for money damages arising out of any provision of the Intelligence Activities and Constitutional Rights Act of 1978 committed by any employee or agent of any entity of the Intelligence Community (as defined in the National Intelligence Act of 1978),".

Subpart 3—Administrative Sanctions

DISCIPLINARY ACTION

SEC. 260. (a) The head of each entity of the intelligence community shall be empowered to take disciplinary action against any officer or employee of that entity for any action or omission that violates the provisions of this Act or any regulation issued thereunder. Notwithstanding any other provision of law, such action may include—

(1) suspension from employment without pay for a period not to exceed 180 days;

(2) reduction of salary or grade or both;

(3) dismissal from employment; or

(4) a combination of (1) and (2).

(b) Before any disciplinary action is taken under this section, the officer or employee shall have the opportunity to present evidence and to cross examine accusers and witnesses offering evidence against such officer or employee.

(c) Any disciplinary action taken by the head of the entity concerned shall be conclusive with respect to both law and fact.

(d) Nothing contained in this section shall be construed to effect or limit the authority of the head of any entity of the intelligence community to terminate the employment of any officer or employee of such entity under any other provision of law.

FURTHER ADMINISTRATIVE AND DISCIPLINARY ACTION

SEC. 261. In any case in which an employee or agent of any entity of the intelligence community is found guilty or liable under section 251 or 253, committed any act or omission which resulted in government liability under section 254, or committed any act or omission which resulted in an award, compromise, or settlement by the United States under section 2672 of title 28, United States Code, the Attorney General shall refer the matter to the head of the appropriate entity of the intelligence communiy for such further administrative investigation and disciplinary action as may be appropriate.

PART F—PRIVILEGED COMMUNICATIONS; RULEMAKING

PROTECTION OF PRIVILEGED COMMUNICATIONS

SEC. 271. No otherwise privileged communication shall lose its privileged character as a consequence of this Act; and the Attorney General shall promulgate regulations to protect privileged communications against intelligence activities of the United States.

ADMINISTRATIVE RULEMAKING

SEC. 272. The Director of National Intelligence and the head of each entity of the intelligence community shall, in consultation with and subject to the approval of the Attorney General, promulgate regulations necessary to carry out the provisions of this title. No such regulation, or amendment thereto, shall become effective until sixty days after the date on which such regulation or amendment, as the case may be, has been submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

TITLE III—FOREIGN INTELLIGENCE SURVEILLANCE

SHORT TITLE

SEC. 301. This title may be cited as the "Foreign Intelligence Surveillance Act of 1978".

STATEMENT OF PURPOSE

SEC. 302. It is the purpose of this title to authorize applications for a court order approving the use of electronic surveillance within the United States to obtain foreign intelligence information and to regulate foreign electronic and signals intelligence activities, unconsented physical searches, and unconsented mail opening.

PART A—ELECTRONIC SURVEILLANCE WITHIN THE UNITED STATES

AMENDMENTS TO TITLE 18, UNITED STATES CODE

SEC. 311. Title 18, United States Code, is amended by adding a new chapter after chapter 119 as follows:

"Chapter 120.—ELECTRONIC SURVEILLANCE WITHIN THE UNITED STATES FOR FOREIGN INTELLIGENCE PURPOSES

"Sec.

"2521. Definitions.

"2522. Authorization for electronic surveillance within the United States for foreign intelligence purposes.

"2523. Special courts.
"2524. Application for an order.
"2525. Issuance of an order.
"2526. Use of information.
"2527. Report of electronic surveillance.
"2528. Congressional oversight."

"SEC. 2521. DEFINITIONS

"(a) Except as otherwise provided in this section the definitions of section 2510 of this title shall apply to this chapter.

"(b) As used in this chapter—

"(1) 'Foreign power' means—

"(A) a foreign government or any component thereof, whether or not recognized by the United States;

"(B) a faction of a foreign nation or nations, not substantially composed of United States persons;

"(C) an entity, which is openly acknowledged by a foreign government or governments to be directed and controlled by such foreign government or governments;

"(D) a foreign-based terrorist group;

"(E) a foreign-based political organization, not substantially composed of United States persons.

"(2) 'Agent of a foreign power' means—

"(A) any person, other than a United States person, who—

"(i) openly acts in the United States in the capacity of an officer or employee of a foreign power; or

"(ii) is a national of a foreign nation which engages in clandestine intelligence activities in the United States, and the circumstances of such person's presence in the United States make it likely that such person is or may be engaged in such activities in the United States;

"(B) any person who—

"(i) knowingly engages in clandestine intelligence gathering activities for or on behalf of a foreign power, which activities involve or may involve a violation of the criminal statutes of the United States;

"(ii) pursuant to the direction of an intelligence service or network of a foreign power, knowingly engages in any other clandestine intelligence activities for or on behalf of such foreign power, which activities involve or are about to involve a violation of the criminal statutes of the United States;

"(iii) is or may be knowingly engaged in sabotage or terrorism, or activities in furtherance thereof, for or on behalf of a foreign power; or

"(iv) knowingly aids or abets any person in the conduct of activities described in subparagraph (B)(i)–(iii) above or conspires with any person knowing that such person is engaged in activities in subparagraph (B)(i)–(iii) above.

"(3) 'Terrorism' means activities which—

"(A) are violent acts or acts dangerous to human life which would be criminal under the laws of the United States or of any State if committed within its jurisdiction; and

"(B) appear to be intended—

"(i) to intimidate or coerce the civilian population,

"(ii) to influence the policy of a government by intimidation or coercing, or

"(iii) to affect the conduct of a government by assassination or kidnapping.

"(4) 'Sabotage' means activities which would be prohibited by title 18, United States Code, chapter 105, if committed against the United States.

"(5) 'Foreign intelligence information' means—

"(A) information which relates to, and if concerning a United States person is necessary to, the ability of the United States to protect itself against actual or potential attack or other grave hostile acts of a foreign power;

"(B) information with respect to a foreign power or foreign territory which is important to, and if concerning a United States person is essential to,—

"(i) the national defense or the security of the Nation; or

"(ii) the conduct of the foreign affairs of the United States;

"(C) information which relates to, and if concerning a United States person is necessary to, the ability of the United States to protect against terrorism by a foreign power or an agent of a foreign power;

"(D) information which relates to, and if concerning a United States person is necessary to, the ability of the United States to protect against sabotage by a foreign power or an agent of a foreign power; or

"(E) information which relates to, and if concerning a United States person is necessary to, the ability of the United States to protect against the clandestine intelligence activities of an intelligence service or network of a foreign power or an agent of a foreign power.

"(6) 'Electronic surveillance within the United States' means—

"(A) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the United States, where the contents are acquired by intentionally targeting that United States person, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes;

"(B) the acquisition by an electronic, mechanical, or other surveillance device, of the contents of any wire communication to or from a person in the United States, without the consent of any party thereto, which such acquisition occurs in the United States while the communication is being transmitted by wire;

"(C) the intentional acquisition, by an electronic, mechanical, or other surveillance device, of the contents of any radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and where both the sender and all intended recipents are located within the United States; or

"(D) the installation or use of an electronic, mechanical, or other surveillance device in the United States for monitoring to acquire information, other than from a wire or radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes.

"(7) 'Attorney General' means the Attorney General of the United States (or Acting Attorney General) or the Deputy Attorney General.

"(8) 'Minimization procedures' means procedures which are reasonably designed to minimize the acquisition, retention, and prohibit the dissemination, except as provided for in subsections 2526 (a) and (b), of any information concerning United States persons without their consent that does not relate to the ability of the United States—

"(A) to protect itself against actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

"(B) to provide for the national defense or security of the Nation;

"(C) to provide for the conduct of the foreign affairs of the United States;

"(D) to protect against terrorism by a foreign power or an agent of a foreign power;

"(E) to protect against sabotage by a foreign power or an agent of a foreign power; or

"(F) to protect against the clandestine intelligence activities of an intelligence service or network of a foreign power of an agent of a foreign power;

and which are reasonably designed to ensure that information which relates solely to the national defense or security of the Nation or the conduct of foreign affairs shall not be maintained in such a manner as to permit the retrieval of such information by reference to a United States person, without his consent, who was a party to a communication acquired pursuant to this chapter and shall not be disseminated unless it relates significantly to the national defense or security of the Nation or the conduct of foreign affairs; and if the target of the electronic surveillance within the United States is a foreign power which qualifies as such solely on the basis that it is an entity controlled and directed by a foreign government or governments, and unless there is probable cause to believe that a substantial number of the officers or executives of such entity are officers or employees of a foreign government, or agents of a foreign power as defined in section 2521(b)(2)(B), procedures which are reasonably designed to prevent the acquisition, retention, and dissemination of communications of unconsenting United States persons who are not officers or executives of such entity responsible for those areas of its activities which involve foreign intelligence information.

"(9) 'United States person' means a citizen of the United States, an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act), an unincorporated association a substantial number of members of which are citizens of the United States or aliens lawfully admitted for permanent residence or a corporation which is incorporated in the United States, but not including corporations which are foreign powers.

"(10) 'United States' when used in a geographic sense means all areas under the territorial sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

"SEC. 2522. AUTHORIZATION FOR ELECTRONIC SURVEILLANCE WITHIN THE UNITED STATES FOR FOREIGN INTELLIGENCE PURPOSES

"Applications for a court order under this chapter are authorized if the President has, by written authorization, empowered the Attorney General to approve applications to Federal judges having jurisdiction under section 2523 of this chapter, and a judge to whom an application is made may grant an order, in conformity with section 2525 of this chapter, approving electronic surveillance within the United States of a foreign power or an agent of a foreign power for the purpose of obtaining foreign intelligence information.

"SEC. 2523. SPECIAL COURTS

"(a) There is established a Special Court of the United States with jurisdiction to carry out the judicial duties of this chapter and such other judicial duties as may be assigned to it by law. The Chief Justice of the United States shall, in consultation with the chief judges of the judicial circuits, publicly designate at least one judge from each of the judicial circuits who shall be members of the Special Court and one of whom the Chief Justice shall publicly designate the Chief Judge. The Special Court shall continuously sit in the District of Columbia.

"(b) There is established a Special Court of Appeals with jurisdiction to hear appeals from decisions of the Special Court. The Chief Justice shall publicly designate six judges, one of whom shall be publicly designated the Chief Judge, from among the district courts of the District of Columbia, the Eastern District of Virginia, or the District of Maryland or the United States Court of Appeals for the District of Columbia, any three of whom shall constitute a panel for purposes of reviewing appeals from the Special Court.

"(c) The judges of the Special Court and

the Special Court of Appeals shall be designated for six-year terms, except that the Chief Justice shall stagger the terms of the members originally chosen. No judge may serve more than two full terms.

"(d) The Chief Judges of the Special Court and the Special Court of Appeals shall, in consultation with the Attorney General and the Director of National Intelligence, establish such document, physical, personnel, or communications security measures as are necessary to protect information submitted to or produced by the Special Court or the Special Court of Appeals from unauthorized disclosure.

"(e) Proceedings under this chapter shall be conducted as expeditiously as possible.

"(f) If any application to the Special Court is denied, the reasons for that denial shall, upon the motion of the party to whom the application was denied, be transmitted under seal to the Special Court of Appeals.

"SEC. 2524. Application for an order

"(a) Each application for an order approving electronic surveillance with the United States under this chapter shall be made by a Federal officer in writing upon oath or affirmation to a judge having jurisdiction under section 2523 of this chapter. Each application shall require the approval of the Attorney General based up his finding that it satisfies the criteria and requirements of such application as set forth in this chapter. It shall include the following information—

"(1) the identity of the Federal officer making the application;

"(2) the authority conferred on the Attorney General by the President of the United States and the approval of the Attorney General to make the application;

"(3) the identity or a description of the target of the electronic surveillance;

"(4) a statement of the facts and circumstances relied upon by the applicant to justify his belief that—

"(A) the target of the electronic surveillance is a foreign power or an agent of a foreign power; and

"(B) the facilities or the place at which the electronic surveillance is directed are being used, or are about to be used, by a foreign power or an agent of a foreign power;

"(5) a statement of the proposed minimization procedures;

"(6) when the target of the surveillance is not a foreign power as defined in section 2521(b)(1) (A), (B) or (C), a detailed description of the nature of the information sought;

"(7) a certification or certifications by the Assistant to the President for National Security Affairs or an executive branch official or officials designated by the President from among those executive officers employed in the area of national security or defense and appointed by the President with the advice and consent of the Senate—

"(A) that the information sought is foreign intelligence information;

"(B) that the purpose of the surveillance is to obtain foreign intelligence information;

"(C) that such information cannot reasonably be obtained by normal investigative techniques;

"(D) including a designation of the type of foreign intelligence information being sought according to the categories described in section 2521(b)(5);

"(E) when the target of the surveillance is not a foreign power, as defined in section 2521 (b)(1)(A), (B), or (C), including a statement of the basis for the certification that—

"(i) the information sought is the type of foreign intelligence information designated; and

"(ii) such information cannot reasonably be obtained by normal investigative techniques;

"(F) when the target of the surveillance is a foreign power, as defined in section 2521 (b)(1)(A), (B), or (C), stating the period of time for which the surveillance is required to be maintained;

"(8) when the target of the surveillance is not a foreign power, as defined in section 2521 (b) (1) (A), (B), or (C), a statement of the means by which the surveillance will be effected, and when the target is a foreign power, as defined in section 2521 (b)(1) (A), (B), or (C), a designation of the type of electronic surveillance within the United States to be used according to the categories described in section 2521(b)(6), and a statement whether physical entry is required to effect the surveillance;

"(9) a statement of the facts concerning all previous applications that have been made to any judge under this chapter involving any of the persons, facilities, or places specified in the application, and the action taken on each previous application;

"(10) when the target of the surveillance is not a foreign power, as defined in section 2521 (b) (1) (A), (B), or (C), a statement of the period of time for which the electronic surveillance is required to be maintained. If the nature of the intelligence gathering is such that the approval of the use of electronic surveillance under this chapter should not automatically terminate when the described type of information has first been obtained, a description of facts supporting the belief that additional information of the same type will be obtained thereafter.

"(b) The Attorney General may require any other affidavit or certification from any other officer in connection with the application.

"(c) The judge may require the applicant to furnish such other information as may be necessary to make the determinations required by section 2525 of this chapter, including information necessary to determine that, where the target is a United States person, the certification or certifications are not clearly erroneous.

"SEC. 2525. Issuance of an order

"(a) Upon an application made pursuant to section 2524 of this title, the judge shall enter an *ex parte* order as requested or as modified approving the electronic surveillance within the United States if he finds that—

"(1) the President has authorized the Attorney General to approve applications for electronic surveillance for foreign intelligence information;

"(2) the application has been made by a Federal officer and approved by the Attorney General;

"(3) on the basis of the facts submitted by the applicant there is probable cause to believe that—

"(A) the target of the electronic surveillance is a foreign power or an agent of a foreign power; and

"(B) the facilities or place at which the electronic surveillance is directed are being used, or are about to be used, by a foreign power or an agent of a foreign power;

"(4) the proposed minimization procedures meet the definition of minimization procedures under section 2521(b)(8) of this title;

"(5) the application which has been filed contains the description and certification or certifications, specified in section 2524(a)(7) and, if the target is a United States person, the certification or certifications are not clearly erroneous on the basis of the statement made under section 2524(a)(7)(E) and any other information furnished under section 2524(c).

"(b) An order approving an electronic surveillance within the United States under this section shall—

"(1) specify—

"(A) the identity or a description of the target of the electronic surveillance;

"(B) the nature and location of the facilities or the place at which the electronic surveillance will be directed;

"(C) when the target of the surveillance is not a foreign power as defined in section 2521(b)(1)(A), (B), or (C), the type of information sought to be acquired and when the target is a foreign power defined in section 2521(b)(1)(A), (B), or (C), the designation of the type of foreign intelligence information under section 2521(b)(5) sought to be acquired;

"(D) when the target of the surveillance is not a foreign power, as defined in section 2521(b)(1)(A), (B), or (C), the means by which the electronic surveillance will be effected, and when the target is a foreign power, as defined in section 2521(b)(1)(A), (B), or (C), a designation of the type of electronic surveillance to be used according to the categories described in section 2521(b)(6) and whether physical entry will be used to effect the surveillance; and

"(E) the period of time during which the electronic surveillance is approved; and

"(2) direct—

"(A) that the minimization procedures be followed;

"(B) that, upon the request of the applicant, a specified communication or other common carrier, landlord, custodian, contractor, or other specified person furnish the applicant forthwith any and all information, facilities, or technical assistance, necessary to accomplish the electronic surveillance in such manner as will protect its secrecy and produce a minimum of interference with the services that such carrier, landlord, custodian, contractor, or other person is providing that target of electronic surveillance;

"(C) that such carrier, landlord, custodian, or other person maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the surveillance or the aid furnished which such person wishes to retain;

"(D) that the applicant compensate, at the prevailing rate, such carrier, landlord, custodian, or other person for furnishing such aid.

"(c) An order issued under this section may approve an electronic surveillance within the United States not targeted against a foreign power, as defined in section 2521(b)(1)(A), (B), or (C), for the period necessary to achieve its purpose, or for ninety days, whichever is less; an order under this section shall approve an electronic surveillance within the United States targeted against a foreign power, as defined in section 2521(b)(1)(A), (B), or (C) for the period specified in the certification required in section 2524(a)(7)F), or for one year, whichever is less provided that the Attorney General and the certifying official or officials shall review the certification at least every ninety days. Extensions of an order issued under this chapter may be granted on the same basis as an original order upon an application for an extension made in the same manner as required for an original application and after new findings required by subsection (a) of this section including a finding that the minimization procedures have been implemented in accordance with the original order or the previous extension. The extension may direct that changes be made in the minimization procedures so that they most effectively meet the definition of minimization procedures in section 2521(b)(8). In connection with applications for extensions where the target is not a foreign power, as defined in section 2521(b)(1) (A), (B), or (C), the judge may require the applicant to submit information, obtained pursuant to the original order or to any previous extensions, as may be necessary to make new findings required by subsection (a) of this section. In connection with applications for extensions where the target is a foreign power, as defined in section 2521(b)(1) (A),

(B), or (C), the judge may require the applicant to submit information obtained pursuant to the original order or to the previous extension, as may be necessary to make a finding that the minimization procedures have been implemented in accordance with the original order or the previous extension.

"(d) Notwithstanding any other provision of this chapter when the Attorney General reasonably determines that—

"(1) an emergency situation exists with respect to the employment of electronic surveillance within the United States to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained, and

"(2) the factual basis for issuance of an order under this chapter to approve such surveillance exists, he may authorize the emergency employment of electronic surveillance if a judge designated pursuant to section 2523 of this chapter is informed by the Attorney General or his designate at the time of such authorization that the decision has been made to employ emergency electronic surveillance and if an application in accordance with this chapter is made to that judge as soon as practicable, but not more than twenty-four hours after the Attorney General authorizes such acquisition. If the Attorney General authorizes such emergency employment of electronic surveillance, he shall require that the minimization procedures required by this chapter for the issuance of a judicial order be followed. In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of twenty-four hours from the time of authorization by the Attorney General, whichever is earliest. In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated without an order having been issued, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning United States persons acquired from such surveillance shall be used or disclosed in any other manner by Federal officers or employees without the consent of the United States person. A denial of the application made under this subsection may be reviewed as provided in section 2523.

"Sec. 2526. Use of information

"(a) Information concerning United States persons acquired from an electronic surveillance conducted pursuant to this chapter may be used and disclosed by Federal officers and employees without the consent of the United States person only for purposes specified in section 2521(b) (8) (A) through (F), or for the enforcement of the criminal law if its use outweighs the possible harm to the national security. No otherwise privileged communication obtained in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character. No information acquired from an electronic surveillance conducted pursuant to this chapter may be used or disclosed by Federal officers or employees except for lawful purposes.

"(b) The minimization procedures required under this chapter shall not preclude the retention and disclosure, for law enforcement purposes, of any information which constitutes evidence of a crime if such disclosure is accompanied by a statement that such evidence, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

"(c) Whenever the Government of the United States, of a State, or of a political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, or other authority of the United States, a State, or a political subdivision thereof, any information obtained or derived from an electronic surveillance, the Government shall prior to the trial, hearing, or other proceeding or at a reasonable time prior to an effort to so disclose or so use the information or submit it in evidence notify the court in which the information is to be disclosed or used or, if the information is to be disclosed or used in or before another authority, shall notify a court in the district wherein the information is to be so disclosed or so used that the Government intends to so disclose or so use such information.

"(d) Any person who has been a subject of electronic surveillance and against whom evidence derived from such electronic surveillance is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or proceeding in or before any court, department officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the contents of any communication acquired by electronic surveillance, or evidence derived therefrom, on the grounds that—

"(1) the communication was unlawfully acquired; or

"(2) the surveillance was not made in conformity with the order of authorization or approval.

Such motion shall be made before the trial, hearing, or proceeding unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion.

"(e) Whenever any court is notified in accordance with subsection (c), or whenever a motion is made by an aggrieved person pursuant to subsection (d), to suppress evidence on the grounds that it was obtained or derived from an unlawful electronic surveillance, or whenever any motion or request is made by an aggrieved person pursuant to section 3504 of this title or any other statute or rule of the United States, to discover, obtain, or suppress evidence or information obtained or derived from electronic surveillance, the Federal court, or where the motion is made before another authority, a Federal court in the same district as the authority, shall, notwithstanding any other law, if the Government by affidavit asserts that disclosure or an adversary hearing would harm the national security of the United States, review *in camera* and *ex parte* the application, order, and other materials relating to the surveillance as may be necessary to determine whether the surveillance was authorized and conducted in a manner that did not violate any right afforded by the Constitution and statutes of the United States to the aggrieved person. In making this determination, the court shall disclose to the aggrieved person portions of the application, order, or other materials relating to the surveillance only where such disclosure is necessary to make an accurate determination of the legality of the surveillance. If the court determines that the electronic surveillance of the aggrieved person was not lawfully authorized or conducted, the court shall in accordance with the requirements of law suppress the information obtained or evidence derived from the unlawful electronic surveillance. If the court determines that the surveillance was lawfully authorized and conducted, the court shall deny any motion for disclosure or discovery unless required by due process.

"(f) If an emergency employment of the electronic surveillance is authorized under section 2525(d) and a subsequent order approving the surveillance is not obtained, the judge shall cause to be served on any United States person named in the application and on such other United States persons subject to electronic surveillance as the judge may determine in his discretion it is in the interest of justice to serve, notice of—

"(1) the fact of the application;

"(2) the period of the surveillance; and

"(3) the fact that during the period information was or was not obtained.

On an *ex parte* showing of good cause to the judge the serving of the notice required by this subsection may be postponed or suspended for a period not to exceed ninety days. Thereafter, on a further *ex parte* showing of good cause, the court shall forego ordering the serving of the notice required under this subsection.".

"Sec. 2527. Report of electronic surveillence

"In April of each year, the Attorney General shall report to the Administrative Office of the United States Courts and shall transmit to Congress with respect to the preceding calendar year—

"(1) the total number of applications made for orders and extensions of orders approving electronic surveillance; and

"(2) the total number of such orders and extensions either granted, modified, or denied.

"Sec. 2528. Congressional oversight

"On a quarterly basis the Attorney General shall fully and completely report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all electronic surveillance under this chapter. Such reports shall not be deemed to derogate from those committees' authorities and responsibilities to obtain additional information from the executive branch in order to fulfill their respective functions.".

PART B—AUTHORITY TO COLLECT INTELLIGENCE INFORMATION BY THE USE OF FOREIGN ELECTRONIC OR SIGNALS INTELLIGENCE ACTIVITY

FOREIGN ELECTRONIC OR SIGNALS INTELLIGENCE ACTIVITIES

SEC. 321. Title 18, United States Code, is amended by adding after chapter 120, as added by section 311 of this Act, a new chapter as follows:

"Chapter 121.—FOREIGN ELECTRONIC OR SIGNALS INTELLIGENCE ACTIVITIES

"Sec.

"2531. Definitions.

"2532. Minimization procedures.

"2533. Authorization for foreign electronic or signals intelligence activities.

"2524. Procedure to conduct foreign electronic or signals intelligence activities.

"2535. Emergency procedure to conduct foreign electronic or signals intelligence activities.

"2536. Cooperative relationships."

"Sec. 2531. Definitions

"(a) Except as otherwise provided in this section the definitions of sections 2510 and 2521 shall apply to this chapter.

"(b) The term 'foreign electronic or signals intelligence activities' means the acquisition of information by the interception of wire communications, nonpublic radio communications, or oral communications without the knowledge of all parties, or the installation or use of a device for monitoring to acquire information without the knowledge of the persons or activities monitored, but does not include 'electronic surveillence within the United States' as defined in chapter 120 of title 18, United States Code.

"Sec. 2532. Minimization procedures

"No entity of the Intelligence Community may conduct foreign electronic or signals

intelligence activities not targeted against a United States person, for foreign intelligence purposes unless information so obtained concerning United States persons is treated in accordance with minimization procedures, as defined in chapter 120 of title 18, United States Code, approved by the Attorney General.

"SEC. 2533. AUTHORIZATION FOR FOREIGN ELECTRONIC OR SIGNALS INTELLIGENCE ACTIVITIES

"No entity of the Intelligence Community may intentionally attempt to acquire, directly or indirectly information concerning a particular United States person or persons by means of foreign electronic or signals intelligence activities under circumstances in which a person has a reasonable expectation of privacy with respect to United States Government activities or in which a warrant would be required for law enforcement purposes within the United States, except pursuant to this section. Applications for a court order for foreign electronic or signals intelligence activities targeted against a United States person are authorized if the President has, by written authorization, empowered the Attorney General to approve applications to the special court having jurisdiction under section 2523 of chapter 120, title 18, United States Code, and a judge to whom an application is made may grant an order, in conformity with section 2534 (b), approving foreign electronic or signals intelligence activities targeted against a United States person.

"SEC. 2534. PROCEDURE TO CONDUCT FOREIGN ELECTRONIC OR SIGNALS INTELLIGENCE ACTIVITIES

"(a) Each application for an order approving foreign electronic or signals intelligence activities under section 2533 shall be made by a federal officer in writing upon oath or affirmation to a judge of the special court having jurisdiction under section 2523 of chapter 120, title 18, United States Code. Each application shall require the approval of the Attorney General based upon his finding that it satisfies the criteria and requirements of such application as set forth in this section. It shall include the following information—

"(1) the identity of the federal officer making the application;

"(2) the authority conferred on the Attorney General by the President of the United States and the approval of the Attorney General to make the application;

"(3) the identity or a description of the target of the foreign electronic or signals intelligence activities;

"(4) a statement of the facts and circumstances relied upon by the applicant to justify foreign electronic or signals intelligence activities targeted against a United States person;

"(5) a statement of the proposed minimization procedures;

"(6) a statement whether the activities involve acquisition of information from a wire communication, from a radio communication, from an oral communication, or from the monitoring of another activity, and a statement whether physical entry may be involved;

"(7) a statement of the period of time during which the activities are required to be conducted;

"(8) a statement of the facts concerning all previous applications that have been made to any judge under this section or under chapter 120, title 18, United States Code, involving the person specified in the application, and the action taken on each previous application; and

"(9) any other information or affidavit from any other officer required by the Attorney General in connection with the application or required by the judge as necessary for him to make findings required by setcion 2534 (b).

"(b) Upon an application made pursuant to subsection (d) of this section, the judge shall enter an *ex parte* order as requested or as modified approving foreign electronic or signals intelligence under section 2533 if he finds that—

"(1) the President has authorized the Attorney General to approve applications for foreign electronic or signals intelligence activities targeted against a United States person;

"(2) the application has been made by a federal officer and approved by the Attorney General;

"(3) on the basis of the facts submitted by the applicant there is probable cause to believe that—

"(A) the United States person targeted is an agent of a foreign power as defined in section 2521(b)(2)(B) of chapter 120, title 18, United States Code;

"(B) the United States person targeted is engaged in activities outside the United States which, if engaged in within the United States, would meet the definition of agent of a foreign power under section 2521(b)(2)(B) of chapter 120, title 18, United States Code;

"(C) the United States person targeted is an officer or employee of a foreign power residing abroad, information about whose official duties or communications may constitute foreign intelligence information as defined in chapter 120, title 18, United States Code;

"(D) the United States person targeted is a fugitive from United States justice abroad, information about whose relationships with foreign governments or organizations would constitute foreign intelligence information as defined in chapter 120, title 18, United States Code;

"(4) the proposed minimization procedures meet the definition of minimization procedures under section 2521(b)(8) of chapter 120, title 18, United States Code;

"(5) the period of time during which the activities are required to be conducted is reasonable; and

"(6) where the activities involve the installation of a device, either for monitoring or to intercept communications, such installation is reasonably necessary to effect the activities, and the nature, reliability, or timeliness of the foreign intelligence information sought cannot reasonaby be duplicated by other means of collection.

"(c) An order approving foreign electronic or signals intelligence activities targeted against a United States person under this part shall—

"(1) specify the identity or a description of the target of the activities;

"(2) specify whether the activities involve acquisition of information from a wire communication, from a radio communication, from an oral communication, or from the monitoring of another activity, and whether physical entry may be involved;

(3) specify the period of time during which the activities are authorized;

"(4) where appropriate, specify that the installation of a device is authorized; and

"(5) direct that the minimization procedures be followed.

"SEC. 2535. EMERGENCY PROCEDURE TO CONDUCT FOREIGN ELECTRONIC OR SIGNALS INTELLIGENCE ACTIVITIES

"Where the senior United States official of an agency authorized by the President or by statute to conduct foreign electronic or signals intelligence activities in a foreign country, the head of such entity, or the United States chief of mission in such country reasonably determines that an emergency situation exists such that foreign intelligence information might be lost before an order authorizing such activities targeted against a United States person could with due diligence be obtained, and the basis for the issuance of an order exists, he may authorize the conduct of such activities targeted against a United States person in that foreign country for a period not to exceed 72 hours, provided that—

"(1) an application for an order under section 2534 is filed within those 72 hours;

"(2) the activities shall cease upon the denial of the order or the expiration of 72 hours, whichever occurs first; and

"(3) information obtained before the order is granted or denied shall, to the maximum extent feasible, be treated in accordance with the minimization procedures in the order or be destroyed and not disseminated if the order is denied.

"SEC. 2536. Cooperative relationships

"Nothing in this section shall be construed to require any agency or any federal officer or employee to confirm or deny the existence of any cooperative relationship any agency may have with any foreign government or component thereof; to identify any particular such cooperative relationship; or to reveal in any manner whether or not any information used in support of an application for an order was obtained directly or indirectly from such a relationship, or whether or not any foreign government or component thereof may participate in any foreign electronic or signals intelligence activity.".

PART C—CONFORMING AMENDMENTS

AMENDMENTS TO TITLE 18, UNITED STATES CODE

SEC. 331. Chapter 119 of title 18, United States Code, is amended as follows:

(1) Section 2511(1) is amended—

(A) by inserting "or chapters 120 and 121 or with respect to techniques used by law enforcement officers not involving the interception of wire or oral communications as otherwise authorized by a search warrant or order of a court of competent jurisdiction," immediately after "chapter" in the first sentence;

(B) by inserting a comma and "or, under color of law, willfully engages in any other form of electronic surveillance within the United States as defined in chapter 120, or engages in foreign electronic or signals intelligence activities as defined in chapter 121" immediately before the semicolon in paragraphs (a);

(C) by inserting "or information obtained under color of law by any other form of electronic surveillance within the United States as defined in chapter 120 or foreign electronic or signals intelligence activities as defined in chapter 121" immediately after "contents of any wire or oral communications" in paragraph (c);

(D) by inserting "or any other form of electronic surveillance within the United States, as defined in chapter 120 or foreign electronic or signals intelligence activity as defined in chapter 121," immediately before "in violation" in paragraph (c);

(E) by inserting "or information obtained under color of law by any other form of electronic surveillance within the United States as defined in chapter 120 or foreign electronic or signals intelligence activity as defined in chapter 121" immediately after "any wire or oral communications" in paragraph (d); and

(F) by inserting "or any other form of electronic surveillance within the United States, as defined in chapter 120 or foreign electronic or signals intelligence activity as defined in chapter 121," immediately before "in violation" in paragraph (d).

(2)(A) Section 2511(2)(a)(i) is amended by inserting the words "or radio communication" after the words "wire communication" and by inserting the words "or otherwise acquire" after the word "intercept".

(B) Section 2511(2)(a)(ii) is amended by inserting the words "or chapters 120 and 121" after the second appearance of the word "chapter," and by striking the period at the end thereof and adding the following: "or engage in electronic surveillance within the United States, as defined in chapter 120 or foreign electronic or signals intelligence activities as defined in chapter 121: *Provided, however,* That before the information, facilities, or technical assistance may be provided, the investigative or law enforcement officer shall furnish to the officer, employee, or agent of the carrier either—

"(1) an order signed by the authorizing judge certifying that a court order directing such assistance has been issued; or

"(2) in the case of an emergency interception or electronic surveillance within the United States or foreign electronic or signals intelligence activities as provided for in section 2518(7) of this chapter or section 2525(d) of chapter 120 or section 2534 of chapter 121, a certification under oath by the investigative or law enforcement officer that the applicable statutory requirements have been met,

and setting forth the period of time for which the electronic surveillance within the United States or foreign electronic or signals intelligence activity is authorized and describing the facilities from which the communication is to be acquired. Any violation of this subsection by a communication common carrier or an officer, employee, or agency thereof, shall render the carrier liable for the civil damages provided for in section 2520.".

(3)(A) Section 2511(2)(b) is amended by inserting the words "or otherwise engage in electronic surveillance within the United States, as defined in chapter 120, or engage in foreign electronic or signals intelligence activities as defined in chapter 121" after the word "radio".

(B) Section 2511(2)(c) is amended by inserting the words "or engage in electronic surveillance within the United States as defined in chapter 120, or engage in foreign electronic or signals intelligence activities as defined in chapter 121" after the words "oral communication" and by inserting the words "or such surveillance" after the last word in the paragraph and before the period.

(C) Section 2511(2) is amended by adding at the end of the section the following provisions:

"(e) Notwithstanding any other provision of this title or sections 605 or 606 of the Communications Act of 1934, it shall not be unlawful for an officer, employee, or agent of the United States in the normal course of his officials duty under procedures approved by the Attorney General to conduct electronic surveillance within the United States as defined in section 2521(b)(6) of chapter 120 or foreign electronic or signals intelligence activities as defined in section 2531(b)(1) not targeted against a particular person or entity without a court order for the sole purpose of:

"(i) testing the capability of electronic equipment, provided that the test period shall be limited in extent and duration to that necessary to determine the capability of the equipment, that the content of any communication acquired under this paragraph shall be retained and used only for the purpose of determining the capability of such equipment, shall be disclosed only to the persons conducting the test, and shall be destroyed upon completion of the testing, and that the test may exceed ninety days only with the prior approval of the Attorney General; or

"(ii) determining the existence and capability of electronic surveillance equipment being used unlawfully, provided that such electronic surveillance within the United States or foreign electronic or signals intelligence activity shall be limited in extent and duration to that necessary to determine the existence and capability of such equipment, and that any information acquired by such surveillance shall be used only to enforce this chapter or section 605 of the Communications Act of 1934 or to protect information from unlawful electronic surveillance.

"(f) The procedures in this chapter and chapter 120 of this title, shall be the exclusive means by which electronic surveillance within the United States, as defined in section 2521(b)(6) of chapter 120, and the interception of domestic wire and oral communications may be conducted; and the procedures in chapter 121 of this title shall be the exclusive means by which foreign electronic or signals intelligence activities, as defined in chapter 121, may be conducted against United States persons. In circumstances involving the unintentional acquisition, by an electronic, mechanical, or other surveillance device of the contents of any radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and where both the sender and all intended recipients are located within the United States, such contents shall be destroyed upon recognition.".

(4) Section 2511(3) is repealed.

(5) Section 2515 is amended by inserting the words "or electronic surveillance within the United States as defined in chapter 120, or foreign electronic or signals intelligence activity as defined in chapter 121, has been conducted" after the word "intercepted", by inserting the words "or other information obtained from electronic surveillance within the United States as defined in chapter 120, or foreign electronic or signals intelligence activity as defined in chapter 121," after the second appearance of the word "communication", and by inserting "or chapters 120 and 121" after the final appearance of the word "chapter".

(6) Section 2518(1) is amended by inserting the words "under this chapter" after the word "communication".

(7) Section 2518(4) is amended by inserting the words "under this chapter" after both appearances of the words "wire or oral communication".

(8) Section 2518(9) is amended by striking the word "intercepted" and inserting the words "intercepted pursuant to this chapter" after the word "communication".

(9) Section 2518(10) is amended by striking the word "intercepted" and inserting the words "intercepted pursuant to this chapter" after the first appearance of the word "communication".

(10) Section 2519(3) is amended by inserting the words "pursuant to this chapter" after the words "wire or oral communications" and after the words "granted or denied".

(11) Section 2520 is amended by deleting all before subsection (2) and inserting in lieu thereof: "Any person other than a foreign power or an agent of a foreign power as defined in sections 2521(b)(1) and 2521(b)(2)(A) of chapter 120, who has been subject to electronic surveillance within the United States, as defined in chapter 120, in violation of that chapter, or whose wire or oral communication has been intercepted, or about whom information has been disclosed or used, in violation of this chapter, or any United States person who has been subject to foreign electronic or signals intelligence activity, as defined in chapter 121, in violation of that chapter, shall (1) have a civil cause of action against any person who so acted in violation of this chapter, and".

PART D—PHYSICAL SEARCHES

REQUIREMENTS FOR PHYSICAL SEARCHES BY ENTITLES OF THE INTELLIGENCE COMMUNITY

SEC. 341. (a) No entity of the Intelligence Community may conduct unconsented physical searches within the United States or unconsented physical searches directed against United States persons abroad unless—

(1) such searches are conducted under the standards and procedures required by the Constitution or laws of the United States for law enforcement purposes; or

(2) such searches are authorized in an order issued under subsection (b) of this section.

(b) Applications for a court order to conduct unconsented physical searches within the United States or directed against a United States person abroad are authorized if the President has, by written authorization, empowered the Attorney General to approve applications to federal judges having jurisdiction under section 2423, title 18, United States Code. A judge to whom an application to conduct unconsented physical searches within the United States or directed against a United States person abroad is made may grant an order approving unconsented physical searches within the United States or directed against a United States person abroad if—

(1) the applicable requirements of chapter 120, title 13, United States Code, are satisfied; or

(2) in the case of a United States person abroad, the applicable requirements of section 321 of this Act are satisfied.

PART E—MAIL OPENING

REQUIREMENTS FOR MAIL OPENINGS BY ENTITIES OF THE INTELLIGENCE COMMUNITY

SEC. 351. (a) No entity of the Intelligence Community may engage in the unconsented opening of mail in United States postal channels or opening of mail of a known United States person not in United States postal channels unless—

(1) such opening of mail is conducted under the standards and procedures required by the Constitution or laws of the United States for law enforcement purposes; or

(2) such opening of mail of a known United States person not in United States postal channels is authorized in an order issued under subsection (b) of this section.

(b) Applications for a court order to open the mail of a known United States person not in United States postal channels are authorized if the President has, by written authorization, empowered the Attorney General to approve applications to federal judges having jurisdiction under section 2423 of chapter 120, title 18, United States Code, and a judge to whom an application to open the mail of a known United States person outside the United States postal channels is made may grant an order approving the opening of such mail if the applicable requirements of section 321 of this Act are satisfied.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

PART A—SHORT TITLE; PURPOSES; DEFINITIONS

SHORT TITLE

SEC. 401. This title may be cited as the "Central Intelligence Agency Act of 1978".

STATEMENT OF PURPOSES

SEC. 402. It is the purpose of this Act—

(1) to clarify the statutory authorities, functions, and responsibilities of the Central Intelligence Agency;

(2) to authorize the Central Intelligence Agency to perform intelligence activities which are necessary for the conduct of the foreign relations and the protection of the national security of the United States;

(3) to ensure that the foreign intelligence, counterintelligence, and counterterrorism activities of the Central Intelligence Agency are properly and effectively directed, regulated, coordinated, and administered; and

(4) to ensure that the Central Intelligence Agency is accountable to the President, the Congress, and the people of the United States, and that the foreign intelligence, counter-

intelligence, and counterterrorism activities of the Central Intelligence Agency are conducted in a manner consistent with the Constitution and laws of the United States and so as not to abridge any right protected by the Constitution or laws of the United States.

DEFINITIONS

SEC. 403. (a) Except as otherwise provided in this section, the definitions in title I shall apply to this title.

(b) As used in this title, the term "proprietary" means a sole proprietorship, partnership, corporation, or other business entity owned or controlled by the Central Intelligence Agency but whose relationship with the Central Intelligence Agency is not publicly known.

PART B—ESTABLISHMENT OF AGENCY; DIRECTOR FUNCTIONS

ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY

SEC. 411. There is established an Agency to be known as the Central Intelligence Agency (hereinafter in this title referred to as the "Agency"). The Agency shall be under the direction and control of the National Security Council.

DIRECTOR; DUTIES OF DIRECTOR

SEC. 412. (a) There shall be at the head of the Agency a Director of the Central Intelligence Agency (hereinafter in this title referred to as the "Director"). The Director of National Intelligence, or, in accordance with section 117 of this Act, the Deputy Director of National Intelligence or an Assistant Director of National Intelligence, shall act as the Director. In the event that the Director and the Director of National Intelligence are not one and the same person, the Director shall be subject to the supervision of, and responsive to intelligence plans, objectives, and requirements established by, the Director of National Intelligence.

(b) It shall be the duty of the Director to—

(1) ensure that the functions of the Agency are conducted in accordance with the provisions of this Act and with the Constitution and laws of the United States, and that the performance of those functions does not abridge any right protected by the Constitution or laws of the United States;

(2) ensure that the activities of the Agency are properly and efficiently directed, regulated, coordinated, and administered; and

(3) perform with respect to the Agency the duties assigned elsewhere in this Act to the head of each entity of the intelligence community.

FUNCTIONS

SEC. 413. (a) All activities, duties, and responsibilities of the Agency shall be related to the intelligence functions set out in this section, and shall be performed in accordance with this Act.

(b) The Agency shall—

(1) collect foreign intelligence from publicly available sources and from any person willing to voluntarily to provide such intelligence;

(2) when the information sought is not available publicly or from a person willing voluntarily to provide the information, collect foreign intelligence by clandestine means abroad and, when integrally and exclusively related to Agency activities outside the United States, from foreign persons within the United States; and

(3) develop and provide support for technical and other programs which collect national intelligence from sources outside the United States.

(c) The Agency shall produce, analyze, and disseminate foreign intelligence necessary to meet the needs of the President, the National Security Council, the Congress, and other departments and agencies, and shall provide such support as the Director of National Intelligence requires for the production of national intelligence estimates and similar Intelligence Community-coordinated analyses.

(d) The Agency shall conduct special activities in support of national foreign policy objectives.

(e) The Agency shall—

(1) conduct counterintelligence and counterterrorism activities outside the United States:

(2) conduct such counterintelligence and counterterrorism activities within the United States as are integrally related to counterintelligence or counterterrorism activities of the Agency outside the United States; and

(3) produce and disseminate counterintelligence and counterterrorism studies and reports.

(f) The Agency shall act as the Director of National Intelligence's agent in the coordination of all counterintelligence and counterterrorism activities, and of all clandestine collection of foreign intelligence, including collection utilizing human sources, conducted outside the United States by any other entity of the Intelligence Community.

(g) The Agency shall also—

(1) conduct or contract for research, development, and procurement of technical systems and devices relating to authorized functions;

(2) conduct services of common concern for the Intelligence Community as directed by the Director of National Intelligence;

(3) Conduct liaison with foreign governmental agencies in coordination with the Director of National Intelligence;

(4) collect publicly available information which is relevant to any authorized Agency function but which does not constitute foreign intelligence, counterintelligence, or counterterrorism intelligence; and

(5) provide legal, legislative, and audit services and other administrative support to the Office of the Director of National Intelligence.

(h) (1) All Agency activities within the United States involving the collection of intelligence and all Agency counterintelligence and counterterrorism activities within the United States shall be conducted in coordination with the Federal Bureau of Investigation and in accordance with procedures agreed upon by the Attorney General and the Director of National Intelligence.

(2) The Director of National Intelligence and the Attorney General shall conduct a review, at least annually, of all Agency activities within the United States for the purpose of ensuring that such activities do not violate any right protected by the Constitution or laws of the United States, determining the necessity for continuing such activities, and making such recommendations in this regard as they deem appropriate to the President, the National Security Council, and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

PART C—GENERAL AND SPECIAL AUTHORITIES OF THE AGENCY; AUTHORIZATION FOR APPROPRIATIONS; GENERAL COUNSEL AND INSPECTOR GENERAL

GENERAL AUTHORITIES OF THE AGENCY

SEC. 421. (a) In carrying out its functions under this Act, the Agency is authorized to—

(1) transfer to and receive from other departments and agencies for the sole purpose of carrying out functions authorized by this title, such sums of money as may be approved by the Director of National Intelligence and the Director of the Office of Management and Budget, and sums so transferred to the Agency may be expended by the Agency without regard to any limitation on appropriations from which transferred but only when the Director certifies in writing that such limitation would unduly impede the performance of a function authorized by this title and transmits such written certification to the appropriate committees of the Congress;

(2) exchange funds without regard to the provisions of section 3651 of the Revised Statutes (31 U.S.C. 543);

(3) reimburse other departments and agencies for the services of personnel assigned or loaned to the Agency;

(4) reimburse other departments and agencies for expenses incurred when Agency personnel are assigned to such departments and agencies for cover purposes;

(5) rent any premises within or outside the United States necessary to carry out any function of the Agency authorized under this title; lease buildings without regard to the limitations prescribed in section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending 30 June 1933, and for other purposes," approved 30 June 1932 (40 U.S.C. 278a); acquire, construct, or alter buildings and facilities without regard to the Public Buildings Act of 1959 (40 U.S.C. 601–615); and repair, operate, and maintain buildings, utilities, facilities, and appurtenances;

(6) conduct background investigations of applicants for employment with the Agency;

(7) establish, maintain, and operate secure communications systems in support of Agency operations and, as a service of common concern, establish, maintain, and operate such secure communications systems as may be required for the use of other departments and agencies;

(8) perform inspection, audit, public affairs, legal, and legislative services;

(9) establish, furnish, and maintain, in coordination with the Director of National Intelligence, secure cover for Agency officers, employees, and agents;

(10) establish and operate proprietaries to support Agency operations;

(11) protect, in accordance with standards established by the Director of National Intelligence under section 114 and with any other applicable laws and Executive orders, materials and information related to intelligence sources and methods;

(12) perform such additional functions as are otherwise authorized by this Act to be performed by each entity of the Intelligence Community;

(13) conduct health-service programs as authorized by section 7901 of title 5, United States Code;

(14) transport, in accordance with regulations approved by the Director, officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment where such personnel are engaged in work which makes such transportation necessary;

(15) settle and pay claims of civilian and military personnel, as prescribed in Agency regulations consistent with the terms and conditions by which claims are settled and paid under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240–243);

(16) pay, in accordance with regulations approved by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be a benefit in the conduct of the work of the Agency; and

(17) train Agency personnel and, as appropriate, personnel of other departments and agencies.

(b) Notwithstanding the provisions of section 3678 of the Revised Statutes (31

U.S.C. 628) or any provision of law enacted after the effective date of this title, unless such subsequently enacted provision expressly cites this subsection, any department or agency may transfer to or receive from the Agency any sum of money approved, in accordance with subsection (a)(1) of this section, by the Director of National Intelligence and the Director of the Office of Management and Budget for use in carrying out any function authorized by this title.

(c) Notwithstanding any other provision of law, any department or agency is authorized to assign or loan to the Agency any officer or employee of such department or agency to assist the Agency in carrying out any function of the Agency authorized by this title. In any case in which any officer or employee of another department or agency is assigned or loaned to the Agency in a manner that would be prohibited except for this subsection, the Agency shall report the details of such assignment or loan to the appropriate committees of the Congress.

(d) (1) Any proprietary established and operated by the Agency may be operated on a commercial basis to the extent necessary to provide effective cover. Any funds generated by any such proprietary in excess of the amount necessary for its normal operational requirements shall be deposited by the Director into miscellaneous receipts of the Treasury.

(2) Whenever any Agency proprietary whose net value exceeds $50,000, is to be liquidated, sold, or otherwise disposed of, the Agency shall, as much in advance of the liquidation, sale, or other disopsition of the proprietary as practicable and subject to such security standards as th Director and Attorney General shall agree upon, report the circumstances of the intended liquidation, sale, or other disposition to the Attorney General and the Comptroller General of the United States. Any proceeds from any liquidation, sale, or other disposition of any Agency proprietary, in whatever amount, after all obligations of the proprietary have been met, shall be deposited by the Director into miscellaneous receipts of the Treasury.

(e) The authority contained in clauses (9) and (10) of subsection (a) shall, except as otherwise provided in this Act, be available to the Agency notwithstanding any other provision of law and shall not be modified, limited, suspended, or superseded by any provision of law enacted after the effective date of this title unless such provision expressly cites the specific provision of subsection (a) intended to be so modified, limited, suspended, or superseded.

(f) The Agency may continue to use the seal of office used by the Central Intelligence Agency prior to the effective date of this title and judicial notice shall be taken of such seal.

(g) Subject to the provisions of section 152(a) of this Act, no provision of law shall be construed to require the Director or any other officer or employee of the United States to disclose the organization, function, name, official title, salary, or affiliation with the Central Intelligence Agency of any person employed by the Agency, or the number of persons employed by the Agency, unless such provision specifically requires such disclosure and expressly cites this subsection.

(h) The Director may appoint and assign security officers to police the installations and grounds of the Agency, where such security officers shall have the same powers as sheriffs and constables for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rule or regulation the Director may promulgate for the protection of such installations and grounds. The jurisdiction and police powers of such security officers shall not, however, extend to the service of civil process.

(i) The Director may authorize employees of the Agency to carry firearms within the United States for courier protection purposes, for the protection of the Director of National Intelligence, the Deputy Director of National Intelligence, and any Assistant Director of National Intelligence, and, in exigent circumstances, such officials of the Agency as the Director may designate, and for the protection of any defector from any foreign country or any foreign person visiting the United States under Agency auspices.

(j)(1) The Agency may appoint, promote, and separate such personnel or contract for such personnel services as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments to, promotions in, and separations from the competitive services, and without regard to the limitations on types of persons to be employed, and fix the compensation of such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, but at rates not in excess of the rate authorized for Executive Schedule V by section 5316 of that title;

(2) Notwithstanding any other provision of law, the Director may terminate the employment of any officer or employee of the Central Intelligence Agency or the security clearance of any contractor of the Agency or any employee of any such contractor whenever the Director considers such termination necessary or advisable in the interests of the national security of the United States. The Director shall periodically report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on the exercise of the Director's authority under this paragraph.

(3) Executive schedule positions within the Agency in addition to those of Director, General Counsel, and Inspector General and any positions in the grades of GS–16, GS–17, and GS–18 other than those transferred to the Agency under this Act shall be as authorized by law.

(4) Any Agency officer or employee who has been separated under paragraph (1) or whose employment has been terminated under paragraph (2) may seek or accept employment in the Government if declared eligible for such employment by the United States Civil Service Commission; and that commission may place such officer or employee in a position in the competitive civil service in the same manner as an employee who is transferred between two positions in the competitive service, but only if such Agency officer or employee has served with the Agency for at least one year continuously immediately preceding separation or termination.

PROCUREMENT AUTHORITY

SEC. 422. (a) The Agency is authorized to procure such property, supplies, services, equipment and facilities as may be necessary to carry out its functions under this Act. Such property, supplies, services, equipment and facilities may include purchase or rental and operation of photographic reproduction, cryptographic, duplication and printing machines, equipment, and devices, and radio-receiving and radio sending equipment and devices, including telegraph and teletype equipment; rental of news-reporting services; purchase, maintenance, operation, repair, and hire of passenger motor vehicles, aircraft, and vessels of all kinds; printing and binding services; the purchase, maintenance, and cleaning of firearms, including purchase, storage, and maintenance of ammunition; association and library services and dues required by any such association; supplies, equipment and personnel and contract services otherwise authorized by law or regulations, whether applicable to this Agency or not, when the Director determines that such supplies, equipment or services are essential to the performance of the Agency's functions.

(b) The provisions of chapter 137, relating to the procurement of property and services, and chapter 139, relating to the procurement of research and development services, of title 10, United States Code, shall apply to the procurement of property and research and development services by the Agency under this title in the same manner and to the same extent such chapters apply to the procurement of property, services, and research and development services by the agencies named in section 2302(a) of chapter 137 of title 10, except that the Director is authorized to waive the application of any or all of the provisions of chapters 137 and 139 of title 10 when the Director deems such action necessary to the successful performance of any function of the Agency or to protect the security of activities of the Agency. Any waiver exercised by the Director under this section shall be reported to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate together with the reasons for exercising such waiver.

(c) The Agency is also authorized to procure property, goods, or services, on the Agency's own behalf or on behalf of any other entity of the Intelligence Community, in such a manner that the role of the Agency or such other entity is not apparent or publicly acknowledged, if public knowledge that the Agency or such other entity is the procurer of the property, goods, or services will inhibit or interfere with the secure conduct of an authorized intelligence function. The procurement authority provided under this subsection may be exercised by the Agency only in accordance with section 139 of this Act but may be exercised without regard to any other provision of law. Such authority may not be modified, limited, suspended, or superseded by any provision of law enacted after the effective date of this title unless such provision expressly cites this subsection.

RELATIONSHIPS WITH OTHER GOVERNMENT AGENCIES

SEC. 423. In addition to those activities of the Agency which relate to other departments and agencies and which are authorized in other provisions of this Act, the agency is further authorized—

(1) to seek assistance from state and local law enforcement agencies in the conduct of background and security investigations of applicants for employment with the Agency, contractors of the Agency, and employees of contractors of the Agency;

(2) to provide technical guidance, training, and equipment, and, under exigent circumstances, expert personnel to any other entity of the Intelligence Community engaged in lawful intelligence activities;

(3) to provide technical information to assist the Passport Office of the Department of State in carrying out its documentation responsibilities;

(4) when extraordinary circumstances indicate that a foreign person associated with the Agency should enter or leave the United States under other than such person's true identity, to notify the Immigration and Naturalization Service of those circumstances and request a waiver of otherwise applicable rules and procedures;

(5) when the Internal Revenue Service is auditing the tax returns of an Agency proprietary or of an individual operating under Agency cover, to notify the Internal Revenue Service of such proprietary's or individual's affiliation with the Agency and request that the audit be so conducted as to avoid public disclosure of that affiliation; and

(6) to maintain liaison relationships with other departments and agencies.

ADMISSION OF ESSENTIAL ALIENS

SEC. 424. Whenever the Director, the Attorney General, and the Commission of Immigration and Naturalization determine that the entry of a particular alien into the United States for permanent residence is in the interest of national security or essential to national intelligence activities, such alien and his immediate family shall be given entry into the United States for permanent residence without regard to their inadmissibility under, or their failure to comply with, any immigration law of the United States or any other law or regulation, but in no case may the number of aliens and members of their immediate families who enter the United States under the authority of this section exceed one hundred in any one fiscal year.

AUTHORIZATIONS FOR APPROPRIATIONS AND EXPENDITURES

SEC. 425. (a) Nothwithstanding any other provision of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out the lawful functions of the Agency. No funds may be expended for activities which have not been authorized by legislation enacted during the same or during one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution.

(b) Whenever the Director determines such action to be necessary in the interest of the national security, the expenditure of funds appropriated or transferred to the Agency shall be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount certified therein, but such expenditures shall be made only for activities authorized by law. The Director shall report on all expenditures made under authority of this subsection on a quarterly basis to the Committees on Appropriation of the Senate and House of Representatives, to the Permanent Select Committee on Intelligence of the House of Representatives, and to the Select Committee on Intelligence of the Senate.

(c) (1) The Director is authorized to establish and maintain a fund to be known as the Contingency Reserve Fund (hereinafter in this section referred to as the "Reserve Fund") and to credit to such Reserve Fund only monies specifically appropriated to the Central Intelligence Agency for such fund. The Director is authorized to expend funds from the Reserve Fund in any fiscal year for the payment of expenses incurred in connection with any national intelligence activity, counterintelligence activity, or counterterrorism activity if—

(A) the withdrawal of funds from the Reserve Fund and the proposed expenditure have been previously approved by the Office of Management and Budget;

(B) the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate have been notified of the facts and circumstances regarding such withdrawal and proposed expenditure at least 72 hours in advance of the withdrawal; except that in extraordinary circumstances the President may authorize the withdrawal of funds from the Reserve Fund without prior notification to the appropriate committees of the Congress if the President notifies such committees of the Congress within 48 hours after initiation of the withdrawal, describes the activity for which such funds have been or are to be expended, certifies to such committees that prior notification would have resulted in a delay which would have been harmful to the United States, and discloses to such committees the reasons why the delay would have been harmful. The foregoing shall not be construed as requiring the approval of any committee of the Congress prior to the initiation of any such activity; and

(C) the money from the Reserve Fund is used solely for the purpose of meeting requirements that were not anticipated at the time the President's budget was submitted to the Congress for such fiscal year, the purpose for which such money was used requires protection from unauthorized disclosures, and the activities to be funded are authorized by law.

(2) Monies from the Reserve Fund may be expended only for the specific purpose for which the withdrawal was approved under this subsection and any amount approved for expenditure but not actually expended for the specific purpose for which approved shall be returned to the Reserve Fund.

(3) No money may be expended and no financial obligation incurred for the initiation or major expansion of any activity to be funded from the Reserve Fund unless such expenditure or financial obligation has been approved by the Director and the Director of the Office of Management and Budget.

(4) Any activity funded from the Reserve Fund that continues after the end of the fiscal year in which it was funded by monies from the Reserve Fund shall be funded thereafter through the regular budgetary process at the earliest practicable time.

GENERAL COUNSEL AND INSPECTOR GENERAL

SEC. 426. (a) There shall be a General Counsel of the Agency appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall serve as the principal legal adviser to the Director and shall have the responsibility and authority to—

(1) review all activities of the Agency and advise the Director whether such activities are in conformity with the Constitution and laws of the United States, executive orders, presidential directives and memoranda, and the rules, regulations, and policies of the Agency

(2) review all proposed rules and regulations of the Agency, including but not limited to any rule or regulation proposed to implement the provisions of this Act, to insure that any such rule or regulation is in conformity with the Constitution and laws of the United States, executive orders, and presidential directives and memoranda;

(3) perform the same duties with respect to the Agency as the general counsel of each entity of the Intelligence Community is required to perform in the case of such entity by section 151 of this Act; and

(4) perform such additional duties as the Director may prescribe.

(b) There shall be an Inspector General of the Agency appointed by the Director. The Inspector General shall have the responsibility and authority to—

(1) investigate all activities of the Agency to determine in what respects the Agency may more effectively perform its lawful functions and to determine the facts and circumstances of any alleged wrongdoing;

(2) advise the Director and the General Counsel of the Agency of his findings regarding such activities;

(3) perform such other investigations as the Director deems necessary and appropriate consistent with the provisions of this Act;

(4) perform the same duties with respect to the Agency as the inspector general of each entity of the Intelligence Community is required to perform in the case of such entity by section 151 of this Act; and

(5) perform such other duties as the Director may prescribe.

PART D—CRIMINAL PENALTIES; RESTRICTIONS

CRIMINAL PENALTIES

SEC. 431. (a) Section 207 of title 18, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(d) Whoever, having been an officer or employee of the Central Intelligence Agency and within two years after his employment with such Agency has ceased, knowingly participates in the liquidation, sale, or other disposition of a proprietary of the Central Intelligence Agency, either on his own behalf or as an agent or attorney for anyone other than the United States without a written waiver from the Director of the Central Intelligence Agency under section 139(a) of the National Intelligence Act of 1978, shall be fined not more than $10,000 or imprisoned for not more than two years, or both. As used in this subsection, the term 'proprietary' shall have the same meaning as prescribed in section 403 of the Central Intelligence Agency Act of 1978.".

(b) (1) Chapter 33 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"Sec. 716. Misuse of the name, initials, or seal of the Central Intelligence Agency

"Any person who knowingly and without the express written permission of the Director of the Central Intelligence Agency uses the name 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency, or any colorable imitation of such name, initials, or seal in connection with any advertisement, book, circular, pamphlet, or other publication, play, motion picture, broadcast, telecast, or other production in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Central Intelligence Agency shall be fined not more than $20,000 or imprisoned not more than one year, or both.".

(2) The table of sections at the beginning of chapter 33 of such title is amended by adding at the end thereof a new item as follows:

"716. Misuse of the name, initials, or seal of the Central Intelligence Agency.".

(c) (1) Chapter 115 of title 18, United States Code, is amended by adding at the end thereof a new section as follows:

"Sec. 2392. Unauthorized disclosure of identity of secret agents

"(a) Any person who, having learned in the course of his official duties as an officer or employee of the United States the true identity of any officer or employee of the Central Intelligence Agency who is performing lawful functions for the Central Intelligence Agency under cover, knowingly communicates, furnishes, or otherwise discloses or makes available to any unauthorized person that identity in a manner which results in injury to or jeopardizes the safety of such officer or employee of the Central Intelligence Agency, or could reasonably have been expected to result in injury to or jeopardize the safety of such officer or employee of the Central Intelligence Agency, shall be fined not more than $50,000 or imprisoned not more than five years, or both.

"(b) As used in subsection (a), the term 'cover' shall have the same meaning as prescribed in section 104 of the National Intelligence Act of 1978.".

(2) The table of sections at the beginning of chapter 115 is amended by adding at the end thereof a new item as follows:

"2392. Unauthorized disclosure of identity of secret agents.".

RESTRICTIONS

SEC. 432. (a) The authorities, duties, and responsibilities established in this title are subject to the procedures, prohibitions, and restrictions contained in titles II and III and in sections 131 through 139 of this Act.

(b) The Agency shall have no police, subpoena, or law enforcement powers, nor perform any internal security or criminal investigation functions except to the extent expressly authorized by this Act.

PART E—TRAVEL AND OTHER EXPENSES; RETIREMENT SYSTEM

TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES FOR CERTAIN AGENCY PERSONNEL

SEC. 441. (a) As used in this section—

(1) The term "employee" means any person employed by the Agency, but does not include, unless otherwise specifically indicated, any person working for the Agency under a contract or any person who when initially employed is a resident in or a citizen of a foreign country in which the station at which such person is to be assigned to duty is located.

(2) The term "foreign area" means any geographic area outside the United States.

(3) The term "United States" means the several states, the District of Columbia, the commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone, but does not include Guam and other territories and possessions of the United States.

(b) Under such regulations as the Director of National Intelligence may approve—

(1) with respect to employees assigned to duty stations within the United States, the Agency may pay—

(A) travel, transportation, and subsistence expenses comparable to those provided for in chapter 57 of title 5, United States Code, and

(B) allowances in accordance with the provisions of chapter 59 of title 5, United States Code; and

(2) with respect to employees assigned to duty stations in any foreign area, the Agency may provide allowances in accordance with the provisions of chapter 59 of title 5, United States Code, allowances and other benefits in the same manner and under the same circumstances such allowances and other benefits are provided employees of the Foreign Service under title IX of the Foreign Service Act of 1946 (22 U.S.C. 1131–1158), and death gratuities in the same manner and under the same circumstances such gratuities are provided employees of the Foreign Service under section 14 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2679a).

(c) (1) Whenever any provision of law relating to travel and related expenses or death gratuities of employees of the Foreign Service is enacted after the date of enactment of this Act, is not enacted as an amendment to one of the provisions referred to in subsection (b)(2) of this section, and the President determines that it would be appropriate for the purpose of maintaining conformity between provisions of law relating to travel and related expenses and death gratuities of the Foreign Service and provisions of law relating to travel and related expenses and death gratuities of employees of the Agency, the President may, by executive order, extend in whole or in part to employees of the Agency the allowances and benefits applicable to employees of the Foreign Service by such provision of law.

(2) Any such executive order issued pursuant to this subsection shall have the force and effect of law and may be given retroactive effect to a date not earlier than the effective date of the corresponding provisions of law relating to Foreign Service personnel. Any such order shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

(A) all provisions of law relating to travel, related expenses, and death gratuities of employees of the Agency enacted prior to the effective date of the provisions of such executive order, and

(B) any provision of any prior executive order issued under authority of this section.

(3) An executive order issued under the authority of this subsection may not become effective until the expiration of at least 60 days after the President submits the proposed order to those committees of the Senate and House of Representatives having jurisdiction over the subject matter of the order.

(d) (1) Notwithstanding the provisions of subsections (b) and (c), and under such regulations as the Director of National Intelligence shall approve, the Agency may pay expenses, benefits, and allowances equivalent to those specifically authorized in subsections (b) and (c), in any case in which the Director determines that, for reasons of operational necessity or security, the means of paying expenses, benefits, and allowances authorized in subsections (b) and (c), should not be utilized.

(2) The Director shall annually inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of any expenditures made under this subsection and the reasons therefor.

RETIREMENT SYSTEM

SEC. 442. Employees of the Agency shall participate in the regular Federal civil service retirement system pursuant to subchapter III of chapter 83 of title 5, United States Code. The Director may, however, continue to designate for participation in the Central Intelligence Agency Retirement and Disability System, authorized by the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (78 Stat. 1043; 50 U.S.C. 403 note), certain employees of the Agency whose duties are either (1) in support of Agency activities abroad and are hazardous to life or health, or (2) so specialized as to be clearly distinguishable from normal government employment; but the number of employees of the Agency which may retire on an annuity under such system in any period may not exceed the limits prescribed by law.

PART F—TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS; STATUTES REPEALED

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

SEC. 451. (a) All positions established in and personnel employed by the Central Intelligence Agency as in effect on the day before the effective date of this title, and all obligations, contracts, properties, and records employed, held, or used primarily in connection with any function to be performed by the Agency under this title, are transferred to the Director.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have become effective in the exercise of functions transferred under this title and which are in effect on the day before the effective date of this title, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Director or other properly designated Agency official, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this title shall not affect any proceedings pending before the Central Intelligence Agency as in effect prior to the effective date of this title.

(d) No suit, action, or other proceeding begun by or against any officer in his official capacity in the Central Intelligence Agency, as in effect prior to the effective date of this title, shall abate by reason of enactment of this title.

(e) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any department, agency, office, or part thereof shall be deemed to refer to the department, agency, or office in which such function is vested pursuant to this title.

STATUTES REPEALED

SEC. 452. Section 102 of the National Security Act of 1947 (50 U.S.C. 403) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a–403j) are repealed.

TITLE V—FEDERAL BUREAU OF INVESTIGATION

SHORT TITLE

SEC. 501. This title may be cited as the "Federal Bureau of Investigation Intelligence Activities Act of 1978".

STATEMENT OF PURPOSES

SEC. 502. It is the purpose of this Act—

(1) to authorize the Federal Bureau of Investigation, subject to the supervision and control of the Attorney General, to perform certain intelligence activities necessary for the conduct of the foreign relations and the protection of the national security of the United States;

(2) to confer upon the Director of the Federal Bureau of Investigation the authority necessary to fulfill the duties and responsibilities prescribed by this title, and to make that director accountable to the Attorney General, the President, the Congress, and the people of the United States;

(3) to ensure that the intelligence activities of the Federal Bureau of Investigation are properly directed, regulated, coordinated, and administered; and

(4) to ensure that the intelligence activities conducted by the Federal Bureau of Investigation do not infringe upon or violate rights protected by the Constitution and laws of the United States.

DEFINITIONS

SEC. 503. The definitions in titles I and II of this Act shall apply to this title.

SUPERVISION AND CONTROL

SEC. 504 (a) All activities, duties, and responsibilities of the Federal Bureau of Investigation (hereinafter in this title referred to as the "Bureau") shall be related to the intelligence functions authorized in this title, and all authorities of the Bureau shall be exercised in accordance with this Act.

(b) All intelligence functions of the Bureau shall be performed under the supervision and control of the Attorney General. In exercising such supervision and control, the Attorney General shall be guided by policies and priorities established by the National Security Council, and shall be responsive to foreign intelligence collection objectives, requirements, and plans promulgated by the Director of National Intelligence.

(c) The Attorney General or the Attorney General's designee shall review all intelligence activities conducted or coordinated by the Bureau at least annually to determine whether those activities have been conducted in accordance with the provisions of this Act and procedures approved by the Attorney General pursuant to this Act.

DUTIES OF THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 505. (a) It shall be the duty of the Director of the Federal Bureau of Investigation (hereinafter in this title referred to as the "Director"), under the direction of the Attorney General, to—

(1) ensure that intelligence activities conducted or coordinated by the Bureau are carried out in conformity with the provisions of this Act and with the Constitution and laws of the United States, and that such activities do not violate any right protected by the Constitution or laws of the United States;

(3) keep the Attorney General fully and reau are properly and efficiently directed, regulated, coordinated, and administered;

(3) keep the Attorney General fully and currently informed of all intelligence activities conducted or coordinated by the

Bureau, and provide the Attorney General with any information the Attorney General may request concerning such activities;

(4) serves as the principal officer of the Government for the conduct and coordination of counterintelligence activities and counterterrorism intelligence collection activities within the United States;

(5) advise the Attorney General and the National Security Council regarding the objectives, priorities, direction, and conduct of counterintelligence and counterterrorism activities within the United States;

(6) assist the Attorney General and the National Security Council in the assessment of the threat to United States interests from the intelligence activities within the United States of foreign powers and from international terrorist activities within the United States, including assessment of the effectiveness of United States counterintelligence and counterterrorism activities against any such threat;

(7) protect, in accordance with standards established by the Director of National Intelligence under section 114 and with any other applicable statute or Executive order, materials and information of the Bureau related to intelligence sources and methods; and

(8) perform the duties assigned elsewhere in this Act to the head of each entity of the Intelligence Community.

(b)(1) To assist the Director in the fulfillment of the Director's responsibilities under this title, the Director shall appoint, with the approval of the Attorney General, appropriate senior officials of the Bureau, including—

(A) a legal advisor to the Director; and

(B) an internal inspection officer.

(2) The legal advisor to the Director shall have the same responsibility and authority with respect to the Bureau and its intelligence activities as the general counsel of each entity of the Intelligence Community has under section 151 of this Act with respect to the intelligence activities of that entity. In carrying out such responsibility the legal advisor to the Director shall consult with the Attorney General or the designee of the Attorney General.

(3) The internal inspection officer shall have the same responsibility and authority with respect to the intelligence activities of the Bureau as the inspector general of each entity of the Intelligence Community has under section 151 of this Act with respect to the intelligence activities of that entity. In carrying out such responsibility the internal inspection officer shall consult with the internal inspection officer of the Department of Justice designated by the Attorney General under section 205(b) of this Act.

(4) The Attorney General shall provide by regulation which officials of the Bureau shall perform the duties of the Director under this Act during the absence or disability of the Director or during any temporary vacancy in the Office of the Director.

AUTHORITY TO CONDUCT COUNTERINTELLIGENCE AND COUNTER ACTIVITIES; TERRORIST RESPONSIBILITY TO COORDINATE CERTAIN COUNTERINTELLIGENCE AND COUNTERTERRORISM ACTIVITIES OF OTHER ENTITIES OF THE INTELLIGENCE COMMUNITY IN THE UNITED STATES

SEC. 506. (a) The Bureau is authorized, in the fields of counterintelligence and counterterrorism, to—

(1) collect counterintelligence and counterterrorism intelligence within the United States from publicly available information and, when such information is not available from publicly available sources, by clandestine or technical means;

(2) conduct within the United States such counterintelligence and counterterrorist activities other than collection as are necessary to protect against espionage or any other clandestine intelligence activity, sabotage, any international terrorist activity, or any assassination;

(3) collect information in any foreign country with the knowledge and consent of the government of that country;

(4) assist any law enforcement, intelligence, or security agency of a foreign government in the collection of information outside the United States when requested to do so by such agency;

(5) conduct such other counterintelligence or counterterrorist activities outside the United States as are integrally related to the conduct by the Bureau of such activities within the United States;

(6) conduct counterintelligence and counterterrorism activities outside the United States upon the request of the Central Intelligence Agency;

(7) analyze, produce, and disseminate counterintelligence and counterterrorism information and studies; and

(8) conduct, in accordance with procedures approved by the Attorney General and in coordination with the Director of National Intelligence, liaison for counterintelligence or counterterrorism purposes with foreign governmental agencies.

(b) Bureau activities conducted outside the United States under the authority of this section shall only be conducted with the approval of the Attorney General or his designee and with the approval of a properly designated official of the Central Intelligence Agency. The request for Central Intelligence Agency approval shall be made or confirmed in writing.

(c) (1) The Bureau shall be responsible, in accordance with procedures agreed upon by the Attorney General and the Director of National Intelligence, for approving requests by any other entity of the Intelligence Community to conduct counterintelligence activities or counterterrorism intelligence collection activities within the United States. Any such request shall be made or confirmed in writing by a properly designated senior official of the requesting entity and shall—

(A) describe the activity to be conducted; and

(B) set forth the reasons why the requesting entity wishes to conduct such activity within the United States.

(2) The Bureau shall provide the Attorney General or the Attorney General's designee in a timely manner with copies of all requests made to the Bureau under this subsection and shall notify the Attorney General or his designee in a timely manner of any action taken by the Bureau with respect thereto.

(3) Any entity of the Intelligence Community conducting any counterintelligence or counterterrorism activity within the United States pursuant to the approval of the Bureau under this subsection shall keep the Bureau fully and currently informed regarding that activity.

(4) The requirements of this subsection shall not apply to counterintelligence activities of the military services directed solely against members of such military services.

AUTHORITY TO COLLECT FOREIGN INTELLIGENCE

SEC. 507. (a) The Bureau is authorized, in the field of foreign intelligence, to—

(1) collect within the United States foreign intelligence from publicly available information and, when such information is not available from publicly available information, by clandestine and technical means; and

(2) analyze, produce, and disseminate foreign intelligence.

(b) (1) The Bureau is also authorized to collect foreign intelligence within the United States or conduct activities within the United States in support of the foreign intelligence collection requirements of any other entity of the Intelligence Community, but only upon a request made or confirmed in writing by an official of such other entity who has been designated by the President to make such requests. The Bureau may not comply with any such request unless such request—

(A) describes the information sought or the support activities requested;

(B) certifies that the information sought or the support activities requested are relevant to the authorized functions and duties of the requesting entity; and

(C) sets forth the reasons why the Bureau is being requested to collect the information or conduct the support activities.

(2) The Bureau shall provide the Attorney General or the Attorney General's designee in a timely manner with copies of all such requests, and shall conduct such support activities only with the approval of the Attorney General or the Attorney General's designee.

AUTHORITY TO COOPERATE WITH INTELLIGENCE, SECURITY, OR LAW ENFORCEMENT AGENCIES OF FOREIGN GOVERNMENTS

SEC. 508. (a) The Bureau is authorized to collect counterintelligence and counterterrorism intelligence within the United States upon the written request of any law enforcement, intelligence, or security agency of a foreign government if (1) such request specifies the intelligence and the purposes for which such intelligence is sought, and (2) the collection of such intelligence is first approved by the Attorney General or the Attorney General's designee after a written finding by the Attorney General or the Attorney General's designee that the Bureau would be authorized under this Act to collect the intelligence requested in the absence of any such request.

(b) The Bureau is authorized to provide assistance to any law enforcement, intelligence, or security officer of any foreign country who is conducting an investigation within the United States, if—

(1) such officer provides prior notification to the Secretary of State;

(2) such officer specifies the assistance sought and the purpose of the investigation for which assistance is requested; and

(3) the Attorney General or the Attorney General's designee approves the request for such assistance after a written finding by the Attorney General or the Attorney General's designee that such assistance is in the interests of the United States.

(c) The Bureau shall keep the Attorney General or the Attorney General's designee fully and currently informed of all investigations conducted within the United States by officers and agencies of foreign governments and of all information and assistance furnished by the Bureau in response to requests made by officers and agencies of foreign governments for assistance in conducting any such investigations.

TITLE VI—NATIONAL SECURITY AGENCY

PART A—SHORT TITLE; PURPOSES; DEFINITIONS

SHORT TITLE

SEC. 601. This title may be cited as the "National Security Agency Act of 1978".

STATEMENT OF PURPOSES

SEC. 602. It is the purpose of this Act—

(1) to authorize, and provide guidance for, those signals intelligence and communications security activities necessary for the conduct of the foreign relations and the protection of the national security of the United States;

(2) to ensure that signals intelligence and communications security activities are properly and effectively directed, regulated, coordinated and administered, and are organized and conducted so as to meet, in the most efficient manner, the signals intelligence and communications security needs of the United States;

(3) to establish by law an agency to be known as the National Security Agency, to provide for the appointment of a director of that Agency, to delineate the responsibilities of such director, and to confer upon such director the authorities necessary to fulfill those responsibilities;

(4) to ensure that the National Security Agency is accountable to the President, the Congress, and the people of the United States and that the signals intelligence activities and communications security activities of the United States are conducted in a manner consistent with the Constitution and laws of the United States and so as not to abridge any right protected by the Constitution or laws of the United States.

DEFINITIONS

SEC. 603. (a) Except as otherwise provided in this section, the definitions in title I shall apply to this title.

(b) As used in this title—

(1) The term "communications intelligence" means technical and intelligence information derived from foreign electromagnetic communications by other than the intended recipients.

(2) The term "cryptographic system" includes any code, cipher, and any manual, mechanical or electrical device or method used for the purpose of disguising concealing or authenticating the contents, significance, or meanings of communications.

(3) The term "crytology" encompasses both signals intelligence and communications security.

(4) The term "electronics intelligence" means technical and intelligence information derived from foreign electromagnetic radiations emanating from other than communications, nuclear detonations, or radioactive sources.

(5) The term "foreign communication" means a communication that has at least one sender or recipient outside the territorial United States or a communication that is sent or received using a communications system or a portion of such a system operated within the United States by a foreign power, but does not include public broadcasts.

(6) The term "foreign instrumentation signals intelligence" means technical and intelligence information derived from the collection and processing of foreign telemetry, beaconry, and associated signals.

(7) The term "signals intelligence" includes, either individually or in combination, communications intelligence, electronics intelligence, foreign instrumentation signals intelligence, and information derived from the collection and processing of nonimagery infrared and coherent light signals. intelligence.

(8) The term "signals intelligence activities" means activities that produce signals

(9) The term "unauthorized person" means a person not authorized access to signals intelligence or communications security information by the President or by the head of any department or agency that has been designated expressly by the President to engage in cryptologic activities for the United States.

(10) The term "United States signals intelligence system" means an entity that is comprised of (A) the National Security Agency (including assigned military personnel); (B) those elements of the military departments and the Central Intelligence Agency performing signals intelligence activities; (C) those elements of any other department or agency which may from time to time be authorized by the National Security Council to perform signals intelligence activities during the time when such elements are authorized to perform such activities.

PART B—ESTABLISHMENT OF AGENCY; DIRECTOR; DEPUTY DIRECTOR; GENERAL COUNSEL; INSPECTOR GENERAL; DUTIES

ESTABLISHMENT OF NATIONAL SECURITY AGENCY; FUNCTION

SEC. 611. (a) There is established within the Department of Defense an agency to be known as the National Security Agency (hereinafter in this title referred to as the "Agency").

(b) It shall be the function of the Agency to conduct signals intelligence activities and communications security activities for the Government of the United States. It shall also be the function of the Agency to provide and effective unified organization for the conduct and control of the signals intelligence activities and the communications security activities of the United States and for formulating operational plans, policies and procedures for such activities.

(c) The functions of the Agency shall be carried out under the direct supervision and control of the Secretary of Defense and shall be accomplished under the provisions of this Act and in conformity with the Constitution and laws of the United States. In exercising supervision and control over the Agency, the Secretary of Defense shall comply with intelligence policies, needs, and priorities established by the National Security Council and with intelligence objectives and requirements established by the Director of National Intelligence.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 612. (a) There shall be at the head of the Agency a Director of the National Security Agency (hereinafter in this title referred to as the "Director"). There shall also be a Deputy Director of the National Security Agency (hereinafter in this title referred to as the "Deputy Director") to assist the Director in carrying out the Director's functions under this Act.

(b) The Director and the Deputy Director shall be appointed by the President, by and with the advice and consent of the Senate. The Director and Deputy Director shall each serve at the pleasure of the President. Either the Director or Deputy Director shall be a person with cryptologic experience. No person may serve as Director or Deputy Director for a period of more than six years unless such person is reappointed to that same office by the President, by and with the advice and consent of the Senate. No person who has served as Director or Deputy Director for a period of less than six years and is subsequently appointed or reappointed to that same office may serve in that office under such appointment or reappointment for a term of more than six years. In no event may any person serve in either or both offices for more than a total of twelve years.

(c) At no time shall the two offices of Director and Deputy Director be occupied simultaneously by commissioned officers of the armed forces whether in an active or retired status.

(d) (1) If a commissioned officer of the armed forces is appointed as Director or Deputy Director, then—

(A) in the performance of the duties of Director or Deputy Director, as the case may be, the officer shall be subject to no supervision, control, restriction, or prohibition of the military departments, or the armed forces of the United States or any component thereof; and

(B) that officer shall not possess or exercise any supervision, control, powers, or functions (other than such as that officer possesses, or is authorized or directed to exercise, as Director, or Deputy Director) with respect to the Department of Defense, the military departments, or the armed forces of the United States or any component thereof, or with respect to any of the personnel (military or civilian) of any of the foregoing.

(2) Except as provided in this section, the appointment to the office of Director or Deputy Director of a commissioned officer of the armed forces, and acceptance of and service in such an office by that officer, shall in no way affect any status, office, rank, or grade that officer may occupy or hold in the armed forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. A commissioned officer shall, while serving in the office of Director or Deputy Director, continue to hold rank and grade not lower than that in which that officer was serving at the time of that officer's appointment as Director or Deputy Director.

(3) The grade of any such commissioned officer shall, during any period such officer occupies the office of Director or Deputy Director, be not less than a Lieutenant General or Vice Admiral and such grade shall be in addition to the numbers and percentages authorized for the military department of which such officer is a member.

(e) The Director and Deputy Director, whether civilian or military, shall be compensated while serving as Director or Deputy Director only from funds appropriated to the Department of Defense.

(f) If a commissioned officer of the armed forces is serving as Director or Deputy Director that officer shall be entitled, while so serving, to the difference, if any, between the regular military compensation (as defined in section 101 (25) of title 37, United States Code) to which that officer is entitled and the compensation provided for that office under subchapter II of chapter 53 of title 5, United States Code.

(g) The Deputy Director shall act in the place of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director. The Secretary of Defense shall provide by regulation what officer or employee of the Department of Defense shall, whenever there is no Deputy Director, act in the place of the Director during the absence or disability of the Director or during any temporary vacancy in the office of the Director and what officer or employee of the Department of Defense shall act in the place of the Deputy Director during the absence or disability of the Deputy Director or during any temporary vacancy in the office of the Deputy Director.

(h) In the event that no person has been appointed Director or Deputy Director under subsection (b) of this section as of the effective date of this title, the person holding the office of Director of the National Security Agency on the day before the effective date of this title may be designated by the President to serve as Director (without the advice and consent of the Senate) until the office of Director is filled as provided in subsection (b), and the person holding the office of Deputy Director of the National Security Agency on the day before the effective date of this title may be designated by the President to serve as Deputy Director (without the advice and consent of the Senate) until the office of Deputy Director is filled as provided in subsection (b); but no person designated to serve as Director or Deputy Director under authority of this subsection may serve in such office under such authority for more than 90 days following the effective date of this title. While so serving such persons shall receive compensation at the rates provided by subsection (e) for the respective offices in which they serve. In computing the twelve-year limitation prescribed in subsection (b) of this section, any service by a person as Director or Deputy Director of the National Security Agency as such agency existed on the day before the effective date of this title shall not be included.

DUTIES OF THE DIRECTOR

SEC. 613. (a) It shall be the duty of the Director to—

(1) serve as the principal signals intelligence officer of the Government;

(2) ensure that the signals intelligence activities of the United States are conducted in accordance with the provisions of this Act and with the Constitution and laws of the United States, and that such activities do not abridge any right protected by the Constitution or laws of the United States;

(3) direct all cryptologic activities of the Agency;

(4) maintain and manage an effective and unified United States signals intelligence system;

(5) control all the signals intelligence collection (including special signals intelligence collection by the Department of Defense), processing, reporting, and dissemination activities of the United States in accordance with intelligence policies, needs, and priorities established by the National Security Council and intelligence requirements and objectives promulgated by the Director of National Intelligence;

(6) manage signals intelligence resources, personnel, and programs;

(7) serve, under the Secretary of Defense, as the principal communications security officer of the United States Government and ensure that the communications security activities of the United States are conducted in accordance with the provisions of this Act and with the Constitution and laws of the United States, and that such activities do not abridge any right protected by the Constitution or laws of the United States;

(8) fulfill the communications security requirements of all departments and agencies based upon policy guidance from the National Security Council operating pursuant to section 142 of this Act;

(9) consolidate, as necessary, the performance of the signals intelligence and the communications security functions of the United States for the purpose of achieving overall efficiency, economy, and effectiveness;

(10) conduct such research and development in support of signals intelligence and communicating security activities as may be necessary to meet the needs of departments and agencies authorized to receive signals intelligence or which require communications security assistance, or delegate responsibility for such research and development to other departments or agencies, and review research and development conducted by any department or agency in support of signals intelligence and communications security activities;

(11) determine the manpower resources and administrative support needed by the Agency to conduct effectively its signals intelligence activities and, in accordance with such terms and conditions as shall be mutually agreed upon by the Director of National Intelligence and the Secretary of Defense, enter into agreements with other departments and agencies for the provision of such manpower resources and administrative support;

(12) determine the manpower resources and administrative support needed by the Agency to conduct effectively its communications security activities, and, based upon guidance from the Secretary of Defense, enter into agreements with other departments and agencies for the provision of such manpower resources and administrative support;

(13) review all proposed budgets and resource allocations for the signals intelligence activities of the United States, prepare a proposed consolidated United States signals intelligence budget for each fiscal year based upon program and budget guidance from the Director of National Intelligence, and submit each such proposed budget to the Director of National Intelligence and the Secretary of Defense at such time and in such manner as the Director of National Intelligence shall specify;

(14) review all proposed budgets and resource allocations for the communications security activities of the United States, prepare a proposed consolidated communications security budget for each fiscal year, and submit each such proposed budget to the Secretary of Defense at such time and in such manner as the Secretary of Defense shall specify;

(15) provide appropriate mechanisms for the control of all funds made available to the Agency to carry out its authorized activities;

(16) prescribe and enforce, in accordance with applicable law and policy guidance from the Director of National Intelligence, and, as appropriate, the Attorney General, security rules, regulations, procedures, and standards for the acquisition, handling, transportation, transmission, processing, and reporting of information relating to signals intelligence and communications security activities in order to protect such information from unauthorized disclosure;

(17) conduct, in coordination with the Director of National Intelligence, cryptologic liaison with foreign governments;

(18) provide for such communications support and facilities as may be necessary to (A) conduct signals intelligence activities in a timely and secure manner, and (B) ensure the expeditious handling of critical information for the United States Government;

(19) prescribe all cryptographic systems and techniques, other than secret writing systems, to be used in any manner by the United States Government and provide for the centralized production and control of cryptographic systems and materials to be used by the United States Government;

(20) evaluate, based upon policy guidance from the Attorney General, the vulnerability of the United States communications to interception and exploitation by unintended recipients and, under the supervision of the Secretary of Defense and in accordance with policy guidance from the National Security Council operating pursuant to section 142 of this Act, institute appropriate measures to ensure the confidentiality of such communications;

(21) ensure that the agency will receive, in a timely fashion, all signals intelligence data collected by any entity of the Intelligence Community;

(22) develop plans to ensure the responsiveness of the United States signals intelligence system to the needs of the Secretary of Defense, including the delegation of such tasking authority as may be appropriate;

(23) provide the National Security Counsil and the Director of National Intelligence with such information as they may request on the activities of the Agency and on the signals intelligence activities and the comunications security activities of the United States;

(24) issue such rules, regulations, directives, and procedures as may be necessary to implement this title; and

(25) perform with respect to the Agency the duties assigned elsewhere in this Act to the head of each entity of the Intelligence Community.

(b) To assist the Director in the fulfillment of his responsibilities under this section, the heads of all departments and agencies shall furnish the Director, upon request and in accordance with applicable law, such data as the Director may require and the Director shall take appropriate steps to maintain the confidentiality of any confidential information which is so provided.

GENERAL COUNSEL; INSPECTOR GENERAL

SEC. 614. (a) There shall be a General Counsel of the Agency appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall serve as the principal legal advisor to the Director and shall have the responsibility and the authority to—

(1) review all activities of the Agency and advise the Director on whether such activities are in conformity with the laws of the United States, executive orders, presidential directives and memoranda, and the rules, regulations, and policies of the Agency;

(2) review all proposed rules and regulations of the Agency, including but not limited to any rule or regulation proposed to implement the provisions of this Act, to ensure that any such rule or regulation is in conformity with the laws of the United States, executive orders, and presidential directives and memoranda;

(3) perform the same duties with respect to the Agency as the general counsel of each entity of the Intelligence Community is required to perform in the case of such entity by section 151 of this Act; and

(4) perform such additional duties as the Director may prescribe.

(b) There shall be an Inspector General of the Agency appointed by the Director. The Inspector General shall have the responsibility and the authority to—

(1) investigate all activities of the Agency to determine in what respects the Agency may more effectively perform its lawful functions and to determine the facts and circumstances of any alleged wrongdoing;

(2) advise the Director and the General Counsel of the Agency of the Inspector General's findings regarding such activities;

(3) perform the same duties with respects to the Agency as the inspector general of each entity of the Intelligence Community is required to perform in the case of such entity by section 151 of this Act;

(4) conduct such other investigations as the Director deems necessary and appropriate consistent with the provisions of this Act; and

(5) perform such other duties as the Director may prescribe.

(c) Any person holding the office of General Counsel of the National Security Agency as such agency existed on the day before the effective date of this title may continue to serve in the corresponding office established by this title until such person or that person's successor is appointed as provided in this title, but in no event for a period exceeding 30 days after such effective date.

PART C—GENERAL AND SPECIAL AUTHORITIES OF THE AGENCY; AUTHORIZATION FOR APPROPRIATIONS

GENERAL AUTHORITIES OF THE AGENCY

SEC. 621. (a) In carrying out its functions under this Act, the Agency is authorized to—

(1) transfer to and receive from other departments and agencies funds for the sole purpose of carrying out functions authorized by this title;

(2) exchange funds without regard to the provisions of section 3651 of the Revised Statutes (31 U.S.C. 543);

(3) reimburse other departments and agencies of the Government for personnel assigned or loaned to the Agency and services furnished to the Agency;

(4) rent any premises at the seat of government and elsewhere necessary to carry out any function of the Agency authorized under this title, and make alternations, improvements, and repairs to premises of, or rented by, the Agency as may be necessary without regard to any limitation prescribed by law if the Director (A) expressly waives such limitation otherwise applicable to the renting, alteration, improvement, or repair, as the case may be, of premises after a finding that such waiver is necessary to the successful performance of the Agency's functions or the security of its activities, and (B) promptly notifies the Permanent Select Com-

mittee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of the waiver and of the reasons for exercising such waiver;

(5) lease buildings to the Government without regard to the limitations prescribed in section 322 of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending 30 June 1933, and for other purposes," approved 30 June 1932 (40 U.S.C. 278a) or the provisions of section 2675 of title 10, United States Code;

(6) acquire, construct, or alter buildings and facilities (including family and bachelor housing in foreign countries only) without regard to the Public Buildings Act of 1959 (40 U.S.C. 601–615) or section 1682 of title 10, United States Code; and repair buildings, utilities, facilities and appurtenances;

(7) repair, operate, and maintain buildings, utilities, facilities, and appurtenances;

(8) conduct health-service programs as authorized by section 7901 of title 5, United States Code;

(9) in accordance with regulations approved by the Director, transport officers and employees of the Agency in Government-owned automotive equipment between their domiciles and places of employment where such personnel are engaged in work that makes such transportation necessary, and transport in such equipment, to and from school, children of Agency personnel who have quarters for themselves and their families at isolated stations outside the continental United States where adequate public or private transportation is not available;

(10) settle and pay claims of civilian and military personnel, as prescribed in Agency regulations consistent with the terms and conditions by which claims are settled and paid under the Military Personnel and Civilian Employees' Claims Act of 1964 (31 U.S.C. 240–243);

(11) pay, in accordance with regulations approved by the Director, expenses of travel in connection with, and expenses incident to attendance at meetings of professional, technical, scientific, and other similar organizations when such attendance would be a benefit in the conduct of the work of the Agency;

(12) establish, furnish, and maintain, in coordination with the Director of National Intelligence, secure cover for Agency officers, employees, and agents and activities;

(13) direct the transfer, on a non-reimbursable basis and after coordination with the Director of National Intelligence, of such cryptologic and cryptologic-related equipment and supplies among entities of the Intelligence Community and between entities of the Intelligence Community and departments and agencies as may be necessary for performance of the functions authorized by this title, and pay expenses of arrangements with foreign countries for cryptologic support as specifically approved by the Director of National Intelligence.

(14) perform inspection, audit, public affairs, legal, and legislative services;

(15) protect, in accordance with standards established by the Director of National Intelligence under section 114 of this Act and with any other applicable statute or executive order, materials and information related to intelligence sources and methods;

(16) perform such additional functions as are otherwise authorized by this Act to be performed by each entity of the Intelligence Community; and

(17) exercise such other authorities available to the Secretary of Defense as may be delegated by the Secretary of Defense to the Agency.

(b) The authority contained in clause (6) of subsection (a) shall, except as otherwise provided in this Act, be available to the Agency notwithstanding any other provision of law and shall not be modified, limited, suspended, or superseded by any provision of law enacted after the effective date of this title unless such provision expressly cites clause (6) of subsection (a) and specifically indicates how such authority is to be so modified, limited, suspended, or superseded.

(c) Notwithstanding the provisions of section 3678 of the Revised Statutes (31 U.S.C. 628) any department or agency may transfer to or receive from the Agency any sum of money approved by the Director of National Intelligence and the Director of the Office of Management and Budget for use in support of foreign cryptologic liaison functions authorized by this title.

(d) The Agency may continue to use the seal of office used by the Agency prior to the effective date of this title and judicial notice shall be taken of such seal.

(e) The Director may appoint and assign security officers to police the installations and grounds of the Agency, where such security officers shall have the same powers as sheriffs and constables for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rule or regulation the Director may promulgate for the protection of such installations and grounds. The jurisdiction and police powers of such security officers shall not, however, extend to the service of civil process.

(f) The Director may authorize employees of the Agency to carry firearms within the United States for courier protection purposes, for the protection of the Director and Deputy Director, and in exigent circumstances, such officials of the Agency as the Director may designate, and for the protection of any foreign person visiting the United States under Agency auspices.

(g)(1) The Agency may appoint, promote, and separate such personnel or contract for such personnel services as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments to, promotions in, and separations from the competitive services, and without regard to the limitations on types of persons to be employed, and fix the compensation of such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, but at rates not in excess of the rate authorized for GS–18 by section 5332 of that title;

(2) Executive schedule positions within the Agency other than the Director, Deputy Director, General Counsel, and Inspector General, and positions in the grades of GS–16, GS–17, and GS–18, other than those transferred to the Agency under this Act shall be as authorized by law.

(3) Any Agency officer or employee who has been separated under paragraph (1) may seek or accept employment in the Government if declared eligible for such employment by the United States Civil Service Commission; and that commission may place such officer or employee in a position in the competitive civil service in the same manner as an employee who is transferred between two positions in the competitive service, but only if such Agency officer or employee has served with the Agency for at least one year continuously immediately preceding such separation.

PROCUREMENT AUTHORITY

SEC. 622. (a) The Agency is authorized to procure such property, supplies, services, equipment, and facilities as may be necessary to carry out its functions under this title. Such property, supplies, services, equipment, and facilities may include purchase or rental and operation of photographic reproduction, cryptographic, duplication, and printing machines, and all manners of equipment and devices necessary to the cryptologic mission of the Agency; radio-receiving and radio sending equipment and devices, including telegraph and teletype equipment; rental of news-reporting services; purchase, maintenance, operation, repair, and hire of passenger motor vehicles, aircraft, and vessels of all kinds; printing and binding services; the purchase, maintenance, and cleaning of firearms, including purchase, storage, and maintenance of ammunition; association and library services and dues required by any such association; supplies, equipment, personnel services and contract services otherwise authorized by law or regulation.

(b) The provisions of chapter 137, relating to the procurement of property and services, and chapter 139, relating to the procurement of research and development services, of title 10, United States Code, shall apply to the procurement of property, services, and research and development services by the Agency in the same manner and to the same extent such chapters apply to the procurement of property, services, and research and development services by the agencies named in section 2302(a) of such title, except that the Director is authorized, with the approval of the Secretary of Defense and the Director of National Intelligence, to waive the application of any or all of the provisions of chapters 137 and 139 of such title when the Director deems such action necessary to the successful performance of any function of the Agency or to protect the security of activities of the Agency. Any waiver exercised by the Director under this section shall be reported to the committees of the Congress having jurisdiction over the Agency together with the reasons for exercising such waiver.

(c) (1) The Agency is authorized to procure property, goods, or services, on the Agency's own behalf, in such a manner that the role of the Agency is not apparent or publicly acknowledged if the Director of National Intelligence and the Secretary of Defense jointly find that (A) public knowledge that the Agency is the procurer of the property, goods, or services, as the case may be, will inhibit or interfere with the secure conduct of an authorized intelligence function, and (B) such procurement in such manner cannot be accomplished by the Central Intelligence Agency without substantial adverse impact on the National Security Agency's accomplishment of an authorized intelligence function. The procurement authority provided under this subsection may be exercised by the Agency only in accordance with section 139 of this Act but may be exercised not withstanding any other provision of law.

(2) Any procurement made under the authority of this section shall be reported in a timely manner to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, accompanied by a copy of the findings required under paragraph (1).

PRINTING AND BINDING

SEC. 623. The Director is authorized to operate a full scale printing plant, as defined by the Joint Committee on Printing of the Congress of the United States, for the production of cryptologic and cryptologic-related materials, subject to the rules of the Joint Committee on Printing of the Congress.

EDUCATION AND TRAINING

SEC. 624. The Director is authorized to establish and insure compliance with standards for training necessary to accomplish the cryptologic missions of the Government and to arrange for, fund, or provide training as may be necessary to accomplish the lawful functions of the Agency. The provisions of chapter 41 of title 5, United States Code, shall be applicable in the conduct of such

training. Notwithstanding the foregoing sentence, the Director is authorized to waive the application of any or all such provisions if the Director deems such action necessary because of the unique mission and function of the Agency, and promptly notifies the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of the waiver and the reasons for it.

AUTHORIZATIONS FOR APPROPRIATIONS AND EXPENDITURES

SEC. 625. (a) Notwithstanding any other provision of law, funds made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out the lawful functions of the Agency. No funds may be expended for activities which have not been authorized by legislation enacted during the same or one of the two immediately preceding fiscal years, except that this limitation shall not apply to funds appropriated by any continuing resolution.

(b) (1) The Secretary of Defense may make funds available to the Agency for the purpose of meeting confidential, emergency, or extraordinary expenses of the Agency, but any funds made available to the Agency by the Secretary of Defense for such a purpose may be made available only from funds appropriated to the Secretary of Defense for the specific purpose of meeting confidential, emergency, or extraordinary expenses.

(2) Any funds made available to the Agency by the Secretary of Defense for meeting confidential, emergency, and extraordinary expenses may be used only to meet the expenses specified by the Secretary of Defense. The expenditure of such funds shall be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount certified therein, but such expenditures may be made only for activities authorized by law. The Director shall report all expenditures made under authority of this subsection on a quarterly basis to the Committees on Appropriation of the Senate and the House of Representatives, and to all other committees of the Congress having jurisdiction over the Agency.

PART D—AUTHORIZATION TO REQUEST AND RECEIVE SIGNALS INTELLIGENCE; ACCESS OF PERSONNEL TO INFORMATION

DESIGNATION OF ENTITIES TO REQUEST SIGNALS INTELLIGENCE

SEC. 631. (a) The President shall, within 30 days after the effective date of this Act, and at such times thereafter as necessary, designate in writing those authorized to request and receive signals intelligence information that has been obtained or produced by the Agency. The President shall annually provide a list of those so designated to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(b) The Agency shall not furnish signals intelligence information except to those designated by the President under subsection (a) of this section.

(c) The Agency shall not act upon a request for signals intelligence information unless such request is lawful under the Constitution and the laws of the United States (including this title), and consistent with applicable executive orders and presidential directives.

(d) Nothing in this section shall be interpreted as a limitation on the authority of any committee of the Congress to obtain information relating to any activity over which such committee has legislative jurisdiction.

ACCESS TO SIGNALS INTELLIGENCE AND COMMUNICATIONS SECURITY INFORMATION

SEC. 632. The Director may authorize any employee of the Agency or any employee of any contractor, prospective contractor, licensee, or prospective licensee of the Agency, or permit any employee of a department or agency or of any contractor of any department or agency, or any member of the armed forces of the United States, or any other person designated by the Director, to have access to signals intelligence or communications security information or to the facilities where such information is stored or utilized if such access is necessary to the effective performance of any duty performed for the Agency; except that, in the case of any person not an employee of the Agency or of a contractor of the Agency, the head of the appropriate department or agency or the designee of that department or agency head must first certify that the individual who is to have such access has been cleared in accordance with the established personnel security procedures and standards prescribed by the Director pursuant to title III of the Internal Security Act of 1950 (50 U.S.C. 831–835).

PART E—PATENTS AND INVENTIONS

SPECIAL AUTHORITY REGARDING PATENTS AND INVENTIONS

SEC. 641. (a) Section 181 of title 35, United States Code, is amended by adding at the end thereof the following new paragraph:

"Patents and inventions useful in the provision of security, confidentiality, or privacy of communications or other forms of transmission of data, or incorporating sensitive cryptologic techniques, which in the opinion of the Director of the National Security Agency, if published, might be detrimental to the national security, shall be handled in accordance with the provisions of this section as if the Commissioner had determined that the publication or disclosure of any such invention by the granting of a patent might be detrimental to the national security.".

(b) Section 188 of title 35, United States Code, is amended by inserting ", the Director of the National Security Agency,", immediately after "defense department,".

(c) Section 408 (c) of title 17, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) The Register of Copyrights shall take all such steps as may be specified by the Director of the National Security Agency to secure from disclosure any material which might otherwise be subject to copyright protection which involves the provision of security, confidentiality, or privacy of communications or other forms of transmission of data, or incorporating sensitive cryptologic techniques which in the opinion of such director, if available for public inspection and copying, might be detrimental to the national security.".

PART F—TRAVEL AND OTHER EXPENSES; SPECIAL FACILITIES; RETIREMENT SYSTEM

TRAVEL, RELATED EXPENSES, AND DEATH GRATUITIES FOR CERTAIN AGENCY PERSONNEL

SEC. 651. (a) As used in this section—

(1) The term "employee" means any person employed by the Agency, but does not include, unless otherwise specifically indicated, any person working for the Agency under a contract or any person who when initially employed is a resident in or a citizen of a foreign country in which the station at which such person is to be assigned to duty is located.

(2) The term "foreign area" means any geographic area outside the United States.

(3) The term "United States" means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and the Canal Zone, but does not include Guam and other territories and possessions of the United States.

(b) Under such regulations as the Director of National Intelligence may approve—

(1) with respect to employees assigned to duty stations within the United States, the Agency may pay—

(A) travel, transportation, and subsistence expenses comparable to those provided for in title 5, United States Code, and

(B) allowances in accordance with the provisions of chapter 59 of title 5, United States Code; and

(2) with respect to employees assigned to duty stations in any foreign area, the Agency may provide allowances in accordance with the provisions of chapter 59 of title 5, United States Code, allowances and other benefits in the same manner and under the same circumstances such allowances and other benefits are provided employees of the Foreign Service under title IX of the Foreign Service Act of 1946 (22 U.S.C. 1131–1158), and death gratuities in the same manner and under the same circumstances such gratuities are provided employees of the Foreign Service under section 14 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2679a).

(c) (1) Whenever any provisions of law relating to travel and related expenses or death gratuities of employees of the Foreign Service is enacted after the date of enactment of this Act, is not enacted as an amendment to one of the provisions referred to in subsection (b) (2) of this section, and the President determines that it would be appropriate for the purpose of maintaining conformity between provisions of law relating to travel and related expenses and death gratuities of the Foreign Service and provisions of law relating to travel and related expenses and death gratuities of employees of the Agency, the President may, by executive order, extend in whole or in part to employees of the Agency the allowances and benefits applicable to employees of the Foreign Service by such provision of law.

(2) Any such executive order issued pursuant to this subsection shall have the force and effect of law and may be given retroactive effect to a date not earlier than the effective date of the corresponding provisions of law relating to Foreign Service personnel. Any such order shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

(A) all provisions of law relating to travel, related expenses, and death gratuities of employees of the Agency enacted prior to the effective date of the provisions of such executive order, and

(B) any provision of any prior executive order issued under authority of this section.

(3) An executive order issued under the authority of this subsection may not become effective until the expiration of at least 60 days after the President submits the proposed order to those committees of the Senate and House of Representatives having jurisdiction over the subject matter of the order.

(d) (1) Notwithstanding the provisions of subsections (b) and (c), and under such regulations as the Director of National Intelligence shall approve, the Agency may pay expenses, benefits, and allowances equivalent to those specifically authorized in subsections (b) and (c) in any case in which the Director determines that, for reasons of operational necessity or security, the means or method of paying expenses, benefits, and allowances authorized in such subsections should not be utilized.

(2) The Director shall annually inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of any expenditures made under this subsection and the reasons thereofr.

COMMISSARY AND MESS SERVICES AND RECREATION FACILITIES

SEC. 652. (a) The Director is authorized to establish and maintain emergency commissary and mess services in such places abroad and in Alaska where, in the Director's judg-

ment, such services are necessary to ensure the effective and efficient performance of the duties and responsibilities of the Agency, but only if such services are not otherwise available from other departments and agencies of the Government. An amount equal to the amount expended for any such services shall be covered into the Treasury in miscellaneous receipts.

(b) The Director is authorized to assist in the establishment, maintenance, and operation, by officers and employees of the Agency, of non-Government operated commissary and mess services and recreation facilities at certain posts abroad, including the furnishing of space, utilities, and properties owned or leased by the United States for use by the Agency. Commissary and mess services and recreation facilities established pursuant to this subsection shall be made available, insofar as practicable, to officers and employees of other Government agencies and their families who are stationed abroad or in Alaska. Such services and facilities shall not be established in localities where another department or agency operates similar services or facilities unless the Director determines that such additional services or facilities are necessary.

(c) Notwithstanding any other provision of law, charges at any post abroad or in Alaska by a commissary or mess service or recreation facility authorized or assisted under this section shall be at the same rate for all civilian and military personnel of the Government serviced thereby, and all charges for supplies furnished to such a facility abroad or in Alaska by any department or agency shall be at the same rate as that charged by the furnishing department or agency to its civilian or military commissary or mess services or recreation facilities.

RETIREMENT SYSTEM

SEC. 653. Employees of the Agency shall participate in the regular Federal civil service retirement system provided for under subchapter III of chapter 83 of title 5, United States Code, except that the Director is authorized to designate a limited number of employees whose duties either are in support of Agency activities abroad, hazardous to life or health, or so specialized as to be clearly distinguishable from normal government employment, for participation in a separate retirement and disability program which may hereafter be authorized by law.

PART G—RESTRICTIONS; SPECIAL DELEGATION OF AUTHORITY; PRESERVATION OF CERTAIN AUTHORITY AND RESPONSIBILITY

RESTRICTIONS

SEC. 661. The authorities, duties, and responsibilities prescribed in this title are subject to the restrictions of titles II and III and sections 131 through 139 of this Act.

SPECIAL DELEGATION AUTHORITY; MISCELLANEOUS PRESERVATION OF AUTHORITY AND RESPONSIBILITY

SEC. 662. (a) In exercising control over all signals intelligence intercept and processing activities of the United States, the Director shall make special provision for the delegation of limited control of specified signal intelligence facilities and resources required to provide signals intelligence close support to military commanders or the heads of other departments and agencies of the Government. Such special provision shall be made in any case for such period and for such activities as the Director determines to be appropriate. The Director shall also enter into arrangements with any department or agency not part of the United States signals intelligence system which is capable of producing signals intelligence when such arrangements are appropriate to assist the Director in fulfilling the Director's responsibilities under this title and when such arrangements will not adversely affect the performance of the other authorized duties of such department or agency.

(b) Nothing in this title shall contravene the responsibilities of any department or agency for the final evaluation of signals intelligence, the synthesis of such intelligence with intelligence from other sources, and the dissemination of finished intelligence to users in accordance with prescribed security procedures.

(c) Nothing in this title shall contravene the authorized functions of any department or agency to organize and conduct individual communications security activities other than the development of cryptographic systems, devices, equipment and procedures. Each department and agency concerned shall be responsible for implementing all measures required to assure communications security in accordance with doctrines, standards and procedures prescribed by the Director.

(d) Nothing in this title shall contravene the authority of the Central Intelligence Agency to conduct, as approved by the Director of National Intelligence after review by the Director, clandestine signals intelligence operations in support of clandestine activities; to conduct, in coordination with the Director, clandestine operations designed to achieve signals intelligence objectives; and to prescribe unique communications security methods and procedures, after review by the Director, in support of clandestine activities.

(e) All elements of the United States signals intelligence system shall conduct signals intelligence activities in response to operational tasks assigned by the Director and in accordance with directives issued by the Director. Except as authorized in subsection (a), no other organization outside the United States signals intelligence system shall engage in signals intelligence activities unless specifically authorized to do so by the National Security Council.

(f) Nothing in this title shall be construed as amending or superseding the provisions of the Act entitled "An Act to provide certain administrative authorities for the National Security Agency, and for other purposes", approved May 29, 1959 (73 Stat. 63; 50 U.S.C. 402 note).

(g) The provisions of sections 2 and 3 of the Act entitled "An Act to fix the responsibilities of disbursing and certifying officers, and for other purposes", approved December 29, 1941 (55 Stat. 875; 31 U.S.C. 82(c) and 82(d). shall apply to certifications for payments and to payments made by or on behalf of the National Security Agency by certifying officers and employees and by disbursing officers and employees under the jurisdiction of any military departments, notwithstanding the provisions of 31 U.S.C. 82(e).

(h) Clause (1) of section 552 of title 5, United States Code, is amended by inserting "or the National Security Agency" after "Central Intelligence Agency".

PART H—TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

TRANSFER OF PERSONNEL, PROPERTY, AND FUNCTIONS

SEC. 671. (a) All positions established in and personnel employed by the National Security Agency, as in effect on the day before the effective date of this title, and all obligations, contracts, properties, and records employed, held, or used primarily in connection with any function to be performed by the Agency under this title, are transferred to the Director.

(b) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges which have become effective in the exercise of functions transferred under this title and which are in effect on the day before the effective date of this title, shall continue in effect until modified, terminated, superseded, set aside, or repealed by the Director, or other appropriate Agency officials, by any court of competent jurisdiction, or by operation of law.

(c) The provisions of this title shall not affect any proceedings pending before the National Security Agency as in effect prior to the effective date of this title.

(d) No suit, action, or other proceeding begun by or against any officer in that officer's official capacity in the National Security Agency, as in effect prior to the effective date of this title, shall abate by reason of enactment of this title.

(e) With respect to any function transferred by this title and exercised after the effective date of this title, reference in any other Federal law to any department, agency, office, or part thereof shall be deemed to refer to the department, agency, or office in which such function is vested pursuant to this title.

TITLE VII—MISCELLANEOUS AMENDMENTS AND EFFECTIVE DATE

AMENDMENT TO THE NATIONAL SECURITY ACT OF 1947

SEC. 701. The third paragraph of section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended to read as follows:

"The function of the Council shall be to (1) provide guidance and direction to and an ongoing review of the conduct of all national intelligence, counterintelligence, and counterterrorism activities of the United States, and (2) advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security."

AMENDMENTS TO TITLE 5, UNITED STATES CODE

SEC. 702. (a) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"(15) Director of National Intelligence."

(b) Section 5313 of such title is amended by striking out

"(15) Director of Central Intelligence." and inserting in lieu thereof

"(15) Deputy Director of National Intelligence.".

(c) (1) Section 5314 of such title is amended by striking out

"(35) Deputy Director of Central Intelligence." and inserting in lieu thereof

"(35) Director of the National Security Agency."

(2) Section 5314 of such title is further amended by adding at the end thereof the following:

"(67) Assistant Directors of National Intelligence (5).".

(d) Section 5315 of such title is amended by adding at the end thereof the following:

"(122) Deputy Director of the National Security Agency.

"(123) General Counsel of the Central Intelligence Agency.

"(124) Inspector General of the Central Intelligence Agency.".

(e) Section 5316 of such title is amended by adding at the end thereof the following:

"(144) General Counsel of the National Security Agency.

"(145) Inspector General of the National Security Agency.".

AMENDMENT TO THE FEDERAL ADVISORY COMMITTEE ACT TO ELIMINATE EXEMPTION FOR THE CENTRAL INTELLIGENCE AGENCY

SEC. 703. Section 4(b) of the Federal Advisory Committee Act (86 Stat. 770) is amended to read as follows:

"(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by the Federal Reserve System.".

EFFECTIVE DATE

SEC. 704. This Act shall become effective on the first day of the third calendar month following the month in which it is enacted.

Mr. HUDDLESTON. I ask unanimous consent that statements by Senators BIDEN, INOUYE, and CHAFEE be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BIDEN

The introduction of Intelligence Community charter legislation today is in effect the end of the beginning of Congress' efforts to gain control over the intelligence apparatus of the Executive branch. This process began with the creation of the so-called Church Committee almost three years ago. That Committee, in its year of investigative work, laid out for the Senate, the Congress and the American people, the torrid story of the abuse of civil liberties, disrespect for the law, and disruption of our foreign policy which unfortunately characterized the activities of our Intelligence Community for many years.

At the same time that the Church Committee disclosed these very disturbing facts to the American public, it also indirectly pointed the finger of responsibility at those of us in the Congress who had failed to assert control over the Intelligence Community. In effect the Church Committee set out a two-part agenda. First, Congress was to establish a permanent intelligence oversight apparatus to gain control over a day-to-day operations of the Intelligence Community through traditional Congressional oversight. Secondly, the Church Committee, in quite detailed recommendations, suggested that that new Committee attempt to draft laws that would set out permanent guidelines and authority within which our foreign intelligence community might operate.

Many of us in the Senate, and obviously the members of the Church Committee, were quite sympathetic to those Intelligence Community officials who were forced to come before that Committee and defined past actions. Many of those officials pointed their finger back at the Congress and said, in effect, "You never told us what you expected of us and now we are in a position of being damned if we do and damned if we don't." Without charters the Intelligence Community was in the embarrassing situation of having to pursue intelligence operations at the direction of the President and with the acquiescense of the Congress without clear authority and being criticized after the fact by indignant members of Congress and the public.

The Senate undertook the first part of the Church Committee agenda by creating the so-called Inouye Committee in May of 1976. I was privileged to be asked to serve as a member of that Committee. The highest item on the agenda for the new committee as set by our distinguished former Chairman was the development of statutory charters for the Intelligence Community. Therefore, today is the third milestone in Congress' effort to gain control over the Intelligence Community. For with this legislation we in effect shift the focus of debate finally from the area of past abuse to the question of remedies for the future.

Under the leadership of our new Chairman, the Senior Senator from Indiana, we have the opportunity throngh the development of these charters to create a body of law which will apply the rule of law to the Intelligence Community. While it is important to fashion meaningful restrictions and sanctions to intelligence community affairs, it is also equally important that through our oversight apparatus and charters we ensure an even greater protection of our national security through the collection, analysis and production of useful foreign intelligence. I believe the legislation which we introduce today accomplishes many of the goals which we all desire and strikes the critical balance between the protection of the national security on the one hand, and the preservation of our civil liberties and the sanctity of our foreign policy on the other.

In co-sponsoring this legislation, however, I do not endorse every provision. Indeed I find some provisions of this legislation which will clearly require further work in the hearings and mark-ups which will follow in the months and years ahead. For example, in Title I of the legislation we establish Executive branch and Congressional procedures for oversight of covert action and clandestine collection. During my tenure on the Intelligence Committee I have learned that our process for oversight of covert action is quite effective but that the procedure by which we oversee clandestine collection, traditional spying, is much more lax. Although this legislation takes important steps in strengthening National Security Council and Congressional oversight of those sorts of sensitive clandestine collection operations, I would like to see more detail in the legislation as it applies to these procedures.

Title II of the legislation, dealing with restrictions on the intelligence community designed to protect the rights of Americans, will need more work in at least three areas:

(1) I am disturbed that the legislation does not adequately define the scope of domestic activities of a United States citizen which might subject him to foreign intelligence collection. Under this legislation lawful activity, possibly even constitutionally protected activity, may subject an American citizen to surveillance;

(2) I am concerned that Title II does not seem to place meaningful restrictions on covert collection techniques directed at American citizens other than those that rise to the level of a possible violation of the Fourth Amendment (a direct invasion of privacy). For example, it does not, to my mind, adequately control the use of informants;

(3) and finally, I am not totally satisfied with the civil remedies and criminal penalties set out in the legislation in that I think they are both too narrow.

I have spoken at length in the past about the wiretap legislation which is reflected in Title III and won't repeat myself on that subject here today. As to the other Titles, I feel they are a workable solution to the jurisdictional controveries that have arisen between intelligence agencies in the past and are otherwise relatively benign.

I hope my remarks today are taken in good spirit by the primary authors of this legislation. I only intend to lay out areas which I believe deserve further attention by the Intelligence Committee in the future and on the whole I view this legislation as a remarkably acceptable middle-ground on many of the difficult issues that we have been dealing with over the past few years in this area. I applaud the work of our past Chairman, the Senior Senator from Hawaii, and our new Chairman, the Senior Senator from Indiana, and the Senator from Kentucky who has spent so many hours working on this historic legislation.

STATEMENT BY SENATOR INOUYE

The introduction today by the Senate Select Committee on Intelligence of an organic charter which would provide for the governance of the intelligence activities of the United States is an important step in a sustained effort which began over three years ago. The Senate and indeed the country as a whole, demanded that the intelligence activities of the United States be carefully examined and set right. The period of investigations is largely over. We are well aware of the shortcomings and abuses that have occurred in the past. We also have had the opportunity to learn how an effective intelligence system can serve to protect the security and liberties of the United States.

The legislation which we introduce today is the beginning of another phase of a joint effort with the Executive branch to assure that the intelligence activities of the United States are functioning under our Constitutional framework. It is intended to serve as a reasonable agenda of the issues that must be resolved if we are to be satisfied that we have written the legal structure necessary for the governance of intelligence activities in our democratic society. The Executive branch and this Committee have agreed to work together and test every point of this legislative proposal. We fully expect that some of the provisions will be modified. Some of the provision, no doubt, will be seen after hearings, study and review to be too specific; other provisions will need amplification; provisions will be dropped; still others will be added.

This Committee is perhaps unique in its insistence that all members work closely together and share in the responsibility for coming up with the best possible charter for the intelligence activities of the United States. It is only through a process of rigorous testing, study and review of all points of view that we will come up with durable and lasting legislation. It is not an easy task to provide a legislative charter for activities that are largely secret in nature. The task requires the most careful consideration if we are to avoid repetition of the mistakes of the past, mistakes that occurred largely as a result of an independent understanding of the nature and consequences of creating a permanent itelligence system.

This Committee worked closely with the Executive branch in the writing of Executive Order 12036 issued by President Carter on January 24, 1978. Last July, at a meeting in the White House, the Committee and the President agreed to work together on the executive order which would serve as an interim measure until permanent statutes could be written and passed. It was agreed by both the President and the Committee that the time required to write a statue would offer the opportunity to test the validity of the provisions in the executive order, and that this testing of the executive order would provide a better basis for the eventual statutes.

During the year and a half that I served as the first Chairman of the Select Committee on Intelligence it was one of my goals to have the Committee write legislation to govern all the intelligence activities of the United States. It is a source of great pleasure to me that these bills are being introduced today. I want to commend the work done by Senators Huddleston and Mathias in the preparation of these draft statutes which will serve as the basis for the statutory effort. These drafts span the issues raised by the Ford and Carter executive orders, recommendations of the Church Committee and other issues which ought to be considered in providing the framework for the governance of intelligence activities.

We are agreed on our purposes. The Executive branch, the legislature and all members of this Committee firmly believe that statutory charters are necessary, and I think we are in essential agreement on the major provisions that should be contained. Most of the debate and argument will focus on how to assure that the rights of Americans are protected, without unduly hindering the necessary activities of the intelligence agencies. The premise of these draft statutes is that intelligence activities are necessary, and should be fully supported, but that they require unusually rigorous processes of review and oversight.

I am happy to continue with my colleagues in this effort which I believe is a remarkably successful example of how the two branches can work closely together on crucial and very difficult questions.

STATEMENT BY SENATOR CHAFEE

I am pleased today to join with my colleagues on the Select Committee on Intelligence in cosponsoring the National Intelligence Reorganization and Reform Act of 1978. I have long been impressed with the dedication and capabilities of the men and women who work in the anonymity of our intelligence community. At the same time, the investigations of the intelligence community over the last several years have brought the nation's attention to abuses that have been committed in the name of national security as well as to the dilemmas posed in a democratic and open society by secret intelligence activities.

The introduction of legislation establishing charters for each of our intelligence agencies, setting up procedures for review and approval of intelligence activities, and establishing clear and understandable guidelines for what actions may or may not be undertaken, will mark the beginning of a new phase in the history of the intelligence community. I believe that the legislation introduced today will strengthen our capabilities to preserve our nation from activities by hostile governments at the same time demonstrating conclusively that the actions needed to protect our country can be undertaken within and subject to the law.

The process of developing these charters has gone on for a year and a half. This process was marked by extensive consultation with the Executive Branch and with experts within and outside the government. The President's recent Executive Order, which was shaped in consultation with the Senate Select Committee on Intelligence, reflects this process.

This legislation is complex and detailed. While some of this legislation may be modified in the months ahead, I believe that the hard work which has produced these charters is a necessary first step toward the establishment of an improved national intelligence structure.

Perhaps the most important part of the introduction of this legislation is that it takes basic issues, such as: what form should the intelligence community take; what actions should it be allowed to undertake; what must we do to protect our security from hostile powers; what protections do we need for the rights of Americans, and begin the public debate necessary to rebuild confidence in our intelligence agencies.

Mr. MATHIAS. Mr. President, will the distinguished Senator from Kentucky yield?

Mr. HUDDLESTON. The Senator will yield.

Mr. MATHIAS. Mr. President, I want, to be sure that the Senate understands the debt which we owe to the Senator from Kentucky for his leadership and for the tremendous amount of work that he has invested in the charters which are being introduced today by an unusual bipartisan group of Senators. I do not believe that we could have the kind of sponsorship of these bills if it had not been for the kind of balanced development of the bills that the Senator from Kentucky provided, the opportunity for input that every member of the committee had. I just want to personally thank him for what he has done and to make sure that really every Member of the Senate fully appreciates the contribution that he has made to one of the most difficult subjects that we have had.

Mr. HUDDLESTON. I thank the Senator from Maryland for his kind remarks, and I must confess that I feel they are overly generous, but what we are presenting is the culmination of a great deal of work on the part of staff members and members of the committee and I think will point the way toward a reasonable outline of control and regulation over our intelligence operations at the same time protecting the rights of our citizens and providing the framework for the very best and most effective and most efficient intelligence operation in the entire world.

Mr. President, with us on the floor is another valuable member of the select committee who has been very helpful in the development of these charters and guidelines and is a cosponsor, the distinguished Senator from the State of Utah (Mr. GARN).

Mr. GARN. I thank the Senator from Kentucky for yielding. It has been a real pleasure to serve not only on the select committee, but on the Charters and Guidelines Subcommittee with the distinguished Senator from Kentucky.

Mr. HUDDLESTON. The Senator from Indiana (Mr. LUGAR), another member of the select committee, is on the floor, and I yield at this time to Senator LUGAR.

Mr. LUGAR. Mr. President, I congratulate the distinguished Senator from Kentucky (Mr. HUDDLESTON) on the introduction of this legislation, and likewise my colleague, Senator BAYH, the chairman of the Select Committee on Intelligence, and the Senator from Maryland (Mr. MATHIAS), the ranking minority member, all of whom have given special leadership in this effort.

I agree that this is a historic moment with regard to both intelligence and various constitutional principles of our country. During the past year, the President of the United States, representing the executive branch, has shared with the Select Committee on Intelligence very weighty matters and considerable responsibilities; and it has been with a sense of mutual trust that this has occurred.

But now we come to a point when those documents will be in the open, when there will be genuinely open debate, through the committee hearings and finally through the deliberations of this body, on matters that probably have never been so thoroughly discussed in any country at any time.

As a matter of fact, the whole idea of intelligence being a matter of public discussion is a difficult one for many persons to accept. It is a difficult one for many others to ponder over, as to how, in effect, the security of our country and those things that are most vital to us in knowledge about the rest of the world can be a matter of public scrutiny without serious violation of our ability to defend ourselves in those things we need to know.

I know that the question will not be an easy one. It has not been presented as easy by the distinguished Senator from Kentucky or others who have spoken on this matter. In fact, the tension between those things we need to know and the protection of the civil rights of Americans will exist throughout this debate, and I suspect throughout further administration of intelligence agencies under a new charter.

But the need to do this is obvious, and the quest has begun, and I am certain we are determined to be successful. In a bipartisan spirit, the committees joined together today in an open hearing with the press, and now, serving as part of these deliberations in the introduction of the bill. I am very pleased to be a cosponsor of this legislation, and look forward, as a member of the subcommittee headed by the distinguished Senator from Kentucky, to participating in the debate and helping it to proceed to success.

Mr. HUDDLESTON. I thank the distinguished Senator from Indiana.

Mr. President, I ask unanimous consent that statements by the distinguished Senator from New York (Mr. MOYNIHAN) and the distinguished Senator from Wyoming (Mr. WALLOP) be printed in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MOYNIHAN

I am pleased to join my colleagues from the Select Committee on Intelligence in cosponsoring the "National Intelligence Reorganization and Reform Act of 1978." The broad bipartisan support of this bill testifies to our common recognition of the need to provide adequate statutory support for the activities of our intelligence agencies. Perhaps no one of us agrees with every feature of the bill as presently written, but we are united in our belief that a proper balance can and must be struck in order to protect our rights from the organizations we depend upon to ward off external threats as well as from the external threats themselves.

While the dangers which our intelligence activities can pose to our rights have been widely discussed and written about in recent years, we are only now becoming fully aware of the dangers posed by the activities of hostile intelligence agencies. After some prodding, the Administration has begun to face seriously the question of Soviet electronic eavesdropping within the United States. In this connection, I am happy to note that the bill we are now introducing would specifically require the National Security Council to address the question of informing private citizens if their communications are vulnerable to interception.

The dangers posed by foreign intelligence activities are not limited to illegal electronic surveillance. Recent statements by administration officials, as well as the re-shuffling of the responsibility for counterintelligence in the recent Executive Order reorganizing the Intelligence Community, have led me to wonder whether we might not face a larger counterespionage problem than is generally realized. In the course of considering this legislation, we shall be holding hearings on this problem, and shall make sure that the counterintelligence function is well coordinated, and that the intelligence agencies are authorized to undertake all legitimate and necessary actions to meet this threat.

We are now formally embarked on a journey perhaps unprecedented in history—an attempt to bring an intelligence system within the framework of a country's legal system and to regulate it by public laws and rules. As far as I know, no other country has ever attempted to do this and doubtless there will

be cynics who will think it impossible. But I feel the country wishes us well as we begin the work of adjusting, in detail, our defenses against both the internal and external threats to our freedom.

STATEMENT OF SENATOR WALLOP

I am happy to co-sponsor this Committee's efforts to come up with a new, unified statutory basis for this nation's many necessary intelligence activities. I know we will have to change many of the provisions in these texts, but they are a fit place from which to start. For example, we must emphasize to a far greater extent than has been done thus far our concern for the effectiveness of our intelligence agencies. We must also do more to insulate the agencies from partisan political influence. Finally, charter legislation must provide greater security for our vital intelligence secrets than we now have and than the drafts now provide for. But we must begin somewhere.

ADDITIONAL STATEMENTS

Mr. BAYH. Mr. President, the National Intelligence Reorganization and Reform Act of 1978 is being introduced today. It marks a crucial turning point for the intelligence agencies of the United States. The introduction of intelligence charter legislation means that the Congress, and I believe the American people, want to give our intelligence agencies a clear mandate to carry on their essential work under the rules of law. The time has come to look to the future, rather than the past, and give the intelligence agencies the kind of support and guidance they need to perform the difficult tasks entrusted to them.

Many thousands of dedicated men and women in the FBI, the CIA, the National Security Agency, and other parts of the Intelligence Community are devoting their lives and talents to the service of their country. They are looking to us, as Members of Congress and citizens of the United States, for an unmistakable sign that we understand the importance of their efforts. The charter legislation signals to them, and to those who preceded and will follow them, that we believe our intelligence agencies are vital to the Nation's security.

These charters are the culmination of 3 years work by Members of the Senate, by their staffs, by officials of the executive branch under two administrations, and by interested citizens who have taken the time to share their views with us.

The original Select Committee on Intelligence Activities, chaired by Senator CHURCH, had the enormous task of investigating past activities and making the first comprehensive recommendations for intelligence charter legislation. The Church committee's reports did much more than document abuses. They stressed the need for a coherent national intelligence program, based on firm principles of accountability and respect for the rights of Americans. They established the agenda for legislation that would put those principles into practice. And they made specific proposals which, in most respects, are embodied in the essential features of the measure introduced today.

We also owe a debt of gratitude to the many senior administration officials, first under President Ford, and more recently for the extraordinary cooperation given to this committee under President Carter.

The Commission on CIA Activities, chaired by Vice President Rockefeller, played an important role in identifying improper and illegal activities and stressing the importance of strict limits on CIA activities in the United States. Attorney General Edward H. Levi provided many of the crucial standards for bringing intelligence within the rule of law. He was responsible for developing the first piece of intelligence legislation, the Foreign Intelligence Surveillance Act, which will require a court order for all intelligence wiretaps in the United States. That bill is now before the Intelligence Committee, and we intend to report it soon to the Senate floor.

Attorney General Levi also adopted the first formal guidelines for FBI intelligence investigations. Those guidelines were a valuable resource for this committee as we tried to frame realistic standards for the FBI. Director Clarence Kelley consistently endorsed the need for legislation to clarify the FBI's intelligence jurisdiction. In line with Attorney General Levi's guidelines, he reorganized the FBI Intelligence Division in 1976 so as to draw a clear line between FBI foreign counterintelligence and domestic law enforcement operations. The FBI charter legislation carries forward the essential thrust of those decisions.

The first Executive order on intelligence, E. O. 11905, issued by President Ford, was a pioneering attempt to regulate and improve the management of intelligence operations. In helping to prepare and carry out that order, and the regulations implementing it, CIA Directors William Colby and George Bush established a new policies to insure that CIA operations would not intrude upon the rights of Americans.

Finally, our thanks go to President Carter, Vice President Mondale, and the members of their administration for the intensive work they have put in over past months to develop a new Executive order which provides, in many respects, a model for charter legislation. By giving this committee an opportunity to participate in drafting the order, they have brought the Congress and the intelligence community together into a close working relationship. This cooperation may be unique in the history of relations between the two branches of Government.

It is often said of the legislative process in modern times that "the President proposes and the Congress disposes." The intelligence charters do not fit this pattern. President Carter has agreed that the Congress take the initiative in drafting the legislation, and he encouraged the executive agencies to work with us in this enterprise. These consultations have not resolved all issues, nor should they, nor would any reasonable person expect total agreement at this point. But we understand our differences more clearly, and we have confidence that the remaining problems can be solved as we move ahead.

Many of these outstanding issues involve the amount of detail that should go into legislation, as compared with regulations or guidelines. We have chosen to be as specific as possible in the bill, as introduced, in order to encourage the most careful examination of every problem. None of us who are sponsors of the bill agree fully with every part of it. There must and will be public hearings to explore alternatives. We need to test the language of the bill carefully, because it must provide firm standards and procedures for years to come.

On some questions, there are policy differences among us, just as there are differences of opinion among the American people. We shall seek to reconcile those differences wherever possible, after all sides have had a chance to express their views and listen to one another.

One of the main objectives of this act is to provide safeguards for constitutional rights. Title II, the Intelligence Activities and Constitutional Rights Act, establishes general standards for investigations of U.S. persons, including citizens and resident aliens, and foreign persons in the United States. The FBI and, within their jurisdiction, the CIA and military intelligence need clear authority to conduct investigations in order to protect against foreign intelligence services and international terrorists.

However, there must be limits to insure that these investigations do not infringe constitutional rights. Those limits are based on the belief that Americans should not be investigated unless there is reason to believe they may violate the law. Exceptions to this principle are permitted, but only in narrowly defined circumstances.

The bill also adopts procedural safeguards to prevent the improper use of techniques that invade personal privacy, and to insure that investigations do not continue without adequate justification. To implement these procedures, the Attorney General or his designee must approve investigations using intrusive techniques, and conduct an annual review of all continuing investigations.

The requirements tell the American people when and how information about them may be gathered by the FBI and, where appropriate, by other intelligence agencies at home and abroad. They also tell the dedicated employees of these agencies what they are expected to do, and not to do. Above all, they provide for the collection of necessary information about foreign powers and international terrorists, without intruding upon the exercise of constitutional rights.

Title II also establishes strict standards for retention and dissemination of information about U.S. persons. It adds new restrictions on political surveillance, improper dissemination of information, and participation in illegal activity. It strengthens existing limitations on undisclosed participation in U.S. organizations, assistance to law enforcement agencies, and the use of human subjects for experimentation.

Sanctions are imposed for violations, and they take into account the need to redress grievances and to protect agency employees from excessive litigation.

Title III, the Foreign Intelligence Surveillance Act, incorporates for reference purposes the pending electronic surveillance bill, S. 1566, with some amendments. The main purpose of this title is to apply the basic principles of S. 1566 to surveillance of Americans as well as to physical searches and mail opening. The U.S. Government should not target an American for surveillance or search, anywhere in the world, without a court order.

The most important intelligence agency from the point of view of the rights of Americans is the Federal Bureau of Investigation. Title V, the FBI Intelligence Activities Act, makes the Bureau the principal agency of the Government for counterintelligence and counterterrorism intelligence in the United States. FBI intelligence activities are under the supervision and control of the Attorney General and all the standards of title II for protecting constitutional rights apply to the FBI.

We are not covering FBI domestic security investigations in this act, because they should be treated as law enforcement rather than intelligence functions. A separate bill will be introduced to regulate FBI domestic security investigations.

Taken together, the intelligence charters represent a comprehensive effort to strike a balance between the security and foreign policy requirements of the Nation, and the values of a free and open society. We cannot ignore the threats posed by foreign adversaries, or stand unprepared for the crises of international affairs. But we also remember James Madison's warning to Thomas Jefferson. Madison wrote in 1778:

> Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad.

These charters meet the real dangers, and they are designed to protect liberty in times of unrest when people start to see imaginary dangers.

As part of the bedrock law of the land, these safeguards will not easily be set aside. I believe this is the best way to protect the privacy and freedom of Americans, today and for years to come.

Mr. GOLDWATER. Mr. President, over the past 3 to 4 years, there has been much said and written about our intelligence services. Unfortunately, a lot of this publicity was based on partial truth primarily aimed more at sensationalism than enlightment. Throughout this period, many outstanding men and women have dedicated themselves to the thankless task of being the eyes and ears of the defense of our country. With the constant pressure from within as well as from without, these people often had to wonder if the task was worth the effort.

It is in this light that we, today, have embarked on the long and tedious process of trying to develop a legal existence for all the various agencies which make up our intelligence community. The ultimate measure of our success will be found not in how rapidly we oversee and control these agencies but rather in how well we can establish their legal charters in order that the United States can have the finest intelligence in the world.

Today is truly an historic milestone, certainly in my career and, undoubtedly, in the records of the U.S. Senate. The legislative charters that are being introduced here today mark the beginning of a process unique in the annals of history. For, never before has a nation publicly aired the intelligence issue with the idea of determining the shape and direction of this crucial element. While there is no commitment on anyone's part to any concept or any specific item, these draft charters represent a lot of time and effort on the part of my colleagues as well as the intelligence community.

As we begin this process, I am sure that there will be many agreements and disagreements before we settle on the final form. It is my hope, however, that all of the interested parties to this debate, both public and private, can generate a lot of light and very little heat, for we are shouldering a heavy burden which will ultimately decide the fate of our Nation.

Mr. MATHIAS. Mr. President, I am happy to introduce today with Senator and the other members of the committee, Senator BAYH, the former chairman of the committee, Senator INOUYE, and the other members of the committee, the National Intelligence Reorganization and Reform Act of 1978. We are not far from the end of a very long process which goes back over 20 years. Over 200 resolutions ago, Senator Mansfield introduced a bill intended to bring all intelligence activities under constitutional control. Each of these 200 efforts failed, largely because of resistance of the executive branch and the lack of understanding of the constitutional implications of a largely secret intelligence system.

Over 3 years ago, the then Majority Leader Mike Mansfield and I introduced legislation which would have created a committee to study the many questions raised by the intelligence activities of the United States and to make proposals for reform. Shortly after this proposal was introduced, revelations of serious abuses by the intelligence agencies began to appear in the press. The furor in the country raised by the revelations of abuses of power by the intelligence community prompted the Senate to create the Select Committee to Study Governmental Operations With Respect to Intelligence Activities, known as the Church committee. The Church committee had two main purposes. First, it was to look into the many allegations that had been made about illegalities, improprieties, and abuses by the intelligence agencies of the United States. The second purpose, which I believe to have been far more important, was to scrutinize the nature and extent of our country's intelligence system, to review the history of its activities and performance, and to make recommendations to resolve the many problems that the intelligence agencies had created over the 25 years of their existence since World War II. The Church Committee, of which I was a member, issued a series of highly detailed reports, and made a broad series of recommendations.

One of the recommendations of the Church committee was to create a permanent oversight committee. The Senate overwhelmingly supported this recommendation and created the Select Committee on Intelligence on May 19, 1976, to be headed by Senator DANIEL K. INOUYE and Senator HOWARD BAKER, and later Senator BARRY GOLDWATER. Over a year and a half has passed since the permanent Committee on Intelligence was created, and under Senator INOUYE's leadership much has been accomplished. We have rigorous oversight of all intelligence activities. The oversight committee is fully informed of all significant activities. For the first time all intelligence moneys are carefully reviewed and authorized. Studies have been made evaluating the performance of various activities of the intelligence community, and regular reviews of all significant programs have been instituted.

But in my view one of the most important tasks of the Inouye committee was to develop permanent statutory charters to govern the intelligence activities of the United States. It is a great honor for me to serve as cochairman with Senator HUDDLESTON of the Subcommittee on Charters and Guidelines which has had the principal role in preparing the bills introduced today. Senator INOUYE's leadership has brought us to this point; Senator BAYH will have the task of completing the important work that has begun. I am confident that Senator BAYH's leadership will insure that this task is completed creditably.

Last summer, the Select Committee on Intelligence met several times with President Carter, Vice President MONDALE, Admiral Turner, National Security Adviser Brzezinski, and other leaders of the intelligence community. After much discussion, it was agreed that the task of providing lasting and durable legislation could only come about if the legislative and the executive branches worked closely together. The issues were too complex, the interrelationship between the branches too sensitive, the importance of intelligence to our national security too great, and the dangers of an improperly governed intelligence system too manifest for us to do otherwise than work together. Accordingly President Carter and the committee agreed to work together on an interim Executive order which would serve as a blueprint for the permanent charters to be written, reviewed, and approved over the coming year or so. It was our mutual belief that the interim executive order would be helpful not only for the present needs of providing direction and authorities to the intelligence community, but would also serve as a practical test of new review processes, authorities, and restrictions that were contained in the Executive order.

In the 6 months since this agreement between the committee and the President was made, work on the drafting of the charters has continued. When the Executive order was to be issued, the committee met again with the President, Vice President MONDALE, and other chief advisers and agreed that, following the introduction of the organic intelligence

bills, the committee and the executive branch would continue to work together until the greatest possible degree of consensus had been achieved.

In my view, the bills that we have introduced today serve as a reasonable agenda for the work that needs to be done over the coming year to provide an effective, reasonably permanent statutory charter for the intelligence activities of the United States. Even though I have worked on the intelligence question for over 3 years, as have some of my colleagues, more work needs to be done before the final form of the statutes is cast. I think that the bills we introduce today represent all of the major issues to be resolved and provide many of the answers to the questions that have bedeviled our country in recent years. The final form the legislation will take can only be determined after extensive hearings, review, debate, and discussion. It will require our best legislative craftsmanship.

But both the executive branch and the committee agree that we have reached a point of enough understanding and common purpose that we can at last embark with confidence on the legislative process of writing permanent statutes.

It is with great pleasure that I join with my colleagues in introducing these bills today.

Mr. BAKER. Mr. President, I am pleased to cosponsor this legislative charter package, because I think it is most important to endorse the historic work of the Senate Select Committee on Intelligence which is dedicated to improving our vital American intelligence function. This legislative charter effort for which the committee and Senator HUDDLESTON in particular are to be commended is a significant accomplishment. This undertaking and the ongoing process to better refine the product of that undertaking, is most worthy of endorsement. This is not to say that I advocate or support all elements and particulars of the charter package. I have certain reservations, but I am certain that these reservations, like the differing opinions of colleagues in the Senate and friends in and out of the intelligence community, will be fully and thoughtfully addressed in the course of future hearings on this legislative package. I welcome that phase and the opportunity to fully participate in it as an ex officio member of the Senate Select Committee on Intelligence. This is, indeed, a milestone in the evolution of the Senate's oversight function and the U.S. intelligence community.

Mr. GARN. Mr. President, I am a cosponsor of this charter package for one reason—we must do away with the uncertainties which have crippled the effectiveness of our intelligence agencies. We must allow them to get on with the job of providing the kind of information which is needed for the defense of this country.

Through its investigations, the Senate Select Committee on Intelligence has uncovered some abuses which have existed in the past. However, as Senator INOUYE said recently:

> In almost every instance, the abuses that have been revealed were a result of direction from above . . .

Yet as a result of these abuses, there have been unleashed a barrage of public and private criticism of our intelligence agencies unparalleled in history.

Because of these abuses, because of this barrage of criticism, and because of the subsequent and inevitable decline in public confidence in the intelligence agencies that has occurred, we have, to a large extent, immobilized our vital intelligence activities. In discussions I have had with U.S. intelligence officers in several parts of the world, I have found them to be so severely restricted by the ambiguities and uncertainties of their authority and responsibility that their effectiveness is limited.

Now these charters will not solve all of the problems of the intelligence community. There are even some aspects of the charters which I do not like. But on the whole they are a step in the right direction. They are a step toward removing ambiguities and clarifying the responsibilities of the intelligence agencies.

I am concerned some about the degree of specificity contained in these charters. However, I do not believe these charters tie the hands of the intelligence community. In fact, it is the existing uncertainty and ambiguity which is tying the community's hands and these charters are a step in the direction of lessening that. I will work through the process of the hearings and the markup on these charters to eliminate those provisions with which I am in disagreement. But I want to signify my support of the charter process and I want to point out several ways these charters will strengthen the intelligence agencies.

When these charters are enacted into law, we will have—for the first time in our history—an intelligence community with clear and unequivocal legislative authority to conduct intelligence and counterintelligence activities as well as to carry out special activities when such are needed and duly authorized. I hope this will put to rest persisting claims that legitimately authorized activities of the CIA, for example, are beyond the law.

We will also have a chief intelligence officer who has a specific legal responsibility to see that diverse points of view on intelligence matters are fully and clearly presented to policymakers. This should help guarantee that divergent points of view are free to be expressed during, for example, the national estimative process.

As everyone knows, intelligence officers must of necessity work under considerable secrecy. Yet ambiguities under the current law and the clamor for disclosure from some have made it difficult for the CIA to provide adequate cover for their officers. These charters grant specific authority for the intelligence community to provide cover for its officers and to operate proprietaries and to procure goods and services without identifying the affiliation of the entity, if such is necessary.

One of the more important provisions of the charters is that which makes it a serious crime for any Government employee who learns of the identity of an intelligence officer to reveal that information if such disclosure could result in any injury to the intelligence officer. I hope that we can put an end to people like Agee making a living out of revealing information which places the lives of intelligence officers in danger.

The charters also clarify the problem of civil liability for employees of the intelligence community. The debilitating civil suits that have been lodged against CIA and FBI employees will now be limited to a very narrow range of the most clearly justified offenses, and a broad "good faith" defense should protect individuals in the performance of their duties.

Unprecedented authority to pay court and attorney costs of individuals sued should also relieve those individuals from the extreme financial burdens which lawsuits may bring. This should at least reduce the harassing suits which have begun to demoralize certain intelligence agencies in the last few years.

There are many other aspects of the charters which will strengthen the legitimate work of the intelligence community. Guidelines on how and when information can be collected about U.S. persons are much more specific than has been the case in the past. Authorization for the specific kinds of collection most needed by the agencies are expressly granted by these charters. For example, the practice—previously questioned by some—of an intelligence officer collecting foreign intelligence in the possession of a U.S. person by interviewing his friends or associates to whom he may have divulged that information is clearly authorized.

There are a wide variety of minor provisions which have been included at the request of various intelligence agencies which will facilitate the administration and operation of the agencies. In fact, the several entities which make up the intelligence community have been receptive and helpful in working with this committee in the charter effort. Some of these agencies feel that in certain areas we may have gone too far. That may be the case.

But I want to remind everyone who shares my commitment to strengthen the effectiveness of the intelligence community that we will never restore public confidence in these agencies unless we make this effort. We need to be more specific than we have in the past. We need to assure the American people that intelligence work is vital to our national defense, that it is being done (on the whole) by loyal, dedicated Americans, and that the work of the intelligence community is both prescribed and proscribed by law.

The discrediting of our intelligence agencies must end. A recent quotation from a national magazine underscores this point. A Soviet KGB officer told the correspondent that—

> Of all the operations that the Soviet Union and the U.S. have conducted against each other, none have benefited the KGB as much as the campaign in the U.S. to discredit the CIA. In our wildest scenarios, we could never have anticipated such a plus for our side.

It's the kind of gift all espionage men dream about. Today our boys have it a lot easier, and we didn't have to lift a finger. You did all our work for us.

I pledge to continue to work toward the goal of strengthening the intelligence community as we move through the hearings and into the final version of these charters. I am certain there will be many changes. But in the face of increasing Soviet military strength, in the face of growing potential threats to U.S. security from terrorists groups, in the face of an unprecedented invasion of the United States by KGB agents, and in the face of a growing U.S. vulnerability to international agricultural, resource, and weather developments—in the face of all this, we cannot let the legal basis of our intelligence operations go unattended.

There are provisions of these charters which I do not like. It is not inconceivable that I will ultimately vote against them, since I cannot guarantee what changes will be made. But I feel strongly that intelligence is a vital national security function. We must stop its declining prestige and enhance its legitimate capabilities. These charters are a beginning.

Mr. HART. Mr. President, it is a pleasure to join my colleagues on the Select Committee on Intelligence today in cosponsoring a comprehensive bill which, for the first time, will establish a legal framework for intelligence activities.

At present, intelligence activities are controlled by a hodgepodge of laws, Executive orders, secret National Security Council directives, and Department of Defense regulations. Some intelligence activities—such as domestic counterintelligence and electronic surveillance for national security purposes—are not governed by any of the above. Rather they are duties performed by custom; or powers presumed to be derived from "inherent authority," which I have found always to be a dubious constitutional concept.

This bill represents a massive effort of thousands of hours of work to bring intelligence activities under a rational, clear, and understandable legal framework. It builds on the experience of the Church committee—of which I was a member—in which we documented serious abuses and uncontrolled activities. It also builds upon the knowledge of the Select Committee on Intelligence which has analyzed some of the organizational, budgetary and legal questions of the intelligence community.

The bill expressly authorizes the intelligence community to undertake those activities we have found are essential to promoting our national security. But just as clearly, it prohibits those practices which we have found are contrary to our democratic institutions or might imperil our constitutional rights.

This bill has been more than a year and a half in the making and represents not only work in the legislative branch, but extensive consultation with the White House and the entities in the intelligence community. It is such a large bill and such a complex one, that no one—including myself—is going to agree with every provision exactly as written. Before it becomes law, even those of us who support it may offer suggested changes.

But I wish to cosponsor this legislation as an expression of my own commitment to the principle that, although we must conduct some of our Government's activities in secret, we must conduct none beyond the rule of law.

Mr. MORGAN. Mr. President, I consider myself quite privileged today to join with my colleagues in cosponsoring the Intelligence Reorganization and Reform Act of 1978. These charters are of special significance to me. As a member of the Church Committee, and now as a member of the Intelligence Oversight Committee. I have witnessed firsthand the unraveling of the intricate and secret mechanisms which we call the intelligence community.

My service on the intelligence committees has been the source of some of the most complex and difficult senatorial assignments I have had, and my reactions to the investigations and other work the committees have performed has spanned the complete spectrum of human emotions. It was sadly distressing, for example, to see that countless American citizens had been frustrated in their efforts to realize the American dream by the sometimes illegal, sometimes abusive, and sometimes immoral acts of our intelligence agencies. On the other hand, service on these committees has heightened my appreciation for, and confidence in, the efforts of the agencies comprising our first line of defense in making sure that we, as a nation and people, are secure. The disregard for individual liberties set against the absolute need we have for good intelligence gave rise to feelings of frustration, for balancing the two is no easy task.

The principal recommendation of the Church committee was that there be established in the Senate a body to oversee the activities of our intelligence community. Since the select committee was established, I have seen and truly appreciated the significant efforts the agencies compromising the intelligence community have made to adhere to rules of law and moral responsibility; to attempt to help us find the proper balance. The assistance they have rendered our committee in coming up with guidelines to control them is to be commended.

The introduction of charter legislation constitutes the realization of the second principal recommendation of the Church committee, that the intelligence community be subject to a precise rule of law. While I am sure that there will be vigorous debate over some of the provisions of this legislation, I consider the introduction of these charters a significant step in reaching the necessary and proper balance between the individual liberties of our people and the security of our Nation.

Finally, I would like to say a word concerning the efforts put forth by the committee members and staff in preparation for this momentous occasion. Investigation and oversight of the intelligence community is no easy task. There is no political reward for taking the CIA to task for doing something improper which it considered at the time to be in the best interests of our country. And one does not gain popular support for criticizing the past illegal activities of the FBI. Despite the sometimes thankless nature of the work the committee has had to perform, I manage to find some internal sense of accomplishment in doing something which I feel has to be done. Benjamin Franklin once said:

Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety.

These charters and the immeasurable hours of work put in them by the legislative and executive branches of our Government are proof that we deserve and will have both.

REFORMING THE INTELLIGENCE COMMUNITY

Mr. CRANSTON. Mr. President, I am glad to be a cosponsor of the National Intelligence Reorganization and Reform Act of 1978.

Thirteen years ago, Harry Truman, during whose Presidency the Central Intelligence Agency was created, became troubled by reports of cloak-and-dagger activity by the CIA. He explained that his intention in setting up the intelligence agency was that—

(The President) needs to have available to him the most accurate and up-to-the-minute information on what is going on everywhere in the world. . . . This is an immense task and requires a special kind of intelligence family.

But he said:

For some time I have been disturbed by the way the CIA has been diversified from its original assignment. It has become an operational and at times a policymaking arm of the Government. This has led to trouble and may have compounded our difficulties in several expensive areas.

President Truman's remarks raise a fundamental issue: What activities by our intelligence agencies should or should not be allowed?

Reports of our intelligence agencies' activities led to intensive investigations by two committees of Congress and a Presidential commission. These investigations verified that, indeed, U.S. intelligence agencies had plotted the assassination of foreign leaders; influenced free elections, subverted democratically elected governments; routinely read private telegrams sent overseas by American citizens, to name just a few.

These findings caused Congress to focus on the question of what authority our intelligence community operated under in committing what we now call "abuses." We found a statute—the National Security Act of 1947—which was ambiguous on some important points if not silent.

We found a pattern of congressional "consultation" by which the CIA briefed Congress; but in a manner that protected a nervous Congress from knowing too much and allowed the CIA to reasonably deduce that it had congressional approval. We found improprieties and illegal activities committed at the direction of the highest executive branch authority. In short, we found that clearer direction—in statute—was needed to guide the activities of our intelligence agencies in the future.

As Vice President MONDALE said in a speech last August before the American Bar Association:

> Control of these powerful agencies cannot rest in one branch of government alone. Binding statutes must be adopted that can be changed only with the consent of Congress and can be enforced by the full power of the courts.

For this reason, the Senate, in Senate Resolution 400, mandated the Select Committee on Intelligence to study "the desirability of developing charters for each intelligence agency or department * * *." I commend the committee for the legislation it has presented to fulfill this mandate.

I note that in its work, the committee has had the cooperation of the administration. The Executive orders recently promulgated by the President were drafted in consultation with Congress and will serve to reorganize and regulate the intelligence community pending passage of this legislation.

This bill is comprehensive and complex, dealing with many sensitive issues and delicate balances. I am particularly interested in sections of the bill related to congressional review of the intelligence budget and covert action proposals as well as sections regarding the privacy and civil liberties of Americans.

I know my colleagues will join me in carefully studying this legislation over the coming months. I again congratulate the Intelligence Committee on its recommendations for improving the organization and performance of the intelligence community.

ORDER EXTENDING DATE FOR FILING REPORT ON S. 1566 UNTIL FEBRUARY 28, 1978

Mr. HUDDLESTON. Mr. President, the select committee has before it S. 1566, with a mandate that it be reported back to the Senate by February 18. On that particular date, the Senate will not be in session, being during the nonlegislative day period.

Therefore, as in legislative session, I ask unanimous consent that the date for reporting S. 1566, the Foreign Intelligence Surveillance Act, by the Senate Select Committee be extended until February 28, 1978.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUDDLESTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF H.R. 5646

Mr. HUDDLESTON. Mr. President, at the request of Mr. CANNON, as in legislative session, I ask unanimous consent that H.R. 5646, which has been held at the desk pending further disposition, be referred to the Committee on Commerce, Science and Transportation. I understand this has been cleared with the other side of the aisle.

Mr. BAKER. Mr. President, it has been cleared with this side of the aisle, and we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE B, 95TH CONGRESS, 2D SESSION—REMOVAL OF INJUNCTION OF SECRECY

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with Attached Protocol (Executive B, 95th Congress, 2d session), transmitted to the Senate today by the President, that the treaty be considered as having been read the first time, that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I submit herewith, for Senate advice and consent to ratification, the Agreement between the United States of America and the International Atomic Energy Agency ("Agency") for the Application of Safeguards in the United States of America, with attached Protocol, approved by the Board of Governors of the Agency on September 17, 1976. This Agreement provides for application of Agency safeguards to nuclear facilities in the United States, other than those having direct national security significance. The Agreement will enter into force when the United States notifies the Agency that its constitutional and statutory requirements for entry into force have been met.

The United States, as a nuclear weapons state party to the Treaty on the Non-Proliferation of Nuclear Weapons ("NPT"), is not obligated to accept Agency safeguards on its peaceful nuclear activities. On December 2, 1967, President Johnson offered to place United States nuclear facilities, except those with direct national security significance, under Agency safeguards in an effort to demonstrate that the application of those safeguards would not work to any nation's commercial disadvantage. Specifically, President Johnson stated:

". . . I want to make it clear to the world that we in the United States are not asking any country to accept safeguards that we are unwilling to accept ourselves.

"So I am, today, announcing that when such safeguards are applied under the treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance.

"Under this offer the agency will be able to inspect a broad range of U.S. nuclear activities, both governmental and private, including the fuel in nuclear power reactors owned by utilities for generating electricity, and the fabrication, and chemical reprocessing of such fuel . . ."

Over the next ten years, both Presidents Nixon and Ford reaffirmed that offer.

I also transmit, for the information of the Senate, the report of the Department of State concerning the Agreement.

Universal participation in the NPT is a central goal of our non-proliferation policy. The entry into force of this Agreement would encourage that participation, and would fulfill our long-standing commitment to accept safeguards. I urge the Senate to act favorably on this Agreement at an early date and give its advice and consent to ratification.

JIMMY CARTER.

THE WHITE HOUSE, *February 9, 1978.*

Mr. HUDDLESTON. Is there anything further from the distinguished minority leader?

Mr. BAKER. Mr. President, we have nothing further.

RECESS UNTIL 10 A.M. TOMORROW

Mr. HUDDLESTON. Mr. President, I move, in accordance with the previous order, that the Senate, in executive session, stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and at 6:36 p.m. the Senate, in executive session, recessed until Friday, February 10, 1978, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 9, 1978:

DEPARTMENT OF STATE

Robert Marion Sayre, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil.

Galen L. Stone, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

DEPARTMENT OF COMMERCE

Donald W. Banner, of Illinois, to be Commissioner of Patents and Trademarks, vice Curtis Marshall Dann, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 9, 1978:

CENTRAL INTELLIGENCE

Frank C. Carlucci, of Pennsylvania, to be Deputy Director of Central Intelligence.

DEPARTMENT OF JUSTICE

William H. Webster, of Missouri, to be Director of the Federal Bureau of Investigation for the term of 10 years.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

LEGISLATING PARITY PRICES

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. ARMSTRONG. Mr. Speaker, the U.S. Department of Agriculture recently published an analysis of parity prices as a basis for price and income support to farmers. While I disagree with USDA in many respects, this analysis is worth reading. I hope my colleagues in the House will find this information helpful in future discussions of agriculture price supports:

PARITY PRICES AS A BASIS FOR PRICE AND INCOME SUPPORT TO FARMERS

THE ISSUE

Some farmers and farm leaders are putting pressure on government to support prices at 100 percent of parity. Low grain prices, reduced farm income, and high debt-to-income ratios are the principal concerns behind attempts to organize a farm strike. The purpose of this report is to look at the concept of parity, indicate general ramifications of parity-based supports, and more specifically their impact likely on the domestic feed-livestock sector, U.S. exports, food prices, and farm income. The parity-based support discussion and the analysis measure of the first-round adjustments and do not address the total impact on domestic and international economies.

THE CONCEPT OF PARITY PRICES

Parity is essentially a ratio that compares the prices farmers receive for their commodities with the prices they must pay for production and living expenses. The comparison is made relative to a base period when prices received and prices paid supposedly stood in an appropriate relationship to each other. By statute, the base period for most commodities is 1910–14.

The parity prices of a particular commodity is the price that would give a unit of the commodity—say; a bushel of wheat—the same purchasing power that it had in the base period.

Parity prices became a formal goal of Federal policy under the Agricultural Adjustment Act of 1933 after a decade of debate. Thus, for more than two generations, farmers have been familiar with the parity standard. And at first glance, it seems to offer a useful way of gauging agriculture's economic condition, especially in relation to the urban sector, which provides many of the goods and services that farmers buy. Yet parity is nothing more than a price comparison, and it has several limitations. It does not measure production costs. It does not measure income. It does not measure living standards. It does not measure farmers' general economic well-being.

Nevertheless, its use as a barometer of the agricultural sector is well sanctioned by tradition. As prices fall below the parity level concern invariably rises among farm operators and their representatives. Why, then, has modern agricultural legislation in general shied away from the parity formula?

The idea that parity prices are desirable in today's world assumes that the prices paid and received during the base period were balanced in the best interests of farmers and nonfarmers alike. Many recent discussions have indeed said that 1910–14 was regarded as a time of reasonable equilibrium between the two.

But originally it was not the fairness or justice of the prevailing price ratios that recommended the period as reference point. When analysts in the early twenties began developing the parity concept they chose those ratios largely because the necessary statistics were on hand. "That basis of comparison was taken because the facts were available," the government's chief agricultural economist at the time explained later, "and no other basis of comparison . . . was possible due to lack of data."

As American agriculture sank into economic depression during the 1920's the pre-World War I base became a widely popular symbol of farm prosperity. Its popularity, more than the actual price ratios, explained why it was eventually written into law.

Relying on a reference point that is now more than 60 years old would present problems, even if the reference had been selected with considerable care. Most obviously, farmers have not continued to purchase exactly the same items during the past six decades, and the parity calculation has required repeated revision to take this into account. Before World War I, producers bought horses, buggies, sleds, cast iron stoves, walking plows, spike-tooth harrows and harnesses. Today they buy tractors, electricity, microwave ovens, cake mixes, hybrid seed, and fertilizers.

Even when purchased items are basically the same now as they were then, the quality of a given product may be quite different. An automobile bought today is far removed from one purchased in 1910–14. Some fabrics now used in clothing were not available that long ago. The parity ratio, however, makes no specific adjustment for changes in quality. It does not allow for the possibility that a suit might cost more today, in terms of bushels of wheat or corn, because the suit has improved. Nor does it make adequate adjustments for declines in quality.

Over the years, the parity formula has had special trouble keeping pace with changes in technology and the demand for agricultural products. An extreme example occurred with the shift in farming from horsepower to machines. Demand for oats declined with the changeover, as did oat prices. But the original parity price formula did not recognize these developments. Neither did it recognize the growing importance of soybeans, a crop so insignificant in 1910 that production figures were not published.

In an effort to deal with these problems, the parity formula was refined in 1948 so that it now gives consideration to prices relationships between commodities during the most recent 10 years. But even that modification has not overcome the basic shortcoming of the parity concept: the reference point for equality is still the half decade before World War I.

To appreciate a little more the significance of this difficulty, remember that parity measures only the purchasing power of an individual unit of any given commodity—a bushel of corn, a pound of beef, and the like. It does not take into account quantities of production.

Thanks to radical changes in U.S. farming, however, production has soared since 1910. In 1910, an acre grew 26 bushels of corn; today it yields 92 bushels. Wheat production per acre went from 14 bushels to over 30 during the same period. Farm output as a whole increased 144 percent between 1910–14 and 1971–75, while total inputs rose by only 16 percent.

Dramatic growth in agriculture's productive capacity is unparalleled in our history, but it has no place in parity calculations. If output were to double and then double again, there would be no change in the parity ratio if the prices of purchased items remained the same. The ratio would show farmers at a standstill. Yet the buying power of the producer in this situation would be rising steadily. Thus, even as a measurement of farm purchasing power, the parity concept is defective.

FULL PARITY AS A BASIS FOR SUPPORTS

Disregarding the limitations of the concept, what would be the consequences of guaranteeing parity price levels of farmers? Assistance could be provided through a price support program, based on loans and direct government purchases. Or support could be extended by setting target prices at parity levels under a variation of the current farm program. In the second case, the difference between parity and market prices would be paid directly to the producers as a deficiency payment. Also in this later case, payments could be made on total production or else on a fixed production base.

In either case the job would be substantial if undertaken for all commodities. USDA computes parity ratios for 144 items, and all of these but three are selling below parity levels. Unless arbitrary selections were made, some form of support or supplement would have to be established for nearly every segment of the farming sector.

LOAN AND PURCHASES SUPPORTS

Loans and purchases support farm income through the marketplace. Those who purchase farm commodities bear the cost of the income transfer that occurs from the nonfarm sector to the farm sector.

The first effect of a full parity program based loans and purchases would be a steep rise in food prices coupled with a decline in consumption. The farm value of goods in a market basket of food would rise by 60 percent, leading to a 23-percent increase in the retail cost of the market basket goods and a 19-percent rise in total food costs. That in turn could trigger an overall inflation rate of more than 6 percent—enough to eliminate or erode any real gain in consumer income next year. The upshot could be a recession in which prices continued to rise.

Higher agricultural prices would also make it much more difficult for the United States to compete in foreign markets. Initially, earnings from overseas shipments would rise, even though the volume of exports would decline. Even if volume were to drop by 15 to 20 percent during the first year or two, earnings for grain, oilseeds, and cotton could easily jump $3 to $5 billion above what would be expected under current support and market conditions. Over the long run, export volume would continue to decline, eventually pulling earnings below the level that would have otherwise prevailed.

The decline in domestic use and exports would accelerate the accumulation of supplies in government inventories simply because the government would have to take up the slack—either by purchases or by accepting commodities in lieu of loan repayments. The higher prices would encourage farmers to increase production and lead to greater oversupply problems. Stringent production controls would have to be affected to prevent continued build-up of government-owned inventories.

Abnormal production and marketing behavior would soon appear Hign prices for a particular commodity usually signal high demand and encourage farmers to shift their production to fill the needs; low prices send the opposite message. In other words, standard market fluctuations operate as a self-correcting mechanism, distributing the resources used in production where they are most needed. Prices also allocate labor and capital resources between the farm and nonfarm sectors. Basing supports on parity levels

would initially freeze price relationships hindering the adjustment mechanism.

The impact on farm income of a full parity program would be dramatic, nevertheless. If all products were supported at parity, it would mean at least a 60 percent increase in the prices farmers receive. Farm income would probably more than double, surpassing the record level of 1973. Yet parity prices for some commodities—such as feed grains, soybeans, hay and cottonseed—would work a substantial hardship on farmers who must buy these items. Livestock producers, for example, would be in particular difficulty, resulting in major adjustments in production.

The increase in farm income would mean higher land prices. Benefits of a 100-percent parity program would, at first, accrue to current owners of farm land through increased incomes and capital gains. Entry into farming would become more expensive because of higher land prices. In the longer run high demand for land itself would mean rises in production costs.

TARGET PRICE SUPPORTS AS THE BASIS OF A FULL PARITY PROGRAM

The second approach—setting target prices at the parity level—would eliminate some of the market distortions in domestic and export markets. But, if farmers were paid the difference between parity and market prices for their entire crop, oversupply problems would still be severe because farmers would be assured high prices for the entire crop. Resource allocation problems would also continue under these circumstances.

Alternatively, farmers could be assigned production quotas and then receive parity payments only on the portion of their crops covered by the quota. This would help alleviate overstimulation of production and misallocation of resources but might not have any appreciable effect on another major problem—the high cost the Government would have to bear in making deficiency payments.

Under the target price system, farm income is supported by the U.S. Treasury. The gross value of farm production is currently around $90 billion. Raising that figure by the 60 percent that would be necessary to bring prices up to their parity levels might mean deficiency payments in the neighborhood of $50–$55 billion. This, of course, would include all commodities that have a calculated parity price and implies payment on total production. This level of treasury outlay could not be managed.

IMPACT OF USING PARITY PRICES TO SUPPORT GRAIN, COTTON, AND OILSEED PRICES: AN ANALYSIS OF FIRST ROUND EFFECTS

A partial analysis was made to estimate the primary economic impacts of moving corn, wheat, cotton, and soybean prices to 100-percent of parity. No attempt is made here to trace domestic impacts beyond the food and agriculture sector of the U.S. economy, nor on the world economy beyond estimates of the direct impact on U.S. exports and balance of payments.

The two alternatives analyzed were to (1) set target prices at parity or (2) loan prices at parity. Additional legislation would be required for case I.

IMPACTS OF TARGETS SET AT PARITY

Raising target prices to 100 percent of parity is estimated to have minimal initial impacts on domestic and foreign markets. But estimated government expenditures for just corn, wheat, and cotton would be in the $15 billion range. Current estimates indicate that grain farmers to qualify could receive in the neighborhood of $1.45 per bushel subsidy on corn, $2.60 on wheat, and 33 cents per pound on cotton. On this basis, market prices flowing into the livestock and food sectors would remain near current projected loan levels. But this does imply that farm income would more than double in the short run. Longer-run impacts on farm income are dominated by increases in input and land prices. Farm inputs and land prices would certainly be bid up, resulting in a movement back toward current levels of farm income.

IMPACT OF LOAN AT PARITY

Increasing the loan rate to parity would have a significant impact on both domestic and foreign markets.

The market price for corn would move from $2.00 to $3.45 per bushel, about 42 cents per bushel higher than the record 1974 price. Most of this impact would be captured in government stock accumulations with as much as 2 billion bushels of corn in storage. Domestic utilization of feed grains would drop about 20 percent and exports by about 12 percent. The following table summaries these impacts for corn, wheat, soybeans, and cotton.

HIGH LOAN IMPLICATIONS
[In percent]

	Corn	Wheat	Soybeans	Cotton
1978/79				
Exports	−12	−19	−6	−40
Domestic utilization	−20	−15	−5	−15
Stocks	+60	+28	+36	+66
Price	+73	+104	+96	+63
1979/80				
Exports	−14	−15	−5	−50
Domestic utilization	−28	−15	−7	−38
Stocks	+47	+36	+100	+77
Price	+73	+96	+95	+69

The economic recovery of the cattle industry would be stalled. Cattle feeders would probably feed those cattle now on feed to lighter weights and then reduce the number placed on feed. In the 1973–74 period when corn prices rose sharply, cattle feeders placed about 17 percent fewer cattle on feed than during the 1971–72 period. A repeat of this would most likely occur now if grain prices rise to parity. Cattle feeders would again incur substantial losses just as they were about to recover from the 1973–74 disruption.

As a result of feed price increases, cattle would go to slaughter directly off grass and total beef supplies would be reduced. The present inventory of cattle and calves is about 10 million head fewer than in 1974 and further liquidation of the cattle herd under the higher feed prices would be greater than now anticipated at presently expected feed prices. Continued liquidation would hold feeder prices at depressed levels. With this reduced inventory and a curtailment in feeding, beef supplies would drop sharply. Prices for feeder cattle would fall initially but rise in the long run. Cow-calf profits would not recover until this longer-run price rise.

Pork and broiler producers would cut back on production with the higher feed costs. Initially, pork supplies would be larger as the breeding herd is liquidated but would drop sharply after time for adjustments in production. Broiler producers can react faster and their production would fall quicker than that for cattle and hog producers.

In the near term, total meat supplies would not be substantially altered. However, after a brief adjustment period, supplies would drop sharply and retail meat prices would rise.

GOVERNMENT EXPENDITURES

Government outlays would be lower with loan at parity than with target at parity; however, the levels would still be prohibitive. The estimated level for the grains, cotton, and soybeans under loans is $8–$12 billion on an annual basis.

FARM INCOME

This analysis indicates the increases one would expect in farm income—a doubling or more in the near term. But CCC receipts give the farmer greater purchasing power. This, in turn, would drive up the price of land and any other fixed resource. Total variable inputs may not be bid up as much because of likely production controls resulting in idle land.

FOOD PRICES

Higher feed prices, filtering through the livestock sector, would cause more meat to appear in the marketplace, causing short-run declines in food prices. Within a year, however, food prices would reach levels 20 to 25 percent above current levels.

WE CAN LEARN FROM OTHERS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. WINN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

As our economy continues along its somewhat stumbling path, it is often instructive to look to the example provided us by other nations.

I recently came across an editorial in the Lawrence Daily Journal-World pointing up the tremendous economic progress made by West Germany since the end of World War II. This progress has been made possible because of the determination of leaders who are tough on money matters.

Mr. Speaker, the article makes many other fine points that we, in Congress, would be wise to consider. Therefore, I am submitting it for the consideration of my colleagues:

WE CAN LEARN FROM OTHERS

Three decades ago Germany was a smashed nation. The capital city, Berlin, about the size of Chicago before World War II, suffered 95 percent destruction in the downtown area and something over 50 percent in the residential sections. Few cities escaped devastation; the people were dirty, cold, hungry and tattered.

The Allies spared a few places such as the school city of Heidelberg and the cathedral at Cologne, but other cities such as Phorzheim, where intricate parts for V-bombs were processed, were obliterated. Munich, far to the south in the beautiful Bavarian country, with a million occupants, had only one retail store in operation a full year after the surrender, and the only "currency" accepted in payment for goods was U.S. cigarettes.

The cigarettes were not smoked; they were passed along in trade much as our federal reserve notes are used in America to represent tokens of exchange for goods and labor. Actually, the cigarette had more intrinsic value than the sheets of green printed paper which today stream out of the over-worked printing presses at the U.S. Treasury.

All that was a bit more than 30 years ago.

Today, the Federal Republic of (West) Germany has emerged as Europe's strongest, most prosperous nation, a country almost completely rebuilt from the ground up.

How did it happen?

To begin with, the victorious United States rushed millions of dollars to Germany to help the country get back on its feet, a most helpful initial assistance.

But the main thing was that the Germans went back to work. They didn't sit on their duffs waiting to be helped, nor did they elect people to office who spent most of their time trying to design assistance methods to help loafers and malcontents.

Also of great importance, Germany realized the eventual downfall of the nation in World War II had come to some considerable extent due to earlier loose fiscal policies and unregulated inflation, when the "mark" reached an all-time low of 4.2 trillion to the dollar. They wanted no more of that and, as a result, the government of West Germany has not played around with money and it has not been addicted to irresponsible legislation similar to the spendthrift policies of the United States Congress. Today's German leaders are tough on money matters.

Germans obviously believe there is more honor in hard work than many of their cousins who ran away to America where life supposedly is easy, where laziness is too often rewarded, and communistic and socialistic theories of sharing-the-wealth have been adroitly injected into government, all the way from top to bottom.

Another good thing that has happened in West Germany has been the development and adherence to "partnership" between employers and employees. It isn't all a case of superficial sympathy or feigned affection but primarily a realization that business, labor and government must work together for the common good, if the nation is to prosper.

The United States has had almost the opposite attitude since Franklin Roosevelt was elected president in 1932 and immediately decided to create class divisions and to picture business as the enemy of labor, to be treated with suspicion and disdain by the federal government. Nearly every law put on the books since FDR's rule has been slanted against business, which is not what has happened in Germany, Japan and other countries which have prospered and grown stronger while the United States has wallowed in near-bankruptcy, heavy unemployment, strikes, inflation, the narcotic effect of an exaggerated welfare state, and a steady increase in international disrespect for the soundness of the dollar.

An example: At a time when our nation is in great need of additional fuel, about half of the coal miners have been out on strike for two months while fuel supplies dwindle. The strike came a year after the miners had won a 30 percent wage increase, far ahead of the 5.8 percent increase average for all workers in the country. President Carter, who knows he is steadily losing voter support, has made it clear that he will keep hands off the strike. But how long would he tolerate such a shutdown in fuel production if it were engineered by owners of the coal or oil companies? The owners have only a few votes, but the miners in 1980 could swing the vote outcome in numerous coal-producing states.

West Germany is largely immune to labor strife, compared to other struggling nations such as England and France where socialism and communism have had a heavily debilitating effect on both government and industry. Recent figures show the strike rate in Germany is about one-fourth of what it is in Britain and one-tenth of the rate of walkouts in France. Supposedly, German labor leaders and government officials would never condone the rackets and crookedness, and the violence, which keep numerous U.S. labor leaders in power.

While many obviously disagree, there are some citizens who believe strongly that the United States can never again regain its position of world leadership in trade, finance and military supremacy until hard-work is given more reward than it is today and a true partnership for mutual benefit is formed among government, industry and labor.

Furthermore, the country if it is to succeed must be governed by men and women with basic patriotic instincts, rather than by weak-kneed politicians whose main concern is to be re-elected and to use office-holding primarily for selfish personal advancement.

PROTECTION OF POLAR LIVING RESOURCES DEMANDS ACTION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. FORSYTHE. Mr. Speaker, the phenomenal abundance of marine mammals in the Antarctic Ocean has attracted man's economic interest since Cook's voyages in the 17th century. Despite the climatic severity and remoteness of the region, sealing and whaling have occurred with varying degrees of intensity.

The continuous harvesting of whales in Antarctic waters has severely reduced their numbers and driven some species to the brink of extinction. Prior to the curtailment of commercial sealing, it appeared that the various species of seals which inhabit the Antarctic Ocean would suffer the same fate. Today a new threat to the living marine resources of the Antarctic Ocean confronts the world—that threat is the over-harvesting of krill.

The Antarctic marine ecosystem is described as both simple and unstable. It is simple in that krill directly or indirectly constitute the major food source for whales, seals, birds, and certain fish. An imbalance in any part of this biomass might disrupt the normal ecosystem. As the nations of the world are now turning their attention to the krill resource, it is likely that irreparable harm to the living resources of the Antarctic will occur unless a comprehensive convention for the conservation of the living marine resources of the Antarctic is established.

The existing stock of antarctic krill is estimated to be between 800 million and 5 billion metric tons with an annual sustainable yield of 70 million to 170 million metric tons. The potential harvest of krill could more than double the sustainable harvest from existing capture fisheries which is estimated to be 100 million metric tons per year.

In addition to their food potential, these small crustaceans have industrial uses. The outer covering of the krill's body is chitin, a substance which is similar to cellulose and which can be converted by a relatively simple process to chitosan. There are approximately 1,000 non-industrial uses for chitosan.

With its potential for food and industrial use, the krill population of the Antarctic Ocean is coming under increasing pressure. What that pressure means for the krill resource and for the abundance and distribution of marine mammal populations, which depend on krill as a food source, is uncertain. What is certain is that an unrestrained harvest will inevitably destroy the marine environment of the Antarctic.

Because of the need to establish a comprehensive and effective international convention for the conservation of the living marine resources of the Antarctic, I am today introducing legislation which will provide for the establishment of a program to study, assess, and monitor the living marine resources of the Antarctic Ocean. An essential ingredient of this program is the development of data which will be necessary to establish conservation regulations in the harvesting of krill. My legislation also provides for a similar program to protect and conserve the living resources of the Arctic Ocean.

For too long man has sought to take from the environment all that he could. The price in every instance has been paid by future generations. It is time that we as a Nation take a strong stand to insure that the generations which follow ours will not look to the polar oceans and see an environment ravaged by man's foolishness.

PENDING VETERANS LEGISLATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. ASHBROOK. Mr. Speaker, today I offered my views on pending legislation before the Subcommittee on Compensation, Pension, and Insurance of the Committee on Veterans' Affairs.

In my statement I urged passage of legislation to assure that a veteran will not receive a reduced pension check as a result of increased social security. I also urged the subcommittee to act favorably on pension legislation for veterans of World War I.

I would like to bring this statement to the attention of my colleagues:

STATEMENT OF CONGRESSMAN JOHN M. ASHBROOK ON LEGISLATION BEFORE THE SUBCOMMITTEE ON COMPENSATION, PENSION, AND INSURANCE

Mr. Chairman, I am pleased to have an opportunity to express my views on legislation before the Subcommittee on Compensation, Pension and Insurance.

I strongly support enactment of a provision assuring that no veteran will receive a reduced pension check as a result of increased social security. The present situation is ridiculous. What the veteran receives in one hand is taken away from the other.

Our veterans have earned a right to their pension by serving our country. It is wrong to reduce their pension benefits simply because social security payments are increased.

There is another area that I believe deserves particular attention. That area is pensions for World War I veterans.

I have always thought that World War I veterans have never received a fair shake from the government. Although they served our country with valor, many have been forced to live on subsistence incomes. An estimated 400,000 of these veterans are surviving on incomes of less than $5,000 a year.

In short, the economic status of World War I veterans is abysmal. It is long since time to rectify this situation.

I have consistently advocated and introduced legislation to accomplish that goal.

Currently I am sponsoring a bill under which veterans of World War I, their widows and dependent children would be eligible for a $150 monthly pension. I urge the members of the subcommittee to act favorably on this legislation.

World War I veterans served our nation well. They are entitled to live decently. It is only fair that they receive the benefits I have mentioned.

Thank you for your consideration.

GUN CONTROL IS NOT CRIME CONTROL

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. HANSEN. Mr. Speaker, as we enter a new year and a new session of Congress, there are indications that the administration will again be requesting this body to restrict the constitutional right of citizens to keep and bear arms. This is especially difficult to accept when recently released statistics from the Federal Bureau of Investigation indicate that there has been a dramatic 6 percent drop in the rate of major crime in the United States—an improvement achieved without additional Federal restrictions on firearms as proposed.

The inconsistancy of advocating firearms control as a solution to crime problems is also substantiated in numerous studies by medical and legal experts. The answer to violence in our society is not weapon control. In fact, the main point that emerges from any serious analysis is that the gun control issue, under conditions that exist in the United States today, has practically nothing to do with crime control.

With this in mind, I would like to make available for review and analysis the December 15, 1977, FBI crime statistics and an article by Dr. Richard B. Drooz, "Handguns and Hokum," published in the July 4, 1977, Journal of the American Medical Association:

HANDGUNS AND HOKUM: A METHODOLOGICAL PROBLEM

(By Richard B. Drooz)

In the Journal, Browning[1] has called on physicians to assume a position that the control of homicide is part of the field of public health, and may be accomplished by controlling the ownership of handguns. The present communication is a reply to Dr. Browning's article, and is not intended as a comprehensive review of the vast literature in a multidisciplinary field.

During the past 15 years, newspapers, radio, television, articles, editorials, and political speeches have claimed that an important factor in homicide and other violent crimes has been the ownership of handguns by private citizens. Such articles and speeches have advocated controls from severe restriction to outright prohibition.

Criminologists, social scientists, legislators, law enforcement personnel, and firearms experts have studied and written extensively on the subject. The entry of physicians into this area of study is highly desirable if they bring in the high standards that they apply to the study of diseases. Without such standards, individual pronouncements can deteriorate to bias, quackery, and political propaganda.

Bruce-Briggs,[2] resident consultant of the Hudson Institute, has published a comprehensive review of gun control and has reached this conclusion: "The main point that emerges from any serious analysis is that the gun-control issue, under conditions that exist in the United States today, has practically nothing to do with crime control."

Connelle,[3] superintendent of the New York State police, testified before the Conyers Subcommittee on Crime of the House Committee on the Judiciary on July 25, 1975, and declared, "Indeed, the incident rate of criminal use of a handgun by a licensee has been so negligible that supportive statistical data has not been kept." While favoring licensure, he went on to conclude, "A gun is a deadly weapon, but a gun alone cannot kill; it needs a person pulling the trigger. Effective gun control legislation begins and ends with laws directed at wrongful use by the wrong people."

In a comprehensive, statistically validated study, Murray,[4] of the University of Wisconsin Department of Sociology, found that "gun control laws have no significant effect on rates of violence beyond what can be attributed to background social conditions"; that such laws do not effectively limit access to guns by the violence-prone; and that accessibility to handguns "seems to have no effect on rates of violent crime and firearms accidents, another reason why gun control laws are ineffective."

The first reference listed by Browning as a statistical source is *Uniform Crime Reports* of the Federal Bureau of Investigation.[5] However, over the years, these annual reports have not listed the availability of handguns or other firearms as among the substantial variables that influence crime rates.

A favorite argument of the gun control advocates is that approximately three-fourths of homicides occur among friends and relatives, purportedy showing that most homicides are impulsive crimes of passion in family quarrels and that these homicides would be prevented by the prohibition of handgun ownership. Browning states that "nationally, 72.2% of homicides occur among family members or other people who know each other," but fails to state several important details pertaining to this figure. First, there are demographic factors in homicides that occur among families and friends. Second, criminals sometimes express their criminality toward relatives and friends. Third, alcohol use plays a major role in homicides. Fourth, grouping together "family members or other people who know each other" is a statistical error. "People who know each other" includes criminal competitors and enemies. These figures ought not to be given a family-and-friends connotation or be used as evidence that stable, law-abiding persons are given to fits of uncontrollable fury and murder because a handgun is somewhere in the home. By this theory, knives in the home would also be very dangerous.

Browning's table dealing with the percentages of homicides lists five categories: spouse killing spouse (12.1%), parent killing child (2.7%), killing of other relatives (8.0%), romantic triangle or lovers' quarrels (6.2%), and other arguments (43.2%). The frequent claim or implication that intrafamily crimes of passion account for a very large percent of homicides has been disproved by the New York City Police Department study of 1,592 homicides occuring in 1975 (*New York Times*, June 13, 1976, p 1). Husband-wife killings comprised 2.6% of the reported homicides. Other intrafamily killings made up 5.5%. In 91.9% of these homicides, the killer and the victim were not related.

In 1968, data reported by the Dodd subcommittee[6] showed that 80% of those who used a gun had a prior criminal record, that 78% of all murderers studied had criminal records, that the gun killer had an average of six prior arrests before his first murder (27% of them for serious offenses), and that 60% of the gun killers had been arrested for a crime of violence before the murder indictment.

Browning states that "In comparison with other countries, the handgun homicide rate alone in the United States is 3.5 to 10 times greater than the total homicide rate of at least 13 other countries." He does not state that some of the countries, such as Israel and Switzerland where virtually every household is armed, have much lower homicide rates. Homicide rates reflect social attitudes not handgun ownership.

"Many of the 2.5 million new handguns sold in the United States each year are bought for purposes of self-protection," says Browning, who does not give the slightest evidence of what the percentage is of guns purchased for hunting, for target shooting (one of the most popular and active participation sports in America), or for collecting.

The 2.5 million new handguns sold each year in the United States include all purchases by armed guards, armed watchmen, armed messengers, armed investigators, peace officers, and persons armed for self-protection of their businesses and professions. The figure also includes target shooters, hunters, and the many law-abiding persons who enjoy ownership of a handgun for personal reasons and without particular utilitarian purposes. The 2.5 million handguns sold each year in an expanding population of 210 million persons should not be surprising. Target shooters wear out the precision accuracy of their guns very quickly, and upgrading equipment by the purchase of new models plays a substantial role in the sale of new handguns. It is generally accepted that 40 million Americans are primary handgun owners, and in many instances, their families share possession and legitimate use. Target shooters and many others require several handguns in various categories, and progressive acquisition accounts for many of the 2.5 million new handguns sold in the United States each year.

According to Browning, Rushforth et al,[7] reported that a loaded firearm in the house is six times more likely to accidentally kill a family member than it is to provide a lifesaving protection against an intruder or burglar. However, a cardinal rule of firearm safety is that the firearm be stored *empty*, and not loaded, that the ammunition be stored separately, and that both be locked. A firearm, whether thought to be loaded, or thought to be unloaded, must never, even for a moment, be pointed in the direction of a living creature, except in the clear and immediate intention of using deadly force to repel deadly force, or when taking quarry in a hunt.

Examination of Browning's source, Rushforth et al,[7] reveals important data that do not appear in Browning's article. Rushforth et al state:

"Our data also suggest that guns in the home are more dangerous than useful to the homeowner and his family who keep them to protect their persons and property. During the period surveyed in this study, only 23 burglars, robbers or intruders who were not relatives or acquaintances were killed by guns in the hands of persons who were protectng their homes."

Footnotes at end of article.

They fail to note, however, that in most instances the defensive use of a gun does not involve killing the intruder but simply involves persuading the perpetrator to desist, by the display of a weapon. By ignoring all such instances, the authors gain a vast and misleading statistical advantage for their point of view.

In their figures, the number of "accidental" deaths due to keeping a handgun for purposes of self-defense is obscured and swelled in several ways. Their description is unclear, but apparently they counted suicides among accidental deaths. By shifting from "handguns" to "firearms," they were able to include accidental deaths involving a great many firearms that were not handguns and that were not kept for defense, but for hunting, or for souvenirs or collectors' items. Unfortunately, some persons keep these items carelessly stored, and to combat accidents, firearms safety instruction should be mandatory in our schools.

In the 23 instances reported by Rushforth et al of an unlawful intruder being killed by an armed householder, there was not one instance of a householder or family member being injured or killed in these defenses.

Browning says, "Information gathered by Newton and Zimring [8] showed that high rates of gun ownership are associated with high rates of gun violence." In quoting Zimring, Browning should have added that he subsequently wrote that his earlier hypothesis might have to be modified in light of increasing firearms crime in areas with rates of lower-than-average gun ownership.[9]

It is unfortunate that Browning omitted the name of Marvin E. Wolfgang, Ph.D, who played a predominant role in the National Commission on the Causes and Prevention of Violence. While Wolfgang has publicly stated his strong, personal aversion to private ownership of guns, his "Philadelphia studies" [10] of homicide have been among the strongest evidence that firearms ownership and homicide are statistically unrelated. This distinguished sociologist has written:

"Several students of homicide have tried to show that the high number of, or easy access to, firearms in this country is causally related to our relatively high homicide rate. Such a conclusion cannot be drawn from the Philadelphia data . . . It is the contention of this observer that few homicides due to shooting could be avoided merely if a firearm were not immediately present, and that the offender would select some other weapon to achieve the same destructive goal."

Browning cited a personally conducted poll of 1,735 questionnaires sent to the Portland, Ore., metropolitan area membership of the Multnomah County Medical Society in October 1975, but presented no sample of any questions asked, or of how they were asked, gave no indication of analysis of raw data, and apparently did not publish his survey for critical evaluation. His findings deviate grossly from the polls we know. In the recent election of Nov. 1, 1976, the voters of Massachusetts rejected a proposition to ban private possession of handguns by a vote of approximately 70% against 30%.

Readers interested in Browning's point of view are urged to read Pasternack's article, "The American Connection: Handguns and Homicide," [11] although my opinion differs sharply from it. The most comprehensive book favoring the rights of responsible law-abiding citizens to own handguns is *Gun Control*, by Robert J. Kukla.[12] The most recent comprehensive congressional investigation of the topic, especially focused on handguns, is printed in eight volumes, 3,450 pages, of testimony gathered in Washington, Chicago, Detroit, Cleveland, Denver, Atlanta, and New York, under the extremely capable chairmanship of Congressman John Conyers, Jr. of Michigan. Although not mentioned by Browning, it should be required reading by anyone seriously interested in this field.

FOOTNOTES

[1] Browning CH: Handguns and homicide: A public health problem. *JAMA* 236:2198–220, 1976.

[2] Bruce-Briggs B. The great American gun war. *Public Interest* 45:37–62, 1976.

[3] *Firearms Legislation: Hearing Before the Subcommittee on Crime of the Committee on the Judiciary, House of Representatives*, serial No. 11, 1975. US Government Printing Office.

[4] Murray DR: Handguns, gun control laws and firearms violence. *Social Problems* 22: 80–93, 1975.

[5] *Uniform Crime Reports, 1974*. Federal Bureau of Investigation, US Govt Printing Office, 1975.

[6] *Hearings Before the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, US Senate*. June 26, 27, 28 and July 8, 9, 10, 1968. US Government Printing Office.

[7] Rushforth NB, Hirsch CS, Ford AB, et al: Accidental firearms fatalities in a metropolitan county, 1958–1973. *Am J Epidemiol* 100:499–505, 1974.

[8] Newton GD, Zimring FE: Firearms and violence in American life: A staff report, National Commission on the Causes and Prevention of Violence, 1969. US Govt Printing Office, 1970.

[9] Zimring FE: Firearms and federal law: The gun control act of 1968. *J Legal Studies* 4:133–198, 1975.

[10] Wolfgang ME: *Patterns in Criminal Homicide*. Philadelphia, University of Pennsylvania Press, 1958, pp 82–83.

[11] Pasternack SA: The American connection: Handguns and homicide. *Med Tribune* 15:4–5, 1974.

[12] Kukla RJ: *Gun Control*. Harrisburg, Pa, Stackpole Books, 1973.

Uniform Crime Reports

(January–September, 1977)

Crime in the United States, as measured by the Crime Index offenses, decreased 6 percent during the first nine months of 1977 compared to the same period in 1976. Violent crimes, as a group, decreased one percent. Robbery declined 6 percent and murder 1 percent. Aggravated assault increased 3 percent and forcible rape rose 8 percent. The property crimes of burglary, larceny-theft, and motor vehicle theft decreased 7 percent as a group. Burglary decreased 4 percent, larceny-theft decreased 9 percent, and motor vehicle theft decreased 1 percent. This decrease in reported crime was experienced by all population groups ranging from a 3 percent decrease in the rural areas to a 7 percent decrease in the cities and a 5 percent decrease in the suburban areas.

Geographically, the North Central States reported a 9 percent decline with the Northeastern States down 8 percent, the Southern States down 4 percent, and the Western States down 3 percent.

During the third quarter of 1977, Crime Index offenses decreased 5 percent when compared with the same period of 1976.

TABLE 1.—CRIME INDEX TRENDS

[January–September, percent change 1977 over 1976, offenses known to the police]

Population group and area	Agencies	Population in thousands	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny-theft	Motor vehicle theft
Total all agencies	9,655	191,096	−6	−1	−7	−1	+8	−6	+3	−4	−9	−1
Cities over 25,000	1,023	95,561	−7	−2	−7	−1	+9	−7	+2	−5	−9	−3
Suburban area	4,194	67,228	−5	+6	−6	−2	+8	+2	+7	−3	−8	+3
Rural area	1,769	24,932	−3	+1	−3	−2	+9	−1		−2	−5	+11
Over 1,000,000	6	18,132	−8	−9	−8	−6	+7	−13	−4	−9	−8	−4
500,000 to 1,000,000	19	12,410	−6	+2	−7	−3	+6	−1	+6	−3	−10	−4
250,000 to 500,000	31	10,785	−10		−11	+9	+6	−3	+3	−7	−14	−4
100,000 to 250,000	109	15,582	−6	+3	−7	+10	+16	−1	+4	−4	−9	−1
50,000 to 100,000	262	18,002	−6	+4	−6	+2	+9	−1	+7	−3	−8	−1
25,000 to 50,000	596	20,651	−6	+2	−6	−9	+11	−3	+4	−3	−8	+2
10,000 to 25,000	1,421	22,250	−5	+4	−5	+5	+4	−2	+6	−5	−6	+4
Under 10,000	4,935	18,816	−3	+1	−3	−4			+2	−2	−5	+5

TABLE 2.—CRIME INDEX TRENDS BY GEOGRAPHIC REGION

[January–September, percent change 1977 over 1976]

Region	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny-theft	Motor vehicle theft
Northeastern States	−8	−7	−8	−2	+7	−13		−8	−8	−6
North Central States	−9	−5	−10	−4	+1	−9	−1	−7	−12	−3
Southern States	−4	+4	−5	−2	+11		+5	−1	−8	+5
Western States	−3	+6	−4	+10	+12	+4	+7	−2	−6	+2

TABLE 3.—CRIME INDEX TRENDS

[January–September, percent change 1970–77, each year over previous year]

Years	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny-theft	Motor vehicle theft
1971/1970	+5	+10	+5	+10	+7	+12	+8	+7	+4	+2
1972/1971	−2	+3	−2	+5	+13	−2	+7	+2	−4	−4
1973/1972	+1	+3	+1	+5	+8	----------	+5	+3	----------	+1
1974/1973	+16	+8	+17	+2	+9	+8	+8	+16	+20	+4
1975/1974	+11	+8	+11	+3	+2	+11	+7	+10	+13	+2
1976/1975	+2	−5	+3	−10	----------	−10	----------	−5	+8	−6
1977/1976	−6	−1	−7	−1	+8	−6	+3	−4	−9	−1

Issued by Clarence M. Kelley, Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C. Advisory: Committee on Uniform Crime Records, International Association of Chiefs of Police.

LONG-TERM CARE

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. COHEN. Mr. Speaker, on January 23, the chairman of the House Select Committee on Aging, Congressman PEPPER, joined me in introducing legislation to authorize a grant program for States to establish within communities "single entry point" programs of assessment and referral for the entire range of medical and social services needed by the Nation's chronically ill and disabled elderly.

During 1977, at least nine reports by various Government agencies pointed out the numerous health and social needs of the elderly and demonstrated the need for a program of multidisciplinary assessment and case management. Under our bill, older people could have their health and social needs assessed, and when necessary, appropriate services would be delivered, monitored, and evaluated.

This bill was developed in consultation with experts in the field. I am pleased at this time to insert for the benefit of my colleagues the text of a letter I received from the American Association of Homes for the Aging which testifies to the need for legislation such as ours:

WASHINGTON, D.C.,
January 31, 1978.

Hon. WILLIAM S. COHEN,
Subcommittee on Health and Long-Term Care, Select Committee on Aging, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN COHEN: We want to congratulate you on your recent initiative aimed at meeting the long-term care needs of elderly persons. The legislation, which you recently introduced to amend the Older Americans Act and establish a special program for assessing the long-term care needs of the elderly and assisting in the delivery of services, is needed to improve the quality of life for older persons.

The American Association of Homes for the Aging has long advocated the necessity for federal, public policies to address the long-term care needs of our older population. The Association's Public Policy Objectives for the 95th Congress are focused on correcting the present state of affairs, which is characterized by non-existent program integration due to conflicting regulations and a disjointed, fragmented bureaucracy. Central to our Association's goals is the establishment of a long-term care service benefit as a social entitlement. The approach contained in your legislation parallels in many ways the proposals advocated by AAHA for implementing this social entitlement: "Eligibility for services should be predicated on individual needs as assessed by community, long-term care centers (including existing facilities) which would serve as coordinators for services to the aged. Such a program should optimize community resources, maximize the quality of care offered, and insure program flexibility." (AAHA Public Policy Objectives.)

While such a comprehensive and universal program would be a major public undertaking, your legislative proposal would provide the impetus for study and review of the feasibility and effectiveness of such an approach. It would provide states and localities with the funding and flexibility to explore the variety of ways of ascertaining and meeting the long-term care needs of the elderly. Furthermore, it would build on existing resources in communities, including long-term care facilities, rather than mandate the establishment of a whole new system. Your proposal would allow for innovative arrangements, responsive to population demographics and geography, as well as the availability and variety of services in a given area. The approaches developed and utilized under your legislation would inevitably be instructive and instrumental in the development of a more comprehensive and universal long-term care system for the elderly in the future.

It is indeed appropriate that you have developed your bill as an amendment to Title III of the Older Americans Act. The Older Americans Act is the one major piece of federal legislation specifically directed to providing for the needs of elderly persons. Unfortunately, the Act has had only a limited focus on long-term care. While the Act has among its objectives "the best possible physical and mental health (for older persons) without regard for economic status (as well as) efficient community services . . . which provide social assistance in a coordinated manner and which are readily available when needed," it has not dealt in a comprehensive and coordinated manner with meeting the range of long-term care needs of the elderly. Your proposal is a clear recognition of this void as well as an innovative approach to confronting the presently fragmented service delivery system. By including this new section, your proposal is directly responsive to the purpose of Title III: ". . . to secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services." Even more importantly, it would insure that the Older Americans Act address the overall long-term care needs of the elderly, whether they be home health services or institutional care.

Your proposed legislation also embodies the recommendations of the Federal Council on Aging, which was established by Congress to review federal policies relating to the elderly and make recommendations consistent with meeting the special needs of this population group. The Council has developed a National Policy on the Frail Elderly which included among its principles the goal that "certain aids for life management should be assured by government (to those in) the aging population who because of an accumulation of various continuing problems require . . . assistance in coping with certain daily life activities." The Council further recommended that "this assistance be available on a universal basis as an entitlement and be primarily of a social support nature consisting of the following services: case assessment, plan of care and case management." Your proposal is a first step toward implementing these recommendations and providing for the total long-term care needs of the elderly.

Additionally, your proposal follows the recommendations of the National Conference on Social Welfare Task Force on *The Future on Long Term Care in the United States*, which found that "effective long-term social-health care services must be community oriented and developed as a part of the total community health and social care system." Your proposal encourages the interrelationship of existing social and medical services, which are necessary to meet the total needs of the elderly.

We are pleased with this first step aimed at better meeting the long-term care needs of the elderly and commend you for taking this initiative. We have worked with your staff in developing and refining this bill and would be pleased to work with you in the future on this or other matters. Please call us if we can provide you with any assistance or information.

Sincerely yours,

RONALD R. RAMSTEAD,
President.

DAVID C. CROWLEY,
Executive Vice President.

NATIONAL VOCATIONAL EDUCATION WEEK

HON. DOUG BARNARD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. BARNARD. Mr. Speaker, February 5 through 11 has been designated National Future Homemakers of America/Home Economics Related Occupation Week.

Miss Cindy Tyler of Tutt Junior High School in Augusta, Ga., has called my attention to this observance in conjunction with National Vocational Education Week.

More than a half million students across the country are stressing the importance of vocational education and home economics in young people's personal growth, family life, vocation selection, citizenship, and community involvement.

I salute the FHA and HERO chapters across the United States, and I wish them much continued success in their

efforts which contribute so much to the strength of the American society's future.

THE NAME OF THE (ERA) GAME IS POLITICS

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Ms. HOLTZMAN. Mr. Speaker, the equal rights amendment should be made a part of our Constitution. Unfortunately, opponents of ERA have delayed and distorted the facts in order to prevent its passage by the States. For this reason an extension of the deadline for ratification is important. The views of Ellen Goodman on this matter, published in the Washington Post on January 31, 1978, should be given serious consideration. The text follows:

THE NAME OF THE (ERA) GAME IS POLITICS

BOSTON.—As the movement to extend the deadline for ratification of the Equal Rights Amendment gains momentum, I keep hearing pro-ERA forces accused of "trying to change the rules in the middle of the game."

I am well aware that women are generally held up to the purest standards that can dance on the head of a pedestal. But this is ridiculous. The name of the ERA game is, after all, politics. These people are not trying to change the rules; they are trying to use them to win. Which is the point of the game.

The ERA was passed by Congress in 1972. There was nothing especially sacred about the seven-year limitation for state ratification. "Seven" was the number arrived at, not by tarot cards or the Constitution, but by custom and political compromise.

At the time, ERA supporters agreed to this figure despite the warnings of old hands like Alice Paul. They felt as hopeful as Martha Griffiths, who probably remembers every night before she goes to sleep that she once said, "Personally, I have no fears that this amendment will be ratified . . . as quickly as the 18-year-old vote."

Now, led by the National Organization of Women, they are trying the perfectly legal tactic of urging the Congress to extend the limit for seven more (and final) years. This extension is the prerogative of the Congress. It is well within the rule book known as the Constitution.

But what bothers me most about the whole "rules of the game" chatter is the sheer chutzpah of the chatterers. It is the ERA opponents who should be thrown into the penalty box.

While the pro-ERA forces have been playing chess, their opposite numbers have been playing rugby. It was the pros who behaved like good little Goo-Goos, targeting their candidates, signing nomination papers and getting the votes out—just like it says in government classes. If the fix hadn't been in, the ERA would have passed its last three states months ago.

In Nevada, 11 state legislators who were elected on pro-ERA platforms went sheepishly over to the other side at the first cry of "Red Rover." Eight of them (may their debts swell and block their gateway to paradise) accepted pro-ERA campaign contributions.

This charming athletic display was reenacted in Florida. There, the women voted out the anti-ERAs and voted in the pros, and then watched as the two pivotal "yes" votes turned into "no's."

The Illinois rematch, on the other hand, looked like something created by Dick Tuck from his bag of tricks. Twice the ERA gathered a majority vote in the state legislature. In any other state, that simple majority would have meant passage. But in Illinois, you need a three-fifth majority under the new state constitution although—excuse me while I break into hives—this rule is generally considered unconstitutional.

As Ellie Smeal, president of NOW, puts it. "We were ignored in the election process." Speak to me not of rulerigging.

Only in the past year have the pro-ERA forces learned the effectiveness of end runs around politics. The "conventions boycott" in nonratified states has been deliciously successful. This vision of clout has done the amendment more good than all the "due process."

But we still are in a situation in which the "will of the majortiy" has been thwarted by a handful of legislators. A full two-thirds of the states have passed this amendment. A majority of people polled—including those in unratified states—are in favor of it. The younger population overwhelmingly supports it. Yet it is in great danger of failing.

Some crucial state legislatures won't even meet again to vote until after March 1979. Perhaps the most potent problem facing passage before the deadline is the deadline itself. During the Florida fight, buttons sprang up with the slogan "ERA Won't Go Away." The pro-ERA people were aware that the opposition tactic was to convince legislators that if they held firm one more time, the amendment would just disappear.

The ERA won't go away. But if it fails to meet the deadline, it could become part of the collective consciousness of women in this country. They would realize that they had experienced disappointment and betrayal precisely because they believed—not wisely but too well—in the game.

The pro-ERA people wouldn't be purists if they neglected to press for extension. They'd be pure fools.

COMPETITIVE GRANTS

HON. BILLY LEE EVANS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. EVANS of Georgia. Mr. Speaker, the President's budget for fiscal year 1979 calls for a decrease of $15,547,000 in funding for the State Agricultural Experiment Stations. This proposed decrease will be offset by a $15 million increase in competitive grants within USDA. Therefore, the total funding of the research program is virtually unchanged, however, the competitive grants are restricted to only two areas: Human nutrition and basic plant sciences. Such restrictions would limit the effectiveness of much of the basic and applied agricultural research which would best be funded on a long-term basis. With the economic problems now facing the farmers of this country, a reduction of this kind would be very untimely and disruptive to agricultural research and education programs which are a necessary and intrical part of the ever increasing problem of hunger and malnutrition in the world. The long-term effects of this proposed cutback could cripple many different agri-business areas. The Food and Agriculture Act of 1977 strongly endorses increasing funds for agricultural research, but not at the expense of other pertinent programs. The budget's 10 percent decrease in funds will be coupled with an additional 10 percent reduction due to increases in salaries and other costs associated with agricultural research. I urge my colleagues to consider the harmful effects that this reduction will have on areas where these funds are essential. With additional funds still being needed for forestry research, animal health, rural development, agricultural education, and many other areas, I call on my colleagues in the House to support additional funds to provide for the continuation of these program which have contributed so much to U.S. agriculture and agriculture throughout the world.

RECOMMENDATIONS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. McDADE. Mr. Speaker, there is a burgeoning interest today on the part of both the public and the private sectors of our society on how to improve the ethical standards by which we conduct ourselves. Congress has taken significant steps to adopt a code of ethics and there are additional proposals before us to strengthen that code even further.

However, our interest in ethics is shared by the private sector of American life and recently the first National Capital Assembly on the "Ethics of Corporate Conduct" convened at Catholic University here in Washington to address itself to writing a code of ethics for American business.

Fifty-three participants from all segments of corporate America worked under the very capable leadership of Dr. Clarence Walton, the distinguished president of Catholic University, to complete the final report of that assembly. Because I believe that this subject is so timely and the conference recommendations are so appropriate I am inserting the conclusions of the conference in the RECORD. I heartily commend Dr. Walton and the participants for their foresight and I commend it to the members for their attention.

RECOMMENDATIONS

We make the following recommendations to corporate leadership—touching some of the most significant ethical problems presently encountered by major enterprises in the United States—with full awareness that they do not address all major ethical issues.

1. The corporation should express its values in a written code of conduct. Primary responsibility for developing such a code rests with directors and top management, and should not be delegated to lawyers, accountants, or other professionals.

2. A corporate code of ethics should consist of both precepts and counsels:

A. Precepts should state what the ethical obligations of a corporation are. They also should state explicitly those practices deemed unethical. The code should set down criteria which officials can use, in a due-process manner, to determine whether unethical behavior has occurred, and prescribe penalties—including demotion or dismissal—for serious infractions.

B. Counsels should establish general guidelines for behavior in those areas deemed morally ambiguous and provide channels for those who seek advice in specific situations. Efforts should be made by top management to transform the counsel into a precept whenever it is appropriate.

3. The Board of Directors has a continuing responsibility to monitor not only the financial, but also the ethical, health of the organization. This obligation entails an extensive use of checks and balances. To fulfill its responsibility, the Board must be competent to review ethical audits at every level, and be prepared to consult outside professionals when deemed necessary.

4. Management has an obligation, consistent with applicable law, to promulgate ethical codes of corporate conduct to all employees, to educate, to monitor performance. and to impose sanctions for violations.

5. Total compensation of senior corporate officers should be determined by outside Board members. In reviewing their performance, ethical as well as financial considerations should be taken into account.

6. Corporations have an obligation to respect the rights and dignity of their employees, whose value is to be defined not simply in terms of their current productivity. Lower-paid workers with years of service have a special claim on the corporation; employment policies should reflect this principle.

7. Corporations have a right to establish their own retirement programs. With this right goes an obligation to prepare employees for retirement and, as far as possible, assure that their benefits will always be adequate.

8. Corporations have an obligation to initiate programs and take actions that will provide equal employment opportunities for all persons, with special recognition of the need to bring minorities and women into the mainstream of American economic life—as a consequence, companies, in conjunction with employees, should re-examine those employment and personnel practices that have hindered achievement of these goals.

9. Companies or business and professional associations should bring together government officials, corporate leaders, workers and informed lay persons to develop new social mechanisms that promote meaningful corporate self-regulation. These mechanisms must be designed with the knowledge that many earlier forms of self-regulation have been used improperly to enhance special corporate interests, and that some forms of government regulation have become costly, inefficient, and out of touch with the needs of employers, employees, and consumers.

10. Corporations should support business and professional association efforts to upgrade ethical behavior in an industry. Those efforts could include industry-wide codes of conduct. If necessary, a single corporation should take the initiative.

11. Management is responsible not only for the moral content of company advertising, but also for the moral content of the television programs it sponsors.

12. Corporations should not shy away from new forms of advertising, such as comparative or advocacy advertising, and should take steps to break rigid industry codes that prohibit or discourage all forms of comparative advertising.

13. A U.S. corporation should prohibit its foreign subsidiaries from engaging in practices that violate the fundamental moral principles of American society. When, however, local norms consider acceptable certain practices that merely facilitate the conduct of business, accommodations may be made even though those practices are unacceptable in the United States. However, the company should so do only after prior evaluation of any such practice by corporate headquarters and after disclosing it to the public.

FARMERS' DWINDLING INCOME

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. ARMSTRONG. Mr. Speaker, a recent Denver Post editorial pinpointed a disturbing irony surrounding Colorado farmers' income: their pay for hard work, long hours and intensive capital investment is about half that of almost anyone else in the food delivery chain supplying the American consumer.

To gain a more thorough understanding of why farmers are bitter about the prices they receive for their crops, I urge my colleagues to read this sobering analysis of Colorado farmers' income:

[From the Denver Post, October 17, 1977]

FARMERS' DWINDLING INCOME

The true dimensions of the farmer's 1977 losses become apparent when you compare incomes along the food delivery chain supplying the American consumer.

Consider: In 1976 the average Colorado farmer netted $8,992 before income taxes. But this year the farmer's income dropped by about 8 per cent to near the $8,000 level.

Almost everyone else in the food chain makes much more than that. Thousands of unionized workers in the so-called "middleman" and retail ranks make more than twice as much as the average farmer who grows the food.

A fulltime supermarket checker is paid about $14,000 annually on a 40-hour-week basis. Crank in fringe benefits and the checker's income is substantially greater.

The "basic wage" in a Denver slaughter house, a classification just above common laborer, is $13,875 annually for 40 hours a week. Put in fringe benefits of 30 per cent and that basic wage comes out at $17,875—double what the farmer gets. And this doesn't include overtime, of which there is a good deal.

Truckers hauling meat, grain and other agricultural products make $20,000 "easy," according to one industry estimate. Truckers in the $17,000 range might be more common. But some trucker incomes go to $30,000.

This comparison is inexact, of course. Most wage-earners have no investment to speak of in their occupations. A farmer is likely to have a huge capital investment in equipment and land. In fact, in many cases it is the rising value of his land that enables a farmer to keep going.

It is difficult to compare farmers' benefits with those received by others. Farm housing costs are likely to be lower than in an urban area. And farmers don't get medical fringe benefits, which brings up one of the reasons for rising prices of food.

"Fuel costs are staggering," says the manager of a Denver food processing plant. "But another thing driving up prices is the fringes. Union contracts in our plant require medical coverage, dental coverage, vision coverage and pensions. Legal coverage is on the way. It all mounts up. Meanwhile, the farmer gets social security—and that's it."

Middlemen under those contracts have been getting raises of about 7 per cent as an inflation allowance every year.

That must be an extremely painful statistic to the farmer, whose income has dropped this year by about 8 per cent. This means that, in total, the farmer has fallen behind by 15 per cent in relation to what a supermarket butcher or checker is earning.

It doesn't really solve the inequity by saying the farmer doesn't complain in good years when he has it better than some other people so why should he complain in the bad ones?

The real problem is: Today's farmer is too much involved with heavy technology to go back to simpler procedures. His costs are built in—but not his profits. Besides, he'd like his share of the national affluence. That's why he talks of striking.

SOVIET CIVIL DEFENSE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. MURTHA. Mr. Speaker, I believe it is important to note the Soviet Union is expanding its civil defense plan substantially as the following article from Reader's Digest indicates. I insert it into the RECORD for the information of the Members:

SOVIET CIVIL DEFENSE: THE GRIM REALITIES

(By John G. Hubbell)

The evidence is unmistakable and ominous. The Soviets have added a major civil-defense component to their military posture—an addition which, in a superpower showdown, could prove decisive.

Item: U.S. intelligence has located, at 75 points adjacent to the beltway encircling Moscow, huge steel spheres—each containing communications centers, emergency power sources, sleeping areas, food and water storage. Reserved for the Politburo, military general staff and high-level Soviet bureaucracy, they have been sunk 600 feet into the ground, then covered with earth and reinforced concrete. Similar shelters have been built in and around major cities throughout the U.S.S.R.

Item: Since the early 1960s, the Soviets have been dispersing their new industrial complexes in widely scattered locations over the length and breadth of Russia. Even single factories, which in the United States would be housed under one roof for efficiency's sake, are divided into many buildings so separated from one another and with machinery so protected that destruction would require numerous nuclear warheads. And every factory in Russia now has blast-resistant underground shelters sufficient to accommodate its largest work shift.

Item: All Soviet factory workers devote at least two to four hours per month to civil-defense training. Moreover, civil-defense education begins in the second grade and continues on a compulsory basis up to age 60.

Item: Reconnaissance satellites have located huge underground food-storage facilities throughout the U.S.S.R. Intelligence sources explain that the Soviets plan to store away enough food (with the help of U.S. grain purchases) to feed themselves following a nuclear exchange—at least until a new harvest.

Item: Throughout the U.S.S.R. special training sites have been built with fire-gutted buildings, downed power lines, and all the debris that would result from nuclear assault. Factory and municipal workers attired in gas masks and protective clothing learn to fight fires, decontaminate buildings, rescue people and restore services.

The Soviets have made no secret of this interest in civil defense. According to Harriet Fast Scott, a Washington-based consultant on Soviet military affairs who lived for years in Moscow, "Officials constantly stress that nuclear war is survivable and that 'civil defense is everybody's business.' "

By the mid-1960s, U.S. intelligence agencies had made several attempts to call attention to the Soviet civil-defense programs as a major effort which, if continued, could

affect our own deterrent capability. The information was dismissed by some as irrelevant to arms control, and intelligence collection ceased in the late '60s. In 1972, we entered into the Anti-Ballistic Missile (ABM) treaty without taking Soviet civil defense into account. With the ABM treaty, Washington and Moscow agreed not to deploy weapons systems that could effectively defend against each others' nuclear missiles. In other words, we each made our population hostage to the threat of nuclear attack by the other. But the Soviets, with their continuing and increasingly elaborate civil-defense program, have been depriving us of our hostage—in effect, circumventing the intent of the treaty.

In 1972, the Soviets dramatically upgraded civil defense. Organized since 1961 under a central military command, it was now publicly ranked as a separate service of the armed forces on an equal footing with its army, navy and air force. Each of the U.S.S.R.'s 15 republics has a military commander and staff concerned solely with civil defense. In 1976, elite status was conferred upon civil-defense boss Col.-Gen. Aleksandr T. Altunin: he was elevated to full membership in the Central Committee of the Communist Party. Last year, he was promoted to full general.

There simply is no question that Russia is serious about civil defense. Says Prof. Leon Gouré, director of Soviet studies at the University of Miami's Center for Advanced International Studies: "Soviet leaders persistently call for a military posture that includes a war-survival capability. They see no point in being able to destroy an enemy if he is able to destroy them in turn. And as the disparity between the Soviet and American abilities to survive nuclear war becomes more pronounced, it becomes more difficult for the Kremlin to believe that the United States would engage in a nuclear exchange over a secondary issue; for example, on behalf of Israel or Japan or even Western Europe."

Nevertheless, many Americans still subscribe to the belief that a nuclear exchange would mean suicide for the country making the first move. Yet T. K. Jones, for three years senior technical adviser to former U.S. SALT negotiator Paul H. Nitze, offers some tough, mathematical reality to chew on:

Suppose the worst happens. A crisis gets out of hand, and the U.S.S.R. launches a nuclear first strike against the United States. Calculations show that half our strategic arsenal would survive such a strike. If all our surviving strategic weapons—*all* of them—were then delivered on the Soviet Union, they would kill all of the people in an area that amounts to only 2.7 percent of the U.S.S.R.'s geography. Retargeting these weapons to produce radioactive fallout would force the Russians to take shelter, but within a week of American retaliation the people in 97 percent of the Soviet Union would be able to leave their shelters for an eight-hour workday.

Had the Soviets not gone ahead with civil defense but had kept their population in the cities hostage to our nuclear arsenal, our deterrent force would still be effective. However, the Kremlin now is able to disperse its people over its agricultural lands, approximately 27 percent of U.S.S.R. territory—an area nine times greater than we can cover with our nuclear weapons.

The bottom line? Last year in response to a query from Sen. William Proxmire (D., Wis.), Gen. George S. Brown, Chairman of the Joint Chiefs of Staff, estimated that ten Americans might die for every one Russian in a Soviet-American "worst case" nuclear shoot-out if the Soviets successfully evacuated their urban populations and the U.S. failed to take civil-defense measures. That means Russia's losses could be roughly half the 20 million lives it lost in World War II, and about four percent of the population—food for thought for Americans who have been educated in the myth that we can wipe out the U.S.S.R. many times over!

Clearly, the Soviets regard their civil-defense capabilities as a factor of immense strategic significance, one which is not matched in the American arsenal and which strongly supports Moscow's pursuit of its aggressive international designs. Without the advantage it provides, Soviet leaders surely would be much less likely to threaten our allies or challenge us in areas of vital interest.

What to do about it? For openers, our government can stop soft-pedaling the issue in the hope of achieving politically popular but dangerous arms-control agreements with the Kremlin. Indeed, there has been some minimal progress in this respect. Before he took office, Defense Secretary Harold Brown was publicly doubting the notion of an effective Soviet civil defense; but by last spring, he was taking a much more sober view, estimating Soviet civil-defense expenditures at a billion dollars annually, ten times the U.S. investment. At the same time, an interagency intelligence survey was being drafted by the CIA which would put the Soviet investment much higher. Intelligence services in Western Europe have estimated $65 billion for the past decade.

Not incidentally, even before the interagency report had been written, people who had not participated in the survey were leaking to the press alleged conclusions demonstrating that Soviet civil-defense activities had declined since 1973 and were not cause for alarm. According to participants, the highly classified study shows no such thing.

We must face the facts. According to Jones, Professor Gouré and others who have studied Soviet civil defense closely, we have no choice but to get into a civil-defense program, although we need not do so on the massive, activist, hugely expensive scale the Russians have. Jones and Gouré believe that with reasonable expenditures for shelters and crisis evacuation, at least 90 percent of our population could be saved in a nuclear attack. Bomb-damage calculations show that there is no need to uproot and scatter our essential industry and work forces across the landscape, but zoning laws must be changed so that dangerous industrial clusters can be disassembled and factories spread out. And vigorous testing shows that industrial machinery can be rigged to withstand all but a direct nuclear hit. Factories can be fireproofed, and shelters built to afford some protection for workers.

Also needed is a trained professional civil-defense force, the basis of which already exists in the National Guard and the Red Cross. Augmented by veterans organizations and other civil groups, such a trained force could provide rudimentary instruction to the general public as well as direction in case of actual attack. Studies show that in times of crisis, people pay close attention to authoritative instructions, and act quickly on them.

Experts agree that an upgraded, well-planned civil-defense program need not cost much, that it would add perhaps $1 billion to a defense budget which now approaches $117 billion annually. And it would restore credibility to the American deterrent—credibility which has been diminished to a dangerous degree as a result of the massive Soviet civil-defense program.

CLINICAL LABORATORY IMPROVEMENT ACT OF 1978

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. ROGERS. Mr. Speaker, today I, as well as several of my colleagues on the Subcommittee on Health and the Environment, am introducing the Clinical Laboratory Improvement Act of 1978. This version is the clean bill as reported by the subcommittee on January 27, 1978.

WHAT PRICE QUOTAS?

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mrs. HOLT. Mr. Speaker, at a time when the overwhelming majority of the American people are angry about Government-mandated quotas and reverse discrimination, it is noteworthy that the Carter administration is planning a great increase in those activities of the Federal Government.

The American people are against race discrimination. The Congress spoke against race discrimination by enacting the civil rights laws, but these laws have been increasingly perverted by the Federal bureaucracy to require preferential treatment for one race over all others.

The American people believe that the law should be colorblind, but the civil rights bureaucracy believes that race quotas should govern employment in both public and private sectors, the assignment of pupils to public schools, and the admission of students to institutions of higher learning.

The Carter administration is committed to the imposition of quotas on a broad front, affecting all sections of society. The budget President Carter has proposed for 1979 tells the story. Spending for civil rights activities will increase by 37 percent from the 1977 level, and it is interesting to examine how this money would be spent.

Of the $588 million proposed for civil rights activities, only $117 million, or 20 percent, would be spent for investigation of complaints. But $128 million, or 22 percent, would be spent on compliance reviews and monitoring. And $133 million, or 23 percent, would be spent on program direction and research. The administrative overhead costs are phenomenal.

This is the strangest law-enforcement budget ever seen. How would you feel if your local police department devoted only 20 percent of its budget to investigating complaints—real cases—22 percent for compliance reviews based on suspicion that you and your neighbors might be up to something, and 23 percent to paper-shuffling and analyzing reports that you have been required to file?

When you look carefully at what is being done here, you find characteristics of totalitarianism. We all agree that complaints of civil rights violations should be investigated, but it is quite another matter to say that employers and schools should be endlessly hounded by Federal monitors determined to find something wrong. That is what employers across our land are experiencing, and that is what our public education institutions are enduring. It is repugnant to

anybody concerned with the survival of freedom in our country.

If the process is totalitarian, the purpose of the process is equally repugnant. Compliance reviews, monitoring, and reporting requirements are not designed to protect individuals against race discrimination. They are designed for the enforcement of quotas, to subvert individual rights.

Private employers having federally funded contracts are required by Executive order to meet quotas in their hiring and promotion practices. In the Special Analysis of the Budget published by the Office of Management and Budget, we find this statement:

> More than 25,000 compliance reviews of federal contractors will be carried out in 1979, and an estimated 700,000 new hires and promotions will result from these actions.

The Special Analysis does not say how many workers will be excluded from jobs or deserved promotions. How does the civil rights bureaucracy explain the horrendous violations of the civil rights of these people? It is silent on the subject.

The imposition of quotas has been rampant inside the Federal bureaucracy for years, of course. The civil service merit system is no longer a system based on merit. In fact, the Federal Government spends more money—$245 million proposed for 1979—to impose quotas on Federal employment than it does on any other civil rights activity.

I represent a congressional district with a large number of Federal employees, and I personally know career civil servants with excellent professional qualifications who have been denied promotions because of their race.

The Carter administration also plans a great leap forward in imposing quotas on public schools. The special analysis of the budget offers this description of what the Justice Department will be doing:

> Although substantial compliance has been achieved in recent years, the Department will devote an increased proportion of its resources to student desegregation cases in large metropolitan areas. It anticipates a significant increase in the number of student assignment cases for court action.

This means that the Federal Government will increasingly be going to court to force massive transfers of students for racial balancing of school enrollments. It means disruption and damage to the education process at a time when declining education quality is a major national concern. It means massive transfers of students from the local schools to other schools in strange and sometimes hostile neighborhoods.

If there is any subject on which the American people of all races have spoken loudly and clearly in public opinion polls, this is it. They are overwhelmingly opposed to "forced busing" for racial balance in schools.

For years, Congress has insisted on amendments to the HEW appropriations bills to prohibit forced busing for racial balance in schools, but the Department of Justice apparently does not feel constrained by this policy affecting another Federal department.

And Joseph A. Califano, Secretary of Health, Education, and Welfare, has asked Congress to repeal the antibusing amendment that is now in force. He recently told a Senate appropriations subcommittee that the antibusing amendment "is very bad policy."

Califano's civil rights enforcers are already deeply embroiled in the affairs of local school districts and colleges, imposing quotas in employment and promotions, challenging the enforcement of discipline, monitoring pupil assignments, and requiring enormous expenditures of time and money by school administrators to complete surveys and forms demanded by HEW.

The Office for Civil Rights of HEW has devoted so much attention to compliance reviews, paperwork, and quota enforcement that it has been unable to investigate a large backlog of complaints from individuals who believe their civil rights have been violated.

This Office for Civil Rights already has 1,102 employees, of which many could be reassigned from nonproductive work to the important business of investigating complaints. Instead, the office is requesting 898 new positions to handle the backlog of individual complaints.

Congress never intended the civil rights laws to require quotas, and the civil rights bureaucracy is careful to use every term except quotas to describe its activities. We hear the terms affirmative action, goals, timetables, and guidelines. They all mean the same thing—"quotas."

Remember President Carter's rhetoric promising the people a more lean and efficient government that would interfere less in their lives?

He is actually proposing extreme interference in our lives and institutions.

LIFESAVING EFFORTS OF SCIENCE AND TECHNOLOGY STAFF MEMBERS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. TEAGUE. Mr. Speaker, I have always believed that the work we are doing in the Committee on Science and Technology is significant in the sense of making a contribution to peoples' lives. But it has recently come to my attention that two of my staff on the committee, Dr. John V. Dugan, Jr., and Dr. Martha Krebs-Liedecker, have personally made such a contribution in a very special way.

I have learned of an incident at the Department of Energy last December when, during a luncheon briefing, Dr. Krebs-Liedecker and Dr. Dugan applied the Heimelich method and were able to dislodge a chunk of meat on which a DOE staff member was choking.

I certainly want to commend these two individuals for their quick thinking and heroic action.

While the Science and Technology Committee has become more knowledgeable because of their professional assistance, they have also made us proud for their personal efforts as well.

Mr. Speaker, I hope all of my colleagues will join with me in congratulating Dr. Krebs-Liedecker and Dr. Dugan for their lifesaving efforts.

MIDDLE-INCOME STUDENT ASSISTANCE ACT—A BOOBY TRAP

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. COUGHLIN. Mr. Speaker, I caution my colleagues to examine carefully the administration's so-called education grants to aid middle-income taxpayers so they will not be taken in by a bill title that is not substantiated by the facts—even the administration's facts.

Before going to the merits of the proposal, I hope all are aware of the secret memo from HEW Secretary Joseph Califano to President Carter in which Mr. Califano wrote:

> We must move quickly if we are to seize the initiative on this very hot issue.

The memorandum was leaked and the facts are out: The administration has recommended a jerry-built, bureaucratic nightmare designed to head off escalating congressional support and citizen pressure for education tax credits.

The Secretary, in his memorandum, also said:

> The Congressional Education Committees are so fearful of losing jurisdiction over education finance that they will go without us—at a high price.

I fear Mr. Califano underrates both the intelligence and integrity of Congressmen from both parties.

As an advocate of education tax credits since 1970 and principal sponsor of the Roth-Coughlin education tax credit bill, I applaud the administration's newfound recognition of the desperate position of middle-income Americans—particularly those struggling to send children to college. I applaud the purposes of the Carter program to provide added assistance for expenses of higher education.

But I hope that all of us here—and the American public—will look carefully at the vehicle that is carrying the goodies. While most details still are conveniently lacking, it looks like an educational Edsel.

It is the same, tired grant approach that would require middle-income folks to file a pauper's oath to get a little help for college expenses. Again, bureaucrats will determine who will get educational aid and under what conditions.

Preliminary charts and estimates from administration supporters fully back my contentions.

The so-called $250-a-year direct grant is a sham. These charts show that the complex set of regulations and eligibility requirements would restrict most aid to those below $16,000 annually and not $25,000 as the administration trumpeted.

The aid would go to most of those now getting aid under a series of loans and grants. The proposal is merely an exten-

sion of the same programs which the Federal Government has been pursuing for years with the "sweetener" of a direct grant which really does not amount to what the administration claims.

It also is the same groaning, form-filling nightmare which both educators and the public objects to now.

How hypocritical of Secretary Califano to say that a $250 tax credit is no good but a $250 grant is dandy as long as he holds the strings to make middle-income Americans dance.

At least, in my judgment, the administration will not have to worry about the cost of the program. Not many middle-income Americans will swear out a pauper's oath and fill out the paperwork to get a measly $250 grant from Uncle Sam. And the educational community will get precious little additional financial benefit from the new program.

As principal sponsor in the House of the Roth-Coughlin tax credit measure, as well as other education tax credit legislation for more than 8 years, I can only say that we, and the public, have finally gotten the attention of the administration and the Congress to the need for education assistance for middle-income families.

I find it utterly amazing that hearings are called one day after the President's announcement of this program when every effort to schedule hearings on education tax credits has been rebuffed by the Ways and Means Committee in the past five Congresses.

And I can also say that the administration proposal is a potential boobytrap.

The tax credit proposal is a much more direct and efficient way to aid both middle Americans and educational institutions. Its virtue is simplicity and certainty.

It does not, as some detractors claim, aid primarily the rich—about 90 percent of aid would go to families under $25,000.

Other programs such as mortgage interest deductions and charitable deductions are part of our tax law, because they encourage desirable ends. Education is a similarly desirable end.

Do not be deluded by another paper grant program. Try tax credits and get some satisfaction for a change.

HARRY J. BARTON

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. BYRON. Mr. Speaker, certain individuals touch the lives of people around them with great influence. One such man who was a moving force in his community was Harry J. Barton—Allegany County farmer, businessman, and long-time manager of the Cumberland Fair Association. It is with a great sense of personal loss that I note his passing.

Mr. Barton has been a member of the board of directors and general manager of the Cumberland Fair Association since 1954, founder and past president of the Cumberland Stockyards, Inc., and a retired director of the First National Bank and Trust Co. of Western Maryland. He had engaged in the dairy business for 30 years and served as general manager of Barton Dairy before his retirement. Mr. Barton had also been an appraiser for both First National Bank and Trust and the State Highway Administration. He had been serving as chairman of the Commission of the Maryland Agricultural Preservation Foundation, was a past president of the Allegany County Farm Bureau, a former member of the Maryland Game and Inland Fish Commission, and was a life member of Cumberland Lodge 63, BPO Elks.

He will be greatly missed by his wife, Eva Mae, and family, and by all of us who came to know him. I know you join me in extending the official sympathies of the House to this unselfish and civic-minded American.

I REMEMBER GREG

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. WYDLER. Mr. Speaker, Gregory Thompson was my youngest nephew and he was killed a few days ago in an auto accident. The funeral has been held and he has been buried. A few words about this fine young man.

Born as the last of three sons to my sister, Betty, and her husband, Tom, Greg proved to be the "personality" child of the family. Every family has one. His ways and mannerisms were so cute you could not get mad at him. While his brothers, Tom and Paul, were typical boys, Greg always instinctively knew when to stop in his playfulness.

As he grew into a man, he retained his softness and kept his appeal. It was based on a deep desire to be of help to those around him. Everyone sensed it.

All during his childhood Greg had wanted to be a lawyer, but just before college he came to see me. He stated he had changed his mind and wanted to be a doctor. Although I didn't understand it then, I later was told he chose medicine to help others, and that not only became his dream but his passion.

For some reason, although he attained many honors—including Phi Beta Kappa and Phi Kappa—he did not get accepted to medical school. He never asked for any help—not even a recommendation from me. He wanted to do it on his own.

He was still trying when he was killed. It was on a trip from a medical school interview that the accident happened. It was likely he was close to realizing his life's dream.

He died at 28, after much living, but before a full life. He almost died of a childhood disease at 6 years old. God spared him that death. He experienced all life's emotions, good and bad, except the final satisfaction of helping others as a doctor. That's the bitter. The sweet is his memory.

Death, of course, brings every man to earth. But it does not eradicate the measure of the man.

At the funeral parlor I overheard a young girl say to my sister: "He had magic in him." I'm too old to know what that means, but I am not too old to know it is beautiful to be thought of that way. I was stunned to meet his fifth grade teacher who came to pay his respects to a boy he taught 20 years before.

I knew him better as a boy than a man, but he had depth. He asked his parents this Christmas to give him something he could keep. They gave him a ring and he will keep it forever.

He refused my help and disliked the authority my position implied over his life, particularly during the Vietnam War. In a way that period changed him and hurt him.

He was concerned for others but independent as a person. He was soft toward others but strong within. He loved to learn and to serve. He was an idealist in a real world.

It would have pleased him that when a problem arose about opening his grave for burial at the St. Michael's Cemetery on Tuesday. I with all my congressional regalia could do nothing to get it done, that a bishop with all the church hierarchy could do nothing, but that his brother, Tom, with a personal visit and appeal to the grave diggers got it done. It would have pleased him, and it pleased me.

Greg did accomplish much. As a research assistant at Stony Brook, as an instructor at Suffolk and Nassau Community Colleges, as the apple of his parents eyes, and the bridge between his brothers and family.

He has been and will be truly mourned by many. No man gets more. He will see God, and my bet would be he is close up with the helpful angels.

My father started a family tradition. Whenever he left to start a trip he alwas said goodbye by shouting "Yo-Ho." It came to mean—I enjoyed seeing you and will do it soon again.

Greg's brother Paul sent the usual flowers to the funeral. The card had an unusual message. It said only, "Yo-Ho."

No better sendoff can be imagined for a journey we all make.

THE SKY IS FALLING

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. LEVITAS. Mr. Speaker, for those of my colleagues who share my own trepidation about things falling from the sky, I would like to share an editorial from the Atlanta Journal and Constitution of February 4, 1978.

Maybe Chicken Little was right.

RIGHT ON, CHICK!

Chicken Little was right. More or less.

All her fuss and feathers about the sky falling has made more sense in the past fortnight. A Soviet satellite fell out of the sky over the Canadian wilderness, scattering nuclear radiation hither and yon.

And the U.S. space agency nervously informed the world that Skylab, the largest

manmade Earth orbiter, is coming down earlier and faster than expected. If something isn't done, it could crash with possibly disastrous results in late 1980.

Chicken Little's warning, of course, specified the *sky*, not objects in the sky. Celestial objects like meteors have been falling on this old planet for eons.

But don't sell Chicken Little short. She may have known very well what she was talking about. Every now and then in these pages scientists and astronomers speculate about the expanding universe or the collapsing universe or black holes in the heavens. Such advanced theorizing was anticipated long ago by our fine feathered friend. She's no dumb cluck.

It is said that out of the mouths of babes comes wisdom. It may be added that even a child's bedtime story may conceal truths that elude the wisest searchers. It might be a good idea for all of us to keep a wary eye on the sky from now on.

PAUL R. COOPER

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. CARTER. Mr. Speaker, last night a gentleman died in Idaho whose passing, I believe, warrants special note.

Paul R. Cooper, of Emmett, Idaho, died of leukemia at the age of 44.

I had the pleasure to meet Paul last August. Paul was one of 2,235 soldiers who participated in an atomic test on August 31, 1957, called Smoky. We now know that eight of those persons have since contracted leukemia. Paul was the first, however, who brought his illness to public attention and alerted this country to the danger of these atomic tests and to the problems of men who have suffered, because of them.

Our Health and Environment Subcommittee just conducted 3 days of hearings into the tests involving the military and the Atomic Energy Commission. Next Tuesday, February 14, we will have another day of hearings. But those hearings might never have occurred without Paul Cooper's efforts to bring this story to light.

Paul's wife Nancy wrote to me at Christmas, and I would like to quote from that letter:

> My husband fought in Korea and three times in Vietnam, and for something like this to have happened during peacetime is really horrible. It's one thing to make mistakes, another one to take the responsibility for them. Our government can't turn back the clock and change what has happened, but they should help out the widows and give the now-sick men peace of mind, knowing their families will be taken care of after they're gone.

Mr. Speaker, it can be said no better. And I, for one, intend to see that the work Paul Cooper helped begin continues and to see that justice is done for all our veterans who served their country honorably and well.

My deepest sympathy and condolences go to Paul's wife Nancy and to their children, Shawn, Deanelle, and Shannon.

THE AMERICAN AGRICULTURE MOVEMENT

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. ARMSTRONG. Mr. Speaker, the American agriculture movement, which began in my home State of Colorado, has, in a short time, done a remarkably thorough job of educating Americans about the desperate plight of farmers and ranchers today, and about what is in store for all of us if the farm crisis is permitted to continue. It has succeeded in doing, in a few months, what my colleagues and I, who represent rural districts have been trying to do for years—it has focused the attention of the whole Nation on the farm problem.

The problem is serious enough to warrant that attention, and more. Farmers are caught in a vicious economic squeeze. Farm income, adjusted for inflation, is at its lowest level in more than 40 years. Farm income is down more than $1 billion from last year, and down nearly $10 billion from the high of $29.9 billion in 1973. Farm debt has more than doubled since 1970, exceeding $100 billion for the first time. Between one-third and one-half of all farmers face bankruptcy or refinancing unless help is provided.

The farm problem is not just the farmer's problem. It should be a major concern of those who live in the city as well as those who live in the country. Agriculture is the bedrock on which our economy is built. First comes the production of food and fiber. All else depends on it. When our farm economy gets sick, it is not long before the rest of the economy catches the disease. That is what happened in 1929, when the stock market got caught up in the depression that had been afflicting the farm economy since the end of World War I.

It is easy to see how the vicious cycle could be triggered all over again. Farmers are driven deeper and deeper into debt because farm prices consistently fall below costs of production. Eventually, banks begin to foreclose. But since farming is unprofitable, the land and machinery foreclosed upon cannot be sold at its book value. This reduces the value of land and machinery of other farmers, making more foreclosures all but inevitable. As the bad loans pile up, the solvency of rural banks is called into question. Meanwhile, farmers who are in debt are not buying new machinery or consumer goods. Merchants in rural areas suffer. Food production drops. Once it is set in motion, it does not take long for the chain reaction to reach the cities.

Agriculture is more than the cornerstone of our economic system and the heart of our balance of trade. The family farmer comes closer than any other to epitomizing the rugged individualism that has made our country great. Farmers and ranchers work harder for less return than any other American in the labor force. But for many, the rewards of family life out in the open, of raising their own crops on their own land, are reward enough for the long hours and the economic sacrifices. I shudder to think what would happen to the moral fabric of this country if that way of life should be lost.

It was primarily to preserve the family farm and all it stands for that the American Agriculture Movement came into being. It was begun by a handful of farmers from the southeastern Colorado community of Springfield who felt that something ought to be done; and since no one else seemed to be doing it, they would try to do it themselves.

At this point, no one knows what the future might hold for the brainchild of Derral and Gene Schroeder, Lawrence Bitner, Greg Suhler and Alvin Jenkins; but the American Agriculture Movement already has proven to be a tremendously effective, spontaneous grassroots movement. It has organized huge rallies in Washington and in a number of State capitals, including Denver, and presently is conducting an energetic lobbying campaign in Washington.

I attended the American Agriculture Movement rally in Denver on December 9; and I was impressed not only by the sincerity of those attending, to tell their story to the public, but also by their patriotism, their faith in God, and—considering the circumstances—their good humor. I was reassured that leaders of the American Agriculture Movement stressed their intention to work for their goal through peaceful, democratic means. The warm impression I received at that rally has been reinforced many times in the conversations I have had since then in Colorado and in Washington with members of the American Agriculture Movement.

The American Agriculture Movement has set as its goal 100 percent of parity for all commodities, and has proposed a formula for bringing this about. While I am not convinced that this is the best solution to the problem, I am impressed with the hard work the AAM leaders have done in preparing and presenting their case.

I think the American Agriculture Movement may already have performed its most valuable service by galvanizing the Congress and the Nation in an effort to find a solution for the farm crisis. Colleagues of mine from urban districts, who never paid much attention to farm issues before, are studying them intently now.

Farm problems are so serious, so diverse and of such longstanding that I don't think one single panacea can be found. The solution to the farm problem will in the end, I think, be a lot of partial solutions which together will expand existing markets and create new ones, hold down production costs, ease credit restrictions and so forth.

I advocate several proposals about which I have spoken before and about which I will outline in greater detail today.

But whatever the final answers will be, the American Agriculture Movement is to be commended for awakening all

Americans to the need to search for them. By doing so, they have done not just the farm community, but all Americans, a great service.

AMNESTY INTERNATIONAL

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. FRASER. Mr. Speaker, on January 25, a statement by my colleague, the gentleman from Georgia (Mr. McDONALD) gave an erroneous impression of the work and mandate of Amnesty International.

As chairman of the Subcommittee on International Organizations of the House Committee on International Relations, I have made considerable use of reports by Amnesty International in examining the human rights practices of many different countries. The research has proved to be politically impartial and factually accurate. In order to correct some of the grosser distortions contained in Mr. McDONALD's statement, I place in the RECORD three documents which indicate the organization's mandate, policies, and international reputation:

AMNESTY INTERNATIONAL

Amnesty International is a worldwide human rights movement which is independent of any government, political faction, ideology, economic interest or religious creed. It works for the release of men and women imprisoned anywhere for their beliefs, colour, ethnic origin, language or religion, provided they have neither used nor advocated violence. These are termed "prisoners of conscience".

Amnesty International opposes torture and the death penalty in all cases and without reservation. It advocates fair and early trials for all political prisoners and works on behalf of persons detained without charge or without trial and those detained after expiry of their sentences.

Amnesty International seeks observance throughout the world of the United Nations Universal Declaration of Human Rights and the UN Standard Minimum Rules for Treatment of Prisoners.

Amnesty International has 2,000 adoption groups and national sections in 35 countries in Africa, Asia, Europe, the Middle East, North America and Latin America and individual members in a further 74 countries. Each adoption group works for at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London.

Amnesty International has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States, and has observer status with the Organization of African Unity (Bureau for the Placement and Education of African Refugees).

Amnesty International is financed by subscriptions and donations of its worldwide membership. To safeguard the independence of the organization, all contributions are strictly controlled by guidelines laid down by AI's International Council, and income and expenditure are made public in an annual financial report.

AMNESTY INTERNATIONAL 1977 ANNUAL REPORT

(By Thomas Hammerberg, Chairman, International Executive Committee)

PREFACE

As many as 116 countries are mentioned in this publication. In most of them serious violations of human rights have been reported. And yet this survey is far from complete—even taking into account the fact that Amnesty International's work in the field of human rights relates only to prisoners. Amnesty International does not yet have the resources to undertake the compresensive research that is needed on all countries.

It is not only the number of countries where violations have occurred which is alarming. The positive elements in this report are few: there have been substantial releases of political prisoners in certain countries but these are outweighed by deteriorating situations in other parts of the world.

In some Latin American countries security forces and para-military groups have been used as instruments for a policy of political murder. There, and in other parts of the world, the system of justice no longer functions in practice. Emergency laws have been misused to legalize brutal repression—even when by objective standards there are no emergencies.

Government-sanctioned torture is still practised in a horrifying number of states, in spite of the newly adopted United Nations declaration against all forms of torture. Several regimes have introduced the death penalty for new crimes and the rate of execution is still high, especially in Africa and Asia. Some governments still retain corporal punishment such as flogging or cutting off hands.

In many countries, especially in Asia, a system of long-term detention has been developing. Prisoners are kept in poor prison conditions year after year and the authorities do not grant them the basic right to a trial. Strictly speaking, this means that innocent people are deprived of their freedom for five years, 10 years or even more. In other countries where political trials have taken place the defendants have been denied the opportunity for a proper defence. The laws themselves have in some cases constituted appalling violations of the *Universal Declarations of Human Rights*, making a mockery of justice. The trial procedures have been such that they could only serve the interest of the rulers.

Some would consider certain of these violations of human rights worse than others. However, Amnesty International does not presume to rank governments or countries or to single out any regime or group of regimes as "the worst on earth". Even if the organization wanted to establish such a list of violators it could not. Lack of detailed information on some countries in itself would be an obstacle. But what remains of overriding importance in its strictly country-by-country approach is that the techniques of repression and the impact of these techniques vary. There are differences not only in number of victims, but also in methodology, objectives, duration and both short-term and long-term consequences. In some countries regimes allow para-military groups to kidnap, torture and assassinate political activists; in others prisoners are kept in detention for years without trial. In some police stations torture is carried out with electric shocks; in others with psychological methods. In some prisons the inmates are refused all communication with their families; in others they are starved. There is absolutely no point in trying to judge which measures are categorically "better" or "worse" than others. Similarly, it would be a misleading exercise to grade or rank regimes. In the end, what matters is the pain and suffering the individual endures in the police station or in the cell. The depth of that can never be catalogued by outsiders.

The information Amnesty International has obtained shows that human rights are violated in a majority of countries all over the world. All major regions, all political or ideological blocs are involved—in spite of *Universal Declaration of Human Rights* adopted by the United Nations in December 1948. The Declaration states unequivocally that torture is unacceptable—and yet torture persists with the knowledge, and even support, of the governments. The Declaration also affirms the right to life and states that no one shall be subjected to cruel, inhuman or degrading punishment—and yet more than a hundred countries retain the death penalty. This double standard is even more obvious if one studies the implementation of the legally-binding international covenants on human rights, adopted by the UN General Assembly in 1966 and which have now been in force more than a year. Even governments which have ratified these covenants are breaching them. This is international hypocrisy; it can only serve to undermine people's respect for international declarations and institutions.

Not only governments but also certain political organizations outside government control violate human rights today. Individuals have been taken as prisoners or hostages, torture and executions have been carried out in the name of different political causes. Such acts are deplorable—they are no more acceptable than repression by governments.

Amnesty International's independence when challenged by these issues is not only financial and political. It does not take a stand in any ideological struggle nor support or oppose any party or religion. In all these respects Amnesty International is impartial. Its task is to see that certain basic rules are adhered to by governments and others, rules that make it possible for people everywhere to express their opinions without fear. These are set down in the *Universal Declaration of Human Rights* and ought not to be controversial—but, in fact, they are. Amnesty International has been accused often during the past year by a few governments of having interfered in internal affairs or having, at least indirectly, supported the opposition. This allegation is neither new nor surprising—in countries where the respect, or lack of respect, for human rights is a burning political issue, working for Prisoners of Conscience or for the abolition of torture will obviously be irritating to some. But this cannot be a reason for Amnesty International to abstain from taking action on any such country—on the contrary. For the individual victims it is of great importance that there are international and independent voices that can and will speak out. This is all the more important as the implementation of internationally agreed rights is still the Achilles' heel of the United Nations and other inter-governmental bodies dealing with human rights. In fact this is a perfect example of a situation where a non-governmental organization has an important role to play—and Amnesty International is such a movement.

Amnesty International does not seek conflicts with governments, it tries to convince and, if an opportunity arises, even to assist to the benefit of human rights. Governments are invited to comment on its reports or on allegations received by the organization. But it never compromises its cause; its silence cannot be bought.

The movement pays much attention to balanced and accurate reporting of facts. Every major initiative is based on thorough research at the International Secretariat in London. If proven wrong on any piece of information, Amnesty International is prepared and willing to correct this immediately.

The organization also limits itself to a very specific mandate. Amnesty International is not a movement embracing all good causes; it restricts itself to assisting prisoners. The well-known "adoption" system is used only for Prisoners of Conscience—those political prisoners who have not used or advocated violence. It is also deeply involved in combatting torture and the death penalty, and in working for fair trials and improved prison conditions.

This focus certainly does not mean that Amnesty International downgrades other basic rights, such as the social and economic ones. These are often related to the political and civil rights. Neither would Amnesty International attempt to create a conflict between civil and political rights on the one hand and socio-economic rights on the other. That approach would be false. The *Universal Declaration* is quite clear in stating that both are needed. Often they complement one another: when those deprived of their socio-economic rights cannot make their voices heard, they are even less likely to have their needs met. If a people is deprived of one right its chance of securing the others is usually in danger. Amnesty International keeps this in mind when it maintains its prisoner orientation, aware at the same time that it is a movement which has chosen a deliberate priority. This is the way to achieve practical results.

EXTRACT FROM THE STATEMENT OF THE NOBEL COMMITTEE AWARDING THE 1977 NOBEL PEACE PRIZE TO AMNESTY INTERNATIONAL

Amnesty International has first and foremost extended practical, humanitarian and impartial help to people imprisoned for their religious or political beliefs, or because of racial prejudice. Central to the work of Amnesty International is also the abolition of torture and the death penalty.

The Nobel Committee wishes, in the year 1977—Prisoners of Conscience Year—to honour Amnesty International by granting it the Nobel Peace Prize for the contribution this organization has made to protecting this group of prisoners from treatment in violation of human rights.

Through its activity for the defense of human worth against degrading treatment, violence and torture, Amnesty International has contributed to securing the ground for freedom, for justice, and thereby also for peace in the world.

POLITICS AS USUAL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. LAGOMARSINO. Mr. Speaker, I am strongly opposed to the recent dismissal of David Marston as U.S. attorney in Philadelphia. During his campaign, President Carter promised the American people that he would appoint officials based on merit, not on political affiliation. As the Marston case reveals, the President does not seem to be fulfilling that promise.

I would like to bring to the attention of my colleagues the following editorial from the Santa Maria Times dealing with the Marston case.

The editorial follows:

POLITICS AS USUAL

It is a wonderment that Jimmy Carter, who probably can thank his presidency to the corruption under the Republican administration of Richard Nixon, has missed a golden opportunity to prove that he won't permit corruption during his reign.

President Carter stood pat while his underlings removed U.S. Attorney David Marston in eastern Pennsylvania during the midst of investigations that touched two Democratic congressmen and that resulted in the prosecution of two other Democratic officeholders.

The official reason for Marston's replacement: he's a republican.

It seems odd that a full year after the Carter regime swept out of office all vestiges of his Republican predecessors, Marston was singled out. And it is no secret that the action was stimulated by telephone calls to the Justice Department and the White House by the congressmen under investigation.

Many Americans felt the dark days of Watergate were behind them when Jimmy Carter took office. No doubt many voters chose between him and Gerald Ford because Ford had pardoned Nixon. Americans yearned for an era of government wherein politics as usual and favor-buying would become a thing of the past.

Jimmy Carter has missed a golden opportunity to drive home this idea. His acquiescence to the removal of Marston will set Americans thinking that politics hasn't changed, only the names of the participants.

AMERICAN EXCELLENCE: A MEDIUM FOR THE AMERICAN DREAM

HON. ADAM BENJAMIN, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. BENJAMIN. Mr. Speaker, I take this time to direct my colleagues attention to American Excellence, a nonprofit educational organization with the objective of achieving human excellence in America. With your indulgence, I will recite and explain its need, response, plans for action and proudly introduce its founders in the hope that it will provoke participation and support.

Throughout our history, America has stood for excellence and the better way. Yet now, as we enter our third century, America's traditional confidence and pride seem to be replaced by confusion and shame. We no longer fully trust our most basic institutions and professions. Sometimes we still boast to others—but frequently we doubt ourselves.

The signs are spreading: cheapened government and shoddy goods. New cars must be recalled. Appliances which do not work. Guarantees which are not honored. Tainted food and unclean air. High school graduates who cannot read. The list is long, and lengthening.

Like the American eagle, American excellence has become an endangered species. We tolerate too much error in our merchandise, too much carelessness in our work, too much aimlessness in our schools. We have turned into a "throw-away society"—and now we stand in danger of throwing away much of what is best in our country.

The question is—how?

The founders of American Excellence pretend no secret wisdom about all this. They do not have the answer. They do not think it is possible for any one organization alone to restore the values which made this country great. Not even the Government can do that. The only people who can do this are the American people themselves.

What is needed, in their view, is a visible national vehicle—supported by as many Americans as possible. Excellence in America is only as powerful as the people's demand for it. No single organization named "American Excellence" can deliver excellence from above. If there is to be any deliverance in America, we are all going to have to deliver ourselves—and soon.

At a time when shortages of energy are being broadly proclaimed, our society cannot afford to neglect its most precious and perishable natural resource—human ability. Yet, it is a popular and damaging misconception that the gifted are an elite belonging exclusively to the wealthy or upper middle class. Excellence does not belong to any one group or social class. One of the key priorities of American Excellence is the reversal of the cruel myth which has made excellence seem to be the private commodity of a privileged few—rather than a source of strength for us all.

The founders of American Excellence are particularly concerned about the need to stimulate and support the quest for excellence among young people—and especially in those often overlooked geographic and economic environments where young people might not otherwise be encouraged to develop their abilities and potential fully.

There is a great rainbow of human ability which stretches across America, embracing people from every race and region of the Earth. Excellence can be found everywhere—everywhere we are willing to look for it. American Excellence intends to search for it in every sector of our society and they intend to find it, acknowledge it, and nourish it.

Their intention is to create a movement with nationwide impact—they want to stir a national mood, not simply administer one or two isolated projects. In order to create such a national impact, they feel that a variety of approaches and levels of economic involvement will need to be generated. Several approaches which strike them as being useful in generating a broad base of popular support for the restoration of excellence in America are:

First. The eventual creation of American Excellence as a national organization with local and State chapters throughout America modeled on successful nonprofit health organization guidelines, with:

A "working" board of trustees—drawn from the business and professional community.

A national campaign board of sponsors composed of outstanding Americans whose names and reputations are synonymous with excellence.

A small year-round staff to coordinate the central office work supported by a nationwide organization of volunteers, who will create and carry out the actual work of strengthening excellence through the establishment of American Excellence chapters and activities in their home communities.

Eventually, memberships at a modest cost, on a sliding scale so that even children on allowances can become members.

Second. A national discovery program, which will support and promote excellence among young people in particular. Components of the national discovery program will include:

Human Excellence Olympiads—a series of local, State, and national nonathletic tournaments of the mind and senses, at which young people from across America will meet one another and demonstrate their special abilities in both competitive and collaborative events including math, science and computer games, creativity games never before played; all-win new games in which the players learn more about each other and themselves rather then winning or losing. A festival of life in which artists and musicians bring their talent to the olympiad. The olympiads will be held in conjunction with State and county fairs, to be planned by the local chapters of American Excellence, at which farmers, inventors, dancers, culinary artists, and craftspeople can exhibit their particular skills in an atmosphere which is leisurely, entertaining, and inspiring.

The Congress of Tomorrow—a series of summit conferences among young leaders, held all across America, in which outstanding social thinkers and public leaders will participate in framing major issues for the future leaders to tackle. In designing creative solutions to social problems, the Congress will have access to a variety of technical resources, including computer terminals linked to data banks, so that accurate information will be used in the generation of these group designs and action plans. This will be expanded internationally to include gifted young leaders from all countries seeking solutions to real world problems.

A National Network for Excellence (NEXUS)—uniting gifted youngsters with experienced older people who will serve as their mentors, so that the skills of one generation are passed on intact to the best of the next. NEXUS will be a national human resources inventory, organized on the local level, with cross-referencing at the State and national levels.

Third. A nationwide television campaign, including:

A new half-hour human interest series, "American Excellence," which will present real-life stories of outstanding, though often unpublicized, Americans from all walks of life who exemplify the meaning of excellence.

A new play-at-home TV show game, "Excellency," on which Olympic exercises, games, and events will be presented to give viewers at home the opportunity to explore their own potential for excellence. A series of carefully phased mental and creativity exercises will allow viewers to be participants on this program. Workbooks and self-testing kits can be provided to create increased involvement and continuity.

A series of short spot announcements, TV and radio commercials for excellence.

Fourth. Creation of the Excel Institute: An institute for excellence in education and learning. This institute will work consultatively with major school systems and the appropriate State and Federal agencies to promote new ways of strengthening excellence in education. Research on the special abilities of gifted children—as well as on the ways by which all children can explore and use their full potential for excellence—will be conducted by the Excel Institute. The Excel Institute also will conduct programs geared for adults and their learning needs.

American Excellence, initially created as the Foundation for Human Gifts with a grant from the Lipper Foundation, was created by Dr. Harold C. Lyon, Jr., who for 4½ years, until September 1976, inaugurated the current national effort as Director of Education for the Gifted and Talented within the U.S. Office of Education.

The other founders and trustees of American Excellence are: Gabriel Heilig, educator and writer, now planning a human excellence curriculum for the U.S. Teacher Corps; Dr. George T. L. Land, author of "Grow or Die," policy and planning consultant, fellow of the New York Academy of Sciences, and Max Planck Institute; Arthur Lipper III, international investment banker and businessman; Louis Mobley, former director of the IMB Executive Development Academy, humanistic management consultant, organizational development expert; and Dr. E. Paul Torrance, professor, educator, psychologist, author of numerous books and measures of creativity.

I am particularly proud of Dr. Lyon, a company and classmate of mine at West Point. We also shared similar experiences after graduation in 1958 with infantry, ranger, and airborne training and service with the 101st Airborne Division.

Dr. Lyon is now under a 2-year detailed assignment (Inter-governmental Personnel Act of 1970) from the U.S. Department of Education to work to establish a national and international effort in behalf of excellence.

For more than the past decade Dr. Lyon has made a unique contribution toward bringing a more humanistic viewpoint into education within the Federal Government. In what was sometimes an underground battle and other times a head-on attack, he consistently fought to give legitimacy within the Federal Establishment to those innovative programs which stand for a more humanistic approach toward education. For example, he chaired the Federal task force that enabled North Dakota to install the statewide humanistic education programs that Charles Silverman acclaims in his book, "Crisis in the Classroom."

He successfully worked to insure that students, the real consumers of education, have a voice in the development of Federal programs and priorities. His efforts have helped establish a precedent for Federal support of humanistic education.

His textbook on humanistic education which is being widely used on campuses around the country, "Learning to Feel—Feeling to Learn," is an interesting comprehensive general overview of the humanistic education movement.

Another Lyon book, "It's Me—and I'm Here," is a psychological account of his own pain, growth, and work as a therapist and educator.

Last week, Dr. Lyon's third book, "Tenderness Is Strength," was published. He has already published more than 25 articles in periodicals on leadership, research, psychology, and new educational concepts as well as many other features which have appeared in the Nation's most prominent newspapers.

The postmilitary career of Dr. Lyon has been more than amazing. Armed with a graduate degree in psychology and public administration and a doctorate in education, he has served in the administration of Ohio University, as Assistant Deputy Commissioner of Education, Acting Associate U.S. Commissioner of Education, and Director of Education for the Gifted and Talented.

Having known Dr. Harold Lyon for nearly a quarter of a century, and fully appreciating his understanding, sensitivity, brilliance, and dedication, I am confident that American excellence will bring about a realization of the "American dream" in an era when all too many people, American and the world, believe that we have lost our stature as a major world entity. American excellence provides a vital way to move on to higher levels of personal and social goals. It is another way of saying, "Why Not the Best?"—from an Army point of view.

CHILDREN'S HEALTH CARE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. WAXMAN. Mr. Speaker, this week, the Subcommittee on Health and the Environment began its markup on the CHAP bill, the children's health assessment program, H.R. 6706. In preparation for this markup I came across some startling statistics on the health needs of America's indigent children which are not being met. I want to share these with my colleagues in the hope that better awareness of these children's plight will hasten the passage of long overdue legislation.

Some say we are a child-centered nation. Yet anyone familiar with health statistics on America's young people knows this is not so. Chronic disorders in children should not wait for medical treatment, but they often do, and permanent and more costly illnesses result. Like justice itself, health care deferred is health care denied.

Is it possible in a nation like ours with medical technology second to none, that—

More than half of the emergency rooms in our hospitals do not have the medical expertise or the equipment to cope with child emergencies, although more than 100,000 children are permanently crippled each year, and 2 million more temporarily incapacitated by injuries, and 55 percent of all deaths of children up to age 15 are due to injuries?

About one-fifth of our poor and minority children have not seen a doctor at all in 2 years?

In 1940, 1 out of every 2 Federal dollars spent on health went for children; by 1970, this ratio fell to 1 in 17?

In 1974, 11,500 cases of gonorrhea were reported in children under 15 years old?

The Center for Disease Control has predicted the possibility of a polio epidemic because immunization rates fell so low during 1976–77?

Our infant mortality rate is higher than 11 other industrialized nations?

The answer is "Yes," it is possible, and this is an accurate picture of the gaps in children's health care in America today. Those of us in Government cannot stand by and make no attempt to change these statistics.

There is a myth that sickness shows no regard for social class. Statistics tell us this is not so. We are witnessing the development of two standards of health care in the United States—one for children of the poor and one for everyone else's children. Poor children have twice as many hospital days as other children. The infant mortality rate for the urban poor is more than 50 percent higher than for other children. Twice as many children in families earning under $5,000 have a history of chronic kidney disease as in families earning $10,000 or more.

National immunization rates for childhood diseases are a good indicator of whether children are receiving the most basic preventive care. These rates are drastically lower for children living in poverty areas. According to a recently published study by the Children's Defense Fund, in 1975, 47 percent of children under 1 year of age living in large metropolitan areas designated as poor had not received any polio vaccine. In our large cities 58 percent of poor infants had not received shots for diphtheria, tetanus, or whooping cough. It is 1978, yet children can and do die from diphtheria in America's inner cities.

In 1967 Congress tried to stop the development of second-class health care for poor children by amending the medicaid law to require States to provide early and periodic screening and treatment to all children under the age of 21 eligible under the medicaid program. Congress intended that children eligible—estimated then at 6.5 million and now at 13 million—were to receive complete physical examinations, and tests for vision and hearing deficiencies, high lead levels, dental cares, and other problems which impair children's normal growth and development. The children would receive treatment for any problems diagnosed during screenings which were to be provided until the child reached age 21.

Despite the fact that preventive care is the most cost effective medical treatment the Government can provide, the intent of Congress was never carried out. The screening program is reaching only a third of those eligible. Over 20 percent of the children screened who needed medical treatment did not get it. The program does not reach an estimated 700,000 children under age 6 who are in families whose income meets State financial requirements for medicaid but whose family structure (such as the father's presence in the home) makes them ineligible for medicaid.

The greatest problem is shifting eligibility patterns. Medicaid is administered by the States—and different States provide different coverage. The quality of screening and treatment for poor children varies drastically from one State to another. Some families are eligible during part of the year, and then become ineligible because of additional income. Frequently, the children's medical care has no continuity, and the family has no family doctor.

Comprehensive child health care legislation is long overdue. We must do all we can to upgrade the medical care all American children receive. The children of the poor should not be falling through the cracks in our patchwork programs. The children of the poor are just as special as yours and mine and just as deserving of the fine care our medical technology makes possible.

The Carnegie Council for Children has just completed a 5-year study on the needs of American children entitled All Our Children: The American Family Under Pressure by Kenneth Keniston. The book proposes nothing less than a child health service, restricting national health insurance, at least initially, to children up through 6 years of age. Why? Because there are greater returns, in terms of later problems prevented and costs saved, in promoting health for children before they become adults.

I think it is time for us to consider the CHAP legislation as an important first step toward a national children's health service to provide us with a working model for any future national health insurance program we design. Children form a discreet segment of our population which can be easily studied. Our school systems make it easy to track children in a health program, and to keep medical records on their progress. A children's health service would show us how a national health service would be utilized, and how much it will cost. Most importantly, a national children's health service will guarantee universal immunization against childhood diseases, and prompt treatment for dental, visual, and auditory problems before permanent damage results.

I am sensitive to the growing cynicism about Government's ability to fundamentally improve our society. It is true in the past many programs had goals that were not well defined and difficult to achieve. But children's health care is entirely different. For every innoculation, a case of polio or other childhood disease is prevented. The results are tangible and visible, as we have seen in HEW Secretary Califano's national immunization initiative. The national childhood immunization program which he launched in April 1977, has now shown early results which fully demonstrate the importance and effectiveness of immunization programs in improving health:

During calendar year 1977, some 4.5 million chlidren were vaccinated against measles—an increase of 1.6 million children—more than one and one-half times the number vaccinated in 1976.

Most notably, during the last calendar quarter of 1977, the incidence of childhood diseases dropped from the level for the same period in 1976.

Cases of measles were down almost 65 percent;

The incidence of mumps was down 22 percent;

The incidence of rubella was down 24 percent.

Equity in children's health care is an ethical, not a partisan issue. The question is not, how much will it cost and how can it be done? The question is, if our present haphazard system costs too much in dollars and human neglect, why don't we create something better?

ENVIRONMENTAL EXCESSES HURT AMERICAN FARMERS

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. ARMSTRONG. Mr. Speaker, I share many of the views expressed in a recent Denver Post editorial which criticizes the Carter administration for taking a "bull-in-the-china-shop approach to complex Western economic issues." In arbitrarily changing, to the detriment of farmers, Federal policy on land reclamation, water usage, irrigated land holdings, and hydroelectric power rates, the Post wonders if the Carter administration knows what it is doing to American farmers. I urge my colleagues to read the Post editorial, keeping in mind it echoes the feelings of many in the agricultural community:

CARTER ENVIRONMENTALISTS HURT AMERICAN FARMERS

All too often the Carter administration takes a bull-in-the-china-shop approach to complex Western economic issues. The result is shock, distress and finally a grim citizen determination to fight back.

In arbitrarily changing policy on reclamation, water usage and irrigated land holdings in the West, the administration has unnecessarily created animosity. It has issued edicts instead of seeking dialogue.

This whole unfortunate federal stance came under thorough discussion in Denver last week. The Mid-West Electric Consumers Association held its annual meeting here and expressed alienation from the Carter policies.

Mostly, the objections were against Carter environmentalism. The association, whose

members feed electricity to REAs and municipal systems in the West and Midwest, feel that the administration has deliberately thrown needless roadblocks in the path of expanding electrical energy capacity to meet the needs of farmers and small towns over much of the nation.

The officers of the association appeared to reflect a sense of desperation. They know their power costs are rising for a number of reasons. Once the beneficiaries of 2 percent REA money, which Congress employed to electrify rural America, the rural electrics now work with the same 8 or 9 percent rates any utility must pay for borrowed capital.

So as they expand their generating plants to meet growing demand their prices must go up sharply. The Tri-State Generating and Transmission Assn., Inc., of Northglenn, Colo., had to raise rates to farmers in northeastern Colorado by 15 to 18 percent last year. Next week rates will go up again by a similar amount.

Delay is murderous for people trying to complete generating plants to meet growth (and get customers into the rate structures to pay for the new projects). Federal environmentalists repeatedly have thrown roadblocks in the way of these projects.

Several speakers at the Mid-West meeting in Denver blistered White House environmentalists. Fred Simonton, executive director of the association, accused the president of a "shell game" in which power producers are promised more coal by one agency but told by another agency that there is plenty of coal under lease—no reason to hurry. Don't bother to lease more coal until the 1980s, say the White House con artists. That will be plenty of time.

Simonton also struck out at the nation's new energy czar, James Schlesinger. The energy secretary recently demanded an increase in hydro power rates—for no better reason than conservation to reduce consumption.

Simonton pointed out that there is no "price" reason for increasing hydro power costs drastically. The plants were installed long ago; their original costs haven't changed. So why the heavy increases?

Simonton explained:

"I smell that Dr. Schlesinger's whole cure and solution for the energy crisis is conservation. Some call this the 'caviar concept,' because it (caviar) costs so much that people can't buy it."

Then he made his main point: that power prices should be based on cost of production, not on abstractions about how good it feels to conserve energy.

Along with Simonton we wonder if Schlesinger and the other White House experts have considered all the costs of their actions.

Here's an example:

Many average-sized farmers pay $8,000 to $10,000 in annual electric bills to pump water to their sprinkler irrigation systems (those green circles you see on the Great Plains when you fly over them in the summer). Those pump systems have increased rapidly in number and have brought much new land under intensive cultivation.

But bankers are worried about the costs:

"If electricity keeps going up those farmers will be out of business," said one banker. "That land then will start plunging in value. It could set off a land recession which would help dry up farm credit."

Does Secretary Schlesinger want that kind of blood on his hands? Increasing power fees because costs are higher is one thing. But to increase costs just because conservation is a vague "good idea" is quite another. The costs apparently haven't really been weighed in terms of the price the nation would pay for a deeper farm recession.

Again, the question arises: Does the Carter administration know what it is doing to American agriculture?

IN DEFENSE OF SMOKING

HON. BILLY LEE EVANS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. EVANS of Georgia. Mr. Speaker, our Secretary of Health, Education, and Welfare recently announced his comprehensive antismoking campaign at a cost to the American taxpayer of $23 million.

Shortly after this announcement it was learned that Secretary Califano had at the end of 1976, and probably still has substantial stock in the cigarette manufacturing Phillip Morris Co.

I think that with his financial interest in Phillip Morris, Inc., that Secretary Califano should be interested in what Mr. Ross R. Millhiser, president of Phillip Morris, Inc., had to say about smoking in an article entitled "In Defense of Smoking," which was carried in the New York Times on January 12, 1978:

IN DEFENSE OF SMOKING

(By Ross R. Millhiser)

The 60 million American adults who smoke are hard put these days to find a sympathetic word of approval for a practice that provides them with a certain sense of personal satisfaction, relaxation, and even pleasure.

So it is notable that the Carter Administration has brought an enlightened voice of reason to their harassed world of health warnings, induced guilt, and threatened social ostracism. The voice was heard recently as President Carter's top advisor on health, Dr. Peter G. Bourne, addressed the Tobacco and Smoking Research Committee of the American Cancer Society on the issue of smoking and health.

It is too bad the American people were not fully exposed to these reasonable observations. Because Dr. Bourne, who obviously is not in favor of smoking per se, had the political and professional courage to place in full view of his peers the whole gamut of unanswered questions about smoking and health—a subject that has been relentlessly probed by world scientists for more than 25 years.

Dr. Bourne is not alone in posing the tough questions that scientists must answer before coming to any conclusion that the smoking cigarette is also the "smoking gun."

By daring to suggest that there are known, and may be many unknown, benefits in tobacco components and smoking, Dr. Bourne's position is hardly radical. He is joined in his physical benefits—for example, "The significant beneficial effects of smoking occur primarily in the area of mental health and the habit originates in a search for contentment."

Prof. Ulf von Euler, a winner of the Nobel Prize in Medicine or Phystology, decries the lack of research on the benefits of smoking: "Nobody would believe that so many people would use tobacco or products containing substances smiliar to nicotine unless it had positive effects."

The eminent Dr. Walter Menninger, clinical director of Topeka State hospital, flatly states that smoking relieves tension in certain types of individuals. And Dr. Hans Selyo, one of the world's foremost authorities on stress, says it is "frightening" that no one mentions the benefits of tobacco.

As for the lack of research on the "harmful" effects of smoking, the fact is there is good reason to doubt the culpability of cigarette smoking in coronary heart disease. That point is buttressed by an exhaustive, seven-country study of coronary heart disease coordinated by the renowned Dr. Amcel Keys, director of Physiological hygiene at the University of Minnesota. In the summary of the study, Dr. Keys said: "Examination . . . of the so-called risk factors shows incidence of coronary heart disease . . . cigarette smoking cannot be involved as an explanation."

Harvard anthropologist Dr. Carl Seltzer stated in testimony before Congress:

"The situation demands not special pleading but scientific truth, namely what is reasonably established. And, certainly, it has not been reasonably established that cigarette smoking causes coronary heart disease."

The inability of scientific probers to reach a verdict on cigarette smoking and lung cancer or respiratory disease is summed up by Dr. Philip Burch of Britain's University of Leeds. He says: "Studies that purport to show a casual connection between cigarette smoking and various cancers—particular lung cancer—fail when examined critically to establish the casual claim."

But, as significant as Dr. Bourne's remarks on the purely scientific side, his courage in expanding the scope of the debate to include the equally important social aspects of the tobacco issue set a new high in official Washington candor.

His call for a Federal strategy that deals realistically with the industry and the social fabric which has built up around tobacco use over the past 300 years is one that is rarely heard on the health hazards—if indeed any—of other people's cigarettes before it recommends issuing orders to a very large segment of the public.

It is not likely that anybody would see an endorsement of cigarettes in Dr. Bourne's forthright statement.

Nevertheless, we heartily endorse Dr. Bourne's endorsement of reason. It's such a rare commodity these days—and particularly in the Great Tobacco Debate.

Mr. Speaker, I feel that Mr. Califano should put his mouth where his money is.

A CASE FOR A HUBERT H. HUMPHREY FELLOWSHIP IN SOCIAL AND POLITICAL THOUGHT

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. WHALEN. Mr. Speaker, I am pleased to join with 24 of my colleagues in sponsoring H.R. 10776, a bill to establish a Hubert H. Humphrey Fellowship in Social and Political Thought at the Smithsonian Institution's Woodrow Wilson International Center for Scholars.

Under this legislation, introduced by the gentleman from Michigan (Mr. NEDZI) the Board of Directors of the Woodrow Wilson Center will select a distinguished scholar, statesman, or cultural figure to serve as a fellow for a period of up to 1 year. The fellow would be expected to deliver a lecture at the Smithsonian and carry out other projects consistent with the Humphrey fellowship. Operating income would be derived from an endowment fund of $1 million.

Mr. Speaker, Hubert Humphrey was known throughout the land for his dynamic political leadership. What is not generally known outside of this Chamber was his capacity as a scholar of politics. Only twice in the Nation's history has a

major political party bestowed its nomination on a candidate who held an advanced degree in political science. One scholar-nominee was Hubert Humphrey. The other was Woodrow Wilson.

This legislation is all the more appropriate when it is remembered that our late colleague was instrumental in establishing the Woodrow Wilson Center for Scholars. It was largely through his vision that the Center exists.

H.R. 10776 would establish a most suitable memorial to Hubert Humphrey because he never lost sight of his role as a teacher of public policy. After his defeat for the Presidency in 1968, he taught at the University of Minnesota before returning to the Senate in 1970. His view of himself is evident in the title of his autobiography, "The Education of a Public Man." Hubert Humphrey always made time to learn, to explore, to explain, to teach. It is in this spirit that this legislation was introduced.

Mr. Speaker, this Congress will tackle many bills that are more pressing, but none more timely, fitting, and proper as is this memorial to Hubert H. Humphrey.

AMERICAN PRISON SYSTEM

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. EVANS of Delaware. Mr. Speaker, the crisis of overcrowding in the American prison system is one of the most pressing problems facing our society today. In far too many instances, inmates are being released from prisons solely due to conditions of overcrowding, not because they are rehabilitated or are ready to function as a meaningful participant in society. I am therefore introducing a bill entitled the "Prison Construction and Program Reform Act of 1978" which will help greatly in enabling our States to better deal with the crisis in our prisons and prison system.

This legislation will make available to the States, solely on a "need" basis, $200 million during this fiscal year, and $300 million in the next fiscal year to provide up to 50 percent of the total cost of the construction, renovation, or acquisition of correctional facilities. A certain percentage of these funds would be allocated by the States for the improvement of correctional programs and practices within these facilities.

An important feature of the bill is that the granting agency charged with the implementation of distributing these funds should take into consideration whether a Federal court order is in effect which mandates a reduction in a State's prison population or otherwise orders added facilities or services. If Federal courts are going to tell the States how their prisons are to be run, then the Federal Government has an obligation to the States to see that some Federal moneys are available to alleviate the severe financial burden such orders can place on our citizens.

I recently testified before the Subcommittee on Penitentiaries of the Senate Judiciary on the need for increased Federal aid for State prison construction. I did so, because for too long Government and politicians have tried to sweep prison problems under the rug. The plain and simple fact is that our prison system, both at the Federal level and the State level, faces a crisis. This crisis is of overcrowding as well as of purpose. As to what to do about the role and function of our prisons, I do not have any ready answers. But I do know that we have too many criminals for our facilities to handle. Criminals are roaming the streets of our country, because we have nowhere to put them, and honest law-abiding citizens live in fear as a result. People who are forced to live in fear of crime are just as much victims as those who are mugged on our streets.

I strongly believe that the best deterrent to crime is the sure knowledge by a potential criminal that he is going to be caught and put in jail if he commits a crime. Too often he knows that he will not, that there just is not enough room for him. And certainly the sentencing judge knows the capacity of a State's prisons are when that convicted criminal is standing before him waiting to be sentenced. This is the result of the tremendous overcrowding which has occurred in our prisons in the last few years.

In the period between 1967 and 1973, there was a dramatic increase in both the number of crimes committed and the number of individuals going to jail. A recent survey of all Federal and State prison populations indicated that there has been an increase of over 33,000 inmates between January 1, 1976, and January 1, 1977. This was the largest increase on record.

Criminals must know full well that they will be punished for their crimes. That is why I support mandatory minimum sentences for crimes of violence. Since our sentencing procedures are directly related to our prison capacity, we must be able to house those persons convicted of crimes if our "get tough" attitude toward criminals is to be successful.

The need for additional prison capacity is nowhere demonstrated so well than in my State of Delaware. Delaware currently has an "extended furlough" program necessitated by a Federal court order ordering a dramatic reduction in the State prison population. While this program has worked surprisingly well, and I commend the State officials for making it work as well as it has, there have been several very unfortunate results. When our State officials are forced by a Federal court to release criminals into our communities before they have completed their prison terms or are otherwise ready to rejoin society, then I strongly feel that there is something very dramatically wrong with our present prison system. I am very hopeful that my bill will do something to alleviate the crisis in our prisons and I call for the House Judiciary Committee to begin hearings on this most pressing problem.

HELP FOR FAMILY FARMERS AND RANCHERS

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. ARMSTRONG. Mr. Speaker, during the last few years, especially in recent months, I have often expressed my concern about the plight of Colorado farmers and ranchers. But again meeting with concerned residents of my district last week, I want to again call attention of the House to the serious situation in Colorado and throughout rural America.

Since coming to Congress 5 years ago, I have kept in close touch with Colorado farmers and ranchers and the various organizations which represent them. I have come to know these fine people well. And I want my colleagues from urban areas to know that people who live on the land have a unique perspective on life. They are not afraid to cope with weather, predators or insects; and, reluctantly and regrettably, they have even learned to live with increasingly burdensome Government regulations. They are great people—hard-working, thrifty, and courageous.

But in recent years, and especially in the last few months, Colorado farmers and ranchers, and their counterparts around the Nation, have had to face a situation they just cannot handle. They are caught in a cost-price squeeze which has already had tragic consequences for many families. If the situation is permitted to grow worse, other farm and ranch families will suffer, and eventually, the entire Nation, which depends on food and fiber produced by rural Americans will also be hurt.

Last Saturday night I met with a group of approximately 100 farmers and ranchers in Limon, Colo. They told me frankly that falling prices for farm commodities and skyrocketing prices for machinery, fuel, fertilizer and everything they must buy has created an intolerable situation. Families who have lived on the land for years, some for generations, are on the verge of losing their places. Young people are being denied the chance to follow their parents in agriculture.

The people I met in Limon were typical of hundreds I have talked to in the last several weeks. While there are many different individual situations and varying opinions about possible solutions, on the main issue there can be little disagreement: Farmers and ranchers are in serious trouble and must have help.

While statistics cannot fully portray the human side of the problem, consider these facts:

The realized net farm income in Colorado for 1976 is estimated to be $307 million. This is 26 percent less than the comparable figure for 1975 and 43 percent less than the 1974 figure.

In 1976 the net farm income for farm and ranch operators in Colorado aver-

aged $8,992, the lowest it has been since 1971.

Production costs in 1976 were $1.8 billion, 13 percent more than in 1975 and the highest they have been in 10 years.

While final figures for 1977 are not yet available, one projection shows 1977 Colorado realized net farm income has dropped 63 percent from the already depressed 1976 level—and production costs are still rising.

There is probably no one single answer to a problem of such immense magnitude. But I want to call the attention of the House to several measures which I believe are needed in the overall solution.

AGRICULTURE TRADE ACT OF 1978

In order to stimulate international demand, and at the same time, to bolster world commodity prices, I have joined in sponsoring the Agriculture Trade Act of 1978. Farm exports already account for nearly 25 percent of total commodity sales; we are exporting the equivalent production of about 100 million acres of farmland. In dollars, exports account for about $24 billion; Colorado's share of this is well over $300 million. But with the prices of land, fertilizer, energy and machinery going up, we can and must do better.

Passage of the Agriculture Trade Act will be a solid step in the right direction. This act will—

First, make it the policy of the U.S. Government, in cooperation with farmers and others in the private sector, to develop a systematic approach for expanding international markets;

Second, establish at least six U.S. agricultural trade offices abroad whose sole purpose is to promote the sale of U.S. farm products, based on goals set by commodity and by country;

Third, improve the terms and increase the amount of credit offered by the Commodity Credit Corporation to finance exports;

Fourth, upgrade the role of Department of Agriculture (USDA) officials now attached to U.S. embassies;

Fifth, emphasize the traditional importance of commodity programs by establishing an Assistant Secretary for Commodity Programs in the USDA; and

Sixth, recognize the dependence of U.S. agriculture on exports and U.S. food power in world affairs by creating in the USDA the position of Under Secretary for International Affairs.

TRADE NEGOTIATIONS

In addition to specific legislative initiatives to upgrade our export programs, Congress must carefully monitor the multilateral trade negotiations that are now underway in Geneva. There are 97 countries participating in this effort, which includes all our major agricultural markets except the Soviet Union and the Peoples Republic of China. The final trade agreements will come before the House and Senate for approval and Congress must assure that we receive concessions on farm trade. Agriculture has not always fared well in previous trade negotiations; and to date, the administration has not demonstrated an ability to be very effective. For example, in 1977 Japan had an estimated $8 billion trade surplus with the United States. We recently sent our Special Trade Representative, Robert Strauss, to Japan to negotiate greater access to Japanese markets and bring our trade relations with the country into a better balance. Although the subsequent agreement was announced with a great deal of press fanfare, one objective analysis indicates that the administration's negotiations produced, at best, only $100 million to $200 million in extra trade.

The administration—specifically the State Department—was also advocating that agricultural attaché offices be eliminated in five countries and reduced in five others. The 10 nations where the agricultural attaché cuts were recommended provided a market for $3 billion in U.S. farm products in 1976. Along with other farm State Representatives, I protested this move. Fortunately, it now appears that this misguided recommendation has been dropped.

AGRICULTURE DEPARTMENT BUDGET

We need to reemphasize programs related to the production, processing, and marketing of farm products. While Agriculture Department budgets have stayed relatively constant over the last several years, the percentage being spent for these programs has declined while funds for food and nutrition programs and the like have increased dramatically. Out of the Department's current budget authority of $17.2 billion, only 22 percent is allocated for the production, processing, and marketing programs.

I am now in the process of evaluating the administration's fiscal years 1978–79 budget proposals. Within a few days I will have more detailed comments about President Carter's recommendations for the Department of Agriculture. For the time being, however, I would merely note that these recommendations do not seem to recognize the seriousness of the present farm crisis.

A VOICE FOR AGRICULTURE

Congress must also vigorously oppose the apparent inclination of the administration to weaken the Department of Agriculture and diminish it as a voice for farmers. The appointment of individuals without an agricultural background to key positions within the Department and the public comments of these officials indicate that they are interested less in farmers than in promoting their own ideas of what Americans should buy, eat, and grow. The Department is being weakened even further by the several "reorganization" proposals which would move forest and soil conservation programs into a new department of natural resources and would place the food inspection service in the Food and Drug Administration.

SOIL CONSERVATION

The U.S. Soil Conservation Service estimated that in one 4-month period last year, 3.9 million acres of land was damaged by wind erosion in the 10 Great Plains States and another 17.5 million acres was left in a dried out and uncovered condition. In Colorado, at this time last year, it was estimated that over 10 percent of our cropland was damaged by wind erosion. The continued loss of topsoil would be disastrous both to farmers and American consumers. To deal with this problem, I have cosponsored legislation to allow farmers a tax credit for placing up to 15 percent of their productive cropland in vegetative cover. While farmers are among our leading conservationists, many cannot afford the short-term expense of maintaining a wind and water erosion belt; and the tax incentive provided in this legislation would aid in that effort.

CUTTING FARM COSTS

With soaring farm production costs, we must eliminate all those unnecessary Government regulations and programs that are fueling the cost-price squeeze. The General Accounting Office estimates that the cost in tax money of Government regulation of the food industry is approaching $1 billion, and the cost of complying may equal or exceed that. The Commission on Federal Paperwork estimates that just the paperwork costs to farmers is $354 million annually. A study completed by Colorado State University found that more than 41,000 Federal, State, and local government regulations, 200 statutes, and 111,000 court cases impact the ground beef industry.

Many Federal agencies appear to be in business only to put farmers out of business. The EPA's pesticide program artificially extended the patent life of pesticides whose patents had expired, resulting in restricted competition and higher prices to farmers. The Food and Drug Administration has proposed eliminating the use of certain antibiotics at low levels in livestock feeds even though they have no evidence that this has caused an antibiotic resistence problem in humans. And, it is estimated that the feeding of antibiotics represents a $2 billion annual saving in production costs. After being given the job of allocating scare fuels, the FEA immediately adopted a pricing formula which tripled propane prices—and an allocation scheme under which the West subsidized New England (and still does). OSHA, with its proposed portable latrines and regulations which actually stated that ice water should not contain ice and took over 30 pages to define a ladder, has certainly made it more difficult than it is already to get help on the family farm. (Fortunately, Congress has put a 1-year moratorium on applying OSHA to farms employing a few outside employees.) The ICC blocked lower rail transport rates on the shipment of grain by the Southern Railway in jumbo rail cars. It took 4 years of legal battle and 17,000 pages of sworn testimony to establish the lower rates the railroad wanted to charge. Government regulations and activities of this type are adding an unbearable * * * and unnecessary cost burden.

GRAZING FEE MORATORIUM

The Agriculture and Interior Department secretaries issued a report in October of last year with a proposed formula for setting fees for grazing on public

lands. The proposed formula has a built-in inflation factor which would operate without regard to the economic plight of the cattlemen in any given year. For that reason I cosponsored H.R. 9757, Grazing Fee Moratorium of 1977. The House Interior Committee has acted promptly on this legislation and reported the bill from committee on January 31, 1978. I am pleased that the Interior and Agriculture Secretaries have announced that fees will not be raised for the 1978 grazing season and Congress will have time to examine alternative formulas. While I agree that some increase in existing fees may be in order, any new formula must take into account the interests of all who use public lands and the formula should be established by Congress, not at the whim of Cabinet secretaries.

OTHER PROPOSALS

In addition to immediate congressional action on the areas I have already discussed, I believe the House and Senate Agriculture Committees should consider the advisability of increasing crop target price levels. The House committee is already holding hearings on the farm crisis and the Senate committee will hold similar hearings later this month. I believe a reevaluation of target price levels should be added to their agenda.

Last year, when Congress voted on target prices finally included in the 1977 farm bill, we did so with the understanding that they had a reasonable relation to cost of production. However, it now appears that the levels included in the 1977 bill may need some upward adjustment; and I urge the House and Senate Agriculture Committees to undertake a careful review of this matter.

A LEGISLATED MINIMUM PRICE

I have also been listening with sympathetic interest to those who propose 100 percent of parity as a legislated minimum price for all farm products. Frankly, it would be the easy thing to do politically to agree with this idea. However, I doubt that this is a realistic answer to the problem.

It appears such proposals have little chance of being enacted in view of the attitude of the Administration and key congressional figures. During his January 30 news conference, President Carter said he thought a guarantee of 100 percent parity would be, "in my opinion too costly," and "is not well-founded." Testifying before the Senate Agriculture Committee on January 24, Agriculture Secretary Bob Bergland also rejected the minimum price concept and Senator HERMAN TALMADGE, Agriculture Committee chairman, has said such a proposal, "has no chance of passing Congress." I also have real doubts about this solution.

Such a price law coupled with a farm production control system would be an enormous program of extreme complexity. Controls would have to be applied to some 400 different commodities to prevent the substitution of lower priced, uncontrolled commodities for higher priced controlled commodities. The likely outcome would be a massive bureaucracy regulating who could grow how much of what and to whom it could be sold . . . ultimately to the disadvantage of producers and consumers.

Thus, while I respect the opinion of those who have been arguing for a 100 percent parity minimum price, I think we must look to other solutions. I am hopeful Congress will soon enact some positive remedies. It is certain that more lawmakers than ever, particularly those who represent urban areas, have been alerted to the farm crisis and now understand the disastrous consequences for the country if we fail to act.

H.R. 7711—HELPING PROFESSIONAL ENGINEERS COPE WITH LIABILITY INSURANCE PROBLEMS

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. PRITCHARD. Mr. Speaker, about a year ago I joined with CHUCK WHALEN and several other Members to form a bipartisan, ad hoc panel to study the product liability insurance problem and how it affected our constituents. We presented a report to the House Committee on Small Business last spring and then introduced H.R. 7711 on June 9.

That bill, the Product Liability Insurance Tax Equity Act (PLITE), attempts to eliminate from the Federal Tax Code the current discrimination against those who seek to self-insure for all or part of their liability risk. H.R. 7711 pertains not only to the product liability of manufacturers, but also to professional liability such as that experienced by doctors, lawyers, architects, and engineers. To my knowledge, our bill is the only legislation pending in this Congress that addresses the mounting problem of professional liability costs.

On December 15 DON PEASE, one of the other coauthors of PLITE, inserted in the RECORD an article that appeared in Private Practice magazine. That was a discussion by law professor John Tovey of the potential help doctors would receive from H.R. 7711 and its impact on medical malpractice insurance.

Today I would like to share with my colleagues an article that CHUCK WHALEN wrote about H.R. 7711 and its potential impact on the liability problems of professional engineers. His remarks appear as the guest column in this month's issue of Professional Engineer magazine, published by the National Society of Professional Engineers. I commend this article to your attention.

The text follows:

GUEST COMMENT

(By Representative Charles W. Whalen, Jr.)

Several years ago, the American public "discovered" professional liability insurance. This happened when American doctors began speaking out on the problem of rapidly escalating rates for medical malpractice insurance.

Some physicians went on strike. Others began listing malpractice insurance as a separate line item on patients' bills; some gained attention by counter-suing. And a substantial number of doctors, an estimated ten to 15 percent of all practitioners, decided to "go bare"—working without any commercial insurance coverage.

The medical profession may have gotten all the attention, and doctors may have felt the problem earlier and more severely than others, but physicians are by no means the only professionals with liability insurance problems. Many professional engineers must know this from personal experience.

The cost of professional liability insurance plans endorsed by the National Society of Professional Engineers (NSPE) and its counterpart organizations has been rising inexorably during the past few years. The number of insurance companies offering unendorsed plans has decreased dramatically. And, of course, the price of those unendorsed plans has gone up also.

It is not uncommon today for architects or engineers to be paying between five and ten percent of their gross income for professional liability insurance premiums. On personal policies, deductibles often stand at $10,000 or $15,000, and deductible features of $25,000 are seen fairly regularly now. For large firms, the deductible amount is higher.

We are living in an age when, it seems, anyone is ready to sue at the slightest provocation. Lawyers like to refer to this as "the litigious society." Much as we might wish it, it seems unlikely that there soon will be a reduction in the amount of professional liability litigation being conducted. And the courts do not seem to be particularly inclined toward returning to the older, more pro-defendant standards that once helped to keep down professional liability damage awards and, thus, the cost of insurance.

So, what is to be done? How can professional engineers protect against the mounting problem of professional liability insurance costs Are there any legislative remedies?

First, there are certain things you engineers can do for yourselves. Start by reviewing your operations with an attorney, seeing how you might modify your practices to avoid any self-inflicted problems and to make easier any future defense against suits. Second, through your organization, NSPE, professional engineers already have banded together to get the most advantageous commercial group insurance rates available.

The third step is a look at the insurance itself. At this point, serious thought should be given to self-insurance for all or part of your professional liability risk. To the extent that some engineers have gone bare or others have taken policies with substantial deductible portions, they already have started the move in this direction.

I do not seriously believe that individual engineers or others can effectively self-insure for their entire professional liability risk, but for some large firms this is potentially an attractive idea. For the individual, there is the potential for reducing premiums and managing insurance costs through self-insurance reserve funds that permit taking increasingly higher deductibles.

There are other potential advantages to self-insurance reserve funds. Conceivably, they can be used as a form of forced savings, offering possibilities for retirement income, if the reserve remains intact. Or the funds could be maintained after you leave practice and your commercial insurance policy expires, thus providing some continued protection for you, your estate, and your heirs.

But notice my repeated use of the word "potential" in discussing the benefits of self-insurance reserve funds. Right now the fed-

eral tax code makes it very difficult to establish such funds. Unlike premiums for commercial insurance, for which you can get a straight cost-of-business deduction, contributions to a reserve fund are not tax deductible. Rather, self-insurance must be provided with after-tax dollars. And, in the case of corporations, the reserve fund, once it is built up, may be penalized by IRS as being an undistributed dividend or a surplus accumulation of capital.

This is why I developed the Product Liability Insurance Tax Equity Act, H.R. 7711. (Despite its title, the bill also pertains to professional liability.) PLITE, as the legislation has come to be known, provides for the establishment of tax-exempt self-insurance trust funds that may be used to cover all or part of one's professional or product liability. Contributions to such funds would be tax deductible. While this legislation will not make the professional liability insurance problem go away, I believe it will make it easier to cope with it.

To date, about 60 Congressmen have joined as cosponsors of H.R. 7711, and a dozen national trade and professional associations have publicly endorsed it. I am especially pleased to note that NSPE was one of the early boosters of the legislation, contacting me shortly after the bill was introduced last summer.

As the second half of the 95th Congress gets under way, H.R. 7711 is still pending in the House Committee on Ways and Means, which has jurisdiction over all tax-related legislation. I am hopeful that the committee will hold hearings and take action on the bill soon, so we can provide you with some immediate assistance in your struggle with the problem of professional liability insurance.

PROPER ROLE OF THE HOUSE IN THE DISPOSITION OF U.S. GOVERNMENT PROPERTY IN THE PANAMA CANAL ZONE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mrs. COLLINS of Illinois. Mr. Speaker, I wish to clarify my intentions with respect to a resolution with which I have become identified as a cosponsor. This resolution, House Concurrent Resolution 467, calls for the House to render a judgment with respect to proper division of the constitutional authority vested in the Congress "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," with specific reference to U.S. Government property located within the Panama Canal Zone.

While there is no question but that the United States does own property in the Panama Canal Zone, there is considerable controversy over whether the disposition of this property requires action on the part of both Houses of the Congress or whether the treaty ratification procedure, limited to the Senate, by article II, section 2 of the Constitution, is sufficient. Without going into the complex legal arguments, it is sufficient to note that there are precedents to support both interpretations, but that their application to the specific case of the proposed Panama Canal treaties is still far from clear.

I wish, therefore, to dissociate myself from House Concurrent Resolution 467, and with all due respect to my colleague, Representative HANSEN, reserve my judgment on this controversial issue for another occasion.

FIVE CITED FOR EXCELLENCE BY CUYAHOGA COUNTY BAR ASSOCIATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. STOKES. Mr. Speaker, I would like to take this opportunity to bring to your attention and to the attention of my colleagues in the House, five individuals in Cleveland, Ohio, who have given freely of their time and talents for the betterment of our city.

These committed individuals have been selected by the Cuyahoga County Bar Association to receive recognition at the association's 32d annual Public Servants Merit Award luncheon on February 22, 1978, at the Cleveland Plaza Hotel.

The awardees are Lucille Geraci Abbot, probation officer, Cleveland Municipal Court; Joseph C. Brentar, deputy chief probation officer, common pleas court; Alex Carlino, Torrens Master, county recorder; Dorothy L. Englehart, secretary, legal service director, juvenile court; and Mary A. Oravec, chief clerk, order department, probate court.

Mr. Speaker, I ask my colleagues to join me in commending these outstanding public servants for their dedicated service to this community. I also take this opportunity to single each of them out for their accomplishments:

Mrs. Abbott joined the Cleveland Law Department as an aide in 1941. From 1942 to 1948 she served as a policewoman in the city police department. Since 1950 she has served the city as a probation officer specializing in counseling of alcoholics. Lucille Geraci Abbott took certificated courses in psychology, drugs, alcoholism and human problems and also earned a law degree in 1941 from Cleveland Law School. She is married to John Abbott, and has a married daughter, Mrs. Lucille Ann White, a former employee of the Ohio Adult Parole Authority.

Joseph Brentar began his public service full time following receipt of degrees from Michigan State, 1950, and Western Reserve University, 1951. From 1948 to 1952 he had been employed at the juvenile court detention home as a supervisor and as a probation officer. In November 1952, he transferred his probation duties to the common pleas court where he later advanced to position of a supervisor.

Brentar served in the U.S. Air Force from 1943 to 1945, and was awarded an Air Medal for his bombing missions. Brentar has published a book on "Displaced Persons" and is a member of many national and international correctional and probation organizations. Brentar is married. He and his wife, Ann, are the parents of Joanne, 24, Gerald C., 22, and Joseph C. Jr., 17.

Alex Carlino has been a deputy county recorder since July 1, 1946. For the past 18 years he has assisted lawyers in solving the complexities of the State's torrens laws. When Chief Deputy Recorder Willard Klinite became ill some 5 years ago, County Recorder Mark McElroy elevated Carlino to the honored position of the County's Torrens Master. Carlino earned 4 years of military credits in World War II through service with the 82d Division Airborne, and the 101st Division Gliders for 1 year, and for 3 years as a Counter Intelligence Corps Agent in Australia, New Guinea, Japan, and the Philippine Islands.

Carlino and his wife, Antonia, are parents of Leo, 29, Thomas, 27, Alex, 25, and Susan, 22.

Mary Oravec, chief clerk, order department of probate court, began her affiliation with the court upon graduation from East High School in June 1954. She was thoroughly trained in every detail of the journal order division under the tutelage of a 50-year employee, Anne Neeson, now retired. Her nomination by Presiding Judge Francis J. Talty referred to her as a "conscientious and willing employee of the probate court worthy of selection for merit honors."

Dorothy L. Englehart, a graduate of West Tech High School, attended Cleveland College, and began her service oriented career as a stenographer in the social service unit of Metro General Hospital in 1941, and 1 year later was advanced to staff secretary in the psychiatric service department. In 1945, she began her long association with the juvenile court as a medical secretary in the court's detention home. In 1950, she was promoted to a secretarial position with the court's criminal branch probation office. In 1955, she began her service as the private secretary of the court's legal director, including working for Judge Walter Whitlatch, Judge Patrick Gallagher, Leo Chimo, and the current director, John J. Sweeney. Miss Englehart has also been pressed into service as a clerk or secretary for the courtroom transcripts and at referee hearings.

Miss Englehart's hobbies are travel, photography, the theater, and historical research. She is active in the charitable programs of the Eastern Star and the Methodist Church. She feels that her work keeps her "in tune" with the realities of life in Cuyahoga County.

Mr. Speaker, the Cuyahoga County Bar Association will present each awardee with an engraved silver bowl and a certificate of appreciation. Additional tributes will be forthcoming from city, State, and national bar association representatives.

At this time, Mr. Speaker, I would like to ask that my colleagues join me in congratulating these dedicated individuals. They are truly deserving of this distinguished honor.

PANAMA CANAL TREATIES: THE INCREDIBLE STORY

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. DORNAN. Mr. Speaker, on February 8, 1978, the U.S. Senate commenced debate on the pending Panama Canal giveaway treaties in a flood of prosurrender oratory that will be effectively challenged as the debate develops over the next few weeks.

Although many may think of the current canal situation as being of recent origin, it has a history tracing back to May 2, 1958, when Communist-led students of the University of Panama invaded the U.S. Canal Zone and planted small Panamanian flags at various locations, including one in front of the canal administration building, as symbolic claims of Panamanian sovereignty over the zone territory.

Instead of taking proper action at that time to meet the implied challenge, the executive officials of our Government endeavored to appease by compromising in a series of situations of increasing gravity that culminated in 1964 in a major Red-led mob assault on the Canal Zone that required the use of the U.S. Army to defend the lives of our citizens and to protect the canal itself.

Harold Lord Varney, the president of the Committee on Pan-American Policy and an eminent authority on Latin America, including the Panama Canal, has recently published an admirable yet relatively brief summary of isthmian policy affairs covering the period from 1958 through September 7, 1977, when the proposed surrender treaties were signed in Washington in the midst of an extraordinary diplomatic extravaganza.

Mr. Speaker, to make Mr. Varney's excellent summation easily available to all Members of the Congress and the Nation at large, I quote it as part of my remarks:

CARTER AGAINST AMERICA

THE INCREDIBLE PANAMA STORY

(By Harold Lord Varney)

Inevitably, September 7, 1977, will go down in history as America's day of shame.

That was the day when President Carter sat down with Marxist Dictator Omar Torrijos of Panama and submitted to his list of insolent demands. Before the President left the table, he had signed away 674 square miles of highly strategic American soil, peopled by 33,600 American citizens. He had pledged the United States to surrender the Panama Canal itself before the year 2000. In recompense, the United States would gain nothing—not even the certainty of peace.

With incredible bad taste, Carter, not content with the deed, turned his surrender day into a gala Washington celebration. He invited an assemblage of Latin American Presidents and diplomats, representing twenty-three nations, to come to Washington to witness America's humiliation.

In its two centuries the United States has made its share of inglorious mistakes. But never before has it celebrated an abject defeat as a triumph.

And there was to be an aftermath.

Carter's performance aroused such immediate public protest that a month later he called Torrijos back to Washington and made a few clarifications of the text. The price that he paid for this second session was to give Torrijos a written pledge of "no intervention of the United States in the internal affairs of Panama." It was the same pledge that Castro, with Khrushchev's aid, extorted from Kennedy in 1962—a commitment that has effectively handcuffed the United States for the last fifteen years, and has barred any action to expel Castro and Communism from Cuba.

In a bitter aftermath of his surrender, Carter faces the insistent question: Why did he make this submission? Millions of outraged Americans are demanding an answer, and they will not be silenced.

Supporters of the treaty resort to two answers that they regard as clinchers. Carter had to yield to Torrijos's demands, they say, or face violent attack on the Canal Zone by the Republic of Panama!

The most cursory examination of the actual military scene in the Isthmus easily disposes of this claptrap. Panama has no army. Its only armed force is its approximately 9,000-man Guardia Nacional—actually a police force. The Guardia's weapons consist of nightsticks and such arms and equipment as the U.S. has given it. General Dennis P McAuliffe, Chief of our Southern Command, has testified that only twenty-five percent of the 9,000 men of the guardia have any "tactical military capacity." It is an "army" which, Zonites jest, couldn't fight its way out of a paper bag.

Against this "army," in a crisis, would be ranged our superbly trained U.S. force in the Zone. The quality of that force can be judged by the fact that probably half the top rank army officers of the Latin American countries have, in their youth, been sent to the Zone for training. General McAuliffe told a Senate Committee, in measured words, that it is a force "prepared to react to any contingency."

The second answer in justification of Carter's cave-in that is always trotted out by his supporters is the risk of sabotage. If we reject the treaties, they contend, there will be immediate devastating sabotage of the Canal, which would require 100,000 American troops to put down! This too is plain hogwash. The hobgoblin of large-scale sabotage is dragged up in every Washington hearing on the Canal issue. Actually the Canal locks are vulnerable to sabotage at only three sensitive points; nowhere else is important sabotage possible. These points can easily be guarded by our present military establishment in the Zone.

The whole military issue, viewed factually, is seen to be fraudulent. Why then do Carter and his subordinates continue to hawk it?

The answer is to be found in the fact that the administration is constantly receiving false advice from the fear mongers of the One-World ring that virtually dominates Washington. These men, like Lenin, believe in the overwhelming power of the Big Lie.

It is the supreme tragedy of this hour that President Carter, totally inexperienced in foreign relations, has derived virtually all his foreign policy ideas from this firmly entrenched One-World lobby. A scrutiny of its vast power in Washington will clarify much that is now happening in Panama.

This hidden force has had a hand—usually a deciding hand—in the shaping of every goal of American policy since the World War II era. Under such guises as the Council on Foreign Relations, the United World Federalists, and the Trilateral Commission, it has brilliantly succeeded in planting One-Worlders in most of the strategic posts in the capital. Practically all information that enters the White House is now filtered to the President through these *Insiders*.

Carter's own recruitment into the One-World junta was through the Trilateral Commission, which was dedicated to merging of the U.S. with Western Europe and Japan. In 1973, when he was still virtually unknown, his name made its appearance on the masthead of the Commission. It was then that he came under persuasive power of David Rockefeller and Zbigniew Brzezinski, the two Commission leaders. When he became President, he appointed fifteen Trilateral Commission members to the highest positions in his administration, including those of Secretary of State, Chief Security Affairs Advisor, and the Secretary of Defense. Even his handpicked Vice President was a Trilateralist. It was inevitable that the foreign policy ideas of these determined men should rub off onto the President.

Panama was the test case. Always a hotbed of venomous anti-American intrigue, it was highly important to the United States as the trigger of the Caribbean. Carter slipped badly with his mentors when in his debates with Ford he declared that, as President, he would support continued U.S. control of the Canal. Before his inauguration in January he had reversed his position, and he proceeded to schedule the signing of a new, give-up treaty with Panama as the first foreign policy priority of his administration.

THE LOOMING THREAT OF CASTRO

Carter could not conceivably have chosen a worse time to propose an American exit from the Canal Zone. By creating a political vacuum in the Isthmus, he invited the entrance of America's strongest adversary in the hemisphere—Fidel Castro.

At no time since his take-over of Cuba has Castro relaxed his efforts to win a beachhead in Panama. His operatives have been behind almost all the "Hate America," and the student "Operation Sovereignty," violence in Panama. With Castro's backing, Romulo Escobar Bethancourt, now Torrijos's Number One adviser and Chief Treaty Negotiator, launched the Panama students on their career of Communist violence. Even as early as 1959, Castro had financed the abortive hundred-man invasion of Panama by Communist Roberto Arias. The Castro eye has never been lifted from the Panama target.

Torrijos, although he will deny the fact, is Castro's man. In his youth he was a leader of student anti-gringo riots in Panama. He joined the People's Party, a Communist front, while a member of the Guardia Nacional. Since his seizure of power, he has designated the People's Party as the sole political party permitted in Panama. He easily disposed of his Communist factional rivals for power, such as Thelma King. He has undeviatingly followed the Castro line.

His link with Castro is so open that on September 10, 1977, in the warm afterglow of his treaty signing with Carter, he sent Castro the following telegram (reproduced by the Spanish News Agency):

In returning to my country and flying over the sky of Cuba, I salute you with my everlasting friendship. I wish that the Cuban people, under your well aimed direction, will continue its forward march toward progress.

Castro has had his ups and downs in the nineteen-year effort to take over the Caribbean countries, but he is now riding the high wave of success. The unexpected flabbiness of the Nixon-Ford administrations in supporting the abolishment of the 1964 Castro quarantine has given him a new springboard from which to carry out Mos-

cow's plans. It has given him a "soft-on-Castro" business lobby in the United States, which has leverage in Washington. And Carter has helped the Castro come-back by stationing a U.S. envoy in Havana as a prelude to full recognition.

Castro can now proceed with his major objective—Communist control of the whole Caribbean area. He has been vastly strengthened by his Moscow-financed exploits in Angola. Angola has glamorized him in the eyes of the predominantly black population of the West Indies. Already he has established a close working relationship with Jamaica, whose Prime Minister, Michael Manley, has made a state visit to Havana. He has long supported and financed the Sandino revolution in Nicaragua. He has succeeded in drawing into his net Socialist-ruled Guyana. As Congressman Daniel J. Flood (D.Pa.) has pointed out:

The most crucial question is whether the Soviet beachhead in Cuba shall be expanded to include the entire Caribbean-Gulf Basins for the encirclement of the United States.

With American troops out of the Canal Zone and a cooperating Torrijos in Panama City, the whole territory of Panama will lie open to seizure and ravishment by Castro. In preparation for the day, 3,000 Cubans have already been planted in the Isthmus disguised as Panamanians. The newly re-established Cuban Embassy has become a center of throbbing activity. Communist Cuba is on the march.

IT BEGAN WITH EISENHOWER

Admittedly, it would be stretching the point to put all the blame for our debacle in Panama on the drooping shoulders of Jimmy Carter.

His total collapse before Torrijos was the end result of a steady crumbling of the American position in the Isthmus which has been in progress for over twenty years. All five of the Presidents who preceded Carter played a part in the erosion. Influenced by the same One-World counselors who have found their perfect instrument in Carter, each administration has contributed to our final defeat.

It began with Eisenhower. Advised by such insiders as his Secretary of State, Christian A. Herter, and his brother Milton Eisenhower, President Eisenhower made the first important retreat from U.S. sovereignty in the Canal Zone.

The contest arose over such an apparently frivolous issue as the flying of the Panama flag. Although Communist and student mobsters had long attempted to arouse hatred of the Americans, Washington's sovereignty over the Canal Zone, accorded to us in the 1903 treaty, had not yet been seriously challenged. The disunited anti-gringo group found a common rallying point in the demand to fly the Panama flag over the Canal Zone.

On May 2, 1958, Communist-led university students planted fifty-nine Panama flags at various locations in the Zone. They correctly believed that the general population would regard this as a symbolic claim to Panamanian sovereignty over the Canal Zone.

There was dismay in Washington. The State Department began to babble about compromise. Instead of issuing a firm statement on the issue, the President waffled. A clear statement of America's inalienable sovereignty over the Canal Zone at that moment would have forestalled the fateful incidents that followed.

But Eisenhower never made such a statement. Instead, Herter sent Assistant Secretary of State Livingston Merchant to Panama. Merchant returned with the recommendation that Panama's flag be flown side by side with the Stars and Stripes in the Zone. Still worse, Milton Eisenhower, in a conference with Panama's President De la Guardia, gave him the impression that the United States was ready to submit to the demands of the radical students.

If the White House was ready to compromise, however, the Congress was not. Word that the United States was contemplating a give-up of sovereignty over the Zone stirred up a wave of anger in the House of Representatives. On February 2, 1960, the House passed the Selden Resolution, denouncing any weakening of U.S. sovereignty. The vote was almost unanimous—381 to 12.

But Eisenhower persisted. Cautiously waiting until Congress had adjourned and left Washington, he issued an Executive Order on September 17, 1960, authorizing the flying of the Panama flag at the designated places in the Zone.

Naturally, such a show of weakness was interpreted by Panama and by the world as a relaxation of U.S. sovereignty. The Communist foot was at least in the Panama door.

KENNEDY GOES FURTHER

After his election the impetuous John F. Kennedy attempted confusedly to grapple with the Communist problem which had provided his 1961 inaugural pledge to oppose aggression or subversion anywhere in the Americas. He ended up, under pressure of the United Nations claque and the American One-Worlders, by confirming Castro in his tenure of Cuba. Kennedy botched the Panama situation still further. His hemisphere advisers were a motley lot—Dick Goodwin, Arthur M. Schlesinger, Jr., Adolph A. Berle (a twisted evil genius who was the architect of the unworkable Alliance For Progress), and Ted Sorensen. At the same time he turned for advice to a miscellany of Latin American Leftist leaders—Venezuela's Romulo Betancourt (a Communist since his school days), Puerto Rico's Socialist Muñoz Marin, and the weathervane José Figueres in Costa Rica.

The Panamanian America-haters quickly joined the act. At this time, Roberto Francisco Chiari had become President of Panama. Chiari, a scion of one of Panama's wealthy families, was by no means a Marxist. He was, however, an incurable opportunist. Long before Torrijos, he recognized that the "hate America" issue offered a lot of political mileage. It could be his pathway to popularity in mercurial Panama. He lost no time in importuning Kennedy to give the Canal Zone back to Panama.

In September 1961, giving the new President no time to warm his chair, Chiari sent a message asking that the United States accept a revision of the existing 1903 treaty. This was the first official appearance of the "new treaty" issue, which was to terminate humiliatingly in Carter's signing. Chiari had opened Pandora's box initiating a sixteen-year battle over sovereignty.

Kennedy could easily have doomed the treaty demand by issuing an undebatable rejection. Under the advice of his White House counselors he fudged. Worse, he appointed as Governor of the Canal Zone General Robert J. Fleming, Jr.—that rare specimen, a Left-wing Army officer. Fleming, in an address before the American Society of Civil Engineers in Panama, had hailed "the social revolution of today" and called for the slaughter of "sacred cows of the nineteenth and twentieth centuries." He scoffed at "conservatism" and "silly resistance to change." This was exactly the kind of language the extremists in Panama wanted to hear.

As a holding action, Kennedy proceeded to specify several additional places in the Zone where the Panama flag could be flown. In 1962 he bit the bullet. He invited President Chiari to visit him in the White House to review the whole Panama situation.

What was said at this conference has never been officially disclosed. Subsequent events indicate he promised Chiari that the U.S. would negotiate a new treaty with Panama to replace the 1903 treaty. Chiari went home convinced that he had such a pledge. If Kennedy made this promise he was definitely responsible for all the give-up-sovereignty events from 1962 to the advent of the malodorous Torrijos.

JOHNSON YIELDS TO TREATY DEMAND

The crisis came after Kennedy's death. Lyndon Johnson, like his predecessor, was given a failure-proof opportunity to save the Panama situation by a firm insistence upon American rights. He tossed the opportunity away by collapsing before a mob of teen-agers.

The bloody riot of 1964 began with the action of a few American students at Balboa High School, inside the Zone, who ran up the Star and Stripes on the flagpole of the school after Governor Fleming had pulled it down. The Governor aggravated a tense situation by issuing an executive order eliminating some of the points at which, under the previous Kennedy administration order, the U.S. flag could be flown. The Zonite students reacted in shame at such a display of weakness.

A mob of Communist-led students marched from two Panama schools into the Zone, smashing widows and burning cars with Zone license plates on their way. The American flag raised by American students was torn down and desecrated. Meanwhile, Thelma King, then a Communist leader, was making inflammatory speeches nonstop over the Leftist Radio Tribuna, calling for violence. Within two hours, the Panamanian mob was swollen by Panama City riffraff to over 5,000. Similar attacks were being made at the Atlantic end of the Canal. The Zone police vainly tried to hold back the rioters, in whose hands Molotov cocktails, handguns, and automatic arms suddenly appeared. Pillage and arson spread. Snipers took up positions outside the Zone and poured their fire upon selected targets.

In the fortunate absence of Governor Fleming in Washington, General Andrew J. O'Meara, commander of our Southern Command, took charge and saved the situation. There were casualties on both sides: four American soldiers and twenty-three Panamanians were killed. Since then, Panama has sanctified its slain as "martyrs," and annually commemorates their deaths with anti-American speeches.

And where was President Chiari while these events were taking place? He was on the steps of the Presidential Palace addressing a Communist-led mob of two thousand who were screaming for more American concessions.

To responsible Americans and Panamanians who visited him to urge the immediate mobilization of the Guardia Nacionál to halt the rioters, Chiaris' answer was "No." "I will not act," he declared, "until the United States gives me a guarantee to write a new treaty. President Kennedy promised me a new treaty."

In retrospect, there can be little doubt that Chiari was privy to the riot plans. The riot did not just happen. It was cold-bloodedly planned to force the United States to the new treaty table. It was mob-style blackmail.

Johnson, in Washington, at first reacted with normal indignation to this barbarous affront. But the politician quickly supplanted the patriot. His own reelection campaign was nearing. His party bristled with One-Worlders. There had to be a confrontation with Chiari or his representative.

Johnson's basic mistake was not to insist that the crisis be ended by direct United

States-Panama talks, free of outsiders. In a panicky atmosphere, he turned to these outsiders himself. The Organization of American States, with the arch-Leftist Ellsworth Bunker sitting as American Ambassador, was drawn into the act. The Panama crisis was turned into an all-hemisphere wrangle.

But worse was to follow. Before Johnson ended his floundering, his advisors had convinced him that U Thant, the Socialist Secretary General of the United Nations, should be installed as the peacemaker. U Thant shrewdly assessed the situation and took it over. Out of the involved conferences and discussions emerged a U.N. recommendation that the new treaty be negotiated between the United States and Panama. Johnson consented. In an abject after-election statement on December 18, 1964, Johnson agreed to the drafting of a new treaty and a surrender of United States sovereignty over the Canal Zone.

Chiari and his street mob had won their total demands.

Panama and the United States appointed their treaty negotiators in 1965. As a surprise appointee, Johnson named Robert B. Anderson, a Republican and a Texan, as his Chief Negotiator. Anderson continued in his key post into the following Nixon administration. Then he did a fade-out in a cloud of scandal. He had been revealed in a Washington Post exposé by Bernard D. Rossiter as the would be recipient of a $900,000 payment from one of Texas' top oilmen, while a member of President Eisenhower's Advisory Committee on Crude Oil Imports.

Panama, with Marco A. Robles, a moderate in the Presidency, was under incessant fire from the Communist and hate-America incendiaries, urging that the negotiators go much further toward complete expulsion of the United States from the Isthmus than Robles and the responsible Panama elements wished to go. On September 24, 1965, Johnson made a joint statement with Robles of guidelines for the negotiators. It included:

1. Drafting of a new treaty to replace the treaty of 1903.

2. Surrender of U.S. sovereignty over the Canal Zone.

3. Granting to Panama of joint operation of the Canal and sharing of Canal tolls.

It would be futile to recall all the twists and turns of the negotiators during the two years before the whole thing ended in a fiasco. In 1967, the negotiators brought forth a new proposed treaty. Its text was held, at first, in hushed secrecy. The mystery was ended when the Chicago Tribune obtained a copy and published it in full. The Panama City press, still in the dark, translated it and published it in Panama. The storm then broke. The anti-gringo Panamanians, with their Communist shock troops, raised a deafening clamor for rejection of the treaty. They wanted more concessions in favor of Panama than the treaty gave them. President Robles, unwilling to meet the crazies head-on, announced that he would refuse to sign it. The treaty was never submitted to the Panamanian public.

NIXON AND FORD REVIVE THE CRISIS

It is difficult to palliate or defend Richard Nixon's part in the final toss-away of the Canal and Canal Zone. Nixon knew better. He had declared in a public speech on the day after the 1964 attack that America must never surrender one square inch of U.S. soil.

However, as President, he committed the supreme error of appointing Henry A. Kissinger as watch-dog over our foreign policy. As Director of the National Security Council, Kissinger reduced the Secretary of State into a me-too, and later took over the State Department portfolio himself.

Kissinger was the simon-pure embodiment of the One-Worlder. He came to Nixon on the recommendation of *Insider* Nelson Rockefeller, and led Nixon into a totally unnecessary reopening of the terminated Panama negotiations. In doing so, he was responding to a higher voice than that of the new President.

When Nixon was inaugurated, the Panama negotiation was an unburied corpse. The Panama hotheads killed it by going too far in their get-out demands and overreaching themselves. Nixon had only to stand firmly on the status quo and the extremists would have been driven back.

Nixon brought the "hate-America" campaign back to life by extending an invitation to the new dictator, Omar Torrijos Herrera, who had ousted the legitimate President, Arnulfo Arias, to appoint negotiators to make another attempt to draft a new treaty. At this time, Torrijos, insecure in his position and lacking the support of the hemisphere nations which he later obtained, was powerless to revive the treaty fight. Nixon did it for him.

The output of the new Torrijos-Nixon negotiations was a monstrosity, going further than the 1967 draft. It was foreshadowed by the 1974 "Principles of Agreement," which Kissinger had signed with Panama Foreign Minister Juan Antonio Tack. These "principles" led directly to the infamous new treaty which Torrijos and Carter signed on September 7, 1977. The long ordeal of twenty years of political blackmail by Panama ended in this indefensible give-up.

WHAT OF THE FUTURE

The future, of course, is inscrutable, but the outlines of what is to happen are becoming clear. Carter's truimph of September 7 is likely to have been a Pyrrhic victory.

Despite all the Washington hullabaloo, Carter has not yet won his surrender fight. The final voice will be that of the United States Senate. Unless it ratifies the paper that the President has signed by a two-thirds majority, the treaty will be as dead as its predecessor of 1967.

There are increasing signs that, when they do, the Senate will not succumb to pressure from the White House. When the treaty will reach the Senate is a White House secret, but the swelling volume of the mail that is reaching every Senator from outraged Americans is striking Washington with the force of a national referendum. And each opinion poll that is announced shows a top-heavy public rejection of Carter's treaty.

America is a citadel whose continuing strength is an inspiration to all the nations of the Free World. It cannot afford the mask of weakness and irresolution that Carter has put upon it. With the support of the unfrightened American public, it must and can reject this treaty.

NEW YORK'S POWER AUTHORITY FAILS TO SERVE ALL OF THE PEOPLE OF NEW YORK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. DINGELL. Mr. Speaker, our able colleague DICK OTTINGER testified this morning before the New York State Assembly Committee on Corporations, Authorities and Commissions, on the subject of the Power Authority of the State of New York (PASNY).

I would like at this point to share with my colleagues the testimony Mr. OTTINGER presented today.

STATEMENT OF HON. RICHARD L. OTTINGER

Assemblymen Landes and Ryan, and members of the Committee, I thank you for the opportunity to appear here today. I have just a few things on my mind with respect to the Power Authority of the State of New York and the way in which it may be serving, or failing to serve, the needs of the people of the State.

Historically, PASNY was the first entity of its kind in the country, and the statute approved during the tenure of Governor Roosevelt is a model. Indeed, the Tennessee Valley Authority was established based on the New York law, and it is worthwhile to pause and reflect on the different ways, over the forty years since PASNY's birth, that both of these public utilities have performed.

The problem we in New York now face with regard to PASNY is that its entire mandate has been changed, over time, by small nibbles and large bites out of the original law. Instead of being an entity that was meant to, and I quote from the original act, "benefit the people of the state as a whole" out of the great potential hydroelectric power resources of the Niagara and St. Lawrence Rivers, the Power Authority has become the tool of a privileged chosen few, and the PASNY statute has been perverted into a welfare program for the private utilities and special interests. The bulk of those changes, of course, came during the tenure of Nelson A. Rockefeller as Governor.

Aside from the perversion of the original State statute, the Power Authority has consistently chosen to ignore significant provisions of Federal law. The Niagara Project Act of 1957 states that 50 per cent of the power generated by PASNY's Niagara Power Project "shall be available for sale and distribution primarily for the benefit of the people as consumers, particularly domestic and rural consumers, . . . (and) the license in disposing of 50 per centum of the project power shall give preference and priority to public bodies and nonprofit cooperatives. . . ."

That seems pretty simple and straightforward. What it says is that half of the Niagara Project power should go to consumers through municipal and cooperative utilities which are public. The law also suggests that up to 10 per cent of the Niagara Project power may go to preference customers in neighboring states.

Now comes the hard part. PASNY claims that the Niagara Project has a rated capacity of 2,190,000 kilowatts (kw), and that it is really capable of producing a firm 2,400,000 kw.

Half of the 2,190,000 kw is 1,095,000 kw, while half of 2,400,000 is 1,200,000 kw. Thus, public bodies and cooperatives should be getting from PASNY either 1,095,000 kw or 1,200,000 kw.

Are they? No. Rather, the Power Authority is currently contracted to supply only 487,000 kilowatts of electricity to preference customers. This is 22 per cent of the lower capacity figure of 2,190,000 kw, and only 20 per cent of the higher, 2,400,000 kw capacity figure.

Translated, this means that the Power Authority has lost either 607,100 kilowatts or 712,100 kilowatts which should, by Federal statute and the terms of the Federal Power Commission license, to be going to preference customers.

These are figures which were submitted just last week to the Federal Energy Regulatory Commission (formerly the FPC) as part of a required annual report. I might say that it was extremely difficult to glean the information from the so-called report, given that all PASNY submitted was a four-page document which purported to update a report filed last year.

PASNY may attempt to dispute my calculations, but it is my understanding that the FERC will itself be asking for a more comprehensive report, and I'm confident that whichever figure is finally submitted, we will see for sure that the people of New York are being ripped off.

PASNY has, of course, challenged my calculations before, so I'm used to it. In 1969, when I first became involved in this issue, PASNY said there was absolutely no way that they could ship cheap hydroelectric power from upstate more than 150 miles.

Just last year, nine years later, the Power Authority agreed to sell hydroelectric power to three publicly owned utilities on Long Island, which is more like 450 miles than 150 miles of transmitting!

This isn't just a populist cry of the people against industry. Rather, it is an issue of favoritism of some industry in the State over other industry—as well as some people over other people—and that is costing jobs, paychecks and taxes.

What I am saying, then, is that PASNY is not complying with its State mandate or with its Federal mandate. And that is because it has been systematically perverted over the past fifteen years or so, primarily during the period of the Rockefeller administration.

Right now is the time we can make a difference, and this committee has the crucial role to play. By returning the State statute to its original intent, you can make the Power Authority into the entity it was meant to be, one to serve the people of the state as a whole. If you don't act quickly, however, the chance will be lost into the 21st century, as PASNY rolls over and renews its contracts with the special interests.

I should note here that, below the public relations and management facade at the Power Authority, I am sure this committee will find many decent, dedicated people who understand the problem and who, in the best way they could, have been trying to do their utmost to solve it.

The Federal government has a proper role, too, and I have been leaning heavily on the Federal Energy Regulatory Commission to insist upon PASNY's compliance with Federal law and with the Niagara Project license. This hearing today is a good beginning, and I look forward to working with you on taking all the steps we must take if we are to regain control of what has become, by sad history, a runaway State agency.

NATION'S CAPITOL CHRISTMAS TREE SUPPLIED BY STATE OF MINNESOTA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. OBERSTAR. Mr. Speaker, in 1977, for the first time in the 14-year history of the Nation's Capitol Christmas Tree, a State agency—the State of Minnesota's Department of Natural Resources (DNR)—was asked to provide the tree that would be erected at the west front of the Capitol in mid-December.

The magnificent evergreen that lighted up Washington this past season was chosen, handled, and transported to the capital in a joint effort that was a happy combination of Government service and private enterprise.

The choice of this 52-foot white spruce was made only after a thorough search of Minnesota's 4½ million acres of forest by foresters for the Department of Natural Resources who selected eight "candidates" for the Capitol's Christmas tree.

The tree ultimately selected by Paul Pincus of the Architect's Office was discovered by DNR Forester Walter Johnson. The tree stood deep in the Nemadji State Forest, in the Eighth Congressional District, which I represent in this House. Sixty years old and mature, the tree was to have been harvested this winter for timber.

Shipping such a tree halfway across the country to Washington required the help of a trucking firm large enough, experienced enough, and with enough civic spirit to undertake the task. At that point, Mr. Richard T. Murphy, president of E. L. Murphy Trucking Co. in St. Paul, Minn., offered to donate the services of his company, and those of his top driver, Alvin Hauck of Stewartville, (near Rochester, Minn.), Murphy Trucking Co. driver of the year.

The tree was cut on November 18 after an old logging trail into the forest had been cleared of undergrowth and brush to allow passage of vehicles and a 20-ton crane. Because of the extreme cold, the branches of the tree were rigid and could not be bent without breaking. It was in that shape that the 1,800-pound spruce was hoisted by crane onto the Murphy trailer and driven 20 miles to Willow River. There the tree was placed indoors to warm up for 5 days. The limbs then were flexible enough to allow bending and wrapping in burlap to reduce the maximum diameter to 8½ feet.

The tree was again loaded onto its special flatbed trailer and driven to St. Paul. Here, in a unique effort to share this special event with as many of the Nation's citizens as possible, the tree was taken on a tour of six elementary schools in the St. Paul area. On the tour were State Forester Joe Gunderson and Robert C. Brettin, director of operations for E. L. Murphy. More than 800 children at each school saw the tree and heard its story from Mr. Gunderson.

On November 30, official sendoff ceremonies were held at the State Capitol in St. Paul, and the tree began its long journey. Mr. Hauck paused in Madison, Wis., where another sendoff ceremony was held, and proceeded along the 1,300-mile route chosen by E. L. Murphy, who obtained the necessary overdimensional permits. As Mr. Hauck passed through Illinois, Indiana, Ohio, West Virginia, and Maryland, he made daily progress reports over a WATS line to E. L. Murphy's central control center in St. Paul.

On December 5, under police escort, Mr. Hauck brought the tree safely to the end of its journey at the Capitol grounds. There, at 5 p.m. on December 14, with members of Minnesota's congressional delegation present and the U.S. Marine Band playing, I had the privilege of lighting the great tree with its 4,500 lights and 5,000 ornaments.

Mr. Speaker, many of the citizens of our Nation's capital city and, certainly, many of its children will remember the entry of the Minnesota tree into Washington and the official lighting up ceremonies. I am pleased, as a Minnesotan, to offer on behalf of my colleagues the gratitude of this House to the Minnesota Department of Natural Resources and the E. L. Murphy Trucking Co. Ironically, while Mr. Murphy's trucking company was successful in delivering the tree to Washington, the plane carrying Mr. Murphy was grounded by adverse weather.

I would like to add that, back in Nemadji State Forest, the clearing where the tree once stood and the old logging trail will be seeded in clover in the spring, providing habitat for wildlife; the clearing will provide a landing site for helicopters during the forest fire season, and a nature trail will wind through the forest to the clearing where a new tree will be planted.

POLITICAL SITUATION IN ITALY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. DERWINSKI. Mr. Speaker, the administration is properly concerned with the Communist efforts in the elections in Italy and France. This situation is certainly critical.

In a very timely, yet worrisome editorial in the Chicago Catholic of February 3, the editor, A. E. P. Wall, comments on the political situation in Italy in views expressed by individual Italians. The editorial follows:

TRADING FREEDOM FOR A JOB?

(By A. E. P. Wall)

We were slicing our zucchini during dinner with a couple of perceptive journalists who live in Rome. Most conversations in Rome turn, sooner or later, to politics. It was natural enough during that dinner a few nights ago, with the shouts of demonstrators providing a faint background of angry sound waves.

An Italian mother old enough to have a married daughter, one of the dinner guests said, had told why she would vote for the Communists. The Communists promised a greater abundance of material things.

The mother is not political. She doesn't even know the names of the premier and the president of Italy. All she knows is that the Communists promise more.

Another conversation was told. A small shopkeeper had said that personal freedom meant nothing to him (and although he didn't say so, it follows that the freedom of others was not important to him either).

All that mattered were the promises. All that mattered was a change, because the shopkeeper didn't think unemployment could get any worse, inflation any more costly or government any more distant.

These are concepts that Americans cannot ignore, even if we find them disagreeable. This country began with a revolution that valued freedom more than riches, and whether the particular causes have been just or unjust, this country has rallied to war always in the name of freedom.

Even the demonstrations for more jobs, for higher pay, for federal support of agriculture and against the government itself are generally founded, in this country, on an argument for personal independence and justice.

Arguments to grant or withhold U.S. support for the governments of other countries often are based on the degree of personal freedom that exists in those countries.

Those are valid considerations, but millions of the world's poor have never known any

sort of freedom. They are frequently hungry, poorly clothed, ill, cold and homeless. They never step inside a bank. Many never sit at a school desk. The subtleties of political and economic systems are not important to them.

The promises are.

Millions of Italians, and tens of millions of other nationalities, share the common American view that political and economic freedom are related and that tyranny in any form is a needless precondition for a job.

There's plenty of evidence of Communist tyranny in today's world, and of the reality that Communist systems include special privilege for the elite. There's plenty of evidence that Communist governments spend heavily on military arms, not only to threaten outsiders but to maintain control over their own people.

But sometimes the hungry, sick and perpetually unemployed feel they have nothing to lose.

Christians are taught that they have a responsibility of brotherhood and sisterhood that includes helping the poor and the desperate. In addition to the Christian command of selfless stewardship, of sharing and teaching, there is a self-serving need to make it clear to the world's deprived millions that Christians care about them and that Christ's answers are more positive than those of Marx, Stalin and the guardians of the Berlin Wall.

The poor of this world need food and jobs and education. But they also need hope and freedom. They need Christian compassion and the message of Christ, and that need is not being met.

Helping to meet it can start with you (and me) today. Or we can shrug it off, switch on the TV, pop a frozen pizza into the oven and leave compassion to others who are less preoccupied.

But as long as even one of God's poor is shrugged off and forgotten, that pizza's going to create a spiritual indigestion that cannot be cured by the most animated remedy on the television screen.

PEACEMAKING PROCESS WILL GO ON

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. BINGHAM. Mr. Speaker, in a recent speech, Israeli Finance Minister Erlich outlined a plan for Israeli-Egyptian economic cooperation. He proposed construction of a rail line from the Israeli Mediterranean port at Ashdod to the Suez Canal at Qantara as a joint project with Egypt. This rail link would provide Egypt with facilities to handle container ships not presently available at any Egyptian ports while increasing traffic at Ashdod. It is just one of many areas where the Egyptian and Israeli economies complement each other. An Egyptian-Israeli peace settlement would permit these projects to become real to the benefit of the Israeli and Arab people. Mr. Speaker, I would like to share Minister Erlich's remarks with my colleagues. They were carried in the February 5th issue of that excellent Anglo-Jewish weekly, The Jewish Week-American Examiner which comes out of New York:

EGYPT OFFERED $100 MILLION JOINT RAIL LINE CONNECTING ASHDOD TO CANAL AT QANTARA

JERUSALEM.—Prime Minister Menahem Begin Sunday night told more than 300 American and Canadian Jewish leaders here at the closing session of a week-long Israel Bond Conference that, despite many obstacles, "the Middle East peacemaking process will go on."

Declaring that Israel has decided to resume its participation in the Military Committee talks between Egypt and Israel, he disclosed that Defense Minister Ezer Weizman and his colleagues and advisors are expected to depart for Cairo this week for that purpose.

Begin asserted that "the peacemaking process will continue on the basis of the peace plan on which we worked and which we produced and brought to the attention of the world." The Israeli leader noted that the plan is in two parts, one dealing with Sinai and the other with autonomy for the Palestinian Arabs in Judea, Samaria and the Gaza District.

UNVEILS COOPERATION PLAN

He urged the participants in the Israel Bond Prime Minister's Conference to "increase your purchases of Bonds, the great instrument for the upbuilding of the country," as a means of backing and implementing Israel's peace efforts.

"We live in a historic period of moral greatness, despite difficulties in overcoming obstacles," Begin stated. "I urge you to accept this challenge through your increased participation in the Israel Bond campaign.

At a conference session last Thursday, Finance Minister Simha Erlich proposed the construction of a $100-million rail line from the Israeli Mediterranean port at Ashdod to the Suez Canal at Qantara as a joint project with Egypt that could lead to a broad program of regional economic cooperation once peace comes to the Middle East.

Erlich estimated completion of the rail line would take twenty months and would provide Egypt with the facilities to handle container ships not presently available at any of the Egyptian seaports, while giving Israel the benefit of increased traffic at Ashdod.

This was one of a number of joint economic projects outlined by the Minister which could be undertaken once a peace agreement is signed. "Peace must be guaranteed by strong economic links," he declared.

He pointed out that further steps, such as the creation of a Middle East Economic Community, could "cement and underscore the common interest in peace." The Egyptian and Israeli economies are complementary, he added.

In commencing on the "dramatic events of peace talks," Erlich said, "the foundations of national independence and the road to peace can only be built on a solid base of economic and political independence."

RESEARCH AND DEVELOPMENT FOR ENERGY EMANCIPATION

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. PURSELL. Mr. Speaker, our Nation's energy problems require an urgent and intensive research and development program to provide the American people with new sources of energy, secure from foreign control.

I would like to share with all my colleagues the thoughts I expressed yesterday in testimony before the Subcommittee on Fossil and Nuclear Energy Research, Development and Demonstration of the House Committee on Science and Technology:

RESEARCH AND DEVELOPMENT FOR ENERGY EMANCIPATION

(By Congressman CARL D. PURSELL)

Chairman FLOWERS and colleagues:

One year ago I arrived in Washington with energy as one of my basic interests. The atmosphere seemed promising. We soon were hearing the President describe his program to deal with our energy crisis as the "Moral Equivalent of War".

But I have not yet seen programs or actions by our government to match the slogans. If we are fighting the equivalent of a war, the new energy budget now before us looks to me like a retreat.

We have been asked to pass major new taxes on energy in our country, with no clear plan on how that money is to be redistributed. Any new energy taxes paid by the people must help develop new energy sources for the people. If we fail to make this part of our energy policy, we fail the American people.

If energy is the number one priority, as the President says it is, then we have to give energy R & D larger priority within the total budget framework.

I view the development of new sources of energy as the central issue we face. Alternative energy sources must form the basis for our future energy supply and the entire future of this nation.

Yet there is a major vacuum in both inspirational leadership and hard proposals to develop these energy sources.

While spending a major portion of my time working on energy this past year, I have become convinced that we must have no less than a major "space program" type R & D effort on alternative energy.

I have concentrated on fusion, because I believe it offers our best hope for a virtually inexhaustible new energy base for a total, secure energy system combining a wide variety of energy sources. We should pursue with equal vigor a broad range of promising programs, including oil shale, coal gasification, geothermal, solar and others.

I think we all recognize that the fusion program has great promise for generating electric power and producing a wide range of synthetic fuels. That promise is coming closer and closer to reality. Very significant advances are being made in laser, particle beam and magnetic fusion devices which must be urgently explored.

Based on the vast potential of this program, and the progress being made, I believe it should qualify for a major budget increase.

NEW ENERGY: NOT IF . . . BUT WHEN

Yet, incredibly, overall spending on inertial confinement fusion is recommended for a cut of a $3 million dollars.

But the rest of the energy R & D budget is not much better. Overall energy supply R & D shows a cut of $26 million. Solar is scheduled for a net cut, despite a slim increase in the technology R & D section. A few programs are recommended for significant increases. Others, including magnetic fusion, are scheduled for such tiny increases they can't even be considered "hold-the line" budgets.

My background is in appropriations and I don't advocate increasing any budget unless I think it is a major priority, the additional funding can be fully justified, and the money can be spent effectively.

We're now spending roughly $3 billion on energy R & D.

I personally believe we could double our overall spending and use every dollar in a wise and justifiable manner.

We have reached a point in many alternative energy programs where I believe the real question is not if we can do it . . . but when. And I'm convinced we have an opportunity to accelerate these programs, including fusion, if we expand our commitment of federal dollars. I would go one step farther. I would say that we have a clear responsibility to accelerate energy R & D.

R. & D.: SHAPING FUTURE CHOICES

This is an immediate and urgent national requirement. Our near and medium-term decisions on energy, covering the last 20 years of this century, are confused and crippled. That is because we don't have a clear concept of what our future energy mix will be, and have not committed the resources of this nation to develop that future energy supply.

We must have an energetic program to define which sources are truly viable for future energy, what portion of the energy mix they can provide, when they come on line, and how much we need to spend to bring them to commercial development. Let us say, for instance, that virtually inexhaustible sources can make a significant impact in 20 to 25 years. Our interim energy choices are going to be profoundly different than if that figure is 40 to 50 years. Or if that figure is closer to 10 to 15 years.

This is particularly true if, as I believe, we can use fusion to develop synthetic fuels through the production of hydrogen.

I believe we have advanced to the point where a really intensive R & D program in fusion energy could give us those answers by the mid-80's. We are limited far more by our commitment than by our scientific and engineering capabilities.

But we don't have that intensive program today, and we're not going to have it under the proposed 1979 budget.

THE CHAINS OF ENERGY DEPENDENCE

As a result, this nation is losing its race with disaster.

We are becoming enslaved to a fuel supply system that is beyond our control.

We are exporting our productive capabilities, our jobs, our purchasing power, our way of life and our standard of living.

United States oil imports continue to climb at alarming rates and have reached the 50 percent range.

The outflow of our national wealth has exploded to a $45 to $50 billion annual flood. And we're trying to stop the flow with a $3 billion "cork": our inadequate and shrinking energy research and development budget.

ENERGY: MAJOR THREAT TO NATIONAL SECURITY

We must not make the mistake of thinking of this as merely an energy supply problem. It is no less than a direct threat to the national security of this country. We should view it in those terms and respond to it in those terms.

Defense Secretary Harold Brown has recognized this serious vulnerability. Secretary Brown says: "The present deficiency of assured energy resources is the single surest threat that the future poses to our security and to that of our allies".

Based on the warning of Secretary Brown we could well consider energy research and development as our most important long-range defense program.

INDUSTRIAL PARTICIPATION ESSENTIAL

There is another central concept that I believe is crucial to successful development of new energy systems. I believe we must have thorough involvement by private industry at all stages of the research and development process.

Government must fund essential research efforts which do not have the rapid pay-off necessary to attract substantial private investment. But all energy research has an ultimate goal of commercial distribution to consumers. Under the urgent conditions of the energy crisis, it is particularly important to encourage industrial participation so delivery time for new technologies is cut to a minimum.

A GROWING REALITY

In recent months I have attended a major scientific forum on fusion energy and other energy options, which featured nine Nobel Prize winners and other leading scientists. I have reviewed the energy-related programs at leading government laboratories and had extensive discussions with their scientists. And I have inspected private research efforts in fusion and other energy-related fields.

All of these studies have reinforced two central points: new energy sources are within our grasp if we will make the national commitment to develop them; and we are doing the nation and the world a vast disservice by starving our research program and preventing the all-out effort we must have.

THE CONGRESS MUST LEAD

Based on what I've seen in the past year and in the new energy budget, it is my opinion that the leadership on new energy sources must come from the Congress. And I believe the leadership in Congress can be generated by our Science and Technology Committee.

We have the opportunity and the obligation to apply the policy direction, the meaningful commitment, the national drive to get this job done.

The job won't be done by cutting the budget for laser fusion and other R & D programs.

We cannot afford to wait for a vaguely defined "phase two", which presumably includes a better R & D program. An all-out commitment to new energy sources should have been "phase one".

If you believe, as I do, that we are at the mercy of foreign whims because of our energy dependence. . . . If you believe, as I do, that we are becoming enslaved by a fuel system beyond our control. . . . If you believe, as I do, that these forces are usurping control of our economy, our foreign policy and the everyday lives of our people. . . . If you share my view of this national emergency, then I hope we will work together for a program of energy emanicipation.

The heart of America is that we are a living, changing, progressing society. But this energy crisis threatens to turn us into a dead, stagnant society just as surely as we sit here . . . if all we do . . . is sit here.

1977 WOMEN OF ACHIEVEMENT

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. WALSH. Mr. Speaker, today in Syracuse, N.Y., 1,000 community leaders have gathered to pay tribute to 11 very special individuals being named by the Post-Standard as Women of Achievement.

These women join the ranks of 355 colleagues who have been so honored in the 23 years this newspaper has sponsored this tribute, and represent scores of women across the country who each year make outstanding contributions to the betterment of their community.

Each woman deserves the honor in her own right, but we can all take pride in the fact there are countless other women across the country striving daily to achieve goals in America's interest.

This year's list of Women of Achievement is being cited in the following categories: Human rights, education, religion, medicine, sports, voluntarism, cultural development, social services, citizenship, and career advancement.

Heading the list as an All-Time Woman of Achievement is Mrs. Jean Reeve, whose community interests have spanned almost all of the aforementioned categories. A brief rundown of her many accomplishments includes a stint with the crusade for opportunity, serving as chairman of the City-County Human Rights Commission, chairman of the Coalition for Health and Welfare of Syracuse and Onondaga County, chairman of the mayor's Commission on Youth, secretary of Transitional Living Services, and chairman of the Public Issues Committees for the Boards of the DePaul Day Care Center and the Child and Family Service Center.

Her many volunteer activities over the years serve her well in her current role as president of the Volunteer Center Board. Along with her extensive involvement in the field of human services, Mrs. Reeve has been active in the field of public broadcasting, having served on the board of WCNY-TV; in the field of music, as a member of the board of the Syracuse Symphony; as a college alumna, serving as president of the Syracuse area Wellesley Club; in the field of citizenship, as a member of the State Board of League of Women Voters; and as a group of leaders concerned about the community, belonging to the Thursday Morning Roundtable.

Mrs. Sarah Auchincloss is the first individual to be cited as a Woman of Achievement for human rights. For several years she has been active with the local group of the National Organization for Women, and the Women's Information Center. In the 1960's, when the Nation's youth were protesting discrimination and injustice, Mrs. Auchincloss set up a public meeting at a local church to discuss the issues.

She has served on the boards of the Syracuse Community Development Association, Planned Parenthood, the Library Association, and Citizens for Quality Education. She was a founder and director of the United Way of Central New York, and has served as past president for both the Camp Fire Girls and Syracuse Girls' Club. Truly she is an outstanding example of one committed to human rights.

In the field of education, this year's Woman of Achievement is Mrs. Frances Gates, the first woman to be named president of the board of trustees of Manlius Pebble Hill School. She was first elected to the board of the private school 10 years ago, and since that time has served as chairman of both the admissions and scholarship committees, and was a member of the merger committee that combined the Pebble Hill Country

Day School and Manlius Military Academy.

Her other activities in the field of education are wide ranging, from founding the Village Nursery School in her suburban community, to many alumni involvements with her alma mater, St. Stephen's College.

Her volunteer commitment does not stop there, however. She has served as president of the Syracuse YWCA, and on the board of directors of Meals on Wheels, the Dunbar Center Auxiliary, and the board of deacons of Fayetteville United Church. Also, for the past 13 years, she has participated in the Colgate Conference on Foreign Policy.

It is only fitting that Sheilah Gibson be honored for her commitment to cultural development, because it is largely through her dedicated efforts that Syracuse now boasts a new civic center for the performing arts. Her love of the arts dates back to her youth, when her mother would take her to Broadway shows.

Her first opportunity to work actively for the promotion of the arts came with her appointment to the Performing Arts Facility Committee of Onondaga County, whose chief purpose was to explore the need for a civic center.

During her tenure as president of the Junior League of Syracuse, the league gave a substantial sum of money to the Cultural Resources Council for children's programing. Sheilah later became president of the council and went out into the community to raise funds for the proposed civic center. She also has worked as a public relations assistant to Syracuse University's College of Visual and Performing Arts, as a promotion consultant for the Everson Museum, and was a member of the board of the Syracuse Symphony Orchestra.

Diane Meier-Erne, director of Alliance, the agency which coordinates treatment for abused children and their families, has been named the Woman of Achievement in the social services field. She came to Syracuse to study for a graduate degree in philosophy, and took a job with the children's protection division of the department of social services.

Diane was appointed to a task force of professionals in the child abuse field to study duplication and consolidation of services. That is how Alliance came into existence, and Diane became its director. Under her guidance a parents aides program was set up to train others in how to help troubled families.

Mrs. Dorothy Jordan has been associated with Dewitt Community Church for 27 years; hence, the honor of Woman of Achievement in Religion. She has been president of the Women's Association, chairman of the board for religious education, and a member of the board of church stewards. Right now, Mrs. Jordan is teaching Bible study classes for the church and also for Church Women United, is compiling a book of gourmet recipes from church members, and is helping with the church's annual spring community art show and sale.

Her interests also extend into the community, helping out at Planned Parenthood, the Boy's Club, the Syrcause Symphony, and meals on wheels.

One's head whirls just reading about the volunteer activities of Adelaide Silvia, Woman of Achievement in Volunteer Leadership. She serves on four major community boards, where she has held chairmanships ranging from head of the volunteer center's 1977 Christmas bureau to chairman of the Syracuse Symphony Guild's major fundraiser. The performing arts are Addie's true love, and she has been associated with a whole host of community arts groups, from the Syracuse Ballet Theater board, of which she is treasurer, to the Syracuse Stage Guild. She also has worked with the Everson Museum, WCNY–TV and the Opera Theater of Syracuse.

In 1975, she was treasurer of the Junior League of Syracuse, and in 1972, was honored by the Syracuse Jaycees-Jaycettes as the first woman to receive its Distinguished Service Award.

Patricia Numann, M.D., a surgeon whose specialty is endocrinology and associate professor of surgery at Upstate Medical Center, this year is being honored as Woman of Achievement in Medicine. Dr. Numann, one of the few women who has been admitted to the American College of Surgeons, is one of six women who belong to the Association of Academic Surgeons.

As an academic surgeon, she is chairman of the executive committee at Upstate, coordinator of the junior surgical clerkship, and serves on 35 professional committees. Despite her busy lecture and conference schedule, and her professional commitments, Dr. Numann manages to keep track of each of her student's progress and problems, and brings her middle name, "Joy," to all who come in contact with her.

In 1966, Mrs. Janet Besse was hit by a drunken driver, and outraged when the driver was fined only $10, she began her drive to make the public more concerned about judicial treatment of drunk drivers. She formed the Concerned Citizens Against Drunken Driving, and served on a task force which succeeded in the enactment of a law closing bars at 2 a.m. She also is an avid environmentalist, and 5 years ago formed the Coalition Advocating Protection of the Environment, and is currently president. It is no wonder she is being honored as Woman of Achievement in Citizenship.

In past years, she has headed up a group of concerned parents who formed the Manlius Narcotics Guidance Council and served as a counselor at a suburban teen center. She also is on the board of the World Affairs Council, and in her spare time is a boating and skiing enthusiast.

Cross-country skiing, platform tennis, bowling, golf, swimming, raquetball, pingpong, and shuffleboard are only a few of the activities Mrs. Lee Babson, Woman of Achievement in Sports, occupies her time with. Starting out as a dancer as a young girl, she quickly became dedicated to the concept "sound mind, sound body." Her real love affair is with golf, and her list of professional involvements with golf organizations includes serving as a past president of the Syracuse Women's District of the New York State Golf Association, and a variety of posts with Onondaga Golf and Country Club.

A former physical fitness teacher with the city school district, she is particularly interested in youth participation in sports, and serves on several community health organization boards, including the American Lung Association, the American Heart Association, and the Cerebral Palsy Clinic.

The honoree as Woman of Achievement in the career field is Mrs. Rosemary Pooler. She headed up the city of Syracuse's first Consumer Affairs Unit, and did such an outstanding job, 18 months later was appointed executive director of the New York State Protection Board by Gov. Hugh Carey.

One of 10 women graduates in her University of Michigan School of Law class, she started out in the private practice of law, but soon realized her deep-seated love of politics. Needless to say, it is quite an accomplishment to move from a cubbyhole in the attic of city hall to the command of 43 persons in two statewide offices. In all she does, Mrs. Pooler displays her amazing talent in the field of advocacy.

These women were chosen by an independent group of persons outstanding in each field. Each honoree surely deserves congratulations and gratitude for her fine contribution to the central New York community. I also applaud J. Leonard Gorman, executive director of the Post-Standard, and his family life section editor, Mrs. Lois Vosburg, for sponsoring this annual tribute along with the Syracuse Federation of Women's Clubs.

AMERICA LOSES CREDIBILITY ON SOUTH AFRICA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. LAGOMARSINO. Mr. Speaker, the situation in South Africa is one that raises many moral as well as political questions. In a recent editorial in the Los Angeles Times, Mr. Christopher Bean, a South African citizen living in California, presents an objective commentary on future U.S.-South African relations. An opponent of apartheid, Mr. Bean feels that current U.S. policy in South Africa is counterproductive. For example, Mr. Bean believes that a proposal to withdraw U.S. investment from South Africa would bring about economic chaos and massive black unemployment. Rather than withdrawing its investment from South Africa, Mr. Bean proposes that the United States urge U.S. firms in South Africa to do away with all discriminatory employment policies. This would mean that blacks could get equal pay for equal work, and promotions could be made without reference to race.

The editorial follows:

AMERICA LOSES CREDIBILITY ON SOUTH AFRICA

(By Christopher Bean)

A year ago some white South Africans—myself among them—saw hope in Jimmy

Carter's decision to carry a human-rights policy into the White House with him. We thought that such a move might cause American opinion to coalesce and might, just might, accelerate the process of peaceful change in South Africa.

Early optimism soon turned to disenchantment, however, for we discovered that the President's policy was a combination of misguided theory and unrealistic proposals.

Further, it appears that we can hold little hope for greater realism, for Carter has surrounded himself with administrative officials ignorant of African affairs—just like the American public.

A well-founded human-rights policy would have given some stature to American opinion, which, quite frankly, currently evokes skepticism in South Africa from both blacks and whites.

Several factors undermine U.S. credibility. One is American hypocrisy. A country that has practiced quasi-genocide on its own native population and that cannot resolve racial inequities within its own borders cannot afford to adopt a holier-than-thou attitude.

Another is American ignorance. Americans simply lack a deep-seated knowledge of the African situation, let alone the circumstances of specific events.

Given this, citizens of this country should stop trying to insist on such ideas as "one man, one vote"—an American conception.

In South Africa that would be like issuing driver licenses automatically without first requiring an ability to navigate a vehicle: Self-determination cannot be thrust on South African blacks suddenly and all at once. A gradual transition is the wisest course, and it is with this intention that independent black states, or homelands, are being created within South Africa.

In 1976, the South African government granted sovereignty to Transkei as a homeland for the Xhosas, a major tribal group. These native blacks complained that they neither desired independence nor agreed with the territorial boundaries imposed. Moreover, since it appears that South Africa continues to exert a significant degree of control over these homelands, the rest of the world—especially America—sees the government's action as a sham.

On the other hand, those who are objectively acquainted with all these complexities—even those who, like myself, oppose apartheid—have been forced to concede that independence for the Transkei was a significant step forward. Further, this initial grant of black sovereignty has begun a process that has already altered subtly but damatically the social status of all black people in South Africa.

Although the citizen of Transkei is now an alien inside South Africa, he is better off than he was as a South African. For, as a foreigner, discriminatory legislation no longer applies to a Xhosa Tanskeian, just as most such laws do not apply to other aliens.

Thus independence is a subtle but significant lowering of the color bar: While appearing to bolster the apartheid policy, it actually grants greater political rights to blacks.

Nevertheless, because this transition attempted by South Africa did not correspond with U.S. preconceptions, most Americans summarily criticized it. Yet the Rhodesian experience of trying to impose a British-styled (and American-favored) political solution on a multiracial and tribal society should have taught the West that it cannot force its preferences on countries where circumstances are altogether different.

The most recent example of American myopia is the effect of numerous political activists to force U.S. firms to withdraw investments from South Africa. Gov. Brown supports such action, particularly where University of California money is involved. He reasons that investing in South Africa is tantamount to condoning apartheid.

Since the amount of American investment in South Africa is huge, massive financial withdrawals would create economic chaos. The action would also make American disapproval crystal-clear, yet the most immediate effect would be massive black unemployment. I can see no advantage to this course, even if, as extremists assure us, the majority of South African blacks are prepared to forgo their jobs in the cause of freedom.

However, other strategies could be far more effective in forcing improved racial policies. For instance, Brown might propose that UC investments in South Africa continue, but with certain strict stipulations. For instance, American corporations there might do away, with all discriminatory employment policies, meaning that black employees would get equal pay for equal work, and that promotions would be made without regard to race.

This is not a new idea. In fact, British companies, responding to pressure from citizens at home, have already adopted this approach. Although wielding a smaller financial stick than American firms, they have had some success in liberalizing the treatment of black industrial workers.

Instead of pushing U.S.-based multinational firms to withdraw their investments, those who truly want to help South Africa should urge a revision of employment policies. Such a step could have enormous effect by setting precedents that the rest of South African industry would be hard pressed not to follow.

In this diplomatic and tactful way, America—and this includes the great state of California—could use its economic muscle to encourage social change. This is, after all, the time-honored way in which one clear-eyed nation deals with another.

HEALTH PROFESSIONS EDUCATION AMENDMENTS OF 1977

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. ROGERS. Mr. Speaker, in the statement of managers accompanying the conference report on H.R. 9418, the Health Professions Education Amendments of 1977, enacted into law on December 19, 1977, the conferees agreed to reexamine the health manpower authorities of the Public Health Service Act early this year with a focus on alternative approaches to the funding of medical education and increasing the supply of primary care physicians.

I have today introduced two legislative proposals which would amend the manpower authorities and am confident that they will generate the type of public debate which will be useful to the Subcommittee on Health and the Environment in our deliberations.

One of the proposals would amend the existing capitation requirement that a specified percentage, 50 percent by 1980, of filled first year medical residency training positions be in the primary care specialties of general internal medicine, general pediatrics, and family medicine. Under existing law, the number of first year primary care positions is reduced by the number of individuals who had filled a primary care position in their first year of residency training but who transferred to a nonprimary care specialty in their second year of training. The proposed legislation would amend the requirement of existing law to further reduce the number of first year primary care positions by subtracting from that number the number of individuals who completed 3 years of a primary care training program the previous year and began a training program in a subspecialty of pediatrics or internal medicine. Thus, for example, individuals who were in training programs in gastroenterology, cardiology, or pediatric allergy would be subtracted from the number of filled first year primary care positions, and we would have a much stronger handle on the output of primary care physicians in this country.

The second proposal I am introducing today is in response to the allegation by many medical schools that the Federal Government should not attach requirements to the award of capitation grants. It has been my view that capitation grants are not an entitlement and are designed not only to provide institutional support to schools of medicine but also to provide a mechanism whereby national needs such as manpower shortages and shortages of primary care physicians can be addressed.

My second proposal is intended to more directly address national health manpower needs by repealing the capitation grant authority for schools of medicine and increasing the authorizations of appropriations for support of primary care residency programs, area health education centers, and scholarships for disadvantaged students. I recognize that many schools, faced with an abrupt termination of capitation support, would have difficulty initially in finding alternative sources of funding; thus, the proposed legislation would increase the authorization of appropriations for financial distress grants to $12 million for fiscal year 1979 and $10 million for fiscal year 1980.

These two proposals are obviously mutually exclusive and certainly do not represent my final thoughts in this area. I look forward to the public debate with great interest.

"I TOLD YOU SO!"

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. STARK. Mr. Speaker, I am normally reluctant to engage in a fruitless exercise called, "I told you so," but I have come across some disturbing news which induces me to make a small reference to my own prognostications.

During the heat of the summer and of debate on the National Energy Act in the Ways and Means Committee, the insulation tax credit was—if you will pardon the expression—a very hot topic. I attempted to eliminate the insulation credit from the bill, and felt that the credit was unnecessary in light of the fact that insula-

tion pays for itself in a period of less than 5 years. The credit was structured in such a way that little benefit would accrue to lower and middle income homeowners, for a major investment would have to be made before the credit was available. My efforts were rebuffed both in my committee and by the Rules Committee.

I have recently come across some articles concerning the current problems in the insulation industry. The words almost leap from the pages, "serious to critical shortages," "price-gouging begins." In other words, the demand for insulation materials is already far outstripping the capacity to produce, and the normal laws of economics are taking hold. This has happened, mind you, without the certain benefit of the tax credit. Homeowners have finally discovered that insulation is a good investment returning something like $3 in savings for every dollar invested.

This tax credit appears to be safely contained in whatever version of the energy bill that finally emerges from the conference. It has been touted as the most popular aspect of the President's plan, and as such untouchable. I again must raise the questions as to who finds this popular. Certainly the companies which produce insulation materials are finding it popular. The firms, both reputable and less-than-honest, that install the insulation welcome this credit, but what about the people who must ultimately pay for it—the taxpayers. We are going to spend over $3 billion on this credit, most of which will be used to pay for the higher prices that have been spawned by the anticipation of the credit.

I am inserting two articles from Time magazine and from the Journal of Commerce which illustrate the shortages facing the insulation industry. This is only the beginning and no decrease in demand is foreseen in the near future. It is a vicious cycle—demand creates shortages which cause higher prices—that never should have begun rolling. I admit that it does not do much good to say it, but I told you so.

[From the Journal of Commerce, Nov. 3, 1977]

DEMAND SWAMPING INSULATION MAKERS

(By Tom Stundza)

Whether it's rigid or foam, loose-fill or blanket, insulation is in short supply.

"The demand has literally buried the industry," says Donald M. Diersen, product manager at the insulation division of U.S. Gypsum Co.

"People are buying insulation in unprecedented quantities," when it is available, adds Charles E. Peck, building materials group vice president at Owens-Corning Fiberglas Corp.

What is causing the shortage of insulation is simple: demand is outstripping supply.

It began last autumn, when homebuilders began ordering large quantities of insulation in anticipation of a 1977 construction-year boom in new home building. The boom came, as predicted, as 1.9 million new homes are expected to be completed by the time the snow comes—a 2 per cent increase over 1976 and a 60 per cent jump over 1975.

Then, after last winter's colder-than-normal temperatures and higher-than-usual heating bills, many homeowners and small business owners decided 1977 would be a good time to reinsulate existing structures.

CARTER PLANNED REBATES

Finally, President Carter proposed tax breaks might occur if individual homeowners reinsulated their residences as part of an energy conservation effort. While the tax break proposal has yet to be adopted by the Congress, the reinsulation idea spurred many people to action to "be ready" if the suggestion becomes reality.

The result has been that new-home builders are insulating more heavily than before and three million existing homes were reinsulated by June—compared with an average of 2.7 million homes reinsulated in each of the past three years.

In this business boom for home insulators and insulation manufacturers, demand is up and so are prices—up to 10 per cent more than earlier in the year.

And, the wait for insulation work now is stretching into January.

Nevertheless, both government and industry spokesmen say it's worth the wait. Insulation will increase the resale value of a home, reduce winter utility bills and provide income tax credit under President Carter's energy program.

VA FINANCING RULES

The Veteran's Administration and the Federal Housing Authority also require a minimum amount of insulation—in some cases five inches or more—in the homes they help finance.

So, three major fiberglass insulation manufacturers—Owens-Corning, CertainTeed Corp., and Johns-Manville Corp.—have pushed up expansion projects to meet demand.

From a marketing view, says Business Week magazine, the insulation shortage will, in the long run, decrease the market-share dominance now held by fiber glass insulation.

Mr. Peck of Owens-Corning acknowledges that the sudden popularity in foam, loose-fill and rigid insulation made from macerated paper, chemicals, plastic and ground rock or slag "relieves pressure on us to supply the market on a short-term basis; on a long-term basis, it surely means a loss of market share."

Part of the reason is that makers of glass fiber insulation say that new plant expansion is slow and costly—sometimes two or more times the cost of building a plant that makes cellulose insulation, the macerated paper treated with fire-resistant chemicals.

And, fiberglass insulation's competitors are taking advantage of the insulation supply crisis to expand their operation.

EXPANSIONS SET

Dow Chemicals U.S.A. whose sales of Styrofoam insulation are 25 per cent ahead of 1976 levels, has announced it will double capacity of its Functional Products & Systems Department. U.S. Fiber Co. and Capitol Insulation Co., two cellulose insulation producers, are building new production facilities. And, Mobay Chemical Corp. is marketing sheets of polyurethane insulation to be placed in front of "traditional" insulation by contractors hard-pressed to find enough blanket or rigid insulation to meet "R-values."

The "R-value" of insulation is simply the rating of how good an insulator against heat loss a type of insulation is.

Earlier this year, the Commerce Department said that enough insulation would be available for 1.9 million new houses, 3.4 million existing homes and 300,000 mobile homes. But, strikes at CertainTeed and Johns-Manville curtailed production and added to the now-accepted practice of insulating new housing with 700 pounds of insulation. Commerce officials acknowledge their earlier production estimates won't be met.

DEMAND TO SLACKEN

And, Commerce also says now that demand will slacken once 25.5 million of the country's 80 million existing homes are reinsulated—about 1980.

So, some manufacturers are willing to produce what they can without major expansion efforts, fearing they would be stuck with expensive-to-maintain excess capacity once demand drops off.

"In a way, that's not all that bad an idea—keeping growth plans relatively modest," says one insulation retailer. "After all, the price has been relatively stable, despite the demand."

Several studies of the insulation industry have found that prices are about 10 per cent more this autumn than they were this spring, confounding some "experts" who had predicted price-gouging during the fall "busy season." Why? Because "fiberglass insulation producers are making price increases with one eye on the government," contends Business Week magazine, noting that "the Federal Trade Commission is looking at the highly concentrated industry."

[From Time, Nov. 14, 1977]

RUNNING OUT OF INSULATION

Like many other U.S. homeowners, Allan Coleman of Staten Island, N.Y., found that his heating bills climbed out of sight last winter. When President Carter in April proposed homeowner tax credits for installing insulation, Coleman figured he could at least afford to make his four-bedroom house more energy efficient. But when he went to the lumber store to buy 750 sq. ft. of fiber-glass insulation for his attic, he could not get one square inch. The store had been sold out for weeks, and no one had any idea when new shipments would arrive. Gripes Coleman: "It's ridiculous. I've been waiting for nearly three months, and now winter is almost here again."

He is far from alone in his trouble. Since midsummer, a nationwide shortage of insulation, fiber glass and rock wool, has turned the fuel conservation plans of tens of thousands of other Americans into near-impossible dreams. Fiber glass today no longer comes only in the familiar batts (rolls) tacked up between wall and ceiling joists; it has also largely replaced rock wool as the preferred fluffy insulation material blown into wall spaces.

In Toledo, home of Owens-Corning, the industry leader, home-insulation buyers must wait four to six weeks for one of their city's most famous products. Demand is so great that the three biggest producers—Owens-Corning Fiberglas Corp., Johns-Manville Corp. and Certain-Teed Corp.—are allocating deliveries to wholesalers, building-supply companies and other middlemen. In some cases buyers can get only as much as they bought last year.

Frank Kilduff, a buyer for a Chelsea, Mass., building-materials jobber, has been "on allocation," as he puts it, from Certain-Teed since May. Now he must place orders by mail instead of telephone; Certain-Teed then calls to ask where Kilduff's allowed two weekly truckloads should be sent. Complains William Rich, owner of a Wellesley, Mass., insulation-installing firm: "I'm backed up four months. Since July I have been getting 300 to 400 bags of fiber glass a month, and I need a minimum of 1,200."

There have been charges that unscrupulous insulation distributors are out to make a fast buck on the public's energy anxieties. Some wholesalers have hiked prices 20 percent, even though fiber glass manufacturers have not raised most quotes since last March. Arthur Milot, president of a Rhode Island lumber firm, says he was offered insulation in September by a salesman from National Gypsum, a distributor for Owens-Corning, for 20 percent above the prevailing price. He refused to buy, yet the incident convinced him that whatever profiteering is going on is occurring at "the middleman's level."

Memories of last winter's hefty heating bills are a big factor in the current demand. Many homeowners figure the insulation will eventually pay for itself in fuel savings and are not waiting for the tax incentive that is included in the Administration's energy program, now tied up by congressional wrangling. (A 25 percent personal income tax credit on the first $800 outlay spent for insulation would be granted.) Another stimulus to insulation demand is the yearlong boom in housing. (Time cover, Sept. 12), which depletes supplies rapidly. Says an O-C spokesman: "We have warehouses that normally contain a six-day supply. They are down to a one-day supply now. The stuff is going directly out the door from manufacturer to buyers."

Unfortunately, the shortages are unlikely to ease soon. True, manufacturers are increasing their capacity. But demand has exploded far beyond even the expansion programs' ability to satiate it: some 4.7 million homes have been reinsulated this year, or three times the number a year ago, yet experts insist that the great majority of homes lack sufficient insulation. Tax incentives, desirable as they may be in theory, will only feed a demand that cannot immediately be supplied—and that is an indication of how egregiously Americans have been wasting energy.

ATTORNEY GENERAL BELL'S CONDUCT IN THE MARSTON AFFAIR

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. COUGHLIN. Mr. Speaker, in the recent handling of the controversial replacement of David W. Marston as U.S. attorney for the eastern district of Pennsylvania, certain actions and statements by Attorney General Bell have raised important legal and moral questions which must be considered by this body. I have communicated my concerns about this matter to the Honorable ROBERT W. KASTENMEIER in the letter below requesting that this subject receive prime consideration in hearings scheduled for March 13, 1978, by his Subcommittee on Courts, Civil Liberties and Administration of Justice.

I have also inserted, following the letter, a copy of the excellent article by Henry T. Reath, Esquire, a prominent Philadelphia attorney, to which I referred in my letter, that carefully outlines the Attorney General's conduct throughout the whole Marston affair. The article appeared in the February 4, 1978, issue of the Washington Post.

FEBRUARY 7, 1978.

Hon. ROBERT W. KASTENMEIER,
Subcommittee on Courts, Civil Liberties and Administration of Justice, Rayburn House Office Building, U.S. House of Representatives, Washington, D.C.

DEAR BOB: I would like to commend you for calling hearings by the Subcommittee on Courts, Civil Liberties and Administration of Justice on the controversial system presently used by the Justice Department for the selection and removal of U.S. Attorneys.

I fully support your efforts and want to bring to your attention a subject that I believe should be given prime consideration in your hearings—the question of whether, in fact, any improprieties, illegalities or impeachable offenses were committed by the Attorney General in his management of the unfortunate affair involving the replacement of David W. Marston as U.S. Attorney for the Eastern District of Pennsylvania.

Enclosed is a commentary by Henry T. Reath, Esquire, who is chairman of the Philadelphia Lawyers for Justice and a former chairman of the board of governors of the Philadelphia Bar Association. Mr. Reath is an eminent and well-respected attorney who, incidentally, was an early fundraiser for the Carter presidential campaign. The enclosed article, which appeared in the February 4, 1978 issue of the Washington Post, points out important legal and moral questions regarding the Attorney General's conduct in the Marston affair.

If I can provide further information for your hearings, or be of assistance in any way, please do not hesitate to contact me.

With all best wishes.

Cordially,

LAWRENCE COUGHLIN.

A BROKEN PROMISE—A BROKEN LAW?

(By Henry T. Reath)

When a presidential candidate makes campaign promises and then, when elected, breaks them, that is a moral and political issue that can be settled at the ballot box. But if a candidate for appointed public office adopts those promises as his intended policies in sworn public testimony at his confirmation hearing, knowing that he does not intend to carry them out—and can't because of a prior secret political deal—that is not only a moral and political issue but also a serious legal one.

The moral and political issue is whether the country will stomach such devious conduct by the appointed public official.

The legal issue is whether the law has been broken—for it is clear that if a candidate for appointive public office willfully gives false testimony to a "competent tribunal," such as a duly convened confirmation hearing, that has been held to be a criminal offense designated in law as perjury.

Once the dust settles on the obstruction-of-justice charges concerning President Carter and Attorney General Griffin Bell on the Marston issue, the question of false testimony before the Congress by the attorney general will have to be resolved either by the courts, the Congress, the President or the court of last resort: public opinion.

Regrettably, the current quest for sensational news, in what probably will be an abortive effort to prove obstruction of justice, has diverted the spotlight of public concern from other, more lasting and significant aspects of the Marston affair that strike at the very core of the integrity of our political and justice systems.

The extraordinary public outcry over the Marston matter goes far deeper than mere disgust over a temporary delay in rooting out political corruption in eastern Pennsylvania. It reveals a frustrated and indignant public demanding that their politicians keep their campaign promises and keep politics out of our justice system.

The sorry story of lofty promises and secret wheeling and dealing involving the justice system is all spread on the public record:

First, President Carter, in his campaign platform of June 19, 1976, stated, "All federal judges and prosecutors should be appointed strictly on the basis of merit without any consideration of political aspects or influence."

Second, those promises were reiterated on Jan. 11, 1977, by Bell, under oath, as policies that would be carried out and implemented by him if he were confirmed by the Senate. ". . . If I am to be the attorney general, we want to professionalize the Department of Justice. We want to depoliticize it to the extent possible. Otherwise, I would not care to be the attorney general; he [Carter] would not care for me to be the attorney general.

". . . If we are really serious about doing something about crime in this country, then we must go into some career service in the prosecutorial forces.

". . . I intend for the Justice Department to be operated within the strictures of its being a law department, which would have nothing to do with politics. Of course, you touch politics because you are advising people, but it will not be a medium of politics, and it will not be used for political purposes."

Third, at his hearing before the confirmation committee, Bell was specifically questioned about his policies on retaining a holdover U.S. attorney appointed by President Ford (such as David Marston in the Eastern District of Pennsylvania) who had made a "competent and meritorious record" and "wishes to be retained." His reply: ". . . They will have an opportunity to be considered for retention on the merit system. . . . Otherwise we would not be putting in a merit system."

Fourth, the above testimony is in stark contrast to what surfaced and transpired after Bell's confirmation:

On June 22, 1977, at a hearing convened by Rep. Robert Drinan (D-Mass.), Bell was asked to give Justice Department support to a bill being pushed by the congressman. Bell declined because, as he testified at that time, of an "agreement" with the Senate whereby in return for taking appointments to the federal circuit courts (but not the district courts) out of the patronage system, U.S. attorneys would continue under the politics-as-usual patronage system.

Although the attorney general's office first denied the existence of such an agreement, it later admitted in a letter dated Dec. 20, 1977, that it was made during "an oral exchange between Judge Bell and Senator Eastland which took place in Atlanta in late December of 1976 or early January of 1977." This meeting has generally been reported to have been held on Dec. 13, 1976, (one week before Carter announced Bell's selection and three weeks before Bell gave the testimony above—testimony that not only made no mention of this secret arrangement, but was squarely contrary to it).

Fifth, on Jan. 9, 1977, Bell was quoted as having stated at the National Press Club that Marston's "job is to be replaced by a Democrat. . . . The 'ins' are the Democrats. . . . They can get in easier to complain. . . . I have nothing against Mr. Marston. He is a fine young man—but this is the political system in this country."

Finally, on Jan. 20, 1978, when Marston was fired, Bell complimented Marston on his performance and on the conduct of the office of the U.S. attorney in Philadelphia. At that time he reiterated that Marston was being removed "not because of lack of merit qualifications, but solely because of political considerations."

David Marston has now been fired—and he has now become a national folk hero. In due course, Philadelphia will get a new U.S. attorney, who will undoubtedly press, with equal vigor, to root out crime and political corruption.

But what about the promises to the nation to keep politics out of the justice system?

And what about the continued tenure of the attorney general? Whether, after all the evidence is in, it is found that he committed a criminal act at his confirmation hearing or aided and abetted in the obstruction of justice, is a complex factual and legal matter best left to the Congress, through impeachment proceedings, or to the due process of law in the courts.

But as the nation's chief law enforcement officer, whose first duty is to search after truth, can Bell, in light of the gap between his word and deeds, continue to merit the respect and confidence of the nation, let alone the staff and subordinates, including

the 94 U.S. attorneys, who report to him? This writer believes not.

And what about President Carter? Does he not have an obligation to square with the American people where he and we stand on his promise to take politics out of the justice system? Has he, or his attorney general, used the justice system as a pawn in a partisan political struggle?

TOBACCO FARMERS

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. BRECKINRIDGE. Mr. Speaker, the administration's budget, explained by USDA representatives before the House Agricultural Committee as the product of ZBB and OMB, is—indeed—singularly insensitive in many respects to the needs of the inhabitants of the small cities and rural areas of America—its farmers and, more particularlly, its tobacco farmers.

Mr. Speaker, in order that my colleagues might more fully understand the economics of the tobacco farmer, and his plight, and economics of the industry, I incorporate in these remarks a precise analysis of the situation made available to me by Dean Charles E. Barnhardt, dean and director of the University of Kentucky, College of Agriculture. I trust that the reader will become as I have; increasingly concerned about the fundamental shallowness of a system which hands over to the budgeteers, with little if any programmatic knowledge, substantive decisions meaning life and death to our citizenry (I heard the same dialog take place with reference to our national defense budget, believe it or not). Dr. Barnhardt's analysis follows:

TOBACCO FARMERS

Tobacco is very important to the agricultural economy of Kentucky. In 1977 return from sales of tobacco to Kentucky farmers will exceed $600 millions and represents over 50 percent of the farm income generated from the sale of crops. Tobacco is produced in 118 of the 120 counties in the State and approximately 150,000 farm families are involved in tobacco production.

Tobacco production, manufacture and sale involve many Kentucky residents besides farmers. In 1976 approximately 21 percent of the cigarettes produced in the U.S. were manufactured in Kentucky. Tobacco manufacturing provided jobs for 14,000 Kentuckians with a payroll of about $175 million. There are over 200 tobacco auction warehouses and 21 tobacco lease processing plants operating in the State. Tobacco allotments increase Kentucky farmland value $2.50 per pound of tobacco allotment for a total of $1.05 billion.

Tobacco has been produced in the State of Kentucky for 300 years and the University of Kentucky College of Agriculture has carried on extensive tobacco research for over 60 years. Yields of burley tobacco have risen from 800 pounds per acre in 1920 to 2,500 pounds per acre in 1976. Much of this yield increase is a direct result of production research technology developed in the Land-grant Colleges of Agriculture. In addition, the high quality of Kentucky produced burley tobacco is recognized worldwide as the burley standard of excellence.

Tobacco production in Kentucky is of tremendous importance to the economy and welfare of both farm and non-farm residents. Kentucky farmers grow ⅔ of the burley and ½ of the dark tobacco produced in the United States. United States production represents over ½ of the burley tobacco produced in the world. Kentucky grown burley represents over ⅓ of the total world production of burley tobacco.

Tobacco will continue to be the major agricultural crop in Kentucky for many years. Kentucky has the climate, land, farms, farmers, technology, warehouses, lease dealers, manufacturers, and labor force to efficiently produce the crop. The President's proposed budget released on January 3, 1978 containing a $3.1 million reduction in production research on tobacco is a major setback to Kentucky's tobacco industry. There is no justification for penalizing the tobacco farmers of Kentucky for producing tobacco. Todays severe production problems faced by tobacco producers can only be resolved by production oriented research on tobacco. The development of improved varieties with desirable lease chemistry and disease resistance, improved cultural practices and the mechanization of tobacco production are prime examples of ongoing production research objectives.

Research and development support is needed if Kentucky (the U.S.) is to continue efficient production of the world's finest burley. The economic and social welfare of the entire State and region depends on tobacco. The future of tobacco depends on productive, well-planned, financially supported research and development programs. Over $500 million pounds of burley is being used annually in the United States and another $120 million pounds of burley is being exported. In 1976 Kentucky farmers produced 456 million pounds of burley tobacco while the entire belt produced 630 million pounds.

SENATE—*Friday, February 10, 1978*

(Legislative day of Monday, February 6, 1978)

The Senate met at 10 a.m., on the expiration of the recess, in executive session, and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

God of grace and God of glory, grant us wisdom and courage for the living of these days. Come with Thy renewing power to the President, the Members of the Congress, to all persons in the diplomatic and military services, and to those who execute and enforce the laws. Be graciously near to those who suffer from the ravages of the winter's storm. Strengthen those on missions of mercy.

Grant to all who serve in this place a sense of Thy nearness to strengthen, to guide, and to judge all that is said and done. When this day is ended grant journeying mercies to those who travel and strength to those who wait and work. Watch over our going out and our coming in, our lying down and our rising up. Then bring us together again to render high service for the well-being of this Nation and the advancement of Thy Kingdom on Earth.

We pray in the Great Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 10, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. ROBERT C. BYRD thereupon assumed the chair as Acting President pro tempore.

SPECIAL ORDERS

The ACTING PRESIDENT pro tempore. Under the order previously entered, the Senator from Iowa (Mr. CLARK) is recognized as in legislative session for not to exceed 15 minutes.

NO GREATER NATURAL ASSET

Mr. CLARK. Mr. President, the United States has no greater natural asset than its agricultural resource base. A single acre of prime land in my State of Iowa produces enough calories to provide the current diet for 15 people in portions of Asia and Africa. The value of our agricultural exports is vital to maintaining our international balance of trade position.

Agricultural production depends on renewable resources—the soil, water, air, and the husbandry of our farmers. We have come to think of our agricultural production as constant, protecting us from famine and disaster. We invariably think of farm problems in terms of overproduction.

Because we are so wealthy in soil and climate and technology, we often forget that a significant portion of our agricultural resource base is being lost or damaged through erosion by wind or water every year.

In a study released just this week, for example, the USDA estimated that the United States is losing about 2.8 billion tons of cropland soil a year from water erosion alone. This report translates that loss to an average of about 9 tons per

acre per year, on the average, for all the cropland in the United States.

These losses are greatest where cropping is most intense, where land is sloping, and where rainfall is heavy. In portions of Iowa soil losses of 13 tons or more per acre annually are being recorded. This is almost three times the rate at which new topsoil is being formed. And, it represents an increase in loss over recent years related to our increases in acres planted to row crops.

For more than 40 years, we have been refining our soil conservation programs. We know how to keep the water on the soil and the soil in place and out of the streams. Where conservation practices are adequately constructed, they are very effective.

For all their effectiveness, however, soil conservation programs are expensive. They require careful study of each local problem, extensive plans, and costly investments in many cases.

In addition the returns of soil conservation—the maintenance of soil productivity, the avoidance of sedimentation in our rivers and streams, and all the other offsite impacts—are generally long-term returns. The effect of soil conservation work is not seen overnight. It is not immediately tangible.

And so, soil conservation programs are inevitably a prime target for budget-cutters year after year. The productivity losses—and the resultant water pollution—that are being incurred each single year are so small in relation to the total resources we have, that it is easy for Government officials to defer action on the problem "just one more time."

But the fact is, the cumulative effect of this inaction is that we are losing topsoil at an alarming rate. We have lost half the topsoil in my own State in the last hundred years. The intensity of our farming is increasing more rapidly than the intensity of our soil conservation efforts. And ignoring the situation is a pennywise, pound-foolish policy. We cannot defer coming to grips with it indefinitely—our Nation's long-term prosperity depends in no small part on the maintenance of our agricultural productivity.

It is in this regard that President Carter's budget for fiscal year 1979 is a great disappointment. The previous administration repeatedly proposed cuts in soil conservation programs. While the Congress restored many of those cuts, the net effect of Government action in recent years has been to barely hold the line in soil conservation efforts. I had hoped that this administration would not follow that pattern. But it appears from the new budget that it may intend to do just that.

The cuts proposed in the budget for soil conservation programs are deep, and they affect most of the programs.

Overall, the budget cuts total spending for soil conservation in fiscal year 1979 by more than $130 million. It also makes drastic reductions in the number of soil conservation personnel—in fact, the manpower reductions proposed for this function are greater than the reductions proposed for the rest of the entire USDA.

To make matters worse, these cuts are being proposed at precisely the time when farmers in most areas of the country are least able to pay for soil conservation work themselves—because of losses from drought, and price-depressing surpluses, or both.

Because of this situation, I have asked the Subcommittee on Environment, Soil Conservation and Forestry of the Senate Committee on Agriculture, Nutrition, and Forestry to conduct public hearings to review the administration's soil conservation intentions in detail. This hearing will be held in Washington, D.C., at 9:30 a.m. on Friday, February 24. I will chair the session.

The specific budget problems we will be examining in these hearings include the following cuts which the President has proposed:

The Soil Conservation Service conservation operations program: Increase budget $10 million to $252 million but reduce personnel by 955 persons, or approximately 10 percent. This is the largest of our soil conservation programs. Its primary function is to provide technical services—plans and assistance—to farmers and others at the local level.

The slight increase in funding proposed in the budget is worse than meaningless coupled with the personnel reduction also proposed. The amount of assistance the program can provide in the field will be significantly reduced without sufficient personnel to carry it out, regardless of the amount of funds available.

The agricultural conservation program: Cut funding nearly in half, from $190 million to $100 million. Administered by the ASCS, this program is designed to help farmers bear the cost of installing conservation practices on vulnerable land. Current appropriations for this program are already woefully inadequate, when measured against the vast amount of work that needs to be done. The reduction proposed in this budget only adds insult to injury.

The Great Plains program: Reduce total amount of funding available for projects in the program area by $4 million, to $18 million.

This program was established to fund long-term conservation projects designed to deal with wind erosion and other specific conservation problems in the Great Plains area. As with the ACP program, the need already far outweighs available funds. Note: The budget proposes that the Great Plains program itself be cut from $22 million to only $8 million, but $10 million of the ACP program's $100 million is earmarked for work in the Great Plains program area, leaving a net reduction of $4 million, in effect.

The Public Law 566 small watershed program: No funding for any projects not already underway. The purpose of this program is to identify problem watersheds and layout plans for concentrated soil treatment measures on a watershed-wide basis. It has been very effective in abating flooding and erosion problems in many areas.

The resource conservation and development programs: No funding for any projects not already underway. This program also identifies particular areas with soil or water problems, but it focuses on problems and solutions that have benefits related to economic development as well as soil stabilization. It has been an extremely popular and effective program, and has been extended to about 10 new projects each year.

The rural clean water program: No funding. This is a new program, authorized by Congress last year as part of the 1977 amendments to the Clean Water Act. Based on legislation I introduced last spring, it is intended to formally link the Nation's soil conservation and water-quality efforts. It is designed to provide farmers and other rural landowners with cost-sharing payments for soil conservation practices that will be required in the near future to comply with Federal water quality standards. The Congress has authorized some $600 million for this program in fiscal years 1979 and 1980.

Mr. President, I do not wish to claim that all these programs are a model of perfection. One might construe from the President's budget that there is an intent in this administration to somehow eliminate some of the smaller, more specialized programs and fold them into a larger, more coordinated effort. That may or may not be desirable from an administrative standpoint, but it has nowhere yet been spelled out, to my knowledge. And it clearly is a meaningless exercise unless adequate funds and manpower are provided to at least carry on the overall level of work that has been being performed. And clearly, such funds and manpower levels are not called for in this budget.

It is worthwhile at this point to note that the General Accounting Office last year completed two important studies relating to the subject of soil conservation. The first was a February 1977 report entitled, "To Protect Tomorrow's Food Supply, Soil Conservation Needs Priority Attention."

The second was a December 1977 report entitled, "National Water Quality Goals Cannot Be Attained Without More Attention to Pollution From Diffused or Non Point Sources." The message from both these reports is similar.

The first report found that 85 percent of the farms examined are losing topsoil at a rate which greatly exceeds the 5 tons per year loss that can be sustained without loss of productivity. The GAO recommended that soil conservation programs be better focused, and that they be strengthened.

The second report concluded that efforts to control nonpoint sources of water pollution have been minimal, and that if these sources are not controlled, nonpoint source pollution will prevent the Nation from reaching the water quality goals set for 1983. The GAO recommended changes in water quality planning efforts, and development of programs with additional resources to assist in the control of nonpoint source pollution.

With the addition of the new rural clean water program contained in the Clean Water Act Amendments of 1977, the soil conservation programs currently in place constitute a substantial set of building blocks for construction of solutions to these problems. What remains is for the administration to organize and focus these programs, and to request the support needed to effectively implement them.

In short, we are in a good position to begin moving ahead on our soil conservation problems, rather than backward—but that does not seem to be the direction in which we are about to go.

I would hope that our hearings on the 24th will give us a much clearer picture of the exact direction the administration has in mind.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah (Mr. GARN) was to be recognized at this time.

Mr. THURMOND. Mr. President, I ask unanimous consent that 10 minutes of that time be granted to me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from South Carolina is recognized for 10 minutes, as in legislative session.

NATIONAL PARITY FARM INCOME COMMISSION ACT OF 1978—S. 2526

Mr. THURMOND. Mr. President, farmers across our Nation are currently experiencing a severe economic disaster. Increasing surpluses of farm commodities have driven prices to near record lows. At the same time, rampant inflation has driven farm production costs to alltime highs. The American farmer is experiencing a cost-price squeeze which threatens his survival. Not only is every farmer affected, but every citizen is threatened because farmers are the backbone of society in this great Nation. If this cost-price squeeze is allowed to remain unchecked, many farmers will be driven out of business. The inevitable result is that consumers will be forced to pay higher food prices and increasingly rely on food grown in other nations. Therefore, Mr. President, additional assistance is necessary.

Frankly, Mr. President, I am deeply disappointed that the Carter administration has not come forth with any plan to give immediate relief to our Nation's farmers. They do not seem to fully appreciate the desperate state in which our agricultural producers find themselves. Therefore, I have cosponsored with Senator DOLE and others, several bills which are an initial step to providing this assistance. The long-term income problem facing our American farmers is a complex one for which there is no easy solution.

The total net income of U.S. farmers dropped below $20 billion in 1977, the lowest since 1972. This was 10 percent below the 1976 level. Declining farm product prices have led to renewed appeals for a return to 100 percent parity prices. At the present time farm prices are 66 percent of parity. The all-time low in the parity ratio was 57 percent in March 1933.

One point is clear—a patchwork plan is simply not sufficient to provide the solution. Therefore, Mr. President, I am introducing legislation today which calls for the establishment of a bipartisan national commission to study the long term income situation facing our Nation's farmers. The 15-member commission shall analyze and appraise the current farm income situation. In its report to the President and the Congress, the commission shall include, but not be limited to the following:

First. Trends and current levels of net farm income in relation to the returns which farm labor and capital would earn if employed in nonagricultural endeavors;

Second. The effectiveness of the Food and Agriculture Act of 1977 in assuring parity income for agricultural producers with various sizes of operations; and

Third. Recommendations for appropriate changes in statutes, policies and programs to render them fully effective in providing parity incomes for agricultural producers.

This commission will be composed of five Members of the Senate appointed by the President pro tempore of the Senate; five Members of the House of Representatives appointed by the Speaker; and five members from outside the Federal Government appointed by the President of the United States. No more than three Members of Senate or of the House will be from the same political party.

Mr. President, let me stress that this Commission will be totally independent of Congress and the executive branch. I anticipate that farmers, agricultural economists, scholars, and representatives from all walks of life will be members of the Commission. The Commission will have subpena power and will conduct hearings throughout the country.

Finally, I want to stress that the Commission mandate is to report and make its recommendations to Congress and the President within 1 year after it is created.

I want to emphasize again that the farmers need help now. The bill which I am introducing today is not by any means the solution to all of the farmer's problems. However, I am convinced it is a good, solid beginning; and, furthermore, I think it is a prerequisite to any major change in our basic farm policy. I urge my colleagues to treat the current farm problem with the seriousness it deserves, and I invite them to join me in sponsorship of this legislation.

Mr. President, I now send a bill to the desk, ask that it be appropriately referred, and ask unanimous consent that the full text of the bill, along with an analysis and explanation of the Commission, prepared by the Library of Congress, be printed in the RECORD at the conclusion of these remarks. On behalf of Senator HOLLINGS and myself, I further ask unanimous consent that a concurrent resolution passed by the South Carolina General Assembly, expressing its deep concern for the farmer's problems, be printed in the RECORD following these remarks.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Parity Farm Income Commission Act of 1978".

PURPOSE

SEC. 2. It is the purpose of this Act to establish a bipartisan national commission on parity farm income in order to examine and analyze the current agricultural income problems of farmers in the United States.

ESTABLISHMENT OF COMMISSION

SEC. 3. (a) There is established as an independent instrumentality of the United States a Commission to be known as the National Commission on Parity Farm Income (hereinafter referred to in this Act as the "Commission").

(b) The Commission shall be composed of 15 members appointed from among individuals with extensive experience in or knowledge of farming in the United States as follows:

(1) Five members of the United States Senate appointed by the President pro tempore of the Senate, not more than three of whom shall be of the same political party.

(2) Five members of the House of Representatives to be appointed by the Speaker of the House of Representatives, not more than three of whom shall be members of the same political party.

(3) Five members shall be appointed by the President of the United States, by and with the advice and consent of the Senate, from among individuals who reflect a broad spectrum of interests within the agricultural industry including family farmers.

(c) One member appointed under paragraph (b)(3) shall serve as Chairman and one member shall serve as Vice Chairman of the Commission. The Chairman and Vice Chairman shall serve full time for the duration of the Commission.

(d) Any vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(e) Ten members of the Commission shall constitute a quorum, but the Commission may establish a lesser number to constitute a quorum for the purpose of holding hearings.

DUTIES OF THE COMMISSION

SEC. 4. The Commission shall conduct a nonpartisan investigation and analysis of the current farm income situation including, but not limited to, the following:

(1) Trends and current levels of net farm income in relation to the returns which farm labor and capital would earn if employed in nonagricultural endeavors.

(2) The effectiveness of the Food and Agriculture Act of 1977 in assuring parity income for agricultural producers with various sizes of operations.

(3) Recommendations for changes in statutes, policies, and programs necessary to make them fully effective in providing parity incomes for agricultural producers.

POWERS OF THE COMMISSION

SEC. 5. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise,

the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable.

(b) (1) Subpenas shall be issued under the signature of the Chairman or any member of the Commission designated by him and shall be served by any person designated by the Chairman or any members. Any member of the Commission may administer oaths or affirmation to witnesses appearing before the Commission.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances to witnesses summoned under authority conferred by this section shall be paid from funds appropriated to the Commission.

(3) Any person who willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify, or to produce any evidence in obedience to any subpena duly issued under the authority of this section shall be fined not more than $500, or imprisoned for not more than 6 months, or both. Upon the certification by the Chairman of the Commission of the facts concerning any such willful disobedience by any person to the United States Attorney for any judicial district in which such person resides or is found, such attorney may proceed by information for the prosecution of such person for such offense.

(c) The Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information which the Commission deems useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

ADMINISTRATIVE PROVISIONS

SEC. 6. (a) Subject to such rules and regulations as may be adopted by the Commission, the Commission shall have the power—

(1) to appoint and fix the compensation of an Executive Director, and such additional staff personnel as it deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but—

(A) in the case of the Executive Director, at a rate equal to that for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(B) in the case of all other personnel, at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title; and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(b) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

COMPENSATION OF MEMBERS

SEC. 7. (a) The Chairman of the Commission shall receive compensation at a rate equal to the daily rate prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the Vice Chairman shall receive compensation at a rate equal to the daily rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) All other members of the Commission who are not officers or employees of the Federal Government shall receive compensation at the rate of $200 for each day such member is engaged in the performance of the duties vested in the Commission.

(c) All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenes incurred in connection with their activities as members of the Commission.

REPORTS AND TERMINATION

SEC. 8. (a) The Commission shall submit to the President and to the Congress such interim reports as it deems advisable, and, not later than 12 months after the initial meeting of the Commission, a final report together with its findings and recommendations, including proposals for legislation and administrative action, as may be necessary to carry out its recommendations.

(b) The Commission shall cease to exist 90 days after the submission of its final report.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There is authorized to be appropriated, without fiscal year limitation, the sum of $1,500,000 to carry out the provisions of this Act.

PARITY FARM INCOME COMMISSION ACT OF 1978

BRIEF EXPLANATION OF THE LEGISLATION

This bill provides as follows:

1. A fifteen member bipartisan National Commission on Parity Farm Income is established, composed of:

(a) five members of the Senate, appointed by the President Pro Tempore of the Senate, not more than three of which shall be of the same political party;

(b) five members of the House of Representatives, appointed by the Speaker with a similar political party requirement;

(c) five members appointed by the President from outside the Federal Government, each to represent a specific and distinct area of interest within the agricultural industry including family farmers.

2. The Commission would analyze and appraise the current farm income situation and prepare a report to the President and the Congress which shall include:

(a) trends and current levels of net farm income in relation to the returns which farm labor and capital would earn if employed in non-agricultural endeavors.

(b) the effectiveness of the Agricultural Act of 1977 in assuring parity income for agricultural producers with various sizes of operations.

(c) recommendations for appropriate changes in statutes, policies and programs to render them fully effective in providing parity incomes for agricultural producers.

3. The Commission would be required to submit its final report within 12 months of the date that it is initially funded, and simultaneously submit an evaluation of the adequacy of the data on which the report is based and any recommendations to improve such data.

4. The Commission is vested with certain powers with which to carry out its studies and prepared its report, including the power to contract with Federal or State agencies, private firms, institutions or individuals for the conduct of research and other activities necessary to the discharge of its duties.

5. The Commission would cease to exist ninety days after submission of its final report.

6. A total of $1.5 million is authorized to be appropriated to carry out the provisions of this Act.

PURPOSE AND NEED FOR THE LEGISLATION

The total net income of U.S. farmers dropped below $20 billion in 1977, the lowest level since 1972 and 10 percent below 1976. If income data are adjusted for the annual rate of inflation however, the income for 1977 is roughly comparable to the $10.5 billion net income of 1964 in terms of purchasing power. Another economic indicator is the rate of return to farmers' equity. The return to equity reached a high of 10.7 percent in 1973, sagged to 3.3 percent in 1976 and fell to 2 percent in 1977. By comparison the average return to equity in production assets of food processors and retailers has been about 19 percent in the 1970's.

Per capital income for the farm population has historically lagged behind per capita income for the nonfarm population. During the decade of the 1950's the farm population received an average of 54 percent of the nonfarm per capita disposable personal income. In the decade of the 1960's the farm population's status had risen to an average of 65 percent of the nonfarm level. In 1976 farmers earned 81 percent of the per capita income received by the nonfarm population. The relative improvement in farmers' incomes has in general not come through higher earning from the farm business. Farmers and their wives have increasingly turned to off-farm jobs to supplement their farm incomes. In 1976 the personal incomes of the farm population from nonfarm sources reached $24 billion. Farm families earn more than half of their living off of the farm.

If farmers were accorded a fair return on their capital investments, the return to their own labor and management would be negative. Farmers' equity in production assets totalled $409 billion in 1976. At an assumed return of 8 percent, this capital should have earned $32.8 billion. Gross farm receipts minus production expenses, except for interest and rent, were $31.4 billion in 1976, leaving a net return to the operator of minus $1.4 billion for labor and management.

The major cause of declining net farm income was the sharp drop in crop prices which took place throughout 1977. On September 15, 1977 the average price received by farmers for wheat was $2.17 per bushel, down from $2.88 on September 15, 1976. Corn prices fell to $1.59 per bushel from $2.60 a year earlier. Soybeans which sold for $4.81 per bushel this September 15 were $6.65 a year earlier. On the other hand livestock and dairy prices are slightly above a year earlier.

Declining farm product prices have led to renewed appeals for a return to 100 percent parity prices. "Parity" is a legislative concept which would price agricultural commodities such that their purchasing power would equal that of the 1910–1914 period. At the present time, farm prices are at 65 percent of the parity index. The all-time low in the parity ratio was 57 percent in March 1933.

The purpose of the recently enacted Food and Agriculture Act of 1977 was to provide price and income protection for farmers and assure consumers an abundance of food and fiber at reasonable prices. Current conditions indicate the Act provides inadequate income protection to our nation's agricultural producers.

Congress has mandated studies of farmers' income with respect to parity on two occasions in the past. The Agricultural Act of 1956 instructed the Secretary of Agriculture to "make a thorough study of possible methods of improving the parity formula." The Report of the Secretary, filed on February 1, 1957, recommended that the use of the general purchasing power concept should be continued. The Food and Agricultural Act of 1965 called for a "study of the parity income position of farmers, including the development of criteria for measuring parity income of commercial family farmers." The Department's report, trans-

mitted on July 14, 1967 found that farmers on the average earned, in 1966, 81 percent as much as they might have earned by renting out their land and accepting nonfarm employment.

The Commission created by this Act should not unnecessarily duplicate the work of the two previous studies. However, by drawing upon the work already done and drawing upon all relevant sources currently available, the Commission can produce an up-to-date appraisal of the farm income situation with a unified set of recommendations for the alleviation of this serious problem.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title. This Act may be cited as the National Parity Farm Income Commission Act of 1978.

Section 2. Purpose. Provides for the establishment of a bipartisan National Commission on Parity Farm Income in order to appraise the current agricultural income problem in the United States.

Section 3. Organization of the Commission. Provides that the Commission shall be composed of fifteen members: five members of the Senate, not more than three of which shall be of the same political party; five members of the House of Representatives, to be appointed by the Speaker with a similar political party requirement; and five public members selected by the President so as to reflect a variety of interests within the agricultural industry including family farmers.

Section 4. Compensation of Members. Provides that Members of Congress who are members of the Commission shall serve without compensation other than their regular Congressional salaries, except that they may be reimbursed for travel and other incidental expenses incurred in the performance of their duties. Presidential appointees to the Commission may be compensated at the highest rate of pay for positions at GS–18 under the General Schedule for Federal civil service for each day such person is engaged in the work of the Commission, and may be reimbursed for travel and a per diem allowance.

Section 5. Duties of the Commission. Provides that the Commission shall analyze and appraise the current farm income situation and in its report and recommendations to the President and the Congress, shall include but not be limited to the following:

(1) trends and current levels of net farm income in relation to the returns which farm labor and capital would earn if employed in nonagricultural endeavors;

(2) the effectiveness of the Food and Agriculture Act of 1977 in assuring parity income for agricultural producers with various sizes of operations; and

(3) recommendations for appropriate changes in statutes, policies and programs to render them fully effective in providing parity incomes for agricultural producers.

Section 6. Powers of the Commission. Provides for hearings; contracts with Federal or State agencies, private firms, institutions and individuals for the conduct of research or surveys, preparation of reports and other activities; and for such rules and regulations necessary for the conduct of its business.

Section 7. Administrative Arrangements. Authorizes the Commission to appoint and fix the compensation of an executive director and provides for the employment of additional personnel, including consultants and assignment of Federal employees on a reimbursable basis from other Federal agencies and departments. Provides that ninety days after submission of its final report, the Commission shall cease to exist.

Section 8. Authorization of Appropriations. Authorizes appropriation of $1,500,000 to carry out the provisions of this Act and provides that any money appropriated pursuant thereto shall remain available to the Commission until the date of its expiration.

CONCURRENT RESOLUTION

Whereas, the voice of the American farmer is being raised loud and clear throughout the land to direct attention to the serious economic plight that has befallen a most vital element of our economy, the production of food and fibre; and

Whereas, in statements, tractorcades, demonstrations and whatever means are available our farmers have amply demonstrated that they are united in a nationwide effort to bring about changes in our system of production and marketing of agriculture products before a catastrophe occurs that would seriously affect all of us and result in a substantial decline in our national standard of living; and

Whereas, by their actions and the information made available in connection therewith, the farmers and their organizations have pointed out the real and substantial disparity between their costs of production and the prices they receive in the marketplace; and

Whereas, the results of these inequitable conditions have raised the specter of bankruptcy for many farmers especially the owners and operators of family farms and many if not most farmers have been required to go deeply in debt by mortgaging their land and in effect are selling their inheritance merely to survive from year to year; and

Whereas, in the State of South Carolina farm debt has increased by ninety-four percent in the past four years with outstanding mortgages on farm real estate rising from two hundred sixty-nine million, eight hundred sixty-one thousands dollars in 1973 to five hundred twenty-three million, seven hundred twelve thousand dollars as of January 1, 1977, with the cost of production for farm commodities increasing from five hundred fifty-four million, two hundred thousand dollars to seven hundred thirty-seven million, nine hundred thousand dollars during the same period; and

Whereas, American agriculture is one of a diminishing few elements of our national economy where the efforts, know-how and dedication of those persons engaged in the production of food and fibre have been able to outproduce as to quality, quantity and cost of production, the competitors of other nations, an established fact which is the single optimistic factor in our otherwise disappointing balance of world trade; and

Whereas, the necessity to avoid a national disaster in agriculture by prompt and imaginative action by all concerned is an emergency situation that cannot be postponed; and

Whereas, the necessity of a national program to solve a national problem puts the primary responsibility for solutions upon the Congress and the President aided however to the extent possible by the states and all of our citizens. Now, therefore, Be it resolved by the Senate, the House of Representatives concurring:

That by this resolution the General Assembly memorializes the Congress of the United States and the President to:

(1) Carefully listen to and consider the voices of the American farmers being raised throughout the land to call attention to the serious economic plight of the farmer and American agriculture in general.

(2) After consideration of the problems raised and the dangers inherent therein, devise and enact appropriate legislation to enable the farmer to survive and continue to make the vital and necessary contributions to our nation they have historically made in the past.

(3) In the construction of a new and imaginative program to return to the farmer his much deserved right to earn a fair return for his diligent efforts, careful consideration is respectfully requested to the suggestions of the American agriculture organization and other groups proposed to enable the farmer to the extent feasible to achieve parity in the marketplace for the fruits of his labor.

(4) Incorporate into any programs devised procedures which more equitably divide the consumer's dollar between the producer of products sold and those who process, package and sell them after they leave the farm.

Be it further resolved that the General Assembly pledges its full cooperation and that of the people of South Carolina in the implementation of all federal efforts to solve the economic problems of the farmer for which efforts we establish the highest priority.

Be it further resolved that copies of this resolution be forwarded to the President, the Vice-President, the Speaker of the House of Representatives and all members of the South Carolina Congressional Delegation in Washington, D.C.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. THURMOND. I am very pleased to yield to the able Senator from Arizona.

Mr. GOLDWATER. Mr. President, I have enjoyed listening to the remarks relative to the plight of the farmer, and I have to say that farmers of my State find themselves in a similar condition.

I say to the Senator from South Carolina that one thing about 100 percent of parity has me very concerned, and I hope that during the course of the study on this bill it will be adequately explored.

History shows us that Rome's fall began when Rome began to support agriculture. When they began to find their prices below parity and Rome raised the prices to full parity, then other businessmen said, "Why don't you include us?"

That is a question that is hard for me to answer. What about the man who is running an automobile business and not making money, or a man in business, small business or large, who is not making a profit? How long will it be before they come to us with the same complaint that the farmers now have and ask for the same treatment?

That, I repeat, was the cause of the downfall of Rome—when other businesses began getting in the act.

For many, many years, I have dreaded the day when all farmers might find themselves in this plight, because we were supporting 30 percent of agriculture and not the whole thing.

I just wanted to make those comments, and I hope that during the course of his studies, the Senator will give this matter due reckoning.

Mr. THURMOND. Mr. President, I thank the able Senator from Arizona.

In response, I point out that the Senator from Kansas (Mr. DOLE), the Senator from Texas (Mr. TOWER), and I and other Senators introduced a bill several days ago that is entitled "To Provide Wheat, Feedgrain and Cotton Producers the Opportunity to Receive Parity Prices for 1978 Crops." This bill is calculated to help the situation immediately. The bill I have just introduced is a long-term situation.

For example, the bill that Senator DOLE and I introduced several days ago

would provide that the established price for an individual producer for the 1978 crop of wheat shall be at a level related to the set-aside such producer voluntarily makes pursuant to the act. If he sets aside, say, 20 percent, then the established price shall be $3 a bushel; if it is 35 percent, the established price shall be $4 a bushel; and if it is 50 percent, the established price shall be $5 a bushel. In that way, you keep production down.

It would not be 100 percent of parity on as much as he wants to produce, but he would have to set aside a certain percentage in order to get that parity.

In that way, this would appear to be about the most reasonable and practical bill that I think has been conceived so far. We do the same thing with corn and the same with cotton. They would have to make a set-a-side. They would have to reduce acreage if they are going to get any parity. They would only get a price in proportion to the proportion of set-aside they make.

For example, in cotton, if they set aside 20 percent, the established price would be 54 cents; but if they set aside one-half of that cotton, 50 percent, then the established price would be 84 cents.

We think this would overcome the point that has been raised by the distinguished Senator from Arizona and would accomplish the objective because of the reduction in the amount that would be produced because of a set-aside.

CONSIDERATION OF MEASURE ON CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 572, which has been cleared on both sides of the aisle, as in legislative session.

The PRESIDING OFFICER (Mr. MORGAN). Without objection, it is so ordered.

ABSAROKA-BEARTOOTH WILDERNESS

The Senate proceeded to consider the bill (S. 1671) to designate the Absaroka-Beartooth Wilderness, Custer and Gallatin National Forests, which had been reported from the Committee on Energy and Natural Resources with amendments as follows:

On page 1, line 7, strike "date June 1977" and insert "dated January 1978";

On page 2, line 3, strike "thirteen thousand five hundred" and insert "and seven thousand two hundred";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(b) of the Wilderness Act (78 Stat. 890), the area classified as the Beartooth and Absaroka Primitive Areas, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Absaroka-Beartooth Wilderness," dated January 1978, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the "Absaroka-Beartooth Wilderness," within and as part of the Custer and Gallatin National Forests, comprising an area of approximately nine hundred and seven thousand two hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Absaroka-Beartooth Wilderness with the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, However,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Absaroka-Beartooth Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. Nothing in this Act shall be construed as affecting in any manner or to any extent any claim by Park County, Montana, and Sweet Grass County, Montana, to a right-of-way from Cooke City, Montana, to Boulder, or to affect in any manner or to any extent the relative rights and liabilities between the parties in connection with Cause numbered 76–125–BLG, Park County, Montana, and Sweet Grass County, Montana, versus United States of America, et al., filed in the United States District Court for the District of Montana, Billings Division, on October 4, 1976. Nothing in this Act shall be construed as abating such cause or as amending or otherwise affecting or modifying the provision of law pursuant to which such cause was filed.

SEC. 5. The previous classification of the Beartooth and Absaroka Primitive Areas is hereby abolished.

Mr. MATSUNAGA. Mr. President, S. 1671 was favorably reported from the Energy and Natural Resources Committee on January 31, 1978. As reported by the committee, S. 1671 would designate approximately 907,200 acres within the Custer and Gallatin National Forests in the State of Montana as wilderness.

The bill was introduced by the late Senator Lee Metcalf on June 10, 1977. Field hearings on the proposal were conducted in Billings, Mont., last summer and a hearing here in Washington was conducted this fall before the Parks and Recreation Subcommittee. Testimony at both hearings was overwhelmingly favorable.

During the consideration of S. 1671, the committee agreed to make various minor boundary adjustments in an effort to avoid several resource conflicts. These adjustments were agreed to by Senator Metcalf prior to his death.

I urge my colleagues to join with me in paying tribute to Senator Metcalf's memory by approving this measure.

Mr. PAUL G. HATFIELD. Mr. President, I am pleased to reiterate my support for S. 1671, the Absaroka-Beartooth Wilderness Act, and to endorse the minor boundary change which has been offered by my senior colleague from Montana.

I understand that the boundary adjustment meets with the approval of all parties involved, and that it simply brings the Senate bill into line with what the House Interior Committee has already done.

I urge prompt consideration of the bill by the Senate.

UP AMENDMENT NO. 1213

Mr. MELCHER. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER), for himself and Mr. PAUL G. HATFIELD, proposes an unprinted amendment numbered 1213.

1. On page 1, lines 7 and 8, strike "January" and insert in lieu thereof "February".

2. On page 2, line 2, strike "and seven thousand two hundred" and insert in lieu thereof "and four thousand five hundred".

The PRESIDING OFFICER. The amendment is not in order at this time, being broader than the committee amendment.

Mr. MELCHER. Mr. President, I ask unanimous consent that the amendment just stated may be in order at this point.

The PRESIDING OFFICER. The Chair suggests that the committee amendments be considered en bloc and agreed to as original text. Then the Senator's amendment would be in order.

Mr. MATHIAS. Mr. President, I ask unanimous consent to that effect.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc as original text.

Mr. MELCHER. Mr. President, on behalf of myself and my colleague Senator PAUL HATFIELD, I have an amendment to the committee amendment to S. 1671, the Absaroka-Beartooth Wilderness bill.

I want to thank the distinguished gentleman from Hawaii, the vice chairman of the subcommittee.

Mr. President, the effect of my amendment will be to put the valley of the West Fork of the Stillwater River and the land up to the 7,000-foot elevation into the area proposed for the Absaroka-Beartooth Wilderness by S. 1671.

The committee had incorporated several amendments which changed the boundary and thus the acreage from the original bill proposed by Senator Metcalf from 913,500 acres to 907,200 acres. The effect of this proposed amendment would be to reduce the acreage to about 904,500 acres. The reduction would come about by excluding approximately 2,700 acres that comprise the AMAX and Anaconda claims in a heavily mineralized belt. These claims are roaded on both sides of the river but not into the West Fork Stillwater River valley itself. There is a road that comes down from the north along the river but it stops just short of the wilderness boundary.

The companies, while not wanting to lose any of their potential mineral properties, have indicated that they would like to save as much of their investment as is possible. The areas we are talking about have been roaded and rather heavily explored. This amendment would save the valley floor for the wilderness and keep the mineral activities above the 7,000-foot level. I have been in contact with some of the most knowledgeable people on this area in Montana and have

been told that the mineral activities are, in fact, all above the 7,000-foot level with wilderness proponents concerned with the area in the valley below that level. I have also been informed that the valley is an excellent access point to one of the best areas of the proposed wilderness, with a trailhead road running right to the wilderness boundary.

So the intent of my amendment is to modify the boundary line of the committee's version of S. 1671. I have described the amendment on a map dated February 1978, on file in the Office of the Chief, Forest Service, USDA. The movement of the boundary would be to drop it to the south side of the AMAX mining claims approximately in section 13, township 5 south, range 14 east, sections (projected) 18, 19, 20, 21, 28 to the 7,000 foot contour on the north side of the west fork of the Stillwater River, then north along this contour to a point in the SW¼ of section 14 (projected), across the west fork of the Stillwater River to the 7,000 foot contour on the south side of the river and then south along the contour to a point approximately in the SW¼ of section 22 (projected) on the south boundary of the Anaconda claims and then east along the south boundary through sections (projected) 22, 23, 24, and 25 to the point where the claim lines intersect the boundary of the wilderness indicated on the map referred to in S. 1671, as amended by the committee.

While this explanation is intended as the description of what I intend this amendment to accomplish, it is not intended as a hard and fast legal description. The Forest Service drafted this language and the map for me so I feel confident they will understand the intent of the amendment. It makes clear the river valley floor up to 7,000 feet will remain in the wilderness, but the roads and the mining claims will be removed from the wilderness. For example, the amendment removes the graded road in section 23 that actually goes approximately 600 to 800 feet below the mining claim boundary through an agreement with the Forest Service. The map I have referenced accounts for this factor.

I appreciate that committee's acceptance of this amendment at this late date, but I was not really made aware of the problem earlier. I was under the belief the Stillwater complex was to be left out of the wilderness.

I told the committee that I appreciated their prompt consideration of the bill, that such action was a positive step forward. The Absaroka-Beartooth area is the only wilderness area close to the eastern plains of Montana. It will make an excellent addition to the wilderness preservation system.

Mr. MATSUNAGA. Mr. President, the amendment proposed by the Senator from Montana (Mr. MELCHER) is acceptable to me. It is my understanding that this amendment, which has the effect of deleting approximately 2,700 acres from the proposed wilderness, has been agreed to by the House Interior Indian Affairs and Public Lands Subcommittee. We are asking that the Senate adopt the amendment now rather than wait for House action so that we can insure more expeditious enactment of this measure.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. HANSEN. Mr. President, if I may make just one very brief observation, I should like to join with my two distinguished colleagues from Montana in noting that this particular bill is in large measure the result of the dedicated efforts of our late and cherished friend, Lee Metcalf. I am very pleased, indeed, to be here with them and to note the vitally important contribution that Senator Metcalf made.

Mr. MELCHER. Will the Senator yield?

Mr. HANSEN. I am happy to yield.

Mr. MELCHER. I thank our distinguished colleague from Wyoming for those fine remarks concerning our late colleague, Senator Metcalf, our esteemed friend and our mentor in Montana. It is with that in mind that Senator HATFIELD and I are delighted that the Senate has seen fit to take up this bill this morning and have it passed as a tribute to Lee Metcalf.

The PRESIDING OFFICER. Are there further amendments? If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed as follows:

S. 1671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(b) of the Wilderness Act (78 Stat. 890), the area classified as the Beartooth and Absaroka Primitive Areas, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled Absaroka-Beartooth Wilderness", dated February 1978, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Absaroka-Beartooth Wilderness", within and as part of the Custer and Gallatin National Forests, comprising an area of approximately nine hundred and four thousand five hundred acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Absaroka-Beartooth Wilderness with the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Absaroka-Beartooth Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. Nothing in this Act shall be construed as affecting in any manner or to any extent any claim by Park County, Montana, and Sweet Grass County, Montana, to a right-of-way from Cooke City, Montana; to Boulder, or to affect in any manner or to any extent the relative rights and liabilities between the parties in connection with Cause numbered 76-125-BLG, Park County, Montana, and Sweet Grass County, Montana, versus United States of America, et al., filed in the United States District Court of the District of Montana, Billings Division, on October 4, 1976. Nothing in this Act shall be construed as abating such cause or as amending or otherwise affecting or modifying the provision of law pursuant to which such cause was filed.

SEC. 5. The previous classification of the Beartooth and Absaroka Primitive Areas is hereby abolished.

Mr. MELCHER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Routine morning business transacted and additional statements submitted will be printed later in today's RECORD.)

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate will now resume consideration of Executive N, 95th Congress, 1st session, which the clerk will report. Debate thereon is not to extend beyond 5 p.m. today.

The legislative clerk read as follows:

Executive N, 95th Congress, First Session, Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, on yesterday I spoke at some length in support of the treaties. I desisted from completing my speech yesterday in deference to other Senators who had been waiting. As a courtesy to the minority leader and other Senators who wanted to speak, I withheld the completion of my speech. At this time I shall continue on that speech, but I want first to yield to the distinguished Senator from Arizona (Mr. GOLDWATER) who very patiently awaited yesterday a turn at which he could deliver his own remarks in connection with the treaties.

So, Mr. President, without yielding my rights to the floor at this time, I yield to the distinguished Senator from Arizona (Mr. GOLDWATER) for such comments as he wishes to make.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I thank the majority leader very much for his generosity, and I promise him it will not be a lengthy speech.

Of course, it is on the Panama Canal Treaty, and I am in opposition to this treaty. Even though most of my original opposition was based on the lack of proper language in my opinion to guarantee our right to defend the canal. I believe that the amendments that have been offered to allow us to have the right to intervene at any time will remove that objection, but it will not change my vote.

Mr. President, the other day we had hearings before the Armed Services Committee, and I only wish that those hearings could have been held before the Foreign Relations Committee. To me, our hearings only confirmed further that the Panama Canal Treaty and the Treaty Concerning the Permanent Neutrality of the Panama Canal should not be ratified. If these treaties had formally been before our committee, I doubt they would have been recommended to the Senate for approval. In fact, there is serious question that the treaties can even be made acceptable by amendment and I do not believe that they can. At the least, further negotiation is required.

Militarily, arrangements in the proposed treaties are contrary to what most military experts say is in our best national interest. If we insist upon giving the canal to Panama, we must then through further negotiation better assure the continued right of the United States to keep the canal operating. We seem to have lost sight of the point that the canal is far more important to us than to Panama.

Financially, the testimony on the canal turnover was even more disturbing. If the Panama Canal Treaty is ratified, we could be committing ourselves to pay Panama hundreds of millions of dollars over the life of the treaty, due to possible, and quite probable, deficit operations. In fact, the financial forecast made for the proposed Panama Canal Commission is so shaky that the present Governor of the Canal Zone said he would not buy stock in the Commission if it was available and if he was able. Too much risk and uncertainty.

In my judgment, based on the testimony before the committee, I believe that the Panama Canal Commission will operate at a deficit after 1984, and that is after tolls have been raised to the point where additional increases would only drive away users and not produce additional revenue. This means it is likely that the canal will operate with an annual deficit through the time we would turn the canal over to Panama in 1999. Since the Panama Canal Treaty requires the canal to be turned over free of liens and debts, Uncle Sam is going to have to pick up a substantial tab.

At the same time the canal is operating in the red, Panama, as prescribed in the Panama Canal Treaty, will receive about $70 million annually through payments from the Commission, or a minimum of $1.5 billion cumulatively by 2000.

There is also the matter of the $20 million annual interest payment, required by law, paid the United States by the Panama Canal Company on the U.S. net direct investment. The State Department witness before our committee stated that the implementing legislation would contain a provision that the U.S. Treasury forego this payment.

And, Mr. President, I might say that we have yet to see this legislation. It was promised in October. We have been waiting since the hearings closed this week to hear from the State Department if anything has been done about it. Frankly, I do not know how we can proceed much further without the implementing legislation coming over from the State Department.

Over the life of the treaty these payments I am talking about mean the loss of over $400 million to the Treasury, another significant cost to the American people.

These kinds of financial arrangements just do not make sense and the American people should not be asked to support them.

The other evening at the end of the President's fireside chat. I was called by the press and asked what I thought about it and in simple English I said:

I wish he would level with the American people and tell the American people the truth if he can about the amount of money that it is going to cost the taxpayers of this country.

The President, as I say, was misinformed when he says this turnover will not cost the American people.

For that to be correct, we will need to reopen negotiations on these financial points. There is no requirement to pay Panama huge sums to take a canal that is worth $9.8 billion. That is quite a bit more than we have been hearing about, but I have added up all the available figures and it comes to $9.8 billion that this country is going to turn over to Panama.

Finally, the Senate requires the implementing legislation before it will have all the data necessary to determine what the full impact of the treaties will be. This legislation, as I said, was promised last October, but it is still not here.

To ratify these treaties without knowing the details of this particular legislation is like signing a contract without reading the fine print. I suggest this legislation is deliberately being delayed because disclosure of its contents would further jeopardize support for the treaties.

In summary, Mr. President, the military and financial conditions of the treaties are unsatisfactory and to the disadvantage of the United States. The administration continues to push for their ratification but apparently will not give Congress the necessary implementing legislaton.

Mr. President, there has been quite a bit said about the probable cost to the American people, and there has been quite a bit of conjecture of what these large sums of money will be used for.

I have to say, in my opinion, Panama is a bankrupt country, and I honestly do not believe that the payments earned by the operation of the canal will ever correct the economic chaos that exists in that country.

For example, they have total loans from 1969 to 1976 of $489 million obtained from the World Bank, the International Finance Corporation, the Inter-American Development Bank, Eximbank, and AID. And then from that relatively small amount, the loans from 1969 to 1976 were $131.7 million. So total loans from this agency from 1960 to 1968 were $10 million and then they jumped to $131 million.

We have the question of private banks and the money that is owed by the Republic of Panama. Private bank loans in our country and abroad have totaled today $886.6 million.

I have often in my debate suggested that maybe this treaty was written by the trilateral commission because the trilateral commission is headed by bankers, not just our own bankers but international bankers around this world.

I find it rather unusual that we have increased our foreign aid to the so-called developing nations, mostly of Africa, where these financial institutions have loaned money to these countries—and they are not getting the interest paid back—that we have increased our foreign aid to these countries. Again why? And I hope some day that answer will be coming.

The total loans from private banks now is $886.6 million, and the total loans from all sources is $1.5 billion.

The deficit of the Government has run from $8 million in 1968 to a high of $195.2 million in 1974, and in 1977 it was $77.4 million.

I ask unanimous consent that this compilation of debts be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

1. Loans approved for the Republic of Panama by the World Bank, International Finance Corporation, Inter-American Development Bank, Export-Import Bank, and AID.

(a) Total loans approved from 1960 to 1968 (9 years) U.S. $134,400,000.00.

Year	World Bank	International Finance Corporation	Inter-American Development Bank	Export-Import Bank	AID	Total
1969	0	0	9.8	0	4.8	14.6
1970	42.0	0	1.7	2.5	12.2	58.4
1971	23.4	1.5	17.4	21.5	11.0	74.8
1972	0	0	15.7	22.5	18.8	57.0
1973	34.7	0	18.0	41.6	0	94.3
1974	0	0	14.5	0	8.1	22.6
1975	24.0	0	42.2	27.7	21.2	115.1
1976	12.0	0	27.0	3.7	9.5	52.2
Total						489.0

Total loans from these agencies: 1960–1968—U.S. $134,400; 1969–1976—U.S. $489,000,000.00.

2. Loans approved by the International Monetary Fund for Panama. Total loans approved from 1960 to 1968; U.S. $10,000,000.00.

Year:	
1969	3.2
1970	10.0
1971	15.0
1972	9.8
1973	10.9
1974	31.1
1975	22.5
1976	29.2
Total	131.7

Total loans from this agency 1960–1968: U.S. $10,000,000.00; 1969–1976, $131,700,000.00.

3. Loans approved by private banks to the Republic of Panama: Total loans approved from 1960 to 1968 $3,700,000.00.

Year:	
1969	7.5
1970	0.0
1971	58.2
1972	65.1
1973	205.1
1974	86.9
1975	216.8
1976	247.0
Total	886.6

Total loans from private banks 1960–1968: U.S., $3,700,000.00; 1969–1976, $886,600,000.00.

4. Total loans from all sources: 1960–1968 (9 years), U.S. $148,100,000.00; 1969–1976 (8 years), U.S. $1,507,000,000.00.

5. Revenues and deficits of the Government:

Year	Revenue	Deficit
1968	127.0	8.0
1969	133.0	62.1
1970	160.1	48.5
1971	181.2	32.3
1972	197.9	105.7
1973	226.0	144.7
1974	271.4	195.2
1975	297.1	148.0
1976	281.6	164.2
1977	250.5*	77.4

* Nine months:

(a) Debt amortization has been excluded from expenditures. Therefore, the deficits are substantially larger than the ones shown above.

(b) Sources: "External Financing of Latin American Countries", Oct. 1977, published by the "Division of General Studies", of the "Economic and Social Development Department" of the "Inter-American Development Bank."

(c) "International Financial Statistics", January 1978, published by the "International Monetary Fund."

Mr. GOLDWATER. I will say, for those who are interested in where these figures came from that I have listed on this paper, it is chiefly from "External Financing of Latin American Countries," published in October 1977 by the Division of General Studies of the Economic and Social Development Department of the Inter-American Development Bank.

Mr. President, returning to the value of the canal, which we have never been able to get down in black and white from the Panama Canal Company itself, I have obtained miscellaneous values of the canal.

The original cost of building the canal was $387 million, and the original cost value of the Panama Canal enterprise was $993.1 million. That includes $10 million paid to Panama under the 1903 treaty.

The book value of the Panama Canal Company is $551.8 million, and the Canal Zone government, $59.6 million, for a total of $561.4 million; but the replacement value of canal operations, including armed forces facilities, totals $9.8 billion, including property at $3.5 billion, the Panama Canal itself at $5 billion, and the military, naval, and air plant at $1.2 billion.

So, Mr. President, when we hear from our President that this is not going to cost the taxpayers of this country anything, that is just plain wrong, and I would hope in his next fireside chat the President will carefully review what he said in his last fireside chat, and give the American people as honest an appraisal as we can get. I think "appraisal" is the only word we can use, because we feel rather certain that up until the year 1984 the Panama Canal Company will operate either at a profit or a slight loss, but after 1984 it is pretty much anybody's guess. In my estimation, the loss could reach, by the year 2000, or 1999, over a billion dollars, this would have to come out of the taxpayers' pockets.

At the same time, I repeat, I do not honestly believe that the Government of Panama as now constituted will be able to help themselves, help their people, with the money that comes from the canal. We find today that every cent that comes out of the canal operation goes back into the maintenance of that canal. People do not realize that we have dug enough dirt out of the canal since it has been finished to make a hole 1,600 feet square through the entire Earth. That is a lot of dirt to be dug out of anyplace, and it cost a lot of money. Our people are there dredging 24 hours a day.

I question, as I have questioned publicly before, that when the Panamanians begin to see these large sums of money come across their desks daily, weekly, and monthly, they are going to be able to resist the temptation to use that money for other purposes than maintenance of the canal. It is my feeling, therefore, that even if we do approve this treaty, within 5 years after the canal has been turned over the canal will be closed, or the United States will be back running it the way we are running it today.

I hope during the course of the debate we can spend more time on the cost element. I was particularly impressed by the minority views put in the report by the distinguished Senator from Michigan (Mr. GRIFFIN), because he covered quite thoroughly the financing of the canal operations, starting on page 194. I would advise my colleagues to read that and any other information they can obtain in this particular area.

Mr. President, this is my opening speech on the treaties. I wanted to make this speech before the Lincoln Day period started, because we Republicans will be out extolling the virtues of Abraham Lincoln and the poverty of the Republican Party. Hopefully we will come out with as bright a shine on the nose as Mr. Lincoln has in his place in Illinois.

Mr. President, the U.S. operational control of the canal and the attendant U.S. military presence in Panama to assure the continuation of that control have become, to me, the foundation of the security of both the United States and the Western Hemisphere against a Communist takeover of Latin America. Now this is true from the military as well as in a political and psychological standpoint. Panama, because of its geographical location at the crossroads of the Atlantic-Pacific transportation, because of its dominant position in relation to the Caribbean, and because of the existence of the canal, is at once both symbolically and practically the key to hemispheric defense. It is also the Achilles heel of that defense. The continuation of the U.S. military presence in Panama is, therefore, to me, the all important factor. As long as we have an adequate force in Panama to hold the fort until reinforcements, if needed, can be sent in, there seems to be little likelihood that defense of the canal will ever become necessary.

It is almost inconceivable that in the face of that military presence, any nation, unless it were bent on precipitating World War III, would launch a significant effort to wrest control of the canal from the United States. Defense from within, let me remind you, is a far different thing than defense from without. It is the latter that the new treaties would require the United States and the Western Hemisphere to rely on. Now from a military standpoint, in the absence of a preliminary holding capability, any attacking or infiltrating forces would become speedily entrenched in all strategic locations and the task of dislodging them from without would be a major costly and highly destructive one as compared with that of repelling such forces at the outset. And from a political standpoint, there is also a vast difference between, on the one hand, augmenting military forces already legitimately positioned within a country and, on the other, introducing forces into a country where there are none, no matter how firm the legal right to do so may be. The latter would be the case after 1999, and again, in my opinion, before that, under the proposed new treaties.

Even if it were quite clear that the United States had the right to send force into Panama to defend the canal, and the proposed new treaties are wholly unclear on this point, and I might say I've read both the treaties in Spanish and, of course, in English—the cries of imperialist aggression and imperialist intervention would be so orchestrated internationally as to effectively deter any such action on the part of the United States, woefully sensitive as we Americans seem to be to world opinion. Even then rightful defense of lives and property are involved. Not much less important in the military considerations regarding a continuing U.S. military presence in Panama are the psychological ones.

SOUTHCOM—that is the Southern Command—has become to most Latin

American military leaders and, therefore, to most Latin American governments, the energizing center of their Latin American defense system. They feel possessive about it—they are proud of it. This has come about by virtue of SOUTHCOM's military assistance and representative functions throughout Latin America, all headquartered in Latin America. The very fact that the United States deems Latin America of such strategic importance as to maintain the hub of its operations in defense of the area in Panama is a matter of considerable significance to Latin American leaders. That significance is appreciably enhanced by the additional fact that the Commander of SOUTHCOM has consistently been a U.S. general officer of a rank substantially higher than the size of the forces under his command would ordinarily call for.

If the functions and responsibilities of SOUTHCOM were to be transferred to a command headquarters within the continental United States, as the proposed new treaties would, in effect, require, U.S. military rapport with Latin America and, hence, U.S. diplomatic rapport with Latin American governments, would diminish greatly.

A tendency would inevitably be generated for Latin American nations to look elsewhere for military assistance and cooperation. The basic nexus of current United States-Latin American relations would be destroyed. The recognition of this fact is, of course, anathema to those who view foreign relations only in terms of universal sweetness and light. Nevertheless, it is a reality and a transcendent one.

One of the major contributing factors to the development of this situation—the close military bonds between the United States and the Latin American nations, has been the various military schools operated by SOUTHCOM in Panama for the benefit of all Latin American military establishments. Many of these schools are staffed to a substantial degree by their own Latin American honor graduates.

The alumni body of these institutions spread throughout Latin America now numbers around fifty thousand, and while I do not think any North American has any liking for dictators, as long as we have to live occasionally with dictators, I would rather have them be friends of ours than against us. To cite just one example of the effectiveness of these military educational facilities, the counter-insurgency curriculum conducted over the years in one of the schools, the prestigious School of the Americas, has played a leading role in thwarting the Latin American communist insurgency problem instituted by Fidel Castro as far back as the 1960's.

Now to give all this up—to place ourselves in a position of being unable to resist a takeover of the Panama Canal by the Soviets or by any other country dominated by what I call "slave" governments, to place Panama in the position of a sitting duck and to destroy our close military and hence governmental ties with Latin America, to me, would be the height of national folly.

The proposed new treaties are a blueprint for just such a course of action. And, in closing, I might say that I have talked with President Carter about this and I have written him the same suggestion I made to his face—namely, with all due respect to the work done by Mr. Bunker and Mr. Linowitz, and others, that we begin negotiations again and keep the Panama Canal up on the shelf and work out some kind of a Marshal plan or something that we can do in that way to help the Panamanian people, thereby taking care of the great inequities that we, ourselves, by the establishment of the Canal Zone, are mostly responsible for.

Mr. GRIFFIN. Mr. President, will the Senator from Arizona yield?

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Arizona (Mr. GOLDWATER) for the purpose of his being able to yield to Senator GRIFFIN.

Mr. GRIFFIN. I thank the distinguished majority leader. I want to thank the distinguished Senator from Arizona for his reference to my minority views, and perhaps to add a footnote or a little addendum to some of the things that he has said concerning the matter of bank loans having been made to the Panamanian Government.

It used to be said, or was said at one time, that what is good for General Motors is not necessarily good for the United States; and even though I am from Michigan I think that is true. I do not think that the interests of General Motors necessarily are always the same as the interests of the United States.

By the same token, the interests of the big New York banks, which have made huge loans to the Government of Panama under the Torrijos regime, are not necessarily the same as the views or the policies that the United States should follow.

I called attention to the fact—I regret it that I had to do it, but I really felt that it should be done, because there was an affront to the Senate involved—when President Carter circumvented the confirmation process in submitting the name, as chief negotiator, of Mr. Sol Linowitz by putting him up only on a temporary basis, and not having his qualifications and possible conflicts of interest subjected to scrutiny.

I thought it was too bad that Mr. Linowitz did not come forward with the information and in fact want a hearing, to reveal the fact that he had been on the board of directors of one of these big New York banks that participated in the huge loans made to the Torrijos government in Panama, and furthermore, to have acknowledged and given his explanation, which I feel confident would have been adequate, about the allegations that earlier, as a lawyer, he had represented the Marxist Allende government of Chile, and the allegation that his law firm and he had to register as an agent of the foreign government in connection with that activity. To have these things surface later and to have the administration put his name up on a temporary 6-month basis puts him under a time deadline, so that he has got to get the treaty negotiated before his 6-month period is up, does not exactly build confidence in the Senate as far as the process is concerned, and I think the Senate ought to resent having been treated that way.

Under the Constitution, the Senate is an integral part of the treaty-making process, and a chief negotiator who is going to negotiate a treaty should have had his name submitted to the Senate, and we should confirm him. I think not only that, but it would have been wise if the administration had taken the Senate into its confidence more, not only this administration but prior administrations, in terms of what was going on in the negotiations. Certainly as we were nearing the final product the Senate should have been a part of it.

This has happened in the negotiation of many treaties in the past.

Those observations do not go precisely to the text of the treaty, but when we see so many ambiguities in language and we see measures which were adopted at the last minute that, in my humble opinion, do not serve the interests of the United States, then we look at the background and say, "Well, how did this come about?"

That aspect of it, the fact that there are these big loans outstanding to the Torrijos government of Panama, and the circumstances under which Mr. Linowitz' nomination was made, just do not help anybody who is on the fence in trying to decide which way to go.

Mr. GOLDWATER. I agree with my friend from Michigan. In fact, I was inclined toward voting for the ratification of these treaties. We had a meeting over here one afternoon in the majority leader's office in which Mr. Bunker and Mr. Linowitz were in attendance. I told them my turn was not 180° but maybe 120°; that I could not go much further until I saw the text of the treaties. He told me I would see them within the next day. It was 2 days after the President and Torrijos had the ceremony that I saw copies of the treaties.

Since that time I have debated Mr. Linowitz in Atlanta before the Georgia Bar. I made the proper apologies for just having to assume the presence of the trilateral commission, because I recognized that he was a member of this. In fact, I would not say I could safely say but nearly every member of the Carter administration is a member of this. I put their purposes into the RECORD sometimes ago. I believe I will put them in again.

They are very loyal men. They are patriotic, good Americans. But I do not quite agree with all of their purposes. One of those purposes is sort of making the world over, not in the nature of the United States but in the nature of what they feel it should be. In this making over is the making over of the monetary system of the world. We have heard Mr. Robert McNamara speak on that subject many times.

I would like to know sometime, and I would hope that during the course of this debate we could get into this matter, why these big banks in this country and

abroad are so vitally interested in the canal treaty. The only conclusion I can come to is that they are in trouble, and they are in trouble because they have made stupid loans to ccuntries which are not paying them back.

I agree with my friend from Michigan that it is not the job of the U.S. Government to pay people who have lost money. That is the way of doing business in this country: You either succeed or you do not. It is not our purpose to bail out banks, railroads, airlines, or anybody else.

Again, I am happy that the Senator wrote what he did in his minority views. I hope that the people of the United States will slowly come to realize that giving the Panama Canal away is not just giving away something we have paid for throughout the 70 years, but we are going to keep on paying for it, and paying for it to the benefit of some other country.

Mr. President, again I want to thank the distinguished majority leader for his generosity in yielding time to me. I yield back the floor.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Arizona (Mr. GOLDWATER) for his patience of yesterday and his forbearance in waiting, as he did, in presenting his remarks. He has certainly waited long and patiently. I was glad to yield to him before proceeding with my comments today,

Mr. President, the distinguished Senator from Michigan (Mr. GRIFFIN) has referred to the expiration of the term of Ambassador Linowitz in a way that would imply that simply because the 6-month term of Mr. Linowitz as Ambassador was coming to an end, the treaties somehow had to be hurried, and the completion of the negotiations was hastily made, leaving the inference for some to draw, perhaps, because Mr. Linowitz' term was about to come to an end that, ipso facto, the negotiations were summarily and prematurely brought to a close.

Well, Mr. GRIFFIN asked Mr. Linowitz some questions during the Foreign Relations Committee hearings. But as far as I have been able to determine in a cursory reading of the hearings, I cannot see that Mr. GRIFFIN made much of a point of that matter during his questioning of Mr. Linowitz.

The truth of the matter is that Mr. Linowitz did not have to have the title of Ambassador to continue to assist Mr. Bunker in the negotiations. He continues to assist even up to today in the efforts to bring about the proper understanding of the contents of the treaty.

Let it not be said that Mr. Linowitz had to retain that title of Ambassador in order to continue to assist Ambassador Bunker in the negotiations.

Mr. President, I spoke on yesterday at some length, and I responded to questions from other Senators. I indicated then that I had not completed my speech, but that out of deference and as a courtesy to other Senators, particularly the minority leader, I would forgo the completion of my remarks until another day, perhaps today.

I shall not detain the Senate overly long today because I expect to be discussing the treaties further following the nonlegislative-day period.

The matter of economics, for example, is going to be addressed at considerable length and in appropriate depth by me and by others at the proper time.

Mr. President, the core of American concern over the Panama Canal treaties extends beyond the technical arguments of sovereignty and defense and use of the canal.

These are important, vital arguments and issues, but the fundamental concern of the American people, I believe, goes deeper than even these fundamental technical arguments.

I believe that a fundamental uneasiness felt by the American people is that in approving the new treaties, we are in some way retreating from the spirit, or the fervor, or the esprit de corps that made this country great.

There are those who would say that we are sliding down the mountain of greatness; that we have reached the zenith, that we have reached the apex of our national greatness, and that we are receding from that zenith of power; that the Vietnam war, and now the possibility of what some of the opponents refer to as "giving up" the Panama Canal, are signs that our nationalistic fiber is being peeled away; that we are soft—soft.

Such an argument is not worthy of a great people. Such an argument is not worthy of the American people, and it is not worthy of our maturity as the leading world power.

We must not be so insecure as a great nation as to insist upon an anachronism, a colonial presence in Panama.

It is because we are a strong nation that we can act with vision, a vision that is in our country's best interests and that we can change with the times; that we not only can see the pebble in the road today, but that we can see the distant mountain on the horizon tomorrow. We must not let this historic Panama Canal debate become clouded with the politics of fear, the arguments of fear, the concept of fear—fear of loss of power, fear of loss of face. In approving the ratification of these treaties, we lose neither; there is neither loss of power nor loss of face.

We must remember that Panama is a sovereign nation. Its people have the same basic feelings, basic aspirations and nationalistic pride that we have. Let us walk in the shoes of the Panamanian people. But, more importantly, let us make sure that we are filling our own giant shoes.

We seek approval of these treaties not for Panamanian interests. Panamanian interests are a byproduct. We seek approval of these treaties for our own national security, our own commercial and political interests. And when all of the fancy trappings are stripped away, and when the historical arguments over the 1903 treaty to which we addressed our remarks yesterday and the subsequent intentions or misintentions are put aside, it remains that these treaties today promote our interests and will add immeasurably to the backbone of our foreign policy in Central and South America.

It would be a mistake for us to turn our backs on these treaties through some false sense of nationalistic bravado. The treaties must be judged with common sense, and with a clear perception of the realities of today and the realities of tomorrow, and with a simple sense of justice and fairness.

Mr. President, yesterday, as I have indicated, I spoke of the history of the Panama Canal Treaty of 1903 and our Nation's longstanding interest in a secure international waterway linking the Atlantic and the Pacific Oceans, open to the United States and all of the nations of the world. In the long, tenuous history of the canal, nothing has come easily. Certainly not the construction of the waterway, which, even in this space age, remains one of history's outstanding engineering achievements.

Nor was agreement on these two treaties which are now before us easily achieved. There is a tendency to overlook the fact that the negotiations which led to the treaties involved a two-sided process, attempting to reconcile the interests of both nations. It is my firm belief that the U.S. negotiators have secured an agreement which, as President Carter has stated, "is in the highest national interest of the United States and will strengthen our position in the world."

Mr. President, that is the mudsill, that is the benchmark, that is the cornerstone on which we should base our decision in this debate: what is in the best interests of the United States of America. Our primary objective is to have continued access to and continued use of the canal. Because of its importance to United States and world commerce and because of its strategic value, such use is best assured by ratification of the new treaties, which would result in an atmosphere of cooperation rather than confrontation in Panama.

Yesterday, Mr. President, when I alluded to cooperation versus confrontation, the question was asked of me by the very distinguished Senator from Nevada (Mr. LAXALT)—and I paraphrase. Whether it was a question or an observation, it added up to the same: To wit, that it is to be hoped that we do not reach our decision on these treaties based on the fact that there may be confrontation somewhere down the road and based on the fact that there are extremists in Panama who might stir up trouble if the treaties are rejected.

I said at that time that there have always been extremists in Panama and in the United States of America and in every country. But I stated also that we were not—to use the words of some of the opponents—running, not bending the knee, not making a decision out of fear. And I stated that there is no conceivable situation which could arise, if the treaties were rejected, which the U.S. military could not handle.

By that, I meant that there is no conceivable situation the result of which would mean the ouster of U.S. forces. Of course, difficult situations could arise, there could be a very hostile environ-

ment that would necessitate additional American manpower. Yes, in any conceivable situation, we could continue to hold onto the facilities. We could continue to control the Canal Zone. But there is no way under heaven that we could guarantee—no matter how many American soldiers and marines and airmen and naval personnel that we should send to Panama—no way that we could guarantee the continued, uninterrupted use of the canal at any and all times by our own country, or the other countries of the world.

Of course, we could convoy ships through the canal as they were convoyed across the Atlantic during World War II, but we could not assure uninterrupted use of that canal at all times.

That was what I meant.

But there is an easier way, a way to avoid that kind of circumstance, a way to avoid the confrontation, a way to avoid the hostile environment that would bring about certain interruptions of use of the canal and have a detrimental impact upon world shipping through that international waterway.

There is a better way, and that better way is to work in the context of the good neighbor policy, to work with, rather than in opposition to, the country that is sovereign over that strip of land, 10 miles wide and 50 miles long.

What is desirable and necessary is an atmosphere of good will and understanding and mutual respect and faith and trust. That is the way best to keep the canal open, to best guarantee access to it, and best to assure the unimpeded and uninterrupted use of it by our country and the other countries of the world in peace and in war.

The President in his recent fireside chat said, and I quote:

> Military experts agree that even with the Panamanian armed forces joined with us as brothers against a common enemy, it would take a large number of American troops to ward off a heavy attack. I, as President, would not hesitate to deploy whatever armed forces are necessary to defend the canal and I have no doubt that even in a sustained combat that we would be successful. But there is a much better way than sending our sons and grandsons to fight in the jungles of Panama. We would serve our interests better by implementing the new treaties, an action that will help to avoid any attack on the Panama Canal.

That is the close of the quotation which I shall use from the President's fireside chat.

So let it not be said, Mr. President, that we would vote to approve the treaties because we have lost our nerve, that we are running, that we are retreating, that we are receding, that we are losing face.

We will be acting in the best interests of the United States to assure the continued use of that canal by our own country and other countries.

Mr. President, I yield to the distinguished Senator from Idaho (Mr. CHURCH), who is a very fine, useful member—and may I say an eloquent one—of the Foreign Relations Committee.

Mr. CHURCH. I thank the majority leader for yielding. I appreciate his kind remarks.

He goes to the very core of the argument over the treaties when he emphasizes that this is not a question of yielding. It is not a question of genuflecting before Omar Torrijos. It is not a question of being pushed around by one of the smallest and weakest countries in the Hemisphere.

Such arguments are absurd on their face. Neither, I suggest, is it a question of what radical elements might do.

Whether the Senate chooses to ratify or reject these treaties, as the distinguished majority leader has correctly observed, every nation on Earth has its radical elements and there is no way to guarantee, one way or the other, that these elements in Panama might not cause trouble in the future.

What we are discussing here is not the irresponsible action of radical elements. It is, rather, the legitimate aspirations of the Panamanian people, the whole people, to reclaim jurisdiction over their land.

A plebiscite has recently been held in Panama and two-thirds of the Panamanian people have endorsed these treaties as the way to reclaim their jurisdiction. That, in itself, demonstrates how strongly the great majority of Panamanian people feel.

Mr. ROBERT C. BYRD. And with a 95 percent turnout.

Mr. CHURCH. Yes, indeed.

Mr. ROBERT C. BYRD. Which ought to teach us a lesson in our own elections.

Mr. CHURCH. Moreover, I say to the Senator that many of those who cast their ballots against the treaties did so because they believed that the gains in the treaty for Panama were insufficient, that it was unfair to make them wait until the end of the century to assume the management of the canal, that the United States, in effect, had retained too much at the bargaining table.

If the question in the plebiscite had been confined to the right of Panama to reassert her jurisdiction over the Canal Zone, I dare say that the vote would have been very nearly unanimous.

So let us not get this debate diverted into a discussion of what radical elements may do. The real question, as the Senator has correctly put it, is whether the United States is going to recognize the legitimate aspirations of the Panamanian people. The Canal Zone is the only sizable piece of foreign real estate that we hold anywhere in the world today against the wishes of the people of the country in which that holding is located.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield at that point?

Mr. CHURCH. I am happy to yield.

Mr. ROBERT C. BYRD. Will the Senator allow me to interrupt him at that point?

Mr. CHURCH. The Senator has the floor. I have been the interrupter.

Mr. ROBERT C. BYRD. Will the Senator allow me to intervene at this point?

Mr. CHURCH. Yes, indeed.

Mr. ROBERT C. BYRD. How would the people of Idaho feel if, through the State of Idaho, there were a strip of land 10 miles wide and 50 miles in length, under the control and jurisdiction of a foreign power?

I ask this rhetorical question: How would the people of West Virginia feel—a State whose motto is "mountaineers are always free," always, always free—if, through those million hills there ran a strip of land 10 miles wide and 50 miles long or 5 miles long or a half-mile long, which was controlled by a foreign power? How would the mail then run?

Mr. CHURCH. The Senator knows full well the answer. The people of Idaho and the people of West Virginia would not put up with it for a minute.

Mr. ROBERT C. BYRD. There would not be a foot of territory along that strip in West Virginia that would be safe, at day or at night, for those of the foreign power. And that is the situation that the Panamanians have faced for over 70 years.

Mr. CHURCH. No American listening to this debate would have any doubt about what we would do.

The only reason the Panamanians have refrained from taking matters into their own hands for the last 75 years is the enormity of our power, the immensity of our military presence, as contrasted to their own weakness.

The opponents of these treaties have the argument turned on its head. It is not the United States that will be weak by being magnanimous. Just the reverse. It has been the weakness of Panama which has made it impossible for the people of that country to rectify an imposition which, if it existed in this country, our people would not condone for a moment.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I will yield shortly.

On this point, I wish to quote for the record Secretary of Defense Brown during his appearance before the Committee on Foreign Relations of the U.S. Senate, at the time he addressed his remarks to the subject of the Panama Canal Treaties. I quote Secretary of Defense Brown:

> The canal was built for shipping, not slogans. We seek to guarantee transit of vessels, not theoretical claims of title. These goals we have sought, as I said at the beginning, are practical. The issues before you are practical ones. Our negotiations have obtained instruments which, more certainly than thousands of forces and their armaments on the spot, will assure those practical objectives for generations to come.

That is the close of the quotation which I shall use at this moment.

I now yield to the distinguished Senator from Utah (Mr. HATCH).

Mr. HATCH. I thank the distinguished majority leader for yielding to me.

I have had difficulty believing what I have been hearing here, making comparisons between West Virginia and other States and the situation in Panama.

I suggest and submit that if Congress does not do something for New York City very soon, New York City would be happy to have somebody like the United States come in and assist them, rather than go down the drain.

Mr. ROBERT C. BYRD. The United States has assisted New York City.

Mr. HATCH. The Banking Committee has refused to assist them this year.

All I am saying is that there are a lot of differences.

It does annoy me somewhat to hear the argument that we have mistreated and tramped all over Panama, when in fact we have given them, per capita, the highest foreign aid of any nation in the world, when we have done a great deal for Panama. I think we should do a great deal more—if we were permitted to continue to manage the canal in the same expeditious, inexpensive, and indiscriminate manner that we have in the past, for the benefit of all nations; especially if we did not have to give up that control, which may be very unbeneficial to this country, and especially under the terms submitted by the President and others, that it will never cost us a dime, when we all know that it will cost us hundreds of millions of dollars for the next 20 years.

Mr. ROBERT C. BYRD. Mr. President, I do not yield at that point.

Mr. HATCH. May I ask a question, then?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. ROBERT C. BYRD. The President, in referring to the revenues of the canal as being the total to Panama, said:

> Under the new treaty, any payments to Panama will come from tolls paid by ships which use the canal.

The President was preeminently correct in that statement, and it is a misplay on words to accuse the President of the United States of having said something that he did not say. Payments to Panama will come from the tolls that result from the traffic through the canal. We will talk more about the economics of the canal.

The distinguished Senator does not put words in my mouth. I have not said we "mistreated" the Panamanians. But I have said that the time has come, in the best interests of the United States, to approve these treaties and by the year 2000 to relinquish the control over the Canal Zone and the operations of that zone and that the sovereignty of Panama, which always has resided in Panama since the 1903 treaty was written, be fairly and justly recognized.

Mr. President, with inclusion of the two amendments I have proposed together with the distinguished minority leader and 77 other Senators, I am convinced that there can be no doubt that the treaties will better protect our long-term interests than does the 1903 treaty.

Since I first reviewed the treaties in September, it has been apparent to me that it would be necessary to clarify two important points concerning our interests and our rights, and these two amendments, if adopted, will guarantee our rights on these two matters.

First, the right of the United States to take action to defend the canal and to assure that it will remain open; and

Second, expeditions or "head-of-the-line" passage through the canal for U.S. military vessels in time of need or emergency.

I stressed to President Carter the importance of clarifying these matters prior to the Panamanian plebiscite which occurred on October 23, and they were dealt with in the statement of understanding agreed to by President Carter and General Torrijos on October 14.

In November, when I led a Senate delegation to Panama, we discussed the statement of understanding with General Torrijos, and he unhesitatingly indicated his adherence to the agreement. Further, it was clear that the Panamanian people had been informed about these points prior to the plebiscite. In a television address to the citizens of Panama on October 20. General Torrijos discussed the statement and said he should have signed it. The transcript of that address is included in the published report of our senatorial delegation to the Republic of Panama. General Torrijos had the text of the understanding read to the audience. He said,

> Let the people know that when they go to vote on October 23, everything will have been said. There is nothing, absolutely nothing, hidden.

I do not think there should be any question that we have the right to defend the canal or the right of expeditious passage under the treaties. But in order that no doubt about that interception be left for future generations, I have consistently taken the position that the substance of the October 14 statement should be incorporated in the treaties or into the resolution of ratification by some parliamentary technique, and that is the purpose of the amendments.

Mr. DOLE. Mr. President, will the Senator yield at that point just for an observation?

Mr. ROBERT C. BYRD. I yield.

Mr. DOLE. I think it would be fair to say that without the distinguished majority leader's insistence that that be the procedure we would probably not be on the floor now with 77 or more cosponsors, or there will be more cosponsors. And I think the distinguished majority leader has performed a great service, as has the minority leader and the distinguished Senators on the Foreign Relations Committee.

Mr. ROBERT C. BYRD. And as has the distinguished Senator from Kansas (Mr. DOLE) who now speaks, who from the beginning has insisted that these points be clarified.

Mr. DOLE. But the point is that the two amendments go a long way in satisfying the fears that many Americans have, and whether we are now in a position to be able to support the treaties, there is no doubt in my mind that we would not be on the floor today with the treaties had it not been for the leadership provided and we may still have some difference, but I think the American people understand, and should understand, that we have gone this far, and we have gotten this far for a number of reasons. First, the leadership provided by the distinguished majority leader and those on the Foreign Relations Committee and the distinguished minority leader, Senator BAKER, the willingness of the leader of Panama to accept, maybe not with enthusiasm, but at least to understand the problem we had in the Senate, and I think the President of the United States understanding the problem we had in the U.S. Senate. There may still be differences that can or cannot be resolved, but I hope and I believe that the American people understand that these are two giant steps in the right direction. I commend the distinguished majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Kansas. He has rendered a contribution to the national debate and he has rendered a service to the people in pressing for action on these two points. He may have other points in mind. I do not know. There may be, and there will be others in the Senate who will have additional suggestions. And I think we should all keep an open mind to such suggestions as may come forth in the form of declarations and statements, and so on, keeping in mind, however, that we ought not go beyond a certain line, a line that is consistent with the best interests of the United States and one which will not require renegotiation of the treaties and hopefully will not require another plebiscite on the part of the Panamanians.

I want to turn now, and I shall not overly detain those of my colleagues who have not yet spoken—I will not complete my remarks today—but I do want to turn for a few minutes to some or at least one or two of the major points at issue in this debate. I shall not attempt to discuss all of these major points today. In some cases, I believe there has been a considerable amount of misinformation. There are several key points that should be kept in mind.

One of the basic reasons I support these treaties and one of their essential features is that whenever and however the neutrality of the canal is threatened we shall have the right to take whatever action necessary to protect that neutrality.

That right is established in article IV of the canal treaty and will be assured after the year 2000 by the permanent neutrality treaty reinforced by the amendment proposed by the joint leadership, amendment No. 20 to article IV.

And I shall read from this amendment, which is sponsored and cosponsored by 78 Senators, the following extract:

> Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the Neutrality Treaty), Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat.

Not just some threats, not just certain threats—but any threat; not just any threat emanating from a certain source, but any threat no matter from whence it may come.

"Any" is all-inclusive, all-encompassing, and all-embracing.

The Foreign Relations Committee, in its report on the Panama Canal Treaty, stated its interpretation of the understanding of this amendment which that committee recommended:

> It allows the United States to introduce its armed forces into Panama whenever and however—

Whenever and however—

the canal is threatened.

Let me say it again:

It allows the United States to introduce its armed forces into Panama whenever and however the canal is threatened. The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, have the right to act against aggression or threat directed against the canal or against the peaceful transit of vessels through the canal.

So, Mr. President, let there be no doubt as to the meaning, as to the clear meaning, of those words.

I would also mention another feature of these treaties which is often overlooked, but which is an additional reason why the new treaties are an improvement over the 1903 treaties. Listen to this:

Under the existing 1903 treaty, it is conceivable that Panama could invite or allow another country or countries to garrison troops within its borders—

And we would have no legal basis whatsoever on which to lodge a complaint or an objection, as long as those troops were garrisoned outside the Panama Canal Zone. Let me repeat that:

Under the existing 1903 treaty, it is conceivable that Panama could invite or allow another country or countries to garrison troops within its borders outside the canal zone, and the United States would have no legal basis to object.

However, article V of the Neutrality Treaty now before the Senate provides that after the year 2000, when U.S. troops have departed, only the Republic of Panama shall maintain military forces, defense sites, and military installations within its national territory.

Mr. DOLE. Mr. President, will the distinguished Senator yield at that point?

Mr. ROBERT C. BYRD. Yes.

Mr. DOLE. As the Senator may know, the Senator from Kansas is interested in that particular point. What concerns this Senator is the gap between the date that these treaties are effective and the year 2000. Is that covered anywhere in the treaties, that 23-year period?

Mr. ROBERT C. BYRD. They can bring in troops now. They can garrison troops in Panama today, as long as they are not garrisoned within that 10-mile-wide strip 50 miles long of the Canal Zone, and we would have no legal basis whatever to object.

But under article V of the treaties now before us, after termination of the Panama Canal Treaty; that is, after the United States relinquishes its complete control and operation of the canal, only the Republic of Panama shall operate the canal and maintain military forces, defense sites, and military installations within its national territory.

So article V of the neutrality treaty is indeed an improvement over the 1903 treaty, in that it gives us assurance, it gives us a guarantee that once the United States moves out of the zone, no other country in the world can locate a military installation or a military force anywhere in Panama.

Mr. HATCH. Mr. President, will the Senator yield on that point?

Mr. ROBERT C. BYRD. If the Neutrality Treaty is rejected, then we will continue to live under the 1903 treaty, and we will not have that guarantee against the location of a foreign military garrison in Panama that will be afforded by the treaty if it is approved and ratified.

Mr. DOLE. Right. The Senator from Kansas understands that, if the Senator will yield further, and that will be a matter of some contention. I have an amendment to amendment No. 11, and also an amendment about some presence after the year 2000, that will be debated at the appropriate time; but I think the explanation offered by the distinguished majority leader is helpful, and I can understand the logic that if our troops are phased out, then they lose that right for any other nation to have troops there. The logic of it does make a great deal of sense, but I believe we should examine it carefully, because it makes a difference as to whether we pursue amendment No. 11, offered by Senator GOLDWATER and others.

Mr. ROBERT C. BYRD. I thank the Senator. I read from the Foreign Relations Committee report on the Panama Canal treaties, page 143, an extract from a section-by-section analysis of the articles, and as to article V, this is what the committee has to say:

This important element of the regime of neutrality precludes the operation of the Canal, or the garrisoning of military forces or the maintenance of defense sites or other military installations in Panama, by any foreign nation after the termination of the Panama Canal Treaty. Both Parties strongly supported inclusion of this prohibition in the regime of neutrality to ensure that neither Panama nor any Canal in Panama will come under foreign domination in the future.

So, Mr. President, article V of the Neutrality Treaty now before the Senate represents an improvement over the 1903 treaty insofar as our interests are concerned, in seeing to it that no foreign power establishes military forces, defense sites, and military installations within the national territory of Panama after the year 2000. It gives us a legal basis which will be recognized in international law on which to object and to complain, and that we do not now have under the 1903 treaty.

Mr. HATCH. Will the Senator yield on that precise point for a question or two?

Mr. ROBERT C. BYRD. Yes, I do.

Mr. HATCH. As I remember that article V, it is not quite as clear to me as it apparently is to the distinguished majority leader, in whom I have a great deal of confidence.

It says:

After the termination of the Panama Canal Treaty, only the Republic of Panama shall operate the canal and maintain military forces, defense sites and military installations within its national territory.

As I understand it, we are reducing our military bases from 17 down to 4, and turning all civil and criminal jurisdiction over to the Canal Zone.

What would stop Panama from allowing military advisers from unfriendly powers to the United States, including, as long as Panama paid for them, and there are many ways that could occur, military troops?

Mr. ROBERT C. BYRD. Nothing under the 1903 treaty would prevent that.

Mr. HATCH. And nothing under this treaty would prevent it.

Mr. ROBERT C. BYRD. And nothing under the 1903 treaty would prevent it.

Mr. HATCH. Except for 17 major U.S. bases and an inviolate 10-mile zone 40 miles long, that is very well protected by the United States of America, which will not be able to protect it as well then.

I do not see where this provision is well written. I think it is ambiguous. I do not think it is helpful, and I would be glad to hear the distinguished majority leader's viewpoint with regard to that.

Mr. ROBERT C. BYRD. The distinguished Senator——

Mr. HATCH. I appreciate the Senator's bringing this up; I think you are doing a great service to the Senate. You and I have had a very good relationship over this past year. I have great regard for you. I admire your ability, and I particularly respect your viewpoints on every occasion, even though we very often disagree.

I would like to have the Senator's viewpoint with regard to what I consider to be not only ambiguous but a very poorly written, very ill-defined, very inadequate text or provision with regard to the United States. I would also be interested in comments concerning my belief.

The Senator says he believes that we are better protected under this treaty. Concerning the 17 bases, they will gradually be reduced to zero by the year 2000. We will not have any military bases then. We will have given up all jurisdiction over the Panama Canal Zone. We will basically be totally unable to protect the zone There is nothing in this provision which would prevent those alien to the interests of the United States from coming in and working with the Panamanians in their military installation sites, whose interests may be totally detrimental to the interests of the United States of America.

I would be interested in the Senator's comments. Again I express my fondest regards.

Mr. ROBERT C. BYRD. Mr. President, there is a bit of scripture which should be used in response to the Senator's expressions of felicitations toward me.

He that hath friends must show himself friendly.

The distinguished Senator from Utah (Mr. HATCH) has friends because he shows himself friendly.

It is for the purpose of assuring, beyond any semblance of doubt whatsoever, that the United States will have the right to act against any aggression from any source after the year 2000 that the distinguished minority leader and I have offered the two amendments, one of which will address itself to this particular point, and which I hope the Senator from Utah will support.

If the amendment is adopted, that amendment in itself will make perfectly clear, as clear as the Sun in a cloudless sky, that the United States has the right to take whatever action is necesary against any aggressor.

What I am saying with respect to article V of the Neutrality Treaty is, as I have said before, it gives to us and other countries of the free world the guarantee that once the United States has relinquished its control over the Panama Canal Zone, no foreign military force or garrison can be located in the territory of Panama. That guarantee is not in the 1903 treaty.

What I am saying is, again and again and again, that under the 1903 treaty—that is what we are going to have to live with in the event these treaties are rejected—the United States would have no legal basis whatsoever upon which to complain should the Soviet Union or should Castro of Cuba locate in Panama a force of 10,000, 20,000, or 30,000 Soviet troops or Cuban troops.

What more can I say? The language of the article is clear. We all understand the import of those English words, so I think it speaks for itself. But I think it is a point which has been overlooked. I do not think the American people have realized that in this respect the Neutrality Treaty is an improvement over the 1903 treaty, in the respect I have addressed my remarks.

Mr. HATCH. Will the Senator yield for another question?

Mr. ROBERT C. BYRD. Yes, I yield to the distinguished Senator from Utah (Mr. HATCH).

Mr. HATCH. I thank the distinguished majority leader. Is it not true that by the year 2000 we will no longer have any U.S. troops quartered there and, concomitantly, under this particular viewpoint, under the Neutrality Treaty, article V, it does not say that no foreign troops will be garrisoned there? It just says that only the Republic of Panama can maintain military defense sites. To me, I believe that is ambiguous. I ask this question: Is it not true that we will not have any military presence after the year 2000?

Mr. ROBERT C. BYRD. That is correct, but——

Mr. HATCH. Is it not also true——

Mr. ROBERT C. BYRD. But nobody else will either.

Mr. HATCH. It does not say that.

Mr. ROBERT C. BYRD. The Senator asked me a question. He asked me if under this treaty, after the year 2000, the United States will not have any military forces stationed there. The answer is yes—yes, but, under this treaty, neither will any other nation have any military force, any military garrison, any military site, any military installation located anywhere, on any inch, of Panama's territory.

Mr. HATCH. Will the Senator point out in article V where it says that no military garrison, no military presence, no military troops of any other nation shall be in there, paid for by Panama or anyone else?

Mr. ROBERT C. BYRD. The Senator now wishes to split hairs.

Mr. HATCH. No, I would rather have your——

Mr. ROBERT C. BYRD. Let me read once again the clear, the indubitably clear, language of article V.

I see the distinguished Senator from Kentucky reaching for his microphone. Perhaps he would like to interject a statement here.

Mr. HUDDLESTON. I would just say that it is very proper that the Senator from West Virginia has pointed out this particular feature of the treaty which has been virtually overlooked in this country. I would just want to say that it has not been overlooked by the leaders of the Government in Panama nor the citizens of Panama.

When we were in Panama with the Senate in delegation which was headed up by the distinguished majority leader (Mr. ROBERT C. BYRD), it was a member of the Panamanian Government who pointed out to us this very feature. "It does not seem that they realize, those who are claiming that when the United States pulls out there will be a tendency for either Soviet or Russian troops, or troops from Cuba, to move in," the Government official said, "that cannot happen. The treaty specifically forbids the country of Panama from bringing into their country foreign troops of any kind."

This is a situation which does not exist now, as the distinguished Senator from West Virginia has pointed out. There is nothing now that would prohibit Panama from establishing, or allowing to be established on their territory, a base from any other country.

I think this is a very significant thing. It is one that the people of Panama recognize, and one which, in my judgment, they are very, very agreeable to.

They point out time and again:

> If any troops are going to be here, if any other country is going to be in Panama exercising any kind of influence over our government, if any other country is going to have any control over the Panama Canal, we want it to be the United States of America. But we want to exercise our own control over our own property and over our own country.

They are willing to accept this feature, to put into treaty the fact that there will be no troops except Panamanian troops when the treaty is ratified.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Kentucky.

Once again, I read article V into the RECORD:

> After the termination of the Panama Canal Treaty, only the Republic of Panama shall operate the Canal and maintain military forces, defense sites and military installations within its national territory.

Admiral Holloway, in his appearance before the Committee on Armed Services of the U.S. Senate said:

> My position was that, ideally, I would prefer to see U.S. forces remain in the Canal indefinitely, both to operate and defend the Canal, but I would also like to see the Panamanians pleased with our presence.
>
> In the course of the discussions that ensued, I became convinced as a result of conversations with my colleagues on the Joint Chiefs of Staff and subsequent briefings by Ambassador Bunker, Ambassador Linowitz, and the representative of the Chiefs, General Dolvin, that there was a very strong resentment to a U.S. presence in the Canal on the part of the Panamanians. I became convinced over a period of several years discussions that there was no chance of arriving at any kind of a treaty with Panama on the Canal, if the U.S. were to insist upon a presence in Panama into the indefinite future.
>
> I decided that if we were to have a treaty, there had to be a specific date prescribed at which U.S. presence would be withdrawn.

Mr. President, there are other Senators who have been patiently waiting. I do not want to hold the floor. I wish always to respond courteously to questions from other Senators. If I may proceed now for another 5 minutes, I shall complete my statement for today and continue with my comments concerning the treaties at some point during the week after next.

At this point, Mr. President, it is appropriate to recall the strong support given the treaties by our top military officials—those who currently have the responsibility for our national security. I urge all Senators to review the statements made by these military leaders in their testimony before Senate committees. The Joint Chiefs have repeatedly emphasized that, as Gen. Louis H. Wilson, Commandant of the Marine Corps, has said:

> The real value of the canal lies in its continued and assured use.

I also point to the words of Adm. James L. Holloway III, Chief of Naval Operations, who told the Committee on Armed Services:

> Our adherence to these treaties, which make the Panamanians our direct partners in the defense of the canal, will substantially contribute to a friendly and cooperative attitude among all Latin Americans toward the United States on the Panama Canal issue. This favorable effect which I believe the treaties will have on the attitudes of Panamanians and Central Americans toward our continued use of the canal . . . will, in my opinion, substantially assist the United States to defend the canal against the internal threat. Therefore, I am convinced that the continuing use of the Panama Canal for national security purposes is best assured through the provisions of "the new treaties."

Mr. HATCH. Will the Senator yield for one more question?

Mr. ROBERT C. BYRD. If the Senator will allow me now to finish my statement so other Senators may speak, the Senator himself may wish to speak. I hope he does not feel me disrespectful.

Mr. HATCH. I do not. If he would yield on this one point, it would define my position better.

Mr. ROBERT C. BYRD. I hope so.

Mr. HATCH. I hope so, also.

I am interested to know if the distinguished majority leader is aware that in the 1936 modifications of the 1903 treaty—which is, of course, reaffirmed in the 1955 modification of the 1903 treaties—all of which must be considered together, in toto, and taking into consideration that the distinguished majority leader has made the point, as has the distinguished Senator from Kentucky, that we are better off under article V of the proposed Neutrality Treaty, is the distinguished majority leader aware of article 10 in the 1936 treaty regarding Panama? There, it says:

> In case of an international conflagration or the existence of any threat of aggression which would endanger the security of the Republic of Panama or the neutrality or

security of the Panama Canal, the Governments of the United States of America and the Republic of Panama will take such measures of prevention and defense as they may consider necessary for the protection of their common interests. Any measures, in safeguarding such interests, which shall appear essential to one Government to take, and which may affect the territory under the jurisdiction of the other Government, will be the subject of consultation between the two Governments.

I believe that that provides much more protection to the United States of America, considering our 17 bases, considering the inviolability of the Canal Zone, considering all matters, than this very loosely worded, ambiguous, shortly worded article V, which does not include, I think, the very good language of the distinguished majority leader, which he thinks it does include.

Mr. ROBERT C. BYRD. The fact that article V is shortly worded does not mean that it is ambiguous and not clear. The Gettysburg Address was shortly worded. It did not take Lincoln over 3 or 4 minutes to make it.

Mr. HUDDLESTON. Will the Senator yield for one comment?

Mr. ROBERT C. BYRD. Yes.

Mr. HUDDLESTON. The Senator from Utah described a situation where a threat is present and imminent. We are talking about a situation where there may be no threat.

Mr. HATCH. If they move foreign government troops into a territory, that is not threatening?

Mr. HUDDLESTON. Of course not.

Mr. HATCH. Of course not?

Mr. HUDDLESTON. If the country of Panama should decide that they want to give a submarine base to a foreign country, I think we would be hard-pressed to prove that is a direct threat.

Mr. HATCH. With Russia, I would not be hard-pressed at all.

Mr. HUDDLESTON. In international law, I think we would have a hard time proving it. But this article would prevent that submarine base from being established.

Mr. HATCH. So does article X of the 1936 treaty and that is my point. It prevents it a lot better than this loosely worded article.

Mr. HUDDLESTON. I do not agree with that at all.

Mr. ROBERT C. BYRD. I agree with the distinguished Senator from Kentucky: I do not agree with that at all.

Article X to which Senator HATCH has alluded says, "In case of an international conflagration or in the existence of any threat of aggression."

Mr. HATCH. "which would endanger the security of the Republic of Panama or the neutrality or security of the Panama Canal," and so on.

Mr. ROBERT C. BYRD. Now the Senator from Utah is saying that if country X were to station some troops in Panama at the invitation of the Government of Panama, under article X of the 1936 treaty, we could consider that to be an international conflagration.

Mr. HATCH. Will the Senator yield?

Mr. ROBERT C. BYRD. In other words, he says that the presence of foreign troops in Panama would constitute an act, would, ipso facto, constitute an act of aggression. Does the presence of United States troops in South Korea today constitute an act of aggression?

Mr. HUDDLESTON. What about Cuba at Guantanamo Bay? Is that aggression?

Mr. ROBERT C. BYRD. What about Guantanamo Bay? What about the presence of American military personnel there? Does that constitute an act of aggression?

Mr. SARBANES. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes. I yield to the Senator from Maryland.

Mr. SARBANES. If I may say so, I think this is a very good example of treaty provisions that have been written that are extremely strong from the American point of view.

Mr. HATCH. Which one, the neutrality treaty or the other one?

Mr. SARBANES. I will develop why it is strong from the American point of view.

Mr. HATCH. Which one is the Senator reading from?

Mr. ROBERT C. BYRD. Mr. President, may we have order? I have the floor and I have yielded to the Senator from Maryland.

The PRESIDING OFFICER (Mr. NUNN). The Senate will be in order.

Mr. SARBANES. If the Senator from Utah will allow me to make my point, which I would like to make a developed way, I shall be happy to yield to him, or ask the majority leader to yield for him to raise the question. But I would at least like to be able to make the point.

I thank the Senator from Utah.

This is an example of a provision which is extremely strong from the American point of view. Under the treaties that are before us, the United States need not consult with anyone to take the action it deems necessary to protect the neutrality of the canal. I say to the Senator from Utah, I would rather have that provision and the ability to act as we deem necessary to protect American interests than the provision which the Senator has cited from the earlier treaty, which requires consultation and which may well prevent or impede the United States from acting with the speed that is necessary to defend our interests.

Mr. ROBERT C. BYRD. Now, Mr. President, I do not want to continue to hold the floor, but I yield the floor to the distinguished Senator from Utah for rebuttal.

Mr. HATCH. Mr. President, I respect the comments of the distinguished Senator from Maryland. However, just to make the record clear, I would suggest that this very loosely worked provision of article V of the Neutrality Treaty does not do nearly as much for us as having 17 bases controlling the jurisdiction of Panama Canal, operating it ourselves, and of course being able to prevent aggressors from coming into Panama.

I submit that we are far better off securitywise and in every other way if we would go back and renegotiate these treaties. They would be favorable to both nations, not just to Panama.

I would also suggest, with all due respect to the majority leader, that I do not believe article V says what he says it says.

I thank the Senator.

Mr. HUDDLESTON addressed the Chair.

Mr. ROBERT C. BYRD. Mr. President, article V just nips the whole process in the bud—in the bud—and it is far more clearly and unambiguously worded than are the words of the 1936 treaty to which the distinguished Senator from Utah has repeatedly referred.

Now, I yield to the Senator from Kentucky.

Mr. HUDDLESTON. Mr. President, just to point out, the comment made by the distinguished Senator from Utah about his judgment puts him in direct conflict with the judgment of every military commander, including those who are in Panama today commanding the troops, who are there charged with the responsibility of defending the canal, including our Secretary of Defense who is charged with the responsibility of defending the United States of America, as to the security aspects of the two treaties that we are discussing.

We can all have our own opinions. But I think we have to give some weight to those individuals who have spent a lifetime in the service of this country, in the defense of it, and in their judgment as to what is best to secure the United States interests in Panama.

Mr. ROBERT C. BYRD. Mr. President, those of us who have visited Panama have had an opportunity to see the potential vulnerability of the canal and related facilities. When our delegation discussed this with U.S. military officials in Panama, Lt. Gen. Dennis P. McAuliffe, Commander in Chief of the Southern Command, told us that the canal is vulnerable to sabotage and said it would be literally impossible to keep a determined force—even a small one—from causing some disturbance, some interruption in use of the canal.

He said that the very first thing that would have to be done, the Panama Canal railroad would have to be written off—written off.

All of these military officials agree that our wisest course lies in the direction of cooperation with Panama, not confrontation. Ratification of the treaties would create an environment of cooperation and give Panama a greater stake in the efficient operation of the canal. Failure to ratify would not only heighten the prospects for confrontation in the canal area but would give new impetus to extremist elements throughout the region. As Defense Secretary Brown stated:

If I were Castro and I wanted to expand my influence and decrease that of the United States, I would certainly do all I could to prevent ratification of these treaties.

Mr. President, in my comments today I have stressed one or two important considerations related to the treaties, especially that consideration which deals with our own national security interests.

In summing up, a secure, open canal is our primary objective and interest.

There is almost no way, regardless of the number of American troops that might be stationed in the canal area, that we could guarantee 24 hours a day, 365

days a year, the unimpeded, uninterrupted operation of the canal in a hostile environment.

As Admiral Holloway, Chief of Naval Operations, has said, defending successfully against such threats in the formidable jungle terrain of the canal area would be extremely difficult, and uninterrupted operation of the canal could not be guaranteed. If we made an all-out effort we could generally manage to keep the canal open and operating, but we could not prevent interruptions, and even then it would be at an enormous price.

Think of the devastating impact it would have on U.S. relations on other nations in the hemisphere. Think of the disastrous effect on world commerce and the damage to U.S. business interests if transiting the canal became risky. There would undoubtedly be a sharp drop in its worldwide usage.

What good is the canal economically or militarily if it cannot be used?

I return again finally to this basic point, the value of the canal is in its use and that use is best guaranteed by cooperation, mutual respect, and understanding, which these treaties would create.

We are not, to use the words of some of the proponents of the treaties, giving away the canal. We are acting from strength and not from weakness.

This is a matter of the wise and judicious use of power—power. Power is one thing, but to know how to use it and when to use it is the important thing.

This is a matter of wise and judicious use of power by the most powerful nation in the world. These treaties are in the best interests of the United States and we should act now with vision and foresight and reason to approve them.

As author David McCullough stated so succinctly, "I support the treaties because I support the canal."

Mr. President, I thank Senators for their indulgence and patience. I shall continue the reading of my statement on another day.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas (Mr. DOLE) is recognized.

Mr. DOLE. Mr. President, first of all, I wish to thank the distinguished majority leader and others who participated in the exchange.

It seems to me that whether we are being turned on or turned off around the country may have a bearing on what finally happens with reference to the ratification process.

The Senator from Kansas would state at the outset that I do not really believe we will ever satisfy every Senator, either proponents or opponents, of every article, of every sentence, of every comma. So I guess perhaps what we must find is some way to come together, if we can, and if we cannot, then we will have to follow another course.

I would suggest, while we are all writing profiles in courage, that perhaps there are some who may oppose the treaties and some who may support the treaties who fit that category.

Certainly, the distinguished majority leader throughout the course of several weeks withheld his support because of reservations he had about the treaties. He made a judgment based on changes that would come about.

There is no doubt in this Senator's mind that with 77 cosponsors, it is fair to say the amendments referred to will be adopted and when adopted will strengthen the hand of the treaty proponents, as it should, or as the adoption should.

Now, as we square off in the proper way in the debate in the Senate, as some have noted, there must not be much interest in the Senate because at this very moment only six or seven Senators are present out of 100. If we apply the same percentage across America, perhaps only 6 percent to 7 percent of the American people have a real concern about the treaties. But I suggest that that would be a mistake.

Many Senators, of course, have other obligations. Many Senators have committee obligations, constituent obligations. Some are necessarily absent; some may be snowbound at this time.

The point is that whoever votes for or against the treaties will be casting a very important and a very difficult vote, from the standpoint of politics. I am inclined to agree with those who say that we should not be tabulators, that there comes a time when we at least should listen to the people who sent us here, because they do have a right of recall that comes around every 6 years in the Senate and every 2 years in the House, although the House has no direct role to play in advising and consenting on treaties.

For some time, this Senator has been trying to figure out where to come down on the treaties. What is the right decision? Weighing all the factors, including the political factor, what is the right decision?

This Senator is not running for reelection in 1978, but others are. Some who are running are unopposed, and some may have opposition. That makes a difference, too. That is a factor we must consider.

When the people across America listen to the debate, they must understand that that factor is always present. There may be some pure statemanship in this body, but I think there is always a little dose of politics—not partisan politics, but a little dose of reality. We like it here. We run for office because we like our work. We are willing, as some say, to rise above principle. We are willing to bite the bullet. But I think we must be assured, whether we vote for or against the treaties, that we have made the right choice; because if we are not comfortable with the choice we make, we are in a great deal of trouble at the outset.

As I indicated 2 days ago, I have been in the Senate 10 years. I have felt proper pressure from the executive branch and other distinguished Americans, but never have I been so courted as I have been with reference to the Panama Canal Treaties.

I have had the high privilege of a private visit with the President of the United States in the Oval Office. He indicated his grave concern for the treaties. I will not discuss what was said, but I think it is fairly well understood that he would like to see the treaties ratified. He would like to see Senate approval of both treaties. That was on Friday of last week.

On Sunday of last week, a friend of mine, former President Gerald Ford, called me and just wanted to visit, and the treaties came up early in the visit.

He said, "BOB, are you locked in?"

I said, "Well, I am not certain. I'm probably leaning against, but I don't believe I'm locked in."

It seems to me that progress has been made; the American people are still concerned; but I am not one who has taken a firm position. I do not have the same concerns about the sovereignty issue as some of my colleagues who certainly are as well motivated as this Senator and as honest in their convictions as this Senator. But I do not have that particular problem.

We had a good visit. I think we even went over the campaign again, and it ended up the same. We lost. [Laughter.]

Then, on Monday, Ambassador Robert Strauss called the Senator from Kansas and in his own inimitable style, which I cannot repeat, discussed with me the treaties. He indicated that, for the first time, he was looking to me as a statesman, which I appreciated. I said nice things about him, too, and we had a good visit

Then, as if it were all programed, I had a call from former Vice President Rockefeller. We had a good visit, and he just happened to mention the treaties.

Then, on Tuesday, I heard from former Secretary of State Kissinger, who is a friend of mine, and he just happened to call to mention the treaties.

I say, first of all, that that indicates a very concerted, well-coordinated, proper effort by those who support the treaties in their present form. They certainly have that right. And we are somewhat flattered, I assume, as anyone would be if he were called by those particular people, outstanding men in this case, who have been leaders, in one way or another, of our country.

So it is a very difficult decision we have to make. I assume that some have already decided that those who oppose the treaties are wrong. Some have decided that those who support the treaties are wrong.

I suppose there is no possible way for Senators to make a determination on just which way they will finally go. It seems to this Senator that we are in one of those debates in which the debate itself can make the difference, where responsible amendments can make the difference.

I understand the dilemma faced by the distinguished majority leader and the distinguished minority leader. They have now decided that the best course to follow is to go forth with two amendments—if possible, to bring up these two amendments before we get into the Panama Canal Treaty. In other words, take the Neutrality Treaty first, which really should come second, but to take it first because it strengthens their hand.

The Senator from Kansas does not fault that. That is known as strategy,

and probably pretty good strategy, because it does improve the treaties, and I would guess that perhaps one or two might vote against those amendments—maybe not many more.

The Senator from Kansas was trying to determine yesterday whether that was the end. Is there some agreement to fight back every other amendment, however meritorious, and say, "That is the end"? I would hope not, because it seems to me that there are some Senators—probably every Senator—who may be looking for flaws in the treaty, who may understand the need for some changes; and I hope they will be considered and voted upon without some stonewall effort by the Foreign Relations Committee or by the leadership.

So we will go through that process: There will be the amendments first, then the resolution of ratification, then understandings and reservations. Some will offer understandings; some will indicate that is enough for them. Others will have reservations that would not require another plebiscite or renegotiations.

However, there is another matter that I wish to speak to this morning, and I say it without any trepidation, but indicate that it does bear directly on the treaties themselves.

For the past several months—maybe it has been a wasted effort; maybe it should not have been pursued—there have been a number of allegations, and I stress the word "allegations" to whoever may be listening, about possible drug trafficking with leaders of Panama, international drug trafficking affecting the United States.

On three previous occasions, starting back on October 13, 1977, the Senator from Kansas has addressed this issue and made statements on the floor. Those efforts to get information and to get evidence have continued.

It is still my conviction that one way to bring about confidence and maybe pick up support in the Senate is to level with the Senate and to level with the American people.

So I am convinced that the Carter administration owes the American people and certainly Senators an honest and aboveboard explanation of the so-called Panama connection in international drug trafficking.

We are asking the American people to accept on faith the Panamanian guarantees. They have not seen the negotiating documents. I doubt that too many have read the treaties. They have not seen all the efforts that went into these treaties, some 13 years I understand. But they are being asked to accept much on faith insofar as Panamanian guarantees under the canal treaties are concerned. They are being asked to trust the credibility and integrity of Panama's leaders. They are being asked to consent to higher annual toll payments to Panama which will surely strengthen the political and economic position of the Torrijos regime. Since the American people and particularly the Senate itself, because we are going to vote, in the final analysis, are being asked to support these propositions, it is only reasonable that they expect answers to the drug-related questions that have been raised.

And I shall continue to ask the Carter administration to tell the full story. Failing that, I feel and believe very strongly it may be appropriate for the Senate to go in what we call a closed-door session where we literally lock the doors, close the galleries, admit Senators only and a few other people, and have a discussion, first of all, whether there should be a secret session and if it is agreed there should be, then we lay out to Senators some of this sensitive information that apparently is around here somewhere about drug trafficking.

It seems to me that not one Senator should be asked to vote until he has all the information possible. Let me say, also, that I have no interest in prolonging the debate on the treaties unnecessarily. We have a great deal of work to do in Congress this year in 1978.

I have no interest in dragging some irrelevant topic into the treaty issue, but the drug question and I emphasize the word "question" is a tangential matter that should be discussed and resolved in our own minds early in this debate.

Apparently the Senate leadership and members of the Select Committee on Intelligence have already been briefed on the matter by Attorney General Griffin Bell and by the Drug Enforcement Administrator Peter Bensinger, and perhaps their concerns have been resolved. They have had access to the full story. But others have questions and I have questions, and I know many of my colleagues have questions. And I would hazard a guess that many of the American people have questions. They want to know the facts, and they deserve an answer.

So I would hope that the Senate leadership would take the initiative as they have taken the initiative in many other areas in this debate in trying to propose or promulgate or otherwise come across amendments that might strengthen the treaties. I would hope that they would take the initiative in calling for an early Senate discussion of this matter behind closed doors, if necessary, and I understand that because of the sensitivity of the information it might be necessary, but given the leadership's familiarity with the material, I would hope they would take the lead in advising the rest of us. But if for reasons that undoubtedly would be good the leadership should make that decision and decide not to follow that course, then the Senator from Kansas is prepared to offer a motion for a closed session. That motion will be supported by a number of Senators, including the distinguished Senator from Utah, Senator HATCH, and the distinguished Senator from Arizona, Senator GOLDWATER, who is also a member of the Senate Intelligence Committee.

It just seems to me that if it takes that, then we ought to have the information. We ought to have it early in the debate and we ought to forget about it; we ought to push out the drug problems.

They ought to be explained, they ought to be explored and then if we are satisfied, they ought to be forgotten because we are here to debate the treaties and not some outside issue.

But I must say to my colleague and to anyone else who may be listening that I have been asked on several occasions why I did not exercise my privilege as a United States Senator to review confidential files on this subject, which are in the possession of the Senate Intelligence Committee. But quite truly I have considered that alternative a number of times, but I have so far rejected it. That decision requires further explanation for those who may be unfamiliar with the ramifications of going in and examining Intelligence Committee files.

I have been advised by the Administrator of the United States Drug Enforcement Administration that the Senate Select Committee on Intelligence has "copies of all DEA"—that is Drug Enforcement Administration—"files regarding this matter and material from other agencies as well."

That is fine. But what many people do not know and certainly the American people do not know is that under provisions of Senate Resolution 400, which was enacted by the 94th Congress when we established the Select Committee on Intelligence, the confidential materials may be reviewed by any Member of the Senate, but you cannot make notes. you cannot make copies, you cannot even leave that session saying whether it confirms or denies your suspicion. In other words, you are effectively gagged. Even if you found something that ought to be told to the American people, and I guess as long as it is covered up by some national security classification, there is not a thing you can do about it.

So it seems to me and I have had access—I have not rifled any files; I have not burglarized anyone—but I have had come to my office two documents that just ended up on my desk that contained certain allegations. I have had delivered to me from another unknown, unnamed source four or five documents. I have had a list showing 44 different file numbers indicating some connection between Torrijos and drug trafficking.

The Senator from Kansas would suggest that the American people are concerned about drug trafficking, particularly the parents in this country. I found in reviewing my mail, not the postcards, not the generated mail, but mail written long before we got into the struggle over who could send the most, nearly half the people who had written me from Kansas and other States had opposition to the treaties because of Torrijos, because they had no confidence in this dictator, despite his charm and despite the problems he has—and this treaty is not easy for General Torrijos either—but for wondering how to swing public opinion we better start addressing the problem and one of those problems is Torrijos himself.

Is he involved or has he been involved or should he be involved in an investigation concerning drug trafficking? I am putting in the RECORD today a letter from Mr. Bensinger, who is a little upset with me because I indicated he has not been cooperative.

He indicates that he is willing to be cooperative but he has already turned the material over and he says that Torrijos is not the target of an investigation and I quote:

As we indicated at that time, General Torrijos has never been a target of investigation.

Well, that is fine. But should he have been a target of investigation? And if some of the allegations set forth in some of the documents are true, though I have been cautioned many are based on hearsay, why was he not a target of an investigation?

So it seems to me that some of us are caught in a bind.

I attended a meeting the other morning of the Foreign Relations Committee where the distinguished Senator from Arizona and the distinguished Senator from Indiana, Senator BAYH, were going to brief members of the Foreign Relations Committee. I was invited because of my interest in the drug problem. I was treated with every courtesy. I did not go there to grandstand. I did not go there to walk out and have a press conference, and did not. I went there to find out if I could learn about the drug problem without being gagged.

And I was told properly so that "You know, if you listen to this sensitive material, this is the end." So I had no choice. Either you had to compromise your freedom to speak out, maybe your integrity later on if something leaked, and they said, "Ah, Senator DOLE was in that committee room; maybe he did it."

So it seemed to me that the proper course was to leave that meeting of distinguished Senators and I did, on a very friendly basis and everybody understood that.

I do not know what was said. I am certain that everything was laid out cold turkey. Everybody had a chance to see what they saw and maybe everyone must be satisfied. I have not heard a single leak since the meeting.

But it seems to me that we have to make a choice. As I said, I have received two photocopies of U.S. Drug Enforcement Administration files directly implicating the leader of Panama, based on hearsay.

I also said recently that we live in Cynic City sometimes, where everybody is looking under a rock trying to name some Member of Congress or some member of the executive who may be involved in some hanky-panky. I do not want to leave any impression that we are trying to do this to General Torrijos, but there have been allegations made, and the allegations come from responsible people.

Maybe Jack Anderson has a better source than we have in the Senate. He indicated he has just yesterday morning. He indicates he also has the facts, and that Torrijos is not involved. Maybe he should share those facts with those of us in the Senate. If we cannot get it from the Drug Enforcement Administration, maybe Mr. Anderson will give us the information, if he is satisfied. He is a good investigator, and he has made an investigation.

I understand from talking with the distinguished Senator from Arizona just 10 minutes ago that the Senate Intelligence Committee will issue a report. It may be somewhat sanitized. I had a report from the Drug Enforcement Administration of 75 pages that was almost totally sanitized. All I ended up with was a bunch of newspaper clippings. But that report, coming from the Senate Intelligence Committee as a result of the meeting of the Foreign Relations Committee, may be helpful.

I would just say finally that this is not a red herring. This is not an effort to sidetrack the debate on the treaties. The Senator from Kansas hopefully has offered responsible amendments. They may fail. They may be found to be without merit.

But I suggest that this is not some way to defeat the treaties. So I would just ask that we have that session early. And as one Senator who has talked about it at length in the past several months, if there is a clear indication of no involvement, that will be the last word this Senator has to say. If there is an indication of some involvement, and we are all in a secret session, I guess we could not say anything anyway. That poses another dilemma.

Mr. President, I ask unanimous consent that a letter I addressed to Mr. Bensinger dated February 3, 1978, and his response dated February 7, 1978, be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 3, 1978.

The Honorable PETER BENSINGER,
Administrator, U.S. Drug Enforcement Administration, Washington, D.C.

DEAR MR. BENSINGER: I was recently provided with certain documents which appear to be copies of DEA Investigation Reports. These documents contain specific reports alleging involvement by General Omar Torrijos of Panama in drug-trafficking operations in the Western hemisphere. As a member of the United States Senate who will be requested to pass judgment on ratification of a new Treaty with the Government of Panama, I feel a responsibility to my constituents and to the national interest to make a formal inquiry concerning this information.

On October 14, I formally submitted a Freedom-of-Information request for specific DEA files which I understood contain information on this matter. The selected materials which I subsequently received from DEA on December 16 did not include the attached documents.

In particular, I want to know if you can confirm the authenticity of these documents and, further, I would like to know if the allegations contained in these documents have been verified or disproved by the Drug Enforcement Administration.

In my opinion, these reports, if authentic and verified, raise serious doubts about the personal integrity of the government leader with whom we have been dealing on a basis of mutual trust. They raise questions about the advisability of enhancing the financial and political base of General Torrijos through our ratification of the proposed Canal Treaties.

In view of these concerns, I respectfully request your assessment of the accuracy and validity of the allegations contained in these reports. I will look forward to hearing from you at an early date, and would appreciate a written response for my files.

Sincerely yours,

BOB DOLE,
U.S. Senator.

DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., February 7, 1978.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: This will confirm my telephone conversation with your Legisla_ tive Assistant, Bob Downen, regarding your letter of February 3, 1978 received in our office yesterday.

As I indicated to Mr. Downen, I will be pleased to brief you personally with respect to the two documents which were included with your letter. The two files in question reflect hearsay information which I am available to review with you in person and at your immediate convenience.

I also indicated to Mr. Downen that I felt your characterization of February 2, 1978 on the floor of the Senate with respect to withholding information from you and other Senators was less than fair and candid. Our agency is conforming to the specific request and direction of the Senate leadership of both parties that files regarding Panamanian officials and the family of General Omar Torrijos be made available specifically to the Senate Intelligence Committee. Furthermore, the release of Information on individuals is subject to the Freedom of Information Act, and our response is governed not by personal arbitrary decisions, but by that Act.

On October 6, 1977, Attorney General Bell and I briefed the Senate leadership of both parties and Senators Byrd, Inouye, Baker, and Goldwater directed us to work with the Senate Intelligence Committee. We have complied fully with that directive and have furnished them complete file information. As we indicated at that time, General Omar Torrijos has never been a target of investigation.

I have been advised that the Senate Foreign Relations Committee has received a briefing on this matter from the Senate Intelligence Committee. I want to again reaffirm that I will be available to meet with you at your convenience in the immediate future.

Sincerely,

PETER B. BENSINGER,
Administrator.

Mr. BAKER. Mr. President, will the Senator yield to me for a moment on this point?

Mr. DOLE. I yield.

The PRESIDING OFFICER. The Senator from Tennessee (Mr. BAKER) is recognized.

Mr. BAKER. I thank the Senator from Kansas for yielding. I was not on the floor at the beginning part of his remarks, but it is my understanding he suggested that the leadership of the Senate should possibly take the initiative in calling for an executive session.

I wanted to respond, if my information in that respect is correct, by saying I think that would be a fine idea. As the Senator from Kansas knows, on last Tuesday during our regular weekly Republican policy committee meeting, I indicated that I have favored a secret session of the Senate so that every Senator would have full access to all of the information that members of the Senate Intelligence Committee have had. I am a member of the Senate Intelligence Committee ex officio, as is the distinguished majority leader, by reason of our positions, not by reason of full membership on the committee. But I would be most pleased to join with either Senator BYRD as majority leader, or, for that matter, with the Senator from Kansas, in asking

for an executive session, which I think should be held as the first order of business when we return from the Lincoln Day recess.

I might say one other thing, Mr. President. It is my understanding of the rules that an executive session of the Senate is subject to the same constraints on security and the prohibition against release of information that a meeting of the Intelligence Committee would be. However, it is my further understanding that under the rules and precedents of the Senate, the Senate could lift that injunction of secrecy on a matter material to a measure under consideration by the Senate. So I would think we could publish any parts of that inquiry if generally relevant to the matter under debate by the Senate. I have no idea what the Senate would think of the details; but I, for one, do not want to have the Senate proceed with some Senators knowing more than others.

Mr. CASE. Will the Senator yield?

Mr. DOLE. Let me respond first to the remarks of the minority leader. I appreciate them very much, and know of Senator BAKER'S interest. In fact, he may not recall, but last October 13, when we had a hearing, the Senator was there, and he showed an interest in the effort at that time which has never faltered.

It seems to me that even if we did not, under some constraint, develop anything, we would know whether the allegations were based on an effort to discredit the leader of the country, and if so, we could wipe that out and proceed.

Mr. BAKER. I agree with the Senator.

Mr. DOLE. I yield to the Senator from New Jersey.

Mr. CASE. After the Senator left the meeting of the Foreign Relations Committee the other morning—

Mr. DOLE. On a friendly basis.

Mr. CASE. On a completely friendly basis, which he did in order not to compromise his freedom of action in the future or to raise any possible question as to where he got some information—specifically that he did not get it from a briefing by the Intelligence Committee which would have placed some restraint, I presume, on its use. After the Senator left, as I said, we did have a briefing. It was in complete detail. I know this because, as a member of the Intelligence Committee, I had had this before.

After the briefing was given, and questions asked and answered, we on the Foreign Relations Committee asked that a sanitized version of the report be prepared for the use of everyone as quickly as possible.

I also would join with the Senator from Kansas and the Senator from Tennessee in urging such lifting of restrictions as may be necessary to bring any relevant information out in public view, so that all Senators and all Americans can have it.

As the Senator knows, the Senate Intelligence Committee made a formal report on this matter some time ago, and made public the general conclusion that nothing that existed in this area had affected the negotiation of the treaties or the U.S. position on it. That, of course, is a matter of record also.

But I repeat again, if anything is found that needs to be done to reassure our Senate colleagues and the people of this country that there is nothing sinister or hidden in the matter, I would join in any proper request also.

Mr. DOLE. I thank the distinguished ranking Republican on the Foreign Relations Committee. I am aware of his willingness.

I do not have any objection to doing that. It seems to me that it may not be directly related to the treaties, but it still goes to the question of the credibility of the leader, whether or not we are prepared to support whatever may come from those sessions.

Mr. JAVITS. Will the Senator yield?

Mr. DOLE. I would be happy to yield.

Mr. JAVITS. Mr. President, first I want to associate myself with the remarks of both Senator BAKER and Senator CASE. I too, join in whatever lifting of the injunction of secrecy and any secret session we need in order to explore this matter. But I must say I think a word of caution should be injected at this point. The Senator used the right words. He used the words "red herring" and "diversion." Just a minute ago he used the words "question of the credibility of the leader," to wit, General Torrijos.

I think it should be made clear, because we are a very fair people, and because a lot of dust is thrown around about drug contacts, et cetera, that there are two questions: First, the big question, is what does this have to do with the treaty? General Torrijos will not be around forever. The first arrangement of these treaties is for 22 years. I doubt that I will be around in the year 2000. I hope I am, but I doubt it.

So the providence for the American people must be based upon what we are agreeing to. I know Senator DOLE does not have it, I have absolute confidence in his good faith but we must not let anybody get an idea that if their arguments are going to break down on the treaty—and I believe the proponents have the best of that argument—that the next thing is going to be a personal attack on Torrijos, when it may not make any difference whether Torrijos is there or not.

That is the way the American people ought to judge this treaty. Would the Senator agree with me on that? Sure, let us find out all we can about this, investigate it any way anyone wants to, not have all this nonsense about secrecy; that really is not necessary. I have no objection to that whatever.

Is it not true that even if Torrijos had his hands in drugs, and nobody has that proof—as a matter of fact, Bensinger says no—still, the question before the American people is: Is this a good treaty for the American people? That is the issue. This may, in the minds of some, bear on it, but let us keep our eye firm on the real issue, especially as we get into this particular kind of corrollary issue. Will the Senator agree with that?

Mr. DOLE. I believe with most of it. The point I made, perhaps before the Senator arrived, is that we are talking about public opinion having an impact. I have been trying to analyze some of the genuine mail which came to my office. About 48 percent are opposing in some way the treaties because of Torrijos. If we can erase this one issue, if there is not any reason to suggest any possible charge that had any merit, that helps the proponents of the treaty.

As far as I am concerned, I certainly agree we ought to get it up, get it out, and get on with it.

Mr. JAVITS. Will the Senator yield for one more instant?

Mr. DOLE. I yield.

Mr. JAVITS. I think the Senator has put his finger on a very important point. The proponents of the treaty have to convince the American people that after all this is a good treaty and good for the American people. We do not have to prove that General Torrijos is an angel or not, whether he is involved in drugs or not. I do not know what he has been involved in. I do know he has been involved in the denial of political and human rights, which may be morally just as culpable. But I just plead that we keep our eye fixed on the ball, and the ball is, Torrijos or no Torrijos, is this good for America? I believe it is. Let us fight it out on that ground.

Mr. ROBERT C. BYRD. Will the Senator yield to me?

Mr. DOLE. I would be happy to yield to the majority leader.

Mr. ROBERT C. BYRD. Mr. President, I first of all want to applaud the Senator from Kansas for his perception of this issue as one which is not unimportant, but one which should be discussed, and be discussed in closed session.

I applaud the distinguished Senator from New York (Mr. JAVITS) for saying precisely what I believe—let us keep our eyes on the ball; let us keep our eyes on the treaties. In the final judgment of this, let us judge the treaties on the basis of their merits or demerits and not on what may be considered peripheral issues.

These peripheral issues, whatever they may be, are rightfully matters of concern, but the basic question in our decision should be, are the treaties themselves, Torrijos or no Torrijos, in the best interests of the United States?

Now as to a closed session, I heard what the distinguished minority leader said, and I heard what the distinguished Senator from Kansas said. I would agree that we ought to get these matters out of the way. Let us have a closed session. Let us discuss them. Then let us clear the air and get it behind us.

It takes only two Senators to put the Senate into closed session, but in order that all Senators may know when that closed session would occur I ask unanimous consent that on Tuesday, a week from next Tuesday—in other words, on February 21—the Senate, at 10 o'clock a.m. go into closed session for a discussion of the issues to which the distinguished Senator from Kansas had addressed himself.

Mr. BAKER. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Tennessee (Mr. BAKER).

Mr. BAKER. I will not object, Mr. President. I simply want to say to the majority leader I think that is a good arrangement. The Senate will go out at approximately 5 o'clock today. We will

be in a nonlegislative period until, I believe, the 20th of February.

Mr. ROBERT C. BYRD. And a nonexecutive period.

Mr. BAKER. We will be home. Anyway, that would be the day following the reconvening of the Senate, which I think is as quickly as we could do it under these circumstances. I think that is a good date and time. If it is satisfactory to the Senator from Kansas, I would certainly be happy to concur.

Mr. DOLE. Reserving the right to object, and I will certainly not object, before we get into questions in that session could we have a briefing for Senators, the briefing which was made available to the Foreign Relations Committee? Could that be possible before that closed session?

Mr. BAKER. Mr. President, if I could reserve the right to object one moment further in order to answer the Senator, under Senate Resolution 400, the resolution creating the intelligence committee, each Senator is entitled to the information in the possession of that committee. I would hope the senior Senator from Arizona, the ranking Republican on the committee, and the distinguished Senator from Indiana, could arrange a way so that Senators would be fully prepared in advance of the executive session and be aware of all the documentation we are discussing before the 21st. I see the Senator from Arizona is on the floor. I do not see the Senator from Indiana, but I will talk to him as well.

Mr. DOLE. Reserving the right to object, Mr. President, would there be adequate time? If some come into the session not having been briefed by the Intelligence Committee, I am not certain how productive the session would be. I am just wondering as a matter of practicality—and I think the Senator from Arizona would have a thought on this—whether, on that date, the 21st of February, if the Senators from Arizona and Indiana could brief those of us who are here. Would that be possible or would it have to be done outside the Chamber?

Mr. GOLDWATER. Will the Senator yield?

Mr. DOLE. I yield.

Mr. GOLDWATER. Probably the best way to do it, if we want a briefing, is to use that part of S. Res. 400 which allows any Senator, at any time, to go to the committee headquarters and to view any subject which is top secret. It would not take the Senator long to peruse the material we have. I have just informed the staff and informed Senator BAYH of the decision of the leadership. I think it is a very wise idea. Whether we like it or not, reports on this matter are circulating all over the country. I think it would be wise to open it up to all Members so they can make their own judgments as to whether there is anything to these charges or not, or whether they would have a bad bearing on the treaty.

Mr. BAKER. Will the Senator yield?

Mr. GOLDWATER. Yes.

Mr. BAKER. Might it be possible to ask the Senator from Arizona to arrange, say, on Monday, the 20th of February, in advance of the executive session, for the documents to be together in one place with a sufficient number of the Intelligence Committee staff members so that Senators who care to avail themselves of that right could appear there in that hearing room on the 20th and prepare themselves for the executive session on the 21st?

Mr. GOLDWATER. I do not want to commit my chairman (Mr. BAYH). I am just the ranking Republican member. But I think it would be possible. It has been done before. We can probably do it over in the committee headquarters.

As I say, it would not take long. I hope that Senator BAYH will get to the floor, but the staff is aware of this and they are attempting to reach him now.

Mr. CASE. Will the Senator yield at that point?

Mr. GOLDWATER. Yes.

Mr. CASE. We still have to take into account the provisions of Senate Resolution 400, and disclosure would be made pursuant to the provisions of that resolution. I cannot imagine anybody being unwilling to accept those provisions as binding upon himself, but that would have to be done, of course.

Mr. GOLDWATER. We all understand that.

Mr. CASE. Well, Senator DOLE was not very happy about it.

Mr. GOLDWATER. Nobody would be allowed to use that material——

Mr. CASE. Except pursuant to the resolution.

Mr. GOLDWATER. Pursuant to the resolution. We, of course, can use the sanitized version.

Mr. DOLE. That raises a question, because if we use that material and it is discussed on the Senate floor the following day and we vote to release that to the public, are we violating Senate Resolution 400?

Mr. GOLDWATER. You would have to have the permission of the Senate. As I understand Senate Resolution 400, we can vote in executive session whether or not it should remain so classified.

Mr. BAKER. If the Senator will yield, I think that is correct. The Senate, as a body, could determine whether or not certain information is to be declassified if that information were already in the possession of the Senate through the Senate Intelligence Committee.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I am awaiting word from Senator BAYH, chairman of the Committee on Intelligence, who is listening to this debate in his office. Shortly, I anticipate his arrival and response.

I merely want to amend my request, in case there is a misunderstanding of it, to have it include not only the drug issue, but also the intelligence issue, wiretapping, or any of these other issues that have been kicked around, so that it can all be done on the same day.

Mr. GOLDWATER. Will the Senator yield at that point?

Mr. ROBERT C. BYRD. Yes. Senator BAYH is on his way to the floor.

Mr. GOLDWATER. Senator CASE and I have just briefly conferred on this matter. There is included in this classified report a case that we would not want to talk about, because it cannot be released. It has nothing to do with the subject we are talking about now, but we do have information such as the leader has mentioned that, when Senator BAYH gets here, we can interrogate him about. As I say, I am sort of Tail-End Charlie, just trying to uphold right for the Republicans.

Mr. SPARKMAN. Will the Senator yield?

Mr. DOLE. The Senator from Kansas has yielded.

Mr. SPARKMAN. Will the Senator yield to me?

Mr. DOLE. I am happy to yield to the distinguished chairman of the Foreign Relations Committee.

The PRESIDING OFFICER (Mr. HODGES). The question is withheld for the time being.

Mr. SPARKMAN. Let me ask Senator GOLDWATER a question. He and Senator BAYH have appeared before us with regard to this letter. Is it not true that the statement came out of that to the effect that this material that the Intelligence Committee had did not reflect upon the negotiations?

Mr. GOLDWATER. That is true. In fact, it did not mention—it is not mentioned in the report. I can tell that much. We were told, of course, that it did not reflect.

Senator BAYH is here and I should like him to speak for the committee.

Mr. DOLE. While they are conferring, let me say that I do not suppose the report would mention the negotiations. The only point that some of us have—maybe no one but this Senator—is that if, in fact, the allegations are true and there is some drug trafficking by Torrijos, can he be trusted as a guarantor of the treaties? Is he trustworthy, and is he credible? I think those are the basic points that the American people would like to throw around, at least, and think about.

Also, we have to understand, if we pass these treaties, that we are going to insure Torrijos' power and going to give him a big boost economically and a great deal of strength in the years to come.

I think we should know about his activities and what type of regime we are about to strengthen. That is how they are related, though they may not be in any Senate intelligence report.

Mr. SARBANES. Will the Senator yield?

Mr. DOLE. I am happy to yield to the Senator from Maryland.

Mr. SARBANES. On that point, I want to follow on what Senator JAVITS said. The allegations are something we ought to look into but I suggest that we could be dealing with the most angelic person in the world and if the terms of the treaty did not protect American interests, I would oppose the treaty no matter how lovely the person on the other side was. So, in the end, we must go back to the terms of the treaty and see how they protect American interests.

There is one other point I wanted to make. Earlier in his statement the Senator from Kansas said that the DEA had not responded, had not been forthcoming. I simply want it understood that we

established a procedure in the last session of Congress, unrelated to this issue, to deal with the whole question of how we should handle very sensitive intelligence information.

The Senate imposed those restrictions upon itself in its judgment that this was a responsible way to act. We are not being gagged. We decided that when we are dealing with extremely sensitive matters, there should be a procedure whereby we could be informed and yet sensitive intelligence be protected. We established a Select Committee on Intelligence that could act in an oversight capacity and we placed certain checks upon how that information will be made available and how it can be used by Members of the Senate.

I understand the situation of the Senator from Kansas. I was present at the Foreign Relations Committee when he came. I understand that he felt that for the sake of his own freedom of action, since he was getting information from an independent source——

Mr. DOLE. I might say an unknown source.

Mr. SARBANES. From an unknown source—that he did not want to come under Senate Resolution 400 with the limitations it carries. But I think it is important to understand that the procedure is not something which has just been developed here. This is a procedure that was very carefully thought through and developed by the Senate as the way to handle responsibly very sensitive intelligence information. That procedure is that it is held in confidence. We can hold a closed session and the entire Senate assembled can discuss it.

As I understand it, the Senate, as a body, can make the decision to release such intelligence material publicly and openly, if it chooses to do so after it has had a chance to evaluate the dangers of compromising of intelligence sources or the endangering of people's lives who are involved in the intelligence gathering.

I recognize that the procedure limits us, but it is, acting responsibly. We are therefore trying to proceed in the regular course in this regard.

Mr. DOLE. Let me say that I certainly have no quarrel with the distinguished Senator from Maryland. I guess I did not fully understand the impact of Senate Resolution 400 until I testified before the Senate Committee on Foreign Relations and released a cable that was marked "Classified." I understand Senate Resolution 400 better now.

But I did not mean to infer that Mr. Bensinger, who is the Director of DEA, was not forthcoming. I think he has been as forthcoming as he could be under the circumstances. I did say in my statement that he indicated some frustration in his most recent letter, which is a part of the record. But certainly, he is under some restraint himself.

My only point is that he came to my office some weeks ago and indicated a willingness to cooperate. I was later told that, at the direction of the leadership, all the files were turned over to the Intelligence Committee. I knew at that time that if I walked into the Intelligence Committee, it was over. I do not know the last source that sent me information.

I might add, too, that I have not published any of the information. I have not put it in the CONGRESSIONAL RECORD. I have not revealed what is in the documents that I have. I have not done that. I know other people have the documents. I have no quarrel with the procedure outlined by the distinguished Senator from Maryland.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from Indiana (Mr. BAYH), chairman of the Committee on Intelligence, is now in the Chamber. He has heard the debate over his radio, so he knows what it is all about.

I am prepared to renew my unanimous-consent request that on Tuesday, February 21, at the hour of 10 a.m., the Senate resolve itself into a closed session for the purpose of hearing and discussing whatever information the Intelligence Committee has available in connection with the drug issue and——

Mr. DOLE. And anything else.

Mr. ROBERT C. BYRD. And intelligence intercepts, in an effort to dispose of these allegations once and for all and get them behind us.

Mr. BAYH. I hate to interrupt the unanimous-consent request, because I think it is a good one and I am prepared not only to support it, but join with the Senator in it as an important increment of our discussion of the matter before us.

As we know, we all have things to do, and I was listening to the debate in my office as I was trying to do some other things. Inasmuch as there may be some citizens out there also listening, perhaps before we deal with the unanimous-consent request, the Senator from Indiana, and perhaps the Senator from Arizona, or anybody else, ought to put this whole thing in proper perspective.

In light of everything that has gone on here, I do not want anybody to get the idea that there is any coverup to be involved here at all.

Would the Senator feel it is appropriate for me to maybe deal with that?

Mr. ROBERT C. BYRD. I thank the Senator. It is appropriate and I wish the Senator would do so for that purpose.

I think I will withhold my request.

Mr. DOLE. The Senator from Kansas will not lose his right to the floor.

Mr. ROBERT C. BYRD. No.

Mr. DOLE. I am happy to yield for that purpose

Mr. BAYH. I think the Senator from Kansas and the Senator from Indiana are trying to accomplish the same thing, as far as disclosure, and saying my concern was about possible interpretations of a coverup does not go to the manner nor the substance of the Senator from Kansas presentation. But it goes to the fact that there are a lot of people out there listening that are just hearing this for the first time and do not understand all the substance behind it.

I think it is important for us to reach them as well as to remind ourselves what is involved here.

I see the distinguished Senator from Idaho here who chaired that Select Committee on Intelligence which conducted the investigations that brought out many of the shortcomings of the intelligence agencies. The Senator from Hawai, Mr. INOUYE, and the Senator from Arizona, Mr. GOLDWATER, then were chosen as chairman and vice chairman of the select committee, which was the first time the Senate had a committee fully empowered to deal with oversight, the drafting of charters, and authorizing their budgets. We have been working diligently.

The Senator from Indiana now finds himself in the role of chairman, ably supported by his friend and colleague from Arizona (Mr. GOLDWATER), as the ranking Republican.

I think I can speak for the Senator from Arizona because I know his feelings. He is here and he may want to amend or extend what I say now.

But what we are talking about here right now are intelligence questions—the reason the request has been made, and the Senator from Indiana supports that request.

Since the Select Committee on Intelligence was formed, we have had very forthright relations with our intelligence agencies. They have given us the necessary information, and I salute them for that, because if we as a body are to perform the oversight function, if our committee is to perform an oversight function, we must continue to have this kind of relationship where they will tell us everything with the understanding that we are, as loyal Americans and as Senators who have made an oath, not to divulge what will damage our country.

As one Senator who believes in free speech, who has been out there fighting to try to guarantee the rights of Americans protected under the Bill of Rights, I find myself in a rather difficult position. We must see that there is a balance between protection of fundamental constitutional rights and also give our intelligence agencies the tools they need to do the job to provide intelligence and to protect us against our adversaries who would take away our cherished liberties.

We are not living in an easy world. This is not a milk and honey, Sunday school world. We just read in other papers that the KBG was trying to subvert our neighbor to the north, the KBG had 9, 10, or 11 in Canada. We have to bet there are a lot more than that in the United States trying to do the kinds of things most Americans realize are going on. Our intelligence agencies are doing a good job to protect our country from this kind of attack.

But, by the same token, our system is different from any others. We require that our intelligence agencies conduct their intelligence function and, at the same time, abide by the rules of law and not transgress the rights of individual Americans.

That is the balance that brings us here.

We were shocked—we were shocked—to investigate two problem areas. We were asked to look into certain facts, certain occasions, certain individuals, involving events over the last several years.

We are not talking about events which occurred only yesterday or this last year. We are talking about a time period that goes back to the 1960's.

There is no politics in this. We are all trying to find out what the facts are about matters that have gone on over a rather extended period of time.

We were asked to investigate these matters, and we did. We, as the Intelligence Committee, were not asked, nor should we have been asked, to make a judgment on the rightness or wrongness of the Panama Canal Treaty. That, quite rightly, lies within the province of the Foreign Relations Committee.

But we were asked to investigate whether these two sets of circumstances had any impact on the negotiation process, or the terms of the treaty.

In other words, did these two problem areas put our negotiators in a position where they could be forced or coerced, or were we in a position to force or coerce the Panamanians, so that it really was not an equal negotiating session.

I can say without breaching, without breaching any confidence, that our study on both areas led us to conclude that the two problems did not influence the negotiating process.

Now, having concluded that, one could still be either for or against the Panama Canal Treaty. But to repeat, the committee did not find evidence that these two problems created an environment which undermined the negotiating process.

I think it is important, and I feel what the Senator from Kansas is after and has every right to request the right to reverse the report. The committee's report is as forthcoming and a full discussion of this matter. We presented it in the Foreign Relations Committee the other day in the private session. The committee reached the conclusion that the evidence shows that these events did not influence the negotiation process. I think it is perfectly within the right of every Senator to want to make a judgment on his own. The assessment of the Intelligence Committee is based on information which may not now be in the possession of all Members of the Senate.

The committee has all of this information. The report has been made in detail to the Foreign Relations Committee. It is now available under the terms of Senate Resolution 400 for any Senator who wants to see it. There has been no effort to try to hide this. In fact, the Senator from Kansas knows that the Senator from Indiana and the Senator from Arizona have made an effort to complete the investigation of one of these two issues and it has not yet been completed. We think we have enough information to answer the key question, but we are still pursuing some leads. When we heard that the Senator from Kansas had information available to him in this regard, we asked him to give it to us. I am sure he will. We do not now have it. We have not received this information from him as yet, and we are certainly prepared to evaluate that information and to make that a part of the report.

First, let me point out that any Senator who wants to get this information can get it now. Under Senate Resolution 400 they cannot divulge these secrets which could damage our country, but the information is fully available to any Senator.

In addition, I have no hesitancy in having a secret session, an executive session, in which we have a full discussion. The Senator from Arizona is prepared and I am prepared to deal with these facts and explain how we reached the conclusions we reached. I think the Senate as a whole has a right to examine our judgment on this and then make its own conclusion.

But I think I heard the Senator from West Virginia and the Senator from New York, say as I recall hearing them in my office on the radio, that they concluded that we are talking about two different things here. The Senate now is involved in considering the merits of a treaty. Is it a good treaty or is it a bad treaty? I think it is important, as we listen to this debate on intelligence information, that we keep our eye on whether this treaty is good or bad for the United States. I assume that most Senators will do that, and not judge whether the treaty is good or bad because there may be a few unscrupulous characters involved.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BAYH. The Senator from Kansas has been very considerate to let me use his time.

Mr. DOLE. I say at this point that I think the American people would be somewhat troubled by our ratifying any document if in fact some of the allegations are true and if someone profited, particularly someone who is in a position of leadership, from international drug traffic.

I do not suppose that should be the determining factor, but I think we should crank it into whatever we have going, the computer, to try to make a decision.

I applaud the Senator from Indiana (Mr. BAYH) and the Senator from Arizona (Mr. GOLDWATER) for their efforts to try to focus on it and to sort of strain the information and make that determination.

Come next Tuesday, I hope we can get information on these 45 specific files that at least allegedly bear on General Torrijos and profits from drug operations. If this information is available and we have a full discussion on the floor and, as the Senator from Kansas has said, if we are satisfied that did not impact on the treaties, that will settle that portion of it.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. BAYH. The Senator from Kansas was not in the Foreign Relations Committee. With great sensitivity, he removed himself, despite our assurances that he was welcome. I think the reasons for his leaving the committee room already have been discussed, and I salute him for those reasons. However, the whole purpose of the Intelligence Committee's investigation was to deal with all those allegations. Some of the allegations are well-founded.

We read some of this stuff in the newspapers, and some of it is true and some of it is false. We tried to ferret out the facts. We tried to find out whether the allegations came from people who had an ax to grind with the people they were criticizing, or whether it was an objective source. We did our best to do this.

Can the Senator from Kansas inform the Senator from Indiana when it will be possible for us to have this information that he has? I would hate us to have made the conclusions we have made and then find information that the Senator has available that we have not had a chance to look at yet.

Mr. DOLE. I have it with me, and someone has suggested that I rush over and hand it to you. But I think it would be better if I delivered it to the appropriate committee this afternoon.

Mr. BAYH. There is no rush. I hope the Senator from Kansas understands that we are doing this in a good faith effort. If anybody has any facts, we will look at them. If anybody has any allegations, we will look at them. I think we all have been involved in the political process long enough to know that, whether it is in the United States or Panama or Timbuktu, allegations are not necessarily true.

What we have tried to do and what I would like to do with the Senator from Kansas is to look at those allegations and see whether there is anything new that has not been considered, and try to find out where it came from and how credible it is.

Mr. DOLE. We will have that information to the Senator this afternoon.

Mr. BAYH. I thank the Senator.

CLOSED SESSION ON TUESDAY, FEBRUARY 21, 1978

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, I now renew my unanimous-consent request that on Tuesday, February 21, at 10 a.m., the Senate go into closed session to consider the issues that have been discussed here today and which may have a peripheral significance with respect to the treaties but, in any event, which should be discussed and put behind us once and for all.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, if the distinguished Senator will yield further, I ask the distinguished chairman of the committee, Mr. BAYH, and the distinguished minority leader, Mr. BAKER, who is an ex-officio member of the Intelligence Committee, as am I, if it is agreeable that on Monday, February 20, beginning at 9 a.m. and extending throughout the day until 5 p.m., the staff of the committee be made available in room S-407 of the Capitol—which is a secure room, with secure telephones—for the purpose of informing any Senators who wish to make themselves available during that day of any information that may be pertinent and which might be helpful to them in the closed session discussion which will occur the following day.

Mr. BAYH. Any Member who wants to correct me may do so, but I think the restrictions of Senate Resolution 400 prohibit us from doing exactly what the Senator from West Virginia has requested. He said "staff," and we do not know what staff is going to be there.

Mr. BAKER. Mr. President, if the Senator will yield to me, I think that

what the majority leader and I discussed—and as I understood the majority leader's request—was that the staff of the Intelligence Committee——

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER (continuing). Be in a position to brief Members. Members have the right, under Senate Resolution 400, to be briefed.

Mr. BAYH. Any Member can go over there now, today. He does not have to wait until the 21st. He can read everything. He does not just have to be briefed.

If the Senator's request was that the Intelligence Committee staff be prepared to brief any Senator who wants to be briefed, I salute him for that. That is a good idea.

In addition, when we have the executive session the following day, all of us will be here to participate and try to answer any questions that may not have been answered.

As I recall hearing on the radio a moment ago, it has already been mentioned that the Senator from Arizona and I have requested of the top people in the CIA and the NSA and the Attorney General that they embark immediately, as of the day before yesterday, upon trying to sanitize this, so that we can get all these facts out that do not jeopardize the country, so that we can look at this and the public generally can look at this.

I hate this business of saying that there is something that should not be disclosed. I think we have a burden to everybody, those listening and those not listening, to give the information we have to the country, and we have already attempted to do that.

Mr. ROBERT C. BYRD. Is it to be understood by all Senators that the distinguished chairman of the Intelligence Committee of the Senate will be willing to make available, in room S-407, on Monday, February 20, the staff of the Intelligence Committee, for the purpose of briefing Senators from the hour of 9 a.m. to the hour of 5 p.m.?

Mr. BAYH. Yes.

Mr. ROBERT C. BYRD. I thank all Senators, and I thank especially the Senator from Kansas (Mr. DOLE) and the chairman of the Intelligence Committee (Mr. BAYH).

Mr. GOLDWATER. Mr. President, if the Senator will yield, I do not think the Chair ruled.

Mr. ROBERT C. BYRD. Did the Chair rule?

The PRESIDING OFFICER. Yes; the Chair has ordered that to be printed in the RECORD and made available to all Senators.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Kansas (Mr. DOLE) has the floor.

Mr. BAYH. Mr. President, will the Senator from Kansas permit me to add one other factor or reiterate one other factor?

Mr. DOLE. Yes.

Mr. BAYH. I just want to make certain that everyone knows what is available. The decision has been made that as of Monday morning, the 20th, the Intelligence Committee staff will be there on hand to brief any Senator who wants to be briefed. We then will have the executive session. I have just discussed this with Mr. Miller, the chief of Staff of our committee. If any Senator between now—you do not need to wait a week and a half—wants to look at it next Monday instead of a week from next Monday, and wishes to go through all this information, if he will just let us know, and I am sure the Senator from Arizona has no reservations about that. We want to make everything available. I am sure we can do this without hurting the country or violating the responsibility we have as members of the Intelligence Committee through the provisions of Senate Rosolution 400.

Mr. DOLE. I thank the distinguished chairman of that committee.

I would hope that by, say, Monday, the 20th, we might have the sanitized report that the Intelligence Committee is making available. That will be very helpful, too, if we had that information. Maybe it is not possible, but it would be helpful.

Mr. BAYH. I would say, if the Senator will yield again—I hate to keep interrupting here—we hope by the middle of next week to have that sanitized version which I assume will give a pretty good feel for what the problem is. There are some elements not central to the main arguments that cannot be disclosed because that is sources and methods information which could damage our country and might lead to the loss of the lives of some people who were involved in the collection process.

Mr. DOLE. I thank the distinguished majority and minority leaders for their total cooperation.

I say again I think the American people—after all, we are, in effect, talking to the American people, the American people are listening; they want to be informed about the Panama Canal treaties. If I am any judge, they also want to be informed about anything else, whether it relates directly or indirectly to negotiations.

We have had a great deal of mail on this issue, and I would hope that it can now be laid to rest, if laid to rest, or made public, or somehow explored so we can find out just what the true facts are.

Mr. BAKER. Mr. President, if the Senator will yield to me a moment, I would like to take this opportunity to express my appreciation to the Senator from Kansas. I think he has identified a very, very important issue. I think beyond that it is even more important that the Senate and, indeed, the country, have access to all material and pertinent facts that are available to us from whatever source. I think his suggestion here, and the action that has been taken on the request of the majority leader in which I was happy to concur, has moved us further toward the point where we can make sure that we are all singing off the same sheet of music.

I thank the Senator from Kansas for his effort in that respect.

Mr. DOLE. I totally agree with my distinguished leader, and it seems to me that this could resolve many of the questions some of us have, maybe not completely, but I think we are talking about support of the American people. I am not certain—I assume the secret session will not be on the radio; is that correct?

Mr. BAKER. I would assume so.

Mr. DOLE. That would be a good day for commercials.

Mr. BAKER. We have to make other provisions. It may be no one is listening anyway.

Mr. DOLE. This may be secret enough.

But in any event, I thank the leaders, and I would hope that we can address these questions because they are real. If you look at the mail and read the mail coming from the people, they are asking the questions and we put these questions to General Torrijos, I might add, and he said, "Your agencies are not telling you the truth; I will send you the information."

We waited for a couple of weeks and then we wrote General Torrijos a letter and knowing the system does not work too rapidly, it has been now 3 weeks and we still have not had a response from General Torrijos. But he seemed totally forthcoming as far as our having information.

So I think now we will have the information. Maybe we will not be able to tell anybody about it. But we can say it in our own minds when we are asked to vote.

Mr. President, I am prepared to yield the floor. I yield to the distinguished Senator from Utah for a unanimous-consent request.

(At this point there was a colloquy concerning certain correspondence from a Representative, which by unanimous consent is printed in the RECORD following Mr. DOLE's remarks.)

The PRESIDING OFFICER. The Senator from Kansas (Mr. DOLE).

Mr. DOLE. The Senator from Kansas will soon conclude. I want to express my appreciation to the majority leader and the minority leader for scheduling the closed session of the Senate on February 21, commencing at 10 a.m., at which time we will discuss some of the allegations with reference to General Torrijos and the Torrijos family, and, hopefully, go through some of the 45 files, or at least have questions with reference to 45 files, which have been indicated to me previously might somehow impact on drug traffic.

Mr. President, finally, it seems to me that if we dispose of the drug matters and start on amendments, we should also consider, before getting into any specific amendment, what happened to the process in the past 12 or 13 months with reference to treaty provisions which were under negotiation prior to 1977.

The Senator from Kansas has just indicated that I have information, I think accurate information, from a reliable source which would indicate that a number of changes were made in the treaties in July and August and May and June of 1977 which I think were not in the best interests of our country. We will be discussing these at greater length line by line, amendment by amendment, article by article, because they bear upon one or two of the amendments the Senator from Kansas will be offering at some

later date, in February, March, or April, as we get into a discussion of the treaties. I yield the floor.

(The following proceedings occurred during Mr. DOLE's remarks and are printed at this point in the RECORD by unanimous consent.)

Mr. HATCH. Mr. President, I also would lke to thank the Senator from Kansas for the great service he has done. I have followed much of this investigation and much of the matters that he has brought up to the extent that I have been able to do so. I think they are of great moment and of great purpose. But at this particular time I would just like to call the attention of the Senate to the fact that one of our distinguished colleagues from the House has just brought some, I think, important papers to me.

I would like to just say that this colleague's name is Congressman GEORGE HANSEN from the Second District of Idaho. Congressman HANSEN has been very active of late doing everything he possibly can to justify and to bring about a means whereby the House of Representatives will not be ignored with regard to the Panama Canal treaties, and that the article IV, section 3, clause 2 sections of the Constitution likewise will not be ignored.

Congressman HANSEN has put a great deal of time and effort into talking with his colleagues in the House, and he has brought over a list of 219 Members of the House who are basically subscribers or cosponsors of his resolution which states:

That it is the sense of the Congress of the United States that any right to, title to, or interest in the property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the Zone should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress.

Two hundred and nineteen of his House Members have cosponsored this resolution in a series of resolutions in the House, which is more than half of the Members of the House who would like to have the opportunity and privilege of representing their constituencies in voting by majority vote whether or not to have these treaties.

Incidentally, I think Congressman HANSEN has done the Senate and the complete Congress, one of the three coequal branches of Government, a great service in pointing out that the House really should have this opportunity and that our colleagues in the Senate should certainly support the House in its demand for this opportunity.

Congressman HANSEN has indicated to me that some of these cosponsors of this resolution are not in favor of the treaties and some of them are, but all of them are in favor of having the House vote on this matter because it is the prerogative of the House to vote.

He has also brought to me two letters, one written to our own distinguished colleague and friend Senator ROBERT C. BYRD, the majority leader, and a letter to the Honorable THOMAS P. O'NEILL, JR., Speaker of the House of Representatives.

I would just quote from one aspect of the letter to Speaker O'NEILL.

Congressman HANSEN states in his the letter to Speaker O'NEILL.

You will note that the concept of the Resolution is to protect the integrity of the legislative process against default or Executive usurpation, a matter of serious concern for many years. It properly conditions treaty approval where property transfer or appropriations are involved to appropriate and timely acts of Congress rather than hit and miss implementation by the Executive occasionally augmented by post-mortem patchwork authorization and appropriation measures.

The Senate is, of course, jealous of its prerogatives, but so should the House be in order to preserve the balance intended by the Constitution. I am hopeful that you were misquoted by the February 4, 1978, Idaho Statesman newspaper in an article which stated:

"But House Speaker Tip O'Neill said he would keep the resolution from reaching the House floor until after the Senate votes on ratification of the treaties, at which time President Carter would probably ignore House claims to jurisdiction."

I am sure that the Idaho Statesman must have had some misinformation there myself because I cannot imagine the Speaker of the House of Representatives in any way even attempting to prohibit the Members of the House during this particularly important debate from voting on this particularly important resolution which really includes 219 cosponsors.

Furthermore, toward the end of the letter to Speaker O'NEILL, Congressman HANSEN states:

Mr. Speaker, the co-sponsors of the Resolution took their position in the face of controversy and pressure for a principle. They represent both sides of the Treaty issue but feel strongly about timely House involvement according to the Constitution, according to established precedent, and according to responsible and practical application of government procedures through reasonable legislative partnership.

Little can be added or subtracted. The House in a sense has already voted, through the device of co-sponsorship, that no implementation of the Panama treaties should take place without proper House involvement through an Act of Congress. The Resolution is now to be introduced into the Senate and that body could cooperate by its passage or by approving proper reservations or Amendments to any Treaty approvals.

I ask unanimous consent that the two letters, the one to Senator ROBERT C. BYRD and the one to Speaker O'NEILL, and the list of cosponsors of the various concurrent resolutions or resolutions in the House of Representatives, and particularly the list by States, which shows that 124 members of the Republican Party and 95 members of the Democratic Party, representing 46 States, are cosponsors of this resolution, be printed in the RECORD.

In addition, I think it is fair to note that in the letters Congressman HANSEN of Idaho has made it clear that his letter is a bipartisan action. Among the hundreds of sponsors—actually 219 House Members—are the chairmen or chairmen-to-be of the House Appropriations Committee, the Armed Services Committee, the International Relations Committee, the Interstate and Foreign Commerce Committee, the Merchant Marine and Fisheries Committee, the Science and Technology Committee, and the Veterans' Affairs Committee of the House of Representatives.

He has also pointed out that the resolution is cosponsored by all the House Members from West Virginia, Alabama, and Idaho, which are States representing the Senate majority leadership position in the Panama issue—I think something that is very notable, and something that we should take cognizance of.

I ask unanimous consent that all of this be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, what is it the Senator wishes to put in the RECORD?

Mr. HATCH. I want the two letters to the distinguished majority leader of the Senate and to the Speaker of the House of Representatives, the list of the cosponsors to the various concurrent resolutions, and the last page of this, which is a State tally of the Republicans and the Democrats and the total, put into the RECORD at this point, and I respectfully ask unanimous consent that that be done.

Mr. ROBERT C. BYRD. Mr. President, I will certainly not object to the inclusion in the RECORD of these matters. I cannot remember a time when there was such an objection. But I reserve the right to object simply because this matter being inserted in the RECORD appears to be a letter addressed to me, in part. Am I correct?

Mr. HATCH. That is true. It is a letter, I think, of such import that it is not private. I think basically this is a letter which expresses Congressman HANSEN's extensive and laborious efforts to try to convince not only his colleagues in the House, but every Member of the Senate, including the distinguished majority leader.

Mr. ROBERT C. BYRD. Of what?

Mr. HATCH. That the House should have the privilege of voting on this matter in accordance with the Constitution.

Mr. ROBERT C. BYRD. On what matter?

Mr. HATCH. On the matter of the Panama Canal Treaty, in accordance with the constitutional provisions of article IV, section 3, clause 2.

Mr. ROBERT C. BYRD. Mr. President, I have no objection to the material going into the RECORD, but may I say I gave Mr. HANSEN my reaction when he delivered the letter to me a few minutes ago.

Mr. HATCH. I would be interested in that.

Mr. ROBERT C. BYRD. For the RECORD, my answer was that under the Constitution the Senate has the sole prerogative and responsibility to give its approval to the ratification of a treaty, No. 1; and, No. 2, property transfers can be self-executing by treaties that are approved by the Senate. Such property transfers have heretofore, in the past, been made by treaties, which in themselves were self-executing as to the transfer of such property. This will not

be setting a precedent. Any transfer of properties that may be involved in the Panama Canal treaties will be self-executed by the treaty ratification. That provision will be self-executing at such time as the Senate gives its approval and the President ratifies the treaties, and the exchange of ratification documents takes place between the two countries.

So that was and is my answer to Mr. HANSEN. I have no objection to the letters going into the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President——

Mr. HATCH. Mr. President, reserving my right to the floor, I yield to the Senator.

Mr. DOLE. The Senator from Kansas has the right to the floor, but I just want to make one further request: That this colloquy follow the discussion of the Senator from Kansas and other Senators concerning allegations concerning drug traffic, and the agreement on the secret session.

Mr. HATCH. I certainly agree.

Mr. DOLE. Then, if the Senator would like, I can finish my remarks and yield the floor, because I only have about 1 more minute.

Mr. HATCH. Well, I certainly apologize. I thought the Senator had finished. If I may just add one more sentence——

Mr. DOLE. Fine.

Mr. HATCH. It is this: Let the RECORD show that as much as I admire the distinguished majority leader, I respectfully disagree on his interpretation of the Constitution, on his interpretation of the law, and on his interpretation that this is a self-executing set of treaties. I think the law would bear out that that is not correct, and I think many of my colleagues in both the House and the Senate would argue very strongly that that is incorrect, along with many legal authorities in this country.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I will be glad to discuss this matter at any length the able Senator from Utah wishes to discuss it. His saying that he rejects my argument does not make the argument invalid. My argument stands. Mr. HANSEN, who is now in the Chamber, received my answer orally when he submitted his letter to me, and he has just heard me restate my position for the record in response to the request made by the Senator from Utah to put the letter addressed to me in the RECORD. I am very happy to have the letter go into the RECORD; I will be very happy to answer the letter to Mr. HANSEN now, as I did a few minutes ago, and I am very happy to say that I think my answer, most resectfully, is a proper one.

I respect Mr. HANSEN, a Member of the House for his interest and for his writing the letter to me. I find no fault with that at all. What I have said is not meant in any way to be any criticism of him or the Members of the House who cosigned the request or the resolution, or whatever it may have been.

But I must state without any equivocation exactly where I stand on this issue. I have done that, and I am content to let the matter rest at that.

The PRESIDING OFFICER. There is a request before this body for a unanimous consent to have printed in the RECORD certain documents which, together with the remarks pertinent thereto, will follow the remarks of the Senator from Kansas (Mr. DOLE). Is there objection?

Mr. HUDDLESTON. Mr. President, reserving the right to object, and I will not, although I am probably inclined to, because I think we are seeing demonstrated here the power of the broadcast media: this is probably one of several grandstand efforts that we will see, not only, maybe, from our own 100 Members that we have here, but maybe from the other side of the Capitol also. We are being asked to consider something extraneous to the principal issue before us, and that is whether or not to ratify these treaties.

I know there is a legal question as to whether or not the House of Representatives should be involved in voting on the disposition of American property. But it is just that; it is a legal question. The proper place to have it resolved, of course, is in the courts. An effort has been made, as I understand, to do that.

The majority leader has expressed what many legal scholars believe to be the correct interpretation of the constitutional requirement. The interpretations which I have read have ranged all the way from saying yes, the House must participate, to they should not, or they do not necessarily have to.

The constitutional requirement does not say, according to some legal scholars, that the House has that exclusive jurisdiction and authority; that the President may, or he may through treaties, dispose of property.

So it is a legal question. We can argue it here all year and never come to a solution. It ought to be resolved in the proper place. Whatever the courts decide is whatever the Congress will have to do.

We should not get this debate, in my judgment, bogged down in these kinds of extraneous issues which have virtually no bearing upon the merits of the treaties upon which we are called upon to make a decision.

Mr. ROBERT C. BYRD. Before the Senator yields the floor, will the Senator agree with me that the other body does have a responsibility equal to the responsibility of the Senate in the enactment of implementing legislation which may be made necessary by the ratification of the treaty? We do not deny that.

Mr. HUDDLESTON. There is no question about that.

The PRESIDING OFFICER. Is there objection?

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 8, 1978.

Hon. ROBERT C. BYRD,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR BYRD: I am writing to officially advise you of a concurrent resolution concerning the Panama Canal issue which I introduced into the House of Representatives shortly after the Treaty signing in September 1977.

This Resolution, H. Con. Res. 347, has a huge number of co-sponsors, a majority of House Members, which indicates overwhelming support for upholding the constitutional prerogatives of both Houses of Congress under Article IV.

The Resolution in no way interferes with the Article II powers of Treaty approval held by the Senate but insists that such authority be properly teamed with Article IV to prevent the House being held hostage to Senate action.

This is entirely consistent in terms of good legislative relations between two co-equal bodies representing the same constituency with somewhat differing responsibilities, neither of which should be considered of lesser importance, particularly on an issue so critical to the nation's interests.

The teaming of Articles II and IV is also consistent with all precedent involving Panama and the many past Treaty revisions.

My Resolution states ". . . That it is the sense of the Congress of the United States that any right to, title to, or interest in the property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the Zone should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress."

You will note that the concept of the Resolution is to protect the integrity of the legislative process against default or Executive usurpation, a matter of serious concern for many years. It properly conditions treaty approval where property transfer or appropriations are involved to appropriate and timely acts of Congress rather than hit and miss implementation by the Executive occasionally augmented by post-mortem patchwork authorization and appropriation measures.

Just as the Senate is jealous of its authority and prerogatives, so is the House, and rightly so, to preserve the balance intended by the Constitution. Therefore, we are saying to you, we in the U.S. House of Representatives in the name of the citizens of this nation insist on fair play and responsible procedure. We cannot abide by the following process as outlined in the Federal 4, 1978 Idaho Statesman, "But House Speaker Tip O'Neill said he would keep the resolution from reaching the House floor until after the Senate votes on ratification of the treaties, at which time President Carter would probably ignore House claims to jurisdiction."

Hopefully a Speaker of the House, party politics aside, would not really be so cavalier regarding the prerogatives of that great body and its responsibilities to the people. Hopefully the Majority Leader of the Senate and others in positions of power will have proper respect for legislative partnership and processes.

I can assure you that my Resolution indicates little support for forfeiture of House responsibilities. In fact, you will note of the hundreds of co-sponsors that there is strong representation among Chairman and ranking minority Members of all major committees and sub-committees concerned with the Panama issue. This includes the Chairman (or Chairman-designate for the next Congress) of Appropriations, Armed Services, International Relations, Interstate and Foreign Commerce, Merchant Marine and Fisheries Science and Technology, and Veterans Affairs.

Also, it is probably well to inform you that my Resolution is cosponsored by all House Members from West Virginia, Alabama, and Idaho which are the States representing the Senate Majority Leadership in the Panama issue (Majority Leader and Foreign Relations Chairman and Chairman-apparent).

Hopefully you will understand the seriousness of the Panama matter to Members of the House so that legislation is properly

framed to prevent constitutional and legislative confrontation which could impair relations and even preclude the will of Congress as agents for the people by unnecessarily causing the decisions to be made in the Courts.

Sincerely,

GEORGE HANSEN,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 10, 1978.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. SPEAKER: This letter is to respectfully and officially inform you of my Concurrent Resolution concerning the Panama Canal issue which was first introduced as final Treaty negotiations were in process.

This Resolution, H. Con. Res. 347, has by survey overwhelming support in the House and this is further attested by the fact that a majority of House Members are now co-sponsors and this list is growing.

The Resolution appears to be most necessary to establish order and prevent misunderstanding. To allow Senate Treaty action without timely conditional House action as our authority applies is to leave a major international decision to twist in the wind of hit and miss enabling action that could cause more pain than any treaty approval could hope to relieve.

The House would be acting with a gun to its head operating in a climate of fait accompli and have little opportunity to freely work its will. I can't believe any responsible House Member would want to face such a situation.

I realize some Members feel this matter is solely a Senate prerogative and others would like to avoid the issue. I also understand the Administration's position of wishing to involve the House only on occasion and after the fact for certain implementation programs.

However, the transfer of U.S. asserts is so major and so unprecedented that to preclude the House in the finalizing considerations appears to be a gross neglect of both Congressional rights and responsibilities. The Senate debates and hearings in both bodies have clearly identified a total transfer impact on taxpayers of hundreds of millions of dollars in addition to the billions invested in the land and improvements. Surely, the House cannot sidestep its tax and appropriation responsibilities as a condition of final action on the Treaty proposals.

The assured heavy increase in tolls and tariffs (estimated by U.S. State Department Environmental Impact Statement to be 40–60%) promises to raise the price of food, heating oil and most major commodities for every consumer in the United States. This increase of transit fees at the crucial Panama junction can also have significant adverse impact on our already disastrous balance of payments situation by further impairing our ability to compete in the world market.

Midwest farmers depending heavily for customers in the Far East would have the Panama middle-man to pay which could seriously damage their ability to sell in competition with Canada, Argentina, Australia and New Zealand when a cent per bushel or per pound can mean the difference in the grain and cattle markets.

Millions of metric tons of sugar from the West Coast including my State of Idaho comes through the Canal to the East Coast in competition with Latin American producers who already have so undercut the U.S. farmers' market that an agriculture depression exists in rural America. Those farmers we have with us today aren't in Washington to enjoy the scenery, I can assure you.

And, after the vicious rise in heating oil and gasoline prices during recent years because of the Arab boycott and other factors, how can we subject the citizens of the whole Eastern part of the U.S., including your own State of Massachusetts, to higher costs by paying a surcharge to Panama for the new domestic oil available from Alaska's north slopes without House scrutiny?

By land, by sea, by air this Nation has been commercially and militarily united in recent years so that no traffic need cross foreign soil to traverse from coast to coast conveniently and economically. Will we place a foreign nation's toll booth astraddle of our sea lane without timely House scrutiny?

The point I make, Mr. Speaker, is that the proposed Panama Canal Treaties have major economic impact upon the farmers, consumers and taxpayers of the Nation and as their elected representatives we can not ignore their well-being as is our responsibility under the Constitution.

The Library of Congress Research Service, American Law Division report of August 4, 1977, by legislative attorney Kenneth Merin notes:

"The United States has transferred territory and property in and around the Canal Zone to the Republic of Panama on four previous occasions.

"The 1932 and 1937 transfers were effected by Act of Congress. In 1943, a Joint Resolution approved an executive agreement calling for the transfer of property to Panama. Three provisions in a 1955 treaty with Panama provided for the disposition of territory and property. One of those provisions required implementing legislation. Although the other two provisions did not call for implementing legislation, a State Department official acknowledged that implementing legislation would be required for all three provisions."

The Study concludes that,

"It is clear that Congress has often asserted an exclusive right to dispose of federal territory and property. It is also apparent that both the Executive and the Senate have recognized that claim in past dispositions of property in the Canal Zone to Panama."

The Study continues regarding Article IV, Section 3, Clause 2 that,

". . . it appears that those powers have been recognized as exclusive for purposes of disposal of property in and around the Canal Zone to Panama."

Also noted by the Study was the following:

"Finally, regardless of the nature of the Article IV power, the co-operation of all three branches of government is necessary for the effective implementation of American foreign policy. Although the President is the sole organ of communications with other nations, conclusion of a treaty without prior regard for congressional attitudes might adversely affect the continuing executive/congressional relationship."

The Resolution in no way interferes with the Article II powers of Treaty approval held by the Senate but insists that such authority be properly teamed with Article IV to prevent the House being held hostage to Senate action.

I believe this is entirely consistent in terms of good legislative relations between two co-equal bodies representing the same constituency with somewhat differing responsibilities, neither of which should be considered of lesser importance, particularly on an issue so critical to the Nation's interests.

The teaming of Article II and IV is consistent with all precedent involving Panama and the many past Treaty revisions.

My Resolution states ". . . That it is the sense of the Congress of the United States that any right to, title to, or interest in the property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the Zone should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress."

You will note that the concept of the Resolution is to protect the integrity of the legislative process against default or Executive usurpation, a matter of serious concern for many years. It properly conditions treaty approval where property transfer or appropriations are involved to appropriate and timely acts of Congress rather than hit and miss implementation by the Executive occasionally augmented by post-mortem patchwork authorization and appropriation measures.

The Senate is, of course, jealous of its prerogatives, but so should the House be in order to preserve the balance intended by the Constitution. I am hopeful that you were misquoted by the February 4, 1978, Idaho Statesman newspaper in an article which stated,

"But House Speaker Tip O'Neill said he would keep the resolution from reaching the House floor until after the Senate votes on ratification of the treaties, at which time President Carter would probably ignore House claims to jurisdiction."

My Resolution indicates little support for forfeiture of House responsibilities. In fact, of the hundreds of co-sponsors there is strong representation among Chairmen and Ranking Minority Members of all major committees and subcommittees concerned with the Panama issue. This includes the Chairman (or Chairman-designate for the next Congress) of Appropriations, Armed Services, International Relations, Interstate and Foreign Commerce, Merchant Marine and Fisheries, Science and Technology, and Veterans Affairs.

Also, my Resolution is co-sponsored by all House Members from a number of states including West Virginia, Alabama and Idaho which are the homes of the Senate Majority leadership in the Panama issue (Majority Leader and Foreign Relations Chairman and Chairman-apparent).

Mr. Speaker, the co-sponsors of the Resolution took their position in the face of controversy and pressure for a principle. They represent both sides of the Treaty issues but feel strongly about timely House involvement according to the Constitution, according to established precedent, and according to responsible and practical application of government procedures through reasonable legislative partnership.

Little can be added or subtracted. The House in a sense has already voted, through the device of co-sponsorship, that no implementation of the Panama treaties should take place without proper House involvement through an Act of Congress. The Resolution is now to be introduced into the Senate and that body could cooperate by its passage or by approving proper reservations of Amendments to any Treaty approvals.

I would hope that my efforts have given you the foundation to call for timely and appropriate House involvement in advance of any final determination regarding the issue of possession of the Panama Canal Zone and American installations there.

Sincerely,

GEORGE HANSEN,
Member of Congress.

COSPONSORS

H. Con. Res. 347:	
Kemp (NY)	Livingston (LA)
Kindness (OH)	Goldwater (CA)
Ketchum (CA)	Marriott (UT)
Crane (IL)	Evans (DE)
Dornan (CA)	*McDonald (GA)
*Zeferetti (NY)	Abdnor (SD)
Edwards (OK)	Duncan (TN)
*Flood (PA)	Quayle (IN)
*Stump (AZ)	Snyder (KT)
Symms (ID)	Collins (TX)
	Winn (KS)

Schulze (PA)
Rinaldo (NJ)
Rousselot (CA)

H. Con. Res. 348:
Ashbrook (OH)
Holt (MD)
Bauman (MD)
Lott (MS)
Lagomarsino (CA)
Clawson (CA)
Smith (NE)
Lujan (NM)
*Waggonner (LA)
*Ichord (MO)
*White (TX)
Shuster (PA)
Latta (OH)
Rudd (AZ)
Myers (IN)
Grassley (IA)
Hillis (IN)
Young (FL)
Hagedorn (MN)
*Montgomery (MS)
Thone (NE)
Guyer (OH)
Sawyer (MI)
Devine (OH)

H. Con. Res. 350
Hammerschmidt (AR)
Burgener (CA)
Taylor (MO)
Broyhill (NC)
*Nichols (AL)
Moorhead (CA)
*Burleson (TX)
Pressler (SD)
Sebelius (KS)
Robert Daniel (VA)
*Jones (NC)
*Hall (TX)
*Dan Daniel (VA)
Vander Jagt (MI)
Robinson (VA)
McDade (PA)
Brown (OH)
Martin (NC)
Emery (ME)
Badham (CA)
Jeffords (VT)
Walker (PA)
Cunningham (WA)
*Roe (NJ)

H. Con. Res. 358:
Marlenee (MT)
*Mottl (OH)
Mitchell (NY)
Conable (NY)
Quie (MN)
Leach (IA)
Miller (OH)
Stockman (MT)
Hyde (IL)
*Murphy (NY)
Corcoran (IL)
Frey (FL)
Armstrong (CO)
Skubitz (KS)
Heckler (MA)
Pritchard (WA)
Edwards (AL)
Wampler (VA)
Gilman (NY)
Dickinson (AL)
Young (AK)
Cleveland (NH)
Pettis (CA)
Butler (VA)

H. Con. Res. 360:
Lent (NY)
Frenzel (MN)
Kelly (FL)
McEwen (NY)
Bob Wilson (CA)
Moore (LA)
Madigan (IL)
Stangeland (MN)
Trible (VA)
Spence (SC)
*Gaydos (PA)
Carter (KY)
Bafalis (FL)
Walsh (NY)
Wylie (OH)
Whitehurst (VA)
Brown (MI)
Regula (OH)
Beard (TN)
Wiggins (CA)
Harsha (OH)
*Mollohan (WVA)
*Stratton (NY)
Fish (NY)

H. Con. Res 365:
Horton (NY)
*Runnels (NM)
*Davis (SC)
*Byron (MD)
*Flowers (AL)
*Chappell (FL)
*Hubbard (KY)
Kasten (WI)
*Satterfield (VA)
*Breaux (LA)
*Flynt (GA)
Caputo (NY)
*Volkmer (MO)
*Lloyd (CA)
Quillen (TN)
*Mathis (GA)
*Lloyd (TN)
*Risenhoover (OK)
*Watkins (OK)
Cohen (ME)
*Huckaby (LA)
Ireland (FL)
*Young (MO)
*English (OK)

H. Con. Res. 402:
Rhodes (AZ)
Treen (LA)
*Alexander (AR)
*Bevill (AL)
*Evans (GA)
*Sikes (FL)
Burke (FL)
Gradison (OH)
*Biaggi (NY)
*Anderson (CA)
*Bowen (MS)
Andrews (ND)
*Applegate (OH)
*Leggett (CA)
*Barnard (GA)

H. Con. Res. 462:
Cochran (MS)
*Minish (NJ)
*Long (MD)
*Flippo (AL)
*Fountain (NC)
*Holland (SC)
*Jenrette (SC)
*Teague (TX)
*Milford (TX)
*Hughes (NJ)
*Eilberg (PA)
*Ginn (GA)
*Rahall (WV)
*Bennett (FL)
*Slack (WV)
*Benjamin (IN)
Buchanan (AL)
Archer (TX)
*Thornton (AR)
*Fuqua (FL)
*Whitten (MS)
Forsythe (NJ)
Clausen (CA)

H. Con. Res. 465:
Hollenbeck (NJ)
*A. J. Murphy (PA)
*Ertel (PA)
*Shipley (IL)
*Akaka (HI)
*Staggers (WV)
*Price (IL)
*Le Fante (NJ)

H. Con. Res. 467:
Michel (IL)
*Gammage (TX)
*Jenkins (GA)
*Duncan (OR)
*Murphy (IL)
Derwinski (IL)
*Yatron (PA)
*Young (TX)
*Roberts (TX)
*Collins (IL)

H. Con. Res. 468:
*Zablocki (WI)
*Patten (NJ)
*Neal (NC)

H. Con. Res. 474:
Wydler (NY)
*Jones (TN)
*Fary (IL)
*Hannaford (CA)
*Skelton (MO)
*Whitley (NC)
*Luken (OH)
McClory (IL)
*Hefner (NC)
Broomfield (MI)
*Okar (OH)
Cederberg (MI)

H. Con. Res. —
*Wilson (TX)
*Evans (IN)
*Gudger (NC)

	GOP	Democrat	Total
Alabama*	3	4	7
Alaska*	1		1
Arizona	2	1	3
Arkansas	1	2	3
California	13	4	17
Colorado	1		1
Connecticut			
Delaware*	1		1
Florida	5	5	10
Georgia		7	7
Hawaii		1	1
Idaho*		2	2
Illinois	7	5	12
Indiana	3	2	5
Iowa	2		2
Kansas	3		3
Kentucky	2	1	3
Louisiana	3	3	6
Maine*	2		2
Maryland	2	2	4
Massachusetts	1		1
Michigan	6		6
Minnesota	4		4
Mississippi*	2	3	5
Missouri	1	4	5
Montana	1		1
Nebraska	2		2
Nevada			
New Hampshire	1		1
New Jersey	3	5	8
New Mexico*	1	1	2
New York	11	4	15
North Carolina	2	6	8
North Dakota*	1		1
Ohio	12	4	16
Oklahoma	1	3	4
Oregon		1	1
Pennsylvania	4	6	10
Rhode Island			
South Carolina	1	3	4
South Dakota*	2		2
Tennessee	3	2	5
Texas	2	9	11
Utah	1		1
Vermont*	1		1
Virginia	6	2	8
Washington	2		2
West Virginia*		4	4
Wisconsin	1	1	2
Wyoming			
(Total) 46 States	124	95	219

Note: A majority of House committee chairmen and ranking minority Members have cosponsored this resolution.

(This concludes proceeding which occurred earlier.)

The PRESIDING OFFICER. The Senator from New Mexico (Mr. SCHMITT) is recognized.

Mr. SCHMITT. Mr. President, for the information of the Senator from Idaho, with whom I had a personal agreement, I will yield the floor to him at the conclusion of my brief remarks.

Mr. President, the Senator from New Mexico has been working off to the side of the main debate on the Panama Canal Treaties. It is a little bit like being exposed to the loneliness of a long distance runner. However, I believe there is a better answer for us and our friends in this hemisphere, a better answer than the treaties which are being offered to the U.S. Senate. That answer is a system of international management and defense of the canal.

Mr. President, the Panama Treaties have provoked more concern, interest, and discussion among the American people than any other foreign policy issue in recent times. If taken together with all other debates about the "path between the seas," there is probably no more greatly contested issue in American history. We find a personal and emotional involvement of the American people in the Panama Canal issue that seems to defy any quantitative explanation. This is truly a domestic issue as well as a foreign policy issue.

In addition to hearing about its role in the lives of our fathers or grandfathers, most Americans have some direct or indirect attachment to "the canal." The feat of building the canal still stands as one of America's great achievements, much like landing on the Moon 60 years later. By the technology which was produced by that feat we have had one of our greatest rejuvenations of the American economy, both domestically and internationally.

Americans are deeply concerned about the foreign policy of this country. The clear perception for many people, and particularly many of our young people with whom I talked, is that recently we have too often backed down to the demands of less than free governments. There is a concern of how other nations view us: A concern of what the future of the world will be if this, the greatest free nation in history, has neither the will nor strength to stand for what we believe is best for all peoples.

Our people are concerned that the long-term interests of the United States are being compromised. While recent polls have indicated that the treaties have picked up some popular support, the majority of Americans and certainly the majority of New Mexicans are still not satisfied with these treaties.

At the same time, my discussions with Latin American ambassadors and experts show that rejection of the treaties is clearly unacceptable nationally to most hemispheric governments. The recent publicity indicates that a majority of the Panamanians approve the treaties although all their motivations are not clear. Outright rejection also would ignore the political realities of radical opposition faced by most Latin American leaders. Most critically, the times are moving against the propriety of the unilateral control of territory or technology of international usefulness, such as an international waterway between oceans.

Although I plan to continue to oppose the treaties before the Senate, I find, Mr. President, that neither a vote for nor a vote against these treaties will satisfy the true situation we face in Panama, in Latin America, or in the world. These treaties fail to address themselves to the future of those countries and of the modern world. Whatever the final vote on the treaties the Panama Canal issue will not go away.

We have seen over and over again that bilateral treaties have not been successful.

That is what we have before us—a set of bilateral treaties, treaties between two nations.

In only takes one party to break such a treaty. In such a situation, the other nations, who are also dependent on the

canal, much more so than ourselves, can have no real guarantee of nondiscriminatory rates and unlimited use of the canal.

Nor is there any real guarantee that our Nation can defend the canal with the sanction and without the opposition of Panama or the rest of the hemisphere. Amendments to these bilateral treaties will not basically change the future realities of world opinion should we intervene unilaterally without general approval of such an act. The President's commitment to intervene militarily if trouble arises should the treaties be rejected, was not only premature but ill advised in the absence of the real facts of a real situation.

The only answer to this dilemma before us is the involvement of all nations of this hemisphere in the operation and defense of the canal. This internationally important waterway has become a truly hemispheric resource, beyond the prevue of any one nation. We have a model of this type of international management which has been successful in recent years. I am referring to the Intelsat system of international communications. I suggest that only this type of system, which depends on the direct vested interests of many nations, will be successful in guaranteeing the long-term defense and openness of the canal. It will also guarantee a permanent step toward better hemisphere relations, and better cooperation between the various nations.

There are many analogies between the international utility of the Panama Canal and the international utility of global communication satellites. Foremost among these analogies is a clearly definable international need for continuous and equitable operation in the interest of all nations and all people.

The political and technical management of a global communication satellite system, as manifested by the Intelsat organization, is a unique new entry into the international scene. It is an organization that developed because of a coincidence of new technology and obvious international need. To the everlasting credit of the United States, we perceived this coincidence and guided the gradual trial-and-error development of Intelsat. To the everlasting credit of the Intelsat organization, it has become an example of international cooperation that is not only remarkably successful, but is both utilitarian and profitable.

Since late last summer, I have worked with several individuals who are experts in international institutional arrangements in the development of "Intersea," a proposal for hemispheric management and defense of the Panama Canal. "Intersea" is based on the Intelsat management system but also incorporates modern trends toward regionalism by matching Western Hemisphere control of the canal with international users' participation in decisions affecting use of the canal.

It is my belief that hemispheric management would satisfy the most significant national and economic interests of the United States, the Republic of Panama, all of Latin America, and the user nations of the world. Most importantly, it would bring into the management and defense of the canal those nations with the greatest interest in insuring the successful implementation of that management and defense.

(Mr. HOLLINGS assumed the chair.)

Mr. SCHMITT. While the Senate has not been asked to consider possible alternatives to the proposed treaties, nor do I suspect that it will be by the administration, the situation presents a unique opportunity for this body to step into the future; to guide the hand of the executive branch toward something of higher purpose and utility. My discussions of "Intersea" with Americans and Latin Americans over the last several months have convinced me that the concept of international management is also politically acceptable and in fact would be preferred by a majority of people here and abroad.

The "Intersea" concept is a concept of the space age and of an age of growing awareness of certain common international resources on this spaceship Earth.

We have only to think of the growing interest in the deep sea resources, of the Antarctic resources, of the problem of the disposal of nuclear waste, of the potential of tapping the resources of outer space, to realize that the concept of international management is not only here, but may well be mandatory if we are to move safely into the future.

"Intersea" would provide management of the canal by a regional organization for the benefit of all hemispheric nations. It recognizes the canal as an international resource with the common heritage of all nations. It provides for all users of the canal to have representation in decisions affecting its use, defense and expansion. "Intersea" would be an organization tailored to manage the canal through a sharing of sovereignty rather than unilateral control by any nation.

International management, such as "Intersea," would serve as a viable answer to one of the most complex technical, international, and political questions of our time, the question of the future of the Panama Canal.

As I pointed out earlier, there is a deep concern on the part of the American people about the future of the United States and, in fact, the future of the world. The actions we take here with regard to the Panama Canal are important components of the future makeup of the world. Will the United States remain the strong bastion of freedom that we always have been? The decision we make on these treaties, in part, are related to finding an answer to that question.

Mr. President, a more detailed description of this concept was placed in the RECORD on January 19, 1978. I hope my colleagues who have not yet studied this material will do so.

Later in the debate on these treaties, I shall propose reservations to the treaties to require that future discussions on major new facilities such as railroads or pipelines or, in fact, a sea-level canal, be conducted with the hemisphere in mind, and that, in fact, those negotiations include representatives of the rest of the hemisphere that are interested.

If, by some chance, a stalemate develops, then we shall consider offering amendments to provide for hemispheric negotiations that may be the necessary compromise to break any such stalemate in the Senate over the treaties related to the Panama Canal.

I yield the floor to the Senator from Idaho.

Mr. CHURCH. Mr. President, in the long and heated debate that has occurred thus far over the Panama Canal treaties, both sides have focused almost exclusively on their disagreements. Few participants have noted the extent to which both sides agree—that the present treaty with Panama is outmoded, that a new one is needed, and that its central feature must be to keep the canal open and running smoothly. There are, I think, several reasons underlying this consensus.

First, the present arrangement is 75 years old. When we took over the digging of the canal from the French in 1903, the United States had only recently commenced reaching out any distance from its shores. Traveling to Panama to inspect the excavation, Theodore Roosevelt became the first American President ever to leave the United States while in office. The most effective means of achieving national goals in the year of the Kitty Hawk flight are simply not the same in the era of the space shuttle.

Second, the people of Panama want a new treaty. They have been our staunch friends, as loyal as any of our allies. Their desires are important, and to ignore them on this issue, about which they feel so passionately, would be to destroy that friendship.

Third, we have learned a lot about the nationalist impulse of other people. We have found, through a painful, mistaken war in Southeast Asia, that citizens of small countries feel pride and patriotism just as much as we do. The Canal Zone is virtually the only remaining area in the world in which any country retains the vestiges of extraterritorial rights. What this arrangement means, by way of example, is that a Panamanian arrested in the Canal Zone—perhaps only blocks from his house—will be tried by a foreign court, under a foreign law, in a foreign language. No patriot anywhere has ever willingly accepted such humiliation. Those who fought at Lexington and Concord repudiated the authority of a distant throne, exercised in a form far less severe.

Fourth, in the event force were ever required to uphold the present antiquated arrangement, the United States would stand alone in the community of nations. The evidence is plain. For example, the United Nations Security Council in 1973 considered a resolution condemning the perpetuation of American jurisdiction over the Canal Zone. Not one nation—not even our closest allies—voted for our position, and we were forced to veto the resolution to prevent its passage.

This is not to say that we should permit our national prerogatives to be de-

termined by international bodies. We must define our own interests, and defend them—through multilateral action where possible, through unilateral action where necessary. But it seems generally agreed that, in the case of the Panama Canal, a new, fairer arrangement would strengthen the legal and moral basis for using military power to defend our interests should that ever become necessary.

It is for reasons such as these, I think, that even opponents of the treaties have concluded that some new arrangement is called for. The question at issue, then, is this: Do the treaties, as negotiated and submitted to the Senate, represent a new arrangement that will indeed serve our national interest? What is meant by national interest, of course, is not easily quantified or measured. But I think the commonsense objectives which I have heard expressed, in one form or another, in dozens of conversations in my own State, and in hundreds of letters from my constituents, are as good as any. They come down, I think, to four in number:

First, the United States must continue to enjoy the full use of the canal as an open and neutral passageway.

Second, the canal must be kept militarily secure.

Third, the achievement of these goals must neither weaken the worldwide position of the United States nor strengthen the hand of our adversaries in Latin America.

Fourth, to endure, the new arrangements should be fair and perceived to be fair.

These are sensible standards by which to judge the treaties now before the Senate. They are addressed to the legitimate concerns of our citizens. However, before applying these tests, a short synopsis of the treaties is in order.

Under the provisions of the Panama Canal Treaty, the United States will continue to operate the canal until the year 2000 through a U.S. Government agency, to be known as the Panama Canal Commission. The Commission in its operations will be governed by U.S. law, which will extend to such matters as the setting of tolls and employee regulations. Five members of the Commission's nine-member board will be Americans, and even the Panamanian members will have to be approved by our President. During this period, American troops will remain in Panama and the United States will have the primary responsibility for defending the canal.

Beginning in the year 2000, operation of the canal will be transferred to the Panamanians. At present, nearly 75 percent of the canal work force consists of Panamanians; by the year 2000, they will have moved into all levels of management and will be in charge of running the canal. Even then, however, the United States will retain the right to counter any threat directed against the canal or against the peaceful transit of ships through the canal. The Neutrality Treaty also assures that American ships will be able to go through the canal as quickly as possible, without any impediment, and that in an emergency they will be able to go to the head of the line—ahead of other ships waiting to go through the canal. Finally, a protocol to the Neutrality Treaty will be open to accession by all nations, which means, Mr. President, that countries of the world will be given an opportunity to endorse and support the concept of a neutral passageway, open to peaceful commerce of the world, the modus operandi of the canal.

The treaties are, then, addressed to the practical issue of use of the canal. As the Chairman of the Joint Chiefs of Staff, General George Brown, testified, the treaties "are the best way of preserving our access to and passage through the canal as a matter of national security." Secretary of Defense Brown put it this way:

> Use of the canal is more important than ownership. Efficient operation of the canal in the years ahead is more important than nostalgia for a simpler past. Ability to defend and control access to the canal is essential, but the issue is how that ability can best be assured—by cooperative effort with a friendly Panama or by a garrison amid hostile surroundings.

Mr. LAXALT. Will the Senator yield for a question?

Mr. CHURCH. I am happy to yield.

Mr. LAXALT. The Senator's argument presupposes we are going to be dealing for the 23-year period and after 2000 with a friendly Panama.

What is the situation, as far as the interest of this country is concerned, if the situation with Panama should deteriorate and they become unfriendly?

Mr. CHURCH. In that event, I say to the Senator that the United States retains the right, if it ever becomes necessary, not only for the balance of this century, but forever after, to take unilateral military action to preserve the canal, to keep it safe and to keep it open.

Mr. LAXALT. All right.

Mr. CHURCH. Now, I expect that ratification of these treaties will be a major step toward guaranteeing that our future relations with the Panamanians would be friendly. But no mortal can positively insure that some unexpected event might not tip them the other way.

Mr. LAXALT. I understand.

Mr. CHURCH. And if that were ever to happen, these treaties would give us the legal right to take unilateral military action to keep the canal safe and open against any threat, whether internal or external.

Mr. LAXALT. But at the present time and continuing up to 2000, it is true, is it not, that we have forces in place, we have complete physical control of the facility. That is true; is it not?

Mr. CHURCH. That is true.

Mr. LAXALT. In the year 2000, it is true also, is it not, we will have absolutely no military presence within the Canal Zone or with the Republic of Panama.

Mr. CHURCH. From the year 2000, American bases will be closed and Panama then undertakes by these treaties not to permit any foreign forces on her soil.

Mr. LAXALT. All right.

Mr. CHURCH. The present arrangements we have with Panama do not contain that prohibition.

Mr. LAXALT. I understand that.

But in the year 2000, if there is a difficulty, and as the Senator said we do not know, we hope not, but if there is a difficulty, either with Panama or with the Soviet Union, at that point we will have absolutely no physical military forces within the zone. I think the Senator concedes that.

Mr. CHURCH. Yes.

MR. LAXALT. All right.

Mr. CHURCH. The Senator is correct. But I may point out to him that as far as other large powers are concerned, we have always relied upon the primacy of the American fleet to protect the canal. We have kept enemy ships far enough away in two World Wars so there could not be any interference with the transit of ships through the canal.

Secretary of Defense Brown told us, in the course of our hearings, that we would not defend the canal by sinking an enemy ship in it. What we would do is use our naval power to keep enemy ships away.

Of course, under these treaties, we retain our capacity to control both the Pacific access and the Atlantic access to the canal, to prevent any threat of that kind from developing in the future.

Mr. LAXALT. I understand.

But let me carry the scenario just a bit further.

It is true we would, I hope, maintain a strong naval presence in the area on either side.

Let us assume that we have difficulty with Panama or with the Soviets, and let us assume that the difficulty does not come from the outlying sea lanes but from within Panama itself, and we need access for security purposes. At that point, we will have no physical forces there. Is it not true that that is going to call literally for an invasion of the Republic of Panama by this country to enforce its rights?

Mr. CHURCH. The term "invasion," I suggest to the Senator, is inappropriate, because these treaties will be amended in such a way as to make it explicit that we reserve a legal right to use unilateral military force if there is any future threat to the canal.

"Invasion" connotes an illegal entry upon the territory of another nation, but in these treaties, if amended, we reserve the legal authority to move in, if necessary, to keep the canal open in the future. Should that ever become necessary, we are far better off to be clothed with the legal right to defend the canal than to have to act without color of right.

Mr. LAXALT. I understand that. But what we are doing here, basically, is trading a right which is very tangible, in place, and we are trading it for a paper legal right.

Let us go back to my problem, which concerns me very seriously, and I suspect it concerns other millions of Americans, also.

Mr. CHURCH. The Senator's problem is that he wants to keep American forces in Panama forever.

Mr. LAXALT. As long as the security of this country is to be maintained; the Senator is absolutely right.

Mr. CHURCH. Then I suggest to him that he is living 50 years behind his time. There was a time, back when the 1903 treaty was executed, when this world was controlled by half a dozen great powers, when most of the people of the world, living in South America and Africa and Asia, were subjugated to foreign control, enforced by foreign troops. But those days are over. I suggest to the Senator from Nevada that all those colonies have disappeared. They are part of a dead past, and in their place are a hundred new independent governments.

Mr. LAXALT. Is the Senator suggesting that Panama is a colony?

Mr. CHURCH. I am suggesting to the Senator from Nevada that the Panama Canal Zone, subjected as it is to American law, American control, and the occupation of American forces, represents in fact, an exercise in extraterritorial rights that has all the characteristics of a colony.

Mr. LAXALT. I do not want to get too much into the point of a colony, because we are going to discuss that thoroughly when we get into article I. However, is it not the essence of a colonial situation that the major power exploit the smaller power in terms of its natural resources? Where has the exploitation been in the situation here, where no country has been more greatly benefited by another than Panama has been benefited by the United States, since 1903?

Mr. CHURCH. I would like very much to answer that question, because, among all the arguments that have been made by the treaties opponents, the one just advanced by the Senator from Nevada annoys me the most. So if the Senator will indulge me, I should like to take a few minutes to answer that argument.

Mr. LAXALT. May I sit down? [Laughter.]

Mr. CHURCH. Yes, you may sit down. Are you ready? [Laughter.]

A number of Senators have made this point, that we have done the Panamanians so much good they should be appreciative. Why, we have invested billions of dollars in military installations. We maintain a large payroll in the Canal Zone. Even though the better paid may not be Panamanians, still, 75 percent of the employees are Panamanian citizens. And we pay them good money.

Moreover, Americans in the Canal Zone go outside the zone, into Panama, and they buy merchandise in Panamanian stores, and this has had a beneficial impact on the economy. The Panamanians must be a very ungrateful people, we are told, if they do not appreciate how much good we have done them.

As the Senator from Nevada, himself, has pointed out, they are not the poorest people in the hemisphere. They are relatively better off than many other Latin Americans, at least in part by virtue of our investment and our payroll. So why should they not like us? Why should they not want us to remain indefinitely, with our laws, with our police, with our military forces, in this Canal Zone which bisects that little country, even though any Panamanian who might be caught speeding in the Canal Zone, or with a broken taillight, or for some other infraction of our regulations would be subject to our arrest, to our jurisdiction, and would be tried in our courts, in our language——

Mr. LAXALT. The Senator is not apologizing for that?

Mr. CHURCH. I am saying to the Senator, imagine, if you will, such an arrangement in our country. Suppose there was a strip of land 10 miles wide and 40 miles long in Nevada, occupied by a foreign power, controlled by foreign military forces, and any Nevadan who went in there was subject to the jurisdiction of that foreign power, could be arrested, could be tried, could be jailed. What would happen in Nevada? Why, the people of Nevada would not wait overnight to take charge and force an end to that humiliation.

Mr. LAXALT. I suggest that the people of my State feel that that is their condition now, since 87 percent of the land is in the Federal Government, which we consider to be a foreign power. [Laughter.]

Mr. CHURCH. Very well. But I believe that the Senator's point only underscores the force of the question I put to him. The Senator knows that the people of Nevada would not permit the imposition of a foreign jurisdiction within their State, and neither would the people of Idaho.

Mr. LAXALT. Mr. President, will the Senator yield?

Mr. CHURCH. And neither would the people of any State in the whole of our country.

Why must we live by a double standard? If we would not accept such a condition, why should we expect the Panamanians to accept it, and love us in the bargain?

I say to the Senator that you cannot pay the Panamanians enough to buy their pride. You cannot pay them enough to purchase their patriotism.

When I hear Senators say on this floor, "Yes, we realize that new, better, fairer arrangements should be made, as long as we keep the zone, and the canal; all we have to do is pay them more money," I think to myself, how can they miss the point so completely? How can anyone be so blinded by the double standard as to make an argument such as this?

Mr. LAXALT. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. LAXALT. As long as we are dealing in rampant speculation, where would Panama be today if the United States had not gone in there in 1903 and built that canal?

Mr. CHURCH. If the Senator wants me to speculate, I do not think this question is susceptible to a single answer. A French company was still there, digging.

Mr. LAXALT. Bankrupt.

Mr. CHURCH. It was the trustee of a bankrupt operation.

Mr. LAXALT. That is right.

Mr. CHURCH. There were other countries of the world that might well have picked up where the French left off, if the United States had not intervened in Panama.

I am not at all sure, given the fact that the Suez Canal was constructed by a foreign company, that it necessarily follows that no Panama Canal would ever have been built, but for the the United States.

The Senator certainly cannot prove such a proposition, nor do those events that preceded our intervention in Panama suggest that a canal might not have been built by some other country.

Mr. LAXALT. But the point that I make, I say to the Senator, is this: I have sat on this floor far too many hours the last 3 days and heard the proponents of this treaty literally apologize to the world for our being in Panama to begin with and literally apologize for what I considered to be a magnificent project and a tremendous contribution to the people of that country.

I, for one, am not going to indulge in any breast-beating here because I have nothing to apologize for. I do not think the vast majority of the American people have anything to apologize for. I think what is past is past and we deal with the situation as we now find it and look to the future.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. CHURCH. Mr. President, I could not agree more with Senator Laxalt. He said he will not engage in any breast-beating. But I suggest he is beating a strawman. I have not heard any proponent of the treaty suggest an apology—certainly I have not.

Mr. LAXALT. I heard Senator GRAVEL yesterday, which almost caused me to cry, about how badly we treated those poor Panamanians.

Mr. CHURCH. I am sure that the Senator was able to keep his composure.

Mr. LAXALT. Barely, for a different reason.

Mr. CHURCH. In any case, I have said nothing. My colleague, Senator SARBANES from Maryland, who shares the floor with me as a proponent of these treaties, has said nothing to suggest we should feel guilty. The construction of the canal was a wonderful achievement. All Americans took pride in it and rightfully so. At the time, it was the greatest engineering accomplishment in history. And it has been a blessing to the world, an enormous benefit to the world's commerce.

Mr. LAXALT. Does the Senator feel guilty——

Mr. CHURCH. Nobody is apologizing for the Panama Canal or American construction of it.

Mr. LAXALT. Does the Senator feel——

Mr. CHURCH. If I may reply to the Senator, he made a statement and I would like to make my own position clear.

It has been 75 years since 1903. The issues before the Senate now do not relate to the great engineering accomplishment represented by the construction of the canal. We must deal with the question of whether, in 1978, when the colonies of this world have become independent nations when values and practices have changed, it is advisable for the United States to maintain in perpetuity what is, in effect, a colony, an

American colony stretching across this little country. That is the issue, and I say we will better protect our interests for the future if we do the right thing by Panama today.

This has nothing to do with besmirching the past because in 1903 the world operated on entirely different standards.

Mr. LAXALT. I might suggest——

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. LAXALT. May I make one observation, I say to Senator SARBANES. I agree, the situation has changed dramatically and 1978 is not 1903. This is one of the real concerns I have because the fact is and I am told by reputable people like Admiral Moorer that that canal is a strategic waterway, absolutely essential to the security of the United States and essential to the security of this hemisphere. When I am told by people like this that it is essential that we maintain our position I become concerned. I become concerned, too, because General Torrijos told me personally that he was closely tied with Fidel Castro and, when I find that the President today held meetings in the White House where there is great concern about additional Cuban involvement in Africa, then I say to myself if we surrender this strategic facility, which has enormous security consequences for this country, where in the world are we if we find Fidel Castro operating that facility in league with the Soviets? Is that not a genuine concern, so long as we are dealing with speculation here?

Mr. CHURCH. Mr. President, I do not know whether we are dealing with speculation or with some chapter out of Alice in Wonderland.

Mr. LAXALT. There is no chapter in Alice in Wonderland in Africa, to be sure.

Mr. CHURCH. If I follow the Senator's argument, he suggests these treaties will somehow open the door to increased Communist influence in the isthmus.

Just the opposite is the case. If the Senator is interested in the canal and in its security, let me just quote the Secretary of Defense who, when he appeared before the committee, had this to say:

> The canal was built for shipping, not slogans. We seek to guarantee transit of vessels, not theoretical claims of title. These goals we have sought, as I said at the beginning, are practical. The issues before you are practical ones. Our negotiations have obtained instruments which, more recently than thousands of forces and their armaments on the spot, will assure those practical objectives for generations to come.

I agree with Secretary Brown, and I will have some more to say on that subject in a moment.

Mr. MATSUNAGA. Mr. President, will the Senator yield?

Mr. CHURCH. I will yield to the distinguished Senator from Hawaii.

Mr. MATSUNAGA. This is on one point on which the Senator from Nevada made relative to his conversation with General Torrijos.

Mr. CHURCH. Yes, I yield for that purpose.

Mr. MATSUNAGA. I was one of those seven Senators who went to Panama last November, headed by Senator BYRD, our majority leader, and when the question was put to General Torrijos, "Is it true, General, that after the treaties are ratified, you will invite either Cuba or Russia to come in to help you operate the canal," the response of General Torrijos was, "I don't want Panamanian waters infested by Communist sharks." That is quoting General Torrijos.

Mr. CHURCH. I thank the Senator.

Mr. LAXALT. For the purpose of the RECORD so it does not become confused, I say to Senator MATSUNAGA, I was not a member of that party, was I? I was not a member of the party.

Mr. MATSUNAGA. No, he was not.

Mr. LAXALT. The Senator was in a separate group. He was there when?

Mr. MATSUNAGA. In November of last year.

Mr. LAXALT. All right.

Mr. MATSUNAGA. I was with that group which was headed by the distinguished majority leader.

Mr. LAXALT. I would not want anybody to have a misunderstanding that we had differing interpretations of the same meeting. The fact is that I was in the latter part of December and asked the general specifically of his relationship with Fidel Castro and to his credit—he did not back away one bit—he told me that Fidel Castro was a friend and trusted adviser.

Mr. MATSUNAGA. Right.

Mr. LAXALT. And for us to think that he thinks that Fidel Castro is a Communist shark is dealing in utter fantasy. They are friends, they are buddies, and we better smarten up and recognize that fact.

Mr. MATSUNAGA. Aha. We are friends I take it now with—as a matter of fact we have diplomatic relations with Russia. The Government of Panama, now headed by General Torrijos, has no diplomatic relations with Russia or with Red China for that matter. We are now courting friendship with both those countries. And this was pointed out to us: "You talk about fearing the Communists running Panama, but you have diplomatic relations with Russia; we do not."

And the implication of the statement made by the Senator from Nevada is that because Castro happens to be a good friend of General Torrijos, General Torrijos is going to invite Castro to run Panama. Far from it. He even said to us that communism is not suitable for Panama as it is for Cuba.

Mr. LAXALT. Does the Senator think for a moment that General Torrijos would have admitted, if we ratified these treaties, he is going to invite Castro in?

Mr. CHURCH. Mr. President, I would like to take back the floor.

Mr. MATSUNAGA. No, I did not intend that. I wanted to quote the general relative to the matter of communism.

The PRESIDING OFFICER. The Senator from Idaho (Mr. CHURCH) has the floor.

Mr. CHURCH. I thank the able Senator from Hawaii (Mr. MATSUNAGA). I fully agree with him.

It was not so long ago that I was in Panama with other members of the Foreign Relations Committee. We had a morning visit with Torrijos.

Now, I am not one who could be counted among the boosters of General Torrijos. I do not happen to care for dictators or for dictatorships. But I must say, in all fairness, that it will come as a great surprise to General Torrijos to hear himself described on the floor of the Senate as being a pro-Communist. I think that is just an astonishing argument, which, in the judgment of the Senator from Idaho, goes beyond the line of responsible indictment.

Mr. LAXALT. I do not recall that I made that type of allegation.

Mr. CHURCH. Well, you said he was a booster of Castro, a buddy, and that soon the two would be working together in Panama.

Mr. LAXALT. My impression of General Torrijos is that he is not an ideologue; he is a hard, tough, dictator, and that is who we have to deal with here.

Mr. CHURCH. Yes, that is my impression, too, and he is not going to share power in Panama with Castro or anyone else.

Mr. LAXALT. Is the Senator saying——

Mr. CHURCH. What I am saying is this—and I would like to say it without interruption, because I do have the floor—there is nothing about Torrijos that would suggest he is inclined toward communism. If there ever was a burgeoning free enterprise economy, you will find it in Panama today.

Mr. LAXALT. I would be——

Mr. CHURCH. In fact there are, by latest count, 63 major multinational banks located in Panama, the biggest concentration of banks outside the United States in this hemisphere. When we talked to the bankers and businessmen in Panama City, they did not tell us, "Look out for this man Torrijos; he is about to turn Panama over to the Communists."

Do you know what they told us? They said, "We believe the ratification of these treaties would represent good business."

Mr. LAXALT. That is the reason why we are here. If it were not for trying to protect the flanks of those eastern banks, we would not be here.

Mr. CHURCH. The Senator keeps shifting ground. One minute he says we are promoting the interests of Communists, and the next minute he says we are promoting the interests of the banks.

Mr. LAXALT. I believe it is both.

Mr. CHURCH. How can it be both? The two interests conflict.

Mr. HUDDLESTON. Will the Senator yield for one question?

Mr. CHURCH. I am happy to yield to the Senator.

Mr. HUDDLESTON. On the question of Torrijos and his inclination toward communism, like the Senator from Idaho, I do not intend and do not want to be an apologist for Gen. Omar Torrijos. I do not think that is even proper to this particular matter that we are discussing. But I was in the delegation that Senator MATSUNAGA discussed, that went to Panama, and I had this very question in mind while I was there.

So I inquired of every person that I could about the Communist inclinations of Gen. Omar Torrijos. We, of course, inquired of him personally, and got the response that the Senator from Hawaii has already mentioned. But that was not enough. We talked to everybody, including his greatest enemies, the people in the Government and out of the Government who dislike Torrijos, who dislike his government, who are of political parties that are rivals, who would like to be functioning and be running for President.

Not a single one of them, his greatest enemies, the man on the street, the American citizens who had lived there 20 or 25 years and conducted business—not a single individual said they thought Torrijos was influenced by the Communists, or thought that he would try in any way to bring in a Communist-influenced government at any time while he was there in charge of Panama.

His response directly to me was that if he tried to bring in a Communist regime, he would be run out of the country by the people of Panama, and that if anybody else tried to establish one, he would leave of his own accord. President Lakas told us directly that that would be the only situation under which he again would take up arms, if General Torrijos or any other person tried to establish in Panama a Communist regime.

Now, nobody knows what the future is going to bring, but I think in these arguments we ought to try to focus on the situation as it is, and on what the best evidence available at this time would indicate.

Now, everybody knows that one way to stir strong concern in the people of America about any question is to raise the red flag of Communism, and that has really confused the issue that is before us now.

Mr. LAXALT. Do you not think the issue is relevant, Senator Huddleston?

Mr. HUDDLESTON. The issue is valid, but we ought to look at facts and see just where we might be headed.

We found nobody, nobody in Panama, the people on the street, the people in government, the people out of government who wanted to be in government, enemies, friends, whatever, who had any concern about that government going toward the Communists.

Now, one student group did make this point: The only way, they told us, that there was any chance that the Communists would exert any influence within Panama would be the rejection of these treaties to allow this bone of contention—and it is the only bone of contention between Panama and the United States, and that is the operation, control, and ownership of the canal—if we allow that festering sore to remain and be exploited by people who know how to exploit that kind of situation, then we may run the risk of opening the door to additional Communist influence, but only in that way.

Mr. CHURCH. I thank the Senator very much for his intervention, and I agree wholeheartedly with his observation.

I think it might be well at this point to place in the RECORD the assessment of our own Ambassador to Panama on the subject at hand. Let me read from page 286 of the hearings of the Senate Foreign Relations Committee. This is the American Ambassador to Panama, Ambassador Jorden, speaking:

> In the first place, I have come to know General Torrijos very well over the last 3½ years. I have spent a lot of time with him traveling around the country and in the capital. I guess at this point I know him about as well as any American. I can assure you that he is not a Communist. He is a man deeply dedicated to his country and to the improvement of his people's conditions. He has insisted on great improvements in education, health care and particularly for those people in the countryside who in the past have never had much opportunity for an education or for much help.
>
> Just as a footnote, let me point out that as captain in the national guard he was rounding up a group of left-wing guerrillas and was shot by the Communists. It is very hard for me to believe that a man who was shot by the Communists can become a convinced member of the organization. In any case, all one needs to do is to talk to the man at great length, see what he has done, see what the impulse is in his government to quickly recognize that he is not a Communist and does not approve of the Communist system.
>
> One of the things that is closest to his heart, for example, is the establishment in Panama of the largest banking center in the Western Hemisphere. Would bankers who are very astute observers be likely to establish banks there if they thought they were going to go Communist?

That is the testimony of Ambassador Jorden on this issue. I have wondered what the basis is for the argument that General Torrijos is pro-Communist, because it seems so utterly preposterous. Yet, when I listen to Senators, I hear them say, "Torrijos is pro-Communist because he visited with Castro."

Well, Mr. President, I visited with Castro. Does that make me pro-Communist? Other Members of the Senate Foreign Relations Committee interested in a more rational policy that would better serve our interests in the Caribbean, have visited with Castro. Does that make them pro-Communists? The Secretary of State, just a few weeks ago, went to Peking and visited with the leaders of Red China. Does that make Mr. Vance pro-Communist? The President of the United States will soon have dealings, as he has had before, with Mr. Brezhnev, and they will be extensive dealings. Does that make him pro-Communist?

I do believe we have to get this debate down on the ground, and discard these flimsy, preposterous charges. We must clear away this debris and consider the real question: Whether the treaties, serve the vital interests of the United States.

Let me return to the tests I suggest for evaluating the treaties.

Let us test the treaties against the four criteria mentioned earlier.

First, the United States must continue to enjoy the full use of the canal as an open and neutral passageway.

This criterion has two components, both of which, I think, are critically important: First, in time of a specific security need on the part of the United States, our vessels must have the right to go to the head of the line; and Second, use of the canal must, to the extent possible, be immune from sporadic harassment.

As it was originally submitted to the Senate, the neutrality treaty was ambiguous regarding the U.S. right to go to the head of the line during emergencies. I therefore proposed that the Committee on Foreign Relations recommend to the Senate that the treaty be amended to make explicit the U.S. right of priority passage in time of emergency.

I note that sitting in the chair at this moment is the distinguished Senator from South Carolina. He was one of the first to suggest that the treaty be amended. It was Senator HOLLINGS who, weeks ago, called the attention of the Senate to the need to amend these treaties so that there never could be any doubt about our right to priority passage any time in the future in case of need or emergency. I commend him for it.

There were other Senators as well. Earlier today the majority leader mentioned Senator DOLE, of Kansas, who deserves credit in this regard. There were a half dozen Senators, including the majority and the minority leaders, myself, and others, who felt that the treaties needed to be amended in this respect.

So I proposed to the Committee on Foreign Relations that it recommend to the Senate an amendment to the treaties making explicit the right of the United States to priority passage in time of emergency. The committee adopted that recommendation with only one dissenting vote. Now I understand 77 Senators are cosponsors of the amendment.

U.S. rights pursuant to it, the committee report notes, "could hardly be more explicit." "What constitutes an emergency," the committee report states, "and when one exists, is for the United States and the United States alone to determine." This amendment is so central to the protection of our national security interests that, unless it is adopted, I would find it impossible to support these treaties.

The second component of a safe and open canal is that ships going through it not be subject to intermittent violence. If necessary, through the application of massive military might, I have no doubt that we could hold the canal in a hostile environment. It would be almost ludicrous to suppose that tiny Panama, through sheer force of arms, could somehow wrest the canal away from the United States. The real threat, however, is one that we cannot forestall through military means. I would again call attention to the testimony I referred to on Wednesday, that of the Commander in Chief of the Southern Command, Lt. Gen. D. P. McAuliffe. He told the Armed Services Committee that "one can easily visualize the use of standoff weapons only 5 miles away, off in the jungle."

They "wouldn't have to hit very much in the canal," he said, "but they would terrorize the employees and probably stop commercial shipping whether they sink a ship or not." So even if the canal remains technically "open," and even if

most ships are able to get through without incident," it will not be used if vessels in it—and their crews—are even occasionally the targets of periodic rifle fire or mortar shells. The expert military witnesses who testified before the Foreign Relations Committee were emphatic in predicting that the resentment and recriminations bred by rejection of the treaties could soon spill over into acts of terrorism directed at the canal and the ships within it. General Brown indicated that threats to the canal are far more likely to be internal than external. In addition to the threat of intermittent violence described by General McAuliffe, General Brown testified that the canal is now vulnerable to acts of sabotage which could close it for extended periods of time. He also testified that in a "worst case" guerrilla war it could take up to 100,000 troops to protect the canal. The message is clear: that the Canal Zone, if this issue is not handled properly, has the potential of becoming a military nightmare, another Vietnam.

Let me just pause here to recount the exchange which took place earlier today between the majority leader and me emphasizing that this Senate is not acting under coercion. A person who goes out into a winter night and takes the precaution of putting on a coat before he opens the door and wades out into the snow is not acting under coercion. He is trying to sensibly accommodate himself to the situation he foresees when he opens the door.

Of all the silly arguments, none conjures up a more ridiculous scene than saying that the United States is being coerced by one of the smallest and weakest countries in the world to yield the Panama Canal.

Nor are we particularly concerned about terrorists. Every country has them. Whether this Senate rejects or ratifies the treaties, no one can assure us that there will be no trouble with terrorists in the Canal Zone in the future.

What our generals are talking about is a climate. If there is a hostile climate, created by the smoldering resentment of the Panamanian people who feel we are denying them their right to exercise jurisdiction over their land, then we could face severe problems defending the canal and keeping it safe as a peaceful passageway.

There is not any question about how the people of Panama feel. They have already expressed their feeling in free elections, where more than two-thirds voted to ratify these treaties, and those voting against the treaties did so because they thought they did not concede enough to Panama. There was a 95 percent turnout. So, if we are to be prudent, we should take into account the strong feelings of the Panamanian people as a whole.

Not the terrorists, not the nuts, not the extremists, but the legitimate aspirations of the Panamanian people as a whole.

Either we are going to nurse their smoldering resentment along until it breaks out in hot flame; either we are going to wait until violence erupts again in the streets and Panamanians and Americans doe, as they have before; either we are going to wait until the time death and bloodshed become the hallmark of our relations with this small country, or we are going to recognize that the time has come to make adjustments that all the Panamanian people feel they are entitled to, and all the world recognizes as legitimate. Let us make those adjustments under these treaties which protect the vital interests of this country in the years ahead; which insure an orderly transition; which reserve to the United States the right to defend the canal and have priority passage in the event of emergencies in the future; which are fair, and thus will bring us the respect of the world, because the world will know that the United States was not coerced into acting, but acted out of magnanimity.

The alternative, Mr. President, is to wait: wait for the bloodshed, wait for the violence, wait for the recriminations; wait for the kind of battle that history and experience suggest is in the offing if we deny these people their legitimate aspiration to reclaim their jurisdiction over their own land; wait until the taste of blood turns bitter on our tongues. Then, at last, we shall have to make the adjustment anyway—when we can no longer derive honor from it; when we cannot even salvage our dignity. Then we shall look back on this day and say, "Why didn't we have the foresight, the commonsense, to make the adjustments with honor and dignity by consenting to treaties which incorporated the traditional principles of our own land?"

The solution—and the only solution, it seems to me—is to retain Panama's friendship and cooperation. For only by avoiding a hostile environment surrounding the canal can we invite world commerce to use it. These treaties will constitute such an invitation.

The second requirement is that the canal be kept militarily secure. This means that it must be defensible against both external and internal threats.

Our capability to protect the canal against external threats will remain essentially as it is today: We will continue to rely upon our ability to sink enemy ships before they reach the canal. This is how the canal was protected during two world wars, and there is no reason to assume that that same method will be any less effective in the future.

Under the new treaty, the canal will be equally secure against internal threats. We will retain our bases in Panama through the end of this century. During this period we will have "primary responsibility" for the protection of the canal. Afterwards, Panama will be prohibited from allowing any foreign military forces, defense sites, or military installations within its boundaries. The most important protection against internal threats after Panama assumes full control, however, will be the United States' right to take unilateral military action against any such threat. Article IV of the Neutrality Treaty provides that the United States and Panama will "maintain the regime of neutrality established in this treaty, which shall be maintained in order that the canal shall remain permanently neutral * * *." As we all know, President Carter and General Torrijos, in their October 14 joint statement, interpreted this provision as allowing the United States to "defend the canal against any threat to the regime of neutrality, and consequently (to) have the right to act against any aggression or threat directed against the canal or against the peaceful transit of vessels through the canal."

I was pleased to see the language of article IV so clarified; I think it is essential that the right of the United States to take unilateral action to protect the canal be made clear. While I am happy that both sides regard the clarification as legally binding, I believe that greater assurance is needed that this communique has the same force and effect as other provisions in these treaties. For this reason I sponsored, in the committee, the amendment which would include at the end of article IV of the Neutrality Treaty, an amendment incorporating this language into the text of the treaty itself.

Mr. SARBANES. Will the Senator yield?

Mr. CHURCH. Yes, I am happy to yield to my able friend from Maryland (Mr. SARBANES).

Mr. SARBANES. I simply want, at this point in the debate, to recognize the extraordinary contribution which the Senator from Idaho (Mr. CHURCH) made in the consideration of these treaties. The Senator was instrumental in the recommendation for the incorporating into the treaties of the statement of understanding dealing with the right of the United States to act to protect the neutrality of the canal and the right of head-of-the-line passage for our naval ships. It was his sharp questioning in the course of committee considerations of the treaties which developed the case for such action.

It was his proposal in the committee, adopted as a committee recommendation to the Senate, which calls for amendments to the permanent neutrality which leave absolutely no question, no doubt, no ambiguity whatever, with respect to the American right to protect American interests in these two vital respects.

Mr. CHURCH. I thank the Senator very much for his remarks. He will remember that it was in the early stages of the hearings that we began to get reports of differing interpretations. I thought that was intolerable. I said then, and I had the full support of Senator SARBANES at the time, that the Senate could not be expected to ratify these treaties if crucial provisions were being interpreted in one fashion in the United States and in another in Panama. It was after this development that President Carter asked General Torrijos to return to Washington and the interpretation of these crucial provisions was clarified.

As I have said before, welcome as the development was, in my judgment, it is insufficient to rest the interpretation of such vital provisions upon an unsigned communique by two heads of state. It

is for this reason that I said we must put this language directly into the treaties themselves. If we do, I can support them. If we do not, I shall have to vote against them.

Mr. President, in the committee's report, the interpretation of the second amendment that we recommend to the Senate is made clear:

It allows the United States to introduce its Armed Forces into Panama whenever and however the canal is threatened. Whether such a threat exists is for the United States to determine on its own in accordance with its constitutional processes. What steps are necessary to defend the canal is for the United States to determine on its own in accordance with its constitutional processes. When such steps shall be taken is for the United States to determine on its own in accordance with its constitutional processes. The United States has the right to act as it deems proper against any threat to the canal, internal or external, domestic or foreign, military or non-military. Those rights enter into force on the effective date of the treaty. They do not terminate.

With this modification, will the treaties help promote military security for the canal? The best place to look for an answer, it seems to me, is to those who have the responsibility for defending it—the U.S. Armed Forces. According to the Chairman of the Joint Chiefs of Staff, the United States would "without question" have the right to act unilaterally to protect the canal against any internal threat, including radical Panamanian rioters, for example. But again, the heart of it, the committee was told by General McAuliffe—who is directly responsible for the canal's defense—is that the treaties will create a "friendly environment around the canal in which to operate." We can conduct "our defense tasks better in a friendly rather than hostile environment," he said. And while sabotage can never be ruled out, the incentive can be taken away by giving the Panamanians a stake in the canal. As Secretary of Defense Brown testified:

The most important factor in inhibiting such actions by frustrated groups in Panama is a situation in which the Panamanian Government and the bulk of the Panamanian people see the continued operation of the canal as in their interest.

It just makes sense. Commonsense.

Adm. Elmo Zumwalt, former Chief of Naval Operations, concurred.

The Panama Canal can never be made completely secure militarily. We know that. Neither can the Capitol. Nor can the Pentagon. Nor the country. But with the two modifications I have outlined, I am satisfied that General Brown is correct in saying that the security of the canal is actually enhanced by the new treaties. They will encourage Panamanian cooperation; they will prohibit—for the first time—the stationing of foreign troops in Panama; they will give the United States the unilateral right to act militarily in the canal's defense; and they will give our ships the right to go to the head of the line in an emergency. Former Secretary of State Dean Rusk summarized the net effect of these guarantees:

If, God forbid, it should ever become necessary for a President and a Congress to take strong measures to keep the canal functioning and safe.

He told our committee:

They would be in a far stronger position to do so under the treaties of 1977 than under the anachronistic Treaty of 1903.

The third requirement is that the worldwide position of the United States not be weakened, and that the hand of our adversaries not be strengthened in Latin America. A natural tendency exists, after the Vietnam tragedy, to want an end to what some see as yielding and retreat by the United States. I see no point in debating here whether that perception is correct; my own judgment is that our foreign policy has been generally more realistic—and more humane—since our involvement in the Vietnam war ended. But whether that is true or not, the point must be made, and made emphatically, that the treaties now before us do not represent a retreat. The willingness to enter * * * sign of strength, not of weakness—just as it was a sign of strength, not weakness, to give the Philippines back to the Filipinos, and just as it was a sign of strength, not weakness, to give Okinawa and Iwo Jima back to the Japanese. We fought and bled for Okinawa and Iwo Jima during World War II, but the citizens of those islands were Japanese, and they wanted to live under the Government of Japan, and we concluded that it was right and just that they be allowed to do that, they were entitled to be restored to the jurisdiction of their homeland.

No one perceived our country as weak when we granted independence to the Philippines or when we returned Okinawa and Iwo Jima to Japan. Quite the contrary—these were seen as the acts of a self-confident nation, as acts of justice, as adherence to our principles—acts which benefitted our relations significantly in the Pacific. These treaties with Panama also will represent an act of self-confidence and of justice and of principle. One of the principles that Americans have always held highest is that of self-determination, and it would be ironic, indeed, if we were to renounce it in the case of tiny Panama today.

These treaties, in short, will weaken our adversaries and strengthen our friends throughout the Western Hemisphere. As Admiral Zumwalt testified, rejection of the treaties would "serve to separate us from our friends in Latin America," and make our adversaries' objectives easier to achieve in Panama and in neighboring countries.

A new arrangement governing the use of the canal, one which is mutually acceptable to Panama and the United States, would likely increase U.S. influence in Panama and in Central America. It would give leftists less to exploit, in Panama and around the world, and it would make other governments in Latin America less vulnerable to pressures from the left. It could, in sum, be the keytsone to improved relations with all of the Hemisphere.

It thus appears to me that, on this count as well, the treaties pass muster.

Fourth and finally the treaties should be fair and should be seen to be fair. Fairness is of course relative: It is best measured perhaps by contrasting the new relationships with the old and by superimposing those old relationships on the United States.

There is an old Indian saying in the West you must never measure a man until you have walked a mile in his moccasins.

It is a pretty good test for eliminating the double standard.

In our hearings the American Ambassador to Panama William Jorden applied that test rather vividly. Let me quote what he said:

Suppose . . . that history had dictated that the Mississippi River and the territory on each side were controlled by a foreign power. Suppose that in going from Illinois to Missouri, or from Louisiana to Texas, you had to cross that strip.

And imagine, if you will, that you broke the law in some fashion—by speeding or having a tail light out, or whatever, and you were arrested by a French gendarme or a Mexican policeman. It does not take great imagination to know what our reactions would be. Yet that is the situation that our Panamanian friends have found themselves in for the past 70 years.

Americans are a fair-minded people, and I doubt that most Americans would view that sort of arrangement as fair.

Admiral Zumwalt summarized well the views of many witnesses. He said:

The present relationship is a colonial anachronism which is no longer feasible for a democratically-constituted nation to maintain.

The admiral said it well. The treaties, I believe, rectify this unfairness by giving Panamanians a stake in the operation of the canal pursuant to an arrangement that has been approved by two-thirds of the Panamanian people.

Therefore, it appears to me that the treaties, as modified, will pass each of the tests that concerned Americans have applied. They allow the United States to continue to enjoy the canal as an open and neutral passageway. They maximize the security of the canal. They strengthen our worldwide position. They weaken that of our adversaries. And because they are fair, they are likely to endure.

These are the treaties' advantages, but they obviously are not in our national interest unless the advantages outweigh the disadvantages.

What are the disadvantages?

There are, I think, seven principal arguments that have been made against the treaties. They—and what I believe are the answers to them—are as follows:

First, the familiar argument: We built it and paid for it. It is ours, and we should keep it. The answer is, I think, that we are keeping it, in the way that matters—the only way that matters. We are keeping it open and running, and that is what is important.

To argue about technical legal questions, such as who has "titular sovereignty," misses the point. It is use that counts. It is our right to protect the canal that counts. It is our right to go through first during emergencies that counts. And these rights are the ones guaranteed by the treaties.

We do not now possess "titular sovereignty" over the canal or the zone it occupies, under the current treaty, as the committee report makes clear. But even if we did, what good would it be if, in order to retain it, we had to jeopardize the canal's use?

So the answer, in short, is that the treaties do not give away our vital interests in the canal. They insure our ability to protect those interests.

As General Brown testified before our committee, they "provide the best way of assuring that we will be able to continue to use this canal." To refuse to approve the treaties would be the surest way to expose the canal to obstruction by terrorists, saboteurs, and rioters, who would have the sympathy of much of the world if the treaties are rejected.

The second argument is that we should not pay them to take the canal off our hands.

Mr. President, the answer to that argument is that we are not. These treaties do not commit the U.S. Treasury to pay one dime to Panama. Any money Panama receives will be paid out of operating revenues of the Panama Canal Commission, revenues generated by toll fees or by subsidiary services performed in Panama by the commission.

The statement of President Carter in this regard has been distorted. Several times today, in the course of the debate, I have heard his statement distorted. Let me read what the President had to say on this subject in his recent address to the Nation. President Carter said:

> Under the new treaty, any payments to Panama will come from tolls paid by ships which use the canal.

That is an accurate, factual, truthful statement.

As I have said, these treaties do not commit the U.S. Treasury to pay one dime to Panama. Any money Panama receives will be paid out of operations of the canal itself, and the tolls will be adjusted to generate those revenues.

It is true that Panama is in line for certain economic assistance, but this aid is apart from the treaties. We have given aid to Panama before, as we have to every other country in Latin America, and as we will again. But this aid has nothing to do with the treaties nor with the revenues to be derived from the treaties.

Most of the proposed new aid will consist of loans which must be repaid to our Treasury and which, in addition, will be granted under terms aimed at stimulating U.S. exports, and thus helping our own employment situation.

Panama never yet has defaulted on a loan from us. Its credit rating is good. There is no reason to expect Panama to default in the future, given the importance to its economy and its prosperity of maintaining that credit rating. So the American taxpayer will not be affected or set back by such transactions.

The third argument is that General Torrijos is a dictator and head of an unstable government. Much has been said about this already. Let me simply add that it is true that General Torrijos is a dictator, far from the worst in Latin America but not the most benevolent, either.

It is also true that most governments in the world today are authoritarian. They are dictatorships of one form or another. Of the 145 nations in the United Nations, probably not more than 30 would qualify as being elected under a free political system of the kind we enjoy in the United States.

It never has been our practice to deal only with fully developed democracies, for to do so would be to declare some 120 nations in this world off limits.

So the problem is not that the Government of Panama is a dictatorship and therefore unstable. As a dictatorship, it happens to be very stable. General Torrijos has been chief of state for 9 years. He has held the reins of government in Panama longer than any other Panamanian, since independence. There is no effective political opposition and no sign that he may be deposed. He has managed to retain his popularity among the people of Panama. We deal with him because he heads up the Panamanian Government, and there is no one else with whom to deal. So much for that argument.

The fourth argument made against the treaties is that General Torrijos is pro-Communist and the treaties, therefore, will lead to a Cuban or Soviet takeover of the canal.

The answer is that the Torrijos government is strongly nationalistic but not pro-Communist. It is true that General Torrijos has visited with Fidel Castro. So have I. So have a number of other Members of this body. But the Torrijos government does not even recognize the Soviet Union or China, and the economy of Panama, far from being socialistic, consists of a strong free enterprise system. Over 70 major multinational banks operate in Panama, including eight of America's largest. Banks are not wont to do business in unstable societies. There is moreover, no Soviet presence to speak of in Panama at the present time. Out of a population of some 1.7 million people, there are only a few hundred Communists.

The specific answer to concerns about a future Soviet or Cuban military presence, however, is that Panama will be expressly prohibited under the new treaties from inviting foreign troops into her territory. I mentioned this earlier but it bears repeating: Article V of the Neutrality Treaty provides that after the year 2000—the last year the U.S. Armed Forces will be present—"only the Republic of Panama shall operate the canal and maintain military forces, defense sites, and military installations within its national territory." This assurance against foreign military intervention is not contained in the existing treaty arrangement and represents a safeguard of considerable value to the American interests in the canal and the region.

The fifth argument is that the treaties will be yet another retreat by the United States, a "withdrawal" in response to threats and coercion. There is the feeling that somehow things are not as they used to be, and that is so. The world has changed. It used to be that gunboat diplomacy would serve to enforce our will in the Caribbean and in Central America.

But now it takes some respect for the rights of others, and that is a change for the better. I am glad it has happened.

I opposed the war in Vietnam for many reasons, from the very start. One of those reasons was my belief that our intervention in that civil war, among a foreign people in distant Asia, was not only unnecessary in terms of our own interests, but would weaken our international position and strengthen that of our adversaries.

To have become involved in a guerrilla war in the jungles of Southeast Asia was a grave mistake. I think most of us know and acknowledge that today.

Mr. President, I say the same reason militates with equal force against exposing ourselves unnecessarily to the risk of fighting a guerrilla war in the jungles of Panama. From the standpoint of our own domestic tranquility, from the standpoint of effective foreign policy, and indeed from the standpoint of simple justice, we would be seriously misguided to rely upon a military solution to achieve our objectives in Panama when the probability is that those same ends, an open, functioning canal which is militarily secure, can be achieved through the peaceful procedures outlined in these treaties.

Whether we again choose military power over the power of peace to effect our national goals will, it seems to me, say much about us as a society and the lessons we have learned from Vietnam.

The sixth argument that is made against the treaties is that there is no guarantee that Panama will not nationalize the canal and demand that we leave immediately.

This is true. There is nothing to prevent them from doing that right now. Under the new treaties—which commit both the United States and Panama to protect and defend the canal's neutrality—the moral and legal case of the United States would be far stronger were such an eventuality to occur. If the treaties are ratified, General Taylor testified, the "conflicts over the canal should cease to be a confrontation between an overbearing Uncle Sam, the Goliath of the affluent industrial world, and the tiny Panama, the David representing Latin America and the world's have-not community."

The final major argument is one that I also touched on a moment ago; namely, that the neutral status of the canal means that hostile warships could go through, in effect, under the benefit of U.S. protection. Secretary of Defense Harold Brown answered this objection directly at our hearings. "The last place we want to sink a ship," he said "is in the canal, and we will therefore depend upon our military power outside of the canal to serve our interests. The new treaties do guarantee passage through the canal. They don't guarantee passage to the canal . . ." I might add that the canal has always been administered as a neutral passageway; it has never—

even during two world wars—been closed; and we have always been able to protect it by keeping enemy ships a safe distance away. If we cannot prevent enemy ships from reaching the canal, Henry Kissinger testified, "the provisions of a legal document will be precious little help."

So those are the major arguments against the treaties and the answers. Over the past 5 months I have carefully examined all the arguments, pro and con. During that period, the Committee on Foreign Relations has held 16 days of hearings on the treaties. Over 90 witnesses have testified. We have heard representatives of the administration, Members of Congress, and private citizens. We have heard fervid supporters of the treaties and vigorous foes. We have compiled a hearing record of over 2,000 pages.

I approached those hearings with no preconceptions about the issues they raise. Based upon the best evidence available, I have concluded that, on balance, with the two amendments I have discussed, the treaties are in our national interest.

In closing, Mr. President, let me say a word about the effect of these treaties on our perception of the past and our direction in the future.

The Treaty of 1903 has been characterized in many ways—as a vestige of colonialism, as a diplomatic dinosaur, as the product of a plot rivaling that of "The Sting." It is true that the history behind that treaty is not flattering. But however the treaty may appear today, I believe that there is no need for apology. The events surrounding the conclusion of the Treaty of 1905 must be viewed in the context of the times, when large powers acted much differently toward small powers than they do today. The world of 1903 was a world of empires—and of colonies. Most of the world's population in that year—in China, in Indochina, in Egypt, in India, in Persia, in Morocco, in Algeria, and throughout Africa—lived under foreign rule. They were governed by foreign laws that were administered by foreign governments—whether British, French, Dutch, Belgian, or German. The desires of the colonial people were largely ignored; they endured for the benefit of the empires that ruled them.

Those times, I am glad to say, are gone. The empires that governed the world in 1903 have faded into history. People in former colonies throughout the world have won the right to determine their own destinies. A hundred new independent nations have emerged since the 1903 treaty was signed.

So the issue before us, really, is whether we will accept change or whether we will resist it—whether we recognize that rigid efforts to preserve the past lead inevitably to tragedy—whether we are flexible enough to pursue our national interest by new means when old means fail. To adapt to change while preserving our vital interests is a work of statesmanship; to resist change by attempting to preserve the past is a work of folly.

This is not to denigrate the magnificence of our forefather's achievement—the buliding of the canal, it has rightly been said, was the moon landing of the age, a sublime translation of dreams into reality, a soaring triumph of engineering and medicine, of courage, and imagination. We honor those who built it, but we honor them not by grieving or glossing over past wrongs, but by rectifying present inequities and by insuring future harmony. We recognize the nobility of their achievement by preserving the canal, not as a crippled testimonial to mankind's irrationality, but as a working monument to international cooperation and good will.

This goal can be achieved, but it will not be easy. Indeed, it may require surmounting obstacles as great as any confronted by the builders of the canal themselves—perhaps even greater. For instead of yellow fever or malaria, we face the fever of nationalism. Instead of the darkness of the jungle, we face the darkness of slogans and half-truths. And instead of mountains we can see, we face a future that is obscure.

I repeat, this challenge can be met, but it calls for the most precious resources that we as a people can muster—not force of arms, but force of principle, force of character, and force of intellect. Not every nation could do so; a special strength is required, a strength deriving from our sense of self-security as a society, to accept change, to move ahead, and thereby to preserve rather than destroy the best that we have wrought from the past. Theodore Roosevelt—and it was Roosevelt, I think, who deserves most of the credit for building the canal—put it well when he said:

> The important thing is the next step. It often happens that the good conditions of the past can be regained not by going back, but by going forward. We cannot recreate what is dead; we cannot stop the march of events; but we can direct this march and out of the conditions develop something better than the past knew.

Mr. President, I believe that these treaties will direct the march of events toward developing something better than the past knew. I urge the Senate to advise and consent to their ratification with the changes recommended by the Committee on Foreign Relations.

Mr. President, I received this afternoon from Harold Brown, the Secretary of Defense, Cyrus Vance, the Secretary of State, Clifford Alexander, the Secretary of the Army, the following letter with enclosures. The letter reads:

> DEAR SENATOR: As debate begins on the Canal Treaties, questions have arisen about the financial viability of the Canal under the new arrangements and also about financial obligations the United States will incur as a result of the new Treaties. Enclosed are answers to some of the principal questions which have been raised.
>
> In the last analysis, the U.S. security and commercial interests these new Treaties are designed to serve cannot be measured in dollars. Under the past arrangements, the benefits that we have received from the Canal have far outweighed the costs of construction, security and the nominal annuity paid to Panama. We feel the costs associated with U.S. operation of the Canal between now and the year 2000 will be more than offset by the benefits derived from our continued use of the Canal during an orderly and efficient transition to Panamanian management, and from the continued maintenance of U.S. troops and facilities in Panama for the next 22 years.

Mr. President, I ask unanimous consent that the text of the letter together with the enclosures in the form of responses to these questions relating to the financial viability of the canal be printed in the RECORD at this point.

There being no objection, the letter and enclosures were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., February 10, 1978.

DEAR SENATOR: As debate begins on the Canal Treaties, questions have arisen about the financial viability of the Canal under the new arrangements and also about financial obligations the United States will incur as a result of the new Treaties. Enclosed are answers to some of the principal questions which have been raised.

In the last analysis, the U.S. security and commercial interests these new Treaties are designed to serve cannot be measured in dollars. Under the past arrangements, the benefits that we have received from the Canal have far outweighed the costs of construction, security and the nominal annuity paid to Panama. We feel the costs associated with U.S. operation of the Canal between now and the year 2000 will be more than offset by the benefits derived from our continued use of the Canal during an orderly and efficient transition to Panamanian management, and from the continued maintenance of U.S. troops and facilities in Panama for the next 22 years.

With best wishes.

Sincerely,

HAROLD BROWN,
Secretary of Defense.

CYRUS VANCE,
Secretary of State.

CLIFFORD L. ALEXANDER, JR.,
Secretary of the Army.

ATTACHMENT

1. Q: *Can the Canal really meet its costs on the basis of tolls alone?*

A: All the studies relating to the costs of operating the Panama Canal, and to the possibility of increasing Canal tolls, indicate that revenues will meet expenditures, including the payments to be made to Panama under the new Treaties.

Since 1915 toll revenues have risen from $4 million to $165 million in FY 1977. Traffic is projected to increase at an average annual rate of 2.2 percent until the end of the century. The best available studies project revenues as follows:

Canal revenue
($ Millions)

Toll increase	1980	1983
0 percent	197	205
25 percent	243	248
30 percent	250	254

Various estimates have been made of the Panama Canal Commission's operating costs. An exhaustive study on Panama Canal Commission cost projections has just been prepared by Arthur Anderson and Company for the 1979–1983 period. These projections conclude that Canal costs, including payments to Panama and taking into account inflation, will range between $238 million to $247 million in 1980 and between $237 million and $262 million in 1983.

Our negotiators made their calculations on the basis of a toll increase of 30 percent. Our studies indicate that even larger toll increases could be applied if necessary, to produce additional revenues. While the range of uncertainty increases for the later years of the Treaty period, we believe it is reasonable to expect that the Canal enterprise can meet all its operating costs, including payments to Panama required by the Treaty.

2. Q: *Won't toll increases mean less traffic and less income?*

A: A study of Canal traffic and revenue forecasts recently completed by International Research Associates concludes that substantial increases in tolls will produce a substantial increase in total income despite some drop-off in traffic. A 30 percent toll increase would generate 27 percent additional revenue in the first year, dropping to a stable 22 percent increase after seven years. A toll increase of 75 percent would increase revenues 58 percent in the first, dropping to a maximum attainable stable increase of 40 percent after 7 years.

3. Q: *What about the hidden costs of higher tolls to the American consumers?*

A: A toll increase of 20 to 30 percent over exitsing levels will have a minimum, if not negligible, impact on our trade and economy. A toll increase of about 30 percent will involve a total transportation cost increase for Canal shipments of less than 1 percent. Users of the Canal would pay only about $50 million more in tolls per year on cargoes that have a value of roughly $50 billion, or one-tenth of 1 percent. Of the $50 million, U.S. business and consumers will be the ultimate payers of only about $15 million. The overall impact will therefore be negligible both in terms of American businesses and the purchasing power of the consumer.

4. Q: *How can we be sure the Panamanians will maintain the Canal so it can, in fact, stay open?*

A: Under the new Treaties, Panama's self-interest will give that country every incentive to maintain the Canal and operate it as efficiently as possible. Furthermore, over the next 22 years, the United States will be working with Panama toward this end. Pursuant to Treaty provisions, we will establish training programs and provide on-the-job experience at all levels. Under our guidance, Panamanians will increasingly participate in management. Approximately 80 percent of the current work force is Panamanian, and there is every reason to believe that by the year 2000 Panama will be fully capable of operating the Panama Canal.

5. Q: *Will the Treaties require any appropriated funds?*

A: Payments *to Panama* under the Panama Canal Treaties will be made from Canal revenues, *not tax dollars*. Moreover, all operating expenses of the new entity will be paid from Canal revenues.

Administration spokesmen have testified on several occasions before Congressional Committees that the transition from our present role to our proposed role under the new Treaties would entail some costs in the U.S. budget. One major cost would be relocation of Defense installations, estimated at $43 million for the first three years. Another would be an early retirement program for Canal enterprise and certain other employees. The Canal Treaty provides for an optional early retirement program as an employee security assurance for these employees. The design of the program, however, will be at U.S. discretion. The programs which have been discussed within the Administration range in cost up to $150 million. There will be additional DoD costs resulting from a merger of the Canal Company and DoD activities, and assumption of any non-reimbursable costs for health, education and other support functions. The total appropriations impact over 21 years based on present information is unlikely to be much more than $350 million. None of the appropriated funds for these costs would go to Panama.

6. Q: *Are there other budgetary implications?*

A: Although not required by the Treaty, the Administration will recommend that the Treaty cease collecting annual interests payments from the Canal Company which have been paid since 1951 and which are currently averaging $18–$20 million. It will be up to Congress to decide whether to accept the Administration's recommendation. The Administration's recommendation is based on the fact that we have always treated the Canal as a public utility, the use of which benefits the country as a whole in peace and war.

A separate economic and military cooperation package of $345 million over five years—all in repayable loans, credits or guarantees—is planned. This package depends on development of programs to meet existing Congressional established criteria. Only about $5 million in appropriated funds would be required to support the repayment guarantees for the military credit program as a reserve fund; none would be paid to Panama.

7. Q: *What about the contingent $10 million payment? Will we be obligated to pay off on that in the year 2000? Will it be part of the toll base?*

A: The contingent $10 million annuity is payable only if operating revenues produce a surplus over expenditures, which include among others the variable annuity due Panama of $.30 per Canal ton and the fixed annuity of $10 million. The contingent annuity will not be figured in the calculation of the toll base.

If the surplus is insufficient to cover the entire payment of the contingent annuity, the shortfall is carried over to succeeding years. Since payment is contingent on available surpluses, the United States is not obligated to pay off on any accumulated unpaid balance in the year 2000. Panama's negotiators have acknowledged this fact.

8. Q: *What is the value of property to be transferred to Panama under the terms of the Panama Canal Treaties?*

A: Canal Company and Canal Zone Government property which will be transferred to Panama during the life of the Treaty had a net book value in 1977 of $96 million. The Canal, its related installations and other facilities which will be transferred upon termination of the basic Treaty are expected to have a net book value in the year 2000 of $98 million. Thus the monetary grand total of existing Canal Company and Canal Zone Government property to be transferred to Panama by the terms of the Canal Treaty is $194 million. Panama would also receive capital improvements to the Canal and its facilities made during the Treaty's lifetime which the Canal Company, based on planned capital improvements, currently estimates at $454 million. The true value of the Canal and its related assets, however, cannot be measured in terms of cash investments. The true value to the United States is measured in terms of our ability to continue to use the waterway.

The approximate acquisition and improvement costs as of FY 1978 of military facilities to be turned over to Panama:

	Million
Treaty starting day	$27.5
Other facilities to be turned over sometime during the Treaty term	33.5
On termination of the Treaty	291.9
Total cost of military facilities	352.9

9. Q: *What will be the military relocation costs to meet the requirements of the Treaties? Why should we bear any costs?*

A. Lieutenant General McAuliffe, Commander-in-Chief, United States Southern Command, has made an initial estimate of the costs required for the first three years:

	Million
Relocation of Albrook (east of the runway) AFB facilities	$19.9
Relocations from Ft. Amador	17.4
Relocation of Curundu Antenna Field	5.3
Rehabilitation of postal facilities	.3
	42.9

These are preliminary figures which have not yet been subjected to any budget review process. Some costs are still under study and not available; e.g., those involving the exchange service warehousing complex, costs associated with surveying boundaries, installation of fencing, lights, etc.

The Treaty provides that we will maintain a military force in Panama until the end of the century. With or without the Treaty some relocation would be recommended in the interest of efficiency.

Mr. LAXALT. Mr. President——

The PRESIDING OFFICER. The Senator from Nevada (Mr. LAXALT).

Mr. LAXALT. Just a comment or two in response.

Senator CHURCH has indicated, as have the proponents throughout the course of this debate, that all we are giving up is titular sovereignty, that we are actually improving our position by giving up this canal.

I submit that the fact is that we are giving up a multibillion dollar facility which American taxpayers have paid for, perhaps for not 1 cent of compensation in return, and in addition, that we are going to pay, the American taxpayers will pay, millions and millions of dollars during the life of this treaty.

The issue is not one of fulfilling Panamanian aspirations per se. I, for one, and I speak for many of my colleagues in opposition to these treaties, certainly am sympathetic with the Panamanians. They have been good allies. They are good people.

But the essential tradeoff in this situation is that we are being asked to fulfill those aspirations and perhaps risking our national security.

That is not my opinion; that is the opinion of realistic military experts of this country, and I would like, for the purpose of this record, so that it is back to back with the letter submitted by Senator CHURCH, to read a portion of a letter written on June 6, 1977 to President Carter. This letter was written by former U.S. Navy Admirals Arleigh Burke, Robert B. Carney, George Anderson, and Thomas H. Moorer—and recognize that Thomas H. Moorer was Chairman of the Joint Chiefs of Staff.

In this letter, they explain the strategic importance of the Panama Canal. And remember that these people are independent. They are independent of this administration, they are responsible to nobody but to their own consciences and to the American public, and this is what they say concerning the strategic value of this canal that the American people are being asked to give up:

Our experience has been that as each crisis developed during our active service—World War II, Korea, Vietnam and the Cuban missile crisis—the value of the Canal was forcefully emphasized by emergency transits of our naval units and massive logistic support for the Armed Forces. The Canal provided operational flexibility and rapid mobility. In addition, there are the psychological advan-

tages of this power potential. As Commander-in-Chief, you will find the ownership and sovereign control of the Canal indispensable during periods of tension and conflict.

And that is what this debate is all about. Because when you strip it all away, we are being asked, without justification historically, morally, or otherwise, to give up a facility which is important to our national security, of great strategic importance, for no proper justification.

Mr. President, I yield the floor to our colleague from the State of Utah.

The PRESIDING OFFICER. Senator GARN.

Mr. GARN. I thank my distinguished colleague from Nevada.

Yesterday I sat on this floor at some length listening to our distinguished colleague from Alaska (Mr. GRAVEL), and we ran out of time; I was unable to respond. I wished that I could have then, and had my remarks immediately follow his. I am sorry that that did not take place, and I am sorry that the Senator is not here now; but I do feel compelled to respond.

With all due respect to the Senator from Alaska, I found it a little bit difficult to believe what I heard, and I listened for over an hour.

I did not hear much in the way of debate on the treaty. I did not hear a discussion of issues. All I heard was the putting down of this country, and the horrible, unbelievable things that we had done in 1903, our shady, shoddy, dealings—here on the floor of the U.S. Senate, for over an hour, he downgraded us point by point, telling how we had treated the Panamanians so badly, with little or no mention of the great benefit of this canal to the Panamanian people.

Oh, there were a couple of references to those of us who oppose the treaties. He said "Oh, well, the opponents will say the country would never have existed without the canal."

That is true. Why throw that away as an argument? It is simply true. Without the hundreds of millions of dollars of benefit derived indirectly because the canal is there, Panama would not exist as it does today. So there are intangible benefits that cannot be counted. I do not know what they measure, but they are tremendous.

From my experience in being in Panama and talking with Panamanians, I do not sense all of this animosity and all of this hatred I hear about, and all this condemnation of the United States. Most of what I heard down there was that they wanted the canal back, that they believed in national sovereignty; but there certainly was not all this criticism from Panamanian citizens that I am hearing from Senator GRAVEL of Alaska and others about how terrible we were. I heard none of that, absolutely none.

I do not think there is the animosity in Panama that we are being told. I did not talk to a large percentage of the population, but I certainly have talked to a representative proportion of that population. And, as I mentioned very briefly yesterday, if we want to go back and moralize, there are a lot of areas that we could look at, and one of them is Alaska.

Mr. CHURCH. Will the Senator yield at that point?

Mr. GARN. I will be happy to.

Mr. CHURCH. Not on Alaska, but on the Senator's assessment. I agree with the Senator from Utah on the feeling of Panama toward the United States. That was my impression as well. I believe it is good, for many reasons.

Chief among them is the expectation that the United States, having concluded these new treaties, will proceed to ratify them and develop a new relationship.

The Senator himself has acknowledged, I think honestly, that the people of Panama feel the Canal Zone should be restored to their jurisdiction, and that they should manage and operate the canal. The treaties will eventually accomplish those objectives, and I think this is one of the reasons that their feeling today is very good toward the United States.

But should these treaties be rejected, should we make it plain to them that we are not prepared either to restore their jurisdiction over the zone or to ultimately transfer to them the management of the canal, I really believe that their attitudes toward us will change very drastically.

Mr. GARN. Well, I think it goes beyond what the Senator has said. I talked with Panamanians who not only were not anti-American at all, but who were very appreciative, who recognized more than some of my Senate colleagues do what the canal and the United States had done for them, and expressed their appreciation.

It was interesting the number of people whom I talked to who said they had voted against the treaties, and the reason that they had, although they wanted the jurisdiction under their country, even though they had voted "no"—the reason that they voted no was because they understood that they lived in a dictatorship; that if they had had a democracy that they could trust they would have wanted the canal under their jurisdiction, but they did not want it under Torrijos.

I did not talk to one Panamanian employee of the Panama Canal Company, not one, who did not say that he was opposed to the treaty, and again they expressed their patriotism toward their country, but that they trusted our Government more than their own. They felt they had more job security, more justice and decency in toil than they had with their own government running it, again because of Torrijos.

We cannot overlook the fact that we have not dealt with a democratic form of government; we have dealt with an absolute and total dictator. And interestingly enough, many of those who expressed this nationalist interest have said to me, "We wish in the treaties, even though we were for them, that it could have been worked out for the United States to continue to operate the canal through some sort of management arrangement, because we do not trust our own government to be able to run it, but we do trust yours."

These are Panamanians speaking, not Americans, not Senators. So I got an entirely different viewpoint down there.

But if I may now get back to Alaska: we pulled off one heck of a deal up there. We talked about the economics all afternoon yesterday.

Alaska is the biggest State in the Union. It is more than twice the size of Texas. It has unbelievable natural resources. I do not know what the value of Alaska would be, but certainly in the hundreds and hundreds of billions of dollars. We bought it from Russia for $7 million.

If we are moralizing, I think we better look at that. Interestingly enough, in the testimony before the Foreign Relations Committee Dozer testified that the Russians did question the validity of the Russian sale. The question was answered by the admission of Alaska into the Union as a new State. I am sure they did not expect to get it back. They wanted to make some rustle about it and possibly get more compensation. As the junior Senator from Alaska mentioned in real estate parlance, what a steal.

My good friend from Maryland mentioned yesterday that we got Manhattan Island for a strand of beads. There is an exchange we could discuss, too, except that, because of the economic condition of New York, I am sure the Indians would not want Manhattan back.

When I visited the President of Mexico and talked about undocumented, illegal aliens, he immediately picked up a map for Senator BAKER and me. It showed the North American Continent, Central America, and Mexico's original boundaries. He said,

I would like both of you Senators to know that the first undocumented workers were Americans in Mexican territory and you ripped off more than 50 percent of Mexico. So we start our discussions from that point.

The first undocumented workers really were Americans intruding into Mexico, including the Mormon pioneers in Utah, who went from Utah into Mexico.

Mr. GOLDWATER. It sounds more like the Senator would moralize on the Mexican war. There was no need for us to go to war with Mexico, no provocation at all. We did and, in fact, ripped off where the Senator lives and where I live. In fact, for $10 million we bought a piece of territory from Mexico which paid over $405 million in taxes last year. So moralizing is a great mistake.

Mr. GARN. I thank the Senator from Arizona. That is the point I was trying to make after listening yesterday. There are a lot of issues to debate, on legality, on jurisdiction, on ownership, all of those things, whether we did it legally or illegally, and the dramatic story told about what happened down here in a hotel, and about how bad we were. There are a lot of things in our history we could go back and redo if we wanted to moralize in that way.

The major point I wanted to make on this issue, is, No. 1, that I do not view this country in that way. Certainly, we have made some mistakes, and there are some times in our history that we have not done the right thing. We would be foolish not to admit that.

But I look at a country which entered World War II—and I hear all this about a colonial, socialist empire in the Canal Zone—with more than 2 million troops, which had the atom bomb when no one else had it. If any country wanted to rule the world we could have at that time. We could have easily taken over and would have become the ruler of the whole world.

Did we choose to do that? Did we choose to keep any territory whatsoever? None. We not only backed off and signed all kinds of agreements with our former enemies and our so-called ally, the Soviet Union, but we disarmed to the point where 5 years later, in 1950, we were caught with our pants down in Korea, or almost as bad a situation as we were in 1937 and 1939.

We had no colonies. We were not imposing our will in an imperial way on anyone. And not only that, but we rebuilt Europe and we rebuilt Japan. We rebuilt our friends and our enemies. In this period of time we as a nation spent more than $200 billion of our tax revenue on others, while providing more material abundance and a higher standard of living for our own people than any of God's children who have ever lived on the face of this Earth. We have shared our wealth and our taxes from our work like no other country in the history of this world has done.

That is the kind of country that in which I am privileged to be a U.S. Senator, one which has been generous, which has not taken advantage of other people, which has always tried to be the home of the oppressed, the leader of human rights, the leader of freedom and democracy in this world. That is a record of hindsight that speaks for itself.

But I heard nothing but degradation yesterday about how immoral we were in Panama. I want that rejected. I think the American people reject the argument that we should ratify these treaties and that we should give up the value of this canal and everything we have done as Americans in helping Panama.

Let us debate it on the facts in the treaty, item by item, and whether it is a good or a bad treaty. But let us quit downgrading our country.

We have given help voluntarily and we continue to do it. That is why we are a great and a good Nation.

I reject this idea of moralizing. I am sick and tired of those who use this as an argument, those who seem to want to rip apart—whether it is the CIA or whatever—the various institutions of our country, and not recognize the overwhelming good of the United States of America.

I am up here waving a flag. You better believe I am. I am wrapping myself in it because I think most American people would agree with what I say.

I just could not let that pass yesterday. I am sorry that Senator GRAVEL is not here because I wanted to rebut him directly.

For a few minutes now, I would like to present some remarks directly on the treaty.

Let this not be misunderstood as a partisan issue. It may have been mentioned—I have not been to all of the debate—that a couple of years ago, when Gerald Ford was still President of the United States, there was a resolution passed around this body which 38 U.S. Senators signed, and I was one of them. It said:

> We will not vote for any treaty which gives up operational control and sovereignty of that canal, President Ford, so do not send us one.

That was enough to defeat it. For 38 was more than one-third. I happen to be a Republican Senator and he was a Republican President. So when I criticize the Carter administration for this treaty it should not be interpreted as partisan, because if the same treaty were here from Gerald Ford I would stand up and say the same things, and I did. It is in the record. It proved that 38 U.S. Senators were opposed to it when Gerald Ford was President.

I think it is important to note that this opposition has not sprung up from some partisan feeling.

When President Carter first announced the signing of these treaties my initial reaction was opposition. That opinion had been formulated a long time before he became President, that I would not vote for any treaty which gave up operational control of that canal.

I would have been willing, and still would be willing, to negotiate a new treaty, which I think is needed, which could greatly diminish the size of the Canal Zone, giving back surplus land to the Panamanians.

There certainly is not need for all of the land that we own. There is certainly room for renegotiation of the terms of the treaty as far as compensation is concerned. There are so many areas we could renegotiate. But we must maintain the minimum amount of land necessary to operate and defend the canal itself.

I think that would be in the best interests of the United States and the best interests of the Panamanian people.

If the Panamanian people had a say in this rather than their dictator, I think they would be willing to accept that kind of a settlement as well, feeling they could have their cake and eat it, too. They could have much of this land back, much more control over it, but a government that has run it since 1914 could continue guaranteeing that the canal be operated successfully, be operated out of revenues, and be defensible for all ships to go through.

Well, although I had announced my opposition initially, I still wanted to go down and see firsthand. So I, as about half of our colleagues have done, went to Panama. I spent 5 days there with Senator BAKER and Senator CHAFEE. I had very extensive briefings with members from the Canal Zone Company, including Governor Parfitt and General McAuliffe. I suppose we got the same treatment that everyone got, and a very extensive briefing.

I spent an entire day with General Torrijos, touring parts of the Canal Zone and visiting with him at great length.

People said, "Well, what is your opinion, after having been there?"

My opinion? I came back with the absolute knowledge, with no doubt in my mind, that we were dealing with an absolute dictatorship. General Torrijos runs that country singlehandedly and does have absolute control. There have been, in the past, tremendous violations of human rights in that country.

In talking to the members of the Panamanista Party, hearing them outline some of the things that happened to them in the past, we asked them how they dared speak to us. They said it was because they were enjoying a holiday. Since the treaties had been signed, General Torrijos was trying to be very good, was trying to present a favorable image of what a wonderful and kind man he was. They hoped it would take a long time for these treaties to be resolved one way or another because they did have some human rights in the meantime, while Torrijos wants to build his image.

I said, "What happens afterwards, after you talk to us?"

They said, "We hope that after having appeared before you, that would guarantee our safety, that you would intercede for us. We want you to write down our names and check up on us after this treaty thing is resolved one way or another."

So after looking at the military, economic, and political situation in Panama, I came home feeling even more strongly that my decision was correct.

My experience in Panama is not just a 5-day visit. I used to haul cargo to Howard Air Force Base when I was just a mere Air Force captain, and not a Senator getting VIP treatment. I was not interested in a treaty at that time. I was not involved in politics. But it did give me an opportunity, over a period of years, of going through there, to talk to a lot of people.

I also gained the assessment at that time that there was not this overwhelming anti-American opinion that I hear so much about. I experienced none of it, going in and out of there as just a common, ordinary American wandering through the streets of Panama City, talking to people. I emphasize that point from a number of years of experience and not one 5-day period.

Then, within a week after arriving back, the Committee on Armed Services, of which I am a member, held hearings on the military and economic aspects of this treaty. Once again, after listening to these very detailed briefings, I became even more convinced that these treaties are wrong. I have heard they should be passed because they are right. I submit they should be defeated because they are wrong.

We can begin again. There is no reason to say that, because they are defeated, this is the end and we are going to have violence. We sit down again and say, "Yes, a treaty is needed, let us sit down and negotiate something that is fair and equitable to both countries," not something that is overwhelmingly unfair to the United States and to the benefit of the Panamanian dictatorship, run by Omar Torrijos.

The reason that I continue to become more opposed to the treaty is because I learn more about it. We constantly hear

from the President and others that the more the American people learn about this issue, the more they will be in favor of it. That has not been my experience. It has not been my experience at all. Mine has been just the opposite.

As I have given speeches and read directly from the treaty, some people who were in favor have said, "I did not know that was in the treaty; we are not doing that, are we?"

Yes, we are, sir; we are.

Some of those who say, "I still want to give up sovereignty and give it back to the Republic of Panama," are not in favor of the terms under which we are giving it back.

Let me address myself to the economic issues and to quote some of the misunderstanding the American people have. Most people that I have talked to have the impression that nothing changes until the year 2000, that we are all right for 22 years, so we hope everything works out. Governor Parfitt testified before the Committee on Armed Services that the dominant and all-encompassing change of the treaty is immediate recognition of Panamanian sovereignty and general territorial jurisdiction over the present Canal Zone.

That is immediate. More specifically, he said the treaty would eliminate the Canal Zone government and the Panama Canal Company and substitute therefor the Panama Canal Commission.

Other quotes from Governor Parfitt:

As of June 30, 1977, the net book value of property, plant and equipment in the canal enterprise was $567 million.

I might make a remark that net book value is what bookkeepers talk about in terms of depreciated value. It has nothing to do with market value or replacement value, which would be in the billions of dollars.

(Mr. FORD assumed the chair).

Mr. GOLDWATER. Will the Senator yield?

Mr. GARN. I am happy to yield.

Mr. GOLDWATER. It is $9.8 billion.

Mr. GARN. $9.8 billion. So just looking at the net book value, it is rather substantial.

He goes on to say:

On the effective date of the treaty, an estimate $92 million of these assets will be transferred to Panama and $30 million to other U.S. Government agencies. An additional $4 million in assets will be transferred to Panama during early phases of the treaty. Property initially retained by the Commission and additional acquisitions during the life of the treaty would also go to Panama at the conclusion of the treaty. Our current estimate is that the net book value of such property at termination date would amount to $522 million, making the total value of transfers to Panama $618 million.

That is $618 million in bookkeeper's terms and the Senator from Arizona has pointed out it is over $9 billion in replacement value.

We are going to pay them 30 cents per Panama Canal net ton for going through the canal, a fixed annuity of $10 million a year—again, these are quotes from the Governor's testimony, not the opinions of Senator JAKE GARN—and $10 million for certain specified public services to be provided in the canal.

Yet the Comptroller General of the United States, Elmer Staats, says that it is the estimate of the Canal Zone Company that it will only cost the Panamanians $4.4 million to provide these services and the treaties make no mention of quality of service.

Staats goes on to say that, at the very least, we ought to have the services relate to the cost of providing them and we ought to have an accounting method for determining what that cost is. And he talks about how it ought to be reasonable that before we transfer property, we have an inventory. The last time one was conducted, in 1950–51, before the present Canal Zone Company was incorporated, it cost $750,000 to do it. He has no idea what it would cost now.

The reason I am pointing these things out is that it is constantly said that these treaties will cost the American people nothing. That is true if everything goes according to Hoyle and the canal toll revenue increases do not reach a point of diminishing returns and the Alaskan oil continues to flow through the canal. If all of these projections work out, and it stays self-sustaining, these things will come out of toll revenues. But there are some other costs that directly impact on the American taxpayer immediately and have nothing to do with the revenues of the Canal Zone Company.

For instance, we loaned money out of the U.S. Treasury on which the present Canal Zone Company pays $20 million a year in interest, but that is going to be forgiven.

We are going to write off the debt. We are going to say, "Don't pay it back; you don't have to pay us $20 million a year."

Well, $20 million is not much out of a half-trillion-dollar budget. But, nevertheless, it is a fact that there will be a cost to the American taxpayers, something that they will no longer receive.

We have also heard that there is not much difference, treaty or no treaty. Again quoting Governor Parfitt:

Summary results for fiscal 1979. * * * Using the most recent estimate of tolls, ($195 million), it is projected that there would be $9.3 million earnings without a treaty and a $36.7 million loss with a treaty—

Or a difference of $46 million the first year of operation—

Our analysis has also covered the period fiscal year 1979 through fiscal year 1984 in order to include the transition impact as well as the first year effect—in fiscal year 1984—of indexing the payment to Panama for each Panama Canal ton of shipping transiting the Canal. The predicted shortfalls in revenues range from $36.2 million to $58.9 million and are shown on this chart.

So he goes on to say that, obviously, tolls are going to have to go up. And they will go up if we do not have a treaty.

Mr. LAXALT. Will the Senator yield for a question?

Mr. GARN. I am happy to yield.

Mr. LAXALT. Do those figures reflect the assumption by DOD that service costs are going to have to be taken over after the transition period?

Mr. GARN. No, they do not.

Mr. LAXALT. Does the Senator have the DOD figures on assumption of those costs?

Mr. GARN. Yes, I do.

Referring to Governor Parfitt, he says:

If revenues and costs develop as projected, it appears that periodic toll increases will be required, treaty or not. With a treaty, the need is sooner and greater.

Switching over to Comptroller General Elmer Staats' testimony—he runs the General Accounting Office which is considered to be the watchdog of the Treasury—he talks about some of these transitional costs.

He mentions that it is very difficult for him to estimate them and the reason that he cannot is that we have been promised since September, or October it was, the implementing legislation from the Department of State. We still do not have it. So we have been asked to consider these treaties without being able to know what the real economic impact is directly on taxpayers now, besides the forgiving of the debt, the guarantee that we turn over a debt-free canal in the year 2000, and the forgiving of the interest.

He said the treaty provides that the commission will continue to provide certain utility services and would be reimbursed for its costs. Yet no mention in the treaty of Panama's debt for past services which totaled over $8.4 million as of September 30, 1977.

They owe us $8.4 million which they have refused to pay for selling them electricity and other utilities. Omar just does not want to pay and we have not pushed him to pay.

This is a good accounting statement that I agree with, again quoting Elmer Staats:

We believe this debt should be settled by either a lump sum payment or as a credit against payments to Panama.

We are not pushing for that.

Talking about the $10 million lump sum for services that were provided the Canal Zone, Staats talks about how no quality of services is mentioned. If you want to go down and look at the Canal Zone quality of services compared to the Republic of Panama, you can see this.

The Panama Canal Company estimates it would cost about $4.4 million to provide specified public services.

So we are padding in $5.6 million.

Here is another statement I totally agree with from a good old-fashioned accountant:

We believe that payments to Panama for public services should be based on the costs incurred and that procedures should be developed to verify these costs, both during the treaty's first 3 years and thereafter.

How can you disagree with that?

I say again, this is the wrong treaty, whether you are for a treaty or not. This one should be defeated because it is wrong.

Other treaty related costs? Staats said there had been no discussion about that:

We have focused on the treaty related costs for the Panama Canal Commission which would be charged against toll revenues.

We would like to point out the possibility for additional related costs to be borne by other U.S. Government agencies.

Unfortunately, only sketchy details are available at this time.

Again I repeat, we are operating on a treaty with only sketchy details of what it is going to cost.

Is that what the American people want us to do? Do they want us to pass this kind of legislation based on sketchy details that are not yet available to us?

Mr. GOLDWATER. Will the Senator yield for a question?

Mr. GARN. I am happy to.

Mr. GOLDWATER. I am not certain of what I am about to say, so I will ask it in the form of a question.

Did Governor Parfitt say that he was talked to by the negotiators or did he say he had never been talked to by the negotiators on these cost points?

Mr. GARN. I cannot answer the Sentor's question because I did not hear it, I was not in the committee at the time he made the response to those questions.

Mr. GOLDWATER. It seems to me he made that comment. I will check on it and see.

Mr. GARN. When I was in Panama, he made one statement, that on the testimony that he would give before the committee, a lot of the information was not available to him as yet when the treaty was being negotiated.

Mr. GOLDWATER. Well, I will find out. I thank the Senator.

Mr. SARBANES. If the Senator will yield on that point, it is my understanding that Governor Parfitt did have discussions with Ambassador Bunker and that there had therefore been consultation with the negotiating team.

It is correct, as the Senator from Utah has just said, that a number of the studies on which some of the most recent testimony has been based were not available until very recently; that involves the Brandeis study which was commissioned, jointly, by the Panama Canal Company and the State Department; it also involves, I gather, the study of the consultant employed by the Armed Services Committee which commissioned a report in this area, and also an internal study that was undertaken by the Panama Canal Company.

Mr. GARN. I thank the Senator because I think he is correct.

This indicates to me another very great fault in the treaty negotiating process. It would seem to me it would have been better for the negotiating team to wait for these studies to be completed before launching into a final treaty so that they would have the benefit of this information while writing the treaty.

Now, we do not have the benefit of the implementing legislation while we are debating. I hope it is available before we are through.

Mr. SARBANES. If the Senator will yield just on that point, the negotiators did have available to them earlier studies which had been made on the basis of which they made certain projections on a very conservative basis.

The fact is that the subsequent studies have been more optimistic about what can be done financially and economically than the earlier ones that were used by the negotiators.

For instance, earlier a figure of 40 percent was being talked about as the increase in tolls to meet projected costs. Governor Parfitt, in front of the Armed Services Committee, and I think it is fair to consider it a reasonable figure, talked of a 20-percent figure for the increase in tolls to carry us from now until 1984, that is through the first period, compared to the earlier figure of 40 percent.

The other thing Governor Parfitt put forth in his testimony was that he projected that without a treaty, with no treaty, there would be by the end of the century an increase in tolls of 95 percent. That is with no treaty. With a treaty he projected an increase of 115 percent, or a difference of 20 percent in terms of a projected increase in tolls with the treaty and without a treaty by the year 2000.

Mr. GARN. I thank the Senator for that comment.

I would quote once again from Governor Parfitt on the sensitivity of canal revenues to increasing tolls. He said:

Essentially, the study indicates that canal traffic is sensitive to toll increases beginning at 15 percent up through the maximum increase possible of between 75 and 100 percent, the point where diminishing returns set in.

Also, he talks about—

the net toll yield to be derived from two representaive toll increases, 25 and 50 percent. The ultimate gain, from a 25-percent toll increase, is 19.6 percent. For the 50-percent calculation, the net amount is 33 percent. Increase of more than 50 percent would result in little additional revenue. In fact, it is estimated that the very maximum amount of additional revenue obtainable is about 40 percent, and this would require a toll increase of between 75 and 100 percent.

Although he did say during that brief 5 or 6 years they could get by with what you said is about a 20-percent increase, to 1984, he is talking about maybe upward of a 75-percent increase by the year 2000.

His final statement is—

Nevertheless, I believe you should be alert to the possibility that the canal operation may not be self-sustaining in the out years.

Mr. SARBANES. I am sure the Senator does not disagree with the statement, because it comes straight from Parfitt's testimony and then his appendices.

He projects that without the treaties there will be a 95-percent increase in tolls by the year 2000—without the treaties—and then in another table projects that with the treaties there will be an increase by the year 2000 of 115 percent—namely, a difference of 20 percent in terms of the increase in tolls with the treaty and without the treaty. That, of course, is taking into account inflation and the fact that you are going to have rising costs, and so forth.

He made it very clear that the tolls are going to go up in any event, with or without the treaty.

In the annexes to his testimony, he indicated that without the treaty, they would go up 95 percent—that was his estimate—and with the treaty, they would go up 115 percent, or a difference of 20 percent.

Mr. GARN. I quote again from the appendices:

Over the longer term, if revenues and costs develop as projected, it appears that periodic toll rate increases will be required, treaty or no. With a treaty, the need is sconer and greater.

His estimate are based on some projections specifically having to do with North Slope oil continuing to go through the canal. It is tremendously doubtful whether it can be self-operating without that North Slope oil. There are certain plans for pipelines within the United States to stop that.

Mr. GOLDWATER. Mr. President, will the Senator yield for a comment on that?

Mr. GARN. I yield.

Mr. GOLDWATER. I do not think what the toll increase is or is not has much to do with the goodness or badness of this treaty, because we have inflation now that we are not going to stop, and inflation bothers the canal.

Another matter I was going to address myself to is the North Slope oil. He was very quick to forecast the end of this great tonnage that has built up but which even now is leveling off; and as we complete the pipelines across the United States to relieve the west coast of, you might say, the overdose of North Slope oil, the tolls are going to go down.

The interesting thing to me about Governor Parfitt's testimony is that it revolves around the year 1984. He made some pretty sound and understandable estimates up to that year, but then he was quick to admit that he did not know what was going to happen after 1984, but it was going to cost the U.S. Government—meaning the U.S. people—money. What that money is going to be varies in the opinions of different presons.

According to my arithmetic and the material I have talked about this morning and put in the RECORD, it could cost the American taxpayers more than a billion dollars, probably more than that. But, again, it is a pretty hard thing to judge, because we do not know yet how this new commission is going to operate as compared to the Panama Canal Company, which I think is probably the finest run business we have.

When we start putting Panamanians on the board and making political appointments to the board, I do not know what we are going to see. So it is after the year 1984 that bothers me.

This also bothered me the other night, when the President of my country told the American people it was not going to cost them any money. This is just an outright falsehood, and I hope he corrects himself before he lights that fire the next time.

Mr. GARN. I agree with the Senator.

Mr. SARBANES. Mr. President, will the Senator yield to me on that point? It is an extremely important point.

Mr. GARN. I will yield briefly, but I am taking the time of the Senator from Maryland.

Mr. SARBANES. What the President said in his statement to the people was

that under the new treaty any payments to Panama will come from tolls paid by ships which use the canal.

Mr. GOLDWATER. That is wrong.

Mr. SARBANES. I think that is an accurate statement, and in the course of the debate, we can show that it is an accurate statement.

Mr. GOLDWATER. It is not accurate.

Mr. SARBANES. Any payments to Panama will come from tolls paid by ships that use the canal.

Mr. GARN. I might just quote from the Comptroller General of the United States, and we will use him on this point of whether it will cost the American people any money, whether that is an accurate statement of the President.

He is speaking of this IRA study that has been utilized in this debate a great deal. He said:

Unfortunately, the IRA study does not analyze the sensitivity of traffic to a two-stage or multistage tollrate increase. Who would bear the cost? Who would bear the ultimate burden of fulfilling the treaty obligations to Panama? Since the treaty calls for Panama to receive benefits from the canal's existence that it is not receiving presently, someone or some group would be paying more. U.S. citizens could potentially be affected in two roles, as taxpayers of the country that operates the canal and guarantees payments to Panama.

On that point, it should be made very clear that the President might luck out just on that one point. If you interpret his statement rather narrowly, he might luck out. If the North Slope oil continues to go through, if the toll rate increases do not meet the point of diminishing returns, if all this guesswork into the year 2000 is correct, he may luck out. He will not still be President, because he can serve two terms at most. Some of us hope he will not have a second term. Nevertheless, he will not be around when this happens.

But we do guarantee, we simply guarantee these payments, whether the toll revenue is there or not.

So I repeat:

U.S. citizens could potentially be affected in two roles, as taxpayers of the country that operates the canal and guarantees payments to Panama.

The $10 million subsidy each year, the $10 million for utilities—everything but the 30 cents per net Panama Canal ton.

He continues:

. . . as producers or consumers of products shipped through the canal

* * * * *

The United States is the destination for approximately 30 percent of the traffic, and therefore, U.S. consumers would pay about 30 percent of the higher tolls.

So let us be honest about it. Whether the total amount of these revenues we are giving away, which we are not going to receive, are small in terms of our total budget and our gross national product, which they are—let us not insult anyone's intelligence—we cannot get away from the fact, either proponents or opponents, that this treaty will cost money. We can debate whether it should or not. I am just saying that the American people should know what this treaty does. and that is what we are trying to point out—that it is a bad treaty, poorly negotiated, and very disadvantageous to the United States.

I want to quote once more on this point from the Comptroller General, his concluding statement:

If canal transits fall short of what is currently estimated, it is possible that toll revenues will be insufficient to cover the cost of the commission, including the scheduled payments to Panama.

He said, "scheduled payments to Panama." I would not be so upset about the economics if all this came out of toll revenues. Then, if Panama does not run it very well, that is tough luck. They are not going to get the revenues, strictly speaking, from an economic standpoint.

I quote again from the statement by Mr. Staats:

In this eventuality, the U.S. Government is likely to be required to provide financial assistance either through congressional appropriations or by allowing the Commission to borrow from the Treasury.

I should like to ask the question as to who put the Panama Canal back in operation? The U.S. Navy did. If this canal does not operate, who is going to put it back into operation and who is going to pay for it? Let us not kid ourselves. It is going to be the U.S. Government, the American taxpayer, the consumer. If there is any trouble down there economically, we are going to be called in to bail them out.

I was asked about other treaty-related costs and was interrupted at one point, but I should like to finish the testimony of Mr. Staats before I make other comments. Mr. Staats said:

In our discussion today, we have focused on the treaty-related costs for the Panama Canal Commission which would be charged against toll revenues. We would like to point out the possibilities for additional treaty-related costs which might be borne by other U.S. Government agencies.

Those are direct costs to the taxpayers.

He continued:

Unfortunately, only sketchy details are available at this time.

These costs include early optional retirement payments for canal employees, estimated to be about $8.4 million a year; subsidy for hospital and education services for estimated 2100 to 2400 employees transferred to the Department of Defense.

Relocation and other costs to the Department of Defense, estimated at $43 million.

Discharging the existing accrued leave liability for employees transferred to Panama and other U.S. agencies.

Under questioning, he said he had no idea what the other treaty-related costs would be. There was no way to estimate. There is over $50 million now that he could tell, but he could not tell until the implementing legislation was drafted, so that he was able to come back with estimates. When that is going to be I do not know.

Let me get back to another financial aspect.

Governor Parfitt told us when we were there that it cost $65 million a year to maintain the canal. That is due to geological faults, slides, keeping the canal open and dredging operations, that is keeping the locks, the doors, the wheels, the motors, the engines, all of those things going. That is a lot of money. It is an old canal, and it works amazingly well, but it costs a lot of money to keep it going, $65 million a year. And I said this directly to General Torrijos. I said: "With the unbelievable economic and social problems you have in your country, who in the year 2000 can keep from the temptation of dipping into that $65 million?" Certainly it is in the interests of Panama to keep the canal open. So it would not be robbing the whole thing. It would just be a little robbing Peter to pay Paul. Maybe we will take $5 or $10 million this year. Defer this particular maintenance until a year or two because we need this for housing. That may be a very worthwhile purpose.

But in a dictatorship, the Panamanian people have no control, and a man on the streets of Colon, as General Torrijos did, can cut the educational fee in half just by snapping his finger, with no consultation with anybody. He does not have to sign a paper. He did it in 10 minutes on national TV. "The great general has cut the educational fee in half." He may have been trying to impress us with his goodness. What he impressed me with was his absolute power even though it may have been a good act. As I told the general, the temptation of politicians to dip into that fund is tremendous, and I will give a specific example.

I was mayor of Salt Lake City. We had a general fund as most cities do. Property tax revenues provided the general funds for police, fire protection, all the usual services provided by a city.

And then we had a separate airport utility and a water utility, and they were guaranteed to operate out of their own revenues from landing fees from airplanes and from water revenues, water sales for the water utility.

I think it is interesting to note that for the 7 years I was in local government every single year I was there there was an attempt made by one or another member of the commission, to avoid facing the wrath of the public by having to find sources of revenue, like raising the mill levy or property taxes. "Hey, don't you think we can take a million or two out of the water utility fund this year?" They would say.

No; I do not, because we had 1,000 miles of water lines that needed repair. Maybe we could get by and one would not break this next winter. Maybe we could and maybe we could not. Maybe we could defer building the new water treatment plant but then we could not meet the water pollution control standards.

The temptation is there in every American government. We have a State constitution that requires use to balance the budget every day or the mayor goes to jail.

So in a very well run city that balances the budget for whatever reason, in this case the law, with a democratically elected mayor and city commissioners, the temptation was there. I am not criticizing. I am just saying it is a fact of life that exists in politics.

So no one can convince me that a Panamanian Government, run by someone like Torrijos, or whoever follows him, could resist the temptation of robbing Peter to pay Paul, and I doubt very seriously that as to a maintenance fund,

whatever it might be in the year 2000, they could keep their hands off of it or at least a part of it because it does happen in every American city across this country.

As a member of the Armed Services Committee I am going to have a great deal to say during this debate about the military aspects and the defense of the canal, but because of the desire of other Senators to speak, in particular Senator SARBANES, today I will leave that part of my presentation out and today address only the economic issues.

As long as I am talking about a water utility, let me give an analogy of the Salt Lake City Water Department, a public utility run out of its own funds. I wonder how long I would have been mayor if when I was mayor of that city I had told the people that I had found some reason for saying that I had treated some previous owners of the water department land, the watershed and the resources of that utility, badly, even though maybe legally. Possibly I had been a little bit shady, despite the fact that we had provided all kinds of revenues and benefits, serving 400,000 people water every day. It did not make any difference, I had come to the conclusion that the only way that I could solve this problem was to give away the utility. I decided to give away all the assets, the water treatment plants, the storage reservoirs, the distribution reservoirs, a thousand miles of water lines, 4,000 fire hydrants, the shop facilities, the maintenance facilities, the administrative office, millions of dollar worth of assets. These assets were initially paid for by funds out of the general fund of the taxpayers of Salt Lake City and later turned into a utility—very similar to the stiuation in Panama when we turned it over in 1952 to the Panama Canal Zone Company, wth indebtedness to the general fund of the United States. What would have happened if I had said not only am I going to give it away lock, stock, and barrel without asking anything in return, I am going to guarantee these people a percentage of the revenue from the water sales every year. I am going to give them a subsidy of $10 million a year. I am going to pay them more than twice as much for them to provide services as it cost back in the old water department era. I am going to guarantee them additional revenue if there is any surplus, and this is going to be of great benefit to us because they will not agitate any more, they will not criticize, and we are just going to give it away. We are going to go from about $2.3 million a year we are paying for these previous rights, and we are going to increase it to $60 million to $70 million a year. We are going to withdraw our people in 22 years. We are going to turn it over to them to run, and you might experience a doubling of your water rates. but that is to your benefit and it really is not going to cost you any money because it is not going to come out of the general fund; it is going to come out of water rate increases. I wonder how long I would have been mayor of that city?

I think it is a very close analogy to what we are doing financially. I am not even arguing the matter of sovereignty at this point, or ownership. I am talking about the economics of this package. I not only would not have been mayor very long, I would have to run very rapidly to get out of town before I was tarred and feathered.

And I could make the same analogy about the airport. Give it away and pay somebody to take it.

On the economic aspects of this treaty alone, I would have loved to have followed the President for about 15 minutes and not given one opinion of JAKE GARN, simply quoted the testimony of the Comptroller General of the United States and Governor Parfitt, and let the American people decide, because I submit the more they learn about the terms of this treaty, even those who may think that we ought to return it to Panama will say let us do it on better terms and let us guarantee that we can defend it. Let us clear up this nebulousness, the ambiguities.

Gen. Maxwell Taylor testified before the Armed Services Committee that this is one of the beauties of this treaty, that it is so flexible and ambiguous that we could interpret it most any way we wanted to after the year 2000. I think we better tie it down just as tight as we can if we are going to have a treaty and let us not deceive the American people. Let us not deceive them. Let them know the facts of what has been drafted and what we are considering.

And if they do they will resoundingly say to this body: "Defeat this treaty; go back to the drawing boards and negotiate something that is fair to both sides."

I yield back to the Senator from Nevada at this time and will reserve my remarks on the military aspects for a future date.

Mr. LAXALT. I thank the Senator from Utah.

At this time I yield the remainder of the time to the Senator from Maryland, Senator SARBANES.

The PRESIDING OFFICER (Mr. SASSER). The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, one cannot really think seriously about the Panama Canal, about these treaties, and about the whole complex of issues involved without gaining an understanding of the tremendous emotional appeal which the canal has for so many people. You cannot read David McCullough's book, "The Path Between the Seas," or any other book, for that matter, that discusses the canal and its construction and operation with any sensitivity, without sensing the symbol which the Panama Canal represents and the emotion which it carries for so many. I respect and appreciate the achievement which the Panama Canal represents.

It was an extraordinary achievement by the United States in two significant respects. First, as an engineering accomplishment; it functions today as it functioned 64 years ago when it was first opened; and second, as a triumph in the health field: American physicians, American nurses, and American medical personnel solved that critical problem and made it possible to build the canal.

I have enormous respect for those pioneers, and for the people who followed in their footsteps in carrying out this great enterprise. They showed skilled professionalism in building and operating the canal and making it an international waterway which commanded world praise.

I do not approach this issue—and I frankly think it is important not to approach it—with any sense of guilt in terms of the American contribution. I agree with what Senator CHURCH said earlier in the day, that he and other proponents of this treaty do not approach this issue with any such attitude.

Now, to say that is not to say that it is unimportant to understand the history of how the 1903 treaty came about. It is very, very important indeed, because it explains the Panamanian perception of the current legal arrangements between our two countries governing the canal and the use of the canal. A knowledge of that history enables one to understand why Panamanians have such deep feelings that the 1903 treaty is not a satisfactory basis upon which to rest the relationship between the United States of America and the Republic of Panama.

So, without minimizing what was accomplished by Americans in the building and running of the canal, it nevertheless is important to know the history of the 1903 treaty; to know that it was negotiated and signed not by a Panamanian but by a Frenchman who had a very vital personal interest in such a treaty, because it brought $40 million to a French Canal Company of which he was a significant stockholder; to know that there has been resentment in Panama from the very beginning because the treaty is seen as overreaching by a great power; to know that when the treaty was subsequenty brought to Panama for ratification, the threat of withdrawal of American protection for Panama and hence the loss of its independence and the likely death of all revolutionary leaders was used, as a very effective coercion, to compel signatures to the ratification of a treaty the Panamanians, even then at the very outset, regarded as totally unacceptable.

It is important to go back and know the history at the outset, because it has darkly clouded the relationship ever since. It is one of the basic reasons why the existing arrangement has never been accepted in Panama as a proper basis for the relationship between our two countries regarding the canal.

Now, having said that by way of background, the critical question is: Are these treaties in the best interests of the United States?

When we make that judgment, we must be very careful to understand that the choice before us is not the status quo, not the existing situation and the change embodied in the two treaties, the permanent neutrality treaty—note that it is permanent—and the Panama Canal Treaty which governs the relationship for the next 22 years. The choice before us is between the change embodied in those treaties and the change that will occur if there are no treaties. Change will come—there will be consequences

and developments—whether the treaties are approved or rejected. If the treaties are approved, we will have a framework that will determine the course of developments. If the treaties are rejected, it is incumbent, especially upon those who want them rejected, to speculate on what the course of events will be, what will take place, what will transpire, and how effectively we will be able to continue to use the canal and how beneficial to us will be our presence in Panama and throughout Latin America.

There are some who say, "Go back and negotiate"; if that suggestion is made in earnest, then it must rest on the realistic expectation that a new agreement can be negotiated which will be acceptable to both parties. I am very frank to say I think it is totally unrealistic to suppose that new negotiations will lead to an agreement that will as fully accede to American interests as the agreements before us do. There is no reason to suppose, and in fact every reason to believe otherwise, that the Panamanians will be more accommodating of U.S. interests if these treaties are rejected. Even now significant elements in Panama feel these treaties are too favorable to the United States but the treaty having been approved by the people in a referendum they are prepared to live by them and carry them out fully. My prediction of what would happen is that in a few years time, negotiators would come back and say, "This is the best agreement that we are able to get." Then there will be lamentations and everyone will say: "Oh, now we wish we had accepted the agreements that were before the Senate in 1978. Oh, how much better those would have been in safeguarding and protecting the American interests." If an acceptable treaty arrangement is not reached then the United States will have to impose its view, with all that entails, upon a hostile and antagonistic country. How much better to have an agreed arrangement at the basis of our relationship.

It is my own view, after having reviewed the testimony very carefully, that these treaties are very clearly in the best interests of our country. First, they recognize and protect our defense and strategic interests. The American military will have every needed facility over the next 22 years in Panama. That is not a situation we could hope to guarantee without these treaties. That American presence is being accepted and agreed to by the Republic of Panama.

With the amendment that has been recommended by the Foreign Relations Committee and that has been introduced under the leadership of the majority leader (Mr. ROBERT C. BYRD) and the minority leader (Mr. BAKER), the United States is given the right, clearly, without any doubt, to take any action that it deems necessary in order to protect the permanent neutrality of the canal after the end of the century. There is no time limitation on that right.

The Joint Chiefs of Staff have come before the Foreign Relations Committee and testified unequivocally in favor of these treaties. General Brown in particular has indicated his very strong personal feelings in support of these treaties.

Some have raised the charge that "these active duty officers are not telling you their real opinion but simply obeying the Commander-in-Chief." We went into that very carefully with General Brown. In fact, at one point General Brown indicated that he welcomed the question, because he wanted to answer that charge.

He made it very clear that in appearing before congressional committees, he and the other military people recognized that their responsibility was to answer questions placed to them truthfully, in accordance with their best views.

While military officials did not go out on their own initiative and take positions in conflict with the decisions of the President, they did upon appearance before the Congress, a coequal branch of government, in response to questions give their personal view even if it was contrary to the President's position. He cited instances in which the Joint Chiefs had done exactly that and expressed publicly before Congress their opposition to a Presidential decision.

Defense Secretary Harold Brown, who was sitting next to General Brown, then said:

> I would like to say something about this because I think perhaps my uniformed colleagues cannot say it. It is this: The kind of charge to which you are referring is an insult to our senior military officials. I believe it is not helpful to the debate any more than it would be helpful to the debate if the proponents of the treaty were to question the motives, the integrity, or the honesty of those who oppose it.

I know there are retired military people who are opposed to these treaties; there are retired military people who support them. The present Joint Chiefs are very much for them. I do not question the motives, the honesty, or the integrity of any of those people, proponents or opponents. I may disagree with their wisdom or I may disagree with their judgment, but I do not question their integrity. I hope all engaged in this debate would share that attitude and we can banish from this Chamber any notion that the present Joint Chiefs in discharging their grave responsibilities are not giving us their honest opinions.

Second, I think these treaties protect important American economic interests which are involved with the Panama Canal. All the members of the Panama Canal Commission Board, which will run the canal over the next 22 years, will be appointed by the United States, and a majority, 5 of the 9, will be Americans. The four Panamanians will be put forth by Panama, but appointed by the United States. This Board will set the tolls; will determine the budget; will make allocations for maintenance, and is therefore, in a position, in the course of exercising those responsibilities over the next 22 years, to protect the operations and the maintenance of the canal and to develop an orderly transition to Panamanian operation of the canal.

In my view, the President's statement to the Nation, his fireside address, in which he said that all payments to Panama will come from tolls paid by ships which use the canal, is correct. The testimony thus far on that point has indicated that it is clearly possible, with a reasonable projection of shipping traffic and reasonable toll increase, estimated at 20 percent for the next interim period, to produce the revenues called for by the Panama Canal treaty for payments to Panama.

The arrangements it should be stressed, give Panama a vested interest in the successful operation of the canal; and it also gives them a vested interest in maximizing the amount of traffic which moves through the canal. Much of what they will receive from the fee tolls is based upon the amount of tonnage—the more tonnage which moves through the canal the more their payment will be. Therefore, there is a tremendous incentive for Panama to seek to operate the canal in such a way as to maximize its use as an international waterway.

Opponents have put forth varying large sums as to what the canal is worth, book value, replacement value, original cost, and so forth, but the basic point they must recognize is that the true worth of the canal depends upon the use of the canal. Owning the canal is of no significant value if you cannot use it. The canal's worth is in its use and that is what these treaties safeguard.

Third, these treaties clearly serve important foreign policy interests of the United States. The treaties have significance not only for the United States and the Republic of Panama, but significance throughout all of Latin America and, indeed, throughout much of the rest of the world.

Why should we give our enemies around the world an issue to use against us when we have the opportunity to settle this matter in such a way that our own interests—strategic and economic—are fully protected. We can deny our opponents an issue which they have used and continue to use throughout many corners of the world?

Finally, I think these treaties are fundamentally important in determining the perception the American people have of themselves, in our perception of what we stand for as a nation, and how we intend to achieve or national objectives.

These treaties are preeminently important because they provide the United States with a justified moral and legal basis for the use of American power to protect American interests; let me repeat that: with a justified moral and legal basis for the use of American power to protect American interests. I regard that as extraordinarily important.

We are the world's most powerful country. We can use our power to protect our interests. We can invoke that power as we choose to assert our interests. But I regard it as extremely important, in terms of the willingness of our own people to support such actions, and in terms of the support such actions will receive from people abroad, that the use of our power be done on a firm and justified moral and legal basis. These treaties give us the opportunity to do that in a way that the existing arrangements do not.

There is no guarantee as to what the

developments will be; no one can guarantee what the developments will be. Everyone must face the fact that the choice is between the developments which will come with these treaties and the developments which will come without these treaties. There are risks in either course.

In making that choice, I have come to regard these treaties as an opportunity, as a positive opportunity, for this great country.

These treaties give the United States, give to free American people the opportunity to protect our interests and to do it in a way that will command the support and the respect of our own people and the support and respect of people throughout the world.

We ought not to view these treaties, and I reject the attitude which views these treaties, as salvaging the best of a bad situation, which regards the treaties in a negative perspective.

The present situation offers the United States a positive opportunity. It offers us the chance to move forward. Historians, McCulloch most recently, have talked about the vision and the foresight of the people who built the canal 70 years ago and what that meant. He went on to say in endorsing the treaties that the same opportunity is before us today.

I agree with that. I think there is an opportunity here to look ahead with vision, to see clearly the interests of this Nation and, therefore, to take action approving these treaties, with the modifications recommended by the Foreign Relations Committee. Such approval will make these treaties a historic achievement for the American people, and for the protection of American interests. It will show a great power bringing might and right into harmony.

These treaties offer the chance to bring forth the best—the very best that is in the American people; to call upon the finest traditions for which this Nation stands, and to do it in such a way that our defense, our economic, all our interests are protected, are safeguarded in a way that could not otherwise be done. It can be done consonant with the very best of what America stands for.

These treaties are an opportunity which this Senate and this Nation ought not to lose. I strongly urge their approval.

The PRESIDING OFFICER. Under the previous order, debate on the Panama Canal Treaty is to close at the hour of 5 p.m. today. The hour of 5 p.m. having arrived, debate is closed.

Mr. CLARK. Mr. President, I ask unanimous consent that debate on the treaty be extended for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I want to take just 5 minutes further to discuss some of the essential issues that are before the Senate.

Mr. President, from the time that President Carter and General Torrijos signed the new Panama Canal treaties last September, I have stressed several ideas which I feel are fundamental to developing my position with respect to their ratification:

First, it seemed to me most important that my judgment would be based on what is best for the United States. As the distinguished majority leader told the Foreign Relations Committee:

> I have tried to focus my own analysis of the treaties on one basic question: Are the treaties in the best interests of the United States?

President Carter approached the treaty question in exactly this way. "Throughout the negotiations," the President said in his television presentation, "we were determined that our national security interests would be protected."

Second, I recognized the need for updating the 1903 treaty—a conclusion reached earlier by five Presidents—three Democrats and two Republicans, and just as many Secretaries of State. As former Secretary of State Dean Rusk put it before the committee:

> . . . the treaty of 1903, as amended, offers a very fragile platform on which to try to stand in these closing decades of the 20th century . . .

Secretary Rusk called the 1903 treaty a "legal anachronism." I believe that to insist on this concept of perpetuity in the world of today is not only unrealistic, it can be extremely dangerous and counter to our national objectives. I particularly liked the way the Philadelphia Inquirer described the situation:

> The central issue is not the "surrender" of U.S. rights. It is the advancement of U.S. interests.

Third, I accept the position, made so eloquently before our committee by many witnesses—including, may I emphasize, all the members of the Joint Chiefs of Staff—that the U.S. strategic interest is in the guaranteed use of the canal, not in ownership of real estate.

Secretary of Defense Harold Brown:

> I see three elements which together make up our national security concerns relating to the canal. These are, first, unimpeded use; second, effective operation; and finally, physical security of the canal. These are our paramount objectives.

Gen. George S. Brown, Chairman of the Joint Chiefs of Staff:

> U.S. military interests in the Panama Canal are in its use, not its ownership.

Gen. Bernard Rogers, Chief of Staff of the Army:

> I can certainly defend the Canal much better under the new treaties than under the present one.

Adm. James L. Holloway, Chief of Naval Operations:

> These treaties in my judgment enhance the probability of our maintaining use of the Canal.

Gen. Louis H. Wilson, Commandant of the Marine Corps:

> I support the President in his seeking a new treaty with Panama.

Lt. Gen. Dennis P. McAuliffe, the present U.S. Commander in Panama, and the soldier immediately responsible for maintaining our security there:

> Our capability to keep the Canal open . . . will be enhanced, considerably enhanced, by the provisions of the treaty.

David McCullough, author of that extraordinary book on the canal "The Path between the Seas," and a man who knows and loves the canal as much as any American, put this so well. "I support the treaties," McCullough said, "because I support the canal; I know its importance, I know our interest is vital." But McCullough goes on to emphasize that what matters is "continued use of the canal . . . not ownership."

I think Ambassador Ellsworth Bunker stated our interests as well as anybody:

> We want a Canal that is open to all the world's shipping—a Canal that remains neutral and unaffected by international disputes,
>
> We want a Canal that operates efficiently, profitably and at rates fair to the world's shippers,
>
> We want a Canal that is as secure as possible from sabotage or military threat.
>
> And we want full and fair treatment for our citizens who have so ably served in the Canal Zone.

To achieve these goals, the United States does not have to own the canal, as indeed it does not now.

Fourth, I was very much aware of the consequences of inaction, or rejection of the treaties. The canal is a narrow channel, 50 miles long, operating by an intricate and integrated system of locks, dams, and related facilities. It is an extremely fragile and vulnerable facility. As conservative columnist George F. Will put it:

> Given the vulnerability of the canal's locks, and today's technology (and ideology) of free-lance violence, it is harder for the U.S. to protect the canal than to protect Europe.

Now to recognize this fact is not to yield to political blackmail. President Carter said explicitly that he "would not hesitate to deploy whatever armed forces are necessary to defend the Canal." But we have already been told by General McAuliffe, commander of our forces there, that in the event of a rejection of these treaties by the Senate he would need immediately another 40,000 to 50,000 troops. Critics of some of the economic provisions of the treaties might note this, and imagine what that would cost. But even then our military cannot guarantee that the canal can be kept functioning. In my judgment, a satisfactory arrangement with Panama in which that country and its people have a deep and abiding interest in the continued operation of the canal makes a lot more sense.

Fifth, as to the treaties themselves. I believe that the basic U.S. interests are protected adequately in the new Panama Canal Treaty, which governs our relations until the year 2000. Under the terms of that treaty, I think it is clear that during this period the United States will control operation of the canal, and that U.S. military forces will be in Panama to provide for defense of the canal. We will retain the right to manage, operate and control the canal, its maintenance policies, its employment practices, and its toll rates from the signing of the treaty to the year 2000. And we have the land and water rights necessary to run the canal; and we will have military bases there with which to defend it. As

one witness, William Rogers, put it in his testimony:

The formalism of the Canal Zone will disappear, but otherwise the new treaties will cause virtually no alteration to the present mode of operation, management and control of the canal.

We will also have during that period, it is worth emphasizing, an opportunity to train Panamanians for those more complex administrative and technical tasks from which they were systematically excluded in the past—though I think it is worth noting that already 70 percent of the labor force is Panamanian. But we should have no doubt as to their ability to take over the canal operation. Patrick Hughson, president of the American Association of American Chambers of Commerce in Latin America, whose membership includes 17,000 U.S. and host company businessmen in the hemisphere, told our committee:

As U.S. businessmen in Latin America, we are well aware of the competence of Latin Americans, including Panamanians, as many currently serve in high-level corporate positions, successfully managing large complex, multi-million dollar enterprises.

Have no doubt, he said, that the Panamanians will "master the technical and managerial requirements for administering and operating the canal." That from people who know.

I was, however, not quite as confident about the Neutrality Treaty, which governs our relations after the year 2000. I was concerned—particularly after hearing some contradictory interpretations from the Panamanian side—that two basic rights that I consider essential could be challenged: to take such measures as are necessary to keep the canal neutral and open to ships of all nations, and to receive expeditious treatment—go to the head of the line—when we felt it was necessary.

Finally, I resolved to withhold my judgment on ratifying the treaties until the Senate Foreign Relations Committee, on which I sit, had held hearings, listened to testimony, and had fully debated the details and possible amendments to these extraordinarily intricate and involved documents.

The Foreign Relations Committee has done just that. We heard administration witnesses—all the key persons, from Secretary of State Cyrus Vance and Defense Secretary Hal Brown to the Joint Chiefs of Staff, the Attorney General, the Secretary of Transportation, the negotiators themselves, the Governor of the canal, and the military commander for the canal.

We heard congressional witnesses, from determined opponents such as Senator THURMOND, who strongly criticized the treaties, to Senator HOLLINGS, who was so eloquent in their defense. We heard a parade of outside witnesses from organizations of all political persuasions, including the Panamanian Committee on Human Rights and the Liberty Lobby. We listened to panels of experts—leading international lawyers, historians, economists, persons with special expertise on Panama. And we heard testimony—in support of the treaties—from two distinguished former Secretaries of State, Dean Rusk and Henry Kissinger.

In all, in 15 days of hearings, our committee heard more than 92 witnesses, took more than 2,000 pages of testimony. In addition, as the hearing record shows, not much bearing on the canal either in the public press or in private correspondence between Senators and the administration experts escaped insertion into the record.

I think it can be justifiably argued that the committee fulfilled its responsibilities to learn what is in these treaties, and to know what they mean. There was an incredible attention to detail. Let me give you just one example: On the issue of how to incorporate the Statement of Understanding between President Carter and General Torrijos—about which I will say more later—into the Neutrality Treaty. The committee debated almost a full day on whether it was better to put it in as a single, verbatim text, or to separate it into different sections of the treaty. A small point, it may be argued, particularly as the lawyers told us that in terms of international law it did not make any difference. But we, as politically sensitive individuals, were determined to incorporate this understanding in the clearest, most unambiguous fashion possible, and that is why it took rather long.

One development during the process of our committee's handling of the treaties must be described in detail. As I mentioned earlier, I and many of my colleagues had some measure of uncertainty about the language of the Neutrality Treaty dealing with the dual U.S. rights—of taking whatever action is necessary to deal with any threat to the neutrality of the canal, and of receiving preferential treatment for our warships in case of an emergency. Our concern persisted even when we learned that this language had been drafted by our military planners and was acceptable to them.

I might add that the American people apparently also shared this concern that the U.S. rights be preserved. A poll conducted by the New York Times and the Columbia Broadcasting System last fall found that 49 percent of those polled opposed the treaties, and 29 percent approved. But when asked, "Suppose you felt that the treaties provided that the United States could always send in troops to keep the canal open to ships of all nations. Would you then approve of the treaties?" Sixty-three percent approved and only 24 percent disapproved. The "no opinion" category had dropped from 22 percent to only 13 percent. I submit that the inclusion of this Presidential statement meets precisely the concern that the United States will always be able to take any action necessary to meet any threat to an open and functioning canal.

For most of us, these concerns were partially met on October 14 when President Carter met General Torrijos in the White House, and issued a joint statement of understanding directed at just these two issues. These are of such significance that it is worth quoting them verbatim.

As relates to the right of the United States in the period after the year 2000—and let me note in passing again that prior to that time, we have troops on scene and the problem does not exist. United States could always send in troops scene and the problem does not exist:

Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal—the Neutrality Treaty—Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the canal or against the peaceful transit of vessels through the canal.

This does not mean, nor shall it be interpreted as a right of intervention of the United States in the internal affairs of Panama. Any U.S. action will be directed at insuring that the canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama.

And with respect to the right to "go to the head of the line," the language of the statement is:

The neutrality treaty provides that the vessels of war and auxiliary vessels of the United States and Panama will be entitled to transit the canal expeditiously. This in intended, and it shall so be interpreted to assure the transit of such vessels through the canal as quickly as possible, without any impediment, with expedited treatment, and in case of need or emergency, to go to the head of the line of vessels in order to transit the canal rapidly.

I submit that this language—"first grader language," as President Carter calls it—clears up any doubts which may have existed about the U.S. right to take any action unilaterally to meet any threat to the neutrality of the canal, and that we are assured of expeditious passage.

But there was still a problem. What is the legal significance of a "statement of understanding" between two heads of government? Would international courts or arbitration panels give full credence to this statement? Did it equate fully with the text of the treaties? On balance, the answer is probably "yes." But I, for one, did not want to leave the slightest doubt. And that is why I cosponsored in committee the recommendation that the language of the statement be incorporated into the treaty as an amendment. That was approved 14 to 1 in the committee, and I trust that this will be the action of the Senate in dealing with this amendment here on the floor.

The addition of the statement language as an amendment, and the further addition of a couple of technical understandings which we approved in committee, strengthen, in my judgment, an already excellent pair of treaties.

The additions make the ratification of these treaties, I have concluded, to be in the best national interest of the United States. Providing the basic features of the treaties remain fundamentally unchanged by Senate action, I intend to vote for their ratification.

Let me attempt today to discuss some of the key issues relating to the treaties, and explain in somewhat more detail why I feel them to be in our national interest.

THE ISSUE OF SOVEREIGNTY

I am not sure that this any longer plays such an important role as it did during the early weeks of the debate. The probable explanation is that there was virtually no disagreement among the legal and diplomatic experts that Panama has always retained titular sovereignty over that territory, and that the United States bought neither sovereignty nor property for that $10 million, but certain rights for which we then paid an annual fee. I can quote no better authority on this than Phillipe Bunau-Varilla, the Frenchman chiefly responsible for drafting the treaty:

The United States, without becoming the *sovereign*, received the *exclusive use* of the rights of sovereignty, while respecting the sovereignty itself of the Panama Republic. (Italics in original.) U.S. officials from as early as 1905 on have repeatedly acknowledged that Panama retains at least titular sovereignty over the Zone. President Eisenhower's decision to let the Panamanian flag fly in the Canal Zone was specifically to give "visual evidence that Panama does have titular sovereignty."

The contention that the Canal Zone is as much a part of this Natior as Alaska or Louisiana is simply historically inaccurate. The language of the transfer of Louisiana to the United States in 1803 provided that France cede "forever and in full sovereignty the * * * territory with all its rights and appurtenances." The United States received all the public lands, and the citizens were given U.S. citizenship. With respect to Alaska, the Russian Emperor ceded all the territory and dominions he posessed on the continent of America and adjacent islands, giving to the United States all rights, franchises, and privileges previously held by him. In neither case was any provision made for a continuing annuity or any sort of responsibilities or relationship after the sale.

But I see little point in a prolonged battle of words over sovereignty, for in my judgment it is almost irrelevant to the contemporary treaty issue. Even if we were sovereign in the zone, the political, military, and diplomatic arguments in favor of these treaties before us would remain the same. Sovereignty would add little to our position except possibly to give us a somewhat better legal right to send 100,000 troops into the area, and still not be able to keep the canal functioning. It is simply not germane to our central purpose of keeping the canal open and available to all of us. Bill (William F.) Buckley (Jr.) fully supports the treaties, though he believes that "our title to the Panama Canal is morally and historically secure." But, Buckley goes on, even if we could prove that every Panamanian signed the treaty in 1903, the arguments for moving on to a new arrangement remain valid. I agree. The U.S. military and the commercial users of the canal—are interested in using it, and having that use guaranteed. Sovereignty is simply no longer a germane issue.

THE QUESTION OF WHETHER A TREATY WRITTEN TO BE SELF-EXECUTING CAN TRANSFER PROPERTY OF THE UNITED STATES UNDER DOMESTIC LAW WITHOUT IMPLEMENTING LEGISLATION

What this means in English is whether the House of Representatives must give its approval before these treaties—which do dispose of property—can be ratified. Article IV, section 3, clause 2, of the Constitution provides that Congress "shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belong to the United States." The argument has thus been made that this provision grants to both Houses of the Congress the power to dispose of Government property, that this power can be exercised only by statute, and that any treaty transferring property requires House concurrence. This is an enormously complex and disputed legal issue. Supreme Court cases have been cited on both sides. I am sure that before this debate is concluded—I understand there are some amendments to be offered—we will all be quoting court citations. Still, I think there is a certain wisdom to the language of our committee's report:

While additional cases are cited on each side of the question, the Committee sees little merit in attempting to weigh dicta against dicta. The short of it is that the Court has never struck down a treaty for disposing of governmental property; that it has, over the years, had before it a number of treaties which did so; and that there is no reason to assume that *Holden* v. *Joy* supra, and *Jones* v. *Meehan*, supra do not represent the Court's thinking.

The committee then concludes:

The Committee finds that the Constitutional text, the intent of the Framers, opinions of the Supreme Court, and historical precedent all suggest that the Panama Canal Treaty can validly transfer to Panama property belonging to the United States without a need for implementing legislation.

In a word, the committee concluded that the Senate does have the right to dispose of the Panama Canal without reference to the House of Representatives.

Having said that, however, let me emphasize that the House will be very much involved in the implementing of the treaties. Among other things, both Houses will have to concur in the manner of setting up the Panama Canal Commission, how to set tolls, employment practices, adjustment of the jurisdiction of U.S. courts. Thus although I concur in the committee's judgment that the constitutional power to dispose of property by self-executing treaty is unassailable, I look forward to the participation of the House of Representatives in the implementing stage.

COMPATIBILITY WITH OTHER TREATY COMMITMENTS

It has been argued, and I must confess that at first the idea bothered me, that the United States would not be able to invoke the provisions of article IV of the neutrality treaty because of a conflict with commitments made in other treaties. Specifically, I was concerned about what appeared to be specific injunctions against such action in the U.N. charter, and the OAS charter. Article 2, clause 4, of the U.N. charter, for example, provides that—

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the United Nations.

Similarly, the OAS charter, article 18, provides that—

No state or group of states has the right to intervene, directly or indirectly, for any reason whatever in the internal or external affairs of any other state. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the state or against its political, economic, and cultural elements.

The answer, it seems to me, lies in article IV itself, and in particular the Presidential statement, where it is specifically spelled out that any action the United States might take to maintain the regime of neutrality:

* * * does not mean, nor shall it be interpreted as a right of intervention of the United States in the internal affairs of Panama.

In a word, we would only assure that the canal will remain open, secure, and accessible, and are not acting against the territorial integrity or political independence of Panama. The State Department specifically declared before the committee that there is no inconsistency:

A legitimate exercise of rights under the neutrality treaty by the United States would not, either in intent or in fact, be directed against the territorial integrity or political independence of Panama.

In short, so long as the United States would be doing nothing except keeping the canal open, we would not be in violation of the terms of these other treaties. I would add that the committee concurred in this judgment.

Let me make one other point regarding the validity of the treaties, particularly with reference to whether Panama must hold a second plebiscite because of the incorporation of the statement into the text. The Vienna Convention on the Law of Treaties—article 46—provides, in regard to the provisions of internal law and their relationship to the treaties, that—

1. A state may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance.

2. A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith.

I am assured by legal opinion that given the publicity accorded the statement in Panama prior to the plebiscite,

that there can be no question of the nonapplicability of the treaties.

THE NEXT AREA OF CONTROVERSY USUALLY COMES IN THREE PARTS: WHY SHOULD WE SIGN A TREATY WITH A (A) COMMUNIST (B) DICTATOR WHO (C) VIOLATES HUMAN RIGHTS

I would like to take each part separately.

To begin with, these treaties will not be between President Carter and General Torrijos, but between the Governments of the United States and Panama. General Torrijos most certainly will not be around when the treaty of neutrality goes into effect.

But there is an even more basic point than that: Panamanians of all political colorations are dissatisfied with the current canal arrangement. It is sometimes so easy to forget that there are "Panamanians," persons with minds and bodies and a national sensitivity. This is perhaps true of the American view of all of Latin America. I was struck most recently by the thoughts of Alastair Reid, writing in the New Yorker:

I have been perplexed for years by the vague view that most of the rest of the world has of Latin America, as though it were not a real place at all but, instead, a gigantic movie lot, with millions of available extras, of all shades and customs, ready to stage epics at the drop of a banana.

But there are real-life Panamanians, and they have been dissatisfied with the treaty from the start, when a French citizen exceeded his mandate and signed a treaty with the United States before any native Panamanian had a chance to read it, and while a Panamanian diplomatic team was on its way to Washington. The American Secretary of State Hay later wrote in a letter to Senator Spooner that the treaty was:

Vastly advantageous to the U.S., and we must confess, with what face we can muster, not so advantageous to Panama . . . You and I know too well how many points there are in this treaty to which a Panamanian patriot could object.

Well, Panamanian patriots have been protesting ever since—sometimes, as in 1964, violently. Demands for renegotiating the provisions which virtually created an American colony in the middle of their country predate Torrijos. For that matter, one of the more vociferous voices demanding change was that of the fascist President Arnulfo Arias back in the 1940's. Ambassador Bunker has pointed out that a truly democratic government in Panama would demand even better terms than we are giving Torrijos. In a word, whatever Panamanians may think of Torrijos, they are of one voice in demanding a change in the 1903 treaties. Indeed, the only real opposition to him on this issue comes from circles which believe that the treaties are too favorable to the United States.

Now, as for Torrijos' "communism". This is just a spurious allegation. As Secretary Vance testified.

General Torrijos is not a Communist. There are no leading members of his government who are Communists.

The general did go to Cuba; but when he got back he said he was sure of one thing—that the Cuban system was not right for Panama. He has periodically exiled the leaders of a small Communist party, Partido del Pueble. It plays no formal or informal role in the government. Panama maintains diplomatic relations with neither the Soviet Union nor the Peoples Republic of China. A Soviet trade delegation did visit Panama last year, and there may be some modest expansion of commercial relations. But many Latin countries maintain trade ties with the Soviet Union, and it just is not any evidence at all that Torrijos is a Communist. For that matter, his cabinet is composed of generally very conservative individuals—his Minister of Planning is a Ph. D. under Milton Friedman of Chicago. As for Communist influence in Panama, virtually all of the experts questioned on this before our committee said that the quickest way to enhance Communist influence in Panama is to reject the treaties. The Communists in Panama, I might note, oppose the treaties. Finally, let me quote the Senator from South Carolina to the effect that—

Many of those now opposing a new treaty have more than once winked a knowing eye of regimes which are anything but Simonpure in their human rights practices.

Now as for his being a "dictator". I concede, Panama does not have, by the standards of the Senators in this body, a fully democratic government, and General Torrijos is not a properly elected president. But I submit that in Panamanian history there have been few democratically elected governments. The only difference is that during those decades when the sons of the Panama City social club were alternating in the Presidency they maintained a somewhat better facade on the system than Torrijos chooses to do. Furthermore, anybody who has seen Torrijos go out into the countryside and mingle with the people cannot help but acknowledge that he has a wide support. A substantial number of the members of this Senate traveled to Panama in the past months and had an excellent opportunity to observe General Torrijos on some of these trips into the peasant areas.

Certainly he exhibits none of the characteristics of dictators, say, in Uganda or Uruguay. The press, though not free by U.S. standards, is not as rigidly controlled as the press in Communist or totalitarian regimes. There is a limited amount of genuine press criticism. If you go down to Panama City and listen to the heated and open conversations in the restaurants, it is clear that the Torrijos regime is not what you might imagine.

Closely linked to the nature of the Panamanian Government is the issue of human rights. As might be expected, given my publicly expressed concern for human rights throughout the world, I have given considerable thought to the extent to which these treaties, by providing the Government of Panama with additional revenues, do in fact help perpetuate a regime charged in some quarters with violating human rights.

But here, again, I think this must be put into perspective. Without in any way attempting to condone the holding of political prisoners, or the forced exile of citizens. I think it is worth noting that Amnesty International did not find the situation in Panama serious enough to include in its 1975–76 report. In its earlier reports, Amnesty had concluded that the instances of gross violation of human rights ended about 1970. And Freedom House, frequently cited earlier for its critique of the situation in Panama, found substantial improvement—by the way Freedom House also found the paternalistic regime in the Canal Zone—only partly free.

While we are discussing Freedom House, by the way, let me comment that despite its reservations about the human rights situation in Panama, the organization in its January–February 1978 publication Freedom at Issue, has strongly endorsed the treaties:

Without question, if these present Canal treaties are not ratified by the U.S. Senate, the immediate winners will be the communist parties of Latin America and the Caribbean. . . .

As an MCPL (Members of Congress for Peace Through Law) study noted:

The Panamanian Bishops' Conference has spoken out on human rights issues in Panama and in other parts of the world. It has also spoken on the Canal issue, strongly supporting the new Treaties. The Protestant and Jewish clergy also support the Treaties unequivocally. Neither Amnesty International, the International Commission of Jurists, the U.N. nor the O.A.S. has singled Panama out for condemnation. The situation in Panama is, in short, nowhere near constituting what Congress has defined as "a consistent pattern of gross violations of internationally recognized human rights." This is not to say that the record is good. But it can be said that Panamanian citizens enjoy better living standards and lives freer from repression and official government terror than in many Latin American states.

Finally, in talks with Members of this body who visited Panama, General Torrijos according to the statement by our distinguished majority leader, pledged that steps would be taken to abrogate certain repressive laws, including those which had limited the right of assembly and had provided for summary trial and detention.

Nevertheless, there is still ground for concern; there are still measures we would like him to take. But in my judgment withholding ratification of these treaties is not the way to go about expressing our concerns. In our dealing with Panama, as with South Africa or the Soviet Union, we must make judgments on how best to influence internal change. And in the case of Panama I think the steps General Torrijos has taken give every promise that as the economy improves and political tensions subside, further measures will be taken to end whatever remaining restrictions on human rights exist.

I personally feel, however, that there is a quite different aspect of human rights involved. Why should we lecture Panama on human rights violations, when in fact inthe eyes of most Panamanians we are violating their basic human rights by holding on to the canal on terms which they feel are unbearable? I suspect that most Panamanians are more affected by the latter sort of infringement on human rights than on pressures from their government.

Just a word on whether we can trust Torrijos, or the Panamanians, or whether we must expect that they will try to abrogate the treaties as soon as they are in control. To begin with, he would have no right to take over by force during the period prior to 2000. The internationally recognized power of nationalization has never applied to property of another foreign government, and the Canal Commission which will run the canal during this period will be an entity of the United States. Could he take it by force? Certainly not during that period, for the United States will retain sufficient forces to defend the canal, and can reinforce these in case of greater threats. But I really doubt Panama would even try. Despite the profoundest dissatisfactions with the old treaty, Panama has never tried to abrogate it. Instead, Panama has patiently negotiated for 13 years.

As for the sitution after the end of the century, Panama will take over the canal, but as a trustee, restrained in its actions by obligations agreed to, aware that in case these obligations are denied, the United States can take such measures as are necessary. I do not believe in threats. I do not even think threats will be necessary. After all, a normal and profitable operation of the canal will be in Panama's highest interest. But from the standpoint of U.S. national security it is clear that the United States retains a unilateral right to defend the regime of neutrality—in perpetuity.

As a matter of fact, this right in perpetuity—precisely the aspect of the 1903 treaty which was such an irritant to Panamanians—demonstrates for me what a really balanced and fair treaty we have achieved here. The neutrality treaty provides that Panama can permit no foreign military presence there after we leave in the year 2000. That goes beyond even the 1903 treaty, which has no such clause; Panama right now has every right to have Soviet and Cuban troops lined up along the boundaries of the Canal Zone.

One final word about the stability of the Panamanian regime. Much has been made by critics of the statistical fact that Panama has had 60 governments in about 70 years and that only four Presidents ever completed their 4-year term in office. How, they ask, can we deal with a country like that? Well, the fact is this figure includes the number of times in which Vice-Presidents have been sworn in as acting Presidents while the Presidents were traveling overseas—something required by the Panamanian Constitution. In fact, Panama, particularly in recent years, has been as stable as most Western countries. Since 1946, for instance, Panama has had 13 governments; but in the same time Italy has had 39 governments, France had 34 premiers, the United Kingdom had 9 Prime Ministers and the United States had 6 Presidents. Torrijos has been in office while we have had three Presidents. And a final point: To the degree that there is political instability in Panama, it is often the result of our occupying the Canal Zone.

THE SEA LEVEL CANAL CONTROVERSY

I must confess that of all the disputed issues in these treaties, the debate over article XII of the neutrality treaty relating to a sea-level canal is the most curious. The article provides that the United States will not conclude an agreement with any other country in Central America to build a sea-level canal in the period before the year 2000. But it also provides that Panama will not build a canal in Panama without us. Now, the fact of the matter is that any sea-level canal if built—and I think most economists say it will never be built—would certainly be built in Panama. A U.S. commission spent 5 years and $22 million before concluding in 1970 that of 34 possible routes, only 8 were worth looking at, and of these the two best by a huge margin were in Panama. The route in Nicaragua is 140 miles long; the one in Colombia is 100 miles long; the path through Panama is 40 miles long. Construction costs would reflect the distance. Even the cheapest route at the time was projected at $2.8 billion; and that has climbed to $6 or $7 billion today. The other routes in neighboring countries would cost at least four times as much. These conclusions were reconfirmed by the Department of Transportation which reviewed the Eisenhower study in 1977. The judgment that Nicaragua was simply unacceptable as an alternative route was so persuasive that when that country requested the abrogation of a treaty (Bryan-Chamorro) which gave us this exclusive right, the Senate approved—66 to 5—of the change. Many of the Senators now opposed to the sea-level canal provisions with Panama renounced the Nicaragua route rights 6 years ago.

So what this clause does is commit the United States not to build a sea-level canal where it would not in any case, in exchange for a Panamanian guarantee not to build a sea-level canal with any other nation—the Saudis, the Japanese, Brazil. The clause went into the treaty at our insistence. General Torrijos would be delighted to take it out. I say that is very much in the U.S. interest to keep it in.

WITH RESPECT TO THE MILITARY VALUE OF THE CANAL

I am satisfied that the committee has, through testimony of the Joint Chiefs of Staff, defined the contemporary value of the canal to U.S. defense needs. The members—Gen. George Brown, the chairman; Gen. Bernard Rogers, Chief of Staff of the Army; Adm. James Holloway, Chief of Naval Operations; Gen. David Jones, Chief of Staff of the Air Force, and Gen. Lewis Wilson, Commandant of the Marine Corps—were unanimous in describing the canal as an important element in our defense operations. General Brown, told us:

> The Joint Chiefs of Staff recognize the Panama Canal as a major defense asset, the use of which enhances United States capability for timely reinforcement of the United States forces. The strategic military value of the canal is reflected in our ability to accelerate the shift of military forces and logistic support by sea between the Atlantic and the Pacific Oceans.

The strategic value of the canal is not expected to change substantially throughout the life of the new Panama Canal treaty.

However, while recognizing the canal as an important factor in our defense system, many qualifications were attached which diminish substantially its overall importance. Planes and missiles have obviously changed fundamentally the canal's vulnerability in wartime. In time of war, as Admiral Holloway's statement explained, the canal would certainly be put out of action immediately, by a nuclear strike. The growth of the super carrier strike force has further diminished its importance. The 13 aircraft carriers on active duty cannot transit the canal; it is argued that the Navy will be returning to smaller carriers, but at the moment any carrier big enough to handle modern jet planes would be too large for the canal. In practice, the primary role of the canal would be to permit logistical support between oceans. Even during the Vietnam war, when canal usage went up dramatically, there was never any crisis. For that matter, only 20 percent of U.S. ships to Vietnam transited the canal.

In my judgment, the bottom line was given by Adm. Robert Long, Vice Chief of Naval Operations, declared that the loss of the canal "would not be a fatal flaw in the ability to execute our war plans." That is exactly how I view the canal.

In a word, important; but not vital. And, as the Chiefs themselves argued, the best way to keep the canal available to the United States is by a cooperative agreement with the Panamanians. In general, the internal threat to the canal, that is, from Panamanian patriots dissatisfied with our current arrangements, is far greater than that from the outside. And it will take these treaties to persuade the Panamanians that they should have any real interest in protection of the canal.

WITH RESPECT TO THE ECONOMIC PROVISION OF THE TREATIES

As a Senator from Iowa, I have two primary economic interests in these treaties:

That they not burden further the taxpayers of my State;

And that they assure the farmers of my State a reliable, dependable means of shipping grain to the Far East, at an economical cost.

The first of my considerations relates directly to the allegations that we are paying the Panamanians to take the canal, and actually involves two considerations: Are we giving away U.S. property, and will taxpayers have to foot the bill to pay Panama in the future.

It is true, Mr. President, that we are "giving" away some U.S. property; but what we are giving in no way correlates to the figures charged by the critics. Over the course of the next 22 years the United States will turn over to Panama the lands and waters, the building and facilities, now in the zone. There are three ways of reckoning how much this is worth. The initial investment was about $1.6 billion, on which the United States recovered all but $58 million. The replacement value—a figure of no particular pertinence as far as I can see—because who would build another lock canal—is perhaps $8 billion. The book

value, because of depreciation, is now only about $620 million. Measured against the fact we left $5 billion worth of material in Vietnam when we climbed aboard our helicopters for the pullout, this does not seem all that much.

But there is an even more important way of measuring this value. The canal has always been run by the United States with the intent of subsidizing shippers, not Panama. Tolls began at $1.20 in 1914 and are still only $1.29. Based on 1914 dollars, the payments today are only a fraction of what they should be. Nobody can in good faith argue that Panama has benefited to the degree that it should have.

Let me turn to the "payments" to Panama under the new treaty. Here, too, there has been considerable misunderstanding and misreading of the treaty provisions. The Senator from South Carolina said in his testimony before the committee that—

> We oblige ourselves to pay the Panama government huge sums in various ways, totalling up to nearly $1.5 billion over the next 22 years.

Let us be clear in our minds: All payments to Panama throughout the life of the treaty derive from revenues of the canal. There is not obligation for the taxpayers to pay anything. The $10 million for services; the $10 million annuity; and the $0.30 a canal ton for transit, all derive from revenues accruing to the Canal Commission.

Having said that, let me grant that this whole turnover will in fact cost the U.S. taxpayer something. I suspect that the annual $20 million in interest paid by the old Canal Zone Company—but only since 1950—will cease—by congressional action. Pentagon officials say that the consolidation of the military bases will cost about $50 million—but General McAuliffe told us this would have taken place in any case, with or without the treaties. I think it is important to concede that these are indeed costs arising from the transfer; but they are really minimal compared to what we pay worldwide. We pay Greece and Turkey and Spain far more annually for base rights.

Furthermore, even in the economic package we are discussing with Panama—which though not technically a part of the treaties is certainly linked—there would be virtually no demand on the U.S. Treasury. The single exception is 10 percent of the $50 million credits for arms sales which has to be deposited, but which historically has never been taken up. With that minor exception it can be stated flatly that neither the treaties nor the economic package which accompanies it calls for any additional appropriation from the U.S. Treasury. There is no additional burden on the U.S. taxpayer. What the treaty actually does is give Panama a far greater economic incentive to keep the canal open and operating, and that is in the interest of all of us.

With respect to the economic considerations of the canal treaty allow me to cite some testimony before our committee that I found particularly revealing. United Brands Co. is the largest single user of the Panama Canal. In 1977 alone their vessels transited the canal nearly 400 times, and they paid some $3 million in canal tolls and charges. It also acted as agents for vessels that made an additional 513 transits. United Brands knows Panama. Its ships supplied material and labor for the canal's construction. It has an enormous economic interest in the future of the canal.

And yet its president and chief executive officer, Seymour Milstein, told our committee:

> We are convinced that ratification of the Panama Canal treaties is the only fair conclusion to the good faith negotiations conducted by our two countries over the last several years.

And this from the largest single user with the greatest interest in efficient and safe operation of the canal of any U.S. concern.

Mr. Milstein made a couple of other pertinent observations:

> Without more direct long term experience in Panama than any other U.S. corporation, we have dealt extensively and for many years with the leaders of the government of Panama. We can tell you that when the government of Panama took over the schools and hospitals which United Brands had previously operated, there was no deterioration in the quality of education and health care services provided to the Panamanian people. We have always been treated fairly by the administration and courts and, as an example, during a recent labor dispute involving our company, the Panamanian judicial system ruled fairly and equitably in the matter. We have been given the kind of treatment in Panama that accords with our expectations as free Americans.

Let me turn to my second point on the economic considerations. Iowa farmers ship a lot of grain to the Far East, and it is vital that the transport costs not increase significantly. According to calculations of all the best economists we could muster, the projected 30-percent increase in tolls would have a minor impact on overall shipping costs. As Ambassador Bunker said in a speech in Des Moines:

> The transportation cost of a bushel of grain shipped to Japan from Des Moines which now averages 66 cents, would increase by less than than half a cent.

This is an additional 20 to 30 cents per long ton, and a very small fraction of the overall transportation costs from New Orleans to Japan. Col. Lawrence Jackley, a native of Des Moines and for some time a member of the Pentagon team that worked on the treaties, said in Des Moines—

> The impact of that on the total costs of transportation is very minor. The impact on the consumer is even less, even if the consumer picked up all of the raise.

Transportation costs for a Toyota or Datsun would go up by only about $3.

As Jackley pointed out, the impact on shipping costs of political turmoil would be far greater, not to mention the soaring insurance rates.

In a word, the economic impact on the Iowa farmer will be minimal, and in any case less than it will be if political dislocations threaten safe and secure transport through the canal. For that matter let us not overstate the economic value of the canal to the United States as a whole. It is true that the canal reduces the nautical distance between east and west coast ports by 8,000 miles. But most of our internal commerce does not flow that way. The oft-cited figure of 70 percent of canal cargoes originating in, or destined for, U.S. ports, represents a mere 16 percent of our total ocean traffic. The fact is that the canal, in economic terms, is of far greater importance to 10 other countries.

Foreign trade accounts for less than 10 percent of the U.S. gross national product, and therefore the canal affects less than 1 percent of the U.S. GNP. As Robert G. Cox, a canal authority, wrote:

> By volume, less than 5 percent of the total world trade transits the Panama Canal. By value, the proportion would be little more than one percent.

The U.S. ships more goods by airplane than go through the canal.

Cox adds

> As for the $700 million in actual unrecovered investments the U.S. government would have had that back by now had it not elected to subsidize the shipping operations of user nations through reductions in real toll charges while demand for transit service was increasing.

I think the committee report emphasized the proper issue:

> The Panama Canal Treaty will protect the major U.S. economic interest by insuring that the Canal will remain open and will be run efficiently.

Providing, as I discussed, this does not come at too great a cost, and I do not think it will, this is an enormous benefit for the Iowa farmer.

WHAT THE TREATIES DO NOT DO

Before summarizing my thoughts on the treaties, I would like to make clear that I have very clearly in my mind the complexities of what we are involved in, and the limitations thereon. These treaties are the product of an extremely lengthy and complex political negotiation, derived into a large extent on the political situation in both of our countries. They are not, and I would not pretend to argue the case, the final delineation of our relationship. They are not totally satisfying to me; nor are they to General Torrijos. They do not answer every question about our future relations. There are legitimate questions about the future economic viability of the canal. They do not anticipate every military threat or situation affecting the canal. They do not, as the committee report emphasized, remake the Government of Panama in our own image; they do not guarantee an acceptable human rights situation in Panama; they do not prevent drug smuggling from Panama; they do not guarantee the exclusion of Communists or Cubans from Panama.

But, then, in fact we could never have expected that they would. The conclusion of these treaties was in fact a negotiation, a two-way tug of war about our national interests. I could image a treaty more acceptable to us, and more favorable to our interests. But to be successful, to be enduring, a treaty must reflect the basic interests of both parties involved. And that is what I think these treaties before us have achieved.

CONCLUSION

I am afraid that a point I should like to make in beginning my conclusion might be a bit of a surprise. Let me state it, and then explain it. In my judgment, the furor over the Panama Canal is far out of relationship to its importance to this Nation.

The Panama Canal is both economically and militarily of significance for the United States. But the fact is that in both respects, it is important, but not vital.

Economically, there are a variety of alternate means of shipment. That is why the toll structure is so sensitive—a marginal increase in tolls makes all sorts of optional methods competitive. Actually, as you know, there have been fewer transits each year, and for 3 years the canal ran a deficit. There are 2,000 commercial supertankers and cargo ships too large to transit the canal. While U.S. traffic is important to Panama—two-thirds of their revenue—these are only 10 percent of the U.S. oceangoing traffic. For the Iowa farmer, it would not make a great deal of difference whether his grain goes to Japan through the canal or by rail to the west coast. A former member of the Board of Directors of the Panama Canal Company, Dr. John C. Elac, has described the impact of the closing of the canal on total United States and world trade as "inconsequential."

Similarly, the military importance of the canal is diminishing. I repeat the conclusion of Admiral Long, who declared that loss of the canal "would not be a fatal flaw in the ability to exercise our war plans."

But the reason I say, I feel the Panama issue had been exaggerated beyond its importance is based only partially on the conviction that the canal is of less than vital economic and military significance. My basic reason was that I can find so many other international issues which ultimately are going to affect the lives of each person here in a way far more profound than the Panama Canal. Among these are:

The threat of nuclear holocaust;

The necessity of coming to grips with global poverty;

The challenge of world consumption of energy;

The dangers to our environment; and

The difficulties of achieving democratic regimes throughout the world, and struggling for a recognition of human rights.

Measured against these issues, frankly, the Panama Canal looms pretty small. It was a great achievement, the "moonwalk" of the decade. The U.S. record of operation of the canal is incredible. But the times have changed. We have before us a pair of documents which describe a new relationship. The Panal Canal treaty spells out a reasonable and intelligent 22-year process for preparing Panama to run the canal. The treaty of neutrality provides us assurances that if Panama ignores this sacred trust, or any other nation threatens its neutrality, we can take such action necessary—in perpetuity. If the concern is guaranteed use of the canal, then these treaties as amended will be in my judgment the most effective way of action on this job.

Let me say in closing, guaranteed use of the canal is not all these treaties accomplish. They, in the broader perspective, also as former Secretary of State Henry Kissinger put it, provide "an opportunity to advance fundamental American foreign policy interests." Secretary of State Cyrus Vance put it another way:

> Any nation's foreign policy is based, in the end, not just upon its interests, and in Panama our interests are clear and apparent. It is also based on the nature and will of its people. I believe the American people want to live in peace with their neighbors, want to be strong, but to use their strength with restraint, want all peoples everywhere to have their own chance to better themselves and to live in self respect. That is all a part of our American tradition.

It was in the Monroe Doctrine tradition of the time that Theodore Roosevelt as he put in his own words "took Panama." It is in the American tradition of today that we look forward to a new, and ultimately stronger relationship with Panama which guarantees our mutual interest in a prosperous canal.

As Roosevelt himself once said:

> The important thing is the next step. It often happens that the good conditions of the past can be regained not by going back, but by going forward. We cannot recreate what is dead; we cannot stop the march of events; but we can direct this march and out of the conditions develop something better than the past knew.

That, I submit, is the solemn trust and responsibility we now share in the Senate: To go forward, not backward, and to develop something better than the past that Roosevelt knew. I think that is what these treaties achieve.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the debate on the canal may continue for an additional 3 minutes.

The PRESIDING OFFICER (Mr. CLARK). Without objection, it is so ordered.

Mr. GLENN. Mr. President, I rise to express some concern over a situation that came to my attention just today. It is, I think, with regard to the Panama Canal Treaty, a situation that could be worked on some over this legislative break of 1 week. It involves at least two companies, I have been advised, that have expropriation proceedings underway for which they are seeking recompense from the Panamanian Government at the present time.

Their properties were expropriated, and adequate settlement has not been made up until this time. The procedure, as I understand it, is that in cases like this the State Department convenes an interagency committee which determines the validity of the expropriation claim and then decides what to do about it with the Panamanian Government. This interagency committee, I have been told today, meets next week.

I wish to express my concern that these expropriation matters be made a matter of high priority in the State Department and with the Panamanian Government so that they can be fully and adequately resolved before the treaty is signed.

I share the concerns of the companies involved that if such disposition of these cases is not made prior to signing of the treaty their chances might obviously be diminished as far as getting just compensation for expropriated property.

So, Mr. President, I hope that, with this being published in the RECORD of today's proceedings, the State Department will move as expeditiously as possible to get these matters resolved. I hope, also, that the Panamanian Government will cooperate to the fullest extent in seeing that this does get resolved so that this does not become a matter which we have to bring up closer to the date on which we might be voting on the treaty.

ADDITIONAL STATEMENTS SUBMITTED

Mr. McCLURE. Mr. President, two questions are before the Senate as we consider these treaties. The first is whether or not the just national interest of the United States is best served by our giving up sovereign control of the canal. The second question is whether or not these treaties adequately protect vital American rights if we decide to give the canal to Panama.

Those who favor giving up the canal claim that American control of the canal is the cause of great resentment throughout Latin America. They say that it is an affront to the Panamanian dignity for them to pass through a foreign zone to get from one part of their country to another. I might point out that for an American to get to Alaska, he must drive through Canada. Yet few of us lie awake nights scheming to take British Columbia.

Few Americans view the world with the crippling sense of guilt that so hampers our foreign policy establishment. Let us examine the history of our involvement in Panama.

With justifiable pride and great sense of accomplishment the United States opened the Panama Canal in 1914. The dream of Columbus had been realized. The canal was universally acclaimed as an engineering marvel. It was the moonshot of its day. Where all others had failed, Yankee ingenuity and perseverance succeeded. Under American jurisdiction the canal has operated efficiently and fairly for the benefit of all nations. It is today an international waterway freely available to all world shipping. Nearly 15,000 vessels of all nations go through the canal annually. The tolls are kept low and all income is used for maintenance and improvements in the canal. Panama, a country which owes its very existence to America's willingness to build the canal, has benefited enormously from this project. American taxpayers have an investment of $6 billion in the canal and its military installations. The fact that Panama has one of the highest per capita incomes in Latin America is almost solely the result of our canal.

Emotional tirades about Yankee imperialism cannot be allowed to obscure the fact the U.S. control of the Panama

Canal is at once a service to world trade and vital to our own national security. Recently four former Chiefs of Naval Operations wrote the following to President Carter:

Our experience has been that as each crisis developed during our active service—World War II, Korea, Vietnam and the Cuban missile crises—the value of the Canal was forcefully emphasized by emergency transits of our naval units and massive logistic support for the Armed Forces. The Canal provided operational flexibility and rapid mobility. In addition, there are the psychological advantages of this power potential. As Commander-in-Chief, you will find the ownership and sovereign control of the Canal indispensable during periods of tension and conflict.

The record of political instability in Panama can hardly engender confidence in their ability to defend the canal. During the last 70 years their government changed hands 50 times—mostly by force. At the moment, Panama is governed by a left-wing dictator whose trademark is anti-U.S. sloganeering. Under his rule, Panama's indebtedness has grown from $167 million to $1.5 billion. Freedom House, a respected organization which works for human rights, has listed Panama under the Torrijos regime as one of the "least free" nations on Earth. Far from stabilizing the situation in the area, a transfer of sovereignty over the canal to Panama would set up this tiny country with a combat force of only 1,600 as an irresistibly tempting target for Communist subversion.

Rather than give away the Panama Canal we should be seeking a positive approach toward helping the Panamanian people solve the problems of the area. Modernizing and improving the present lock system and the possibility of a new sea level canal are exciting projects which would do far more for the people of Panama than the Yankee-go-home demagoguery of the present regime. While I favor retaining sovereignty, I would be willing to make major changes in the present operation to increase the benefits the Panamanians derive from the canal. But if if we decide to give up sovereign control of the canal, if we turn over to a tiny country a secure, multibillion dollar facility over which we now exercise all the attributes of sovereignty we have, it seems to me, a perfect right to insist on, in exchange, a clear cut and unambiguous legal right to protect our just interest in this canal. The two treaties do not provide these rights. From the day the treaties were signed, Americans and Panamanians have put a markedly different interpretation on key provisions of the treaty. For example, the Torrijos-Carter understanding of last October is claimed by our spokesman to give us the right to take action against any threat to the canal—even a threat from Panama. Maximum Leader Torrijos, however, told his people that it merely says that if Panama summons us, we will come to the defense of the Canal. He said:

We ring the bell . . . and the U.S. comes.

Clearly, these treaties do not represent any agreement. They represent an attempt to paper over serious differences. There are numerous vague and ambiguous provisions in the treaties which, far from ushering in an era of good feeling between the United States and Panama, will insure periods of friction, of probing and testing, of conflicts in which one side or the other must back down or resort to force. I believe the most reasonable course for us to follow is to reject these treaties and go back to the negotiating table. It is far better to resolve these issues through peaceful negotiations than to hide from the difficult questions in the hope that they will disappear. Wishful thinking is the easy course, but it is the most dangerous course. I do not accept the argument that the Panamanians will not allow our rights to be spelled out clearly and unmistakably in the treaties but that they will not object to our actual exercise of those rights. For these reasons I intend to oppose the treaties before the Senate.

Mr. GOLDWATER. Mr. President, earlier today during the course of my remarks on the Panama Canal Treaty, I mentioned the Trilateral Commission. On January 19, 1977, I placed a discussion of this Commission in the RECORD together with a list of its members. As I said on the floor this morning, I am not arguing about the patriotism or loyalty of these members. My concern is, and I think you will find this concern substantiated, what is the true purpose of the Commission and its continuing efforts to change the monetary system of the world? In fact, they suggest changes regardless of whether they are good or not for the United States. I believe that this whole subject should be aired and should be discussed thoroughly so that the American people will know exacty the purposes of this Commission. This becomes, to me, vitally important, because an updated list of the membership will carry many members of the Carter administration and Members of the Congress. I ask unanimous consent that this excerpt from thes RECORD be again printed at this point in my remarks.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

THE TRILATERAL COMMISSION

Mr. GOLDWATER. Mr. President, of late, we have been hearing more and more of the Trilateral Commission. It seems that nearly every member of the Carter administration is a member of this body and also many of our colleagues in the Senate and the House. It was inaugurated in 1973 and it is an organization of private citizens from Japan, Western Europe, and North America who come together to discuss matters of common concern. Papers are published on their findings and we find their areas of interest diversified, but I would say mainly in the fields of economics. Because there has been the attention drawn to this commission by the members of the Carter administration, including the President-elect himself. I thought that my colleagues in the Congress would like to know more about this group, so I have assembled some information about it. The Washington Post of last Sunday evidenced a bit of interest in this organization and published a rather lengthy article on it, and I ask unanimous consent that all of these matters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE TRILATERAL COMMISSION

At its meeting in Ottawa on May 10 and 11, 1976, the Trilateral Commission discussed reports by two of its task forces concerned with international institutional problems. Following its discussion, the commission urged the trilateral governments to take steps to promote reform of international economic institutions and to improve international consultative processes. The task force report, "The Reform of International Institutions," was, in particular, another indication of the recognition by the commission that the renovation of the international system is a task of global as well as trilateral dimensions.

Perhaps no statement more aptly captures the spirit of the Trilateral Commission's work than the speech of its director, Zbigniew Brzezinski, to commission members in Kyoto in mid-1975. Looking back, Mr. Brzezinski noted that when the commission was being assembled, "We were very much aware of the difficulties we were then confronting in our own trilateral relations. We were concerned at that time over the prospect our relations might fragment, that our three regions might be moved by the dynamic of events into more hostile relationships . . ." As this decade has proceeded, however, it has become clear that the strains and shifts in the international system are global as well as trilateral in scope. "I see, in the emerging world, our three regions still representing the more cooperative, the more vital center . . . But I would argue that the focus of much of this [trilateral effort] must be on the fashioning of a more just and equitable world order. In other words, the focus must not be on the preservation of the status quo, but arrangements which increasingly co-opt and embrace the Third and Fourth Worlds in a cooperative endeavor."

BACKGROUND

Inaugurated in 1973, the Trilateral Commission is an organization of well-known private citizens from Japan, Western Europe, and North America who come together to discuss matters of common concern. Its approximately 200 members are drawn from a broad range of occupations—from academics and politicians to businessmen, labor leaders, and ex-government officials. The initiative to set up the commission flowed from the conviction that private citizens with international interests could contribute to building a new consensus among the "trilateral" regions on more cooperative ways of tackling international problems. Underlying this conviction was a belief that in the world of the 1970's and 1980's the advanced industrial democracies could make a major contribution in all spheres, perhaps particularly to the world's economic development, but that their full potential could only be realized if they evolved stronger habits of working together through both governmental and nongovernmental channels. The commission aimed, by developing a process of intensive trilateral discussion and study to make a practical contribution to this end.

Each regional group of the commission is led by a chairman. Gerald S. Smith, formerly Director of the U.S. Arms Control and Disarmament Agency, is North American Chairman; George Berthoin, formerly Chief Representative of the Commission of the European Communities in London, recently succeeded Max Kohnstamm, Director of the European University Institute, as Chairman of the European Group; and Takeshi Watanabe, former President of the Asian Development Bank, is Japanese Chairman. The commission's director during its first 3 years has been Zbigniew Brzezinski, director of the Research Institute on International Change at Columbia University. In addition to the regional chairmen, there is an executive committee composed of some 30 members representative of the larger commission. Particular policy areas are generally tackled

through task forces composed of commission members as well as of experts outside the commission.

Of the original members of the commission, several have been called to government service since its inception. Among these are, in the United States, Secretary of Commerce Elliot Richardson and Secretary of Transportation William Coleman; in Japan, Foreign Minister Kichi Miyazawa; and in Europe, French Prime Minister Raymond Barre, British Minister of State for Foreign and Commonwealth Affairs Evan Luard, and Danish Minister of Foreign Economic Affairs Ivor Norgaard.

In furtherance of its aim of nurturing habits of working together among the trilateral regions, the commission has held six main trilateral meetings in its first 3-year lifespan, completed on June 30, 1976. The next meeting of the commission will be held in Japan in January 1977.

TASK FORCES AND REPORTS

From the outset, the commission has been a policy-oriented organization. The reports of its task forces, all the products of an extensive process of discussion with experts in the three regions, have emphasized shared perspectives and agreed recommendations. As the "Economist" put it: "The men organising the commission . . . want to bring about action, and hence they want the new body to be a marriage of the intellectual and the influential." [1] In this spirit, the commission has consistently urged practical measures to reform the international economic system and to avert possible confrontations, particularly in relations between the developed and the developing worlds.

Twelve reports from trilateral task forces established by the commission have been published, and a number of others are in various stages of preparation.

Most of the completed task force reports, written by academies, ex-government officials, or others, represent policy-oriented efforts to come to grips with key current problems of what might be called the "global political economy." The first commission report, completed in October 1973, dealt with the disarray of the international monetary system. Two reports from the task force on relations with developing countries, in 1974 and 1975; focused on major aspects of a "turning point in North-South economc relations." Other subjects covered have ranged from trade, energy, and commodities issues to the reform of international institutions, the oceans, and the prospects for democracy in the advanced industrial societies of the trilateral regions.

In addition, the commission has taken up issues of topical importance without commissioning special reports on them. The question of international business ethics was discussed at the May 1976 meeting in Ottawa, and earlier meetings dealt with such issues as the Middle East and the political implications of inflation.

In the most recent phase of its work, the commission has studied the institutional problems faced by the trilateral countries and the wider world community in their efforts to tackle current international problems. Two trilateral task forces were commissioned to study these problems—one on the need for the reform of international economic institutions, and one on the problem of intergovernmental consultations. As mentioned earlier, the two reports were discussed at the commission's meeting in Ottawa in May 1976 and published thereafter.

Following its discussion, the commission adopted a statement embodying a program of institutional reform which it urged governments to adopt. The salient elements of this program are:

1. The strengthening of existing institutions. This would include negotiating a new set of rules and rights on export controls within the General Agreement on Tariffs and Trade; greater use of the Organization for Economic Cooperation and Development for the coordination of macroeconomic policies; new rules in the International Monetary Fund to achieve effective multilateral surveillance of the international monetary system; and a greater coordinating role for the International Bank for Reconstruction and Development in economic development affairs, to the extent of introducing a new annual "world development budget" exercise.

2. The creation of new institutions to meet new needs, particularly on the issue of international investment and for the management of certain ocean problems.

3. The improvement of mechanisms for informal consultation between governments, including the possibility of creating a new trilateral consultative mechanism modeled on the European political cooperation machinery (formerly called the Davignon Committee).

The statement recognized that institutional reform cannot in itself solve the world's problems. But the commission believes that strong institutions, with a structure and membership flexible enough to reflect changing priorities and new patterns of influence, can help minimize international friction and disagreements, while also contributing to an international system which is more stable and fair. Such institutions are certainly an essential element of any attempt to find more cooperative approaches for dealing with common problems.

THE NEXT 3 YEARS

The commission recently decided to extend its work for a period of 3 years starting in July 1976. During that period, it will pursue many of the themes of its initial phase. In particular, North-South issues will remain high on its agenda, with a new study being commissioned on food problems in the developing world. It will also pursue the general line of inquiry begun in the controversial study, "The Crisis of Democracy," by Michel Crozier, Samuel Huntington, and Joji Watanuki, by means of a new report on the changing relationships between labor, management, and governments in advanced industrial democracies. The commission has two projects in hand on relations with Communist countries—one on how these countries can be more constructively involved in tackling such global problems as food, energy, and economic development; the other, an overview of current problems in East-West relations. No less important, however, the commission will continue to take up issues of topical importance without commissioning special report on them.

The lifespan of the commission thus far has been considerable change in the state of relations between the countries represented on it. The commission believes that the process of closer cooperation begun shortly after the Arab/Israeli war of 1973 and the sudden rise in oil prices which followed has resulted in an increasingly widespread acceptance of what might be called the "trilateral idea"—the idea that the advanced industrial countries have common responsibilities and common problems in the current international situation.

These problems and responsibilities dictate an unprecedented effort of cooperation between governments and in the private sector both within the trilateral regions and between the trilateral countries and the rest of the world. The commission further believes that by developing specific, policy-oriented proposals for the consideration of governments and private citizens concerned about international problems, it can continue to make a significant contribution to this effort.

For further information about the commission and its reports, write or call: Ms. Trudy Werner, The Trilateral Commission, 345 East 46th Street, New York, N.Y. 10017. Tel. (212) 661–1180.

THE TRILATERAL COMMISSION

[A Private North American-European-Japanese Initiative on Matters of Common Concern]

ORGANIZATION AND POLICY PROGRAM

The Commission is composed of about two hundred individuals from the three regions. From this larger group is drawn the Executive Committee, including the Regional Chairman and twenty-nine other individuals—nine from Japan, eight from the United States, one from Canada, and eleven from the various countries of the European Community and Norway. Twice each year the full Commission or its Executive Committee gathers in one of the regions. The Executive Committee last met in Paris in December 1975. Plenary meetings of the Commission were held in Kyoto in May 1975 and are scheduled for Ottawa in May 1976.

A major portion of each semi-annual meeting is devoted to consideration of reports from Commission task forces. Task force work is at the center of the Policy Program of the Commission. At the core of each task force are rapporteurs from each of the three regions. In the course of their work the rapporteurs are likely to draw on a wide range of consultants, including Commission members and others. The final stage for each task force, before publication of its report, is discussion of the report by the full Commission or its Executive Committee. The Commission or Executive Committee may then use the reports in issuing recommendations of its own, as has been done on a number of occasions. Nine task force reports have been published so far, and five others are in various stages of preparation.

In addition to its task force reports, the Commission has also followed other subjects on a more topical basis, by means of presentations and briefings at its meetings. Subjects covered have included the social and political implications of inflation, financial aspects of the oil crisis, and prospects for peace in the Middle East.

("*(The Commission) will hope to demonstrate through the more flexible actions of private citizens that more progress can be made on . . . emerging common problems by working on them together than by trying to deal separately with the consequences of nationalistic mistakes.*" *James Reston,* The New York Times.)

LEADERSHIP

Japanese Chairman: Takeshi Watanabe.

North American Chairman: Gerard C. Smith.

European Chairman: Georges Bethoin.

European Deputy Chairman: François Duchêne, Egidio Ortona.

North American Secretary: George S. Franklin.

Japanese Secretary: Tadashi Yamamoto.

Director: Zbigniew Brzezinski.

Deputy Director: Christopher J. Makins.

Executive Committee: I. W. Abel, P. Nyboe Andersen, Giovanni Agnelli, Kurt Birrenbach, Robert W. Bonner, Harold Brown, Paul Delouvrier, Herbert Ehrenberg, Marc Eyskens, Chujiro Fujino, Patrick E. Haggerty, Yukitaka Haraguchi, Yoshio Hayashi, Kazushige Hirasawa, Yusuke Kashiwagi, John H. Loudon, Kinhide Mushakoji, Saburo Okita, Henry D. Owen, Mary T. W. Robinson, David Rockefeller, William M. Roth, William W. Scranton, Ryuji Takeuchi, Otto Grieg Tidemand, Nobuhiko Ushiba, Paul C. Warnke, Sir Kenneth Younger, and Sir Philip de Zulueta.

"(The Kyoto meeting) was a remarkable cross section of the interlocking establish-

[1] "Economist," May 5, 1973.

ments of the world's leading industrialized nations. . . . Because it is primarily concerned with the affairs of the world's most prosperous nations, critics have sometimes dismissed the Trilateral Commission as simply "a rich man's club." . . . (T)hat made all the more extraordinary the theme which loomed largest in the discussions at Kyoto. Time and again, speakers from a dozen nations came back to the same point: somehow the present international system must be changed so as to accommodate the increasingly insistent demands of the poor nations for a greater share of the world's wealth. . . . (T)he movers and shakers gathered in Kyoto had found themselves largely in agreement in their diagnosis of the world's central political problem. As a group, they were in a rare position to press this diagnosis on the world's policymakers. And diagnosis, after all, is a necessary preliminary to any cure." Robert Christopher, Newsweek (June 16, 195)

TRILATERAL COMMISSION TASK FORCES

Nine Commission task force reports have been published so far. Five other reports are in various stages of preparation.

1. Towards a renovated world monetary system (1973)

The rapporteurs of the Trilateral Monetary Task Force were Richard N. Cooper, Professor of Economics at Yale University, Motoo Kaji, Professor of Economics at the University of Tokyo, and Claudio Segre, formerly with the Commission of the European Communities and the Lazard Bank in Paris. The task force recommended a number of long-term reforms and interim government measures to restore order and stability to the international monetary system. The postwar monetary system had broken down in the monetary crisis of 1971 and the outlines of a new system were not clear. One of the task force recommendations, the coordinated sale of official gold into private markets and use of the resulting "capital gains" for development assistance, is being partially realized in plans underway for sale of a portion of the gold holdings of the IMF.

2. The crisis of international cooperation (1973)

In broad strokes, the Trilateral Political Task Force sketched the main political, economic and social trends effecting a transformation of the postwar international system. The report sought to clarify the present historical situation, and supplies an underlying rationale for trilateral cooperation. "If collective action were to fail in this crucial area of interdependence, what confidence could there be that it would succeed in others where links are more tenuous?" Francois Duchene, now Director of the Centre for Contemporary European Studies at the University of Sussex, was the European rapporteur of this task force. The Japanese rapporteur was Kinhide Mushakoji, Director of the Institute of International Relations at Sophia University in Tokyo. The North America was Henry D. Owen, Director of Foreign Policy Studies at the Brookings Institution.

3. A turning point in north-south economic relations (1974)

7. OPEC, the trialateral world, and the developing countries: new arrangements for cooperation, 1976–1980 (1975)

Both of these reports were produced by the Trilateral Task Force on Relations with Developing Countries, the rapporteurs of which were Richard N. Gardner, Professor of Law and International Organization at Columbia University, Saburo Okita, President of the Overseas Economic Cooperation Fund, and B. J. Udink, Former Dutch Minister for Aid to the Developing Countries. The first report was written in the wake of the sharp rise in the price of oil and climbing costs of food and other vital imports of developing countries. According, the task force addressed the critical question of how the trilateral nations, along with the oil-exporting countries, could best help those poorer developing countries most severely affected by these developments in the world economy. In particular, the task force recommended that trilateral and OPEC countries make available $3 billion in extra concessional aid in 1974–75 for these countries of the "Fourth World," with each group providing half and hopefully with participation of the Soviet Union as well. At a broader level, the task force set forth principles for a general restructuring of North-South economic relations. In its second report, the task force looked somewhat farther ahead, to the end of this decade. The rapporteurs recommended that a "Third Window" be opened in World Bank which would annually provide $3 billion in concessional loans in 1976–80. Funds would be borrowed by the Bank and lent at concessional rates made possible by interest subsidy funds provided mostly by governments. A scaled-down version of the Third Window proposal has now been adopted by the World Bank. To encourage the participation of the OPEC countries in the regular activities of the Bank and IMF, the rapporteurs recommended that the quotas and voting rights of these states in both institutions be raised from the existing 5% of the total to between 15 and 20%. Negotiations in the IMF over quotas and voting rights have resulted in a doubling of OPEC country shares in that organization, to about 10% of the total.

4. Directions for world trade in the nineteen-seventies (1974)

The Trilateral Task Force on Trade set forth cooperative approaches to main issues before the current GATT round of multilateral trade negotiations, which were seen as quite relevant to present economic difficulties and as a valuable opportunity to strengthen an important structure of multilateral cooperation. Successful negotiation of the wide range of issues which should be involved in the current round, it was noted, would require substantial additions to the General Agreement on Tariffs and Trade. The task force recommended these be incorporated in a supplementary code open to all but operated only by those parties subscribing to it. Rapporteurs of this task force were Guido Colonna di Paliano, a former member of the Commission of the European Communities, Philip H. Trezise, former Assistant Secretary of State for Economic Affairs, and Nobuhiko Ushiba, former Ambassador of Japan to the United States.

5. Energy: The Imperative for a Trilateral Approach (1974)

6. Energy: A Strategy for International Action (1974)

Both of these reports were prepared by the Trilateral Task Force on the Political and International Implications of the Energy Crisis. The first sets out general aspects of the problem and general directions for policy. The second is more specific in outlining action on the problem so far and recommending policy lines which should be pursued by the trilateral countries. The task force recommends a broad, positive approach to the oil-exporters, without isolating the issue of price. Meanwhile, the trilateral countries must cooperate to maintain their financial health in the face of existing oil prices and to establish arrangements for sharing energy in any future emergency resulting from cutoffs of Arab oil supplies. For the medium term, through 1985, the trilateral countries must start now to work toward reductions of their dependence on uncertain external energy sources. For the much longer term, to the end of this century, the trilateral countries should move now to outline cooperative research and development efforts, anticipating the end of the hydrocarbon age. While not pessimistic about the long-term future, the task force sees a transitional period of extraordinary difficulty and adjustment ahead as trilateral societies adapt to insecure, expensive, perhaps reduced energy supplies, and to slower economic growth. It is a real question whether the necessary sacrifices will in fact be accepted by powerful elements in the body politic. Countries must remain sensitive to each other's problems and agree on sharing burdens and shortages. The rapporteurs of this task force were John C. Campbell, Senior Research Fellow at the Council on Foreign Relations, Guy de Carmoy, Professor at the European Institute of Business Administration in Fontainebleau, and Shinichi Kondo, former Ambassador of Japan to Canada.

8. The crisis of democracy (1975)

This book-length study, published by New York University Press, is the report of the Trilateral Task Force on the Governability of Democracies. The authors are Michel Crozier, Director of the Centre de Sociologie des Organisations in Paris, Samuel P. Huntington, Professor of Government at Harvard University, and Joji Watanuki, Professor of Sociology at Sophia University in Tokyo. After a long period of rather steady progress, the democratic political systems of the trilateral regions have entered a more difficult and uncertain phase, particularly in Europe and the United States. The demands on democratic government have grown, while the capacity of democratic government seems to have shrunk. The authors seek to analyze the historical situation in each of the regions, and offer some general conclusions. Chapters on Western Europe, the United States, and Japan by individual authors are surrounded by a common introduction and conclusion, and appendices presenting discussion of the report in the Commission.

9. A new regime for the oceans (1975)

Against the background of continuing negotiations in the UN Law of the Sea Conference and a global perspective on critical oceans issues, this task force advances a number of recommendations aimed primarily at improving international ocean management and balancing the distributional consequences of the emerging oceans regime of 200-mile economic zones for coastal states. The rapporteurs of this task force are Michael Hardy, Ann L. Hollick, Johan Jorgen Holst, Douglas M. Johnston, and Shigeru Oda, Hardy is a Legal Adviser to the Commission of the European Communities; Hollick is Executive Director of the Ocean Policy Project at the School of Advanced International Studies of Johns Hopkins University; Holst is Director of Research at the Norwegian Institute of International Affairs; Johnston is Professor of Law at Dalhousie University; Oda is Professor of International Law at Tohoku University.

10. Commodities issues (final report due in early 1976)

The task force will define the complex issues involved in the problems of commodity supplies and outline the political and economic framework within which these issues should be tackled. The rapporteurs of this task force are Carl E. Beigie, Executive Director of the C. D. Howe Research Institute, Wolfgang Hager of the Research Institute of the German Society for Foreign Policy, and Sueo Sekiguchi, Senior Staff Economist at the Japan Economic Research Center.

11. International institutions (final report due in mid-1976)

Against the background of the post-World War II experience of international institution-building and the lessons to be learned from that experience, the task force will offer recommendations for new or reformed institutional arrangements and rules to cope with current problems, and for ways all such

institutions can be most effectively mobilized. The rapporteurs of this task force are C. Fred Bergsten, Senior Fellow at the Brookings Institution. George Berthoin, former Chief Representative of the Commission of the European Community in the United Kingdom, and Kinhide Mushakoji, Professor of International Relations at Sophia University in Tokyo.

12. Trilateral consultative procedure (final report due in mid-1976)

The task force will consider ways of improving trilateral consultation against the background of an increasingly interdependent world in which the domestic and international dimensions of economic problems are more and more interrelated. The rapporteurs are Egido Ortona, J. Robert Schaetzel, and Nobuhiko Ushiba. Ortona was Ambassador of Italy to the United States; Schaetzel was Ambassador of the United States to the European Community; Ushiba was Ambassador of Japan to the United States.

13. Constructive global involvement of the Communist countries (final report due in early 1977)

The involvement of the U.S.S.R., the Communist countries of Eastern Europe, and China could contribute to tackling certain global problems and, at the same time, assist in the improvement of East-West relations. The task force will study a number of key issues in this light. Chihiro Hosoya, Henry Owen and Andrew Shonfield are the rapporteurs of this task force. Hosoya is Professor of International Relations at Hitotsubashi University; Owen is Director of Foreign Policy Studies at the Brookings Institution; Shonfield is Director of the Royal Institute of International Affairs.

14. The renovated international system (final report due in early 1977)

Drawing on the work of earlier trilateral task forces, this report will provide a framework for interpreting the challenges faced by the existing international order and offer guidelines for policies which will encourage the emergence of a renovated system. Rapporteurs for the project are Richard N. Cooper, Karl Kaiser and Masataka Kohsaka. Cooper is Professor of Economics at Yale University; Kaiser is Director of the Research Institute of the German Society for Foreign Policy; and Kohsaka is Professor of Law at Kyoto University.

THE TRILATERAL COMMISSION

(As of January 1, 1976)

Gerald C. Smith, North American Chairman.

George S. Franklin, North American Secretary.

Georges Berthoin, European Chairman.

Francois Duchene, Egidio Ortona, European Deputy Chairmen.

Takeshi Watanabe, Japanese Chairman.

Tadashi Yamamoto, Japanese Secretary.

Zbigniew Brzezinski, Director.

Christopher Makins, Deputy Director.

North American members

[1] I. W. Abel, President, United Steelworkers of America.

David M. Abshire, Chairman, Georgetown University Center for Strategic and International Studies.

Graham Allison, Professor of Politics, Harvard University.

Doris Anderson, Editor, Chatelaine Magazine.

John B. Anderson, House of Representatives.

Ernest C. Arbuckle, Chairman, Wells Fargo Bank.

J. Paul Austin, Chairman, The Coca-Cola Company.

George W. Ball, Senior Partner, Lehman Brothers.

Michel Belanger, President, Montreal Stock Exchange.

Russell Bell, Research Director, Canadian Labour Congress.

Lucy Wilson Benson, Former President, League of Women Voters of the United States.

[1] Robert W. Bonner, Q.C., Bonner & Foulks, Vancouver.

Robert R. Bowie, Clarence Dillon Professor of International Affairs, Harvard University.

William Brock, United States Senate.

[1] Harold Brown, President, California Institute of Technology.

John Brademas, House of Representatives.

James E. Carter, Jr., Former Governor of Georgia.

Lawton Chiles, United States Senate.

Warren Christopher, Partner, O'Melveny & Myers.

Alden W. Clausen, President, Bank of America.

[2] William T. Coleman, Jr., Secretary, Department of Transportation.

Barber B. Conable, Jr., House of Representatives.

Richard N. Cooper, Frank Altschul Professor of International Economics, Yale University.

John C. Culver, United States Senate.

Gerald L. Curtis, East Asian Institute, Columbia University.

Lloyd N. Cutler, Partner, Wilmer, Cutler & Pickering.

Archibald K. Davis, Chairman, Wachovia Bank & Trust Company.

Emmett Dedmon, Vice President and Editorial Director, Field Enterprises, Inc.

Louis A. Desrochers, Partner, McCuaig and Desrochers.

Peter Dobell, Director, Parliamentary Center for Foreign Affairs and Foreign Trade.

Hedley Donovan, Editor-in-Chief, Time, Inc.

Daniel J. Evans, Governor of Washington.

Gordon Fairweather, Member of Parliament.

Donald M. Fraser, House of Representatives.

Richard N. Gardner, Henry L. Moses Professor of Law and International Organization, Columbia University.

[1] Patrick E. Haggerty, Chairman, Texas Instruments.

William A. Hewitt, Chairman, Deere & Company.

Alan Hockin, Executive Vice President, Toronto-Dominion Bank.

Richard Holbrooke, Managing Editor, Foreign Policy Magazine.

Thomas L. Hughes, President, Carnegie Endowment for International Peace.

J. K. Jamieson, Former Chairman, Exxon Corporation.

Edgar F. Kaiser, Jr., President & Chief Executive Officer, Kaiser Resources Ltd.

Lane Kirkland, Secretary-Treasurer, AFL–CIO.

Sol M. Linowitz, Senior Partner, Coudert Brothers.

Bruce K. MacLaury, President, Federal Reserve Bank of Minneapolis.

Claude Masson, Professor of Economics, Laval University.

Paul W. McCracken, Edmund Ezra Day Professor of Business Administration University of Michigan.

Walter F. Mondale, United States Senate.

Lee L. Morgan, President, Caterpillar Tractor Company.

Kenneth D. Naden, President, National Council of Farmer Cooperatives.

[1] Henry D. Owen, Director, Foreign Policy Studies Program, The Brookings Institution.

David Packard, Chairman, Hewlett-Packard Company.

[2] Jean-Luc Pepin, P.C., Chairman of the Anti-Inflation Board of Canada.

John H. Perkins, President, Continental Illinois National Bank & Trust Company.

Peter G. Peterson, Chairman, Lehman Brothers.

Edwin O. Reischauer, University Professor, Harvard University; former U.S. Ambassador to Japan.

[2] Elliot L. Richardson, Secretary, Department of Commerce.

[1] David Rockefeller, Chairman, Chase Manhattan Bank.

Robert V. Roosa, Partner, Brown Bros. Harriman & Company.

[1] William M. Roth, Roth Properties.

William V. Roth, Jr., United States Senate.

Carl T. Rowan, Columnist.

Henry B. Schacht, President, Cummins Engine Company.

[1] William W. Scranton, Former Governor of Pennsylvania.

[1] Gerard C. Smith, Counsel, Wilmer, Cutler & Pickering.

Anthony Solomon, Consultant.

Robert Taft, Jr., United States Senate.

Arthur R. Taylor, President, Columbia Broadcasting System, Inc.

Cyrus R. Vance, Partner, Simpson, Thacher & Bartlett.

[1] Paul C. Warnke, Partner, Clifford, Warnke, Glass, McIlwain & Finney.

Marina von N. Whitman, Distinguished Public Service Professor of Economics, University of Pittsburgh.

Carroll L. Wilson, Professor of Management, Alfred P. Sloan School of Management, MIT.

Arthur M. Wood, Chairman, Sears, Roebuck & Company.

Leonard Woodcock, President, United Automobile Workers.

European members

[1] Giovanni Agnelli, President, FIAT, Ltd.

[1] P. Nyboe Andersen, Member of the Danish Parliament.

Raymond Barre, Former Vice President of the Commission of the European Community; Professor, University of Paris.

Piero Bassetti, President of the Regional Government of Lombardy.

[1] Georges Berthoin, Honorary Director-General of the Commission of the European Community.

[1] Kurt Birrenbach, Member of the Bundestag; President, Thyssen Vermögensverwaltung.

Frederick Boland, Chancellor, Dublin University; former President of the United Nations General Assembly.

René Bonety, Advisor, Economic Research Department, French Electricity Board.

Jean-Claude Casanova, Professor of Political Science, Institute of Political Studies, Paris.

Umberto Colombo, Director of the Committee for Scientific Policy, OECD.

Guido Colonna di Paliano, President, La Rinascente; former member of the Commission of the European Community.

Francesco Compagna, Under-Secretary of State, Minister of the Mezzogiorno.

Michael Crepeau, Member, French National Assembly; Mayor of la Rochelle.

The Earl of Cromer, Former British Ambassador to the United States; Partner, Baring Bros. and Co. Ltd.

Michel Debatisse, Chairman of the French National Farmers' Union.

[1] Paul Delouvrier, Chairman, French Electricity Board.

Barry Desmond, Member of the Lower House of the Irish Republic.

Fritz Dietz, President, German Association for Wholesale and Foreign Trade.

Werner Dollinger, Member of the Bundestag.

[1] Herbert Ehrenberg, Member of the Bundestag.

Pierre Esteva, Directeur Général de l'U.A.P.

[1] Marc Eyskens, Commisary General of the Catholic University of Louvain.

M. H. Fisher, Editor, Financial Times.

Footnotes at end of article.

René Foch, Member of Executive Committee, Partie des Républicains Indépendents.

Francesco Forte, Professor of Financial Sciences, University of Turin.

Jacques de Fouchier, President, Basque de Paris et des Pays-Bas.

Michel Gaudet, Président de la Fédération Francaise des Assurances.

Sir Reay Geddes, Chairman, Dunlop Holdings, Ltd.

Giuseppe Glisenti, Director of General Affairs, La Rinascente.

Lord Harlech, Former British Ambassador to the United States; Chairman, Harlech Television.

Karl Hauenschild, President, German Chemical-Paper-Ceramics Workers' Union.

Jozef P. Houthuys, President, Gelbian Confederation of Christian Trade Unions.

Daniel E. Janssen, Deputy Director General, Belgian Chemical Union, Ltd.

Karl Kaiser, Director of the Research Institute of the German Society for Foreign Policy.

Michael Kileen, Managing Director, Industrial Development Authority, Irish Republic.

André Kloos, Chairman of the Socialist radio and television network "V.A.R.A."; former chairman of the Dutch Trade Union Federation.

Max Kohnstamm, Director, European University Institute.

Baron Léon Lambert, President, Banque Lambert, Brussels.

Count Otto Lambsdorff, Member of the Bundestag.

Jean-Philippe Lecat, Former Minister in French Government.

Arrigo Levi, Director, La Stampa, Turin.

Eugen Loderer, President, German Metal Workers' Union.

[1] John Loudon, Chairman, Royal Dutch Petroleum Company.

Evan Luard, Member of Parliament.

Robert Marjolin, Former Vice President of the Commission of the European Community.

Roger Martin, Président de la Cie Saint-Gobain-Pont-à-Mousson.

Reginald Maulding, Member of Parliament; former Cabinet Minister.

F. S. McFadzean, Managing Director, Royal Dutch Shell Group.

Cesare Merlini, Director, Italian Institute for International Affairs.

Alwin Münchmeyer, President, German Banking Federation.

Michael O'Kennedy, Shadow Minister of Foreign Affairs, Irish Republic; former Cabinet Minister.

[1] Egidio Ortana, Former Italian Ambassador to the United States.

Bernard Pagezy, Chairman and Chief Executive Officer, Sociétés d'Assurances du Groupe de Paris (A.G.P.).

Pierre Pescatore, Luxembourg; Member of the European Court of Justice.

Sir John Pilcner, Former British Ambassador to Japan.

Jean Rey, Former President of the Commission of the European Community.

Julian Ridsdale, Member of Parliament; Chairman of the Anglo-Japanese Parliament Group.

Sir Frank K. Roberts, Advisory Director of Unilever, Ltd.; Advisor on International Affairs to Lloyds of London.

[1] Mary T. W. Robinson, Member of the Senate of the Irish Republic.

Sir Eric Roll, Executive Director, S. G. Warburg and Company.

Edmond de Rothschild, Président de la Compagnie Financière Holding.

John Christian Sannes, Director, Norwegian Institute of International Affairs.

Gerhard Schröder, Member of the Bundestag; former Foreign Minister of the Federal Republic of Germany.

Roger Seydoux, Ambassador of France.

Andrew Shonfield, Director, The Royal Institute of International Affairs.

Hans-Günther Sohl, President, Federal Union of German Industry; President of the Board of Directors of August Thyssen Hütte A.G.

Theo Sommer, Editor-in-Chief, Die Zeit.

Myles Staunton, Members of the Lower House of the Irish Republic.

Thorvald Stoltenberg, International Affairs Secretary, Norwegian Trade Union Council.

G. R. Storry, St. Anthony's College, Oxford (Far East Centre).

J. A. Swire, Chairman, John Swire and Sons, Ltd.

[1] Otto Grieg Tidemand, Shipowner; former Norwegian Minister of Defense and Minister of Economic Affairs.

A. F. Tuke, Chairman, Barclays Bank International.

Heinz-Oskar Vetter, Chairman, German Federation of Trade Unions.

Luc Wauters, President, Kredietbank, Brussels.

Otto Wolff von Amerongen, President, Otto Wolff A.G.; President, German Chamber of Commerce.

[1] Sir Kenneth Younger, Former Director of the Royal Institute of International Affairs; former Minister of State for Foreign Affairs.

[1] Sir Philip de Zulueta, Chief Executive, Antony Gibbs Holdings, Ltd.; former Chief Assistant to the British Prime Minister.

Japanese members

Isao Amagi, Advisor to the Minister of Education; former Vice Minister of Education.

Yoshiya Ariyoshi, Chairman, Nippon Yusen Kaisha.

Yoshishige Ashihara, Chairman, Kansai Electric Power Company, Inc.

Toshiwo Doko, President, Japan Federation of Economic Organizations (Keidanren).

Jun Eto, Professor, Tokyo Institute of Technology.

Shinkichi Eto, Professor of International Relations, Tokyo University.

[1] Chujiro Fujino, Chairman, Mitsubishi Corporation.

Shintaro Fukushima, President, Kyodo News Service.

Noburu Gotoh, President, TOKYU Corporation.

Toru Hagiwara, Advisor to the Minister of Foreign Affairs; former Ambassador to France.

Sumio Hara, Chairman, Bank of Tokyo, Ltd.

[1] Yukitaka Haraguchi, Chairman, Central Executive Committee, All Japan Federation of Metal Mine Labor Unions.

Norishige Hasegawa, President, Sumitomo Chemical Company, Ltd.

[1] Yoshio Hayashi, Member of the Diet.

Teru Hidaka, Chairman, Yamaicha Securities Company, Ltd.

[1] Kazushige Hirasawa, TV news commentator, Japan Broadcasting Inc. (NHK).

Hideo Hori, President, Employment Promotion Projects Corporation.

Shozo Hotta, Chairman, Sumitomo Bank, Ltd.

Shinichi Ichimura, Professor of Economics, Kyoto University.

Hiroki Imazato, Chairman, Nipon Seiko K.K.

Yoshihiro Inayama, Chairman, Nippon Steel Corporation.

Kaoru Inouye, Chairman, Dai-Ichi Kangko Bank, Ltd.

Rokura Ishikawa, Executive Vice President, Kajima Corporation.

Tadao Ishikawa Professor Department of Political Science, Keio University.

Yoshizane Iwasa, Chairman, Japan-U.S. Economic Council.

Motoo Kaji, Professor of Economics, Tokyo University.

Fuji Kamiya, Director, Institute of Modern International Relations, Keio University.

[1] Yusuke Kashiwagi, Deputy President, Bank of Tokyo, Ltd.; former Special Advisor to the Minister of Finance.

Ryoichi Kawai, President, Komatsu, Ltd.

Katsuji Kawamata, Chairman, Nissan Motor Company, Ltd.

Kazutaka Kikawada, Chairman, Tokyo Electric Power Company, Inc.

Kiichiro Kitaura, President, Nomura Securities Company, Ltd.

Koji Kobayashi, President, Nippon Electric Company, Ltd.

Kenichiro Komani, Chairman, Hitachi, Ltd.

Shinichi Kondo, Former Ambassador to Canada.

Fumihiko Kono, Counselor, Mitaubishi Heavy Industries, Ltd.

Masataka Kosaka, Professor, Faculty of Law, Kyoto University.

Fumihiko Maki, Principal Partner, Maki and Associates, Design, Planning and Development.

Shigeharu Matsumoto , Chairman, International House of Japan, Inc.

Masaharu Matsushita, President, Matsushita Electric Company, Ltd.

[2] Kiichi Miyazawa, Minister of Foreign Affairs.

Akio Morita, President, SONY Corporation.

Takashi Mukaibo, Professor, Faculty of Engineering, Tokyo University.

[1] Kinhide Mushakoji, Professor of International Relations, Sophia University.

Yonosuka Nagai, Professor of Political Science, Tokyo Institute of Technology.

Shigeo Nagano, President, Japan Chamber of Commerce and Industry.

Eiichi Nagasue, Member of the Diet.

Toshia Nakamura, President, Mitsubishi Bank, Ltd.

Ichiro Nakayama, President, Japan Institute of Labor.

Sohei Nakayama, Counsellor, Industrial Bank of Japan.

Yoshihisa Ohijimi, Vice President, Arabian Oil Company, Ltd.; former Vice Minister of International Trade and Industry.

[1] Saburo Okita, President, Overseas Economic Cooperation Fund.

Kiichi Saeki, President, Nomura Research Institute of Technology and Economics.

Kunihiko Sasaki, Chairman, Fuji Bank, Ltd.

[1] Ryuji Takeuchi, Advisor to the Minister for Foreign Affairs; former Ambassador to the United States.

Eiji Toyoda, President, Toyota Motor Company, Ltd.

Seiji Tsutsumi, President, Seibu Department Store, Inc.

Kogoro Uemura, Honorary President, Japan Federation of Economic Organizations (Keidanren).

Tadao Umesao, Director, National Museum of Ethnology.

[1] Nobuhiko Ushiba, Advisor to the Minister for Foreign Affairs; former Ambassador to the United States.

Jiro Ushio, President, Ushio Electric, Inc.

Shogo Watanabe, Chairman, Nikko Securities Company, Ltd.

[1] Takeshi Watanabe, Chairman, Trident International Finance, Ltd., Hong Kong; former President, the Asian Development Bank.

Kizo Yasui, Chairman, Toray Industries, Inc.

FOOTNOTES

[1] Executive Committee

[2] Currently in Public Service

REPORTS OF TASK FORCES OF THE TRILATERAL COMMISSION

1. Towards a Renovated World Monetary Force. Rapporteurs: Richard N. Cooper, Motoo Kaji, Claudio Segre.

2. The Crisis of International Cooperation (1973). Trilateral Political Task Force. Rapporteurs: Francois Duchene, Kinhide Mushakoji, Henry D. Owen.

3. A Turning Point in North-South Economic Relations (1974). Trilatcral Task Force on Relations with Developing Countries. Rapporteurs: Richard N. Gardner, Saburo Okita, B. J. Udink.

4. Directions for World Trade in the Nineteen-Seventies (1974). Trilateral Task Force on Trade. Rapporteurs: Guido Colonna di Paliano, Phillip H. Trezise, Nobuhiko Ushiba.

5. Energy: The Imperative for a Trilateral Approach (1974). Trilateral Task Force on the Political and International Implications of the Energy Crisis. Rapporteurs: John C. Campbell, Guy de Carmoy, Shinichi Kondo.

6. Energy: A Strategy for International Action (1974). Trilateral Task Force on the Political and International Implication of the Energy Crisis. Rapporteurs: John C. Campbell, Guy de Carmoy, Shinichi Kondo.

7. OPEC, the Trilateral World, and the Developing Countries: New Arrangements for Cooperation, 1976–1980 (1975). Trilateral Task Force on Relations with Developing Countries, Rapporteurs: Richard N. Gardner, Saburo Okita, B. J. Udink.

8. The Crisis of Democracy (1975). Trilateral Task Force on the Governability of Democracies. Rapporteurs: Michel Crozier, Samuel P. Huntington, Joji Watanuki.

9. A New regime for the Oceans (1975). Trilateral Task Force on the Oceans. Rapporteurs: Michael Hardy, Ann L. Hollick, Jorgen Hoist, Douglas M. Johnston Shigeru Oda.

ROUTINE MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 5:15 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the bill (S. 838) to amend the Indian Claims Commission Act of August 13, 1946, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the bill (H.R. 3813) to amend the act of October 2, 1968, an act to establish a Redwood National Park in the State of California, and for other purposes, in which it requests the concurrence of the Senate.

ORDER TO HOLD BILL AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that H.R. 3813, to amend the act of October 2, 1968, an act to establish a Redwood National Park in the State of California, and for other purposes, be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD) announced that on today, February 10, 1978, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 266. An act to authorize appropriations for financial assistance to limit radiation exposure to the public from uranium mill tailings used for construction, and for other purposes.

H.R. 7442. An act to amend the Communications Act of 1934 to provide for the regulation of utility pole attachments.

H.R. 7766. An act to authorize the Mayor of the District of Columbia to enter into an agreement with the U.S. Postal Service with respect to the use of certain public air space in the District of Columbia.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, February 10, 1978, he presented to the President of the United States the enrolled bill (S. 266) to authorize appropriations for financial assistance to limit radiation exposure to the public from uranium mill tailings used for construction, and for other purposes.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions, which were referred as indicated:

POM–459. A resolution adopted by the Legislature of the State of New Jersey; laid on the table:

"SENATE RESOLUTION

"Whereas, On Friday, January 13, 1978, there passed from this life one Hubert Horatio Humphrey, a man who with courage, honor and integrity served his State as Senator, his nation as Vice President, and all mankind as a noble advocate of freedom, equally and peace; and,

"Whereas, During our mourning the loss of one who gave all of himself to better mankind, we should recognize upon the death of Hubert Horatio Humphrey the permanence of his accomplishments and the enduring examples he set for us all in his life; and,

"Whereas, Among those accomplishments and examples there stands supreme the proof he provided that the ideals of freedom and equality which gave this nation birth, and which have sustained it through the darkest hours of turmoil and strife, are alive and well and living in the hearts of all men of good will, requiring only an articulate exponent to give them voice, a courageous advocate to give them action, and a noble soul to preserve their purity and give them meaning; and,

"Whereas, Hubert Horatio Humphrey was in all his days, and will remain forever in our hearts and minds, an inspiration to all officeholders of every political party and persuasion for whom his life was a lesson in the art of sustaining principle without sacrifice for expediency; of advancing innovative positions without fear of the unknown; of criticizing an opponent's ideas without criticizing an opponent for thinking them; and, of maintaining humility in triumph, equanimity in defeat and at all times a boundless personal warmth, charm and sense of humor; now, therefore,

"Be It Resolved by the Senate of the State of New Jersey: That the members of this House, saddened at the passing of Hubert Horatio Humphrey, inspired by the accomplishments and examples of his life, and grateful for the opportunity to have known and therefore, to have loved him, express not only their condolences to his widow, Muriel Humphrey, his family and the citizens of Minnesota who have lost with his passing their most distinguished public servant, but also the commitment of the New Jersey Senate to celebrate his life by attempting, to the greatest extent of our ability, to perform our public service by the standards he set; and,

"Be It Further Resolved, That duly authenticated copies of this resolution, signed by the President and attested by the Secretary, be transmitted to Mrs. Muriel Humphrey, to the Honorable Walter F. Mondale, Vice President of the United States, and to the President of the Minnesota State Senate and the Speaker of the Minnesota House of Representatives."

POM–460. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Agriculture, Nutrition, and Forestry:

"H. 3426

"A concurrent resolution to memorialize the Congress of the United States and the President to carefully listen to the voices of the American farmers being raised throughout the Nation to call attention to the economic plight of agriculture in this country and its incumbent threat to our entire economy; to urge Congress to diligently employ its resources and powers to help solve the farmers' problems; and to express to the Congress and the President the deep concern of the members of the general assembly as to the above-mentioned problems and pledge the support of South Carolina in working toward appropriate and equitable solutions

"Whereas, the voice of the American farmer is being raised loud and clear throughout the land to direct attention to the serious economic plight that has befallen a most vital element of our economy, the production of food and fibre; and

"Whereas, in statements, tractorcades, demonstrations and whatever means are available our farmers have amply demonstrated that they are united in a nationwide effort to bring about changes in our system of production and marketing of agriculture products before a catastrophe occurs that would seriously affect all of us and result in a substantial decline in our national standard of living; and

Whereas, by their actions and the information made available in connection therewith, the farmers and their organizations have pointed out the real and substantial disparity between their costs of production and the prices they receive in the marketplace; and

"Whereas, the results of these inequitable conditions have raised the specter of bankruptcy for many farmers especially the owners and operators of family farms and many if not most farmers have been required to go deeply in debt by mortgaging their land and in effect are selling their inheritance merely to survive from year to year; and

"Whereas, in the State of South Carolina, farm debt has increased by ninety-four percent in the past four years with outstanding mortgages on farm real estate rising from two hundred sixty-nine million, eight hundred sixty-one thousand dollars in 1973 to five hundred twenty-three million, seven hundred twelve thousand dollars as of January 1, 1977, with the cost of production for farm commodities increasing from five hundred fifty-four million, two hundred thousand dollars to seven hundred thirty-seven million, nine hundred thousand dollars during the same period; and

"Whereas, American agriculture is one of

a diminishing few elements of our national economy where the efforts, know-how and dedication of those persons engaged in the production of food and fibre have been able to out-produce as to quality, quantity and cost of production, the competitors of other nations, an established fact which is the single optimistic factor in our otherwise disappointing balance of world trade; and

"Whereas, the necessity to avoid a national disaster in agriculture by prompt and imaginative action by all concerned is an emergency situation that cannot be postponed; and

"Whereas, the necessity of a national program to solve a national problem puts the primary responsibility for solutions upon the Congress and the President aided however to the extent possible by the states and all of our citizens. Now, therefore,

"Be it resolved by the House of Representatives, the Senate concurring:

"That by this resolution the General Assembly memorializes the Congress of the United States and the President to:

"(1) Carefully listen to and consider the voices of the American farmers being raised throughout the land to call attention to the serious economic plight of the farmer and American agriculture in general.

"(2) After consideration of the problems raised and the dangers inherent therein, devise and enact appropriate legislation to enable the farmer to survive and continue to make the vital and necessary contributions to our nation they have historically made in the past.

"(3) In the construction of a new and imaginative program to return to the farmer his much deserved right to earn a fair return for his diligent efforts, careful consideration is respectfully requested to the suggestions of the American agriculture organization and other groups proposed to enable the farmer to the extent feasible to achieve parity in the marketplace for the fruits of his labor.

"(4) Incorporate into any programs devised procedures which more equitably divide the consumer's dollar between the producer of products sold and those who process, package and sell them after they leave the farm.

"Be it further resolved that the General Assembly pledges its full cooperation and that of the people of South Carolina in the implementation of all federal efforts to solve the economic problems of the farmer for which efforts we establish the highest priority.

"Be it further resolved that copies of this resolution be forwarded to the President, the Vice-President, the Speaker of the House of Representatives and all members of the South Carolina Congressional Delegation in Washington, D.C."

POM–461. A resolution adopted by the City Council of the city of National City, Calif., urging the President of the United States, the United States Government and its agencies to fund, support and commence the "SES VESSEL," Program using the facilities of Rohr Marine in Chula Vista and National City; to the Committee on Armed Services.

POM–462. A resolution adopted by the Legislature of the State of Georgia; to the Committee on Commerce, Science, and Transportation:

"H.R. No. 540

"A resolution urging the Congress of the United States to appropriate funds to provide for Amtrak railroad service from Chicago to Florida with service through Atlanta and Savannah; and for other purposes

"Whereas, many citizens of the State of Georgia are desirous of having adequate rail passenger service provided to Florida and to the Midwest; and

"Whereas, Amtrak has recently cancelled the Floridian rail passenger service which operated from Chicago to Florida through Birmingham, Alabama, as a result of a lack of adequate financial support for the service; and

"Whereas, rail passenger service through Atlanta and Savannah would provide Amtrak with the opportunity to serve a larger population base than the former service; and

"Whereas, Amtrak has directed its staff to examine the possibility of providing service through Atlanta and Savannah; and

"Whereas, such service would provide numerous Georgians with an efficient, effective and alternative mode of transportation which they do not currently have available to them; and

"Whereas, the Honorable Bo Ginn, a distinguished member of Congress from the State of Georgia, is currently seeking methods for providing rail service to Georgia.

"Now, therefore, be it resolved by the House of Representatives that the members of this Body hereby urge the Congress of the United States to appropriate necessary funds to Amtrak for the provision of rail passenger service from Chicago to Florida via Atlanta and Savannah.

"Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit appropriate copies of this Resolution to the Clerk of the House of Representatives of the United States, the Secretary of the Senate of the United States and to each member of Congress from the State of Georgia."

POM–463. A resolution adopted by the Executive Council of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, relating to human rights; to the Committee on Foreign Relations.

POM–464. A resolution adopted by the Executive Council of the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America, relating to the Federal Government's trust relationship with the Indian Tribes and nations; to the Select Committee on Indian Affairs.

POM–465. A resolution adopted by the Legislature of the State of New York; laid on the table:

"Legislative Resolution

"Legislative resolution celebrating the triumphant life of the Honorable Hubert Horatio Humphrey, United States Senator from Minnesota and former Vice President of the United States

"Whereas, Hubert Horatio Humphrey, United States Senator from Minnesota and former Vice President of the United States passed on to his eternal destiny on the thirteenth day of January, nineteen hundred seventy-eight bringing profound sadness to all people of this great Nation whose lives he has enriched and ennobled; and

"Whereas, A few days prior to his death this most joyous and ebullient of men advised his Pastor that his death was not to be mourned in the traditional manner, with dirge and lamentation, but to be observed as a time of celebration and in the words of President Carter, that is what we ought to do, "as we mourn his death, we celebrate because such a man as Hubert Humphrey was among us"; and

"Whereas, This most virtuous of men, who knew neither rancor nor vindictiveness, who, in the words of Vice President Mondale spoken at the ceremonies at the rotunda of the United States Capitol on Sunday, January fifteenth, nineteen hundred seventy-eight, "taught us all how to hope and how to love, how to win and how to lose; he taught us how to live, and finally, he taught us how to die"; now, therefore be it

"Resolved, That this Legislative Body respectfully pauses in its deliberations and, in the spirit of the entreaties of Hubert Horatio Humphrey to his Pastor, celebrates the triumphant life of this great United States Senator, and renowned Vice President who has, indeed, left us all, legacies of monuments more lasting than bronze, and jubilantly applauds the fact that such a man lived gloriously among us and was of us, to the enrichment and ennoblement of the lives of us all; and be it further

"Resolved, That copies of this resolution, suitably engrossed, be forthwith transmitted to Mrs. Hubert H. Humphrey, to Honorable Jimmy Carter, President of the United States, to Honorable Walter Mondale, Vice President of the United States and to the Secretary of the Senate of the United States over which Body Mr. Humphrey once presided."

POM–466. A concurrent resolution adopted by the Legislature of the State of Indiana; laid on the table:

"Concurrent Resolution

"A concurrent resolution memorializing the public service and life of United States Senator Hubert H. Humphrey, and to express sympathy to his family

"Whereas, The death of United States Senator Hubert H. Humphrey has taken from this Nation and the world a unique and remarkable human being who was dedicated to principle; devoted to family; boundless in energy and optimism; possessed of a remarkable sense of humor and perspective; tireless and imaginative as a legislative advocate; effective political spokesman; champion of the underprivileged; articulate advocate for the causes of human rights and liberties; idealistic in the purest sense of the term; and compassionate and forgiving in every way; and

"Whereas, Senator Humphrey served his city, state, Nation, and the world with exceptional ability, decency, integrity, and honor as Mayor of the City of Minneapolis, Minnesota, a member of the United States Senate from the State of Minnesota, respected leader in the United States Senate, Vice President of the United States, nominee for the Office of President of the United States of America, educator, humanitarian, and symbol of what this Nation's highest goals entail; and

"Whereas, There will forever remain the unmistakable imprint of the ideas and principles of Senator Humphrey on a great portion of the important legislative programs enacted by the Congress of the United States during these past thirty years which constitutes a living tribute to the foresightedness, ingenuity, kindness, and determination of the Senator; and

"Whereas, Even in the face of terminal illness, Senator Humphrey continued to carry forward those ideas, goals, and beliefs with optimism that fulfilled the high principles and dedication for which he had so long fought and is so highly loved, respected, and admired; and

"Whereas, Each of us today is, in some way, the beneficiary of the tireless work of this truly unique man of vision, courage, integrity, optimism, and compassion; and

"Whereas, The legacy which Senator Hubert H. Humphrey leaves to this Nation and to the world and the future is a living memorial to the strength of his character, the courage of his convictions, the constancy of his love for humanity, and the depth of his devotion to his faith—an example worthy of emulation: Therefore, be it

Resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

"Section 1. That we deeply and sincerely mourn the passing of this outstanding man of indomitable courage and unreserved optimism who exemplified the highest ideals of family life and public service and whose life will serve as an example for many others to emulate.

"Sec. 2. That we express our greatest sym-

pathy to his wife of forty-one years and constant source of comfort and understanding, Muriel, and to his three sons, Hubert, Robert, and Douglas, and his daughter, Nancy, and their families on the loss of one so loved by and dear to them.

"Sec. 3. That we commend to all that the United States of America is today a better place because of the unbounded faith and determination of men like Senator Hubert H. Humphrey whose courage and convictions truly evidenced that our Nation is one where '. . . life, liberty and the pursuit of happiness . . .' are more than mere words but a way of living.

"Sec. 4. That copies of this resolution be transmitted by the Secretary of the Senate to his wife, his sons and daughter, the Secretary of the United States Senate, and the University of Minnesota."

REPORTS OF COMMITTEES

SPECIAL REPORT ON THE NEW YORK CITY LOAN PROGRAM (REPT. NO. 95–635)

Mr. PROXMIRE. Mr. President, I am transmitting to the Senate today a report on the New York City loan program by the Committee on Banking, Housing, and Urban Affairs. The report is based on oversight hearings held by the committee on December 14, 15, and 16, 1977.

The New York City Seasonal Financing Act was signed into law just over 2 years ago, on December 9, 1975. It authorizes Federal loans to New York City of up to $2.3 billion a year to cover seasonal shortfalls in revenues. The loans may be made only if the Secretary of the Treasury determines that there is a reasonable prospect of repayment, and they must be repaid in full at the end of each of the city's fiscal years, with interest at a rate of 1 percent above the Treasury's cost of borrowing. The legislation expires on June 30, 1978.

Based on information obtained in the hearings and subsequently, the committee report finds that—

New York City should be able to meet its financing needs and avoid bankruptcy after June 30, 1978 without further Federal financial aid. Resources available to New York City and New York State appear to be sufficient to enable the City to maintain solvency.

Mr. President, the committee has heard requests from New York City and State officials for providing still more Federal aid to the city—not only an extension of the seasonal loan program, but also a new program of $2.25 billion in long-term Federal guarantees.

I find it puzzling that New York City is seeking more aid from the Federal Government now, in 1978, than it received in 1975 at the height of the fiscal crisis. After all, the city has made substantial progress in the past 3 years. It has cut 61,000 city employees off the payroll, a reduction of 20 percent. It has reformed its budget and accounting practices. Further, it has paid back all of the seasonal loans from the Federal Government on time, in full and with interest.

Given this progress, and the very encouraging steps Mayor Koch is now taking to cut wasteful spending and bring the budget into real balance, I see every reason to believe that New York City can meet its basic post-June 30 financing needs, both short-term and long-term, from sources available in the city and in the State, including the financial community and the city and State pension funds. And since it is by no means clear that the committee or the Congress will approve any additional aid to New York City, I wholeheartedly subscribe to the unanimous position of the committee that city and State officials should concentrate their efforts on securing the financing needed from local sources, rather than relying on massive amounts of new Federal aid. The committee's report describes these sources in some detail and indicates the nature of the commitment each could make to meeting New York City's financing needs after June 30, 1978.

Mr. President, I ask unanimous consent that the findings and recommendations contained in the Banking Committee's report on the New York City loan program be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

FINDINGS AND RECOMMENDATIONS

Based on information obtained in the hearings and subsequently, the Committee finds there are several steps which New York City should take in order to be in a position to meet its financing needs after June 30, 1978, with or without reliance on the Federal government. These include achieving real budget balance and taking other actions necessary to ensure investors of the security of the City's obligations. Failure to meet these conditions by April 1, 1978 will result in grave consequences to New York City whatever the Administration and the Congress decide to do. Success in meeting them should enable New York City to meet its basic financing needs, both short-term and long-term, from sources available in the City and in New York State, including the financial community and the City and State pension funds. The Committee has already expressed the belief that it would be most desirable for the City to remove itself from dependency on the Federal government.

Specific findings and recommendations are as follows:

1. *Finding*—The Committee finds that in order to meet its financing needs after June 30, 1978 without any additional aid from the Federal government, New York City must adopt a Financial Plan[1] to achieve a credibly balanced budget. This requires that the following conditions be met no later than April 1, 1978:

(a) A schedule for phasing out all of the operating expenses contained in the capital budget (presently about $643 million) over a period of more than three years.

(b) A signed City-wide agreement on the economic terms and budget costs of the City labor contracts over the four-year period covered by the Financial Plan as adopted. Given the fact that the January 20 Plan already projects a $1 billion budget deficit to be eliminated, the City cannot afford to agree to labor contracts which would further increase the deficit, and thus any pay raise would have to be offset by additional budget cuts and/or savings from higher productivity.

(c) A commitment from New York State to provide substantial amounts of additional, recurring financial aid to the City over that period, in order to enable the City to bring expenditures into line with available revenues. In view of the large increase in Federal aid to the City over the past three years, it is reasonable to expect that State to provide the additional aid needed to close the budget deficit for fiscal year 1979 to the extent that it cannot be closed by the City itself.

Recommendation.—The Committee recommends that New York City adopt a Financial Plan to achieve a credibly balanced budget which meets these conditions as soon as possible after April 1, 1978.

2. *Finding*—The Committee finds that New York City will have to satisfy certain conditions designed to insure investor confidence in order to be able to meet its financing needs in the public credit markets after June 30, 1978. These include the following:

(a) Establishment of an accounting and budgetary control system which will produce reliable City financial statements developed in accordance with generally accepted accounting principles.

(b) Outside audit of the City's financial statements by a reputable accounting firm on at least an annual basis, with reports made available to the public.

(c) Establishment of an independent long-term fiscal oversight mechanism, along the lines of the present Emergency Financial Control Board, with authority to require that the budget be balanced and that the City follow reasonable budgeting and borrowing practices.

The Committee finds further that the first two conditions are the City's responsibility and are already in the process of being accomplished, but that the third will require action by the State Legislature.

Recommendation.—The Committee recommends that legislation to establish a long-term fiscal oversight mechanism be proposed as soon as possible, with a view to obtaining passage by the State Legislature no later than April 1, 1978.

3. *Finding*—If all of the budget balancing and market access conditions outlined above are met by early April, the Committee believes that New York City should then be in a position to meet all of its basic financing needs, both short-term and long-term, from sources available in New York City and New York State and thus avoid the danger of bankruptcy after June 30, 1978, when the Federal seasonal loan program ends. The following are potential sources of this financing:

(a) Long-term financing: Of the $5.1 billion projected in the four-year Financial Plan proposed on January 20, only $3.5 billion is needed to meet basic capital needs (including operating expenses until phased out). Of this, the City pension funds could supply $2.25 billion without increasing their fiscal year 1978 level of commitment by agreeing (i) to reinvest $941 million in maturing bonds, and (ii) to invest 35 percent of new investable funds, or $1.3 billion over the four years. The remaining $1.25 billion could come from the Municipal Assistance Corporation, which has the economic capacity to raise $2.5 to $3.0 billion more and should easily be able to raise the $400 million a year needed. If MAC is able to raise more than this amount, then the proceeds could be used to do some of the $1.6 billion of financial restructuring actions proposed in the January 20 Plan as well.

(b) Seasonal financing: The City's present needs are $1.8 billion a year, and they could be met in these ways: (i) through reducing peak seasonal needs by at last $400 million in fiscal year 1979 and more in subsequent

[1] On January 20, Edward I. Koch, Mayor of New York City, submitted to the Secretary of the Treasury a proposed Four-Year Financial Plan to eliminate an estimated $1.022 billion budget deficit over the City's next 4 fiscal years, 1979–1982. The Plan as proposed relies on an extension of the Federal seasonal loans and $2.25 billion in long-term Federal guarantees. It is currently being reviewed by the Treasury Department. Changes may be made in the Financial Plan in the coming weeks. In this report, the current Plan will be referred to as the January 20 Financial Plan.

years, by such means as accelerating real estate tax collections, delaying contributions to the pension funds, and changing the timing of State and Federal aid payments; and (ii) through obtaining commitments from the New York City financial institutions, the State, and the State pension funds to cover the remaining seasonal needs, to the extent that they cannot be met through sales of City notes in the public credit markets.

Recommendations.—The Committee recommends that the City work with the State and the Federal Government in the period prior to June 30, 1978 to make arrangements for obtaining the financing necessary to cover its basic needs over its next four fiscal years, 1979–82. These arrangements should include the following:

(a) Passage of State legislation to increase MAC's borrowing authority by $3 billion, extend the expiration date of that authority, and permit MAC to do capital financing for the City.

(b) An agreement with the City pension funds to provide $2.25 billion in long-term financing for the City over the next four years by maintaining their investments at the fiscal year 1978 level of 35 percent of assets.

(c) Measures to reduce the City's seasonal financing needs to no more than $1.4 billion in fiscal year 1979 and less in subsequent fiscal years.

(d) Commitments by the New York City Clearing House banks to provide at least a $600 million annual line of credit to the City for seasonal purposes and to underwrite and invest in additional amounts of short-term City notes.

(e) Stand-by commitments from New York State and/or the State pension funds to provide any additional seasonal financing that may be needed in any of the fiscal years covered by the January 20 Financial Plan.

(f) Passage of any legislation needed at the Federal and State levels to permit the City and State pension funds to make the proposed investments in City obligations without infringing on their tax-exempt status or their fiduciary obligations.

By Mr. DURKIN, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 8803. An act to amend the National Trails System Act, and for other purposes (Rept. No. 95–636).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. THURMOND (for himself and Mr. DOLE):

S. 2526. A bill to establish a bipartisan National Parity Farm Income Commission to examine and analyze the current agricultural income problems of farmers in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CANNON (for himself, Mr. STEVENSON, and Mr. SCHMITT) (by request):

S. 2527. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE:

S. 2528. A bill to amend the Internal Revenue Code of 1954 to provide for the issuance of, and the exclusion from income of interest on, educational savings bonds; to the Committee on Finance.

By Mr. BARTLETT:

S. 2529. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of earned income of United States citizens and resident aliens from sources without the United States, and for other purposes; to the Committee on Finance.

By Mr. CHAFEE:

S. 2530. A bill modifying the Federal assistance program for highways; to the Committee on Environment and Public Works.

By Mr. DOLE:

S. 2531. A bill to change the name of the Farmers Home Administration to the Rural Credit Service; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOLE (for himself, Mr. CURTIS, and Mr. MCGOVERN):

S. 2532. A bill to amend the Consolidated Farm and Rural Development Act to provide an economic emergency loan program for farmers and ranchers suffering from a general tightening of agricultural credit and an unfavorable relationship between production costs and prices received for agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHURCH:

S. 2533. A bill to provide for the use of alcohol produced from renewable resources as a motor vehicle fuel; to the Committee on Energy and Natural Resources.

By Mr. SCHWEIKER (for himself, Mr. KENNEDY, Mr. WILLIAMS, Mr. JAVITS, Mr. PELL, and Mr. CHAFEE):

S. 2534. A bill to revise and extend the provisions of title XIII of the Public Health Service Act relating to health maintenance organizations; to the Committee on Human Resources.

By Mr. LEAHY:

S. 2535. A bill to authorize and direct the Secretary of Agriculture to provide cooperative forest resources assistance to States and others, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2536. A bill to authorize and direct the Secretary of Agriculture to carry out forest and rangeland renewable resources research, to provide cooperative forest resources assistance to States and others, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2537. A bill to provide for an expanded and comprehensive extension program for forest and rangeland renewable resources; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PELL:

S. 2538. A bill to amend the Higher Education Act of 1965 to increase the eligibility of middle-income students for the various forms of student assistance available under such Act, and for other purposes; to the Committee on Human Resources.

By Mr. PELL (for himself, Mr. WILLIAMS, Mr. JAVITS, and Mr. STAFFORD):

S. 2539. A bill to amend the Higher Education Act of 1965 to improve the basic educational opportunity grants program, and for other purposes; to the Committee on Human Resources.

By Mr. RIEGLE (for himself, Mr. KENNEDY, Mr. WILLIAMS, and Mr. MAGNUSON):

S. 2540. A bill to regulate commerce and protect the public from adulterated food by requiring the establishment of safety assurance procedures and safety assurance standards, to provide for the efficient and effective enforcement of the Food, Drug, and Cosmetic Act, to implement registration of food processing establishments, to provide for more informative labeling of food products, and for other purposes; to the Committee on Commerce, Science, and Transportation and the Committee on Human Resources, jointly, by unanimous consent.

By Mr. CANNON (by request):

S. 2541. A bill to amend chapter 4 of title 23 of the United States Code to authorize appropriations for certain highway safety programs, and for other purposes; to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works to consider section 3, jointly, by unanimous consent.

By Mr. HEINZ (for himself, Mr. LUGAR, Mr. PERCY, Mr. STEVENS, Mr. RIEGLE, and Mr. HELMS):

S. 2542. A bill to amend the Internal Revenue Code of 1954 to permit the full investment credit amount to be claimed for pollution control facilities for which rapid amortization has been elected; to the Committee on Finance.

By Mr. GLENN (for himself and Mr. SASSER):

S. 2543. A bill to amend title 39 of the United States Code to provide better enforcement procedures for preventing fraudulent solicitations through the mails; to the Committee on Governmental Affairs.

By Mr. GLENN (for himself, Mr. ROTH, and Mr. STONE):

S.J. Res. 111. A joint resolution to authorize participation by the United States in parliamentary conferences with Japan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself and Mr. DOLE):

S. 2526. A bill to establish a bipartisan National Parity Farm Income Commission to examine and analyze the current agricultural income problems of farmers in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

(The remarks of Mr. THURMOND when he introduced the bill appear earlier in today's proceedings.)

By Mr. CANNON (for himself, Mr. STEVENSON, and Mr. SCHMITT) (by request):

S. 2527. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NASA AUTHORIZATIONS

Mr. CANNON. Mr. President, I introduce today, at the request of the National Aeronautics and Space Administration, and on behalf of myself, and my colleagues, Mr. STEVENSON and Mr. SCHMITT, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

I ask unanimous consent that the text of the bill, the letter of transmittal, and the sectional analysis be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is

hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1978:

(a) For "Research and development," for the following programs:

(1) Space Shuttle, $1,439,300,000;

(2) Space flight operations, $311,900,000;

(3) Expendable launch vehicles, $76,500,000;

(4) Physics and astronomy, $285,500,000;

(5) Lunar and planetary exploration, $187,100,000;

(6) Life sciences, $40,600,000;

(7) Space applications, $274,300,000;

(8) Technology utilization, $9,100,000;

(9) Aeronautical research and technology, $264,100,000;

(10) Space research and technology, $108,300,000;

(11) Energy technology applications, $3,000,000;

(12) Tracking and data acquisition, $305,400,000;

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Modification of unitary plan wind tunnel, Ames Research Center, $5,390,000;

(2) Modification of 3.5-foot wind tunnel, Ames Research Center, $1,870,000;

(3) Modification of 12-foot pressure wind tunnel, Ames Research Center, $2,510,000;

(4) Modifications and additions for logistic and supply functions, Goddard Space Flight Center, $5,640,000;

(5) Modifications and addition to the space flight operations facility, Jet Propulsion Laboratory, $3,060,000;

(6) Modifications to various buildings for seismic protection, Jet Propulsion Laboratory, $1,570,000;

(7) Modifications for utility control system, Langley Research Center, $1,980,000;

(8) Rehabilitation of unitary plan wind tunnel, Langley Research Center, $4,520,000;

(9) Construction of research analysis center, Lewis Research Center, $6,140,000;

(10) Large aeronautical facilities at various locations as follows:

(A) Construction of national transonic facility, Langley Research Center, $24,500,000;

(B) Modification of 40- by 80-foot subsonic wind tunnel, Ames Research Center, $31,600,000;

(11) Space Shuttle facilities at various locations as follows:

(A) Modifications to launch complex 39, John F. Kennedy Space Center, $13,570,000;

(B) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $13,980,000;

(C) Modifications to solid rocket motor manufacturing and assembly facilities, Thiokol Plant, Wasatch, Utah, $1,920,000;

(D) Minor Shuttle-unique projects, various locations, $1,600,000;

(12) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $17,800,000;

(13) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,200,000;

(14) Facility planning and design not otherwise provided for, $10,650,000;

(c) For "Research and program management," $914,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $25,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $25,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $50,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (13), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 per centum, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 per centum,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (14) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation.

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. Section 15.(c), Public Law 94-413 (90 Stat. 1260), is amended by striking out "(A) by redesignating subsection (b) thereof as subsection (c) thereof" and inserting in lieu thereof "(A) by redesignating subsection (b) thereof as subsection (d) thereof".

SEC. 7. In addition to the amounts authorized to be appropriated under section 1 of this Act, there is hereby authorized to be appropriated to the National Aeronautics and Space Administration, to be available no earlier than October 1, 1979, such sums as may be necessary:

(a) For "Research and development,"

(b) For "Construction of facilities,"

(c) For "Research and program management."

All of the limitations and other provisions of this Act which are applicable to amounts appropriated pursuant to subsections (a), (b), and (c) of section 1 of this Act shall apply in the same manner to amounts appropriated pursuant to subsections (a), (b), and (c), respectively, of this section.

SEC. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1979".

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., January 23, 1978.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Submitted herewith is a draft of a bill, "To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes," together with the sectional analysis thereof. It is submitted to the President of the Senate pursuant to Rule VII of the Standing Rules of the Senate.

Section 4 of the Act of June 15, 1959, 73 Stat. 75 (42 U.S.C. 2460), provides that no appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation. It is a purpose of the enclosed bill to provide such requisite authorization in the amounts and for the purposes recommended by the President in the Budget of the United States Government for fiscal year 1979. For that fiscal year, the bill would authorize appropriations totaling $4,371,600,000 to be made to the National Aeronautics and Space Administration as follows:

(1) for "Research and development" amounts totaling $3,305,100,000;

(2) for "Construction of facilities" amounts totaling $152,500,000; and

(3) for "Research and program management," $914,000,000.

In addition, the bill would authorize such sums as may be necessary for fiscal year 1980, i.e., to be available October 1, 1979.

The enclosed draft bill follows generally the format of the National Aeronautics and Space Administration Authorization Act, 1978 (Public Law 95–76). However, the bill differs in substance from the prior Act in several respects.

First, subsections 1(a), 1(b), and 1(c), which would provide the authorization to appropriate for the three NASA appropriations, differ in the dollar amounts and/or the line items for which authorization to appropriate is requested.

Second, in section 1(f) of the draft bill, the maximum amount of appropriations made pursuant to subsection 1(c) which may be used for scientific consultations or extraordinary expenses has been changed from $35,000 to $25,000.

Third, sections 1(h) and 1(i) of Public Law 95–76, which provided for the expiration on the date of enactment of Public Law 95–76, of that part of the 1976 authorization for the modification of the 40- by 80-foot subsonic wind tunnel, Ames Research Center, and the 1977 authorization for modifications to launch complex 39, Kennedy Space Center, for which appropriations have not been made, have been omitted.

Fourth, section 1(j) of Public Law 95–76, which prohibited the use of funds for the design or procurement of a prototype supersonic transport aircraft, has been deleted since it was believed to be unnecessary. No funds for the design or procurement of a prototype supersonic transport aircraft would be authorized to be appropriated by the enclosed bill.

Fifth, section 6 of Public Law 95–76, which provided authority for the National Aeronautics and Space Administration to enter into and to maintain a contract for tracking and data relay satellite services, has been omitted because by the terms of that section 6 such authority remains in effect unless repealed by legislation enacted hereafter by Congress, and is, therefore, permanent law.

Sixth, section 6 of the draft bill corrects the mislettering of subsections of section 203 of the National Aeronautics and Space Act of 1958, as amended, which resulted from enactment of the Electric and Hybrid vehicle Research, Development, and Demonstration Act of 1976, Public Law 94–413.

Seventh, section 7 of Public Law 95–76, which amended the amount authorized to be appropriated in Public Law 94–307 for the Space Shuttle program, has been omitted.

Eighth, as noted above, in addition to providing authorization of appropriations in the amounts recommended by the President in his Budget for fiscal year 1979, the bill also would provide authorization for such sums as may be necessary for fiscal year 1980. It is specified that all of the limitations and other provisions of the bill applicable to amounts appropriated pursuant to section 1 shall apply in the same manner to amounts appropriated pursuant to section 7.

Finally, the last section of the draft bill, section 8, has been changed to provide that the bill, upon enactment, may be cited as the "National Aeronautics and Space Administration Authorization Act, 1979", rather than "1978".

Where required by section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4332(2)(C)), and the implementing regulations of the Council on Environmental Quality, environmental impact statements covering NASA installations and the programs to be funded pursuant to this bill have been or will be furnished to the Committee on Commerce, Science, and Transportation as appropriate.

The National Aeronautics and Space Administration recommends that the enclosed draft bill be enacted. The Office of Management and Budget has advised that such enactment would be in accord with the program of the President.

Very truly yours,

ROBERT A. FROSCH,
Administrator.

Enclosure.

SECTIONAL ANALYSIS

A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes

SECTION 1

Subsections (a), (b), and (c) would authorize to be appropriated to the National Aeronautics and Space Administration funds, in the total amount of $4,371,600,000, as follows: (a) for "Research and development," a total of 12 program line items aggregating the sum of $3,305,100,000; (b) for "Construction of facilities," a total of 14 line items aggregating the sum of $152,500,000; and (c) for "Research and program management," $914,000,000. Subsection (c) would also authorize to be appropriated such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Subsection 1(d) would authorize the use of appropriations for "Research and development" without regard to the provisions of subsection 1(g) for: (1) items of a capital nature (other than the acquisition of land) required at locations other than NASA installations for the performance of research and development contracts; and (2) grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities. Title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Moreover, each such grant shall be made under such conditions as the Administrator shall find necessary to insure that the United States will receive benefit therefrom adequate to justify the making of that grant.

In either case no funds may be used for the construction of a facility in accordance with this subsection, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator notifies the Speaker of the House, the President of the Senate and the specified committees of the Congress of the nature, location, and estimated cost of such facility.

Subsection 1(e) would provide that, when so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) contracts for maintenance and operation of facilities, and support services may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Subsection 1(f) would authorize the use of not to exceed $25,000 of the "Research and program management" appropriation for scientific consultations or extraordinary expenses, including representation and official entertainment expenses, upon the authority of the Administrator, whose determination shall be final and conclusive.

Subsection 1(g) would provide that of the funds appropriated for "Research and development" and "Research and program management," not in excess of $25,000 per project (including collateral equipment) may be used for construction of new, or additions to existing facilities, and not in excess of $50,000 per project (including collateral equipment) may be used for rehabilitation or modification of existing facilities; however, of the funds appropriated for "Research and development," not in excess of $250,000 per project (including collateral equipment) may be used for construction of new facilities or additions to, or rehabilitation or modification of, existing facilities required for unforeseen programmatic needs.

SECTION 2

Section 2 would authorize upward variations of the sums authorized for the "Construction of facilities" line items (other than facility planning and design) of 10 per centum at the discretion of the Administrator or his designee, or 25 per centum following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, for the purpose of meeting unusual cost variations. However, the total cost of all work authorized under these line items may not exceed the total sum authorized for "Construction of facilities" under subsection 1(b), paragraphs (1) through (13).

SECTION 3

Section 3 would provide that not more than one-half of 1 per centum of the funds appropriated for "Research and development" may be transferred to the "Construction of facilities" appropriation and, when so transferred, together with $10,000,000 of the funds appropriated for "Construction of facilities," shall be available for the construction of facilities and land acquisition at any location if the Administrator determines (1) that such action is necessary because of

changes in the aeronautical and space program or new scientific or engineering developments, and (2) that deferral of such action until the next authorization Act is enacted would be inconsistent with the interest of the Nation in aeronautical and space activities. However, no such funds may be obligated until 30 days have passed after the Administrator or his designee has transmitted to the Speaker of the House, the President of the Senate and the specified committees of Congress a written report containing a description of the project, its cost, and the reason why such project is necessary in the national interest, or each such committee before the expiration of such 30-day period has notified the Administrator that no objection to the proposed action will be made.

SECTION 4

Section 4 would provide that, notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation;

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c); and,

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of 30 days has passed after the receipt by the Speaker of the House, the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SECTION 5

Section 5 would express the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SECTION 6

Section 6 would amend the National Aeronautics and Space Act, as amended, to remove duplicate lettering of subsections.

SECTION 7

Section 7 would authorize to be appropriated to the National Aeronautics and Space Administration for fiscal year 1980 such sums as may be necessary: (a) for "Research and development," (b) for "Construction of facilities," and (c) for "Research and program management." All of the limitations and other provisions of the Act applicable to amounts appropriated pursuant to subsections (a), (b), and (c) of section 1 would apply in the same manner to amounts appropriated pursuant to subsections (a) (b), and (c), respectively, of this section.

SECTION 8

Section 8 would provide that the Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1979".

By Mr. DOLE:

S. 2528. A bill to amend the Internal Revenue Code of 1954 to provide for the issuance of, and the exclusion from income of interest on, educational savings bonds; to the Committee on Finance.

EDUCATIONAL SAVINGS BONDS

Mr. DOLE. Mr. President, the concept of a tuition tax credit has received broad support in the Senate from both sides of the aisle. The tax credits are designed to provide financial relief for those struggling with the growing burdens of education costs. Unfortunately, many times it benefits taxpayers who already have the money to pay education expenses. The Government lacks a program to help an individual save the amount of money necessary to finance the costs of higher education. We must face the facts—prevailing economic conditions force parents to neglect proper planning for their children's education in order to make ends meet. Tuition tax credits will provide only a portion of the help needed.

OPPORTUNITY TO SAVE

To help remedy this situation, I propose the issuance of a special education savings bond to provide Americans with the incentive and opportunity to save for the education of their children. The education savings bond is not intended to be a replacement for, or alternative to, the tuition tax credit. It is meant to address a fundamentally different problem.

Mr. President, the bill I am today introducing calls for bonds to be issued at face value for various denominations. They would have a maximum life of 20 years, with interest accruing at a rate of 7 percent. The interest on the bonds when redeemed would be tax free when used to pay for expenses associated with room, board, and tuition at an institution of higher learning. Additionally, to prevent any bail-out at Capital gain rate for investment in the bonds, they would be made nontransferable.

Mr. President, savings bonds are economically accessible to almost every American. Statistics compiled by the Treasury Department indicate that taxpayers at all levels of income can and do buy savings bonds. In fact, 19 percent of all families with a yearly income of less than $5,000 own savings bonds, and 30 percent of all families with a yearly income between $5,000 and $10,000 own savings bonds.

LESS GOVERNMENT—MORE HELP

Mr. President, the Federal Government spends billions of dollars on educational assistance. My proposal would provide this assistance at an efficient cost to the Government. In order to prevent any abuses where the student withdraws from school and receives a refund of the costs, my proposal taxes the money returned. An individual will be limited on the amount of bonds he may purchase. In addition, the bonds may be used for a person who is directly related to the bondholder.

Many Americans want to save for the future education of their children. Bonds issued through a payroll savings plan or through financial institutions will allow a parent to financially plan, in an orderly manner, for future expenses.

PLAN FOR THE FUTURE

Mr. President, my proposal is simple. An individual buys a bond yielding 7 percent. The taxpayer upon redeeming the bond will not pay tax on the interest earned on the portion which is used for a qualified educational expense. Of course, strict reporting and accounting of the receipt of the interest and expenses will be required. No middleman, no onerous regulations, and no discrimination. The program is designed to allow people to help themselves.

An example may help explain my proposal. Suppose a parent with one child buys $1,000 of educational savings bonds when the child is 8 years old. When the child becomes college age—say at age 18—the bonds would be worth $1,970. The tax exempt portion, $970, will go a long way in meeting the child's educational expenses.

Mr. President, let us assume that instead of a large purchase of the bonds, the parents buy $200 of bonds per year for 10 years. When the child is ready to enter college, these bonds will be worth $2,958.

It is important to remember that the yield on the investment is even greater than the figures indicate because the interest is tax exempt. If the parent has to pay taxes on the interest earned, the amount of money available at the end of the 10-year period will be considerably less.

There are, of course, many ways in which my proposal could be changed. The Congress may want to expand the benefit by increasing the yield or by increasing the amount of bonds which would be held.

Mr. President, the costs of higher education and its rapid increase over the past few years can be carefully calculated. What cannot be calculated, however, is how seriously these costs erode the expectations of those who would like their children to have the opportunity to receive a college education. Despite changing attitudes about the value of a higher education, I believe that the decision whether or not to attend college should not have to be made on economic grounds. I believe that enactment of this legislation is a step in the right direction.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EDUCATIONAL SAVINGS BONDS.

(a) EXCLUSION FROM GROSS INCOME.—Section 103 of the Internal Revenue Code of 1954 (relating to interest on certain governmental obligations) is amended—

(1) by striking out "and" at the end of paragraph (1) of subsection (a),

(2) by striking out the period at the end of paragraph (2) of subsection (a) and inserting in lieu thereof a semicolon and the word "and",

(3) by adding at the end of subsection (a) the following new paragraph:

"(3) educational savings bonds.", and

(4) by adding at the end thereof the following new subsection:

"(f) EDUCATIONAL SAVINGS BONDS.—For purposes of subsection (a)—

"(1) DEFINITION OF EDUCATIONAL SAVINGS BOND.—The term 'educational savings bond' means a bond issued under the Second Liberty Bond Act, which by its terms, or by regulations prescribed by the Secretary under such Act—

"(A) provides for payment of interest, or investment yield, only on redemption;

"(B) provides that no interest, or investment yield, is payable if the bond is redeemed within 12 months after the date of its issuance;

"(C) provides that it ceases to bear interest, or provide investment yield, at the end of the two hundred fourtieth month after the date of its issuance; and

"(D) is not transferable.".

"(2) RATE OF INTEREST.—Educational savings bonds issued before January 1, 1980, shall bear interest at the rate of 7 percent per annum. The rate of interest borne by bonds issued after such date may be adjusted by the Secretary, from time to time thereafter, to the extent necessary to preserve generally the same differential in yield between educational savings bonds and other bonds as there was for bonds issued before such date.

"(3) LIMITATION.—Subsection (a) shall not apply to so much of the interest from educational savings bonds for any taxable year as exceeds $350 ($700 in the case of a joint return by married taxpayers).".

(b) INCLUSION OF CERTAIN AMOUNTS IN GROSS INCOME.—

(1) Part II of subchapter B of chapter 1 of such Code (relating to items specifically included in gross income) is amended by adding at the end thereof the following new section:

"SEC. 85. EDUCATIONAL SAVINGS BOND INTEREST.

"(a) GENERAL RULE.—Notwithstanding paragraph (3) of section 103(a), interest or investment yield on an educational savings bond (as defined in section 103(f)) shall be included in the gross income of the taxpayer for the taxable year in which the bond is redeemed—

"(1) to the extent that the amount of such interest or investment yield for the taxable year exceeds the sum of the higher education expenses paid or incurred by the taxpayer with respect to a dependent for that taxable year, or

"(2) if the bond is redeemed more than 300 months after the date of its issuance.

"(b) SUBSECTION (a) NOT TO APPLY IN THE CASE OF DISABILITY OR DEATH.—Subsection (a) does not apply for any taxable year during which the educational savings bond is redeemed if, for that taxable year, the registered owner is disabled within the meaning of section 72(m)(7), or the taxable year is ended by the death of the registered owner.

"(c) HIGHER EDUCATION EXPENSES DEFINED.—

"(1) IN GENERAL.—The term 'higher education expenses' means—

"(A) tuition and fees required for the enrollment or attendance of a student at an eligible educational institution, and

"(B) fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution.

Such term does not include any amount paid, directly or indirectly, for meals, lodging, transportation, or similar personal, living, or family expenses. In the event an amount paid for tuition or fees includes an amount for meals, lodging, transportation, or similar expenses which is not separately stated, the portion of such amount which is attributable to meals, lodging, transportation, or similar expenses shall be determined under regulations prescribed by the Secretary.

"(2) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means—

"(A) an institution of higher education; or

"(B) a post-secondary vocational school.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means the institutions described in section 1201(a) or 491(b) of the Higher Education Act of 1965.

"(4) POST-SECONDARY VOCATIONAL SCHOOL.—The term 'post-secondary vocational school' means an area vocational education school as defined in section 195(2) of the Vocational Education Act of 1963.".

(2) CLERICAL AMENDMENT.—The table of sections for such part is amended by adding at the end thereof the following new item:

"SEC. 85. Educational savings bond interest.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to taxable years beginning after December 31, 1978.

By Mr. BARTLETT:

S. 2529. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of earned income of U.S. citizens and resident aliens from sources without the United States, and for other purposes; to the Committee on Finance.

TAXATION OF AMERICANS ABROAD

Mr. BARTLETT. Mr. President, a little over 1 year ago, Congress revised the tax treatment of American nationals at work in the private sector overseas. At about the same time, the Internal Revenue Service drastically altered its interpretation and enforcement of certain tax procedures and practices bearing on the taxation of foreign-earned income.

The purpose was so-called tax reform.

But the result has been what one of the Nation's most respected journals terms "a bizarre tax nightmare." Many Americans overseas have now become liable for tax payments greater than they receive in salary. At minimum, they are liable, almost without exception, for substantially more taxes than are their compatriots at home.

It is fair to say that very few foresaw the results.

As economic writer Robert J. Samuelson observes:

On the path to "reform" the government often stumbles about, not quite certain what it is doing, to whom, or with what consequences. The beneficiaries of existing tax preferences (or, if you please, loopholes) don't always fit the satisfying stereotype of the obscenely wealthy. And the consequences of change sometimes include some nasty side effects.

He cites the effort to reshape section 911 of the tax code as a case in point.

On the surface, it may have seemed that American nationals overseas were, somehow, getting an unfair tax break. So the matter of reform in that area was approached with some zeal.

But the outcome has been described by a leading spokesman for the present administration as a "disaster." And, by Americans overseas, it is seen as highly punitive.

The 1976 revisions in section 911 are a disaster because a great many jobs, not only overseas but also right here at home, are being lost or are threatened. The changes in tax policies have placed such a high price premium on Americans overseas that they simply cannot compete. They have no realistic alternative but to return home. And, as they return home, they are being replaced by nationals from the competing industrial nations. None of those nations tax the foreign-earned income of their nationals overseas. In fact, many competing nations actually subsidize their countrymen abroad.

As Americans return home, they obviously are no longer in a position overseas to influence and direct business and jobs to the American economy. No one really knows just how profound the impact could be over the coming years.

But we can make some pretty good estimates. And they are alarming. We know, for example, that more than 400,000 jobs in the domestic economy can be traced directly to the 30,000 American engineers and constructors at work around the world who specify American-manufactured goods and equipment. We know, too, that by the Department of Commerce's most conservative estimates, for every billion dollars worth of export trade, at least 40,000 jobs are created in the domestic economy. Some estimates run as high as 70,000 jobs.

And we know that easily 10 percent of our Nation's economic activity, over $80 billion, depends on exports. So we are talking about at least 3.2 million jobs in the domestic economy. We are also talking about at least $5 billion in Federal taxes on corporate profits and more billions of dollars in taxes on personal income.

If our share of the global market—a market that is approaching $900 billion—declines sharply because we are not able to compete, a great many Americans at home—in every congressional district throughout our land—are going to be removed from payrolls and placed on welfare rolls. And we are going to lose real net tax revenues as well. Last year, for example, well over $5 billion in Federal taxes on corporate profits and on personal income attributable to exports came into the Treasury.

What we are talking about goes well beyond questions of tax policies. We are talking about complex issues of balance of trade, the strength of the dollar and of the American economy, our global standing and influence, and, most of all, jobs.

I think we must recognize some brutal facts:

First, among the industrial nations, the United States currently has one of the highest rates of unemployment.

Second, for 1977, the United States piled up a huge $27 billion balance of trade deficit. And the forecasts for this year are no more encouraging.

We need to face up to the fact—in very practical terms—that we live in an economically highly interdependent world from which we cannot isolate ourselves. We need to adopt policies that will permit us to grow in that world—to compete successfully. And we cannot afford to permit our zeal for reform in one area to produce totally unacceptable, even disasterous, effects in another.

Yet, that is exactly what has happened as a result of the revisions we made

in 1976 in section 911 of the Tax Code. We have completely reversed its historic intent.

The fact of the matter is that section 911 was enacted into law over 50 years ago to encourage foreign commerce by Americans. Section 911 was designed, pure and simple, as an incentive. Originally, the incentive was in the form of an exclusion from taxation of all foreign-earned income. Over the years, revisions have been made to prevent abuses by the very wealthy, who found, in section 911, an unintended escape from taxes.

But the average American at work overseas was not affected by any of the revisions and the intent remained in force. In 1976, before the revisions of October in section 911, the exclusion, which was limited to the first $20,000 of foreign-earned income ($25,000 for Americans who had lived overseas for 3 years or more) was still sufficient to provide an incentive, though the high rate of global inflation was already taking its toll.

Then, in October of 1976, Congress reduced the exclusion to $15,000 and changed the manner of computation. The $15,000 had to be included as income for purposes of calculating the individual tax bracket. Further, the taxpayer could no longer claim a dollar-for-dollar tax credit for any foreign income taxes paid. He could not claim a tax credit for foreign income taxes on the first $15,000.

At the same time, the Internal Revenue Service ruled that most employer contributions to the employee to offset extraordinary living costs abroad—contributions from which the employee derived no financial benefit whatever—had to be grossed up and added to income for purposes of computing individual taxes.

The rulings came at a time of rampant inflation abroad. For example, the equivalent of a house that would rent for no more than $6,000 a year in the United States, could rent for $40,000 or more in some of the more costly parts of the world. In many parts of the world, the general cost of living was between 50 and 300 percent higher than in the United States. And the cost of educating a child overseas could range between $2,000 to $5,000 over and above the same level of education paid for by taxes at home.

The result is that employer contributions to keep an employee "whole" overseas can amount to two to three times the base salary—the disposable income of the individual. If, as the 1976 Tax Court rulings and other shifts in the Internal Revenue Service procedures required, all of that were to be treated as common income, the individual taxpayer overseas would be liable for taxes well in excess of actual disposable income.

Many employers, in order to complete existing obligations overseas, have attempted to pay the excess in individual income taxes over and above what the individual would have paid if he had remained at home. But those costs must be passed on in higher costs. As a result, in today's highly competitive global market, where, increasingly, price is deciding, Americans are losing.

For example, in the 18-month period before the 1976 revisions in section 911, the average annual engineer and construction contract value was running at about $18 billion with over $4 billion in direct exports attributable to it. Since that time, the average annual contract volume, according to Engineering News Record figures, has dropped to about $11 billion with a corresponding decline in directly attributable exports.

Although the engineer constructor industry is among the hardest hit by shifting tax policies, it is by no means the only industry affected.

The fact of the matter is that we must, as a matter of urgent national policy, do everything that we can do to stimulate and encourage American participation in the global market with the aim to increase export of goods and services and the consequent "import" of new jobs to our domestic economy.

The restoration of common sense to the tax treatment of foreign-earned income is part of that urgent need. We must recognize, in any tax policy we adopt, that American nationals overseas must:

First be given some incentive to give up the comforts and conveniences at home to accept difficult, often hazardous, assignments overseas; And

Second, must be permitted to deduct the differentials for extraordinary housing costs, schooling costs, home leave travel expenses, and other added expenses, such as local income taxes.

The bill I am introducing today attempts to achieve those objectives. It will not exempt the individual taxpayer abroad from the payment of income taxes. It attempts to assure that he pays no more income taxes than he would pay at home.

I know the Finance Committee has considered this matter, but I am offering this proposal as, what I consider, a simpler, more equitable and more permanent, solution to the problem. I urge it is serious consideration.

I ask unanimous consent to have the text of the bill printed in the RECORD, togther with a section-by-section summary of it.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Earned income from sources without the United States

Section 911 of the Internal Revenue Code of 1954 is amended as follows:

(a) Subsection (a) is amended by substituting "an individual citizen or resident of the United States" for "an individual citizen of the United States" each place it appears.

(b) The last sentence of subsection (a) is amended to read as follows:

"An individual shall not be allowed, as a deduction from his gross income, any deductions (other than those allowed by section 151, relating to personal exemptions, section 217, relating to moving expenses, and section 211, relating to foreign source income related expenses) properly allocable to or chargeable against amounts excluded from gross income under this subsection."

(c) Paragraph (1) of section 911(c) is amended to read as follows:

"(1) Limitation on amount of exclusion.—

"(A) General rule.—The amount excluded from the gross income of an individual under subsection (a) shall not exceed an amount equal to the amount of earned income for the taxable year multiplied by the cost-of-living factor (determined under subparagraph (B)) for the foreign country in which services attributable to such income were performed.

"(B) Cost-of-living factor.—The cost-of-living factor for any foreign country is equal to a fraction—

"(i) the numerator of which is equal to the excess of the annual average price index for the foreign country for the calendar year in which the taxable year ends over the average annual Consumer Price Index (all items-United States city average) published by the Bureau of Labor Statistics for such year, and

"(ii) the denominator of which is such average annual Consumer Price Index.

"(iii) Consultation.—The Secretary, in determining the annual average price index in any foreign country, shall be guided by the Department of State's "Local Index of Living Costs Abroad" adjusted to include housing and education costs.

"(C) Two or more foreign countries.—If an individual has earned income attributable to services performed in two or more countries for the taxable year, the amount excluded under subsection (a) shall be equal to the sum of the amounts determined by multiplying the amount of earned income attributable to each foreign country by the cost-of-living factor determined for that country.".

(d) Paragraph (8) of subsection (c) is amended by substituting the following new paragraph:

"(8) Requirement as to Place of Receipt.—No amount received by an individual during the taxable year which constitutes earned income (entitled to the exclusions under subsection (a)) attributable to services performed in a foreign country or countries shall be excluded under subsection (a) if such amount is received by such individual outside of the foreign country or countries during the time the individual is employed within that foreign country or countries where such services were performed and if the principal purpose is the avoidance of any tax imposed by such foreign country or countries on such amount.".

(e) Subsections (d) and (e) are deleted and subsection (f) is redesignated as subsection (d).

SEC. 2. Additional gross income

(a) In General—Part II of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically included in gross income) is amended by adding the following new section:

"Sec. 85. Reimbursement of foreign source income related expenses

(a) Except as provided in section 119 (relating to meals or lodging furnished for the convenience of the employer), there shall be included in gross income (as compensation for services) any amount received or accrued, directly or indirectly, by an individual as a payment for or reimbursement of expenses of the type for which a deduction is allowed by section 221. For purposes of this section, the excess of the fair market value in the local market of goods or services of such type provided to an individual in kind in connection with his employment over the amount paid by such individual for such goods or services shall be treated as an amount received.

(b) The table of sections for part II of subchapter B of chapter 1 of such Code is amended by adding the following:

"Sec. 85. Reimbursement of Foreign-Source Income Related Expenses."

"SEC. 3. Allowance of deduction.

(a) In General.—Part VII of subchapter B of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 221 as 222 and by inserting after section 220 the following new section:

"SEC. 221 Foreign source income related expenses.

"(a) General Rule. There is allowed as a deduction to an individual whose principal place of work is located outside the United States the amount determined under subsection (c) for the taxable year.

"(b) Earned Income Limitation. The amount of the deduction allowed by subsection (a) for the taxable year shall not exceed the amount by which the individual's earned income from sources without the United States for the taxable year exceeds any amounts exempt from taxation under section 911.

"(c) Determination of Amount.—

"(1) General rule.—The amount of the deduction allowed to an individual by subsection (a) for the taxable year shall be the sum of the following amounts:

"(A) Qualified housing expenses.

"(B) Qualified schooling expenses.

"(C) Qualified home leave expenses.

"(2) Qualified housing expenses.—

"(A) The term 'qualified housing expenses' means the reasonable expenses paid or incurred during the taxable year for housing (including utilities, taxes, insurance, and other expenses attributable to such housing) by or on behalf of the individual, his spouse or dependents in a foreign country which is his principal place of work, to the extent such expenses exceed 16⅔% of the individual's United States base salary for the period during the taxable year to which expenses are attributable. Housing expenses shall not be considered reasonable to the extent that they are lavish and extravagant under the circumstances (considering the type of housing an individual in a similar work position would typically occupy in the United States and the availability to the individual of that type of housing within a reasonable distance of the individual's principal place of work in such a foreign country).

"(B) The term 'United States base salary' prescribed in paragraph (A) shall mean:

"(i) The salary the individual would receive in a 40-hour work week for performing the same work in the United States, exclusive of any other allowances, including but not limited to extended work week, overtime, and other incentives applicable to foreign service, or

"(ii) in the case of a self-employed individual, his earned income as determined under section 911(b).

"(C) This paragraph shall not apply for any period during the taxable year in which the value of the individual's housing is excluded from income under section 119.

"(3) Qualified schooling expenses.—

The term 'qualified schooling expenses' means the reasonable expenses paid or incurred during the taxable year for the education through secondary level for each of the dependents of the individual. Such expenses shall include the costs of tuition, fees, and books incurred by attendance at a school within commuting distance of the principal work place, and if an adequate United States-type school is not available within a reasonable commuting distance of the individual's principal place of work in the foreign country, the expenses of room and board and reasonable travel (limited to two round trips) each school year between such place of work and the location of the school, provided such school is an American public school.

"(4) Qualified home leave travel expenses.—

The term 'qualified home leave travel expenses' means the reasonable amounts provided to, or paid or incurred by, an individual for one trip and return each taxable year between the location of the individual's principal place of work and a place in the United States approved by his employer (if any), for such individual, his spouse, and each dependent not entitled to the qualified schooling expense deduction.

"(d) Double deductions disallowed—

An individual shall not be allowed, as a deduction under any other provision of this chapter (other than under section 151), any amount to the extent that the item to which such amount is attributable is properly allocable to amounts taken into account under paragraphs (2), (3), and (4) of subsection (c).

(b) Deduction Allowed in Determining Adjusted Gross Income.—Section 62 of such Code (relating to definition of adjusted gross income) is amended by adding after paragraph (13) the following new paragraph:

"(14) Foreign-source income related expenses.—The deduction allowed by section 221."

(c) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the last item and by inserting in lieu thereof the following:

"Sec. 221. Foreign source-income related expenses.

"Sec. 222. Cross references."

SEC. 4. Moving expenses

(a) Increase in Limitations for Foreign Moves.—Section 217 of the Internal Revenue Code of 1954 (relating to moving expenses) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) Special Limitations for Foreign Moves.—

"(1) Increase in limitations.—In the case of a foreign move—

"(A) subsection (b)(1)(D) shall be applied by substituting '60 consecutive days' for '30 consecutive days', and

"(B) subsection (b)(3) shall be applied—

"(i) by substituting '$3,000' for '$1,500' in subsection (b)(3)(A) and in subsection (b)(3)(B),

"(ii) by substituting '$4,500' for '$3,000' each place it appears, and

"(iii) by substituting '$1,500' for '$750'.

"(2) Allowance of certain storage fees.—In the case of a foreign move, for purposes of this section, the term 'moving expenses' under subsection (b)(1)(A) includes the reasonable expenses of moving and storing household goods and personal effects for the duration of each foreign assignment.

"(3) Foreign move.—For purposes of this subsection, the term 'foreign move' means the commencement of work by the taxpayer at a new principal place of work—

"(A) located outside the United States; or

"(B) located within the United States, if the taxpayer's former principal place of work is outside the United States.

If the taxpayer had no former principal place of work, the preceding sentence shall be applied by substituting 'former residence' for 'former principal place of work' each place it appears.

"(4) In the case of (i) a taxpayer entering bona fide retirement from a foreign location, or (ii) the spouse or dependents of a deceased taxpayer who return to the United States within six months of the taxpayer's date of death, there shall be substituted the phrase 'new residence' for the phrase 'new principal place of work' wherever it appears in this section and the requirements of subsection (c)(2) shall not apply."

SEC. 5. Foreign meals or lodging furnished for the convenience of the employer under certain conditions.

Section 119 of the Internal Revenue Code of 1954 (relating to meals or lodging furnished for the convenience of the employer) is amended to read as follows:

"(a) General Rule. There shall be excluded from gross income of an employee the value of any meals or lodging furnished to him, his spouse and his dependents pursuant to his employment for the convenience of his employer, but only if—

"(1) in the case of meals, the meals are furnished on the business premises of the employer, or

"(2) in the case of lodging, the employee is required to accept such lodging on the business premises of the employer as a condition of his employment.

"In determining whether meals or lodging are furnished for the convenience of the employer, the provisions of an employment contract or of a state statute fixing terms of employment shall not be determinative of whether the meals or lodging are intended as compensation.

"(b)(1) Foreign Meals or Lodging. The value of meals or lodging furnished to an employee, his spouse and dependents at a location outside the United States by or on behalf of his employer shall be excluded from gross income of an employee if either—

"(A) the requirements of subsection (a) are satisfied, or

"(B) such meals or lodging are camp-style meals or lodging, as defined in paragraph (2).

"(2) Camp-Style Meals and Lodging Defined. For purposes of this subsection—

"(A) meals shall be considered camp-style meals if—

(i) such meals are furnished in a common eating area which normally serves ten or more individuals and is not available to the public, and

(ii) the employee is furnished lodging the value of which is excludable from gross income under this section;

"(B) lodging shall be considered camp-style lodging if it is of an obvious temporary job-related nature and if either—

(i) Two or more unrelated employees are required by the employer to share the same living quarters; or

(ii) the lodging is furnished in a common area not available to the public which common area normally accommodates ten or more employees in connection with the design or construction of a facility located outside the United States, the exploration for, or development or production of, natural resources located outside the United States, or the installation, maintenance or operation of export property (within the meaning of section 993(c)).

SEC. 6. Miscellaneous provisions

(a) Section 3121(a)(11) is amended to read as follows:

"(11) remuneration paid to or on behalf of an employee if (and to the extent that) at the time of payment it is reasonable to believe that such remuneration will be excluded from gross income under section 119 or it is reasonable to believe that a corresponding deduction is allowable under section 217 or section 212."

(b) Section 3306(b)(9) is amended to read as follows:

"(9) remuneration paid to or on behalf of an employee if (and to the extent that) at the time of payment it is reasonable to believe that such remuneration will be excluded from gross income under section 119 or it is reasonable to believe that a corresponding deduction is allowable under section 217 or section 221."

(c) Section 3401(a)(8) of such Code (relating to wages) is amended by striking out subparagraph (A)(1) and by inserting in lieu thereof the following:

"(1) performed by a citizen or resident of the United States if, at the time of the payment of such remuneration, it is reasonable to believe that such remuneration will be excluded from gross income under section 119 or section 911 or it is reasonable to believe that a corresponding deduction is allowable under section 221; or".

(d) Section 6091(b)(1)(B)(iii) of such Code (relating to place for filing returns or other documents) is amended by adding after the word "of" the following: "section 221 (relating to foreign source income related expenses),".

(e) Section 1034 of the Internal Revenue Code of 1954 (relating to the sale or exchange of a residence) is amended by redesignating the existing subsection "(h)" as "(h)(1)" and adding the following at the end thereof:

"(2) The running of any period of time specified in subsection (a) or (c) (other than the 18 months referred to in subsection (c)(4)) shall be suspended duing any time that the taxpayer (or his spouse, if the old residence and the new residence are each used by the taxpayer and his spouse as their principal residence) has his principal place of work located outside the United States (within the meaning of section 221(a)) after the date of the sale of the old residence except that any such period of time as so suspended shall not extend beyond the date 4 years after the date of the sale of the old residence."

SEC. 7. Effective date.

The amendments made by the above sections shall apply with respect to taxable years beginning after December 31, 1977.

U.S. AND OVERSEAS EMPLOYEES TAX FAIRNESS COMMITTEE PROPOSED REVISIONS TO THE INTERNAL REVENUE CODE OF 1954

SECTION-BY-SECTION SUMMARY

Section 1: Revises the rules for qualification for the foreign source income exemption by adding resident aliens; and by providing that the exemption be based upon the cost of living of the particular country of residence.

Section 2: Amends Section 85 of the Internal Revenue Code of 1954 by specifically including in gross income those reimbursements for extraordinary costs made by an employer to an employee overseas for which deductions are allowed by Section 221.

Section 3: Amends Section 221 of the Internal Revenue Code of 1954 relating to allowances of deductions by inserting a new section allowing the deduction of foreign source income related expenses from which the individual taxpayer receives no economic benefit as follows:

(1) Qualified housing allowance: The cost of housing exceeding 16⅔ percent of the individual's United States 40-hour work week salary.

(2) Qualified schooling allowance: The cost of providing an adequate U.S.-type school education for the employee's dependents through grade 12.

(3) Qualified home leave travel allowance: The actual reasonable cost for one round trip each year to the United States for the employee and his dependents.

Section 4—Moving Expenses: Amends Section 217 of the Internal Revenue Code of 1954 relating to moving expenses. In general, it increases the dollar and time limitations allowed for an overseas move and includes certain storage expenses.

Section 5: Amends Section 119 of the Internal Revenue Code of 1954 to broaden the definition of what meals and lodging provided for the convenience of the employer are deductible.

Section 6: Miscellaneous Provisions, providing inter alia for Section 119 or Section 221 deductions, not both.

Section 7: Provides that the amendments made by the above sections shall apply to taxable years beginning after December 31, 1977.

By Mr. CHAFEE:

S. 2530. A bill modifying the Federal assistance program for highways; to the Committee on Environment and Public Works.

CONTINUING INTERSTATE AND PRIMARY HIGHWAY ASSISTANCE ACT OF 1978

Mr. CHAFEE. Mr. President, this year has been referred to by some as the most important year for Federal decisions on transportation since 1956, the year the Highway Trust Fund was created. I hope we will have the ability to weigh our alternatives with an eye to the future. The Transportation Subcommittee of the Environment and Public Works Committee is in the process of holding hearings and drafting comprehensive legislation. We have the administration's bill, S. 2440, before us, along with numerous less sweeping proposals. Other committees are also doing extensive work on transportation issues.

Mr. President, the bill I am introducing modifies the Federal assistance program for highways. My proposal is one which, I believe, suggests the direction future assistance should take. In particular, my bill recognizes the ongoing Federal interest in maintaining an adequate level of service on the Interstate System and provides States greater flexibility in meeting their most pressing highway needs.

The 1976 Federal-Aid Highway Act for the first time provided special funds for rehabilitation, restoration and resurfacing of interstate routes. I propose to give the Secretary of Transportation permanent authority to approve these so-called interstate "3 R" projects as eligible for Federal-aid funds. But I would provide for their financing out of a State's primary system apportionment. This will, of course, require that such authorized for the primary system be increased.

Current law requires annual expenditures in specific categories, whether or not these outlays address a State's highest priorities. My bill gives greater discretion to States in determining where funds should be spent.

For example, one State's Interstate System may be in relatively good condition for several years while extensive rehabilitation may be required. At that time a large share of the State's primary apportionment might be devoted to interstate work.

Just as an historical note, I should point out that the Interstate System is defined in law as part of the Nation's primary system. What I am proposing, then, is to provide for the upkeep of our main interstate and interregional highways in a single program.

One concern with combining interstate rehabilitation and other primary system money is that States may neglect interstate work, allowing that system to deteriorate. Some have even raised the specter of the interstate system's "going the way of the railroads."

While I do not necessarily believe that States would permit such deterioration, I do think a special safeguard for the 90 percent Federal investment in the interstate system is desirable.

Existing law requires States to properly maintain all highways which were constructed with Federal assistance. If the Secretary finds a State's maintenance to be inadequate, he is required by law to stop approving all Federal-aid projects in the State until the State begins proper maintenance.

The Secretary has never invoked that sanction although studies by the Federal Highway Administration and the General Accounting Office show accelerating deterioration of the Federal-aid system. One reason may be the difficulty of inspecting the extensive mileage which is part of all Federal-aid systems. Another reason may be the limited funds available to States to meet the multitude of highway needs. Finally, the GAO study shows a failure of the Secretary to adopt criteria for determining adequacy of maintenance.

My proposal requires the Secretary to establish a Federal inspection program and to establish criteria for determining adequate maintenance. Highway administration employees would be required to inspect annually interstate mileage more than 5 years old. If deficiencies are found, the State would be notified and given a year to come forward with a commitment to correct the problems. If such commitments were not forthcoming, the Secretary would suspend approval of all Federal-aid primary system projects if the State gave adequate assurances.

The Interstate System at completion will comprise only 42,500 miles. It is not unrealistic to require Federal inspection of a portion of that mileage each year. If these inspections add modestly to the cost of administering the Federal-aid highway program, the additional money can be provided by increasing slightly administrative deductions from total program authority authorizations. This process is already authorized.

Mr. President, the bill I am introducing today addresses one facet of the highway program which I am convinced should be a Federal responsibility for a long time to come: Adequate maintenance of this Nation's major arteries.

There are other facets of the Federal-aid program about which I am less certain. We must, in the course of our deliberations, attempt to determine what the Federal role should be in supporting road systems. I hope to explore whether there is a justifiable Federal interest in assisting any road system other than those which serve regional and interstate transportation. I think we must consider the budgetary implications of involving the Federal Government in what are essentially local road or transportation problems.

I think we must ascertain if there are highway-related problems—like highway safety—which are likely to be

solved only with some impetus from the Federal Government.

Finally, I think we need to consider the most appropriate funding source, be it the trust fund or something else, for the Federal program, in view of the changing nature of highway needs from new construction to rehabilitation.

In order to provide a good overview of where we are and where some would have us head, I ask unanimous consent that an article which appeared in the Wall Street Journal on January 31 be printed in the RECORD, together with the text of my bill.

There being no objection, the article and bill were ordered to be printed in the RECORD, as follows:

AS THE INTERSTATES NEAR COMPLETION, U.S. FACES HUGE ROAD-REPAIR BILL

(By Albert R. Karr)

WASHINGTON.—The interstate highway system, billed as the greatest public-works project in history, is at last nearing completion. So, it would seem, the federal government will be able to slash its multi-billion-dollar spending on highways.

Not so.

Instead, Washington is on the verge of getting deeper than ever into road work.

Highway users and builders are pressing for a follow-up to the big federally financed construction job of the past two decades; they want an even bigger, longer-lasting effort to rehabilitate and maintain the nation's streets and highways. And government policy makers appear willing to go far in that direction.

The reason: Many of the nation's roads are deteriorating and need repair or even rebuilding. While highway officials have concentrated on construction of the 42,500-mile interstate network, other roads and bridges have fallen into disrepair. Some interstate segments, now 15 years old or older, are beginning to crumble. Trucks are pounding the roads harder than expected, and states with lagging gasoline-tax revenues have let much repair work slide.

ANOTHER PENN CENTRAL?

The Federal Highway Administration says highways are deteriorating at a rate 50% faster than road crews are fixing them up. This leads Peter Koltnow, president of the Highway Users Federation for Safety and Mobility, a broad coalition of highway interests, to warn that roads may become "the Penn Central of the next generation"—a new kind of transportation bankruptcy. A recent Gallup Poll commissioned by his group found 68% of those interviewed think that highways are wearing out too fast and should be improved.

Though highway repair has always been considered a job for state and local governments, the size of the task ahead and the pinch on state highway funds appear to be thrusting the burden into Washington's lap. The Carter administration is coming around to the idea that a big maintenance and rehabilitation program with substantial federal support can't be avoided in the years ahead, a presidential aide says. And most government policy makers have abandoned former ideas of abolishing or sharply shrinking the highway trust fund; it would provide the needed money.

The White House has largely accepted a proposal by Transportation Secretary Brock Adams to wind up the Interstate construction fast and move on into road restoration; Mr. Adams would force states to commit themselves on building controversial missing links by 1982 or else lose the funds. Congress, too, is expected to buy that idea.

"One thing I want to avoid is (letting) the existing highway system collapse," Secretary Adams says. If that happens, he adds, "we will have done the nation great injury."

MORE FLEXIBILITY

President Carter's new budget and supporting legislation will provide steps in the new direction. Though Mr. Koltnow complains that the $7.8 billion roads-and-transit plan for the year starting next October "isn't even a keep-up highway program," it would give states more flexibility in allocating road funds to critical needs, including rehabilitation. Moreover, in coming months the administration will endorse the long-range concept of major federal involvement in repairing and improving highways.

"This could be a totally new highway program," a Senate highway expert says. "And once you start something like this, I don't see it ever stopping."

Naturally, critics of heavy reliance on highways won't hesitate to assail the new spending plans. It isn't wise to invest huge additional sums in roads and "flood those highways with even more and more millions of cars, trucks and buses," argues Paul Reistrup, president of Amtrak, the railroad passenger corporation. Environmental groups are planning to assault the highway trust fund once more; they contend that its existence hinders proper transport-spending choices.

WEAKENING OPPOSITION

But the opposition has lost some of its old zing. Highway rehabilitation is harder to assail than new construction. And efforts to tap the highway trust fund for mass transit, after some success, are fading. Many highway backers, such as New Jersey's Rep. James Howard, chairman of the House Surface Transportation Subcommittee, are advocating two large and separate "pots" for highways and transit. Now, says one transit man, there's a feeling that "we can both coexist at the federal trough."

The coming commitment for road rehabilitation could be huge. The interstate system "will probably cost as much to maintain as it did to build," Gov. Dixy Lee Ray of Washington says. By current estimate, the interstate system, if completed as originally planned, would cost $104 billion; even if remaining construction were limited to "essential gaps," the figure might be $80 billion.

(Of the planned interstate network, about 38,700 miles are open to traffic and another 3,300 are under construction. Work hasn't begun on segments totaling roughly 600 miles, including a 40-mile stretch of north-south I-95 in North Carolina and such costly and controversial projects as the Crosstown Expressway in Chicago and the Westway in New York City.)

The price of rehabilitating all highways would, of course, be far greater than that of fixing up the interstate system. The Highway Administration calculates that, depending on the amount of motor-vehicle travel, up to $329 billion would be needed just to get the nation's road network—almost all of it off the interstate—back to 1975 shape and keep it there through 1990. "There's a lot of unfinished highway business in this country that's of national concern," says William Cox, the Federal Highway Administrator.

The biggest share of the cost would be borne by states, counties and cities, but the federal burden still would be heavy—especially since states are having trouble meeting present road needs. Edson Tennyson, Deputy Transportation Secretary for Pennsylvania, says states have been hit by a "triple whammy" of lagging revenues, climbing costs and expanding maintenance demands. And the problem threatens to get worse.

Illinois officials figure that all states have lost about $2.3 billion in gasoline-tax revenues since 1974 because of the post-oil embargo slackening in auto travel and the 55-mile-an-hour speed limit. These officials foresee loss of another $3.1 billion by 1981, due mostly to federal requirements for increased auto-fuel efficiency.

Meantime, highway repair and construction costs have soared. And though the dollar spending has kept rising, the amount of highway work done annually by states has plunged around 50% in the past decade.

Cutbacks have been heaviest in construction but substantial in repair work. In Pennsylvania, the full $300 million in new road-building planned for the current year was canceled, and another $90 million in shoulder repair, pothole-filling and other maintenance was dropped. About 1,200 state highway workers will be laid off next month.

In Arizona, most main highways are deteriorating, a state official reports. Some state roads, serving fair-sized places like Kingman, Globe and Prescott, "have been full of chuckholes and almost impassable for years," Gov. Raul Castro adds. And in Illinois, one-fourth of the state's primary roads soon will have a "very rough surface," says John Kramer, the state transportation secretary.

Between 1970 and 1975, the Federal Highway Administration says, road pavement generally worsened from "good" to "fair" condition. The deterioration will accelerate "if we don't pay more attention" to the problem, an aide to Secretary Adams says. Roads are decaying "faster than expected" despite rising spending on maintenance, a recent report by Congress's General Accounting Office concludes.

By one estimate, roughly three-fourths of the nation's paved roads and streets were designed and built more than 40 years ago. Many of them are narrow and poorly surfaced, intended to carry only small numbers of lightweight cars and trucks rather than today's much heavier traffic.

And one big reason why roads are wearing out is that trucks are heavier and more numerous than anyone foresaw, highway experts say. Just since 1974, most states have responded to a congressional go ahead and raised the truck-weight limits on their federal-aid highways to 80,000 pounds from 73,280. Moreover, many roads were designed to handle trucks as about 5 percent of their total traffic, but trucks now account for 15 percent to 20 percent, says a staff man at the American Association of State Highway and Transportation Officials.

While lesser roads are in the poorest shape, the interstate isn't very far behind, planners warn. Interstate stretches near Pittsburgh, Washington, D.C., and Detroit, and in eastern Pennsylvania and Iowa already are wearing out. While most of the interstate system is in "good" or "fair" condition, the Federal Highway Administration says, "the heavy volume of traffic in rural areas may contribute to system deterioration in the next decade at a faster rate than for other (highways)."

(Mr. Adams says he is considering a plan that would reserve some interstate highway lanes for trucks only; also, some interstate routes might be designated as mainly for trucks. Thus the damage done by big trucks could be easily identified and truckers would bear the brunt of paying for needed repairs.)

On many roads, bridges are in dire need of repair or upgrading, highway officials add. The federal highway agency counts 105,000 bridges as falling apart, too narrow for safety or otherwise deficient. Some bridges in the Buffalo, N.Y., area are so rickety that industrial plants must send their trucks across half-loaded, says William Hennessy, New York State Transportation Commissioner.

In the struggle to meet maintenance and rehabilitation needs, many state governors have sought to fatten highway funds by raising gasoline taxes—but with little success. Of 31 attempts made in legislatures last year, only eight succeeded. In this election year, the chances appear even slimmer.

Without more revenue, some states are finding it hard or impossible to scrape up the funds needed to qualify for federal road money. (The federal government pays 90 percent on the interstate projects and 70 or 75 percent on other federal-aid roads, with states paying the rest.) Pennsylvania, whose legislature has rebuffed Gov. Milton Shapp's bids for a two-cents-a-gallon gasoline tax rise, expects to lose $21 million in federal funds this year and a full $800 million in the next four years.

Some of the federal money, moreover, can go for highway rehabilitation as well as new construction. As things stand now, one-third of the federal funds earmarked for primary and secondary roads is used by states to resurface or restore existing highways; another third is used for widening or other major rebuilding. But state officials complain that too little money is available to do what's needed.

As for the interstate system, almost the entire federal financing—about $3.5 billion year right now—is reserved for construction rather than maintenance. Only $175 million a year can go for rehabilitation.

So, when highway lobbyists argue for bigger spending to upgrade roads and keep them up, they are getting a sympathetic response. The Road Information Program, a publicity effort set up by road-builders, has been hammering at the theme that streets and highways are wearing out; Donald Knight, its executive director, says a favorable press reaction reflects a general view that while "people don't want new roads systems, they can see for themselves that their local roads are breaking up."

S. 2530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. This act may be cited as the "Continuing Interstate and Primary Highway Assistance Act of 1978".

Sec. 2. (a) Chapter I of Title 23, United States Code, is amended by adding the following new section:

"Section 119. Interstate System resurfacing.

"Beginning with funds apportioned for fiscal year 1980, the Secretary may approve projects for resurfacing, restoring, and rehabilitating lanes on the Interstate System (other than those on toll roads). Sums apportioned in accordance with section 104(b)(1) shall be available for projects approved under this section.

(b) Section 104(b)(1) of Title 23, United States Code, is amended to read as follows:

"(1) For the Federal-aid primary systems (including extensions in urban areas, priority routes and resurfacing, restoring and rehabilitating the Interstate System)—

"One-third according to the following formula: one-third in the ratio which the area of each State bears to the total area of all the States, one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States as shown by the latest available Federal census, and one-third in the ratio which the mileage of rural delivery routes and intercity mail routes where service is performed by motor vehicles in each State bear to the total mileage of rural delivery and intercity mail routes where service is performed by motor vehicles, as shown by a certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary; one-third as follows: in the ratio which the population in urban areas in each State bears to the total population in urban areas in all the States as shown by the latest Federal census; and one-third according to the following formula: one-half in the ratio that lane miles on the Interstate System (other than those on toll roads) in each State bears to the total of all such lane miles in all States, and one-half in the ratio that vehicle miles traveled on lanes on the Interstate System (other than those on toll roads) bears to the total of all such vehicles in all States.

(c) Section 104(b)(5)(B) of title 23, United States Code, is hereby repealed and section 104(b)(5)(A) is redesignated as section 104(b)(5).

(d) The analysis of chapter 1 of title 23, 23, United States Code, is amended by deleting "119. Repealed" and inserting in lieu thereof: "119. Interstate System resurfacing".

SEC. 3. A new subsection (c) is added to section 116 of title 23, United States Code, as follows, and subsection (c) through (e) are relettered accordingly:

"(c) The Secretary shall develop a program to see that each State commits adequate resources to reconstruction, rehabilitation and resurfacing of Interstate routes in order to insure that the condition of these routes is maintained at the level required by the purposes for which they were designated. Such program, shall, at the least, set forth minimum standards by which the condition of Interstate routes shall be judged, require annual Federal inspection of portions of the Interstate System which have been in use more than five years since construction, reconstruction, rehabilitation or resurfacing, and provide criteria to be used by Federal inspectors in determining the adequacy of State efforts. If, at any time, the Secretary finds that a State is not meeting the requirements of this subsection, he shall notify that State. If, by the beginning of the fiscal year following such notification, the State has not made commitments which the Secretary finds adequate to bring the Interstate System to the required condition, the Secretary shall withhold approval of further projects on the primary system in such State until such commitments are made."

By Mr. DOLE:

S. 2531. A bill to change the name of the Farmers Home Administration to the Rural Credit Service; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL CREDIT SERVICE

Mr. DOLE. Mr. President, I am today introducing legislation to change the name of the Farmers Home Administration of the U.S. Department of Agriculture to the Rural Credit Service, RCS.

The year 1978 marks the 43d year of service for the Farmers Home Administration, FmHA, a credit agency for agriculture and rural development in the U.S. Department of Agriculture (USDA).

AGENCY NOW BEARS THIRD NAME

The agency now bears the third name it has been given in its history, and serves an enormously broader purpose than when it was formed in the 1930's to make loans to depression-stricken farm families. The Resettlement Administration and the Farm Security Administration preceded Farmers Home Administration.

As recently as 1960, FmHA still was concerned almost entirely with its original mission as a supervised credit agency for low-income farmers with a loan volume of $300 million a year.

FMHA ENLARGED

During the 1960's and 1970's FmHA was transformed by the Congress into a multifaceted credit arm for rural America. More than $6½ billion a year now flows through FmHA channels into rural America, serving a wide variety of needs fundamental to a better life in the rural environment.

FmHA has grown as a source of credit for building stronger family farms, yet farm credit accounts for only around one-fourth of all resources now administered by FmHA. Acts of Congress in recent years have added large-scale programs that benefit families and communities throughout the rural population, helping to provide more up-to-date housing, water and sewer programs and other essential community facilities, and the build-up of business and industry in rural areas.

RURAL CREDIT SERVICE

It is my belief that changing the name of the Farmers Home Administration to the Rural Credit Service will better reflect the overall mission of the agency. "Service" has been a hallmark of the USDA. The Department has the Soil Conservation Service (SCS), the Agriculture Stabilization and Conservation Service (ASCS), Agricultural Research Service, Extension Service, and others.

The name Rural Credit Service (RCS) will follow the precedent of naming USDA agencies.

The administration has recommended changing the name of FmHA to the Farm and Rural Development Administration (FRDA). I have heard many objections to this name and the resulting initials.

I offer the name Rural Credit Service (RCS) as a shorter, more descriptive, better sounding new name for a great organization.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following provisions of law are amended by striking out the names "Farmers Home Administration" and "Farmers' Home Administration" wherever they appear therein and substituting in lieu thereof "Rural Credit Service":

(1) Section 5316(4) of title 5 of the United States Code;

(2) Section 1 of the Act of September 6, 1950 (64 Stat. 769; 7 U.S.C. 1033);

(3) Section 9(b) of the Act of August 3, 1956 (70 Stat. 1034; 7 U.S.C. 1040);

(4) Sections 309(e), 325, 331 (except in the phrase "Farmers Home Administration Act of 1946"), 335, and 338(a) of the Consolidated Farm and Rural Development Act;

(5) Section 302(c)(2)(A) of the National Housing Act;

(6) Section 7(a)(4) of the Federal Financing Bank Act of 1973;

(7) Sections 1 and 2 of the Act of September 12, 1964 (78 Stat. 933; 16 U.S.C. 410r–3 and 410r–4);

(8) Sections 657, 658, 1006, and 1014 of title 18 of the United States Code;

(9) Section 8(e)(1) of the United States Housing Act of 1937;

(10) Sections 501(a), 514(b)(3), and 517 (i) of the Housing Act of 1949;

(11) Sections 731(c)(2) and 744 of the Economic Opportunity Act of 1964 (except in the phrase "Consolidated Farmers Home Administration Act of 1961"); and

(12) Section 51(a) of the Alaska Omnibus Act. Except where the context otherwise re-

quires, any reference to the Farmers Home Administration in any provision of law not listed in this section shall be deemed to refer to the Rural Credit Service.

ASSUMPTION OF DUTIES BY THE ADMINISTRATOR, FARMERS HOME ADMINISTRATION

SEC. 2. The officer occupying the position of Administrator, Farmers Home Administration, on the effective date of this Act shall assume the duties of the Administrator, Rural Credit Service. The officer assuming such duties shall not be required to be reappointed by reason of the enactment of this Act.

SUCCESSION OF RIGHTS, DUTIES, POWERS, AND OBLIGATIONS

SEC. 3. Upon this Act becoming effective, the Rural Credit Service shall succeed to all the rights, duties, powers, and obligations of the Farmers Home Administration.

EFFECTIVE DATE

SEC. 4. The provisions of this Act shall become effective 30 days after the date of enactment thereof.

By Mr. DOLE (for himself, Mr. CURTIS, and Mr. MCGOVERN):

S. 2532. A bill to amend the Consolidated Farm and Rural Development Act to provide an economic emergency loan program for farmers and ranchers suffering from a general tightening of agricultural credit and an unfavorable relationship between production costs and prices received for agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

ECONOMIC EMERGENCY LOAN ACT OF 1978

Mr. DOLE. Mr. President, farmers all across the country are facing a financial crisis. Many farmers are having to refinance to continue in the farming business. Farmers are borrowing record amounts of money to finance their farming operations.

Private and public loan organizations are being called upon to loan farmers large amounts of money. Many organizations are already loaned up or are limited in their capacity to help finance farmers.

Farmers from all parts of the United States are calling my office stating loan funds are not available, from private or public institutions, to keep them in business until farming conditions improve.

More credit is not the answer to farm problems. More income and constant prices for supplies is the answer. Farmers have to have more income in order to survive.

NEW LEGISLATION NEEDED

Many farmers, though, do need credit to survive until we can solve the farm price problem and get prices up. New legislation is needed to give farmers the credit necessary to survive the present crisis.

The major governmental farm lending institution is the Farmers Home Administration (FmHA). The FmHA presently is not in a position to help most farmers survive:

First. The FmHA regular farm operating and farm real estate loan programs are handicapped by legal loan ceilings that are many years out of date. The real estate loan program is also severely short of adequate funds. FmHA can only loan a farmer $50,000 to operate a farm. This amount will hardly buy a combine or a tractor at today's prices.

Second. The FmHA's emergency loan program is only available to those farmers who have suffered severe physical losses due to drought, flooding, hailstorms, and other natural disasters. Economic losses due to low prices do not qualify.

NO ONGOING PROGRAM AVAILABLE

There is not a loan program in the Federal Government today, either in FmHA or the Small Business Administration, designed to truly help the farmer through an economic crisis caused by low product prices.

There are economic loss loans for small businesses through SBA and a program for cattlemen through the FmHA. When cattlemen were suffering severe losses several years ago the Congress responded with the emergency livestock program. Now is the time for the Congress to pass the Economic Emergency Loan Act of 1978 to give economic loss assistance to all farmers.

The Economic Emergency Loan Act of 1978 would offer the folloiwng loan benefits to farmers and ranchers:

First. The economic emergency loan interest rate would be set at the cost of money to the Government. Under an SBA loan program, with a similar formula, the interest rate today is 6⅝ percent.

Second. There would be no limit on the size of the farm loan. The size of the loan would be set by the farmers needs and his repayment ability and collateral available as determined by the farmer and the FmHA.

Third. Loan funds could be used to refinance present debts and to finance future production and development work. This would allow short-term and intermediate debt to be transferred to long-term debt where necessary to keep the farmer in business.

Fourth. Farm partnerships and corporations would also be eligible. There would not be any restrictions on the size of a farm operation in order to qualify as long as the enterprise is primarily and directly engaged in agricultural production and a majority interest is owned by those engaged in agricultural production.

Fifth. Farmers would be eligible for FmHA credit as long as they could show that they are unable for a temporary period to obtain sufficient credit from their normal credit source to finance their actual needs at reasonable rates and terms.

Sixth. The loans would be insured—direct loans or guaranteed loans.

Seventh. The loan program would be open and ongoing and would not be subject to any special declaration from the Secretary of Agriculture. The legislation would be permanent.

Eighth. Normal terms would be for 7 years with a 5-year renewal. Liberal operating loan repayment terms could be allowed up to 20 years if secured by real estate and necessary. Real estate loan purposes could be financed for 40 years. Principle and interest payments can now be deferred under present FmHA regulations for up to 5 years.

Ninth. Additional loans could be made to continue the farming operation if farming has not improved sufficiently to permit the borrower to obtain such financing from their normal credit sources.

Tenth. Funding for the loans would come from the Agricultural Credit Insurance Fund (ACIF).

Eleventh. Loans could also be made to change from one system of farming to another if in the best interest of economic recovery.

This legislation gives the Secretary a broad loan program that is needed today to help farmers. The help is needed now. I hope the bill will be considered soon and passed into law.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new section 330A be added to the Consolidated Farm and Rural Development Act is follows:

"Economic Emergency Loans"

(a) The Secretary is authorized and directed to make loans (1) to established farmers and ranchers who are primarily and directly engaged in agricultural production and (2) to private domestic corporations or partnerships that are primarily and directly engaged in agricultural production and a majority interest in such corporations or partnerships is held by stockholders or partners who themselves are primarily and directly engaged in agricultural production: *Provided,* That they have experience and resources necessary to assure a reasonable prospect for successful operation with the assistance of such loans and are unable for a temporary period to obtain sufficient credit from their normal credit sources to finance their actual needs at reasonable rates and terms due to a general tightening of agricultural credit and an unfavorable relationship between production costs and prices received for agricultural commodities.

(b) Loans may be made under this section for any of the purposes authorized for loans under subtitle A or B of this title, as well as for crop or livestock changes deemed desirable by the applicant.

(c) Loans made under this section shall be at a rate of interest not in excess of the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eight of 1 per centum. All such loans shall be repayable at such times as the Secretary may determine, taking into account the purposes of the loan but not later than provided for loans for similar purposes under subtitles A and B of this Title, and upon the full personal liability of the borrower and upon the best security available, as the Secretary may prescribe: *Provided,* That the security is adequate to assure repayment of the loans; except that if such security is not available because of the temporary economic conditions, the Secretary shall accept as security such collateral as is available and which in the opinion of the Secretary, together with his confidence in the repayment ability of the applicant, is adequate security for the loan. *Provided Further,* That if the loan is for a purpose described in subtitle B of this title, may make the loan repayable at the end of

a period of more than seven years, but not more than twenty years, if the Secretary determines that the need of the loan applicant justifies such a longer repayment period.

(d) No fees or charges shall be assessed by the Secretary for any guarantee provided by him under this subtitle. *Provided,* That as a condition of the Secretary's guaranteeing a loan under this subtitle the lender shall certify that (1) the lender is unwilling to provide credit to the loan applicant in the absence of the guarantee authorized by this subtitle; (2) the loan applicant is directly and in good faith engaged in agricultural production, and the financing to be furnished the loan applicant is to be used for agricultural production; (3) the loan is for the purpose of maintaining the operations of the loan applicant, and the total loans made to the loan applicant do not exceed the amount necessary to permit the continuation of his operation; and (4) in the case of any loan to refinance the agricultural operation of a loan applicant: (i) the loan and refinancing are absolutely essential in order for the loan applicant to remain in business, (ii) the lending agency would not refinance such loan in the absence of a guarantee, and (iii) the lending agency is not currently refinancing similar loans to others without such guarantees. *Provided Further,* That the loan applicant shall certify that he will be unable to obtain financing in the absence of the guarantee authorized by this subtitle.

(e) Additional loans, to continue the farming or ranching operation may be made under this section to eligible borrowers, when the financial situation of the farming or ranching operation has not improved sufficiently to permit the borrowers to obtain such financing from their normal credit sources.

(f) The fund created in section 309 of this title shall be used by the Secretary to pay administrative expenses necessary to carry out the provisions of this section.

By Mr. CHURCH:

S. 2533. A bill to provide for the use of alcohol produced from renewable resources as a motor vehicle fuel; to the Committee on Energy and Natural Resources.

GASOHOL: GROWING ENERGY FOR AMERICA

Mr. CHURCH. Mr. President, today I am introducing the Gasohol Motor Fuel Act of 1978, legislation designed to establish a national requirement to mix alcohol produced from renewable resources with gasoline, in a 10-percent alcohol, 90-percent gasoline blend. Such blends are popularly known as "gasohol."

Our Nation's appetite for costly imported oil continues to grow unabated. It is shocking to realize that our dependence on foreign oil has now reached almost one-half of our daily consumption of petroleum. Last year we paid about $45 billion for foreign oil. Not only does this leave us increasingly vulnerable to potential embargoes, but we are daily drained of our financial strength, resulting in a record balance of trade deficit.

The bulk of the foreign oil we import is consumed as gasoline. Motor vehicles in our country use over 40 percent of all the energy we consume yearly. Thus we have a vast transportation network which is dependent on petroleum. Dwindling supplies of petroleum and the specter of still higher prices in the future make it imperative that we develop renewable sources of liquid fuel. Energy Secretary Schlesinger recently stated:

The principal oil exporting countries are likely to have severe difficulties in supplying all the increases in demand expected to occur in the U.S. and other countries throughout the 1980's.

It should be equally clear that the hard times on our farms demand attention. Crop surpluses abound. Our attempts at fashioning farm policy never seem to create stable markets nor an adequate return for those who work to feed our Nation. These crop surpluses, along with wood wastes, should be put to use to help fuel our automobiles, creating needed new markets for farm products. We can grow part of our fuel, and replenish it each year from the land.

Many regions of our country also have an abundance of by-products from forestry operations which should be converted to alcohol. Wood chips, bark, sawdust and other forms of wood waste can be effectively used to help power our motor vehicles.

Advances in biomass technology also hold out the promise of converting urban refuse to alcohol. Each day American cities dump millions of tons of potential energy into the sea, into our rivers and into smoldering pits. Commonsense dictates that we do all we can to convert these wastes to alcohol fuels.

Mr. President, enactment of the Gasohol Motor Fuel Act will be a giant step toward solving these pressing problems. This bill establishes an expeditious, yet prudent timetable for bringing gasohol into the market. The Secretary of Energy is directed to formulate a program which will commence blending alcohol from renewable resources into gasoline by 1981. The percentage of alcohol blended is steadily increased until a 10 percent alcohol-90 percent gasoline blend becomes available nationwide.

This bill puts the burden for production and distribution of renewable resources alcohol where it belongs, directly on our oil refineries. They have their distribution network in place for liquid fuels and the corporate strength to rapidly commercialize the gasohol concept. It is doubtful that any significant gasohol distribuiton will occur without placing such requirements on the oil companies themselves.

Passage of the act could result in a reduction of our need to import oil by one-fifth. New and needed markets for surplus farm products will be opened. Wood wastes and urban refuse could be put to use to help reduce our enormous oil import needs.

The technology to support this bill is available. Although improvements can be made in the production of alcohol from renewable resources, we must avoid the pitfall of "studying" the concept to death. Most of all, we must avoid the Department of Energy syndrome of publicly financed pilot plants, demonstration projects, and another horde of Federal employees to perpetuate the experiment without ever getting the job done.

Those who argue that alcohol from renewable resources is too expensive forget that each gallon of fuel that we grow replaces a gallon of fuel that we import at prices which will only go higher. A gallon of gasoline made from oil or coal can never be replaced. A gallon of alcohol from renewable resources can be replaced as long as the soil lasts and the sun shines.

Experience both in the United States and abroad with the use of gasohol demonstrates that it works. The blended mix raises the octane rating, may yield improved mileage and significantly reduce pollution emissions. What is required is a definite decision to begin to grow a portion of our energy needs.

I urge my colleagues to join with me in the commencement of such an undertaking now.

I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Gasohol Motor Fuel Act of 1978".

FINDINGS

SEC. 2. (a) The United States is currently importing large quantities of crude oil.

(b) A substantial portion of this crude oil is needed for the production of gasoline sold in interstate commerce.

(c) Renewable resources in the United States can provide a sufficient source of alcohol suitable for blending with gasoline to decrease the need for imported oil.

DEFINITIONS

SEC. 3. As used in this Act the term—

(1) "alcohol" means methanol, ethanol, or any other alcohol which is produced from renewable resources and which is suitable for use by itself or in combination with other fuels as a motor fuel.

(2) "alcohol-blended fuel" means any fuel consisting of a mixture of gasoline and alcohol motor fuel.

(3) "alcohol motor fuel" means alcohol produced for use as a motor fuel.

(4) "commerce" means any trade, traffic, transportation, exchange, or other commerce—

(A) between any State and any place outside of such State; or,

(B) which affects any trade, traffic, transportation, exchange, or other commerce described in paragraph (A).

(5) "motor fuel" means any substance suitable as a fuel for self-propelled vehicles designed primarily for use on public streets, roads, and highways.

(6) "refiner" means, for purposes of this Act, any person engaged in the refining of crude oil to produce motor fuel, including any affiliate of such person, or any importer of gasoline for use as a motor fuel.

(7) "Secretary" means the Secretary of Energy.

(8) "United States" means each State of the several states and the District of Columbia.

(9) "ultimate purchaser" means, with respect to any item, the first person who purchases that item for purposes other than resale.

(10) "renewable resource" means any substance which is a source of energy, and which is available in an inexhaustible supply in the foreseeable future.

PROGRAM

SEC. 4. The Secretary shall establish pursuant to this Act a program to promote the use of alcohol-blended fuels in the United States. The purpose of the program shall be to replace gasoline used as a motor fuel with

an alcohol-blended fuel containing the maximum percentage of alcohol motor fuel as is economically and technically feasible for use as a motor fuel.

STUDY

SEC. 5. (a) The Secretary, in consultation with the Secretary of Transportation, the Secretary of Agriculture, the Secretary of Commerce, and other appropriate agencies, shall conduct a study to determine—

(1) the most suitable raw materials, other than petroleum or natural gas, for the production of alcohol motor fuel; and

(2) the nature of the alcohol motor fuel distribution systems and the various production processes, using feedstock other than petroleum and natural gas;

that will be necessary for the rapid development of an alcohol motor fuel industry. Such study shall identify ways to encourage the development of a reliable alcohol motor fuel industry and shall identify the technical, economic and institutional barriers to such development, and shall include an estimation of the production capacity of alcohol motor fuel needed to implement the provisions of this Act.

(b) The Secretary shall report to the Congress not later than 6 months after the date of enactment of this Act on the results of the study described in subsection (a), together with such legislative recommendations as may be appropriate to further the purposes of this Act.

PRODUCTION GOALS

Sec. 6. The Secretary shall, by rule, within 6 months after the completion of the study in Section 5, set production goals for the production of alcohol motor fuel in the United States in each of the calendar years 1981 through 1990. In setting such goals, the Secretary shall take into account the availability of reliable sources of alcohol produced from renewable resources. The production goal for alcohol motor fuel for calendar year 1981 shall be not less than 1 percent by volume of the projected consumption of gasoline used as a motor fuel in the United States for that year. The production goal for alcohol motor fuel for calendar year 1985 shall be not less than 5 percent by volume of the projected consumption of gasoline used as a motor fuel in the United States for that year. The production goal for alcohol motor fuel for calendar year 1990 shall be not less than 10 percent by volume of the projected consumption of gasoline used as a motor fuel in the United States for that year.

ALCOHOL-BLENDED FUEL REQUIREMENTS

Sec. 7. (a) The total quantity of gasoline sold annually in commerce in the United States by any refiner for use as motor fuel shall contain, on the average, not less than the percentage alcohol motor fuel by volume set forth for the calendar years shown in the following table:

Calendar year	Percentage alcohol motor fuel by volume
1981	1%.
1982	Determined by the Secretary under subsection (b) of this Section.
1983	Determined by the Secretary under subsection (b) of this Section.
1984	Determined by the Secretary under subsection (b) of this Section.
1985	5%.
1986	Determined by the Secretary under subsection (b) of this Section.
1987	Determined by the Secretary under subsection (b) of this Section.
1988	Determined by the Secretary under subsection (b) of this Section.
1989	Determined by the Secretary under subsection (b) of this Section.
1990	10%.

(b) Not later than July 1, 1980, the Secretary shall prescribe, by rule, the percentage alcohol motor fuel by volume required to be contained, on the average, in the total quantity of gasoline sold annually in commerce in the United States in calendar years 1982 through 1984 and 1986 through 1989 by any refiner for use as a motor fuel. Such percentage shall apply to each refiner, and shall be set fo reach such calendar year at a level which the Secretary determines (A) is technically and economically feasible, and (B) will result in steady progress toward meeting the percentage alcohol motor fuel by volume required pursuant to this Section for calendar year 1990.

(c) Each refiner shall report annually to the Secretary the percentage alcohol motor fuel by volume contained on the average in the total quantity of gasoline for use as a motor fuel that refiner sold during the preceding calendar year.

ENFORCEMENT BY THE SECRETARY

SEC. 8. (a) Any person who violates any requirement of Section 7(a) is subject to a civil penalty of not more than $1 per gallon for each gallon of fuel sold that is not in compliance with Section 7(a). Such penalties shall be assessed by the Secretary.

(b)(1) Before issuing an order assessing a civil penalty against any person under this Section, the Secretary shall provide to such person notice of the proposed penalty. Such notice shall inform such person of his opportunity to elect within 30 days after the date of such notice to have the procedures of paragraph (3) (in lieu of those of paragraph (2)) apply with respect to such assessment.

(2)(A) Unless an election is made within 30 calendar days after receipt of notice under paragraph (1) to have paragraph (3) apply with respect to such penalty, the Secretary shall assess the penalty, by order, after a determination of violation has been made on the record after an opportunity for an agency hearing pursuant to section 554 of title 5, United States Code, before a hearing examiner appointed under section 3105 of such title 5. Such assessment order shall include the hearing examiner's findings and the basis for such assessment.

(B) Any person against whom a penalty is assessed under this paragraph may, within 60 calendar days after the date of the order of the Secretary assessing such penalty, institute an action in the United States court of appeals for the appropriate judicial circuit for judicial review of such order in accordance with chapter 7 of title 5, United States code. The court shall have jurisdiction to enter a judgment affirming, modifying or setting aside in whole or in part, the order of the Secretary, or the court may remand the proceeding to the Secretary for such further action as the court may direct.

(3)(A) In the case of any civil penalty with respect to which the procedures of this paragraph have been elected, the Secretary shall promptly assess such penalty.

(B) If the civil penalty has not yet been paid within 60 calendar days after the assessment order has been made under subparagraph (A), the Secretary shall institute an action in the appropriate district court of the United States for an order affirming the assessment of the civil penalty. The court shall have authority to review *de novo* the law and the facts involved, and shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part such assessment.

(C) Any election to have this paragraph apply may not be revoked except with the consent of the Secretary.

(4) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order under paragraph (2) or after the appropriate district court has entered final judgment in favor of the Secretary under paragraph (3) the Secretary shall recover the amount of such penalty in any appropriate district court of the United States. In such action, the validity and appropriateness of such final assessment order or final judgment shall not be subject to review.

ALCOHOL DISTILLATION FUEL REQUIREMENTS

SEC. 9. (a) Any person constructing a facility to distill alcohol for motor fuel use shall use fuel sources which are renewable.

(b) The Secretary shall, 6 months after enactment of this Act, promulgate, by rule, procedures for certifying that any facility built for alcohol distillation pursuant to this Act comply with the following priorities of fuel use:

(1) First priority for fuel sources to operate such distillation facilities shall be given to renewable energy resources.

(2) Last priority for fuel sources shall be given to petroleum, petroleum derivatives and natural gas.

(c) The Secretary may by waiver authorize the use of subsection (b)(2) fuel sources upon finding that it would be economically or technically infeasible to comply with the requirements of subsections (a) and (b), above.

PROCEDURES FOR RULEMAKING

SEC. 10. Any rulemaking by the Secretary pursuant to this Act shall be, unless otherwise provided in this Act, in accordance with section 501 of the Department of Energy Organization Act of 1977.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. There is authorized to be appropriated to the Secretary to carry out Section 5 and Section 6 not to exceed $1 million for fiscal year 1979.

By Mr. SCHWEIKER (for himself, Mr. KENNEDY, Mr. WILLIAMS, Mr. JAVITS, Mr. PELL, and Mr. CHAFEE):

S. 2534. A bill to revise and extend the provisions of title XIII of the Public Health Service Act relating to health maintenance organizations; to the Committee on Human Resources.

HEALTH MAINTENANCE ORGANIZATION ACT AMENDMENTS OF 1978

Mr. SCHWEIKER. Mr. President, as the ranking Republican on the Senate Subcommittee on Health and Scientific Research, I am today introducing legislation to revitalize and further encourage the development of health maintenance organizations. Senator KENNEDY, the distinguished chairman of our subcommittee, joins me in this effort, along with Senators WILLIAMS, JAVITS, PELL, and CHAFEE.

One of the most pressing issues facing this Nation today is the skyrocketing cost of health care. Last July I introduced a comprehensive measure to encourage containment of hospital costs. The new HMO legislation I am introducing will go even further to curb sharply rising health care costs. While HMO's are not the final answer to the cost problem, they do provide an attractive alternative and create much needed competition for the health care dollar.

As my colleagues are aware, health maintenance organizations are prepaid health plans in which members make fixed regular payments entitling them to

the variety of services provided by the organizations. Since payments are made in advance, there is an economic incentive for HMO's to maintain the health of their members and also to avoid costly and unnecessary treatment. Traditionally, the emphasis of physicians and other providers of health care has been the treatment of chronic or crisis illness; in an HMO system the emphasis is on preventive care.

HMO's have now had the time to prove their cost savings abilities. We know that HMO's can achieve overall cost savings of from 10 to 40 percent. According to a new HMO census, inpatient hospital utilization under health maintenance organizations is only 488 days per 1,000 per year—compared to a national average of over 900 days under the traditional fee-for-service system. Physician visits under HMO's are 3.8 per member per year, compared to 5.1 visits under fee-for-service. The more information we get on HMO performance, the more we know about their cost savings potential.

Since 1971, Federal HMO policy has been ragged and confusing. The Health Maintenance Organizations Act of 1973 was designed to encourage the development of HMO's through Federal grants and loans, and through a number of devices to help HMO's compete with more traditional health systems in the health insurance marketplace. However, it became apparent that the 1973 act contained too many restrictions which kept HMO's from being financially viable. A long implementation process, regulations that made the original law unworkable, and years of inattention by the Department of Health, Education, and Welfare all kept the HMO movement from getting off the ground as it should have. But thanks to the perseverance of all who are dedicated to this innovative prepayment concept, a very difficult beginning has become a constructive educational foundation.

I was pleased to introduce and support the 1976 HMO amendments, which went a long way toward freeing health maintenance organizations from excessive Federal requirements and putting them on an equal footing with the fee-for-service system. They also attacked some troubling instances of HMO fraud and abuse by requiring Federal qualification of any HMO receiving medicare or medicaid moneys. Now, 1 year after the signing of the 1976 HMO amendments we have many reasons to be encouraged. However, it is also clear that HMO's will not be able to achieve their true potential under existing law. Only about 6 million Americans now belong to HMO's. There has only been a 5.2-percent increase in HMO enrollment over the past year.

A number of new steps are necessary to encourage HMO development, assure their financial independence, improve the administration of the program by HEW, and insure that HMO's will not be abused by health care profiteers. Through this new legislation, I propose that we seize the opportunity for the meaningful health care reform offered by HMO's and move further to encourage their development.

We need a complete revitalization of the HMO program. The administration's announced priorities in the HMO area are an essential and encouraging step. I am pleased that HEW is moving to strengthen the program, beginning with the appointment of a new director of a consolidated HMO office. But equally, if not more important, is new legislation—legislation that will correct past mistakes, overcome present difficulties facing HMO development, and create a climate for future growth.

The bill we are introducing today will give HEW the necessary tools and resources to implement a positive and effective Federal HMO policy. I am pleased to have worked closely with the Department in its formulation and look forward to continued bipartisan support as it is enacted.

The bill we introduce today will encourage HMO development with a more flexible and well-funded program. It will provide more technical expertise for HMO developers and managers and strongly discourage fraud and abuse. It will provide additional resources for existing HMO's to improve services and achieve financial viability. And it will give HMO's some additional latitude within the health planning process.

Specifically, the bill contains the following key elements:

First. An extension of authorization periods for feasibility, planning, and development grants, as well as for initial operating loans, for 5 years.

Second. An increase in the amounts authorized for grants and loans. Development grants would be increased from a maximum of $1 million per HMO to a limit of $2 million per HMO. Initial operating loans available to qualified HMO's would be increased from a maximum of $2.5 million per HMO to $5 million per HMO. Authorizations for the total program would remain at $50 million for 1979, and be increased to $70 million for 1980, $90 million for 1981, and $95 million for 1982, 1983, and 1984.

Third. Broader Secretarial discretion. Current law contains strict benefits requirements, resulting in narrow qualification rulings that have unnecessarily held up HMO development. The bill would allow for reasonable limitations and exclusions approved by the Secretary for unusual and uninsurable risks.

Fourth. Continuing development funds. Under existing law, HMO's cannot receive grant money once they become operational, except for "significant expansion." The bill would allow HMO's to continue to receive grant money after they became operational and qualified, for purposes of continued development. However, qualified HMO's could receive such continued support only to the extent that they had not used all of the feasibility, development, and planning grant money to which they were entitled prior to qualification.

Fifth. Construction loans and loan guarantees. The bill would establish a $40 million revolving loan fund from which HMO's could receive loans or loan guarantees of up to $2.5 million for the construction of ambulatory care facilities, providing they are fiscally sound. Ownership and control of such facilities are important to an HMO's ability to control costs, but many HMO's need this additional assistance to obtain them. I am convinced that this step will enhance the cost-saving potential of many health maintenance organizations.

Sixth. An HMO management training program. One of the major impediments to HMO growth has been a lack of qualified management personnel. Particularly necessary is more training and experience in the field. Our bill would establish a 5-year, $2 million a year authorization to train qualified HMO managers—executive directors and medical directors. HEW would provide for the selection of up to 40 candidates per year and pay them no more than $2,000 a month for a maximum 1 year of training.

Seventh. Exemptions from the Health Planning Act. Existing planning low subjects all HMO activities to the certificate-of-need process. The bill would exempt HMO's from CON for purposes of commencing operations, building ambulatory care facilities, and purchasing equipment. Construction of inpatient hospitals by HMO's would remain covered.

Eighth. Payroll deduction requirement. Existing law does not specifically require that an employer, offering an HMO health plan pursuant to dual choice, arrange for the deduction of premiums for an employee's salary. The bill would add a provision to the dual choice section of the HMO Act requiring that, with the consent of the employee, employers provide for such a deduction where necessary.

Ninth. Fraud and abuse provisions. The bill would add reporting and disclosure requirements to the HMO law designed to trigger HEW monitoring of self-dealing situations. All qualified HMO's would file an annual report with the Secretary. Transactions of certain types between the HMO and related organizations would have to be described in the statement. These transactions would be evaluated by the Secretary to determine their adverse impact on the HMO's. HEW would also file an annual report with the Congress stating the results of these evaluations.

Tenth. Authorization of a more unified HED administration of the HMO program outside the Assistant Secretary's office.

Mr. President, I am also anxious to arrive at a means to encourage the use of HMO's by the medicare and medicaid programs. I am continuing to study a number of proposals in this area and will continue to work with the Senate Finance Committee in an effort to find mutually acceptable methods for taking this important step. I also encourage those who have additional suggestions on how the bill can be improved to let us have their comments. A number of issues need further study as the legislation is refined during hearings and markup.

I would like to express my appreciation to Senator KENNEDY for his cooperation and many important contributions during the development of this legislation. He has provided a great deal of

leadership in formulating a national policy for HMO's. I look forward to the continued support of my colleagues in the House and the Senate, as well as that of the administration, in passage of this legislation to fully implement this important health care reform.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD at the conclusion of our introductory remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, I rise to express my support for the Health Maintenance Organization Act Amendments of 1978, which is being introduced today by Senator SCHWEIKER with my cosponsorship.

The introduction of this legislation marks the beginning of a new chapter in the 50 years effort to make health maintenance organizations, and especially prepaid group practice, a strong and viable alternative to the traditional fee-for-service system of providing medical care. In the 1920's when the first prepaid group practice was organized, these alternative delivery mechanisms were considered heretical by the organized profession. And even as late as 1972, when I authored the first program of support for HMO's ever to pass the Senate, the health maintenance organization concept was still controversial.

We have come a long way since then. The health maintenance organization model seems to enjoy growing support both among the American people and among Federal policymakers. The Carter administration has made the propogation of HMO's one of its major goals, and I find increasing recognition of the virtues of prepaid medical care among working people, industrial leaders, State and local officials—among groups and individuals throughout the country.

The reasons for the growing popularity of HMO's are clear. Their attractions are numerous. They offer high quality care, and they offer it at a lower cost than the prevailing fee-for-service sector. Hospital utilization rates among HMO patients generally run from 20 to 25 percent lower than among patients cared for by solo, fee-for-service practitioners. Overall cost savings are on the order of 10 to 30 percent. Patient satisfaction is high.

Clearly, HMO's have done their job in proving themselves a highly desirable mechanism of health care delivery. Unfortunately, however, the Federal Government has not fulfilled its promise to foster growth of HMO's throughout the country. Of the nearly $400 million authorized under the HMO Act for grant and loan support of HMO's through 1978, only a little less than $140 million have been spent. Of the nearly $300 million authorized for grant support, only $61 million have been spent.

The result has been predictable. The number of operational HMO's did grow from 133 at the time of the passage of the first act in 1973 to 175 in 1976, and the number of HMO enrollees now stands at just over 6.3 million. But the rate of HMO growth is declining. Membership increased only 5.2 percent from 1976 to 1977. We could have done much better.

It is my hope that the Health Maintenance Organization Act Amendments of 1978 will begin a renewed Federal effort to promote HMO growth. The general provisions of the bill seem to me reasonable, limited extensions of well-accepted Federal policies. They deserve widespread support.

Several of the bill's provisions deserve special comment. First of all, the proposed legislation would extend for a full 5 years authorizations for grants and loans to HMO's. This expresses our view that the HMO program is no longer experimental. It is no longer a demonstration effort requiring review every 3 years. Like the community health center program, the migrant health center program, and other similar, on-going Federal support efforts, the health maintenance organization program should be viewed as a permanent measure whose purpose is to make HMO's widely available to the American people.

Second, the proposed legislation contains provisions exempting health maintenance organizations from certain certificate-of-need requirements under the Planning Act. These exemptions would eliminate the requirement that HMO's obtain certificates-of-need for initiating operations, for constructing ambulatory care facilities and for acquiring capital equipment. The reason for these exemptions is straightforward. Because of the incentive structure inherent in prepayment, HMO's operate in many ways as though they were internally planned. Their growing availability should serve to restrain health care costs and promote healthy competition in the health care sector. The Planning Act exemptions will eliminate certain administrative obstacles to HMO growth.

Third, the HMO amendments contain financial disclosure requirements mandating that qualified HMO's disclose annually certain transactions which have the potential of adversely affecting the fiscal soundness of HMO's or reasonableness of charges to HMO's. The Secretary would be required to evaluate these transactions for any adverse impact and to report his findings and his response to the Congress.

It is hoped that these provisions will serve to discourage and expose abusive practices of the kind which have come to light in recent years. Unfortunately, abuses on the part of a tiny minority of health maintenance organization are threatening giving the entire movement a bad name. We hope that the new requirements will give us the tools to weed out the few bad actors in the HMO movement without imposing undue burdens on the great majority of sound and responsible programs.

Finally, Mr. President, these amendments contain a number of other provisions, including increased grant and loan limits, provisions for the funding of training programs, provisions allowing loans and loan guarantees for constructing ambulatory care facilities, provisions permitting the granting of funds for continuing development, and other minor modifications aimed at permitting HMO development to proceed at a more rapid pace. In addition, we continue to work with Senator SCHWEIKER on the details of amendments to the Social Security Act which would permit medicare and medicaid patients to have access to HMO's on an equal basis with all Americans. Currently, reimbursement restrictions act to discourage medicare patients, and medicaid patients in some States, from joining HMO's.

In concluding, Mr. President, I would like to applaud Senator SCHWEIKER for his initiative and leadership in introducing this legislation. The issues are complicated and difficult, and we look forward to comments on the current draft as it moves through the legislative process. However, I think the general policies embodied in this bill are wise and sound, and I am pleased to be able to support it.

EXHIBIT 1

S. 2534

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Health Maintenance Organization Act Amendments of 1978".

(b) Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

REQUIREMENTS FOR HEALTH MAINTENANCE ORGANIZATIONS

SEC. 2. (a) Section 1301(b)(3) is amended to read as follows:

"(3) The services of physicians which are provided as basic health services shall be provided through physicians who are members of the staff of the health maintenance organization, through a medical group (or groups), through an individual practice association (or associations), through physicians who have contracted with the health maintenance organization for the provision of such services, or through any combination of such staff, medical group (or groups), individual practice association (or associations), or physicians under contract with the organization, except that this paragraph shall not apply in the case of (A) physician services which the organization determines, in conformity with regulations of the Secretary, are unusual or infrequently used, or (B) any physician service provided a member of the health maintenance organization other than by such a physician because of an emergency which made it medically necessary that the service be provided to the member before he could have it provided by such a physician. A health maintenance organization may also, during the 36 month period beginning with the month following the month in which the organization becomes a qualified health maintenance organization (within the meaning of section 1310(d)), provide physician services through an entity which but for the requirement of section 1302(4)(C)(i) would be a medical group for the purposes of this title. After the expiration of such period, the organization may provide physician services through such an entity only if authorized by the Secretary in accordance with regulations which take into consideration the unusual circumstances of such entity. A health maintenance organization may not, in any of its fiscal years after the end of its fourth fiscal year of its operation, enter into contracts with physicians other than members of medical groups or individual practice associations if the amounts paid under such

contracts for physician services exceed 15 percent of the total amount to be paid in such fiscal year by the health maintenance organization to physicians for the provision of physician services, or, if the health maintenance organization principally serves a rural area, 30 percent of such amount, except that this sentence does not apply to the entering into of contracts for the purchase of physician services through an entity which but for the requirements of section 1302(4)(C)(i) would be a medical group for the purposes of this title. Contracts between a health maintenance organization and physicians for the provision of physician services shall include such provisions as the Secretary may require (including provisions requiring appropriate continuing education).".

(b) The second sentence of section 1301(b)(4) is amended to read as follows: "A member of a health maintenance organization shall be reimbursed by the organization for his expenses in securing emergency health services other than through the organization if it was medically necessary that the services be provided before he could secure them through the organization.".

DEVELOPMENT GRANTS AND INITIAL OPERATING LOANS

SEC. 3. (a) Section 1304(f)(2)(A) is amended to read as follows:

"(A) $2,000,000, or".

(b) Section 1305(b)(1) is amended by—

(1) striking "$2,500,000" and substituting "$5,000,000"; and

(2) by striking "$1,000,00" and substituting "$2,000,000".

AMBULATORY CARE FACILITIES

SEC. 4. (a)(1) Section 1305(a) is amended by striking "and" after paragraph (2); striking the period at the end of paragraph (3) and substituting a semicolon, and adding at the end thereof the following new paragraph:

"(4) make loans to, and guarantee to non-Federal lenders payment of principal of and interest on loans made to—

"(A) entities which have submitted and had approved an application for assistance under this subsection in accordance with regulations promulgated by the Secretary, or

"(B) health maintenance organizations which have demonstrated to the Secretary the capability of maintaining continued fiscal soundness in accordance with the requirements of section 1301(c)(1),

to assist them in meeting the costs of equipping, constructing, acquiring, or renovating ambulatory care facilities.".

(2) Section 1305(a) is further amended by striking "operating costs" in paragraphs (1), (2), and (3) and substituting in each case "costs of operation".

(b) Section 1305(b) is amended by—

(1) striking "paragraph (2)," and substituting "paragraphs (2) and (3)";

(2) inserting after "under this section" each time it appears "(other than paragraph (4) of subsection (a))"; and

(3) adding at the end thereof the following new paragraph:

"(3) There is authorized to be appropriated for the purpose of the fund for loans made or guaranteed under paragraph (4) of subsection (a) an amount not to exceed $40,000,000. In any fiscal year the amount disbursed to an entity under paragraph (4) of subsection (a) shall not exceed $2,500,000.".

(c) The section heading for section 1305 is amended to read as follows:

"LOANS AND LOAN GUARANTEES FOR INITIAL COSTS OF OPERATION AND AMBULATORY CARE FACILITIES".

(d) Section 1305(d) is amended by striking "1980" and substituting "1985".

(e)(1) Section 1308 is amended by adding at the end thereof the following new subsection:

"(f)(1) There is established in the Treasury a loan and loan guarantee fund (hereinafter in this subsection referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts, to enable him to discharge his responsibilities under loans and loan guarantees issued by him under section 1305(a)(4). There are authorized to be appropriated from time to time such amounts as may be necessary to provide the sums required for the fund. To the extent authorized in appropriation Acts, there shall also be deposited in the fund amounts received by the Secretary in connection with loans and loan guarantees under section 1305(a)(4) and other property or assets derived by him from his operations respecting such loan guarantees, including any money derived from the sale of assets.

"(2) If at any time the sums in the fund are insufficient to enable the Secretary to discharge his responsibilities under section 1305(a)(4) he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the monthly preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations issued under this paragraph and for that purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which the securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this paragraph. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this paragraph shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from the fund.".

(2) Section 1308(d) is amended by inserting after "under this title" each time it appears "(other than a loan or loan guarantee under section 1305(a)(4))".

BENEFITS REQUIRED

SEC. 5. Section 1301(b) is amended by inserting "and reasonable limitations and exclusions approved by the Secretary," after "under this title" in the language preceding paragraph (1).

EMPLOYEES' DEDUCTIONS FOR HEALTH BENEFIT PLANS

SEC. 6. (a) Section 1310 is amended by adding at the end thereof the following new subsection:

"(i) Each employer with a demonstrated capability to provide payroll deductions, which is required by subsection (a) to offer to his employees the option of membership in a qualified health maintenance organization shall, with the consent of the employee who exercises such option, arrange for the employee contribution for such membership to be deducted from such employee's wages and salaries and forwarded on his behalf to the qualified health maintenance organization.".

(b) Section 1310(b)(1) is amended to read as follows:

"(1) one or more of such organizations provides physician services through physicians who are members of the staff of the organization or a medical group (or groups), and". (c) Section 1310(b)(2) is amended to read as follows:

"(2) one or more of such organizations provides physician services through (A) an individual practice association (or associations), (B) a combination of such association (or associations), medical group or groups, staff, or individual nonstaff physicians under contract with the organization,".

CONTINUING DEVELOPMENT

SEC. 7. (a) Section 1304(b)(2) is amended by inserting "improvement of services, or" after "subsection includes".

(b) Section 1304 is further amended by adding at the end thereof the following new subsection:

"(l)(1) A grant made under this section for the improvement of services may be made only to an entity which demonstrates the capability of maintaining contained fiscal soundness in accordance with the requirements of section 1301(c)(1).

"(2) Grants made to a single entity under this section for the improvement of services may not in the aggregate exceed an amount equal to the maximum sums which the applicant would have been eligible to receive under sections 1303 and this section less any amounts actually received under such sections. The provisions of paragraph (3) of subsection (b) shall not apply to a grant made for the improvement of services.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. Section 1309(a) is amended by—

(1) striking "and" after "1977," the first time it appears, and

(2) striking everything after the semicolon and substituting the following: "$50,000,000 for the fiscal year ending September 30, 1979, $70,000,000 for the fiscal year ending September 30, 1980, $90,000,000 for the fiscal year ending September 30, 1981, $95,000,000 for the fiscal year ending September 30, 1982, and $95,000,000 for the fiscal year ending September 30, 1983; and for the purpose of making payments under grants and contracts under section 1304(b) for the fiscal year ending September 30, 1984 there is authorized to be appropriated $95,000,000.".

TRAINING FOR HEALTH MAINTENANCE ORGANIZATION ADMINISTRATORS

SEC. 9. Title XIII is amended by adding at the end thereof the following new section:

"MANAGERIAL TRAINING

"SEC. 1317. (a) The Secretary shall establish a National Health Maintenance Organization Intern Program (hereinafter referred to as the 'Program') for the purpose of training qualified health maintenance organization administrators and other managerial personnel.

"(b) Internships under this section may be awarded by the Secretary either—

"(1) directly to individuals whose application for such position has been approved by the Secretary, or

"(2) directly to a health maintenance organization, or to an entity which has submitted and had approved an application for a grant under this section.

"(c) Payments under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary. Such payments to health maintenance organizations or other entities may be used only for internships, and payments under this section with respect to any internship shall be limited to such amounts as the Secretary finds necessary to cover the cost incurred by the health maintenance organization under this section.

"(d) Payments to individuals receiving training under this section shall not exceed the sum of $2,000 per month per indi-

vidual, excluding relocation costs, nor shall the term of such payments exceed 12 months.

"(e) There are authorized to be appropriated for the purposes of this section $2,000,000 for the fiscal year ending September 30, 1979, $2,000,000 for the fiscal year ending September 30, 1980, $3,000,000 for the fiscal year ending September 30, 1981, $4,000,000 for the fiscal year ending September 30, 1982, and $4,000,000 for the fiscal year ending September 30, 1983.".

FINANCIAL DISCLOSURE

SEC. 10. Title XIII as amended by this Act is further amended by adding at the end thereof the following new section:

"FINANCIAL DISCLOSURE

"SEC. 1318. (a) Each health maintenance organization shall file annually with the Secretary financial information in such form as the Secretary may require (which in the case of an organization which is related to the health maintenance organization by common ownership or control, shall be a consolidated financial statement), which shall include:

"(1) such information as the Secretary may require demonstrating that the health maintenance organization has a fiscally sound operation;

"(2) a description of transactions, as specified by the Secretary, between the health maintenance organization and a party in in interest which transactions may have an adverse effect on the fiscal soundness of and reaonableness of charges to the health maintenance organization. Such transactions shall include—

"(A) any sale or exchange, or leasing of any property between the health maintenance organization and a party in interest; and

"(B) any furnishing of goods, services (including management services), or facilities between the health maintenance organization and a party in interest;

which may have such adverse effect.

"(b) For the purposes of this section the term 'party in interest' means, as to the health maintenance organization, any director, officer, or employee of the health maintenance organization who—

"(1) has directly or indirectly (as determined by the Secretary in regulations) an ownership interest of 5 per centum or more in the entity which transacts business with the health maintenance organizations; or

"(2) is the owner (in whole or in part) of an interest of 5 per centum or more in any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by the entity which transacts business with the health maintenance organization, or any of the property or assets thereof; or

"(3) is an officer or director of the entity which transacts business with the health maintenance organization, if such entity is organized as a corporation;

"(4) is a partner in the entity which transacts business with the health maintenance organiaztion, if such entity is organized as a partnership; or

"(5) is an incorporator or a corporate member of a voluntary, not-for-profit health maintenance organization.

"(c) Each health maintenance organization shall make the contents of the annual statement described in subsection (a) available to its enrollees upon reasonable request.

"(d) The Secretary shall, as he deems necessary, conduct an evaluation of transactions reported to the Secretary under subsection (a)(2) for the purpose of determining their adverse impact, if any, on the fiscal soundness and reasonableness of charges to the health maintenance organization with respect to which they transpired. The Secretary shall evaluate the reported transactions of not less than five, or if there are more than twenty health maintenance organizations reporting such transactions, not less than one-fourth of the health maintenance organizations reporting any such transactions under subsection (a)(2).

"(e) The Secretary shall file an annual report with the Congress on the operation of this section. Such report shall include:

"(1) an enumeration of standards and norms utilized by the Department of Health, Education, and Welfare to make the evaluations required under subsection (d);

"(2) an assessment of the degree of conformity or non-conformity of each health maintenance organization evaluated by the Secretary under subsection (d) with such standards and norms;

"(3) what action, if any, the Secretary considers necessary under section 1312 with respect to health mainteance organizations evaluated under subsection (d).

"(f) Nothing in this section shall be construed to confer upon the Department of Health, Education, and Welfare any authority to approve or disapprove the rates charged by any health maintenance organization.

"(g) Any health maintenance organization failing to file with the Secretary the annual financial statement required in subsection (a) shall be ineligible for any Federal assistance under title XIII of this Act until such time as such statement is received by the Secretary.".

HEALTH PLANNING AMENDMENTS

SEC. 11. Section 1531(5) is amended to read as follows:

"(5)(A) The term 'institutional health services' means (i) the health services provided through health care facilities as defined in regulations of the Secretary including, but not limited to, private and public hospitals and nursing homes; and (ii) diagnostic or therapeutic equipment, acquired through purchase, rental, lease, or gift, valued at the time of acquisition in excess of $150,000, used in the delivery of health care services by any person, institution or other entity, except such equipment utilized exclusively, except in unusual circumstances, for patients of a health maintenance organization.

"(B) In determining whether diagnostic or therapeutic equipment has a value in excess of $150,000 for purposes of subparagraph (A), the value of studies, surveys, designs, plans, working drawings, specifications and other activities essential to the acquisition of such equipment shall be included.".

PROGRAM ADMINISTRATION

SEC. 12. (a) Subsection (h) of section 1310 is repealed.

(b) Subsection (c) of section 1312 is repealed.

By Mr. LEAHY:

S. 2535. A bill to authorize and direct the Secretary of Agriculture to provide cooperative forest resources assistance to States and others, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2536. A bill to authorize and direct the Secretary of Agriculture to carry out forest and rangeland renewable resources research, to provide cooperative forest resources assistance to States and others, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

S. 2537. A bill to provide for an expanded and comprehensvie extension program for forest and rangeland renewable resources; to the Committee on Agriculture, Nutrition, and Forestry.

FOREST AND RANGELAND LEGISLATION

Mr. LEAHY. Mr. President, I am today introducing three bills with the purpose of bringing our use of America's forests and rangelands closer to the vast potential of those resources on three basic fronts: Commercial production, recreation, and protection and improvement of our environment.

In addition, a major benefit of this legislation to my own State of Vermont and many other northern States is that it would substantially increase the viability of wood as a significant energy source.

The bills are the Forest and Rangeland Renewable Resources Cooperative Assistance Act; the Forest and Rangeland Renewable Resources Research Act; and the Renewable Resources Extension Act.

The first two measures amend the Forest and Rangeland Renewable Resources Planning Act of 1974, known as RPA, to strengthen Federal cooperative assistance programs in forestry and forest research. The third bill amends the Smith-Lever Act to expand and strengthen the extension program in forestry and rangelands.

This legislation is companion to that introduced in June 19, by Congressman WEAVER, chairman of the House Subcommittee on Forests.

Congressman WEAVER's initiative grew out of months of discussions with forestry and environmental leaders. My colleague, Senator TALMADGE of Georgia, chairman of the Senate Committee on Agriculture, Nutrition and Forestry, deserves the credit for these talks, which were held under the auspices of the Areas of Agreement Committee, chaired by William E. Towel, executive vice president of the American Forestry Association.

The following organizations participated in this work on the bills and all support strengthened forestry programs in Federal cooperative assistance, research and extension, if not the precise wording of the three bills:

American Association of Nurserymen.
American Forestry Association.
American Pulpwood Association.
American Society of College and University Forest Research Organizations.
Conservation Foundation.
Council of Forestry School Executives.
Extension Committee on Policy.
Forest Farmers Association.
Industrial Forestry Association.
Isaac Walton League of America.
National Association of Conservation Districts.
National Association of State Foresters.
National Forest Products Association.
National Wildlife Federation.
Natural Resources Defense Council.
Resources for the Future.
Society of American Foresters.
Wildlife Management Institute.
National Audubon Society.

I congratulate Congressman WEAVER and Senator TALMADGE on their pioneering work in this area and am proud to join with them by introducing this legislation. It directly addresses the question of how to insure that our renewable resources—resources like forests, rangelands, water, soil, and wildlife—remain renewable, while at the same time developing them to their greatest economic, recreational, and environmental potential for all Americans.

In my own State of Vermont, the role of woodlands continues to increase in significance in the areas of recreation, the economy, and energy. The measures I am introducing recognize that the nature of renewable resources varies from region to region and allows Vermont to manage its forests and Oklahoma its rangelands, each in the way that is most appropriate to local needs and conditions.

Mr. President, management of our natural resources is crucial if we are to enjoy their benefits at a steady rate. To date, however, the effective coordination of management efforts has been frustrated by three problems:

First. A conflict perceived as inherent between our economic needs on the one hand and our recreational and environmental needs on the other.

Second. The fact that over 60 percent of our land with renewable resources is in private hands.

Third. Differences in needs and priorities between various regions of the country.

The legislation addresses all three problems:

First. An inventory system is already in place that can provide the kind of information necessary to identify potential conflicts, as well as the needs of a particular region. The Forest and Rangeland Renewable Resources Planning Act of 1974, authored by the late Senator Hubert Humphrey, directs the Forest Service to prepare periodically an "assessment" of the demand and supply of the Nation's 1.6 billion acres of forest and rangelands, and a "program" for the management of national forests, forest research and federal cooperative assistance to States and private landowners. The first RPA assessment and program was forwarded to the Congress, along with the required Presidential state policy in March 1976. I refer you to Congressman WEAVER's comments in the June 24, 1977, CONGRESSIONAL RECORD for a more detailed explanation of the RPA.

Second. The legislation provides for assistance to private landowners in the form of technical help and education on management techniques.

Third. Primary responsibility for administering the program is given to state foresters, allowing for regional differences.

Mr. President, the economic, environmental and recreational potential of America's forests is astounding. The State of Vermont, well known for its natural beauty, is a good example. Better than 75 percent of the primarily mountainous land is forested. People come from all over the country to enjoy its summers, autumn beauty, and winter skiing. In the midst of this recreational haven are some 2,000 wood-related industries which contributed $185 million to the 1976 gross State product. In addition, the skiing industry contributed $52 million, hunting and fishing another $80 million.

Last October, the municipal utility of the city of Burlington, Vermont's largest city, successfully converted one of its three boilers to burn wood waste. The experiment was so successful that today 20 percent of the city's electricity is being generated by wood waste. This step has had two major benefits: First, it has supplemented expensive imported oil, thereby reducing the cost of electricity from 3 to 2 cents per kilowatt; and second, it has created a market for low-grade wood that has never before existed. The selected removal of this cull wood upgrades the forests from which it comes and helps the remaining trees better develop into valuable commercial timber.

In fact, a recently completed feasibility study shows that there is more than enough wood waste from annual new growth alone to generate all the electricity Burlington needs.

We have only begun to scratch the surface of the potential of wood as an energy source in America. Burlington is the first public utility in the Nation to generate electricity with wood. In my view, it proves the potential is there. We need only to establish a sound program of resource management and wood can play a major role in our national effort to find new ways to generate power.

The beauty of a natural resource like wood is that we need not trade off environmental considerations in order to achieve economic benefits, nor must we make trade-offs in the other direction. Good management will yield new economic options while enhancing the value and health of living timber.

Vermont is merely a microcosm of the Nation in terms of the potential of wood. The 1976 RPA points out that we can increase our national timber production by at least 3.5 billion board feet annually through more intensive management, while at the same time expanding wilderness areas, strengthening environmental standards and increasing the viability of a variety of other uses.

The legislation I am introducing contains a "sunset" clause and requires an annual report in order to insure congressional oversight after it has been enacted.

In addition, it encourages a greater application of the numerous advancements in management techniques which have been developed as the result of federally funded research. The present ratio of Federal dollars spent on forest research to those spent on the application of that research is a disappointing 25 to 1. The same ratio for agriculture is 2 to 1. It is time that we made the effort to put to use what we have learned through research to increase commercial activity and enhance the value of our natural resources—in terms of environment, recreation and wildlife—for the benefit of all Americans.

Mr. President, let me turn to a brief description of the content of each of three bills.

I. FOREST AND RANGELAND RENEWABLE RESOURCES ASSISTANCE ACT—S. 2535

This bill begins with a comprehensive statement of policy and purpose for Federal cooperative programs in forest and rangeland protection and management. Generally, the Secretary of Agriculture is to cooperate and provide assistance, including financial assistance, to State and local governments and private landowners for the management, protection, and utilization of forest and rangeland resources.

The bill would combine the authorities given in section 4 of the Clarke-McNary Act, the Cooperative Forest Management Act, and title IV of the Agriculture Act of 1956 to provide technical and financial assistance to: First, develop genetically improved trees seeds; second, provide tree seeds and plants for establishing forests, windbreaks, shelterbelts, woodlots, and other plantings; third, plan tree seeds and trees for the reforestation of forest lands and the afforestation of other lands; fourth, perform timber stand improvement on non-Federal lands; and fifth, provide technical assistance to private landowners, vendors, forest operators, wood processors, and public agencies.

This part of the bill would greatly improve coordination of the tree seed and plant, cooperative forest management, and cooperative tree improvement and reforestation programs. For the first time, one statutory authority and policy would exist instead of three. Forest Service assistance to States for the development of genetically improved tree seeds is specifically authorized; previously such authority was ambiguous at best. Further, financial assistance for timber stand improvement is allowed on non-Federal lands. Title IV of the Agricultural Act of 1965 allowed only cooperative assistance for tree planting on non-Federal lands.

The bill addresses the forestry incentive program, FIP, principally by making clear the role of the State forester with respect to FIP and its coordination with State programs, especially those involving technical assistance. The acreage limitation for FIP is removed. The present acreage limitations have often been criticized and the financial limitation is inadequate when compared to need.

For the cooperative insect and disease control program, the bill would make a subtle but important change by expanding the scope of the program from "forest lands" and "forest resources" to "tree, shrub, forest, and wood resources." Such expansion would complement the Forest Service's urban forestry activities initiated by the act of May 5, 1972 (Public Law 92–288).

The bill would make permanent the rural community fire protection program first established by title IV of the Rural Development Act of 1972. In addition, the bill would integrate the aforementioned program with the cooperative forest fire control program provided by section 2 of the Clarke-McNary Act. The combination of these two programs would enhance rural community and forest and range fire control and perhaps offer some efficiencies through the common use of equipment and personnel.

In lieu of the present functional cost-sharing approach, the bill would allow combining cooperative financial assistance to the States into a consolidated grant. The total dollar amount of the assistance would remain unchanged. This feature would give the State forester

some flexibility in determining how the Federal funds would be spent.

II. FOREST AND RANGELAND RENEWABLE RESOURCES RESEARCH ACT—S. 2536

Mr. President, the same version of this bill was introduced in the Senate by Senator HUMPHREY with the cosponsorship of Senator STENNIS. I might add that their introduction of this bill is just another example of the leadership and initiative these distinguished gentlemen have provided in developing the Nation's forest policy for so many years.

This bill will authorize Forest Service research on "forest and rangeland renewable resources in rural, suburban, and urban areas." This complements the Agency's assistance program in urban forestry, provided by the act of May 5, 1972 (Public Law 92-288). Also authorized would be research on "managing vegetation on forests and rangelands for * * * esthetics, recreation, wilderness, and other products and purposes." The McSweeney-McNary Act does not specifically authorize Forest Service research in any of these areas.

The bill would permit Forest Service research units to cooperate with individuals, agencies, organizations, and institutions in foreign countries for forest research as defined in the bill. Current authority under the McSweeney-McNary Act restricts foreign cooperative research only to the "collection, investigation, and tests of foreign woods."

The bill would establish a competitive research grant program whereby the Secretary of Agriculture could make competitive grants for forestry research to "Federal, State, and other Government agencies, to public or private agencies, institutions, universities, and organizations, and to businesses and individuals."

This authority would be in addition to any other authority including the general research-granting authority given to each Federal agency by the act of September 6, 1958 (Public Law 85-934), and the Secretary of Agriculture's general research-granting authority under the act of August 4, 1965 (Public Law 89-106). The program would give the Forest Service access to some U.S. researchers who are not available under existing grant programs. The Secretary would consider qualitative and administrative factors as well as cost in making the grants.

III. THE RENEWABLE RESOURCES: EXTENSION ACT—S. 2537

The proposed Renewable Resources Extension Act defines the role of extension and provides an earmarked fund for the financing of the program. Forestry extension has not been—even remotely—as successful as the extension effort in agriculture. The reason for this failure is the lack of funding committed to forestry extension purposes. Forestry extension has had to compete with agricultural extension for funds, and it has been unsuccessful.

The result has been—in many cases—a disaster for forestry extension. Various Federal and State agencies have tried to fill the void, but with only limited success.

The legislation which I propose would provide forestry extension with its own funding authority, and thus eliminate the competition between forestry and agricultural interests for extension program funds. In addition, this legislation would reestablish the boundaries of the forestry extension program which have been eroded through years and years of financial neglect.

In addition, the Renewable Resources Extension Act includes rangelands as well as forests; all colleges and universities eligible to receive McIntyre-Stennis funds are eligible to participate in the program; accountability for performance is built in by the requirement for a 5-year plan as well as annual reports; the program is tied into the assessment of natural resources required by the Forest and Renewable Resources Planning Act of 1974; and, there is a sunset provision.

In closing, I am introducing this legislation because I believe that the additional discussion that it will stimulate is necessary if we are to meet current needs and provide for the anticipated demand for forest and range resources of future generations.

By Mr. PELL (for himself, Mr. WILLIAMS, Mr. JAVITS, and Mr. STAFFORD):

S. 2539. A bill to amend the Higher Education Act of 1965 to improve the basic educational opportunity grants program, and for other purposes; to the Committee on Human Resources.

COLLEGE OPPORTUNITY ACT OF 1978

Mr. PELL. Mr. President, yesterday, the Senate Committee on Human Resources and the House Committee on Education and Labor met in a rare joint session to receive from Secretary of Health, Education, and Welfare Joseph A. Califano, Jr., President Carter's proposal to assist middle-income families in meeting the cost of college education.

It is essential that we take steps to help our Nation's middle-income families. These families go through life doing the work of our society, paying the bills of our society, and bearing the brunt of our taxes. Rarely do they seek our help. But, they need our help now.

Over the past 10 years, the costs of sending a child to college have increased by almost 100 percent. This increase has created a hardship on many families, but has been most devastating on middle-income families, since they are the families who are not eligible for most of the existing grant and loan programs. If we do not help these families soon, we will be allowing the doors of higher education to be slammed shut on a large segment of our society. We will be in danger of creating a system of higher education that will be available only to the rich—who can afford to pay their own way—and to the poor—who are eligible for Federal financial assistance. We cannot let this happen.

Last week, I introduced, with Senators WILLIAMS, JAVITS, and STAFFORD, S. 2473, the College Opportunity Act of 1978. The goal of that legislation was to make college affordable once again for our Nation's middle-income families. In light of the proposal presented by President Carter, Senators WILLIAMS, JAVITS, and STAFFORD join with me in introducing legislation that will modify somewhat the approach we took in S. 2473. This modification will make that legislation more consistent with the President's proposal, while at the same time making two essential changes in that proposal.

First, we retain in this legislation a basic educational opportunity grant approach which is focused on need, rather than an approach that would give all families the same flat rate. Middle-income families have varying financial needs. A family with a $15,000 income cannot always be treated in the same manner as a family with an income of $25,000. Our proposal would take a family's relative ability to pay into consideration. I think it is a sound and sensible modification of the President's proposal.

Secondly, this legislation will also make a major change in the guaranteed student loan program. The President has suggested that the income limits on interest-subsidized guaranteed loans be raised from the existing $25,000 to $40,000. Secretary Califano testified yesterday that such an income level was substantially above the 90th percentile of incomes in this country. In fact, he said that the existing $25,000 income cut-off encompasses about 90 percent of the families in the Nation. If almost everybody will be eligible for the subsidy, under the President's proposal, it makes little sense that everybody should go unnecessarily through the paperwork of a needs analysis. Elimination of any income ceiling for an interest subsidy during a student's in-school period will cost very little to the Federal Government, and will eliminate needless paperwork for thousands of middle-income families.

The legislation I am introducing today removes that income ceiling completely. With this legislation, any educational expense of a family that is not covered by a grant or other kind of aid can be met with a federally subsidized, long-term loan.

I think these two changes will take us a long way toward that day when anyone with the ability to attend college will not be prevented from attending because of the college's cost.

This legislation also provides for the increase in the college work-study program which the President has requested.

I would like to commend President Carter and Secretary Califano for the initiatives they have taken in this area. I think they have a genuine commitment to helping our Nation's middle-income families finance their children's higher education. This legislation differs somewhat from their proposal, but it differs in a way that is most beneficial to our Nation's middle-income families. For we are all marching in the same direction of providing educational assistance to those families who need it most. In my opinion, the approach of my legislation accomplishes this goal more effectively.

Mr. President, I think this bill will represent one of the most important pieces of legislation this, or any other, Congress will consider. With its passage, we will be taking a giant step along the path of

making college available and affordable to all students who want it. No mission is more deserving of our efforts.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2539

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "College Opportunity Act of 1978".

SEC. 2. (a) Section 411(a)(3)(B) of the Higher Education Act of 1965 is amended by adding at the end thereof the following new division:

"(iv) Beginning with the academic year 1979–1980 and thereafter, in determining the expected family contribution under this subparagraph no rate in excess of 14 per centum shall be applied to parental discretionary income.".

(b) Section 411(b)(5) of that Act is amended by striking out "$237,400,000" in subpargraph (B) and inserting in lieu thereof "$600,000,000".

SEC. 3. (a) Section 428(a)(2)(A) of that Act is amended to read as follows:

"(2)(A) Each student qualifying for a portion of an interest payment under paragraph (1) shall have provided to the lender a statement from the eligible institution, at which the student has been accepted for enrollment, or at which he is in attendance in good standing (as determined by such institution), which—

"(i) sets forth such student's estimated cost of attendance, and

"(ii) sets forth such student's estimated financial assistance.".

(b) Section 428(a)(2)(B) of that Act is repealed.

(c) Subparagraphs (C) and (D) of section 428(a)(2) of that Act, and all cross references thereto, are redesignated as subparagraphs (B) and (C), respectively.

(d) Section 428(a)(2)(B) of that Act (as redesignated by subsection (c) of this section) is amended by striking out the semicolon at the end of clause (iii) and inserting in lieu thereof a period, and by striking out clause (iv) of such section.

(a) Section 428(a)(9) of that Act is repealed.

(f) Section 428(b)(1)(A)(i) of that Act is amended by striking out section 428(a)(2)(C)(i)" and inserting in lieu thereof "section 428(a)(2)(B)(i)".

By Mr. RIEGLE (for himself, Mr. KENNEDY, Mr. WILLIAMS, and Mr. MAGNUSON):

S. 2540. A bill to regulate commerce and protect the public from adulterated food by requiring the establishment of safety assurance procedures and safety assurance standards, to provide for the efficient and effective enforcement of the Food, Drug, and Cosmetic Act, to implement registration of food processing establishments, to provide for more informative labeling of food products, and for other purposes; to the Committee on Commerce, Science, and Transportation and the Committee on Human Resources, jointly, by unanimous consent.

FOOD AMENDMENT ACT OF 1978

Mr. RIEGLE. Mr. President, on behalf of myself, Mr. KENNEDY of Massachusetts, Mr. WILLIAMS of New Jersey, and Mr. MAGNUSON of Washington, I am introducing the Consumer Food Act of 1978. This legislation is intended to strengthen the Food and Drug Administration's ability to combat food contamination and thereby provide consumers with greater assurance that the food they eat is safe and wholesome. It will also help to prevent consumer deception and confusion by requiring comprehensive and informative food labeling.

Two years ago, in the 94th Congress, the Senate gave its approval to the Consumer Food Act of 1976, S. 641, by a vote of 74 to 6. The bill which I am introducing today is identical in substance to that bill, upon which the House unfortunately was unable to take action. My late colleague from Michigan, Senator Hart, among other Members, was a cosponsor of that legislation, and deserves special tribute for his longstanding support of legislation to improve the safety and nutritional quality of our food.

Over the past decade or so, we as a nation have become increasingly conscious of the need to make careful and conscientious decisions about the foods we eat. More and more attention has been focused on the relationship between good nutrition and health, and on the personal benefits which can be derived from a sound, well-balanced diet. Doctors emphasize that following a nutritionally adequate diet is one of the most important disease-preventive measures that an individual can take, and if widely practiced could help to relieve our overburdened medical facilities. Furthermore, information is rapidly emerging about certain dietary factors which may be responsible for specific medical problems, such as the alleged connection between artificial additives and hyperactivity in children.

At the same time, public concern about food hazards is also growing. Less and less of our food is prepared from scratch in the home, and as a result consumers have less control over its wholesomeness. Incidents of food contamination have been widely publicized in the news media, and have led to demands for more reliable assurances that the foods we consume are safe. Food which undergoes processing of any sort is susceptible to a wide range of possible contaminants, and hence is the area of concern upon which this legislation focuses.

Processed foods make up a larger and larger share of the average American's diet every year. These foods offer numerous benefits to consumers: they are convenient and easy to use, can be fortified with important nutrients, and in some cases are more economical than homemade substitutes would be. Yet they also pose certain dangers, for any food processing operation carries with it the inherent potential for contamination from a variety of sources. What is particularly disturbing is that the FDA's ability to monitor food processing plants simply has not kept pace with the rapid proliferation of the foods which those plants produce.

The Consumer Food Act of 1978 is a response to the urgent need for stronger regulatory mechanisms to reduce and if possible eliminate risks of adulteration in our Nation's food supply. This need, I believe, is undeniable; it was confirmed by a General Accounting Office study in 1972, which found that 40 percent of the food processing establishments studied were operating under unsanitary conditions. In many cases, unsanitary processing operations are directly responsible for food-borne diseases, and reports of contamination in a variety of processed foods have fostered widespread public concern about the safety and healthfulness of the foods we eat. This bill would enhance the FDA's authority to require that the processing industry develop, implement, and enforce safety assurance standards for its operations, and would empower the Secretary of Health, Education, and Welfare, acting through the FDA, to develop safety assurance standards for systems that fail to provide adequate protection. It would also institute a national registration system for food processor, and a food coding system, in order to expedite recall of adulterated foods which do leave the processing plant. And it would provide FDA with the authority and resources to conduct more frequent and thorough inspections of food processing operations.

This bill also addresses itself to the need for more accurate and informative labeling information. In the first session of this Congress, we passed nutrition education legislation to enable people to make wiser decisions with respect to food consumption. As consumers become more aware of the relationship between their diet and their personal health and well-being, they become more discriminating in their food purchases, and more vocal in their demands for information on which to base their choices. It is very difficult for shoppers to make wise shopping decisions if the labels on the products do not provide crucial content and nutritional facts. Meaningful labeling—particularly on highly processed foods—is the best way to provide these facts.

The Consumer Food Act would increase the FDA's authority to require that packaged food labels include information about the freshness, nutritional value, and ingredient composition of the products involved, as well as specifying ingredients which might pose health hazards to some consumers. As this data permits shoppers to make more intelligent market decisions, it will thus contribute to lowering overall food costs.

This bill encompasses far-reaching reforms in procedures under the Food, Drug and Cosmetic Act, and it represent the culmination of many years of serious congressional scrutiny of problems in the enforcement of that act. It is by no means a hastily conceived or carelessly designed piece of legislation; on the contrary, the overwhelming approval which it previously received in the Senate demonstrates the widespread recognition that the Consumer Food Act is an appropriate response to an urgent need. I hope that it again will receive the Senate's favorable consideration.

Mr. WILLIAMS. Mr. President, I am pleased to join my colleagues, Senators RIEGLE, MAGNUSON, and KENNEDY, in cosponsoring the Consumer Food Act of 1978. The amendments to the Federal Food, Drug and Cosmetic Act proposed in this bill, address the need to protect the consumer from unsafe, unhealthy

foods and incorrect or incomplete labeling.

Under this legislation, responsibility for safety and sanitation, for preventing unreasonable risks of adulteration, would be given to the food processors, who would be required to develop, implement, and maintain adequate safety assurance procedures. The Food and Drug Administration would be given the authority to maintain a complete inventory of food processors and processing operations. The FDA would also have access to records of safety assurance measures by the industry. Whenever safety standards prove inadequate, FDA would be authorized to impose adequate standards. In addition, processors must notify FDA whenever it is discovered that adulterated food has left the processor plant or when such food has been recalled. When these changes are made in the current law, truly adequate protection can be provided to the American consumer.

No longer must we merely react when a crisis occurs because adulterated food is discovered. A systematic, rational approach must be developed which allows FDA to efficiently prevent the appearance of adulterated food on the market and to effectively deal with a crisis of contaminated food that endangers the public health.

Other changes proposed in this bill would require product coding so as to expedite the recall of adulterated foods. FDA inspectors would be empowered to detain, for a limited period of time, food suspected of contamination. With the vast technological resources available to our country, it is only right that the public health of our citizens be protected against unsanitary food processing which might cause adulterated food to harm the consumer.

A food-labeling provision would give statutory authority for certain foods to have open-dating, nutritional, and more complete ingredient labels. Such fully informative labeling would assure the consumer of the safety, nutritional value, and freshness of the food product. Many foods would be required to display the date beyond which they should not be sold. Identification of artificial coloring in food would be required on the label, and spices or flavoring would have to be designated artificial or natural. In addition, specific labeling would be required for spices or flavoring which may be considered legally hazardous.

These changes in the statute would enable consumers to be given adequate information so as to spend their dollars wisely. The relationship between diet and good health requires that consumers be provided with meaningful product labels which show content and nutritional facts.

This bill also provides that a study be commenced by the Secretary of Health, Education, and Welfare and the Secretary of the Treasury on the need for labeling of distilled spirits, wines, and malt liquor. Such a study should consider the views of the consumer, industry and health groups and other Government agencies concerned with food labeling Such a study would provide much needed information with regard to the labeling of alcoholic beverages.

It is my hope that these amendments to the Federal Food, Drug and Cosmetic Act will be adopted so as to better protect the health of the American consumer.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill introduced by Mr. RIEGLE (for himself and others) be referred jointly to the Committee on Commerce, Science, and Transportation, and the Committee on Human Resources. This request has been cleared by the chairmen and ranking minority members and by the minority leadership.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. CANNON (by request):

S. 2541. A bill to amend chapter 4 of title 23 of the United States Code to authorize appropriations for certain highway safety programs, and for other purposes; to the Committee on Commerce Science, and Transportation and the Committee on Environment and Public Works to consider section 3, jointly, by unanimous consent.

HIGHWAY SAFETY ACT OF 1978

Mr. CANNON. Mr. President, today I am introducing, by request of the Department of Transportation, a bill to amend the Highway Safety Act of 1966. This legislation is an outgrowth of the highway safety recommendations presented to the Congress by the Department of Transportation pursuant to the Highway Safety Act of 1976.

The Department of Transportation states that this legislation is a significant departure from earlier highway safety legislation, which relied on mandatory standards as the nucleus of the highway safety program. The Department of Transportation notes that this legislation is designed to provide the States far greater flexibility to identify their own priorities, while providing adequate uniformity in the collection and analysis of needed highway safety data.

Increased attention to the improvement of highway safety is an absolute necessity in light of the continued serious safety dangers on our Nation's highways. I can assure you, Mr. President, that the critical subject matter of this legislation will be given full consideration by the Committee on Commerce, Science, and Transportation. The committee recently has received greater jurisdiction in the area of highway safety as a consequence of the reorganization of the Senate, and we intend to exercise this jurisdiction vigorously.

Mr. President, I ask unanimous consent that this legislation and the Department of Transportation's letter of request together with a section-by-section analysis and justification be printed in full at this point in the RECORD. I would also like to request unanimous consent that in addition to the Committee on Commerce, Science, and Transportation that this bill also be jointly referred to the Senate Environment and Public Works Committee for the purpose of reviewing section 3 of the bill relating to the enforcement of the 55-mile-per-hour national speed limit requirements.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 2541

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Highway Safety Act of 1978".

HIGHWAY SAFETY

SEC. 2. Chapter 4 of title 23 of the United States Code is amended to read as follows:

"Chapter 4.—HIGHWAY SAFETY

"Sec.
"401. Authority of the Secretary.
"402. Highway safety programs.
"403. Apportionment.
"404. State highway safety agency.
"405. Local programs.
"406. Program submission and approval.
"407. Federal share payable.
"408. Federal agency assistance.
"409. Indian programs.
"410. Innovative project grants.
"411. Highway safety research and development.
"412. National Highway Safety Advisory Committee.
"413. Authorization of Appropriations.

"§ 401. Authority of the Secretary.

"The Secretary is authorized and directed to assist and cooperate with other Federal departments and agencies, State and local governments, private industry, and other interested parties, to increase highway safety. For the purposes of this chapter, the term 'State' means any one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"§ 402. Highway safety programs.

"Each State shall have a highway safety program designed to reduce traffic deaths and injuries by identifying the causes of motor vehicle accidents, by adopting measures to reduce the frequency and severity of accidents, and by evaluating the effectiveness of such measures. As part of its highway safety program, each State shall achieve uniformity in the collection of data related to highway safety through compliance with requirements to be issued by the Secretary on such subjects as driver licensing, vehicle titling and registration, theft prevention, and traffic records. Each State shall also achieve uniformity in laws and practices that affect interstate motorists, through compliance with requirements to be issued by the Secretary on such subjects as the rules of the road, traffic control devices, and highway design, construction and maintenance. Such requirements shall be developed by the Secretary in cooperation with the States, their political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as the Secretary deems appropriate. As part of its highway safety program, each State shall also consider guidelines which the Secretary is authorized to issue on all aspects of highway safety.

"§ 403. Apportionment.

"(a) Funds authorized to be appropriated to carry out section 402 of this chapter shall be used to aid the States to conduct the highway safety programs approved in accordance with section 406 of this chapter. Funds authorized to be appropriated to carry out section 402 shall be subject to a deduction not to exceed 5 per centum for the necessary costs of administering the provisions of the section, and the remainder shall be apportioned among the several States. Such funds shall be apportioned 75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest

available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this section, the term 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel. Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary. The annual apportionment to each State shall not be less than one-half of 1 per centum of the total apportionment, except that the apportionments to the Virgin Islands, Guam, and American Samoa shall not be less than one third of 1 per centum of the total apportionment.

"(b) Notwithstanding the apportionment specified by subsection (a) of this section, up to 25 per centum of the funds authorized to be appropriated for any fiscal year may be separately apportioned by the Secretary to the States for carrying out high priority safety programs, including expanded enforcement of the fifty-five mile per hour speed limits, in accordance with an apportionment formula to be determined by the Secretary.

"(c) On October 1 of each fiscal year, the Secretary shall apportion the highway safety funds in accordance with subsection (a) of this section, at which time the funds shall be available for obligation under the provisions of section 406.

"(d) Sums apportioned to a State for its highway safety program shall continue available for obligation in that State for a period of three years after the close of the fiscal year for which such sums are authorized and any amounts remaining unexpended at the end of such period shall lapse.

"(e) Nothing in this chapter authorizes the appropriation or expenditure of funds for highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into standards).

"§ 404. State highway safety agency.

"Each State shall provide that the Governor shall be responsible for the highway safety program and shall administer the program through an agency which shall have the authority, facilities, and organization to carry out the highway safety program to the satisfaction of the Secretary.

"§ 405. Local programs.

"(a) Each State shall authorize its political subdivisions to develop and carry out local highway safety programs within their jurisdictions as a part of the State highway safety program if such local highway safety programs are approved by the Governor and are in accordance with this chapter, and shall assist political subdivisions in identifying highway safety problems and developing measures to reduce the frequency and severity of accidents.

"(b) Each State shall provide that from the Federal funds apportioned under section 403 to such State for any fiscal year, not less than 40 per centum shall be expended by the political subdivisions of such State in carrying out local highway safety programs developed by the political subdivisions in accordance with subsection (a) of this section.

"(c) The Secretary is authorized to waive the requirement of subsection (b) of this section, in whole or in part, for a fiscal year for any State whenever he determines that there is an insufficient number of local highway safety programs to justify the expenditure in such State of such percentage of Federal funds during such fiscal year.

"§ 406. Program submission and approval.

"(a) In each fiscal year, the State highway safety agency shall submit to the Secretary for his approval a proposed highway safety program for the ensuing fiscal year together with a projection of future highway safety efforts. The program shall describe the highway safety activities to be undertaken by the State with such specificity as the Secretary may require. The Secretary shall promptly review the State's compliance with the program development process specified by section 402 of this chapter and its compliance with the uniform requirements issued pursuant to such section. He may approve the program in whole or in part, on the basis of his review. His approval of the program, or of portions of the program, shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto, subject to the availability of funds.

"(b) Concurrent with the obligation of Federal funds, the Secretary shall enter into a formal Federal-Aid agreement with the State. Such agreement shall designate the Federal, State, and local pro rata shares required for the execution of the program.

"(c) The Secretary shall not withhold approval of a State's program in its entirety except upon a finding that the State is failing to make reasonable progress toward implementation of the requirements specified in section 402, considered as a whole, or upon a finding that the State's performance has been substantially deficient in identifying highway safety problems, developing countermeasures and evaluating results.

"§ 407. Federal share payable.

"(a) Except as provided in section 409 of this chapter the Federal share payable on account of any program shall not exceed 80 per centum of the total cost of such program.

"(b) The Secretary may, in his discretion, from time to time as work progresses, make payments to any State for the Federal share of costs incurred by the State or its subgrantee.

"(c) The Secretary may advance to any State, out of existing appropriations, the Federal share of costs incurred. Such advance financing shall be through letter of credit in conformity with United States Treasury Department regulations.

"(d) Such payments or advances of Federal funds shall be made to such official or officials or depository designated by the State and authorized under the laws of the State to receive public funds of the State.

"(e) The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions for carrying out the State highway safety program shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any program under this chapter without regard to whether such expenditures were actually made in connection with such program, except that if any funds apportioned under section 403 are to be expended by the State for the planning and administrative functions of the State highway safety agency. the State shall provide matching funds for such functions of at least 20 per centum of the total funds so expended.

"§ 408. Federal agency assistance.

"The Secretary may make arrangements with other Federal departments and agencies for assistance in the preparation of uniform requirements for the highway safety programs contemplated by section 402 and in the administration of such programs. Such departments and agencies are directed to cooperate in such preparation and administration, on a reimbursable basis.

"§ 409. Indian programs.

"For the purpose of the application of this chapter on Indian reservations, the terms 'State' and 'Governor of a State' includes the Secretary of the Interior; and the term 'political subdivision of a State' includes an Indian tribe except that, notwithstanding the provisions of section 405(b) of this chapter, 95 per centum of the funds apportioned to the Secretary of the Interior after the date of enactment of this chapter shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions.

"§ 410. Innovative project grants.

"(a) In addition to other grants authorized by this chapter, the Secretary may make grants in each fiscal year to those States which develop the most innovative approaches to highway safety problems in accordance with criteria to be devised by the Secretary in cooperation with the States.

"(b) A grant authorized by this section shall be awarded on the basis of an application submitted to the Secretary by the State agency specified in section 404 of this chapter. Such grants may be used only for the purposes specified in the application. Such grants shall be in addition to other funds authorized by this chapter.

"(c) The Secretary shall establish a procedure for the solicitation and selection of grant applications authorized by subsection (a) of this section. In developing the procedure, the Secretary shall consult with the States, political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as he deems appropriate.

"(d) Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 2 per centum for the necessary costs of administering the provisions of this section.

"§ 411. Highway safety research and development.

"(a) The Secretary is authorized to use funds appropriated to carry out this subsection to carry out safety research which he is authorized to conduct by section 307(a) of this title. In addiiton, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which the Secretary deems will promote the purposes of this section.

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles.

"(2) Driver behavior research, including characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.

"(c) The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals.

"(d) The Secretary may, where he deems it to be in furtherance of the purposes of section 402 of this chapter, vest in State or local agencies, on such terms and conditions as he deems appropriate, title to equipment purchased for demonstration projects with funds authorized by this section.

"§ 412. National Highway Safety Advisory Committee.

"(a)(1) There is established in the Department of Transportation a National Highway Safety Advisory Committee, composed of the Secretary or an officer of the Department appointed by him, the Federal Highway Ad-

ministrator, the National Highway Traffic Safety Administrator, and thirty-five members appointed by the President, no more than four of whom shall be Federal officers or employees. The Secretary shall select the Chairman of the Committee from among the Committee members. The appointed members, having due regard for the purposes of this chapter, shall be selected from among representatives of various State and local governments, including State legislatures, of public and private interests contributing to, affected by, or concerned with highway safety, including the national organizations of passenger car, bus, and truck owners, and of other public and private agencies, organizations, or groups demonstrating an active interest in highway safety, as well as research scientists and other individuals who are expert in this field.

"(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of members first taking office after the date of enactment of this section shall expire as follows: Twelve at the end of one year after the date such committee members are appointed by the President, twelve at the end of two years after the date such committee members are appointed by the President, and eleven at the end of three years after the date such committee members are appointed, as designated by the President at the time of appointment, and (iii) the term of any member shall be extended until the date on which the successor's appointment is effective. None of the members appointed by the President who has served a three-year term, other than Federal officers or employees, shall be eligible for reappointment within one year following the end of his preceding terms.

"(B) Members of the Committee who are not officers or employees of the United States shall, while attending meetings or conferences of such Committee or otherwise engaged in the business of such Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

"(b) The National Highway Safety Advisory Committee shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Department in the field of highway safety. The Committee is authorized (1) to review research projects or programs submitted to or recommended by it in the field of highway safety and recommend to the Secretary, for prosecution under this title, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause and prevention of highway accidents; and (2) to review, prior to issuance, requirements proposed to be issued by order of the Secretary under the provisions of section 402 of this chapter and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order.

"(c) The National Highway Safety Advisory Committee shall meet from time to time as the Secretary shall direct, but at least once each year.

"(d) The Secretary shall provide to the National Highway Safety Committee from among the personnel and facilities of the Department of Transportation such staff and facilities as are necessary to carry out the functions of such Committee.

"§ 413. Authorization of Appropriations.

"(a) There is authorized to be appropriated, for carrying out the provisions of section 402 of this chapter (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $175,000,000 for the fiscal year ending September 30, 1979, $175,000,000 for the fiscal year ending September 30, 1980, $200,000,000 for the fiscal year ending September 30, 1981, and $200,000,000 for the fiscal year ending September 30, 1982.

"(b) For carrying out the provisions of section 402 of this chapter (relating to highway safety programs), by the Federal Highway Administration, funds shall be provided in accordance with the provisions of section 151 of this title.

"(c) There is authorized to be appropriated, for carrying out the provisions of section 410 of this chapter (relating to grants for innovative highway safety approaches), out of the Highway Trust Fund, $5,000,000 for the fiscal year ending September 30, 1980, $10,000,000 for the fiscal year ending September 30, 1981, and $15,000,000 for the fiscal year ending September 30, 1982.

"(d) There is authorized to be appropriated, for carrying out the provisions of section 411 of this chapter (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund $50,000,000 for the fiscal year ending September 30, 1979, $50,000,000 for the fiscal year ending September 30, 1980, $50,000,000 for the fiscal year ending September 30, 1981, and $50,000,000 for the fiscal year ending September 30, 1982."

SEC. 3. (a) Section 154 of title 23 of the United States Code is amended by adding at the end thereof the following new subsections:

"(a) Each State shall certify to the Secretary before January 1 of each year that it is enforcing all speed limits on public highways in accordance with this section. The verification statement shall consist of such data as the Secretary determines by rule is necessary to support the statement for the 12-month period ending on September 30 before the date the statement is required, including data on the percentage of motor vehicles exceeding 55 mph on public highways with speed limits posted at 55 mph in accordance with criteria to be established by the Secretary.

"(f)(1) For the 12-month period ending September 30, 1978, if the data submitted by a State pursuant to subsection (e) of this section show that the percentage of motor vehicles exceeding fiftey-five miles per hour is greater than 70 percent, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(6) and 133(a) of this title in an aggregate amount of up to 5 percent of the amount to be apportioned for the fiscal year ending September 30, 1980.

"(2) For the 12-month period ending September 30, 1979, if the data submitted by a State pursuant to subsection (e) of this section show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 50 percent, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(6) and 133(a) of this title in an aggregate amount of up to 5 percent of the amount to be apportioned for the fiscal year ending September 30, 1981.

"(3) For the 12-month period ending September 30, 1980, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 30 percent, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(6) and 133(a) of this ttile in an aggregate amount of up to 5 percentum of the amount to be apportioned for the fiscal year ending September 30, 1982.

"(4) For the 12-month period ending September 30, 1981, and for each succeeding 12-month period thereafter, if the data submitted by a State pursuant to subsection (e) of this section for that year show that the percentage of motor vehicles exceeding fifty-five miles per hour is greater than 15 percent, the Secretary shall reduce the State's apportionment of Federal-aid highway funds under each of sections 104(b)(1), 104(b)(6) and 133(a) of this title in an aggregate amount of up to 10 per centum of the amount to be apportioned for the fiscal year ending September 30, 1983, and for each succeeding fiscal year thereafter.

"(g) The Secretary shall promptly apportion to a State any funds which have been withheld pursuant to subsection (f) of this section if he determines that the percentage of motor vehicles in such State exceeding fifty-five miles per hour has dropped to the level specified for the fiscal year for which the funds were withheld."

(b) The first sentence of section 141 of title 23 of the United States Code is amended by deleting before the period at the end thereof the following: ", and all speed limits on public highways in accordance with section 154 of this title".

SEC. 4. There are authorized to be appropriated, for carrying out sections 307(a) and 411 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, $10,000,000 for the fiscal year ending September 30, 1980, $10,000,000 for the fiscal year ending September 30, 1981, and $10,000,000 for the fiscal year ending September 30, 1982.

WASHINGTON, D.C.,
January 30, 1978.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Department of Transportation is submitting for your consideration and appropriate reference a draft bill "To amend the Highway Safety Act of 1966 to authorize appropriations, and for other purposes."

The bill represents the last stage in a process that began with the passage of the Highway Safety Act of 1976. In response to the directive in that Act to study and report on the adequacy and appropriateness of the highway safety program standards, the Department undertook what was to become the most comprehensive review ever made of the highway safety program. In reporting the results of its review to Congress on July 1, 1977, the Department recommended a number of changes in the highway safety program that could be accomplished only through legislation. The draft bill reflects the recommended changes.

The Department has gone to great lengths to insure the meaningful involvement of the highway safety community in its review of the program. The views of the community have been solicited continually, both in the preparation of the report and in the development of this legislative proposal. Throughout, the agencies and organizations concerned with highway safety have responded with useful ideas and perceptive criticism. Although there is not unanimity on all issues, the Department is confident that the draft bill reflects a solid consensus on the basic direction of the program.

Of the first importance among the changes proposed in the bill is a shift away from

reliance on mandatory standards as the nucleus of the highway safety program. The Department found the prevailing opinion to be that the initial standards had achieved their purpose, and that the States were now able to draw on their own experience to frame priorities for their programs. Accordingly, the draft bill proposes to replace the standards-oriented provisions of the Act with a new section that places greater emphasis on the States' obligation to identify their own problems, devise remedies, and evaluate the results. There would still be a role for uniform requirements, but confined to requirements designed to promote uniformity in the collection and analysis of data and to facilitate safe interstate travel.

Enactment of the draft bill would be followed by a period of adjustment in which the old standards would be retired and the new requirements would be shaped. The content of the new requirements would be drawn from the recommendations in the July 1977 report, and would be developed in close coordination with the States, local subdivisions, and other interested agencies and organizations. It should be emphasized that a program area that is no longer covered by a standard would by no means be consigned to an inferior role. The Department expects that the States will continue to find such programs as police traffic services and emergency medical services to be essential to their highway safety programs.

The draft bill effects a greater separation between the highway-related requirements administered by the Federal Highway Administration and the requirements administered by the National Highway Traffic Safety Administration. Although the bill includes traffic control devices and highway design, construction and maintenance as subjects for the new requirements, all funding for the implementation of these requirements would be provided through authorizations under a proposed new section 151 in title 23. The new section, contained in the Department's proposed Highway and Public Transportation Improvement Act of 1978, would permit better coordination between the highway safety requirements under Chapter 4 and the safety constuction program under Chapter 1. As a consequence, this bill proposes to incorporate those provisions of Chapter 1 that are applicable to the highway safety program into the new Chapter 4 and to delete the former cross-references to Chapter 1.

A third noteworthy change proposed in the bill is the abandonment of the sanction affecting the apportionment of highway safety authorizations. The 1976 amendments have already gone some distance in this direction, by deleting the 10 percent sanction on the Federal-aid construction funds and increasing the flexibility of the sanction of highway safety funds. It was, however, the consensus of the highway safety community that sanctions had outlived their usefulness and should be abandoned altogether. The bill accordingly omits the apportionment sanction, leaving in its place only an explicit statement of the conventional authority to disapprove unsatisfactory programs.

The Highway Safety Act of 1973 (P.L. 93–87) established a program of incentive awards for States that enacted safety belt use laws or that achieved significant reductions in their highway fatality rates. The Highway Safety Act of 1976 (P.L. 94–280) added a third incentive, for actual reductions in fatalities. In the process of reviewing the program pursuant to the mandate of the 1976 Act, the Department was impressed by the widespread opinion among the States that none of the incentives was acting to foster improved highway safety programs. The awards were commonly viewed as a reward for historical events which might or might not be attributable to programs initiated by the States. After considerable discussion with representatives of the highway safety community, the Department has concluded that the approach most likely to act as a true incentive would be one in which innovation is specifically encouraged by being made the principal basis for an award. The attached bill would therefore establish a program of innovative project grants, under which the Secretary would be directed to work with the States, local subdivisions, and other highway safety organizations to devise appropriate criteria for the selection and award of grants. The process of devising such criteria would begin immediately to allow time for an orderly review before the award of the first grants in fiscal year 1980.

Among the other changes proposed by the bill would be a more explicit direction to the State highway safety agencies to help the political subdivisions to identify and correct their highway safety problems. In keeping with the Department's desire to have the State highway safety agencies seen as integral parts of State government rather than as Federal grant management offices, the bill proposes to require the States to provide a hard match for Federal funds expended to support the planning and administrative functions of the State highway safety agencies.

The bill would continue the highway safety research and development program without major change. Two study provisions, relating to administrative adjudication and to the effectiveness of driver education, would be deleted. Significant progress has been made under each of these studies and the work now in progress would be continued under the general research and development authority.

The National Highway Safety Advisory Committee would be continued as presently constituted. Although the bill would replace chapter 4 in its entirety with a new chapter 4, the replacement would be instantaneous, and the members of the existing Committee would continue to serve the terms of their present appointments.

The bill proposes to shift the period of authorization from two years to four years, and therefore requests authorizations through fiscal year 1982. It is the Department's view that the longer authorization cycle will promote greater stability within the program. The authorization would begin at $135 million for fiscal year 1979 and increase to $200 million for fiscal years 1981 and 1982. The bill proposes that of the funds to be apportioned to the States, up to 25 percent would be separately apportioned for high priority safety projects, thereby providing almost $200 million over the life of the authorizations for programs such as the expansion of the 55 mph speed limit enforcement program. The proposed amount thus provides for modest growth in both the basic program and in high priority areas. It is contemplated that the high priority funds would be devoted at first almost entirely to expansion of the States' 55 mph enforcement programs. The provision of funds for speed limit enforcement responds to the urgent and repeated requests of the States for assistance in this critical program.

In addition to the proposed amendment of chapter 4, the proposed bill would amend the national maximum speed limit program in significant respects. Currently, section 154 of title 23, United States Code, provides that the Secretary shall not approve any project under section 106 of that title in any State which has a maximum speed limit in excess of 55 miles per hour on any public highway within its jurisdiction. Section 141 of title 23 provides that each State shall certify that it is enforcing the speed limit and directs the Secretary to withhold approval of all projects under section 106 in any State that does not so certify.

The proposed bill would retain the current sanctions intact, but would supplement the current sanction of section 141 for failure to certify enforcement with a new provision focused on the actual speeds traveled by motorists. The penalty applicable to enforcement would be strengthened by a 5 to 10 percent penalty applicable to compliance. A schedule is proposed to be established for the States to bring their speeds below certain levels in successive years beginning in calendar year 1978. For fiscal years 1980–1982, it is proposed to withhold up to 5 per centum of a State's Federal-aid highway apportionments, other than Interstate and safety construction apportionments, in any year for which the State's speeds do not fall below the specified level. The apportionments would be withheld until such time as the State's speeds fall to the level specified for the year for which the apportionments were withheld. The penalty would increase to 10 percent in subsequent years. It is the Department's view that such sanctions provide a strong inducement to the States to improve their speed limit enforcement programs. Although the penalty would be less severe than the total withholding of the project approvals provided by section 141, the basis for the penalty would be much more clearly stated and its imposition therefore more certain in the event a State failed to meet a specified level. The compliance levels proposed in the bill begin at the existing level of compliance and required steady improvement in each succeeding year.

Additional details concerning these proposals and a discussion of several other, largely technical proposals are contained in the attached combined section-by-section analysis and justification.

It is the judgment of this Department, based on available information, that no significant environmental or inflationary impact would result from the implementation of this bill.

The Office of Management and Budget advises that this proposed bill is in accord with the Administration's objectives.

Sincerely,

BROCK ADAMS.

Enclosure.

SECTION-BY-SECTION ANALYSIS AND JUSTIFICATION

Section 2. Subsection (1) of this section would authorize the appropriation of $175,000,000 for fiscal year 1979, $175,000,000 for fiscal year 1980, $200,000,000 for fiscal year 1981, and $200,000,000 for fiscal year 1982, for the National Highway Traffic Safety Administration's implementation of the state and community highway safety program. The section proposes four years of authorization for each activity specified in the section, in keeping with the Department's view that a longer authorization cycle will promote greater stability within the program.

Subsection (2) provides a cross-reference to the source of funding for that portion of the highway safety program administered by the Federal Highway Administration. Under the provisions of the proposed highway and public transportation legislation, funds for the Federal Highway Administration's areas would be provided under a new section 151 in title 23, United States Code.

Subsection (3) provides for a constant $50 million to be authorized for fiscal years 1979–1982. This amount would continue the authorization level provided for fiscal year 1978 and is considered to be adequate for the needs of the program through the next four years.

Subsection (4) would authorize $10 million for the research and development activi-

ties of the Federal Highway Administration for each of fiscal years 1979–1982. This would continue the authorization level provided for fiscal year 1978 and is considered adequate for the needs of the program for the next four years.

Subsection (5) would authorize appropriations for innovative project grants, beginning with $5 million in fiscal year 1980, and increasing to $10 million in fiscal year 1981 and $15 million in fiscal year 1982. Procedures for the new grants would be developed in the period before the first grants in fiscal year 1980, and the amounts provided would be increased progressively in the next two years.

Section 3. This section provides for the repeal of the existing Chapter 4, Highway Safety, in title 23, United States Code. It would not affect those provisions of Federal highway safety law relating to the administration and reporting requirements of the program which have not been codified in title 23.

Section 4. This section would establish a new Chapter 4, Highway Safety, as the successor to the existing chapter. In content, the new chapter represents an amalgam of long-established provisions of the highway safety law, provisions from the Federal-aid highway laws applicable to the highway safety program, and new provisions which have had their origin in the study of the program conducted by the Department in response to the Highway Safety Act of 1976 (P.L. 94–280). Although a first reading of the proposed Chapter 4 will disclose many structural changes, many of its provisions are identical to those of the existing chapter, and others are changed only in nonsubstantive details such as section headings and cross-references.

Section 401, Authority of the Secretary, is largely identical to the existing section 401. The original mandate to the Secretary is as valid now as when it was first issued in 1966, and the bill does not propose to change it. To conform to proposed changes in Chapter 1, the section would no longer exclude the island States from receiving highway safety funds from the Highway Trust fund.

Section 402, Highway Safety Programs, embodies the principal changes recommended in the Department's report to the Congress pursuant to the Highway Safety Act of 1976. Under current law, the States are directed to have highway safety programs in accordance with numerous uniform highway safety standards which the Secretary is directed to issue. As the States have gained greater experience in the management of highway safety, the detailed structure established by the standards has become outdated and overly rigid. In order to allow the States greater flexibility in the development of their programs, this section shifts the emphasis of the highway safety program away from rigid standard-by-standard compliance.

Under the new section 402, the States would be directed to employ a process of identifying the causes of accidents, adopting measures to reduce the frequency and severity of accidents, and evaluating the results of these measures. Standards would no longer be employed. The scope of the program requirements which replace them would be reduced to those aspects of highway safety for which State-by-State uniformity has been found to be essential. The requirements to be issued would therefore fall under two general headings: requirements relating to uniformity in the collection of data related to highway safety, and requirements relating to the laws and practices that affect interstate motorists. Under the former heading there would also be placed requirements relating to the prevention of motor vehicle theft.

Under the new section, the Secretary would be directed to cooperate with the States, political subdivisions, and a variety of other agencies and organizations in the issuance of requirements. Those matters that relate to highway safety but do not necessitate State-by-State uniformity would be incorporated into guidelines to be considered by the States.

Section 403, Apportionment, consists of portions of the existing subsection on highway safety apportionment, 23 U.S.C. § 402(c), together with provisions derived from Chapter 1 of title 23. Under current law, the apportionment of a State's funds is conditioned upon the Secretary's finding that the State is implementing an approved highway safety program. This threat to State funding has been the source of continual friction within the program and the cause of remedial legislation in the last Congress. In order to eliminate the friction, this section would withdraw the Secretary's authority to affect the apportionment of funds.

The section would provide that up to 25 percent of the amount to be apportioned to the States could be reserved at the discretion of the Secretary and separately apportioned to the States for high priority safety projects in accordance with a formula to be determined by the Secretary. Such projects would include projects to increase the effectiveness of the 55 mph speed limit.

The section would continue the current apportionment formula based on population and road mileage, and would incorporate provisions relating to the date of apportionment and to the period of availability which the current law now cross-references from Chapter 1 of title 23. The section also continues the restriction of the current law against the use of highway safety funds for highway construction, maintenance and design.

Section 404, State Highway Safety Agency, is based on the existing provision for a State agency in 23 U.S.C. § 402(b)(1)(A), with minor rewording It remains the Department's intent to strengthen the role of the State highway safety agencies and to encourage the development of coordinated management of all highway safety programs within each State.

Section 405, Local programs, would incorporate the provisions of existing subparagraphs (b)(1) (B), and (C), and paragraph (b)(2) of section 402 relating to local programs, with certain changes. Under current law, the States are required to authorize local political subdivisions to carry out highway safety programs and are obligated to provide for the expenditure of at least 40 per centum of the apportioned funds by local subdivisions. However, the States have no affirmative obligation to assist the subdivisions in the effective use of the funds provided. This section would direct the States to provide such assistance.

Section 406, Program submission and approval, would serve as the basis for the annual review and approval of State programs. Under current law, the provisions applicable to the approval of State highway safety programs are derived by reference from the Federal-aid highway construction program procedures in chapter 1 of title 23. This has contributed to occasional confusion as to the applicability of construction-oriented provisions to a non-construction program. To provide a section would prescribe a step-by-step process conforming to the practice developed over the years in the highway safety program.

This section would also incorporate provisions relating to the signing of a Federal-aid agreement for the obligation of funds. Finally, it would specify the limited circumstances under which the Secretary would be authorized to withhold program approval from a State. The Secretary would be authorized to withhold approval of a State's program in its entirety only in the event of serious deficiencies in the program. Although a failure in one or another program area would be cause for withholding approval of projects in those areas, such failures would have to be widespread and serious to warrant total program disapproval.

Section 407, Federal share payable, is a restatement of provisions currently applicable to the highway safety program. Under current law, the provisions applicable to the Federal share and to payment procedures are scattered through Chapter 1. This section would collect the applicable provisions in a single section. It would also continue the practice of allowing the States to meet their matching share requirements on a whole-program basis, with the exception that a specific match would be required for any Federal funds expended for the planning and administrative functions of the State highway safety agency. The requirement for a specific match is intended to insure the inclusion of State highway safety agencies within the State budgets, thereby compelling greater legislative attention to agencies which have in some cases been seen as Federal grant management offices.

Section 408, Federal agency assistance, is identical to the current subsection 402(f) in title 23, and would continue the role of the Department in highway safety matters within the Federal government.

Section 409, Indian programs, is identical to the current subsection 402(i) in title 23, with new cross-references.

Section 410, Innovative project grants, represents a new approach to the encouragement of innovation in highway safety. Under current law, incentive grants are authorized for States which reduce their fatality rates, reduce their actual fatalities, or enact seat belt use laws. There has been a growing conviction that these grants, particularly the first two, are more in the nature of rewards for historical performance than incentives for better future performance. This section would shift the basis for grants away from historical performance.

The section would base grants on innovative approaches to meeting highway safety problems. The Secretary would devise criteria in cooperation with the States, and would develop appropriate award procedures after consulting with the States, political subdivisions, appropriate Federal departments and agencies, and such other public and private organizations as he deems appropriate.

Section 411 is substantively identical to section 403 of title 23 under the current law, with the exception that subsections (e) and (f) of the current section, dealing with reports on administrative adjudication of traffic infractions and on driver education, have been deleted. The work authorized by these subsections can be continued under the amended section, but without an annual reporting requirement.

Section 412 is substantively identical to section 404 of title 23 under the current law. The National Highway Safety Advisory Committee, as presently constituted, would be preserved by this section and would continue its operation without interruption.

Section 5. This section would amend provisions in Chapter 1 of title 23, United States Code. Although not a part of Chapter 4, the national maximum speed limit has had an immense effect on highway safety and on the programs administered under Chapter 4. The bill therefore proposes amendments to the speed limit law along with its proposals on other aspects of highway safety.

Under current law, section 141 provides that the Secretary shall not approve any project under section 106 in any State which fails to certify to the Secretary, before January 1 of each year, that it is enforcing all speed limits on public highways in accordance with the provisions of section 154 relating to the national maximum speed limit. In keeping with the new policy underlying the highway safety programs, which allows the States greater flexibility in development and implementation of their programs, this section removes the rigid penalty

under section 141 and establishes a more supportive and performance oriented approach to the implementation of the speed limit by all States. In place of the former all-or-nothing penalty affecting highway project approval, the section provides for a penalty on a sliding scale, affecting a maximum of 5 percent of the apportionment of funds under section 104(b)(1), 104(b)(6) and 133(a) of this title for fiscal years 1979–1981 and a maximum of 10 percent of such apportionments thereafter. Any apportionment withheld from a State would be restored at such time as the speeds on the State's public highways have fallen to the level specified for the year for which the apportionment was withheld.

Under the new section, a graduated system of minimum standards is provided to measure the effectiveness of State speed limit programs. These measures of effectiveness, which are expressed as percentages of a State's motor vehicles exceeding 55 mph, are realistically grounded on current information and take into account the States' current levels of compliance. The percentage of motor vehicles exceeding 55 mph would be measured by criteria and procedures to be specified by the Secretary.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 2541, introduced by Mr. CANNON, by request, be jointly referred to the Committee on Commerce, Science, and Transportation, and to the Committee on Environment and Public Works for the purpose of that committee's reviewing section 3 of the bill.

This request has been cleared by the ranking members and the chairmen and minority leadership.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. HEINZ (for himself, Mr. LUGAR, Mr. PERCY, Mr. STEVENS, Mr. RIEGLE, and Mr. HELMS):

S. 2542. A bill to amend the Internal Revenue Code of 1954 to permit the full investment credit amount to be claimed for pollution control facilities for which rapid amortization has been elected; to the Committee on Finance.

Mr. HEINZ. Mr. President, last April I submitted an amendment to H.R. 3477, the Tax Reduction and Simplification Act. This amendment, which was narrowly defeated, would have allowed those taxpayers who install pollution control equipment and who use the 5-year amortization provided by section 169 of the Internal Revenue Code to be eligible in addition for the full investment tax credit. Present law permits only one-half the investment tax credit in this situation. I had also introduced, prior to this amendment, a more comprehensive bill, S. 1276, which would have allowed for same-year amortization of pollution control equipment—a far more useful step, in my view. Since the Congress has yet to take positive action in this area, industries unfortunately still do not have definitive tax incentives to help them meet the cost of investing in pollution control equipment. The result is further incentive for some large companies to continue to employ delaying tactics in the courts rather than install the needed equipment. Small businesses, which often cannot meet the expense involved in installation, can be forced out of business.

Another complication is that investment in pollution control equipment is not "productive" in the classic sense of contributing to economic growth, yet the capital costs involved are high. The 10th annual McGraw-Hill survey of pollution control expenditures estimates that a total cost of $29.2 billion would be needed to bring all of American business' existing facilities up to present standards. Last year, one firm in Pennsylvania informed me that 80 percent of its capital expenditures went for pollution control equipment. This leaves little room for economic growth and increasing employment. It is my belief that this bill would provide firms with both a greater incentive to install the equipment and some tax relief from the costs incurred.

We need—and the law requires—pollution control equipment in our industries, and we need it now. We can no longer accept either the continued pollution of our air and water and the accompanying social costs or the continuing costs of litigation in this area. I believed this last year, and I believe it now.

My hope is that others will recognize this need and that this legislation will pass. President Carter, in the tax message he sent to Congress on January 23, proposed essentially what I am introducing today. He said:

I propose that pollution abatement facilities placed in service after December 31, 1977, be allowed to qualify for a full 10 percent credit even if special 5-year amortization is claimed under the provisions of the existing law. Currently, only a 5 percent credit may be combined with rapid amortization. This proposal will provide significant tax relief for industries that are forced to make pollution control expenditures in order to comply with environmental regulations.

I am introducing this bill today in order to urge a prompt decision on the part of the Senate so that this portion of the President's message is acted upon soon and not lost somewhere in the legislative process.

We must all realize that one of our highest national priorities is cleaner air and improved environmental conditions. We will not be able to achieve any progress toward these goals without a realistic assessment of the situation within industry and an acceptance of the necessity of providing greater incentives for the installation of pollution control equipment.

By Mr. GLENN (for himself and Mr. SASSER):

S. 2543. A bill to amend title 39 of the United States Code to provide better enforcement procedures for preventing fraudulent solicitations through the mails; to the Committee on Governmental Affairs.

CRACKDOWN ON PHONY ADVERTISING SCHEME

Mr. GLENN. Mr. President, I am today introducing a bill aimed at providing the business community with a greater measure of protection against a false billing scheme that, it is estimated, bilks businessmen out of $25 million a year.

These false billing schemes have been troublesome for several years and very recently gave rise to a new Postal Service regulation, effective December 8, 1977, requiring a notice to appear in bold-face 30-point type on any solicitation in the guise of an invoice entered in the mail. The regulation is intended to make the notice unmistakably evident to the recipient. I hope it will also have the effect of making use of the invoice method of solicitation unattractive to the sender.

Despite the regulation, I believe legislation is needed to improve the administrative remedies available in the event of noncompliance. At present, the Postal Service agrees, those procedures either are ineffectual or involve a burden of proof that is difficult to meet.

The bill I introduce today will address this problem by stating that any such invoice-type of solicitation failing to bear the required notice to the recipient that it represents an order, not a bill, and that the recipient is under no obligation to pay, shall constitute prima facie evidence that the mailer is engaged in a scheme or device for obtaining money or property through the mail by means of false representations. Such mail matter also would be included in the provisions of section 3005(a) of title 39, United States Code, which empowers the Postal Service, following notice and hearing, to issue an administrative order embargoing return of mail to the offending promoter. A companion provision would also make such mail subject to an injunction authorizing the detention of mail during the administrative proceedings on false representation.

Mr. President, a number of Senators have recently brought to my attention the complaints of businesses which have been victimized by this racket of carpeting the country with false billings in the hope—obviously not a fruitless hope—that enough firms will pay. The Washington Post, in an article which appeared Monday, January 16, 1978, exposed these operations, pointing out that many of them operate under the cover of phony minorty-owned publications which trade on "white guilt" and hurt reputable operations.

I ask unanimous consent that the article referred to, by reporter Lou Cannon, be printed in the RECORD, together with the text of the bill.

There being no objection, the article and bill were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 16, 1978]

PHONY AD SALESMEN PREY ON "WHITE GUILT"

(By Lou Cannon)

LOS ANGELES.—Telephone and mail solicitors, trading on "white guilt" and on government pressure to advertise in minority-oriented publications, are inducing thousands of businessmen to buy ads in phony publications, according to investigators for the Postal Service and the Los Angeles district attorney.

Nationally, the fraudulent sales amount to $25 million a year, postal inspectors say, and the schemes are proliferating as "salesmen," seeing how easy it is to make money, quit and set up their own operations.

The method is quite simple. Operating out of a storefront "boiler room," the solicitor, who may be an unemployed white actor skilled at imitating black or Mexican-American accents, places telephone calls to businesses across the nation.

Usually, according to Assistant Postal Inspector Peter Wade and postal investigator Wayne Collier, the telephone solicitor uses a voice that the white businessman regards as "black." The caller, using the name of a fictitious organization, often with "black" or "equal opportunity" in the title, asks the businessman to place an ad in a directory or other publication.

Whether or not the businessman agrees, the call is followed immediately by an invoice and sometimes by another invoice labeled "reminder notice." With surprising frequency, the businesses pay up.

Collier, considered by law enforcement officials here to be the most knowledgeable investigator of postal fraud, said the schemes take advantage of a section of the Equal Employment Opportunity Act of 1972 that encourages advertising in publications aimed at minority audiences.

As one of the actor-solicitors put it: "We're cashing in on white guilt, which is very big now in the corporate world."

"Over a two-year period we've received many complaints from business people who feel they've been strong-armed into taking space in a directory," said Los Angeles County Deputy District Attorney Gil Garcetti, a consumer fraud specialist. "Usually, these directories are never published."

These phony operations are hurting legitimate civil rights fund-raising and reputable telephone salespersons for established publications. Authorities urge businessmen who are solicited by an unfamiliar publication to ask for a copy and for details of its circulation before buying any ads.

Inspector Wade said a dozen boiler room operators, using more than 70 organizational cover names, are under investigation in Southern California. He noted that solicitors here can begin their calls to Eastern points as early as 5 a.m., West Coast time and thus take advantage of the lower telephone rates prevailing at that hour.

Last year, postal authorities obtained the conviction on mail fraud charges of Michael Lasky, who they believed to be the largest single operator. Lasky was sentenced to five years in prison and is free pending appeal.

Lasky's firm, Space Advertising, in many cases didn't even bother to make phone calls but simply sent out hundreds of invoices. It operated under dozens of names, of which some of the most frequently used were "The Negro Newspaper Group," "Minority Viewpoint" and "El Mexicano."

Wade said similar cover names are now used by other solicitors.

An employee of one of these boiler rooms, a young white actor who has had bit roles in a few minor movies, agreed to talk about his experiences on condition that his name not be used.

This actor, who in the course of a 20-minute interview employed accents that he said were black, Mexican and Jewish, said his day usually began at 6 a.m. and lasted until 11 a.m. Operating out of a building near his home in Manhattan Beach and using a list culled from the telephone directory's Yellow Pages, he urged businessmen to buy ads in an "equal employment" directory. The ads cost from $150 to $800 for a full page, and the salespeople, most of them white males, received 20 per cent of the revenue.

If the businessman seemed interested but resisted, he was told he could buy a smaller ad at a special reduced price. If he still resisted, the caller remarked that his organization "kept track of its enemies as well as its friends."

Whether or not the caller agreed to buy the ad, he was sent an invoice unless he had threatened to call the police or the postal authorities, or had requested an advance copy of the directory, the actor said.

"We actually printed a directory but I think it was limited to a couple of hundred copies," this actor said. "As far as I know, it was never distributed."

The actor said he averaged between $800 and $1,000 a week and still had time to try out for movie roles.

But he also said that soliciting became "hard work" because both the sales pitch and the responses grew monotonous.

"It helped me get my accents down but now I'm bored by it," he said.

While the boiler rooms are typically located in the Redondo Beach or Manhattan Beach areas south of Los Angeles, to get their mail the solicitation schemes often used more prestigious addresses in Beverly Hills or Hollywood, where some of them also maintained answering services.

Wade said that because of increased suspicion by businessmen about invoices mailed from California, some of the solicitation schemes are now using mail drops in such places as Boston and Minneapolis. Checks collected in these cities are shipped to California.

Investigations are currently under way into various phases of the minority solicitation fraud by the postal authorities, the U.S. attorney, the state attorney general and the Los Angeles district attorney. All of these officials were reluctant to name any particular boiler room operator until an indictment is issued.

Because of the portable nature of boiler rooms, those who run them can quickly close down and move.

Also, mail fraud convictions are difficult to obtain, said an experienced trial lawyer here, because many businessmen are reluctant to file a complaint.

"They don't want to advertise that they've been burned," the attorney said.

Among those who were defrauded in the Space Advertising case, according to court records, were the Providence Hospital of Washington, D.C., Mitsubishi Aircraft of San Antonio and Key Biscayne Bank in Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3005(a) of title 39, United States Code, is amended—

(1) by inserting "including the mailing of matter which is nonmailable under section 3001(d) of this title," after "false representations,"; and

(2) by adding at the end thereof the following: "For purposes of the preceding sentence, the mailing of matter which is nonmailable under such section 3001(d) by any person shall constitute prima facie evidence that such person is engaged in conducting a scheme or device for obtaining money or property through the mail by false representations.".

By Mr. GLENN (for himself, Mr. ROTH, and Mr. STONE):

S.J. Res. 111. A joint resolution to authorize participation by the United States in parliamentary conferences with Japan; to the Committee on Foreign Relations.

JAPAN-UNITED STATES INTERPARLIAMENTARY CONFERENCE

Mr. GLENN. Mr. President, I am pleased to introduce today a joint resolution to establish a Japan-United States Interparliamentary Group. All nations are dependent on other countries, but some are more vulnerable to the vagaries of international politics and trade. Japan is the most vulnerable. Thus, Japan shares with our Nation a common aspiration for a peaceful world system, expanded global trade, and the solution of the global problems that face mankind.

Both Japan and the United States live in a world of complex and inescapable interdependence. Both nations share the same aspirations for peace and prosperity. Obviously, coordination of our economic policies is essential to our mutual well-being and international trade. We have jointly survived the buffeting of color television exports, nuclear reprocessing issues, steel exports, and the trade imbalance. We have surmounted these difficulties because of mutual cooperation. Indeed, the future demands intensified cooperation. Thus, it is my belief that a legislative exchange program can contribute greatly to this process of mutual understanding.

Japan is the world's third greatest economy and the third most populous democracy. Japan is essential to a stable and peaceful Pacific, she is the keystone of our Asian and Pacific policy. The United States is crucial to Japan as a source of agricultural products and as a market for Japan's industrial output. Hence, Japanese and American economies are inextricably entwined. Japan is our largest overseas trading partner and the leading importer of American agricultural products (estimated 1977 value, $3.8 billion). Thus, a common dialog between legislators offers yet another route to find solutions to problems before the issues become critical.

Without exception, every member of the Diet I have met, whether here or in Japan, has urged such an interparliamentary group. Indeed, legislative cooperation has already helped ease common problems. In 1977 when I visited Japan, the steel companies promised to continue voluntary restraint of steel products exported to the United States. Indeed, in the first 9 months of 1977, Japan's exports increased only 1 percent compared to 134 percent for European steel exports during the same period. Senator STONE visited Japan in January and secured the cooperation of the Japanese Government in expanding the citrus fruit market. Thus, an exchange program such as the one proposed here would be a valuable mechanism for helping to resolve mutual difficulties.

One of the significant international issues is the North-South dialogue. The South holds the bulk of the world's resources and the fastest growing populations. Economic growth however is often outrun by population growth. Japan's location and trade offer the industrialized North a bridge across the chasm of different societies. I believe we can learn much from our Japanese colleagues and apply this knowledge to easing the gaps between the "Northern" and "Southern" nations. As a former military officer, I am aware that the first line of defense is not military might, but the maintenance of international cooperation. In 1909 a book entitled "The Valor of Ignorance" was published here and dealt with the inevitability of conflict between the United States and Japan. It is my desire that any new book reflect the steadfast and growing alliance of the last quarter of a century. We must continue to progress and it is in that spirit that we offer this resolution. My friend, Arthur Schlesinger's account of the Kennedy admin-

istration, "A Thousand Days," never mentions Japan. In the years since then Japan has occupied a major role in the international system. I propose we recognize this fact.

The major tasks of our foreign policy are the reduction of tensions between the great powers and the stabilization of economic relations. Japan has a role to play in both these efforts. A viable world order must include an active Japan. American and Japanese interests—economic and diplomatic—will be well served by expanding our relationship to include periodic meetings between members of the Diet and the Congress.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 111

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That not to exceed twenty-four Members of Congress shall be appointed to meet jointly and periodically with representatives of the House of Representatives and House of Counsellors of the Japanese Diet for discussion of common problems in the interests of relations between the United States and Japan. Of the Members of the Congress to be appointed for the purposes of this resolution (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from the Members of the House (not less than four of whom shall be from the International Relations Committee), and half shall be appointed by the President of the Senate from the Members of the Senate (not less than four of whom shall be from the Foreign Relations Committee). Such appointments shall be for the period of each meeting of the Japan-United States Interparliamentary group except for the four members of the International Relations Committee, and four members of the Foreign Relations Committee, whose appointment shall be for the duration of each Congress.

SEC. 2. An appropriation of $50,000 annually is authorized, $25,000 of which shall be for the House delegation and $25,000 for the Senate delegation, or so much thereof as may be necessary to assist in meeting the expenses of the United States group of the Japan-United States Interparliamentary group for each fiscal year for which an appropriation is made, the House and Senate portions of such appropriation to be disbursed on vouchers to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation, respectively.

SEC. 3. The United States group of the Japan-United States Interparliamentary group shall submit to the Congress a report for each fiscal year for which an appropriation is made including its expenditures under such appropriation.

SEC. 4. The certificate of the Chairman of the House delegation or the Senate delegation of the Japan-United States Interparliamentary group shall hereafter be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group of the Japan-United States Interparliamentary group.

JAPAN-UNITED STATES INTERPARLIAMENTARY GROUP

Mr. STONE. Mr. President, it is with great pleasure that I join with Senators GLENN and ROTH in introducing this resolution.

Japan is a world trading power. As the chairman of the Foreign Agriculture Policy Subcommittee, I am well aware of Japan's status because she buys nearly $4 billion in annual agricultural purchases. When you add lumber and coal to those American exports, Japan buys nearly $6 billion worth of American commodities. In 1976 Japanese-American two-way trade totaled $25.6 billion. It is therefore an immutable fact that the Japanese and American people share vital economic interests.

Of course, problems do exist. But, the persistence of problems demands resolution. Periodic meetings between Diet Members and congressional members can, I believe, assist in resolving these problems. Certainly that has been my experience in explaining Florida's citrus interests to members of the Agricultural and Foreign Affairs Committees and securing their understanding and help.

The peoples of both nations are hard working, gifted, and proud. Japan is the unchallengeable economic leader of the Pacific and Asian region. Yet, because of our different social and political structures, our cultural and historical experiences, we can profit from increasing contact between legislators.

Never before in the international arena have communication, consultation, and cooperation been so essential to preserving peace and insuring material well-being. This resolution is one small step in that direction.

ADDITIONAL COSPONSORS

S. 2287

At the request of Mr. BURDICK, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 2287, a bill to authorize grants to medical schools to assist them in establishing and operating educational programs in geriatrics.

S. 2295

At the request of Mr. HATCH, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2295, the Families with Alcoholism Assistance Act of 1977.

S. 2314

At the request of Mr. KENNEDY, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Arkansas (Mr. BUMPERS), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of S. 2314, a bill to repeal certain sections of title III of the Immigration and Nationality Act, and for other purposes.

S. 2354

At the request of Mr. DOMENICI, the Senator from New Mexico (Mr. SCHMITT), the Senator from Indiana (Mr. LUGAR), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Kansas (Mr. DOLE), the Senator from Utah (Mr. GARN), the Senator from Oklahoma (Mr. BELLMON), the Senator from Idaho (Mr. MCCLURE), the Senator from Hawaii (Mr. INOUYE), and the Senator from Nebraska (Mr. ZORINSKY) were added as cosponsors of S. 2354, the equal access to the courts bill.

S. 2474

At the request of Mr. KENNEDY, the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 2474, a bill to amend the Public Health Service Act.

S. 2503

At the request of Mr. HASKELL, his name was added as a cosponsor of S. 2503, the Social Security Refinancing Act of 1978.

S. 2505

At the request of Mr. JAVITS, the Senator from Colorado (Mr. HASKELL) was added as a cosponsor of S. 2505, a bill to amend title XIX of the Social Security Act to provide that certain handicapped individuals shall be eligible for medical assistance.

SENATE JOINT RESOLUTION 101

At the request of Mr. DOMENICI, the Senator from Michigan (Mr. GRIFFIN), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Iowa (Mr. CLARK), the Senator from Idaho (Mr. MCCLURE), the Senator from Montana (Mr. MELCHER), the Senator from Michigan (Mr. RIEGLE), the Senator from Minnesota (Mrs. HUMPHREY), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Joint Resolution 101, to authorize the President to issue a proclamation designating a memorial Sunday for firefighters who have been disabled or killed in the line of duty during the preceding year.

SENATE JOINT RESOLUTION 110

At the request of Mr. PERCY, the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Mrs. HUMPHREY), the Senator from Maine (Mr. HATHAWAY), the Senator from New Mexico (Mr. SCHMITT), and the Senator from North Carolina (Mr. MORGAN) were added as cosponsors of Senate Joint Resolution 110, establishing May 3, 1978 as Sun Day.

SENATE RESOLUTION 353

At the request of Mr. LUGAR, the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. GARN), and the Senator from Wyoming (Mr. WALLOP) were added as consponsors of Senate Resolution 353, a resolution providing for the merit selection of Federal judicial officers.

SENATE RESOLUTION 398—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES

Mr. ROBERT C. BYRD (for Mr. EASTLAND) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 398

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the Judiciary, or any subcommittee thereof, is authorized from March 1, 1978, through February 28, 1979, in its discretion (1) to

make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $5,693,642, of which amount not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1979.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

AMENDMENTS SUBMITTED FOR PRINTING

FIRST AMENDMENT CLARIFICATION ACT—S. 22

AMENDMENT NO. 1697

(Ordered to be printed and referred to the Committee on Commerce, Science, and Transportation.)

Mr. PROXMIRE submitted an amendment intended to be proposed to the bill (S. 22) to amend the Communications Act of 1934 in order to recognize and confirm the applicability of and to strengthen and further the objectives of the first amendment to radio and television broadcasting stations.

Mr. PROXMIRE. Mr. President, I share the concerns of many Americans about sex and violence on radio and television.

That is why I am today submitting an amendment to my bill, S. 22, the First Amendment Clarification Act, to make clear that the key purpose of that proposal is to abolish the Fairness Doctrine and the equal time rule and not to affect whatever power the Federal Communications Commission may have to regulate expressions of sex and violence on radio and television.

As Senators will recall, I initially introduced the First Amendment Clarification Act in 1975 and then reintroduced essentially the same legislation last year.

My main objective in introducing this legislation has always been the elimination of the Fairness Doctrine and the equal time rule. Never did I intend to deal with the complex and important issue of sex and violence on the broadcast media in this same bill. It is inappropriate, it seems to me, to try to tackle "fairness" issues and "sex and violence" issues in the same measure.

But certain language in one provision of my bill, as originally drafted, might well be interpreted as stripping the power of the Federal Communications Commission, whatever that power might be, to deal with matters relating to sex and violence on the electronic media.

The amendment I introduce today is designed to remedy this ambiguity in the legislation as it is now written. By striking certain language from the bill, I leave no doubt, it seems to me, that the chief purpose of this legislation is to do away with the Fairness Doctrine and the equal time rule.

As amended, the key provision of my bill would read as follows:

DEFINITION OF PUBLIC INTEREST, CONVENIENCE AND NECESSITY

SEC. 2. Section 309 of the Communications Act of 1934 is amended by inserting at the end thereof the following:

"(i) Notwithstanding any other provision of this part, effective on and after the date of the enactment of this subsection for the purposes of this part, the term 'public interest, convenience, and necessity' shall not be construed to give the commission jurisdiction to require the provision of broadcast time to any person or persons or for the expression of any viewpoint or viewpoints."

Mr. President, I ask unanimous consent that a copy of my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1697

On page 2, line 13, beginning with "or otherwise" strike out all to the period in line 18.

Mr. PROXMIRE. It is my hope, Mr. President, that the Communications Subcommittee of the Senate Committee on Commerce, Science and Transportation, to which S. 22 has been referred, will consider this amendment at the same time that it considers the main bill.

I hope further, Mr. President, that S. 22 and this amendment will receive early consideration in the Communications Subcommittee.

But in the event that this bill and my proposed amendment are not considered and passed this year, I shall introduce the same bill, redrafted to incorporate my amendment, at the first opportunity in the next Congress.

There is one point that I want to stress once again in connection with my introduction of this proposed amendment to S. 22. The amendment is designed to make clear that the central focus of S. 22 is the abolition of the Fairness Doctrine and the equal time rule. I am not attempting to deal with the problem of sex and violence on radio and television in this legislation.

Moreover, I am not advocating that the FCC should gain, retain, or lose any power to regulate expressions of sex and violence on radio and TV. I phrase it this way because it is not now clear exactly what power the FCC may or may not have to regulate in this area.

I have stated my concern about sex and violence on radio and television. This is a concern, of course, that is shared by many Americans.

But I have an equally strong concern about first amendment rights for the electronic media. Unless broadcasters enjoy their rightful constitutional freedom, the freedoms the rest of us enjoy are diminished and, indeed, our basic way of life is endangered.

In no way, therefore, do I want the introduction of this amendment to be taken as an indication of any lessening commitment on my part to putting broadcasters on an equal footing with publishers regarding first amendment rights.

The struggle to give broadcasters full constitutional parity with their colleagues in the print media must go on unabated. I intend to continue to do all that I can to bring this about.

But I do not want to see the chances for abolition of the fairness doctrine and the equal time rule jeopardized by any attempt—real or perceived—to deal with the "sex and violence" issue in the same piece of legislation.

It is for this reason that I am making clear, through the amendment I propose today, that S. 22 is designed primarily to eliminate the fairness doctrine and the equal time rule and is not meant to affect in any way whatever power the FCC may or may not have in the area of regulating sex and violence on radio and television.

If the fairness doctrine and the equal time rule were abolished, this would be a vital step toward giving the people of the United States the full benefit of a free press, electronic as well as printed.

Mr. President, as you know, I have on many occasions shared with my colleagues the specific reasons for doing away with the fairness doctrine and the equal time rule. I shall not repeat those arguments again at this time.

But let me just point out that the preferred source of news for 76 percent of the American people is radio and television. Yet, because of the fairness doctrine and the equal time rule—as well as other governmental controls—broadcasters do not enjoy the same first amendment rights as publishers.

This means that our first amendment is only about 24 percent effective when it comes to freedom of the press. We can and must do better. Enactment of S. 22, as amended, would, in my view, be an excellent way to begin. It would also, I hope, lead us to recognize the need for even more improvements in this crucial area.

NOTICES OF HEARINGS

SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, the Senate Committee on Aging will conduct a hearing on tax forms and tax equity for older Americans on February 24 at 9:30 a.m. in room 6226, Dirksen Senate Office Building.

The committee plans to examine several issues, including the tax credit for the elderly, President Carter's tax reduction package, the complexity of the tax forms, and the need for tax preparation assistance for older Americans.

SUBCOMMITTEE ON ANTITRUST AND MONOPOLY

Mr. KENNEDY. Mr. President, as part of its current oversight investigation of ratemaking in the trucking industry, the Subcommittee on Antitrust and Monopoly will be conducting further hearings on the question of freight rate competition among motor carriers. These hearings are a continuation of the series of hearings which the subcommittee initiated last October to examine the impact

of collective ratemaking on price levels and the overall competitive structure of this industry. The subcommittee is also examining the role of the Interstate Commerce Commission in regulating the ratesetting process.

The first hearing will be held on March 10, 1978, starting at 9:30 a.m. in room 2228 of the Dirksen Building. Other hearing dates in March and early April will be announced shortly.

EQUAL ACCESS TO COURTS

Mr. DOMENICI. Mr. President, on behalf of the Senator from Arizona (Mr. DE CONCINI), I wish to announce that an open public hearing will be held by the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary on S. 2354, a bill to provide for equal access to courts.

The hearing will be held on March 13, 1978, in room 2228, Dirksen Senate Office Building, commencing at 9 a.m.

Those who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, 6306 Dirksen Senate Office Building, telephone 202–224–3618, Washington, D.C. 20510.

JURISDICTION OF THE FEDERAL COURTS IN DIVERSITY OF CITIZENSHIP CASES

Mr. DOMENICI. Mr. President, on behalf of the Senator from Arizona (Mr. DE CONCINI), I wish to announce that open public hearings will be held by the Subcommittee on Improvements in Judicial Machinery of the Committee on the Judiciary on S. 2094, a bill to amend the jurisdiction of the Federal courts in diversity of citizenship cases, and on S. 2389, a bill to abolish the jurisdiction of the Federal courts in diversity of citizenship cases and the amount in controversy requirement in Federal question cases.

The hearings will be held on March 21, 1978, in room 5110, Dirksen Senate Office Building, and on March 22, 1978, in room 2228, Dirksen Senate Office Building, commencing at 9 a.m. each day.

Those who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, 6306 Dirksen Senate Office Building, telephone 202–224–3618, Washington, D.C. 20510.

SUBCOMMITTEE ON CIVIL SERVICE AND GENERAL SERVICES

Mr. SASSER. Mr. President, I wish to announce that the Subcommittee on Civil Service and General Services will hold an oversight hearing regarding the General Services Administration on Friday, February 24 at 9:30 a.m. in room 357 of the Russell Senate Office Building.

CANCELLATION OF HEARING ON DIPLOMATIC IMMUNITY

Mr. SPARKMAN. Mr. President, due to special Senate scheduling of an executive session on Tuesday, February 21, 1978, the Committee on Foreign Relations will not hold a hearing on three bills (H.R. 7819, S. 1256, and S. 1257) regarding diplomatic immunity as previously announced for 10 a.m. in room 4221 of the Dirksen Building.

This hearing will be rescheduled at a later date.

ADDITIONAL STATEMENTS

TIME FLIES AT DOE

Mr. BAKER. Mr. President, the last several months all of us have been eagerly anticipating the positive development of some progress on America's energy front as originally intended to be the major purpose in the creation of the new Department of Energy. Fully one year into this exercise, along with a $10 billion budget and 19,000 employees, many Americans are beginning to wonder where and when can we expect some tangible results.

I, for one, am becoming increasingly convinced that the Department of Energy, within the context of this administration, is actually in place to retard energy development, rather than to expedite it. The entire set of actions comprising the current administration's energy policy, both within and without the Department of Energy, seem at this point to this Senator, to be counterproductive.

This morning's Wall Street Journal contained a lead editorial which basically suggests the same thing. I believe we are in the early stages of an educated public's continuing question "What are we getting for $10 billion of our tax money as far as energy progress is concerned?" I can only hope that the organizational period will soon be over and that those in charge at the Department of Energy can begin to develop programs that will help us in addressing what is undoubtedly one of America's greatest concerns.

Mr. President, I ask unanimous consent that these brief remarks and this morning's editorial from the Wall Street Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TIME FLIES AT DOE

Remember the moron jokes of years ago, precursors of today's "ethnic" jokes? In one, the moron throws his clock out the window to see how time flies.

For some reason we were reminded of this ancient gag while leafing through the Feb. 4 National Journal, in which various officials of the $10 billion, 19,000-employe Department of Energy insist that it isn't true they favor a no-growth policy. They do too want to find some energy soon. As one put it: "We can afford to waste money, but we can't afford to waste time."

Well, it's later than DOE thinks. For one thing, it doesn't really control the administration's energy policy. No one does, least of all the President himself. White House environmentalists have sidetracked the President's promise of last summer to speed up nuclear power plant licensing with their objections to proposed siting and waste disposal rules. Interior Secretary Andrus proposes to make a chunk of Alaska that's larger than Norway off limits to oil and gas exploration as part of his continuing no-energy policy. He also dithers over opening huge federal coal deposits in the West for mining. This, with the help of the cost burdens imposed by the new stripmining bill, is turning the President's coal development hopes into a pipe dream. Oil and gas exploration off the East Coast is in the hands of the courts and Congress, where it may stay for awhile.

DOE, however, does its share to impede energy development. A typical DOE operation is that of Paul Bloom, who investigates oil companies his boss thinks are guilty of "transubstantiation," i.e., turning "old" oil into "new" oil. Mr. Bloom's subpoenas have three quarters of the oil industry's talent tied up in paperwork.

Mr. Bloom's boss is John F. O'Leary, DOE's deputy secretary, who used to boss the Federal Energy Administration before it became part of this new, efficient DOE. Mr. O'Leary is the fellow who advised President Carter a year ago that the United States is fast running out of gas, there's nothing we can do about it, no more to be had at any price. When, in this space, we presented the good news that there is at least 1,001 years of natural gas out there, according to the government's study, DOE Secretary James Schlesinger said we must have been "smoking pot." There is no gas out there, which means the government has to regulate what's left so that it sells at no more than $1.75 per thousand cubic feet.

Tennessee Gas Transmission Corp. decided that if it wants to stay in business it had better import the stuff, and struck deals with Algeria and Mexico at prices of $2.60 per mcf and up. DOE sat on the deals for months, until Algeria and Mexico canceled, and DOE announced that they were charging too much.

Meanwhile, DOE's Energy Information Administration (EIA) has been trying to cut regulatory paperwork, and issued an urgent bulletin to all points: "In order to accomplish this initial consolidation, the EIA must conduct detailed functional and user requirements analyses, systems analyses, programmatic and respondent impact studies and cost/benefit analyses, as well as program, document, and implement all cancellations, modifications and consolidations."

Time's awastin'. Can't something be done right away? Yes, says Mr. O'Leary: "We're taking a look at the entire ERDA side of the business to see which of these technologies is ready to come off the shelf, and what it takes to take it off the shelf."

Even that is futuristic talk. What can be done now to get new energy? Well, Mr. OLeary told the National Journal, some steps could be taken right now, such as lifting price controls on oil produced through enhanced recovery techniques. This could be done through administrative fiat.

Now we're getting someplace, wasting neither time nor money. But Mr. O'Leary isn't going to do it. Not until Congress passes the energy bill he and Mr. Schlesinger want. It's a "sweetener" to the oil and gas lobby that will not be delivered until the administration gets what it wants. However long that might take.

Which reminded us, for some reason, of the other old joke, in which the moron shots his mother and father because he wants to go to the orphan's picnic.

WOMEN IN THE MILITARY: WHERE WE STAND NOW

Mr. PROXMIRE. Mr. President, it is time for Congress to act on the matter of women in the armed services. The Department of Defense and the individual services have taken tentative first steps in expanding the role of women and in assuring some equality of opportunity for women, and now the ball is in Congress court.

STATUS QUO

As we stand now, because of (10 U.S.C. 6015), Navy women may not serve on any sea-going ships except for hospital ships and transports—of which there are none. Female midshipmen at Annapolis may not participate in the all-important training cruises. Women are being

trained at great expense for duty which they cannot fill if that duty is aboard ship. In the meantime Navy desertion rates and morale level are causing concern; men are serving long tours of sea duty; and the all-male rotation system which provides a pipeline to sea duty keeps women from filling a number of shore jobs.

There are no legal restrictions on the use of women in the Army, but while opening nearly 96 percent of enlisted military occupational specialties to women, the Army still closes over 590,000 jobs to enlisted women by regulation and tradition.

The Air Force is required by law (10 U.S.C. 8549) to exclude women from all combat flight duty. Since almost all Air Force planes are considered potential combat aircraft, this means that women are restricted to flying only transport planes—and this only recently.

As a result of these restrictions women are effectively barred from equal employment opportunity by the Defense Department—this Nation's largest employer—since promotion boards look for sea duty, flight duty, and field duty in considering any promotion.

RECRUITMENT PROSPECTS

Wiser and more extensive use of women would solve a serious challenge to our national security: the potential manpower shortage.

A 15-percent drop in the teenage population is predicted for the years ahead. This means we need to recruit more women as the pool of eligible males is reduced. There is a hidden benefit in this reliance on women. While the Army expects to recruit only 56 percent high school graduates among its male accessions this year, all women recruits have high school diplomas.

The Army, which has a harder time recruiting than the Navy or Air Force, must often make 15 to 20 contacts before signing up a male high school graduate recruit—an expensive process. At the same time, it has no trouble at all in recruiting women, in spite of the higher academic standards which the women must meet.

Women now in the services have been shown to be smarter on the average than men (they are much more likely to have high school diplomas than men, and they score higher on standardized tests); they have a higher retention rate than the men; they lost about 50 percent less time from their jobs than men; and they are capable of meeting much higher physical demands than had been thought possible.

Army Chief of Staff Bernard W. Rogers has said that women have proved to be so valuable in today's Army that "serious consideration should be given to drafting them if Congress should decide to restore the draft."

STUDENTS

All of the services have been conducting studies into the prospects and effects of increasing the use of women.

The Navy tested the results of men and women living and working together onboard the U.S.S. *Sanctuary* and concluded:

"Women can perform every shipboard function with equal ease, expertise and dedication as men do."

A major Army study, MAXWAC, tested varying percentages of women in certain combat support and combat service support units and reported—

Regarding task performance, with no prior civilian experience and equal military training and experience, male and female performance is about equal.

Physical training experiments at Fort Jackson and Fort McClellan resulted in men and women being given identical basic training.

The Air Force has experimented with small groups of women pilot trainees with unqualified success. One young woman was No. 1 in her training group. (We already knew that women are first-rate pilots, however, given the extraordinary record of the Women's Air Force services pilots in World War II.)

Soon to come are the results of "REFWAC," which tested the performance of women in combat roles during recent NATO war games.

Of course, if we need more evidence, we can draw upon past experience, on GAO studies, Brookings Institute studies, internal DOD studies, sociological studies, physical fitness studies, and standardized tests, which invariably give support to increased use of women.

RECENT PROGRESS

We are at the point where these studies should be translated into action, and, in fact, there has been some progress in recent weeks. The services have been openminded and have made an honest effort to make improvements. They deserve a great deal of credit.

On September 23, the Air Force announced that women would be trained as missile launch officers and crew and would serve in Titan II silos in the Midwest. Heretofore, women had been considered emotionally unsuited to serve in this "combat" position.

The Army on December 22 announced that 14 military occupational specialties which had previously been closed to women would be opened up. These include assignment to brigade level headquarters (except for closed job specialties), Hawk and Hercules missile air defense units, missile and rocket field artillery elements such as Lance units, and some helicopter duty.

Secretary of the Navy W. Graham Claytor has announced plans to assign women full time to 55 seagoing ships, pending congressional authorization.

CURRENT LEGISLATION

To accommodate the Navy's request for permission to use women on board certain Navy ships, Representatives PRICE and BOB WILSON have introduced H.R. 7431, which is now pending in the House Armed Services Committee.

Also in the House, Representative SISK has introduced H.R. 9344, to open up all jobs in the armed services to women. It, too, is pending in committee.

Here in the Senate I have introduced S. 1628 to allow the Secretary of Defense to make decisions on the deployment of women. This legislation would supersede those sections of the United States Code which now limit the use of women by the Navy and the Air Force. The Pentagon supports this concept.

As the result of one of my amendments to the fiscal year 1978 military procurement authorization bill, the Secretary of Defense will submit a report to the Congress on January 30 evaluating the present and future role of women in the military. The Secretary is also required to issue an updated definition of "combat."

The Pentagon has appealed to the Congress for a go-ahead for increased use of women, and there is no reason for Congress to delay on this issue.

RAILROAD CAR SHORTAGE

Mr. CLARK. Mr. President, shippers in my State, particularly grain shippers, are facing a critical problem right now. They cannot obtain railcars to move their grain and other commodities. And in some cases even if they are able to get the cars, they are unable to get locomotives to the pickup point to move the loaded cars. There have even been reports of some plant closings and temporary layoffs because businesses are unable to get their finished products onto railcars.

The Iowa Department of Transportation estimated that over 2,100 cars are needed to satisfy the shippers' requirements.

This is not an isolated occurrence. Car shortages are a chronic problem in my State and I think in the entire Midwest. The problem has been exacerbated this year by a number of factors. A particularly severe winter has made rivers impassable and has frozen cars in the East. The crop which shippers are trying to move is particularly large this year. Grain elevator explosions have caused the diversion of a substantial number of cars. And the severe financial straits that several of the railroads serving the Midwest have been facing, has made it difficult for them to maintain their rolling stock.

Quite honestly, I do not have any easy solutions to this problem. In the short run we must get the ICC to act more expeditiously than it has been in investigating the car shortage situation in Iowa and issuing emergency service orders to get the cars rolling.

Obviously, the ICC cannot pull cars out of its hat, but it does have the personnel to investigate the shortage, determine where it is most acute and issue orders if necessary to make sure that the cars which we do have are moving and are being distributed equitably. The shortage has existed since December and the ICC is only now sending a task force out, at the State's request, to conduct investigations. To my knowledge, no effective emergency order has yet issued from the ICC. We have got to see more expeditious handling of this problem by the ICC.

In the long run we have got to build some new cars and repair our existing stock. Congress, in the Railroad Revitalization and Regulatory Reform Act of 1976 (the 4–R Act) provided that loan money should be made available from the Federal Railroad Administration (the FRA) for the repair of existing cars and the purchase of new ones. That money is only now being disbursed in response to applications that have been sitting with the FRA for over a year. I am not saying that more expeditious action by the FRA could have avoided our present predicament. But it may have alleviated the problem somewhat. Certainly cars that will be repaired this spring and summer may help soften some of the pressures next year during the peak grain shipment seasons for the Midwest.

Mr. President, next week, on Thursday and Friday, representatives of shippers, railroads, Midwestern States, the Department of Transportation, and the Department of Agriculture, will be meeting in Chicago for talks aimed at finding a solution to the problems facing the Midwestern rail system. This will be the second round of meetings convened by the Secretary of Transportation under authority granted him by Congress in the 4–R Act. I earnestly hope that the participants will address the problem of critical equipment shortages during the course of their 2-day meeting. We have got to find a more efficient and effective way of moving everyone's grain during the peak seasons.

SOLAR ENERGY

Mr. DOMENICI. Mr. President, the State of New Mexico, which contains only one-half percent of this country's population, has over 10 percent of all working solar energy installations. That solar energy has long been available as an energy source is easily appreciated in the Southwest. For, although solar technology has its roots as early as 700 B.C. when the priestess of the Roman temple of Veste used solar radiation to light their altar fire, there are visible reminders of its widespread use among the Southwest's Pueblo Indians, who utilized its effects in the layout and orientation of their settlements in places like Pueblo Bonito in Chaco Canyon and Acoma Pueblo near Albuquerque.

New Mexico has established itself as the vanguard of solar energy application, due in part to its unique blend of research scientists, inventor-entrepreneurs, innovative leaders, and grassroots organizations catalyzed by these and other diverse elements, functional solar projects have appeared, across the State in numbers that are far out of proportion of New Mexico's small population. In the process, it is becoming apparent that solar energy offers real and immediate benefits to the citizens of the State in terms of reduced consumption of finite State resources, preservation of its natural beauty, opportunities for individual incentive in both business and self-help projects, as well as the more immediate advantage of reduced fuel costs.

Whatever the reasons, New Mexico has become a showcase for solar applications ranging from large solar irrigation projects to highly cost-effective solar greenhouses, capable of providing heat, space, and food.

Solar energy is a widely distributed, unfailing energy resource. Solar energy is a virtually untapped, alternative energy source capable of significant contributions to meeting this country's long-range energy needs. As American energy consumption continues to climb, it is becoming increasingly clear that dependency on foreign fuel and a diminishing nonrenewable domestic supply is placing us in a precarious situation. In the winter of 1976–77 fuel supply shortages caused short-term unemployment for over 1 million Americans. Oil imports increased the trade deficit to $14.8 billion. For the next few years, we must look at and depend on domestic sources of coal, oil, gas, and nuclear fission, combined with effective energy conservation to reduce our ever-increasing dependence on foreign energy resources. It has been projected that U.S. payments for imported oil could reach $175 billion by 1985.

The United States has not yet mobilized the renewable resource base or the conservation measures necessary to stabilize this situation, so dependency on foreign fuels continues to grow.

As the gap between domestic nonrenewable reserves and national consumption widens, the search for alternative energy sources that are clean and widely available must be intensified. Solar energy is emerging as a reasonable resource which can significantly affect national consumption patterns of finite resources now.

In recognition of the potential role that solar energy can play in meeting future national energy needs, the Federal Government has recently accelerated its involvement through public demonstration and information programs, research efforts and stimulation of the private business sector in solar manufacture.

If our present program is successfully pursued, solar energy will meet 0.8 percent of the Nation's energy requirement by 1985, 7 percent by the year 2000 and as much as 25 percent by the year 2020. Currently over 500 companies offer solar energy systems, subsystems, and components. While the manufacturing capability appears to be developing well for the solar space and water heating applications, the distribution, installation, and servicing trades are not far along.

Assuming commercial utilization is achieved on schedule it may then be many years before solar powerplants are installed in sufficient numbers to make a significant difference in the Nation's energy supply.

If solar energy is to make meaningful contribution to the Nation's energy demand, legislation to overcome first-cost and other market constraints to the use of solar energy may be required. The objective of the Federal solar energy effort is to develop solar technologies from being competitive with conventional systems for some time to come.

Oversight hearings were held by the House Science Subcommittee on Energy on the National Solar Heating and Cooling Demonstration Act of 1974. During these hearings, the Energy Research and Development Administration (ERDA) released a chart showing that as of November 3, 1977, there were 170 commercial and 339 residential projects initiated. The residential projects involve a total of 5,270 dwelling units. Of the projects initiated, 27 commercial and 60 residential projects were operational for a total of 839 units.

In fiscal 1977, the Energy Research and Development Administration (ERDA) technology support category included $1.6 million for the startup costs of the Solar Energy Research Institute (SERI). This amount was supplemented by expenditures from the research and development funds of each solar technology project in the ERDA program. ERDA expects the budget for SERI to be $4 to $6 million in fiscal year 1978, $7 to $10 million in fiscal year 1979 and $12 to $15 million in fiscal year 1980. Annual funding is expected to increase to at least $30 million by 1982. Appropriations totaling $368.25 million are provided for ERDA's total solar programs in fiscal year 1978.

Mr. President, the progress we have made in solar energy is only a beginning in an area with tremendous potential. We must increase the Federal commitment to solar energy as an alternative energy source. Despite evidence of incorporation of existing solar technologies, progress has been lacking at the national level. We must facilitate public acceptance and utilization of existing cost effective solar applications. We must also be ready to face fundamental obstacles to solar energy. We must eliminate barriers and provide solutions such as:

First. The national public must be made aware that solar techniques such as for domestic hot water heating and residential space heating are available and economically feasible now.

Second. Special attention should be paid to available low-cost passive designs which can be easily retrofitted to existing homes.

Third. Economic barriers—such as attitudes and policies of primary and secondary money lenders—solar penalizing tax, and utility rate structures, and controlled prices for nonrenewable fuel must be modified to allow conversion to solar energy.

Fourth. Low interest Federal loan guarantees and tax incentive programs could do much to permit the transition to solar alternatives.

Fifth. Legal barriers—such as building and zoning codes, questions of solar rights, consumer protection measures, and so forth—must be addressed to avoid unnecessary delays.

Mr. President, designation of May 3, as "Sun Day" will focus the attention of the Nation on solar energy. I fully endorse the resolution introduced by Senator PERCY and I urge the legislative and executive branches of our Federal Government to contribute their support to Sun Day and to the further development of solar energy.

THE FARM DEPRESSION—A POSSIBLE SOLUTION

Mrs. HUMPHREY. Mr. President, the state of American agriculture is not good. Unless we take effective steps soon, our farm depression will extend to other segments of the American economy. Because agriculture is the backbone of this Nation, what happens in rural America will be felt elsewhere.

It is clear that our Nation cannot be strong without an economically viable agriculture. The farmer's dollar turns over seven times in our economy. We have a crisis that, in my judgment, requires a direct and speedy economic stimulus.

During the past couple of weeks we have seen a number of proposals which are designed to reverse the dismal situation that farmers face. These proposals come in response to the most massive public education effort that farmers have mounted in the history of American agriculture. Many of these proposals are designed to meet farm striker demands of 100 pecent parity price assurance. Other proposals offer something less but still would address the plight of American agriculture.

I am for the farmer maximizing his return on his labor and investment. We must remember that the farmer's dollar is shared with the banker, the implement salesman, the fertilizer and seed dealer, and many others. We also must remember that our farmers are significant consumers of the products of American industry and that the farmer is the first but vital link in a food chain that is crucial to the world economy.

As much as I am for a fair return to the farmer, the concept of parity troubles me. What is parity to a farm family who paid $100 an acre, as contrasted with a farm family that paid $3,500 an acre? What is parity to a farm family that produces 25 bushels of wheat to the acre, as contrasted with a family that produces 50 bushels of wheat to the acre?

A reading of the law reflects only one commodity where the concept of parity has meaning, and that commodity is milk.

Another item being widely discussed today is the loan level. I realize that the loan mechanism is an effective means to get capital in the pockets of American farmers. However, economists generally agree that increasing the loan would run the risk of making U.S. commodities noncompetitive in world markets.

I realize that our farm products are undervalued in international markets, that wheat selling for $2.50 a bushel is worth much more. However, any decision to increase the loan level would decrease the chance that Secretary of Agriculture Bob Bergland has to gain cooperation among the major grain producing nations concerning the desirability of long-term price stability, during upcoming international negotiations.

The expenditure of Federal funds should be targeted on the small farmer. By reducing the maximum payment available, the Government can more effectively direct its expenditures toward small family farmers.

In line with this view, I would propose lowering the payments limitation to $30,000, from the current level of $40,000. Prior to enactment of the recent farm bill, the maximum payment permissible by law was $20,000. In the farm bill, Congress has exempted disaster payments from the payments limitation. I believe that $30,000, with the program I am about to suggest, will cover at least four-fifths of the farmers of this Nation.

The first feature of my program would be to increase the target prices on wheat to $3.50 a bushel, with an accompanying increase in the corn target to $2.50 a bushel. These costs will more nearly allow farmers to cover the cost of production.

With a payments limitation of $30,000 and the target prices I propose, we could give maximum coverage to over 90 percent of the farmers of Minnesota. In addition, State officials estimate that farm operations averaging 550 acres would be fully covered. According to Department of Agriculture estimates, 550 acres is far in excess of the average sized grain operation in the United States.

Under this proposal, we can put Federal dollars where they are most needed—in the hands of the small family operator.

The second and final part of my proposal is to increase the maximum amount available under the storage facility loan program from $50,000 to $100,000. Farmers need to improve their storage on farm. Such an approach allows farmers the option of holding grain when prices are depressed. Various individuals in Minnesota have indicated to me that the amount of funding under the current program is inadequate.

My proposal comes on the heels of an administration announcement of increasing the annual storage payments for the grain reserve program from 20 to 25 cents per bushel. While I applaud the administration's initiative in this area, it is important that the storage facility loan program be increased to hold increased volumes of grain coming into the reserve program. I acknowledged the administration's efforts in a statement to my colleagues yesterday.

I believe that the proposals I have outlined above will significantly strengthen the farm program of this Nation and help avert severe financial hardship for our farmers. While I think there is considerable merit in the approach I have outlined here, this should not be interpreted to mean that I have locked myself in to just this position. I will study every proposal that can possibly alleviate the current situation and I will work hard to influence successful consideration of any measure that is reported out of our Committee on Agriculture, Nutrition, and Forestry.

Mr. President, I want to thank the Members of this body for the opportunity to share my thoughts on this most crucial matter.

CPA—R.I.P.

Mr. ALLEN. Mr. President, I am usually not one to engage in post mortems, but an exception must be made for the Consumer Protection Agency bill which was put out of its misery Wednesday by the House of Representatives.

The demise of this misguided menace must not go unnoticed in the Congress and further downtown in the bureaucracies. There is an important message to be found in that vote by the other Chamber. It is this: The time for attempting to solve all our social problems with a bigger and stronger centralized government must be ended. We have reached the breaking point. The people of this Nation do not want more Federal Government, they want less. They recognize that they simply cannot afford any more of the protective services that they have been getting from Washington.

This message was delivered in unmistakable terms, loudly and clearly by the House rejection of H.R. 9718. The House vote was no ordinary legislative defeat. The Consumer Agency bill was shredded to pieces on the House floor by a series of gutting amendments. Then, the tattered mess that remained was decisively discarded by a vote of 189 to 277. No one can say that they have not now finally gotten the message, a message that many of us heard long ago.

In fact, I predicted the House defeat of this proposal last summer, when I recommended that the Senate not waste its valuable time on the Consumer Agency bill until the other body had worked its will. Tribute must be paid to our distinguished majority leader who also heard the message long ago. He resisted pressure to bring the Consumer Agency bill up for useless debate here in the Senate.

This is the end of what our beloved former colleague Sam Ervin called a bad idea whose time has come and gone. Although it is difficult to predict what the more zealous supporters of this bill will do, I suspect that even they now realize that the Consumer Protection Agency concept is dead. I hope that they have sense enough to let the discredited proposal rest in peace, undisturbed.

SOCIAL SECURITY REFINANCING ACT OF 1978

Mr. HASKELL. Mr. President, I am pleased to join Senator GAYLORD NELSON in cosponsoring S. 2503, the Social Security Refinancing Act of 1978, a bill to remove disability insurance and hospital insurance from payroll tax financing and, instead, to provide financing for these programs from Federal general revenues, and ask unanimous consent that my name be added as a cosponsor at this time. This bill represents a profound and long overdue departure from our traditional approach to financing social security.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HASKELL. Last year, I voted against legislation enacted by this Congress which relied on increased social security payroll taxes to place the old age and survivors and disability insurance programs on a financially sound footing through the early part of the next century. This legislation was stimulated by the fact that the social security system is facing a steady depletion of its trust funds because of adverse economic conditions and the changing nature of our population. The severe recession and years of high unemployment have reduced revenues collected for Social Security through payroll taxes. Inflation has greatly increased benefits for aging Americans and disabled citizens because benefits are indexed to the cost of living. Improved life expectancy and dropping birth rates are combining to profoundly alter the ratio of workers paying social security taxes to the number of older Americans drawing benefits. As a result of these conditions, the social security trust funds are taking in less money than they must pay out.

In order to restore the solvency of the trust funds, significant new revenues must be raised. These new revenues can only come from increased payroll taxes, general revenues, or a combination of the two. The only other alternative is to severely cut benefits, a course few would seriously advocate.

The course which Congress chose last year was to raise the social security payroll taxes to an unprecedented degree. That tax increase represents the largest peacetime tax increase this Nation has seen in decades. The result, in my view, is an intolerably high rate of social security taxation. More than half of our citizens now pay more in social security taxes than they do in Federal income taxes. This represents a completely unacceptable burden on middle and lower income Americans, who are already overtaxed and who have been hurt by the unrelenting inflation in our economy which pushes them into ever higher tax brackets.

In addition, the structure of the social security payroll tax is regressive. It takes a proportionately larger percentage of the lower income person's wages than it does for the affluent. And it taxes only wage-generated income—unearned income is not subject to social security taxation at all.

The recently enacted increases in social security taxes will hurt business and the economic recovery. By increasing the cost of labor, these taxes contribute to both unemployment and inflation.

These facts argue compellingly against the actions of this Congress last year to further increase the social security payroll tax and convinced me to vote against that bill. They make clear that we must turn away from our traditional approach to funding social security and adopt a fundamentally different financing system.

The answer, I believe, lies in the bill introduced by Senator NELSON which I am cosponsoring. This legislation would continue to rely on the payroll tax to finance the OASI retirement program. But it would eliminate payroll taxation to finance the health insurance and disability insurance programs and would instead finance these programs from Federal general revenues. This fundamental change would significantly reduce every worker's and every employer's social security tax liability. Equally important, reliance on general revenues to finance these programs will assure a broader and far more progressive tax base to support health insurance and disability insurance.

The original architects of the social security system never intended the payroll tax to support the entire OASDI and health insurance system. Indeed, social security advisory councils dating back to the inception of the program have urged significant reliance on general revenues to fund the system—to the extent of one-third of program costs.

In discussing the use of general revenues to fund social security, it is important to understand that there is extensive redistribution of income within the system. I believe that part of the burden of this income transfer should properly be borne by the Federal tax structure.

In some senses, the entire social security system is an intergenerational transfer, from current workers to current beneficiaries. Social security is essentially financed on a pay-as-you-go basis; payroll taxes are based on formulas designed to produce sufficient revenues to finance current beneficiary payments.

Benefits and contributions are related to wages earned over the course of an individual's working life and to this extent, the system is contribution-related. The relationship, however, can sometimes be tenuous. The benefit formula is weighted, with retirement benefits as a ratio to preretirement earnings higher for low-income workers than for high-wage earners. Past and present indexing of benefits to the cost of living, as well as ad hoc benefits improvements, further weaken the tie between contribution levels and retirement benefits.

Equally a part of this picture are the significant numbers of beneficiaries who retired early in the life of the system, after only limited contributions, but who have collected full benefits. It is worth noting in this context that the original tax schedule provided for a tax of 1 percent each on employers and employees on the first $3,000 of wages (for a maximum of only $30 each a year). The wage base was increased to $3,600 in 1951 and the tax rate was increased that same year to 1½ percent. The rate did not increase again until 1954, when it was set at 2 percent. Over the 75-year actuarial period beginning with the inception of social security, the liability to the system for benefits in excess of contributions for this class of beneficiary has been estimated to equal as much as one-third of total program costs.

It has also been argued that survivors and dependents benefits represent income transfers, to the extent that this class of beneficiary has paid limited if any social security taxes.

While it is difficult to precisely determine the degree of income transfer, it is clear that there is extensive redistribution of income within the system—from men to women, from single persons to married couples, and above all, from this generation of workers to this generation of beneficiaries. The very breadth of the income transfer in the system argues for the use of a broader and more progressive tax base to finance it.

The use of general revenues to pay for health insurance and disability insurance has long been advocated by would-be reformers of social security.

In its 1975 report to the Congress, the advisory council on social security recommended that part A of medicare be funded entirely through general revenues (part B is already funded with general revenues in combination with beneficiary premiums). The council noted:

> The OASDI program is financed from taxes on covered earnings, because the benefits of the program are always related to the earnings of the taxpayer . . . The same principle does *not* apply to benefits under part A of the Medicare program. There the amount of benefits is determined by the hospital and related health care costs of a particular person, and bears no relationship whatsoever to his wages or those of anyone else.
>
> Under such circumstances there does not appear to be any real reason for funding such costs by a tax on wages. Hospital insurance expenditures would seem to be more properly funded from general revenues, and the Council recommends such a proposal to the Congress.

There is also considerable merit to funding disability insurance from general revenues. Unlike old age, the incidence of disability in the life of an individual is not a predictable event. I believe that the cost of protecting our citizens against the loss of income from disability is therefore properly shared by the entire taxpaying population.

Under S. 2503, general revenues would begin to flow into the system in 1979 and payroll taxes would be reduced beginning in that same year. The following table illustrates the impact of this legislation on social security tax liability for employees, employers, and the self-employed:

CHART 1.—SOCIAL SECURITY TAX RATES AND WAGE BASE UNDER PRESENT LAW AND THIS PROPOSAL

Year	Employee/employer tax rate		Self-employed tax rate		Wage base	
	Present law [1] (percent)	This proposal [2] (percent)	Present law [1] (percent)	This proposal [2] (percent)	Present law	This proposal
1978	6.05	6.05	8.1	.....	$17,700	[3]
1979	6.13	4.3	8.1	6.45	22,900	[3]
1980	6.13	4.3	8.1	6.45	25,900	[3]
1981	6.65	4.4	9.3	6.6	29,700	[3]
1982	6.70	4.4	9.35	6.6	31,800	[3]
1983	6.70	4.4	9.35	6.6	33,900	[3]
1984	6.70	4.4	9.35	6.6	36,000	[3]
1985	7.05	4.4	9.90	6.6	38,100	[3]
1986	7.15	4.4	10.00	6.6	40,200	[3]
1987	7.15	4.4	10.00	6.6	42,000	[3]
1990	7.65	4.4	10.75	6.6	[4]	[3]
1995	7.65	4.4	10.75	6.6	.....	[3]
2005	7.65	4.6	10.75	6.9	.....	[3]
2015	7.65	5.4	10.75	8.1	.....	[3]
2025	7.65	6.8	10.75	10.2	.....	[3]
2035	7.65	6.8	10.75	10.2	.....	[3]
2045	7.65	6.8	10.75	10.2	.....	[3]
2050	7.65	6.8	10.75	10.2	.....	[3]

[1] Tax rate supports OASI, DI, and HI trust funds.
[2] Tax rate supports OASI trust fund only.
[3] Same as present law.
[4] Wage base increases in response to increase in average wage levels.

CHART 2.—EMPLOYER/EMPLOYEE SOCIAL SECURITY TAX LIABILITY UNDER PRIOR LAW, CURRENT LAW, AND THIS PROPOSAL

	1979			1982			1985			1987		
	Prior law	Current law	This proposal	Prior law	Current law	This proposal	Prior law	Current law	This proposal	Prior law	Current law	This proposal
Average earnings:												
$10,000	$605	$613	$433	$630	$670	$440	$630	$705	$440	$645	$715	$440
$15,000	908	920	650	945	1,005	660	945	1,058	660	968	1,073	660
$20,000	1,143	1,226	866	1,260	1,340	880	1,260	1,410	880	1,290	1,430	880
$25,000	1,143	1,404	992	1,474	1,675	1,100	1,575	1,763	1,100	1,613	1,788	1,100
$30,000	1,143	1,404	992	1,474	2,010	1,320	1,758	2,115	1,320	1,935	2,145	1,320
$40,000	1,143	1,404	992	1,474	2,131	1,399	1,758	2,686	1,676	2,012	2,860	1,760

Where are the funds going to come from to provide the general revenues for social security?

As a starter, the tax system can be reformed to take us to a tax system which is simple, fair and progressive. Social security taxes are regressive. The people who earn the least money pay a disproportionately high percentage of their incomes in social security taxes.

On August 3, 1977, I introduced a comprehensive tax bill which would repeal 16 special tax breaks and leads us to the fair and progressive system I am talking about. This comprehensive tax bill would raise an additional $17 billion in revenue which could be used in part to fund health insurance and disability insurance.

Putting a limitation on the investment tax credit is the type of tax reform I am concerned with. As a rule, only those tax preferences generally available to all taxpayers, regardless of income, should be retained. These include the deductions for home mortgage interest, medical expenses and charitable contributions. Most narrowly drawn provisions in the tax code should be repealed. The investment tax credit is nothing more than an outright Federal subsidy—to the tune of almost $10 billion a year—to business for buying equipment. As with most business tax breaks this one works almost entirely to the benefit of the big corporations.

Instead of giving large corporations $10 billion in tax breaks, this money should be used to finance part of the social security system. This would be a step toward a progressive tax system instead of a regressive one.

While I strongly support S. 2503, I also believe that it is incumbent on Congress to take a close and careful look at the benefit structure under social security. In the 40 years since the inception of social security, Congress has consistently enlarged the coverage and benefit levels under the program. Last year, Congress took a brief look at certain aspects of the benefit structure and made some important reforms, most notably in the area of decoupling. Further, it directed the administration to undertake a study of gender-based distinctions under the program, as well as question of universal coverage, and to report back to the Congress with its recommendations.

But Congress failed to take a hard and comprehensive look at the benefit structure in its totality. In talking to the citizens of Colorado, I have become convinced that many of them view the benefit structure under social security as fundamentally irrational. The fairness and soundness of the benefit structure is consistently questioned by people in my State and I am sure by other persons across the country. We must provide the American people with an answer to these questions. And if it turns out that social security benefit structure is indeed not always rational, we must take whatever steps are needed to reform it.

It is my hope that the studies called for under last year's social security financing legislation can be enlarged to look at the entire benefit structure under social security. Those of us who serve in Congress simply cannot afford to ignore these questions any longer. If we continue to do so, the support of the American people for one of our country's most enduring and vital social institutions will surely continue to erode.

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

Mr. SPARKMAN. Mr. President, Section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. I ask unanimous consent that the official notification be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on February 7, 1978.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room S-116 in the Capitol.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ISA
Washington, D.C., February 7, 1978.

In reply refer to: I-14226/77ct

Mr. WILLIAM RICHARDSON,
Professional Staff Member, Subcommittee on Foreign Assistance, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. RICHARDSON: My letter dated 18 February 1976 indicated that you would be advised of possible transmittals to Congress of information as required by Section 36 (b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a NATO country for major defense equipment tentatively estimated to cost in excess of $7 million.

Sincerely,

ERICH F. VON MARBOD,
Acting Director, Defense Secretary Assistance Agency.

IDI AMIN PROVES NECESSITY OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, we live in a world which has made spectacular progress in the last 50 years, and we have considerable cause to be optimistic about the future. Our country has always been one which concentrates on the future, but I would like to take a few moments now to speak about the past, and to remind my fellow Senators that even the most horrible lessons of history can be repeated.

In the late 1930's and early 1940's, over 6 million Jewish people were killed in Nazi Germany. Six million is a number so large that it nearly defies imagination. Six million people represents a population larger than all but one American city today. Six million people died in the most horrible example of genocide in the history of the Earth.

It alarms me when I think what a short time ago it really was that those atrocities occurred. This is no ancient history: It is very much an element of the present. Survivors of the concentration camps are alive today, with vivid memories of man's inhumanity to his fellow man.

Even today I read with shock the tales of horror which are coming from Uganda. Idi Amin is living proof that power can be used for inhuman purposes: He is living proof that the potential for genocide is not as inconceivable as all of us might wish.

The Genocide Convention, which would condemn the destruction of any national, racial, ethnic, or religious group as an international crime, is far more than an attempt to condemn past evils. It represents a tool with which such evils can be averted in the future. The right to live is the most basic of all human rights, and I hope that the Senate will turn its attention to ratification of this important treaty. I urge the Senate to pass the Genocide Convention as soon as possible.

TEXAS RAILROAD COMMISSION'S RECENT ORDER

Mr. BENTSEN. Mr. President, the January 25, 1978, edition of the Washington Post carried a story that has led to some confusion. That story described the Texas Railroad Commission's recent order lowering natural gas production in certain areas of Texas. The commission action was erroneously interpreted as an effort to prevent the lowering of natural gas prices. This is absolutely incorrect. In fact, the opposite is true: The railroad commission was acting to lower consumer costs.

However, as has been the case with other energy issues, hasty conclusions were drawn from incomplete information. We now have the opportunity to set the record straight.

The chairman of the railroad commission, Mack Wallace, has written me explaining in some detail the circumstances surrounding this matter. A close examination of this letter should eliminate any uncertainty concerning the commission's motivations in reducing natural gas production.

I urge all my interested colleagues to read it, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RAILROAD COMMISSION OF TEXAS,
Austin, Tex., February 8, 1978.

Hon. LLOYD M. BENTSEN,
U.S. Senate, Russell Senate Office,
Washington, D.C.

DEAR SENATOR BENTSEN: Recent stories by the press that the Railroad Commission of Texas has acted to limit the production of natural gas in Texas are simply not true. In his story written for the Washington Post, J. P. Smith so misstates the facts as to be guilty of professional irresponsibility.

Texas law requires that production of natural gas be equated to market demand, Section 86.086, Texas Natural Resources Code. Historically, the Commission has set the level of allowable gas production at or about the level of maximum gas well deliverability. Because natural gas is not easily stored once produced, current production must roughly equal current consumption. In other words, producers can produce no more than the consumer market demands. Commission practice in the past resulted in significantly higher permissible allowables than were required to satisfy market demand.

As supply decreased and the cost of gas increased in recent years, the practices of the past begain to have an adverse effect on utility bills. Take or pay provisions in gas purchase and sale contracts require the pipeline purchaser to take or pay for a certain minimum quantity of gas. To assure themselves of an adequate supply of gas, many pipeline purchasers in recent years have entered into contracts with high take or pay obligations, in the range of 80–90 percent.

Take or pay provisions are customarily based on contract deliverabilities or permissible allowables whichever is less. During periods of low consumer demand, many pipeline purchasers find themselves in need of less gas than contract deliverabilities require them to take. Because allowable gas production has historically been set at gas well deliverability, instead of reasonable market demand, pipeline purchasers have been required to pay for significant amounts of high cost gas they could not take or to shut in lower cost gas well in response to the low demand. These costs are passed on to the consumer in the form of increased rates. Had the level of allowable production been keyed more closely to market demand, the economic impact on the consumer would have been significantly less, if not non-existent. See Appendix for examples of the impact allowables have on take or pay obligations.

In March 1976, partially in response to the take or pay problem and to minimize the economic impact of supply imbalances on consumer rates, members of the Railroad Commission indicated a desire to refine the mechanism for setting the level of allowable production of natural gas in Texas. A committee was formed to study the problem. The committee drafted an interpretative order to supplement the Commission's existing rules. After notice and hearing, the Commission adopted an interpretative order in Oil and Gas Docket 20–66.679 in February, 1977. The order became effective in March, 1977.

In June, 1977, the order was invalidated by state district court on procedural grounds. After eliminating provisions found objectionable by the court, the Commission readopted its interpretative order as an emergency rule in August, 1977, in Oil & Gas Docket No. 20–67,727. The emergency rule became effective on August 2, 1977. In late October, 1977, the emergency rule was amended in response to some complaints as to interpretation of the rule. In early December, 1977, the text of the emergency rule, as amended, was proposed for adoption as a regular rule. A hearing on the proposed rule was held in late December. As a result of further staff analysis and in response to comments submitted in writing and at the hearing, the proposed rule was revised to its present form. The revised rule was adopted by the Commission on January 16, 1978, and became effective on February 6, 1978.

The rule, in its present form, represents the culmination of almost two years of work by the Commission, consumer representatives and industry to develop a more precise method of setting gas allowables. The fundamental policy behind the rule has been in effect for almost one year. That policy is the requirement that the Commission rely more on pipeline purchasers' nominations than producers' forecasts in setting the level of allowable gas production. Contrary to reports in the press, under the Commission's gas market demand rule, production of natural gas in the State of Texas will not be reduced below what it would have been under prior Commission practice. Allowable production should now more nearly equate with actual market demand. Producers in Texas are permitted to produce all the natural gas the market demands, subject only to the requirement that physical waste of gas be avoided. Our efforts have been motivated by our statutory mandate and our desire to minimize the impact of "take or pay" on consumers. We believe we have acted in the public interest.

Sincerely yours,

MACK WALLACE,
Chairman.

THE 26TH NATIONAL NATIONAL PRAYER BREAKFAST

Mr. ALLEN. Mr. President, over 3,000 guests, including representative citizens from all 50 States and more than 100 other countries of the world, gathered at the Washington Hilton Hotel in Washington, D.C., on February 2, 1978, for the 26th National Prayer Breakfast.

This annual event, which is sponsored by the Senate and House prayer breakfast groups, marks a time for us to gather in a spirit of fellowship and reaffirm our mutual dependence on God. It is a public opportunity to demonstrate that we are a nation founded on spiritual principles and that our strength derives from our adherence to God's way.

Mr. President, I think many can benefit from the words of the several speakers at the National Prayer Breakfast as did those of us who were in attendance.

Accordingly, I ask unanimous consent that the program and transcript of the breakfast be printed in the RECORD, and I commend these remarks, and the spirit in which they were delivered, to all.

There being no objection, the program and transcript were ordered to be printed in the RECORD, as follows:

26TH ANNUAL NATIONAL PRAYER BREAKFAST

NATIONAL PRAYER BREAKFAST PROGRAM

Grace—The Honorable Frank Carlson, U.S. Senate (1950–1969).

Opening song, "How Great Thou Art" The Blackwood Quartet.

Presiding, the Honorable James B. Allen, National Prayer Breakfast Committee.

Opening prayer, the Honorable Thomas L. Judge, Governor of Montana.

Introduction of Head Table and Statement, the Honorable James Allen.

Greetings from the House of Representatives, the Honorable Berkley Bedell, U.S. House of Representatives.

Old Testament Reading, The Honorable John J. Sirica, Senior Judge, U.S. District Court, District of Columbia.

Greetings from the Senate, The Honorable Richard G. Lugar, U.S. Senate.

New Testament Reading, General Louis H. Wilson, Commandant of the United States Marine Corps.

Prayer for National Leaders, The Honorable Barbara Jordan, U.S. House of Representatives.

Song, "Learning to Lean" The Blackwood Quartet.

Message, The Honorable Max Cleland, Administrator of Veterans Affairs.

The President of the United States.

Closing Prayer, The Honorable Harold E. Hughes, U.S. Senate (1969–1975).

Closing Song, "The Lord's Prayer".

Presiding: The Honorable James B. Allen.

Good morning, ladies and gentlemen. Welcome to the 26th annual National Prayer Breakfast, held in the Nation's Capital.

We are grateful to the Blackwood Quartet for being on our program and giving us an opportunity to enjoy their wonderful and inspirational singing.

Mayor Tom Bradley, of Los Angeles, was scheduled to give our opening prayer, but unfortunately he fell victim to some of the rare inclement weather in Los Angeles, and came down with the flu. However, Governor Thomas L. Judge, of Montana, has graciously agreed to give us the opening prayer, and we call on him at this time.

Opening prayer: The Honorable Thomas L. Judge.

Almighty God, our Father, we offer our thanks to You for what You are in Yourself and for what You have done for the world. Above all, we thank You for the gift of life, and the opportunity to serve You. You call us not to be served, or lord over others. Our greatness is to be exercised in service. We thank you for this work.

Help us to understand and sympathize with human weakness. Satisfy our hunger for the truth. Strengthen us to struggle against injustice and evil. Father, may your spirit help us to play our part in upholding, in our society, wise government and authority based on consent. Give us the sense to discover and accept the uses and limitations of organized protest. Drive us into politics to help others, particularly those who cannot help themselves, but let it be with patience and real commitment.

We pray for all in public life in our country. We pray for the President and the First Lady. Show them the proper place of ambition and desire for power, so that these things do not make them incapable of genuine service. May all who decide the destinies of men and women they never meet remember that they are dealing with human beings. May those who control industry and commerce be concerned to increase not only financial gain but also the general benefit of more and more people.

We pray for all who live under tyrannical regimes where government is synonymous with oppression. We do not know what to ask for them, but as they search their hearts to learn what they must do, may they at least have evidence from us and others that liberty is not always turned to a mockery by those who possess it.

We pray for men and women in the task of governing their own lives, for all with unruly tempers or desires, for those whom they harm, and for those who have to derealism and compassion go hand in hand, never leaving one another in the lurch, and may all who have broken and gone adrift have Your love. Refit them for life's voyage and give them new bearings.

Help us to understand that we can do all these things through Jesus Christ who strengthens us. Father, in all these things it matters greatly who is at the helm. Help us now to put the direction of our lives into Your hands. In the Name of Jesus Christ, Amen.

Opening statement: The Honorable James Allen.

Welcome, again, to the National Prayer Breakfast, which is held in the spirit of Jesus Christ, and which through the years has become a treasured institution for all of those who have come within its influence.

I'm Jim Allen, United States Senator from Alabama, and a member of the Senate prayer breakfast group. There are some 3,000 persons in this hall, and in adjoining rooms. There are representatives from all 50 states and from 100 foreign countries. Some 100,000 service personnel will hear this program on Armed Forces Radio. We're grateful to all of those who are participating in the program. We're grateful to all of you who have honored us with your presence here today. In just a moment I will introduce the head table guests. We are indeed honored that the President and First Lady have again honored us with their presence for this occasion. I'm going to introduce the head table in the order of their appearance on the program. I ask that all of you hold your applause until the First Lady has been presented. The President will not be presented until his place on the program has been reached.

The Honorable Thomas L. Judge, Governor of Montana who gave the invocation. The Honorable Berkley Bedell, and Mrs. Bedell. The Honorable John J. Sirica, Senior Judge, U.S. District Court, and his lovely daughter Eileen. The Honorable Richard J. Lugar, U.S. Senator from Indiana, and Mrs. Lugar, General Louis H. Wilson, Commandant of the United States Marine Corps, and Mrs. Wilson. The truly admirable, the Honorable Barbara Jordan, U.S. Representative from Texas. The unsinkable, the Honorable Max Cleland, Administrator of Veterans Affairs. Our long-time good friend, the Honorable Harold E. Hughes, U.S. Senator (1969–1975). My own wonderful wife, Maryon. Now it is my honor and my privilege and pleasure to present our lovely, gracious, and greatly beloved First Lady, Mrs. Rosalynn Carter.

It was Alexis de Tocqueville, 140 years ago, who wrote that America is great because America is good, but that if America ceases to be good, it will cease to be great. How true we feel this is. But 2,000 years before de Tocqueville wrote this, it was written in God's Holy Word that righteousness exalteth a nation, but sin is a reproach to any people. How often was this great truth illustrated in the history of the Jewish nation? When they served God they grew strong and prospered as a nation. When they departed from God, they grew weak, and fell prey to their enemies.

Will not a like rule apply to America? Will we profit from the lessons of history, or will we as a nation repeat the mistakes of the past? Has America lost some of its greatness because it may have lost some of its goodness? We need God's help and guidance if we are to retain the goodness that makes for greatness.

To this end this Prayer Breakfast is held. The Prayer Breakfast puts us in communion with our heavenly Father, and in touch with that great reservoir of spiritual strength that is available to all those who call on God in prayer. It strengthens us in our faith, in our love of Christ, and in our efforts for good. It uplifts us in our outlook and in our vision. It inspires us to a closer walk with God. It affords us an opportunity to pray for guidance, and to thank God for the blessings that He has showered upon us.

I am sure that all of us present this morning are convinced that without God's help we will never have world peace. We will never solve our many problems as a nation and as a world. Will prayer help? James says that "the effectual fervent prayer of a righteous man availeth much." If that be true, and we know that it is, how much more would the prayers of all those present today avail?

Suppose all Americans—suppose all peoples everywhere lifted their minds and hearts in prayer to God for help and guidance. Would that help? Surely it would. You know, it is an element of God's omnipotence that millions can pray to God simultaneously and all have direct, personal communion with Him. No busy signals, no overcrowded circuits or switchboards. No, rather a straight line to God. Who could ask for more?

But God is not going to do it all. We've got to do our part. God uses our hands, our minds, our hearts, our planning and our efforts. The President, in his State of the Union address, aptly said that government cannot do it all. Certainly it cannot. But the people, acting with patriotism and dedication, hard work, sacrifice, determination and prayer, can through their government and with God's help and guidance do it all.

GREETINGS FROM THE HOUSE OF REPRESENTATIVES: THE HONORABLE BERKLEY BEDELL

Praise the Lord! I bring you greetings from the House of Representatives prayer group. Three short years ago, after my first arrival in the Congress, I started attending the weekly House of Representatives prayer breakfast. I soon came to realize how important these breakfasts were, not only to me personally, but indeed to our total government. I fear that we in Congress are so busy arguing issues that if it were not for our prayer breakfasts, almost no time would be spent examining our values and our beliefs.

Let me tell you a little about our weekly House prayer breakfast. We meet at 8:00 every Thursday morning. After breakfast and an opening prayer, we have a short talk by a different member of the House. Usually the member tells us a little bit about his or her life, his religious beliefs, and the talk is followed by discussion of some of the questions raised, and a closing prayer by one of the members.

These are quite personal and frequently very moving meetings. Sincerity and candor are the rule as we try to better understand each other in our philosophical and religious beliefs. It is a thrill for me up here as I look out across the crowd and see those people who have participated in this weekly prayer breakfast.

Two of Christ's teachings speak especially loudly to me. He said, "Love your neighbor as yourself," and He said, "You cannot serve God and mammon." For a long time I didn't understand that second statement. I thought it simply meant that you couldn't have two masters. Then, in Sunday School, somebody explained to me that mammon was wealth. I realized that He was saying that you cannot worship wealth and God at the same time. It seems to me pretty clear that Christ was saying that we should set aside our selfish worship of material wealth. We should worship God, and we should love and care for one another. To do so, I believe, would solve more problems than all the laws enacted by all the legislative bodies of the world.

That's why I believe our Congressional prayer breakfast is important. I think it is a shining light for all the world, and I am thankful that you would come from all across the world to join with us this morning in this prayer breakfast.

There are those in Congress who question this National Prayer Breakfast and their questioning is not without justification. For we read in Matthew that Christ admonished us, "and when you pray, you are not to pray as the hypocrites. For they love to stand and pray in the synagogues and on the street corners in order to be seen by men.

Truly I say to you, they have their reward in full. But when you pray, go into your inner room, and when you have shut the door, pray to your Father."

This morning's breakfast can only be worth the time if we value it not for the excitement of the crowd, or the fame of the occasion, but for the opportunity it gives each of us to strengthen our own faith, and to help one another to be a little closer to his God. May this morning be a period of spiritual renewal, where the presence of the Holy Spirit is more important than the presence of governmental dignitaries or the press corps. May this morning be a supplement to, rather than a replacement for our inner room prayers.

I don't know how you people feel, but when we all sang together "How Great Thou Art" I felt that the Holy Spirit was here with us today. Lest we be carried away by our numbers, remember that Christ had only twelve apostles, and He told us that we could move mountains if we only had the faith. My prayer this morning is that each of you here will leave with that faith, that together we may work to build God's world here on this 20th century spaceship Earth—a world of peace, of love, of caring, of sharing, and of praying in our inner rooms.

May God bless you all. May He give you the strength and the guidance to better serve Him and your fellow human beings.

OLD TESTAMENT READING: THE HONORABLE JOHN J. SIRICA

Mr. President, Mrs. Carter, Senator Allen, distinguished guests, ladies and gentlemen. This morning the young people of this nation are very much on my mind. The Bible passage which I will read from the book of Proverbs is the advice and counsel of Solomon, the son of David, the King of Israel, to a young man. In his exhortation he is pointing the young man toward the way of the Lord and toward those basic laws of life which abide forever.

There was an incident that occurred during the Watergate trials that I would like to relate to you. Naturally, during that time, as at any other time, a judge's schedule is quite heavy. However, during a recess, we had a break for half an hour or an hour.

My secretary came into the office and said, "Judge, there is a young man outside, about 18 years old. He just came in off the street. He's a tourist here, goes to college in Staten Island, and would like to visit with you." Well, I used to enjoy—I still enjoy—talking to hundreds of youths from all over the country, so I said, "Show him in."

He came in, looked me right in the eye, and said, "Judge, are all politicians crooked?" Just like that! I was somewhat taken aback, for a second or so. I said, "What's going to happen to our nation, our great nation, if young people like you take that position? Of course not all politicians are dishonest."

Then I said to him, "What is your definition of a politician?" He stumbled around, and I saw he was having a little difficulty, so I said "Let me give you what I think is a good, simple definition of a politician." I said, "Many years ago I had a wonderful friend by the name of Senator Everett Dirksen, of Illinois. He was making a speech, and I heard him give the definition of a politician. He said, 'I believe that a politician is a man or a woman skilled in the art and science of government.' " I said to him, "I think that's a pretty good, simple definition that anybody could understand." After about one-half hour the young man went away and maybe I converted some of his ideas.

There were millions of youngsters in those days, and of the older generation also, during that trying and sad experience of the Watergate trials, that were having doubts about many things. But I believe that as a result of what has happened we have turned out to be a much stronger, more united, and a greater nation. The young people of America and the older generation certainly do have confidence in their government. I believe that both the federal government and our state governments are honest and dedicated men and women, and that occasionally, if some of them do something that they should not do, that doesn't mean that everybody of that class is dishonest.

If the youth of our country lose their trust in their government—and there are many and maybe millions who have suffered from that delusion—the resulting distrust will mean the erosion of our nation. It is the principal responsibility of those of us who hold positions of trust to so conduct our lives that the young people who observe us will be more sensitive to the teachings of God and the needs of their fellow men. It is important that we of the older generation recommit ourselves to being the kind of people who will lay the right foundation for our children.

Let's stop talking so much at them, and rather listen, learn, and keep up to date, and also be living examples that they will never be ashamed of.

I will now read from Proverbs, chapter 3, verses 1–12.

"My son, forget not my teaching. Keep in mind my commands, for many days and years of life and peace will they bring you. Let not kindness and fidelity leave you. Bind them around your neck. Then will you win favor and good esteem before God and man.

"Trust in the Lord, with all your heart, and on your own intelligence rely not. In all your ways be mindful of Him and He will make straight your path.

"Be not wise in your own eyes. Fear the Lord and turn away from evil. This will mean health for your flesh and vigor for your bones. Honor the Lord with your wealth, with first fruits of all your products. Then will your barns be filled with grain, with new wine your vats will overflow.

"The discipline of the Lord, my son, disdain not. Spurn not His reproof. For whom the Lord loves, He reproves, and He chastises the son He favors."

This chapter, Proverbs 3, I commend to you for your reading, especially the fifth and sixth verses centering upon trusting God in all your ways. Thank you for your kind attention.

GREETINGS FROM THE SENATE: THE HONORABLE RICHARD G. LUGAR

Mr. President, Mrs. Carter, Senator Allen, dear friends. The United States Senate prayer breakfast group opens each Wednesday morning meeting with an opening prayer and a thoughtful message delivered by one of our members. We literally stop and concentrate and, with our hearts and minds open to God, we believe strongly that He is near us. We are awed and comforted by His presence. We can still hear crowds of people entering the United States Capitol as we meet, in a small room just off the major corridor. We know that in just a few minutes we will be asked to speak out on sometimes deeply controversial and potentially divisive issues in this country. The strength of our prayer groups compels us, at least for a moment, to consider first ultimate responsibility and eternity.

Our ages span three generations. Each of us has enjoyed, in his own way, many victories in the affairs of this world, and a substantial measure of heartache and personal loss. As we truly open up to God and we reveal how vulnerable each one of us is, we have learned to love one another in a way which is unusual, I believe, for people in the sometimes competitive and contentious world of politics.

Each of our circle has come to know how hard we strive to be good husbands, to be good fathers, and how far we fall short. We have recounted the many times when our children were hurt or in trouble, and we were hundreds of miles away discharging public duties, but of very little support to wives who bore the brunt of shock and anxiety. We share with each other the disturbing list of missed family meals, of broken family plans and postponed family celebrations, which, while we were doing the public business, meant some distress and some strain for our marriages, for caring for our children, for our parents. We are mindful of these shortcomings.

We have prayed aloud especially for members of our prayer group who have been afflicted by cancer or other grievous afflictions. We are reminded again and again of how fragile we are, and how dependent we are on the understanding of family members, and of loyal friends, and upon a bedrock of faith in God, who sent us His beloved Son, that we might believe on Him.

We go forth each Wednesday morning with the strength that comes unfailingly to those who are willing and able to acknowledge that God truly knows all, and that we are responsible so long as we live to learn to love and to serve others with greater wisdom and compassion.

We are renewed with new vigor to explore the ways in which the United States Senate can make a difference in helping to focus our national community's desire to help those among us who still need jobs, housing, better opportunities for health care, greater certainty of justice in this country, a better diet and the opportunity to work and to enjoy raising children in a world which is at peace because we were wise enough to work to forge policies which best assured that peace.

I bring you greetings from the United States Senate prayer breakfast group, with our own prayer that each one of us today finds words and ways in which to be more open to God and with one another. Our prayers will truly help us, if we will allow them, to grow to think much more about the needs of others and to find new joy in our own service.

NEW TESTAMENT READING: GENERAL LOUIS H. WILSON

Mr. President, Mrs. Carter, Senator Allen, distinguished guests, ladies and gentlemen. This morning we are continuing a custom which our Lord began when He had breakfast with His disciples. I believe His message to us today is the same as that given to them, namely, "Feed my sheep," and "Follow Me." Here begins the New Testament reading from the gospel of John, chapter 21, verses 4–17 and 20–22.

"Morning came, and there stood Jesus on the beach. But the disciples did not know that it was Jesus.

"He called out to them, 'Friends, have you caught anything?' They answered, 'No.' "

"He said, 'Shoot the net to starboard and you will make a catch.' They did so, and found that they could not haul the net aboard, there were so many fish in it.

"Then the disciple whom Jesus loved said to Peter, 'It is the Lord,' 'It is the Lord.' When Simon Peter heard that, he wrapped his coat about him (for he had stripped) and plunged into the sea.

"The rest of them came on in the boat, towing the net full of fish for they were not far from land, only about 100 yards.

"When they came ashore, they saw a charcoal fire there with fish on it and some bread.

"Jesus said, 'Bring some of your catch.'

"Simon Peter went aboard and dragged the net to land, full of big fish, 153 of them. And yet, as many as there were, the net was not torn.

"Jesus said, 'Come and have breakfast.' None of the disciples dared to ask, 'Who are you?' They knew it was the Lord.

"Then Jesus came up, took the bread and gave it to them, and the fish in the same way.

"This makes the third time that Jesus appeared to His disciples after His resurrection from the dead.

"After breakfast, Jesus said to Simon Peter, 'Simon. son of John, do you love Me more than all else?' 'Yes, Lord,' He said.

"A second time He asked 'Simon, son of John do you love Me' 'Yes, Lord, You know that I love You.' 'Then, tend My sheep.'

"A third time He said, 'Simon, son of John, do you love Me?' Peter was hurt that He asked him a third time, 'Do you love Me?' 'Lord,' he said, 'You know everything. You know I love You.' Jesus said, 'Feed My sheep.'

"Peter looked around and saw the disciple whom Jesus loved following, the one who at supper had leaned back close to Him to ask the question, 'Lord, who is it that will betray You?'

"When he caught sight of Him, Peter asked, 'Lord, what will happen to him?'

"Jesus said, 'If it should be My will that he wait till I come, what is that to you? Follow Me.' " Here ends the lesson.

PRAYER FOR NATIONAL LEADERS: THE HONORABLE BARBARA JORDAN

Let us bow our heads, close our eyes, and open our hearts to the One who is greater than we are. We are so human and so inadequate to the task which is ours, to serve as Your trustees for the benefit of Your people. Help us to be mindful that we are not alone. When we need wisdom, we need only to ask for it. You have promised to bestow it liberally. When we're weak, if we're just patient, You will renew our strength. Strengthen us.

Lord, You know we are so ordinary. We find it difficult to love our neighbors as ourselves, but we know that if we fail to love, we fail not only our neighbors, but we fail You. When we succumb to hatred, greed and self-centeredness we give You cause to revoke the trust You have placed in us. We beseech You to move so powerfully within us that we shall be able to avert sinfulness.

We do not serve as well as we might serve when we follow our own counsel rather than Yours. Help us to trust in You, rather than rely totally on ourselves. Teach us to know that if we are to be successful stewards, we must be Your servants.

We know that we cannot solve the many difficulties which beset Your people, but You can. We cannot reconcile people whose prejudice and narrow-sighted self-interest prevent brotherhood, but You can. We cannot infuse hope in those who despair, but You can.

Since You can do all that we cannot do, give us the good sense to work with You in partnership for the benefit of all humankind. Help us to resist our inclination to be the senior partner, and outdo You.

As we work together, keep talking to us and help us to listen. Guide us in our decisions, and grant us the wisdom, courage and selflessness to discern the difference between good and bad, fact and fiction, reality and illusion. Guide us. Amen.

MESSAGE: THE HONORABLE MAX CLELAND

When I was asked to speak this morning, I felt a little like that young man in his second week of basic training. He went in to his platoon sergeant and said, "Sergeant, I want to volunteer. I want to go to Vietnam. I want to fight. I want to win me some medals. Then I want to come home." The old sergeant looked at him just a minute and said, "I'm gonna send you to the company commander."

The young man reported into the orderly room right on time, saluted and said, "Sir, I want to volunteer. I want to go to Vietnam. I want to fight. I want to win me some medals. Then I want to come home." The company commander thought just a minute and said, "I'm gonna send you to the battalion psychiatrist."

The young man reported—starched fatigues, spit-shined boots—saluted briskly and said, "Sir, I want to volunteer. I want to go to Vietnam. I want to fight. I want to win me some medals. Then I want to come home." The psychiatrist thought just a minute and said, "I think you're crazy." The young man said, "Write it down, write it down."

When my secretary heard that I had accepted an invitation to speak at the National Prayer Breakfast, she said, "You're crazy." And I said, "Write it down, write it down."

Let me say that, speaking for myself, and I think I speak for many of you, I make no pretense of personal perfection in being here today. I think I can truthfully say, in the words of Paul to the small church at Corinth, that "by the grace of God I am what I am." First of all, He saved my life. I have not always believed that He did the right thing. I feel like that fellow who called up the 24-hour action line on suicide emergencies, and they put him on "Hold". Then they came back and said, "We've talked it over and we think you're doing the right thing."

I've not always felt that, in saving my life after a five-hour operation on the border of the South China Sea, following a grenade explosion on the Laotian border in Vietnam in 1968, the good Lord did the right thing. I will say to you that it took me more than one year to get to the point that I would see the sun rise and be glad to see it. Somehow, by the grace of God, my physical presence was maintained on this earth. All I had to do was figure out why.

I had been interested in politics before I went to Vietnam. I had a little touch of Potomac fever. I went back to Georgia, and that translated into Chattahoochee fever. If you're gonna get the fever, it doesn't matter where you are! So I ran for the State Senate. It happened to be the very first time that I met a young man, in shirt sleeves on a hot, summer day, with a very intriguing smile. He won, and I won, and we went to state government together. You might say it was an honor to follow his leadership.

But, quite frankly, I had let politics get too close to me. It was the one thing that I thought I could do with my life after I was injured in Vietnam. It was a purpose, it was a fulfillment, it was a meaning—of a sort. And it was certainly a job, a job that I loved. But, in many ways, it was also a crutch. I enjoyed being in the State Senate for a while. But no crutch that is intended to be something else can ever be used for a crutch for very long.

I quickly found that being a member of the Georgia State Senate was not enough. My ego, as egos are wont to be, was insatiable. All of a sudden it dawned on me that what the state of Georgia really needed was me as Lieutenant Governor.

The great thing about followers of Christ being in politics is that society has a built-in safeguard against it. That happens to be that, for those of us who are stricken with the fever, and also hell-bent on winning, that kind of insight is always subject to confirmation in this country by 51% of the vote. Unfortunately, I didn't get that, and it was quite shocking to me that the rest of the good folks in Georgia didn't understand.

In 1974, I was a young man on the way up who was suddenly a young man on the way down. And I did not fully understand why. You would think that if you were blown apart in Vietnam, spent 18 months in and out of military and VA hospitals, and went through a long rehabilitation process, that somewhere along the line you would realize that your life was not fully determined by you, and the good Lord was trying to tell you something. You would understand that. I didn't.

But, once I was taken away from not only what I was interested in doing, but the last holdout that I had to cling to, I came to the end of my rope. I had to ultimately confront myself, my fellow man and my God.

Now, I had always had faith in God. I had the kind of faith where you trust everybody, but you cut the cards. I did trust everybody, but I held the cards close to my chest. As an only child, self-sufficiency came very naturally to me, except when I got beat. Then I had no one else to blame.

All of a sudden, my young life that was on the upswing, wasn't. I thought I had been saved in Vietnam for a specific purpose, namely, Georgia politics (some of you might not get too excited about that, but I really was). Now I had to figure out who I was and where I was going. For me, that was a new experience.

It is an awesome thing to contemplate one's own limits and one's own humanity, and realize that you have not done as good a job with your life as you thought you had. I began, for the first time in my life, to understand humility. I had always been self-sufficient. I had always been the captain of my soul and the master of my fate, but I had to face the fact that I had taken control of my life and had run it right into the ground. That was not part of my plan.

I ended up financially in debt, unemployed, and with no one knocking on the door. I was in debt not only financially, but was in debt personally. I was in debt because I had allowed my ego and my self-centeredness to override the deeper sensibilities of my own heart. I had not paid attention to my inner self. I had not understood that God creates us as limited human beings so that we may seek Him for His fullness and His guidance. All along, in trusting and holding the cards, I never trusted at all.

Faith can be quite terrifying, because when you turn your life over to somebody else, you're not sure what they're going to do with it. Yet, I understood what I had done with it. On a dark night, driving to Washington where I was offered the only job that came my way, about two or three years ago, I called out in the darkness and said, "God, forgive me." I had never done that before, because I had always been sufficient to meet every need. But I was not sufficient at that point.

For the first time I understood that God is a power greater than ourselves, and in taking that leap of faith, that's exactly what He wants us to realize. Our life begins there and doesn't end there. That's why, for a Christian, defeat is, in a sense, the beginning. People don't understand that, but Paul, 2,000 years ago, talked about God's strength being perfected in our own weakness.

When I was a child I used to hear the verse "when our trophies we lay down." Of course, that just communicated to me that I was supposed to win all the trophies. I was supposed to win all the medals. I was supposed to win. Then I'd lay them down and He'd pat me on the head—but, no, that's not the way it works. We can't win without Him, but only through Him. When we are in that spirit, that we come to through asking His help and forgiveness, letting go, and letting Him have the confusion and brokenness in our lives, then He takes over, and victory, from that moment, is part of our lives.

On a professional level, I thought I was out of politics. Certainly I was out of Georgia politics, I was 600 miles away from Georgia. I thought that I was abandoning my field, but if it took that for me to have peace in my heart, I would do it, because at that point I didn't care about politics. I didn't care about anything else. I wanted the peace of mind that came from getting right with my God.

You see, He has a plan. Where my plan ended, His picked up. He also had a plan for some others in this room. Little did I know, but I was not getting away from either

Georgia politics or national politics. I was part of the advance party of all the Georgians coming to Washington.

Let me just say this: I thank God for my President, I thank God for his personal example. It helps me to do my task, which I dearly love. Even more than that, I know that there is at least one other, and many others in this town, who understand what it means to be personally defeated, and to be able through the grace of God to come back and achieve victories that were, in the former life, impossible.

Ernest Hemingway once said that "life breaks us all". That is true, life breaks us all. But afterwards he said, "many are strong in the broken places". I now understand the kind of strength that could enable a Peter or Paul or others to have lived their lives and seen their own will lead virtually to their own destruction, and yet, by God's grace, have a turn-around, and come back to be a different person, and to be better for themselves and for others, under God's leadership, than they would ever have been under their own.

I'll just leave with you a thought that expresses it all. It's the prayer of an unknown Confederate soldier, and it was given to me by a POW out of Vietnam, who spent seven years in Hanoi. I heard him read it one day, and I said, "Please give me a copy", and he did. It is a prayer that I think conveys the essence of what I've been trying to say.

"I asked God for strength, that I might achieve. I was given weakness, that I might learn humbly to obey. I asked for health, that I might do greater things. I was given infirmity, that I might do better things. I asked for riches, that I might be happy. I was given poverty that I might be wise. I asked for power, that I might have the praise of men. I was given weakness, that I might feel the need of God. I asked for all things, that I might enjoy life. I was given life, that I might enjoy all things.

"I got nothing that I asked for, but everything I had hoped for. Almost despite myself, my unspoken prayers were answered. I am, among all men, most richly blessed." Thank you very much. [Standing applause.]

Senator ALLEN. Max, we've all been truly and richly blessed by that wonderful message. Inspiring as it was, your life is even more inspirational.

Many of us in this room make public speeches from time to time and we are presented to our audiences. Sometimes we feel that the introduction is not glowing enough, but I wonder why we should be dissatisfied or why we should complain, when the person who occupies the greatest and the most important governmental position in the world, is presented merely as the President of the United States.

REMARKS OF THE PRESIDENT

You may have noticed that the chairman of this breakfast and master of ceremonies is Senator Jim Allen of Alabama. You may have noticed that our main speaker is Max Cleland from Georgia. You may have noticed that the President is Jimmy Carter from the same state. There may be some concern among you about the secret to the South's growing influence. I might point out one coincidental piece of evidence, in that the very fine Blackwood Quartet has six members in it. I think that up North the quartets still have four members.

It has been a wonderful program, and it is almost anti-climactic for anyone to try to follow Max Cleland who, in his own life and in his own words, gives us a testimony of what true faith can be, and what the closeness of God means to us.

To me, God is real. To me, the relationship with God is a very personal thing. God is ever present in my life. He sustains me when I am weak, gives me guidance when I turn to Him, and provides for me, as a Christian, through the life of Christ, a perfect example to emulate in my experiences with other human beings. My wife and I worship together every night. Often during the day I turn to God in a quiet and personal way.

A few months back the words "born again" were vividly impressed on the consciousness of many Americans who were not familiar with their meaning. They've been used in many headlines and on the front covers of many magazines. But for those of us who share the Christian faith the words "born again" have a very simple meaning. Through a personal experience, we recommit our lives as humble children of God, which makes us, in the most real possible sense, brothers and sisters of one another.

Families are bound by the closest possible ties. I noticed in a small news article this morning that I was chosen "Lover of the Year". It concerned me very much until I read on and found that it was because my wife and I have been in love for more than 31 years, and that the exemplification of a close family life is the best expression of love.

But, for a member of Congress, for a governor, for an executive officer who care for hundreds of thousands of veterans of war, for the commanding general of the United States Marines, for foreign dignitaries and for a President, the word "family" has a broader meaning. It is the family of all human beings, and challenges us to alleviate world tensions, hatred, misunderstandings, suffering, loneliness and alienation through a common understanding and a common purpose and, sometimes, even a common belief.

A few weeks ago I was in India. As part of my preparation for meeting with Indian leaders I read the Bhagavad Gita. I later visited the site where Mahatma Gandhi's body was cremated, and thought about his simple, deeply committed life, his knowledge of Christianity and Judaism, his worship of God and the simplicity, humility and sensitivity of his life. I felt a kinship with him and a kinship with the Indian leaders, who have not always been our friends in recent years. As I talked with Prime Minister Desai this was a common thread that ran through the conversations between us, that we shared something.

Last year, at a relatively small supper at the White House, Crown Prince Fahd from Saudi Arabia was asked a question by a member of Congress as to how Saudi Arabia, with its tremendous growing wealth, will deal with the needs of its own people and hold together as a community. He gave one of the most eloquent impromptu speeches I've ever heard, about how a common religious faith and the responsibility to hold together the interest in the holy places of Islam gave him confidence in the future and guidance on how his own life should be expended in the service of others.

I met with Prime Minister Begin twice during the past year, and hope to see him again soon when he comes to our country. I like him. I admire him and respect him because, throughout his conversations with me in the quiet, lonely, private times together, and even when he talks with others in a larger group, there is the fervor of a deeply committed religious man who, again, worships the same God I do and you do.

I felt an instant friendship with President Sadat. In his messages to me, and in my talks with him, he never fails to point out that the Egyptians and the Jews are the sons of Abraham, worship the same God, share a common heritage and a common faith. He reminds me that this is a transcendent thing, quite often forgotten, but still there. It doesn't change.

In our search for peace and goodwill, in spite of setbacks and criticisms and sometimes the undertaking of tasks that are not easily performed, I have a sense of confidence that if we emphasize and reinforce those ties of mutual faith, our subservience and humility before God, and our acquiescence in His deeply-sought guidance, we can prevail.

The leaders of our nation look with a great deal of concern over the past experiences when kings and princesses had tied themselves to God, to the Church, sometimes even in an exalted position relative to God, and had cloaked maladministration and injustice in the protection of the Church. So, in our Constitution we carefully prescribe that there should be no establishment of religion in this country. We worship freely. But that does not mean that leaders of our nation and the people of our nation are not called upon to worship, because those who wrote the Declaration of Independence and the Bill of Rights in our Constitution did it under the aegis of, the guidance of, and with a full belief in God.

In our rapidly changing world we need to cling to things that don't change, to truth and justice, to fairness, to brotherhood, to love and to faith. Through prayer I believe we can find these things. I don't think that is overly optimistic.

When Judge Sirica, one of the great men of all times in our country, referred to Solomon, I thought about the time described in the First Book of Kings when God said to Solomon, "What do you want from Me?" Solomon said, "Give Thy servant an understanding mind to govern Your people, that I might discern between good and evil." God said, "That is such a fine prayer that I will not only grant you wisdom, but I'll grant you the other blessings of life as well."

Almost everyone in this room is a leader, trusted by others, looked up to by others, respected by others, influential among others. I pray that that doesn't give us a sense of pride or exaltation or a sense of self-satisfaction, but that it gives us a sense of humility, and that we turn to God through prayer so that we might better serve those who have placed their faith in us, as we've placed our faith in God. (Standing applause)

Senator ALLEN. Thank you, Mr. President, for that inspiring message. I'm sure that I speak the sentiments of every person here when I say that we are proud that the head of our government and our First Lady are devout and sincere servants of God.

This has been a wonderful occasion. Laying aside the role of the person presiding, I believe that this is the finest breakfast that we've had during the last ten years that I had the privilege of attending.

At this time, Harold, if you will come forward.

CLOSING PRAYER—THE HONORABLE HAROLD E. HUGHES

Mr. President, Mrs. Carter, Jim, distinguished guests and ladies and gentleman. We're here with a singular purpose, to unite our hearts in prayer. I'd like for all of you, just for this first minute to prepare yourselves for prayer. It's easy in the midst of such a congregation, with so many friends and brothers and sisters about, to be involved in the worldly things. But right now, in one final, united effort of spirit and heart, we are about to lift our minds, our hearts, our hopes, our dreams, our exhortations and our intercessions to God Almighty. Please do not take these two or three moments lightly.

I'm going to ask, as I have in preceding years, that you join hands around your own table. I wish you would join together in a circle of prayer at your own table. Lift up your hearts if you can for a moment quietly. Then those at each table who feel led to pray, pray out loud, lifting your prayers, your intercessions, whatever it be, to God Almighty.

As the Holy Spirit moves me, I will intercede and close with prayer for this nation,

its people, the President and all those governing, and for the world itself, that there might be peace and tranquility because the men and women leading this world are joined together in the hope of God for peace on earth. Let us join together. . . .

Almighty Father, we join now in unity of spirit and heart, lifting up to You this nation and its people. Father, we ask that You would call us to be an obedient people to Your commands, that we might truly see the necessity of obeying the commandments that You have given us, and that as children we would kneel and submit to your authority as God of all creation.

We thank you, Father, that in the freedom You have given us, we can join together as a nation, with its elected representatives, the President and First Lady of the United States, the members of the Congress of the United States, the Executive Branch of the United States, the Judiciary of the United States and the people of the United States, thanking You for freedom, tranquility and peace. We pray, Almighty God, that You will give each of us direction as we go forth this coming year for the decisions that lie before us, that we might, as our President prayed, be granted the wisdom that You gave to Solomon. In all of the problems that exist in this world today, let us know with a sureness the power of the Holy Spirit in the process of decision-making, and that He can be the director of our lives individually, and of our nation collectively.

We pray for the leadership, this morning, of all nations in creation because we know by the Scripture that Thou hast raised up this leadership. Whether we are in agreement or disagreement, we have before us an opportunity that, through Your divine guidance, we can find the peaceful directions for tranquility of all the peoples on the Earth.

We lift up those who are hungry today, Lord, because we have been blessed mightily with food, and with sustenance for our bodies. We pray, oh God, that this very sustenance can give us a compassion and a concern for those who have not in our world today.

We pray for those who find themselves not in peace but in war, that You may grant, oh God, that peace to come that will assure them that they will know the final peace of all, the peace that can only be given by You.

Father, we're especially concerned this morning for those with whom we find ourselves in confrontation because we are exhorted by Scripture to pray for those who are our enemies and to pray for those with whom we differ. We ask You, God, to grant them wisdom as they represent their people, to grant them the intention of heart to seek peace in this world in our time. Lord, we ask you especially to penetrate their heart with the final and ultimate obedience that can come only from God in relationship to their individual lives.

Lord, I join with the rest in lifting a special prayer to You of intercession for our President. his wife, and his family. I pray, oh God, that You will never leave him one moment in indecision that Thou art with him. I pray for our First Lady that she can be the sustaining support of their family, that their love, one for another, can be an example, not just for the families of this country, but of the world.

May we realize the value of the holy institution of marriage, and the structure of family which you have granted us. I pray that we can, in our individual relationships, one with another, husbands and wives, parents and children, let Thy glory be seen before the world because we love one another in our family, as well as the family of Christ, in which You have brought us together.

Now God, as we go forth, I pray that You will grant all safe travel as they return to their countries and their homes from which they came. I pray that you will inspire them in the power of the Spirit, that in unity where they go they can see Thy word and Thy truth in all things. Grant us that peace, God, which You promised, of heart and of truth, to know and to understand.

I thank You, Father, for all those who have spoken this morning, all those who have undergirded in prayer, and all those who, at this moment, wait and pray and intercede constantly, that Thy glory might truly be seen.

Thank You, Father, for this precious opportunity of freedom, and of peace that You have given us. In the Name of Jesus Christ I pray. Amen.

"LABOR REFORM"—WHAT IT REALLY IS, AND ISN'T

Mr. HELMS. Mr. President, in the February edition of the Wall Street Journal, the lead editorial contained an excellent discussion of the so-called labor reform bill, originally S. 1883, now, as a "clean bill," numbered S. 2467.

If this bill had to stand the test of the "truth-in-packaging" laws, it would certainly fail. Whatever it is, it is not "labor reform," unless one subscribes to the theory that all reform should be a one-way street with the other fellow doing all the reforming. Nor is this legislation, as some would have us believe, just as innocuous sop to big labor because it was supposedly humiliated by being unable, with an overwhelmingly Democratic Congress, to repeal 14(b) or to enact common situs picketing.

It is not innocuous; it is dangerous; it is a desperation attempt by the powerful union leaders to hold on to steadily dwindling power by creating new and coercive organizing opportunities. As usual, the working man is largely forgotten in the power struggle.

The editorial points out some of the dangerous and ill-considered features of the bill, and it should make sober reading for every concerned American.

Mr. President, I ask unanimous consent that the editorial entitled "Labor's Paradox," appearing in the February 6 edition of the Wall Street Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LABOR'S PARADOX

Organized labor has problems: It represents just a little over one-fifth of the nonfarm work force, down from one-third 20 years ago; unions are losing more secret ballot representation elections than they win; non-union labor is making a comeback in construction; public attitudes toward labor leaders are mostly negative.

But, paradoxically, labor's political power is rising rather than waning. Last year in Congress, it won two major victories, a 45% increase in the minimum wage and a $21 billion "jobs" bill that benefits public employes and the building trades. This year, it is back for more.

The Senate will soon take up S. 1883, a labor "reform" bill in large part drafted by the AFL–CIO to make organizing easier. If it passes it will be a major weapon in labor's renewed campaign to organize the South, a task that has frustrated unions for decades. The House version of the bill passed handily last October. 257 to 163.

The reform bill is an ingenious combination of amendments to the National Labor Relations Act that look fairly innocent when viewed separately. When combined, however, they put a considerable power in the hands of union organizers, and sharply weaken the ability of employers to resist union organization.

For example, one provision brings the federal government into the actual writing of labor contract terms for the first time, and in so doing, makes it possible for a union organizer to practically guarantee employes that the union will win them a certain minimum increase, with help from Uncle Sam.

This comes about because the NLRB would have the power, in cases where a newly organized employer was found to not be bargaining in "good faith," to order a wage increase. The increase would be based on the average won nationally by bargaining units representing 5,000 employes or more. Since union bargainers would have this threat to use against recalcitrant employers, unions would be able to tell workers roughly what to expect in cash from signing a union card.

Employers are prohibited by existing law from countering any such promises with their own promises or threats. Unlike unions, they also can't have private meetings with small groups of employes or visit employe homes. The new law would further restrict them by providing that if they addressed employes on company time, they must let a union representative do the same thing. Small-scale employers would find it simpler and cheaper to just keep quiet.

Penalties for "unfair labor practices" are toughened. Firing an employe who is spending his time organizing for the union rather than doing his job is an unfair practice. As a further aid, the law would make it easier for organizers to get a quick NLRB representaion election—25 days after filing petition in the House version—when it suits their purposes. And for good measure, the friendly Carter administration would be given the power to expand the NLRB to seven members with two additional appointments.

A measure of the importance labor puts on the new law is the arm-twisting it is doing on Capitol Hill. Senators are being told, just as Representatives were told last fall, that they had better vote for this one if they want future labor support, even if they have had a pro-labor record in the past.

The threats are not being taken lightly. There is a good reason. The campaign financing act of 1974, much touted by reformers as a way to reduce perverse influences on Washington, turns out to have been a boon to labor. It took political clout away from people who give money to candidates and increased it for people who can give other things, the time of thousands of unionized block workers, for example. Unions also can spend freely to communicate with their own members. The National Journal estimated last year that labor spent $11 million to elect Jimmy Carter in 1976 and $8.2 million to elect Congressmen.

In short, labor is doing fine in Congress. But we would urge union leaders to worry a bit more about why there is a rising public resentment of union political power. And it might not be a bad thing if the Senate worried more about that too before voting on this latest "reform" bill.

PROTEST IN NICARAGUA

Mr. KENNEDY. Mr. President, one month ago today, Pedro Joaquin Chamorro, the Nicaraguan opposition leader and editor of the major newspaper La Prensa, was brutally murdered on his way to work. I express my heartfelt sympathy to his surviving widow and family.

For 30 years, Mr. Chamorro had been a courageous and consistent critic of the regime of Anastasio Somoza. His newspaper published strong statements, some made on this floor last year, in criticism of blatant violations of human rights in Nicaragua. I can now say that he communicated directly and confidentially with me on atrocities committed by the Nicaraguan National Guard.

The death of Chamorro led to a nationwide strike, culminating in the boycott of last Sunday's municipal elections. Although we only have incomplete reports on the situation in Nicaragua, it is clear that there has been widespread and tragic violence including further repression by the National Guard.

All friends of Nicaragua must hope that this beleaguered nation can now move from violence to fulfillment of the aims of the strike: full justice and democracy. This would be the greatest tribute anyone could pay to Mr. Chamorro and his lifetime work. This is the message that I sent today to his family and followers in the coalition of opposition parties, the Democratic Union for Liberation (UDEL).

For there to be justice, there must be a completely honest accounting for Mr. Chamorro's murder, there must be no reprisals against the leaders of the strike, and there must be genuine progress toward restoration of human rights and fulfillment of human needs.

Only independent authorities, such as Amnesty International, the International Commission of Jurists, and the Inter-American Commission on Human Rights, can objectively determine whether such action is now taking place. I call on the Nicaraguan Government to invite any or all of these authorities to conduct a full and impartial investigation at the earliest opportunity.

For there to be democracy, all political elements must be able to play a constructive, nonviolent role in determining the Nation's future course.

This will require a dramatic change in the political and economic order of the country. One can only hope that this change can be accomplished peacefully, with good-faith efforts by all parties. Here the United States can play an important role: Pressing for human rights improvements and emphasizing economic assistance which meets the genuine needs of the people—instead of military assistance to increase the repressive capabilities of the National Guard.

Mr. President, last month the administration decided to terminate all military assistance to Nicaragua, except for $150,000 in military training funds, in its fiscal year 1979 budget submission to Congress. My strong preference remains no military aid whatsoever. But I am encouraged by this decision. It is a welcome contrast to the $2.5 million in FMS credits and $600,000 in military training authorized for the current fiscal year. It is a substantial move in the right direction. We will keep a careful watch on the Nicaraguan situation in the coming months, to determine if it warrants even stronger action by the administration and Congress.

Prior to this decision, I exchanged correspondence on aid to Nicaragua—and the more general issues it raises for our foreign assistance and human rights policies—with the Acting Secretary of State, Mr. Warren Christopher. In this correspondence, I reiterated my strong opposition to any military aid to Nicaragua. Mr. Christopher's response is a welcome indication of sensitivity and understanding of these important matters.

Just yesterday, Mr. President, the Senate Foreign Relations and House International Relations Committees released the administration's annual report on the human rights situation in Nicaragua. Largely written before the nationwide strike and violence, the report describes improvements in human rights performance. But it also indicates continued incidents of human rights abuses, including National Guard beatings of three American nuns and a Spanish priest last December. I reiterate: The events of the past month dramatize the need for Amnesty International and other independent authorities to conduct a thorough and up-to-date investigation in Nicaragua.

I ask unanimous consent that my correspondence with Mr. Christopher, and the text of the administration's human rights report, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C.

Hon. WARREN CHRISTOPHER,
Acting Secretary of State,
Washington, D.C.

DEAR CHRIS: I am enclosing for your information and comment my remarks to the Senate on human rights in Nicaragua and on US economic and military assistance to that country.

Last August, Senator Church and I spoke out quite strongly against any military assistance or supply to Nicaragua. We had access to a report just prepared by Amnesty International, which documented a pattern of gross human rights violations throughout the country. I recognize that there have been improvements in the situation since then, most notably the lifting of the state of siege last September, but as indicated in my statement there have also been setbacks. I would be particularly interested in your reaction to the enclosed copy of Martin Ennals' letter to President Somoza, which I have also inserted into the Congressional *Record*.

As you know, Chris, I was disturbed by the decisions—made to meet a September 30th Fiscal Year deadline—to sign the FY-77 FMS Financing Agreement but to withhold AID assistance for basic human needs in Nicaragua. By contrast, I was heartened by the balanced decisions on IBRD and IDB loans made last month. I hope that you and others in the Administration will find helpful the three recommendations made at the end of my statement, regarding sustained pressure for human rights improvements, US economic and military assistance, and the need to integrate our decision-making in these two crucial spheres. They all relate to my concern that we still lack a clear policy for Nicaragua or, for that matter, all of Central America. In the absence of such a clear policy, we run the risk of piece-meal decisions, often at the eleventh hour, to the detriment of our best interests.

Above all, it remains my strong belief that our nation should steer clear of any military assistance and supply to Nicaragua. I see no national security basis for it. I see continued human rights objections against it, objections which were voiced strongly last summer in both the House and the Senate and which I reiterated today. I would greatly appreciate it if, before making further decisions in this field, you could ask your staff to share with us any thinking which might lead to a different conclusion.

My thanks, and warm personal regards,
Sincerely,

EDWARD M. KENNEDY.

DEPARTMENT OF STATE,
Washington, January 18, 1978.

Hon. EDWARD M. KENNEDY,
U.S. Senate.

DEAR TED: Many thanks for your thoughtful letter on Nicaragua.

We share your conviction that human rights should be an integral factor in determining our relationships with all countries. As you know, we have publicly and privately expressed our concern several times to the Government of Nicaragua as to its human rights record. We delayed signing the FY 77 FMS Financing Agreement in an effort to influence positive movement. With the lifting of the state of siege last September 19, the consequent restoration of formerly suspended civil liberties, and the marked reduction of reported abuses by the National Guard, we felt it appropriate to respond by signing that agreement so as to allow us to retain the option of providing these military credits, if circumstances warranted.

Signing the agreement, as was made clear to the Government of Nicaragua, was not an endorsement of the Government's practices but rather a recognition of progress. We further explained, both publicly and directly to the Nicaraguan Government, that any actual transfers of equipment would be handled on a case-by-case basis, would be decided in light of the prevailing human rights situation at the time, and would be dependent on confirmation of a positive human rights trend. We consulted with several interested members of Congress and their staffs, as well as with your own, immediately prior to signing the agreement.

I am pleased that you support our November decision on IDB and IBRD loans to Nicaragua. I too am concerned about the possible negative effect on the poor in Nicaragua of our delay on two AID loans for nutrition and education. We shall be reviewing these two loan proposals again shortly. I would underscore that we were able to defer consideration of these loans without forfeiting our ability to make them at an appropriate future date. By contrast, the funds available under the FMS agreement would have lapsed had the agreement not been signed before October 1, 1977. In deferring consideration of the two AID loans we were conscious of the need not to overrespond to the lifting of the state of siege and the importance of letting sufficient time pass to assess the practical impact of this development. Now with the murder of Dr. Chamorro we have a new factor in play which will bear most careful consideration.

The issues raised in Mr. Ennals' letter to President Somoza are of substantial concern to us. We have ourselves raised many of them in conversations with officials of the Government of Nicaragua. We will continue to urge the Nicaraguan Government to guarantee the observance of universally recognized human rights and to invite international observers, such as the Inter-American Commission on Human Rights, to investigate human rights conditions in Nicaragua.

I found most helpful the three recommendations at the end of your December 15 statement. We are sensitive to the points you raise, including the need for more effective integration of decision-making on economic and military assistance; I think we are making progress in satisfying that need.

Your contributions to our deliberations are much appreciated. I have asked relevant personnel here to consult with you and your staff in connection with our future actions concerning the human rights situation in Nicaragua.

Again, my thanks for your strong personal interest in our efforts to make U.S. foreign assistance programs more effective in promoting human rights.

With regards.

Sincerely,

WARREN CHRISTOPHER,
Acting Secretary.

HUMAN RIGHTS REPORT ON NICARAGUA

Since the Somoza family's rise to political dominance more than forty-two years ago through control of the National Guard and the Liberal Party, Nicaragua has been led by an authoritarian political regime. Stability has been maintained, the economy has expanded, the legally recognized opposition Conservative Party has been allowed to contest elections and participate in governmental bodies and other non-violent opposition groups have been allowed to function. However, the limited nature of the channels of dissent in a restricted political system, along with disparities in economic conditions, have provided a foundation for the growth of a radical opposition movement.

In December 1974, a leftist group, the National Sandinista Liberation Front (FSLN) carried out a dramatic terrorist attack aimed at the government. The Nicaraguan Government responded by imposing martial law and press censorship and by initiating a counter-insurgency campaign in rural areas. During that campaign, serious abuses of the rights of the person were committed by the National Guard. In early 1977, President Somoza ordered the National Guard commanders to avoid any abuses whatever. Since that time, allegations of new disappearances or killings by the National Guard have markedly diminished. On September 19, 1977, the state of siege was terminated, with elimination of press censorship. Subsequently, the political scene has been characterized by vehement and lively press and public debate, attacks by the FSLN on National Guard installations, and steps toward a "national dialogue" between Government and opposition groups. Planning for the dialogue was interrupted by the assassination of opposition leader Pedro Joaquin Chamorro in early January 1978.

1. Respect for the Integrity of the Person, Including Freedom from:

a. Torture—

Allegations of torture have been made by some persons detained by the National Guard both in remote rural areas and in jails in Managua. These charges have been prominently reported in local newspapers, both prior to and since the end of censorship. The Nicaraguan Bishops (in their pastoral letter of January 8, 1977) and Amnesty International charged the National Guard with engaging in torture of detainees. Some of those charges specified the individual, the time and the place, and some seem to be credible. All referred to events in 1975 and 1976. There have been a few reports of torture or beating of detainees and prisoners in 1977.

b. Cruel, Inhuman or Degrading Treatment or punishment—

Most charges of this nature referred to National Guard operations against the FSLN or purported supporters of the FSLN in the rural north prior to February 1977. Accusations included murder, rape and other mistreatment of peasants. The Capuchin order in Nicaragua, who were active in the remote area from which most reports of abuses came, listed 28 reported disappearances or killings during eight months in 1975, over 200 in 1976, and 55 during January 1977. No further reports by the Capuchins of deaths or disappearances have been received since February 1977. Since the end of martial law in September, the Capuchins reported the return of several persons who were previously recorded as missing. Additional allegations, from other sources, of Guard killings and abuses have been received, but most have been vague on details or lack corroboration. Overall, it appears that many of the allegations of cruel, inhuman, and degrading treatment during the course of National Guard operations against the FSLN were well founded, but others are more dubious. The number of reported abuses and their severity have decreased markedly over the past year. Nevertheless, isolated incidents still occur. For example, in December 1977, three U.S. nuns and a Spanish priest were beaten by National Guardsmen while the latter were breaking up a public gathering in Managua.

Prison conditions are generally poor. The degree of amenities available to those detained is dependent upon their ability to obtain material assistance from family or friends.

Prior to the lifting of the state of siege, prisoners were at times severely mistreated. Since then, some continued abuses have been reported, but their frequency has been substantially reduced.

c. Arbitrary Arrest or Imprisonment—

Lengthy and sometimes incommunicado detention on security grounds without formal charge, which previously occurred appears to have been curtailed or terminated following the lifting of the state of siege. Nevertheless, persons suspected of FSLN collaboration, or other activities which the Government considers prejudicial to its interests, continue to be detained without formal charge for short periods of investigation. It is estimated there are between sixty and one hundred persons incarcerated as a result of charges of or convictions for violent revolutionary acts, other proscribed political activities, and politically motivated civil crimes. About half of these prisoners are held as a result of their conviction in the FSLN trials last February. Others are being held under indictment as a result of alleged FSLN activity, mainly participation in armed attacks on the National Guard. Still others have been sentenced to short periods of incarceration on conviction for such activities as distributing or posting "subversive" propaganda tracts. In addition to anti-regime political activities, some of these persons were also convicted of civil crimes such as murder, assault, robbery, kidnapping, etc.

d. Denial of Fair Public Trial—

With removal of the state of seige, public trial by jury in open civilian court for all serious criminal offenses, has been reinstituted. It is not yet clear whether all persons detained on political charges receive public trial.

Under martial law, cases of alleged participation in the FSLN were remanded to a Military Investigative Court. This body, in turn, referred cases to a council of war for consideration and final sentencing. Both these proceedings were open to the public and defense attorneys were provided after indictment, though not before. Most of the several hundred people detained during the past two years for suspicion of security offenses were held for relatively short periods before being released. On February 25, 1977, the Nicaraguan Extraordinary Council of War handed down guilty verdicts on 110 prisoners (some 75 were tried in absentia) after more than 2 years of military court proceedings. Prison sentences ranged from the maximum legal term of 30 years to 18 months. In late March, the Military Board of Appeal reviewed most of these sentences and reduced 17 of them, making 10 persons eligible for release on the basis of time already served. Lawyers for other prisoners further appealed their sentences to the civilian Supreme Court, which ultimately confirmed the convictions.

e. Invasion of the Home—

There have been some credible reports of the National Guard invading homes during 1977. These reported incidents were generally related to search operations for the FSLN or its supporters.

2. Governmental Policies Relating to the Fulfillment of Such Vital Needs as Food, Shelter, Health Care and Education:

The Government is engaged in an ambitious integrated rural development program to better the life of the rural poor, including changes in land tenure. A.I.D. efforts supporting the Government's program focused primarily on small farmer development programs; on solving problems in nutrition, health delivery and family planning; and on developing more relevant and less costly forms of education. The Government contributes 40-60 percent of the total project costs on A.I.D.—supported projects. In addition, the Government is still engaged in reconstructing Managua after the massive earthquake of December 1972. The present effort is largely directed at providing and upgrading housing, water, sewers and other essential services to low income families.

Corruption occurs in Nicaragua and has even been rumored to have affected the earthquake reconstruction program. Some have alleged involvement by members of the Somoza family as well as other prominent Nicaraguans. Corruption undoubtedly diverts some resources away from the poor. However, numerous investigations of A.I.D.-assisted pro'ects since 1973 by the GAO, Congressional and A.I.D. auditors and investigators have not substantiated those charges with regard to A.I.D. funds.

3. Respect for Civil and Political Liberties, Including:

a. Freedom of Thought, Speech, Press, Religion and Assembly—

The state of siege, with limited martial law and censorship, imposed in 1974, was removed on September 19, 1977. The primary impact of the state of siege on civil and political liberties was censorship of the media, occasional curfews in areas of suspected FSLN operations, and the requirement that political rallies be held indoors. These restrictions are no longer in force. However, there continues in force a radio and television code which is over ten years old and has been used by the Government to penalize those it judged to have been responsible to penalize those it judged to have been responsible for seditious or defamatory broadcasts.

Since the lifting of the state of siege, the press has again become free and vigorous, with the country's largest newspaper and its most important provincial newspaper often critical of the Somoza government. Both in the press and in public and private gatherings, many Nicaraguans exercise freedom of

speech through criticism of the Government without apparent fear or negative consequence.

The labor movement, while weak, has four major elements: one controlled by the Government, one independent, one Social Christian, and one controlled by self-styled, Moscow-line Communists. The American Institute for Free Labor Development has an active program with the independents. The building trades union, one of the largest in the country, is under Communist leadership, and the leaders are generally permitted to carry out openly their trade union activities. Nevertheless, some detentions of this group have occurred. As Amnesty International has reported (referring to the 1974–76 period) some trade union activists and members of legal political parties may have been repeatedly imprisoned on political grounds.

Freedom of religion is respected.

The right to peaceful assembly is guaranteed under the Constitution, but outdoor assemblies were prohibited under the recent state of siege. The Government has placed no impediment on recent outdoor rallies by opposition political groups.

b. Freedom of Movement Within the Country, Foreign Travel and Emigration—

Traditionally, persons who have fled the country to avoid investigation or proceedings for participation in revolutionary activities have eventually been permitted to return. There are only a few political exiles at present. Movement within the country is unrestricted with the exception of a requirement for permits to move from or into areas where there are active counter-insurgency operations. During the past two years, two members of the large group of resident foreign priests have been denied visa renewal or reentry, apparently because in the eyes of the authorities they were involved in anti-governmental activities.

Emigration and foreign travel are unhindered except for the requirement that the traveler obtain an exit permit. A passport or exit permit may be issued to persons against whom there is legal action pending.

c. Freedom to Participate in the Political Process—

The only political parties which have established juridical recognition under the constitutional requirements in Nicaragua are the PLN (Liberals—the dominant, Somoza-backed group) and the PCN, the official opposition Conservation Party. The PCN, which is constitutionally guaranteed 40% representation in Congress plus seats on the Supreme Court, lower courts and electoral tribunals and in all ministries and autonomous agencies, has been generally free from political restrictions. There was, however, occasional censorship of its criticisms of the government under the recent state of siege. Other opposition political parties, factions, and movements which have not tried (or have been unsuccessful in their attempts) to obtain juridical recognition under the Constitutional provisions nonetheless exist, hold political rallies and circulate manifestos. The most active opposition movement, the Union of Democratic Liberation (UDEL), is a coalition of diverse groups including dissident Liberals and Conservatives, Social Christians, independents and the small, illegal Communist Party. UDEL, under the former state of siege, encountered sporadic, low-level harassment. It has held frequent political rallies during the past year. Until his death, the movement's former president, Pedro Joaquin Chamorro, was able to publicize its activities in his newspaper, La Prensa, Nicaragua's largest circulation daily.

Opposition politicians generally feel strongly that the electoral process is fraudulent and manipulated by the regime. There have been substantial allegations of fraud and manipulation in connection with registration for the impending municipal elections in February 1978.

4. Government Attitude and Record Regarding International and Non-Governmental Investigation of Alleged Violations of Human Rights:

Numerous local individuals and committees are active in investigating human rights violations and publicizing their findings. The committees, most of which were formed in early 1977, have had access to the press to air their concerns since the end of censorship. There have been outside investigations by Amnesty International in 1976 and the International Red Cross in 1976 and 1977 as well as recent internal investigations by the National Guard of allegations against it. But there has been no internal or outside investigation of the allegations against the National Guard for widespread killing of peasants during 1975 and 1976.

The Government of Nicaragua has not yet invited the Inter-American Human Rights Commission or other outside bodies to investigate allegations of human rights violations. The Government position has been that further outside investigations are unnecessary because the restitution of full civil liberties and freedom of the press assures access to local redress of any violations.

OPPOSITION TO DISC PHASEOUT

Mr. PERCY. Mr. President, a recent Chicago Tribune article noted the objections of Chicago executives to the administration's proposal to phase out the Domestic International Sales Corp. (DISC). I agree wholeheartedly with Robert H. Malott, chairman of FMC Corp., when he says that such a phaseout would be "tantamount to unilateral economic disarmament."

I have been a supporter of DISC from its enactment in 1971 as an incentive to U.S. export companies to export more and especially to encourage companies not in the export business to get into it. Since then, U.S. exports have risen significantly, from $43 billion in 1971 to $120 billion in 1977. Part of this increase was due to other international economic conditions, but surely much of this growth can be directly attributed to the extra incentive and competitive edge provided by DISC.

In 1976, to assure that DISC remained an inducement to exports rather than becoming a mere subsidy, Congress adopted legislation to tie DISC benefits to export increases.

The DISC deferral helps U.S. exporting companies overcome the shipping, tariff, and other costs that a foreign-based subsidiary is not subject to and encourages these companies to stay in the United States. This not only expands our export base, but creates jobs for American workers as well.

Mr. President, I ask unanimous consent that the Chicago Tribune article of February 3 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXECUTIVES FIGHT FOR TAX BREAK

(By William Gruber)

Chicago executives warned Thursday it would be a grave mistake for the United States to drop its only export tax incentive for American firms without gaining trade concessions from other nations in return.

Robert H. Malott, chairman of FMC Corp., said at a press briefing that foreign exporters enjoy many tax incentives and subsidies from their governments.

He argued that the incentive now offered to U.S. firms through the establishment of a Domestic International Sales Corp. [DISC] should be expanded by Congress at a time when the nation is running a record trade deficit.

"Without any quid pro quo from other countries, to phase out the program would be tantamount to unilateral economic disaramament," said Malott, who also is a vice chairman of the Special Committee for U.S. Exports, a group of corporations formed to retain the program.

President Carter recommended in his tax message to Congress last week that the tax provision be phased out over three years. In his election campaign and since, Carter contended the program was primarily a "tax loop-hole" for big corporations. He and some members of Congress have said it was difficult to determine if the plan, which was adopted in 1971, has actually led directly to an increase in U.S. exports.

But Malott said figures by the Bureau of Labor Statistics in 1975 showed that 180,000 jobs had been created as a result of the program. A Treasury Department study that same year said 343,000 new jobs were program related, he added, while a Commerce Department report said the plan had led to between 600,000 and 900,000 new jobs among both exporting firms and their suppliers.

Malott said FMC "would not consciously pull back" from exports if the plan were eliminated, but "it clearly would impinge on our export capabilities."

He said the program does not eliminate taxes on profits from export sales but "only defers them." To qualify for the plan, Malott added, companies must "funnel back at least 90 per cent" of their profits from such sales into export-related facilities.

He also estimated that his firm chose to place "in excess of $50 million" worth of new plants and equipment in the U.S. since the DISC program which could have been located overseas.

James H. Ingersoll, vice president of Borg-Warner Corp., agreed that the impact of dropping the program "would be difficult to measure" on his company's business.

"We'd be happy to get rid of it in exchange for other countries dropping their trade barriers," said Ingersoll. "But that's not going to happen in our lifetime. In the meantime, it offers us a very small tool that we're trying to use effectively."

VISIT BY RHODE ISLAND DELEGATION

Mr. PELL. Mr. President, it is generally believed that all Swedish immigrants who came to America settled in Minnesota.

Actually, a hardy band of them came over to the New World early in this century and settled in my home State of Rhode Island and neighboring Massachusetts, in the Providence and Worcester regions.

Some were farmers, others went to work in the textile mills, and still others became excellent carpenters, woodworkers and cabinetmakers, machinists and mechanics. They were hardworking and industrious.

I call attention to this fact because this week a representation of them trav-

eled all the way to Washington, D.C., from Rhode Island by bus to honor me by attending ceremonies in connection with my receiving the Grand Order of the Northern Star from the Swedish Ambassador on behalf of his country.

In turn, I now honor this group who came that distance as on Monday the big snowstorm struck the east coast. They made it to Washington, traveling for 13 hours and arriving good natured and smiling in the midst of falling snows and biting winds.

Most of the 50 who came are first and second generation, but several were born in Sweden, including Ivar Pearson, who is 82. His son, Roy Pearson, chairman of the Swedish Heritage Society of Rhode Island, was the leader of the group.

Even as I enter this in the RECORD the intrepid band has finally made it back to Rhode Island, having gotten as far as the State Airport in Warwick where Army and National Guardsmen took them to their homes.

Last night, they were unable to cross the Rhode Island border in their bus because route 95 to their home towns of Warwick, Cranston and Providence, among others, was impassable. They had to stay over in Old Lyme, Conn.

This morning they called my Washington office to report they were preparing to try again with the blessings of the State police and with their trusty driver, Roy Cameron, at the wheel. He performed heroically in getting them to Washington in difficult weather and equally as well in getting them back home. He is truly to be commended.

Their trip, and the way they weathered it, singing poignant songs in Swedish, was in keeping with the traditions of their ancestors and their northern homeland. It was wonderful having them. My wife, Nuala, and I enjoyed their company very much.

Other organizations which had some members on the trip included the Rhode Island District No. 3, Vasa Order of America, the board of the Scandinavian Home for the Aged and the Verdandi Male Chorus.

ILLINOIS COAL CONFERENCE REPORT

Mr. PERCY. Mr. President, I am pleased to report today on a highly successful coal conference which I sponsored at Southern Illinois University at Carbondale, Ill., on December 10, 1977. This was the third in a series of conferences which I have held in Illinois on important energy issues. The first two were on solar energy and conservation. Because of the interest that has been shown in the possibility of similar conferences in other States, a summary of our method of organizing the conference might be of interest to my Senate and House colleagues.

The purpose of this conference was to provide an educational forum where representatives from the coal industry, environmentalists, and local, State, and National Government officials could join together with the general public to exchange ideas and insights about the proper direction for coal policy on a national and State level.

The coal conference was particularly timely because the United Mine Workers had just entered into the fifth day of their national strike. However, even without a national strike calling attention to coal, there was ample reason to hold the conference. At a time when we are importing almost 9 million barrels of oil per day at a prohibitive cost of $45 billion per year, coal becomes evident as our most logical energy substitute. Coal constitutes 90 percent of U.S. conventional energy resources, although it currently supplies only 18 percent of our energy needs.

President Carter's National Energy Plan places enormous importance on increasing coal production. His plan calls for a significant increase in coal production in the next 8 years, from approximately 640 million tons now to more than 1 billion tons per year by 1985.

Whether or not we can meet this goal or even come close to it are matters of great controversy. This conference provided an excellent opportunity to air some of the challenges and problems raised by the increased use of coal. I am most grateful to our speakers, discussion leaders, exhibitors, the University of Illinois administration, and Mr. Cris Palmer of the Government affairs staff and Ms. Sandy Mason of my own professional staff who did so much to assure the success of the conference.

The morning speakers' session quickly revealed the controversy and differences of opinion which surround coal today. After my introductory remarks outlining the problems and prospects of coal, Mr. Carl Bagge, president of the National Coal Association, forcefully pronounced the skeptics wrong. According to him,

> The coal industry and its customers have plans that will carry this Nation to its goal and beyond. These plans are not rhetoric, but solid real-world financial commitments.

Mr. Bagge estimated that the utility sector alone will use more than 840 million tons of coal by 1985. Add that to coking coal and industrial use and the President's goal is both realistic and achievable according to Mr. Bagge.

It is, in Mr. Bagge's estimation, the Government of the United States which poses the greatest hurdle to meeting the President's goal. As a committed proponent of laissez-faire, Mr. Bagge issued a strong condemnation of excessive Government regulations which prohibit the coal industry from producing at its maximum potential.

An appropriate second guest speaker was Mr. Guy Martin, Assistant Secretary for Land and Water Resources, Department of the Interior. As the President's and Secretary Andrus' representative, Mr. Martin sought to clarify the confusion over Federal coal leasing policy and to present a balanced view of future coal policy.

In his conclusion, Assistant Secretary Martin stressed the administration's "Commitment to resource production with an equal commitment to respect for the environmental, social and economic values of this Nation." Mr. Martin ended by stating that:

> This Nation will produce the energy our country needs—and do so without causing the needless loss of agricultural productivity, community integrity, or environmental quality.

The final speaker in the morning session was Ms. Louise Dunlap, executive vice president of the Environmental Policy Center, one of the most effective environmental groups in the Nation. Ms. Dunlap stressed the Surface Mining Reclamation Act, the Clean Air Act, and Mine Safety Acts as the three most important pieces of legislation providing a framework for coal policy. She sought to dispel the coal industry's notion that environmentalists work directly against the increased production and use of coal. To the contrary, she shared Mr. Bagge's enthusiasm for coal as an energy substitute. Ms. Dunlap called for a cooperative approach between industry and environmentalists to solve the multitude of problems related to coal production. Louise Dunlap spoke extemporaneously therefore I am unable unfortunately, to share the text of her remarks. I ask unanimous consent that my remarks and those of Mr. Bagge and Mr. Martin be printed in the RECORD at the end of this statement as appendix A.

The afternoon speakers were Mr. Robert Barrett, Director of the Mining Enforcement and Safety Administration, Dr. Alex Mills, Acting Director of the Senior Staff and Chief Scientist for Fossil Energy, Department of Energy, and Mr. Jack Simon, chief of the Illinois State Geological Survey. Each of these speakers focused specifically on the prospects and problems related to Illinois coal development. Their contribution to the conference was invaluable.

The final speaker of the afternoon session was Dr. Stephen Piper, director of Energy Analysis for the Alliance to Save Energy. He gave a brief background sketch of the alliance and the projects in which it is currently involved. Mr. Piper also discussed the relationship between coal use and energy efficiency. He stressed the fact that implementation of effective conservation measures now could provide us with the necessary time to make clear and rational choices about coal production and use in the future.

I would like to say, Mr. President, that I was very pleased to see the audience participation and interest stimulated by these seven diverse speakers.

The second component of the coal conference consisted of 11 workshops on specific and technical aspects of coal policy and development conducted by experts in the field. I was able to attend each one of these workshops, and was extremely impressed with the uniformly high caliber of each of the sessions. The workshop topics were as follows:

First. The character of coal: its quality, cleaning, and sulfur removal with particular emphasis on Illinois coal.

This workshop focused on the properties of Illinois coal, how these properties are measured in a laboratory and the types of commercial equipment available to remove sulfur from Illinois coal.

Second. The status and technology of stack gas scrubbing to remove sulfur.

This workshop focused on the status, the cost, and the secondary environmental implications of stack gas scrubbing to remove sulfur. A representative of Commonwealth Edison also described the economic factors which went into choosing stack gas scrubbing technology for one powerplant and low-sulfur western coal for another.

Third. The environmental effects of underground mining.

The discussion in this workshop focused on the environmental effects of underground mining and a description of the Bureau of Mines' programs on backfilling of abandoned coal mines.

Fourth. Surface mining.

This workshop emphasized the problems of reclamation, the environment, Federal legislation, and the impact on agriculture.

Fifth. The issue of manpower in the coal industry.

This workshop concentrated on the vital issue of manpower in the coal industry: its availability, training, productivity, and safety.

Sixth. The economic and sociological effects of mining on the community.

This workshop dealt with the impact of coal mining on the community and region. The issues addressed were the health impact and the problem of resources leaving the region.

Seventh. Illinois coal.

This workshop dealt exclusively with Illinois coal: market, reserves and resources, and mining.

Eighth. The transportation of coal, the products from coal, and electricity.

This workshop discussion focused on the various methods of coal and electricity transport: unit trains, coal slurry pipelines, and high voltage transmission.

Ninth. Coal conversion and new methods for utilization of coal.

This workshop focused on new coal technologies including gasification, liquefaction, fluidized bed combustion, MHD, et cetera.

Tenth, Health-related problems and the coal industry.

The discussion focused on the health effects from air pollution related to coal burning and the safety problems miners face on the job.

Eleventh. Coal and conservation.

This workshop was conducted by the Alliance To Save Energy and focused on the importance of energy conservation as a means of providing time to make the right decisions about stepped-up coal production.

I ask unanimous consent that the names of all those who led workshop discussions be printed in the RECORD at the end of my statement as appendix B.

The third important component of the conference was a number of exhibits supplied by various coal companies, environmental organizations, and the Department of Energy. These exhibits were on display throughout the day. They provided an excellent visual backup for the discussions in the morning and afternoon and the workshop sessions. I am deeply appreciative of all those people who provided exhibits for the conference. They added immeasurably to its success.

I would also like to extend my sincerest thanks to the members of the coal conference advisory committee. Each of them put in a significant amount of time toward assuring the success of this conference. In particular I would like to mention the chairmen of the three subcommittees on speakers, workshops, and exhibits: Mr. Al VanBesien, Mr. Jack Simon, and Mr. Joseph Spivey. I ask unanimous consent that the names of the members of the advisory committee be printed in the RECORD at the end of my statement as appendix C.

I would also like to extend my sincerest thanks to all those at Southern Illinois University who were indispensable to the success of the conference. In particular, I would like to thank Dr. Warren Brandt, president of the Southern Illinois University; Dr. Lyle Sendlein, director, Coal Extraction and Utilization Research Center, and his assistant Kathy Lindauer; and Ms. Jeannie Bortz from the Office of Continuing Education.

President Carter has called the energy crisis the "moral equivalent of war." I agree with the President. We have a major struggle ahead of us if we are going to reach the year 2000 a strong and confident nation. Part of the energy battle can be won with coal, if it is used rationally and efficiently.

It is my belief that this coal conference provided an excellent opportunity for opposing sides of the coal debate to meet in an educational environment, discuss the issues, and learn that we all share a common goal of using more coal to decrease our dependence on foreign, depleting sources of energy. I believe that each of the participants and members of the audience left the conference with a renewed commitment to see that coal becomes an integral part of our national energy policy in the years to come.

Mr. President, I ask unanimous consent that this report and the attachments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX A

ADDRESS BY SENATOR CHARLES H. PERCY

On this fifth day of the United Mine Workers strike, people throughout the nation—and certainly many citizens of Southern Illinois—are deeply concerned about the state and future of the coal industry.

Management-labor talks should move ahead rapidly. Both sides need to approach the negotiations in a spirit that will help end the strike quickly. If it continues for a long period of time, the strike could have a serious impact on the nation's economy. It could stagnate our efforts to solve the energy crisis. It could create a dangerous crack in the foundation of our national energy policy.

Conversion from oil and natural gas to coal is a major provision in the energy legislation now pending in Congress. It would be most unfortunate if the strike impedes the progress we have made towards altering our emphasis of coal over rapidly depleting supplies of oil and natural gas. Coal conversion is essential in successfully tackling the energy crisis.

Illinois, in particular, will be especially hurt economically by this strike. Presently, the coal industry contributes about $3 billion to the state's economy a year. The industry employs approximately 15,000 workers in Illinois. Over 14,000 of them belong to the United Mine Workers Union.

Illinois is the fourth largest producer of bituminous coal in the nation. There are 57 active mines producing approximately 58 million tons of coal a year.

Thousands of workers and their families will be directly affected by this strike. Both sides must be unselfish and realize that their actions affect millions more indirectly.

As soon as the strike is over, we must increase production to make up for lost time and head in the direction of making coal a major element in our effort to ease the enemy crisis.

We are here today in the interest of coal, our nation's most plentiful fossil fuel. A decade ago, a conference on coal would not have been considered necessary. But a decade ago our energy supply was secure, abundant and cheap. Now the situation has changed dramatically. Today we are importing almost 9 million barrels of oil a day at a cost of $45 billion a year. This is double the volume and ten times the cost of oil imports in 1972, the last year before the OPEC embargo.

This is a prohibitive cost and a dangerous vulnerability. And even the supply of oil is limited. Energy Secretary James Schlesinger recently estimated that sometime in the 1980's the OPEC nations will no longer be able to supply us with the oil we need to fuel our economy.

Coal is our most logical energy substitute for oil and gas. Coal constitutes 90 percent of U.S. conventional energy resources, although it currently supplies only 18 percent of our energy needs.

Illinois's vast coal reserves have the energy-producing potential of 240 billion barrels of oil. At the rate we import oil today, we could theoretically substitute Illinois coal for oil imports for the next 67 years.

President Carter's National Energy Plan places enormous importance on increasing U.S. coal production. His plan calls for a doubling in coal production in the next eight years, from approximately 640 million tons now to 1.2 billion tons a year by 1985.

Whether we can meet this demanding goal or even come close is a matter of controversy.

Coal policy is fraught with difficulties and problems. A recent GAO report on coal said: "it is bulky; it is dirty; it seldom occurs where you need it; and it varies widely in quality."

Today we will discuss these constraints on coal. First and foremost we must stimulate demand for coal. The Administration's Coal Conversion Bill seeks to reverse the trend of decreasing coal production that has occurred over the past 15 years. The bill offers incentives and disincentives to utilities and industry to convert from oil and gas to coal.

But even if we can successfully increase demand for coal, I question whether we will be able to expand the supply. The environment poses a major hurdle, including the protection of primary agricultural lands. One of my major concerns is avoiding the creation of cities with air quality resembling that of Pittsburgh in the 1930's.

However, the obstacles are not insurmountable. Dirty coal can be burned cleanly if sufficient research and development is encouraged. In 1973, along with other Senators from steel producing states, I urged that funds be doubled for coal research in fiscal year 1974. I was particularly interested in a clean coke project which facilitates the development of domestic reserves of high sulfur coal for steel production.

As a result of these increased appropriations, I was instrumental in obtaining close to $5 million for U.S. Steel Corporation to launch such a project. High sulfur, high heat coal, not normally used for steel is processed into metallurgical coke in an environmentally clean manner, unlike the present process.

U.S. Steel is very optmistic about this process and feels that it can be economically utilized by the mid-1980's.

The environment is not the only hurdle we must overcome if we are going to double coal production by 1985. We must solve the problem of transporting coal. Increased coal production and use will require major renovation and capital investment in our rail and waterways systems.

There are numerous frontier technologies for coal use which we need to develop if we are to use it cleanly. We have neglected coal research in comparison with nuclear power. More needs to be done to promote cogeneration, fluidized-bed boilers, MHD, gasification, and coal cleaning technologies.

A provision in the Surface Mining Control and Reclamation Act passed this year calls for the establishment of university coal research laboratories across the country to explore new technologies. I believe that SIU is an ideal university to house such a laboratory.

The coal industry must also raise billions of dollars in capital to open new mines and replace depleted ones. Although the total dollar sums are not great in comparison to the needs of other energy sources, they are far larger than the coal industry has ever raised in the past.

We must also solve the controversy over Federal coal leasing rights if we are to meet the Administration's goal. The Federal government currently owns 80 percent of the coal and lignite reserves in the western half of the nation. This constitutes 85 percent of the nation's low-sulfur coal. For the past three years there has been a moratorium on leasing these lands while the Department of Interior reevaluates past policy. Before we can begin to step up our coal production, new guidelines and regulations must be issued.

Also, the price and supply of coal must be determined by free market pricing and competition, to assure that the coal industry is not concentrated and controlled solely by energy and other companies.

Nor can we ignore the social problems related to coal production. Where new coal mines spring up, new towns follow. Boom-bust situations can occur with the accompanying social and economic problems.

These are the major issues which must be confronted, discussed, and solved if coal is to be used to its fullest extent.

I believe that this conference provides an ideal educational forum in which to discuss these issues. Each of the featured speakers this morning has a different perspective on coal policy. Carl Bagge represents the coal industry, Louise Dunlap represents environmental concerns and Guy Martin is from the Administration on coal policy. Each has legitimate concerns and objectives. I am sure that they will provide you with valuable insights and stimulate your ideas on coal policy. It is my hope that you will feel free to ask them any questions that may occur to you.

The afternoon panel discussion will include George Fumich from the Department of Energy, Robert Barrett, Administrator of the Mining Enforcement and Safety Administration, and Jack Simon, head of the Illinois Geological Survey. Their discussion will focus more on Illinois coal.

The workshops and the exhibits also cover important aspects of coal policy: the economic and sociological effects of mining on a community, health related problems, the impact of coal mining on the environment, the issue of manpower in the coal industry, the latest developments in coal technology and many other pertinent topics.

We are struggling against severe problems in expanding coal production, and the more efficiently we use our existing coal resources the more time we will have to make the right trade-offs. This is why conservation is an integral part of coal policy, and why the Alliance to Save Energy is here today.

Through this conference I hope we can reach a better understanding of what the issues are concerning coal as an alternative energy source.

Thank you.

Illinois Coal and National Policy

(An Address by Carl E. Bagge)

I count it a real privilege for reasons that are wholly personal to me to return to my native Illinois and to the heart of what the geologists call the Illinois coal basin at the personal invitation of my senior Senator, to open his conference on the coal industry in Illinois.

My roots in Illinois and in Illinois coal run deep. My parents immigrated here, I was born here. I was educated here. I picked coal here. I switched coal cars here. I also practiced law here. I began to learn my coal here. Although I now work in Washington and have a voting residence in Maryland, I bear a mental license tag that reads like the one on your automobiles: "Land of Lincoln." I'm proud of my Illinois and my coal heritage.

But my commitment now is to the National Coal Association, and I stress the first word. I am privileged to represent coal producers from Alabama to Alaska, and I cannot, therefore, even on this familiar celebration play the role of the cheerleader for Illinois coal over coal from any other region—not unless I want to become a resident of Illinois again in a hurry, and an unemployed one at that. However, I listen carefully to the NCA's Illinois members, and I am keenly aware of their problems and their prospects here in my home state.

Nationwide, the coal industry has bright prospects. For four years we have been basking in the warm rhetoric of a new-found respectability since our discovery by our national political leadership following the Arab Oil Embargo. This spring President Carter even made coal the centerpiece of his National Energy Program by proposing that our nation double its consumption of coal by 1985 in order to conserve inceasingly scarce natural gas and reduce our dependence on imported oil. The President's program envisions increasing coal utilization by 500 to 600 million tons by 1985. That is double the amount of coal our nation consumed last year.

There are skeptics who say this goal is impossible—that the nation could not consume that much coal even if it were available, and that the coal industry, obviously a relic of the past, could not produce that much coal even if the market existed.

I am here to tell you that the skeptics are wrong—that the business roundtable—that the Library of Congress—that the General Accounting Office—that the American Gas Association—are all wrong. The coal industry and its customers say that the goal can be reached—and they are putting their money where their mouths are. They have plans that will carry this nation to its goals and beyond. And these plans are not rhetoric but solid real world financial commitments.

The National Coal Association studied the plans of our principal customers, the electric utilities, for new power plants. We just found that they plan to have 241 new coal-fired generating units on line by 1985, and 18 more in the following year. We confirmed 259 plants by the end of 1986, capable of generating 130,000 megawatts of power. By 1985, these new plants will consume 400 million tons of additional coal, and that will rise to 430 million tons yearly in 1986. Utilities consumed 446 million tons in 1976. When the new units come on line, even with retirements, the 1985 coal consumption in the utility sector alone is expected to be more than 820 million tons. Add to this a conservative figure for coking coal, and for increased industrial use, and it is apparent that the President's call for a 500 to 600 million ton increase in consumption is in our view quite realistic and achievable.

Obviously, the electric utilities have made a strong commitment to coal. And the coal industry is responding. Next week, NCA will release the results of a detailed study of the coal industry's plans for new and expanded coal production. This survey is extremely conservative, for it covers only the plans of producers of two-thirds of the coal which was mined last year—the part of the industry that we can get a handle on.

Our study shows that 142 mines which were operating last year plan to expand their production by 170 million tons. Another 190 new mines will open by 1985 with an expected annual production of 424 million tons. In all, 594 million tons of annual production will be brought on the line by the end of 1985.

And this is no fantasy of a frustrated industry. We have a 14-page list of every mine, its location, the year it is expected to start producing and the year it will hit full operation, along with its output.

Obviously private industry motivated by the much Washington maligned market forces is doing all it possibly can to make the switch from oil and gas to increased reliance on coal. These plans already represent commitments of many billions of real investor not federal dollars. They represent construction under way, equipment ordered, mines being excavated and boilers being welded—all by American labor. But these market decisions in our society do not happen in a vacuum. They occur in an atmosphere totally permeated with Government. Each of these decisions to build a coal power plant or open a mine is caused by market forces. But they in turn are buffeted by Government in a hundred different ways as they seek expression.

The coal industry, the railroads, the equipment manufacturers, the barge lines and the utilities have made their move. Now it's your move, Senator Percy. It's your move, Secretary Martin. It's your move, Governor Thompson. It's your move, Illinois state legislators. And it's also the move of the people of Illinois who write letters to congressmen, and who consume power and energy and the things energy produces, and who make their opinions known and vote for candidates.

Industry has, in sum, already made its commitment. It has pushed its hard earned chips into the middle of the table. It has firm commitments to build the coal-burning plants and lessen our national dependence on other fuels. The demand side of the equation is solid. And on the supply side, the coal industry has responded with firm plans backed by real dollars for the mines to produce the coal.

The only question now is whether or not Government will allow the private sector to go ahead with its plans or whether this commitment will be fustrated by the Government. And that is the problem that the administration and Congress should be focusing upon—not on attempting to create an artificial market for coal by law and regulation as they have been trying to do for the past 10 months.

I believe, as do the people who are prepared to invest their dollars, that the private

sector plans, many already in place before the mandated coal conversion rhetoric sprang forth from Washington, can be achieved if Government regulations are reasonable. Obviously they cannot be achieved if the Government's response to the private sector's commitment is unreasonable. And that, as I see it, is the real issue. In order to allow the private sector's commitment to work, Government must now look at each of *its* proposed new requirements on a case-by-case basis to determine whether the constraints of new laws and pending regulations in air quality, surface mining, health and safety and leasing will prevent the President's goal from being achieved.

We have pleaded with the President to make such a precise examination. We have gone to the Governors of every State and asked for a critical review of our plant and mine plans and the prospects of their successful completion. We have received polite and congenial replies to our letters, but not to our requests.

Yet I believe that such an examination is critically essential to our goal. Laws and regulations are passed as concepts in the abstract, but they are applied very much in the real world to particular projects. And it is these projects that will achieve, if permitted the national goal.

I will not, here at my senator's celebration of Illinois coal, re-fight the whole series of recent legislative battles which critically affect the production and use of coal. They are law now, or soon will be, and there is no purpose in re-hashing them. Coal made its case and lost on every one of these issues before the last session of Congress.

In every case, however, the Federal Government is still writing and revising the regulations which put flesh on those legislative bones. It is the regulations, more than the basic law, which determine whether the coal-based section of the American economy is going to work for the Nation. I pray that they will and that the writers of the regulations are also committed to making America work.

Now let me examine some of the problems of the coal industry here in the microcosm of Illinois. Despite all its prospects, the coal industry has such a rich assortment of problems that it is unable to use them all in one place. In Illinois, for example, coal operators do not have to negotiate leases with Indian tribes or with my friend Secretary Martin. They are not beset by the problems of contour mining on steep slopes, or Alluvial Valley prohibitions of the Federal Surface Mine Act. Nevertheless, the coal industry in Illinois does not lack for trouble. This is one of the great coal States of the Nation. Only Montana and North Dakota have larger deposits. Illinois also is a major consumer of coal, and its coal fields lie within easy reach of industrial centers.

Thus, with a wealth of available coal, and with excellent rail and water transportation and large nearby markets where industrial oil and gas are growing scarce, Illinois coal men would seem fortunate. Coal consumption in the midwest has in fact increased 10 percent from 1972 to 1976. But that is not all the story—paradoxically Illinois coal production dropped more than 10 percent the same five years it dropped from 65 to 58 million tons of annual production.

One reason for this decline is that Illinois coal contains a high percentage of sulfur. This was not a concern until 1970, when Congress passed the Clean Air Act. Most Illinois coal contains three percent sulfur or more, and could not be burned in many plants without scrubbers. Moreover, it was flatly prohibited in new plants without the use of scrubbers. Many utilities and industrial plants looked at the cost of scrubbers and decided to buy low-sulfur coal instead. Consequently, the use of low-sulfur western coal in this State rose from one million tons in 1970 to more than 13 million tons in 1976 and is rising.

The Clean Air Act amendments of 1977 may modify this situation. By the standards it sets, the law would effectively require scrubbers on all new plants, even those burning low-sulfur coal. Proposed regulations are still to be issued, but press reports quote EPA officials as saying the regulations are designed to place high-sulfur coal on an even footing with coal from the west.

One recent study done for the Environmental Protection Agency by a consulting firm backs up this statement with figures. This report shows that low-sulfur coal brought to the midwest would require a scrubber, but because there would be less sulfur to remove, the scrubber would be cheaper to build than one for midwestern coal. However, the lower heat content of western coal would require a bigger boiler, and its higher capital cost would offset the advantage of the smaller scrubber. The cost figures cited in the study show just about a standoff, with a slight edge for midwestern coal.

While I am deeply anxious that more coal be mined and burned, I am contractually committed to be neutral on whose coal is burned where. But obviously, Illinois coal producers have faith in the future. Our study shows they have plans to increase their production by more than 31 million tons annually by 1985. This new production would consist of 8 million tons from 7 new surface mines and 23 million from 13 new underground mines. Nearly 30 million tons would be steam coal, and 1¼ million would be metallurgical coal. Only Kentucky and West Virginia in the East, and Wyoming and Montana in the West, have larger plans to increase coal production. But all of these private sector plans can be totally thwarted by government at many levels. Local zoning regulations or taxes, State or Federal environmental regulations, overly rigid enforcement of all Federal laws could totally inhibit production and use.

Let me give an Illinois example: underground mines in Illinois have been hard hit by declining productivity. The average output of a miner per working day has fallen over 45 percent since 1969. At the same time, wages have increased sharply, and everyone expects that whatever contract is signed at the end of the current strike will increase labor costs further. Obviously, the coal industry is headed for trouble if it must constantly pay more and more men and more money to mine less and less coal.

One technological solution, tried experimentally in several Illinois mines, is longwall mining. Longwall mining equipment is costly but highly efficient, and it recovers a high percentage of coal. To recover this much coal, it leaves no pillars in the mine: the roof is deliberately allowed to collapse. This can lead to subsidence problems at the surface. Illinois farmers have become disturbed at this. Unless an insurance program is worked out or some scheme to compensate surface owners, the future of longwall mining in Illinois may be limited. The implications of this constraint are quite serious.

Yet these difficulties and many others exist in a State deeply committed to coal. Illinois has a long history of coal production and use. The State has reestablished its school of mines. It has the Nation's preeminent State geological surveys. Its government has attempted to encourage the development of its coal resources. And Illinois is going to be the site of the first successful commercial low-BTU coal gasification plant, at Powerton.

Coal constitutes an incomparable asset for Illinois. On other continents, armies have marched and wars have been waged for less energy than lies neglected beneath the soil of Illinois. It is an asset too essential to the Nation's future to be neglected longer. We must take adequate steps to see that it is fully, properly and sensibly used for the welfare of Illinois and the Nation. We must: and if our heads are clear and our vision true, we will. But government—our Government—must make the next move to realize our national goals, we can no longer achieve these goals, as we have in the immediate past, in spite of the Government of the United States.

FEDERAL COAL POLICY

(An address by Guy Martin, Assistant Secretary for Land and Water Resources, Department of the Interior)

First, I would like to recognize the really significant value of this conference, and the importance of the kind of effort that Senator Percy is making. The Senator has been one of the most active leaders in Washington in behalf of a thoughtful, rational, reasoned approach to our energy problems. This approach, which is the foundation of the President's National Energy Plan, is not easy to take. There are people, on all sides of all the issues, who believe theirs is the only way to solve a problem. So any attempt to sort the issues out, to think through the consequences of a proposal, to develop a program that reconciles all the interests involved, is seen as unworkable by some people.

There is much at stake, for everyone, in the kind of energy systems that emerge from the present debate. It's understandable that the high stakes create a sense of urgency, that may make other peoples' interests seem less important. But the President, Secretary Andrus, and all of us in this Administration understand that there is something else, more urgent than any of the particular interests involved.

No substantial change in the way our society uses energy is going to take place, unless that change is genuinely acceptable to the American people. Transitions are always difficult times, even when the transition may be to a sounder economy, a better opportunity, a more responsive and responsible government role in the Nation's development of a workable energy policy.

The debate now taking place over Federal energy legislation is evidence of that difficulty. Senator Percy knows very well, from his efforts in support of an effective energy conservation program, how painful this process of reconciliation can be.

Fortunately, there are some elements of energy policy that have already been through most of that process. I have learned that working to implement a well-reasoned program doesn't necessarily reduce the level of debate. But the progress can compensate for a lot of political complaint.

The development of coal, as the primary replacement for oil and gas as fuel for American industry, is the best example of that kind of progress. And the heat of debate over how the policy is being implemented should not divert any of us from the significance of the decision this country has made.

As every person here knows, there is no way to overstate the conflict that is associated with the history of coal development. No effort to minimize the controversy surrounding coal would be successful, because the problems can't be wished away. Industry, consumers, government, everyone has been forced to face up to those problems.

In spite of this history of conflict, and in spite of the intensity of continuing disagreements, the United States has, in a thoughtful, rational, reasoned manner, sorted the issues out, considered the consequences, and agreed on a program to make coal the most important fossil fuel in America.

I see today's meeting as a constructive step for all of us in working to carry out that agreement. I'd like to explain how Secretary Andrus and the Department of the Interior

are doing part of the work of the Administration, to help carry out what the President has determined will be the Federal government's share of the work.

The President has called for a balanced regional approach to development of coal. This is in contrast to the programs of other Administrations, which emphasized the production of western coal for use in the Midwest and East. Several factors had reinforced earlier conclusions that coal from this part of the country and from Appalachia could not be relied on in expanding the production of coal.

Previous policy forced a confrontation between most coal from this region and the air quality in those parts of the country where most Americans live. With no requirement that utilities and other industries use the best available pollution control technology, the public had to choose between coal and clean air—unless low-sulfur coal, much of it from the West, could avoid the conflict. That solution might work for the utility, and for everyone else concerned about air quality, but it had the effect of destroying the market for most midwestern and Appalachian coal.

With no enforcement of the requirement that areas of very high air quality maintain that high quality, coal-using industries were encouraged to plan on moving to the least populated parts of the country—again, a step that would reduce the market for much eastern coal.

With an attitude that called for immediate and great sacrifice by all other elements of the economy in order to speed up coal production, the Federal government found itself best able to force those sacrifices in regions of greatest direct Federal control—in the West, where Federal ownership of coal and land could, in theory, make it easier to move other interests aside.

Whatever disagreements people in this room might have over any one element of the coal issue, I think most people would agree about one thing: the previous approach to coal policy was simply not working. An atmosphere of conflict, of bitterness, and futility surrounded the whole issue.

You are already familiar with some of the steps taken to bring an end to the conflict. Senator Percy and his colleagues in the Congress, deserve the thanks of all of us, for having the tenacity to stick this issue out, and lay the foundation for responsible Federal action.

Congress passed legislation to protect the health and safety of miners. Congress passed air quality legislation so, that more coal could be used without causing more damage to public health. And Congress enacted three other laws, which the Department of the Interior is responsible for implementing, that complete the foundation of a sound, workable program for expanding coal production.

One of those took years to pass, and was signed into law by President Carter this August. The surface mining reclamation legislation will, I believe, stand with the Clean Air and the Mine Safety laws as the most important parts of the framework for making coal a fuel that can be mined safely and burned cleanly, with respect for the miners, for the land, and for all other interests.

Two other pieces of legislation are of unique importance to that coal which is owned by the United States government—which is to say, for the most part, to coal in the West. But because the way in which that coal is transferred from the public domain to the private economy effects the production of coal across the country, I know that all of you have an interest in how Secretary Andrus views the Department's responsibility to manage Federally-owned coal. As can be confirmed by many companies using or wanting to use western coal—and that includes utilities in Illinois, Michigan, and other States in the Great Lakes and Midwest region—Federal management of coal owned by the United States government in the West has been, for the most part, a failure.

A moratorium on the leasing of Federal coal, initiated in 1971 under the Nixon Administration, had not ended when this Administration took office. Former Interior Secretary Kleppe had planned to resume leasing, and had begun several steps which, if effectively performed, would have resulted in renewed Federal coal leasing at about this time, or sometime in 1978.

At the same time that, in 1975 and 1976, the Interior Department was preparing to resume leasing, Congress, many State governments, and other interests were also taking a serious look at the Federal government's coal program. Congress, as I noted earlier, had, after years of deliberation, passed a strip mine reclamation bill—and the bill, which had been vetoed by former President Ford, was signed by President Carter. Congress, over-riding a veto by President Ford, passed amendments to the Mineral Leasing Act, carefully spelling out the standards and procedures for leasing Federal coal. And Congress passed, in that same year, a truly historic act, which for the first time since the West was settled creates a precise, responsible legal framework for managing the Public Lands under which most Federal coal is found.

During this same period, the Governors of those Western States underlain by Federal coal were saying that the coal program of the Federal government was being developed without regard for the rights of the States or for the economic, social, and environmental impacts on communities in the West.

Leaders of the farming and ranching industry complained that the Department of the Interior was preparing for massive coal development without considering how to maintain the agricultural economy of the West. Native American leaders described the Project Independence coal program as yet another resource grab, that would leave their Tribes with little opportunity for economic development. Those people who are concerned about the productivity of our soil, the quality of our air and water, and the protection of wildlife saw all of these values threatened by a government that proposed to increase coal production while decreasing environmental protection.

Many of the agricultural and environmental interests that were concerned about the previous Administration's management of Federal coal went to Court. They said, in essence, that their concerns had not been taken seriously. The Court agreed, finding that the government's environmental impact statement on its coal program had not accurately described the program, had not really discussed the impacts of the program, and had not seriously considered alternatives which might have achieved the coal production goals without causing the degree of damage which so concerned the Governors, the Congress, Tribal leaders, farmers and others.

Developing a sound program and being open and accurate in letting all affected interests know about that program is only one of the responsibilities that this Administration takes seriously, under the National Environmental Policy Act, the Federal Lands Policy and Management Act, and the Federal Coal Leasing Amendments Act. The Department is working, quickly, and, I think, effectively, to correct problems of slipshod management, produce a workable program, explain that program in a useful and legally defendable Environmental Impact Statement, adopt criteria for issuing coal leases which are needed now, respond to litigation in order to assure that the Department's hands are not tied unreasonably in trying to meet these immediate needs, and assure the fastest possible production of that coal which can be developed on existing leases, consistent with high standards for protection of the environment and the communities near those leases.

Those steps will result in a program, meeting applicable legal standards, enabling Secretary Andrus to hold coal lease sales in 1980. Sales will be held in the amount necessary to meet our country's energy production goals, and to encourage the development of that Federal coal which can be produced at the least cost to the consumer with the greatest respect for the environments and the economies of the coal producing States.

I am confident that the Department's programs will meet these goals. I believe that the President, and Secretary Andrus, are correct in their decision that the foundation of this Administration's resource management policy—a commitment to resource production with an equal commitment to respect for the environmental, social, and economic values of this Nation, will produce the energy our country needs—and do so without causing the needless loss of agricultural productivity, community integrity, or environmental quality that was called for by previous coal management programs.

APPENDIX B—LEADERS OF THE WORKSHOPS

Workshop 1—Mr. Roy Helfinstine, Illinois State Geological Survey, and Mr. John Wilson, Roberts and Schaefer Company.

Workshop 2— Mr. T. W. Devitt, PEDCO, Environmental, Inc., Mr. Bernard Laske, PEDCO, Environmental, Inc.; Mr. Larry Gibbs, PEDCO, Environmental, Inc.; Mr. Rudy Kunshek, PEDCO, Environmental, Inc.; and Dr. Howard Heskith, SIU—Carbondale.

Workshop 3—Mr. A. C. Van Besien, Carbondale Mining Research Operations; Mr. Robert Wenzel, Carbondale Mining Research Operations; and Mr. Thomas Glover, U.S. Bureau of Mines.

Workshop 4—Dr. W. Klimstra, Cooperative Wildlife Research Laboratory; Mr. Ray Lambert, Coal-itition; Mr. Alton Grant, Peabody Coal Co.; and Mr. Gene Filer, Illinois Department of Mines and Minerals.

Workshop 5—Mr. Brad Evilsizer, Illinois Department of Mines and Minerals.

Workshop 6—Mr. Dave Ostendorf, Illinois South Project; Mr. Gerald Hawkins, United Mine Workers; Mr. Wade Rowak, Williamson County Assessors Office; Mr. Leonard Ernsting, Coal-itition; and Mr. Bill Kelley, Jackson County Board.

Workshop 7—Mr. R. Malhotra, Freeman United Coal Company; Mr. Harold Glousker, Illinois State Geological Survey; and Mr. M. V. Harrell, Freeman United Coal Company.

Workshop 8—Mr. Mike Rieber, University of Illinois; Mr. S. T. Boleware, Illinois Central Gulf; Mr. Mark Gillaspie, Houston Natural Gas; and Mr. Johnson Kanady, Illinois Power.

Wokrshop 9—Mr. R. Lunberg, Commonwealth Edison Company; Mr. J. Loeding, Institute for Gas Technology; and Mr. A. Conn, AMOCO Oil Company.

Workshop 10. Mr. Dan Swartzman, Chicago Lung Association, and Mr. Jacob Dumelle, Illinois Pollution Control Board.

Workshop 11—Dr. Stephen Piper, Alliance to Save Energy, and Mr. Joseph Gustafero, Department of Commerce.

APPENDIX C—ADVISORY COMMITTEE COAL CONFERENCE

Mr. Martin Anderson, Comprehensive Health Planning in Southern Illinois, Inc.

Senator Ken Buzbee, 58th District, Illinois.

Mr. Bob Dunlavey, Student Government, Student Center, Southern Illinois University.

Representative Ralph Dunn, DuQuoin, Illinois.

Mr. Neal Eckert, Mayor, City of Carbondale.

Mr. Brad Evilsizer, Director, Illinois Bureau of Mines & Minerals.

Dr. Harold Gluskoter, Head, Coal Section, Illinois State Geological Survey.

Mr. James Hartnett, Director, Resources Center, University of Illinois-Chicago Circle.

Mr. Gerald Hawkins, Field Representative, UMW.

Mrs. Virginia Hummel, Department of Energy, Chicago Operations Office.

Senator Gene Johns, Marion, Illinois.

Mrs. Anne Johnson, President, League of Women Voters of Carbondale.

Mr. Peter Loquercio, Illinois Institute for Environmental Quality.

Mr. Pat Lynch, Deputy Director, Illinois Environmental Protection Association.

Mr. Thomas H. Moore, General Manager, Association of Illinois Electric Coops.

Mr. James Newton, District Engineer, Illinois Department of Transportation.

Mr. Marvin Nodiff, Director, Illinois Department of Business & Economic Development.

Ms. Maria Oharenko, Department of Energy, Chicago Operations Office.

Mr. George O'Neill, Jr., Executive Director, Shawnee Health Service & Development Corporation.

Mr. Jack Simon, Chief, Illinois Geological Survey.

Mr. Joe Spivey, Illinois Coal Operators Association.

Mr. David Stein, Department of Energy.

Mr. James Stukel, Director, Office of Energy Research, University of Illinois, Champaign-Urbana.

Mr. A. C. Van Besien, Research Director, Carbondale Mining Research Center.

Mr. Karl Vorres, Institute of Gas Technology.

Mr. John M. Williams, Illinois Power Company.

SENATOR HUDDLESTON: "MAN IN THE NEWS"

Mr. ROBERT C. BYRD. Mr. President, our distinguished colleague from Kentucky, Senator WALTER "DEE" HUDDLESTON, enjoys a reputation as a hard-working, effective Member of the U.S. Senate. And that well-earned reputation extends beyond this Chamber and beyond the boundaries of his home State.

For instance, the New York Times today cites Senator HUDDLESTON as its "Man in the News," commending him as the "principal architect of legislation that would substantially reorient the American intelligence community." He has been a leader on this important, national issue, as he has on many other vital issues of national concern.

Yet, as the Times article points out—and as those of us who serve with him can attest—he is equally effective in his advocacy of positions that primarily would benefit the people of Kentucky.

I have found that whether the issue is national or local, whether the debate is on the Senate floor or in committee, Senator HUDDLESTON'S reasoned voice commands the respect of all his colleagues.

Mr. President, I ask unanimous consent that the New York Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARCHITECT OF THE SENATE'S INTELLIGENCE BILL—WALTER DARLINGTON HUDDLESTON

(By James T. Wooten)

WASHINGTON, February 9.—When he was mustered out of the infantry after World War II, Walter Darlington Huddleston enrolled at the University of Kentucky under the G.I. Bill of Rights with one major dream: to earn a place on the varsity basketball squad.

He was, in locker-room vernacular, a "walk-on," unrecruited by the Wildcats' venerable coach, Adolph Rupp, but undaunted by the presence on that year's team of such luminaries as Ralph Beard and Alex Groza.

Day after day, he practiced in the fieldhouse on the Lexington, Ky., campus, and, night after night, he would dismally report to his college sweetheart, Jean Pierce, that things were just not going all that well.

"If Rupp would just notice me," he would lament. "If he'd just take a look at me, I could make it. I know I could."

He never made the team, but in the 34 years since that unproductive autumn Senator Huddleston, a first-term Democrat from Kentucky who is up for re-election this fall, has found other ways to attract notice.

Moving from radio disk jockey to sportscaster to station manager and finally into politics, he discovered that his easy-going demeanor and careful attention to detail were perceived as assets by listeners and voters. Using those same assets over the past three years, he has become the principal architect of legislation that would substantially reorient the American intelligence community.

The bill, introduced in Congress today, would significantly limit the scope of covert operations by Central Intelligence Agency and other organizations, prohibit political assassinations, and protect the privacy and civil rights of American citizens from abusive practices of the past. If passed, it would supersede President Carter's executive order issued last month addressing the same subject.

THREE YEARS OF INVESTIGATION

The legislation evolved slowly after three years of rather steady investigation by the Senate's Select Committee to Study Governmental Operations With Respect to Intelligence Activities, a group whose chairman, Senator Frank Church, an Idaho Democrat, spent large portions of 1976 running unsuccessfully for the Democratic Presidential nomination.

"Huddleston and Mondale shored up that committee in a very critical hour," a former member of the committee staff recalled today. "They were the guiding forces for what came to be known as 'The Church Report' and, since the election, Huddleston has been the spine of the remaining work."

Senator Huddleston is described by associates as a soft-voiced man with temperate habits and intense self-discipline. And the 51-year old Kentucky native's voting record on Capitol Hill reflects a carefully mixed ideology, colored by liberalism but weighted by the traditional conservatism of his roots and of his hero, former Senator and Vice President Alben W. Barkley.

"He's a very careful liberal," a former aide said today. "He has very good instincts—as though he has a sense of his own vulnerability as a new boy in the Senate and of his potential durability if he handles things well."

Senator Huddleston, who is known to friends as Dee and who ran his successful 1972 Senate campaign under the same name, is "of the Rayburn school," the assistant said. "He believes in taking the long view and making the long haul."

Recent reports that he had decided to cast his vote for the ratification of the Panama Canal treaties because the Carter Administration had agreed to soften its anti-cigarette-smoking stand (tobacco is a Kentucky staple) were denied today by one of the Senator's aides who ventured a guess as to how they arose.

APPOINTMENT WITH THE PRESIDENT

When the cigar-smoking Senator found out about the no-smoking campaign of the Secretary of Health, Education and Welfare, Joseph A. Califano, Jr., last month, the aide said, he asked for and received an appointment with the President during which he asked for and received "a reaffirmation of Carter's campaign commitment to support a continuation of tobacco price supports."

In the Senator's office sits a picture of him as a young radio announcer back in Bowling Green, Ky., interviewing Mr. Barkley. Senator Huddleston had moved there in 1949 soon after his graduation from the university.

After four years he moved to Elizabethtown, near Louisville, where he became the manager of a small station. He was elected to the state legislature in 1965 and served there until elected to the Senate in 1972.

The Huddlestons—he married Jean Pierce, the girl to whom he complained about Mr. Rupp's not noticing him—have two sons: Stephen, a 27-year-old attorney in Lexington, and Philip, 22, at work in his father's re-election campaign. The couple maintains a condominium in Elizabethtown and a home in Arlington, Va., a Washington suburb.

"The only thing he doesn't really like about it here is that he's become known as 'Walter,'" his wife said today. "He hates that. When anyone says to me, 'Sure, I know Walter very well,' I always know better."

ROBERT REDFORD

Mr. PERCY. Mr. President, I would like to call to the attention of my colleagues an interview with Robert Redford in the January 29 edition of the Chicago Tribune. Responding to questions about energy and environment, Mr. Redford expressed his commitment to maintaining a clean, healthy, and beautiful natural environment. In my view, he has long taken a responsible and realistic attitude toward these controversial issues. With characteristic good sense, he says:

> As long as the environmentalists are on one side saying, "Stop, don't do this, shut down, cease, halt," and some industry is over on the other side saying, "Produce, get fat, to hell with the little guy, let's just increase our pocketbooks," we're never going to get anywhere. The answer is somewhere in the middle, in the moderate, rational approach. I believe that with planning we can find that approach.

The use of energy and the protection of the environment are clearly related issues. In his interview, Mr. Redford expresses his confidence in conservation and solar energy as new energy sources. By lobbying for conservation and by installing solar heating equipment on his own property, he has shown his dedication to these two clean energy sources.

Mr. Redford has often taken upon himself the trying and expensive task of public education. I am certain he looks forward, as I do, to Sun Day, on May 3. Sun Day will be an opportunity for every public figure to help solar energy gain the public understanding and commitment it both needs and deserves. I am pleased to report that of the 100 Members of the Senate, 57 have now expressed their support for Sun Day by cosponsoring Senate Joint Resolution 110, which establishes May 3 as Sun Day.

Mr. President, I ask unanimous consent that the Robert Redford interview in Chicago Tribune, January 29, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REDFORD ON THE ENVIRONMENT

(NOTE.—Robert Redford may be best known as a film actor. But, increasingly, he is devoting his time to a number of environmental causes. As the owner of a mountain ski resort in northwestern Utah, Redford has taken a leading role in fighting two controversial power plants proposed for his state. He has testified before the Senate Commerce Committee on energy conservation and written about the environment for National Geographic Magazine. In 1976 he was elected Commissioner of the Provo (Utah) Canyon Sewer District. This interview is excerpted from a recent issue of Mariah Magazine, an environmental quarterly.)

Q—For the past few years you have been actively involved in several efforts to protect the environment. Some have sought to portray you as a radical environmentalist. How would you classify your role as an actor who's concerned about environmental protection?

A—When actors, in particular, get involved in civic or national affairs that are unrelated to acting, they become targets for ridicule. Their credibility is usually attacked. I like to think that I'm a little more thoughtful and probably more moderate than a lot of people might think.

I really resist labels of any kind. I'm concerned about the quality of life that we're leading now and that we're going to lead—however it is that you label that.

Q—How would you rate public awareness of environmental issues?

A—It's getting better, but in general, I think the word "environmental" is a turn-off to most people. Few people care.

I think that usually what arouses people on environmental issues is being impacted directly—a road that's going to go in and wipe out their community, for example. When you're touched directly, that's when you become awakened.

That's how I was awakened in 1970 when they wanted to put a six-lane freeway through Provo Canyon. I said, "This doesn't make any sense—or, if it does, I haven't heard it." We found that the freeway was going to be a real muscle job on the part of the construction industries, the highway department, and the government. It wasn't fair.

It wasn't going to have a good impact on the people of the canyon. We opposed it on the strength of getting an adequate environmental impact statement. The government's environmental statement proved that what we proposed was the correct way to go—an improved two-lane road.

Q—You were damned by the power industry and praised by environmentalists for your stand on the proposed Kaiparowits electric power plant project in Utah. What prompted you to get involved in that controversy and to use your prestige as an actor to influence the outcome?

A—The plant was going to be sort of flogged past the public, precisely because no one knew much about it.

An advertising firm in Salt Lake City was being paid a huge amount of money to sell the idea to Utah that Kaiparowits was a good idea. Clearly, there needed to be a balanced view if, in fact, the plant was not what they said it was going to be. If it wasn't good, then there had to be another viewpoint expressed. But all the newspapers were supporting it; they wouldn't express an opposing view. The politicians were in the pocket of the industry.

Considering that they live in a low income area, the local residents weren't going to react too kindly to somebody who came along saying "Don't do it." All I was trying to do was get the information to the people so they could make up their own minds.

But because there was no available outlet in the state, in the press or otherwise, outside of small public interest groups, I finally helped go to the media that could reach people on a national level. The reason I did was because Kaiparowits would have involved too many national parks and national monuments.

The thing that stopped the plant was not me; it was economics. The economics weren't right for the companies, so they backed out of it. It wasn't economically feasible. But the companies blamed the environmental groups.

Q—Do you think that we'll come to that same sort of realization about environmental issues as well?

A—Yeah, I think there will finally be so many local issues that they'll add up to a major situation. I believe that nuclear power [fission], for example, is going to destruct on its own.

Four years ago, I came out against nuclear energy. Besides the fact that it's costly, I thought that we'd be creating a monster we couldn't get rid of. At that time, I was considered a quack or radical. But now enough people on the local level around the country have come in direct contact with the problems of nuclear energy that once they begin to coalesce they could create an insurmountable barrier for the nuclear industry.

The proponents of nuclear power know that. They're pulling out all their guns. The utility companies that are into nuclear power realize that there's a terrific investment about to be lost. That's unfortunate, but so be it.

The nuclear power industry has been subsidized from the beginning. It has never stood on its own. It has never provided the amount of power relief that it claimed it would. The industry was projected to provide 40 percent of our energy needs by this time; it provides between 7 and 8 percent. Yet the costs have escalated, and the safety factor has become critical.

I happen to think that there are a lot of good people in industry, and a lot of good corporations that are really concerned about the environment and are willing to listen to the other side. Unfortunately, a lot of the ones that are leading the pack, like some of the oil companies, are so spoiled and profit-oriented that they won't even hear of another viewpoint.

Q—You seem to think that technology and the environment can coexist harmoniously.

A—I do. Absolutely. But as long as the environmentalists are on one side saying, "Stop, don't do this, shut down, cease, halt," and industry is over on the other side saying, "Produce, get fat, to hell with the little guy, let's just increase our pocketbooks," we're never going to get anywhere. The answer is somewhere in the middle, in the moderate, rational approach. I believe that with planning we can find that approach.

Right now, if we want to have a power plant and we want to have a national park, its being said that one or the other must go, that there has to be a trade-off. You hear a lot about politicians making trade-offs. I wish they wouldn't bring the ethics of their lives on Capitol Hill into my life.

I don't like the idea that we have to trade things off. I don't believe in trading off the integrity of our landscape; I don't believe in trading off farming, ranching, and agriculture just to have more lights to turn on and toasters to plug in. You can't eat a television set.

Q—What sort of environmental programs are you involved with currently?

A—I've been working on a proposal to establish a National Academy of Resources. The academy would be a specialized institution for the higher studies of our resources, and wouldn't specialize only in environmental preservation. The academy would be all-inclusive in respect to the various disciplines that guide our use of resources, including biology, zoology, oceanography, geomorphology, and environmental law.

It would be a defense academy of our resources in much the same way that West Point, Annapolis, and the Air Force Academy exist for our armed defense. The resource academy would be designed to educate people about the nature of our resources, and to establish guidelines for which resources should be preserved intact, and which resources should be developed in the safest, cleanest, most efficient way.

The academy would be a very positive thing in the sense that the kind of education it would offer could begin to fill in this chasm that exists between industrial developers and environmentalists. The academy would be funded by the Department of the Interior, and thereby be able to use its facilities around the country such as the national parks. I've been meeting with Cecil Andrus [Secretary of the Interior]. The idea has been met with an awful lot of enthusiasm.

Q—How do you feel about claims that solar energy is a long way in the future?

A—If you look at the source of many of those claims, you'll see that they come from the oil and gas companies. Their advertisements, costing thousands of dollars each, take up full pages in prominent newspapers. The ads are usually done very cleverly and in a very insidious way. The oil companies are saying, in effect, "We, too, believe in solar energy. In fact, we're taking a leadership role in researching solar energy for the future. But"—and there's always that but—"we have a problem now. Solar energy isn't going to be here for a long time, and we don't know if it's ever going to be able to satisfy our needs."

Unfortunately, some people who know differently don't have thousands of dollars to put into ads like those. I could go across the country myself to small newspapers and start a month-long crusade about how valuable solar energy is; I could spend my life going around speaking about what riles me in terms of public injustice. But I don't think I want to go around on a personal crusade. The best thing I can do is to build a solar home, then live in it and be able to say in a gratified way, "It works." That's what has, in fact, happened. And I can work with solar energy at the resort and be able to say, "Look, you don't have to give us pleasure."

The idea that has to be gotten across to the public is that you don't have to give up your comfort or your leisure-time activities for alternate or natural energy systems. That's a very important message to get across.

Q—What could people do now to apply solar energy in houses built with traditional materials and techniques?

A—Retrofitting would be the first thing to do if you already have a home. The market is starting to get heavy with systems for solar energy collection. As little as three years ago, the only available system was a flat plate collector. Now there are tubular collectors, water collectors, and air collectors.

You can find out what part of your home could be retrofitted for such solar energy systems, then amortize the cost against what your utility bills are going to be. In some areas, tax benefits are offered for retrofitting. The energy conservation bill that I worked on and lobbied for in Congress, and that was passed into law, has benefits for residential, commercial, and industrial buildings that either retrofit or design for solar energy.

Since solar energy is not a popular thing with the utility companies at the moment, the information about its benefits is sometimes hard to come by. The utility companies are threatened by solar energy be-

cause they're not going to make much money out of it. It will cut into their profits.

The Public Service Company of Colorado, for example, wanted to institute a demand energy rate that would have charged homeowners with solar back up system the same rate as those having all-electric systems.

The rate structure was poorly designed in terms of giving the consumer the proper economic incentive to install solar back-up systems. It would have, in effect, discouraged people from using solar back-up systems, at a time when we're trying to get people to conserve energy.

Q—How actively have you lobbied for energy conservation?

A—I spent a number of weeks in Washington over a period of six months, with trips back and forth, meeting certain congressmen and senators, and working with the Senate Commerce Committee while they were drafting the bill [for the Energy Conservation and Production Act which was signed into law in 1975].

I feel that energy conservation is an interim solution to the energy crisis. Until we can get to solar or geothermal energy, or nuclear fusion, if that's what the energy technology of the next century is going to be, I think we have to practice energy conservation. It's already been proven that by reducing our energy needs, we're going to save our resources.

Q—Have you ever considered running for political office?

A—No, no more than I have cutting my throat. It's about as appealing to me as that. I stand pretty much alone. I have no interest in politics, except to keep it from overwhelming my choices for living.

Q—But you did go into politics on a local level as the elected Commissioner of the Provo Canyon Sewer District last year.

A—A lot of people felt that was the only justified job I ever got.

Q—Why did you take that position?

A—Because I had some strong feelings about the sewage situation and water use. I think that there's very poor water planning in the state of Utah, and, for that matter, in most of the West. I believe that the next big issue in the future, aside from food, is going to be water.

So, feeling that way about water, I'm concerned about sewage up in the canyon. One way to effect change was to become the sewer commissioner.

Q—Doesn't actually being able to accomplish what you believe eventually come back to politics?

A—No, I'd much rather stand outside the political arena and take regulatory shots at the people inside who're supposed to be active and honest. I think that's more effective. Ralph Nader, for example, would lose his effectiveness if he went into politics.

ICC REOPENS INVESTIGATION OF COLLECTIVE RATEMAKING IN THE TRUCKING INDUSTRY

Mr. KENNEDY. Mr. President, the Subcommittee on Antitrust and Monopoly conducted hearings last October on the issue of collective ratemaking in the trucking industry and the role of the Interstate Commerce Commission in regulating freight rates. The hearings revealed, among other things, that ICC oversight of pricing in this industry has been far less vigorous than the public interest would seem to require. For too long, the subcommittee discovered, the ICC has failed to police adequately the agreements which give motor carriers the right to set rates collectively. The Commission has also for too long acquiesced in the gradual assumption of many of its regulatory responsibilities in the pricing area by rate conferences and by motor carriers themselves. As a result, the Commission now appears to lack the requisite degree of institutional expertise to provide effective regulation of an industry as vital and complex as the motor carrier industry.

Under the leadership of Chairman A. Daniel O'Neal, however, the situation may be starting to change. The Commission has recently instituted two proceedings which may do much to return regulation of ratemaking to ICC control. Ex Parte 297, Sub. Nos. 3 and 4, which I will ask be printed in the RECORD, raise the possibility that the Commission may substantially reinterpret the scope of the antitrust immunity for collective ratemaking granted motor carrier rate conferences by the Reed-Bulwinkle Act of 1984.

Collective ratemaking among motor carriers will continue to be a matter of prime concern to the Subcommittee on Antitrust and Monopoly. The subcommittee's hearings last October highlighted the exceptional status motor carriers have enjoyed under the antitrust laws for the past 30 years. The Commission now appears ready to give forceful recognition to the fact that anticompetitive conduct is not immune from liability under Federal antitrust statutes simply because it arises within a Federal regulatory scheme. Pursuant to its investigation of the practices of rate conferences in its original Ex Parte 297 proceeding, the Commission found several rate conference agreements to exceed the Reed-Bulwinkle immunity. Subsequent to that proceeding, several newly proposed agreements have been found to be similarly unsatisfactory. Accordingly, in Sub. No. 4, all motor carrier rate conferences will be asked to rejustify their qualification for antitrust immunity.

In the second proceeding, Ex Parte 297, Sub. No. 3, the Commission solicits comment on the advisability of extending the ratemaking provisions of the Railroad Revitalization and Regulatory Reform Act of 1975, embodied in the new section 5b of the Interstate Commerce Act, to motor carriers. The intent is to promote increased modal and intermodal competition in surface transportation. Specifically, the Commission encourages comment on extending the section 5b prohibition of collective ratemaking for single line rates to the trucking industry. Comment is also solicited on the desirability of forbidding voting on interline rate and service proposals by carriers which do not participate in the traffic to be hauled, and on forbidding rate bureau protests to the ICC of rates any carrier has proposed.

Through these proceedings, the Commission will be determining whether broad antitrust immunity can any longer be justified in an industry as naturally competitive as interstate trucking. Regardless of the eventual outcome, the Commission's actions will provide significant assistance to Congress in its own consideration of the legislative and administrative changes which may be necessary to foster optimal performance of our surface transportation industries. Toward that end, the Commission's recent actions represent an important and laudable first step.

I ask unanimous consent that the two proposed rulemakings be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Interstate Commerce Commission 49 C.F.R. 1331—Ex Parte No. 297 (Sub-No. 3)]

MODIFIED TERMS AND CONDITIONS FOR APPROVAL OF COLLECTIVE RATEMAKING AGREEMENTS UNDER SECTION 5a OF THE INTERSTATE COMMERCE ACT

Agency: Interstate Commerce Commission.

Action: Notice of Proposed Rulemaking.

Summary: The Interstate Commerce Commission will institute a rulemaking proceeding to determine whether to establish additional terms and conditions for approval of collective ratemaking agreements under section 5a of the Interstate Commerce Act (Act) (49 U.S.C. § 5b) that would be consistent with the prohibitions on collective ratemaking by railroads contained in section 5b of the Act (49 U.S.C. § 5c). Adoption of such provisions would have the purpose and effect of modernizing and clarifying the functions of rate bureaus, promoting greater competition in the motor carrier, water carrier and freight forwarder industries, and achieving greater uniformity of regulation among the modes.

Dates: Statements of intent to participate are due: [20 days after publication in the Federal Register]. Written representations of fact, argument, comment or other views on the merits of this proposal are due: [80 days from the publication of this notice in the Federal Register]. Replies to written representations are due: [110 days from publication of this notice in the Federal Register].

Address: Statements of intent to participate should be addressed to: Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423. Written representations should be addressed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

For further information contact: Deputy Director Janice Rosenak or Assistant Deputy Director Harvey Gobetz, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423. Telephone (202) 275–7693 or (202) 275–7656.

Supplementary information: In February 1973, the Railroad Revitalization and Regulatory Reform Act of 1976 (4–R Act) became law. The 4–R Act amended section 5a of the Interstate Commerce Act (Act) by removing collective ratemaking agreements among railroads from the scope of that section and creating a new section 5b devoted solely to such agreements. The purpose of this amendment, according to section 101(b) of the 4–R Act, was to modernize and clarify the functions of railroad rate bureaus as well as to foster competition among railroads by prohibiting them from collectively making rates and charges on certain traffic. In Ex Parte No. 297 (Sub. No. 1), dated February 17, 1976, the Commission extended the requirements set forth in Ex Parte No. 297, *Rate Bureau Investigation*, 351 I.C.C. 437 (1976) that were not at variance with section 5b, to ratemaking agreements subject to section 5b.

Applications for approval of section 5b are now pending before the Commission. Although no agreements have as yet received final approval, the Commission has observed that, in accordance with the intent of Congress, section 5b should in fact have the effect of modernizing and clarifying the functions of rate bureaus and fostering rail competition. The Commission believes that these goals are consistent with the National Trans-

portation Policy, and have as much relevance to the motor and water carrier and freight forwarder industries as they do to the railroad industry in promoting the interests of carriers, shippers and ultimate consumers. The Commission also desires to regulate the different modes of transportation under its jurisdiction as uniformly as is reasonable. It is for these reasons that the Commission, under sections 5a, 204(a)(6) and 204(a)(7) and parallel sections of Parts III and IV of the Act, (49 U.S.C. §§ 5b, 304(a)(6) and 304 (a)(7)) and sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. §§ 553, 559), will study in this proceeding whether terms and conditions for approval of agreements or continued approval of agreements under section 5a of the Act should be established that would be consistent with the prohibitions on collective ratemaking contained in paragraph (5) of section 5b of the Act.

The Commission undertook a similar examination in Ex Parte No. 297, a proceeding in which the Commission investigated the activities of ratemaking bureaus and conferences. In its report, Ex Parte No. 297, *Rate Bureau Investigation*, 351 I.C.C. 437 (1976) and 349 I.C.C. 811 (1975), the Commission made 26 findings, some of which necessitated revision of agreements already approved by the Commission. Parties to those agreements were ordered to submit necessary revisions for Commission approval. Disputed findings in that proceeding were upheld in *Motor Carriers Traffic Ass'n.* v. *United States*, 559 F. 2d 1251 (4th Cir. 1977) (pet. for cert. pending.)

Following is paragraph (5) of section 5b which the Commission would study for purposes of adoption by rulemaking as additional terms and conditions for approval of agreements under section 5a:

(5)(a) The Commission shall not approve under this section any agreement which establishes a procedure for the determination of any matter through joint consideration, unless it finds that under the agreement there is accorded to each party the free and unrestrained right to take independent action, without fear of any sanction or retaliatory action, at any time before or after any determination arrived at through such procedure. In no event shall any conference, bureau, committee, or other organization established or continued pursuant to any agreement approved by the Commission under the provisions of this section—

(i) permit participation in agreements with respect to, or any voting on, single-line rates, allowances, or charges established by any carrier;

(ii) permit any carrier to participate in agreements with respect to, or to vote on, rates, allowances, or charges relating to any particular interline movement, unless such carrier can practicably participate in such movement; or

(iii) permit, provide for, or establish any procedure for joint consideration or any joint action to protest or otherwise seek the suspension of any rate or classification filed by a carrier of the same mode pursuant to section 15(7) of this part where such rate or classification is established by independent action.

As used in clause (i) of this subdivision, a single-line rate, allowance, or charge is one that is proposed by a single carrier applicable only over its own line and as to which the service (exclusive of terminal services provided by switching, drayage, or other terminal carriers or agencies) can be performed by such carrier.

(b) The limitations set forth in subdivision (a) shall not be applicable to—

(i) general rate increases or decreases, if the agreements accord the shipping public, under specified procedures, adequate notice of at least 15 days of such proposals and an opportunity to present comments thereon, in writing or otherwise, prior to the filing with the Commission of the tariffs containing such increases or decreases, or

(ii) broad tariff changes if such changes are of general application or substantially general application throughout a territory or territories within which such changes are to be applicable.

In any proceeding in which it is alleged that a carrier voted or agreed upon a rate, allowance, or change, in violation of the provisions of this section, the party alleging such violation shall have the burden of showing that such vote or agreement occurred. A showing of parallel behavior is not, by itself, sufficient to satisfy such burden.

If adopted these provisions would be codified in 49 C.F.R. 1331.

In addition, the Commission would substantially adopt paragraph (6) of section 5b as policy governing the monitoring of agreements approved under section 5a. That provision reads:

"(6) The Commission shall periodically, but not less than once every 3 years, review each agreement which the Commission has by order approved under this section to determine whether such agreement, or any conference, bureau, committee, or other organization established or continued pursuant to such agreement, still conforms with the standard set forth in paragraph (2) and the public interest, and to evaluate the success and effect upon the consuming public and the national rail freight transportation system of such agreement and organization. . . . If the Commission makes a determination that any such agreement or organization is no longer in conformity with such standard, the Commission shall by order terminate or suspend its approval thereof.

To conform to the unique characteristics of each industry, these provisions, if adopted, might have to be changed in certain respects. For example, the deadline set forth in paragraph (6)(b) might not be practical from a budgetary standpoint in light of the numerous agreements subject to section 5a. Moreover, paragraph (5)(a) might be modified to prohibit discussion as well as voting in the situations designated in (i) and (ii).

The public is invited and encouraged to participate in this proceeding by submitting written representations of fact, argument, comment or other views, especially concerning the following issues:

(1) whether the provisions cited here as applied to motor and water carriers and freight forwarders would further the goals of modernization of rate bureaus and fostering of competition,

(2) whether these provisions should be extended verbatim or with modification to any or all modes and if so what modifications peculiar to the needs of each mode need to be made.

(3) whether discussion as well as voting should be prohibited on single-line rates, allowances, or charges and on interline movements in which carriers can not practicably participate.

(4) whether the broad tariff change exception in paragraph (5)(b)(ii) should be made applicable to agreements subject to section 5a.

(5) whether the last sentence of paragraph (5)(b), reading "A showing of parallel behavior is not, by itself, sufficient to satisfy such burden," should be adopted as a rule governing determinations of violations of the prohibitions contained in paragraph (5)(a), and

(6) whether other rules respecting collective ratemaking not currently under consideration or embraced in section 5b should be promulgated and made applicable to any or all of the modes.

Deadlines for the submission of statements of intent to participate and written representations appear in the heading of this notice. For administrative convenience, parties should indicate in the statement of intent whether they intend to actively participate, in which case they will be placed on the service list, or whether they merely wish to receive copies of reports and orders of the Commission. Parties actively participating in this proceeding by submitting written representations must serve copies of their representations on all parties on the service list. An original and fifteen copies of written representations must be filed with the Commission. An original and one copy of the statements of intent to participate must also be filed. A service list will be sent to all active parties in time to enable them to comply with the filing deadline.

Decided December 30, 1977.

By the Commission. (Commissioner Brown not participating.)

H. G. HOMME, Jr.,
Acting Secretary.

[Interstate Commerce Commission [Ex Parte No. 297 (Sub-No. 4)]]

REOPENING OF SECTION 5a APPLICATION PROCEEDINGS TO TAKE ADDITIONAL EVIDENCE

Agency: Interstate Commerce Commission.

Action: Reopening all application proceedings in which agreements were approved under Section 5a of the Interstate Commerce Act.

Summary: The Commission is reopening all application proceedings under section 5a of the Interstate Commerce Act (Act) (excluding proceedings now subject to section 5b of the Act) in which collective ratemaking agreements were previously approved by the Commission for the purpose of taking additional evidence to determine whether those agreements still qualify for Commission approval. This action is being taken because deficiencies in these agreements have been found to exist and because newly submitted agreements have been found in recent section 5a application proceedings not to satisfy the requirements of the Act. The effect of this action is to bring all currently approved collective ratemaking agreements under section 5a of the Act before the Commission to complete review. It also applies to pending applications.

Dates: The closing dates for submission of evidence are staggered and are set forth in detail below.

Address: Representations in this proceeding should be addressed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

For further information contact: Deputy Director Janice M. Rosenak or Asst. Deputy Director Harvey Gobetz, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423. Telephone (202) 275-7693.

Supplementary information:

By Order of June 15 1973, the Commission instituted Ex Parte No. 297, an investigation into the activities of ratemaking bureaus and conferences. In its report, Ex Parte No. 297, *Rate Bureau Investigation*, 351 I.C.C. 437 (1976) and 349 I.C.C. 811 (1975), the Commission made 26 findings, some of which necessitated revisions of agreements already approved by the Commission. Parties to those agreements were ordered to submit necessary revisions for Commission approval. Disputed findings in that proceeding were upheld in *Motor Carriers Traffic Ass'n* v. *United States*, 559 F.2d 1251 (4th Cir. 1977) (pet. for cert. pending).

In reviewing proposed revisions the Commission had occasion to review the entire agreement to which the revision pertained. Many of these agreements were found deficient. Parties to those agreements were ordered to revise them according to terms and conditions which the Commission prescribed. *E.g., Machinery Haulers Ass'n.—Agreement*, 355 I.C.C. 857 (1977); *Nat'l. Ass'n. of Specialized Carriers, Inc.—Agreement*, 355 I.C.C. 67

(1977); *Waterways Freight Bureau—Agreement*, 353 I.C.C. 128 (1976). During this period, the Commission had occasion to review several newly proposed ratemaking agreements. The Commission found that they did not satisfy the standard of review set forth in paragraph (2) of section 5a. *E.g., Florida Specialized Carriers Interstate Rate Conference, Inc.—Agreement*, 355 I.C.C. 623 (1977); *Arizona-Nevada Rate Conference—Agreement*, 355 I.C.C. 130 (1977).

Because these newly proposed agreements have been found not to satisfy the standard of review set forth in paragraph (2) of section 5a, and because previously approved agreements have been found deficient in many respects, the Commission has reason to question whether such agreements still satisfy the standard of review set forth in paragraph (2). Pursuant to paragraph (7) of section 5a, the Commission is therefore reopening the application proceedings concerning those agreements for the purpose of taking additional evidence to determine whether previously approved agreements (excluding agreements now subject to section 5b of the Act) still satisfy the requirements of the Act. The Commission will incorporate this evidence with revisions proffered under Ex Parte No. 297, as well as any other revisions the parties in each proceeding wish to submit, to determine whether each agreement, viewed in its most favorable light, should continue to have the approval of the Commission. Approval of agreements found not to conform to section 5a will be discontinued as will approval of agreements for which no evidence is filed. This Order also applies to all pending applications.

STANDARD OF REVIEW

Paragraph (2) of section 5a provides that any carrier party to an agreement between two or more carriers relating to certain matters may:

. . . apply to the Commission for approval of the agreement, and the Commission shall by order approve any such agreement (if approval thereof is not prohibited by paragraph (4), (5) or (6)) if it finds that, by reason of furtherance of the national transportation policy declared in this Act, the relief provided in paragraph (9) should apply with respect to the making and carrying out of such agreement; otherwise the application shall be denied. The approval of the Commission shall be granted only upon such terms and conditions as the Commission may prescribe as necessary to enable it to grant its approval in accordance with the standard above set forth in this paragraph.

Paragraph (9) of section 5a provides that parties to any agreement approved by the Commission under this section and other persons are relieved from the operation of the antitrust laws with respect to the making and carrying out of such agreement but only insofar as those parties act in conformity with the terms of the agreement and such terms and conditions prescribed by the Commission.

Under paragraph (2) the test of whether an agreement should be approved is whether if "by reason of furtherance of the national transportation policy declared in the Act, the relief provided in paragraph (9) should apply with respect to the making and carrying out of such agreement." According to the legislative history of section 5a:

. . . the question as to whether or not an agreement is to be approved involves the accommodation and comparative evaluation by the Commission of two policies, the one, the national transportation policy, the other, the antitrust laws.

Under the standard in the bill Congress entrusts to the Commission the task of applying to particular cases the general formula which Congress finds is determinative of the public interest, and directs the Commission to determine whether the advantages to the public interest, through furtherance of the national transportation policy, are such as to outweigh the disadvantages to the public interest intended to be guarded against by the antitrust laws. [H.R. Rep. No. 1100, 80th Cong., 1st Sess. 13–14 (1947).]

The test was articulated in this manner, as the report cited here indicates, because Congress was concerned that two national policies, one involving antitrust and the other involving transportation, did not always apply in full measure in the field of transportation. Thus, some accommodation between these two policies had to be found. With respect to rate bureaus and conferences, the problem was how to draft a rule that would clarify for all time how that accommodation should be struck. Congress concluded that it was impossible to draft such a rule. It was necessary, Congress concluded, to draft a general standard and to leave its administration to an expert regulatory commission. It was with this intent that the standard articulated in paragraph (2) was enacted. Supra at 12–13. The task of administering that standard was delegated to this Commission.

As the Commission interprets paragraph (2), the question is not simply whether the activities to be carried out under the agreement will further the National Transportation Policy, but assuming that they will, whether the benefits of the agreement from the standpoint of the National Transportation Policy outweigh its disadvantages from the standpoint of national antitrust policies. The benefits to be weighed are the various National Transportation Policy goals which the agreement will foster. The disadvantages to be weighed are the anticompetitive effects which the agreement will have. The analysis which the Commission must apply in reviewing an agreement is therefore a three-step process. First, the Commission must determine whether the agreement enhances one or more National Transportation Policy goals. Second, the Commission must determine whether the agreement will harm interests intended to be protected by the antitrust laws. Third, the Commission must determine whether the benefits the agreement confers on the public interest from the standpoint of the National Transportation Policy outweigh the harm the agreement will do to the public interest intended to be protected by the antitrust laws.

At each step in this three-step analysis, whether in a proceeding concerning a previously approved agreement or a proceeding involving a new agreement, the burden of proof rests with the applicants. Thus, the applicants have the burden to establish 1) that the agreement enhances one or more National Transportation Policy goals, 2) that the agreement will not have anticompetitive effects, and 3) that (if anticompetitive effects might be found) the benefits the agreement confers on the public interest from the standpoint of the National Transportation Policy do not outweigh the harm the agreement does to the public interest from the standpoint of national antitrust policy.

The burden of proof rests at all times with applicants for two reasons. First, the test articulated in the legislative record of section 5a speaks in terms of finding whether the National Transportation Policy benefits of an agreement outweigh the national antitrust policy disadvantages of the agreement. The operative presumption suggested by the language is that such agreements are harmful unless proven otherwise.

Second, section 5a is an antitrust exemption statute restrictive of competition. Thus, it must be construed as narrowly as possible in favor of competition. *Accord, Federal Maritime Comm'n.* v. *Seatrain Lines, Inc.*, 411 U.S. 726, 733 (1973); *United States* v. *McKesson & Robbins, Inc.*, 351 U.S. 305, 316 (1956); *United States* v. *Masonite Corp.*, 316 U.S. 265, 280 (1942); *Mt. Hood Stages, Inc.* v. *Greyhound Corp.*, 555 F.2d 686, 691 (9th Cir. 1977). This principle is a derivative of the proposition that the position of the antitrust laws in the scheme of national policy is "fundamental." *Gulf States Utilities Co.* v. *Federal Power Comm'n.*, 411 U.S. 747, 759 (1973); *Otter Tail Power Co.* v. *United States*, 410 U.S. 363, 374 (1973). Thus, *conduct is not immunized from the antitrust laws merely because it is subject to a regulatory scheme.* Regulatory schemes exempt conduct from the antitrust laws only where they are "plainly repugnant" to the antitrust laws, *Gordon* v. *New York Stock Exch., Inc.*, 422 U.S. 659, 682 (1975), or where a particular statute grants an administrative agency primary jurisdiction to consider a question. *See Keogh v. Chicago & N.W.R. Co.*, 260 U.S. 156 (1922) *explained in United States v. Radio Corp. of America*, 358 U.S. 334, 346–48 (1959). But even in the latter instance, the scope of that jurisdiction must be construed as narrowly as possible. *See Georgia* v. *Pennsylvania R. R.*, 324 U.S. 439, 455 (1945).

Section 5a is an antitrust exemption statute restrictive of competition. Without the immunity it accords carriers and others parties to collective ratemaking agreements approved by the Commission, the carriers and others would be subject to antitrust liability. *Compare Georgia* v. *Pennsylvania R. R.*, 324 U.S. 439, 456 (1945); *United States* v. *Joint-Traffic Ass'n.*, 171 U.S. 505 (1898); *United States* v. *Trans-Missouri Freight Ass'n.*, 166 U.S. 290 (1897); *United States* v. *Ass'n. of American Railroads*, 4 F.R.D. 510 (D. Neb. 1945) *with United States* v. *Socony-Vacuum Oil Co.*, 310 U.S. 150 (1940). Section 5a grants the Commission primary jurisdiction to consider the value and necessity of collective ratemaking agreements. It is not, however, a grant of jurisdiction which permits the Commission to ignore antitrust considerations. Rather, as noted here, the anticompetitive effects of an agreement must be carefully weighed. Section 5a is not therefore a grant of "primary jurisdiction" as that term is normally used. Nor, for the same reasons, is section 5a "plainly repugnant" to the antitrust laws. Moreover, in *United States* v. *Southern Motor Carriers Rate Conference*, 5 CCH Trade Reg. Rptr. § 61,551 at 72,174 (N.D. Ga. 1977) it was held that the regulatory scheme of the Interstate Commerce Act does not exempt motor carriers from antitrust liability for conduct not expressly exempted by Commission action.

Thus, section 5a must be construed as narrowly as possible in favor of competition. Consistent with this objective, the burden of establishing the merits of an anticompetitive agreement lies with the applicants seeking the exemption from antiturst law liability.

EVIDENCED REQUIRED

Parties subject to this notice are required to submit evidence consistent with their burden of proof set forth above. Other interested parties, such as shippers, ultimate consumers or public interest groups, the Federal Trade Commission and the Department of Justice are invited to participate in any or all proceedings. The latter two government agencies are particularly invited to comment on the anti-competitive effects of the agreements under consideration. Evidence submitted by all parties in any proceeding must be relevant to one of these three issues:

(1) whether the agreement enhances one or more National Transportation Policy goals,

(2) whether the agreement will harm interests intended to be protected by the antitrust laws, and

(3) whether the benefits the agreement confers on the public interest from the standpoint of the National Transportation Policy outweigh the harm the agreement will do to

the public interest intended to be protected by the antitrust laws.

The Commission will not accept general allegations of fact unsupported by evidence or not stated with particularity. Evidence, either by way of verified statement or in the form of documents, must be detailed and thorough. If no evidence exists to support a particular contention, the parties should state why. General allegations that ratemaking agreements are necessary, or that they are not, will be disregarded unless substantiated by facts which relate the statement to the agreement under consideration. Nor will the Commission accept as justifications for an agreement that collective ratemaking will enable the parties to economize in their operations or in tariff publication. Such arguments have been made by applicants and rejected by this Commission in the past. *E.g., Florida Specialized Carriers Interstate Rate Conference, Inc.—Agreement,* 355 I.C.C. 623 (1977). As a helpful guide to applicants in determining whether evidence will be considered persuasive by the Commission, it should be kept in mind that applicants have the burden of proof at every step in the proceeding.

In addition to the requirements outlined here concerning evidence, applicants must also submit evidence responsive to the following questions:

(1) whether any of the goals which justify the collective ratemaking agreement under consideration can be accomplished by some other method than collective action,

(2) whether any of the reasons which justify membership in the agreement by any specific parties can be accomplished without belonging to the agreement, and

(3) the number of carriers with operating authority from the Commission which qualify for membership in the agreement but which are not parties to it.

Evidence responsive to these questions must be detailed, substantiated by documents such as continuing traffic studies, and otherwise meet the standards for evidence generally set forth here. If the Commission determines that it needs more specific information respecting a particular agreement, it will issue the necessary Orders, with adequate notice and opportunity for comment by the parties affected.

OTHER MATTERS

Unless the Commission states otherwise with respect to any particular proceeding, replies to initial statements filed in any of these proceedings will be due thirty days after the filing with this Commission of the statement to which the reply makes reference. Due dates for initial statements from parties in each proceeding are set forth in the following paragraphs and are staggered for the Commission's administrative convenience. All parties should be aware that the Commission will disfavor requests for extension of time to file initial or reply statements or other pleadings absent a showing of compelling necessity.

These are the due dates:

For the following applications, [150 days from publication in Federal Register]: No. 1, Household Goods Carriers' Bureau; No. 4, Movers' & Warehousemen's Assoc. of America Inc.; No. 9, National Bus Traffic Association, Inc.; No. 10, Waterways Freight Bureau; No. 11, Michigan Mover's & Warehousemen's Assn, New Furniture; No. 15, Atlantic-Gulf Coastwise Steamship Freight Bureau; No. 113, Automotive Carriers Association; No. 114, Midwest Household Goods Carriers Assoc.; No. 115, Midwest Oilfield Haulers Freight Traffic Association; No. 116, Williamette Tariff Bureau, Inc.; No. 107, Air Freight Motor Carriers.

For the following applications, [180 days from publication in the Federal Register]: No. 22, Pacific Inland Tariff Bureau, Inc.; No. 23, Middle Atlantic Conference; No. 24, San Francisco Movers Tariff Bureau; No. 25, New England Motor Rate Bureau, Inc.; No. 30, Tobacco Transporters Freight Traffic Committee; No. 31, Chicago Suburban Motor Carriers Association, Inc.; No. 32, Columbia River Tariff Bureau; No. 33, Central States Motor Freight Bureau, Inc.; No. 34, Middlewest Motor Freight Bureau; No. 35, Oil Field Haulers Association, Inc.

For the Following applications, [210 days from publication in the Federal Register]: No. 36, Wearing Apparel Carriers; No. 37, Southern Illinois Motor Rate Conference; No. 39, Western States Movers' Conference; No. 40, Kansas Oil Field and Heavy Machinery Haulers; No. 45, Niagara Frontier Tariff Bureau, Inc.; No. 46, Southern Motor Carriers Rate Conference, Inc.; No. 48, Eastern Central Motor Carriers Association, Inc.; No. 49, Central and Southern Motor Freight Tariff Association, Inc.; No. 51, Indiana Motor Rate and Tariff Bureau, Inc.; No. 52, Freight Forwarders Conference.

For the following applications, [240 days from the publication in the Federal Register]: No. 53, Intercoastal Steamship Freight Association; No. 54, Heavy and Specialized Carriers Tariff Bureau; No. 55, Motor Carriers Traffic Association, Inc.; No. 58, Machinery Haulers Association; No. 60, Rocky Mountain Motor Tariff Bureau, Inc.; No. 61, National Classification Committee; No. 62, Intermountain Tariff Bureau, Inc.; No. 63, Bulk Tank Carrier Conference, Inc.

For the following applications, [270 days from publication in the Federal Register]: No. 64, Steel Carriers' Tariff Association, Inc.; No. 66, Western Tank Truck Carriers' Conference, Inc.; No. 69, Perishables Tariff Bureau; No. 70, Western Motor Tariff Bureau, Inc.; No. 73, Ohio Motor Freight Tariff Committee, Inc.; No. 75, Pacific Motor Tariff Bureau, Inc.; No. 77, Nationwide Household Movers Association.

For the following applications, [300 days from publication in the Federal Register]: No. 78, Mobile Housing Carriers Conference; No. 79, Hawaiian Freight Tariff Bureau, Inc.; No. 81, New York Movers Tariff Bureau, Inc.; No. 83, Alaska Carriers Association, Inc.; No. 85, Oil Capital Tariff Bureau, Inc.; No. 87, National Association of Specialized Carriers, Inc.; No. 91, Wyoming Trucking Association, Inc.; No. 92, Maine Motor Rate Bureau; No. 94, Automotive Transporters Tariff Bureau, Inc.; No. 95, United Tariff Bureau, Inc.

For the following applications, [330 days from publication in the Federal Register]: No. 65, Equipment Interchange Association; No. 72, Motor Carrier Inter-Related Rate Agreement; No. 96, Northwest Towboat Tariff Bureau, Inc.; No. 99, Nebraska Motor Carriers' Association; No. 101, Midwest Cement Carriers; No. 106, Household Goods Forwarders Tariff Bureau;

Applicants in all proceedings must serve a copy of their evidence on the Federal Trade Commission, Office of the Secretary, Washington, D.C. 20580, and on the Department of Justice, Atten. Asst. Attorney General John H. Shenefield, Antitrust Division, Washington, D.C. 20530. Non-applicant parties filing pleadings with respect to a particular agreement must serve a copy of the pleading on the group of parties to the agreement affected.

This document was adopted formally at a General Session of the Interstate Commerce Commission held at its office in Washington, D.C. on the 30th day of December, 1977.

By the Commission. (Commissioner Brown not participating.)

H. G. HOMME, Jr.,
Acting Secretary.

(Seal).

PROPOSED ARMS SALES

Mr. SPARKMAN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask unanimous consent to have printed in the RECORD at this point the two notifications I have just received.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
February 10, 1978.

In reply refer to: I-7873/77ct.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 78-13, concerning the Department of the Army's proposed Letter of Offer to Saudi Arabia not for major defense equipment, as defined in the International Traffic in Arms Regulations (ITAR), estimated to cost $496.0 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERICH F. VON MARBOD,
Acting Director, Defense Security Assistance Agency.

[Transmittal No. 78-13]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(B) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Saudi Arabia.

(ii) Total estimated value:

[In millions]

Major defense equipment *	$0
Other	496
Total	496

* As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of Articles or Services Offered: Contracting for the construction of a field artillery center and school (84,000 square meters) near Khamis Mushayt including administration cost for the U.S. Army Corps of Engineers.

(iv) Military Department: Army.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Date report delivered to Congress: Feb. 10, 1978.

DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ISA,
Washington, D.C., February 10, 1978.

In reply refer to: I-7490/77ct.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of

the Arms Export Control Act, we are forwarding herewith, Transmittal No. 78-12, concerning the Department of the Army's proposed Letter of Offer to Saudi Arabia not for major defense equipment, as defined in the International Traffic in Arms Regulations (ITAR), estimated to cost $174 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

ERICH F. VON MARBOD,
Acting Director,
Defense Security Assistance Agency.

[Transmittal No. 78-12]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Saudi Arabia.

(ii) Total Estimated Value:

[In Millions]

Major defense equipment*	$ 0.0
Other	174.0
Total	174.0

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

(iii) Description of Articles or Services Offered: Contracting for the construction of a Military Administration School (53,000 square meters) in Riyadh including administration cost for the U.S. Army Corps of Engineers.

(iv) Military Department: Army.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress: February 10, 1978.

NUCLEAR NONPROLIFERATION ACT SENT TO PRESIDENT

Mr. PERCY. Mr. President, I am pleased to note that the House of Representatives accepted the Senate version of the Nuclear Nonproliferation Act of 1978 by unanimous consent yesterday afternoon. While there were several differences between the Senate- and House-passed bills, our disagreements were few. Rather than prolonging the consideration of this vital measure in conference, our distinguished colleagues in the House graciously accepted the Senate amendment in order to expedite the enactment and implementation of this important legislation.

When the Senate began its consideration of S. 897 a week ago, I stated that we were nearing the end of a very long road which began in the spring of 1975, one which has involved negotiations with two administrations, numerous committees of the Senate and the House, a range of private interests and a degree of cooperation between Senate and House, Congress and the executive branch, and Senators and staff, and Republicans and Democrats that exceeds any previous experience that I have had since entering the Senate. The legislation adopted by the Congress has the imprint of all of the aforementioned and is superior to the original bill that I introduced several years ago. I am extremely pleased and gratified to state that we have now reached the end of that part of the road which leads through Congress, and wait eagerly for President Carter to sign into law this bill which will establish a firm foundation for strong and effective U.S. leadership in curbing the dire threat of nuclear proliferation.

I ask unanimous consent that the text of the Nuclear Nonproliferation Act of 1978, as passed by the Senate and as accepted by the House, be printed in the RECORD at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

H.R. 8638

That this Act may be cited as the "Nuclear Non-Proliferation Act of 1978".

STATEMENT OF POLICY

SEC. 2. The Congress finds and declares that the proliferation of nuclear explosive devices or of the direct capability to manufacture or otherwise acquire such devices poses a grave threat to the security interests of the United States and to continued international progress toward world peace and development. Recent events emphasize the urgency of this threat and the imperative need to increase the effectiveness of international safeguards and controls on peaceful nuclear activities to prevent proliferation. Accordingly, it is the policy of the United States to—

(a) actively pursue through international initiatives mechanisms for fuel supply assurances and the establishment of more effective international controls over the transfer and use of nuclear materials and equipment and nuclear technology for peaceful purposes in order to prevent proliferation, including the establishment of common international sanctions;

(b) take such actions as are required to confirm the reliability of the United States in meeting its commitments to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation polices by establishing procedures to facilitate the timely processing of requests for subsequent arrangements and export licenses;

(c) strongly encourage nations which have not ratified the Treaty on the Non-Proliferation of Nuclear Weapons to do so at the earliest possible date; and

(d) cooperate with foreign nations in identifying and adapting suitable technologies for energy production and, in particular, to identify alternative options to nuclear power in aiding such nations to meet their energy needs, consistent with the economic and material resources of those nations and environmental protection.

STATEMENT OF PURPOSE

SEC. 3. It is the purpose of this Act to promote the policies set forth above by—

(a) establishing a more effective framework for international cooperation to meet the energy needs of all nations and to ensure that the worldwide development of peaceful nuclear activiites and the export by any nation of nuclear materials and equipment and nuclear technology intended for use in peaceful nuclear activities do not contribute to proliferation;

(b) authorizing the United States to take such actions as are required to ensure that it will act reliably in meeting its commitment to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies;

(c) providing incentives to the other nations of the world to join in such international cooperative efforts and to ratify the Treaty; and

(d) ensuring effective controls by the United States over its exports of nuclear materials and equipment and of nuclear technology.

DEFINITIONS

SEC. 4. (a) As used in this Act, the term—

(1) "Commission" means the Nuclear Regulatory Commission;

(2) "Director" means the Director of the Arms Control and Disarmament Agency;

(3) "IAEA" means International Atomic Energy Agency;

(4) "nuclear materials and equipment" means source material, special nuclear material, production facilities, utilization facilities, and components, items or substance determined to have significance for nuclear explosive purposes pursuant to subsection 109 b. of the 1954 Act;

(5) "physical security measures" means measures to reasonably ensure that source or special nuclear material will only be used for authorized purposes and to prevent theft and sabotage;

(6) "sensitive nuclear technology" means any information (including information incorporated in a production or utilization facility or important component part thereof) which is not available to the public and which is important to the design, construction, fabrication, operation or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water, but shall not include Restricted Data control pursuant to chapter 12 of the 1954 Act;

(7) "1954 Act" means the Atomic Energy Act of 1954, as amended; and

(8) "the Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons.

(b) All other terms used in this Act not defined in this section shall have the meanings ascribed to them by the 1954 Act, the Energy Reorganization Act of 1974, and the Treaty.

TITLE I—UNITED STATES INITIATIVES TO PROVIDE ADEQUATE NUCLEAR FUEL SUPPLY

POLICY

SEC. 101. The United States, as a matter of national policy, shall take such actions and institute such measures as may be necessary and feasible to assure other nations and groups of nations that may seek to utilize the benefits of atomic energy for peaceful purposes that it will provide a reliable supply of nuclear fuel to those nations and groups of nations which adhere to policies designed to prevent proliferation. Such nuclear fuel shall be provided under agreements entered into pursuant to section 161 of the 1954 Act or as otherwise authorized by law. The United States shall ensure that it will have available the capacity on a long-term basis to enter into new fuel supply commitments consistent with its non-proliferation policies and domestic energy needs. The Commission shall, on a timely basis, authorize the export of nuclear materials and equipment when all the applicable statutory requirements are met.

URANIUM ENRICHMENT CAPACITY

SEC. 102. The Secretary of Energy is directed to initiate construction planning and design, construction, and operation activities for expansion of uranium enrichment capacity, as elsewhere provided by law. Further the Secretary as well as the Nuclear Regulatory Commission, the Secretary of State and the Director of the Arms Control and Disarmament Agency are directed to establish and implement procedures which will ensure to the maximum extent feasible, consistent with this Act, orderly processing of subsequent arrangements and export licenses with minimum time delay.

REPORT

SEC. 103. The President shall promptly undertake a study to determine the need for additional United States enrichment capacity

to meet domestic and foreign needs and to promote United States non-proliferation objectives abroad. The President shall report to the Congress on the results of this study within twelve months after the date of enactment of this Act.

INTERNATIONAL UNDERTAKINGS

SEC. 104. (a) Consistent with section 105 of this Act, the President shall institute prompt discussions with other nations and groups of nations, including both supplier and recipient nations, to develop international approaches for meeting future worldwide nuclear fuel needs. In particular, the President is authorized and urged to seek to negotiate as soon as practicable with nations possessing nuclear fuel production facilities or source material, and such other nations and groups of nations, such as the IAEA, as may be deemed appropriate, with a view toward the timely establishment of binding international undertakings providing for—

(1) the establishment of an international nuclear fuel authority (INFA) with responsibility for providing agreed upon fuel services and allocating agreed upon quantities of fuel resources to ensure fuel supply on reasonable terms in accordance with agreements between INFA and supplier and recipient nations;

(2) a set of conditions consistent with subsection (d) under which international fuel assurances under INFA auspices will be provided to recipient nations, including conditions which will ensure that the transferred materials will not be used for nuclear explosive devices;

(3) devising, consistent with the policy set forth in section 403 of this Act, feasible and environmentally sound approaches for the siting, development, and management under effective international auspices and inspection of facilities for the provision of nuclear fuel services, including the storage of special nuclear material;

(4) the establishment of repositories for the storage of spent nuclear reactor fuel under effective auspices and inspection;

(5) the establishment of arrangements under which nations placing spent fuel in such repositories would receive appropriate compensation for the energy content of such spent fuel if recovery of such energy content is deemed necessary or desirable; and

(6) sanctions for violation of the provisions of or for abrogation of such binding international undertakings.

(b) The President shall submit to Congress not later than six months after the date of enactment of this Act proposals for initial fuel assurances, including creation of an interim stockpile of uranium enriched to less than 20 percent in the uranium isotope 235 (low-enriched uranium) to be available for transfer pursuant to a sales arrangement to nations which adhere to strict policies designed to prevent proliferation when and if necessary to ensure continuity of nuclear fuel supply to such nations. Such submission shall include proposals for the transfer of low-enriched uranium up to an amount sufficient to produce 100,000 MWe years of power from light water nuclear reactors, and shall also include proposals for seeking contributions from other supplier nations to such an interim stockpile pending the establishment of INFA.

(c) The President shall, in the report required by section 103, also address the desirability of and options for foreign participation, including investment, in new United States uranium enrichment facilities. This report shall also address the arrangements that would be required to implement such participation and the commitments that would be required as a condition of such participation. This report shall be accompanied by any proposed legislation to implement these arrangements.

(d) The fuel assurances contemplated by this section shall be for the benefit of nations that adhere to policies designed to prevent proliferation. In negotiating the binding international undertakings called for in this section, the President shall, in particular seek to ensure that the benefits of such undertakings are available to non-nuclear-weapon states only if such states accept IAEA safeguards on all their peaceful nuclear activities, do not manufacture or otherwise acquire any nuclear explosive device, do not establish any new enrichment or reprocessing facilities under their de facto or dejure control, and place any such existing facilities under effective international auspices and inspection.

(e) The report required by section 601 shall include information on the progress made in any negotiations pursuant to this section.

(f) (1) The President may not enter into any binding international undertaking negotiated pursuant to subsection (a) which is not a treaty until such time as such proposed undertaking has been submitted to the Congress and has been approved by concurrent resolution.

(2) The proposals prepared pursuant to subsection (b) shall be submitted to the Congress as part of an annual authorization Act for the Department of Energy.

REEVALUATION OF NUCLEAR FUEL CYCLE

SEC. 105. The President shall take immediate initiatives to invite all nuclear supplier and recipient nations to reevaluate all aspects of the nuclear fuel cycle, with emphasis on alternatives to an economy based on the separation of pure plutonium or the presence of high enriched uranium, methods to deal with spent fuel storage, and methods to improve the safeguards for existing nuclear technology. The President shall, in the first report required by section 601, detail the progress of such international reevaluation.

TITLE II—UNITED STATES INITIATIVES TO STRENGTHEN THE INTERNATIONAL SAFEGUARDS SYSTEM

POLICY

SEC. 201. The United States is committed to continued strong support for the principles of the Treaty on the Non-Proliferation of Nuclear Weapons, to a strengthened and more effective International Atomic Energy Agency and to a comprehensive safeguards system administered by the Agency to deter proliferation. Accordingly, the United States shall seek to act with other nations to—

(a) continue to strengthen the safeguards program of the IAEA and, in order to implement this section, contribute funds, technical resources, and other support to assist the IAEA in effectively implementing safeguards;

(b) ensure that the IAEA has the resources to carry out the provisions of Article XII of the Statute of the IAEA;

(c) improve the IAEA safeguards system (including accountability) to ensure—

(1) the timely detection of a possible diversion of source or special nuclear materials which could be used for nuclear explosive devices;

(2) the timely dissemination of information regarding such diversion; and

(3) the timely implementation of internationally agreed procedures in the event of such diversion;

(d) ensure that the IAEA receives on a timely basis the data needed for it to administer an effective and comprehensive international safeguards program and that the IAEA provides timely notice to the world community of any evidence of a violation of any safeguards agreement to which it is a party; and

(e) encourage the IAEA, to the maximum degree consistent with the Statute, to provide nations which supply nuclear materials and equipment with the data needed to assure such nations of adherence to bilateral commitments applicable to such supply.

TRAINING PROGRAM

SEC. 202. The Department of Energy, in consultation with the Commission, shall establish and operate a safeguards and physical security training program to be made available to persons from nations and groups of nations which have developed or acquired, or may be expected to develop or acquire, nuclear materials and equipment for use for peaceful purposes. Any such program shall include training in the most advanced safeguards and physical security techniques and technology, consistent with the national security interests of the United States.

NEGOTIATIONS

SEC. 203. The United States shall seek to negotiate with other nations and groups of nations to—

(1) adopt general principles and procedures, including common international sanctions, to be followed in the event that a nation violates any material obligation with respect to the peaceful use of nuclear materials and equipment or nuclear technology, or in the event that any nation violates the principles of the Treaty, including the detonation by a non-nuclear-weapon state of a nuclear explosive device; and

(2) establish international procedures to be followed in the event of diversion, theft, or sabotage of nuclear materials or sabotage of nuclear facilities, and for recovering nuclear materials that have been lost or stolen, or obtained or used by a nation or by any person or group in contravention of the principles of the Treaty.

TITLE III—EXPORT ORGANIZATION AND CRITERIA

GOVERNMENT-TO-GOVERNMENT TRANSFERS

SEC. 301. (a) Section 54 of the 1954 Act is amended by adding a new subsection d. thereof as follows:

"d. The authority to distribute special nuclear material under this section other than under an export license granted by the Nuclear Regulatory Commission shall extend only to the following small quantities of special nuclear material (in no event more than five hundred grams per year of the uranium isotope 233, the uranium isotope 235, or plutonium contained in special nuclear material to any recipient):

"(1) which are contained in laboratory samples, medical devices, or monitoring or other instruments; or

"(2) the distribution of which is needed to deal with an emergency situation in which time is of the essence.".

(b) Section 64 of the 1954 Act is amended by inserting the following immediately after the second sentence thereof: "The authority to distribute source material under this section other than under an export license granted by the Nuclear Regulatory Commission shall in no case extend to quantities of source material in excess of three metric tons per year per recipient.".

(c) Chapter 10 of the 1954 Act is amended by adding a new section 111 as follows:

"SEC. 111. a. The Nuclear Regulatory Commission is authorized to license the distribution of special nuclear material, source material, and byproduct material by the Department of Energy pursuant to section 54, 64, and 82 of this Act, respectively, in accordance with the same procedures established by law for the export licensing of such material by any person: Provided, That nothing in this section shall require that licensing of the distribution of byproduct material by the Department of Energy under section 82 of this Act.

"b. The Department of Energy shall not distribute any special nuclear material or source material under section 54 or 64 of the

1954 Act other than under an export license issued by the Nuclear Regulatory Commission until (1) the Department has obtained the concurrence of the Department of State and has consulted with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, and the Department of Defense under mutually agreed procedures which shall be established within not more than ninety days after the date of enactment of this provision and (2) the Department finds based on a reasonable judgment of the assurance provided and the information available to the United States Government, that the criteria in subsection 127 a. or their equivalent and any applicable criteria in subsection 128 are met, and that the proposed distribution would not be inimical to the common defense and security.".

SEC. 302. Subsection 57 b. of the 1954 Act is amended to read as follows:

"b. It shall be unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except (1) as specifically authorized under an agreement for cooperation made pursuant to section 123, including a specific authorization in a subsequent arrangement under section 303, or (2) upon authorization by the Secretary of Energy after a determination that such activity will not be inimical to the interest of the United States: Provided, That any such determination by the Secretary of Energy shall be made only with the concurrence of the Department of State and after consultation with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, Department of Commerce, and the Department of Defense. The Secretary of Energy shall, within ninety days after the enactment of this section, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which are mutually agreeable to the Secretaries of State, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission for the consideration of requests for authorization under this section. Such procedures shall include, at a minimum, explicit direction on the handling of such requests, express deadlines for the solicitation and collection of the views of the consulted agencies (with identified officials responsible for meeting such deadlines), an interagency coordinating authority to monitor the processing of such requests, predetermined procedures for the expeditious handling of intra-agency and inter-agency disagreements and appeals to higher authorities, frequent meetings of inter-agency administrative coordinators to review the status of all pending requests, and similar administrative mechanisms. To the extent practicable, an applicant should be advised of all the information required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial requests should be identified as quickly as possible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly any necessary standards and criteria, including the nature of any required assurances or evidentiary showings, for the decision required under this section. The processing of any request proposed and filed as of the date of enactment of this Act shall not be delayed pending the development and establishment of procedures to implement the requirements of this section. Any trade secrets or proprietary information submitted by any person seeking an authorization under this subsection shall be afforded the maximum degree of protection allowable by law: Provided further, That the export of component parts as defined in subsection 11 v. (2) or 11 cc. (2) shall be governed by sections 109 and 126 of this Act: *Provided further*, That notwithstanding subsection 402(d) of the Department of Energy Organization Act (Public Law 95–91), the Secretary of Energy and not the Federal Energy Regulatory Commission, shall have sole jurisdiction within the Department of Energy over any matter arising from any function of the Secretary of Energy in this section.".

SUBSEQUENT ARRANGEMENTS

SEC. 303. (a) Chapter 11 of the 1954 Act, as amended by sections 304, 305, 306, 307, and 308, is further amended by adding at the end thereof the following:

"SEC. 131. SUBSEQUENT ARRANGEMENTS.—

"a. (1) Prior to entering into any proposed subsequent arrangement under an agreement for cooperation (other than an agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c. of this Act), the Secretary of Energy shall obtain the concurrence of the Secretary of State and shall consult with the Director, the Commission, and the Secretary of Defense: *Provided*, That the Secretary of State shall have the leading role in any negotiations of a policy nature pertaining to any proposed subsequent arrangement regarding arrangements for the storage or disposition of irradiated fuel elements or approvals for the transfer, for which prior approval is required under an arrangement for cooperation, by a recipient of source or special nuclear material, production or utilization facilities, or nuclear technology. Commission and, whenever the Director declares that he intends to prepare a Nuclear Proliferation Assessment Statement pursuant to paragraph (2) of this subsection, after the receipt by the Secretary of Energy of such Statement or the expiration of the time authorized for the preparation of such Statement, whichever occurs first, notice of any proposed subsequent arrangement shall be published in the Federal Register, together with the written determination of the Secretary of Energy that such arrangement will not be inimical to the common defense and security, and such proposed subsequent arrangement shall not take effect before fifteen days after publication.

"(2) If in the Director's view a proposed subsequent arrangement might significantly contribute to proliferation, he may prepare an unclassified Nuclear Proliferation Assessment Statement with regard to such proposed subsequent arrangement regarding the adequacy of the safeguards and other control mechanisms and the application of the peaceful use assurances of the relevant agreement to ensure that assistance to be furnished pursuant to the subsequent arrangement will not be used to further any military or nuclear explosive purpose. For the purposes of this section, the term 'subsequent arrangements' means arrangements entered into by any agency or department of the United States Government with respect to cooperation with any nation or group of nations (but not purely private or domestic arrangements) involving—

"(A) contracts for the furnishing of nuclear materials and equipment;

"(B) approvals for the transfer, for which prior approval is required under an agreement for cooperation, by a recipient or any source or special nuclear material, production or utilization facility, or nuclear technology;

"(C) authorization for the distribution of nuclear materials and equipment pursuant to this Act which is not subject to the procedures set forth in section 111 b., section 126, or section 109 b.;

"(D) arrangements for physical security;

"(E) arrangements for the storage or disposition of irradiated fuel elements;

"(F) arrangements for the application of safeguards with respect to nuclear materials and equipment; or

"(G) any other arrangement which the President finds to be important from the standpoint of preventing proliferation.

"(3) The United States will give timely consideration to all requests for prior approval, when required by this Act, for the reprocessing of material proposed to be exported, previously exported and subject to the applicable agreement for cooperation, or special nuclear material produced through the use of such material or a production or utilization facility transferred pursuant to such agreement for cooperation, or to the altering of irradiated fuel elements containing such material, and additionally, to the maximum extent feasible, will attempt to expedite such consideration when the terms and conditions for such actions are set forth in such agreement for cooperation or in some other international agreement executed by the United States and subject to congressional review procedures comparable to those set forth in section 123 of this Act.

"(4) All other statutory requirements under other sections of this Act for the approval or conduct of any arrangement subject to this subsection shall continue to apply and any other such requirements for prior approval or conditions for entering such arrangements shall also be satisfied before the arrangement takes effect pursuant to subsection a. (1).

"b. With regard to any special nuclear material exported by the United States or produced through the use of any nuclear materials and equipment or sensitive nuclear technology exported by the United States—

"(1) the Secretary of Energy may not enter into any subsequent arrangement for the retransfer of any such material to a third country for reprocessing, for the reprocessing of any such material, or for the subsequent retransfer of any plutonium in quantities greater than 500 grams resulting from the reprocessing of any such material, until he has provided the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate with a report containing his reasons for entering into such arrangements and a period of 15 days of continuous session (as defined in subsection 130 g. of this Act) has elapsed: Provided, however, That if in the view of the President an emergency exists due to unforeseen circumstances requiring immediate entry into a subsequent arrangement, such period shall consist of fifteen calendar days;

"(2) the Secretary of Energy may not enter into any subsequent arrangement for the reprocessing of any such material in a facility which has not processed power reactor fuel assemblies or been the subject of a subsequent arrangement therefor prior to the date of enactment of the Nuclear Non-Proliferation Act of 1978 or for subsequent retransfer to a non-nuclear-weapon state of any plutonium in quantities greater than 500 grams resulting from such reprocessing, unless in his view, and that of the Secretary of State, such reprocessing or retransfer will not result in a significant increase of the risk of proliferation beyond that which exists at the time that approval is requested. Among other factors in making this judgment, foremost consideration will be given to whether or not the reprocessing or retransfer will take place under conditions that will ensure timely warning to the United States of any diversion well in advance of the time at which the non-nuclear-weapon state could transform the diverted material into a nuclear explosive device; and

"(3) the Secretary of Energy shall attempt to ensure, in entering into any subsequent arrangement for the reprocessing of any such material in any facility that has processed power reactor fuel assemblies or been the

subject of a subsequent arrangement therefor prior to the date of enactment of the Nuclear Non-Proliferation Act of 1978, or for the subsequent retransfer to any non-nuclear-weapon state of any plutonium in quantities greater than 500 grams resulting from such reprocessing, that such reprocessing of transfer shall take place under conditions comparable to those which in his view, and that of the Secretary of State, satisfy the standards set forth in paragraph (2).

"c. The Secretary of Energy shall, within ninety days after the enactment of this section, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which are mutually agreeable to the Secretaries of State, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission for the consideration of requests for subsequent arrangements under this section. Such procedures shall include, at a minimum, explicit direction on the handling of such requests, express deadlines for the solicitation and collection of the views of the consulted agencies (with identified officials responsible for meeting such deadlines), an inter-agency coordinating authority to monitor the processing of such requests, predetermined procedures for the expeditious handling of intra-agency and inter-agency disagreements and appeals to higher authorities, frequent meetings of inter-agency administrative coordinators to review the status of all pending requests, and similar administrative mechanisms. To the extent practicable, an applicant should be advised of all the information required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial requests should be identified as quickly as possible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly any necessary standards and criteria, including the nature of any required assurances or evidentiary showings, for the decisions required under this section. Further, such procedures shall specify that if he intends to prepare a Nuclear Proliferation Assessment Statement, the Director shall so declare in his response to the Department of Energy. If the Director declares that he intends to prepare such a Statement, he shall do so within sixty days of his receipt of a copy of the proposed subsequent arrangement (during which time the Secretary of Energy may not enter into the subsequent arrangement), unless pursuant to the Director's request, the President waives the sixty-day requirement and notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of such waiver and the justification therefor. The processing of any subsequent arrangement proposed and filed as of the date of enactment of this Act shall not be delayed pending the development and establishment of procedures to implement the requirements of this section. The processing of any request proposed and filed as of the date of enactment of this Act shall not be delayed pending the development and establishment of procedures to implement the requirements of this section.

"d. Nothing in this section is intended to prohibit, permanently or unconditionally, the reprocessing of spent fuel owned by a foreign nation which fuel has been supplied by the United States, to preclude the United States from full participation in the International Fuel Cycle Evaluation provided for in section 105; to in any way limit the presentation or consideration in that evaluation of any nuclear fuel cycle by the United States or any other participation; nor to prejudice open and objective consideration of the results of the evaluation.

"e. Notwithstanding subsection 402(d) of the Department of Energy Organization Act (Public Law 95-91), the Secretary of Energy, and not the Federal Energy Regulatory Commission, shall have a sole jurisdiction within the Department of Energy over any matter arising from any function of the Secretary of Energy in this section.

"f. (1) With regard to any subsequent arrangement under subsection a. (2)(E) (for the storage or disposition of irradiated fuel elements), where such arrangement involves a direct or indirect commitment of the United States for the storage or other disposition, interim or permanent, of any foreign spent nuclear fuel in the United States, the Secretary of Energy may not enter into any such subsequent arrangement, unless:

"(A)(i) Such commitment of the United States has been submitted to the Congress for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and has been referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, but any such commitment shall not become effective if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that it does not favor the commitment, any such commitment to be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions; or (ii) if the President has submitted a detailed generic plan for such disposition or storage in the United States to the Congress for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act), which plan has been referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate and has not been disapproved during such sixty-day period by the adoption of a concurrent resolution stating in substance that Congress does not favor the plan; and the commitment is subject to the terms of an effective plan. Any such plan shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions.

"(B) The Secretary of Energy has complied with subsection a.; and

"(C) The Secretary of Energy has complied, or in the arrangement will comply with all other statutory requirements of the Atomic Energy Act, under sections 54 and 55 and any other applicable sections, and any other requirements of law.

"(2) Subsection (1) shall not apply to the storage or other disposition in the United States of limited quantities of foreign spent nuclear fuel if the President determines that (A) commitment under section 54 or 55 of this Act of the United States for storage or other disposition of such limited quantities in the United States is required by an emergency situation, (B) it is in the national interest to take such immediate action, and (C) he notifies the Committees on International Relations and Science and Technology of the House of Representatives and the Committees on Foreign Relations and Energy and Natural Resources of the Senate of the determination and action, with a detailed explanation and justification thereof, as soon as possible.

"(3) Any plan submitted by the President under subsection f. (1) shall include a detailed discussion, with detailed information, and any supporting documentation thereof, relating to policy objectives, technical description, geographic information, cost data and justifications, legal and regulatory considerations, environmental impact information and any related international agreements, arrangements or understandings.

"(4) For the purposes of this subsection, the term 'foreign spent nuclear fuel' shall include any nuclear fuel irradiated in any nuclear power reactor located outside of the United States and operated by any foreign legal entity, government or nongovernment, regardless of the legal ownership or other control of the fuel or the reactor and regardless of the origin or licensing of the fuel or reactor, but not including fuel irradiated in a research reactor.".

(b)(1) Section 54 of the 1954 Act is amended by adding new subsection e. as follows:

"e. The authority in this section to commit United States funds for any activities pursuant to any subsequent arrangement under section 131 a. (2)(E) shall be subject to the requirements of section 131.".

(2) Section 55 of this Act is amended by adding a proviso at the end of the section as follows, "Providing, That the authority in this section to commit United States funds for any activities pursuant to any subsequent arrangement under section 131 a. (2)(E) shall be subject to the requirements of section 131."

EXPORT LICENSING PROCEDURES

SEC. 304. (a) Chapter 11 of the 1954 Act is amended by adding a new section 126 as follows:

"SEC. 126. EXPORT LICENSING PROCEDURES.—

"a. No license may be issued by the Nuclear Regulatory Commission (the 'Commission') for the export of any production or utilization facility, or any source material or special nuclear material, including distributions of any material by the Department of Energy under section 54, 64, or 82, for which a license is required or requested, and no exemption from any requirement for such an export license may be granted by the Commission, as the case may be—

"(1) has been notified by the Secretary of State that it is the judgment of the executive branch that the proposed export or exemption will not be inimical to the common defense and security, or that any export in the category to which the proposed export belongs would not be inimical to the common defense and security because it lacks significance for nuclear explosive purposes. The Secretary of State shall, within ninety days after the enactment of this section, establish orderly and expeditious procedures, including provision for necessary administrative actions and inter-agency memoranda of understanding, which are mutually agreeable to the Secretaries of Energy, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission for the preparation of the executive branch judgment on export application under this section. Such procedures shall include, at a minimum, explicit direction on the handling of such applications, express deadlines for the solicitation and collection of the views of the consulted agencies (with identified officials responsible for meeting such deadlines), an inter-agency coordinating authority to monitor the processing of such applications, predetermined procedures for the expeditious handling of intra-agency and inter-agency disagreements and appeals to higher authorities, frequent meetings of inter-agency administrative coordinators to review the status of all pending applications, and similar administrative mechanisms. To the extent practicable, an applicant should be advised of all the information required of the applicant for the entire process for every agency's needs at the beginning of the process. Potentially controversial applications should be identified as quickly as possible so that any required policy decisions or diplomatic consultations can be initiated in a timely manner. An immediate effort should be undertaken to establish quickly any necessary standards and criteria, including the nature of any required assurances or evidentiary showings, for the decisions required under this section. The processing of any ex-

port application proposed and filed as of the date of enactment of this Act shall not be delayed pending the development and establishment of procedures to implement the requirements of this section. The executive branch judgment shall be completed in not more than sixty days from receipt of the application or request, unless the Secretary of State in his discretion specifically authorizes additional time for consideration of the application or request because it is in the national interest to allow such additional time. The Secretary shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives of any such authorization. In submitting any such judgment, the Secretary of State shall specifically address the extent to which the export criteria then in effect are met and the extent to which the cooperating party has adhered to the provisions of the applicable agreement for cooperation. In the event he considers it warranted, the Secretary may also address the following additional factors, among others:

"(A) that issuing the license or granting the exemption will materially advance the non-proliferation policy of the United States by encouraging the recipient nation to adhere to the Treaty, or to participate in the undertakings contemplated by section 403 or 404(a) of the Nuclear Non-Proliferation Act of 1978;

"(B) that failure to issue the license or grant the exemption would otherwise be seriously prejudicial to the non-proliferation objectives of the United States; and

"(C) that the recipient nation or group of nations has agreed that conditions substantially identical to the export criteria set forth in subsection 127 a. will be applied by another nuclear supplier nation or group of nations to the proposed United States export, and that in his judgment those conditions will be implemented in a manner acceptable to the United States.

The Secretary of State shall provide appropriate data and recommendations, subject to requests for additional data and recommendations, as required by the Commission or the Secretary of Energy, as the case may be; and

"(2) finds, based on a reasonable judgment of the assurances provided and other information available to the Federal Government, including the Commission, that the criteria in subsection 127 a. or their equivalent, and any other applicable statutory requirements, are met: *Provided,* That for a period of twenty-four months after the date of enactment of this section, continued cooperation under an agreement for cooperation as authorized in accordance with section 124 of this Act shall not be prevented by failure to meet the provisions of paragraph (4) or (5) of section 127 for a period of thirty days after enactment of this Act, and thereafter if the Secretary of State notifies the Commission that the nation or group of nations bound by the relevant agreement has agreed to negotiations as called for in section 404 (a) of the Nuclear Non-Proliferation Act of 1978; however, nothing in this subsection shall be deemed to relinquish any rights which the United States may have under agreements for cooperation in force on the date of enactment of this section: *Provided further,* That if, upon the expiration of such twenty-four month period, the President determines that failure to continue cooperation with any group of nations which has been exempted pursuant to the above proviso from the provisions of paragraph (4) or (5) of subsection 127 a. but which has not yet agreed to comply with those provisions would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security, he may, after notifying the Congress of his determination, extend by Executive order the duration of the above proviso for a period of twelve months, and may further extend the duration of such proviso by one year increments annually thereafter if he again makes such determination and so notifies the Congress. In the event that the Committee on International Relations of the House of Representatives or the Committee on Foreign Relations of the Senate reports a joint resolution to take any action with respect to any such extension, such joint resolution will be considered in the House or Senate, as the case may be, under procedures identical to those provided for the consideration of resolutions pursuant to section 130 of this Act: *And additionally provided,* That the Commission is authorized to (A) make a single finding under this subsection for more than a single application or request, where the applications or requests involve exports to the same country, in the same general time frame, of similar significance for nuclear explosive purposes and under reasonably similar circumstances and (B) make a finding under this subsection that there is no material changed circumstance associated with a new application or request from those existing at the time of the last application or request for an export to the same country, where the prior application or request was approved by the Commission using all applicable procedures of this section, and such finding of no material changed circumstance shall be deemed to satisfy the requirement of this paragraph for finding of the Commission. The decision not to make any such finding in lieu of the findings which would otherwise be required to be made under this paragraph shall not be subject to judicial review: *And provided further,* That nothing contained in this section is intended to require the Commission independently to conduct or prohibit the Commission from independently conducting country or site specific visitations in the Commission's consideration of the application of IAEA safeguards.

"b. (1) Timely consideration shall be given by the Commission to requests for export licenses and exemptions and such requests shall be granted upon a determination that all applicable statutory requirements have been met.

"(2) If, after receiving the executive branch judgment that the issuance of a proposed export license will not be inimical to the common defense and security, the Commission does not issue the proposed license on a timely basis because it is unable to make the statutory determinations required under this Act, the Commission shall publicly issue its decision to that effect, and shall submit the license application to the President. The Commission's decision shall include an explanation of the basis for the decision and any dissenting or separate views. If, after receiving the proposed license application and reviewing the Commission's decision, the President determines that withholding the proposed export would be seriously prejudicial to the achievement of United States non-proliferation objectives, or would otherwise jeopardize the common defense and security, the proposed export may be authorized by Executive order: *Provided,* That prior to any such export, the President shall submit the Executive order, together with his explanation of why, in light of the Commission's decision, the export should nonetheless be made, to the Congress for a period of sixty days of continuous session (as defined in subsection 130 g.) and shall be referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, but any such proposed export shall not occur if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that it does not favor the proposed export. Any such Executive order shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions: *And provided further,* That the procedures established pursuant to subsection (b) of section 304 of the Nuclear Non-Proliferation Act of 1978 shall provide that the Commission shall immediately initiate review of any application for a license under this section and to the maximum extent feasible shall expeditiously process the application concurrently with the executive branch review, while awaiting the final executive branch judgment. In initiating its review, the Commission may identify a set of concerns and requests for information associated with the projected issuance of such license and shall transmit such concerns and requests to the executive branch which shall address such concerns and requests in its written communications with the Commission. Such procedures shall also provide that if the Commission has not completed action on the application within sixty days after the receipt of an executive branch judgment that the proposed export or exemption is not inimical to the common defense and security or that any export in the category to which the proposed export belongs would not be inimical to the common defense and security because it lacks significance for nuclear explosive purposes, the Commission shall inform the applicant in writing of the reason for delay and provide follow-up reports as appropriate. If the Commission has not completed action by the end of an additional sixty days (a total of one hundred and twenty days from receipt of the executive branch judgment), the President may authorize the proposed export by Executive order, upon a finding that further delay would be excessive and upon making the findings required for such Presidential authorizations under this subsection, and subject to the Congressional review procedures set forth herein. However, if the Commission has commenced procedures for public participation regarding the proposed export under regulations promulgated pursuant to subsection (b) of section 304 of the Nuclear Non-Proliferation Act of 1978, or—within sixty days after receipt of the executive branch judgment on the proposed export—the Commission has identified and transmitted to the executive branch a set of additional concerns or requests for information, the President may not authorize the proposed export until sixty days after public proceedings are completed or sixty days after a full executive branch response to the Commission's additional concerns or requests has been made consistent with subsection a. (1) of this section: *Provided further,* That nothing in this section shall affect the right of the Commisison to obtain data and recommendations from the Secretary of State at any time provided in subsection a. (1) of this section.

"c. In the event that the House of Representatives or the Senate passes a joint resolution which would adopt one or more additional export criteria, or would modify any existing export criteria under this section, any such joint resolution shall be referred in the other House to the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, as the case may be, and shall be considered by the other House under applicable procedures provided for the consideration of resolutions pursuant to section 130 of this Act.".

(b) Within one hundred and twenty days of the date of enactment of this Act, the Commission shall, after consultations with the Secretary of State, promulgate regulations establishing procedures (1) for the

granting, suspending, revoking, or amending of any nuclear export license or exemption pursuant to its statutory authority; (2) for public participation in nuclear export licensing proceedings when the Commission finds that such participation will be in the public interest and will assist the Commission in making the statutory determinations required by the 1954 Act, including such public hearings and access to information as the Commission deems appropriate: Provided, That judicial review as to any such finding shall be limited to the determination of whether such finding was arbitrary and capricious; (3) for a public written Commission opinion accompanied by the dissenting or separate views of any Commissioner, in those proceedings where one or more Commissioners have dissenting or separate views on the issuance of an export license; and (4) for public notice of Commission proceedings and decisions, and for recording of minutes and votes of the Commission: Provided further, That until the regulations required by this subsection have been promulgated, the Commission shall implement the provisions of this Act under temporary procedures established by the Commission.

(c) The procedures to be established pursuant to subsection (b) shall constitute the exclusive basis for hearings in nuclear export licensing proceedings before the Commission and, notwithstanding section 189 a. of the 1954 Act, shall not require the Commission to grant any person an on-the-record hearing in such a proceeding.

(d) Within sixty days of the date of enactment of this Act, the Commission shall, in consultation with the Secretary of State, the Secretary of Energy, the Secretary of Defense, and the Director, promulgate (and may from time to time amend) regulations establishing the levels of physical security which in its judgment are no less strict than those established by any international guidelines to which the United States subscribes and which in its judgment will provide adequate protection for facilities and material referred to in paragraph (3) of section 127 of the 1954 Act taking into consideration variations in risks to security as appropriate.

CRITERIA GOVERNING UNITED STATES NUCLEAR EXPORTS

SEC. 305. Chapter 11 of the 1954 Act, as amended by section 304, is further amended by adding at the end thereof the following:

"SEC. 127. CRITERIA GOVERNING UNITED STATES NUCLEAR EXPORTS.—

"The United States adopts the following criteria which, in addition to other requirements of law, will govern exports for peaceful nuclear uses from the United States of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology:

"(1) IAEA safeguards as required by Article III (2) of the Treaty will be applied with respect to any such material or facilities proposed to be exported, to any such material or facilities previously exported and subject to the applicable agreement for cooperation, and to any special nuclear material used in or produced through the use thereof.

"(2) No such material, facilities, or sensitive nuclear technology proposed to be exported or previously exported and subject to the applicable agreement for cooperation, and no special nuclear material produced through the use of such materials, facilities, or sensitive nuclear technology, will be used for any nuclear explosive device or for research on or development of any nuclear explosive device.

"(3) Adequate physical security measures will be maintained with respect to such material or facilities proposed to be exported and to any special nuclear material used in or produced through the use thereof. Following the effective date of any regulations promulgated by the Commission pursuant to section 304(d) of the Nuclear Non-Proliferation Act of 1978, physical security measures shall be deemed adequate if such measures provide a level of protection equivalent to that required by the applicable regulations.

"(4) No such materials, facilities, or sensitive nuclear technology proposed to be exported, and no special nuclear material produced through the use of such material, will be retransferred to the jurisdiction of any other nation or group of nations unless the prior approval of the United States is obtained for such retransfer. In addition to other requirements of law, the United States may approve such retransfer only if the nation or group of nations designated to receive such retransfer agrees that it shall be subject to the conditions required by this section.

"(5) No such material proposed to be exported and no special nuclear material produced through the use of such material will be reprocessed, and no irradiated fuel elements containing such material removed from a reactor shall be altered in form or content, unless the prior approval of the United States is obtained for such reprocessing or alteration.

"(6) No such sensitive nuclear technology shall be exported unless the foregoing conditions shall be applied to any nuclear material or equipment which is produced or constructed under the jurisdiction of the recipient nation or group of nations by or through the use of any such exported sensitive nuclear technology.".

ADDITIONAL EXPORT CRITERION AND PROCEDURES

SEC. 306. Chapter 11 of the 1954 Act, as amended by sections 304 and 305, is further amended by adding at the end thereof the following:

"SEC. 128. ADDITIONAL EXPORT CRITERION AND PROCEDURES.—

"a. (1) As a condition of continued United States export of source material, special nuclear material, production or utilization facilities, and any sensitive nuclear technology to non-nuclear-weapon states, no such export shall be made unless IAEA safeguards are maintained with respect to all peaceful nuclear activities in, under the jurisdiction of, or carried out under the control of such state at the time of the export.

"(2) The President shall seek to achieve adherence to the foregoing criterion by recipient non-nuclear-weapon states.

"b. The criterion set forth in subsection a. shall be applied as an export criterion with respect to any application for the export of materials, facilities, or technology specified in subsection a. which is filed after eighteen months from the date of enactment of this section, or for any such application under which the first export would occur at least twenty-four months after the date of enactment of this section, except as provided in the following paragraphs:

"(1) If the Commission or the Department of Energy, as the case may be, is notified that the President has determined that failure to approve an export to which this subsection applies because such criterion has not yet been met would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security, the license or authorization may be issued subject to other applicable requirements of law: *Provided*, That no such export of any production or utilization facility or of any source or special nuclear material (intended for use as fuel in any production or utilization facility) which has been licensed or authorized pursuant to this subsection shall be made to any non-nuclear-weapon state which has failed to meet such criterion until the first such license or authorization with respect to such state is submitted to the Congress (together with a detailed assessment of the reasons underlying the President's determination, the judgment of the executive branch required under section 126 of this Act, and any Commission opinion and views) for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the state, but such export shall not occur if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that the Congress does not favor the proposed export. Any such license or authorization shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions.

"(2) If the Congress adopts a resolution of disapproval pursuant to paragraph (1), no further export of materials, facilities, or technology specified in subsection a. shall be permitted for the remainder of that Congress, unless such state meets the criterion or the President notifies the Congress that he has determined that significant progress has been made in achieving adherence to such criterion by such state or that United States foreign policy interests dictate reconsideration and the Congress, pursuant to the procedure of paragraph (1), does not adopt a concurrent resolution stating in substance that it disagrees with the President's determination.

"(3) If the Congress does not adopt a resolution of disapproval with respect to a license or authorization submitted pursuant to paragraph (1), the criterion set forth in subsection a. shall not be applied as an export criterion with respect to exports of materials, facilities and technology specified in subsection a. to that state: *Provided*, That the first license or authorization with respect to that state which is issued pursuant to this paragraph after twelve months from the elapse of the sixty-day period specified in paragraph (1), and the first such license or authorization which is issued after each twelve-month period thereafter, shall be submitted to the Congress for review pursuant to the procedures specified in paragraph (1): *Provided further*, That if the Congress adopts a resolution of disapproval during any review period provided for by this paragraph, the provisions of paragraph (2) shall apply with respect to further exports to such state.".

CONDUCT RESULTING IN TERMINATION OF NUCLEAR EXPORTS

SEC. 307. Chapter 11 of the 1954 Act, as amended by sections 304, 305, and 306, is further amended by adding at the end thereof:

"SEC. 129. CONDUCT RESULTING IN TERMINATION OF NUCLEAR EXPORTS.—

"No nuclear materials and equipment or sensitive nuclear technology shall be exported to—

"(1) any non-nuclear-weapon state that is found by the President to have, at any time after the effective date of this section,

"(A) detonated a nuclear explosive device; or

"(B) terminated or abrogated IAEA safeguards; or

"(C) materially violated an IAEA safeguards agreement; or

"(D) engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and has failed to take steps which, in the President's judgment, represent sufficient progress toward terminating such activities; or

"(2) any nation or group of nations that is found by the President to have, at any time after the effective date of this section,

"(A) materially violated an agreement for cooperation with the United States, or, with respect to material or equipment not supplied under an agreement for coopera-

tion, materially violated the terms under which such material or equipment was supplied or the terms of any commitments obtained with respect thereto pursuant to section 402(a) of the Nuclear Non-Proliferation Act of 1978; or

"(B) assisted, encouraged, or induced any non-nuclear-weapon state to engage in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices, and has failed to take steps which, in the President's judgment, represent sufficient progress toward terminating such assistance, encouragement, or inducement; or

"(C) entered into an agreement after the date of enactment of this section for the transfer of reprocessing equipment, materials, or technology to the sovereign control of a non-nuclear-weapon state except in connection with an international fuel cycle evaluation in which the United States is a participant or pursuant to a subsequent international agreement or understanding to which the United States subscribes;

unless the President determines that cessation of such exports would be seriously prejudicial to the achievement of United States non-proliferation objectives or otherwise jeopardize the common defense and security: *Provided*, That prior to the effective date of any such determination, the President's determination, together with a report containing the reasons for his determination, shall be submitted to the Congress and referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act), but any such determination shall not become effective if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that it does not favor the determination. Any such determination shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submission.".

CONGRESSIONAL REVIEW PROCEDURES

SEC. 308. Chapter 11 of the 1954 Act, as amended by sections 304, 305, 306, and 307, is further amended by adding at the end thereof the following:

"SEC. 130. CONGRESSIONAL REVIEW PROCEDURES.—

"a. Not later than forty-five days of continuous session of Congress after the date of transmittal to the Congress of any submission of the President required by this Act, the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, and in addition, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, shall each submit a report to its respective House on its views and recommendations respecting such Presidential submission together with a resolution, as defined in subsection f., stating in substance that such House approves or disapproves such submission, as the case may be: *Provided*, That if either such committee has not reported such a resolution at the end of such forty-five day period, such committee shall be deemed to be discharged from further consideration of such submission and any resolution, as defined in subsection f., which is introduced within five days thereafter within such House shall be placed on the appropriate calendar of such House.

"b. When the committee has reported such a resolution or a resolution has been introduced and placed on the appropriate calendar pursuant to the proviso in subsection a., as the case may be, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by whch the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to the resolution shall remain the unfinished business of the respective House until disposed of.

"c. Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to a motion to postpone, or a motion to recommit the resolution, or a motion to proceed to the consideration of other business is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order. No amendment to any concurrent resolution pursuant to the procedures of this section is in order except as provided in subsection d.

"d. Immediately following (1) the conclusion of the debate on such concurrent resolution, (2) a single quorum call at the conclusion of debate if requested in accordance with the rules of the appropirate House, and (3) the consideration of an amendment introduced by the Majority Leader or his designee to insert the phrase, 'does not' in lieu of the word 'does' if the resolution under consideration is a concurrent resolution of approval, the vote on final approval of the resolution shall occur.

"e. Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such a resolution shall be decided without debate.

"f. For the purposes of subsections a. through e. of this section, the term 'resolution' means a concurrent resolution of the Congress, the matter after the resolving clause of which is as follows: 'That the Congress (does or does not) favor the transmitted to the Congress by the President on . .', the blank spaces therein to be appropriately filled, and the affirmative or negative phrase within the parenthetical to be appropriately selected.

"g. For the purposes of this section—

"(1) continuity of session is broken only by an adjournment of Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

"h. This section is enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House cf Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by subsection f. of this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.".

COMPONENT AND OTHER PARTS OF FACILITIES

SEC. 309. (a) Section 109 of the 1954 Act is amended to read as follows:

"SEC. 109. COMPONENT AND OTHER PARTS OF FACILITIES.—

"a. With respect to those utilization and production facilities which are so determined by the Commission pursuant to subsection 11 v. (2) or 11 cc. (2) the Commission may issue general licenses for domestic activities required to be licensed under section 101, if the Commission determines in writing that such general licensing will not constitute an unreasonable risk to the common defense and security.

"b. After consulting with the Secretaries of State, Energy, and Commerce and the Director, the Commission is authorized and directed to determine which component parts as defined in subsection 11 v. (2) or 11 cc. (2) and which other items or substances are especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes. Except as provided in section 126 b. (2), no such component, substance, or item which is so determined by the Commission shall be exported unless the Commission issues a general or specific license for its export after finding, based on a reasonable judgment of the assurances provided and other information available to the Federal Government, including the Commission, that the following criteria or their equivalent are met: (1) IAEA safeguards as required by Article III (2) of the Treaty will be applied with respect to such component, substance, or item; (2) no such component, substance, or item will be used for any nuclear explosive device or for research on or development of any nuclear explosive device; and (3) no such component, substance, or item will be retransferred to the jurisdiction of any other nation or group of nations unless the prior consent of the United States is obtained for such retransfer; and after determining in writing that the issuance of each such general or specific license or category of licenses will not be inimical to the common defense and security: *Provided*, That a specific license shall not be required for an export pursuant to this section if the component, item or substance is covered by a facility license issued pursuant to section 126 of this Act.

"c. The Commission shall not issue an export license under the authority of subsection b. if it is advised by the executive branch, in accordance with the procedures established under subsection 126 a., that the export would be inimical to the common defense and security of the United States.".

(b) The Commission, not later than one hundred and twenty days after the date of the enactment of this Act, shall publish regulations to implement the provisions of section 109 of the 1954 Act. Among other things, these regulations shall provide for the prior consultation by the Commission with the Department of State, the Department of Energy, the Department of Defense, the Department of Commerce, and the Arms Control and Disarmament Agency.

(c) The President, within not more than one hundred and twenty days after the date of enactment of this Act, shall publish procedures regarding the control by the Department of Commerce over all export items, other than those licensed by the Commission, which could be, if used for purposes other than those for which the export is intended, of significance for nuclear explosive purposes. Among other things, these procedures shall provide for prior consultations, as required, by the Department of Commerce with the Department of State, the Arms Control and Disarmament Agency, the Commission, the

Department of Energy, and the Department of Defense.

(d) The amendments to section 109 of the 1954 Act made by this section shall not affect the approval of exports contracted for prior to November 1, 1977, which are made within one year of the date of enactment of such amendments.

TITLE IV—NEGOTIATION OF FURTHER EXPORT CONTROLS

COOPERATION WITH OTHER NATIONS

SEC. 401. Section 123 of the 1954 Act is amended to read as follows:

"SEC. 123. COOPERATION WITH OTHER NATIONS.—

No cooperation with any nation, group of nations or regional defense organization pursuant to section 53, 54 a., 57, 64, 82, 91, 103, 104, or 144 shall be undertaken until—

"a. the proposed agreement for cooperation has been submitted to the President, which proposed agreement shall include the terms, conditions, duration, nature, and scope of the cooperation; and shall include the following requirements:

"(1) a guaranty by the cooperating party that safeguards as set forth in the agreement for cooperation will be maintained with respect to all nuclear materials and equipment transferred pursuant thereto, and with respect to all special nuclear material used in or produced through the use of such nuclear materials and equipment, so long as the material or equipment remains under the jurisdiction or control of the cooperating party, irrespective of the duration of other provisions in the agreement or whether the agreement is terminated or suspended for any reason;

"(2) in the case of non-nuclear-weapon states, a requirement, as a condition of continued United States nuclear supply under the agreement for cooperation, that IAEA safeguards be maintained with respect to all nuclear materials in all peaceful nuclear activities within the territory of such state, under its jurisdiction, or carried out under its control anywhere;

"(3) except in the case of those agreements for cooperation arranged pursuant to subsection 91 c., a guaranty by the cooperating party that no nuclear materials and equipment or sensitive nuclear technology to be transferred pursuant to such agreement, and no special nuclear material produced through the use of any nuclear materials and equipment or sensitive nuclear technology transferred pursuant to such agreement, will be used for any nuclear explosive device, or for research on or development of any nuclear explosive device, or for any other military purpose;

"(4) except in the case of those agreements for cooperation arranged pursuant to subsection 91 c. and agreements for cooperation with nuclear-weapon states, a stipulation that the United States shall have the right to require the return of any nuclear materials and equipment transferred pursuant thereto and any special nuclear material produced through the use thereof if the cooperating party detonates a nuclear explosive device or terminates or abrogates an agreement providing for IAEA safeguards;

"(5) a guaranty by the cooperating party that any material or any Restricted Data transferred pursuant to the agreement for cooperation and, except in the case of agreements arranged pursuant to subsection 91 c., 144 b. or 144 c., any production or utilization facility transferred pursuant to the agreement for cooperation or any special nuclear material produced through the use of any such facility or through the use of any material transferred pursuant to the agreement, will not be transferred to unauthorized persons or beyond the jurisdiction or control of the cooperating party without the consent of the United States;

"(6) a guaranty by the cooperating party that adequate physical security will be maintained with respect to any nuclear material transferred pursuant to such agreement and with respect to any special nuclear material used in or produced through the use of any material, production facility, or utilization facility transferred pursuant to such agreement;

"(7) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., a guaranty by the cooperating party that no material transferred pursuant to the agreement for cooperation and no material used in or produced through the use of any material, production facility, or utilization facility transferred pursuant to the agreement for cooperation will be reprocessed, enriched or (in the case of plutonium or uranium enriched to greater than twenty percent in the isotope 233 or 235, or other nuclear materials which have been irradiated) otherwise altered in form or content without the prior approval of the United States;

"(8) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., a guaranty by the cooperating party that no plutonium, no uranium 233, and no uranium enriched to greater than twenty percent in the isotope 235, transferred pursuant to the agreement for cooperation, or recovered from any source or special nuclear material so transferred or from any source or special nuclear material used in any production facility or utilization facility transferred pursuant to the agreement for cooperation, will be stored in any facility that has not been approved in advance by the United States; and

"(9) except in the case of agreements for cooperation arranged pursuant to subsection 91 c., 144 b. or 144 c., a guaranty by the cooperating party that any special nuclear material, production facility, or utilization facility produced or constructed under the jurisdiction of the cooperating party by or through the use of any sensitive nuclear technology transferred pursuant to such agreement for cooperation will be subject to all the requirements specified in this subsection. The President may exempt a proposed agreement for cooperation (except an agreement arranged pursuant to subsection 91 c., 144 b., or 144 c.) from any of the requirements of the foregoing sentence if he determines that inclusion of any such requirement would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security. Except in the case of those agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., any proposed agreement for cooperation shall be negotiated by the Secretary of State, with the technical assistance and concurrence of the Secretary of Energy and in consultation with the Director of the Arms Control and Disarmament Agency ('the Director'); and after consultation with the Commission shall be submitted to the President jointly by the Secretary of State and the Secretary of Energy accompanied by the views and recommendations of the Secretary of State, the Secretary of Energy, the Nuclear Regulatory Commission, and the Director, who shall also provide to the President an unclassified Nuclear Proliferation Assessment Statement regarding the adequacy of the safeguards and other control mechanisms and the peaceful use assurances contained in the agreement for cooperation to insure that any assistance furnished thereunder will not be used to further any military or nuclear explosive purpose. In the case of those agreements for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., any proposed agreement for cooperation shall be submitted to the President by the Secretary of Energy or, in the case of those agreements for cooperation arranged pursuant to subsection 91 c. or 144 b. which are to be implemented by the Department of Defense, by the Secretary of Defense;

"b. the President has approved and authorized the execution of the proposed agreement for cooperation and has made a determination in writing that the performance of the proposed agreement will promote, and will not constitute an unreasonable risk to, the common defense and security;

"c. the proposed agreement for cooperation (if not an agreement subject to subsection d.), together with the approval and determination of the President, has been submitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate for a period of thirty days of continuous session (as defined in subsection 130 g.): *Provided, however*, That these committees, after having received such agreement for cooperation, may by resolution in writing waive the conditions of all or any portion of such thirty-day period;

"d. the proposed agreement for cooperation (if arranged pursuant to subsection 91 c., 144 b., or 144 c., or if entailing implementation of section 53, 54 a., 103, or 104 in relation to a reactor that may be capable of producing more than five thermal megawatts or special nuclear material for use in connection therewith) has been submitted to the Congress, together with the approval and determination of the President, for a period of sixty days of continuous session (as defined in subsection 130 g. of this Act) and referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, and in addition, in the case of a proposed agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c., the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, but such proposed agreement for cooperation shall not become effective if during such sixty-day period the Congress adopts a concurrent resolution stating in substance that the Congress does not favor the proposed agreement for cooperation: *Provided*, That the sixty-day period shall not begin until a Nuclear Proliferation Assessment Statement prepared by the Director of the Arms Control and Disarmament Agency, when required by subsection 123 a., has been submitted to the Congress. Any such proposed agreement for cooperation shall be considered pursuant to the procedures set forth in section 130 of this Act for the consideration of Presidential submissions; and

"e. following submission of a proposed agreement for cooperation (except an agreement for cooperation arranged pursuant to subsection 91 c., 144 b., or 144 c.) to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, the Nuclear Regulatory Commission, the Department of State, the Department of Energy, the Arms Control and Disarmament Agency, and the Department of Defense shall, upon the request of either of those committees, promptly furnish to those committees their views as to whether the safeguards and other controls contained therein provide an adequate framework to ensure that any exports as comtemplated by such agreement will not be inimical to or constitute an unreasonable risk to the common defense and security.

"f. if after the date of enactment of the Nuclear Nonproliferation Act of 1978, the Congress fails to disapprove a proposed agreement for cooperation which exempts the recipient nation from the requirement set forth in subsection 123 a. (2), such failure to act shall constitute a failure to adopt a resolution of disapproval pursuant to subsection 128 b. (3) for purposes of the Commission's consideration of applications and requests

under section 126 a. (2) and there shall be no congressional review pursuant to section 128 of any subsequent license or authorization with respect to that state until the first such license or authorization which is issued after twelve months from the elapse of the sixty-day period in which the agreement for cooperation in question is reviewed by the Congress.".

ADDITIONAL REQUIREMENTS

SEC. 402. (a) Except as specifically provided in any agreement for cooperation, no source or special nuclear material hereafter exported from the United States may be enriched after export without the prior approval of the United States for such enrichment: *Provided*, That the procedures governing such approvals shall be identical to those set forth for the approval of proposed subsequent arrangements under section 303 (a) of this Act, and any commitments from the recipient which the Secretary of Energy and the Secretary of State deem necessary to ensure that such approval will be obtained prior to such enrichment shall be obtained prior to the submission of the executive branch judgment regarding the export in question and shall be set forth in such submission: *And provided further*, That no source or special nuclear material shall be exported for the purpose of enrichment or reactor fueling to any nation or group of nations which has, after the date of enactment of this Act, entered into a new or amended agreement for cooperation with the United States, expect pursuant to such agreement.

(b) In addition to other requirements of law, no major critical component of any uranium enrichment, nuclear fuel reprocessing, or heavy water production facility shall be exported under any agreement for cooperation (except an agreement for cooperation pursuant to subsection 91 c., 144 b., or 144 c. of the 1954 Act) unless such agreement for cooperation specifically designates such components as items to be exported pursuant to the agreement for cooperation. For purposes of this subsection, the term "major critical component" means any component part or group of component parts which the President determines to be essential to the operation of a complete uranium enrichment, nuclear fuel reprocessing, or heavy water production facility.

PEACEFUL NUCLEAR ACTIVITIES

SEC. 403. The President shall take immediate and vigorous steps to seek agreement from all nations and groups of nations to commit themselves to adhere to the following export policies with respect to their peaceful nuclear activities and their participation in international nuclear trade:

(a) No nuclear materials and equipment and no sensitive nuclear technology within the territory of any nation or group of nations, under its jurisdiction, or under its control anywhere will be transferred to the jurisdiction of any other nation or group of nations unless the nation or group of nations receiving such trasfer commits itself to strict undertakings including, but not limited to, provisions sufficient to ensure that—

(1) no nuclear materials and equipment and no nuclear technology in, under the jurisdiction of, or under the control of any non-nuclear-weapon state, shall be used for nuclear explosive devices for any purpose or for research on or development of nuclear explosive devices for any purpose, except as permitted by Article V, the Treaty;

(2) IAEA safeguards will be applied to all peaceful nuclear activities in, under the jurisdiction of, or under the control of any non-nuclear-weapon state;

(3) adequate physical security measures will be established and maintained by any nation or group of nations on all of its nuclear activities;

(4) no nuclear materials and equipment and no nuclear technology intended for peaceful purposes in, under the jurisdiction of, or under the control of any nation or group of nations shall be transferred to the jurisdiction of any other nation or group of nations which does not agree to stringent undertakings meeting the objectives of this section; and

(5) no nation or group of nations will assist, encourage, or induce and non-nuclear-weapon state to manufacture or otherwise acquire any nuclear explosive device.

(b) (1) No source of special nuclear material within the territory of any nation or group of nations, under its jurisdiction, or under its control anywhere will be enriched (as described in paragraph aa. (2) of section 11 of the 1954 Act) or reprocessed, no irradiated fuel elements containing such material which are to be removed from a reactor will be altered in form or content, and no fabrication or stockpiling involving plutonium, uranium 233, or uranium enriched to greater than 20 percent in the isotope 235 shall be performed except in a facility under effective international auspices and inspection, and any such irradiated fuel elements shall be transferred to such a facility as soon as practicable after removal from a reactor consistent with safety requirements. Such facilities shall be limited in number to the greatest extent feasible and shall be carefully sited and managed so as to minimize the proliferation and environmental risks associated with such facilities. In addition, there shall be conditions to limit the access of non-nuclear-weapon states other than the host country to sensitive nuclear technology associated with such facilities.

(2) Any facilities within the territory of any nation or group of nations, under its jurisdiction, or under its control anywhere for the necessary short-term storage of fuel elements containing plutonium, uranium 233, or uranium enriched to greater than 20 percent in the isotope 235 prior to placement in a reactor or of irradiated fuel elements prior to transfer as required in subparagraph (1) shall be placed under effective international auspices and inspection.

(c) Adequate physical security measures will be established and maintained with respect to all nuclear activities within the territory of each nation and group of nations, under its jurisdiction, or under its control anywhere, and with respect to any international shipment of significant quantities of source or special nuclear material or irradiated source or special nuclear material, which shall also be conducted under international safeguards.

(d) Nothing in this section shall be interpreted to require international control or supervision of any United States military activities.

RENEGOTIATION OF AGREEMENTS FOR COOPERATION

SEC. 404. (a) The President shall initiate a program immediately to renegotiate agreements for cooperation in effect on the date of enactment of this Act, or otherwise to obtain the agreement of parties to such agreements for cooperation to the undertakings that would be required for new agreements under the 1954 Act. To the extent that an agreement for cooperation in effect on the date of enactment of this Act with a cooperating party contains provisions equivalent to any or all of the criteria set forth in section 127 of the 1954 Act with respect to materials and equipment transferred pursuant thereto or with respect to any special nuclear material used in or produced through the use of any such material or equipment, any renegotiated agreement with that cooperating party shall continue to contain an equivalent provision with respect to such transferred materials and equipment and such special nuclear material. To the extent that an agreement for cooperation in effect on the date of enactment of this Act with a cooperating party does not contain provisions with respect to any nuclear materials and equipment which have previously been transferred under an agreement for cooperation with the United States and which are under the jurisdiction or control of the cooperating party and with respect to any special nuclear material which is used in or produced through the use thereof and which is under the jurisdiction or control of the cooperating party, which are equivalent to any or all of those required for new and amended agreements for cooperation under section 123 a. of the 1954 Act, the President shall vigorously seek to obtain the application of such provisions with respect to such nuclear materials and equipment and such special nuclear material. Nothing in this Act or in the 1954 Act shall be deemed to relinquish any rights which the United States may have under any agreement for cooperation in force on the date of enactment of this Act.

(b) The President shall annually review each of requirements (1) through (9) set forth for inclusion in agreements for cooperation under section 123 a. of the 1954 Act and the export policy goals set forth in section 401 to determine whether it is in the interest of United States non-proliferation objectives for any such requirements or export policies which are not already being applied as export criteria to be enacted as additional export criteria.

(c) If the President proposes enactment of any such requirements or export policies as additional export criteria or to take any other action with respect to such requirements or export policy goals for the purpose of encouraging adherence by nations and groups of nations to such requirements and policies, he shall submit such a proposal together with an explanation thereof to the Congress.

(d) If the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, after reviewing the President's annual report or any proposed legislation, determines that it is in the interest of United States non-proliferation objectives to take any action with respect to such requirements or export policy goals, it shall report a joint resolution to implement such determination. Any joint resolution so reported shall be considered in the Senate and the House of Representatives, respectively, under applicable procedures provided for the consideration of resolutions pursuant to subsection 130 b. through g. of the 1954 Act.

AUTHORITY TO CONTINUE AGREEMENTS

SEC. 405. (a) The amendments to section 123 of the 1954 Act made by this Act shall not affect the authority to continue cooperation pursuant to agreements for cooperation entered into prior to the date of enactment of this Act.

(b) Nothing in this Act shall affect the authority to include dispute settlement provisions, including arbitration, in any agreement made pursuant to an Agreement for Cooperation.

REVIEW

SEC. 406. No court or regulatory body shall have any jurisdiction under any law to compel the performance of or to review the adequacy of the performance of any Nuclear Proliferation Assessment Statement called for in this Act or in the 1954 Act.

PROTECTION OF THE ENVIRONMENT

SEC. 407. The President shall endeavor to provide in any agreement entered into pursuant to section 123 of the 1954 Act for cooperation between the parties in protecting the international environment from radioactive, chemical or thermal contamination arising from peaceful nuclear activities.

TITLE V—UNITED STATES ASSISTANCE TO DEVELOPING COUNTRIES

POLICY; REPORT

SEC. 501. The United States shall endeavor to cooperate with other nations, international institutions, and private organizations in establishing programs to assist in the development of non-nuclear energy resources, to cooperate with both developing and industrialized nations in protecting the internation environment from contamination arising from both nuclear and non-nuclear energy activities, and shall seek to cooperate with and aid developing countries in meeting their energy needs through the development of such resources and the application of non-nuclear technologies consistent with the economic factors, the material resources of those countries, and environmental protection. The United States shall additionally seek to encourage other industrialized nations and groups of nations to make commitments for similar cooperation and aid to developing countries. The President shall report annually to Congress on the level of other nations' and groups of nations' commitments under such program and the relation of any such commitments to United States efforts under this title In cooperation with and providing such assistance to developing countries, the United States shall give priority to parties to the Treaty.

PROGRAMS

SEC. 502. (a) The United States shall initiate a program, consistent with the aims of section 501, to cooperate with developing countries for the purpose of—

(1) meeting the energy needs required for the development of such countries;

(2) reducing the dependence of such countries on petroleum fuels, with emphasis given to utilizing solar and other renewable energy resources; and

(3) expanding the energy alternatives available to such countries.

(b) Such program shall include cooperation in evaluating the energy alternatives of developing countries, facilitating international trade in energy commodities, developing energy resources, and applying suitable energy technologies. The program shall include both general and country-specific energy assessments and cooperative projects in resource exploration and production, training, research and development.

(c) As an integral part of such program, Department of Energy, under the general policy guidance of the Department of State and in cooperation with the Agency for International Development and other Federal agencies as appropriate, shall initiate, as soon as practicable, a program for the exchange of United States scientists, technicians, and energy experts with those of developing countries to implement the purposes of this section.

(d) For the purposes of carrying out this section, there is authorized to be appropriated such sums as are contained in annual authorization Acts for the Department of Energy, including such sums which have been authorized for such purposes under previous legislation.

(e) Under the direction of the President, the Secretary of State shall ensure the coordination of the activities authorized by this title with other related activities of the United States conducted abroad, including the programs authorized by sections 103(c), 106(a)(2), and 119 of the Foreign Assistance Act of 1961.

REPORT

SEC. 503. Not later than twelve months after the date of enactment of this Act, the President shall report to the Congress on the feasibility of expanding the cooperative activities established pursuant to section 502(c) into an international cooperative effort to include a scientific peace corps designed to encourage large numbers of technically trained volunteers to live and work in developing countries for varying periods of time for the purpose of engaging in projects to aid in meeting the energy needs of such countries through the search for and utilization of indigenous energy resources and the application of suitable technology, including the widespread utilization of renewable and unconventional energy technologies. Such report shall also include a discussion of other mechanisms to conduct a coordinated international effort to develop, demonstrate, and encourage the utilization of such technologies in developing countries.

TITLE VI—EXECUTIVE REPORTING

REPORT OF THE PRESIDENT

SEC. 601. (a) The President shall review all activities of Government departments and agencies relating to preventing proliferation and shall make a report to Congress in January of 1979 and annually in January of each year thereafter on the Government's efforts to prevent proliferation. This report shall include but not be limited to—

(1) a description of the progress made toward—

(A) negotiating the initiatives contemplated in sections 104 and 105 of this Act;

(B) negotiating the international arrangements or other mutual undertakings contemplated in section 403 of this Act;

(C) encouraging non-nuclear-weapon states that are not party to the Treaty to adhere to the Treaty or, pending such adherence, to enter into comparable agreements with respect to safeguards and to foreswear the development of any nuclear explosive devices, and discouraging nuclear exports to non-nuclear-weapon states which have not taken such steps;

(D) strengthening the safeguards of the IAEA as contemplated in section 201 of this Act; and

(E) renegotiating agreements for cooperation as contemplated in section 404(a) of this Act;

(2) an assessment of the impact of the progress described in paragraph (1) on the non-proliferation policy of the United States; and explanation of the precise reasons why progress has not been made on any particular point and recommendations with respect to appropriate measures to encourage progress; and a statement of what legislative modifications, if any, are necessary in his judgment to achieve the non-proliferation policy of the United States; and

(3) a determination as to which non-nuclear-weapon states with which the United States has an agreement for cooperation in effect or under negotiation, if any, have—

(A) detonated a nuclear device; or

(B) refused to accept the safeguards of the IAEA on all of their peaceful nuclear activities; or

(C) refused to give specific assurances that they will not manufacture or otherwise acquire any nuclear explosive device; or

(D) engaged in activities involving source or special nuclear material and having direct significance for the manufacture or acquisition of nuclear explosive devices.

(4) as assessment of whether any of the policies set forth in this Act have, on balance, been counter-productive from the standpoint of preventing proliferation; and

(5) a description of the progress made toward establishing procedures to facilitate the timely processing of requests for subsequent arrangements and export licenses in order to enhance the reliability of the United States in meeting its commitments to supply nuclear reactors and fuel to nations which adhere to effective non-proliferation policies.

(b) In the first report required by this section, the President shall analyze each civil agreement for cooperation negotiated pursuant to section 123 of the 1954 Act, and shall discuss the scope and adequacy of the requirements and obligations relating to safeguards and other controls therein.

ADDITIONAL REPORTS

SEC. 602. (a) The annual reports to the Congress by the Commisson and the Department of Energy which are otherwise required by law shall also include views and recommendations regarding the policies and actions of the United States to prevent proliferation which are the statutory responsibility of those agencies. The Department's report shall include a detailed analysis of the proliferation implications of advanced enrichment and reprocessing techniques, advanced reactors, and alternative nuclear fuel cycles. This part of the report shall include a comprehensive version which includes any relevant classified information and a summary unclassified version.

(b) The reporting requirements of this chapter are in addition to and not in lieu of any other reporting requirements under applicable law.

(c) The Department of State, the Arms Control and Disarmament Agency, the Department of Commerce, the Department of Energy, and the Commission shall keep the Committees on Foreign Relations and Governmental Affairs of the Senate and the Committee on International Relations of the House of Representatives fully and currently informed with respect to their activities to carry out the purposes and policies of this Act and to otherwise prevent proliferation, and with respect to the current activities of foreign nations which are of significance from the proliferation standpoint.

(d) Any classified portions of the reports required by this Act shall be submitted to the Senate Foreign Relations Committee and the House International Relations Committee.

(e) Three years after enactment of this Act, the Comptroller General shall complete a study and report to the Congress on the implementation and impact of this Act on the nuclear non-proliferation policies, purposes, and objectives of this Act. The Secretaries of State, Energy, Defense, and Commerce and the Commission and the Director shall cooperate with the Comptroller General in the conduct of the study. The report shall contain such recommendations as the Comptroller General deems necessary to support the nuclear non-proliferation policies, purposes, and objectives of this Act.

SAVING CLAUSE

SEC. 603. (a) All orders, determinations, rules, regulations, permits, contracts, agreements, certificates, licenses, and privileges—

(1) which have been issued, made, granted or allowed to become effective in the exercise of functions which are the subject of this Act, by (i) any agency or officer, or part thereof, in exercising the functions which are affected by this Act, or (ii) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed as the case may be, by the parties thereto or by any court of competent jurisdiction.

(b) Nothing in this Act shall affect the procedures or requirements applicable to agreements for cooperation entered into pursuant to sections 91 c., 144 b., or 144 c. of the 1954 Act or arrangements pursuant thereto as it was in effect immediately prior to the date of enactment of this Act.

(c) Except where otherwise provided, the provisions of this Act shall take effect immediately upon enactment regardless of any requirement for the promulgation of regulations to implement such provisions.

ORDER FOR RECOGNITION OF CERTAIN SENATORS ON MONDAY, FEBRUARY 20, 1978

Mr. ROBERT C. BYRD. Mr. President, I have cleared this with the minority. I ask unanimous consent that on Monday, February 20, after the reading of George Washington's Farewell Address—which will be as in legislative session—the Senate resume consideration of the neutrality treaty, at which time, Mr. ALLEN will be recognized, and that I follow Mr. ALLEN. The reason I ask that Mr. ALLEN be recognized is that he has waited patiently, now, for 3 days to make some remarks. He had been unable to get the floor and I think that this courtesy is due him. I make the request for that reason, with the further request that the debate on the treaty on Monday, February 20, close at 6 p.m.

Mr. BAKER. Mr. President, will the majority leader yield to me briefly?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I have a request from the distinguished Senator from Connecticut (Mr. WEICKER) to speak on Monday as early as possible. I address both the majority leader and the distinguished Senator from Nevada to ask if it would be agreeable to adding him to follow after the sequence the majority leader has just set out.

Mr. ROBERT C. BYRD. Mr. President, in answer to that request, I have had opportunity during the last 2 or 3 days to begin the debate. I shall be very glad to change the request to allow Mr. WEICKER to follow Mr. ALLEN and then that I follow Mr. WEICKER, so that I may continue the remarks I have begun but not finished.

Mr. BAKER. I thank the distinguished majority leader.

Mr. ALLEN. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. ALLEN. I thank the distinguished majority leader.

I state to the distinguished majority leader that it was not that I was unable to get the floor, but a number of Senators wished to speak and requested that they be allowed to go ahead. Inasmuch as I had consumed nearly an hour on the first day, I thought it would be only right that they be allowed to go ahead.

I had no difficulty getting the floor I might say to the distinguished majority leader, but I do appreciate his courtesy and was sure that I would be recognized when the treaties next are laid down.

Mr. ROBERT C. BYRD. I apologize to the distinguished Senator for the unfortunate use of the word "unable." I realize he would have been able to get the floor, but it was his deferring to other Senators out of his courtesy to other Senators, which is his usual way. But he has waited patiently.

(Later the following occurred:)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, February 20, Mr. MATSUNAGA be recognized to make remarks on the treaties following the orders for the Senators already entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETING

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that the Banking, Housing, and Urban Affairs Committee be permitted to meet on the afternoon of February 20 on the Miller nomination to be Chairman of the Federal Reserve Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMISSION TO PHOTOGRAPH THE SENATE IN SESSION

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I send to the desk a resolution and, before I ask for its immediate consideration, may I explain that it will temporarily suspend paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the U.S. Capitol to permit a photograph of the Senate in session. This permission is sought by the U.S. Capitol Historical Society in order to update the last official photograph which was taken July 30, 1975.

Mr. President, I ask for the immediate consideration of the resolution.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 397) suspending paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol to permit a photograph of the Senate in session.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 397) was agreed to, as follows:

S. RES. 397

Resolved, That paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole purpose of permitting the United States Historical Society to photograph the United States Senate in actual session.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR CERTAIN ACTION TO BE TAKEN DURING RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate, during the nonlegislative-day period, which, by the way, includes two Saturdays and two Sundays, the President of the Senate and the President pro tempore of the Senate be authorized to make appointments to commissions or committees authorized by law by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until 10 a.m. on February 20, the Secretary of the Senate be authorized to receive messages from the House of Representatives and the President of the United States and that they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during that same period, the Vice President of the United States, the President pro tempore, and the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent now that the Senate proceed for not to exceed 3 minutes on nominations on the Executive Calendar with the exception of the nomination of Mr. Lynn R. Coleman to be General Counsel of the Department of Energy, with the exception of the nomination of Mr. Charles Luna of Texas, to be a member of the National Railroad Passenger Corporation, and with the exception of Mr. Bertram R. Cottine to be a member of the Occupational Safety Review Commission.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, I rise only to advise the majority leader that all items on the calendar falling after the classification "nominations" on page 1, extending through page 2 and page 3, with the three exceptions identified, have been approved and we have no objection to proceeding to their consideration and their confirmation.

Mr. ROBERT C. BYRD. Mr. President, I thank the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered. The first nomination will be stated.

DEPARTMENT OF THE INTERIOR

The legislative clerk read the nomination of Frank Gregg, of Massachusetts, to be the Director of the Bureau of Land Management.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF ENERGY

The legislative clerk read the nomination of George S. McIsaac, of the District of Columbia, to be an Assistant Secretary of Energy (Resource Applications).

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NATIONAL RAILROAD PASSENGER CORPORATION

The legislative clerk read the nomination of James R. Mills, of California, to be a member of the National Railroad Passenger Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Harry T. Edwards, of Michigan, to be a member of the National Railroad Passenger Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Ronald G. Nathan, of the District of Columbia, to be a member of the National Railroad Passenger Corporation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

The legislative clerk read the nomination of Harold Howe II, of New York, to be a member of the National Council on Educational Research.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Frederick Henry Schultz, of Florida to be a member of the National Council on Educational Research.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF LABOR

The legislative clerk read the nomination of Robert B. Lagather, of Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The legislative clerk read the nomination of Robert Clyde Benedict, of Pennsylvania, to be Commissioner on Aging.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

RAILROAD RETIREMENT BOARD

The legislative clerk read the nomination of William P. Adams, of Virginia, to be a member of the Railroad Retirement Board.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The legislative clerk read the nomination of John W. Snyder, of the District of Columbia, to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent it be in order to move to reconsider en bloc the nominations that have been confirmed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I make that motion.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MATHIAS AND SENATOR BAKER ON TUESDAY, FEBRUARY 21, 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday morning, February 21, Mr. MATHIAS and Mr. BAKER be recognized, each for not to exceed 15 minutes, immediately following the prayer.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM MONDAY, FEBRUARY 20, UNTIL 9:15 A.M. ON TUESDAY, FEBRUARY 21, 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, February 20, it stand in recess until 9:15 a.m. on Tuesday, February 21.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS ON TUESDAY, FEBRUARY 21, 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as may intervene between the conclusion of the orders for the recognition of Mr. MATHIAS and Mr. BAKER on Tuesday and 10 a.m., at which time the Senate is to go into closed session, there be a period for the transaction of routine morning business, as in legislative session, not to extend beyond 10 a.m., and that Senators be permitted to speak not in excess of 2 minutes each during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

REQUEST FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS TO MEET

Mr. PROXMIRE. Mr. President, I asked the distinguished majority leader if it would be possible for the Senate Banking Committee to meet on the afternoon of the 20th. I understand that he received agreement from the minority for the committee to meet then because we have extremely urgent business. We have before our committee the matter of Mr. William Miller's nomination to be chairman of the Federal Reserve Board. Highly controversial matters have to be discussed, and all committee members want very much to be present.

I find that that is impossible on the 20th, that Members will not be here. There is no way they can cancel their commitments.

I understand that the majority leader and the minority leader have discussed the possibility of permitting the committee to meet on the afternoon of the 21st, and the minority leader has objected to that. I understand how he feels about this. I know there is a very important meeting of the Senate, an executive meeting of the Senate, at that time.

I wonder if it would be possible, and I will ask unanimous consent, that the Banking Committee be permitted to meet on the afternoon of the 22d.

Mr. President, I ask unanimous consent that the Banking Committee be permitted to meet at 3 o'clock on the afternoon of the 22d of February.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, I really am reluctant to object to the request, because I, too, know how important it is to proceed with the consideration of this nomination. I have absolutely no desire to interfere with the operations of the committee on that important matter.

However, the matter before the Senate is important. I indicated to my conference of Republican Senators that I would not honor their requests for committees to meet on their behalf during the pendency of the matter before the Senate, during the hours when the Senate is in session.

Of course, under the rules, the committee could meet not only in the mornings but for the first 2 hours after the Senate convenes. I wonder whether it would be possible to meet in the morning on the 22d, instead.

Mr. PROXMIRE. The difficulty is that we have hearings scheduled, as so many committees have. We have had them scheduled for some time. Out-of-town witnesses are coming to testify. We could cancel hearings that have been scheduled, but at very considerable inconvenience to people. If we have to do that, I presume that is the way we will have to operate. But I am most reluctant to do it because of the very considerable inconvenience to witnesses who have to come pretty great distances.

Mr. BAKER. I understand, and I appreciate the situation, and I am sympathetic with respect to the inconvenience. I have to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. PROXMIRE. Mr. President, I ask unanimous consent for the committee to meet on the afternoon of the 23d.

Mr. BAKER. Mr. President, I am sorry, but I will object to any afternoon during the pendency of the Panama Canal debates.

If it would be helpful for the committee to meet during the morning in the first 2 hours of the session on the 23d, that would not be a problem.

To accommodate the convenience of witnesses is an important matter, but to accommodate the business of the Senate also is an important matter. I am most apologetic to the Senator, but I have to

object to the afternoon meeting on the 23d as well.

I urge, again, that the committee consider these matters during the morning hours and during the first 2 hours we are in session.

Mr. PROXMIRE. I say to the Senator from Tennessee that I fully understand his objections, and I respect them. This is one of the most important treaty debates we have had in the 20 years I have been here.

At the same time, it is extraordinarily difficult for Senators to come to a meeting held late in the day, when we do not know how long the session is to last. We can schedule a meeting for 5 o'clock, and the Senate might be in session until 6. We might schedule it for 6, and the Senate might be in session until 7.

If we do it in the morning, we have the problem that it is just not a matter of convenience. It is extraordinarily difficult for Senators who have made plans for particular hearings or staffs who have prepared for those particular hearings and those hearings are canceled. It makes it extremely difficult.

I understand the position of the Senator, and he has every right to do so. I fully respect that, and we will have to accept that and see what we can do.

Mr. BAKER. I apologize to the Senator, and I am glad he does understand.

The PRESIDING OFFICER (Mr. ALLEN). As in legislative session, objection is heard.

Mr. PROXMIRE. Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the pleasure of the Senate?

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will recess under the provisions of House Concurrent Resolution 473, as amended, until the hour of 10 o'clock a.m. on Monday, February 20.

After the reading of the prayer on that date, the distinguished Senator from Kentucky (Mr. HUDDLESTON) will read for the Senate the George Washington Farewell Address.

Upon the completion of the reading of George Washington's Farewell Address, the Senate will resume consideration of the Neutrality Treaty, at which time Mr. ALLEN will be recognized.

Following Mr. ALLEN's remarks, Mr. WEICKER will be recognized, following whom Mr. ROBERT C. BYRD will be recognized, following whom Mr. MATSUNAGA will be recognized. Also, other Senators will speak during the day on the treaty.

The debate on the treaty will end, by the order previously entered, at 6 p.m. on Monday, February 20.

On Tuesday, February 21, at 10 a.m., the Senate will go into closed session to discuss certain matters that may be of peripheral interest or significance in connection with the approval of the treaties. That order has been entered previously.

Meanwhile, on Monday, room S-407 in the Capitol will be available to Senators who wish to be briefed by the staff of the Committee on Intelligence concerning those matters which will be discussed in closed session the following day, on Tuesday.

RECESS UNTIL 10 A.M., MONDAY, FEBRUARY 20, 1978

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I move, in accordance with the provisions of House Concurrent Resolution 473, as amended, that the Senate stand in recess until the hour of 10 a.m. on Monday, February 20, in this year of our Lord, 1978.

The motion was agreed to; and at 5:30 p.m., the Senate, in executive session, recessed until Monday, February 20, 1978, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate February 10, 1978:

DEPARTMENT OF STATE

The following-named Foreign Service officers for promotion in the Foreign Service to the classes indicated:

Foreign Service officers of class 1:
Stephen W. Bosworth, of Virginia.
Robert R. Brungart, of Florida.
Robert T. Burns, of Virgina.
Peter D. Constable, of New York.
Robert L. Gingles, of Florida.
Gerald B. Helman, of Michigan.
Ronald D. Palmer, of the District of Columbia.
Donald K. Petterson, of California.
Sol Polansky, of the District of Columbia.
Rozanne L. Ridgway, of the District of Columbia.

Foreign Service officers of class 2:
Robert S. Barrett IV, of Florida.
Robert J. Bushnell, of Hawaii.
Eller R. Cook, of Florida.
C. Edward Dillery, of Washington.
John C. Dorrance, of California.
Raymond C. Ewing, of California.
Edward B. Fenstermacher, of Pennsylvania.
James Ferrer, Jr., of California.
Alfred L. Jazynka, of Florida.
Henry W. Kemp, of Pennsylvania.
Edson W. Kempe, of California.
George M. Lane, of Massachusetts.
Burton Levin, of New York.
Shepard C. Lowman, of Virginia.
Nicholas Platt, of the District of Columbia.
Goodwin Shapiro, of Texas.
William T. Shinn, Jr., of Maryland.
Donald C. Tice, of Nebraska.
Blaine C. Tueller, of Utah.
Byron P. Walker, of California.
E. Allan Wendt, of California.

Foreign Service officers of class 3:
Andrew F. Antippas, of Massachusetts.
John P. Becker, of California.
Charles R. Bowers, of California.
William T. Breer, of California.
Ronald B. Casagrande, of the District of Columbia.
John Dodson Coffman, of Pennsylvania.
Otho Evans Eskin, of the District of Columbia.
Robert W. Farrand, of New York.
Robert M. Fouché, of Virginia.
James J. Johnston, of Arkansas.
Douglas G. Marshall, of California.
Dwight N. Mason, of New Jersey.
Nicholas M. Murphy, of New York.
André J. Navez, of the District of Columbia.
Geoffrey Ogden, of California.
Richard M. Ogden, of Connecticut.
Dennis R. Papendick, of California.
David D. Passage, of Colorado.
Samuel R. Peale, of the District of Columbia.
Robert A. Peck, of California.
Sunao Sakamoto, of Hawaii.
Eugene J. Schreiber, of Missouri.
Alexander F. Watson, of Massachusetts.
John D. Whiting, of Wisconsin.

Foreign Service officer of class 3 and a Consular Officer of the United States of America:
Charles White Bass, of Tennessee.

Foreign Service officers of class 4:
Richard M. Bash, of Oklahoma.
Charles O. Cecil, of California.
Jake M. Dyels, Jr., of California.
Ronald D. Godard, of Texas.
Judith Rodes Johnson, of Texas.
Leon M. Johnson, Jr., of Colorado.
Patricia A. Langford, of Mississippi.
Alan R. McKee, of New Hampshire.
John Monioudis, of Virginia.
Joseph P. O'Neill, of New York.
Vincent A. Ragone, of New York.
William R. Salisbury, of New York.
Robert H. Stern, of New York.

Foreign Service officers of class 5:
John Thomas Basek, of New York.
Lawrence Neal Benedict, of California.
Mary Ann Casey, of Colorado.
Geraldeen G. Chester, of California.
Alvin H. Chin, of Texas.
Edwin P. Cubbison, of Florida.
John A. Dooley, of New York.
M. Michael Einik, of Virginia.
Theodore Feifer, of Maryland.
David N. Greenlee, of California.
Wayne G. Griffith, of New Jersey.
Jon Gundersen, of New York.
Patrick R. Hayes, of Virginia.
John C. Holzman, of Hawaii.
Edmund James Hull, of Illinois.
Douglas Randall Hunter, of Illinois.
Daniel A. Johnson, of Florida.
Donald C. Johnson, of Oregon.
Kirk-Patrick Kotula, of New Jersey.
Christopher J. LaFleur, of New York.
Karen R. Longeteig, of Idaho.
Thomas R. Maertens, of Minnesota.
Keith P. McCormick, of California.
Nancy E. Morgan, of New Jersey.
Larry C. Napper, of Texas.
Patrick J. Nichols, of Virginia.
Phyllis Elliott Oakley, of Louisiana.
Rudolf Vilem Perina, of California.
David Catlin Pierce, of California.
Thomas L. Randall, Jr., of California.
H. Richard Sindelar III, of Texas.
Sarah-Ann Smith, of South Carolina.
Alice Kathleen Straub, of North Carolina.
Gregory M. Talcott, of Hawaii.
Gary S. Usrey, of Virginia.
Hendrik F. van den Berg, of New York.
Jeffrey S. White, of California.
William N. Witting, of Virginia.
Peter S. Wood, of California.
Sue Wood-Thurston, of Mississippi.
James Howard Yellin, of Pennsylvania.
John Joseph Ziolkowski, of the District of Columbia.

Foreign Service officers of class 6:
Frank R. Adams, of Virginia.
Thomas Cule Adams, of Connecticut.
Robert Gordon Atcheson, of Florida.
Donald M. Austern, of Massachusetts.
Donald Keith Bandler, of the District of Columbia.
Vincent M. Battle, of New York.
Harold C. M. Baum, of New York.
Sylvia J. Bazala, of New Jersey.
Michael Donald Bellows, of Iowa.
H. Jonathan Bemis, of Utah.
Edna M. Black, of Massachusetts.
David L. Bleyle, of New York.
Robert J. Blohm, of California.
Robert K. Boggs, Jr., of California.
William J. Brencick, of Missouri.
Martin G. Brennan, of California.
Nicholas Burakow, of Indiana.
Nancy H. Cady, of Colorado.
Arnold Haskins Campbell, of New Hampshire.
Anne O. Cary, of New Hampshire.
Thomas Hubbard Caswell III, of California.
John Patrick Caulfield, Jr., of New Jersey.
Michael A. Chisek, of Illinois.
Lana C. Chumley, of Texas.
J. Michael Cleverley, of Marvland.
Carole B. Conyngham, of Oregon.
Thomas E. Crocker, Jr., of the District of Columbia.

James B. Cunningham, of Pennsylvania.
Matthew Patrick Daley, of the District of Columbia.
Mary Marchany Daniel, of Puerto Rico.
Joni L. Davidson, of California.
Mark Gregory Davison, of Texas.
Margaret M. Dean, of Illinois.
Nancy M. DeGumbia, of Connecticut.
Sandra Addie Dembski, of Connecticut.
James A. Derrick, of Iowa.
Robert Sidney Deutsch, of Virginia.
John R. Dinger, of Iowa.
Joseph R. Donovan, Jr., of New York.
Thomas E. Dowling, of New Jersey.
William J. Duffy, of Michigan.
Alan W. Eastham, Jr., of Arkansas.
Mark Craig Eaton, of South Dakota.
Stephen C. Engelken, of Ohio.
Carolyn H. Ervin, of California.
Daniel Ted Fantozzi, of New York.
Andrea Morel Farsakh, of Maryland.
Robert J. Featherstone, of the District of Columbia.
John P. Felt, of Virginia.
Mary Christina Finrow, of California.
Jeffrey Gallup, of California.
James K. Gordon, of California.
Donald E. Grabenstetter, of Ohio.
Virginia L. Graham, of Florida.
C. Lawrence Greenwood, Jr., of Florida.
Susan Angela Haggerty, of Virginia.
Karl Steven Halter, of Missouri.
John Alexander Hamilton, of the District of Columbia.
Steven A. Hardesty, of California.
Edward Michael Harkness, of Pennsylvania.
Reno Leon Harnish III, of the District of Columbia.
Donald B. Harrington, of Pennsylvania.
John J. Hartley II, of South Carolina.
Joseph A. Hilts, of Wisconsin.
Kathleen V. Hodai, of Washington.
Stephen B. Hogard, of Montana.
Kevin E. Honan, of New Jersey.
David T. Hopper, of Georgia.
Maryanne Horn, of Pennsylvania.
William Imbrie III, of Maryland
Richard H. Jones, of Nebraska.
Theresa Paulette Jones, of Virginia.
Edward T. Kelsch, of Kentucky.
Laura-Elizabeth Kennedy, of Virginia.
Gregory B. Kenny, of New York.
Allen James Kepchar, of Indiana.
Ann Kelly Korky, of New Jersey.
James B. Lane, Jr., of Ohio.
Julien LeBourgeois, of the District of Columbia.
Randall R. LeCocq, of New Mexico.
John Michael Lekson, of New Mexico.
William F. Loskot, of Washington.
James Michael Lynch, of Ohio.
Thomas A. Lynch, Jr., of Virginia.
Stuart Richard Lynn, of Virginia.
Michael E. Malinowski, of Illinois.
G. Nicholas Mauger III, of Arizona.
Gary H. Maybarduk, of Minnesota.
Jonathan C. Mayhew, of New Mexico.
Joseph R. McGhee, of Pennsylvania.
James M. McGlinchey, of New Jersey.
Thomas J. McMahon, of New York.
John Medeiros, of Florida.
Richard A. Megica, of Florida.
William H. Memler, of Florida.
Sandra L. Mendyk, of California.
Charles D. Mierzejewski, of New York.
Robert A. Monks, of Maryland.
John L. Moran, of New York.
John D. Morris, of Georgia.
Bruce F. Morrison, of New York.
Michael C. Mozur, of Georgia.
Robert W. Mustain, Jr., of Ohio.
David Alan Nail, of Georgia.
Frank V. Nash, of Connecticut.
Marc E. Nicholson, of California.
John Jacob Norris, Jr., of Virginia.
Joyce Lindsey O'Keefe, of California.
David A. Olive, of Illinois.
Aloysius M. O'Neill III, of Texas.
Steven Rolf Ordal, of California.
James E. Overly, of Colorado.
Robert G. Paiva, of Connecticut.
Dewey R. Pendergrass, of California.
Mary C. Pendleton, of Kentucky.
Howard T. Perlow, of Virginia.
Frederick Polasky, of Pennsylvania.
Robert Chamberlain Porter, Jr., of Maine.
Douglas K. Rasmussen, of California.
John Alexander Ritchie, of Virginia.
James Montgomery Roberts, of Texas.
Kathryn Dee Robinson, of Tennessee.
Clayton F. Ruebensaal, Jr., of Maryland.
Kenneth F. Sackett, of Florida.
Edward Bryan Samuel, of Delaware.
Timonthy M. Savage, of Iowa.
Roger Everett Sawyer, of Indiana.
Stephen A. Schlaikjer, of Massachusetts.
Charles R. Schwarck, of Pennsylvania.
K. Dunlop Scott, of Pennsylvania.
Katherine H. Smith, of California.
Stephen T. Smith, of Nebraska.
Terry R. Snell, of Washington.
Raymond R. Snider, of California.
Don Kenneth Sowers, of Virginia.
Christopher T. Speh, of New York.
Donald K. Steinberg, of California.
Roger G. Swenson, of Indiana.
Theodore R. Tench, of Florida.
Barbara J. Tobias, of New Jersey.
John Russell Trowbridge, of Texas.
Alexander Russell Vershbow, of Massachusetts.
Donald Eugene Wells, of Illinois.
Carman C. Williams, of California.
Joseph Charles Wilson IV, of Washington.
Mark Leon Wiznitzer, of Florida.
Foreign Service officers of class 7.
Betsy Lynn Anderson, of Virginia.
Phyllis Sachiko Anderson, of California.
John H. Andre II, of Michigan.
Lawrence E. Butler, of Maine.
Gregory G. Fergin, of Washington.
Robert Wallace Filby, of New York.
Kimberlee Dawn Fordyce, of Washington.
Thomas Frank Foulger, of California.
Marc I. Grossman, of California.
Douglas Bayard Leonnig, of Idaho.
Michael A. Leu, of Missouri.
William Vincent McLeese, of the District of Columbia.
Sharon K. Mercurio, of Virginia.
Thomas S. Neilson, of Pennsylvania.
Stephen Vance Noble, of New Jersey.
Robert B. Nolan, of Virginia.
Stephen James Nolan, of Pennsylvania.
Thomas M. Okada, of California.
Mildred Anne Patterson, of Missouri.
Keith Powell II, of Oregon.
Eugene D. Price, Jr., of Ohio.
Eugene Mellan Salorio, of California.
Joseph A. L. St. John, Jr., of Florida.
W. David Straub, of Kentucky.
Linda E. Watt, of Texas.
James Marlin Wilson, of Pennsylvania.
Ronnie D. Woody, of Virginia.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 10, 1978:

DEPARTMENT OF THE INTERIOR

Frank Gregg, of Massachusetts, to be Director of the Bureau of Land Management.

DEPARTMENT OF ENERGY

George S. McIsaac, of the District of Columbia, to be an Assistant Secretary of Energy (Resource Applications).

NATIONAL RAILROAD PASSENGER CORPORATION

The following-named persons to be members of the board of directors of the National Railroad Passenger Corporation for the terms indicated:

For the remainder of the term expiring July 18, 1978:
James R. Mills, of California.
For a term expiring July 18, 1980:
Harry T. Edwards, of Michigan.
For a term expiring July 18, 1981:
Ronald G. Nathan, of the District of Columbia.

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

The following-named persons to be members of the National Council on Educational Research for terms expiring September 30, 1980:
Harold Howe II, of New York.
Frederick Henry Schultz, of Florida.

DEPARTMENT OF LABOR

Robert B. Lagather, of Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Robert Clyde Benedict, of Pennsylvania, to be Commissioner on Aging.

RAILROAD RETIREMENT BOARD

William P. Adams, of Virginia, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1977.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

John W. Snyder, of the District of Columbia, to be a member of the board of trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1983.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

BIOMEDICAL RESEARCH AND RESEARCH TRAINING AMENDMENTS OF 1978

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. ROGERS. Mr. Speaker, today I introduced the Biomedical Research and Research Training Amendments of 1978. This legislation would amend the Public Health Service Act to revise and extend the programs of assistance for libraries of medicine, the programs of the National Heart, Lung, and Blood Institute, and the National Cancer Institute, to revise and extend the program for National Research Service Awards, and to revise several other biomedical research authorities.

Mr. Speaker, let me say a few words about the legislation I am introducing.

Title I of the bill would extend the authorizations of appropriations for the program of library assistance of the Library of Medicine under section 390 of the Public Health Service Act for 3 fiscal years. It authorizes $15 million for fiscal year 1979, $16 million for fiscal year 1980, and $17 million for fiscal year 1981 for the library assistance program. The library assistance program is administered by the National Library of Medicine in the National Institutes of Health.

Under this program grants are made for research, training, and demonstration in the medical library sciences. Title I of the bill also includes an amendment to provide that members of the Board of Regents of the National Library of Medicine be appointed by the Secretary of Health, Education, and Welfare rather than by the President under existing law. This amendment is not intended to diminish the prestige of the members of the Board of Regents. Rather, it is intended to eliminate delays in the process of Presidential appointment of members to the Board.

Title II of the bill would revise and extend the programs of the National Heart, Lung, and Blood Institute for 3 fiscal years through fiscal 1981. It provides authorizations of appropriations of $40 million for fiscal year 1979, $45 million for fiscal year 1980, and $50 million for fiscal year 1981 for prevention and control programs under section 414 of the Public Health Service Act. It also provides authorizations of appropriations of $460 million for fiscal year 1979, $505 million for fiscal year 1980, and $550 million for fiscal year 1981 under section 419 of the Public Health Service Act for the research and other programs supported by the National Heart, Lung, and Blood Institute. These programs include individual research grants and heart, lung, and blood disease center grants. Title II also contains amendments to place special emphasis on the dissemination of information by the Institute regarding diet and nutrition and environmental pollutants as factors affecting the prevention of heart, lung, and blood diseases. It requires the annual reports of the NHL and BI Director and the NHL and BI Advisory Board to be transmitted to the Congress no later than November 30 of each year so that it may have the opportunity to consider these reports in preparing for the following year's legislative activities. Finally, it contains an amendment to require heart, lung, and blood centers to engage in continuing education programs for health professionals in the diagnosis, prevention, and treatment of heart, lung, and blood diseases and information programs for the public respecting the prevention, early diagnosis and treatment of these diseases.

Title III of the bill proposes a revision and extension of the programs of the National Cancer Institute. It authorizes $86 million for fiscal year 1979, $88 million for fiscal year 1980, and $90 million for fiscal year 1981 for cancer prevention and control programs under section 409 of the Public Health Service Act. In addition, it authorizes $924 million for fiscal year 1979, $927 million for fiscal year 1978, and $930 million for fiscal year 1981 for research, training, and other programs authorized under section 410 of the Public Health Service Act.

In addition to the authorization extensions, title III proposes several substantive legislative changes. First, it provides for the appointment of the Director of the National Cancer Institute and the members of the National Cancer Advisory Board by the Secretary of Health, Education, and Welfare rather than by the President as under existing law. This amendment is not intended to diminish the prestige of either the position of the Director of the NCI or the members of the National Cancer Advisory Board. Rather, it is to conform the appointment processes for the National Cancer Institute authorities to those of other Institutes within the National Institutes of Health. It will also assure that there will be no delays in the appointments for these positions which frequently occur in the Presidential appointment process.

Second, it adds the Director of the National Institute for Occupational Safety and Health, the Director of the National Institute of Environmental Health Sciences, the Secretary of Labor, the Commissioner of the Food and Drug Administration, the Administrator of the Environmental Protection Agency, and the Chairman of the Consumer Product Safety Commission as ex officio members of the National Cancer Advisory Board. This amendment is intended to improve the interface of the National Cancer Institute and the National Cancer Advisory Board with other important health and regulatory agencies involved in cancer policy.

Third, it provides that at least three of the appointed members of the National Cancer Advisory Board shall be individuals knowledgeable in environmental carcinogenesis, including carcinogenesis involving occupational and dietary factors.

Fourth, it requires the annual reports of the NCI Director and the National Cancer Advisory Board to be transmitted to the Congress by November 30 of each year so that it may evaluate these reports in a timely manner appropriate to the exercise of its legislative and oversight responsibilities.

Fifth, it broadens the research authority for the national cancer research and demonstration centers to encompass research into the prevention of cancer.

Finally, it expands the national cancer program to include programs of education and continuing education for physicians and other professional and allied health professional personnel relating to cancer.

These amendments are intended to clarify the authorities of the National Cancer Institute with respect to research into the prevention of cancer and education and continuing education of health professionals with respect to cancer, and to provide added emphasis upon environmental carcinogenesis.

Title IV of the bill proposes a revision and extension of the authorities for biomedical and behavioral research training under section 472 of the Public Health Service Act. Beginning in fiscal year 1979, all behavioral and biomedical research training will be supported under section 472 since section 301 training will be almost completely phased out. Section 472 provides for National Research Service Awards to be made to individuals and grants to institutions for research training. This program provides Federal funds to assure that our Nation continues to have an adequate supply of highly skilled researchers in the behavioral biomedical sciences.

The bill authorizes $220 million for fiscal year 1979, $240 million for fiscal year 1980, and $260 million for fiscal year 1981 for the National Research Service Awards program under section 472. These authorization levels represent a significant increase over the authorization levels for the previous fiscal years. This increase is intended to permit more NRSA's to be awarded in the next 3 fiscal years and to offset the necessary cost of several other amendments in the bill which are intended to make NRSA's more attractive to individuals who may be considering biomedical or behavioral research careers. I believe that a 3-year extension of the NRSA authority is essential to that program's stability and continued growth, particularly in view of the uncertainties and disruptions of the program under the previous two administrations.

Title IV contains the following substantive amendments to the National Research Service Awards authorities under section 472 and 473 of the Public Health Service Act. First, it provides for one month of service obligation for every 1 month of NRSA support, regardless of the type of health-related service activity of the NRSA recipient to meet his pay-back obligation.

Second, the monetary payback formula for competition of the payback debt of a NRSA recipient who fails to complete his service obligation is revised to provide whole credit to months actually served rather than half credit which is provided under existing law.

Third, it provides for cost-of-living adjustments in stipends and allowances to NRSA recipients. These have not been increased since June 1974, although the costs of living have increased tremendously.

Fourth, it increases the maximum period of NRSA support for individuals in predoctoral training from 3 years to 5 years.

Fifth, it provides that the Secretary of Health, Education, and Welfare has the final authority to determine the research training categories where there is a need for trained personnel under section 472, instead of tying that determination to studies of the National Academy of Sciences under section 473. The National Academy of Sciences studies would still be required to be conducted under section 473 and to be considered by the Secretary of Health, Education, and Welfare in making his determination of research training personnel needs. The studies would be required to be conducted at least once every 3 years instead of annually as under existing law.

Title V of the bill provides for several miscellaneous amendments to behavioral research authorities of the Public Health Service Act. First, it authorizes the Secretary to make available to individuals and entities for biomedical and behavioral research, substances and living organisms if he determines that these substances or organisms are not otherwise available in sufficient quantity for research or that by promoting uniformity in these substances or organisms used in research the results of research will be improved. This amendment is to clarify the existing legal authority for NIH and ADAMHA to provide test animals and

substances to investigators who are not grantees or under contract with these agencies.

Second, it authorizes the Director of the National Institutes of Health to obtain consultants in excess of the 1-year statutory limitation for the Institutes of the National Institutes of Health which do not currently have authority to hire such experts or consultants.

Finally, it repeals the 20 percent appropriation set-aside for new arthritis centers under section 439 of the Public Health Service Act.

Mr. Speaker, the extension of these biomedical and behavioral research and training authorities is essential to the activities of the National Cancer Institute, the National Heart, Lung, and Blood Institute, and other institutes of the National Institutes of Health, the behavioral training programs of the Alcohol, Drug Abuse, and Mental Health Administration and the nurse training program in the Health Resources Administration. I believe it is absolutely essential that the authorizations for the library assistance program and the research training programs be extended for 3 years. Although the bill I am introducing provides for 3 year extensions for the National Cancer Institute and the National Heart, Lung, and Blood Institute authorizations, the second and third years of authorizations for these programs are included in the bill for the purpose of receiving comments from outside interested parties on the future authorization level for the programs. I am, of course, receptive to any recommendations for amendments to this legislation and view it as a focal document for hearings to be held on the revision and extension of these programs to be held by the Subcommittee on Health and the Environment sometime in March. I anticipate that after those hearings the subcommittee will report out a bill to revise and extend these authorities so that the full Committee on Interstate and Foreign Commerce may report out this legislation by May 15. the statutory deadline for reporting out bills to reauthorize expiring programs.

CONSERVATION EFFORTS NEEDED IN POLAR FISHERIES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 9, 1978

Mr. LEGGETT. Mr. Speaker, together with Mr. FORSYTHE, I am today introducing legislation to establish a conservation program for the living marine resources of the Arctic and southern oceans. This legislation is vital if the United States is to benefit from the vast resources of these areas and protect their special environments.

The orderly exploitation of the marine resources of the southern seas around Antarctica and the Arctic Ocean is of great importance to all Americans. Scientific management of the ocean resources in these areas might increase the world's food supply significantly. Overexploitation of these resources, on the other hand, might not only destroy a potentially valuable food resource, it could jeopardize the survival of the great whales and other marine life which depend on these areas for food.

Most of our exploitation of the oceans up to now has been confined to the temperate and tropical zones of the ocean. The frigid polar regions have been exploited much less, primarily because of the great difficulties of working in ice filled and stormy seas and the great distance of the polar areas from the centers of civilization.

As the population of the world continues to increase and our need for food, energy, and mineral resources becomes greater, world attention is beginning to turn to the polar regions. The oil discovery on the North Slope of Alaska is but one example that signals opening of an era of oil exploration in many arctic regions. At the same time we are discovering that the arctic waters are rich in unexploited fisheries and shellfisheries resources.

At the other end of the world, efforts are underway to exploit what is perhaps the world's largest protein source, the krill. Krill are small shrimplike animals that swarm in such profusion in the waters surrounding Antarctica that experts estimate that up to 200 million metric tons of krill might be harvested each year. This is three times the total present harvest of food from all oceans.

Antarctica and the southern oceans have also been identified as areas where large energy and mineral resources may be present. While the exploitation of these resources may well be in the future, a number of countries are already expressing an interest in knowing more about them. From what we know today, the exploitation of most living resources of the Arctic and southern oceans is not yet intensive enough to pose a threat to the species being taken. The prudent course of action, however, is to establish conservation programs for these resources now before overexploitation is at issue. In the past we have had the bitter experience of seeing decimation of the world's population of whales. This experience should be sufficient warning to motivate us to act before it is too late to preserve the living marine resources of the polar regions from over exploitation or damage due to other exploitation activities.

The conservation program proposed by the bill would be headed by the National Oceanic and Atmospheric Administration (NOAA). NOAA is already responsible for several conservation programs related to living marine resources in other regions of the ocean. It is already engaged in important work in polar areas. Its expertise should be used in developing and implementing a living marine resource program.

The program envisaged in the bill which is introduced today is a modest one. It provides for the acquisition and operation of a specially designed vessel to carry out the much-needed resource assessment surveys of the Arctic and Southern Oceans. To operate in these waters, a vessel must have an ice strengthened hull. No vessel adequate to the task is currently available for this work. The program also provides for the negotiation of the international agreements necessary for the conservation of living resources of the polar marine environments.

Hearings were held before my Subcommittee on Fisheries and Wildlife Conservation and the Environment late last year concerning the upcoming negotiation of an international conservation regime for living marine resources of the Southern Ocean. During these hearings it became clear that despite our excellent record of basic scientific research in polar seas, full participation of the United States in the negotiation and subsequent management of the proposed regime would not be possible due to the lack of the necessary resource assessment data and management expertise.

Let me emphasize that the program as envisaged by the bill being introduced today represents a minimum effort. In no sense would this bill commit the United States to provide logistic or fiscal support for any international agency or organization, nor does it commit us to the exploitation of any marine resource. It would, however, begin the important work of insuring that the living resources of these polar areas are protected and managed from uninformed exploitation.

A POTENT BREW

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, February 10, 1978

Mr. HARRY F. BYRD, JR. Mr. President, the February 7 edition of the Richmond, Va., Times-Dispatch included an excellent editorial concerning the potential of ethanol as a fuel. The editor of the editorial page of the Times-Dispatch is Edward Grimsley.

Entitled "A Potent Brew," the editorial points out that a blend of 10 percent ethanol with gasoline could substantially reduce our oil imports, while making productive use of the otherwise surplus grains from which ethanol can be distilled.

The editorial also salutes our colleague, the distinguished senior Senator from Nebraska (Mr. CURTIS), who has long championed the increased use of ethanol as a fuel. Today, long after Senator CURTIS foresaw the need for ethanol and the benefits to be derived from it, the Government is actively engaged in an ethanol fuel program.

I join in the tribute to Senator CURTIS, and I ask unanimous consent that the text of the editorial from the Times-Dispatch be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A POTENT BREW

Imagine a new automobile fuel that could boost mileage and octane rating while lowering harmful emissions. Imagine a fuel that would require no significant changes in the

internal combusion engine. Best of all, imagine a fuel that would be renewable and virtually inexhaustible.

Such a fuel is a reality and has been for decades. Its use in cars was foreseen by Henry Ford and Thomas Edison. It was produced and sold in the U.S. Midwest during the Depression years. It powered Allied and Axis war machines in World War II. Industrialized European nations depend on it. What is it? Ethyl alcohol, 200-proof first cousin to vodka.

Advocates of the alcoholic fuel foresee a lot of benefits in its mass production and consumption. Since ethanol, as it is also called, is distilled from such "higher" grains as wheat and corn, a mass alcohol fuels market would evaporate grain gluts, one of which has contributed to the current volatile agrarian atmosphere. Federal farm subsidies would diminish. Alcohol fuels distilleries could become a valuable new domestic industry with economic and environmental by-products: an improved balance sheet of international payments, and use of organic wastes as fuel to fire the distilling process. A proven 10 per cent blend with gasoline—"gasohol"—could slash our oil imports.

Ethanol advocates are quick to stress that energy-drunk Americans would not be starving grain-hungry foreign populations because protein for human consumption can be extracted during distilling in a form less likely to spoil in transit.

So why isn't ethanol fueling the family car and the U.S. economy right now? Mainly because it costs more. But its feasibility has been amply demonstrated, most recently in a two-million-mile road test sponsored by the state of Nebraska, home state of Sen. Carl T. Curtis, for decades the spiritual father of congressional alcohol fuels advocates.

Congress now heeds Curtis' sagacity. Last year's farm bill directed the Agriculture Department to help set up four pilot distilleries. The omnibus energy bill now in Congress offers several economic carrots for potential producers and consumers designed to make gasohol competitively priced at the pump. The Senate Appropriations Committee held hearings on alcohol fuels last week.

For the future, a clutch of federal Cabinet agencies is in the process of coordinating alcohol fuels policy. A joint report is due this year. The Carter administration's new budget for next fiscal year proposes to double the funds currently devoted to alcohol fuels research.

That would be money well appropriated and spent in an otherwise corpulent one-half trillion dollar budget proposal. It points the way toward President Carter's aim and the American motorist's bane: a 10 percent reduction in gasoline use. Gasohol is a potent brew.

HOUSE OF REPRESENTATIVES—*Tuesday, February 14, 1978*

The House met at 12 o'clock noon.

Dr. W. S. McBirnie, senior minister, United Community Church, Glendale, Calif., offered the following prayer:

O God who art the judge of nations
We thank Thee for Thy blessings upon our land.
We thank Thee for men and women of sincerity
Who serve Thee by serving their country.

O Lord, we cannot see far into the future
So we need Thy guidance, for we realize
We must all make decisions which
Affect not only ourselves, but many others as well.

Therefore, upon this occasion we ask Thy
Gift of wisdom above and beyond ourselves.
Remind us always that Thou dost
Look within our hearts and dost hold
Us accountable for our motives as well as
Our actions.

Grant us Thy favors of peace with honor
Prosperity with compassion,
Strength with charity
And in all things righteousness.
This I ask in Jesus' name.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1671. An act to designate the Absaroka-Beartooth Wilderness, Custer and Gallatin National Forests, in the State of Montana.

DR. W. S. McBIRNIE

(Mr. MOORHEAD of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD of California. Mr. Speaker, I am pleased to welcome today, on behalf of my colleagues, Dr. W. Steuart McBirnie, senior minister of the United Community Church in Glendale, Calif., one of Glendale's largest churches, and executive director of the Voice of Americanism. Dr. McBirnie has recently completed his 41st year in the ministry.

Best known, perhaps, for his work as a news analyst and his forthright commentary on the Voice of Americanism, Dr. McBirnie is heard daily by millions of listeners over a nationwide religious radio network. His efforts to secure news that will be of interest to his listeners have taken him to many countries—33 times to the Middle East.

Dr. McBirnie's humanitarian efforts include directing the activities of World Emergency Relief, an organization which provides relief assistance to those in need throughout the free world. Among the countries with current, ongoing projects are Africa, Thailand, Pakistan, and Mexico.

The author of more than 400 books and other publications, Dr. McBirnie presently serves on the teaching staff at the California Graduate School of Theology in Glendale.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD of California. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I, too, want to welcome an old friend to the House Chamber.

I think my friend, the gentleman from California (Mr. MOORHEAD), will agree that a 1-minute speech is totally inadequate to outline the great contributions of this great American patriot, Dr. W. S. McBirnie.

Mr. Speaker, I thank the gentleman for yielding.

BESS TRUMAN'S 93D BIRTHDAY

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, we often hear glowing comments about "the man from Independence," former President Harry S Truman. However, we rarely read much about Elizabeth Virginia Truman. Her friends call her Bess and the late President called her "the boss." Publicly Bess Truman always took a back seat to her husband. She shunned publicity and as a result very little is written about her. There is no book devoted exclusively to Bess Truman. Her modesty reflects the dignity of a great lady and a great family. Underneath the gentleness of this fine person lies the fire of a very witty woman. As her daughter, Margaret, put it, Bess has a "robust sense of humor." Harry and Bess loved to tease each other constantly. This week, the lady from Independence is 93 years of age—a lady who displays a gentle dignity and the liveliness of laughter—a lady who personifies many of the strengths that have made this Nation so great. I know that everyone here joins me in wishing Mrs. Truman a very happy birthday.

TV COVERAGE OF HOUSE PROCEEDINGS

(Mrs. FENWICK asked and was given permission to address the House for 1 minute.)

Mrs. FENWICK. Mr. Speaker and Members of the House, I would like to urge most strongly a reconsideration of the decision to allow television broadcasting of the proceedings in this Chamber only with our own cameras and through our own censorship. I think we are denying the American people something to which they are entitled.

We have seen what it did for the prestige and honor of the Congress to allow television coverage of committee hearings—fully uncensored, fully free. I am speaking of Congressman RODINO's magnificent handling of the Judiciary Committee proceedings.

Free television coverage can help the public understand what goes on in this Chamber. Why should we insist that television be restricted in ways that the press is not? The press is not confined to the CONGRESSIONAL RECORD, and if it were, everyone knows it would be, in many cases, a false report of what takes place on this floor. We must, it seems to me, decide that the American people have a right to know what their Representatives are doing, how often they are here, what kind of language is used in debate, and how we go about conducting their business.

Thank you, Mr. Speaker.

TV COVERAGE OF HOUSE PROCEEDINGS

(Mr. LEACH asked and was given permission to address the House for 1 minute.)

Mr. LEACH. Mr. Speaker, last year the House voted to proceed expeditiously with the broadcasting of House activities. I believe this was a wise decision.

The American people have a right to witness the enacting of legislation that directly affects their lives. At the same time, they have the right to see floor debate as it occurs, not in any kind of edited or editorialized fashion.

Accordingly, I strongly support the principle of pooled media coverage of House procedures by the Nation's professional networks instead of a House controlled system. A system other than one under the auspices of news professionals could open the door to abuse and a tarnishing of the people's first amendment rights.

The credibility of the House itself is at stake, and the idea of legislators dictating the coverage of themselves is, in my opinion, not in the best interests of the Congress or the Nation. I respectfully request, Mr. Speaker, that the House be allowed a definitive vote at the earliest possible moment on the manner it wishes to proceed in this precedent-setting venture.

SLOWLY THE TRUTH COMES OUT ON THE COST OF THE PANAMA TREATIES

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, the truth on the cost of the proposed Panama Canal Treaties is slowly being forced out of the administration.

President Carter had insisted from the very beginning of his campaign to give away the Panama Canal that there would be absolutely no cost to the American people as a result of the treaties.

This was not true. The administration has now been forced to admit that over and above the giveaway of the canal and its facilities with a replacement value of about $10 billion, the treaties will require $633 million in appropriated funds and lost revenue to the taxpayers.

Increased tolls as a result of the treaties will bring tens of millions of dollars of additional costs to American consumers.

Mr. Speaker, it is unhappily clear that the administration has engaged in a campaign of deception, misstatement, and falsehood from the very beginning of its propaganda efforts to obtain approval of the proposed Panama Canal treaties.

I will include a more detailed examination of the costs of the treaties that are now known in the Extensions of Remarks in today's RECORD.

ANNOUNCEMENT AS TO VOTE

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, due to business in my congressional district, I was compelled to be absent on Thursday, January 26, 1978, during rollcall No. 16. That vote was on an amendment to H.R. 1614, Outer Continental Shelf Lands Act Amendments of 1977, which sought to eliminate the prohibition against joint bidding; eliminate dual leasing; set limits on use of alternative bidding systems to at least 10 percent of the time, but no more than 30 percent; eliminate the requirement that OCS operations comply with State standards; delete Offshore Oil Pollution Compensation Fund; create a revenue sharing program that would channel 20 percent of OCS revenues directly to States through the coastal energy impact program; and make the Coast Guard and the Interior Department responsible for safety regulations rather than OSHA. If I had been present I would have voted "no."

TELEVISION COVERAGE OF THE HOUSE

(Mr. STEERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STEERS. Mr. Speaker, the Rules Committee has rejected an effort to have television coverage of the House operated by a pool of network personnel. Instead, the committee would give you and House employees control over the operation of the cameras and other equipment.

I would prefer the pool operation as more in keeping with the first amendment. I believe, too, that the public would have greater confidence in a pool operation free of the possibility of Government censorship. But I particularly protest the way this decision is being made.

Why should not the whole House vote on so important an issue?

Wiring is being brought into our offices for closed circuit television, even though many of us found such broadcasts distracting in the Rayburn room, where we meet constituents and work on mail. I have heard that as much as $5 million in already budgeted funds is being shifted for this TV "network."

But, money aside, it will be a particularly sad day in this great House of Representatives if, in the use of this expensive equipment, we are barred from voting our first amendment convictions.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, February 9, 1978, he did on Tuesday, February 14, 1978, sign the following enrolled bill:

S. 1340. An act to authorize appropriations to the Department of Energy, for energy research, development, and demonstration, and related programs in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

PERMISSION FOR SUBCOMMITTEE ON ECONOMIC STABILIZATION OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT PAST NOON ON TUESDAY, FEBRUARY 21, 1978

Mr. BLANCHARD. Mr. Speaker, I ask unanimous consent that the Subcommittee on Economic Stabilization of the Committee on Banking, Finance and Urban Affairs be granted permission to sit past noon on Tuesday, February 21, 1978, to conduct hearings on New York City's fiscal and financial situation.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman assure us that the subcommittee will in no way be marking up any bills on New York City or any other cities?

Mr. BLANCHARD. I can make that assurance; there will be no markup. It is merely for hearings.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CHATTAHOOCHEE RIVER NATIONAL PARK

Mr. PHILLIP BURTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 8336) to enhance the outdoor recreation opportunities for the people of the United States by expanding the national park system, by providing access to and within areas of the national park system, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. PHILLIP BURTON).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 325, nays 7, not voting 100, as follows:

[Roll No. 57]

YEAS—325

Abdnor	Dickinson	Jones, Okla.
Akaka	Dicks	Kazen
Alexander	Dingell	Kelly
Allen	Dornan	Ketchum
Ambro	Downey	Keys
Ammerman	Drinan	Kildee
Anderson, Calif.	Duncan, Oreg.	Krebs
	Duncan, Tenn.	Krueger
Andrews, N.C.	Eckhardt	LaFalce
Andrews, N. Dak.	Edgar	Lagomarsino
	Edwards, Ala.	Latta
Annunzio	Edwards, Calif.	Le Fante
Applegate	Edwards, Okla.	Leach
Archer	Eilberg	Lederer
Ashbrook	Emery	Leggett
Badham	Erlenborn	Lehman
Bafalis	Ertel	Levitas
Baldus	Evans, Colo.	Livingston
Barnard	Evans, Del.	Lloyd, Tenn.
Beard, R.I.	Evans, Ind.	Long, La.
Bedell	Fary	Long, Md.
Benjamin	Fascell	Lott
Bennett	Fenwick	Lujan
Bevill	Findley	Luken
Biaggi	Fish	Lundine
Blanchard	Fisher	McDade
Boland	Fithian	McDonald
Bolling	Flippo	McEwen
Bonior	Flood	McHugh
Bowen	Florio	McKay
Brademas	Flowers	McKinney
Breaux	Foley	Madigan
Breckinridge	Ford, Mich.	Maguire
Brinkley	Forsythe	Mahon
Brodhead	Fountain	Markey
Brooks	Fowler	Marks
Broomfield	Frenzel	Marlenee
Broyhill	Frey	Marriott
Burgener	Gammage	Martin
Burke, Fla.	Gaydos	Mathis
Burke, Mass.	Giaimo	Mattox
Burleson, Tex.	Gilman	Meeds
Burlison, Mo.	Ginn	Metcalfe
Burton, John	Goodling	Meyner
Burton, Phillip	Gore	Michel
Byron	Gradison	Mikva
Caputo	Grassley	Miller, Calif.
Carney	Gudger	Miller, Ohio
Carr	Guyer	Mineta
Carter	Hagedorn	Minish
Cavanaugh	Hall	Mitchell, N.Y.
Cederberg	Hamilton	Moffett
Clausen, Don H.	Hammer-schmidt	Mollohan
		Montgomery
Clawson, Del	Hannaford	Moore
Clay	Harkin	Moorhead, Calif.
Cleveland	Harrington	
Cochran	Harris	Moss
Cohen	Harsha	Mottl
Coleman	Hawkins	Murtha
Collins, Ill.	Heckler	Myers, Gary
Collins, Tex.	Hefner	Myers, John
Conte	Hightower	Natcher
Corcoran	Hillis	Neal
Cornell	Hollenbeck	Nedzi
Cornwell	Holt	Nichols
Cotter	Holtzman	Nix
Coughlin	Howard	Nowak
Cunningham	Huckaby	Oakar
D'Amours	Hughes	Oberstar
Daniel, Dan	Hyde	Obey
Daniel, R. W.	Ichord	Ottinger
Danielson	Jacobs	Panetta
Davis	Jeffords	Patten
de la Garza	Jenkins	Patterson
Delaney	Jenrette	Pease
Dellums	Johnson, Calif.	Perkins
Derrick	Johnson, Colo.	Pickle
Derwinski	Jones, N.C.	Pike
Poage	Schroeder	Treen
Pressler	Sebelius	Trible
Preyer	Seiberling	Udall
Price	Sharp	Ullman
Pritchard	Shuster	Van Deerlin
Pursell	Sikes	Vander Jagt
Quayle	Simon	Vento
Quie	Sisk	Volkmer
Quillen	Skelton	Waggonner
Railsback	Skubitz	Walgren
Rangel	Slack	Walsh
Regula	Smith, Iowa	Wampler
Reuss	Smith, Nebr.	Waxman
Richmond	Snyder	Weaver
Rinaldo	Solarz	Weiss
Risenhoover	St Germain	Whalen
Roberts	Staggers	White
Robinson	Stange and	Whitehurst
Rodino	Stanton	Whitley
Roe	Stark	Whitten
Rogers	Steed	Wiggins
Rooney	Steers	Winn
Rose	Steiger	Wirth
Rosenthal	Stockman	Wolff
Rousselot	Stratton	Wylie
Rudd	Studds	Yates
Runnels	Stump	Yatron
Sarasin	Symms	Young, Alaska
Satterfield	Thompson	Young, Fla.
Sawyer	Thone	Zablocki
Scheuer	Traxler	Zeferetti

NAYS—7

Aspin	Kindness	Wilson, Bob
AuCoin	Lloyd, Calif.	
Bauman	Mitchell, Md.	

NOT VOTING—100

Addabbo	Gephardt	O'Brien
Anderson, Ill.	Gibbons	Pattison
Armstrong	Glickman	Pepper
Ashley	Goldwater	Pettis
Baucus	Gonzalez	Rahall
Beard, Tenn.	Hanley	Rhodes
Bellenson	Hansen	Roncalio
Bingham	Heftel	Rostenkowski
Blouin	Holland	Roybal
Boggs	Horton	Ruppe
Bonker	Hubbard	Russo
Brown, Calif.	Ire and	Ryan
Brown, Mich.	Jones, Tenn.	Santini
Brown, Ohio	Jordan	Schulze
Buchanan	Kasten	Shipley
Burke, Calif.	Kastenmeier	Spellman
Butler	Kemp	Spence
Chappell	Kostmayer	Stokes
Chisholm	Lent	Taylor
Conable	McClory	Teague
Conyers	McCloskey	Thornton
Corman	McCormack	Tsongas
Crane	McFall	Tucker
Dent	Mann	Vanik
Devine	Mazzoli	Walker
Diggs	Mikulski	Watkins
Dodd	Milford	Wilson, C. H.
Early	Moakley	Wilson, Tex.
English	Moorhead, Pa.	Wright
Evans, Ga.	Murphy, Ill.	Wydler
Flynt	Murphy, N.Y.	Young, Mo.
Ford, Tenn.	Murphy, Pa.	Young, Tex.
Fraser	Myers, Michael	
Fuqua	Nolan	

Mr. BEVILL changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 8336, with Ms. HOLTZMAN in the chair.

The Clerk read the title of the bill.

The CHAIRWOMAN. When the Committee rose on Thursday, February 9, 1978, all time for general debate had expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. The Congress finds the natural, scenic, recreation, historic, and other values of a forty-eight-mile segment of the Chattahoochee River and certain adjoining lands in the State of Georgia from Buford Dam downstream to Peachtree Creek are of special national significance, and that such values should be preserved and protected from developments and uses which would substantially impair or destroy them. In order to assure such preservation and protection for public benefit and enjoyment, there is hereby established the Chattahoochee River National Recreation Area (hereinafter referred to as the "recreation area"). The recreation area shall consist of the river and its bed together with the lands, waters, and interests therein within the boundary generally depicted on the map entitled "Chattahoochee River National Recreation Area", numbered CHAT–20,000, and dated July 1976, which shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior. Following reasonable notice in writing to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate of his intention to do so, the Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor revisions in the boundary of the recreation area by publication of a revised map or other boundary description in the Federal Register, except that the total area, exclusive of the river and its bed, within the recreation area may not exceed six thousand three hundred acres.

SEC. 102. (a) Within the recreation area the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange. Property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation.

(b) When a tract of land lies partly within and party without the boundaries of the recreation area, the Secretary may acquire the entire tract by any of the above methods in order to avoid the payment of severance costs. Land so acquired outside the boundaries of the recreation area may be exchanged by the Secretary for non-Federal land within such boundaries, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(c) Except for property which the Secretary determines to be necessary for the purposes of administration, development, access, or public use, an owner of improved property which is used solely for noncommercial residential purposes on the date of its acquisition by the Secretary may retain as a condition of such acquisition, a right of use and occupancy of the property for such residential purposes. The right retained may be for a definite term which shall not exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of the spouse, whichever occurs later. The owner shall elect the term to be retained. The Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value of the term retained by the owner.

(d) Any right of use and occupancy retained pursuant to this section may, during its existence, be conveyed or transferred, but all rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of the property in accordance with the purposes of this Act. Upon his determination that the property, or any portion thereof, has ceased to be so used in accordance with such terms and conditions, the Secretary may terminate the right of use and occupancy by tendering to the holder of such right an amount equal to the fair market value, as of the date of the tender, of that portion of the right which remains unexpired on the date of termination.

(e) As used in this section, the term "improved property" means a detached, year-round noncommercial residential dwelling, the construction of which was begun before January 1, 1975, together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 103. (a) The Secretary shall administer, protect, and develop the recreation area in accordance with the Act of August 25, 1916 (39 Stat. 535), and in accordance with any other statutory authorities available to him for the conservation and management of historic and natural resources, including fish and wildlife, to the extent he finds such authority will further the purposes of this Act. In developing and administering the recreation area, the Secretary shall take into consideration applicable Federal, State, and local recreation plans and resource use and development plans, including, but not limited to, the Atlanta Regional Commission Chattahoochee Corridor Study, dated July 1972.

(b) The Secretary is authorized and encouraged to enter into cooperative agreements with the State of Georgia or its political subdivisions whereby he may assist in the planning for and interpretation of non-Federal publicly owned lands within or adjacent or related to the recreation area to assure that such lands are used in a manner consistent with the findings and purposes of this Act.

(c) In planning for the development and public use of the recreation area, the Secretary shall consult with the Secretary of the Army to assure that public use of adjacent or related water resource development or flood control projects and that of the recreation area are complementary.

(d) In administering the recreation area, the Secretary shall permit hunting and fishing on lands and waters under his jurisdiction in accordance with applicable State and Federal laws. The Secretary, after consultation with the appropriate State agency responsible for hunting and fishing activities, may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment, and issue such regulations as he may determine to be necessary to carry out the provisions of this subsection. Except in emergencies, such regulations shall be put into effect only after consultation with the appropriate State agency.

SEC. 104. The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (16 U.S.C. 791a et seq.), on or directly affecting the recreation area, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such area is established. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments upstream or downstream from the recreation area or on any stream tributary thereto which will not invade the recreation area or unreasonably diminish the scenic, recreational, and fish and wildlife values present therein on the date of approval of this Act; and nothing in the foregoing sentence shall preclude the upgrading, improvement, expansion or development of facilities or public works for water supply or water quality enhancement purposes if such action would not have a material adverse effect on the values for which the recreation area is established.

No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such area is established, as determined by the Secretary, nor shall such department or agency request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without at least sixty days in advance, (a) advising the Secretary in writing of its intention to do so and (b) reporting to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate the nature of the project involved and the manner in which such project would conflict with the purposes of this Act or would affect the recreation area and the values to be protected by it under this Act.

SEC. 105. (a) From the appropriations authorized for fiscal year 1978 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended, not more than $73,000,000 may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this Act.

(b) Effective on October 1, 1978, there are authorized to be appropriated not to exceed $500,000 for the development of essential public facilities.

(c) Within three years from the effective date of this Act, the Secretary shall, after consulting with the Governor of the State of Georgia, develop and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a general management plan for the use and development of the recreation area consistent with the findings and purposes of this Act indicating:

(1) lands and interests in lands adjacent or related to the recreation area which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this Act, the estimated cost of acquisition, and the recommended public acquisition agency;

(2) the number of visitors and types of public use within the recreation area that can be accommodated in accordance with the full protection of its resources; and

(3) the facilities deemed necessary to accommodate and provide access for such visitors and uses, including their location and estimated cost.

Mr. SEBELIUS (during the reading). Madam Chairwoman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRWOMAN. Is there objection to the request of the gentleman from Kansas?

Mr. PHILLIP BURTON. Madam Chairwoman, reserving the right to object, is the unanimous-consent request that title I be considered as read, printed in the RECORD, and open to amendment at any point?

Mr. SEBELIUS. Madam Chairwoman, if the gentleman will yield, that was the request.

The CHAIRWOMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRWOMAN. The Clerk will report the first committee amendment.

The Clerk proceeded to read the first committee amendment.

Mr. PHILLIP BURTON (during the reading). Madam Chairwoman, I ask unanimous consent that committee amendments 1 through 9 be considered en bloc, that they be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRWOMAN. Is the gentleman from California addressing the committee amendments printed in the bill?

Mr. PHILLIP BURTON. Yes.

The CHAIRWOMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The committee amendments are as follows:

Committee amendments:

Page 6, line 4, strike "shall" and insert "may" and strike "hunting and fishing on lands and" and insert "fishing in."

Page 6, line 6, strike "laws." and insert "lands and regulations."

Page 6, line 7, strike "hunting and".

Page 6, line 9, strike "no hunting or".

Page 6, lines 9, 10 and 11, strike the phrase "for reasons of public safety, administration, or public use and enjoyment".

Page 6, line 15, following "Sec. 104." insert "(a)".

Page 6, line 23, strike "established." and insert in lieu thereof the following:

established, except where such project is determined by the State of Georgia to be necessary for water supply or water quality enhancement purposes and authorized by the United States Congress.

Page 7, following "established." insert "(b)" and designate the remainder of the paragraph as subsection (b).

Page 7, line 25, after the period insert the following:

It is not the intention of Congress by this Act to require the manipulation or reduction of lake water levels in Lake Sidney Lanier. Nothing in this Act shall be construed in any way to restrict, prohibit, or affect any recommendation of the Metropolitan Atlanta Water Resources Study as authorized by the Public Works Committee of the United States Senate on March 2, 1972.

(c) The Secretary is directed to proceed as expeditiously as possible to acquire the lands and interests in lands necessary to achieve the purposes of this Act.

The committee amendments were agreed to.

The CHAIRWOMAN. Are there further amendments to title I?

Mr. SEBELIUS. Madam Chairwoman, I move to strike the last word.

Madam Chairwoman, I want to bring to the attention of the House a grave concern I have over the thrust of this bill as it deals with the Chattahoochee River.

I fully support the prompt protection of the land comprised by this bill, but I strongly question and object to the means by which it is undertaken. I believe there are more rational ways to accomplish the agreed-upon objective of saving this land from development and permanent loss.

Madam Chairwoman, this bill authorizes the acquisition of only 6,300 acres of land—a very small area, as units of the National Park System go. Yet its price

tag is a whopping $73,000,000, already up $3.3 million, from the $69,700,000 figure it was estimated to cost at the end of the last Congress.

At this cost, for the remaining 5,309 acres yet to be acquired, we will be paying a fantastic average cost per acre—I repeat—an average cost per acre of $13,750. If history tells us anything, we will be paying much more than $73,000,000 for these small, scattered parcels of real estate before it is all over. That is almost always the case, and I predict with reasonable confidence that a bill will be back before this body within 2 or 3 years to raise the ante considerably more to complete the job authorized to be done by this bill today.

Moreover, the boundaries proposed by this bill are greatly scaled down from the land area which the National Park Service really professionally felt were necessary to adequately protect this area. In other words, we are buying only the absolute minimum at this price. The optimum land deemed necessary to really do the job properly was never discussed by the committee. To underscore the point that this $73,000,000 of Federal money may only be the beginning, I call your attention to page 9, line 9 of the bill which requires that there be recommendations made back to the congressional committees within 3 years of enactment as to possible further additions of land and general boundary expansions. This is a camel's nose under the tent that we ourselves are mandating here today, as we consider passing a bill to authorize the first $73,000,000 expenditure.

Now we can have some insight as to what we are headed for here, because this bill will not be the first vehicle to authorize Federal expenditure for the same Chattahoochee land. To date, through 50/50 matching Federal grants of the Land and Water Conservation Fund, the Federal Government has already expended $4,340,165, matched by State and local resources, for a total of approximately $8,680,330 applied to the purchase of 664½ acres within the proposed boundaries of this area. Incidentally, that comes to an average cost per acre of $13,063—a figure which well validates the projected continued average cost of $13,750 which I previously mentioned.

Now, lest there be confusion that I am talking against the protection of this land, let me speak clearly that this is not at all so. I visited the Chattahoochee River and canoed part of its waters which are encompassed by this bill. I am most impressed with the area, and I am fully in accord with saving it for park use, permanently and promptly. It is a precious remaining outdoor resource close in to the urban scene of Atlanta, which can, now and through the years, easily provide fantastic outdoor experiences for the young and old. It must be saved.

But why should the Federal Government do it all, with little or no help—particularly financially—from the local community and governments which will get all of the benefit? The benefits of this area will accrue almost totally to local users. It is not so attractive that people from other parts of the United States will come any distance to see and use it. In that sense, it is not a national resource, and I therefore question the propriety of full Federal acquisition and full Federal permanent operation and management by the National Park Service.

If the Congress tried to apply this logic and standard to every metropolitan area of the United States which had a similar resource worthy of protection or was equally deserving, the Federal deficit would be all the more ridiculously worse than it now is. We cannot do this, and we should not try. And, in the interests of equity for all similarly deserving urban areas, we cannot afford to do it this expensively for Atlanta either.

For psychological reasons of permitting the State to have a share of the action and a direct voice in the protection of this resource, and for practical financial reasons—perhaps more importantly—I will offer an amendment later on, designed to bring the State into agreement to take an active partnership in the protection of the area, while permitting Federal leadership and funding to continue to initiate the principal protection effort at no jeopardy to saving the area. I believe this to be a responsible and also practical approach. To do as this bill now proposes will pump the money well dry in a big hurry by giving everything to one urban area, at the expense of having little or nothing left to help similarly deserving other urban areas.

Now I have a final point I wish to make. I have been advocating for 3 or 4 years now that our committee become more cognizant of the problems and needs of our urban areas in terms of outdoor recreation opportunities. And I hasten to point out that, as a Member representing a large, basically rural constituency of western Kansas, I have little to gain from advocating this concern. The flurry of bills coming before our committee requesting help in this area is proof enough of my point that there is a serious issue here. Yet we continue to move ahead with our blinders on to try to resolve this dilemma with tired, old, impractical, and obsolete formulas as this very bill represents. As one final step ahead, however, the committee and the Congress approved a provision which became law during the 94th Congress directing the Secretary of the Interior to survey this urban parks problem and report within 1 year to the Congress as to an array of possible alternative solutions. That report is now 4 months overdue from the Secretary of the Interior, with no indication that he intends to try to expedite its now tardy submission. I have good reason to believe that that report will bear support of my concerns and contentions that there are by far, better ways to spend the Federal taxpayers' dollars more effectively and protect more open space resources for more public benefit than the tired old formula embodied in the bill we are voting on today.

Thank you, Madam Chairwoman, for the opportunity to share these concerns with my colleagues. I hope you all will seriously question the thrust of this giveaway bill before you cast your vote on it. It is an irresponsible and inadequate solution to a very important problem deserving of much more serious consideration than it has attained so far.

I ask that each of you seriously consider lending your support to the amendment which I will offer later this afternoon, which will still result in adequate protection of the area under a more defensible and responsible partnership approach.

ANNOUNCEMENT BY THE CHAIRWOMAN

The CHAIRWOMAN. The Chair will advise the members of the Committee at this point that the correct way to address the present occupant of the Chair is "Madam Chairwoman."

Mr. PHILLIP BURTON. Madam Chairwoman, I move to strike the requisite number of words.

Madam Chairwoman, I rise in opposition to the amendment.

An effort was made to make a case, without success, that the passage of this bill may endanger consideration of either the omnibus bill that my subcommittee has before it or, for that matter, a number of the proposals for urban recreation areas which some of my colleagues have introduced.

Such is not the case. This legislation follows the pattern that we set up for the Indiana Dunes National Lakeshore near Chicago, the Golden Gate National Recreation Area located in the Metropolitan San Francisco Bay area, and the Gateway National Recreation Area near New York City.

This is the top priority item before this Congress in terms of adding to the already very limited number of national recreational areas. The State of Georgia and the community surrounding Atlanta have worked extremely hard and have contributed not only their time and effort, but have also put their money where their mouth is. They have already demonstrated that the desire to set up the Chattahoochee River National Recreation Area meets with essentially the universal approval of all of those holding positions of political responsibility in the State of Georgia and in the Atlanta area.

Now, it is not surprising that some of this land costs more today than it did a year ago. Nearly a year ago, our committee, almost without dissent as I recall it, reported this proposal spearheaded by our colleague, Congressman LEVITAS. The establishment of the area was being urged by the head of the Friends of the River, Ms. Barbara Blum, who had brought this matter to our attention. Ms. Blum's leadership and efforts in support of this proposal have been most outstanding and noteworthy.

This is a reasonable proposal; it is a thoughtful proposal; it is good for the people of this area; it is good for the people of the country; and the amendment ought to be rejected.

Mr. McDONALD. Madam Chairwoman, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from Georgia.

Mr. McDONALD. Can the distinguished chairman of the subcommittee inform me if this is the study that the Congress has asked for the Department of the Interior to submit on urban recreation, and that was due last September?

Mr. PHILLIP BURTON. We have asked for the study, and my colleague from Kansas (Mr. SEBELIUS) might have followed the date more closely than I did, but the study has been asked for.

Mr. McDONALD. Has that study been produced to date?

Mr. PHILLIP BURTON. I am aware of the study but have been so busy working on the omnibus park and recreation bill, that in all candor I have not paid much attention, as of yet, to the proposal.

Mr. McDONALD. Was that study printed and made available to the Members of this House?

Mr. PHILLIP BURTON. In all candor I cannot tell the gentleman. I do not know. I have informally discussed the final draft, but again I say that perhaps the distinguished gentleman from Kansas (Mr. SEBELIUS) can answer that question. However, the Department of the Interior is in emphatic support of this legislation as is, so this specific proposal obviously, and the Department's reaction to it, would supersede any general overall study that, as I understand it, provides several optional ways to treat various urban areas.

AMENDMENT OFFERED BY MR. M'DONALD

Mr. McDONALD. Madam Chairwoman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McDONALD: Page 3, line 3, insert after the word "exchange." the following new sentence: "No such lands, waters or interests therein may be acquired without the consent of the owner thereof."

Mr. McDONALD. Madam Chairwoman, I am offering this amendment which would prohibit the Federal Government from acquiring lands, waters, or interests contained in H.R. 8336 without the consent of the owner.

The people who live in the proposed recreation areas have expressed to me legitimate concerns regarding their rights, The landowners, for example, will be placed in a very unfair position. If this legislation becomes law, their land totally loses its appeal with respect to its sale or development. No one will want to buy or develop land that will someday be condemned by the Government. Typically it takes the National Park Service from 5 to 10 years to complete land acquisition, which leaves these landowners in a kind of limbo. They are unable to sell or develop their land, but must continue to pay taxes on it.

Thus the issue before us is property rights. If there were no property rights, which includes the right of use and disposal, it would be impossible to uphold and protect other human rights. For example, one might allegedly have a right to freedom of speech, but no right to own a book, a newspaper, a radio or television station, and so forth. Thus the right to own property is one of a free man's greatest protections against state power.

As a firm believer and defender of the rights of the minority to be free from coercion by others—including the majority—I am an uncompromising defender of an individual's right to own property—the individual being the world's smallest minority. In summary, the right to own property is one of the most fundamental of all human rights.

In closing, I would like to add that those landowners affected by the proposed recreation areas have a great deal of respect for their land, and have worked hard at cultivating its natural beauty. It is totally unfair to now force these people to give up their land through the Government's condemnation authority. It is almost as if we are punishing them for a job well done.

Thus, in order to protect their right as a property owner, I am offering this amendment to prevent Federal condemnation and permit the landowners to decide freely whether to sell or not to sell their land.

Thank you.

Mr. PHILLIP BURTON. Madam Chairwoman, the language in this bill is the standard language that we have for all recreation areas. This amendment would do great damage to the basic acquisition authority. I ask that it be rejected.

The CHAIRWOMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. McDONALD).

The question was taken; and on a division (demanded by Mr. McDONALD) there were—ayes 14, noes 28.

So the amendment was rejected.

Mr. BAUMAN. Madam Chairwoman, I move to strike the last word.

Madam Chairwoman, as a member of the Subcommittee on National Parks and Insular Affairs from which this bill came, I would like to associate myself with the remarks of the subcommittee's distinguished ranking member, KEITH SEBELIUS.

That wonderful sounding phrase "parks for the people" has echoed around for a good decade now, and generally represents a concern that parks be brought to where the people are—basically in the more urbanized areas—rather than following the older historic approach of expecting the people to go to the parks—which have usually been more rurally located. Bringing parks to the people is a fine idea, and it sounds good, but it's easier to say than to do.

Most of our older national park system units were developed around a set of criteria which said that unique, superlative natural features should be protected and preserved for all time for the use and enjoyment of our people. These areas, almost by definition, have tended to exist more in the rural parts of our Nation. With the expense of travel in dollars and time, with the recognized need for more open space within our daily, crowded living environment, and with fuel shortages as a further aggravation, there has been a partial swing in the pendulum to a new set of criteria for parks—that being where the recreation benefit is more easily available. Hence, recreational use nearly predominates the requirement of good resource value. If you satisfy both, as the Chattahoochee River appears to do, so much the better.

But the biggest difference is that urban-type parks are greatly more expensive both to acquire and to operate. Our short history of the few urban-type parks now in the national park system shows us that quite graphically, and the statistics on the Chattahoochee are currently strongly confirming, as Mr. SEBELIUS has pointed out.

We are in a different ball game with urban parks, and we have to adjust the rules accordingly. That is not to say that urban parklands are not important. They certainly are greatly important. Even though they are more costly to buy and operate, due to their potential for higher intensity use, they may be a more efficient investment than more rural parks, on a cost-per-visitor basis. So I have no quarrel with their importance and need.

But due to their high cost and the fact that most are of local use recreational appeal, it does beg the question as to what should be the proper Federal role, in both acquisition and management, particularly when there is a dearth of Federal dollars to satisfy all of the demands.

In the interest of equity, it demands that the local beneficiaries—their governments—should help finance such local park efforts. Moreover, it does not seem appropriate that local management decisions should be preempted by total Federal management. At least, some degree of partnership should be struck as a responsible way to handle this type of situation.

The 73 million acquisition dollars in this bill will come entirely from the Land and Water Conservation Fund. I understand that the recently submitted 1979 fiscal year administration budget requests that $212,600,000 be appropriated to the National Park Service for land acquisition from the Land and Water Conservation Fund. The acquisition dollars for this area alone represent 34 percent of fiscal year 1979 acquisition money. Now of course the Chattahoochee would not likely be purchased all in 1 year, but I am told the budget request specifically for Chattahoochee for the fiscal 1979 budget year is slightly in excess of $45,000,000, which does represent an intent to use a full 21 percent of that year's total Federal National Park Service Land and Water Conservation Fund money for this one area alone.

Now I can tell you that those of the rest of us who have parkland acquisition projects which have been waiting in line for completion for a number of years may not fare too well with this type of priority. Why should not State and local governments lend some financial help to such a local benefit project as this, so that the many truly meritorious nationally significant park acquisi-

tions across the country will not be unduly jeopardized? I should point out, too, that while the value of urban land escalates yearly, the escalation in costs of rural land nowadays is certainly not slight. The U.S. Department of Agriculture has said that the current annual rate of cost escalation for rural lands is about 15 percent. The National Park Service has figures to corroborate this from its actual acquisition experiences.

This bill underscores the dilemma of trying to use all of our scarce Federal funds to solve all of the local park problems with no help whatever coming from the local beneficiaries. What a windfall for them, and what a shortfall for the national interest of all of the people.

I intend to support the Sebelius amendment, at least, but in fact believe it is even too soft on the situation. The best solution would be to send the bill back to committee for a thorough working over.

AMENDMENT OFFERED BY MR. M'DONALD

Mr. McDONALD. Madam Chairwoman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McDONALD: Page 9, after line 21, insert the following new subsection:

(d) No amount authorized to be appropriated under this Act may be expended until such time as the Secretary determines that the State in which the recreation area is located has established adequate procedures to permit persons owning, or lawfully using, property adjacent to the recreation area to obtain compensation from the State or local government for any injury or damage to such person or property in any case in which such injury or damage is caused directly or indirectly by individuals while using the recreation area or entering or departing from the recreation area. Such procedures shall not be deemed adequate unless they include an opportunity for such persons to bring an action and obtain relief in State or local courts against the State or local governments respecting such injury or damage in any case in which administrative relief is inadequate to provide compensation for such injury or damage.

Mr. McDONALD. Madam Chairwoman, the Chattahoochee River National Recreation Area proposed in H.R. 8336 is not 1 contiguous area, but rather a series of 14 separate parcels of recreation land spread out over a 48-mile stretch of the river. The difficult problems this presents in terms of policing and protection of this area has never been satisfactorily explored by the National Park Service. Even after they were called to the attention of the Interior Department. In 1975, after a study of the Chattahoochee proposals, the Chairman of the Advisory Board on National Parks stated as follows in a memorandum to the Secretary of the Interior:

Further, it was clear to the subcommittee that the present proposals will create an extremely difficult management situation. . . .

This situation, I am sure, still exists.

Thus I am offering this amendment to protect those landowners whose property will be adjacent to the recreation areas in the case of any injury or damage accidental or not, that may occur to the owner and/or property caused by individuals using the recreation areas or entering or departing from the recreation areas.

All this amendment does is require the Secretary of the Interior to determine whether the State has established adequate procedures to protect the landowners. The State may already have adequate procedures, but before the amount authorized in this bill can be appropriated, the Secretary has to find out. If the State does not have adequate procedures, then the amount authorized in bill cannot be appropriated until the Secretary of the Interior determines that the State has met requirement.

Mr. PHILLIP BURTON. Madam Chairwoman, I rise in opposition to the amendment.

Madam Chairwoman, this amendment, of course, would seriously delay the progress of the land acquisition, would increase the cost, and would impose potential liability on both the local governments and the State government whereas in no other legislation of this sort, that I am aware of, does such a provision exist.

For all of those reasons I ask that the amendment be rejected.

Mr. LEVITAS. Madam Chairwoman, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from Georgia.

(Mr. LEVITAS asked and was given permission to revise and extend his remarks.)

Mr. LEVITAS. Madam Chairwoman, I thank the gentleman from California for yielding me this time.

I would advise my colleagues with respect to the concerns that are raised by the amendment offered by the gentleman from Georgia (Mr. McDONALD) that I know, as a person who practiced law in the State of Georgia for a number of years that I can assure the members of the committee that the State of Georgia has ample law pertaining to tort, nuisance, trespass, negligence, and the like and any person who is injured in person or property has ample redress in the courts for such injury.

Mr. FOWLER. Madam Chairwoman, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from Georgia.

Mr. FOWLER. Madam Chairwoman, I would also like to rise not only to oppose the offering of this amendment, but to commend my colleague, the gentleman from Georgia (Mr. LEVITAS), who was one of the principal authors of the Metropolitan River protection legislation which was passed by the State of Georgia in 1973 which also provides for that protection in that 48-mile corridor that will not be a part of this national wilderness area.

The CHAIRWOMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. McDONALD).

The amendment was rejected.

The CHAIRWOMAN. Are there further amendments to title I?

Mr. SEBELIUS. Madam Chairman, I have amendments at the desk.

The CHAIRWOMAN. The Chair will again state to the gentleman from Kansas (Mr. SEBELIUS), that the proper form of address is "Madam Chairwoman."

Mr. SEBELIUS. I stand corrected.

AMENDMENTS OFFERED BY MR. SEBELIUS

Mr. SEBELIUS. Madam Chairwoman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. SEBELIUS: Page 3, line 3, after the word "exchange", replace the period with a colon and add the following: "*Provided*, That no Federal funds shall be appropriated until the Governor of the State of Georgia executes a written agreement on behalf of the State, suitable to the Secretary, which provides for (1) the acceptance by the State of the transfer by donation of all Federally owned lands, waters, and developments thereon, and interests therein, within the recreation area and (2) the acceptance by the State of the obligation of continued operation and maintenance of those Federally transferred lands within the recreation area in accordance with the objectives of this Act, such transfer and acceptance to occur by no later than September 30, 1980. All ownership and operation of the area by the Secretary under terms of this Act shall terminate by no later than September 30, 1980, except that the Secretary and the Governor may mutually agree to limited continued Federal operations for a reasonable period beyond that date in order to provide for an orderly transition. Any transfer of lands and interests therein by the Secretary to the State shall assure provision that such lands or interests therein shall revert to the property of the United States at any time that such lands or interests may be subjected to uses substantially contrary to the uses intended by this Act."

Page 8, line 20, add the following at the end of subsection 105(a):

"It is the express intent of the Congress that the Secretary should substantially complete, by September 30, 1980, no less than 60 per centum (in terms of authorization dollars) of the land acquisition program contemplated by this Act, whereafter such date no further appropriations may be made under terms of this Act."

In all places where it appears, relative to the name of the area, delete the word "national".

Page 2, line 11, delete "CHAT–20,000" and insert "CHAT–20,000–B", and delete July 1976" and insert "February 1978"

Page 8, line 12, delete subsection 104(c).

Mr. SEBELIUS (during the reading). Madam Chairwoman, I have two requests. I ask unanimous consent that since there is more than one amendment they may be considered en bloc.

The CHAIRWOMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SEBELIUS (during the reading). Madam Chairwoman, I ask unanimous consent that the balance of the amendments be considered as read and printed in the RECORD.

The CHAIRWOMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SEBELIUS. Madam Chairwoman, this amendment is the one I indicated during general debate that I would offer.

This amendment is designed to assure protection of the area encompassed by this bill, but it would shift the burden of full acquisition and operation off of the Federal Government and require some degree of State and local partici-

pation in the acquisition and management of this new area.

The amendment has five interrelated parts, as follows:

Part 1 provides that Federal acquisition could proceed upon advance commitment of the Governor that the State would agree, approximately 2½ years hence, to take over ownership and operation of the recreation area, with all Federal interests at that time to be donated to the State. Such transfer must include a provision for federally transferred lands to revert to the Federal Government should they ever later be used for or subjected to purposes inconsistent with the purposes of this act.

Part 2 provides a prioritizing by the Congress as to the speed of acquisition for the area. The intention is that the speed would be greater during these first 2½ years than what might otherwise occur without such prioritizing—hence saving the resource more dependably, and correspondingly reducing the adverse impact of land escalation costs. This intends a Federal expenditure of approximately $43.8 million.

Part 3 provides for the removal of the word "National" in the reference to the area.

Part 4 is technical in that it provides confirming changes in the date and number of the boundary map.

Part 5 deletes repetitive language.

Madam Chairwoman, there is no logical reason, nor is there sufficient money in the land and water conservation fund, to warrant outright total Federal acquisition, and continued perpetual operation and maintenance of this area by the Federal Government. It is primarily a local recreation resource for local users, and should not be completely financed by the Federal Government.

This amendment, however, is designed to assure that the resources does not fall into jeopardy as a consequence of this shift to a partnership responsibility.

The National Park Service, as contemplated in the bill, will inaugurate land acquisition and mangement of the area as it conventionally does in taking over a new area. Before Federal acquisition funds may be appropriated however, the Governor must have agreed in writing with the Secretary to take over the continued acquisition and management of the area by no later than September 30, 1980. Furthermore, the amendment expresses the intent of Congress that no less than 60 percent of the authorized Federal acquisition dollars be expanded prior to this transfer date. This coincides closely with the figure the administration has requested in the 1979 fiscal year budget ($45 million) for acquisition at Chattahoochee.

This amendment will provide for protection of the area at least equal to or at a faster rate than would normally occur.

This bill embraces probably the highest parkland acquisition cost per acre ever proposed to be enacted by the Congress. At an average cost per acre of $13,750, it is a cost we cannot afford to carry alone without greatly jeopardizing many other very worthy park acquisition projects.

There are many new areas currently pending before the committee awaiting action—many of which will never be able to receive adequate funding or authorization at all if we do not allocate our limited funding more judiciously. There are many in jeopardy I could name here. We have got the Santa Monica Mountains in California; Pine Barrens in New Jersey; Lowell, Mass.; Nantucket Sound, Mass.; Boston Harbor, Mass.; Jean Lafitte, La.; Long Island Sound, N.Y.; Potomac River in Maryland, Virginia, and West Virginia; San Antonio Missions in Texas; and Jackson Hole in Wyoming.

We must have some degree of financial participation by State and local governments. This amendment will provide that, and I urge its adoption as a reflection of a thinking and responsible Congress.

Mr. McDONALD. Madam Chairwoman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Georgia.

Mr. McDONALD. I thank the gentleman for yielding.

Does the gentleman from Kansas say that in his opinion this does not have a national interest or involvement?

Mr. SEBELIUS. To me it does not, in my opinion. I have canoed on the Chattahoochee, and it is a lovely place. It is right below a big reservoir, and the river water level goes up and down as the water flows from this impoundment. I think it should be maintained as a local project.

Mr. McDONALD. Is the gentleman aware of a recent editorial in the newspaper, the Atlanta Journal, of the very fact that the people of Atlanta will be able to go out and picnic on its shores, and that that constitutes in itself a national interest?

The CHAIRWOMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. SEBELIUS was allowed to proceed for 2 additional minutes.)

Mr. SEBELIUS. With that principle, we would have to take all the other towns across the country into consideration as to their activities being nationally significant. Everything then would be nationally significant. We would no longer have an Almena, Kans., Park; we would have an Almena National Park.

Mr. SYMMS. Madam Chairwoman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

If my memory serves me correctly, a certain Mrs. Barbara Blum came down, a Deputy Administrator of the EPA, and testified on behalf of this bill; is that correct?

Mr. SEBELIUS. Yes, Barbara Blum, a very wonderful person and a very fine person. She comes from Kansas originally.

Mr. SYMMS. I understand that she testified on the bill before the subcommittee, and that she owns property on the Chattahoochee River.

Mr. SEBELIUS. That is a point to be made, but I think her heart is in the right place of wanting Chattahoochee to become a national recreational area, and I should point out that she testified on the bill as a private individual, not in any official capacity. But I do not agree that this area has national significance.

Mr. PHILLIP BURTON. Madam Chairwoman, I move to strike the requisite number of words. I rise in opposition to the amendment.

I do not understand precisely what is intended by this amendment, other than to impose different treatment on the people in the Atlanta area in the State of Georgia than we extended to those living in California to those we have extended living in the State of New York, to those we have extended to the people living in the Indiana Dunes area and to those who are willing to extend in the States of Texas and Louisiana.

The amendment is not desirable. I urge its rejection.

Mr. LEVITAS. Madam Chairwoman, I rise in opposition to the amendment.

Madam Chairwoman, I would like to address one part of the statement of my distinguished colleague, the gentleman from Kansas. In October 1975, the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, found that—

> The Chattahoochee corridor more than met the established criteria for national recreation areas, and that private and State facilities for development have been exhausted.

The Secretary of the Interior and the Department of the Interior viewed this as a major and significant natural and national resource which should be preserved. Each of the seven criteria established for determining a national park have been met in the case of the Chattahoochee Park.

Mr. McDONALD. Madam Chairwoman, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentleman from Georgia.

Mr. McDONALD. Madam Chairwoman, in 1975, did the Department of the Interior oppose the bill?

Mr. LEVITAS. I think prior to the report being published, they opposed it.

Mr. McDONALD. Did the Department of Agriculture also oppose it?

Mr. LEVITAS. I am not aware of that, but let me say this, and I say it with all due respect to my distinguished colleague, the gentleman from Georgia, I understand the gentleman's opposition to the legislation. I understand the gentleman generally opposes all national

parks and for him this should be no exception. Since the gentleman opposes all national parks, it is perfectly natural and consistent for the gentleman to oppose this Chatahoochee National Park; but this park meets all the criteria for a national park.

I urge its approval.

Mr. LAGOMARSINO. Madam Chairwoman, I move to strike the requisite number of words.

Madam Chairwoman, I want to indicate my support for the amendment offered by the gentleman from Kansas (Mr. SEBELIUS), and commend him for offering it as a constructive approach to the problem we face with bills of this type.

I do support the bill but feel the Sebelius amendment will improve it.

I have more than a casual interest in the issue involved here, since I have a similar land protection situation in my area in southern California—the Santa Monica Mountains.

I want to point out that most of the bills dealing with the protection of the Santa Monica Mountains have followed a format very similar in philosophy to what the Sebelius amendment proposes for this bill. The prevailing Santa Monica formula is one of joint effort by the various levels of government. The cost of acquisition and development would be shared, and the operational costs and actual management of the area would most likely become a local responsibility.

I know that we in southern California would, of course, love to have the Federal Government come in and do it all for us, but this may not be a practical request or expectation.

There is another point I would like to bring out relative to the debate over national significance. At one committee hearing on the Chattahoochee, we had two administration officials sit at the same witness table together and disagree with each other over whether Chattahoochee is nationally significant or not.

I would like to point out that national significance determination, even after the best of agreed-upon criteria are applied, always finally involves a degree of value judgment. National significance determination is not quite so difficult to make, however, on natural or historic resources. But what we are dealing with here is a recreational area—the primary purpose of which is to provide for recreational use—an activity, rather than a resource. It is much more difficult to apply a national significance test to an activity than it is to a resource.

I do not know how you can say that a certain recreational area is or is not nationally significant on that basis, since in almost all cases, the great preponderance of users are of very local origin. Outdoor recreation may be judged to be a nationally significant activity, but its practice or engagement locally cannot be necessarily considered to be, or to make the area in which it occurs, nationally significant. I believe the Department of the Interior should rethink their criteria for national significance tests for recreational areas in view of this consideration—if, in fact, such criteria can apply at all.

I think the Sebelius amendment is a realistic and responsible way for the Congress to handle some of these proposed recreation areas.

Again let me say that this applies not just to the Chattahoochee, but others that we will be looking at in the future.

The Department of the Interior, pursuant to an amendment that the gentleman from Kansas (Mr. SEBELIUS) and I proposed, is now in the middle of a study, as a matter of fact, on urban parks, and I think we should look at all these issues.

I hope the Committee will adopt this amendment today. This does not necessarily mean that this will be the final form of the bill, but perhaps we can take a good look at this concept, because it is a concept I think we should examine very closely. Therefore, I urge adoption of the amendment.

Mr. SEBELIUS. Madam Chairwoman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Kansas.

Mr. SEBELIUS. Madam Chairwoman, following up with what the gentleman from California (Mr. LAGOMARSINO), said, I would like to add that there are two facets to this. One, of course, is that we have to see whether there is enough money to get the acquisition process going, and the second facet is to worry about funding for the upkeep—that is, the maintenance and operation.

Right now Gateway National Recreation Area is up to $7,351,800 a year in upkeep, and Golden Gate National Recreation Area is up to $5,379,400 a year. What is going to happen to Chattahoochee?

There is not enough money for all these park units here if we do not strike a partnership arrangement with the States on these areas that have a lesser significance relating to strictly recreational use.

I would hope that we could wait until we get a copy of the Interior Department's urban recreation and open space report that is due now any moment so the committee will have a chance to take a fresh look at this whole situation. We should look at the authorization in all these other bills because, as I said, there may not be enough money for them. This adds up to over a half billion dollars, and here is $73 million just for this one.

Mr. FOWLER. Madam Chairwoman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I wish to speak just briefly on the question of the national interests and also on the question of cost that was raised by the gentleman from Kansas (Mr. SEBELIUS) in offering this amendment.

First of all, this recreational area, in the belief of the cosponsors of this legislation and in my belief, initiates a great change in the strategy employed in setting aside national urban wilderness areas. Time after time we have put wilderness areas and national parks out in the middle of nowhere, accessible to the few, but not the many. Many times they are put in places that simply are not accessible—except at great cost—by people who live in large metropolitan areas.

The Chattahoochee Recreation Area already has 2 million people around it, and it already has the second busiest airport in the world in close proximity, with over 30 million people coming in or getting on and off airplanes per year. The area already has highway systems and transportation systems.

In this bill there is only provided $500,000 for development costs. Thus, we should not make a comparison with the Gateway National Recreational Area in New Jersey or with any of the other areas mentioned by the gentleman from Kansas (Mr. SEBELIUS). In other words, this is a wilderness area. We do not want any development; no development is required; any development would be illegal. There are only four or five access roads going into what will be the only wilderness areas in this country close to a major metropolitan center.

Madam Chairwoman, I yield back the balance of my time.

Mr. COCHRAN of Mississippi. Madam Chairwoman, I move to strike the requisite number of words, and I rise in support of the amendment.

I wish to make the point and the observation that the gentleman from Kansas (Mr. SEBELIUS) touched on, and that is the lack of available funds, in my judgment, for a project of this type to be financed 100 percent by the Federal Government. I am moved to remember, too, that we have accepted other obligations throughout the country and have not been able to adequately fund the completions of those acquisitions and the development of recreational and parkway areas under the National Park Service.

I am referring particularly to the Natchez Trace Parkway in my own State of Mississippi, which as early as 1937 the Federal Government agreed to help construct and maintain as a recreational area under the jurisdiction of the National Park Service.

That parkway goes through the States of Illinois and Tennessee, as well; and since 1937, although work has consistently been funded by this Congress, it is only two-thirds complete. In spite of that, it is one of the most heavily traveled parkways and recreational areas in the United States, although in its chopped-up state it is very difficult to get to some of the more interesting and beautiful areas of that parkway. This is an example, I think, of the mistake we are making by trying to utilize resources that just are not available to help a specific area, when there are a lot of other unmet needs throughout this country that are not being met.

Mr. PHILLIP BURTON. Madam Chairwoman, will the gentleman yield?

Mr. COCHRAN of Mississippi. I yield to the gentleman from California.

Mr. PHILLIP BURTON. I thank the gentleman for yielding.

As I understand it, the Natchez Trace is administered by the National Park Service; is that correct?

Mr. COCHRAN of Mississippi. That is correct.

Mr. PHILLIP BURTON. That is what we propose to do in this situation and that is what the amendment chooses to unravel.

On the secondary point, that some of the development funds have not been fully put to work, it is the mission of our committee in this Congress to see that, in the various districts where we have previously authorized parks, trails, or what have you, we will move to full funding and get down to the business of bringing these areas up to standard.

I would like to note for the gentleman that the moneys being authorized here are from the land and water conservation fund and could not be used, in any event, for the purpose the gentleman discussed. But I think the gentleman from Mississippi would have all of his fears allayed if he had access to the subcommittee files and if he examined how little we have already added in the last, and this, fiscal year for land acquisition. Therefore, I ask the gentleman to reconsider his position, because in all truth and candor I think he is arguing at cross purposes with himself.

Mr. COCHRAN of Mississippi. I appreciate the gentleman's observation, but I think he confirms the fact that we have bitten off more than we can chew in existing authorizations that have not been funded, and the passage of this bill will not meet other unmet needs that we have.

Mr. SEBELIUS. Madam Chairman, will the gentleman yield?

Mr. COCHRAN of Mississippi. I yield to the gentleman from Kansas.

Mr. SEBELIUS. The gentleman from California is taking a very great and fine lead in getting more financing for the land and water conservation fund. I compliment him for it. However, the point I am trying to make is, so far as the Natchez Trace, it is kind of disconcerting to be going up the trace and all of a sudden you are off the trace because they have not finished it. So we do have a concern. The point I am trying to make is that there is not enough money yet even for the fine work we have authorized. I think the gentleman is doing what he can.

Mr. COCHRAN of Mississippi. I thank the gentleman for his comment.

The CHAIRWOMAN. The question is on the amendments offered by the gentleman from Kansas (Mr. SEBELIUS).

The question was taken; and the Chairwoman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SEBELIUS. Madam Chairwoman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 119, noes 230, not voting 83, as follows:

[Roll No. 58]

AYES—119

Abdnor	Gilman	Moorhead, Calif.
Allen	Gonzalez	Myers, Gary
Archer	Goodling	Myers, John
Ashbrook	Gore	Pattison
Badham	Grassley	Pressler
Bauman	Guyer	Quayle
Beard, Tenn.	Hagedorn	Quie
Bennett	Harsha	Quillen
Breaux	Heckler	Railsback
Broomfield	Hillis	Rinaldo
Brown, Ohio	Holt	Robinson
Broyhill	Hubbard	Rousselot
Burgener	Hyde	Rudd
Burke, Fla.	Ichord	Satterfield
Burleson, Tex.	Jacobs	Sebelius
Carter	Jeffords	Shuster
Cederberg	Johnson, Colo.	Skubitz
Clausen, Don H.	Jones, Okla.	Smith, Nebr.
Clawson, Del	Kelly	Snyder
Cochran	Ketchum	Stangeland
Coleman	Keys	Stanton
Collins, Tex.	Kindness	Stockman
Corcoran	Lagomarsino	Stratton
Cunningham	Latta	Symms
Daniel, Dan	Leach	Thone
Daniel, R. W.	Livingston	Treen
Dornan	Lott	Trible
Duncan, Oreg.	Lujan	Vander Jagt
English	McDade	Walker
Erlenborn	McDonald	Walsh
Evans, Colo.	McEwen	Wampler
Evans, Del.	Madigan	Whitehurst
Fenwick	Marks	Wiggins
Findley	Marlenee	Wilson, Bob
Fish	Marriott	Winn
Ford, Tenn.	Michel	Wydler
Forsythe	Milford	Wylie
Frenzel	Miller, Ohio	Young, Alaska
Frey	Mitchell, N.Y.	
Gammage	Montgomery	
	Moore	

NOES—230

Akaka	Danielson	Howard
Alexander	Davis	Huckaby
Ambro	de la Garza	Hughes
Ammerman	Delaney	Jenkins
Anderson, Calif.	Dellums	Jenrette
Andrews, N.C.	Derwinski	Johnson, Calif.
Andrews, N. Dak.	Dickinson	Jones, N.C.
Annunzio	Dicks	Jordan
Applegate	Dingell	Kastenmeier
Ashley	Dodd	Kazen
Aspin	Downey	Kildee
AuCoin	Drinan	Krebs
Bafalis	Duncan, Tenn.	LaFalce
Baldus	Eckhardt	Le Fante
Barnard	Edgar	Lederer
Beard, R.I.	Edwards, Ala.	Leggett
Bedell	Edwards, Calif.	Lehman
Benjamin	Edwards, Okla.	Levitas
Bevill	Eilberg	Lloyd, Calif.
Biaggi	Ertel	Lloyd, Tenn.
Blanchard	Evans, Ind.	Long, La.
Blouin	Fary	Long, Md.
Boggs	Fascell	Luken
Boland	Fisher	Lundine
Bolling	Fithian	McFall
Bonior	Flippo	McHugh
Bowen	Flood	McKay
Brademas	Florio	McKinney
Breckinridge	Flowers	Maguire
Brinkley	Foley	Mahon
Brodhead	Ford, Mich.	Markey
Brooks	Fountain	Mathis
Burke, Mass.	Fowler	Mattox
Burlison, Mo.	Gaydos	Meeds
Burton, John	Giaimo	Metcalfe
Burton, Phillip	Ginn	Meyner
Byron	Gradison	Mikva
Caputo	Gudger	Miller, Calif.
Carney	Hall	Mineta
Carr	Hamilton	Minish
Cavanaugh	Hammer-schmidt	Mitchell, Md.
Chisholm	Hanley	Moffett
Clay	Hannaford	Mollohan
Cleveland	Harkin	Moss
Cohen	Harrington	Mottl
Conte	Harris	Murtha
Cornell	Hawkins	Natcher
Cornwell	Hefner	Neal
Cotter	Hightower	Nedzi
D'Amours	Hollenbeck	Nichols
	Holtzman	Nix
		Nowak
		Oakar
		Oberstar
		Obey
		Ottinger
		Panetta
		Patten
		Patterson
		Pease
		Perkins
		Pickle
		Pike
		Poage
		Preyer
		Price
		Pritchard
		Pursell
		Rangel
		Regula
		Reuss
		Richmond
		Risenhoover
		Roberts
		Rodino
		Roe
		Rogers
		Roncalio
		Rooney
		Rose
		Rosenthal
		Runnels
		Sarasin
		Sawyer
		Scheuer
		Schroeder
		Seiberling
		Sharp
		Shipley
		Sikes
		Simon
		Sisk
		Skelton
		Slack
		Smith, Iowa
		Solarz
		St Germain
		Staggers
		Stark
		Steed
		Steers
		Steiger
		Studds
		Stump
		Thompson
		Traxler
		Udall
		Ullman
		Van Deerlin
		Vento
		Volkmer
		Waggonner
		Walgren
		Watkins
		Waxman
		Weaver
		Weiss
		Whalen
		White
		Whitley
		Whitten
		Wirth
		Wolff
		Wright
		Yates
		Yatron
		Young, Fla.
		Zablocki
		Zeferetti

NOT VOTING—83

Addabbo	Fuqua	Myers, Michael
Anderson, Ill.	Gephardt	Nolan
Armstrong	Gibbons	O'Brien
Baucus	Glickman	Pepper
Beilenson	Goldwater	Pettis
Bingham	Hansen	Rahall
Bonker	Heftel	Rhodes
Brown, Calif.	Holland	Rostenkowski
Brown, Mich.	Horton	Roybal
Buchanan	Ireland	Ruppe
Burke, Calif.	Jones, Tenn.	Russo
Butler	Kasten	Ryan
Chappell	Kemp	Santini
Collins, Ill.	Kostmayer	Schulze
Conable	Krueger	Spellman
Conyers	Lent	Spence
Corman	McClory	Stokes
Coughlin	McCloskey	Taylor
Crane	McCormack	Teague
Dent	Mann	Thornton
Derrick	Martin	Tsongas
Devine	Mazzoli	Tucker
Diggs	Mikulski	Vanik
Early	Moakley	Wilson, C. H.
Emery	Moorhead, Pa.	Wilson, Tex.
Evans, Ga.	Murphy, Ill.	Young, Mo.
Flynt	Murphy, N.Y.	Young, Tex.
Fraser	Murphy, Pa.	

The Clerk announced the following pairs:

On this vote:

Mr. Conable for, with Mrs. Collins of Illinois against.

Mr. Lent for, with Mr. Santini against.

Mr. Glickman for, with Mr. Buchanan against.

Mr. Taylor for, with Mr. Emery against.

So the amendments were rejected.

The result of the vote was announced as above recorded.

The CHAIRWOMAN. Are there further amendments to title I? If not, the Clerk will read the next committee amendment.

COMMITTEE AMENDMENT

The Clerk read as follows:

Committee amendment, on page 9, line 22, insert a new title II to read as follows:

TITLE II

SEC. 201. Section 4 of the Act approved August 31, 1965 (79 Stat. 588), as amended, providing for the commemoration of certain historical events in the State of Kansas, is further amended by changing "$2,000,000." to "$2,750,000.".

AMENDMENT OFFERED BY MR. PHILLIP BURTON TO THE COMMITTEE AMENDMENT

Mr. PHILLIP BURTON. Madam Chairwoman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. PHILLIP BURTON to the committee amendment: Insert a semicolon in lieu of the period after

"'$2,750,000.'." and add the following language: "*Provided*, That such increase shall be effective on October 1, 1978."

Mr. PHILLIP BURTON. Madam Chairwoman, this amendment is added at the behest made just a few minutes ago by the distinguished Chair of the Committee on the Budget. I offer the amendment to assure the approval of this title. I would prefer that the amendment not be necessary but, given all the circumstances, I think this is the reasonable thing to do to protect title II.

The CHAIRWOMAN. The question is on the amendment offered by the gentleman from California (Mr. PHILLIP BURTON) to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRWOMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRWOMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 10, line 4, insert:

TITLE III

SEC. 301. With respect to those areas of the national park system as they existed prior to the convening of the Ninety-fifth Congress, it is the express intent of the Congress that all land acquisition be completed, subject to any specific statutory limitation on the method of acquisition applicable to any individual area, within four complete fiscal years following the effective date of this Act: Provided, however, That this sentence shall not apply to any such area established prior to January 1, 1960, for which the total value of private lands and improvements remaining to be acquired exceeds $25,000,000 as of the date of enactment of this Act.

Mr. PHILLIP BURTON (during the reading). Madam Chairwoman, I ask unanimous consent that further reading of the committee amendment be dispensed with and that it be printed in the RECORD and open to amendment at any point.

The CHAIRWOMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. PHILLIP BURTON TO THE COMMITTEE AMENDMENT

Mr. PHILLIP BURTON. Madam Chairwoman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. PHILLIP BURTON to the committe amendment: Page 10, strike line 15 and insert in lieu thereof: "exceeds $8,000,000 as of September 30, 1976."

Mr. PHILLIP BURTON. Madam Chairwoman, this amendment is offered at the insistance of some of our colleagues, including the gentleman from Washington (Mr. BONKER) and the gentleman from California (Mr. SISK). It represents a number of areas subject to title III. The amendment has been cleared with the minority.

I now yield such time as he may consume to the distinguished gentleman from Washington (Mr. DICKS).

Mr. DICKS. Madam Chairwoman, I congratulate the chairman for offering the amendment.

There is growing concern about the rapidly escalating costs associated with eventual acquisition of private inholdings within the National Park System.

Although title III of H.R. 8336 addresses this question, I believe it goes too far too fast. The amendment I am offering today provides a middle ground alternative that balances fiscal and environmental issues against administrative realities and private property owners' concerns.

Prior to 1960, Congress paid scant attention to private lands that become inholdings within units of the national park system. Inholdings were created without legislative direction regarding either their management or their eventual acquisition. Since 1960, however, statutes establishing new units of the system or revising the boundaries of existing units have included specific provisions on any inholders involved.

The inholder acquisition provisions of H.R. 8236 and my amendment to it thus focus solely on the status of inholders within the older units of the national park system—those units established prior to 1960.

The net effect of my amendment is to direct the National Park Service to acquire within 4-fiscal years inholdings that represent about one-half of the estimated acquisition cost in these older portions of the national park system.

Congress recognized in 1969 a need to promote acquisition of national park inholdings by authorizing purchases on an opportunity basis using the willing buyer, willing seller concept.

Within the older units of the park system, private inholdings totaled 124,000 acres that year, and the estimated acquisition cost was $124 million. Through 1976, the opportunity purchase program reduced the inholding acreage considerably but lowered the estimated ultimate acquisition cost by very little. Some 88,000 acres were purchased at a cost of $85.2 million during this period. However, as of September 30, 1976, about 36,000 acres of inholdings remained, and their estimated value was still $106.7 million.

A similar 3-year acquisition program won overwhelming approval in the House in 1977 in a bill that amended the land and water conservation fund. That approach was rejected by the Senate, which noted in the accompanying committee report that this "change in land acquisition policies may be too abrupt and perhaps could not be implemented due to personnel constraints, insufficient appropriations and former commitments."

That Senate report noted further:

The committee clearly recognizes that the intent of Congress is to eventually acquire all in-holdings located in the National Park System.

Clearly, there is strong sentiment in both the House and the Senate for a new response to the private inholder question.

The inholder acquisition features of H.R. 8336 suffer from the same objections raised by the Senate last year—A 4-year program covering all of the older units of the national park system except Grand Teton National Park could be too abrupt, produce a sudden $150 million drain on land and water conservation fund money and give the National Park Service an impossible task under current authorizations.

The amendment I offer today is a much more balanced and reasonable approach. It acknowledges the need to proceed in more orderly fashion with inholder acquisitions but exempts from the 4-year program the three units of the national park system—Olympic and Yosemite National Parks and the Blue Ridge Parkway—that together with Grand Teton are the areas where the most complicated and costly inholder questions are concentrated.

The CHAIRWOMAN. The question is on the amendment offered by the gentleman from California (Mr. PHILLIP BURTON) to the committee amendment.

The amendment to the committee amendment was agreed to.

Mr. SEBELIUS. Madam Chairwoman, I move to strike the last word.

Madam Chairwoman, I take this time to advise the House that I was going to offer a motion to recommit with instructions because we have heard mixed into the debate discussion of a report by the Interior Department on the subject of urban parks and open space, which is now almost ready for submission to the Congress. I do not intend to offer that motion, and it possibly might not be in order.

I would like to ask if the distinguished chairman of the subcommittee (Mr. BURTON) is aware of this report. It is just about ready to be delivered, and we know how important it is to our committee as we face these urban park and open space problems.

Will the chairman assure me that we will have hearings in consideration of this report shortly and as conveniently as possible after the time it does arrive?

Mr. PHILLIP BURTON. If the gentleman will yield, the gentleman has my assurance.

Mr. SEBELIUS. I thank the chairman, and would like to submit for the RECORD at this point, a copy of a letter to the Secretary of the Interior relative to the delivery of this report by Members of both House and the Senate.

I yield back the remainder of my time.

WASHINGTON, D.C., *February 6, 1978.*

Hon. CECIL D. ANDRUS,
Secretary, U.S. Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: As you know, paragraph (6) of Public Law 94-422 directs the Secretary of the Interior to review and to prepare a detailed report on the needs, problems and opportunities associated with urban recreation in highly populated regions of the nation, and to submit it to the House Interior Committee and the Senate Energy and

Natural Resources Committee no later than September 28, 1977.

By letter dated June 22, 1977, Mr. Chris Delaporte, Director, Bureau of Outdoor Recreation, advised the Committees that the Department would be unable to meet the statutory deadline. Mr. Delaporte indicated in his letter, however, that the report would be forwarded to the Committees by January 1, 1978. The report still has not been received.

There continues to be tremendous pressure on both Committees and the Congress to address and solve urban recreation problems on a piecemeal, area-by-area basis. In order to begin to understand and attempt to appropriately meet the nation's urban recreation needs in a coordinated and comprehensive manner, we would like to have the benefit of this overdue report. It is imperative that we receive it immediately.

Your prompt consideration of this matter will be much appreciated.

Sincerely,

Henry M. Jackson, Clifford P. Hansen, James Abourezk, Howard M. Metzenbaum, Morris Udall, Joe Skubitz, Phillip Burton, Keith G. Sebelius, Robert J. Lagomarsino.

The CHAIRWOMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. FOWLER. Madam Chairwoman, the House will consider today the bill H.R. 8336, to establish the Chattahoochee National Recreation Area. As a cosponsor of the bill, I am urging quick and favorable action by the House, and offer the following remarks:

The 48-mile stretch of land along the Chattahoochee River that would be set aside by the Chattahoochee National Recreation Area bill is of national interest. Last year, 2.5 million people used the river somewhere along the proposed 48-mile stretch. In other words, the number of people who used the river last year exceeded the number—2.4 million—who visited Yosemite National Park in 1974 or the number—1.9 million—who visited Yellowstone National Park in 1974. It is worth noting that this usage occurred even with the current very limited accessibility to the river. As the river is made into national recreation park, its usage will probably multiply.

The bill offers a unique opportunity to protect a relatively unspoiled natural area near a major metropolitan center. The inclusion of the 48-mile segment of the river into the national park system will mark a new direction in Federal policy regarding parklands. Rather than the purchase of relatively isolated lands that only a small segment of the country would visit, this recreation area would be situated within a major metropolitan center. This would be the first step in the creation of national parks near urban populations that the President favors. This will be a significant contribution to national urban policy: Making cities more livable.

The Chattahoochee River Area will consist of 14 separate nodes along a 48-mile stretch of land. The fact that these separate parcels are not contiguous has aroused some concern for proper policing and administration of the area. These fears are unfounded.

In a comprehensive letter to Chairman UDALL endorsing this legislation, Secretary of the Interior Cecil Andrus made no mention of any policing problem. More positively, the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments found that "the Chattahoochee corridor more than met the established criteria for national recreation areas." At the present time, there are four sites which have been purchased by the State of Georgia, and they have posed no particular policing problems. In fact, the main problem in the area right now is that of trespass. In order to gain access to the river, users must cross through private property. The trespass problem would be virtually eliminated with the passage of this bill.

The charge that the establishment of the recreation area would hamper the water supply to the city of Atlanta is also without substance. Because the Chattahoochee River is the main souce of water for the city of Atlanta, the concern for the effect of this legislation on Atlanta's water supply is a legitimate one. However, H.R. 8336 includes protective language which is not incorporated in S. 1791 but which I hope will be adopted by this committee. Specifically, although the House bill protects the river from construction of any water resources projects which might have an adverse affect on the area, the House version excepts projects which the State of Georgia deems necessary and which are authorized by the Congress. This balance between recreational values and the provison for an adequate water supply for the city of Atlanta was developed after extensive consultation with local environmental groups, the Georgia Department of Natural Resources, and members of the Georgia delegation working on this bill. Moreover, the House version of the bill clearly states that it is not the intention of Congress by this legislation to manipulate the water levels in Lake Sidney Lanier, which draws from the Chattahoochee. As a consequence of these provisions, Atlanta's water supply will be protected.

Another concern which has been voiced on occasion is that the legislation might work a hardship on those who own land along the 48-mile corridor. I think that the facts of the matter lay this concern to rest.

Both the House and Senate versions of the bill address the question of the timing of land acquisitions to assure that area residents are not disadvantaged or inconvenienced. The Secretary of the Interior is directed in the House version of the bill to proceed as expeditiously as possible to acquire the lands and interests necessary to meet the requirements of the Chattahoochee Recreation Area. S. 1791 states the intent of Congress to be complete acquisition within 5 years.

The Secretary of the Interior will be making every effort to accommodate landowners in the area by coming to an agreement on acquisition cost or by making minor modifications in lands to be acquired. These minor modifications could permit limited and environmentally sound nonrecreational development provided that such development would not interfere with the scenic and recreation value of the river corridor.

The Chattahoochee River is a national resource and not strictly local or State. The State of Georgia has already acquired $3 million worth of property along the river, local government has spent $1½ million on land acquisition, and the Bureau of Outdoor Recreation has funded the State $4 million which was directed for land acquisition along the Chattahoochee.

The State of Georgia and affected local governments have already made substantial efforts to protect the Chattahoochee, but Federal involvement is desired by the State and is necessary to complete the job of protecting the Chattahoochee for the people of the United States.

Mr. SKUBITZ. Madam Chairwoman, in 1966 I appeared before this committee in opposition to the Indiana Dunes National Lakeshore.

It was the first urban park proposal to come down the pike.

I opposed that bill for a number of reasons, as I said then, the bill would cost a lot more than the $25 million we authorized and it has.

To date we have authorized $60 million.

But the House of Representatives saw fit to pass the bill and the first urban park was established.

In 1972 the Golden Gate Recreational Area was before this committee and I again expressed my reservations to the authorization of that bill.

Not for the reason that the people in the cities are not entitled to recreational facilities but because of the cost of the project which was around $120 million in land acquisition and development.

In that same year, 1972, we also had before us a proposal to establish the Gateway Recreational Area in New York and I again called to the attention of this body that we were nailing down a policy that the Government was getting into the business of providing a park for every city.

That bill was authorized in the amount of $104 million. God only knows what it will finally cost.

In 1974 this committee considered the Cuyahoga Valley National Recreational Area in Ohio—the fourth urban park—and again I took this forum to explain that I opposed the park because of the precedent we were establishing and that we would live to see the day when the cost of these parks—to the Federal Government—would boggle the imagination. But this committee again passed that bill and it was enacted into law.

Because of the action of this body, therefore, we increased the land and water conservation fund—from an earlier $300 million to the current $900 million ceiling and it remains at that amount for each year thereafter—for the life of the fund. Such money comes out of the Outer Continental Shelf oil receipts.

Now comes the Chattahoochee River National Recreational Area. Another urban park in line with the precedents this

body already established by your votes on similar proposals.

The only difference between this park and the previous parks is that this one is in President Carter's State—and many will oppose it for that reason—I do not accept this as a justification for stopping the park.

I do oppose the amount of money that is authorized.

However, it is my understanding that Mr. SEBELIUS will introduce an amendment. It is my hope that Mr. BURTON will accept. That will reduce the Federal share of the cost of this park and require the State to participate.

Now, of course, there is another reason that I support the park, which in my opinion, really strengthens the bill, and makes it a most meritorious project, one that every Member could and should approve.

That is the addition of section II, which authorizes funds for the Fort Scott project.

Inasmuch as the Fort Scott National Historical Landmark is in my district and will need approximately $300,000 to complete it, the Rules Committee has made it possible to move this project forward, so it can be completed and Kansas will have at least one historical landmark, which will demonstrate to the world the part that bleeding Kansas played, not only in the Civil War, but in the westward movement as well.

So I hope the committee will accept this bill. The addition of Fort Scott has transformed the bill into truly meritorious proposal.

In closing may I say I could not in good conscience ask this committee to name the historical landmark after me. I would be happy if you will just see fit to finance it.

Mr. UDALL. Madam Chairwoman, H.R. 8336, as recommended and reported by the Committee on Interior and Insular Affairs, would authorize the establishment of the Chattahoochee National Recreation Area in the State of Georgia. This bill represents an opportunity for a State and Federal partnership to protect a significant natural resource and provide an outstanding outdoor recreation opportunity to the people of this region.

The Chattahoochee River rises in northern Georgia and flows through the very heart of the Metropolitan Atlanta area. H.R. 8336 would designate a 48-mile stretch of this river from the existing Buford Dam to Peachtree Creek, and not more than 6,300 acres of related lands, as a national recreation area to be managed by the National Park Service. Several members of our committee have visited this, and public hearings were held on the legislation in both this Congress and last.

One point I want to stress here is that the State of Georgia has already made a superior effort in protecting this valuable area. The river corridor has been remarkably free of development in past years, and the river itself is so free of pollution that it serves as the primary source of drinking water for the Atlanta area. The State acted, under the leadership of our colleague, Mr. LEVITAS, to protect this vital water quality and its watershed by enacting the Metropolitan River Protection Act of 1973. This State law provides for control of all proposed development within the river corridor and protects the vital floodplain itself. It is this State law and the restrictions which it places on development which are the key to the proposal before the House.

The State of Georgia, drawing on earlier studies of the river made by both the Federal Government and others, has identified slightly more than 6,000 acres of prime land adjoining the river within this corridor. These carefully selected units provide access points to the river for boaters and fishermen, and also protect areas of great natural beauty and historic significance.

State and local governments have moved forward with an acquisition program for these tracts so that today some 1,000 acres of this land is already protected. But, the State's resources have been extended to the limit with the acquisition program already underway. To assure the full protection of these lands and to fully realize the recreation potential of this area, it is necessary for the Federal Government to move forward with the remaining land acquisition. The State has agreed to donate the lands it has acquired to this project.

In addition, the National Park Service has testified that this area is worthy of the designation "national recreation area" and the Secretary's advisory board has recommended the designation of this area as such. National Park Service management of the Chattahoochee River would provide this great metropolitan area with a protected natural and recreational resource such as the Congress has authorized in similiar circumstances, such as the Indiana Dunes National Lakeshore or the Golden Gate National Recreation Area.

I want to point out that there has been much discussion about State responsibility for this urban recreation area. Needless to say, I believe that the Chattahoochee River proposal stands on its own merits as a significant natural area suitable for National Park Service management. It can provide a high quality visitor experience. We are not breaking new ground here, but are authorizing an area within the existing standards for units of the national park system. Where the Chattahoochee is, in my mind, a unique proposal is that it would not be possible in this form without the State legislation and commitment that has preceded this bill.

I certainly commend the proponents of this legislation—particularly our colleagues from Georgia—who have labored long and hard to bring this bill to the House today. In addition, I pay special recognition to the fine work of our colleague from California, the chairman of the Subcommittee on National Parks and Insular Affairs (Mr. PHILLIP BURTON), for his leadership on this measure.

Madam Chairman, H.R. 8336 is a sound, progressive step forward in bringing recreation opportunities to the American people and I urge its approval by the House.

The CHAIRWOMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Ms. HOLTZMAN, Chairwoman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8336) to enhance the outdoor recreation opportunities for the people of the United States by expanding the national park system, by providing access to and within areas of the national park system, and for other purposes, pursuant to House Resolution 982, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McDONALD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 273, nays 79, answered "present" 1, not voting 79, as follows:

[Roll No. 59]

YEAS—273

Abdnor	Burlison, Mo.	Fenwick
Akaka	Burton, John	Findley
Alexander	Burton, Phillip	Fisher
Allen	Byron	Fithian
Ambro	Caputo	Flippo
Anderson, Calif.	Carney	Flood
	Carr	Florio
Andrews, N.C.	Cavanaugh	Flowers
Andrews, N. Dak.	Cederberg	Ford, Mich.
	Chisholm	Ford, Tenn.
Annunzio	Clausen, Don H.	Fowler
Applegate		Frenzel
Ashley	Clay	Frey
Aspin	Cleveland	Gammage
AuCoin	Cohen	Gaydos
Bafalis	Collins, Ill.	Giaimo
Baldus	Conte	Ginn
Barnard	Cornell	Glickman
Beard, R.I.	Cornwell	Gonzalez
Beard, Tenn.	Cotter	Gore
Bedell	D'Amours	Gradison
Benjamin	Danielson	Gudger
Bennett	Davis	Guyer
Bevill	de la Garza	Hamilton
Biaggi	Delaney	Hammer-schmidt
Blanchard	Delums	
Blouin	Derwinski	Hanley
Boggs	D'cks	Hannaford
Boland	Dingell	Harkin
Bolling	Dodd	Harrington
Bonior	Downey	Harris
Bowen	Drinan	Hawkins
Brademas	Eckhardt	Heckler
Breaux	Edgar	Hefner
Breckinridge	Edwards, Ala.	Hightower
Brinkley	Edwards, Calif.	Hillis
Brodhead	Eilberg	Hollenbeck
Brooks	Erlenborn	Holtzman
Brown, Ohio	Ertel	Howard
Burgener	Evans, Ind.	Hubbard
Burke, Fla.	Fary	Huckaby
Burke, Mass.	Fascell	Hughes

Jeffords	Moorhead, Calif.	Simon
Jenkins	Moss	Sisk
Jenrette	Mottl	Skelton
Johnson, Calif.	Murtha	Skubitz
Johnson, Co.o.	Myers, John	Slack
Jones, N.C.	Natcher	Smith, Iowa
Jordan	Neal	Smith, Nebr.
Kastenmeier	Nedzi	Snyder
Kazen	Nichols	Solarz
Keys	Nix	Spellman
Kildee	Nowak	St Germain
Krebs	Oakar	Staggers
Krueger	Oberstar	Stanton
LaFalce	Obey	Stark
Lagomarsino	Ottinger	Steed
Le Fante	Panetta	Steers
Lederer	Patten	Steiger
Leggett	Pattison	Stockman
Lehman	Patterson	Studds
Levitas	Pease	Thompson
Livingston	Perkins	Thone
Lloyd, Calif.	Pickle	Traxler
Lloyd, Tenn.	Pike	Treen
Long, La.	Poage	Udall
Long, Md.	Pressler	Ullman
Luken	Preyer	Van Deerlin
Lundine	Price	Vander Jagt
McDade	Pritchard	Vento
McEwen	Pursell	Volkmer
McFall	Quayle	Waggonner
McHugh	Quie	Walgren
McKay	Quillen	Walsh
McKinney	Rangel	Wampler
Madigan	Regula	Waxman
Maguire	Reuss	Weaver
Mahon	Richmond	Weiss
Markey	Roberts	Whalen
Marks	Rodino	White
Mathis	Roe	Whitley
Mattox	Rogers	Winn
Meeds	Rooney	Wirth
Metcalfe	Rose	Wolff
Meyner	Rosenthal	Wright
Mikva	Ruppe	Wydler
Miller, Calif.	Sarasin	Wylie
Mineta	Scheuer	Yates
Mitchell, Md.	Schroeder	Yatron
Mitchell, N.Y.	Seiberling	Young, Fla.
Moffett	Sharp	Zablocki
Mollohan	Shipley	Zeferetti
Moore	Sikes	

NAYS—79

Ammerman	Forsythe	Minish
Archer	Fountain	Montgomery
Ashbrook	Gilman	Myers, Gary
Badham	Goodling	Quillen
Bauman	Grassley	Railsback
Broomfield	Hagedorn	Rinaldo
Broyhill	Hall	Risenhoover
Burleson, Tex.	Harsha	Robinson
Carter	Holt	Rousselot
Clawson, Del	Hyde	Rudd
Cochran	Ichord	Runnels
Coleman	Jacobs	Satterfield
Collins, Tex.	Jones, Okla.	Sebelius
Conable	Kelly	Shuster
Corcoran	Kemp	Stangeland
Cunningham	Ketchum	Stratton
Daniel, Dan	Kindness	Stump
Daniel, R. W.	Latta	Symms
Dickinson	Leach	Treible
Dornan	Lott	Walker
Duncan, Oreg.	Lujan	Watkins
Edwards, Okla.	McDonald	Whitehurst
English	Marlenee	Whitten
Evans, Colo.	Marriott	Wiggins
Evans, Del.	Michel	Young, Alaska
Fish	Milford	
Foley	Miller, Ohio	

ANSWERED "PRESENT"—1

Sawyer

NOT VOTING—79

Addabbo	Derrick	Jones, Tenn.
Anderson, Ill.	Devine	Kasten
Armstrong	Diggs	Kostmayer
Baucus	Duncan, Tenn.	Lent
Bellenson	Early	McClory
Bingham	Emery	McCloskey
Bonker	Evans, Ga.	McCormack
Brown, Calif.	Flynt	Mann
Brown, Mich.	Fraser	Martin
Buchanan	Fuqua	Mazzoli
Burke, Calif.	Gephardt	Mikulski
Butler	Gibbons	Moakley
Chappell	Goldwater	Moorhead, Pa.
Conyers	Hansen	Murphy, Ill.
Corman	Heftel	Murphy, N.Y.
Coughlin	Holland	Murphy, Pa.
Crane	Horton	Myers, Michael
Dent	Ireland	Nolan
O'Brien	Ryan	Tucker
Pepper	Santini	Vanik
Pettis	Schulze	Wilson, Bob
Rahall	Spence	Wilson, C. H.
Rhodes	Stokes	Wilson, Tex.
Roncalio	Taylor	Young, Mo.
Rostenkowski	Teague	Young, Tex.
Roybal	Thornton	
Russo	Tsongas	

The Clerk announced the following pairs:

On this vote:

Mr. Evans of Georgia for, with Mr. Sawyer against.

Mr. Addabbo for, with Mr. Butler against.

Mrs. Burke of California for, with Mr. Crane against.

Mr. Murphy of New York for, with Mr. Devine against.

Mr. Pepper for, with Mr. Hansen against.

Mr. Stokes for, with Mr. McClory against.

Mr. Santini for, with Mr. Schulze against.

Mr. Bingham for, with Mr. Taylor against.

Until further notice:

Mr. Flynt with Mr. Moakley.

Mr. Young of Texas with Mr. Teague.

Mr. Rostenkowski with Mr. Fuqua.

Mr. Diggs with Mr. Corman.

Mr. Conyers with Mr. Brown of California.

Mr. Kasten with Mr. Roybal.

Mr. Thornton with Mr. Vanik.

Mr. Fraser with Mr. Early.

Mr. Derrick with Mr. Bonker.

Mr. Tsongas with Mr. Ryan.

Mr. Roncalio with Mr. Mann.

Mr. Gibbons with Mr. Dent.

Mr. Holland with Mr. Russo.

Mr. Tucker with Mr. Charles H. Wilson of California.

Mr. Nolan with Mr. Moorhead of Pennsylvania.

Mr. McCormack with Mr. Heftel.

Mr. Gephardt with Mr. Michael O. Myers.

Mr. Mazzoli with Mr. Ireland.

Mr. Murphy of Pennsylvania with Ms. Mikulski.

Mr. Kostmayer with Mr. Jones of Tennessee.

Mr. Baucus with Mr. Bellenson.

Mr. Young of Missouri with Mr. Buchanan.

Mr. Anderson of Illinois with Mr. Rhodes.

Mr. Bob Wilson with Mr. McCloskey.

Mr. Goldwater with Mr. Coughlin.

Mr. Duncan of Tennessee with Mr. Martin.

Mr. Horton with Mr. Lent.

Mrs. Pettis with Mr. O'Brien.

Mr. Brown of Michigan with Mr. Murphy of Illinois.

Mr. Spence with Mr. Charles Wilson of Texas.

Mr. SAWYER. Mr. Speaker, I have a live pair with the gentleman from Georgia (Mr. EVANS). If he had been present, he would have voted "yea." I voted "nay."

I withdraw my vote and vote "present."

Mr. SAWYER changed his vote from "nay" to "present," and Mr. MARLENEE changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. GIAIMO). Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2637, CARGO CAPACITY FOR CIVIL AIRCRAFT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 960 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 960

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 7 of rule XXII and section 401(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2637) to amend title 10, United States Code, to authorize the Secretary of the Air Force to contract with air carriers to acquire civil aircraft to provide greater cargo capacity for national defense purposes in the event of war or national emergency, and to modify existing passenger aircraft for this purpose. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California (Mr. SISK) is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 960 provides for the consideration of H.R. 2637, authorizing military use of civilian aircraft in time of war or national emergency.

This is an open rule providing 1 hour of general debate with time equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

The bill is to be read for amendment under the 5-minute rule. An amendment in the nature of a substitute recommended by the Committee on Armed Services and printed in the bill is in order as an original bill for purposes of amendment. A motion to recommit may be made with or without instruction.

The rule also provides two waivers of points of order against the bill. The committee report accompanying the bill

does not contain a committee cost estimate and, consequently, requires a waiver of clause 7, rule XIII. The report does contain a cost estimate from the Congressional Budget Office, but a CBO estimate alone is not sufficient to fill the requirements of clause 7, rule XIII.

The second waiver is of section 401(a) of the Congressional Budget Act which requires that new contract authority be limited to such amounts as provided in appropriation acts. H.R. 2637 as introduced provides (section 9805) contract authority to the Secretary of the Air Force which is not limited to amounts included in specific appropriation acts. The Committee on Armed Services has recommended an amendment to rectify the situation and, consequently, the waiver was granted.

Mr. Speaker, H.R. 2637 amends title 10 of the United States Code to authorize the Secretary of the Air Force to contract with air carriers to acquire civil aircraft to provide greater cargo capacity for national defense purposes in the event of a war or a national emergency and also to modify existing passenger aircraft for this purpose.

This legislation is of great importance to our national defense effort, and I urge my colleagues to adopt House Resolution 960 so that we may proceed to its consideration.

Mr. SISK. Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule provides 1 hour of general debate for the consideration of H.R. 2637, a bill to provide greater cargo aircraft capacity for national defense. Under the rule, the bill will be open to amendment.

There are two waivers of points of order provided in the rule. First, section 401(a) of the Budget Act is waived. This is the section of the Budget Act which bars the consideration of any bill which provides contract or borrowing authority unless the authority is subject to the appropriation process. The introduced bill provides contract authority, not subject to appropriation and, therefore, the waiver is required. The chairman of the Budget Committee has indicated in a letter that he has no objection to this waiver, because of his understanding that the Armed Services Committee adopted an amendment in the nature of a substitute curing the violation by making the contract authority subject to the appropriations process.

In addition to waiving section 401(a) of the Budget Act, this rule waives the requirement for a committee cost estimate, clause 7 of rule XIII. This is a technical requirement, because the committee report includes a Defense Department cost estimate and a Congressional Budget Office cost estimate, but there is no cost estimate endorsed by the committee. Since the rule technically requires an estimate made by the committee, a waiver is required in this case.

Mr. Speaker, this bill would authorize federal financial support for not only the acquisition of new commercial aircraft that incorporate military features, such as large cargo doors and heavy flooring, but also the modification of existing passenger aircraft to provide such military features. The bill would give the Defense Department the authority to enter into long-term agreements providing funds for the acquisition or modification of aircraft and annual payments to compensate for the reduced performance of modified aircraft in commercial operations. These annual payments are required to cover increased fuel consumption and lower maximum commercial payload of an aircraft with the desired military cargo features.

A Defense Department witness estimated that the cost of this bill would be approximately $570,000,000 over a 5-year period.

The Congressional Budget Office, on the other hand, estimates a cost totalling $218,300,000 over the next 5 years.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON ADVANCED ENERGY TECHNOLOGIES AND ENERGY CONSERVATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO MEET TODAY DURING 5-MINUTE RULE

Mr. GORE. Mr. Speaker, I ask unanimous consent that the Subcommittee on Advanced Energy Technologies and Energy Conservation Research, Development, and Demonstration of the Committee on Science and Technology may be allowed to hold hearings during this afternoon's proceedings. There is no markup of any bill. It is for the purpose of hearings only.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5503, DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 965 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 965

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 3 of rule XIII and clause 2(1)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5503) to amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation, and retirement of members of the armed forces, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, I know of absolutely no objection to this rule, which provides for 1 hour of debate under an open rule on a matter which I also understand is relatively noncontroversial, if not wholly uncontroversial.

Therefore, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule provides 1 hour of general debate for the consideration of H.R. 5503 the Defense Officer Personnel Management Act. Under the rule, the bill will be open to amendments. The rule does waive two points of order. The waivers are necessary because the report of the Appropriations Committee, to which this bill was sequentially referred, does not include two required items. First the Appropriations Committee report does not include an inflationary impact statement, as required by clause 2(l)(4) of rule XI. Second the report does not include the comparative print required by the Ramseyer rule, clause 3 of rule XIII. The waivers are necessary to consider the bill today.

Mr. Speaker, the purpose of this bill is to permit the Department of Defense to modify officer personnel management procedures. The Department estimates that the cost of this bill for fiscal year 1978 will be $31,200,000. While the bill was initially considered by the Armed Services Committee, it was sequentially referred to the Appropriations Committee, which recommended an amendment to delete section 1173(a) of the bill. This section would revise the officer separation pay procedures, and would increase the maximum amount to be paid from $15,000 to $30,000 for officers separating with more than 5, but less than 20 years of service.

Mr. Speaker, this rule was reported by voice vote from the Committee on Rules. I support its adoption so that the House can proceed to consider the issues in the bill.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CARGO CAPACITY FOR CIVIL AIRCRAFT

Mr. PRICE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2637) to amend title 10, United States Code, to authorize the Secretary of the Air Force to contract with air carriers to acquire civil aircraft to provide greater cargo capacity for national defense purposes in the event of war or national emergency, and to modify existing passenger aircraft for this purpose.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2637, with Mr. HUGHES in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for 30 minutes, and the gentleman from California (Mr. BOB WILSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill we bring before the House today, H.R. 2637, is designed to increase the amount of cargo capacity available from the Civil Reserve air fleet (CRAF) to meet this country's national defense airlift needs.

Our national defense need for increasing airlift has been described to the Congress by the Secretary of Defense and other DOD spokesmen. An effective airlift force—balanced to meet the outsized, oversized, and bulk cargo needs of the Army, Navy, Air Force, and Marine Corps that are to be deployed in time of war—can greatly increase the mobility and thus the effectiveness of these combat units. The United States has a need to improve its strategic airlift capability in order to reduce the Warsaw Pact's early edge in a NATO contingency and. in general, to insure a national capability for the defense mobility necessary to support our efforts to preserve a strategic global balance.

The deployment of combat forces by air is only one part of the total Department of Defense program of combat readiness. Total readiness involves airlift, sealift, and prepositioning to enable the United States to bring its total combat forces into combat quickly in those places where a major conventional war might occur. The significance of airlift in deployment is that it can bring a meaningful part of the total combat forces to the scene of conflict quickly, long before the first sealift forces could arrive. Even after sealift has become effective in the deployment, as additional combat units are mobilized and become ready to deploy, airlift can deliver those most urgently needed units rapidly and in time to be effective. This mobility, in itself, would be a major factor in deterring aggression. Moreover, the modification program envisioned by H.R. 2637 could help to encourage complementary steps by our NATO allies.

Within the range of options open to the United States to improve national defense airlift capability, enhancement of the Civil Reserve Air Fleet, which is the objective of H.R. 2637, represents a particularly attractive option for two very fundamental reasons: First, we are talking about using aircraft which the U.S. air transport industry will have in its inventory for commercial, nondefense purposes. Second, since the CRAF aircraft will be used by the airlines in peacetime for commercial purposes, they, rather than the Government, will bear the operating cost of manning the aircraft and paying for its fuel and maintenance. H.R. 2637 clearly provides for these elements of Government participation sufficient to encourage the inclusion of appropriate cargo features in most, if not all, future wide-body transport aircraft.

In summary, this bill would authorize limited Federal financial support for: First, the acquisition of new commercial aircraft that incorporate suitable military features, that is, large cargo doors and heavy flooring; and second, the modification of existing passenger aircraft to provide such features. The funds for such a program would be subject to authorization and appropriation each fiscal year by Congress as part of the annual defense authorization and appropriation acts. The maximum number of CRAF modifications considered to date is 110; however, due to sales by certain carriers to other countries, this number has been reduced to approximately 90 aircraft now available.

The legislation would permit balanced delivery of outsized and oversized cargo during large-scale movement to NATO under mobilization conditions.

The program envisioned by H.R. 2637 has been endorsed by the prior administration as well as the present administration as being the most cost-effective program to enhance the airlift capability of this Nation. In fact, the budget request now before our committee contains $68.5 million for the CRAF program in fiscal year 1979.

I urge your support of this legislation.

Mr. BOB WILSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for 3 consecutive years, 1974–76, our committee approved the Air Force request for funding to initiate the CRAF modification program. In the end, Congress denied these requests. The refusals were largely based on the fact that there was no specific legislation authorizing the program and detailing contractual arrangements that the Air Force could enter into with air carriers. However, at the completion of the fiscal year 1978 Defense Appropriation Act, Congress appropriated $7.5 million for a pilot project. The money provided by the Congress is for modification of one widebody passenger aircraft owned by a commercial passenger air carrier. As Chairman PRICE pointed out in his statement, there is $68.5 million in the budget now before our committee for the Civil Reserve air fleet program. Unless we enact H.R. 2637, the same old objection that there is no specific legislation authorizing contractual arrangements between DOD and the civil air carriers will be raised and the CRAF program will suffer another setback. Therefore, this legislation is imperative to the implementation of an enhanced Civil Reserve air fleet modification program.

The airlift enhancement envisioned in H.R. 2637 hopes to solve our airlift shortfall with balance. A mixed approach gains the capacity that we need in the most economical way. The specific avenues include more intensive utilization of C–141's; stretching the existing C–141's so that they can carry more cargo of the critical midsize variety; and parallel Government-financed airplane modification that will allow a large proportion of the CRAF fleet to support this midsize requirement. These three programs, combined with inflight refueling for the C–5 and the use of some tactical airlift to supplement strategic airlift in the early weeks of a campaign, should double airlift capability and concentrate gains where the need is greatest. The proposed CRAF modification program is a highly cost-effective method—in fact it is the cheapest way—of improving our strategic airlift capability which is currently deficient in the oversize cargo category.

H.R. 2637 does not authorize the appropriation of any funds but is merely enabling legislation which authorizes the Secretary of the Air Force to negotiate contracts. Essentially, enactment of H.R. 2637 will amend title 10, United States code, by adding a new section to chapter 931 which, for the most part, will authorize the Secretary of the Air Force to do the following two things:

First, the Secretary of the Air Force may negotiate contracts to include cargo airlift characteristics suitable for defense purposes in any new civil aircraft being manufactured for passenger or cargo use. If the aircraft is to be solely for passenger airlift, the Department of Defense will pay 15 percent of the costs of the aircraft. If the aircraft is to be used for cargo airlift, the Department of Defense will pay 7½ percent of the cost of the aircraft.

Second, the Secretary of the Air Force may also negotiate contracts to modify existing civil passenger aircraft to incorporate cargo airlift characteristics suitable for defense purposes. If the aircraft is to be used solely for passenger airlift, the Department of Defense will pay the full costs of the modification. If the aircraft is to be used for cargo airlift, the Department of Defense will

pay one-half the costs of the modification.

Our committee has gone into these airlift programs in great detail and the chairman and I are confident that the legislation before you today will provide the most cost-effective method of enhancing our airlift capability. I, along with the chairman, request your support of this program.

Mr. PRICE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, our national defense capability relies heavily on the ability to project our forces overseas rapidly in the event that we must support our allies in repelling an attack on their territory. This ability is dependent upon our capacity to transport material supplies and reinforcements into a distant war zone. Nowhere is this dependence more critical than on the continent of Europe where our NATO allies are confronted with the possible defense of their territory against nonnuclear attack by the Warsaw Pact forces.

In his recent budget message, the President highlighted the need to carefully consider the balance of conventional power in Europe. He said, "In the present international environment the most important measure of relative military strength is the balance that exists" between the North Atlantic Treaty Organization and the Soviet-bloc forces in Europe. The Warsaw Pact forces are numerically superior to our NATO allies both in manpower and equipment, such as tanks and troop transports. Despite our technological superiority in some areas, the defense of Europe against a conventional attack by the Warsaw Pact must depend in the critical first days or weeks upon one of two possible alternatives; the first use of tactical nuclear weapons to repel the advance, or the rapid strengthening of NATO forces in Europe. Such a rapid strengthening could only be achieved by airlifting troops and equipment, such as tanks, other vehicles, and artillery, into Europe from our bases and allied bases outside of Europe.

If we are to maintain credibility with the Warsaw Pact concerning our ability to repulse a conventional attack in Europe without nuclear escalation, then it appears we must have a large airlift capacity available on short notice.

Our current strategic airlift capacity is served primarily by the C–141's and C–5's of the Military Airlift Command. This is supplemented by a Civil Reserve air fleet. The Civil Reserve air fleet consists primarily of a number of older narrow-body aircraft which can carry only bulk cargo consisting of small items grouped into suitable size loads. Combined with the military fleet, our ability to airlift this type of bulk cargo and personnel is adequate. However, particularly in the European theater, the critical factor deciding the outcome of an intensive conventional war will almost certainly be the number of tanks, other armored vehicles, and artillery and rocketry pieces available. The airlift capacity for such items is totally inadequate and is restricted to the military C–5's and C–141's.

In order to alleviate this problem, several options are open to us. These options fall into two categories: acquisition of a larger fleet capability for the Military Airlift Command, or acquisition of wide-body aircraft with suitable characteristics for the Civil Reserve Air Fleet. Ideally, the additional carrying capacity needed would all be established within the Military Airlift Command as the reaction time for these military aircraft would be much shorter than the reaction time for civilian aircraft in the reserve fleet. Obviously many civilian aircraft would be far distant from the military supply point at the outset of a war. Under extraordinary circumstances, some of such reserve aircraft might even be rendered unavailable if at the outset of hostilities they were unable to return home due to a lack of suitable friendly bases for refueling.

In light of these considerations, we have a number of ongoing programs to improve the Military Airlift Command capability to the minimal acceptable level for initial response and peacetime transport. Programs such as the stretched C–141, and wing modifications of the C–5's are directed toward achieving this end, and the advanced tanker cargo aircraft is being developed to refuel these airplanes in flight and so extend their load/range capabilities.

However, acquisition and operation of aircraft is a very expensive proposition and on cost grounds we cannot jusify enlarging the Military Airlift Command to the size that we really need to support an extended conventional war in Europe. Therefore, we must look to the civil airlift fleet to provide the additional needed capacity for our national security. The conversion of a civilian aircraft to be suitable for military standby may be done at a cost which is considerably lower than the cost of purchase of a new military aircraft. All that is needed is the provision of wide cargo doors and some strengthening of the airplane structure. The modified aircraft is more expensive to operate than a standard civilian aircraft primarily due to the additional weight it must carry. This additional cost is of course very much lower than the total cost of operating a dedicated military aircraft of similar capability on a standby basis.

The bill before us today, H.R. 2637, would provide authority for the Department of Defense to contract with civilian air carriers to acquire additional civil aircraft for the Civil Reserve Air Fleet and to modify existing aircraft for this purpose. The aircraft involved would be wide-body passenger and cargo aircraft operated by U.S. civilian air carriers. Where new planes are involved, the additional construction costs to provide the military capability would be borne by the Department of Defense. These costs could not exceed 15 percent of the purchase price of the aircraft if it were only for passenger use of 7½ percent if the civil carrier intended the plane for cargo use part or all of its time. Where existing aircraft are converted, the Department of Defense would pay the conversion costs.

The conversion costs for new aircraft are smaller than for existing aircraft. However, due to the lack of current growth in U.S. civil carrier fleet size, few new suitable wide-body aircraft orders are anticipated, and the conversion of existing aircraft must be considered.

In addition to the conversion costs, the Department of Defense would pay the air carrier the additional operating costs of the aircraft caused by conversion, and a reasonable incentive payment to maintain the aircraft in military alert standby status. The air carrier would be required to repay a fair share of the initial conversion cost if for any reason he did not maintain the aircraft available for military use.

The cost of acquiring and maintaining for 5 years one wide-body aircraft for the Civil Reserve fleet is estimated at about $6 million compared to an acquisition cost of such aircraft which can exceed $25 million.

Our national security demands that we obtain additional large air cargo carrying capacity for contingency use. This bill provides the most cost effective means to achieve that end and I strongly urge your support.

Mr. ANDERSON of California. Mr. Chairman, during the debate today on H.R. 2637, cargo capacity for civil aircraft, I was not able to be here. I was called out to meet constituents in my office. It is necessary that there be included in the RECORD a colloquy between the chairman of the Committee on Armed Services, the gentleman from Illinois (Mr. PRICE), and myself.

Having received unanimous consent in the House to include this matter in the RECORD, the colloquy and statement are as follows:

Mr. Chairman, I have two questions to put to Chairman PRICE, to clarify the likely effect H.R. 2637 will have on civil aviation, particularly with respect to existing noise standards and legislation recently reported by the Public Works and Transportation Committee. I want to make it clear that I am not questioning the importance or need for this legislation, and I am not raising jurisdictional questions.

Under existing regulations, some 75 percent of the existing air carrier fleet will either have to be retired or modified, in accordance with a schedule running from January 1, 1981, for partial compliance, and with final compliance by January 1, 1985. Nearly all of these noncomplying aircraft are narrow-body aircraft. I would like some assurance that your bill will not result in putting money into aircraft soon to be retired or further modified for noise abatement purposes.

Mr. PRICE. I think I can give the gentleman that assurance. I think all of the aircraft involved, the DC–10 and 747, are wide-body aircraft only.

Mr. ANDERSON of California. So all of them will be wide-body aircraft.

How many aircraft will be partially funded under this bill over the next 5 years?

Mr. PRICE. I do not know the exact number. I do not know how many wide-body aircraft we have.

Mr. ANDERSON of California. Is it a large number?

Mr. PRICE. I would say it is an adequate number. It is not a great fleet, like fighting planes.

Mr. ANDERSON of California. I thank the gentleman.

Mr. HILLIS. Mr. Chairman, I rise in support of H.R. 2637, a bill to give the Secretary of the Air Force the authority to contract with air carriers in order to acquire civil aircraft to provide greater cargo capacity for national defense purposes in the event of a war or national emergency.

The importance of this measure is obvious. Should a conflict between NATO and the Warsaw Pact forces occur, the ability of the United States to quickly respond with men and material will, to a large degree, determine the outcome. The job of transporting military equipment and men in time of war is split between MAC (Military Airlift Command) and CRAF (Civil Reserve air fleet). Current estimates are that the combined forces of MAC and CRAF could handle the transport of tanks and other heavy equipment. However, they could not handle mid-range capabilities such as artillery, trucks, and armored personnel carriers. The purpose of H.R. 2637 is to increase the capabilities of CRAF to handle mid-range requirements. This is considered more cost effective than increasing MAC forces.

With enactment of H.R. 2637, the Air Force will have the authority to include cargo airlift capabilities in any new contracts with air carriers and, if deemed necessary, to modify existing passenger aircraft. This measure gives the Air Force a cost-effective method of solving a serious deficiency in its airlift capabilities. I urge all of my colleagues to support the passage of H.R. 2637.

Mr. PRICE. Mr. Chairman, I have no further requests for time.

Mr. BOB WILSON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 931 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 9508. Civil aircraft: contracts to provide increased cargo airlift capability

"(a) To insure the availability in time of war or national emergency of sufficient cargo airlift capability for defense purposes, the Secretary of the Air Force may, to the extent provided in appropriation Acts and subject to chapter 137 of this title, contract—

"(1) to include cargo airlift characteristics suitable for defense purposes in any new aircraft; and

"(2) to modify any existing passenger aircraft to incorporate in such aircraft cargo airlift characteristics suitable for defense purposes if sufficient cargo airlift capability for defense purposes will not otherwise be achieved.

"(b) Notwithstanding section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), each aircraft covered by a contract under subsection (a) of this section shall be used for defense purposes in the event the full Civil Reserve Air Fleet is activated, unless such aircraft is released from use for such purposes by the Secretary of Defense.

"(c) Each contract under subsection (a) of this section shall provide—

"(1) that each aircraft covered by the contract which is not already registered under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401) shall be so registered as soon as manufacture or modification of such aircraft is complete;

"(2) that, as long as an aircraft covered by the contract is owned or controlled by any United States air carrier, such air carrier shall operate the aircraft for the Department of Defense as needed during activation of the full Civil Reserve Air Fleet, notwithstanding any other contract of the owner or of the operator of the aircraft, and that such air carrier shall be paid for such operation at minimum fair and reasonable rates established or affirmed from time to time by the Civil Aeronautics Board;

"(3) a method for the determination of costs and other amounts for the purposes of the contract; and

"(4) that the contractor shall repay a specified portion of any amount paid to such contractor under a provision of the contract authorized by subsection (d) of this section with respect to any aircraft covered by the contract if—

"(A) the aircraft no longer has the cargo airlift characteristics specified in the contract;

"(B) the aircraft is transferred to the control of any person other than a United States air carrier;

"(C) the registration of the aircraft under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401) is terminated for any reason not beyond the control of the contractor; or

"(D) having agreed in the contract that the aircraft will be used only in a passenger configuration, the contractor uses, or permits the use of, the aircraft in other than a passenger configuration.

"(d) A contract under subsection (a) of this section may provide for payment by the Secretary of the Air Force of—

"(1) not more than 15 per centum of the flyaway cost of a new aircraft covered by the contract if the contractor agrees that such aircraft will be used only in a passenger configuration;

"(2) not more than 7½ per centum of the fly-away cost of a new aircraft covered by the contract if the contractor does not agree that such aircraft will be used only in a passenger configuration;

"(3) 100 per centum of the amount of—

"(A) the cost of modification of an existing aircraft covered by the contract to incorporate in such aircraft cargo airlift characteristics suitable for defense purposes if the contractor agrees that such aircraft will be used only in a passenger configuration;

"(B) the cost of positioning of such aircraft for such modification, recertification of such aircraft after such modification, and returning such aircraft to service, and other costs directly associated with such modification; and

"(C) the lesser of—

"(i) the cost of a lease of such aircraft (without crews, ground facilities, or other support) for the period of time required to make such modification; or

"(ii) the estimated loss of net revenues of the contractor attributable to the aircraft being out of service during the modification of such aircraft;

"(4) 50 per centum of the cost of the modification of an existing aircraft covered by the contract to incorporate in such aircraft cargo airlife characteristics suitable for defense purposes if the contractor does not agree that such aircraft will be used only in a passenger configuration;

"(5) the amount of any increase in the cost of operation, or any loss of net revenue, of the contractor attributable to the modification of an aircraft under the contract, so long as the aircraft is being used only in a passsenger configuration; and

"(6) a reasonable amount each year as consideration for the provisions of the contract described in subsection (c)(2) of this section.

"(e) The Secretary of the Air Force shall submit a report to the Committees on Armed Services of the Senate and House of Representatives by March 1 of each year on the following:

"(1) A description of the contracts entered into, and the payments made, under this section during the preceding calendar year.

"(2) The number and type of aircraft which were covered by contracts under this section at the end of the preceding calendar year, with an indication of the number of such aircraft (if any) for which each contractor was entitled to payments under the provisions of a contract authorized by subsection (d)(5) of this section.

"(3) The number and type of aircraft in the Civil Reserve Air Fleet at the end of the preceding calendar year.

"(4) The number of additional aircraft with cargo airlift characteristics suitable for defense purposes considered necessary by the Secretary of the Air Force to insure the availability of sufficient cargo airlift capability for defense purposes in time of war or national emergency and the number and type of aircraft proposed to be covered by contracts under this section during each of the five succeeding fiscal years (and during any fiscal year thereafter for which a projection is available), with an indication of the number and type of such aircraft (if any) for which payments under the provisions of contracts authorized by subsection (d)(5) of this section are expected to be made during each such year.

"(f) In this section:

"(1) 'Air carrier' or 'United States air carrier' means an air carrier as defined in section 101(3) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(3)).

"(2) 'Civil Reserve Air Fleet' means those aircraft allocated, or identified for allocation, to the Department of Defense under section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) to promote the national defense.

"(3) 'New aircraft' means any civil aircraft which the manufacturer has not begun to assemble before it is covered by a contract under this section.

"(4) 'Existing aircraft' means any civil aircraft other than a new aircraft.

"(5) 'In a passenger configuration', when used with respect to an aircraft, means equipped so that the main flight deck of the aircraft is used for the carriage of persons and is not used for the carriage of palletized or containerized cargo.".

(b) The table of sections at the beginning of chapter 931 of title 10, United States Code, is amended by adding at the end thereof the following new item:

"9508. Civil aircraft: contracts to provide increased cargo airlift capability.".

SEC. 2. The amendments made by the first section of this Act shall take effect October 1, 1978.

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any amendments?

AMENDMENT OFFERED BY MR. LEGGETT TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. LEGGETT. Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT to the committee amendment in the nature of a substitute:

On page 8, after line 2, add new subsection (3) to read:

(3) to cover existing aircraft which have heretofore been acquired in cargo and/or convertible configuration, or which have been modified to such configuration, and which meet Department of Defense characteristics. Such aircraft, for the purpose of this section, shall be considered as "new aircraft" as defined herein, provided such aircraft was delivered after January 1, 1975.

Mr. LEGGETT. Mr. Chairman, the amendment I propose is designed to redeem a commitment by the Department of the Air Force on which certain civilian carriers acted in good faith. In January 1975, the Air Force made a formal solicitation which was issued to CRAF airlines and which expressed the Government's assurance of financial participation contingent upon authorization and appropriation. Based on this assurance and relying on the Congress' ability to discern the need for the airlift capacity so acquired, a number of airlines immediately either commenced modification of some of their aircraft or contracted for new aircraft with the characteristics necessary to improved strategic airlift.

I would point out that in 1973 Gen. Jack Catton, then commander of the Military Airlift Command, made the first public statement to the effect that such airlift was needed and that financial incentives ought to be provided. Based on that small assurance, several carriers undertook to meet the standards General Catton laid down. Some of these aircraft were delivered in June of 1973, and just 4 months later were called on to fill the void when our military airlift posture was reoriented primarily to supplying Israel during the 1973 war.

I cite this example only to show that when the need arises for cargo-carrying capacity of this type, there is not time to wait for airplanes to be modified. My amendment does not seek to make retroactive payments that far back, even though a strong case in equity could be made for such a proposal; in the interest of economy, I have limited payment to acquisitions following formal Air Force solicitations.

Carriers who have acquired equipment compatible with our defense needs have done so by making a considerable capital outlay. More importantly, they incur a continuing financial liability in that the modifications increase the weight of the aircraft, increasing both fuel costs and landing fees modified aircraft must pay. This obviously places a competitive drag on the airplanes, a fact recognized in the basic bill and addressed by providing annual payments to compensate for the lost competitive edge. What my amendment suggests is that we should recognize this penalty from the time the Air Force formally asked the airlines to incur it.

This is not an expensive amendment. Although 7 carriers and 19 airplanes are involved, I estimate that our obligation could be liquidated for about $75 million. I have a list of the affected carriers.

Carrier	Aircraft	Entitlement (millions)
Seaboard World	1	$2.7
Pan American	3	11.2
American	2	7.5
Flying Tiger	4	15.0
Continental	4	13.8
Overseas National	2	9.9
World Airways	3	14.6
Total	19	74.7

Mr. Chairman, there is no dispute that the payments contemplated here are right and proper. The Armed Services Committee unanimously agreed during markup of this bill that the commitment of the Department of Defense should be redeemed. My amendment simply makes that commitment explicit.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Illinois.

Mr. PRICE. I thank the gentleman for yielding.

I have listened to the gentleman's explanation of the intent of his amendment. I can assure him that it is my opinion that the authority that he seeks in his amendment to give to the Secretary of the Air Force is not only contained in this legislation but prevails under existing circumstances, so actually there is no particular reason for the adoption of this amendment. The Secretary has that authority, I think, and that is what the gentleman's position is.

Mr. LEGGETT. I appreciate the chairman's statement. With that statement in mind, shortly I will ask unanimous consent to withdraw the amendment. I would state that the chairman's statement is in line with the statement made by our colleague, the gentleman from Florida (Mr. BENNETT) on page 26 in the committee hearing, wherein he insisted that the following language be included in the report, to wit:

The committee—

That is our House Committee on Armed Services—

recognizes the existance of explicit good faith understandings between the Department of Defense and individual air carriers for the acquisition of cargo capable aircraft or the conversion of civil aircraft incorporating airlift characteristics suitable for defense purposes, entered into in anticipation of the enactment of the authority provided for in H.R. 2637. Thus, it is the committee's intent that such prior commitments contingent upon enabling legislation be honored in the implementation of the authorized program.

With that in mind, and with the chairman's statement in mind, Mr. Chairman, I ask unanimous consent to withdraw the amendment I have offered.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the Chair, Mr. HUGHES, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2637) to amend title 10, United States Code, to authorize the Secretary of the Air Force to contract with air carriers to acquire civil aircraft to provide greater cargo capacity for national defense purposes in the event of war or national emergency, and to modify existing passenger aircraft for this purpose, pursuant to House Resolution 960, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

Mr. NICHOLS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5503) to amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation and retirement of members of the Armed Forces, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. NICHOLS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5503, with Mr. SEIBERLING in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Alabama (Mr. NICHOLS) will be recognized for 30 minutes, and the gentleman from New York (Mr. MITCHELL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the principal purpose of H.R. 5503 is to revise the statutory authorizations for field grade officers and to provide more uniform officer promotion systems for the military services. The bill is a lengthy document. It would overhaul or eliminate more than 300 sections of current law, and codify others. I would like to emphasize, however, that despite its length, this is not, in principle, a complex piece of legislation; nor does it represent a radical shift from the present system. It basically clears up existing inefficiencies and outmoded practices in the current law and provides consistent career opportunities for officers in all services.

As I am sure the Members recall, this subject was addressed at some length in the last Congress. An identical bill, H.R. 13958, passed the House in the 94th Congress by an overwhelming 343 to 4 vote. Unfortunately, this was near the end of the Congress; and although, as I indicated, the legislation is not, in principle, a radical change from present law, the Senate indicated that it would require additional time to consider the bill because of its volume. We are, understandably, anxious to get the bill to the Senate so that they can continue the considerable effort that we, in the House, have put forth toward improving the Defense Officer Management System.

I will not attempt to elaborate on the many facets of the bill since this was done in detail the last time the bill was on the floor. I would, of course, be glad to engage in a colloquy with any Member with respect to the specific provisions. However, I will touch briefly on the major deficiencies in current law regarding the appointment, promotion, separation, and retirement of officers and thereby highlight the major provisions of the Defense Officer Personnel Management Act, frequently referred to as DOPMA.

Officer personnel management today is governed by the Officer Personnel Act of 1947 and the Officer Grade Limitation Act of 1954. On the whole, these laws have served us well, but they have certain deficiencies which have been recognized by both the Department of Defense and Congress. H.R. 5503 represents the culmination of considerable effort over a period of many years to update and extensively revise the 1947 and 1954 acts.

One of the most serious faults with the present law is that the Air Force has substantially lower permanent limits than the Army or Navy in the grades of lieutenant colonel and colonel. This occurred because the Air Force was a new service with a young officer corps when the Officer Grade Limitation Act was passed in 1954. Congress has provided temporary relief by suspending the Air Force's limits seven times since 1959. The latest extension expires on September 30 of this year. The need to establish more realistic permanent grade limitations for the Air Force has been one of the principal motivations for revising the officer management laws.

Other deficiencies in the present laws are those that result in inconsistent or inequitable treatment of officers. Most of these deficiencies result from the respective historic origins of the statutes.

Different laws controlling promotions result in Army and Air Force officers undergoing two selections to each grade (one temporary and one permanent) while Navy and Marine Corps officers undergo only one. Different provisions for mandatory separation and retirement result in different lengths of tenure for members of each Service.

Differentiations based on sex, particularly in the laws relating to the Navy and Marine Corps, are another example of legal requirements that can result in inequitable treatment of officers. For example, women officers in the Navy are not afforded the same legal opportunities for promotion to flag rank as male officers—but on the other hand they are not subject to the same provisions for involuntary separation.

Changes are needed to allow us to manage our officers properly and efficiently. DOPMA will enable us to do this modifying and rationalizing the laws governing officer management. Specifically, it would:

First. Establish new statutory limitations on the number of officers in the three senior grades below flag rank;

Second. Provide common law for the appointment of Regular officers and for the active duty service of Reserve officers;

Third. Provide uniform laws for promotion procedures for officers in the separate services;

Fourth. Establish common provisions governing career expectations; and

Fifth. Establish common mandatory separation and retirement points.

I think DOPMA as it was passed by the House during the last Congress, and as it has been again reported by the Armed Services Committee during this Congress, will significantly improve the operation of the officer personnel management system.

Mr. Chairman, I would like to touch briefly on just a few of the major provisions of the bill in slightly more detail.

Grade Tables. The allowances for field-grade officers are expressed in law, and in this bill, as a finite number of officers in relation to the strength of the officer corps as a whole.

The committee reduced the grade authorizations originally requested by the Department of Defense for grades O–6 and O–5; that is, colonel and lieutenant colonel and captain and commander in the Navy.

The Department of Defense had provided for a reduction in the allowances for colonels and lieutenant colonels compared with what is allowed under the present Officer Grade Limitation Act. The committee's action reducing the allowances even further is, therefore, the beginning of a downward trend in the allowance for officers in senior grades.

The committee approved the grade authorizations for grade O–4—majors and lieutenant commanders—at the levels requested by the Department of Defense. Any further reduction in the grade table would unduly delay the promotion timing.

All-Regular career force. The bill also provides that active-duty officers with more than 11 years' commissioned service would be Regular officers. This will eliminate the present situation where Reserve officers with long years of service are continually vulnerable to reductions in force and are sometimes eliminated from active duty a few years short of retirement while Regular officers are not similarly vulnerable.

Separation Pay. Because of the limitations imposed on the number of officers in the senior grades and in order to insure reasonable career expectations for officers in the junior grades, some officers must be separated short of completion of 20 years of service.

Present law limits separation pay to officers released, in a reduction in force, for example, to $15,000. This $15,000 ceiling has been in effect for over a decade.

The committee believed that a more adequate level of separation pay is required and provided increased separation pay for involuntarily separated officers who have not qualified for retirement, equal to 10 percent of annual basic pay for each year of service up to a maximum of $30,000. I emphasize that only members with nearly 20 years of service would be eligible for the maximum amount of $30,000; members with lesser service would, of course, receive lesser amounts.

The cost of H.R. 5503 in fiscal year 1978 was estimated as $32 million. The cost is related primarily to the increased levels of separation pay. The final concurrent budget resolution contains funds for a full year's implementation of DOPMA. Further, if DOPMA is enacted, it will afford the opportunity to provide significant long-term savings through improved force management policies.

However, cost savings are not our principal aim. Our aim is to make the officer promotion system more uniform and equitable while maintaining the quality of the force.

The quality of the officer corps is as important as any ingredient in military victory and thus the quality of our officer corps is important to our national security. The quality of our officer corps is the equal of any in the world. It would be difficult to find at any time in history a free nation that maintained an armed force with an officer corps as large, as varied, as combat-ready and of as generally high quality as we have today.

H.R. 5503 attempts to maintain high quality by making needed changes in the officer-promotion laws—changes in some cases long overdue. We have tried to maintained a system which is attractive

to the most outstanding officers. Our committee intends to examine further changes in the fuure. But the grade authorizations must give due regard to the effect on career patterns which might adversely affect retention. Any changes instituted, therefore, must be on a gradual basis, with the quality of the forces as a whole uppermost in mind.

Mr. Chairman, the Congress has been prodding the Department of Defense since 1959 and particularly over the last 10 years, to present a proposal to revise the officer personnel management system. Four years ago they submitted the initial DOPMA proposal. During the intervening 4 years the House has studied in great depth the proposal and, as a result, made some very substantial modifications. However, I believe that we, in the Congress, are now becoming guilty of inaction with regard to this proposal.

Mr. Chairman, before closing, I wish to recall for the record that the vast majority of effort devoted to the consideration of his legislation was performed under the guidance and leadership of the distinguished gentleman from New York (Mr. STRATTON) and former chairman of the Military Compensation Subcommittee, during the last Congress. It was a long, difficult, and tedious undertaking. The shape of the bill before us today reflects the significant efforts of the gentleman.

I urge the Members of the House to support the bill.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I am pleased to yield to the gentlewoman from Colorado, a member of the committee.

Mrs. SCHROEDER. Mr. Chairman, I want to compliment the chairman of our subcommittee, the gentleman from Alabama (Mr. NICHOLS), who has been wonderful in handling this bill.

Mr. Chairman, I rise in support of the bill.

I especially want to compliment the gentleman with respect to the area dealing with female officers in all the services and their promotion, about which the gentleman spoke in his statement.

Again, Mr. Chairman, I want to compliment the gentleman from Alabama (Mr. NICHOLS) for his work on this legislation.

Mr. Chairman, besides simplifying the set of laws related to the appointment, promotion, separation, and retirement of officers and making them the same among the services, this bill finally affords women officers of all services treatment equivalent to that of the men. I believe that this is especially important at this time when the number of women in the Armed Forces is on the rise. All services have shown significant increases in the recent past in the number of women of active duty. All service academies have women students; the Air Force and Navy have women in pilot training programs.

The Secretary of Defense has indicated before the Armed Services Committee the important role women will be called upon to perform in the military in the coming years. This reliance on women requires the changes contained in H.R. 5503 if the high quality and desired quantity of women entrants is to be attained.

H.R. 5503 provides for the first time equality of promotion opportunity.

The artificial promotion categories—in which women competed only against each other—have been eliminated. In conjunction with this change, the restriction on appointment of women officers only to certain categories of assignments would be removed.

Women may be promoted permanently to general or flag rank in the Navy and Marine Corps under H.R. 5503 removing a significant inequality under present law.

H.R. 5503 would enable women to perform on the same basis as men in command functions, rescinding anomalous provisions of current law.

The bill does not modify the special restrictive provisions of law that presently preclude women from assignments to aircraft engaged in combat missions or to ships other than hospital ships and transports. The Navy has, however, had introduced H.R. 7431 which ease current sea-duty restrictions. This legislation is to be considered along with the fiscal year 1979 defense authorization bill during the current session.

This bill moves the Armed Forces closer to a profession with no inappropriate differentiations based on sex.

I urge all Members to support the bill.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I thank the gentleman for yielding.

I want to compliment the gentleman for the fine work he has done for our country on the Committee on Armed Services.

The question I would like to pose to the gentleman is this: We are all striving to have a high quality officer corps. I think the gentleman talked to that goal. We do have a very well trained and high quality officer corps in all of our armed services today; but I am very concerned about the fact that it seems that if a Cabinet officer goes out and says, "My personal opinion is such and such, but the administration's position is something different," he is able to do that. However, if a lieutenant general in the Army comes out and says, "I know the administration's or the Commander in Chief's position is not in favor of building the B–1 bomber. That is my position, but I personally think we are making a mistake not to do it," then he is immediately in trouble just as General Singlaub was in South Korea. Others, too, have become very frustrated about such matters.

At this time I am wondering whether anything has been done by your subcommittee to address this problem, not to entirely upset civilian control of the military, but to allow our experienced military leaders to voice their opinions without risking reprisals.

This is not new in the Carter administration. This has happened in past administrations also. I think President Kennedy muzzled a lot of generals in the 1960's.

Why General Westmoreland never came home and told us what was going on in Vietnam is still a question which I think many of us would like to ask. However, what is it that keeps generals from voicing their opinion?

Mr. NICHOLS. I appreciate the comments of the gentleman from Idaho. I will try to answer him as best I can.

The gentleman made reference to General Singlaub, a very fine career officer. He appeared personally before the Committee on Armed Services, and he was subjected to many, many questions along these very same lines.

Mr. Chairman, I agree with the gentleman who has spoken on this matter. Of course, the DOPMA legislation in no way addresses this particular issue. It is related to appointment, promotion, separation, and retirement of military officers. It does not address this issue; but I would have to agree with the gentleman.

Mr. SYMMS. Mr. Chairman, I would like to ask the gentleman another question: Does the gentleman think it would be possible that if these generals were guaranteed that they would remain on active duty and have an office over here for the rest of their lives after thy reach the four-star level, they could say what they think as long as they remained loyal to the Commander in Chief? Would this be possible?

I know Gen. Gordon Sumner, who is now a lieutenant general in charge of the American Defense Council, has spoken in opposition to the treaties in Panama for what I think are very sound, logical reasons. However, in order for him to do that, he has had to jeopardize his career and resign, effective, I think some time later this spring. He did that so he could tell the American people that he thinks this is a tragic mistake.

It seems to me that we are depriving ourselves of the experience he has had in fighting in three wars. We are depriving ourselves of a combat-experienced general with a distinguished record.

It seems to me that it is rather unfortunate that a general cannot voice his opinion.

Mr. NICHOLS. Well, with respect to the question, of course, the gentleman probably knows that in General Singlaub's case, he was promoted. In my judgment, he holds a very responsible position in the Defense Department today in Atlanta, and we have the very highest esteem for the general.

I am in complete concurrence with what the gentleman is saying, but again I must say that it in no way addresses the subject we are discussing today.

Mr. SYMMS. Does the gentleman have any anticipation that the committee might possibly have hearings on this subject sometime this year?

Mr. NICHOLS. It is entirely possible, but again the bill does not address the subject we are addressing today.

Mr. SYMMS. I thank the gentleman very much.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. Certainly, I yield to my chairman.

Mr. PRICE. Mr. Chairman, I want to compliment the gentleman and his subcommittee for the splendid job they did on this particular legislation. I know of the many hours of hard work put into it, and I know the understanding the gentleman from Alabama has of the subject. On behalf of the committee, I express our sincere thanks for his efforts.

Mr. NICHOLS. I thank the gentleman for his comments.

I reserve the balance of my time.

Mr. MITCHELL of New York. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 5503 and ask Members of the House to support this legislation which makes significant improvements in the laws governing the officer corps of the Armed Forces. Nothing is more important to a successful Defense Establishment than a capable, high-morale officer corps; so this bill is one of the most important defense measures we will act on in this Congress.

It is a good bill. It has been the subject of long and careful study in subcommittee in the previous Congress where it had been worked on for over a year. Many significant improvements were made by the committee, and the bill bears the stamp of congressional decisionmaking in this important defense area.

The principal purposes of H.R. 5503 can be stated simply.

First. Standardizes officer-promotion procedures within the services and among the services; and

Second. Moves toward tightening up the allowances on the numbers of officers in the higher grades in an equitable and uniform way.

Present officer-promotion laws in the different services are a hodgepodge of inconsistent and complicated procedures with varying career opportunity among the services. There have been efforts to standardize promotion laws among the services since 1965 when the Bolte committee—chaired by the distinguished Army General Charles Bolte—recommended a uniform promotion approach. But all these efforts failed.

In H.R. 5503 we are finally establishing uniform provisions governing appointment, promotion, career expectation, and mandatory separation and retirement for career active-duty officers. At the same time we have begun the process of reducing the number of senior officers.

In providing common promotion procedures, we have continued the up-or-out system which calls for officers to be reviewed regularly, to be considered competitively for promotion, and to be removed from active duty after repeated failure of selection. The system has been in effect for 30 years and has given us a capable, fully combat-ready officer corps, something the country never had before in peacetime.

To understand the impact of the bill, one must understand the background of officer-personnel management. Up to, and including, World War II, the officer corps was invariably unready at the beginning of a war and hasty measures were required to eliminate overage and unfit officers. Following World War II, the Congress sought to create a combat-ready officer corps. In 1947, the Congress passed the Officer Personnel Act which provided the up-or-out promotion system to assure proper distribution of officers by grade and to allow reasonable promotion opportunity. The Officer Personnel Act was modified by the Officer Grade Limitation Act of 1954 which provided more stringent limitations on the grade structure. The officer personnel of the services have been essentialy managed under these two laws since 1954, with occasional patchwork amendments such as the Air Force grade relief. H.R. 5503 represents the first major updating and extensive revision of these basic laws.

Some of the major provisions of DOPMA have been discussed. I would like to touch briefly on some of the others.

The bill provides for a single-promotion system in all services to replace the present dual temporary and permanent promotion systems in the Army and Air Force and the present complicated running-mate system in the Navy. Officers will no longer be required to undergo two separate selections for a given grade. Promotion opportunity will be more consistent among the services and administration simplified.

The bill would make promotion procedures equally applicable to female and male officers. The Women's Army Corps would be abolished on the ground that a separate corps is inconsistent with equal treatment.

Constructive service credit is given to newly appointed officers for time spent in graduate education or training when such training is a prerequisite for appointment as a commissioned officer. A young person is thus given recognition for time invested in professional training and is also brought into the service at a rank comparable to his contemporaries. The present rules for awarding constructive credit are confusing and inequitable. H.R. 5503 provides uniformity of treatment in awarding such credit.

The bill provides, basically, 1 year of constructive credit for each year of education normally required beyond the baccalaureate level—in other words, beyond 4 years. The Defense Department defines "normally required" as the stated minimum cited in the catalogs of the majority of the schools in the profession.

The bill provides for additional credit for health professions where appropriate to recognize a particular situation.

The committee found that in the health professions the de facto requirement was considerably higher than the stated requirement. The professional schools tend to demand more undergraduate education than their stated minimum, and the committee wanted to provide a mechanism to allow for additional credit when the overwhelming majority of schools in a discipline make such a demand. The bill, therefore, provides that an additional year of credit beyond the stated minimum can be awarded when more than 75 percent of the entering students in the discipline have at least a year more professional education than the stated minimum.

One last feature I would like to touch on is the transition provision of the bill. Although the legislation does not present a radical change in the present system, the career expectations of some officers will be different under DOPMA. For this reason, and with an eye toward equity, the committee has included a number of transition provisions. The basic concept under which these provisions were developed was to insure that an officer at a particular point in his career with certain reasonable expectations on the day before enactment would not have those expectations changed negatively after the date of enactment. In other words, an individual will be at least as well off after the date of enactment as he was before. This protection operates as long as an individual is in the same grade as he had upon enactment. Once he accepts promotion to the next grade, he would be fully under the provisions of DOPMA.

Mr. Chairman, in the last Congress, DOPMA was passed overwhelmingly by this body. The environment in which this legislation will operate has not changed since that time. The effort that was put forth to evaluate, to modify, to improve the substance of the bill is as valid today as it was then and as it will be in the future.

I urge Members of the House to again support this legislation.

Mr. NICHOLS. Mr. Chairman, I have no further request for time.

Mr. MITCHELL of New York. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BOB WILSON).

Mr. BOB WILSON. Mr. Chairman, I rise in strong support of H.R. 5503.

The bill does a great deal of housekeeping in the statutes affecting the appointment, promotion, separation, and retirement of military officers. In addition, it eliminates a recurring problem, namely the temporary extension of Air Force grade relief. Over the years the Congress has periodically approved grade-relief legislation for the Air Force. The latest extension expires on September 30 of this year.

When the last extension was approved, we stated that we would not consider a further extension independent of legislation to revise the officer grade structure and promotion procedures of the Armed Forces as a whole. In reporting H.R. 5503, the committee carries out that commitment.

In addition, on September 14, 1978, certain emergency authorities expire. H.R. 5503 continues some of these as nonemergency authorities. For example, it would delete the requirement—which will become operative again on September 14 of this year requiring Army and

Air Force health professionals to take professional examinations as a condition of promotion. It would also delete the requirement for sea duty as a condition for promotion of certain naval officers.

The expiration of these authorities lends a new urgency to the passage of DOPMA. Enactment of H.R. 5503 will obviate the need to consider a number of separate bills later this year. With the busy schedule of the House, this factor alone argues for favorable action on the bill before us.

I urge all Members to join in passage of H.R. 5503.

Mr. BALDUS. Mr. Chairman, I wish to join my colleagues in urging favorable action on H.R. 5503.

This bill constitutes the first comprehensive revision of the laws governing personnel management of officers of the Defense establishment in over 30 years. The present statutes which were enacted in substantially their present form in 1947 established different rules governing the career management of officers of the Army and Air Force on the one hand and officers of the Navy and Marine Corps on the other.

With the passage of time and the greater coordination and joint operations required of the military services in today's environment, uniform laws governing the appointment, career progression, and mandatory retirement of officer personnel of the several services are needed.

H.R. 5503 fulfills that need.

As has been stated by my colleagues this bill does not make any radical change in the rules governing the management of the officer corps but it does eliminate many unnecessary differences in treatment of officers of the several services.

In conclusion, Mr. Chairman, I favor this much-needed modernization of the officer personnel management laws and urge my colleagues on both sides of the aisle to support H.R. 5503.

Mr. MITCHELL of New York. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. NICHOLS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Defense Officer Personnel Management Act".

SEC. 2. Subtitle A of title 10, United States Code, is amended by:

(1) Inserting the following new item in the chapter analysis and the chapter analysis of part II:

"30. Strength and Distribution in Grade ---------- 451."

(2) Inserting the following new chapter in part II:

"Chapter 30.—STRENGTH AND DISTRIBUTION IN GRADE

"Sec.
"451. Armed forces: members on active duty.
"452. Commissioned officers on active duty in grade below brigadier general or commodore admiral.
"453. Commissioned officers on active duty in grade below brigadier general or commodore admiral; prescribed number; vacancies.

"§ 451. Armed forces: members on active duty

"(a) The total strength of an armed force (other than the Coast Guard when it is not operating as a service in the Navy) in members on active duty is as authorized annually by law. Unless otherwise provided by law, that strength does not include—

"(1) Reserves on active duty for training;

"(2) members paid directly from appropriations for the reserve components;

"(3) Reserves ordered to active duty in time of war, or of national emergency declared by Congress or the President after January 1, 1977;

"(4) members in a Reserve Officers' Training Corps or other officer candidate programs under which the period of active duty does not exceed six months; and

"(5) officers on active duty for the administration of the Selective Service System under section 10(b)(2) of the Military Selective Service Act, as amended (50 U.S.C. App. 460(b)(2)).

"(b) Unless otherwise provided by law:

"(1) The Secretary of Defense may, for any armed force except the Coast Guard when it is not operating as a service in the Navy, prescribe the total strength in officers on active duty.

"(2) The Secretary of the military department concerned may prescribe the numbers of any other category of members of an armed force under his jurisdiction authorized to be on active duty.

"(3) The total strength and officer strength of the Navy shall be increased by the authorized total strength and officer strength of the Coast Guard when the Coast Guard is operating as a service in the Navy. However, during such a period the Secretary of Defense may prescribe the total strength in Navy, Coast Guard, and Marine Corps officers on active duty, as the case may be. The Secretary of the Navy may prescribe the total numbers of any other category of members of the Navy, Coast Guard, and Marine Corps authorized to be on active duty, as the case may be.

"§ 452. Commissioned officers on active duty in grades below brigadier general or commodore admiral

"(a) Of the total number of commissioned officers serving on active duty in the Army, Navy, Air Force, or Marine Corps, as the case may be, exclusive of the officers specified in subsection (d), the number of commissioned officers who may serve in each of the grades named in the table below may not, except as provided in subsections (c) and (f), exceed a number appropriate to the total as set forth in the following table:

"Total number of commissioned officers excluding officers specified in subsection (d), on active duty	Colonel or captain (Navy)	Lieutenant colonel or commander	Major or lieutenant commander
Army:			
70,000	3,706	9,244	13,396
75,000	3,896	9,587	14,242
80,000	4,085	9,933	15,065
85,000	4,265	10,267	15,911
90,000	4,455	10,613	16,756
95,000	4,663	11,090	17,329
100,000	4,870	11,588	17,925
Navy:			
45,000	2,600	6,025	9,738
48,000	2,730	6,230	10,229
51,000	2,861	6,436	10,721
54,000	2,991	6,642	11,212
57,000	3,121	6,874	11,704
60,000	3,253	7,052	12,195
63,000	3,327	7,283	12,642
66,000	3,421	7,504	13,105

"Total number of commissioned officers excluding officers specified in subsection (d), on active duty	Colonel or captain (Navy)	Lieutenant colonel or commander	Major or lieutenant commander
Marine Corps:			
12,500	625	1,436	2,743
15,000	635	1,515	2,943
17,500	647	1,595	3,142
20,000	676	1,707	3,371
22,500	704	1,818	3,600
25,000	732	1,928	3,828
27,500	760	2,039	4,056
Air Force:			
85,000	4,407	10,839	16,517
90,000	4,607	11,243	17,321
95,000	4,806	11,649	18,126
100,000	5,007	12,054	18,930
105,000	5,207	12,459	19,735
110,000	5,407	12,864	20,539
115,000	5,576	13,168	21,186
120,000	5,752	13,511	21,893

If the number of commissioned officers serving on active duty is between two of the figures listed in the first column of the table, the corresponding strengths in grade are determined by mathematical interpolation between the respective numbers of the two strengths. If it is determined that the number serving on active duty is greater or lesser than the figures listed in the first column of the table, the Secretary concerned shall fix the corresponding strengths in grade at the same proportion as reflected in the nearest limit shown in the table.

"(b) The Secretary of the military department concerned, whenever the needs of the service require but at least once each fiscal year, shall compute the number of officers authorized under subsection (a) to serve on active duty in each grade above captain (Army, Air Force, or Marine Corps), or lieutenant (Navy).

"(c) Whenever the total number of officers on active duty, exclusive of officers specified in subsection (d), is reduced by more than 7 percent in any one-year period, the Secretary concerned may delay by not more than one year the next computation required by subsection (b).

"(d) Officers in the following categories shall be excluded in computing and determining strengths under this section:

"(1) Reserve commissioned officers—

"(A) on active duty for training;

"(B) on active duty under section 265, 678, 3033, 3496, 5251, 5252, 8033, or 8496 of this title, or section 708 of title 32;

"(C) on active duty to pursue special work; or

"(D) ordered to active duty (other than for training)—

"(i) under section 672(a), 673, or 674 of this title; or

"(ii) in other emergency situations.

However, reserve commissioned officers covered by clause (D) may be excluded in determining strengths for the armed force concerned for not more than the duration of the war or emergency for which those officers were ordered to active duty, and for six months thereafter.

"(2) Officers serving in grades above colonel or captain (Navy).

"(3) Medical officers.

"(4) Dental officers.

"(5) Warrant officers.

"(6) Retired officers on active duty.

"(7) Officers on active duty for the administration of the Selective Service System under section 10(b)(2) of the Military Selective Service Act, as amended (50 U.S.C. App. 460(m)(2)).

"(e) A commissioned officer may not suffer a reduction in grade, pay, or allowances because of a reduction in the number of commissioned officers computed under subsection (a) that is authorized by this section for his grade.

"(f) The authorized number for a grade computed under this section is temporarily increased, during the period between one computation and the next succeeding computation, by—

"(1) the number of officers originally appointed in that grade during that period; and

"(2) the number of officers of that grade for whom a vacancy exists in the higher grade grade but whose promotion has been delayed for any reason.

"(g) In time of war, or of national emergency declared by Congress or the President after January 1, 1977, the President may suspend the operation of any provision of this section.

"§ 453. Commissioned officers on active duty in grades below brigadier general or commodore admiral; prescribed number; vacancies

"(a) The Secretary of the military department concerned shall, whenever the needs of the service require, prescribe the number of commissioned officers, exclusive of those specified in section 452(d) of this title, that shall be maintained in each of the grades of major through colonel or lieutenant commander through captain (Navy). The number prescribed for each grade may be the number authorized to serve in that grade as computed under section 452 of this title or a lesser number. If the number prescribed for a grade is less than the number authorized for that grade, the reduction may be applied as an increase to the authorized number in a lower grade.

"(b) Except as provided in subsection (c), the actual number of officers in a grade, exclusive of those specified in section 452(d) of this title, may not exceed the prescribed number. Vacancies occur whenever, and to the extent that, the actual number falls below the prescribed number.

"(c) The prescribed number for a grade is temporarily increased during the period between one computation and the next succeeding computation by—

"(1) the number of officers originally appointed in that grade during that period; and

"(2) the number of officers of that grade for whom a vacancy exists in the higher grade but whose promotion has been delayed for any reason.

"(d) At the time of making the computations required by this section, or whenever the needs of the service require, the Secretary concerned shall also determine the number of officers that will be required to meet the needs of the service in the grades of second lieutenant, first lieutenant, or captain (Army, Air Force, or Marine Corps) or ensign, lieutenant (junior grade), or lieutenant (Navy).".

(3) Amending chapter 33 by inserting the following new sections and inserting corresponding new items in the chapter analysis:

"§ 542. Commissioned officers: original appointment; how made

"(a) Except as otherwise provided in this title, original appointments in commissioned grades in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps shall be made by the President, by and with the advice and consent of the Senate.

"(b) Original appointments in commissioned grades in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, may not be made under this section, 543 or 544 of this title in warrant officer grades or in grades above colonel or captain (Navy).

"§ 543. Commissioned officers: original appointment; qualifications

"(a) Under regulations prescribed by the Secretary of the military department concerned, original appointments in commissioned grades in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps may be made from persons who—

"(1) are citizens of the United States;

"(2) are at least 21 years of age;

"(3) are able to complete 20 years of active commissioned service before their fifty-fifth birthday;

"(4) are of good moral character;

"(5) are physically qualified for active service; and

"(6) have such other qualifications as the Secretary concerned may, by regulation, prescribe.

"(b) Original appointments may not be made under this section as medical or dental officers or those officers designated for limited duty.

"(c) Original appointments of chaplains are not subject to subsection (a)(3).

"§ 544. Commissioned officers; original appointment; service credit

"(a) For the purposes of determining grade and position on the active-duty list under section 620 of this title, a person originally appointed in a commissioned grade, other than a warrant officer, in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, shall be credited, except as provided in section 620 (d) of this title, at the time of his appointment with the active commissioned service, other than service as a commissioned warrant officer, in any armed force that he performed after becoming 18 years of age and before his appointment.

"(b) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned shall, in addition to the credit set forth in subsection (a), credit an officer with the amount of service, if applicable, for the following purposes and under the following conditions—

"(1) one year of constructive service for each year of qualifying advanced education beyond the normal baccalaureate level, limited to those officer categories requiring advanced education as a prerequisite for appointment as a commissioned officer (except as provided in clause (5), in determining the years of service under this clause, the Secretary concerned shall grant credit for only the number of years normally required to receive the advanced education or degree);

"(2) credit for advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic educational criteria for appointment as an officer when such advanced education will be directly used by the armed force concerned;

"(3) additional credit of not more than one year for internship or equivalent graduate medical, dental, or other formal professional specialty training required by the armed forces and not more than one year of additional credit for each additional year of such graduate level training creditable towards certification in a specialty required by the armed forces;

"(4) additional credit, in unusual cases, based on a member's special experience in a particular field;

"(5) additional credit of one year for advanced education in a health profession if the numbers of years of baccalaureate education completed by 75 percent or more of the students entering the discipline concerned exceeds, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that particular health profession. The percent of such persons will be computed on an annual basis for each discipline from the data for the year in which a person was admitted to a professional school. However, a person may not receive additional credit under this clause if the amount of his baccalaureate education does not exceed, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that particular health profession, determined on the basis prescribed in the preceding sentence. However, except as authorized by the Secretary concerned in individual cases, the amount of service credit granted under this subsection shall not exceed that amount required for original appointment in the grade of major in the Army and Air Force and in the grade of lieutenant commander in the Navy.

"(c) The amount of constructive service prescribed under subsection (b) shall be used for determining—

"(1) entry grade;

"(2) entry position on an active-duty list;

"(3) seniority in grade; and

"(4) time in grade for promotion eligibility.

"(d) The amount of service credited under subsection (b) may not be used to compute the years of service for—

"(1) active-duty pay and allowances;

"(2) voluntary retirement;

"(3) involuntary retirement;

"(4) involuntary separation;

"(5) retired pay or transition payments; or

"(6) involuntary separation readjustment compensation.

"(e) The amount of service creditable under subsection (b) may not be granted for any education, training, experience, or qualifications attained while serving on active duty, except for constructive service credit for board certification of medical and dental officers.

"(f) A cadet or midshipman at the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy who, upon graduation, is originally appointed in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps as a second lieutenant or ensign, is not entitled to any service credit under subsection (a) or (b), for service performed, or education, training, or experience obtained, prior to graduation.".

(4) Amending chapter 33 by amending section 564(a)(3) by striking out "severance pay computed under section 1167" and inserting in place thereof ", if eligible therefor, separation pay under section 1173a".

(5) Inserting the following new items in the chapter analysis and the chapter analysis of part II:

"35A. Temporary Appointments..... 605
"36. Promotion, Separation, Retirement of Officers on the Active-Duty List: Second Lieutenants or Ensigns through Colonels or Captains (Navy).. 611".

(6) Inserting the following new chapters in part II:

"Chapter 35A.—TEMPORARY APPOINTMENTS

"Sec.
"605. Temporary appointments in time of war or national emergency.

"§ 605. Temporary appointments in time of war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President after January 1, 1977, the President may appoint any qualified person who does not hold an appointment in the Army, Navy, Air Force, or Marine Corps, in a commissioned grade below brigadier general or commodore admiral, except a warrant officer grade, as a temporary commissioned officer in one of those grades in the Army, Navy, Air Force, or Marine Corps.

"(b) An officer appointed under this section is entitled to the service credit prescribed in section 544 of this title.

"(c) An officer appointed under this section may be ordered to active duty for such period as the President prescribes.

"(d) Appointments under this section shall be made by the President alone.

"(e) Appointments under this section may be vacated by the President at any time .

"(f) Appointments under this section do not change the permanent status of members of the armed forces so appointed. A person who is appointed under this section may not suffer any reduction in the pay and allowances to which he was entitled because of his permanent status at the time of his temporary appointment under this section.

"(g) Temporary appointments made under this section shall, if not sooner terminated, terminate not later than—

"(1) six months after the end of the war or national emergency; or

"(2) the date the appointee is released from active duty; whichever is earlier.

"Chapter 36.—PROMOTION, SEPARATION, RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST: SECOND LIEUTENANTS OR ENSIGNS THROUGH COLONELS OR CAPTAINS (NAVY)

"Sec.
"611. Commissioned officers: selection boards; promotion.
"612. Commissioned officers: selection boards; composition of boards.
"613. Commissioned officers: selection boards; notice of convening; communications with board.
"614. Commissioned officers: selection boards; oath of members.
"615. Commissioned officers: selection boards; information furnished boards.
"616. Commissioned officers: selection boards; recommendations for promotion.
"617. Commissioned officers: selection boards; reports.
"618. Commissioned officers: selection boards; submission of reports.
"619. Commissioned officers: eligibility for consideration for promotion.
"620. Commissioned officers: active-duty lists.
"621. Commissioned officers: competitive categories for promotion.
"622. Commissioned officers: promotion zones.
"623. Commissioned officers: numbers to be selected for promotion.
"624. Commissioned officers; promotions.
"625. Commissioned officers: promotions; acceptance; oath of office.
"626. Commissioned officers: failure of selection.
"627. Commissioned officers: special selection boards.
"628. Commissioned officers: removal from selection list.
"629. Regular commissioned officers: less than five years' service or failure of promotion to first lieutenant or lieutenant (junior grade); discharge.
"630. Regular first lieutenants and captains (Army, Air Force, Marine Corps) and lieutenants (junior grade) and lieutenants (Navy): effect of failure of selection for promotion.
"631. Regular majors and lieutenant commanders: effect of failure of selection for promotion.
"632. Regular lieutenant colonels and commanders: retirement for failure of selection for promotion.
"633. Regular colonels and captains (Navy); retirement for years of service.
"634. Regular commissioned officers: continuation on active duty.
"635. Authority to convene selection boards to recommend certain officers for continuation on active duty.
"638. Continuation on active duty for disciplinary action.
"637. Computation of creditable service for involuntary retirement and other purposes.
"638. Deferment of retirement or separation.
"639. Promotion, separation, and involuntary retirement of medical and dental officers.
"640. Officers performing professional functions: defined; discharge upon loss of qualifications.
"641. Exclusion of certain officers.
"642. Suspension: preceding sections.
"643. Commissioned officers: entitlement to separation pay or retired pay.

"§ 611. Commissioned officers: selection boards; promotion

"At least once a year and at such other times as the needs of the service require, the Secretary of the military department concerned shall convene selection boards to recommend for promotion to the next higher grade officers on the active-duty list in each grade from first lieutenant through lieutenant colonel in the Army, Air Force, or Marine Corps, and from lieutenant (junior grade) through commander in the Navy. The Secretary concerned may convene separate selection boards for each competitive category. However, the Secretary concerned is not required to convene a board to recommend officers in a competitive category for promotion to a grade when no officers are eligible for promotion in the promotion zone for that grade and competitive category.

"§ 612. Commissioned officers: selection boards; composition of boards

"(a) A board convened under section 611 of this title shall consist of five or more officers serving in a grade of major, or above, or lieutenant commander, or above.

"(b) A board convened under section 611 of this title shall consist of officers who are serving in a grade at least equal to the grade to which the board may recommend officers for promotion.

"(c) Boards convened under section 611 of this title shall consist of officers on the active-duty list of the same armed force as the officers under consideration. However, if qualified officers on the active-duty list are not available in sufficient numbers to comprise a board, the Secretary of the military department concerned shall complete the membership by appointing as members of the board retired officers of the same service who have the prescribed qualifications.

"(d) When reserve officers of an armed force are eligible for consideration by a board convened under section 611 of this title, the board shall, when possible, include an appropriate number of reserve officers of that armed force.

"(e) No officer may be a member of two successive boards convened under section 611 of this title for the consideration of officers of the same competitive category and grade for promotion.

"(f) A board convened to consider officers shall, consistent with subsections (a)–(e), consist of such officers as may be determined by the Secretary concerned. A board considering officers of a competitive category for promotion shall, when possible, include at least one officer of that competitive category among its members except as provided in sections 5701, 5702, and 5703 of this title.

"§ 613. Commissioned officers: selection boards; notice of convening; communications with board

"(a) Before a board is convened under section 611 of this title, notice of the convening date and the promotion zone shall be promulgated to the officers eligible for consideration or to the armed force concerned at large.

"(b) Each officer in or above a promotion zone being considered by a selection board convened under section 611 of this title may send a communication through official channels to the board, to arrive not later than the date the board convenes, calling attention to any matter concerning himself that he considers important to his case. However, if notice of the convening date of the board has not been promulgated to the officers eligible for consideration or to the armed force concerned at large, at least 10 days before the convening date, each eligible officer in or above the promotion zone may send a communication concerning his record to the board through official channels, to arrive not later than 10 days after the date the board convenes. A communication sent under this section may not criticize any other officer or reflect upon the character, conduct, or motive of any other officer.

"§ 614. Commissioned officers: selection boards; oath of members

"Each member of a broad convened under this chapter shall swear that he will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of his armed force, perform the duties imposed upon him.

"§ 615. Commissioned officers: selection boards; information furnished boards

"The Secretary of the military department concerned shall furnish the appropriate board convened under section 611 of this title with—

"(1) the number of officers in each competitive category under consideration that the board shall, subject to section 616 of this title, recommend for promotion to the next higher grade;

"(2) the names of all officers to be considered by the board for promotion to the next higher grade to which the board will recommend officers for promotion with identification of those officers who are in the promotion zone;

"(3) the pertinent records of all officers whose names are furnished to the board; and

"(4) such guidance, which shall be consistent with this chapter, as may be necessary to enable the board to properly fulfill its functions.

"§ 616. Commissioned officers: selection boards; recommendations for promotion

"(a) A board convened under section 611 of this title shall recommend only those eligible officers whom the board considers best qualified for promotion.

"(b) From among those officers of the Army, Navy, Air Force, or Marine Corps, who are to be considered for promotion by a selection board in accordance with section 3297(f), 5706, or 8297(f) of this title, and those whose position on the active-duty list is below the junior officer in the appropriate promotion zone in any grade below colonel or captain (Navy), a board convened under section 611 of this title may, unless the Secretary of the military department concerned prescribes a lesser number, recommend as best qualified for promotion in each competitive category a number of officers that does not exceed 15 percent of the total number of officers in each competitive category that the board is authorized to recommend for promotion to the grade concerned, unless that number is less than one, in which case it may recommend one such officer. Selection under this subsection shall not increase the total number authorized to be recommended for promotion under section 615 of this title.

"(c) No officer may be recommended for promotion unless—

"(1) the officer receives the recommendation of at least a majority of the members of a board; and

"(2) a majority of the members of the board finds that the officer is also fully qualified for promotion.

"(d) If the board finds that the number of officers who are best qualified for promotion and who are also fully qualified for promotion is less than the total number authorized to be recommended for promotion

under section 615 of this title, the board shall recommend the lesser number.

"§ 617. Commissioned officers: selection boards; reports

"(a) Each board convened under section 611 of this title shall submit a report in writing, signed by all the members thereof, containing the names of officers recommended for promotion, and shall certify in its report that the board has carefully considered the records of each officer whose name was furnished to it under section 615 of this title.

"(b) A board convened under section 611 of this title shall certify that, in the opinion of at least a majority of the members, the officers recommended for promotion are best qualified for promotion.

"(c) A board convened under section 611 of this title may be required to report the name of each officer from among those officers whose record, in the opinion of the board, indicates that he should be required to show cause for his retention on active duty under chapter 60 of this title.

"(d) As required by section 6384 of this title, each board convened under this chapter to recommend officers of the Navy or Marine Corps for promotion shall report, from among those officers eligible for consideration, the name of each Navy or Marine Corps officer with less than 20 years of service whose record, in the opinion of the board, indicates—

"(1) his unsatisfactory performance of duty in his present grade; and

"(2) that he would not satisfactorily perform the duties of a higher grade.

"§ 618. Commissioned officers: selection boards; submission of reports

"(a) A board convened under section 611 of this title shall submit its report to the Secretary of the military department concerned who shall return the report for proceedings in revision and resubmission if the board has acted contrary to law.

"(b) After his final review, the Secretary concerned shall submit the report of the board, with his recommendations for action thereon, to the Secretary of Defense for transmittal to the President for approval, modification, or disapproval.

"(c) The name of an officer may be removed from the report of the board only by the President.

"(d) Upon approval by the President, the names of officers recommended for promotion by a board convened under section 611 of this title shall be promptly disseminated to the armed force concerned.

"(e) Except as required by this section, proceedings of a selection board convened under section 611 of this title shall not be disclosed to any person not a member of the board.

"§ 1619. Commissioned officers: eligibility for consideration for promotion

"(a) An officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps (other than a medical or dental officer) may not be considered for promotion to the next higher grade by a selection board convened under section 611 of this title unless he will have completed the following minimum period of service in the grade in which he is serving by the end of the period which is the basis for determining the number of officers which the board is authorized to recommend for promotion:

"(1) One year in the grade of first lieutenant (junior grade).

"(2) Three years in the grade of captain (Army, Air Force, or Marine Corps) or lieutenant (Navy).

"(3) Three years in the grade of lieutenant colonel or commander.

However, the Secretary of the military department concerned may, when the needs of the service so require, increase the minimum amount of service in grade for eligibility for consideration for promotion to the next higher grade.

"(b) For the purpose of this section, service in a grade is computed from an officer's date of rank except that an officer whose position on the active-duty list has been adjusted for any reason while serving in his current grade will be considered to have the same service in a grade as the officer next junior on the active-duty list whose position on the active-duty list has not been adjusted in that grade. Service in a grade under a temporary appointment, which by its own terms is limited in duration, shall be excluded from computation under this subsection.

"(c) In addition to the time-in-grade requirements set out in subsection (a), no officer may become eligible for consideration for promotion until all officers of his grade in his competitive category on the active-duty list senior to him are so eligible.

"(d) Each officer having once failed of selection for promotion to the next higher grade remains eligible for selection for promotion to that grade as long as he continues on active duty in other than a retired status and is not promoted to that grade.

"(e) A selection board convened under section 611 of this title may not consider for promotion to the next higher grade any officer whose name is on the promotion list for that grade as a result of his selection to that grade by an earlier board convened under that section.

"§ 620. Commissioned officers: active-duty lists

"(a) The Secretary of the military department concerned shall maintain a single active-duty list of officers of the Army, Navy, Air Force, or Marine Corps, as the case may be, on active duty in the grades of second lieutenant or ensign, and above.

"(b) Officers shall be carried on active-duty lists in the order of seniority of the grade in which they are serving on active duty. Officers serving in the same grade shall be carried in the order of their seniority in that grade.

"(c) Under regulations prescribed by the Secretary concerned, the grade and position on the active-duty list of an officer shall be determined as follows:

"(1) Except as provided in section 2106(b) of this title, and except as otherwise provided in this section, an officer who has no prior commissioned service shall be placed on the active-duty list in the grade of second lieutenant or ensign in a position on the list immediately below the junior officer on that list, or if he has received constructive service credit under section 544(b) of this title or any other provision of law, shall be placed immediately below the junior due-course officer whose commissioned service is the same or next longer in comparison to the service credit of the officer whose position on the list is being determined.

"(2) An officer who is placed on the active-duty list as a reserve officer or as a regular officer shall be placed on the list in the same grade and in the position he would have occupied had he been on active duty as a due-course officer if—

"(A) the period between his commissioning and placement on the active-duty list was—

"(i) less than one year; or

"(ii) one year or more, during which time he participated in an active status as a reserve commissioned officer to the extent required to maintain retirement eligibility under section 1331 of this title;

"(B) he has been on continuous active duty since he was commissioned; or

"(C) the latest period during which he has not been on active duty since he was commissioned was—

"(i) less than one year; or

"(ii) one year or more, during which time he participated in an active status as a reserve commissioned officer to the extent required to maintain retirement eligibility under section 1331 of this title.

"(3) An officer not covered by clause (2) who is placed on the active-duty list as a reserve officer or as a regular officer shall, if he is an officer who—

"(A) has not been on continuous active duty since he was commissioned; and

"(B) during those periods when he was not on active duty, was in an active status in the Reserves, but failed to participate to the extent required to maintain retirement eligibility under section 1331 of this title;

be placed on the list no higher than the grade and position he would have occupied had he been on active duty as a due-course officer, but no lower than the grade and position of the junior due-course officer who has the same or next longer period of active commissioned service.

"(4) An officer not covered by clause (2) who is placed on the active-duty list as a reserve officer or as a regular officer shall, if he is an officer who—

"(A) has not been on continuous active duty since he was commissioned; and

"(B) during those periods when he was not on active duty, terminated his active status, or was separated from the service;

be placed on the list lower than the position he would have occupied had he been on active duty as a due-course officer but no lower than the grade and position of the junior due-course officer who has the same or next longer period of active commissioned service.

"(5) When the position of an officer on the active-duty list would be the same as that of any other officer, his position on the list relative to the other officer shall be determined under regulations prescribed by the Secretary concerned.

"(d) The Secretary of Defense shall prescribe regulations to enable the Secretary of the military department concerned to credit prior commissioned service to determine the grade and position which shall be given to officers who are placed on the active-duty list, or originally appointed as regular officers and placed on that list in the following competitive categories:

"(1) The Army—

"(A) Veterinary Corps;

"(B) Medical Service Corps;

"(C) Nurse Corps;

"(D) Medical Specialist Corps;

"(E) Medical Corps; or

"(F) Dental Corps.

"(2) The Navy—

"(A) Medical Service Corps;

"(B) Medical Corps;

"(C) Dental Corps; or

"(D) Nurse Corps.

"(3) The Air Force—

"(A) officers designated as medical service officers;

"(B) officers designated as biomedical sciences officers;

"(C) officers designated as nurses;

"(D) officers designated as veterinary officers;

"(E) officers designated as medical officers; or

"(F) officers designated as dental officers.

"(e) Each officer serving in a temporary grade, or a grade held by reason of his office, above colonel or captain (Navy) has, upon the termination of his appointment in that grade, the grade and position on the active-duty list that he would have held if he had not received that appointment. This subsection does not apply to an officer appointed under section 3066, 5231, 5232, or 8066 of this title.

"(f) The Secretary concerned may correct any erroneous position on an active-duty list

that was caused by administrative error. Any officer—

"(1) whose position on the active-duty list is changed;

"(2) whose grade is changed under this section; or

"(3) who is placed on the active-duty list among officers with dates of rank differing from his own;

may be reappointed in the same, a lower, or a higher grade to reflect his position, and his date of rank may be changed to conform to his new position on the active-duty list. The authorized number of officers in any grade may be temporarily exceeded, by the number of officers whose grades were changed under this section, until the next succeeding computation.

"§ 621. Commissioned officers: competitive categories for promotion

"(a) Each commissioned officer whose name appears on the active-duty list of the Army shall be carried in one of the following competitive categories of officers with whom he will compete for promotion:

"(1) Army line.

"(2) Chaplains.

"(3) Veterinary Corps.

"(4) Medical Service Corps.

"(5) Nurse Corps.

"(6) Medical Specialist Corps.

"(7) Medical Corps.

"(8) Dental Corps.

"(b) Each commissioned officer whose name appears on the active-duty list of the Navy shall be carried in one of the following competitive categories of officers with whom he will compete for promotion:

"(1) Officers not restricted in the performance of duty in the line.

"(2) Officers designated for each of the categories authorized by section 5587(c) of this title.

"(3) Officers in one of the staff corps.

"(4) Officers designated for limited duty in the line.

"(5) Officers designated for limited duty in one of the staff corps.

Officers listed in clauses (2), (3), and (5) shall compete for promotion only among officers within one of the staff corps established for the Navy under this title or categories as set forth in section 5587(c) of this title.

"(c) Each commissioned officer whose name appears on the active-duty list of the Air Force shall be carried in one of the following competitive categories of officers with whom he will compete for promotion:

"(1) Line of the Air Force.

"(2) Officers designated as chaplains.

"(3) Officers designated as medical service officers.

"(4) Officers designated as biomedical sciences officers.

"(5) Officers designated as nurses.

"(6) Officers designated as veterinary officers.

"(7) Officers designated as medical officers.

"(8) Officers designated as dental officers.

"(d) Each commissioned officer whose name appears on the active-duty list of the Marine Corps shall be carried in one of the following competitive categories of officers with whom he will compete for promotion:

"(1) Officers not restricted in the performance of duty.

"(2) Officers designated for limited duty.

"(e) Additional competitive categories may be established under regulations prescribed by the Secretary of the military department concerned for officers performing other functions requiring special training or experience.

§ 622. Commissioned officers: promotion zones

"(a) Before he convenes a selection board to consider officers for promotion to any grade above first lieutenant and below brigadier general, or above lieutenant (junior grade) and below commodore admiral, the Secretary of the military department concerned shall establish a promotion zone.

"(b) The promotion zone shall consist of the designated junior officer in the zone and those officers who have not previously failed of selection who are senior to him.

"(c) The Secretary concerned shall determine the number of officers in each promotion zone from among officers eligible for promotion on the basis of a consideration of—

"(1) the number of vacancies estimated for the next higher grade in each of the next five years; and

"(2) the number of officers who will be placed in the promotion zone in those years to assure the individuals in succeeding years equality of opportunity for promotion.

"§ 623. Commissioned officers: numbers to be selected for promotion

"(a) Before convening a board to select officers for promotion to any grade below brigadier general or commodore admiral, the Secretary of the military department concerned shall determine the total number of officers who may be selected for promotion to the grade. The number of officers who may be promoted to the higher grade is equal to the number of vacancies in the grade plus the number of additional vacancies estimated for the promotion period minus the number of officers on the selection list for promotion for the grade.

"(b) Having determined the total number of officers to be selected for promotion to any grade, the Secretary concerned shall apportion that number among the competitive categories of the grade from which such officers are to be selected. This apportionment shall provide for equality of opportunity of selection among the competitive categories from which selections are made, except that the Secretary concerned may adjust the number of officers to be selected in a competitive category on the basis of a consideration of an estimate of service needs and the number of anticipated losses and officers to be placed in the promotion zone during the next five years in each competitive category.

"§ 624. Commissioned officers: promotions

"(a) An officer serving on active duty in the grade of second lieutenant or ensign may be promoted to the next higher grade subject to regulations prescribed by the Secretary of the military department concerned. An officer serving in the grade of first lieutenant or lieutenant (junior grade), whose name is on an approved list of officers recommended for promotion by a selection board convened under section 611 of this title, may be promoted subject to such regulations as the Secretary concerned may prescribe.

"(b) When the reports of all boards convened under section 611 of this title to select officers of all competitive categories from which selections are authorized for promotion to any grade of an armed force, below the grade of brigadier general or commodore admiral, have been approved by the President, the Secretary concerned shall place the names of all officers selected and approved for promotion on a single list in the order of their seniority on the active-list. Except in the case of promotions governed by subsection (a) and except as provided in subsection (e), officers shall be promoted to the next higher grade in accordance with subsection (c) as vacancies occur in the authorized active-duty strength of that grade. Promotions shall be made in the order that officers' names appear on the promotion list, and after officers previously selected have been promoted.

"(c) An officer appointed under subsection (a) shall have an effective date of promotion and date of rank in the grade to which promoted from the date the appointment is made. An officer appointed under subsection (b) shall have an effective date of promotion and date of rank in the grade to which promoted from the first day of the month following the date of occurrence of the vacancy he was appointed to fill.

"(d) Appointments of officers under this section shall be made by the President, by and with the advice and consent of the Senate, except that appointments, other than an original appointment as a regular officer, in the grade of first lieutenant or lieutenant (junior grade) shall be made by the President alone. An appointment of a reserve officer under this section shall be retained after release from active duty for the purpose of promotion under any other chapter of this title.

"(e) An appointment under this section may be delayed under the following circumstances:

"(1) When—

"(A) proceedings of a court-martial, a board of officers as constituted under chapter 60 of this title, or an investigation incident to such court-martial or board are pending against an officer; or

"(B) sworn charges are received by an officer exercising general court-martial jurisdiction over an officer;

the appointment of an officer who has been selected for promotion may be delayed by the Secretary concerned until completion of the proceedings or investigation. If, upon completion of the proceedings or investigation, or upon dismissal of the charges against him, the officer is retained on the list of officers to be appointed, his date of rank, pay, and allowances, when appointed, shall be the same as he would have had if no delay had intervened.

"(2) In cases where the Secretary concerned finds that there is good cause to believe that an officer is mentally, physically, morally, or professionally unqualified to perform the duties of the grade for which he was selected. If the Secretary concerned subsequently determines that the officer is qualified for promotion, the officer's date of rank, pay, and allowances shall be the same as if no delay intervened.

In no case shall the date of rank, pay, and allowances of an officer whose appointment is delayed be computed from a date earlier than the date which would have been employed for such computation in accordance with section 908 of title 37 had the appointment not been delayed. In any case in which delay of the appointment of an officer is contemplated, such officer shall be given written notice of the grounds for the delay, and he shall be afforded an opportunity to make a written statement in response. That statement, if made, shall be considered by the Secretary concerned in determining whether to institute a delay. An appointment may not be delayed for more than six months after the date the officer would otherwise have been appointed, unless the Secretary concerned determines delay to be necessary for the good of the service for a further period which he shall specify. However, an officer's promotion may not be delayed beyond 18 months from the time the officer would otherwise have been appointed unless the basis for the delay is the result of—

"(1) a pending criminal proceeding in a State or Federal court; or

"(2) final action not having been taken by a board or court-martial due to a delay caused by a proceeding described in clause (1).

"§ 625. Commissioned officers: promotions; acceptance; oath of office

"(a) An officer who receives an appointment under section 624 of this title is con-

sidered to have accepted his appointment on its effective date, unless he expressly declines the appointment.

"(b) An officer who has served continuously since he subscribed to the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon his appointment in a higher grade.

"§ 626. Commissioned officers: failure of selection

"An officer who is in or above the promotion zone established for his grade under section 622 of this title, and is considered but not selected for promotion, shall be considered to have failed of selection.

"§ 627. Commissioned officers: special selection boards

"(a) The Secretary of the military department concerned may convene a special selection board composed in accordance with section 612 of this title to determine whether an officer who is in, or above, the promotion zone established for his grade under section 622 of this title, and otherwise eligible for promotion, should be recommended for promotion when the Secretary concerned determines that the officer was—

"(1) not considered by a selection board because of administrative error; or

"(2) considered by a selection board, and not selected, when the board's action was contrary to law or involved material error of fact, material administrative error, or when material new evidence has been discovered.

"(b) The special board convened under subsection (a) shall consider the record of an officer as his record, if corrected, would have appeared to the board that should have considered, or did consider him. That record shall be compared with the records of those officers who were, and who were not, selected by the board which should have considered, or did consider, the officer described in subsection (a).

"(c) In the case of an officer specified in subsection (a), if the report of a special board, as approved by the President, recommends the officer for promotion, and he is appointed to the higher grade, he is entitled to the same date of rank, pay, and allowances of that grade, and the same position on the active-duty list as he would have had if he had been selected by the board which should have considered, or did consider, him. If a special board does not recommend for promotion an officer who is referred to it for consideration under subsection (a) (1), that officer is considered as having failed of selection. If a special board does not recommend for promotion an officer who is referred to it for consideration under subsection (a) (2), that officer incurs no additional failure of selection.

"§ 628. Commissioned officers: removal from selection list

"(a) The President may remove the name of any officer from a list of selectees.

"(b) If the Senate does not consent to the appointment of an officer whose name is on a list of selectees, that officer's name shall be removed from the list.

"(c) An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If he is recommended for promotion by the next selection board and promoted, he is entitled to the same position on the active-duty list, date of rank in the grade, and the same pay and allowances upon promotion to which he would have been entitled if his name had not been so removed. However, if the officer is not recommended for promotion by the next selection board or if his name is again removed under this section from the list of officers recommended for promotion by the next selection board, or if the Senate again does not consent to his appointment, he is considered for all purposes as having twice failed of selection for promotion.

"§ 629. Regular commissioned officers: less than five years' service or failure of promotion to first lieutenant or lieutenant (junior grade); discharge

"The Secretary of the military department concerned, under regualtions prescribed by him—

"(1) may discharge any regular officer on the active-duty list who has less than five years of active commissioned service; and

"(2) shall discharge a regular officer, except one who is covered by section 6383(e) of this title, serving on the active-duty list in the grade of second lieutenant or ensign who is found not qualified for promotion to the next higher grade.

"§ 630. Regular first lieutenants and captains (Army, Air Force, Marine Corps) and lieutenant (junior grade) and lieutenants (Navy): effect of failure of selection for promotion

"Except as provided in section 641(c) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps serving in the grade of first lieutenant or captain, or each officer of the Regular Navy serving in the grade of lieutenant (junior grade) or lieutenant, who has failed of selection for promotion to the next higher grade for the second time, and whose name is not on a recommended list for promotion shall—

"(1) be honorably discharged on the date requested by him and approved by the Secretary of the military department concerned, but not later than the first day of the seventh calendar month after the President approves the report of the last board that considered but did not recommend him for promotion;

"(2) if he is eligible for retirement under any provision of law, be retired under that law on the date requested by him and approved by the Secretary concerned, but not later than the first day of the seventh month after the President approves the report of the last board that considered but did not recommend him for promotion; or

"(3) unless sooner retired or separated under another provision of law, if he will be within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, be retained on active duty until he is qualified for retirement and then retired.

The discharge of an officer under clause (1) shall be considered an involuntary separation under any other provision of law.

"§ 631. Regular majors and lieutenant commanders (Navy): effect of failure of selection for promotion

"(a) Except as provided by section 641(c) of this title, each officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps serving in the grade of major or lieutenant commander who has failed of selection for promotion to the grade of lieutenant colonel or commander for the second time and whose name is not on a recommended list for promotion shall—

"(1) be honorably discharged on the date requested by him and approved by the Secretary of the military department concerned, but not later than the first day of the seventh calendar month after the President approves the report of the last board that considered but did not recommend him for promotion;

"(2) if he is eligible for retirement under any provision of law, be retired under that law on the date requested by him and approved by the Secretary of the military department concerned, but not later than the first day of the seventh month after the President approves the report of the last board that considered but did not recommend him for promotion; or

"(3) unless sooner retired or separated under another provision of law, if he will be within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title, be retained on active duty until he is qualified for retirement and then retired.

The discharge of an officer under clause (1) shall be considered an involuntary separation under any other provision of law.

"(b) When the needs of the service require, the Secretary concerned may convene selection boards to recommend officers in a competitive category, except limited-duty officer of the Navy and Marine Corps, for continuation on active duty. Notwithstanding subsection (a), each officer described in subsection (a) who has failed of selection for promotion to the grade of lieutenant colonel or commander for the second time may be continued on active duty if selected for continuation in the approved report of a board convened under section 635 of this title. An officer who is selected for continuation but declines to continue on active duty shall be honorably discharged, or if he is eligible for retirement under any provision of law, be retired.

"(c) Each officer who—

"(1) has failed of selection for promotion to the grade of lieutenant colonel or commander for the second time;

"(2) has been continued under subsection (b), but has not been subsequently promoted; and

"(3) is not carried on any list of officers recommended for appointment to the next higher grade;

shall, unless sooner separated or retired under another provision of law, be retired on the first day of the month following the month in which that officer becomes qualified for retirement under section 3911, 6323, or 8911 of this title. An officer subject to retirement under this subsection may, in the discretion of the Secretary concerned, be retired on any earlier date on which that officer is eligible for retirement under any other provision of law.

"§ 632. Regular lieutenant colonels and commanders: retirement for failure of selection for promotion

"Each officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, serving in the grade of lieutenant colonel or commander, except an officer designated for limited duty, who is not on a list of officers recommended for promotion, and who is considered as having twice failed of selection for promotion to the grade of colonel or captain (Navy), shall be retired on the first day of the month following the month in which he completes 26 years of service as computed under section 637 of this title. However, an officer whose second failure of selection for promotion occurred within six months before the date he would have completed 26 years of service, as computed under section 637 of this title, shall not be retired earlier than the first day of the seventh calendar month after the President approves the report of a board convened under section 611 of this title that considered, but did not recommend, him for promotion. No officer shall be retired under this section earlier than the date which would qualify him for retirement under section 3911, 6323, or 8911 of this title.

"§ 633. Regular colonels and captains (Navy): retirement for years of service

"(a) Each officer of the Regular Navy or Regular Marine Corps who is serving in the grade of captain (Navy) or colonel (Marine Corps), except an officer designated for limited duty, whose name is not on a recommended list for promotion to a higher grade shall, if not earlier retired, be retired on the

first day of the month after the month in which he completes 30 years of service as computed under section 637 of this title. However, an officer in a grade below commodore admiral or brigadier general on the active-duty list who—

"(1) has the rank of commodore admiral or rear admiral or brigadier general while serving in a statutory office; and

"(2) would be retired under this section;

may have his date of retirement deferred by the Secretary of the Navy during the time the officer serves in the statutory office.

"(b) Each officer of the Regular Army or Regular Air Force who has the regular grade of colonel, and who has not been recommended for promotion under section 3306 or 8306 of this title, shall, if not earlier retired, be retired on the first day of the month after the month in which he completes 30 years of service as computed under section 637 of this title.

"(c) No officer shall be retired under this section earlier than the date which would qualify him for retirement under section 3911, 6323, or 8911 of this title.

"§ 634. Regular commissioned officers: continuation on active duty

"(a) Notwithstanding section 632 or 633 of this title, each regular officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps, except limited-duty officers of the Navy and Marine Corps, serving in the grade of—

"(1) lieutenant colonel or commander who has failed of selection for promotion to the grade of colonel or captain (Navy) two or more times and whose name is not on a recommended list for promotion; or

"(2) colonel or captain (Navy) who has served at least four years in grade and whose name is not on a recommended list for promotion;

may be considered for continuation on active duty by boards convened under section 635 of this title. The number of such officers authorized by the Secretary of the military department concerned to be selected for continuation on active duty may not be less than 70 percent of the number in each grade of those officers considered in each of the competitive categories.

"(b) An officer who is considered, but not selected, for continuation under this section

"(1) if he is eligible for retirement under any other provision of law, be retired under that law on the date requested by him and approved by the Secretary concerned, but not later than the first day of the seventh month after the Secretary concerned approves the report of the board that considered, but did not recommend, him for continuation;

"(2) if he is not eligible for retirement under any other provision of law, be retained on active duty until qualified for retirement under section 3911, 6323, or 8911 of this title, and then retired, unless he is sooner separated or retired under some other provision;

"(3) if his name is on an approved list for promotion to a higher grade than that in which he was serving at the time he was considered, but not selected, for continuation under this section, be retained on active duty.

"(c) An officer who has once been recommended for continuation on active duty under this section, but has not been selected for promotion to the next higher grade, is not eligible for consideration for continuation on active duty by a subsequent board convened under section 635 of this title sooner than the fifth fiscal year after the date of the approval by the Secretary concerned of the report of the previous board that recommended him for continuation on active duty.

"(d) An officer continued under this section is subject to involuntary retirement under sections 632 and 633 of this title.

"§ 635 Authority to convene selection boards to recommend certain officers for continuation on active duty

"The Secretary concerned—

"(1) may, whenever the needs of the service require, convene selection boards to recommend certain officers for continuation on active duty under sections 631 and 634 of this title.

"(2) shall prescribe regulations for administration of this section and sections 631 and 634 of this title.

"§ 636. Continuation on active duty for disciplinary action

"In the case of an officer to be separated under section 629, 630, or 631 of this title, when action has commenced against him with a view to trial by court-martial (as by apprehension, arrest, confinement, or filing of charges) the separation of that officer may be delayed, without prejudice, by the Secretary of the military department concerned until the completion of the action. If the officer is not separated as a result of action with a view to trial by court-martial, he shall be separated under section 629, 630, or 631 of this title. However, unless the Secretary concerned determines that a further delay is necessary for the good of the service, a separation may not be delayed under this section for more than one year after the date the officer would otherwise have been separated.

"§ 637. Computation of creditable service for involuntary retirement and other purposes

"The period of service which subjects an officer on the active-duty list to involuntary retirement under section 632 or 633 of this title, release from active duty under section 687a of this title, and the period of service of an officer in a grade below brigadier general or commodore admiral for purposes of section 1208(a)(1) of this title, shall be computed as follows:

"(1) For an officer who has served continuously on active duty since his appointment in the grade of second lieutenant or ensign, his period of creditable service is his period of active commissioned service in any armed force.

"(2) For any other officer, his period of creditable service shall be computed by adding—

"(A) his commissioned service during his latest period of continuous active duty; and

"(B) under regulations prescribed by the Secretary of the military department concerned, a period of service to be determined at the time the officer is placed on the active-duty list under section 620 of this title during his latest period of continuous active duty, which period—

"(i) may not, except for a medical or dental officer, be greater than the creditable service of the next senior due-course officer or less than that of the next junior due-course officer; and

"(ii) for a medical or dental officer, shall reflect the officer's position on the active-duty list relative to other officers of his competitive category.

If an officer has received constructive service credit under section 544(b) of this title, or any other provision of law, such credit shall be subtracted from the period of service otherwise computed under this section.

"§ 638. Deferment of retirement or separation

"The Secretary of the military department concerned may defer the retirement or separation under this title of any officer, including an officer covered by section 641 of this title, in the grade of second lieutenant or ensign, or above, if, because of unavoidable circumstances, evaluation of his physical condition and determination of his entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date he would otherwise be required to retire or be separated under this title.

"§ 639. Promotion, separation, and involuntary retirement of medical and dental officers

"Notwithstanding any other provision of this title, the selection and promotion of medical and dental officers to grades below brigadier general or commodore admiral shall be based on the needs of the service as determined by the Secretary of the Military department concerned. The selection and promotion of those officers shall be under regulations prescribed by the Secretary of Defense and in accordance, as nearly as practicable, with the provisions of this chapter. However, a regular medical or regular dental officer shall be subject to the involuntary retirement, selective continuation, and separation provisions of this chapter.

"§ 640. Officers performing professional functions: defined; discharge upon loss of qualifications

"(a) A commissioned officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps who is appointed or designated as a medical officer, dental officer, judge advocate, veterinary officer, medical service officer, nurse, medical specialist, or chaplain is an officer performing a professional function.

"(b) Under regulations prescribed by the Secretary of the military department concerned, an officer performing a professional function as set forth in subsection (a) may, if he fails to maintain the qualifications needed to perform his professional function—

"(1) be separated; or

"(2) if eligible under any provision of law, be retired.

"§ 641. Exclusion of certain officers

"(a) Officers in the following categories are not subject to this chapter:

"(1) Reserve commissioned officers—

"(A) on active duty for training;

"(B) on active duty under section 175, 265, 678, 3015, 3019, 3033, 3496, 5251, 5252, 8019, 8033, or 8496 of this title, or section 708 of title 32;

"(C) on active duty to pursue special work;

"(D) ordered to active duty (other than for training)—

"(i) under section 672(a), 673, or 674 of this title; or

"(ii) in other emergency situations; or

"(E) on active duty for the administration of the Selective Service System under section 10(b)(2) of the Military Selective Service Act, as amended (50 U.S.C. App. 460(b)(2)).

However, reserve commissioned officers covered by clause (D) may be excluded from the provisions of this chapter for not more than the duration of the war or emergency for which those officers were ordered to active duty and for six months thereafter.

"(2) The registrar and permanent professors at the United States Military Academy and the United States Air Force Academy.

"(3) Warrant officers.

"(4) Retired officers on active duty.

"(b) Officers serving in grades above colonel or captain (Navy), other than those officers included in subsection (a), are subject to sections 620, 633, 637, 638, and 643 of this chapter only, and no other provision.

"(c) An officer designated for limited duty in the Navy or Marine Corps who fails of selection for promotion to the next higher

grade for the second time and is not selected for promotion is governed by section 6383 of this title.

"§ 642. Suspension: preceding sections

"In time of war, or of national emergency declared by Congress or the President after January 1, 1975, the President may suspend any provision of the preceding sections of this chapter. Such a suspension may not continue beyond the end of the fiscal year following the year in which the war or national emergency ends.

"§ 643. Commissioned officers: entitlement to separation pay or retired pay

"(a) An officer discharged under this chapter is entitled, if eligible therefor, to separation pay under section 1173a of this title.

"(b) An officer retired under this chapter is entitled to retired pay computed under section 3991 or 8991, or chapter 71, 571, or 573, of this title, as appropriate.".

(7) Amending chapter 39 by—

(A) repealing section 687 and striking out the corresponding item for that section from the chapter analysis; and

(B) inserting the following new section and a corresponding new item for that section in the chapter analysis:

"§ 687a. Reserve commissioned officers: active duty limitation; separation pay

"(a) A reserve commissioned officer who has completed 11 years of service computed under section 637 of this title and who is not recommended for, or who declines, an appointment as a regular officer, may not be placed on, or continue on, the active-duty list as a Reserve.

"(b) An officer released from active duty under this section is entitled, if eligible therefor, to separation pay under section 1173a of this title.

"(c) In time of war, or of national emergency declared by Congress or the President after January 1, 1975, the President may suspend the operation of this section.".

(8) Amending chapter 59 by—

(A) amending section 1165 by striking out the second sentence and inserting in place thereof: "A warrant officer who is separated under this title is entitled, if eligible therefor, to separation pay under section 1173a of this title, or he may be enlisted under section 515 of this title.";

(B) amending section 1166(a) by—

(i) striking out "severance pay computed under section 1167(b)" in the second sentence and inserting in place thereof ", if eligible therefor, separation pay under section 1173a"; and

(ii) amending the third sentence to read as follows: "However, instead of being granted the benefits of the preceding sentence, he may be enlisted under section 515 of this title.";

(C) repealing section 1167 and striking out the corresponding item for that section from the chapter analysis; and

(D) inserting the following new section and inserting a corresponding new item for that section in the chapter analysis:

"§ 1173a. Members: separation pay upon involuntary discharge or release from active duty

"(a) For the purposes of chapter 36 (except sections (629(1) and 640(b)), and section 564, 687a, 3814a, and 6383(i), of this title, an officer who is involuntarily discharged or released from active duty and who has completed five or more, but less than 20, years of active service immediately before that discharge or release is entitled to separation pay equal to 10 percent of the product of his years of active service multiplied by 12 times the monthly basic pay to which he was entitled at the time of his discharge. However, no person is entitled to separation pay under this subsection that is more than $30,000.

"(b) For the purposes of sections 1165, 1166, 1187, and 6384 of this title, and under regulations prescribed by the Secretary of Defense, an officer who is discharged or released from active duty and who has completed five or more, but less than 20, years of active service immediately before that discharge or release is entitled, as determined by the Secretary concerned (except when he determines that the conditions under which the officer is discharged do not warrant payment of separation pay) to separation pay computed as follows:

"(1) 10 percent of the product of his years of active service multiplied by 12 times the monthly basic pay to which he was entitled at the time of his discharge; or

"(2) 5 percent of the product of his years of active service multiplied by 12 times the monthly basic pay to which he was entitled at the time of his discharge.

An officer discharged under section 629(1) or 640(b) of this title is entitled, if eligible therefor, to separation pay under this subsection. However, no person is entitled to separation pay under this subsection that is more than $30,000.

"(c)(1) Under regulations prescribed by the Secretary of Defense, a reserve or temporary commissioned officer, a reserve or temporary warrant officer, or a reserve or temporary enlisted member, of an armed force who is discharged or released from active duty, and who has completed five or more, but less than 20, years of service computed under section 1405(a)(1) of this title immediately before that discharge or release, is entitled to separation pay in accordance with this subsection, if—

"(A) his discharge or release from active duty is involuntary; or

"(B) he was not accepted for an additional tour of active duty for which he volunteered.

"(2) A member described in this subsection is entitled, as determined by the Secretary concerned (except when he determines that the conditions under which the member is discharged do not warrant payment of separation pay) to separation pay computed as follows:

"(A) 10 percent of the product of his years of active service under section 1405(a)(1) of this title multiplied by 12 times the monthly basic pay to which he was entitled at the time of his discharge or release from active duty; or

"(B) 5 percent of the product of his years of active service under section 1405(a)(1) of this title multiplied by 12 times the monthly basic pay to which he was entitled at the time of his discharge or release from active duty.

"(3) However, no person is entitled to separation pay under this subsection that is more than $30,000. This subsection does not apply to a member who—

"(A) is discharged or released from active duty at his request;

"(B) is released from active duty for training; or

"(C) upon discharge or release from active duty is immediately eligible for retired or retainer pay based entirely on his military service.

"(d) In determining the total number of years of service to be used as a multiplier in computing separation pay under this section, a part of a year that is six months or more is counted as a whole year and a part of a year that is less than six months is disregarded.

"(e) For the purposes of this section—

"(1) a period for which the member concerned has previously received separation pay, severance pay, or readjustment pay under this section, or under any other provision of law, based on his service in the armed forces shall not be included in computing the number of years of service that may be used as a multiplier; and

"(2) the total amount of separation pay, readjustment pay, or severance pay that a member may receive under this section, or under any other provision of law, based on his service in the armed forces may not exceed $30,000.

"(f) A member who received separation pay under this section, or severance pay or readjustment pay under any other provision of law, based on his service in the armed forces, and who later qualifies for retired or retainer pay under this title or title 14, shall have deducted from each of his retired or retainer pay payments so much thereof as is based on the service for which he has received separation pay under this section, or severance pay or readjustment pay under any other provision of law, until the total deductions equal the amount of the separation pay, and severance pay or readjustment pay, received. In addition, a member who received separation pay under this section, or severance pay or readjustment pay under any other provision of law, based on his service in the armed forces is not deprived of any disability compensation to which he may be entitled under a law administered by the Veterans' Administration, but there shall be deducted from that disability compensation an amount equal to the separation pay, and severance pay or readjustment pay, received. However, the preceding sentence does not require that a deduction be made from disability compensation of the amount of the separation pay, and severance pay or readjustment pay, received because of an earlier discharge or release from a period of active duty, if the disability which is the basis for that disability compensation was incurred or aggravated during a later period of active duty.".

(9) Inserting the following new item in the chapter analysis and the chapter analysis of part I:

"60. Separation of Regular Officers for Various Reasons..... 1181".

(10) Inserting the following new chapter in part II:

"Chapter 60.—SEPARATION OF REGULAR OFFICERS FOR VARIOUS REASONS

"Sec.

"1181. Boards of officers: substandard performance of duty; authority to convene.

"1182. Boards of officers: other than substandard performance of duty; authority to convene.

"1183. Boards of inquiry: composition; duties.

"1184. Boards of review: composition; duties.

"1185. Removal of officer: action by Secretary upon recommendation.

"1186. Rights and procedures.

"1187. Officer considered for removal: retirement or discharge.

"1188. Officers eligible to serve on boards.

"§ 1181. Boards of officers: substandard performance of duty; authority to convene

"The Secretary of the military department concerned may, at any time, convene a board of officers to review the record of any commissioned officer, other than a commissioned warrant officer or a retired officer, of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, as the case may be, to determine whether he shall be required, because his performance of duty has fallen below standards prescribed by the Secretary concerned, to show cause for his retention on active duty.

"§ 1182. Boards of officers: other than substandard performance of duty; authority to convene

"The Secretary of the military department concerned may at any time convene a board

of officers to review the record of any commissioned officer, other than a commissioned warrant officer or a retired officer, of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, as the case may be, to determine whether he should be required, because of misconduct, because of moral or professional dereliction, or because his retention is not clearly consistent with the interests of national security to show cause for his retention on active duty.

"§ 1183. Boards of inquiry: composition; duties

"(a) Boards of inquiry, each composed of three or more officers, shall be convened, at such places as the Secretary of the military department concerned may prescribe, to receive evidence and make findings and recommendations whether an officer who is required to show cause for retention under section 1181 or 1182 of this title should be retained on active duty.

"(b) A fair and impartial hearing before a board of inquiry shall be given to each officer required under subsection (a) to show cause for retention on active duty.

"(c) If a board of inquiry determines that the officer has failed to establish that he should be retained, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer has established that he should be retained on active duty, his case is closed. However—

"(1) at any time after one year from the date of that determination, an officer who is required to show cause for retention under section 1181 of this title may again be required to show cause for retention; or

"(2) an officer who is required to show cause for retention under section 1182 of this title may again be required to show cause for retention at any time.

A member who has been required to show cause as a result of proceedings under section 1182 of this title and thereafter retained may not again be required to show cause solely for conduct which was the subject of the previous proceedings, unless the findings or recommendations of a board of officers are determined to have been obtained by fraud or collusion.

"§ 1184. Boards of review: composition; duties

"(a) Boards of review, each composed of three or more officers, shall be convened by the Secretary of the military department concerned, at such times as he may prescribe, to review the records of cases of regular commissioned officers recommended for removal from active duty by boards of inquiry convened under section 1183 of this title.

"(b) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained on active duty, it shall send its recommendation to the Secretary concerned for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the officer has established that he should be retained on active duty, his case is closed. However—

"(1) at any time after one year from the date of that determination, he may be again required to show cause for retention in those cases brought under section 1181 of this title; or

"(2) in those cases brought under section 1182 of this title, an officer may be again required to show cause for retention at any future time.

A member who has been required to show cause as a result of proceedings under section 1182 of this title and thereafter retained may not again be required to show cause solely for conduct which was the subject of the previous proceedings, unless the findings or recommendations of a board of officers are determined to have been obtained by fraud or collusion.

"§ 1185. Removal of officer: action by Secretary upon recommendation

"The Secretary of the military department concerned may remove an officer of a regular component of an armed force from active duty if his removal is recommended by a board of review under this chapter. The Secretary's action in such a case is final and conclusive.

"§ 1186. Rights and procedures

"Under regulations prescribed by the Secretary of the military department concerned, each officer under consideration for removal from active duty under this chapter shall be—

"(1) notified in writing of the reasons, at least 30 days before the hearing of the case by a board of inquiry, for which the officer is being required to show cause for retention on active duty;

"(2) allowed reasonable time, as determined by the board of inquiry, to prepare his defense;

"(3) allowed to appear in person and be represented by counsel at proceedings before a board of inquiry; and

"(4) allowed full access to, and furnish copies of, records relevant to the case at all stages of the proceeding, except that a board shall withhold any records that the Secretary concerned determines should be withheld in the interest of national security.

When any records are withheld under clause (4), the officer whose case is under consideration shall, to the extent that the national security permits, be furnished a summary of the records so withheld.

"§ 1187. Officer considered for removal: retirement or discharge

"(a) At any time during proceedings under this chapter and before the removal of an officer of a regular component of an armed force from active duty, the Secretary of the military department concerned may grant a request—

"(1) for voluntary retirement, if the officer is otherwise qualified therefor;

"(2) for honorable discharge under subsection (b), in those cases brought under section 1181 of this title; or

"(3) for discharge under subsection (b), in those cases brought under section 1182 of this title.

"(b) Each officer of a regular component of an armed force removed from active duty under this chapter shall—

"(1) if he is eligible for voluntary retirement under any law on the date of his removal, be retired in the grade and with the pay for which he would be eligible, if retired at his request;

"(2) if he is ineligible for voluntary retirement under any law on the date of his removal—

"(A) be honorably discharged in the grade then held, in those cases brought under section 1181 of this title; or

"(B) be discharged in the grade then held, in those cases brought under section 1182 of this title.

"(c) An officer discharged under this chapter is entitled, if eligible therefore, to separation pay under section 1173a of this title. An officer retired under this chapter is entitled to retired pay computed under section 3991 or 8991, or chapter 571, of this title, as appropriate.

"§ 1188. Officers eligible to serve on boards

"(a) An officer who serves on a board convened under this chapter shall be an officer of the same armed force as the officer being considered. No officer may serve on a board under this chapter unless he is serving on active duty in a grade above lieutenant colonel or commander, and is senior in regular grade to, and outranks, any officer of his armed force considered by that board. However, if qualified officers on active duty are not available in sufficient numbers to comprise a board, the Secretary of the military department concerned shall complete the membership by appointing retired officers of the same armed force who have the prescribed qualifications.

"(b) No person may be a member of more than one board convened under this chapter for the same officer.".

(11) Amending chapter 1 by amending section 101 by—

(A) striking out "active list" and inserting in place thereof "active-duty list" in clause (22);

(B) repealing clause (36); and

(C) adding the following new clauses:

"(37) 'Active-duty list' means the list maintained under section 620 of this title. With respect to—

"(A) regular officers, other than those excluded under chapter 36 of this title, it is the list on which they are carried while on active duty;

"(B) reserve officers, other than those excluded under chapter 36 of this title, it is the list on which they are carried along with regular officers while on active duty (other than for training); and

"(C) officers serving under temporary appointments under section 605 of this title, and officers in the Navy or Marine Corps designated for limited duty who are serving under temporary appointments, it is the list on which they are carried while on active duty along with regular officers.

"(38) 'Competitive category' means a community of officers in which officers appointed therein or so designated compete among themselves for promotion.

"(39) 'Medical officer', with respect to the Army and Navy, means an officer of the Medical Corps and, with respect to the Air Force, means an officer designated as a medical officer.

"(40) 'Dental officer', with respect to the Army and Navy, means an officer of the Dental Corps and, with respect to the Air Force, means an officer designated as a dental officer.

"(41) 'Due-course officer' means an officer on the active-duty list who—

"(A) has been on continuous active duty since the date he was commissioned;

"(B) has not been awarded service credit under section 544(b) of this title;

"(C) has not failed to be promoted for any reason;

"(D) has never been selected for promotion below the zone;

"(E) with respect to the Navy and Marine Corps, has not lost numbers of precedence; and

"(F) is serving in a grade below brigadier general or commodore admiral, except a warrant officer.".

(12) Amending chapter 3 by amending section 123 by striking out "3571,", "5867,", "6398,", and "8571,".

(13) Amending chapter 43 by—

(A) amending the text of section 741 to read as follows:

"(a) The commissioned officers listed below rank among themselves as follows:

"Army, Air Force, and Marine Corps	Navy
General	Admiral.
Lieutenant general	Vice admiral.
Major general	Rear admiral.
Brigadier general	Commodore admiral.
Colonel	Captain.
Lieutenant colonel	Commander.
Major	Lieutenant commander.
Captain	Lieutenant.
First lieutenant	Lieutenant (junior grade).
Second lieutenant	Ensign.

"(b) The rank, within each grade, is determined by date of rank.";

(B) adding the following new section and a corresponding new item for that section in the chapter analysis:

"§ 741a. Rank: commissioned officers on active duty

"(a) Rank among officers in the Army, Navy, Air Force, or Marine Corps on active duty in the same grade, is determined as follows:

"(1) Officers on the active-duty list rank among themselves according to their position on the list, except as otherwise provided by law.

"(2) Officers not on the active-duty list rank among themselves according to their dates of rank.

"(3) As between two officers, one on the active-duty list and one not on the active-duty list, rank depends on the date of rank.

"(b) The date of rank—

"(1) for an officer on the active-duty list, is determined under regulations prescribed by the Secretary of the military department concerned upon placement on the active-duty list under section 620 of this title, and subsequently upon promotion under other provisions of this title; and

"(2) for an officer who is not on the active-duty list is, unless otherwise provided by law, determined under regulations prescribed by the Secretary concerned.

"(c) When the dates of rank prescribed in subsection (b) are the same, rank, unless otherwise provided by law, is determined under regulations prescribed by the Secretary concerned."; and

(C) amending section 743 by striking out "active list" and inserting in place thereof "active-duty list".

(14) Amending chapter 49 by amending section 973 by striking out "active list" and inserting "active-duty list", and by inserting "the active list of the" before "Regular Coast Guard", in subsections (a) and (b).

(15) Amending chapter 55 by amending section 1072 by—

(A) striking out "wife" and inserting in place thereof "spouse" in clause (2)(A);

(B) repealing clause (2)(C); and

(C) by amending clause (2)(D) to read as follows:

"(D) the unremarried widower;".

(16) Amending chapter 61 by—

(A) amending section 1208(a)(1) by inserting "and active-duty list" before the period at the end thereof; and

(B) amending section 1211(a)(1) by striking out "active list" and inserting in place thereof "active-duty list".

(17) Amending chapter 65 by inserting the following new section and a corresponding new item for that section in the chapter analysis:

"§ 1316. Voluntary retirement: time in grade

"A regular commissioned officer is not eligible for voluntary retirement under chapter 367, 571, or 867 of this title until he completes at least six months in the grade in which he is to be retired.".

(18) Amending chapter 71 by—

(A) amending the table in section 1401 by—

(i) adding new formula 5, as follows:

"[5]	630 631 632 633	Monthly basic pay [1] of grade [5] to which member is entitled on day before retirement.	2½% of years of service credited under section 1405.[3]	Amount necessary to increase product of columns 1 and 2 to 50% of pay upon which computation is based.	Excess over 75% of pay upon which computation is based. "; and

(ii) adding a new footnote 5, as follows:

"[5] For the purposes of this section, determine member's retired grade as if sections 3962(c) and 8962(b) did not apply.";

and

(B) amending section 1405 to read as follows:

"§ 1405. Years of service

"(a) For the purposes of section 1401 (formula 4), 3888(l), 3927(b)(1), 3991 (formula B), 6151(b), 6323(e), 6325(a)(2) and (b)(2), 6381(a)(2), 6383(c)(2), 6390(b)(2), 6394(h), 8888(l), 8927(b)(1), or 8991 (formula B) of this title, the years of service of a member of the armed forces are computed by adding—

"(1) his years of active service;

"(2) the years of service, not included in clause (1), with which he was entitled to be credited on May 31, 1958, in computing his basic pay; and

"(3) the years of service, not included in clause (1) or (2), with which he would be entitled to be credited under section 1333 of this title, if he were entitled to retired pay under section 1331 of this title.

"(b) For the purposes of section 1401 (formula 5) of this title, the years of service are—

"(1) for a member of the Regular Army, computed under section 3927(b) of this title;

"(2) for a member of the Regular Navy or Regular Marine Corps, computed under subsection (a) of this section;

"(3) for a member of the Regular Air Force, computed under section 8927(b) of this title.

"(c) For the purposes of this section, a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.".

SEC. 3. Subtitles B and D of title 10, United States Code, are amended by:

(1) Repealing chapters 359, 360, 859, and 860.

(2) Amending the chapter analyses and the chapter analyses of part II by striking out the items relating to chapters 359, 360, 859, and 860.

(3) Amending chapters 307 and 807 by—

(A) amending sections 3066(c) and 8066(c) by striking out "active list" and inserting in place thereof "active-duty list";

(B) repealing section 3071 and striking out the corresponding item for that section from the analysis of chapter 307;

(C) amending section 8062(e) by striking out "chapter 831" and inserting in place thereof "chapters 30 and 831";

(D) amending section 8067(a) by striking out "8289 or "; and

(E) amending section 8067(e) by striking out "in conformity with section 8291 of this title".

(4) Amending chapter 331 by—

(A) amending the language of the catchline of section 3202 and the corresponding item for that section in the chapter analysis to read as follows: "Army: strength in grade; general officers";

(B) amending section 3202 by—

(i) amending subsection (a) to read as follows:

"(a) The authorized strength of the Army in general officers on active duty on the last day of each fiscal year, exclusive of officers on active duty for training only and officers serving with other departments or agencies on a reimbursable basis, is, except as provided in subsection (f), based on the total number of officers authorized in all commissioned grades as follows:

"If the total number authorized is—	The authorized strength for general officers is—
50,000	350
60,000	400
70,000	425
80,000	450
90,000	475
100,000	495
110,000	510
120,000	520
130,000	530
140,000	540
150,000	550.

If the total number authorized is determined to be between two of the figures listed in the first column of the table, the authorized strength for general officers is determined by mathematical interpolation between the respective authorized strengths listed in the table. If it is determined to be more than 150,000, the Secretary of the Army shall fix the corresponding authorized strength in general officers in general conformity with the table."; and

(ii) by repealing subsection (e):

(C) amending section 3209 to read as follows:

"§ 3209. Regular Army; commissioned officers on the active-duty list; Corps of Engineers

"The strength prescribed by the Secretary of the Army under section 451(b) of this title for the Corps of Engineers may not be less than 788.";

(D) amending the language of the item for section 3209 in the chapter analysis to read as follows: "Regular Army: commissioned officers on the active-duty list; Corps of Engineers.";

(E) amending section 3210 by striking out "active list" wherever it appears and inserting in place thereof "active-duty list";

(F) amending section 3212 by striking out the first sentence and inserting in place thereof "The authorized strength in any regular general officer grade or any reserve grade, as prescribed by or under this chapter, is automatically increased to the minimum extent necessary to give effect to each appointment in that grade under section 1211(a), 3036, 3365(a), or 3366 of this title.";

(G) amending sections 3222 and 3225 by striking out "of 837,000" and "in section 3201(a) of this title";

(H) repealing sections 3201, 3203, 3204, 3205, 3206, 3207, 3211, 3213, 3214, 3215, and 3230 and by striking out the corresponding items for those sections from the chapter analysis.

(5) Amending chapter 831 by—

(A) amending the language of the catchline of section 8202 and the corresponding item for that section in the chapter analysis to read as follows: "Air Force: strength in grade; genreal officers";

(B) amending section 8202 by—

(i) amending subsection (a) to read as follows:

"(a) The authorized strength of the Air Force in general officers on active duty on the last day of each fiscal year, exclusive of officers on active duty for training only and officers serving with other departments or agencies on a reimbursable basis, is, except as provided in subsection (f), based on the actual strength in commissioned officers on active duty as follows:

"If the actual strength [1] is—	The authorized strength for general officers is—
50,000	312
60,000	324
70,000	336
80,000	349
90,000	363
100,000	380
110,000	398
120,000	416
130,000	434
140,000	452
150,000	470
160,000	478
170,000	486
180,000	495.

[1] As determined by the Secretary of the Air Force.

If the actual strength is determined to be between two of the figures listed in the first column of the table, the authorized strength for general officers is determined by mathematical interpolation between the respective authorized strengths listed in the table. If it is determined to be more than 180,000, the Secretary shall fix the corresponding authorized strength in general officers in general conformity with the table"; and

(ii) by repealing subsection (e);

(C) amending section 8210(a) and (c) by striking out "active list" and inserting in place thereof "active-duty list";

(D) amending section 8212 by striking out the first sentence and inserting in place thereof "The authorized strength in any regular general officer grade or reserve grade, as prescribed by or under this chapter, is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211 (a), 8365(a) and (c), 8366(a) and (d), 8375, 8376, 8380, or 8381 of this title";

(E) amending sections 8222 and 8225 by striking out "of 502,000" and "in section 8201(a) of this title"; and

(F) repealing sections 8201, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8211, 8213, 8214, 8215, and 8230 and by striking out the corresponding items for those sections from the chapter analysis

(6) Amending chapters 355, 833, and 835 by—

(A) amending section 8257 by striking out "male" wherever it appears;

(B) amending section 3283 by striking out "in the Women's Army Corps," in subsection (a), and "and the Women's Army Corps" in subsection (b);

(C) amending—

(i) section 3290 by striking out "3287(c)" and inserting in place thereof "544"; and

(ii) chapter 835 by inserting the following new section and a corresponding new item for that section in the chapter analysis:

"§ 8290. Commissioned officers: nurses; original appointment; professional qualifications

"To be eligible for original appointment in the Regular Air Force with a view to designation as an Air Force nurse, a person must be a graduate of a hospital or university school of nursing and a registered nurse.";

(D) amending section 3291 by—

(i) amending subsection (b) by inserting "in the Regular Army" after "appointment" and by striking out "under this section";

(ii) repealing subsections (a) and (c); and

(iii) amending the language of the catchline and the corresponding item for that section in the analysis of chapter 335 to read as follows: "Commissioned officers: Army Nurse Corps; original appointment; professional qualifications";

(E) repealing sections 3294(b) and 8294 (b);

(F) amending sections 3297 and 8297 by—

(i) amending subsection (a) by striking out "promotion-list officers" and inserting in place thereof "colonels", by striking out "lieutenant colonel" after "grade above" and inserting in place thereof "colonel", and by striking out the last sentence;

(ii) amending subsection (d) to read as follows:

"(d) Except as otherwise provided by law, regular officers may be promoted to the regular grade of brigadier general and major general only when recommended by a selection board. A recommendation for promotion must be made by the majority of the total membership of the board. Notwithstanding any other provision of law, a board that is to recommend officers for promotion under this chapter whom it considers to be the best qualified may recommend only those officers whom it also considers to be fully qualified."; and

(iii) by adding the following new subsection:

"(f) All eligible officers who are in or above the promotion zone as established by section 622 of this title, shall be considered for promotion by a selection board convened under chapter 36 of this title. From among the officers eligible in accordance with section 619 of this title, the officers to be considered for promotion by a selection board considered from below the promotion zone under section 616 of this title may be determined under regulations prescribed by the Secretary.";

(G) amending sections 3306(d) and 8306 (d) by striking out "on any promotion list";

(H) amending sections 3307(d) and 8307 (d) by striking out "on any promotion list";

(I) amending sections 3308 and 8308 by—

(i) striking out "promotion-list officer" and inserting in place thereof "colonel";

(ii) striking out "promotion list" and inserting in place thereof "active-duty list"; and

(iii) striking out the last sentence;

(J) amending sections 3312(a) and 8312 (a) by inserting "to a grade above colonel" after "who is promoted";

(K) amending sections 3314 and 8314 by—

(i) striking out "a higher regular grade" and inserting in place thereof "a regular grade above colonel"; and

(ii) striking out the last sentence; and

(L) repealing sections 3285, 3286, 3287, 3288, 3289, 3295, 3296, 3298, 3299, 3300, 3302, 3303, 3305, 3309, 3311, 8285, 8286, 8287, 8288, 8289, 8295, 8296, 8298, 8299, 8300, 8301, 8302, 8303, 8305, and 8309 and by striking out the corresponding items for those sections from the chapter analyses.

(7) Amending chapters 337 and 837 by—

(A) amending chapter 337 by amending section 3353 by—

(i) amending subsection (b) to read as follows:

"(b) A person covered by subsection (a) who is appointed with a view to assignment or designation in one of the categories requiring advanced education as a prerequisite for appointment as a commissioned officer shall, under regulations prescribed by the Secretary of Defense, be credited by the Secretary of the Army with an amount of service in an active status that is not less than the amount of active commissioned service creditable under section 544 of this title to a regular commissioned officer of his category."; and

(ii) repealing subsection (c); and

(B) amending chapter 837 by amending section 8353 by—

(i) amending subsection (b) to read as follows:

"(b) A person covered by subsection (a) who is appointed with a view to assignment or designation in one of the categories requiring advanced education as a prerequisite for appointment as a commissioned officer shall, under regulations prescribed by the Secretary of Defense, be credited by the Secretary of the Air Force with an amount of service in an active status that is not less than the amount of active commissioned service creditable under section 544 of this title to a regular commissioned officer of his category"; and

(ii) repealing subsection (c).

(8) Amending chapters 337 and 837 by—

(A) amending chapter 337 by adding the following new section and a corresponding new item for that section in the chapter analysis:

"§ 3396. Exclusion of certain officers

"The preceding sections of this chapter, except section 3353, shall not apply to those reserve officers covered by chapter 36 of this title."; and

(B) amending chapter 837 by adding the following new section and a corresponding new item for that section in the chapter analysis:

"§ 8396. Exclusion of certain officers

"The preceding sections of this chapter, except section 8353, shall not apply to those reserve officers covered by chapter 36 of this title.".

(9) Amending chapters 339 and 839 by—

(A) amending section 3442 by—

(i) striking out "second lieutenant" and inserting in place thereof "colonel" in subsection (a); and

(ii) amending subsection (b) to read as follows:

"(b) Whenever, under authorization by Congress, the number of commissioned officers of the Regular Army on active duty plus the number of other commissioned officers of the Army ordered to active duty for a period of more than 30 days is more than the authorized strength of the Regular Army in commissioned officers on the active-duty list, the Secretary of the Army shall determine the additional number of officers needed in commissioned grades above colonel based upon the number of commissioned officers serving on active duty and the tasks being performed by the Army. Vacancies resulting from that determination may then be filled by the appointment of qualified officers as prescribed in subsection (c).";

(B) amending section 8442 by—

(i) striking out "second lieutenant" and inserting in place thereof "colonel" in subsection (a); and

(ii) amending subsection (b) to read as follows:

"(b) Whenever, under authorization by Congress, the number of commissioned officers of the Regular Air Force on active duty plus the number of other commissioned officers of the Air Force ordered to active duty for a period of more than 30 days is more than the authorized strength of the Regular Air Force in commissioned officers on the active-duty list, the Secretary of the Air Force shall determine the additional number of officers needed in the commissioned grades above colonel based upon the number of commissioned officers serving on active duty and the tasks being performed by the Air Force. Vacancies resulting from that determination may then be filled by the appointment of qualified officers as prescribed in subsection (c).";

(C) amending—

(i) sections 3444(a) and 8444(a) by inserting "above the grade of colonel" before the period at the end;

(ii) section 3444(d) by striking out "a promotion list" and inserting in place thereof "the active-duty list", and by striking out

"3294(b)" and inserting "544" in place thereof; and

(iii) section 8444(d) by striking out "a promotion list" and inserting in place thereof "the active-duty list", and by striking out "8294(b)" and inserting "544" in place thereof;

(D) amending sections 3445 and 8445 by—

(i) amending subsection (a) by inserting "serving in the grade of colonel or above" after "regular officer"; and

(ii) amending subsection (b) by inserting "above the grade of colonel" before the period at the end;

(E) amending sections 3447(b) and 8447 (b) to read as follows:

"(b) Temporary appointments shall be made by the President alone in warrant officer grades, and by the President, by and with the advice and consent of the Senate, in general officer grades.";

(F) amending sections 3448(b) and 8448 (b) by striking out "active list" and inserting in place thereof "active-duty list";

(G) amending sections 3451(a) and 8451 (a) by inserting "above the grade of colonel" after "temporary grade"; and

(H) repealing sections 3446, 3452, 8446, and 8452 and by striking out the corresponding items for those sections from the chapter analyses.

(10) Amending chapters 341 and 841 by—

(A) amending section 3494 to read as follows:

"§ 3494. Commissioned officers: grade in which ordered to active duty

"A reserve commissioned officer who is ordered to active duty and—

"(1) is placed on the active-duty list, shall be ordered to that duty in a grade as determined under section 620 of this title; or

"(2) is not placed on the active-duty list, shall be ordered to that duty in his reserve grade unless the Secretary of the Army in his discretion, orders him to active duty (other than for training) in a higher grade."; and

(B) amending section 8494 to read as follows:

"§ 8494. Commissioned officers: grade in which ordered to active duty

"A reserve commissioned officer who is ordered to active duty and—

"(1) is placed on the active-duty list, shall be ordered to that duty in a grade as determined under section 620 of this title; or

"(2) is not placed on the active-duty list shall be ordered to that duty in his reserve grade unless the Secretary of the Air Force, in his discretion, orders him to active duty (other than for training) in a higher grade.".

(11) Amending chapter 343 by amending section 3532 by striking out "active list" and inserting in place thereof "active-duty list".

(12) Amending chapters 345 and 845 by—

(A) repealing sections 3574(a) and (b) and 8574(a) and (b);

(B) amending section 3579 by—

(i) striking out ", other than an officer of the Army Nurse Corps or Army Medical Specialist Corps," in subsection (a); and

(ii) repealing subsection (b);

(C) amending section 8579 to read as follows:

"§ 8579. Command: commissioned officers in certain designated categories

"An officer designated as a medical, dental, veterinary, medical service, or biomedical sciences officer or as an Air Force nurse is not entitled to exercise command because of rank, except within the categories prescribed in section 8067 (a)–(f) or (i) of this title, or over persons placed under his charge."; and

(D) repealing sections 3571, 3580, and 8571 and by striking out the corresponding items for those sections from the chapter analyses.

(13) Amending chapters 361 and 861 by repealing sections 3814 and 8814 and by striking out the corresponding items for those sections from the chapter analyses.

(14) Amending chapter 361 by amending section 3814a by—

(A) striking out "a readjustment payment as provided in subsection (c) of this section" in subsection (b)(3) and inserting in place thereof ", if eligible therefor, separation pay under section 1173a of this title"; and

(B) repealing subsections (c) and (d).

(15) Amending chapters 365 and 865 by—

(A) amending section 3888(2) by striking out "3287(a)(2)(A) or (B) or"; and

(B) amending section 8888(2) by—

(i) striking out "or (H)," and inserting in place thereof "(H), or (I),";

(ii) inserting "as it existed on the day before the effective date of the Act amending this clause" after "of this title" in clauses (D) and (H)(iii); and

(iii) adding the following new clause:

"(I) For an officer appointed in the Regular Air Force after the effective date of the Act adding this clause, his years of active commissioned service.".

(16) Amending chapters 367 and 867 by—

(A) amending section 3919 and 8919 by—

(i) striking out "active list of the Regular" and inserting in place thereof "active duty list of the" in the first sentence;

(ii) striking out "active list" and inserting in place thereof "active-duty list" in the second sentence; and

(iii) inserting "regular" before "commissioned" in the first and second sentences;

(B) amending sections 3922(a) and 8922 (a) by striking out "active list" and inserting in place thereof "active-duty list";

(C) amending section 3927 by—

(i) striking out "3913, 3915, 3916, 3919, 3921, 3922, or 3923" in subsections (a) and (b) and inserting in place thereof "3919, 3922, or 3923";

(ii) amending subsection (a)(1) by inserting "544(b)," before "3287(a)(2)(A) or (B)", and by inserting "as they existed on the day before the effective date of the Act amending this clause" between "of this title" and "or under section 56(c)";

(D) amending section 8927 by—

(i) striking out "8913, 8915, 8916, 8919, 8921, 8922, or 8923" in subsections (a) and (b) and inserting in place thereof "8919, 8922, or 8923";

(ii) amending subsection (a) by inserting "as it existed on the day before the effective date of the Act amending this clause" after "of this title" in clauses (4) and (8)(C), and by adding the following new clause:

"(9) For an officer appointed in the Regular Air Force after the effective date of the Act adding this clause, his years of active commissioned service."; and

(iii) amending subsection (b)(2) by striking out "or (8)" and inserting in place thereof "(8), or (9)"; and

(E) repealing section 3913, 3916, 3921, 8913, 8915, 8916, and 8921 and by striking out the corresponding items for those sections from the chapter analyses.

(17) Amending chapters 369 and 869 by amending sections 3962(a) and 8962(a) by inserting "or on the active-duty list" before the period at the end.

(18) Amending chapters 371 and 871 by—

(A) amending section 3991 (formula A) in the column headed "For sections" by striking out "3913", "3915", "3916", and "3921"; and

(B) amending section 8991 (formula A) in the column headed "For sections" by striking out "8913", "8915", "8916", and "8921".

(19) Amending chapters 401 and 901 by amending sections 4301(b) and 9301(b) by striking out "active list" and inserting in place thereof "active-duty list".

(20) Amending chapters 403 and 903 by—

(A) amending section 4333(d) by—

(i) striking out "applicable promotion list" and inserting in place thereof "active-duty list"; and

(ii) striking out "regular or temporary"; and

(B) amending sections 4336 and 9336 by—

(i) striking out "a promotion-list officer" in subsections (a) and (b) and inserting in place thereof "an officer";

(ii) striking out "promotion list" in subsections (a) and (b) and inserting in place thereof "active-duty list"; and

(iii) striking out "temporary" in subsection (c) and adding the following new sentences at the end thereof: "Appointment to the grade of lieutenant colonel or colonel under this subsection does not vacate the grade held by the officer under section 624 of this title, and, for the purposes of promotion, he shall be considered as serving in the grade held by him under section 624 of this title. If his appointment under this subsection terminates, he is entitled to resume any other grade that he may then be entitled to hold.".

(21) Amending chapters 363 and 863 by—

(A) amending section 3855 by—

(i) inserting "Veterinary Corps, in the podiatry specialty in the Medical Allied Sciences Section of the Medical Service Corps, in the Optometry Section of the Medical Service Corps," following "Dental Corps," and

(ii) adding the following sentence at the end thereof: "An officer may be retained in an active status under the authority of this section only to fill a bona fide existing vacancy."; and

(B) amending section 8855 by—

(i) inserting "veterinary officer, optometrist, podiatrist," following "dental officer,"; and

(ii) adding the following sentences at the end thereof: "An officer may be retained in an active status under the authority of this section only to fill a bona fide existing vacancy.".

SEC. 4. Subtitle C of title 10, United States Code, is amended by:

(1) Amending chapter 501 by repealing section 5001(a)(9) and (10) and adding the following new clause:

"(11) 'Flag officer' means an officer of the Navy serving in the grade of admiral, vice admiral, rear admiral, or commodore admiral.".

(2) Amending chapter 507 by amending section 5064 by—

(A) inserting "regular" before "officers"; and

(B) inserting "-duty" after "active".

(3) Amending chapter 509 by—

(A) amending section 5081(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active";

(B) amending section 5085(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active";

(C) amending section 5086(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active";

(D) amending section 5087(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active"; and

(E) amending section 5088(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active".

(4) Amending chapter 513 by—

(A) amending section 5133 by—

(i) inserting "-duty" after "active"; and

(ii) striking out the second sentence of subsection (b);

(B) amending section 5137 by—

(i) inserting "regular" before "officers" and by inserting "-duty" after "active" in subsection (a); and

(ii) striking out "An" and inserting in place thereof "A regular", and by inserting "-duty" after "active", in subsection (b);

(C) amending section 5138(a) by striking out "in the grade of rear admiral" and inserting in place thereof "not below the grade of commodore admiral";

(D) amending section 5139(a) by—

(i) inserting "regular" before "officers";

(ii) inserting "-duty" after "active"; and

(iii) striking out "in the Navy" and inserting in place thereof "unless otherwise entitled to a higher rank or grade";

(E) amending section 5140(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active";

(F) amending section 5142 by—

(i) inserting "regular" before "officers";

(ii) inserting "-duty" after "active"; and

(iii) striking out "rear" and inserting in place thereof "commodore";

(G) repealing section 5143 and striking out the corresponding item for that section from the chapter analysis;

(H) amending section 5149 by—

(i) striking out "(upper half)" in subsection (a);

(ii) striking out "rear admiral (lower half)" and inserting in place thereof "commodore admiral" in the second and third sentences of subsection (b); and

(iii) amending the last sentence of subsection (b) to read as follows: "If he is retired as a commodore admiral, he is entitled to the retired pay of that grade, unless entitled to higher pay under another provision of law."; and

(I) amending section 5150 by—

(i) inserting "regular" before "officers" in subsection (b);

(ii) striking out "An" and inserting in place thereof "A regular" in subsection (d); and

(iii) inserting "-duty" after "active" in subsections (b) and (d).

(5) Amending chapter 515 by—

(A) amending section 5201(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active";

(B) amending section 5202(a) by—

(i) striking out "An" and inserting in place thereof

"A regular"; and

(ii) inserting "-duty" after active"; and

(C) repealing section 5206 and striking out the corresponding item for that section from the chapter analysis.

(6) Amending chapter 516 by amending section 5222 by striking out "rear admiral" and inserting in place thereof "commodore admiral".

(7) Amending chapter 517 by—

(A) amending section 5231 by—

(i) inserting "regular" before "officers" in the first sentence of subsection (a);

(ii) inserting "-duty" after "active" in subsection (a);

(iii) amending subsection (b) to read as follows:

"(b) The number of officers serving in the grades of admiral and vice admiral under subsection (a) may not, at any time, exceed 15 percent of the number of flag officers serving on active duty. Of the number of officers that may serve in the grades of admiral and vice admiral as determined under this subsection, not more than 25 percent may have the grade of admiral.";

(iv) repealing subsection (c); and

(v) striking out "subsections (b) and (c)" in subsections (d) and (e) and inserting in place thereof "subsection (b)";

(B) amending section 5232(a) by—

(i) inserting "regular" before "officers"; and

(ii) inserting "-duty" after "active"; and

(C) amending section 5233 by—

(i) striking out "An" and inserting in place thereof "A regular"; and

(ii) inserting "-duty" after "active".

(8) Amending chapter 531 by repealing sections 5401, 5402, 5403, 5404, 5405, 5406, 5407, 5408, 5409, 5412, 5415, 5416, and 5417 and striking out the corresponding items for those sections from the chapter analysis.

(9) Amending chapter 533 by—

(A) amending section 5441 by striking out "or combination of grades";

(B) amending the language of the catchline of section 5442 and the corresponding item in the chapter analysis for that section to read as follows: "Navy: line officers on active duty; commodore admiral and rear admiral";

(C) amending section 5442 by—

(i) amending subsection (a) to read as follows:

"(a) Of the total number of officers established under section 452(b) of this title in the line of the Navy in the grade of ensign and above, excluding officers carried as additional numbers in grade, the number of officers who may serve in the grades of commodore admiral and rear admiral may not, except as provided in subsection (b), exceed a number appropriate to the total number set forth in the following table. If the total number of officers established under section 452(b) of this title in the line of the Navy in the grade of ensign and above, excluding officers carried as additional numbers in grade, falls between two strengths shown in the first column of the table, the number for the grades of commodore admiral and rear admiral is determined by proportionate interpolation between the respective numbers for the two strengths.

"Total line officers serving on active duty in the grade of ensign and above, excluding officers carried as additional numbers in grade	Commodore admiral and rear admiral
32,000	215
40,000	222
50,000	228
60,000	237
70,000	244
80,000	252
90,000	259
100,000	262
125,000	291
150,000	305
175,000	323
200,000	342
250,000	379";

(ii) amending subsection (b) to read as follows:

"(b) The Secretary of the Navy, wherever the needs of the service require, but at least once annually, shall compute the number of officers authorized under subsection (a) for the grades of commodore admiral and rear admiral combined. The number so computed for the grades combined is the number of officers on active duty, excluding officers carried as additional numbers in grade, specified for the grades combined. If the Secretary decides at the time of making these computations that the number of officers required to meet the needs of the service in the grades of commodore admiral and rear admiral combined is less than the specified number for the grades combined, the lesser number becomes the specified number for the grades combined and the reduction may be applied as an increase in the prescribed number for any lower grade. The Secretary shall, when making the specification under this subsection, prescribe a number for the grade of rear admiral. The number prescribed for the grade of commodore admiral shall be the number specified in this subsection less the number prescribed for the grade of rear admiral.";

(iii) repealing subsections (c), (d), (e), and (g);

(iv) amending the last sentence of subsection (i) to read as follows: "However, each officer serving under an appointment in the grade of admiral or vice admiral, and each officer serving in the grade of commodore admiral or rear admiral who was appointed under section 5597, or promoted under section 5787, of this title, is counted in the grade he would hold had he not been so appointed or promoted.";

(v) amending subsection (f) to read as follows:

"(f) The Secretary of the Navy, whenever the needs of the service require but at least once annually, shall specify the number of officers designated for engineering duty, and special duty serving on active duty in the grades of commodore admiral and rear admiral combined. The number specified may not exceed 13 percent of the number of officers specified in subsection (b) for the grade of commodore admiral and rear admiral combined. If the Secretary decides at the time of making these computations, that the number of officers required to meet the needs of the service in the grades of commodore admiral and rear admiral combined is less than the specified number for the grades combined as computed in this subsection, the lesser number becomes the specified number for the grades combined and the reduction may be applied as an increase in the prescribed number for any lower grade. The Secretary shall, when making the specification under this subsection, prescribe a number for the grade of rear admiral. The number prescribed for the grade of commodore admiral shall be the number specified in this subsection less the number prescribed for the grade of rear admiral."; and

(vi) adding a new subsection to read as follows:

"(j) The sum of the prescribed numbers for the grade of rear admiral in subsections (b) and (f) may not exceed 50 percent of the sum of the numbers specified under subsections (b) and (f).";

(D) amending the language of the catchline of section 5443 and the corresponding item in the chapter analysis for that section to read as follows: "Marine Corps: officers on active duty; brigadier general and major general";

(E) amending section 5443 by—

(i) amending subsection (a) to read as follows:

"(a) Of the total number of officers established under section 452(b) of this title in the Marine Corps in the grade of second lieutenant and above, the number of officers who may serve in each of the grades above colonel may not, except as provided in subsection (b), exceed a number appropriate to the total number as set forth in the table. If the total number of officers established under section 452(b) of this title falls between two strengths shown in the first column of the table, the number for the grades of brigadier general and major general is determined by proportionate interpolation between the respective numbers for the two strengths.

"Total officers serving on active duty in the grade of second lieutenant and above	Brigadier general and major general
10,000	58
12,500	62
15,000	69
17,500	72
20,000	75
22,500	79
25,000	82
27,500	84
30,000	85
32,500	87
35,000	89";

(ii) striking out "subsection (c)" in the last sentence of subsection (b) and inserting in place thereof "section 452(a) of this title";

(iii) repealing subsections (c), (d), (e), and (f);

(iv) repealing clause (1) of subsection (g); and

(v) amending the last sentence of subsection (h) to read as follows: "However, each officer serving under an appointment in the grade of general or lieutenant general, and each officer serving in the grade of brigadier general or major general who was appointed under section 5597, or promoted under section 5787, of this title, is counted in the grade he would hold had he not been so appointed or promoted.";

(F) amending section 5444 by—

(i) amending the first sentence of subsection (a) to read as follows:

"(a) The number of officers serving on active duty in the grades of commodore admiral and rear admiral combined in the Medical Corps, the Supply Corps, the Chaplain Corps, the Civil Engineering Corps, and the Dental Corps, respectively, excluding any flag officer serving as a Chief of Bureau, may not exceed, in each corps, a number appropriate to the total number of officers in that corps serving on active duty, as set forth in the following tables.";

(ii) amending subsection (a) by inserting "and commodore admirals combined" after "rear admirals" in the second sentence; by inserting "and commodore admiral combined" after "rear admiral" in the third sentence; and by inserting "and commodore admirals combined" after "rear admirals" in the heading of the second column of the table for each corps.

(iii) amending subsection (c) to read as follows:

"(c) The Secretary of the Navy, whenever the needs of the service require, but at least once annually, shall compute the number of officers authorized under subsection (a) for the grades of commodore admiral and rear admiral combined in each corps. The number so computed for the grades combined in each corps is the number of officers on active duty specified for the grades combined in the corps concerned. If the Secretary decides at the time of making these computations that the number of officers required to meet the needs of the service in the grades of commodore admiral and rear admiral combined for each corps is less than the specified number for the grades combined for each corps and the reduction may be applied as an increase in the prescribed number for any lower grade.";

(iv) amending subsection (d) by inserting "or commodore admiral" before "under section 5772"; and by striking out "the grade of rear admiral" before "in his corps" and inserting in place thereof "his grade"; and

(v) inserting a new subsection to read as follows:

"(g) The Secretary shall prescribe the number of rear admirals in each corps. The sum of these prescribed numbers of rear admirals for all the corps combined may not exceed 50 percent of the sum of the numbers specified in subsection (c). The prescribed number for the grade of commodore admiral in each corps is the number specified for that corps in subsection (c) less the prescribed number for the grade of rear admiral in that corps.";

(G) amending section 5446 by—

(i) amending subsection (a) by inserting "regular" before "officers" and striking out "active list" and inserting in place thereof "active-duty list"; and

(ii) repealing subsection (b)(1) and (2);

(H) amending section 5447 by—

(i) amending subsections (a) and (c) by inserting "regular" before "officers" and "-duty" after "active";

(ii) striking out "fleet admirals and" in subsection (a);

(iii) amending subsection (a)(1) by striking out "—75/100 of 1 percent" after "Rear admiral" and inserting in place thereof "—375/1000 of 1 percent";

(iv) repealing subsection (a)(2)–(6);

(v) amending subsection (a) by adding a new subsection (a)(2) to read "Commodore admiral—75/100 of 1 percent less the number or rear admirals.";

(vi) amending subsection (b) to read as follows:

"(b) The Secretary of the Navy, as of January 1 each year, shall compute the number of officers authorized under subsection (a). The number so computed is the number of regular line officers on the active-duty list, excluding officers carried as additional numbers in grade, prescribed for the grade concerned. However, the prescribed number for the grade of rear admiral may not exceed 50 percent of the number prescribed under this subsection for that grade and the grade of commodore admiral combined.";

(vii) amending subsection (c) by striking out "grade of" and inserting in place thereof "grades of commodore admiral and rear admiral combined";

(viii) repealing subsections (d), (e), and (g);

(ix) amending subsection (f) to read as follows:

"(f) The number of regular officers on the active-duty list designated for engineering duty, aeronautical engineering duty, and special duty holding permanent appointments in the grades of rear admiral and commodore admiral combined may not exceed 13 percent of the number of regular officers prescribed for the grades of rear admiral and commodore admiral combined as computed under subsection (b) The Secretary, as of January 1 of each year, shall compute the number of regular officers authorized by this subsection to hold permanent appointments in the grades of rear admiral and commodore admiral combined. The number so computed is the specified number of regular officers on the active-duty list, restricted in the performance of duty, for the permanent grades of rear admiral and commodore admiral combined. The Secretary shall prescribe the number of rear admirals. However, the prescribed number of rear admirals may not exceed 50 percent of the number specified. The prescribed number for the grade of commodore admiral will be equal to the number specified less the number prescribed for the grade of rear admiral. However, except in time of war or national emergency, the total number of regular officers on the active-duty list, restricted in the performance of duty, holding permanent appointments in the grades of rear admiral and commodore admiral combined may not exceed 19.";

(x) amending subsection (i) to read as follows:

"(i) For the purpose of this section, each officer is counted in his permanent grade."; and

(xi) amending the language of the catchline and the corresponding item in the chapter analysis for that section to read as follows: "Navy: line officers on the active-duty list; permanent grade";

(I) amending section 5448 by—

(i) amending subsections (a) and (b) by inserting "regular" before "officers" and by inserting "-duty" after "active";

(ii) repealing subsection (a)(2)–(6);

(iii) repealing subsections (c), (d), and (e);

(iv) amending subsection (g) to read as follows:

"(g) For the purpose of this section, each officer is counted in his permanent grade."; and

(v) amending the language of the catchline and the corresponding item in the chapter analysis for that section to read as follows: "Marine Corps: officers on the active-duty list; permanent grade";

(J) amending section 5449 by—

(i) amending subsection (a) to read as follows:

"(a) The number of regular officers on the active-duty list of the Navy holding permanent appointments in the grades of commodore admiral and rear admiral in the Medical Corps, the Supply Corps, the Chaplain Corps, the Civil Engineer Corps, and the Dental Corps, respectively, excluding any flag officer serving as a Chief of Bureau, may not exceed, in any of those corps, 5/10 of 1 percent of the number of regular officers on the active-duty list in that corps. The Secretary of the Navy, whenever the needs of the service require but at least once annually, shall compute the number of officers authorized under this section to hold permanent appointments in the grades of commodore admiral and rear admiral combined in each corps. The number so computed for each corps is the specified number of officers on the active-duty list in that corps for the permanent grades of commodore admiral and rear admiral. The Secretary shall prescribe the number of rear admirals in each corps. The sum of these prescribed numbers of rear admirals for all the corps combined may not exceed 50 percent of the sum of the numbers specified. The prescribed number for the grade of commodore admiral in each corps is the number specified for that corps less the prescribed number for the grade of rear admiral in that corps. The number of officers who may hold permanent appointments on the active-duty list of the Navy in the grades of rear admiral and commodore admiral combined in these corps, except in time of war or national emergency may not exceed—

"(1) 15 in the Medical Corps;

"(2) 13 in the Supply Corps;

"(3) 2 in the Chaplain Corps;

"(4) 4 in the Civil Engineer Corps; and

"(5) 4 in the Dental Corps.";

(ii) amending subsection (b) by inserting "regular" before "officer"; by inserting "-duty" after "active"; by inserting "commodore admiral or" before "rear admiral in a staff corps"; and by striking out "the permanent grade of rear admiral" and inserting in place thereof "in his permanent grade";

(iii) amending subsection (e) to read as follows:

"(e) For the purpose of this section each officer is counted in his permanent grade."; and

(iv) amending the language of the catchline and the corresponding item in the chapter analysis for that section to read as follows: "Navy: staff corps officers on the active-duty list; permanent grade";

(K) amending section 5450(a) by striking out "rear admiral" and inserting in place thereof "commodore admiral";

(L) amending section 5451 by striking out "relating to officers serving in grades above lieutenant in the Navy or captain in the Marine Corps";

(M) amending section 5455 by—

(i) inserting "regular" before "officer";

(ii) inserting "-duty" after "active"; and

(iii) striking out "5449 or 5462" and inserting in place thereof "or 5449";

(N) amending section 5457(a) by—

(i) striking out "grade of rear admiral" and inserting in place thereof "grades of commodore admiral and rear admiral combined"; and

(ii) inserting "Not more than 50 percent of the officers in an active status authorized under this subsection may serve in the grade of rear admiral." as a flush sentence at the end; and

(O) repealing sections 5445 and 5422 and striking out the corresponding items for those sections from the chapter analysis.

(10) Amending chapter 535 by--

(A) amending section 5501 by—

(i) amending subsection (a) by inserting a new clause (4) to read as follows: "(4) Commodore admiral.", and by redesignating clauses (4) through (9) as (5) through (10); and

(ii) repealing subsections (b) and (c);

(B) amending section 5504 by—

(i) amending the language of the catchline and the corresponding item in the chapter analysis for that section to read as follows: "Active-duty list: rank and pay of certain rear admirals and major generals";

(ii) repealing subsections (a), (b), (c), (e), (h), (i), and (k);

(iii) amending subsections (f) and (g) by striking out "lineal" wherever it appears and inserting in place thereof "active-duty".

(iv) amending subsection (g) by striking out "with pay of the upper half" in the first and last sentences; and

(v) amending subsection (j) to read as follows:

"(j) A reserve officer who when ordered to active duty is excluded from the active-duty list by the operation of section 641 of this title shall retain his grade. The grade of a reserve officer ordered to active duty and placed on the active-duty list shall be as prescribed under section 620 of this title.";

(C) repealing section 5505 and striking out the corresponding item for that section from the chapter analysis;

(D) amending section 5506 by striking out "When" and inserting in place thereof "Except as provided in section 741a of this title, when";

(E) amending the chapter analysis by striking out the item relating to section 5507; and

(F) amending section 5508 by—

(i) amending subsection (a) by striking out "a lineal" and inserting in place thereof "an active-duty" and by striking out the last sentence; and

(ii) amending subsection (b) by inserting "and in section 741a of this title" after "subsection (a)".

(11) Amending chapter 539 by—

(A) repealing sections 5571 and 5572 and striking out the corresponding items for those sections from the chapter analysis;

(B) amending section 5573 by—

(i) striking out "an" before "ensign" and inserting in place thereof "a regular" in subsection (a)(1);

(ii) inserting "regular" before "second lieutenant" in subsection (a)(2);

(iii) striking out "active list" wherever it appears in subsection (a) and inserting in place thereof "active-duty list"; and

(iv) repealing subsection (b);

(C) amending section 5573a by—

(i) amending subsection (a) by striking out "active list" wherever it appears and inserting in place thereof "active-duty list", inserting "as regular officers" after "Appointments", striking out "lieutenant" and inserting in place thereof "captain", and striking out "captain" and inserting in place thereof "colonel";

(ii) repealing subsection (b); and

(iii) amending subsection (d) by striking out "permanent" in the first sentence, by striking out "active list" and inserting in place thereof "active-duty list" in the first sentence, and striking out the second and third sentences;

(D) amending section 5574 by—

(i) striking out "active list" wherever it appears and inserting in place thereof "active-duty list";

(ii) amending subsection (a) by inserting "as regular officers" after "Original appointments", and striking out clause (1);

(iii) amending subsections (a) and (b) by striking out the last sentence; and

(iv) repealing subsection (d);

(E) amending section 5575 by—

(i) inserting "-duty" after "active";

(ii) repealing clause (1);

(iii) striking out "male"; and

(iv) inserting "as regular officers" after "appointments";

(F) amending section 5576 by—

(i) inserting "-duty" after "active";

(ii) repealing clause (1);

(iii) inserting "as regular officers" after "appointments";

(iv) striking out "male"; and

(v) striking out the last sentence;

(G) amending the text of section 5577 to read as follows:

"Original appointments to the active-duty list of the Navy in the Civil Engineer Corps may be made under chapter 33 of this title.";

(H) amending section 5578 by—

(i) inserting "-duty" after "active" in subsections (a) and (b);

(ii) inserting "as regular officers" after "appointments" in the first sentence of subsections (a) and (b);

(iii) striking out the last sentence of subsections (a) and (b);

(iv) repealing clause (1) of subsection (a); and

(v) repealing subsection (c);

(I) amending section 5578a by—

(i) repealing clause (1) of subsection (a);

(ii) inserting "as regular officers" after "appointments" in subsections (a) and (b);

(iii) inserting "-duty" after "active" in subsections (a) and (b); and

(iv) striking out the last sentence of subsections (a) and (b);

(J) amending section 5579 by—

(i) repealing clause (1) of subsection (a);

(ii) inserting "-duty" after "active" in subsection (a);

(iii) inserting "as regular officers" after "appointments" in subsections (a) and (b); and

(iv) repealing subsection (c);

(K) amending section 5580 by—

(i) amending subsection (a) to read as follows:

"(a) Original appointments as regular officers to the active-duty list of the Navy in the Nurse Corps may be made from persons who have physical, mental, moral, educational, and professional qualifications satisfactory to the Secretary of the Navy."; and

(ii) repealing subsections (b) and (c);

(L) amending section 5582 by—

(i) striking out "male" and inserting in place thereof "regular" in subsections (a) and (b);

(ii) inserting "-duty" after "active" wherever it appears; and

(iii) striking out the last sentence of subsection (a);

(M) amending section 5587 by—

(i) amending subsection (a) to read as follows:

"(a) Persons may be originally appointed to the active-duty list in the line of the Navy as officers designated for engineering duty, aeronautical engineering duty; or special duty.";

(ii) amending subsection (b) by striking out "active duty" and inserting in place thereof "active-duty list";

(iii) amending subsection (c) by striking out "public information" and inserting in place thereof "public affairs", and by inserting "geophysics, cryptography," after "psychology,"; and

(iv) amending subsection (d) by striking out "are additional numbers in grade. They";

(N) amending section 5587a by—

(i) inserting "regular" before "officer" and inserting "duty" after "active" in subsection (a); and

(ii) repealing subsection (b);

(O) amending section 5589 by—

(i) inserting "as regular officers" after "appointments" in subsections (a) and (b);

(ii) inserting "-duty" after "active" in subsections (a) and (b);

(iii) striking out "male" in subsections (a) and (b);

(iv) striking out "the grade of ensign" and inserting in place thereof "a grade not above lieutenant" in subsection (a);

(v) striking out "the grade of second lieutenant" and inserting in place thereof "a grade not above captain" in subsection (b); and

(vi) striking out "10" and inserting "five" in subsection (c);

(P) amending section 5596 by—

(i) repealing subsections (a), (b), (c), and (e);

(ii) amending subsection (d) to read as follows:

"(d) Temporary appointments in warrant officer grades and officers designated for limited duty in grades and from sources authorized under section 5589 of this title, may be made in the Regular Navy and Regular Marine Corps by the Secretary of the Navy under such regulations as he prescribes. Such appointments shall be made by warrant if in the grade of warrant officer, W–1, and by commission if in a higher warrant officer grade or as an officer designated for limited duty."; and

(iii) repealing clause (1) of subsection (g);

(Q) amending section 5597 by—

(i) repealing subsections (b), (c), and (d); and

(ii) amending subsection (e) to read as follows:

"(e) Temporary appointments under subsections (f) and (g) may be made in grades above captain in the Navy by the President, by and with the advice and consent of the Senate.";

(R) amending section 5600 by—

(i) amending the first sentence of subsection (a) by striking out "and lineal position," and inserting in place thereof ", seniority in his grade, and eligibility for promotion,"; and

(ii) amending subsection (b) to read as follows:

"(b) For the purposes of this section, a person who is appointed with a view to assignment or designation in one of the officer categories requiring advanced education as a prerequisite for appointment as a commissioned officer shall, under regulations prescribed by the Secretary of Defense, be credited by the Secretary of the Navy with an amount of service in an active status that is not less than the amount of active commissioned service creditable under section 544 of this title to a regular commissioned officer of his category."; and

(S) repealing sections 5581, 5583, 5584, 5585, 5586, 5590, 5591 5592 5593, 5594, 5595, and 99 and striking out the corresponding items for those sections from the chapter analysis.

(12) Amending chapter 541 by—

(A) amending section 5665 by—

(i) striking out "lineal list" wherever it appears and inserting in place thereof "active-duty list";

(ii) inserting "regular" after "running mate shall be the" in subsections (a) and (b);

(iii) striking out "active duty" and inserting in place thereof "active-duty list" in subsection (b);

(iv) repealing subsection (d);

(v) striking out "Except as provided in subsection (d), the" in subsections (a) and (b), and inserting "The" in place thereof; and

(vi) amending subsection (c) to read as follows:

"(c) An officer in an active status in the Naval Reserve or the Marine Corps Reserve who is assigned a running mate after the ini-

tial assignment under subsection (a) or (b) shall be assigned a running mate in accordance with regulations prescribed by the Secretary of the Navy."; and

(B) repealing sections 5651, 5652, 5652a, 5652b, 5652c, 5653, 5654, 5655, 5656, 5657, 5658, 5659, 5660, 5661, 5662, 5663, 5664, and 5666 and striking out the corresponding items for those sections from the chapter analysis.

(13) Amending chapter 543 by—

(A) amending section 5701 to read as follows and amending the item for that section in the chapter analysis to correspond to the revised catchline:

"§ 5701. Navy; line officers; promotion on the active-duty list

"(a) At least once each year, the Secretary of the Navy shall convene the following selection boards under this chapter to recommend officers in the line of the Navy for promotion on the active-duty list:

"(1) A board to recommend commodore admirals, excluding those appointed under sections 5597 and 5787 of this title and those serving in that grade as a result of a statutory appointment, for promotion to the grade of rear admiral, consisting of not less than nine officers serving in the grade of rear admiral or above.

"(2) A board to recommend captains for promotion to the grade of commodore admiral, consisting of not less than nine officers serving in the grade of commodore admiral or above.

"(b) In accordance with section 611 of this title, the Secretary of the Navy shall convene selection boards under chapter 36 of this title to recommend officers in the line of the Navy for promotion:

"(1) A board to recommend commanders for promotion to the grade of captain, consisting of not less than nine officers serving in the grade of captain or above, except that not more than 25 percent of the board membership may be composed of officers serving in the grade of captain.

"(2) A board to recommend lieutenant commanders for promotion to the grade of commander, consisting of not less than nine officers serving in the grade of commander or above, except that not more than 25 percent of the board membership may be composed of officers serving in the grade of commander.

"(3) A board to recommend lieutenants for promotion to the grade of lieutenant commander and a board to recommend lieutenants (junior grade) for promotion to the grade of lieutenant, each consisting of not less than nine officers serving in the grade of lieutenant commander or above, except that not more than 20 percent of the board membership may be composed of officers serving in the grade of lieutenant commander and not more than 25 percent of the board membership may be composed of officers serving in the grade of commander.

"(c) Except as provided in subsections (d) and (e), selection boards convened under this chapter or chapter 36 of this title shall be composed of regular officers on the active-duty list in the line of the Navy not restricted in the performance of duty.

"(d) Except as provided in subsection (e), when officers designated for engineering duty, aeronautical engineering duty, or special duty are eligible for consideration by a selection board convened under this chapter or chapter 36 of this title, the Secretary shall appoint, as alternate members of the board, three regular officers on the active-duty list of the Navy serving in the grades specified in subsection (a) or (b) of the same designation and classification as any such eligible officer. However, not more than one alternate member may be serving in the grade immediately above the grade of the officers under consideration by the board. If three such officers are not available, the Secretary shall appoint as many as are available. Junior members of the board who are not restricted in the performance of duty, in like number, may not act upon the case of any officer designated for engineering duty, aeronautical engineering duty, or special duty. No alternate member may act upon the case of any officer who is not of the same designation as himself. When a board convened under this chapter or chapter 36 of this title consists of more than nine members, only nine officers may act upon the case of any officer designated for engineering duty, aeronautical engineering duty, or special duty; namely, the three alternate members of the same designation as the officer under consideration (or the lesser available number of such officers) plus the number of the most senior members not restricted in the performance of duty necessary to make a total of nine.

"(e) When officers of the Naval Reserve are eligible for consideration by a selection board convened under this chapter or chapter 36 of this title, the Secretary shall appoint an appropriate number of reserve officers, otherwise qualified under this section, as members or alternate members of the board and shall appoint regular officers on the active-duty list of the Navy, qualified under this section, to complete the prescribed membership.

"(f) No officer may be a member of two successive boards for the consideration of officers for promotion to the same grade.";

(B) amending section 5702 to read as follows and amending the item for that section in the chapter analysis to correspond to the revised catchline:

"§ 5702. Navy; staff corps officers: promotion

"(a) The Secretary of the Navy shall convene the following selection boards under this chapter to recommend officers of each staff corps on the active-duty list for promotion:

"(1) A board to recommend commodore admirals, excluding those appointed under sections 5597 and 5787 of this title and those serving in that grade as a result of a statutory appointment for promotion to the grade of rear admiral, consisting of not less than three or more than nine officers serving in the grade of rear admiral or above.

"(2) A board to recommend captains for promotion to the grade of commodore admiral, consisting of not less than three or more than nine officers serving in the grade of commodore admiral or above.

"(b) In accordance with section 611 of this title, the Secretary of the Navy shall convene the following selection boards under chapter 36 of this title to recommend staff corps officers for promotion:

"(1) A board for each corps to recommend commanders for promotion to the grade of captain, consisting of not less than six officers serving in the grade of captain or above.

"(2) A board for each corps to recommend lieutenant commanders for promotion to the grade of commander, consisting of not less than six officers serving in the grade of commander or above.

"(3) A board for each corps to recommend lieutenants for promotion to the grade of lieutenant commander and a board for each corps to recommend lieutenants (junior grade) for promotion to the grade of lieutenant, each consisting of not less than six officers serving in the grade of lieutenant commander or above, except that no more than one-third of the board membership may be composed of officers serving in the grade of lieutenant commander.

"(c) Each board convened under this chapter or chapter 36 of this title to consider officers in the Medical Corps, the Judge Advocate General's Corps, the Supply Corps, the Chaplain Corps, the Civil Engineer Corps, the Dental Corps, the Nurse Corps, or the Medical Service Corps shall consist of officers in the corps concerned. Each board convened to consider officers of the Navy designated for limited duty shall consist of officers who are not officers designated for limited duty. Except as provided in subsections (d) and (e), each board convened under this chapter or chapter 36 of this title shall consist of officers of the regular Navy on the active-duty list or the retired list.

"(d) When there is an insufficient number of staff corps officers legally and physically qualified to serve on a board convened under this chapter or chapter 36 of this title, the Secretary shall complete the minimum required membership by appointment as members of the board regular officers on the active-duty list in the line of the Navy serving in the grades prescribed in subsections (a) and (b) of this section. However, in the case of the boards considering officers in the Nurse Corps, the Secretary may complete the minimum required membership by appointing as members of the board regular officers on the active-duty list of the Navy Medical Corps serving in the prescribed grades and in the case of the boards considering officers of the Medical Service Corps, the Secretary may complete the minimum required membership by appointing as members of the board regular officers on the active-duty list of the Navy Medical or Dental Corps serving in the prescribed grades.

"(e) When officers of the Naval Reserve are eligible for consideration by a selection board convened under this chapter or chapter 36 of this title, the Secretary shall appoint an appropriate number of reserve officers, otherwise qualified under this section, as members of the board and shall appoint officers of the Regular Navy, qualified under this section, to complete the prescribed membership.

"(f) No officer may be a member of two successive boards convened under this chapter or chapter 36 of this title for the consideration of officers for promotion to the same grade.";

(C) amending section 5703 by—

(i) amending the first sentence of subsection (a) by striking out "male", by striking out "and for continuation on the active list", by striking out "and a board to recommend lieutenant colonels for promotion to the grade of colonel, each" in clause (2), and repealing clauses (3), (4), and (5);

(ii) amending subsection (b) by inserting "Each board convened under section 611 of this title to consider officers of the Marine Corps designated for limited duty shall consist of officers who are not officers designated for limited duty." before "Except", and by inserting "-duty" after "active";

(iii) amending subsection (c) by striking out ", brigadier general, or colonel" and by inserting in place thereof "or brigadier general", by inserting "-duty" after "active", and by striking out "rear" and inserting in place thereof "commodore"; and

(iv) amending the language of the catchline and the corresponding item for that section in the chapter analysis to read as follows: "Marine Corps; officers: promotion";

(D) repealing section 5704 and striking out the corresponding item for that section from the chapter analysis;

(E) amending section 5706 by—

(i) amending the introductory language before clause (1) to read as follows:

"The Secretary of the Navy shall furnish the appropriate selection boards convened under this chapter or chapter 36 of this title with—";

(ii) amending clause (1) by inserting "and" after "aeronautical engineering duty,", by striking out ", and the number of line officers designated for limited duty", and by striking out "next higher grade" and inserting in place thereof "grade of commodore admiral or rear admiral";

(iii) amending clause (2) by striking out "and the number of staff corps officers designated for limited duty" and by striking out "next higher grade" and inserting in place thereof "grade of commodore admiral or rear admiral";

(iv) amending clause (3) to read as follows:

"(3) the number of officers of the Marine Corps not restricted in the performance of duty that the board may recommend for promotion to the grades of brigadier general or major general;";

(v) striking out "active list" and inserting in place thereof "active-duty list" wherever it appears in the section; and

(vi) repealing clauses (5), (6), (7), (8), and (9);

(F) amending section 5707 by—

(i) amending subsection (a) to read as follows.

"(a) Of the officers considered for promotion by a selection board convened under this chapter, the board shall recommend for promotion as appropriate—

"(1) those eligible officers on the active-duty list in the grade of captain or above in the Navy, or colonel or above in the Marine Corps, whom the board considers best fitted for promotion; or

"(2) those eligible officers not on the active-duty list of the Navy or Marine Corps qualified for continued active duty.";

(ii) repealing subsections (c) and (e);

(iii) amending subsection (d) by striking out "or limited duty, or officers of the Marine Corps designated for limited duty", and by inserting "or" before "special duty"; and

(iv) amending subsection (i) by inserting "regular" before "officer", by inserting "-duty" after "active" in the first sentence, and by striking out "an" and inserting in place thereof "a regular" in the second sentence;

(G) amending section 5708 by—

(i) amending subsection (b) by striking out "any of the following categories" and inserting in place thereof "grades above captain (Navy) and colonel", by striking out "subject to the limitations prescribed in section 5707(c) of this title,", by striking out the colon after "higher grade" and inserting a period in place thereof, and by repealing clauses (1)–(7);

(ii) amending subsection (e) by striking out "officers not on the active list of the Navy or Marine Corps" and inserting in place thereof "reserve officers in grades above captain (Navy) and colonel on active duty";

"(iii) amending subsection (g) by striking out "active list" and inserting in place thereof "active-duty list"; and

(iv) repealing subsections (c) and (d);

(H) amending section 5709 by—

(i) repealing subsection (a);

(ii) amending the first sentence of subsection (b) by inserting "regular" before "officers", and by inserting "duty" after "active" wherever it appears in that subsection; and

(iii) amending the language of the catchline and corresponding item in the chapter analysis for that section to read as follows: "Marine Corps: retention of major generals on the active-duty list";

(I) amending section 5710 by—

(i) inserting "-duty" after "active" in subsections (a) and (b);

(ii) amending subsection (b) by striking out "or 5704", by striking out "except as provided in subsection (c) of this section", by inserting "or" after "5702", and by inserting "to recommend officers for promotion to grades above captain (Navy) and colonel" after "title"; and

(iii) repealing subsection (c); and (J) amending section 5711 by—

(i) repealing subsection (a); and

(ii) amending subsection (c) by striking out "and are not counted as officers serving on active duty for the purpose of subsection (a)".

(14) Amending chapter 545 by—

(A) amending section 5751 by—

(i) amending the language of the catchline and the corresponding item for that section in the chapter analysis by striking out ", male line officers; Marine Corps, male officers" and inserting in place thereof "and Marine Corps; regular officers";

(ii) repealing subsections (b), (c), and (e);

(iii) amending subsection (d) to read as follows:

"(d) No regular officer of the Navy or Marine Corps who has not lost numbers or precedence may become eligible for consideration by a selection board that is convened under chapter 543 of this title until all officers of his grade and competitive category senior to him on the active-duty list are so eligible."; and

(iv) adding the following new subsection:

"(f) Officers serving in the grade of commodore admiral in the Navy are eligible for consideration for promotion to the grade of rear admiral by a selection board that is convened under chapter 543 of this title in the fiscal year in which they complete two years of service in the grade of commodore admiral or such later time as the Secretary of the Navy may determine.";

(B) amending section 5756 by striking out "male" in the catchline of the section, in the corresponding item for that section in the chapter analysis, and wherever else it appears in the section;

(C) amending section 5758 by—

(i) striking out "male" in the catchline of the section and in the corresponding item for that section in the chapter analysis;

(ii) amending subsection (a) by striking out "rear admiral" in the first sentence and inserting in place thereof "commodore admiral or rear admiral, as the case may be", and by striking out "rear admiral" in the third sentence and inserting in place thereof "commodore admiral or rear admiral, as the case may be,"; and

(iii) repealing subsection (b);

(D) amending section 5761 by—

(i) striking out "grade of rear admiral" in the catchline of the section and in the corresponding item for that section in the chapter analysis and inserting in place thereof "grades of commodore admiral and rear admiral";

(ii) striking out "rear admiral" in the first sentence and inserting in place thereof "commodore admiral or rear admiral, as the case may be"; and

(iii) amending the last sentence by striking out "rear admiral" and inserting in place thereof "commodore admiral or rear admiral, as the case may be,", and by inserting "or commodore admirals, as the case may be." after "captains";

(E) amending section 5764 by—

(i) striking out "; male line" in the catchline of the section and in the corresponding item for that section in the chapter analysis;

(ii) amending subsection (a) to read as follows:

"(a) When he convenes a selection board under chapter 543 of this title to consider officers for recommendation for promotion to the grade of commodore admiral, the Secretary of the Navy shall establish a promotion zone in the grade of captain for officers in the line not restricted in the performance of duty and, if numbers to select are authorized for their crops, for officers in a staff corps. The promotion zone shall be composed of the most senior such officers under consideration, who are eligible for selection for promotion to the grade of commodore admiral and who have not previously failed of such selection, that must either be selected for promotion by the particular board or be considered as having failed of such selection, in order best to assure to individuals in succeeding years equality of opportunity for promotion. The Secretary shall determine the number in the zone on the basis of a consideration of the number of vacancies estimated for the grade of commodore admiral in each of the next five years and the number of officers who will be eligible for selection in each of those years.";

(iii) repealing subsections (b), (c), and (d); and

(iv) inserting the following new subsection:

"(e) Officers in a staff corps are in the promotion zone under this section when the next junior line officer on the active-duty list not restricted in the performance of duty is in the promotion zone.";

(F) amending section 5765 by—

(i) amending subsection (b) to read as follows:

"(b) The Secretary of the Navy shall establish a promotion zone in the grade of colonel for officers of the Marine Corps not restricted in the performance of duty at the time he convenes a selection board under chapter 543 of this title to consider officers in that grade for recommendation for promotion to the grade of brigadier general. The promotion zone shall be composed of the most senior such officers under consideration, who are eligible for selection for promotion to the grade of brigadier general and who have not previously failed of such selection, that must either be selected for promotion by the particular board or be considered as having failed of such selection, in order best to assure to individuals in succeeding years equality of opportunity for promotion. The Secretary shall determine the number in the zone on the basis of a consideration of the number of vacancies estimated for the grade of brigadier general in each of the next five years and the number of officers who will be eligible for selection in each of those years."; and

(ii) repealing subsections (c) and (d);

(G) repealing section 5766 and striking out the corresponding item for that section from the chapter analysis;

(H) amending section 5767 by—

(i) amending subsection (a) by striking out "rear admiral" and inserting in place thereof "commodore admiral or rear admiral" in the first sentence;

(ii) amending subsection (b) by striking out the last sentence; and

(iii) amending section (c) to read as follows:

"(c) In competitive categories where no officers are authorized in grades above colonel in the Marine Corps, or captain in the Navy, and whenever the Secretary determines that there is a position of sufficient importance and responsibility in one of these categories to require an incumbent in the grade of commodore admiral or brigadier general, the Secretary of the Navy may convene a selection board, to be composed and to follow procedures in general conformity with those set forth in chapter 543 of this title, to recommend for promotion an officer in the grade of captain in the Navy, or colonel in the Marine Corps, in the appropriate competitive category, who is best qualified to perform the duties of the position. An officer so designated may be appointed by the President, by and with the advice and consent of the Senate, to the grade of commodore admiral or brigadier general. Such an appointment is effective on the date the officer reports for the designated duty and terminates on the date he is detached. No appointment may be made under this subsection in the competitive category of officers designated for limited duty, and in no case may more than one officer in a competitive category

hold a grade to which he was promoted under this subsection.";

(I) amending section 5869 by—

(i) amending the language of the catchline and the corresponding item for that section in the chapter analysis to read as follows: "Navy and Marine Corps officers; eligibility for promotion on the active-duty list to flag and general officer grades; date of rank";

(ii) amending subsections (a) and (b) by striking out "Male officers in the line of the Navy and male" and inserting in place thereof "Officers of the Navy and";

(iii) amending subsection (a) by inserting "and competitive category" after "for the grade", and by striking out "male" in the last sentence;

(iv) amending subsection (b) by repealing clauses (2) and (4), by amending clause (3) by striking out "Captains" and inserting in place thereof "Officers", by striking out "grade of rear admiral" and inserting in place thereof "next higher grade", by striking out the last sentence, and by adding the following new clause:

"(5) Officers of a staff corps whose names appear on the promotion list are, in the order in which their names appear, eligible for promotion to the next higher grade as a vacancy occurs in the corps concerned.";

(v) amending subsection (c) to read as follows:

"(c) An officer—

"(1) of the line restricted in the performance of duty, when promoted to the grade of rear admiral or commodore admiral, as the case may be, shall be assigned the date of rank of the line officer not restricted in the performance of duty next junior to him on the promotion list but, if there is no such officer, he shall be assigned the date of rank of the line officer not restricted in the performance of duty next senior to him; or

"(2) of a staff corps, when promoted to the grade of rear admiral or commodore admiral, as the case may be, shall be assigned the date of rank of the line officer not restricted in the performance of duty next senior to him on the promotion list but, if there is no such officer, he shall be assigned the date of rank of the line officer not restricted in the performance of duty next junior to him; However, if the line officer restricted in the performance of duty or the staff corps officer is promoted to the grade of rear admiral or commodore admiral before the line officer whose date of rank will determine his date of rank, the line officer restricted in the performance of duty or the staff corps officer shall have as his interim date of rank, the date of occurrence of the vacancy that he was promoted to fill. Each officer, when promoted to the grade of rear admiral or commodore admiral, shall be assigned the date of rank and registered number that will give him rank in the order in which his name appears on the promotion list for that grade."; and

(vi) adding the following new subsections:

"(e) Notwithstanding subsection (c), if a selection board for the grade of commodore admiral or rear admiral in a staff corps is not convened between the dates of convening of two or more line selection boards for that grade, a staff corps officer promoted to the grade of commodore admiral or rear admiral shall have assigned to him as his date of rank, the date assigned to the junior commodore admiral or rear admiral, as appropriate, who is not restricted in the performance of duty on the active-duty list who—

"(1) was recommended for promotion by the line selection board immediately following the last selection board in the staff corps concerned; and

"(2) was senior to the staff corps officer on the active-duty list at the time that the last selection board was convened.

"(f) An officer of the Marine Corps when promoted to the grade of brigadier general or major general, shall be assigned the date of rank and registered number that will give him rank in the order in which his name appeared on the promotion list for that grade.";

(J) amending section 5776 by—

(i) amending subsection (a) by striking out "in the line";

(ii) amending subsection (b) to read as follows:

"(b) An officer of the Navy serving in the grade of commodore admiral and officers in the line of the Navy restricted in the performance of duty serving in the grade of captain, who are eligible for consideration for promotion by a selection board convened under chapter 543 of this title, who are not selected for promotion are not considered as having failed of selection."; and

(iii) repealing subsection (c);

(K) amending section 5778 by striking out the first sentence and by striking out "other" in the second sentence;

(L) amending section 5780 by—

(i) striking out "male" in the catchline of the section and in the corresponding item for that section in the chapter analysis;

(ii) amending subsection (a) by striking out "any grade" and inserting in place thereof "the grade of commodore admiral or rear admiral", and by inserting "-duty" after "active";

(iii) amending subsection (b) by striking out "any grade" and inserting in place thereof "the grade of brigadier general or major general", and by inserting "-duty" after "active";

(iv) repealing subsection (c); and

(v) amending subsection (d) by striking out "lineal" and inserting in place thereof "active-duty list";

(M) amending section 5781 by—

(i) striking out "rear admiral" in the catchline of the section and the corresponding item for that section in the chapter analysis and inserting in place thereof "rear admiral and commodore admiral";

(ii) amending subsection (a) to read as follows:

"(a) The President may fill vacancies in the grade of commodore admiral or rear admiral in any staff corps of the Regular Navy, as provided under section 5449 of this title, by making permanent appointments in—

"(1) the grade of commodore admiral from officers on the active-duty list in the corps concerned who, under the preceding sections of this chapter, have been temporarily promoted to that grade or are on the promotion list to that grade; or

"(2) the grade of rear admiral from officers on the active-duty list in the corps concerned who, under the preceding sections of this chapter, have been temporarily promoted to that grade or are on the promotion list to that grade.";

(iii) amending subsection (b) to read as follows:

"(b) Officers shall be permanently appointed under this section in the order of their active-duty list position or, if they have not been temporarily appointed in the grade to which the permanent appointment is to be made, in the order in which their names appear on the promotion list for temporary promotion to the grade concerned."; and

(iv) amending subsection (c) to read as follows:

"(c) Each officer permanently promoted to the grade of commodore admiral or rear admiral under this section shall be assigned the date of rank that will give him rank in the order in which his name appeared on the promotion list for the grade concerned.";

(N) amending section 5783 by—

(i) amending subsection (a) by amending the first sentence to read as follows: "Permanent appointments may be made in the grade of commodore admiral or rear admiral in the Naval Reserve from officers holding permanent appointments in the grade of captain or above in the Naval Reserve who are on active duty and who—

"(1) have been temporarily promoted to the grade of commodore admiral or rear admiral under the preceding sections of this chapter; or

"(2) are on the promotion list for promotion to the grade of commodore admiral or rear admiral under the preceding sections of this chapter."; and by amending the second sentence by striking out "in the line" after "An officer", by striking out "in the line" after "An officer", by striking out "a grade" and inserting in place thereof "the grade of commodore admiral or rear admiral", by striking out "male line" before "officers", and by inserting "duty" after "active";

(ii) amending subsection (b) by amending the first sentence by striking out "any grade" and inserting in place thereof "the grade of brigadier general or major general" and by striking out "second lieutenant" and inserting in place thereof "colonel"; and by amending the second sentence by striking out "a grade" and inserting in place thereof "the grade of brigadier general or major general", by striking out "male" before "officers", and by inserting "-duty" after "active"; and

(iii) repealing subsection (c);

(O) amending section 5785 by—

(i) repealing subsection (a); and

(ii) amending subsection (b) by striking out ", other than women officers appointed under section 5590 of this title";

(P) amending section 5786(b) by striking out "sections 5784 and" and inserting in place thereof "section";

(Q) amending section 5787 by—

(i) amending subsection (b) by striking out "ensign" and inserting in place thereof "captain" and by striking out "second lieutenant" and inserting in place thereof "colonel";

(ii) repealing subsection (d);

(iii) amending subsection (e) by striking out the second sentence, and by striking out "alone" in the last sentence and inserting in place thereof ", by and with the advice and consent of the Senate";

(iv) amending subsection (f) by striking out "lieutenant" and inserting in place thereof "commodore admiral", by striking out "captain" and inserting in place thereof "brigadier general", and by striking out the last sentence;

(R) amending section 5787c to read as follows and amending the item for that section in the chapter analysis to correspond with the revised catchline:

"§ 5787c. Navy and Marine Corps; warrant officers and officers designated for limited duty: temporary promotions

"(a) Warrant officers may be temporarily promoted to higher warrant officer grades under such regulations as the Secretary of the Navy may prescribe.

"(b) Officers designated for limited duty may be temporarily promoted to a higher grade under such regulations as the Secretary of the Navy may prescribe.";

(S) amending section 5791(b) by striking out "sections 5787 and 5790" and inserting in place thereof "section 5787"; and

(T) repealing sections 5752, 5753, 5757, 5760, 5762, 5763, 5768, 5770, 5771, 5772, 5773, 5782, 5784, 5787a, 5787b, 5788, 5789, 5790, and 5793 and striking out the corresponding items for those sections from the chapter analysis.

(15) Repealing chapter 547 and striking out the corresponding item from the chapter analysis of subtitle C and the chapter analysis of part II.

(16) Amending chapter 549 by—

(A) amending section 5891 by—

(i) amending subsection (b) by striking out "a lineal list maintained under section 5504" and inserting in place thereof "the

active-duty list maintained under section 620";

(ii) amending subsection (c) by striking out "chapter 543" and inserting in place thereof "chapter 36 or 543", and by striking out "a lineal list" and inserting in place thereof "the active-duty list";

(iii) amending subsection (d) by striking out "a lineal list" wherever it appears and inserting in place thereof "the active-duty list";

(iv) amending subsections (e) and (f) by striking out "chapter 543" and inserting in place thereof "chapter 36 or 543", and by striking out "the lineal list" and "a lineal list" wherever they appear and inserting in place thereof "the active-duty list"; and

(v) repealing subsection (g);

(B) amending section 5892 by striking out "prescribed for line and staff corps officers on the active list of the Navy" and inserting in place thereof "established by the Secretary for regular line and staff corps officers on the active-duty list under other provisions of this title";

(C) amending section 5896 by—

(i) amending subsection (a)(3) by striking out "and eligible women officers appointed under section 5581 of this title";

(ii) amending subsection (a)(4) by striking out "and women officers appointed under section 5581 of this title,";

(iii) amending subsection (a)(7) and (8) by striking out "and officers appointed under section 5581 of this title"; and

(iv) amending subsection (b) by striking out "or an officer appointed under section 5581 of this title";

(D) amending section 5897 by—

(i) amending subsections (b)(6) and (d)(1) by striking out "and officers appointed under section 5581 of this title" before the period at the end thereof; and

(ii) amending subsection (c)(1) by striking out ", and women officers appointed under section 5581 of this title,";

(E) amending section 5898(b) by striking out "or an officer appointed under section 5581 of this title";

(F) amending section 5899 by—

(i) amending subsection (a) by striking out ", or a woman officer appointed under section 5581 of this title,";

(ii) amending subsection (a) by inserting "or above" after "captain" in the second sentence;

(iii) amending subsection (c) by striking out "or an officer appointed under section 5581 of this title";

(iv) amending subsections (a) and (c) by inserting "622 or" before "5764";

(v) amending subsections (b) and (e) by inserting "622 or" before "5765", and by striking out "lineal list" and inserting in place thereof "active-duty list"; and

(vi) amending subsection (e) by inserting "611 or" before "5702";

(G) amending section 5901 by inserting "623 and" before "5756–5763";

(H) amending section 5902 (b) and (c) by inserting "36 or" before "545"; and

(I) amending section 5905(c) by striking out "lineal rank and".

(17) Amending chapter 553 by striking out "active list" and inserting in place thereof "active-duty list" in section 5982(c).

(18) Amending chapter 555 by repealing section 6018 and striking out the corresponding item for that section from the chapter analysis.

(19) Amending chapter 573 by—

(A) inserting the following new section and inserting a corresponding new item for that section in the chapter analysis:

"§ 6372a. Regular Navy: commodore admiral and rear admiral: retirement for length of service

"(a) Each officer of the Regular Navy, serving in the grade of commodore admiral, who is not on a list of officers recommended for promotion to a higher grade shall, if not earlier retired, be retired on the first day of the month following the month in which he completes thirty years of service as computed under section 6387 of this title or the first day of the month following the month in which he completes five years in grade, whichever is later.

"(b) Each officer of the Regular Navy, serving in the grade of rear admiral shall, if not earlier retired, be retired on the first day of the month following the month in which he completes thirty-five years of service as computed under section 6387 of this title or the first day of the month following the month in which he completes five years in grade, whichever is later. However, the Secretary of the Navy may defer for a specified time the retirement under this section of any rear admiral, as limited by the provisions of section 6390 of this title.

"(c) For the purposes of this section, an officer's service in grade is computed from the date of the occurrence of the vacancy that he was promoted to fill.";

(B) amending section 6373 by striking out "total", by striking out "active list" wherever it appears and inserting in place thereof "active-duty list", and by amending the catchline and the corresponding item for that section in the chapter analysis by striking out "active list" and inserting in place thereof "active-duty list";

(C) amending section 6374 by striking out "active list" wherever it appears and inserting in place thereof "active-duty list";

(D) amending section 6383 by—

(i) amending subsection (a) by striking out "active list" and inserting in place thereof "active-duty list";

(ii) amending subsection (b) to read as follows:

"(b) Each regular officer on the active-duty list designated for limited duty whose name is not on a limited-duty officer promotion list who is serving in the grade of lieutenant commander or commander in the Navy or serving in the grade of major or lieutenant colonel in the Marine Corps shall be retired on the first day of the seventh month following the month in which he is considered as having twice failed of selection for promotion to the next higher grade.";

(iii) amending subsection (d) to read as follows:

"(d) Each regular officer on the active-duty list designated for limited duty whose name is not on a list of officers recommended for promotion who is serving in the grade of lieutenant in the Navy or serving in the grade of captain in the Marine Corps shall be honorably discharged on the first day of the seventh month following the month in which he is considered as having twice failed of selection for promotion to the grade of lieutenant commander or major.";

(vi) amending subsection (e) to read as follows::

"(e) Each regular officer on the active-duty list of the Navy or the Marine Corps designated for limited duty whose name is not on a list of officers recommended for promotion who is serving in the grade of ensign or second lieutenant, or lieutenant (junior grade) or first lieutenant, shall be honorably discharged on the first day of the seventh month following the month in which he was found not qualified for promotion in the case of an ensign or second lieutenant or is considered as having twice failed of selection for promotion to the grade of lieutenant (Navy) or captain (Marine Corps).";

(v) repealing subsection (f);

(vi) amending subsection (g) by striking out "retirement or" in the first sentence, and by striking out" retired or" in the first and second sentences;

(vii) adding the following new subsection:

"(i) An officer discharged under this section is entitled, if eligible therefor, to separation pay under section 1173a of this title."; and

(viii) striking out "or severance" in the catchline and in the corresponding item for that section in the chapter analysis;

(E) amending section 6384 by—

(i) amending subsection (a) by inserting "36 or" after "chapter";

(ii) amending subsection (b) to read as follows:

"(b) Each officer on the active-duty list of the Navy and the Marine Corps whose name is reported under this section shall, subject to subsection (d), be honorably discharged from the naval service on June 30, of the fiscal year in which his name is reported, with, if eligible therefor, separation pay under section 1173a of this title.";

(iii) repealing subsection (c); and

(iv) striking out "; severance pay" in the catchline and in the corresponding item for that section in the chapter analysis;

(F) amending section 6386 by repealing subsections (a), and (b);

(G) amending section 6387 to read as follows and amending the corresponding item for that section in the chapter analysis to correspond to the revised catchline:

"§ 6387. Regular Navy and Regular Marine Corps officers: computation of total commissioned service

"For the purposes of computing years of service for eligibility for consideration for continuation or retirement under section 6372a of this title, the years of service which an officer had as computed under section 637 of this title at the time he was promoted to commodore admiral in the Navy or brigadier general in the Marine Corps shall be added to the years of active commissioned service that he has served since he was promoted to commodore admiral in the Navy or brigadier general in the Marine Corps. Where an officer has not been on continuous active duty since he was promoted to commodore admiral or brigadier general, such time as he was not on active duty shall be counted for purposes of this section as shall be specified in regulations prescribed by the Secretary of the Navy.";

(H) amending section 6389 by—

(i) amending subsection (b) by striking out "subsection (a)" in the first sentence and inserting in place thereof "subsection (a) or (f)";

(ii) amending the second sentence of subsection (d) to read as follows: "Each other officer is considered to have for this purpose as much total commissioned service as the years of service computed under section 637 of this title of any officer on the active-duty list of the Navy not restricted in the performance of duty, or any officer on the active-duty list of the Marine Corps not restricted in the performance of duty, as appropriate, who has served continuously since original appointment as ensign on the active-duty list of the Navy or as second lieutenant on the active-duty list of the Marine Corps, has not lost numbers or precedence, and is, or has been after September 6, 1947, junior to that other officer."; and

(iii) amending subsection (e) to read as follows:

"(e) This section does not apply to female Reserve officers or to Reserve officers in the Nurse Corps.";

(iv) inserting the following new subsection:

"(f) An officer in an active status in the Naval Reserve serving in the grade of commodore admiral shall be eliminated from active status if he is not on a promotion list to the next higher grade, has 30 years of total commissioned service, and has served five years in grade. An officer in an active status in the Naval Reserve serving in the grade or rear admiral shall be eliminated from active status if he has 35 years of total commissioned service, and has served five years in grade.";

(I) amending section 6390(a) to read as follows:

"(a) Each officer on the active-duty list of the Navy or of the Marine Corps serving in the grade of admiral or general or below shall be retired by the President when he becomes 62 years of age unless the President defers his retirement.";

(J) amending section 6394 by—

(i) amending the language of the catchline and the corresponding item for that section in the analysis of chapter 573 by striking out "commodores" and inserting in place thereof "commodore admirals";

(ii) striking out "active list" wherever it appears and inserting in place thereof "active-duty list";

(iii) amending subsection (a) by inserting "admiral" after "commodore";

(iv) amending subsection (a) by inserting after the last sentence "The Secretary may instruct a board convened under chapter 543 to perform the functions of a board under this section with respect to any officer of the Navy subject to the provisions of this section."; and

(v) amending subsection (b) to read as follows:

"(b) Each board convened under this section to consider and recommend rear admirals or commodore admirals for retirement shall be composed of not less than five officers on the active-duty list of the Navy serving in grades above all officers under consideration. However, officers on the active-duty list in any staff corps, who are senior in rank to all officers under consideration, may be detailed as members of any such board to consider and recommend officers of the staff corps for retirement.";

(K) amending section 6397(a) to read as follows:

"(a) An officer of the Naval Reserve in any grade in the Nurse Corps may be eliminated from an active status under the conditions prescribed in this title for the separation from the active-duty list of a regular officer in the same grade.";

(L) amending section 6403 by—

(i) amending subsections (a) and (b) by inserting "or chapter 36 of this title" after "chapter", and by striking out "active list" and inserting in place thereof "active-duty list"; and

(ii) amending subsection (a) by inserting "regular" after "woman line", and by striking out "or an officer appointed under section 5581 of this title";

(M) amending section 6404 by—

(i) striking out "and lump-sum payments on discharge" after "retired pay"; and

(ii) striking out "and severance pay" in the catchline and in the corresponding item in the chapter analysis.

(N) amending the first sentence of section 6407 by inserting "regular" before "officer" and by inserting "-duty" after "active"; and

(O) repealing sections 6371, 6372, 6376, 6377, 6378, 6379, 6380, 6382, 6388, 6392, 6395, 6396, 6398, 6400, 6401, and 6402 and striking out the corresponding items for those sections from the chapter analysis.

(20) Amending chapter 575 by amending section 6487 by—

(A) amending the language of the catchline and the corresponding item for that section in the chapter analysis by striking out "rear" and inserting in place thereof "commodore"; and

(B) striking out "rear" after "grade of" and inserting in place thereof "commodore"; by striking out "who is entitled to the pay on the lower half of that grade, and"; and by striking out "in the upper half of that grade".

(21) Amending chapter 601 by—

(A) amending section 6909 by inserting "-duty" after "active" wherever it appears, by inserting "as a regular officer" after "appointments", and by striking out "male";

(B) amending section 6911 by striking out "male" wherever it appears; and

(C) repealing section 6914 and striking out the corresponding item from the chapter analysis.

(22) Amending chapter 605 by amending section 7042(a) by striking out "an" before "officer" and inserting in place thereof "a regular", and by inserting "-duty" after "active".

SEC. 5. Title 32, United States Code, is amended by amending section 101(12) by striking out "active list" and inserting in place thereof "active-duty list".

SEC. 6. Title 37, United States Code, is amended by:

(1) Amending section 101(18) by striking out "active list" and inserting in place thereof "active-duty list".

(2) Amending the table in section 201(a) by—

(A) striking out "Environmental Science Services Administration" and inserting in place thereof "National Oceanic and Atmospheric Administration" in the heading of the third column;

(B) striking out "Rear admiral (upper half)" in the third column and inserting in place thereof "Rear admiral (Navy) and Rear aadmiral (upper half) (Coast Guard and National Oceanic and Atmospheric Administration)"; and

(C) striking out "Rear admiral (lower half) and Commodore" in the third column and inserting in place thereof "Commodore admiral (Navy) and Rear admiral (lower half) (Coast Guard and National Oceanic and Atmospheric Administration)".

(3) Amending section 202 by—

(A) repealing subsections (a) through (d);

(B) amending subsection (e) to read as follows:

"(e) An officer of the—

"(1) Navy holding a permanent appointment in the grade of commodore admiral on the retired list; or

"(2) Coast Guard holding a permanent appointment in the grade of rear admiral on the retired list who is entitled to the basic pay of a rear admiral of the lower half;

who, in time of war or national emergency, has served satisfactorily on active duty for two years in that grade or in a higher grade is entitled when on active duty to the basic pay of pay grade O–8.";

(C) striking out "of the upper half" in subsection (h);

(D) striking out "active list" and inserting in place thereof "active-duty list", by striking out "of the upper half", and by inserting "or commodore admiral" after "grade of rear admiral" in subsection (j);

(E) striking out "a woman" and inserting in place thereof "an" and by striking out "rear admiral of the lower half" and inserting in place thereof "commodore admiral", in subsection (k); and

(F) amending the language of the catchline of section 202, and the corresponding item for that section in the analysis of chapter 3, by striking out "of upper half".

(4) Amending section 205 by—

(A) amending subsection (a) by repealing clauses (7) and (8);

(B) amending subsection (b) by striking out the second sentence; and

(C) repealing subsection (c).

(5) Amending sections 302 (last sentence), 302a(b), 302b (last sentence), and 303(b) by inserting ", separation pay," before "or severance pay".

(6) Amending section 406 by amending subsections (d)(2) and (g)(2) by inserting "separation pay or" before both "severance pay" and "readjustment pay".

(7) Amending section 904 by—

(A) striking out "male" wherever it appears;

(B) inserting "above the grade of captain (Navy) or colonel" after "an officer" in subsection (a);

(C) amending subsection (a)(2) by inserting "or commodore admiral" after "rear admiral";

(D) amending subsection (a)(11) by inserting "or commodore admiral" after "rear admiral";

(E) inserting "above the grade of captain" after "line officer" in subsection (b);

(F) repealing clauses (3), (4), (5), (9), and (10) of subsection (a); and

(G) repealing subsection (d).

(8) Amending section 905 by repealing subsections (d), (e), and (g), and by amending subsection (b) by striking out the last sentence thereof.

(9) Inserting the following new section and a corresponding item for that section in the chapter analysis:

"§ 908. Officers of the Army, Navy, Air Force, or Marine Corps promoted under chapter 36 of title 10: effective date of beginning of pay and allowances

"An officer of the Army, Navy, Air Force, or Marine Corps who is promoted under section 624(a) of the title 10 is entitled to the pay and allowances of the grade to which promoted from the date the promotion is made. An officer promoted under section 624(b) of title 10 is entitled to the pay and allowances of the grade to which promoted from the first day of the month following the date of the occurrence of the vacancy that he was promoted to fill.".

SEC. 7. Section 6 of the Act of March 31, 1947, ch. 26 (50 U.S.C. App. 326(d) is amended by striking out "active" and inserting in place thereof "active-duty list".

SEC. 8. Section 10(b) (4) of the Act of June 24, 1948, ch. 625, as amended (50 U.S.C. App. 460(b) (4)), is amended by striking out "active" and inserting in place thereof "active-duty list".

SEC. 9. Notwithstanding any other provision of this Act:

(1) Reserve commissioned officers of the Army, Navy, Air Force, or Marine Corps, and officers appointed under section 5596 of title 10, United States Code, except officers designated for limited duty, on active duty on the effective date of this Act, other than those excluded under section 641 of title 10, United States Code, who have completed nine or more years of active commissioned service, may be appointed as regular officers within two years from the effective date of this Act, or by September 30, 1979, whichever is later.

(2) Under regulations prescribed by the Secretary of the military department concerned, if an officer described in clause (1) of this section is not qualified, not selected for appointment as a regular officer, or declines his appointment, he shall be released from active duty on such date as the Secretary concerned may determine, but not later than the earliest of the following dates—

(A) two years from the effective date of this Act;

(B) the date of expiration of his commitment under a written agreement concluded under section 679 of title 10, United States Code; or

(C) the date the officer requests and the Secretary approves.

(3) Depending on the needs of the service, an officer serving on active duty on the effective date of this Act, who is not qualified for an appointment as a regular officer, may have any disqualification waived by the Secretary of the military department concerned and be appointed as a regular officer in the grade in which serving.

However, unless sooner retired or separated under another provision of law, an officer who is within two years of qualifying for retirement under section 3911, 6323, or 8911 of title 10, United States Code, shall be retained

on active duty until he is qualified for retirement.

SEC. 10. Notwithstanding any other provision of this Act:

(1) An officer of the Army or Air Force serving in a regular grade who has been recommended for promotion to a temporary or permanent grade below brigadier general or a reserve officer who has been recommended for promotion to a temporary grade below brigadier general in the Army or Air Force in an approved report of a board of officers convened for that purpose under laws in effect on the day before the effective date of this Act, if not earlier promoted to the grade for which he was recommended, shall be placed on a promotion list in order of his seniority on the active-duty list established by this Act, and shall be considered to have been so recommended for promotion in an approved report of a selection board convened under this Act.

(2) An officer of the Army or Air Force who has the regular grade of first lieutenant, captain, or major, who was considered once but not recommended for promotion to the next higher regular grade by a selection board convened under the laws in effect on the day before the effective date of this Act, shall, within one year from the effective date of this Act, be considered again by a selection board for promotion to the next higher grade. If he is not recommended for promotion by the board again considering him, he shall be retired and entitled to retired pay or honorably discharged, as the case may be, under the laws in effect on the day before the effective date of this Act. However, an officer who is discharged is entitled, at his election, to—

(A) the severance pay to which he would have been entitled under the laws in effect before the effective date of this Act; or

(B) if qualified, the separation payment as provided by section 1173a of title 10, United States Code.

If he is recommended for promotion by that Board and is serving in his regular grade, he shall be considered to have been so recommended for promotion to the next higher grade in an approved report of a selection board convened under this Act. However, if he is recommended for promotion by the board again considering him and is serving in a higher grade than his regular grade under the laws in effect on the day before the effective date of this Act, his status shall be as prescribed in clause (5) of this section.

(3) An officer of the Army or Air Force who has a regular grade below colonel, or a reserve officer other than one specified in section 641 of title 10, United States Code, who was considered but not recommended for promotion under laws in effect on the day before the effective date of this Act to a temporary grade below brigadier general that is higher than the grade in which he is serving, shall be considered to have once failed of selection for promotion under chapter 36 of title 10, United States Code.

(4) An officer of the Army or Air Force who has the regular grade of first lieutenant, captain, or major, who has twice failed of selection for promotion to the next higher regular grade under the laws in effect on the day before the effective date of this Act, shall be retired and entitled to retired pay, or honorably discharged, as the case may be, under the laws in effect on the day before the effective date of this Act. However, an officer who is discharged is entitled, at his election, to—

(A) the severance pay to which he would have been entitled under the laws in effect before the effective date of this Act; or

(B) if qualified, the separation payment as provided by section 1173a of title 10, United States Code.

(5) An officer of the Army or Air Force who, on the day before the effective date of this Act, was serving in a temporary grade below brigadier general which is higher than his regular grade shall be considered to have been recommended for promotion to that grade under chapter 36 of title 10, United States Code. However, such an officer who is also subject to the provisions of clause (2) of this section shall be retired or discharged, as appropriate, if he is not recommended for promotion under that clause.

(6) An officer on the active-duty list of the Navy or Marine Corps who, on the effective date of this Act is, recommended for or is serving under a temporary appointment in a grade below commodore admiral or brigadier general which is higher than his permanent grade, shall be considered to have been so recommended for or promoted to the higher grade under chapter 36 of title 10, United States Code. This clause does not apply to—

(A) an officer serving under a temporary appointment which, by its terms, is limited in duration; and

(B) an officer designated for limited duty in a grade to which he was appointed under section 5596 of title 10, United States Code, or who has been recommended for promotion or promoted under section 5787 of that title.

(7) An officer of the Navy or Marine Corps who was considered to have failed of selection for promotion to a grade below commodore admiral or brigadier general one or more times under laws in effect the day before the effective date of this Act shall be subject to the provisions of this Act as if such failure or failures had occurred under this Act.

(8) An officer of the Army, Navy, Air Force, or Marine Corps, recommended for continuation on the active list under the Act of August 11, 1959, Public Law 86–155 (73 Stat. 333), as amended (74 Stat. 396), or section 10 of the Act of July 12, 1960, Public Law 86–616 (74 Stat. 395), shall not be subject to the continuation provisions of this Act.

(9) An officer of the Army or Air Force who, on the day before the effective date of this Act, was serving in or recommended for promotion to, the temporary grade of brigadier general or higher, and held a regular grade below colonel shall be considered to have been recommended for promotion to colonel under chapter 36 of title 10, United States Code.

(10) An officer who—

(A) on the effective date of this Act, is either serving in the grade of lieutenant colonel or commander or colonel or captain (Navy), or is on a promotion list to one of those grades;

(B) is not recommended for promotion to a higher grade after the effective date of this Act; and

(C) is considered but not selected for continuation on active duty under section 634 of title 10, United States Code;

is entitled to a lump-sum payment of $4,000.

(11) The enactment of this Act does not terminate the appointment of any officer. For the purpose of determining the amount of service that an officer has in a particular grade, there shall be counted all service in that grade before, on, and after the effective date of this Act that would be creditable under the provisions of this Act.

(12) An officer of the Army, Navy, Air Force, or Marine Corps, who on the effective date of this Act is serving under a temporary appointment and also has a permanent status as an enlisted member or a warrant officer, and who on or after the effective date of this Act—

(A) has not completed 10 years of commissioned service for retirement eligibility under section 3911, 6323, or 8911 of title 10, United States Code; and

(B) becomes eligible for retirement under any other provision of law;

is entitled to retire in the highest permanent grade he held as an enlisted member or a warrant officer, as the case may be, prior to the effective date of this Act.

SEC. 11. Not later than six months after the effective date of this Act, an officer of the Army, Navy, Air Force, or Marine Corps shall be placed on an active-duty list under regulations prescribed by the Secretary of the military department concerned under section 620 of title 10, United States Code, in the same relative seniority which he held on the day before the effective date of this Act. However, such an officer is considered to have been placed on the active-duty list as of the effective date of this Act.

SEC. 12. Notwithstanding any other provision of this Act, except an officer who is excluded under section 641 of title 10, United States Code, a regular officer of the Army, Navy, Air Force, or Marine Corps on active duty on the effective date of this Act shall be subject to the provisions of this Act concerning promotion, selective continuation, years of active commissioned service, and separation or retirement, except:

(1) An Army or Air Force officer who is serving in, or is on a recommended list of officers selected for promotion to, the regular grade of major, except an officer serving in a higher temporary grade, shall, unless separated or retired under another provision of law, or later promoted under the provisions of this Act, be retained on active duty until he completes 21 years of service as computed under section 3927(a) or 8927(a) of title 10, United States Code, as they existed on the day before the effective date of this Act, and then retired under the provisions of section 3913 or 8913 of that title, as they existed on the day before the effective date of this Act, on the first day of the month following the month in which he completes that service.

(2) An Army or Air Force officer who is serving in, or is on a recommended list of officers selected for promotion to, the regular grade of lieutenant colonel, except an officer serving in a higher temporary grade, shall, unless separated or retired under another provision of law, or later promoted under the provisions of this Act, be retained on active duty until he completes 28 years of service computed under section 3927(a) or 8927(a) of title 10, United States Code, as they existed on the day before the effective date of this Act, and then retired under the provisions of section 3916 or 8916 of that title, as they existed on the day before the effective date of this Act. However, such an officer shall be subject to the selective continuation provisions of section 634 of title 10, United States Code.

(3) An Army or Air Force officer who is serving in, or is on a recommended list of officers selected for promotion to the regular grade of colonel, including such an officer who holds a temporary general officer appointment shall, unless separated or retired under another provision of law, or later promoted to a higher regular grade, be retained on active duty until he completes 30 years of service computed under section 3927(a) or 8927(a) of title 10, United States Code, as they existed on the day before the effective date of this Act, and then retired under the provisions of section 3921 or 8921 of that title, as they existed on the day before the effective date of this Act. However, such an officer, except an officer serving in a temporary general officer grade or an officer on a recommended list for promotion to that grade, shall be subject to the selective continuation provisions of section 634 of title 10, United States Code.

(4) A Navy officer serving in the grade of lieutenant commander or recommended for promotion to the grade of lieutenant commander, or a Marine Corps officer serving in the grade of major or recommended for promotion to the grade of major, shall retain the entitlement of the years of commissioned service specified in section 6380 of title 10, United States Code, as it existed on the day before the effective date of this Act.

(5) An officer of the Navy serving in the grade of commander or captain, or a Marine Corps officer serving in the grade of lieutenant colonel or colonel, on the effective date of this Act shall be subject to the provisions of section 634 of title 10, United States Code. Notwithstanding any other provision of law, for the purpose of involuntary retirement or discharge under chapter 36 of title 10, United States Code, the years of service of an officer subject to this section shall be computed by adding to that service creditable for involuntary retirement or discharge with which such officer is credited on the day before the effective date of this Act all subsequent service as computed under section 637 of title 10, United States Code. In the case of an officer for whom no means of computing service creditable for involuntary retirement or discharge existed under law in effect on the day before the effective date of this Act, creditable service for the period prior to the effective date of this Act shall be determined under regulations prescribed by the Secretary of the military department concerned, provided that in no case shall such an officer be credited with less than his active commissioned service.

SEC. 13. For the purpose of computing years of service for eligibility for consideration for continuation or for retirement under section 6372a of title 10, United States Code, for an officer of the Navy in a grade above captain or an officer of the Marine Corps in a grade above colonel on the day before the effective date of this Act, the years of service with which such an officer is credited, as computed under chapter 573 of that title as it existed on the day before the effective date of this Act, shall be added to the years of commissioned service that he has served since the effective date of this Act in a grade above captain in the Navy or above colonel in the Marine Corps. If an officer has not been on continuous active duty since he was promoted to a grade above captain in the Navy or above colonel in the Marine Corps, such time as he was not on active duty shall be counted for purposes of this section as shall be specified in regulations prescribed by the Secretary of the Navy. Each officer subject to this section is entitled to count for the purpose of computing retired pay, or the computation of basic pay, any service that was so creditable on the day before the effective date of this Act.

SEC. 14. Notwithstanding any other provision of this Act:

(1) All officers formerly serving in any staff corps of the Navy under an appointment made in accordance with section 5590 of title 10, United States Code, as it existed on the day before the effective date of this Act, shall be reappointed in that corps pursuant to this Act notwithstanding any limitations otherwise specified with regard to age, grade, or physical standards. Such officers shall be considered for all purposes as having been originally so appointed, and all provisions of law applicable to male officers previously appointed in those staff corps apply to officers reappointed under this Act, except as otherwise specifically provided in this Act. Any officer reappointed in any staff corps of the Navy under this section, shall be reappointed in the grade and with the date of rank held at the time of reappointment. Officers so reappointed who at the time of reappointment have to their credit leave accrued but not taken shall not, by reason of reappointment, lose such accrued leave.

(2) Any officer appointed to the line of the Navy under section 5590 of title 10, United States Code, as it existed on the day before the effective date of this Act, who possesses the requisite statutory qualifications for appointment into any staff corps, may be reappointed in that corps under the terms and conditions specified in this section.

(3) All officers on the active list of the line of the Navy or the Marine Corps appointed under section 5590 of title 10, United States Code, as it existed on the day before the effective date of this Act, shall be reappointed pursuant to this Act, notwithstanding any limitations otherwise specified with regard to age, grade, or physical standards. All provisions of law relating to male officers on the active list of the Navy or Marine Corps apply to officers reappointed under this Act except as otherwise specifically provided in this Act. Any officer so reappointed under this section, shall be reappointed in the grade and with the date of rank held at the time of reappointment. Officers so reappointed who at the time of reappointment have to their credit leave accrued but not taken shall not, by reason of reappointment, lose such accrued leave.

(4) Notwithstanding any provision of law, other than section 634 of title 10, United States Code, an officer of the Navy or Marine Corps appointed under section 5590 of that title, as it existed on the day before the effective date of this Act, who has not twice failed of selection for promotion prior to the effective date of this Act and who is not selected for promotion to a higher grade after the enactment of this Act, may not be retired earlier than she would have been retired had this Act not been enacted.

(5) Any officer who, under section 6401, 6402, or 6396 of title 10, United States Code, as it existed on the day before the effective date of this Act, would have been discharged on June 30 of the fiscal year in which—

(A) that officer, as a lieutenant in the Navy or captain in the Marine Corps, is not on a promotion list and has completed 13 years of active commissioned service; or

(B) as a lieutenant (junior grade) in the Navy or first lieutenant in the Marine Corps, is not on a promotion list and has completed 7 years of active commissioned service;

and who, because of the enactment of this Act, would be subject to discharge under section 630 of that title, following enactment of this Act if twice failed of selection, shall, if that officer has not completed 13 or 7 years of active commissioned service, respectively, and so requests, not be discharged until June 30 of the fiscal year in which the officer completes 13 or 7 years of active commissioned service, respectively.

(6) As soon as practicable after completion of the appointments provided for in clauses (1), (2), and (3) of this section, the name of each officer so reappointed shall be entered on the appropriate active-duty list of the Navy or of the Marine Corps in a position among officers of her grade as may be determined in accordance with such regulations as the Secretary of the Navy may prescribe. All officers shall be placed on the active-duty list without change in their relative positions held on any list for promotion established for them while they were appointed under any provisions of title 10, United States Code, which are repealed by this Act. Any female officer who, by virtue of her date of rank and other considerations, would be placed on a promotion list senior to an officer who has failed of selection for promotion one or more times, and who is considered to have failed of selection for promotion not more than once, shall, for purposes of determining her eligibility for consideration for promotion to the next higher grade, be considered for promotion with those officers who are considered to have failed of selection for promotion the same number of times as she, or who are considered never to have failed of selection for promotion, as the case may be. No female officer who is considered to have failed of selection for promotion one or more times and whose position on the active-duty list is junior to any male officer who is considered to have failed of selection for promotion a fewer number of times or not at all, as the case may be, may derive any advantage in the selection process by virtue of such active-duty list position.

(7) An officer of the Navy or Marine Corps designated for limited duty before the effective date of this Act who on or after the effective date of this Act—

(A) fails of selection for promotion to the next higher grade for the second time; or

(B) is not promoted to a higher grade at any time, shall be governed by section 6383 of title 10, United States Code, as it existed on the day before the effective date of this Act. An officer deisgnated for limited duty who after the effective date of this Act is promoted shall be governed by section 6388 of that title as it existed on the effective date of this Act.

SEC. 15. Notwithstanding any provision of this Act:

(1) Crediting of years of service shall not be affected by this Act for any person who before the effective date of this Act was—

(A) credited with years of service upon an original appointment, or subsequently credited with years of service; or

(B) participating in a program leading to a commission or appointment which will result in the crediting of years of service.

(2) For purposes of computing retired pay or the computation of basic pay, each officer of the Army or Navy in the Medical or Dental Corps, or each officer of the Air Force who was a designated medical or dental officer, or an officer of the Public Health Service commissioned as a medical or dental officer, on the effective date of this Act is entitled to count any service that was so creditable under laws in effect on the day before the effective date of this Act.

SEC. 16. Notwithstanding any other provision of this Act, a reserve officer of the Army or Air Force on active duty on the effective date of this Act who is promoted under the provisions of chapter 36 of title 10, United States Code, does not vacate any higher reserve grade to which he was entitled under any law in effect on the day before the effective date of this Act so long as he remains a reserve officer.

SEC. 17. Notwithstanding any other provision of this Act, a reserve officer of the Army or Air Force serving on active duty on the effective date of this Act shall be subject to the provisions of chapter 36 of title 10, United States Code, while he continues on that tour of active duty.

SEC. 18. A commissioned officer of the Army or Air Force (other than a commissioned officer of the Regular Army or Regular Air Force or a reserve commissioned officer specified in section 641 of title 10, United States Code) serving on active duty on the effective date of this Act shall be considered to have been recommended for promotion under chapter 36 of title 10, United States Code, in the temporary grade in which he is serving on the effective date of this Act.

SEC. 19. A reserve commissioned officer of the Army or Air Force, other than one specified in section 641 of title 10, United States Code, serving on active duty on the effective date of this Act, who has the reserve grade of first lieutenant, captain, or major, who was considered once and not recommended for promotion to the next higher reserve grade under section 3366 or 8366 of title 10, United States Code, shall, if otherwise eligible, be considered again for promotion to the next higher reserve grade by a selection board convened under section 3366 or 8366 of that title, as appropriate. If selected, he may be retained on active duty subject to the provisions of this Act or any other provision of

law. If he is not recommended for promotion he shall be released from active duty under regulations prescribed by the Secretary of the military department concerned and be treated as provided in section 3846 or 8846 of title 10, United States Code, as appropriate.

SEC. 20. A reserve commissioned officer of the Army or Air Force, other than one specified in section 641 of title 10, United States Code, who has the reserve grade of first lieutenant, captain, or major, who on the effective date of this Act has twice failed of selection for promotion to the next higher reserve grade under section 3366 or 8366 of that title, as appropriate, shall be released from active duty under regulations prescribed by the Secretary concerned and be treated as provided in section 3846 or 8846 of that title, as appropriate.

SEC. 21. Notwithstanding any other provision of law, any regular officer of the Army or Air Force whose retirement was deferred under chapter 367 or 867 of title 10, United States Code, or suspended under section 3313 or 8313 of that title, may continue to serve on active duty in a deferred status for the period that his retirement was deferred or suspended.

SEC. 22. Notwithstanding any provision of law other than section 634 of title 10, United States Code, a Regular Navy line officer restricted in the performance of duty serving in the grade of captain, a staff corps officer of the Regular Navy serving in the grade of captain, and a Nurse Corps officer of the Regular Navy serving in the grade of commander on the effective date of this Act may continue to serve on active duty for the number of years prescribed by former section 6377 of title 10, United States Code, as it existed on the day before the effective date of this Act.

SEC. 23. (1) An officer who is on active duty in the grade of rear admiral on the day before the effective date of this Act, and who is entitled to the basic pay of a rear admiral of the upper half or of the lower half shall be considered as serving in the grade of rear admiral or commodore admiral, respectively, and will retain the title of rear admiral. An officer who, on the day before the effective date of this Act, is on an approved list of officers recommended for promotion to the grade of rear admiral, shall upon promotion be considered as serving in the grade of commodore admiral with the title of rear admiral.

(2) An officer on active duty in the grade of rear admiral on the day before the effective date of this Act, who is entitled to the basic pay of a rear admiral of the lower half, or an officer who, on the day before the effective date of this Act is on an approved list of officers recommended for promotion to rear admiral, shall henceforth, or in the case of a selectee, upon promotion to the grade of commodore admiral, be entitled to wear the uniform and insignia which a rear admiral entitled to the basic pay of a rear admiral of the lower half was entitled to wear on the day before the effective date of this Act.

(3) An officer who, on the day before the effective date of this Act, holds the grade of rear admiral and is a retired officer not on active duty, including an officer on the temporary disability retired list, shall retain the title of rear admiral and such rights to wear the uniform and insignia of his grade as he held on the day before the effective date of this Act. Should such an officer while in the grade of rear admiral be recalled or returned to active duty, he shall retain such rights to wear the uniform and insignia of his grade as he held on the day before the effective date of this Act. However, upon recall or return to active duty, he shall—

(A) if, on the day before the effective date of this Act, he held the grade of rear admiral entitled to the pay of a rear admiral of the lower half, shall retain the uniform, insignia, and title of rear admiral, and shall be considered as holding the grade of commodore admiral as established by this Act, both while on active duty, and unless entitled to a higher grade under some other law, upon subsequent release from active duty; and

(B) if, on the day before the effective date of this Act, he held the grade of rear admiral entitled to the pay of a rear admiral of the upper half, be considered to hold the grade, and have the title of rear admiral as established by this Act, while on active duty, and, unless entitled to a higher grade under some other law, upon subsequent release from active duty.

(4) Notwithstanding any other provision of this Act, an officer of the Navy on the day before the effective date of this Act in the grade of rear admiral entitled to the basic pay of a rear admiral of the lower half who was subject to section 202(a)–(d) of title 37, United States Code, as it existed on the day before the effective date of this Act, or an officer who on the day before the effective date of this Act is on an approved list of officers recommended for promotion to rear admiral who, upon promotion to that grade would have been subject to those provisions as they existed on the day before the effective date of this Act, shall not be subject to the provisions of this Act respecting promotion to the grade of rear admiral. Officers subject to this clause are entitled to the grade of rear admiral under the circumstances described in section 202 of title 37, United States Code, as it existed on the day before the effective date of this Act. In applying section 202 of title 37, United States Code, for the purpose described herein, rear admirals and commodore admirals shall be considered as serving in the grade of rear admiral, as it existed on the day before the effective date of this Act.

(5) Notwithstanding any other provision of this Act, an officer of the Navy who, on the day before the effective date of this Act, is serving in the grade of rear admiral or who is on an approved list of officers recommended for promotion to the grade of rear admiral and who—

(A) has not been considered for retirement under section 6394 of title 10, United States Code, shall not be subject to section 6372a of that title, as added by this Act, until after he is considered for retirement under section 6394 of that title; and

(B) has been considered for retirement under section 6394 of that title, shall not be subject to section 6372a of that title, as added by this Act.

(6) Notwithstanding any other provision of this Act, the effective date and applicability of sections 5442(j), 5444(g), and 5457(a) of title 10, United States Code, as amended or added by this Act, shall be determined as follows—

(A) each subsection shall become effective only when all the officers to which it applies, who were in the grade of rear admiral entitled to the basic pay of a rear admiral of the lower half or on an approved list of officers recommended for promotion to the grade of rear admiral on the day before the effective date of this Act, are entitled to the grade of rear admiral as established by this Act, pursuant to section 23(4) of this Act; and

(B) after the effective date of sections 5442(j), 5444(g), and 5457(a), the limitations under any one of those sections may be exceeded only if no new appointments and promotions, among officers subject to the sections, are made to the grade of rear admiral as established by this Act. Once the percentage limitation imposed by a section specified in the preceding sentence is initially complied with, the authority to exceed such limitation is terminated.

(7) Notwithstanding any other provision of this Act, a reserve officer of the Navy who, on the day before the effective date of this Act, is serving in the grade of rear admiral or who is on an approved list of reserve officers recommended for promotion to the grade of rear admiral, is not subject to section 6389(f) of title 10, United States Code, as added by this Act.

SEC. 24. The active-duty list established by section 620 of title 10, United States Code, takes the place of the active list, promotion list, or lineal list of the Army, Navy, Air Force, or Marine Corps, as the case may be, under the provisions of title 10, United States Code, as they existed on the day before the effective date of this Act.

SEC. 25. Notwithstanding any other provision of law, a member of the Army, Navy, Air Force, or Marine Corps who is on active duty (other than for training) on the effective date of this Act, and who is involuntarily discharged or released from active duty, is entitled, at his election, to—

(1) any readjustment payment or severance pay to which he would have been entitled under laws in effect before the effective date of this Act; or

(2) if qualified, to the separation payment as provided by section 1173a of title 10, United States Code, as added by section 2(8) of this Act.

SEC. 26. Except as otherwise provided in this Act, the provisions of this Act do not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act.

SEC. 27. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SEC. 28. No inference of a legislative construction is to be drawn from the part of title 10, United States Code, in which any section enacted by this Act is placed, or from the catchline of any chapter or section enacted or amended by this Act.

SEC. 29. If a provision of law that is in a suspended status on the day before the effective date of this Act is amended by this Act, the suspended status of that provision is not affected by that amendment.

SEC. 30. This Act becomes effective on the first day of the first month after enactment or on October 1, 1977, whichever is later.

Mr. NICHOLS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

COMMITTEE AMENDMENT OFFERED BY COMMITTEE ON APPROPRIATIONS

The CHAIRMAN. The Clerk will report the committee amendment offered by the Committee on Appropriations.

The Clerk read as follows:

Committee amendment offered by the Committee on Appropriations: On page 33, strike lines 8 through 40, down through page 34, and down through line 22 on page 35 and insert:

"(a) For the purposes of chapter 36 (except sections 629(1) and 640(b)), and sections 564, 687a, 3814a, and 6383(1), of this title, an officer who is involuntarily discharged or released from active duty and who has completed 5 or more, but less than 20, years of active service immediately before that discharge or release is entitled to separation pay equal to the product of his years of active service multiplied by 2 months' basic pay to which he was entitled at the time of his discharge. However, no

person is entitled to separation pay under this subsection that is more than $15,000.

"(b) For the purposes of sections 1165, 1166, 1187, and 6384 of this title, and under regulations prescribed by the Secretary of Defense, an officer who is discharged or released from active duty and who has completed 5 or more, but less than 20, years of active service immedately before that discharge or release is entitled, as determined by the Secretary concerned (except when he determines that the conditions under which the officer is discharged do not warrant payment of separation pay) to separation pay computed as follows:

"(1) the product of his years of active service multiplied by 2 months' basic pay to which he was entitled at the time of his discharge; or

"(2) the product of his years of active service multiplied by 1 month's basic pay to which he was entitled at the time of his discharge.

An officer discharged under section 629(1) or 640(b) of this title is entitled, if eligible therefor, to separation pay under this subsection. However, no person is entitled to separation pay under this subsection that is more than $15,000.

"(c)(1) Under regulations prescribed by the Secretary of Defense, a reserve or temporary commissioned officer, a reserve or temporary warrant officer, or a reserve or temporary enlisted member, of an armed force who is discharged or released from active duty, and who has completed 5 or more, but less than 20, years of service computed under section 1405(a)(1) of this title immediately before that discharge or release, is entitled to separation pay in accordance with this subsection, if—

"(A) his discharge or release from active duty is involuntary; or

"(B) he was not accepted for an additional tour of active duty for which he volunteered.

"(2) A member described in this subsection is entitled, as determined by the Secretary concerned (except when he determines that the conditions under which the member is discharged do not warrant payment of separation pay) to separation pay computed as follows:

"(A) the product of his years of active service under section 1405(a)(1) of this title multiplied by 2 months' basic pay to which he was entitled at the time of his discharge or release from active duty; or

"(B) the product of his years of active service under section 1405(a)(1) of this title multiplied by 1 month's basic pay to which he was entitled at the time of his discharge or release from active duty.

"(3) However, no person is entitled to separation pay under this subsection that is more than $15,000. This subsection does not apply to a member who—

"(A) is discharged or released from active duty at his request;

"(B) is released from active duty for training; or

"(C) upon discharge or release from active duty is immediately eligible for retired or retainer pay based entirely on his military service.

"(d) In determining the total number of years of service to be used as a multiplier in computing separation pay under this section, a part of a year that is 6 months or more is counter as a whole year and a part of a year that is less than 6 months is disregarded.

"(e) For the purposes of this section—

"(1) a period for which the member concerned has previously received separation pay, severance pay, or readjustment pay under this section, or under any other provision of law, based on his service in the Armed Forces shall not be included in computing the number of years of service that may be used as a multiplier; and

"(2) the total amount of separation pay, readjustment pay, or severance pay that a member may receive under this section, or under any other provision of law, based on his service in the Armed Forces may not exceed $15,000.

"(f) A member who received separation pay under this section, or severance pay or readjustment pay under any other provision of law, based on his service in the Armed Forces, and who later qualifies for retired or retainer pay under this title or title 14, shall have deducted from each of his retired or retainer pay payments so much thereof as is based on the service for which he has received separation pay under this section, or severance pay or readjustment pay under any other provision of law, until the total deductions equal to the amount of the separation pay, and severance pay or readjustment pay, received. In addition, a member who received separation pay under this section, or severance pay or readjustment pay under any other provision of law, based on his service in the armed forces is not deprived of any disability compensation to which he may be entitled under a law administered by the Veterans Administration, but there shall be deducted from that disability compensation an amount equal to the separation pay, and severance pay or readjustment pay, received. However, the preceding sentence does not require that a deduction be made from disability compensation of the amount of the separation pay, and severance pay or readjustment pay, received because of an earlier discharge or release from a period of active duty, if the disability which is the basis for that disability compensation was incurred or aggravated during a later period of active duty.".

Mr. MAHON (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the committee amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Subcommittee on Defense Appropriations of the Committee on Appropriations are in support of the legislation which is before us. We recognize that the chairman of the Subcommittee on Military Compensation, the gentleman from Alabama (Mr. NICHOLS), as well as the chairman of the Committee on Armed Services, the gentleman from Illinois (Mr. PRICE), and the committee itself are entitled to commendation for the efforts that are being made in the field of promotion and separation policy, and so forth. It seems to us, however, that there is a need for modernization of retirement pay and that the subject ought to be thoroughly explored and legislative action taken before we increase separation pay.

I am no profound student of this problem. I understand that there is no separation pay for enlisted men. Whether there should be or not is a matter that would be for consideration at another time, as part of any retired pay legislation that is brought before the House for consideration.

The bill before us provides that the separation pay for officers be raised from $15,000 to a maximum of $30,000. The Subcommittee on Defense Appropriations of the Committee on Appropriations, considered this proposal and felt that the Secretary of Defense and the Department of Defense were correct in retaining the current amount and not supporting the precipitous increase from $15,000 to $30,000 in retirement pay at this time.

Raising the amount of separation pay only makes it easier for the armed services to separate officers in the prime of their career and then proceed to recruit and train a replacement at considerable expense. Did you know that the law does not provide 1 cent in separation pay to an enlisted man who is involuntarily separated before completing 20 years of service? Very few enlisted personnel are involuntarily separated after completing more than 8 years of service since it would not be equitable to force them out and not provide anything in the way of a separation allowance or retired pay.

The Committee on Appropriations considers revised retired pay legislation to be a subject in need of urgent consideration by the Congress. Increasing the amount of separation pay for officers who are involuntarily separated before they are eligible for retired pay will only make it easier to defer consideration of retired pay modernization.

Nearly every proposal made to change the military retirement system proposes some sort of vesting in the retirement system after 5 or 6 years of service rather than continuation of the current all-or-nothing system. Raising the maximum separation pay to $30,000 as an interim step may prove to be a mistake. President Carter has directed the establishment of the President's Commission on Military Compensation to examine military compensation and retirement modernization. For this reason the Department of Defense prefers not to increase amounts for severance pay preferring to wait until the recommendations of the President's Commission become available. There is simply no need to increase this officer separation pay at this time. If there was such a need the Department of Defense would have requested it.

It is not that some adjustment should not officially be made but that it ought to be a part of a package which is related to retired pay modernization. It seems to me that if we provide for this $30,000 maximum in separation pay, it more or less takes the pressure off on Congress and off of the Department of Defense to do something in a general way about retired pay modernization. I realize it takes some time for the committee to bring this legislation to the floor, but it seems to me that if it did not raise the separation pay to $30,000 at this time, we, perhaps, could move more rapidly toward a fuller consideration of the whole matter. Therefore, I have risen in support of the amendment suggested by the Committee on Appropriations, and I would ask for favorable consideration of the Members of the House.

I know that the gentleman from Alabama (Mr. EDWARDS), the ranking minority member of the Defense Appropriations Subcommittee, is concerned about this matter, and some of our other Members are as well. The gentleman from Alabama (Mr. EDWARDS) I feel sure will have some remarks to make, but I just want to call attention to the situation.

I realize the committee has worked long and hard on this very complex and important legislation, but I would feel that this relatively minor amendment would be in the public interest and might stimulate decisions that would be of far reaching importance to the military and to the defense of the country. That states my position in regard to the amendment.

Mr. NICHOLS. Mr. Chairman, does the gentleman from Alabama (Mr. EDWARDS) on the other side of the aisle wish to be heard at this time?

Mr. EDWARDS of Alabama. When the gentleman is through.

Mr. NICHOLS. I relinquish time if the gentleman desires to make a speech at this time.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words. I thank the gentleman from Alabama (Mr. NICHOLS) for his courtesy.

Mr. Chairman, we did support the bill. We just have this concern about the one part increasing officer separation pay to $30,000. That would be an increase from $15,000. The chairman, the gentleman from Texas (Mr. MAHON), has stated it well. The big problem is that we have two different entities today looking at the whole question of retirement pay compensation and this sort of thing. To adopt this provision now in effect would do one thing, as the chairman suggests, and that is reduce the pressure for consideration of changes to the military retirement system. The other would be to establish a figure below which the Presidential commission and the congressional committees realy could not go, because once we set $30,000 in this legislation as the maximum separation pay, then if the Presidential commission or the congressional committee concluded at a later date that something less than $30,000 was the right figure, the Members and I both know we are not going to go back from $30,000 to some lower figure. So it seems to me that while we are taking the most careful look at military compensation retirement and all that goes with it that we have considered in many years, we ought not to infringe upon the Presidential commission study by adopting the $30,000 proposal at this time. So I would urge that the amendment be adopted.

This is simply not a good time to change the amount of separation pay an officer is entitled to despite the fact that inflation has greatly reduced the value of the $15,000 amount since it became law in the mid-1960's.

The Department witness before the Appropriations Committee, Assistant Secretary of Defense for Manpower and Logistics, Dr. White, stated that it was DOD's position to wait with changing the amount of separation pay until after the President's Commission on Military Compensation completes its study and makes a report. This special Presidential commission is looking at all aspects of military compensation.

I would like to comment on one other thing that was in the bill. It is not actually a part of the amendment, but in one way it is involved. That is the fact that we continue the up-and-out approach to military service. It seems to me that there are many good officers in the service who for one reason or another are not promoted and, therefore, are out. Yet there are many jobs in the service that these very competent officers could perform, and that we are being penny wise and pound foolish to follow blindly the up-and-out theory when the country could use their services at a lower rank than perhaps they would like to obtain.

So that is something we should be concerned with and taking a look at. We would hope the commissions that are studying this whole problem will look at that as well.

Mr. Chairman, I support the bill. I guess I would have to be fair and say that the chances of our amendment passing are slim because there is no way we are going to communicate what we are trying to say to the majority of the House; yet I do think we should make it clear that this is a serious concern as far as the work of the military retirement compensation is concerned.

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the very able chairman of the House Committee on Appropriations, my good friend, the gentleman from Texas (Mr. MAHON).

Let me say at the outset that involuntary separation from the service of an officer after 12 or 14 years of service is a traumatic experience. It is a very difficult situation. We discussed this at great length in the committee.

Under present law when an officer is involuntarily separated, he receives up to $15,000 in separation pay—relocation pay, we might want to call it. He has to make a complete change in his work, his lifestyle, find a new job, and a home for himself and his wife. It is a very disrupting sort of thing for an officer.

The present $15,000 figure, Mr. Chairman, was established in 1963. That was 15 years ago and if the CPI index alone had been used to adjust this figure, we would be talking about an excess of $30,000.

To put it the other way around, the $15,000 that the man might have received had he been separated in 1963, today will probably buy about $7,500 worth of goods. So I would like to point first to the equity of the amount.

Second, I would like to point out to the House that everybody is not going to get $30,000 for being separated involuntarily from the service. Many of these will be younger officers perhaps with 8, perhaps with 10 years of service, when they are separated. The figure, in this case, would be more in the nature of $18,000 or $20,000, rather than the top figure which would be reserved only for the more senior officers with perhaps 16 years of service.

Finally, I would like to make one other point in deference to my colleague, the very able gentleman from Alabama (Mr. EDWARDS), and that concerns the Blue Ribbon Commission. I would like to speak briefly on this. The Commission is scheduled to report to the President on March 15. I hope they make that date. I talked with Mr. Zwick, who is chairman of the Commission, on several occasions. He has told me in general what he believes the disposition of the committee might be. However, even at best if they do report, Mr. Chairman, on March 15, then the Department of Defense has got to take a look at their recommendations—following the President's look, of course. They could potentially formulate some different type of retirement bill on their own, and send it to the Congress. A matter of this complexity would have to be debated at great length. Being realistic, I can pretty well guarantee that there will be no retirement bill coming out of this Congress.

I would think we are talking about a period more realistically in the order of 2 to 3 years. At the present time, around 1,300 officers are separated each year. If we multiply that by 3 years, we are talking about 4,000 officers who are going to be separated.

Mr. Chairman, frankly, I believe that they are entitled to and ought to have more adequate compensation in the interim.

Mr. MITCHELL of New York. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Texas (Mr. MAHON) brought up the question of separation pay for enlisted men. I think this makes a lot of sense, but this particular bill is just for the officer corps. That was all we worked on, and we worked on it for 2 years.

I feel the provision of $30,000 for separation pay for officers actually strengthens the argument for separation pay for enlisted men. I think it will hasten the day when that will happen.

The gentleman from Alabama (Mr. EDWARDS) objected to the amendment on the basis of cost. We find through computer studies that the longer an officer is retained, the greater the cost to the United States. For example, a colonel who is retired in 30 years costs the taxpayer more than a lieutenant colonel who is retired in 24 years, and that includes the cost of the lieutenant colonel's replacement.

The purpose of separation pay, Mr. Chairman, is to provide incentive and equity. Because of separation pay, an individual is willing to continue in service even though he knows there is a danger that he may be separated. The longer he serves, he knows under this provision, the more money he will receive in the event he is involuntarily separated.

If everyone who is separated cleared $30,000, perhaps it would be worth taking seriously the amendment offered by the gentleman from Texas (Mr. MAHON), but very few officers will even gross $30,000. By taking an example of what happens, we find that after taxes are deducted, the gentleman receives far less than the $30,000.

For example, one of my constituents, a major from New York State, with 16 years of service, with a wife and two children and with a taxable income of $20,000, receives a $30,000 bonus. He is jumped up, of course, to a much higher income tax bracket. The Federal tax involved, with the 30,000 additional separation pay, would be approximately $13,000. Also New York State has a very

progressive State income tax, and it would take another $4,000 or $4,500. So the net from that $30,000 to this gentleman who is separated would be something like $12,000 or $12,500.

That is really not very much when we consider that he is being forced out of a job that he wants to do and when we consider that he has planned for a military career and hoped to remain in the service until a much later date. In addition, he has probably made many sacrifices to remain in the armed services. Without sounding too corny, we might say he has actually volunteered his life for his country during all the period he has stayed in the service.

We should remember also that he is being transferred to the civilian sector, and as the chairman of the subcommittee, the gentleman from Alabama (Mr. NICHOLS), pointed out, that can be terribly traumatic and disruptive. Perhaps he has no special skill he can use in civilian life, and he may have to return to college or be retrained in some other field.

Then, too, Mr. Chairman, he is probably at the time of life when his family's expenses have peaked. He probably has the largest home he is ever going to need because of his family. His two children are either in college or about to enter college, and that is going to cost him a great deal of money.

As the gentleman from Alabama (Mr. NICHOLS) pointed out, it must be taken for granted that due to inflation $15,000 back in 1968 is actually equivalent to $30,000 in 1978, so nothing really has been added to separation pay by this bill. The officer is getting the same net amount now as he would have gotten had he been separated back at that time. In fact, he is probably getting a little less now because he will be in a higher tax bracket and inflation will hurt him more.

I do not feel, Mr. Chairman, that the figure of $30,000 is at all excessive. I feel it is deserved, and I urge my colleagues to vote against the amendment.

Mr. LLOYD of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard the humanitarian reasons for paying these people as they leave the service on very short notice. I concur with both sides of the House on that. I think my colleagues have very accurately described the situation.

I happen to be a person, as most of the Members well know, who has had a very close association with the situation we are dealing with, in that I was in the service and I had many friends—many friends—who served honorably, who were given many medals for valor, who were recognized as most capable in their service to their country. Yet the time came when, almost unexpectedly, they have been led to believe that they would be continued, they have arrived at a point of serving their country for 17, 18, maybe almost 19 years, and then they were summarily dropped. Not only is this a trauma, the important factor that we have to consider is the fact that this does irreparable damage to the reputation of the service. We do not want to be insensitive to that. What we are trying to do—let us not take our eyes off of what we are trying to do—is to provide for our national defense; we are trying to build up a longevity and an attitude on the part of those who would serve their country that indeed their country is going to serve them. That is really what this is all about. We have an obligation to those people. The country itself has to have integrity. If it says it is going to do something, then let us do it. This is the cry today in the United States. Everywhere we hear that people have no faith in Government because Government does not do what it is supposed to do, it does not do what it says it is going to do. And here we have the same thing over again. "Oh, well, you have served for a few years, and because it is a convenience at this point we see no point in paying you additional dollars."

I do not find any fault with the idea of saving money in Government, and there is not a person here today who finds any fault with that. The fault is that the Government is not being fair. It has told those people that it will do one thing, and it is doing another. It has led them to believe they are going to have a career, and they are not going to have a career.

All I am asking is that we at least tell these people, "Well, we are sorry, we did not do it the way we said we were going to do it, but you are going to be justly recompensed for the service that you have given." And someone else who is joining will have the idea that maybe the Government is going to keep its word. That is really all that I ask that we do today.

Mr. Chairman, I stand in opposition to the amendment.

Mr. BOB WILSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

Mr. Chairman, with all due deference to my very distinguished friend, the gentleman from Texas, who is my neighbor across the hall in the Rayburn Building, and who has been such a distinguished chairman of the Committee on Appropriations, and my good friend, the gentleman from Alabama (Mr. EDWARDS), I think this is a grossly unfair amendment that they have proposed. It does not correct the major purpose of this legislation. An inequity has grown because of the cost of living since 1963, when this first severance pay legislation was passed. It is for officers who are forced out prior to retirement and will not get any retirement money. We hear about the high cost of retirement. Severance pay is for men and women who are forced out before their 20-year period, when they would be able to get retirement. I think they are entitled to some payment. They have a vested interest certainly. They do not contribute to their retirement but it has been understood that a portion of their salary has been set aside, technically, for their retirement after 20 years and, in some instances, more than that. But we are denying them that retirement pay when they are involuntarily separated. That is why the separation pay came in. It is a management tool. In certain officer categories, management finds that there are too many in grade. Often these men have served for 10 or 12 or 14 years, but unfortunately, they are now surplus and must be relieved of their duties. They have done a good job, in most instances. Unless they are allowed to stay on for 20 years, they have absolutely nothing to show for the amount of time they put in in the military service. This is the first increase since 1963; raising the limit will cover those officers with more than 6 to 8 years. That is all present law covers right now—an Army captain or a Navy lieutenant, who has some 6 to 8 years. Those who have had 10, 12, 14 or more years currently get the same exact separation allowance as if they had only 6 years of service.

My friends who introduced this amendment say they are all for this legislation, "but," the big "but" is they are against an increase in the maximum.

That is the key to this legislation, which is nullified unless we pass it in its present form.

Therefore, Mr. Chairman, I strongly urge a vote against this amendment.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BOB WILSON. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Chairman, I just want to clear up one point mentioned by the gentleman from New York (Mr. MITCHELL) and also by the gentleman from California (Mr. BOB WILSON).

Neither the chairman nor I have talked in terms of cost. We are talking in terms of an overall program of compensation and retirement so that it all makes sense and so that we do not do it in a fashion which either ties the hands of the Presidential commission and of the Congress or influences what they are doing.

It is not a question of whether we are talking about $8,000, $10,000, $15,000, or $30,000. It is a question of trying to do it all in one proper way so that we have a responsible compensation and retirement program after we have had a good look at the whole program. That is all we are talking about.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise sadly, reluctantly in opposition to the amendment, but generally rather apprehensive about the notion of bringing this type of bill up at this time.

Mr. Chairman, I think my position has been recognized by the comments that were made in describing the legislation by saying that pending the report of the Presidential Advisory Commission on Compensation, this would be done now, and forgetting about the exact thrust of this particular amendment.

Mr. Chairman, I am afraid that this is a repetition of the dreary record of the Congress in breaking faith with the people who, in good faith, have joined the service, served honorably, faithfully, and loyally, going back to the tragic date in 1958 under similar circumstances.

Every time I hear the word "reform," especially after the great furor of reform on the congressional level and after our

own experiences with the so-called reform, I remember that this is exactly what the Congress did in 1958 after the Presidential commission of that ear came in with a report and we passed a compensation reform act. I think it took about 45 minutes of discussion on the House floor, if I remember the record of that particular transaction correctly; and it has led to a constant outcry by those who were adversely affected.

At that time, Mr. Chairman, nobody mentioned that feature of the bill during the debate, when we had the so-called 1958 breach of faith. Since then, the veteran who had left the service as of 1958, although he served just as honorably and perhaps just as long, as his predecessors, is getting cheated on his pension.

Mr. Chairman, there is a similarity because, again, we had a hue and cry at that time about cost and about the fact that we were going to have reform and we were going to have this Presidential Advisory Commission coming in with a report in order to achieve reform.

Now, Mr. Chairman, we have the same thing, which is having a drastic effect, a negative effect, on the morale, not only of the officer corps, but of anybody in the service.

Recently, Mr. Chairman, we had newspaper reports of a preliminary meeting and a straw vote taken in the Presidential Advisory Commission, reflecting a position on a highly controversial part of their study, even before the report has been publicly announced and given. It is scheduled to be given next month, in March.

Mr. Chairman, I think the least we ought to do is to hold up on this bill because I think that once again we are on the verge of breaking faith with the servicemen and officers particularly and are, in a way, really acting disjointedly. We are not approaching this matter in what I feel ought to be a logical pattern. We should at least wait until this Advisory Commission comes in with its report and the President acts on it and either accepts it or modifies it and presents it to the Congress.

Mr. MITCHELL of New York. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I will be delighted to yield.

Mr. MITCHELL of New York. I thank the gentleman. I would like to point out that this legislation has been 10 years in the making. Congress asked the Defense Department 10 years ago to come up with a proposal. Four years ago they did, and it has taken us 4 years to get this far, so we are 10 years into it.

I point out too that the administration has supported the legislation with the Blue Ribbon Commission. Chairman NICHOLS pointed out that it may be 3 years before we get any recommendations in concrete form. It takes a long, long time, but even though the proposals or the recommendations are not clearly set forth so far, we do know what they have suggested tentatively are compatible with DOPMA.

For example, the payment to an individual leaving the service, that is compatible with the Blue Ribbon Commission recommendations. They even will pay individuals, according to their recommendations or tentative recommendations, for voluntary separation, which we do not have now. In other words, there is nothing unusual about this. DOPMA can side with the Department if it has to after the recommendations come in, but they are compatible, and the administration supports them.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent Mr. GONZALEZ was allowed to proceed for 2 additional minutes.)

Mr. GONZALEZ. I agree that legislation of this type is always in the mill, always, but the fact that we have this amendment now clearly indicates that there is a difference of opinion, that this is not a consensus; otherwise, the committee result reflected in the bill before us would not have elicited the amendment pending.

But, the fact that the administration is for it, I do not know whether that is a strong argument or not, because it is always too soon to break faith with the serviceman who has been promised, both by word and by statute and by practice and by regulation, something that now the Congress is not going to comply with.

Mr. MITCHELL of New York. There is nothing in here that does not provide the serviceman with what he had before. In fact, the $30,000 is a nicer promise than we had before of $15,000. This just holds what we have got going, and it keeps in effect the up-and-out system, the lean-and-mean fighting force we all know is important.

If we wait until the blue ribbon commission's recommendations are adopted, if they are ever adopted, in that 3-year period, an awful lot of good people are going to be treated pretty shabbily.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. The administration may support this bill, but the administration also supports the position of the Appropriations Committee on this amendment. The Department of Defense has taken a position which, in fact, is the position that we take in the amendment that has been offered. The Department of Defense takes the position that we ought not to move forward on this until we have the whole ball of wax. The amendment that we have offered, in fact, tracks the Department of Defense position. So, the administration does not support the Armed Services Committee position with regard to this amendment.

Mr. BEARD of Tennessee. Mr. Chairman, I move to strike the requisite number of words.

Let me just state very quickly—and I know a great deal of conversation has already gone on about this—that first of all, we do have a study. We have studies going on all over Washington. The deadline for the Commission to report to the President is March 15.

The Department of Defense and the administration will probably take another year or more digesting the study, at which time it will no doubt be outdated, as so many of our studies are. They will then probably have to conduct another study. If the study comes out with a drastic change which could effect this legislation, then the chairman of the subcommittee could consider whether changes are necessary to conform with those proposals.

I think that would be an obvious step on our part, and a responsibility on our part, if they came up with a drastic change. But the fact of the matter is, usually when we RIF these officers—and I go on active duty every year and talk to these men—they feel they are being unfairly forced out of the service. Many of them have gone through a war. In fact usually reductions in force occur after a war period. These men are kicked out after 12 or 14 years. They have no business background, and have had no opportunity to buy a home. Usually they have been stationed in Washington or California and are moved 10 or 12 times in a 14- or 15-year career, with no chance to accumulate any savings.

I think we have a responsibility to compensate these men. We are talking about a $15,000 increase in the maximum payment, and it will probably be a year before we will produce the study, and no action will be taken on that study in the near future.

I am really quite disappointed in this amendment.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BEARD of Tennessee. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Chairman, it is obvious the gentleman from Texas (Mr. MAHON) and I do not have any support around here, because we are the only ones talking for it.

The point has been made several times that it has been 15 years since we have made a change in this. All we are saying is that the Commission is going to report in March and proposals will be made and it will take another year or two to work it out. After 15 years, that is not too much time to take to resolve it properly.

We are talking about a revision that will have a bearing on the whole retirement concept. The gentleman is talking about taking off on one little thing and we are saying to the Members: Why not wait on this one issue until we can do the whole thing together?

Mr. BEARD of Tennessee. This committee has probably done as much work in research on this issue as any Commission and I would place my confidence in the work the committee has done and the work prepared by the staff.

I reemphasize my point. I find it somewhat ridiculous that we make such an issue over this one particular point, because if it does turn out it is outrageous and the Commission persuades us that it is, then we can come back next year and change it back.

But it is suggested we delay 3 more years or 1 more year. What difference does it make? Well, we are in the process of involuntarily RIF'ing people now and I think we should be sensitive to the problems of those people. The increased severance pay will make a big difference to them.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. BEARD of Tennessee. I yield to the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, there are times when Members of this House have to look at things in their own light. I am familiar with the fact that DOD has not recommended this, but we have 4,000 officers who will be faced with the trauma of being separated from the service, and I for one am not willing to—and I do not believe we should—wait for 3 years from now.

I hope the amendment will be defeated.

Mr. BEARD of Tennessee. Mr. Chairman, what if the administration does not support it; I have yet to find an issue the administration has supported the Armed Services Committee on.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield further?

Mr. BEARD of Tennessee. Yes, but I was hoping to cut this short.

Mr. EDWARDS of Alabama. Mr. Chairman, we have nothing else to do just now, but coming back to what I was saying a moment ago about the theory, the sad thing is that we are in fact kicking out good officers who have got a lot they can still give to the service of this country. Just because they do not get promoted should not necessarily be a reason for kicking those officers out. There are many jobs an officer can perform without having to get promoted in the normal action, as has occurred over the years.

I know the theory is that we bring in young officers and move out the old officers. There is nothing wrong with that at all; we have got to do that. But still it is not necessary to kick out all the officers that we kick out of the service.

The CHAIRMAN. The question is on the amendment offered by the Committee on Appropriations.

The amendment was rejected.

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BREAUX) having assumed the chair, Mr. SEIBERLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5503) to amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation, and retirement of members of the Armed Forces, and for other purposes, pursuant to House Resolution 965, he reported the bill back to the House.

The SPEAKER pro tempore. Under the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. NICHOLS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 351, nays 7, not voting 74, as follows:

[Roll No. 60]

YEAS—351

Abdnor	Eckhardt	Lehman
Akaka	Edgar	Levitas
Alexander	Edwards, Ala.	Livingston
Allen	Edwards, Calif.	Lloyd, Calif.
Ambro	Edwards, Okla.	Lloyd, Tenn.
Anderson, Calif.	Eilberg	Long, La.
Andrews, N.C.	Emery	Long, Md.
Andrews, N. Dak.	English	Lott
Annunzio	Erlenborn	Lujan
Applegate	Ertel	Luken
Archer	Evans, Colo.	Lundine
Ashbrook	Evans, Del.	McDade
Ashley	Evans, Ind.	McEwen
Aspin	Fary	McFall
AuCoin	Fascell	McHugh
Badham	Fenwick	McKay
Bafalis	Findley	McKinney
Baldus	Fisher	Madigan
Barnard	Fithian	Maguire
Bauman	Flippo	Mahon
Beard, R.I.	Flood	Markey
Beard, Tenn.	Florio	Marks
Bedell	Flowers	Marlenee
Benjamin	Foley	Marriott
Bennett	Ford, Mich.	Mathis
Bevill	Ford, Tenn.	Mattox
Biaggi	Forsythe	Meeds
Blanchard	Fountain	Metcalfe
Blouin	Fowler	Meyner
Boggs	Frenzel	Michel
Boland	Frey	Mikva
Bolling	Gammage	Milford
Bonior	Gaydos	Miller, Calif.
Bowen	Gephardt	Miller, Ohio
Brademas	Giaimo	Mineta
Breaux	Gilman	Minish
Breckinridge	Ginn	Mitchell, Md.
Brinkley	Glickman	Mitchell, N.Y.
Brodhead	Goodling	Moffett
Brooks	Gore	Mollohan
Brown, Ohio	Gradison	Montgomery
Broyhill	Grassley	Moore
Burgener	Gudger	Moorhead, Calif.
Burke, Fla.	Guyer	Moss
Burke, Mass.	Hagedorn	Mottl
Burleson, Tex.	Hall	Murtha
Burlison, Mo.	Hamilton	Myers, Gary
Burton, John	Hammer-schmidt	Myers, John
Burton, Phillip	Hanley	Natcher
Byron	Hannaford	Neal
Caputo	Harkin	Nedzi
Carney	Harrington	Nichols
Carr	Harris	Nix
Carter	Harsha	Nowak
Cavanaugh	Hawkins	Oakar
Cederberg	Heckler	Oberstar
Chisholm	Hefner	Obey
Clausen, Don H.	Hightower	Ottinger
Clawson, Del	Hillis	Panetta
Clay	Holland	Patten
Cleveland	Holtzman	Patterson
Cochran	Howard	Pattison
Cohen	Hubbard	Pease
Coleman	Huckaby	Perkins
Collins, Ill.	Hughes	Pickle
Collins, Tex.	Hyde	Poage
Conable	Ichord	Pressler
Conte	Jacobs	Preyer
Conyers	Jeffords	Price
Corcoran	Jenkins	Pritchard
Cornell	Jenrette	Pursell
Cornwell	Johnson, Calif.	Quayle
Cotter	Johnson, Colo.	Quie
Coughlin	Jones, N.C.	Quillen
Cunningham	Jones, Okla.	Railsback
D'Amours	Jordan	Rangel
Daniel, Dan	Kastenmeier	Regula
Daniel, R. W.	Kazen	Reuss
Danielson	Kelly	Richmond
de la Garza	Kemp	Rinaldo
Delaney	Ketchum	Risenhoover
Dellums	Keys	Roberts
Derrick	Kildee	Robinson
Derwinski	Kindness	Rodino
Dickinson	Kostmayer	Roe
Dicks	Krebs	Rogers
Dingell	Krueger	Roncalio
Dodd	LaFalce	Rooney
Dornan	Lagomarsino	Rose
Downey	Le Fante	Rosenthal
Drinan	Leach	Rousselot
Duncan, Oreg.	Lederer	Rudd
	Leggett	Runnels
		Ruppe
		Sarasin
		Satterfield
		Sawyer
		Schroeder
		Sebelius
		Seiberling
		Sharp
		Shipley
		Shuster
		Sikes
		Simon
		Sisk
		Skelton
		Skubitz
		Slack
		Smith, Iowa
		Smith, Nebr.
		Snyder
		Solarz
		Spellman
		St Germain
		Staggers
		Stangeland
		Stanton
		Stark
		Steed
		Steers
		Steiger
		Stockman
		Stratton
		Studds
		Stump
		Thompson
		Thone
		Traxler
		Treen
		Trible
		Udall
		Ullman
		Van Deerlin
		Vander Jagt
		Vento
		Volkmer
		Waggonner
		Walgren
		Walker
		Walsh
		Wampler
		Watkins
		Waxman
		Weaver
		Weiss
		Whalen
		White
		Whitehurst
		Whitley
		Whitten
		Wiggins
		Wilson, Bob
		Winn
		Wirth
		Wolff
		Wright
		Wydler
		Wylie
		Yatron
		Young, Alaska
		Young, Fla.
		Young, Mo.
		Zablocki
		Zeferetti

NAYS—7

Ammerman	Latta	Yates
Davis	Pike	
Gonzalez	Scheuer	

NOT VOTING—74

Addabbo	Fuqua	Nolan
Anderson, Ill.	Gibbons	O'Brien
Armstrong	Goldwater	Pepper
Baucus	Hansen	Pettis
Beilenson	Heftel	Rahall
Bingham	Holland	Rhodes
Bonker	Horton	Rostenkowski
Broomfield	Ireland	Roybal
Brown, Calif.	Jones, Tenn.	Russo
Brown, Mich.	Kasten	Ryan
Buchanan	Lent	Santini
Burke, Calif.	McClory	Schulze
Butler	McCloskey	Spence
Chappell	McCormack	Stokes
Corman	McDonald	Symms
Crane	Mann	Taylor
Dent	Martin	Teague
Devine	Mazzoli	Thornton
Diggs	Mikulski	Tsongas
Duncan, Tenn.	Moakley	Tucker
Early	Moorhead, Pa.	Vanik
Evans, Ga.	Murphy, Ill.	Wilson, C. H.
Fish	Murphy, N.Y.	Wilson, Tex.
Flynt	Murphy, Pa.	Young, Tex.
Fraser	Myers, Michael	

The Clerk announced the following pairs:

Mr. Addabbo with Mr. Corman.

Mr. Chappell with Mr. Kasten.

Mr. Jones of Tennessee with Mr. Rostenkowski.

Mr. Teague with Mr. Dent.

Mr. Flynt with Mr. Gibbons.

Mr. Pepper with Mr. Vanik.

Mr. Charles H. Wilson of California with Mrs. Burke of California.

Mr. Brown of California with Mr. Mazzoli.

Mr. Murphy of Illinois with Mr. Thornton.

Mr. Russo with Mr. Nolan.

Mr. Baucus with Mr. Mann.

Mr. Early with Mr. Bingham.

Mr. Holland with Ms. Mikulski.

Mr. Moakley with Mr. Fuqua.

Mr. Fraser with Mr. Stokes.

Mr. Ryan with Mr. Tsongas.

Mr. Young of Texas with Mr. Santini.

Mr. Tucker with Mr. Roybal.

Mr. Rahall with Mr. Michael O. Myers.

Mr. Murphy of Pennsylvania with Mr. Bonker.

Mr. Murphy of New York with Mr. Diggs.

Mr. McDonald with Mr. Ireland.

Mr. Heftel with Mr. Evans of Georgia.

Mr. Butler with Mr. Brown of Michigan.

Mr. Goldwater with Mr. Lent.

Mr. Broomfield with Mr. McCloskey.

Mr. McCormack with Mr. Beilenson.

Mr. Anderson of Illinois with Mr. Buchanan.

Mr. Crane with Mr. Devine.

Mr. Fish with Mr. Duncan of Tennessee.

Mr. Hansen with Mr. Martin.

Mr. McClory with Mr. Horton.

Mr. Moorhead of Pennsylvania with Mr. O'Brien.

Mr. Charles Wilson of Texas with Mr. Symms.
Mr. Taylor with Mr. Spence.

Mr. SCHEUER changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5503, the bill just passed.

The SPEAKER pro tempore (Mr. BREAUX). Is there objection to the request of the gentleman from Alabama?

There was no objection.

OUR ECONOMY THREATENED

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, there has been quite a bit of controversy about the tactics of a few of those who participated here in the farm movement, though I am glad to say that, by and large, they conducted themselves in a very fair manner and attention was called to a very serious situation facing farmers.

Last week, we had before our Appropriations Subcommittee for Agriculture, Gov. Donald E. Wilkinson of the Farm Credit Administration. The Governor testified that farm income had dropped 28 percent since 1972 and 56 percent since 1973. He further testified that many borrowers from the Production Credit Associations were mortgaging their land to the Federal Land Banks to pay their production costs. The Farmers Home Administration has loans outstanding of more than $20 billion, much of it for farm production. The Federal Deposit Insurance Corporation is calling on commercial banks, which have deferred payments due by farmers, to foreclose farm mortgages.

INCREASES FOR LABOR AND INDUSTRY

Mr. Speaker, we are all familiar with the substantial increases that have been made to labor and in the prices charged by industry, creating a further spread between these two segments of our economy and agriculture. The overall situation constitutes a real danger and clearly shows, to me, that we must tie prices received by the farmer to the increases being made to labor and prices charged by industry.

Perishable commodities, including cattle, would be supported by purchasing any surplus to be diverted to school lunch and similar programs, in order to balance supply and demand.

This would be done under H.R. 9608 which I introduced on October 17, 1977. Under the terms of this bill, if included by the Committee on Agriculture, farmers would receive full parity with labor and industry.

LEGISLATIVE COMMITTEE HEARINGS

Our colleague, Hon. TOM FOLEY of Washington, chairman of the Committee on Agriculture, and members of his committee are holding hearings now in their committee room 1301, Longworth Building, on the need to change present laws affecting agriculture and those engaged in farming. I testified last week and I urge all Members to attend these hearings and to support our efforts to save our farmers and the farm economy from bankruptcy for, if they go bankrupt, the whole economy goes down.

THE DEPRESSION

Mr. Speaker, I got the Library of Congress to bring together the facts that led off the great depression of the late 1920's. Their report shows that after the First World War ended, wheat which had brought $2.94 a bushel in Minneapolis in July, brought $1.72 in December, and 92 cents a year later. Agricultural prices in general collapsed. Cotton fell to a third of its July 1920 price and corn by 62 percent. The Yearbook of Agriculture of 1922 shows that the total value of agricultural products dropped from $18,328 million in 1920 to $12,402 million in 1921. As a result of the agricultural crash of 1920–21, 453,000 farmers lost their farms. Many others remained in serious financial trouble which, in turn, was reflected by failures of local banks and other business concerns.

It has been said there were more suicides during this period among those who did not know what a farm was than in any other period in our history. This tragic depression was the result of the breakdown in farm or commodity prices which had led to a fall in prices, income, and values throughout the economy. It was a sad way to learn it, but people at that time came to realize that real wealth starts with material things—corn, wheat, cotton, food crops of all kinds, and other raw materials.

HOUSING, WATER SYSTEMS, TELEPHONES, AND ELECTRICITY OF NO USE IF BANKRUPT

May I say that literally hundreds of thousands of farmers, Mr. Speaker, are facing this situation today. I know that our Appropriations Committee has gotten through the Congress funds for rural housing, water systems, rural telephones and, before that, electricity, to not only rural areas but small towns as well. All of this will be of no help if farmers go bankrupt and, remember, history proves the rest of our economy will go down with it.

Mr. Speaker, last week I spoke to the annual convention of the National Rural Electric Cooperative Association where there were 12,000 in attendance from all over the United States. I told this huge gathering and I tell my colleagues, if we do not correct this imbalance between agriculture and the other two major segments, labor and industry, we are headed toward a real depression. Our money is rapidly getting where we can buy little. We had better forget some of the useless things this country is spending our dollars for and get our basic industry—agriculture—on a sound basis. We must get busy now.

IS MR. JAWORSKI AN EMPLOYEE OF THE HOUSE?

(Mr. SISK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, I rise simply to indicate some concern about a man employed, as I understand it, by the House of Representatives and particularly our Committee on Ethics and about some of the statements that he is making.

I am not here basically to criticize Mr. Jaworski or to find fault, but I am becoming increasingly concerned about statements which he is making and speculations which he seems to be prone to indicate about what is going on about House Members.

This man is either employed by the House or he is not. I am curious as to whether we are working for him or he is working for us. I would hope, Mr. Speaker, that we can get some better understanding as to what exactly his position is. I hesitate to see staff people grabbing the mikes and making public apearances and speculating as to what is going on. It does not seem to me it befits the role of an investigator.

Mr. Speaker, I and many other of my colleagues have become increasingly alarmed and irritated over the course of the last few weeks at some of the public remarks of Mr. Leon Jaworski, special counsel to the House Ethics Committee in charge of the investigation of the so-called Korean influence peddling scandal.

While I harbor no personal animosity whatsoever toward Mr. Jaworski, and indeed hardly know the gentleman personally, I do find it unseemly, and perhaps even unethical, for Mr. Jaworski to act as a spokesman for this committee, both in the written press and on television talk shows.

Mr. Jaworski is not an elected Member of Congress. As I understand the terms of his informal agreement, which incidentally is not a written employment contract with the committee, he is in charge of the investigation as special counsel, serving without pay.

As such I do not feel it his place to be making statements to the media as to the course of the investigation.

The people elected Representatives in Congress to make their Federal laws; to conduct investigations incident thereto, and as a corollary expect those elected Representatives to make the public statements regarding the lawmaking and investigatory progress.

I have the greatest respect for the staff of Members of Congress and its committees, and indeed their work is vital, essential, and completely necessary if Members are to do their job properly, but on matters of policy it is my long-held belief that staff should not act as spokesmen.

In the particular case of Mr. Jaworski, where the investigation centers on Members of the House, I do not believe it proper for him to be dealing in public conjecture about the possible number of

Members, incumbent or former, who may or may not be subject to indictment as a result of his investigation.

The reputation of the House as an institution has suffered sorely in recent years as a result of the improper actions of certain of its Members, but an honest and continuing effort is being made to right whatever wrongs exist, and procedures have been implemented to prevent recurrences, therefore, I deem it prudent for the Ethics Committee to assign as its spokesman one of its members, or the chairman himself, as unwarranted suspicions and a cloud hang over the heads of all members until specific charges and findings are brought to the whole House by the committee.

The Nation owes a debt of gratitude to Mr. Jaworski for his outstanding work as special prosecutor during the Watergate years, and he is a competent, able, and honorable individual, but since he is not a Member of Congress, or the committee, I do not feel he should be its spokesman.

PRESIDENT URGED TO INVOKE TAFT-HARTLEY ACT TO END COAL STRIKE

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, on February 9 I wrote the President urging him to invoke the Taft-Hartley Act to temporarily end the coal strike. In writing to the President, I explained that the situation now facing the State of Indiana is critical, because of the increasingly severe shortages of coal brought about by the current strike. Since then, the situation has worsened to a point where the President must act and act today to avoid a major crisis. With the present breakdown in the negotiations in the 71-day-old strike, and with no end in sight, the situation in the Midwest has become perilous.

As I explained to the President, Indiana has reached a point where curtailments being made will have to be followed with cutbacks of up to 50 percent. The same situation is occurring in Ohio, West Virginia, and Pennsylvania. These cutbacks will cause extensive closing of schools and factories plus reductions by every user of electricity. As these closings occur, thousands of people will be laid off from work. The economic effects of these layoffs will cause major damage throughout the economy. Furthermore, shortages of manufactured goods will cause reduced workloads in other parts of the Nation as the rippling effects of these closures cripples our economy.

If the President decides not to invoke the Taft-Hartley Act, because he believes the current shortages of coal do not constitute a national emergency, he is mistaken. A pending crisis does constitute a national emergency. The crisis need not occur before emergency measures are justified. While I commend the President for asking the Secretary of Labor, Mr. Marshall, to personally intervene in the strike, this action may be too late and too little. In addition to other emergency steps the President must use his authority to require a return to work by striking miners.

There is no question that the miners have a legal right to strike, and I would be the first to support that right. At the same time however, the miners have an obligation to obey the law should the President be successful in getting a back-to-work court order under the Taft-Hartley Act. The President must not be intimidated by the possibility that the miners will refuse to go back to work should a court order be issued.

Mr. Carter, as President, has an obligation to the entire Nation to consider the total present effect of this situation. His oath of office mandates that he take whatever steps are necessary to insure that the national interest be protected.

While I can appreciate the difficulties the President faces in invoking the Taft-Hartley Act, the situation is rapidly deteriorating throughout the Midwest, and will soon become critical throughout major portions of the east coast. Time is all important. Since it will take approximately 1 month for all the areas now short of coal to receive adequate relief after the miners return to work, and since many States are now below a 40-day reserve, the President must act today. To delay is to insure economic havoc to millions of Americans. The President must not hesitate to use his authority. Americans throughout the country are depending on him. He must not fail.

NEW LIBRARY OF CONGRESS STUDY GIVES ADDITIONAL REASONS FOR ENACTMENT OF THE KEMP ARTS AND HUMANITIES BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, last session, I introduced legislation to aid the financially strapped arts and humanities in this country by providing a tax credit and additional tax deduction for funds contributed to their support. The bill is H.R. 9985.

The survival and growth of the arts and humanities cannot depend solely on the annual appropriations of Government or upon the generosity of philanthropists and foundations. Rather, individual citizens from the broadest range of incomes must be encouraged to give to assure a stable and continuing growth in the amount of funds flowing to arts and humanities.

THE INTENT OF THE LEGISLATION

How would the changes in the Internal Revenue Code which this legislation envisages serve this purpose? In two ways—

First, it provides a tax credit equal to 50 percent of the contribution or gift to any qualified organization whose primary purpose is the support of the arts and humanities. This credit is limited to $200 per person per year and may not exceed an individual's total tax liability. What this means is that a person could give up to $400 per year to the arts and humanities, and it would only cost that person $200. Of course, in the case of a husband and wife, they could give up to $800, costing them only $400.

Second, in order to encourage corporations and higher income individuals to support the arts and humanities in greater number and to a greater degree, the bill also provides for a tax deduction equal to 120 percent of the contribution to these organizations. In other words, for every dollar contributed an individual or other qualifying taxpayer could deduct $1.20 from its taxable income.

Thus, no matter how much money one might make, be they rich or poor, this legislation will provide you with an opportunity to give to a favorite college artistic effort, opera, ballet, or museum and receive either a tax credit or an additional tax deduction.

Clearly, this method will be of especially great benefit to the moderate income taxpayers who would like to support the arts and humanities but cannot afford to give as much as they would like. In effect, it will enable them to double their financial support. And, these are exactly the people we must have supporting arts and humanities in greater numbers if such institutions are to be viable on the local level and free from the overt or unspoken control which inevitably accompanies the receipt of support from Government.

WHAT THE LEGISLATION WILL ACCOMPLISH

What will the enactment of this specific bill accomplish?

It will provide an increased flow of funds from the private sector to the financially strapped arts and humanities organizations, as well as the artists and educators they support.

It answers the demands of liberals that more funds flow into the arts and humanities.

It answers the demands of conservatives that increased financial support for the arts and humanities not be under the control of Federal entities.

It answers the demands of the arts and humanities community that support fostered from Washington not be dependent upon the authorization and appropriation processes or upon the grant procedures of the Federal entities.

It answers the demands of the people, not only for vibrant arts and humanities programs, but also for a lower effective rate of income taxation; in other words, it reduces the tax bite. This bill is fully consistent with the objectives of the Kemp-Roth Tax Reduction Act, a bill designed to reduce Government's tax bite and thereby increase after-tax earnings for all taxpayers.

It answers the demands of the business community that they be given an equal break for their corporate support of the arts and humanities.

SUPPORT GROWING FOR ENACTMENT

Mr. Speaker, this is the way we ought to proceed, and I think that is reflected in the growing support for the legislation. A growing number of my colleagues feel the same way about this, as evi-

denced by the growing number who have cosponsored the legislation. They are:

Mr. ADDABBO of New York.
Mr. AUCOIN of Oregon.
Mr. BADHAM of California.
Mr. BURGENER of California.
Mr. DERWINSKI of Illinois.
Mr. DICKS of Washington State.
Mr. DORNAN of California.
Mr. DUNCAN of Tennessee.
Mr. GILMAN of New York.
Mr. GRASSLEY of Iowa.
Mr. HARRINGTON of Massachusetts.
Mrs. HOLT of Maryland.
Mr. HUGHES of New Jersey.
Mr. KINDNESS of Ohio.
Mr. LOTT of Mississippi.
Mrs. LLOYD of Tennessee.
Mr. MARKS of Pennsylvania.
Mr. MARRIOTT of Utah.
Mr. MURPHY of Pennsylvania.
Mr. RYAN of California.
Mr. SCHULZE of Pennsylvania.
Mr. SKUBITZ of Kansas.
Mr. SPENCE of South Carolina.
Mr. WALSH of New York.
Mr. WHITEHURST of Virginia.
Mr. WINN of Kansas.

But support is not just coming from Members of Congress. It is coming from the arts and humanities community too. Let me cite and quote from a few of many examples.

The Artists Equity Association of New York's newsletter for October ran an extensive column in support of the bill. I quote:

KEMP BILL DISCUSSED

The Washington International Arts Letter in a forthcoming issue will endorse a bill being entered before Congress by Rep. Jack Kemp (R-NY), which would help get more money into the arts in general and enlarge the market for fine art. The bill would be the answer to the Richmond bill for a tax-form write-off which, although nearly 100 members of Congress have endorsed it in one way or another, has little chances of passage, mainly because it opens up the IRS form for other fields which also have demands beyond what the Treasury and Congress are willing to finance from tax money. Kemp's bill would allow individual taxpayers a tax credit of 50% for contributions (up to $400) to qualified nonprofits in the arts and humanities, and allow the option of claiming a tax deduction of something more than 100% of contributions. (A tax credit is a sum taken off the ultimate tax bill, while a deduction is an amount subtracted from gross income before figuring taxes.)

Richmond's bill, which has had a lot of publicity, would place two boxes on the IRS form and allow taxpayers to deduct contributions to the arts and humanities Endowments, thus making the government responsible for parceling out the money. Kemp's bill would allow people to support what they want to support without the government getting its hands on the money.

This Kemp bill is seen by Daniel Millsaps, publisher of the Letter and one of the original founders and figures in Artists Equity, as the compromise which might get massive support going. As it had been before Kemp came up with his idea, support for Richmond's bill was widespread, but so was criticism. Through the Kemp bill, the criticisms may be quelled and some action gotten. Full action is not seen until at least 1979, however, and a lot of work must be done by artists in all fields before anything comes to pass. (Fred Richmond is also from NY, a collector and a Democrat.)

Aid through tax deductions to non-profits could help non-profit galleries, or other entities set up in visual arts fields by artists and their agents.

The Richmond bill, because nothing else was about or had been brought up, has gained support of such people as the Gorewitz-Rauschenberg group, who recently came to Washington to lobby for it and held some informal meetings. Now that a compromise has been suggested, it remains to be seen just how various groups will show themselves, but it is felt here that the art community should encourage Congressman Kemp in his efforts, the same as it has encouraged Mr. Richmond. There is no reason to have a partisan political fight about the two bills.

In the recent Washington meetings where the Kemp bill was announced as being readied for Congress, National Artists Equity representative Gail Rasmussen was present, but that body had not been told of the new effort at compromise, for the whole idea was a surprise at the gathering. Congressman Richmond's office announced that there were 120 artists at the meeting, but when pressed came up only with the following list of those who appeared: Donald Judd, Robert Rauschenberg, Jack Youngerman and Richard Anuszlewicz. Others who were there included: Theodore Bikel, Robert Brustein, Ann Darling, and Elie Siegmeister.

Mr. Speaker, the American Society of University Composers has written me, "The American Society of University Composers would like to express its support of your bill," and has offered me their national support, which is significant. Its national council and executive committee is composed of representatives from the universities of Illinois, California, Massachusetts, New Mexico State, Sarah Lawrence, Texas, New York, South Florida, Miami, Northern Arizona State, Iowa, Houston, Kansas, Nassau Community, Michigan, Colorado, Wyoming, California State, Columbia, Arizona State, and Redlands and from the colleges of Bowdoin, West Chester State, Oberlin, and Evergreen State, as well as from the Contemporary Music Forum, the National Association of Schools of Music, the Index of New Musical Notation, and the ASUC Radio Series.

A particularly important commentary in support of the bill appeared in the recent Washington International Arts Letter, and I quote from its last paragraph:

One advantage the Kemp Bill has over the Richmond Bill is that it answers those who say that if we make a check-off box on the income tax return for arts/humanities like the one for political elections now in being, other groups and interests will also want check-off boxes put on the return for them. Kemp's way seems a great deal cleaner than Richmond's from the present vantage point.

AVISO, the monthly dispatch from the American Association of Museums, informed its members of the legislation by asking for their support of it, based on its impact on museums. I quote:

This would greatly increase the incentive for gifts to the arts from both large and small donors.

NEW LIBRARY OF CONGRESS ANALYSIS

But something new has happened since I last addressed the House on this matter, and that is the release on January 26 of a new Library of Congress analysis of our bill, H.R. 9985. Prepared by Ann M. Marley, an analyst in taxation and fiscal policy in the Economics Division of the Congressional Research Service, this analysis discusses the pros and cons of enacting the bill. The pros prevail, win, not only because the analyst has articulated them carefully and convincingly but also because the cons can be answered credibly.

The text of this study, together with the table which demonstrates a number of the points raised, is as follows:

ANALYSIS OF H.R. 9985 (95TH CONGRESS), TO PROVIDE AN INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS FOR THE SUPPORT OF THE ARTS AND HUMANITIES

In general, section 170 of the Internal Revenue Code allows an individual taxpayer an itemized deduction for contributions to religious, educational, public, or scientific organizations, and governmental units. The maximum allowable deduction is 50 percent of adjusted gross income. In the case of a corporation, the total deductions for allowable charitable contributions may not exceed 5 percent of taxable income.

H.R. 9985 adds a new section, 44C, Contributions for Support of the Arts and Humanities, to the Internal Revenue Code. Section 44C would allow individuals to elect, in lieu of the charitable contributions deduction, a non-refundable tax credit in the amount of 50 percent of contributions made during the taxable year to a qualified organization whose primary purpose is the support of the arts and humanities. The maximum amount of tax credit allowed is $200 ($400 in the case of a joint return).

H.R. 9985 also amends the Internal Revenue Code to add a new subsection, 170(h), Additional Deduction for Certain Charitable Contributions to Qualified Organizations, which would allow an individual or corportation an additional deduction for charitable contributions made during the taxable year to a qualified organization whose primary purpose is the support of the arts and humanities. Under this provision, the contribution would be treated as being equal to 120 percent of the amount actually contributed.

Double benefits would not be permitted under H.R. 9985. No credit would be permitted under section 44C for any contributions for which a deduction was taken under section 170(h). Likewise, no deduction would be permitted under section 170(h) for which a credit had been taken under section 44C.

The term "qualified organization" means any corporation, and any community chest, fund, or foundation, organized and operated exclusively for charitable, literary, or educational purposes as described in section 501(c)(3) of the Internal Revenue Code which is exempt from income tax under section 501(a).

The terms "the arts" and "humanities" have the meanings given such terms by section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952), as follows:

"(a) The term 'humanities' includes, but not limited to, the study of the following: language, both modern and classical; linguistics; literature; history; jurisprudence; philosophy; archaeology; comparative religion; ethics; the history, criticism, theory, and practice of the arts; those aspects of the social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to the relevance of the humanities to the current conditions of national life.

"(b) The term 'the arts' includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording, the arts related to the presentation, performance, execution, and exhibition of such major art forms, and the study and application of the arts to the human environment."

The above provisions would apply to contributions made on or after the date of enactment of H.R. 9985.

The attached table shows for the top income level of each marginal tax bracket the tax value of an $800 contribution to the arts and humanities under H.R. 9985 for a family of four filing a joint return. Families with income levels of $7,200 or below would not benefit from these provisions because they have no tax liability. Families with incomes of $11,200 and above but below $39,200 would have sufficient tax liability to be eligible for the full credit (columns 3 and 5) and would find it more beneficial than the 120 percent deduction. Families with incomes of $39,200 and above would be eligible for a full credit but would receive a greater benefit from the 120% deduction (columns 4 and 6).

Arguments for and against H.R. 9985 follow.

ARGUMENTS FOR

1. Under present law only individual taxpayers who itemize deductions may deduct charitable contributions. In recent years, the level of the standard deduction has been rising. This increase in the standard deduction has brought about a decrease in the proportion of taxpayers who itemize their deductions. Only 32 percent of taxpayers itemized their deductions on 1975 income tax returns. Most of the taxpayers who itemize are in higher income brackets. By providing a tax credit, H.R. 9985 would permit taxpayers who take the standard deduction to receive a tax benefit for charitable contributions to organizations which support the arts and humanities. The credit would serve as an inducement for charitable giving in low and middle-income groups.

2. The credit provided by H.R. 9985 would not only serve as an inducement to charitable giving, but it would increase the equity of this tax benefit. As a result of the progressive tax rate structure, a tax deduction reduces a high income taxpayer's liability by a larger amount than that of a lower income taxpayer. The higher the taxpayer's income, the less each dollar he contributes costs him in after tax dollars. For example, if a taxpayer with income in the 14 percent marginal tax bracket gives a dollar to a charitable organization, he lowers his tax liability by 14 cents. A high income taxpayer with income in the 70 percent marginal tax bracket would save 70 cents on his tax bill. The benefit from a tax credit is not dependent on the taxpayer's marginal tax bracket. It is a subtraction from final tax liability. Under the credit provided by H.R. 9985, a taxpayer can subtract 50 percent of his contribution up to the maximum allowable amount from the income tax he owes, regardless of his overall income.

3. Contributions for the support of the arts and humanities come principally from individuals. Although contributions from individuals have become more numerous, and smaller, than they were years ago, there are still many substantial contributors. In 1973, the report of the Association of Fund-Raising Counsel, Inc. noted that its survey of million-dollar gifts showed over 75 percent of such gifts came from individuals and bequests. Corporate giving is also an important source of support for the arts and humanities. A study by The Conference Board showed that 7.6 percent of the total corporate contributions from 796 companies in 1975 went to cultural and arts organizations. Increasing the deduction to 120 percent of amounts contributed, as provided by H.R. 9985, would serve as an inducement to higher income individuals who still find it advantageous to itemize and to corporations to channel their giving toward organizations supporting the arts and humanities.

4. Organizations supporting the arts and humanities need additional funds. Their earned income falls far short of their costs. A Ford Foundation report described the problem as it relates to the performing arts:

"The level of costs is set by the general economy, which is based on an industrial technology that enables output per manhour to increase steadily. But the technology of live performance has no equivalent capacity to increase productivity. A play or a symphony written two hundred years ago still has to be handcrafted by the same number of performers working the same length of time as they did at its premiere. And, if a producing organization can present only a limited number of performances each week or season to an audience limited in size by the seating capacity of threatres and auditoriums, the organization can increase its earned income only by increasing the price of its product . . . because it cannot increase the number of units of product sold. If it were to rely on earned income alone to meet rising costs, its admission prices would have to rise faster than other prices in the economy. By doing that, it would greatly restrict the public's access to the arts." [1]

H.R. 9985, by providing incentives for contributions to these organizations, should assure the flow of additional funds to them.

5. The use of the tax system to provide incentives for charitable giving to the arts and humanities is preferable to having the government subsidize totally these activities. Although direct government support has grown over the last decade, it is still relatively small compared to nongovernmental support. Americans contributed over $2 billion to the arts and humanities in 1976. The Administration's fiscal year 1979 budget requests $149.6 million for the arts endowment and $145.6 million for the humanities endowment. Direct government outlays could lead to government control and excessive red tape. The innovation and freedom of expression so necessary for the development of the arts and humanities are best served by a broad base of support. H.R. 9985 would provide tax incentives to taxpayers at all income levels in order to obtain this kind of support.

ARGUMENTS AGAINST

1. H.R. 9985 would result in a substantial loss of revenue to the Federal government. It has been estimated unofficially by the Treasury Department that the provisions of H.R. 9985 would cost $250 million annually.

2. If the provisions of H.R. 9985 for a tax credit and an additional deduction for contributions to organizations supporting the arts and humanities were enacted, other equally worthy causes for which this special tax treatment is denied, would expect similar treatment. There would be a concomitant loss of revenue to the government for each new tax benefit granted.

3. It would be preferable for the government to pay directly for additional support to the arts and humanities rather than create additional hidden expenditures through the tax system. Direct government subsidy would assure that such funds were allocated under democratic procedures and would, therefore, be more likely to support activities which are truly in the public interest. In too many instances, the recipients of charitable donations distribute their funds wastefully, spending inordinate amounts on administration and fund raising with little remaining for the programs for which they were collected. Direct government spending would also assure that such expenditures would be subjected to periodic review under the budgetary process.

4. The addition of the special tax incentives provided by H.R. 9985 would increase the complexity of our tax laws. In addition to the added difficulty imposed on individuals in preparing their tax returns, an increased burden would be placed on the Internal Revenue Service. It would be necessary for them to audit a larger number of returns in order to assure compliance with the law.

[1] As quoted by Hightower, Caroline. A Report on the Arts. In Research Papers Sponsored By The Commission on Private Philanthropy and Public Needs, Volume II, Part I, Philanthropic Fields of Interest, Department of the Treasury, 1977, p. 715.

TAX VALUE OF $800 CONTRIBUTION UNDER H.R. 9985 AT VARIOUS MARGINAL TAX RATES

[Joint return—4 exemptions]

Marginal tax rate percent	Top income level at marginal rate	Tax value of $400 credit	Tax value of 120 percent contribution	Tax liability top income level [1]	Optimum tax value credit or deduction
(1)	(2)	(3)	(4)	(5)	(6)
14	$4,200	$400	$134	0	[2].
15	5,200	400	144	0	[2].
16	6,200	400	154	0	[2].
17	7,200	400	163	0	[2].
19	11,200	400	182	Over $400	Credit.
22	15,200	400	211	do	Do.
25	19,200	400	240	do	Do.
28	23,200	400	269	do	Do.
32	27,200	400	307	do	Do.
36	31,200	400	346	do	Do.
39	35,200	400	374	do	Do.
42	39,200	400	403	do	Deduction.
45	43,200	400	432	do	Do.
48	47,200	400	461	do	Do.
50	55,200	400	480	do	Do.
53	67,200	400	509	do	Do.
55	79,200	400	528	do	Do.
58	91,200	400	557	do	Do.
60	103,200	400	576	do	Do.
62	123,200	400	595	do	Do.
64	143,200	400	614	do	Do.
66	163,200	400	634	do	Do.
68	183,200	400	653	do	Do.
69	203,200	400	662	do	Do.

[1] Using standard deduction.

[2] Not applicable, because there is no tax liability.

Mr. Speaker, as I indicated I would do, I wish to address myself to the several arguments advanced against the bill in this analysis.

REBUTTAL OF ARGUMENT 1

The first argument against is:

H.R. 9985 would result in a substantial loss of revenue to the Federal Government. It has been estimated unofficially by the Treasury Department that the provisions of H.R. 9985 would cost $250 million annually.

Now, let us assume that figure is true. How should we look at it? What does it mean?

First, instead of shedding tears over that loss to the Treasury, we should celebrate over the fact that that much money would go instead to the arts and humanities. And it would go to the arts and humanities directly—that is without going through the time-consuming, sometimes politically effected, and costly Washington bureaucracy.

Why should people want to send their assistance to the arts and humanities through the middleman, known as the Federal Government, when they can send it directly to the arts and humanities?

Second, the $250 million figure is known among economists as the static projection. In other words, if nothing changed as a result of this enactment, except that people took the deduction or credit, the cost to that Treasury would be $250 million. But, that figure is very misleading, because nothing is static in the economy.

We have a dynamic economy. Therefore, we have to look at the dynamic projection, the dynamic cost. Thus, while $250 million would flow to the arts and humanities, the net loss to the Treasury would be much less. It could be entirely offset. The static figure does not take into account the additional income taxes which would be paid by artists and scholars which would be again at work or at greater levels of work as a result of this new private sector source of funding. The State figure does not take into effect increased taxes on corporate profits from additional rentals of theaters and other commercial properties. Or the profits made by corporations or income increased to workers from the construction of new museums, theaters, galleries, and so forth.

All of these additional economic activities—and many, many more—would increase tax revenues to the Treasury because of a vastly expanded arts and humanities economy. Thus, through dynamic analysis, the net loss to the Treasury would be much less or even canceled out. There could be no net loss to the Treasury, even though there would be a quarter of a billion gain to the arts and humanities.

REBUTTAL OF ARGUMENT 2

The second argument raised as one against enactment of H.R. 9985 is this:

If the provisions of H.R. 9985 for a tax credit and an additional deduction for contributions to organizations supporting the arts and humanities were enacted, other equally worthy causes for which this special tax treatment is denied, would expect similar treatment. There would be a concomitant loss of revenue to the Government for each new benefit granted.

I have to respond to this by saying what is predicted in the first sentence might well be true. I think if the arts and humanities were to become noticeably better off, as a result of this deduction and credit, others might seek the same treatment. I do not find that to be all that disturbing, however.

We have all had our experiences with depending on Washington for grants and other forms of financial assistance. Constituents tell me all the time of yearlong delays in having their applications acted upon. They tell me of bureaucratic meddling in the content and nature of the programs for which those constituents are seeking or have obtained assistance. It seems to me, as I indicated in my rebuttal of argument-against No. 1, that there are a number of activities in this country which would rather receive adequate funding directly than to depend upon it indirectly through Washington. The only reason most arts and humanities organizations came to Washington to start with was lack of adequate funding, and if that can be taken care of without coming to Washington, I think most would prefer to preserve their local autonomy.

As to the second sentence of this paragraph—that granting additional deductions and credits for equally worthy causes—would create revenue drains, I would simply refer to my previous answer.

REBUTTAL OF ARGUMENT 3

The third argument against reads:

It would be preferable for the government to pay directly for additional support to the arts and humanities rather than create additional hidden expenditures through the tax system. Direct government subsidy would assure that such funds were allocated under democratic procedures and would, therefore, be more likely to support activities which are truly in the public interest. In too many instances, the recipients of charitable donations distribute their funds wastefully, spending inordinate amounts on administration and fundraising with little remaining for the programs for which they were collected. Direct government spending would also assure that such expenditures would be subject to periodic review under the budgetary process.

First, there is no more of a democratic process in a democratic country than letting the people decide. That is exactly what they would be doing each and every time they decided to contribute or not to contribute, and when they did, whether to contribute to organization A, organization B, or whichever.

To infer that the amorphous Federal Government, made up of usually anonymous grants reviewers, is a better way to exercise democratic decisionmaking is to buy into an elitist notion I think the arts and humanities community would find repugnant.

Second, while it may be true that in "too many instances, the recipients of charitable donations distribute their funds wastefully, spending inordinate amounts on administration," I have never known this to be untrue of those organizations receiving Federal assistance. Read your General Accounting Office reports, read the audits done by the various offices of inspector generals of departments and agencies. For that matter, look at the audit reports submitted annually by organizations receiving Federal assistance. I think we would find very little difference on this score between those that do receive Federal assistance and those that do not—some are guilty of this and some are not.

Third, with respect to fundraising costs, I have two thoughts. First, I have a strong suspicion there are fundraising costs involved in receiving funds from the Federal Government too. Applications of hundreds of pages have to be analyzed, completed and reviewed. Representatives of the organizations have to come to Washington to make their case, and that is not without often substantial expense. Second, if this is true, we should deal with the matter by requiring public disclosure of the percentage of total costs devoted to fundraising on any literature requesting funds, so each individual can decide whether it is too high or too low. There is already legislation in Congress to require this in all solicitations by mail. I suggest we deal with this issue that way, not by penalizing by some blanket policy those whose fundraising costs are very low or virtually nonexistent.

REBUTTAL OF ARGUMENT 4

The addition of the special tax incentives provided by H.R. 9985 would increase the complexity of our tax laws. In addition to the added difficulty imposed on individuals in preparing their tax returns, an increased burden would be placed on the Internal Revenue Service. It would be necessary for them to audit a larger amount of returns in order to assure compliance with the law.

I have several thoughts on this one too.

First, I have to acknowledge it would add complexity to the Internal Revenue Code, and I regret that, because I support a simplified code. But I do not think it is a sufficient reason for not proceeding with this legislation. I do not think it will break the back of the Nation's tax system to add another 350 words, considering that Internal Revenue Code is already 1,980 pages long, and the regulations implementing that Code some 4,000 pages long.

Second, insofar as audits are concerned, there should be little additional work required, because the IRS already requires the specific listing of all sources which received charitable contributions from a taxpayer if the taxpayer itemizes his or her deductions. Under present law and regulation, a taxpayer has to say to whom and how much the contribution was made; this would not change.

REINTRODUCTION

Mr. Speaker, I will be reintroducing this legislation later in the month. I invite all my colleagues, especially those who are deeply concerned over the plight of the arts and humanities, to join with me.

MEETING WITH YASIR ARAFAT

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, during a recent study mission to the Middle East, I met with Yasir Arafat, leader of the Palestine Liberation Organization. This meeting was not part of the regular schedule for the entire congressional delegation but was one which I arranged on my own initiative. It occurred the afternoon of January 5 in Damascus.

I was interested in meeting with Mr. Arafat because of the centrality of the Palestinian issue to a peaceful settlement in the Middle East. A solution acceptable to the Palestinian people, to the other Arabs, and to the Israelis must be found in order for a final peace treaty to be signed. This will not be easy.

Prior to settling upon a solution to the Palestinian question, some formula for representation of the Palestinian people in the peace process must be devised. This question was supposedly settled at the Rabat Conference when the Arab States designated the Palestine Liberation Organization as the sole, legitimate representative of the Palestinian people in all negotiations. There is some question today, however, whether the Arab States and some of the Palestinian people are as enthusiastic about this decision as they were in 1974. Also, the Israelis refuse to negotiate with an organization which they see as dedicated to the destruction of Israel.

Alternatives to the PLO as the legitimate representatives for the Palestinian people are not readily apparent, however. The PLO continues to hold the allegiance of many Palestinians and remains a factor in the Middle East peace process.

I was interested in assessing firsthand the PLO as a factor in the peace process. Also, I believe that to deny to a group outlets for communication is an error. It can force them to the most extreme forms of self-expression.

Therefore, I met with Mr. Arafat to listen to what he has to say and to permit him some communication with America otherwise normally closed to him. I also wanted to interject my own concerns.

Four of the central points of discussion are listed below. I have also drawn direct quotes from my 3-hour interview with Yasir Arafat to illustrate what I interpret to be his views on issues of major importance.

First. Despite continued probing, Mr. Arafat left unclear whether, once a Palestinian state were established (on the West Bank of the Jordan River and in the Gaza Strip), it would renounce all further territorial claims against Israel.

Mr. ARAFAT. Do you know that Israel is the only state in the United Nations which has no map? No official frontiers, no map. Why is that? All right, give me their map—You are asking me to recognize them. OK, give me their map, for me to know that this is their limit. This is very important. OK, we will live together, but give me the map. I cannot neglect this about the three million or less than three million Israelis who are living in this area. Yes, they have the right to live here now . . . I can't kick them out. I can't, and I am against to kick them out. That's why we had this slogan to live together in our democratic Palestinian state. This means that we don't think to kick them out . . . OK, so—they don't want to live together in one state. Well, give me a state too. I say to my brother Palestinians we have no choice, we have to offer a part of our country for the Israelis to live, and I'm sure maybe after 25 years, after 50 years they are obliged to combine with us, because they can't continue living in this area without combinations, without links. You can help them for twenty years more, or fifty years more but then what else, they are obliged to make their roots with the populations of this area. First with the Palestinians because we are the right and correct bridges for them for the area.

At another point in the discussion, however, Mr. Arafat seemed to indicate more forcefully that he would be willing to accept a Palestinian state which existed on the West Bank and in the Gaza Strip.

Question. Mr. Arafat, would you settle for the West Bank and Gaza Strip? If they said tomorrow the Palestinian State could be set up in the West Bank and the Gaza Strip. Would you say yes to that and settle for that?

Mr. ARAFAT. Yes, I would.

Question. You would?

Mr. ARAFAT. I am fighting for it now.

Second. Mr. Arafat opposes the Sadat peace initiative and felt that Sadat had been pushed to this undertaking by the United States. Farouk Kaddoumi, head of the PLO Political Department, who was also present at the meeting elaborated upon these views:

When President Sadat took over, it meant dynamiting Geneva. Didn't you all agree that Geneva should be convened late in December? Why did Mr. Sadat go to Jerusalem: To give all his cards without getting anything! Recognition? Dynamiting Geneva? Most of all, does this serve Peace?

Mr. Arafat indicated his strong preference for a Geneva Conference over the Egyptian-Israeli talks. In a statement intended for President Carter, Mr. Arafat stated:

Our Palestine National Council, which is the highest legislative body in the Palestinian body politic, decided last year to participate in all political and diplomatic activities and peace talks which aim at a just peace and solution in the area. Of course this includes the Geneva Conference.

Arafat considered the United States-U.S.S.R. Joint Communique as providing the framework of principles for Middle East negotiations.

Third. Arafat spoke of ending the state of belligerency with Israel once a peace settlement establishing a Palestinian state were concluded, but he said he would not establish diplomatic relations with Israel.

Question. Would you establish normal, diplomatic relations with Israel?

ARAFAT. No.

Question. No? You would not?

ARAFAT. I am speaking frankly. No. This is a matter of sovereignty.

Question. But would you hope to have peaceful relations with Israel?

ARAFAT. I can't say unless I know the nature of Israel's behaviour toward me.

Question. If they would reciprocate, would you stand ready to cooperate?

ARAFAT. Particularly ending the state of war, yes.

Mr. Arafat denied that the PLO used terrorism.

You are saying that terrorism is being used by the PLO. Definitely not, not by the PLO. By Palestinians, but not by the PLO.

Fourth. Mr. Arafat sets forth more clearly than before his willingness to have a U.S. peacekeeping force in a newly established state of Palestine.

Mr. ARAFAT. I will give you a solution for your fears. What about having U.N. forces in our next Independent State if you accept. And it will be made up of the countries who have the vetoes . . . I will accept for them to stay for a stated period of time. I present this as the skeleton for an idea. I propose troops from the veto-power states because these are the only troops the U.N. Secretary-General can keep under his command.

Question. For what period of time would you accept the presence of the U.N. troops? Would 10 years, or five years, be acceptable?

Mr. ARAFAT. If the idea is accepted in principle, then we can settle the detail of time. That can be resolved satisfactorily.

Question. There will be apprehension by many people, myself included, about an arrangement under which Soviet troops would be stationed in the Mideast, even as part of a peace-keeping force. Would you be willing that the super-powers, the U.S. and the Soviet Union, be excluded from the peacekeeping force?

Mr. ARAFAT. That again is a detail that can be settled once the general principle is accepted. I would then be glad to consider it.

Question. In that circumstance, where there would be peacekeeping forces of other nations within this territory, the new state, what type of military forces would the new state expect to have under its own command?

Mr. ARAFAT. As a matter of principle, the question of sovereignty of any state could not be detracted from . . . But if there are United Nations Peacekeeping Forces there, of course, I am not going to establish an army as large as the Soviet Union's or Israel's.

Mr. Arafat continued, stressing that the army he was most interested in for Palestine was an "army of te-hnicians" to construct schools and hospitals.

I hope that my colleagues will find the above helpful in understanding the Palestine Liberation Organization and in assessing what the role of the PLO should be in Middle East peace negotiations.

Mr. Arafat consented to have the discussion taped. Taping was done on equipment supplied by Mr. Arafat at my request. After the discussion, typists in Beirut supplied by the Palestine Liberation Organization transcribed from the tapes. This transcript represents, to the best of my knowledge, an accurate reading of the tapes. Mr. Arafat personally read through the transcript but did not make any alterations or even clarifications. He indicated that he wanted it to stand as it appeared on the tapes. The full transcript is available for the examination of anyone interested.

For the greater part of the 3-hour interview, Mr. Arafat spoke in English.

I came away from our lengthy discussion with the following impressions, some favorable which I shall list first:

First. Mr. Arafat sets forth more clearly than ever before his willingness to have a U.N. peacekeeping force in the new state of Palestine.

Second. He states his desire to end the state of belligerency with Israel.

Third. He states his desire to pursue a moderate course, the difficulties that po-

sition poses for him, and his hope that the United States will not force him into a corner but instead help him to maintain his "moderate balance."

Fourth. Mr. Arafat demonstrated a strong desire to open a dialog with the United States. He made the trip to Damascus just for this meeting. The atmosphere was cordial and involved a minimum of rhetoric.

Fifth. As an indication of his willingness to engage in a dialog with the United States, Mr. Arafat volunteered to send a message to President Carter (no one requested the message). The message is respectful and conciliatory in tone.

Sixth. Mr. Arafat disavowed the use of terrorism and denied that the PLO resorted to terrorism. His political adviser, Farouk Kaddoumi, also present at the meeting, attributed terrorist acts to the PLO's inability to control the actions of individual Palestinians for lack of apparatus available to a state such as police or jails.

Seventh. Mr. Arafat spoke warmly of President Sadat although he was critical of Sadat's peace initiative with Israel.

Eighth. Mr. Arafat denied that he was a Communist. Indeed, he was proud of his devotion to the Moslem religion which implicitly ruled out his acceptance of communism. He noted that the Soviet Union had been very helpful and friendly to the PLO.

There were also elements of the discussion with Mr. Arafat that were very disturbing.

First. Mr. Arafat left unclear whether once a Palestinian state was established on the West Bank of the Jordan River and in the Gaza Strip, it would renounce all further territorial claims against Israel. At one point, Mr. Arafat indicated he supported this. At a different point in the conversation, however, he said that in another 25 to 50 years he thought Israel would have to be linked to a Palestinian state. This left unclear the question of whether an independent Palestinian state, according to Mr. Arafat, would respect the integrity of Israel as a Jewish state and renounce all further territorial claims against Israel.

Second. In the context of a final peace settlement which created a Palestinian State on the West Bank and in the Gaza Strip, Mr. Arafat stated that his Palestinian State would not establish diplomatic relations with Israel. Arafat, therefore, refused to accept what must be a central principle of a peace treaty and what is critical to Israeli's survival. Unlike many of the other Arab States which have indicated that they would establish full peaceful relations with Israel in the context of a final settlement on the basis of U.N. Resolution 242, Mr. Arafat refused to commit himself to this. Arafat would accept a state of nonbelligerency but would go no further.

Another point worth noting is Mr. Arafat's unwillingness to accept demilitarization of a Palestinian State in the West Bank and in Gaza. He maintains the right to arm is an attribute of a sovereign nation.

From this experience, and in light of Mr. Arafat's continuing importance in the Middle East conundrum, I am convinced the United States should take a new look at him and the organization he heads.

The executive branch should reconsider its policy under which it refuses even the most informal communication with the PLO.

Here is the text of the message Mr. Arafat dictated for President Carter:

In all modesty I would like to say that I was the first Palestinian leader to express support and confidence in you following your statement on a homeland for the Palestinians.

What made my statements significant was that they were made while the Palestine National Council was in session, where criticism of U.S. policy was at its height. More so, because we were just witnessing the last steps of Kissinger's step-by-step diplomacy, and its effects on the Palestinian people. When the Joint U.S.-Soviet Statement was made in October, we were the first official voice to say that it contained positive indications and we were criticized for that.

Most recently our PLO colleague in London, Said Hammami, paid with his life for these moderate positions. This is just one such example of how much it costs us to adopt moderate positions here in our Arab area.

In spite of this, our Palestine National Council, which is the highest legislative body in the Palestinian body politic, decided last year to participate in all political and diplomatic activities and peace talks which aim at a just peace solution in the area. Of course this includes the Geneva Conference. Meanwhile our Council, in the same session, decided to contact Jewish progressive and democratic forces inside and outside of Israel, and we have already done this. This moderate approach to the problem was pursued, not only at the level of the Palestinian leadership, but also among the rank-and-file of the Palestinians and we faced challenge which we managed to overcome.

Had we not been a fighting and a trustworthy leadership we would not have been able to maintain our moderate stance. This is why I feel bitter about your recent statements asserting that the PLO is completely negative and has removed itself from the negotiating process.

However we are trying to stress positive views so we see that your most recent statement made in Aswan carried a slightly conciliatory tone, although you did not mention self-determination for the Palestinian people, or independence, or the PLO for that matter. I see in this statement a very slight change coming on the heels of the rapid deterioration in American policy following the positive Joint U.S.-Soviet Statement.

I most sincerely hope that you will not further push me into a corner because I would like to maintain my moderate balance. Otherwise I have nothing to lose but my Kufiyah."

FDA AND SODIUM VALPROATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 20 minutes.

Mr. COLLINS of Texas. Mr. Speaker, I recently called for a review of the procedures the Food and Drug Administration uses in approving new drugs for the U.S. market. Last week, I heard testimony from an independent panel of scientific experts who met on January 14, 1978, to consider the data on sodium valproate, a proven drug which is deliberately being held from distribution in our domestic market. This panel, sponsored by the Epilepsy Foundation of America, reviewed material previously examined by the FDA and unanimously concluded that sodium valproate should be approved in the United States for the treatment of a variety of epileptic seizure types.

This conclusion supports findings by the FDA's own Neurologic Drugs Advisory Committee which recommended the drug's approval last fall. The independent panel found that 30 clinical studies, 3 of which are adequate and well-controlled, demonstrate the efficacy of sodium valproate in the treatment of epileptic seizures.

The panel's findings resulted from the same material which the FDA ruled did not meet the agency's requirements for two well-controlled studies. In December, the FDA ruled that an additional study was needed after taking three months to review material which these independent experts were able to review in 3 weeks.

A month prior to the FDA's latest decision on sodium valproate, I sought help from the Epilepsy Foundation after receiving a letter from my district which will give further insight into the tragedy of dealing with epilepsy. My constituent wrote:

Our son Paul, age 10, has Myoclonic Epilepsy. His seizures cannot be controlled with any drug on the U.S. market. He is a bright little lad, but because of all the abnormal brain activity and the great amount of medicine he takes, he is unable to read, write, or do simple math problems. Consequently, he is made to attend a class composed of primarily retarded children. This breaks our hearts.

At the conference last week, I met Mary Bowles, an 11-year-old who has had seizures since age 2½. A year and a half ago, Mary began receiving sodium valproate and for the past year has been completely seizure free. Testimony was also heard on the case of Jim Harley, an 18-year-old suffering from a rare form of epilepsy. Jim has suffered this disease since age 10, experiencing over 300 seizures a day. Completely confined to a bed, Jim first received sodium valproate in 1976. This fall he started his first job, for which he gets up at 6:30 each morning, makes his own lunch and goes off on a bus alone.

Mary and Jim are fortunate to be part of a study at the University of Virginia which allowed them to take the drug. These cases and many more like them underscore the dramatic relief sodium valproate can provide those with epilepsy. Presently, only half of the two million epileptics in this country achieve controlled seizures with the epileptic drugs currently approved for use. Serious side effects often result from the use of these drugs, side effects that can be as debilitating as the seizures themselves. The remaining 1 million achieve partial or no relief from their seizures.

Aside from their physical hardships, epileptics also experience a host of psychological and social problems. Twenty to 30 percent of those physically able to work are unemployed and those who

are working are often placed in jobs well below their levels of education and ability. Also, persons with epilepsy cannot be licensed to drive and are generally prevented from participating normally in society. Epilepsy has no single cause, and results from any number of conditions that injure or effect the function of the brain. Epilepsy can affect anyone, at any age, at any time—there are over 100,000 cases reported each year.

Since this summer, Abbott Laboratories, a drug company which originally filed an application for approval of the drug in 1974, has been conducting a limited study restricting applications for the drug to two patients per neurologist. These restrictions and the literally pounds of paperwork required by the FDA place a severe burden on doctors who have a sincere desire to treat their patients. I have personally talked with neurologists in Dallas who would like to use the drug, but cannot do so because they are limited to the treatment of only two patients when they have hundreds requiring its use.

In a July 1977 interview, Dr. Kennedy, Commissioner of the FDA, stated the following:

> Everything I know derives from the experience of people who are clinically competent and for whom I have great scientific respect and everything that they tell me suggests that sodium valproate is an excellent drug.

Today, February 14, 1978, sodium valproate is still unavailable.

Commissioner Kennedy also stated that he would follow the recommendations of the FDA's Neurologic Drugs Advisory Committee. This Committee reviewed the drug and on October 12, 1977, recommended its approval, yet sodium valproate is still unavailable.

In fact, the FDA responded to the Neurologic Drugs Advisory Committee's findings by requesting even more time-consuming tests that would tie up possible approval for another year at the very least. All the while, epilepsy victims such as the boy in the letter, are denied the benefits of this medication.

No one wants to see a dangerous drug placed on the market, but I—and numerous other Congressmen—do not understand the time consuming, almost dilatory, procedures employed by the FDA.

Since sodium valproate was first approved in France over 10 years ago, it has been accepted by all the major countries of the world. It is approved in Germany, Spain, Italy, the Soviet Union, Japan, and Australia to name a few.

I do not understand how the FDA can say that there is not enough data for evaluation, when more than 250 articles and clinical studies on the subject have been published in medical literature all over the word.

But, most of all, I do not understand why Great Britain, with the strongest drug laws in Europe, can approve sodium valproate in only 9 months while we in the United States have been waiting almost 4 years and the only things in sight are more forms and bureaucratic delays.

The question of how the FDA proceeds in appraising new drugs is an important one for Congress to consider—but expediting the release of sodium valproate is even more pressing. The recent findings of the independent panel of scientists sponsored by the Epilepsy Foundation clearly supports the recommendations of the FDA's own Neurologic Drugs Advisory Committee that sodium valproate should be marketed in the United States. I urge the FDA to recognize the undisputed scientific evidence and immediately approve this drug which offers millions of epileptics hope for a normal life.

TELEVISING THE HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Delaware (Mr. EVANS) is recognized for 5 minutes.

Mr. EVANS of Delaware. Mr. Speaker, when I first came to the Congress in January 1977, one of the initial bills I cosponsored was legislation to permit television and radio coverage of House floor proceedings. After a year of service in this body, coupled with the significant interest in current radio coverage of the Senate debate on the Panama Canal, I believe even more strongly that the House floor should be opened to radio and television coverage.

There has been much debate recently, however, as to the method of coverage of House proceedings. Some Members, including the Speaker of the House, prefer to see a House-run system. Others, myself included, believe that a system operated by the television networks themselves would be a far more effective means of providing the American people with a record of the debates on the House floor.

In any case, I believe this is a question of such importance that it must be decided by a full vote of the House. We should not delegate this responsibility to a committee of the Congress or to any one individual. It should be considered by each Member. It is my earnest hope that the House will have the opportunity to vote on the type of television and radio coverage it desires in the very near future. The American people deserve to see their House of Representatives in action.

TUITION TAX CREDITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 60 minutes.

Mr. FRENZEL. Mr. Speaker, H.R. 9332, the Packwood-Moynihan tuition tax credit bill, of which JIM BURKE and I are the chief House sponsors provides a tax credit of up to $500 for tuition expense at every level of education including primary, secondary, vocational, and college.

I am absolutely delighted that Secretary Califano and President Carter have recently agreed with the proponents of this bill that a definite need exists to assist middle-income families with education costs. I could not agree more with the administration on the urgency of this issue and applaud their "deep concern about the quality of education in America." Now, if we can agree on which middle-income families will be eligible for such relief and which is the best approach to aid these families, we can get a bill passed before the end of this Congress.

Providing for tuition tax relief to students and parents at all educational levels is a goal that has received considerable bipartisan support. In 1976 both Democratic and Republican platforms supported this lofty goal. In aiding elementary and secondary pupils, the Democratic platform declared:

> The party renews its commitment to the support of a constitutionally acceptable method of providing tax aid for the education of all pupils in non-segregated schools in order to insure parental freedom in choosing the best education for their children. Specifically, the party will continue to advocate constitutionally permissible federal education legislation which provides for the equitable participation in federal programs of all low and moderate income pupils attending the nation's schools.

Continuing on for aid to college and higher education students, the Democratic platform proclaimed:

> The federal government and the states must develop strategies to support institutions of higher education from both public and private sources. The federal government should directly provide cost of education payments to all higher education institutions, including predominantly black colleges, to help cover per-student costs, which far exceed those covered by tuition and fees.

Of equal significance to aiding elementary and secondary education, the Republican platform stated:

> We favor consideration of tax credits for parents making elementary and secondary school tuition payments . . . Diversity in education has great value . . . Public schools and nonpublic schools should share an education fund on a constitutionally acceptable basis."

The Republican platform affirmed their support of aid to college and higher education students:

> The platform calls for a program of tax credits for payments of college and higher education tuition payments in both publicly supported and private, including sectarian institutions.

On October 19, 1976, candidate Jimmy Carter issued the following message to a national meeting of nonpublic school administrators in St. Petersburg, Fla.:

> Therefore, I am firmly committed to finding Constitutionally acceptable methods of providing aid to parents whose children attend parochial schools. I am firmly committed to seeing that children attending parochial schools benefit fully from federal education programs.

To illustrate the support tuition tax relief has received in the House, over 170 bills have been introduced on this subject with over 250 individual Members sponsoring or cosponsoring some form of tuition tax relief. These figures do not include those Members who have cosponsored more than one measure.

Seven members of the Ways and Means Committee have cosponsored the

Frenzel-Burke/Packwood-Moynihan bill, and two additional members have cosponsored JIM DELANEY's tuition relief bill. A total of nine members support a tax treatment approach for tuition tax credits/deductions at all levels of education. Two more members have sponsored bills providing for tuition relief at the college level, and Mr. MIKVA has sponsored a tax deferral bill for all levels of education.

On the Senate side, 50 Senators have cosponsored the Packwood-Moynihan bill. Of the Senate sponsors, 14 of the 18 Senate Finance Committee members have cosponsored the bill.

The Frenzel-Burke/Packwood-Moynihan bill is designed to provide a sorely needed financial boost to students and parents burdened with heavy educational costs. The proposal would permit taxpayers to subtract one-half of the tuition they pay, up to a maximum of $500 per person, from their income taxes. The credit is refundable. A tuition tax credit would be given to either full- or part-time students attending an HEW approved educational institution, including: A college or university, an elementary or secondary school, a vocational or technical school, or a business or trade school. The tax credit would not cover tuition paid by scholarships. Elementary and secondary schools must comply with State laws and must be a tax-exempt, nonprofit and nondiscriminatory—501 (c) (3)—educational institution. Thus, adults could claim the tax credit if they went back to school, and parents could take the credit for their children's tuition.

H.R. 9332 is not an inexpensive proposal, but some of the costs could be eliminated by amending the bill to include an income ceiling or phaseout. For the purpose of eliminating the initial drain on the Treasury, a final bill might provide a first year tax credit of somewhat less than the $500 maximum and build up to the $500 limit on a phased basis.

Since the bill was drafted, it has come to my attention that the provision mandating elementary and secondary schools to comply with all State laws for accreditation, might be too strong. It now is my understanding that the accreditation process in many States relies heavily on the political structure of the State's current accreditation body. A better requirement might be found in mandating the schools to meet the State's compulsory attendance requirements or be accredited or approved under State law.

I feel it is important, however, that a tax credit be extended only to those students attending a legitimate, nondiscriminating educational institution, applying to all levels of education. A final bill should include a credit that is limited to some fraction—like 50 percent—of the tuition to lessen the likelihood of further institutional increases in student charges.

Based upon the Joint Committee on Taxation's estimate, the Frenzel-Burke/Packwood-Moynihan bill would cost $4.3 billion for calendar year 1978, $4.5 billion in 1979, and a total of $4.7 billion in 1980. The highlights of the detailed analysis are: First, that college education gets two-thirds of the tax credits and second, the middle-income ranges of $10,000 to $30,000 receive two-thirds of the total tax credit. A breakdown of the cost and percentage by type of education is as follows:

	Millions	Percent
Postsecondary (college) education	$2,917	67
Vocational (college-level) education	587	13
Secondary (high school) education	390	9
Elementary education	534	12
Total	4,348	

The breakdown by adjusted gross income is as follows:

Adjusted gross income	(1)	Percent	Cumulative (percent)
0–$5,000	$323	7.4	7.4
$5,000–$10,000	484	11.1	18.5
$10,000–$15,000	849	19.5	38.0
$15,000–$20,000	879	20.2	58.2
$20,000–$30,000	1,182	27.1	85.3
$30,000–$50,000	486	11.2	96.5
$50,000–$100,000	123	2.8	99.3
Dollars above $100,000	22	0.5	99.8
Total	[2] 4,348	----	----

[1] Tax liability decrease, in millions.
[2] For 1978 (same breakdown for 1980).

This breakdown provides us with a complete picture of individual income levels benefiting from the Frenzel-Burke/Packwood-Moynihan bill. The bill has an effective date of calendar year 1980. No income phase-out is included in the bill, nor in the cost estimate. It has been suggested to me that a phase-out might also take into consideration the number of children in a family who are enrolled in a tuition-required school. I would not be adverse to these kinds of amendments to decrease the bill's cost but obviously, the savings would be minuscule. To put the cost of this proposal into perspective, the $4.7 billion price tag should be compared to an estimated fiscal year 1980 budget of $550 billion. That means this legislation is less than 1 percent of our total 1980 spending.

The need for Congress to act is well demonstrated by the overwhelming increase in tutition costs which has spread to every level of education and is particularly severe at the college level. Students wishing to attend private and public institutions of higher education are facing an ever increasing financial burden. The college entrance examination board found that over the past 5 years, the average tuition and fees at private 4–year institutions, rose by 54 percent, at public 4–year institutions by 57 percent and at private 2–year institutions by 52 percent and at public 2–year institutions by 130 percent. These educational costs are well beyond the means of middle-income families, especially when more than one person in the family is in school at the same time. Secretary Califano stated in his recent remarks before House and Senate Education Committees that—

> Many middle-income parents have real fears that when the time comes they either will be unable to afford to give their children the benefits they received from a college education or will have to make extraordinary sacrifices to do so.

Similar problems are facing low- and middle-income families who have children in nonpublic elementary and secondary schools. Here, parents are faced with a double burden. Not only must they pay tuition but they are also required to pay rising property taxes—taxes used to finance the public school system. The result is that fewer and fewer families are unable to exercise their free choice to send their children to private schools.

In 1984, the U.S. National Center for Education Statistics projects that 4.2 million students will attend nonpublic elementary and secondary schools—a drop of 2.1 million students since 1965. The institutional education sector, school boards, teachers, and administrators are afraid that this bill will make private education less competitive, that it will attract too many kids to private schools to the detriment of public schools. Actually, the foregoing statistics would indicate that this bill may not ever be enough to maintain the dual educational system we enjoy today.

Tax credits are the most effective and least complicated way to provide students and parents with financial relief from the skyrocketing costs of education. Unlike our present Federal student aid programs, tax credits will not stimulate further expansion of the already massive and costly Federal bureaucracy. To put it bluntly, it makes absolutely no sense to increase our present bureaucracy which is already laden with massive problems—problems that will take years to straighten out.

In June, 1976, HEW Secretary Mathews ordered an independent study of student aid programs for the purpose of improving the programs and to deal effectively with the subject of fraud and abuse and related management issues. The results of the study are now available in a 263 page HEW publication, "Report to the Secretary—Recommendations for Improved Management of the Federal Student Aid Programs" by the Student Financial Assistance Study Group, June 1977. This study outlines the multitude of insurmountable problems facing this bureaucracy. Page 20 of the report summarizes a few of these:

> It would not be possible to eliminate completely the possibility of fraud and abuse without imposing onerous and expensive controls upon the parties involved. Such controls probably would make the programs unappealing to the students whom they are intended to benefit, as well as to the educational institutions and lenders who are involved in their administration. While rigid controls probably would be counter-productive, responsible management still requires

that reasonable corrective actions be taken by the Federal Government to minimize opportunities for fraud and abuse.

A summary of the final recommendations reported by this independent study group are equally as enlightening—page 28:

Moreover, as the volume of student aid has increased, a substantial administrative structure has been created at every level. The Study Group believes it is time to rethink the extent to which, and how, financial aid should be provided and to rethink the respective responsibilities of the Federal Government, State governments, educational institutions, and students and their parents for sharing the costs of education and training. Furthermore, increasing efforts must be directed toward analyzing the impact of the student aid on institutional decision-making.

Tax credits are the most direct and the most cost-effective means of providing student financial assistance. The cost of administering a tax credit is minute in comparison to our existing student aid program in HEW. A quick glance at President Carter's budget for fiscal year 1979 and the HEW summary in the release of January 21, 1978, will provide a few examples of administrative costs and existing problems:

1. The Basic Grant request also includes $2.5 million for administrative costs at the Federal level to be used for a new quality control effort to validate information on student application forms in order to prevent fraud and abuse in the program's operations.—(pages 48 and 49)

2. Additional allowances totaling $9.5 million will be provided for the first time in 1979 to higher education institutions to increase the dissemination of consumer information for prospective and enrolled students.—(page 49)

3. The budget includes $11.5 million for a new allowance to post secondary institutions administering the Guaranteed Student Loan program similar to the allowance included for the Basic Grants program.—(page 50)

4. The Education Amendments of 1976 authorize the use of private collection agencies to make recoveries on defaulted loans.—HEW indicates that collections are expected to increase in 1979. (page 50) Secretary Califano has stated that former students have defaulted on $500 million in federally guaranteed education loans.

These costs alone add up to a total of $523.5 million. The Library of Congress estimates—taken from the fiscal year 1978 budget justification—that the Federal administrative costs in the Washington, D.C., office for the five existing aid programs is somewhere in the neighborhood of $100 million in fiscal year 1977. The estimate reveals that the total does not include funds spent in the regional offices, nor costs for defaulted loans, nor does the estimate include the administrative expenses met by educational institutions out of their own fund.

We could fund at least two hundred thousand $500 tax credits or grants for the same price, $100,000,000, HEW spends in attempting to carryout its program. With these ghastly costs in mind, I am not anxious to increase the Bureau of Student Assistance's program by any amount, and surely, not by 40 percent.

In the administration's recent attempt to discredit tuition tax credit proposals, a major criticism was levied on the basis that tax credits make neither educational nor fiscal sense. A tuition tax credit surely would not be any less needs based than the administration's guarantee of a $250 grant to all students from families with an annual income of up to $25,000. Those students and parents would still have to subject themselves to needless and extremely complex BEOG forms and reveal their personal finances to a Government bureaucrat.

Tax credits have also been under fire from the administration in that they are alledged to unnecessarily fragment education policy among different congressional committees. I am wondering if the administration has forgotten the GI bill, social security dependent student's benefits, health professions educational assistance programs, charitable contributions, and Department of Defense educational programs—to name a few that do not fall under an educational committee's jurisdiction.

I believe in public education. I have consistently supported Federal aid to education, in forms of direct student financial assistance through loans and grants, and institutional aid. My sponsorship of this legislation providing tax relief for tuition payments for any level of education, does not conflict or interfere with my support and enthusiasm for other types of education aid. The Bureau of Student Financial Assistance current student aid programs are in desperate need of reform to eliminate some of the administrative waste and redtape, but I would be the first to oppose their elimination. But by the same token, I do not believe in multiplying waste by expanding these existing programs. Certainly, they ought to be cleaned up.

The Frenzel-Burke/Packwood-Moynihan bill would support and complement our present Federal student aid programs. A recent study by the American Council on Education found that students with adjusted family incomes of less than $7,500 received approximately four-fifths of all BEOG and SEOG awards, about two-thirds of all college work study awards, about half of the national direct student loans, and about one-third of all guaranteed student loans. Students with adjusted family incomes of $15,000 or more received student aid primarily through the guaranteed student loan program and rarely through other programs.

Students qualifying for existing Federal programs would still be eligible for the tuition tax credit. Obviously, low-income students need this assistance, but we must, as the administration agrees, not overlook the needs of middle-income students, and an even handed program would even dictate that it should be extended to all income levels. A tuition tax credit boosts the opportunities of lower and middle-income families to finance their educational choices, and at the same time, puts the decisionmaking power in the hands of the educational consumers.

Unfortunately, the administration has overlooked the plight of low- and middle-income families who have children in nonpublic elementary and secondary schools. Private elementary and secondary schools play a very useful role in educating our children. In cities like Milwaukee, Chicago, New Orleans, New York, Boston, and San Francisco, private schools educate approximately one-fourth of all elementary and secondary students. In Cleveland and Philadelphia, 30 percent of students are educated in private schools.

Private schools depend on parents' willingness to pay both rising property taxes for public schools and tuition for private schools. Private schools primarily educate lower and middle-income students. In fact, 51.4 percent of children attending private elementary and secondary schools come from families with incomes below $15,000. These lower and middle-income families need help if private education is going to continue to be accessible to their children. Any further erosion in the private school system would seriously weaken our dual educational system and create a lopsided balance of power away from individual choices and toward monopolistic governmental control.

Opponents of the bill have argued that by extending the tax credit advantages to the elementary and secondary educational levels, it may be considered unconstitutional by the U.S. Supreme Court. Granted, not even the experts can accurately predict an outcome of a court decision. However, that bill is different from other measures passed by State legislatures. The difference is that any student who attends any legitimate school—including a college or university, an elementary or secondary school, a vocational or technical school, or a business or trade school— is eligible for the credit. It therefore applies to the whole universe of students.

The student in the land grant college is eligible for the same credit as the student in the private sectarian school. Thus, it would not result in a predominance of benefits to any religious group. The legislative purpose and principal effect of this tax credit legislation would be secular and neither advances nor inhibits religion. The bill has been closely examined by numerous constitutional experts who have agreed that its implementation would not foster an excessive entanglement with religion.

In conclusion, the purpose of the Frenzel-Burke/Packwood-Moynihan bill is to assist educational consumers' freedom of choice to satisfy their educational needs in a most cost-effective approach. The bill preserves our vast and diverse educational system which cannot survive in its present form without more choices for educational consumers. A tax credit method encourages freedom of choice, while at the same time protects the consumer's financial privacy from further bureaucratic invasion.

Educational choice has been a popular and successful tradition in America, but inflation has robbed the lower and middle-income Americans of any real choice. This is legislation whose time has come

and I urge my colleagues to join me in giving it their full support.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SARASIN) is recognized for 5 minutes.

Mr. SARASIN. Mr. Speaker, on February 9, 1978, I was absent for part of the legislative session of the House. Had I been present, I would have voted in the following fashion:

Rollcall No. 56: H.R. 7843: Additional Federal judgeships. The House agreed to a motion to instruct the managers on the part of the House to insist on House language providing for the merit selection of district judges; "yea."

EXPLANATION OF MISSING VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RAILSBACK) is recognized for 5 minutes.

Mr. RAILSBACK. Mr. Speaker, this afternoon I missed a vote on the House floor, because the plane on which I was returning from Illinois to Washington was delayed. Had I been here, you may be assured I would have been voting.

COMPASSION IS NEEDED FOR THE WIDOW OF PRIVATE EDDIE SLOVIK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of legislation on behalf of Mrs. Antoinette Slovik, the widow of Pvt. Eddie Slovik, the only American soldier executed for desertion since the Civil War. H.R. 9114 would award to Mrs. Slovik the sum of $70,000, which would be approximately the amount that she would have received from her husband's GI life insurance policy, plus interest, since his death in January of 1945.

The Department of the Army recently rejected an appeal by Mrs. Slovik to reverse her husband's conviction and receive payment of his GI insurance, but in spite of the fact that she is an epileptic and an arthritic who must make use of a wheelchair, her appeal was denied.

For 23 years Mrs. Slovik has been appealing to the Army, and this was but another in a long and tragic series of setbacks for her; she only learned about the circumstances surrounding her husband's execution in 1953 because a reporter was gathering material for a book. The Army never bothered to tell her.

Fully 21,049 Americans deserted during World War II and 49 were sentenced to death, but only Private Slovik was executed. He was shot to death on the morning of January 31, 1945, the first and last deserter executed since the Civil War.

The Army records paint a grim portait of an impoverished youth from Detroit, terrified of combat, plucked at random and shot as an example to others who might be considering desertion. Slovik should never have been drafted in the first place because he had already been classified 4–F (unfit for service), and further, he was bowlegged from birth and could not even wear combat boots.

Allied forces had just suffered heavy losses in the Battle of the Bulge. Some soldiers shot off fingers and toes in an attempt to leave the front lines. Eddie Slovik deserted, he begged Gen. Dwight D. Eisenhower, for clemency in a letter. But Eisenhower, who was then Supreme Commander of Allied Expeditionary Forces, rejected the clemency appeal. Maj. Frederick J. Bertolet wrote in his review for General Eisenhower:

> If the death penalty is ever to be imposed for desertion, it should be imposed in this case, not as a punitive measure nor as retribution, but to maintain that discipline upon which alone an army can succeed against the enemy.

I am delighted that President Carter recently announced he would support this legislation to award Mrs. Slovik the proceeds of her husband's life insurance policy. America is a compassionate Nation, and although injustices done in the past cannot now be undone, we can give the relief to Pvt. Eddie Slovik's old and ailing widow that she deserves and needs so desperately. Private Slovik's widow has received shabby treatment from the authorities for too many years, and I urge the support of my colleagues for this worthy legislation.

Mr. Speaker, an editorial on this legislation from the February 8 edition of the Chicago Daily News follows:

> MRS. SLOVIK HAS EARNED COMPASSION
>
> Last June in this space we called upon Congress to enact special legislation to pay the widow of Pvt. Eddie Slovik his GI insurance. We're pleased now that President Carter, pressed by Senate majority leader Robert Byrd (D–W. Va.), has endorsed such a bill. It would be, as Carter said, "a response to the unique nature of the situation and to Mrs. Slovik's plight."
>
> Unique is right. During World War II, about 21,000 soliders were convicted of desertion; 49 were condemned. Slovik lost to long odds: He was the only U.S. soldier to face a firing squad since the Civil War.
>
> The Army's role was shabby. Slovik was a misfit who should not have been allowed near a uniform, let alone a war. And the question of why he was executed and not 48 others was never adequately explained.
>
> As to Mrs. Slovik, they never told her how Eddie died. (She learned the truth from an author eight years after the fact.) She is now 62, alone, confined to a wheelchair with epilepsy and arthritis, and trying to hack it on $119.60 a month in Social Security.
>
> With interest the policy is now worth $70,000. Legally Mrs. Slovik doesn't have it coming. The law forbids payment to heirs of deserters or those executed. Compassionately, however, Mrs. Slovik has earned it, and we urge our delegation in Congress to so vote. Eddie paid for it with his money and his life.

U.S. INTERNATIONAL COMMODITY POLICIES—TIN: CONSIDERATION OF H.R. 9486

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

Mr. BINGHAM. Mr. Speaker, in the wake of the recent United Nations Conference on Trade and Development (UNCTAD) session on commodities and continuing deep concern over soaring prices of one commodity in particular, tin, I am pleased to announce that the Subcommittee on International Economic Policy and Trade will hold public hearings to examine both the status of U.S. international commodity policy in general, and administration legislation to stabilize tin prices through a U.S. contribution to the international tin buffer stock. These hearings will take place February 15, and 16, at 10 a.m., and February 21 at 2 p.m., all in room 2172 of the Rayburn House Office Building.

I feel these hearings, and the specific legislation under consideration, H.R. 9486, are particularly significant. This proposed legislation represents the first time the United States has recommended contributing to an international commodity stockpile. Furthermore, the United States is currently negotiating possible participation in several other commodity price stabilization schemes that would include such stockpile mechanisms. As a major consumer and producer of many of the commodities under consideration, the United States continues to play a critical role in assuring the success of such efforts.

The legislation before the subcommittee is a constructive attempt to respond to very volatile tin market conditions. The threefold increase in prices over the past few years has been keenly felt by the United States and other major tin consumers, and is threatening the demand patterns for a commodity on which several developing countries rely for valuable export earnings and economic growth. The international tin buffer stock mechanism, set up to operate in the interests of both consumers and producers, is desperately in need of tin supplies which it could release on the market to mitigate these damaging price fluctuations.

Specifically, at issue, therefore, in these hearings is the lasting effectiveness of a 5,000-ton contribution, the amount proposed by the administration, and consideration of other measures which may be required to dampen current price trends. In this regard, the hearings will weigh such factors as the usefulness of a U.S. contribution in prompting more commitments from other consumer nations who are encouraged, but not required, to contribute under the terms of the 1976 Fifth International Tin Agreement, and the implications for the international price of tin of direct sales from the U.S. strategic stockpile surplus. Several proposals before the Armed Services Committee would authorize disposals of up to 30,000 tons of surplus tin on the U.S. market.

A tin contribution to the buffer stock would come from the strategic stockpile surplus. The subcommittee will, of course, assess and take into account any national

security implications of this proposed outflow from domestic stocks.

The subcommittee will also consider the political and foreign policy benefits of a U.S. contribution as it could increase our bargaining leverage within the International Tin Council and promote U.S. interests in our relationships with developing nations.

Since the 1976 UNCTAD Conference in Nairobi, the core of the so-called North/South dialog has centered on the regulation of world commodity markets. The U.S. response to Third World demands in this area has progressed significantly to our current participation in three International Commodity Agreements, coffee, tin, and recently sugar, and to the U.S. commitment in principle to move toward an integrated commodities approach which would work to the benefit of both consumers and producers. This administration in particular has recognized the benefits of promoting U.S. commodity interests through negotiation, not confrontation.

The quality and diverse perspectives of the witnesses who will appear over the 3 days of hearings reflect the subcommittee's commitment to both a thorough analysis of the issues raised by the legislation before us, and a comprehensive consideration of development in the international commodity area.

The witnesses will be:

Hon. Julius Katz, Assistant Secretary for Economic Affairs, Department of State; Hon. C. Fred Bergsten, Assistant Secretary for International Affairs, Department of the Treasury; Prof. Jere Behrman, Department of Economics, University of Pennsylvania, Philadelphia, Pa.; Mr. Jacob J. Kaplan, International Finance and Economics Consulting Services, Washington, D.C.; Mr. Antonio J. Macone, Associate Director, Office of Trade Policy (ITA), Department of Commerce; Prof. Gordon Smith, Department of Economics, Rice University, Houston, Tex.; Prof. Robert A. Kilmarx, The Center for Strategic and International Studies, Georgetown University, Washington, D.C.; Mr. R. D. Coursen, president, Malaysian Tin Bureau, Washington, D.C.

Dr. Leonard Meeker, Center for Law and Social Policy, Washington, D.C.; Mr. Robert Stolk, President, American Can Company, Greenwich, Conn.; Mr. J. J. Ferrigan, Bethlehem Steel, Bethlehem, Pa.; and Mr. Simon Strauss, Chairman, Minerals Availability Committee, American Mining Congress, Washington, D.C.

CRIME SUBCOMMITTEE TO HOLD HEARINGS ON CIGARETTE BOOTLEGGING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, this announcement supersedes my announcements appearing at pages 2503 and 2627 of the CONGRESSIONAL RECORD of February 7, 1978.

The Subcommittee on Crime of the House Committee on the Judiciary has rescheduled its initial set of hearings on H.R. 8853 and H.R. 10066, which address the problem of racketeering in the sale and distribution of cigarettes.

The first day of hearings will now be February 28, 1978, beginning at 9 a.m. in room 2237, Rayburn House Office Building. The hearings will continue on March 8, 1978, beginning at 1 p.m. in one of the hearing rooms of the Committee on the Judiciary in the Rayburn House Office Building, to be announced.

Those wishing to testify or to submit a statement for the record should address their requests to the House Committee on Crime, 207–E Cannon House Office Building, Washington, D.C. 20515 (Telephone: 202–225–1695).

INADEQUACIES EXIST IN PRESIDENT'S BUDGET REQUEST FOR VA MEDICAL PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ROBERTS) is recognized for 5 minutes.

Mr. ROBERTS. Mr. Speaker, I continue to be alarmed at the unwillingness of the executive branch to commit funds needed to assure that veterans receive quality medical care. Again and again this committee, along with the great veterans organizations of the Nation, has expressed concern about staffing shortages in VA hospitals, cutbacks in construction and miserly support of research and training.

It has become an annual ritual for the VA to submit a budget that, if allowed to stand, would cut basic medical services, not to speak of projected needs of World War II veterans who now are approaching the age when their requirements for medical care are becoming greater.

Because of the conscientious, dedicated Members of Congress who sit on the HUD-Independent Agencies Subcommittee and its distinguished chairman, EDWARD P. BOLAND of Massachusetts, America's veterans have not suffered unduly. Year after year this committee restores some of the sharp budget cuts made by OMB in the VA request.

Mr. Speaker, America's veterans surely deserve better. Aliens may receive as much as $3,200 a year per couple in supplemental security income. These benefits are reduced by only one-third even when the alien is receiving full maintenance and support in the household of another.

I applaud the administration's goal of a balanced budget and any efforts to lighten the burden on the American taxpayer. My difference is in the priorities. Why is it always America's veterans who must suffer first when the screws are tightened?

The budget for the VA in relation to overall Federal outlays has continued to decrease annually since 1975 from 5 to 3.8 percent in spite of the great increase in the veterans population brought on by the conclusion of the war in Vietnam. It appears that what they have gained by their sacrifice in military service is the opportunity to sacrifice once again in civilian life.

Our immediate problem, though, is to get the shortfalls in the VA budget restored. Once again we must rely on the wisdom and sense of duty of the subcommittee to preserve VA programs. Accordingly, I have sent Chairman BOLAND a detailed list of shortfalls in the budget and a list by State of beds that will be removed from service if the VA fiscal year 1979 budget request is allowed to stand. I respectfully submit these documents and my cover letter for the RECORD.

I would like to add one thought, Mr. Speaker. This committee and the veterans organizations are continually cast by the VA in the role of the little boy in the folk tale who cried "wolf" to watch people panic. I assure you there is a genuine wolf at the VA door and its den is at the Office of Management and Budget. My fear is that some time in the future our cries of alarm will go unheeded because they have been heard once too often.

COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., February 10, 1978.

Hon. EDWARD P. BOLAND,
Chairman, Subcommittee on HUD-Independent Agencies, Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: Now that your Subcommittee is taking testimony on the Independent Agencies Appropriations bill for FY 1979, I want to express my deep concern about certain inadequacies in the President's budget request for the Veterans' Administration medical program.

You and other members of your Subcommittee have earned the appreciation of the Committee on Veterans' Affairs and all America's veterans in past years by adding funds to the VA medical appropriation once you determined the annual request was inadequate. You have worked diligently on the tough details without public acknowledgment, only to see others take credit for your accomplishments. I want you to know that members of this Committee, among many others, are well aware that your Subcommittee has been the salvation of the VA health care system when its own administrators were willing to watch it sink into a medical slum.

Once again we are faced with that situation. A review of the FY 1979 budget has disclosed inadequacies that will result in the loss of 3,132 operating beds; abandonment of a badly needed general medical and surgical hospital in Camden, New Jersey, along with 35 other major construction projects; a 67 percent cut in grants for construction of state extended care facilities in spite of the overwhelming need; and another severe cut in the medical research program—already badly crippled.

The details of these cuts and my recommendations for restorations are in the attached documents, but I would like to highlight some of them: The item titled, "Projected Bed Loss in VA Hospitals—By State—Under Administration's FY 1979 Budget" should be of particular interest to our colleagues from California. Hospitals in their state have already been notified to eliminate 600 hospital beds this fiscal year. In my home state of Texas, 143 have been ordered out of service.

It is a well-established principle in the provision of medical care that excellent quality of care goes hand-in-hand with excellent research and training in attracting and re-

taining qualified professional personnel. The VA has taken pride in the fact that at least one-half of all physicians graduating from U.S. medical schools receive some of their training in VA hospitals. Its research has been world-renowned, producing Nobel prize-winners, leaders in every field of medical investigation and breakthroughs that have benefitted all Americans. However, this budget cuts out the research programs of 53 VA hospitals and creates an overall shortfall in the Medical and Prosthetic Research programs of $18,310,000. The VA's research budget has, in fact, gone steadily downhill for seven years. If the President's budget is permitted to stand, the VA's decline into mediocrity will rapidly gather momentum.

This budget must be bitter fruit indeed for the dedicated investigators, physicians, nurses and allied health personnel who serve the veterans who served their country so well. We can never adequately compensate those who care for military veterans. Surely, though, we can give them the tools they need to do the job.

I would appreciate an opportunity to discuss this matter with you and your staff at an early date. I know from past performance that you will give this Committee's budget restoration requests your attention and sympathetic consideration. You can be sure that this Committee will, as your Committee has done so superbly in the past, diligently review their use by the VA in meeting the health needs of veterans.

Sincerely yours,

RAY ROBERTS,
Chairman.

Projected bed loss in VA hospitals, by State, under administration's fiscal year 1979 budget

Facility	Bed loss
Alabama: Tuskegee	36
Arkansas: Little Rock	54
California:	
Brentwood	20
Fresno	10
Long Beach	300
Martinez	41
Palo Alto (two div.)	56
San Diego	45
San Francisco	28
Spulveda	60
Wadsworth	40
Colorado:	
Denver	26
Fort Lyon	28
Connecticut: West Haven	40
Florida: Miami	33
Georgia:	
Atlanta	32
Augusta	70
Dublin	27
Illinois:	
Chicago (Lakeside)	21
Chicago (West Side)	19
Danville	53
Hines	40
Marion	4
North Chicago	34
Indiana:	
Indianapolis	34
Marion	77
Iowa:	
Des Moines	21
Iowa City	22
Knoxville	35
Kansas:	
Leavenworth	29
Wichita	22
Kentucky: Louisville	21
Louisiana:	
New Orleans	28
Shreveport	27
Maine: Togus	60
Maryland:	
Baltimore	10
Perry Point	26
Massachusetts: Bedford	34
Michigan:	
Allen Park	37
Ann Arbor	38
Battle Creek	70
Saginaw	30
Minnesota: Minneapolis	64
Missouri:	
Columbia	30
Kansas City	10
St. Louis	25
Nebraska:	
Grand Island	10
Lincoln	21
Omaha	27
New Jersey:	
East Orange	68
Lyons	70
New York:	
Bronx	98
Brooklyn	60
Montrose	52
New York	66
Northport	10
Syracuse	31
North Carolina:	
Salisbury	33
Ohio:	
Chillicothe	25
Cleveland	70
Dayton	33
Oklahoma:	
Oklahoma City	30
Oregon:	
Roseburg	9
Pennsylvania:	
Altoona	31
Butler	25
Pittsburgh (UD)	31
Tennessee:	
Murphreesboro	90
Texas:	
Big Spring	18
Houston	60
San Antonio	30
Temple	35
Utah:	
Salt Lake City	32
Washington:	
Walla Walla	31
West Virginia:	
Martinsburg	72
Wisconsin:	
Madison	47
Wood	50
Total bed loss	3,132

Shortfalls in President's fiscal year 1979 budget

(In thousands)

Purpose	Shortfall	FTEE
1. Medical care:		
A. Workloads:		
Existing hospitals	$32,300	1,500
VA domiciliaries	1,632	55
Outpatient staff	22,838	870
Outpatient fee	1,386	-----
Fee prescriptions	341	-----
Dental fee	8,396	-----
Contract-community nursing home	4,822	-----
CHAMPVA—outpatients	132	-----
New medical facilities	9,269	282
Rental of real property	836	-----
Common services	117	5
Contract hospitals	4,822	-----
Total	86,891	2,712
B. Improved staffing:		
Changing mission of medical facilities	791	45
SPD	1,206	100
Upward mobility	347	39
Staffing improvement	24,732	1,258
JCAH accreditation	562	30
Implement NAS recommendations	8,627	483
Total	36,265	1,955
C. Special medical programs:		
Medical ADP	7,777	30
Other new programs	1,965	101
Special medical services	8,608	372
Annualize Public Law 95-201	241	241
Total	18,591	744
D. Education and training	-------	-----
Total medical care	$141,747	5,411
2. Medical and prosthetic research:		
Reinstate research program in 53 hospitals	5,500	100
Fund 2 new medical schools under P.L. 92-541	500	10
Maintain Career Development program at fiscal year 1978 level	1,500	20
Recruitment of new alcohol investigators	1,000	10
Funding for approved Merit Review Board Programs	5,000	50
Equipment requirements at new facilities	1,000	-----
Fund approved Career Development Program candidates	1,000	20
Total	15,500	210
B. Rehabilitative research:		
Automotive adaptive equipment	325	5
Spinal Cord Injury Program research	675	10
Locomotor system research	925	5
Sensory augmentation research	315	5
Total	2,240	25
C. Implementation of HSR&D MBO's:	570	10
Total medical and prosthetic research	18,310	245

3. Major construction program: [1]

[In thousands]

Purpose	Shortfall
A. Nursing Home Care:	
Hines, Ill., 120 beds	$6,603
Livermore, Calif., 120 beds	6,392
Temple, Tex., 120 beds	4,952
Wilkes-Barre, Pa., 120 beds	5,619
Total	23,566
B. Outpatient improvements:	
Dallas, Tex., ambulatory care addition and renovation	3,882
Des Moines, Iowa, ambulatory care addition and renovation	886
Tuskegee, Ala., ambulatory care addition	4,522
Boston, Mass., outpatient clinic	2,699
Brooklyn, N.Y., outpatient clinic	4,119
Total	16,108
C. Domiciliaries:	
Bath, N.Y., 200 beds	9,044
Hampton, Va	6,959
Total	16,003
D. Other improvements—general projects:	
Battle Creek, Mich., replace administration building	2,808
Dayton, Ohio, consolidate kitchen buildings	1,331
Murphreesboro, Tenn., renovate wards 6A and 6B	3,297
Salem, Va., renovate building 7	2,017
Houston, Tex., outpatient clinic and 60-bed SCIU	11,099
Cincinnati, Ohio, expand clinical lab, radiology and cardiac catherization labs	2,746
Castle Point, N.Y., air condition	6,739
Albany, N.Y., air, oxygen and vacuum system	2,353
Wood, Wis., relocate nuclear medicine	1,416
Atlanta, Ga., warehouse and engineering building	1,431
Denver, Colo., clinical support wing	20,086
Durham, N.C., parking garage	4,012
East Orange, N.J., additional elevators	2,989
Iowa City, Iowa, parking facilities	2,553
Kansas City, Mo., air, oxygen and vacuum system	1,427
Long Beach, Calif., research and education building	8,383
Miami, Fla., research and education building	7,262
Murphreesboro, Tenn., remodel wards 5A and 5B	2,828
Mountain Home, Tenn., clinical support building	8,928
Oklahoma City, Okla., clinical expansion and ambulatory care facility	28,374
San Francisco, Calif., remodel old hospital	18,586
Shreveport, La., research and education building	708
Syracuse, N.Y., park facility	2,765
Total	146,307
Total major construction	201,984

[1] The Administration announced with the presentation of the FY 1979 budget the abandonment of the construction of a new 480-bed hospital, (including 120 nursing home care beds), in Camden, New Jersey, and the substitution of an outpatient clinic estimated to cost $12,175,000. The 120-bed NHCU was added in FY 1979 to the VAH in Philadelphia, Pennsylvania, together with an 1,100 parking space structure which would cost a total of $14,440,000. The FY 1979 budget requests a total of $3,341,000 for the Camden outpatient clinic and $3,960,000 for the 120-bed NHCU and 1,100 parking structure at the Philadelphia VAH. It is suggested that the appropriation of these funds for the OPC at Camden and for the 120-bed NHCU and parking structure at Philadelphia be deleted from the President's budget request. The new VAH at Camden should be restored in the FY 1980 budget in the amount of $67,800,000.

Purpose	Shortfall (thousands)	FTEE
4. Construction—minor	$34,511	----
5. Grants for construction of State extended care facilities	10,000	----
6. Grants to the Republic of the Philippines	2,100	----
Total shortfall	408,652	5,656

LEGISLATION AMENDING AGRICULTURAL ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

Mr. BEDELL. Mr. Speaker. I am introducing legislation today which would amend the Agricultural Act of 1970 by mandating the swift reporting of any large grain sales to a foreign customer by a foreign subsidiary or affiliate of a U.S. grain company.

Currently, domestic commodity exporters must report to the Secretary of Agriculture all of their own major sales over 100,000 metric tons within 24 hours. The Secretary then publishes this information by 3:30 p.m. of the following day. These reports must contain the type, class, and quantity of the commodity to be exported, the marketing year of shipment, and the designation, if known.

A USDA policy of reporting large sales by domestic companies was instituted because of the secrecy surrounding USDA knowledge of the 1972 Soviet wheat purchases. Because of the secrecy surrounding those sales and the almost certain advantages to grain exporters who were then able, unfairly, to buy grain in a market unaware of the impending transaction, it has been felt by many that 24-hour reporting is the very least that we should do to promote a market system that is equitable.

Unfortunately, the current reporting requirements, which do not apply to foreign subsidiaries of U.S. grain companies, do not realistically reflect the multinational nature of today's large grain trading concerns.

Therefore, the measure which I am proposing today directs U.S. grain trading companies to report major sales of American grain made through their foreign associates. This information would then be published by the USDA in a timely manner. The information required regarding these subsidiary and affiliate sales would be the same as that required of their parent company in the United States: the type, class, and quantity of the commodity to be exported, the marketing year of shipment, and the destination, if known.

I believe that we must strive toward the goal of a balanced, stable system for the marketing of our agricultural commodities, whether in this country or abroad. I also believe that while the individual family farmer is struggling to make intelligent decisions as to when to release crops and in what quantities, the large grain marketing conglomerates, with their already widespread intelligence resources, should not have a further advantage of possible USDA silence on vital sales information.

For too long, commodity markets have fostered an environment where dangerously wide fluctuations have been historic and the large grain companies—whether here or through their agents abroad—have been able to manipulate in secret to no one's advantage but their own. According to the Congressional Research Service, my proposal goes far in correcting this problem by providing "one reasonable answer to the trading and reporting issues about grain sales." CRS also found that the "closure of this (reporting) loophole would seem to insure against any undisclosed high volume foreign sales whch could have adverse consequences on the domestic economy of the United States."

Following is a copy of the text of my bill:

H.R. 10912

A bill to amend the Agricultural Act of 1970 to require additional reports of export sales of certain agricultural commodities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 812 of the Agricultural Act of 1970 (7 U.S.C. 6120–3) is amended—

(1) by inserting "(a)" after "SEC 812";

(2) by redesignating "(a)", "(b)", and "(c)" as "(1)", "(2)", and "(3)", respectively; and

(3) by adding at the end thereof the following new subsection:

"(b) Any exporter referred to in the first sentence of subsection (a) shall report to the Secretary of Agriculture, in accordance with such sentence, the information described in clauses (1), (2), and (3) of subsection (a) with respect to any contract which is entered into by a foreign subsidiary or affiliate of the exporter and which involves or is likely to involve the exportation from the United States of a substantial quantity (as determined under regulations issued by the Secretary of Agriculture) of those commodities specified in the first sentence of subsection (a). This subsection applies only with respect to a subsidiary or affiliate controlled in fact by the exporter, as determined under regulations issued by the Secretary of Agriculture.".

SEC. 2. The amendment made by paragraph (3) of the first section of this Act shall apply with respect to contracts entered into on or after the date of the enactment of this Act.

LEAGUE OF WOMEN VOTERS—58TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. MATTOX) is recognized for 5 minutes.

Mr. MATTOX. Mr. Speaker, it has only been 58 years since the women of the United States received the right to vote.

The League of Women Voters can be credited with most of the arduous work of pushing this amendment to the Constitution through.

Now as in 1920, the league is working toward its goal of educating the electorate and I did not want the anniversary of the founding of this organization to go by without stopping for a moment to recognize its accomplishments.

On this day in 1920, 20 million women were about to become enfranchised voters. It had taken nearly 72 years to win this right and the members of the league were not about to quit working. They simply shifted gears and took on the responsibility of preparing these new citizens.

Today, there are hundreds of thousands of members of the League of Women Voters across the country on the State, local, and national level, taking positions on particular legislation and otherwise doing the organizing that results in a good voter turnout.

Over the years, the league has evolved a broad philosophy of operation which embodies above all—representative government, the active participation of our citizens in our government, and free access to ideas and information.

From the beginning of my political career in Dallas, Tex., I have seen the league in action, working before elections to put candidates before the people, organizing voter registration drives, publishing issue briefs on a nonpartisan basis, and providing poll workers and trips to the polls for those who could not otherwise get there.

The league is nonprofit, staffed with volunteers, and supported in its work by voluntary pledges. Today, the league serves as perhaps the best source on the practical techniques of community organization, having one of the best records of any organization for winning congressional approval of the measures it has sponsored. The league knows how to choose issues and it knows how to be effective. To date, the league can take at least partial credit for the research behind major reapportionment and zoning changes in several States, social welfare reform in others, and on the national level, most of the clean water bills that have passed the U.S. Congress. When asked what the concerned citizen could do about water pollution once, the President's Chief Counsel on Environmental Policy at the time replied, "Join the League of Women Voters."

Mr. Speaker, I am sure that everyone in this Chamber could stand here and describe his or her experiences with this remarkable organization, and I did not want to let this day go by without stopping to congratulate the League of Women Voters on their 58 years of hard work and unparalleled contribution to our representative system of government.

SALUTE TO STEVE McTIGUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, I want to take this opportunity to pay tribute to Stephen T. McTigue who last week announced that he is resigning from his position as executive vice president of the South Bend-Mishawaka Area Chamber of Commerce.

During his 11 years in that position, the South Bend-Mishawaka Chamber made enormous contributions to the economic health of my home commuity.

This is in large measure due not only to the hard work but also the vision of Steve McTigue. While the South Bend-Mishawaka Chamber is the voice of business in our community, it is much more than that.

The chamber plays an active role in encouraging minority business enterprise.

The chamber plays an active role in lobbying at the State and Federal level not only for legislation that directly benefits business but for legislation designed to improve the quality of life in northern Indiana.

The chamber helps support an active National Alliance of Businessmen program.

When Steve McTigue came to the South Bend-Mishawaka area, our community was still recovering from the devastating shutdown of the Studebaker Corp. in 1963. Since that time, however, new light industry has been attracted to our area. This has resulted in substantial diversification of local industry and a dramatic improvement in our unemployment situation.

From his position at the chamber, Steve has played one of the key roles in this industrial and economic development success story. Yet, with characteristic modesty, he says that the praise belongs to the cooperative efforts of leaders of businesses, unions, religious groups, minorities, the academic community, and others.

Steve McTigue, upon the selection of his successor, will become a vice president of Wheelabrator-Frye, Inc.

This excellent firm has made a splendid selection and I am particularly pleased that his new work will permit Steve to continue to live in northern Indiana.

I wish him and his wife Mary Ann all the best.

LEGISLATION TO REDUCE SOCIAL SECURITY PAYROLL TAXES AND MAINTAIN SOLVENCY OF TRUST FUND IS A TIMELY PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 15 minutes.

Mr. ROONEY. Mr. Speaker, a few days ago I was pleased to cosponsor H.R. 10668, a bill introduced by Congressman JAMES A. BURKE to reduce social security payroll taxes and maintain the solvency of the social security trust funds.

I commend my distinguished colleague from Massachusetts for his foresight and leadership in proposing this most far-reaching and equitable method of financing our nation's social security system. In his statement on the floor of the House of Representatives last October 18, Congressman BURKE suggested that he was perhaps 5 years ahead of his time in supporting the general revenue approach for social security financing. My feeling is, however, that Mr. BURKE's bill is a very timely proposal. We can no longer drag our feet on this issue and continue to enact piecemeal legislation which simply avoids attacking the real crux of the problem facing America's Social Security System. The time has come to enact meaningful amendments to the social security law, as those contained in Mr. BURKE's "one-third, one-third, and one-third" proposal, which equitably distributes the financial cost of the social security system and insures retirement benefits for every older American.

Mr. Speaker, the social security system affects the lives of almost every American family in one form or another. Over $86 billion a year is currently being paid to more than 33 million individuals, or one out of every seven Americans.

Approximately 104 million individuals will work in covered employment this year. In return, they will build future retirement, disability, and survivor protection for themselves and their families.

Last July, in testimony presented before the Social Security Subcommittee on the House Committee on Ways and Means, I expressed my endorsement of President Carter's proposed use of general revenues to replace social security payroll tax receipts lost because of unemployment in excess of 6 percent. At that time, I stated that, although President Carter's proposal was a modest and cautious one, this type of financing made sound economic sense. It would stabilize the levels of the trust funds, help make social security less vulnerable to economic downturns and help restore public confidence in the soundness of the system. While this limited use of general revenue financing would have assured the financial integrity of the social security system, a far too great burden would still have been placed on low- and middle-income workers.

We are all well aware of the widespread discontent among the people of this country with the social security legislation which was enacted in the last session. I believe the time has come to enact more equitable and sound financing of the system via the "one-third, one-third, and one-third" method proposed by Congressman BURKE. H.R. 10668 would reduce the OASDHI tax rate from 6.1 percent to 3.90 percent in 1979, provide for a one-third contribution from general revenues, and increase the taxable wage base to $100,000 in 1979.

The regressive nature of the social security tax must be stopped; tax relief must be provided at the employment level. Undoubtedly, every time payroll taxes are increased, it becomes more expensive to hire workers. With millions of American laborers currently unemployed, higher payroll taxes will certainly not

help this discouraging situation. And those workers at the very bottom of the income scale are the ones who suffer most from additional payroll taxes. Certainly, the proposed "one-third, one-third, and one-third" method for financing the social security system is economically sound—it will help reduce unemployment, reduce payroll taxes, and maintain the solvency of the social security trust funds.

The use of general revenues to finance any social security shortfall is not a new idea. As early as 1935, President Roosevelt's Secretary of Labor predicted that Congress might have to appropriate money in the 1980's if the system's trust fund ran out.

As chairman of the Subcommittee on Retirement Income and Employment of the House Select Committee on Aging, I have become increasingly aware of and deeply concerned with the economic situation of our country's 23 million elderly citizens who are too often faced with unbearable financial problems. In light of the fact that in 1975, 10.4 million of the total 22.4 million persons aged 65 and over received social security payments, it has become vitally important to maintain a solid financial foundation for the system. Perhaps more important is the fact that in 1975, social security was almost the sole source of income for 1 out of 4 older individuals and 1 out of 12 older couples. Looking down the road, we know that the American population is, on the average, growing older, living longer and retiring earlier. Clearly, the need to assure the financial integrity of the social security system in the fairest possible manner cannot be overestimated.

Some critics of general revenue assistance for the social security trust fund argue that the system would be converted into a welfare program and opposed by the elderly who feel they have earned their retirement benefits. Note, however, that both the American Association of Retired Persons and the National Council of Senior Citizens have told the staff of the Joint Economic Committee that they do not go along with this criticism of the general revenue proposal. Rather, it is felt that continued increases in the payroll tax will build resentment among younger workers who do not wish to pay for today's retirees' benefits when they are unsure that funds will be available for their own future retirement.

In my opinion, Representative BURKE's proposal, H.R. 10668, to reduce payroll taxes and maintain the solvency of the social security trust funds, is a sound, equitable, and far-reaching piece of legislation. It works for the good of young and old alike, the workers and retirees of today and of the future.

Social security is a good plan that can be expanded and changed. It should be expected to evolve with needs, and it should be changed to meet those needs. The system is the means by which this country helps shield its families against poverty in the event of early death and disability, and its people in old age. Congress has an obligation to insure the soundness of the social security system. I am confident that H.R. 10668 provides the best means to achieve this far-reaching goal.

LEGISLATION TO AMEND EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 10 minutes.

Mr. UDALL. Mr. Speaker, in 1974, Congress passed the Employee Retirement Income Security Act (ERISA), which established a program to insure the viability and safety of private, individually established pension plans. We had seen much controversy over the control of such plans, and had examples of scandals, frauds, and deliberate misuse of plan funds, as well as examples of simple mismanagement. This was not a major issue in the sense that the country would stand or fall according to the safety of private pension plans, but it was major to the hundreds of thousands of people who have such plans through their company.

So Congress acted, and established a solid, useful system of monitoring private plans, with minimum guarantees to employees, and minimum standards of financial management for plan administrators. The Secretaries of Labor and Treasury were given authority over different sections of the plan, and the Pension Benefit Guarantee Corporation was set up to insure the uninterrupted payment of benefits to qualified participants. In addition, the Advisory Council on Employee Welfare and Pension Benefit Plans was created to advise various Government agencies on the effects of ERISA.

There have been problems with the new system though. Too often, the extensive reporting requirements of ERISA have forced up the cost of pension plans to such a degree that many firms have dropped their participation in them. Small firms, which cannot handle such added costs, have been especially hard hit. In 1973, just before ERISA was passed, there were 59,605 plans established, and only 4,130 terminated. In 1974, the figures were much the same: 59,385 new plans to 4,604 plans which were ended. In 1975 and 1976, however, the figures have shown a dramatic increase in the number of terminated plans, and a sharp drop in the number of new plans. In 1975, there were 30,039 new plans, 1976, 25,820; and the number of plans terminated reached 8,108 in 1975, and an incredible 15,859 in 1976.

It was clearly not the intent of Congress that ERISA, by mandating an extensive array of reporting requirements, force firms to end their participation because of the added expense. And I do not think, as has been suggested, that all these plan terminations are the result of businesses which have engaged in shady management practices now being forced to reform. The reason for plan termination is simple: The cost of additional reports now necessary makes continued participation so expensive that the small businessman has no choice but to cancel the plan.

The Commission on Federal Paperwork, in its review of the Government's operations, made 14 recommendations for changes in the way pension plans are monitored by ERISA. The Department of Labor and the Internal Revenue Service should be commended for taking action on many of these recommendations, for working together to eliminate many of the unnecessary and expensive reporting requirements. Among other things, duplicate forms have been dropped, concurrent reporting deadlines have been agreed upon, transfer of information between the two agencies has become commonplace, so that employers must only report to one agency or the other, and changes to plans can now be reported to the Government in conjunction with other reports.

There are some recommendations of the Commission which can only be accomplished through legislative action. A bill which I am introducing today would carry out two of the Commission's recommendations. First, the summary plan descriptions should no longer have to be filed with the Department of Labor every 5 years. According to the Commission, there simply is not enough time to use the summary plan as a monitoring tool, and it is not needed as such. Second, in place of the complicated, convoluted financial statements employers are now required to give to employees, informing them of the status of their plan, a simplified statement should be used, one giving totals of changes, accrued benefits, et cetera.

In addition, this bill would:

First. Place a representative of small business on the Advisory Council;

Second. Require that the Council send copies of its recommendations to the executive director of the PBGC, as well as to the Secretary of Labor;

Third. Require the Government to act upon requests for waivers and other administrative requests within 180 days, with the provision that if such action is not taken, the administrator of any plan may act as if his request had been approved, for the period of 1 year; and

Fourth. Encourage investment of pension funds in small businesses by relaxing the prudent man rule.

These are just a few of the actions which could be taken to improve the administration of ERISA; one other being considered is to move the functions of the pension bill under one Government roof, centralizing it in one department or agency. While I would support such a proposal, I hope we will not forget that much can be done to improve the administration of Government through minor, noncontroversial actions. This bill, designed to relieve small businessmen from costly redtape and unnecessary reporting requirements, and to increase the input of small businessmen into the political process, is a worthwhile

piece of legislation, and I hope my colleagues will look upon it with favor.

A copy of the bill, and of the recommendations concerning ERISA made by the Commission on Paperwork, are appended.

H.R. 10936

A bill to amend the Employee Retirement Income Security Act of 1974 in order to implement certain recommendations of the Commission on Federal Paperwork, to facilitate the establishment of employee retirement plans of small businesses, and for other purposes

SEC. 2. SUMMARY PLAN DESCRIPTIONS

Section 104(a)(1) of the Employee retirement Income Security Act of 1974 is amended:

(1) by striking subparagraph (C); and

(2) by re-designating subparagraph (D) as subparagraph (C).

SEC. 3. ANNUAL REPORTS OF SMALL PLANS

Section 104(a)(2) is amended by re-designating subparagraph (B) as subparagraph (C), and by adding the following new subparagraph:

"(C) The Secretary shall make every effort to relieve plans with 25 or fewer participants from unnecessary or overly expensive reporting requirements, including, but not limited to, releasing administrators of such plans from making annual reports, when such exemption is deemed not to be harmful to plan participants."

SEC. 4. SIMPLIFIED STATEMENTS TO BENEFICIARIES

Paragraph (3) of section 104(b) of the Employee Retirement Income Security Act of 1974 is amended to read as follows:

"(3) Within 210 days after the close of the fiscal year of the plan, the Administrator shall furnish to each participant, and to each beneficiary of the plan, a simplified statement of—

"(A) in the case of a defined contribution plan (as determined by the Secretary)—

"(i) the account balance at the beginning of the year, for the participant or beneficiary,

"(ii) the amount of contributions made on his behalf during the year,

"(iii) any forfeiture allocated to his account,

"(iv) the amount of profit or loss allocated to his account,

"(v) the account balance at the end of the year,

"(vi) the amount of his vested benefits, and

"(vii) a statement of any loans which may have accrued against his account;

"(B) in the case of a plan which is a defined benefit plan—

"(i) a statement with respect to current benefits under the plan,

"(ii) a statement as to the future benefits anticipated under the plan,

"(iii) a statement by the employer that the employer is required by law to fund the benefits under the plan and that he is using acceptable actuarial assumptions in doing so; and

"(C) for all plans—

"(i) where and how additional information may be obtained, and

"(ii) what assistance in connection with the plan is available from the Department of Labor and other agencies of the Federal Government."

SEC. 5. SMALL BUSINESS REPRESENTATION ON THE ADVISORY COUNCIL

(a) Subsection (a) of section 512 of the Employee Retirement Income Security Act of 1974 is amended as follows:

(1) by striking out "fifteen members" in paragraph (1) and inserting in lieu thereof "sixteen members", and

(2) by inserting after "pension plan;" the following: "at least one of whom shall be a representative of small businesses sponsoring plans or small businesses rendering services predominantly to such small business plans;".

(b) Subsection (b) of such section is amended—

(1) by inserting "and the Executive Director of the Pension Benefit Guarantee Corporation" after "Secretary" each time it appears, and

(2) by inserting after "this Act" the following: ", and the Secretary of the Treasury with respect to carrying out his function under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1974.".

SEC. 6. DELAY IN ACTING UPON REQUESTS

If a business applicant for an exemption, waiver, or other administrative action under the Employee Retirement Income Security Act of 1974, or under those provisions of the Internal Revenue Code of 1974 relating to employee benefit plans, has not received a determination thereon postmarked within 180 days of its submission to the agency concerned, such applicant will be held harmless from any penalty or other adverse governmental action as a result of acting in accord with such request for the period beginning 180 days after submission and extending for one calendar year thereafter.

SEC. 7. APPLICATION OF PRUDENT MAN RULE TO DEFINED BENEFIT PLANS

Section 404(a) of the Employee Retirement Income Security Act of 1974 is amended by adding the following new paragraph:

(3) In the case of defined benefit plans, as defined in section 3(35), the prudence requirement of paragraph (1)(B) is not necessarily violated because an investment is in a venture capital organization or in a small business.

SUMMARY OF ERISA RECOMMENDATIONS

1. ERISA Section 104(a)(1)(D) should be amended to require that notices of amendment(s) to pension plans may be filed in connection with the annual report rather than as additional EBS–1's which presently are required within sixty days of a plan change.

(Allowing amendments to pension plans to be reported to the government instead of when they occur. This would allow pension administrators to include the information as part of their yearly reporting requirements.)

2. ERISA section 104(a)(1)(C) should be amended to eliminate the requirement that a five year summary plan description be filed with the Department of Labor.

(A saving of $7.2 million because filing of the summary plan is costly, duplicative, and there isn't enough time to compare the summary plan to the complete plan description.)

3. Employers should be required to provide simplified statements of accrued benefits and vesting to employees in lieu of the complex financial statements presently required.

(Replacing complex financial statements now required to be given to employees. A simplified report which employees can more readily understand would be used instead.)

4. The Commissioner of Internal Revenue should eliminate the requirement to file Forms 5498 and 5499 with the IRS service centers.

(A saving of $2 million. Elimination of two forms filed by sponsors of Individual Retirement Accounts (IRA's). One form contains information provided elsewhere, and the second form is a transmittal letter for the first form.)

5. Since the IRS does not have the resources to perform audits, and since discrepancies may appear between the 5501 and the 5504, the Commission recommends the elimination of Form 5504.

(Elimination of three forms requesting audit information. Since the IRS does not perform such audits, the information is unneeded. This recommendation can save business $9 million. The forms are 5501, 5504, and 5505.)

6. The Commission endorses the IRS proposal to eliminate Forms 5501 and 5505.

7. The Commission endorses the efforts of IRS to develop a check-list for standardizing criteria used in determinations of the tax status of employee benefit plans.

(Uniform interpretation of pension plan language by the IRS in district offices throughout the country resulting in standardized criteria for determining the tax status of employee benefit plans.)

8. To eliminate duplication in information on the EBS–1 and the IRS 5300 or 5301 requested from pension plan sponsors and to reduce paperwork, the Department of Labor and IRS should come to an agreement to have one agency collect information and forward it to the other agency on a reimbursable basis.

9. The Commissioner of Internal Revenue and the Secretary of Labor should come to agreement on a single filing date for the 5500 series. Statutory requirements for filing of the plan year should be modified, if necessary, to provide for a single filing date.

10. The Secretary of Labor and the Commissioner of Internal Revenue should jointly re-examine filing date requirements for all pension plan information and institute changes to assure that as much information as possible is submitted on the same date.

11. The Department of Labor and the Internal Revenue Service should permit the use of appropriate computer generation and interface techniques for report printing and filings, in lieu of filing form 55.

(Savings of $80 million from filing annual reports through the use of computer tapes rather than through paperwork.)

12. The Commission endorses and encourages the agreement of understanding reached by the DOL and IRS to answer questions arising out of their dual jurisdiction and recommends regular review of the adequacy of the existing arrangements.

13. The Department of Labor should work with the Commission on Federal Paperwork to consider the least burdensome method of collecting insurance commission information.

14. Congress and the Secretary of Labor should work with the Commission on Federal Paperwork to consider alternatives to achieving the purpose of the current three percent reporting requirement of ERISA in a less burdensome manner.

LEGISLATION TO PROVIDE EMERGENCY ASSISTANCE FOR REPAIR OF HIGHWAYS AND URBAN MASS TRANSPORTATION SYSTEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOWARD) is recognized for 5 minutes.

Mr. HOWARD. Mr. Speaker, I am today introducing legislation to provide emergency assistance for the repair of highways and urban mass transportation systems which were damaged as a result of the severe winter of 1977–78. Joining me in cosponsorship are the distinguished chairman of the full committee, BIZZ JOHNSON, the ranking minority

member of the full committee, the Honorable BILL HARSHA, and my close associate, the ranking minority member of the subcommittee, BUD SHUSTER.

Mr. Speaker, a great deal of damage has already been done to our roads and public transit systems all cross the country, and certainly more will follow as the freeze-thaw cycle continues in some areas, and other areas thaw out for the first time.

The bill provides a one time authorization of $250 million from the highway trust fund to be allocated to the States on the basis of paved road mileage in each State, vehicle miles of travel on all public roads in each State, and climatological data available prior to April 1, 1978, related to extraordinary pavement deterioration conditions. The maximum any State could receive would be 7 percent, and no State would receive less than one-half of 1 percent of the total amount authorized.

Funds would be available to repair any paved road, whether or not on a Federal-aid system, and any surface rails, other than railroads, which are part of an urban mass transportation system damaged during the past winter.

To deal with this problem effectively, we will have to move the bill out of committee and hopefully present it to the House for consideration during the next 2 weeks. It is emergency legislation which must be acted upon as expeditiously as possible.

I urge my colleagues to support this legislation when it comes up for consideration in the next couple of weeks.

The text follows:

H.R. 10924

A bill to provide emergency assistance for the repair of certain weather related damage to highways and urban mass transportation systems due to the winter of 1977–78

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Highway and Transportation Repair Act of 1978."

SEC. 2. As used in this Act the term—

(1) "Secretary" means the Secretary of Transportation;

(2) "State" means any one of the fifty States, the District of Columbia, or Puerto Rico; and

(3) "highway" means the surface of any paved road, street, parkway, bridge, tunnel, or railroad-highway crossing, which is under the jurisdiction of, and maintained by, a public authority and open to public travel.

SEC. 3. (a) The Secretary shall enter into a contract with each State for payment of 100 per centum of the cost of repairing weather related damage to (A) highways in such State, and (B) the surface rails of urban mass transportation systems in such State (other than railroads). Such damage must be attributable to the weather during the winter of 1977–1978, except that no payment shall be made under this Act for any damage of the type authorized to be repaired or reconstructed by section 125 of title 23, United States Code.

(b) Every contract entered into under this Act shall be a contractual obligation of the United States for payment to the State of the agreed amount. The State must obligate such amount for repairs authorized by this Act not later than June 15, 1978.

SEC. 4. No State shall receive, under any contract entered into under this Act, less than one-half of 1 per centum, or more than 7 per centum of the amount authorized in section 5 of this Act. In entering into contracts with States under this Act, the Secretary shall take into account such factors as he determines necessary to carry out this Act including, but not limited to, climatological data available prior to April 1, 1978, related to extraordinary pavement deterioration conditions, vehicle miles of travel on all public roads in each State, and the paved public road mileage in each State.

SEC. 5. There is authorized to be appropriated, out of the Highway Trust Fund, $250,000,000 to carry out this Act.

CONTRACT MODIFICATION UNDER PUBLIC LAW 85–804, NOTIFICATION OF HEARING, STATEMENT OF HON. MELVIN PRICE, CHAIRMAN, COMMITTEE ON ARMED SERVICES

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, Public Law 85–804 (50 U.S.C. 1431) provides that the President may authorize a Government department to enter into contracts or enter into amendments or modifications of contracts and to make advance payments thereon, without regard to other provisions of law relating to the making, performance, amendments, or modifications of contracts when it is intended that such would facilitate the national defense. In Public Law 93–155, the Defense Department Appropriation Authorization Act for fiscal 1973, the law was amended to provide that the authority to modify contracts may not be used in any amount in excess of $25 million unless the Committee on Armed Services of the Senate and House of Representatives have been notified in writing and 60 days of continuous session of Congress has expired following such notification and neither House has adopted within that 60-day period a resolution of disapproval.

By this 1973 amendment, the Congress has thus placed upon its Armed Services Committees the responsibility for reviewing the use of the authority under Public Law 85–804 to be sure that such is in the best interest of the United States.

On January 18, 1978, the Honorable W. Graham Claytor, Jr., Secretary of the Navy, officially notified the Committee on Armed Services of his intention to use the provisions of Public Law 85–804 to modify the existing Navy contract with Litton Systems, Inc., for the construction of amphibious assault ships known as LHA's.

Mr. Speaker, as Members are aware, some of the contract claims involved with Navy shipbuilding are very complex and have been a problem to the Navy for several years. Secretary Claytor is attempting to resolve the problem of Navy claims in a way that is fair to the Government and will allow our important shipbuilding programs to go forward. Because of the complexity of the matter and because the Secretary's notification comes at a time when the Committee on Armed Services is heavily engaged in hearings on the Defense Department authorization legislation for fiscal 1979, I have asked the Comptroller General to examine the matter and to provide the committee a full report. I have asked the Comptroller General to have his representatives prepared to submit the results of their findings to the committee on March 7.

Any Members of Congress or other interested parties wishing to submit views on this matter will be heard on March 7, or may submit written views for the record.

Following a full hearing, the committee will determine whether it is necessary to recommend further action to the House. The 60-day period provided for in law for congressional review does not include any adjournment of more than 3 days to a day certain. Thus, there will be adequate time for further action following the March 7 hearing, if such were required.

For the information of my colleagues, I insert the notification of the Secretary of the Navy, dated January 18, 1978, into the RECORD at this point along with the documents which accompanied the notification:

WASHINGTON, D.C.,
January 18, 1978.

HON. MELVIN PRICE,
Chairman, House Armed Services Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is to notify you of the Navy's plans to make a narrow and limited amendment to its contract with the Ingalls Shipbuilding Division of Litton Systems, Inc. for the construction of LHA class ships.

Numerous controversies surrounding this contract have drawn the government into litigation which has threatened successful completion of the LHA program. The proposed action, described in more detail in the attached Memorandum of Decision (Annex A), will establish a rate of government provisional payment for continuing LHA construction work significantly more favorable to the Navy than that previously imposed by court order (75% of costs in lieu of 91%) and will afford the parties an opportunity to seek an orderly resolution of their differences. Such provisional payments, of course, will be subject to recoupment by the government in the event they exceed the total amount finally determined to be due by settlement or judicial decision. The foregoing developments are the result of closely coordinated efforts by the Navy and the Department of Justice which actively participated in the agreement with Litton which underlies the proposed contract modification.

This letter and an identical letter addressed today to the Chairman of the Senate Armed Services Committee, are furnished in compliance with the notification requirements of U.S.C. 1431 (Supp. 1977). Information copies are being forwarded to the Chairmen of the Senate and House Appropriations Committees. Upon expiration of the period provided therein for Congressional review, the parties would execute a contract modification in the form of the attachment (Annex B).

Please do not hesitate to call upon me or members of my staff for such assistance as you may desire in the course of your review.

Sincerely,

W. GRAHAM CLAYTON, JR.,
Secretary of the Navy.

ANNEX A—MEMORANDUM OF DECISION

1. BACKGROUND OF LHA CONTRACT

On 1 May 1969 the Navy awarded Contract N00024–69–C–0283 to the Ingalls Shipbuild-

ing Division of Litton Systems, Inc., for the construction of an entirely new class of general purpose amphibious assault ships—the LHAs. The performance of this contract has been fraught with difficulty from the outset resulting in massive claims and complex litigation. The Government, through the Department of Justice, has recently reached an agreement with Litton in connection with current litigation which ensures continued construction of the ships while the Navy and Litton seek a resolution of the underlying problems. This decision implements a portion of that settlement in a manner incontrovertibly favorable to the Navy since it reduces a court ordered payment of 91 percent of costs to 75 percent.

The LHAs have the capability to carry almost a complete Marine Amphibious Unit, along with the supplies and equipment needed in an assault, and land them ashore by either helicopter or small amphibious craft or a combination of both, thus enhancing the Navy/Marine Corps team's capability to carry out its present day missions. With this almost autonomous capability in conducting a total landing force operation, an LHA will carry the payload and perform functions now requiring four separate amphibious force ships. The LHAs offer the Navy/Marine amphibious forces the largest, fastest, and most versatile vessel in the history of American amphibious warfare. The Navy's assigned amphibious lift, in terms of capability to meet national strategic objectives, is well below the objectives stated by the Joint Chiefs of Staff. Without the five LHAs, the Navy's amphibious lift capability, now at the lowest level since 1950, is below even this established minimum and all five LHAs presently under contract are required to attain the capability to maintain four forward afloat deployments (with helicopter platforms) in the Western Pacific, Mediterranean, or Caribbean.

The LHA contract was awarded to Litton following a competition with two other firms. It is a multi-year, fixed-price incentive contract, and initially called for the construction of nine ships. In January of 1971, however, pursuant to contractual rights, the Navy canceled the last four ships under contract. The LHA contract was unusual in many respects. Most notably the contractor assumed Total System Responsibility, that is, it agreed and represented to the Navy that it could build ships, as designed, without fear of impossibility of performance and assumed virtually full responsibility for delivering ships which met particular performance requirements/capabilities.

Litton planned to perform the contract at a new shipyard it was constructing in Mississippi, which was designed to use a high-technology modular technique and thereby gain some of the advantages of assembly-line production.[1] Even before actual construction of the LHAs began, Litton found itself in financial difficulties in regard to the west bank yard. Substantial start-up costs in connection with ship construction at the new facility, reported by Litton to be approximately $150,000,000, were capitalized as "manufacturing process development" costs. The design effort under the LHA contract proved to be far more difficult, and the time necessary to construct the ships much greater, than anticipated when the contract was awarded. The cost of performance, actual and projected, has increased more or less in proportion to the delay; however, the payment and escalation provisions of the contract do not compensate the contractor for this cost growth. The present contract value, which consists of the current contract price, including all adjustments to date, plus the escalation costs paid the contractor under the terms of the contract, is almost exactly $1 billion. Litton projects costs to complete the contract of approximately $1.4 billion (not including the $43,000,000 of manufacturing process development allocated by Litton to the LHA contract), and the Navy estimates that these costs may be as high as $1.45 billion.

[1] On 23 June 1970 the Naval Sea Systems Command awarded Contract N00024-70-C-0275 to Ingalls for the construction of thirty destroyers of the DD-963 class, also to be performed at this new facility.

2. CLAIMS AND LITIGATION

Litton asserted in 1972 that, as a result of Government actions, there should be a price increase of $246,600,000 in the contract. The parties tried but failed to negotiate an agreement, and the contracting officer reset the contract by unilateral decision on 28 February 1973. He raised the contract price to ceiling, including $19,000,000 on account of changes, and the maximum charge allowed in the contract for cancellation of the four ships. The contracting officer also concluded that the contractor had received payments some $55,000,000 in excess of actual progress on the contract, which he demanded the contractor return as required by the terms of the contract.

Litton filed an appeal from the entire decision to the Armed Services Board of Contract Appeals (ASBCA), incorporating not only its various specific grievances with the final decision but also its entire claim for contract price adjustment on account of alleged defective specifications, constructive changes and late and defective Government-furnished material. Litton also sued the United States in the Southern District of Mississippi seeking judicial review of the contracting officer's decision. The District Court enjoined the Navy from recouping the $55,000,000 overpayment, but, on appeal, the Court of Appeals for the Fifth Circuit reversed in the case of *Warner* v. *Cox*, 487 F. 2d 1301 (5th Cir. 1974). The Navy then withheld further progress payments until the $55,000,000 had been recouped.

For nearly three years Litton pursued its claims before the ASBCA. It also pursued various informal avenues of settlement at higher Navy levels but no resolution between Litton and the Navy was reached. By 1976, Litton's claims had grown to $505,000,000. On June 23, 1976, Litton notified the Navy of its intention to stop work on account of alleged Navy breaches of contract. By this time, under the contract, progress payments to Litton entitled it to reimbursement of only about 25 percent of costs being incurred on LHA construction.

The Navy responded to the threatened work stoppage by joining with the Department of Justice in suing Litton for specific performance of the contract and a permanent injunction requiring Litton to complete the work on the ships. The case was brought in the Southern District of Mississippi where the court awarded the Navy a preliminary injunction but conditioned its order of continued performance upon a requirement that the Navy pay Litton 91 percent of the actual costs of construction.

In September 1977, the total amount claimed by Litton, including alleged impact on the DD-963 contract of Government actions on the LHA contract, was raised to $1,076,000,000. The ASBCA case, suspended as part of a negotiation effort in January 1976, has not been reinstated. Despite Navy efforts to reinstate, the ASBCA has declined to do so in deference to the desires of the District Court. An action has also been filed by Litton in the Court of Claims, which raises in affirmative fashion substantially the same issues that constitute defenses in the District Court case and claims in the ASBCA proceeding, but this action has been in a state of suspension from the outset.

3. COST REIMBURSEMENT BY NAVY

To date, the enormous Navy and Department of Justice effort in connection with the action brought by the Government has yielded only an order that requires Litton to continue construction if the Navy pays 91 percent of its costs. The Government has opposed the continuation of the 91 percent cost reimbursement provision but its efforts have met with failure. On October 26, 1977, the Court ordered the continuance of both the preliminary injunction and the condition that Litton receive 91 percent of cost incurred until July 31, 1978. An appeal of the propriety of the cost reimbursement provision has been filed. Should the Government lose on that issue, the loss would confirm a District Court's power to require cost reimbursement as a condition of specific performance of a Government contract, regardless of the contract terms. Victory on that issue would give rise to the possibility of the Court's denying a permanent injunction if it concluded that performance entirely at the contractor's expense would be inequitable.

The Navy recognizes that, without some cost reimbursement, Litton would face severe financial strains in the completion of the LHAs. Progress payments to Litton on the DD-963 contract, on terms similar to that of the LHA contract, are gradually falling behind costs incurred on that program, and the combined cash shortfall on the two west bank contracts is projected to reach in excess of $100 million by July 31, 1978, even if court-ordered LHA reimbursement continued at 91 percent. This shortfall would increase rapidly thereafter, even with 91 percent reimbursement on the LHA, with an anticipated total cash shortfall on the two contracts as of delivery of the last ships, in the range of $200 to $300 million.

A complete cut-off of cost reimbursement on the LHA, as a result of a Government victory in the appeal, would represent judicial recognition of a significant contract principle, but the practical result would ban an immense cash drain on Litton. The position of the parties would revert to the present terms of the contract, resulting in an immediate indebtedness to the Navy from Litton, as of June 1978, of approximately $180 million in LHA overpayments which would include approximately $100 million in payments to Litton over the present contract ceiling. In addition, victory in the appeal would impose upon Litton a cash requirement of approximately $4 million a week in excess of progress payments to continue the present Navy contracts. Navy estimates show that the indebtedness and continued cash requirements would result, in the absence of substantial claims recovery, in a combined cash shortfall at the completion of the LHA and DD contracts in the range of a $500–$600 million.

4. NEGOTIATION OF CONTRACT MODIFICATION

In light of the uncertainties facing both parties, Navy initiatives led to negotiations with Litton and the Department of Justice which resulted in an agreement, dated 14 November 1977, to postpone argument of the appeal of the payment condition in the District Court's order until after 1 April 1978. Further, the parties agreed upon and obtained from the District Court a reduction until 1 April 1978 of the payments under the outstanding court order from 91 percent to 75 percent of costs. The premise of this agreement was that Navy and Litton would enter into a financing arrangement at 75 percent of cost incurred on the LHA contract which is not contingent upon the outcome of the pending appeal or the continued granting of

temporary injunctions by the District Court. It was further agreed that all such payments would be provisional in nature and subject to recoupment upon final settlement of the contract. The parties agreed that this arrangement, coupled with a stay of litigation, would allow Navy and Litton to seek a resolution of the underlying contractual difficulties in an environment unencumbered by litigation. In order to ease the cash shortfall impact on both the LHA and the DD-963 construction of the reduction from 91 percent to 75 percent, the Navy acceded, to a limited extent, to Litton's request for the accelerated release of accumulated earned retentions on the DD-963 ships.

The Navy has concluded that such a financing arrangement ensures continued construction of the LHAs while the underlying contract disputes are analyzed and hopefully resolved. While such a financing arrangement povides significant cash to continue construction, reduction of the reimbursement provides significant cash to continue timely and economical performance of the LHA contract and for constructive negotiation of the underlying complex problems. It represents, at the current expenditure rate of almost $3 million per week, an additional $400 thousand a week that Litton must invest in the LHA program, or approximately $50 million over the life of the contract.

* * * * *

Accordingly, in the exercise of my residual powers under Public Law 85-804, 50 U.S.C. SS1431 et seq., I find that the proposed modification to Contract N00024-69-C-0283, providing for payments to the contractor, Litton Systems, Inc. at the rate of 75 percent of costs (in lieu of the 91 percent previously stipulated in the court order) incurred in construction of the LHA ships provided for in the contract and subject to recoupment upon final settlement of the contract and without regard to other provisions of the contract concerning payments to the contractor, will facilitate the national defense, and I hereby authorize the execution of such modification by the Contracting Officer.

W. GRAHAM CLAYTOR,
The Secretary of the Navy.

ANNEX B—DRAFT

CONTRACT MODIFICATION

Whereas the parties to this contract modification are also parties to lawsuits and administrative proceedings concerning the performance of this contract; and

Whereas this contract modification is considered essential to the orderly performance of the contract in the interest of the national defense; and

Whereas this contract modification has been submitted to both Houses of the Congress in compliance with applicable law and neither House has passed a resolution of disapproval within the time provided by law for consideration and disapproval of such a contract modification;

Now, therefore, under the authority of applicable statute law and regulation, and in order to facilitate the national defense and in consideration of the mutual covenants of the parties, it is agreed as follows:

1. Notwithstanding any other provision of this contract concerning payments from the Government to the contractor in exchange for performance hereunder, it is agreed that from and after the date of this contract modification, the Government will pay to the contractor, upon the receipt of invoices from the contractor that reflect on a weekly basis those actual costs incurred by the contractor in the performance of the contract, seventy-five percent (75%) of such invoiced costs. The costs to be invoiced shall be determined by the methods used by the parties as of November 1, 1977, to implement the orders of the United States District Court for the Southern District of Mississippi in the case of United States v. Litton Systems, Inc. Civil Action No. S-76-197(c).

2. The payments to the contractor pursuant to the foregoing paragraph 1 shall be in lieu of any and all payments otherwise due to the contractor and/or to Litton Industries, Inc. under the provisions of this contract governing payment and/or compensation, and all such payment and compensation provisions shall be deemed to have been suspended since August 3, 1976, and to remain suspended for the duration of any period during which the contractor is paid a stated percentage of the costs of performance of this contract, whether pursuant to this modification or pursuant to court order; provided, however, that the foregoing limitation on payments shall not apply to the following:

a. Any recovery in favor of Litton Systems, Inc. appellant, in ASBCA 18214, on the issue of interest on alleged late material progress payments, which issue has already been heard by the Board and briefed by the parties (the SACAM Appeal); any such recovery shall be paid promptly in full, in accordance with usual procedures.

b. Any recovery in favor of Litton Systems, Inc., on the issue of a ceiling on the cancellation charge, now pending before the United States Court of Claims in Docket No. 203-76; any such recovery shall be paid promptly in full, in accordance with usual procedures.

c. Payments to the contractor on account of change orders issued pursuant to the Changes clause of the contract after the date of this contract modification; such payments shall be made in accordance with procedures followed by the parties for change orders as of November 1, 1977, except that payments for such changes prior to delivery of any ship shall be at the rate of seventy-five percent (75%) rather than ninety-one percent (91%) as is currently the practice.

3. Except as expressly provided by this Modification all rights and remedies of the parties hereto set forth in LHA Contract No. N00024-69-C-0283, including any and all amendments thereto, or in applicable statute, regulation or case law, as such rights and remedies existed on June 29, 1976, shall remain unaffected and unimpaired by execution of this Modification or the exercise of any right conferred hereby, and no waiver of the rights or remedies of any party hereto shall be deemed to have occurred except as explicitly set forth herein.

4. Any payments made pursuant to this modification as in the case of any payments made pursuant to prior orders in the case of *United States of America* v. *Litton Systems, Inc.*, are provisional in nature and are subject to recoupment on the part of the government upon final settlement of the contract in the event that payments then made exceed the amount due the contractor under the contract as determined by the final settlement or disposition. Any such amounts subject to recoupment shall be repaid, with interest calculated in accordance with the procedures set out in ASPR E-619.

GENERAL LEAVE

Mr. CORCORAN of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the subject of the special order on today by the gentleman from Illinois (Mr. FINDLEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEAVES OF ABSENCE

To Mr. ADDABBO (at the request of Mr. WRIGHT), for February 14, 15, and 16, on account of official business.

To Mr. FLYNT (at the request of Mr. WRIGHT), for today on account of attending a funeral.

To Mr. SPENCE (at the request of Mr. RHODES), for today and the balance of the week on account of a death in the family.

To Mr. STOKES (at the request of Mr. WRIGHT), for February 14, 15, and 16 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CORCORAN of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. KEMP for 15 minutes today.

Mr. FINDLEY for 5 minutes today.

Mr. COLLINS of Texas for 20 minutes today.

Mr. EVANS of Delaware for 5 minutes today.

Mr. FRENZEL for 60 minutes today.

Mr. SARASIN for 5 minutes today.

Mr. RAILSBACK for 5 minutes today.

Mr. COUGHLIN for 60 minutes February 16, 1978.

(The following Members (at the request of Mr. WEISS) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes today.

Mr. GONZALEZ, for 5 minutes today.

Mr. BINGHAM, for 10 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. ROBERTS, for 5 minutes, today.

Mr. BEDELL, for 5 minutes, today.

Mr. MATTOX, for 5 minutes, today.

Mr. BYRON, for 5 minutes, today.

Mr. DODD, for 5 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. ROONEY, for 15 minutes, today.

Mr. UDALL, for 10 minutes, today.

Mr. Howard, for 5 minutes, today.

Mr. MURPHY of Illinois, for 60 minutes, February 15.

Mr. FLOOD, for 60 minutes, February 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ANDERSON of California, to include remarks and colloquy with Mr. PRICE on H.R. 2637 in the Committee of the Whole today.

Mr. STEERS, at the beginning of today's session.

(The following Members (at the request of Mr. CORCORAN of Illinois) and to include extraneous matter:)

Mr. ARCHER.

Mr. CUNNINGHAM.

Mr. DON H. CLAUSEN in two instances.
Mr. YOUNG of Alaska in two instances.
Mr. COLLINS of Texas in three instances.
Mr. EVANS of Delaware.
Mr. MICHEL.
Mr. LOTT.
Mr. TREEN.
Mr. BEARD of Tennessee.
Mr. DERWINSKI in two instances.
Mr. COHEN.
Mr. DICKINSON.
Mr. HYDE.
Mr. FREY.
Mr. KETCHUM.
Mr. BROOMFIELD.
Mr. SARASIN.
Mr. BOB WILSON.

(The following Members (at the request of Mr. WEISS), and to include extraneous matter:)

Mr. ANNUNZIO in six instances.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. BROWN of California in 10 instances.
Mr. ROSENTHAL.
Mr. HAMILTON in 10 instances.
Mr. WIRTH.
Mr. VENTO.
Mr. HUCKABY.
Mr. PIKE.
Mr. ULLMAN.
Mr. TSONGAS.
Mr. JACOBS in two instances.
Mr. ROBERTS.
Mr. SKELTON in two instances.
Mr. NEAL.
Mr. MILLER of California.
Mr. MCDONALD in 5 instances.
Ms. OAKAR in two instances.
Mr. BEILENSON.
Mr. LUKEN in two instances.
Ms. KEYS.
Mr. DRINAN.
Mr. OBEY.
Mr. BOWEN.
Mr. NATCHER.
Mr. FISHER.
Mr. DINGELL.
Mr. OTTINGER in six instances.
Mr. KILDEE.
Mr. SIMON in two instances.
Mr. EILBERG.
Mr. WALGREN.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1671. An act to designate the Absaroka-Beartooth Wilderness, Custer and Gallatin National Forests, in the State of Montana; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3454. An act to designate certain endangered public lands for preservation as wilderness, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1340. An act to authorize appropriations to the Department of Energy, for energy research, development, and demonstration, and related programs in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following title:

On February 10, 1978:

H.R. 7442. To amend the Communications Act of 1934 to provide for the regulation of utility pole attachments; and

H.R. 7766. To authorize the Mayor of the District of Columbia to enter into an agreement with the U.S. Postal Service with respect to the use of certain public air space in the District of Columbia.

On February 14, 1978:

H.R. 3454. To designate certain endangered public lands for preservation as wilderness, and for other purposes.

ADJOURNMENT

Mr. WEISS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 2 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 15, 1978, at 3 o'clock p.m.

EXECUTIVE COMMUNICATIONS, INC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3230. A communication from the President of the United States, transmitting a proposed supplemental appropriation for the Department of Energy for fiscal year 1978 (H. Doc. No. 95-288); to the Committee on Appropriations and ordered to be printed.

3231. A communication from the President of the United States, transmitting a report on his determination not to grant import relief for the U.S. bolt, nut, and large screw industry, pursuant to section 203(b)(2) of the Trade Act of 1974 (H. Doc. No. 95-289); to the Committee on Ways and Means and ordered to be printed.

3232. A letter from the Acting Secretary of Agriculture, transmitting the 10th annual report on operations under the Food Stamp Act of 1964, pursuant to section 16(a) of the act (82 Stat. 958); to the Committee on Agriculture.

3233. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of February 1, 1978, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 95-290); to the Committee on Appropriations and ordered to be printed.

3234. A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Energy, Southwestern Power Administration for fiscal year 1978 has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679(e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

3235. A letter from the President and Chairman, Export-Import Bank of the United States transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during December 1977, to Communist countries; to the Committee on Banking, Finance and Urban Affairs.

3236. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 2-142, to amend the Manual of the Metropolitan Police Department of the District of Columbia (approved by the City Council, January 4, 1972; effective January 14, 1972); and for other purposes; to the Committee on the District of Columbia.

3237. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 2-145, to provide for the labeling, distribution, disposal, storage, transportation, use, and application of pesticides in the District of Columbia, pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

3238. A letter from the Acting Assistant Secretary for Management and Budget, Department of Health, Education, and Welfare, transmitting notice of a proposed change in the Department's system of records for the Medical Library Management Intern Program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3239. A letter from the Acting Assistant Secretary for Management and Budget, Department of Health, Education, and Welfare, transmitting notice of a proposed new system of records on cancer patients treated with Laetrile, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3240. A letter from the Comptroller General of the United States, transmitting a report on the lack of information which prevents a systematic evaluation and comparison of the various delivery methods and techniques in Federal domestic assistance programs; to the Committee on Government Operations.

3241. A letter from the Federal and State Cochairmen, Joint Federal-State Land Use Planning Commission for Alaska, transmitting the annual report of the Commission for calendar year 1977, pursuant to section 17(a)(8)(A) of Public Law 92-203; to the Committee on Interior and Insular Affairs.

3242. A letter from the Deputy Under Secretary of State for Management, transmitting a report on actions taken by the Department of State to facilitate the employment of Foreign Service spouses, pursuant to section 413 of Public Law 95-105; to the Committee on International Relations.

3243. A letter from the Administrator, Agency for International Development, Department of State, transmitting a report on the status of the International Disaster Assistance account for the first quarter of fiscal year 1978, pursuant to section 492 of the Foreign Assistance Act of 1961, as amended (89 Stat. 849); to the Committee on International Relations.

3244. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense services to Saudi Arabia (transmittal No. 78-12), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3245. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense services to Saudi Arabia (transmittal No. 78–13), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3246. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Commitee on International Relations.

3247. A letter from the Director of ACTION, transmitting a draft of proposed legislation to further amend the Peace Corps Act; to the Committee on International Relations.

3248. A letter from the Acting General Counsel, Department of Energy, transmitting notice of a meeting related to the International Energy Program on February 16 and 17, 1978, in Paris, France; to the Committee on Interstate and Foreign Commerce.

3249. A letter from the president, National Railroad Passenger Corporation, transmitting the second annual report on the Northeast Corridor Improvement Project, pursuant to section 703(1)(D) of Public Law 94–210; to the Committee on Interstate and Foreign Commerce.

3250. A letter from the National President, Ladies of the Grand Army of the Republic, Inc., transmitting the organization's annual audit for the year ended August 31, 1977, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

3251. A letter from the Chairman, U.S. Civil Service Commission, transmitting the 55th annual report of the Board of Actuaries of the Civil Service Retirement System, showing the status of the system as of June 30, 1975, pursuant to 5 U.S.C. 8347(f); to the Committee on Post Office and Civil Service.

3252. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations at the Liberty Loan Building, 14th and D Streets, SW., Washington, D.C., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

3253. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations at the U.S. Post Office and Courthouse, Alexandria, Va., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

3254. A letter from the Administrator of General Services, transmitting the annual report on architectural barriers standards development and implementation by the General Services Administration, the Department of Defense, the U.S. Postal Service, and the Department of Housing and Urban Development, pursuant to section 7(a) of Public Law 90–480, as amended (90 Stat. 2508); to the Committee on Public Works and Transportation.

3255. A letter from the Secretary of Commerce, transmitting the third annual report on implementation of the Federal Fire Prevention and Control Act of 1974, covering calendar year 1976, pursuant to section 16 of the act; to the Committee on Science and Technology.

3256. A letter from the Comptroller General of the United States, transmitting a report on the need for Congress to carefully examine the impact of future personnel reductions on specific Federal programs and activities; jointly to the Committees on Government Operations and Post Office and Civil Service.

3257. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report on the facts in each application for conditional entry of aliens into the United States under section 203(a)(7) of the Immigration and Nationality Act for the 6-month period ended December 31, 1977, pursuant to section 203(f) of the act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on Feb. 9, 1978, the following reports were filed Feb. 10, 1978*]

Mr. BROOKS: Committee on Government Operations. Report on aircraft noise and the Concorde (Rept. No. 95–879). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on dam safety (Rept. No. 95–880). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of North Dakota:

H.R. 10910. A bill to amend title XIX of the Social Security Act to give States flexibility in establishing the medicaid eligibility of certain children between the ages of 18 and 21; to the Committee on Interstate and Foreign Commerce.

By Mr. ANNUNZIO:

H.R. 10911. A bill to provide for the issuance of a commemorative postage stamp in honor of Gen. Casimir Pulaski and Americans of Polish descent; to the Committee on Post Office and Civil Service.

By Mr. BEDELL:

H.R. 10912. A bill to amend the Agricultural Act of 1970 to require additional reports of export sales of certain agricultural commodities; to the Committee on Agriculture.

By Mr. BRODHEAD (for himself, Mr. VANDER JAGT, Mr. CONYERS, Mr. NEDZI, Mr. BROWN of Michigan, Mr. CEDERBERG, Mr. RUPPE, Mr. STOCKMAN, Mr. BONIOR, Mr. BLANCHARD, Mr. TRAXLER, Mr. SAWYER, Mr. CARR, Mr. DIGGS, Mr. FORD of Michigan, Mr. PURSELL, Mr. KILDEE, and Mr. TUCKER):

H.R. 10913. A bill to authorize an appropriation to reimburse certain expenditures for social services provided by the States prior to October 1, 1975, under titles I, IV, VI, X, XIV, and XVI of the Social Security Act; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. CARR (for himself, Mr. BLANCHARD, Mr. BONIOR, Mr. BRODHEAD, Mr. CONYERS, Mr. DIGGS, Mr. FORD of Michigan, Mr. KILDEE, Mr. NEDZI, and Mr. TRAXLER):

H.R. 10914. A bill to designate a segment of the Pere Marquette River in the State of Michigan as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONABLE (for himself, Mr. FORSYTHE, and Mr. LEGGETT):

H.R. 10915. A bill to assist the States in developing comprehensive fish and wildlife resource management plans and in implementing such plans with respect to nongame fish and wildlife; to the Committee on Merchant Marine and Fisheries.

By Mr. CUNNINGHAM (for himself and Mr. ROE):

H.R. 10916. A bill to assure that the policies of the executive branch of the Government of the United States protect employment opportunities for U.S. citizens, and for other purposes; jointly, to the Committees on Education and Labor and Government Operations.

By Mr. DANIELSON:

H.R. 10917. A bill to amend title 28 of the United States Code to establish a Federal cause of action for and Federal court procedures with respect to aviation activity, and for other purposes; to the Committee on the Judiciary.

By Mr. DRINAN (for himself, Mr. BAUCUS, Mr. BEDELL, Mr. BUCHANAN, Mr. CONTE, Ms. FENWICK, Mr. GILMAN, Mr. KILDEE, Mr. MARKS, Mr. MAZZOLI, Mr. MURPHY of Pennsylvania, Ms. OAKAR, Mr. QUIE, Mr. RAILSBACK, and Mr. SAWYER):

H.R. 10918. A bill to amend section 541 of title 28 of the United States Code to change the term of office and the manner of appointment and removal of U.S. attorneys and to repeal section 546 (relating to temporary appointments to vacancies by courts) of such title; to the Committee on the Judiciary.

By Mr. FORSYTHE (for himself, Mr. MURPHY of New York, Mr. LEGGETT, Mr. LENT, Mr. HUBBARD, Mr. PATTEN, Mr. WHITEHURST, Mr. SEIBERLING, Mr. MURTHA, Mr. JEFFORDS, Mr. HEFTEL, Mr. RODINO, Mr. CLEVELAND, Mr. PEPPER, Mr. PRICE, Mr. ROE, Mr. MOSS, and Mr. WAXMAN):

H.R. 10919. A bill to assist the States in developing comprehensive fish and wildlife resource management plans and in implementing such plans with respect to nongame fish and wildlife; to the Committee on Merchant Marine and Fisheries.

By Mr. FRENZEL (Mr. HAGEDORN, Mr. DERWINSKI, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. CLEVELAND, Mr. MATHIS, Mr. BROWN of Ohio, Mr. HOLLENBECK, Mr. ERTEL, Mr. DAN DANIEL, and Mr. HEFTEL):

H.R. 10920. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to claim a credit for amounts paid as tuition to provide education for himself, for his spouse, or for his dependents, and to provide that such credit is refundable; to the Committee on Ways and Means.

By Mr. HANNAFORD (for himself, Mr. DICKS, Mr. PATTERSON of California, Mr. RINALDO, Mr. AKAKA, Mr. EILBERG, Mr. KETCHUM, Mr. STEERS, Mr. DAVIS, Mr. FISHER, Mr. HUGHES, Mr. HEFTEL, Mr. LAGOMARSINO, Mrs. SPELLMAN, Mr. MITCHELL of New York, Mr. FREY, and Mr. LE FANTE):

H.R. 10921. A bill to amend the Department of Defense Appropriation Act, 1978; jointly, to the Committees on Appropriations and Armed Services.

By Mr. HILLIS:

H.R. 10922. A bill to amend the Farm Labor Contractor Registration Act of 1963, as amended, and for other purposes; to the Committee on Education and Labor.

By Mr. HILLIS (for himself, Mr. MURPHY of Pennsylvania, Mr. MCCORMACK, Mr. DUNCAN of Tennessee, Mr. SIMON, Mr. MOSS, Mr. JOHN T. MYERS, Mr. YOUNG of Alaska, Mr. ADDABBO, and Mr. BOWEN):

H.R. 10923. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, dentures, eyeglasses, and hearing aids among the benefits provided by the insurance program established by part B of

such title, and for other purposes; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. HOWARD (for himself, Mr. JOHNSON of California, Mr. HARSHA, and Mr. SHUSTER):

H.R. 10924. A bill to provide emergency assistance for the repair of certain weather related damage to highways and urban mass transportation systems due to the winter of 1977–78; to the Committee on Public Works and Transportation.

By Mr. LUJAN:

H.R. 10925. A bill to amend title 5, United States Code, to include Department of Energy couriers and security inspectors within the same civil service retirement provisions as law enforcement officers and firefighters; to the Committee on Post Office and Civil Service.

By Mr. LUKEN:

H.R. 10926. A bill to amend the Buy American Act to require that certain Federal contracts be made with the lowest domestic bidder, and for other purposes; to the Committee on Government Operations.

By Mr. MONTGOMERY:

H.R. 10927. A bill to require that imported meat and meat food products made in whole or in part of imported meat be subjected to certain tests and that such meat or products be identified as having been imported; to require the inspection of imported dairy products and that such products comply with certain minimum standards of sanitation; to require that the cost of conducting such tests, inspections, and identification procedures on imported meat and meat food products and on dairy products, as the case may be, be borne by the exporters of such articles, and for other purposes; to the Committee on Agriculture.

By Mr. MOSS (for himself, Mr. WAXMAN, Mr. MAGUIRE, Mr. MOFFETT, Mr. RINALDO, Mr. GORE, and Mr. WALGREN):

H.R. 10928. A bill to amend the Federal Food, Drug, and Cosmetics Act to repeal the exemption from regulation under that act for hair dyes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE (for himself and Mr. BOB WILSON) (by request):

H.R. 10929. A bill to authorize appropriations during the fiscal year 1979, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, to authorize the military training student loads, and to authorize appropriations for civil defense, and for other purposes; to the Committee on Armed Services.

By Mr. QUIE (for himself and Mr. PERKINS):

H.R. 10930. A bill to amend the General Education Provisions Act to require coordinated effort to reduce paperwork; to the Committee on Education and Labor.

H.R. 10931. A bill to revise title I of the Elementary and Secondary Education Act of 1965 to clarify and to strengthen its provisions; to the Committee on Education and Labor.

By Mr. RANGEL:

H.R. 10932. A bill to amend the Internal Revenue Code of 1954 to increase the investment tax credit for property placed in service in certain high unemployment urban areas and to increase the credit for employment of certain new employees in such areas; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 10933. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 10934. A bill to amend the Speedy Trial Act of 1974 to provide further authorization for appropriations for pretrial service agencies; to the Committee on the Judiciary.

By Mr. SEBELIUS:

H.R. 10935. A bill to amend the Internal Revenue Code of 1954 to exempt certain farm vehicles from the highway use tax; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 10936. A bill to amend the Employee Retirement Income Security Act of 1974 in order to implement certain recommendations of the Commission on Federal Paperwork, to facilitate the establishment of employee retirement plans of small businesses, and for other purposes; to the Committee on Education and Labor.

By Mr. WEISS:

H.R. 10937. A bill to provide for payments in lieu of taxes to local governments by the Administrator of General Services based upon the amount of certain tax exempt property owned by the United States and foreign governments within such locality; to the Committee on Government Operations.

H.R. 10938. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.R. 10939. A bill to amend the Internal Revenue Code of 1954 to eliminate the adjusted gross income limitation on the credit for the elderly, to increase the amount of such credit, and for other purposes; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 10940. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for certain social security taxes; to the Committee on Ways and Means.

By Mr. HANLEY:

H.J. Res. 736. Joint resolution to authorize and request the President to issue a proclamation designating the week beginning April 30, 1978, as National Small Business Week; to the Committee on Post Office and Civil Service.

By Mr. MINISH (for himself and Mr. FLORIO):

H.J. Res. 737. Joint resolution authorizing the President to proclaim September 8 of each year as National Cancer Day; to the Committee on Post Office and Civil Service.

By Mr. UDALL (for himself and Mr. BLOUIN):

H.J. Res. 738. Joint resolution American Indian Religious Freedom; to the Committee on Interior and Insular Affairs.

By Mr. WHITTEN:

H.J. Res. 739. Joint resolution to authorize and request the President to issue a proclamation designating November 8, 1977, as National Law Student Recognition Day; to the Committee on Post Office and Civil Service.

By Mr. BEARD of Tennessee:

H. Con. Res. 477. Concurrent resolution that it is the sense of the Congress that the President and the Secretary of the Treasury be inspired to apply trade laws regarding countervailing duties and special dumping duties to the importation of foreign steel; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself Mr. ROSENTHAL, Mr. WOLFF, Mr. BEARD of Rhode Island, Mr. DODD, Mr. GILMAN, Mr. HANLEY, and Mr. MURPHY of Pennsylvania, and Mr. SARASIN):

H. Con. Res. 478. Concurrent resolution expressing the sense of the Congress that Great Britain should issue a declaration of intent to withdraw its troops, in an orderly fashion, from Northern Ireland; to the Committee on International Relations.

By Mr. McDONALD:

H. Con. Res. 479. Concurrent resolution to promote effective treatment of epilepsy; to the Committee on Interstate and Foreign Commerce.

By Mr. BAFALIS:

H. Res. 1022. Resolution to amend the Rules of the House of Representatives to require that reports accompanying certain bills and joint resolutions reported by committees contain computations of the potential tax impact of such bills and resolutions on the individual taxpayer; to the Committee on Rules.

By Mr. BRINKLEY:

H. Res. 1023. Resolution to express the sense of Congress that the Department of Energy and Department of Agriculture establish a liaison office between the two agencies for the purpose of advancing and developing a means of promptly and efficiently bringing alcohol fuels into commercial use; jointly, to the Committees on Science and Technology and Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

294. By the SPEAKER: Memorial of the Legislature of the State of Idaho, relative to the Federal Land Policy and Management Act of 1976; to the Committee on Interior and Insular Affairs.

295. Also, memorial of the Legislature of the State of Idaho, relative to a moratorium to allow study of the impact of the 160 acre limitation on agricultural units; to the Committee on Interior and Insular Affairs.

296. Also, memorial of the Legislature of the State of Colorado, relative to high altitude adjustments and modifications; to the Committee on Interstate and Foreign Commerce.

297. Also, memorial of the Senate of the State of Hawaii, relative to Federal preemption of the regulation of public utilities in the State of Hawaii; to the Committee on Interstate and Foreign Commerce.

298. Also, memorial of the House of Representatives of the State of Hawaii, relative to reestablishing a Federal supplemental benefits type program to provide emergency unemployment compensation benefits; to the Committee on Ways and Means.

299. Also, memorial of the Senate of the State of Hawaii, relative to exempting the State of Hawaii from the Federal mandatory requirement of converting new and existing powerplants to coal and other restrictive energy measures, jointly to the Committees on Interstate and Foreign Commerce, and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause of rule XXII,

Mr. PHILLIP BURTON introduced a bill (H.R. 10941) for the relief of Roberto Santiago Galos, his wife, Flora Justina Borjas de Galos, and their children, Giselle Sofia Margarita Galos, Denise Renee Galos, and Leonie Desiree Caludia Galos; which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

399. The SPEAKER presented a petition of the Enlisted Association of the National Guard, Woonsocket, S. Dak., relative to military personnel and benefits; to the Committee on Armed Services.

EXTENSIONS OF REMARKS

THE LONG BEACH NAVAL SHIPYARD, 35 PRODUCTIVE YEARS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVE

Tuesday, February 14, 1978

Mr. ANDERSON of California. Mr. Speaker, on February 23, 1978, the Long Beach Naval Shipyard will celebrate its 35th anniversary. One of the most important sources of employment and revenue in the Long Beach area, the shipyard's replacement value is today estimated at $365 million. Annual wages and salaries are in excess of $147 million, and the annual purchase of goods and services are in excess of $77 million.

What these facts and figures do not show is the importance of the shipyard to the lives of thousands of men and women connected with it. The shipyard is a source of pride to the community and it has served this Nation well throughout its history.

Originally known as the Terminal Island Naval Drydocks, establishment of the shipyard was authorized in 1940. During World War II, the Terminal Island Drydocks worked around the clock, reaching a peak employment of over 16,000 men and women. The drydocks made a major contribution toward the war effort, as a constant parade of vessels from the Pacific Fleet went through the facility for routine and battle repairs.

At war's end, the Terminal Island Drydocks was renamed the Terminal Island Naval Shipyard, and converted to a peacetime schedule with approximately 7,000 employees. In 1948, it was renamed the Long Beach Naval Shipyard. After being directed for inactivation in August 1949 in line with a postwar policy restricting Government spending, the shipyard was placed in caretaker status on June 1, 1950.

Less than a month after the gates closed, the Korean conflict broke out. As a result, the Long Beach Naval Shipyard reopened on February 1, 1951. Employment at the yard reached a peak in 1952 when 8,200 people held jobs. Following the conclusion of the conflict, the shipyard returned to a peacetime schedule with 6,800 employees.

In 1956, the San Pedro Naval Supply Depot was relocated and incorporated into the shipyard. During the rest of the fifties and early 1960's, the Long Beach facility made significant contributions to the military assistance program, the fleet rehabilitation and modernization program, and the Polaris program. Employment ranged between 6,500 and 7,000 employees.

In April 1964 the Naval Supply Center, Long Beach, was established, relieving the shipyard of nonindustrial, worldwide supply support functions and reducing employment to 5,800 in 1965. However, the Vietnam conflict accelerated the increases in workload, and employment climbed to 8,485 during the months of February and March, 1968. That same year, the S.S. *Queen Mary* was drydocked at the yard for conversion to a marine museum and hotel-convention complex.

The Long Beach Naval Shipyard was consolidated with the Supervisor of Shipbuilding, Conversion, and Repair in 1969, reducing employment at year's end to 7,407. After undergoing reorganization at the direction of the Department of the Navy in 1971, the Naval Regional Medical Center, Long Beach, was established in 1973. Personnel of the shipyard's medical department were transferred to the center, and employment at the yard fell to 6,958. In August of that year, the engineering building was dedicated in an impressive ceremony, with the shipyard beginning to move into the new facility in July.

In 1974 activities at the naval shipyard increased dramatically, as it was designated as a dedicated rework facility for the patrol frigate and patrol hydrofoil guided missile class of ships. The full impact on the shipyard of this program is expected by July 1979.

More programs were added to the Long Beach Naval Shipyard in 1975, as its reputation for timely and thorough work spread. By the end of the year, employment had increased to 7,564. The shipyard was assigned as the designated overhaul point for additional types of equipment during 1976.

Last year, 1977, saw the Long Beach Naval Shipyard continue to grow as an important entity in our Nation's defense system. In August, a milestone in shipyard modernization was reached with the dedication of the service group building, consolidating previously widely scattered facilities. In addition, construction of the new propellor and shaft shop was begun, with completion expected early this year. At the end of 1977, the civilian employment level had reached 7,620.

Today the Long Beach Naval Shipyard has five drydocks, including one graving drydock capable of accommodating the largest aircraft carriers in the fleet. The technical and industrial capabilities of the shipyard range from microelectronics repair to the world's largest floating crane, the YD–171. Received as war reparations from Germany after World War II, this behemoth is capable of lifting 385 metric tons—the weight of over 200 passenger automobiles.

Mr. Speaker, I would like to congratulate the men and women of the Long Beach Naval Shipyard as they celebrate its 35th anniversary as a vital link in our Nation's military system. In the years I have represented the area in Congress, I have been proud of my association with the shipyard as it continues to grow in size and importance. It has contributed much—not only to the U.S. Navy, but also to the many people in whose lives it plays such an important role.

ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. YOUNG of Alaska. Mr. Speaker, one of the most important issues that we have been dealing with in this Congress involves the classification of public lands in Alaska. My colleague from Ohio (Mr. SEIBERLING) has taken the floor a number of times to read editorials from various newspapers that support his point of view. Today, I would like to express a different opinion. A former constituent of mine, who is now living in the beautiful State of Virginia, has written to me to express his view of what should be done in Alaska. This gentleman and his wife have spent almost 50 years in the State of Alaska and they know and love the land. The following is an article he wrote which quite accurately sums up the feelings of most Alaskans:

ALASKA

First, let me say, that I have spent about fifty years in Alaska. I doubt if anyone is more knowledgeable concerning Alaska, than I.

The ultimate frustration, is to read the mindless "articles" about this beloved land—by people who fly to Alaska, spend a week or so, talking—mainly, to the failures and the ego maniacs—then return to the "States", and write a "great newsworthy" story about Alaska. (I suspect that these correspondents were (and are) also sought out by Alaska's enemies).

All of the articles are so silly—as much as to say that "Florida should have all development obliterated, because it is swampland".

Or, that the Dakotas should be abandoned, because they are "badlands".

Or, that all development in California should be obliterated, and California kept without development "because an earthquake hit it".

At least those "conservationists" ideas would be laughed at here, because we know better—without thinking.

That is America's awesome problem—we no longer seem to *think*.

If we would only think—we would realize that *any* territory on earth, as vast as Alaska, has to have many variables—and Alaska has them all!

Warmed by the Japanese current, Alaska's climate (most of it), is not only liveable—but delightfully so (better than a lot of it in the States).

Of course Alaska is primitive—because, so far, the Lobbyists (enemies) in Washington, D.C., keep it so.

Mostly, we have to live in Alaska—like Americans used to live—about four hundred years ago (minus the Indian wars).

You can take us Americans, and set us down in any area of the "States" today—and ask us to fend for ourselves (like in earlier days), and the scream that would go up—would be worse than the rantings of some of the "Columnists" who write of Alaska.

My wife and I loved (and love) Alaska. For fourteen years, she walked those wilds beside me.

We homesteaded—on a mountaintop—that had no electricity—no road, except what we kept up, with the aid of four other homesteaders. We cooked on the open hearth.

Our little girl grew—strong, and healthy, there. So were we—healthy—and happy.

Alaska has tundra—but most of the earth under it is rich—and ready to enrich human life.

Alaska has "bogs"—but so do a lot of the "lower 48" states.

It has "permafrost"—we lived on it—we built three houses on it!! All three houses sit, firm and straight—to this day—in North Central Alaska.

Permafrost is there, because for eons, it waited for us. Heavy forests, deep Tundra, etc. have covered it—and no people were interested.

When man made an effort—the rewards of the fabulous earth of Alaska is a treasure, beyond belief. (Other nations know. Only we are kept blind).

I suppose one of the problems of Alaska, is—that it cannot become an "overnight" development—people have to work there.

But, ah, the rewards—Alaska pours her treasures at the feet of those who dare to challenge her.

Permafrost—it yields so gracefully. We cleared the trees and tundra—and within weeks we could plant a garden.

So rich was the earth underneath—so fast the sun drew the moisture of frost from the earth—that before the summer was thru—the unused cleared earth was also overflowing with clover, grass—flowers—unplanted by man.

That fall, in the dawn, we could peek thru the doorway—and count seven Moose, nibbling away at the luscious growth, almost at our doorstep, (ah, the garden, too!).

Man and animals can live in harmony in Alaska. And "development" would not obliterate them. Not with the controls that we have today (why penalize Alaska for the wanton slaughter of America's early years?).

We now learn, here in the lower States, how the Deer, and Buffalo—and many other species flourish—with some controls.

We know of the dozens of species of animals, that have died out—long before man came along, on this earth.

As for the migration routes of the Caribou, etc. They change them without man's efforts.

I have seen the Caribou. I have seen them—so plentiful—that the sides of the mountains seems to move—so vast were the herds.

I don't believe that man killed all that many (all in Alaska could have lived on Caribou meat, and not affected the vastness of some of those herds).

All life moves in cycles. If man had never set foot in Alaska—the cycles of the Caribou would have waned, and waxed, and waned.

As I say—I have come to believe that animals are almost better thinkers than Americans, these days!!

I have witnessed the changes in the routes of the Caribou. And man does not sway them. They live in harmony with us—if each goes about his own business.

At our homestead—wildlife was rampant. Caribous was seen "at rest", like cattle, lying around, chewing their cud.

Bear—foxes—wolverines—even wolves; Cougars, too, were seen—and only three air miles from the city of Fairbanks.

Speaking of Fairbanks—why didn't that city "sink" in the "melting" permafrost?

Most of Alaska is so. Rich—tenable—and delightful—more than many of our "lower" states.

All the other nations of the world are aware of Alaska—and its potential.

Only Americans are kept blind—made blind by propaganda, such as the world has never seen—so rich is the prize, if it can only be wrenched from us intact—from an unthinking people.

Development cannot hurt Alaska, to any extent—so numberless are its mountains, so vast its territory.

So great an amount of undeveloped land is in Alaska, on any terms as to be also plentiful indeed, for parks, wildlife areas, et al.

I can understand why most Americans (grown soft, by "big brother" taking care of them) coming to Alaska, and having to be "on their own" in a primitive land.

Land left that way by a government easily blinded—by a battery of shining sharks of propaganda.

Sharks so wise, so cunning, so deep in the arts of propaganda—that our naive ones are completely dazzled.

Where, oh where, among them, is one of Seward's wisdom?

We noted, that even fifty years ago, the minds in Washington, D.C., were being "snookered" concerning Alaska.

I touch so briefly here—on a thousand topics that I would that you could see the truth of.

For instance—five families of us homesteaded in a primitive area of Alaska. My wife petitioned so vigorously for our government, to put one test well in our area (the cost there was so grievious then) so that each homesteader would know of any hope of drilling for water in that District, (we paid as high as .25¢ per gallon for water up there, in the early 1950s).

All pleas were unavailable. One Government official was sympathetic—but he finally wrote to us from Algeria—saying that our Government had sent our well drilling teams to Algeria instead—to dig wells for Algerians! He was almost as bitter as were we.

We wrote hundreds of letters, for a public road, in this potentially wonderful area. All pleas were unavailable: to local—State—Federal Agencies.

It is a tribute to the possibilities of Alaska, that we could maintain the road (can you imagine anyone in the lower states, trying to do that—entirely on their own?).

Two weeks before we left Alaska, the first road grader came by our homestead.

Our transfer (Engineer) out of Alaska had been completed by then. We left Alaska, left because the education of our child was primary—and the road was too uncertain—for me to have daily, my wife and small daughter, traveling upon it.

Another treasure of Alaska—not allowed to develop there—our daughter, is a Physician, and a Specialist now—someone that Alaska had grave need of.

Alaska (because of the Gulfstream) has more potential than Norway, Denmark, Sweden, Russia—especially Russia, who is developing areas far more formidable than any part of Alaska is! (And who can tell us that any of these nations are "hurt" by development?)

Believe me—Alaska has the land, and climate, of any of them—more varied—and better.

Ah, Alaska—oil—gas—coal—minerals—limitless fresh water, and hydro-electric potential. (Not even counting the rich land, that could become the breadbasket of America.) How can we be so unthinking—as to let our enemies close this to us.

There is room in Alaska—plenty of it—for all kinds of development (with our nowadays controls—room for men—and animals, et al.).

We have criss-crossed Alaska many times—in many ways—believe me, it is not any more remote—or more formidable—than the USA once was.

The difference is—that knowledge would allow us to develop there now without the devastation of Early America—if we were allowed to develop.

Shades of the hordes of screaming "Sewards Folly"—again they lift their voices. Once again, they try to uproot from America, its mighty "tap root". (Without Alaska, and its fabulous treasures, we of America will wilt.) Our enemies know that.

Just who do you think are back of the "conservationists"—those innocent, and naive ones, who try to stop Alaska?

Lets consider the "thinkers"—the lobbyists: who lead the pitiful innocents—search, and you will find where those back of them came from. And where they are is Washington, D.C.—where their old world tactics, leave our Government people helpless.

Even fifty years ago—covetous enemies were working on isolating Alaska from our consideration.

Only the war forced us to construct a dirt road to Alaska (still a dirt road—though dozens of hard roads lead from it, thru Canada—sometimes to a village a hundred miles into the wilderness).

Almost—almost, they killed our ability to construct a pipeline for the oil there. (We can pray, that those stalwart ones, who perservered—with the pipeline—can save Alaska for us yet).

Be totally sure, that if we leave Alaska weak, and undeveloped—very, very soon, another nation will have it. Strength of a nation lies in its people.

Enough of us could make Alaska great—and strong—as much as any other area under our flag.

How our enemies covet—the vast Tanana valley, that could grow foodstuffs, enough to feed the world almost—so rich, and immense, is the Tanana valley.

Treasures of minerals—concentrated in Alaska, are superior to most anywhere else in the world.

The oil—why doesn't someone tell us Americans how vast it really is in Alaska?—even greater than in the Mid-East.

Ah, the Lobbyists again: fifteen years ago—we visited in Washington, D.C., with one of Alaska's first Congressmen—we wept, on leaving—for we saw that he had learned—that to be "accepted" in Washington, D.C.—the first thing that he had had to do, was to "belittle", and make fun of, Alaska.

He laughed at our only two cities there (Anchorage, and Fairbanks). "They are bumblebees, that have no right to fly", he laughed. The most pitiful part was, that he was so acclimated to treating Alaska so—that he did not even think that we may not feel the same way.

Can you imagine how much more cunning, has become the propaganda since then?

—DEWEY SAMPSON SMITH.

WALTER CLARK FIZER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. SKELTON. Mr. Speaker, it is with a deep sense of personal loss that I note the passing of one of my good friends, Walter Clark Fizer of Slater, Mo. Clark Fizer was my friend for many years. He was the sort of person who is so vital to the success of any community—a man who worked quietly behind the scenes, who was able to accomplish things without thinking of personal glory.

For many years, Clark was an active member of the Saline County Democratic Committee. Most recently, in 1975–76, he was vice chairman of the committee. During his many years in the Slater area, Clark Fizer served his friends and neighbors in many ways. He was a former member of the Orearsville School Board. He also at one time served on the Slater Special Road District.

Clark Fizer died last month at the age of 66. He is survived by his wife, Mary; a brother, Marion; and three sisters, Helen Fizer, Mrs. Rena Scherer, and Mrs. Elroy Klasing—all of Slater. Personally, I know that I will miss Clark Fizer very much. He was a man whose roots ran deep in the soil of western Missouri. His death leaves a void in the lives of all his friends and family that will be impossible to fill.

OUTER CONTINENTAL SHELF LEASE-SALES

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. ARCHER. Mr. Speaker, the following article from the Oil & Gas Journal, February 6 edition, perceptively comments on a serious problem facing our country. I commend it to my colleagues.

LEASE-SALE CANCELLATION SIGNALS DEEPER PROBLEM

Cancellation of the Georges Bank lease sale last week represents a serious setback for U.S. energy development.

There is much more involved than a few months' delay of a single lease sale off New England. That is bad enough. But the implications of the court decisions which killed the sale extend far beyond the particular case.

The success of regional interests in blocking the sale demonstrates that the executive branch is virtually powerless to spur production of energy on federal lands. The Interior Department is impotent to dispose of resources whose development is vital to ending the energy crisis.

Interior is impotent because Congress has made it so. Lawmakers have put loaded guns in the hands of state and local interest groups in the form of authorizations—even invitations—to sue federal agencies to block development. Thus armed, these groups have shot down one energy program after another.

Even after the Georges Bank controversy is resolved, the basic problem will remain. It will crop up again when Interior attempts other frontier sales along the Atlantic Coast, California, and Alaska.

The National Evironmental Policy Act of 1969, which held up the Alaska pipeline for 4 years, remains the main weapon against development. But Congress inexplicably insists on adding others. The pending OCS bill touted as the solution to federal-state environmental disputes, will actually be the springboard for a new round of litigation.

Thus, there is a hollow ring to the modest plea of Massachusetts for "some sort of delay . . . maybe 2 months, to allow the chips (on the OCS bill) to fall in Congress." That may be enough for the state. But it will hardly satisfy environmentalists and fishermen, who want much more.

Their suit demands that the secretary of Commerce take over the oil and gas leases from the lawful steward, the secretary of Interior. The step is necessary to protect valuable fishing grounds, they say, ignoring the fact that a much larger fisheries industry has grown and prospered in the Gulf of Mexico amid much more intensive petroleum development than is likely to take place off New England.

They further demand a delay in the sale until the secretary of Commerce decides whether to designate Georges Bank as a marine sanctuary. That amounts to a moratorium on leasing whenever anyone raises the sanctuary issue anywhere.

Unless NEPA and other laws are changed, OCS development will remain vulnerable to frivolous regional lawsuits and hometown court decisions, like the two just handed down in Boston. It is silly to hold up a lease sale, as the district and appeals courts did, because Congress is considering legislation on the subject. Regardless of what happens to the pending bill, there will be some kind of OCS legislation before Congress again next year and the year after that.

In addition to changes in the new law, restoring the Government's power to act, it would help to have a secretary of Interior whose heart is in his job. Cecil Andrus, a sadder but wiser man now, knows that his previous approach will not work.

He cannot make enough concessions to please environmentalists and regional interests who either oppose any use of the OCS or want to keep it to themselves. He caved in on virtually every point except postponement of the sale, and that wasn't enough.

Their intransigence may serve a useful purpose, however. It could bring about the end of innocence for Mr. Andrus, who must decide whether he wants to be an environmental folk hero or secretary of Interior. He surely realizes by now he cannot be both.

VOICE OF DEMOCRACY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. VENTO. Mr. Speaker, a young woman from the Fourth Congressional District, Mary Jane LaVigne of 1386 Fairmount Avenue, Saint Paul, Minn., has won first place in the Voice of Democracy contest in Minnesota. Although Mary Jane is only 18 years old, she has great perception into the meaning of our democratic society and writes with a thoughtfulness and depth beyond her years. I want to congratulate her on winning the State Voice of Democracy contest and make her outstanding essay part of the CONGRESSIONAL RECORD:

VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

On the banks of the Tigris River in Mesopotamia was found a small human skull. Though it was over 400 thousand years old, its age, to me, was not its most distinguishing feature. But, rather the fact that the spinal cord was attached at its base. It was this attachment which identified it as the first human, for it was the first being which stood upright, opened its eyes, and was aware of the world around it.

It is from this being that my responsibility to America originates for it is my responsibility as an American to stand on two feet, to open my eyes and above all to use my mind. The American ideal is not one of Godlike despots and unthinking serfs, but rather of human beings in the most glorious sense of the word, of humans whose hands and legs took them across a continent. We should not fool ourselves into thinking their motives to be those of history and glory, for they were not. They were, rather, the simple desire of men and women to grow, to build, to think and to live in Freedom.

We have now subdued the frontier and today the family's trek across the continent is carried out in a camper and station wagon rather than covered wagon and oxen. But, we must not lose sight of the larger purpose, the continuing struggle to live in freedom.

Give up a vote for convenience, give up a belief for compromise, and it will not be long before those privileges will be gathered into the hands of those who would rule, not serve. In our comfort, we must not stop caring, we must not close our eyes, we must not stop thinking. My responsibility is to care, to open my eyes, and to think. We, unlike former generations, have no great struggle, no threatening power, no land to tame. Yet, our struggle is perhaps the most difficult and the most important. Our struggle is against apathy, against comfort and against the ease with which we could say, "it runs alright, it will continue while I rest."

We do not vote, it doesn't seem to matter; we do not attend meetings, we probably would not be heard; we do not interfere, we might get sued; we do not express our ideas, they might conflict, and that would be uncomfortable. And it seems as though life continues with less conflict, with less uneasiness, with less thought. When Thomas Jefferson said, "I have sworn upon the altar of God eternal hostility against any form of tyranny over the mind of men," he imagined that tyranny would come from an outside force, but it has not. The moment we allow complacence to rule, we betray the event of that being 400 thousand years ago, and the struggles and deaths of 200 years of American men and women, for we close our eyes, we fail to stand on our two feet and we refuse to think. My responsibility is a viligance against the rule of complacence.

RADIO IN THE HOUSE OF REPRESENTATIVES

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. LOTT. Mr. Speaker, this morning's Washington Post included an editorial entitled "The Sound of the Senate." The comments in the editorial are directed toward the very favorable effect that radio broadcasting is having on the conduct of the debate over the Panama Canal treaties in the Senate. The point is made that since neither the proponents nor opponents of the treaties want the public to get a biased view of the issue, each side is concentrating on refuting the arguments of the other. In other words, the radio coverage has had an impact on the quality of the debate all to the good.

Last week, on February 8, the Rules Committee marked up and approved by a 9 to 6 vote a report to the House pursuant to House Resolution 866, which recommends an in-House television broadcast system. The overwhelming bulk of the report discusses the pros and cons of various TV broadcast system alternatives. But, contrary to the mandate of House Resolution 866, the report really skirts the subject of radio broadcast coverage. We are told by the report's language that it will be wise for us to wait until the in-House TV production is of a quality suitable for broadcasting. What about radio coverage? When the Senate got ready for their Panama Canal debates, they simply put them on radio. Why cannot the House do that now? Why do we have to wait for the television system?

Let's look at it from a practical standpoint. We have just constructed in the House gallery facilities to accommodate

handicapped persons. What have we done for those handicapped persons in Washington who cannot come to the gallery at all? For that matter, what have we done for the American public in general who want to listen to our debates, but who are unable or who otherwise cannot afford to travel to Washington?

Mr. Speaker, I can think of absolutely no reason whatsoever for not permitting radio broadcast coverage of House floor proceedings beginning immediately. I urge you to consider it and to implement it as soon as possible.

DEFINITIONS CONFUSE ENERGY POLICY

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. WIRTH. Mr. Speaker, as we all struggle with the continuing problem of creating a rational energy program, I think my colleagues will find this article by the vice president of the Colorado School of Mines extremely enlightening:

DEFINITIONS CONFUSE ENERGY POLICY

(By John G. Welles)

Resources: Reserves.

One would hardly think that misunderstandings about the meaning of two little words in the context of a growing economy would contribute to the inability of the United States to develop a viable energy policy.

Yet the failure of most Americans and their politicians to understand the difference between a mineral "resource" and mineral "reserve" has led to quite different views on policies governing oil, natural gas, coal, uranium and oil shale.

While deceptively similar, resources and reserves have profoundly different meanings. "Resource" describes how much of a mineral exists in a given area that (1) is presently useable or (2) is judged potentially useable at some future date. "Reserve" describes just the first portion of a mineral resource, the presently useable part.

But "presently useable" is a complex concept: It is that portion of a mineral deposit that has been proven to exist and that can be recovered with known technology at present prices and within existing political, social and legal constraints.

A reserve is obviously smaller than the resource of which it is a part. Historically, substantial mineral deposits in the resource category have been added over the years to the reserve category as exploration yields newly proven deposits, as technology advances and/or as prices rise.

Take natural gas as an example. At present we obtain 28 percent of our energy from natural gas, using about 20 trillion cubic feet (Tcf) annually. Our natural gas reserves total about 215 Tcf. If we divide reserves by current production, we can say we have a 10-year supply of gas left.

This is very misleading, however. Considerable amounts of our natural gas resources are not yet included in the reserve category because the price is not high enough to make recovery economically feasible—the deposits are too deep or too inaccessible at today's prices. Also, much additional natural gas remains to be discovered in areas where drilling has not taken place. Continued advanced in drilling technology and recovery methods will add still more reserves.

A better, but conservative, figure of what will ultimately be recovered, according to Professor Harry C. Kent, director of the Potential Gas Agency at the Colorado School of Mines, is somewhere in the neighborhood of a 50-year supply at the current use rate. This means that increasing the price of new natural gas will result in additional production, contrary to the fears of those who think that we have a fixed, 10-year supply left.

Similar reasoning applies to other mineral fuels: oil, coal, uranium and oil shale. Although each has special characteristics that make the total energy picture extremely complex, understanding the difference between a resource and a reserve is absolutely essential to developing pricing policies that will achieve 5- to 10-year production goals.

In the same manner, most Americans fail to recognize the implications of economic growth for mineral reserves. Few businessmen and fewer politicians plan beyond 10 years in the future. Yet it is in the 10- to 100-year time horizon that tricks can be played in understanding how long resources and reserves will last. For here is when the power of exponential growth to devour minerals becomes obvious.

To illustrate, let's contrast natural gas and coal. Consumption of natural gas in the U.S. leveled off in 1973 and has declined each year since, reflecting a decline in reserves that started in 1970.

If this downward trend continues, our estimated 50-year supply of recoverable gas (at the present rate of use) will last longer than 50 years as annual consumption declines.

Coal consumption, on the other hand, has been rising rapidly in the last three years and this trend is expected to continue for an indefinite period (after several decades of depressed production). Some Americans, including a number of energy experts, feel relaxed about future energy shortages knowing the United States has long-term recoverable coal resources estimated to last about 1,000 years at the 1977 consumption level.

It is doubtful whether these relaxed Americans appreciate that a relatively modest 3.5 percent compounded growth rate in annual consumption of coal will exhaust a 1,000-year supply in 104 years. If by then a combination of factors has increased coal reserves 10 times, it will only take 66 more years until this 10,000-year supply will also be exhausted by the 3.5 percent annual growth rate. Other considerations, such as environmental degradation, will undoubtedly place limits on coal consumption long before such high levels are reached, but this example demonstrates the power of exponential growth.

As long as we fail to understand how resources become reserves, we will be unable to distinguish between workable and unworkable energy pricing policies. And in the longer run, we are far from coming to grips with the depleting effects of exponential growth on mineral reserves.

The author is vice president for institutional planning and development for the Colorado School of Mines.

PRACTICAL JOKES—SOVIET STYLE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. McDONALD. Mr. Speaker, is it really necessary that, in addition to our programed military weakness, the United States and its NATO allies must be the butt of jokes?

Last fall, as you know, we invited the Warsaw Pact members to send high-ranking officers to observe NATO maneuvers in Europe. One would almost think that our leaders wanted to be certain that NATO's only conceivable military adversaries, the Warsaw Pact armies, were thoroughly familiar with the weapons and tactics they might face.

But, with sly winks, we were told not to worry, because our officers would then be invited to observe Soviet maneuvers.

Well, it seems that high officers from 11 Western nations were indeed invited to Minsk. And, when they were not attending lengthy scheduled activities which unfortunately kept them from the field, they were actually allowed into observation towers to watch the maneuvers.

But only special Soviet fieldglasses were permitted—special Soviet fieldglasses which were uniformly defective, in that they were permanently out of focus.

Of course they were laughing at us. Anybody would laugh at us. The Washington Post was laughing at us when it printed this account on February 14—and printed, right beside it, a tale of "steady progress" in SALT negotiations.

I fear we have not long to wait before finding out what other hilarious but lethal practical jokes await us with respect to disarmament.

CONGRESSMEN PEPPER AND DRINAN SUPPORT REDUCED STANDBY FARES FOR ELDERLY AND HANDICAPPED

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. EVANS of Delaware. Mr. Speaker, recently the Delaware General Assembly passed a resolution commending two of our distinguished colleagues, Mr. PEPPER and Mr. DRINAN, for their work in urging the Nation's airlines to offer reduced standby fares for the elderly and the handicapped.

I fully support efforts to lessen air fares for the elderly and the handicapped and therefore, join with my State legislature in saluting the fine work of my two colleagues from Florida and Massachusetts.

I include the text of the resolution commending Mr. PEPPER and Mr. DRINAN in the RECORD:

SENATE RESOLUTION NO. 87

Commending Congressmen Claude Pepper and Robert Drinan for requesting the Nation's airlines to offer reduced standby fares for the elderly and the handicapped

Whereas, under a law approved recently by Congress the Civil Aeronautics Board (CAB) is permitted to approve reduced air fares, on a standby basis, for persons 65 years of age and over, and for handicapped persons; and

Whereas, Congressman Claude Pepper, who chairs the House Select Committee on Aging, and Congressman Robert Drinan, a member of the Committee, have written to the presidents of all of the commercial air carriers requesting their cooperation; and

Whereas, the problem of air travel is magnified for the elderly because of their limited and fixed incomes and also because, as with the handicapped, automobile travel is not possible in many instances; and

Whereas, it is important that legislative bodies, including the Delaware General Assembly, support this move to ease travel for the elderly and the handicapped.

Now, therefore:

Be it resolve by the Senate of the 129th General Assembly of Delaware that this resolution commends Congressmen Claude Pepper and Robert Drinan for requesting the nation's airlines to offer reduced standby fares for the elderly and the handicapped.

Be it further resolved that a copy of this resolution be sent to Congressman Pepper and a copy be sent to Congressman Drinan at their offices in the House Office Building in Washington.

VICTORY OVER IRS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. ROSENTHAL, Mr. Speaker, the distinguished tax columnist E. Edward Stephens recently wrote a column depicting the courageous struggle waged by Philip and Susan Long against the might and resources of the Internal Revenue Service. Because they questioned and attempted to fight IRS actions against them, a past administration placed the Longs on IRS' infamous enemies list.

After numerous lawsuits the courts forced IRS to comply with requests the Longs made under the Freedom of Information Act to open for inspection essential data that the public had a right to know. As a result the public has been able to glean some insights as to how our tax system operates.

Recently, on December 2, 1977, after 8 years of continued harassment, the Ninth Circuit Court of Appeals ruled for the Longs in the tax case IRS had brought against them. I agree with Mr. Stephens' conclusion that the American people owe the Longs a debt of deep gratitude for their effort, courage, and achievement.

Mr. Stephens' column follows:

COUNSEL FOR THE TAXPAYER

(By E. Edward Stephens)

In San Francisco on Dec. 2 the 9th Circuit U.S. Court of Appeals released a decision that will warm the heart of every fair-minded American who has been harassed by the Internal Revenue Service.

This event ended eight years of war with IRS—a war fought with superb courage and tenacity by Philip H. and Susan B. Long, a brilliant husband-wife team who, along the way, became celebrities known as Phil and Sue to millions of admiring taxpayers from coast to coast.

It was an unfair fight. Early in the struggle, IRS officials added Phil and Sue to their infamous "enemies list," and spent an immense amount of public money in an all-out drive to crush them. But IRS brass had underestimated their foes. The war ended in complete and glorious victory for the underdogs, who had gone the whole distance without a lawyer.

The trouble started in 1969, when a revenue agent came to the Long residence in Bellevue, Wash., to audit the federal income tax returns of two corporations—Parkside Inc. and Beaconcrest Inc.—owned by Phil, his two brothers, and his sister. Phil is president, while Sue is secretary, of both companies.

These corporations were merely selling houses. But, to the amazement of Phil and Sue, IRS concluded that, in addition to regular corporation taxes that already had been paid in full, both organizations were liable for the "personal holding company" tax. This is a penalty tax—one of the harshest on the books. Phil and Sue would have been ruined if IRS officials had made it stick.

With their backs against the wall, Phil and Sue started to ask questions and request information regarding IRS audit procedures—information that IRS had carefully kept under tight wraps. This infuriated IRS officials. The Bellevue couple were placed on a top secret list of IRS "enemies"—people to be given the works.

But Phil and Sue were formidable enemies. Time after time, they dragged IRS bigwigs into court, charging open and defiant violation of the Freedom of Information Act. They won at least six lawsuits, humiliating IRS officials and the Justice Department lawyers who defend them.

Eventually, IRS officials caved in. They started to hand over whatever documents and other information the Longs demanded. Altogether, Phil and Sue forced IRS officials to open for public inspection over a million pages of previously hush-hush data.

In the early stages of the war, Phil and Sue tried to get their revelations published. But they ran up against a stone wall. IRS officials had branded them as kooks, and nobody in the news media would take them seriously.

When Phil and Sue came to see me, I asked some pretty tough questions. They performed brilliantly, and I concluded that they were the kind of solid citizens they appeared to be. So, I reported their findings in a series of columns, starting Feb. 25, 1972.

That broke the ice. Phil and Sue quickly became celebrities, sought out by the news media from Maine to California. They were invited to testify before several congressional committees that were investigating IRS procedures and practices. Their testimony opened the eyes of legislators who had been led to believe that IRS officials could do no wrong.

Still, for the last three years it looked as if IRS would win the war after all, reducing the Bellevue couple to poverty. For, in January 1975, U.S. Tax Court Judge Cynthia H. Hall had held that Parkside and Beaconcrest indeed were personal holding companies, as IRS contended.

But the Longs wrote such convincing briefs, and Sue argued so persuasively, that the 9th Circuit Court of Appeals reversed Judge Hall's decision. In a strongly worded opinion, Judge Herbert Y. C. Choy concluded: "We hold that the Tax Court's ruling below is clearly in error."

On all fronts, Phil and Sue had decisively defeated the mighty forces of the Internal Revenue Service. The American people owe them a debt of deep gratitude.

A WILD GAMBLE FOR THE HORN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. DERWINSKI. Mr. Speaker, there is growing news commentary over Cuban and Soviet involvement in the horn of Africa. For some time, this has been a concern to many of us. However, the administration had preferred to turn its back on this issue, hoping it would merely go away.

This is the subject of an editorial in the Chicago Tribune of February 9, which stresses the necessity for affirmative U.S. action in this very vital area of Africa. The editorial follows:

A WILD GAMBLE FOR THE HORN

A Soviet regime which some Americans describe as conservative, timid, even unwarlike is doing its daring best to prove them wrong. It has flung itself into a reckless gamble to win control of the strategic Horn of Africa, and has thus posed a challenge which the Carter administration will have to face.

The Russians have gone virtually allout to help the revolutionary government of Ethiopia do battle against neighboring Somalia. Already 1,000 Soviet military advisers and 3,000 Cubans are on hand to aid Ethiopia. We're told that Soviet ships are bringing thousands more Cubans ready to take part in a new military thrust.

A Soviet-Ethiopian victory would leave the Soviet Union in control of strategic bases controling the southern access to the Red Sea. From these bases it could challenge the movement of essential Mideast oil to the United States and much of the West. And this, in turn, would bring it closer to its goal of world domination.

What have President Carter and the U.S. done to meet this bold challenge?

Very little. Mr. Carter has rejected Somalia's plea for arms. He has done nothing to encourage Saudi Arabia and Iran, who are responding with arms. The Somalis believe he has thus let them down. When they kicked out Soviet advisers months ago and forfeited any chance of further Soviet help, the Somalis say, they were led to believe that arms would be available from the U.S.

Mr. Carter is deterred by the fact that he regards Somalia as an aggressor which has moved into Ethiopia's Ogaden Desert. Somalia insists it is not engaged there, that the fighting is being done only by ethnic Somalia rebels. Late last month it even invited neutral observers to visit the battle area and see for themselves.

In fairness to Somalia, the invitation should be accepted. If the Somalis are not aggressors, their status would change radically in their favor. In any event, if the Soviet-oiled Ethiopian military machine gets rolling smoothly, there is every likelihood that it will roll onto Somali soil, putting the Somalis clearly on the defensive and rendering military aid for them justifiable. On Tuesday Somalis became the target of air attacks, with one blow aimed at Berbera, where the Russians once built an important base.

Mr. Carter may have been deterred also by the hope that Ethiopia could become the Soviet Union's Viet Nam. But the fact that the Soviet Union is backing a tyrannical and unpopular government in Addis Ababa, just as the U.S. did in Saigon, is not enough to assure disaster for the Soviets. There must also be outside support for Somalis, such as the Soviet Union gave to Hanoi. Without this support, the Soviet adventures in the Horn could become part of a sensationally triumphant drive for military, economic, and political hegemony in a vital area. And western influence throughout Africa would suffer, along with the hope of progress toward freedom with democracy.

The Carter administration must do everything possible to prevent such a disaster. It should first seek a cease-fire through the United Nations. If the UN sits on its hands, as it probably would, the U.S. should be ready to join friendly governments in an effort to bring about mediation. If that too fails, it will very likely be necessary to col-

laborate with Iran, Saudi Arabia, and Western Europe in providing the material help, short of troops, which can stave off a Soviet victory until the Soviets give up and pretend they never tried.

Neither the Soviets nor most Africans think we have the guts to do this. Washington has been loath to take a firm position anywhere because of the trauma it suffered in Viet Nam. This prevented us from doing anything to save Angola until it was too late. If we are unwilling to supply arms to needy friends [we're not suggesting that troops be sent], there may well be more Angolas; and there is much more at stake in the Horn of Africa. Somebody has got to lead the free world in helping nations defend themselves against calculated Soviet advances. If it isn't Mr. Carter, who will it be?

CONGRESSMAN OTIS G. PIKE OF NEW YORK WILL NOT RUN FOR REELECTION

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. PIKE. Mr. Speaker, an outpouring of requests to my office (at least three) for the text of the broadcast by which I announced to my constituents that I would not run for reelection has moved me to put it in the RECORD. It is no worse than most of the stuff in here. It would have been more modest to get some patsy to do it, but I feared anyone who was asked would deck me.

A LESS-THAN-IMMORTAL SPEECH ON A LESS-THAN-EARTHSHAKING SUBJECT

Over the past 18 years I have made about 700 weekly broadcasts to report to my district on events in Washington, and in general, in good times or bad, as the bearer of good tidings or ill, triumph or defeat, war or peace, or just speaking of the little things in your lives or in Washington, I have enjoyed communicating with you, and have felt close to you.

The broadcast this week, in my eighteenth year as your Congressman, is the toughest I have ever had to make, because I am announcing that I will not be a candidate for re-election this year. The decision is final.

Because I consider those who listen to these reports as friends rather than just constituents or voters, I would like to talk to you about it. Why am I getting out? Let's first dispose of some things that aren't the reason. Physically, I feel great, and as far as can be seen, have quite a few miles left on me. Politically, frankly, I believe we could handle another election, or several other elections, reasonably well. Any Congressman who complains about either his pay or his vacations has just plain lost touch with the real world. The job has been the most interesting I have ever had. So why give it up?

There is no one reason—rather an accumulation of a great many of them which make me feel that this is the right time. In my 56 years, I have enjoyed several careers. In high school and college days, I played the piano not very well in a not very good dance band, but we had a lot of fun. During World War II, I was a Marine Corps pilot. No one could ever call it fun, but it certainly wasn't boring. After the war I became a lawyer and went home to practice law in Riverhead. Twenty-nine years ago this year I ran for public office for the first time—and lost. I continued to practice law and enjoyed that. Twenty-five years ago I ran again and won and have been a public servant for 25 years. It's time to do something different—there's time for at least one more career. When the Brazilian soccer great, Pele, retired, he used a lovely phrase—"a man can't play one game all his life." So that's one reason.

Twenty-five years is a long time to be a public servant. Eighteen years is a long time to serve in Congress. People will vote this year who have never known another Congressman. Heck, how would they know whether I was good or bad if they never had anything to compare me with?

Last year was the first time in my 18 years in Congress that my attendance in the House was not the best of all the Representatives from the State of New York. It was still pretty good, 96%, but it wasn't the best. In 18 years I have never missed a vote because of illness, but I've dragged myself to vote when I was sick. I watch the weather maps, and this week, as so many other weeks over the years, went down to Washington a day early, just to be sure to be there. My motivation to do those things is slipping, and I won't give the people I'm representing anything less than my best, so I want to get out before I am giving them less than my best. So that's another reason.

People expect a great deal from their public servants. Public servants who like being public servants try very hard to give it to them, both because they want to help and because they want to get re-elected. But being expected to put in a full day's work at the office every day and a full night's appearance on the banquet or meeting circuit every night can get to be, and has come to be, a bore. I am simply unwilling to do it any more, and that's another reason.

It may be just a sign of old, or at least upper middle age, but people bug me more than they used to. They are asking their government to do more for them, and are willing to do less and less for themselves. This is a broad generalization, and surely unfair to many people, but the people who write to their congressman, and there are about 300 a day these days, are more and more demanding, and the demands get more and more shrill. No one "requests" or "asks any more, they "demand". The people who bug me most are people who are absolutely, positively, sure that they're right on issues which to me are very close or troubling. I have often wished that I could see issues as clear and simple and one-sided as either doctrinaire liberals or doctrinaire conservatives do. Two-thirds of the Congress is completely predictable. It is more difficult being a moderate, being able to see some validity on both sides of an argument, and then having to either try to work out some suitable compromise or vote for one side or the other. The compromise will be unacceptable to both sides. The vote will be troublesome because you're never all that sure you're right and half the people will be absolutely certain you're wrong.

In addition to being bugged on my votes, all my actions as a Congressman and every aspect of my public life, there is now abroad in the land the concept that every aspect of my private life should also be public property. Having fought and voted for years against people having their phones tapped, their mail opened, their tax returns publicized, their bank accounts examined, and for their right of privacy, I am expected to give up all of my own. Public servants are people, too. I would rather give up my public life and get out of the goldfish bowl. So that's another reason.

Last year the Congress was in session 174 days. This means it was not in session 191 days, more than half the year. Last year the Congress voted a so-called "Ethics Bill". Most of the bill I supported, but I opposed as hard as I could the one provision in the bill which said that I could only earn, outside of Congress, a minimal amount. If I take those 191 days when Congress was not in session and go junketing all around the world at your expense, I am ethical. If I go home and work in my law office, I am unethical. There were loopholes for certain professions. If I write a book, I am ethical. If I write wills or deeds, I am unethical. If I get a hundred thousand dollars a year sitting on my butt and collecting dividends, interest, rents, and royalties, I am ethical. If I work and earn $10,000, I am unethical. Our new no-work ethic makes no sense to me.

Frankly, there are enough loopholes so that by itself, there is no way that the new ethics can either force a Congressman out of office or even cut his income. Congressmen who control businesses can reduce their salaries, which are deemed unethical; increase their dividends, which are deemed ethical. Lawyers can be quote, bought out, unquote by their partners, instead of earning money. Anyone in business can be paid rent, which is ehtical, instead of fees or salary which are not. Wives and children can get money the Congressmen used to earn. I decline to play any or those games. My own ethics tell me to get out.

Again this may be a function of age, but I feel increasingly uneasy with the never-ending fiscal irresponsibility of the majority of my own party, and the absolute indifference of both political parties to inflation, the size of our annual deficit, our national debt, or any obligation to pay our bills and balance our budget. The Republicans pay lip service to these things, and then vote overwhelmingly to increase defense spending, start new pension programs, revenue sharing programs, increase tax credits and increase tax cuts, every one of which must, of course, increase both the deficit and the debt. The Democrats vote to increase welfare programs, education programs, health programs, and recognize every national need except the need to pay our bills. In your community people who do not pay their bills are not well thought of, and in the international community nations aren't either.

In any event, neither the Democratic party nor the House of Representatives is a comfortable place for a Congressman who believes that people should work when they can, earn what they can, save what they can, pay their bills and balance their budgets. And that nations should, too.

One of the things I don't enjoy the way I used to is poltiical campaigns. It was fun being the underdog—all my life I've loved underdogs, and I haven't been an underdog in years. Considering the fact that I'm a Democrat in Suffolk County, the last few political campaigns have been embarrassingly easy. It's probably just as well, for while I used to love to debate with my opponents and cut them up, I don't want to hurt anyone any more, even my opponents. That old instinct for the jugular is gone. So political campaigns themselves have become a burden, rather than the delight they once were.

Another aspect of campaigning which I have come to absolutely dread is fund raising. We run inexpensive campaigns, we have never hired any kind of P.R. outfit, but we do need a little money. In what just might be some kind of a Record, I will leave our nation's capitol without ever, once, having had a fund raiser in Washington. The parade of daily fund raisers in the Democratic club or the Republicans' Capitol Hill club in Washington, whereby the unions, corporations, trade associations, and lobbyists are systematically though legally milked is just so nauseous that we never did it. Instead, year after year, we have gone back to the same dear friends for political support. Some give money, others give great quantities of time and effort. They have given enough, and I simply can't ask them to give any more—so that's another reason.

At the risk of shocking some of my demo-

cratic friends, I am tired of pretending that the accumulated wisdom of the ages has been secretly entrusted only to Democratic candidates and Democratic officeholders. Some Republican candidates are better than some Democratic candidates. Some Republican Congressmen are great; some Democratic Congressmen are not great. I would like to feel free to say so without being accused of treason or ingratitude and that's another reason.

The work of Congressmen has increased greatly, and that's O.K., so has our pay, but so much of the work is nit-picking trivia! As I make this broadcast, we have had 34 record votes this year, and 25% of them were so onesided and non-controversial that we shouldn't have had them at all. We have already started the waste of time and money involved in useless record votes on such nothing issues as approving the journal of the previous meeting, going into committee to debate a bill, etc. At the end of the session we will count all the votes and brag about how hard we worked, but so many of the votes are junk that much of the time we are spending is boring and wasteful. The day to day operations of the House, the time we spend, the hours of our lives are to a large extent controlled by a small group of procedural nit-pickers, and the leadership seems powerless to do anything about it. No Congressman minds working hard on important issues, Lord knows there are enough of them around, but this Congressman is weary of wasting his time on drivel. That's a real reason.

There is another element which candor compels me to admit. I'll get a darned good pension if I retire, based on 18 years of Federal service in Congress and almost 4 years in the Marine Corps. And no way could I pretend that that's not a real reason, too.

There are other reasons, but I've given you the most important. It isn't the big issues that grind you down, they're the challenge, the opportunity, the fun of my life. It's the little things that over the years, take some of the joy from the job.

Will I miss it? Lord, yes, I'll miss it! Congressmen are treated in Washington at least, like little tin Jesuses. Seven employees are there to fetch me a cup of coffee, get me a hamburger, look up things, take dictation, pamper me, flatter me, remind me to get a haircut, and generally ease my way through life. It will be good for me to have to make my own plane reservations and balance my own checkbook.

I'll miss not seeing the Capitol Dome out of my office window, seeing U.S. Congress No. 1 on my license plate, being able to park where other mortals can't, getting dinner reservations and concert tickets when other mortals can't, being called "Mr. Congressman", being recognized and asked for my autograph. It's a real ego trip, but I've taken the trip, and it's time to cruise on other waters. Serving people has been what I've enjoyed most and done best; seeking power and using power have never meant anything to me, and I probably haven't done it very well. I'm a lousy log roller, because I won't vote for things I don't believe in in order to get things I really want.

So there you have it. This broadcast has been about me, and it's been far too full of "I", "I", "I". You know how much I have loved being your Representative. I will always cherish the opportunity you have given me to participate in the great ongoing experiment of Government by the consent of the governed. Thank you for consenting to me for 18 years.

This is neither a funeral oration nor a goodbye. I'll be back next week and the week after and the week after that. This is just the statement that when all the weeks of the 95th Congress are gone, I will be, too. In the meantime, let's have some fun.

To all my Democratic friends and supporters—I love you.

To all my Republican friends and supporters—happy Lincoln's birthday.

FOREIGN AND DOMESTIC STEEL

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. BEARD of Tennessee. Mr. Speaker, the problems facing the domestic steel industry have been the subject of a great deal of discussion recently. Steel producers have established a continuous dialog with many Members of Congress in hopes of receiving some type of assistance in combating the unfair trade practices of foreign producers. In addition, domestic steel industry representatives have requested that the administration take action under the antidumping and countervailing duty laws already on the books.

However, instead of receiving assurances from the President that he will make every effort to enforce trade laws as the Congress intended, the steel industry instead received from the Carter administration a proposal to establish a complicated new system for regulating the price of foreign and domestic steel. This system which is called "reference pricing" is just another nail in the coffin of free enterprise.

At best, it may prove to be ineffective, since foreign producers could easily avoid its consequences in any number of ways. For instance, foreign producers could undercut domestic markets by discounting high-priced steel to the entry price, or could simply ship in more fabricated steel products and parts to which the new regulations would not apply. Additionally, reference pricing is likely to cause foreign producers to form "captive" distributorships in the United States, which would then sell steel below the domestic prices.

One further danger in the Carter proposal is that the administration could set reference prices artificially low in an attempt to control domestic manufacturers' prices. In a time in which our economy is under tremendous stress due to inflation, I can understand the temptation which steel regulation would present as a possible anti-inflationary tool. However, the more the marketplace is left to its own devices, the more efficiently it will operate. As such, reference pricing as a regulatory tool should be discouraged.

Mr. Speaker, antidumping and countervailing duty laws have been in effect for 57 years now, and have been implemented with great success. Investigations to determine whether violations of these laws are occurring are always lengthy and complicated. It is not always easy to gather the information necessary to make determinations. However, the administration will need the same type of information to set sensible reference prices that would be needed in order to enforce antidumping and countervailing duty laws. As such, if the administration believes reference pricing will be any easier to apply, it must be because the new system will be designed to be less accurate, less efficient, and less equitable. The Congress should not tolerate this kind of regulatory meddling with congressional prerogatives, and circumvention of carefully considered trade laws.

The House concurrent resolution which I am introducing today is a vehicle for Congress to express its will that present trade laws are to be enforced. This may be difficult under present circumstances, but it is by no means impossible. Once again, President Carter should be informed that a "quick-fix" remedy usually offers an inadequate solution to long-term problems.

DEATH OF LOUISE STONE STOKES

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Ms. OAKAR. Mr. Speaker, it is with a profound sense of sorrow that I announce the death this past Sunday of Louise Stone Stokes, mother of LOUIS STOKES, my distinguished colleague, and Carl Stokes, former mayor of Cleveland. This good woman lived out a life filled with love and giving and enriched the lives of everyone who came to know her.

The humility of her spirit always inspired the generosity of her heart. She grew up on a farm in Georgia and matured into a sense of responsibility at an early age. Even as a child, she revealed the one trait that would characterize her life through adulthood: Unselfish love in the service of others. When her husband died, leaving her the sole support of two young sons. Mrs. Stokes went to work and saved enough money to provide her sons with the kind of education she never had.

Even the most painful disruption and personal hardship caused by the Depression could not destroy her courage and determination to provide for her family nor diminish her faith in God.

Not just LOUIS and Carl Stokes have lost their beloved mother, but all of us have lost a good woman, because she lived those qualities that too many of us only talk about: Love, faith, courage, humility, and selflessness.

The obituary follows:

LOUISE STOKES, MOTHER OF TWO POLITICAL FIGURES

Louise Stone Stokes, mother of Rep. Louis Stokes, D-21, and former Cleveland Mayor Carl B. Stokes, never let the fame of her sons change her from a sweet, gentle, thankful woman who cared about her neighbors and her community.

Asked how it felt to be the mother of both a mayor and a congressman, she said, "People ask me that, but I don't feel any different. I feel proud for them, but for me—I don't feel any different."

Mrs. Stokes, 82, died at 3:10 p.m. yesterday in the emergency room of St. Vincent Charity Hospital from cardiac arrest.

She became ill after leaving the service at Olivet Institutional Baptist Church, 8712 Quincy Ave., and was taken to the hospital by the emergency squad. The congressman

attended the service with his mother and was with her when she died.

Mrs. Stokes was born on a farm at Wrens, Ga., near Augusta. She was the eighth of 11 children of a Methodist minister.

She used to recall that she "did a little bit of everything that was to be done on a farm."

That included milking cows before breakfast, gardening and cleaning. In recent years, her interest in gardening continued and she grew a few tomatoes in the backyard of her former home at 3718 Lindholm Rd., Shaker Heights, along with her roses and other flowers.

Mrs. Stokes sold that home about four years ago and moved downtown to Bohn Towers, a Cuyahoga Metropolitan Housing Authority project. She tended many plants in her suite and did her own cooking.

When she was growing up, Sunday school and church were the main interests of the Stone family. Her own ideas about education were formulated by her father. "It was his whole heart," she recalled years later.

Her two older sisters managed to complete a couple of terms of college, but young Louise was not so fortunate. Her formal education ended in the eighth grade.

When she was 18 she went to Jacksonville, Fla., to help her married older sister. Later, when another sister and her family moved to Cleveland, Louise went along. That was 1918.

In Cleveland she met Charles Stokes, a handsome young man who worked in a laundry. They were married in 1923.

Her husband died when Louis was 2½ and Carl was 13 months old.

Mrs. Stokes' widowed mother, Fannie Stone, came to look after the children while Mrs. Stokes worked as a domestic for 40 years. Mrs. Stone died in 1941.

She worked for the Union Club, the former Doanbrook and Cleveland hotels and private families at $2.50 an hour.

"I had to work with my hands," she said of those years. "It made me all the more concerned that my sons have the kind of education I lacked."

Religion continued to be a part of life for the Stokes family, as it had been for Louise Stone in her childhood. If her sons made excuses about attending church and Sunday school, they were told, "No Sunday school, no shows!"

In 1929 when the Depression came, the family had to go on mothers' pension relief, a forerunner of the Aid to Dependent Children program. "We got $25 a month," Mrs. Stokes recalled.

"Of course, I worked, too, since that wasn't even rent money."

Other lessons to her sons involved money.

"When the boys got their first jobs, I asked a certain amount of their earnings as room rent. I wanted them to feel some responsibility for their home. I didn't let on to them but I always saved what they gave me and put it aside for them for a nest egg," she recalled.

Besides sons Louis and Carl, now an NBC–TV news commentator in New York City, survivors include seven grandchildren; brother, Pughsley Stone, 75, of Cleveland; and sister Estella Freeman, 95 of Wrens, Ga.

Services are pending and will be conducted jointly by the House of Wills and C. B. Miller funeral home.

TAMING THE FDA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. McDONALD. Mr. Speaker, Mr. M. Stanton Evans recently summed up the case for taking away the "efficacy" determination from the FDA and returning it to its role of safety in drugs. My colleague, Mr. SYMMS, has introduced a bill to do just that. Mr. Evans, in National Review of February 17, 1978, presented the statistics to show how the FDA has added to the paperwork, created redtape and kept new and effective medicines from reaching the American public. This has resulted in Americans going to Europe for medicine and poor people in the United States being denied such cures. I commend this item to the attention of my colleagues and strongly suggest that more Members consider cosponsoring H.R. 8544 introduced by the gentleman from Idaho (Mr. SYMMS). The item follows:

TAMING THE FDA

(By M. Stanton Evans)

With all the recent uproar over rising health care costs, the idea of obtaining better medical care at substantially lower prices sounds like a gross improbability.

Such, however, would be the likely effect of a bill (HR–8544) promoted in the House of Representatives by Congressman Steve Symms of Idaho and co-sponsored by more than a hundred other members of that body. An identical bill (S–1683) has been offered in the upper chamber by Senators Jesse Helms of North Carolina, Barry Goldwater of Arizona, and Strom Thurmond of South Carolina. These bills would remove from the FDA the power to determine the "efficacy" of ethical drugs, limiting the agency to its more traditional role of policing safety.

In effect, the Symms and Helms proposals would restore the status quo ante in our drug law as it existed before adoption of the "efficacy" rule in 1962. This requirement was rammed through Congress in the wake of the Thalidomide scare of the early Sixties, which was completely irrelevant to the issue but, provided the kind of emotional boost required to get the legislation passed. (Under the law as it was drawn in 1938, the FDA already had the power to control for safety; under this power Thalidomide could not be commercially marketed in the United States, and wasn't.)

THE LAW'S INEFFICACY

In the intervening 15 years, a considerable track record has been compiled on the 1962 amendments, suggesting they have been an unrelieved disaster. "Efficacy" is a complex and highly subjective matter, varying according to patient needs and physician diagnoses, and the task of proving it to the satisfaction of the FDA has proved tremendously time-consuming. The result has been a glacial slowdown in the introduction of beneficial drugs, with consequent suffering and loss of life that might otherwise have been avoided.

Suggesting the nature of the problem is the experience of Parke, Davis & Co., which in 1948 was able to get a new drug licensed by submitting 73 pages of information to the FDA. In 1968, Parke, Davis had to present 72,200 pages of data to support its application for an anesthetic. Another company had to present 456 volumes of data, weighing 1.5 tons, to back an application for a muscle-relaxant. Compiling and sifting through these stacks of paper is an interminable process.

Moreover, the necessity of putting together such mountains of information and complying with the dictates of the FDA in general diverts resources to testing and retesting existing drugs that might be spent in developing new ones. Such diversion means not only that there is a time-lag in getting drugs to the market, but that many chemical entities that might otherwise be made available to the public are simply not going to be developed.

In support of his corrective proposal, Symms cites the findings of numerous scholars who have examined the 1962 amendments in detail. One such is economist Sam Peltzman of UCLA, who notes that since enactment of the "efficacy" standard the number of chemical entities coming on the American market has fallen sharply, from an average of 43 a year before the amendments to 16 a year since their adoption. Also, according to Peltzman, the number of new drug compounds arriving on the market has fallen from 301 to 92 per year.

Peltzman estimates that there has been at least a two-year lag in getting approval of new drugs that do come on the market. He concludes that thousands of Americans are suffering needlessly because they are being denied appropriate medication, and figures the economic cost in forgone benefits at something over $200 million. Another $50 million a year may be tacked on, he adds, through higher prices resulting from the government-forced decline in competition.

These researches are supported by Professors William Wardell and Louis Lasagna of the University of Rochester, who compared the recent experience of the United States in marketing new drugs with that of the United Kingdom. In a lengthy study published by the American Enterprise Institute, they found that numerous new drugs came on the English market first, with a mean lead time of 2.8 years over the United States. They also discovered that certain medications for asthma, heart disease, hypertension, gastric ulcer, and kidney disease were available in England but not in the United States.

As Representative Symms observes, "Penicillin, digitalis, aspirin, and insulin would not make it to the market under current Food and Drug Administration regulations if they were developed today . . . Sodium valproate, a drug marketed in most of the world's developed countries today . . . could prevent one million epileptic seizures this year, if it were available . . . Life-saving beta blockers, available in Europe, are still not available to the American medical profession . . ."

THE MARKET'S EFFICACY

Professor Yale Brozen of the University of Chicago points out that the average cost of bringing a new drug to the American market has soared to $23 million, compared to less than $12 million before adoption of the efficacy standard, "A repeal of the 1962 amendments to the Food, Drug, and Cosmetic Act," he says, "would cut the cost of developing new drugs by one-half, would more than double the rate of introduction of new chemical entities, and would provide much less expensive methods of treating many conditions . . ."

All this is so, the scholars agree, because the marketplace is a much better monitor of efficacy than is the Federal Government: an efficacious drug is profitable, an inefficacious one is not. Patient-consumers and their physicians can be relied on to make these judgments far more rationally than do the planners at the FDA.

Representative Symms calls his legislation the "medical freedom of choice bill," which seems an apt summation. He might also call it a bill for better medical care, at prices American citizens can afford.

JUDGE DONALD E. BENTON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. SKELTON. Mr. Speaker, this month, the State of Missouri lost a fine public servant, an exemplary citizen, and a good friend. The sudden death

of Judge Donald E. Benton of Sugar Creek at the age of 51, was a sad event for all who knew him and worked with him.

Judge Benton was one of those rare individuals who manage to combine a career of public service with a well-rounded family life, and a strong commitment to the church. Judge Benton was elected magistrate for Jackson County, Mo., in 1976. He was appointed to a seven-member committee recently to create a uniform record-keeping system for the Missouri magistrate system. Prior to his service as judge, he served as chief prosecutor in Independence.

In addition to his busy legal career, Judge Benton was an active member of the RLDS Stone Church in Independence. When he first moved to Independence in 1958, he served as legal assistant to the RLDS Church. Benton also taught church school there.

Judge Benton leaves a wife, Mrs. Rilla Benton, three sons, Mark Benton, 216 Pendleton, Independence; John Benton and Bond Benton, both of the home; a stepson, Landon Price of the home; a foster son, Jay Parker of the home; two brothers, Robert Benton, Philadelphia, and David Benton, San Antonio, Tex.; and two sisters, Mrs. Dorothy Stroud and Ms. Jeanette Davis, both of Council Bluffs.

"WHY JEWS WANT OUT OF RUSSIA"

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. OTTINGER. Mr. Speaker, for many years, I and many of my colleagues have written to the Soviet authorities on behalf of countless Soviet Jews who have been imprisoned unjustly. We have done so in the name of internationally recognized human rights that have been enshrined in the Helsinki Final Act which 35 nations of the world, including the Soviet Union, signed.

It is sometimes difficult for Americans to understand the living conditions for Jews in the Soviet Union. For this reason, I would like to share the following interview with Sylva Zalmanson, a Soviet Jew who emigrated to Israel, that appeared in the Washington Star on February 12, 1978, in the hope that my colleagues and the general public might better understand the true plight of Soviet Jews.

WHY JEWS WANT OUT OF RUSSIA

(NOTE.—Sylva Zalmanson, a Soviet Jew living in Israel, was arrested in 1970 for attempting to escape from the Soviet Union by plane and sentenced to 10 years in prison for treason. Her husband, Edward Kuznetsov, was sentenced to death. After worldwide protest, Zalmanson was released 4½ years later, her husband's sentence was commuted to 15 years, and other Jews were allowed to emigrate to Israel. Zalmanson was interviewed for The Washington Star by Zofia Smardz.)

Question: Why is the desire to leave the Soviet Union so compelling that you'd risk prison and why is it so difficult in the first place?

Zalmanson: The Soviet Union is a totalitarian country, and there is no freedom to demonstrate, to speak freely, and there is no free emigration either. So we were unable to leave. We appealed to many organizations—the Communist Party in Moscow even—and we were refused. We gathered letters signed by many Jews and smuggled them out of Russia to many organizations, including the United States, but we got no response. Some of the organizations broadcast our petitions over the radio, but we didn't get any support. So we felt isolated, and we were alone. We were also activists. We had learned Hebrew, and we received, legally, magazines and publications from Israel, and we typed our own newsletters and distributed them among other people.

Q. There is no freedom of religion for Jews in the Soviet Union?

A: Yes, there is some, but it is only for display, to prove to the West that there is freedom of religion there. But actually, there isn't. But our desire to live in Israel was very deep, and it was very important to us. So we decided to try to leave Russia without waiting for legal permission. My husband had been sentenced to seven years in 1961 for editing two issues of an illegal magazine. 'The Phoenix,' that had been smuggled out of Russia to the West. He had also read poems in Mayakovsky Square. That was enough to receive seven years in prison. He spent three of those years in Vladimir prison, which is the worst prison in Russia. If a prison guard wants to really punish a prisoner, they send him from a labor camp to Vladimir. So my husband knew what it would be like. But he was ready to go again and we were all ready to go to prison. We were not only desperate, but we felt very strongly that we could not keep silent anymore, that we had to protect, to do something, because we couldn't reconcile ourselves to this situation.

Q: What exactly is the situation for you as a Jew in the Soviet Union?

A: There is very strong anti-Semitism in Russia. Before 1948 this anti-Semitism was only something that ran within the populace but was not a policy of government. But in 1948 it became a policy of the Soviet Union, an internal policy of the government. The atmosphere of anti-Semitism flourished. When I was a child, even, I was beaten by other children because I was a Jew. I don't blame the children; it was because of the atmosphere of anti-Semitism and because the people felt like this, and the government was giving them permission and encouraging them. People in the West can't often understand how much of your time and energy and your life you give up just trying to get permission to leave the country. In the West it's incomprehensible, but it's so tragic in Russia. I was in prison four years, and I believe, I swear, that that price was not too high for my freedom.

Q: What is it like in a Soviet prison?

A: When I visited Israeli prisons, I finally understood how terrible it had really been. I had felt it, of course, while I was there, but I hadn't known then how it was in the West, so I had nothing to compare it to. First of all, there is terrible food. There are no vegetables, no fruit, no vitamins. So everybody suffers from tooth problems. There is no Vitamin A and no sugar. They give us just enough for a little cup of tea per day. Many people lose their memories. Also, there is no meat, no protein. Sick people only, with ulcers, could get one glass of milk. Nobody else. We were given just black bread, soup made from grain products, and a little piece of fish in the evening. And tea. But never enough. In labor camps the prisoners have to work. If one refuses to work he is put in solitary confinement, and that is something awful. If he sends an illegal letter to his family, or even another prison, he is put in solitary confinement, and it can be for 15 days, or it can be for six months. And in solitary confinement, it's terribly cold. The floor is cement, and the bed is wood, with no blankets. The prisoner is not allowed to dress warmly either.

Q: Do people die in these prisons?

A: Yes. They die. And when they see that a prisoner is going to die, sometimes they release him, but it will be when he is just a week or two away from death. But they do die in prison. One died in my presence because he was force-fed. He had been on a hunger strike, and they force-fed him and he died.

Q: Your husband is now on a hunger strike, isn't he?

A: Yes. It is his only possible way of expressing his anger and frustration, because now he has 14½ years of prison life behind him. He has an ulcer, and he has 7½ more years to serve in the same conditions. They are force-feeding him now. I am afraid because he has very high principles, and he will not give up. He has gone on this hunger strike because his suffering reached an extreme, and he decided to finish the suffering once and for all. He wants the world to listen to him. He is keeping his hunger strike for everyone who was on trial with him. They put a tube down his throat. It's a very damaging procedure, painful and damaging. One prisoner I knew when I was in prison lost his voice from it, and another I know died.

Q: How do you feel about the fact that the United States is so friendly with the Soviet Union these days?

A: I see the two countries as two great powers—the United States is the good power, and the Soviet Union, of course, is the bad. Twenty million Jews have been killed in Soviet camps, and that's more than the Nazis killed in Russia when they entered during World War II. It's a dangerous power, and I know it from my own experience. I'm happy and I think it's so good for all the world that there is a power that can counter the Soviet Union.

Q: Do you feel the United States does enough to help human rights in the Soviet Union?

A: They do very much. I was released because of the support that came from the American government. Not only the American Jews, but Christians also helped me. And there were also the efforts of senators and congressmen for my release. And now I have met many senators and congressmen and people from the State Department and the White House, and they feel very strongly about my husband's case, because it is a human rights issue.

Q: Do you think there's any hope for an improvement in human rights in the Soviet Union?

A: Without efforts, without a struggle, no. That is so important, and the right to emigrate, so that people are able to get out and the country becomes more open. So that you will know at least with whom you are dealing. But without a struggle, it cannot be improved, because the KGB is constantly trying to bring us to silence. They say that if we are silent, they will treat us better. But the truth is that they wait for the right moment, and then they persecute us as badly as possible. It's according to their habits and customs. Russia has a very deep tradition inherited from the czars, a very cruel tradition. And now it is worse, much worse.

Q: The Soviets must realize, though, that the people in the West know what is happening in the Soviet Union.

A: Oh, but they have their own propaganda. For example they always say there is no problem with emigration. Before 1970 there wasn't much awareness of it, but there were so many people waiting so many years to go to Israel, and so many imprisoned for demonstrating or writing or disseminating anti-Soviet propaganda. But the authorities lied about it, so in the West people were un-

able to react, really. Because from their own experience, if someone looks them in the eye and says there is freedom, there are no political prisoners, you can't react otherwise all of a sudden. You find it hard to believe that someone could be smiling at you and telling you things, but underneath he's an animal. They call themselves democratic socialist republics, and say that there is freedom. They also say that the capitalist system, in the West, is a rotten system, that the workers die from working. There's very strong anti-West propaganda.

Q: And is it believed?

A: Yes. Most people believe it. There are people that don't believe it, but they are not in the majority. The average Russian believes that the capitalist system is the most inhumane system in the world, while the socialist system is the best. They like their system. They believe that the Soviet childhood is the happiest in the world, and that children in America have terrible lives. They don't dream about democracy. They believe democracy is a disgrace. And if they are not satisfied, it is only because they don't have enough food on their shelves. This is the average people. They believe in every word that is written in Soviet papers.

Q: Do they know about the prisons and the conditions there?

A: About political prisoners, they don't know the truth. If some writer is accused of something, everyone will go out and demonstrate for his arrest, in spite of the fact that none of them have read his books. So they don't know the truth. The people who were in prison know about the conditions, but after they leave prison, they are forbidden to live in Moscow, Leningrad or any of the major cities. So they might know about what happens, but they can't spread the word. I have been out for 3½ years. And every day I thank God. Really, the more time that passes, the more I realize how terrible it is there. You can't imagine how lucky you are to live here.

BEWARE A DEPARTMENT OF EDUCATION

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. TREEN. Mr. Speaker, in the fall of 1976, Presidential candidate Jimmy Carter condemned overcentralization of government and the pervasive Washington bureaucracy. Now, President Jimmy Carter is proposing the creation of a new Cabinet-level department—a Department of Education. The creation of such a department will inevitably lead to greater and greater concentration of educational programs at the Washington level.

As the Congress considers the President's proposal for a Department of Education, we should give very thoughtful and careful consideration to the implications. Marvin Stone, editor of U.S. News & World Report, points to some of the dangers in his editorial which appears in the February 13, 1978, edition of USNWR. I commend his editorial to the attention of my colleagues:

A DEPARTMENT OF EDUCATION?

(By Marvin Stone)

At first sight, it would seem logical to take education out of the mammoth, catchall Department of Health, Education and Welfare—as the President proposes—and give it a separate department of its own. Education doesn't have much to do with writing Social Security and welfare checks and looking after the nation's health and a few dozen other things that HEW must contend with.

Also, it is easy to get across the idea that education is terribly important and therefore it deserves Cabinet status. That is, if you go along with the notion that everything terribly important needs increasingly to be done by the Federal Government.

The fight over this presidential proposal exemplifies Washington at its worst. Certain of the parties appear to be in it for the wrong reasons. Carter proclaimed the plan when he needed endorsement by the National Education Association in his drive for nomination in 1976. He got the endorsement.

Sponsors of the plan believe the higher visibility of a separate department would inspire increased federal appropriations for schools. Not everybody regards this as an unmixed blessing, of course, even aside from the fact that the money, federal or local, all comes from taxpayers.

Moreover, NEA sees the new department as a fulcrum for much stronger influence—inevitably that of NEA, which is a labor union consisting of more than 1.5 million teachers and administrators. Largely for this reason, according to a mean suspicion that has been voiced—and perhaps on more substantial grounds—the rival American Federation of Teachers opposes the change.

Ernest Boyer, Commissioner of Education, has said of the proposed shift: "I don't believe it would necessarily mean better administration." From the point of view of efficiency, indeed, this boils down to one of Washington's perennial struggles over consolidation of function: This time, for instance, the pitch is to put Indian education under a Department of Education instead of the Bureau of Indian Affairs, and give the school-lunch program to Education instead of the Agriculture Department, which specializes in food supplies.

One obvious danger is the potential for growth of a huge, new bureaucracy. But HEW Secretary Califano, who naturally is fighting to keep the "E" in HEW, has put his finger on a more worrisome point. In a recent interview with this magazine, he predicted: "An Education Department would not be answering to its obvious constituency—students and parents—but to administrators and teachers who would assert an unwarranted degree of influence."

To expand on Califano's thought, there is a visible threat of tightening federal control—and a decline in the local direction of schools, which is traditionally American.

No one can say that a Department of Education thus would necessarily become a classroom monitor. But the possibility is there, in an agency whose view might someday concentrate on the field of the professional educator.

A study of Senator Ribicoff's bill, which already has been introduced in Congress and which may well become the vehicle for fulfillment of the President's promise, gives pause. Among its duties: "Encourage comprehensive planning by State and local governments, especially with respect to co-ordinating federal, State and community educational activity at the local level. . . . Provide leadership by conducting studies, making recommendations, and administering discretionary programs to facilitate the continuing development of the American educational system."

We had better give this proposal some hard thought. Experience leads to the fear that a federal Department of Education would enter our local communities like the Man Who Came to Dinner—a guest to whom, it might be, we could never say "Good-bye."

LINCOLN'S DEBT TO THE BIBLE

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. DON H. CLAUSEN. Mr. Speaker, as we terminate the congressional recess in observance of the birth of Abraham Lincoln, one of our greatest Americans, it is appropriate to reflect not only on this man's accomplishments, but on his background as well.

My good friend Ernest Lloyd, who is now retired and living in Deer Park, Calif., has written an interesting and enlightening article for the Adventist Review. Mr. Lloyd was editor of "Our Little Friends" for 25 years.

In this article Mr. Lloyd shows the influence the Bible had on Mr. Lincoln.

Mr. Speaker, our Congressional Prayer Breakfasts regularly indicate the deep interests many of our Members have in the Bible and Christian teaching. We are also aware of the deep respect all Americans feel for the man who was our President during the most trying period in our history. I think our colleagues will enjoy this aticle illustrating how the Bible helped Mr. Lincoln when he needed it most.

[From the Adventist Review, Feb. 9, 1978]

LINCOLN'S DEBT TO THE BIBLE

(By Ernest Lloyd)

Long age someone wisely stated that when God desires to use a man for a special purpose in this world, He first prepares a mother. It was evidently so in the case of Abraham Lincoln. His mother, Nancy Hanks Lincoln, was a woman of God. She loved the Bible and taught her son to honor and revere the Book. Indeed, the Bible was the only book that Lincoln saw in his very early boyhood days. Its stories fascinated him, and the records of the great characters of the Old and New Testaments left their indelible stamp upon his retentive mind.

It is not difficult to trace the influence of the Scriptures upon the life of Lincoln. Dr. Edgar De Witt Jones has made the statement that "no man in American public life quoted more scriptures in his public speeches, or showed a greater familiarity with Bible texts, than did Abraham Lincoln." Those who have given special study to Lincoln's writings have found that his outstanding speeches were adorned with numerous quotations from the Bible.

To a committee representing an organization in Baltimore that had presented him with a copy of the Bible September 7, 1864, Lincoln replied: "In regard to this great Book I have but to say: It is the best gift that God has given to man."

Addressing the American Bible Society at Springfield, he said: "It seems to me that nothing short of infinite wisdom could by any possibility have devised and given to man this excellent and perfect moral code. It is suited to men in all conditions of life, and inculcates all the duties they owe to their Creator, to themselves, and to their fellow men."

Lincoln was often a lonely man. Under the surface of his native humor there flowed a current of sadness. His great heart was often lonely, and, knowing that the Bible contained help for the sorrowful, he would frequently turn to this Book of comfort to find that which human friends could not give.

Lincoln too often was a misunderstood man. His motives were frequently impugned.

But he remained true to his convictions, knowing that the teachings of the Bible upheld him in his purpose to bring relief to a distressed people, unity to a nation, and blessing to the world.

If Lincoln were alive today, he would be surprised at both the great increase of Bibles and the little use made of them by parents in their homes, or by public men in their speeches and writings. The great need is for more open Bibles throughout the world, and a clearer understanding of the Book's place in the lives of youth today.

FOREIGN THUGS IN OUR MIDST

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. DERWINSKI. Mr. Speaker, there is continued controversy over the fact that it is becoming more difficult for the United States to combat foreign subversive operations in our country.

The noted columnist, Patrick J. Buchanan, writing in the Chicago Tribune on February 9, relates specific cases of American Serbs involved in the problem of U.S. counterespionage and intelligence. His column very effectively underscores the enforcement problems associated with foreign governments. The article follows:

FOREIGN THUGS IN OUR MIDST

(Patrick J. Buchanan)

WASHINGTON.—Last month Dr. Milhailo Naumovic, 49, a militant Serbian-American anti-Communist and former newspaper editor, died when his car plunged through a guard rail on the Lake Shore Drive S-curve and into the Chicago River.

Last June his associate Dragisa Kasikovich, chief editorial writer for the same Serbian-American newspaper, Slobado [Liberty], was beaten and stabbed to death. To ensure that no witness would identify his assassin, the 9-year-old daughter of his fiance was murdered with him.

While this writer has no hard evidence, a powerful suspicion exists that the double murder and perhaps the death of Dr. Naumovic were the work of the UDB, the dread secret police of Yugoslavian leader Josip Tito, who is scheduled to visit the U.S. next month.

What inflames the suspicion is that other anti-Titoist Yugoslavs have been murdered in West Europe, and the hired thuggery of the old tyrant have been unearthed up to their eyeballs in assassination plots.

The above is cited to raise a single question: How much further do we intend to go in our present mindless, mudslinging, hamstringing campaign against the Central Intelligence Agency and Federal Bureau of Investigation?

In recent years, sources of intelligence information have been drying up because of CIA turncoats, congressional exposure, and Freedom-of-Information demands from FBI files.

Mail covers, which have aborted serious espionage attempts by U.S. citizens, have been almost eliminated.

Seeing a shortcut to the evening news and front page, Capitol Hill demagogs have made both agencies free fire zones.

Patrick V. Murphy of the Police Foundation has joined the pile-up. Not a notably heroic critic of J. Edgar Hoover while the old man was alive, Murphy, to peddle his book, has been braying about the old lion being the "Rasputin of American law enforcement," six years after his death. But the record does not favor Murphy.

Despite his press clippings, his tour as chief of police in various cities seems to have coincided with a crime wave. During the three foreign wars that Hoover was head of the FBI, not a single provable case of enemy sabotage against an American military or industrial target occurred.

While civil libertarians have been echoing the assaults upon the FBI and the CIA, the proper lessons have been drawn by the KGB.

By 1978 the number of Soviet bloc official personnel in this country, and their dependents, has risen to almost 4,000. Among these are hundreds of intelligence agents and a few identifiable KGB types from Line V, that section which specializes in assassination and sabotage.

Add to this scores of Cubans, Chinese, and Yugoslavs, and thousands of Soviet-bloc tourists, scientists, political leaders, trade delegates, and seamen flooding the U.S. annually, and we have given the few thousand FBI agents delegated to internal security an impossible problem of surveillance.

The brazenness of Communist spying operations was underscored last week by the apparent involvement of Hanoi's ambassador to the United Nations in espionage against the U.S.

We shall pay a price if this assault against the FBI and CIA continues. The price will be the loss of countless commercial, industrial, and military secrets, intimidation of American citizens, and, should conflict come, widespread sabotage from which the U.S. has been free in the past.

A TRIBUTE TO VICTOR C. SMIROLDO

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1978

Mrs. SCHROEDER. Mr. Speaker, I first met Vic Smiroldo when I came to Congress in 1973 and joined the Post Office and Civil Service Committee. He taught me the intricate and ambiguous ways of the legislative process. When I assumed the chair of the Census and Population Subcommittee, and later, the Employee Ethics and Utilization Subcommittee, Vic was always my unofficial staff counsel.

Vic coached the committee softball team, where he was known as "The Godfather." The team's record was not one to boast about, but he made sure everyone had a good time. They won only one game all season—the only game Vic was absent from. He received a fair dose of joshing on Monday morning. His players had befuddled the opposition by chanting "This one's for Victor" for nine innings.

Vic was a gentleman from the old school. Whenever he came out to Denver for committee hearings we would argue over who would pick up the tab at lunch. His chivalry usually won out.

The country has lost a devoted servant. Vic was a professional and a perfectionist. He demanded and received the best from the committee staff and members alike. We were all rewarded by Vic's dedication.

Mr. Speaker, I join my colleagues in paying tribute to Vic Smiroldo. My deepest sympathies are extended to his wife, Rosemary, and to his children.

CONSUMER REPRESENTATION AND REORGANIZATION ACT

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. FISHER. Mr. Speaker, the House of Representatives last week defeated the Consumer Representation and Reorganization Act. I was among those who voted for passage of this bill, and would like at this time to express my reasons for doing so.

Every day, the many Federal regulatory agencies and departments consider new rules, guidelines, and opinions that affect the quality, cost, and availability of goods and services that all of us use. As part of their normal procedure, these agencies consult with the producers of the goods and services before taking an action affecting them. However, it is not often part of the routine for Federal agencies to consult with consumers. We have long needed to correct this imbalance. I felt that it was to the advantage of all of us in our roles as consumers to have one single agency responsible for representing our interests.

My support for the Consumer Agency has not been without reservations. I was concerned, as were many others, that the establishment of a separate agency might simply add to the tangle of bureaucracy in our Government without effectively representing the interests of the consumer. I was concerned that the process of creating a new Government agency could further strain an already overburdened Federal budget. I was also concerned that the creation of a Consumer Agency might require unnecessary paperwork by many small businesses in our country. Therefore, I initially supported the bill on the following conditions: First, that consumer offices in a variety of agencies be consolidated into the new office so that there would be no increase in Federal spending or duplication of Federal effort; second, that field or regional offices and functionaries not be scattered across the country; third, that the principal activity of the agency be confined to representing consumer interests before Federal regulatory boards and commissions; and fourth, that the agency's information gathering and disseminating activities be kept streamlined, making use of reliable information already provided in some other way. It was my opinion that the bill in its final form met these conditions reasonably well.

I hope that the defeat of the Consumer Agency does not lead people to the conclusion that the consumer's interests do not need to be protected. We are all consumers, and the absence of a single agency devoted to the consumer should

prompt us to at least strengthen the offices that are already in existence for protection of consumer interests.

DNA: SCIENTISTS SOCIAL RESPONSIBILITY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. OTTINGER. Mr. Speaker, tomorrow I have the honor of speaking to the American Association for the Advancement of Science and of participating in a panel on recombinant DNA. I would like to share with my colleagues the remarks I intend to make at that time.

REMARKS OF HON. RICHARD L. OTTINGER BEFORE THE AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE, FEBRUARY 15, 1978

In an editorial published in *Science* Magazine on January 13, Philip Abelson issued a warning to those involved in recombinant DNA research:

"A scientist who furnished the pretext for restrictive legislation could count on the ill will of many of those he or she most wants to impress."

While Dr. Abelson's words—as an example of one viewpoint—were obviously meant to caution DNA researchers to avoid any mishaps so long as there is a public debate on the issue, the inference is that once the issue is resolved in the public arena, scientists will be able to relax and pursue their own goals free of the scrutiny to which they've been subjected during the course of the current debate. Indeed, in the same editorial, he suggested that "A major hazard is that during the crucial moments of the legislation, news will come out of some irresponsible act by a scientist engaged in recombinant DNA research."

The message is that if the scientists engaged in DNA research behave well enough and are careful enough during the public debate on the subject, controls put in place by the Federal government might be avoided or softened.

Read as a public relations warning, Dr. Abelson's message loses its clout with me, particularly when considered in combination with the frequent vilification by scientific "establishment" members heaped on the heads of the few voices of concern within the scientific community. Dr. Abelson appears more concerned with the public impact of an accident in DNA research than he is with the hazards of irresponsibly conducted research or expressions of concern by other scientists.

Frequently during my involvement in the congressional debate over DNA research, I have been put in mind of incidents in the debate over nuclear energy, weaponry, and, more recently, over the extent to which exposure to radiation over background levels may be dangerous to human health and genetic stability.

At a comparable state early in the development of nuclear technology, doubters were derided as over-cautious fools, and decisions were made which, in light of later developments, were clearly mistakes in judgment.

The problem confronting those involved in deciding what to do about recombinant DNA research is the same as that which should have been perceived to confront decision-makers in the late 1940's and early 1950's with regard to the atomic energy area.

With all due deference, scientists at the moment do not really know what all of the hazards may be in continuing to perform DNA research, let alone what might be the ensuing difficulties as we begin to commercialize recombinant DNA technology before knowing the dangers.

Recently in the Congress we have learned that the Department of Defense has tried to ignore, over 25 years, the problems which may have been caused as a result of exposing thousands of American soldiers to nuclear weapons tests in Nevada and the Pacific. In an effort to see how well our boys could fight a ground war in the wake of the dropping of an atomic weapon, many men were exposed—in many cases several times—to high levels of radiation. The Defense Department in many cases claims not to know for certain who might have been exposed, to what levels; and it further claims that, after 25 years, any assertion that present cases of leukemia or other forms of cancer might be related to the initial exposure, cannot be substantiated.

At recent hearings before the Health and Environment Subcommittee of the House Interstate and Foreign Commerce Committee, eminent scientists were unanimous in the view that the exposure was hazardous and that exposure at the levels the soldiers experienced would increase their likelihood of getting leukemia—and it was further exposed that there had been a concerted effort by the Defense Department to stop and silence scientific research that was showing an increase in the incidence of cancer with radiation exposure received by the soldiers.

But the parallel with the DNA situation is that, no matter how well-intentioned our military leaders may have been—or DNA researchers may be—the plain fact is that the military *did not know* the true potential of risk of human injury.

The warning that any scientist who, during the public debate, makes a mistake which heightens public interest in the DNA issue and, hence, lends support to more proscriptive regulation will be unpopular with his colleagues should be viewed together with other suggestions that have been made that scientists who themselves urge constraints may similarly be alienated from the scientific mainstream. We have seen this happen, again, in the nuclear debate, and I sincerely hope that, this time, researchers into the problems and hazards of DNA will not find their research stifled. In my parallel, I am thinking of the horrendous treatment by the atomic establishment—in and out of government—to make "nonpersons" out of such concerned scientists as Irwin Bross, Arthur Tamplin, John Goffman, Robert Pollard, Philip Mancuso and Ernest Sternglass, to name a few.

I should pause here a moment to remind you all that I am not a scientist; I'm a politician. As a politician, I am not unmindful of your reactions to those of us in public life who appear to meddle where we are not wanted—in the arenas of the "experts," I might, however, observe that the arenas of the experts, be they academic ivory towers, independent laboratories or, for that matter, the arts, often are fraught with "politics;" the problem is the serious attempts which are made to minimize or disregard altogether the political nature and implications of such groups. Many of you are undoubtedly familiar with the phrase "academic politics," but I wonder how many of you have ever stopped to reflect that academic politics are even worse than political politics!

If I disagree on a policy matter with another Member of the House, I'll tell him, and then I'll do my utmost to defeat his position. What I won't do is vilify him, or threaten him. Academic politics, on the other hand, is a reality too many attempt to avoid recognizing. Nevertheless, it is in your interest to recognize that decisions on DNA are, and will be, political, not technical. I'd like to take my case further and suggest that the debate over recombinant DNA research has given me a fascinating insight into the arrogance and anti-democratic spirit of which the "established" scientific community—both independent and university-affiliated—has shown itself capable. Those who have lobbied so hard to prevent the Congress from taking steps many of us are convinced need to be taken to protect the public health and safety have shown that they apparently think themselves omniscient and infallible.

"We're the experts," the saying goes, "and you can't possibly understand whereof you speak."

I resent that, and I resent it extremely; and the American public will destroy you if you maintain that attitude.

We live, after all, not only in a democracy, but also in a time where complexities of life and environmental threats to our health and safety are nearly overwhelming. It is a time when, more than ever before in history, citizens of the earth must reflect upon the potential effects of their actions on other citizens of the earth.

The argument has been made that scientists should be allowed to perform recombinant DNA research because the free speech provisions of the Constitution's first amendment grants them a right to do so without governmental interference. The problem is that the danger of a mishap is sufficient that society's protection becomes an important issue. Further, research, such as DNA research, is not "speech," but action. I am unaware of any first amendment protection for freedom of research, as opposed to the protected freedom of speech. And, of course, even freedom of speech is not absolute, but must be weighed against clear and present dangers to society. It might be argued that a person is protected if he or she discusses the overthrow of the American government; the first amendment, however, does not permit the experimentation with acts of such an overthrow, particularly if the experimentation involves the use of devices and materials dangerous to the public. (In any discussion of first amendment rights and DNA research, it is important to note that those who, in and outside of the scientific community, have expressed their concerns about the dangers of recombinant DNA research do have the right to express their views, at least as much as those who advocate freedom to conduct the research in the first place. For that latter group, the distinction must, however, be made between advocacy of the research, and the research itself).

The question about first amendment protections and the right to perform recombinant DNA research really must turn on whether the research is dangerous. If we, in our democracy, have reason to fear some danger, though we know not how much, then it is our right as a society—and our duty—to request those seeking the freedom to perform the research to proceed only under conditions which seem reasonably designed to protect society.

The issue was stated well in a dissenting opinion written by Justices Holmes and Brandeis in 1919 (Schenck v. United States). They wrote:

"The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic. . . . The question in every case is whether the words are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."

I submit to you that Congress has not only the right, but the duty, to give consideration to whether recombinant DNA re-

search may be the equivalent of shouting fire; if it is, as I believe at least some of it may be, then we also have the right to control the locations and methods by which such research is carried on.

It is my personal view, moreover, that it is entirely appropriate to err on the side of conservatism while any doubt remains. If, over the course of some years, recombinant DNA research is conducted responsibly—with public access to the methods and the results—and there are no incidents which indicate hazard to the public, then perhaps the scientific community will have proven to society as a whole that there is no danger. When we reach that point, then we can consider relaxing the rules.

The problem, of course, is that well-meaning expert scientists, who believe they will do their research responsibly and carefully, and with a full regard for their fellow citizens, are not the only people who will be involved—if the major proponents of DNA research and commercialization win the day.

The basic issues right now before the House Commerce Committee turn on 1.) whether to allow for Federal preemption, and hence to prevent localities from making choices for more stringent controls than the Federal government might promulgate and 2.) how to apply controls to industrial research and, when applicable, to commercial uses of recombinant DNA technology.

In the first instance, we have been lobbied heavily, with Harvard University getting credit for being in the lead, promoting Federal preemption. The argument is that researchers and research institutions cannot live with a patchwork quilt of regulations, with different rules in different parts of the country. I suppose what Harvard is really saying is that if, because of the intense interest by the Cambridge community, Harvard is required to comply with locally-set standards more stringent than any minimum Federal standards, Harvard might lose out to the University of Chicago or Stanford University if the communities in which those institutions are located choose *not* to implement standards in addition to the Federal ones.

My own reaction to that is that it's a sad day for Harvard. If Harvard doesn't like what the Experimentation Review Board and the Cambridge City Council have done, then Harvardians ought to get themselves on the Board and/or run for City Council. I certainly do not think it appropriate for Harvard to ask the Federal government to preclude the community of Cambridge from making a choice more conservative than that of the Federal government!

This discussion is made more ironic in light of the history of the Cambridge Experimentation Review Board experence, and the fact that a group of citizens, including the Mayor, started out diametrically opposed to any DNA research, and ended up convinced, by responsible presentations by members of the scientific community, that recombinant DNA research probably could be conducted responsibly at Harvard after all.

With regard to commercial uses of DNA technology, I am at least as deeply concerned. The proponents of freedom of DNA research again claim that their expertise is superior to that of the rest of us. "Don't worry," the saying goes, "we'll be careful." As I suggested earlier, good intentions aren't worth much, particularly as the number of people involved with genetic manipulation increases and the confidence rises, too. As more people become involved and more familiar, their familiarity may breed contempt, or carelessness with following the rules as completely as they should be followed.

The nuclear industry, again, has attempted to allay any fear by the public, by reassuring us that their "defense-in-depth" strategy is sufficient to protect us from any "credible" accident, whatever that is (and what is an incredible accident, anyhow?). At the Tennessee Valley Authority's Brown's Ferry nuclear power plant in the spring of 1975 there was a fire caused by workmen who were checking for drafts in the building wall where electrical cables were located.

Using candles as an easy way to check for drafts, they ignited the insulation, with the ensuing fire lasting about 7 hours. The damage caused by the fire brought the plant to the brink of a melt-down—or an incredible accident. Again at Brown's Ferry, just a month or so ago, a workman dropped his rubber boot in the reactor pool. It took a week to figure out how to remove the boot or to try to make it disintegrate; the plant was closed, and TVA was out better than $2.5 million in costs for other fuels and the time to figure out what to do about one rubber boot!

I am not suggesting that industry is incompetent, or any less likely than government or university-affiliated institutions to perform carefully with DNA molecules or other dangerous substances. Nor am I suggesting that industry is more anti-social than the others. What I am saying is that human nature is still human nature, that once people get comfortable they get careless. It's also that the scientists themselves are still so uncertain about what they are dealing with that they may not even be aware of what to be careful about! Once that happens, and people get careless, the rest of society is endangered, and no amount of claiming either expertise or good intentions, will help. These factors lead me to conclude that the application of minimum Federal standards to all DNA research and to any commercial applications of the results is essential.

In conclusion, I would urge that the scientific community as a whole begin to think more seriously of itself as only a group of citizens in our community of citizens. You know what you want, and you know what you want to do, but it has gone beyond the point when you can presume to tell the rest of the people that they are ignoramuses, who lack the ability to make intelligent judgments about things you think we know not of.

I am not suggesting that we in Congress who believe there should be statutory controls at the Federal level—and local options for more stringent regulation—for recombinant DNA research are going to stop listening to what you have to say, for you are as much a part of our society as any other group. But you must understand that we also listen to other voices.

Thoughtful debate of issues, dispute among advocates of differing viewpoints, compromise: these are the things of which our democratic processes are comprised. You do your own cause no good whatsoever if you act as superior beings whose mystique puts you above society as a whole. Cooperation and explanation—in English, rather than in scientific jargon—is what the scientific community should be offering, not elitism.

If you do not move in that direction, you will invite vastly more serious mistrust of yourselves than you have ever seen to date, especially in a time when so many Americans so deeply mistrust all institutions. In the recombinant DNA research debate, if you insist upon isolation, and insist that local participation is unfair and unwise, the likelihood is that you will engender more, not less, controversy around your heads. To close on the comparison with nuclear energy and its debate, you would do well to reflect on the number of instances in which localities, or even states—through their elected representatives—have begun to challenge all the premises on which the Federal government has been making decisions about nuclear power plant siting, waste disposal and the rest. The challenges, you must notice, have not ceased. The occupation of the Seabrook nuclear power plant site in New Hampshire last May should provide you with a clear picture of what citizens are willing to do when the institutions supposedly in control are unresponsive.

The choice is yours, and I urge you to reflect upon it.

NAVY GETS PENTAGON CRUMBS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the San Diego Union, Feb. 8, 1978]

NAVY GETS PENTAGON CRUMBS

There are increases in the Administration's new defense budget which are supposed to take up the slack in our ability to wage conventional warfare. The focus is on the defense of Europe, and there is no quarreling with the point that the North Atlantic Treaty Organization must overcome the disparity between NATO forces and those of the Warsaw Pact.

But the budget, and Defense Secretary Harold Brown's statements supporting it, also disclose a de-emphasis on the role of the U.S. Navy in different versions of a European war. This helps explain why the Administration wants to cut the Navy shipbuilding program for the coming year by about $1 billion.

Eight missile frigates, an attack submarine and three sonar surveillance ships are the extent of new shipbuilding included in the budget. They would contribute to what Mr. Brown sees as the primary mission of the Navy in a European war—protecting Atlantic sealanes for the supply and reinforcement of ground and air units that would have the primary job of repelling an attack from Eastern Europe and the Soviet Union.

If NATO strategists have concluded there is only a secondary role for carrier-based strike forces in defending Europe, we wouldn't presume to challenge that decision. What we would challenge, however, is whether NATO requirements should have so much influence on the size and shape of an American Navy with responsibilities that literally encircle the globe.

Congress deferred funding of any new attack carriers last year in the face of a dispute over whether resources should be put into a single new Nimitz-class nuclear carrier or into smaller carriers. Funds also have been omitted from the new budget, says Mr. Brown, because a study of the large vs. small carrier issue isn't completed. Further, there is no funding for carrier escorts and the Aegis missile system designed to protect a carrier task force. Moreover, the Navy was forced to cut back its request for F-14 fighter planes assigned that same protective role.

Mr. Brown's lectures about the high cost of ships, and cost overruns in shipyards, lead us to believe he would be quite pleased to see a defense analysis concluding that the Navy can get along with diminished carrier forces, not just in the European theater but elsewhere. This would make it unnecessary to confront Congress with an upward revision of the defense budget later this year. Our fear is that the wish will be the father of the policy—that the necessity of funding strategic weapons programs and a NATO build-up will somehow be found to justify the downgrading of the Navy's global mission.

Naval authorities have warned that the Soviet Union's new navy is designed to make seapower an instrument of Soviet foreign policy. The arrival of Russian warships off

the coast of Angola during the Soviet-Cuban intervention there in 1976 confirmed that view. The current Soviet thrust into the horn of Africa is clearly part of Moscow's ambition to enhance its foothold for naval operations in the Indian Ocean and Mediterranean, including the sea routes for shipment of the West's oil supply from the Persian Gulf.

The opening last year of a Soviet naval shipyard on the Siberian coast indicates the Russians have a Pacific fleet in mind. Their Kiev-class aircraft carriers, two afloat and four more coming, are equipped to launch helicopters, Marines and short take-off warplanes.

Ironically, the Russians are beginning to demonstrate their ability to project military power ashore from aircraft carriers, the Americans are debating whether their own formidable carrier forces represent a concept that is obsolete, too expensive or too vulnerable for the future. As Congress goes to work on Mr. Brown's defense budget, it should look beyond the map of Europe to those continents and seas where naval power may well determine the course of history.

VOICE OF DEMOCRACY CONTEST

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. DICKINSON. Mr. Speaker, one of the outstanding patriotic projects sponsored by the Veterans of Foreign Wars and its ladies auxiliary is the Voice of Democracy contest in which more than 250,000 secondary school students compete for $22,500 in scholarships. Over 4½ million students have competed during the 16-year history of the VFW contest.

This year's winner for the State of Alabama is Thomas James Foreman of Brantley, Ala., who is a senior at Opp High School, Opp, Ala. The theme of Thomas' essay should be adopted by every American who loves his country. I commend his essay for the other Members of the House of Representatives.

ALABAMA WINNER—THOMAS JAMES FOREMAN

It was in the darkest of the deepest of nights, in the saddest of moments . . . that a spark burned, a spark called desire, a desire for a free and independent nation of people that would carry on the spark, now a flame into the future. The spark was struck by our nation's founding fathers through their efforts, agonies, blood, and perseverance; men who put the ideas of a whole free nation into documents such as the Declaration of Independence and the Constitution of the United States.

In the way these men fought for a free nation, it is my duty as a free American to fan that flame and carry it into the world; in a hope that the world might one day be united in a common bond of friendship; a bond that would enable us to reach the utmost limits of our ability in such fields as science, medicine and human understanding. To do this, I must take every talent that I personally have been given; I must develop these talents in order to provide service for my nation, and for the people of the world. It has been said, "What we are is God's gift to us . . . what we become is our gift to God." That would be one of the prime objectives of each U.S. citizen, to take his every God given ability, and improve upon them to serve his country. If I should teach; if I should discover; if I should labor; yes, even if I should be chosen to die, for my nation, I will do it.

My ancestors gave so much of themselves to organize a fair working government. They took their talent for writing, for thinking and feeling, to form a perfect system of democracy. A great deal was lost through personal sacrifice to form this country. I cannot for one moment think that I should be above this same self giving. Like our forefathers I must give my all to fuel the flame of democracy. So that like a prairie fire, it can sweep the surface of the earth, and then all people, like the seeds left behind by the scorched prairie grass, will begin to grow again, fresh and full of life, new men, proud men. This is my responsibility to become the best man I can and stand up for my country, stand up for my beliefs. One day we might all be . . . free men.

BUY AMERICAN LEGISLATION

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. LUKEN. Mr. Speaker, I am introducing important legislation today which will protect American industry and the American taxpayer. This piece of legislation amends the Buy American Act which is commendable for its intent, but is nonetheless obsolete.

The 1934 Buy American Act intends to give preference to American industry during public procurements. However, its broad sweeping terms make it difficult for agency administrators to determine whether a domestic procurement is "unreasonable or inconsistent with the public interest." Furthermore, agency regulations in compliance with "buy American" do not account for the loss of Government dollars resulting from a foreign procurement.

A prime example of this type of situation recently occurred when the Department of Defense subcontracted with the Mitsubishi Corp. of Japan for the procurement of machine tools to be used in the production of the new XM–1 tank turret. The lowest domestic bid of $6.4 million was inaccurately determined to be unreasonable when it exceeded the Mitsubishi bid, as adjusted under the armed services procurement regulations in compliance with the Buy American Act, by $300,000. Even though the original Mitsubishi bid was adjusted from $4.9 million to $6.1 million, this adjustment did not account for the loss of $2.5 million in Government money, involving increased unemployment compensation payments, lost tax revenues at Federal, State, and local levels, and the multiplier effect on the economy.

My bill would prevent this type of situation from recurring in the future by tightening up the language of the Buy American Act.

This bill instructs the Secretary of the Treasury, in consultation with the Secretary of Labor and the Secretary of Commerce, to determine a factor to be applied to a foreign bid which accounts for corporate and individual tax losses at Federal, State, and local levels, increased unemployment compensation payments, and the loss to the economy through the multiplier effect, and the U.S. balance of payments. In this way, the intent of the Buy American Act can be more readily followed.

Second, this legislation protects American industry by instructing the agency administrators to prohibit the award of a contract to a foreign firm if it is determined that such an award would result in a delay in technological advancement within the domestic industry. Furthermore, agency administrators are instructed to prohibit foreign contracting if such a contract involves a national security item, or a transfer of technology which could increase the capability of an offensive military system of a "non-NATO" country.

Mr. Speaker, I believe that the importance of this legislation warrants committee consideration in the near future, and final passage by both the House and the Senate. I am looking forward to the earliest possible enactment of these provisions.

SIXTIETH ANNIVERSARY OF THE LITHUANIAN DECLARATION OF INDEPENDENCE

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. SARASIN. Mr. Speaker, on Thursday, February 16, we will be celebrating the 60th anniversary of the Declaration of Independence of Lithuania. Lithuanian descendants throughout the free world will be gathering to commemorate this important occasion. The freedom of the Lithuanian people lasted only 22 years, however, whereupon the Soviet Union invaded and occupied their land. After World War II, after the fall of Germany, Lithuania did not regain its independence, and has since been under Soviet control. The Lithuanian people, however, have continuously resisted this domination. Their spirit, their conviction, and their dedication to a cause must be commended during this anniversary celebration.

With the signing of the Helsinki agreement, the Lithuanian people's rights were to be protected, but it is evident that so far the Soviet and East European record on human rights issues remains inadequate when measured against the vital objectives of the Helsinki Final Act.

The Soviets' disregard for the agreements have not extinguished the heated feelings of the Lithuanian people to see that their rights are observed. We must, in America, continue in our insistence to the Soviet Government, that the provisions of the Helsinki Pact be observed.

With this spirit in mind, I introduced House Concurrent Resolution 117, which seeks to assist the Lithuanian people in their struggle. Primarily, this resolution informs the President of the will of Congress with regard to the fair and just treatment of the Baltic States by the Soviet Union. It asks the President to urge the United Nations to take action in requesting the Soviet Union to return

the rights of self-determination to the people of Lithuania, Latvia, and Estonia. It also calls for the withdrawal of the Soviet Union from the Baltic States.

Sixty years ago, the Lithuanian people acquired the above conditions when they declared themselves independent. But for the past 38 years they have lived under unwanted Soviet domination. On Thursday, the anniversary of that original Declaration of Independence, we must become aware of the plight of Lithuania and its people, and we must commit ourselves to the support of these proud and strong people.

LITHUANIAN AND ESTONIAN INDEPENDENCE DAY

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. BROOMFIELD. Mr. Speaker, as we celebrate the birthdays of our two greatest Americans, George Washington and Abraham Lincoln, millions of Lithuanians, Estonians, and Americans of Lithuanian and Estonian descent will also commemorate 2 other historic days, February 16 and February 24.

These 2 days commemorate an event that is in the same vein as those principles represented by Washington and Lincoln. On February 16 and on February 24, 1918, Lithuania and Estonia, respectively, embarked on their own noble experiments in democratic self-government. On these dates, these two countries declared their independence from Imperial Russia and asserted the right of their people to be free and control their own destinies.

Twenty-two years later the experiments came to a tragic end when the Soviet Army rolled into those countries and forcibly annexed them, making them a part of the Soviet Union. Ever since those unconscionable acts, the people of Lithuania and Estonia have had to bear their oppressor's harsh yoke.

Lithuanians and Estonians have been subject to political oppression, religious persecution, cultural genocide, and the denial of basic human rights. Yet through all this, they have not forgotten their noble experiment or the sweet smell of freedom and self-determination.

The people of Lithuania and Estonia can only commemorate their independence day quietly in their hearts and minds.

Yet we, who enjoy the freedom and self-government that they can only dream of, must raise our voices and assure them that we are one in their quest. We must also say to the Soviet Union that we protest this subjugation of people who long to be free and independent.

Mr. Speaker, the United States has never recognized the forced annexation of either Lithuania or Estonia by the Soviet Union, and rightly so. No matter what the state and direction of United States-Soviet relations, we cannot accept the injustice perpetrated on these people.

As I join my colleagues in observing the 60th anniversary of both the Lithuanian and Estonian independence, I wish to express my gratitude to the Lithuanian and Estonian people for their clear demonstration that the spirit of freedom cannot be trampled into submission, and to express my hope that in the future, these special days can also be celebrated in a free and sovereign Lithuania and Estonia.

UNFOUNDED CHARGES ON OFFICE OF CONSUMER REPRESENTATION BILL

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. KETCHUM. Mr. Speaker, in the aftermath of the House's refusal to legislate H.R. 9718, a bill to establish a Federal Office of Consumer Representation, several reasons have been cited as to why this measure was defeated so soundly. Normally, I would refrain from providing a postmortem for the RECORD on any accepted or rejected piece of legislation by the House of Representatives. In most instances the events and logic preceding a bill's consideration on the floor of the House speaks for itself. In the case of H.R. 9718, however, I have found the remarks made by consumer advocate Ralph Nader to be so unfounded and so vindictive that a response is in order.

Certainly, I can understand the expressed disappointment of an individual who worked so hard yet failed to see enacted a particular bill in Congress. Needless to say most of the Members of the House, including myself, have found ourselves in that same position on more than one occasion. What I object to, however, are baseless distortions made by Mr. Nader such as "the corrupting influence of big business campaign contributions, promised or withdrawn, has never been more clear" or "the lesson of today is that we must redouble our efforts so that Congress responds to the needs of consumers rather than the pressure of big business.

For my part I want to make it quite clear that at no time was I personally approached, nor was my staff approached, by big business against H.R. 9718. The only influence in this regard was mail circulars of which there were very few.

I was lobbied much more heavily, however, by so-called "proconsumer" groups. I received personal letters, for example, from such interested parties as Esther Peterson, President Carter's Consumer Advisor; from Giant Markets, the large food chain with which Mrs. Peterson was closely associated before her present position; and from organized labor. I consider this sort of lobbying to be a very positive influence on this Nation's political process, however, I do want to point out that the lobbying on H.R. 9718, as far as my vote was concerned, was grossly one sided and in favor of the proconsumer agency advocates.

The clincher for anyone's opposition to the Office for Consumer Protection centered around its own inherent failures. The American people simply are tired of adding layer after layer to the massive Federal bureaucracy already in existence. Furthermore, the cost saving measures of coordinating such an office while retaining current employees fooled no one.

As a Member of Congress I took my vote quite seriously in reaching a decision on the latest modified version of the consumer representation bill. I studied the matter closely and after careful consideration I voted accordingly. With this in mind I find it irresponsible for anyone to label me or so many of my colleagues as somehow being the dupes of big business. This is an unfair charge and totally counterproductive where the stated objectives of Mr. Nader are concerned.

LUSIA HARRIS STEWART

HON. DAVID R. BOWEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. BOWEN. Mr. Speaker, it is my privilege to bring to the attention of my colleagues the accomplishments of an outstanding young woman who has received signal honors during her collegiate athletic career at one of Mississippi's finest institutions of higher learning, Delta State University, located in my hometown of Cleveland, Miss.

Lusia Harris Stewart, the 6-foot 3-inch star center for three-time-national-basketball-champion Delta State University's Lady Statesmen, has recently been voted the outstanding woman collegiate athlete of the year by the Association for Intercollegiate Athletics for Women (A.I.A.W.).

Mrs. Stewart averaged 26 points a game in her 4-year career at Delta State, scored a record 2,985 points, and was voted most valuable player each year. She led the Lady Statesmen to a record three straight A.I.A.W. national championships in 1975, 1976, and 1977.

Lucy also led the U.S. team to a Pan American gold medal in 1975 and was on the World Games team as well. She scored the historical first two points ever in women's Olympic basketball in 1976 in leading the United States to a silver medal and a second place finish at Montreal.

Selected her senior year for the Delta State University Hall of Fame, Lucy is also a three-time pick for the Kodak All-America Team. She was recently selected as Mississippi's 1976 Sportsperson of the Year.

Mrs. Stewart was selected for the national top athlete award from a field of 14 women who were named the Nation's top athletes in their respective sports. She is the first recipient of A.I.A.W.'s award.

As an outstanding national and international representative of Delta State University and of Mississippi, Lucy continues to serve her alma mater as an admissions counselor at Delta State University in Cleveland, Miss.

I join the A.I.A.W. and the citizens of my State in paying tribute to this outstanding Mississippian and American.

NOBILITY OF A PERSISTENT LOSER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. JACOBS. Mr. Speaker, "I'm rubber," the kids at Indianapolis P.S. 76 use to chant to one another:

And you're glue. Everything you say bounces off me and sticks to you.

Mr. Buckley's appreciation for Al Lowenstein's gentility and respect for honest disagreement is also a description of Mr. Buckley's way of political life.

As for Mr. Lowenstein, he lost a lot of elections, but he won a lot of hearts and in the process helped save our country's soul.

The following is from the Washington Star of February 12, 1978:

NOBILITY OF A PERSISTENT LOSER

(By William F. Buckley, Jr.)

Mr. Barry Gray of New York City is, like a lot of us, a veteran of the polemical wars. Past his microphones for two decades men and women going up the political or cultural ladder have needed to go, and it was even a tradition for a while that as an obeisance to the most influential radio broadcaster in New York, one would begin and end one's campaign in his studio. Mr. Gray writes an occasional article, and recently he displayed an unhealthy public attitude, widely held, toward political candidacy.

He had two victims. Concerning Bella Abzug he wrote, "I like what Stanley Siegel said about Bella Abzug the morning after she ran for mayor—and lost. The ABC morning star mused, 'God got bored with Bella.' He's not the only one. I'm so bored with her raucous rhetoric, her hoarse deprecation of the 'other guys,' I'm programmed to tune her out. . . . I believe ego did Bella in. The voters began to understand the caricature which she had become. She was everywhere. Constantly talking. AT YOU. Bella is suffering from a terminal case of Potomac fever. Of which no one dies. They merely suffer audiences all their breathing lives." I wish I had said that.

But the other victim Mr. Gray also introduces as a "perennial loser." And goes on: "Allard Lowenstein, scion of wealth, chooses to wear torn shoes and frayed linen as he scurries from loss to loss. He is presently 'serving' us at the United Nations, under the aegis of Andrew Young. I guess it takes a special kind of loin to be a politician. Most people take a resounding 'no' for an answer. Not Lowenstein. He has been turned down more than a toothless hooker at a dental convention, but he keeps saying 'one more time.'"

I can think of no other passage written in tedium vitae that better illustrates the American passion for winning. If you do not win, Mr. Gray is saying, not only should you fade away, you begin to . . . smell. The planted axioms in that generality are brilliantly illuminated by the quality of Mr. Gray's victim, Allard Lowenstein. One notes that the only specific derogation in the passage quoted is Mr. Lowenstein's idiosyncratic informality. He does dress rather like an English earl going out to tend his garden, and he is notoriously unpunctual. This last is a casual beneficence of providence, since to the extent that, in his career, his lateness has caused him to miss votes, we are by that measure the national beneficiaries, since Mr. Lowenstein happens on most matters to be resolutely liberal.

But what reader of this passage would recognize a man of Mr. Lowenstein's extraordinary gentility? Or his capacity to move his audiences to idealism? Who would know of the earnest work he has done in the cause of human rights over a generation since he first began to publicize the enormities of apartheid?

If one were not prepared to lose, would Allard Lowenstein have had the stamina singlehandedly to persuade Sen. Eugene McCarthy to go to New Hampshire to challenge a seated president of the United States over the issue of the Vietnam war? Is there anyone who has run for public office as often as Lowenstein who has attempted to speak more patiently about the issues (however often he misreads them); who has shown a greater chivalry toward those who disagree with him? Is it the settled opinion of American democracy that anyone who runs successively for political office and loses (narrowly, in Lowenstein's case) should retire from the race?

I am temperamentally sympathetic with Mr. Gray's position, but not for reasons I boast of. My rule is: Never give your constituency a second chance. Having run for mayor of New York and trustee of Yale University and been soundly defeated, I resolved not to run again, while serenely convinced that New York City and Yale University will not in the lifetime of our grandchildren have so singular an opportunity to achieve redemption. But I suffer the sin of pride, from which Allard Lowenstein saves himself by going back again and again even as, exercising his own tactical intelligence, Norman Thomas did.

So Bella Abzug beat Lowenstein in the primary, as also did Carter Burden, about whom columnist Murray Kempton wrote that the most energetic thing he ever managed to do was to be born; which is not quite right—he sponsored some very bad bills in the City Council. But shouldn't Mr. Gray—and others—under the circumstances, bewail the initiative not of Allard Lowenstein, but of those who met to select a successor to Edward Koch in Congress, rejecting him in favor of Mrs. Abzug?

Everybody loves a winner, indeed. (Unless he is Richard Nixon). Everyone should love instead men of high quality, and perhaps even love them more if, hanging in, they swallow their pride to expose themselves to rejection and such condescension as Mr. Gray now thoughtlessly shows.

FOUR HAMILTON HIGH SCHOOL STUDENTS HONORED FOR AMERICANISM

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. LUKEN. Mr. Speaker, four high school students from western Hamilton County will be recognized this week for their excellent performance on the American Legion's Americanism test, administered during the week of November 8, 1977. The American Legion fourth district winners are: Michele Poli and Theresa Smith of McCauley High School, Michael Glaser of Elder High School, and Sharon Fluegemann of Seton High School. Michele Poli and Theresa Smith represent American Legion Wesley-Werner Post No. 513 in Mount Healthy, Ohio, while Michael Glaser and Sharon Fluegemann represent the George W. Budde Post No. 507 in Price Hill.

These four young people distinguished themselves by scoring highest among the approximately 8,000 students in the area who took this difficult and lengthy examination. Theresa Smith of McCauley High School is further distinguished by having been among the 18 young people who scored highest out of the 90,000 who took the test statewide. Selection of the 18 State winners was made by, among others, Chief Justice C. W. O'Neill and Justice Thomas Herbert of the Ohio Supreme Court.

To score high enough to win the American Legion's district or State awards, a student would have to possess a thorough understanding, and above all, appreciation, of American history and the way our Government functions. The three young people mentioned here should serve as an example of patriotism to others their age, and to Americans everywhere.

AMST: THE NAIL ON THE SHELF

Hon. John E. "Jack" Cunningham

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. CUNNINGHAM. Mr. Speaker, in making numerous decisions to cancel research, development, procurement, production, and sales of U.S.-built defense equipment, the present administration appears to be suffering badly from tunnel vision. Short-term cost savings have replaced strategic considerations. Many of these decisions appear to be little more than pillars of SALT.

The February 1978 issue of Government Executive magazine points properly to the disappointing decision-making process regarding the advanced medium STOL transport (AMST).

The Boeing Aerospace Co., contractors on the YC–14, had produced an excellent aircraft which could perform with unequaled maneuverability, even grace. Now the workers on that project will be shifted by the company to other projects. But will the technology, once placed on the shelf, suffer as the strategic needs of our country fall prey to OMB dreamers?

I recommend to my colleagues this article and the larger message which it contains for America's future:

AMST: THE NAIL ON THE SHELF

Just about everybody has heard the old saw, "For want of a nail, the shoe was lost; for want of a shoe, the horse was lost," etc. Last month, OMB (Office of Management & Budget) put one of those "nails" on the shelf. They "zeroed," i.e. took out of the Fiscal 1979 Defense budget proposal, a request for funds to continue to final development of the Advanced Medium *STOL* (short take-off and landing) Transport, or *AMST*.

On the face of it, continuing the program seemed inarguable. Starting about 1969 with

paper-study competitions, *AMST* was an early example of then-Deputy Defense Secretary Dave Packard's "fly-before-buy" concept. During the last two months of 1972, Air Force awarded contracts to Boeing and McDonnell Douglas to build two-each competitive prototype aircraft.

The original specification was a marvel of simplicity by military standards, only a few pages long. It told all bidders only the cargo compartment box size was mandatory: 11.3 feet high by 11.7 feet wide by 47 feet deep. Beyond that, some "mission effectiveness" goals were that it be able to operate off a 2,000-foot California grade 6 (about the equivalent of a "wet golf course fairway") semi-improved dirt runway with a 27,000-pound payload; have a mission radius of 400 nautical miles; and, on longer runways, have an "overload" payload capacity of 53,000 pounds.

HEAVY INVESTMENT

Air Force spent ("wasted most of it," contractors think) a year looking at proposals before they decided to give just Boeing and McDonnell Douglas $105.9 million and $100.3 million, respectively to go ahead—then lost another year when program funding was cut.

The contractors pushed on, anyway, so that in the end all test flying was completed and final contractor proposals for development and production were submitted last Fall, the two firms had spent what has been variously estimated as "at least" half again as much as they were paid for their shares of the program.

(One cost which climbed exponentially in the meantime is paperwork. Boeing's original proposal in February 1972, for instance, was only about 100 pages long, covering all technical, management and cost aspects of the project as they saw it—and had been changed in only "miniscule" ways when they finally got a go-ahead the end of that year. Their proposal for final development and production in the Fall of 1977 ran to 55,000 pages.)

Both contractors had to use existing commercial engines. Because McDonnell Douglas chose what, in some respects, was a more conventional design with four under-the-wing Pratt & Whitney engines, they were up and test flying first. Boeing took a very unique, and at the time unproven, approach: two big General Electric engines on top of the wing coupled with adjustable wing surfaces to create an Upper Surface Blowing effect, as the engineers call it.

If they had been a sole source going to production, say Boeing engineers, "we wouldn't have taken a risk." In short, Air Force, by going the prototype competitive route got another payoff: two distinctly different aerodynamic approaches to the heavy lift problem.

Since the contest started and flight data has been coming in, some of the "goals" have been made harder and some easier. A hoped for ferry range of 2600 nautical miles empty has been changed to 2600 nautical miles with 38,000 pounds of cargo. But the short field length has been extended to a reported 3,000 feet.

The latter change probably wasn't necessary (but neither contractors nor Air Force are talking publicly because contractor bids are in but Air Foce has not picked a winner yet—and may not for some time now that OMB has "zeroed" the program.) In flight demonstrations at the Paris Air Show and at Andrews Air Force Base last year, the Boeing YC–14 landed empty and with a "partially simulated" load in somewhere between 400 and 700 feet and has taken off on one engine within 2500 feet.

BACK END EMPHASIS

In terms of mission need, its takeoff weight within the runway goals is about 160,000 pounds and it is capable of up to 200,000 pounds. The McDonnell Douglas YC–15 has STOL operating weights in excess of 150,000 pounds and cruises about 100 miles an hour faster than the YC–14. Both prototypes were designed with manufacturing and customer life-cycle cost in mind. (The Boeing plane, for instance, will take about the same number of man-hours per pound to manufacture as the B–17 bomber of World War II.)

"But," said one Air Force Sergeant, a loadmaster, "airplane makers like to talk about how it flies yet the important thing is what's going on in the back end and in this case, generally they've paid attention to us." Based on his experience with the two prototypes, he estimates on the production models (where the ramp is planned to have only a ten degree rise from ground to cargo compartment) that heavy vehicles can be driven into the "box" in 10 minutes, tied down within another 30 and pallets can be forklifted on board in 12–15 minutes.

All this adds up to saying that two wings of AMSTs could airlift from Ramstein, in southern Germany, to Bremen a complete mechanized brigade (54 main battle tanks, 361 combat vehicles, 715 combat support vehicles and trucks, 4,295 troops) within 12 hours—more than one day sooner than a ground convoy of the same size could move the same distance even under optimistic conditions.

In short, on the rather common assumption that a Warsaw Pact attack in Europe would come in the relatively lightly defended north-central German plain, AMST initial lift is some 44% more capable of delivering the first counter-forces and 235% more capable to handle re-supply within a half-day time frame.

CHANGING CONDITIONS

Moreover, the C–130 was designed for an era when the Army had a greater ratio of infantry to mechanized vehicles and the vehicles were lighter and smaller. Some of the Army's most important mechanized firepower cannot even be carried in a C–130. And though it can be carried in a C–5, battle planners assume a lot of the close-in airfields that can handle a C–5 will be bombed out of operation in the first wave of an attack.

On top of that, AMST could use not only clear sections of the Autobahn (highway) in Germany but even open fields; giving it, in effect, some four times the landing options of the C–130, according to one study. Besides higher productivity, says that same study, AMST would require 10,300 fewer personnel for a NATO airlift fleet than a C–130 fleet (including crew and ground support.)

In addition, based on contractor submissions, 277 AMST's (the originally discussed buy) "would save $6–8 billion in life cycle cost compared to the alternative of employing a C–5/C–130 mixed fleet" over the 20 years from the time of AMST's planned introduction in 1983–85. And some decision of some kind will have to be made because by then the age of the currently operating C–130 fleet will average in excess of 20 years.

Thus, C–130 metal fatigue alone will demand either AMST or simply buying more C–130's; which still won't avoid the fact that they were designed for a 30-year-old, by then, role which is at best no longer primary to the battlefield. Why then has the program been shelved?

On the cost side, OMB allegedly (claim Army, Air Force and contractor advocates of the AMST) used "worst case" numbers that are twice the contractor quotes on purchase price plus life cycle estimates. Consequently, according to their numbers, AMST is not what policy requires: that a system "clearly must cost less to operate than the system it is designed to replace."

But apparently what has really shelved it is that the Army has not done its "mission need" homework. AMST is an Air Force-run program, though Army and Marine Corps observers have been watching its progress. AMST's contribution to strategic airlift is not very substantial. Its contribution to intra-theater tactical operations, said one Air Force general, "is very substantial—except for two things:

"1—The presumed requirement to 'carry tanks over a considerable distance in a short time' is not totally clear nor endorsed, yet, by the Army, itself;

"2—Lacking that, Army is not certain if AMST is the best cost-effective answer."

"Of course," he adds in defense of Army, "at the time we did the prototypes, we weren't certain the technology could pick up and deliver those weights over those distances in that amount of time."

Fact remains, in keeping with A–109 systems acquisition policy (see cover story, this issue), an approved Army mission need statement was nowhere in sight when the Defense funding request went to the White House. Result of all this management disarray is Defense could pay at least two major penalties:

The Shah of Iran is interested in buying 100 AMST's. Earlier on it presumably would have been whichever one came out winner in the Air Force competition. If the U.S. AMST gets shelved permanently, a 100-plane buy would be extremely tempting for European largely government-subsidized aerospace industry to go after. In effect, U.S. technology leads and a cost-sharing customer would be lost.

A delay of even as much as a year could find both McDonnell Douglas and Boeing hard-pressed if not simply unable to move ahead, whichever one got the job. Both face a competitive need to start new commercial aircraft ventures this year—and with military aircraft programs having a stop-start, high-risk, low profit history, the commercial airplane market looks a great deal more attractive to boards of directors and stockholders.

In short, the Pentagon had best get its act together or it will have spent more than $200 million for almost nothing.

THE PETALUMA LEGHORNS

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. DON H. CLAUSEN. Mr. Speaker, we are all aware of the tremendous interest Americans have in football, whether it be professional, college, high school, or sandlot. But today we hear very little about another type of football which, in years gone by, generated a great deal of enthusiasm across the country. I refer to semipro ball, in which interested and dedicated individuals competed to bring glory and fame to their local communities.

One such example was the Petaluma Leghorns, which existed from 1946 to 1958. The Argus Courier of Petaluma has recently published an excellent account by Chris Samson detailing the many accomplishments of this team. I think my colleagues will find this interesting reading.

It was my privilege to attend the reunion banquet in Petaluma organized and M.C.'d by my friend, Gene Benedetti, with the opening prayer by an outstanding community leader, Leroy Lounibos.

As many of my colleagues know

Petaluma was once known as the "Egg Basket of the World," hence the name "Leghorns" for their football team was a natural.

One point of great significance I would like to note—every man who played for the Petaluma Leghorns has gone on to become a success in his chosen profession or vocation. This says a lot for the character building associated with competitive sports in America.

It was a great night in Petaluma; and, as their Representative in the Congress, I was proud to be associated with the effort.

The article follows:

LEGHORNS RETURN FOR MEMORY BOWL

(By Chris Samson)

It's all over now but the memories.

The Leghorns, once a unified group of very solid and extremely real young men, now live only in myth and history.

The "Leggies" from a one-game beginning in 1946 grew into one of the West Coast's most respected semi-pro football teams and a Petaluma and Redwood Empire legend before they were finally disbanded in 1958, a victim of progress and television.

Tonight the memories will live as broadening and greying human beings as the Leghorn alumuni gather at Herzog Hall for a massive reunion, 32 years after their first quiet beginning.

The stories will undoubtedly flow as freely as the wine as Leghorns of three decades past re-live the glory days when they did as much as their namesake to put Petaluma on the post-war California map.

During the height of their 12-year reign, the Leghorns were the biggest sports news in Petaluma and, indeed, the entire Bay Area with personalized coverage from the city newspapers, wire-service reports and a reputation that ranged from Eureka to Los Angeles. A crammed Durst Field was routine and expected. If you weren't in the bleachers an hour before game time, you stood.

And, perhaps most prideful of all from the Leghorn standpoint, they achieved their popularity and success with homegrown products. Almost all their players were former Petaluma and St. Vincent High standards, although many had made college reputations at USF and elsewhere.

When all the numbers were added the Leghorns had won 88 games, lost 32 and tied four.

The Leghorns began as a one-game charity effort in 1946, then stepped up to full-season status in 1947.

In their first game of 1947, the Leghorns attracted 1,500 curious and provided a strong incentive for a return look by dismantling the Army's Two Rock Rams, 33–0.

When the fans returned they brought their friends, neighbors and kids. The Leghorns proved the support well deserved as they began to grow in stature with each triumph.

After that first triumph the Leghorn juggernaut, under the coaching of Gene Benedetti, rolled to seven straight victories before finally being halted by the Sunset Athletic Club, 19–14. The Petalumans later avenged that defeat and finished their first full season with an 8–3 record.

The Leggies capped that first season with a triumph in the first "Egg Bowl," an idea conceived by tackle Butch Burtner.

It was in 1948 that the Leghorns fully flexed their muscles. With most of the members of the original team back, the Leggies humbled their first eight foes, shutting out six. Fuel was added to the developing legend when the Petalumans blasted the Oakland All-Stars, 101–0.

Only two disappointments fogged that 1948 season. One was a 14–13 loss to the Santa Rosa Bonecrushers in a game the Petalumans still maintain they actually won and the other was a 2–0 loss in the second Egg Bowl.

That first real Leggie team scored 398 points—only the San Francisco 49ers and the University of Nevada elevens managed more points.

By the end of the season the Petaluma semi-pro team was rolling and fans flocked to McNear Park in standing-room only numbers to watch the 1949 team dismantle 12 opponents, losing once and tying once. Their 551 point total made the Leghorns the second-highest scoring team in the nation.

The Leggies capped the season with a 37–12 triumph over the Santa Cruz Seahawks in the Third Annual Egg Bowl and a legend was in the making.

So impressive was the Petalumans' talent and support that they were asked to join the Western Football Association; however the locals, still coached by Benedetti declined, preferring to set their own schedule and attract a wide variety of teams to McNear Park.

It was during that '49 season that the Petalumans began to draw attention throughout the Bay Area, attracting coverage and interest from major radio stations and newspapers.

Part of the Leghorns' growing mystique was supplied by quarterback Fred "The Fox" Klemenok, whose triple-threat talents made him a top gate attraction wherever the Leggies played.

The 1950 season was the brightest of the Petalumans' decade. With Klemenok in full bloom as the quarterback leader, the Leghorns demolished 10 straight opponents, avenging their prior loss to the Bonecrushers with a 54–0 humiliation of the Santa Rosans.

By then the Leghorns had joined the Northern California Athletic Conference and easily reigned as champions.

However, there was a touch of disappointment in the glory.

First the Petalumans were forced to settle for a 21–21 tie with the San Francisco Broncos in the Egg Bowl, the only non-win on their schedule, and then Benedetti, the only coach the team had known, retired.

Don Ramatici replaced Benedetti, although the former coach remained as advisor and through the 50's the legend and the victories grew.

Ramatici's first team, in 1951, was beset by injuries and personnel changes, but still managed a 6–4 record, capping the year with an outstanding defensive effort in a scoreless tie against Hamilton Field in the Egg Bowl.

Klemenok returned in 1952 and the Fox was at his best, guiding the team to an 11–1 record that included a 37–7 win over Hamilton in the 1952 Egg Bowl.

Ironically, the Leghorns' finest season was followed by one of its worst. In 1953 the Leghorns managed to salvage a winning season by the slimmest of margins, finishing with a 5–4 record and for the first time lost money at the gate.

Undaunted, the Leghorns joined the Western Football League in 1954 and once again captured the imagination of the Bay Area, going undefeated in league and finishing with an 8–2 record.

Ples Crews and Butch Burtner, two of the original Leghorn player standouts, had assumed coaching duties with assistance from Benedetti, but the Petalumans lost one of their most valuable organizers when Bob Acorne, the team's general manager retired.

Acorne, with just reason was known as "Mr. Leghorn."

It was he and Benedetti, more than anyone else who were responsible for the team's formation and although others helped along the way, it was they who put together the players and organization that symbolized the Leghorn as a first-class team.

Despite their record and fame, the Leghorns were beginning to feel the competition that would ultimately bring about their demise and by the spring of 1955 there was serious talk about disbanding the team.

The fans, however, had their say and by the fall of 1955 the team was still operating with Paul Ross, now the coach, replacing Crews and Burtner.

But, the semi-pros were fighting a losing battle.

With attendance dipping the Petalumans disbanded midway through the season with a 2–2–1 record. That 1955 Egg Bowl was the first not to feature the Leghorns, with the Junior Leghorns playing a Pop Warner game instead.

But, the Leghorn is a tough animal and the Leggies were back in 1956, recording a 6–4 record before increasingly dwindling audiences. Still, there was a brief revival at the end of the season when over 2,000 fans turned out to watch the Petalumans down the Windbreakers, 21–18 in a rugged Egg Bowl game.

The Leghorns were back strong in 1957, playing to a 9–3 record and the championship of the Far West Football Conference.

But, the glory of that season was diminished by the cancellation of the Egg Bowl, a move necessitated when insurance on the Leggie players ran out prior to the already-scheduled post-season game.

1958 was the end.

The Leghorns not only lost fans, they also lost ball games.

The Petalumans finished the season with a 2–6 record, over $1,000 in debt and without a coach as Ross resigned after the final game.

With times changing, television emerging as America's prime entertainment source and the 49ers and professional football becoming more and more popular, there was just no way they could make a comeback.

But, while they did exist, they were a talented tribute to what athletics and Petaluma were all about.

THE HONOR ROLL

The Leghorn Players: Bob Acorne, Ernie Altenruether, Arnold Antogini, Pete Arrigoni, Louie Baccala, Bob Barry, Al Battaglia, Gene Benedetti, Grove Bolles, Paul Braunneter, Manny Braz, Fred Brock, Fran Burke, Jack Burnett, Butch Burtner, Bill Calhoun, Merle Campbell, Nat Carraselli, Frank Cassara, Bob Chadwick, Bud Chadwick, Jerry Chandler, Duke Christensen, Allen Christensen, Harvey Christensen, Vern Christensen, Bill Clark, Ray Colaizzi, Dick Colombini, Ken Conley, Tony Conte, Don Coover, Bob Corda, Ples Crews, Charlie D'Ambrogi, Otto Dean, Joe Di Grazia, Bill Dorsett, George Ellis, Al Endriss, Tom S. Espinosa, Rich Evans, Bob Faber, Ernie Fadelli, Pete Falco, Chuck Feely, John Finney, Bob Fish, Joe Freitas;

AND Bart Garihan, Mario Ghillotti, Frank Giannini, Fred Giannini, George Glass, Bill Goree, Dick Gorman, Ed Greiner, Jr., Glen Greiner, Otis Grimble, Walt Guanella, Ritz Guggiana, Jerry Hall, Gerv Hansen, Don Head, Pat Henry, Johnny Hirooka, Bill Hubbell, Dick Huxley, Elray Jacobsen, Ernie Jensen, Herm Jensen, Verne Jensen, Harvey Jerome, Dwight Jones, Art Katen, Warren Katen, Jack King, Fred Klemenok, Mike Klemenok, George Lagorio, Frank Latoures, Neal Lawson, Jerry Louderback, Bob Lyle, Harry McNulty Ken McNulty;

AND Roy Manzano, Harold Matzen, Marv Mays, Pete Mazzucchi, Steve Mezzera, Bob Maddalena, Jack Miller, Al Nisson, Stan Mohar, Ray Moneymaker, Jack Moore, Bill Naye, Joe Negri, Gus Niclaes, George Norwood, Pete Oleta, Elmer Olson, Jim Pacheco, Dick Pacheco, Les Paulson, Bill Peck, Ralph Pelton, Dan Pereira, George Petersen, Al Pisenti, Gene Pisenti, Carl Poehlman, Rudy Ragan, Don Ramatici, Wilbur Reine, Paul Ross, Bob Rodrigo, Walt Saarinen, Don

Sartori, Linus Schwartz, Bud Skoggs, Louie Smith, Wesley Snell;

AND Bill Spaletta, Ken Spengler, Ben Steele, Jim Swan, Gene Sweeters, Bob Testorelli, Bud Traversi, Bob Toquinto, Russ Travis, Dick Treadwell, Frank Van Huette, John Volpi, Bob Vosika, Lee Vyenielo, Wilbur Volkerts, Ed Webb, Fred Weilor, Shorty Welch, Ken White, Sam Winters, Donald E. Wilson, Jack Witt, Al Yerimian, Bud Zanoline.

AND Jack Acorne, Dan Periera, Verne Purcell, Ed Albertoni, Roy Barni Elis Garihan, Gary Skilling, Bob Skilling, Ed Pelut, Nate Petersen, Ed Webb, John Mendoza, George Reeves, Dan Ridolfi, John Matulich, Johnnie Hirooka, Ben Steele.

LEGHORN HALL OF FAME

Position—Player	Year	Height	Weight
OFFENSE			
1ST STRING			
E—Bud Chadwick	1949–51	6–0	205
E—Walt Saarinen	1947–51, 58	6–0	205
T—Butch Burtner	1947–52	6–3	200
T—Pete Mazzucchi	1956–57	6–2	225
G—Bill Dorsett	1947–52	5–8	180
G—Paul Ross	1951–54	6–1	195
C—Bud Skoog	1948–51	6–1	205
QB—Fred Klemenok	1949–52	5–11	165
HB—Manny Braz	1949–52	5–10	160
HB—John Finney	1950–52	6–0	180
FB—George Lagorio	1948–51	6–1	200
2D STRING			
E—Herm Jensen	1947–51	6–0	176
E—Ray Moneymaker	1947–50	6–2	195
T—Al Yeremian	1953–56	5–11	225
T—Grove Bolles	1955–58	6–3	220
G—Ernie Altenreuther	1947–49	5–8	180
G—Mario Ghilotti	1948–51	5–9	170
C—Ed Webb	1947–50	5–10	175
QB—Ed Storm	1957–58	5–11	178
HB—Bob Acorne	1947–49	5–11	176
HB—Ken Spangler	1947–50	5–10	180
FB—Bill Calhoun	1950–52	6–0	220
FB—Ray Elkins	1955–58	5–11	195
All-time best back—George Lagorio.			
All-time best lineman—Butch Burtner, Paul Ross.			
DEFENSE			
E—George Glass	1951–58	5–11	190
E—Lee Vyenielo	1947–50	6–3	210
T—Don Ramatici	1950–52	6–1	220
T—Fran Burke	1948–51	6–1	200
MG—George Reeves	1950–51	5–10	205
LB—Rudy Ragan	1949–52	6–0	210
LB—Gil Pedro	1949–58	5–9	190
LB—Otto Dean	1957–58	6–1	220
HB—Ples Crews	1947–52, 58	5–10	175
HB—Ken McNulty	1947–51	5–11	165
S—Byron Eaton	1954–58	6–1	195
2D TEAM			
E—Jack Miller	1947–51	6–0	195
E—John Mendoza	1953–57	6–0	190
T—Dan Ridolfi	1947–51	5–11	210
T—Bill Clark	1954–57	5–11	200
MG—Wilbur Volkerts	1947–49	5–7	195
LB—Pat Henry	1949–51, 54	5–11	190
LB—Merv Hansen	1947–50	5–11	210
HB—Gus Niclaes	1947–49	5–11	172
HB—Stan Mohar	1947–51	5–10	175
S—Lee Schroeder	1956–58	5–11	190
All-time best back—Ples Crews			
All-time best lineman—George Glass, Lee Vyenielo.			

VOICE OF DEMOCRACY CONTEST

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. YOUNG of Alaska. Mr. Speaker, every year the Veterans of Foreign Wars and the ladies auxiliary hold a nationwide contest for high school students called the "Voice of Democracy Contest." Students compete for five national scholarships ranging from $10,000 to $1,500. A winning contestant from each State is sent to Washington for final judging.

This year the theme was "My Responsibility to America." I would like to request that the winning essay from the State of Alaska be at this time inserted into the RECORD. The following was written by Donald Hayes Johnson of Box 2727, Kodiak, Alaska. He attends Kodiak Island High School where he is associate editor of the school magazine. He hopes to attend UCLA and wishes someday to become an astronaut.

Here is his essay:

1977–78 V.F.W. VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

(By Donald Hayes Johnson)

What is my responsibility to America? Throughout our more than 200 year history, Americans have been asking themselves this question. George Washington felt his duty was to help a developing nation make the final break for freedom. Thomas Jefferson fulfilled his responsibility by writing a document which spoke for him and all the colonists—the Declaration of Independence. And Benjamin Franklin knew just the right thing to say to attain his goal. Statesman, writer, inventor—Franklin made America's early life much easier.

But what of me? My responsibility to America is to defend her in times of war, and to exercise my Constitutional rights.

Why must I defend America? Because I live in the greatest nation on this earth, and I want to keep it that way. I don't mean I must aid this country in starting wars, because I feel America doesn't need a strong military arm. We do need a defensive force, to protect us and our freedoms when other nations feel a need to make war against us.

I must exercise my Constitutional rights, not because they are there, as many would have me believe, but because if I do not, am I truly an American? Didn't our founding fathers give us these rights solely for the privilege of exercising them? Washington, Jefferson, Franklin, and all those who have gone unnamed, wanted us to have these rights because they knew what life was without them. Do we want to find this out for ourselves?

Another responsibility I have to my nation is love: it is my duty to love my country and the people that make it up, regardless of race. And Do I? Yes, I love America and Americans in a very special way, not only with my heart, but with my mind and my soul.

My final responsibility, and the hardest of all to fulfill, is to serve my America. Man is not a servile creature, and Americans are no exception. It is hard for us to find ways to serve our country, but we must if we are to keep this nation strong and free. We may start by exercising our rights, particularly our right to vote. In this way, we not only serve America and all its peoples, but we also serve ourselves. In general, as the late President John Kennedy put it, "Ask not what your country can do for you—ask what you can do for your country."

THE CHANGING LANGUAGE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. JACOBS. Mr. Speaker, you (and I) know that I place this in the RECORD hopefully.

[From Newsweek, Feb. 13, 1977]

JUST BETWEEN YOU AND I

(By Philip Dunne)

The history of language is the history of change, and most changes in language are the result of inventive illiteracy over the ages. Modern Italian is the happy accident that befell classical Latin on its travels up and down the uneducated peninsula, and the glorious French tongue is the child of what an unlettered Gaul assumed an equally unlettered Roman legionnaire was shouting at him. Our own magnificent English is a magpie's nest of words and constructions culled and distorted from the speech of assorted conquerors, traders and pillagers, of Saxons, Normans, Celts, Romans and Greeks.

So to complain about change, any change, is both pedantic and fruitless. In spite of the efforts of purists like Fowler, E. B. White and Edwin Newman, it will happen; more often than not, the result will be a graceful improvement.

But one can complain—and this one will—of destructive changes: of the graceless gobbledygook of bureaucracies both public and private; of "finalize" and "conceptualize" and all the other "izes," of the nouns "contact" and "structure" misused as transitive verbs; of alterations that rob the language of precise and delicate meanings—*nice* meanings, to use a word that has strayed far from its original connotation. In particular, one may protest the misuse of our language by those who should know better: businessmen, educators, holders of high offices and representatives of the news media. If happy illiterates can enrich a language, the pompous half-educated only succeeded in impoverishing it.

MEDIAS AND CRITERIAS

Take "media" itself, a useful word, somewhat overworked these days, but far preferable to such clumsy locutions as "newspapers, magazines, radio and television" or "print and electronic journalism." Unfortunately, supposedly educated people consistently use it as a singular noun, apparently not having been told that it is merely the plural of "medium." The same goes for the similarly overworked "criteria," which also has been shorn of its singular, "criterion." The other day I heard a respected television commentator say: "The news media is guilty of adopting a false criteria in reporting the news." If he had changed the "is" to "are" and dropped the word "a," his sentence would have been correct. But what could he say if he needed a plural? Medias? Criterias?

Then there is "disinterested," which the half-educated have run in as a substitute for "uninterested." Apparently they think "disinterested" is more elegant, but it is also destructive, for it robs the language of a useful word in its primary meaning of "unbiased" or "without hope of personal reward." I almost lost a friend once by using it correctly. When I suggested that we try to take a disinterested view of a problem that was troubling him, he angrily replied: "I thought you were my friend, and you're not even interested!" And he is a professional writer!

NICE NELLIE

Then there's the intrusion of Nice Nellie into modern usage. During the House Judiciary Committee, Chairman Peter Rodino referred to Rep. Barbara Jordan as "the gentlelady from Texas." Why? I suspect because that ancient and honorable word "woman" is no longer thought to be Quite Nice. We still speak of women in general, but every individual woman has become a lady. Thus a policeman may report: "We found this lady lying drunk in the gutter." Chairman Rodino apparently considered "lady from Texas" insufficiently honorific for the

doughty Texan—now that all women are by common usage "ladies."

The building in which one lives, formerly a house, is now, even before its foundation is laid, a home, courtesy of the real-estate industry. Thus the lovely abstraction "home" has been cheapened into a mere synonym for "structure." Will future presidents live in the White House, and will future sentimentalists have to say: "It takes a heap o' living' to make a home a home?"

Then, in a slightly different category, there's "flaunt" for "flout," a particular favorite with hot political partisans who write letters to the editor. A few years ago, countless right-wingers wrote in to accuse Earl Warren of "flaunting the Constitution," which painted in my mind a pleasing picture of the distinguished Chief Justice prancing about in his black robes, waving the deathless document over his head.

Try to parse this sentence: "When *anyone* crosses the street, *they* take the chance of being run over." Or: "In this land of the free, *everybody* is entitled to *their* rights." Here we have two examples of a plural pronoun referring to a singular substantive, which, as any third grader can tell you, is a grammatical solecism of the first magnitude. Of course, there is a plausible excuse for this currently epidemic disease. In these days of women's lib, nobody wants to be sandbagged by Gloria Steinem or even Phyllis Schlafly for using the correct and, by time-honored usage, asexual "he" in place of "they"; and the alternative "he or she" is admittedly awkward. Perhaps the language needs a set of asexual or liberated pronouns.

Some of the half-educated have decided to shun the accusative "me" as inelegant. They not only shun it, they have abolished it. To their credit, they no longer say, "Me and Jim went to the ball game," but they *do* say, "Last night she cooked dinner for Jim and I," hoist with the petard of their own false elegance. If Jim hadn't showed up, would she have cooked dinner for he (or she)?

EMBEDDED HORRORS

Finally, there is the now pandemic "hopefully" as a dangling adverb qualifying nothing in particular, as in: "Hopefully, it won't rain tomorrow." Just what is doing the hoping here? It? The rain? Tomorrow? To such a remark, I'm tempted to reply: "Despairingly, it will."

I'm afraid that, in spite of the efforts of the Newmans and Whites, all these little horrors are embedded in the language, along with "like" for "as" and "you know" as a surrogate crutch for the time-honored "uh."

But, hopefully, some man or lady writing or speaking for a media, some, you know, commentator, editorial writer, or, you know, politician or preacher, will read this article and will adopt a, you know, new criteria and realize that they must stop flaunting the, you know, basic rules of the languages, which, like I just explained, is now creating so much bad blood between them and I.

THE ECONOMIC REPORT OF THE PRESIDENT AND THE IMPACT OF THE MINIMUM WAGE

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. SIMON. Mr. Speaker, I noted with great interest the discussion of structural unemployment in the economic report of the President. The section entitled "Side Effects of Other Programs," points to the possible contribution of the minimum wage and other wage floors to youth unemployment, especially among blacks.

The report notes that the major impact of minimum wages is on teenagers. By saying that the evidence is not conclusive on "how much" of youth unemployment is directly attributable to the minimum wage, the report clearly implies that there is such a relationship to some degree. That minimum wages contribute to black youth unemployment is judged to be "quite possible."

During last year's debate on the minimum wage bill, Congressman CORNELL and I offered an amendment to allow employers to pay youths under 19 85 percent of the minimum wage for a 6-month period. We presented extensive economic evidence supporting our position that this would reduce youth unemployment without adversely affecting adult unemployment. The administration and organized labor opposed our amendment, and it was defeated 211 to 210.

The economic report of the President now adds additional support for our argument. It notes, as we did, that many employers prefer to hire workers who have had prior experience and a history of job stability. One of the major reasons for this tendency is listed as "the existence of wage floors or other barriers to hiring the inexperienced." The report then goes on to say that one approach to reducing unemployment is to "provide incentives for private employers to hire from among those groups with the most severe incidence of structural unemployment." A youth differential would be such a policy.

Perhaps the most persuasive criticism of the youth differential amendment was that it would cause the substitution of low-skilled youths for more highly skilled adults, thereby increasing the adult male unemployment rate. The economic report of the President notes that this criticism of incentives for hiring the most severe victims of structural unemployment "ignores the fact that such a program, if successful, could induce a greater increase in aggregate demand and thus lower the overall unemployment rate."

The administration is not now supporting the youth differential which it opposed last year. But I find it encouraging that it is willing to admit the validity of such an approach. The economic report says that the administration is now designing a set of program options to provide incentives to employers to hire people with "severe economic difficulties."

I hope that in its consideration of such policies, the administration will consider carefully the merits of a youth differential along the lines of the amendment Congressman CORNELL and I introduced last year, which we have now amended and introduced as H.R. 10452.

I am inserting into the RECORD a few relevant paragraphs from the economic report of the President:

MAJOR ECONOMIC POLICY ISSUES OF 1977

In 1977, the new administration introduced a number of legislative initiatives whose economic impacts will be far reaching—energy, agriculture, social security, and welfare reform. The Administration is now proposing that the Congress consider a series of fundamental tax reforms. In addition, there have been a number of proposed reforms to improve the efficiency of our regulatory programs. The present chapter analyzes these programs. Although the details differ, the central theme that runs through these programs is the same—enhancing the effectiveness of Federal programs and reducing their costs, while improving the fairness of our economic system.

ENERGY DEVELOPMENTS AND POLICY

The economic consequences of the 1973 oil embargo and the quadrupling of world oil prices by the Organization of Petroleum Exporting Countries (OPEC) have dramatically demonstrated the importance of energy to the U.S. and world economies. In the United States, higher prices of imported crude oil prompted major increases in the prices of all domestic fuels, aggravated inflationary pressures, and contributed to the deepest recession since the Depression. Moreover, mounting oil import payments have constituted an enormous drain on domestic incomes, causing a severe imbalance in our external deficit.

Nonetheless, U.S. dependence on foreign sources of energy has continued to grow. Oil imports in 1977 nearly doubled those of 1972 and supplied almost half of domestic petroleum demand. Unless we adopt effective policies to reverse underlying forces, still further growth in oil imports is likely over the coming decades.

How did this situation arise? Although the answer is by no means simple, an important element is that the current economic infrastructure—buildings, factories, machines, and automobiles—was largely designed for an era of low-cost oil and natural gas. Significant changes in patterns of energy use will occur only when more energy-efficient capital has been installed and as the existing capital stock is replaced. This is a time-consuming process, and only modest progress has been made in the last 4 years.

The major impact of minimum wages is on the employment of teenagers, for the market wages of most adults are considerably above the legislated minimum. There is, however, no conclusive evidence on how much of the youth unemployment problem is directly attributable to FLSA. As pointed out earlier in the chapter, most of the unemployment of white teenagers during periods of prosperity is caused by their high rates of labor force turnover. But it is quite possible that minimum wages are a contributing cause of the black youth unemployment problem. . . .

Some demographic groups have high unemployment rates, even in periods of generally tight labor markets, because many employers seek to hire new employees only from among those applicants with prior experience and a history of job stability. The high cost of labor turnover to business firms and the existence of wage floors or other barriers to hiring the inexperienced are major factors behind this tendency. Accordingly, one approach to reducing unemployment is to provide incentives for private employers to hire from among those groups with the most severe incidence of structural unemployment. This approach is sometimes criticized because it would cause a substitution of low-skilled youths for highly skilled adults and thus raise the unemployment rates of adult males. This criticism, however, ignores the fact that such a program, if successful, could induce a greater increase in aggregate demand and thus lower the overall unemployment rate. More-

over most occupations composed primarily of highly skilled adults have very low unemployment rates in the first place and tend to adjust very quickly to excess supply.

This country's experience with incentive schemes to hire the structurally unemployed is not very extensive—although similar programs are quite common in Western Europe. Since five out of every six jobs in the economy are in the private sector, a successful labor market policy must rely principally on the private sector to enlarge job opportunities for the structurally unemployed. To this end the Administration is currently designing a set of options for programs under which employers will have incentives to hire persons with severe unemployment difficulties.

TABLE 28.—FEDERAL MINIMUM WAGE AND AVERAGE HOURLY EARNINGS IN MANUFACTURING, SELECTED YEARS, 1938-81

Year	Minimum wage	Average hourly earnings in manufacturing [1]	Minimum wage as percent of manufacturing average hourly earnings
1938	$0.25	$0.62	40.3
1939	.30	.63	47.6
1945	.40	1.02	39.2
1950	.75	1.44	52.1
1956	1.00	1.95	51.3
1961	1.15	2.32	49.6
1963	1.25	2.46	50.8
1967	1.40	2.83	49.5
1968	1.60	3.01	53.2
1974	2.00	4.41	45.4
1975	2.10	4.81	43.7
1976	2.30	5.19	44.3
1978	2.65	[2] 5.94	44.6
1979	2.90	[2] 6.36	45.6
1980	3.10	[2] 6.80	45.6
1981	3.35	[2] 7.28	46.0

[1] Relates to production workers.
[2] Assumes a 7-percent growth rate.

Source: Department of Labor, Bureau of Labor Statistics.

CRIME IN AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. HAMILTON. Mr. Speaker, I recently prepared some remarks for delivery at the upcoming Bartholomew County Law Enforcement Banquet to be held in Columbus, Ind., on February 17. I insert the text into the CONGRESSIONAL RECORD for the benefit and use of my colleagues:

CRIME IN AMERICA

I am very happy to be with you this evening. It gives me great pleasure to address the Bartholomew County Law Enforcement Banquet on a matter of gravest concern to all Americans: crime.

I hope you will agree with me that we should not focus our attention tonight on while-collar crime, racketeering or political corruption, as detrimental as these may be to society. Rather, we are here to think and talk about the type of crime that is most terrifying to the ordinary citizen: violent street crime.

THE FEAR OF CRIME

To put it bluntly, street crime has gotten out of hand in America. How many of us, for instance, have not had a relative, friend or neighbor fall victim to a serious crime, or have not ourselves fallen victim to a serious crime, during the past year? How many of us have not been shocked recently by banner headlines or special broadcast reports announcing the audacious acts of some criminal? It is no exaggeration to say that violent street crime has become an everyday preoccupation—a fact of life—for virtually every American in every walk of life.

William Pitt said, "Where law ends, tyranny begins." Pitt was making a point about illegitimate political power when he spoke these words, but he could just as well have been making a point about crime. Law enforcement officials are more aware than most that crime is a form of tyranny. You deal daily with the innocent victims of crime and you must come to grips with the fears of people who believe that they may soon be victimized. In a very real sense, crime tyrannizes all of us. We show what it has done to us and to society when we fail to take a stroll for fear of being mugged or when we buy guard dogs or extra locks to protect our homes from burglars.

Recent polls confirm our observations and experiences.

One poll indicated that almost half the people of this country are afraid to walk alone at night in their own neighborhood.

Another poll, taken at about the same time, revealed that 70 percent of American adults believe crime in their area to be on the rise.

A further, more recent poll showed that Americans view crime and lawlessness as the fourth most important problem on the national agenda. In addition, current surveys give evidence of:

Widespread feelings that there is no real deterrent to crimes of violence today; and

Broad concern that government officials are not putting a high enough priority on the fight against crime.

My congressional correspondence on crime runs in the same vein. Ninth District residents worry that:

The laws are not enforced strictly enough;

Organized crime is being given a free hand;

Sentences are too light, judges are too lenient and prisons are too relaxed;

Dangerous criminals are let free to roam the streets; and

Very little is being done to improve the criminal justice system.

The issue of crime is gnawing away at our spirit. The damage already done may be such that anxiety will continue to plague us even if we do turn the corner in the war on crime.

THE STATISTICS ON CRIME

America has always had a problem with violent street crime. In 1762, a New York printer named John Holt wrote of "so many robberies . . . within the circuits of this city, both day and night (that) it is becoming hazardous for any person to walk in the latter." Given such a history, some commentators have taken the view that modern-day Americans are "paranoid" about crime. However, if paranoia is a mental condition characterized by unreasonable fears than I could not more strongly disagree with this view.

One look a a few statistics should be enough to convince even the stubborn skeptic that, whatever went before, our country is now in the group of a "crime wave" of unprecedented proportions. First, there is more serious crime in the United States than in any other Western nation, and there is much, much more serious crime on our shores today than there was in 1965, when the Gallup Poll first reported that Americans viewed crime as an important issue. I have heard foreigners refer to our country as "that shooting gallery called 'America' ". We cannot disregard the uncomplimentary description: Given the rate at which homicide has increased in our major cities, a boy born in urban America today is more likely to die by murder than an American soldier in World War II was to die in combat. We can see the problem beginning even before 1965.

From 1960 to 1975:

Crimes of violence leapt 256 percent, with murder up 125 percent, rape up 226 percent and robbery up more than 400 percent; and

The total number of serious crimes reported to the FBI increased an alarming 232 percent.

There are other ways to appreciate the burden that crime has become. Consider the cost in dollars. It is estimated that, in 1975:

The total cost of crime was $97 billion, up from $89 billion in 1974 and $51 billion in 1970;

Criminals pocketed $65 billion in illegal, untaxed revenues;

Business lost some $24 billion to criminals, about 13 percent of total business volume beforo taxes;

Crime cost every American man, woman and child $450. Undoubtedly, the figures are higher today than they were two years ago.

Consider as well our prisons and jails, many of which are bursting at the seams. There are 283,000 inmates in 518 federal and state prisons and 141,000 inmates in nearly 4,000 jails. Based solely on anticipated increases in our population, experts say that there may be 100,000 more inmates in our prisons alone by 1985. Amazing as it may seem, more than three percent of our nonwhite, male population was behind bars in 1970. About one-fifth of a percent of all Americans—two in every 1,000—are imprisoned today.

THE CAUSES OF INCREASED CRIME

What causes crime? The causes of the rampant increase in crime are many and their importance may vary from place to place, but we can surely identify and discuss at least the most general of them. In my view, the "crime wave" of the past few years has five principal causes:

The large number of post-war "baby boom" children, now young adults, who have swollen the ranks of the most "crime-prone" group in our population;

The rise of the "career criminal:"

The low risk of getting caught, the lower risk of being prosecuted and the still lower risk of being punished;

The pressures of joblessness and underemployment especially in decaying inner cities; and

The disintegration of the family and the decline in respect for institutions and authority.

Let me comment briefly on each one of these causes.

NUMBER OF YOUTH

No one doubts that part of the crime problem must be chalked up to demographics. People aged 14 to 24 years made up 20.8 percent of the population in 1975, a higher figure than in previous years. Historically, it has been true that these young adults commit more crimes and fall victim to criminals more often than do people in other age groups. Mere numbers, however, do not tell the whole story.

The growing involvement of youth in crime is well documented and should be abhorrent to us all. From 1960 to 1975:

The number of teenagers arrested for violent crimes grew by more than 293 percent;

Arrests for juvenile prostitution rose 286 percent; and

Youthful narcotics violators increased their numbers by over 4,400 percent. Today, half of all arrests for violent crimes and two-thirds of all arrests for property crime are in the 14- to 24-year age group. So crime is definitely a problem associated with youth. One expert has even claimed that the "crime wave" of the 1960–1975 period will not occur again unless there is another "baby boom."

CAREER CRIME

Crime is the business, the full-time job and the principal source of income for many people. There are, by official estimates, about 500,000 career criminals in the United States who make a living at it. As might be ex-

pected, the members of this shadowy "business community" experience no recession and enjoy an astonishingly high return on investment.

Contrary to the old adage that crime does not pay, it can—and frequently does—provide an ample living even for its less skilled practitioners. A career lawbreaker can "earn" an annual income ranging from $15,000 all the way up to $165,000—or even more. Of course, this money is taxfree. "With returns like that," many people reason, "why get involved with a legitimate career?"

THE SLIM CHANCE OF GETTING CAUGHT

Just as demographics and the promise of gain make their contribution to crime, so does the virtual "immunity from prosecution" that the average criminal appears to have. According to the FBI Uniform Crime Reports, for only one crime in five is a suspect ever arrested. For example, arrests are made in only 18 percent of all burglaries and only 15 percent of all car thefts.

The odds against the criminal's being punished are still higher. Only one crime in 20 is officially solved by conviction of the suspect on the charge originally placed against him.

If the certainty of apprehension and punishment is a deterrent to crime, then there is at least one deterrent that we are not exploiting.

SOCIAL CONDITIONS

No intelligent observer of the contemporary scene will deny that there is a connection between today's social ills and rising crime. Though joblessness and underemployment are perhaps the most significant among these motivators of crime, we should not underestimate the effects of bad race relations, substandard housing, poor transportation and inadequate educational opportunities. Where grinding poverty exists amid conspicuous plenty, envy and frustration are bound to flourish. It is no accident that the major crime centers of our country—the cities—are also the places where our poor citizens feel their predicament most acutely.

We must not, however, jump to the conclusion that social disadvantage is the main cause of high crime rates:

Millions of poor Americans (the overwhelming majority of them) are law-abiding citizens;

White-collar crime, a phenomenon of the middle and upper classes, is more prevalent than ever before; and

Violent street crime has made its presence known in once peaceful suburban neighborhoods and prosperous small towns.

We do not help the poor, many of whom have been victims of crime, if we allow the socially disadvantaged offender to avoid personal responsibility for his actions.

THE DISINTEGRATION OF FAMILY AND THE DECLINE OF INSTITUTIONS

The final causes of crime I wish to mention—the disintegration of the family and the decline in respect for institutions and authority—have been very much in the public eye during the past decade.

The high incidence of divorce and the growing number of single-parent families and families headed by two working parents are affecting American home life in ways that are not well understood as yet. Nonetheless, we are right to be concerned since the family has been the basic unit through which values are transmitted to the young. Parental guidance in some form, whether or not traditional, is critical if our young people are to be set in constructive, law-abiding ways.

On the second matter—the decline in respect for institutions and authority—I do not need to belabor the negative effects of the Vietnam War and the Watergate Scandal. For a time, especially in the late 1960's and early 1970's, radicalism, civil disobedience and cynicism were very much in vogue. For a time, defying the police and shoplifting seemed to be the things to do. After all, they were seen by many as efforts to "fight repression" and to "rip off the Establishment."

RURAL CRIME

At this point I should focus on a kind of crime of special interest to you: rural crime. Although it is not usually as dramatic or as shocking as its big city counterpart, rural crime is with us everywhere—in small towns and villages, in resort communities and on the farm. Carried from our urban centers on the interstate by people wishing to escape the pressures of city life, crime has arrived in rural America like a wind of gale force. There is still more crime in metropolitan areas, but rural lawlessness is accelerating at a greater pace.

Once we have dispelled the myth that the countryside is immune to society's ills, we can profitably examine rural crime to understand its peculiar causes and features. We see:

That the friendly, unsuspecting manners of rural Americans make them easy prey to criminals;

That rural areas are now accessible to tens of millions of "outsiders";

That the sudden influx of people into rural areas has produced tensions not unlike those in overcrowded cities;

That uneven rural development has meant wealth and opportunity for some but continued poverty and despair for others;

That small town police forces are undermanned, underfunded and ill-equipped to handle the extraordinary burdens being placed on them;

That the necessary co-operation between state police, county sheriffs and local law enforcement officials is sometimes lacking; and

That long distances, poor transportation facilities and poor communications drastically increase police response time and make the task of the lawbreaker all that much easier.

Crime is a plain fact of life for rural Americans, just as it is for urban and suburban Americans.

Rural crime, however, will be much tougher to treat. We know from experience that rural problems do not garner headlines and, consequently, that they do not receive the attention they deserve. Far too frequently we turn to the problems of rural America only after expending our time, talent and money to solve the problems of urban and suburban America. Our first priority, then, is to strive for a recognition of the issue of rural crime. Public officials must be made to see that the war on crime will never succeed unless it is an integrated, "across-the-board" effort.

A DOWNTURN IN CRIME

Up till now my remarks have been almost completely discouraging. I wish as much as you that the news about crime were better. As people who know law enforcement, however, you are aware that not all the news has been bad.

The American people have recently been treated to promising reports about crime in this country. According to the FBI Uniform Crime Reports:

The Growth in serious crime slackened to ten percent in 1975 and to a bare four-tenths of one percent in 1976; and

The rate of serious crime actually fell by six percent in the final quarter of 1976 and continued to slip even more through the first three quarters of 1977, posting a five-percent decline in the third quarter.

Furthermore, public fear of crime may be abating very slightly. A Harris survey taken in March of 1977 reported that, for the first time in ten years, less than half of the people surveyed felt "more uneasy on the streets" than they did the year before. So it would seem, at least by the readings on our most important barometers, that serious crime in America is decreasing and that our citizenry believes it to be decreasing.

Do these heartening statistics justify the view that we are finally beginning to win the war against crime? I think that there is something to be said on each side of the question. Let me first voice a few words of caution.

To begin, crime statistics do not provide certain knowledge of trends in crime. Some criminologists question the reliability of the statistics because they are based only on reported crime. Homocides and car thefts are almost always reported, but in other categories the actual amount of crime may be far greater than reports would indicate. Rape, for example, was seldom reported just a few years ago. A statistics officer with the New York City Police Department estimates that only about half of the crimes committed annually are ever reported. An administrator of the LEAA estimates that actual incidents of crime are at least five times greater than the numbers reported to police.

Second, the experts are reluctant to say that the tide has turned permanently. We can understand their reluctance if we recall what happened in 1972. At that time, FBI data showed that crime went down four percent after rising for more than a decade. President Nixon quickly hailed the figures as proof that his administration was emerging victorious in the war on crime. However, one year later the figures turned around and crime headed up sharply, rising six percent in 1973 and 18 percent in 1974. A battle had been won, but not the war. Such a reversal could occur again.

Third, on close examination the statistics show themselves to be mixed. In the 1976 tabulation crimes against persons—murder, rape, assault and robbery—were down four percent, but the much more numerous crimes against property—burglary, larceny and vehicle theft—rose nearly one percent. In the same tabulation serious crime was down about one percent in cities and small towns, but it rose some 2.5 percent in rural areas. More disturbing still, rape was up eight percent and assault rose three percent in the first three quarters of the 1977 accounting. Thus, our exhuberance over the statistics cannot be unqualified.

Finally, crime remains epidemic in spite of what may be a slight downturn. There is still much more crime in the United States today than there was five or ten years ago. In 1976, reports to the FBI added up to more than 11 million crimes—one million of them against persons and ten million of them against property. The 1975 crime rate was up 33 percent from 1972 and up 76 percent from 1967. Clearly, the current level of crime is intolerable by anyone's standards.

Since I have just proceeded to pour cold water on the fire, let me now attempt to rekindle it with some optimistic observations. For several reasons, I think there is a good chance that the temporary downturn may be permanent.

First, demographics are on our side. The "crime-prone" group of young adults (those aged 14 to 24 years) has stopped expanding and is in fact beginning to shrink as a portion of the population. It will also diminish in absolute terms over the next few years. Under current projections, there will be three million fewer young adults in 1984 than there are now even though the total population will be quite a bit larger. This should mean less crime even given the regrettable association of youth with lawlessness.

Second, it seems that we are having success in the prosecution and punishment of chronic offenders whose one-man "crime waves" are so troublesome. Selective prosecution programs, which single out the recidivist and bring the full weight of the criminal justice system to bear on him, have put record numbers of hardened criminals behind bars, thus taking them out of circulation at least temporarily. That repeaters re-

ceive special treatment is a very significant development. A recent FBI study of a quarter million people arrested between 1970 and 1975 showed that 64 percent of them had been arrested two or more times. The group had been accused of a million crimes all told, four crimes for each arrestee. Selective prosecution is surely a powerful weapon against crime.

Third, the mood of the typical citizen toward crime has undergone a striking transformation. Experts are saying that people are less willing to put up with violations of the law and are increasingly less likely to behave passively when confronted with criminal activity. If my congressional mail is any indication, the experts should be making a stronger claim. Many Americans have "had it" with crime. Some are organizing to do something about it. These aroused citizens, representing groups such as businessmen, women and retired people, have set up anti-crime programs (block-watching is an example), have taught their members how to fend off crime and have put pressure on lax public officials. Other evidence of a tougher attitude is seen in the strict security measures being taken in many areas. Americans are now spending billions for protection against crime. Measures range from burglar-alarm systems to private guards. By one calculation, the number of special police now equals the number of publicly employed police. It is to be hoped that Americans can be motivated to come down on crime even harder.

Finally, no discussion of the downturn in crime could be complete without mention of the professionalism of state and local law enforcement personnel. With federal assistance and through their own innovative programs, these lawmen have refined their traditional crime-stopping skills and have acquired new skills in the process. More and more highly qualified young men and women are being attracted to law enforcement as a career. The professionalism of the nation's police forces is best mirrored in their efficiency. So efficient have they become that the courts and prisons are staggering under the load. I have consistently maintained that a professional police force is an excellent deterrent to and remedy for crime.

THE FEDERAL RESPONSE TO CRIME

The role of the federal government in the war on crime is an important one, but it is limited in that the criminal law and its enforcement are primarily within the jurisdiction of state and local governments. There is wisdom in the secondary role that the federal government plays. Like education, law enforcement must be attuned to local sensibilities and needs. Local control is, therefore, a necessity.

Nonetheless, the federal government is involved in two activities of note, namely:

Law enforcement in the federal jurisdiction; and

Financial and technical assistance to state and local law enforcement agencies.

Let me briefly review some salient federal law enforcement activities. I shall start with a legislator's view from Capitol Hill.

CRIMINAL CODE REFORM

It has long been suggested that the federal criminal code is in need of reform. Criminal statutes are currently spread in a haphazard fashion through most of the 50 titles of the code. In many cases the statutes are imprecise, conflicting and even contradictory. The result has been not only confusion, but illogical and often unfair application of the law.

A major piece of legislation, the Criminal Code Reform Act, has just passed the Senate and is on its way through the House. The bill is very complex and an adequate discussion of it would require volumes, but some interesting highlights are these:

Some 3,000 statutes would be revised, repealed or codified;

The flash points of controversy, such as the death penalty and wiretapping, would be left much as they are now;

Maximum sentences would be reduced;

Disorderly conduct offenses would be stricken;

The possession of small amounts of marijuana would no longer be a crime;

Penalties and fines would be uniformly graded throughout the code;

A uniform method for determining the "state of mind" element in federal offenses would be established;

A commission would be set up to promulgate guidelines for the sentencing activities of federal judges; and

Judicial discretion would be reduced, parole would almost be eliminated and fixed (as opposed to indeterminate) sentencing would be provided.

VICTIMS OF CRIME

Second, Congress is moving to assist victims of crime. The Victims of Crime Act passed the House in late September and should reach the Senate floor shortly.

Its principal purpose is to provide grants to the 22 states that operate their own crime victim compensation programs if those states meet certain federal requirements. The grants would pay from 50 to 100 percent of the costs of the state programs. The bill is drafted to minimize federal intervention in state affairs since the Advisory Committee on Victims of Crime—on oversight entity established by the bill—would be dominated by state officials.

PUBLIC SAFETY OFFICERS' BENEFITS

Third, Congress has shown its concern for the lives and families of law enforcement personnel. The Public Safety Officers' Benefit Act authorizes the payment of benefits of $50,000 to the surviving relatives of public safety officers who are killed in the line of duty.

The first awards under the act—totalling $1.25 million and payable to the surviving relatives of 25 officers—were made on May 12. All told, more than $8 million in benefits have been paid out in the first 15 months of the program. Through December 31, 441 claims had been received. Of these, 167 were approved, 62 were rejected and 210 are in various stages of review

JUVENILE DELINQUENCY

Fourth, Congress has recently focused on the frightening problem of juvenile delinquency. With nearly half of all serious crime being committed by juveniles, the need for a strong response is apparent.

Congress has passed—and the President has approved—a measure designed to improve federal initiatives under the Juvenile Justice and Delinquency Act and the Runaway Youth Act. Basically, the new law would extend the federal-to-state assistance programs of both acts for three years. In addition, technical amendments would provide the extended programs with more money for actual assistance.

OTHER LEGISLATION

I should note that the response to crime in the 95th Congress has not been limited to the areas just mentioned.

The House and Senate are considering legislation to establish strict guidelines for domestic electronic surveillance and to provide stiff penalties for persons convicted of involvement in juvenile prostitution or child pornography. Hearings on the public's access to justice and court reform are also being held. Other bills being considered would:

Restrict the jurisdiction of Federal courts;

Expand the power of United States magistrates; and

Create more than 140 new Federal judgeships. Still other areas of activity are prison reform and narcotics control:

In the former area, the House Committee on the Judiciary is reviewing legislation to safeguard the constitutional rights of Federal inmates.

In the latter area, a new law reauthorizes drug enforcement programs under the Controlled Substances Act.

LOCAL AID

State and local law enforcement officials are always interested in Federal jobs—creation programs, especially the Comprehensive Employment and Training Act (CETA), revenue sharing and countercyclical assistance. Many of the jobs and the funds that local communities derive from these programs are used in law enforcement.

I have good news to report here. The Economic Stimulus Appropriations Act, which was approved on May 13, contains $20 billion in appropriations, over $13 billion of which goes into these three programs. About $8 billion is targeted for public service jobs under Titles II and VI of CETA. This money will create an additional 415,000 employment and training slots by the end of the year, for a total of 725,000 such slots. Almost $5 billion is earmarked for general revenue sharing payments. At present, 39,000 units of general purpose Government are eligible for this money. Finally, over $630 million in countercyclical aid is going to help state and local governments maintain basic services during periods of high unemployment. To date, more than 20,000 State and local units of government have been assisted under this program. I look for Congress to keep these programs on line and well-funded.

Having given you the view from Capitol Hill, I should also give you the view from the other end of Pennsylvania Avenue. Two things of special interest are happening there:

The LEAA is under fire; and

The FBI has a new director.

Let me say a word or two on each of these matters.

LEAA

Unfortunately, the LEAA has had its problems. Dissatisfaction with the agency's performance has grown and Congress has voted to trim the agency's budget three times in the past three years. Steadily declining from a high of $895 million in 1975, the LEAA budget for 1978 was set at $650 million, a full $55 million below President Carter's request and a full $105 million below the agency's 1977 budget. I supported an amendment in the House to restore 1978 funding to the $705 level recommended by the President, but the amendment failed by a substantial margin. The President's 1979 request for the LEAA shows continued slippage. He is asking for $640 million. He may not get even that. It is no exaggeration to say that sentiment in Washington is running against the LEAA.

You are undoubtedly aware of the criticisms that have been levelled against the LEAA. Critics complain that:

The agency spends too much on police hardware and not enough on police training;

The agency is too bureaucratic and insensitive to local needs; and

The agency does not use its comparatively ample resources to provide leadership on law enforcement issues. Although I acknowledge that the LEAA is not fulfilling its mission as best it might, I believe that the agency should continue to provide state and local police with both hardware and training. It should strive to strike a balance in its spending. The agency should also cut down on paperwork, especially when it comes to the processing of smaller requests. Finally, the agency should provide more leadership by developing a comprehensive list of crime-fighting priorities.

I cannot conceal the fact that the LEAA is an agency "in limbo." The Carter Administration has already closed the ten LEAA regional offices. Personnel and responsibilities are being transferred to Washington and to audit offices in four other locations. Pro-

posals are afoot to change the agency in even greater ways. A Justice Department task force has recommended that LEAA block grant programs be replaced by a single revenue sharing program for state and local governments. Attorney General Bell, in a recent memorandum to the President, has suggested that the LEAA be superseded by an "umbrella" agency—the National Institute of Justice—which would consolidate the functions of six Justice Department organizations.

A decision about the LEAA's future may soon be placed before Congress. I will examine that decision closely. As the issue develops, I hope to hear your assessment of it. I hope that the final action of Congress will permit a reasonable increase in the federally funded share of state and local law enforcement costs. The current share (less than five percent overall) is not adequate in my view.

FBI

Another Justice Department agency—the FBI—has a distinct set of problems. Some observers say that this once-proud organization is suffering from a crisis in morale unprecedented in its history. The publicity given to past abuses, such as the surveillance and harassment of the late Dr. Martin Luther King, Jr. and others, has undermined public confidence in the bureau. According to a recent Gallup poll, persons who gave the FBI a "highly favorable" rating fell from 84 percent in 1965 to 37 percent a decade later. In some quarters, there are deep doubts that the bureau will ever regain this lost esteem.

FBI supporters would not be so worried if all attacks against it originated in the press. However, Congressional committees, the Justice Department and the General Accounting Office have all issued reports highly critical of the FBI in the last few years. These reports indicate not only that the bureau has undertaken unethical, illegal and unnecessary activities—I am reminded of allegations of FBI transgressions in New York and of J. Edgar Hoover's misuse of agency personnel—but also that it has done a poor job of investigating important organized crime and domestic terrorism cases. The issue facing us is this: How can we restore vibrancy and singleness of purpose to an organization that can be one of the best of its kind in the world?

I think that President Carter has taken a step in the right direction with the appointment of William Webster to heal the FBI. Mr. Webster, a 53 year-old Federal appellate judge from St. Louis, is not known nationally, but he is regarded by his professional acquaintances as upstanding, honest and fair. He is also a Republican. His appointment is thus strong evidence that the FBI will be lifted from the arena of politics, a place it should never have been.

THE FUTURE WAR ON CRIME

What does the future hold for our efforts in the war on crime? What will be the "new solutions" to the problem of crime? These questions are easily posed, but satisfying answers to them are not easy to come up with.

One reason there has been so little progress in devising solutions is that there is too little agreement about the basic cause of crime. As we have seen, the blame has been variously assigned to:

Demography;

The lucrativeness of crime;

The low risks of apprehension, prosecution and punishment;

Unjust social conditions; and

Moral decay and permissiveness. But whatever the cause (or causes) of crime, there is general agreement that new methods must be found to deal with it and that the whole criminal justice system must be re-evaluated.

In 1967, the President's Commission on Law Enforcement and the Administration of Justice noted that "there is probably no subject of comparable concern to which the nation is devoting so many resources and so much effort with so little knowledge of what it is doing." Since the publication of the commission's report, many experts have studied the crime problem. Over $100 million has been spent on crime research. What has been the upshot? There are negative and positive conclusions. Consider first the negative conclusions.

GOVERNMENT CANNOT WIPE OUT CRIME

We have learned that government cannot wipe out crime. Research has shown that many factors which cause criminal behavior—such as family instability and poor parental guidance—lie largely outside the purview of any government, whether federal, state or local. Thus, we know that government's ability to do something about crime is less than we imagined it to be in 1965, the year the war on crime officially began. There is, for instance, no research to support the view that crime could be dramatically reduced by a new anti-poverty program, though of course such a program would help.

MORE POLICE MAY COMPOUND PROBLEM

We have learned that, in many areas, more police may compound the problem of crime. It is clear in many areas that prosecutors, judges and jailers are unable to handle the volume of arrests that police make. Thus, our first priority should be to expand and to modernize our courts and prisons so that offenders can be tried and punished. It simply does not make sense to hire more police officers when the ones we have are already so much more efficient than our other criminal justice personnel. In rural areas, however, more police may be a necessity.

CITIZEN COOPERATION

We have learned that not enough citizens cooperate with the criminal justice system. Consider these facts:

A study in Kansas City—an attempt to determine why so few "on scene" arrests were taking place there—showed that police "response time" was no problem at all. Rather, the common practice of victims and witnesses to wait 20 minutes or longer before reporting a crime was the real problem.

A study in Washington, D.C. showed that many prosecutions fail because crucial witnesses stop co-operating with authorities in mid-course. No criminal justice system can succeed if the people whom it is intended to protect do not participate in it.

TECHNOLOGY IS NOT THE ANSWER

We have learned that technology is not the answer. The federal government has already spent about $35 million on the development of crime-fighting equipment. While there have been some exciting discoveries—for example, that the new, lightweight body armor can be a lifesaver—our overall experience has been such that we cannot regard technology as a final solution.

POLICE SATURATION

We have learned that "police saturation" may not significantly reduce crime. Researchers in Kansas City studies three roughly similar regions in that metropolitan area. One region was "saturated" with police, another had normal police patrols and the last had no patrols at all. Surprisingly enough, there was no difference in reported crime among the three regions. Although not all the evidence is in, our initial assumptions about "police saturation" may have been too strong.

LACK OF KNOWLEDGE OF CRIME

We have learned that we do not know enough about crime. Research characteristically raises at least as many questions as it answers—and often many more. Our research into crime has been no exception. However, we must not break off our efforts. Continued research is sensible because, over the long haul, it will produce at least some tentative solutions to the crime problem.

REALISTIC EXPECTATIONS

Finally—and perhaps most importantly—we have learned that crime is not the sort of problem that will be swept away by a spectacular "breakthrough". Rather, crime is a problem that will be solved in bits and pieces, with a little progress here and a little progress there. Our hope is that many small gains in many different areas will add up to a major reduction in crime.

What are the positive conclusions?

CONTINUATION OF EFFECTIVE POLICIES

Of course, we should continue to pursue those policies which have already helped to cut down on crime or to mitigate its effects, such as:

Prosecution of recidivists;

Federal support for the training and equipping of state and local lawmen;

Compensation to victims of crime;

Expansion of courts and penal institutions; and

Reduction of unemployment.

As I review the positive conclusions, I shall confine my remarks to items which I have not mentioned before. I will conclude with some observations on our most potent weapon against crime: the ordinary citizen.

REGULATORY APPROACH

We have learned that we should give some thought to the regulatory control of crime. The regulatory approach may be better than the traditional law enforcement approach in many instances if for no other reason than that it is the only way to achieve satisfactory results. Of course, the regulatory approach implies the decriminalization—or even the legalization—of some activities which are currently proscribed. Consider the possession of small amounts of marijuana, or off-track parimutuel betting. These infractions have been decriminalized or legalized under heavy regulation in many jurisdictions simply because they cannot be controlled in any other way.

Do not get me wrong on this score. I do not approve of pot smoking or gambling. But given limited criminal justice resources it may be preferable to have the police concentrate on the more serious offenses of murder, rape, assault and robbery. We have to do some very hard thinking—and make some very tough choices—on the regulatory control of crime. We have to take most seriously what matters most.

THE ROLE OF THE POLICEMAN

We have learned that we must define more clearly the critical role of the policeman. There can be no doubt about it: the primary tasks of the policeman are to safeguard the public welfare and to bring wrongdoers to justice. In a very real sense today's policeman is the new centurion: he stands between us and chaos in the streets of America.

But, unfortunately, the policeman is under pressure to spend too much time on petty infractions and minor services to the public. He is forced to waste days of his time on administration and paper shuffling. We should realize that his primary tasks are so important that we must not give him too much to do. Our safety and the very stability of our society depend on it.

SWIFT AND CERTAIN JUSTICE

We have learned that trial procedures and other features of the criminal justice system must be streamlined and overhauled to insure that a quick, fair verdict is handed down and carried out. Justice delayed is justice denied, whether we speak from the standpoint of the accused or the standpoint of the victim.

This means:

That our trial procedures must not bring the accused before the court time and time again in a series of continuances;

That plea bargaining, which disposes of 90

percent of all cases, must take place in accordance with strict guidelines and principles;

That uneven sentencing must be eliminated in favor of a more uniform system which treats similar offenses, and similar offenders, similarly;

That the most up-to-date management techniques and computer systems must be brought into courtrooms wherever possible; and

That parole system must be rethought and reorganized so that they serve the bests interests of the community.

THE ROLE OF ORDINARY CITIZEN

Finally, we have learned that we need not look any further than ourselves and our fellow citizens for the best answer of all to the problem of crime. Simply put, our anti-crime effort has lacked an essential ingredient—us, the ordinary citizens of America. In every place that we have stood together and raised ourselves up against thugs and hooligans who prey on us, we have cut the crime rate down or suppressed crime entirely. The problem is just this: we have not been forceful enough.

For too long, too many citizens have been depending solely on others—on the professionals—to legislate, fund, adjudicate, punish and police crime out of existence. We have become so concerned with the delineation and delegation of responsibilities in the war on crime that we have overlooked a simple fact: some responsibilities do not need to be delineated and cannot in any case be delegated. The professionals will do their part as professionals, but as private citizens we must do our part. If we work together, I sincerely believe that we will not fail.

It has been a pleasure to speak to you tonight on the matter of crime. I look forward to your comments and I will do my best to answer any questions you may have.

FARMINGTON LEADS THE NATION

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. COHEN. Mr. Speaker, the University of Maine at Farmington may not rank alongside Notre Dame, UCLA, and the University of Kentucky as a basketball powerhouse, but UMF boasts the leading scorer in the Nation in the NCAA's Division III.

Cameron Brown, floor leader for the UMF Beavers, has averaged more than 30 points a game. He has not received the plaudits of the national press, but we in Maine are proud of his achievements.

Recently, Sports Illustrated took note of Cam Brown and his remarkable basketball talents. The article documents the extra measure of dedication that is needed to excel at athletics in the smaller schools throughout the country. I here insert the article in the RECORD for the information of my colleagues:

A GOOD LIFE ON THE FARM

(By Peter Gammons)

(Cam Brown of the University of Maine-Farmington is the leading Division III scorer, but his post-graduate ambition is a teaching job at home, not a professional career.)

Farmington is just another little Currier & Ives town along a winding Maine road, about 200 miles north of Boston and 70 miles from the Canadian border. The brick buildings of the downtown area huddle together along the Sandy River, the farms are scattered across the hillsides. Logging trucks roll past on the highways, the local radio station plays Pine Tree John Got Drunk and signs on the outskirts of town tell you that the Rotary meets on Thursdays.

Farmington also is the location of The Farm—the University of Maine at Farmington, a 1,600-student state college that opened 114 years ago as Western State Normal School. Cameron Brown is a senior at The Farm, hoping that a year from now he'll be teaching elementary school back home in Hallowell, or any place in Maine where he and his wife can get teaching jobs. Right now, however, Brown is the 6'4" star forward of the UMF Beavers and well known to faithful readers of the Waterville and Lewiston papers and the National Collegiate Athletic Association statistics sheets. Cam Brown is the leading scorer in the country among NCAA Division III schools. And on the weekly lists of stats for that division's schools—Eastern Mennonite, Slippery Rock, Ripon, *et al.*—he is the only player among the nation's leaders in all four individual categories: scoring (31.1, first), rebounding (11.6, 18th), field-goal percentage (.715, third) and free-throw percentage (.930, seventh). An old friend saw Cam's name mentioned in a South Dakota newspaper story on statistical leaders. Another heard about him on his radio off the Florida Keys. "I couldn't believe it," says Brown. "South Dakota? Florida? I get one writeup a year in my hometown paper [the Kennebec Journal of Augusta] and that's only an hour away."

Such is fame, and last week as Brown was bouncing around in the warmup lines for a game with Lyndon State of Vermont, he was asked to step over and pose for a picture with Lyndon's Ricky Sutton. It seemed that the Maine United Press International office wanted the two to pose together. Sutton, a 6' guard from Highland Park, N.J., had led the nation's Division III scorers the past two years, and now he was playing against Cam. Brown fidgeted through the picture-taking. He was nervous; this was one of the few times he'd ever seen two photographers in Dearborn Gymnasium, and this also was the first game the Beavers had played in six weeks.

The last had been on Dec. 16 against Nasson of Springvale, Maine. Exams came after that, then Christmas. While Phil Ford of North Carolina spent his Christmas vacation playing in Hawaii and Ronnie Perry of Holy Cross spent his in New York, Cameron Brown was loading beer cases for an Augusta liquor distributor. He married his longtime girl friend, Donna Teel, on Jan. 7 and two days later started a two-week schedule that began each day at 5:30, included the hour drive to Augusta and ended with Cam and Donna working nights in a pizza shop. The first time Brown touched a basketball after tht Nasson game was on Jan. 20, six days before the matchup with Sutton.

His nerves, rust and Lyndon's box-and-one all helped make Brown's afternoon begin miserably. In the opening minutes he couldn't get the ball, and the first couple of times he did, he forced bad shots. Then Lyndon got tired of chasing him around and things began to fall together. A 20-footer from the right sideline. Swish. Next time down the floor, a 20-footer from the left. Swish. Back door. Two more points. Brown was limited to 26 minutes because of foul trouble, but when the game was over he had added these numbers to the stat sheets: 12-for-16 from the floor, 30 points, nine rebounds, six assists. UMF's Steve Powell had frustrated Sutton into an 18-point afternoon, and The Farm held Lyndon far below its 107-point average. The 84–69 victory raised Farmington's record to 7–1 and put it on the way to its third NAIA regional playoff berth in four years (like many smaller schools, Farmington is a member of both the NCAA and NAIA).

Statistics aside, Brown's performance was typical of what has made him Farmington's best player for four years. He hit 20-footers from either side, jump hooks from the baseline and turnarounds. He even executed one dazzling left-handed drive. "I've never seen anyone, except maybe John Havlicek, work as hard or as well without the ball," says UMF Coach Len MacPhee. "I don't care what level you're talking about. He's a textbook, only you don't put his kind of intensity, self-perfection and orneriness in textbooks."

Nature made Cameron Brown 6' 4", 180 pounds and a bit slow. It also left him three inches, 20 pounds and a leap and a step from the big time. "I've often wished I were 6' 7"," says Brown, "but I'm not, so I make the best of what I have. Coming from a Class C Maine high school, I had no false expectations.

"Last year Sutton told me he was transferring to Rutgers, that he had to if he were going to play pro. It's different for him. In New Jersey his peers play the big time, maybe the pros. Hey, my hero in high school was Brad Moore. He comes from Hallowell and starred at Colby. It's different in Maine. It's almost as if we're cut off from the rest of the country. If someone says he's going to play after college, he probably means for the Griffin Club in Portland. I play here for the same reasons that as a kid I shot in my backyard until my hands bled. I want to. If I have a really good year, maybe even get some of this publicity, I look at it one way—maybe it'll help Donna and me get teaching jobs."

In the summer Brown has worked with and played against players from Division I and II schools. 'I think I could play with them now, even the big time up to Orono," Brown says, referring to the University of Maine.

"But I couldn't have, coming out of high school." Even though Hall-Dale Regional (300 students) won the state Class C championship, Cam was not formally recruited. No scholarships, no assistant coaches in patent-leather shoes. "I wanted a place like Farmington," he says.

Including the school, Farmington has a population of about 6,500. The town's big claim to fame is Chester Greenwood Day; he invented the earmuff. There are few bars in town, and the only weeknights the Golden Galley is busy are those when UMF plays, when Buckeye and the boys—rabid local alumni—come to town. "The State Theater never shows X-rated films," Browns says. "Matter of fact, if they're R-rated, they're cut so much they only last an hour."

The philosophy of the athletic program is clearly spelled out in the UMF catalog—"to create opportunity for participation by more students." Thus MacPhee's budget is $2,200, of which $1,000 is used to pay officials. "We're in what someone called a '12-man-van league,'" says MacPhee, who also teaches a full course load in the physical education department. Many of UMF's opponents pull kids out of New York or Boston; all of MacPhee's are from Maine. Last year the players raised $8,000 for a Christmas trip to Great Britain, the first flight for 10 of them. But $8,000 can't be raised too often, so the one overnight trip this year was to U. Maine-Presque Isle. The big rivals are U. Maine-Portland-Gorham and Husson College of Bangor. The league is called the Western Maine Athletic Conference. Newspapers get the results from Sports Information Director Don Waterhouse. Many games are at 4 p.m., and the Lyndon game drew just 750. Special favors? To earn money in the work-study program last year, Brown had to wash the team's uniforms every day. "We'd get home in the middle of the night," he says, "and I'd have to go right to the laundry.

"I've gotten a lot out of this place, Brown continues. "Eventually, I'd like to coach, and there's no one better to have played for

than Coach MacPhee. He believes in teaching kids the best systems offered by the North Carolinas, Indianas, etc. If one wants to learn, it's all there. I couldn't have asked for more."

Brown and MacPhee turned out to be a perfect marriage. MacPhee's teams are defense-oriented (the Beavers have led their league in defense the last five years), his offense geared to motion and passing. "I'm just not a one-on-one player," says Brown. In the three previous seasons there was more size (6' 5" Ray McKenna is this year's biggest player) and more shooting balance, so Brown averaged 20.0, 19.3 and 18.3 points per game, shooting 54% and averaging 10.8 rebounds. "We don't try to get the ball to him any more than before," says MacPhee. "He's averaging just 17 shots a game. I guess it's a reward for years of being such a perfectionist. He always pushes himself to work harder than anyone on the court. He demands perfection. One night he went 11-for-12 in the first half and came to the locker room ornery because of the one shot he missed."

Cameron Brown's ornery nature, so he says, is inherited. His father, now in the state agriculture department, was a left-handed pitcher who had much success in the town team leagues around Maine. Up in Jackman he knocked down a batter, and a lumberjack came out of the stands after him with a chain saw. Brown threatened to drill him between the eyes with the baseball. The lumberjack backed off. Major league scouts offered the elder Brown contracts, but he had a wife, was from Maine and planned to stay.

Cam will stay there, too. Donna's family are Rockland fishermen (her uncle, Henry Teel, was the subject of several Andrew Wyeth paintings). And in five weeks the basketball career of the nation's leading scorer, Division III, will probably be over. "I think about that," says Brown, "but I never expected it to be any different. I never dreamed about the spotlight. I got more enjoyment out of basketball than I ever imagined. But I've got responsibilities now. I've got to start thinking about finding a job."

EDUCATIONAL GRANTS VERSUS TAX CREDITS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. HYDE. Mr. Speaker, the President has taken a dim view of tuition tax credits in favor of expanding, at great cost, the educational opportunity grant program.

In addition to differing costs, there is a philosophical divergence between the "bureaucratic imperialists" who support grants, and the supporters—as I am—of the Frenzel-Burke-Railsback Tuition Tax Credit Act now in the House. The editorial appearing February 10 in the Washington Star discusses these issues in a most illuminating way, and I commend it to my colleagues:

GRANTS VERSUS TAX CREDITS

The Carter administration has shown a sudden interest in expanding the Educational Opportunity grant program, the existing program of federal assistance to college students. Its new proposals would broaden access to these grants for children of middle-income families, up to a family income ceiling of $25,000. And it would pour substantially more money into these grants.

President Carter coupled his initiative with a tell-tale directive. Congress, he said, "must choose" between an expanded grants program and the tuition tax credits now being pushed by Senators Packwood, Moynihan, Roth and others. "This nation cannot afford, and I will not accept, both," he declared. That implies, without exactly saying, that Mr. Carter might veto legislation that does not conform to his specifications.

It won't do to be dogmatic about the comparative benefits of the two approaches to the subsidization of college students. If indeed it were appropriate to compare them at all. It may be a gain that the administration, previously so hostile to assistance that helps middle-income taxpayers (who apparently exist to pay and keep quiet), concedes that the cost of higher education is a strain not only on the "poor" but on practically everyone. "Increasingly," said Mr. Carter, "middle-income families . . . are being stretched to the limit."

Obviously, no individual student should have both a grant and the benefit of a parental tax credit. But mightn't families be allowed to choose?

Not if the administration can prevent it, apparently. The two clashing approaches spring from philosophies of federal assistance that stand worlds apart. An expanded grant program would preserve the redistributionist ideology that marks all welfare-like programs, sometimes appropriately, sometimes not. It will entail an enlargement of the bureaucratic apparatus that, in effect, adds a cost overhead on every dollar that's ultimately put in the hands of a needy student. And unlike the Packwood Moynihan bill, it would do nothing for costs below the college level.

The tax-credit approach leaves it to the parent to declare eligibility on a line or two of the income tax form; and it leave it to the student to purchase educational services without the nannies of HEW looking over his shoulder and imposing picayune rules. Of course, the latter approach is irksome to those who imagine that Americans are simpletons who need constant mothering from the capital.

A further distinction is, of course, that the tuition tax credit would be open to all, regardless of income, who have eligible children in college (and, in the Moynihan-Packwood bill, in private primary and secondary schools). Implicit in it is the notion that the aim is not the redistribution of income, but the assistance and promotion of education.

In short, the battle looming here would array those who can't kick the habit of bureaucratic regulation against those who believe that this interference could be reduced at no cost to compassion and with undoubted savings in administrative overhead. In this respect, the battle lines resemble those drawn over the Nixon Guaranteed Annual Income legislation.

It isn't clear to us why President Carter, who in his recent State of the Union message acknowledged "a limit to the role and function of government," sticks so firmly on the grant approach. No doubt he must appease Secretary Califano and other bureaucratic imperialistis. But it is certainly the conventional response. It would not rid us of overadministration. It would probably increase the forms and guidelines and red tape and general instrusiveness of federal health, education and welfare programs.

Senators supporting legislation for tuition tax credits say they will not yield, nor should they. The manifest need to relieve some of the financial strain of higher education, now widely acknowledged, presents an oportunity for the exercise of imagination. So why merely widen and deepen the old rut of government direction?

FUTURE FARMERS OF AMERICA: A GOLDEN PAST—A BRIGHTER FUTURE

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. NATCHER. Mr. Speaker, the week of February 18–25, National FFA Week, marks the 50th anniversary of the Future Farmers of America. It is always a great pleasure for me to have the opportunity to express my admiration for this outstanding youth organization.

During 1978, Future Farmers of America will be reflecting on past accomplishments and anticipating and planning future goals and projects under the theme, "A Golden Past—A Brighter Future."

The Future Farmers of America is one of the best examples of youth in action today. Members of Future Farmers of America learn about agriculture in high school classrooms and through FFA are applying what they learn in practical situations. Millions of young men and women have studied vocational agriculture and participated in FFA since its beginning in 1928. Many fine careers were ignited by this worthy organization. Any yet, these same guiding principles, as set forth at the inception of FFA, have been the foundation for a 50-year success story, and continue to inspire a half-million chapter members.

Members of Future Farmers of America, past and present, are excellent examples of capable, ambitious, and industrious people who entered the business of farming or agribusiness while still enrolled in school. FFA, an educational, nonprofit, nonpolitical organization of students is designed to develop agriculture leadership, character, thrift, scholarship, cooperation, citizenship, and patriotism. Future Farmers of America trains young men and women to be not only farmers with skill and technical knowledge, but farmers with leadership experience and potential. This is accomplished through public speaking contests, parliamentary procedures followed in local and State meetings and at conventions, cooperation with fellow students in programs for individual and community betterment.

The strength of Future Farmers of America is in the local chapters. The members are taught agricultural skills by chapter advisers in an effort to better themselves and prepare for tomorrow. Many people will be relying on the skills these students are learning today.

These young men and women fully deserve our support, Mr. Speaker. We must encourage their endeavors as we will be depending upon them to utilize the rich, productive land that is our heritage. The training they are receiving assures us that the future of American agriculture will be in competent hands.

Many people have felt the impact of Future Farmers of America's valuable contributions to America. I am happy to note that the membership is soaring. There are over one-half million mem-

bers currently enrolled in Future Farmers of America. Kentucky has 163 chapters with a record membership of 15,458 people. At least 1,021 FFA members and 112 FFA advisers from Kentucky attended leadership training at the FFA Leadership Training Center in Hardinsburg, Ky., during 1977. The Second Congressional District has certainly benefited from FFA's accomplishments and activities and the program continues to be a success.

Our American youth in agriculture are our Nation's most valued resource. It is to them we will look for new concepts in farming, new ideas and new methods of feeding our people. Certainly, Mr. Speaker, the recent food shortages and recognition of our farmers' plight in the price support situation, attest to the need for a continuing strong program of vocational agriculture and the FFA program.

With the basic principles of "learning by doing" set forth in 1928, accompanied with new faces, ideas, and techniques acquired over the subsequent 50 years, Future Farmers of America has come a long way. FFA members recognize, too, how far they can go, but know what they must do to prepare for it.

Future Farmers of America is facing a big responsibility—one I am sure they will meet and master.

Mr. Speaker, I am proud to have this opportunity to congratulate the Future Farmers of America for their many outstanding achievements and I wish them every success in performing even greater accomplishments.

LIGHT TRUCK FUEL ECONOMY STANDARDS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. KILDEE. Mr. Speaker, several Members of the House have previously indicated their fears that the proposed fuel economy standards for light trucks may be beyond the capacity of the manufacturers. Because the authority to set the standards was delegated to the Department of Transportation by the Congress in the Energy Policy and Conservation Act of 1975 and because the Congress provided DOT with very specific guidelines to be used in setting those standards, we should all be interested in how closely DOT adhered to those directions. As an input into this process of assessment, I would commend to my colleagues an editorial which was carried in the Flint Journal yesterday:

LIGHT TRUCK FUEL RULES UNREALISTIC

The public listening to the objections of the automobile industry to the fuel consumption standards being set for light trucks by the National Highway Traffic Safety Administration (NHTSA) may conclude that it is just the customary balking by industry to any government regulation.

After all, the industry squawked about the standards set for passenger cars, too. (And a good thing, since it made possible the current high contributions the industry is making to a lagging economy.)

Setting of higher mileage standards for the automobile industry has been a necessary reaction to a continuing energy problem. Nobody can successfully dispute that it has forced the automotive industry into some impressive improvements even after Congress intervened to give the industry more lead time.

So, holding the feet of the industry to the fire has some justification. The danger is, of course, overdoing it to the extent that the industry finds it can't run to the goals sought because of burned feet.

That is the danger in the present NHTSA light truck standards. There are some serious questions about the approach the agency has taken.

One is that the agency has ignored the fact the industry has its hands full with expensive and difficult conversions in order to meet the ever tightening passenger car standards and will be severely handicapped if it must try to add the necessary redesigning and retooling to meet too-rigid truck goals.

It is apparent that NHTSA has "discovered" the fact that many light trucks are being used for passenger transportation and this has moved them to try to apply similar standards for those vehicles. That does not accept the reality that by far the greatest percentage of such trucks are used either for dual purposes or exclusively for cargo carrying and that use demands different criteria.

NHTSA has made a number of assumptions about the technology of truck fuel economy that simply cannot be sustained. They include unreasonably high estimates of fuel savings by switching to different tires, the advantages of improved lubricants, the gains from design changes and weight reductions and the capacity of the industry to accomplish these things in a brief period.

Many of these estimates are based upon passenger car experiences that are not applicable to truck efficiency.

It should be of grave concern to all that NHTSA has in some respects admitted that its standards are neither realistic nor reasonable.

The agency has concluded that if General Motors cannot meet their arbitrary standards and must pay civil penalties for the trucks they produce, then it can either pass the costs on to the consumers or absorb them "in view of its recent profits."

This is an obvious violation of the responsibility of the agency under the law setting it up. That requires the agency to set standards that manufacturers are able to achieve, and it should be of no concern to the agency what the profits of any manufacturer may be. Furthermore, it poses a grave threat to all manufacturers whose profits vary from year to year or to the many small business men who are heavy buyers of light trucks and vans and whose profits can be seriously hurt if the manufacturers must add arbitrary civil penalties to the prices they must charge those customers.

There are other reasons why Congress should again intervene in the overzealousness of the NHTSA and not the least is that present standards can well prove highly self-defeating.

Since the new standards apply only to light trucks, if the industry cannot meet them without adding penalties or are forced to cut deeply into production of such units, it will force many potential buyers of light trucks to purchase larger-than-needed trucks which will use even more fuel than their present trucks.

The automotive industry has done remarkably well in improving passenger car mileage and promises even greater fuel economy for the future. That it can make similar improvements in the truck field is a reasonable assumption.

It will do that far better, however, if it is not forced into impossible situations by unrealistic government demands that will not only hurt the industry, but put an unnecessary burden on the customers and hurt the conservation movement far more than it helps it.

GOVERNMENT'S MEDDLING

HON. JERRY HUCKABY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. HUCKABY. Mr. Speaker, Dan Richey, who is a State representative from my congressional district, has requested that I include some of his legislative reports in the CONGRESSIONAL RECORD.

The reports, which appeared in the Concordia Sentinel newspaper, deal with social security, minimum wage, socialized medicine, the energy crisis, and the Panama Canal. I think you will find them as interesting as I did.

[From the Concordia Sentinel, Nov. 3, 1977]

GOVERNMENT'S MEDDLING

(By Rep. Dan Richey)

The federal government has shattered the retirement dreams of many elderly people in this country with its so-called "social security" program. The manner in which the government has established and operated this system is a prime example of Murphy's Law—"If anything can go wrong, it will." Let's examine the forty-year history of this compulsory government program.

The Social Security Administration was established in the late 1930's during the midst of the Great Depression. Politicians proclaimed at the time that the government must force people to provide for their future, because no one would do so voluntarily. Government coercion was advocated as the remedy for providing income security for future periods of economic stagnation.

When Social Security first went into effect, the maximum tax was 3 percent withheld from the worker and 3 percent paid by the employer on a maximum salary of $3,000, yielding a maximum tax of $180 yearly. In 1977 the tax rate is 5.85 percent for both the worker and employer on a maximum salary of $16,500, yielding a maximum tax rate of $1,930. In 40 years, therefore, the maximum tax rate has increased more than 1,000 percent. At the current rate of increase, a worker at age 25 will be paying $20,000 annually in Social Security taxes by the time he reaches age 60.

Taxes collected for Social Security are not being set aside for future recipients. The money is being used to offset immediate obligations. If no new workers were added to the rolls and only those currently participating in the payments would continue to pay taxes and receive benefits, the Social Security system would have $2.5 trillion of accrued liability. In spite of such alarming data, the federal government would have you believe the present system is in good financial condition.

Social Security should not be viewed as a pension plan or insurance program. There is no correlation between the taxes paid into the system and the benefits derived. There is no legal obligation for the government to repay anyone anything. Payments could be discontinued tomorrow without anyone having a legal right for reimbursement of his "contributions."

Workers have been given the impression that they pay half of the cost of Social Security and their employer pays half. Nothing could be further from the truth. The worker pays the full cost of Social Security because the employer merely subtracts his share of the cost from the extra wages that could have been earned by the worker.

One of the alternatives to the government imposed retirement system is permanent life insurance from a private insurance company. Compare the advantages a private company offers an individual with the same investment the government receives in Social Security taxes.

A worker at age 21 who makes $225 per week pays, along with his employer, $1369 per year in Social Security taxes (1977 rates). This same amount is more than enough to purchase a $100,000 permanent life insurance policy with full cash benefits.

If the worker dies, his widow would collect $100,000 with no regard to her age, employment or future marital status. Under Social Security the widow would receive $300 in burial expenses. If there were no children she would receive nothing else until she reached age 62. If there were young children she would receive a monthly allotment up to $600 until the children reach the age of maturity. Once the children were on their own, she would receive nothing until age 62.

With the money that could be saved by not paying Social Security taxes, a person could take care of his future in many ways including investment in stocks, bonds, savings accounts, mortgages, private insurance programs, real estate, etc. The individual would be limited only by his imagination. The investments would be going to the private sector to be reinvested in productive, worthwhile endeavors rather than paying the salaries of politicians and bureaucrats.

No system based on compulsory membership can achieve the moral fiber necessary for survival. Until the federal government allows private citizens to make their own retirement plans, the plight of the elderly will worsen.

[From The Concordia Sentinel, Nov. 10, 1977]

WAGE BILL AN AFFRONT TO ALL

(By Rep. Dan Richey)

President Carter exhibited a callous disregard for teenagers and unskilled adults last week with the signing of the new minimum wage law. The same can be said for Louisiana's two U.S. Senators who voted in favor of this legislation.

Wage controls, like price controls, result in the regulation of the economy by the government. Wage and price controls force private citizens to bow to the dictates of politicians and bureaucrats. Freedom of contract is substituted by government intervention.

These controls, when carried to their logical extension, represent the complete elimination of individual freedom. They undermine the free enterprise system.

It's ironic that Louisiana's two Senators voted to increase the federal government's control on wages at the same time when they "deplore" the government's role in setting price controls on oil and natural gas. What kind of games are they playing?

Proponents of both wage and price controls espouse a socialist philosophy, while opponents of both wage and price controls adhere to the free enterprise or capitalist philosophy. Those for one but against the other have no philosophy; they put political expediency over principle.

The principle against wage controls is exactly the same as that against price controls—freedom in the market place must take precedence over bureaucratic bondage. To argue for or against one and not the other is sheer hypocrisy.

The effects of the new minimum wage law on our nation's unemployment rate and inflation may be devastating. The U.S. Chamber of Commerce estimates that the increase will result in the loss of almost 2 million jobs due to employers' laying off marginally skilled workers, especially teenaged blacks and whites.

Louisiana alone is expected to suffer from the loss of 33,000 jobs as a result of the minimum wage increase. Imagine how difficult it will be for those entering the job market to secure gainful employment!

The Chamber of Commerce study also indicates that in Louisiana over 40 percent of small businesses will lay off workers as well as cut existing work hours; over 50 percent will substitute employees with labor-saving machinery and equipment; and over 80 percent will cut back their inventories.

Labor, like any other factor of production, is subject to the laws of supply and demand. As wage rates increase, the demand for labor decreases. As the government forces the wages higher, employers look to labor saving devices to reduce their operating expenses. This explains why so many positions such as grocery clerks, gasoline station attendants, farm hands, delivery messengers, etc., have been replaced by self-service systems.

The new increase in the minimum wage will accelerate from the current level of $2.30 per hour to $3.35 per hour within the next four years. What does this mean to the average employer? Consider this simple example:

The grocery store owner with 20 employees will have to pay an additional $840 each week in higher salaries. How will he overcome the added costs of doing business? He will either reduce the number of employees or charge higher prices to the consumer. He has no alternative if he is to stay in business.

Let's hear liberal thinkers in Washington, D.C. explain the advantages the higher minimum wage will bring to our nation's youth. Perhaps they can even explain how the teenager is better off unemployed at $3.35 per hour than employed at $2.30 per hour

---

[From the Concordia Sentinal, Sept. 27, 1977]

THE EVIL OF SOCIALIZATION

(By Rep. Dan Richey)

The best medical care in the world is found in the United States. There has been a greater outpouring of medical knowledge and development in this country than any other because of the freedom enjoyed by doctors, researchers, and scientists in health related fields of endeavor.

Medical facilities in America are second to none. People from all over the globe come here for treatment. Medical schools here offer the best training in the best educational environment. No other nation can match such excellence.

In spite of the exceptional health care facilities, personnel, and training programs, there is an alleged "health crisis" in the United States. Some people would have you believe the only way to overcome this make-believe "crisis" is for government to step in and take over the medical profession.

This myth is being spread by the same social planners who brought us such boondoggles as urban renewal, federal aid to education, and government price controls. They have done nothing except contribute greatly to our soaring inflation and high unemployment.

These same government interventionists are now advocating National Health Insurance as the salvation of our health care industry. This high sounding name is nothing more than socialized medicine. Under this system, politicians and bureaucrats will be in control of your physical well being; doctors will take a back seat.

With socialized medicine the government will determine the number of medical schools, the number of medical students, the curricula, the staff, the facilities, etc. The government will decide the type of speciality for doctors, where doctors will practice, how much they will charge, who they have as patients, where they purchase their supplies, etc.

If you think the government has done a poor job in delivering the mail, imagine what it will do in delivering health care services. In Great Britain, where medicine has been socialized for quite some time, the medical bureaucracy has gone haywire. People wanting "noncritical" operations have to wait two years to see a surgeon.

The British experience has created a shortage of doctors, overcrowded hospitals, unsanitary conditions, inadequate surgical equipment, insufficient medical research, and a low level of health care throughout the country.

Even though we have dismal record of socialized medicine in Great Britain as a guide, there are still many so-called leaders in this country who embrace this collectivist concept. Each year they beseige statehouses and Congress with legislation prescribing more government involvement in the health care industry.

Doctors, nurses, and hospital administrators are quick to find fault with the heavy burden of government red tape and bureaucracy but do very little to prevent this continued onslaught. Few, if any, voice their opposition in the legislative chambers, providing many legislators an "excuse" for siding with the bureaucrats.

Government involvement in the medical field must be curtailed if we are to continue to have quality health care. This is no small task. It will take a united effort on behalf of all taxpayers to achieve this goal.

[From The Concordia Sentinel, Oct. 6, 1977]

"OIL CRISES" SINCE 1914

(By Rep. Dan Richey)

There is no energy shortage today. There need not be any in the future. More proven petroleum reserves exist today than ever before. New reserves are being found every day. Don't be alarmed at the doomsday prophecies by advocates of radical government intervention in the production of energy.

The latest doomsday scare is only one of many during this century. In 1914 the U.S. Bureau of Mines projected that future oil production would amount to only 5.7 billion barrels. Since that time we have produced 34 billion barrels.

In 1939 the Department of the Interior said the United States would be out of oil within 13 years. In the meantime we have discovered more new supplies than the total thought to have existed at that time.

In 1949 the Department of Interior said another shortage loomed on the horizon and the end of the nation's oil supply was in sight. During the following five years oil production was increased by more than a million barrels per day.

In each "oil crisis" of the 20th century government "experts" testified of the pending irreversible shortage. The experts were wrong in every case because they didn't understand the cause and effect relationship of government intervention in the petroleum industry. After each "crisis" government controls were lifted, leading to an increase in immediate production as well as further exploration. In each case estimates of proven reserves were significantly increased.

Proven oil reserves below the surface in the United States are capable of meeting the present demand for at least fifty years. This estimate does not include the vast underwater supplies on the Continental Shelf off the Atlantic and Pacific coasts. Of the entire Continental Shelf area, we have drilled on less than five percent.

Another untapped source of oil is to be

found in the shale of the Rocky Mountains. It is estimated there is more oil in the shale rock of Colorado, Utah and Wyoming than in all of the Middle East countries combined.

In spite of the enormous petroleum reserves in this country, the federal government continues to assert doomsday rhetoric. President Carter's energy program is nothing more than a gigantic step toward government nationalization of our energy production. His program consists of forced conservation, production disincentives, and an outrageously expensive coal conversion proposal.

Available supplies of energy will continue to be suppressed as long as the federal government intervenes in the market place. Price controls on oil and natural gas, the long delay of the Alaskan pipeline, postponement of drilling off the Atlantic Coast, cancellation of drilling off the Pacific Coast, halting strip mining for coal, and blocking development of nuclear power are just a few of the made-in-Washington schemes that have choked off available supplies of energy.

President Carter's energy package is a prime example of how one interventionist program attempts to solve the problems created by other interventionist programs. It's akin to putting out a fire with kerosene instead of water. The solution to our energy problems lies in freedom, not bondage. In the words of Adam Smith:

"The uniform, constant and uninterrupted effort of every man to better his condition, the principle from which public and national, as well as private opulence is originally derived, is frequently powerful enough to maintain the natural progress of things toward improvement, in spite both of the extravagance of government, and of the greatest errors of administration. Like the unknown principle of animal life, it frequently restores health and vigor to the constitution, in spite, not only of the disease, but of the absurd prescriptions of the doctor."

[From The Concordia Sentinel, Sept. 8, 1977]

CANAL TREATY INDICATIVE OF POLICY

(By Rep. Dan Richey)

Gov. Edwards has joined the ranks of conservatives for the second time this year with his recent announcement opposing the Panama Canal giveaway. You may recall earlier in the year his siding with conservatives on the issue of deregulation of oil and gas.

Conservatives everywhere commend this courageous stand by the governor and hope this is not the last time he puts principle over politics. Fiscal conservatives are still disturbed over the governor's ultra-liberal stand in favor of higher taxes during the recent special session of the legislature.

The Panama Canal is of extreme importance to the United States in both economic and military terms. Nothing beneficial to our country can be gained by giving away this vital piece of real estate.

Why is President Carter determined to turn over the canal to a Communist leaning government? Your guess is as good as mine. Is this the President's first major error in foreign policy? NO!

President Carter has done several things during his nine months in office that threaten the security of the United States. His record reads like a "laundry list" of failures. Let's examine the most destructive ones:

The cancellation of the B-1 bomber. This fighter bomber would have given us air superiority over the Russians. It's development was extremely important to the protection of the next generation of Americans.

The appointment of Paul Warnke as chief negotiator with the Russians for the Strategic Arms Limitation Talks (SALT). Mr. Warnke opposed every major weapons system developed in the United States for the past 10 years. He was George McGovern's top defense advisor for the 1972 presidential campaign.

Favorable overtones to Red China and Communist Cuba as well as to two of Cuba's closest allies, Jamaica and Panama. This comes at a time when Castro continues to export revolution to Latin America and Africa.

The threatened pullout of American troops from Korea and western Europe. The few remaining free countries in the world are being scorned by the Carter Administration.

Allowing U.N. Ambassador Andrew Young unchecked authority to make foreign policy statements detrimental to the interests of the country. Mr. Young seems to be representing the "third world" instead of the free world. He undermines our respect with leaders of free countries.

The Panama Canal giveaway is probably the most damaging move of the Carter administration. The greatest nation in the history of the world is being slapped around by a two-bit Communist dictator. It doesn't make any sense to me. Consider the warnings expressed by former naval chief of staff Admiral Thomas Moorer:

"I have yet to see any solid justification advanced as to why the United States should willingly sacrifice the strategic advantages afforded to us by our possession of the Panama Canal. Also, by relinquishing control of the Canal Zone and the canal, we would force all those nations who depend on our power and leadership to accommodate to the adverse implications of such action on our part.

"The Canal Zone could become the satellite base of an adversary, and the advocates of 'giveaway' do not appear to take this factor into account . . .

"Surrender of U.S. sovereignty over the Canal Zone would inevitably lead to the transformation of the entire friendly character of the Caribbean and the Gulf of Mexico. Everything would depend on the attitude of those who held sovereignty and ownership. In military affairs, there is no substitute for ownership of the territory and the ability to control or to deny the waters and air space.

"I am convinced that if the Soviet Union ever gained even proxy sovereignty and control over the canal, U.S. security as well as U.S. property would be placed in serious jeopardy."

It will be a sad day in America if the United States Senate approves the President's proposed treaty.

RAILROAD MAINTENANCE NEEDS POINTED OUT

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. SIMON. Mr. Speaker, President H. C. Crotty of the Brotherhood of Maintenance of Way Employes has sent the Members of Congress a copy of his letter to our esteemed colleague, Congressman HARLEY O. STAGGERS, chairman of the Committee on Interstate and Foreign Commerce.

I am a long way from being an expert in railroad matters, but I do know that we are permitting railroad service to deteriorate, and I know also that one of the reasons for some of the problems we have had in railroad service is the poor condition of the rail beds. If there is anything we should be doing, it is to improve those rail beds rather than move in the opposite direction.

I hope that my colleagues on the responsible committees can do something to start this Nation moving in the direction of better rail beds.

I am attaching the letter of President Crotty.

BROTHERHOOD OF
MAINTENANCE OF WAY EMPLOYES,
Detroit, Mich., Jan. 17, 1978.

Hon. HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce, Rayburn Office Building, Washington, D.C.

DEAR CHAIRMAN STAGGERS: The purpose of this letter is to relate to you certain disturbing developments pertaining to the reduction of manpower in Consolidated Rail Corporation's Maintenance of Way Department. In particular, I would like to bring to your attention Conrail's recently-announced plans to drastically reduce manpower levels in its Maintenance of Way Department by approximately 6,546, commencing the beginning of December, 1977, continuing until the spring of 1978. In order to apprise you of the magnitude of the layoffs which Conrail is undertaking, I have taken the liberty of attaching a list of the layoffs by Region and District as Attachment A. These layoffs represent 50.8 percent of Conrail's total Maintenance of Way forces.

Conrail has taken the position that the layoffs are "seasonal" layoffs that take place each year. In contrast to Conrail's assertions, Interstate Commerce Commission reports reflect that during last winter, employment in its Maintenance of Way Department declined from a high of 15,626 in November, 1976 to a low of 12,499 in February, 1977, or a reduction of 3,127 (Attachment B). This figure compares to layoffs this year of 6,546 and represents more than double the level of layoffs over last winter. Thus, it is abundantly clear, that the majority of the layoffs implemented by Conrail are not "seasonal" as it has asserted.

By any standard, the layoffs are massive in scope, and without question, will have a profound negative impact upon the level of maintenance on Conrail's system and will delay implementation of its program to upgrade track conditions from present levels. In fact, the extent of the scheduled layoffs raises doubts as to whether Conrail will be able to sustain present levels of maintenance on its system.

It is my understanding that recent laws enacted by the Congress, which include the Regional Rail Reorganization Act of 1973 and Railroad Revitalization and Regulatory Reform Act of 1976, have as one of their primary objectives, the rehabilitation of Conrail's trackage to overcome the years of deferred maintenance and neglect that have resulted in the deterioration of its physical plant to the extent that efficient train operations are impossible and minimum levels of safety compromised. The previously-cited program and the massive layoffs which Conrail is implementing will only result in the inefficient allocation of such monies and frustrate the objectives mandated by the Congress.

Conrail's actions are in direct conflict with the specific goals established by the Congress in providing for the creation of a Final System Plan to insure that Conrail was capable of supporting a viable rail service system adequate to meet rail transportation needs and service requirements and in order to enable it to compete effectively with other modes of transportation. Conrail's actions are clearly aimed at frustrating the foregoing objectives.

It should also be pointed out that Conrail has embarked on an extensive training program to insure the availability of a sufficient

force of skilled manpower. Substantial monies have been allocated to this program to date. The actions of Conrail are resulting in the layoff of many employes who have been trained under this program, while past experience makes it abundantly clear that many of these employes will secure employment in other industries and will never return to railroad employment if subsequently recalled. Such a situation will necessitate the hiring of new employes who will then have to be trained, thus rendering the training program ineffective. The previously-described situation also serves to aggravate the already serious dilemma posed by high turnover rates in Conrail's Maintenance of Way forces and further compounds problems resulting from shortages of skilled employes.

Conrail's massive layoffs vividly highlight the downgrading of Maintenance of Way functions occurring throughout the railroad industry that have contributed in large measure to the overall economic decline of the industry. The decrease in the number of Maintenance of Way Employes, as well as their relative percentage to total railroad employes, is staggering and is evidenced by the statistics listed in Attachment C. It is undisputed that reductions in manpower levels in railroad Maintenance of Way Departments will only accelerate the continued deterioration of track conditions, which in turn severely limits the ability of railroads to effectively serve shippers and compete with alternate modes of transportation.

In addition to the previously-described consequences, numerous employes who are entitled to financial benefits under protective provisions enacted by the Congress, are among those being laid off. Such employes are receiving monetary benefits from Federal funds appropriated under the Regional Rail Reorganization Act during the period they are laid off, while Conrail is not utilizing their services. This situation merely compounds the inefficient use of Federal funds appropriated to assist Conrail in upgrading its trackage and the short-term benefits already achieved by such expenditures are being negated as the result of such counterproductive measures as the massive layoffs presently being made.

I can assure you from past experience that Conrail's actions will only contribute to the already intolerably high levels of deferred maintenance and minimal safety standards that exist today. They will jeopardize the safety of rail employes and the public and will seriously impair Conrail's efforts to operate efficiently and compete effectively with alternate modes of transportation. This phenomenon is generally reflected in recent remarks made by Kay Bailey, Acting Chairman, National Transportation Safety Board, a copy of which is included as Attachment D.

Conrail's actions are indicative of the fact that employes in the Maintenance of Way Department are treated as a commodity, without any thought or concern as to their well-being or future employment with the railroad industry, the immediate effect of which is to increase already intolerably high levels of unemployment in the areas where Conrail operates.

In addition to the direct impact upon Maintenance of Way Employes, the furloughs could have an impact on Conrail's ability to serve its customers efficiently and effectively. To the extent that the level of service to Conrail's customers is reduced, there exists the likelihood that traffic will be diverted away from Conrail to other forms of transportation. In turn, the resulting adverse financial impact on customers would lead to further unemployment.

If we permit such a philosophy to be pursued by Conrail, I firmly believe that we will find ourselves in the same situation as we were during the closing stages of Penn Central's bankruptcy. While I am certain that Conrail's actions are genuinely motivated, to permit it to implement massive layoffs at a time that is so critical to its future well-being, can accomplish nothing more than to increase the likelihood that Conrail will be unable to continue to exist as a private entity.

The previous observations reflect only a small portion of the problems precipitated by Conrail's actions and I believe that they are of critical importance to its future, as well as that of the industry it serves and the people it employs. I trust that you will carefully consider the views expressed herein and join with us in attempting to bring about an end to this wasteful and inefficient practice.

If you have any questions in connection with the foregoing, or require additional information concerning this problem, do not hesitate to contact me.

Sincerely yours,

H. C. CROTTY,
President.

TOO BIG FOR THE TYPEWRITER

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. MICHEL. Mr. Speaker, I suppose that over a period of years there have been tens of millions of words spoken or written about the evils of big government in the United States. After a while the numerous horror stories of Government redtape all seem to sound the same. The long lists of complaints from small business and from citizens begin to blur. We tend to forget that at the heart of the problem of big government is one human being confronted by the powerful machinery of the Federal bureaucracy.

Recently I read a letter from a constituent telling me of his problems with the Bureau of the Census. He told of the time and the money necessary to complete a complicated questionnaire sent to his firm by the Bureau. And then he wrote:

Furthermore, the report was too large to fit comfortably in a standard typewriter.

Mr. Speaker, of all the volumes that have been written about the evils and follies of bureaucracy, that sentence stands out. It is not a major complaint considering the real mischief big government can do. But in a sense it captures the very spirit of big government: Careless of the trouble it causes, indifferent to the needs of citizens, insensitive to their problems and rigidly adhering to its own formulas and rituals regardless of their irrelevancy to human problems.

I include this letter in the RECORD at this time. It is, in its way, a classic, a voice crying out in the wilderness. It speaks for all of us:

Hon. ROBERT MICHEL,
Congressional Office Building,
Washington, D.C.

DEAR CONGRESSMAN MICHEL: Our firm received from the Bureau of the Census three pages of questions to be answered, with each page being 10½ inches wide and 16¾ inches long.

The questions covered everything from our operational status, a breakdown of our revenues, the nmber of employees by quarters, our annual payroll, our first quarter payroll, our type of activities, a breakdown of our income as to type of client, the income going to partners, our expenses, to our type of practice.

We were advised that response was required by law and that we were subject to a penalty for failure to report.

This is an invasion of privacy. At one time, only the Internal Revenue Service for income tax purposes was entitled to such information. Now another Department of the U.S. Government is to receive such information. Sure, we are advised that the information is confidential and is to be used only for statistical purposes, but the government has not been very successful in controlling the release of confidential information.

In addition, the employee and employer time to fill out such a report was tremendous. We would estimate that it cost us in time charges approximately $200.00 to fill out this report, including getting together the necessary information. Who do they think will pay for this? Is this yet another cost to be passed on to clients to raise the cost of their legal services?

Furthermore, the report was too large to fit comfortably in a standard typewriter. You would think that there would have been enough consideration to design the form so as to give as little inconvenience as possible to those required to fill it out.

We spend far too much time now in filling out reports for the government without having added more and more reports. I know you are opposed to burdening business with excessive reports, but I did feel that a protest would give you more support in this regard.

CONTINUING CRISIS IN FOSTER CARE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. MILLER of California. Mr. Speaker, within a few weeks, H.R. 7200 will come before the full Senate. This landmark legislation contains many of the foster care and adoption reforms which I first introduced nearly 1 year ago. Within this past year, the Congress has given more serious consideration to existing problems in the foster care system than at any other point in recent history. Extensive hearings in Congress, and numerous investigations of many State programs, have clearly established the great need for this legislation.

There are many victims of the continuing crisis in foster care. There are the natural parents who require services and other forms of assistance which would permit them to work their problems out before having to give up their children to the custody of a court or social service agency. There are the foster parents who are committed to helping these children, but who do not receive adequate compensation or services to help them do that job. There are the social service agencies and caseworkers who are overburdened and understaffed and underfunded, and therefore incapable of providing the quality of assistance they would like. There are the prospective adoptive parents who are willing and even anxious to permanently adopt

a homeless child, but who need financial assistance in order to do so.

Lastly, and most importantly, there are the tens of thousands of foster children themselves. Study after study has concluded that they require better preventive services before placements are made, and comprehensive services during placement to accelerate the process of reunification, if that is possible. Study after study has indicated that many foster children are retained in foster care for excessive periods of time, at great cost to the taxpayers and to themselves, because there are inadequate administrative and review procedures to assure that the child remains in placement only as long as necessary. We have read the psychological reports which indicate that a placement of longer than 18 months can be severely detrimental to a child's development. Yet in State after State, unimpeachable researchers have found thousands of children inappropriately placed or unnecessarily retained in foster care.

When I first began my work on foster care and adoption nearly 3 years ago, there seemed little likelihood that substantive reform of that system would occur. But the near unanimity of support for the thrust of H.R. 7200, and especially the superb leadership of the chairman of the Subcommittee on Public Assistance (Mr. CORMAN) and Senator ALAN CRANSTON, have brought us to the brink of achieving that reform in 1978.

Along the way, various challenges were thrown up against this legislation. "There is not enough data," some charged. We responded with studies by individual States, the Department of Health, Education, and Welfare, policy institutes, and our own review by the General Accounting Office—all of which concluded that similar shortcomings in the foster care system existed throughout the country, in every State studied. "Your program would cost too much," some alleged. But we were able to produce great amounts of evidence testifying to the unnecessary cost of the present system of long-term, indeterminate placement, and the indisputable cost-effectiveness of periodic review and comprehensive preventive service programs, of the type included in H.R. 7200.

Lastly, some argued, the program outlined in H.R. 7200 was an idyllic model, incapable of working in the real world. But we heard testimony from numerous people who have been operating such programs—such as the comprehensive emergency services program, originated in Nashville, and now being replicated in other cities, and the National Council for Juvenile Court Judges, which passed a resolution unanimously endorsing the bill—to the effect that the design of the reforms in H.R. 7200 will actually save substantial amounts of money by making the system more accountable.

Let me briefly recount the development of this legislation in the 10 months since I first introduced "The Foster Care and Adoption Reform Act":

First, the Public Assistance Subcommittee, under Congressman CORMAN'S leadership, incorporated most of the provisions of my bill into H.R. 7200 and won the support of the Ways and Means Committee;

Second, the full House passed H.R. 7200 last June by the overwhelming vote of 335–64;

Third, Vice President MONDALE announced in July the Carter administration's support of a foster care and adoption package very similar to that passed by the House;

Fourth, Senator ALAN CRANSTON (D-California) introduced the administration bill as S. 1928;

Fifth, a wide range of social welfare, administrative, child and family and legal rights proponents and experts testified before the Senate Finance Committee in favor of H.R. 7200, and urged its speedy enactment;

Sixth, the Finance Committee modified H.R. 7200, but retained the basic thrust of much of the legislation, passing it to the full Senate. It now appears that the Senate will consider the bill in March.

This is a very great record of success in a very short time. Along with the successes, of course, have been some frustrations. However, it is imperative that supporters of this legislation not reduce the pressure for its inactment. Nothing is more responsible for the swift movement of H.R. 7200 than the concerted efforts of organizations and individual concerned citizens working in the foster care and adoption field who have stressed the need for these reforms to their Congressmen and Senators. Those efforts must be redoubled in the next few weeks, so that we move the final steps necessary to have H.R. 7200 signed into law this year.

One of the most highly regarded of the studies of the foster care system was the report released last year by the New York City Comptroller's Office. The author of that important review, George Strauss, summarized its findings, and made some important recommendations in an article published by Newsday last summer. I submit it for my colleagues to consider:

THE FOSTER CARE MESS

(By George H. Strauss)

(NOTE.—The world of foster children is too often an uncertain limbo with destination unknown.)

William was a healthy 7-year-old when he was placed in a foster home in 1971 by a foster care agency in the New York-Long Island area. His parents were separated. His father drank heavily and his mother was on welfare, legally blind and unable to care for him. Five of William's brothers and sisters had spent most of their lives up to age 18 in the agency's care. His parents rarely visited him.

In 1972, William became uncontrollable in school, running wild and attacking other students. Weekends spent at the home of his eldest brother, Charles, seemed to have a calming effect on the boy, but he still had to remain in the custody of his foster parents. In 1973, his foster mother told Charles that William could not be discharged to him because the agency planned to have the boy adopted. The agency in fact had no such plans; presumably she just didn't want to lose William—and the monthly stipend his presence brought her.

Asked for the first time, in 1975, what he wanted to do, William told an agency social worker: "I want to live with Charles, he's my brother . . . and Jennie [Charles' wife] is just like a mother to me."

Later that year William got what he wanted. He was discharged into the care of his brother. Meantime, his four years in foster care had cost more than $18,000 in public funds for basic care alone. Half of that money went for agency administration and social services, the other half for payments to the foster parents, who housed five other foster care children besides William. If he had been discharged in 1973, when his brother first requested it, the public expense would have been only $7,500.

Among the 400,000 children in foster placement throughout the country, 31,200 of them are in foster homes and institutions in the New York-Long Island area—2,600 in foster care provided by Nassau and Suffolk County Departments of Social Services, 28,600 in care of New York City and its voluntary agencies.

Foster care is supposed to be a temporary expedient, designed primarily to reunite children with their biological family. Five years ago a Newsday article on foster care showed that many children remain in foster care homes or institutions for most of their childhood. Little has changed since then. Children remain in foster care for too many years, often moved around like chips on a checkerboard.

Foster children are frequently not visited by their parents, sometimes because agencies place them in distant foster homes. Too often, the agencies responsible for them make weak efforts to work with their parents and return them home or discharge them to interested relatives. For those who have no realistic hope of returning home, the agencies are often slow to free them for adoption or to recruit adoptive parents.

As the case of William illustrates, long-term foster care is frequently harmful to the emotional health of children, who need a feeling of stability and belonging that only a permanent home can provide, whether with their biological or adoptive parents. Foster care is also inordinately costly to the taxpayer. The current national price tag is at the $1 billion level. In Nassau and Suffolk Counties alone, more than $14 million was budgeted on foster care for the current fiscal year. The cost per child averages close to $6,000. In New York City, basic care costs are considerably higher—almost $8,000 per child.

Reuniting a child with his or her family is not only better for the child but also saves taxpayers money. And subsidized adoption by low and middle-income families typically costs less than half of what is annually expended for a child in foster care.

Agency practices differ sharply with respect to foster care versus adoption. Consequently, many Long Islanders are the subjects of discrimination. On the one hand, New York City agencies have more than 1,500 New York City children placed in foster homes and institutions in Nassau and Suffolk Counties. But when Long Island families wish to adopt children from these same New York agencies, they are usually told: "You live outside our geographic area for adoption."

The causes of the foster care mess are varied. Public reimbursement systems favoring foster care over preventive services or adoption, organizational survival, interagency squabbling, and bureaucratic convenience are prime reasons why so many children get lost in the limbo of foster care.

As for the social workers involved, they are subject to the same inertia often found in bureaucratic situations; they are comfortable with established "clients" and so are sometimes predisposed not to discharge them and take on new ones. This tendency is reinforced by the disinclination of social workers to make crisp, timely decisions, particularly when they are given little guidance or direction by agency management.

An important secondary cause is lax governmental oversight and review of foster care practice at the local, state and federal levels. Government review and audit capabilities are typically fragmented, superficial and narrow in focus. Basic data about programs and their costs are often not even generated, let alone acted upon in significant ways be responsible public officials.

In New York City, for example, agencies with education, mental health, medical and basic maintenance programs are audited in a fragmented manner by the City Board of Education, State Department of Education, City Department of Mental Health, State Department of Social Services, and City Comptroller's Office. No one looks at the total picture.

Two other phenomena that are less often discussed are simple greed by a minority of operators of private foster care agencies, who skim public funds for the enrichment of themselves, their friends or relatives; and the political power of private agencies and their federations. The latter is well illustrated by the New York City situation. There private agencies care for 25,000 of the 29,000 foster children and received about $228 million in public funds for them this year, more than 90 percent of their income. On the boards of trustees of the agencies and their federations sit influential politicians, lawyers, bankers and corporate executives. Traditionally, city policy toward the agencies has reflected the trustees' important but low-profile membership in New York's permanent government.

If the children and taxpayers are to be better served by foster care, a spectrum of corrective actions must be taken at all levels of government. Although there are partial or local success stories that give one some hope, foster care as both a local and national problem will only be solved when reforms such as these are widely implemented.

Public resources must be allocated to emphasize preventive services, short-term care and adoption. Long term foster care should no longer be funded on a general basis.

Children in care must have independent legal representation. This should not be left to the agencies responsible for their foster placements.

After 18 months of care, payment to an agency for a child should be terminated, unless exceptional circumstances warrant continued care. This would force agencies to find suitable permanent families for children within a reasonable period of time.

Agencies should not be left to evaluate their own performance. Independent audit and review of local foster care practice, with appropriate fiscal sanctions attached, must be instituted. Penalties must be invoked when agencies do not find permanent homes for children on a timely basis, where such actions are clearly called for.

At the national level, the White House should set up a Task Force on Foster Care and Adoption to direct and coordinate the many federal agencies involved with foster care administration and oversight.

More attention should be paid to criminal prosecution of the minority of agency operators who misuse public funds. Concomittantly, public officials should not be allowed to sit on agency or federation boards of trustees.

Finally, social service personnel should be better utilized, directed and trained for developing permanent homes for children in foster care, whether by return home, discharge to caring relatives or adoption.

Children are vulnerable. They must not be sacrificed for the convenience of the system.

CARTER'S REPORT CARD

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. DRINAN. Mr. Speaker, one of my greatest disappointments with President Carter's national energy plan was its lack of attention to horizontal divestiture of the energy industry. The 1976 Democratic platform specifically opposes "corporate ownership of competing types of energy, such as oil and coal." The platform continues:

We believe such "horizontal" concentration of economic power to be dangerous both to the national interest and to the functioning of the competitive system.

In addition, candidate Jimmy Carter stated in a January 1976 advertisement that he supported "legal prohibitions against ownership of competing types of energy." As we know, these legal prohibitions never materialized in the President's "comprehensive" energy policy only 15 months later.

In this regard, I highly recommend to my colleagues the following article by James F. Flug, director of the public-interest group, Energy Action, which appears in the February 11 issue of the National Journal.

Mr. Flug's commentary follows:

THE PRESIDENT'S REPORT CARD—BAD MARKS ON ENERGY

Many in the energy industry, and industry in general, seem to be extremely unhappy with the Administration's energy plan, and the Department of Energy itself. It should make them feel a bit better to hear our report card on the first year of federal energy activity under the new President because, from a consumer point of view, the Administration gets failing grades on substance, procedure and personnel.

The benchmark for our assessment of the past year's performance is not our own idea about what constitutes the "right" energy policy. Nor are we satisfied to measure the Carter performance against the non-performance of his predecessors. Our high expectations, our sincere hopes, our tough standards for judging the past year are based on the words, the promises, the commitments of Jimmy Carter himself. The American people believed that he meant what he said; they were entitled to expect that his Administration would do what he said; and they have a legitimate right to be disappointed and dismayed if the performance not only does not match the rhetoric, but produces results contrary to the promises.

DIVESTITURE

Especially for those of us who see reform of the energy industry structure as essential to national energy progress, candidate Carter's unconditional, unequivocal and repeated support for "legal prohibitions against ownership of competing types of energy, such as oil and coal" was a strong ray of hope. But that clear support for horizontal divestiture turned into severe doubt about the issue in the National Energy Plan. And when asked to endorse a modest Senate floor amendment merely to preserve the "horizontal status quo" by preventing future oil industry acquisitions of coal and uranium resources, the Administration refused to lend its support, leading not only to a bad loss for the amendment but a lost opportunity—just before the gas fight—for the White House to remind the oil industry how gentle the energy plan had been.

Similarly, many of us were heartened each time in 1976 when Mr. Carter said he favored "restrictions on the right of a single company to own all phases of production and distribution of oil." Again, by April 1977 that commitment to some form of vertical divestiture had been diluted to a reliance on a concerted program of information-gathering from the major energy companies, with the hope that "strict enforcement of the antitrust laws based on this data may prevent the need for divestiture." But in recent months, when push came to shove between the energy giants and the Energy Department, the first batch of "accountability" questionnaires went out with DOE's promise that the information gathered would not be turned over to Justice and FTC, in direct contradiction of the President's pledge.

PRICING

Time and time again Jimmy Carter promised to keep "the price of all domestic oil below that of OPEC oil", "to oppose efforts to deregulate the price of old oil." But the thrust of the energy plan was to bring oil costs throughout the economy quickly up to OPEC levels, and to give producers OPEC-type prices for much of their oil within three years. And when the bargaining with Senator Long began, Administration officials were falling all over each other with offers of even faster paths to OPEC prices for old oil too—as a "sweetener" to achieve passage of higher oil taxes!

On natural gas the Carter campaign statements were complex, confusing and conflicting. Although he spoke of a short-term, limited-scope test to "evaluate" the arguments for deregulation, his goal was to "keep gas-related products at prices the American people can afford," and his basic position was to "support legal restrictions to allow a 'reasonable profit' on oil and natural gas rather than allowing prices to be set without restriction." Nevertheless, the new Administration one-upped the Nixon-Ford FPC's effort to deregulate administratively at $1.42 per mcf, with what I call "the moral equivalent of deregulation"—$1.75, extended the "new gas" definition even before April 20, supported the Ad Hoc House Committee's further extension of "new gas" pricing, encouraged compromises at $2.00 per mcf, and now appears ready to take a bill at any price, even the "Christmas Turkey" which sank very quickly after being floated.

LEASING

In another key area, leasing of oil and gas reserves on federal domain, candidate Carter ran against his predecessors' policies which he said "give the public treasury the least benefit and the energy industry the most benefit." He promised to "oppose any crash program of massive leasing to the oil companies" and to assure that the earnings from these public resources go principally to the public." Yet late last year an oil and gas lease sale off Alaska was held with no comprehensive assessment of the public resources being leased, no evaluation of the competitive impact of the sale in a region where Justice has found serious competitive problems, and primary reliance on the outmoded cash bonus bid system. The U.S. continues to have least favored nation status with its own oil companies, which everywhere else in the world give the lion's share of profits to the nations who own the oil and gas they produce.

CONSUMER REPRESENTATION

Candidate Carter also promised to be a better consumer advocate than Ralph Nader,

but in energy the Administration's record is bleak: no appointees from the public interest community; refusal of support for intervenor funding in the Department of Energy bill; refusal to have an Assistant Secretary for Competition and Consumer affairs despite a clear direction to do so from Congress.

PERSONNEL

Carter in 1976 called for an end to the "revolving door" between industry and government, but the Energy Department is yet to have a general counsel because the man nominated is seen by many as the epitome of "revolving door" relationships—a lawyer who has spent most of his professional life as advocate for oil and gas interests.

Jimmy Carter ran against what he called the "Gerald Ford/oil industry" energy policy. But throughout the Department of Energy, in high level positions up to and including the Presidential appointee level, the designers, advocates, and implementers of that policy are still in place, people who literally do not know the meaning of the word "competition," people who thought deregulation was a panacea, people who perceive consumer advocates as being motivated only by "ideological hatred" for oil companies rather than by the same "compassion" for the people which Jimmy Carter made a keystone of his campaign.

BUREAUCRATIC INEFFICIENCY

And most of all, candidate Carter promised "streamlined, efficient government, without the incredible red-tape, duplication and overlapping" of the past. The fact is that despite all the ballyhoo about energy reorganization, despite the passage of a law to establish the new Department, there really is as yet *no* Department of Energy. There is not only incredible red-tape, duplication, and overlapping but utter chaos with a potential for real disaster. Some people have nothing to do, many people have no bosses, simple and vital administrative tasks take weeks and months. I am aware of the argument that the Department is new and that its leaders are busy on the energy plan. These may be explanations but not justifications. An activity of this priority, this personal commitment of the President, and virtually unlimited resources should have had the best of transitional planning and management over the past year; it cannot claim "newness" as a legitimate reason for total chaos one year into the process. And if the leadership of the Department was too busy on other things to get its house in order, then it is fair to ask whether biting off more than it could chew—trying to do so many things at once that none of them could be done well—was not a fatal flaw in the first year's effort.

Speaking two and one-half years ago about our energy problems, Governor Carter said, "Americans are willing to make sacrifices if they understand the reason for them and if they believe the sacrifices are fairly distributed. Right now, they think the working people are making sacrifices while the big shots get richer." And he concluded, "They are right."

Unfortunately, the public perception today is just what Jimmy Carter said it was in 1975. And, even more unfortunately, nothing that has happened during the 12 months has served to change that perception. "The American people are tired of inflated promises which cannot be kept, of programs which do not work, of old answers to new problems." That's another Carter quote, vintage '76, and it still stands, too.

JAMES F. FLUG,
Director, Energy Action.

"LOVE CAREFULLY DAY"

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. BEILENSON. Mr. Speaker, this year, February 14 is being celebrated as "Love Carefully Day" to call attention to the alarming increase in teenage pregnancies. Last year an estimated 1 million teenagers became pregnant. One out of every five infants born in 1977 was born to a teenager.

"Love Carefully Day" events have been scheduled by affiliates and chapters of Planned Parenthood, National Organization of Non-Parents, and Zero Population Growth. Among these events are forums in which teenagers can discuss the repercussions of early childbearing and responsibilities of parenthood. ZPG, which has orchestrated Love Carefully Day since 1976, this year has made available a questionnaire to be administered to high school students. Entitled "Twelve Misconceptions About Contraception," it aims to debunk the myths surrounding reproduction and contraception. By dispelling these misconceptions, ZPG hopes to begin the long road toward reducing the hundreds of thousands of unwanted pregnancies that will occur in 1978.

In addition to these events, ZPG has designed a special valentine. The card humorously offers some serious advice: "Love . . . Carefully." The back of the card plainly states that teenagers are trying sex at earlier ages, and that over half the Nation's 21 million young people aged 15 to 19 are believed to be sexually experienced. Yet millions don't have the knowledge or contraceptive services needed to prevent pregnancy.

It is with a sense of urgency that I speak to the need to prevent teenage pregnancy and the concomitant social and economic problems for the children who bear children.

Current Government funding serves only 1.1 million teenagers. Of the $18 million increase for family planning services proposed in next year's budget, $8 million would be taken away from ongoing family planning programs. This leaves only $10 million, a far cry from the $35 million needed to serve just an additional 500,000 adolescents.

I encourage Congress to study HEW's proposed budget for its teenage pregnancy program in light of the issues raised in the following report published by ZPG in August 1977, "Teenage Pregnancy: A Major Problem for Minors":

TEENAGE PREGNANCY: A MAJOR PROBLEM FOR MINORS

Teenage pregnancy has reached epidemic proportions in the United States. Each year, more than one million teenagers become pregnant. In comparison, 24,374 Americans contracted measles and 59,647 had mumps in 1975, the most recent year for which statistics are available. By the age of 20, three in 10 American women have borne at least one child.

Early childbearing poses serious health, social, and economic consequences for teenage mothers and their children. In addition to facing higher health risks both for themselves and their children, teenage mothers are often forced to leave school and to forego job training and other opportunities for economic advancement. Unmarried mothers face social disapproval, financial hardship, and difficulty in finding work and child care facilities. If they marry, teenage mothers are more likely to have unstable marriages and financial problems than others of the same age and socio-economic status. Women who have their first child in their teen years tend to have more children in quicker succession than their peers.

In the past, pregnant teenagers were pressured to get married or have their babies secretly and put them up for adoption. In addition, they were routinely expelled from school. Today teen mothers are asserting their right to an education, and special classes and programs have been started in many communities.

While older women's fertility has been declining during the past five years, teenagers aged 14 and younger have had increasing numbers of children, and the fertility rate of teens aged 15–16 has remained about the same. The proportion of U.S. births attributed to teenagers has been increasing; one in five U.S. births is to a teenager. Also, the number of out-of-wedlock births to teenagers is rising; teenagers account for half of all out-of-wedlock births in the United States. Most teenage pregnancies are unwanted, as is indicated by the fact that one in three U.S. abortions is to a teenager.

Experts attribute the epidemic of teenage pregnancies to increased sexual activity, nonuse or ineffective use of contraceptives, and lack of contraceptive information and services for teenagers. More than four million teenage women aged 15–19 are sexually active and at risk of unwanted pregnancy. Only half of them are currently receiving contraceptive services. Of the estimated 420,000 to 630,000 teenage females under 15 who are sexually active, only 7 percent are receiving contraceptive services even though this age group is most vulnerable to health risks if they become pregnant.

Studies show that most teenagers seek contraceptive services after they have become sexually active; many of them come to clinics initially for pregnancy tests. Traditional sanctions against premarital sex have not kept teenagers celibate but rather appear to have contributed to the non-use and sporadic use of contraceptives as well as the tendency to select unreliable contraceptive methods.

TEEN SEXUAL ACTIVITY INCREASING

More than half of the 21 million young people aged 15–19 are estimated to be sexually experienced—almost seven million young men and four million women. In addition, about one-fifth of the eight million 13–14-year-olds have had sex. A 1976 national survey confirmed that a growing proportion of teenagers are sexually active and that they are beginning their sexual activity at earlier ages. The study found that 35 percent of the single female teenagers had experienced intercourse in 1976 compared with 27 percent in 1971—a 30 percent increase. The proportion of sexually-experienced females rises from 18 percent at age 15 to 55 percent at age 19.

Most studies indicate that teenage sexual activity is sporadic. The 1976 study found that nearly half of the sexually experienced teenagers surveyed had not had intercourse in the month prior to the survey. The proportion of sexually experienced blacks (63%) is twice that of whites (31%), the survey found, but the rate of increase for whites from 1971 to 1976 is more than twice the rate for blacks.

Along with increasing sexual experience, teenagers are also contracting venereal diseases in growing numbers. Teenagers aged 15–19 are three times more likely to contract

gonorrhea than people over 20, while the risk of syphilis is 61 percent greater for teenagers.

MANY TEENS RISK PREGNANCY

Few teenagers begin to use contraception at the same time that they begin having sexual intercourse, and their contraceptive use is typically sporadic. A 1975 study in four cities found that almost half of the sexually-active females and nearly 70 percent of the males surveyed risked pregnancy at least once. A national survey of teenage contraceptive practice revealed that the sexually-active single teenage women who had never used contraception had increased from 17 percent in 1971 to 26 percent in 1976.

Nevertheless, the 1976 survey also found that those teenagers who do use contraceptives select more effective methods today than in 1971. The study found that nearly two-thirds (64%) of the single teenage women interviewed had used birth control at last intercourse, and one-third of them had used the Pill or IUD. Three in 10 said they "always" used contraception. The Pill was named the "most recently used" method by 47 percent of the teenage women using contraception, while 21 percent used the condom, 17 percent used withdrawal, 8 percent used foam, cream, diaphragm, or rhythm, 4 percent used douche, and 3 percent had an IUD.

Many teenagers who do not use birth control are poorly informed about the risks of pregnancy. According to a 1971 national survey, seven in 10 of the single teenage women who did not use birth control explained that they thought they had sex too infrequently or that they had intercourse at the "safe time of the month." Ironically, only 38 percent of the teenagers surveyed could identify the time of the menstrual cycle when pregnancy is most likely to occur.

Citing other reasons for contraceptive nonuse, 31 percent of the respondents said that they could not obtain contraceptive services, 24 percent explained that contraceptives interfered with the pleasure or spontaneity of sex, and 13 percent mentioned moral or medical objections to contraceptives (Respondents gave more than one answer.). Nevertheless, eight out of 10 (84%) of the non-users said that they did not wish to become pregnant.

Research studies have found no evidence that the availability of abortion would weaken the motivation to use contraception. In a 1971 study, sexually-experienced teenage women were asked what they thought a young unmarried girl should do if she finds herself pregnant by a boy she does not love; only one in five chose the option of abortion.

CLINIC SERVICES FOR TEENS INADEQUATE

Between 1971 and 1975, the number of teenagers on family planning clinic rosters more than doubled. Nevertheless, many teenagers are still unable to obtain clinic services and many programs fail to reach teenagers early enough. One study of 40 family planning clinics found that 94 percent of the teenage patients had had sexual intercourse before seeking contraceptive services, and 75 percent had been sexually active for at least a year. Thirty percent of the teenagers had been pregnant previously.

In 1975, there were 1.1 million teenage women enrolled in organized family planning programs, constituting 30 percent of the national clinic caseload. Nearly half of the adolescent patients had never used contraception prior to enrollment. After enrollment, 84 percent used the most effective methods—the Pill or the IUD. An additional 850,000–1,000,000 teenage women receive contraception from private physicians. However, about half of the four million sexually-active females aged 15–19 are still not receiving family planning help from any source. A meager seven percent of the sexually-active teens younger than 15 are currently receiving family planning services.

PREGNANCY AMONG TEENAGERS

Planned Parenthood's Alan Guttmacher Institute (AGI) estimates that each year more than one million teenagers aged 15–19 become pregnant—one in 10 of the females in this age group. In addition, 30,000 girls younger than 15 get pregnant annually. More than two-thirds of all teenage pregnancies are believed to be unintended.

Of the million pregnancies which occurred in 1974, 28 percent resulted in marital births that were conceived following marriage, 27 percent were terminated by abortion, 21 percent resulted in out-of-wedlock births, 14 percent ended in miscarriage, and 10 percent resulted in marital births that were conceived prior to marriage.

Among pregnant adolescents 14 and younger, 45 percent have abortions, about 36 percent give birth out of wedlock, and 13 percent miscarry. Only 6 percent of these young teenage pregnancies end in marital births.

TEENS HAVE ONE-THIRD OF U.S. ABORTIONS

Teenagers account for about one-third of all legal abortions—an estimated 325,000 abortions in 1975. In 1974, three in 10 teenage pregnancies were terminated by abortion. About half of all teenage abortions were obtained by 18- and 19-year olds; 45 percent by 15–17-year-olds; and 5 percent by girls 14 and younger. Between 1972 and 1975, the abortion rate rose from 19 to 31 procedures per 1,000 women under age 20, increased availability of abortion has slowed the rise in out-of-wedlock births which began in the late 1960's, but it has not reversed the trend.

Legal abortion is still not equally available throughout the country. Abortion services tend to be concentrated in one or two metropolitan areas in each state. The need to travel outside one's community is a hardship for young and poor women who often can't afford such a trip. The unequal distribution of abortion services is evident in the varying abortion ratios for teenagers in different states, ranging from three abortions per 1,000 live births in Mississippi to 1,300 per 1,000 births in New York. The Alan Guttmacher Institute estimates that a minimum of 125,000 teenagers were unable to obtain needed abortion services in 1975.

CHILDBEARING AMONG TEENAGERS

In 1975, nearly one in five (19 percent) of all births in the United States was to a teenagers—12,642 births to women under 15 and 582,238 to women aged 15–19. Fertility rates for older teenagers have fallen slightly in recent years, though not as sharply as the declines among women aged 20 and older. Births to girls younger than 14 have increased, while fertility among young women aged 14–17 has remained at approximately the same level. Between 1974 and 1975, the fertility rate for girls aged 10–14 increased by 8 percent.

The proportion of teenages giving birth rises rapidly with age. The National Center for Health Statistics calculated that in 1975 nearly 1 percent of the 15-year-olds had had at least one child, 3 percent of the 16-year olds, 6 percent of the 17-year-olds, 12 percent of the 18-year-olds, 20 percent of the 19-year-olds, and 30 percent of the 20-year-olds. Teenagers tend to have their children in quick succession. In 1975, nearly one-fourth (24 percent) of mothers aged 20 had had more than one child, 21 percent of all births to teenagers were second or higher order births.

Nearly two in five (39 percent) of all births to teenagers are out-of-wedlock, and the proportion of births to unmarried teens is increasing. With the decline in marital fertility there has been a corresponding increase in childbearing outside of marriage for both white and black teenages. In 1975, one in five babies born to white teenagers and three in four babies born to black teenagers wee out-of-wedlock. Over half (52 percent) of the out-of-wedlock births in 1975 were to teenagers—11,000 to women under 15 and 222,500 to women aged 15–19, a 5 percent increase over the previous year. Among those teenagers who give birth out of wedlock, 87 percent keep the child, 5 percent send the baby to live with others, and 8 percent give the baby up for adoption.

TEEN MOTHERS RUN HEALTH RISK

Both the adolescent who gives birth and her infant face greater risk of death, illness, or injury than do women in their 20's. The maternal death rate is 60 percent higher for teenagers aged 14 or younger and 13 percent greater for 15–19 year-olds than for women in their early 20's. Women giving birth at ages 15–19 are twice as likely to die from hemorrhage and miscarriage and 1.5 times more likely to die from toxemia (blood poisoning) than mothers in their early 20's. The risks increase dramatically for women under 15 giving birth; they are 3.5 times more likely to die from toxemia. Although the health risks for younger teenagers are considerably higher than those for women aged 18–19, the risks generally increase with parity, so that an 18-year-old experiencing a second pregnancy may have dramatically increased health risks.

The most common complications of teenage pregnancy are toxemia, prolonged labor and iron-deficiency anemia. Poor nutrition, inadequate prenatal care, and physical immaturity contribute to the risk of complications.

Children born to teenage mothers are two to three times more likely to die in their first year than babies born to women in their 20's. About 6 percent of first babies born to girls under 15 die in their first year. The incidence of prematurity and low birth weight is higher among teenage pregnancies, increasing the risk of such conditions as epilepsy, cerebral palsy, and mental retardation.

LIFE OPTIONS FOR YOUNG PARENTS

Education

Pregnancy and motherhood are the major causes of young women leaving school. Eight out of 10 women who become pregnant at 17 or younger never complete high school. Among teenage mothers 15 and younger, nine in 10 never complete high school and four in 10 fail to complete even the eighth grade. Despite legislation and court decisions upholding the right of school-age parents to education, the drop-out statistics suggest that many schools' policies and personnel may discourage pregnant students from continuing their schooling.

Employment and economic opportunity

Because many young mothers do not complete high school and the vast majority (79% in a New York City study) have no work experience, adolescent mothers are doubly disadvantaged in competing for jobs. Childcare responsibilities often further restrict employment opportunties. Teenage mothers are more likely to be unemployed and to receive welfare than mothers who postpone their childbearing until their 20's. The New York City study of teenage mothers found that 91 percent of the women who gave birth at ages 15–17 were unemployed a year and a half after the birth and 72 perecnt were receiving welfare assisance. Even 18- and 19-year-old mothers were slightly more likely than older mothers to be unemployed and two and a

half times more likely to be on public assistance.

Marital prospects

Teenage marriages are two to three times more likely to break up, compared with those who marry in their 20's. Teenage couples who marry as a result of pregnancy are more likely to be economically disadvantaged in terms of occupation, income, and assets than are couples of similar socioeconomic status. Such marriages are also more vulnerable to divorce and separation. A Baltimore study of premaritally pregnant teenage couples (17 or younger) found that one-fifth of the marriages broke up within one year and nearly one-third dissolved within two years. Within six years, three in five of the couples were divorced or separated.

Family size

Women who give birth as teenagers tend to have a larger completed family size and tend to have their children closer together. Married women who have their first child at age 17 or younger expect a completed family of four, while wives whose first birth comes at the ages of 20–24 expect fewer than three children. Women who have their first child at age 17 or younger will have 30 percent more children than women who begin childbearing at ages 20–24, and women aged 18–19 at first birth will have 10 percent larger families.

LAWS REGARDING MINORS

During the last five years, there has been a clear trend toward liberalizing laws regarding the right of minors to consent to their own medical care. Currently, 26 states and the District of Columbia specifically affirm the right of minors to consent to contraceptive care, and all 50 states allow minors to consent to veneral disease treatment. In July 1976, the U.S. Supreme Court overruled a Missouri law which required a minor to have parental consent to obtain an abortion, thus invalidating similar laws in 26 states. Earlier in 1976, the Supreme Court ruled that Federally-funded family planning programs must serve eligible minors on their own consent.

Despite this liberal trend and despite the fact that no physician has been held liable for providing contraceptive services to minors of any age, many agencies and physicians still refuse fertility control services to minors without written parental permission.

The right of minors to purchase non-prescription contraceptives was upheld by the U.S. Supreme Court in a June 1977 decision. The Supreme Court invalidated a New York law which banned the sale of non-prescription contraceptives to persons under 16.

TEENS DENIED INFORMATION

Despite evidence from several studies that one of the major causes of unwanted teenage pregnancy is ignorance about human reproduction and the risk of pregnancy young people continue to be denied the information they need to make responsible decisions related to their sexuality.

Research suggests that mass media, especially television and radio, are an important source of family planning information for teenagers. A 1974 family planning communication study found that mass media contributed more to teenagers' family planning knowledge than other sources, including parents, peers, or schools. However, the researchers' analysis of media coverage revealed that television and radio provided very little contraceptive information: television contained an average of only eight minutes of family planning-related programming in an entire month, while radio broadcast an average of 14 minutes monthly. Newspapers contained only 19 items during the month.

Contraceptive advertising on television and radio is banned by the Code Authority of the National Association of Broadcasters, thereby eliminating another potential source of information about contraceptives.

At present, only 29 states and the District of Columbia require the teaching of health education in public high schools, and only six of these states and the District of Columbia mandate family life or sex education as part of the curriculum. While Louisiana is the only state which outlaws sex education altogether, both Michigan and Louisiana specifically prohibit teaching about contraception.

Many states officially "encourage" the teaching of these subjects in their education policies but allow for local options. Consequently, hundreds of school districts have ignored, restricted, or prohibited sex education.

Even where sex education is provided in schools, contraception is often not discussed. A 1970 survey of U.S. school districts revealed that only two in five sex education teachers included contraception in their curricula. Human reproduction, adolescent development, and venereal disease were the most commonly covered topics. A recent national survey of high school teachers in population-related subject areas found that only one-third taught anything about human reproduction, sexuality or abortion. Even fewer taught about birth control.

THE JOB TO BE DONE

A report submitted in 1976 to the Department of Health, Education, and Welfare by Urban and Rural Systems Associates recommends that sexually-active teenagers be designated a high priority target population for family planning services and that Federal and state funding for family planning services be increased. To increase clinic attendance, the report encourages the establishment of separate teen clinics with sensitive staffs and low-cost, confidential treatment. State laws and policies which restrict teenage patients in consenting to their own contraceptive care should be modified, the report notes.

Additional recommendations for a national program to deal with the problems of adolescent childbearing were issued by the Alan Guttmacher Institute in 1976. Its recommendations include:

Realistic sex education via school, churches, and mass media, including information about pregnancy risks, contraception, and abortion and places where teenagers can obtain health services.

For pregnant teens, adequate pregnancy counseling with non-judgmental information on all available options, including abortion referral.

Adequate prenatal, obstetrical and pediatric care for teenagers who carry their pregnancy to term in order to minimize the hazards of early childbearing for both mother and child.

Educational, employment, and social services for adolescent parents and day care for their infants to help teenagers realize their educational and career goals.

National health insurance coverage for all health services related to adolescent pregnancy and childbearing with provisions to protect the privacy of minors.

Expansion of biomedical research to discover new, safe and effective methods of contraception more suited to the needs of young men and women.

Much more work needs to be done to educate teenagers and their parents on the problems related to teenage pregnancy and the availability of contraceptive information, counseling, and services. In addition, school authorities, social workers, and health personnel, especially physicians, must be made aware of the special needs of teenagers.

Teenage pregnancy is a complicated problem which will be with us for some time to come. Failing to act today only compounds the high human, social, and economic costs to be borne by teenage mothers, their children, and society in general.

PUBLIC SAVINGS

Pregnancy prevention programs are highly cost-effective in saving future government expenditures to support out-of-wedlock children and their mothers. The Planned Parenthood Federation of America estimates that every dollar spent in one year on family planning saves two dollars in the following year alone and many times the original expenditure in the long-term. The California Department of Public Health calculated that if only 20 percent of eligible minors used contraceptives services and only 10 percent of teenage pregnancies were prevented, the net savings to the state would be $2.3 million in the first year.

SUGGESTED READING

11 Million Teenagers: What Can Be Done About the Epidemic of Adolescent Pregnancies in the United States. 64 pages: $2.50. Available from: The Alan Guttmacher Institute, 515 Madison Ave., New York, N.Y. 10022.

Adolescent Pregnancy and Childbearing: Growing Concerns for Americans, by Wendy H. Baldwin Population Bulletin, Vol. 31. No. 2. 36 pages: 75 cents. Available from: Population Reference Bureau, 1337 Connecticut Avenue NW., Washington, D.C. 20036.

Sex Education Action/Resource Bulletin. 4 pages: free. Available from: The Population Institute, 110 Maryland Avenue NW., Washington, D.C. 20002.

Sex and Birth Control: A Guide for the Young by E. James Lieberman and Ellen Peck. 299 pages: $2.45 paper. (New York: Schocken Books, 1975).

You by Sol Gordon with Roger Conant. 142 pages: $6.95 paper. (New York: Quadrangle/The New York Times Book Co., 1975).

Improving Family Planning Services for Teenagers by Urban and Rural Systems Associates. 31 pages: free. Available from: Ms. Clara Schiffer, Office of Planning and Evaluation, Dept. of Health, Education, and Welfare, South Portal Bldg., 441 E. 200 Independence Avenue SW., Washington, D.C. 20201.

TILTING AGAINST FREEDOM

HON. ELIZABETH HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Ms. HOLTZMAN. Mr. Speaker, the controversy surrounding the proposed reform of the U.S. Criminal Code is increasing. A recent Los Angeles Times editorial pointed out that the bill would restrict freedom of the press and restrain many forms of political expression.

The views in this editorial, published on January 18, 1978, are worthy of consideration.

The text follows:

TILTING AGAINST FREEDOM

Legislation to reform and revise federal criminal law has undergone another mutation, has been approved by the Senate Judiciary Committee and is ready for consideration by the Senate. The bill, to be introduced

Thursday afternoon with voting to start Friday, should be defeated.

It would pull together and attempt to rationalize a wide array of ambiguous and conflicting statutes accumulated over two centuries. Of particular importance is the bill's procedure for the elimination of unjust, capricious and disparate punishment imposed on convicted criminal offenders.

But, in a broader perspective, the legislation (S 1437) is a political document of extraordinary significance, under which the American people would exercise their political freedom in this third century of our history.

Any law is an expression of political philosophy. The creation of a uniform federal criminal code that encompasses a vast body of laws is a profound undertaking, and represents the political process at the highest level. The history of this bill is the history of this process at work.

Appointed in the Johnson administration, the National Commission on the Revision of the Federal Criminal Law began its task with strong liberal goals. After the Nixon administration took power, that direction was reversed. Introduced as S 1 in the 94th Congress, the legislation had changed into a blueprint for repression.

The bill was so extreme that it aroused wide opposition and died in committee, but the move toward criminal-code reform continued. Its supporters, intent on compromise that would result in acceptable legislation, worked for nearly a year, and produced S 1437.

They plucked out some of the harshest provisions of the first bill. S 1 would have made it a crime to disclose and publish classified information, a proposal that would have amounted to an official secrets act. That was eliminated. They dropped the so-called Nuremberg defense for public officials accused of law violations. This defense would have permitted public officials to plead that they acted in behalf of national security. They eliminated a section that would have nearly nullified insanity as a criminal defense, and they dropped a proposal to broaden the use of wiretaps by law-enforcement agencies. They included a provision to repeal the Smith Act. As the legislation went through the Judiciary Committee, S 1437 itself was modified as it affected the function of news organizations.

Originally, the bill would have made it a crime to publish a news article or an editorial in violation of a court-issued gag order, even if the order was later ruled "constitutionally invalid and constituted a prior restraint on the collection and dissemination of news." There would be no requirement in this situation that the news organization first seek a judicial review of the order or a judicial stay.

Also eliminated were proposals to give the federal government the power to prosecute the press for publishing government reports without permission, for receiving stolen government documents and for "improperly" publishing an editorial causing a government employe economic loss.

But the bill still retains other ominous, press-related provisions. It would allow the government to hold reporters in criminal contempt for refusal to disclose confidential news sources even under an order subsequently declared to be invalid. And it would permit criminal prosecution of government employees for supplying any "private" information to news organizations. These proposals would impinge directly on the ability of the press to gather news from confidential sources that often enable the press to expose corruption.

Another provision (Section 1311 on Hindering Law Enforcement) would make it an offense to conceal the identity of a person suspected of a crime. In reference to news reporters, the Judiciary Committee report says that "a mere failure or refusal to identify a fugitive (e.g., where a reporter refused to disclose a confidential source known to have committed a crime) would not constitute 'concealing.'" But doubt has been raised as to whether this exception also would apply to a reporter who concealed notes of an interview with a news source suspected of a crime.

In addition, the bill would accelerate the trend toward secrecy in the criminal-justice system by giving the government the power to seal federal arrest, indictment and conviction records in certain types of drug offenses.

Beyond its impact on news organizations, this bill has provisions that could bring under restraint many forms of political expression. Persons whose freedom is expressed and protected in their professional work with organizations like the press, universities, labor unions and other institutions are inclined to view legislation only as it affects them and their interests. They are tempted to reach an accommodation with power.

But freedom is indivisible. The right of an individual, not connected with any organization, to freedom of speech is just as important as the right of a university president or a labor-union leader. The right of a pamphleteer to publish is just as important as the right of a large newspaper to remain free. Great institutions earn their legitimacy to the extent that they seek to protect the freedom of the least individual.

S 1437 is filled with provisions that could be used to prohibit political expression through assemblies, demonstrations and picketing. Section 1861 (Public Safety) would create a new federal offense. This section would make it unlawful to disobey an order of a law-enforcement officer or a public servant assigned public-safety responsibilities where the order is issued in response to a fire flood or riot. But the law would extend to any "other condition that creates a risk of serious injury to a person or serious damage to property." That "other condition" would put into the hands of every federal law-enforcement official the authority to disperse an assembly, a parade or a picket line, and the authority would not be restricted to specified federal areas, such as a federal building, but would reach anywhere in the United States.

Sections 1002 (Criminal Conspiracy), 1003 (Criminal Solicitation) and 1323 (Tampering With a Witness or Informant) could all be brought to bear on political action.

Section 1002 would make it an offense if a person "agrees with one or more persons to engage in conduct, the performance of which would constitute a crime or crimes, and he or one of such persons in fact engages in any conduct with intent to effect any objective of the agreement." All that would actually be required to commit a crime would be an expression of agreement to engage in an offense like an illegal demonstration and any later conduct that a jury found was intended to aid the conspiracy. For example, the purchase of tennis shoes to march in a protest could lead to a conviction, even though a person never participated in the demonstration. Conspiracy law, applied to political action, gives a zealous prosecutor an elastic net.

Section 1003, which would create a new crime making it an offense if a person, "with intent that another person engage in conduct constituting a crime, and, in fact, under circumstances strongly corroborative of that intent, commands, entreats, induces or otherwise endeavors to persuade such other persons to engage in such conduct." This law could make a person liable to prosecution for taking part in any discussion of political tactics that might later result in an offense.

Section 1323 contains the usual provisions against the use of force, threats or intimidation to influence judicial or other official proceedings, but it would reach much further. It would make it an offense to attempt to "influence improperly, or to obstruct or impair" the administration of any law or the conduct of a legislative inquiry. This language is so broad that the organizers and participants in any opposition to an official proceeding would run the risk of prosecution.

These sections do not exhaust the grave deficiencies of this legislation, but they suffice to show that the bill, despite substantial improvements over the original criminal-code reform measure, is still tilted against freedom and toward increased government power.

Does the history of this country justify an extension of authority over the ways in which Americans exercise their political convictions? To the contrary, the nation has come through the recent tumultuous years of civil-rights protests and antiwar demonstrations with our security unimpaired.

Our strength lies in the protection of legitimate political expression, and in the confidence that government will act to protect that expression. If the confidence of the nation has been shaken during these years, it has been shaken by the abuse of government authority, not by the lack of power to maintain a stable order that all concede is essential.

Supporters of the bill argue that much of it codifies or restates current laws. To put Congress' stamp on laws that infringe on press freedom and other liberty would give the government a new base from which to proceed toward further encroachment.

The reform of the federal criminal code is not inconsistent with preserving our system of individual rights. The first is an important goal, the second is vital because it goes to the very foundations of our country. Reform must achieve both purposes.

As it stands now, S. 1437 fails this test, and should be voted down.

SUCCESS AT TEMPLE LAW SCHOOL WITH AFFIRMATIVE ACTION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. EILBERG. Mr. Speaker, in April 1977 in the RECORD I had the pleasure of informing my colleagues of a balanced and successful affirmative action program at one of Philadelphia's leading institutions of higher learning, the Temple University School of Law.

Just this week, the New York Times took note of the continued success of this Temple program. The Times' report should be of great interest to all of us in this time of heated debate on the issue of affirmative action.

Temple's School of Law, headed by Dean Peter J. Liacouris, is making an imaginative effort to carry out its deep commitment to widening admission opportunities for persons who for one reason or another might be disadvantaged. This effort sees one-fourth of the school's

enrollment set aside for students who are disadvantaged but who show exceptional promise, regardless of their race, religion, or ethnic background.

Dean Liacouris launched this program, Mr. Speaker, for two reasons. The school for some time had been concerned that an overreliance on standard tests could create an unhealthy rigidity in the composition of Temple's law classes, as well as in tomorrow's lawyers and community leaders. Secondly, the school is firmly committed to a policy of seeking to help correct minority imbalances in the legal profession.

The result is an admissions program which examines a wide variety of factors, such as an individual's military service, Peace Corps or VISTA service, academic honors, or job experience. With the program's continued success, many educators are beginning to view the Temple experiment as an attractive alternative to more rigid "minorities-only" or "quota" admissions programs.

Dean Liacouris and Temple University's School of Law have made an extraordinary effort to seek out students from varied backgrounds who demonstrate exceptional promise. I commend this account of the program to my colleagues:

TEMPLE LAW SCHOOL OFFERS UNUSUAL AFFIRMATIVE ACTION PLAN FOR DEPRIVED STUDENTS

(By Steven V. Roberts)

PHILADELPHIA—The students at Temple Law School include a Puerto Rican from Brooklyn whose mother is on welfare, an Italian-American from South Philadelphia who still pumps gas at his father's station, a black Vietnam veteran with serious war wounds, a 36-year-old divorcee and mother from Indiana and an immigrant from Lebanon who had to slip out to a library to read the books she was forbidden to have at home.

They are all at Temple because of the law school's unusual Special Admissions and Curriculum Experiments Program, or SPACE, which reserves one quarter of its enrollment for the disadvantaged, whatever their color or ethnic background, who show exceptional promise.

In the controversial Bakke case, the Supreme Court is considering a challenge to college admissions programs that give special preference to racial minorities. Accordingly, some educators are starting to consider the Temple experiment as a possible alternative that is both legally and politically more defensible than more rigid programs. John H. Bunzel, president of San Jose State College, wrote recently:

SOME VIEW NEED FOR QUOTAS

"This is affirmative action at its democratic best—a program that pursues integration and other desired social goals without granting special privileges to some groups at the expense of others."

Some critics maintain that Temple does not go far enough, that special numerical quotas, or goals are necessary to guarantee a fair number of places for racial minorities. The number of minority students admitted has varied widely, from 44 last fall to 61 in 1976. The law school dean, Peter J. Liacouris, however, notes that members of minority groups make up 12 percent of the first year class and 10 percent of the entire school.

"So many groups should share in the American dream, that it is counter-productive and unfair to single out one group," insisted Mr. Liacouris.

In 1972, when Mr. Liacouris became dean, the school was following the lead of many law schools around the country and bringing in minority students on the basis of numerical standards. The drop-out rate was more than one-third, as opposed to 18 percent today.

Under the program instituted by Mr. Liacouris, Temple divides the admissions process into two parts. About three-fourths of the students are accepted mainly on the basis of their grades and test scores. The remaining places are open to just about anyone who can demonstrate that he or she has overcome some significant deprivation, whether it is poverty, language or blindness.

Temple demands relatively high academic qualifications from its SPACE applicants, and offers them no remedial help once they have been admitted. In fact, the dean is rather proud that three former students who flunked out are suing the school. It shows, he says, that standards are maintained.

"If you need special help, we don't want you," Mr. Liacouris asserted. "We won't create two classes of citizens here."

The heart of the Temple program is an extraordinary effort by recruiters to find students such as these:

Emilio Santiago was raised in Brooklyn by a mother who spoke little English and spent most of her life on welfare, but impressed on him early the value of education. After failing the exams to Brooklyn Tech, he bought a set of books and studied until he was "blue in the face." Finally he passed the test for Stuyvesant High and later went on to City College of New York. His first try on the law school tests produced a very low score, but he hit the books again and scored 506 out of 800, a jump of more than 100 points.

Denise Rae Scott was one of six children, and her mother supported them by scrubbing toilets in the post office. After graduating from Colgate University, this vivacious black woman worked as a counselor at a junior college in Albany, and turned to the law after losing a legal battle with a landlord. "I'm living at home now, and that's a real trip, trying to deal with law school and a 14-year-old brother who has a guitar," she laughed. "But I'm going to make it. I'm going to be all right."

Dante Antonio Cancelli remembers when his six sisters all slept in one room in the family home in Scranton, Pa. While attending Pennsylvania State University, he was a Big Brother for five fatherless boys and worked 40 hours a week at a Sears, Roebuck and Company store. He decided to be a lawyer when his father had an automobile accident and could not afford to hire an attorney.

STIGMA DIFFICULT TO ERASE

Students and professors here generally agree that quota programs leave a stigma on minority students that cannot be easily erased. Carl Singley, a black graduate of SPACE who is now an assistant dean here, added: "In most schools you get identified very early in the game as a 'special admit,' and people always assume you're being pushed through. You can imagine what that does to a person's sense of self-worth."

Another important plus for the Temple program is that it is more acceptable, politically and legally, than programs devoted just to racial minorities. "The whole spectrum of opinion has to be able to look at a program and say it's legitimate," said Handsell Minyard, a black professor and vice dean.

Mr. Liacouris argues that it is racist to say that blacks and other minorities cannot compete against other disadvantaged applicants. "If you define merit and quality in a fair way—how well you will do as a lawyer, not as a law student—you'll have plenty of blacks and other minorities."

DOUBLE TROUBLE—SALE OF F–15 AIRCRAFT TO SAUDI ARABIA

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. OTTINGER. Mr. Speaker, today the Secretary of State announced the State Department's recommendations to the President regarding arms sales to the countries of the Mideast. Among the Department's recommendations, was the sale of 60 F–15's to Saudi Arabia as that country had requested.

Not only will this sale to Saudi Arabia upset the delicate balance of military strength among the countries of the Mideast, it will be an unnecessary disruptive influence on the current Mideast peace negotiations. I commend to my colleagues the following column entitled "How to Double Trouble," which appeared in the New York Times on January 27, 1978, written by James Reston. Mr. Reston, in placing the proposed arms sale to Saudi Arabia in perspective, demonstrates how misguided and inappropriate this transaction would be at this time.

HOW TO DOUBLE TROUBLE

(By James Reston)

WASHINGTON, Jan. 26.—Just when nobody needs it, another disruptive controversy is surfacing in Washington over Saudi Arabia's efforts to buy 60 F–15 fighter-bombers from the United States.

The F–15 is probably the most effective modern fighter-bomber in the world today. The Ford Administration originally promised to sell these planes to the Saudis, and President Carter, when he was in Saudi Arabia, apparently agreed to go through with the deal.

This is violently opposed by Israel on the ground that such a sale would alter the balance of power in the Middle East. So the outlook now is for a divisive debate on the issue between the Arabs and the Israelis and between the Carter Administration and the Congress precisely when the United States is trying to revive the Israeli-Egyptian peace talks.

The arguments for the deal within the Carter Administration—and this argument goes very high in the White House—is that Saudi Arabia is central to global stability and a moderate Arab world. It is important to the United States, according to this view, and also important to Israel.

In support of this argument, the highest security advisers to Mr. Carter emphasize that Saudi Arabia has been financing President Sadat and the more moderate Arabs; that it has opposed even higher oil prices and kept production of oil higher than it should have in its own interests; and that it is now threatened by the Soviet Union's efforts to establish military bases on Saudi Arabia's flank at the southern gate of the Red Sea.

The Israeli arguments against the deal, now being widely circulated in the Congress and the press here, are:

The F–15 is a very special aircraft, superior in its versatility, maneuverability and firepower, and would be a threat to the security of Israel, particularly if it were to be made available to other anti-Israeli states or taken over by militant Arabs in a coup against the Saudi Arabian monarchy.

The Saudis, according to this pro-Israeli argument, are already receiving 110 special F–5E fighters and 250 M–60 battle tanks

from the United States, 300 French AMX tanks, and have not only produced a new military establishment in the last five years at a cost of over $12 billion but are building a major military complex at Tabuq, 125 miles from Israel's major southern port of Eilat and 140 miles from Sharm el-Sheikh on the Straits of Tiran.

If the Begin-Sadat peace talks had really broken down all the way, and the Israelis and the Arabs were squaring off for another tragic war, maybe the Saudi insistence on getting 60 of these special planes, and the Israeli opposition would make sense.

But what is developing here is a propaganda war over weapons before Messrs. Begin and Sadat have had a chance to remember why they startled the world with the hope of peace in the Middle East and what they are now in danger of losing.

For example, the American-Israel Public Affairs Committee in Washington has just put out a memorandum which not only calls the United States-Saudi deal a "threat to peace" but suggests that, if the deal goes through, Israel might have to take military action against Saudi Arabia in any major threat of war.

"If Saudi intentions are ambiguous or appear to be leaning toward involvement in a war," the memorandum says, "the Israelis will have to take this into account. During an Arab attack against Israel, should F-15's be stationed at or transferred to bases in the Northwest, the threat posed to Israel may compel the Israeli Air Force, faced with a multifront war, to undertake immediate strikes against these bases and aircraft even if Saudi Arabia had not yet brought its forces into the war. . . ."

So what's going on here? What is the point of this kind of talk at this awkward and sensitive but still hopeful time in Middle East negotiations? Why, if the Saudis are so "moderate" and "peaceful," are they pressing so hard now to get F-15's, which, even if they got them, couldn't possibly be put into operation by their own people for years? And why did President Carter go along at this particular time?

He is obliged, under present law, to notify the Congress 20 days in advance of his intention to make such an arms arrangement. And then he would be free to go through with it if the Congress did not forbid him to do so in the ensuing 30 days.

This would mean, if he gave notice Feb. 1, as I am told the Administration is now thinking of doing, that this military side issue would be dividing the Congress while Messrs. Sadat and Begin are still trying to come to their senses, when the Congress was trying to reach the long-delayed compromise on the energy bills, and when the Panama Canal treaties were coming up for debate in the Senate.

No doubt there is something to be said on both sides of the F-15 issue, but right now it only doubles trouble. As General Jackson said at the Battle of New Orleans: "Let's elevate them guns a little lower."

OLYMPIC NATIONAL PARK IN-HOLDERS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. BONKER. Mr. Speaker, there is growing concern about the rapidly escalating costs associated with eventual acquisition of private in-holdings within the national park system.

Although title III of H.R. 8336 addresses this question, I believe it goes too far too fast. The amendment I am offering today provides a middle ground alternative that balances fiscal and environmental issues against administrative realities and private property owners' concerns.

Prior to 1960, Congress paid scant attention to private lands that become inholdings within units of the national park system. In-holdings were created without legislative direction regarding either their management or their eventual acquisition. Since 1960, however, statutes establishing new units of the system or revising the boundaries of existing units have included specific provisions on any in-holders involved.

The in-holder acquisition provisions of H.R. 8336 and my amendment to it thus focus solely on the status of in-holders within the older units of the national park system—those units established prior to 1960.

The net effect of my amendment is to direct the National Park Service to acquire within 4 fiscal years in-holdings that represent about one-half of the estimated acquisition cost in these older portions of the national park system.

Congress recognized in 1969 a need to promote acquisition of national park inholdings by authorizing purchases on an opportunity basis using the willing buyer, willing seller concept.

Within the older units of the park system, private in-holdings totaled 124,000 acres that year, and the estimated acquisition cost was $124 million. Through 1976, the opportunity purchase program reduced the in-holding acreage considerably but lowered the estimated ultimate acquisition cost by very little. Some 88,000 acres were purchased at a cost of $85.2 million during this period. However, as of September 30, 1976, about 36,000 acres of in-holdings remained, and their estimated value was still $106.7 million.

A similar 3-year acquisition program won overwhelming approval in the House in 1977 in a bill that amended the Land and Water Conservation Fund. That approach was rejected by the Senate, which noted in the accompanying committee report that this "change in land acquisition policies may be too abrupt and perhaps could not be implemented due to personnel constraints, insufficient appropriations, and former commitments."

That Senate report noted further:

> The committee clearly recognizes that the intent of Congress is to eventually acquire all in-holdings located in the national park system.

Clearly, there is strong sentiment in both the House and the Senate for a new response to the private in-holder question.

The in-holder acquisition features of H.R. 8336 suffer from the same objections raised by the Senate last year—a 4-year program covering all of the older units of the national park system except Grand Teton National Park could be too abrupt, produce a sudden $150 million drain on Land and Water Conservative Fund moneys and give the National Park Service an impossible task undercurrent authorizations.

The amendment I offer today is a much more balanced and reasonable approach. It acknowledges the need to proceed in more orderly fashion with inholder acquisitions but exempts from the 4-year program the three units of the national park system—Olympic and Yosemite National Parks and the Blue Ridge Parkway—that together with Grand Teton are the areas where the most complicated and costly in-holder questions are concentrated.

EDUCATION FOR HANDICAPPED CHILDREN

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. OBEY. Mr. Speaker, in the President's budget for fiscal year 1979 there is a substantial increase in funding for the Education for All Handicapped Children Act. The $804 million in State assistance represents more than a 50-percent increase in funding over fiscal year 1978. However, this increase falls approximately $400 million short of the authorized level of $1.2 billion. The President's budget calls for funding only 12 percent of the excess costs for educating a handicapped child as opposed to the 20-percent authorized level. The following article from the New York Times describes some of the burdens that State and local education agencies are having in implementing the legislation:

[From the New York Times, Jan. 30, 1978]

LAW ON EDUCATION OF HANDICAPPED POSES FISCAL BURDEN FOR DISTRICTS

(By Gene I. Maeroff)

Aided by a new Federal law, tens of thousands of the nation's handicapped youngsters are starting to receive services from school systems that previously ignored them.

But the changes are accompanied by problems. The handicapped are more expensive to educate than children without disabilities, and the Education of All Handicapped Children Act, under which they must be served, poses a huge financial burden for school districts.

State officials, already burdened with rising costs in other areas, complain that the Federal Government is paying only 9 percent of the extra costs schools are compelled to incur.

More than 3.5 million youngsters have already been identified as eligible for services, and though Washington's contribution, now $250 million, is to rise sharply each year, the bulk of the fiscal load will be carried by the states and local districts.

DEADLINE IS SEPTEMBER

The law, passed by Congress in November 1975, requires that every school system complete by next September the immense task of absorbing all children with physical, mental or emotional handicaps—the lame, the blind, the deaf, the retarded and the neurologically impaired—as well as students with specific learning disabilities.

"This bill promises more than the Federal Government can deliver," President Ford said in reluctantly signing the law, most of which became effective in October. "Even its strong-

est supporters know as well as I that they are falsely raising expectations by claiming authorization levels which are excessive and unrealistic."

Besides expense, issues complicating implementation involve provisions calling for an individualized education plan for each child; consultation with parents; the right of parents to appeal the school's decision, and the identification of millions of children with learning disabilities that are not readily apparent.

Controversies are also brewing over the extent to which handicapped youngsters can be integrated into regular classes, which is encouraged by the law, and over the ability of teachers without special training to meet the needs of the handicapped.

Officials in New Mexico maintain that they can do a better job of serving the handicapped without the constraints of the law and have declared that they would forgo $1 million in Federal aid rather than accept Washington's regulation for the education of the handicapped.

"This state has made significant gains in special education," a New Mexico official said, adding that the resources offered by the Federal law "as compared with the paperwork required and restrictions placed on the state, made up question whether we should participate."

In Charleston, S.C., a school spokesman estimated that the district paid from $2,300 to $5,000 to educate a handicapped child, who must usually be in a smaller class and have special equipment, as compared with the $997.30 that is spent annually on the average Charleston student.

State Senator Arthur L. Berman of Illinois, the chairman of his chamber's Elementary and Secondary Education Committee, said that while the goals of the Federal law were commendable, "it verged on irresponsibility" to pass along to local districts the burden of implementing the law.

Among the law's provisions is a requirement that an individualized plan be devised for each handicapped child, which means setting goals and outlining the ways in which they are to be attained. Parents who do not approve of the plan may appeal to a higher body.

A plan developed for a retarded Pittsburgh child, who is confined to a wheelchair, illustrates the approach. The 7-year-old student has been assigned to a class for the retarded and will get supplemental services from a speech therapist and a physical therapist.

Short-term learning objectives have been set for her. She is to learn to draw vertical and horizontal lines and circles within defined spaces to cultivate the motor skills needed to learn to print.

Other goals have been established for her oral language development so that she can use complex grammar, and for muscular skill development so that she can learn to throw and catch a ball.

Her parents, as well as parents of handicapped children throughout the country, are entitled to give periodic approval to the individual plans, a right that some educators fear may lead parents to expect too much.

"If a local school system decides as part of the individual planning process that a child should receive a certain service, for example, speech therapy," said Ernest L. Boyer, the United States Commissioner of Education, "there is the assumption that such service will be provided. However, the individualized plan is not a contract that stipulates that such treatment will cure the speech problem."

The Federal Government, under pressure from teachers' organizations, specified in the regulations that neither teachers nor the school system should be "held accountable if a child does not achieve the growth projected" in the plan.

What concerns teachers is whether the wording that says handicapped children should be educated "in the least restrictive environment" will be abused by hard-pressed school systems that do not want to spend money to provide special classes.

"No doubt many handicapped children belong in regular classes, but many do not," said Albert Shanker, the president of the American Federation of Teachers. "Under this law, almost all teachers will have handicapped children in their classes, but few have been trained to work with these children."

The lack of adequate numbers of specially trained teachers and the shortage of money to pay for the retraining of staff teachers is shaping up as a major stumbling block in the implementation of the law.

"We are finding kids faster than we can find competent staff," George Adams, a regional superintendent for special education in Michigan, said of his state's effort to ferret out students with handicaps.

New York City, which now serves about 53,000 handicapped children, has 9,000 youngsters on waiting lists for special education classes.

No one knows how large the number of students in need of services will be once districts fully identify all those suffering from a wide range of learning disabilities, such as dyslexia, which involves a malfunction in the mental processing of the written word.

Utah made an extra effort to identify such children and ended up classifying as handicapped almost 12 percent of all the pupils in the state.

"Learning disability was not recognized as a handicapping condition in New York State prior to the passage of the new law," said Martha B. Bernard, president of the Manhattan chapter of the New York Association for the Learning Disabled. "The program we sponsor at P.S. 75 on the West Side is about the only one for learning disabilities in the entire city."

That program, which is supported by foundations, involves use of a resource room that is visited at regular intervals by students with learning disabilities who return to their regular classrooms for the rest of their instrucion.

New York's public school system has drawn up plans for similar resource rooms throughout the city and is proposing to use funds that Washington allocates for the disadvantaged under Title I of the Elementary and Secondary Education Act.

The Government is weighing whether Title I money may be used in this way, according to Jack Jones of the Bureau of Education for the Handicapped in the United States Office of Education.

REQUEST TO DOT TO CHANGE PROPOSED TRUCK FUEL STANDARDS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Mr. DINGELL. Mr. Speaker, 42 of our colleagues in the House have joined with Representative DALE E. KILDEE and myself in a letter to Secretary Brock Adams, Department of Transportation, requesting that the proposed rulemaking for 1980 and 1981 truck and van fuel economy mileage standards be changed.

By permission previously granted, I am inserting the letter on behalf of Mr. KILDEE, myself, and our colleagues who cosigned:

DEAR MR. SECRETARY: We support the need to improve truck fuel economy in order to reduce energy consumption, but we disagree with the 1980 and 1981 mileage standards for light duty trucks proposed by the Department of Transportation's National Highway Traffic Safety Administration. The standards issued in the proposed rulemaking by NHTSA, December 12, 1977, are too severe. Consequently, we are urging the standards be modified before the final rule is issued March 1, 1978.

The President's Council on Wage and Price Stability also is urging modification of the proposed NHTSA rule. On January 31, 1978, the Council, a branch of the Executive Office of the President, recommended "that NHTSA either delay implementation of the standard for a year or two or that NHTSA adopt less stringent fuel economy standards for 1980 and 1981. . . ."

The Council, in its comments on the proposed rule states, ". . . the Council on Wage and Price Stability is disturbed by some aspects of this proposal. Contrary to NHTSA's claim, the technological feasibility and economic practicability of the proposal have not yet been reliably established. NHTSA's proposal and the underlying analysis are based on engineering assumptions which have been seriously challenged by others. Consequently critical unresolved issues remain about how rapidly more stringent standards can and should be phased in. Available information leads the Council to doubt whether the proposed fuel economy standards can be implemented in 1980 and 1981 model year vehicles without significantly increased prices and potential shortages of suitable trucks for many users. There is also at least a possibility of plant closings and layoffs. These potential harmful effects would outweigh any gain to the economy from energy saving."

In the filing by the Council, regarding its reasons for commenting to NHTSA on the truck fuel economy mileage rule, it further states that it took this action ". . . because this proposal is clearly of major consequence and because the possibility exists of substantial harm to the economy in the event that the wrong decision is made."

Criticism of the NHTSA rule comes from yet another office within the Administration. The Department of Commerce states in one portion of its negative comments on the rule, referring to required investment by truck manufacturers to meet the proposed standards, ". . . NHTSA's estimate of capital requirements is substantially understated." Commerce further states, "It is our opinion the only method by which manufacturers can comply with the proposed standards is by withdrawing a large portion of their product lines from the market. The magnitude of reduction in product offerings that would be required to meet the proposed standards would risk major employment and production losses."

Based on testimony from domestic truck manufacturers at the recent public hearings held by the NHTSA regarding nonpassenger, two-wheel and four-wheel drive automobile fuel economy mileage standards for model year 1980 and 1981, the manufacturers announced they have plans, at substantially high capital investment, to achieve increased fuel efficiency of their truck fleets in the years ahead. They stated they cannot meet the standards with their current model lines of trucks and that time and capital are too short for a total redesign and retooling program which the proposed 1980 and 1981 standards would require.

We agree that standards must be set, but such standards must be reasonable and attainable to prevent disruptions within the economy and to prevent unemployment dislocations of truck manufacturing, supply and sales workers should model lines of trucks be dropped from production. We are also concerned that consumers would be unable to purchase such discontinued vehicles for business and other uses.

Each truck manufacturer testified before NHTSA with individual company progress

and future truck model planning reports. The major theme of their concerns and the concerns of others, notably including the UAW and the NAACP, was that the proposed standards are too severe for industry to achieve in the few months before these vehicles would enter production and that substantial unemployment would result.

We do not believe it was the intent of Congress in the Energy Policy and Conservation Act of 1975 for the Department of Transportation, and subsequently the NHTSA, to force regulations on the industry that may result in the halt of production of several model lines of trucks. Specifically, we refer to the heavier, less fuel efficient work trucks in the 6,000 to 8,500 pound gross vehicle weight category under your Department's proposed rule. The halt in production of work trucks or any other light duty trucks would have a serious adverse impact on employment in communities which are dependent on truck manufacturing or the production of truck components. Despite a clear Congressional direction that consideration be given to "the possible implications for the national economy" in setting the standards, NHTSA only made a cursory examination of the impact on employment in its rulemaking support paper.

Additionally, we do not subscribe to the theory in one of the NHTSA's support documents issued with the proposed rule that truck manufacturers who do not meet the average fleet fuel economy standard can simply produce all the existing truck model lines and pay the civil penalty for noncompliance with the standards.

We request your and NHTSA's consideration of the facts that speak against the proposed standards and their timetable for implementation. We conclude that the proposed standards:

Are too severe of an increase in the manufacturers truck fleet average fuel economy from model year 1979 standards;

Are not feasible within the lead time provided;

Would preclude manufacture of certain light duty trucks and vans;

Would result in unemployment in several communities;

Would halt the availability of work trucks to business consumers needing such vehicles;

Would restrict the availability of various truck lines to other consumers;

Would save but scant energy over the expected lifetime of the 1980–81 truck fleets, less than 1 percent of all the gasoline consumed in the U.S. each day;

Would cripple the Administration and Congressional plans to promote van pooling as an energy saving program;

Would force certain truck purchasers to buy heavier duty trucks that might be beyond their needs and that might result in waste of fuel, seriously eroding any fuel savings;

Would be an incentive for some truck customers to buy the smaller foreign-made subcompact trucks with U.S. jobs lost;

Would reduce performance capability of certain trucks;

May force certain potential fuel saving technologies to be engineered, produced, and utilized on such trucks before adequate field testing by manufacturers resulting in sacrificed quality; and,

Would require many more millions of dollars of capital investment than the $266 millions projected by the NHTSA's analysis for model years 1980 and 1981, according to the testimony of the truck manufacturers.

We request that you give every consideration to these concerns and facts and modify the proposed rule.

We further request that this letter be included in the official public hearing record.

Sincerely,

Dale E. Kildee, John Brademas, Ed Jenkins, Harold Sawyer, Bruce F. Vento, Bob Traxler, Philip Ruppe, David Evans, Bob Krueger, Joe D. Waggonner, Jr., Bob Gammage, Edward Madigan, E. Thomas Coleman, Romano L. Mazzoli, Robert A. Young, Douglas Applegate, Thomas A. Luken, Dave Stockman, James T. Broyhill, Clarence J. Brown, David E. Satterfield, and James M. Collins.

John D. Dingell, Thomas L. Ashley, James Blanchard, Carl Pursell, William Brodhead, Ron Marlenee, G. William Whitehurst, Andrew Jacobs, Jr., James M. Hanley, Dan Marriott, Timothy E. Wirth, Charles C. Diggs, Jr., Guy Vander Jagt, William Broomfield, Garry Brown, William D. Ford, Elford A. Cederberg, Lucien N. Nedzi, Henry S. Reuss, Samuel L. Devine, Dan Rostenkowski, and J. Danforth Quayle.

cc: The Honorable Joan Claybrook, the Honorable Michael Blumenthal, the Honorable Juanita Kreps, the Honorable Ray Marshall, the Honorable Arthur F. Burns, the Honorable James T. McIntyre, the Honorable Charles Schultze, the Honorable Stuart E. Eizenstat, the Honorable Hamilton Jordan, and the Council on Wage and Price Stability.

TARIFF RELIEF EXPECTED FOR NUTS AND BOLTS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Ms. OAKAR. Mr. Speaker, on Friday, February 10, the Office of the Special Representative for Trade Negotiations issued a press release that related President Carter's rejection of recent U.S. International Trade Commission (USITC) recommendations with regard to the domestic metal fastener industry. The message was short, but its impact still resounds throughout the industrial heartland of America.

I represent a district that has been referred to as the "metal fastener capital of the world." In and around Cleveland, as well as in cities throughout Illinois, Indiana, Michigan, and Pennsylvania, Connecticut, et cetera thousands of laborers are producing the nuts, bolts, and large industrial screws that contribute to the manufacturing of autos, heavy industrial equipment, and machine tools. The essential nature of this industry has been underscored by recent statements from the Federal Preparedness Agency.

Nonetheless, the administration has chosen to ignore the pleas of the metal fastener producers for import relief. It is a fact that foreign producers have penetrated the domestic market for this industry at a dangerously high level. Inexpensive labor resources available to our Far Eastern trading partners have undermined this vital industry. The result will be the loss of thousands of jobs and millions of dollars in lost production. Moreover, the increasing dependence on imported industrial fasteners jeopardizes the continued growth of our most important industries as well as our national security and defense positions. It is truly unthinkable that an industry as basic as manufacturing nuts and bolts is slowly dying. Surely, the President should rethink his position.

Mr. Speaker, I am including in today's RECORD a copy of Hobart Rowen's article on this matter (Washington Post, January 30, 1978) and the text of Ambassador Strauss' press release on the President's rejection of the USITC recommendations. I urge my colleagues to give careful consideration to this administration action. It is not in the national economic interest to idly stand by while American industry is being severely injured by the preponderance of foreign products in domestic markets.

Hobart Rowen's article and administration press release follow:

TARIFF RELIEF IS EXPECTED FOR MAKERS OF NUTS, BOLTS

(By Hobart Rowen)

President Carter is expected to approve tariff relief for the $270 million nuts and bolts industry, which has claimed injury because of rising imports.

The industry, sometimes called the industrial fasteners industry, uses steel wire to make nuts, bolts, and screws for autos, machine tools, and other equipment.

Last Dec. 7, the International Trade Commission recommended to President Carter by a 3-to-1 vote that a 5-year period of higher tariffs be permitted to allow the domestic industry enough time to modernize and adjust to competition.

The matter has been under review by Robert S. Strauss, the president's special trade representative, who is expected to recommend to Carter that the ITC proposal be substantially approved.

Officials appear to have been persuaded by the industry's argument that without protection from higher tariffs, 2,500 of 13,000 American jobs in the industry would be wiped out.

A complicating factor bearing on Carter's decision is that the recent U.S. Treasury decision to set minimum import prices for steel, so as to prevent "dumping" of foreign steel products, is putting additional pressure on the fasteners industry. "Dumping" results when foreign producers sell products in the United States at below cost or at less than the prices they quote in their own markets.

The industry has argued that foreign producers of steel wire who find that the new minimum import schedule for steel has reduced their market here will convert to making nuts and bolts, which are not affected by the minimum steel import price regulations.

Another argument advanced by the domestic industry is that it is one of those needing protection so it can maintain a flow of essential supplies in time of war.

A letter to Strauss dated Jan. 17 from Rep. Charles A. Vanik (D-Ohio), chairman of a House Ways and Means subcommittee on trade, cites a government report that in effect labels fasteners an essential industry.

PRESIDENT CARTER REJECTS IMPORT RELIEF FOR FASTENERS; ORDERS NATIONAL SECURITY INVESTIGATION

President Carter has determined that import relief for the domestic producers of industrial fasteners (bolts, nuts, and large screws, including lag screws) would not be in the national economic interest, Ambassador Robert S. Strauss announced today. The President's decision not to grant import relief was taken under the escape clause provisions (section 201 f.f.) of the Trade Act of 1974. Ambassador Strauss, the President's Special Representative for Trade Negotiations, also announced that the President has directed the Secretary of the Treasury to undertake an expedited national security investigation on U.S. imports of bolts, nuts, and large screws, to determine whether they are adversely affecting necessary wartime domestic production capabilities.

In December, the U.S. International Trade Commission (USITC) found that the domestic industry had been seriously injured or threatened with serious injury, substantially because of increased imports. The USITC recommended that tariffs on bolts, nuts, and large screws be increased from their current levels (which range from less than one percent to 12.5 percent) to 30 percent, and staged down to 20 percent over a five-year import relief period.

In announcing the President's decision, Ambassador Strauss said that imposition of import relief would have resulted in large increases in the cost of fasteners to U.S. manufacturers which use them in the production of consumer and producer durable goods (autos, machinery and equipment, construction). The increased cost of fasteners in these goods would most likely be passed on to U.S. consumers and their inflationary impact could have generated unemployment in other U.S. industries, probably offsetting potential gains in fastener employment, had relief been provided.

The USITC reported that domestic fastener shipments, consumption, and exports had increased in 1976 and the first half of 1977. The USITC also reported that, in 1976, 20–25 percent of U.S. imported fastener shipments were sold to or imported by U.S. fastener producers or their wholly owned distributors.

Ambassador Strauss stated that provision of import relief would have subjected U.S. jobs to possible foreign retaliation against U.S. exports or compensation by the United States in the form of lessening restrictions on other U.S. imports. He noted that the appreciation of the Japanese yen should place domestic producers in a more competitive position vis-a-vis imported fasteners. (Japan is the principal foreign supplier of fasteners in the U.S. market.)

Ambassador Strauss noted that the domestic industry does not face significant import competition in its domestic sales of automotive and special fasteners. It would have been virtually impossible, administratively, to exclude these specialized fasteners from provision of import relief. Thus, import relief would have engendered large increases in the costs of these fasteners while at the same time providing unnecessary relief to profitable and healthy segments of the domestic industry. Ambassador Strauss also noted that the implementation of the trigger price system for steel imports should have little effect on most domestic fastener producers since the domestic fastener industry obtains 75–80 percent of its steel requirements from domestic producers, according to the USITC report. Furthermore, Japanese fastener producers have encountered significant increases in their steel costs already and additional increases in steel costs are expected this year.

Treasury's expedited national security investigation, under Section 232 of the Trade Expansion Act of 1962, was authorized in light of a recent Federal Preparedness Agency (FPA) staff study which indicated that domestic industry capability to produce fasteners was inadequate to satisfy U.S. wartime requirements.

U.S. imports of bolts, nuts, and large screws were about 704 million pounds in 1976, comprising 44 percent of U.S. consumption of these products. These imports were valued at approximately $229 million, excluding fasteners imported duty-free from Canada under the U.S.-Canadian Automotive Products Trade Act. These Canadian fasteners were not covered by the USITC's affirmative injury finding.

The USITC report indicated that there are approximately 180 U.S. establishments specializing in the production of bolts, nuts, and large screws, employing almost 13,000 production workers. Major fastener-producing states are Ohio, Illinois, Michigan, and Pennsylvania.

Japan supplies about three-fourths of the quantity of U.S. imports of bolts, nuts, and large screws and Canada accounts for eight percent of U.S. imports of these fasteners. Other foreign suppliers include the European Community (EC), Taiwan, India, and Spain.

KANSAS VOICE OF DEMOCRACY WINNER

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1978

Ms. KEYS. Mr. Speaker, I would like to share with my colleagues the winning Kansas entry in the VFW Voice of Democracy competition, a speech composed by Val Vaden, of Manhattan, Kans. Mr. Vaden is, at 17 years of age, an accomplished public speaker with more than 50 awards in debate and forensics to his credit. His speech gives eloquent voice to the contest theme, "My Responsibility to America."

The speech follows:

MY RESPONSIBILITY TO AMERICA

(By Val Ellis Vaden)

"This country, with its institutions, belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it, or the revolutionary right to dismember or overthrow it." Who might be the speaker of this quote? An impassioned Berkely radical of the late 1960's? A disgruntled civil rights demonstrator? Or possibly a contemporary of Henry David Thoreau, defending civil disobedience? Whoever it was certainly found a critic when it was said that youth "goes on to attack laws and constitutions displaying the utmost impudence." Who indeed did utter those statements? Although it seems that his statement applies now, Plato, in his ancient wisdom, attacked the youth of his day, who felt much like the speaker first quoted. By the way, that radical was Abraham Lincoln.

As youth in today's world, I am faced with the struggle of which viewpoint should prevail. Should I take it upon myself to voice my opinions and to act on them? Or should I go along with established customs and contain my impudence? Indeed, what is "My Responsibility to America"?

Responsibility is defined as a thing that one is answerable for; a duty, obligation, or burden. Oftentimes in today's world, responsibilities are avoided; they hound us and require action. However, some are so important that they become unavoidable. One such responsibility, in a democratic society, is that obligation to one's country. Opinions as wide as Plato's and Lincoln's have been repeated many, many times, but all ultimately point to two views. Responsibility to America can be defined as patriotism. Should I be a mindless patriot, merely repeating platitudes about the greatness of our country, or should I take upon myself the burden aspect of re-responsibility and vocalize my constructive criticism?

Personally, I could not be at peace with myself if I did not make needed challenges to American institutions. I suggest that a true patriot realizes that responsibility to his country entails a burden to effect changes. Across the United States, many people feel that criticizing an institution is the opposite of patriotism. But I subscribe to a statement made in 1882 by Robert G. Ingersoll. He said, He loves his country best who strives to make it best."

However, responsibility is not that limited. While attempting change in a democratic society, a person must support governmental decisions once those decisions are made, regardless of personal feelings. True, this may come into conflict with the duty to attempt change, but cooperation is crucial.

Finally, responsibility to me implies that actions must be justified. As I fulfill my responsibility to improve government, so must I temper that with the knowledge that change simply for the sake of change is not justified. To be justified, change must be necessary.

Then what is "My Responsibility to America"? As Emerson once said, "Government has been a fossil; it should be a plant." True, a fossil is valuable in many respects, for plants are not static; they grow and make needed adjustments. Anytime I can avoid the pit-fall of reciting how great our country is, while recognizing necessary changes, is the time that I, personally, fulfill my responsibility to America. And that should be the ultimate goal of a truly patriotic America".

Even in the face of resistance to change and challenge, I, throughout my life must realize that valid objections maintain the validity of our America. Ultimately, my duty lies not in words, but in actions. And in that respect, the immortal words of John F. Kennedy take on an added significance. Truly, as I shoulder "My Responsibility to America," I must realize, in my heart, to "Ask not what your country can do for you, but what you can do for your country."

HOUSE OF REPRESENTATIVES—*Wednesday, February 15, 1978*

The House met at 3 o'clock p.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is my strength and my shield; my heart trusts in Him and I am helped.—Psalms 28:7

Eternal God, our Father, in accord with troubled spirits across our world we come to Thee in prayer. Separated by language and living conditions, divided by creed and culture, embittered by pride and prejudice, haunted by hunger and hurt by hatred we still lift our hearts unto Thee seeking gifts we can never receive until we learn to be at peace with one another, with Thee, and with ourselves. Bind us together in a common purpose to seek first of all Thy kingdom of peace, truth, and love and to make it real in our own hearts, in our Nation, and in our world. Out of these warm and wholehearted endeavors may peace come, truth prevail, and good will live in every heart.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

A REPUBLICAN OFFER OF AMNESTY

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, it appears that our one-time colleague Bella Abzug will not be joining us again. And I must say, Mr. Speaker, that I do not know when I have heard so many Members on your side expressing so little regret over their having lost an election. Bill Green, our Republican candidate, is the apparent winner of the election to fill the seat vacated by Ed Koch. This is the fourth special election in little over a year that we Republicans can claim as victories.

The handwriting is on the wall for the party that temporarily is in the majority. David Broder, syndicated columnist of the Washington Post has written:

> . . . Never again will Democrats assume—as they have for four decades—that the automatic answer to every problem in the country is the creation of a new agency in Washington.

As Broder says, "an era is ending." And as our new colleague, Bill Green, said today:

> Voters decided that the age of confrontation politics is dead.

The former advocates of big government are fleeing to the center for their political lives as they see the wrath of the people directed toward those who gave us inflation, the welfare ripoff, and the war against the poor.

Like battered remnants of a defeated army they are trying to get out of their uniforms and mingle with the rest of the populace.

Let me say that I welcome any Democrat who cares to turn himself in before the real battle begins in November. The President is not the only one who can offer amnesty.

We are obviously pleased to welcome Bill Green to the ranks of Republicans in the House.

NATIONAL VOCATIONAL EDUCATION WEEK

(Mr. PRESSLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRESSLER. Mr. Speaker, this is National Vocational Education Week. Looking at the job projections for the next 20 years in the United States, one is acutely aware of the fact that there is a growing need for those in the skilled trades, and vocational education will be needed. In other words, the majority of our new job openings are in the vocational area and skilled area.

It is for this reason that I am again introducing a resolution calling for a marriage of the humanities and trades in terms of the directions that Federal funding encourages in our country. We need to recognize that in the next 20 years there will need to be changes in the American postsecondary education programs and certainly included foremost among these will be equal treatment for our postsecondary vocational education students.

In Springfield, S. Dak., at the university, there is a planned combination of the humanities and trades in the curriculums, and I think this is a fine example.

Since coming to Congress I have cosponsored the vocational education amendments which passed. I am also honored this year to serve as national chairman of the DECA Congressional Advisory Board.

I am happy to report that vocational education is moving forward nicely in South Dakota. The Black Hills area vocational plan will become a reality. The Watertown, Sturgis, Mitchell, and Sioux Falls schools are going nicely—as are other locations in the State.

Mr. Speaker, I am proud to be associated in the effort to move both traditional humanity type and vocational education forward.

MASSACHUSETTS RECEIVES DISASTER RELIEF; WHY NOT OHIO?

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, what is it that the State of Massachusetts has that the State of Ohio does not have except the speakership? How does it happen that several counties in Massachusetts can get a disaster declaration by the President of the United States practically within hours after it occurs when it takes others weeks if they get it then? It has been about 3 weeks since we suffered a statewide disaster in Ohio and requested such declaration from the President of the United States. What did we get? A request to compile an impossible list of damages from every individual, township, municipality, and county in the State of Ohio. If such statistics are necessary before a disaster declaration is declared, how did Massachusetts get theirs collected so fast? Obviously, they were not required to do so in Massachusetts. Today, the wire services are carrying reports of further disaster declarations for Massachusetts but not one county has been declared a disaster county in Ohio.

Mr. Speaker, I ask why?

PROPOSED TELEVISION COVERAGE OF THE HOUSE

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COUGHLIN. Mr. Speaker, it is, indeed, ironic that as the House prepares to open its floor proceedings to public viewing, the method by which this action is being implemented is the same old closed-door, backroom maneuvering we are hoping to end.

Last week the Committee on Rules voted to give the House, meaning the Speaker, exclusive control of House television coverage. Apparently this vote was not necessary since the Architect of the Capitol had already been authorized by the Speaker to purchase television equipment from funds budgeted for other purposes.

I have just come from a meeting of the legislative subcommittee wherein it is apparent that the designed system would provide a system mainly for in-house public coverage of television. It would not be easily adaptable to pooled network coverage.

I believe that it is imperative that the full House have the opportunity to vote on this issue considering the cost to the taxpayers. Such a vote is necessary if we are to improve the tarnished image of the House. I would hope that we can accomplish this in an open and honest manner, Mr. Speaker. I urge the Speaker to bring this matter to the House floor for consideration as soon as possible.

DISPENSING WITH THE CONSENT CALENDAR ON MONDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to dispense with the call of the Consent Calendar on Monday, February 20.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE READING OF GEORGE WASHINGTON'S FAREWELL ADDRESS ON FEBRUARY 20

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Monday, February 20, 1978, immediately after the approval of the Journal, George Washington's Farewell Address may be read by a Member to be designated by the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DESIGNATION OF MR. LLOYD OF CALIFORNIA TO READ GEORGE WASHINGTON'S FAREWELL ADDRESS

The SPEAKER. Pursuant to the special order just agreed to, the Chair designates the gentleman from California, Mr. LLOYD, to read George Washington's Farewell Address immediately after the approval of the Journal on Monday, February 20, 1978.

CALL OF THE HOUSE

Mr. WRIGHT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 61]

Addabbo	Giaimo	Patterson
Anderson, Ill.	Gibbons	Pettis
Andrews, N.C.	Hansen	Quillen
Archer	Harrington	Rangel
Armstrong	Harsha	Rhodes
Ashley	Heckler	Risenhoover
Baucus	Heftel	Roybal
Beilenson	Horton	Russo
Bingham	Jones, Tenn.	Ryan
Blanchard	Keys	Satterfield
Brademas	Krueger	Scheuer
Brown, Calif.	Lent	Shuster
Burke, Calif.	McClory	Sikes
Clay	McCormack	Skubitz
Collins, Ill.	McDonald	Spence
Corman	Mathis	Stokes
Dent	Meeds	Taylor
Derwinski	Miller, Calif.	Teague
Diggs	Moakley	Thornton
Drinan	Moorhead, Pa.	Tucker
Ford, Mich.	Murphy, N.Y.	Udall
Fraser	Myers, Michael	Waxman
Gammage	Ottinger	Wiggins

The SPEAKER. On this rollcall 363 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR SUBCOMMITTEE ON ADVANCED ENERGY TECHNOLOGIES AND ENERGY CONSERVATION RESEARCH, DEVELOPMENT AND DEMONSTRATION OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TODAY DURING 5-MINUTE RULE

Mr. AMBRO. Mr. Speaker, the Subcommittee on Advanced Energy Technologies and Energy Conservation Research, Development and Demonstration has been meeting since 2 o'clock. We have four additional witnesses. The subcommittee would like to continue to hold hearings and finish its witness list. I ask unanimous consent that the subcommittee may be permitted to meet this afternoon during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. ROUSSELOT. Reserving the right to object, Mr. Speaker, does the gentleman assure us that the subcommittee will not mark up any bills at this hearing?

Mr. AMBRO. If the gentleman will yield, Mr. Speaker, I can assure him that there will be no markup of any bills.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

REFERRAL OF H.R. 10052 TO COMMITTEES ON JUDICIARY AND RULES

Mr. CHARLES H. WILSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the bill (H.R. 10052) amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes, and that the bill be referred to the Committees on Judiciary and Rules jointly.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 4544, BLACK LUNG BENEFITTS REFORM ACT OF 1977

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 4544) to amend the Federal Coal Mine Health and Safety Act to improve the black lung benefits program established under such act, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of February 2, 1978.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The gentleman from Kentucky (Mr. PERKINS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker on February 6 the Senate unanimously approved the conference report on this legislation, H.R. 4544, the Black Lung Benefits Reform Act of 1977. Today, it is our turn to do so. With that action, and the President's signature which will soon follow, the end to a long and sometimes discouraging legislative trail will be at hand. But most importantly, our Nation's coal miners and the survivors of those who died crippled from the ravages of black lung disease will begin to participate in the kind of sensitive and equitable Federal program we imagined when we enacted the first black lung benefits law in 1969.

We call this reform legislation—and it is just that. On the one hand, it reforms the existing procedure for making claims determinations—a procedure which, at best, can be described as endless and inconsistent. The current procedure has caused confusion and frustration in the coal regions; and bitterness within families and among friends. This legislation streamlines and makes that process more uniform by narrowing the range of options available to the administrator.

On the other hand, this legislation can fairly be called reform legislation because it provides that—from this day forward—the full cost of this program will be borne by coal operators—either directly if they are found to be responsible for the claim, or indirectly through the trust fund established by the recently passed Black Lung Benefits Act of 1977 (H.R. 5322). In either circumstance, and thus in all circumstances, the coal industry at large will finally and rightly pay for the claims that will be approved in the future and those old claims that will be approved as a result of the review mechanism built into this bill. The winners will be the Federal Treasury and thus the taxpayers of this country, who, through unforeseen weaknesses in the current law, have continued to remain liable for most of the cost of the program.

Mr. Speaker, I believe the joint explanatory statement of the committee of conference does a thorough job of describing the conference agreement. You will note that the House conferees prevailed on most of the critical issues. I would therefore make only a few remarks about some of the more salient areas of the conference substitute.

First. The House bill's provision of automatic review of all denied or pending claims in the light of the changes in the law made by this legislation is retained in substance. Every such claimant is absolutely entitled to a review; and also has the opportunity to update his evidence. A limited retroactivity of payments for claims approved on review is provided; and the Secretary of Labor is required to insure that a claim is immediately paid in full. Ultimately, a responsible coal operator or the Black Lung Disability Trust Fund will be required to assume full financial responsibility for the claim.

Second. The House bill required that the so-called interim medical standards of part B of the program be applied under part C as well. For the most part, the House provision prevailed in conference on this issue and all of the denied and pending claims subject to review under the legislation will be evaluated according to the "interim" standards. These standards will continue to apply into the future as well, until such time as the Secretary of Labor promulgates new regulations consistent with the authority given him by the bill. With respect to the review responsibility of the Secretary of HEW under the legislation, the "interim" standards remain solely applicable, as they have in the past under the HEW-part of the program. As for the Secretary of Labor's review responsibility thereunder, the "interim" standards are exclusively and unalterably applicable with respect to every area they now address, and may not be made or applied more restrictively than they were in the past, but they may be considered by the Labor Secretary within the context of all relevant medical evidence according to the methodology prescribed by the Secretary and published in the Federal Register.

On this question, I would also take note of certain remarks made during Senate consideration of this conference report.

To the extent those remarks assert that the Secretary of HEW must, in the course of fulfilling his review responsibilities under this law, utilize and apply the "interim" standards in a manner different from that utilized in the past, then the assertions are totally without legislative support—in the conference report, in the joint explanatory statement, in the remarks of Senator RANDOLPH, who also addressed the subject, nor in the remarks of any other of the conferees on the legislation. I therefore trust that neither the Secretary of HEW nor of Labor will be confused by those remarks and will follow the clarity of the conference report on this issue.

I would add also that there were other remarks by the same speaker, equally gratuitous and without legislative foundation, that spoke to the X-ray and affadavits provisions of the conference report. Again, I trust the administrators of this program will find their duties fully and adequately described in the conference report and that they will not be misguided by any inconsistent references contained in an unspoken floor statement.

Third. Another important provision contained in the House bill which is carried over to the conference substitute requires the Secretary of HEW to notify all miners receiving benefits under part B of their eligibilty to file for medical benefits under part C of the program. Such miners would then have 6 months to file a claim for medical benefits without regard to the current 3-year statute of limitations. The medical claims would be considered according to the interim medical standards and would be paid either by a responsible coal operator or by the trust fund. This renewed opportunity for the medical services benefits provided by the existing law was made necessary because of the widespread and mistaken belief which was prevalent in the coal regions of adverse consequences that would attend the filing of a claim for such services. It is especially important at this time in light of the difficulties many old miners may have recently confronted in having been denied their former access to compensable health care.

Mr. Speaker, there are many other provisions in this conference report of equal significance which I will not address in the interest of time; but I must mention the allocation of the cost of the legislation out of respect for the concern of the administration, and of some Members, that we may not have adequately provided for full coal industry liability. In the unlikely event we have somehow failed to do so, let me say that I would be the first Member to sponsor legislation to increase the contributions to the Black Lung Disability Trust Fund. It should also be noted that all of the principal architects of that trust fund were unanimous in agreeing that the fund should be fully adequate to meet the demands made upon it; and that should any shortfall occur, it would be legislatively remedied in quick order. I am referring specifically to such assurances that were made by Senators LONG, WILLIAMS, RANDOLPH, and other distinguished conferees from the other body; and also by our own esteemed colleagues, Chairman ULLMAN, and Congressmen ROSTENKOWSKI, VANIK, and DUNCAN.

But we will not have a shortfall, Mr. Speaker. That concern was inspired by some estimates submitted by the Labor Department. Our own Congressional Budget Office estimates the fiscal 1978–82 cost of the legislation at $982.5 million. Our congressional tax committees have already told us that the trust fund itself will generate $1.12 billion in contributions during that same period—and by 1982, the trust fund revenues will be increasing at the same time that the cost of the program will have stabilized at a lesser amount. And this comparison does not even take into account that part of the cost that will be borne by responsible coal operators. I therefore sincerely believe, Mr. Speaker, that the black lung program is more than adequately funded and that we have acted in a fiscally responsible manner.

Conversely, we should at least also acknowledge the concern of other interested parties that the funding provisions may be excessive in providing for the needs of the program, and that the trust fund will thus be "overfunded." To them, I would say that we would meet any such future possibility by reducing the contributions that the experience of future years would demonstrate to be excessive.

In closing, I urge the immediate adoption of this conference report. We will then have completed the tremendous task of infusing needed equity into the Federal black lung program. The equity we achieve will be both with respect to the fiscal soundness of the program and also to the coal miners of America, and to their survivors, for whom the black lung program has become the last vestige of hope and dignity.

May I also take this opportunity to express appreciation and respect to our Senate colleagues on the conference, and particularly to my dear friends Senators WILLIAMS and RANDOLPH and to Senators JAVITS and LONG, all of whom contributed so much to the final content of this legislation; and also, of course, to my colleagues in the House, who were so sincere and supportive in their responsibility to advance the position of the House of Representatives. I am referring to our friends from the Ways and Means Committee, and specifically to its distinguished chairman, Mr. ULLMAN, and to his respected colleagues, Congressmen ROSTENKOWSKI, VANIK, and DUNCAN. These gentlemen attended virtually every session of the conference, even though it often dealt with matters alien to their own jurisdiction; and we appreciate their interest in the black lung program. I am also referring to my gratitude for the service of my outstanding and able colleagues on the Committee on Education and Labor, and especially to Congressmen PAUL SIMON and AUSTIN MURPHY, who were always present to sincerely represent the interests of our Nation's miners. All of these people, and others as well who were less visible in their support, should be justly proud of this moment. These others include, of course, the distinguished but absent subcommittee chairman, Mr. DENT, and the distinguished chairman of the Labor-HEW Appropriations Subcommittee, Mr. FLOOD, and also such tireless and effective colleagues like my dear friend TOM BEVILL, BILL WAMPLER, JOHN MURTHA, the entire West Virginia delegation, others like FRANK THOMPSON and IKE ANDREWS, and simply countless additional supporters who worked selflessly to bring us to this rewarding moment. We are appropriately grateful to each and every one of them.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Ways and Means, the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, I thank my friend, the gentleman from Kentucky (Mr. PERKINS), for yielding.

Mr. Speaker on January 24 we approved the black lung tax bill, and today we are considering the conference report on the black lung benefits bill. As I said in supporting the tax bill, the conferees adopted this two-step procedure in order to get back to a sound jurisdictional division with respect to the current bills and with respect to future oversight and legislation in connection with the black lung program.

Thus, the Ways and Means Committee in the House and the Finance Committee in the Senate have jurisdiction over those matters covered in H.R. 5322, the Black Lung Benefits Revenue Act of 1977, including the new excise tax on coal, the establishment of the black lung disability trust fund, the structure and administration of the trust fund, the purposes authorized for expenditures out of the trust fund, and provisions as to self-insurance trusts established by coal mine operators. Those matters covered in H.R. 4544, which we are considering today, including eligibility for black lung benefits, rules for evidence of disability, claims adjudication, and related benefit provisions, fall within the jurisdiction of the Education and Labor Committee in the House and the Human Resources Committee in the Senate.

I want to assure the gentleman from Kentucky (Mr. PERKINS) that the Ways and Means Committee will remain alert to the needed levels of funding for approved claims under H.R. 4544. Based on the cost estimates set forth in the House and Senate committee reports, by the end of fiscal 1984 the new excise tax on coal will have produced more revenue than the estimated payments to that time out of the black lung disability trust fund.

Mr. Speaker, I congratulate the distinguished chairman of the Education and Labor Committee (Mr. PERKINS) for his work on this bill.

Mr. ERLENBORN. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SARASIN).

Mr. SARASIN. Mr. Speaker, although I rise in opposition to the conference re-

port on black lung (Rept. No. 95–864), I do appreciate the improvements in the financing mechanism initiated by the Senate Finance Committee. The only other improvement from the House-passed bill contained in the conference report is the elimination of the entitlement of benefits to survivors of miners who served 17 years in the mines and were victims of a mine accident. Otherwise, the conference report takes the most liberal provisions of both H.R. 4544, the House bill, and S. 1538.

For instance, the conference report adopted the changed definitions which were not in the House bill of: First, "pneumoconiosis," to include the "sequelae" to "a chronic dust disease of the lung" and also respiratory and pulmonary "impairments" arising out of coal mine employment; second, "miner," to now include a person who has worked "around" a coal mine including employees of processors, transportation employers and construction employers; and third, "total disability," to provide that the Secretary of HEW and the Secretary of Labor would define total disability as to their respective jurisdictions, but limited their definitions of total disability to include:

First. Situations where pneumoconiosis prevents employment requiring skills and abilities comparable to those of employment in a mine.

Second. In the case of a deceased miner, his employment at a mine at the time of death shall not be used as conclusive evidence that he was not totally disabled; and that in the case of a living miner, where there are changed circumstances of employment which may indicate reduced ability to perform usual coal mine work, the employment condition shall not be used as conclusive evidence that the miner is not totally disabled.

Instead of the House 17-year survivor entitlement, the conference report entitles a survivor to benefits if the miner died on or before enactment of this legislation, and had worked 25 years in mine employment prior to June 30, 1971, unless it is established that the miner was not "partially" or totally disabled due to pneumoconiosis.

X-rays may not be reread.

Affidavits are sufficient to establish a claim of survivors.

Statutes of limitations are removed.

All claims not allowed are to be reviewed, again.

Offsets are to be removed.

The so-called interim criteria are to be used, although criticism of the use of this criteria was contained in a GAO report of January 14, 1976, No. B–164031 (4), pages 6 to 10.

The patent absurdity of this special-interest legislation have been called to the attention of the House in the past. I can only reiterate that this House is acting unwisely when it passes this piece of legislation under the auspices of a "disability" program for pneumoconiosis. For, beginning with the 1972 amendments, and continuing today, the black lung program goes beyond a "chronic dust disease of the lung arising out of employment in a coal mine" to now include just about any "impairment," because one has worked in a coal mine.

This conference report is now mandating that simple pneumoconiosis is rebuttably presumed to be totally disabling, a concept contrary to medical science.

As the fabric of this conference report weaves through the already intricate and complicated provisions of title IV of the Mine Safety and Health Act, it becomes obvious that this House is unconcerned about the disparities it creates vis-a-vis other employees and workers, it is obvious that this House can ignore the broken promises of the sponsors of the original legislation who claimed this program would be a "one-shot" deal, and it becomes obvious that this House can accept the disdain of those knowledgeable in the field of workers' compensation. Certainly, we know that other workers who have been exposed to occupational disease are now learning that they have been ignored in comparison to coal miners, illustrated by the demonstrations of textile workers and asbestos workers. We also know that the program is working, witnessed by the over 365,000 miners and survivors who are being compensated at the rate of almost $1 billion a year due to the 1969 legislation and the 1972 amendments, far beyond the "one-shot" approach originally promised. And, the most telling evidence of how this program has been viewed is an article in the Monthly Labor Review (April 1977) published by the U.S. Department of Labor, authored by John F. Burton, Jr., professor of industrial relations and public policy, Graduate School of Business, University of Chicago, entitled "Will Workers' Compensation Standards be Mandated by Federal Legislation?" In speaking of preconditions for Federal involvement, Professor Burton points out that usually there must be a national problem or concern. He goes on to say (page 56):

> Sometimes, however, the geographical concentration of employees can lead to special treatment. Most notable is the Federal black lung problem which provides liberal benefits to coal miners. The beneficiaries were largely concentrated in eastern coal mining States where the emotional issue was used by several influential Federal legislators. The costs of the program particularly in the early years, were paid from Federal revenues. The black lung program *thus is a classic example of pork barrel legislation,* with benefits going to a limited locale and costs spread widely. (Emphasis supplied.)

Further liberalization of what is already recognized to be a "pork barrel legislation," is now contained in this conference report.

Mr. Speaker, I believe the House is acting irresponsibly toward the American public and toward every other worker in this country by passing this conference report today. I join my colleague from Illinois in asking that it be defeated.

Although I oppose the benefit provisions of the bill, H.R. 4544, being considered today, I favor those committees with the greatest expertise bringing their knowledge to bear on important issues such as taxing. It is clear that the Finance Committee of the other body worked in harmony and concert with the Human Resources Committee to develop the taxing portions of the black lung legislation. As a result of that cooperation, the House bill, H.R. 4544, was improved in its financing mechanisms.

Subsequent to consideration in the other body, the House Ways and Means Committee demonstrated their cooperation in assuring an operable financing mechanism for black lung disability trust funds. In the past, the Ways and Means Committee has worked in concert with the Committee on Education and Labor in areas of joint concern such as ERISA, and to a very limited extent, unemployment compensation.

It is important that the Ways and Means Committee continue to work closely with the Education and Labor Committee to assure the needed levels of funding for claims approved under the benefit provisions of the black lung legislation. Pursuant to that authority, conceded by the Committee on Education and Labor, I believe they will have ample opportunity to exercise their powers of oversight to maintain adequate supervision of this program and the purposes for which trust fund moneys will be expended.

Thus, it would appear that the jurisdiction of the Ways and Means Committee extends to those matters covered in H.R. 5322, the Black Lung Benefits Revenue Act of 1977 (which passed the House January 24), including the new excise tax on coal, the establishment of the black lung disability trust fund, the structure and administration of the trust fund, the purposes authorized for expenditures out of the trust fund, and provisions as to self-insurance trusts established by coal mine operators.

The jurisdiction of the Education and Labor Committee extends to those matters covered in H.R. 4544, which is being considered today, including eligibility for black lung benefits, rules for evidence of disability, claims adjudication, and related benefits provisions.

Mr. Speaker, despite the fact that I oppose the benefit provisions of the conference report, this legislation has become an example of our two committees working in concert on a subject in which they share knowledge and jurisdiction. Nevertheless, despite this spirit of cooperation between committees, I must vote against the conference report, because of its extreme liberalizing benefit provisions.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished author of the substitute in the House, the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference report on H.R. 4544, the Black Lung Benefits Reform Act of 1977. The legislation was passed by the House on September 19, 1977, by a vote of 283 to 100. I was pleased to have been an active participant in the debate on the bill, and in fact the House passed my substitute, which I offered with the full support of the chairman, the gentleman

from Kentucky (Mr. PERKINS), and the majority of the members of the Committee on Education and Labor.

The House conferees, led by Chairman PERKINS, have engaged in lengthy negotiations with the Senate conferees and have emerged with a conference report which makes no significant departures from the position of this body. The conferees have faithfully maintained the position of the House, and the report has my full support.

I would like to congratulate Chairman PERKINS, who is not only my chairman but also a dear friend, for the tireless and fair way in which he conducted these negotiations.

I believe the bill he has hammered out will, at last, bring fairness and justice to the tens of thousands of disabled miners who are afflicted with the dreaded black lung disease. They should know that they have no greater friend in the Congress than the gentleman from Kentucky, CARL D. PERKINS.

Mr. Speaker, I do not plan to go into the details of H.R. 4544 since that will be done by others.

Basically what we have done is to reform and streamline the program to put it on a sound financial footing and to remedy a number of injustices which were brought to the attention of the committee.

We have taken the burden of paying for the black lung program off the backs of the taxpayers and put it where it belongs—on the coal operators. We have done this through a trust fund financed through a tax on coal. I am pleased to say that we worked out the details of this trust fund with our colleagues on the Committee on Ways and Means, chaired by the distinguished gentleman from Oregon (Mr. ULLMAN) and it has their approval as he has just indicated.

I would like to conclude with an observation. This bill has had a long, complicated, and difficult history. It has finally been worked out and I am pleased that I was able to make a small contribution.

We should never lose sight of what we are doing here today. Thousands of elderly, disabled miners are living out their lives around the country in pain and in suffering. What we are doing today is giving them some compensation for that suffering and giving them a measure of fairness, justice, and decency.

I strongly and respectfully urge my colleagues to support the conference report.

Mr. ERLENBORN. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Mr. Speaker, I am hopeful that the House will approve today the conference report on H.R. 4544, the Black Lung Benefits Reform Act of 1977, as approved by the other body. This long-awaited reform legislation will enable miners who suffer from black lung disease to receive the benefits to which they are entitled * * * and with a minimum of redtape.

It is only right that we quickly approve this report, which has been carefully debated by the conferees for several months, and if adopted, urge the President to sign the measure into law without delay.

The U.S. Department of Labor apparently has put a hold on pending black lung claims during congressional consideration of this legislation. Even those miners who might have had their claims favorably considered have had to wait for final legislative action to be taken before obtaining a judgment from the Department.

By giving our approval to this conference report today, we can assure our coal miners of the right to a decision on their claims—a right which they deserve. Our coal miners provide a vital service to this Nation. They are due the assurance of protection provided in this measure for themselves and for their families.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Subcommittee on Labor—Health, Education, and Welfare of the Committee on Appropriations, the gentleman from Pennsylvania (Mr. FLOOD).

Mr. FLOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, well here we are—you know I have waited for this one for a long time—we are here to vote on the conference report to the black lung bill. Now, I am for that.

Never mind how we got here. You know that it took a lot of hard work in getting this one through. And you can be sure that it would not have been possible if not for the fine work of the distinguished chairman from Kentucky, Mr. PERKINS, and all the members of the committee.

I would like to extend a special debt of gratitude to my very close friend and colleague, the gentleman from Pennsylvania JOHN DENT, for without his insight and guidance, we most certainly would not be here today. I wish he could be here with us.

Now I have gotten hundreds of telephone calls and letters from miners and widows in the hard-coal region of Pennsylvania and they are praying for passage of this conference report. I told them I am asking for everyone's support. That is not too much to ask.

Mr. ERLENBORN. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise in support of the conference report accompanying H.R. 4544, the Black Lung Benefits Reform Act.

Since the black lung benefits program began in 1969, it has evolved to the point where it compensates 500,000 beneficiaries almost $1 billion annually for respiratory diseases contracted as a result of prolonged exposure to coal dust. H.R. 4544 seeks to build on our experience with the program over the past 8 years by improving the claims process and by clarifying the role of medical evidence in establishing a claimant's eligibility.

H.R. 4544 directs the Department of Labor and the Department of Health, Education, and Welfare to develop means to inform potential claimants about the program and assist in the filing of claims. The effectiveness of this worthwhile program would be diminished if positive steps were not taken to reach out and inform the public about the existence of the black lung benefits program. Another noteworthy change involves the definition of the type of work which makes a person eligible for benefits. The bill would expand the term "miner" to include persons who work in the vicinity of a coal mine, such as processors, to the extent they are exposed to coal dust.

The revenue legislation necessary to pay the benefits provided in this bill has already passed the Congress. H.R. 5322 established an excise tax on each ton of coal mined in order to fund the benefits. The compensation of victims of industrial diseases by the industries which occasioned those diseases is a fair and reasonable approach to follow. I believe the excise tax approach is the best means available to carry out the funding of benefits. It can be administered in a straightforward way and can take advantage of the Treasury Department's experience to assure its efficient collection.

Mr. Speaker, I support the conference report accompanying H.R. 4544.

Mr. ERLENBORN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I rise in strong opposition to the conference report on H.R. 4544, the Black Lung Benefits Reform Act. This legislation would unduly expand the Federal responsibility for black lung compensation. It would also establish a bad precedent for handling other occupational diseases. It seems especially inappropriate to be considering the conference report at a time the eventual beneficiaries of this legislation are disrupting the national health and safety by their actions which show no regard for any other citizens.

When the Federal black lung benefits program was enacted in 1969, the sponsors of the bill assured us that Federal involvement would be a one-time affair. We were told that in no way was the goal to federalize the compensation program for the coal industry.

Let me quote what Congressman DENT said at that time:

> This is a one-shot effort. This is not a continuing compensation arrangement to establish Federal based compensation for this or any other industry. We are only taking on those who are now afflicted with pneumoconiosis in its fourth stage—complicated pneumoconiosis.

The conference report before us today would change all that. The promises made in 1969 have been discarded. Instead of a "one-shot effort" H.R. 4544, in conjunction with the Black Lung Benefits Revenue Act of 1977, would make Federal black lung compensation a permanent Federal program. We are being given the permanent "Federal-based compensation" for the coal industry that we were assured would never happen.

I cannot understand why State workmen's compensation funds should not be exclusively responsible for paying black lung benefits. This, after all, is how workers injured or disabled in other industries are compensated.

Instead, the conference report on H.R. 4544 gives coal miners preferential treatment. Never will these workers be treated equally with other workers who are covered under State workmen's compensation programs. One category of worker would be pulled out for special handling as opposed to all other injured or ailing workers.

What we are being urged to do is to create a vast extremely liberalized workmen's compensation program for one disease—pneumoconiosis—at the Federal level through a governmentally administered trust fund. This portends federalization of the entire workmen's compensation program.

It also could become the prototype for dealing with other occupational diseases. Why should not asbestos and textile workers, for example, be given the same benefits? The list of workers subject to occupational diseases could go on and on.

Passage of the conference report on H.R. 4544 would be a serious mistake. It should be defeated.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. MURTHA) who has worked long and hard on this legislation for a long period of time.

Mr. MURTHA. Mr. Speaker, the black lung benefit amendments which we are approving today are vital not only to many mining families, but to our entire Nation.

For the miners and their widows the benefits of this bill are more obvious. It will mean many of them suffering from black lung, and many widows who have lost their husbands to this disease, are able to pay their bills and live a decent life. I am very pleased the bill goes as far as it does in helping older miners and widows. The changes we make in the program will also help to speed up consideration of claims, and that has been a constant problem for the citizens in the area I represent.

On a less obvious basis, Mr. Speaker, this bill is essential for the Nation. Given the national energy picture, we must depend more on coal for the remainder of this century. Quite frankly, we cannot mine the coal without a sufficient number of miners. This bill helps to let young miners know we are aware of the problems of mining and the health problems it can cause. It shows them we will not forget their efforts. It is only through combining this bill with efforts I have been working on with regard to training miners, transporting coal, improving mine safety, and other programs that we can create the national commitment to coal we need to keynote our energy efforts.

Finally, Mr. Speaker, there are three groups or individuals I would like to cite at this time. First, the members of the Black Lung Association in Pennsylvania and throughout the Nation who worked so hard for this bill. Second, the efforts of Chairman CARL PERKINS who is so sensitive to mining problems and recognizes the need for progressive legislation such as this. And third, a special word of praise needs to go to Chairman JOHN DENT who pioneered the effort in black lung protection and who has spent years working to produce a Federal program that helps our Nation's mining families.

Mr. Speaker, I am proud to cast my vote today for this bill that can have such a positive influence on our Nation and mining communities.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to another distinguished gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY of Pennsylvania. Mr. Speaker, I appreciate the chairman's untiring efforts in this regard.

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this conference report. I am not going into the details of the report. I think the gentleman from Connecticut (Mr. SARASIN) has done that adequately. I would join with him in saying that probably the one good thing that occurred in the conference—which was the result, by the way, of a painful confrontation between the Senator from Louisiana and the chairman of our committee—was the removal from this legislation of the financing which was to be under the guise of some sort of an insurance premium and putting it in an honest fashion where it belongs in the tax law. That has the added advantage of seeing that further increases in the tax and further liberalization, therefore, of the benefit program will have the scrutiny of the Committee on Ways and Means and the Senate Finance Committee, taking this program out of the hands of the Committee on Education and Labor. I think this will have the great advantage of stopping the semiannual liberalization of the black lung benefits program.

I should like to repeat a quote that the gentleman from Connecticut utilized in his presentation to the House a moment ago. The quote is by Prof. John F. Burton, Jr.—and I would hasten to add that, to my knowledge, he is not related in any way to any sitting Member of Congress. Certainly I think the Members will recognize that when they hear what he has to say about the black lung program. He says:

> The Black Lung Program, thus, is a classic example of pork barrel legislation.

I might say I agree with him, and this bill today is adding a little more pork to the barrel. That is why I am pleased that in the future the barrel will not be replenished with any additional pork without the scrutiny of the Committee on Ways and Means and the Senate Finance Committee.

What this bill does is in a very timely fashion reopen all of the old claims. Anybody who ever in the past claimed that he had black lung can, now even though his claim has been turned down twice or three times before, have it opened and have it reviewed under liberalized criteria.

I am not certain whether this bill will accomplish the long-sought-after goal of seeing that every ex-coal miner finally gets black lung benefits, but it will come very close to doing that. I say timely; as you know, the United Mine Workers pension fund is now defunct. It is bankrupt. The pension benefits are no longer being paid to the pensioners, because the current coal miners are on strike and no payments are going into the fund.

Now the ex-coal miners will receive their benefits under the black lung program; so I guess it is timely in that way, not only will the ex-coal miners be getting paid under the guise of disability compensation, but the benefits can be fairly liberal, since under this legislation they can also simultaneously get workmen's compensation from the State in which they reside and disability compensation from social security. Those three together will probably offset the loss of their pension payments from the United Mine Worker's pension fund.

I think we can understand from my tongue-in-cheek presentation that I think this legislation is really not necessary. I do not think any more pork should be put in the barrel. The pork barrel which was estimated to cost $40 million or $50 million a year is now costing the Treasury over $1 billion a year. In the future the financing, of course, will now go directly on the backs of coal users. That is, of course, everybody who consumes energy will be paying the additional cost. It is going to be shifted more clearly out to the Western area of the country and the Midwest, because out there the incidence of pneumoconiosis, medically speaking, is zero. They have open-pit mining. Nobody gets black lung or pneumoconiosis out there, and yet the tax will be applied on that Western coal and the people in California and Colorado will be paying the black lung benefit costs by higher electrical bills, or if they are a direct user of coal, higher coal bills. This is the pork barrel nature of this legislation.

I do not expect that it will be defeated, but we ought to know what it is that we have done to ourselves.

Mr. Speaker, I reserve the balance of my time.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from the Committee on Education and Labor, the gentleman from Illinois (Mr. SIMON), who has worked long and hard on this legislation.

Mr. SIMON. Mr. Speaker, I thank the great chairman of the committee, who has provided such great leadership in this matter.

Let me point out a few things briefly. This is a compromise, as all compromise committee measures are compromises. It is enough of a compromise that it passed the Senate by voice vote unanimously. I should point that out to my colleagues.

My colleague from the other side of the aisle, the gentleman from Connecticut (Mr. SARASIN) said that we took the most liberal provisions in each House and put them into the final product. I happen to wish that were the case. That is not the case.

Let me just cite a few examples.

The post-1970 part B claims can now be litigated.

The 17-year widow provision was dropped.

One of the provisions the gentleman mentioned, that of X-rays, as it passed the House, the X-rays which any physician made had to be accepted. Under the

conference committee, we accepted the Senate provision that it had to be a board-certified radiologist who made the X-rays.

Future claims are not judged by the interim standards, but by standards established by the Secretary of Labor. That again is tightening.

My colleague, the gentleman from Illinois (Mr. ERLENBORN), mentioned the taxation provision, which is also a tightening one.

There are a number of others.

Now, I could go into the merits of this thing, but I think the Members understand the situation.

Mr. Speaker, I would like to ask the chairman of the committee a few questions, if I may.

As I understand the current situation, the incorporation of the procedural provisions of the Longshoremen's and Harbor Workers' Compensation Act into part C of the 1969 and 1972 versions of this legislation has resulted in considerable confusion and extended litigation. Does the proposed new legislation clarify this situation?

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. SIMON. I yield to the chairman of the committee.

Mr. PERKINS. Mr. Speaker, I would say to the distinguished gentleman from Illinois (Mr. SIMON) that the answer is yes.

Mr. Speaker, section 7(a) of the new bill makes clear that the provisions of the Longshoremen's and Harbor Workers' Compensation Act relating to claims processing, hearings and appeals as they now exist, and as they may be amended from time to time in the future, are applicable to the resolution of claims for black lung benefits.

Mr. SIMON. Under social security's administration of part B of this program, appeals from administrative law judges' decisions were first brought before the Agency's Appeals Council and then taken to the local Federal district courts, and now all such appeals will go directly to the Benefits Review Board. Will any claimants be prejudiced by this change in appeals procedure?

Mr. PERKINS. No, the Board will still afford claimants equivalent access to a single appeals body with special expertise in the complex areas within its jurisdiction. Moreover, decisions of the Board will be subject to review by courts of appeals just as district court rulings were previously.

It is important to recognize that the creation of the Board in the 1972 Longshoremen's and Harbor Workers Act amendments was a conscious effort by the Congress to eliminate the inflexibility and delay that attended the procedures displaced by those amendments. Consistent with those objectives, it is our understanding and intent that the Board expedite the full consideration of these black lung claims and do all within its power to avoid the inordinate delays that have unfortunately been in the past a part of this program. We expect the Board to effectuate the intent of Congress in its actions and to exercise all powers consistent with its statutory charge to hear and determine appeals raising a substantial question of law or fact.

Mr. SIMON. Mr. Speaker, I would also like to ask Chairman PERKINS, who also served as chairman of the conference committee, if in his opinion this legislation clearly requires that all denied or pending claims subject to the review provisions of the new section 435 will be subject to reconsideration under the so-called interim medical criteria applicable under part B of the black lung program?

Mr. PERKINS. That is the intent of the legislation, and I would state to the gentleman that a reading of the conference report and of the joint explanatory statement could lead only to that opinion. The new law speaks clearly to this issue; and the relevant legislative history and intent is equally clear. All claims filed before the date that the Secretary of Labor promulgates new medical standards under part C are subject to evaluation under standards that are no more restrictive than those in effect as of June 30, 1973. And that means the so-called interim standards. These are the standards HEW has applied under part B and they are the precise and only standards HEW will apply to these old claims it must review according to this legislation. As for the Labor Department, it too must apply the interim standards to all of the claims filed under part C, at least until such time as the Secretary of Labor promulgates new standards consistent with the authority this legislation gives him. We do recognize in the joint explanatory statement that the Secretary of Labor may apply the interim standards to its part C claims within the context of all relevant medical evidence. But there is no such directive or requirement imposed on HEW as it fulfills its review duties. We expect that HEW will review these old claims according to the same interim criteria it has applied in the past.

I would also add here that this legislation gives no authority to the Labor Secretary to alter, adjust, or otherwise change the interim standards until such time as he actually promulgates the new standards and those new standards will apply only to claims filed after the effective date of their promulgation. Insofar as the interim standards address a medical criteria, they cannot be made more restrictive.

Mr. SIMON. Mr. Speaker, I thank the chairman for his response. His views are in perfect accord with my own understanding of the intent underlying these provisions.

Mr. Speaker, I would simply add that we have an opportunity, not to do everything we should do, frankly, for the coal miners of this Nation, but at least to take a step forward for justice and what is right. I am confident that this House will do exactly that.

Mr. Speaker, I am pleased that the language in this bill is crystal clear on the subject of the medical standards that must be used by the Secretary of HEW and the Secretary of Labor in reviewing all pending and denied claims filed before the effective date of new medical standards promulgated by the Secretary of Labor for part C cases. Those standards can be no more restrictive than the so-called interim criteria, formally known as the interim adjudicatory standards, applied by the Social Security Administration after the 1972 Black Lung Amendments and before July 1, 1973.

The new section 402(f)(2) of the act created by section 2(c) of the bill reads:

"(2) Criteria applied by the Secretary of Labor in the case of—

"(A) any claim which is subject to review by the Secretary of Health, Education, and Welfare, or subject to a determination by the Secretary of Labor, under section 435(a);

"(B) any claim which is subject to review by the Secretary of Labor under section 435(b); and

"(C) any claim filed on or before the effective date of regulations promulgated under this subsection by the Secretary of Labor;

shall not be more restrictive than the criteria applicable to a claim filed on June 30, 1973, whether or not the final disposition of any such claim occurs after the date of such promulgation of regulations by the Secretary of Labor."

It should not be possible to misconstrue the meaning of this language. The Department of Labor is required to apply medical criteria no more restrictive than criteria being used by the Social Security Administration on June 30, 1973.

The conference committee agreed that the Secretary of Labor, in his review of denied and pending cases, is to consider all relevant medical evidence and to promulgate regulations for the use of such evidence. An example of this would be for the Secretary to consider and promulgate regulations on the International Labour Organization's respiratory function tests in pneumoconiosis, which is not a form of medical evidence included in the interim adjudicatory standards. The relevant language in the report states:

With respect to a claim filed or pending prior to the promulgation of such regulations, such regulations shall not provide more restrictive criteria than those applicable to a claim filed on June 30, 1973 except that in determining claims under such criteria all relevant medical evidence shall be considered in accordance with standards prescribed by the Secretary of Labor and published in the Federal Register.

So the Secretary is not confined to the medical evidence of the interim criteria and yet may not prescribe criteria more restrictive than the social security interim adjudicatory standards.

I believe the language of the bill is very clear on this point. I wanted to reemphasize the intent of the conferees, however, in order to eliminate any confusion that might have arisen because of the language of the conference report.

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I appreciate this opportunity to voice my strong support for the conference report accompanying H.R. 4544, to amend the Federal Coal Mine Health and Safety

Act to improve the black lung benefits program under such act.

The legislative recognition of black lung disease, enacted in 1969, was an extremely significant action in behalf of the men who mine the Nation's coal. It sought to insure that they would be adequately compensated for the crippling work-related disease affecting them. However, improvements are certainly needed in the program, beyond those amendments enacted in 1972. This report addresses itself in a very positive way to that critical need.

I know that the House Education and Labor Committee has looked long and hard at this program since its inception. I believe the improvements and remedial actions proposed by this measure represent an important clarification of legislative intent. For these reasons I strongly support the conference report accompanying H.R. 4544.

When we consider the importance that coal—our Nation's largest energy resource—is going to play in the development of a national energy policy, we can appreciate the contributions that are going to be made by the miners of this country. And, the dangers they will be facing as far as pneumoconiosis is concerned. The lives of the miners must be protected to the greatest possible extent, a well as compensating those who are sure to contract black lung disease.

The findings of the Congress so clearly expressed in the 1969 act are worth emphasizing once again, because unfortunately, there is much need to act in fulfilling the legislative intent of the original act through legislated improvements in the program: There are a significant number of coal miners living today who are totally disabled due to pneumoconiosis arising out of employment in one or more of the Nation's coal mines; there are a number of survivors of coal miners whose deaths were due to this disease or who were totally disabled by this disease at the time of their deaths.

In my view, there are compelling reasons for broadening, strengthening, and improving the program created by the Federal Coal Mine Health and Safety Act of 1969. I strongly endorse this conference report accompanying H.R. 4544, and urge my colleagues to act swiftly on this most important piece of legislation.

Mr. ERLENBORN. Mr. Speaker, if I might have the attention of my colleague, the gentleman from Kentucky (Mr. PERKINS), chairman of our committee, I ask the chairman of the committee to clear up what could be considered some ambiguity in section 7(b) of the conference report as it amended section 422(b) of the act.

When the Federal Mine Safety and Health Amendments Act of 1977 was enacted as Public Law 95–164 on November 9, 1977, the definition of "operator" under the Federal Coal Mine Health and Safety Act of 1969 was amended to include "or any independent contractor performing services or construction at such mine;". Section 7(b) of the conference report amends section 422(b) of the act in the terms "An employer, other than an operator of a coal mine shall not be required to secure the payment of such benefits . . ." and goes on to require such "employer" to guarantee or secure payment of benefits where a claim is once approved. Does section 7(b) of the conference bill have reference to those transportation or construction employers, now "operators" under Public Law 95–164?

Mr. PERKINS. The gentleman is correct in that the reference is to those transportation or construction employers now designated as operators. The reason for the distinction lies in the intent of the conferees that this amendment (section 7(b) of the conference report) assures that unless a transportation or construction employer is also engaged in the mining of coal, such employer, engaged solely in construction or transporting activities at a coal mine, is not to be required to secure the payment of an employee's black lung claim until the Secretary determines that an employee is, in fact, eligible to receive black lung benefits.

Mr. ERLENBORN. As I understand then, an employer, engaged solely as a construction or transportation employer, not actually mining coal, will not have to buy insurance to secure future claims, but must pay claims or secure the payment of claims once they are determined eligible for payment due to disability from black lung.

Mr. PERKINS. That is correct. Those employers are not required to buy insurance to cover future claims, but are responsible for paying claims once they are approved.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Alabama (Mr. BEVILL).

Mr. BEVILL. Mr. Speaker, I rise to urge prompt approval of H.R. 4544, the conference report on the Black Lung Benefits Reform Act of 1977.

With the Senate's unanimous approval of this legislation on February 6, only House approval and the signature of the President remain before this much-needed program becomes law.

We have been assured that Presidential approval is forthcoming, so the issue boils down to the action this body takes today on this reform package.

Approval of H.R. 4544 will provide the Nation's coal miners and the survivors of those who died as a result of black lung disease with an equitable Federal program, which was the intent of the first black lung bill passed back in 1969.

Past procedures that have been used in the determination of black lung claims have often been confusing and bogged down in the Federal bureaucracy.

This legislation is designed to streamline the claims process and make the entire system more uniform.

Probably the most significant aspect of the legislation is the provision that requires all black lung claims approved in the future to be paid by the coal industry, or by the related trust fund established recently when H.R. 5322 was approved.

The legislation also provides that old claims that will be approved as a result of the review mechanism built into this bill will also be the financial responsibility of the industry or the trust fund.

This overall transfer of residual liability for black lung benefits from the Federal Government to coal operators is justified and, in my opinion, will be a significant change for the better as far as the black lung program is concerned.

The argument that the black lung benefits program is merely a pension has been debated on numerous occasions. I have always disagreed with this theory. Estimates indicate that a disabled miner who qualifies for black lung can at best expect only 50 percent of what he would normally earn at a regular job in the mines. That statistic would seem to successfully rebut any argument regarding the legitimacy of the black lung program.

Congress is justified in providing assistance to those thousands of miners who are afflicted with the various black lung diseases. Many of these people have literally seen their lives ruined as a result of the disease.

I want to compliment the distinguished chairman from Kentucky for his untiring efforts in support of this legislation. He has guided this bill through a long and at times discouraging legislative trail. The final legislative draft before us today is a tribute to his work and for this he should be commended.

In closing, I again ask this body for prompt and decisive approval of H.R. 4544. Your affirmative vote will be one that will be appreciated by literally thousands of miners and their families who have been victims of this dirty disease.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I rise in strong support of the black lung conference report.

I wish to commend the chairman, the gentleman from Kentucky (Mr. PERKINS) and the members of the Committee on Education and Labor who have worked so long and hard on this piece of legislation. I also wish to commend the members of the conference committee on both sides of the Congress.

This bill, Mr. Speaker, I feel goes a great step forward as far as relieving a lot of the human and economic suffering that our Nation's coal miners are facing every day.

Mr. Speaker, I had a town hall meeting in one of our towns in Wyoming County, Pineville, W. Va., this past weekend, attended by well over 500 coal miners, many of whom could barely make it up the steps of the Wyoming County Courthouse.

To them, Mr. Speaker, this piece of legislation is going to be a bright ray of sunshine in what have truly been dark days recently. The elimination of the offset penalties, the liberalization of the widows' benefits, and the setting up of

regional black lung clinics down in the coal fields are going to make these individuals indeed feel a great deal closer to their Government.

Mr. Speaker, I once again want to commend the distinguished chairman of the Committee on Education and Labor, the gentleman from Kentucky (Mr. PERKINS), for his hard and diligent work; and I urge this House to approve this conference report.

Mr. PERKINS. Mr. Speaker, I have no further requests for time.

Mr. ERLENBORN. Mr. Speaker, I have no further requests for time.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. KAZEN). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ERLENBORN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 264, nays 113, answered "present" 1, not voting 54, as follows:

[Roll No. 62]

YEAS—264

Akaka	Collins, Ill.	Gilman
Alexander	Conyers	Ginn
Allen	Cornell	Glickman
Ambro	Cornwell	Gonzalez
Ammerman	Coughlin	Gore
Anderson, Calif.	D'Amours	Hamilton
	Danielson	Hammer-schmidt
Andrews, N.C.	Davis	Hanley
Annunzio	de la Garza	Hannaford
Applegate	Delaney	Harkin
Ashley	Dellums	Harris
Aspin	Derrick	Harsha
AuCoin	Derwinski	Hawkins
Baldus	Dicks	Heckler
Barnard	Dingell	Hefner
Beard, R.I.	Dodd	Hightower
Bedell	Dornan	Holland
Beilenson	Downey	Hollenbeck
Benjamin	Drinan	Holtzman
Bennett	Duncan, Oreg.	Howard
Bevill	Duncan, Tenn.	Hubbard
Biaggi	Early	Hughes
Blouin	Eckhardt	Jacobs
Boggs	Edgar	Jenkins
Bolling	Edwards, Calif.	Jenrette
Bonior	Eilberg	Johnson, Calif.
Bonker	Emery	Johnson, Colo.
Bowen	English	Jones, N.C.
Breckinridge	Ertel	Jordan
Brodhead	Evans, Colo.	Kastenmeier
Brooks	Evans, Del.	Kazen
Broomfield	Evans, Ga.	Keys
Brown, Ohio	Fary	Kildee
Buchanan	Fascell	Kostmayer
Burke, Mass.	Fenwick	Krebs
Burlison, Mo.	Findley	LaFalce
Burton, John	Fish	Le Fante
Burton, Phillip	Fisher	Leach
Byron	Fithian	Lederer
Caputo	Flippo	Leggett
Carney	Flood	Lehman
Carr	Florio	Levitas
Carter	Flowers	Lloyd, Calif.
Cavanaugh	Foley	Lloyd, Tenn.
Chappell	Ford, Tenn.	Long, La.
Chisholm	Fowler	Long, Md.
Clausen, Don H.	Fraser	Lujan
	Fuqua	Luken
Cohen	Gaydos	Lundine
Coleman	Gephardt	McCloskey
McDade	Ottinger	Skubitz
McFall	Panetta	Slack
McHugh	Patten	Solarz
Madigan	Patterson	Spellman
Maguire	Pattison	St Germain
Markey	Pease	Staggers
Marks	Pepper	Stark
Marlenee	Perkins	Steers
Mattox	Pike	Studds
Mazzoli	Pressler	Thompson
Metcalfe	Preyer	Traxler
Meyner	Price	Tsongas
Mikulski	Pursell	Ullman
Mikva	Rahall	Van Deerlin
Miller, Calif.	Railsback	Vanik
Miller, Ohio	Rangel	Vento
Mineta	Reuss	Volkmer
Minish	Richmond	Walgren
Mitchell, Md.	Rinaldo	Wampler
Mitchell, N.Y.	Rodino	Watkins
Moffett	Roe	Waxman
Mollohan	Rogers	Weaver
Moss	Rooney	Weiss
Mottl	Rose	Whalen
Murphy, Ill.	Rosenthal	White
Murphy, Pa.	Rostenkowski	Whitley
Murtha	Runnels	Whitten
Myers, John	Ruppe	Wilson, C. H.
Natcher	Sawyer	Wilson, Tex.
Neal	Scheuer	Wirth
Nedzi	Schroeder	Wolff
Nichols	Seiberling	Wright
Nix	Sharp	Yates
Nolan	Shipley	Yatron
Nowak	Shuster	Young, Mo.
O'Brien	Sikes	Young, Tex.
Oakar	Simon	Zablocki
Oberstar	Sisk	Zeferetti

NAYS—113

Abdnor	Goldwater	Pritchard
Andrews, N. Dak.	Goodling	Quayle
	Gradison	Quie
Archer	Grassley	Regula
Ashbrook	Gudger	Roberts
Badham	Guyer	Robinson
Bauman	Hagedorn	Rousselot
Beard, Tenn.	Hall	Rudd
Breaux	Hillis	Santini
Brinkley	Holt	Sarasin
Brown, Mich.	Huckaby	Schulze
Broyhill	Hyde	Sebelius
Burgener	Ichord	Smith, Nebr.
Burke, Fla.	Ireland	Snyder
Burleson, Tex.	Jeffords	Stangeland
Butler	Jones, Okla.	Stanton
Cederberg	Kasten	Steed
Clawson, Del	Kelly	Steiger
Cleveland	Kemp	Stockman
Cochran	Ketchum	Stratton
Collins, Tex.	Kindness	Stump
Conable	Lagomarsino	Symms
Conte	Latta	Thone
Corcoran	Livingston	Treen
Cotter	Lott	Trible
Crane	McKinney	Vander Jagt
Cunningham	Mahon	Waggonner
Daniel, Dan	Mann	Walker
Daniel, R. W.	Marriott	Walsh
Devine	Martin	Whitehurst
Dickinson	Michel	Wiggins
Edwards, Ala.	Milford	Wilson, Bob
Edwards, Okla.	Montgomery	Winn
Erlenborn	Moore	Wydler
Flynt	Moorhead, Calif.	Wylie
Forsythe		Young, Alaska
Fountain	Myers, Gary	Young, Fla.
Frenzel	Pickle	
Frey	Poage	

ANSWERED "PRESENT"—1

Bafalis

NOT VOTING—54

Addabbo	Gibbons	Myers, Michael
Anderson, Ill.	Hansen	Pettis
Armstrong	Harrington	Quillen
Baucus	Heftel	Rhodes
Bingham	Horton	Risenhoover
Blanchard	Jones, Tenn.	Roncalio
Boland	Krueger	Roybal
Brademas	Lent	Russo
Brown, Calif.	McClory	Ryan
Burke, Calif.	McCormack	Satterfield
Clay	McDonald	Smith, Iowa
Corman	McEwen	Spence
Dent	McKay	Stokes
Diggs	Mathis	Taylor
Evans, Ind.	Meeds	Teague
Ford, Mich.	Moakley	Thornton
Gammage	Moorhead, Pa.	Tucker
Giaimo	Murphy, N.Y.	Udall

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Taylor against.
Mr. Bingham for, with Mr. McClory against.
Mr. Moakley for, with Mr. Spence against.
Mr. Brademas for, with Mr. Horton against.
Mr. Murphy of New York for, with Mr. Lent against.
Mr. Harrington for, with Mr. Hansen against.
Mr. Baucus for, with Mr. McDonald against.
Mrs. Burke of California for, with Mr. Risenhoover against.
Mr. Brown of California for, with Mr. Teague against.

Until further notice:

Mr. Udall with Mr. Giaimo.
Mr. Ford of Michigan with Mr. Meeds.
Mr. Stokes with Mr. Clay.
Mr. Boland with Mr. Jones of Tennessee.
Mr. Krueger with Mr. Roybal.
Mr. Ryan with Mr. Thornton.
Mr. Michael O. Myers with Mr. Gibbons.
Mr. Heftel with Mr. Mathis.
Mr. Blanchard with Mr. Corman.
Mr. Dent with Mr. Gammage.
Mr. Moorhead of Pennsylvania with Mr. Diggs.
Mr. McCormack with Mr. Roncalio.
Mr. Satterfield with Mr. Anderson of Illinois.
Mr. Tucker with Mr. McKay.
Mr. McEwen with Mr. Quillen.
Mr. Russo with Mr. Evans of Indiana.

Messrs. MAHON, McKINNEY, and BEARD of Tennessee changed their vote from "yea" to "nay."

Mr. RINALDO changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

REFERRING H.R. 6365, H.R. 6687, H.R. 7027, H.R. 7465, H.R. 7603, H.R. 8328, H.R. 8859, AND H.R. 10049 TO THE COMMITTEE ON WAYS AND MEANS

Mr. NEAL. Mr. Speaker, I ask unanimous consent that the bills H.R. 6365, H.R. 6687, H.R. 7027, H.R. 7465, H.R. 7603, H.R. 8328, H.R. 8859, and H.R. 10049, to amend the National Housing Act to provide for the insurance of graduated payment mortgages, and for other purposes, all of which have been referred solely to the Committee on Banking, Finance and Urban Affairs and all of which contain extensive amendments to the Internal Revenue Code, be jointly referred to the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

RE-REFERRAL OF H.R. 10544 TO THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

Mr. NEAL. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the bill H.R. 10544 to amend the Export-Import Bank Act of 1945 and that the bill be re-referred to the Committee on Banking, Finance and Urban Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 9757, "GRAZING FEE MORATORIUM OF 1977"

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 95–882) on the resolution (H. Res. 1024) providing for the consideration of the bill (H.R. 9757) entitled "Grazing Fee Moratorium of 1977," which was referred to the House Calendar and ordered to be printed.

AQUACULTURE ORGANIC ACT OF 1977

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 998 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 998

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9370) to provide for the development of aquaculture in the United States, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Mississippi, Mr. LOTT, and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 998 provides for the consideration of the bill H.R. 9370, the National Aquaculture Organic Act of 1977 This is a simple 1-hour rule which makes it in order to consider the amendment in the nature of a substitute proposed by the Committee on Merchant Marine and Fisheries as an original bill for the purposes of amendment. House Resolution 998 further provides a waiver of the provisions of section 402(a) of the Congressional Budget Act of 1974, which prohibits the enactment of new budget authority for a fiscal year unless the legislation so providing is reported by May 15 of the year preceding that fiscal year.

The chairman of the Budget Committee has advised that he has no objection to the waiver of this provision of the Congressional Budget Act, since the committee substitute cures the Budget Act, since the committee substitute cures the Budget Act violation.

Mr. Speaker, H.R. 9370 provides for the development of aquaculture in the United States. Aquaculture is the cultivation of aquatic plants and animals in marine, brackish, and fresh water. It is an ancient practice, and many countries—for example, China, Russia, Poland, and Japan—are much more active in this field than is the United States. This legislation would put in place for the first time a comprehensive and coordinated national aquaculture policy.

The bill directs the Secretary of Commerce, in consultation with the Secretary of Interior and the Secretary of Agriculture, as well as other appropriate Federal and State agencies, to establish within 1 year a national aquaculture plan. The purpose of this national aquaculture plan would be to coordinate domestic aquaculture programs and to increase the availability of fisheries resources.

The plan would identify those aquatic species with a high potential for commercial cultivation and set forth a development program for each species. A loan guarantee program, administered by the Secretary of Commerce would make development capital available for the construction and operation of aquaculture facilities and for the acquisition of stocks of aquatic species.

The Secretary of Commerce would also establish a disaster loan program to replenish stocks and reconstruct aquaculture facilities and an all risk insurance program covering such facilities and stocks. The bill permits up to $500 million outstanding in the loan guarantee program and $250 million in the disaster loan program. Coverage under the insurance program may not exceed $1 billion.

In addition to the funds provided for the loan and insurance programs, the bill authorizes appropriations for the Department of Commerce in the amount of $36 million for fiscal years 1979 through 1981. The Departments of Agriculture and Interior are each authorized a total of $18 million cumulatively for aquaculture activities in the fiscal years 1979 through 1981 under this legislation.

Mr. Speaker, I urge the adoption of House Resolution 998 so that we may consider H.R. 9370.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Louisiana has explained, this is a 1-hour open rule, making in order the consideration of H.R. 9370, the Aquaculture Act of 1977. Section 402(a) of the Congressional Budget Act, which prohibits the House from considering legislation containing budget authority that is reported after May 15, is waived. The amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for purposes of amendment is made in order, and there is a motion to recommit with or without instructions.

Aquaculture is the cultivation of aquatic plants and animals in marine, brackish, and fresh water. H.R. 9370 directs the Secretary of Commerce to establish a national aquaculture development plan which will identify those aquatic species with a high potential for culturing on a commercial basis. For each identified species, the plan will set forth a development program.

To further assist in promoting aquaculture, the legislation authorizes the Secretary of Commerce to make available development capital by establishing a loan guarantee program for the construction and operation of aquaculture facilities and for the acquisition of stocks of aquatic species. The Secretary is also directed to establish a disaster loan program for the purposes of replenishing stocks and reconstructing aquaculture facilities. Finally, the Secretary may establish an all-risk insurance program covering such facilities and stocks.

The Committee on Merchant Marine and Fisheries estimates that this bill will cost a total of $268,800,000 for the current fiscal year and the next 5 succeeding years.

Mr. Speaker, at a time when the United States is dependent upon foreign countries for more than 60 percent of its seafood requirements, I cannot conceive of a more appropriate moment to have scheduled this legislation, unless it had been scheduled several years ago. This Nation has neither a comprehensive policy for developing its seafood resources nor any real coordination between the Federal agencies charged with administering fisheries research and development. The absence of these vital elements in the fishing industry has contributed greatly to the near depletion of a number of our fisheries.

The 200-mile fishing jurisdiction limit is a very significant step in the right

direction. This legislation, the Aquaculture Act of 1977, is needed now to supplement that law and provide fishermen with the necessary incentives to make their industry a viable one, and one that will be able to meet the ever increasing demand for protein-rich foods.

Some concern has been expressed recently from a certain fresh water fishing industry regarding the effect this legislation may have on it with respect to financial assistance from the Department of Agriculture. It is my understanding that there is language in the legislation providing that the enactment of the bill will in no way affect existing law. Nonetheless, in view of this concern, I have been assured that this particular issue will be addressed during the debate.

I am advised that there was unanimous support for H.R. 9370 in the Merchant Marine and Fisheries Committee. Likewise, there was no opposition to this rule in the Rules Committee. This should provide a strong indication that the legislation is worthwhile. I believe it is, and I support the rule and the bill.

Mr. Speaker, I have no requests for time, and I urge the adoption of the rule.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous qeustion was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LEGGETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9370) to provide for the development of aquaculture in the United States, and for other purposes.

The SPEAKER pro tempore (Mr. KAZEN). The question is on the motion offered by the gentleman from California (Mr. LEGGETT).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9370, with Mr. WHITE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. LEGGETT) will be recognized for 30 minutes, and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, traditional stocks of marine resources, once thought to be unlimited, are now estimated by some experts to be capable of yielding a maximum global harvest of 100–150 million metric tons per year. More conservative estimates rarely exceed 100 million metric tons, including that of our National Oceanic and Atmospheric Administration (NOAA) who estimates the 100 million figure will be reached by 1980. World fish catches currently exceed 69 million metric tons and have hovered around 70 million metric tons for several years.

What these figures mean is that, on a worldwide basis, we can expect a shortage of fisheries products within the next decade if the current population trend continues. The present world population is approximately 4 billion and is expected to expand to 6 billion by the year 2000.

World per capita consumption of fish is about 24 pounds yearly, ranging from less than 1 pound in Afghanistan to over 79 pounds in Japan and Iceland.

At the Technical Conference on Aquaculture, sponsored by the Food and Agriculture Organization of the United Nations in Kyoto, Japan, in May of 1976, (a conference I attended), Dr. T. V. R. Pillay, the Food and Agriculture Organization aquaculture program leader, reviewed the state of aquaculture in the world. He noted the steady increase in world aquaculture production over the past decade so that over 6 million tons were estimated to have been produced in 1975 through aquaculture, but concluded:

> In order to achieve a projected five to tenfold increase in aquaculture production in three decades, massive financial investments, suitable legislation, intensive research, manpower training, development of institutions and other essential infrastructure is required.

With that world overview, how do we stack up in the United States? Briefly, we are long on potential but considerably shorter on performance. While in 1973 and 1974 U.S. aquaculture was a $190 million industry, it accounted for only 3 percent of all fish and shellfish consumed domestically.

Currently, we import for consumption more than 60 percent of our fishery products, amounting in 1976 to about 4.6 billion pounds. With U.S. consumption of fish and shellfish on the increase, reflecting a healthy demand by consumers, we are a long way from realizing our domestic aquaculture production potential.

The potential for aquaculture in the United States is enormous. As terrestrial agriculture production has been increased by applying new technology and farming techniques, so can aquatic food production be increased. The potential protein production per unit area of water has been estimated to be up to 5,000 times that of a similar area in pasture used for beef production. In addition, aquaculture is a far more energy efficient form of food production, a fact which will become increasingly important in the days ahead.

Per capita U.S. consumption of fish and shellfish in 1976 was around 12.9 pounds and is projected to increase to 15.2 pounds by the year 2000. I would like it to be more. For example, between 1975 and 1980, the demand for domestic shrimp alone is projected to increase by 13 percent and by the year 2000 by 79 percent. For salmon and trout, demand is expected to increase 75 percent by the year 2000 and for catfish 84 percent. For all fish and shellfish combined, the projected demand by the year 2000 is expected to exceed 1975's by 80 percent—an average annual increase of 3.4 percent of the 1975 rate. This compares favorably with the projected annual increase in demand rates for most other food types as follows: pork, 2.7 percent; beef, 3.0 percent; mutton and lamb, 3.6 percent; and poultry, 4.1 percent. Having said this, let me bring you up-to-date on congressional activity in this area.

Aquaculture legislation had its inception in the 93d Congress but did not move toward center stage until the 94th Congress, during which time 6 days of hearings were held on H.R. 370 and identical bills.

At the conclusion of those hearings, the bill was rewritten to take into consideration the suggestions of the witnesses testifying at the hearings, and the result was H.R. 14695, which was introduced on July 2, 1976.

At the beginning of the 95th Congress, we introduced an identical bill, except for technical changes, which became H.R. 1833. Hearings were held on this bill in Washington, D.C., and in the States of Hawaii, Oregon, Washington, and Maine.

In general, the overwhelming majority of the testimony presented at the hearings was in strong support of the legislation. Those few witnesses who opposed or expressed concern over it were fearful that Federal assistance promoting the development of aquaculture might result in unfair competition to existing acquaculture or commercial fishing operations. This concern was allowed for when the two subcommittees handling this bill, on September 15 of last year reported a clean bill to our full committee in the form of H.R. 9370. The full committee reported the bill on September 29, by unanimous vote.

Briefly explained, H.R. 9370 makes congressional findings that world production of seafood is declining; that certain stocks of fish of importance to the United States are depleted or declining; that there is an extensive U.S. market for seafood; that the United States imports more than 50 percent of its fish for human consumption; and that current efforts in the United States to develop aquaculture are highly diffuse.

It has as its stated purpose to promote commercial aquaculture in the United States by declaring a national aquaculture policy, by establishing and implementing a national plan in order to develop programs and encourage activities which will result in the coordination of domestic efforts, the increased availability of fishery resources, and the creation of new industry and fisheries related job opportunities.

It would require the Secretary of Commerce, in consultation with the Secretaries of the Interior and Agriculture, the chief executive officer of any other Federal agency, and any appropriate re-

gional fishery management council and State agency, to establish a national aquaculture development plan within 1 year.

It would require the Secretary of Commerce in developing the plan to identify aquatic species which the Secretary determines can be cultured on a commercial basis.

Each program for a priority species would be implemented either individually, jointly or collectively by the Secretary of Commerce, the Secretary of the Interior, or the Secretary of Agriculture on the basis of responsibilities vested in the respective Secretaries under current law.

The Secretary of Commerce would be required to include in the plan an aquaculture development program for each priority aquatic species setting forth those actions which she deems should be undertaken to provide for the culture of each species on a commercial basis.

The Secretary of Commerce, in consultation with the Secretaries of the Interior and Agriculture and other appropriate Federal and State officials, would be required to review, on an annual basis, each aquatic species not identified as a priority aquatic species and the program established for each existing priority aquatic species. If as a result of this review, the Secretary finds that any aquatic species has a high potential for being cultured on a commercial basis she would be required to designate that species as a priority aquatic species and to establish a program for such species. If the Secretary finds that a program for an existing priority species is not being carried out adequately and the culture of such species on a commercial basis is doubtful, she would be required to modify or cancel the program.

The Secretary of Commerce, the Secretary of the Interior or the Secretary of Agriculture, as the case may be, would be required to implement any program established under the act and provide advisory, education and technical services to interested public and private organizations.

The Secretary of Commerce, the Secretary of the Interior, or the Secretary of Agriculture, incidental to such Secretary's implementation of any program, would be authorized to conduct scale tests and, if necessary, construct, operate and maintain developmental aquaculture facilities for the purpose of assessing the biological and economic feasibility of any aquaculture system.

The Secretary of Commerce would be required to establish and maintain an Aquaculture Informational Center, which would function as a national clearinghouse for the collection and dissemination of scientific, technological and economic information relating to aquaculture.

Incidentally, to illustrate how diffuse the present Federal handling of aquaculture is, 11 Federal agencies have been identified as having a direct involvement with aquaculture. In addition, there are 10 other Federal agencies that have programs that are indirectly related to aquaculture.

The Secretary of Commerce, the Secretary of the Interior and the Secretary of Agriculture in carrying out their responsibilities would be authorized to make grants to or contracts with any other Federal agency, any agency of any State or political subdivision, or any other person. The amount of any grant could not exceed one-half of the estimated cost of the project. Grants to or contracts with any political subdivision of a State would be made or entered into only with the approval of the State.

The Secretary of Commerce would be authorized to guarantee the payment on any loan issued by a lender for the purpose of financing the construction of an aquaculture facility, the acquisition of stocks of aquatic species for such a facility, initial operating expenses for such a facility, marketing operations exclusively for aquaculture products and for the refinancing of any existing loans for such purposes. The aggregate unpaid principal amount of all obligations guaranteed and outstanding at any time could not exceed $500 million.

To emphasize the need for this provision in this legislation, at the committee hearings we discovered that the Small Business Administration, the Federal agency which is supposed to assist in meeting small business needs, made only eight aquaculture loans amounting to $125,000 in 1975 and a grand total of two such loans for 1976 amounting to $26,000. To make matters worse, we discovered that the Small Business Administration had established an administrative limit of $150,000 on most direct loans and guarantees. Given the fact that an aquaculture facility could cost several million dollars, it is clear that existing Small Business Administration programs do not provide an adequate source of investment capital.

Furthermore, the committee discovered that aquaculture loan programs administered by the Department of Agriculture were restricted to businesses where the technology had been established and proven. Thus far, aquaculture technology has been established for only a very few species and therefore the number of loans to this industry is extremely small. For example, the Farmers Home Administration makes farm ownership and operating loans to farmers for the production of fish, but only under controlled conditions such as in ponds and pens. The Farmers Home Administration was unable to verify any emergency loans to aquaculture operators.

However, under its business and industrial loan program, it made seven loans totaling $7.6 million during fiscal years 1975 and 1976 to aquaculture related operations. Of the seven loans during this 2-year period, one was for shrimp in Florida for $1,175,000 and the other for oysters in Delaware for $100,000. The other five loans were for processing and storage of fisheries products.

In addition, to guarantee loans, the Secretary of Commerce would be authorized for a period of 5 years to make direct loans at reasonable interest rates to any owner of an aquaculture facility whose facility or stock has been damaged or destroyed as a result of a natural disaster or whose stock of aquatic species has been damaged or destroyed by disease, pollution, or contamination, provide that such damage or destruction was not caused by the wasteful or negligent action of such owner and, provided further, that such disaster assistance is not available from any other Federal program.

Finally, the Secretary of Commerce would be authorized to establish a program to insure owners of aquaculture facilities for a period of 5 years if such insurance is not generally available at reasonable rates in the commercial market. The insurance would insure such owners against the loss of or damage to their facilities, against the loss of or damage to the stocks of any aquatic species being cultured at such facilities, and against all sums which such owners may become legally obligated to pay as damages because of bodily injury or property damages caused by the facilities, the operations of such facilities, or the stocks of species cultured at such facilities.

The Secretary would be required to establish the premium rate for any direct insurance provided under the program, but in no event could the premium be less than 25 percent of the actual premium rate for such insurance. Any perils that could be insured in the commercial market at reasonable rates would be excluded from such direct insurance coverage and no insurance would be provided to cover those facilities or stocks at such facilities if the owners of such facilities or stocks fail to follow established principles to prevent the loss of or damage to such facilities or stocks.

The Secretary would be authorized to provide reinsurance coverage with respect to any insurance issued by any insurer or pool of insurers. The face amount of insurance and reinsurance coverage outstanding and in force at any one time could not exceed $1 billion.

There would be established in the Treasury a Federal aquaculture assistance fund to be used as a revolving fund for carrying out and administering the loan guarantee, disaster loan and insurance programs.

The Secretary of Commerce would be required, at the end of the 3-year period beginning October 1, 1978, to review the operation and effectiveness of the disaster loan and insurance programs and to submit a report to the Congress with recommendations as to whether the programs should be continued. If the Secretary recommends continuation of either program, the report shall contain such suggestions as the Secretary deems necessary for improving the operation and effectiveness of such program or programs.

With respect to funding, the bill would authorize to be appropriated to the Department of Commerce not to exceed $4 million for fiscal year 1979; $15 million for fiscal year 1980; and $17 million for fiscal year 1981 to carry out its responsibilities under the act, other than those

relating to the loan guarantee, disaster loan and insurance programs.

It would authorize to be appropriated to the Department of the Interior and the Department of Agriculture, not to exceed $2 million each for fiscal year 1979; $7.5 million each for fiscal year 1980; and $8.5 million each for fiscal year 1981.

And, it would authorize to be appropriated to the fund such sums as may be necessary for carrying out the loan guarantee disaster loan and insurance programs, but not more than $500 million could be appropriated for carrying out the loan guarantee program and not more than $250 million for carrying out the disaster loan program.

It is estimated by the committee and the Congressional Budget Office that the cost of the legislation for the next 5 fiscal years would be $268.8 million.

A recent article on this subject in Business Week reiterated the view of officials of the Food and Agriculture Organization of the United Nations emphasizing that development of mariculture and aquaculture will require encouragement and support from national governments. The United States, the article said, spends only some $15 million a year on research in contrast to Japan's recently adopted 7-year program that calls for spending more than $600 million to foster the expansion of fish farming. Canada, too, has recently committed itself to a $300 million program aimed at restoring the British Columbia salmon stocks; and Mexico has recently launched more than a $1 billion fisheries program, of which more than $200 million will be committed to aquaculture.

In the absence of a comparable broad-based Federal program in this country some States are taking the initiative. For example: Hawaii has recently launched an expanded aquaculture program, committing over $5 million to it this year and the State of Alaska has just recently embarked on a $500 million fisheries program of which over $250 million has been allocated to the building of salmon fish hatcheries alone.

Naturally, I am extremely encouraged by such State activities and commitments, and I am firmly convinced that here in the United States we have a strong potential for producing high quality, nutritious seafood products for consumption at home as well as abroad to the benefit of our economy and hungry people alike. But the fact remains that this potential will go unrealized and this country will lag farther and farther behind in the development of aquaculture without a strong, coordinated Federal program such as that contained in H.R. 9370.

Mr. Chairman, I urge the prompt passage of H.R. 9370.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I would like to ask the gentleman this question: In the gentleman's opinion, do the provisions of this bill that the gentleman is reporting today conflict with the provisions of section 1503 of Public Law 95-113, which is known as the Food and Agriculture Act of 1977, in regard to the respective authorities of the Departments of Commerce and Agriculture in the field of aquaculture?

Mr. LEGGETT. No; it does not at all. Certainly the Food and Agriculture Act did have a Senate amendment which was confirmed when the bill was brought back to the House, but it did not provide for any funding in the program and for the development of an aquaculture program by the Department of Agriculture. It did not provide for any grant program, for any loan program, or for any reinsurance program. It did indicate that aquaculture was a facet of agriculture, and it did indicate that the Department of Agriculture was the lead agency in aquaculture.

Through a distorted view of that bill, I think one might glean that the Department of Agriculture was given a larger mission than. in fact, it had. We do not intend by this bill to take away any jurisdiction that the Department of Agriculture has; and certainly we want to encourage them to seek more funding than we have in this bill to fund their efforts in developing new strains of catfish and new strains of trout, and so forth.

Mr. SKELTON. If the gentleman will yield further, Mr. Chairman, my question is, Would there be duplication of effort and duplication of expenditure on behalf of the Department of Commerce and the Department of Agriculture?

Mr. LEGGETT. That is a very good question. The answer to that is emphatically no. We are going to see that these programs are mandated once and for all, and the agencies which want to exert vigorous effort are going to be recognized immediately. The Department of Commerce is the coordinating agency for aquaculture.

Mr. SKELTON. Along that same line, referring to the farm bill of 1977, specifically section 310(b) of U.S.C. 1932(a), as amended, that refers to the loan authority of the Department of Agriculture, and it is amended by the 1977 Food and Agriculture Act to extend the loan authority to aquaculture.

Would it not be a fact, then, that we can get loans under both the agriculture bill that we passed in 1977 and under this bill? Would there be a duplication there?

Mr. LEGGETT. Well, it is possible, and certainly, as I have indicated in my prepared remarks that will appear in the RECORD, the Farmers Home Administration, I believe, has made two loans for aquaculture, but they have not shown, really, any interest in the great bulk of things that we want to get into. Certainly, nobody can get a loan from that agency and a loan from this agency for the same thing.

Mr. SKELTON. But it is the gentleman's intention that there be a continuing authority under the Food and Agriculture Act of 1977 to make loans, as well as under this bill that he is presenting today, and he feels there is no duplication?

Mr. LEGGETT. That is true, and we feel that there is a meshing of jurisdiction. Certainly, I cannot amend the Agriculture Act. We have only got limited jurisdiction in our committee. We were very pleased to see the Senate put that particular amendment the gentleman is referring to in the Food and Agriculture Act.

Mr. SKELTON. But the gentleman sees no conflict between the two?

Mr. LEGGETT. I do not. To the extent that there possibly could be, that will be rationalized by regulations.

Mr. SKELTON. I would certainly hope that we could rationalize them by law rather than regulations. I thank the gentleman.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield.

Mr. BEDELL. The report on the bill includes a letter from John White, Deputy Secretary of the Department of Agriculture, which says:

> This Department recommends that the bill not be enacted in its present form.

Have there been substantial changes at this time from the bill that the Department of Agriculture recommended should not be enacted?

Mr. LEGGETT. Well, we have had virtually everybody testify for the legislation, and without fear of contradiction, there is nobody who has testified against the bill. There have been some remarks made indirectly against the bill by people who are constrained by the Bureau of the Budget. These funds we have authorized here are not in the budget, and therefore the Secretary of Commerce, as an example, has been strongly in favor of this legislation. We had meetings in her office, but even so the report from Commerce has had to be negative on the bill because of constraints of OMB.

Mr. BEDELL. But the Department of Agriculture in written form has indicated that they recommend that the bill not be enacted. Is that a fair statement?

Mr. LEGGETT. As have the other departments of Government.

Mr. BEDELL. All the departments are negative?

Mr. LEGGETT. That is right, but not because of any stealing of jurisdiction. All of the departments recognized that this is a program that needs to be coordinated, that needs to move ahead with the Fish and Wildlife Service, with Agriculture and the Department of Commerce.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield.

Mr. DON H. CLAUSEN. As the gentleman from California (Mr. LEGGETT) knows, there are a number of people who are concerned, such as fisherman in particular, in my congressional district. They have expressed concerns to me about how the existing fishing community is going to be protected against the possibility of some large organizations coming in, setting up the aquaculture program, and literally phasing them out.

It is my understanding that the gentleman has been attempting to develop something comparable to a small business set-aside arrangement that would protect them. Could the gentleman elaborate on that?

Mr. LEGGETT. The gentleman points up a good point, and certainly we are well aware that in Newport, Oreg., as an example, in the district of our colleague, Mr. AuCoin, Weyerhaeuser is putting in a new $10 million aquaculture plant. There is some concern about the fishermen there, that perhaps this is a private enterprise that may cause them some problems.

The other side of that is that all the fish are not going to be recaptured in the aquaculture facility. The committee was in Alaska and took testimony up there. We found that due to depleted fish stocks—and we have got depleted salmon stocks, and I will be speaking this Sunday in my colleague's district—the way we rejuvenate those is through aquaculture programs. So, the fishermen themselves in the Port of Alaska are developing their own aquaculture facilities. Some of the fish will come back into the area and some will be caught by the trawlers. So, it is a mutually complementary program.

Mr. DON H. CLAUSEN. I take it from the gentleman's remarks, and going a bit further, that first, he is aware of the point I raise and second, he will continue to monitor the program to make certain that the fishermen themselves are adequately protected against this kind of situation.

Mr. LEGGETT. We will monitor to see that the big fish do not eat the little fish.

Mr. DON H. CLAUSEN. I thank the gentleman.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman mentioning the project at Newport, Oreg., which is in my district. I say to the gentleman from California, in that aquaculture facility and others of a similar kind, the salmon fry that are produced from the aquaculture facility are free to be harvested by anyone while in the ocean and costal streams. And "anyone" includes sports and commercial fishermen. Then the surviving adults that come back to the aquaculture facilities are harvested there in the name of aquaculture.

And so the point is that these programs benefit all: the sea ranchers as well as traditional fishermen.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Mississippi.

Mr. TREEN. Mr. Chairman, with respect to the grant program, section 7 of the bill, could the gentleman inform me as to what agencies would have authority to make grants under that section? Is it not true that all three Secretaries can make grants?

Mr. LEGGETT. We specifically provide that all three Secretaries would have authority to make grants under that program.

Mr. TREEN. For what purpose are the grants to be made?

Mr. LEGGETT. The grants could be made for different reasons. As an example we have made a loan to a gulf shrimper—I will not state the name but it has been used in our committee hearings in the past—to develop a program. They have had very severe distress in handling disease and other kinds of acts of God that would occur with respect to their development. Certainly those are the kinds of things that, if we do not have people with lots of dough to speculate with, we would consider making a grant in that kind of program area to get over the initial hurdle, to show that particular kinds of programs are in fact commercially feasible, so that private enterprise can then follow in the tracks of that program.

Mr. TREEN. Under the terms of the bill, grants can be made to private individuals.

Mr. LEGGETT. Yes.

Mr. TREEN. They can be made to private commercial ventures.

Mr. LEGGETT. They can be made to public or private States in small amounts of money. We are not talking about the amounts of money I would like to see in this bill.

Mr. TREEN. Under the last year's authorization we are talking about $37 million or $34 million.

Mr. LEGGETT. But as compared to $500 million spent by the one State of Alaska.

Mr. TREEN. But grants up to 50 percent of the cost of the project can be made to commercial enterprises. My question to the gentleman is: Why not write a requirement into this legislation that should that commercial venture become profitable, to the extent that the profit is attributable to a Federal grant, that grant shall be repaid to the Federal Government?

Mr. LEGGETT. If I can respond to that, that takes a complicated response and I will respond to that question under the 5-minute rule.

Mr. BONKER. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield such time as he may consume to the gentleman.

Mr. BONKER. Mr. Chairman, this national aquaculture program sets this Nation on the path of extending its unequalled fund production to even more dramatic levels through development of our marine resources. It could not be more timely. The world's consumption of seafood protein is escalating at a phenomenal rate. At the same time. Congress has enacted the Fishery Conservation and Management Act to protect domestic fishing industry and encourage additional production to meet these increased protein needs. But that is not enough.

We have witnessed great accomplishments in overcoming many of the obstacles of major seafood production through aquaculture in recent years, but Government has not, until now, set a national goal. As a result, many Federal agencies are involved in every existing aquaculture project and there is no coordination of research, dissemination of information and data among interested parties, and little incentive for individuals to become involved.

This bill gives us the opportunity to change all that. While economies will determine the size of aquaculture enterprises, the language of the legislation encourages individual participation too. This is important in my State because we are attempting at this time to get members of the fishing industry involved in projects to enhance the fish resources. Despite the newly created 200-mile limit, fishermen of my district find themselves harvesting fish at lower levels each year. This lack of adequate fish resources to provide sufficient economic return to allow them to continue fishing demonstrates how valuable this aquaculture program could be.

But the promise of additional job opportunities and greater numbers of fish available would be an empty promise if the concerns of fishermen are not answered by the provisions of the bill. We have attempted to address each of those concerns through amendment when the proposed legislation was before the Merchant Marine Committee. I feel we have succeeded.

The fisherman need not fear market manipulation of price for two reasons. The production of seafood through aquaculture in the United States is currently 3 percent of the Nation's yearly need. Most countries produce 10 percent of their annual needs. Comparison of possible production potential to projected consumption indicates little likelihood that we can ever produce enough seafood to achieve significant reduction of price.

Another provision in the bill provides for systematic market development to increase demand as the supply of fish resources increases. Throughout the legislation the intent of Congress is clear that all fish released into public waters for feeding will not be protected from harvest by domestic fisheries. The existing fisheries will see therefore increases in harvest levels that will outweigh the return to aquaculture projects for the near term, and demand will exceed supply even if aquaculture projects treble existing production.

Aquaculture is a fledgling industry that will not adversely affect existing fishing industries in either the near future or the foreseeable future. Our present dependency for import of seafood products from other nations can be reduced but only after several years of development. The increased job opportunities, industries, and possibility for individual participation in enhancing our seafood resources and the formation of a national goal to address the world's protein needs mark this as landmark legislation that is necessary and desirable. The future will prove the wisdom of our efforts and the foresight we have demonstrated.

Mr. FORSYTHE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the National Aquaculture Organic Act offers an exciting

opportunity for this Nation to seize the initiative in the development of a new seafood production industry.

In 1975 over 2.5 million pounds of fish were consumed in the United States. By the year 2000, the demand for all fish and shellfish is expected to increase by 80 percent. World demand is also expected to increase dramatically.

To meet these rapidly expanding markets, we must look toward two systems of production—the traditional capture fisheries and aquaculture. With respect to the first, scientists estimate that the maximum sustained yield from the world's capture fisheries is approximately 100 million metric tons. In 1975 landings from capture fisheries totaled 64 million metric tons and at present rates of expansion, this source of seafood will be fully exploited before the close of the next quarter century.

This leaves us with one source to meet the burgeoning demand for high-protein seafood. That source is aquaculture. Within the next decade U.S. aquaculture production could increase dramatically. Oyster production, for example, could be increased from 20 million pounds to 40 million pounds. The next 10 years could also see U.S. aquaculture production of trout double from its present level of 30 million pounds per year. In the same time period, salmon production can be expected to increase by 50 percent or more.

Mr. Chairman, I could go on to discuss the production potential of shrimp, lobsters, carp, mullet, clams, marine plants, scallops, perch, yellowtail flounder, abalone, black cod, and other species of fish and shellfish, but the fact of the matter is that U.S. aquaculture stands on the precipice of a breakthrough similar to that achieved by U.S. agriculture.

If this breakthrough can be achieved, the benefits to the United States will be extraordinary. At the present time we import over $800 million of seafood products which could be provided by U.S. aquaculture. In addition to meeting our own demand for seafood and significantly reducing our seafood balance of payments deficit, the United States could become a net exporter of marine protein to meet the food needs of other nations.

If the future is so bright, the question is why do we need to enact H.R. 9370. Although the answer is not simple, it can be summarized by saying that there are significant obstacles to the development of the aquaculture industry which can be overcome by this legislation.

The development of aquaculture for any species is a two-stage process. First, we must understand the basic biology of a species—what makes it reproduce, what is the optimal growing temperature, what is the best food mixture at various stages of development, et cetera. Once this information is available, we move into the second stage of development—an engineering, biological and economic stage. There is a major difference between growing 100 fish in a laboratory tank and 100,000 fish in an aquaculture facility. The problems of disease, waste disposal, water quality within the system, nutrient mixes and other factors become magnified. The problems are no longer purely biological.

For many species the basic biology is known. What is needed is second-stage development and here is where the problem lies. Because of the present, high-risk nature of the fledgling U.S. aquaculture industry, investors are generally reluctant to invest their funds in aquaculture when higher and safer returns are available elsewhere. We are thus confronted with the proverbial chicken and egg situation. Investment money is available to develop the aquaculture industry, but only after second-stage development is completed. Yet, without this investment capital, second-stage development may never be achieved.

It is for this reason that H.R. 9370 directs the Secretary of Commerce to guarantee loans for the development of aquaculture facilities. The availability of Federal guarantees should provide a necessary incentive for private investors to funnel much-needed capital into the aquaculture industry. H.R. 9370 also directs the Secretary of Commerce to identify those aquatic species with the greatest potential for commercial aquaculture development and to provide a limited amount of contracts and grants to assist in developing essential second-stage information and experience.

The new program provided in H.R. 9370 is necessary because existing Federal programs are inadequate. The resources of the Small Business Administration are stretched too thin. Reflecting this is the fact that in fiscal year 1975 SBA guaranteed only eight loans totaling $185,000 for aquaculture. In fiscal year 1976 SBA guaranteed only two aquaculture loans for a total of $26,000. The Farmers Home Administration (FmHA) likewise has been unable to meet the needs of the aquaculture industry. FmHA provides loans for established improvement enterprises. The aquaculture industry is in need of venture capital and, thus, generally does not qualify for FmHA loans. This philosophy of the FmHA loan guarantee program is reflected in the fact that in fiscal year 1975 and fiscal year 1976 the Agency guaranteed a total of two loans for aquaculture production facilities.

In view of the extremely high potential the U.S. aquaculture industry offers for meeting the U.S. and world demand for seafood potential, in view of the hesitation by private investors to provide capital for the development of the U.S. aquaculture industry, and in view of the inadequacy of existing Federal programs, I urge that my colleagues join me in supporting H.R. 9370.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. FORSYTHE. I yield such time as he may consume to the gentleman from Washington (Mr. PRITCHARD).

Mr. PRITCHARD. Mr. Chairman, I rise in support of H.R. 9370, the National Aquaculture Organic Act. This piece of legislation has been carefully developed and is based upon a substantial amount of testimony which has been obtained from several different regions throughout the country.

The primary intent of this legislation is to develop an orderly framework within which the great potential of aquaculture in the United States can be realized in a cost effective and efficient manner. The bill requires that the Secretary of Commerce develop a national aquaculture plan. This plan would be continuously updated in order to take into account advances which have been achieved or which appear to be close at hand for a given species. This plan would also require coordination with other appropriate agencies including especially the Department of Agriculture and the Department of the Interior. Although the National Oceanic and Atmospheric Administration has contributed most significantly to the most enterprising of existing aquaculture projects, both the Department of the Interior and the Department of Agriculture have ongoing aquaculture projects, and they should be encouraged to continue their work in the areas and with the species with which they have achieved most success in the past. The national aquaculture plan, which would be developed by the Secretary of Commerce, would, however, provide a framework for identifying the relative cost of developing each additional species, and where, either in Government or the private sector, the best work is being done with a given species. Based upon this information, appropriate rates of development and the application of existing expertise can be coordinated effectively.

With a very long coastline, and the availability of many small impoundments, lakes, bays, and estuaries, the future of aquaculture in the United States holds much promise. If we are to use all of our available resources wisely and efficiently, it is important that we begin to develop ways of coordinating what are currently many small and diffuse efforts in aquaculture.

In addition, Mr. Chairman, one of the increasingly important attributes of aquaculture as a food production system is that in most cases it requires less fossil fuel forms of energy than many existing methods of agriculture. Also, the relative conversion efficiency ratios are much higher for many aquatic species than for livestock and poultry. These facts all point to an increased interest in the culture of aquatic species in our attempt to develop more nutritional and efficient forms of food production.

Therefore, Mr. Chairman, I strongly urge that my colleagues join me in supporting the enactment of this important legislation.

Mr. FORSYTHE. I yield such time as as may consume to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, as a cosponsor, I rise to speak in support of H.R. 9370. I believe it will establish a reasonable partnership between Government and the private sector providing

assistance where it is sorely needed. It does so in a way that will encourage greater production and a considerable benefit to all Americans.

During the hearings conducted by our committee on aquaculture and the fishing industry, we confirmed that traditional methods of seafood taking are quickly approaching the maximum sustainable yield levels and in fact have already exceeded these levels in many geographic areas. There is a consensus among those who have studied the matter that the demand for seafood and marine products will increase sharply both worldwide and in the United States. The National Oceanic and Atmospheric Administration has predicted that we will be facing a shortage of fisheries products in the next 3 to 10 years. This serious situation in the seafood industry should provide a strong incentive for passage of this bill. The traditional methods of seafood production will soon meet their limits and the demand for greater production will continue to rise in the foreseeable future. I join my colleagues from the committee in sponsoring this bill, because I believe it offers hope to a beleaguered and important industry.

Mr. Chairman, the United States lags far behind other nations in the development and use of aquaculture. While it is true that Americans do not consume as much seafood in their diets as many other people do, we presently import an estimated 6.2 billion pounds of fishery products at an annual cost of $2.2 billion. Of these imported fishery products, approximately $800 million worth are in species where the potential exists for domestic development through aquaculture.

One area of particular concern to the residents of my district in Maryland is in the field of oyster production. American production of oysters has decreased significantly during the past several years and our imports of oysters from abroad have increased. A sensible program of aquaculture in this area, utilizing methods that have been already developed in other countries, could go a long way toward creating a stable and flourishing oyster industry in this country. But it is important to realize that assistance to the waterman is essential if these benefits are to be achieved. Like other fishermen, he does not possess the resources to conduct experiments or to construct pilot projects. He is ready and willing to use improved techniques for production, but he is not able to conduct the basic research that is necessary to develop them. And where these improved techniques require significant investments for capital improvements, the experience has been that private lenders have been reluctant to make that money available.

Mr. Chairman, I am especially pleased that the committee adopted amendments to the original bill which will guarantee that the individual waterman and the small businessman who operates with few employees will receive preference under this legislation. The last thing Maryland watermen need is to have Federal funds funneled into large business conglomerates which might attempt to monopolize the shellfish and fishing industries. The plain intent of this legislation is to allow the smaller businessman and individual waterman to have assistance under the programs the bill establishes and that is as it should be.

Mr. Chairman, by the passage of this legislation and with the improvements in the American fishing industry that will result from the implementation of this program, I am convinced that we will be able to satisfy the demand for seafood in the American marketplace. There is simply no need to continue the flow of American dollars abroad to pay for seafood raised by other countries through aquaculture when we can do more than compete with these foreign producers. Our seafood producers, our processors, our consumers, and our economy will benefit from this bill. I urge its passage.

Mr. FORSYTHE. I yield such time as he may consume to the gentleman from Virginia (Mr. TRIBLE).

Mr. TRIBLE. Mr. Chairman, I rise in support of the aquaculture bill which I cosponsored and advanced as a member of the Merchant Marine and Fisheries Committee. I believe this legislation presents significant opportunities for the seafood industry throughout the United States and in the Tidewater area of Virginia. This bill will consolidate Government responsibility, cut redtape, and give our local fishermen the help they need to establish seafarming operations.

A number of interrelated factors have combined to make aquaculture a very timely subject. The United States, for example, faces a shortage in the supply of traditional fisheries' resources, because of projected increased demands within the United States, greater competition for foreign markets, and diminishing natural supplies. because of reaching the maximum sustainable yield, deterioration of environments, and competition from other uses of the environment of the resources.

Even with the relatively modest increases in per capita domestic consumption of fish and shellfish projected through the year 2000, it is clear that the market potentials for seafood products are very encouraging. For all fish and shellfish combined, recent estimates project an 80-percent higher demand by the year 2000. Today we import more than 50 percent of our fishery products.

I think it is important that a number of provisions are included to protect our present fisheries industry. The Commerce Department, for example, is required to investigate what the impact on the fishing industry will be and to file an initial report within 2 years. Moreover, the bill directs that in providing aquaculture aid, the Government shall give preference to commercial fishing cooperatives and associations employing 40 persons or fewer. Finally, the bill includes language declaring that the aquaculture program is intended to augment, not supplant, the catch of commercial fishermen.

Aquaculture offers the United States a way in which to increase domestic fish and shellfish production, cut our dependence on foreign fisheries products, and further solidify our position as food supplier to the world.

I urge my colleagues to support this important legislation.

Mr. FORSYTHE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Chairman, I will be very brief. During the 5-minute rule I will offer two amendments. I have distributed a "Dear Colleague" letter in explanation of them. One amendment would have to do with the grant program. As explained by the gentleman from California (Mr. LEGGETT) under this bill grants may be made by three different departments of the Government of up to 50 percent of the cost of a project. These grants may be made to commercial enterprises as well as to nonprofit institutions, research groups, et cetera. But to the extent that a Federal grant results in a profit to that person or that private organization, then it seems to me that that Federal grant should ultimately be paid back. One of my amendments will address that question. Under the regulations promulgated by the various secretaries with regard to grant programs, to the extent profits are attributable to a grant, that grant would have to be repaid over a period of time.

The second amendment goes to the insurance subsidy section. Under this bill up to 75 percent of the normal costs of insurance is provided to protect a commercial venture against losses through liability and property damage, and so forth. The amendment that I would offer would have a floor of 50 percent subsidy for the insurance. Frankly I have some doubt that we should subsidize the insurance at all, but to permit a 75-percent subsidy for insurance for commercial ventures seems to me to be outrageous. I understand that there will be an amendment offered by another Member to eliminate that subsidy altogether. But certainly we ought not to be paying more than 50 percent as a subsidy for the cost of the insurance of people in these ventures.

So, Mr. Chairman, I will offer those two amendments and I invite the support of the Members for those amendments.

Mr. FORSYTHE. I yield 5 minutes to the gentleman from Louisiana (Mr. BREAUX).

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in strong support of the legislation.

Mr. Chairman, we have the opportunity today to approve an exciting new program which will establish a national aquaculture development plan. As the demand for fish and fish products becomes stronger, it is imperative that the United Statse establish a national program which will help us regain a more prominent position in the world's fishing industry.

Aquaculture has been in existence for about 4,000 years and is highly developed in other nations such as Japan and Russia. Unfortunately, the development of this industry has been long overlooked here at home. Aquaculture as an important component of our agriculture industry has received little attention until now. The U.S. aquaculture industry currently accounts for only 3 percent of all fish and shellfish consumed domestically. Previous efforts to develop an aquaculture industry in the United States have been highly diffused which accounts for a lack of development of the necessary marine biology and technology to make aquaculture successful.

World production of seafood is on the wane. Certain stocks of fish of importance to the United States are depleted or declining. Even so, the market for these kinds of fish is increasing which has created a potential shortage for U.S. consumers.

The United States is also faced with a terrific seafood import problem. Last year, an estimated 65 percent of the fish products consumed here at home were imported from foreign countries. These fish imports alone accounted for nearly $2 billion worth of our fish. Aquaculture also offers a unique opportunity for us to expand our role as the major provider of food to the rest of the world—particularly to the needy countries.

The development of aquaculture as an industry makes a lot of sense. Surely, if we are able to raise poultry, hogs, and beef for slaughter, we should be able to farm our waters methodically and scientifically as well.

To accomplish the two desired goals of increased fish production and a better trade balance, it is necessary for the Government to help the private sector get involved in this form of aquatic cultivation of fish stocks so that we will not rely so heavily on imports.

This legislation with its authorization of $500 million in loan guarantees to help small businesses get started in aquaculture represents an important first step. I also feel that it is most sensible to give first priority for these loan guarantees to those individuals who are already engaged in aquaculture or the commercial fishing industry.

With better coordination between the producers of fish and shellfish through aquaculture and the Government, we are entering a new food-producing frontier. A thriving aquaculture program will also take a good deal of pressure off the commercial fishing and shellfish industries by complementing their endeavors. It will help us build up our depleted stocks and help compensate when clam and oyster beds are shut down, because of pollution or disease.

It will not solve all of our problems, but it will be a shot in the arm for our American industry. It will also, slowly but surely, insure that our Nation remains in the forefront of food production for both domestic consumption and export. I commend this modest but important legislation to my colleagues.

Mr. BREAUX. Mr. Chairman, today I join with Mr. LEGGETT, chairman of the Subcommittee on Fisheries, Wildlife Conservation, and the Environment of the House Merchant Marine and Fisheries Committee in support of H.R. 9370, a bill to provide for the development of aquaculture in the United States.

The Merchant Marine and Fisheries Committee has held extensive hearings the past 2 years during which testimony has been received from Federal and State representatives, industry, and academia. In the course of these hearings, we gained a good insight into the problems and constraints associated with the aquaculture industry.

In addition, two comprehensive studies have recently been completed assessing the present state-of-the-art technology and the potential for aquaculture in the United States.

Today we have before us a bill which fairly reflects those views and one which will help solve many of the problems that exist for this infant industry. With proper direction, coordination, and public support, it is my belief that aquaculture has the potential to augment our dwindling natural fisheries resources, provide the means for producing protein rich food and stimulate the national economy by providing new job opportunities.

At the present time, aquaculture production amounts to about 10 percent of the total world fish production. In some countries such as Japan, Russia, and China aquaculture production contributes significantly to human protein consumption. The United States has been slow to develop aquaculture and only 3 percent of the fish and shellfish products consumed domestically are cultured.

One reason aquaculture has been slow to develop is due to the lack of coordination among the various Federal agencies involved. At the present time, 21 agencies are involved to some extent and in many cases, their efforts overlap and responsibilities are unclear.

In addition to the lack of coordination at the Federal level of government, many State and local agencies, regional commissions, and universities are involved in aquaculture. Generally it is found that each entity proceeds in its own direction without regard for the activities of others. Duplication at the various levels often occur. Funds are wasted and an atmosphere is often created whereby the usage of manpower is inefficient.

The need to coordinate activities has long been recognized as is reflected in the memorandum of agreement between the Department of Commerce and the Department of Agriculture which was implemented in 1974. Another agreement between the Department of Commerce and the Department of the Interior was entered into in December of last year.

A major provision of this bill is to designate the Secretary of Commerce as the head of an Interagency Committee on Aquaculture in order to offer guidance and direction, and to coordinate activities among the relevant Federal agencies.

Traditionally, this country has been a beef-eating nation and public support for fish farming has been lacking. People are, however, becoming more increasingly aware of the high protein and low fat content in fisheries products and it is estimated that by the year 2000 the domestic demand will increase 80 percent.

Fish production has a relatively low energy requirement when compared to other food products such as beef, thereby making it more affordable. The conversion ratio for species such as trout and salmon is approximately 1.1 pounds of dry food to 1 pound of fish product compared to 10 pounds of food to 1 pound of beef. One published document reports "That 1 acre of a good estuary area can produce 100 tons of seafood, while 1 acre of top quality pasture can yield only 200 to 250 pounds of beef." It makes sense then that throughout the world people are turning to aquaculture to tap additional food resources.

We generally believed that we live in a country of plenty, that our resources are almost unlimited. Now however, we find the more desirable fisheries resources off our own coasts are being harvested at or near maximum yield. In recognition of this we recently extended our fisheries jurisdiction to 200 miles to regulate the taking of specified species and to allow U.S. fishermen to increase their landings without competition from foreign countries. Time is needed to replenish the natural stocks and in the meantime we will be compelled to import an even greater amount of fish.

Presently, we import in excess of $800 million annually 50 percent of our fish and seafood requirements. It is ridiculous for a country bordered by two oceans, a gulf and having such an extensive river system to be importing this amount of fish and shellfish to meet its requirements.

It has already been proven in this country that aquaculture can supplement natural stocks. As an example of what has been done, let us look at some of the more successful aquaculture ventures.

Salmon produced in publicly supported hatcheries on the Columbia River represent more than one-half of the salmon caught in that large river system. The eggs are hatched and the fish are fed until they grow to a suitable size to be released to the wild. The released salmon feed off natural resources until maturity when they return to spawn and are caught by commercial fishermen or for sport.

Another successful example is that of trout farming. All of the trout purchased in our local markets are products of aquaculture.

Catfish is another species that is raised by large-scale production and is commercially successful. There are approximately 3,000 catfish farmers located in 42 States. The larger, more productive farms are located in the warmer climates of the Southern States and account for 80 percent of the catfish cultured.

The type of aquaculture with which I am most familiar, and might add grateful, is that of culturing crayfish. In my home State of Louisiana, crayfish farming is an integral part of our local economy. Local landowners produce 99 percent of the crayfish in the United States, 85 percent of which is consumed within the State. In south Louisiana there are some 40 processing plants providing jobs for hundreds of people.

So, now where would we in the United States be if it were not for aquaculture? Would we be importing a larger quantity of our salmon and all of our trout, catfish, and crayfish? It is apparent that aquaculture can be a viable industry. It can and does contribute to our food supply. It can and does create new job opportunities. Other species can be cultured on the same basis with additional research and technical know-how. All the industry needs now is support.

H.R. 9370 offers a lot in the way of providing the needed incentives. Individuals or small companies wishing to enter the field of aquaculture have generally been unable to obtain the necessary capital from the private sector. The guarantee loan provision will allow people to obtain loans if they are unable to secure loans elsewhere. This money can be used to purchase or construct facilities, purchase stock, and use as operating capital.

The reputation of aquaculture being a risky business is due in part by past failures having resulted from natural disasters such as hurricanes or floods and from disease. The disaster loan provision will provide the farmers with the security needed to successfully obtain loans from the private sector.

Heretofore insurance has been unavailable except at a prohibitively high rate. Insurance can now be made available to protect the farmer's and local bank's investment and create an atmosphere of security.

The fact remains that we waited too long in implementing legislation to protect the fisheries resources off our coast. Some of our stocks have reached near depletion. We have the statistics indicating that there will be a worldwide shortage of fisheries products within 3 to 10 years. The opportunity is present to plan ahead and be prepared rather than having to react to a crisis at a later date.

I urge your support of H.R. 9370, a bill to provide for the development of aquaculture in the United States.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's yielding and thus providing me this opportunity to express some reservations I have concerning the bill. While I support the intention of the authors of the bill, I do have reservations about the specific language in the legislation which designates the Department of Commerce as the lead agency for all aquaculture enterprises. I refer specifically to freshwater fish such as catfish.

I realize that the Department of Commerce is supposed to consult with the Departments of the Interior and Agriculture in developing the new program. However, I would prefer that the bill spell out in more specific language that the Department of Agriculture is to have primary responsibility for fresh water fish farming and not just shared responsibility.

To my knowledge there is not anyone within the Department of Commerce with any real expertise in the area of fresh water fish farming, such as catfish farming. This would mean the hiring of new people thereby adding to the growing number of Federal employees and also duplicating expertise which is already available within the Department of Agriculture.

I question whether or not the committee fully studied the entire range of aquaculture and whether or not they gave due consideration to fresh water fish. My reading of the bill leads me to believe they did not. The legislation appears to be primarily for the benefit of salt water aquaculture. Yet in the committee report it is quite evident that the most significant aquaculture we presently have in the United States is fresh water fish.

Mr. Chairman, I would hope when this legislation reaches conference with the Senate that it will be improved and that equal consideration will be given to fresh water fish farming. And furthermore that the Department of Agriculture will be designated as the lead agency for the fresh water fish segment of aquaculture.

Mr. Chairman, I should like to ask the gentleman in the well two questions since he brought up the fact that the bill does affect fresh water fish farming. Certainly under this legislation I would not like to see fresh water fish farming pushed to the back burner. I think the gentleman partially answered my question.

Does the committee envision that equal consideration will be given to fresh water fish farming, such as catfish farming, along with salt water aquaculture?

Mr. BREAUX. The gentleman is absolutely correct, and that is why three separate departments are brought in as a coordinating agency.

Mr. MONTGOMERY. If the gentleman will yield further, my second question is: Even though the Department of Commerce is being designated as the lead agency for the overall aquaculture program, would it be the intent of the committee that the Department of Agriculture would have primary responsibility for that portion of the program dealing with fresh water fish such as catfish farming, since the only research and development that has been done by the Federal Government has been done by the Department of Agriculture as far as catfish farming is concerned?

Mr. BREAUX. I would reply to the gentleman's question in the affirmative. The answer is yes. If he looks to section 5 of the bill, it clearly says that in carrying out this national development program for these particular species, the Secretary, or the Secretary of the Interior, or the Secretary of Agriculture, as the case may be, shall do—and we list four sets of instances as to what they should do to carry out the program. In other words, if catfish, for instance, is elected to be with the Department of Agriculture, then that Department shall carry out all these additional functions.

Mr. LEGGETT. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Chairman, I rise to strongly support the legislation that is before us. I only wish to make a few remarks in its behalf. What this bill represents is a small step, but a significant step to prepare the United States for the immense food production needs we are going to need in the years to come. It attempts to enable the United States to turn to the sea as a major source of food.

It is not simply a question of preparing for the future. Even today we have some important needs in this area. The average American's diet has been shown to be nutritionally disastrous today. The Senate Select Committee on Nutrition and Human Needs issued a report in 1977 which sets specific national goals for improved nutrition and health. One of those major national goals was a substantial increase in the amount of fish served on American dinner tables today.

This is an immediate need and one in which we can move forward positively and with imagination, if we begin to turn to the sea and begin to farm the sea as a source of food.

In longer terms, I think we need to see that agriculture alone will not meet our own country's food needs indefinitely and that it cannot solve the problems we have in our own country, or for that matter, the problems of hunger for the world.

I think one needs only to consider these facts to see the truth of that statement. At current growth rates, more than 75 million people are added to the human family every single year. Every 3 years more people are added than now live in the United States. Asia alone is adding a new Japan every second year. Latin America, now the most rapidly growing area in the world, is expected to add more than 350 million people by the year 2000.

The totals are alarming, too. Mankind did not reach its first billion in population until 1850. The number doubled in our own century, just 80 years later. Still accelerating, the population added its third billion in 1960, and its fourth billion 15 years later in 1975.

Experts expect the world population to double between the years 1975 and 2000. That means the hunger gap can be removed only by trebling food production during the next 25 years.

This bill is one way to provide a small part of the solution to this problem. It takes much time to prepare aquaculture and Oregon-Aquafoods, which is the venture in Oregon that has already been referred to as an example of this. It began in a very small way in the 1960's and only now is beginning to realize its

full potential; so lead time is important. We need now to embark on a course that will lead us to an aquaculture policy that makes sense.

Current supplies of our marine resources are limited. The National Marine Fisheries Service reports that "traditional" fish resources in the United States are already being harvested at or near maximum sustainable yield levels. Some species, such as perch off the Pacific coast, have been seriously depleted. If something is not done soon, the National Marine Fisheries Service estimates a shortage of fisheries products can be expected within 10 years if world population continues to increase.

While the harvest of traditional stocks of marine resources is at its peak, output from aquaculture worldwide has almost doubled in the last 5 years. Aquaculture now accounts for 10 percent of world fish production; in some countries aquaculture produces nearly 40 percent of their total fisheries supply.

The record worldwide is far better than that in the United States. While worldwide production has doubled, production in the United States over the same 5 years has remained virtually the same. Only 3 percent of U.S. fish supplies come from private farming of fish and shellfish. This undoubtedly is one reason our country has become heavily dependent upon seafood imports which today reach $800 million annually and results in an adverse impact on our national balance of payments.

Mr. Chairman, there is absolutely no reason why the United States should not take the lead in the production of food supplies through aquaculture. Not only is there no reason but—in an era of growing populations and food shortages—there is no excuse.

My colleagues should know that the subcommittee did hear some opposition from commercial fishermen who expressed concern that aquaculture might somehow squeeze them out of a viable economic existence.

The subcommittee understood this concern and it knows that commercial fishermen have been kicked around for too long under existing circumstances.

Because of this concern, the subcommittee adopted a series of amendments I offered to insure that aquaculture serves as a supplement to the conventional fishing industry.

Among these amendments are provisions which call for a study to determine which fisheries, if any, would be adversely impact by aquaculture enterprises aided by this act, with recommendations to ameliorate any adverse impact.

A second amendment would give preference under this act to any individual, association or cooperative with 40 or fewer employees primarily engaged in commercial fishing or aquaculture. And a third amendment states the policy and intent that aquaculture is to augment existing commercial and sports fisheries.

Mr. Chairman, this is a good bill. It is a far-sighted bill. It has been more than 3 years in the making. It begins to equip the Nation to face the future. It deserves the resounding support of the House.

Mr. FORSYTHE. Mr. Chairman, I yield 5 minutes to the gentleman from Maine (Mr. EMERY).

Mr. EMERY. Mr. Chairman, I rise in support of H.R. 9370, the National Aquaculture Organic Act of 1978. I have long supported a national plan for aquaculture in this country, and I am proud to be a cosponsor of the legislation before us.

I come from Maine's First District, an area of our country long famed for its rocky, lonely coastline and pristine waters. Within its bays and inlets lie hundreds of protected coves with calm clean water, ideal conditions for the cultivation of marine plants and animals. Consequently, Maine has been a pioneer in the development of aquaculture with species such as oysters, mussels, lobsters, and coho salmon.

The Maine Aquaulture Association, a group of small independent aquaculturists, has a total of 85 members, the majority of which have graduate degrees in marine biology and have studied aquaculture techniques at various institutions. Other members are venture capitalists who believe that aquaculture is a viable and valuable industry for Maine and the Nation.

Unfortunately, Mr. Chairman, aquaculturists in our country encounter many of the same problems associated with the commercial fishing industry. There is difficulty in establishing markets, ensuring a regular supply of any given product, and above all, obtaining working capital for the ongoing operation of an aquaculture facility.

H.R. 9370 attempts to alleviate some of these problems through long-term low-interest loans and the creation of a national plan for coordinated aquaculture development. One objective is to identify "priority aquatic species" which the Secretary of Commerce determines to have a potential for culturing on a commercial basis. In addition there will be established an aquaculture information center which will function as a national clearinghouse for the dissemination of scientific and technical information. Each of these actions is extremely important to the future of aquaculture as a business. The whole industry has suffered from lack of coordination and organization of current technological advances as well as from a lack of national recognition of the important nature of the field.

The other aspect of the legislation, that provision which provides guaranteed loans for eligible recipients, will hopefully help the aquaculturist overcome the tenuous financial hold that he has on his business. Like the commercial fishing industry, aquaculturists have extreme difficulty in obtaining working capital because financial institutions are unfamiliar with the field and refuse to take a risk.

Other countries, however, have proven the viability of aquaculture as a protein producer and as a business. For example, 10 percent of Japan's fish consumption is from aquaculture products. In addition, Great Britain, Korea, and Sweden all have thriving aquaculture operations. If our country is to take advantage of the technology and the potential for protein which aquaculture offers, I believe that it is up to the Congress to foster the conditions under which it must exist.

Mr. Chairman, our Nation and the world needs protein for proper nutrition and health. Fish products, because they are extremely low in cholesterol, high in protein, and lack the various drugs currently fed to our beef cattle and poultry, offer us advantages over either of the other two. By cultivating marine plants and animals in controlled conditions, acquaculture can supply an enormous amount of fish products, thus protein, for the world market.

Mr. EMERY. Mr. Chairman, this piece of legislation represents one of the most important initiatives that the Congress has made in its long-awaited task of rebuilding the American fishing industry.

Earlier in this session we passed the 200-mile limit law, which we wrote during the 94th Congress. We have taken a look at other problems relating to the marketing of seafood and its place within the national and international economy.

This is one of the remaining areas that we must address that will allow us to rebuild the industry that for years and years has been the backbone of the economy of many coastal States such as Maine. It is doubly important because it will allow us to put into annual production a variety of species that, up until the last few years, has been totally ignored by our fishing industry, but yet represents a very important source of protein and a very important source of income.

We found that off the coast of Maine we are able to grow seaweed, and we are able to grow sea urchins, shark, skate, mussels, and many other species which are a delicacy overseas; yet those are species which our own fishermen have ignored for as long as we have been fishing.

With the encouragement that this legislation will provide, it will be possible for us to put into commercial production literally millions of pounds of protein a year and at the same time provide literally thousands of jobs both offshore and onshore. As a result of this bill, coupled with other pieces of legislation from the Committee on Merchant Marine and Fisheries which the Congress has seen fit to support and pass into law, certainly the future of the domestic fishing industry is brighter than any time in recent years.

Mr. Chairman, I am very pleased that the Congress recognizes the challenge we face. This piece of legislation is well worth the support of the Members, and I urge passage of the bill.

Mr. FORSYTHE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I rise in support of H.R. 9370—the Aquaculture Organic Act of 1977.

There is no doubt that in the face of an increasing world population and a decreasing food supply, we need to apply every scientific technique known to man to balance the scales.

Since 1970, the world production of seafood has steadily declined—and certain species of fish that are important to our country are becoming scarce. Reports tell us that by the year 2000, the U.S. demand for seafood products will increase by 80 percent—and under present conditions, supply will not meet demand. So where do we go?

The primary solution is aquaculture—the cultivation of aquatic species in controlled or selected environments. This is not a new science, although U.S. application has been relatively recent compared to the rest of the world. Historians trace aquaculture practices as far back as 2000 B.C. in the Middle Eastern and Asian countries.

According to reliable sources, worldwide output from aquaculture has approximately doubled during the last 5 years, and currently accounts for about 10 percent of world fisheries production. Some countries already rely on aquaculture for over 40 percent of their total fisheries supply. Yet the U.S. efforts in aquaculture provide only about 3 percent of the fish consumed domestically. Consequently—we spend $800 million a year to import more than half our seafood supply, contributing greatly to our trade deficit.

Unsuccessful U.S. aquaculture attempts in the past (due to natural disaster, lack of funding, and inadequate information) have discouraged private sector investment in this field—and current Federal programs are inadequate to promote needed aquaculture development.

That is why we need to pass H.R. 9370—which would establish a national aquaculture development plan no later than October 1, 1979, under the coordination and oversight of the Commerce Department. Through a detailed, specific program of loan guarantees, insurance, and information dissemination—the United States has the capability to develop aquaculture to its full domestic potential and decrease its reliance on foreign supplies.

I urge my colleagues to support H.R 9370.

Mr. LEGGETT. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Hawaii (Mr. AKAKA), to close debate.

Mr. AKAKA. Mr. Chairman, I would like to rise in support of H.R. 9370.

The United States is at a pivotal point in the development of aquaculture.

At present, we import more than 60 percent of all the fish and shellfish we consume. While aquaculture provides for less than 3 percent of our needs, "fish farms" supply countries like Japan and Czechoslovakia with more than 10 percent of theirs. The United States has an annual fish and fish product deficit of $800 million.

The bill we have before us affects the overall economic well-being of our Nation. In my own State alone, various operations are presently researching or are engaged in the culturing of such marine plants and animals as algae, mullet, milkfish, catfish, baitfish, shrimp, prawns, oysters, clams, and mussels.

Furthermore, the First Hawaiian Bank publication, Economic Indicators, has stated the following with regard to one corporation's plan to raise prawns on parcels of former sugar land:

> When the project is fully developed . . . annual revenues (from 300 acres) will be equivalent to the gross revenues received by Kilauea Sugar Company from its 4,800-acre plantation in the years before its closing.

As Members of Congress, we would be flagrantly remiss if we did not support the development of an industry with potential such as that.

The only way we can effectively pursue the goal of a viable aquaculture program is through a comprehensive, singularly directed national plan. H.R. 9370 provides us with that plan. Some would say that the Government is already involved in aquaculture development. It is, through 21 different agencies. Fragmentation of resources, duplication of activities and jurisdictional protectionism will never serve to help us rise from our presently shameful position in this field.

We are considering a vehicle by which we can encourage business investment, stimulate meaningful employment, promote domestic production of much-demanded protein and improve our balance of payments.

If we are to be true to our responsibilities as public servants, we must not turn our backs on this opportunity.

Mr. FORSYTHE. Mr. Chairman, I yield 6 minutes to the gentleman from Alabama (Mr. FLIPPO).

Mr. FLIPPO. Mr. Chairman, the development of aquaculture in our Nation is a concern which has captured the imagination of leaders in Congress, in Government, in science and in industry. The great potential for aquaculture to serve as a viable alternative for supplementing the Nation's source of food animal protein has been recognized.

The U.S. Department of Agriculture was designated as the lead agency for the development of aquaculture in the Agricultural Act of 1977 (Public Law 95–113). The intent of the Congress as expressed in the passage of this farm bill was to stimulate fish and shellfish production which would be assured through the developmental leadership of the Department of Agriculture.

The action of Congress designating the U.S. Department of Agriculture as the lead agency has been affirmed in the recently published report prepared by the National Academy of Sciences. This report, entitled "Aquaculture in the United States, Constraints and Opportunities," stated:

> Although aquaculture has an active constituency, it has little political power within the framework of interest groups competing for governmental attention. Until recently there had not been a lead agency to direct, coordinate, and develop this field. To ensure a reasonable rate of development for aquaculture, a uniform set of aquaculture policies must be established. A lead agency must direct, guide, support, coordinate, and be responsible and accountable for activities among the relevant federal agencies. The recent designation of the U.S. Department of Agriculture (USDA) as the lead agency for aquaculture suggests that this need has been recognized.

The members of the aquaculture industry have also endorsed the Department of Agriculture as the lead agency. The members of the Catfish Farmers of America and the U.S. Trout Farmer Association have adopted resolutions endorsing the action of the Congress in the 1977 farm bill.

The production, under controlled conditions of fish and other aquatic species for food and other purposes in farm-owned or operated ponds and water areas, is an agricultural enterprise directly comparable in scope, effect, and result to other time-honored agricultural enterprises such as the raising of livestock or crops.

The Department of Agriculture is actively engaged in programs which promote the development of aquaculture for food production. The Agriculture Department possesses the technical expertise, research capabilities and a delivery system for providing broad assistance to land owners and users involved in fish farming.

Aquaculture can provide for the increased production of fish and shellfish to meet protein needs for our Nation and of the population of a hungry world. Aquaculture is an energy efficient means of animal husbandry and plant culture.

There is an extensive market for fish and shellfish in the United States. But domestic production does not meet this need. We now import half that is used for human consumption. U.S. imports are 10 times our level of exports. Our dependence on imports makes it difficult to insure continuous supplies. The world production of seafood has declined since 1970 and the harvest of some populations of fish and shellfish have exceeded levels of maximum sustainable yield.

The reasons for developing aquaculture as a source for food and protein are compelling. The United States has an opportunity to put into productive use lands and waters, whether fresh, brackish, or marine, which are now underutilized. Suitable environments exist in the United States to develop and expand aquaculture as a means of rebuilding and augmenting food resources. The application of aquaculture technology offers opportunities for the recovery of wasted thermal energy, nutrients, and other resources.

The success of an aquaculture program depends on our ability to meet these needs. The Department of Agriculture can best assume the leadership in Government. The Agriculture Department has the delivery system in place to successfully encourage and accelerate the development of aquaculture.

"The Department of Agriculture can best nurture, encourage and assist with

aquaculture for the benefit of individual farmers, the general public and the interests of strengthening the agricultural industry, the production of nutritious food and the economy of the Nation," according to the statement of former Deputy Secretary of Agriculture John C. White.

Congress should assure that all aquaculture programs are brought together in a coherent manner. As the lead agency the Department of Agriculture will be able to further integrate aquaculture into the present system of food production. The Department of Agriculture is already involved by providing technical and financial assistance to aquaculture for a number of years. They have experience in aquaculture at the working level.

The Soil Conservation Service (SCS) helps aquaculturists assess their potential for growing and marketing a product and helps them match their resources with the right kind of enterprise. Most of this assistance is with freshwater fish farming. With field offices in nearly all counties in the United States, the SCS is able to work directly with landowners and operators whose desires and farm resources indicate an opportunity for some kind of aquaculture.

Specifically, the SCS helps aquaculturists with field testing of water quality and quantity, with soil information, with information about the potential market, and with assessments of human and financial resources. This is not a sideline for SCS. In fiscal year 1976, the SCS provided technical assistance with fish management on 45,000 pounds, 2,400 acres of commercial fishponds, and 13,000 feet of fish raceways. This effort totaled about 30 man-years and about $660,000.

Cooperative Extension is the education arm of the Department of Agriculture and part of the Science and Education Administration. Its responsibility is defined:

> To aid in the diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of same.

Using research information provided by the State agricultural experiment stations and other research agencies, Cooperative Extension has been engaged in fishpond management in 26 States. Cooperative Extension is based at land-grant universities and serves every U.S. county. Many State extension services have begun programs on marine resource education, commercial fishing, and other coastal zone oriented subjects, in part because of funding from the sea grant program of the Department of Commerce. Activities have been expanded in marine areas since Extension negotiated an understanding with the sea grant program. In 20 States now, Cooperative Extension services are carrying out marine advisory service educational programs under this mutual agreement.

Recently, Extension personnel have begun conducting education programs on economics and management in aquatic animal harvesting, processing storage, and marketing. An estimated 103 man-years was invested in this program in fiscal 1976.

The cooperative research activity of Agriculture's Science and Education Administration supports financial research on freshwater aquaculture at the State agricultural experiment stations of the land-grant universities. This currently involves 48 research projects totaling about 20 scientist-years. The combined total effort on all aquaculture-related projects at these State institutions last year was about 57 scientist-years.

The Farmers Home Administration (FmHA) of the Agricultural Department channels credit to farmers, rural residents, and rural communities. An estimated 7.5 million dollars were loaned to assist aquaculture and aquaculture-related activities by FmHA during the past fiscal year. The FmHA helps borrowers gain maximum benefit from loans through counseling and technical assistance.

The ongoing efforts of the Agriculture Department include advice and technical assistance being provided to individuals in connection with land and water resource appraisals, basic biological principles, and the design and layout of fish farming facilities.

Research is being conducted on nutritional value, safety and marketing of aquacultural products and on the economics of various facets of the industry. Vaccines for controlling aquacultural diseases are produced by private industry under Agriculture Department licensing and supervision. Assistance is provided in disease diagnosis.

Successful aquaculture requires knowledge and careful attention to nutrition, growth, reproduction, disease control, management, product processing, marketing and economics. These are areas which the Department of Agriculture has successfully assisted livestock and poultry producers to achieve the present abundant and reasonably priced supplies of food animals and food-animal products. With its proper authority and with adequate resources the Agriculture Department can provide assistance which will result in similar success in the development of aquaculture as a major agricultural source of food-animal protein.

Provisions of this legislation which would call for the Fish and Wildlife Service to provide guarantees for loans, disaster loans and insurance are a mistake. Under Secretary of Interior James A. Joseph has replied that the Service has no experience in these matters.

There is definitely a need for legislation in this area. For this reason, I have introduced aquaculture assistance legislation (H.R. 9976) which would call for the Secretary of Agriculture, after consulting the Secretary of Commerce and the Secretary of Interior, to develop an aquaculture assistance plan.

Current efforts to develop aquaculture in the United States are highly diffuse and a strong commitment by the Federal Government to help solve technological problems could make aquaculture more efficient and competitive. This would stimulate public and private investment and development. The right vehicle in Government needs to be employed to accomplish our goals. The Department of Agriculture is the means to gain the results which the will of the Congress has expressed earlier in this session and to accomplish the goal of developing aquaculture in our Nation.

Mr. Chairman, the bill under consideration here today does not designate the Department of Agriculture as the lead agency. For this reason the bill is deficient. We should not enact legislation which ignores the recommendations of the Agriculture Department, the Department of Interior and the Department of Commerce, all of whom oppose this legislation at this time. We should not ignore the recommendations of private industry, the scientific community and the actions of the Congress which all endorse the Department of Agriculture for this task.

I urge my colleagues in the House to delay action on this bill. We should consider action on aquaculture after the House Committee on Agriculture has had time to conduct extensive hearings. These hearings should focus on the report and recommendations of the National Academy of Sciences and there should be complete consideration by the committee of the genuine needs and desires of the aquaculture farmers of America. The House must be sure that the voice of these farmers is heard before legislation which so vitally affects their lives and livelihood is decided before this entire body.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. FLIPPO. I am delighted to yield to the gentleman from Louisiana.

Mr. BREAUX. Mr. Chairman, I think we have a situation in which we have various organizations endorsing not only the gentleman's bill, but also this committee bill.

I know that when Mr. Porter Briggs, who was serving as executive secretary of the Catfish Farmers of America, testified before our committee, he testified not only on behalf of the catfish farmers, but also on behalf of the U.S. Trout Farmers Association.

In the opening comment in his testimony, he said that the Catfish Farmers of America were extremely enthusiastic about this legislation.

Mr. Chairman, if I may have the attention of the gentleman from Alabama (Mr. FLIPPO), apparently their thought was that they want some type of legislation, and that they would appreciate the gentleman's efforts in their behalf. At the same time, they recognize that our efforts in this regard are also to their benefit.

Again, Mr. Chairman, at the time when they testified before our committee, they enthusiasticaly supported our efforts. I think they probably would like any legislation as long as it has a good approach to their problems.

Mr. FLIPPO. Mr. Chairman, I appreciate the gentleman's comments in that regard.

Mr. MURPHY of New York. Mr. Chairman, by definition aquaculture is

the cultivation of aquatic plants and animals, in marine, brackish, and fresh water environments.

The world's supply of food is fast becoming a very real problem in foreign countries, a problem that we in this country are only now beginning to recognize. In an era where available land is becoming increasingly scarce and the amount of food grown on land becomes correspondingly less, seafood will be looked to as a major food source. But the world production of seafood is declining. Based upon studies by the National Oceanic and Atmospheric Administration, worldwide shortages can be expected in fisheries products within 3 to 10 years. Today, the United States imports more than 50 percent of its fish for human consumption. Based upon present calculations the demand for seafood products will increase 80 percent by the year 2000. Shortages will result in even the nontraditional species. New ways must be developed to provide the food necessary to support us and future generations. One proven way is through the application of aquaculture.

Worldwide output from aquaculture has nearly doubled during the past 5 years. Today it accounts for nearly 10 percent of world fisheries products. Foreign countries have long recognized the practical results achieved through aquaculture. China today produces more than 50 times the aquaculture production of the United States. Russia also occupies a leading position and continues to place more emphasis on production with each succeeding year. In the United States the aquaculture industry accounts for only 3 percent of all fish and shellfish consumed domestically.

H.R. 9370 is aimed at establishing a national, comprehensive program in aquaculture. Presently, programing work in aquaculture concerns several different Federal agencies. The bill has provision for an Interagency Committee whose function will be to carry out a continuing exchange of information among the designated agencies to see that those agencies are coordinating programs related to aquaculture. The committee will be chaired by the Secretary of Commerce and its members will include the Secretaries of the Interior and of Agriculture; the Commissioner of Food and Drugs; the Administrators of the Environmental Protection Agency, the Small Business Administration and the Energy Research and Development Administration; the Chief of Engineers; and appropriate members of the Regional Fishery Management Councils.

The Secretary of Commerce, in consultation with the Secretaries of the Interior and of Agriculture and other members of the Interagency Committee and appropriate State agencies, will be charged with the duty of establishing a national aquaculture development plan within 1 year from the enactment of the bill. Twenty-one Federal agencies are presently responsible either directly or indirectly for programs involving aquaculture and there is no clear-cut division of responsibilities. Research and development among the agencies have often proceeded in complete isolation. By vesting responsibility for developing a national aquaculture plan with the Secretary of Commerce, and by authorizing him to coordinate and provide direction, the piecemeal inefficiency of the present can be avoided.

A basic purpose of the bill is to provide incentive and Federal financial assistance to the private aquaculture farmer, but in such a way that such assistance does not promote aquaculture that might result in unfair competition to existing aquaculture or commercial fishing operations. To accomplish this purpose, the bill provides for the establishment of a loan guarantee program to be administered by the Secretary of Commerce. In order to help insure that this program is self-financing, an investigative fee of not more than one-half of 1 percent of the original loan and a loan fee of not more than one-half of 1 percent per annum of the outstanding principal balance of the obligation are charged to the borrower. In addition, the bill provides for the establishment of a disaster loan progam and an insurance program both of which are to be administered by the Secretary of Commerce.

The need for a national aquaculture bill is evident. At no other time in history have we been faced with the prospect of looking for alternate food sources. Food demand is high as a result of the rapid increase in the world's population. The Food and Agriculture Organization of the United Nations suggests that an overall increase in aquaculture should make a difference in alleviating these projected shortages. Economically, aquaculture is expected to inject new capital into the present economy.

H.R. 9370 answers the need by providing the essential framework through which the Federal Government and private industry may work together to insure adequate food resources for both present and future generations.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of H.R. 9370, the Aquaculture Organic Act.

This measure can help us coordinate and enhance ongoing research in the field of marine biology and insure continued availability of fish and other marine resources for our coastal fishermen to harvest.

The enactment of our legislation to establish the 200-mile fishing jurisdiction in our coastal waters has given our fishing industry a great "shot in the arm." A number of problems relating to its implementation remain to be resolved but, on the whole, it has been a remarkable success for the American fleet.

The bill before us creates a coordinating body that can encourage marine research and make certain that we do not move in the direction of doing any economic harm to our fishermen. I believe that we can, in fact, enhance their position through the scientific studies which will be undertaken as a result of this legislation.

It is my understanding that the Merchant Marine and Fisheries Committee agrees with my position on this issue and it is for this reason that I urge my colleagues to approve it.

To a substantial degree, our future quality of life depends on our wise conservation and development of our marine resources. The measure before us is a step in this direction.

Mr. EVANS of Delaware. Mr. Chairman, as a cosponsor and strong supporter of H.R. 9370, the Aquaculture Act of 1977, I rise to urge its overwhelming approval by the House.

I am proud to represent a State which I think can be considered a leader in the field of aquaculture in the United States. Since 1971, the University of Delaware has been working to develop commercial methods to grow shellfish in a fully controlled environment. This intensive research has led to solid progress. For instance, as you know, Mr. Speaker, oysters and clams grow to 3-inch market size in 3 to 5 years in nature. Yet, in the University of Delaware Laboratory, small quantities of oysters and clams are raised to 3-inch market size in just 9 months. The progress that the people at the University of Delaware are making gives me strong encouragement that aquaculture will become a major commercial enterprise in this country in the coming years.

A few simple statistics indicate quite clearly the potential that aquaculture can serve. Since 1970, world production of seafood has steadily declined. Certain stocks of fish important to the United States are being depleted, yet it is expected that by the year 2000, the U.S. demand for seafood products will increase by 80 percent. Add to these figures expected population growth in the world in coming decades, and we can see quite clearly that there will be a serious protein shortage in the world. Commercial aquaculture can help fill this protein void and make a major contribution in alleviating food shortages.

At the present time, aquaculture accounts for approximately 10 percent of world fisheries production. However, the United States lags far behind in this effort, since aquaculture in the United States provides only about 3 percent of fish consumed domestically. We now spend approximately $800 million annually to import more than 50 percent of our seafood supply, thus contributing substantially to our current imbalance of trade.

Aquaculture can help solve these problems. It will also mean long-term employment for thousands of American workers. I am pleased to see that in my State of Delaware, the Economic Development Administration has invested $1.2 million in an aquaculture laboratory at Lewes. It is my strong belief that this type of investment will pay large dividends in the future, because it will mean more jobs in this new and growing industry.

The legislation on the House floor today accelerates Federal efforts in aquaculture. For the first time, we are establishing and declaring a national aquaculture policy, and implementing national plans for aquaculture. This plan will encourage the development of pro-

grams and activities which will result in the coordination of domestic efforts, increased availability of fish resources and a creation of a new industry in fisheries-related job opportunities. Probably most importantly, the bill provides the needed financial resources to fund our promising aquaculture projects. Under the bill, the Federal Government may make grants to or contracts with persons to develop aquaculture programs. Additionally, the Federal Government is authorized to guarantee loans for the purpose of financing the construction of aquaculture facilities, acquisition of stocks of aquatic species for such facilities, initial operating expenses, and marketing operations for aquaculture products. These financial inducements will give a needed boost to aquaculture.

Finally, Mr. Chairman, I want to invite any of my colleagues who might have doubts about the potentiality of the aquaculture program to my State, where I will personally allow you to test, with your own tastebuds, the product of this process. I guarantee that once any of my colleagues submit to that test, they, too, will become avid supporters of aquaculture.

Mr. Chairman, I urge prompt passage of this needed legislation.

Mr. FORSYTHE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Aquaculture Organic Act of 1977".

SEC. 2. FINDINGS, PURPOSE, AND POLICY

(a) The Congress finds the following:

(1) The world production of seafood has declined since 1970 and the harvest of some populations of fish and shellfish has exceeded levels of maximum sustainable yield.

(2) Certain stocks of fish and shellfish of importance to the United States are depleted, or are declining, and such depletion or decline has an undesirable impact on both commercial and recreational fisheries.

(3) There is an extensive market for seafood in the United States, but the United States imports in excess of 50 percent of its fish and shellfish for human consumption (which imports are ten times the level of exports), and this dependence on imports as a source of protein makes it difficult to insure continuous supplies and suggests that alternatives such as aquaculture be developed.

(4) Many segments of the world population are now facing serious nutritional deficiencies and food shortages due to adverse climatic conditions and the steady growth of population. These problems will become more severe, and the resulting demand for increased food production will have to be met chiefly through the application of scientific and technological advances from research on aquaculture and other food production systems.

(5) Aquaculture is contributing significantly to world food supplies with production equal to 10 percent of current landings of seafoods and has the potential for increase by a factor of five before the end of this century.

(6) Less than 3 percent of current United States fisheries production results from aquaculture but there is a good potential for expanding production from aquaculture to equal or exceed the worldwide average, thereby helping to provide United States consumers with stable supplies of high quality aquatic foods.

(7) Growth of aquatic plants is a source of food for human and animal consumption as well as a source of industrial materials and energy. The Congress recognizes the importance of developing aquaculture of both plant and animal species.

(8) The stocking of advanced life stages of fish and shellfish produced by aquaculture is a means of rebuilding and augmenting fish and shellfish populations and establishing new fisheries.

(9) The application of aquaculture technology offers opportunities for the recovery of wasted thermal energy, nutrients, and other resources and may be a more efficient use of these resources for food production than current methods of agriculture.

(10) Water, whether fresh, brackish, or marine, which is suitable for aquaculture is diminishing or in many cases is underutilized.

(11) Where land-use management policies may inhibit the development of aquaculture facilities in areas suitable for aquaculture, consideration should be given to the utilization of these areas for aquaculture along with the other uses of such areas.

(12) Current efforts to develop aquaculture in the United States are highly diffuse, and a strong commitment by the Federal Government will make aquaculture more efficient and competitive, thereby stimulating public and private investment and development.

(13) While many scientific and technological problems are unsolved, there is sufficient knowledge to further the development of aquaculture production systems for many species of fish and shellfish.

(14) The development of aquaculture in the United States has been limited by the inability of producers of aquatic species to obtain adequate capital and a reliable source of seed stock.

(15) Aquaculture in the United States has traditionally concentrated on a few aquatic species, but many others have a potential for commercial and other culture. However, the culture of additional species may include a higher degree of risk than the culture of traditional species, especially during the initial stages.

(16) Government programs that help to reduce the risks associated with production of agricultural commodities have not been generally available to producers of those aquatic species in which the risk is high.

(b) The purpose of this Act is to promote aquaculture in the United States by—

(1) declaring a national aquaculture policy;

(2) establishing and implementing a national plan for aquaculture; and

(3) developing programs and encouraging activities;

which will result in the coordination of domestic aquaculture efforts, the conservation and increased availability of fisheries resources, the creation of new industries and job opportunities, and other national benefits.

(c) Aquaculture has a high potential for augmenting existing commercial and sport fisheries, thereby increasing the supply of aquatic protein for both human and animal consumption and assisting the United States in meeting its future food needs and contributing to the solution of world food problems. It is, therefore, in the national interest, and it is the national policy to encourage the development of aquaculture.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) The term "aquaculture" means the propagation and rearing of aquatic species in controlled or selected environments, including ocean ranching.

(2) The term "aquaculture facility" means any land, structure, or other appurtenance, if such land, structure, and appurtenance is located within the United States, which is used for aquaculture, including, but not limited to, any laboratory, hatchery, rearing pond, raceway, pen, incubator, or other equipment.

(3) The term "aquatic species" means any species, native or introduced, of finfish, mollusk or crustacean or other aquatic invertebrate, amphibian, reptile, or aquatic plant, but does not mean any species of finfish or aquatic plant primarily used for ornamental purposes.

(4) The term "Fund" means the Federal Aquaculture Assistance Fund established by section 11.

(5) The term "person" means any individual who is a citizen or national of the United States and any corporation, partnership, association, or other entity (including, but not limited to, any community development corporation or fishermen's cooperative) organized or existing under the laws of any State.

(6) The term "Secretary" means the Secretary of Commerce.

(7) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and any other Commonwealth, territory, or possession of the United States.

(8) The term "United States", when used in a geographical context, means all States.

SEC. 4. NATIONAL AQUACULTURE DEVELOPMENT PLAN.

(a)(1) Before the close of the 1-year period beginning on the effective date of this Act, the Secretary, after consultation with the Secretary of the Interior, the Secretary of Agriculture and the chief executive officer of any other Federal agency, any appropriate Regional Fishery Management Council established under section 302 of the Fishery Conservation and Management Act of 1976, and any State agency which has significant functions which relate to aquaculture, shall by regulation establish a National Aquaculture Development Plan (hereinafter in this Act referred to as the "plan"). The Secretary shall give interested persons an opportunity to participate in the rulemaking in accordance wtih the provisions of section 553 of title 5, United States Code.

(2)(A) If the Secretary deems it appropriate, the Secretary may, after consultation with the Secretary of the Interior and the Secretary of Agriculture, establish and appoint members of an advisory committee to assist in the initial development of the plan. Persons appointed to the committee shall be knowledgeable or experienced in the principles or practices of aquaculture.

(B) If an advisory committee is established under subparagraph (A), the members of the committee, while away from their homes or regular places of business in the performance of services for the committee, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(b) The plan shall—

(1) identify those aquatic species (hereinafter referred to in this Act as "priority acquatic species") which the Secretary determines to have a potential for culturing on

a commercial or other basis, which determination shall be made by the Secretary after taking into account—

(A) the extent of commercial aquaculture, if any, currrently being carried out with respect to such species, and the projected biological and economic feasibility of culturing such species;

(B) the extent to which aquaculture research and development have been undertaken, within the public and private sectors, with respect to such species;

(C) the time and resources which will be required to develop aquaculture technology to the point where such species can be cultured on a commercial or other basis; and

(D) such other factors as the Secretary determines to be appropriate; and

(2) contain an aquaculture development program prepared by the Secretary, for each priority aquatic species.

(c) The aquaculture development program contained in the plan for each priority aquatic species shall set forth those actions which the Secretary determines should be undertaken, and the period of time within which each such action should be completed, to provide for the culture of each such species on a commercial or other basis. Such actions, with respect to each priority aquatic species, shall include—

(1) such research and development, technical assistance, demonstration, extension education, and training as may be necessary and appropriate regarding—

(A) aquaculture facility design and operation,

(B) water quality management,

(C) utilization of waste products (including thermal effluents),

(D) nutrition and the development of economical feeds,

(E) life history, genetics, physiology, and pathology and disease control (including research regarding organisms which may not be harmful to fish and shellfish but are injurious to humans),

(F) processing and market development, and

(G) production management and quality control;

(2) research with respect to the effect of the culture of such species on estuarine and other water areas;

(3) the identification and analysis of any legal or regulatory constraints which may affect the culture of such species;

(4) the development of adequate supplies of seed stock;

(5) the construction, purchase, lease, or acquisition of necessary developmental aquaculture facilities; and

(6) such other actions relating to research and development, technical assistance, demonstration, extension education, and training as such Secretary deems necessary and appropriate.

(d) In preparing an aquaculture development program for any priority aquatic species, and in reviewing any such program pursuant to subsection (f), the Secretary shall, to the extent practicable, take into account any significant action which has been, or which is proposed to be undertaken by any other Federal agency, any State agency, or any person, and which may affect the accomplishment of the program.

(e) Each action under each aquaculture development program prepared under this section for a priority aquatic species shall be implemented, either individually, jointly, or collectively, by the Secretary, the Secretary of the Interior, or the Secretary of Agriculture, as specified by the Secretary in the program on the basis of—

(1) responsibilities vested in the respective Secretaries by law or any executive action having the effect of law (including, but not limited to, Reorganization Plan Numbered 4 of 1970); and

(2) in cases where paragraph (1) does not apply, the experience, expertise, and other appropriate resources, which the department, over which the Secretary concerned has jurisdiction, may have with respect to the action required under the program.

(f)(1) The Secretary, in consultation with the Secretary of the Interior, the Secretary of Agriculture, and the chief executive officer of any other Federal agency, any appropriate Regional Fishery Management Council, and any State agency which has significant functions which relate to aquaculture, shall review on an annual basis—

(A) each aquatic species not identified as a priority aquatic species; and

(B) the aquaculture development program estabished under the plan for each priority aquatic species to determine whether the actions specified in the program are being accomplished on a successful and timely basis.

(2) If as a result of the review conducted pursuant to paragraph (1)(A), the Secretary determines, after taking into account the criteria set forth in subsection (b)(1), that any aquatic species has a potential for culturing on a commercial or other basis the Secretary shall by regulation amend the plan to identify such species as a priority aquatic species and prepare an aquaculture development program for such species pursuant to subsection (c).

(3) If as a result of the review conducted pursuant to paragraph (1)(B), the Secretary find that—

(A) any action so specified should be revised, the Secretary shall make such revision to the program as he deems necessary and appropriate; or

(B) sufficient progress is not being made with respect to any such program or that actions taken under any such program indicate that culture of the priority aquatic species concerned is doubtful, the Secretary shall cancel the program.

The Secretary shall by regulation amend the plan whenever any revision or cancellation is made pursuant to this subsection.

SEC. 5. FUNCTIONS AND POWERS.

(a) In implementing the aquaculture development program prepared under section 4 for any priority aquatic species, the Secretary, the Secretary of the Interior, or the Secretary of Agriculture, as the case may be, shall—

(1) provide advisory, educational, and technical assistance (including training) with respect to aquaculture of the species to interested public and private organizations and individuals, but in providing such assistance, shall, to the maximum extent practicable, avoid duplication of like assistance provided by other Federal agencies;

(2) consult and cooperate with interested persons, Federal, State, and local government agencies, regional commissions, and educational institutions regarding the development of aquaculture technology;

(3) produce, under the authority of section 4(c)(4), and sell at cost seed stock for the priority aquatic species when privately produced seed stock is unavailable, unreliable, or not sufficient to meet production needs; and

(4) prescribe such regulations as may be necessary to carry out such program.

(b) The Secretary, the Secretary of the Interior, or the Secretary of Agriculture may, incident to such Secretary's implementation of any aquaculture development program—

(1) for the purposes of assessing the biological and economic feasibility of any aquaculture system—

(A) conduct scale tests of the system, and, if necessary for the conduct of any such test, construct, operate, and maintain developmental aquaculture facilities, including, but not limited to, pilot plants for testing laboratory-scale results; and

(B) conduct such other tests or analyses as may be necessary;

(2) develop methods to enhance aquatic species stocks by aquaculture;

(3) carry out such studies and research with respect to aquatic species as may be appropriate regardless of whether such species is or has been identified as a priority aquatic species; and

(4) take such other actions as such Secretary deems necessary and appropriate.

(c) In addition to carrying out such other functions as are required under this Act, the Secretary shall—

(1) establish and maintain an aquaculture information center which shall function as a national clearinghouse for the collection, selection analysis, and dissemination of scientific, technical, legal, and economic information relating to aquaculture;

(2) conduct appropriate surveys, in coordination with other agencies, of public and private aquaculture being carried out in the United States with respect to each aquatic species for the purpose of acquiring information on acreages, water use, production, culture techniques, and other relevant matters;

(3) arrange for the mutual exchange of information relating to aquaculture with foreign nations; and

(4) conduct a continuing study to determine which existing capture fisheries could be adversely impacted in the marketplace by competition from products produced by commercial aquaculture enterprises significantly aided under this Act, which study shall include an assessment of economic impact by species and by geographical region, and recommended measures to ameliorate any adverse impact. The Secretary shall report to Congress on the findings made under such study no later than 2 years following the effective date of this Act and every 2 years thereafter.

Any production information submitted to the Secretary by any person under paragraph (2) shall be confidential and shall not be disclosed except to the Secretary, the Secretary of the Interior, or the Secretary of Agriculture, as the case may be, for purposes of carrying out this Act, the advisory committee which may be established under section 4(a)(2)(A), or when required under court order. The Secretary shall by regulation prescribe such procedures as may be necessary to preserve such confidentiality, except that the Secretary may release or make public any such information in any aggregate or summary form which does not directly or indirectly disclose the identity or business of any person who submits such information.

(d)(1) The Secretary, the Secretary of the Interior, and the Secretary of Agriculture are each authorized to accept any gift, temporary donation, or devise or bequest of real or personal property, or the proceeds therefrom, or interests therein, for use in carrying out any function that such Secretary may have under this Act. Any such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude, if such terms are deemed by the Secretary concerned to be in accordance with law and compatible with the purpose for which acceptance is sought.

(2) Any gift or bequest of money, and any proceeds from the sale of other property received as a gift or bequest under this subsection, shall be deposited in a separate account in the Treasury and shall be disbursed upon the order of the Secretary concerned.

SEC. 6. COORDINATION OF FEDERAL AGENCY ACTIVITIES REGARDING AQUACULTURE.

(a)(1) There is established the Interagency Committee on Aquaculture (hereafter

in this section referred to as the "Committee") which shall be composed of the following officers or their designees:

(A) The Secretary, who shall be the Chairman of the Committee.

(B) The Secretary of the Interior.

(C) The Secretary of Agriculture.

(D) The Administrator of the Environmental Protection Agency.

(E) The Administrator of the Energy Research and Development Administration.

(F) The Commissioner of Food and Drugs.

(G) The Administrator of the Small Business Administration.

(H) The Chief of Engineers.

(I) The chief executive officer of any other Federal agency and any Regional Fishery Management Council which the Secretary finds to have significant functions which relate, or may relate, to the development of aquaculture.

(2) The functions of the Committee shall be—

(A) to insure that there is a continuing exchange of information among the agencies represented on the Committee with respect to the nature and status of the programs or projects being carried out by such agencies which relate, or which may relate, to aquaculture in general or to the implementation of the plan; and

(B) to review on a continuing basis the relevant programs and projects of all Federal agencies to determine whether they are being carried out in compliance with subsection (b).

(b) Each Federal agency which has any function or responsibility with respect to aquaculture or has jurisdiction over any activity which affects, or may affect, the achievement of the purposes of this Act, shall, in consultation with the Secretary and to the maximum extent practicable, carry out such function, responsibility, and activity in a manner which is consistent with the purposes of this Act.

(c) Nothing in this Act shall be construed to amend, repeal, or otherwise modify the authority of any Federal officer or any Federal agency to carry out any functions relating to acquaculture which are authorized under any other provision of law.

SEC. 7. CONTRACTS AND GRANTS

(a) The Secretary may carry out any function under this Act, and the Secretary of the Interior or the Secretary of Agriculture may carry out any function relating to any aquaculture development program which he is specified to implement under the plan, through grants to, or contracts with, any other Federal agency, any agency of any State and, subject to the approval of the State, any agency of any political subdivision thereof, any regional commission, any educational institution, or any other person.

(b) Any contract entered into, or any grant made, pursuant to this section shall contain such conditions and limitations as the Secretary concerned shall by regulation prescribe as being necessary and appropriate to protect the interests of the United States; except that no contract may be entered into, and no grant may be made, pursuant to this section unless the applicant submits with his application therefor a certification from each appropriate State agency and each appropriate local government agency stating that nothing in the laws administered by such agency prevents the carrying out of the project to which the contract or grant will be applied.

(c) The amount of any grant made pursuant to this section may not exceed one-half the estimated cost of the project for which the grant is made.

(d) Any person who receives a grant or contract under this section shall make available to the Secretary concerned and to the Comptroller General of the United States, or any of their authorized representatives, for purposes of audit and examination, any book, documents, papers, and records that are pertinent to the funds received by such person under such grant or contract.

SEC. 8. GUARANTEES OF OBLIGATIONS ISSUED FOR AQUACULTURE FACILITIES.

(a)(1) The Secretary may, subject to the provisions of this section, guarantee, or make a commitment to guarantee, the payment of interest on, and the principal amount of, any obligation issued by an obligor for any of the following purposes:

(A) The financing of the construction, reconstruction, or reconditioning of any aquaculture facility (including the financing of the purchase cost of any aquaculture facility to be reconstructed or reconditioned); except that no obligation may be guaranteed under this section later than 2 years after the date of the completion of the construction, reconstruction, or reconditioning of the aquaculture facility involved.

(B) The acquisition of stocks of aquatic species for any aquaculture facility.

(C) The financing of the initial operating expenses of any aquaculture facility.

(D) The financing of marketing operations exclusively for aquaculture products.

(E) The refinancing of any existing obligation issued for any of the purposes specified in subparagraph (A), (B), (C), or (D), whether or not guaranteed under this section, including, but not limited to, any short-term obligation incurred for the purpose of obtaining temporary funds for refinancing.

(2) The full faith and credit of the United States is pledged to the payment of all guarantees made under this section with respect to both principal and interest, including any interest, if provided for in the guarantee, which may accrue between the date of default under a guaranteed obligation and the payment in full of the guarantee.

(3) Any guarantee, or commitment to guarantee, made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee, or commitment of guarantee, so made shall be incontestable.

(4) The aggregate unpaid principal amount of all obligations guaranteed under this section and outstanding at any one time shall not exceed $500,000,000.

(b)(1) Obligations guaranteed under this section—

(A) shall have an obligor approved by the Secretary as being responsible and possessing the ability, experience, financial resources, and other qualifications necessary for the adequate operation and maintenance of the acquaculture facilities;

(B) shall be in an aggregate principal amount which does not exceed 87½ percent of the actual cost involved or the depreciated actual cost, as determined by the Secretary;

(C) shall have maturity dates satisfactory to the Secretary, but not to exceed 25 years;

(D) shall provide for payments by the obligor satisfactory to the Secretary; and

(E) shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such percentage per annum on the unpaid principal as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary.

(2) In guaranteeing any obligation under this section, the Secretary shall give preference to any person with 40 or fewer employees which, together with its affiliates, is primarily engaged in the business of aquaculture or commercial fishing for aquatic species.

(3) No obligation shall be guaranteed under this section unless the obligor conveys or agrees to convey to the Secretary such security interest as the Secretary may require to reasonably protect the interests of the United States.

(c)(1) The Secretary may charge a fee for any obligation guaranteed under this section, the amount of which shall be established by the Secretary by regulation but which may not exceed one-half of 1 percent per annum of the outstanding principal balance of the obligation. Fee payments shall be made by the obligor to the Secretary when moneys are first advanced under a guaranteed obligation and at least 60 days before each anniversary date thereafter.

(2) The Secretary shall charge and collect from the obligor such amounts as he may deem reasonable for the investigation of the application for any guarantee, for the appraisal of properties offered as security for any guarantee, and for the inspection of such properties during construction, reconstruction, or reconditioning; except that such charges shall not aggregate more than one-half of 1 percent of the original principal amount of the obligation to be guaranteed.

(3) All fees and other amounts received by the Secretary under the provisions of this subsection shall be deposited in the Fund.

(4) Obligations guaranteed under this section, and agreements relating thereto, shall contain such other provisions with respect to the protection of the security interests of the United States (including acceleration and subrogation provisions and the issuance of notes by the obligor to the secretary), liens and releases of liens, payments of taxes, and such other matters as the Secretary may prescribe.

(d)(1) In the event of a default, which has continued for 30 days, in any payment by the obligor of principal or interest due under any obligation guaranteed under this section, the obligee or his agent shall have the right to demand, at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than 90 days from the date of such default, payment by the Secretary of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment. Within such period as may be specified in the guarantee or related agreements, but not later than 30 days from the date of such demand, the Secretary shall promptly pay to the obligee or his agent the unpaid principal amount of the obligation and unpaid interest thereon to the date of payment; except that the Secretary shall not be required to make such payment if before the expiration of such period he finds that there was no default by the obligor in the payment of principal or interest or that such default has been remedied before any such demand.

(2) Payments required to be made by the Secretary under paragraph (1) shall be made by the Secretary from moneys which may be appropriated to the Fund or obtained from the Secretary of the Treasury pursuant to paragraph (5).

(3) In the event of any payment by the Secretary under paragraph (1), the Secretary shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary may, under such terms and conditions as the Secretary prescribes or approves, complete, recondition, reconstruct, renovate, repair, maintain, operate, or sell any property acquired by him pursuant to a security agreement with the obligor.

(4) After any default referred to in paragraph (1), the Secretary shall take such action against the obligor or any other parties liable thereunder that, in his discretion, may be required to protect the interests of the United States. Any suit may be brought in

the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary may accept a conveyance of title to and possession of property from the obligor or other parties liable to the Secretary and may purchase the property for an amount not greater than the unpaid principal amount of such obligation and interest thereon. In the event the Secretary receives through the sale of property an amount of cash in excess of any payment made to an obligee under paragraph (1) and the expenses of collection of such amounts, he shall pay such excess to the obligor.

(5) Whoever, for the purpose of obtaining any loan or advance of credit from any person with the intent that an obligation relating to such loan or advance of credit shall be offered to or accepted by the Secretary to be guaranteed, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage relating to an obligation guaranteed by the Secretary, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of the Secretary under this section, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income shall be punished by a fine of not more than $5,000, or by imprisonment for not more than 2 years, or both.

(e) The Secretary shall promulgate such rules and regulations as may be deemed necessary or appropriate to carry out the purposes and provisions of this section.

(f) For purposes of this section—

(1) The term "actual cost" of an aquaculture facility, as of any specified date, means the aggregate, as determined by the Secretary, of—

(A) all amounts paid by, or for the account of, the obligor with respect to such facility on or before that date; and

(B) all amounts which the obligor is then obligated to pay from time to time thereafter, for the construction, reconstruction, or reconditioning of such facility.

(2) The terms "construction", "reconstruction", or "reconditioning" include, but are not limited to, designing, inspecting, outfitting, and equipping of the aquaculture facility involved.

(3) The term "depreciated actual cost" means the actual cost depreciated on a straightline basis over the useful life of the property involved as determined by the Secretary.

(4) The term "obligation" means any note, bond, debenture, or other evidence of indebtedness issued for one of the purposes specified in subsection (a).

(5) The term "obligee" means the holder of any obligation.

(6) The term "obligor" means any person primarily liable for payment of the principal of or interest on any obligation.

SEC. 9. DISASTER LOANS.

(a)(1) The Secretary may make one or more loans from the Fund to any person if—

(A) an acquaculture facility, or stock of aquatic species at the facility, or both, that is owned by such person is damaged or destroyed as a result of a natural disaster; or

(B) the stock of aquatic species at an aquaculture facility owned by such person is damaged or destroyed by disease, pollution, or contamination (caused by reasons other than a natural disaster or the willful or negligent action of such person).

The purpose of any loan made by the Secretary under this section shall be to accomplish one or more of the following objectives:

(i) The repair, rehabilitation, or replacement of such facility.

(ii) The replacement of aquatic species stock.

(iii) To continue aquaculture operations while any such repair, rehabilitation, or replacement is in progress.

(iv) The purchase, construction, or reconstruction of an aquaculture facility at another location if the Secretary finds that—

(I) the damage to the facility is so extensive that its repair or rehabilitation is impracticable;

(II) the replacement of the destroyed facility at the same location is impracticable; or

(III) the pollution or contamination referred to in subparagraph (B) is likely to persist for such period of time that continued aquaculture operations at the same location are impracticable.

(v) To meet payments of principal and interest on any obligation of such person with respect to the facility or stock so damaged or destroyed for such period of time as the Secretary deems appropriate, taking into account the degree of such damage or destruction.

(vi) To retire in full any such obligation.

(2) No loan may be made under this section for any damage or destruction—

(A) which is fully compensated for by insurance (including insurance paid under section 10) or otherwise; or

(B) for which assistance is available under any other Federal disaster assistance program.

(b) Any loan made pursuant to this section shall—

(1) mature in not more than 20 years;

(2) bear interest at a rate not less than the rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity;

(3) be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require; and

(4) be subject to such other terms and conditions as the Secretary may require to protect the interests of the United States.

(c) The Secretary may consent to the modification of any term or condition of any loan made under this section, including, but not limited to, reduction of the rate of interest, deferment of any installment of principal or interest, or change in any security requirement.

(d) All payments of principal and interest on loans made under this section shall be deposited into the Fund.

(e) For purposes of this section, the term "obligation" means any note, bond, debenture, or other evidence of indebtedness issued for the purpose of financing (1) the construction, reconstruction, or reconditioning of an aquaculture facility, (2) the initial operating expenses of any such facility, and (3) the acquisition of stock of aquatic species for any such facility.

(f)(1) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security for the purpose of obtaining for himself or for any applicant any loan under this section, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the Secretary under this section, or for the purpose of obtaining money, property, or anything of value under this section, shall be punished by a fine of not more than $5,000, or by imprisonment for not more than 2 years, or both.

(2) Whoever, with the intent to defraud, knowingly conceals, removes, disposes of, or converts to his own use or to that of another, any property mortgaged or pledged to, or held by, the Secretary pursuant to this section shall be punished by a fine of not more than $5,000, or by imprisonment for not more than 5 years, or both.

(g) No loan may be made by the Secretary under this section for any damage to, or destruction of, any aquaculture facility or stock of aquatic species which occurs on or after the close of the 5-year period beginning on the effective date of this Act.

SEC. 10. INSURANCE AGAINST CERTAIN LOSSES INCURRED IN AQUACULTURE FACILITY OPERATIONS.

(a) As used in this section, unless the context otherwise requires—

(1) The term "direct insurance" means any insurance described in paragraphs (2), (3), and (4).

(2) The term "essential liability insurance" means insurance against all sums which the owner of an aquaculture facility becomes legally obligated to pay as damages because of bodily injury or property damage caused by the aquaculture facility, the operation of such facility, or the aquatic species cultured at such facility.

(3) The term "essential property insurance" means insurance against direct loss of, or direct damage to, the real or personal property of an aquaculture facility caused by perils as they are defined and limited in standard fire policies and extended coverage endorsements thereon as approved by the State insurance authority, and insurance against loss of, or damage to, the real or personal property of an aquaculture facility from such perils as the Secretary by regulation shall specify, including, but not limited to vandalism, malicious mischief, burglary, and theft.

(4) The term "essential stock insurance" means insurance against loss of, or damage to, any aquatic species being cultured at an aquaculture facility due to unavoidable or natural causes, including, but not limited to, drought, pollution, hail, frost, wind, winterkill, freeze, lightning, fire, excessive rain, flood, snow, wildlife, hurricane, tornado, insect or parasite infestation, disease, and such other unavoidable or natural causes as the Secretary by regulation shall specify.

(5) The term "insurer" includes any insurance company or group of companies under common ownership which is authorized to engage in the insurance business under the laws of any State.

(6) The term "owner" means any person having an insurable interest in an aquaculture facility or aquatic species stock.

(7) The term "pool" means any pool or association of insurers in any State which is formed, associated, or otherwise created for the purpose of making insurance more readily available.

(8) The term "reasonable premium rate" means that premium rate determined by the Secretary, which would permit the purchase of any direct insurance coverage by a reasonably prudent person in similar circumstances with due regard to the costs and benefits involved.

(b) The Secretary may by regulation define any technical or trade term necessary in the administration of this section, insofar as any such definition is not inconsistent with the provisions of this section.

(c)(1) The Secretary shall conduct, within 6 months after the effective date of this Act, and annually thereafter, a study to determine whether direct insurance is generally available to owners at reasonable premium rates, through insurers, pools, or a suitable program adopted under State law.

(2)(A) If the Secretary finds, as a result of the study referred to in paragraph (1), that essential property insurance or essential liability insurance is not available at reasonable premium rates in any State and such insurance has not been provided by State action, the Secretary may establish a program to provide such insurance in such State, if the Secretary considers the issuance of such insurance necessary and appropriate to carry out the purposes and policy of this Act.

(B) Any essential property insurance or essential liability insurance issued by the Secretary under this paragraph shall be subject to such terms and conditions, and to such deductibles and other restrictions and limitations as the Secretary deems appropriate; except that the Secretary may not provide essential property insurance or essential liability insurance with respect to—

(i) any aquaculture facility or stock of aquatic species which the Secretary determines to be uninsurable due to the failure of the owner to follow established principles for operating aquaculture facilities or culturing aquatic species, as the case may be; or

(ii) any aquaculture facility which the Secretary determines to lack reasonable protective measures to prevent loss or damage.

(3)(A) If the Secretary finds, as a result of the study referred to in paragraph (1), that essential stock insurance is not available at reasonable premium rates in any State and that such insurance has not been provided by State action, the Secretary shall establish a program to provide such insurance in such State.

(B) Any essential stock insurance issued by the Secretary under this paragraph shall be subject to such terms and conditions and to such deductibles and other restrictions and limitations as the Secretary deems appropriate; except that the Secretary may not provide essential stock insurance with respect to any stock of aquatic species if the Secretary determines such stock to be uninsurable due to the failure of the owner to follow established principles for culturing aquatic species or due to the lack of reasonable protective measures at the aquaculture facility concerned to prevent the loss of, or damage to, the stock being cultured.

(d)(1) In determining the premium rate for any direct insurance offered from time to time under subsection (c) (2) or (3), the Secretary shall consult with persons knowledgeable and experienced in insurance, including, but not limited to, State insurance regulatory authorities, and may take into consideration with respect to the insurance concerned, the nature and degree of risk involved, the protective devices employed, the extent of past and anticipated losses, the prevailing rate for similar coverages, the economic importance of the insurance, and the relative abilities of the particular classes and types of insureds to pay the actual premium for such coverage.

(2)(A) The Secretary may not establish the premium rate for any direct insurance at less than 25 percent of the actual premium rate for such insurance.

(B) For purposes of subparagraph (A), the actual premium rate for any direct insurance offered under this section shall be determined as follows:

(i) If insurance of the same kind is generally offered by insurers or pools in the State concerned, the actual premium rate shall be that rate which the Secretary determines to be the median premium rate for all such insurance so offered.

(ii) If insurance of the same kind is not generally offered by insurers or pools in the State concerned, the actual premium rate shall be that rate which the Secretary determines to be the rate at which insurers or pools in such State would offer such insurance, taking into account actuarially sound principles applicable to the elements making up such rate, including, but not limited to, claim losses, general administrative expenses, acquisition expenses, taxes, license fees, and profits.

In making determinations under clauses (i) and (ii), the Secretary shall consult with the insurance regulatory authority of the State concerned and any rate advisory organization licensed by such State.

(3) Nothing in this section shall be construed to prohibit or require either the adoption of uniform national rates or the periodic modification of the currently estimated reasonable premium rates for any particular coverage, class, State, or risk on the basis of additional information or actual loss experience.

(e)(1) The Secretary may enter into any contract, agreement, treaty, or other arrangement with any insurer or pool to provide reinsurance coverage with respect to any direct insurance issued by such insurer or pool, in consideration of payment of such premiums, fees, or other charges by insurers or pools which the Secretary deems to be appropriate, after consultation with persons knowledgeable and experienced in insurance.

(2) Reinsurance issued under this subsection shall reimburse an insurer or pool for its total proved and approved claims for covered losses resulting from providing the direct insurance concerned during the term of the reinsurance contract, agreement, treaty, or other arrangement, over and above the amount of the insurer's or pool's retention of such losses, as provided in such reinsurance, contract, agreement, treaty, or other arrangement entered into under this section.

(3) Such contracts, agreements, treaties, or other arrangements may be made without regard to section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665 (a)), and shall include any terms and conditions which the Secretary deems necessary to carry out the purposes of this section. The premium rates and terms and conditions of such contracts, agreements, treaties, or other arrangements with an insurer or pool shall be uniform in any one year throughout the country.

(f)(1) All premiums received by the Secretary under this section shall be deposited into the Fund.

(2) The Secretary, in a suit brought in the appropriate United States district court, shall be entitled to recover from any owner, insurer, or pool the amount of any unpaid premium lawfully payable to the Secretary by such owner, insurer, or pool under any direct insurance or reinsurance issued under this section.

(3) No action or proceeding shall be brought for the recovery of any premium due the Secretary, or for the recovery of any premium paid to the Secretary in excess of the amount due, unless such action or proceeding is commenced within 5 years after the right accrued for which the claim is made; except that, if the insurer has made or filed with the Secretary a false or fraudulent statement or other document with intent to evade, in whole or in part, the payment of premiums, the claim shall not be deemed to have accrued until its discovery by the Secretary.

(g) In order to provide for maximum efficiency in the administration of the insurance and reinsurance program provided under this section, and in order to facilitate the expeditious payment of any claims under such program, the Secretary may enter into contracts with any insurer, pool, or person, for the purpose of providing for the performance of any of the following functions:

(1) The estimation or determination of any amounts of payments for reinsurance or direct insurance claims.

(2) The receipt, disbursement, and accounting for funds in making payments for reinsurance and direct insurance claims.

(3) The auditing of the records of any insurer, pool, or person to the extent necessary to assure that proper payments are made.

(4) The establishment of the basis of liability for reinsurance or direct insurance payments, including the total amount of proved and approved claims which may be payable to any insurer, pool, or owner, and the total amount of premiums earned by any insurer or pool in the respective States from direct insurance or reinsurance.

(5) The provision of assistance in any manner provided for in the contract to further the purposes of this section.

(h) The Secretary may, with the consent of the agency concerned, accept and utilize, on a reimbursable basis, the officers, employees, services, facilities, and information of any Federal agency with respect to any insurance matter which is within the purview of this section.

(i) The Secretary may prescribe regulations establishing the general method or methods by which proved and approved claims for losses are paid under any direct insurance or reinsurance issued under this section. Proved and approved claims shall be paid from the Fund.

(j) The Secretary, in providing any direct insurance or reinsurance under this section may adjust and pay all claims for proved and approved losses covered by such insurance and, upon the disallowance by the Secretary, or upon the refusal of the claimant to accept the amount allowed upon any such claim, the claimant, within one year after the date of mailing of notice of disallowance or partial disallowance of the claim, may institute an action on such claim against the Secretary in the United States district court for the district in which the insured owner or reinsured insurer or pool resides or principally conducts business, and jurisdiction is hereby conferred upon such court to hear and determine such action without regard to the amount in controversy.

(k) The face amount of direct insurance and reinsurance coverage outstanding and in force at any one time under this section shall not exceed $1,000,000,000.

(l) No direct insurance or reinsurance may be issued by the Secretary under this section after the close of the 5-year period beginning on the effective date of this Act.

SEC. 11. FEDERAL AQUACULTURE ASSISTANCE FUND.

(a) There is established in the Treasury of the United States a Federal Aquaculture Assistance Fund. The Fund shall be available to the Secretary as a revolving fund for the purpose of carrying out, and administering, sections 8, 9, and 10. The Fund shall consist of—

(1) any sums appropriated to the Fund;

(2) any fees received by the Secretary in connection with any guarantee made under section 8;

(3) recoveries and receipts received by the Secretary under security, subrogation, and other rights and authorities under sections 8, 9, and 10;

(4) payments of principal and interest received by the Secretary under any loan made under section 9;

(5) premiums paid to, or recovered by, the Secretary for any direct insurance or reinsurance issued by the Secretary under section 10; and

(6) moneys deposited pursuant to the last sentence of subsection (b).

All payments made by the Secretary to carry out the provisions of sections 8, 9, and 10 (including reimbursements to other Government accounts) shall be paid from the Fund.

only to the extent provided in appropriation Acts. Sums in the Fund which are not currently needed for the purposes of sections 8, 9, and 10 shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

(b) If at any time the moneys in the Fund are not sufficient to pay any amount the Secretary is obligated to pay under section 8(d)(1) or any direct insurance or reinsurance claim under section 10, the Secretary shall issue to the Secretary of the Treasury notes or other obligations (only to such extent and in such amounts as may be provided for in appropriation Acts) in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury prescribes. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations to be issued hereunder and for such purposes he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and obligations. The Secretary of the Treasury at any time may sell any of the notes or other obligations acquired by him under this subsection. All redemption, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Moneys borrowed under this subsection shall be deposited in the Fund and redemptions of such notes and obligations shall be made by the Secretary from the Fund.

SEC. 12. REPORT AND RECOMMENDATIONS.

Before the close of the 90th day after the close of the 3-year period beginning on the effective date of this Act, the Secretary shall review the operation and effectiveness of the disaster loan program provided for under section 9 and the insurance program provided for under section 10 and shall submit a report thereon to the Congress, together with the recommendation of the Secretary as to whether or not either such program should be continued and, if the Secretary recommends continuation, such suggestions as the Secretary may have for improving the operation and effectiveness of such program.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) For purposes of carrying out the provisions of this Act (other than sections 8, 9, or 10), there are authorized to be appropriated, notwithstanding any authorization for appropriations in any other Act in effect before the date of the enactment of this Act—

(1) to the Department of Commerce, not to exceed—

(A) $4,000,000 for the fiscal year 1979,

(B) $15,000,000 for the fiscal year 1980, and

(C) $17,000,000 for the fiscal year 1981;

(2) to the Department of the Interior, not to exceed—

(A) $2,000,000 for the fiscal year 1979,

(B) $7,500,000 for the fiscal year 1980, and

(C) $8,500,000 for the fiscal year 1981; and

(3) to the Department of Agriculture, not to exceed—

(A) $2,000,000 for the fiscal year 1979,

(B) $7,500,000 for the fiscal year 1980, and

(C) $8,500,000 for the fiscal year 1981.

(b) There are authorized to be appropriated, without fiscal year limitation, to the Fund such sums as may be necessary and appropriate for purposes of carrying out sections 8, 9, and 10; but not to exceed $500,000,000 for the purposes of section 8 and not to exceed $250,000,000 for the purposes of section 9.

SEC. 14. EFFECTIVE DATE.

This Act shall take effect October 1, 1978.

Mr. LEGGETT (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

TECHNICAL AMENDMENTS OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer a number of technical amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Technical amendments offered by Mr. LEGGETT: Page 45, line 20, strike out "1977" and insert "1978".

This provides that the Act will be cited as the National Aquaculture Organic Act of 1978 instead of 1977.

Page 46, line 17, strike out "deu" and insert "due".

This corrects a printer's error.

Page 50, strike out lines 17 and 18 and insert the following: "aquatic plant, other than any such species which is primarily used for ornamental purposes.".

Excluded from the definition of "aquatic species" in the legislation, are those species of finfish or aquatic plants primarily used for ornamental purposes.

The amendment would make it clear that any aquatic species primarily used for ornamental purposes is excluded from the coverage of the legislation. This has the effect of extending this exemption to mollusks, crustaceans, other aquatic invertebrates, amphibians and reptiles when they are primarily used for ornamental purposes. The effect of the amendment is insignificant; it involves some aquatic turtles and some aquarium mollusks and crustaceans such as snails, clams, and shrimp. In other words, we are trying to promote aquaculture for food not for ornamental purposes.

Page 50, line 22, strike out "of" after "citizen" and insert "or".

This corrects a printer's error.

Page 53, line 8, strike out "ersources" and insert "resources".

This corrects a printer's error.

Page 57, lines 18 and 19, strike out "aquaculture" and insert "culture".

The word "aquaculture" is replaced by the word "culture", the correct word to be used in this provision.

Page 61, line 13, strike out "hereafter" and insert "hereinafter".

The word "hereafter" is replaced by the word "hereinafter", the correct word to be used in this provision.

Page 62, line 10, strike out "insure" and insert "ensure".

The word "insure" is replaced by the word "ensure", the correct word to be used in this provision.

Page 64, lines 13 and 14, strike out "documents, papers, and records that are" and insert "document, paper, and record that is".

This makes all these words correctly read in the singular form.

Page 65, between lines 17 and 18, insert the following: "Guarantees and commitments to guarantee may be made under this section without regard to section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665(a))."

This corrects an oversight. This language is consistent with the language in section 11 relating to the insurance program. This has the effect of allowing the Secretary of Commerce to enter into guarantees in excess of the monies in the Fund, notwithstanding the provision of 665(a) which prohibits obligations in excess of the monies in the Fund.

Page 66, line 1, strike out "obligations" and insert "ooligation".

This makes the word correctly read in the singular form.

Page 69, strike out lines 12, 13 and 14 and insert "the Fund".

This paragraph (2) of section 8(d) of the bill requires payments to be made by the Secretary from the Fund pursuant to paragraph (5) of section 5. This is an incorrect reference since paragraph (5) is a penalty provision. The amendment corrects this incorrect reference and makes it clear that the Secretary of Commerce will make payments in the event of default from monies in the Fund, regardless of whether the payments are made from appropriated funds or from funds borrowed from the Secretary of the Treasury.

Page 78, line 5, strike out "insurerers" and insert "insurers".

This corrects a printer's error.

Page 88, line 3, strike out "redemption" and insert "redemptions".

This makes the word correctly appear in the plural form.

Mr. LEGGETT (during the reading) Mr. Chairman, I ask unanimous consent that the technical amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The question is on the technical amendments offered by the gentleman from California (Mr. LEGGETT).

The technical amendments were agreed to.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to engage in a colloquy with the distinguished chairman of the subcommittee, the gentleman from California (Mr. LEGGETT), and other members of the committee in relation to the participation of the Secretary of Agriculture in this endeavor.

Of course, I endorse the thrust of this legislation. I am a coauthor of the legislation. We know the need for and, hopefully, the end result of this legislation; but what I would like to ask my colleague is this question:

Under section 4 of the legislation provision is made that the three Secretaries shall formulate a plan, which would be the comprehensive national aquaculture development plan.

Mr. Chairman, my question is that, at least as coauthor, it was my intention and I am asking the chairman if it is not the intention of the committee and of the House that the Secretaries be coequal in their input as to the development of this plan.

Mr. LEGGETT. If the gentleman will yield, Mr. Chairman, certainly I can respond to that affirmatively.

While the Secretary of Commerce is the coordinator, we do state in section 5 as follows:

In implementing the aquaculture development program prepared under section 4 for any priority aquatic species, the Secretary, the Secretary of the Interior, or the Secretary of Agriculture, as the case may be, shall—

(1) provide advisory, educational, and technical assistance (including training) with respect to aquaculture of the species to interested public and private organizations and individuals, but in providing such assistance, shall, to the maximum extent practicable, avoid duplication of like assistance provided by other Federal agencies;

Mr. DE LA GARZA. So the intent is that they shall have, as their ability to exert input or constructive suggestions, they would have equal rights in formulating the plan?

Mr. LEGGETT. I would hope they would be fighting, each one of them, to be the leader in this area, because we need to beef up aquaculture programs within the jurisdictions of all these agencies.

Mr. DE LA GARZA. My second question relates to that, Mr. Chairman and my colleague. Section 8 guarantees all obligations; section 9, disaster loans; and section 10, insurance against certain losses. Then, section 11 establishes a fund.

Now, in all of these sections it states, "the Secretary." That, I assume, would be the Secretary of Commerce. My question is, Is there any prohibition as to why not, in the formulation of the plan under section 4, they might have coequal control or joint rights on grants and so forth under these sections? Are they prohibited from establishing that in the plan?

Mr. LEGGETT. No, the plan will relate to the loans and the guarantees and everything. We just did not want each individual Secretary running a particular loan program. In the Department of Agriculture, we have the Farmers Home Administration program making loans and we would like to see that more aggressively pursued.

Mr. DE LA GARZA. My question in relation to that is, under section 7, which I think is where it states that the Secretary may carry out loans, grants, and so forth, this includes Interior and Agriculture, but in section 8, which is the construction section, it says, "the Secretary." That, I would assume, would be Commerce.

My question is, Does the Secretary of Agriculture under section 7 establish a program for construction of facilities, but then on section 8 we say that construction shall be from this loan or from this fund, controlled by the Secretary of Commerce. So, what I am asking is, Can they within the scope of section 4 relegate special drawing rights or coordinated regulations or whatever?

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield.

Mr. BREAUX. I would say to the gentleman that under any contracts or any outright grants that the department gives to a person coming in on the program, that respective department will set the standards and rules.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent Mr. DE LA GARZA was allowed to proceed for 3 additional minutes.)

Mr. BREAUX. If the gentleman will yield further, in other words, if the Department of Agriculture establishes a grant program for catfish farming, in other words he will set out how that program will be carried out. In section 8 we are talking about merely the guaranteed loan program, like from a regular commercial bank. In that program, the Secretary of Commerce will carry out the loan guarantees.

Mr. DE LA GARZA. That is my question exactly. We are going to be making someone go to Agriculture, and they will say, "Here are the plans on how you are going to do the catfish operation. Now, you have to go to Commerce."

Mr. BREAUX. Not really. The guaranteed loans would operate very much like a Small Business Administration loan guarantor. A commercial bank would actually make the loan, and they would be the ones to deal directly with the individuals, discuss terms and conditions and so forth. Commerce would be the ones guaranteeing that loan.

Mr. DE LA GARZA. Well, that is what I was hoping we would not get to, but I think we are getting to it, that the Department of Commerce would have the ability to veto a guaranteed loan that has been recommended by the Department of Agriculture.

Mr. BREAUX. If the gentleman will yield further, Agriculture and Interior would be in charge of grants, outright grants up to 50 percent. Commerce would not be able to interfere with that, and they would not have the veto right.

Mr. DE LA GARZA. I understand that. I am talking about guaranteed loans.

Mr. BREAUX. Commerce would be the department which would be the guarantor, and as such I would imagine would be able to set certain standards; but the private sector would actually make the loan.

Mr. DE LA GARZA. I know that, but Commerce would be the one that could fund. So if the gentleman will read the reading and writing here I think it shows that under 4——

Mr. FORSYTHE. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from New Jersey.

Mr. FORSYTHE. Mr. Chairman, I think the gentleman should remember that Agriculture has its own loan program through the Farmers Home Loan Administration, and aquaculture would be still eligible under that program, so there is still that possibility and there is nothing exclusive about this.

Mr. DE LA GARZA. I know that but we will be making again a duplication, a bureaucratic duplication.

Mr. FORSYTHE. But we are trying to protect there the Department of Agriculture and its program and we do not touch that.

Mr. DE LA GARZA. But as the responsible leaders of this subcommittee, the gentleman who is chairman of the subcommittee.

Mr. LEGGETT. The gentleman is a member along with the gentleman from Louisiana (Mr. BREAUX) and the gentleman from New Jersey (Mr. FORSYTHE).

Mr. DE LA GARZA. But again, going around it, as I understand section 4, the three Secretaries can do anything they would feel would be workable.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DE LA GARZA) has expired.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 1 additional minute.)

Mr. DE LA GARZA. Mr. Chairman, they can develop any plan which they feel would be workable.

Mr. LEGGETT. Exactly.

Mr. DE LA GARZA. Would that not include participation in sections 8, 9, and 10, and the funding in 11 if the three Secretaries so decide it would be feasible?

Mr. LEGGETT. Certainly if they all want to participate in a loan program they will all be doing that.

Our big problem has been just the opposite. The Department of Agriculture has not wanted to make loans in this area. We have people in Honolulu who have been wanting a loan. Farmers Home will not make them a loan. We have just the opposite problem from the one the gentleman envisions. We will not have conflicts in this area. I guarantee the gentleman that any program that has got the support of the Department of Agriculture has got the support of the Department of Commerce.

Mr. DE LA GARZA. I appreciate very much the gentleman answering my question about the interpretation and legislative history and intent, which is that the three Secretaries may participate in the aquaculture development plan and that within the scope of that plan it can filter down to all the sections of this legislation.

Mr. LEGGETT. Sure. The whole thing.

Mr. DE LA GARZA. I appreciate my colleagues cooperating in this endeavor and helping clarify the legislative intent as above stated.

AMENDMENT OFFERED BY MR. TREEN

Mr. TREEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TREEN: On page 64, following line 8, insert the following:

"(d) Any person who is a recipient of any grant or contract under this section shall repay to the Secretary all or part of the amount of the grant or contract if the Secretary determines that the recipient received any net income which is attributable to such contract or grant. Repayments with respect to grants and contracts under this subsection shall be made under such terms and conditions, including a schedule of repayment, as the Secretary deems appropriate."

On page 64, line 9, strike out "(d)" and insert "(e)".

Mr. TREEN. Mr. Chairman, first of all I do want to say I think this bill has an important place in the future of our

protein-producing economy, and I commend the gentleman from California (Mr. LEGGETT), and my colleague, the gentleman from Louisiana (Mr. BREAUX), and the gentleman from New Jersey (Mr. FORSYTHE), for their work on this program. But there are a couple of things in this bill that I think require some attention. I have two amendments directed to that purpose.

The first of these amendments concerns the grant program. My amendment requires that when grants are made to individuals or private companies, which result in a commercial profit, the amount, in whole or part, must be repaid to the Federal Government.

We have a loan program set up in the bill. We have a loan guarantee program and we have an insurance program. It just seems to me that anyone who receives a Federal grant to which profits are later attributable certainly ought to pay that Federal grant back.

Grants may be made up to 50 percent of the cost of a project by any of the three Secretaries—the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture.

I might say that this is consistent with the policy of the Government with respect to other programs where research and development grants are made. It is the policy of the Federal Government, and it has been for several years, to recoup those grants.

So I hope that the majority can cooperate as well as the minority and accept the amendment. There are many Members who feel we should move on with this bill. I hope that the merits of my amendment will so appeal to you that you can accept it without further ado.

Mr. BREAUX. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I certainly rise hesitantly to speak against the amendment offered by my colleague, the gentleman from Louisiana (Mr. TREEN).

Basically we have a provision in the bill before us which says simply that a person, an individual, a university, a corporation, can receive a grant up to 50 percent. So we already have a limitation on the amount that any person can receive who receives a grant. In other words, they have to put up a portion of that total amount for the project.

The projects for which you can receive grants are listed on page 54. There are a whole number of projects and things for which grants may be received. It is not just a bricks and mortar project. The grant can be used for study, it can be used for design, it can be used for a whole list of things that will provide assistance in the aquaculture business.

One of the reasons this amendment was rejected in the committee was because the gentleman from Louisiana says that, well, they have to pay back the grant if they derive a profit as a result of that grant. While that may sound OK initially, there are problems with that. Suppose that someone gets a grant for 50 percent of the cost of studying the genetics of catfish farming. Suppose that he has operated at a loss for 3 or 4 years and then in the fifth year all of a sudden he realizes a profit from his small catfish farm. Then somebody from Washington comes down and says that because he has finally made a profit he has to pay back all of the profits to the grant that he received. But if we view this from a workable standpoint how in the world can we figure out how much of his profit he made 5 or 6 years later just because he received a Federal grant some 5 years before? There are a number of other factors that can be involved. One factor is it could be because of good luck. Another is it might be because of a catfish shortage or it might be because he worked harder.

How can we say it is the result of the grant that he received to make a study of better genetics in catfish farming?

I do not believe that we should take this approach since we are already making the individual or the university or whatever it is put up one-half of the funds for the project.

I might also point out that in other projects, other departments, and agencies where we authorize them to provide assistance to individuals, such as sea grant, when they make a grant to a university they do not come back in the future if the university is able to benefit from the grant and say they will have to pay back the grant. The purpose of the grant was to encourage them and make them successful. The purpose of the grant was to hope to make them successful, and I really think that with the bookwork and the bookkeeping on this, and knowing the gentleman's distaste for the Federal bureaucracy, I know that he would appreciate trying to limit the Federal bureaucracy there. I am afraid that this would be completely unworkable.

Mr. TREEN. Will the gentleman yield?

Mr. BREAUX. I yield to the gentleman from Louisiana.

Mr. TREEN. The gentleman is setting up in this legislation, a pretty sizable bureaucracy. As a matter of fact, in the section that I amend, the Secretary is mandated to prescribe by regulation such conditions and limitations on the grant program as necessary and appropriate to protect the interests of the United States.

I suggest to the gentleman, secondly, that one of the interests of the United States as enunciated in Government policy with respect to other legislation is to recoup grant money when a commercial enterprise makes a profit. We are not going after the schools and the institutions, the research groups and the nonprofit groups. They are not going to make a profit. What we are talking about is a private individual who comes in here and convinces the Government he should get a grant rather than a loan. The loans have to be paid back whether or not there is any profit at all. He comes in and convinces the Government that he ought to get a grant for his development facility, which is to prove that a process is commercially viable. That is the whole purpose of this legislation. It is to make aquaculture a commercially viable enterprise, and when it is on a commercial basis, it seems to me only fair that that grant should be paid back.

With respect to the question of its being complicated, I might say that this is no more complicated than other programs. In Defense Department programs and NASA programs where research results in a profit to a commercial enterprise, the policy of the Government is to recoup the grant.

Mr. BREAUX. I am going to say in conclusion that the idea is to help the small individuals. We have, I think a limitation on individuals who can receive a grant. The purpose of the thing is to encourage the development and use of the information. I think putting in a requirement that they pay back the grant somewhere down the line if they show a profit puts us in the position of being an Indian giver: Here is the grant; if you make a profit, you have to pay it back.

Mr. SIMON. Mr. Chairman, I move to strike the requisite number of words.

First of all, in general I think this bill moves in the right direction. There is no question we have treated the sea like we at one point treated the land. We hunted to get food and protein.

I became interested in this area some time ago and wrote a letter to a man at Harvard who has been researching in mussels. He said we can produce enough mussels in roughly 300 square miles of ocean to give 10 pounds a year of protein and mussels to every man, woman, and child on the face of the Earth. Europe—France, Spain, Belgium, and a great many countries treat mussels as a delicacy. We rarely do here in the United States.

Mr. Hurlburt found that Canada is very much interested in his research, but he could not get anyone in the U.S. Government to take an interest.

The thrust of this legislation I support. I have to say that the remarks of the gentleman from Louisiana (Mr. TREEN) make a great deal of sense to me. If you give a grant and you make a profit on it, it seems to me that it ought to be repaid to the Federal Treasury. I know that the gentleman from Louisiana (Mr. BREAUX) makes the point also—my other colleague—that if you lose money in 4 years and the fifth year you make money, you should not have to pay that back in 1 year. I am sure the gentleman from Louisiana is not suggesting that, but it does seem to me over a period of years if you get a grant for something like this it ought to be repaid.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentlman from California.

Mr. LEGGETT. I thank the gentleman for yielding.

I think that the principle that if you make money at the expense of or be financed by the Government, such as in patents, and so forth—patents belong to the Government—that principle applies here as it does to Federal research, or anything else.

Our problem with the amendment offered by the gentleman from Louisiana

(Mr. TREEN) is that we have all kinds of grants going out right now under the sea grant program. A lot of them are for aquaculture. A lot of them go to various and sundry institutions. Some of them go to subcontractors. Some of the benefits do not materialize for eons in the future. So our problem is that if we have to guarantee that each and every grant that is made in this very fragile area that we are trying to develop, like mussels—and I am aware of Mr. Hurlburt's program, and the Wall Street Journal had an article the other day saying the musselburger might be the food of the future—but if we have to trace all of this development program for years and then try to recoup it mandatorily, it is going to be very difficult. We do provide under the grant program that the interests of the United States shall be properly protected by conditions in various and sundry other clauses in the contracts, and I really think that is adequate to accomplish the objectives that we are interested in here.

Mr. SIMON. If my colleague will yield back to me, let us just say, using the example of the musselburger, we form the Leggett-Simon musselburger chain, and we receive a grant of $100,000 from the Federal Government, and next year we make $500,000, and the following year $1 million. It seems to me that that corporation ought to pay back to the Federal Government that initial grant.

Now, there ought to be some restrictions and I am sure my colleague, the gentleman from Louisiana, is not suggesting that by regulation the Federal Government cannot say there is a time cutoff of that; it should be paid back in a period of years.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentlemen from Louisiana.

Mr. TREEN. Mr. Chairman, I can say quite to the point that the purpose of my amendment is not to go after somebody after 20 or 30 years. I think that would be within the prerogatives of the Secretary in setting up the conditions and terms of the loan repayment, as I have set forth in the amendment.

Mr. LEGGETT. Mr. Chairman, if the gentleman will yield further, I think we are really arguing about nothing. I do not think the amendment is really needed. I think the interests of the United States can be protected under the existing language in the bill. If SIMON and LEGGETT were to make a million in total in musselburgers, as has been indicated, we have to pay it all back in income taxes, anyway, plus the fact that we have the other protections we can put in. I do not think the amendment is needed at this time.

Mr. EMERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think it is necessary to belabor that particular point too much longer, although I tend to agree with the philosophy expressed by my colleague, the gentleman from Louisiana (Mr. TREEN.) The problem is that when we talk about the practicalities of the matter, the making of profit by aquaculture, we are striking at the heart of the problem. We are not talking about a $100,000 grant. We are talking about $10,000.

We are not talking about an annual profit of $500,000 one year and $1 million in the next. What we are talking about is making $25,000 one year, losing $10,000 the next, and after 6 or 7 years getting to the point we can regularly turn over a profit of $9,000, $10,000, or $11,000.

The difficulty with plans is that you do not know what the weather is going to be. You do not know what the break for red tide is going to be on the coast. You cannot predict how the climate will change. You do not know how predatory species of fish, shellfish or some other infestation, may literally hold them back from the aquaculture industry you have invested in. So if you hold over the head of a young untried industry, which is what we are talking about here, you may be going through the motion of putting money back that we may very well need in the next 2 years or after to keep afloat; so if this type of amendment passes, we have to specify more exactly that the company has an opportunity to build equity, that it has an opportunity to build up its bank account after several years of success. Then I would certainly agree; but to leave it open ended that as soon as they have enough money and then put that away to cover the expense, then I think we are playing with the possibility of destroying the whole industry.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. EMERY. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Chairman, the last sentence of my amendment says:

> Repayment with respect to grants and contracts under this subsection shall be made under such terms and conditions, including a schedule of repayment, as the Secretary deems appropriate.

I think he has the discretion and the ability to meet some of the objections the gentleman has voiced.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. EMERY. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, is there in the bill a limitation on the size of a grant that can be issued?

Mr. EMERY. I do not remember whether we put in that limitation or not. The limitation is by the very authority we have rather modest in the authorization program for each agency. It is $3 million. We provide a total of $4 million for the whole year 1979.

Mr. LEGGETT. Under this language the money for small loans is repaid to the Department of Commerce.

Mr. BREAUX. Mr. Chairman, will the gentleman yield?

Mr. EMERY. I yield to the gentleman from Louisiana.

Mr. BREAUX. Mr. Chairman, I say to the gentleman there are two things that limit the grant: No. 1, there is the authorization and appropriation; and, second and equally important, there is the provision that no grant can be for more than 50 percent of the cost of a project. So the individual already has to come up with some money in order to be eligible.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. EMERY. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Chairman, I do not want the Members here to think I am nitpicking about $4 million. In the out year 1981, the authorization is $34 million for these agencies. In the first year it may be $4 million, but we are talking about 1981. That is the year in which President Carter wants to balance the budget.

Mr. BEDELL. Mr. Chairman, will the gentleman yield further?

Mr. EMERY. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, if there was $34 million available and somebody put up $2 million and asked for a $2 million grant, there is nothing in this bill that says it could not be granted, if I read the bill correctly; is that correct?

Mr. BREAUX. The Secretary has the discretion to determine whether that is a feasible loan. That is, of course, the protection we have provided in this bill.

Mr. BEDELL. If he has such discretion, then we could have a $2 million loan on that basis?

Mr. BREAUX. If all the conditions were met.

Mr. EMERY. Mr. Chairman, I would just like to add the observation that the practicality of the situation is that the grants are likely to be small rather than large.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. TREEN).

The question was taken; and on a division (demanded by Mr. TREEN) there were—ayes 11; noes 29.

Mr. TREEN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Louisiana (Mr. TREEN) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. TREEN

Mr. TREEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TREEN: On page 81, line 2, strike the number "25" and insert in lieu thereof "50".

Mr. TREEN. Mr. Chairman, I will try to be very brief on this. I sense the mood of the House to get on with this bill.

This amendment could save as much as $37 million over the life of the insurance program that is set up.

Under this bill, it is possible for the cost of insurance premiums for people involved in aquaculture projects, commercial projects, to get a subsidy of up to 75 percent of their premiums.

I just think that is outrageous. I do not know that there should be any subsidy, but what I am trying to do is to make a modest improvement in the bill and say that the insurance subsidy should be no more than 50 percent of the cost of the premium.

Mr. Chairman, it has been estimated—and this is in the committee report—that over the next 5 years the insurance subsidy provisions of this bill could cost $111.5 million. So by adopting a maximum limit of 50 percent, we could save one-third of that amount of money, or $37 million.

Therefore, Mr. Chairman, I hope that this amendment can be adopted on a voice vote and that we can then move to the end of the bill.

Mr. LEGGETT. Mr. Chairman, I rise in opposition to the amendment.

We have looked at this insurance program very, very carefully; and, at the instance of the insurance companies of the country, we have drafted and redrafted this provision several times.

We provide, first of all, that if insurance is available at reasonable, competitive rates, one has to go to private industry. This is not like the Federal crop insurance program or anything like that. One has to use private industry. Therefore, this is just for the Lloyds of London kind of risks.

Mr. Chairman, this bill provides that a minimum of 25 percent could be charged. It well could be that the Secretary could decide to charge 50 percent or 75 percent or recover the whole amount, as the case might be, as this program progresses.

Mr. Chairman, I have a letter here from the American Insurance Association. On behalf of that group, they indicate that as far as the insurance provisions are concerned, in their opinion we have an excellent bill.

Mr. Chairman, I will ask at the proper time to include this letter in the RECORD.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Chairman, the testimony of the representative of the AIA says, "As we have indicated, private insurance can provide most of the protection needed."

The gentleman talks about a Lloyds of London risk. Here we have property insurance, liability insurance, as well as insurance against loss of stock.

Why should a man in this business have property insurance if his shed burns down? There is no reason that private industry cannot afford that kind of insurance. This bill has covered every kind of insurance with subsidies up to 75 percent.

Mr. LEGGETT. What we provide is that if that insurance is available from private industry at reasonable rates, certainly private industry is going to prevail. It is only in the extraordinary circumstance, insurance against flood loss and various kinds of things where private industry will not take the risk, that we do provide for this exceptional help at this time.

Mr. TREEN. We have a disaster program to take care of floods.

Mr. LEGGETT. The disaster program will take care of that. That is a grant program which provides for a low interest rate, but we would like to get some of that kind of insurance taken care of by premiums. That is why we included this particular clause at the instance of the private insurance industry.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I would like to ask the gentleman to clarify a question I have.

If the taxpayers are going to subsidize 75 percent of the premium, how would the gentleman ever expect any private insurance company to come in and offer such insurance in competition with insurance for which the taxpayers are already paying a 75-percent subsidy to the insurance company?

Mr. LEGGETT. The gentleman makes an excellent point, and I want to reemphasize again that under this bill there is no authority in the Federal Government to issue any insurance if private insurance has a competitive program; and we define what a reasonable competitive program is.

It does not mean competitive with the Federal Government; it means reasonable rates. So, unlike the agriculture program, we do not have to exhaust, as in agriculture, exhaust the private sector. Here, we have to exhaust the private sector at reasonable rates before we can qualify for any of this extraordinary insurance.

Mr. BEDELL. I think the gentleman misses my point. My point is that if there is an arrangement where there is not insurance at this time, and if the Federal Government is going to subsidize a new program where the taxpayers pay 75 percent of the cost of the premiums, how in the world does the gentleman ever expect that private insurance would go in and start to compete with that insurance, when the taxpayers are paying 75 percent of the cost?

Mr. LEGGETT. The gentleman misunderstands the case again. The thing is, we are not asking private enterprise to compete with the Federal Government in this area. Private enterprise does write insurance in all of these areas, and we say as follows on page 78 of the bill:

The term "reasonable premium rate" means that premium rate determined by the Secretary, which would permit the purchase of any direct insurance coverage by a reasonably prudent person in similar circumstances with due regard to the costs and benefits involved.

The CHAIRMAN. The time of the gentleman from California (Mr. LEGGETT) has expired.

(By unanimous consent Mr. LEGGETT was allowed to proceed for 2 additional minutes.)

Mr. LEGGETT. So, if the insurance is privately available at those rates as prescribed by the Secretary, he cannot write it, and there is no competition whatsoever.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Louisiana.

Mr. TREEN. I do not think the gentleman intends to mislead the committee, but at the top of page 81 of the bill, it clearly says, "The Secretary may not establish the premium rate for any direct insurance at less than 25 percent of the actual premium rate for such insurance."

In other words, 25 percent of the actuarially sound rate.

Mr. LEGGETT. But that is for that small sliver of activity that is involved where private industry does not want to get involved at all. This is a high risk area, and what we are trying to do is invent something; we are trying to stimulate the production of mussels down in New England, for example. Lloyds of London and other private carriers do not want to get into that insurance, so we are trying to stimulate this industry and get it off its hindside.

We think this is a reasonable compromise, and if it so happens that 25 percent is not reasonable, he can go ahead and prescribe higher premiums. Certainly, we say not less than 25 percent. The gentleman may well be right that 50 percent is needed, and that will be the amount determined. It may well be that 75 percent is needed, and that can be prescribed.

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had planned to offer an amendment. That amendment, pure and simple, would have said that this insurance would be handled in a manner similar to that of the Federal Crop Insurance, where it is charged that the premiums will be adequate to cover the cost of insurance. I had planned to offer such an amendment, but because of the late hour I am not going to offer that amendment.

However, I do rise in support of the gentleman who has at least said that we are going to cut this subsidy to 50 percent. The thing I would warn you people about is, whenever we put in a subsidy like this, it stays. If anybody can tell me why we should subsidize an insurance operation for 75 percent of its cost, and then agree that we will let them insure

the operation up to 100 percent of the value, what we have done is said to a farmer, "You have the choice. You can raise catfish or you can raise rice. If you raise catfish, we will furnish insurance on which the taxpayers take care of 75 percent of the cost of insurance. We will insure those catfish, whether they get sick and die, whether you have a storm that destroys them, whatever may happen."

If one raises rice he has to insure it on the basis that he expects the premiums to cover the cost of the insurance.

I am very supportive of anything we can do to help improve our food supply, certaintly, but I have to tell this group that in my opinion we should look at the types of subsidies we are talking about here and be sure they are justified. I will have to oppose the bill because I personally do not think they are justified. I support this amendment because at least I think it would bring us a little closer to what I believe is some fiscal responsibility.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. TREEN).

The amendment was agreed to.

Mr. CHAPPELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 9370. Although aquaculture has been developing for some time in this country, it has nowhere reached its potential. The scarcity of food in the world and the ever-increasing food prices have clearly highlighted the necessity of expanding our research and development efforts in areas which present viable alternatives for expanded food production.

One of the most attractive alternatives remains the development of aquaculture. According to Department of Commerce predictions, fish farming could be a major protein source by 1990. The Aquaculture Organic Act of 1977 will not only increase sources of marine protein for the consumer and the availability and quality level of consumer fishery products, but will also stimulate new business and employment. The potential areas for aquaculture development are unlimited: stock ponds, springs, creeks, bayous, rivers, lakes, wells, seas, and other pool and pond areas that can be adopted to useful aquaculture production. Furthermore, aquaculture can coexist with agricultural pursuits and, in many cases, will provide complimentary resources. For example, water used in aquaculture is an excellent source of fertilizer, either when applied directly or when used for irrigation of various crops. A strong commitment by the Federal Government to aquaculture at this time would stimulate private investment and accelerate the development of a strong aquaculture program. I want to compliment the distinguished chairman and his committee for their foresight in bringing this legislation to the floor. It has been a long, painstaking process to get a national aquaculture development program before the House. In fact, it seems like eons ago when I first introduced a bill—H.R. 370 in the 94th Congress—to establish a national aquaculture program. The extensive hearings and careful deliberations of the Subcommittee on Fisheries and Wildlife Conservation and the Environment has produced a bill, H.R. 9370, the Aquaculture Organic Act of 1977, which is worthy of every Member's strongest support. We must meet the challenge of the worsening food situation, and aquaculture is one of our best weapons with which to meet this challenge.

I urge the passage of this bill.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I appreciate the gentleman yielding.

I want to commend the gentleman from Florida (Mr. CHAPPELL) for putting in one of the original bills on this subject matter. He has immeasurably helped the committee in pioneering this very important area. I know the gentleman has done that because he has some very avid aquaculturalists in Florida who understand what we are trying to do. The gentleman has been very helpful. We are very grateful to him.

Mr. CHAPPELL. I thank the gentleman from California.

Mr. PANETTA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the committee bill, H.R. 9370, the Aquaculture Act of 1977.

The bill represents a solid balance between increased research into species suitable to aquaculture and assistance to individuals to get involved in aquaculture through loan guarantees for purchase of stock, market operations and the like, and loans to cover disasters and insurance for facilities unable to buy commercial insurance coverage.

I think it has become apparent to those of us who follow the fishing industry that something needs to be done to give greater stability to that industry. Despite the extension of the fishing limit to 200 miles, we have seen our fishing industry plagued by problems. The high costs of buying and repairing vessels, the effect of ocean and stream pollution on fish stocks, the conflicts over rights to fish in selected waters, these and other events make fishing a precarious, uncertain, livelihood.

And yet as we all know, it is one that is so important to us all. Per capita consumption of fish has been steadily rising and may reach more than 15 pounds per person per year by 2000, a figure that would put U.S. consumption among the highest of the world. Consumption of some species is expected to rise as much as 80 percent over 1975 levels.

And Mr. Chairman, I might note that I speak as one whose ancestors in Italy were fishermen and whose family here in America fished in the Monterey area. In fact, fishing is one of the most important industries in my district, at Monterey, Moss Landing, Morro Bay, and other points along the coast. Most importantly in view of today's agenda, Mr. Chairman, is the fact that I have been hearing increasing interest in aquaculture in my district. Indeed, specific exchanges of outstanding efforts in my area include among others the Monterey Abalone Farms, headed by Mr. George Lockwood, and the Garrapata Creek Trout Farm headed by Mr. Richard Mack. It should be noted that these operations do not interfere with or compete against commercial fishermen, but simply enhance an area that otherwise would be lost entirely.

In this country, we have always stressed technical growth and experimentation as an essential insurance for economic competitiveness and strength. It has been the backbone of so much of our industrial strength today. Yet in the fishing industry, we have allowed others to take the lead in this area, in aquaculture sciences. Worldwide, the output from aquaculture has doubled in the last 5 years, as the committee report notes, and now equals 10 percent of the world's fisheries production. Japan and many of the Communist bloc countries in particular excel in this field, while in the U.S. aquaculture accounts for only 3 percent of all fish production and has grown little over the past few years. Clearly, this trend must be reversed.

I believe the committee bill to be an important step toward reversing that trend and I urge its adoption.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. WHITE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 9370) to provide for the development of aquaculture in the United States, and for other purposes, pursuant to House Resolution 998, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HARSHA. Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 130, not voting 68, as follows:

[Roll No. 63]

YEAS—234

Abdnor	Fisher	Murtha
Akaka	Fithian	Myers, Gary
Ambro	Flood	Natcher
Anderson, Calif.	Florio	Neal
	Flowers	Nedzi
Andrews, N.C.	Flynt	Nichols
Annunzio	Ford, Tenn.	Nolan
Applegate	Forsythe	Nowak
Aspin	Fraser	Oakar
AuCoin	Fuqua	Oberstar
Badham	Gaydos	Obey
Bafalis	Gephardt	Panetta
Barnard	Gilman	Patten
Bauman	Ginn	Patterson
Beard, R.I.	Gonzalez	Pepper
Beard, Tenn.	Gudger	Perkins
Beilenson	Guyer	Pressler
Benjamin	Hamilton	Preyer
Bennett	Hammer-schmidt	Price
Biaggi		Pritchard
Boggs	Hanley	Pursell
Bolling	Hawkins	Rahall
Bonior	Heckler	Railsback
Bonker	Hightower	Rangel
Bowen	Hillis	Reuss
Breaux	Holland	Richmond
Brodhead	Howard	Rodino
Broomfield	Hubbard	Rogers
Brown, Calif.	Huckaby	Roncalio
Brown, Mich.	Hughes	Rooney
Brown, Ohio	Jeffords	Rose
Burgener	Jenkins	Rosenthal
Burke, Fla.	Jenrette	Rostenkowski
Burke, Mass.	Johnson, Calif.	Santini
Burlison, Mo.	Jones, N.C.	Sarasin
Burton, Phillip	Jones, Tenn.	Scheuer
Byron	Jordan	Schroeder
Caputo	Kastenmeier	Schulze
Carney	Kemp	Seiberling
Carr	Ketchum	Shipley
Carter	Keys	Sikes
Cederberg	Kildee	Simon
Chappell	LaFalce	Sisk
Chisholm	Lagomarsino	Slack
Clausen, Don H.	Le Fante	St Germain
	Lederer	Staggers
Clawson, Del	Leggett	Steers
Cleveland	Lehman	Studds
Cohen	Livingston	Thompson
Collins, Ill.	Lloyd, Calif.	Traxler
Cornwell	Lloyd, Tenn.	Treen
Cotter	Long, La.	Trible
Coughlin	Long, Md.	Tsongas
D'Amours	Lott	Ullman
Danielson	Lundine	Van Deerlin
Davis	McDade	Vander Jagt
de la Garza	McFall	Volkmer
Delaney	McHugh	Waggonner
Derrick	McKay	Walgren
Dickinson	McKinney	Wampler
Dicks	Maguire	Waxman
Dingell	Mann	Weaver
Dodd	Markey	Weiss
Dornan	Marks	White
Downey	Marlenee	Whitehurst
Drinan	Marriott	Whitley
Duncan, Oreg.	Mattox	Wilson, Bob
Duncan, Tenn.	Metcalfe	Wilson, C. H.
Eckhardt	Meyner	Wirth
Edgar	Mikulski	Wright
Edwards, Ala.	Mikva	Wydler
Edwards, Calif.	Mineta	Yates
Eilberg	Mitchell, Md.	Yatron
Emery	Mitchell, N.Y.	Young, Alaska
Ertel	Mollohan	Young, Fla.
Evans, Ga.	Moore	Young, Mo.
Fary	Moss	Young, Tex.
Fascell	Murphy, Ill.	Zablocki
Fish	Murphy, Pa.	Zeferetti

NAYS—130

Alexander	Breckinridge	Conable
Allen	Brooks	Conte
Ammerman	Broyhill	Corcoran
Andrews, N. Dak.	Buchanan	Cornell
	Burleson, Tex.	Crane
Archer	Butler	Cunningham
Baldus	Cavanaugh	Daniel, Dan
Bedell	Cochran	Daniel, R. W.
Bevill	Coleman	Dellums
Blouin	Collins, Tex.	Derwinski
Devine	Kelly	Roberts
Edwards, Okla.	Kindness	Robinson
English	Kostmayer	Rudd
Erlenborn	Krebs	Runnels
Evans, Colo.	Latta	Sawyer
Fenwick	Leach	Sebelius
Findley	Levitas	Sharp
Flippo	Lujan	Shuster
Foley	Luken	Skelton
Fountain	McCloskey	Skubitz
Fowler	Madigan	Smith, Nebr.
Frenzel	Mahon	Snyder
Glickman	Martin	Solarz
Goldwater	Mazzoli	Spellman
Goodling	Michel	Stangeland
Gradison	Milford	Stanton
Grassley	Miller, Calif.	Stark
Hagedorn	Miller, Ohio	Steed
Hall	Minish	Steiger
Hannaford	Moffett	Stockman
Harkin	Montgomery	Stratton
Harris	Moorhead, Calif.	Stump
Harsha		Symms
Hefner	Mottl	Thone
Hollenbeck	Myers, John	Vanik
Holtzman	O'Brien	Vento
Hyde	Pattison	Walker
Ichord	Pease	Walsh
Ireland	Pickle	Watkins
Jacobs	Pike	Whalen
Johnson, Colo.	Poage	Whitten
Jones, Okla.	Quayle	Winn
Kasten	Regula	Wolff
Kazen	Rinaldo	Wylie

NOT VOTING—68

Addabbo	Gammage	Pettis
Anderson, Ill.	Giaimo	Quie
Armstrong	Gibbons	Quillen
Ashbrook	Gore	Rhodes
Ashley	Hansen	Risenhoover
Baucus	Harrington	Roe
Bingham	Heftel	Rousselot
Blanchard	Holt	Roybal
Boland	Horton	Ruppe
Brademas	Krueger	Russo
Brinkley	Lent	Ryan
Burke, Calif.	McClory	Satterfield
Burton, John	McCormack	Smith, Iowa
Clay	McDonald	Spence
Conyers	McEwen	Stokes
Corman	Mathis	Taylor
Dent	Meeds	Teague
Diggs	Moakley	Thornton
Early	Moorhead, Pa.	Tucker
Evans, Del.	Murphy, N.Y.	Udall
Evans, Ind.	Myers, Michael	Wiggins
Ford, Mich.	Nix	Wilson, Tex.
Frey	Ottinger	

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mrs. Burke of California against.

Mr. Brademas for, with Mr. McDonald against.

Mr. Harrington for, with Mr. Tucker against.

Mr. Murphy of New York for, with Mr. Ottinger against.

Mr. Ford of Michigan for, with Mr. Risenhoover against.

Mr. Evans of Delaware for, with Mr. Ashbrook against.

Mrs. Holt for, with Mr. McClory against.

Mr. Lent for, with Mr. Hansen against.

Mr. Horton for, with Mr. Quie against.

Until further notice:

Mr. Corman with Mr. Nix.

Mr. Baucus with Mr. Ryan.

Mr. Giaimo with Mr. Moakley.

Mr. Gammage with Mr. Teague.

Mr. Ashley with Mr. Dent.

Mr. Roe with Mr. Diggs.

Mr. John L. Burton with Mr. Roybal.

Mr. Clay with Mr. Stokes.

Mr. Early with Mr. Conyers.

Mr. Brinkley with Mr. Mathis.

Mr. Meeds with Mr. Russo.

Mr. Thornton with Mr. Bingham.

Mr. Boland with Mr. Gibbons.

Mr. Gore with Mr. Blanchard.

Mr. McCormack with Mr. Heftel.

Mr. Krueger with Mr. Moorhead of Pennsylvania.

Mr. Michael O. Myers with Mr. Udall.

Mr. Charles Wilson of Texas with Mr. Satterfield.

Mr. Frey with Mr. Evans of Indiana.

Mr. Anderson of Illinois with Mr. McEwen.

Mr. Taylor with Mr. Ruppe.

Mr. Rousselot with Mr. Spence.

Mr. Wiggins with Mr. Quillen.

Messrs. HANNAFORD, RUNNELS, DERWINSKI, HARRIS, KAZEN, and BROOKS changed their vote from "yea" to "nay."

Mr. MAGUIRE changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. GLICKMAN). Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY COMMITTEE ON ARMED SERVICES

Mr. ANNUNZIO. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 972) to provide for the expenses of investigations, and studies to be conducted by the Committee on Armed Services, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 972

Resolved, That for the further expenses of investigations and studies to be conducted by the Committee on Armed Services, acting as a whole or by subcommittee, not to exceed $695,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions; shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $75,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $16,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Armed Services shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder if the gentleman would withhold his unanimous-consent request until the Clerk has had a chance to read the title of the committee involved.

Mr. Speaker, am I correct in assuming that this is the resolution concerning the Committee on Armed Services?

The SPEAKER pro tempore. The gentleman is correct. This is the funding resolution for the Committee on Armed Services.

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

H. RES. 972

Resolved, That for the further expenses of investigations and studies to be conducted by the Committee on Armed Services, acting as a whole or by subcommittee, not to exceed $645,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202 (j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions; shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $75,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $16,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Armed Services shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) is recognized for 1 hour.

Mr. ANNUNZIO. Mr. Speaker, the funding request was for $695,000. The committee approved $645,000.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. ANNUNZIO. Mr. Speaker, if there are no questions, I move the previous question on the resolution, as amended.

The previous question was ordered.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY COMMITTEE ON AGRICULTURE

Mr. ANNUNZIO. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 954) to provide funds for the expenses of the investigations and studies to be conducted by the Committee on Agriculture, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 954

Resolved, That effective January 3, 1978, the expenses of the investigations and studies to be conducted by the Committee on Agriculture, acting as a whole or by Subcommittee, not to exceed $1,010,000, including expenditures for the employment of investigators, attorneys, clerical, stenographic, and other assistants, for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions, and for the procurement of services of individuals or organizations, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $5,000 of the total amount provided by this resolution may be used to provide for specialized training, pursuant to section 202 (j) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions but this monetary limitation for specialized training shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Agriculture shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That, effective January 3, 1978, the expenses of the investigations and studies to be conducted by the Committee on Agriculture, acting as a whole or by subcommittee, not to exceed $910,000, including expenditures for the employment of investigators, attorneys, clerical, stenographic, and other assistants, for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions, and for the procurement of services of individuals or organizations, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $5,000 of the total amount provided by this resolution may be used to provide for specialized training, pursuant to section 202(j) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions but this monetary limitation for specialized training shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Agriculture shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) is recognized for 1 hour.

Mr. ANNUNZIO. Mr. Speaker, on this resolution the committee had requested $1,010,000. We cut it by $100,000, so it is $910,000.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. ANNUNZIO. Mr. Speaker, if there are no questions, I move the previous question on the resolution, as amended.

The previous question was ordered.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY COMMITTEE ON EDUCATION AND LABOR

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 975) to provide for the expenses of investigations and studies to be conducted by the Committee on Education and Labor, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 975

Resolved, That effective January 3, 1978, the expenses of investigations and studies to be conducted by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $2,160,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Of such amount, $170,000 shall be available for each of eight standing subcommittees of the Committee on Education and Labor. Not to exceed $50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $3,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. THOMPSON) is recognized for 1 hour.

Mr. THOMPSON. Mr. Speaker, House Resolution 975 is from the Committee on Education and Labor. It was supported enthusiastically and well justified by the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), and by the gentleman from Minnesota (Mr. QUIE), the ranking member. It requests a funding level of $2,160,000.

This committee in the report that accompanied this resolution provides an extensive list of legislative initiatives and oversight responsibilities which clearly substantiate the requested funding level.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR SELECT COMMITTEE ON ETHICS

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 971) to provide funds for the Select Committee on Ethics, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 971

Resolved, That, effective January 3, 1978, expenses of investigations and studies to be conducted by the Select Committee on Ethics, as authorized by H. Res. 871, acting as a whole or by subcommittee, not to exceed $114,000, including expenditures for the employment of investigators, attorneys and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $15,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House and the chairman of the Select Committee on Ethics shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire on December 31, 1978.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MAZZOLI. Mr. Speaker, I rise in support of committee funding resolutions House Resolution 971, for the Select Committee on Ethics, and House Resolution 961, for the Committee on Standards of Official Conduct.

These funding resolutions provide money for important investigations and studies during the 2d session of the 95th Congress.

The Committee on Standards must have the resources and tools necessary to continue its investigation of so-called Koreagate—alleged Korean influence-peddling on Capitol Hill.

We must insure the public that an exhaustive effort is being made to bring this dismaying series of charges and countercharges to a conclusion. Perhaps, if this is done, the people's confidence in the honesty and objectivity of their elected Representatives in Congress will be enhanced.

The Select Ethics Committee must have the resources necessary to complete its task of writing regulations to implement the Code of Ethics the House adopted last March. This has been a most arduous and difficult task. But, these rule changes must be written into binding and enforceable law. Only then will the House have insured that there will be no "backsliding" in our ethical reform efforts.

As I have stated many times before, Congress owes the public open, honest, and effective services. Both of these committees contribute to this kind of service and to function efficiently they need proper funding.

I urge my colleagues to support these two funding resolutions. It is money well spent.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. THOMPSON) is recognized for 1 hour.

Mr. THOMPSON. Mr. Speaker, House Resolution 971 is from the Select Committee on Ethics which is chaired by the gentleman from North Carolina (Mr. PREYER). Both Mr. PREYER and the gentleman from California (Mr. WIGGINS), the ranking minority member fully supported and justified this resolution which is in the modest amount of $114,000.

Let me say that in his presentation of this resolution to the full committee the gentleman from Illinois (Mr. ANNUNZIO), the acting chairman of our Subcommittee on Accounts, commended the chairman and members of the select committee for this most austere budget.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON HOUSE ADMINISTRATION

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 984) to provide funds for the Committee on House Administration, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 984

Resolved, That for the further expenses of investigations and studies to be conducted by the Committee on House Administration, acting as a whole or by subcommittee, not to exceed $860,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $100,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); not to exceed $5,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; and not to exceed $200,000 of such total amount may be used for the operation of the summary of debate system; but these monetary limitations shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON. Mr. Speaker, House Resolution 984 provides for the funding for the Committee on House Administration.

The resolution was unanimously supported by the committee, the ranking member of which is not here. The ranking member is the gentleman from Alabama (Mr. DICKINSON), but the next ranking member, the gentleman from Ohio (Mr. DEVINE), is here.

The funding level is the same as that requested for the last session; and unless there is a question, Mr. Speaker, I have nothing further to say at this point.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Maryland for debate only.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman.

I imagine this is as good a time as any to ask the question that has concerned me. The issue I am going to raise does come under the jurisdiction of the gentleman's committee.

It is my understanding, having checked with staff members of the gentleman's committee, that none of the bills submitted by any Member of the House have been paid since January 1, 1978, which means that all of us are probably in arrears. Perhaps I should say that many of them have not been paid.

At any rate, I was wondering what the reason for the delay in the payment of these bills is and what remedies may be followed in order to achieve prompt payment.

Mr. THOMPSON. Mr. Speaker, I thank the gentleman for his question.

First, however, I respectfully correct him in that a majority of the bills or vouchers submitted have been paid. There has been a delay in some cases.

As the chairman of the committee, I addressed a letter, which I would characterize as a very strong one, to the Clerk of the House, asking for an explanation of the delay in the payment of vouchers submitted in a timely fashion—and I emphasize "timely fashion"—by the Members of the House. I directed him to respond to the committee, and I, in turn, of course, will inform the Members of the House. I did so to find out whether it is a computer problem, whether it is a personnel problem, or whether it is, as in many instances, a misunderstanding on the part of any individual Member's staff, or a delay under our new accounts system.

Mr. Speaker, I appreciate the question of the gentleman from Maryland, because he not only is reflecting his concern but that of many of our colleagues.

Mr. Speaker, I might say to the gentleman that there are a number of Members who have approached me in recent days and weeks. These Members have charged their travel and necessary and ordinary expenses to their own personal credit cards. The delay in some instances has caused interest to accrue on the part of the credit card creditors. If it is determined that the delay was caused by a malfunction or by human error, in either case the committee will assure the Members that if the delay is caused by a malfunction or a misfunction or by human error, any interest accrued will be paid by the House so that Members using their credit cards, as they must do in many instances, will not be thereby penalized.

Mr. BAUMAN. Mr. Speaker, if the gentleman will yield further, I am comforted to know that this problem is not as widespread as I had been told. Nevertheless, I understand there are a great many bills that have not been paid.

Mr. Speaker, I appreciate the gentleman's assurances, the reason being that in each of our districts the creditors look to us for prompt payment.

When rentals and so forth are not paid for more than a month, it becomes our problem as well. I am very happy that the chairman is in the process of clearing up this matter.

I am wondering if it has anything to do with the switchover to computer payment of these vouchers as opposed to the causes given to us before.

Mr. THOMPSON. The answer to the gentleman is no, it is not due to the switchover to the computer system. It is due largely—almost exclusively—to delays in billing, to the fact that Members have been away during periods when they might have been in Washington to sign their vouchers, and for other reasons than the computer. We will rectify these problems. I assure the gentleman.

Mr. BAUMAN. I thank the chairman.

Mr. THOMPSON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY THE COMMITTEE ON INTERNATIONAL RELATIONS

Mr. ANNUNZIO. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 981) to provide for the expenses of investigations, and studies to be conducted by the Committee on International Relations, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 981

Resolved, That effective January 3, 1978, the expenses of investigations and studies to be conducted by the Committee on Interna-

tional Relations, acting as a whole or by subcommittee, not to exceed $1,945,779.90, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $55,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No put of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on International Relations shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That effective January 3, 1978, the expenses of investigations and studies to be conducted by the Committee on International Relations, acting as a whole or by subcommittee, not to exceed $1,745,779.90, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $55,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a-(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on International Relations shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, in the resolution on the Committee on International Relations, the committee had asked for $1,945,779.90. We cut it by $200,000, to $1,745,779.90. The resolution was passed unanimously in the subcommittee and in the whole committee.

The committee amendment was agreed to.

Mr. ANNUNZIO. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF COMMITTEE ON HOUSE ADMINISTRATION TO PROVIDE FOR MAINTENANCE AND IMPROVEMENT OF ONGOING COMPUTER SERVICES FOR THE HOUSE OF REPRESENTATIVES, FOR THE INVESTIGATION OF ADDITIONAL COMPUTER SERVICES FOR THE HOUSE OF REPRESENTATIVES, AND TO PROVIDE COMPUTER SUPPORT TO THE COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. ROSE. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 977), providing funds for the expenses of the Committee on House Administration to provide for the maintenance and improvements of ongoing computer services for the House of Representatives, for the investigation of additional computer services for the House of Representatives, and to provide computer support to the committees of the House of Representatives and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 977

Resolved, That the Committee on House Administration is authorized to incur such further expenses (not in excess of $10,995,000, of which up to $250,000 will be from funds reimbursed to House Information Systems for services performed) as the committee considers advisable to enable House Information Systems to provide for the development, operation, maintenance, and improvement of ongoing computer services for the House of Representatives, for the investigation of additional computer services for the House of Representatives, and to provide computer support directly to the committees, Members, and administrative offices of the House of Representatives, including expenditures—

(1) for the employment of professional, technical, clerical, and other assistants,

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), and for the procurement of equipment by contract or otherwise, and

(3) for specialized training, pursuant to section 202(j) of such Act (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions.

Such expenses shall be paid out of the contingent fund of the House, or from reimbursed funds, on vouchers authorized and approved by such committee, and signed by the chairman thereof.

(b) Not to exceed $365,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), and not to exceed $40,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. Of such funds authorized by this resolution, $3,750,000 is projected to provide computer support to other standing and select committees of the House of Representatives and to joint committees of the Congress:

(a) Committee on Appropriations, $487,000.

(b) Joint Committee on Taxation, $142,000.

(c) Committee on Public Works and Transportation, $50,000.

(d) Committee on Ways and Means, $67,000.

(e) Committee on Education and Labor, $50,000.

(f) Committee on Merchant Marine and Fisheries, $14,000.

(g) Committee on Veterans' Affairs, $14,000.

(h) Committee on Interior and Insular Affairs, $14,000.

(i) Select Committee on Congressional Operations, $74,000.

(j) Select Committee on Aging, $8,000.

(k) General support to all committees (including preparation, administrative support, text processing, network support, economic forecasting, graphics, modeling, committee meeting information system, surveys, and technical assistance), $2,830,000.

SEC. 3. Of such funds authorized by this resolution, $949,000 is projected to provide computer support to offices of the House and of the Congress at the following projected levels:

(a) Congressional Budget Office, $200,000.

(b) Legislative Counsel, $84,000.

(c) Official Reporters to Committees, $378,000.

(d) Law Revision Counsel, $163,000.

(e) Office of the Parliamentarian, $7,000.

(f) House Leadership Offices, $117,000.

SEC. 4. Of such funds authorized by this resolution, $1,118,000 is projected to provide computer support to the officers of the House of Representatives.

SEC. 5. Of such funds authorized by this resolution, $4,284,000 is projected to provide computer support to the Members of the House of Representatives, including the ongoing development and operation of such

systems as electronic voting, legislative status and information, Member office support, and the Member information network.

SEC. 6. No part of the funds authorized by this resolution shall be available for expenditures in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 7. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 8. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. ROSE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ROSE. Mr. Speaker, this is the funding resolution for the House Information Services. The total requested in this particular funding resolution is for the operation of the House computer systems, and is for $10,995,000, an increase over the last session of the 95th Congress of some $3 million. These increases have been necessitated by the increased use by Members of the computer systems, especially the Member information network.

Our efforts have been directed at increased reliability of this computer system, and we have made great strides in that direction and feel that we will accomplish a great deal more this year.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. ANNUNZIO. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 1004) to provide for the expenses of investigations and studies to be conducted by the Select Committee on Narcotics Abuse and Control, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1004

Resolved, That for the further expenses of investigations and studies to be conducted by the Select Committee on Narcotics Abuse and Control, acting as a whole or by subcommittee, not to exceed $793,500.00, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $40,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Select Committee on Narcotics Abuse and Control shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That for the further expenses of investigations and studies to be conducted by the Select Committee on Narcotics Abuse and Control, acting as a whole or by subcommittee, not to exceed $722,204 including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $40,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Select Committee on Narcotics Abuse and Control shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

The was no objection.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. ANNUNZIO) is recognized for 1 hour.

Mr. ANNUNZIO. Mr. Speaker, this resolution was passed unanimously by the committee. The request had been for $793,000 and the committee voted $722,-204, a cut of $71,000.

Mr. WOLFF. Mr. Speaker, House Resolution 1004, which I introduced on February 6, is now up for consideration and I wish to take this opportunity to call the House's attention to the activities of the Select Committee on Narcotics Abuse and Control during the first session of the 95th Congress.

A review of the drug abuse problem must be approached from two directions: Supply reduction (concentrating on the international issues of narcotics trafficking) and demand reduction (concentrating on the domestic topics of drug abuse prevention, treatment, and rehabilitation).

As our 1977 annual report indicates, the committee's primary emphasis last year was on supply reduction. During the year, a hard, indepth study into the narcotics trafficking organizations and networks was undertaken. Study missions, involving the major narcotics exporting nations, were conducted resulting in an increased commitment from those nations to cooperate with the United States in stopping the flow of illegal narcotics.

We conducted an investigation and held hearings on the illegal trafficking of heroin from Mexico to its distribution in the city of Chicago and the subsequent laundering of money obtained from this illegal trafficking through currency exchanges. This city, representative of many of our large metropolitan areas, was being victimized by a 1,000-member international organization. As a result of the committee's exposures, avenues previously open for shipment of huge amounts of illicit untaxed dollars were closed.

In compliance with our mandate to provide information and support to the standing committees of Congress, the select committee published 13 documents on the findings of its study missions, investigations, and hearings. Copies of these publications have been provided to the standing committees and the Members of the House.

Studies aimed at drug abuse in the Nation's military services, drug abuse in major metropolitan school systems and cocaine interdiction in southern Florida were undertaken during 1977 and remain active and important issues before the committee.

Additionally, the committee completed the "Congressional Resource Guide to the Federal Efforts on Narcotics Abuse

and Control, 1969–76," which outlines the mandates, policies, and efforts of the many agencies and organizations within the Federal Government involved with the narcotics control effort. For the first time, one volume provides a legislative, organizational, and budgetary basis for examining the effectiveness of current programing and for designing new legislative initiatives. This document will serve as a comprehensive reference for the select committee, the standing committees, and for other Members of Congress.

In 1978, with the findings of the previous year's studies and investigations in mind, the committee will turn its primary attention to the aspect of demand reduction. As I mentioned, we will continue our studies into the areas of drug abuse in the military services, the school systems, and interdiction of cocaine in southern Florida. New studies will be conducted into the areas of methadone maintenance, drug abuse in institutions, psychotropic drug control, narcotics research, the lack of accountability of Federal agencies, and the monitoring and evaluation of drug treatment programs on the part of NIDA and other HEW organizations. Special emphasis will be placed on the study of interrelationships between the State Department, DEA, Customs, the FBI, and IRS; NIDA, Office of Education, Bureau of Prisons, and the VA; and Congress and the executive branch. The problems of drug abuse will never be abated until coordination exists between Congress and the executive branch and within the Federal agencies.

As the budget of the select committee comes before the House today, I urge you, the Members, to give it your full support. Drug abuse is becoming a major problem in many of our districts and, if left unattended, will spread to others. I might add that the request is identical to that of last year's budget and that we are not asking for an increase in funds.

The number of heroin addicts in the United States appears to have decreased from a high of 800,000 to approximately 600,000 today, according to the best available information. However, it should be noted that patterns in drug abuse are constantly shifting. For example, this Nation is presently experiencing a rapid upswing in persons abusing such drugs as cocaine and PCP. It is because of this ever-shifting pattern of drug abuse that the committee's efforts must continue with persistence and dedication.

Our committee's mission is to strive toward an end to this vicious problem—to a day when we can say with confidence that drug abuse is on the decline. The select committee realizes the magnitude of this endeavor, but it is one which we undertook late in 1976 and one which we will continue to undertake, with your assistance, in 1978. Without these efforts, the flow of heroin and other dangerous drugs into the United States and other parts of the world will continue. I ask the House to give its support to the select committee and House Resolution 1004.

Mr. GILMAN. Mr. Speaker, I rise in support of House Resolution 1004, offered by the gentleman from Illinois (Mr. ANNUNZIO), providing $722,204 for the work of the Select Committee on Narcotic Abuse and Control for this year, an amount that is identical to its funding for 1977.

Under the leadership of our esteemed colleague, the gentleman from New York (Mr. WOLFF), the select committee, of which I am a member, has covered considerable ground and has made significant progress during the first session of this Congress, but it has just scratched the surface on the amount of work that remains to be done.

Pursuant to House Resolution 77 that was adopted on January 11, 1977, reestablishing the select committee for the 95th Congress and authorizing it to "conduct a continuing comprehensive study and review of the problems of narcotics abuse and control," the committee has now prepared a Congressional Resource Guide that for the first time identifies the legislative, administrative, and budgetary basis through which the more than 100 departments, bureaus, administrations, and institutes administer the complex and fragmented approach to drug abuse prevention and control.

The select committee has also issued more than a dozen publications from its numerous hearings and factfinding missions into the production, distribution, and financing of the illicit narcotics industry both here and abroad, and into law enforcement efforts to interdict narcotics trafficking and to eradicate the illicit supply of opium production at its source. It has conducted extensive investigations and prepared reports on drug abuse in the military and in some of our Nation's school systems.

Mr. Speaker, drug abuse has reached epidemic proportions for heroin producer nations and heroin user nations. From the Golden Triangle of Thailand, Burma, and Laos to Iran, Egypt, and Mexico, to the narcotics distribution centers of Berlin, Amsterdam, Miami, New York, Chicago, and Vancouver, nations throughout the world are reporting increased usage of heroin, cocaine, marihuana, and other dangerous drugs. For example, Thailand reports a drug population estimated at 300,000 to 600,000; Iran, 400,000; Egypt, 500,000; Mexico, 50,000. Among our own citizens, the number of narcotic addicts both in and out of treatment has fluctuated between an estimated 760,000 and 722,500 in the last 4 years.

Through its oversight hearings, the select committee has focused attention on the need for this Nation's law enforcement agencies to minimize their interagency rivalries and to intensify their efforts to cooperate and coordinate their activities in interdicting narcotics trafficking and in obtaining convictions against the unscrupulous narcotics traffickers whose sophisticated and highly organized international criminal operations reap billions of dollars in profits from the human misery that drug abuse causes to citizens throughout the world.

The select committee has also been instrumental in encouraging other nations to join with us in the "war" on drug abuse and has focused attention on the need for other nations to contribute to or increase their contributions in the United Nations funds for drug abuse, which in 1977 resulted in the reduction of the percentage of this Nation's contribution to the fund from 80 percent down to slightly less than 50 percent.

In order to effectively wage "war" on drug abuse, this Nation must develop a comprehensive, coordinated national drug abuse policy as well as programs that will systematically treat and rehabilitate the victims of these deadly drugs. In this regard, the work of the Select Committee on Narcotics has just begun.

Mr. Speaker, in the interest of continuing the important work of the select committee in discharging its responsibilities, I urge that my colleagues support this funding resolution which will assist the committee in focusing attention on the perplexing drug problem and in assisting in formulating a comprehensive national drug abuse policy and program.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. ANNUNZIO. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY COMMITTEE ON WAYS AND MEANS

Mr. ANNUNZIO. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 963) to provide for expenses of investigations and studies to be conducted by the Committee on Ways and Means, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 963

Resolved, That for expenses incurred during the second session of the Ninety-fifth Congress with respect to investigations and studies to be conducted by the Committee on Ways and Means, acting as a whole or by subcommittee, not to exceed $3,264,000, including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $125,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)). The monetary limitation established by the preceeding sentence on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditures in connection with the study or investigation of any subject which is being

investigated for the same purpose by any other committee of the House. The chairman of the Committee on Ways and Means shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That for expenses incurred during the second session of the Ninety-fifth Congress with respect to investigations and studies to be conducted by the Committee on Ways and Means, acting as a whole or by subcommittee, not to exceed $2,115,000, including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $125,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)). The monetary limitation established by the preceding sentence on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditures in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House. The chairman of the Committee on Ways and Means shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. ANNUNZIO (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 1 hour.

Mr. ANNUNZIO. Mr. Speaker, the Committee on Ways and Means had requested $3,264,000. Our committee unanimously voted $2,115,000, or approximately a $1,100,000 cut. Are there any questions?

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. ANNUNZIO. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR EXPENSES OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 961) providing funds for the expenses of the Committee on Standards of Official Conduct, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 961

Resolved, That (a) effective January 3, 1978, the Committee on Standards of Official Conduct is authorized in carrying out its functions and duties under the rules of the House, to incur such expenses, not to exceed $655,000, as the committee considers appropriate, including expenditures—

(1) for the employment of committee staff personnel; and

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

Such expenses shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

(b) Not to exceed $250,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but such monetary limitation shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Standards of Official Conduct shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That (a) effective January 3, 1978, the Committee on Standards of Official Conduct is authorized in carrying out its functions and duties under the rules of the House, to incur such expenses, not to exceed $500,000, as the committee considers appropriate, including expenditures—

(1) for the employment of committee staff personnel; and

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)).

Such expenses shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

(b) Not to exceed $250,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but such monetary limitation shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Standards of Official Conduct shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON. Mr. Speaker, I think it might be desirable if we had order on this.

Mr. Speaker, House Resolution 961 is from the Committee on Standards of Official Conduct. The resolution is supported by the chairman, the gentleman from Georgia (Mr. FLYNT) and the ranking minority member on the committee, the gentleman from South Carolina (Mr. SPENCE). The resolution is in the amount of $500,000.

There has been some concern expressed, because the committee amended this resolution by reducing the amount authorized by $155,000. I would like to take this opportunity, with the agreement of all the members of the Committee on House Administration, to assure the gentleman from Georgia, Chairman FLYNT that not only I but all of us are

concerned that this committee have sufficient money to undertake and to fulfill its responsibilities, notwithstanding whatever those responsibilities or moneys needed might be.

I would like it to be known that immediately upon his ascertaining any further need and justifying that need, that the Committee on House Administration will cooperate to insure that adequate funding is not a limiting factor on the important work that is before the Committee on Standards of Official Conduct and that immediate and expeditious action would be taken by the Accounts Subcommittee and by the full committee to supply any further moneys requested.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield to my distinguished colleague, the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, I would merely point out that I would confirm what the chairman, the gentleman from New Jersey (Mr. THOMPSON) has said and in addition, point out that the amendment adopted by the Subcommittee on Accounts of the Committee on House Administration, still gives the Committee on Standards of Official Conduct twice as much money as they spent this current year. They spent $249,000 and we have authorized $500,000.

Mr. THOMPSON. The gentleman from Ohio (Mr. DEVINE) is quite correct.

The chairman of the committee might state further that in order properly to staff the committee the gentleman from Georgia (Mr. FLYNT), and the gentleman from South Carolina (Mr. SPENCE), and the other members of the committee proceeded cautiously from the number of 8 statutory employees up to 28 over a period of time. The average number of statutory employees which, of course, are not counted in this amount of money, was 22, in round figures, per month for the year.

The distinguished gentleman from Georgia (Mr. FLYNT) and the ranking member, the gentleman from South Carolina (Mr. SPENCE) as I say, proceeded cautiously and therefore used approximately half of the expendable moneys.

After very careful consultation with the full committee and a personal consultation with the gentleman from Georgia (Mr. FLYNT) this morning, I assured him of what I have just put in the record, of the complete cooperation of the Committee on House Administration and expeditious action on justification, of course, of any further needs which they may have.

We have no intention or wish to impede in any way or to delay this very important matter.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. Mr. Speaker, I yield to my distinguished colleague, the gentlewoman from New Jersey (Mrs. FENWICK), for the purpose of debate only.

Mrs. FENWICK. Mr. Speaker, I am most grateful for the gentleman's reassurance as to the willingness of the Committee on House Administration should we need further funding because we have been prudent as the chairman, the gentleman from New Jersey (Mr. THOMPSON) has actually pointed out, and we wish that prudence to be rewarded. We are not going to go beyond what we actually need. So I am glad to hear that we can be assured that if we do need more that it will be discussed and given kind consideration.

Mr. THOMPSON. The only condition I would say to my distinguished colleague the gentlewoman from New Jersey (Mrs. FENWICK) is that any further amount simply need be justified, not on the basis of whether one or another individual is involved, but on the basis of the need for staff.

Mrs. FENWICK. I thank the gentleman.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. THOMPSON. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days within which to revise and extend their remarks on the several resolutions which have just been adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have taken this time for the purpose of inquiring of the distinguished majority leader the program for the balance of today and the week, and the program for next week.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I will be happy to yield to the distinguished majority leader.

Mr. WRIGHT. I thank the gentleman for yielding.

The program for the balance of the week is that we will have a pro forma session tomorrow, having concluded practically all of the legislation that has been scheduled. Then tomorrow, if my unanimous-consent request is approved, we will adjourn over until Monday.

On Monday there will be a ceremonial session commemorating George Washington's birthday at which the reading of George Washington's Farewell Address will consist of the entire program.

On Tuesday the House will meet at noon. There will be the Private Calendar, and then six bills have been scheduled for consideration under suspension of the rules. Votes on these suspensions will be postponed until the end of all of them on debate. They are as follows:

H.R. 10368, Federal Aviation Act amendments,

H.R. 10924, Emergency Highway and Transportation Repair Act of 1978,

H.J. Res. 649, White House Conferences on Arts and Humanities,

H.R. 10569, authorizations for the Alcohol and Drug Abuse Education Act,

H.R. 10570, authorizations for the Environmental Education Act,

H.R. 10606, the Hubert H. Humphrey Institute Memorial Act.

On Wednesday the House will meet at 3 p.m. We will consider H.R. 9214, the International Monetary Fund supplementary financing. That comes under an open rule with 1 hour of debate.

On Thursday and Friday the House will meet at 11 o'clock. There are four bills scheduled for consideration:

H.R. 9179, Overseas Private Investment Corporation Act amendments, to complete consideration.

H.R. 5981, American Folklife Preservation Act, under an open rule, with 1 hour of debate.

H.R. 9757, grazing fee moratorium of 1977, under an open rule, with 1 hour of debate,

H.R. 3377, Wichita Indian claims, under an open rule. with 1 hour of debate.

The House will adjourn by 3 o'clock p.m. on Friday and by 5:30 o'clock p.m. on all others days except Wednesday. Conference reports, of course, may be brought up at any time, and any further program will be announced later.

Mr. MICHEL. If the distinguished majority leader would respond, might I inquire about the supplemental appropriation bill having to do with that amendment No. 43 in disagreement better known as the B–1 amendment? I get reverberations that that will be brought up sometime next week. Could the gentleman enlighten us on that?

Mr. WRIGHT. If the gentleman will yield, I think the gentleman and other Members may reasonably anticipate that that conference report will be scheduled sometime next week. We are not prepared at this time to state a particular day, but I believe it altogether likely that that conference report with that particular controversy involved will come on one of the days next week.

Mr. MICHEL. Might I further inquire whether or not there would be any consideration given to our coming in any earlier on next Wednesday rather than at the 3 o'clock p.m. period which is scheduled?

Mr. WRIGHT. There has not been any consideration given to it. It was our thought that we should continue with the regular schedule permitting committees to meet on Wednesday.

Under the 1-hour debate rule it may provoke some controversy and take more time than is anticipated, but at this moment the plan still is to come in at 3 o'clock on Wednesday. If after consideration there would be reasons for doing otherwise, we would expect to come in with a unanimous consent request.

Mr. MICHEL. I ask that question because I thought there might be a possibility, although the distinguished majority leader said that that B–1 issue might come up at any day, that it would be scheduled for Wednesday, and if

such were the case, maybe there would be cause for our coming in earlier that day in order to complete the program without our going so terribly late.

Mr. WRIGHT. I thank the gentleman. I feel fully confident that that vote would not be scheduled on Monday most certainly, and I do not think it would be scheduled on Friday. While I am not prepared to say for certain which day, it is altogether possible that it might come in the middle of the week on Wednesday; it might come on Tuesday, Wednesday, or Thursday.

Mr. MICHEL. I thank the majority leader. With that kind of exchange the Members ought to be put on notice that they ought to be here Tuesday, Wednesday, and Thursday.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday of next week be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, FEBRUARY 20, 1978

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns tomorrow it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, would the majority leader tell us why we need to come in at all next week? In previous years, in fact last year, we had this week off. The other body who is laboring under a much more difficult schedule than we took the week off and their Members are home in their districts.

Perhaps it is unjust to say we have wasted our Members' time and the taxpayers' money or whatever to be around here this week, but it is fair to say that we have not passed any major bills this week, when we might well have been doing important work at home.

Why did we change the schedule this year and now we are adjourning early after we accommodated ourselves to a full week of work and the majority leader is now sending us home?

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield, I appreciate and sympathize with the gentleman's frustration, as I am sure the gentleman appreciates and sympathizes with that of the majority leader, whose job it is to try to schedule legislation.

Mr. FRENZEL. Mr. Speaker, I would be more sympathetic if I were in the gentleman's shoes.

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield further, I hope that is never inflicted upon my distinguished colleague.

I would have to say that the gentleman's summation to the effect we had not considered any important legislation is not one that I embrace.

I think the Black Lung Act is important legislation.

I think many in the southeastern part of the United States would say that the Chattahoochee River Act is important; certainly it is important to much of the United States.

I think the Cargo Capacity for Civil Aircraft Act and the Defense Officer Personnel Management Act certainly are worthy of our attention.

While I cannot promise the gentleman that every week we come in that we will have earth-shaking legislation or sensational debates, I think the mundane business of the House is something that deserves our presence and, after all, that is what we were elected to do.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman.

Mr. Speaker, further reserving the right to object, I agree that many of the things we do are important, even if they are not blockbusters. In fact, I would hope the majority leader would refrain from bringing blockbusting business to the floor and uses a little restraint around here; but the House established the practice last year of taking a full week in the districts and the Members used it very effectively.

When we are brought in for a few hours time, it is not good use of our time or our staff's time. I would hope in the future we would be much more attentive to fitting the business to the Members of the House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SALE OF AIRCRAFT TO THE MIDDLE EAST

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. LONG of Maryland. Mr. Speaker, I have today introduced a concurrent resolution urging Congress to disapprove the sale of 50 F–5E aircraft to Egypt, 60 F–15 aircraft to Saudi Arabia, and 15 F–15 and 75 F–16 aircraft to Israel. Any proposals to provide United States arms to these three Middle Eastern States at this crucial time in the peace negotiations would be inconsistent with:

The administration's well publicized pledge to reduce arms transfers worldwide;

The promotion of peace throughout the world and specifically in the Middle East;

President Sadat's stated intention of pursuing peace with Israel; and

U.S. efforts to direct its resources to bettering the lives of poor people in poor countries.

The logic behind these proposed sales to Egypt and Saudi Arabia is highly questionable and should be reexamined. They represent a major departure from previous U.S. policy and open the door to further sales. Once a military commitment is made, there is rarely any end to it.

To the argument that if the United States does not supply this equipment other vendors will, I reply that the United States is the greatest supermarket for military equipment in the world. Few nations, if any, can supply the range of sophisticated equipment, back it up with spare parts, services, and technical assistance as the United States.

Will this sale increase our influence over the Egyptians or the Saudis during the peace negotiations? Has not past experience of the Soviets in Egypt shown that military equipment, once sold and put in place, loses its political leverage.

Why is it our responsibility or in our interest to help Egypt or Saudi Arabia build up an even stronger military establishment? Against whom? Israel? Egypt has already begun a 2-year, $6 billion arms modernization program that will make it a "military powerhouse" in the words of one Western observer close to the Egyptian government. What is the rationale behind selling Saudi Arabia the most sophisticated aircraft in the world while they transfer 76 French aircraft to Egypt? Are we not facilitating the indirect transfer of additional aircraft to Egypt?

If the purpose of the sale to Egypt is to demonstrate our support for President Sadat, is this support not amply demonstrated by an economic aid package of $2.1 billion for 1976–78? How can such a massive military program be justified on economic grounds given Egypt's poverty, unemployment, and balance-of-payments deficit? Will it not in turn, force Israel to spend vast amounts on defense rather than extricating itself from a stalemated economy.

Any sale of military equipment to Egypt and Saudi Arabia is shortsighted. One day we could be watching Israelis, Egyptians, and Saudi Arabians killing each other with American weapons. Have we not learned anything from arming both sides in the India-Pakistan and Greek-Turkish conflicts?

I hope Congress will support this resolution to deny the administration proposal to send military equipment to the Middle East at this crucial moment in the peace negotiations.

THE NEGATIVE IMPACT OF SOCIAL SECURITY PAYROLL TAX INCREASES

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to bring to the attention of my colleagues excerpts from a May 19, 1977, study conducted by the staff of the Senate Committee on the Budget entitled "Economic Recovery and the Financing of Social Insurance." It addresses the economic effects of increased social security payroll taxes.

Mr. Speaker, I would also like to inform the Members of the House that I now have over 120 cosponsors for my one-third general revenue financing bill, H.R. 10668. Each Member of the House who

has not joined in cosponsoring my proposal has been sent additional materials further outlining the merits of this timely legislation, which would reduce the social security tax rate from 6.13 to 3.9 percent in 1979, increase the taxable wage base to $100,000 and provide for a one-third contribution from general revenues.

I hope that my colleagues who have not yet offered their support of this progressive legislation will carefully examine this approach. The bill means more jobs, better take-home wages, real GNP growth, and a competitive trade posture for the United States.

Later this week I will publish a new list of those Members who have made the 1978 Social Security Honor Roll by cosponsoring my proposal, which will be published in elderly, labor, and business publications throughout the country.

We must act now. We must come to the support of the American worker.

The excerpts follow:

ECONOMIC EFFECTS OF SOCIAL SECURITY PAYROLL TAX INCREASES

Shakespeare, Julius Caesar: "We must take the current when it serves, or lose our ventures."

Hardly anyone would advocate raising personal income tax rates during a recession for the purpose of recapturing the revenue loss that the recession has caused. Yet such perverse policy is quite common in the case of payroll taxes, even though the increased payroll taxes may do more harm to the economy than an equivalent increase in the personal income tax.

ANTIJOBS BIASES

The existing system of employer payroll taxation creates a number of anti-jobs biases. An employer who wishes to expand output will find it in his interest to do this by utilizing his existing work force more intensively rather than by hiring new workers if his existing workers receive wages in excess of the payroll tax base. Any increase in wage payments above the base entails no additional payroll tax, whereas the hiring of a new worker will force the employer to pay additional taxes.

A second bias created by the present system is that it provides an incentive to introduce technology that utilizes highly skilled workers at high wages rather than less highly skilled workers at lower wages. For example, if worker A is paid $20,000 and produces exactly as much as the combined output of workers B and C, each of whom earn $10,000, it will pay the employer to hire worker A because he must pay payroll tax on the full $20,000 earned by B and C but only on $16,500 if he hires worker A.

By far the worst problems created by payroll taxes stem not from their magnitude, but from the fact that they have been increasing very rapidly during a period of slack in the economy. This trend is interfering with recovery and may also be a partial explanation for the continuation of unacceptable rates of inflation.

An employer payroll tax increase may lower profits; it may be shifted backward and reflected in lower wages; or it may be shifted forward and reflected in higher prices. If the payroll tax increase is absorbed by employers and reflected in lower profits and dividends, its effects would be similar to an increase in business income taxes. If the tax is shifted backward and reflected in lower wages its effects would be roughly equivalent to a rise in the personal income tax of a kind that impinges on labor income.

FORWARD SHIFTING AND STAGFLATION

Evidence on what actually happens is somewhat sketchy. However, there is a growing number of economists who believe that considerable forward shifting does, in fact, take place. Where business sets prices by a fixed percentage markup over costs, a rise in payroll taxes will raise the prices of goods and services in the short run because employers will view such tax increases as increases in their labor costs. Increases in payroll taxes may therefore contribute to inflation. In addition, since the rise in prices reduces consumer real income, total consumer demand will decline in real terms and this will reduce production and employment. Therefore, rising payroll taxes may be one source of stagflation, as the simultaneous presence of inflation and high unemployment has come to be called.

Computer simulation studies conducted by the staff compared the effect of a rise in employer payroll taxes with an equal increase in the personal income tax. The simulations showed that the payroll tax, if shifted forward, reduces employment by twice as much as an equivalent yield increase in the personal income tax. Moreover, the payroll tax increase raises the rate of inflation in the short run, where as the income tax increase tends to lower it.

Reliable quantitative estimates of the impact of increased payroll taxes on prices and employment require more information on the shifting of the tax burden than is presently available. However, it is important to recognize that payroll taxes will have adverse effects on production and employment *regardless* of whether and how they are shifted. It is therefore desirable to avoid increasing these taxes during a period of economic slack.

WHAT IS HAPPENING TO THE POSTAL SERVICE—POSSIBILITIES OF ALTERNATIVE DELIVERY

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, last week, I spoke about the alternative delivery symposium sponsored by the Magazine Publishers Association. Following is another discussion of the symposium written by Mr. Lou Zlovinsky of Time, Inc.

Mr. Zlovinsky does an excellent job of capturing both the flavor and facts of the meeting:

More than 200 people convened at New York's Plaza Hotel to participate in an all-day symposium on private delivery systems as alternatives to the U.S. Postal Service for their publications and other products. The group was predominantly comprised of magazine publishers, but also included newspaper publishers, book and record club executives, direct mail marketers, national retailers, private distributors, academics, government officials and other observers.

The magazine publishers registered for the symposium represented an annual volume of 1.9 billion magazines, or almost 40 percent of the total Postal Service second class mail volume. It was estimated that users of approximately 70 percent of all fourth class mail and perhaps 33 percent of all third class mail were at the gathering as well.

Sounding the theme for the symposium, Magazine Publishers Association President Stephen E. Kelly noted that since the passage of the Postal Reorganization Act of 1970, second class postal rates will exceed 400 percent by July 1979. As a result, he said, publishers are reaching the "crossover point"—the point at which private carrier rates cost less than Postal Service rates.

For Better Homes & Gardens, the crossover point has already been reached, according to Robert A. Burnett, President of Meredith Corporation, the magazine's publisher. Experimenting with alternative delivery since 1971, Better Homes & Gardens has recently employed a technique born out by the "imperative of survival" called "distribution marketing"—that is, the delivery of other materials to offset the cost of magazine delivery. In a Kansas City test, the technique brought the net cost of magazine delivery down to one cent a copy. He announced that it was a "very practical objective" in the strategic planning for Better Homes & Gardens "to reach the point that 60 percent of subscriber copies of that magazine will be delivered through private delivery." The magazine has a current circulation of 8 million.

Four private distributors discussed the formation and goals of the National Association of Selective Distributors, Inc. (NASD), asserting that alternative distribution had surpassed the "test" stage and was fast becoming a national business which could serve both large and smaller circulation publishers. NASD's nine member private distributors covered 106 ZIP codes as of Jan. 1, 1977, a figure that grew to 160 at the start of this year and is projected to reach 244 in 1979.

NASD officials suggested that the crossover point would be reached by nearly all publishers, irrespective of size. In the main, the bigger publishers have led in alternative development programs. However, by merging delivery of smaller magazines with larger publications, a cost-efficient delivery density could be achieved. Standardization of the procedures and relationships between distributors and publishers should reduce the costs of entry into alternate delivery for smaller publishers. Also, smaller specialized magazines could offset costs by marketing their demographic characteristics to local advertisers.

According to Harry C. Bird, General Manager of the Racine Journal Times, "more and more newspapers are getting into alternate delivery as a source of additional revenue." He estimated that there are approximately 765 daily newspapers that have the capability to deliver to 90% of the homes in the U.S. As to the potential of alternate delivery, NASD projected that by 1983 private carriers will be handling 750 million copies of magazines each year.

Magazine Publishers Association economist James O. Edwards, who is a principal and director of ICF Inc., a Washington-based consulting firm, reviewed a cost analysis he prepared for a hypothetical private-carrier system in the nation's capital. This was a recapitulation of testimony he gave before the Postal Rate Commission on January 9. He concluded that private delivery systems distributing magazines plus advertising materials appear to be economically attractive in competition with the 1979 Postal Service rates. He suggested that the pace of private delivery development has begun to accelerate because "the cumulative effect of the Postal Service rate increases . . . are only now being fully recognized by second-, third- and fouth-class mailers." Earlier alternate distribution tests, he said, failed to take into account the need for a multiple product mix to cover the fixed costs involved in establishing a delivery network.

Extrapolating from "reasonably conservative assumptions," Mr. Edwards predicted that as a result of the proposed 1979 postal rate increases, the Postal Service could lose about $200 million in revenues to private carriers. Add to that assumptions about the rate differentials for third class and fourth class mail and the Postal Services' revenue loss could be "several times larger" than $200 million.

Alternative delivery is not without drawbacks, such as the inability to use the mail box, Mr. Edwards said. Nevertheless, he added, "competing with the quality of delivery of the U.S. Postal Service should not be an insuperable problem." "Unless the USPS and Congress and the Executive Branch

control the increasing second- and third- and fourth-class rates, there will be major additional diversions [of revenues] to private delivery from these classes before 1980," he said.

"Alternative forms of delivery are no longer just a boastful wish," said C. Ray Shaw, executive vice president of Dow Jones & Company, Inc., in a preface to his presentation on Dow Jones' distribution program. Each weekday for the past couple of years, 40 copies of the Wall Street Journal have been delivered to postal headquarters in Washington—not by postal employees, but by Journal carriers, he pointed out. He revealed that in the fourth quarter of 1977, 160,000 copies or twelve percent of the Journal's subscription total were being distributed through alternate delivery at an average cost of 7 cents; had these same copies gone through the mails, the cost would have been 7.2 cents. He expects the cost to drop at least a full cent in the last half of 1978, with "even more dramatic" savings coming in 1979 and 1980.

By the end of 1978, Mr. Shaw said it was anticipated that 230,000 copies would be delivered by alternate means; 300,000 by the end of 1979; and eventually 500,000 or nearly 40 percent of the Journal's current subscriber total to be delivered "less expensively through alternative delivery than through the mails." The Journal has a circulation of nearly 1.5 million. "We would much prefer to remain in the U.S. mails," he said, "but we and many of you have no choice but to move a sizeable percentage of our circulation out of the postal system if the Journal is to maintain an economic health to which it is accustomed."

That sentiment was echoed by Coleman W. Hoyt, vice president of the Reader's Digest Association. He said his firm regretted "the government postal service continues to seriously price itself out of the market" by raising its rates at a "more inflationary rate than all but a handful" of the some 200 components of the Consumer Price Index. Having delivered more than four million copies of the Reader's Digest to subscribers by alternate systems since 1974, he said his company has committed itself to "maintain a strong presence in alternate delivery for an indefinite time."

Doubleday Book Clubs vice president George R. Larie reported on the impact of escalating special fourth class rates on books and attempts to seek relief through alternative delivery. He said the proposed new rates which take effect next year would boost the cost of mailing a 2-lb. parcel to 73 cents. By contrast, one home delivery test was able to hold the costs down to 35 cents per book. The book delivery tests demonstrate that "it is possible to operate a private delivery system profitably at rates which will be lower and with service that is superior to that offered by special fourth class by the Postal Service," he said.

Addressing the cost problems of third-class mailers, John C. Holt, President of Donnelley Marketing, said rate increases are forcing his organization to formally test for the first time alternate delivery of its primary product, a co-op coupon mailing. Private delivery of advertising messages has exceeded the two billion pieces-per-year mark, said Rodney E. Starmer, vice president of marketing for RCA Music Service. Organizations like the National Association of Advertising Publishers, the National Postal Service and Impact Media, Inc. all support that estimate, he said. And as direct marketers shift to alternate delivery, third class regular bulk circular mail volume has dropped during the 1972–1976 period from 14 billion pieces to 13 billion pieces.

Chapin Carpenter Jr., senior vice president for the Magazine Publishers Association in Washington, briefly reviewed the history of postal rate making since the enactment of postal reform legislation in 1970. "There seems to be no question that second class rates are going to continue to increase," he said, which should spur the development of alternate delivery. He was followed by the MPA's Congressional Liaison David R. Bunn, who discussed the components and uncertain fate of H.R. 7700, a bill developed under Congressmen James M. Hanley and Charles H. Wilson.

SOVIET MILITARY BUILDUP IN CUBA

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUDD. Mr. Speaker, the President and the administration face perhaps the most crucial foreign policy test of recent years in the deliberate threat to our national security, and that of other countries in this hemisphere, from the increased Soviet military buildup in Cuba.

It has been reported over the past few days that the Soviet Union has sent additional hundreds of fighter pilots and military ground crews into Cuba to fly Castro's MIG–21 fighter aircraft, and to perform aircraft ground maintenance and radar operation.

This has been done since Castro sent his own air force fighter crews over to Ethiopia to bomb Somalian villages and to conduct air strikes against Somali-occupied territory in the Ogaden Desert.

Mr. Speaker, the Soviet military buildup in Cuba, and the Soviet takeover of Cuban fighter aircraft missions, has been justified in the press—although it is hardly a justification—as "defensive."

But what is "defensive" about any military activities that the Soviet Union and its puppet Communist regime in Cuba are currently engaged in?

Castro has sent tens of thousands of guerrilla troops and Soviet-trained Cuban MIG pilots into Africa to fight the Communist war of aggression in Angola, Ethiopia, and nine other African states.

The Soviet Union has provided the arms and the military support to conduct this military onslaught in their attempt to subjugate all of Africa under Communist rule and Soviet domination.

Are we now to allow the Soviet Union to use Cuba's involvement in international Communist military aggression, which has for the moment depleted Castro's military strength in Cuba, as an excuse to achieve a permanent Soviet military strength at a base 90 miles off our American coast?

It is apparent that this is a Soviet ploy to build up their military base in Cuba as a forerunner of future Communist intervention in this hemisphere.

I believe that the President must immediately issue the strongest possible representations to the Soviet Union, demanding the recall of all Soviet military forces and technicians in Cuba.

And I believe the President should immediately contact leaders of other nations in this hemisphere—through the Organization of American States—to take collective action against a Soviet military presence or intervention in Cuba or any other base in our hemisphere.

THE PRESIDENT SHOULD USE HIS AUTHORITY TO END THE 72-DAY-OLD COAL STRIKE

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, yesterday I made an appeal here on the floor to the President to use his authority under the Taft-Hartley Act to end the now 72-day-old coal strike. I continue to believe that that is the most responsible action which the President can take to ensure that no unnecessary hardships are experienced by those Americans dependent on coal to heat their homes and their factories.

I would like to share with my colleagues some of the problems now facing thousands of people due to the reduction in electrical usage in the Midwest. Hardships, which I might add, that will continue to worsen until coal supplies are once again adequate.

At Grissom Air Force Base in Indiana, there has been a mandatory reduction of 25 percent in the use of electricity. In order to achieve that reduction, civilian employees are now working 2 less hours every day. Each employee is being given the choice between having those 2 hours counted against their annual leave or having their pay reduced accordingly. All electricity to base housing is being completely cutoff between 11:30 and 1 in the afternoon.

Several colleges throughout the Midwest are in intimate danger of closing. Banks and shopping centers are lowering thermostats and eliminating nonessential lighting such as outdoor signs.

In my hometown of Kokomo, Delco has already reduced its use of electricity by 15.5 percent. That reduction has been made without any loss of jobs or production by reducing the number of lights being used and similar sundry measures. However, it is anticipated that by Monday, of next week, public service of Indiana will force Delco to reduce its usage an additional 10 percent. I have been informed that that action will require certain loss of jobs and production.

One major manufacturer which asked not to be identified informed my staff that by Friday of this week, 10 to 12 percent of their workforce will be laid off in order to meet a mandatory 25-percent reduction in electricity. That will result in a 12-percent reduction in production.

Due to the extreme shortages in Ohio, the General Motors Corp. has announced that 300,000 employees may soon lose their jobs due to the domino effects of shutdowns caused by mandatory reductions of 50 percent in power. Curtailments in production might begin as soon as next week. While it will take an uncertain number of days before major job losses are experienced throughout the GM Corp., it now appears that a substantial number of employees will lose their jobs in the relatively near future.

In talking to the Department of Labor this morning, it appears that the President has not been succesful in getting industry and labor to meet in the White House and resume negotiations. This is a developing situation which can change at anytime. However, it is now apparent that even once the negotiations do resume, it will be very difficult to reach any

agreement on a new contract acceptable to all parties concerned. The simple fact is that no end to the coal strike is in sight.

I hate to be an alarmist; but a national crisis is upon us. We must recognize that fact and act accordingly. This is the time for the President to show strong leadership. President Carter faces some very difficult decisions, and while I will support any reasonable effort on his part to end the strike, I continue to believe that now is the time to begin the efforts to require the miners to go back to work. It is important that every Member begin to consider the ramifications of a continued coal strike. Hopefully, this body can bring the necessary pressure on the President and show a solidarity of support for invoking the Taft-Hartley Act. Due to the difficulties facing the President, it is necessary that the Congress show support for him should he invoke the act.

LEGISLATION TO INVESTIGATE VIOLATIONS OF PROVISIONS OF THE BIOLOGICAL WEAPONS CONVENTION OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. EMERY) is recognized for 5 minutes.

Mr. EMERY. Mr. Speaker, on April 10, 1972, 81 nations lent their signatures to the Convention on the Prohibition of the Development of Biological Weapons.

This was the culmination of a long and tedious process begun with the signing of the Geneva Protocol in 1925. That Protocol prohibited "the use of both poison gas and bacteriological methods of warfare."

Since that time, and particularly since World War II, negotiations on chemical and biological weapons progressed slowly and were often considered together with nuclear weapons in any arms control talks.

However, in 1969, the British presented to the Eighteen-Nation Disarmament Conference (ENDC) a draft treaty concentrating on the elimination of biological weapons only.

Between 1969 and 1972, the Conference of the Committee on Disarmament (CCD), as the ENDC was named after it enlarged to 26 members, held a series of discussions and negotiations on a biological weapons ban. Although no formal treaty was concluded, significant steps were taken toward a final draft.

In 1969, shortly after President Nixon took office, he ordered a complete review of U.S. policy and programs regarding biological and chemical weapons and later that year renounced all methods of biological warfare.

This action by the United States was hailed throughout the world community and helped ease the way for the final draft convention on biological weapons.

On April 10, 1972, the convention was opened for signature.

In August, President Nixon submitted the treaty to the Senate calling it—

The first international agreement since World War II to provide for the actual elimination of an entire class of weapons from the arsenals of nations.

The treaty was approved by the Senate on December 10, 1974, and signed by President Ford on January 22, 1975.

While most of the international community praised the work of the CCD for concluding this convention which prohibits the signatories from "developing, producing, stockpiling, or acquiring biological agents," some remained skeptical that the provisions of the treaty would be hard to enforce due to the lack of verification and that, inevitably, some form of violation of the terms would be detected.

I regret to say that we may have uncovered an attempt by one of the principal nations responsible for the biological weapons ban, the Soviet Union, to violate the terms of the treaty.

Recently, the Foreign Affairs Research Institute published a report by Air Marshall Stuart Menaul which claims that the Soviets were conducting extensive research and development of germ warfare. Marshall Menaul's report concluded:

There is firm evidence of this work and also of research on methods of delivery.

Because of the circumstances surrounding this report, I am today introducing a resolution that expresses the sense of the Congress that the Department of State should insist that these allegations be investigated by the CCD under article VI of the treaty. The CCD is currently meeting in Geneva. I believe the issue should also be raised by our representatives at the United Nations Security Council.

Mr. Speaker, the members of the international community, who affixed their signatures to the Biological Weapons Convention in 1972, did so with the hope of eliminating these weapons and thus advancing, however little, the goal of lasting world peace. I submit that without absolute compliance with the provisions of the treaty, that small step for peace will never be fully realized.

I urge my colleagues to consider this problem carefully and lend their support to my resolution. Cosponsors are asked to call Vince (5–6116) in my office.

The text of my resolution follows:

H. RES. —

Resolution calling on the Department of State to investigate allegations that the provisions of the Biological Weapons Convention of 1972 are being violated by a principle signatory to that Convention

Whereas in 1972 the United States, along with 81 other nations, signed the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological and Toxin Weapons and on their Destruction; and

Whereas the language of that Convention commits the signatories to, "undertake never in any circumstance to develop, produce, stockpile or otherwise acquire or retain microbial or other biological agents or toxins whatever their origin; and

Whereas each Party to that Biological Weapons Convention, "undertakes to destroy as soon as possible but not later than nine months after entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in Article 1 of the Convention; and

Whereas in 1975 the United States ratified the Geneva Protocol prohibiting the use of chemical and biological weapons in warfare; and

Whereas several allegations have been made recently that the Soviet Union, a signatory to the Biological Weapons Convention, may be in violation of the terms of the treaty: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives to—

(1) Urge the President to issue a statement of policy declaring that the provisions of the Biological Weapons Convention signed in 1972 are binding on all signatories and that these provisions cannot be manipulated or interpreted by any signatory in ways other than those intended by the Convention; and

(2) Request that the Department of State and in particular the Arms Control & Disarmament Agency raise this issue of noncompliance with the Members of the Conference of the Committee on Disarmament and seek, in accordance with Article VI of the Convention, a resolution of the allegations made; and

(3) Request that the President instruct the United States delegation to the United Nations raise this issue with the Members of the Security Council.

MARKS DISCUSSES CONSUMER VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MARKS) is recognized for 5 minutes.

Mr. MARKS. Mr. Speaker, on February 8, by a vote of 189 to 227, the House of Representatives defeated the bill to establish an Office of Consumer Representation. I was among those who voted against this legislation.

While many 24th District residents and I believe that the representation of the consumer's interests in Federal administrative proceedings should be strengthened, I concluded that this bill did not offer a practical approach to achieve that goal. I arrived at this conclusion after a careful examination of the provisions of the measure and after extensive consultation with Representatives on both sides of the issue.

In addition, I personally organized a debate on the merits of the revised consumer bill between Esther Peterson and other White House advisers and representatives of the U.S. Chamber of Commerce and the National Federation of Independent Business. This October forum, attended by many Members of Congress and their staffs, helped to focus attention on the provisions of the legislation rather than on the emotional rhetoric that had surrounded the issue.

After weighing this input and analyzing the bill, as amended on the House floor, I decided to vote against it on final passage. I did so for four principal reasons.

First, the bill would not have provided the kind of relief many consumers were hoping it would. While the OCR could have received and filed consumer complaints it would have had no power to do anything about fixing the toaster, settling a car repair dispute, or resolving a utility bill problem. The OCR would have ended up receiving millions of letters which it merely would have referred to existing Federal and non-Federal sources for action. Moreover, the OCR's impact on problems such as inflation and rising fuel costs would have been indirect and

diluted at best. At worst, the OCR's ineffectiveness in such areas would have rekindled the consumer's smoldering cynicism about the Government.

Second, ascertaining and acting on the consumer interest would have been a frustratingly difficult task for the OCR. This task would have been complicated further by an amendment adopted on the House floor that would have required the OCR to seek to represent every substantial consumer interest involved in an agency proceeding or activity. As the Washington Post noted editorially, the public interest—

> May involve balancing a given degree of safety against a certain increment of cost, or keeping down tomorrow's price increases without jeopardizing next year's supplies, or making a much more complicated type of accommodation among a hundred forces and factors bearing on the marketplace.

Such hydraheaded OCR intervention would have served to make the Federal regulatory process even more complex and confusing.

Third, the OCR would have had authorities not possessed by any other public or private entity. It would have had more access to agencies than any business and, through its use of other agencies subpena and discovery powers, would have been more powerful than any business group. Further, it would have had a statutory grant of standing to review any decision or action of government. No other public, private, or governmental body enjoys that right. I was also concerned that OCR interventions would have slowed down agency proceedings and, in many cases, would have amounted to needless harassment of business.

Fourth, both the powers and expenses of the OCR would have been bound to increase within a few years. The OCR inevitably would have evolved into a larger, more active agency as demands for new services would have brought it new responsibilities. If the recent experiences of other Federal agencies are a guide, the costs of running the OCR would have risen sharply and quickly exhausted the minimal savings of its first year of operation. For example, the appropriations for the Occupational Safety and Health Administration rose from approximately $35 million in 1972 to over $130 million in 1977. Funding for the Environmental Protection Agency has grown from $1.2 billion in 1971 to $2.7 billion in 1977.

In addition, the OCR's involvement in agency proceedings would have led to higher costs for those agencies and for the business involved. This, in turn, would have been reflected in higher taxes and higher prices for consumers.

In view of my constituents' concern over increased Federal spending and increased Federal intrusion into their lives, I concluded that this was not the time to create yet another Federal agency. It did not make sense to me that we should set up a new bureaucracy to protect the public from the existing bureaucracies. In my opinion, the better approach was to strengthen the existing consumer offices in the Federal Government and make them perform more effectively.

For this reason, I voted in favor of the Glickman-Leach substitute amendment to the OCR bill. This amendment would have reorganized the consumer functions which currently exist within various Federal agencies and would have established an Assistant Attorney General for Consumer Protection and Advocacy to support and supplement their activities. It would have insured that there were effective consumer offices within each of the 23 major Federal departments and agencies, with independent funding and Presidential appointment of personnel. Decentralization of consumer advocacy would have fostered the development of agency expertise and reduced redtape and delay. Unfortunately, this amendment was defeated.

When the Glickman-Leach substitute failed, I opposed the amended OCR bill, H.R. 9718. This proposal would have created more problems than it would have solved, and it would have been the consumer who ultimately would have suffered.

A MATERIALS POLICY IS VITAL— H.R. 10859

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey, (Mr. HOLLENBECK,) is recognized for 10 minutes.

Mr. HOLLENBECK. Mr. Speaker, I rise to speak of H.R. 10859 of which I am a cosponsor. This bill, to establish a materials policy for the United States, to promote more effective materials research and development, and to provide for an organizational structure within the Federal Government to promote that research and development, is tremendously important. It attempts to anticipate the next resource crisis which this country will face. A crisis which we do not see because it is scattered in a hundred pieces. It does not place one small group of nations in a position to throttle us; but the threat is no less real simply because it does not make daily headlines.

Mr. Speaker, of the 38 basic minerals comprising virtually all metal used by the United States, we imported 58 percent of our needs in 1976. We assume that our dependence on imports in materials and fuels is restricted to oil and natural gas, of which we import about 65 percent. As these averages show we are far more dependent on foreign sources for other materials than we are for oil.

To illustrate the severity of our situation, let me site a few specific examples. We import 100 percent of three materials: Colmbin which is used in electronic, mica, and strontium. We import over 90 percent of five: Manganese, cobalt, tantalum, the platinum group, bauxite and alumina. We import over 80 percent of four basic minerals: chomium, tin, asbestos, and fluorine. We import 70 percent of the nickel used in making steel. We import over 60 percent of potassium and gold, over 50 percent of zinc, antimony, and cadium; over 40 percent of barium, silver, mercury, and selenium; and we imported 33 percent of the iron ore we used in 1977.

Mr. Speaker I think you can see from these figures and from those given by my colleague, that our position with regard to the supply of basic minerals and materials is serious. Yet these minerals and materials are responsible directly for nearly one-fourth of the GNP, and indirectly perhaps for between 40 and 50 percent of the GNP. We pay for these imports by exporting our agricultural products and by exporting our technology. But as we export these products, we diminish the very markets upon which we rely. Because the sale of technology enables other nations to produce those things which we produce best.

The materials problem has long range implications, one of which I would like to mention here. It is a common misconception that if only we have enough energy and a suitable technology, we can mine lower and lower grade ores or rocks to satisfy our material needs. On the basis of geological research derived from plate tectonics, that is the theory of the evolution of continents and seabeds as they float over the molten interior of the Earth, there is good reason to believe that our minerals are limited. There may be definite limits to the amount of material and metals that we can extract from the Earth. This finding comes out of the most recent advances in the understanding of how mineral deposits and oil reservoirs are formed. There appears that most of the metal that we get out of a given deposit, is in fact found and obtained in the richest ores extracted first.

Take for instance the Comstock Lode discovered in the last century. After the first rich silver ores were taken out, lower and lower grade ores were mined. Although the volume of material processed was larger, and the energy required to obtain the silver was larger, the number of ounces of silver obtained from all the lower grade deposits was substantially less than the amount of silver obtained from the high grade ores found in the center of the lode.

The same is true of the Mesabi Range iron ores in northern Minnesota. The taconite deposits which we now exploit with a tremendous expenditure of energy themselves contain less iron than do the original hematite deposits which were exploited up until the mid–1950's. In the case of petroleum, primary recovery techniques using natural pressure in oil fields normally recover about 20 percent of the oil in place.

Secondary techniques such as water injection will recover an additional 10 to 15 percent; while tertiary techniques involving various forms of gas and chemical injection may recover an additional 5 to 10 percent of the original oil in place. Each stage is accomplished by a higher expenditure of energy to obtain some portion of the remaining balance. Clearly, there is a law of diminishing returns. In some cases, copper for example, there appear to be very basic chemical limits beyond which physical and chemical separation are almost impossible regardless of the amount of energy expended.

We must discard the myth that technology will eventually allow us to mine

the rocks, it may—but the costs will be extremely high and such techniques will not be developed for a long time in the future. More important, they will require gigantic quantities of energy, the use of which could threaten climate or which could threaten water supplies.

The examples I have given suggest that we must come, for instance, to a far better understanding of the basic geophysical processes by which ores and fuels are concentrated to a degree to which permits economical and environmentally safe exploitation. But cost alone may not determine whether we have materials necessary to maintain our standard of living, with due protection of the environment. Much depends upon rethinking the types of goods that we need for the style of life we wish or can conceive of.

I just read a fascinating article in Science magazine by Dr. Charles Berg, former Chief Engineer of the Federal Power Commission. It traces the process by which coal replaced wood as fuel in the last century. According to Dr. Berg, it was not lower prices, which changed the primary fuel of this Nation; it was the possibility of doing things with coal, both as a chemical feedstock and as a fuel, which simply were impossible with wood. These possibilities captured men's imagination to rethink entirely the nature of the products and goods by which people live. In Dr. Berg's words:

> Coal won the contest to replace wood as industrial fuel because there simply was no contest; the use of coal had on its side the focused intelligence of a large number of the world's most talented scientists, engineers, inventors, and entrepreneurs, all striving to find new and more productive ways to use coal.

Today, as I view the energy problem, which is intimately related to materials policy, I believe we are greatly constraining ourselves if we solely focus on the ratio of costs to Btu's produced when we evaluate alternative energy systems. Solar energy for instance, I think has begun to capture the imagination of many of our brightest people, and that in itself, not simply the cost of solar versus fission energy may determine if solar energy finally become a principal or dominant form of energy for this country. Nor is the materials industry immune to this stagnation of imagination. It has been suggested that the U.S. steel industry is suffering from foreign competition because of a failure to make necessary investments in research and in new capital equipment. On the other hand this Nation reigns supreme in the development of new materials and technology related to information processing. Is this because as a postindustrial nation moving beyond the satisfaction of physical needs, our economic interests are in the exchange of ideas and services?

All of these examples, Mr. Speaker, point to the tremendous need for materials research and development. Materials research not just on sources of supply or on new extraction techniques, but materials research on new uses for materials—on the substitutability of plentiful materials for the scarce materials, and beyond this, research or what some might call speculation, on new conceptions of economic and social well-being.

These subjects are suggested in the findings of H.R. 10859 which I hope my colleagues will consider with great care. Should the bill be passed, I hope that both the Congress and the executive will construe its directives in the broadest possible sense.

In conclusion, Mr. Speaker, I would like to say that the materials crisis which this bill attempts to meet is tremendously important; the examples I have given show that. Perhaps more important, however, our ability to deal with this materials crisis before it arises would suggest more about the future of our country than our choices over any particular issue discussed by the bill. For the bill, if passed, would indicate the ability of a democratic society like ours to anticipate problems, not merely to react to crises after they arise. Mr. Speaker, we have reached a point in the development of our economy where we make choices which not only have great bearing on the decisions we make today but which will affect our lives 40 or 50 years into the future.

This is perhaps the crucial test of the energy crisis and the materials crisis—Can this Nation and the other nations of the world act before these crises arise and before they present us with terrible choices, great suffering, and economic losses?

The policy of comprehensive materials research and the interaction of materials policy with energy and environmental concerns is one aspect of meeting this test. It is the reason for H.R. 10859. Mr. Speaker, I am honored to join in sponsoring this legislation with my distinguished colleague, the chairman of the Subcommittee on Science, Research, and Technology, who introduced the legislation last week.

ELECTRONIC MAIL: THE PRIVATE SECTOR IS THINKING ABOUT PRIVACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, from time to time I have used the CONGRESSIONAL RECORD as a forum to comment upon an emerging new technology, electronic mail. This term, of course, refers to the electronic transmission of written messages. As you know, my chief concern has been with the assurance that citizens' privacy interests will be adequately protected as this relatively new technology comes into more widespread usage, and particularly if and when the Postal Service begins offering the service to the general public.

Electronic mail is not some kind of Buck Rogers, "gee whiz" idea for the future. There are numerous forms of electronic mail already in operation in this country and abroad. To illustrate this point to my colleagues, my statement of October 17, 1977, included this paragraph:

> Already a great deal of commercial business that used to be conducted through the mails is being handled electronically, outside the postal system. For instance, right here in most congressional offices we now send printed messages around the country via telecopier and many of us get print-outs of all manner of information from computer terminals; some offices even use communicating typewriters.

After my statement appeared I received several inquiries about what I meant by the phrase "communicating typewriters." Consequently, I wish to call your attention to an article in the January issue of the American Bar Association Journal. The ABA, which has been publishing a series dealing with modern office equipment and technology, especially word processing systems.

Authored by Willoughby Ann Walshe, the piece includes a section headed, "Electronic Mail Capabilities." In it Mrs. Walshe discussed how a contemporary law firm can use commercially available equipment to give itself the option to communicate via electronic mail. The article includes a brief discussion of communicating typewriters.

What was of even greater interest to me, though, is the emphasis that is placed on the privacy safeguard features that can be built into an electronic mail system. Obviously, the private sector is concerned about this and is thinking about the need to safeguard the confidentiality of communications when new systems are being planned.

My concern is that both the Congress and the administration give serious consideration to privacy protection as we move closer to establishing a public network of electronic mail facilities. Thus far, I am not convinced that we have given adequate thought to this matter.

Mr. Speaker, at this point in the RECORD, I wish to insert an excerpt from the American Bar Association Journal. The text follows:

[From the American Bar Association Journal, January 1978]

EXCERPT FROM "PERIPHERALS COMPLETE THE WORD PROCESSING CYCLE"

ELECTRONIC MAIL CAPABILITIES

Until recently the only practical means for a law firm to maintain a rapid and accurate exchange of text with their branches, clients, other law firms, banks, and government agencies was by means of teletypewriters and high-cost, low-speed facsimile telecopiers. Now that it is possible to transmit a page for less than the cost of postal service, dispatching documents electronically via communicating word processors is proving valuable for them.

Once material is captured on the magnetic medium, it can be transmitted by one text-editing machine over telephone lines to a similar device for review or further processing or to a computer, where it can be merged with other information in the main frame's extensive data base. Communications can also be used to gather parts of a legal brief from several locations and assemble them in a central office. Through computers,

with a variety of terminals in extensive inter- and intraoffice situations.

I.B.M.'s Communicating Mag Card (Mag Card I plus a communicating electronics attachment and four extra keyboard keys) is one of the early models illustrative of the principles involved in data transmissions. It can send messages (in this case at the rate of fifteen characters per second) to another C.M.C. or computer once connection is established between the two devices. This connection is usually performed by a modem (a word coined from modulator/demodulator) plugged into each set. On the sending end, its function is to convert the digital data into comparable analogue (voice frequency) curves for transmission over telephone lines. At the receiving end the process is reversed.

When text editing equipment contains video display screens, communications are not fast, but also paperless. A batch communications capability for Vydec's Editor and Wang's System 30 transmits the contents of a sixty- to one-hundred-page floppy disk to a similar terminal or host computer at high speed. Received information can be printed as is or edited.

Information security, which is becoming more of a concern in law firms, is also provided. CPT's 4200 Cassettype System, for example, is not only equipped with a lock (the key being turned to "load" or activate communications) but also requires that a six-character code be entered into the system before transmission can occur. This enables only those persons with a knowledge of the code to transmit or receive information.

The state of communications art is reflected by I.B.M.'s announcement early this year that its Office System 6 has optional communications capability for interacting with other System 6 machines, the Mag Card II Typewriter-Communicating (introduced at the same time), and with "suitably programmed" computers. Jobs are collected on floppy disks and "batched" for transmission. Communications can be scheduled outside regular working hours, when telephone rates are lowest, with only the sending or receiving operator required to initiate the call. A summary report of all jobs sent and received is prepared automatically, thus providing a detailed log which users can scan to select the material most urgently needed.

Incoming transmissions can be received on floppy disks or magnetic cards for later playout, or they can be printed out automatically as required. The sender can select type styles on the receiving 6640 ink-jet printer electronically for hard copy preparation at the receiving end.

In this configuration, a three-level security system maintains confidentiality of the transmitted data. There is the key lock plus individual terminal and operator identification codes. The latter are automatically exchanged and verified between machines prior to transmission.

Litigation support is perhaps one of the most sophisticated applications of communication word processors sharing computer time. Bowne Time Sharing has recently refined and simplified the search of a complete computer-stored document file to locate and retrieve all references to a particular subject.

The new service, called Key Search, builds an index for all the key words contained in the various documents stored in the B.T.S. computer for a particular corporate file. The subscriber is then able to locate and retrieve every document in the stored file that contains references to a specific subject, through English-language instructions fed to the computer by means of communicating typewriters over regular telephone lines. The computer responds with the requested information in the form of a simple identification of the document, printouts of excerpts, or the complete document.

Prices for communications options vary. Some vendors offer standard or optional communications capabilities with their equipment: AES/Lanier, Base, Display Text, I.B.M. (communicating mag card units), LCS, 3M/Linolex, Qualterm, Wang, and Xerox, to name a few. Others include CPT, Digital Equipment, Lexitron, NBI, Redactron, and Vydec.

"EFT SYSTEMS? NO THANKS, NOT YET"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, when consumers are confronted with a new technology being marketed by means of free Big Macs and other discounts, there is, quite naturally, room for consumer confusion. This is particularly true in technologies involving the computerized transaction of finances where an element of suspicion or mistrust can easily set in.

So it is with electronic funds transfer systems (EFTS). According to Mr. Patrick Portway, president of the Virginia Citizens Consumer Council, EFT is at a stage today where consumer concerns should be addressed forthrightly and reasonable solutions proposed. In an article entitled "EFT Systems? No Thanks, Not Yet" appearing in the January 9 issue of Computerworld, Mr. Portway examines a number of critical issues related to the electronic banking arena. He testified recently before my House Banking Subcommittee on Consumer Affairs during hearings on the electronic funds transfer section of H.R. 8753, and I would now like to share his views from the article.

Mr. Portway notes that the impact of a new technology often results in consumer uncertainty and industry experimentation. The technology exists in a void, without strict regulation, while it expands and develops. The problem is that by the time consumer reaction takes hold, the technological systems could be obsolete. Or worse rejected altogether. As example, Mr. Portway points to the Universal Product Code (UPC) used at computerized supermarket checkouts. We have all seen these new codes stamped on assorted food goods and other sundries. However, chances are many consumers do not actually go through the electronic checkout as first proposed several years ago. Why not? Because, as Portway's article mentions, many States passed legislation that requires visible individual price marking.

The point Mr. Portway makes is that by and large the consumer was hesitant when faced with the UPC and the entire system suffered a severe problem of consumer acceptance. A new technology that has not been implemented with careful consideration paid to consumer reaction is not going to work well. Mr. Portway urges that the computer and financial industries pay close attention to the voices of consumer leaders so that EFT does not result in another costly fiasco.

The primary consumer concerns regarding EFT, Mr. Portway maintains, are safeguards of privacy, security and liability. He believes current safeguards are inadequate and that industry all too often brushes off these concerns, enlarging the gap between EFT acceptance and the public. For instance, he writes:

> If consumers are concerned, industry should be even more concerned when, for example, Citibank of New York invests millions in EFT while a Texas public referendum outlaws the use of the technology for banks. Something has to be wrong.

To overcome this credibility gap, Mr. Portway suggests that the industry should take steps to insure the consumer's privacy and the security of computerized transactions. In particular, he maintains that safeguards should be developed to prevent the release of personal data to parties not involved in the original EFT transaction. Such proposals as that made by the EFT Commission to allow banks to sell mailing lists derived from EFT systems ignored consumer sensibilities, Mr. Portway believes.

Perhaps no issues revolving around EFTS are more volatile than those of liability and reversibility or stop payment. The problem as Mr. Portway sees it "really comes from the inability of the banking industry to make up its mind just what EFT is"—another form of credit card, cash or checking system. But unlike credit cards, the EFT debit card does not provide a $50 limitation of liability should it be lost or misused, which is a limitation Mr. Portway supports. He takes issue with the EFT Commission's recommendation that there is only liability when the consumer is negligent, since by writing one's personal identification number (PIN) on a debit card or carrying it around in a wallet could constitute negligence. To underscore the issue, he cites a study done for the EFT Commission in Syracuse, N.Y., which showed that a large number of consumers do carry their PIN with them and, hence, could be negligent. Financial institutions should fund the development of more sophisticated security systems, Mr. Portway suggests, such as voice or fingerprint identification.

And unlike checking accounts, there is no provision in EFTS for stopping payment on goods already purchased, a capability Mr. Portway asserts is inherent in most EFT systems. While he notes that in the current checking system stop payment orders are infrequent, he emphasizes that reversibility is often a last resort in disputes between consumers and merchants. And if, as it has been predicted, EFTS will replace the current checking system which does have a stop payment privilege, then the new system should have the same privilege, he claims.

This article also raises pertinent questions about the cost and marketing of electronic funds transfer systems. Already some financial institutions are offering free services, Big Macs and automated teller machines shaped like cookie jars. This leads Mr. Portway to wonder "what will happen when the true cost of EFT must be borne by the consumer." Noting that the banking community has

acknowledged that EFTS are not currently paying for themselves, he believes that the new electronic systems are being subsidized by other charges on consumer services.

I should point out that Mr. Portway makes it clear he does not wish to abolish or prevent EFTS, but merely "to provide adequate protection of the consumer's interests and consumer education while the technology evolves." This is an important point, for as the article states, some consumers actually fear involvement with impersonal machines. So it is imperative, Mr. Portway writes, that EFT be introduced with consumer concerns and education in mind.

Mr. Speaker, I believe this article contributes substantially to the ongoing EFTS debate. It suggests the need for consideration of the potential consequences of this technology and for legislation establishing consumer safeguards. And I might add that when we are talking about a technology that involves the consumer's pocketbook there is no room for on-the-job training. We must deal with the problems now. That is why I introduced H.R. 8753, together with Mrs. SPELLMAN, Mr. VENTO, Mr. ST GERMAIN, Mr. MINISH, and Mr. FAUNTROY. This legislation, which has been the subject of many days of hearings by the Consumer Affairs Subcommittee, would effectively deal with these concerns, and once again I urge my colleagues to support this bill.

NATIONAL AQUACULTURE ACT OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut, (Mr. DODD) is recognized for 10 minutes.

Mr. DODD. Mr. Speaker, I rise in support of the National Aquaculture Act of 1977, H.R. 9370.

The one major resource in which the United States has remained totally self-sufficient is food production. Some say that this factor more than any other will determine the future strength of our economy. However, if there is one lesson to be learned from the shortages of domestic energy and other natural resources that have occurred in our country during the 1970's, it is that we cannot take our natural resources for granted. The problem has been that our Nation has only rarely been successful in taking the necessary actions to avert a crisis before the crisis actually upon us.

Mr. Speaker, I would like to suggest to my colleagues that the bill before us today is designed to help prevent our Nation from ever experiencing a shortage of food.

The fact is that the one major food source the United States does depend on other nations to provide is fish. We currently import approximately 50 percent of the fish products consumed.

The legislation before us today will help the United States increase its food production by establishing a national aquaculture development plan to facilitate the production of fish—an efficient source of animal protein. Other nations have been successful in developing aquaculture programs as a primary source of food. However, the United States has not yet begun to develop an aquaculture program. It has been noted that there has been a relatively small fluctuation of the world fish catch in recent years, but the demand for fish products has increased. In fact, given the rapid increase in the world's population and the worldwide shortage of fish products, the National Oceanic and Atmospheric Administration predicts that a worldwide shortage of fish products can be expected within 3 to 10 years. The demand for seafood products is expected to increase 80 percent by the year 2000.

I feel that this legislation will help the United States to increase production of fish products for the consumption of our citizens. It will help to insure that we continue to be self-sufficient in food production. We cannot afford not to establish a program which would increase our food production at this time.

There is also a need to provide economical and technical assistance to the commercial fishing industry if our Nation is going to develop an aquaculture program. You will recall that on the eve of the passage of the Marine Fisheries Conservation Act the commercial fishing industry had suffered economic losses because of overfishing by foreign fleets. Due to overfishing of foreign fleets many species along our coast had been depleted.

At that time, the commercial lobstermen in my home State of Connecticut had reported that despite increased demand, the catch along the Connecticut shoreline had been greatly diminished. Furthermore, the New England fishing industry as a whole had experienced a sharp reduction in its fishing catch, with the total gross catch decreasing from 700 million pounds in 1965 to 540 million pounds in 1976.

The 200-mile limit has been enforced only since last March, and the 1977 statistics have not yet been reported to the National Marine Fisheries Service, so it is very difficult to predict at this time what effect the establishment of a 200-mile fishing limit will have upon the industry. However, we must deal with the fact that many species of fish have been depleted and must be restored. We must also deal with the fact that existing loan programs have been inadequate in providing financial assistance to encourage individuals to enter the field of aquaculture.

I feel that the Aquaculture Act of 1977 will enable our country to establish a sound Federal program by providing the necessary technical and monetary assistance to strenghten commercial fishing in this country.

Therefore, I urge you to join me in supporting the Aquaculture Act of 1977.

CODIFICATION OF THE INTERSTATE COMMERCE ACT AND RELATED LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I am today introducing a bill to revise, codify, and enact without substantive change the Interstate Commerce Act and related laws as subtitle IV of title 49, United States Code. This bill updates H.R. 9777, which I introduced on October 27, 1977, and makes a number of technical changes in it to insure an accurate restatement of existing law without substantive change.

This bill has been prepared by the Office of the Law Revision Council, in cooperation with the Interstate Commerce Commission, as a part of the program of the Office to prepare and submit to the Judiciary Committee of the House of Representatives, for enactment into positive law, all titles of the United States Code. Earlier versions of the bill have been given wide public circulation. All comments have been considered by the Law Revision Counsel who is now satisfied that the bill does accurately restate existing law without substantive change. The bill is now ready for consideration by the Judiciary Committee.

COMMITMENT OF CRIMINALLY INSANE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

Ms. HOLTZMAN. Mr. Speaker, today I am introducing a bill to authorize the commitment of the criminally insane in our federal system. At the present time in Federal courts, once somebody is acquitted of a violent crime because of insanity, he still must be released even if he poses an imminent threat to the life or physical safety of others. My bill would plug up this serious loophole in our Federal criminal law.

Under my bill, people who have committed violent crimes and are found likely to commit other such crimes can be hospitalized and treated rather than being turned loose to harm others.

My bill attempts to assure that the procedures for commitment are fair and just. Thus, it sets up a two-step hearing process. Once a person is acquitted of a violent crime on ground of insanity, the judge must first hold a hearing to determine if the person poses a likely danger to the safety of others. To make such a determination, the court is required to appoint two professional examiners and the acquitted person is entitled to designate a third examiner of his choice.

If the court finds that the acquitted person poses a danger to society, a second hearing is held to determine the facility to which he will be committed and the appropriate treatment. At the hearings, the acquitted person is entitled to be represented by counsel, to call witnesses and to cross-examine them. His fifth amendment right against self-incrimination is preserved.

My bill has another unique feature designed: First, to insure that the mental institution in fact provides treatment; and second, to safeguard against danger-

ous or inhumane treatment. Specifically, my bill creates a Commitment Review Committee (made up of lay and professional persons) to review the adequacy and appropriateness of the treatment. The Review Committee may, if it wishes, evaluate the treatment at the request of the person who is being committed; it must review the treatment in cases involving shock therapy, behavior therapy using aversive stimuli or pyschotropic drugs.

This proposed legislation, I believe, strikes an appropriate balance between the need to protect society from the criminally insane who are likely to commit violent crimes again and the rights of such persons to due process, fair procedures, and safe and adequate treatment.

It is important that Congress deal promptly with this serious problem and I would urge speedy and favorable consideration of this measure.

The text follows:

H.R. 10993

A bill to amend title 18, United States Code, to provide for cases of persons acquitted of certain Federal offenses by reason of insanity

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title 18, United States Code, is amended by adding immediately after part V the following new part:

"PART VI.—PERSONS ACQUITTED OF SERIOUS OFFENSES ON THE BASIS OF INSANITY

"Sec.
"7001. Procedure on acquittal on the basis of insanity.
"7002. Examination of acquitted person.
"7003. Right to counsel.
"7004. Custody during examination period.
"7005. Examiners' reports.
"7006. Hearing on commitment.
"7007. Hearing on treatment.
"7008. Commitment Review Committees.
"7009. Report and hearing.
"7010. Privacy of records.
"7011. Prohibition of transfer to a penal institution.
"7012. Maximum period of commitment.
"7013. Definitions.

"§ 7001. Procedure on acquittal on the basis of insanity

"(a) If in a court of the United States a person is found not guilty of a violent offense only because such person was insane at the time of the commission of such offense, the fact of such insanity shall be noted in the verdict and such person shall be subject to the procedures set forth in this part.

"(b) After judgment is entered upon a verdict containing a notation of insanity described in subsection (a), the court shall immediately order the acquitted person to be examined in accordance with this part.

"§ 7002. Examination of acquitted person

"(a)(1) When the court issues an order under section 7001(b) with respect to an acquitted person, the court shall appoint two examiners to examine such person.

"(2) In addition to the two examiners appointed pursuant to paragraph (1), an acquitted person may be examined by any examiner chosen by such person. The fees and expenses of each such examiner shall be paid by such person.

"(3)(A) If the court determines that the acquitted person is financially unable to obtain an examiner under paragraph (2), the acquitted person may petition the court, not later than ten days after the date on which the court issues an order under section 7001(b) with respect to that acquitted person, to appoint an examiner.

"(B) The court shall appoint an examiner designated by an acquitted person unless the court determines the appointment of such examiner would cause unreasonable delay or expense.

"(4) The court shall pay any expenses necessarily incident to an examination by an examiner appointed pursuant to paragraph (1) or (3).

"§ 7003. Right to counsel

"An acquitted person has the right to be represented by counsel at every stage of any proceeding conducted under this part. If such person is financially unable to obtain counsel, the court shall pay the fees of an appointed counsel and any expenses necessarily incurred by such appointed counsel incident to the representation of such person.

"§ 7004. Custody during examination period

"During the period beginning at the time the court issues an order under section 7001(b) and ending at the time the hearing conducted in accordance with section 7006 is concluded, the acquitted person shall be confined to a mental treatment facility if—

"(1) the court determines that because of a mental disease or defect of such person, the release of such person is more likely than not to create a danger of bodily harm to other persons; or

"(2) such confinement for such period of time is necessary to conduct an examination authorized by this part.

"§ 7005 Examiners' reports

"(a) Each examiner appointed or chosen under section 7002(a) shall file with the court, and supply to such person or any attorney representing such person, a report satisfying the standards prescribed under subsection (b). An examiner shall file such report—

"(1) not more than thirty days after the date on which such examiner is appointed or chosen; and

"(2) not more than forty-five days after the date on which with respect to such person judgment is entered upon a verdict containing a notation described in section 7001(a).

"(b)(1) The examiner's report filed pursuant to subsection (a) shall be divided into two portions, each of which shall be separately sealed.

"(2) One portion of such report shall be designated as the commitment material and shall contain—

"(A) a summary of the techniques, processes, and tests used in examining and evaluating the acquitted person with respect to whom such report is filed; and

"(B) detailed findings with respect to the mental and emotional condition of such person and a description of the factual information upon which such findings are based.

"(3) A second portion of such report shall be designated as the treatment material and shall contain—

"(A) the opinion of the examiner as to the prognosis for treatment of such person;

"(B) the opinion of the examiner as to whether such person should be confined to a mental treatment facility or have the status of out-patient is recommended; and

"(C) the recommendation of the examiner as to any treatment appropriate for such person, the expected length of the period during which any such treatment is necessary, and an identification of mental treatment facilities available to administer any such treatment.

"(c) Immediately after the examiner's report is filed pursuant to subsection (a), the commitment material contained in such report shall be made available for examination by the acquitted person with respect to whom such report is filed, and any attorney representing such person.

"§ 7006. Hearing on commitment

"(a) Not later than 60 days after the date on which judgment is entered upon a verdict containing a notation described in section 7001(a), unless the acquitted person consents to any delay, a hearing shall be conducted by the court to determine whether the acquitted person is to receive treatment from a mental treatment facility.

"(b)(1) At any hearing described in subsection (a), an acquitted person shall have the right to present evidence, subpena witnesses, and confront and cross-examine witnesses.

"(2) An acquitted person shall have the right to refuse to testify at any hearing described in subsection (a).

"(c) At the conclusion of presentation of the evidence at any hearing described in subsection (a), the court shall determine if the United States has proved by clear and convincing evidence that because of a mental disease or defect of the acquitted person, it is more likely than not that the release of such person would create a danger of bodily harm to other persons.

"(d) If the court does not determine under subsection (c) that the release of the acquitted person would create a danger of bodily harm of other persons, the court shall order such person released forthwith.

"§ 7007. Hearing on treatment

"(a) If the court makes a determination under section 7006(c) that it is more likely than not that the release of such acquitted person would create a danger of bodily harm to other persons, the court shall examine the treatment material relating to that person and shall make such material available to the acquitted person, the attorney representing such acquitted person, and the United States attorney. As soon as practicable after such material has been so examined and made available, the court shall conduct a hearing to determine the mental treatment facility to which such person shall be committed. At any such hearing, an acquitted person shall have the right to present evidence, subpena witnesses, and cross-examine witnesses.

"(b) Not later than seven days after the date on which a hearing on treatment is concluded, the court shall commit the acquitted person with respect to whom such hearing is conducted to a mental treatment facility for treatment—

"(A) as an outpatient; or

"(B) as a resident patient.

"§ 7008. Commitment Review Committees

"(a) An acquitted person may refuse any treatment under this part.

"(b) There is established in each judicial district of the United States a Commitment Review Committee (hereinafter in this part referred to as the 'Committee') which shall be composed of five members appointed by the Secretary of Health, Education, and Welfare (hereinafter in this part referred to as the 'Secretary').

"(c) Subject to subsection (c)(2), the Committee shall be composed of—

"(1) a psychiatrist;

"(2) a clinical psychologist;

"(3) a mental health professional other than a psychiatrist or clinical psychologist;

"(4) a citizen who resides in the judicial district in which such Committee is established and who is not employed or trained in any profession named in paragraph (1), (2), or (3); and

"(5) an attorney.

"(d)(1) Each member of a Committee shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS–15 of the General Schedule (as

provided in section 5332 of title 5, United States Code) for each day during which such member performs duties of such Committee.

"(2) A member of a Committee may not be an officer or employee of the United States.

"(e)(1) The Committee shall review the treatment of an acquitted person in accordance with this subsection.

"(2) The Committee may review on its own motion, and shall review, at the request of such person or any agent in fact representing such person, the treatment of an acquitted person to determine if the Committee should recommend to the court that such person should be transferred to another mental treatment facility, should receive different treatment, or should be released. If the Committee makes such a recommendation, the court shall promptly hold a hearing to consider the Committee's recommendation.

"(3)(A) If the mental treatment facility to which an acquitted person has been committed proposes to administer to such person any treatment described in subparagraph (B), the Committee shall review such proposal to determine if the acquitted person lacks the capacity to make an informed decision with respect to treatment and, if the Committee finds the lack of such capacity, shall recommend to the court whether such treatment should be administered.

"(B) Treatment of an acquitted person is subject to review pursuant to subparagraph (a) if such treatment is—

"(i) electroconvulsive therapy;

"(ii) behavior thereapy involving aversive stimuli or substantial deprivations; or

"(iii) psychotropic medication—

"(I) the prescribed dosage of which exceeds levels recommended by the Food and Drug Administration;

"(II) two or more types of which are to be administered to such person simultaneously; or

"(III) with respect to which a pharmacist, physician, or pharmacologist has made a written declaration that potential hazards outweigh potential benefits to such person.

"§ 7009. Report and hearing

"(a)(1) Not later than six months after the date on which an acquitted person is committed to a mental treatment facility pursuant to section 7007(b), and at the conclusion of each one-year period thereafter, such facility shall file with the court, with the attorney representing the United States in proceedings under this part dealing with such person, and with any attorney representing such person a written report dealing with the current mental condition of such person. Such report shall contain—

"(A) a summary of treatment methods used and medication administered;

"(B) an analysis of any change in condition of such person;

"(C) an opinion as to whether because of a mental disease or defect of such person, the release of such person would create a substantial danger of bodily harm to other persons;

"(D) a description of factual information upon which the opinion rendered pursuant to subparagraph (C) is based; and

"(E) future treatment plans with respect to such person.

"(b) Not later than 30 days after the date on which the court receives a report described in subsection (a), the court shall conduct a hearing to determine if because of a mental disease or defect of the acquitted person with respect to whom such report is filed, it is more likely than not that the release of such person would create a danger of bodily harm to other persons. If the court determines that such person should remain confined, the court shall determine if such person should be transferred to a different mental treatment facility or if the status of such person as a resident patient or outpatient should be changed.

"(c) Any hearing conducted pursuant to subsection (b) shall be conducted in the same manner and subject to the same requirements as any hearing conducted pursuant to subsections (b) and (c) of section 7006.

"(d) An acquitted person may petition the court for examination by an examiner chosen by such person in preparation for a hearing conducted pursuant to subsection (b). Such examiner may be chosen and compensated by such person or appointed in the same manner and under the same terms and conditions prescribed for the appointment of examiners under section 7002(a).

"§ 7010. Privacy of records

"Except as otherwise provided in this part, any report to the court or other filing made with respect to an acquitted person under this part shall not be placed in that person's court record but shall be maintained separately and be made available only to such persons as the court in the interest of justice may direct.

"§ 7011. Prohibition of transfer to a penal institution

"At no time, under this part, shall the court order that an acquitted person be placed in a penal or correctional institution.

"§ 7012. Maximum period of commitment

"The maximum period of time that an acquitted person may be committed for treatment under this part is the period ending on the earliest date such person would be eligible for release on parole if such person had been sentenced to the maximum term of imprisonment which could have been imposed for commission of the offense of which such person was acquitted.

"§ 7013. Definitions

"For purposes of this part the following definitions apply:

"(1) The term 'psychiatrist' means a physician who has completed three years of residency training in psychiatry in a program approved by the American Medical Association.

"(2) The term 'clinical psychologist' means a person who has received a doctoral degree in a clinical program accredited by the American Psychological Association and who has at least three years experience in the treatment and diagnosis of serious mental diseases or defects.

"(3) The term 'examiner' means a psychiatrist or a clinical psychologist.

"(4) The term 'mental treatment facility' means any hospital, clinic, or other institution which is accredited by the Joint Commission on the Accreditation of Hospitals and which is devoted primarily to the diagnosis, treatment, or rehabilitation of persons with mental diseases or defects.

"(5) The term 'lacks the capacity to make an informed decision with respect to treatment' means the inability of a person, by reason of mental disease or defect, to achieve a rudimentary understanding of the purpose, nature, and possible consequences of mental treatment, after any other person has made conscientious efforts at explanation.

"(6) The term 'acquitted person' means a person who is found not guilty of a violent offense because such person was insane at the time of the commission of such offense.

"(7) The term 'violent offense' means an offense involving serious bodily harm to others or a substantial risk of such harm.

"(8) The term 'mental health professional' means a person who is trained or employed in the area of diagnosis, treatment, or rehabilitation of persons with mental diseases or defects.".

(b)(1) The table of parts for such title 18 is amended by adding at the end thereof the following new item:

"VI. Persons Acquitted of Serious Offenses on the Basis of Insanity. 7001".

(2) The table of chapters for such title 18 is amended by adding at the end thereof the following new item:

"PART VI.—PERSONS ACQUITTED OF SERIOUS OFFENSES ON THE BASIS OF INSANITY".

SEC. 2. There are authorized to be appropriated for the purposes of this Act such sums as may be necessary.

SEC. 3. The amendments made by this Act shall become effective on the date 180 days after the date of enactment of this Act.

CONSUMER COOPERATIVES AND COMMUNITY DEVELOPMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, the Washington Star, in today's editions, carries two important stories on the development of cooperative enterprises in the District of Columbia.

The Star is to be commended for these excellent pieces of journalism which point to the value of consumer cooperatives as community development tools particularly in low and moderate income areas.

Here is the way the Star quoted one of these co-op leaders concerning consumer cooperatives launched in the Mount Pleasant and Adams-Morgan areas of the District of Columbia:

We view co-ops as a tool for communities to organize themselves and begin to deal with some economic problems. Once a community is involved in self-determination, it could then deal with other problems.

To this another co-op leader adds that work with tenant groups is important now in order to fight property speculators who evict not only longtime low- and moderate-income residents but small-business proprietors as well, including cooperative stores.

This same story, Mr. Speaker, clearly points out that cooperatives and small businesses can work together. In fact, the co-op leaders quoted in the Star articles state with great emphasis that the cooperative enterprises can also help local small business and that these businesses should be integrated into the new co-op developments.

One of the more exciting co-op efforts mentioned in these articles was the formation of a housing cooperative to assume responsibility for the Kenesaw apartments on 16th Street. This cooperative has moved to assume ownership of the building from Antioch College which had announced plans to oust the tenants and to cease operating it as an apartment building.

The formation of this cooperative has already brought major improvements to the apartment building and the surrounding neighborhood. The Star article states:

Sanitation and security are among the major problems described by tenants. Some say that before the cooperative got rolling outsiders came into the building to take drugs and sleep in vacant apartments.

Since last spring, cooperative members have gotten the heating system running, scrubbed walls, taken out many bags of trash, cleaned and closed off vacated apartments, hired a security guard, done the yard work and tackled plumbing and other maintenance problems.

And the article went on to quote one of the members of the new cooperative:

"If it weren't for the cooperative," Juan Somarriba said, "this building would be practically destroyed. When we cleaned up . . . apartments, we even found a revolver." After the cooperative was formed, things improved. "Before that, each person just lived his own life," he said.

Mr. Speaker, it is obvious that the benefits of this cooperative go well beyond the apartment building and also reaches the entire neighborhood and, for that matter, affects the character of the entire District of Columbia. One of the organizers of the cooperative, Silverio Coy, put it this way:

"It's not a matter of a group of families trying to save their homes; it's a matter of trying to save the community from changes, because we want to keep the diversity. We are part of that community," Coy referring to an influx of well-off people into the Mount Pleasant area which some say is causing lower income residents to be displaced from the neighborhood.

Mr. Speaker, these articles are a clear indication of the importance of the National Consumer Cooperative Bank Act which the House passed last July 14 and which is now pending in the Senate Banking Committee. Mr. Speaker, these cooperatives, which would be financed and encouraged by the Consumer Cooperative Bank and the self-help development fund can be significant factors in inner-city areas all over this Nation.

Mr. Speaker, I sincerely hope that this legislation will move rapidly in the Senate and that we will have this financing mechanism in place in the very near future. The legislation has the backing of President Carter and his administration and I think it is one of the most important pieces of legislation before this Congress. It is something that will have a lasting impact on American life. Once again, Mr. Speaker, I hope my colleagues will read the District section of today's Washington Star to see how these consumer cooperatives operate and how they can become a focal point of solid community efforts.

THE PLIGHT OF THE AMERICAN FARMER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. BURLISON) is recognized for 5 minutes.

Mr. BURLISON of Missouri. Mr. Speaker, the American Agriculture Movement has requested that the Members submit a statement for insertion in the record of today's proceedings. In compliance with that request I submit a copy of my prepared statement which was delivered before the House Agriculture Committee last week. There was considerable discussion between committee members and me following the statement, but it will be some weeks before the printed hearing record will be available.

STATEMENT OF BILL D. BURLISON

Mr. Chairman, as we approached the opening of this Second Session of the 95th Congress, I suggested to a number of my concerned and disturbed farmers that there were just a handful of bench marks for which to be alert if we were to get legislative relief this year.

First, we would listen intently to the President's State of the Union message for his reference to our problem. He made brief mention of it and said his administration would monitor it closely. This was not as much and as positive as we wanted to hear. Nevertheless, there is some encouragement in that I had previously been witness to nine State of the Union speeches without mention of the farmer or his problems.

Secondly, it was essential that we have extensive congressional hearings early in the session. We are presently seeing that transpire. This Committee is due commendation for moving expeditiously to hold hearings.

It was my view at the time, and still is, that we could have passed a stronger farm bill last year. It is realized this is highly subjective and cannot be documented. Yet, strong evidence exists in the form of the 294 to 114 vote by which the bill was passed. We could have done more, withstood some vote slippage, and still passed the bill.

We ought now to be able to do even more. In recent months the plight of the farmer has been dramatically depicted throughout the country. There now appears to be a substantial public consciousness that the farmer is not being treated fairly. There is a greater public understanding that there is no sense to the fact that the farmer is paying all time record high expenses to produce his crop and raise his family, while receiving for that crop 30 to 40 percent less than he received just a few years ago. The Congress and the President now should go as far as possible to rectify that. At the very least, something must be done. If not, many of us will lose the faith and confidence of our constituencies.

The question then becomes "what" should be done. There are a number of options for consideration.

The target prices and/or non-recourse loan across the board, or on a commodity to commodity basis. The prices could be pegged to parity, a realistic cost of production, or some other measurement. Farmers cannot raise wheat for $3 a bushel or corn for $2 and cut back on last years production at the same time. Nor can the cotton farmer stay in business at 50 cents a pound. The same is true for the soybean farmer if the price drops to the $3.50 loan level. Particularly is this so when you consider the discounts that are characteristcially slapped on the farmer by the trade in virtually all the commodities.

Incidentally, on the soybean loan issue, I implore the Committee to mandate a minimum. You will recall that I was successful on the House Floor in getting that done last year. An argument used against my amendment at that time was that the Secretary would soon raise the loan under his discretionary authority. He has since done so on some commodities. But here we sit many months later and approaching a new crop year with the soybean loan languishing at $3.50. In the past a Secretary chose to eliminato it altogether, and it is not inconceivable that it will be done again.

An alternative to raising support prices is for the government to develop a formula for payment to farmers for removing land from production. This is the direct, honest way to get at the problem of over production, but it is a difficult approach to sell to the public because it smacks too much of "paying the farmer not to grow."

Chairman Whitten of my Subcommittee on Agriculture Appropriations is forcefully pushing for a proposal to index farm prices to the minimum wage and industrial prices. This concept has much to commend it. Its help to the farmer in the short term, however, will depend upon having the farm prices at a respectable level at the time such prices are indexed to the labor and industrial standards.

No matter what policies we pursue, a centerpiece of the program must be an aggressive export policy. There can be no ultimate solution without it, as we can utilize in this country only about half of the soybeans, wheat, corn, and many other commodities that we produce.

This administration, and many others, are saying that we should do nothing now; that we should at least wait a year to give the new farm bill a chance to work. I have already said that we should have enacted a stronger bill. But more important, if we wait a year, it will be too late to salvage many farmers that are now on the margin of survival.

Before turning to the justifications for Congressional action, let me mention a couple of important matters. You have heard me say it before, Mr. Chairman, but it merits repetition. We ought to have the courage and perseverance to legislate for our producers and not be sidetracked by the money and power and influence of the processors, the trade and other middlemen. In my judgment our performance in the past in this regard has been indefensible.

The other point is that we should not apologize for expending taxpayer funds to support agriculture. We subsidize every segment of labor and industry. This extends all the way from the minimum wage for labor and tax loopholes for industry and includes thousands of examples in between for the medical care professions, education, housing, revenue sharing for the cities and towns, on ad infinitum. Perhaps there is no more vivid example than the annual bill of my Subcommittee on Agriculture Appropriations. Our bill for 1978 provided about $13 billion. But half of that was for food stamps and other feeding programs. And this is but a drop in the bucket of the scores of billions of dollars that are poured each year into our welfare programs. Don't misunderstand me. I am not being critical of welfare recipients. We, as a nation, do not want any of our people going hungry. We want all our people to be guaranteed the necessities of life and our hope is that they have much more. But the farmer makes possible the existence of all the rest of us by providing the food and fiber to feed and clothe our nation and much of the world. If it is appropriate for our government to support any segment of our economy, it is doubly proper for it to support Agriculture.

I have given some suggestions for expeditious action by the Committee and the Congress. A logical question at this point might be how we justify the action to be taken. First, such action will stimulate the economy. Because of his requirement for such things as machinery and fertilizer and motor vehicles, the farmer is industries' foremost customer. Most economists agree that the plight of the farmer precipitated the great depression of the thirties. If we don't act positively, it will happen again.

Secondly, a strong farm program is a matter of fairness and equity. Who can defend farmers receiving less than the costs of production? Can it be wise public policy to bankrupt rural America so that consumers can temporarily have cheaper food? The answers to these questions are too obvious to demand elaboration.

Thirdly, we must rescue the farmer if we are to assure a continued supply of food and fiber at reasonable prices to consumers. If

the present trend is permitted to accelerate we can expect at some point for our food production to be controlled by just a few corporations and conglomerates. Then the consumer will be at the mercy of a handful of producers and the day of the buyers market will be gone forever.

The last argument, Mr. Chairman, is the one we don't like to talk about or even think about. I will call it concern for the domestic tranquillity. We had this with the assassination of Martin Luther King, Jr., as the slums of the inner-cities erupted. We had it with the Vietnam War as our national leaders continued to bury us in the quagmire of an unpopular war that the people of this country were unwilling to support. Spearheading each of these movements were minorities that insisted on being heard. Our leadership did hear and did respond. Now there is another minority that has a just cause and must be heard. It is the farmer. You and I must insure that the national leadership responds in an effective way.

LEGISLATION OVERRIDING PRESIDENT CARTER'S REJECTION OF INTERNATIONAL TRADE COMMISSION RECOMMENDATIONS FOR HIGHER IMPORT DUTIES ON METAL FASTENERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. OAKAR) is recognized for 5 minutes.

Ms. OAKAR. Mr. Speaker, today I have introduced a concurrent resolution to override President Carter's rejection of the U.S. International Trade Commission recommendations for higher import duties on metal fasteners.

The plight of this industry is well known to many of my colleagues in the Congress. The current ad valorem rates of duty are simply not protecting this vital industry. Imports of nuts, bolts, and large screws of iron and steel total over $230 million a year. Imports account for nearly half of the entire U.S. consumption of these metal fasteners. Moreover, with recent efforts to provide protection for our steel producers, we have created a more highly charged competitive situation for the fasteners industry, as foreign competitors step up production in this vulnerable area.

The President has based his rejection of the USITC recommendations on grounds that import relief would significantly increase the cost of fasteners. Moreover, he asserts that increased tariffs on these fasteners will produce new inflationary pressures that will push unemployment higher in other American industries. This is simply not true. It is an unsubstantiated claim, and pales in comparison to the real fears of the more than 45,000 metal fastener workers who face the loss of their livelihood should we in the Federal Government fail them. The tariff protection of this industry is needed; it is overdue. It is not an extreme measure. We are not resorting to old-line protectionism. We will not create irreconciliable difficulties for our trade negotiators in their multilateral talks. We will, however, provide for the security of a vital industry and thousands of American workers. In addition, we will be guaranteeing adequate supplies of nuts, bolts, and large screws for our defense facilities, which has been the concern of many at the Federal Preparedness Agency and many others charged with maintaining our resources in the area of national security.

Mr. Speaker, this resolution of disapproval already has several cosponsors. The concern of many other Members has been demonstrated during the past several days. I ask all my colleagues in the Congress to join me in this effort. If those of us chosen to lead this great Nation idly stand by as the vital industry is undermined by our foreign competitors, then we have failed those who have elected us and we have failed ourselves.

H. CON. RES. 483

Whereas the domestic producers of iron and steel industrial fasteners are facing serious injury from import competition; and

Whereas present rates of duty are inadequate protection for thousands of American workers in the metal fastener industry; and

Whereas the President of the United States has rejected the recommendations of the United States International Trade Commission for import relief of the metal fasteners industry: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress does not approve the action taken by, or the determination of, the President under section 203 of the Trade Act of 1974 transmitted to the Congress on February 10, 1978.

CONSUMER PROTECTION: WHERE DO WE GO FROM HERE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, a week ago the House voted not to approve the legislation offered by Mr. BROOKS to establish an Office of Consumer Representation within the Federal executive branch. Since the vote, analysis after analysis has been made looking at the question, "Why did it lose?" Some of the conclusions reached in those analyses strike me as being right on target; others seem to be way off base. I would like to take a few minutes to discuss two of the reasons which have been given to explain the defeat.

One of the reasons cited in virtually every article which has appeared was the reluctance of the Congress to set up another Government agency. One column in the Washington Post concluded that President Carter's own campaign against big government worked to his disadvantage on this issue. That argument could not be more right. A considerable number of Members of this body are indeed hesitant to set up any more Government agencies, regardless of how worthwhile the intended goal.

Our reluctance to set up another Government agency is a reflection, and I believe an accurate one, of the frustrations of our constituents. They are irritated by the delays, reporting requirements and redtape that Federal agencies have a habit of proliferating. After a year of firsthand experience trying to work on things with Federal agencies, I for one could not bring myself to support creation of another one to deal with myself or to add to my constituents' problems.

Another reason cited in several assessments of the vote last week was the intense lobbying effort by big business interests. At least from my experience, that argument does not hold up. Admittedly there was no question that business interests opposed the bill we defeated. I would add that none of them supported the alternative approach I offered as an amendment in the nature of a substitute either. But I received more letters, visits, and telephone calls from supporters of the bill—administration representatives, labor, and consumer groups—than from opposition groups. I certainly know equally well where they stood. I am convinced that pressure did not make the difference. What happened was that a large number of House Members took it upon themselves not to base their final votes on the urgings of any interest groups but on what they independently felt to be in the best interests of their constituents and the Nation.

As I said time after time in the debate last week, I am convinced that consumers need stronger, more effective representation in the Federal Government. But, as my votes indicated, I was not convinced that this need for better consumer advocacy requires another Government office. What we should consider instead is giving presently existing consumer offices at the agency and department levels the authority, independence, and support they need to fulfill their responsibilities. I think my alternative would have done that; I was disappointed by its defeat. But I am still confident that the approach I proposed would meet a legitimate need without overreacting. As a viable, realistic alternative in the consumer interest, I hope it will be looked at again.

PROPOSED ARMS SALES TO EGYPT, ISRAEL, AND SAUDI ARABIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEISS) is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, on February 14, I issued the following statement and wrote to President Carter concerning the sale of warplanes to Egypt, Israel, and Saudi Arabia.

Today's announcement by the Carter administration of proposed arms sales to Egypt, Israel, and Saudi Arabia is deeply troubling in several respects.

By tentatively agreeing to sell 75 F–16 jet fighters and 15 F–15's to Israel while simultaneously announcing a pending transfer of 60 F–15's to Saudi Arabia and 50 F–5's to Egypt, the administration is embarking on a dangerous course intended to pressure Israel into making unilateral concessions at the Mideast bargaining table.

The administration has approved only about one-half of Israel's arms request. But it has agreed to sell Egypt and Saudi Arabia at least as much weaponry as they had anticipated receiving from the United States.

Should Congress approve this patently pro-Arab transaction, Israel's security would be seriously jeopardized. I

will therefore be an active participant in congressional efforts to block the jet fighter sales to Egypt and Saudi Arabia.

The F–5E jet fighter—reportedly the variety of aircraft which would be sold to Egypt—is an effective short-range aircraft. The F–15 is considered the best jet fighter in the U.S. arsenal. Both these sales would destabilize the military situation in the Mideast, and they would also stand in direct opposition to the President's own statements on arms sales limitations.

The United States has already supplied Saudi Arabia with 110 F–5E fighters. If the F–15 sale is completed, Saudi air strength will have tripled since 1973. Saudi Arabia is currently building three airbases near the Israeli border. There can therefore be little question that the proposed sale would represent a direct threat to Israel's survival.

Sales of this magnitude to Egypt and Saudi Arabia are also likely to encourage "balancing transactions" throughout the Mideast which will further heighten tensions in one of the world's most volatile areas.

I do not see how the administration can justify these proposed transactions in view of President Carter's May 19, 1977 policy statement on arms sales. The President declared then that weapons transfers would be regarded as "an exceptional foreign policy instrument, to be used only in instances where it can be clearly demonstrated that the transfer contributes to our national security interests."

For all these reasons, the proposed arms sales certainly do not contribute to our national security interests and, in fact, would seem to frustrate American efforts to insure peace and stability in the Mideast.

Weapons transactions that clearly strengthen Israel's enemies and stunt Israel military potential are not an acceptable tactic for encouraging negotiating concessions by Jerusalem. The administration is playing with fire by short-changing Israel and overstocking Egypt and Saudi Arabia with weapons that may well be employed against Israel.

I will join with others in Congress to stop these sales and to introduce a much needed restraint and balance in U.S. arms transfer policies.

The text of the letter to the President follows:

FEBRUARY 14, 1978.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am deeply troubled by today's announcement of proposed jet fighter sales to Egypt, Israel and Saudi Arabia.

The administration has approved only one-half of Israel's arms request, while it has agreed to sell Egypt and Saudi Arabia at least as much weaponry as they had anticipated receiving from the United States.

The U.S. has already supplied Saudi Arabia with 110 F–5E fighters. If the F–15 sale is completed, Saudi air strength will have tripled since 1973. Saudi Arabia is currently building three airbases near the Israeli border. There can therefore be little question that the proposed sale would represent a direct threat to Israel's survival.

Sales of this magnitude to Egypt and Saudi Arabia are also likely to encourage "balancing transactions" throughout the Mid East that will further heighten tensions in one of the world's most volatile areas.

These transactions would likewise seem to be in contradiction not only to the position which you stated in the course of the 1976 campaign debate with President Ford but also to your May 19, 1977 policy statement which termed weapons sales "an exceptional foreign policy instrument, to be used only in instances where it can be clearly demonstrated that the transfer contributes to our national security interests".

These proposed sales, in my judgment, do not contribute to our national security interests and would seem, in fact, to frustrate your commendable efforts to ensure peace and stability in the Mid East.

I therefore urge that you reconsider and reverse your decision.

Sincerely,

TED WEISS,
Member of Congress.

ARMS SALES ARE NOT THE WAY TO PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. SCHEUER) is recognized for 5 minutes.

Mr. SCHEUER. Mr. Speaker, yesterday afternoon's announcement by Secretary of State Cyrus Vance that the administration plans to sell 50 F–5E's to Egypt and 60 F–15's to Saudia Arabia flies in the face of previous more rational attempts to bring peace and stability to the Mideast.

The purpose of Mr. Vance's announcement is allegedly to begin the official process of informing and consulting with the Congress on arms sales. Formal notification of the proposed sale will not come until after the Easter recess, to allow the Congress the required 30 days to block the sale, if we so desire.

Mr. Speaker, our colleagues should be interested in the following arguments against these sales:

First. The United States supplied more than $1.5 billion in arms to Saudi Arabia in 1977 alone. Further, the Saudis have purchased more than $12 billion in arms in the last 4 years including 110 U.S. F–5E fighters, 550 French and American tanks, 6,000 antitank missiles, and three mobile SAM systems.

Second. This proposed sale to Saudi Arabia will mean a tripling of Saudi air strength compared with 1973. Further, the sale of the F–15's, the most advanced fighter aircraft in the world, would require that the United States sell the Saudis advanced airborne radar systems such as the E–2C or E–3A (AWACS).

Third. Saudi Arabia is now constructing a major air base at Tabua—only minutes flying time from Israel's Red Sea port of Eilat. Similar military preparations are under way elsewhere. Saudi leaders have repeatedly and publicly pledged to use their military equipment against Israel in support of other Arab states, in the event of a future outbreak of hostilities.

Fourth. Furthermore, Saudi Arabia appears to have no legitimate defense interests which would necessitate purchase of F–15's. The Saudis have not yet been able to absorb the $12 billion in armaments they have purchased since 1973. An attack from Iraq or Iran is very unlikely, and the 110 F–5E's and improved HAWK antiaircraft missiles we have already sold to Saudi Arabia provide a more than adequate defense against any foreseeable contingency.

Fifth. Lacking the security infrastructure which Israel and the NATO allies possess, Saudi Arabia cannot effectively guarantee against Soviet access to the secrets of the F–15 once it is delivered.

Sixth. The proposed F–15 sale to Saudi Arabia has provoked serious disagreement within the administration itself. The Arms Control and Disarmament Agency recommended that the proposed sale not go through. The Department of Defense's Office of Policy Analysis also has opposed the F–15 sale.

Seventh. The General Accounting Office, Congress' investigative arm has argued that—

Delivery of the F–5's has successfully fulfilled all of the Saudi's defense requirements as measured by the Defense Department.

There are continuing problems for Saudi Arabia in absorbing the F–5's, some of which were delivered six years ago.

There is no imminent threat of the Saudis being overrun by anyone.

Saudi security precautions to prevent authorized use or observation of equipment were inadequate.

Eighth. Saudi Arabian diplomatic policies to date have not been sufficiently forthcoming to justify this sale. Saudi "moderating" policies in the Mideast are a well-publicized myth; in actuality, the Saudis continue to be the prime enforcer of the Arab economic boycott against Israel and have remained intransigent in their refusal to recognize Israel's right to exist.

Ninth. As far as the proposed sale of F–5E's to Egypt, it must be noted that the F–5E is an offensive plane, not a defensive one. Northrop Corp., the plane's manufacturer, describes the plane as having "excellent combat agility." The plane carries missiles, cannons, and nearly 7,000 pounds of ordnance.

Tenth. The New York Times reported on April 3, 1977, that Israel's "absolute air supremacy would probably be unattainable during a new war because modern aircraft like the F–5E would be able to get through the Israeli ground and air defenses and cause considerable damage."

Eleventh. Egypt is not desperately in need of American arms. According to the Washington Post of February 9, 1975, and a Reuters report of June 3, 1977, the Egyptians have continued to receive Soviet arms despite Sadat's denials that Egypt receives no arms from the U.S.S.R. The Reuters report stated that the shipments were being routed through Syria.

Twelfth. Despite statements to the contrary by Sadat, the Egyptian armed forces are fully equipped. The London Economist reported on June 15, 1977, that—

(Sadat's) armed forces are fully equipped with spare parts and sufficient supplies to wage an all out war for three to four weeks.

Thirteenth. Further while Egypt possesses many other potential arms sup-

pliers, Israel can turn only to the United States. Reportedly, Egypt has bought arms from France, China, Libia, Iraq, Kuwait, and Algeria. Further it was reported that Egypt received assistance in the form of extra pilots from Pakistan and North Korea.

Fourteenth. Egypt has no military need for F–5E's. The United States has already sold Egypt $350 million in arms in addition to the other military aid Egypt has received from other nations. Additionally, the United States has given more than $4 billion in economic assistance to Egypt since the Yom Kippur war in 1973.

Fifteenth. Despite claims to the contrary, Egypt has received large quantities of Soviet and French arms since the 1973 Yom Kippur war. Much of this has been replacement equipment for material lost in the fighting. New weapons systems not previously seen in Egypt have also been delivered.

The following figures are based upon the intelligence estimates of the authoritative International Institute of Strategic Studies in London. Known battlefield losses have also been taken into account.

Since the 1973 war, Egypt has received approximately:

650 T–62 main battle tanks (USSR).
400 T–54/55 medium battle tanks (USSR).
1,200 BTR–40, –50P, –60P, and –152 armored personnel carriers (USSR).
75 SU–100 and JSU–152 self-propelled guns (USSR).
650 76mm, 100mm, 122mm, 130mm, 152mm and 180mm guns and howitzers (USSR).
24 SCUD ballistic missile launchers (USSR).
100 MiG–21 fighter/bombers (USSR).
25 Su–20 fighter/bombers (USSR).
24 MiG–23 fighter/bombers (USSR).
18 MiG–27 ground attack fighters (USSR).
38 Mirage IIIE fighter/bombtrs (France).
44 Mirage F–1 fighter/bombers (France).
4 C–130 transports (US).
2 EC–130H Patrol planes (US).
Atoll air-to-air missiles (USSR).
30 SA–6 surface-to-air missile batteries (USSR).
10 Sea King helicopters (UK).
30 Commando helicopters (France).
42 Gazelle helicopters (France).
Anti-aircraft guns (USSR).
30 Otomat SSM boats (on order) (France).
Gun radars (USSR).
Early warning radars (USSR).
Anti-tank missiles (USSR and France).
Infantry equipment (USSR).
Night-fighting equipment (USSR).

Mr. Speaker, this proposal by the administration is just another irrational shift in the U.S. Mideast policy which seems to lack any semblance of basic intellectual moorings. Whatever has happened to our Nation's longstanding commitment to stand by the Israel Government? How does President Carter think we can achieve stability through negotiation and compromise by selling more arms to Egypt and Saudi Arabia? Will providing the Arab States with a military option, or even the glimmer of a hope of a military option, produce any thing other than a measurably increased prospect of another sneak attack cut in the mold of the 1973 Yom Kippur war?

I have heard some of my colleagues argue that we are standing strong by Israel since the President's proposals include the sale of 15 additional F–15's to Israel. Nevertheless, the President's proposals total 60 F–15's for Saudi Arabia and only 40 for Israel, 25 of which have already been promised. This certainly represents a substantial shift in U.S. policy in the Mideast; a shift bound to upset the delicate negotiating balance present in the Mideast.

I strongly urge all of our colleagues on the International Relations Committee to report out legislation disapproving these sales in order to insure continuation of our country's rational position for stability in the Mideast.

DID WE WIN THE BATTLE AND LOSE THE WAR?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I believe every distinguished Member of the House and peruser of this journal will benefit from review of the article I am inserting in the RECORD today. It has been prepared by a conscientious and astute Member, my colleague and friend, JAMES OBERSTAR of Minnesota. Considerable thought and analysis obviously went into this article, which cogently addresses several major issues areas in social security today: universal coverage and equal treatment of men and women. I know that as chairman of the Ways and Means Subcommittee on Social Security I have profited from Representative OBERSTAR'S counsel. I take his advice seriously. I commend his article for the edification of this legislative body:

DID WE WIN THE BATTLE AND LOSE THE WAR?

(By Congressman James L. Oberstar)

When the House Ways and Means Committee added to the Social Security amendments a provision calling for mandatory universal coverage for all workers by 1982, I fought for elimination of this section of the bill. My opposition was based on the belief that there will be many problems associated with integration of Federal, State and local plans with social security. The mechanism for correlation should be developed first. When full details are known, then my colleagues and I can make an informed decision.

In the unexpected fanfare for universal coverage, much attention was given to the windfall benefit going to the so-called "double dipper" who retired from Federal service at an early age and then worked in social security covered employment just long enough to qualify for minimum social security benefits. Little or no attention was given to a "double worker"—the low paid Federal or State employee who consistently held down two jobs to make ends meet, or to the individual who has a mixed public and private work career.

Double workers are far more numerous than the well publicized cases of federal executives who graduate from top paid administrative jobs to positions as presidents of major corporations where inflated salaries are augmented by expense accounts and supplemental retirement plans which, to say the least, will keep their families from ever applying for food stamps.

I strongly supported a two year study of program integration in order that legitimate retirement benefits could be protected for double workers without providing windfall benefits for workers with minimal wage contributions to social security.

Public employees whose spouses work in employment covered by social security are, in a sense, another category of "double dippers." To explain my use of the term and the legislative action which was taken, it might be helpful to review the way social security works for two earner families.

When an individual working under social security retires, he or she is entitled to a monthly benefit based on the average monthly earnings over a lifetime of work. The wage earner's benefit is referred to as a Primary Insurance Amount or PIA. A secondary benefit of 50 percent of the PIA is payable to a spouse. In retirement, the amount a spouse receives is 150 percent of the PIA. Upon the death of one party, the surviving spouse receives 100 percent of the PIA or two-thirds of the income which had been coming into the household while both were alive. (Actuarial reductions are made if either individual is under 65 when first qualifying for benefits.)

When a husband and wife both have worked, the spouse with the lowest average wage is entitled to receive either his or her own benefit or a spouse's benefit, whichever is greater. In most instances, this means the wife will find that her own work efforts contributed nothing to retirement income since her benefit as a wife or widow will exceed her own PIA. In virtually every case, this means that the two income household will have less income in retirement than they would have received had one spouse earned all the income. When death strikes, a surviving spouse can be left with as little as 50 percent of joint income.

Until March 1977, a wife or widow was always entitled to file on her husband's wage record if it afforded her a greater benefit than her own wage record. A husband, however, could file on his wife's wage record only if she provided more than half of his support in the two years immediately prior to eligibility. In other words, he had to prove he was dependent upon his wife A wife's dependency was assumed regardless of actual circumstances. This automatic assumption meant that any woman working for a governmental agency could receive her own public annuity in addition to any spouse's benefit to which she was otherwise entitled on her husband's wage record.

Ruling on a suit brought by Leon Goldfarb, a widowed New York State employee, the U.S. Supreme Court struck down as unconstitutional the dependency test for men. Any husband or widower can now qualify for social security benefits on his wife's account if her wage record offers him a greater entitlement than his own. For the first time, men working for government were entitled to a spouse's or survivor's annuity on their wife's wage record in addition to their own public retirement annuity.

In other words, no matter which spouse worked in government, the couple or the survivor received retirement credit for the wages they each earned. The Senate Finance Committee recommended that this dual entitlement be stopped. The Senate-passed social security bill carried a provision stating that any government worker could receive a spouse's or survivor's social security benefit only to the extent that it exceeded his or her own retirement annuity.

On the surface, this seems fair. The government worker would be entitled to the greater benefit, but not to both benefits. But in practice, the offset would be inequitable to public employees because most government retirement plans are meant to be total plans, comparable to what an employee in private industry would receive if he was entitled to a private pension as well as to his

social security annuity. Private pensions are never subject to social security offset, nor are individual retirement accounts established by persons who are not covered by pension plans. The inequity is compounded by the fact that most State and Federal workers are denied the right to establish their own tax-deferred annuity programs because they, presumably, have comprehensive retirement plans.

When the social security bill went to conference, I immediately advised House conferees of my serious concern that the offset provision deserved more careful study. Though it was intended to prohibit male wage earners from receiving social security on their wife's wage record, it also caught in its web many low wage wives and widows who began working in paid employment after they had spent the major portion of their lives working within the home. Regrettably, the pressure to get a social security bill on its way to the President prior to adjournment led to House conferees acquiescence in the Senate-passed amendment.

On the eve of the final House-Senate conference meeting, I directed a new plea to each of the conferees and urged that conference consideration of this section of the law be reopened. As an alternative, I asked that, at the very minimum, the offset provision be revised in a manner to make it identical to the amount which would be offset if the government worker had worked under social security.

Ways and Means Committee Chairman Al Ullman responded to my concern and personally reopened this issue. Unfortunately, Senate conferees would not budge from their insistence that men be denied spouse's social security benefits unless they could meet the test of dependency the Supreme Court had already declared unconstitutional.

The final bill, now Public Law 95–216, was modified in a most unusual way. Section 334 of the new law prohibits any public employee from collecting social security on a spouse's wage record unless social security entitlement exceeds the individual's own public retirement annuity. Implementation of this section was then delayed for five years for those public employees who retire or are eligible to retire if they met the eligibility criteria of the Social Security Act as it was in effect and being administered last January.

Since the law "in effect and being administered" at that time limited social security annuities to wives, widows, and dependent men, they are the only ones, under the modified language, who are entitled to receive full social security benefits. A final clause was then added to provide that if any ineligible man successfully challenged his exclusion, benefits would be withheld from everyone.

How the Court will ultimately rule on this reenactment of a law they have previously ruled unconstitutional is unclear. In the meantime, Federal, State, and local government employees who are close to retirement should study carefully their own individual circumstances

Women and men who meet the dependency test should apply for social security as they always have. Other men may be well advised to apply, pursue their claim through the appeal process, and then decide whether they wish to initiate or join in a court challenge or simply await court resolution of the issue.

ONE ALTERNATIVE

If the subsection is ultimately held invalid and the balance of the section left intact, government employees, particularly those who are widowed, who have the lowest average wage in a two income family, may wish to explore the advisability of withdrawing their own retirement contributions and electing instead to receive a spouse's social security annuity.

Universal coverage, if it becomes a reality, will mitigate the adverse impact of Section 334 by applying the social security offset only against the social security portion of a public annuity. This makes the issue of mandatory universal social security coverage even more important to public employees and they will want to closely follow the two year study provided for in the new law.

Equally, if not more important, I recommend that public employees and their representatives take the initiative in working for recognition of total family income in retirement wage replacement programs.

THE COAL STRIKE—A DOUBLE STANDARD ON WITHHOLDING ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GRASSLEY) is recognized for 5 minutes.

Mr. GRASSLEY. Mr. Speaker, just about this time last year our Nation particularly the Midwest and Northeast regions, were confronted with a severe natural gas shortage. Curtailing service to homes was a very real and present danger. Commercial establishments were forced to reduce hours. Factories closed with the result that thousands of workers were idled. The people, and our economy, suffered.

Many Members of the House and Senate took to the floor and addressed the problem; not a few fixed the blame on oil and gas producers who allegedly were withholding vital product from the market. Conscientious readers of the CONGRESSIONAL RECORD were told, and I quote:

We must blow the whistle on these few producers and conscienceless officials of giant corporations who have been willing to visit widespread suffering among the people from the severest and coldest winter in modern history, force thousands of schools, factories, and industries across the Nation to close, cause far-reaching unemployment and bring the economy of the Nation to its knees . . .

Another of my colleagues observed:

Producers have been telling the American people that there is no gas being hidden for the right price and timing. If gas begins to flow we will know that the producers in the intrastate market have withheld supplies in the hopes of exacerbating the crisis. They will have withheld supplies until the shortfall between demand and supply was so great that factories, offices, schools, and even homes would be without heat.

On February 4, 1977, a Senator who later was to achieve prominence for filibustering against the deregulation of natural gas pricing, stated, and again I quote:

Some people think that you cannot blame the oil companies for the cold winter—that the shortage is a result of weather conditions that no one can control. They are wrong.

The oil companies are to blame for the situation that turned the cold weather from a nuisance into a near disaster for people throughout the South, the lower Midwest, and parts of the East.

This year we have a coal shortage in just about the same area of the United States. Utility companies are taking steps to drastically cut back on the amount of power available to everyone—homeowners, businesses, and industry. As a result, several manufacturing plants, employing hundreds of thousands of workers, have announced that unless the coal strike is resolved they will suspend operations. It goes without saying that this will have disastrous implications for the people of the region. The economic disruption will, eventually, be felt across the length and breadth of the United States.

Now, last year the American people were repeatedly told—just glance through the CONGRESSIONAL RECORD—that the oil and gas companies were withholding these fuels from the market. Their greed and avarice caused the natural gas shortage. Members waxed eloquent in their indignation and condemnation of such alleged withholding—never mind that the allegations were not and have not been substantiated.

What I would like to know is who is to blame for the situation that turned the cold weather from a nuisance into a near disaster this year. Who is responsible for the suffering being visited upon the American people? I wonder if we might look to the United Mine Worker's bargaining council that last Sunday rejected a settlement which would have ended the longest coal strike in our Nation's history. And how about the coal miners who just last fall cluttered congressional offices and corridors lobbying in favor of their Black Lung Benefits Reform Act?

It seems to me that these individuals could justifiably be accused of withholding coal from the powerplants and factories of the Midwest. It would seem that my colleagues who were so vocal last year in deploring alleged withholding of natural gas might have a word or two to say regarding the coal strike. I wonder where they are now that we need them?

The Congress does not have to pass any new emergency legislation to deal with this crisis. We already have a law designed to reckon with situations where individual greed and avarice by a few take priority over the health and well-being of the people. The President might want to consider seeking an injunction against the continuation of the strike pursuant to the provisions of the Taft-Hartley Act. That is the very least that could be done under the circumstances. Meanwhile, I will be listening with interest for a good explanation as to why a different standard is applied to the withholding of coal—which is a proven fact—than to spurious claims of oil and natural gas withholding.

PROPOSED TV COVERAGE OF HOUSE PROCEEDINGS

(Mr. STEIGER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STEIGER. Mr. Speaker, the House Rules Committee's decision to give the House exclusive control over televised coverage of its own proceedings is a troubling one.

One argument being made on behalf of the in-house system, contained in a draft report of a rules subcommittee is that it will provide "a kind of visual and audio parallel to the CONGRESSIONAL REC-

ORD." As one who has fought for years to make the RECORD an honest and accurate account of our proceedings, this hardly gives me confidence. In fact, I had hoped the verbatim account of proceedings provided by the televised records would make for a better CONGRESSIONAL RECORD.

Jack Germond and Jules Witcover, in Monday's Washington Star, said of equating the in-house TV system with the CONGRESSIONAL RECORD that "the comparison could not have been more damaging." I could not agree more.

Even if such a system were handled in the most circumspect manner, there will still be the public perception that the House is afraid to permit outside people to record floor proceedings as they take place. It is my contention that we can enhance our public image by opening our sessions to the public eye. But we cannot do it if the public perceives us to be showing less than the full picture.

It is my strong hope that the House will be given the opportunity to debate and vote on whether we prefer the in-house system or one operated by the national media. Given that opportunity, I am confident we will see strong sentiment for an approach that provides both the appearance and reality of objective coverage of our proceedings. That approach should be one over which we do not have ultimate control.

PERSONAL EXPLANATION

(Mr. KASTEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KASTEN. Mr. Speaker, due to previous commitments in Wisconsin, I was unavoidably absent from the House on January 25, 26, 30, and February 6, 9, and 14. Because of this absence, I wish to state for the record how I would have voted on those rollcall votes that occurred.

"Yea" on the rule to consider H.R. 1614, the OCS amendments;

"Yea" on the Breaux substitute amendment;

"Yea" on the Fish substitute amendment;

"Nay" on H.R. 5798 authorizing appropriations for the Office of Rail Public Counsel;

"Yea" on H.R. 5646 requiring ConRail to make premium payments under certain medical and life insurance plans;

"Nay" on H.R. 9434 to increase dollar limitations and Federal medical assistance percentages for medicaid programs in Puerto Rico, the Virgin Islands, and Guam;

"Yea" on the rule to consider H.R. 8336 to expand the Chattahoochee River National Park;

"Yea" on a motion to instruct the House managers on Federal judgeships to insist on the House language providing for merit selection of district judges;

"Yea" on a motion to resolve the House into the Committee on the Whole in order to consider H.R. 8336;

"Nay" on the Sebelius amendment to permit initial acquisition, planning and management by the National Park Service, but require partial funding and long-term management by State and local governments;

"Yea" on passage of H.R. 8336 to expand the Chattahoochee River National Park;

"Yea" on passage of H.R. 5503, the Defense Officer Personnel Management Act.

LEGISLATION TO PROVIDE EMERGENCY ASSISTANCE FOR REPAIR OF HIGHWAYS AND URBAN TRANSPORTATION SYSTEMS

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, I am pleased to join with the distinguished chairman of the Surface Transportation Subcommittee, Mr. HOWARD, and my fellow colleagues on the Public Works Committee in sponsoring major legislation to provide emergency assistance for much needed repair of highways and urban mass transportation systems which were so severely impaired by the winter of 1977–78, one of the harshest winters this Nation has experienced during the 20th century.

Many of our Nation's roads are virtually deteriorating because of these adverse weather conditions and the continual erosion of our highways is expected if emergency funds are not provided to recondition our highways.

The formula for distribution under this legislation is certainly an equitable one for all 50 States. The ceiling any State could receive would be 7 percent, and no State could receive less than one-half of 1 percent of the total amount authorized. Furthermore, the bill provides a one-time authorization of $250 million to be extracted from the highway trust fund to be allocated to the States on the basis of paved road mileage in each State, vehicle miles of travel on all public roads in each State, and climatological data available prior to April 1, 1978, related to extraordinary pavement deterioration conditions.

Also let me stress that under this measure such moneys would be available to repair any paved road, and any surface rails, other than railroads, which are part of an urban mass transportation system affected by the unusually cold weather conditions of 1978.

As a representative of a primarily rural area, I am acutely cognizant of how valuable such legislation would be to the citizens of Arkansas, since these citizens do not have the capability to address this critical problem on the local or State level.

My distinguished colleagues on the Public Works Committee have already acknowledged the crucial need for such legislation and are prepared to take immediate action on this bill in the near future. I sincerely hope this meritorious legislation will receive overwhelming support when it comes to the House floor for a vote.

The text of the bill follows:

H.R. 10954

A bill to provide emergency assistance for the repair of certain weather related damage to highways and urban mass transportation systems due to the winter of 1977–78

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Highway and Transportation Repair Act of 1978."

SEC. 2. As used in this Act the term—

(1) "Secretary" means the Secretary of Transportation;

(2) "State" means any one of the fifty States, the District of Columbia, or Puerto Rico; and

(3) "highway" means the surface of any paved road, street, parkway, bridge, tunnel, or railroad-highway crossing, which is under the jurisdiction of, and maintained by, a public authority and open to public travel.

SEC. 3. (a) The Secretary shall enter into a contract with each State for payment of 100 per centum of the cost of repairing weather related damage to (A) highways in such State, and (B) the surface rails of urban mass transportation systems in such State other than railroads). Such damage must be attributable to the weather during the winter of 1977–78, except that no payment shall be made under this Act for any damage of the type authorized to be repaired or reconstructed by section 125 of title 23, United States Code.

(b) Every contract entered into under this Act shall be a contractual obligation of the United States for payment to the State of the agreed amount. The State must obligate such amount for repairs authorized by this Act not later than June 15, 1978.

SEC. 4. No State shall receive, under any contract entered into under this Act, less than one-half of 1 per centum, or more than 7 per centum of the amount authorized in section 5 of this Act. In entering into contracts with States under this Act, the Secretary shall take into account such factors as he determines necessary to carry out this Act including, but not limited to, climatological data available prior to April 1, 1978, related to extraordinary pavement deterioration conditions, vehicle miles of travel on all public roads in each State, and the paved road mileage in each State.

SEC. 5. There is authorized to be appropriated, out of the Highway Trust Fund, $250,000,000 to carry out this Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. RISENHOOVER (at the request of Mr. WRIGHT), for February 15 and 16, on account of a necessary absence.

Mr. BINGHAM (at the request of Mr. WRIGHT), for January 30 and February 2, 6, 10, 14, 15, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CORCORAN of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. EMERY, for 5 minutes, today.

Mr. COUGHLIN, for 60 minutes, February 21, 1978.

Mr. MARKS, for 5 minutes, today.

Mr. HOLLENBECK, for 10 minutes, today.

Mr. MARKS, for 5 minutes, February 16, 1978.
Mr. WHALEN, for 5 minutes, today.
Mr. GRASSLEY, for 15 minutes, February 16, 1978.
Mr. GRASSLEY, for 15 minutes, today.
(The following Members (at the request of Mr. FITHIAN) to revise and extend their remarks and include extraneous material:)
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. DODD, for 10 minutes. today.
Mr. RODINO, for 5 minutes, today.
Ms. HOLTZMAN, for 5 minutes, today.
Mr. ST GERMAIN, for 5 minutes, today.
Mr. BURLISON, for 5 minutes, today.
Ms. OAKAR, for 5 minutes, today.
Mr. GLICKMAN, for 5 minutes, today.
Mr. WEISS, for 5 minutes. today.
Mr. SCHEUER, for 5 minutes, today.
Mr. BURKE of Massachusetts, for 5 minutes today.
Mr. MURPHY of Illinois, for 60 minutes February 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
(The following Members (at the request of Mr. CORCORAN of Illinois) and to include extraneous matter:)
Mr. BROWN of Ohio in two instances.
Mr. COUGHLIN in two instances.
Mr. FINDLEY.
Mr. LEACH.
Mr. RUDD.
Mr. SARASIN.
Mr. ASHBROOK in four instances.
Mr. DEL CLAWSON.
Mr. SCHULZE.
Mr. BADHAM in three instances.
Mr. EMERY.
Mr. WALSH.
Mr. LOTT.
Mr. CUNNINGHAM.
Mr. BEARD of Tennessee.
Mr. STEIGER.
Mr. DICKINSON.
Mrs. HOLT.
Mr. DORNAN in four instances.
Mr. ANDERSON of Illinois.
Mr. PRESSLER.
Mr. ABDNOR.
Mr. THONE.
Mr. PURSELL.
Mrs. SMITH of Nebraska.
Mr. LAGOMARSINO.
Mr. STEERS in two instances.
Mr. MADIGAN.
Mr. MARTIN.
Mr. YOUNG of Florida.
(The following Members (at the request of Mr. FITHIAN) and to include extraneous matter:)
Ms. KEYS.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. SIMON.
Mr. MAZZOLI in two instances.
Mr. DRINAN.
Mr. THORNTON.
Mr. RODINO in two instances.
Mr. GAYDOS.
Ms. MIKULSKI in two instances.
Mr. VENTO in two instances.
Mr. LEHMAN in two instances.
Mr. EILBERG in 10 instances.
Mr. HAMILTON.
Mr. WEAVER.
Mr. VANIK.
Mr. MARKEY in five instances.
Mr. FLOWERS in three instances.
Mr. BYRON.
Mr. MINISH.
Mr. BRADEMAS in 10 instances.
Mr. PATTEN.
Mr. JOHNSON of California.
Mr. GUDGER.
Mr. AKAKA.
Mr. TSONGAS.
Mr. WHITLEY.
Mr. NICHOLS.
Mr. RYAN.
Mr. ZABLOCKI in two instances.
Mr. NEAL.
Mr. SCHEUER.
Mr. DANIELSON.
Mr. DODD.
Mr. WALGREN.
Mr. CAVANAUGH.
Mr. MIKVA in two instances.
Mr. RONCALIO.

ADJOURNMENT

Mr. FITHIAN. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 7 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Thursday, February 16, 1978, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3258. A letter from the Comptroller General of the United States, transmitting his review of the rescissions and deferrals and revised deferrals of budget authority contained in the message from the President dated January 30, 1978 (H. Doc. No. 95–285), pursuant to section 1014(b) and (c) of Public Law 93–344 (H. Doc. No. 95–291); to the Committee on Appropriations and ordered to be printed.

3259. A letter from the Assistant Secretary of Defense (Comptroller), transmitting the selected acquisition reports and SAR summary tables for the quarter ended December 31, 1977, pursuant to section 811(a) of Public Law 94–106; to the Committee on Armed Services.

3260. A letter from the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting the defense manpower requirements report for fiscal year 1979, pursuant to 10 U.S.C. 138(c)(3); to the Committee on Armed Services.

3261. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposal to sell certain defense articles to the United Kingdom (transmittal No. 78–11), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

3262. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposal to sell certain defense articles to Indonesia (transmittal No. 78–14), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

3263. A letter from the adjutant general, Veterans of Foreign Wars of the United States, transmitting the proceedings of the 78th national convention of the Veterans of Foreign Wars, pursuant to section 8 of the act of May 28, 1936 and Public Law 90–620 (H. Doc. No. 95–292); to the Committee on Armed Services and ordered to be printed.

3264. A letter from the Executive Director, Federal Labor Relations Council, transmitting a report on the Council's activities under the Freedom of Information Act during calendar year 1977, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3265. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to construct, restore, operate, and maintain new or modified features at existing Federal reclamation dams for safety of dams purposes; to the Committee on Interior and Insular Affairs.

3266. A letter from the Secretary of State, transmitting the Special Interagency Task Force review of the security supporting assistance program for Egypt, pursuant to section 9(d)(2) of Public Law 95–92; to the Committee on International Relations.

3267. A letter from the Assistant Secretary of the Treasury for Legislative Affairs, transmitting project performance audit reports prepared by the International Bank for Reconstruction and Development, postevaluation reports from the Asian Development Bank, and Controllers evaluation reports from the Inter-American Development Bank, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended (87 Stat. 718); to the Committee on International Relations.

3268. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles to the United Kingdom (transmittal No. 78–11), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3269. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles to Indonesia (transmittal No. 78–14), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3270. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense services to Saudi Arabia (transmittal No. 78–15), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3271. A letter from the Executive Director, Board for International Broadcasting, transmitting a draft of proposed legislation to authorize additional appropriations for the Board for International Broadcasting for fiscal year 1978; to the Committee on International Relations.

3272. A letter from the Executive Director, Board for International Broadcasting, transmitting a draft of proposed legislation to amend the Board for International Broadcasting Act of 1973 and to authorize appropriations for fiscal years 1979 and 1980 for carrying out that act; to the Committee on International Relations.

3273. A letter from the Secretary of Health, Education, and Welfare, transmitting the fifth report of the National Heart, Lung, and Blood Advisory Council, pursuant to section 418(b)(2) of the Public Health Service Act, as amended (90 Stat. 404); to the Committee on Interstate and Foreign Commerce.

3274. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend title XV of the Public Health Service Act to revise and extend the authorities and requirements under that title for health planning

to provide for assistance to hospitals in discontinuing inappropriate services, and for other purposes; to the Committee on Interstate and Foreign Commerce.

3275. A letter from the Chairman and Members, U.S. Commission on Civil Rights, transmitting the Commission's second annual report on the state of civil rights in the United States, pursuant to section 104 (b) of Public Law 83–315, as amended; to the Committee on the Judiciary.

3276. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1979 and 1980 to carry out the Marine Mammal Protection Act of 1972; to the Committee on Merchant Marine and Fisheries.

3277. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to extend the authorization for appropriations to carry out the Endangered Species Act of 1973, as amended; to the Committee on Merchant Marine and Fisheries.

3278. A letter from the Assistant Attorney General for Administration, transmitting a report on positions in the Department of Justice, the Law Enforcement Assistance Administration, the Immigration and Naturalization Service, and the Bureau of Prisons in grades GS–16, 17, and 18 during calendar year 1977, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

3279. A letter from the Comptroller General of the United States, transmitting a report on improvements the Consumer Product Safety Commission should make to assure that product defects are reported and corrected (HRD–78–48, February 14, 1978); jointly, to the Committees on Government Operations, and Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELANEY: Committee on Rules. Report on broadcasting the proceedings of the House (Rept. No. 95–881). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1024. Resolution providing for the consideration of H.R. 9757. A bill entitled "Grazing Fee Moratorium of 1977" (Rept. No. 95–882). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT (for himself, Mr. NOLAN, Mr. HUGHES, Mr. CLEVELAND, Mr. FISHER, and Mr. D'AMOURS):

H.R. 10942. A bill to amend title 18, United States Code, to provide that any parent who kidnaps his minor child shall be fined not more than $1,000, or imprisoned for not more than 1 year, or both; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts (for himself, Mr. ASPIN, Mr. BAUCUS, Mr. JOHN L. BURTON, Mr. PHILLIP BURTON, Mr. CORMAN, Mr. D'AMOURS, Mr. DIGGS, Mr. DODD, Mr. FORD of Michigan, Mr. GORE, Mr. GUYER, Mr. HOLLAND, Mr. HOWARD, Mr. JONES of North Carolina, Mr. KASTENMEIER, Mr. KOSTMAYER, Mr. LEDERER, Mr. MCKINNEY, Mr. MURPHY of Pennsylvania, Mr. PATTEN, Mr. QUILLEN, Mr. ROONEY, Mr. WEISS, and Mr. RONCALIO):

H.R. 10943. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide for Federal participation in the costs of the old-age, survivors, and disability insurance program and the medicare program, with appropriate reductions in social security taxes to reflect such participation, and with a substantial increase in the amount of an individual's annual earnings which may be counted for benefit and tax purposes; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. EDGAR, Mr. SCHEUER, Mrs. SCHROEDER, Mrs. SPELLMAN, Mr. ZEFERETTI, Mr. REUSS, Mr. MINISH, Mr. YATRON, Mr. RISENHOOVER, Mr. KILDEE, Mr. LEGGETT, Ms. MIKULSKI, Mr. NEDZI, Mr. VAN DEERLIN, Mr. JOHNSON of California, Mr. APPLEGATE, and Mr. LONG of Maryland):

H.R. 10944. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide for Federal participation in the costs of the old-age, survivors, and disability insurance program and the medicare program, with appropriate reductions in social security taxes to reflect such participation, and with a substantial increase in the amount of an individual's annual earnings which may be counted for benefit and tax purposes; to the Committee on Ways and Means.

By Mr. CLEVELAND (for himself and Mr. JEFFORDS):

H.R. 10945. A bill granting the consent of Congress to an amendment to the New Hampshire-Vermont Interstate School Compact; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H.R. 10946. A bill to strengthen the economy of the United States through increased sales abroad of American farm products; jointly, to the Committees on Agriculture and International Relations.

By Mr. DUNCAN of Tennessee:

H.R. 10947. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the credit allowable for certain household and dependent care expenses; to the Committee on Ways and Means.

By Mr. FINDLEY (for himself, Mr. AUCOIN, Mr. BONIOR, Mr. CARR, Mr. CAVANAUGH, Mr. DRINAN, Mr. GOODLING, Mr. HARKIN, Mr. LAGOMARSINO, Mr. LENT, Mr. MOFFETT, Mr. OBERSTAR, Mr. PICKLE, Mr. QUIE, Mr. RICHMOND, Mr. ROE, Mrs. SPELLMAN, and Mr. WEISS):

H.R. 10948. A bill to provide for the use of telecommunications devices by the Senate and the House of Representatives to enable deaf persons and persons with speech impairments to engage in toll-free telephone communications with Members of the Congress; to the Committee on House Administration.

By Mr. FINDLEY (for himself, Mr. AKAKA, Mr. AUCOIN, Mr. BOLAND, Mr. CARR, Mr. CAVANAUGH, Mr. CORNELL, Mr. GOODLING, Mr. HOWARD, Mr. MCCORMACK, Mrs. MEYNER, Mr. OBERSTAR, Mr. PICKLE, Mr. RICHMOND, Mr. SIMON, Mr. SISK, Mr. SOLARZ, Mr. TREEN, Mr. WEISS, and Mr. WINN):

H.R. 10949. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for amounts paid by speech-impaired or hearing impaired individuals for use of toll telephone service by means of teletypewriters; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. PERKINS, Mr. HAWKINS, Mr. RICHMOND, Mr. BURKE of Massachusetts, Mr. CLAY, Mr. RANGEL, Mr. STARK, Mr. JACOBS, Mr. BRODHEAD, Ms. KEYS, Mr. MCHUGH, Mr. NOLAN, Mr. AKAKA, Mr. LE FANTE, Mr. TUCKER, and Mr. WEISS):

H.R. 10950. A bill to replace the existing Federal welfare programs with a single, coordinated program to seek to assure jobs, training, and income supplementation for low-income citizens able to work and income support for low-income citizens in need who are not available for work by reason of disability, age, or family circumstances; jointly, to the Committees on Ways and Means, Education and Labor, and Agriculture.

By Mr. GLICKMAN (for himself, Mr. NOLAN, Mr. ANDREWS of North Dakota, Mr. CAPUTO, Mr. CORNELL, Mr. CORNWELL, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. EMERY, Mr. GORE, Mr. LENT, Mr. LUJAN, Mr. MOORHEAD of Pennsylvania, Mr. MURPHY of Pennsylvania, Mr. OTTINGER, Mr. RANGEL, Mr. RICHMOND, Mr. ROSE, Mr. VAN DEERLIN, Mr. VENTO, and Mr. YOUNG of Florida):

H.R. 10951. A bill to encourage the use of alcohol in motor vehicle fuels by requiring certain retailers to make alcohol-blended fuels available for sale, by allowing the rapid amortization of facilities producing alcohol for use in motor vehicle fuels, and by exempting alcohol-blended fuels from certain requirements of the Clean Air Act; jointly, to the Committees on Interstate and Foreign Commerce and Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 10952. A bill to authorize the Commodity Credit Corporation to finance export credit sales of agricultural commodities and to authorize nonmarket-economy countries to participate in certain programs of the Commodity Credit Corporation; to the Committee on International Relations.

H.R. 10953. A bill to amend the Administrative Procedure Act to require the performance and publication of economic impact analyses in the Federal Register for all proposed and final rules which are subject to the provision of that act; to the Committee on the Judiciary.

H.R. 10954. A bill to provide emergency assistance for the repair of certain weather related damage to highways and urban mass transporation systems due to the winter of 1977–78; to the Committee on Public Works and Transportation.

By Mr. JACOBS:

H.R. 10955. A bill to amend section 206 of the Labor Management Relations Act, 1947, provide for expedited employee ratification of contract offers in certain emergencies, and for other purposes; to the Committee on Education and Labor.

By Mr. KOSTMAYER (for himself and Mr. PANETTA):

H.R. 10956. A bill to provide that contracts for rental assistance payments under section 8 of the U.S. Housing Act of 1937 be administered by local public housing agencies whenever possible, to permit such agencies to manage section 8 housing and to give them control over the eviction of tenants, to provide for higher rents for units which are located in low vacancy areas occupied by large families, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MCHUGH (for himself, Mr. COUGHLIN, Mr. BONKER, Mr. AUCOIN, Mr. GILMAN, Mr. ERTEL, Mr. METCALFE, Mr. ROSENTHAL, Mr. GIBBONS, Mr. WEISS, Mr. WALGREN, Mr. GLICKMAN, and Mr. BUCHANAN):

H.R. 10957. A bill to provide for adequate supplies for food in cases of emergency, and to reaffirm commitments made by representatives of the United States of America at the 1974 World Food Conference to participate in a system of nationally held and internationally coordinated food reserves; jointly, to the Committees on Agriculture and International Relations.

By Mr. MOTTL:

H.R. 10958. A bill to amend the Internal Revenue Code of 1954 to treat, for purposes of the nonrecognition of gain from the sale or exchange of a principal residence, permanently and totally disabled individuals in

a manner similar to the treatment of individuals who have attained the age of 65; to the Committee on Ways and Means.

By Mr. MOTTL (for himself, Mr. HYDE, Mr. SIMON, Mr. MATHIS, Mr. ROE, Mr. YOUNG of Missouri, Mr. MAZZOLI, Mr. GEPHARDT, Mr. MARTIN, and Mr. GUYER):

H.R. 10959. A bill to amend the Elementary and Secondary Education Act of 1965 to provide assistance for the establishment of basic standards of educational proficiency applicable to public school students; to the Committee on Education and Labor.

By Mr. MOTTL (for himself, Mr. RAHALL, Mr. YOUNG of Florida, Mr. MURPHY of Pennsylvania, Mr. STEERS, Mr. YATRON, Mr. THOMPSON, Mr. EILBERG, Mr. LAFALCE, Mr. BARNARD, Mr. PATTISON of New York, Mr. VENTO, Mr. BEDELL, Mr. MOORHEAD of Pennsylvania, Mr. ERTEL, Mr. NOLAN, Mr. WEISS, and Ms. KEYS):

H.R. 10960. A bill to regulate and restrict the use of fuel adjustment clauses by federally regulated, and State regulated, electric and gas utilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 10961. A bill to amend section 1448 of title 10, United States Code, to provide survivor benefits in case of certain members or former members of the armed forces who die before becoming entitled to retired pay for non-Regular service, and for other purposes; to the Committee on Armed Services.

By Mr. RINALDO (for himself, Mr. ABDNOR, Mr. ANNUNZIO, Mr. BAFALIS, Mr. BAUMAN, Mr. BEARD of Tennessee, Mr. BIAGGI, Mr. BOLAND, Mr. BROWN of Ohio, Mr. BROYHILL, Mr. BURKE of Florida, Mr. CAPUTO, Mr. CARTER, Mr. CHAPPELL, Mr. CORCORAN of Illinois, Mr. COTTER, Mr. COUGHLIN, Mr. CRANE, Mr. CUNNINGHAM, Mr. DAN DANIEL, Mr. ROBERT W. DANIEL, Jr., Mr. DERWINSKI, Mr. DEVINE, Mr. DICKINSON, and Mr. DORNAN):

H.R. 10962. A bill to prohibit the Board for International Broadcasting from providing funds or other assistance to Radio Free Europe and Radio Liberty if they allow any Communist country to use their facilities to broadcast; to the Committee on International Relations.

By Mr. RINALDO (for himself, Mr. EDWARDS of Alabama, Mr. EDWARDS of Oklahoma, Mr. EILBERG, Mr. EVANS of Delaware, Mr. FORSYTHE, Mr. GILMAN, Mr. HAGEDORN, Mrs. HECKLER, Mr. HOLLENBECK, Mrs. HOLT, Mr. HYDE, Mr. KEMP, Mr. KETCHUM, Mr. LAGOMARSINO, Mr. LE FANTE, Mr. LENT, Mr. LOTT, Mr. MARTIN, Mr. MATTOX, Mr. MICHEL, Mr. MILLER of Ohio, Mr. MINISH, Mr. MONTGOMERY, and Mr. MOORHEAD of California):

H.R. 10963. A bill to prohibt the Board for International Broadcasting from providing funds or other assistance to Radio Free Europe and Radio Liberty if they allow any Communist country to use their facilities to broadcast; to the Committee on International Relations.

By Mr. RINALDO (for himself, Mr. MURPHY of Pennsylvania, Mr. JOHN T. MYERS, Ms. OAKAR, Mr. PATTEN, Mrs. PETTIS, Mr. REGULA, Mr. ROBINSON, Mr. ROE, Mr. ROUSSELOT, Mr. RUNNELS, Mr. SEBELIUS, Mr. SKUBITZ, Mr. SNYDER, Mr. SYMMS, Mr. THONE, Mr. VAN DEERLIN, Mr. WALSH, Mr. WAMPLER, Mr. WHITEHURST, Mr. BOB WILSON, Mr. CHARLES WILSON of Texas, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 10964. A bill to prohibit the Board for International Broadcasting from providing funds or other assistance to Radio Free Europe and Radio Liberty if they allow any Communist country to use their facilities to broadcast; to the Committee on International Relations.

By Mr. RODINO:

H.R. 10965. A bill to revise, codify, and enact without substantive change the Interstate Commerce Act and related laws as subtitle IV of title 49, United States Code, "Transportation"; to the Committee on the Judiciary.

By Mr. RONCALIO (for himself, Mr. EILBERG, Mr. KRUEGER, Mr. MURPHY of New York, Mr. STEERS, Mr. CORRADA, Mr. KETCHUM, Mr. SIMON, Mr. COUGHLIN, Mr. ROE, Mr. McDONALD, Mr. JEFFORDS, Mr. HUGHES, Mr. STARK, Mr. CRANE, Mr. QUIE, Mr. CORNWELL, Mrs. SPELLMAN, and Mr. MURPHY of Pennsylvania):

H.R. 10966. A bill to amend title 10, United States Code, to authorize the Secretary of the Army to establish an Army Reserve career interest program for persons between the ages of 14 and 18; to the Committee on Armed Services.

By Mr. REUSS (for himself and Mr. ASHLEY):

H.R. 10967. A bill designating the last week in October of each year as National Cooperative Housing Week; to the Committee on Post Office and Civil Service.

By Mr. SEIBERLING:

H.R. 10968. A bill to amend the Internal Revenue Code of 1954 to encourage the modernization of manufacturing plants by providing an additional investment credit for machinery placed in service in existing manufacturng plants or in nearby plants; to the Committee on Ways and Means.

By Mr. TEAGUE:

H.R. 10969. A bill to authorize appropriations to the Department of Energy in accordance with section 261 of the Atomic Energy Act of 1954, section 305 of the Energy Reorganization Act of 1974, section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and section 660 of the Department of Energy Reorganization Act, for energy research and development and for other purposes; to the Committee on Science and Technology.

By Mr. TSONGAS (for himself, Mr. WRIGHT, Mr. UDALL, Mr. REUSS, Mr. SEBELIUS, Mr. RODINO, Mr. MOAKLEY, Mr. DRINAN, Mr. BURKE of Massachusetts, Mr. CONTE, Mrs. HECKLER, Mr. BOLAND, Mr. MARKEY, Mr. HARRINGTON, Mr. EARLY, Mr. STUDDS, Mr. MILLER of California, Mr. BINGHAM, Mr. MITCHELL of Maryland, Mr. PATTISON of New York, Mr. WAXMAN, Mr. MOFFETT, Mrs. FENWICK, Mr. NEAL, and Mr. DODD):

H.R. 10970. A bill to provide for the establishment of the Lowell National Cultural Park in the Commonwealth of Massachusetts, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TSONGAS (for himself, Mr. HARRIS, Mr. CORRADA, Mr. KREBS, Mr. BAUCUS, Mr. D'AMOURS, Ms. HOLTZMAN, Mr. KOSTMAYER, Mr. BEARD of Rhode Island, Mr. LAFALCE, Mr. LUNDINE, Mr. RONCALIO, Mr. BONKER, Mr. DE LUGO, Mr. EDGAR, Mr. MEEDS, Mr. OTTINGER, Mr. SIMON, Mr. BRADEMAS, Mr. SEIBERLING, Ms. MIKULSKI, Mr. OBERSTAR, Mr. GEPHARDT, and Mr. CHARLES WILSON of Texas):

H.R. 10971. A bill to provide for the establishment of the Lowell National Cultural Park in the Commonwealth of Massachusetts, and for other purpcses; to the Committee on Interior and Insular Affairs.

By Mr. TUCKER:

H.R. 10972. A bill to amend Internal Revenue Code of 1954 to increase the initial amount and the adjusted gross income limitation applicable to the credit for the elderly; to the Committee on Ways and Means.

By Mr. WALKER (for himself and Mr. CUNNINGHAM):

H.R. 10973. A bill to amend the Internal Revenue Code of 1954 to provide to individuals who have attained the age of 62 a refundable credit against income tax for increases in real property taxes and utility bills; to the Committee on Ways and Means.

By Mr. DELANEY (for himself, Mr. SYMMS, Mr. GEPHARDT, Mr. DELLUMS, Mr. MARRIOTT, Mr. ASHBROOK, Mr. ROGERS, Mr. KOSTMAYER, Mr. BONKER, Mr. KELLY, and Mr. BAUCUS):

H.R. 10974. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer to deduct, or to claim a credit for, amounts paid as tuition to provide an education for himself, for his spouse, or for his dependents; to the Committee on Ways and Means.

By Mr. EVANS of Delaware:

H.R. 10975. A bill to authorize the Federal Home Loan Bank Board to allow Federal savings and loan associations to issue graduated payment and reverse annuity mortgage instruments; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FORD of Michigan (for himself, Mr. QUIE, Mr. BLANCHARD, Mrs. COLLINS, of Illinois, Mr. CORRADA, Ms. HOLTZMAN, Mr. HUGHES, Ms. MIKULSKI, Mr. OTTINGER, Mr. PATTERSON of California, Mr. RICHMOND, and Mr. WEAVER):

H.R. 10976. A bill to authorize funds for the Hubert H. Humphrey Institute of Public Affairs; to the Committee on Education and Labor.

By Mr. HALL:

H.R. 10977. A bill to require that imported meat and meat food products made in whole or in part of imported meat be subjected to certain tests and that such meat or products be identified as having been imported; to require that the cost of conducting such tests, inspection, and identification procedures on imported meat and meat food products be borne by the exporters of such articles, and for other purposes; to the Committee on Agriculture.

H.R. 10978. A bill to require that imported meat and meat food products made in whole or in part of imported meat be identified as having been imported; to require that the cost of such identification procedures on imported meat and meat food products be borne by the exporters of such articles, and for other purposes; to the Committee on Agriculture.

By Mr. HOWARD (for himself, Mr. JOHNSON of California, Mr. HARSHA, Mr. SHUSTER, Mr. ROBERTS, Mr. DON H. CLAUSEN, Mr. ANDERSON of California, Mr. SNYDER, Mr. ROE, Mr. WALSH, Mr. MCCORMACK, Mr. ABDNOR, Mr. GINN, Mr. TAYLOR, Mr. MILFORD, Mr. GARY A. MYERS, Mr. MINETA, Mr. OBERSTAR, Mr. AMBRO, Mr. NOWAK, Mr. EDGAR, Mrs. LLOYD of Tennessee, Mr. FARY, Mr. HEFNER, and Mr. CORNWELL):

H.R. 10979. A bill to provide emergency assistance for the repair of certain weather related damage to highways and urban mass transportation systems due to the winter of 1977–78; to the Committee on Public Works and Transportation.

By Mr. HOWARD (for himself, Mr. JOHNSON of California, Mr. HARSHA, Mr. SHUSTER, Mr. YOUNG of Missouri, Mr. BONIOR, Mr. ERTEL, Mr. EVANS of Georgia, Mr. FLIPPO, Mr. RAHALL, Mr. APPLEGATE, Mr. WOLFF, and Mr. BLOUIN):

H.R. 10980. A bill to provide emergency assistance for the repair of certain weather related damage to highways and urban mass transportation systems due to the winter of 1977–78; to the Committee on Public Works and Transportation.

By Mr. JEFFORDS:

H.R. 10981. A bill to authorize the Secretary of Agriculture to provide 100 percent parity to farmers; to the Committee on Agriculture.

By Mr. MAHON:

H.R. 10982. A bill to rescind certain budget authority contained in the message of the President of January 27, 1978 (H. Doc. 95–285), transmitted pursuant to the Impoundment Control Act of 1974; to the Committee on Appropriations.

By Mr. MILFORD:

H.R. 10983. A bill to amend title 38 of the United States Code in order to provide for the payment of service pensions to veterans of World War I and for certain surviving spouses and certain children; to the Committee on Veterans' Affairs.

By Mr. MURPHY of Pennsylvania:

H.R. 10984. A bill to provide for the establishment of the Friendship Hill National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RAHALL:

H.R. 10985. A bill to authorize reimbursement of the Federal share of the cost of construction of a toll bridge across the Ohio River at or in the vicinity of Huntington, W. Va.; to the Committee on Public Works and Transportation.

By Mr. ROGERS (for himself, Mr. AKAKA, Mr. BAFALIS, Mr. BONIOR, Mr. CORNELL, Mr. CORRADA, Mr. COUGHLIN, Mr. DRINAN, Mr. EVANS of Georgia, Mr. EVANS of Indiana, Mr. FISH, Mr. FLORIO, Mr. FRASER, Mr. GOLDWATER, Mr. GOODLING, Mr. HARRINGTON, Mr. HARRIS, Mr. HEFNER, Mr. HOLLENBECK, Mr. LENT, Mr. MICHEL, Mr. MINETA, Mr. MOLLOHAN, Mr. MOORHEAD of Pennsylvania, Mr. OBERSTAR, and Mr. O'BRIEN):

H.R. 10986. A bill to amend the Communications Act of 1934 to establish requirements with respect to the broadcasting of certain professional sports clubs' games; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS (for himself, Mr. PATTERSON of California, Mr. SANTINI, Mrs. SCHROEDER, Mr. SISK, Mrs. SPELLMAN, Mr. WHITEHURST, Mr. CHARLES WILSON of Texas, and Mr. ZEFERETTI):

H.R. 10987. A bill to amend the Communications Act of 1934 to establish requirements with respect to the broadcasting of certain professional sports clubs' games; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 10988. A bill to provide for a national program for inventory and inspection of dams, to provide for standards and guidelines relating to dam safety and inspection, to provide for technical and financial assistance to States which conduct dam safety and inspection programs, and for other purposes; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.

By Mr. STEERS:

H.R. 10989. A bill to amend title 5, United States Code, to allow any Federal employee to be granted leave for purposes of attending a funeral of an immediate relative; to the Committee on Post Office and Civil Service.

By Mr. SYMMS (for himself and Mr. YOUNG of Alaska):

H.R. 10990. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. WYDLER:

H.R. 10991. A bill to amend title 28 of the United States Code to provide that U.S. District Court for Eastern District of New York shall also be held at Town of Hempstead; to the Committee on the Judiciary.

By Mr. EDGAR:

H.R. 10992. A bill to amend title 38, United States Code, to improve the pension programs for veterans and survivors of veterans, of the Mexican border period, World War I, World War II, the Korean conflict, and the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. HOLTZMAN:

H.R. 10993. A bill to amend title 18, United States Code, to provide for cases of persons acquitted of certain Federal offenses by reason of insanity; to the Committee on the Judiciary.

By Mr. RUDD (for himself, Mr. DEL CLAWSON, Mr. BAUMAN, Mr. BURGENER, Mr. LIVINGSTON, Mr. YOUNG of Florida, Mr. BUTLER, Mr. LOTT, Mr. ROUSSELOT, Mr. ANDERSON of Illinois, Mr. CUNNINGHAM, Mr. DEVINE, Mr. TREEN, Mr. WAMPLER, and Mr. JOHN T. MYERS):

H.J. Res. 740. Joint resolution expressing the determination of the United States with respect to the situation in Cuba; to the Committee on International Relations.

By Mr. LEHMAN:

H. Con. Res. 480. Concurrent resolution disapproving the proposed sale of 60 F15 aircraft to Saudi Arabia which was announced by the Secretary of State on February 14, 1978; to the Committee on International Relations.

H. Con. Res. 481. Concurrent resolution disapproving the proposed sale of 50 F5E aircraft to Egypt which was announced by the Secretary of State on February 14, 1978; to the Committee on International Relations.

By Mr. LONG of Maryland:

H. Con. Res. 482. Concurrent resolution stating the intention of the Congress to disapprove the proposed sales, announced by the Secretary of State on February 14, 1978, of certain military aircraft to Israel, Egypt, and Saudi Arabia; to the Committee on International Relations.

By Ms. OAKAR (for herself, Mr. DINGELL, Mr. STANTON, Mr. MOFFETT, Mr. ROONEY, Mr. FITHIAN, Mr. EILBERG, Mr. YOUNG of Missouri, Mr. MOTTL, Mr. MILLER of Ohio, Mr. MONTGOMERY, Mr. REGULA, Mr. LATTA, Mr. APPLEGATE, Mr. GUYER, Mr. WALKER, Mr. SKELTON, Mr. COUGHLIN, Mr. DUNCAN of Tennessee, and Mr. CUNNINGHAM):

H. Con. Res. 483. Concurrent resolution to disapprove the determination of the President denying import relief under the Trade Act of 1974 to the U.S. industry manufacturing metal fasteners; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. ABDNOR, Mr. BADHAM, Mr. BAFALIS, Mr. BURKE of Florida, Mr. CORCORAN of Illinois, Mr. CUNNINGHAM, Mr. DORNAN, Mr. DUNCAN of Tennessee, Mr. EDWARDS of Oklahoma, Mr. EVANS of Delaware, Mr. GILMAN, Mr. GOODLING, Mr. GRASSLEY, Mr. GUYER, Mr. HANSEN, Mr. HOLLENBECK, Mr. HYDE, Mr. KINDNESS, Mr. LENT, Mr. MICHEL, Mr. MILLER of Ohio, Mr. O'BRIEN, Mr. ROUSSELOT, and Mr. RUDD):

H. Res. 1025. Resolution authorizing House Judiciary Committee investigation of Attorney General Bell for any impeachable offenses; to the Committee on Rules.

By Mr. EMERY:

H. Res. 1026. Resolution calling on the Department of State to investigate allegations that the provisions of the Biological Weapons Convention of 1972 are being violated by a principle signatory to that Convention; to the Committee on International Relations.

By Mr. HANNAFORD:

H. Res. 1027. Resolution expressing the sense of the House of Representatives that the form for Federal estate tax returns should include certain information; to the Committee on Ways and Means.

By Mr. KEMP (for himself, Mr. BEDELL, Mr. BURLESON of Texas, Mr. COLEMAN, Mr. COLLINS of Texas, Mr. DERWINSKI, Mr. DUNCAN of Tennessee, Mr. GUYER, Mr. GOLDWATER, Mr. HEFNER, Mr. KETCHUM, Mr. KINDNESS, Mr. MCDONALD, Mr. MATHIS, Mr. MONTGOMERY, Mr. MURPHY of Illinois, Mr. MURTHA, Mr. JOHN T. MYERS, Mr. NICHOLS, Mr. REGULA, Mr. SISK, Mr. STANGELAND, Mr. SYMMS, Mr. TAYLOR, and Mr. WHITEHURST):

H. Res. 1028. Resolution to reaffirm the use of our national motto on currency; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PRESSLER:

H. Res. 1029. Resolution expressing the sense of the House with respect to a reorganization of the Internal Revenue Service; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

300. By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, relative to establishing a national consumer cooperative bank; to the Committee on Banking, Finance and Urban Affairs.

301. Also, memorial of the Legislature of the State of South Dakota, relative to restricting imports of foreign beef; jointly, to the Committees on Agriculture, and Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 9179

By Mr. BINGHAM:

Add the following new subsection at the end of the bill:

( ) Section 231(k) of such Act, as redesignated by subsection (a) of this section, is amended to read as follows:

"(k) to give preferential consideration to investment projects in low income countries that have per capita incomes of $520 or less in 1975 United States dollars, and to restrict its activities with respect to investment projects in less developed countries that have per capita incomes of $1,000 or more in 1975 United States dollars."

Add the following new subsection at the end of the bill:

( ) Section 231 of such Act, as amended by subsections (a), (g), and (i) of this section, is further amended—

(1) by adding the following new sentence at the end of the first paragraph thereof: "The Corporation shall undertake, consistent with its developmental objectives, to support the interests of the United States in the maintenance of adequate world production of minerals, energy resources and other basic materials."; and

(2) by adding at the end thereof the following new subsection:

"(c) to give preferential consideration in its investment insurance, financing, and reinsurance activities to investment projects that would enhance the access of the United States to strategic and critical materials, as such materials are determined pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 90a(a)), for which the United States is or may be expected to become dependent on foreign sources for more than ten percent of its annual needs.".

Add the following new subsection at the end of the bill:

( ) Section 231 of such Act, as amended by subsections (a), (g), and (i) of this section, is further amended by adding at the end thereof the following new subsection:

"(o) to decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's proposed investment if the Corporation determines that such investment is likely to cause significant injury to the competitiveness of domestic United States industry through

the transfer overseas of advanced industrial technology.".

Add the following new subsection at the end of the bill:

( ) The Foreign Assistance Act of 1961 is amended by inserting after section 239 the following new section 240:

"SEC. 240. Small Business Development.—The Corporation shall undertake, in cooperation with appropriate Departments, agencies and instrumentalities of the United States as well as private entities and others, to broaden the participation of United States small business, cooperatives and other small United States investors in the development of small private enterprise in less-developed friendly countries or areas. The Corporation shall allocate up to 50 per centum of its annual net income, after making suitable provision for transfers and additions to reserves, to assist and facilitate the development of projects consistent with the provisions of this section. Such funds may be expended without regard to the requirements of Section 231(a), on such terms and conditions as the Corporation may determine, through loans, grants or other programs authorized by Section 234."

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of January 4, 1978 (page 39082).

H.R. 8401. July 18, 1977. Interstate and Foreign Commerce. Amends Title XIX (Medicaid) of the Social Security Act to increase percentage payments to States for early and periodic screening, diagnosis, and treatment.

H.R. 8402. July 18, 1977. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of the Corps of Engineers, (1) to replace locks and dam 26, Mississippi River, Alton, Illinois, (2) to replace wildlife habitat inundated by such project, and (3) to construct a project-related recreation development.

Requires a feasibility study of alternatives to such project.

Prohibits certain navigation feasibility studies.

Requires the Secretary of Transportation to establish a system of user charges to recover a portion of Federal navigation-related costs of the operation of inland waterways.

H.R. 8403. July 18, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8404. July 18, 1977. Judiciary. Directs the Secretary of the Army to settle, and the Secretary of the Treasury to pay, any claims filed by tenants of certain lands in Marion County, Kansas, taken by the United States in connection with a dam and reservoir project.

H.R. 8405. July 19, 1977. Interstate and Foreign Commerce; Ways and Means. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for dental care, eye care, and hearing aids under the supplementary medical insurance program.

H.R. 8406. July 19, 1977. Veterans' Affairs. Designates service as a member of the Women's Air Forces Service Pilots as active duty for the purposes of all laws administered by the Veterans' Administration.

H.R. 8407. July 19, 1977. Ways and Means. Authorizes and directs the Secretary of Labor, through the Bureau of Labor Statistics, to prepare, as part of the Consumer Price Index, the Consumer Price Index for the Aged and other Social Security Beneficiaries designed to reflect the relevant price information for individuals, as a group, who are 65 years of age or older or are otherwise entitled to monthly benefits under the program of Old-Age, Survivors, and Disability Insurance of the Social Security Act.

H.R. 8408. July 19, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that the automatic cost-of-living increases in benefits be made on a semiannual basis (rather than only on annual basis as at present).

H.R. 8409. July 19, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals alternative, limited income tax credits or deductions for the tuition paid for the primary, secondary or higher education of the taxpayer, his spouse and dependents.

H.R.. 8410. July 19, 1977. Education and Labor. Amends the National Labor Relations Act with respect to the size and quorums of the National Labor Relations Board and Board affirmation of administrative law judge decisions regarding unfair labor practices.

Revises criteria for organizations which may represent guards.

Sets forth procedures for expedited selection of bargaining representatives in certain situations.

Denies public contracts for a three-year period to persons willfully violating final orders regarding unfair labor practices.

Specifies relief available to employees who are victims of certain types of unfair labor practices.

H.R. 8411. July 19, 1977. International Relations. Amends the Export Administration Act of 1969 to prohibit the issuance of any export license on articles or materials whose export is controlled for national security purposes until after the President has reported to Congress with respect to such export. Prohibits issuance of such license if either House of Congress disapproves the export.

Permits immediate issuance if the President determines that it is required in the interests of national security. Prohibits the removal of export controls for national security purposes if disapproved by Congress.

H.R. 8412. July 19, 1977. Judiciary. Requires the President to appoint a special prosecutor to investigate and prosecute acts by agents of foreign governments to buy influence of elected officials and employees of the United States.

H.R. 8413. July 19, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to increase to $4,800 the amount of outside earnings which is permitted an individual without any deductions from benefits. Permits further increases for individuals receiving less than the maximum amount of benefits allowable under such Title.

H.R. 8414. July 19, 1977. Banking, Finance and Urban Affairs. Declares a national policy on investment in the private sector of the United States economy.

Requires the Council on Wage and Price Stability to deliver to Congress an annual Investment Policy Report which shall include information on levels of capital investment available, trends in such levels, and reviews of economic programs affecting capital investment. Requires the President to submit other recommendations for implementation of the national policy declared in this Act.

H.R. 8415. July 19, 1977. Judiciary. Provides for the appointment of a special prosecutor to conduct investigations relative to alleged violations of criminal law involving abuse of office, fraud against the United States, or obstruction of justice, or campaign finance by any of specified Federal officials or campaign managers, including Members of Congress who accepted bribes from foreign governments after 1970.

Directs the Attorney General to promulgate regulations requiring employees of the Department of Justice to disqualify themselves from investigations of prosecutions which may result in a conflict of interest or the appearance thereof.

H.R. 8416. July 19, 1977. Interior and Insular Affairs. Declares certain lands now owned by the United States and administered by the Forest Service to be held in trust by the United States for the Tule River Indian Tribe and to be part of the Tule River Indian Reservation.

H.R. 8417. July 19, 1977. Veterans' Affairs. Increases from 10 to 12 years the delimiting period for a veteran to complete a program of education.

H.R. 8418. July 19, 1977. Post Office and Civil Service. Requires a ten percent reduction in the number of Federal employees from the number of such employees on December 1, 1976, to be attained by voluntary attrition by calendar year 1981.

H.R. 8419. July 19, 1977. Veterans' Affairs. Provides for payment of a supplemental tuition allowance to each qualified veteran upon application to the Administrator of Veterans' Affairs.

H.R. 8420. July 19, 1977. Interstate and Foreign Commerce. Amends the Department of Transporation Act and the Regional Rail Reorganization Act to revise the time periods during which Federal financial assistance shall be available for rail service assistance programs under such Acts.

H.R. 8421. July 19, 1977. Judiciary. Makes it a Federal crime for a person to directly or indirectly access or cause to be accessed for fraudulent purposes a computer system affecting commerce or having a connection with a Federal agency or financial institution.

H.R. 8422. July 19, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for rural health clinic services under the supplementary medical insurance program.

Directs the Secretary of Health, Education, and Welfare to provide, through demonstration projects, reimbursement on a cost basis for services provided by physician-directed clinics in urban medically underserved areas for which payment may be made under Medicare, and for services provided by physician extenders employed by such clinics.

Directs the Secretary to carry out demonstration projects to provide reimbursement under the Medicare program for services provided in organized centers offering comprehensive outpatient metal health services.

H.R. 8423. July 19, 1977. Ways and Means. Amends Title II (Aid-Age, Survivors, and Disability Insurance) and Title XVIII (Medicare) of the Social Security Act to specify the types of treatment, persons covered, and amount of coverage whch will be provided with respect to treatment procedures and programs for end stage renal disease.

H.R. 8424. July 19, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals alternative, limited income tax credits or deductions for the tuition paid for the primary, secondary or higher education of the taxpayer, his spouse and dependents.

H.R. 8425. July 19, 1977. Interior and Insular Affairs. Amends the Wilderness Act to designate certain lands in Oregon as wilderness.

H.R. 8426. July 19, 1977. Agriculture. Amends the Agriculture Act of 1949 to establish separate reserves of wheat, corn and other feed grains through storage contracts with producers. Sets loan levels for the 1977 through 1981 crops of wheat and corn. Authorizes the President to establish an International Emergency Food Reserve in this country and to negotiate international agreements with other countries to develop an international system of fod reserves for humanitarian food relief.

H.R. 8427. July 19, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to prohibit curtailment of supplies to specified high priority users.

H.R. 8428. July 19, 1977. Judiciary. Confers jurisdiction on a specified United States district court to hear any claim of or on behalf of a certain individual arising from injuries sustained in an accident on Government property.

H.R. 8429. July 20, 1977. Education and Labor. Amends the Civil Rights Act of 1964 to revise the standards for inclusion of religious practices and observances within the ban against employment discrimination based on religion from those practices and observances which can be reasonably accommodated without undue hardship to those which are possible to accommodate without severe materials loss.

H.R. 8430. July 20, 1977. Public Works and Transportation. Directs the Administrator of the Environmental Protection Agency to establish research and demonstration programs for the control of sludge. Authorizes financial assistance for sludge removal programs.

H.R. 8431. July 20, 1977. Interstate and Foreign Commerce; Ways and Means. Amends title II Old-Age, Survivors, and Disability Insurance of the Social Security Act to (1) remove the limitation on the amount of outside income which an individual may earn while receiving benefits under such title; (2) revise certain eligibility requirements for such benefits, and (3) authorize direct payment to the provider of services to medicare supplementary medical insurance beneficiaries under certain circumstances.

Amends the Social Security Act and the Internal Revenue Code to allow individuals 65 years of age or older to elect to exempt wages and self-employment income from social security taxation.

H.R. 8432. July 20, 1977. Judiciary. Amends the Mann Acts, which prohibit the transportation of females for immoral purposes, to extend coverage to prohibit transportation of any individual for immoral purposes and to increase the penalties specified in such Act.

H.R. 8433. July 20, 1977. Veterans' Affairs. Declares that service during World War I by any female citizen of the United States as a member of a telephone operating unit of the Army Signal Corps shall be considered active duty in the Army for purposes of all laws administered by the Veterans' Administration.

H.R. 8434. July 20, 1977. Public Works and Transportation. Establishes within the General Services Administration the Federal Protective Service for the protection of property under the jurisdiction of the Administration. Provides for the pay, training, and retirement of the members of such service.

H.R. 8435. July 20, 1977. Ways and Means. Amends the Tariff Schedules of the United States to increase the value of personal articles which may be entered duty-free by United States residents returning from Mexico.

H.R. 8436. July 20, 1977. Post Office and Civil Service. Repeals the Postal Reorganization Act. Re-enacts provisions relating to the postal service which were in effect immediately prior to the enactment of such Act.

Re-enacts without substantial change those portions of the Postal Reorganization Act pertaining to employee-management agreements.

H.R. 8437. July 20, 1977. Interstate and Foreign Commerce. Amends the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit motor vehicle dealers, after receiving notice from the manufacturer of a defect in any motor vehicle or item of replacement equipment pursuant to such Act, from transferring any interest in such vehicle or replacement item in connection with its first purchase for purposes other than resale until such defect has been remedied.

H.R. 8438. July 20, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize and direct the Secretary of Health, Education, and Welfare to make grants to designated State agencies to meet part of the costs involved in planning, establishing, maintaining, coordinating, and evaluating programs for comprehensive services for school-age girls, their infants and children.

Specifies the requirements for State plans to qualify for Federal aid under this Act.

H.R. 8439. July 20, 1977. Interstate and Foreign Commerce. Directs the Institute of Medicine of the National Academy of Sciences to conduct a review of toxic and carcenogenic substances and to report its findings and advisory recommendations to the Congress and the Secretary of Health, Education, and Welfare within one year.

Authorizes the continued use of saccharin for 18 months. Prohibits the Secretary from taking any action under the Federal Food, Drug, and Cosmetic Act to prohibit or restrict the sale or distribution of saccharin.

H.R. 8440. July 20, 1977. Judiciary. Authorizes the Secretary of Health, Education, and Welfare to pay for certain medical services provided to qualified individuals suffering from physical injuries attributable to the atomic bomb explosions on Japan in August 1945.

H.R. 8441. July 20, 1977. Education and Labor. Enables an employer and employees in the performing arts to enter into an agreement limiting other employers and persons with which such employer may deal. Permits labor organizations in the performing arts to engage in or encourage strikes for certain purposes, including forcing or requiring an employer or self-employed person to join a labor or employer organization.

H.R. 8442. July 20, 1977. Ways and Means; Interstate and Foreign Commerce; Education and Labor. Amends the Trade Act of 1974 to revise worker, firm, and community trade adjustment assistance. Permits indirectly affected workers and firms to receive assistance. Provides for certification of eligibility without petition. Revises the composition and powers of the Adjustment Assstance Coordinating Committee. Grants certain assistance to import-affected workers under the Comprehensive Employment and Training Act of 1973.

H.R. 8443. July 20, 1977. Education and Labor. Requires the payment of prevailing rates of wages on Federal public works in Guam.

H.R. 8444. July 20, 1977. Energy. Establishes national energy goals for 1985. Establishes energy conservation programs for homes, schools, and hospitals. Requires the establishment of energy efficiency standards for household appliances. Specifies rate design policies for electric and natural gas utilities. Authorizes assistance to consumers in rate-making proceedings and for small hydroelectric power projects. Imposes restrictions on the use of petroleum and natural gas as energy sources. Establishes additional Federal energy conservation and solar energy programs.

Establishes tax incentives to encourage energy conservation. Imposes taxes on inefficient motor vehicles and on certain business uses of oil and natural gas.

H.R. 8445. July 20, 1977. Judiciary. Revises the prohibition against claims against the United States arising from loss, miscarriage, or negligent transmission of mail to bar only those claims resulting from a postal strike, warfare, or natural disaster. Declares that a prima facie case and rebuttable presumption of negligence or wrongful act is established in a civil suit pursuing such a permitted claim wherein the length of the period for the transmission of any mail matter is a factor by showing that the time elapsed between the date of mailing and date of receipt of such matter is unreasonable.

H.R. 8446. July 20, 1977. Judiciary. Makes it a Federal crime, punishable by life imprisonment or death, to sabotage nuclear facilities, hijack or sabotage vehicles transporting nuclear material, or coerce others by threatening exposure to atomic radiation.

Specifies sentencing procedures for such crimes.

H.R. 8447. July 20, 1977. Judiciary. Prohibits the use of Federal funds for specified activities designated to support or defeat any legislation or legislative issue on the ballot in any State.

H.R. 8448. July 20, 1977. Judiciary. Declares five individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act

H.R. 8449. July 20, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 8450. July 21, 1977. Veterans' Affairs. Provides that recipients of veterans' pensions and compensation will not have the amount of such pension or compensation reduced because of increases in social security benefits.

H.R. 8451. July 21, 1977. Banking, Finance and Urban Affairs. Amends the Equal Credit Opportunity Act to prohibit discrimination against any applicant for credit on the basis of the geographic location of the applicant's residence or the applicant's occupation or title.

H.R. 8452. July 21, 1977. Education and Labor; Ways and Means. Amends the Immigration and Nationality Act, the Comprehensive and Employment and Training Act of 1973, the Internal Revenue Code of 1954, and the Social Security Act: (1) to restrict the illegal entry and prohibit the employment of aliens in the United States; (2) to facilitate the admission of aliens for temporary employment; and (3) to regulate the issuance and use of social security account cards.

H.R. 8453. July 21, 1977. Ways and Means. Entitles, under the Social Security Act, States whose rates of insured unemployment is at least six percent to partial reimbursement of an ascending sliding scale of unemployment compensation costs incurred above a certain amount.

Replaces the Federal-State Extended Unemployment Compensation Act of 1970 with an extended benefit program which includes both regular extended and supplemental extended benefits.

Authorizes the Secretary of Labor to extend the payback period of States having outstanding unemployment loans. Waives any repayment requirements for States having insured unemployment above a certain level.

Revises the penalty tax on employers in defaulting States.

H.R. 8454. July 21, 1977. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of Engineers, to carry out a flood control project on Hatcher Bayou and Durden Creek, Miss.

H.R. 8455. July 21, 1977. Ways and Means. Amends the Tariff Schedules of the United States to designate specific customs rates for ball or roller bearing pillow block, flange, take-up, cartridge, and hanger units.

H.R. 8456. July 21, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that a woman divorced from an insured individual may qualify for wife's or widow's insurance benefits on such indi-

vidual's wage record if she had been married to him for a total of 20 years, whether or not such years were consecutive.

H.R. 8457. July 21, 1977. Judiciary. Amends the Bankruptcy Act to allow for the discharge in bankruptcy of debts that are specified educational loans unless such debts are those not affected by such discharge under the provisions of this Act.

H.R. 8458. July 21, 1977. Government Operations. Requires the Office of Management and Budget to provide information on the formulas and assumptions used in the distribution of Federal domestic assistance.

H.R. 8459. July 21, 1977. Interstate and Foreign Commerce. Amends Title XIX (Medicaid) of the Social Security Act to reimburse health facilities on a pre-established all-inclusive rate for comprehensive routine maternity services provided by nurse-midwives.

H.R. 8460. July 21, 1977. Ways and Means; Public Works and Transportation. Amends the Internal Revenue Code of 1954 to impose a tax on certain liquid fuels sold for use of vessels in commercial water transportation.

Authorizes the Secretary of the Army, acting through the Chief of Engineers, to construct a replacement lock and dam on the Mississippi River. Withdraws all authority with respect to channel construction and modification on the Upper Mississippi River.

Directs the Upper Mississippi River Basin Commission to prepare a master plan for the management of the Upper Mississippi River.

H.R. 8461. July 21, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for optometric and medical vision care under the supplementary medical insurance program.

H.R. 8462. July 21, 1977. Post Office and Civil Service. Requires all legislation in the House of Representatives which establishes any civil service or executive branch position with a rate of pay equal to or greater than that for level V of the Executive Schedule to be referred to the Committee on Post Office and Civil Service.

Limits the maximum number of such positions to the number in existence on the date this Act is enacted. Requires the President to transmit to Congress by January 1, 1979, a plan for authorizing executive level positions in the executive branch including the maximum number of such positions. Terminates any authority within the executive branch to employ any executive level position which is in effect on the date of enactment of this Act effective July 1, 1980.

H.R. 8463. July 21, 1977. Ways and Means. Amends the Internal Revenue Code to lower the corporate normal taxes and increase the surtax exemption.

H.R. 8464. July 21, 1977. Banking, Finance and Urban Affairs. Amends the Equal Credit Opportunity Act to prohibit discrimination against any applicant for credit on the basis of the geographical location of the applicant's residence.

H.R. 8465. July 21, 1977. Science and Technology. Prohibits the use or expenditure of Federal funds for the conversion of weather information to the metric system without a direct authorization by the Congress.

H.R. 8466. July 21, 1977. Judiciary. Provides for a judicially appointed special prosecutor to investigate alleged violations of Federal law by Federal officials and employees which relate to an attempt by a foreign government or national to influence the operations of the United States Government.

H.R. 8467. July 21, 1977. Interstate and Foreign Commerce. Amends the Emergency Natural Gas Act of 1977 to extend the authority of the President to authorize emergency purchases of natural gas through August 1, 1978.

H.R. 8468. July 21, 1977. Interstate and Foreign Commerce. Authorizes the Secretary of the Interior to establish a loan program to provide financial assistance to drought-impacted water districts and to provide Federal assistance to water districts for acquisition and installation of residential and agricultural water conservation devices and equipment.

H.R. 8469. July 21, 1977. Ways and Means. Amends Title IV, part A (Aid to Families with Dependent Children) of the Social Security Act to permit States to select any age between 18 and 21 under which a dependent child attending school may be eligible for aid.

H.R. 8470. July 21, 1977. Ways and Means. Amends the Internal Revenue Code to qualify associations which are operated to provide workmen's compensation for State and local government employees as tax exempt organizations.

H.R. 8471. July 21, 1977. Armed Services. Provides for the transfer and conveyance: (1) of the silver service of the United States ship Wyoming to the Wyoming State Museum; and (2) of the ship's nameplate and ship's bell to the University of Wyoming.

H.R. 8472. July 21, 1977. Armed Services. Directs the Secretary of Defense to establish a program to make grants to units of local government whose economy is adversely affected by the closure or major realignment of a military base.

H.R. 8473. July 21, 1977. Government Operations. Establishes the Department of Education within the executive branch of the Federal Government to take over specified functions of the Department of Health, Education, and Welfare and all of the functions of the Education Division of the Department of Health, Education, and Welfare.

Establishes the Federal Interagency Committee on Education to coordinate all Federal programs affecting education.

H.R. 8474. July 21, 1977. Interstate and Foreign Commerce. Amends the Department of Transportation Act and the Regional Rail Reorganization Act to revise the time periods during which Federal financial assistance shall be available for rail service assistance programs under such Acts.

H.R. 8475. July 21, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to select a design for a flag commemorating American veterans. Establishes an advisory panel to make suggestions respecting designs.

H.R. 8476. July 21, 1977. Ways and Means. Amends the Internal Revenue Code to allow an additional investment tax credit for machinery and equipment placed in service in existing manufacturing plants or in nearby areas.

H.R. 8477. July 21, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to revise the method of computing OASDI benefits by requiring that the primary insurance amount be based on an individual's ten or fewer years of highest earnings.

Requires the recomputation in accordance with this Act of the primary insurance amount of an individual entitled to OASDI benefits who has wages or self-employment income after 1978.

H.R. 8478. July 21, 1977. Judiciary. Makes it a Federal crime to destroy or injure, or to attempt to destroy or injure, an interstate petroleum or gas pipeline system.

H.R. 8479. July 21, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8480. July 21, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8481. July 21, 1977. Judiciary. Relieves a certain individual of liability to the United States for expenses incurred at an Army Hospital for the medical treatment of a child, then his niece, now his adopted daughter.

H.R. 8482. July 21, 1977. Veterans' Affairs. Entitles a certain individual to be interred in Arlington National Cemetery at a site adjacent to the grave of her deceased spouse.

H.R. 8483. July 22, 1977. Education and Labor: House Administration. Amends the National Labor Relations Act to (1) stipulate that only bargaining representatives chosen by secret ballot may be deemed exclusive representatives, (2) forbid a labor organization to threaten or impose economic sanctions against any person exercising rights under the Act, (3) institute a strike vote system, (4) deem binding arbitration an exclusive remedy in certain disputes, and (5) permit members of certain religious bodies, or sects to refrain from joining or financially supporting unions.

Amends the Federal Election Campaign Act to prohibit use of any payroll deduction procedure in soliciting and collecting contributions for a segregated campaign fund.

H.R. 8484. July 22, 1977. Education and Labor. Amends the Federal Coal Mine Health and Safety Act to 1969 to direct the Secretary of Labor to issue revised standards for black lung benefits under such Act. Stipulates that such black lung benefits program shall revert to the States one year after the enactment of this Act.

H.R. 8485. July 22, 1977. Interstate and Foreign Commerce. Authorizes the President to appoint a Presidential Commission on the Feasibility of Nationalizing the Nation's Railroads

H.R. 8486. July 22, 1977. Public Works and Transportation. Authorizes the Secretary of Transportation to provide financial assistance to States for major repairs to routes on any Federal aid system which were damaged as a result of the severe winter weather

H.R. 8487. July 22, 1977. Interior and Insular Affairs. Increases the authorization of appropriations for the development of the William Howard Taft National Historic Site, Ohio, and changes the boundaries of such site

H.R. 8488. July 22, 1977. Education and Labor. Increases the dollar amount of contracts to which the Davis-Bacon Act applies and provides for future increases tied to cost-of-living increases. Makes such Act applicable only to unskilled laborers. Details the method for computing the "prevailing wage" under the Act. Establishes a Federal Construction Appeals Board to hear appeals regarding wage rate determinations under the Act.

H.R. 8489. July 22, 1977. Ways and Means. Limits the application of the Tax Reform Act provisions pertaining to basis limitations for athlete contracts transferred in connection with franchise sales to mergers for which proposed proxy statements were filed with the Securities and Exchange Commission before September 21, 1976

H.R. 8490. July 22, 1977. Ways and Means. Amends Internal Revenue Code provisions relating to Social Security coverage of employees of tax exempt nonprofit organizations which have treated their employees as having

such coverage when they have not been covered.

H.R. 8491. July 22, 1977. Interior and Insular Affairs. Requires that all objects of antiquity be preserved in a public museum in the country within which they are found.

Includes meteorites within the term "objects of antiquity" for purposes of this Act.

H.R. 8492. July 22, 1977. Judiciary. Amends provisions specifying fees for services performed by United States marshals to eliminate the set fees contained therein for all services other than seizing and disposing of property and to authorize the Attorney General to prescribe fees by regulation.

Eliminates the maximum amount which a court may tax in a criminal case as marshal fees for services other than summoning witnesses.

H.R. 8493. July 22, 1977. Judiciary. Amends the Civil Rights Act of 1964 to remove the limitation on payments for consultant services in the Community Relations Service.

H.R. 8494. July 22, 1977. Judiciary. Requires specified organizations which employ lobbyists to register and file quarterly expense reports with the Comptroller General. Makes such reports available to the public. Establishes civil and criminal sanctions to enforce this Act.

H.R. 8495. July 22, 1977. House Administration. Amends the Legislative Reorganization Act of 1946 to establish the Congressional Pages School Board with authority to establish and maintain a school for congressional pages, and to enter into or terminate, in cooperation with the Secretary of the Senate and Clerk of the House, arrangements with the District of Columbia with respect to the education of congressional pages in the public school system of the District of Columbia.

H.R. 8496. July 22, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize the Federal Communications Commission to regulate the use of protective components in consumer electronic equipment which are capable of reducing interference from radio frequency energy.

H.R. 8497. July 22, 1977. Veterans' Affairs. Permits the Administrator of Veterans' Affairs to discontinue educational assistance to an eligible veteran or survivor or dependent of a veteran if the Administrator finds that the institution of higher learning concerned has failed to enforce its regularly prescribed standards and practices as approved by the appropriate State approving agency with respect to such veteran or person. Requires the Administrator to provide individual educational and career counseling and other appropriate services to facilitate the education of any veteran or person whose educational assistance has been discontinued under this Act.

H.R. 8498. July 22, 1977. Veterans' Affairs. Permits acceleration of monthly educational assistance payments made by the Veterans' Administration to eligible veterans and dependents. Provides alternative financial and educational assistance to peacetime post-Korean veterans affected by the expiration of their delimiting period. Provides for a conditional extension of the delimiting period for certain Vietnam era veterans. Provides for the development of additional educational, employment, and readjustment assistance programs for veterans, and for protection against abuses and misuse of veterans benefits. Revises the criteria for nonaccredited courses.

H.R. 8499. July 22, 1977. Interior and Insular Affairs.

Amends the Alaska Native Claims Settlement Act to provide that the land allocated to the Regional Corporation for the southeastern Alaska region may include land withdrawn for, but not selected by, the Corporation for the Village of Klukwan.

H.R. 8500. July 22, 1977. Banking, Finance and Urban Affairs; Government Operations; Interstate and Foreign Commerce; Public Works and Transportation; Ways and Means. Establishes national energy goals for 1985. Establishes energy conservation programs for homes, schools, and hospitals. Requires the establishment of energy efficiency standards for household appliances. Specifies rate design policies for electric utilities. Terminates Federal Power Commission authority to regulate certain sales of natural gas. Revises crude oil pricing policies. Establishes additional Federal energy conservation and solar energy programs.

Establishes tax incentives to encourage energy conservation. Imposes taxes on inefficient motor vehicles and on certain business uses of oil and natural gas. Provides a temporary reduction in individual income taxes and a temporary increase in the earned income credit.

H.R. 8501. July 22, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 8502. July 22, 1977. Government Operations. Directs the Administrator of General Services to release a particular covenant contained in a deed conveying certain real property to a certain corporation.

H.R. 8503. July 25, 1977. Post Office and Civil Service. Provides that civilian air traffic controllers of the Department of Defense shall be treated the same as air traffic controllers of the Department of Transportation for purposes of retirement.

H.R. 8504. July 25, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals an income tax deduction for their commuting expenses on public transportation systems.

H.R. 8505. July 25, 1977. Veterans' Affairs. Requires the Administrator of Veterans' Affairs to provide eligible veterans with professional readjustment counseling, preventive health care services, and treatment and rehabilitation for alcohol or drug dependence or abuse disabilities.

H.R. 8506. July 25, 1977. Judiciary. Prohibits any petroleum transporter, defined for this Act as a person which transports an energy resource or refined product by pipeline, from owning or controlling any interest in petroleum production, refining, or marketing assets or from transporting such resource or product in which he has any interest by means of any transportation asset in which he has any interest. Establishes a Temporary Petroleum Industry Divestiture Court to decide cases arising under this Act.

H.R. 8507. July 25, 1977. Interstate and Foreign Commerce. Prohibits the shipment in interstate or foreign commerce of any fur or leather, raw or in finished form, from animals trapped in any State or foreign country which has not banned the manufacture, sale, or use of leg-hold or steel jaw traps.

Directs the Secretary of Commerce to publish a list of such States and foreign countries.

H.R. 8508. July 25, 1977. Ways and Means. Amends the Internal Revenue Code to provide a $5,000 tax exclusion from gross income for any amount received as an annuity, pensions, or other retirement benefit.

H.R. 8509. July 25, 1977. Veterans' Affairs. Directs the Secretary of Defense to place a plaque and a permanent display of medals, ribbons, and tributes of the Vietnam era on the crypt at the National Cemetery at Arlington, Virginia, reserved for an unknown American serviceman who lost his life in Southeast Asia.

Directs the Secretary to perform the duties required by this Act even though the remains of such serviceman have not yet been placed in the crypt.

H.R. 8510. July 25, 1977. Banking, Finance and Urban Affairs. Prohibits discrimination by federally insured depository institutions in the making of mortgage loans on account of the geographical location of real property upon which such loans are secured.

H.R. 8511. July 25, 1977. Government Operations. Declares a national policy on investment in the private sector of the United States economy.

Requires the President to deliver to Congress an annual Investment Policy report which shall include information on levels of capital investment available, trends in such levels, and reviews of economic programs affecting capital investment.

H.R. 8512. July 25, 1977. International Relations. Restricts payments of the United States to the United Nations to the ratio of the population of the United States to the total population of member nations.

H.R. 8513. July 25, 1977. Veterans' Affairs. Provides for payment of a supplemental tuition allowance to each qualified veteran upon application to the Administrator of Veterans' Affairs.

H.R. 8514. July 25, 1977. Interstate and Foreign Commerce. Requires franchisors to give franchisees 90 days notice, with limited exceptions, of intent to cancel, or failure to renew, a franchise agreement. Allows such cancellation or failure to renew only for certain specified reasons. Requires a franchisor to compensate a franchisee for the value of the franchisee's business when the franchisor, for a legitimate business reason, fails to renew the franchise. Sets forth the judicial remedies available to a franchisee for a violation of this Act by the franchisor.

H.R. 8515. July 25, 1977. Ways and Means. Amends the Internal Revenue Code to exclude from gross income certain distributions from pension funds if the employee transfers all the distribution to another qualified pension plan.

H.R. 8516. July 25, 1977. Judiciary. Amends the Clayton Antitrust Act to entitle the United States, natural persons, and State attorney generals acting as parens patriae for persons residing within the State to bring civil actions under such Act for injury in fact, whether direct or indirect.

H.R. 8517. July 25, 1977. Judiciary. Amends the Clayton Antitrust Act to entitle the United States, natural persons, and State attorney generals acting as parens patriae for persons residing within the State to bring civil actions under such Act for injury in fact, whether direct or indirect.

H.R. 8518. July 25, 1977. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to conduct studies on (1) toxic or carcinogenic substances in food; and (2) saccharin and other non-nutritive sweeteners.

Directs the Secretary to complete such studies and submit the results to the House Committee on Interstate and Foreign Commerce and the Senate Committee on Human Resources.

Prohibits the Secretary from taking certain action restricting the use of saccharin as a food, drug, and cosmetic for 18 months.

Authorizes the Secretary during such 18 months to require, in retail stores and in advertising, warning notices respecting the potential health risks presented by the use of saccharin.

H.R. 8519. July 25, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to require an increase in the enrollment of third-year medical students as a condition to a medical school receiving a capitation grant.

H.R. 8520. July 25, 1977. Interstate and Foreign Commerce. Authorizes appropriations for the planning and construction, under the supervision of the Department of Commerce, of sports facilities for the Olympic summer games of 1984.

H.R. 8521. July 25, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to prohibit the sale

or distribution of phosphate-based laundry detergents and cleaning agents in eight States in the Great Lakes Region. Specifies maximum allowable concentrations of phosphorus in laundry detergent, machine dishwashing detergents, and other cleaning agents.

Directs the Administrator of the Environmental Protection Agency to enforce the prohibitions of this Act and to study the feasibility of applying such restrictions on a nationwide basis.

H.R. 8522. July 25, 1977. Veterans' Affairs. Authorizes a presumption of service connection for cause of death for the purposes of payment of dependency and indemnity compensation in the case of a blinded veteran who had a service-connected disability rated permanent and total at least one year immediately preceding death, if death was due to causes not the result of misconduct on the part of such veteran.

H.R. 8523. July 25, 1977. Interior and Insular Affairs. Removes the requirement that 15 percent of the funds authorized to be appropriated for emergency drought relief measures be used for the construction of emergency physical facilities.

States that such funds shall be available for expenditure for emergency drought programs conducted by State water resource agencies.

H.R. 8524. July 25, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for rural health clinic services pursuant to the program of Supplementary Medical Insurance Benefits for the Aged and Disabled of such Title.

H.R. 8525. July 25, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XI, part B (Professional Standards Review) of the Social Security Act to exempt hospitals and inpatient facilities having fewer than 100 beds from the requirement of review by a Professional Standards Review Organization and from the related requirements and provisions of that part.

H.R. 8526. July 25, 1977. Ways and Means. Amends Title XVIII (Medicare) of the Social Security Act to provide for the creation of an alternative reimbursement formula which will allow specified hospitals to provide long-term care without applying proportional allocation of overhead costs to all patients in such facilities.

H.R. 8527. July 25, 1977. Ways and Means; Interstate and Foreign Commerce. Amends the Medicare and Medicaid programs of the Social Security Act to include rural health facilities of 100 beds or fewer within the definition of the term "hospital."

H.R. 8528. July 25, 1977. Veterans' Affairs. Removes from the eligibility requirements for employment and training benefits of disabled and Vietnam veterans current restrictions regarding disability ratings and length of service.

H.R. 8529. July 25, 1977. Veterans' Affairs. Limits the availability of veterans' job counseling, training, and placement services to only those veterans who served during a period of war.

H.R. 8530. July 25, 1977. Judiciary. Admits a certain individual to the United States for permanent residence on specified conditions.

H.R. 8531. July 25, 1977. Judiciary. Declares four individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8532. July 25, 1977. Judiciary. Directs the Secretary of the Treasury to pay a sum to a certain corporation in full settlement of such corporation's claims against the United States.

H.R. 8533. July 26, 1977. Ways and Means. Amends the Internal Revenue Code to extend the income tax exclusion for political organizations' fundraising events to proceeds from gambling activities where the wagers are placed, the winners determined, and prizes distributed in the presence of all the players.

H.R. 8534. July 26, 1977. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to have conducted studies on (1) toxic or carcinogenic substances in food; and (2) saccharin and other nonnutritive sweeteners.

Requires the Secretary to complete such studies within one year and submit reports to the Senate Committee on Human Resources and the House Committee on Interstate and Foreign Commerce.

Prohibits the Secretary from banning or restricting the sale of saccharin for 18 months.

H.R. 8535. July 26, 1977. Ways and Means. Amends the Internal Revenue Code to remove the requirement that household and dependent care services rendered by relatives qualify as employment for purposes of the Federal Insurance Contributions Act in order for their wages to be considered expenses for purposes of the income tax credit for expenses paid for such services.

H.R. 8536. July 26, 1977. Judiciary. Requires the President to appoint a special prosecutor to investigate and prosecute acts by agents of foreign governments to buy influence of elected officials and employees of the United States.

H.R. 8537. July 26, 1977. Ways and Means. Amends the Internal Revenue Code to qualify trusts established for the payment of product liability claims as tax exempt organizations. Allows taxpayers a business income tax deduction for contributions to such trusts only to the extent they exceed the reasonable costs of product liability insurance for the deducting taxpayer.

H.R. 8538. July 26, 1977. Judiciary. Provides for appointment of a special prosecutor relative to alleged violations of criminal law involving abuse of office, fraud against the United States, obstruction of justice, or campaign finance by any of specified Federal officials or campaign managers.

Directs the Attorney General to promulgate regulations requiring employees of the Department of Justice to disqualify themselves from investigations or prosecutions which may result in a conflict of interest or the appearance thereof.

H.R. 8539. July 26, 1977. Judiciary. Stipulates that it is lawful for a wire or oral communication to be intercepted if all parties to the communication have given prior explicit consent.

H.R. 8540. July 26, 1977. Post Office and Civil Service. Prohibits collective bargaining agreements between the United States Postal Service and labor organizations recognized as exclusive bargaining representatives for their respective postal employee units from containing procedures which would preclude employees from being represented in grievance and adverse actions arising under such agreements by representatives of their own choosing.

H.R. 8541. July 26, 1977. Public Works and Transportation. Amends the Local Public Works and Capital Development and Investment Act of 1976 to authorize the Secretary of Commerce to make grants for local public works projects to any city or township with a population of 50,000 or less which is located in a county or labor market area which contains a city of more than 50,000 people. Provides for the allocation of grants to qualifying cities and townships.

H.R. 8542. July 26, 1977. Rules. Amends the Atomic Energy Act of 1954 to abolish the Joint Committee on Atomic Energy.

Requires the Energy Research and Development Administration and Nuclear Regulatory Commission to keep Senate and House committees having jurisdiction over the functions of the Administration or the Commission informed of their activities.

Requires the Department of Defense and Department of State to keep Senate and House committees having jurisdiction over national security considerations of nuclear energy informed with respect to such matters.

H.R. 8543. July 26, 1977. Interstate and Foreign Commerce; Ways and Means. Amends titles XVII (medicare) and XIX (medicaid) of the Social Security Act to provide payment for rural health clinic services under such titles.

Directs the Secretary of Health, Education, and Welfare to provide, through demonstration projects, reimbursement for services provided by physician-directed clinics in urban medically underserved areas for which payment may be made under medicare, and for services provided by physician extenders employed by such clinics.

Directs the Secretary to carry out demonstration projects to provide reimbursement under the medicare program for services provided in organized centers offering comprehensive outpatient mental health services.

H.R. 8544. July 26, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to provide that new drugs for human or animal use will be regulated under such act solely to assure their safety, and not their effectiveness.

H.R. 8545. July 26, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to authorize the Federal Communications Commission to enforce the requirement of objectivity and balance imposed on the Corporation for Public Broadcasting with respect to the funding of programs of a controversial nature to be produced by such Corporation.

H.R. 8546. July 26, 1977. Interstate and Foreign Commerce. Amends the Energy Policy and Conservation Act of 1975 to authorize sellers of goods under a uniform zone delivered pricing system to grant backhaul allowances to buyers where (1) the backhaul function is actually performed by the buyer; (2) where the allowance is no greater than actual savings in delivery costs, and (3) where such allowances are available to all customers on a nondiscriminatory basis.

H.R. 8547. July 26, 1977. Education and Labor. Requires any regulation affecting any institution of higher learning to be published in the Federal Register and include an educational impact statement.

Prohibits enforcement of any regulation which fails to maintain academic requirements for graduate or undergraduate admissions.

Restricts the authority and enforcement powers of Federal officials with respect to educational programs or activities of institutions of higher education receiving Federal financial assistance.

H.R. 8548. July 26, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to revise the eligibility requirements for disability insurance benefits for blind persons. Revises the method of computing the primary insurance amount for blind persons under such Act.

H.R. 8549. July 26, 1977. Judiciary. Confers jurisdiction on the United States Court of Claims to hear, determine, and render judgment in an action upon a particular claim of the estate of a certain individual.

H.R. 8550. July 26, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to certain corporation for reimbursement for losses incurred under a specified contract with the United States.

H.R. 8551. July 27, 1977. Armed Services. Entitles retired members of the uniformed services and their dependents to medical and dental benefits on the same basis as those services provided to active duty personnel and their dependents.

H.R. 8552. July 27, 1977. Armed Services. Entitles retired members of the uniformed services and their dependents to medical and

dental benefits on the same basis as provided to active duty personnel and their dependents.

H.R. 8553. July 27, 1977. Armed Services; Veterans' Affairs. Requires that, upon request, members or former members of the uniformed services or their dependents be given essential medical and dental care in any facility of the uniformed services. Allows such individuals to receive nonessential care subject to the availability of space and facilities and the capabilities of the medical and dental staff.

H.R. 8554. July 27, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission action authorizing specialized carriers.

H.R. 8555. July 27, 1977. Banking, Finance and Urban Affairs; Interstate and Foreign Commerce; Public Works and Transportation; Ways and Means. Establishes national energy goals for 1985. Establishes energy conservation programs for homes, schools, and hospitals. Requires the establishment of energy efficiency standards for household appliances. Specifies rate design policies for electric utilities. Terminates Federal Power Commission authority to regulate certain sales of natural gas. Revises crude oil pricing policies. Establishes additional Federal energy conservation and solar energy programs.

Establishes tax incentives to encourage energy conservation. Imposes taxes on inefficient motor vehicles and on certain business uses of oil and natural gas. Provides a temporary reduction in individual income taxes and a temporary increase in the earned income credit.

H.R. 8556. July 27, 1977. Armed Services. Requires the Secretary of Defense to investigate the reasons why Peter Burke was not offered an appointment as a commissioned officer in the United States Army upon his graduation from the United States Military Academy in 1976 and to report the results of such investigation to Congress.

H.R. 8557. July 27, 1977. Banking, Finance and Urban Affairs; Interior and Insular Affairs. Extends assistance for purposes of rehabilitation of historic structures under the following housing programs: (1) Federal insurance of rehabilitation loans program: (2) direct loans for rehabilitation: and (3) urban renewal rehabilitation loan program.

H.R. 8558. July 27, 1977. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of the Corps of Engineers, to plan and construct a recreation lake on Quinsippi Island in the Mississippi River at Quincy, Illinois.

H.R. 8559. July 27, 1977. Ways and Means. Amends the Internal Revenue Code to deny any credit to any taxpayer for any amount of any oil and gas extraction taxes paid or accrued to any foreign country.

H.R. 8560. July 27, 1977. Judiciary. Sets forth procedures for Federal constitutional conventions with respect to: (1) applications, (2) calling, (3) delegates, (4) convening, (5) operation, (6) Congressional approval, and (7) ratification.

H.R. 8561. July 27, 1977. Education and Labor. Prohibits the sexual exploitation of children by making it unlawful for any individual to (1) cause or permit a child to be photographed or filmed engaged in a sexual act prohibited under this Act; (2) photograph or film a prohibited sexual act; (3) knowingly transport a film or photograph depicting a prohibited sexual act; or (4) receive for sale or sell any such film or photograph, if such individual knows or should know such film or photograph has or may be transported in such a manner as to affect interstate or foreign commerce.

H.R. 8562. July 27, 1977. Banking, Finance and Urban Affairs. Establishes a National Domestic Development Bank to provide an alternative source of funds for community facilities and economic development. Outlines the special authority of the Bank to purchase obligations and make loans to finance construction, or reconstruction to energy efficient standards, of community facilities and public works.

Provides for the establishment of regional operating divisions of the Bank and for personnel staffing to supply technical assistance. Provides for capitalization of the Bank and an audit report to Congress. Grants the Bank tax-exempt status, with specified limitations. Provides a partial tax exclusion for individuals for 50 percent of Bank dividends.

H.R. 8563. July 27, 1977. Merchant Marine and Fisheries. Directs the Secretary of the Interior to make additional refuge revenue sharing payments, on a fiscal year basis, to each local government unit in which entitlement lands are located. Sets forth the method for computing such payments based on the acreage of the National Wildlife Refuge System within such unit.

Directs the Secretary to make additional payments to counties wherein certain lands acquired by the United States for the National Wildlife Refuge System, which were subject to local real property taxes, are located. Requires such counties to distribute such payments to local government units which have incurred losses of such taxes due to the acquisition.

H.R. 8564. July 27, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to require the Federal Communications Commission to regulate the rates, terms, and conditions for pole attachments used for wire communication, in any case in which such rates, terms, and conditions are not regulated by any State authority.

Sets forth the limits for charges by a utility for pole attachments.

H.R. 8565. July 27, 1977. Ways and Means. Amends the Tariff Schedules of the United States to repeal the duty imposed on articles assembled abroad with components produced in the United States.

H.R. 8566. July 27, 1977. Veterans' Affairs. Provides that if the delivery day for Veterans' Administration benefit checks falls on a Saturday, Sunday or legal public holiday, checks for such month shall be mailed for delivery on the first day preceding such designated day which is not a Saturday, Sunday or legal public holiday, without regard to whether the delivery of such checks is made in the same calendar month for which such benefit checks are issued.

H.R. 8567. July 27, 1977. Ways and Means. Amends the Tax Reform Act to provide an unlimited exclusion from gross income of disability payments received by persons who retired on or before October 1, 1976, and either retired on disability, or were entitled to retire on disability.

H.R. 8568. July 27, 1977. Interstate and Foreign Commerce; Interior and Insular Affairs. Establishes administrative procedures for expedited decision-making by the Secretary of the Interior in selection of a transportation system to supply Alaskan crude oil to Northern Tier or inland States. Limits the scope of judicial review of such administrative decisionmaking.

H.R. 8569. July 27, 1977. Judiciary. Amends the Clayton Act to make it unlawful for any person owning any nonnuclear energy technology to refuse or fail to make it available to any qualified applicant at reasonable rates on nondiscriminatory terms.

H.R. 8570. July 27, 1977. Interior and Insular Affairs. Revises Federal mineral leasing laws to require that the Secretary of the Interior give priority to applicants for coal leases who are not petroleum companies or electric utility companies.

H.R. 8571. July 27, 1977. Interior and Insular Affairs. Revises Federal mineral leasing laws to prohibit companies from acquiring control over more than one of the following energy assets: coal, uranium or other fissionable minerals, or oil or natural gas.

H.R. 8572. July 27, 1977. Interior and Insular Affairs. Revises Federal mining laws to place the mining of uranium on Federal lands under the Mineral Leasing Act of 1920.

H.R. 8573. July 27, 1977. Judiciary. Amends the Clayton Act to make it unlawful, after December 31, 1980, for any person who owns or controls a pipeline to transport by such pipeline any petroleum, petroleum product, or natural gas which it owns or controls, or has owned, controlled, produced, or refined.

Requires each person who transports by such pipeline any petroleum, product of petroleum refining, or natural gas, not later than December 31, 1979, to submit to the Attorney General plans for compliance with this Act.

H.R. 8574. July 27, 1977. Judiciary. Amends the Clayton Act to prohibit specified concentrations of control in the energy-producing industries.

H.R. 8575. July 27, 1977. Agriculture. Directs the Secretary of Agriculture to promulgate regulations specifying guidelines for land management plans for units of the national forests which include municipal watersheds.

H.R. 8576. July 27, 1977. Judiciary. Amends the Immigration and Nationality Act to exclude from the definition of the term "immigrant" those aliens entering the United States for a period of not more than three years to perform temporary or seasonal services or labor.

Requires an immigrant alien to maintain a permanent residence as a condition for entering and remaining as a permanent resident of the United States.

H.R. 8577. July 27, 1977. International Relations. Amends the Foreign Assistance Act of 1961 to terminate foreign assistance and military sales unless the President certifies that the recipient country is taking adequate measures to control illegal narcotics trade.

H.R. 8578. July 27, 1977. Ways and Means. Amends Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to add burial plots or crypts to the items excludable from an individual's resources in determining his or her eligibility for Supplemental Security Income and Medicaid benefits.

H.R. 8579. July 27, 1977. Judiciary. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to require that comprehensive State law enforcement plans submitted thereunder include, where appropriate, police escort programs for elderly residents of high crime areas.

Directs the Law Enforcement Assistance Administration to conduct a study to determine the effects of denying release to persons convicted of violent crimes against the elderly and of prosecuting juveniles committing crimes against the elderly as adults.

H.R. 8580. July 27, 1977. Banking, Finance and Urban Affairs. Amends the Equal Credit Opportunity Act to prohibit discrimination on the basis of residence or occupation.

H.R. 8581. July 27, 1977. Ways and Means; Interstate and Foreign Commerce. Requires every employer to offer qualified health care insurance to his employees and their families. Establishes a program of Federal participation to provide qualified health care insurance to low-income, nonemployed and self-employed individuals and their families. Requires the Secretary of Health, Education, and Welfare to pay the full premium for continuation of qualified health care insurance for individuals receiving State or Federal unemployment benefits.

H.R. 8582. July 27, 1977. Education and Labor. Directs the Secretary of Health, Education, and Welfare to establish for displaced homemakers Multipurpose Service Centers in order to provide such persons job, health, financial, and legal services.

Directs the Secretary to prepare and furnish to the Congress a study to determine the feasibility of and appropriate procedures for allowing displaced homemakers to participate in (1) programs established under the Comprehensive Employment and Training Act of 1973, (2) work incentive programs under the Social Security Act, (3) related, Federal employment, education, and health assistance programs, and (4) programs established or benefits provided under Federal and State unemployment compensation laws.

H.R. 8583. July 27, 1977. Post Office and Civil Service. Sets forth a time schedule for the required introduction of part time jobs in each grade in each Federal agency, at a rate of two percent each year for five years.

H.R. 8584. July 27, 1977. Education and Labor; Interstate and Foreign Commerce. Requires the Secretary of Health, Education, and Welfare to appoint a Committee on Uniform Adoption Regulations.

Directs such Committee to review current conditions, practices, and laws relating to adoption and to propose to the Secretary uniform adoption regulations.

Directs the Secretary to make grants to States for allocation to State agencies and to public and private nonprofit adoption agencies to assist such agencies in meeting the costs involved in the adoptive placement of children.

Establishes a National Office of Adoption Information and Services. Requires the establishment of a national adoption data, tracking, and analysis system utilizing computers.

H.R. 8585. July 27, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to terminate Federal Power Commission authority to regulate sales of new natural companies shall not exceed comparable prices gas. Stipulates that prices paid by affiliated paid by non-affiliates.

Amends the Emergency Natural Gas Act to 1977 to extend various emergency authorities under such Act through 1979. Directs the Commission to prohibit the curtailment of natural gas supplies for essential agricultural purposes.

Establishes procedures to allocate increased costs of natural gas amongst users.

H.R. 8586. July 27, 1977. Banking, Finance and Urban Affairs. Amends the Federal Deposit Insurance Act, the National Housing Act, and the Federal Credit Union Act to increase deposit insurance from $40,000 to $100,000 for accounts which qualify as individual retirement accounts and accounts established under qualified plans for the self-employed.

H.R. 8587. July 27, 1977. Ways and Means. Amends Title II (Old-Age, Survivors and Disability Insurance) of the Social Security Act to provide that if the delivery day for benefit checks under such title falls on a Saturday, Sunday or legal public holiday benefit checks for such month shall be mailed for delivery on the first day preceding such designated day which is not a Saturday, Sunday or legal public holiday without regard to whether the delivery of such checks is made in the same calendar month for which such benefit checks are issued.

H.R. 8588. July 27 1977. Government Operations. Establishes an Office of Inspector General within each of the Departments of Agriculture, Commerce, Housing and Urban Development, Interior, Labor, and Transportation, the Environmental Protection Agency, and the Community Services, Energy Research and Development, Federal Energy, General Services, National Aeronautics and Space, Small Business, and Veterans' Administrations. Makes it the duty of such offices to direct the auditing investigation of the programs of the agency in which each such Office is established and to recommend policies to each respective agency to promote the efficiency and economy of and to prevent and detect fraud and abuse in the programs administered by each agency.

H.R. 8589. July 27, 1977. Agriculture; Education and Labor; Interstate and Foreign Commerce; Judiciary; Ways and Means. Establishes a program of long-term comprehensive services for the elderly financed by the Federal Government and the States.

Establishes within the Department of the Treasury a Federal Long-Term Care Trust Fund for such program.

Requires a State to establish a State Long-Term Care Agency in order to receive funds under this Act.

Requires such State agency to create within the State a System of Community Long-Term Care Centers.

H.R. 8590. July 27, 1977. Judiciary. Prohibits use or supply of false documentation, false information, or birth or immigration documents of another for purposes of obtaining a Federal document containing an element of identification.

Forbids commerce in such information or documentation for purposes of securing a State or local government document containing an element of identification.

Proscribes specified acts relative to: (1) forgery, counterfeiting, or alteration of Federal, State, or local government documents containing an element of identification; (2) interstate or foreign commerce in any such counterfeited, forged, or altered document; and (3) receipt, possession, use, or furnishing of any such document with intent to secure false official identification.

H.R. 8591. July 27, 1977. Judiciary. Amends the Immigration and Nationality Act to prohibit the admission into the United States of any alien who is likely to become a public charge unless a United States citizen posts a $5,000 bond on behalf of such alien.

H.R. 8592. July 27, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to prohibit air carriers from giving any undue preference to passengers who use, or who do not use, tobacco products.

H.R. 8593. July 27, 1977. Government Operations. House Administration. Directs the installation of telecommunications devices which permit two-way communication of textual messages in alphanumeric form by telephone lines in specified Federal agencies to facilitate communication with such agencies by the deaf and provides assistance in such installations in State and local governmental offices. Permits the installation of such a device in the office of any Member of Congress who requests one. Provides for the installation of such devices throughout the United States for the use of deaf persons wishing to communicate with such government agencies or Members of Congress.

H.R. 8594. July 27, 1977. Government Operations, House Administration. Directs the installation of telecommunications devices which permit two-way communication of textual messages in alphanumeric form by telephone lines in specified Federal agencies to facilitate communication with such agencies by the deaf and provides assistance in such installations in State and local governmental offices. Permits the installation of such a device in the office of any Member of Congress who requests one. Provides for the installation of such devices throughout the United States for the use of deaf persons wishing to communicate with such government agencies or Members of Congress.

H.R. 8595. July 27, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States

H.R. 8596. July 28, 1977. Judiciary, Science and Technology. Requires the Federal Coordinating Council for Science, Engineering, and Technology to make recommendations to the Director of the Office of Science and Technology Policy with respect to the uniform planning and administration of Federal programs pertaining to inventions, trademarks, copyrights, and rights in technical data.

Sets forth criteria for the allocation of property rights in inventions resulting from federally sponsored research, and inventions by Federal employees.

Specifies the authority of Federal agencies with respect to obtaining patents on and promoting and granting licenses for federally owned inventions.

H.R. 8597. July 28, 1977. Judiciary. Grants the Court of Claims jurisdiction to render judgments against the United States upon claims for losses other than lost profits sustained by producers, processors, manufacturers, distributors, dealers, or other persons resulting from the ban on apparel, fabric yarn, or fiber containing Tris phosphate.

H.R. 8598. July 28, 1977. Agriculture. Excludes cost-of-living increases in Social Security benefits from consideration as household income for purposes of determining: (1) eligibility for participation in the food stamp program: and (2) the charge for issuing a coupon allotment to a household.

H.R. 8599. July 28, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to revise the eligibility requirements for disability insurance benefits for blind persons. Revises the method of computing the primary insurance amount for blind persons under such Act.

H.R. 8600. July 28, 1977. Post Office and Civil Service. Establishes pay classifications ATC–1 through ATC–9 for Federal air traffic controllers and establishes salary levels to correspond to such classifications. Requires trainees and nonjourneyman controllers to be classified in position ATC–1 through ATC–8 according to the proficiency required to fill such positions. Requires the classification of journeyman controllers at positions ATC–4 through ATC–9 on the basis of the award of points which reflect the type of facility where such persons perform duties and the complexity of the job considering such characteristics as the volume of air traffic and runway configurations.

H.R. 8601. July 28, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to require the Consolidated Rail Corporation (Con Rail) to purchase only materials mined, produced, or manufactured in the United States. Authorizes the purchase of other materials only when the Secretary of Transportation makes certain determinations.

H.R. 8602. July 28, 1977. Ways and Means. Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for optometric and medical vision care under the supplementary medical insurance program.

H.R. 8603. July 28, 1977. Government Operations. Requires the Office of Management and Budget to provide information on the formulas and assumptions used in the distribution of Federal domestic assistance.

H.R. 8604. July 28, 1977. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to include service in the military during specified periods toward the "years of service" requirement for eligibility for retirement benefits.

H.R. 8605. July 28. 1977. Interstate and Foreign Commerce. Amends the Toxic Substances Control Act to create a Chemical Emergency Response Team within the Environmental Protection Agency to specialize in countering imminent threats to health

and the environment posed by chemical substances. Directs the Administrator of the Environmental Protection Agency to develop a contingency plan to deal with such emergencies. Authorizes financial assistance for the development of similar State contingency plans.

H.R. 8606. July 28, 1977. Merchant Marine and Fisheries. Directs the Secretary of the Interior to prescribe standards which all State nongame fish and wildlife conservation programs must meet to be eligible for program operating grants.

Authorizes any State to apply to the Secretary for program planning and operating grants for nongame fish and wildlife conservation programs.

H.R. 8607. July 28, 1977. Veterans' Affairs. Provides for payment of a supplemental tuition allowance to each qualified veteran upon application to the Administrator of Veterans' Affairs.

H.R. 8608. July 28, 1977. Interstate and Foreign Commerce. Amends the Motor Vehicle Information and Cost Savings Act to establish mandatory minimum motor vehicle fuel economy standards for passenger automobiles manufactured in model years 1982, 1983, 1984, and 1985.

H.R. 8609. July 28, 1977. Post Office and Civil Service. Prohibits the Postal Service from decreasing the frequency of mail delivery service below the frequency in effect for the calendar week beginning May 1, 1977.

H.R. 8610. July 28, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to prohibit the conversion of savings and loan associations and mutual savings banks from the mutual to the stock form of organization.

H.R. 8611. July 28, 1977. Interstate and Foreign Commerce; Ways and Means. Establishes Title XXI (National Catastrophic Health Insurance Program) of the Social Security Act to provide catastrophic illness insurance benefits and creates a trust fund to finance payment of benefits under such Title.

Amends the Internal Revenue Code of 1954 to impose a tax on the removal of natural resources from Federal lands and provides that revenues from such tax be deposited into the trust fund established by this Act.

H.R. 8612. July 28, 1977. Veterans' Affairs. Requires the Administrator of Veterans' Affairs to pay (in addition to any already paid) a monthly pension to each veteran of World War I who meets specified service requirements, or to the surviving spouse of each such veteran, or when there is no surviving spouse, to the child or children of each such veteran.

H.R. 8613. July 28, 1977. Interstate and Foreign Commerce. Amends the Federal Trade Commission Act to make it an unfair or deceptive act or practice for any retailer to disseminate any advertisement for goods or services which does not include a consumer information telephone number.

H.R. 8614. July 28, 1977. Interstate and Foreign Commerce; Public Works and Transportation. Establishes a National Driver Register in the Department of Transportation. Stipulates that such Register shall include information regarding individuals who: (1) were denied a driver's license; (2) were issued a license which has been cancelled, revoked, or suspended; (3) or who have been found guilty of specified motor vehicle violations.

Establishes the National Driver Register Commission to advise the Secretary with respect to the efficiency and effectiveness of the Register.

H.R. 8615. July 28, 1977. Ways and Means. Amends the Internal Revenue Code to exempt certain individuals utilizing income averaging from the minimum income attribution rules for former spouses.

H.R. 8616. July 28, 1977. Ways and Means. Amends the Internal Revenue Code to provide an additional income tax exemption for taxpayers, spouses, or dependents with serious mental or physical disabilities which result in death, or which can be expected to result in death or be of long-continued or indefinite duration.

H.R. 8617. July 28, 1977. Veterans' Affairs. Allows to certain persons, but denies to others, entitlement to veterans' benefits due to an administrative upgrading of a less than honorable discharge.

H.R. 8618. July 28, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to make payments from the annual franchise fees received by the Secretary from concession facilities at the Grand Canyon National Park, Arizona, to the appropriate school district or districts serving that park as reimbursement for educational facilities furnished by such district to pupils who are dependents of persons employed in connection with such park and living at or near the park upon real property of the United States not subject to taxation by State or local agencies.

H.R. 8619. July 28, 1977. Ways and Means. Amends the Internal Revenue Code to provide a deduction for State and local taxes imposed on the furnishing or sale of electrical energy, water, sewage disposal services, gas, or telephone services.

H.R. 8620. July 28, 1977. International Relations. Authorizes the Secretary of State to accept a statue or bust of George C. Marshall and place it in the Department of State.

Establishes a noncompensated Commission under the direction of the Secretary to select a sculptor and select the size, style, design, and material of such statue or bust.

H.R. 8621. July 28, 1977. Ways and Means. Amends the Internal Revenue Code to declare the Sabine River Authority of Texas a political subdivision of Texas and to exclude interest on the obligations issued by such Authority from the tax treatment accorded industrial development bonds.

H.R. 8622. July 28, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to permit retroactive payment (to the month in which an individual attains age 65) of old age insurance benefits to individuals who are over age 65 at the time of application for such benefits.

H.R. 8623. July 28, 1977. Ways and Means. Amends the Internal Revenue Code to provide that certain civil and criminal penalties applicable to the unauthorized disclosure of any tax return or return information may be imposed only if such unauthorized disclosure is willful.

H.R. 8624. July 28, 1977. Interstate and Foreign Commerce. Prohibits the shipment in interstate or foreign commerce of any fur or leather, raw or in finished form, from animals trapped in any State or foreign country which has not banned the manufacture, sale, or use of leg-hold or steel jaw traps.

Directs the Secretary of Commerce to publish a list of such States and foreign countries.

H.R. 8625. July 28, 1977. Interstate and Foreign Commerce. Prohibits the shipment in interstate or foreign commerce of any fur or leather, raw or in finished form, from animals trapped in any State or foreign country which has not banned the manufacture, sale, or use of leg-hold or steel jaw traps.

Directs the Secretary of Commerce to publish a list of such States and foreign countries.

H.R. 8626. July 28, 1977. Interstate and Foreign Commerce. Prohibits the shipment in interstate or foreign commerce of any fur or leather, raw or infinished form, from animals trapped in any State or foreign country which has not banned the manufacture, sale, or use of leg-hold or steel jaw traps.

Directs the Secretary of Commerce to publish a list of such States and foreign countries.

H.R. 8627. July 28, 1977. Interstate and Foreign Commerce. Interior and Insular Affairs. Establishes administrative procedures for expedited decisionmaking by the Secretary of the Interior in selection of a transportation system to supply Alaskan crude oil to Northern Tier or inland States. Limits the scope of judicial review of such administrative decisionmaking.

H.R. 8628. July 28, 1977. Interstate and Foreign Commerce. Authorizes appropriations for the planning and construction, under the supervision of the Department of Commerce, of sports facilities for the Olympic summer games of 1984.

H.R. 8629. July 28, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to require ConRail to continue providing commuter rail services or to provide additional services where an adequate subsidy is available.

Authorizes the United States Railway Association to reimburse ConRail, or a State or local subsidizer for uninsurable losses up to $50,000,000 where ConRail, after due diligence was unable to obtain insurance to cover such losses.

Amends the Urban Mass Transportation Act of 1964 to increase the Federal share of the costs of providing rail passenger service (emergency operating assistance) during specified periods.

H.R. 8630. July 28, 1977. Ways and Means. Amends the Tariff Schedules of the United States to increase the customs duty on copper.

Amends the Trade Act of 1974 to exclude certain copper imports from the Generalized System of Preferences.

H.R. 8631. July 28, 1977. Ways and Means. Amends the Tax Reduction and Simplification Act to delay the effectiveness of its provisions pertaining to the minimum tax treatment of intangible drilling cost for one year, to 1979.

H.R. 8632. July 28, 1977. Banking, Finance and Urban Affairs. Extends assistance for purposes of rehabilitation of historic structures under the following housing programs: (1) Federal insurance of rehabilitation loans program; (2) direct loans for rehabilitation; and (3) urban renewal rehabilitation loan program.

H.R. 8633. July 28, 1977. Interstate and Foreign Commerce; Ways and Means. Authorizes the Secretary of Health, Education, and Welfare to pay the costs incurred by State hospital review commissions established after July 1, 1977. Sets forth the criteria which all such commissions must meet.

Establishes a program to constrain the rate of increases in inpatient hospital care costs. Directs the Secretary to determine annually the allowable cost increase.

Establishes, under the Internal Revenue Code of 1954, an excise tax on excess charges for hospital services.

Amends the Social Security Act to limit the annual amount of hospital capital expenditures.

Establishes a financial incentives program to encourage the discontinuance of unneeded hospital services.

H.R. 8634. July 28, 1977. Interstate and Foreign Commerce. Amends the Hours of Service Act to reduce the hours which a railroad employee may be on duty without at least ten consecutive hours off duty.

H.R. 8635. July 28, 1977. Judiciary. Allows to certain individuals as creditable service for Federal retirement purposes the period during which each such individuals were licensees of the Agricultural Marketing Service in the United States Department of Agriculture.

H.R. 8636. July 28, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8637. July 29, 1977. Interior and Insular Affairs. Redesignates the Theodore Roosevelt National Memorial Park, North Dakota, as the Theodore Roosevelt National Park.

H.R. 8638. July 29, 1977. International Relations. Sets forth United States policy on (1) non-proliferation of nuclear weapons, and (2) strengthening the International Atomic Energy Agency and its safeguards system. Establishes a nuclear safeguards training program. Directs the Energy Research and Development Administration to expand the uranium enrichment capacity of the United States. Requires agreements for non-military nuclear cooperation to include certain non-proliferation and nuclear safeguard provisions. Restricts the amount of nuclear material which may be distributed by ERDA. Revises the criteria and procedures for nuclear export licensing by the Nuclear Regulatory Commission. Requires annual review of governmental non-proliferation activities.

H.R. 8639. July 29, 1977. Interstate and Foreign Commerce. Amends the Wool Products Labeling Act of 1939 to delete the terms "reprocessed wool" and "reused wool" and add the term "recycled wool" which includes the definitions of the deleted terms. Defines recycled wool as the fiber which results when a wool product which, has or has not been used by the ultimate consumer, has been made into a fibrous state.

H.R. 8640. July 29, 1977. Post Office and Civil Service. Provides for the arbitration of disputes between the Postal Service and recognized organizations of Postal Service managerial personnel other than officers, postmasters, and employees engaged in personnel work in Postal Service headquarters. Indentifies as subject to arbitration under this Act issues relating to pay policies, fringe benefits, and the determination of whether or not a matter is subject to participation by such organization. Establishes an arbitration board to consider a dispute upon the request of the Postal Service or such recognized organization.

H.R. 8641. July 29, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to acquire specified lands for addition to the Redwoods National Park, California. Authorizes the Secretary to implement a program to rehabilitate areas within and upstream of the Park which are contributing sedimentation due to past road and logging activity.

Establishes a program of assistance for employees of logging or related woods industries whose employment is affected by the provisions of this Act.

H.R. 8642. July 29, 1977. Rules. Abolises the Joint Committee on Atomic Energy.

Directs the transfer of all records of the Joint Committee to the committees of the Senate and House which have jurisdiction over the subject matters of such records.

Requires the Energy Research and Development Administration and the Nuclear Regulatory Commission to keep such committees informed of their respective activities.

Requires the Department of Defense and Department of State to inform such committees of matters concerning national security considerations of nuclear technology.

H.R. 8643. July 29, 1977. Agriculture; Education and Labor; Interstate and Foreign Commerce; Judiciary. Amends the National Labor Relations Act to prohibit provisions in collective labor agreements which condition employment on union membership.

Limits the scope of a labor representative's authority to representation of only those employees who selected it. Permits any employee or group to enter a separate contract with the employer.

Requires that strike referenda be conducted when requested.

Declares illegal under the Sherman Act collective labor agreements which require an employer to refrain from dealing with any specified person.

Repeals the Davis-Bacon Act.

Denies strikers food stamp benefits.

H.R. 8644. July 29, 1977. Judiciary. Limits the power of any United States court to issue school transportation orders based on race, color, or national origin.

Stipulates that only a three judge district court may issue a school assignment order based on race, color, or national origin.

Requires the holding of a special hearing where specific findings in relation to such a constitutional violation must be made before a school assignment order may issue.

Stays such school assignment orders until all appeals have been exhausted.

H.R. 8645. July 29, 1977. Judiciary. Limits the power of any United States court to issue school transportation orders based on race, color, or national origin.

Stipulates that only a three judge district court may issue a school assignment order based on race, color, or national origin.

Requires the holding of a special hearing where specific findings in relation to such a constitutional violation must be made before a school assignment order may issue.

Stays such school assignment orders until all appeals have been exhausted.

H.R. 8646. July 29, 1977. Judiciary. Amends the Immigration and Nationality Act to exclude from the definition of the term "immigrant" those persons entering the United States for a period of not more than one year to perform temporary services or labor if the Secretary of Labor has determined and certified to the Attorney General that there are not sufficient workers available at the aliens destination who are willing and able to perform such services.

H.R. 8647. July 29, 1977. Armed Services. Establishes a ceiling on payment to physicians under the Civilian Health and Medical Plan of the Uniformed Services (CHAMPUS) based on the customary charges made for similar services in the same locality.

H.R. 8648. July 29, 1977. Public Works and Transportation. Amends the Federal-Aid Highway Act of 1956, the Appalachian Regional Development Act of 1965, the Highway Safety Act of 1973 and the Urban Mass Transportation Act of 1964 to authorize appropriations to carry out the provisions of such Acts.

H.R. 8649. July 29, 1977. Education and Labor. Amends provisions of the Fair Labor Standards Act which permit payments of wages to students at 85 percent of minimum wage rates to permit payment of wages at rates less than minimum wage rates to persons under 18 and persons under 21 who are either full-time students or in their first six months of full-time employment.

H.R. 8650. July 29, 1977. Interior and Insular Affairs. Establishes in the Department of the Interior the Office of Nationwide Ecological Reserves which shall develop and administer a comprehensive data inventory, storage, and retrieval system capable of identifying those examples of elements of natural diversity deemed relevant for potential inclusion on the Nationwide Registry of Ecological Reserves created by this Act.

Establishes the Nationwide Ecological Reserves Board and the Natural Diversity Preservation Fund.

H.R. 8651. July 29, 1977. Interior and Insular Affairs. Establishes the Admiralty Island National Preserve in the State of Alaska to be administered by the Secretary of the Interior for the preservation of natural and cultural resources.

H.R. 8652. July 29, 1977. Ways and Means. Amends the Internal Revenue Code and the Social Security Act to authorize refunds of social security taxes to members of religious faiths which oppose participation in that program. Provides a current exemption from social security taxes for employers and employees engaged in farming where both are members of such faiths.

Broadens the existing exemption from the tax on self-employment income for members of such religious faiths to include those individuals who are conscientiously opposed to acceptance of the benefits of public retirement and disability plans only and not to private plans.

H.R. 8653. July 29, 1977. Interior and Insular Affairs. Authorizes appropriations for a revolving fund for loans under an economic development program to be administered by the American Samoa Government with the oversight of the Secretary of the Interior.

H.R. 8654. July 29, 1977. Judiciary. Deems a certain individual to have satisfied specified requirements of the Social Security Act for purposes of determining her entitlement to disability insurance benefits.

H.R. 8655. August 1, 1977. Ways and Means. Amends the Second Liberty Bond Act to increase temporary public debt limit ending September 30, 1978.

H.R. 8656. August 1, 1977. Science and Technolcgy. Prohibits the expenditure of Federal funds to publish or disseminate any data relating to weather conditions which includes certain measurements in terms of the metric system, unless specifically authorized by Congress.

H.R. 8657. August 1, 1977. Interstate and Foreign Commerce. Amends the Solid Waste Disposal Act to establish conditions and criteria governing the issuance of permits for hazardous waste management facilities.

H.R. 8658. August 1, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the withholding tax requirements with respect to gambling winnings.

H.R. 8659. August 1, 1977. Government Operations. Establishes a Department of Education within the executive department. Transfers to the Secretary of Education educational functions now handled by various Federal offices including the Office of Education, the Office of Economic Opportunity, the Department of Health, Education, and Welfare and the Department of Defense.

H.R. 8660. August 1, 1977. Ways and Means. Entitles all United States residents and non-resident citizens to mental health benefits under this Act. Sets forth the qualifications of psychiatric hospitals for participiation in the program established by this Act.

Creates on the books of the United States Treasury a Federal Mental Health Trust Fund, its monies to be used in payment for enumerated mental health services provided to United States residents and non-resident

citizens by qualified mental health care providers.

Amends the Internal Revenue Code to impose a series of mental health taxes on employees' income, employers, self-employment income, and unearned income.

H.R. 8661. August 1, 1977. Veterans' Affairs. Denies veterans' benefits to an individual whose discharge from military service during the Vietnam era under less than honorable conditions is administratively upgraded, under temporarily revised standards, to discharge under honorable conditions; but only when such veteran's claim for benefits is based solely on such upgraded discharge.

H.R. 8662. August 1, 1977. Armed Services. Authorizes the Secretary of the Army to convey to Utah State University certain real property in Logan, Utah.

H.R. 8663. August 1, 1977. Judiciary. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to include rescue squad members in the group of persons eligible for public safety officers' death benefits.

H.R. 8664. August 1, 1977. Judiciary. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to include rescue squad members in the group of persons eligible for public safety officers' death benefits.

H.R. 8665. August 1, 1977. Interior and Insular Affairs. States that in computing certain Federal payments to local governments based on amounts of Federal public land within their boundaries, certain amounts of such land which heretofore have been excluded shall be included.

H.R. 8666. August 1, 1977. Veterans' Affairs. Provides for payment of a supplemental tuition allowance to each qualified veteran upon application to the Administrator of Veterans' Affairs.

H.R. 8667. August 1, 1977. Ways and Means. Amends Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to extend indefinitely the exclusion of assistance received under the Disaster Relief Act of 1974 from an individual's income in determining eligibility under such Title and to exclude from such individual's income and resources interest income earned on assistance funds received under such Act.

Increases income exclusions, under the Supplemental Security Income Program for individuals receiving disaster relief.

H.R. 8668. August 1, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to include within the medical and other health services covered by such Title the transportation of patients confined to a stretcher or wheelchair in a vehicle which is not equipped as an ambulance but which is adequately equipped to transport such patients.

H.R. 8669. August 1, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to include within the medical and other health services covered by such Title the transportation of patients confined to a stretcher or wheelchair in a vehicle which is not equipped as an ambulance but which is adequately equipped to transport such patients.

H.R. 8670. August 1, 1977. Education and Labor. Amends the Civil Rights Act of 1964 to revise the standard for inclusion of religious practices and observances within the ban against employment discrimination based on religions from those practices and observances which can be reasonably accommodated without undue hardship to those which care possible to accommodate without severe material hardship on the conduct of the employer's business.

H.R. 8671. August 1, 1977. Post Office and Civil Service. Amends the Federal Salary Act of 1967 and the Legislative Reorganization Act of 1946 to specify when an adjustment in the rate of pay for Members of Congress proposed during any Congress shall take effect.

H.R. 8672. August 1, 1977. Post Office and Civil Service. Amends the Federal Salary Act of 1967 and the Legislative Reorganization Act of 1946 to specify when an adjustment in the rate of pay for Members of Congress proposed during any Congress shall take effect.

H.R. 8673. August 1, 1977. Post Office and Civil Service. Amends the Federal Salary Act of 1967 and the Legislative Reorganization Act of 1946 to specify when an adjustment in the rate of pay for Members of Congress proposed during any Congress shall take effect.

H.R. 8674. August 1, 1977. Interior and Insular Affairs. Provides for the payment by the Secretary of the Interior of certain judgments to the Kansas Delaware Tribe of Indians, Incorporated without recognizing the corporation as a tribe.

H.R. 8675. August 1, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to require the Federal Communications Commission to regulate the rates, terms, and conditions for pole attachments used for wire communication, in any case in which such rates, terms, and conditions are not regulated by any State authority.

Sets forth the limits for charges by a utility for pole attachments.

H.R. 8676. August 1, 1977. Veterans' Affairs. Permits the Administrator of Veterans' Affairs to discontinue educational assistance to an eligible veteran or survivor or dependent of a veteran if the Administrator finds that the institution of higher learning concerned has failed to enforce its regularly prescribed standards and practices as approved by the appropriate State approving agency with respect to such veteran or person. Requires the Administrator to provide individual educational and career counseling and other appropriate services to facilitate the education of any veteran or person whose educational assistance has been discontinued under this Act.

H.R. 8677. August 1, 1977. Veterans' Affairs. Directs the Secretary of Labor to provide (1) such comprehensive, coordinated, and interrelated programs as are deemed necessary to facilitate training, readjustment, and rehabilitation, and (2) career, veterans benefits and rights, and personal adjustment and motivational counseling to promote the productive employment of Vietnam era veterans, especially disabled veterans.

H.R. 8678. August 1, 1977. Interstate and Foreign Commerce. Requires the Federal Trade Commission to create the Office of Consumer Redress to establish programs, and to aid and cooperate with State programs for the administration and adjudication of controversies involving consumers.

H.R. 8679. August 1, 1977. Ways and Means. Amends the Internal Revenue Code to exempt from taxation the interest on industrial development bonds issued for financing nonprofit, facilities for the production of electricity if such facilities do not use petroleum or natural gas for a fuel.

H.R. 8680. August 1, 1977. Ways and Means. Amends the Internal Revenue Code to provide tax exempt bond financing for production facilities for small public electric utilities.

H.R. 8681. August 1, 1977. Agriculture. Amends the Federal Insecticide, Fungicide, and Rodenticide Act to revise procedures for the registration of pesticides by the Administrator of the Environmental Protection Agency. Revises the trade secrets provisions of the Act to require disclosure of test data and methodology for efficacy and safety of pesticides. Authorizes appropriations for fiscal years 1977–1979 to carry out the Act.

H.R. 8682. August 1, 1977. Ways and Means. Overturns the Internal Revenue Service's Revenue Ruling 76–453 which holds that: (1) transportation expenses between an individual's residence and temporary place of work are not deductible; and (2) reimbursement for such expenses by employers is includible in gross income.

H.R. 8683. August 1, 1977. International Relations; Judiciary. Directs the President, whenever an individual with diplomatic immunity is engaged in electronic surveillance for a foreign power, (1) to inform certain Members of Congress; (2) to inform the targets of the surveillance unless to do so would compromise intelligence gathering by the United States; (3) to demand that such surveillance cease unless to do so would compromise intelligence gathering by the United States; and (4) to declare such individual to be persona non grata if the surveillance is not ceased and to demand that such individual leave the United States unless to do so would seriously damage national security.

H.R. 8684. August 1, 1977. Agriculture. Amends the Federal Meat Inspection Act to require that (1) meat and meat food products made in whole or in part of imported meat be identified as imported; (2) such products be inspected in a manner prescribed by the Federal Meat Inspection Act in their country of origin before importation to the United States; (3) all imported live cattle be tested for brucellosis; (4) the Secretary of Agriculture conduct a study of the importation of live cattle into the United States; and (5) the importers of such meat and meat food products bear the costs of examination, inspection, and labeling.

H.R. 8685. August 2, 1977. Agriculture. Authorizes the Secretary of Agriculture through the Packers and Stockyards Administration, to monitor sales and transfers of meat and meat food products of 40,000 pounds or more and to require persons involved in such sales and transfers to report information concerning prices and quantities.

H.R. 8686. August 2, 1977. House Administration; Judiciary; Rules. Establishes the Offices of Congressional Legal Counsel to be headed by a Congressional Legal Counsel, and accountable to the Joint Leadership Group, to defend Congress, a House of Congress, committee, subcommittee, Member, officer or employee of Congress or an agency thereof in certain civil actions, and to institute proceedings to enforce subpoenas upon authorization by the Joint Leadership Group or resolution of Congress, as specified by this Act.

Requires the Counsel to intervene or appear as amicus curiae in Federal or State legal actions in which the powers and responsibilities of Congress, under the Constitution, are placed in issue.

H.R. 8687. August 2, 1977. Interstate and Foreign Commerce; Ways and Means. Sets forth a program to constrain the rate of increases in total acute care hospital inpatient costs. Directs the Secretary of Health, Education, and Welfare to promulgate annually an "inpatient hospital revenue increase limit." Promulgates formulae for the computation of such limit.

Amends the Internal Revenue Code of 1954 to establish an excise tax on charges for hospital services in excess of the limit.

Amends the Public Health Service Act to limit the annual amount of hospital capital expenditures to spending for essential hospital needs.

Establishes a financial incentives program

to encourage the discontinuance of unneeded hospital services.

H.R. 8688. August 2, 1977. Post Office and Civil Service. Directs that specified annuity payments made pursuant to the Civil Service Retirement Act shall be fixed at the nearest penny.

H.R. 8689. August 2, 1977. Education and Labor. Establishes a system of benefits for persons who were disabled by or for the dependents of persons who died from employment-related diseases caused by inhalation or ingestion of asbestos or by the inhalation of asbestos coupled with the inhalation of tobacco smoke. Directs the Secretary of Labor to administer such system.

H.R. 8690. August 2, 1977. Judiciary. Requires the Department of Justice to offer a reward for information leading to the apprehension and conviction of any kidnaper where any kidnap victim is physically harmed and a monetary ransom is demanded.

H.R. 8691. August 2, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to require the Secretary of Health, Education, and Welfare to establish criteria and minimum standards for the training and licensure of radiologic technologists. Directs that State and local goverments be encouraged to minimize exposure of the public to ionizing from all sources.

Authorizes the Secretary to make grants to States to carry out such purposes.

Requires promulgation of performance standards and inspection programs for X-ray systems.

H.R. 8692. August 2, 1977. Banking, Finance and Urban Affairs. Establishes a National Domestic Development Bank to provide an alternative source of funds for community facilities and economic development. Outlines the special authority of the Bank to purchase obligations and make loans to finance construction, or reconstruction to energy efficient standards, of community facilities and public works.

Provides for the establishment of regional operating division of the Bank and for personnel staffing to supply technical assistance. Provides for capitalization of the Bank and an audit report to Congress. Grants the Bank tax-exempt status, with specified limitations. Provides a partial tax exclusion for individuals for 50 percent of Bank dividends.

H.R. 8693. August 2, 1977. Judiciary: Rules.

Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 8694. August 2, 1977. Judiciary: Rules.

Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 8695. August 2, 1977. Judiciary: Rules.

Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 8696.—August 2, 1977. Ways and Means. Amends the Internal Revenue Code to exclude certain military retirement from gross income when such pay is essentially equivalent to a veteran's disability pension which is excludable.

H.R. 8697. August 2, 1977. Judiciary. Grants the Court of Claims jurisdiction to render judgments against the United States upon claims for losses other than lost profits sustained by producers, processors, manufacturers, distributors, dealers, or other persons resulting from the ban on apparel, fabric, yarn, or fiber containing Tris phosphate.

H.R. 8698. August 2, 1977. Veterans' Affairs. Allows to certain persons, but denies to others, entitlement to veterans' benefits due to an administrative upgrading of a less than honorable discharge.

H.R. 8699. August 2, 1977. Interstate and Foreign Commerce. Establishes an Office of Rural Health within the Department of Health, Education, and Welfare to be headed by a Director who shall be a qualified health care professional, appointed by the Secretary. Authorizes the Director to make grants, contracts, loans, and loan guarantees for projects to examine existing models of rural health care delivery, to determine their applicability and transferability to other rural areas, and to assist in the study, planning, development, experimentation, and demonstration of rural health care delivery models.

H.R. 8700. August 2, 1977. Post Office and Civil Service. Entitles Federal employees to civil service pensions after completing 30 years of service. Limits the amount of creditable military service for civil service retirement purposes to the greater of four years or all periods of military service performed during a war declared by Congress.

H.R. 8701. August 2, 1977. Veterans' Affairs. Increases the rates of specified veterans' educational assistance allowances, makes exceptions to the "85–15" and the two-year minimum period of course operation rules, and lowers the disability rating necessary to qualify a disabled veteran for employment and training assistance.

H.R. 8702. August 2, 1977. Ways and Means. Amends the Internal Revenue Code to exclude from gross income the first $5,000 received from civil service and Foreign Service retirement annuities.

H.R. 8703. August 2, 1977. Judiciary. Prohibits the admission of any immigrant unless a United States citizen has agreed in writing to sponsor such immigrant and to reimburse the Federal, State, or local government for financial support or medical treatment provided to the immigrant during the five year period after entering the United States.

H.R. 8704. August 2, 1977. Ways and Means. Amends the program of Aid to Families with Dependent Children of Title IV of the Social Security Act to establish a program of Federal payments for foster care maintenance and adoption assistance.

H.R. 8705. August 2, 1977. Judiciary. Grants the Court of Claims jurisdiction to render judgments against the United States upon claims for losses other than lost profits sustained by producers, processors, manufacturers, distributors, dealers, or other persons resulting from the ban on apparel, fabric yarn, or fiber containing Tris phosphate.

H.R. 8706. August 8, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for one comprehensive physical examination a year, dental care including dentures, eye examinations including eyeglasses, hearing aids including examination, treatment of foot conditions, and immunizations under the supplementary medical insurance program. Sets forth measures to safeguard against consumer abuse in the provisions of these items and services.

H.R. 8707. August 2, 1977. Banking, Finance and Urban Affairs. Creates a Solar Energy Development Bank to make long-term low-interest loans to encourage the use of solar energy in commercial and residential dwellings. Establishes a Solar Energy Fund in the Treasury of the United States to finance the activities of the Bank.

H.R. 8708. August 2, 1977. Interior and Insular Affairs. Amends the Atomic Energy Act of 1954 to establish procedures for expeditious review of applications for the licensing of sites for, and construction and operation of, nuclear production and utilization facilities. Requires that opportunity for public hearings on relevant safety and environmental factors be incorporated into the licensing procedure.

Imposes requirements on persons seeking to delay or halt licensing proceedings.

H.R. 8709. August 2, 1977. Education and Labor. Directs the Secretary of Health, Education, and Welfare to establish for displaced homemakers Multipurpose Service Centers in order to provide such persons job, health, financial, and legal services.

Directs the Secretary to prepare and furnish to the Congress a study to determine the feasibility of and appropriate procedures for allowing displaced homemakers to participate in (1) programs established under the Comprehensive Employment and Training Act of 1973, (2) work incentive programs under the Social Security Act, (3) related, Federal employment, education, and health assistance programs, and (4) programs established or benefits provided under Federal and State unemployment compensation laws.

H.R. 8710. August 2, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to certain individuals in full settlement of such individuals' claims against the United States.

H.R. 8711. August 3, 1977. Veterans' Affairs. Requires the Administrator of Veterans' Affairs to pay (in addition to any already paid) a monthly pension to each veteran of World War I who meets specified service requirements, or to the surviving spouse of each such veteran, or when there is no surviving spouse, to the child or children of each such veteran.

H.R. 8712. August 3, 1977. Ways and Means. Establishes the National Lottery Commission to assist in financing programs under Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act.

Authorizes the Commission to establish a lottery and to issue regulations governing its operation.

Requires that revenues from the sale of lottery tickets be deposited in the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund.

H.R. 8713. August 3, 1977. Education and Labor. Repeals the requirement under the Employee Retirement Income Security Act that certain annual financial statements be furnished to beneficiaries of and participants in employee benefit plans. Makes such information available upon request.

H.R. 8714. August 3, 1977. Judiciary. Authorizes the Law Enforcement Assistance Administration to make supplemental grants to States submitting approved applications for correctional facility grants under the Omnibus Crime Control and Safe Streets Act of 1968.

H.R. 8715. August 3, 1977. Merchant Marine and Fisheries. Authorizes the transportation of passengers for compensation in foreign-built inflatable rafts between points in the United States.

H.R. 8716. August 3, 1977. Education and Labor. Amends the Civil Rights Act of 1964 to define sex discrimination for employment purposes to include discrimination of the basis of pregnancy.

Prohibits an employer providing benefits under a fringe benefit program which is in violation of this Act from reducing benefits or compensation in order to comply with this Act.

H.R. 8717. August 3, 1977. House Administration. Directs that Presidential and Congressional elections be conducted on the first full weekend in November and that corresponding primaries be conducted on the last full weekend in the preceding June.

H.R. 8718. August 3, 1977. Judiciary. Prohibits disclosure of information identifying or tending to identify a person as a present or former participant in United States foreign intelligence operations if (1) the information has been designated by statute or Executive order as requiring some degree of protection or (2) the person disclosing the information knows or has reason to believe that such disclosure may prejudice the safety or well-being of the person identified.

H.R. 8719. August 3, 1977. Banking, Finance and Urban Affairs. Directs the Secretary of Housing and Urban Development to monitor the planning and implementation of public housing construction, rehabilitation, or modernization projects to assure that crime preventation is taken into account in the design of such housing.

Directs the Secretary to make funds available for citizen crime prevention programs.

H.R. 8720. August 3, 1977. Ways and Means. Amends the Internal Revenue Code to allow certain large businesses with severe long term losses a five-year carryback and five-year carryover period for net operating losses.

H.R. 8721. August 3, 1977. Education and Labor. Amends the Higher Education Act of 1965 to authorize the Commissioner of Education to make grants to institutions of higher education for the use of graduate and professional schools in establishing programs for the correction and prevention of educational deficiencies in minority, low-income, and culturally disadvantaged individuals in order to increase minority enrollment in such schools.

H.R. 8722. August 3, 1977. Interior and Insular Affairs; Agriculture. Redesignates the Boundary Waters Canoe Area in Superior National Forest, Minnesota, as the Boundary Waters Wilderness Area. Establishes the Boundary Waters National Recreation Area, Minnesota.

H.R. 8723. August 3, 1977. Ways and Means. Amends the Internal Revenue Code to exempt certain farm trucks from the highway use tax.

H.R. 8724. August 3, 1977. Interstate and Foreign Commerce. Authorizes appropriations for the planning and construction, under the supervision of the Department of Commerce, of sports facilities for the Olympic summer games of 1984.

H.R. 8725. August 3, 1977. Post Office and Civil Service. Requires the payment of overtime pay to personnel employed by the Department of Agriculture to provide inspection services.

H.R. 8726. August 3, 1977. Judiciary. Grants the Court of Claims jurisdiction to render judgments against the United States upon claims for losses other than lost profits sustained by producers, processors, manufacturers, distributors, dealers, or other persons resulting from the ban on apparel, fabric yarn, or fiber containing Tris phosphate.

H.R. 8727. August 3, 1977. Armed Services. Directs the Secretary of the Navy to develop the Naval Petroleum Reserves numbered 1, 2, and 3 to a capacity to produce at a maximum efficiency rate for national defense purposes.

Directs the Secretary with respect to such reserves, during the period ending on April 5, 1982, to produce such reserves at the lowest rate sufficient to support the costs of exploration, development, and operation of the reserves and the costs of acquisitions for the reserves.

H.R. 8728. August 3, 1977. Education and Labor. Amends the Age Discrimination in Employment Act of 1967 to eliminate age limitations with respect to the requirement that all personnel actions affecting employees or applicants for employment in Federal agencies, the United States Postal Service, or the District of Columbia Government be taken without regard to such employees' or applicants' age.

H.R. 8729. August 3, 1977. Public Works and Transportation. Directs the Secretary of Transportation to establish a single system of measuring noise and the impact of noise at airports and areas surrounding airports and to prescribe land uses for such areas which are compatible with such noise levels.

Amends the Airport and Airway Development Act of 1970 to make grants available under such Act for noise compatibility programs with respect to land situated near airports.

Requires the retrofitting or replacement of subsonic aircraft which do not meet existing noise standards. Prohibits the operation of foreign aircraft over the United States which do not meet such standards after 1985.

H.R. 8730. August 3, 1977. Agriculture. Amends the Federal Meat Inspection Act to require that any imported meat or meat food product made in whole or in part of imported meat, or its package, be labeled "imported", "imported in part", or showing the country of origin.

Requires that anyone other than the ultimate consumer who cuts such meat or meat food product into pieces or breaks a package containing such products affix on "import" or country of origin label to each piece of meat or to each package.

Requires certain restaurants serving imported meat to inform customers of this fact.

H.R. 8731. August 3, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to prohibit the sale or distribution of phosphate-based laundry detergents and cleaning agents in eight states in the Great Lakes Region. Specifies maximum allowable concentration of phosphorus in laundry detergents, machine dishwashing detergents, and other cleaning agents.

Directs the Administrator of the Environmental Protection Agency to enforce the prohibitions of this Act and to study the feasibility of applying such restrictions on a nationwide basis.

H.R. 8732. August 3, 1977. Government Operations. Requires each Federal agency to take steps which will improve the uniformity, speed, and comprehensiveness of such agency's response to citizen complaints and inquiries.

H.R. 8733. August 3, 1977. Ways and Means. Amends the Internal Revenue Code to remove the requirement that household and dependent care services rendered by relatives qualify as employment for purposes of the Federal Insurance Contributions Act in order for their wages to be considered expenses for purposes of the income tax credit for expenses paid for such services.

H.R. 8734. August 3, 1977. Ways and Means. Amends the Internal Revenue Code to provide heads of households with the same zero bracket amount (i.e., standard deduction) previously available to married persons.

H.R. 8735. August 3, 1977. Government Operations. Provides for the reimbursement of 80 percent of the costs incurred by any unit of local government for the protection of any official of the United States or of any foreign country.

H.R. 8736. August 3, 1977. Post Office and Civil Service. Provides for the issuance of a commemorative postage stamp in honor and memory of the Jews persecuted and killed by Nazi Germany before and during the Second World War and by the Soviet Union during the past 60 years.

H.R. 8737. August 3, 1977. Ways and Means. Amends the Internal Revenue Code to allow taxpayers a limited income tax deduction for qualified property improvements, as defined by the Army Corps of Engineers, designed to prevent shoreline erosion caused by high water levels in the Great Lakes.

H.R. 8738. August 3, 1977. Post Office and Civil Service. Provides that an unremarried former spouse of a Federal employee who is married to such employee for five years or more shall be entitled to a portion of such employee's annuity and to a portion of any surviving spouse of such employee.

H.R. 8739. August 3, 1977. Judiciary. Prohibits as a defense in any proceeding against any person for violation of any law of the United States a claim that such person was under compulsion by a foreign state to act, or fail to act, in violation of such law.

H.R. 8740. August 3, 1977. Ways and Means. Amends the Internal Revenue Code to exclude amounts received under certain tuition remission programs from gross income.

H.R. 8741. August 3, 1977. Education and Labor. Amends the Older Americans Act of 1965 to authorize the Commissioner of the Administration on Aging to make grants to assist older persons adversely affected by a major disaster or emergency declared by the President in accordance with the Disaster Relief Act of 1974.

H.R. 8742. August 3, 1977. Education and Labor. Directs the Secretary of Labor, under the Comprehensive Employment and Training Act of 1973, to establish centers for displaced homemakers through prime sponsors. Includes among the training and employment services to be provided by each center (1) a flexible job readiness program, (2) referral, placement, and outreach programs, and (3) development of public service jobs.

H.R. 8743. August 3, 1977. Banking, Finance and Urban Affairs. Declares a national policy on investment in the private sector of the United States economy.

Requires the Council on Wage and Price Stability to deliver to Congress an annual Investment Policy Report which shall include information on levels of capital investment available, trends in such levels, and reviews of economic programs affecting capital investment. Requires the President to submit other recommendations for implementation of the national policy declared in this Act.

H.R. 8744. August 3, 1977. Ways and Means. Amends the Social Security Act with respect to Old-Age, Survivors, and Disability Insurance by directing the Secretary of Health, Education, and Welfare to establish procedures for expediting (1) replacement of lost, stolen or misdelivered benefit checks; (2) initial benefit payments; (3) hearings on eligibility; and (4) final determinations of eligibility

H.R. 8745. August 3, 1977. Interior and Insular Affairs. Directs the Secretary of the Interior to convey public domain land of the United States to each State in which an area is designated as wilderness.

H.R. 8746. August 3, 1977. Ways and Means. Amends the Internal Revenue Code to allow the Secretary of the Treasury, upon request of the Commissioner of Education, to disclose the address of any individual taxpayer who has defaulted on certain student loans. Allows the Commissioner to disclose the addresses to the appropriate educational institutions.

H.R. 8747. August 3, 1977. Public Works and Transportation. Modifies the navigation project for Lynnhaven Inlet and Bay, Virginia, to authorize the Secretary of the Army to pay the city of Virginia Beach, Virginia, a specified amount for remedial work on Long Creek Canal.

H.R. 8748. August 3, 1977. Veterans' Affairs. Permits the Administrator of Veterans' Affairs to discontinue educational assistance to an eligible veteran or survivor or dependent of a veteran if the Administrator finds that the institution of higher learning concerned has failed to enforce its regularly prescribed standards and practices as approved by the appropriate State approving agency with respect to such veteran or person. Requires the Administrator to provide

individual educational and career counseling and other appropriate services to facilitate the education of any veteran or person whose educational assistance has been discontinued under this Act.

H.R. 8749. August 3, 1977. Veterans' Affairs. Permits acceleration of monthly educational assistance payments made by the Veterans' Administration to eligible veterans and dependents. Provides alternative financial and educational assistance to peacetime post-Korean veterans affected by the expiration of their delimiting period. Provides for a conditional extension of the delimiting period for certain Vietnam era veterans. Provides for the development of additional educational, employment, and readjustment assistance programs for veterans, and for protection against abuses and misuse of veterans benefits. Revises the criteria for non-accredited courses.

H.R. 8750. August 3, 1977. Judiciary. Directs the Secretary of the Air Force to authorize payment for the nontemporary storage of the baggage and household effects of a certain individual and his family.

H.R. 8751. August 3, 1977. Judiciary. Declares that a certain individual shall be held and considered under the Immigration and Nationality Act to be the natural-born alien son of a certain citizen of the United States.

H.R. 8752. August 3, 1977. Merchant Marine and Fisheries. Directs the Secretary of the department in which the Coast Guard is operating to document the vessel Bomar, owned by a certain individual as a vessel of the United States with the privilege of engaging in the coastwise trade and fishing so long as such vessel is owned by a United States citizen.

H.R. 8753. August 4, 1977. Banking, Finance and Urban Affairs. Amends the Consumer Credit Protection Act to create safeguards for consumers in the utilization of electronic funds transfer services.

Amends the Truth in Lending Act to expand certain disclosure requirements in the case of credit card issuance, to prohibit specified billing practices, and to provide other protection for consumers.

H.R. 8754. August 4, 1977. Ways and Means. Entitles, under the Social Security Act, States whose rates of insured unemployment is at least six percent to partial reimbursement on an ascending sliding scale of unemployment compensation costs incurred above a certain amount.

H.R. 8755. August 4, 1977. Ways and Means. Amends the Tariff Schedules of the United States to designate specific customs rates for ball or roller bearing pillow block, flange, take-up, cartridge, and hangar units.

H.R. 8756. August 4, 1977. Merchant Marine and Fisheries. Amends the Ports and Waterways Safety Act of 1972 to authorize the Secretary of the Department in which the Coast Guard is operating to make grants to port authorities for the purpose of protecting such port, vessels within such port, and adjacent land structures or shore areas from navigational connected casualties.

H.R. 8757. August 4, 1977. Government Operations. Requires the Office of Management and Budget to provide information on the formulas and assumptions used in the distribution of Federal domestic assistance.

H.R. 8758. August 4, 1977. Judiciary. Relieves certain Pennsylvania Libraries of liability for allegedly wrongful payments by the Federal Disaster Assistance Administration.

H.R. 8759. August 4, 1977. Post Office and Civil Service. Changes the observance of Memorial Day from the last Monday in May to May 30.

H.R. 8760. August 4, 1977. Post Office and Civil Service. Provides for congressional oversight of all rate, fee, and mail classification decisions made by the Postal Rate Commission. Sets maximum size and weight limits for all parcel mail. Abolishes the Board of Governors of the Postal Service and transfers its functions to the Postmaster General.

H.R. 8761. August 4, 1977. Merchant Marine and Fisheries. Amends the Merchant Marine Act, 1920, to extend the coastwise laws of the United States with respect to the transportation of crude oil, residential fuel oil, and refined petroleum products, to the Virginia Islands.

H.R. 8762. August 4, 1977. Judiciary. Makes homicide of an airport police officer of the Federal Aviation Administration a Federal crime.

H.R. 8763. August 4, 1977. Science and Technology. Declares that the Secretary of Commerce, utilizing the National Weather Service and the National Oceanic and Atmospheric Administration, shall be responsible for implementing and coordinating Federal weather-related activities, including specialized forecasting and the issuance of warnings for specified weather conditions.

Authorizes the Secretary to construct and maintain weather services facilities and equipment, purchase and operate environmental satellite systems, coordinate research activities, engage in joint research with public, private or international groups, and establish an equipment replacement fund.

H.R. 8764. August 4, 1977. Judiciary. Grants the Court of Claims jurisdiction to render judgments against the United States upon claims for losses other than lost profits sustained by producers, processors, manufacturers, distributors, dealers, or other persons resulting from the ban on apparel, fabric, yarn, or fiber containing Tris phosphate.

H.R. 8765. August 4, 1977. Education and Labor. Prohibits the sexual exploitation of children by making it unlawful for any individual to (1) cause or permit a child to be photographed or filmed engaged in a sexual act prohibited under this Act; (2) photograph or film a prohibited sexual act; (3) knowingly transport a film or photograph depicting a prohibited sexual act; or (4) receive for sale or sell any such film or photograph, if such individual knows or should know such film or photograph has or may be transported in such a manner as to affect interstate or foreign commerce.

H.R. 8766. August 4, 1977. Judiciary. Makes it a Federal crime for a person to directly or indirectly access or cause to be accessed for fraudulent purposes a computer system affecting commerce or having a connection with a Federal agency or financial institution.

H.R. 8767. August 4, 1977. Banking, Finance and Urban Affairs. Amends the Federal Deposit Insurance Act to require an insured institution to obtain approval from the Federal Deposit Insurance Corporation before there is any disposition of voting stock issued by such bank.

States that whenever a person, company, or insured bank makes loans secured by 25 percent of the outstanding voting stock of an insured bank, such party must file a report with the Corporation.

H.R. 8768. August 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to expand the coverage of that title to include ambulance service to a physician's office if such office is the nearest facility equipped to handle the emergency.

H.R. 8769. August 4, 1977. Judiciary. Relieves certain Pennsylvania Libraries of liability for allegedly wrongful payments by the Federal Disaster Assistance Administration.

H.R. 8770. August 4, 1977. Public Works and Transportation. Directs the Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, to conduct a national highway safety campaign utilizing the mass media to inform the public on ways to reduce highway accidents.

Amends the Federal-Aid Highway Act of 1973 to direct the Secretary to study the possible utilization of citizen band radios by the general public in traffic enforcement and accident reporting.

H.R. 8771. August 4, 1977. Post Office and Civil Service. Permits civil service pension payments made to an employee, Member of Congress, or annuitant to be made to another person if and to the extent expressly provided for in any court decree of divorce, annulment, or legal separation or court ordered property settlement incident to such decree.

H.R. 8772. August 4, 1977. Ways and Means. Amends the Internal Revenue Code with respect to distilled spirits and wines hereafter called liquors to allow, under regulations prescribed by the Secretary of the Treasury: (1) labeling gin or vodka with a trademark without conspicuously displaying the names of the distiller or producer; (2) the drawback of taxes paid on imported liquors, packaged or bottled in the United States, which are to be exported; and (3) the tax free return of liquors to bonded premises for bonded storage pending export.

H.R. 8773. August 4, 1977. Ways and Means. Amends the Tariff Act of 1930 to authorize the Secretary of the Treasury to disregard a difference of ten dollars, rather than three dollars, between estimated customs duties deposited and tentatively assessed and total duties actually accruing thereon. Authorizes the Secretary to admit duty-free (1) gifts valued at $25, (2) gifts from the Virgin Islands, Guam, or American Samoa, valued at $40, (3) personal or household articles valued at $25 accompanying persons entering the United States who are not entitled to specified exemptions, or (4) articles valued at five dollars in any other case.

H.R. 8774. August 4, 1977. Interstate and Foreign Commerce. Requires the display of the unit price of any packaged consumer commodity which is sold in interstate commerce.

Sets forth exemptions to such requirement.

H.R. 8775. August 4, 1977. Ways and Means. Amends Title IV (Aid to Families with Dependent Children) of the Social Security Act to reduce payments made under such Title in the case of a dependent child who lives in a home in which a relative who is either not legally responsible for the support of such child or is not eligible for aid under such Title is also residing.

H.R. 8776. August 4, 1977. Judiciary. Expands Federal government liability for the acts of its officers who routinely perform investigative, inspection, or law enforcement function to include certain intentional and ministerial acts.

States that such liability shall be exchange and preclude any remedy against officers individually.

Directs the Attorney General to pay the attorney fees incurred by such an officer in connection with a criminal investigation into such officer's official actions.

H.R. 8777. August 4, 1977. Public Works and Transportation; Interstate and Foreign Commerce. Amends the Appalachian Regional Development Act of 1965 to authorize the Secretary of Health, Education, and Welfare to continue for two years assistance to child development programs under such Act. Directs the Appalachian Regional Commission to conduct a study of such programs with special regard to a procedure to transfer complete sponsorship of such programs from the Commission to State or private agencies.

Directs the Commission to report its findings to the Congress within one year after enactment of this Act.

H.R. 8778. August 4, 1977. Judiciary. Prohibits the sexual exploitation of children by

making it unlawful to (1) cause or permit a child to be photographed, filmed or recorded engaged in a sexual act prohibited under this Act; (2) photograph, film or record a prohibited sexual act; (3) knowingly transport a film, photograph or sound recording depicting a prohibited sexual act; (4) receive for sale or sell any such film, photograph, or sound recording transported in interstate or foreign commerce; or (5) coerce, transport, or cause the transport of any minor in interstate or foreign commerce for immoral purposes.

H.R. 8779. August 4, 1977. Ways and Means. Amends Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to eliminate the reduction in supplemental security income benefits which is presently imposed when the recipient is living in another person's household.

H.R. 8780. August 4, 1977. Government Operations. Requires an annual justification for the continued use of any form used to solicit information from private persons and State and local government agencies.

H.R. 8781. August 4, 1977. Interior and Insular Affairs. Establishes the Channel Islands and Santa Monica Mountains National Park and Seashore in California.

Directs the Secretary of the Interior to undertake specified transportation studies.

Establishes the Channel Islands and Santa Monica Mountains National Park and Seashore Advisory Commission.

H.R. 8782. August 4, 1977. Interior and Insular Affairs. Establishes the Channel Islands and Santa Monica Mountains National Park and Seashore in California.

Directs the Secretary of the Interior to undertake specified transportation studies.

Establishes the Channel Islands and Santa Monica Mountains National Park and Seashore Advisory Commission.

H.R. 8783. August 4, 1977. Rules. Requires Government programs to be evaluated pursuant to a specified schedule to determine whether each such program should be continued, terminated, or altered (sunset review). Prohibits the authorization of new budget authority for a period of more than six years. Prohibits the authorization of new budget authority for any program for which there has not been conducted a sunset review.

H.R. 8784. August 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act: (1) to permit married couples filing joint tax returns to share their income for OASDI purposes as well; (2) to allow certain recipients of spouses' or survivors' benefits to include such benefits as income in determining their average monthly wage; (3) to lower the age of eligibility for such benefits to 50; (4) to eliminate the special dependency requirements for husband's and widower's benefits; and (5) to authorize children entitled to more than one child's insurance benefit to receive the total amount available.

H.R. 8785. August 4, 1977. Armed Services; Government Operations. Amends the Federal Property and Administrative Act to prohibit the award of contracts for technical support services under rebid or recompetition procedures for substantially the same services on the basis of lower salaries than those paid by the predecessor contractor. Prohibits a procuring agency from awarding a contract unless it has determined that the salary levels for professional employees proposed under such contract are keeping with the professional contribution and reflect the professional status, responsibility, and value of the education and experience of such professional employees.

H.R. 8786. August 4, 1977. Education and Labor. Amends the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to obtain a search warrant in order to enter and inspect an employer's workplace.

H.R. 8787. August 4, 1977. Judiciary. Sets forth a procedure by which any individual not less than 18 years of age, who is certified by the Secretary of State as a former United States citizen and who renounced or otherwise lost such citizenship except by revocation by the Government, may reacquire such citizenship.

States that any individual who reacquires U.S. citizenship under this Act shall have the status which such individual had before loosing such citizenship.

H.R. 8788. August 4, 1977. Interstate and Foreign Commerce. Prohibits the sale of beverage containers without a minimum refund value of five cents. Requires labeling of refund values on all such containers. Prohibits sale of metal beverage containers with detachable openings.

H.R. 8789. August 4, 1977. Agriculture. Declares the policy of the Federal Government to retain, protect and improve agricultural land, to reduce its conversion to nonagricultural uses and to limit the encroachment of industrial activities. Establishes the Agricultural Land Review Commission to study, issue research grants, report and recommend pursuant to such policy. Authorizes the Secretary of Agriculture to provide financial and technical assistance for pilot projects testing methods of retaining, protecting and improving such land.

H.R. 8790. By August 4, 1977. Merchant Marine and Fisheries. Amends the Panama Canal Zone Code to prescribe procedures preventing Presidential dispositions of land within the zone without approval of both Houses of Congress.

H.R. 8791. August 4, 1977. International Relations. Establishes a Commission on Proposals for the National Academy of Peace and Conflict Resolution to study the establishment of such academy and alternative proposals which would assist the Federal Government in promoting peace. Directs the Commission to review the theory and techniques of conflict resolution and the institutions for conflict resolution.

H.R. 8792. August 4, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to require an affirmative vote of the shareholders of an insured institution owning at least two-thirds of its voting stock or voting power before the Federal Home Loan Bank Board may approve the acquisition of control of such institution by any savings and loan holding company or any other company.

H.R. 8793. August 4, 1977. Interstate and Foreign Commerce. Creates the National Power Grid Corporation to operate a national power grid system consisting of electric power generating facilities and a system of high voltage transmission lines, with priority given to environmental protection and land use research.

Transfers certain existing Federal power facilities to the national grid system. Defines rights, powers, and duties of national and regional corporations and employees. Requires compliance with environmental standards.

H.R. 8794. August 4, 1977. Government Operations. Establishes within the Department of Energy an Office of Minority Economic Development to study the impact of national energy programs upon racial minorities and to encourage minority participation in energy programs and contract activities. Establishes a Minority Economic Development Trust Fund financed with one percent of the revenue collected under the taxing provisions of the National Energy Act to support activities and programs of minority institutions which conform to the purposes of this Act.

H.R. 8795. August 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that the marriage of a disabled individual receiving child's insurance benefits to a civil service retirement or survivor annuitant shall not terminate his or her entitlement to such benefits.

H.R. 8796. August 4, 1977. Ways and Means. Amends the Internal Revenue Code to authorize any taxpayer to elect to have any portion of any overpayment of tax or any contribution in money which the taxpayer forwards with the return for such taxable year be available, as the taxpayer may designate on such return, for the National Endowment for the Arts or the National Endowment for the Humanities.

H.R. 8797. August 4, 1977. Veterans' Affairs. Requires that persons recommended for appointment as a member of the Board of Veterans Appeals have served a period of active duty, or active duty for training, with the military, naval, or aid service of the United States.

H.R. 8798. August 4, 1977. Judiciary. Permits Federal agencies to award fees and costs of participation of persons who contribute substantially to the agency's decision making process and whose interest in the outcome is comparatively small, or who could not participate but for such an award. Permits courts of the United States to award litigation costs to parties seeking judicial review of an agency's action if such person is afforded the relief sought, an important public purpose is served by such action, and such person's economic interest in the outcome is comparatively small or such person could not bring such action but for such award.

H.R. 8799. August 4, 1977. Ways and Means. Amends the Internal Revenue Code to authorize the refund of income taxes attributable to certain private supplemental unemployment benefits which have been repayed by the taxpayer.

H.R. 8800. August 4, 1977. Ways and Means. Directs the President to establish a seven-year national plan to reduce dependence on imported petroleum and petroleum products. Establishes an oil import licensing system to be administered by the Department of Energy in accordance with specified procedures.

Revises duties imposed upon imported petroleum products.

H.R. 8801. August 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals aged 62 and over a refundable income tax credit for increases in real property taxes and utility bills.

H.R. 8802. August 4, 1977. Interior and Insular Affairs. Provides that the confederated Tlingit and Haida Indian Tribes constitute a single recognized tribal entity and that the Tribes' Central Council is the entity's general and supreme governing body.

H.R. 8803. August 4, 1977. Interior and Insular Affairs. Amends the National Trails System Act to re-establish the advisory council for the Appalachian National Scenic Trail.

Changes the acreage limitations on lands acquired for rights-of-way and by condemnation proceedings along the Appalachian National Scenic Trail.

H.R. 8804. August 4, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to set forth provisions for the licensing of pay television stations by the Federal Communications Commission.

H.R. 8805. August 4, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to set forth provisions for the licensing of commercial television broadcast networks by the Federal Communications Commission.

H.R. 8806. August 4, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to set forth provisions for the licensing of commercial cable television systems by the Federal Communications Commission.

H.R. 8807. August 4, 1977. Judiciary. Deems a certain individual to have had a specified

period of disability for purposes of determining her entitlement to disability insurance under the Social Security Act.

H.R. 8808. August 4, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8809. August 4, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8810. August 4, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 8811. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to allow Tax Court judges to revoke their elections to receive retirement pay.

H.R. 8812. August 5, 1977. Public Works and Transportation. Designates the Federal building located at 615 South Main Street in Jonesboro, Arkansas, as the "E. C. 'Took' Gathings Building."

H.R. 8813. August 5, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to direct the Civil Aeronautics Board, in carrying out its functions, to consider competition in air transportation and the encouragement of new air carriers as being in the public interest.

Revises procedures and factors to be considered for the issuance of certificates to engage in air transportation. Establishes time limitations for the disposal of such applications. Restricts the Board's ratemaking authority. Establishes procedures for the certification of new air carriers.

H.R. 8814. August 5, 1977. Ways and Means. Amends the Tariff Schedules of the United States to temporarily reduce certain customs duties on woven silk.

H.R. 8815. August 5, 1977. Banking, Finance and Urban Affairs. Requires that any bank or depository institution situated in a standard metropolitan statistical area must invest 25 percent of its mortgage portfolio in loans secured by real property situated in inner cities located within the standard metropolitan statistical area in which the depository institution is situated.

H.R. 8816. August 5, 1977. Education and Labor. Establishes a program under the Comprehensive Employment and Training Act to fund certain housing, health service-related, and similar projects in areas of high youth unemployment. Authorizes to carry out the program such sums as are necessary to create 1,000,000 jobs.

H.R. 8817. August 5, 1977. Requires any community-based organization (defined as an organization which receives and administers Federal funds for the benefit of area residents) which desires to receive Federal financial assistance to certify to the head of the Federal agency furnishing such assistance that such organization will comply with membership and democratic selection requirements established by the Community Services Act of 1974.

H.R. 8818. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to: (1) remove the adjusted gross income limitation on the credit for the elderly; (2) increase the amount of the credit; and (3) provide an annual cost-of-living adjustment for the credit.

H.R. 8819. August 5, 1977. Interstate and Foreign Commerce. Establishes an interstate Railroad System. Establishes the Federal Rail Property Administration within the Department of Transportation and authorizes the Administration to acquire rail properties designated as part of the Interstate System. Authorizes the Administration to lease back rail properties to rail carriers which deed such rail properties to the Administration. Directs the Secretary of Transportation to develop rehabilitation and capital improvement programs for rail properties owned by the Administration.

H.R. 8820. August 5, 1977. Ways and Means. Increases to $5,000 the amount of outside earnings which is permitted an individual each year without any deduction from benefits under Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act.

H.R. 8821. August 5, 1977. Post Office and Civil Service. Amends the Federal Salary Act of 1967 to prohibit increases in rates of pay for Members of the House of Representatives from taking effect before the Congress following the Congress in which such increases were recommended.

H.R. 8822. August 5, 1977. Agriculture. Requires the Secretary of Agriculture to transmit to Congress a report concerning the status and condition of privately owned forest land, productivity of such land, and methods of increasing such productivity.

H.R. 8823. August 5, 1977. Science and Technology. Directs the Administrator of the National Oceanic and Atmospheric Administration to establish a coordinated Federal program of ocean pollution environmental research, and development. Directs the Administrator to establish a program to develop new oil spill removal technologies, for possible future use by Federal agencies.

H.R. 8824. August 5, 1977. Judiciary. Requires the President to appoint a special prosecutor to investigate and prosecute acts by agents of foreign governments to buy influence of elected officials and employees of the United States.

H.R. 8825. August 5, 1977. Banking, Finance and Urban Affairs. Amends the Export-Import Bank Act of 1945 to eliminate the discretion of the Board of Governors in authorizing any loan or guarantee by prohibiting such loan or guarantee if it would have certain adverse economic effects upon the United States.

H.R. 8826. August 5, 1977. Banking, Finance and Urban Affairs. Amends the Federal Deposit Insurance Act, the National Housing Act, and the Federal Credit Union Act to increase deposit insurance from $40,000 to $100,000, for accounts which qualify as individual retirement accounts and accounts established under qualified plans for the self-employed.

H.R. 8827. August 5, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to direct the Administrator of the Federal Aviation Administration to establish criteria based on the volume air traffic to be used in determining the air navigation facilities and personnel authorized to be provided to an airport under such Act.

H.R. 8828. August 5, 1977. Ways and Means. Entitles, under the Social Security Act, States whose rates of insured unemployment is at least six percent to partial reimbursement on an ascending sliding scale of unemployment compensation costs incurred above a certain amount.

Replaces the Federal-State Extended Unemployment Compensation Act of 1970 with an extended benefit program which includes both regular extended and supplemental extended benefits.

Authorizes the Secretary of Labor to extend the payback period of States having outstanding unemployment loans. Waives any repayment requirements for States having insured unemployemnt above a certain level.

Revises the penalty tax on employers in defaulting States.

H.R. 8829. August 5, 1977. Banking, Finance and Urban Affairs. Prescribes procedures and standards governing the disclosure of customer records by financial institutions to Federal agencies.

H.R. 8830. August 5, 1977. Judiciary; Rules. Requires all rules proposed by any Federal agency, except emergency rules, to be submitted to Congress before becoming effective. Permits such rules to become effective 60 days after submission to Congress if not disapproved by either House within such period.

Exempts from publication requirements notice of rule-making proceedings for agency rules dealing with emergency or routine matters or ones which have an insignificant impact. Sets other maximum and minimum time limits during which public comment is to be accepted regarding proposed agency rules.

H.R. 8831. August 5, 1977. Merchant Marine and Fisheries. Stipulate that the authority to engage in fishing by Federal licensing shall be limited by restrictions, including residency requirements, which may be imposed by a State with respect to its maritime boundaries.

H.R. 8832. August 5, 1977. Ways and Means: Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for certain clinical psychologists' services under the supplemental medical insurance program.

H.R. 8833. August 5, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to authorize payment for specified services performed by chiropractors, and physical examination, and related routine laboratory tests.

H.R. 8834. August 5, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for optometric and medical vision care under the supplementary medical insurance program.

H.R. 8835. August 5, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) or the Social Security Act to include outpatient services by a community mental health center among the benefits provided under such title.

H.R. 8836. August 5, 1977. Merchant Marine and Fisheries. Authorizes the Secretary of Commerce to make payments to American shippers for the transportation of merchandise of the noncontiguous States and territories of the United States where such transportation is required to be made in a vessel built in and documented under the United States and owned by citizens of the United States. Stipulates that the amount of such assistance shall be the difference between the rates charged by United States flag vessels and the rates charged by foreign flag vessels for comparable shipping. Requires that the rate charged for such transportation be reduced by the amount of such payment.

H.R. 8837. August 5, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 8838. August 5, 1977. Veterans' Affairs. Exempts from determinations of annual income for veterans' pension purposes, payments to member employees made by State soldier's homes which are qualified to receive assistance from the Veterans' Administration.

H.R. 8839. August 5, 1977. International Relations. Amends the Export Administration Act of 1969 to prohibit the issuance of any export licence on articles or materials whose export is controlled for national secu-

rity purposes until after the President has reported to Congress with respect to such export. Prohibits issuance of such license if either House of Congress disapproves the export.

Permits immediate issuance if the President determines that it is required in the interests of national security.

Prohibits the removal of export controls for national security purposes if disapproved by Congress.

H.R. 8840. August 5, 1977. Ways and Means: Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to eliminate the requirement that prior hospitalization is necessary before extended care facility benefits are available under the Medicare program.

H.R. 8841. August 5, 1977. Banking, Finance and Urban Affairs; Interior and Insular Affairs. Extends assistance for purposes of rehabilitation of historic structures under the following housing programs: (1) Federal insurance of rehabilitation loans program; (2) direct loans for rehabilitation; and (3) urban renewal rehablitatiion loan program.

H.R. 8842. August 5, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service.

H.R. 8843. August 5, 1977. Judiciary. Grants the Court of Claims jurisdiction to render judgments against the United States upon claims for losses other than lost profits sustained by producers, processors, manufacturers, distributors, dealers, or other persons resulting from the ban on apparel, fabric yarn, or fiber containing tris phosphate.

H.R. 8844. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals an income tax deduction for expenses incurred for government required tree removal designed to prevent the spread of pest diseases.

H.R. 8845. August 5, 1977. Agriculture; Education and Labor; Interstate and Foreign Commerce; Judiciary; Ways and Means. Establishes a program of long-term comprehensive services for the elderly financed by the Federal Government and the States.

Establishes within the Department of the Treasury a Federal Long-Term Care Trust Fund for such programs.

Requires a State to establish a State Long-Term Care Agency in order to receive funds under this Act.

Requires such State agency to create within the State a system of Community Long-Term Care Centers.

H.R. 8846. August 5, 1977. Agriculture; Education and Labor; Interstate and Foreign Commerce; Judiciary; Ways and Means.

Establishes a program of long-term comprehensive services for the elderly financed by the Federal Government and the State.

Establishes within the Department of the Treasury a Federal Long-Term Care Trust Fund for such program.

Requires a State to establish a State Long-Term Care Rgency in order to receive funds under this Act.

Requires such State agency to create within the State a system of Community Long-Term Care Centers.

H.R. 8847. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to allow up to a $200 income tax deduction for one-half of the expenses incurred for the installation and purchase of a teletypewriter for use by individuals whose sight, hearing, or speech is impaired.

H.R. 8848. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to exclude from taxable unrelated income, income derived by tax exempt colleges, universities and their wholly owned corporations from the broadcasting of sporting events.

H.R. 8849. August 5, 1977. Ways and Means. Amends Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to make benefits under such Title payable to a resident alien only if such alien has continuously resided in the United States for at least six years.

Directs the Secretary of Health, Education, and Welfare to establish procedures to prevent payment of benefits to individuals who become ineligible due to their departure from the United States.

H.R. 8850. August 5, 1977. Banking, Finance and Urban Affairs. Prohibits any person who makes a federally related mortgage loan to make a commitment to make such a loan for the purchase of a residence on which both the construction and sales transaction has been completed within less than 12 months prior to the date of such commitment, unless the seller has confirmed that the disclosure of the date of his purchase and the purchase price paid by the seller with respect to such residence has been made in writing to the buyer.

H.R. 8851. August 5, 1977. Veterans' Affairs. Requires the Administrator of Veterans' Affairs to provide eligible veterans with professional readjustment counseling, preventive health care services, and treatment and rehabilitation for alcohol or drug dependence or abuse disabilities.

H.R. 8852. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to postpone from 1978 to 1982 the termination of the 60 month, straight line depreciation deduction for rehabilitated low-income rental housing.

H.R. 8853. August 5, 1977. Judiciary. Prohibits commerce in contraband cigarettes.

Defines "contraband cigarettes" as a quantity of more than 20,000 cigarettes, bearing no evidence of payment of applicable State cigarette taxes, which are in the possession of any person other than (1) a person licensed by the State where the cigarettes are found or by the Internal Revenue Service, (2) a common or contract carrier, or (3) a government agent in the performance of duties.

Subjects dealers in cigarettes to such reporting requirements as the Secretary of the Treasury may prescribe.

H.R. 8854. August 5, 1977. Judiciary. Amends the Immigration and Nationality Act to exclude from admission into, and provides for the deportation from, the United States of any alien who engaged or assisted in, or incited or directed others to engage in, the persecution of others on the basis of religion, race, or national origin under the direction of the Nazi government of Germany between March 23, 1933, and May 8, 1945.

H.R. 8855. August 5, 1977. Public Works and Transportation. Amends the Federal-Aid Highway Act of 1956, the Appalachian Regional Deveolpment Act of 1965, the Highway Safety Act of 1973 and the Urban Mass Transportation Act of 1964 to authorize appropriations to carry out the provisions of such Acts.

H.R. 8856. August 5, 1977. Interstate and Foreign Commerce. Prohibits the sale of beverage containers without a minimum refund value of five cents. Requires labeling of refund values on all such containers. Prohibits sale of metal beverage containers with detachable openings.

H.R. 8857. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to exclude certain long term post-production gains from those recognized when collapsible corporations are liquidated. Expands the class of gains recognized for liquidated corporations with net losses for the two year period preceding liquidation.

H.R. 8858. August 5, 1977. Agriculture. Amends the Federal Crop Insurance Act to increase the capital stock of the Federal Insurance Corporation and to make insurance available to producers of rice, wheat, cotton and certain feed grains wherever they are grown commercially. Provides for a 25 percent Federal subsidy of premiums and removes the ceiling on appropriations. Creates a revolving fund for the Corporation in the United States Treasury and gives the Corporation discretionary borrowing authority.

H.R. 8859. August 5, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to permit the Secretary of Housing and Urban Development to insure mortgages and loans with varying rates of amortization corresponding to anticipated variations in family income on a regular basis.

Amends the Internal Revenue Code to establish tax-exempt savings accounts which would be available to first-time home buyers, known as individual housing accounts.

H.R. 8860. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to lower individual and corporate income tax rates.

H.R. 8861. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to lower individual and corporate income tax rates.

H.R. 8862. August 5, 1977. Education and Labor. Authorizes the award of attorneys' fees to a prevailing party, other than the United States, in an action to enforce specified nondiscrimination and affirmative action provisioins of the Rehabilitation Act of 1973.

H.R. 8863. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to provide identical income tax rates for single persons and married couples filing joint returns. Limits the earned income that must be reported by a married person filing a separate return to the amount actually earned by that individual.

H.R. 8864. August 5, 1977. Ways and Means.; Interstate and Foreign Commerce. Amends Titles XVII (Medicare) and XIX (Medicaid) of the Social Security Act to revise the conditions and limitations applicable to home health services under such titles.

Establishes a Home Health Patient Ombudsman in the Department of Health, Education, and Welfare.

Increases the amount of Federal funds which may be made available to public housing agencies for congregate housing under the United States Housing Act of 1937.

H.R. 8865. August 5, 1977. Interiior and Insular Affairs. Amends the Wild and Scenic Rivers Act to designate a specified segment of the Delaware River as a component of the National Wild and Scenic Rivers System.

H.R. 8866. August 5, 1977. Interior and Insular Affairs. Amends the Payment in Lieu of Taxes Act to redefine the terms "entitlement lands" and "unit of local government" for purposes of such Act.

H.R. 8867. August 5, 1977. Interstate and Foreign Commerce. Subjects to liability for harm caused by the use of a product, any individual engaged in interstate commerce who manufactures or sells a product which is in a defective condition or fails to warn against a dangerous condition in the use or misuse of the product.

Allows any person harmed by a product who is a reasonably anticipated user or consumer of the product to bring an action in "product liability" against the manufacturer or seller of the product.

H.R. 8868. August 5, 1977. Ways and Means. Amends the Trade Act of 1974 to designate the maintenance of artifically undervalued currencies by foreign countries for export trade purposes as an unfair trade practice which the President may take action to remedy under the Trade Act of 1974.

H.R. 8869. August 5, 1977. Government Operations. Establishes the Department of Health to be headed by a Secretary of Health. Transfers all health functions of the Secretary of Health, Education, and Welfare to the Secretary of Health.

H.R. 8870. August 5, 1977. Public Works and Transportation. Requires that contracts for Army Corps of Engineers public works projects in high unemployment areas include a provision that at least 40 percent of persons employed under such contract and subcontracts thereunder be local workers.

H.R. 8871. August 5, 1977. Post Office and Civil Service. Establishes procedures for taking the decennial census. Directs the Secretary of Commerce to conduct mid-decade censuses.

Directs the Secretary to establish a Division of Evaluation within the Bureau of the Census to evaluate censuses.

H.R. 8872. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to provide that artistic compositions, copyrights, and the like shall not be included in the estate tax valuation of the creator's estate.

H.R. 8873. August 5, 1977. Interior and Insular Affairs. Returns, from certain Indian Pueblos, title to specified land in Albuquerque, Bernalillo County, New Mexico, to the United States as trustee for the transferring tribes.

H.R. 8874. August 5, 1977. Judiciary. Provides for Government payment of reasonable attorney fees incurred prior to indictment or filing of an information by a Federal law enforcement officer who has allegedly committed a crime in the course of duty.

H.R. 8875. August 5, 1977. Interstate and Foreign Commerce; Interior and Insular Affairs. Establishes administrative procedures for expedited decision-making by the Secretary of the Interior in selection of a transportation system to supply Alaskan crude oil to Northern Tier and inland states. Limits the scope of judicial review of such administrative decision-making.

H.R. 8876. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deduction to any taxpayer engaged in the manufacture, importation, distribution, lease, or sale of any product for contributions to his product liability loss reserve account.

H.R. 8877. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deduction to any taxpayer engaged in the manufacture, importation, distribution, lease, or sale of any product for contributions to his product liability loss reserve account.

H.R. 8878. August 5, 1977. Education and Labor. Amends the definition of "employee" under the Longshoremen's and Harbor Workers' Compensation Act to specify the coverage of such Act with respect to persons engaged in the manufacture, sale, repair, or servicing of recreational or fishing boats.

H.R. 8879. August 5, 1977. Banking, Finance and Urban Affairs. Creates a Solar Energy Development Bank to make long-term, low-interest loans to encourage the use of solar energy in commercial and residential dwellings. Establishes a Solar Energy Fund in the Treasury of the United States to finance the activities of the Bank.

H.R. 8880. August 5, 1977. Education and Labor. Amends the Rehabilitation Act of 1973 to authorize the Secretary of Health, Education, and Welfare to conduct demonstration projects, either directly or by way or arrangements with public or private agencies, for the payment of wage supplements to handicapped individuals who are employed in sheltered workshops or work activity centers which met certain standards, including any promulgated under this Act by the Secretary jointly with the Secretary of Labor.

H.R. 8881. August 5, 1977. Education and Labor. Requires the Bureau of Labor Statistics, in compiling unemployment statistics, to classify as unemployed: (1) any farmer who reports a farm net loss on his or her income tax return; and (2) any dependent of such farmer whose sole occupation consists of working 15 or more hours per week on the farm. Requires the Secretary of the Treasury to report the number of such farmers and dependents to the Bureau of Labor Statistics. Requires any Federal programs in which funds are allocated on the basis of unemployment statistics to base such allocations on unemployment statistics compiled pursuant to this Act.

H.R. 8882. August 5, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to authorize the Secretary of Transportation to guarantee securities and obligations issued by a railroad in reorganization to State and local taxing authorities to secure the railroad's tax obligations when the Consolidated Rail Corporation, the United States Railway Association, or the Federal Government asserts a superior interest in payment out of the estate of such railroad during reorganization or liquidation proceedings under the Bankruptcy Act.

H.R. 8883. August 5, 1977. Ways and Means; Government Operations.

Establishes the Task Force on School Financing and the Taxation of Real Property by State and Local Governments to study and evaluate the taxation of real property, the feasibility of methods designed to reduce the dependence of State and local governments on such taxation, and the effects of Federal taxation and other policies on the financing of elementary and secondary education by those governments.

H.R. 8884. August 5, 1977. Interstate and Foreign Commerce.

Requires franchisors to give franchisees 90-day notice, with limited exceptions, of intent to cancel, or failure to renew, a franchise agreement. Allows such cancellation or failure to renew only for certain specified reasons. Requires a franchisor to compensate a franchisee for the value of the franchisee's business when the franchisor, for a legitimate business reason, fails to renew the franchise. Sets forth the judicial remedies available to a franchisee for a violation of this Act by franchisor.

H.R. 8885. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to qualify trusts established for the payment of product liability claims as tax exempt organizations. Allows taxpayers a business income tax deduction for contributions to such trusts only to the extent they exceed the reasonable costs of product liability insurance for the deducting taxpayer.

H.R. 8886. August 5, 1977. Armed Services. Entitles World War I veterans to commissary and exchange privileges.

H.R. 8887. August 5, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XI (General Provisions) of the Social Security Act to require the participation of optometrists in the activities of the National Professional Standards Review Council and of local professional standard review organizations.

H.R. 8888. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to provide an income tax credit for expenses incurred in the conversion of farm and ranch land into qualified wind erosion control of wildlife habitat areas. Provides Federal reimbursement to State and local governments for the real property taxes which would otherwise be collected on such property.

H.R. 8889. August 5, 1977. Ways and Means. Entitles, under the Social Security Act, States whose rates of insured unemployment is at least six percent to partial reimbursement on an ascending sliding scale of unemployment compensation costs incurred above a certain amount.

Replaces the Federal-State Extended Unemployment Compensation Act of 1970 with an extended benefit program which includes both regular extended and supplemental extended benefits.

Authorizes the Secretary of Labor to extend the payback period of States having outstanding unemployment loans. Waives any repayment requirements for States having insured unemployment above a certain level.

Revises the penalty tax on employers in defaulting States.

H.R. 8890. August 5, 1977. Public Works and Transportation. Authorizes the Secretary of Transportation to make grants to airport operators to cover 100 percent of the cost of projects to: (1) mark runways and taxiways or to establish a taxiway guidance system; or (2) to purchase and install visual slope indicators.

Authorizes appropriations in specified amounts of the Airport and Airway Trust Fund for fiscal years 1978, 1979, and 1980 to carry out such grant program.

H.R. 8891. August 5, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to require (1) identification and ingredient information on certain drug labels; (2) drug test recordkeeping; (3) origin certification of imported drugs; and (4) release of information used to determine a new drug's safety.

Authorizes the Secretary of Health, Education, and Welfare to (1) give conditional marketing approval to new drugs; (2) conduct drug studies; and (3) suspend approval of new human or animal drugs.

Establishes a drug development protocol for testing and marketing of new drugs.

Prohibits the export of misbranded drugs unless they meet safety standards established by the Secretary.

H.R. 8892. August 5, 1977. Ways and Means. Amends the Internal Revenue Code with respect to the authority of the Secretary of the Treasury to impose additional tax liabilities on corporations and citizens of foreign nations which impose discriminatory taxes on United Startes citizens and corporations, to extend such authority to discriminatory taxes imposed on subsidiaries and corporations owned by United States citizens.

H.R. 8893. August 5, 1977. Judiciary. Authorizes the Secretary of Health, Education, and Welfare to pay for certain medical services provided to qualified individuals suffering from physical injuries attributable to the atomic bomb explosions on Japan in August 1945.

H.R. 8894. August 5, 1977. Education and Labor. Amends the Farm Labor Contractor Registration Act of 1963 to exclude specified categories of employers and employees from the requirement of registering as farm labor contractors.

H.R. 8895. August 5, 1977. Post Office and Civil Service. Requires appointments to the position of postmaster at post offices serving a delivery area with a resident population of 5,000 or less to be made from a list of qualified applicants who have resided in the area for at least one year unless no such individual has applied for the position.

H.R. 8896. August 5, 1977. Interstate and Foreign Commerce. Amends the Hours of Service Act to reduce the hours which a railroad employee may be on duty without at least ten consecutive hours off duty.

H.R. 8897. August 5. 1977. Ways and Means. Amends the Internal Revenue Code to ex-

clude from the gross income of a regulated public utility any amount, including any gain from the sale or transfer of certain property, derived by such utility from a regulated electric trade or business.

Imposes on any purchaser of electrical energy from a public utility a tax in an amount equal to 0.04 of a cent per kilowatt hour so purchased.

H.R. 8898. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to allow a limited deduction for amounts paid by or on behalf of an individual for an individual retirement account, an individual retirement annuity, an individual retirement bond, an employee's trurst, or an annuity contract.

H.R. 8899. August 5. 1977. Banking, Finance and Urban Affairs. Declares a national policy on investment in the private sector of the United States economy.

Requires the Council on Wage and Price Stability to deliver to Congress an annual Investment Policy Report which shall include information on levels of capital investment available, trends in such levels, and reviews of economic programs affecting capital investment. Requires the President to submit other recommendations for implementation of the national policy declared in this Act.

H.R. 8900. August 5. 1977. Veterans' Affairs. Prohibits denial of employment (except by an employer with no more than ten employees) to any person because of any obligation as a member of a Reserve component of the Armed Forces.

H.R. 8901. August 5, 1977. Ways and Means. Authorizes and directs the Secretary of Labor, through the Bureau of Labor Statistics, to prepare, as part of the Consumer Price Index, the Csonumer Price Index for the Aged and Other Social Security Beneficiaries designed to reflect the relevant price information for individuals, as a group, who are 65 years of age or older or are otherwise entitled to monthly benefits under the program of Old-Aged, Survivors, and Disability Insurance of the Social Security Act.

H.R. 8902. August 5, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that the automatic cost-of-living increases in benefits be made on a semiannual basis (rather than only on annual basis as at present).

H.R. 8903. August 5, 1977. Interior and Insular Affairs; Merchant Marine and Fisheries. Authorizes the Secretary of the Interior to establish a fisherman's gear compensation fund to compensate commercial fishermen for economic loss resulting from damages to such gear due to activities related to oil and gas exploration and production on the Outer Continental Shelf leasing areas.

Prohibits payments from such fund when damages claimed were caused by a financially responsible party, exceed a specified amount, or were due to the negligence of the fisherman-claimant.

H.R. 8904. August 5, 1977. Judiciary; Education and Labor; Ways and Means. Amends the Immigration and Nationality Act, the Comprehensive Employment and Training Act of 1973, the Internal Revenue Code of 1954, and the Social Security Act: (1) to restrict the illegal entry and prohibit the employment of aliens in the United States; (2) to facilitate the admission of aliens for temporary employment; and (3) to regulate the issuance and use of social security account cards.

H.R. 8905. August 5, 1977. Post Office and Civil Service; Rules. Amends the Federal Salary Act of 1967 to require the appointment of persons to the Commission on Executive, Legislative, and Judicial Salaries every second calendar year beginning 1978. Requires the President to separately submit pay recommendations for Members of Congress. Stipulates that such recommendations may not take effect prior to the Congress following the Congress during which they were transmitted. Declares that such recommendations shall take effect if not disapproved by resolution of either House.

Amends the Legislative Reorganizations Act of 1946 to abolish automatic cost-of-living adjustments for Members of Congress.

H.R. 8906. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to allow certain individuals to compute the amount of the deduction for retirement savings on the basis of the earned income of their spouses.

H.R. 8907. August 5, 1977. Government Operations. Establishes the Federal Emergency Assistance and Preparedness Administration to implement and coordinate all Federal disaster assistance and emergency preparedness programs and to collect data to be made available to the public, States and localities respecting the prediction and planning for emergencies and disasters. Extends the termination dates of specified provisions of the Federal Civil Defense Act to September 30, 1980.

H.R. 8908. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to require that the gross income of any individual covered by a nondiscriminatory employee choice compensation plan be determined only after giving effect to any election by such individual as to the allocation of employer contributions among cash compensation, taxable benefits, and nontaxable benefits provided under such plan.

H.R. 8909. August 5, 1977. Interstate and Foreign Commerce; Government Operations; Science and Technology. Amends the Energy Policy and Conservation Act to require recycling of used oil by Federal agencies. Directs the Administrator of the Environmental Protection Agency to establish a public education program on oil recycling. Authorizes the Administrator to make grants for State waste oil management programs.

Directs the Administrator of Energy Research and Development to establish a program to improve the performance and marketability of recycled oil.

H.R. 8910. August 5, 1977. Interior and Insular Affairs. Provides for the distribution, investment, and use of funds appropriated in satisfaction of the judgment awarded to the Seminole Indians in dockets 73 and 151 before the Indian Claims Commission.

H.R. 8911. August 5, 1977. International Relations. Amends the Export Administration Act of 1969 to prohibit the exportation of fur pelts or fur pelt products, unless the Secretary of the Interior determines that such exportation will not result in a decline in the wild population of such animal.

H.R. 8912. August 5, 1977. Banking, Finance and Urban Affairs. Amends the Small Business Act to expand assistance under such Act to minority small business concerns. Establishes the Office of Minority Small Business Assistance Personnel to work with all Government agencies having procurement powers. Provides statutory standards for contracting and subcontracting by the United States with respect to minority concerns. Creates a Commission on Federal Assistance to Minority Enterprise.

H.R. 8913. August 5, 1977. Agriculture. Excludes cost-of-living increases in Social Security benefits from consideration as household income for purposes of determining: (1) eligibility for participation in the food stamp program; (2) the change for issuing a coupon allotment to a household; and (3) eligibility for any Federal program administered by the Department of Agriculture which provides for the donation or distribution of surplus agricultural commodities to low-income persons.

H.R. 8914. August 5, 1977. Banking, Finance and Urban Affairs. Prohibits the consideration of any cost-of-living increase of Old Age, Survivors, and Disability Insurance benefits for purposes of determining the eligibility for an amount of assistance which any individual or family is provided under specified Federal Housing programs.

H.R. 8915. August 5, 1977. Interstate and Foreign Commerce. Amends Title XIX (Medicaid) of the Social Security Act to assure the individuals otherwise eligible for benefits under such Title do not lose such eligibility, or have the amount of such benefits reduced, because of increases in the amount of benefits under Title II (Old-Age, Survivors, and Disability Insurance) of such Act.

H.R. 8916. August 5, 1977. Most Office and Civil Service. Amends the Federal Salary Act of 1967 and the Legislative Reorganization Act of 1946 to specify when an adjustment in the rate of pay for Members of Congress proposed during any Congress shall take effect.

H.R. 8917. August 5, 1977. Veterans' Affairs. Provides that recipients of veterans' pensions and compensation will not have the amount of such pension or compensation reduced because of increases in social security benefits.

H.R. 8918. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to qualify trusts established for the payment of product liability claims as tax exempt organizations. Allows taxpayers a business income tax deduction for contributions to such trusts only to the extent they exceed the reasonable costs of product liability insurance for the deducting taxpayer.

H.R. 8919. August 5, 1977. Ways and Means. Amends the program of Aid to Families with Dependent Children of Title IV and Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to assure that recipients of aid and benefits under such titles do not have the amount of such aid or benefits reduced because of increases in the amount of benefits under Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act.

H.R. 8920. August 5, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to revise the method of computing OASDI benefits by requiring that the primary insurance amount be based on an individual's ten or fewer years of highest earnings.

Requires the recomputation in accordance with this Act of the primary insurance amount of an individual entitled to OASDI benefits who has wages or self-employment income after 1978.

H.R. 8921. August 5, 1977. Ways and Means. Amends the Internal Revenue Code to exclude from the gross income of an individual the first $5,000 received from civil service and Foreign Service retirement annuities.

H.R. 8922. August 5, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to prohibit curtailment of supplies to specified high priority users.

H.R. 8923. August 5, 1977. Veterans' Affairs. Permits the Administrator of Veterans' Affairs to discontinue educational assistance to an eligible veteran or survivor or dependent of a veteran if the Administrator finds that the institution of higher learning concerned has failed to enforce its regularly prescribed standards and practices as approved by the appropriate State approving agency with respect to such veteran or person. Requires the Administrator to provide individual educational and career counseling and other appropriate services to facilitate the education of any veteran or person whose educational assistance has been discontinued under this Act.

H.R. 8924. August 5, 1977. Judiciary. Pro-

hibits the admission of any immigrant unless a United States citizen has agreed in writing to sponsor such immigrant and to reimburse the Federal, State, or local government for financal support or medical treatment provided to the immigrant during the five-year period after entering the United States.

H.R. 8925. August 5, 1977. Judiciary. Declares two individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8926. August 5, 1977. Judiciary. Declares a certain individual to be the natural-born son of a certain citizen of the United States, and a child for purposes of the Immigration and Nationality Act.

H.R. 8927. August 5, 1977. Judiciary. Authorizes the conditional admittance of a certain person to the United States for permanent residence.

H.R. 8928. August 5, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8929. August 5, 1977. Judiciary. Declares six individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8930. August 5, 1977. Judiciary. Declares a certain individual to have been a citizen of the United States at the time of her death.

H.R. 8931. August 5, 1977. Judiciary. Deems a certain individual rated totally disabled due to a permanent paralysis, and deems such paralysis to be the result of a disease contracted in line of duty while in the Active United States Army during a period other than a period of war.

H.R. 8932. August 5, 1977. Judiciary. Relieves a certain individual of liability to the United States and orders the Secretary of the Treasury to repay such individual an amount equal to the total of any amounts withheld from such individual's pay by the United States for the purpose of recovering the indebtedness for which liability is hereby relieved.

H.R. 8933. August 5, 1977. Judiciary. Declares two individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8934. September 7, 1977. Ways and Means. Amends the Internal Revenue Code to provide that income received from nonmember telephone companies shall not be used in determining whether mutual and cooperative telephone companies qualify as tax exempt organizations.

H.R. 8935. September 7, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act and the Railroad Retirement Act of 1974 to phase out the limitations on the amount which beneficiaries may earn without a deduction in benefits. Increases the yearly limitation to $5,000 in 1978, $7,500 in 1979, and eliminates the limitation in 1980.

H.R. 8936. September 7, 1977. Agriculture. Repeals the Federal Crop Insurance Act. Establishes, within the Department of Agriculture, the Farm Production Protection Corporation, and empowers such Corporation to protect producers of agricultural products against loss of production costs due to unavoidable natural causes.

H.R. 8937. September 7, 1977. Ways and Means. Amends the Internal Revenue Code to exempt amounts paid as State or local taxes on telephone service from the Federal excise tax on telephone service.

H.R. 8938. September 7, 1977. Ways and Means. Amends the Employee Retirement Income Security Act to delay the date after which Treasury regulations regarding includibility in gross income of contributions made by means of salary reduction to certain pension or profitsharing trusts may be issued and enforced.

H.R. 8939. September 7, 1977. Judiciary. Prohibits the transportation of contraband cigarettes in interstate commerce.

H.R. 8940. September 7, 1977. Ways and Means. Amends the Internal Revenue Code to allow a tax credit for an amount, not to exceed $250, equal to 50 percent of the expenses paid or incurred by a speech- or hearing-impaired individual for the use of toll telephone services by means of teletypewriters.

H.R. 8941. September 7, 1977. Education and Labor. Amends the Rehabilitation Act of 1973 to authorize appropriations to enforce the prohibition in that Act against discrimination toward qualified handicapped individuals under any program or activity receiving Federal financial assistance.

Stipulates that not less than a third of such authorized expenditures be used for educational purposes.

H.R. 8942. September 7, 1977. Post Office and Civil Service. Provides for the issuance of a commemorative postage stamp in honor and memory of the Jews persecuted and killed in the Soviet Union during the past 60 years.

H.R. 8943. September 7, 1977. Post Office and Civil Service. Provides for the issuance of a commemorative postage stamp in honor and memory of the Jews persecuted and killed by Nazi Germany during the Second World War.

H.R. 8944. September 7, 1977. Ways and Means. Amends the Internal Revenue Code to provide for an alternative 12-month period to the existing 60-month period of amortization for a new identifiable certified pollution control facility acquired, or whose construction began, after December 31, 1976.

H.R. 8945. September 7, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to further consider the Liberty Townsite, Washington petition.

H.R. 8946. September 7, 1977. Interior and Insular Affairs. Authorizes the Secretary of Agriculture to convey specified lands in the Wenatchee National Forest, Washington, known as the Liberty Townsite.

H.R. 8947. September 7, 1977. Interstate and Foreign Commerce. Directs the Federal Trade Commission to establish criteria to measure the level of competition in alternative energy source markets. Requires the Commission to make monitoring studies of the energy industry by applying such criteria in order to isolate any violations thereof. Permits the Commission to exercise its authority to remedy an anticompetitive situation after a show cause hearing where a person is deemed responsible for any violation.

H.R. 8948. September 7, 1977. Education and Labor. Establishes a national program for the prevention and treatment of family violence through the coordination of existing programs and the provision of assistance to such programs and to the establishment of new programs.

Establishes a Coordinating Council on Family Violence which shall be composed of representatives of specified executive departments and agencies.

Establishes within the ACTION Agency a National Center for Community Action Against Family Violence. Directs the Secretary of Health, Education, and Welfare to provide funds to evaluate programs for the prevention and treatment of family violence.

H.R. 8949. September 7, 1977. Veterans' Affairs. Provides that recipients of veterans' pensions and compensation will not have the amount of such pension or compensation reduced because of increases in social security benefits.

H.R. 8950. September 7, 1977. Post Office and Civil Service. Provides for the arbitration of disputes between the Postal Service and recognized organizations of Postal Service managerial personnel other than officers, postmasters, and employees engaged in personnel work in Postal Service headquarters. Identifies as subject to arbitration under this Act issues relating to pay policies, fringe benefits, and the determination of whether or not a matter is subject to participation by such organization. Establishes an arbitration board to consider a dispute upon the request of the Postal Service or such recognized organization.

H.R. 8951. September 7, 1977. Government Operations. Amends the Federal Advisory Committee Act to abolish specified Federal advisory bodies.

H.R. 8952. September 7, 1977. Agriculture. Amends the Federal Meat Inspection Act to permit States to impose inspection, marking, labeling, packaging, and ingredient requirements that are more stringent than Federal standards.

H.R. 8953. September 7, 1977. Interior and Insular Affairs. Revises the boundaries of the Antietam National Battlefield site in the State of Maryland.

Establishes an Antietam National Battlefield Advisory Commission.

H.R. 8954. September 7, 1977. Agriculture. Amends the Federal Insecticide, Fungicide, and Rodenticide Act to revise procedures for the registration of pesticides with the Administrator of the Environmental Protection Agency.

Sets forth the procedures for changing the classification of a registered pesticide from restricted to general use.

Revises the trade secrets provision of the Act to require the applicator to submit specified data regarding trade secrets and commercial or financial information. Sets forth revised disclosure procedures.

Requires the Administrator to delegate primary responsibility for the enforcement of pesticide use violations to the States.

H.R. 8955. September 7, 1977. Merchant Marine and Fisheries. Prohibits the taking of wolves or other predators on public lands by private individuals or Federal or State agencies. Permits the taking of any individual predator, upon order of the Secretary of the Interior or the Secretary of Agriculture, upon a demonstration that such predator has been killing domestic livestock. Prohibits the use of aircraft in taking predators.

H.R. 8956. September 7, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to prohibit curtailment of supplies to specified high priority users.

H.R. 8957. September 7, 1977. Merchant Marine and Fisheries. Requires specific authorization by a law enacted by the Congress for any transfer by the United States to any nation, individual, or entity of title to or other interest in real property located in the Panama Canal Zone.

H.R. 8958. September 7, 1977. House Administration. Calls for a national referendum on whether the United States should divest itself of the Panama Canal and states that Congress shall be guided by the results.

H.R. 8959. September 8, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 8960. September 7, 1977. Judiciary. Declares certain sections of the Immigration and Nationality Act to be inapplicable in the case of a certain individual.

H.R. 8961. September 7, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 8962. September 8, 1977. Agriculture. Amends the Federal Insecticide, Fungicide, and Rodenticide Act to prohibit the distribution, sale, shipment, manufacture, or use of the chemical dibromochloropropane.

H.R. 8963. September 8, 1977. Education and Labor. Amends the Higher Education

Act of 1965 to revise the definition of "proprietary school" for purposes of student assistance under such Act.

H.R. 8964. September 8, 1977. Education and Labor. Amends the Civil Rights Act of 1964 to specifically encompass pregnancy, childbirth and related medical conditions within the prohibition against sex discrimination in employment, including discrimination with respect to fringe benefit plans.

H.R. 8965. September 8, 1977. Education and Labor. Amends the Wagner-Peyser Act to direct the Secretary of Labor to provide technical and management assistance to State public employment offices, establish a national clearing house for employment service information in the United States Employment Service, and implement an assistance program for certain State employment office job placement projects.

Directs the Secretary to study the merits of a nationwide job bank system and of replacing the State employment office system with a Federal office system.

H.R. 8966. September 8, 1977. Public Works and Transportation. Directs the Administrator of the Environmental Protection Agency to establish research and demonstration programs for the control of sludge. Authorizes financial assistance for sludge removal programs.

H.R. 8967. September 8, 1977. Science and Technology. Directs the Administrator of the Environmental Protection Agency to establish an Oil Spill Removal Research, Development, and Demonstration Project. Requires the transfer of similar programs from other Federal agencies to the project. Directs the Administrator to assist educational institutions and small businesses in participating in oil spill removal research programs.

H.R. 8968. September 8, 1977. Agriculture. Amends the Consolidated Farm and Rural Development Act to increase the limitation requirements for real estate loans. Increases the ceiling on the total principal indebtedness which may be outstanding at any one time for operating loans.

H.R. 8969. September 8, 1977. Agriculture. Amends the Consolidated Farm and Rural Development Act with respect to emergency and disaster loans: (1) to further define specified eligibility conditions, interest rates and repayment requirements; and (2) declare the sense of Congress as to the kind of personnel employed, and the priorities placed, in the carrying out of the provisions of such Act.

H.R. 8970. September 8, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to permit the marketing of certain food additives if the Secretary of Health, Education, and Welfare determines that their probable carcinogenic effects on humans is so small that such additives may be deemed safe.

H.R. 8971. September 8, 1977. Judiciary. Grants the Court of Claims jurisdiction to render judgments against the United States upon claims for losses other than lost profits sustained by producers, processors, manufacturers, distributors, dealers, other persons resulting from the ban on apparel, fabric yarn, or fiber containing Tris phosphate.

H.R. 8972. September 8. 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for certain clinical psychologists' services under the supplemental medical insurance program.

H.R. 8973. September 8, 1977. Public Works and Transportation. Amends the Interstate Commerce Act to direct the Interstate Commerce Commission in the performance of its duties with respect to motor carriers to consider maximum reliance on competitive market forces, the encouragement of new motor carriers, and participation by women and minorities in the motor carrier industry as being in the public convenience and necessity.

Sets forth the standards which the Commission must apply in determining whether to issue certificates of public convenience or permits for contract carriers by motor vehicles. Establishes burden of proof requirements regarding such applications.

Establishes time limitations during which the Commission must dispose of applications pertaining to common or contract motor carriers.

H.R. 8974. September 8, 1977. Interstate and Foreign Commerce. Amends Title XIX (Medicaid) of the Social Security Act to require State plans for Medicaid to include a Child Health Assurance Program for the early, periodic screening of physical and mental defects in children under the age of 21 who are members of families eligible for Medicaid or Aid to Families with Dependent Children.

H.R. 8975. September 8, 1977. Armed Services. Grants survivor benefits to dependents of present or former members of the armed forces who die before becoming entitled to retired pay for non-regular service.

H.R. 8976. September 8, 1977. Veterans' Affairs. Permits the Administrator of Veterans' Affairs to continue to pay educational assistance or subsistence allowances to eligible veterans and persons during periods between a semester, term, or quarter when the educational institution is closed for more than one full calendar month as part of an energy conservation program or as a result of a fuel curtailment, and the period between semesters, terms, or quarters does not exceed 45 days.

H.R. 8977. September 8, 1977. Interstate and Foreign Commerce. Amends Title XIX (Medicaid) of the Social Security Act to increase percentage payments to States for early and periodic screening, diagnosis, and treatment.

H.R. 8978. September 8, 1977. Post Office and Civil Service; Rules. Requires the Postal Service to submit to Congress proposed changes in postal service including reductions in the frequency of mail deliveries or post office hours, and changes in standards for timely delivery.

H.R. 8979. September 8, 1977. Government Operations. Expands the applicability of the Federal Advisory Committee Act to advisory bodies created by specified agencies. Requires the President to maintain a list of all Federal advisory body members and their business affiliation. Requires that charters and reports filed by such a body be made available to the public.

Requires notice of closed and open advisory body meetings to be published in the Federal Register. Permits any person to challenge the appropriateness of closing any such meeting. Requires such bodies to report the receipt and disposition of any nonappropriated funds.

Provides for judicial and administrative enforcement of the Act.

H.R. 8980. September 8, 1977. Ways and Means: Interstate and Foreign Commerce. Amends Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act to authorize payment of funds in accordance with an assignment from the person or institution providing the care or service involved if such assignment is made to a governmental agency or entity or is established by the order of a court.

Increases the penalties for defrauding the Medicare and Medicaid programs.

Requires the Secretary of Health, Education, and Welfare to suspend any physician or practitioner from participation in the Medicare or Medicaid programs whenever such individual is convicted of a criminal offense related to their involvement in such programs.

H.R. 8981. September 8, 1977. Banking, Finance and Urban Affairs. Amends the Federal Reserve Act to permit federally insured commercial banks, savings and loan associations, and credit unions to offer negotiable order of withdrawal (NOW) accounts. Permits share draft accounts for credit unions.

Imposes reserve requirements on all depository institutions for NOW accounts.

Extends, by two years, the authority of the Federal Reserve Board to prescribe interest rates on deposits.

Allows the chartering of Federal mutual savings banks.

Raises the ceiling of deposit insurance for specified retirement accounts.

H.R. 8982. September 8, 1977. Ways and Means. Amends Title II (Old Age, Survivors, and Disability Insurance) of the Social Security Act to provide cost-of-living increases in benefits computed under the special minimum primary insurance amount formula.

H.R. 8983. September 8, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to construct a new 500-bed general medical, surgical, and psychiatric Veterans' Administration hospital in Broward County, Florida.

H.R. 8984. September 8, 1977. Interstate and Foreign Commerce. Amends the Securities Act of 1934 to postpone, until May 1, 1980, the effective date of the prohibition against a member of a national securities exchange trading on its own account or that of an associate for those members who were members on May 1, 1975.

H.R. 8985. September 8, 1977. Interstate and Foreign Commerce. Amends the Energy Policy and Conservation Act to direct the Administrator of the Federal Energy Administration to establish, within three years, energy efficiency test procedures, labeling requirements, and energy efficiency standards for electric pumps and motors used for commercial or industrial purposes.

H.R. 8986. September 8, 1977. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of Engineers, to study and alleviate the siltation problems on the Mississippi River upstream of Mile 327, particularly at the Quincy Bay, Broad Lake, and Triangle Lake areas in Illinois.

H.R. 8987. September 8, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to expedite payment of physicians' fees for medicare services by permitting payment to physicians for such services upon the request of the widow or legally designated representative of a deceased individual who received such services.

H.R. 8988. September 8, 1977. Judiciary. Amends the Miller Act to authorize the payment of attorney fees and litigation costs to a prevailing plaintiff from performance bonds furnished by Federal contractors.

H.R. 8989. September 8, 1977. Post Office and Civil Service. Directs the Postmaster General to issue a commemorative postage stamp in honor of the fiftieth anniversary of the creation of the Future Farmers of America.

H.R. 8990. September 8, 1977. Public Works and Transportation. Amends the Airport and Airway Development Act of 1970 to direct the Secretary to obligate a certain portion of the funds authorized to be appropriated under such Act for improving air navigation facilities for the purpose of establishing no fewer than 45 automated flight service stations. Defines "flight service stations" as air navigation facilities used to assist pilots in the safe conduct of flight.

H.R. 8991. September 8, 1977. Public Works and Transportation. Authorizes the Regents of the Smithsonian Institution to construct museum support facilities.

H.R. 8992. September 8, 1977. Public Works and Transportation. Changes the name of

the Executive Protective Service to the Secret Service Uniformed Division.

H.R. 8993. September 8, 1977. Public Works and Transportation. Designates the Secret Service Training Center at Beltsville, Maryland, as the "James J. Rowley Secret Service Training Center."

H.R. 8994. September 8, 1977. Interior and Insular Affairs. Amends the Land and Water Conservation Fund Act of 1965 to direct the Secretaries of the Interior and Agriculture to establish procedures providing for the issuance of lifetime admission permits to disabled individuals for entrance to the National Park System and national recreation areas.

H.R. 8995. September 8, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to permit an individual whose taxable year begins on a day other than January 1 to begin his taxable year on January 1 to assure that such individual will have self-employment income for any taxable year fully credited to the computation base year in which such taxable year begins.

H.R. 8996. September 8, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to authorize payment under the supplementary medical insurance program for foot care involving the cutting and removal of corns, warts, and calluses and the trimming of club nails.

H.R. 8997. September 8, 1977. Judiciary. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to include rescue squad members in the group of persons eligible for public safety officers death benefits.

H.R. 8998. September 8, 1977. Education and Labor. Amends the Older Americans Act of 1965 to authorize the Commissioner on Aging to make grants to, or enter into contracts with, any public or nonprofit private agency, organization, or institution, or State agency to aid internship programs for secondary school students at administrative, research, and service levels with professions in the field of aging.

H.R. 8999. September 8, 1977. Ways and Means. Amends Title XVI (Supplemental Security Income for the Agend, Blind, and Disabled) of the Social Security Act to specify standards to be included in State plans for the supervision of residences for recipients of SSI benefits, and to authorize the Secretary of Health, Education, and Welfare to make payments to States to cover the cost of training and compensating personnel to inspect such institutions.

H.R. 9000. September 8, 1977. Veteran's Affairs. Requires the Administrator of Veterans' affairs to pay a monthly pension of $150 to each veteran of World War I who meets the specified service requirements, or to the surviving spouse (who meets specified requirements), or when there is no surviving spouse, to the child or children (who meet specified requirements).

H.R. 9001. September 8, 1977. Small Business. Amends the Small Business Act to authorize the Small Business Administration to appoint temporary employees to make and administer disaster loans in the event of a disaster declaration.

H.R. 9002. September 8, 1977. Ways and Means. Amends the Internal Revenue Code to allow certain individuals whose employers make contributions to pension plans a deduction for their contributions to employers pension funds, and to allow a deduction to certain individuals who establish modified individual retirement plans when the employer-employee pension contributions are small.

H.R. 9003. September 8, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to certain individuals in full settlement of such individuals' claims against the United States.

H.R. 9004. September 8, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9005. September 8, 1977. Appropriations. Appropriates funds for the government of the District of Columbia and other activities chargeable to the District for fiscal year 1978.

Appropriates for fiscal year 1978 funds for the salaries and expenses of the Temporary Commission on Financial Oversight of the District of Columbia.

H.R. 9006. September 9, 1977. Education and Labor; Post Office and Civil Service. Amends the Age Discrimination in Employment Act of 1967 to (1) raise the maximum age of individuals protected under such Act to 70; (2) make unlawful seniority systems and employee benefit plans requiring individulas to retire because of age; (3) include Federal workers 40 or over within the protection afforded personnel actions under such Act notwithstanding other provisions of Federal law; (4) forbid the Civil Service Commission from creating exemptions allowing Federal agencies and the Postal Service to require an individual to retire because of age; (5) direct such Commission to study the effects of this Act; and (6) require the Secretary of Labor to conduct a feasibility study of eliminating the upper age limits protected under such Act.

H.R. 9007. September 9, 1977. Armed Services. Requires that, upon request, members or former members of the uniformed services or their dependents be given essential medical and dental care in any facility of the uniformed services. Allows such individuals to receive nonessential care subject to the availability of space and facilities and the capabilities of the medical and dental staff.

H.R. 9008. September 9, 1977. Veterans' Affairs. Reduces under laws administered by the Veterans' Administration: (1) from ten to five years the minimum period before January 1, 1962, the service connection for any disability or death must be in force to preserve it from severance; and (2) from 20 to ten years the period during which a total disability or permanent total disability rating made for compensation, pension, or insurance purposes must be continuously in force to preserve it from reduction.

H.R. 9009. September 9, 1977. Education and Labor. Amends the National Labor Relations Act to provide that all employees covered by such Act who are members of a bona fide religion which has historically held conscientious objections to joining or financially supporting labor organizations shall not be required to join or so support any such organization as a condition of employment.

H.R. 9010. September 9, 1977. Rules. Amends the Congressional Budget Act of 1974 to limit the levels of total budget outlays and total new budget authority for a fiscal year to such outlays and authority for the preceding fiscal year, increased by a percentage equal to the average annual percentage increase in the gross national product during the three calendar years preceding the beginning of such fiscal year.

H.R. 9011. September 9, 1977. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to extend for a maximum of two years the delimiting period for a Vietnam-era veteran whose enrollment in a program of education was previously terminated by reason of such delimiting period, and for whom an extension of such period is necessary for the completion of his or her program.

Directs the Administrator to provide readjustment professional counseling to any veteran.

H.R. 9012. September 9, 1977. Ways and Means. Amends the Internal Revenue Code to allow a $200 income tax deduction for purchase and installation expenses for residential smoke detectors.

H.R. 9013. September 8, 1977. Ways and Means. Amends the Internal Revenue Code to provide for the nonrecognition of gain from the sale of stock in a domestic corporation engaged in a trade or business related to energy if, within 90 days after the sale, the proceeds are invested in stock of another such company.

H.R. 9014. September 9, 1977. Ways and Means. Amends Title II (Old Age, Survivors, and Disability Insurance) of the Social Security Act to provide that child's insurance benefits shall not be payable to an insured individual's stepchild, after such child's natural parent and the insured individual are divorced, for any period during which such child is receiving support from another source.

H.R. 9015. September 9, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to authorize the Secretary of Transportation to guarantee securities and obligations issued by a railroad in reorganization to State and local taxing authorities to secure the railroad's tax obligations when the Consolidated Rail Corporation, the United States Railway Association, or the Federal Government asserts a superior interest in payment out of the estate of such railroad during reorganization or liquidation proceedings under the Bankruptcy Act.

H.R. 9016. September 9, 1977. Ways and Means. Amends the Tariff Act of 1930 to deem any article of wearing apparel assembled abroad and imported under the relevant section of the Tariff Schedules of the United States to be an article of foreign origin. Requires such article to be marked with the English name of the country in which it was assembled.

H.R. 9017. September 9, 1977. Veterans' Affairs. Provides that the recipient of a veterans' pension or of dependency and indemnity compensation will not have the amount of such pension or compensation reduced because of cost-of-living increases in social security benefits, railroad retirement annuities, or other retirement benefits.

H.R. 9018. September 9, 1977. Veterans Affairs. Requires the Administrator of Veterans' Affairs to pay (in addition to any already paid) a monthly pension to each veteran of World War I who meets specified service requirements, or to the surviving spouse of each such veteran, or when there is no surviving spouse, to the child or children of each such veteran.

H.R. 9019. September 9, 1977. Appropriations. Rescinds budget authority proposed in the message of the President of July 19, 1977 (H. Doc. 95–188) with respect to foreign military credit sales and Federal buildings fund alterations and major repairs.

H.R. 9020. September 9, 1977. Interior and Insular Affairs; Interstate and Foreign Commerce; Ways and Means. Directs the Bonneville Power Administration (BPA) to develop energy conservation and efficiency programs in conjunction with specified Northwestern States. Authorizes the BPA to purchase power from other power plants or systems under specified conditions. Directs the BPA to sell its power to specified classes of customers in specified amounts. Establishes a classification system for BPA's resources for cost purposes and an allocation system for the recovery of such costs from BPA's customers.

Amends the Internal Revenue Code to make industrial development bonds issued by a United States agency administering a regional power program tax-exempt under specified circumstances.

H.R. 9021. September 9, 1977. Post Office and Civil Service. Allows any Federal em-

ployee or Member of Congress who was a Japanese-American World War II internee to credit, for civil service retirement purposes, the period during which such individual was detained or interned in a camp or similar facility.

H.R. 9022. September 9, 1977. Ways and Means. Amends the Trade Act of 1974 to permit the Congress to disapprove any reduction or termination of import relief by the President.

H.R. 9023. September 9, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to authorize the Secretary of Transportation to guarantee securities and obligations issued by a railroad in reorganization to State and local taxing authorities to secure the railroad's tax obligations when the Consolidated Rail Corporation, the United States Railway Association, or the Federal Government asserts a superior interest in payment out of the estate of such railroad during reorganization or liquidation proceedings under the Bankruptcy Act.

H.R. 9024. September 9, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to authorize the Secretary of Transportation to guarantee securities and obligations issued by a railroad in reorganization to State and local taxing authorities to secure the railroad's tax obligations when the Consolidated Rail Corporation, the United States Railway Association, or the Federal Government asserts a superior interest in payment out of the estate of such railroad during reorganization or liquidation proceedings under the Bankruptcy Act.

H.R. 9025. September 9, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until Congress has completed its study on the matter and determined what such future policy should be.

H.R. 9026. September 9, 1977. Ways and Means. Declares it the policy of Congress that access to the United States market for foreign-produced carbon and specialty steel mill products and other steel products should be limited. Directs that beginning January 1, 1978, and each year thereafter, steel imports be limited by the Secretaries of Labor and Commerce, and such other officials as the President may designate, to a degree which will insure certain economic results.

Declares it the intent of Congress that steel imports should be substantially reduced.

H.R. 9027. September 9, 1977. Interstate and Foreign Commerce. Amends the Railroad Safety Act of 1970 to prohibit the operation of any freight train which is in excess of 4,300 feet in length, excluding the caboose.

H.R. 9028. September 9, 1977. Public Works and Transportation. Revives the authority of the Federal cochairmen of each Regional Action Planning Commission to acquire and dispose of excess property, under the Public Works and Economic Development Act of 1965.

H.R. 9029. September 12, 1977. Agriculture. Amends the Commodity Credit Corporation Charter Act to allow injunctions to be issued against the Commodity Credit Corporation.

H.R. 9030. Setpember 12, 1977. Ways and Means; Education and Labor; Agriculture. Directs the Secretary of Health, Education, and Welfare to establish, under the Social Security Act a cash assistance program to supplement the earned income of families and individuals. Increases the earned income credit against income tax. Repeals specified public assistance programs including Supplemental Security Income under the Social Security Act and the Food Stamp Act of 1964.

Establishes an employment opportunities program under the Comprehensive Employment and Training Act of 1973 pursuant to which the Secretary of Labor is to provide financial assistance to prime sponsors and other entities for job search assistance and subsidized work and training opportunities programs.

H.R. 9031. September 12, 1977. Armed Services. Entitles specified members of the armed forces reserves to retirement pay.

H.R. 9032. September 12, 1977. Ways and Means. Amends the Internal Revenue Code to: (1) remove the adjusted gross income limitation on the credit for the elderly; (2) increase the amount of the credit; and (3) provide an annual cost-of-living adjustment for the credit.

H.R. 9033. September 12, 1977. Post Office and Civil Service. Directs the Secretary of Commerce, during the intervals between decennial population censuses, to annually produce and publish current population data for each State, county, and local unit of general purpose government which has a population of 50,000 or more and to biennially produce and publish such data for other local units of general purpose government.

Requires that the most current population data available be used in the administration of any laws in which population is used to determine the amount of benefit received by a State or local unit of general purpose government.

H.R. 9034. September 12, 1977. Interstate and Foreign Commerce. Amends Title XIX (Medicaid) of the Social Security Act to qualify an individual who, although employable, is unable to care for his or her personal needs without assistance as a disabled person eligible for the services of a home health aide.

H.R. 9035. September 12, 1977. Judiciary. Makes any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation under the Immigration and Nationality Act.

Requires an affidavit of support by a citizen sponsor as a condition of admission of any alien excludable because he is likely to become a public charge.

H.R. 9036. September 12, 1977. Public Works and Transportation. Amends the Urban Mass Transportation Act to extend the authorization for apropriations for various programs under such Act. Directs the Secretary of Transportation to establish an accelerated grants delivery system for project funding under such Act.

Requires that urbanized areas make their transportation systems accessible to elderly and handicapped persons as a condition to receiving a loan or grant under such Act. Extends the time period during which Federal financial assistance shall be available for the continuation of commuter services (emergency operating assistance).

H.R. 9037. September 12, 1977. Agriculture. Directs the Secretary of Agriculture to prohibit aerial spraying using the chemical dioxin in the national forests.

H.R. 9038. September 12, 1977. Banking, Finance and Urban Affairs. Declares a national policy on investment in the private sector of the United States economy.

Requires the Council on Wage and Price Stability to deliver to Congress an annual Investment Policy Report which shall include information on levels of capital investment available, trends in such levels, and reviews of economic programs affecting capital investment. Requires the President to submit other recommendations for implementation of the national policy declared in this Act.

H.R. 9039. September 12, 1977. Veterans' Affairs. Requires the Administrator of Veterans' Affairs to provide eligible veterans with professional readjustment counseling, preventive health care services, and treatment and rehabilitation for alcohol or drug dependence or abuse disabilities.

H.R. 9040. September 12, 1977. Banking, Finance and Urban Affairs. Amends the Bretton Woods Agreements Act, the Inter-American Development Bank Act, and the Asian Development Bank Act to prohibit United States directors and alternate directors of specified international financial institutions from accepting compensation in excess of the rate of basic pay in effect for level IV of the Executive Schedule.

H.R. 9041. September 12, 1977. Ways and Means. Makes a technical amendment to the provision to the Internal Revenue Code which exempts businesses operating nurseries from the requirement of computing income on an accrual method with the capitalization of preproductive period expenses.

H.R. 9042. September 12, 1977. Judiciary. Establishes in the judicial branch of a Commission on Judicial Disabilities and Tenure to determine, upon formal or informal request, whether a judge or justice is disabled or has failed to serve with good behavior. Sets forth procedures for such determinations. Permits review of the Commission's determination by the Supreme Court by appeal.

H.R. 9043. September 12, 1977. Post Office and Civil Service. Prohibits the Postal Service from decreasing the frequency of mail delivery service below the frequency in effect for the calendar week beginning May 1, 1977.

H.R. 9044. September 12, 1977. Ways and Means. Amends the Internal Revenue Code to exempt from employment taxes a person engaged in the trade or business of putting sitters in touch with individuals who wish to employ them, if such person does not pay the salary or wages of the sitters and is compensated by the sitters or the individuals who employ them on a fee basis.

H.R. 9045. September 12, 1977. Agriculture; International Relations. Authorizes the President to establish an International Emergency Food Reserve in this country and to negotiate international agreements with other countries to develop an international system of food reserves for humanitarian food relief.

H.R. 9046. September 12, 1977. Judiciary. Grants the Court of Claims jurisdiction to render judgments against the United States upon claims for losses (other than lost profits) sustained by producers, processors, manufacturers, distributors, dealers, or other persons resulting from the ban on apparel, fabric yarn, or fiber containing Tris phosphate.

H.R. 9047. September 12, 1977. Banking, Finance and Urban Affairs. Creates a Solar Energy Development Bank to make long-term, low-interest loans to encourage the use of solar energy in commercial and residential dwellings. Establishes a Solar Energy Fund in the Treasury of the United States to finance the activities of the Bank.

H.R. 9048. September 12, 1977. Interstate and Foreign Commerce. Amends the Hours of Service Act to establish maximum on-duty and minimum off-duty hours for railroad employees. Sets forth the conditions under which specified travel and meal periods shall be considered as on-duty or off-duty time.

H.R. 9049. September 12, 1977. Interstate and Foreign Commerce. Amends the Railroad Revitalization and Regulatory Reform Act of 1976 to extend the railroad redeemable preference share Federal purchase program under such Act.

Directs the Secretary of Transportation to prepare and publish alternative proposals for the amount and type of rail carrier equity and other financing to be effected through the Railroad Rehabilitation and Improvement Fund or through any other funding mechanism based on specified criteria.

H.R. 9050. September 12, 1977. Government Operations. Creates an independent agency known as the Visa and Naturalization Ad-

ministration in the executive branch to enforce and administer immigration and naturalization laws.

Transfers various powers, functions, and duties from the Departments of State, Justice, and Labor, to such Administration.

H.R. 9051. September 12, 1977. Judiciary. Extends the time, from one to six years, during which a person may bring court action with respect to bonds required, under the Miller Act, in connection with the construction, alteration, and repair of any public building or public work of the United States.

H.R. 9052. September 12, 1977. Education and Labor; Interstate and Foreign Commerce; Judiciary. Authorizes the Secretary of Health, Education, and Welfare, acting through the Director of the National Institute of Mental Health, to: (1) establish a grant program to support projects which develop methods for the identification, prevention, and treatment of domestic violence; and (2) review existing State laws, practices, and policies relating to domestic violence.

H.R. 9053. September 12, 1977. Education and Labor; Interstate and Foreign Commerce; Judiciary. Authorizes the Secretary of Health, Education, and Welfare, acting through the Director of the National Institute of Mental Health, to: (1) establish a grant program to support projects which develop methods for the identification, prevention, and treatment of domestic violence; and (2) review existing State laws, practices, and policies relating to domestic violence.

H.R. 9054. September 12, 1977. Interior and Insular Affairs. Directs the President: (1) to abrogate all treaties entered into between the United States and any Indian tribe; (2) to convey to individual adult members of such tribe or to a tribal corporation any real property held in trust for such tribe and any funds deposited to its credit in the United States Treasury; (3) to abrogate all hunting and fishing rights; and (4) to subject all members of such tribe to Federal, State, and local laws.

H.R. 9055. September 12, 1977. Post Office and Civil Service. Provides for the arbitration of disputes between the Postal Service and recognized organizations of Postal Service managerial personnel other than officers, postmasters, and employees engaged in personnel work in Postal Service headquarters. Indentifies as subject to arbitration under this Act issues relating to pay policies, fringe benefits, and the determination of whether or not a matter is subject to participation by such organization. Establishes an arbitration board to consider a dispute upon the request of the Postal Service or such recognized organization.

H.R. 9056. September 12, 1977. Post Office and Civil Service. Sets the postal rate for personal mail of individuals sealed against inspection and mailed in the United States at 13 cents for the first ounce of each piece and 11 cents for each additional ounce for each piece. Permits the Postal Service to adjust such rate annually in proportion to the increase in the Consumer Price Index since the previous rate adjustment but not to an amount exceeding the current rate for first class mail.

H.R. 9057. September 12, 1977. Judiciary. Grants the Court of Claims jurisdiction to render judgments against the United States upon claims for losses other than lost profits sustained by producers, processors, manufacturers, distributors, dealers, or other persons resulting from the ban on apparel, fabric yarn, or fiber containing Tris phosphate.

H.R. 9058. September 12, 1977. Education and Labor. Amends the Rehabilitation Act of 1973 to authorize appropriations to enforce the prohibition in that Act against discrimination toward qualified handicapped individuals under any program or activity receiving Federal financial assistance.

Stipulates that not less than a third of such authorized expenditures be used for educational purposes.

H.R. 9059. September 12, 1977. Public Works and Transportation. Authorizes the Secretary of Transportation to make grants to States and municipalities for the construction of Bikeway projects.

H.R. 9060. September 12, 1977. Science and Technology. Authorizes the Secretary of Health, Education, and Welfare to make grants for research and development of new methods of research, experimentation, and testing which minimize the use of, and the pain inflicted upon, live animals.

H.R. 9061. September 12, 1977. Post Office and Civil Service. Establishes procedures for taking the decennial census. Directs the Secretary of Commerce to conduct mid-decade censuses.

Directs the Secretary to establish a Division of Evaluation within the Bureau of the Census to evaluate censuses.

H.R. 9062. September 12, 1977. Post Office and Civil Service. Establishes procedures for taking the decennial census. Directs the Secretary of Commerce to conduct mid-decade censuses.

Directs the Secretary to establish a Division of Evaluation within the Bureau of the Census to evaluate censuses.

H.R. 9063. September 12, 1977. Public Works and Transportation. Designates the Federal building located at 202 West Church Street, Champaign, Illinois, as the "William L. Springer Building."

H.R. 9064. September 12, 1977. Judiciary. Authorizes the Administrator of the Law Enforcement Assistance Administration to provide grants and technical assistance to certain units of local government having populations of at least 250,000 for the establishment and operation of programs designed to identify and expedite the prosecution of career criminal offenders. Sets forth requirements for grant applications and limits on payments to any single local government.

H.R. 9065. September 12, 1977. Banking, Finance and Urban Affairs. Amends the Gold Reserve Act to make the Exchange Stabilization Fund unavailable for payment of administrative expenses.

Authorizes the Secretary of the Treasury to appoint personnel to carry out the international affairs functions of the Department of the Treasury and to provide allowances and benefits to such personnel.

H.R. 9066. September 12, 1977. Banking, Finance and Urban Affairs. Amends the Gold Reserve Act to make the Exchange Stabilization Fund unavailable for payment of administrative expenses.

Authorizes the Secretary of the Treasury to appoint personnel to carry out the international affairs functions of the Department of the Treasury and to provide allowances and benefits to such personnel.

H.R. 9067. September 12, 1977. Ways and Means. Amends the Internal Revenue Code to: (1) remove the adjustment gross income limitation on the credit for the elderly; (2) increase the amount of the credit; and (3) provide an annual cost-of-living adjustment for the credit.

H.R. 9068. September 12, 1977. Interstate and Foreign Commerce. Amends the International Travel Act of 1961 to establish the National Travel Service Registration Advisory Council within the Department of Commerce. Directs the Secretary of Commerce to establish minimum criteria for receiving a travel services registration certificate. Prohibits an individual from engaging in the business of selling travel or travel services unless such individual has received such a certificate.

H.R. 9069. September 12, 1977. Judiciary. Amends the Clayton Act to subject the operation of agricultural and horticultural organizations to the antitrust laws.

H.R. 9070. September 12, 1977. Ways and Means. Amends Title II (Old-Age, Survisors, and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 9071. September 12, 1977. Judiciary. Confers jurisdiction on the United States Court of Claims to hear, determine, and render judgment upon any claim of a certain individual arising out of specified circumstances.

H.R. 9072. September 12, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain corporation in settlement of such corporation's claims against the United States.

H.R. 9073. September 12, 1977. Judiciary. Deems a certain individual eligible to receive mother's insurance benefits under the Social Security Act, and deems her two children eligible to receive surviving child's insurance benefits.

H.R. 9074. September 12, 1977. Judiciary. Declares a certain individual entitled to retired pay based upon his National Guard service completed after August 16, 1945.

H.R. 9075. September 12, 1977. Judiciary. Relieves a certain individual of liability to the United States and orders the Secretary of the Treasury to pay such individual an amount equal to the aggregate of any amounts paid by him to, or withheld from sums otherwise due him by, the United States with respect to his indebtedness to the United States from which he is hereby relieved.

H.R. 9076. September 12, 1977. Judiciary. Directs the Secretary of the Treasury to pay a certain individual an amount determined by the Administrator of Veterans' Affairs to be due her for retroactive benefits for the death of her son.

H.R. 9077. September 13, 1977. Rules. Amends the Congressional Budget Act of 1974 to establish a two-year cycle for the congressional budget process. Requires each standing committee or Congress to review the laws and programs under its jurisdiction every other year, and to consider the desirability of new legislation in such areas. Requires separate consideration for authorizing legislation, budget resolutions, and appropriation bills

H.R. 9078. September 13, 1977. Veterans' Affairs. Provides for payment of a supplemental tuition allowance to each qualified veteran upon application to the Administrator of Veterans' Affairs.

H.R. 9079. September 13, 1977. Education and Labor; Judiciary. Amends the Older Americans Act of 1965 to authorize the Commissioner of the Administration on Aging to make grants to States for the purposes of (1) supporting a staff person within the State agency responsible for the delivery of legal services to the elderly, and (2) supporting direct legal services by providing funds to area agencies. Authorizes the Commissioner to make grants to or contract with national resource centers to support organizations providing legal services to the elderly and provide legal advice to the elderly.

H.R. 9080. September 13, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act and the Internal Revenue Code of 1954 to permit ministers and their employers to enter into voluntary agreements for the treatment of such ministers as employed persons.

H.R. 9081. September 13, 1977. Government Operations. Requires the Office of Management and Budget to provide information on the formulas and assumptions used in the distribution of Federal domestic assistance.

H.R. 9082. September 13, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to eliminate the present exclusion from hospital mortgage insurance

programs of hospitals which primarily serve patients with drug and alcoholic conditions or mental disorders.

H.R. 9083. September 13, 1977. Ways and Means. Amends the Internal Revenue Code to allow up to a $200 income tax deduction for one-half of the expenses incurred for the installation and purchase of a teletypewriter for use by individuals whose sight, hearing, or speech is impaired.

H.R. 9084. September 13, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to authorize payment for specified services performed by chiropractors, and physical examination, and related routine laboratory tests.

H.R. 9085. September 13, 1977. Judiciary. Amends the Immigration and Nationality Act to prohibit the admission of any immigrant unless a United States citizen has agreed in writing to sponsor and to provide financial support to such immigrant for five years after entering the United States. Makes such agreement enforceable against the sponsor in the United States district court for the district in which the sponsor resiresides.

H.R. 9086. September 13, 1977. Banking, Finance and Urban Affairs. Extends the supervisory authority of Federal agencies which regulate depository institutions.

Prohibits interlocking director and management relationships between financial institutions.

Prohibits any State nonmember insured bank from operating any foreign branch without prior written consent of the Federal Deposit Insurance Corporation.

Prohibits conflicts of interests involving officials of financial supervisory agencies.

Establishes the National Credit Union Administration.

Regulates the sale of insured financial institutions.

Restricts the use of correspondent accounts.

Establishes a Financial Institutions Examination Council.

Prescribes procedures and standards governing the disclosure of customer records by financial institutions to Federal agencies.

Sets forth standards for bank mergers and acquisitions.

H.R. 9087. September 13, 1977. Judiciary. Authorizes the Comptroller General of the United States to settle and adjust the claim of a certain individual against the United States.

H.R. 9088. September 13, 1977. Judiciary. Directs the Secretary of the Treasury to pay, in addition to a sum already paid to a certain individual, a sum for additional medical and hospital expenses incurred as a result of his injury from an explosion during an OSRD project.

H.R. 9089. September 13, 1977. Judiciary. Permits a certain individual, notwithstanding specified provisions of the International Claims Settlement Act of 1949, to file a claim for losses resulting from the nationalization by the People's Republic of China of certain real property owned by him.

H.R. 9090. September 14, 1977. Agriculture; Appropriations. Exempts disaster payments made in connection with the 1977 crops of wheat, feed grains, upland cotton, and rice from the payment limitations contained in the Agricultural Act of 1970 and the Agricultural Act of 1949.

H.R. 9091. September 14, 1977. Interstate and Foreign Commerce. Provides payment by the Department of Health, Education, and Welfare for catastrophic and major medical health care costs for individuals according to their incomes.

H.R. 9092. September 14, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a credit against income tax a limited amount of specified higher education expenses, including tuition, fees, books, supplies and room and board, incurred by a taxpayer for himself or for his spouse or dependents.

H.R. 9093. September 14, 1977. Rules; Government Operations. Sets forth a five-year schedule for initial review and reauthorization of all Federal programs according to functional and subfunctional categories.

Establishes a Citizens' Commission on the Organization and Operation of Government to study and recommend ways to improve the efficiency and effectiveness of the Federal Government.

Requires a review and revision of Federal tax laws every five years.

H.R. 9094. September 14, 1977. Post Office and Civil Service. Sets forth a plan for the conduct of labor-management relations in the Federal service. Establishes the Federal Labor Relations Authority, responsible for carrying out the purposes of this Act.

H.R. 9095. September 14, 1977. Interior and Insular Affairs. Redesignates the Boundary Waters Canoe Area in Superior National Forest, Minnesota, as the Boundary Waters Wilderness Area. Specifies restrictions relating to timber harvesting, mining, and use of recreational vehicles within such area.

Increases the one and one-quarter percent of the fair appraised value the amount payable to the State of Minnesota with respect to lands within the Superior National Forest.

H.R. 9096. September 14, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to set forth provisions for the licensing of pay television stations by the Federal Communications Commission.

H.R. 9097. September 14, 1977. Education and Labor. Prohibits the sexual exploitation of children by making it unlawful for any individual to (1) cause or permit a child to be photographed or filmed engaged in a sexual act prohibited under this Act; (2) photograph or film a prohibited sexual act; (3) knowingly transport a film or photograph depicting a prohibited sexual act; or (4) receive for sale or sell any such film or photograph, if such individual knows or should know such film or photograph has or may be transported in such a manner as to affect interstate or foreign commerce.

H.R. 9098. September 14, 1977. Small Business. Amends the Small Business Act to establish the Division of Advocacy, Economic Research and Analysis within the Small Business Administration. Enunciates a national small business economic policy and requires that the President annually assess the capital needs of small business.

Creates the Small Business Economic Council to advise the President of the impact of Federal programs on small business and to maximize the cooperation between the administration and other Federal departments and agencies.

H.R. 9099. September 14, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 9100. September 14, 1977. Ways and Means. Amends the Internal Revenue Code to allow tax-exempt private foundations to treat as confidential, and not to list in required annual reports, the name and address of any indigent or needy recipient of charitable gifts or grants amounting to $1,000 or less during the taxable year.

H.R. 9101. September 14, 1977. Veterans' Affairs. Provides for payment of a supplemental tuition allowance to each qualified veteran upon application to the Administrator of Veterans' Affairs.

H.R. 9102. September 14, 1977. International Relations. Amends the Foreign Assistance Act of 1961 to prohibit the assignment of members of the United States Armed Forces to South Africa.

H.R. 9103. September 14, 1977. International Relations. Prohibits the sale or licensing for export to South Africa of defense articles or services under the Arms Export Control Act. Prohibits the exportation to South Africa of articles controlled under the Export Administration Act of 1969 if such articles could be used for military, law enforcement, or internal security purposes. Prohibits the issuing of licenses for export to or distribution within South Africa of any source material, special nuclear material, byproduct material, production facility, utilization facility, or restricted data, under the Atomic Energy Act of 1954.

H.R. 9104. September 14, 1977. Ways and Means. Amends the Tariff Schedules of the United States to prohibit the importation of certain coal and uranium articles from South Africa.

H.R. 9105. September 14, 1977. Judiciary. Authorizes the President to appoint an Associate Attorney General who is to perform the duties of the Attorney General when neither the Attorney General nor the Deputy Attorney General is available.

H.R. 9106. September 14, 1977. Banking, Finance and Urban Affairs. Revises: (1) the power of national banks to purchase, hold, and convey real property; (2) trust powers of national banks; and (3) emergency restrictions on Federal Reserve banks. Directs the Comptroller of the Currency to disburse the liquidating dividends from national banks closed on or before January 22, 1934, known as the National Bank Closed Receivership Fund held by the Comptroller in the capacity as successor to receivers of those banks.

H.R. 9107. September 14, 1977. Education and Labor. Established a National Center for the Handicapped within the Office of the Secretary of the Department of Health, Education, and Welfare to serve as a national educational, research, and service model for the handicapped.

Directs the Center to (1) establish model educational and rehabilitation centers; (2) develop education programs and teach employment skills; (3) perform and expand research activities; and (4) develop programs and train educational and rehabilitation staff personnel.

H.R. 9108. September 14, 1977. Merchant Marine and Fisheries. Establishes a Commercial Fisheries Development Fund to be used by the Secretary of Commerce to make loans for the improvement of commercial fisheries facilities and vessels.

Establishes within the National Oceanic and Atmospheric Administration an Associate Administration for an Office of Commercial Fisheries Development.

Directs the Secretary to establish a Fisheries Development Board to promote markets for fish and fish products.

Directs the Secretary to assess the need for a fish and fish products inspection program.

Directs the Secretary to assist fisheries cooperatives.

H.R. 9109. September 14, 1977. Ways and Means. Amends the Internal Revenue Code to provide that State and local government retirement systems shall be tax exempt organizations. Exempts those systems from the reporting requirements pertaining to deferred compensation. Treats all such systems as qualified pension plans under the Code.

H.R. 9110. September 14, 1977. Judiciary. Amends the Indochina Migration and Refugee Assistance Act of 1975 to extend through 1980 funds for the provision of financial, medical, employment, and relocation assistance to refugees from Cambodia, Vietnam, or Laos.

H.R. 9111. September 14, 1977. Interstate and Foreign Commerce. Prohibits the Fed-

eral Communications Commission from denying an applicant renewal of a station license, due to a violation of FCC rules regarding billing practices, without determining whether the directors of such stations were directly involved in violating such rules and without considering the value of the applicant's programming services.

H.R. 9112. September 14, 1977. Judiciary. Relieves a certain individual of liability to the United States for penalties assessed and judgments rendered against him under the Internal Revenue Code; and directs the Secretary of the Treasury to repay such individual amounts already collected from him.

H.R. 9113. September 14, 1977. Judiciary. Permits a certain individual to be admitted to the United States for permanent residence if such individual is found to be otherwise admissible under the provisions of the Immigration and Nationality Act.

H.R. 9114. September 14, 1977. Judiciary. Directs the Secretary of the Treasury to pay a certain individual a sum representing life insurance benefits under the Veterans' Administration policy of her deceased husband.

H.R. 9115. September 14, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 9116. September 15, 1977. Veterans' Affairs. Requires the Administrator of Veterans' Affairs to pay a monthly pension of $150 to each veteran of World War I who meets specified service requirements, or to the surviving spouse (who meets specified requirements), or when there is no surviving spouse, to the child or children (who meet specified requirements).

H.R. 9117. September 15, 1977. Ways and Means. Amends the Internal Revenue Code to exclude from the minimum tax any gain realized from any sale of: (1) substantially all the assets of any trade or business (including farming) owned by the taxpayer for the 5-year period ending on the sale date; or (2) all the stock of a corporation owned by the taxpayer if his or her holdings on the sale date amount to at least 50 percent of the total fair market value of all stock of such corporation, if such sale of assets or stock is pursuant to a binding contract entered into before October 4, 1976.

H.R. 9118. September 15, 1977. Ways and Means. Amends the Internal Revenue Code to provide that State and local government retirement systems shall be tax exempt organizations. Exempts those systems from the reporting requirements pertaining to deferred compensation. Treats all such systems as qualified pension plans under the Code.

H.R. 9119. September 15, 1977. Education and Labor; Government Operations. Directs the General Accounting Office to create a jobs protection study task force to report on the policies of the executive branch, including those with regard to foreign trade, illegal aliens, environmental protection and Government paperwork, which are costing citizens employment in the private sector and to suggest specific alternative policies which will provide protection of private employment.

H.R. 9120. September 15, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to establish the Tallgrass Prairie National Park and the Tallgrass Prairie National Preserve in the State of Kansas.

H.R. 9121. September 15, 1977. Veterans' Affairs. Provides that representatives of the Polish Legion of American Veterans are recognized as claims agents for claims arising under laws administered by the Veterans' Administration.

H.R. 9122. September 15, 1977. Judiciary. Amends provisions specifying fees and allowances for Federal court witness to, among other changes, (1) increase the per diem fee to $30, (2) replace the set travel allowance with guidelines directing reimbursement for actual expenses of public transportation and granting allowances for private transportation equal to those granted to Federal employees, (3) replace set subsistance allowances with the subsistance allowance granted Federal employees and (4) deny fees and allowances to deportable and certain other aliens.

H.R. 9123. September 15, 1977. Judiciary. Prohibits a person from invoking jurisdiction based on diversity of citizenship in any Federal district court in the State of which he is a citizen.

Limits venue in diversity of citizenship-based actions to the district where all defendants reside or the district where the claim arose.

H.R. 9124. September 15, 1977. Education and Labor. Prohibits the sexual exploitation of children by making it unlawful for any individual to (1) cause or permit a child to be photographed or filmed engaged in a sexual act prohibited under this Act; (2) photograph or film a prohibited sexual act; (3) knowingly transport a film or photograph depicting a prohibited sexual act; or (4) receive for sale or sell any such film or photograph, if such individual knows or should know such film or photograph has or may be transported in such a manner as to affect interstate or foreign commerce.

H.R. 9125. September 15, 1977. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to make loans to certain municipalities for the construction and operation of nonprofit clinics for the spaying and neutering of dogs and cats.

H.R. 9126. September 15, 1977. Ways and Means. Amends the Internal Revenue Code to establish identical income tax rates for single persons and married couples filing joint returns. Limits the earned income that must be reported by a married person filing a separate return to the amount actually earned by that individual.

H.R. 9127. September 15, 1977. Banking, Finance and Urban Affairs. Extends the supervisory authority of Federal agencies which regulate depository institutions.

Prohibits interlocking director and management relationships between financial institutions.

Prohibits any State nonmember insured bank from operating any foreign branch without prior written consent of the Federal Deposit Insurance Corporation.

Prohibits conflicts of interests involving officials of financial supervisory agencies.

Amends the Federal Credit Union Act to restructure the National Credit Union Administration.

Regulates letters of credit issued by commercial banks.

H.R. 9128. September 15, 1977. Government Operations. Amends the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to assign surplus Federal real property to the Secretary of Commerce for disposal of such property to States and local areas threatened by unemployment as a result of the closing of Federal facilities. Requires that such property be used by the transferees for economic development purposes.

H.R. 9129. September 15, 1977. Government Operations. Amends the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to assign surplus Federal real property to the Secretary of Commerce for disposal of such property to States and local areas threatened by unemployment as a result of the closing of Federal facilities. Requires that such property be used by the transferees for economic development purposes.

H.R. 9130. September 15, 1977. House Administration; Government Operations. Makes the official papers of the President the property of the United States. Amends the Freedom of Information Act to cover public access to presidential papers.

H.R. 9131. September 15, 1977. Ways and Means. Amends the Internal Revenue Code to: (1) reduce the individual income tax rates; (2) increase the maximum general tax credit; (3) allow a limited income tax exclusion for interest earned on withdrawable accounts and securities; (4) and increase the personal exemption amount to $1,000.

H.R. 9132. September 15, 1977. Judiciary. Amends the Clayton Antitrust Act to entitle the United States, natural persons, and State attorneys general acting as parens patriae for persons residing within the State to bring civil actions under such Act for injury in fact, whether direct or indirect.

H.R. 9133. September 15, 1977. Judiciary. Amends the Indochina Migration and Refugee Assistance Act to authorize an additional $160,000,000 for providing financial, medical, employment, and relocation assistance to refugees from Cambodia, Vietnam, and Laos.

Requires the Secretary of Health, Education, and Welfare to annually report to certain congressional committees on the status of such refugees.

H.R. 9134. September 15, 1977. Judiciary. Amends the Indochina Migration and Refugee Assistance Act to authorize an additional $160,000,000 for providing financial, medical, employment, and relocation assistance to refugees from Cambodia, Vietnam, and Laos.

Requires the Secretary of Health, Education, and Welfare to annually report to certain congressional committees on the status of such refugees.

H.R. 9135. September 15, 1977. Interior and Insular Affairs. Establishes the Jackson Hole Scenic Area in the State of Wyoming. Creates the Jackson Hole Scenic Area Commission to formulate a plan for the designation and acquisition of lands for such Area and to carry out the plan upon its adoption.

H.R. 9136. September 15, 1977. Public Works and Transportation. Prohibits the Secretary of the Army from determining a certain cabin site at Conchas Lake, New Mexico, to be in excess of project needs prior to 1996, unless such determination is agreed to by the Governor of New Mexico.

Prohibits the Secretary from requiring the removal or sale and purchase of cabins or other privately owned improvements unless agreed to by the Governor of New Mexico.

H.R. 9137. September 15, 1977. Post Office and Civil Service. Provides for the arbitration of disputes between the Postal Service and recognized organizations of Postal Service managerial personnel other than officers, postmasters, and employees engaged in personnel work in Postal Service headquarters. Identifies as subject to arbitration under this Act issues relating to pay policies, fringe benefits, and the determination of whether or not a matter is subject to participation by such organization. Establishes an arbitration board to consider a dispute upon the request of the Postal Service or such recognized organization.

H.R. 9138. September 15, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals aged 62 and over a refundable income tax credit for increases in real property taxes and utility bills.

H.R. 9139. September 15, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for certain clinical psychologists' services under the supplemental medical insurance program.

H.R. 9140. September 15, 1977. Ways and Means. Amends the Internal Revenue Code to authorize any taxpayer to elect to have any portion of any overpayment of tax or any contribution in money which the taxpayer forwards with the return for such taxable year be available, as the taxpayer may

designate on such return, for the National Endowment for the Arts of the National Endowment for the Humanities.

H.R. 9141. September 15, 1977. Banking, Finance and Urban Affairs. Prescribes procedures and standards governing the disclosure of customer records by financial institutions to Federal agencies.

H.R. 9142. September 15, 1977. Banking, Finance and Urban Affairs. Prescribe proceduces and standards governing the disclosure of customer records by financial institutions to Federal agencies.

H.R. 9143. September 15, 1977. Agriculture. Amends the Agricultural Adjustment Act of 1939 to provide for emergency allotment lease and transfer of tobacco allotments or quotas for 1977 in certain disaster areas in South Carolina.

H.R. 9144. September 15, 1977. Interstate and Foreign Commerce. Prohibits franchisors from prematurely cancelling or failing to renew motor fuel franchises unless written notification is provided and the franchisee has failed to comply with reasonable terms of the agreement.

H.R. 9145. September 15, 1977. Banking, Finance and Urban Affairs. Amends the United States Housing Act of 1937 to authorize the Secretary of Housing and Urban Development to make assistance payments for the purpose of aiding any lower-income family in making rental payments with respect to real property on which is located a mobile home owned by such family and utilized by such family as its principal place of residence.

H.R. 9146. September 15, 1977. Post Office and Civil Services; Rules. Directs the Postal Service to submit to Congress (previously to the Postal Rate Commission) any proposed change in the level or types of postal service which has nationwide impact. Requires any statement of proposed change so submitted to include an estimate of the impact of such change upon the public, business mail users, service levels, postal finances, and postal employment.

H.R. 9147. September 15, 1977. Ways and Means. Amends the Internal Revenue Code to postpone from 1978 to 1980 the termination of the 60 month, straight line depreciation deduction for rehabilitating low-income rental housing.

H.R. 9148. September 15, 1977. Ways and Means. Amends the Internal Revenue Code to: (1) remove the adjusted gross income limitation on the credit for the elderly; (2) increase the amount of the credit; and (3) provide an annual cost-of-living adjustment for the credit.

H.R. 9149. September 15, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 9150. September 15, 1977. Judiciary. Declares three individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9151. September 15, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9152. September 15, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to certain individuals in full settlement of such individuals' claims against the United States.

H.R. 9153. September 16, 1977. Banking, Finance and Urban Affairs. Establishes the National Neighborhood Reinvestment Corporation to continue and expand upon the work of the urban reinvestment task force.

H.R. 9154. September 16, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act to require the negotiation of division of revenues agreements between the Consolidated Rail Corporation (ConRail) and designated operators providing rail freight service over lines which connect with ConRail properties.

H.R. 9155. September 16, 1977. Small Business. Amends the Small Business Act to authorize the Small Business Administrator to offer reinsurance against excess losses resulting from products liability claims or completed operations claims against small business concerns.

H.R. 9156. September 16, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deduction to any taxpayer engaged in the manufacture, inportation, distribution, lease, or sale of any product for contributions to his product liability loss reserve account.

H.R. 9157. September 16, 1977. Education and Labor. Provides for basic Indian education plans to be implemented on local levels by government and tribal officials to establish basic standards of education for government assistance to local systems educating reservation children. Mandates a nationwide policy of promoting local Indian control over basic Indian education. Establishes the Office of Indian Education Programs to coordinate all Bureau of Indian Affairs activities relating to education. Requires the promulgation of comprehensive regulations to coordinate projects relating to Indian education and to implement the policy of increasing Indian control and the quality of Indian education.

H.R. 9158. September 16, 1977. Education and Labor. Provides for the funding, construction, planning and operation of Indian community colleges.

H.R. 9159. September 16, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to provide an outpatient dispensary facility in Broward County, Florida, for veterans entitled to medical services.

H.R. 9160. September 16, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to make lump-sum bonus payment to each qualified World War II veteran.

H.R. 9161. September 16, 1977. Post Office and Civil Service. Provides for the arbitration of disputes between the Postal Service and recognized organizations of Postal Service managerial personnel other than officers, postmasters, and employees engaged in personnel work in Postal Service headquarters. Identifies as subject to arbitration under this Act issues relating to pay policies, fringe benefits, and the determination of whether or not a matter is subject to participation by such organization. Establishes an arbitration board to consider a dispute upon the request of the Postal Service or such recognized organization.

H.R. 9162. September 16, 1977. Ways and Means. Imposes an annual import quota on steel mill products, and other steel products.

H.R. 9163. September 16, 1977. Education and Labor. Allows the children of parents employed on Federal property who attend school in a State contiguous to the State in which such property is located to be counted in determining the aid entitlement of the local educational agency having jurisdiction over such school.

H.R. 9164. September 16, 1977. Agriculture. Amends the Agricultural Adjustment Act, as amended by the Agricultural Marketing Agreement Act, to subject imported tomatoes to restrictions comparable to those applicable to domestic tomatoes.

H.R. 9165. September 16, 1977. International Relations. Authorizes the Secretary of State to acquire a statute or bust of George C. Marshall and place it in the Department of State.

Establishes a noncompensated Commission under the direction of the Secretary to select a sculptor and select the size, style, design, and material of such statute or bust.

H.R. 9166. September 16, 1977. Government Operations. Establishes a Department of Education within the executive branch. Transfers to the Secretary of Education educational functions of various Federal offices including the Office of Education, the Office of Economic Opportunity, the Department of Health, Education, and Welfare and the Department of Defense.

H.R. 9167. September 16, 1977. Post Office and Civil Service. Establishes procedures for taking the decennial census. Directs the Secretary of Commerce to conduct mid-decade censuses.

Directs the Secretary to establish a Division of Evaluation within the Bureau of the Census to evaluate censuses.

H.R. 9168. September 16, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deduction of up to $1,500 for household expenses to any taxpayer who maintains a household in which a dependent aged 65 or over resides.

H.R. 9169. September 16, 1977. Merchant Marine and Fisheries. Amends the Merchant Marine Act, 1936, to make Federal ship mortgage insurance available for obligations for fishing vessels which do not exceed 87½ percent of the actual or depreciated cost of such vessels.

H.R. 9170. September 16, 1977. Armed Services. Grants survivor benefits to dependents of present or former members of the armed forces who die before becoming entitled to retired pay for non-regular service.

H.R. 9171. September 16, 1977. Armed Services. Grants survivor benefits to dependents of present or former members of the armed forces who die before becoming entitled to retired pay for non-regular service.

H.R. 9172. September 16, 1977. Ways and Means. Delays for six months the effective date of the increase in the hospital deductible for 1978 under the hospital insurance program of Title XVIII (Medicare) of the Social Security Act.

H.R. 9173. September 16, 1977. Education and Labor. Authorizes the enrollment of qualified Klamath Indians in Bureau of Indian Affairs residential schools or institutes of higher education, and establishes their eligibility for scholarship aid while enrolled at institutions of higher education not operated by the Bureau.

H.R. 9174. September 16, 1977. Veterans' Affairs. Designates service as a member of the Women's Air Forces Service Pilots as active duty for the purposes of all laws administered by the Veterans' Administration.

H.R. 9175. September 16, 1977. Interior and Insular Affairs; Merchant Marine and Fisheries. Declares that the fishing and hunting laws and regulations of the State of Washington shall apply to Indians and Indian tribes (except on Indian reservations or on ceremonial occasions) in the same manner and to the same extent as such laws and regulations apply to other persons.

H.R. 9176. September 16, 1977. Judiciary. Entitles a certain employee of the United States Postal Service to credit for a specified period of service for purposes of the administration of certain seniority rights.

H.R. 9177. September 16, 1977. Judiciary. Directs the Attorney General to adjust the status of two individuals to that of aliens lawfully admitted to the United States for permanent residence.

H.R. 9178. September 19, 1977. Ways and Means. Amends the Internal Revenue Code with respect to investment indebtedness to: (1) repeal the provision of the Tax Reform Act of 1976 which limits the interest deduction to $10,000 ($5,000, in the case of a separate return by a married individual); and (2) restore the former Code provision which limited the interest deduction to $25,000 ($12.500, in the case of a separate return by a married individual).

H.R. 9179. September 19, 1977. International Relations. Amends the Foreign Assist-

ance Act of 1961 with respect to the Overseas Private Investment Corporation (1) to revise the criteria for insurance and financing assistance, (2) to repeal certain limitations on granting investment insurance, (3) to prohibit direct investment loans for oil or gas extraction, (4) to require the Corporation to prepare Development Impact Profiles for development projects to which it grants insurance or other assistance, and (5) to prohibit insurance payments for any investor responsible for an act of bribery.

H.R. 9180. September 19, 1977. Ways and Means; Interstate and Foreign Commerce. Amends the Social Security Act to require the development and promulgation of standards relating to the rights of patients to be met by health care institutions participating in programs under Titles XVIII (Medicare) and XIX (Medicaid) of such Act.

Enumerates the guaranteed rights of patients receiving care or treatment in such institutions. Establishes enforcement procedures and remedies for patients seeking to vindicate their rights.

H.R. 9181. September 19, 1977. Interior and Insular Affairs. States that in computing certain Federal payments to local governments based on amounts of Federal public land within their boundaries, certain amounts of such land which heretofore have been excluded shall be included.

H.R. 9182. September 19, 1977. Ways and Means. Amends the Internal Revenue Code to lower individual and corporate income tax rates.

H.R. 9183. September 19, 1977. Ways and Means. Amends the Internal Revenue Code to provide an income tax credit for expenses incurred in the conversion of farm and ranch land into qualified wind erosion control or wildlife habitat areas.

H.R. 9184. September 19, 1977. Ways and Means. Amends Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to make benefits under such Title payable to a resident alien only if such alien has continuously resided in the United States for at least six years.

Directs the Secretary of Health, Education, and Welfare to establish procedures to prevent payment of benefits to individuals who become ineligible due to their departure from the United States.

H.R. 9185. September 19, 1977. Agriculture. Classified as plant pests the water weeds hydrilla and hyacinth, and authorizes the Secretary of Agriculture to carry out operations to detect, eradicate, suppres, control, or prevent or retard their spread.

H.R. 9186. September 19, 1977. Merchant Marine and Fisheries. Amends the Panama Canal Zone Code to prescribe procedures preventing Presidential dispositions of land within the zone without aproval of both Houses of Congress.

H.R. 9187. September 19, 1977. Ways and Means. Removes the limitation on the amount of outside income which an individual may earn while receiving benefits under Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act.

H.R. 9188. September 19, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals aged 62 and over a refundable income tax credit for increases in real property taxes and utility bills.

H.R. 9189. September 19, 1977. Judiciary. Prohibits commerce in contraband cigarettes and defines "contraband cigarettes."

Subjects dealers in cigarettes to such reporting requirements as the Secretary of the Treasury may prescribe.

H.R. 9190. September 19, 1977. Armed Services; Interior and Insular Affairs; Interstate and Foreign Commerce. Amends the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to require the transfer of radioactive waste products to Federal repositories under the authority of the Nuclear Regulatory Commission.

Requires the Energy Research and Development Administration to restore the background radiation at abandoned uranium mines and mill sites to levels which existed before operations commenced at such sites.

Authorizes States to exercise concurrent authority regarding radioactive waste storage if the State requirements impose additional or more stringent standards for the construction of operation of such facilities.

H.R. 9191. September 19, 1977. Judiciary. Expands Federal government liability for the acts of its officers who routinely perform investigative, inspection, or law enforcement functions to include certain intentional and ministerial acts.

States that such liability shall be exclusive and preclude any remedy against officers individually.

Directs the Attorney General to pay the attorney fees incurred by such an officer in connection with a criminal investigation into such officer's official actions.

H.R. 9192. September 19, 1977. Ways and Means. Amends the Internal Revenue Code to provide that the general rules for banks that sales of debt instruments are not sales of capital assets, and that foreclosures of secured property do not cause recognized gains or losses, shall also apply to banks for farm cooperatives.

H.R. 9193. September 19, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to exempt certain transportation and sales of natural gas to municipalities from the provisions of such Act.

H.R. 9194. September 19, 1977. Education and Labor; Post Office and Civil Service. Amends the Age Discrimination in Employment Act of 1967 to (1) raise the maximum age of individuals protected under such Act to 70; (2) make unlawful seniority systems and employee benefit plans requiring individuals to retire because of age; (3) include Federal workers 40 or over within the protection afforded personnel actions under such Act notwithstanding other provisions of Federal law; (4) forbid the Civil Service Commission from creating exemptions allowing Federal agencies and the Postal Service to require an individual to retire because of age; (5) direct such Commission to study the effects of this Act; and (6) require the Secretary of Labor to conduct a feasibility study of eliminating the upper age limits protected under such Act.

H.R. 9195. September 19, 1977. Judiciary. Prohibits the admission of any immigrant unless a United States citizen has agreed in writing to sponsor such immigrant and to reimburse the Federal, State, or local government for financial support or medical treatment provided to the immigrant during the five year period after entering the United States.

H.R. 9196. September 19, 1977. Banking, Finance and Urban Affairs. Amends the Equal Credit Opportunity Act to prohibit discrimination against any applicant for credit on the basis of the geographic location of the applicant's residence or the applicant's occupation or title.

H.R. 9197. September 19, 1977. Ways and Means. Amends the Second Liberty Bond Act to repeal the public debt limit.

H.R. 9198. September 19, 1977. Education and Labor. Amends the National Labor Relations Act to enable a party to an express or implied no-strike, no-picket, or no-lockout agreement between an employer and a labor organization to petition any district court of the United States for temporary injustice relief to prevent any person from engaging in or inducing conduct in breach of such agreement.

H.R. 9199. September 19, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to establish a loan program to provide financial assistance to drought-affected water districts and to provide Federal assistance to water districts for acquisition and installation of residential and agricultural water conservation devices and equipment.

H.R. 9200. September 19, 1977. Interstate and Foreign Commerce. Amends the International Travel Act of 1961 to establish the National Travel Service Registration Advisory Council within the Department of Commerce. Directs the Secretary of Commerce to establish minimum criteria for receiving a travel services registration certificate. Prohibits an individual from engaging in the business of selling travel or travel services unless such individual has received such a certificate.

H.R. 9201. September 19, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals a deduction for 75 percent of the aggregate amount paid or accrued during the taxable year to rent their principal residence.

H.R. 9202. September 19, 1977. Post Office and Civil Service. Permits National Guard technicians who served before 1969, and were separated after 1963 but before the date of enactment of this Act, to be credited with such service for purposes of civil service retirement, and computing leave, health insurance, severance pay, tenure, and status.

H.R. 9203. September 19, 1977. Interior and Insular Affairs; Interstate and Foreign Commerce. Establishes administrative procedures for expedited decisionmaking by the Secretary of the Interior in selection of a transportation system to supply Alaskan crude oil to Northern Tier, gulf coast, and inland States. Limits the scope of judicial review of such administrative decisionmaking.

H.R. 9204. September 19, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9205. September 19, 1977. Judciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9206. September 20, 1977. Ways and Means. Amends the Internal Revenue Code to: (1) remove the adjusted gross income limitation on the credit for the elderly; (2) increase the amount of the credit; and (3) provide an annual cost-of-living adjustment for the credit.

H.R. 9207. September 20, 1977. Ways and Means. Amends the Internal Revenue Code to: (1) remove the adjusted gross income limitation on the credit for the elderly; (2) increase the amount of the credit; and (3) provide an annual cost-of-living adjustment for the credit.

H.R. 9208. September 20, 1977. Armed Services; Post Office and Civil Service. Prohibits union organizing and membership in the armed forces. Sets forth criminal penalties for violations of this Act.

H.R. 9209. September 20, 1977. Interior and Insular Affairs. Enlarges the boundary of Fort Caroline National Memorial, Florida.

HR.. 9210. September 20, 1977. Ways and Means. Amends the Internal Revenue Code to treat as a scholarship and to exclude from gross income any amounts received by an individual under the Armed Forces health professions scholarship program or the National Health Service Corps scholarship program.

H.R. 9211. September 20, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to prohibit the Administrator of the Environmental Protection Agency from making grants to States or municipalities for treatment works unless the grant applicant has demonstrated to the Administer that it has studied and evaluated new waste water treatment processes and

methods of joint treatment systems for municipal and industrial waste.

Increases the Federal share of grants for certain treatment works.

Directs the Administrator to publish guidelines for identifying and evaluating new wastewater treatment processes.

Limits the amount of funds which may be expended by States for increasing grants for construction of treatment works.

H.R. 9212. September 20, 1977. Agriculture. Establishes the Federal Farm Assistance Corporation, within the Department of Agriculture, and authorizes the Corporation to negotiate for and purchase farmland or units which may come on the market.

Allows lease of such farm units to eligible applicants, and directs the Corporation's Board of Directors to approve the sale to the lessee of such farm units upon a determination that the lessee can successfully manage and operate such farm unit.

H.R. 9213. September 20, 1977. Agriculture. Repeals the Federal Crop Insurance Act. Establishes, within the Department of Agriculture, the Farm Production Protection Corporation, and empowers such Corporation to protect producers of agricultural products against loss of production cost due to unavoidable natural causes.

H.R. 9214. September 20, 1977. Banking, Finance and Urban Affairs. Amends the Bretton Woods Agreement Act to authorize the Secretary of the Treasury to make resources available for United States patricipation in the Supplementary Financing Facility of the International Monetary Fund.

H.R. 9215. September 20, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to authorize the Secretary of Transportation to guarantee securities and obligations issued by a railroad in reorganization to State and local taxing authorities to secure the railroad's tax obligations when the Consolidated Rail Corporation, the United States Railway Association, or the Federal Government asserts a superior interest in payment out of the estate of such railroad during reorganization or liquidation proceedings under the Bankruptcy Act.

H.R. 9216. September 20, 1977. Post Office and Civil Service. Establishes the rate of postage for any controlled circulation publication relating to agriculture or farming at an amount which bears the same ratio to the general postage rate for controlled circulation publications as the rate of postage for any publication relating to the science of agriculture bears to the rate of postage for second-class mail.

H.R. 9217. September 20, 1977. Public Works and Transportation. Authorizes the Secretary of Transportation to make financial assistance available to States to rehabilitate unsafe highway bridges. Establishes the Federal share of a bridge replacement of rehabilitation project. Amends the Highway Safety Act of 1976 to authorize appropriations from the Highway Trust Fund for bridge replacement and rehabilitation projects.

H.R. 9218. September 20, 1977. Ways and Means. Amends the Internal Revenue Code to provide that artistic compositions, copyrights, and the like shall not be included in the estate tax valuation of the creator's estate.

H.R. 9219. September 20, 1977. Ways and Expands Federal Government liability for the acts of its agents to include certain intentional and ministerial acts, such as assault, false arrest, malicious prosecution, and wrongful invasion of privacy.

States that such liability shall be exclusive and preclude any remedy against agents individually.

H.R. 9220. September 20, 1977. Veterans' Affairs. Defines members of the United States military forces occupation of Germany between November 12, 1918, and April 1, 1920, as veterans of World War I and entitles them to the same benefits enjoyed by veterans who served in Russia between those dates.

H.R. 9221. September 20, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the carryover basis provisions enacted by the Tax Reform Act which provide that beneficiaries receiving property from a decedent's estate will retain the decedent's basis in the property. Restores prior law which "stepped up" or "stepped down" the property's basis to its market value at the time of death without imposing tax consequences on the appreciation or depreciation the property underwent while held by the decedent.

H.R. 9222. September 20, 1977. Judiciary. Amends the Indochina Migration and Refugee Assistance Act of 1975 to extend through 1980 funds for the provision of financial, medical, employment, and relocation assistance to refugees from Cambodia, Vietnam, or Laos.

H.R. 9223. September 20, 1977. International Relations. Amends the Arms Export Control Act to extend the period of time and to revise the method for computing the period of time during which Congress may object to a proposed sale under such Act.

H.R. 9224. September 20, 1977. Banking, Finance and Urban Affairs. Extends assistance for purposes of rehabilitation of historic structures under the following housing programs: (1) Federal insurance of rehabilitation loans program; (2) direct loans for rehabilitation; and (3) urban renewal rehabilitation loan program.

H.R. 9225. September 20, 1977. Judiciary. Prohibits as a defense in any proceeding against any person for violation of any law of the United States a claim that such person was under compulsion by a foreign state to act or fail to act, in violation of such law.

H.R. 9226. September 20, 1977. Interstate and Foreign Commerce. Declares the Grand Neosho River, Oklahoma, to be nonnavigable above Fort Gibson, Oklahoma.

H.R. 9227. September 20, 1977. Interstate and Foreign Commerce. Authorizes the Secretary of Transportation to purchase railroad rights-of-way and to enter into agreements with the selling railroad for the provision of rail services over such rights-of-way by the railroad. Authorizes the Secretary to conduct projects to rehabilitate and improve such rights-of-way for the purpose of providing jobs for unemployed persons.

H.R. 9228. September 20, 1977. Judiciary. Directs the Secretary of the Treasury to pay a certain area council of the Boy Scouts of America a specified sum as reimbursement for expenses incurred by it in reconstructing a portion of a National Forest road.

H.R. 9229. September 20, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9230. September 20, 1977. Judiciary. Declares three individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9231. September 20, 1977. Judiciary. Declares two individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9232. September 21, 1977. Appropriations. Rescinds specified funds appropriated under the Department of Defense Appropriation Act, 1977, for aircraft procurement by the Air Force and specified funds appropriated for missile procurement by the Air Force under such Act, as contained in the message of the President of July 19, 1977 (H. Doc. 95–187).

H.R. 9233. September 21, 1977. Appropriations. Rescinds specified funds appropriated under the Department of Defense Appropriation Act, 1977, for missile procurement by the Air Force as contained in the message of the President of July 26, 1977 (H. Doc. 95–197).

H.R. 9234. September 21, 1977. Interior and Insular Affairs. Compensates the Alabama-Coushatta Tribes of Texas and the Coushatta Tribe of Louisiana for expired claims with an unspecified sum of money to be paid by the Secretary of the Treasury.

H.R. 9235. September 21, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 9236. September 21, 1977. Government Operations. Requires each Federal agency to take steps which will improve the uniformity, speed, and comprehensiveness of such agency's response to citizen complaints and inquiries.

H.R. 9237. September 21, 1977. Post Office and Civil Service. Repeals the Postal Reorganization Act. Re-enacts provisions relating to the postal services which were in effect immediately prior to the enactment of such Act.

H.R. 9238. September 21, 1977. Ways and Means. Amends the Internal Revenue Code to lower the corporate normal taxes and increases the surtax exemption.

H.R. 9239. September 21, 1977. Ways and Means. Amends the Internal Revenue Code to allow up to a $200 income tax deduction for one-half of the expenses incurred for the installation and purchase of a teletypewriter for use by individuals whose sight, hearing, or speech is impaired.

H.R. 9240. September 21, 1977. Post Office and Civil Service. Increases the authorized maximum uniform allowance for Federal employees to $300 per year.

H.R. 9241. September 21, 1977. Post Office and Civil Service. Designates the anniversary of Martin Luther King Junior's birth, January 15, as a legal public holiday.

H.R. 9242. September 21, 1977. Government Operations. Requires each rule proposed by any Federal agency and legislation in Congress which may have a significant impact on costs to the public to be accompanied by a Regulatory Cost/Benefit Assessment. Permits emergency agency rules to be promulgated without such an assessment, provided one is prepared within 60 days of promulgation. Requires agencies to review existing rules upon their own motion or upon petition of any interested person to compare costs and benefits.

H.R. 9243. September 21, 1977. Ways and Means. Declares it the policy of Congress that access to the United States market for foreign-produced carbon and specialty steel mill products and other steel products should be limited. Directs that beginning January 1, 1978, and each year thereafter, steel imports be limited by an amount to be determined by the Secretaries of Labor and Commerce, and such other official as the President may designate, to a degree which will insure certain economic results.

Declares it the intent of Congress that steel imports should be substantially reduced.

H.R. 9244. September 21, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XI (General Provisions) of the Social Security Act to require the participation of optometrists in the activities of the National Professional Standards Review Council and of local professional standards review organizations.

H.R. 9245. September 21, 1977. Veterans'

Affairs. Extends from ten to fifteen years the delimiting period in which a veterans' educational assistance may be used.

H.R. 9246. September 9, 1977. Judiciary. Amends the Indochina Migration and Refugee Assistance Act of 1975 to extend through 1980 funds for the provision of financial, medical, employment, and relocation assistance to refugees from Cambodia, Vietnam, or Laos.

H.R. 9247. September 22, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals a limited, nonrefundable income tax credit for expenses incurred for the higher education of the taxpayer, his spouse or dependents.

H.R. 9248. September 22, 1977. Banking, Finance and Urban Affairs. Amends the United States Housing Act of 1937 to make mobile home parks for the low-income elderly and handicapped eligible for grants under such Act.

H.R. 9249. September 22, 1977. Agriculture. Requires, under the Federal Meat Inspection Act, that imported meat and meat food products made in whole or part from imported meat be labeled "imported" or "imported in part" at all stages of distribution until reaching the ultimate consumer.

Prohibits the importation of any dairy product into the United States unless it has been inspected and found to be wholesome and unless the foreign farms and plants in which such products were produced comply with all inspection, grading and other standards prescribed by the Secretary of Health, Education, and Welfare.

H.R. 9250. September 22, 1977. Banking, Finance and Urban Affairs. Requires appropriate Federal financial supervisory agencies to develop programs and procedures which will encourage financial institutions to help meet the credit needs of the local communities in which they are chartered.

H.R. 9251. September 22, 1977. Ways and Means. Postpones, until July 1, 1978, the effective date of the International Revenue Service's Revenue Ruling 76–453 which holds that: (1) transportation expenses between an individual's residence and temporary place of work are not deductible; and (2) reimbursement for such expenses by employers is includible in gross income.

H.R. 9252. September 22, 1977. International Relations. Amends the Export Administration Act of 1969 to prohibit exportation to Uganda of articles subject to control under such Act.

H.R. 9253. September 22, 1977. Ways and Means. Amends the International Coffee Agreement Act of 1968 to prohibit the importation of Ugandan coffee.

H.R. 9254. September 22, 1977. Ways and Means. Prohibits the importation of any article which is the growth, produce, or manufacture of Uganda.

H.R. 9255. September 22, 1977. Armed Services. Increases the minimum grade held by the Chief of the National Guard Bureau from major general to lieutenant general.

H.R. 9256. September 22, 1977. Agriculture. Amends the Federal Meat Inspection Act to permit States to impose inspection, marking, labeling, packaging, and ingredient requirements that are more stringent than Federal Standards.

H.R. 9257. September 22, 1977. Interstate and Foreign Commerce: Interior and Insular Affairs. Establishes administrative procedures for expedited decision-making by the Secretary of the Interior in selection of a transportation system to supply Alaskan crude oil to Northern Tier or inland States. Limits the scope of judicial review of such administrative decision-making.

H.R. 9258. September 22, 1977. Interior and Insular Affairs. Sets forth the purposes and guidelines for the administration of the Central Valley project, California. Authorizes the Secretary of the Interior to enter into fish and wildlife resources agreements regarding the Sacramento-San Joaquin Delta and Suisin Marsh. Sets forth water quality objectives for such project. Authorizes the Secretary to construct specified facilities as part of the Central Valley project. Authorizes the Secretary to study specified facets of the project and to study the feasibility of specified water resources development projects.

H.R. 9259. September 22, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to require the issuance of nonalterable social security cards.

Requires that cards issued to resident aliens who are not permitted to be employed in the United States be marked to indicate such restriction.

Establishes criminal penalties for employers who knowingly hire alien holders of cards which indicate that they may not lawfully engage in employment in the United States.

H.R. 9260. September 22, 1977. Armed Services. Prohibits the Secretaries of the various military departments from making a finding of death with respect to members of the uniformed services in a missing status as a result of service in Southeast Asia unless the next of kin of such a member agree that such a finding be made.

H.R. 9261. September 22, 1977. Judiciary. Entitles a certain individual to receive veterans' educational assistance for a specified period of time.

H.R. 9262. September 23, 1977. Post Office and Civil Service. Allows as creditable service for purposes of civil service retirement up to ten years' service as employee of the Democratic Senatorial Campaign Committee, the Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the Republican National Congressional Committee. Requires any person applying for such retirement credit to have or acquire five or more years of creditable civilian service for civil service retirement purposes.

Requires computation of annuities for Members of Congress resigning between October 1, 1978, and January 3, 1979, to be based on such Member's final basic pay rather than his or her average pay.

H.R. 9263. September 23, 1977. Judiciary. Grants the Court of Claims jurisdiction to render judgments against the United States upon claims for losses other than lost profits sustained by producers, processors, manufacturers, distributors, dealers, or other persons resulting from the ban on apparel, fabric yarn, or fiber containing Tris phosphate.

H.R. 9264. September 23, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence. Permits an owner of rental property to amortize expenditures for the restoration of rental housing.

H.R. 9265. September 23, 1977. Interior and Insular Affairs. Amends the National Trails System Act by requiring the Secretary of the Interior to study the feasibility of designating the Overmountain Men Victory Trail in the States of Tennessee, North Carolina, and South Carolina, as a national scenic trail.

H.R. 9266. September 23, 1977. Veterans' Affairs. Designates service as a member of the Women's Air Forces Service Pilots as active duty for the purposes of all laws administered by the Veterans' Administration.

H.R. 9267. September 23, 1977. Education and Labor; Interstate and Foreign Commerce; Judiciary. Authorizes the Secretary of Health, Education, and Welfare, acting through the Director of the National Institute of Mental Health, to: (1) establish a grant program to support projects which develop methods for the identification, prevention, and treatment of domestic violence; and (2) review existing State laws, practices, and policies relating to domestic violence.

H.R. 9268. September 23, 1977. Education and Labor; Ways and Means; Judiciary. Amends the Immigration and Nationality Act, the Comprehensive Employment and Training Act of 1973, the Internal Revenue Code of 1954, and the Social Security Act: (1) to restrict the illegal entry and prohibit the employment of aliens in the United States; (2) to facilitate the admission of aliens for temporary employment; and (3) to regulate the issuance and use of social security account cards.

H.R. 9269. September 23, 1977. Small Business. Directs the head of each Federal agency to prepare a small business impact statement in connection with each rule made by such agency, unless the agency head, with the approval of the Office of Advocacy of the Small Business Administration, determines that such rule will not have a substantial effect on a significant number of small businesses.

H.R. 9270. September 23, 1977. Ways and Means; Interstate and Foreign Commerce. Requires every employer to offer qualified health care insurance to his employees and their families. Establishes a program of Federal participation to provide qualified health care insurance to low-income, nonemployed and self-employed individuals and their families. Requires the Secretary of Health, Education, and Welfare to pay the full premium for continuation of qualified health care insurance for individuals receiving State or Federal unemployment benefits.

H.R. 9271. September 23, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to enable individuals between age 60 and 65 who are entitled to benefits under the old-age, survivors, and disability insurance program and are presently enrolled in the supplementary medical insurance program of such title to enroll in the program of hospital insurance benefits for the aged and disabled established under part A of such title. Permits an individual who meets such age and entitlement requirements, but who is not presently enrolled in the supplementary medical insurance program, to enroll in such program, and establishes premium rates for such individuals.

H.R. 9272. September 23, 1977. Interstate and Foreign Commerce. Amends the Emergency Petroleum Allocation Act to establish ceiling prices applicable to any first sale of old and new crude oil.

Applies ceiling prices to first sale newly discovered crude oil. Requires monthly adjustments to such prices based on the price of imported crude oil.

Exempts from the provisions of this Act, the first sale price of crude oil produced and sold from any stripper well property.

Permits higher ceiling prices for first sale crude oil if such oil's production presents high costs or risks, or comes from a property applying bona fide tertiary enhanced recover techniques.

H.R. 9273. September 23, 1977. Ways and Means. Declares it the policy of Congress that access to the United States market for foreign-produced carbon and specialty steel mill products and other steel products should be limited.

Directs that beginning January 1, 1978, and each year thereafter, steel imports be limited by an amount to be determined by the Secretaries of Labor and Commerce, and such other officials as the President may designate, to a degree which will insure certain economic results.

Declares it the intent of Congress that steel imports should be substantially reduced.

H.R. 9274. September 23, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals a limited, nonrefundable income tax credit for expenses incurred for the higher education of the taxpayer, his spouse or dependents.

H.R. 9275. September 23, 1977. Public Works and Transportation. Stipulates that nothing in agreements entered into between the Secretary of Transportation and a State highway department for the construction of projects on the Interstate System shall require the removal of establishments serving users of interstate highways if such establishment was in existence before January 1, 1960, is owned by a State, and if all access to, and exits from such establishments conform to specified standards.

H.R. 9276. September 23, 1977. Public Works and Transportation. Declares it the sense of Congress that the proposed toll increases for the St. Lawrance Seaway should not be adopted, and that toll negotiations should be reopened.

H.R. 9277. September 23, 1977. Post Office and Civil Service. Entitles Federal employees under the General Schedule who have held their position for over one year to retain their grade in the event such position is downgraded for reasons beyond the control of such employee. Permits such grade retention for not more than two years, after which time such employee's salary shall remain undiminished. Authorizes the Civil Service Commission to promulgate rules requiring agencies to retrain, give priority consideration for promotion to, and effect placements of such downgraded persons.

H.R. 9278. September 23, 1977. Post Office and Civil Service. States that the aggregate amount of compensation paid to persons employed by a former President during the first 30-month period during which such former President is entitled to staff assistance shall not exceed $150,000 per year. Authorizes adjustments in the aggregate amount of such salaries in proportion to any adjustment in rates of pay under the General Schedule.

H.R. 9279. September 23, 1977. Post Office and Civil Service. Permits Federal employees who have been placed in a lower grade position as the result of a reduction in force to retain their previous, higher grade for a period of two years after such reduction, provided such employee has filled such position for a period of one year before such reduction. Permits an employee whose position has been reduced in grade to retain his or her previous grade for as long as he or she remains in such position. Requires agencies to take steps to place such employees in positions commensurate with the pre-reduction grades of such employees.

H.R. 9280. September 23, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to require an increase in the enrollment of third-year medical students as a condition to medical schools receiving capitation grants.

Authorizes the Secretary of Health, Education, and Welfare to make grants to public or nonprofit institutions which provide graduate or specialized training in public health.

Directs the Secretary to study foreign medical education and the need for and capabilities of foreign-trained physicians in this country.

Authorizes the Secretary to insure loans to individuals who have previously had a federally insured student loan.

H.R. 9281. September 23, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deduction for business expenses to attendance at an unlimited number of foreign conventions or meetings held outside the North American area if the taxpayer establishes that any such meeting is directly related to the active conduct of his trade or business, and that it is more reasonable for such meeting to be held outside the North American area than within it.

H.R. 9282. September 23, 1977. Post Office and Civil Service; Rules. Amends the Legislative Reorganization Act of 1946 to specify that pay adjustments for Members of Congress shall take effect at the beginning of the Congress following the Congress in which they were approved.

Limits the salaries payable to congressional employees.

Revises the procedure whereby rates of pay for Members of Congress shall take effect.

H.R. 9283. September 23, 1977. Ways and Means. Amends the Tariff Schedules of the United States to repeal the duty imposed on articles assembled abroad with components produced in the United States.

H.R. 9284. September 23, 1977. Ways and Means. Amends the Internal Revenue Code to provide an income tax credit for expenses incurred in the conversion of farm and ranch land into qualified wind erosion control or wildlife habitat areas. Provides Federal reimbursement to State and local governments for the real property taxes which would otherwise be collected on such property.

H.R. 9285. September 23, 1977. Banking, Finance and Urban Affairs. Establishes a National Domestic Development Bank to provide an alternative source of funds for community facilities and economic development. Outlines the special authority of the Bank to purchase obligations and make loans to finance construction, or reconstruction to energy efficient standards, of community facilities and public works.

Provides for the establishment of a regional operating division of the Bank and for personnel staffing to supply technical assistance. Provides for capitalization of the Bank and an audit report to Congress. Grants the Bank tax-exempt status, with specified limitations. Provides a partial tax exclusion for individuals for 50 percent of Bank dividends.

H.R. 9286. September 23, 1977. Judiciary; Education and Labor. Prohibits any agency or agent of the United States from issuing, implementing, or enforcing any rule or regulation with respect to quotas related to race, creed, color, national origin, or sex, which requires any individual or entity to take any action with respect to hiring, promotion, or admissions policies or practices.

H.R. 9287. September 23, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9288. September 23, 1977. Judiciary. Declares a certain indiv'dual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9289. September 23, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 9290. September 26, 1977. Ways and Means. Increases the temporary public debt limit until September 30, 1978.

H.R. 9291. September 26, 1977. Merchant Marine and Fisheries. Amends the Endangered Species Act of 1973 to permit the importation of articles composed of endangered or threatened species if such articles are eligible for classification as antiques under the Tariff Schedules.

H.R. 9292. September 26, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to authorize the prospecting, exploration, and development of hardrock deposits in leaseable lands within the United States.

H.R. 9293. September 26, 1977. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to entitle divorced spouses and surviving divorced spouses of railroad employees to an annuity if such an individual was married to the railroad employee for at least 20 years before such divorce.

H.R. 9294. September 26, 1977. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) of the Social Security Act to provide payment for occupational therapy services under the supplementary medical insurance program.

H.R. 9295. September 26, 1977. Education and Labor. Increases the dollar amount of contracts to which the Davis-Bacon Act applies and provides for future increases tied to cost-of-living increases. Makes such Act applicable only to unskilled laborers. Details the method for computing the "prevailing wage" under the Act. Establishes a Federal Construction Appeals Board to hear appeals regarding wage rate determinations under the Act.

H.R. 9296. September 26, 1977. Rules. Amends the Congressional Budget Act of 1974 to limit the levels of total budget outlays and total new budget authority for a fiscal year to such outlays and authority for the preceding fiscal year, increased by a percentage equal to the average annual percentage increase in the gross national product during the three calendar years preceding the beginning of such fiscal year.

H.R. 9297. September 26, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to revise the economic regulation of the airline industry. Directs the Civil Aeronautics Board to consider competition in air transportaton as being in the public interest. Establishes procedural deadlines for determinations by the Board. Restricts the Board's ratemaking authority. Establishes procedures and conditions for the issuance of certificates to engage in local, interstate and overseas air transportation. Restricts the President's power to disapprove actions of the Board.

H.R. 9298. September 26, 1977. Education and Labor. Requires every temporary help service which supplies unskilled, nonsecretarial, nonclerical workers to obtain a license from the Secretary of Labor or his designee.

States that no such temporary help service may be licensed unless it permits its employees to obtain permanent employment with a client. Forbids the use of temporary help service employees as strikebreakers where a legitimate labor dispute exists.

Directs the Secretary to make recommendations for extending unemployment insurance benefits to employees of temporary help services.

H.R. 9299. September 26, 1977. Ways and Means Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to include within the services to be provided under such Act medically required outpatient rehabilitation services.

H.R. 9300. September 26, 1977. Post Office and Civil Service. Prohibits collective bargaining agreements between the United States Postal Service and labor organizations recognized as exclusive bargaining representatives for their respective postal employee units from containing procedures which would preclude employees from being represented in grievance and adverse actions arising under such agreements by representatives of their own choosing.

H.R. 9301. September 26, 1977. Interior and Insular Affairs. Prohibits any site, structure or object from being included on the National Register of Historic Places unless such inclusion is approved by the State, and by each unit of local government in which such site, structure, or object is located.

H.R. 9302. September 26, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to authorize the Secretary of Transportation to guarantee securities and obligations issued by a railroad in reorganization to State and local tax-

ing authorities to secure the railroad's tax obligations when the consolidated Rail Corporation, the United States Railway Association, or the Federal Government asserts a superior interest in payment out of the estate of such railroad during reorganization or liquidation proceedings under the Bankruptcy Act.

H.R. 9303. September 26, 1977. Judiciary. Requires Federal agencies to: (1) assess the costs of private information collection and compliance which are or would be imposed by existing or proposed agency rules; (2) compare such impositions with the importance of the public policy achieved or to be achieved by such rules; and (3) determine whether such rules should apply to the same extent to individuals, and organizations of various sizes and resources.

Directs that the reporting and performance requirements of proposed rules be varied depending on the resources of the organizations or individuals affected by such rules.

H.R. 9304. September 26, 1977. Armed Services. Authorizes the Secretary of the Air Force to convey specified real property for use as a permanent site for the Air Force Enlisted Men's Widows and Dependents Home.

H.R. 9305. September 26, 1977. Interstate and Foreign Commerce; Public Works and Transportation. Amends the Interstate Commerce Act, the Rail Passenger Service Act of 1970, and the Harter Act to allow shippers, who successfully maintain actions against common carriers regulated under such Acts for damage to, or loss of, property in an amount less than $2,000, to collect reasonable attorney's fees as part of such suit unless the carrier has established informal dispute-settlement proceedings to which both parties agree to be bound.

H.R. 9306. September 26, 1977. Judiciary. Amends the Bail Reform Act of 1966 to require consideration of the safety of others and the community at large in setting conditions for pretrial release.

Permits the Government to appeal conditions of release in certain circumstances. Directs that a convicted person who has filed an appeal be detained unless it is shown by clear and convincing evidence that the appeal raises a substantial question of law or fact.

Sets forth sanctions for violating release conditions, threatening witnesses or jurors while on release, and committing serious offenses while on release.

H.R. 9307. September 26, 1977. Judiciary. Establishes within the judicial branch a United States Commission on sentencing to promulgate sentencing guidelines.

Specifies factors to be considered by a sentencing court in imposing a term of imprisonment.

Requires courts to disclose in open court and in the record reasons for imposing imprisonment.

Sets forth guidelines for court of appeals review of sentence.

H.R. 9308. September 26, 1977. Judiciary. Increases the minimum amount which must be in controversy to qualify for Federal court jurisdiction based upon diversity of citizenship.

Prohibits any person from invoking diversity jurisdiction in any State of which he is a citizen. Prohibits a business entity which has maintained a business establishment for more than two years in a State from invoking diversity jurisdiction in such State in any action arising from the establishment's activities. Prohibits an individual from invoking diversity jurisdiction in any State in which he has had his present business or place of employment for more than two years.

Revises removal, venue, and joinder guidelines for diversity actions.

H.R. 9309. September 26, 1977. Judiciary. Amends the provision of the Gun Control Act of 1968 imposing additional penalties for using or unlawfully carrying firearms during the commission of a Federal felony to (1) increase the sentences authorized and (2) prohibit a suspended or probationary sentence with respect to a first, as well as with respect to a subsequent, conviction.

Classifies a person unlawfully carrying or using a firearm in the commission of a Federal felony as a dangerous special offender.

H.R. 9310. September 26, 1977. Judiciary; Rules. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 9311. September 26, 1977. Judiciary. Authorizes the Law Enforcement Assistance Administration to purchase a group life insurance policy or policies from private life insurance companies for the benefit of public safety officers.

Sets forth guidelines relative to such group plan.

Establishes an Advisory Council on Public Safety Officer Group Life Insurance composed of the Attorney General, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office of Management and Budget.

H.R. 9312. September 26, 1977. Government Operations. Requires an annual justification for the continued use of any form used to solicit information from private persons and State and local government agencies.

H.R. 9313. September 26, 1977. Ways and Means; Interstate and Foreign Commerce. Sets forth a program to constrain the rate of increases in total acute care hospital inpatient costs. Directs the Secretary of Health, Education, and Welfare to promulgate annually an "inpatient hospital revenue increase limit." Promulgates formulae for the computation of such limit.

Amends the Internal Revenue Code of 1954 to establish an excise tax on charges for hospital services in excess of the limit.

Amends the Public Health Service Act to limit the annual amount of hospital capital expenditures to spending for essential hospital needs.

H.R. 9314. September 26, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to expand the coverage of health services to include power-operated wheelchairs.

H.R. 9315. September 26, 1977. Ways and Means. Amends the Internal Revenue Code to lower individual and corporate income tax rates.

H.R. 9316. September 26, 1977. Ways and Means. Amends the Internal Revenue Code to provide an alternative 12-month period to the existing 60-month period of amortization for a new identifiable certified pollution control facility acquired, or whose construction began, after December 31, 1976.

H.R. 9317. September 26, 1977. Armed Services; Interior and Insular Affairs. Authorizes the Secretary of the Navy to establish lower efficient rates for the Naval Petroleum Reserve Numbered 1. Authorizes the Secretary to use any excess pipeline capacity with respect to such reserve for the transportation of petroleum from other sources.

H.R. 9318. September 26, 1977. Ways and Means; Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to enter into an agreement with a State for the transfer of individual entitlements to medical assistance under Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act to similar entitlements under a qualified State health insurance program.

H.R. 9319. September 26, 1977. Interstate and Foreign Commerce. Interior and Insular Affairs. Establishes administrative procedures for expedited decision-making by the Secretary of the Interior in selection of a transportation system to supply Alaskan crude oil to Northern Tier or inland States. Limits the scope of judicial review of such administrative decision-making.

H.R. 9320. September 26, 1977. Interior and Insular Affairs; Merchant Marine and Fisheries. Renames the Advisory Council on Historic Preservation as the Council on Historic Preseravtion. States that such Council is to administer specified Acts which relate to the historic preservation responsibilities of the Secrtary of the Interior and to promote nominations to the National Register of Historic Places.

H.R. 9321. September 26, 1977. Small Business. Simplifies Government contracting procedurs with respect to small businesses.

Establishes Government contract arbitration panels within the Small Business Administration.

Directs Federal agencies to take the apparent low responsive bidder's small business concern subcontracting plan into account in determining the responsibility of such bidder for the award of such contract.

Assigns an employee of the Small Business Administration to each Federal agency.

Establishes the Small Business Procurement Advisory Committee.

H.R. 9322. September 26, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 9323. September 26, 1977. Judiciary. Authorizes the naturalization of a certain individual as a citizen of the United States.

H.R. 9324. September 27, 1977. Ways and Means. Amends Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to make benefits under such Title payable to a resident alien only if such alien has continuously resided in the United States for at least five years.

H.R. 9325. September 27, 1977. Ways and Means. Amends the Internal Revenue Code to allow a limited credit against the income tax for contributions of the taxpayer's literary, musical or artistic compositions to certain tax exempt organizations.

H.R. 9326. September 27, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the passive income limitation for subchapter S corporations.

H.R. 9327. September 27, 1977. Banking, Finance and Urban Affairs. Amends the Federal Home Loan Mortgage Corporation Act to prohibit the Federal Home Loan Mortgage Corporation from issuing or applying rules or regulations which have the effect of excluding mortgages approved by the Secretary of the Department of Housing and Urban Development for participation in specified mortgage insurance programs from the servicing of mortgages sold to the Corporation.

H.R. 9328. September 27, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 and the Department of Transportation Act to authorize the Secretary of Transportation to grant States additional rail service continuation assistance if the State, or a political subdivision of such State, accepts an offer of settlement by railroads in reorganization which owe real property tax obligations to such State or subdivision.

H.R. 9329. September 27, 1977. Extends the provisions of Title VI of the Civil Rights Act of 1964, to forbid discrimination under any program or activity receiving Federal financial assistance on the basis of sex, age, or handicap. Requires the suspension of such assistance when such discrimination is found and termination thereof if such discrimination continues. Perhaps the Attorney General and private persons to bring civil actions and seek appropriate relief.

H.R. 9330. September 27, 1977. Interior and

Insular Affairs. Designates certain lands in Colorado as wilderness, to be administered by the Secretary of Agriculture.

H.R. 9331. September 27, 1977. Veterans' Affairs. Provides for payment of a supplemental tuition allowance to each qualified veteran upon application to the Administrator of Veterans' Affairs.

H.R. 9332. September 27, 1977. Ways and Means. Amends the Internal Revenue Code to allow a credit against an individual's income tax in an amount equal to 50 percent of the sum of the amounts paid by him to educational institutions as tuition (though no more than $500 for any single individual) for the attendance of the taxpayer, the taxpayer's spouse, or any of his dependents with respect to whom he is entitled to a personal exemption.

H.R. 9333. September 27, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to construct hydroelectric powerplants at specified locations.

H.R. 9334. September 27, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to require the Secretary of Health, Education, and Welfare to establish criteria and minimum standards for the training and licensure of radiologic technologists. Directs that State and local governments be encouraged to minimize exposure of the public to ionizing from all sources.

Authorizes the Secretary to make grants to States to carry out such purposes.

Requires promulgation of performance standards and inspection programs for X-ray systems.

H.R. 9335. September 27, 1977. Judiciary. Makes it unlawful for any Federal employee or official or for any person engaged in any business or other activity in or affecting interstate commerce to: (1) permit, require, request, or attempt to require or request any employee or persons applying for employment to take any polygraph test; or (2) discharge, discipline, or deny promotion to any employee or deny employment to any individual for refusing to submit to any requirement or request that such person take a polygraph test.

Permits any person aggrieved by a violation of this Act, or any employee organization authorized by such person, to obtain compensatory and injunctive relief in appropriate United States district courts.

H.R. 9336. September 27, 1977. Ways and Means. Amends the Internal Revenue Code to allow an income tax credit for 25 percent of the amount of rent paid by the taxpayer which is equal to the taxpayer's proportionate share of the local and State property taxes imposed on the land and buildings in which his dwelling is located.

H.R. 9337. September 27, 1977. Education and Labor. Amends the Civil Rights Act of 1964 to define sex discrimination for employment purposes to include discrimination on the basis of pregnancy.

H.R. 9338. September 27, 1977. Veterans' Affairs. Permits the Administrator of Veterans' Affairs to continue to pay educational assistance or subsistence allowances to eligible veterans and persons during periods between a semester, term, or quarter when the educational institution is closed for more than one full calendar month as part of an energy conservation program or as a result of a fuel curtailment, and the period between semesters, terms, or quarters does not exceed 45 days.

H.R. 9339. September 27, 1977. Public Works and Transportation. Directs the General Service Administration to establish the Federal Protective Service for the protection of property under the jurisdiction of the Administration. Provides for the pay, training, and retirement of the members of such Service.

H.R. 9340. September 27, 1977. Science and Technology. Authorizes and directs the Secretary of Commerce to make grants to local fire departments to pay up to one-half the cost of purchasing firefighting equipment.

H.R. 9341. September 27, 1977. Science and Technology. Authorizes and directs the Secretary of Commerce to make grants to local fire departments to pay up to 90 percent of the cost of purchasing heat protective firefighting suits and breathing apparatus.

H.R. 9342. September 27, 1977. Ways and Means. Amends the Trade Act of 1974 to permit the Congress to disapprove any reduction or termination of import relief by the President.

H.R. 9343. September 27, 1977. Ways and Means. Amends the Internal Revenue Code to provide that State and local government retirement systems shall be tax exempt organizations. Exempts these systems from the reporting requirements pertaining to deferred compensation.

H.R. 9344. September 27, 1977. Armed Services. Forbids the Secretaries of the Army, Air Force, and Navy from prohibiting the assignment of any female personnel to any duty for which such a member has volunteered and is otherwise qualified.

H.R. 9345. September 27, 1977. Education and Labor. Amends the National Labor Relations Act with respect to the size and quorums of the National Labor Relations Board and Board affirmation of administrative law judicial decisions regarding unfair labor practices.

Revises criteria for organizations which may represent guards.

Sets forth procedures for expedited selection of bargaining representatives in certain situations.

Denies public contracts for a three-year period to persons willfully violating final orders regarding unfair labor practices.

Specifies relief available to employees who are victims of certain types of unfair labor practices.

H.R. 9346. September 27, 1977. Ways and Means. Amends the Internal Revenue Code of 1954 and Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to increase the tax base of the OASDI program.

Amends Title II: (1) to revise the method for determining benefit amounts, (2) to include employees of Federal, State, and local governments and of tax-exempt organizations within the coverage of such Title, (3) to eliminate gender-based distinctions in awarding benefits, and (4) to increase the amount which an individual may earn without a reduction in benefits.

Sets forth conforming amendments to the Railroad Retirement Act of 1974.

H.R. 9347. September 27, 1977. Ways and Means. Amends the Tariff Schedules of the United States to repeal the duty imposed on articles assembled abroad with components produced in the United States.

H.R. 9348. September 27, 1977. Merchant Marine and Fisheries. Prohibits the taking of wolves or other predators on public lands by private individuals or Federal or State agencies. Permits the taking of any individual predator, upon order of the Secretary of the Interior or the Secretary of Agriculture, upon a demonstration that such predator has been killing domestic livestock. Prohibits the use of aircraft in taking predators.

H.R. 9349. September 27, 1977. Veterans' Affairs. Permits the Administrator of Veterans' Affairs to discontinue educational assistance to an eligible veteran or survivor or dependent of a veteran if the Administrator finds that the institution of higher learning concerned has failed to enforce its regularly prescribed standards and practices as approved by the appropriate State approving agency with respect to such veteran or person. Requires the Administrator to provide individual education and career counseling and other appropriate services to facilitate the education of any veteran or person whose educational assistance has been discontinued under this Act.

H.R. 9350. September 27, 1977. Veterans' Affairs. Permits acceleration of monthly educational assistance payments made by the Veterans' Administration to eligible veterans and dependents. Provides alternative financial and educational assistance to peacetime post-Korean veterans affected by the expiration of their delimiting period. Provides for a conditional extension of the delimiting period for certain Vietnam era veterans. Provides for the development of additional educational, employment, and readjustment assistance programs for veterans, and for protection against abuses and misuse of veterans' benefits. Revises the criteria for nonaccredited courses.

H.R. 9351. Spetember 27, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9352. September 27, 1977. Judiciary. Directs the conditional issuance of a permanent resident visa to a certain individual under the Immigration and Nationality Act.

H.R. 9353. September 27, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 9354. September 28, 1977. Post Office and Civil Service. Limits the allowances available to former Presidents for staff salaries to $150,000 for the first 30-month period during which such former President is entitled to such allowance.

H.R. 9355. September 28, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to conduct a feasibility study of the North Dakota rural domestic water supply system as a unit of the Pick-Sloan Missouri Basin program.

H.R. 9356. September 28, 1977. Interior and Empowers the Secretary of Agriculture, through the Farm Credit Administration, to protect producers of agricultural products against loss of income from sale of farm products up to a maximum of 50 percent of the average annual sales of the most recent five-year period.

Amends the Federal Crop Insurance Act to require that the maximum guarantee of production to be provided for any crop insured shall not exceed 75 percent of the average of not less than five years annual yield of all the acres in the farm unit for each crop.

H.R. 9357. September 28, 1977. Education and Labor: Judiciary. Prohibits the sexual exploitation of minors by making it unlawful for any person to knowingly (1) cause a minor to be filmed, photographed or recorded in any sexual act prohibited by this Act; (2) transport or mail any film, photograph or recording of such act; (3) photograph, film, or record such act; or (4) coerce, transport, or cause the transport of any minor in interstate or foreign commerce for immoral purposes.

Amends the Child Abuse Prevention and Treatment Act to require States to provide criminal penalties for sexual exploitation of children in order to receive funds under such Act.

H.R. 9358. September 28, 1977. Education and Labor; Rules; Ways and Means. Replaces the employment and training programs under the Comprehensive Employment and Training Act of 1973 and the Wagner-Peyser Act with a consolidated employment and training program focused on the operation and coordination of State and local employment programs.

H.R. 9359. September 28, 1977. Interior and Insular Affairs. Authorizes the Secretary of Agriculture to convey specified lands within the Chugach and Tongass National Forests, Alaska, to the present occupants as homesites.

H.R. 9360. September 28, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to promote the reduction of unnecessary water consumption and of the total flow of sewage as part of the national policy for the control of water pollution.

Amends the Small Business Act to authorize loans to install devices to reduce unnecessary water consumption by small businesses.

H.R. 9361. September 28, 1977. Public Works and Transportation. Amends the Public Buildings Act of 1959 to require the Administrator of General Services (1) to establish a water conservation program for public buildings, (2) to prescribe minimum water efficiency standards for new public buildings, (3) to require, during building construction or repair, the installation of water supply and removal equipment which meets certain water efficiency standards, (4) to promulgate minimum efficiency standards for each type of water supply and removal equipment, and (5) to survey existing public buildings to determine the priority for needed water efficient equipment, and to replace existing water equipment in such buildings.

H.R. 9362. September 28, 1977. Interior and Insular Affairs; Public Works and Transportation. Directs the Secretary of the Interior to develop a comprehensive water supply program, to survey water supply capacities, to propose methods of increasing water supplies, and to prepare drought contingency plans.

Directs the Administrator of General Services to survey (1) all federally controlled water storage projects to determine unnecessary water storage capacity, and (2) all federally controlled lands to determine any unnecessary area on which water storage facilities could be constructed.

Directs the Secretary of the Army, acting through the Chief of Engineers, to construct water storage projects specifically authorized after enactment of this Act.

H.R. 9363. September 28, 1977. Interstate and Foreign Commerce. Requires domestic and imported articles dependent upon the consumption of water to bear labels regarding water consumption rates, under regulations to be prescribed by the Federal Trade Commission and in conformity with tests to be conducted by the National Bureau of Standards. Establishes a public information program on the use of such labels. Imposes civil fines for violations of such labeling requirements. Establishes a civil cause of action against such violators or against any Federal agency which fails to carry out its responsibilities under this Act. Declares violation of this Act to be an unfair or deceptive trade practice.

H.R. 9364. September 28, 1977. Interstate and Foreign Commerce. Prohibits any person from distributing in interstate commerce any consumer product which depends on water flow or consumption for its operation or which consumes water during operation, and which is distributed for personal use or consumption by an individual unless it meets either the improvement targets or final water efficiency standards established by the Federal Trade Commission pursuant to this Act.

H.R. 9365. September 28, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to provide guaranteed loans for housing improvements including water conservation equipment and systems.

H.R. 9366. September 28, 1977. Banking, Finance and Urban Affairs. Amends the Housing Act of 1949 to not consider specified housing benefits available to veterans in determining eligibility of veterans for housing financing from sources other than the Farmers Home Administration.

H.R. 9367. September 28, 1977. Banking, Finance and Urban Affairs. Prescribes procedures and standards governing the disclosure of customer records by financial institutions to Federal agencies.

H.R. 9368. September 28, 1977. Education and Labor. Exempts members of bona fide religions which historically hold conscientious objections to joining or financially supporting labor organizations from compulsory membership or support of such organizations under the National Labor Relations Act.

Stipulates that such persons may be required to pay in accordance with specified guidelines sums equal to applicable union dues and initiation fees to nonreligious charitable funds.

H.R. 9369. September 28, 1977. Public Works and Transportation. Directs the Secretary of Transportation to prescribe uniform standards for trucks carrying freight in interstate commerce and to prescribe standards for State taxation and regulation of such vehicles.

Stipulates that a State which does not comply with such standards shall have its apportionment of Federal highway funds reduced by ten percent for the first year of noncompliance, 20 percent for the second year, and 30 percent for each subsequent year.

H.R. 9370. September 28, 1977. Merchant Marine and Fisheries. Directs the Secretary of Commerce to establish a National Aquaculture Development Plan to identify aquatic species which can be cultured on a commercial or other basis and develop programs to increase production of such species.

Authorizes the Secretary to enter into contract, make grants and disaster loans, provide insurance, and guarantee obligations in furtherance of the purposes of this Act.

Establishes a Federal Aquaculture Assistance Fund.

H.R. 9371. September 28, 1977. Veterans' Affairs. Includes insomnia among the chronic diseases for purposes of the administration of service-connected disability compensation by the Administrator of Veterans' Affairs.

H.R. 9372. September 28, 1977. Judiciary; Interstate and Foreign Commerce. States that in any proceeding for the reorganization or liquidation of a railroad under specified provisions of the Bankruptcy Act, priority of payment of such estate shall be given to tax claims of local school districts, other units of local government, and States.

H.R. 9373. September 28, 1977. Judiciary. Requires any person who is obligated to pay money as a result of services rendered in the production of a representation or discription of a Federal crime to an individual indicated or waiving indictment for such crime to forward such money to the Attorney General for deposit in the Crime Victim Assistance Fund.

Directs that such money be returned to the person charged upon acquittal or dismissal. States that upon conviction and exhaustion of appeals victims of crime may file actions for damages, any awards to be paid out of the fund, and any unclaimed funds to be forfeited to the Treasury.

H.R. 9374. September 28, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9375. September 28, 1977. Makes supplemental appropriations for fiscal year 1978 to the Department of Agriculture, the Environmental Protection Agency, the Veterans' Administration, the Department of the Interior, the Federal Energy Administration, the Department of Labor, the Department of Health, Education, and Welfare, the Energy Research and Development Administration, the Department of Justice, the Department of Commerce, the Small Business Administration, and the Department of Defense.

H.R. 9376. September 29, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals a limited, nonrefundable income tax credit for expenses incurred for the higher education of the taxpayer, his spouse or dependents.

H.R. 9376. September 29, 1977. Ways and Means. Amends the Internal Revenue Code Amends the Social Security Act to require the development and promulgation of standards relating to the rights of patients to be met by health care institutions participating in programs under Titles XVIII (Medicare) and XIX (Medicaid) of such Act.

Enumerates the guaranteed rights of patients receiving care or treatment in such institutions. Establishes enforcement procedures and remedies for patients seeking to vindicate their rights.

H.R. 9378. September 29, 1977. Education and Labor. Amends the Employee Retirement Income Security Act of 1974 to postpone for two years the date upon which automatic plan termination insurance coverage becomes effective with respect to multiemployer plans.

H.R. 9379. September 29, 1977. Ways and Means. Amends the Internal Revenue Code to allow a taxpayer to take a credit or an additional deduction for contributions to or for the use of any qualified organization the primary purpose of which is the support of the arts and humanities.

H.R. 9380. September 29, 1977. Ways and Means. Amends the Internal Revenue Code to allow public utilities to exclude from gross income, as contributions to capital, all amounts received in aid of construction of electric energy or gas facilities.

H.R. 9381. September 29, 1977. Judiciary. Establishes an office of the United States Correctional Ombudsman to: (1) investigate acts of the Bureau of Prisons or the Board of Parole pertaining to the treatment of Federal prisoners or parolees and conditions in certain correctional facilities; and (2) report to Congress on unfair or otherwise objectionable laws relative to corrections.

H.R. 9382. September 29, 1977. Government Operations. Amends the Federal Property and Administrative Services Act to authorize the Administrator of General Services to assign surplus Federal real property to the Secretary of Commerce for disposal of such property to States and local areas threatened by unemployment as a result of the closing of Federal facilities. Requires that such property be used by the transferees for economic development purposes.

H.R. 9383. September 29, 1977. Education and Labor. Amends the National Labor Relations Act to provide that the duty to bargain collectively includes bargaining with respect to retirement benefits for retired employees.

H.R. 9384. September 29, 1977. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to (1) make loans to certain cities and counties for the establishment and initial operating costs of clinics for the spaying and neutering of dogs and cats, and (2) make grants for the establishment of courses to train paraprofessionals in the anaesthetising and spaying and neutering of dogs and cats.

H.R. 9385. September 29, 1977. Interstate and Foreign Commerce; Public Works and Transportation. Amends the Hazardous Materials Transportation Act of 1975 to prohibit the Secretary of Transportation from permitting the transportation of radioactive

materials in areas containing a population density greater than 12,000 persons per square mile, except when such materials are to be used for medical diagnosis or treatment purposes in such area or during a national emergency.

H.R. 9386. September 29, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to prohibit curtailment of supplies to specified high priority users.

H.R. 9387. September 30, 1977. Public Works and Transportation. Amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to entitle owners of farmland condemned under the Act to have any building on such land moved. Requires the Government to find and offer to any such displaced farmland owner an option to buy suitable replacement property.

Requires any person displaced from any business or farm operation he or she owns to be compensated for closing costs and increased interest costs incurred in replacing such property. Requires 50 percent of the compensation offered to be paid to a displaced owner pending specified condemnation proceedings.

H.R. 9388. September 30, 1977. Banking, Finance and Urban Affairs. Authorizes the Secretary of Housing and Urban Development to make payments for the purpose of assisting low-income homeowners in meeting expenses related to the operation of their homes.

H.R. 9389. September 30, 1977. Armed Services; Post Office and Civil Service. Prohibits union organizing and membership in the armed forces. Sets forth criminal penalties for violations of this Act.

H.R. 9390. September 30, 1977. Agriculture. Repeals the Federal Crop Insurance Act. Establishes, within the Department of Agriculture, the Farm Production Protection Corporation, and empowers such Corporation to protect producers of agricultural products against loss of production costs due to unavoidable natural causes.

H.R. 9391. September 30, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the carryover basis provisions enacted by the Tax Reform Act which provide that beneficiaries receiving property from a decedent's estate will retain the decedent's basis in the property. Restores prior law which "stepped up" or "stepped down" the property's basis to its market value at the time of death without imposing tax consequences on the appreciation or depreciation the property underwent while held by the decedent.

H.R. 9392. September 30, 1977. Education and Labor. Amends the Employment Act of 1946 to set forth full employment and balanced economic growth policies to be achieved through identification of social and economic goals and the preparation and implementation of a Full Employment and Balanced Economic Growth Plan. Establishes countercyclical, structural, regional, and growth employment programs and a State and local stabilization grant program to supplement the policies included in the Plan.

Provides for congressional review of the Full Employment and Balanced Economic Growth Plan.

H.R. 9393. September 30, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the limitations made by the Tax Reform Act of 1976 on the exclusion for sick pay.

H.R. 9394. September 30, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deduction to any taxpayer engaged in the manufacture, importation, distribution, lease, or sale of any product for contributions to his product liability loss reserve account.

H.R. 9395. September 30, 1977. Merchant Marine and Fisheries. Increases to five the number of officers in the National Oceanic and Atmospheric Administration. Authorizes the Secretary of Commerce to establish the rate of compensation for eight new positions within the Administration, to be filled at the discretion of the Secretary. Stipulates that the appointment of such additional officers and employees shall be made without regard to competitive civil service requirements.

Amends the Coastal Zone Management Act Amendments of 1976 to substitute an Assistant Administrator for Coastal Zone Management within the Administration for the Associate Administrator.

H.R. 9396. September 30, 1977. Post Office and Civil Service. Sets age and length of service requirements for the pension eligibility of Federal mine inspectors and establishes the amount of such annuity.

H.R. 9397. September 30, 1977. Ways and Means. Amends the Tariff Act of 1930 to deem any article of wearing apparel assembled abroad and imported under the relevant section of the Tariff Schedules of the United States to be an article of foreign origin. Requires such article to be marked with the English name of the country in which it was assembled.

H.R. 9398. September 30, 1977. Interstate and Foreign Commerce. Amends the Department of Transportation Act and the Regional Rail Reorganization Act of 1973 to revise the time periods during which Federal financial assistance shall be available for rail service assistance programs under such Acts. Makes additional rail lines eligible for such assistance.

Amends the Interstate Commerce Act to establish corrective action programs for rail lines which are to be abandoned or discontinued.

Amends the Hours of Service Act to establish maximum hours of service for individuals engaged in installing, repairing, or maintaining rail signal systems.

H.R. 9399. September 30, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals aged 62 and over a refundable income tax credit for increases in real property taxes and utility bills.

H.R. 9400. September 30, 1977. Judiciary. Authorizes the Attorney General to bring civil actions on behalf of, and intervene in suits brought by, persons in State or local institutions who have been subjected to a pattern of civil rights violations.

Directs the Attorney General to promulgate minimum standards for prisoner grievances procedures.

Authorizes a court to continue for up to 90 days any action filed by an imprisoned adult under certain Civil Rights Act actions so that administrative remedies may be pursued.

H.R. 9401. September 30, 1977. Judiciary. Authorizes classification of two individuals as children for purposes of the Immigration and Nationality Act.

H.R. 9402. October 3, 1977. International Relations. Amends the Foreign Assistance Act of 1961 to repeal the requirement that the President shall assure that no contribution to the United Nations Development Program be used for economic or technical assistance to Cuba, and to repeal prohibitions against assistance to Cuba or countries furnishing aid to Cuba.

Declares certain regulations with respect to relations with Cuba to be without force or effect. Declares Presidential Proclamation Number 3447 to be without force or effect. Repeals certain expressions of the United States with respect to Cuba.

H.R. 9403. October 3, 1977. Ways and Means. Amends the Internal Revenue Code to allow limited, nonrefundable income tax credits for specified higher education expenses, including tuition, fees, books and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 9404. October 3, 1977. District of Columbia. Amends the District of Columbia Self-Government and Governmental Reorganization Act to transfer certain authority regarding the District of Columbia government from the President to the Speaker of the House of Representatives and the President of the Senate.

Extends to 45 days the period before an Act passed by the D.C. Council but not signed by the Mayor becomes effective.

H.R. 9405. October 3, 1977. Interior and Insular Affairs. States that in computing certain Federal payments to local governments based on amounts of Federal public land within their boundaries, certain amounts of such land which heretofore have been excluded shall be included.

H.R. 9406. October 3, 1977. Veterans' Affairs. Provides for payment of a supplemental tuition allowance to each qualified veteran upon application to the Administrator of Veterans' Affairs.

H.R. 9407. October 3, 1977. Ways and Means. Amends Title XX (Grants to States for Services) of the Social Security Act to exclude from an individual's income cost-of-living increases in social security benefits in determinating eligibility for services ad benefits under such Title.

H.R. 9408. October 3, 1977. Ways and Means. Amends the Internal Revenue Code to lower the corporate normal taxes and increase the surtax exemption.

H.R. 9409. October 3, 1977. Education and Labor. Establishes, through the Federal Mediation and Conciliation Service, a program to create or assist regional committees, composed of representatives of labor, management, and the public, which shall provide a permanent forum for consideration of labor relations issues.

Creates within the Service a National Center for the Study of Labor-Management Relations in the Noncontiguous Areas.

H.R. 9410. October 3, 1977. Ways and Means: Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to permit payment for eye care, eyeglasses, hearing aids (and related examinations), dental care and dentures under the supplementary medical insurance program.

H.R. 9411. October 3, 1977. Ways and Means. Amends the Internal Revenue Code to replace the individual income tax deductions for personal exemptions with $250 tax credits.

H.R. 9412. October 3, 1977. Post Office and Civil Service. Provides that an unremarried former spouse of a Federal employee who is married to such employee for five years or more shall be entitled to a portion of such employee's annuity and to a portion of the annuity of any surviving spouse of such employee.

H.R. 9413. October 3, 1977. Ways and Means: Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for outpatient communicative services (speech pathology and audiology services) under the supplementary medical insurance program.

H.R. 9414. October 3, 1977. Merchant Marine and Fisheries. Amends the Great Lakes Fishery Act of 1956 to: (1) increase the number of Commissioners representing the United States on the Great Lakes Fishery Commission to four; and (2) require that three of such Commissioners be residents of the Great Lakes States.

H.R. 9415. October 3, 1977. Judiciary. Makes it a Federal crime to fire a firearm or in any manner propel any object at or upon any railroad car engine used by any common carrier engaged in interstate or foreign commerce.

Expands the Federal prohibition against entering a train in any territory, district, or other place within exclusive Federal jurisdiction with an intent to commit robbery, murder, or other violent crime to encompass entry upon any railroad car used by any common carrier engaged in interstate or foreign commerce.

H.R. 9416. October 3, 1977. Education and Labor. Establishes procedures and guidelines for the establishment of equal education opportunities for students in elementary and secondary schools. Requires that States submit equal education opportunities plans to the Secretary of Health, Education, and Welfare for his approval. Establishes criteria for approval of plans and eligibility for Federal assistance.

H.R. 9417. October 3, 1977. Interior and Insular Affairs. Denies payments to a local government by the Secretary of the Interior based on the amount of public lands within the boundaries of such locality when such lands were acquired by a State or local unit of government solely for the purpose of conveyance to the United States.

H.R. 9418. October 3, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to require an increase in the enrollment of third-year medical students as a condition to medical schools receiving capitation grants.

Authorizes the Secretary of Health, Education, and Welfare to make grants to public or nonprofit institutions which provide graduate or specialized training in public health.

Directs the Secretary to study foreign medical education and the need for and capabilities of foreign-trained physicians in this country.

Authorizes the Secretary to insure loans to individuals who have previously had a federally insured student loan.

H.R. 9419. October 3, 1977. Education and Labor. Amends the Bilingual Education Act to authorize the participation of children whose primary language is English in bilingual education programs under such Act.

H.R. 9420. October 3, 1977. Post Office and Civil Service. Revises the method of computing the annuities of Federal law enforcement officers or firefighters who retire with at least five years but less than 20 years of service.

H.R. 9421. October 3, 1977. Judiciary; Post Office and Civil Service. Authorizes mailing of materials concerning any bingo game conducted legally by a nonprofit organization.

H.R. 9422. October 3, 1977. Ways and Means. Amends the policy of Congress to restrict the annual aggregate importation of fresh, chilled, or frozen beef, goat, or sheep meat after December 31, 1978. Prescribes a formula for adjustment of such quota.

H.R. 9423. October 3, 1977. Education and Labor. Establishes a national program for the prevention and treatment of family violence through the coordination of existing programs and the provision of assistance to such programs and to the establishment of new programs.

Establishes a Coordinating Council on Family Violence which shall be composed of representatives of specified executive departments and agencies.

Establishes within the ACTION Agency a National Center for Community Action Against Family Violence. Directs the Secretary of Health, Education, and Welfare to provide funds to evaluate programs for the prevention and treatment of family violence.

H.R. 9424. October 3, 1977. Judiciary. Directs the Secretary of the Treasury to pay a sum to members of two specified Indian tribes in full settlement of the claims of such tribes against the United States.

H.R. 9425. October 4, 1977. Ways and Means. Amends the Tariff Schedules of the United States to revise temporarily the customs duties on the importation of iron or steel products, and to impose a temporary import quota on such products. Directs the Secretary of the Treasury to deposit revenues under this Act into the Adjustment Assistance Trust Fund.

H.R. 9426. October 4, 1977. Ways and Means. Amends the Tariff Schedules of the United States to revise temporarily the customs duties on the importation of iron or steel products, and to impose a temporary import quota on such products. Directs the Secretary of the Treasury to deposit revenues under this Act into the Adjustment Assistance Trust Fund.

H.R. 9427. October 4, 1977. Government Operations. Amends the Buy American Act to require Federal agencies to prescribe regulations to require Federal purchases of American goods under the Act if the price of such goods does not exceed the price of like foreign goods by more than 15 to 50 percent. Makes States subject to the Act with respect to the repair or construction of public buildings or public works at least half the cost of which is financed with Federal funds.

H.R. 9428. October 4, 1977. Government Operations. Amends the Buy American Act to require Federal agencies to prescribe regulations to require Federal purchases of American goods under the Act if the price of such goods does not exceed the price of like foreign goods by more than 15 to 50 percent. Makes States subject to the Act with respect to the repair or construction of public buildings or public works at least half the cost of which is financed with Federal funds.

H.R. 9429. October 4, 1977. Ways and Means. Amends the Internal Revenue Code to extend the income tax exclusion for political organizations' fundraising events to proceeds from gambling activities where the wagers are placed, the winners determined and prizes distributed in the presence of all the players.

H.R. 9430. October 4, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to set forth the procedures whereby the Administrator of the Environmental Protection Agency may grant funds to States and municipalities for wastewater treatment works.

Directs the Administrator to develop a public information on recycling and reuse of wastewater, and to promulgate guidelines for identifying and evaluating new and innovative wastewater treatment processes.

H.R. 9431. October 4, 1977. Ways and Means. Amends the Internal Revenue Code to replace the corporate income tax rates with a graduated, five-tier rate schedule, imposing the uppermost (48 percent) marginal rate upon income in excess of $100,000.

H.R. 9432. October 4, 1977. Armed Services. Entitles specified reserve members of the uniformed services and members of the National Guard to the same medical and dental benefits enjoyed by members of the uniformed services on active duty.

Entitles the dependents of such individuals to the same medical and dental benefits presently available to the dependents of circumstances.

H.R. 9433. October 4, 1977. Ways and Means: Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment under the supplementary medical insurance program for preventive services furnished in the screening, testing, diagnosis, and treatment of individuals for hypertension.

H.R. 9434. October 4, 1977. Interstate and Foreign Commerce. Amends Titles XI, part A (General Provisions) and XIX (Medicaid) of the Social Security Act to increase the dollar limitations on Medicaid payments to Puerto Rico, Guam, and the Virgin Islands, and to eliminate the 50 percent limitation on the Federal medical assistance percentages applicable to the Medicaid programs of such territories, raising such limitation to the same level as that in the States.

H.R. 9435. October 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow certain individuals whose employers make contributions to pension plans a deduction for their contributions to employer pension funds, and to allow a deduction to certain individuals who establish modified individual retirement plans when the employer-employee pension contributions are small.

H.R. 9436. October 4, 1977. Armed Services. Grants survivor benefits to dependents of present or former members of the armed forces who die before becoming entitled to retired pay for non-regular services.

H.R. 9437. October 4, 1977. Judiciary. Expands Federal government liability for the acts of its officers who routinely perform investigative, inspection, or law enforcement functions to include certain intentional and ministerial acts.

States that such liability shall be exclusive and preclude any remedy against officers individually.

Directs the Attorney General to pay the attorney fees incurred by such an officer in connection with a criminal investigation into such officer's official actions.

H.R. 9438. October 4, 1977. Education and Labor. Amends the National Labor Relations Act to (1) revise declared congressional findings and policies, (2) stipulate that only bargaining representatives chosen by secret ballot may be deemed exclusive representatives, (3) forbid a labor organization to threaten or impose economic sanctions against any person exercising rights under the Act, (4) institute a strike vote system, (5) deem binding arbitration an exclusive remedy in certain disputes, and (6) permit members of certain religions, bodies, or sects to refrain from joining or financially supporting unions.

Amends the Federal Election Campaign Act to prohibit use of any procedure by which union dues and other assessments are deducted from an employee's paychecks in soliciting and collecting contributions for a segregated campaign fund.

H.R. 9439. October 4, 1977. Public Works and Transportation. Directs the Secretary of the Army, acting through the Chief of Engineers, to remove a certain rock ledge at Perth Amboy, New Jersey.

H.R. 9440. October 4, 1977. Ways and Means. Amends the Internal Revenue Code with respect to the determination of whether certain charitable organizations are publically supported.

H.R. 9441. October 4, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9442. October 5, 1977. Interior and Insular Affairs. Amends the National Trails System Act to re-establish the advisory council for the Appalachian National Scenic Trail.

Changes the acreage limitations on lands acquired for rights-of-way and by condemnation proceedings along the Appalachian National Scenic Trail.

H.R. 9443. October 5, 1977. Banking, Finance and Urban Affairs. Amends the Federal Deposit Insurance Act to prohibit federally insured banks from making any loan, discount or extension of credit to provide for the purchase of stocks, bonds, debentures, or other obligations of any bank.

H.R. 9444. October 5, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the carryover basis provisions enacted by the Tax Reform Act which provide that beneficiaries receiving property from a decedent's estate will retain the decedent's basis in the property. Restores prior law which "stepped up" or "stepped down" the property's basis to its market value at the time of death without imposing tax consequences on the appreciation or depreciation the property underwent while held by the decedent.

H.R. 9445. October 5, 1977. Interstate and Foreign Commerce; Judiciary. Prohibit specified actions under the Sherman and Clayton Antitrust Acts against associations engaged

in the export trade unless the Federal Trade Commission has given such associations a reasonable opportunity to readjust their business to comply with applicable law.

H.R. 9446. October 5, 1977. Agriculture; International Relations. Authorizes the President to establish an International Emergency Food Reserve in this country and to negotiate international agreements with other countries to develop an international system of food reserves for humanitarian food relief.

H.R. 9447. October 5, 1977. Education and Labor. Amends the definition of "employee" under the Longshoremen's and Harbor Workers' Compensation Act to specify the coverage of such Act with respect to persons engaged in the manufacture, sale, repair, or servicing of recreational or fishing boats.

H.R. 9448. October 5, 1977. Judiciary. Amends the Immigration and Nationality Act to exempt a person from the requirement of an understanding of the English language, if such person is 50 years of age, has been living in the United States for periods totaling at least five years, and was admitted or granted asylum in the United States because of persecution or fear of persecution on account of race, religion, or political opinion.

H.R. 9449. October 5, 1977. Public Works and Transportation. Designates the South Portal Federal Office Building of the United States Department of Health, Education, and Welfare at 200 Independence Avenue Southwest, Washington, D.C., as the "Hubert H. Humphrey Building."

H.R. 9450. October 5, 1977. Banking, Finance and Urban Affairs. Extends the supervisory authority of Federal agencies which regulate depository institutions.

Prohibits interlocking director and management relationships between financial institutions.

Prohibits any State nonmember insured bank from operating any foreign branch without prior written consent of the Federal Deposit Insurance Corporation.

Prohibits conflicts of interests involving officials of financial supervisory agencies.

Amends the Federal Credit Union Act to restructure the National Credit Union Administration.

Restricts the use of correspondent accounts.

Establishes a Financial Institutions Examination Council.

H.R. 9451. October 5, 1977. Judiciary. Directs the Chief Justice of the United States, upon his own initiative or upon request of two judges and/or justices, to appoint a panel of three judges and/or justices to review the performance of a judge or justice. States that the subject of review shall cease to hold office if a majority of the panel finds that he failed to serve in good behavior, unless the determination is appealed. Permits appeal of an adverse panel decision to the Supreme Court.

H.R. 9452. October 5, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act, the Internal Revenue Code of 1954, and the Railroad Retirement Act of 1974, to set forth procedures for the crediting of an individual's income to calendar years instead of the specific calendar quarters as is now required for the determination of eligibility and amount of benefits.

Sets forth a procedure for adjusting annually the amount of earnings which will qualify as a quarter of employment for eligibility determination purposes.

H.R. 9453. October 5, 1977. Ways and Means. Amends the Internal Revenue Code to lower individual and corporate income tax rates.

H.R. 9454. October 5, 1977. Public Works and Transportation. Authorizes the Secretary of Transportation to make grants to States and municipalities for the construction of bikeway projects.

H.R. 9455. October 5, 1977. Public Works and Transportation. Authorizes the Secretary of Transportation to make grants to States and municipalities for the construction of bikeway projects.

H.R. 9456. October 5, 1977. Ways and Means. Amends the Trade Expansion Act of 1962 to deny the President authority to impose customs duties on or to otherwise adjust imports of petroleum or petroleum products except during specific national emergencies involving hostilities.

H.R. 9457. October 5, 1977. Government Operations. Amends the Federal Property and Administrative Services Act to authorize the Administraor of General Services to assign surplus Federal real property to the Secretary of Commerce for disposal of such property to States and local areas theratened by unemployment as a result of the closing of Federal facilities. Requires that such property be used by the transferees for economic development purposes.

H.R. 9458. October 5, 1977. Interstate and Foreign Commerce. Subjects to liability for harm caused by the use of a product any individual engaged in interstate commerce who manufactures or sells a product which is in a defective condition or fails to warn against a dangerous condition in the use or misuse of the product.

Allows any person harmed by a product who is a reasonably anticipated user or consumer of the product to bring an action in "product liability" against the manufacturer or seller of the product.

H.R. 9459. October 5, 1977. Veterans' affairs. Permits the Administrator of Veterans' Affairs to discontinue educational assistance to an eligible veteran or survivor or dependent of a veteran if the Administrator finds that the institution of higher learning concerned has failed to enforce its regularly prescribed standards and practices as approved by the appropriate State approving agency with respect to such veteran or person. Requires the Administrator to provide individual educational and career counseling and other appropriate services to facilitate the education of any veteran or person whose educational assistance has been discontinued under this Act.

H.R. 9460. October 5, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9461. October 6, 1977. Interior and Insular Affairs. Amends the National Trails System Act by requiring the Secretary of the Interior to study the feasibility of designating the Overmountain Men Victory Trail in the States of Tennessee, North Carolina, and South Carolina, as a national scenic trail.

H.R. 9462. October 6, 1977. Ways and Means. Amends the Internal Revenue Code to provide that State and local government retirement systems shall be tax exempt organizations. Exempts those systems from the reporting requirements pertaining to deferred compensation. Treats all such systems as qualified pension plans under the Code.

H.R. 9436. October 6, 1977. Education and Labor; Government Operations. Directs the General Accounting Office to create a Jobs Protection Study Task Force to report on the policies of the executive branch, including those with regard to foreign trade, illegal aliens, environmental protection and government paperwork, which are costing citizens employment in the private sector and to suggest specific alternative policies which will provide protection of private employment.

H.R. 9464. October 6, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to set forth the procedures whereby the Administrator of the Environmental Protection Agency may grant funds to States and municipalities for wastewater treatment works.

Directs the Administrator to develop a public information on recycling and reuse of wastewater, and to promulgate guidelines for identifying and evaluating new and innovative wastewater treatment processes.

H.R. 9465. October 6, 1977. Banking, Finance and Urban Affairs. Amends the Federal Reserve Act to require that detailed minutes of Federal Open Market Committee meetings be released to the general public three years after the date of the meeting to which they relate.

H.R. 9466. October 6, 1977. Banking, Finance and Urban Affairs. Expresses the sense of the House that the national motto, "In God We Trust," shall continue to be engraved and printed on the currency of the United States.

H.R. 9467. October 6, 1977. Armed Services. Establishes procedures which the Secretaries of the various military departments must use in changing the status of a member of the uniformed services presently in a missing in action or prisoner of war status as a result of service in Southeast Asia.

Directs the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives to conduct a study of the present provisions of law relating to changes in such an individual's status.

H.R. 9468. October 6, 1977. Banking, Finance and Urban Affairs. Extends the supervisory authority of Federal agencies which regulate depository institutions.

Prohibits interlocking director and management relationships between financial institutions.

Prohibits any State nonmember insured bank from operating any foreign branch without prior written consent of the Federal Deposit Insurance Corporation.

Prohibits conflicts of interests involving officials of financial supervisory agencies.

Restructures the National Credit Union Administration.

Regulates the sale of insured financial institutions.

H.R. 9469. October 6, 1977. Education and Labor. Amends the Emergency School Aid Act to allow educational agencies to remain eligible for assistance under such Act under certain conditions even though such agencies may have a disproportionate assignment of minority teachers at certain of their schools.

H.R. 9470. October 6, 1977. Ways and Means. Amends the Tariff Act of 1930 to deem any article of wearing apparel assembled abroad and imported under the relevant section of the Tariff Schedules of the United States to be an article of foreign origin. Requires such article to be marked with the English marked with the English name of the country in which it was assembled.

H.R. 9471. October 6, 1977. Post Office and Civil Service. Allows any Federal employee or Member of Congress to count as creditable service for retirement purposes any time such person may have spent after his or her 18th birthday interned in a camp or facility established during World War II for the purpose of detaining persons Japanese ancestry.

H.R. 9472. October 6, 1977. Public Works and Transportation. Authorizes air carriers holding a certificate to engage in foreign air transportation to carry domestic traffic between points in the United States on flights operated in foreign air transportation. Stipulates that such authority shall be limited to one round trip flight per day in each city-pair market unless otherwise authorized by the Civil Aeronautics Board.

H.R. 9473. October 6, 1977. Interior and Insular Affairs. Designates specified public lands and waters in the State of Alaska for inclusion in the National Park, National Wildlife Refuge, Wild and Scenic Rivers and National Wilderness Preservation Systems. Makes provisions for the management of subsistence uses of fish and wildlife on national lands.

H.R. 9474. October 6, 1977. Education and Labor. Amends the Davis-Bacon Act to direct that a laborer or mechanic hired by a public contractor be paid appropriate mechanics' or apprentices' wages for periods during which such laborer or mechanic uses the materials, equipment, or tools of the trade involved.

H.R. 9475. October 6, 1977. Public Works and Transportation. Amends the Local Public Works Capital Development and Investment Act of 1976 to authorize the Secretary of Commerce to make grants to certain cities or townships for construction of local public works projects. Sets forth limitations on the amount of such grants.

H.R. 9476. October 6, 1977. Public Works and Transportation. Amends the Local Public Works Capital Development and Investment Act of 1976 to authorize the Secretary of Commerce to make grants to certain cities or townships for construction of local public works projects. Sets forth limitations on the amount of such grants.

H.R. 9477. October 6, 1977. Education and Labor. Amends the Civil Rights Act of 1964 to include as an unlawful employment practice discrimination on the basis of physical handicap.

H.R. 9478. October 6, 1977. Judiciary. Makes it unlawful for a parent of a minor who is not entitled to custody of that minor to kidnap it.

H.R. 9479. October 6, 1977. Ways and Means. Amends the Social Security Act with respect to Old-Age, Survivors, and Disability Insurance by directing the Secretary of Health, Education, and Welfare to establish procedures for expediting (1) replacement of lost, stolen or misdelivered benefit checks; (2) initial benefit payments; (3) hearings on eligibility; and (4) final determinations of eligibility.

H.R. 9480. October 6, 1977. Interior and Insular Affairs. Increases the authorization of appropriations for development of historic sites in Kansas.

H.R. 9481. October 6, 1977. Interior and Insular Affairs. Increases the authorization of appropriations for the development of Wilson's Creek National Battlefield, Missouri.

H.R. 9482. October 6, 1977. Agriculture. Amends the Packers and Stockyards Act of 1921 to restrict the authority of the Secretary of Agriculture to determine the justness or reasonableness of any stockyard service rate or charge, to only those rates or charges for services at stockyards which have a certain minimum annual sales volume.

H.R. 9483. October 6, 1977. Small Business. Amends the Small Business Act to establish in the Small Business Administration a Small Business Extension Service which shall develop and implement a comprehensive program for the identification, development, and practical demonstration of management techniques suitable for use by small business concerns.

H.R. 9484. October 6, 1977. Ways and Means. Amends the Internal Revenue to promote the survival of independent newspapers by providing for the establishment of tax exempt trusts for paying estate taxes on such papers, and by postponing the payment of estate taxes on such papers.

H.R. 9485. October 6, 1977. Post Office and Civil Service. Permits credit for civil service retirement purposes for service in the Cadet Nurse Corps during World War II.

H.R. 9486. October 6, 1977. International Relations. Authorizes the President to contribute up to a specified amount of tin to the Tin Buffer Stock established under the Fifth International Tin Agreement. Authorizes the Administrator of the General Services Administration to transfer to the International Tin Council an amount of tin specified by the President. Specifies disposition procedures for any proceeds or amount of tin accruing to the United States as a result of the Tin Buffer Stock.

H.R. 9487. October 6, 1977. Judiciary. Directs the Civil Service Commission, for the purpose of any law administered by it, to regard a certain individual as having been an employee of the United States Government during a specified period when he was employed under a personal service contract as Chief of Security by the Agency for International Development in Laos.

H.R. 9488. October 6, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9489. October 6, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9490. October 11, 1977. Ways and Means. Amends the Internal Revenue Code to: (1) remove the adjusted gross income limitation on the credit for the elderly; (2) increase the amount of the credit; and (3) provide an annual cost-of-living adjustment for the credit.

H.R. 9491. October 11, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to set forth the procedures whereby the Administrator of the Environmental Protection Agency may grant funds to States and municipalities for wastewater treatment works.

Directs the Administrator to develop a public information on recycling and reuse of wastewater, and to promulgate guidelines for identifying and evaluating new and innovative wastewater treatment processes.

H.R. 9492. October 11, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals alternative, limited income tax credits or deductions for the tuition paid for the primary, secondary or higher education of the taxpayer, his spouse and dependents.

H.R. 9493. October 11, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals alternative, limited income tax credits or deductions for the tuition paid for the primary, secondary or higher education of the taxpayer, his spouse and dependents.

H.R 9494. October 11, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals alternative, limited income tax credits or deductions for the tuition paid for the primary, secondary or higher education of the taxpayer, his spouse and dependents.

H.R. 9495. October 11, 1977. Public Works and Transportation. Amends the Flood Control Act of 1970 to require the Secretary of the Army, in determining the need for a flood control project, to consider the economic and social protection. Sets forth factors for evaluating such impact.

Requires the Secretary of the Army, acting through the Chief of Engineers, and upon a finding that the costs of any flood control project exceed its benefits, to furnish the non-Federal interests affected by such decision with an opportunity to contribute to the project the amount by which the costs exceed the benefits.

H.R. 9496. October 11, 1977. Education and Labor. Establishes a system of benefits for persons who were disabled by or for the dependents of persons who died from employment-related diseases caused by inhalation or ingestion of asbestos or by the inhalation of asbestos coupled with the inhalation of tobacco smoke. Directs the Secretary of Labor to administer such system.

H.R. 9497. October 11, 1977. Ways and Means. Amends the Internal Revenue Code to provide an exception to the investment tax credit recapture rules for transactions under the Final System Plan for ConRail.

H.R. 9498. October 11, 1977. Ways and Means. Amends the Internal Revenue Code to allow the Secretary of the Treasury to require monthly payments of social security and withholding taxes by employers whose amounts are between $500 and $5,000 for the month, and weekly payments by employers whose monthly amounts exceed $5,000

H.R. 9499. October 11, 1977. Armed Services; Interior and Insular Affairs; International Relations; Interstate and Foreign Commerce. Establishes the Nuclear Waste Management Authority as an independent agency. Stipulates that the Authority shall have sole responsibility for the decontamination, storage, and disposal of all nuclear wastes as well as surplus, obsolete, or abandoned radioactive facilities. Establishes a Nuclear Waste Management Fund within the Treasury to fund the activities of the Authority.

H.R. 9500. October 11, 1977. Judiciary Amends the Immigration and Nationality Act to prohibit the admission into the United States of any alien who is likely to become a public charge unless a United States citizen post a $5,000 bond on behalf of such alien.

H.R. 9501. October 11, 1977. Judiciary. Authorizes the Foreign Claims Settlement Commission to receive, consider, and act upon evidence presented by a certain individual in support of a specified claim, and to establish that such individual was a national of the United States continuously from the time he suffered a loss of property in Rudki, Poland.

H.R. 9502. October 11, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 9503. October 11, 1977. Judiciary. Entitles a certain resident of West Germany who was employed by the U.S. Department of State and by the U.S. Army during specified periods of times to certain supplemental retirement benefits.

H.R. 9504. October 11, 1977. Judiciary. Directs the Secretary of the Treasury to pay specified sums to certain individuals, such sums representing wage claims of such individuals against a certain subcontractor of the Small Business Administration under specified contracts with the Department of Navy.

H.R. 9505. October 11, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to prohibit unsolicited commercial telephone calls to a telephone subscriber who has notified the telephone company that he does not wish to receive such calls.

H.R. 9506. October 12, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to prohibit unsolicited commercial telephone calls to a telephone subscriber who has notified the telephone company that he does not wish to receive such calls.

H.R. 9507. October 12, 1977. Public Works and Transportation. Authorizes the Secretary of Transportation to obligate the United States to make payments from future apportionments from the Highway Trust Fund to a State in such amounts as are necessary to pay the Federal share of a completed highway project on the Interstate System if the State assures the Secretary that it will have sufficient funds to complete the project within five years through the issuance of bonds or other evidence of indebtedness. Requires that such payments received by such State be used only to retire such bonds or evidence of indebtedness.

H.R. 9508. October 12, 1977. Judiciary. Confers on the courts of the United States jurisdiction to review, in accordance with the Administrative Procedure Act, decisions of the Administrator of Veterans' Affairs on any question of law or fact under any law

administered by the Veterans' Administration providing benefits for veterans and their dependents or survivors.

H.R. 9509. October 12, 1977. Interior and Insular Affairs. Prohibits the Secretary of the Interior from acquiring by condemnation any land for the Appomattox Court House National Historical Park in the State of Virginia.

H.R. 9510. October 12, 1977. Armed Services; Interior and Insular Affairs; Interstate and Foreign Commerce. Amends the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to require the transfer of radioactive waste products to Federal repositories under the authority of the Nuclear Regulatory Commission.

Requires the Energy Research and Development Administration to restore the background radiation at abandoned uranium mines and mill sites to levels which existed before operations commenced at such sites.

Authorizes States to exercise concurrent authority regarding radioactive waste storage if the State requirements impose additional or more stringent standards for the construction or operation of such facilities.

H.R. 9511. October 12, 1977. Armed Services; Post Office and Civil Service. Prohibits union organizing and membership in the armed forces. Sets forth criminal penalties for violations of this Act.

H.R. 9512. October 12, 1977. Education and Labor. Amends the Higher Education Act of 1965 to include the Trust Territory of the Pacific Islands and the Northern Mariana Islands within the definition of "State" under such Act.

H.R. 9513. October 12, 1977. Government Operations. Establishes the Department of Education within the executive branch of the Federal Government to take over specified functions of the Department of Health, Education, and Welfare and all of the functions of the Education Division of the Department of Health, Education, and Welfare.

Establishes the Federal Interagency Committee on Education to coordinate all Federal programs affecting education.

H.R. 9514. October 12, 1977. Interstate and Foreign Commerce; Government Operations; Science and Technology. Amends the Energy Policy and Conservation Act to require recycling of used oil by Federal agencies. Directs the Administrator of the Environmental Protection Agency to establish a public education program on oil recycling. Authorizes the Administrator to make grants for State waste oil management programs.

Directs the Administrator of Energy Research and Development to establish a program to improve the performance and marketability of recycled oil.

H.R. 9515. October 12, 1977. Government Operations. Establishes a Department of Education within the executive department.

Transfers to the Secretary of Education certain educational functions now handled by various Federal offices.

H.R. 9516. October 12, 1977. Banking, Finance, and Urban Affairs. Amends the Federal Home Loan Mortgage Corporation Act to prohibit the Federal Home Loan Mortgage Corporation from issuing or applying rules or regulations which have the effect of excluding mortgages approved by the Secretary of the Department of Housing and Urban Development for participation in specified mortgage insurance programs from the servicing of mortgages sold to the Corporation.

H.R. 9517. October 12, 1977. Public Works and Transportation. Amends the Disaster Relief Act of 1974 to authorize the President to make grants to restore railroad facilities or equipment damages by a major disaster.

H.R. 9518. October 12, 1977. Merchant Marine and Fisheries. Amends the Shipping Act, 1916, to establish procedures for investigation by the Federal Maritime Commission of violations of such Act with respect to rates and tariffs of common carriers by water in foreign commerce.

H.R. 9519. October 12, 1977. Judiciary. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to include rescue squad members in the group of persons eligible for public safety officers' death benefits.

H.R. 9520. October 12, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to authorize the Secretary of Transportation to guarantee securities and obligations issued by a railroad in reorganization to State and local taxing authorities to secure the railroad's tax obligations when the Consolidated Rail Corporation, the United States Railway Association, or the Federal Government asserts a superior interest in payment out of the estate of such railroad during reorganization or liquidation proceedings under the Bankruptcy Act.

H.R. 9521. October 12, 1977. Education and Labor. Amends the Civil Rights Act of 1964 to include as an unlawful employment practice discrimination on the basis of physical handicap.

H.R. 9522. October 12, 1977. International Relations. Amends the Export Administration Act of 1969 to prohibit exportation to Uganda of articles subject to control under such Act.

H.R. 9523. October 12, 1977. International Relations. Amends the Export Administration Act of 1969 to prohibit exportation to Uganda of articles subject to control under such Act.

H.R. 9524. October 12, 1977. Ways and Means. Prohibits the importation of any article which is the growth, produce, or manufacture of Uganda.

H.R. 9525. October 12, 1977. Ways and Means. Amends the Export Administration Act of 1969 to prohibit exportation to Uganda of articles subject to control under such Act.

H.R. 9526. October 12, 1977. Ways and Means. Amends the Tariff Schedules of the United States to prohibit the importation of Ugandan coffee.

H.R. 9527. October 12, 1977. Ways and Means. Amends the Tariff Schedules of the United States to prohibit the importation of Ugandan coffee.

H.R. 9528. October 12, 1977. Armed Services. Authorizes the payment of subsistence allowances to members of the armed forces enrolled in specified officer candidate programs. Stipulates that time spent in officer candidate programs shall not be used in computing basic pay as a commissioned officer.

H.R. 9529. October 12, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the limitations made by the Tax Reform Act of 1976 on the exclusion for sick pay.

H.R. 9530. October 12, 1977. Armed Services. Increases the minimum grade held by the Chief of the National Guard Bureau from major general to lieutenant general.

H.R. 9531. October 12, 1977. Judiciary. Updates from June 30, 1948, to January 1, 1970, the cutoff date for the creation of a record of admission for permanent residence under the Immigration and Nationality Act. Authorizes the Attorney General to permit any alien to reside in the United States if such person is not otherwise admissible under provisions of the Act relating to criminals, and other immoral persons

Prohibits any person from employing or assisting illegal aliens in procuring or retaining employment in the United States. Sets penalties for violating such prohibition.

H. R. 9532. October 12, 1977. Post Office and Civil Service.

Suspends payment of salaries of Members of the Congress for so long as any employee of the Federal Government is not paid because of the failure of the Congress to enact legislation appropriating funds for such purpose.

H.R. 9533. October 12, 1977. Rules. Requires Government programs to be evaluated pursuant to a specified schedule to determine whether each such program should be continued, terminated, or altered (sunset review). Prohibits the authorization of new budget authority for a period of more than six years. Prohibits the authorization of new budget authority for any program for which there has not been conducted a sunset review.

Establishes a Citizens' Commission on the Organization and Operation of Government to study and recommend ways to improve the efficiency and operation of Government agencies.

H.R. 9534. October 12, 1977. International Relations. Amends the Arms Export Control Act to extend the period of time and to revise the method for computing the period of time during which Congress may object to a proposed sale under such Act.

H.R. 9535. October 12, 1977. Merchant Marine and Fisheries.

Directs the Secretary of the Interior to establish the Pinelands National Wildlife Refuge. Authorizes Federal payments to the State of New Jersey, and to municipalities for losses resulting from such land acquisition and for assistance in developing a unit management plan.

H.R. 9536. October 12, 1977. Banking, Finance and Urban Affairs.

Amends the Federal Reserve Act to require the detailed minutes of Federal Open Market Committee meetings be released to the general public three years after the date of the meeting to which they relate.

H.R. 9537. October 12, 1977. Judiciary. Directs the Attorney General to establish special drug forces in the Department of Justice composed of law enforcement personnel and special United States Attorneys.

Declares the duty of the drug forces to be to assist states and local governments in which there is an unusually large amount of drug trafficking and whose law enforcement and criminal justice system is unable to effectively prosecute violations of the Controlled Substances Act.

H.R. 9538. October 12, 1977. Public Works and Transportation.

Amends the Disaster Relief Act of 1974 to authorize the President to make contributions to States or local governments to help repair or replace a public facility damaged or destroyed in an emergency. Limits the amount of any such contributions to 75 percent of the cost of repair or replacement of such facility.

H.R. 9539. October 12, 1977. Merchant Marine and Fisheries.

Directs the Secretary of the Interior to establish the Pinelands National Wildlife Refuge. Authorizes Federal payments to the State of New Jersey, and to municipalities for losses resulting from such land acquisition and for assistance in developing a unit management plan.

H.R. 9540. October 12, 1977. Banking, Finance, and Urban Affairs.

Establishes the National Neighborhood Reinvestment Corporation to continue and expand upon the work of the urban reinvestment task force.

H.R. 9541. October 12, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to require (1) identification and ingredient information on certain drug labels; (2) drug test recordkeeping; (3) origin certification of imported drugs and (4) release of information used to determine new drug's safety.

Authorizes the Secretary of Health, Educa-

tion, and Welfare to (1) give conditional marketing approval to new drugs; (2) conduct drug studies; and (3) suspend approval of new human or animal drugs.

Establishes a drug development protocol for testing and marketing of new drugs.

Prohibits the export of misbranded drugs unless they meet safety standards established by the Secretary.

H.R. 9542. October 12, 1977. Ways and Means. Directs, under the Tariff Act of 1930, the liquidation or reliquidation of specified entries covering musical instruments belonging to a certain individual and, if appropriate, a refund of duties made.

H.R. 9543. October 12, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to two individuals in full settlement of such individuals' claims against the United States.

H.R. 9544. October 13, 1977. District of Columbia. Amends the District of Columbia Self-Government and Governmental Reorganization Act to exempt from the requirement thereunder that Congress approve all expenditures by the District of Columbia Government (1) the transfer to a private college or university of funds from any revenue bond, note, or other obligation issued solely to finance, or assist in the financing of, such college or university; and (2) the payment (of principal, interest, or both) of any such bond, note, or other obligation.

H.R. 9545. October 13, 1977. Armed Services. Requires that, upon request, members or former members of the uniformed services or their dependents be given essential medical and dental care in any facility of the uniformed services. Allows such individuals to receive nonessential care subject to the availability of space and facilities and the capabilities of the medical and dental staff.

H.R. 9546. October 13, 1977. Ways and Means. Amends title XVI (supplemental security income for the aged, blind, and disabled) of the Social Security Act to exclude from an individual's resources in determining his or her eligibility for benefits under such title an amount, not to exceed $1,000, deposited as prepayment of funeral and burial expenses.

H.R. 9547. October 13, 1977. Agriculture. Authorizes the Department of Agriculture to permit any person participating in one of its acreage set-aside programs to use such set-aside acreage to produce any agricultural or forestry product which is to be used or sold by such person for primary use in the manufacture of a tax-exempt gasoline blend (gasohol).

H.R. 9548. October 13, 1977. Veterans' Affairs. Requires, upon application by the insured, waiver of the payment of premiums for National Service Life Insurance during any time after which the insured has attained the age of 70 and has paid premiums on the insurance for not less than 25 years.

H.R. 9549. October 13, 1977. Education and Labor; Interstate and Foreign Commerce; Small Business; Ways and Means. Amends the Small Business Investment Act, the Securities Act of 1933, the Employee Retirement Income Security Act, and the Internal Revenue Code of 1954, to promote the formation and growth of new small businesses and to facilitate investment in such concerns.

H.R. 9550. October 13, 1977. Education and Labor. Amends the Older Americans Act of 1965 to authorize the Commissioner of the Administration on Aging to make grants to assist older persons adversely affected by a major disaster or emergency declared by the President in accordance with the Disaster Relief Act of 1974.

H.R. 9551. October 13, 1977. Education and Labor. Amends the Older Americans Act of 1965 to authorize the Commissioner of the Administration on Aging to make grants to assist older persons adversely affected by a major disaster or emergency declared by the President in accordance with the Disaster Relief Act of 1974.

H.R. 9552. October 13, 1977. International Relations. Requires that the Hungarian Crown of Saint Stephen and other relics of Hungarian royalty be kept in the United States, unless Congress specifically provides otherwise.

H.R. 9553. October 13, 1977. Science and Technology. Authorizes necessary appropriations to carry out the provisions of the Federal Fire Prevention and Control Act of 1974 for fiscal year 1978 and fiscal year 1979. Renames the National Fire Prevention and Control Administration the United States Fire Administration.

H.R. 9554. October 13, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals aged 62 and over a refundable income tax credit for increases in real property taxes and utility bills.

H.R. 9555. October 13, 1977. Banking, Finance, and Urban Affairs. Amends the Truth in Lending Act to exempt transactions involving extensions of credit for agricultural purposes. Defines the components of a "finance charge" and requires the itemization of such charges. Requires consumer and creditor statements and descriptions of security interests or property in connection with the extension of credit not under an open end plan.

Directs the simplification of disclosure requirements. Redefines disclosure requirements to comply with the provisions of this Act.

Includes provisions of civil and criminal liability under this Act.

H.R. 9556. October 13, 1977. Ways and Means. Amends the Trade Act of 1974 to permit to be included within a group of workers certified by the Secretary of Labor as eligible for adjustment assistance thereunder individuals whose last total or partial separation from employment occurred up to two years prior to the date of the petition on which such certification was granted.

Extends the period for which workers eligible for relief from injury caused by import competition may receive trade adjustment allowances.

H.R. 9557. October 13, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to set forth the procedures whereby the Administrator of the Environmental Protection Agency may grant funds to States and municipalities for wastewater treatment works.

Directs the Administrator to develop a public information on recycling and reuse of wastewater, and to promulgate guidelines for identifying and evaluating new and innovative wastewater treatment processes.

H.R. 9558. October 13, 1977. Armed Services. Authorizes the Secretary of Defense to budget funds for certain specified purposes to assist the Civil Air Patrol. Authorizes the Secretary of the Air Force to give, sell, or lend to the Civil Air Patrol excess property acquired by the Air Force under the Federal Property and Administrative Services Act of 1949.

H.R. 9559. October 13, 1977. Judiciary. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to include rescue squad members in the group of persons eligible for public safety officers' death benefits.

H.R. 9560. October 13, 1977. Judiciary. Amends the Immigration and Nationality Act to eliminate the limit on the number of alien children which may be adopted.

Repeals the provisions of the Act which require alien children adopted by United States citizens to reside in the United States for two years in the legal custody of such citizen before being eligible for United States citizenship by naturalization.

H.R. 9561. October 13, 1977. Veterans' Affairs. Provides for payment of a supplemental tuition allowance to each qualified veteran upon application to the Administrator of Veterans' Affairs.

Extends the delimiting period for completing a veteran's education program until such time as the veteran completes or ends the program (but for no more than two years), if at the close of the ordinary ten-year delimiting period the veteran is enrolled in a program.

H.R. 9562. October 13, 1977. Veterans' Affairs. Provides for payment of a supplemental tuition allowance to each qualified veteran upon application to the Administrator of Veterans' Affairs.

Extend the delimiting period for completing a veteran's education program until such time as the veteran completes or ends the program (but for no more than two years), if at the close of the ordinary ten-year delimiting period the veteran is enrolled in a program.

H.R. 9563. October 13, 1977. Ways and Means. Amends the Internal Revenue Code to lower individual and corporate income tax rates.

H.R. 9564. October 13, 1977. Ways and Means. Amends the Internal Revenue Code to: (1) reduce individual and corporate income tax rates; (2) allow a limited income tax deduction by certain domestic corporations for dividends paid; (3) allow a tax credit for new savings deposits; and (4) allow a deduction for a portion of a property's cost in lieu of a deduction for depreciation.

H.R. 9565. October 13, 1977. Ways and Means. Amends the Internal Revenue Code to provide for an alternative 12-month period to the existing 60-month period of amortization for a new identifiable certified pollution control facility acquired, or whose construction began, after December 31, 1976.

H.R. 9566. October 13, 1977. Judiciary. Directs the Foreign Claims Settlement Commission to consider the claim of a certain individual under the International Claims Settlement Act of 1949.

H.R. 9567. October 13, 1977. Judiciary. Deems a certain individual, for retirement purposes, to have received a specified salary at the time he relinquished his office as a district judge of the United States District Court for the District of Hawaii.

H.R. 9568. October 13, 1977. Judiciary. Permits a certain individual to be issued a visa and admitted to the United States for permanent residence if such individual is found to be otherwise admissable under the provisions of the Immigration and Nationality Act.

H.R. 9569. October 13, 1977. Ways and Means. Directs the Secretary of the Treasury to extend to a specified date the expiration date of the temporary importation bond covering a certain schooner to permit a certain individual to complete such schooner's renovation.

H.R. 9570. October 14, 1977. Interior and Insular Affairs. Amends the National Trails System Act to require the Secretary of the Interior to determine the feasibility and desirability of designating the Illinois Trail as a national scenic trail.

H.R. 9571. October 14, 1977. District of Columbia. Amends the District of Columbia Code to establish procedures and time limits to facilitate the speedy trial of criminal cases in the District of Columbia.

Provides for (1) the dismissal of charges against an individual if indictments are not filed within a specified time; and (2) the dismissal of an indictment if the individual is not brought to trial within a specified time.

H.R. 9572. October 14, 1977. Banking, Finance, and Urban Affairs. Amends the National Housing Act to permit the Secretary of Housing and Urban Development to insure mortgages and loans with varying rates of amortization corresponding to anticipated

variations in family income on a regular basis.

Amends the Internal Revenue Code to establish tax-exempt savings accounts which would be available to first-time home buyers, known as individuals housing accounts.

H.R. 9573. October 14, 1977. Agriculture; International Relations. Authorizes the President to establish an International Emergency Food Reserve in this country and to negotiate international agreements with other countries to develop an international system of food reserves for humanitarian food relief.

H.R. 9574. October 14, 1977. Education and Labor. Amends the Elementary and Secondary Education Act of 1965 to require States applying for assistance under such Act to establish and implement standards of educational proficiency applicable to public school students.

Establishes the National Commission on Basic Education and directs it to (1) establish such standards; and (2) review and approve or disapprove State plans implementing such standards.

Authorizes the Commissioner of Education to financially assist States in preparing such educational standards plans.

Directs the Commissioner to make such proficiency examinations directly available to public school students in districts where such proficiency plans are not in effect.

H.R. 9575. October 14, 1977. Judiciary; Interstate and Foreign Commerce. States that in any proceeding for the reorganization or liquidation of a railroad under specified provisions of the Bankruptcy Act, priority of payment of such estate shall be given to tax claims of local school districts, other units of local government, and States.

H.R. 9576. October 14, 1977. Ways and Means. Amends the Internal Revenue Code to authorize any taxpayer to elect to have any portion of any overpayment of tax or any contribution in money which the taxpayer forwards with the return for such taxable year be available, as the taxpayer may designate on such return for the National Endowment for the Arts or the National Endowment for the Humanities.

H.R. 9577. October 14, 1977. House Administration. Requires mandatory application of the General Records Schedules to all Federal agencies and provides for the disposal of Federal Register documents.

H.R. 9578. October 14, 1977. Merchant Marine and Fisheries. Amends the Merchant Marine Act, 1936, to direct the Secretary of Commerce to reduce by five percent the construction differential subsidy for the construction of a vessel if the type of vessel to be constructed is not a standard vessel and is not an innovative type likely to become a standard vessel and a standard vessel could substantially serve the purpose for which the vessel is intended to be used.

H.R. 9579. October 14, 1977. Ways and Means. Amends the Tax Reform Act to provide a limited election of its additional exception to "United States property" with respect to controlled foreign corporations.

H.R. 9580. October 14, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9581. October 14, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9582. October 14, 1977. Judiciary. Deems a certain individual to be under a disability which began at the time specified in her application for disability insurance benefits under the Social Security Act, and deems her to have satisfied the requirements of such Act for such benefits.

H.R. 9583. October 17, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals a limited, nonrefundable income tax credit for expenses incurred for the higher education of the taxpayer, his spouse or dependents.

H.R. 9584. October 17, 1977. Ways and Means. Entitles, under the Social Security Act, States, whose rates of insured unemployment is at least six percent to partial reimbursement on an ascending sliding scale of unemployment compensation costs incurred above a certain amount.

H.R. 9585. October 17, 1977. Banking, Finance and Urban Affairs. Amends the National Flood Insurance Act of 1968 to require congressional approval of any determination by the Secretary of Housing and Urban Development to operate the flood insurance program under such Act.

H.R. 9586. October 17, 1977. House Administration. Amends the charter of the Boy Scouts of America to stipulate that the annual report of the Boy Scouts shall be printed each year as a separate House document.

H.R. 9587. October 17, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the carryover basis provisions enacted by the Tax Reform Act which provide that beneficiaries receiving property from a decedent's estate will retain the decedent's basis in the property. Restores prior law which "stepped down" or "stepped up" the property's basis to its market value at the time of death without imposing tax consequences on the appreciation or depreciation the property underwent while held by the decedent.

H.R. 9588. October 17, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to revise the present economic regulation of the airline industry. Directs the Civil Aeronautics Board in the exercise of its duties to consider the encouragement of new air carriers and maximum reliance on competition in air transportation as being in the public interest.

Revises the ratemaking authority of the Board.

Establishes a Federal subsidy program for the provision of essential air service to small communities and isolated areas.

H.R. 9589. October 17, 1977. Banking, Finance and Urban Affairs. Amends the Federal Reserve Act to require that Federal Reserve banks keep verbatim transcripts of all meetings of their boards of directors. Requires such transcripts to be delivered to Congress without deletion. States that the transcripts shall also be released to the general public with specified deletions permitted.

H.R. 9590. October 17, 1977. Post Office and Civil Service. Increases the contribution of the Government to Federal employees' health insurance to 75 percent.

H.R. 9591. October 17, 1977. Public Works and Transportation. Stipulates that nothing in agreements entered into between the Secretary of Transportation and a State highway department for the construction of projects on the Interstate System shall require the removal of establishments serving users of interstate highways if such establishment was in existence before January 1, 1960, is owned by a State and if all access to, and exits from such establishments conform to specified standards.

H.R. 9592. October 17, 1977. Interior and Insular Affairs. Requires the Secretary of the Interior to establish in each region where the United States provides water for agricultural purposes: (1) a base volume of water necessary to grow suitable crops; and (2) a base rate per acre foot for water delivered. Prescribes rates for volumes of water used in excess of the base volume.

Requires all water service contracts to provide for a recalculation of water delivery cost and a modification of price at least once every two years.

Requires congressional approval of water service contracts involving water in excess of a specified volume.

H.R. 9593. October 17, 1977. Interior and Insular Affairs; Merchant Marine and Fisheries. Renames the Advisory Council on Historic Preservation as the Council on Historic Preservation. States that such Council is to administer specified Acts which relate to the historic preservation responsibilities of the Secretary of the Interior and to promote nominations to the National Register of Historic Places properties.

H.R. 9594. October 17, 1977. Public Works and Transportation. Amends the Appalachian Regional Development Act of 1965 to increase to 70 percent the limitation on Federal assistance to an Appalachian highway construction project, unless a State uses between 45 and 60 percent of such funds for a development highway project to increase Federal assistance to 90 percent.

H.R. 9595. October 17, 1977. Ways and Means. Increases the rate of tax on wages and self-employment income under the Internal Revenue Code.

Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to permit the making of loans among the Trust Funds under such Title.

Amends such Title to: (1) revise the method for determining benefit amounts; (2) include employees of Federal, State, and local governments and of tax-exempt organizations within the coverage of such Title; (3) establish a working spouse's benefit; (4) eliminate gender-based distinctions in awarding benefits; and (5) increase the amount which an individual may earn without a reduction in benefits.

H.R. 9596. October 17, 1977. Education and Labor. Exempts members of bona fide religions which historically hold conscientious objections to joining or financially supporting labor organizations from compulsory membership or support of such an organization under the National Labor Relations Act.

Stipulates that such persons may be required to pay in accordance with specified guidelines sums equal to applicable union dues and initiation fees to nonreligious charitable funds.

H.R. 9597. October 17, 1977. Ways and Means. Amends the Internal Revenue to promote the survival of independent newspapers by providing for the establishment of tax exempt trusts for paying estate taxes on such papers, and by postponing the payment of estate taxes on such papers.

H.R. 9598. October 17, 1977. Judiciary. Directs the Attorney General to acquire information which would assist in the identification of deceased persons and exchange such information with Federal, State, and local agencies.

H.R. 9599. October 17, 1977 Veterans' Affairs. Establishes a Court of Veterans' Appeals, appointed by the President, with exclusive jurisdiction to review by appeal all questions involved in decisions of the Board of Veterans' Appeals.

H.R. 9600. October 17, 1977. Banking, Finance and Urban Affairs. Extends the supervisory authority of Federal agencies which regulate depository institutions.

Prohibits interlocking director and management relationships between financial institutions.

Prohibits any State nonmember insured bank from operating any foreign branch without prior written consent of the Federal Deposit Insurance Corporation.

Prohibits conflicts of interests involving officials of financial supervisory agencies.

Restructures the National Credit Union Administration.

Regulates the sale of insured financial institutions.

Establishes a Bank Examination Council.

Prescribes procedures and standards gov-

erning the disclosure of customer records by financial institutions to Federal agencies.

Sets forth standards for bank mergers and acquisitions.

H.R. 9601. October 17, 1977. Interior and Insular Affairs. Increases development ceilings in specified units of the National Park System.

H.R. 9602. October 17, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to exclude from the definition of a food additive as defined by such Act any substance used as a component of food-contact articles provided it is not reasonably expected to contribute more than 0.05 part per million to the contacted food as determined under conditions provided for by this Act.

Authorizes the Secretary of Health, Education, and Welfare to establish a lower limit for a substance in order to protect the public health.

H.R. 9603. October 17, 1977. Interior and Insular Affairs; Post Office and Civil Service. Provides alternative retirement benefits for employees of the Bureau of Indian Affairs and the Indian Health Service who are not entitled to Indian preferences. Establishes an additional Indian preference which pertains to force reductions within the Bureau of Indian Affairs. Limits the application of the Indan preference laws in the Bureau of Indian Affairs.

Directs the Commissioner of Indian Affairs to career development programs for Indian employees, procedures for coordination of the Indian preference laws.

H.R. 9604. October 17, 1977. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to stipulate that a "current connection with the railroad industry" shall not be lost by reason of subsequent employment with the Department of Energy for purposes of annuity eligibility.

H.R. 9605. October 17, 1977. Interior and Insular Affairs. Prohibits the United States Congress and the Secretaries of Agriculture and the Interior from designating any additional Federal lands for inclusions in a wilderness classification without the consent of the Governor and the legislature of the affected State.

H.R. 9606. October 17, 1977. Veterans' Affairs. Extends the delimiting period for an eligible veteran prevented from initiating or completing a chosen program of education within the normal ten-year period because of a physical or mental disability

Requires any veteran or institution seeking approval for a sales or sales management course to show that at least one-half of the persons who enrolled in it successfully completed their programs of instruction.

Requires each State approving agency to notify the Administrator of Veterans' Affairs of any educational institution which has been cited for, terminated because of, or is under investigation for illegal or improper practices, or for unsatisfactory performance or academic standards.

H.R. 9607. October 17, 1977. Ways and Means. Amends the Internal Revenue Code to disallow all deductions for entertainment, amusement, or recreation expenses or business meals.

H.R. 9608. October 17, 1977. Agriculture. Requires that the loan rates and target prices for 1977 through 1981 set for wheat, feed grains, upland cotton, rice, peanuts, soybeans, and sugar be increased periodically to reflect cost-of-living increases or increases in the minimum wage.

Directs the Secretary of Agriculture to use specified funds to maintain a price for perishable commodities that reflect such cost-of-living or minimum wage increases.

H.R. 9609. October 17, 1977. Post Office and Civil Service. Establishes the rate of postage for any controlled circulation publication relating to agriculture or farming at an amount which bears the same ratio to the general postage rate for controlled circulation publications as the rate of postage for any publication relating to the science of agriculture bears to the rate of postage for second-class mail.

H.R. 9610. October 17, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9611. October 17, 1977. Judiciary. Admits a certain individual to the United States for permanent residence on specified conditions.

H.R. 9612. October 17, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9613. October 17, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9614. October 18, 1977. Banking, Finance and Urban Affairs. Extends the authority of the Board of Governors of the Federal Reserve System to regulate interest rates on deposits and share accounts in depository institutions.

H.R. 9615. October 18, 1977. Merchant Marine and Fisheries. Directs the Secretary of the Interior to cooperate with the States in programs for the conservation of native fish and wildlife species by providing financial assistance to carry out approved conservation plans.

H.R. 9616. October 18, 1977. Interstate and Foreign Commerce; Ways and Means. Establishes a system for the compensation of victims of toxic substance pollution to be administered by the Administrative Board for Compensation of Victims of Toxic Substance Pollution, and the Office of the Ombudsman for Compensation of Victims of Toxic Substance Pollution.

Directs the Internal Revenue Service to collect a pollution charge from each manufacturer of a toxic substance.

H.R. 9617. October 18, 1977. Interior and Insular Affairs. Amends the National Trails System Act to re-establish the advisory council for the Appalachian National Scenic Trail.

Changes the acreage limitations on lands acquired for rights-of-way and by condemnation proceedings along the Appalachian National Scenic Trail.

H.R. 9618. October 18, 1977. Government Operations. Establishes a Department of Education within the executive branch of the Federal Government to take over specified functions of the Department of Health, Education, and Welfare; all of the functions of the Education Division and various educational functions handled by the Departments of Agriculture, Defense, and Interior; the Secretary of Housing and Urban Development; the National Foundation on the Arts and the Humanities; the National Endowments for the Arts and Humanities; and National Science Foundation.

Creates the Federal Interagency Committee on Education and the National Advisory Commission on Education.

H.R. 9619. October 18, 1977. Public Works and Transportation. Amends the River and Harbor Act of 1960 to authorize the Secretary of the Army to consider commercial activities which will further the development of the public port or industrial facilities, which are under his jurisdiction as part of a water resources project, when determinating whether to convey surplus real property to a State or political subdivision thereof is in the public interest.

H.R. 9620. October 18, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to establish a new procedure for funding the Corporation for Public Broadcasting, to reorganize the board of directors of such Corporation, and to establish regulations governing the grant programs for public telecommunications.

H.R. 9621. October 18, 1977. Interstate and Foreign Commerce; Ways and Means. Requires all gasoline stations, within three years of the passage of this Act, to sell a mixture of gasoline and alcohol in the same manner as they sell gasoline. Imposes a civil penalty for violations of such requirement. Amends the Internal Revenue Code to allow rapid amortization of facilities producing alcohol for use as a fuel in motor vehicles. Amends the Clean Air Act with respect to the authority of the Environmental Protection Agency to regulate the use of alcohol as a fuel additive.

H.R. 9622. October 18, 1977. Judiciary. Abolishes: (1) diversity of citizenship as a basis of jurisdiction of Federal district courts; and (2) the amount in controversy requirement in Federal question cases. Permits venue for a Federal civil action in any judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, in which a substantial part of property that is the subject of the action is situated.

H.R. 9623. October 18, 1977. Post Office and Civil Service. Establishes procedures for taking the decennial census. Directs the Secretary of Commerce to conduct mid-decade censuses.

Directs the Secretary to establish a Division of Evaluation to evaluate censuses.

H.R. 9624. October 18, 1977. Judiciary. Grants a Federal charter to the American Ex-Prisoners of War, Incorporated.

H.R. 9625. October 18, 1977. Education and Labor. Amends the National Labor Relations Act to provide that the duty to bargain collectively includes bargaining with respect to retirement benefits for retired employees.

H.R. 9626. October 18, 1977. Ways and Means. Amends the Trade Act of 1974 to permit the Congress to disapprove any reduction or termination of import relief by the President.

H.R. 9627. October 18, 1977. Banking, Finance and Urban Affairs. Creates a Solar Energy Development Bank to make long-term, low-interest loans to encourage the use of solar energy in commercial and residential dwellings. Establishes a Solar Energy Fund in the Treasury of the United States to finance the activities of the Bank.

H.R. 9628. October 18, 1977. Ways and Means. Amends the Tariff Schedules of the United States to suspend temporarily the customs duty on nitro cellulose.

H.R. 9629. October 18, 1977. Ways and Means. Delays for six months the effective date of the increase in the hospital deductible for 1978 under the hospital insurance program of Title XVIII (Medicare) of the Social Security Act.

H.R. 9630. October 18, 1977. Interior and Insular Affairs. Increases development ceilings in specified units of the National Park System.

H.R. 9631. October 18, 1977. Interior and Insular Affairs. Increases development ceilings in specified units of the National Park System.

H.R. 9632. October 18, 1977. Judiciary. Permits the burial of a certain individual next to her husband in the post cemetery of a certain United States Army fort.

H.R. 9633. October 18, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9634. October 18, 1977. Judiciary. Authorizes classification of two individuals as children for purposes of the Immigration and Nationality Act.

H.R. 9635. October 18, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9636. October 19, 1977. Ways and Means. Amends the Internal Revenue Code to provide a limited, refundable tax credit to persons age 65 or over for the real property

taxes or the rent they pay for their principal residences. Allows a limited tax credit for each individual who is at least 65 years of age whose principal place of abode during the taxable year is the principal residence of the taxpayer, and who is not a lodger with the taxpayer.

H.R. 9637. October 19, 1977. Judiciary. Repeals specified provisions of the Immigration and Nationality Act which deprive persons of their United States citizenship because of their desertion or failure to serve in the United States armed forces in a time of national emergency because, as a naturalized citizen, such person resided outside the territory of the United States for a specified period, because such citizen with dual nationality sought the benefits of his non-United States nationality, and because such citizen, born outside the United States, failed to come to and reside in the United States.

H.R. 9638. October 19, 1977. Judiciary. Amends provisions of the Gun Control Act of 1968 which impose additional sentences for using or unlawfully carrying a firearm during the commission of a Federal felony to encompass State felonies.

Sets forth a mandatory prison term for persons who obtain a firearm illegally.

H.R. 9639. October 19, 1977. Agriculture. Amends the Packers and Stockyards Act of 1921 to restrict the authority of the Secretary of Agriculture to determine the justness or reasonableness of any stockyard service rate or charge, to only those rates or charges for services at stockyards which have a certain minimum annual sales volume.

H.R. 9640. October 19, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to include Hawaii in the term "Continental United States" for purposes of the regulation of consolidations and mergers of telegraph carriers.

H.R. 9641. October 19, 1977. Interior and Insular Affairs. States that during the year following the enactment of this Act the Secretary of the Interior shall neither withhold water delivery from any beneficiary of a Federal reclamation project, nor initiate any proceedings intended to require the sale of privately owned bonds within any project, for purposes of achieving conformity with acreage limitations or residency requirements of reclamation law.

H.R. 9642. October 19, 1977. Education and Labor. Establishes a national program for the prevention and treatment of family violence through the coordination of existing programs and the provision of assistance to such programs and to the establishment of new programs.

Establishes a Coordinating Council on Family Violence which shall be composed of representatives of specified executive departments and agencies.

Establishes within the ACTION Agency a National Center for Community Action Against Family Violence. Directs the Secretary of Health, Education, and Welfare to provide funds to evaluate programs for the prevention and treatment of family violence.

H.R. 9643. October 19, 1977. Banking, Finance and Urban Affairs; Judiciary. Allows States and political subdivisions to impose a doing-business tax on depository banks which have business locations in the State or political subdivision.

Sets forth a formula for the apportionment of such tax.

H.R. 9644. October 19, 1977. Post Office and Civil Service. Establishes pay classifications ATC–1 through ATC–9 for Federal air traffic controllers and establishes salary levels to correspond to such classifications. Requires trainees and nonjourneyman controllers to be classified in positions ATC–1 through ATC–8 according to the proficiency required to fill such positions. Requires the classification of journeyman controllers at positions ATC–4 through ATC–9 on the basis of the award of points which reflect the type of facility where such person performs duties and the complexity of the job considering such characteristics as the volume of air traffic and runway configurations.

H.R. 9645. October 19, 1977. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to furnish counseling (including a general mental and psychological assessment in connection therewith) to any veteran with emotional or psychological problems related to the adjustment of such veteran from military to civilian life.

H.R. 9646. October 19, 1977. Armed Services. Amends the Strategic and Critical Materials Stock Piling Act to direct the President to appoint an interagency council to determine which materials are to be acquired under such Act and what classification each such material shall be assigned. Establishes a classification system for such materials and stockpile objectives for each classification. Requires the establishment of a barter program for the acquisition of strategic and critical materials. Establishes a Strategic and Critical Materials Procurement Fund within the Treasury.

H.R. 9647. October 19, 1977. Interstate and Foreign Commerce; Merchant Marine and Fisheries. Provides for the establishment of a privately owned and operated Corporation to participate in the International Maritime Satellite Organization.

H.R. 9648. October 19, 1977. Judiciary; Rules. Requires all rules proposed by any Federal agency, except emergency rules, to be submitted to Congress before becoming effective. Permits such rules to become effective 60 days after submission to Congress if not disapproved by either House within such period.

Exempts from publication requirements notice of rulemaking proceedings for agency rules dealing with emergency or routine matters or ones which have an insignificant impact. Sets other maximum and minimum time limits during which public comment is to be accepted regarding proposed agency rules.

H.R. 9649. October 19, 1977. Banking, Finance and Urban Affairs. Amends the Federal Reserve Act to make the Chairman of the Federal Reserve Board accountable to Congress for specified lobbying activities within the Federal Reserve System.

H.R. 9650. October 19, 1977. Ways and Means. Amends the Tariff Schedules of the United States to suspend temporarily the customs duty on 1, 3, 5-Trimethyl-2, 4, 6-tris [3, 5-di-tert-butyl-4-hydroxy benzyl] benzene (a coal tar derivative).

H.R. 9651. October 19, 1977. Ways and Means. Amends the Internal Revenue Code to treat as a scholarship and to exclude from gross income any amounts received by an individual under the Armed Forces health professions scholarship program or the National Health Service Corps scholarship program.

H.R. 9652. October 19, 1977. Judiciary. Applies immigration quota totals without regard to whether immigrants are from the Eastern or Western Hemisphere.

H.R. 9653. October 19, 1977. Ways and Means. Dirtcts the Secretary of Health, Education, and Welfare to provide a supplementary housing allowance to eligible individuals under Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act whose annual housing expenses exceeds 33⅓ percent of their annual income.

H.R. 9654. October 19, 1977. Ways and Means. Amends the Internal Revenue Code to lower individual and corporate income tax rates.

H.R. 9655. October 19, 1977. Small Business. Amends the Small Business Investment Company Act of 1958 to permit small business investment companies to issue debentures to the Small Business Administration for a term of no more than 15 years, provided that when debentures are held to maturity, interest will be paid at a rate not less than that stated in this Act.

H.R. 9656. October 19, 1977. House Administration. Calls for a national referendum on whether the United States should divest itself of the Panama Canal and states that Congress shall be guided by the results.

H.R. 9657. October 19, 1977. Government Operations. Establishes the Federal Audiovisual Commission to insure that all Federal audiovisual materials are procured from private sector producers and distributed to audiences not in the Government only through qualified private sector distribution organizations.

H.R. 9658. October 19, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9659. October 19, 1977. Judiciary. Directs the Secretary of the Treasury to pay a sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 9660. October 19, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9661. October 19, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9662. October 20, 1977. Education and Labor. Directs the Secretary of Health, Education, and Welfare to establish for displaced homemakers Multipurpose Service Centers in order to provide such persons job, health, financial, and legal services.

Directs the Secretary to prepare and furnish to the Congress a study to determine the feasibility of and appropriate procedures for allowing displaced homemakers to participate in (1) programs established under the Comprehensive Employment and Training Act of 1973, (2) work incentive programs under the Social Security Act, (3) related, Federal employment, education, and health assistance programs, and (4) programs established or benefits provided under Federal and State unemployment compensation laws.

H.R. 9663. October 20, 1977. Banking, Finance and Urban Affairs. Amends the Federal Home Loan Mortgage Corporation Act to prohibit the Federal Home Loan Mortgage Corporation from issuing or applying rules or regulations which have the effect of excluding mortgages approved by the Secretary of the Department of Housing and Urban Development for participation in specified mortgage insurance programs from the servicing of mortgages sold to the Corporation.

H.R. 9664. October 20, 1977. Interior and Insular Affairs; Interstate and Foreign Commerce; Ways and Means. Directs the Bonneville Power Administration (BPA) to develop energy conservation and efficiency programs in conjunction with specified Northwestern States. Authorizes the BPA to purchase power from other power plans or systems under specified conditions. Directs the BPA to sell its power to specified classes of customers in specified amounts. Establishes a classification system for BPA's resources for cost purposes and an allocation system for the recovery of such costs from BPA's customers.

Amends the Internal Revenue Code to make industrial development bonds issued by a United States agency administering a regional power program tax-exempt under specified circumstances.

H.R. 9665. October 20, 1977. Judiciary. Amends the Immigration and Nationality Act to eliminate from the classes of excludable and deportable aliens those aliens who: (1) are anarchists; (2) are opposed to organized government; or (3) are members or

advocates of the Communist or a totalitarian party.

Amends the Subversive Activities Control Act of 1950 to remove the prohibition against the application by a member of a communist organization for a U.S. passport, and the issuance of a passport to such a member.

H.R. 9666. October 20, 1977. Ways and Means. Amends Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to exclude interest on bank deposits from the determination of income for purposes of determining an individual's eligibility for benefits under such Title or the amount of such benefits.

H.R. 9667. October 20, 1977. Ways and Means. Amends the Internal Revenue Code to impose an additional excise tax on cigarettes to be paid to States to the extent the taxes collected are attributable to those States.

H.R. 9668. October 20, 1977. Appropriations. Appropriates a supplemental amount for carrying out the home health services provisions of the Health Revenue Sharing and Health Services Act. Appropriates specified sums for the purpose of making multipurpose senior center grants under the Older Americans Act of 1965.

H.R. 9669. October 20, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to direct the Secretary of Housing and Urban Development to give special emphasis to insuring mortgage covering medical practice facilities which are to be used primarily for the purpose of providing preventive, diagnostic, and treatment services to elderly outpatients.

Amends the Housing and Community Development Act to entitle a grant senior center providing recreation, health, and nutritional services regardless whether such centers offer housing facilities.

H.R. 9670. October 20, 1977. Education and Labor. Directs the Secretary of Health, Education, and Welfare to make grants to States having approved comprehensive plans for providing counseling assistance to the elderly, such grants to be distributed on the basis of statewide need and priorities. Permits the use of grants to fund preretirement and career counseling programs, referral services, community activities, and counseling for families of sick and disabled senior citizens.

H.R. 9671. October 20, 1977. Education and Labor. Amends the Age Discrimination in Employment Act of 1967 to eliminate age limitations with respect to the requirement that all personnel actions affecting employees or applicants for employment in Federal agencies, the United States Postal Service, or the District of Columbia government be taken without regard to such employees' or applicant's age.

H.R. 9672. October 20, 1977. Interstate and Foreign Commerce. Amends the Health Revenue Sharing and Health Services Act and the Social Security Act to allow the Secretary of Health, Education, and Welfare to make grants and loans to fund home health services, annual health fairs, community care services, and mobile health facilities for the elderly. Expands the medical coverage of the Social Security Act to include preventive health care, diagnostic services, hearing aids, food care, dental care, vision aids, and specified care and services for the elderly.

Amends the Public Health Service Act to require that $20,000,000 be obligated for grants and contracts for emergency medical services systems for the elderly.

H.R. 9673. October 20, 1977. Interstate and Foreign Commerce. Amends Title XIX (Medicaid) of the Social Security Act to prohibit any expenditure to an individual to the extent to which an entity (other than a member of the individual's family) would be liable for payment for such care and services but for a provision of a contract or a State law which has the effect of limiting or excluding such liability. Allows a State to impose a lien against the estate of a deceased individual after the death of his surviving spouse on account of medical assistance paid on his behalf.

H.R. 9674. October 20, 1977. Interstate and Foreign Commerce. Amends the Public Health Services Act to authorize the Secretary of Health, Education, and Welfare to make grants to assist in the development of additional personnel training programs in geriatrics.

Amends the National Labor Relations Act to make it an unfair labor practice for an employer to discriminate against any employee who has given testimony before any congressional committee or Federal agency or department .

H.R. 9675. October 20, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to authorize reduced air fares for persons 60 years of age or older.

H.R. 9676. October 20, 1977. Ways and Means. Amends the Internal Revenue Code to exempt from excise tax buses purchased by tax exempt organizations or by other persons for exclusive use in furnishing transportation for a State or local government or a tax exempt organization (currently, transportation must be limited to students and employees of schools).

H.R. 9677. October 20, 1977. Ways and Means. Authorizes a tax deduction, under the Internal Revenue Code, for any taxpayer who contributes the right to use any real property owned by the taxpayer to a tax-exempt organization for use by a multipurpose senior citizen center or outpatient geriatric clinic.

H.R. 9678. October 20, 1977. Ways and Means. Amends Title XX (Grants to States for Services) of the Social Security Act to reallot unused social services funds to States which will use such funds during the succeeding year in preventing or reducing inappropriate institutional care.

Allocates additional Federal matching for multipurpose senior center programs. Directs the Secretary of Health, Education, and Welfare to clarify and standardize the eligibility requirements applicable to the provision of assistance to multipurpose senior centers.

H. R. 9679. October 20, 1977. Ways and Means. Amends the Internal Revenue Code to provide that the charitable deduction allowed for expenses incurred in the operation of a motor vehicle shall include the depreciation, operation and maintenance costs allocable to such operation and shall be determined in the same manner as for a business related deduction.

H.R. 9680. October 20, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 9681. October 20, 1977. Banking, Finance and Urban Affairs; Interstate and Foreign Commerce; Ways and Means. Amends Title XI (General Provisions) of the Social Security Act to authorize the establishment of an experimental program to provide in-home care for elderly individuals.

Amends Title XVIII (Medicare) to provide payment for in-home care, day care centers, and extended and intermediate care for the elderly under the supplementary medical insurance program. Amends Title XVIII to provide for the creation of an alternative reimbursement formula which will allow specified hospitals to provide long-term care without applying proportional allocation of ovehead costs to all patients in such facilities.

H.R. 9682. November 20, 1977. Education and Labor; Judiciary. Amends the Older Americans Act of 1965 to authorize the Commissioner of the Administration on Aging to make grants to public or nonprofit private agencies or organizations for the purpose of providing legal assistance to individuals who are 60 years of age or older and who are unable to afford legal assistance in connection with their eligibility for home health care pursuant to Title XVIII (Medicare), Title XIX (Medicaid), and Title XX (Grants to States for Services) of the Social Security Act.

H.R. 9683. October 20, 1977. Education and Labor; Interstate and Foreign Commerce; Ways and Means. Amends the Older Americans Act of 1965 by specifying the amount authorized to be appropriated in fiscal year 1978 for purposes of informational exchange on the subject of retraining programs for older Americans. Allows the Secretary of Health, Education, and Welfare to make grants under such Act to cover the cost of administering and operating multipurpose senior centers.

Declares it the sense of Congress that any Federal legislation establishing a national health insurance program should include specified provisions relating to the availability of home health service.

H.R. 9684. October 20, 1977. Interstate and Foreign Commerce; Ways and Means. Establishes a Long-Term Care Services program under the Medicare program of the Social Security Act to provide home health, homemakers, nutrition, long-term institutional care, day care, foster home, and outpatient mental health services. Specifies that these services shall be delivered by community long-term care centers under the direction and control of a State long-term care agency.

H.R. 9685. October 20, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XI (General Provisions) of the Social Security Act to provide that any patient of a nursing home or intermediate care facility which is participating in the hospital insurance program under Title XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act shall have the right to terminate any contract entered into for his or her care in such home or facility upon giving the home or facility at least 30 days' written notice. Prohibits such a facility from requiring any patient to turn over to it any periodic benefit check or other income received after the patient has given such notice.

H.R. 9686. October 20, 1977. Ways and Means; Interstate and Foreign Commerce. Establishes within the Department of Health, Education, and Welfare a Home Health Clearinghouse to consolidate information on services and benefits available to the elderly.

Creates in the Department an Assistant Secretary for Elderly Health.

H.R. 9687. October 20, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to remove the limits on the number of home health visits covered by Medicare. Expands the coverage of Medicare to include periodic chore services, hospital outreach services, and coverage of health and supportive services furnished in elderly day care centers.

Requires the establishment of a review plan which is adapted to meet the non-institutional nature of home health services.

H.R. 9688. October 20, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) and Title XIX (Medicaid) of the Social Security Act to require that nursing care facilities provide specified minimum services to their patients. Establishes programs of loans and grants to nonprofit organizations for the construction and rehabilitation of such facilities. Calls for Federal action to end nursing home abuses.

Authorizes the President to call a White House Conference on Long-Term Care.

H.R. 9689. October 20, 1977. Ways and Means; Interstate and Foreign Commerce.

Amends Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act to require automatic sprinkler systems in all skilled nursing facilities and intermediate care facilities certified for participation in the Medicare or Medicaid programs unless a waiver of such requirement is granted in accordance with conditions set forth in this Act.

Establishes a program of low-interest Federal loans to assist such facilities in constructing or purchasing and installing automatic sprinkler systems.

H.R. 9690. October 20, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for one comprehensive physical examination a year, dental care including dentures, eye examinations including eyeglasses, hearing aids including examination, treatment of foot conditions, and immunizations under the supplementary medical insurance program. Sets forth measures to safeguard against consumer abuse in the provisions of these items and services.

H.R. 9691. October 20, 1977. Banking Finance and Urban Affairs. Extend for two years (until December 15, 1979) the authorization of flexible regulation of maximum interest rates on deposits and accounts in depository institutions and of open market operations in agency issues by Federal Reserves banks.

H.R. 9692. October 20, 1977. Post Office and Civil Service. Permits qualifying congressional candidates in general and special elections to make a free bulk mailing of campaign-related material to registered voters under the franking privilege.

H.R. 9693. October 20, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the carryover basis provisions enacted by the Tax Reform Act which provide that beneficiaries receiving property from a decedent's estate will retain the decedent's basis in the property. Restores prior law which "stepped up" or "stepped down" the consequences on the appreciation or depreciation the property underwent while held by the decedent.

H.R. 9694. October 20, 1977. Post Office and Civil Service. Prohibits any Federal employee from coercing any individual for the purpose of interfering with the right of such individual to disclose any illegal or otherwise improper Government action to the Review Board on Improper Government Actions, established by this Act, and from taking any adverse personnel action against such individual in retaliation. Requires the Board to investigate any such disclosure and, in the event further investigation or action is warranted, to notify the person, the head of the agency in which such person is employed, and, if appropriate, the Attorney General and/or the Comptroller General.

H.R. 9695. October 20, 1977. Ways and Means. Amends the Tariff Schedules of the additional customs duties on copper.

Directs the President to adjust the customs duties on copper by an amount equal to the excess of United States environmental production costs over foreign environmental product costs if such article exceeds ten cents per pound. Directs the Secretary of the Treasury to prescribe a procedure for proposal of such adjustments. Directs the Administrator of the Environmental Protection Agency to determine such production costs.

Amends the Trade Act of 1974 to make certain copper imports ineligible for the Generalized System of Preferences.

H.R. 9696. October 20, 1977. Interior and Insular Affairs. Increases the development ceiling for the Andersonville National Historic Site, Georgia.

H.R. 9697. October 20, 1977. Government Operations. Establishes an Office of Consumer Representation within the executive branch to represent the interests of consumers before Federal agencies, to receive and act upon consumer complaints, to perform research on consumer products, and to gather and disseminate information on consumer products and services.

H.R. 9698. October 20, 1977. Interior and Insular Affairs. Provides for the division of the April 27, 1976, Indian Claims Commission award to the Seminole Nation between the Florida and Oklahoma Seminole Tribes under a plan to be drawn by the chief trial judge of the United States Court of Claims and subject to Congressional veto.

H.R. 9699. October 20, 1977. Ways and Means. Amends the Internal Revenue Code to lower individual and corporate income tax rates.

H.R. 9700. October 20, 1977. Public Works and Transportation. Directs the Secretary of the Army, acting through the Chief of Engineers, to study the rehabilitation of former industrial sites, millraces, and other facilities with respect to conversion of such sites into small hydroelectric projects to serve rural areas of communities. Authorizes the Secretary to furnish technical assistance to local public agencies for such rehabilitation.

H.R. 9701. October 20, 1977. Government Operations. Requires the Comptroller General to provide for a financial audit of pension plans for Federal employees and officials to be conducted by the office of Management and Budget and submitted to Congress and the Comptroller General.

Establishes the Board of Government Actuaries to establish a uniform basis for the presentation of actuarial information to be used with respect to reports furnished under this Act.

H.R. 9702. October 20, 1977. Banking, Finance and Urban Affairs. Amends the Federal Reserve Act to allow Federal Reserve banks to purchase and sell obligations issued by municipalities and other political subdivisions which have filed petition under chapter 9 of the Bankruptcy Act.

H.R. 9703. October 20, 1977. Judiciary. Extends to 14 years the deadline for ratification of the equal rights amendment.

H.R. 9704. October 20, 1977. Agriculture. Increases the amount of the capital stock of the Federal Crop Insurance Corporation subscribed by the United States of America.

H.R. 9705. October 20, 1977. Judiciary. Provides continuing authority for the appointment of a special prosecutor to conduct investigations relative to alleged violations of criminal law involving abuse of office, fraud against the United States, obstruction of justice, or campaign finance by any of specified Federal officials or campaign managers.

Directs the Attorney General to promulgate regulations requiring employees of the Department of Justice to disqualify themselves from investigations or prosecutions which may result in a conflict of interests or the appearance thereof.

H.R. 9706. October 20, 1977. Interior and Insular Affairs. States that during the period following the enactment of this Act until December 31, 1978, the Secretary of the Interior nor the Attorney General shall withhold water delivery from any beneficiary of a Federal reclamation project for the purposes of achieving conformity with acreage limitations of residency requirements of reclamation law.

H.R. 9707. October 20, 1977. Interior and Insular Affairs. States that during the period following the enactment of this Act until December 31, 1978, neither the Secretary of the Interior nor the Attorney General shall withhold water delivery from any beneficiary of a Federal reclamation project for the purpose of achieving conformity with acreage limitations or residency requirements of reclamation law.

H.R. 9708. October 20, 1977. Merchant Marine and Fisheries; Science and Technology. Establishes within the Department of Commerce the National Oceanic and Atmospheric Administration to coordinate and carry out national ocean policies, and to develop, utilize and protect ocean and coastal resources and the atmosphere.

Establishes a working capital fund for the purpose of carrying out the activities of the Administration.

H.R. 9709. October 20, 1977. Interstate and Foreign Commerce. Prohibits the Federal Communications Commission from denying an applicant renewal of a station license due to a violation of FCC rules regarding billing practices without determining whether the directors of such stations were directly involved in violating such rules and without considering the value of the applicant's programming services.

H.R. 9710. October 20, 1977. Banking, Finance and Urban Affairs. Extends for two years the authority of the Board of Governors of the Federal Reserve System to regulate interest rates on deposits and accounts in insured institutions.

Amends the Federal Reserve Act to require Senate confirmation of the Chairman and Vice Chairman of the Board. Makes it a criminal offense for Federal Reserve Bank officers and employees to participate in certain activities affecting personal financial interest.

Amends the Bank Holding Company Act of 1956 to permit the waiver of the notice requirement for acquisitions of banks by bank holding companies in order to save failing banks.

H.R. 9711. October 20, 1977. Post Office and Civil Service. Requires the granting of compensatory time off for Federal employees who wish to attend religious observances.

H.R. 9712. October 20, 1977. Ways and Means. Amends the Internal Revenue Code to allow certain individuals to compute the amount of the deduction for retirement savings on the basis of the earned income of their spouses.

H.R. 9713. October 20, 1977. Armed Services. Removes the present restrictions which prohibit enlisted members of the armed forces on active duty from engaging in a civilian pursuit or business or prohibit members of the Army, Navy, Air Force, or Marine bands from remuneration for furnishing music outside of a military base where such activities are in competition with local civilians.

H.R. 9714. October 20, 1977. Judiciary. Declares two individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9715. October 20, 1977. Judiciary. Declares that, for naturalization purposes, a certain individual shall be held and considered to have met the residence and physical presence requirements of the Immigration and Nationality Act.

H.R. 9716. October 20, 1977. Judiciary. Relieves a certain individual of liability for payment of a certain sum to the United States.

H.R. 9717. October 21, 1977. Ways and Means; Interstate and Foreign Commerce. Establishes a program, to be developed and administered by the Secretary of Health, Education, and Welfare, to limit the increase in the costs of inpatient services provided by hospitals.

Amends the Social Security Act, the Public Health Service Act, and the Internal Revenue Code of 1954 in order to accomplish the purpose of this Act.

H.R. 9718. October 25, 1977. Government Operations. Establishes an Office of Consumer Representation within the executive branch to represent the interests of consumers before Federal agencies, to receive and act upon consumer complaints, to perform research on consumer products, and to gather and disseminate information on consumer products and services.

H.R. 9719. October 25, 1977. Ways and Means. Amends the Internal Revenue Code to exempt from taxation the interest on industrial development bonds issued for financing non-profit facilities for the production of electricity if such facilities do not use petroleum or natural gas for a fuel.

H.R. 9720. October 25, 1977. Ways and Means; Interstate and Foreign Commerce. Amends the Social Security Act to require the development and promulgation of standards relating to the rights of patients to be met by health care institutions participating in programs under Titles XVIII (Medicare) and XIX (Medicaid) of such Act.

Enumerates the guaranteed rights of patients receiving care or treatment in such institutions. Establishes enforcement procedure and remedies for patients seeking to vindicate their rights.

H.R. 9721. October 25, 1977. Judiciary. Removes the present $500 ceiling for the equitable waiver of claims by the United States against Federal employees, members of the uniformed services, and members of the National Guard for overpayment of pay. Authorizes the Comptroller General to establish such a ceiling.

H.R. 9722. October 25, 1977. Judiciary; Ways and Means. Amends the Internal Revenue Code to impose an additional excise tax on cigarettes to be paid into a Cigarette Tax Trust Fund in the Treasury and disbursed to States not imposing local cigarette taxes to the extent the taxes collected are attributable to those States. Imposes penalties for bootlegging large amounts of cigarettes and provides for the regulation of interstate cigarette dealers and transporters by the Department of the Treasury.

H.R. 9723. October 25, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to prohibit Federal Housing Administration insurance of blanket mortgages on condominium projects, and Federal National developer retains a leasehold interest in the common areas and facilities the project involved.

H.R. 9724. October 25, 1977. Banking, Finance and Urban Affairs. Requires the developers of all condominium projects to disclose specific information on proposed new construction or conversion of existing structures to any federally regulated financial institution and any prospective purchaser as a prerequisite for the granting of a construction or purchase loan.

Establishes the Office of Assistant Secretary for Condominiums in the Department of Housing and Urban Development.

Sets forth regulations to protect the rights of tenants of multifamily rental housing which is to be converted to condominiums.

Authorizes the Secretary of Housing and Urban Development to make grants to State and local governments to establish similar programs.

H.R. 9725. October 25, 1977. Ways and Means. Amends the Internal Revenue Code to qualify cooperative housing corporations and condominium housing associations as tax exempt organizations.

H.R. 9726. October 25, 1977. Ways and Means. Amends the Internal Revenue Code to increase the amounts excludable from gross income as income earned abroad by repealing the provisions respecting such exclusions enacted in the Tax Reform Act and restoring former law.

H.R. 9727. October 25, 1977. Ways and Means. Amends the Internal Revenue Code to provide that the determination of whether amounts received as a government health scholarship are includible in gross income shall be made without regard to certain matters, including agreements to serve in the Armed Forces or the Public Health Service Corps. Provides that no amount shall be included in gross income by reason of a discharge of a government health student loan in return for a promise to perform services in a health manpower shortage area.

H.R. 9728. October 25, 1977. Judiciary. Amends provisions setting forth penalties for deprivation of rights under color of law to, among other revisions, encompass conduct where the acts did not know or could not have known that the actions would result in such a deprivation.

H.R. 9729. October 25, 1977. Interstate and Foreign Commerce. Requires franchisors to give franchisees 90-days notice, with limited exceptions, of intent to cancel, or failure to renew, a franchise agreement. Allows such cancellation or failure to renew only for certain specified reasons. Requires a franchisor to compensate a franchisee for the value of the franchisee's business when the franchisor, for a legitimate business reason, fails to renew the franchise. Sets forth the judicial remedies available to a franchisee for a violation of this Act by the franchisor.

H.R. 9730. October 25, 1977. Interstate and Foreign Commerce; Ways and Means. Amends Title XVIII (Medicare) of the Social Security Act to include within the services to be provided under such Act medically required outpatient rehabilitation services.

H.R. 9731. October 25, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to prohibit the issuance of certificates for the construction or extension of a liquefied natural gas facility unless the Governor and the legislature of the affected State has approved such facility in writing.

H.R. 9732. October 25, 1977. Ways and Means. Amends the Internal Revenue Code to exempt certain farm vehicles from the highway use tax.

H.R. 9733. October 25, 1977. Ways and Means; Government Operations. Amends the Internal Revenue Code to impose an additional excise tax on cigarettes to be paid into a Cigarette Tax Trust Fund in the Treasury and disbursed to States not imposing local cigarette taxes above a certain amount, to the extent the taxes collected are attributable to those States.

H.R. 9734. October 25, 1977. Government Operations. Establishes an Office of Consumer Representation within the executive branch to represent the interests of consumers before Federal agencies, to receive and act upon consumer complaints, to perform research on consumer products, and to gather and disseminate information on consumer products and services.

H.R. 9735. October 25, 1977. Post Office and Civil Service; Rules. Authorizes annual appropriations beginning with fiscal year 1980 of $920,000,000 to a public service account for use by the Postal Service. Prohibits the consideration of appropriation legislation authorized by this Act unless the Postmaster General submits an annual report detailing the expenditure of public service funds during the preceding fiscal year.

H.R. 9736. October 25, 1977. Interior and Insular Affairs; Merchant Marine and Fisheries. States that notwithstanding any Indian treaty, laws and regulations of a State prohibiting or restricting the taking or sale of steelhead trout for commercial purposes shall apply to Indians and Indian tribes in the same manner and to the same extent as such laws and regulations apply to other persons.

H.R. 9737. October 25, 1977. Judiciary. Authorizes the Secretary of Commerce to determine and settle claims for damages of less than $2,500 arising by reason of acts for which the National Oceanic and Atmospheric Administration shall be found to be responsible.

H.R. 9738. October 25, 1977. Banking, Finance and Urban Affairs. Amends the Federal Home Loan Mortgage Corporation Act to prohibit the Federal Home Loan Mortgage Corporation from issuing or applying rules or regulations which have the effect of excluding mortgages approved by the Secretary of the Department of Housing and Urban Development for participation in specified mortgage insurance programs from the servicing of mortgages sold to the Corporation.

H.R. 9739. October 25, 1977. Judiciary. Prohibits commerce in contraband cigarettes.

Defines "contraband cigarettes" as a quantity of more than 20,000 cigarettes, with respect to which the applicable State cigarette taxes have not been paid and which are in the possession of any person other than (1) a person licensed by the State where the cigarettes are found or by the Internal Revenue Service, (2) a common or contract carrier, or (3) a government agent in the performance of duties.

Subjects dealers in cigarettes to such reporting requirements as the Secretary of the Treasury may prescribe.

H.R. 9740. October 25, 1977. Judiciary. Prohibits commerce in contraband cigarettes.

Defines "contraband cigarettes" as a quantity of more than 20,000 cigarettes, with respect to which the applicable State cigarette taxes have not been paid and which are in the possession of any person other than (1) a person licensed by the State where the cigarettes are found or by the Internal Revenue Service, (2) a common or contract carrier, or (3) a government agent in the performance of duties.

Subjects dealers in cigarettes to such reporting requirements as the Secretary of the Treasury may prescribe.

H.R. 9741. October 25, 1977. Judiciary. Prohibits commerce in contraband cigarettes.

Defines "contraband cigarettes" as a quantity of more than 20,000 cigarettes, with respect to which the applicable State cigarette taxes have not been paid and which are in the possession of any person other than (1) a person licensed by the State where the cigarettes are found or by the Internal Revenue Service, (2) a common or contract carrier, or (3) a government agent in the performance of duties.

Subjects dealers in cigarettes to such reporting requirements as the Secretary of the Treasury may prescribe.

H.R. 9742. October 25, 1977. Interior and Insular Affairs. Authorizes the establishment of the Long Island Sound Heritage in the States of Connecticut and New York.

H.R. 9743. October 25, 1977. Armed Services. Entitles specified members of the armed forces reserves to retirement pay.

H.R. 9744. October 25. 1977. Ways and Means. Amends the Internal Revenue Code to limit the methods available for the calculation of depreciation to the straight line method and any other method which during the first two-thirds of the useful life of the property will not result in an allowance greater than the total allowance under the straight line method.

H.R. 9745. October 25, 1977. Judiciary; Intelligence. Sets forth procedures for obtaining foreign intelligence information by means of electronic surveillance. States that electronic surveillance may be used for such purposes only upon (1) the issuance of a surveillance certificate signed by the Attorney General and the Assistant to the President for National Security Affairs or other designated official or (2) the issuance of a certification by the President.

Specifies information which must be in a surveillance certificate, including procedures to minimize intrusion into the privacy of surveillance targets. Prescribes guidelines on the Scope and duration of surveillance and the use of information obtained thereby.

H.R. 9746. October 25, 1977. Banking, Finance and Urban Affairs; Intelligence. Amends the Export-Import Bank Act of 1945 to prohibit any guarantee, insurance, or extension of credit by the Export-Import Bank to South Africa.

H.R. 9747. October 25, 1977. Education and Labor. Amends the definition of "employee" under the Longshoreman's and Harbor Workers' Compensation Act to specify the coverage of such Act with respect to persons engaged in the manufacture, sale, repair, or servicing of recreational or fishing boats.

H.R. 9748. October 25, 1977. Banking, Finance and Urban Affairs. Authorizes the issuance of substitute Treasury checks without undertakings of indemnity, except as the Secretary of the Treasury may require.

H.R. 9749. October 25, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to make grants to health agencies of States or their political subdivisions, or to any qualified nonprofit agency for programs of prenatal health care for adolescents, health care for infants of adolescent mothers, family planning services, social services and funds to purchase adoption services for adolescent mothers.

H.R. 9750. October 25, 1977. Veterans' Affairs. Establishes eligibility for educational assistance for children of a veteran with a service-connected permanent disability rate 80 percent or more.

Requires any veteran or institution seeking approval for a sales or sales management course to show that at least one-half of the persons who enrolled in it successfully completed their programs of instruction. Requires each State approving agency to notify the Administrator of Veterans' Affairs of any educational institution which has been cited for, terminated because of, or is under investigation for illegal or improper practices, or for unsatisfactory performance or academic standards.

H.R. 9751. October 26, 1977. International Relations. Authorizes appropriations for a grant by the Secretary of State to the International Institute for Strategic Studies to assist in headquarters construction.

H.R. 9752. October 26, 1977. Interior and Insular Affairs. Amends the National Trails System Act by requiring the Secretary of the Interior to study the feasibility of designating the Overmountain Men Victory Trail in the States of Tennessee, North Carolina, and South Carolina, as a national scenic trail.

H.R. 9753. October 26, 1977. Judiciary. Requires any Federal agency receiving a petition to issue, amend, or repeal any rule administered by the agency to grant or deny such petition within 120 days. Permits any person to enforce this Act by civil suit in any United States court of appeals. Requires agencies to promulgate timetables for general classes of proceedings begun by petition which shall be subject to a one-house veto in Congress.

H.R. 9754. October 26, 1977. Ways and Means. Amends the Tariff Act of 1930 to prohibit the importation of articles manufactured or produced by labor whose wages are differentiated on the basis of race. Repeals the exemption on goods which are not mined, produced, or manufactured in the United States which are imported from countries utilizing convict labor or such wage discrimination, unless such goods are required in the interests of national security.

H.R. 9755. October 26, 1977. Ways and Means. Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to authorize payment under the supplementary medical insurance program for foot care involving the cutting and removal of corns, warts, and calluses and the trimming of club nails.

H.R. 9756. October 26, 1977. Ways and Means. Amends the Internal Revenue Code to authorize any taxpayer to elect to have any portion of any overpayment of tax or any contribution in money which the taxpayer forwards with the return for such may designate on such return for the Nataxable year be available, as the taxpayer tional Endowment for the Arts or the National Endowment for the Humanities.

H.R. 9757. October 26, 1977. Interior and Insular Affairs. Amends the Federal Land Policy and Management Act to prohibit the Secretary of Agriculture and the Secretary of the Interior from increasing the grazing fee for the 1978 grazing year in order to allow Congress sufficient time to analyze specified reports with respect to the determination of the fee to be charged.

H.R. 9758. October 26, 1977. Agriculture. Amends the Perishable Agricultural Commodities Act of 1930 to require the Secretary of Agriculture, upon such licensee's request, to examine the circumstances of the bankruptcy of a person licensed to do business as a commission merchant and/or dealer and/or broker, or the bankruptcy of a partner of such licensee. Authorizes the Secretary, after examining such circumstances, to rule that such licensee's license should not terminate.

H.R. 9759. October 26, 1977. Education and Labor. Amends the Higher Education Act of 1965 to require that higher education institutions receiving Federal aid submit to the Commissioner of Education a senior citizen access plan providing for tuition-free registration of qualified senior citizens in scheduled classes and programs on a space available basis. Directs that such plan be implemented to the satisfaction of the Commissioner.

Enjoins the payment of funds or the approval of supplemental or special grants under specified titles of such Act unless the institutions seeking aid has established and fully implemented a senior citizen plan.

H.R. 9760. October 26, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to direct the Secretary of Health, Education, and Welfare to appoint a Special Advisory Council on Social Security Financing to study ways and means by which the present system of financing may be phased out and replaced by an actuarially sound method whereby payments are made from accrued interest rather than principal or general revenue moneys.

H.R. 9761. October 26, 1977. Education and Labor. Amends the Education of the Handicapped Act to (1) change the formula for determining maximum State entitlement for the education of handicapped children under such Act, and (2) provide an alternative procedure for meeting the eligibility requirements for such entitlement in a State whose laws prohibit the general supervision required under such Act.

H.R. 9762. October 26, 1977. Interior and Insular Affairs; Public Works and Transportation. Permits the Department of Transportation to proceed with a highway project in Lee County, Florida, without following required procedures with respect to historic sites.

H.R. 9763. October 26, 1977. Ways and Means; Judiciary. Amends the Internal Revenue Code to impose an additional excise to be on cigarettes disbursed to States not imposing local cigarette taxes to the extent the taxes collected are attributable to those States. Imposes penalties for bootlegging large amounts of cigarettes and provides for the regulation of interstate cigarette dealers and transporters by the Department of the Treasury.

H.R. 9764. October 26, 1977. Science and Technology. Directs the Administrator of the Energy Research and Development Administration to make a complete study of the use of grain, grain products, or their derivatives in the development and use of fuels.

H.R. 9765. October 26, 1977. Interstate and Foreign Commerce; Ways and Means. Requires all gasoline stations, within three years of the passage of this Act, to sell a mixture of gasoline and alcohol in the same manner as they sell gasoline. Imposes a civil penalty for violations of such requirement. Amends the Internal Revenue Code to allow rapid amortization of facilities producing alcohol for use as a fuel in motor vehicles. Amends the Clean Air Act with respect to the authority of the Environmental Protection Agency to regulate the use of alcohol as a fuel additive.

H.R. 9766. October 26, 1977. Veterans' Affairs. Directs the Secretary of Defense to place a plaque and a permanent display of medals, ribbons, and tributes of the Vietnam era on the crypt at the National Cemetery at Arlington, Virginia, reserved for an unknown American serviceman who lost his life in Southeast Asia.

Directs the Secretary to perform the duties required by this Act even though the remains of such serviceman have not yet been placed in the crypt.

H.R. 9767. October 26, 1977. Veterans' Affairs. Directs the Secretary of Defense to place a plaque and a permanent display of medals, ribbons, and tributes of the Vietnam era on the crypt at the National Cemetery at Arlington, Virginia, reserved for an unknown American serviceman who lost his life in Southeast Asia.

Directs the Secretary to perform the duties required by this Act even though the remains of such serviceman have not yet been placed in the crypt.

H.R. 9768. October 26, 1977. Veterans' Affairs. Increases the amount of additional wartime disability compensation payable to a veteran in need of regular aid and attendance. Requires the payment of an additional monthly allowance to any such veteran in need of constant aid and attendance because of severe helplessness.

H.R. 9769. October 26, 1977. Ways and Means. Amends the Tariff Schedules of the United States to suspend temporarily the customs duty on nitro cellulose.

H.R. 9770. October 26, 1977. Interior and Insular Affairs. Designates specified lands within the George Washington National Forest in the State of Virginia as wilderness.

H.R. 9771. October 26, 1977. Judiciary. Permits a certain individual to be issued a visa and admitted to the United States for permanent residence if such individual is found to be otherwise admissible under the provisions of the Immigration and Nationality Act.

H.R. 9772. October 27, 1977. Public Works and Transportation. Amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to entitle owners of farmland condemned under the Act to have any building on such land moved. Requires the Government to find and offer to any such displaced farmland owner an option to buy suitable replacement property.

Requires any person displaced from any business or farm operation he or she owns to be compensated for closing costs and increased interest costs incurred in replacing such property. Requires 50 percent of the compensation offered to be paid to a displaced owner pending specified condemnation proceedings.

H.R. 9773. October 27, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to prohibit the issuance of certificates for the construction or extension of any natural liquefied gas facility unless such construction or extension has been approved by the affected States. Stipulates that State law will be construed to permit approval of such construction or extension if the location of the proposed facility is in compliance with applicable State law and that such construction would be consistent with State energy development plans (including considerations such as economics and possible hazards to health or the environment).

H.R. 9774. October 27, 1977. International Relations. Amends the Peace Corps Act to

establish the Peace Corps Foundation to assume the functions of the Peace Corps, and to revise the employment conditions, compensation, and assignment of Peace Corps volunteers. Transfers the assets and liabilities of the Peace Corps to the Foundation.

H.R. 9775. October 27, 1977. International Relations; Judiciary; Public Works and Transportation. Establishes agencies to combat terrorism in the Executive Office of President, the Department of State, and the Department of Justice.

Specifies penalties for violations of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation. Sets forth penalties for certain other acts which endanger aircraft.

Requires Presidential approval of sales of defense articles to groups and individuals. Requires that all explosives contain identification and detection taggants.

Directs the President to impose sanctions against dangerous foreign airports and countries which aid terrorists.

H.R. 9776. October 27, 1977. Education and Labor. Requires the Administrator of Veterans' Affairs to pay a monthly pension of $150 to each veteran of World War I (who meets specified requirements), or when there is no surviving spouse, to the child or children (who meets specified requirements).

H.R. 9777. October 27, 1977. Judiciary. Codifies and enacts the Interstate Commerce Act as subtitle IV of title 49, United States Code, "Transportation."

H.R. 9778. October 27, 1977. Judiciary. Authorizes United States district courts to refer the following types of civil actions to arbitration, any appeal from which is to be by trial de novo: (1) Federal litigation of a type designated by the Attorney General for referral, (2) certain actions by employees and materialmen of public contractors for money owed, (3) actions for money damages where all parties consent to referral, and (4) most diversity and general Federal question actions where money damages under $50,000 are sought and nonmonetary claims are insubstantial.

H.R. 9779. October 27, 1977. Government Operations. Requires the Office of Management and Budget to provide information on the formulas and assumptions used in the distribution of Federal domestic assistance.

H.R. 9780. October 27, 1977. Interstate and Foreign Commerce; Judiciary. Establishes within each Federal agency an independent Office of Consumer Counsel to represent the interests of consumers within and before the agency of which it is a part. Requires the Consumer Counsels to encourage consumer research and distribute consumer information.

Establishes the office of Assistant Attorney General for Consumer Protection and Advocacy within the Department of Justice to coordinate the various Offices of Consumer Counsel and to represent the interests of consumers in the courts.

H.R. 9781. October 27, 1977. Veterans' Affairs. Directs the Secretary of Defense to place a plaque and a permanent display of medals, ribbons, and tributes of the Vietnam era on the crypt at the National Cemetery at Arlington, Virginia, reserved for an unknown American serviceman who lost his life in Southeast Asia.

Directs the Secretary to perform the duties required by this Act even though the remains of such serviceman have not yet been placed in the crypt.

H.R. 9782. October 27, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to direct the Administrator of the Environmental Protection Agency to reimburse States for the cost of certain sewage collection system projects.

H.R. 9783. October 27, 1977. Veterans' Affairs. Makes eligible for veterans' educational assistance any person who served before January 1, 1977, as a cadet or midshipman at one of the service academies, and as a result of such service served on active duty for more than 180 days, any part of which commenced within 12 months after January 1, 1977, and was discharged or released under conditions other than dishonorable.

H.R. 9784. October 27, 1977. Agriculture; International Relations. Authorizes the President to establish an International Emergency Food Reserve in this country and to negotiate international agreements with other countries to develop an international system of food reserves for humanitarian food relief.

H.R. 9785. October 27, 1977. Armed Services; International Relations. Directs the Secretary of the Navy to transfer to LIFE International for 15 years the hospital ship U.S.S. *Sanctuary* (AH–17) to furnish health care to developing nations. Renames such ship the SS *Life*.

Authorizes appropriations for modifications of such ship and for maintenance and operation for fiscal years 1979–84.

H.R. 9786. October 27, 1977. Ways and Means. Amends the Internal Revenue Code to provide a $5,000 tax exclusion for persons aged 65 or over for the amounts received as an annuity, pension, or other retirement benefit, and for all persons receiving retirement benefits under a public retirement system.

H.R. 9787. October 27, 1977. Public Works and Transportation. Modifies the navigation project for Santa Cruz Harbor, California, to allocate to the United States the total costs of the studies and research with respect to the sand bypassing facility. Authorizes the Secretary of the Army, acting through the Chief of Engineers, to undertake certain dredging in such harbor and to study additional solutions to shoaling and alternative methods for better maintenance of the channels and turning basins in such harbor.

H.R. 9788. October 27, 1977. Interstate and Foreign Commerce; Ways and Means. Amends the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to make grants and loans to health maintenance organizations for the construction of ambulatory services to be used for the provision of health services to their members.

Amends Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act to broaden the circumstances under which payment may be made for health services provided by such organizations.

H.R. 9789. October 27, 1977. Interstate and Foreign Commerce; Ways and Means. Prohibits an officer, employee, or agent of the United States or of any Professional Standards Review Organization from inspecting or requiring the disclosure of any individually identifiable medical records except according to this Act.

H.R. 9790. October 27, 1977. Ways and Means. Amends the Internal Revenue Code to qualify trusts established for the payment of product liability claims as tax exempt organizations. Allows taxpayers a business income tax deduction for contributions to such trusts only to the extent they exceed the reasonable costs of product liability insurance for the deducting taxpayer.

H.R. 9791. October 27, 1977. Ways and Means. Amends the Internal Revenue Code to exclude from gross income the first $5,000 received by an individual as a civil service or other Federal retirement annuity.

H.R. 9792. October 27, 1977. Ways and Means. Amends the Internal Revenue Code to lower individual and corporate income tax rates.

H.R. 9793. October 27, 1977. Ways and Means. Amends the Internal Revenue Code to allow active participants in a retirement plan an income tax deduction for contributions to an individual retirement account in taxable years prior to the individual's rights under the retirement plan.

H.R. 9794. October 27, 1977. Merchant Marine and Fisheries. Amends the Fishery Conservation Zone Transition Act to include the governing international fishery agreement with Mexico among those agreements approved by Congress as governing international fishery agreements for purposes of the Fishery Conservation and Management Act of 1976.

H.R. 9795. October 27, 1977. House Administration. Authorizes the Secretary of the Treasury to designate an Assistant Secretary to serve in his place as a member of the Library of Congress Trust Fund Board.

H.R. 9796. October 27, 1977. Interstate and Foreign Commerce. Amends the Controlled Substances Act, the Controlled Substances Import and Export Act, the Federal Food, Drug, and Cosmetic Act, and the Public Health Service Act to meet obligations under the Convention on Psychotropic Substances.

H.R. 9797. October 27, 1977. Interstate and Foreign Commerce; Banking, Finance and Urban Affairs; Judiciary. Authorizes the creation of a corporation for profit to be known as the Energy Corporation of the Northeast, the members of which shall be States located in the Northeast. Authorizes the Corporation to participate in joint ventures with public or private groups to finance any project related to solving the energy needs of the Northeast.

H.R. 9798. October 27, 1977. Interstate and Foreign Commerce. Amends the Consumer Product Safety Act to include electrical wiring systems as consumer products for purposes of such Act.

H.R. 9799. October 27, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to certain corporation in full settlement of such corporation's claims against the United States.

H.R. 9800. October 27, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 9801. October 27, 1977. Judiciary. Declares a certain individual to have satisfied the residence and physical presence requirements of the Immigration and Nationality Act, and authorizes such individual's naturalization.

H.R. 9802. October 28, 1977. Merchant Marine and Fisheries. Amends the Merchant Marine Act, 1936, to make Federal ship mortgage insurance available for obligations for fishing vessels which do not exceed 87½ percent of the actual or depreciated cost of such vessels.

H.R. 9803. October 28, 1977. Veterans' Affairs. Requires the Administrator of Veterans' Affairs to pay a monthly pension of $150 to each veteran of World War I who meets specified service requirements, or to the surviving spouse (who meets specified requirements), or when there is no surviving spouse, to the child or children (who meet specified requirements).

H.R. 9804. October 28, 1977. Judiciary; Education and Labor. Prohibits any person engaged in commerce, any person conducting a program which receives Federal assistance, a Federal contractor or subcontractor, or holder of an interest in Federal property from discriminating with respect to employment, housing, credit, or participation in benefits which make such prohibitions applicable, on the basis of race, color, national origin, sex, religious affiliation or belief, marital status, parental status, or lack of citizenship. Preexempts nondiscrimination provisions of specified Federal statutes. Transfers to the Attorney General the responsibility for enforcement of discrimination prohibitions.

H.R. 9805. October 28, 1977. Judiciary; Education and Labor. Prohibits any person engaged in commerce, any person conducting a

program which receives Federal assistance, a Federal contractor or subcontractor, or holder of an interest in Federal property from discriminating with respect to employment, housing, credit, or participation in benefits which make such prohibitions applicable, on the basis of race, color, national origin, sex, religious affiliation or belief, marital status, parental status, or lack of citizenship. Pre-exempts nondiscrimination provisions of specified Federal statutes. Transfers to the Attorney General the responsibility for enforcement of discrimination prohibitions.

H.R. 9806. October 28, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the carryover basis provisions enacted by the Tax Reform Act which provide that beneficiaries receiving property from a decedent's estate will retain the decedent's basis in the property. Restores prior law which "stepped down" the property's basis to its market value at the time of death without imposing tax consequences on the appreciation or depreciation the property underwent while held by the decedent.

H.R. 9807. October 28, 1977. Ways and Means. Allows certain persons to apply for redetermination of tax liability with respect to certain past joint returns which their spouses were responsible for preparing.

H.R. 9808. October 28, 1977. Ways and Means. Amends the Internal Revenue Code to limit the type of payments by vendors and purchasers of foreign oil or gas which qualify for the foreign tax credit.

H.R. 9809. October 28, 1977. Education and Labor. Amends the Civil Rights Act of 1964 to revise the standards for inclusion of religious practices and observances within the ban against employment discrimination based on religion from those practices and observances which can be reasonably accommodated without undue hardship to those which are possible to accommodate without severe material loss.

H.R. 9810. October 28, 1977. Education and Labor. Provides for basic Indian education plans to be implemented on local levels by government and tribal officials to establish basic standards of education for government assistance to local systems educating reservation children. Mandates a nationwide policy of promoting local Indian control over basic Indian education.

Establishes the Office of Indian Education Programs to coordinate all Bureau of Indian Affairs activities relating to education. Requires the promulgation of comprehensive regulations to coordinate projects relating to Indian education and to implement the policy of increasing Indian control and the quality of Indian education.

H.R. 9811. October 28, 1977. Banking, Finance and Urban Affairs. Authorizes the Secretary of Housing and Urban Development to make grants to local agencies for converting closed school buildings into community centers, senior citizen centers and specified educational, medical or social service centers.

Directs the Secretary to serve as a national clearinghouse for local agencies by providing information on possible alternative uses for closed school buildings.

H.R. 9812. October 28, 1977. Judiciary. States that any State legislature which rescinds its ratification of an amendment to the Constitution of the United States shall not be considered to have ratified the amendment, if the amendment has not, before the date of the enactment of this Act, been adopted as part of the Constitution, and if any period within which the ratification of the amendment is required by the Congress to be completed has not expired.

H.R. 9813. October 28, 1977. Post Office and Civil Service. Allows credit toward retirement for service performed by a special agent of the Bureau of the Census who was paid on a piece price basis.

H.R. 9814. October 28, 1977. Interstate and Foreign Commerce. Directs the Federal Trade Commission to establish criteria to measure the level of competition in alternative energy source markets. Requires the Commission to make monitoring studies of the energy industry by applying such criteria in order to isolate any violations thereof. Permits the Commission to exercise its authority to remedy an anticompetitive situation after a show cause hearing where a person is deemed responsible for any violation.

H.R. 9815. October 28, 1977. Merchant Marine and Fisheries. Amends the Panama Canal Zone Code to prescribe procedures preventing Presidential dispositions of land within the zone without approval of both Houses of Congress.

H.R. 9816. October 28, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to establish (1) a Drug Benefit Program for the Aged to pay for prescription drugs from participating pharmacies; (2) a Drug Benefits List; (3) a Drug Benefits Council to advise the Secretary of Health, Education, and Welfare on matters relating to this Act; and (4) penalties for abuses of the benefits program.

H.R. 9817. October 28, 1977. Banking, Finance and Urban Affairs. Amends the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the National Fire Prevention and Control Administration to make grants to voluntary fire departments to enable them to purchase firefighting equipment which they cannot afford due to post-1972 inflation.

H.R. 9818. October 28, 1977. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction by volunteer firefighters for their firefighting clothing expenses.

H.R. 9819. October 28, 1977. Merchant Marine and Fisheries. Amends the Shipping Act, 1916, to establish procedures for investigations by the Federal Maritime Commission of violations of such Act with respect to rates and tariffs of common carriers by water in foreign commerce. Directs the Commission to promulgate regulations requiring carriers and shippers to certify that the tariff rate is being charged and paid without rebates.

H.R. 9820. October 28, 1977. Armed Services. Directs the Secretary of Defense to establish a program to make grants to units of local government whose economy is adversely affected by the closure or major realignment of a military base.

H.R. 9821. October 28, 1977. Interior and Insular Affairs. Establishes the New River National Scenic Riverway in the State of West Virginia.

H.R. 9822. October 28, 1977. Agriculture. Amends the Packers and Stockyards Act of 1921 to restrict the authority of the Secretary of Agriculture to determine the justness or reasonableness of any stockyard service rate or charge, to only those rates or charges for services at stockyards which have a certain minimum annual sales volume.

H.R. 9823. October 28, 1977. Armed Services; Interior and Insular Affairs; Interstate and Foreign Commerce. Amends the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to require the transfer of radioactive waste products to Federal repositories under the authority of the Nuclear Regulatory Commission.

Requires the Energy Research and Development Administration to restore the background radiation at abandoned uranium mines and mill sites to levels which existed before operations commenced at such sites.

Authorizes States to exercise concurrent authority regarding radioactive waste storage if the State requirements impose additional or more stringent standards for the construction or operation of such facilities.

H.R. 9824. October 28, 1977. Veterans' Affairs. Establishes a loan program to provide educational assistance to Vietnam-era veterans and their eligible dependents who either did not commence or were unable to complete a program of education before the expiration of the delimiting period.

H.R. 9825. October 31, 1977. Ways and Means. Amends the Internal Revenue Code to provide that all wines which are made exclusively from berries or fruit other than grapes and which contain not less than 12.5 grams of acid for each liter of juice shall be allowed a volume of ameliorating material of up to 60 percent (presently limited to wines made from loganberries, currants, or gooseberries).

H.R. 9826. October 31, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for occupational therapy services under the supplementary medical insurance program.

H.R. 9827. October 31, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for occupational therapy services under the supplementary medical insurance program.

H.R. 9828. October 31, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act and the Internal Revenue Code of 1954 to reduce tax rates on employment and self-employment income, to increase Federal participation in the funding of benefits under such Title and under the Medicare program, and to raise the ceiling on the amount of income that is subject to the tax.

H.R. 9829. October 31, 1977. Agriculture. Directs the Commodity Futures Trading Commission to prescribe regulations, including registration requirements, for brokers who engage in forward contracting for the purpose of merchandising a particular quantity of an agricultural crop by shifting the ownership of such quantity from the producer of the crop to another party as a result of such a contract and of the future delivery of, and payment for, such quantity of the crop.

H.R. 9830. October 31, 1977. Banking, Finance and Urban Affairs. Amends the Federal Deposit Insurance Act, the National Housing Act, and the Federal Credit Union Act to increase deposit insurance from $40,000 to $100,000, for accounts which qualify as individual retirement accounts and accounts established under qualified plans for the self-employed.

H.R. 9831. October 31, 1977. Ways and Means. Entitles, under the Social Security Act, States whose rates of insured unemployment is at least six percent to partial reimbursement of an ascending sliding scale of unemployment compensation costs incurred above a certain amount.

Replaces the Federal-State Extended Unemployment Compensation Act of 1970 with an extended benefit program which includes both regular extended and supplemental extended benefits.

Authorizes the Secretary of Labor to extend the payback period of States having outstanding unemployment loans. Waives any repayment requirements for States having insured unemployment above a certain level.

Revises the penalty tax on employers in defaulting States.

H.R. 9832. October 31, 1977. Ways and Means. Requires that payments to recipients under the program of Aid to Families with Dependent Children of the Social Security Act which are made during any period in which such recipient is also awaiting a determination of disability for disability benefits under Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act shall be deducted from the amount of

any disability benefits subsequently awarded on a retroactive basis for the period in which the disability determination was pending.

H.R. 9833. October 31, 1977. Ways and Means. Directs the Secretary of Health, Education, and Welfare (HEW) to pay to each State an amount equal to the amount expended by such State for erroneous supplemental payments to aged, blind, or disabled individual during 1974, under the Supplemental Security Income Program of the Social Security Act, to the extent that the amount paid by such was required to be paid by Federal statute, was made as a result of good faith reliance by such State upon erroneous or incomplete information supplied by HEW, and recovery of such payments by the States is impossible or unreasonable.

H.R. 9834. October 31, 1977. Ways and Means. Imposes a temporary import quota on iron or steel products. Establishes a Commission on Steel Products to study (1) the need for import restrictions beyond the period for which they are imposed by this Act, and (2) alternative methods for improving the condition of the steel industry.

H.R. 9835. October 31, 1977. Education and Labor. Amends the National Labor Relations Act with regard to labor relations at health care institutions among other revisions, (1) prohibit recognition picketing, (2) extend the ten-day strike notice requirement to any employees acting in concert and to picketing at any premises owned and controlled by an institution, (3) specify criteria for bargaining units, and (4) after procedures concerning boards of inquiry.

H.R. 9836. October 31, 1977. Public Works and Transportation. Authorizes the Architect of the Capitol to furnish chilled water for air conditioning to the Folger Shakespeare Library.

H.R. 9837. October 31, 1977. Banking, Finance and Urban Affairs. Amends the United States Housing Act of 1937 to authorize the Secretary of Housing and Urban Development to make assistance payments for the purpose of aiding any lower-income family in making rental payments with respect to real property on which is located a mobile home owned by such family and utilized by such family as its principal place of residence.

H.R. 9838. October 31, 1977. Banking, Finance and Urban Affairs. Amends the United States Housing Act of 1937 to authorize the Secretary of Housing and Urban Development to make assistance payments for the purpose of aiding any lower-income family in making rental payments with respect to real property on which is located a mobile home owned by such family and utilized by such family as its principal place of residence.

H.R. 9839. October 31, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for dental care, eye care, dentures, eyeglasses, and hearing aids under the supplementary medical insurance program. Prohibits payment for referral to a physician for the detection or diagnosis of eye diseases.

H.R. 9840. October 31, 1977. Interior and Insular Affairs. Amends the Boston National Historic Park Act of 1974 to add Dorchester Heights to the Park.

H.R. 9841. October 31, 1977. Education and Labor. Directs the Secretary of Health, Education, and Welfare to establish for displaced homemakers Multipurpose Service Centers in order to provide such persons job, health, financial, and legal services.

Directs the Secretary to prepare and furnish the Congress a study to determine the feasibility of and appropriate procedures for allowing displaced homemakers to participate in (1) programs established under the Comprehensive Employment and Training Act of 1973, (2) work incentive programs under the Social Security Act, (3) related, Federal employment, education, and health assistance programs, and (4) programs established or benefits provided under Federal and State unemployment compensation laws.

H.R. 9842. October 31, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to authorize the Secretary of Transportation to guarantee securities and obligations issued by a railroad in reorganization to State and local taxing authorities to secure the railroad's tax obligations when the Consolidated Rail Corporation, the United States Railway Association, or the Federal Government asserts a superior interest in payment out of the estate of such railroad during reorganization or liquidation proceedings under the Bankruptcy Act.

H.R. 9843. October 31, 1977. Banking, Finance and Urban Affairs. Establishes the National Neighborhood Reinvestment Corporation to continue and expand upon the work of the urban Reinvestment Task Force.

H.R. 9844. October 31, 1977. Public Works and Transportation. Amends the Water Resources Development Act of 1974 to increase the authorization of appropriations for dam repair on the Big Sandy River, Kentucky and West Virginia. Authorizes the appropriation of additional funds for such repair during fiscal year 1978.

H.R. 9845. October 31, 1977. Interior and Insular Affairs; Merchant Marine and Fisheries. Authorizes the Secretary of the Interior or the Secretary of Agriculture to order wild free-roaming horses and burros to be captured and removed under specified circumstances, and to sell or donate excess animals upon written assurance that such animals will receive humane treatment. Directs the Secretary to establish a procedure to give priority to persons seeking excess animals for domestic use.

H.R. 9846. October 31, 1977. Armed Services. Forbids the Secretaries of the Army, Air Force, and Navy from prohibiting the assignment of any female personnel to any duty for which such a member has volunteered and is otherwise qualified.

H.R. 9847. October 31, 1977. Armed Services. Requires the Secretary of Defense or the Secretary of the military department concerned prior to closing or realigning a military base to inform the local government officials in any area which would be affected by such action that such an installation is a candidate for closure or realignment.

Lengthens the period after notification to Congress of such proposed action that such a closure or realignment may occur.

H.R. 9848. October 31, 1977. Post Office and Civil Service. Prohibits any Federal employee from coercing any individual for the purpose of interfering with the right of such individual to disclose any illegal or otherwise improper Government action to the Review Board on Improper Government Actions, established by this Act, and from taking any adverse personnel action against such individual in retaliation. Requires the Board to investigate any such disclosure and, in the event further investigation or action is warranted, to notify the person, the head of the agency in which such person is employed, and, if appropriate, the Attorney General and/or the Comptroller General.

H.R. 9849. October 31, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to deem a packaged food misbranded under such Act unless it bears nutritional content labeling.

H.R. 9850. October 31, 1977. Public Works and Transportation. Amends the Airport and Airway Development Act of 1970 to direct the Secretary of Transportation to obligate a certain portion of the funds authorized to be appropriated under such Act for improving air navigation facilities for the purpose of establishing no fewer than 45 automated flight service stations. Defines "flight service stations" as air navigation facilities used to assist pilots in the safe conduct of flight.

H.R. 9851. October 31, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to authorize air carriers who provided supplemental air transportation carrying only cargo after January 1, 1977, to apply to the Civil Aeronautics Board for a certificate to provide all-cargo air service.

H.R. 9852. October 31, 1977. Armed Services; Interior and Insular Affairs; Interstate and Foreign Commerce. Establishes a temporary commission known as the Nuclear Power Study Commission to conduct a comprehensive study to determine whether and to what extent the policies, practices and procedures of Federal and State agencies responsible for approving the siting, licensing, construction, and operation of nuclear power reactors, of nuclear power license applicants and of persons who design, construct, and equip nuclear power reactors, should be changed or modified.

H.R. 9853. October 31, 1977. Ways and Means; Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to conduct a study assessing the cost effectiveness of reimbursing providers of respiratory therapy according to an hourly salary equivalency system and the effect of such a proposed system upon the quality of respiratory therapy services.

H.R. 9854. October 31, 1977. Post Office and Civil Service. Amends the Department of Energy Organization Act to provide that part-time temporary personnel of the Energy Research Centers of the Energy Research and Development Administration who are transfered under such Act shall have the same rights of conversion to permanent part-time status as apply with regard to full-time temporary personnel of such centers.

H.R. 9855. October 31, 1977. Interior and Insular Affairs. Amends the Wild and Scenic Rivers Act to designate a specified segment of the Upper Mississippi River, Minnesota as a component of the National Wild and Scenic Rivers System.

Provides for the inclusion of lands owned by the Chippewa Indian Tribe.

H.R. 9856. October 31, 1977. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9857. October 31, 1977. Judiciary. Admits a certain individual to the United States for permanent residence on specified conditions.

H.R. 9858. October 31, 1977. Judiciary. Directs the Secretary of the Treasury to pay a sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 9859. November 1, 1977. Judiciary. Makes additional immigrant visas available for immigrants from foreign countries which meet criteria set forth in this Act.

H.R. 9860. November 1, 1977. Education and Labor. Directs the Secretary of Health, Education, and Welfare to establish a program of grants for assisting public and private nonprofit organizations in producing talking books through the use of volunteer readers and to establish and implement procedures for distributing talking books so produced to talking book centers.

H.R. 9861. November 1, 1977. Judiciary. Grants a Federal charter to the Gold Star Wives of America.

H.R. 9862. November 1, 1977. Judiciary. Grants a Federal charter to the Gold Star Wives of America.

H.R. 9863. November 1, 1977. Judiciary.

Grants a Federal charter to the Gold Star Wives of America.

H.R. 9864. November 1, 1977. Agriculture. Amends the Consolidated Farm and Rural Development Act to set a five percent maximum on the interest rate for operating loan applicants age 18 to 35 from established farming experience eligibility requirements.

H.R. 9865. November 1, 1977. Armed Services. Eliminates the requirement that students in Junior Reserve Officer Training Corps units be citizens of the United States.

H.R. 9866. November 1, 1977. Ways and Means. Amends the Internal Revenue Code to allow taxpayers to deduct all current expenditures for plants and facilities which are otherwise chargeable to capital account and which are certified as required by Federal law and as not significantly increasing the plant's or facility's value or productivity.

H.R. 9867. November 1, 1977. Veterans' Affairs. Directs the Secretary of Defense to place a plaque and a permanent display of medals, ribbons, and tributes of the Vietnam era on the crypt at the National Cemetery at Arlington, Virginia, reserved for an unknown American serviceman who lost his life in Southeast Asia.

Directs the Secretary to perform the duties required by this Act even though the remains of such serviceman have not yet been placed in the crypt.

H.R. 9868. November 1, 1977. Judiciary. Prohibits disclosure of information identifying or tending to identify a person as a present or former participant in United States foreign intelligence operations if (1) the information has been designated by statute or Executive Order as requiring some degree of protection or (2) the person disclosing the information knows or has reason to believe that such disclosure may prejudice the safety or well-being of the person identified.

H.R. 9869. November 1, 1977. Ways and Means. Amends the Internal Revenue Code to lower from 65 to 55 the Age Requirement for the exclusion of gain on the sale or exchange of the taxpayer's principal residence.

H.R. 9870. November 1, 1977. Banking, Finance and Urban Affairs. Sets forth requirements and restrictions respecting the use of electronic funds transfers by depository institutions.

H.R. 9871. November 1, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to reduce from five to two years the amount of time an individual must have held employment covered by such Title within a specified ten-year period in order to qualify for disability insurance benefits.

H.R. 9872. November 1, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that an individual with 20 years of work covered by such Title may qualify for disability insurance benefits without regard to when the work was performed.

H.R. 9873. November 1, 1977. Ways and Means. Amends the Internal Revenue Code to increase the amount of the credit for the elderly, lower the age requirements and raise the dollar limitation for the exclusion of gain on sales of residences, and allow individuals a personal exemption for each dependent parent.

H.R. 9874. November 1, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals an income tax deduction of up to $2,500 annually and $10,000 in a lifetime for contributions to an individual housing account. Makes such accounts tax exempt and allows distributions from such an account to be tax free if such distributions are used exclusively for the purchase of a principal residence for the distributee.

H.R. 9875. November 1, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior, acting through the Bureau of Reclamation, to supply electric pumping energy to certain irrigation projects in the Missouri River Basin.

H.R. 9876. November 1, 1977. Interstate and Foreign Commerce. Amends the Natural Gas Act to prohibit the issuance of a certificate for the construction or extension of any liquefied gas facility unless the State in which such construction or extension will take place has, in accordance with its applicable law, consented thereto.

H.R. 9877. November 1, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to eliminate the present exclusion from hospital mortgage insurance programs of hospitals which primarily serve patients with drug and alcoholic conditions or mental disorders.

H.R. 9878. November 1, 1977. International Relations; Ways and Means. Directs the President to negotiate international agreements to regulate multinational enterprises. Establishes an Office of the Special Representative for Negotiations on Multinational Enterprises in the Office of the President to negotiate such agreements.

Sets forth the principles to be reflected in such agreements, including enforceability, dispute settlement mechanisms, non-discrimination, business disclosure requirements, competition considerations, investment regulation, tax policy and enforcement, capital and monetary regulation, labor relations, technology transfers and protection, and regulation of payments and contributions to foreign government officials, candidates, and political parties.

H.R. 9879. November 1, 1977. Ways and Means. Amends the Internal Revenue Code to exclude from taxable unrelated income, income derived by tax exempt colleges, universities and their wholly owned corporations from the broadcasting of sporting events.

H.R. 9880. November 1, 1977. Judiciary. Prohibits use or supply of false documentation, false information, or birth of immigration documents of another for purposes of obtaining a Federal document containing an element of identification.

Forbids commerce in such information or documentation for purposes of securing a State or local government document containing an element of identification.

Proscribes specified acts relative to: (1) forgery, counterfeiting, or alteration of Federal, State, or local government documents containing an element of identification; (2) interstate or foreign commerce in any such counterfeited, forged, or altered document; and (3) receipt, possession, use, or furnishing of any such document with intent to secure false official identification.

H.R. 9881. November 1, 1977. Public Works and Transportation. Authorizes the appropriation of funds for the prosecution of the comprehensive plan of development of specified river basins.

H.R. 9882. November 1, 1977. Interstate and Foreign Commerce. Amends the Railroad Revitalization and Regulatory Reform Act to direct the Secretary of Transportation to prepare a comprehensive report on the future rail freight service needs of the Northeast corridor.

H.R. 9883. November 1, 1977. Merchant Marine and Fisheries. Amends the Merchant Marine Act, 1920, to extend the coastwise laws of the United States with respect to the transportation of crude oil, residential fuel oil, and refined petroleum products, to the Virgin Islands.

H.R. 9884. November 1, 1977. Ways and Means. Amends Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to eliminate the requirement that payments for an individual receiving medical treatment in long-term care institutions under the supplementary security income program be reduced when such institutions do not meet the State standards established under such program.

Delays for nine months the effective date of provisions under Title XVI requiring the States to establish, maintain, and insure the enforcement of standards for health care institutions covered by such Title.

H.R. 9885. November 1, 1977. Judiciary. Prohibits commerce in contraband cigarettes and defines "contraband cigarettes."

Subjects dealers in cigarettes to such reporting requirements as the Secretary of the Treasury may prescribe.

H.R. 9886. November 1, 1977. Interstate and Foreign Commerce. Amends the Railroad Safety Act of 1970 to direct the Secretary of Transportation to issue regulations requiring that the locomotives of all trains be equipped with strobe lights for safety purposes.

H.R. 9887. November 1, 1977. Agriculture. Amends the Rural Development Act of 1972 to require that loan guarantees from the Farmers Home Administration be under terms and restrictions no less favorable to borrowers than those offered by the Department of Housing and Urban Development.

H.R. 9888. November 1, 1977. Interior and Insular Affairs. Directs the Secretaries of Agriculture and of the Interior to establish the fair market value fee of $2.38 per animal unit month to be charged for domestic livestock grazing in those public lands and national forests under their respective jurisdictions in the 11 Western States.

H.R. 9889. November 1, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 9890. November 2, 1977. Judiciary. Makes homicide of an officer or employee of the Indian Health Service who is performing his duties a Federal crime.

H.R. 9891. November 2, 1977. Ways and Means. Amends the Internal Revenue Code to provide that State and local government retirement systems shall be tax exempt organizations. Exempts those systems from the reporting requirements pertaining to deferred compensation. Treats all such systems as qualified pension plans under the Code.

H.R. 9892. November 2, 1977. Education and Labor. Directs the Secretary of Defense to establish a program of free public education through secondary school for dependents of military and civilian personnel overseas and on certain military bases.

Transfers certain authority of the Commissioner of Education regarding schools on domestic military installations to the Secretary of Defense.

Establishes within the Department of Defense (1) the Office of Dependents' Education; and (2) an Advisory Council on Dependents' Education.

Stipulates that such overseas schools shall be eligible for assistance under the National School Lunch Act and the Child Nutrition Act of 1966.

H.R. 9893. November 2, 1977. Ways and Means. Amends the Internal Revenue Code to increase the adjusted gross income limitation on the credit for the elderly and the amount of such credit.

H.R. 9894. November 2, 1977. Ways and Means. Declares it the policy of Congress that access to the United States market for foreign-produced carbon and speciality steel mill products and other steel products should be limited. Directs that beginning January 1, 1978, and each year thereafter, steel imports be limited by the Secretaries of Labor and Commerce, and such other officials as the President may designate, to a degree which will insure certain economic results.

Declares it the intent of Congress that

steel imports should be substantially reduced.

H.R. 9895. November 2, 1977. Interstate and Foreign Commerce; Ways and Means. Requires all gasoline stations, within three years of the passage of this Act, to sell a mixture of gasoline and alcohol in the same manner as they sell gasoline. Imposes a civil penalty for violations of such requirement. Amends the Internal Revenue Code to allow rapid amortization of facilities producing alcohol for use as a fuel in motor vehicles. Amends the Clean Air Act with respect to the authority of the Environmental Protection Agency to regulate the use of alcohol as a fuel additive.

H.R. 9896. November 2, 1977. Veterans' Affairs. Requires, upon application by the insured waiver of the payment of premiums for National Service Life Insurance during any time after which the insured has attained the age of 70 and has paid premiums on the insurance for not less than 25 years.

H.R. 9897. November 2, 1977. Veterans' Affairs. Requires, upon application by the insured waiver of the payment of premiums for National Service Life Insurance during any time after which the insured has attained the age of 70 and has paid premiums on the insurance for not less than 25 years.

H.R. 9898. November 2, 1977. Ways and Means. Amends the Internal Revenue Code to allow up to a $200 income tax deduction for one half of the expenses incurred for the installation and purchase of a teletypewriter for use by individuals whose sight, hearing, or speech is impaired.

H.R. 9899. November 2, 1977. Interstate and Foreign Commerce. Amends the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 to require research into the need for education; counseling, and treatment of the families of alcohol abusers and alcoholics.

H.R. 9900. November 2, 1977. Ways and Means. Amends the Internal Revenue Code to provide for the nonrecognition of gain from the sale of stock in a domestic corporation engaged in a trade or business related to energy if, within 90 days after the sale, the proceeds are invested in stock of another such company.

H.R. 9901. November 2, 1977. Ways and Means. Amends the Internal Revenue Code to provide for an alternative 12-month period to the existing 60-month period of amortization for a new identifiable certified pollution control facility acquired, or whose construction began, after December 31, 1976.

H.R. 9902. November 2, 1977. Ways and Means. Amends the Internal Revenue Code to specify that in certain circumstances the managing of a farm by an agent will satisfy the material participation requirements for the special use valuation for the estate tax.

H.R. 9903. November 2, 1977. Ways and Means. Amends the Emergency Unemployment Compensation Act of 1974 to extend for one year the emergency compensation program thereunder so as to permit benefits to be paid with respect to weeks ending before October 31, 1978.

H.R. 9904. November 2, 1977. Interstate and Foreign Commerce. Prohibits the operation of any passenger motor vehicle in interstate commerce or the registration of such vehicles by a State unless such vehicle has been approved by the State of registration as being mechanically safe. Requires annual inspections of such vehicles which have travelled more than 50,000 miles.

Requires that such vehicles be covered by liability insurance in minimum specified amounts.

Requires that the certificate of title for such vehicles contain a statement of the number of miles travelled since the date of its original purchase determined as of the most recent date on which such document was transferred.

H.R. 9905. November 2, 1977. Ways and Means. Amends the Internal Revenue Code to impose an additional excise tax on cigarettes to be paid into a Cigarette Tax Trust Fund in the Treasury and disbursed to States not imposing local cigarette taxes above a certain amount, to the extent the taxes collected are attributable to those States.

H.R. 9906. November 2, 1977. Interior and Insular Affairs. Declares all aboriginal title or interest in lands or water in New York State which have been conveyed to be extinguished effective upon conveyance. Limits relief for the wrongful conveyance of such interests to monetary damages. Provides the United States District Court for the Northern District of New York with exclusive jurisdiction to adjudicate these claims.

H.R. 9907. November 2, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals an income tax deduction of up to $2,500 annually and $10,000 in a lifetime for contributions to an individual housing account. Makes such accounts tax exempt and allows distributions from such an account to be tax free if such distributions are used exclusively for the purchase of a principal residence for the distributee.

H.R. 9908. November 2, 1977. Ways and Means. Imposes import quotas on beef and veal products entering the United States, a trade zone thereof, an insular possession thereof, or the Trust Territory of the Pacific Islands. Sets forth the formula for establishment of such quota quantities by the Secretary of Agriculture.

H.R. 9909. November 2, 1977. Banking, Finance and Urban Affairs. Prescribes procedures and standards governing the disclosure of customer records to Federal agencies by financial institutions.

H.R. 9910. November 2, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service.

H.R. 9911. November 2, 1977. Ways and Means. Amends the Tariff Schedules of the United States to extend until June 31, 1981, the suspension of duties on specified forms of zinc.

H.R. 9912. November 2, 1977. Education and Labor; Interstate and Foreign Commerce. Authorizes the President, whenever he believes an actual or threatened transportation strike or lockout will imperil the well-being of the nation or deprive any section of the country of essential transportation services, to appoint a board of inquiry to inquire into the issues involved.

Authorizes the Secretary of Labor, upon receiving the board's report, to order a cooling-off period of up to 30 days, during which he may order the parties to prepare their final offers on the issues and to bargain collectively. Requires the parties to appoint a panel to resolve the dispute if collective bargaining fails to do so.

H.R. 9913. November 2, 1977. Judiciary. Confers jurisdiction upon Federal district courts to enforce a State child custody order against a parent who, in violation of such order, took the child to another State.

H.R. 9914. November 2, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for dental care including dentures, eye examinations including eyeglasses, and hearing aids including examination under the supplementary medical insurance program. Sets forth measures to safeguard against consumer abuse in the provision of these items and services.

H.R. 9915. November 2, 1977. Appropriations; Armed Services. Amends the Department of Defense Appropriations Act, 1978 to repeal the provision of such Act which prohibits the payment of lodging expenses for individuals away from their post of duty on official business when adequate government quarters are available but are not occupied by such individual.

H.R. 9916. November 2, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to require that patients be given advance estimates of the reasonable charge for each of the services they will receive.

Directs the Secretary of Health, Education, and Welfare to conduct pilot projects to test new methods and procedures for determinating such reasonable charges.

H.R. 9917. November 2, 1977. Ways and Means. Amends the Internal Revenue Code to qualify trusts established for the payment of medical malpractice claims as tax exempt organizations.

Allows taxpayers a business income tax deduction for reasonable amounts contributed to such trusts.

H.R. 9918. November 2, 1977. Appropriations; Armed Services. Amends the Department of Defense Appropriation Act, 1977, to repeal the prohibition of expenditure of funds for claims for nonemergency inpatient hospital care under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) when such care was available at a facility of the uniformed services within a 40-mile radius of the patient's residence.

H.R. 9919. November 2, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to acquire the Walnut Street Theatre for inclusion as a national historic site in Independence National Historic Park, Pennsylvania.

H.R. 9920. November 2, 1977. Veterans' Affairs. Authorizes a two-year extension of the delimiting period for any eligible veteran receiving or entitled to receive educational benefits from the Veterans' Administration for a continuation of the last program of education such veteran commenced but did not complete before the expiration of the normal ten-year period.

H.R. 9921. November 2, 1977. Public Works and Transportation; Ways and Means. Authorizes the Secretary of Transportation to approve Federal participation in State projects to repair or replace unsafe highway bridges. Amends the Highway Revenue Act of 1956 to extend the appropriations authorized under such Act for the Highway Trust Fund through fiscal year 1990. Amends the Land and Water Conservation Fund Act to extend such fund through fiscal year 1990. Postpones specified excise tax reductions under the Internal Revenue Code of 1954.

H.R. 9922. November 2, 1977. Agriculture; Internal Relations. Authorizes the President to establish an International Emergency Food Reserve in this country and to negotiate international agreements with other countries to develop an international system of food reserves for humanitarian food relief.

H.R. 9923. November 2, 1977. Ways and Means. Amends the Internal Revenue Code to allow an additional investment tax credit for machinery and equipment placed in service in existing manufacturing plants or in nearby areas.

H.R. 9924. November 2, 1977. Interstate and Foreign Commerce; Public Works and Transportation. Amends the Hazardous Ma-

terials Transportation Act of 1975 to prohibit the Secretary of Transportation from permitting the transportation of radioactive materials in areas containing a population density greater than 12,000 persons per square mile, except when such materials are to be used for medical diagnosis or treatment purposes in such areas or during a national emergency.

H.R. 9925. November 2, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9926. November 2, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 9927. November 2, 1977. Judiciary. Deems a certain individual to have received an other than dishonorable discharge from the Armed Forces of the United States and to have received a service-connected injury causing permanent partial disability. Directs the Administrator of Veterans' Affairs to pay such individual a lump sum amount of disability compensation.

H.R. 9928. November 2, 1977. Judiciary. Authorizes classification of three individuals as children for purposes of the Immigration and Nationality Act.

H.R. 9929. November 3, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs in regard to the eligibility for educational benefits of a veteran or other person enrolled in a farm cooperative program, to prescribe for the agricultural employment requirement standards of relevance to the courses taken which allow such veteran or person to work: (1) in establishments engaged in the processing, distribution, or sale of agricultural products; (2) less than full-time; and (3) regardless of whether such employment is expected to be the principal source of income of the veteran or person so employed.

H.R. 9930. November 3, 1977. Education and Labor. Directs the Secretary of Health, Education, and Welfare to establish for displaced homemakers Multipurpose Service Centers in order to provide such persons job, health, financial, and legal services.

Directs the Secretary to prepare and furnish to the Congress a study to determine the feasibility of and appropriate procedures for allowing displaced homemakers to participate in (1) programs established under the Comprehensive Employment and Training Act of 1973, (2) work incentive programs under the Social Security Act, (3) related Federal employment, education, and health assistance programs, and (4) programs established or benefits provided under Federal and State unemployment compensation laws.

H.R. 9931. November 3, 1977. Small Business. Directs the head of each Federal agency to prepare a small business impact statement in connection with each rule made by such agency, unless the agency head, with the approval of the Office of Advocacy of the Small Business Administration, determines that such rule will not have a substantial effect on a significant number of small businesses.

H.R. 9932. November 3, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals alternative, limited income tax credits or deductions for the tuition paid for the primary, secondary or higher education of the taxpayer, his spouse and dependents.

H.R. 9933. November 3, 1977. Ways and Means. Declares it the policy of Congress that access to the United States market should be on an equitable basis.

Imposes import quotas on all products entering the United States, after January 1, 1979.

Permits the Secretary of Commerce to order gradual reductions in the quantity entered until the quota limit is reached. Directs the Secretary of Commerce to administer this Act.

H.R. 9934. November 3, 1977. Ways and Means. Declares it the policy of Congress that access to the U.S. market should be on an equitable basis.

Imposes import quotas on all products entering the United States, after January 1, 1979.

Permits the Secretary of Commerce to order gradual reductions in the quantity entered until the quota limit is reached. Directs the Secretary of Commerce to administer this act.

H.R. 9935. November 3, 1977. Ways and Means. Imposes a temporary import quota on iron or steel products. Establishes a Commission on Steel Products to study (1) the need for import restrictions beyond the period for which they are imposed by this act, and (2) alternative methods for improving the condition of the steel industry.

H.R. 9936. November 3, 1977. Small Business. Simplifies Government contracting procedures with respect to small businesses.

Establishes Government contract arbitration panels within the Small Business Administration.

Directs Federal agencies to take the apparent low responsive bidder's small business concern subcontracting plan into account in determining the responsibility of such bidder for the award of such contract.

Assigns an employee of the Small Business Administration to each Federal agency.

Establishes the Small Business Procurement Advisory Committee.

H.R. 9937. November 3, 1977. Banking, Finance and Urban Affairs. Amends the One Bank Holding Company Act Amendments of 1970 to authorize the Administrator of General Services to sell silver dollars by negotiation at such prices and in such manner as may be deemed proper by the Administrator.

H.R. 9938. November 3, 1977. Education and Labor. Establishes a national program for the prevention and treatment of family violence through the coordination of existing programs and the provision of assistance to such programs and to the establishment of new programs.

Establishes a Coordinating Council on Family Violence which shall be composed of representatives of specified executive departments and agencies.

Establishes within the ACTION Agency a National Center for Community Action Against Family Violence. Directs the Secretary of Health, Education, and Welfare to provide funds to evaluate programs for the prevention and treatment of family violence.

H.R. 9939. November 3, 1977. Judiciary. Grants a Federal charter to the Gold Star Wives of America.

H.R. 9940. November 3, 1977. Agriculture. Directs the Secretary of Agriculture to pay a specified amount to producers on a farm who, because of insufficient subsoil moisture to produce a commodity for which the farm has an acreage allotment, plant for harvest in 1977 another commodity in lieu of the acreage allotment commodity.

H.R. 9941. November 3, 1977. Education and Labor. Amends the Older Americans Act of 1965 to authorize the Commissioner of the Administration on Aging to make grants to assist older persons adversely affected by a major disaster or emergency declared by the President in accordance with the Disaster Relief Act of 1974.

H.R. 9942. November 3, 1977. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to provide Federal financial assistance to employers, labor organizations and public or private nonprofit agencies to establish occupational alcoholism programs for the diagnosis and treatment of alcohol abuse in employed persons.

Authorizes the appropriation of a specified percentage of Federal taxes collected on alcohol to finance such assistance.

H.R. 9943. November 3, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act and the Internal Revenue Code of 1954 to reduce tax rates on employment and self-employment income, to increase Federal participation in the funding of benefits under such Title and under the Medicare program, and to raise the ceiling on the amount of income that is subject to the tax.

H.R. 9944. November 3, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to allow medical facilities to be reimbursed by the Federal Government for emergency medical treatment given aliens unlawfully in the United States if such aliens are unable to pay the cost of such treatment or can pay only a part of the cost and the aliens or medical facilities which provided such treatment are not eligible under any public assistance program for payment of or reimbursement of such cost.

H.R. 9945. November 3, 1977. Interior and Insular Affairs. Repeals the prohibition preventing former Indian Claims Commissioners from representing any Indian interest, or having any financial interest in any Indian claim, for a two-year period after leaving office.

H.R. 9946. November 3, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the carryover basis provisions enacted by the Tax Reform Act which provide that beneficiaries receiving property for a decedent's estate will retain the decedent's basis in the property. Restores prior law which "stepped down" the property's basis to its market value at the time of death without imposing tax consequences on the appreciation or depreciation the property underwent while held by the decedent.

H.R. 9947. November 3, 1977. Interstate and Foreign Commerce. Amends the Toxic Substance Control Act to authorize the Administrator of the Environmental Protection Agency to make grants to reduce or alleviate adverse health effects caused by chemical substances. Requires that priority be given to cases involving polybrominated biphenyls.

Increases the amounts authorized to be appropriated under such Act for fiscal years 1978 and 1979.

H.R. 9948. November 3, 1977. Ways and Means. Amends the Internal Revenue Code to promote the survival of independent newspapers by providing for the establishment of tax exempt trusts for paying estate taxes on such papers, and by postponing the payment of estate taxes on such papers.

H.R. 9949. November 3, 1977. Government Operations. Establishes the Federal Emergency Assistance and Preparedness Administration to implement and coordinate all Fedearl disaster assistance and emergency preparedness programs and to collect data to be made available to the public, States and localities respecting the prediction of and planning for emergencies and disasters. Extends the termination dates of specified provisions of the Federal Civil Defense Act to September 30, 1980.

H.R. 9950. November 3, 1977. Interior and Insular Affairs; Judiciary; Merchant Marine and Fisheries. Allocates civil and criminal jurisdiction over Indians between the States and the Indian tribes, and defines the limits of their respective regulatory powers over Indian affairs.

H.R. 9951. November 3, 1977. Interior and Insular Affairs. Requires the adjudication and qualification of all claims to the use of water based on Federal reserved rights for Indian reservations by the United States district courts within a five-year period of limitation.

H.R. 9952. November 3, 1977. Ways and Means. Amends the Internal Revenue Code to

promote the survival of independent newspapers by providing for the establishment of tax exempt trusts for paying estate taxes on such papers, and by postponing the payment of estate taxes on such papers.

H.R. 9953. November 3, 1977. Ways and Means. Amends the Internal Revenue Code to promote the survival of independent newspapers by providing for the establishment of tax exempt trusts for paying estate taxes on such papers, and by postponing the payment of estate taxes on such papers.

H.R. 9954. November 3, 1977. Banking, Finance and Urban Affairs. Prohibits the Secretary of Housing and Urban Development from approving any application for rental increases in federally assisted housing unless the amount of such increase is permitted under State and local law.

H.R. 9955. November 3, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to establish the Tallgrass Prairie National Park and the Tallgrass Prairie National Preserve in the State of Kansas.

H.R. 9956. November 3, 1977. Armed Services; Appropriations. Amends the Department of Defense Appropriations Act, 1978 to repeal the provision of such Act which prohibits the payment of lodging expenses for individuals away from their post of duty on official business when adequate government quarters are available but are not occupied by such individual.

H.R. 9957. November 3, 1977. Veterans' Affairs. Requires the Administrator of Veterans' Affairs to pay a monthly pension of $150 to each veteran of World War I who meets specified service requirements, or to the surviving spouse (who meets specified requirements), or when there is no surviving spouse, to the child or children (who meet specified requirements).

H.R. 9958. November 3, 1977. Small Business. Authorizes the Small Business Administration to make grants to support the development and operation of small business development centers in order to provide small business with management development, technical information, product planning, and development and international market development. Establishes a Small Business Management and Technical Assistance Division within the Small Business Administration to administer the Small Business Development Center program.

H.R. 9959. November 3, 1977. Banking, Finance and Urban Affairs. Amends the Housing Act of 1949 to not consider specified housing benefits available to veterans in determining eligibility of veterans for housing financing from sources other than the Farmers Home Administration.

H.R. 9960. November 3, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to include certain substances, including pesticides, present in raw or processed fish or shellfish within the definitions of "food additive" and "adulterated food" for purposes of such Act.

Directs the Secretary of Health, Education, and Welfare to promulgate regulations establishing tolerance levels for unavoidable environmental contaminants present in such fish or shellfish. Establishes certain factors to be included in the determination of such tolerance levels.

H.R. 9961. November 3, 1977. House Administration. Amends the charter of the Boy Scouts of America to stipulate that the annual report of the Boy Scouts shall be printed each year as a separate House document.

H.R. 9962. November 3, 1977. District of Columbia. Amends the District of Columbia Code to increase the distance which members of the District of Columbia's Police Force and Fire Department may live from the United States Capitol Building from 25 to 50 miles.

H.R. 9963. November 3, 1977. Interstate and Foreign Commerce. Amends Title XIX (Medicaid of the Social Security Act to assure the individuals otherwise eligible for benefits under such Title do not lose such eligibility, or have the amount of such benefits reduced, because of increases in the amount of benefits under Title II (Old-Age, Survivors, and Disability Insurance) of such Act.

H.R. 9964. November 3, 1977. Public Works and Transportation. Directs the Secretary of the Army, acting through the Corps of Engineers, to acquire certain land to mitigate the adverse impact on fish and wildlife resources which will result from the Saint Johns Bayou and New Madrid Floodway, Missouri, flood control project.

H.R. 9965. November 3, 1977. Interstate and Foreign Commerce. Amends the Department of Transportation Act and the Regional Rail Reorganization Act to revise the time periods during which Federal financial assistance shall be available for rail service assistance programs under such Acts.

H.R. 9966. November 3, 1977. Post Office and Civil Service. Entitles a Federal employee whose position is reduced in grade to have the grade of such position treated as if such reduction had not occurred so long as such position is continued to be filled by such employee without a break in service.

H.R. 9967. November 3, 1977. Public Works and Transportation. Designates the segment of United States Highway 27 running through McCreary County, Kentucky, as the "William Kirby Ross Highway."

H.R. 9968. November 3, 1977. Education and Labor. Amends Title I of the Elementary and Secondary Education Act of 1965 to (1) increase parental involvement; (2) revise administrative enforcement guidelines and procedures at the Federal and State levels; (3) authorize funds for special projects; (4) extend programs authorized under such Title until 1982; and (5) establish a Federal grant program to aid State and local educational agencies in meeting the special needs of gifted children, including economically disadvantagd gifted children.

H.R. 9969. November 3, 1977. Interstate and Foreign Commerce; Banking, Finance and Urban Affairs; Judiciary. Authorizes the creation of a corporation for profit to be known as the Energy Corporation of the Northeast, the members of which shall be States located in the Northeast. Authorizes the Corporation to participate in a joint ventures with public or private groups to finance any project related to solving the energy needs of the Northeast.

H.R. 9970. November 3, 1977. Small Business. Simplifies Government contracting procedures with respect to small businesses.

Establishes Government contract arbitration panels within the Small Business Administration.

Directs Federal agencies to take the apparent low responsive bidder's small business concern subcontracting plan into account in determining the responsibility of such bidder for the award of such contract.

Assigns an employee of the Small Business Administration to each Federal agency.

Establishes the Small Business Procurement Advisory Committee.

H.R. 9971. November 3, 1977. Post Office and Civil Service. Amends the Department of Energy Organization Act to provide that full-time temporary personnel of the Technical Information Centers of the Energy Research and Development Administration who are transferred under such Act shall have the same rights of conversion to permanent full-time status as apply with regard to full-time temporary personnel of the Energy Research Centers.

H.R. 9972. November 3, 1977. Veterans' Affairs. Repeals the authority of the Administrator of Veterans' Affairs to establish an office in Europe, and permits him to pay specified travel, subsistence, and sale and purchase of residence expenses of employees of the Veterans' Administration serving at its offices in the Republic of the Philippines.

H.R. 9973. November 3, 1977. Ways and Means. Amends the Internal Revenue Code to integrate its provisions with certain proposed changes in the bankruptcy laws. Amends the special tax provisions of the bankruptcy law to include Federal taxes.

H.R. 9974. November 3, 1977. Ways and Means. Authorizes any individual who has attained the age of 65 to take a nonrefundable tax credit, under the Internal Revenue Code, for a percentage of the amount of real property taxes or rent constituting real property taxes paid or accrued by the taxpayer during the taxable year.

H.R. 9975. November 3, 1977. Judiciary. Sets forth procedures for the settlement of contract claims disputes between executive agencies and Government contractors. Authorizes executive agencies to establish contract boards of appeals to which agency decisions may be appealed.

H.R. 9976. November 3, 1977. Agriculture. Directs the Secretary of Agriculture to develop and implement an Aquaculture Assistance Plan.

H.R. 9977. November 3, 1977. Interstate and Foreign Commerce. Amends Title XIX (Medicaid) of the Social Security Act to provide that any general or cost-of-living increases in benefits under a Federal or federally-assisted retirement or disability program shall be disregarded in determining an individual's income for purposes of Medicaid eligibility.

H.R. 9978. November 3, 1977. Agriculture. Amends the Consolidated Farm and Rural Development Act with respect to emergency and disaster loans: (1) to further define specified eligibility conditions, interest rates and repayment requirements; and (2) to declare the sense of Congress as to the kind of personnel employed, and the priorities placed, in the carrying out of the provisions of such Act.

H.R. 9979. November 3, 1977. International Relations. Amends the Foreign Assistance Act of 1961 to terminate foreign assistance and military sales unless the President certifies that the recipient country is taking adequate measures to control illegal narcotics trade.

H.R. 9980. November 3, 1977. Interstate and Foreign Commerce. Prohibits the use of any means or instrumentality of transportation or communication in or affecting interstate or foreign commerce to engage in an unlawful consumer practice in connection with the sale or distribution of services, or other property.

H.R. 9981. Nobember 3, 1977. Veterans' Affairs. Increases the period of veterans' education assistance from 45 to 54 months, and eliminates the delimiting period. Grants eligibility for such assistance to any veteran of World War II, the Korean conflict, or the Vietnam era whose previous entitlement terminated without such veteran's availing himself of all the assistance to which he was entitled.

H.R. 9982. November 3, 1977. Education and Labor. Amends the General Education Provision Act to require education agencies or institutions to adopt a written policy providing for protection of the privacy of personal information, including guidelines regarding (1) access to student records; (2) the right to challenge such records and include clarifying materials; (3) kinds of information that may be released with or without consent; (4) student and parental participation in formulating such privacy policies; and (5) enforcement.

H.R. 9983. November 3, 1977. Agriculture; Banking, Finance and Urban Affairs. Establishes a rural community development grant

program for units of local government which have a population of 20,000 or less and are located in nonmetropolitan areas.

H.R. 9984. November 3, 1977. Agriculture. Declares that it is the policy of the Congress in the interest of public health to phase out Federal assistance which promotes the production of tobacco and the manufacturing and marketing of tobacco products for human consumption.

Directs the Secretary of Agriculture to study and report to the President and to the appropriate congressional committees his findings and recommendations regarding the probable economic effects (particularly on family farmers) of the phasing out of specified Federal tobacco assistance programs.

H.R. 9985. November 3, 1977. Ways and Means. Amends the Internal Revenue Code to allow a taxpayer to take a credit or an additional deduction for contributions to or for the use of any qualified organization the primary purpose of which is the support of the arts and humanities.

H.R. 9986. November 3, 1977. Government Operations. Establishes the Federal Information Practice Board to conduct continuing oversight of the effect of private and governmental data collection activities on the rights and privileges of individuals. Directs the Board to investigate compliance with Federal laws affecting information practices including laws pertaining to: (1) privacy; (2) freedom of information; (3) fair credit reporting and billing; and (4) government in the sunshine.

H.R. 9987. November 3, 1977. Public Works and Transportation. Authorizes the Secretary of Transportation to make grants to States and municipalities for the construction of bikeway projects.

H.R. 9988. November 3, 1977. Ways and Means. Amends the Internal Revenue Code to provide identical income tax rates for single persons and married couples filing joint returns. Limit the earned income that must be reported by a married individual filing a separate return to the amount actually earned by that individual.

H.R. 9989. November 3, 1977. Ways and Means; Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to require each medical-care institution participating in the Medicaid or Medicare program to implement procedures for the maintenance and disclosure of personal medical information.

Prohibits the disclosure of personal medical information by such institutions except for the maintenance and disclosure of per-

H.R. 9990. November 3, 1977. Small Business. Amends the Small Business Act to authorize the Small Business Administration (SBA) to make grants to colleges and universities, States, State-chartered development credit corporations, or to any corporation formed by two or more of the above mentioned entities for studies, research, and counseling concerning the management, financing productivity, and operation of small business enterprises.

Permits the SBA to provide technical and managerial assistance to small business concerns, including advice with respect to increasing productivity.

H.R. 9991. November 3, 1977. Banking, Finance and Urban Affairs; Judiciary. Allows States and political subdivisions to impose a doing-business tax on depository banks which have business locations in the State or political subdivision.

Sets forth a formula for the apportionment of such tax.

H.R. 9992. November 3, 1977. Banking, Finance and Urban Affairs. Amends the United States Housing Act of 1937 to authorize the Secretary of Housing and Urban Development to make assistance payments for the purpose of aiding any lower-income family in making rental payments with respect to real property on which is located a mobile home owned by such family and utilized by such family as its principal place of residence.

H.R. 9993. November 3, 1977. Interior and Insular Affairs. Authorizes the expansion of the Gulf Islands National Seashore, in the States of Florida and Mississippi, by 600 acres.

H.R. 9994. November 3, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to pay dependency and indemnity compensation to the survivors of any veteran who was rated totally and permanently service-connected disabled for at least ten years, as though the cause of death were service-connected.

H.R. 9995. November 3, 1977. Interstate and Foreign Commerce. Imposes minimum mandatory sentences under the Controlled Substances Act for manufacture or distribution of a controlled substance or counterfeit thereof, possession of such a substance with intent to manufacture, distribute, or possess.

Prohibits treating a person committing such an act under the Federal Youth Corrections Act.

H.R. 9996. November 3, 1977. Judiciary. Amends provisions which impose additional penalties for using or carrying a firearm during the commission of a Federal felony to (1) increase the penalties thereunder, (2) prohibit a suspended sentence for any conviction under such provisions, (3) forbid a defendant to plead guilty of a lesser charge, and (4) render the Federal Youth Corrections Act inapplicable to such offenses.

H.R. 9997. November 3, 1977. Judiciary. Sets forth a mandatory ten-year prison term for any person who (1) commits burglary, aggravated assault, rape, or second degree murder within the special jurisdiction of the United States or bank robbery and (2) has previously been convicted of any of such violations or certain narcotic offenses or of committing a felony while using or carrying a firearm, dangerous weapon or destructive device.

H.R. 9998. November 3, 1977. Merchant Marine and Fisheries. Amends the Shipping Act, 1916, to regulate the rates or classifications of tariffs of certain common carriers by water which operate, offer, or propose to offer regular liner service in the foreign commerce of the United States where such a carrier is owned or controlled by the government under whose registry the vessels of the controlled carrier operate.

H.R. 9999. November 3, 1977. Public Works and Transportation. Restructures the financing of the activities of the Saint Lawrence Seaway Development Corporation.

H.R. 10000. November 3, 1977. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to establish a program to identify needs and review problem areas of comprehensive medical eye care centers. Includes in such program the authority to make grants for expansion of facilities and the hiring and training of personnel.

Amends the Public Health Service Act to direct the Secretary to create, within the National Eye Institute, a Comprehensive Medical Eye Center Commission to assess present eye care facilities and develop a formula for upgrading and expansion of comprehensive medical eye care services, teaching, and research programs.

H.R. 10001. November 3, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to provide guaranteed loans for housing improvements including water conservation equipment and systems.

H.R. 10002. November 3, 1977. Interstate and Foreign Commerce. Prohibits any person from distributing in interstate commerce any consumer product which depends on water flow or consumption for its operation or which consumes water during operation, and which is distributed for personal use or consumption by an individual unless it meets either the improvement targets or final water efficiency standards established by the Federal Trade Commission pursuant to this Act.

H.R. 10003. November 3, 1977. Interstate and Foreign Commerce. Requires domestic and imported articles dependent upon the consumption of water to bear labels regarding water consumption rates, under regulations to be prescribed by the Federal Trade Commission and in conformity with tests to be conducted by the National Bureau of Standards. Establishes a public information program on the use of such labels. Imposes civil fines for violations of such labeling requirements. Establishes a civil fines for violations of such labeling requirements. Establishes a civil cause of action against such violators or against any Federal agency which fails to carry out its responsibilities under this Act. Declares violation of this Act to be an unfair or deceptive trade practice.

H.R. 10004. November 3, 1977. Interior and Insular Affairs. Establishes the Office of Water Management and the Independent Water Project Review Board within the Executive branch. Requires the Office to develop a comprehensive water policy and coordinate Federal water authorities. Requires the Board to establish a system for the evaluation of proposed water resources construction projects and to coordinate such projects.

H.R. 10005. November 3, 1977. Public Works and Transportation. Amends the Public Buildings Act of 1959 to require the Administrator of General Services (1) to establish a water conservation program for public buildings, (2) to prescribe minimum water efficiency standards for new public buildings, (3) to require, during building construction or repair, the installation of water supply and removal equipment which meets certain water efficiency standards, (4) to promulgate minimum efficiency standards for each type of water supply and removal equipment, and (5) to survey existing public buildings to determine the priority for needed water efficient equipment, and to replace existing water equipment in such buildings.

H.R. 10006. November 3, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to promote the reduction of unnecessary water consumption and of the total flow of sewage as part of the national policy for the control of water pollution.

Amends the Small Business Act to authorize loans to install devices to reduce unnecessary water consumption by small businesses.

H.R. 10007. November 3, 1977. Rules. Amends the Congressional Budget Act of 1974 to establish a two-year cycle for the congressional budget process. Requires each standing committee of Congress to review the laws and programs under its jurisdiction every other year, and to consider the desirability of new legislation in such areas. Requires separate consideration for authorizing legislation, budget resolutions, and appropriation bills.

H.R. 10008. November 3, 1977. Interior and Insular Affairs; Public Works and Transportation. Directs the Secretary of the Interior to develop a comprehensive water supply program, to survey water supply capacities, to propose methods of increasing water supplies, and to prepare drought contingency plans.

Directs the Administrator of General Services to survey (1) all federally controlled water storage projects to determine unnecessary water storage capacity, and (2) all federally controlled lands to determine any unnecessary area on which water storage facilities could be constructed.

Directs the Secretary of the Army, acting through the Chief of Engineers, to construct

water storage projects specifically authorized after enactment of this Act.

H.R. 10009. November 3, 1977. Interstate and Foreign Commerce. Establishes a schedule of national solid waste product charges for products manufactured for consumption in the United States. Establishes an order to assist municipal solid waste management activities.

H.R. 10010. November 3, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to authorize payment under the Medicare program for services provided in a rehabilitation facility for the blind, and for services furnished to blind individuals by mobility therapists and rehabilitation teachers.

H.R. 10011. November 3, 1977. Ways and Means. Delays the effective date of the generation skipping transfers tax imposed by the Tax Reform Act of 1976 until August 5, 1976 (presently, April 30, 1976).

H.R. 10012. November 3, 1977. Judiciary. Makes it a Federal crime for a person to directly or indirectly access or cause to be accessed for fraudulent purposes a computer system affecting commerce or having a connection with a Federal agency or financial institution.

H.R. 10013. November 3, 1977. Ways and Means. Amends the Tariff Schedules of the United States to repeal the duty imposed on articles assembled abroad with components produced in the United States.

H.R. 10014. November 3, 1977. Interior and Insular Affairs; Interstate and Foreign Commerce; Public Works and Transportation. Directs the Secretary of Energy to establish energy priority routes for transportation of coal between regions of coal demand and coal supply without eliminating competition or violating antitrust laws. Amends the Mineral Leasing Act to secure rights-of-way for coal pipelines over such priority routes.

H.R. 10015. November 3, 1977. Merchant Marine and Fisheries; Public Works and Transportation. Authorizes the Secretary of Commerce to make annual grants to assist States in carrying out public shoreline erosion management measures in the Great Lakes region.

H.R. 10016. November 3, 1977. Agriculture. Amends the Packers and Stockyards Act of 1921 to restrict the authority of the Secretary of Agriculture to determine the justness or reasonableness of any stockyard service rate or charge, to only those rates or charges for services at stockyards which have a certain minimum annual sales volume.

H.R. 10017. November 3, 1977. Ways and Means. Amends the Internal Revenue Code to disallow all deductions for entertainment, amusement, or recreation expenses and for business meals.

H.R. 10018. November 3, 1977. Ways and Means. Amends the Internal Revenue Code to allow certain individuals to compute the amount of the deduction for retirement savings on the basis of the earned income of their spouse.

H.R. 10019. November 3, 1977. Post Office and Civil Service. Prohibits any Federal employee from coercing any individual for the purpose of interfering with the right of such individual to disclose any illegal or otherwise improper Government action to the Review Board on Improper Government Actions, established by this Act, and from taking any adverse personnel action against such individual who is a Federal employee in retaliation for such disclosure. Requires the Board to investigate any such disclosure and, in the event further investigation or action is warranted, to notify the person, the head of the agency in which such person is employed, and, if appropriate, the Attorney General and/or the Comptroller General.

H.R. 10020. November 3, 1977. Public Works and Transportation. Amends the Flood Control Act of 1970 to require the Secretary of the Army, in determining the need for a flood control project, to consider the economic and social impact of not providing such protection. Sets forth factors for evaluating such impact.

Requires the Secretary of the Army, acting through the Chief of Engineers, and upon a finding that the costs of any flood control project exceed its benefits, to furnish the non-Federal interests affected by such decision with an opportunity to contribute to the project the amount by which the costs exceed the benefits.

H.R. 10021. November 3. 1977. Interstate and Foreign Commerce. Amends the Railroad Revitalization and Regulatory Reform Act of 1976 to require that steel materials acquired during the next five years using financial assistance provided by such Act be produced in the United States unless the Secretary of Transportation determines that such acquisition would be inconsistent with the public interest or the cost of such acquisition would be unreasonable. Establishes standards for determining whether the price for domestically produced steel is unreasonable.

H.R. 10022. November 3, 1977. Interstate and Foreign Commerce. Amends the Regional Rail Reorganization Act of 1973 to require that steel material acquired during the next five years by the Consolidated Rail Corporation (ConRail) be produced in the United States unless the chief executive officer of the Corporation determines that such acquisition would be inconsistent with the public interest or the cost of such acquisition would be unreasonable. Establishes standards for determining whether the price for domestically produced steel is unreasonable.

H.R. 10023. November 3, 1977. Interstate and Foreign Commerce. Amends the Rail Passenger Service Act to require that steel materials acquired during the next five years by the National Railroad Passenger Corporation be produced in the United States unless the president of the Corporation determines that such acquisition would be inconsistent with the public interest or the cost of such acquisition would be unreasonable. Establishes standards for determining whether the price of domestically produced steel is unreasonable.

H.R. 10024. November 3, 1977. Public Works and Transportation. Amends the Urban Mass Transportation Act of 1964 to require that steel materials or products which are acquired during the next five years using financial assistance provided under such Act be produced in the United States unless the Secretary of Transportation determines that the acquisition of such domestically produced materials would be inconsistent with the public interest or the cost of such acquisition would be unreasonable. Establishes standards for determining whether the price for domestically produced steel is unreasonable.

H.R. 10025. November 3, 1977. Banking, Finance and Urban Affairs. Amends the Equal Credit Opportunity Act to prohibit discrimination against any applicant for credit on the basis of the geographical location of the applicant's residence.

H.R. 10026. November 3, 1977. Banking, Finance and Urban Affairs. Amends the Equal Credit Opportunity Act to prohibit discrimination against any applicant for credit on the basis of the geographical location of the applicant's residence.

H.R. 10027. November 3, 1977. Judiciary. Admits a certain individual to the United States for permanent residence on specified conditions.

H.R. 10028. November 3, 1977. Judiciary. Declares three individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 10029. November 3, 1977. Interior and Insular Affairs. Directs the Secretary of the Interior to convey specified lands to certain individuals.

H.R. 10030. November 3, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 10031. November 3, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 10032. November 4, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to prohibit unsolicited commercial telephone calls to a telephone subscriber who has notified the telephone company that he does not wish to receive such calls.

H.R. 10033. November 4, 1977. Interstate and Foreign Commerce. Amends the Communications Act of 1934 to prohibit unsolicited commercial telephone calls to a telephone subscriber who has notified the telephone company that he does not wish to receive such calls.

H.R. 10034. November 4, 1977. Judiciary. Makes any violence, threat of violence, or comspiracy to such an end in connection with a labor dispute a Federal crime.

H.R. 10035. November 4, 1977. Judiciary. Amends the Hobbs Act to impose penalties for interfering with commerce by willfully causing property damage of at least $2,000 at or near a factory, construction site, or other place where work or business of an employer or owner is carried on or where such employer or owner transports, stores, or maintains property.

Stipulates that a violation of such provision or of the provision prohibiting interference with commerce through robbery, violent acts, or extortion shall not be nullified or mitigated by certain factors.

H.R. 10036. November 4, 1977. Post Office and Civil Service. Permits military service performed by an individual after December 1955 to be included in determining the aggregate period of service on which a civil service annuity is based, even though such individual is eligible for social security benefits. Requires the Civil Service Commission to exclude from such annuity an amount equal to that portion of the monthly benefit attributable to the individual's military service.

H.R. 10037. November 4, 1977. Science and Technology. Amends the Federal Fire Prevention and Control Act of 1974 to establish within the National Fire Prevention and Control Administration an Office of Fire Prevention, which shall conduct investigations and studies of State and local fires and fire prevention administration and report its findings and recommendations periodically to the Congress and to Federal, State, local and appropriate private agencies.

H.R. 10038. November 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to permit payment under part A (Hospital Insurance Benefits for the Aged and Disabled) of such Title for home care services furnished an individual up to 100 visits.

Removes the 100 visit limitation presently applicable to home care services under the supplementary medical insurance program and provides for payment of home care visits not covered by part A of such Title.

Amends Title XIX (Medicaid) to require the inclusion of home care services in an approved State plan under such Title.

H.R. 10039. November 4, 1977. Ways and

Means. Lists products the manufacture of which shall constitute the "steel sector" for purposes of determining the appropriate product sector with respect to import restrictions authority under the Trade Act of 1974.

H.R. 10040. November 4, 1977. Interstate and Foreign Commerce. Authorizes the Secretary of Health, Education, and Welfare to make grants to medical schools for the planning, development, and operation of approved residency training programs in preventive medicine.

H.R. 10041. November 4, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to require (1) prescription drug labels to contain the established name of the drug or its trade name; and (2) combination drug labels to contain the active ingredients and the quantity and strength of the drug.

H.R. 10042. November 4, 1977. Post Office and Civil Service. Prohibits the mandatory retirement of any immigration supervisor who is in good health and is less than 65 years old.

H.R. 10043. November 4, 1977. Education and Labor. Amends the Fair Labor Standards Act to declare the protection of workers and communities through regulation of imports to be a policy of such Act.

Permits the President, either House of Congress, a representative of an employee organization, or other interested party to request that the Secretary of Labor determine whether a product (1) was produced abroad under labor conditions detrimental to the maintenance of a minimum standard of living for workers and (2) is impairing domestic labor or communities.

Authorizes the President to take appropriate action if it is found that the product is in competition with domestic goods under such circumstances.

H.R. 10044. November 4, 1977. Public Works and Transportation. Establishes an emergency federally funded bridge replacement program for bridges located in rural nonfederal aid system public roads. Specifies the method by which the Secretary of Transportation shall apportion funds to the States for such program.

H.R. 10045. November 4, 1977. Education and Labor. Amends the Higher Education Act of 1965 to authorize appropriations for, and establish a program of grants to, urban universities for development of urban-oriented educational, research, or service programs; and assistance in carrying out such programs.

Authorizes a five year comprehensive grant to a university qualifying as an "urban grant university" and establishes criteria for such designation.

Creates an Urban University Advisory Council to (1) review, along with the Commissioner of Education, "urban grant university" applications; (2) advise the Commissioner; and (3) make recommendations to the President and to the Congress.

H.R. 10046. November 4, 1977. Judiciary. Amends the Immigration and Nationality Act to exclude from admission into, and provide for the deportation from, the United States of any alien who engaged or assisted in, or incited or directed others to engage in, the persecution of others on the basis of religion, race, or national origin under the direction of the Nazi government of Germany between March 23, 1933, and May 8, 1945.

H.R. 10047. November 4, 1977. Interstate and Foreign Commerce. Prohibits the sale of beverage containers without a minimum refund of five cents. Requires labeling of refund values on all such containers. Prohibits sale of metal beverage containers with detachable openings.

H.R. 10048. November 4, 1977. Judiciary. Sets forth mandatory minimum sentences for the commission of certain crimes, including (1) burglary, aggravated assault, rape or second degree murder within the special jurisdiction of the United States, (2) bank robbery, and (3) carrying or using a firearm, destructive device, or dangerous weapon during the commission of a Federal felony. Specifies longer minimum sentences for repeat offenders.

Makes good time allowances, parole, and treatment under the Federal Youth Corrections Act unavailable to persons convicted of any of the above crimes.

H.R. 10049. November 4, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to permit the Secretary of Housing and Urban Development to insure mortgages and loans with varying rates of amortization corresponding to anticipated variations in family income on a regular basis.

Amends the Internal Revenue Code to establish tax-exempt savings accounts which would be available to first-time home buyers, known as individual housing accounts.

H.R. 10050. November 4, 1977. Judiciary. Abolishes diversity of citizenship as a basis of jurisdiction of Federal requirement in Federal question cases. Imposes a $25,000 jurisdictional amount in cases based on diversity or nationality and retains a $10,000 limit in certain consumer product safety actions. Permits venue for a Federal civil action in any judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, district course in suits involving U.S. persons and the amount in controversy.

H.R. 10051. November 4, 1977. Banking, Finance and Urban Affairs. Amends the National Flood Insurance Act of 1968 to permit communities participating in flood insurance programs to waive, under specified conditions, land use and management requirements prescribed by such Act.

H.R. 10052. November 4, 1977. Post Office and Civil Service. Requires that the public be given an opportunity to participate in the rulemaking proceedings of a Federal agency.

Requires that proposed rules be submitted to Congress for disapproval before they become effective.

H.R. 10053. November 4, 1977. Education and Labor. Amends the Farm Labor Contractor Registration Act of 1963 to exclude specified categories of employers and employees from the farm labor contractors registration requirements.

H.R. 10054. November 4, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to certain former members of the United States Army, or a specified percentage of such sum to surviving unremarried widows of such members, who participated in the dengue fever experiments in the Philippine Islands.

H.R. 10055. November 4, 1977. Interstate and Foreign Commerce. Amends the Controlled Substances Act to provide that the possession of not more than one ounce of marihuana for private use, or the free transfer of not more than one ounce of marihuana shall not constitute a crime against the United States.

Provides for a civil penalty of not more than $100 for such possession or transfer.

H.R. 10056. November 4, 1977. Post Office and Civil Service. Establishes pay classifications ATC–1 through ATC–9 for Federal air traffic controllers, including operations personnel, and establishes salary levels to correspond to such classifications. Requires trainees and nonjourneyman controllers to be classified in positions ATC–1 through ATC–8 according to the proficiency required to fill such positions. Requires the classification of journeyman controllers at positions ATC–4 through ATC–9 on the basis of the award of points which reflect the type of facility where such person performs duties and the complexity of the job considering such characteristics as the volume of air traffic and runway configurations.

H.R. 10057. November 4, 1977. Interior and Insular Affairs. Establishes the Cultural Park Advisory Commission to study and formulate recommendations for the creation of a National System of Cultural Parks.

Authorizes the Secretary of the Interior to make grants for the purpose of assisting States in the preservation and use of cultural, historic, natural, and architectural urban resources through a cultural park management program.

H.R. 10058. November 4, 1977. Education and Labor. Sets forth procedures and guidelines for the establishment of equal education opportunities for students in elementary and secondary schools. Requires that States submit equal education opportunities plans to the Secretary of Health, Education, and Welfare for his approval. Establishes criteria for approval of plans and eligibility for Federal assistance.

H.R. 10059. November 4, 1977. Interstate and Foreign Commerce. Provides, under the Public Health Service Act, for the Director of the National Institute of Child Health and Human Development to: (1) plan and develop a coordinated autism research program; (2) collect, analyze, and disseminate all data useful in the prevention, diagnosis, and treatment of autism; and (3) establish comprehensive, coordinated diagnostic and evaluation procedures for early detection and effective guidance for autistic children.

Authorizes $500,000 for fiscal year 1978 and $5,000,000 per year for fiscal years 1979–1982 for loans and grants to any public or private nonprofit entity operating a center with education programs for autistic children.

H.R. 10060. November 4, 1977. Armed Services. Forbids the Secretaries of the Army, Air Force, and Navy from prohibiting the assignment of any female personnel to any duty for which such a member has volunteered and is otherwise qualified.

H.R. 10061. November 4, 1977. Rules. Requires the enactment of separate legislation, for appropriations to any Federal agency for employee salaries.

H.R. 10062. November 4, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the President to make annual National Cancer Research Awards and State Cancer Research Awards to individuals making meaningful contributions to the prevention and treatment of cancer.

Requires the Director of the National Cancer Institute to make award recommendations to the National Cancer Advisory Board for submission to the President.

H.R. 10063. November 10, 1977. Interstate and Foreign Commerce. Amends the Consumer Product Safety Act to include electrical wiring systems, within the purview of such Act.

H.R. 10064. November 8, 1977. Merchant Marine and Fisheries; Science and Technology. Establishes in the executive branch an independent establishment known as the Office of Chesapeake Bay Research Coordination to coordinate research efforts regarding the Chesapeake Bay. Establishes the Chesapeake Bay Advisory Committee to provide a continuing review of the research projects of the Chesapeake Bay area and to advise the Director of the Office.

H.R. 10065. November 8, 1977. Small Business. Simplifies Government contracting procedures with respect to small businesses.

Establishes Government contract arbitration panels within the Small Business Administration.

Directs Federal agencies to take the apparent low responsive bidder's small business

concern subcontracting plan into account in determining the responsibility of such bidder for the award of such contract.

Assigns an employee of the Small Business Administration to each Federal agency.

Establishes the Small Business Procurement Advisory Committee.

H.R. 10066. Noveber 8, 1977. Ways and Means; Judiciary. Amends the Internal Revenue Code to impose an additional excise tax on cigarettes to be paid to States not imposing local cigarette taxes to the extent the taxes collected are attributable to those States. Imposes penalties for bootlegging large amounts of cigarettes and provides for the regulation of interstate cigarette dealers and transporters by the Department of the Treasury.

H.R. 10067. November 8, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals whose income consists solely of employee compensation and interest to elect to have the Internal Revenue Service compute their income tax liability.

H.R. 10068. November 8, 1977. Interior and Insular Affairs. Creates the Indian Peaks Wilderness Area in the Arapaho and Roosevelt National Forests, Colorado.

Authorizes the Secretary of the Interior to study the feasibility of revising the boundaries of the Rocky Mountain National Park to include the Indian Peaks Wilderness Area.

H.R. 10069. November 8, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 10070. November 11, 1977. Ways and Means. Amends the Internal Revenue Code to allow limited, nonrefundable income tax credits for specified higher education expenses, including tuition, fees, books and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 10071. November 11, 1977. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to provide grants to States to reimburse them for a study to assess the cost of assuring accessibility to handicapped individual in federally assisted education programs.

Authorizes the Secretary to make grants to educational institutions to pay the Federal share of the cost of removing architectural barriers.

Establishes criteria for such grant programs.

H.R. 10072. November 11, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to provide for automatic annual cost-of-living increases in benefits payable to individuals under Title 38, United States Code, or the Veterans' Pension Act of 1959.

H.R. 10073. November 11, 1977. Veterans' Affairs. Requires the Administrator of Veterans' Affairs to provide eligible veterans with professional readjustment counseling, preventive health care services, and treatment and rehabilitation for alcohol or drug dependence or abuse disabilities.

H.R. 10074. November 11, 1977. Veterans' Affairs. Increases the limitation on the aggregate of direct housing loans to any Veterans' Administration.

H.R. 10075. November 11, 1977. Merchant Marine and Fisheries. Amends the Federal Boat Safety Act of 1971 to extend the authorization for appropriations for financial assistance to State boating safety programs through fiscal year 1979.

H.R. 10076. November 11, 1977. Agriculture; Banking, Finance and Urban Affairs; Education and Labor; Government Operations; Interstate and Foreign Commerce; Judiciary; Ways and Means. Establishes the Federal Information Practices Board to investigate compliance with Federal laws pertaining to privacy, freedom of information and fair credit reporting and billing. Amends the Privacy Act to further restrict disclosure of Federal records identifying individuals to third parties. Prescribes procedures for disclosure of certain consumer records by third party recordkeepers to Federal employees. Requires States to provide for the privacy of records used in the administration of public assistance programs. Prescribes standards on privacy and disclosure of medical records. Amends the Internal Revenue Code to restrict and/or prohibit disclosure of taxpayer return information for certain purposes.

H.R. 10077. November 11, 1977. Interstate and Foreign Commerce; Banking, Finance and Urban Affairs; Judiciary. Authorizes the creation of a corporation for profit to be known as the Energy Corporation of the Northeast, the members of which shall be States located in the Northeast. Authorizes the Corporation to participate in joint ventures with public or private groups to finance any project related to solving the energy needs of the Northeast.

H.R. 10078. November 11, 1977. Merchant Marine and Fisheries. Establishes in the Treasury a Commercial Fisheries Loan Fund to be used by the Secretary of Commerce to make loans for the financing of commercial fishing vessels or gear used in underutilized fisheries.

H.R. 10079. November 11, 1977. Ways and Means. Amends the Tariff Schedules of the United States to reduce the customs duty for fish netting or fish nets of fabric other than cotton or vegetable fibers.

H.R. 10080. November 11, 1977. Ways and Means. Amends the Tax Reform Act of 1976 to change from December 31, 1971, to December 31, 1954, the effective date of provisions excluding from the withholding requirements of the Federal Insurance Contributions Act (hospital and old-age, survivors, and disability insurance) services performed by individuals on certain fishing boats who receive as remuneration a share of the catch of fish, or a share of the proceeds from the sale of such catch.

H.R. 10081. November 11, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 10082. November 15, 1977. Veterans' Affairs. Directs the Secretary of the Army to have a monument erected in the National Cemetery at Arlington, Virginia, to members of the Armed Forces who served in Southeast Asia during the Vietnam era and are missing in action.

H.R. 10083. November 15, 1977. Merchant Marine and Fisheries. Prohibits the import, export, possession, transport, or sale of any elephant product. Direct the Secretary of the Interior to administer this Act. Authorizes the Secretary to issue permits for acts herein prohibited for scientific purposes. Establishes civil and criminal penalties for violation of this Act. Establishes rewards for persons providing information regarding violations of this Act. Requires the Secretaries of the Interior, Treasury, and the department in which the Coast Guard is operating to enforce this Act, and to promulgate regulations for such enforcement. Permits citizens suits to enforce this Act.

H.R. 10084. November 15, 1977. Post Office and Civil Service. Permits the garnishment of wages of Federal employees.

H.R. 10085. November 15, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) and XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to increase the amount of income an individual may earn without losing disability benefits and to extend the trial work period under such Titles.

Amends Title XVI of such Act to increase the amount of income and assets which an individual may own and still qualify for benefits under such Title.

H.R. 10086. November 15, 1977. International Relations; Judiciary; Public Works and Transportation. Requires the President to identify acts of terrorism which affect United States citizens or facilities, persons or groups performing such acts, countries aiding such terrorists, and unsafe airports. Requires the President to impose sanctions upon such countries and against unsafe airports. Establishes criminal penalties for specified terrorist acts. Establishes within the Executive Office of the President a Council to Combat Terrorism.

H.R. 10087. November 15, 1977. Merchant Marine and Fisheries. Directs the President to update the report of the Atlantic-Pacific Interoceanic Canal Study Commission, and to prepare an environmental impact statement with respect to any recommendations in such report. Authorizes appropriations to carry out this Act.

H.R. 10088. November 15, 1977. Education and Labor. Amends the Domestic Volunteer Service Act of 1973 to provide that volunteers serving in the Service Corps of Retired Executives may provide assistance to any home health agency which provides home health services.

H.R. 10089. November 15, 1977. International Relations. Amends the Foreign Assistance Act of 1961 to prohibit the assignment of members of the United States Armed Forces to South Africa.

H.R. 10090. November 15, 1977. International Relations. Prohibits the sale or licensing for export to South Africa of defense articles or services under the Arms Export Control Act. Prohibits the exportation to South Africa of articles controlled under the Export Administration Act of 1969 if such articles could be used for military, law enforcement, or internal security purposes. Prohibits the issuing of licenses for export to or distribution within South Africa of any source material, special nuclear material, byproduct material, production facility, utilization facility, or restricted data, under the Atomic Energy Act of 1954.

H.R. 10091. November 15, 1977. Ways and Means. Amends the Tariff Schedules of the United States to prohibit the importation of certain coal and uranium articles from South Africa.

H.R. 10092. November 15, 1977. International Relations. Requires that the Hungarian Crown of Saint Stephen and other relics of Hungarian royalty be kept in the United States unless Congress specifically provides otherwise.

H.R. 10093. November 15, 1977. Education and Labor. Stipulates that professional nurses shall be considered supervisors under the National Labor Relations Act only if they exercise the preponderance of specified hiring, work assignment, and grievance adjustment authority.

H.R. 10094. November 15, 1977. Ways and Means. Amends the Internal Revenue Code to allow certain individuals whose employers make contributions to pension plans a deduction for their contributions to employer pension funds.

H.R. 10095. November 15, 1977. Ways and Means. Amends the Internal Revenue Code to lower individual and corporate income tax rates.

H.R. 10096. November 15, 1977. Banking, Finance and Urban Affairs; International Relations. Directs the President to seek certain revisions of the Social Programs Trust Fund Agreement with respect to transfer of capital to the Inter-American Fund for Educational Development, established by this Act to furnish educational opportunities in Latin America.

Requires the establishment of regional councils within the Fund to review Fund programs.

H.R. 10097. November 15, 1977. Judiciary. Waives specified period of service requirements to entitle a certain individual to retired pay for his service in an Armed Forces Reserve component.

H.R. 10098. November 15, 1977. Judiciary. Declares that, for naturalization purposes, a certain individual shall be held and considered to have met the residence and physical presence requirements of the Immigration and Nationality Act.

H.R. 10099. November 18, 1977. Interstate and Foreign Commerce. Amends the Federal Power Act to require that a determination that a person who is engaged in the sale of electricity at wholesale is subject to the rate-making jurisdiction of the Federal Power Commission shall be based on more than the fact that such person has facilities for the generation, transmission, or sale of electricity which are physically connected to the electric facilities of any other person.

H.R. 10100. November 18, 1977. Education and Labor. Authorizes the Secretary of Health, Education, and Welfare to provide grants to States (1) to make a study of the costs involved in removing architectural, communications, and attitudinal barriers against handicapped persons in federally assisted programs; and (2) to pay the costs involved in assisting in such removal.

H.R. 10101. November 18, 1977. Judiciary; Ways and Means. Authorizes a $543,000,000 appropriation for reimbursing States for expenditures made with respect to services provided by such States under specified titles of the Social Security Act.

Sets forth procedures and time limitations for making claims for reimbursement and maximum amounts which a State may receive for providing services under the Social Security Act.

H.R. 10102. November 18, 1977. Education and Labor. Amends the National Labor Relations Act to require an employer who assumes the ownership or operation of a business to honor any applicable collective-bargaining contract in its entirety.

Amends the Labor Management Relations Act to permit a labor organization to bring suit against a new employer who refuses to honor an existing agreement in United States district court regardless of the citizenship of the parties or amount in controversy.

H.R. 10103. November 18, 1977. Veterans' Affairs. Designates service as a member of the Women's Air Forces Service Pilots as active duty for the purposes of all laws administered by the Veterans' Administration.

H.R. 10104. November 18, 1977. Ways and Means. Amends the Medicare program of the Social Security Act to authorize the President to enter into agreements establishing reciprocal arrangements between such program and the program of any foreign country under which health services are provided.

H.R. 10105. November 18, 1977. Judiciary. Authorizes Federal courts to award attorneys' fees to prevailing parties in civil actions where justice so requires. Stipulates that the United States shall be liable for such fees to the same extent as a private party.

H.R. 10106. November 18, 1977. Merchant Marine and Fisheries. Amends the National Environmental Policy Act to authorize a court in any case arising under such Act to award reasonable attorneys' fees to a prevailing plaintiff.

H.R. 10107. November 18, 1977. Ways and Means. Amends the Internal Revenue Code to allow a refund of so much of a taxpayer's investment credit as exceeds his liability for income tax.

H.R. 10108. November 18, 1977. Ways and Means. Amends the Internal Revenue Code to allow a credit against an individual's income tax in an amount equal to 50 percent of the sum of the amounts paid by him to educational institutions as tuition (though no more than $500 for any single individual) for the attendance of the taxpayer, the taxpayer's spouse, or any of his dependents with respect to whom he is entitled to a personal exemption.

H.R. 10109. November 18, 1977. Judiciary. Declares a certain individual to have satisfied the residence and physical presence requirements of the Immigration and Nationality Act, and authorizes such individual's naturalization.

H.R. 10110. November 18, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 10111. November 18, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 10112. November 22, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals alternative, limited income tax credits or deductions for the tuition paid for the primary, secondary or higher education of the taxpayer, his spouse and dependents.

H.R. 10113. November 22, 1977. Ways and Means. Imposes a temporary import quota on iron and steel products. Establishes a Commission on Steel Products to study (1) the need for import restrictions beyond the period for which they are imposed by this Act, and (2) alternative methods for improving the condition of the steel industry.

H.R. 10114. November 22, 1977. Interstate and Foreign Commerce; Banking, Finance and Urban Affairs; Judiciary. Authorizes the creation of a corporation for profit to be known as the Energy Corporation of the Northeast, the members of which shall be States located in the Northeast. Authorizes the Corporation to participate in joint ventures with public or private groups to finance any project related to solving the energy needs of the Northeast.

H.R. 10115. November 22, 1977. Interstate and Foreign Commerce; Banking, Finance and Urban Affairs; Judiciary. Authorizes the creation of a corporation for profit to be known as the Energy Corporation of the Northeast, the members of which shall be States located in the Northeast. Authorizes the Corporation to participate in joint ventures with public or private groups to finance any project related to solving the energy needs of the Northeast.

H.R. 10116. November 22, 1977. District of Columbia. Amends the District of Columbia Income and Franchise Tax Act of 1947 to (1) repeal the unincorporated business tax; (2) impose a nonresident income tax at a rate of one-third of the rate applicable to D.C. residents; (3) exempt members of Congress and certain Federal officers from such tax; (4) require D.C. employers to withhold from nonresident employee wages for such tax; and (5) provide a tax credit for D.C. residents whose income is subject to D.C. taxation and taxation by another State.

H.R. 10117. November 22, 1977. Appropriations. Makes a supplemental appropriation of $3,739,000 for the Inspector General of the Department of Health, Education, and Welfare for fiscal year 1978.

H.R. 10118. November 22, 1977. District of Columbia. Establishes the Commission on the Adequacy of the Annual Federal Payment to the District to conduct a one year study of the adequacy of the annual Federal payment to the District of Columbia.

H.R. 10119. November 22, 1977. Judiciary. Directs the Secretary of the Army to pay a lump sum annuity to the widow of a certain deceased individual who is deemed, for purposes of this Act, to have been eligible for and receiving retired pay at the time of his death.

H.R. 10120. November 25, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals alternative, limited income tax credits or deductions for the tuition paid for the primary, secondary or higher education of the taxpayer, his spouse and dependents.

H.R. 10121. November 29, 1977. Veterans' Affairs. Requires the Administrator of Veterans' Affairs to pay a monthly pension of $150 to each veteran of World War I who meets specified service requirements, or to the surviving spouse (who meets specified requirements), or when there is no surviving spouse, to the child or children (who meet specified requirements).

H.R. 10122. November 29, 1977. Public Works and Transportation. Amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to entitle owners of farmland condemned under the Act to have any building on such land moved. Requires the Government to find and offer to any such displaced farmland owner an option to buy suitable replacement property.

Requires any person displaced from any business or farm operation he or she owns to be compensated for closing costs and increased interest costs incurred in replacing such property. Requires 50 percent of the compensation offered to be paid to a displaced owner pending specified condemnation proceedings.

H.R. 10123. November 29, 1977. Ways and Means. Amends the Internal Revenue Code to: (1) remove the adjusted gross income limitation on the credit for the elderly; (2) increase the amount of the credit; and (3) provide an annual cost-of-living adjustment for the credit.

H.R. 10124. November 29, 1977. Judiciary. Prohibits Members of Congress from mailing or using congressional stationary for any pupose other than official congressional business.

H.R. 10125. November 29, 1977. Banking, Finance and Urban Affairs. Amends the Truth in Lending Act to revise the procedures required with respect to the extension of credit.

H.R. 10126. November 29, 1977. Post Office and Civil Servcie. Requires the head of each Federal agency to establish and maintain a program for part-time career employment. Requires the Civil Service Commission to conduct a demonstration program to determine the extent to which part-time personnel can be utilized in managerial and professional positions and the extent to which job-sharing arrangements may be established in various occupations.

H.R. 10127. November 29, 1977. Public Works and Transportation. Stipulates that nothing in agreements entered into between the Secretary of Transportation and a State highway department for the construction of projects on the Interstate System shall require the removal of establishments serving users of interstate highways if such establishment was in existence before January 1, 1960, is owned by a State, and if all access to, and exits from such establishments conform to specified standards.

H.R. 10128. November 29, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to revise the eligibility requirements for disability insurance benefits for blind persons. Revises the method of computing the primary insurance amount for blind persons under such Act.

H.R. 10129. November 11, 1977. Judiciary. Establishes, through the Director of the Administrative Office of the United States Courts, programs to (1) compile and make available lists of qualified interpreters for non-English speakers and hearing or speech impaired persons and (2) provide the services of such interpreters free in criminal ac-

tions and civil actions initiated by the United States.

Permits, and sets guidelines for, the use of Spanish in actions in the United States District Court for the District of Puerto Rico and prohibits the disqualification of potential jurors on such court solely on the ground that they cannot speak English.

Revises the Director's administrative duties and powers.

H.R. 10130. November 29, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act and the Internal Revenue Code of 1954 to provide social security coverage for work performed in prison industries by inmates.

H.R. 10131. November 29, 1977. Government Operations; Interior and Insular Affairs. Provides Federal assistance to the Commonwealth of Puerto Rico for the construction of a sports and recreation facility to be known as the Roberto Clemente Sports City.

H.R. 10132. November 29, 1977. Small Business; Ways and Means. Amends the Small Business Act to authorize the Small Business Administration to participate in any loan made to any eligible minority corporation for the acquisition or construction, conversion, or expansion of any broadcast or cable facility.

Amends the Internal Revenue Code of 1954 to permit nonrecognition of gain in the case of a taxpayer who sells any broadcast cable or facility to an eligible minority business and purchases replacement property within three years of such sale.

H.R. 10133. November 29, 1977. Judiciary. Prohibits use or supply of false documentation, false information, or birth or immigration documents of another for purposes of obtaining a Federal document containing an element of identification.

Forbids commerce in such information or documentation for purposes of securing a State or local government document containing an element of identification.

Proscribes specified acts relative to: (1) forgery, counterfeiting, or alteration of Federal, State, or local government documents containing an element of identification; (2) interstate or foreign commerce in any such counterfeited, forged, or altered document; and (3) receipt, possession use, or furnishing of any such document with intent to secure false official identification.

H.R. 10134. November 29, 1977. Judiciary. Sets forth procedures for Federal constitutional conventions with respect to: (1) applications, (2) calling, (3) delegates, (4) convening, (5) operation, (6) Congressional approval, and (7) ratification.

H.R. 10135. November 29, 1977. Veterans' Affairs. Directs the Secretary of Defense to place a plaque and a permanent display of medals, ribbons, and tributes of the Vietnam era on the crypt at the National Cemetery at Arlington, Virginia, reserved for an unknown American serviceman who lost his life in Southeast Asia.

Directs the Secretary to perform the duties required by this Act even though the remains of such serviceman have not yet been placed in the crypt.

H.R. 10136. November 29, 1977. Ways and Means. Amends the Internal Revenue Code to lower individual and corporate income tax rates.

H.R. 10137. November 29, 1977. Post Office and Civil Service. Makes war orphans, children of disabled veterans, and spouses, mothers, and children of members of the armed forces missing in action or captured, eligible for preference in civil service competitive appointments.

H.R. 10138. November 29, 1977. Merchant Marine and Fisheries. Amends the Merchant Marine Act, 1936, to make Federal ship mortgage insurance available for obligations for fishing vessels which do not exceed 87-½ percent of the actual or depreciated cost of such vessels.

H.R. 10139. November 29, 1977. International Relations; Judiciary; Public Works and Transportation. Establishes bodies to combat terrorism in the Executive Office of the President, the Department of State, and the Department of Justice.

Specifies penalties for violations of the Convention for the Suppression of unlawful Acts Against the Safety of Civil Aviation. Sets forth penalties for certain other acts which endanger aircraft. Requires Presidential approval of sales of defense articles to groups and individuals. Require that all explosives contain identification and detection taggants.

Directs the President to impose sanctions against dangerous foreign airports and countries which aid terrorists.

H.R. 10140. November 29, 1977. Agriculture. Directs the Secretary of Agriculture to establish the price supports for each of the 1977 through 1981 crops of feed grains, cotton, peanuts, rice, tobacco, wheat, soybeans, sugar, wool, mohair, milk and honey at 100 percent of parity, unless a majority of the producers of any such commodity, in a referendum, vote to exempt such commodity from such support price.

H.R. 10141. November 29, 1977. International Relations. Requires that the Hungarian Crown of Saint Stephen and other relics of Hungarian royalty be kept in the United States, unless Congress specifically provides otherwise.

H.R. 10142. November 29, 1977. Banking, Finance and Urban Affairs. Amends the Federal Reserve Act to direct the Board of Governors of the Federal Reserve System to regulate purchases and sales of paper (eligible for open-market operations) so that specified monthly targets for the average money supply are met.

H.R. 10143. November 29, 1977. Interstate and Foreign Commerce. Amends the Railroad Retirement Act of 1974 to permit certain periods of voluntary military service to be counted towards the "years of service" requirement for eligibility for benefits under such Act.

H.R. 10144. November 29, 1977. Ways and Means. Delays for six months the effective date of the increase in the hospital deductible for 1978 under the hospital insurance program of Title XXVIII (Medicare) of the Social Security Act.

H.R. 10145. November 29, 1977. Banking, Finance and Urban Affairs. Authorizes national banking associations to underwrite and deal in non-general obligations of States and cities.

Sets limitations and restrictions on dealings in such obligations by national banking associations.

H.R. 10146. November 29, 1977. Government Operations. Sets forth policies, methods, and criteria for the acquisition of property and services by any agency of the United States Government. Describes procedures for contracts, contract payments, and contract settlements. Permits agency heads to delegate authority to acquire property and services, with specified exceptions.

H.R. 10147. November 29, 1977. Interstate and Foreign Commerce. Amends the Investment Company Act of 1940 to exempt companies which are, or hold themselves out as being engaged solely in the business of investing, reinvesting, or trading in new business securities from the terms of such Act.

H.R. 10148. November 29, 1977. Ways and Means. Amends the Internal Revenue Code to defer realized gain, and to cumulate holding periods, on exchanges of stock in certain new, independent corporations. Provides that all stock options granted by such corporations shall be considered qualified stock options. Increases the limitation on ordinary losses on small business stock.

H.R. 10149. November 29, 1977. Banking, Finance and Urban Affairs; Science and Technology; Rules. Creates the National Science and Technology Corporation to guarantee and make loans to promote and advance basic and applied research and development in scientific and technological areas determined to be of critical national concern, and to provide assistance for the commercialization and adaptation of federally developed technologies.

H.R. 10150. November 29, 1977. Veterans' Affairs. Establishes a loan program to provide educational assistance to Vietnam-era veterans and their eligible dependents who either did not commence or were unable to complete a program of education before the expiration of the delimiting period.

H.R. 10151. November 29, 1977. Agriculture. Amends the Rural Development Act of 1972 to require that loan guarantees from the Farmers Home Administration be under terms and restrictions no less favorable to borrowers than those offered by the Department of Housing and Urban Development.

H.R. 10152. November 29, 1977. Agriculture. Amends the Rural Development Act of 1972 to require that loan guarantees from the Farmers Home Administration be under terms and restrictions no less favoring to borrowers than those offered by the Department of Housing and Urban Development.

H.R. 10153. November 29, 1977. Agriculture. Amends the Federal Meat Inspection Act to require the Secretary of Agriculture to make quarterly reports to the appropriate congressional committees evidencing departmental inspection of all foreign plants exporting meat or meat products to the United States and the compliance of such plants with all inspection and building construction standards requirements.

H.R. 10154. November 29, 1977. Ways and Means. Amends Title XVIII (Medicare) of the Social Security Act to absolve a provider of services of liability for overpayments made to him if such payments were certified by a designated agent of the Federal Government and if the provider was not grossly negligent or guilty of fraudulent intent in applying for such payments.

H.R. 10155. November 29, 1977. Judiciary. Declares a certain individual to have satisfied the residence and physical presence requirements of the Immigration and Nationality Act, and authorizes such individual's naturalization.

H.R. 10156. November 29, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 10157. November 29, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain corporation in settlement of such corporation's claims against the United States.

H.R. 10158. November 29, 1977. Judiciary. Deems, for purposes of determining Civil Service annual leave with pay, that a specified period of active service of a certain individual in the United States Navy was active service in the Armed Forces during the war.

H.R. 10159. November 29, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 10160. November 29, 1977. Interior and Insular Affairs. Directs the Secretary of Agriculture to convey at fair market value to a certain individual ownership and title to a specified number of acres within a certain national forest.

H.R. 10161. November 29, 1977. Ways and Means. Waives the time limitations of the

Tariff Act of 1930 and permits a certain corporation to file a protest with the United States Customs Service concerning the overpayment of customs duties on certain goods.

H.R. 10162. November 29, 1977. Judiciary. Deems that: (1) the service performed by a certain individual in the United States Navy during World War II was served under a lawful enlistment; (2) that any injury such individual incurred or aggravated in the line of duty is a service-connected disability; and (3) that such individual received an honorable discharge.

H.R. 10163. November 30, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a limited amount of specified higher education expenses, including tuition, fees, books, supplies and room and board, incurred by a taxpayer for himself cr for his spouse or dependents.

H.R. 10164. November 30, 1977. Judiciary. Amends the Internal Security Act of 1950 to prohibit entrance into the United States or the granting of United States citizenship to any person who has been convicted of, participated in, or advocated any crime of terrorism. Makes it unlawful for any person subject to United States jurisdiction to participate in any way in any phase of terrorist activities.

Grants the United States a civil right of action to impose a constructive trust upon all property which has been acquired by violation of any Federal criminal statute unless such property is found to have been acquired by a good faith purchaser.

H.R. 10165. November 30, 1977. Judiciary. Prohibits Members of Congress from mailing or using congressional stationary for any purpose other than official congressional business.

H.R. 10166. November 30, 1977. Small Business. Simplifies Government contracting procedures with respect to small businesses.

Establishes Government contract arbitration panels within the Small Business Administration.

Directs Federal agencies to take the apparent low responsive bidder's small business concern subcontracting plan into account in determining the responsibility of such bidder for the award of such contract.

Assigns an employee of the Small Business Administration to each Federal agency.

Establishes the Small Business Procurement Advisory Committee.

H.R. 10167. November 30, 1977. Interstate and Foreign Commerce; Ways and Means. Requires all gasoline stations, within three years of the passage of this Act, to sell a mixture of gasoline and alcohol in the same manner as they sell gasoline. Imposes a civil penalty for violations of such requirement. Amends the Internal Revenue Code to allow rapid amortization of facilities producing alcohol for use as a fuel in motor vehicles. Amends the Clean Air Act with respect to the authority of the Environmental Protection Agency to regulate the use of alcohol as a fuel additive.

H.R. 10168. November 30, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to establish (1) a Drug Benefit Program for the Aged to pay for prescription drugs from partcipating pharmacies: (2) a Drug Benefits List; (3) a Drug Benefits Council to advise the Secretary or Health, Education, and Welfare on matters relating to this Act; and (4) penalties for abuses of the benefits program.

H.R. 10169. November 30, 1977. Rules. Amends the Congressional Budget Act of 1974 to limit the levels of total budget outlays and total new budget authority for a fiscal year to such outlays and authority for the preceding fiscal year, increased by a percentage equal to the average annual percentage increase in the gross national product during the three calendar years preceding the beginning of such fiscal year.

H.R. 10170. November 30, 1977. Ways and Means. Amends the Internal Revenue Code to: (1) remove the adjusted gross income limitation on the credit for the elderly; (2) increase the amount of the credit; and (3) provide an annual cost-of-living adjustment for the credit

H.R. 10171. November 30, 1977. Ways and Means. Amends the Internal Revenue Code to exclude from the determination of the unrelated business income of certain tax-exempt organizations gains and losses from the sale of real property to long term lessees if such sale is treated under local law as an involuntary conversion.

H.R. 10172. November 30, 1977. Judiciary. Prohibits use or supply of false documentation, false information, or birth or immigration documents of another for purposes of obtaining a Federal document containing an element of identification.

Forbids commerce in such information or documentation for purposes of securing a State or local government document containing an element of identification.

Proscribes specified acts relative to: (1) forgery, counterfeiting, or alteration of Federal, State, or local government documents containing an element of identification; (2) interstate or foreign commerce in any such counterfeited, forged, or altered document; and (3) receipt, possession, use, or furnishing of any such document with intent to secure false official identification.

H.R. 10173. November 30, 1977. Veterans' Affairs. Sets increased flat rates for veterans' non-service-connected disability pension, aid-and-attendance allowances, and survivors' benefits Excludes from the determination of annual income, for benefit payment purposes, specified categories of payments currently included in such determination. Requires pension applicants to report the income of each spouse and child on account of whom added pension is applied for or received.

H.R. 10174. November 30, 1977. Judiciary. Directs the Secretary of the Army to pay to each person who served as a Philippine Scout between December 6, 1941, and December 31, 1946, or the survivors of such an individual the difference between the basic pay received by such an individual and the pay received by other members of the Army of corresponding grades and length of service. Requires that the retired pay of such individuals be computed using the rates of basic pay applicable to other members of the Army of corresponding grades and length of service.

H.R. 10175. November 30, 1977. Education and Labor. Authorizes the Commissioner of Education to provide Federal aid to those State teacher retirement systems which allow retirement credit to teachers for out-of-state teaching service.

H.R. 10176. November 30, 1977. Ways and Means. Amends the Tax Reform Act of 1976 to change from December 31, 1971, to December 31, 1954, the effective date of provisions excluding from the withholding requirements of the Federal Insurance Contributions Act (hospital and old-age, survivors, and disability insurance) services performed by individuals on certain fishing boats who receive as remuneration a share of the catch of fish, or a share of the proceeds from the sale of such catch.

H.R. 10177. November 30, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals age 65 and over an income tax credit for the fuel surcharges imposed by public utilities.

H.R. 10178. November 30, 1977. Interior and Insular Affairs. States that during the period following the enactment of this Act until December 31, 1978, neither the Secretary of the Interior nor the Attorney General shall withhold water delivery from a beneficiary of a Federal reclamation project for the purpose of achieving conformity with acreage limitation or residency requirements of reclamation law.

H.R. 10179. November 30, 1977. Banking, Finance and Urban Affairs. Amends the Housing Act of 1949 to not consider specified housing benefits available to veterans in determining eligibility of veterans for housing financing from sources other than the Farmers Home Administration.

H.R. 10180. November 30, 1977. Ways and Means. Imposes import quotas on beef and veal products entering the United States, a trade zone thereof, an insular possession thereof, or the Trust Territory of the Pacific Islands. Sets forth the formula for establishing such quota quantities by the Secretary of Agriculture.

H.R. 10181. November 30, 1977. Judiciary. Includes within the definition of the term "special immigrant", under the Immigration and Nationality Act, any person who (1) is a resident of a country which has denied its citizens the right or opportunity to emigrate, but which the President has determined, pursuant to the Trade Act to 1974, will cease such denial, (2) has a sponsoring relative in the United States, but (3) is not entitled to classification under other provisions of the Act.

Entitles a spouse or child of a person qualifying as a special immigrant under this Act to similar status.

H.R. 10182. November 30, 1977. Ways and Means. Amends the Internal Revenue Code to allow certain individuals whose employers make contributions to pension plans a deduction for their contributions to employer pension funds, and to allow a deduction to certain individuals who establish modified individual retirement plans when the employer-employee pension contributions are small.

H.R. 10183. December 1, 1977. Ways and Means. Amends the Internal Revenue Code to allow long term lessees of certified historic structures to amortize on a 60 month basis expenses incurred in rehabilitating such structures.

H.R. 10184. December 1, 1977. Judiciary. Entitles any person who, on the basis of information not previously considered, believes that a patented invention was not patentable to have the patent re-examined by the Commissioner of Patents.

Requires a defendant to an infringement claim who relies on a defense of unpatentability to request a re-examination as provided by this Act.

H.R. 10185. December 1, 1977. Interior and Insular Affairs. Amends the Payment in Lieu of Taxes Act to redefine "entitlement lands" and "unit of local government" for purposes of such Act.

Permits payments, beginning in fiscal year 1979, for land acquired by State or local governments for the purpose of establishing national parks, forests, seashores, recreation or wilderness areas.

H.R. 10186. December 1, 1977. Interior and Insular Affairs. Enlarges the acreage limitation under Federal reclamation laws to 480 acres of class 1 land or its equivalent. Defines "equivalent" for purposes of this Act.

Includes interest in the amount of construction charges that must be paid before excess lands shall carry the right to receive water.

Authorizes the Secretary of the Interior to amend existing contracts to conform to the provisions of this Act.

H.R. 10187. December 1, 1977. Interior and Insular Affairs. Authorizes the Indian Arts and Craft Board of the Department of the Interior to make loans and grants to Indian museums for operational expenses and for

management personnel and support expenses.

H.R. 10188. December 1, 1977. Interstate and Foreign Commerce; Amends Title XVIII (Medicare) of the Social Security Act to authorize payment under the supplementary medical insurance program for foot care involving the cutting and removal of corns, warts, and calluses and the trimming of club nails.

H.R. 10189. December 1, 1977. Judiciary. Permits civil suits under 42 U.S.C. 1983 by an individual against a party acting under color of any statute, ordinance, regulation, custom, or usage of the District of Columbia.

Extends the original jurisdiction of Federal district courts to encompass such actions.

H.R. 10190. December 1, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to provide for an expanded research program for the prevention of environmental and occupational cancer.

H.R. 10191. December 1, 1977. Agriculture; Interstate and Foreign Commerce; Ways and Means. Provides criminal penalties for fraudulent misrepresentations of material facts used in determining an individual's eligibility for aid under title IV (Aid to Families with Dependent Children), XVI (Supplemental Security Income for the Aged, Blind, and Disabled) and XIX (Medicaid) of the Social Security Act, the Food Stamp Act of 1977 and the Internal Revenue Code of 1954 relating to unemployment compensation.

H.R. 10192. December 1, 1977. International Relations; Education and Labor. Establishes a Commission on Proposals for a United States Academy for Peace and Conflict Resolution to study the establishment of such academy and alternative proposals which would assist the Federal Government in promoting peace. Directs the Commission to review the theory and techniques of conflict resolution and the institutions for conflict resolution.

H.R. 10193. December 1, 1977. Ways and Means. Amends part D (Child Support and Establishment of Paternity) of Title IV of the Social Security Act to extend the period in which States may receive payments for child support collection and paternity determination services. Establishes computerized infomation retrieval systems to assist in the administration of programs under parts A (Aid to Families with Dependent Children) and D of Title IV.

Increases the limit on Federal funding for programs under the AFDC program of Title IV and for social services under Title XX (Grants to States for Services).

Establishes work training programs under the AFDC program.

H.R. 10194. December 1, 1977. Armed Services; Interstate and Foreign Commerce; Public Works and Transportation. Amends the Hazardous Materials Transportation Act to direct the Secretary of Transportation to issue regulations prohibiting the transportation of radioactive materials to or from any non-military airport except where such materials are to be used during a national emergency or for emergency medical diagnosis or treatment. Directs the Secretary to prohibit the transportation of such materials to or from military airports which are located within a standard metropolitan statistical district of more than 300,000 people.

H.R. 10195. December 1, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deferral of an individual's income tax liability to the extent it equals a limited portion of the higher educational expenses incurred for the taxpayer, his spouse and dependents. Defers payment until the year following the end of the individual's attendance at an institution of higher education, or the tenth year following the taxpayer's initial deferral, whichever is earlier.

H.R. 10196. December 1, 1977. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction to any taxpayer engaged in the manufacture, importation, distribution, lease, or sale of any product for contributions to his product liability loss reserve account.

H.R. 10197. December 1, 1977. Agriculture. Directs the Secretary of Agriculture: (1) to use specified funds to maintain adequate supplies and prices for perishable agricultural commodities; and (2) to increase periodically the loan rates and target prices for 1977 through 1981 for wheat, feed grains, upland cotton, rice, peanuts, soybeans, and sugar, to reflect cost-of-living increases granted to individuals in the public and private sector or to reflect increases in the minimum wage.

H.R. 10198. December 1, 1977. Education and Labor. Amends the Civil Rights Act of 1964 to include as an unlawful employment practice discrimination on the basis of physical handicap.

H.R. 10199. December 1, 1977. Agriculture. Amends the Food and Agriculture Act of 1977 and the Agriculture Act of 1949 to: (1) increase the established prices of wheat and corn for the 1978 crops; (2) require land diversion payments whenever a set-aside of wheat or feed grains cropland is in effect for the 1978 crop year; (3) require implementation of the critical lands resource conservation program for the Great Plains States for the 1978 crop year; and (4) allow, under specified circumstances, interest-free extensions of the repayment period on wheat and feed grains loans.

H.R. 10200. December 1, 1977. Banking, Finance and Urban Affairs. Amends the Truth in Lending Act to exempt transactions involving extensions of credit for agricultural purposes. Defines the components of a "finance charge" and requires the itemization of such charges. Requires consumer and creditor statements and descriptions of security interests or property in connection with the extension of credit not under an open end plan.

Directs the simplification of disclosure requirements. Redefines disclosure requirements to comply with the provisions of this Act.

Includes provisions of civil and criminal liability under this Act.

H.R. 10201. December 1, 1977. Agriculture. Directs the Secretary of Agriculture, through the Commodity Credit Corporation, to support the price of honey marketed between July 1, 1978, and June 30, 1981, at a level to be determined according to a specified formula.

H.R. 10202. December 1, 1977. Agriculture. Directs the Secretary of Agriculture to enter into renewable ten-year agreements with landowners and operators for the establishment and preservation of shelterbelts on land subject to wind erosion.

H.R. 10203. December 1, 1977. Agriculture. Amends the Soil Conservation and Domestic Allotment Act to remove: (1) the December 31, 1981 termination date for the period during which the Secretary of Agriculture may enter into conservation contracts with land owners and operators in the Great Plains States; (2) the restriction on such contracts to lands designated by the Secretary as susceptible to serious wind erosion; and (3) the ceilings on the total cost of the program and on aggregate annual payments.

H.R. 10204. December 1, 1977. Merchant Marine and Fisheries. Authorizes appropriations to carry out wildlife conservation programs on military reservations and public lands through fiscal year 1981.

H.R. 10205. December 5, 1977. Ways and Means. Amends the Tax Reform Act of 1976 to change from December 31, 1980, to December 31, 1975, the effective date of provisions allowing certain insurance companies (other than life or mutual) to adopt, for purposes of filing a consolidated return, the taxable year of the common parent corporation.

H.R. 10206. December 5, 1977. Ways and Means. Amends the Tax Reform Act of 1976 to change from December 31, 1980, to December 31, 1975, the effective date of provision allowing certain insurance companies (other than life or mutual) to adopt, for purposes of filing a consolidated return, the taxable year of the common parent corporation.

H.R. 10207. December 5, 1977. Ways and Means. Amends the Internal Revenue Code to allow a credit against an individual's income tax in an amount equal to 50 percent of the sum of the amounts paid by him to educational institutions as tuition (though no more than $500 for any single individual) for the attendance of the taxpayer, the taxpayer's spouse, or any of his dependents with respect to whom he is entitled to a personal exemption.

H.R. 10208. December 5, 1977. Judiciary. Repeals (1) provisions of the Immigration and Nationality Act which deprive persons of their United States citizenship because of their desertion or failure to serve in the United States armed forces in a time of national emergency, (2) as a naturalized citizen, such person resided outside the territory of the United States for a specified period, (3) such citizen with dual nationality sought the benefits of his non-United States nationality, or (4) such citizen, born outside the United States, failed to come to and reside in the United States.

H.R. 10209. December 5, 1977. Judiciary. Declares five individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 10210. December 5, 1977. Judiciary. Declares that, for naturalization purposes, a certain individual shall be held and considered to have met the residence and physical presence requirements of the Immigration and Nationality Act.

H.R. 10211. December 6, 1977. International Relations. Amends the Japan-United States Friendship Act to authorize the Japan-United States Friendship Commission to use penalty mail privileges.

H.R. 10212. December 6, 1977. Agriculture. Directs the Secretary of Agriculture: (1) to use specified funds to maintain adequate supplies and prices for perishable agricultural commodities; and (2) to increase periodically the loan rates and target prices for 1977 through 1981 for wheat, feed grains, upland cotton, rice, peanuts, soybeans, and sugar, to reflect cost-of-living increases granted to individuals in the public and private sector or to reflect increases in the minimum wage.

H.R. 10213. December 6, 1977. Veterans' Affairs. Increases the burial and funeral expense allowance which may be paid by the Veterans' Administration on behalf of certain deceased veterans.

H.R. 10214. December 6, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs, in regard to the eligibility for educational benefits of a veteran or other person enrolled in a farm cooperative program, to prescribe for the agricultural employment requirement standards of relevance to the courses taken which allow such veteran or person to work: (1) in establishments engaged in the processing, distribution, or sale of agricultural products; (2) less than full-time; and (3) regardless of whether such employment is expected to be the principal source of income of the veteran or person so employed.

H.R. 10215. December 6, 1977. Interior and Insular Affairs. Amends the National Trails System Act by requiring the Secretary of the Interior to study the feasibility of designating the Overmountain Men Victory Trail in the States of Tennessee, North

Carolina, and South Carolina, as a national scenic trail.

H.R. 10216. December 6, 1977. Ways and Means. Requires any business enterprise which purchases any imported article for use in manufacturing or construction and had gross sales or gross receipts not less than $300,000,000 in its most recent fiscal year to make quarterly reports to the Secretary of the Treasury with respect to the amount of imports of steel and other articles purchased for use in construction or manufacturing.

H.R. 10217. December 6, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to extend the repayment period of a mortgage which may be insured under such Act.

H.R. 10218. December 6, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals an income tax credit for expenses incurred for Government required tree removal designed to prevent the spread of pest diseases.

H.R. 10219. December 6, 1977. Judiciary. Amends the Immigration and Nationality Act to exclude from admission into, and to allow for deportation from, the United States any alien who, in association with any government, persecuted others on the basis of religion, race, national origin or political opinion.

H.R. 10220. December 6, 1977. Ways and Means. Amends the Internal Revenue Code to establish special procedures for the treatment of dividends paid by small business investment companies which elect to be taxed as regulated investment companies.

H.R. 10221. December 6, 1977. International Relations. Requires that the Hungarian Crown of Saint Stephen and other relics of Hungarian royalty be kept in the United States, unless Congress specifically provide otherwise.

H.R. 10222. December 6, 1977. Public Works and Transportation. Stipulates that nothing in agreements entered into between the Secretary of Transportation and a State highway department for the construction of projects on the Interstate System shall require the removal of establishments serving users of interstate highways if such establishment was in existence before January 1, 1960, is owned by a State, and if all access to, and exits from such establishments conform to specified standards.

H.R. 10223. December 6, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to increase to $750 the amount of the lump-sum death payment allowed thereunder.

H.R. 10224. December 6, 1977. Ways and Means. Amends the Tariff Schedules of the United States to suspend temporarily the customs duty on 2-methyl 5-ethyl pyridine.

H.R. 10225. December 6, 1977. Armed Services; Interstate and Foreign Commerce; Public Works and Transportation. Amends the Hazardous Materials Transportation Act to direct the Secretary of Transportation to issue regulations prohibiting the transportation of radioactive materials to or from any non-military airport except where such materials are to be used during a national emergency or for use in, or incident to, research, or medical diagnosis or treatment. Directs the Secretary to prohibit the transportation of such materials to or from military airports which are located within a standard metropolitan statistical district of more than 300,000 people.

H.R. 10226. December 6, 1977. Judiciary. Grants a Federal charter to the American Ex-Prisoners of War, Incorporated.

H.R. 10227. December 6, 1977. Education and Labor. Directs the Secretary of Labor, acting through the Employment and Training Administration, to establish a grant program to provide financial assistance to private, nonprofit organizations which offer approved employment training or placement services to formerly incarcerated individuals.

H.R. 10228. December 6, 1977. Judiciary. Establishes, through the Director of the Administrative Office of the United States Courts, programs to (1) compile and make available lists of qualified interpreters for non-English speakers and hearing or speech impaired persons and (2) provide the services of such interpreters free in criminal actions and civil actions initiated by the United States.

Permits, and set guidelines for, the use of Spanish in the United States District Court for the District of Puerto Rico and prohibits the disqualification of potential jurors in such court solely on the ground that they cannot speak English.

Revises the Director's administrative duties and powers.

H.R. 10229. December 6, 1977. Interstate and Foreign Commerce; Banking, Finance and Urban Affairs; Judiciary. Authorizes the creation of a corporation for profit to be known as the Energy Corporation of the Northeast, the members of which shall be States located in the Northeast. Authorizes the Corporation to participate in joint ventures with public or private groups to finance any project related to solving the energy needs of the Northeast.

H.R. 10230. December 6, 1977. Ways and Means. Amends the Internal Revenue Code to allow a deduction for the current fair market value of charitable contributions of literary, musical or artistic compositions created by the taxpayer without any reduction for appreciation.

H.R. 10231. December 6, 1977. District of Columbia. Revises the composition of the District of Columbia Board of Cosmetology and the licensing procedures and requirements regarding cosmetologists and beauty shops.

H.R. 10232. December 6, 1977. Post Office and Civil Service.

Includes as creditable service for civil service retirement purposes, service of an employee of a State whose principal duties related to the carrying out of specified Federal-State cooperative programs if such person later becomes a Federal employee.

H.R. 10233. December 6, 1977. Rules. Requires the separate enactment of legislation, in the Senate or the House of Representatives, which appropriates funds for any agency for employee salaries.

H.R. 10234. December 6, 1977. Interior and Insular Affairs. Validates all provisions of irrigation and drainage contracts executed pursuant to the Reclamation Act of 1902 and certain written representations relating to repayment of allocated costs.

H.R. 10235. December 6, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to the State of Oregon in full settlement of such State's civil war claims against the United States.

H.R. 10236. December 6, 1977. Ways and Means. Amends Title IV (Aid to Families with Dependent Children) of the Social Security Act to authorize the States to establish community welfare boards for the purposes of eliminating welfare fraud, recommending changes in welfare policy, and reviewing determinations of State welfare agencies regarding eligibility for aid under such Title.

H.R. 10237. December 6, 1977. Education and Labor. Broadens the requirement under the Labor-Management Reporting and Disclosure Act of 1959 which directs every person who pursuant to an agreement with an employer, either (1) undertakes persuasive activities relating to the right to organize and bargain collectively or (2) supplies information of activities in connection with a labor dispute to report to the Secretary of Labor, to include all persons who receive any assistance from an employer to perform any function under (1) or (2).

H.R. 10238. December 6, 1977. Agriculture. Directs the Secretary of Agriculture to establish the price supports for each of the 1977 through 1981 crops of feed grains, cotton, peanuts, rice, tobacco, wheat, soybeans, sugar, wool, mohair, milk and honey at 100 percent of parity, unless a majority of the producers of any such commodity, in a referendum, vote to exempt such commodity from such support price.

H.R. 10239. December 6, 1977. Ways and Means. Amends the Internal Revenue Code to allow an income tax exclusion for the interest on governmental bonds the proceeds of which are used for facilities to furnish hydroelectric energy.

H.R. 10240. December 6, 1977. Interior and Insular Affairs. Declares certain lands owned by the United States in Sandoval County, New Mexico, to be held by the United States in trust for the benefit and use of the Peublo of Zia.

H.R. 10241. December 6, 1977. Interior and Insular Affairs. Amends the Wild and Scenic Rivers Act to designate a specified segment of the Delaware River located in New York and Pennsylvania as a component of the National Wild and Scenic Rivers System.

H.R. 10242. December 6, 1977. Interior and Insular Affairs. Requires the Secretary of the Interior to establish in each region where the United States provides water for agricultural purposes: (1) a base volume of water necessary to grow suitable crops; and (2) a base rate per acre foot for water delivered. Prescribes rates for volumes of water used in excess of the base volume. Requires all water service contracts to provide for a recalculation of water delivery cost and a modification of price at least once every two years. Requires Congressional approval of water service contracts involving water in excess of a specified volume.

H.R. 10243. December 6, 1977. Interior and Insular Affairs. Amends the Reclamation Project Act of 1939 to prohibit the Secretary of the Interior from contracting through the Bureau of Reclamation, or otherwise, for water supply for irrigation purposes unless the intent of the Secretary to let such a contract is published in newspapers of general circulation in the region which may be affected by such contract and interested persons are given an opportunity to present their views at a public hearing on the matter.

H.R. 10244. December 6, 1977. International Relations. Requires that the Hungarian Crown of Saint Stephen and other relics of Hungarian royalty be kept in the United States, unless Congress specifically provides otherwise.

H.R. 10245. December 6, 1977. Agriculture. Amends the Food and Agriculture Act of 1977 and the Agriculture Act of 1949 to: (1) increase the established prices of wheat and corn for the 1978 crops; (2) require land diversion payments whenever a set-aside of wheat or feed grains cropland is in effect for the 1978 crop year; (3) require implementation of the critical lands resource conservation program for the Great Plains States for the 1978 crop year; and (4) allow, under specified circumstances, interest-free extensions of the repayment period on wheat and feed grains loans.

H.R. 10246. December 6, 1977. Interior and Insular Affairs. Declares all aboriginal title or interests in lands or water in New York State which have been conveyed to be extinguished effective upon such conveyance. Limits relief for the wrongful conveyance of such interest to monetary damages. Provides the United States District Court for the Northern District of New York with exclusive jurisdiction to adjudicate these claims.

H.R. 10247. December 6, 1977. Judiciary.

Waives the statute of limitations and confers jurisdiction upon the United States District Court for the Middle District of Florida to hear, determine, and render judgment for damages upon any claims of a certain individual and her spouse arising out of injuries sustained by such individuals allegedly as the result of improper diagnosis or medical treatment provided by the United States Navy.

H.R. 10248. December 6, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the Republic of Panama; and declares any amount paid by other parties in settlement of any of such claims subrogated to the United States.

H.R. 10249. December 7, 1977. International Relations; Judiciary; Public Works and Transportation. Establishes agencies to combat terrorism in the Executive Office of the President, the Department of State, and the Department of Justice.

Specifies penalties for violations of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation. Sets forth penalties for certain other acts which endanger aircraft.

Requires Presidential approval of sales of defense articles to groups and individuals. Requires that all explosives contain identification and detection taggants.

Directs the President to impose sanctions against dangerous foreign airports and countries which aid terrorists.

H.R. 10250. December 7, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XIII (Medicare) of the Social Security Act to include within the meaning of the term "hospital" under such Title, rural health facilities of 50 beds or less.

Grants such facilities exceptions from certain staffing, health, and safety requirements for hospitals under the Social Security Act.

H.R. 10251. December 7, 1977. Interstate and Foreign Commerce; Rules. Permits either House of Congress to disapprove any national guideline for health planning issued by the Secretary of Health, Education, and Welfare pursuant to the Public Health Service Act.

H.R. 10252. December 7, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs, in regard to the eligibility for educational benefits of a veteran or other person enrolled in a farm cooperative program, to prescribe for the agricultural employment requirement standards of relevance to the courses taken which allow such veteran or person to work: (1) in establishments engaged in the processing, distribution, or sale of agricultural products; (2) less than full-time; and (3) regardless of whether such employment is expected to be the principal source of income of the veteran or person so employed.

H.R. 10253. December 7, 1977. Veterans' Affairs. Revises the procedures of the Veterans' Administration for the construction, alteration, and acquisition of land for cemeteries, and requires congressional oversight of any such project involving a total expenditure of more than a specified amount.

H.R. 10254. December 7, 1977. Judiciary. Entitles rescue officers to public safety officers death benefits coverage under the Public Safety Officers' Benefits Act of 1976.

H.R. 10255. December 7, 1977. Merchant Marine and Fisheries. Authorizes the Secretary of the Interior to (1) make grants to any State for the development of comprehensive fish and wildlife resources management plans, and (2) make grants to States having approved nongame fish and wildlife conservation programs for the implementation of such programs.

Directs the Secretary to prescribe by regulation standards to provide that management plans developed by States under this Act result in the conservation of fish and wildlife.

H.R. 10256. December 7, 1977. Ways and Means. Amends the Internal Revenue Code to lower individual and corporate income tax rates.

H.R. 10257. December 7, 1977. Judiciary. Amends the Administrative Procedure Act to require Federal agencies to prepare and publish in the Federal Register an economic impact analysis of all proposed and final rules subject to the provisions of the Act.

H.R. 10258. December 7, 1977. International Relations; Judiciary; Public Works and Transportation. Requires the President to identify acts of terrorism which affect United States citizens or facilities, persons or groups performing such acts, countries aiding such terrorists, and unsafe airports. Requires the President to impose sanctions upon such countries and against unsafe airports. Establishes criminal penalties for specified terrorist acts. Establishes within the Executive Office of the President a Council to Combat Terrorism.

H.R. 10259. December 7, 1977. Government Operations. Establishes a Department of Education within the executive branch of the Federal Government to take over specified functions of the Department of Health, Education, and Welfare; all of the functions of the Education Division and various educational functions handled by the Departments of Agriculture, Defense, and Interior; the Secretary of Housing and Urban Development; the National Foundation on the Arts, and the Humanities; the National Endowments for the Arts and Humanities; and National Science Foundation.

Creates the Federal Interagency Committee on Education and the National Advisory Commission on Education.

H.R. 10260. December 7, 1977. Post Office and Civil Service. Requires that the notice included in a mailed solicitation stating that such solicitation is not a bill or an account due shall be displayed at or near the beginning of such solicitation.

H.R. 10261. December 7, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to establish a loan program to provide financial assistance to drought-impacted water districts and to provide Federal assistance to water districts for acquisitions and installation of residential and agricultural water conservation devices and equipment.

H.R. 10262. December 7, 1977. Public Works and Transportation. Authorizes the use of Federal-aid highway funds for the construction or reconstruction of interstate or intrastate access spurs crossing the Mississippi River to scenic, historical, recreational, or archeological features on the other side of the river from the Great River Road. Stipulates that such access spurs shall be the most direct feasible route and shall not include the construction of bridges across the Mississippi River.

H.R. 10263. December 7, 1977. Government Operations. Authorizes the Administrator of General Services under the Federal Property and Administrative Services Act of 1949 to sell or lease at 50 percent of fair market value specified surplus real property which became available due to the closing or reducing of activities at a Federal facility to any State or political subdivision of a State which requires such property to conduct an economic development program. Gives the United States the right to reclaim such property in the event it is no longer used for economic development purposes.

H.R. 10264. December 7, 1977. Ways and Means. Amends the Internal Revenue Code to increase from $1,000,000 to $20,000,000 the maximum size of small issues of industrial development bonds on which the interest qualifies for a tax exclusion.

H.R. 10265. December 7, 1977. Judiciary. Amends the Civil Rights Act of 1968 to allow the Secretary of the Department of Housing and Urban Development to initiate civil actions to enforce the provisions of such Act. Extends from 30 to 60 days the period during which no civil suits may be initiated and the Secretary must make efforts to obtain voluntary compliance with such Act.

Permits courts to award attorneys' fees to prevailing plaintiffs without regard to financial ability to assume such fees.

H.R. 10266. December 7, 1977. Ways and Means. Amends the Internal Revenue Code and Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to include within the coverage of such program all Members of Congress.

H.R. 10267. December 7, 1977. Small Business. Amends the Small Business Act to establish the Division of Advocacy, Economic Research and Analysis within the Small Business Administration. Enunciates a national small business economic policy and requires that the President annually assess the capital needs of small business.

Creates the Small Business Economic Council to advise the President of the impact of Federal programs on small business and to maximize the cooperation between the administration and other Federal departments and agencies.

H.R. 10268. December 7, 1977. Veterans' Affairs. Increases the amount of a home loan which may be guaranteed by the Veterans' Administration.

H.R. 10269. December 7, 1977. Veterans' Affairs. Increases the specially adapted housing assistance grant from the Veterans' Administration for certain disabled veterans.

H.R. 10270. December 7, 1977. Education and Labor. Directs the Secretary of Labor, under the Comprehensive Employment and Training Act of 1973, to establish a minimum of 50 Multipurpose Service Centers for displaced homemakers. States that such Centers shall provide specified services, including: (1) job counseling; (2) job training and job placement; (3) health education and counseling; (4) financial management; and (5) outreach information with respect to assistance programs.

Directs the Secretary to prepare a study of the feasibility of including displaced homemakers in all Federal employment, education, and health programs and in Federal and State unemployment benefit programs.

H.R. 10271. December 7, 1977. House Administration. Amends the Federal Election Campaign Act of 1971 to (1) permit designated committees to make expenditures for Presidential candidates (2) exempt from a candidate's contribution limit payments for certain media advertising by other candidates which advocate election of such candidate and (3) direct the Federal Election Commission to establish, uniform record-keeping and reporting procedures.

H.R. 10272. December 7, 1977. Ways and Means. Amends the Internal Revenue Code to qualify trusts established for the payment of product liability claims as tax exempt organizations. Allows taxpayers a business income tax deduction for contributions to such trusts, but only to the extent they do not exceed the reasonable costs of product liability insurance for the taxpayer.

H.R. 10273. December 7, 1977. Ways and Means. Amends Title XX (Grants to States for Services) of the Social Security Act to provide that a family's taxable income, rather than the gross income, shall be used in determining the eligibility of its members for benefits under such Title.

H.R. 10274. December 7, 1977. Education and Labor; Judiciary. Prohibits any agency or agent of the United States for issuing, implementing, or enforcing any rule or regulation with respect to quotas related to race, creed, color, national origin, or sex, which requires any individual or entity to take any

action with respect to hiring, promotion, or admissions policies or practices.

H.R. 10275. December 7, 1977. Ways and Means. Amends the Internal Revenue Code to allow individuals a refundable tax credit for medical expenses.

Provides for advance payment of the refunds in cases where qualified expenses exceed adjusted gross income.

Directs the President to report to Congress on the utility of this tax credit in meeting the Nation's health care needs.

H.R. 10276. December 7, 1977. Merchant Marine and Fisheries. Amends the Shipping Act, 1916, to include within the coverage of such Act as "common carrier by water" nonvessel operating common carriers. Defines "nonvessel operating common carrier" as any person, other than a vessel operating carrier, holding itself out as a common carrier to transport or provide transportation of property in the foreign and domestic offshore commerce of the United States which utilizes the facilities and service of one or more underlying water carriers for a line-haul transportation of the property. Requires that such carriers be licensed by the Federal Maritime Commission.

H.R. 10277. December 7, 1977. Public Works and Transportation. Amends the Flood Control Act of 1946 to permit the conservation storage capacity of the Belton Reservoir, Texas, to be used for purposes other than irrigation.

H.R. 10278. December 7, 1977. Public Works and Transportation. Stipulates that after two years the Secretary of Transportation may only approve Federal aid highway projects in a State if the State has established a system of identifying motor vehicles used by handicapped individuals and has established minimum and maximum fines for parking a motor vehicle not so identified in spaces designated for the handicapped.

H.R. 10279. December 7, 1977. Interior and Insular Affairs. Permits the burial of Chief Tayac of the Piscataway Indian Tribe in the ossuary at Piscataway Park in Oxon Hill Maryland.

H.R. 10280. December 7, 1977. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 10281. December 8, 1977. Ways and Means. Amends the Internal Revenue Code to prohibit the taking of a business deduction for expenses paid or incurred to advertise alcoholic beverages.

H.R. 10282. December 8, 1977. Agriculture; Education and Labor; Interstate and Foreign Commerce; Judiciary; Ways and Means.

Establishes a program of long-term comprehensive services for the elderly financed by the Federal Government and the States.

Establishes within the Department of the Treasury a Federal Long-Term Care Trust Fund for such program.

Requires a State to establish a State Long-Term Care Agency in order to receive funds under this Act.

Requires such State agency to create within the State a system of community long-term care centers.

H.R. 10283. December 8, 1977. Judiciary. Authorizes the Secretary of Health, Education, and Welfare to pay for certain medical services provided to qualified individuals suffering from physical injuries attributable to the atomic bomb explosions on Japan in August 1945.

H.R. 10284. December 8, 1977. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 10285. December 12, 1977. Agriculture. Extends the Commodity Exchange Act through September 30, 1982.

H.R. 10286. December 12, 1977. Ways and Means. Amends the Internal Revenue Code to provide a cost-of-living adjustments for the individual income tax rates and withholding tables.

H.R. 10287. December 12, 1977. Veterans' Affairs. Designates as the "John L. McClellan Hospital" the Veterans' Administration replacement hospital to be constructed adjacent to the University of Arkansas Medical Center in Little Rock, Arkansas.

H.R. 10288. December 12, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to allow health systems agencies in rural areas or in areas with a higher than average percentage of elderly residents to establish health systems plans which do not necessarily follow national guidelines for health systems agencies.

H.R. 10289. December 12, 1977. Judiciary. Declares a certain individual the natural-born alien child of certain permanent residents of the United States.

H.R. 10290. December 15, 1977. Interior and Insular Affairs. Authorizes improvements of the Belle Fourche project, South Dakota, including construction, land rehabilitation, and water conservation. Integrates such project into the Pick-Sloan Missouri Basin Program. Provides for the negotiation and execution of an amendatory repayment contract with the Belle Fourche Irrigation District covering all the lands of the existing project.

H.R. 10291. December 15, 1977. Judiciary. Prohibits any Member of Congress from using official congressional stationary for mass mailings for any purpose other than official congressional business.

H.R. 10292. December 15 1977. Education and Labor. Makes it unlawful for any employee pension benefit plan which offers benefits in the form of periodic payments based upon the life of the employee to fail to provide equal periodic payments to similarly situated male and female participants.

Permits participants of employee benefit plans which offer benefits only in the form of a lump sum to make a binding election at the time of retirement to purchase periodic payment annuities, and requires plans to provide lump sum amounts to persons so electing which will enable them to purchase annuities paying equal periodic benefits to similarly situated females and males.

H.R. 10293. December 15, 1977. Interstate and Foreign Commerce. Authorizes the President to order emergency deliveries and transportation of natural gas during existing or imminent shortages to assist high-priority users in meeting their requirements.

H.R. 10294. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to treat as a scholarship and to exclude from gross income any amounts received by an individual under the Armed Forces health professions scholarship program or the National Health Service Corps scholarship program.

H.R. 10295. December 15, 1977. International Relations; Judiciary; Public Works and Transportation. Establishes agencies to combat terrorism in the Executive Office of President, the Department of State, and the Department of Justice.

Specifies penalties for violations of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation. Sets forth penalties for certain other acts which endanger aircraft.

Requires Presidential approval of sales of defense articles to groups and individuals. Requires that all explosives contain identification and detection taggants.

Directs the President to impose sanctions against dangerous foreign airports and countries which aid terrorists.

H.R. 10296. December 15, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to increase the number of visits for post-hospital home health services from 100 to 200 under part A (Hospital Insurance Benefits for the Aged and Disabled) of such Title. Removes the 100 visit limitation presently applicable to home health services under part B (Supplementary Medical Insurance Benefits for the Aged and Disabled) of such Title.

Amends Title XIX (Medicaid) of the Social Security Act to permit the purchase or rental of medical equipment necessary to provide cost effective home health care services.

H.R. 10297. December 15, 1977. Banking, Finance and Urban Affairs. Amends the Housing and Community Development Act of 1974 to afford any chief executive officer of any independent school district within the boundaries of a unit of local government which has applied for aid under specified local housing assistance programs an opportunity to object to the approval of such application on the ground that granting such application would have unfavorable impact upon the facilities and services of accessible schools.

H.R. 10298. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to repeal the carryover basis provisions enacted by the Tax Reform Act of 1976.

H.R. 10299. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to remove the requirement that household and dependent care services rendered relatives qualify as employment for purposes of the Federal Insurance Contributions Act in order for their wages to be considered expenses for purposes of the income tax credit for expenses paid for such services.

H.R. 10300. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to reduce the excise tax on the investment income of private foundations.

H.R. 10301. December 15, 1977. Interior and Insular Affairs; Interstate and Foreign Commerce; Rules. Directs the Secretary of Energy to conduct a study of the storage of spent nuclear fuel at temporary fuel storage facilities, and the permanent storage of radioactive waste.

Requires the President to issue a plan with respect to the temporary and permanent storage of such waste.

Permits Congress to reject such plan by the adoption of a concurrent resolution.

H.R. 10302. December 15, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for certain clinical psychologists' services under the supplementary medical insurance program.

H.R. 10303. December 15, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide payment for optometric and medical vision care under the supplementary medical insurance program.

H.R. 10304. December 15, 1977. Ways and Means; Amends Title XVIII (Medicare) of the Social Security Act to authorize payment for specified services performed by chiropractors, including x-rays, and physical examination, and related routine laboratory tests.

H.R. 10305. December 15, 1977. Veterans' Affairs. Provides for repayment of a supplemental tuition allowance to each qualified veteran upon application to the Administrator of Veterans' Affairs.

Extends the delimiting period for completing a veteran's education program until such time as the veteran completes or ends the program (but for no more than two years), if at the close of the ordinary ten-year delimiting period the veteran is enrolled in a program.

H.R. 10306. December 15, 1977. Veterans' Affairs. Provides for payment of a supplemental tuition allowance to each qualified

veteran upon application to the Administrator of Veterans' Affairs.

Extends the delimiting period for completing a veterans' education program until such time as the veteran completes or ends the program (but for no more than two years), if at the close of the ordinary ten-year delimiting period the veteran is enrolled in a program.

H.R. 10307. December 15, 1977. Banking, Finance and Urban Affairs. Authorizes national banking associations to underwrite and deal in non-general obligations of States and cities.

Sets limitations and restrictions on dealings in such obligations by national banking associations.

H.R. 10308. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to provide that State and local government retirement systems shall be tax exempt organizations. Exempts those systems from reporting requirements pertaining to deferred compensation. Treats all such systems as qualified plans.

H.R. 10309. December 15, 1977. Banking, Finance and Urban Affairs. Amends the Federal Reserve Act to allow the President to appoint to the Federal Reserve Board of Governors an individual who is from the same Federal Reserve district as a current Board member if he intends to designate such appointee as chairman.

H.R. 10310. December 15, 1977. Government Operations; Judiciary. Makes government in the sunshine provisions of the United States Code applicable to agency findings and recommendations resulting from proceedings relating to financial institution chartering, branching, and insurance.

H.R. 10311. December 15, 1977. District of Columbia. Amends the District of Columbia Redevelopment Act of 1945 to revise the standards requiring written consent of a purchaser or lessee to a modification of an approved redevelopment plan. Approves two amendments to the urban renewal plan for Southwest, Washington, D.C.

H.R. 10312. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to simplify and expand the application of the fresh start, gift, estate and death tax adjustments to carryover basis property. Increases to $175,000 the amount by which the bases of carryover basis property in an estate may be increased. Provides that the income tax deduction for estate taxes in respect of a decedent which are attributable to appreciation shall be determined at the marginal estate tax rates.

H.R. 10313. December 15, 1977. Education and Labor. Establishes within the Department of Justice's Office of Juvenile Justice and Delinquency Prevention a Safe School Center to assist State and local educational agencies in preventing delinquency and vandalism in schools.

Establishes the Safe School Advisory Panel.

Authorizes a program of Federal grants for State and local school delinquency prevention programs.

H.R. 10314. December 15, 1977. Interstate and Foreign Commerce. Declares nonnavigable a specified portion of the Delaware River in the Borough of Palmyra, Burlington County, New Jersey.

H.R. 10315. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to allow a credit against an individual's income tax in an amount equal to 50 percent of the sum of the amounts paid by him to educational institutions as tuition (though no more than $500 for any single individual) for the attendance of the taxpayer, the taxpayer's spouse, or any of his dependents with respect to whom he is entitled to a personal exemption.

H.R. 10316. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to provide cost-of-living adjustments for the individual income tax rates and withholding tables.

H.R. 10317. December 15, 1977. Interior and Insular Affairs. Directs the Secretary of the Interior to take such measures as may be necessary to provide for the protection of Palmer's Chapel in the Chatahoochee Valley of the Great Smoky Mountains National Park Tennessee.

H.R. 10318. December 15, 1977. Banking, Finance and Urban Affairs. Directs the United States Director of the Executive Board of the Internal Monetary Fund (1) to consult with the other directors to formulate stabilization programs to foster a broader base of productive investment and employment and (2) to discourage Fund programs and policies which promote growth with equity in developing countries.

Directs the Department of State and the Agency for International Development to study the social, economic, and political effects and the effectiveness of Fund programs.

H.R. 10319. December 15, 1977. Agriculture. Amends the Federal Crop Insurance Act to require the Secretary of Agriculture, acting through the Federal Crop Insurance Corporation, to establish a national three-year pilot program for insuring farmers and ranchers who raise beef and dairy cattle against losses incurred between January 1, 1979 and December 31, 1982, as a result of brucellosis.

H.R. 10320. December 15, 1977. Agriculture. Declares that in the interest of public health, it is the policy of the Congress to phase out Federal assistance which promotes the production of tobacco and the manufacturing and marketing of tobacco products for human consumption.

Directs the Secretary of Agriculture to study and report to the President and to the appropriate congressional committees his findings and recommendations regarding the probable economic effects (particularly on family farmers) of the phasing out of specified Federal tobacco assistance programs.

H.R. 10321. December 15, 1977. Banking, Finance and Urban Affairs. Amends the United States Housing Act of 1937 to authorize the Secretary of Housing and Urban Development to make assistance payments for the purpose of aiding any lower-income family in making rental payments with respect to real property on which is located a mobile home owned by such family and utilized by such family as its principal place of residence.

H.R. 10322. December 15, 1977. Judiciary. Prohibits commerce in contraband cigarettes.

Subjects dealers in cigarettes to such reporting requirements as the Secretary of the Treasury may prescribe.

H.R. 10323. December 15, 1977. Judiciary. Amends the Immigration and Nationality Act to confer citizenship upon any person born outside the United States of parents, one of whom is an alien and the other a citizen of the United States, who prior to the birth of such person had had a residence in the United States, without regard to the length of such residence. Repeals provisions requiring the loss of citizenship by such persons who fail to reside in the United States prior to attaining age 23 and by persons of dual nationality who seek the benefits of their non-United States nationality.

H.R. 10324. December 15, 1977. Education and Labor. Amends the Federal Mine Safety and Health Act to exclude from coverage under such Act any coal or other mine operated and mined by two or less individuals who are not employees of the operator.

H.R. 10325. December 15, 1977. Judiciary. Permits actions for deprivations of Federal rights under color of any law or custom of the District of Columbia under the provision of the Civil Rights Acts which permits civil actions for deprivations of Federal rights under color of State or territorial law.

H.R. 10326. December 15, 1977. Government Operations. Requires specified agencies of the Federal Government to report annually to Congress the number of written complaints received from a Member of Congress regarding any difficulty experienced by any person with respect to such agency, whether such complaint was resolved, and the time required to complete each such resolution.

H.R. 10327. December 15, 1977. Ways and Means. Amends part D (Child Support and Establishment of Paternity) of Title IV of the Social Security Act to extend the period in which States may receive payments for child support collection and paternity determination services. Establishes computerized information retrieval systems to assist in the administration of programs under parts at (Aid to Families with Dependent Children) and D of Title IV.

Increases the limit on Federal funding for programs under the AFDC program of Title IV and for social services under Title XX (Grants to States for Services).

Establishes work training programs under the AFDC program.

H.R. 10328. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to provide that the adjusted gross income limitation shall apply to all taxpayers eligible for the credit for the elderly rather than just those under age 72 and to increase the amount of such limitations.

H.R. 10329. December 15, 1977. Interstate and Foreign Commerce. Amends the Consumer Product Safety Act to provide an interim mandatory safety standard for flame resistance and corrosiveness for cellulose insulation.

Requires the Consumer Product Safety Commission to enforce such safety rule until a final cellulose home insulation product safety rule is in effect. Establishes procedures for amendments to the interim rule as promulgated by the General Services Administration.

Directs the Commission to study: (1) the need for safety standards for other forms of home insulation; (2) the methods of testing such insulation; and (3) the methods of enforcing home insulation standards.

H.R. 10330. December 15, 1977. Banking, Finance and Urban Affairs; Education and Labor. Directs the President to carry out, through private and public nonprofit institutions, a program consisting of projects which either (1) involve labor-management cooperation for improvement of productivity and quality of work life, innovation in a major feature of employment, increased worker participation in decisionmaking, or increased profit sharing or (2) are designed to establish the efficacy of practices maintaining normal employment levels during periods of cyclical downturns in demand through reassignment of workers to specified types of programs.

Directs the Federal Mediation and Conciliation Service and the National Center for Productivity and Quality of Working Life to assist in carrying out such program.

H.R. 10331. December 15, 1977. Banking, Finance and Urban Affairs; Education and Labor. Directs the President to carry out, through private and public nonprofit institutions, a program consisting of projects which either (1) involve labor-management cooperation for improvement of productivity and quality of work life, innovation in a major feature of employment, increased worker participation in decisionmaking, or increased profit sharing or (2) are designed to establish the efficacy of practices maintaining normal employment levels during periods of cyclical downturns in demand through reassignment of workers to specified types of programs.

Directs the Federal Mediation and Conciliation Service and the National Center for Productivity and Quality of Working Life to assist in carrying out such program.

H.R. 10332. December 15, 1977. Banking, Finance and Urban Affairs; Education and Labor. Directs the President to carry out, through private and public nonprofit institutions, a program consisting of projects which either (1) involve labor-management cooperation for improvement of productivity and quality of work life, innovation in a major feature of employment, increased worker participation in decisionmaking, or increased profitsharing or (2) are designed to establish the efficacy of practices maintaining normal employment levels during periods of cyclical downturns in demand through reassignment of workers to specified types of programs.

Directs the Federal Mediation and Conciliation Service and the National Center for Productivity and Quality of Working Life to assist in carrying out such program.

H.R. 10333. December 15, 1977. Veterans' Affairs. Provides that the definition of active military, naval, or air service for purposes of laws administered by the Veterans' Administration includes any period of inactive duty training during which the individual concerned was disabled or died from a disease incurred or aggravated in line of duty.

H.R. 10334. December 15, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to award other service-connected injury benefits, in addition to currently available compensation, to veterans injured while in treatment at a Veterans' Administration health care facility or in a program of vocational rehabilitation.

H.R. 10335. December 15, 1977. Veterans' Affairs. Provides that the survivors of a veteran with a service-connected disability rated for at least 1 year as total and permanent shall be automatically entitled to dependency and indemnity compensation.

H.R. 10336. December 15, 1977. Veterans' Affairs. Reduces from 50 percent to 10 percent the minimum disability rating necessary for a veteran entitled to wartime disability compensation to receive additional compensation for dependents.

H.R. 10337. December 15, 1977. Veterans' Affairs. Increases the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors.

H.R. 10338. December 15, 1977. Veterans' Affairs. Amends the aid and attendance compensation payment system to provide a second-step allowance at an increased rate in the case of a veteran in need of constant medical aid and attendance.

H.R. 10339. December 15, 1977. Veterans' Affairs. Increases the rate of compensation payable to veterans who have lost, or lost the use of, three extremities as the result of a service-connected disability.

H.R. 10340. December 15, 1977. Armed Services. Entitles specified members of the armed forces reserves to retirement pay.

H.R. 10341. December 15, 1977. Armed Services. Allows enlisted members (regular and reserve) of the Army and the Air Force to retire after 20 years of service. Stipulates that at such time regular enlisted members shall become members of the reserves until their total creditable years of service equals 30.

H.R. 10342. December 15, 1977. Armed Services. Revises the method of computing the retired or retainer pay for members of the armed forces who were called to active duty after October 1, 1963, served on such active duty for a continuous period of at least two years, and who were released from such duty before October 1, 1973.

H.R. 10343. December 15, 1977. Armed Services. Requires recomputation at a specified rate of the retired pay of any person who completed service as a sergeant major of the Marine Corps before December 16, 1967.

H.R. 10344. December 15, 1977. International Relations. Amends the Export Administration Act of 1969 to prohibit exportation to Uganda of articles subject to control under such Act.

H.R. 10345. December 15, 1977. International Relations. Amends the Export Administration Act of 1969 to prohibit exportation to Uganda of articles subject to control under such Act.

H.R. 10346. December 15, 1977. Ways and Means. Prohibits the importation of any article which is the growth, produce, or manufacture of Uganda.

H.R. 10347. December 15, 1977. Ways and Means. Prohibits the importation of any article which is the growth, produce, or manufacture of Uganda.

H.R. 10348. December 15, 1977. Ways and Means. Amends the Tariff Schedules of the United States to prohibit the importation of Ugandan coffee.

H.R. 10349. December 15, 1977. Ways and Means. Amends the Tariff Schedules of the United States to prohibit the importation of Ugandan coffee.

H.R. 10350. December 15, 1977. Appropriations. Makes a supplemental appropriation of $3,739,000 for the Inspector General of the Department of Health, Education, and Welfare for fiscal year 1978.

H.R. 10351. December 15, 1977. Interior and Insular Affairs. States that local government shall be entitled to payments from the Federal government with respect to certain Federal lands which were owned or administered by any State or local government at the time the title was conveyed to the Federal Government.

H.R. 10352. December 15, 1977. Veterans' Affairs. Excludes certain military retirement pay from gross income when such pay is essentially equivalent to a veterans' pension or compensation which is excludable.

H.R. 10353. December 15, 1977. Veterans' Affairs. Provides any person holding a National Service Life Insurance policy, except a service disabled veteran's policy, the opportunity to double his National Service Life Insurance coverage, at premium rates which fully cover the Government's cost in providing such additional insurance.

H.R. 10354. December 15, 1977. Veterans' Affairs. Provides veterans holding service disabled veterans' insurance policies the opportunity to purchase an additional $10,000 of such insurance.

H.R. 10355. December 15, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to provide mortgage protection life insurance to any veteran who is entitled to compensation because of permanent and total service-connected disability, and who is not eligible for regular mortgage protection life insurance.

H.R. 10356. December 15, 1977. Veterans' Affairs. Entitles veterans of the Vietnam era to eligibility for home, condominium, and mobile home loans, and Vietnam war veterans specifically to automatic 60 percent guaranteed home loans.

H.R. 10357. December 15, 1977. Public Works and Transportation. Authorizes the Secretary of Transportation to make grants to airport operators to cover 100 percent of the costs of projects to: (1) mark runways and taxiways or to establish a taxiway guidance system; or (2) purchase and install visual slope indicators.

Authorizes appropriations in specified amounts out of the Airport and Airway Trust Fund for fiscal years 1978, 1979, and 1980 to carry out such grant program.

H.R. 10358. December 15, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to require food processors to (1) notify the Secretary of Health, Education, and Welfare of any possibly adulterated food; (2) establish a food coding system; (3) maintain food distribution records; and (4) register with Secretary.

Provides for administrative detention of food believed to be adulterated.

Requires (1) State and local food labeling requirements to comply with Federal standards under such Act; (2) packages of perishable food to show the sell date; (3) certain labeling information regarding ingredients; and (4) importers to notify the Secretary of the identity of the imported food and the registration of the food processor.

H.R. 10359. December 15, 1977. Interstate and Foreign Commerce. Subjects to liability for harm caused by the use of a product any individual engaged in interstate commerce who manufacturers or sells a product which is in a defective condition or fails to warn against a dangerous condition in the use or misuse of the product.

Allows any person harmed by a product who is a reasonably anticipated user or consumer of the product to bring an action in product liability against the manufacturer or seller of the product.

H.R. 10360. December 15, 1977. Ways and Means. Amends thee Internal Revenue Code to allow a credit against income tax for specified percentages of social security taxes paid by an employee. Makes the earned income credit permanent.

H.R. 10361. December 15, 1977. Banking, Finance and Urban Affairs. Authorizes and tional banking associations to underwrite and deal in non-general obligations of States and cities.

Sets limitations and restrictions on dealings in such obligations by national banking associations.

H.R. 10362. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to allow certain individuals to compute the amount of the deduction for retirement savings on the basis of the earned income of their spouses.

H.R. 10363. December 15, 1977. Banking, Finance and Urban Affairs. Authorize the Secretary of Housing and Urban Development to make grants to local agencies for converting surplus school facilities into community centers, senior citizen centers and specified educational, medical, or social service centers.

Directs the Secretary to serve as a national clearinghouse to local agencies by providing information on possible alternative uses for surplus school facilities.

H.R. 10364. December 15, 1977. Education and Labor. Provides for a program of grants for the establishment and operation of early childhood and family educational programs for fiscal years 1980 and 1981.

Directs that each local educational agency receiving a grant under this Act establish an Early Childhood and Family Education Advisory Committee to provide local parental participation in the design, development and supervision of such programs.

H.R. 10365. December 15, 1977. Banking, Finance and Urban Affairs. Amends the Federal Reserve Act to direct the Chairman of the Federal Reserve Board to submit a report to specified congressional committees on each instance when the Board of Governors of the Federal Reserve System, its officers, or its employees and the Board of Directors of the Federal Reserve banks, their officers, or employees have communicated with officers or employees of any institution subject to the regulatory authority of the Federal Reserve System for the purpose of influence legislative activity affecting the Federal Reserve System.

H.R. 10366. December 15, 1977. Armed Services; Interior and Insular Affairs; Interstate and Foreign Commerce. Amends the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to require the transfer of radioactive waste products to Federal repositories under the authority of the Nuclear Regulatory Commission. Requires the Energy Research and Development Administration to restore the background radiation at abandoned uranium mines and mill sites to levels which existed before operations commenced at such sites.

Authorizes States to exercise concurrent authority regarding radioactive waste storage if the State requirements impose additional or more stringent standards for the construction or operation of such facilities.

H.R. 10367. December 15, 1977. Ways and Means. Amends the policy of Congress to restrict the annual aggregate importation of fresh, chilled, or frozen beef, goat, or sheep meat after December 31, 1978. Prescribes a formula for adjustment of such quota.

H.R. 10368. December 15, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to authorize corporations which are citizens of the United States to register their aircraft as being United States aircraft. Stipulates that noncitizen corporations may register their aircraft as being of United States nationality if such corporation is lawfully organized and doing business under the laws of the United States or any State thereof so long as such aircraft is based and primarily used in the United States. Stipulates that in order to be eligible for United States registration the aircraft must not be registered under the laws of any foreign government.

H.R. 10369. December 15, 1977. Small business. Authorizes the Small Business Administration to make grants to support the development and operation of small business development centers in order to provide small business with management development, technical information, product planning, and development and international market development. Establishes a Small Business Management and Technical Assistance Division within the Small Business Administration to administer the Small Business Development Center program.

H.R. 10370. December 15, 1977. Judiciary. Makes any violence, threat of violence, or conspiracy to such an end in connection with a labor dispute a Federal crime.

H.R. 10371. December 15, 1977. Merchant Marine and Fisheries. Makes it unlawful for any person on board a vessel of the United States on the high seas, or for any citizen of the United States on board a foreign vessel on the high seas, to knowingly or intentionally possess with intent to distribute or dispense marihuana, cocaine, or heroin unless such substance is part of the cargo entered in the manifest or part of the official supplies of the vessel.

H.R. 10372. December 15, 1977. Judiciary. Grants a Federal charter to the Gold Star Wives of America.

H.R. 10373. December 15, 1977. Interstate and Foreign Commerce. Extends the period in which the President may require emergency deliveries of natural gas under the Emergency Natural Gas Act of 1977 to February 15, 1978.

H.R. 10374. December 15, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act and the Internal Revenue Code of 1954 to reduce tax rates on employment and self-employment income, to increase Federal participation in the funding of benefits under such Title and under the Medicare program, and to raise the ceiling on the amount of income that is subject to the tax.

H.R. 10375. December 15, 1977. Education and Labor. Amends Title I of the Elementary and Secondary Education Act of 1965 to (1) increase parental involvement; (2) revise administrative enforcement guidelines and procedures at the Federal and State levels; (3) authorize funds for special projects; (4) extend programs authorized under such Title until 1982; and (5) establish a Federal grant program to aid State and local educational agencies in meeting the special needs of gifted children, including economically disadvantaged gifted children.

H.R. 10376. December 15. 1977. Judiciary. Permits any State to rescind ratification of a proposed constitutional amendment prior to the date of the amendment's adoption.

H.R. 10377. December 15, 1977. International Relations. Amends the Food for Peace Act of 1966 to permit the Commodity Credit Corporation to finance export sales of agricultural commodities on credit terms in excess of three, but not more than ten years.

H.R. 10378. December 15, 1977. Interstate and Foreign Commerce. Amends the Clean Air Act to exempt anthracite coal-burning facilities, with respect to sulfur dioxide emissions, from enforcement regulations promulgated by the Administrator of the Environmental Protection Agency and from the requirement that such facilities be subject to the best available technology for the control of sulfur dioxide emissions.

H.R. 10379. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to allow a credit against an individual's income tax in an amount equal to 50 percent of the sum of the amounts paid by him to educational institutions as tuition (though no more than $500 for any single individual) for the attendance of the taxpayer, the taxpayer's spouse, or any of his dependents with respect to whom he is entitled to a personal exemption.

H.R. 10380. December 15, 1977. Public Works and Transportation. Terminates the air services agreement between the United States and the United Kingdom (known as the Bermuda 2 agreement). Directs the Civil Aeronautics Board to implement its decision to allow National Airlines to provide nonstop service between Tampa, Florida, and London, England. Amends the Federal Aviation Act of 1958 to require that new international air service agreements be approved by two-thirds of the Senate. Requires the establishment of advisory committees to represent the interests of affected air carriers and localities in the negotiation of such agreements.

H.R. 10381. December 15, 1977. House Administration. Calls for a national referendum on whether the United States should divest itself of the Panama Canal and states that Congress shall be guided by the results.

H.R. 10382. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to lower the corporate normal taxes and increase the surtax exemption.

H.R. 10383. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to lower the corporate normal taxes and increase the surtax exemption.

H.R. 10384. December 15, 1977. Armed Services. Establishes production levels for the Naval Petroleum Reserves Numbered 1, 2, and 3. Requires that 100 percent of the United States share of petroleum produced from Reserve Numbered 1 be sold to small refiners. Directs the Secretary of the Navy to conduct a study of such reserve regarding the most desirable percentage of the United States share of petroleum which should be produced and placed into the Strategic Petroleum Reserve. Stipulates that once such report has been made to Congress and not disapproved by either House the production of such reserve shall be increased to meet these reserve purposes.

H.R. 10385. December 15, 1977. Agriculture. Directs the Secretary of Agriculture to provide to producers amounts appropriate to cover the cost of storing wheat and feed grains for which price support is extended.

H.R. 10386. December 15, 1977. Post Office and Civil Service. Establishes procedures for taking the decennial census of population. Directs the Secretary of Commerce to conduct mid-decade censuses.

Establishes a Census Review Committee to review policies of the Bureau of the Census, to assess the accuracy and quality of data published by the Bureau and to make recommendations to the Secretary with respect to long-range planning of the activities of the Bureau. Requires the Bureau to conduct its activities in accordance with standards established by the Committee.

H.R. 10387. December 15, 1977. Public Works and Transportation. Amends the Water Resources Development Act of 1974 to direct the Secretary of the Army, acting through the Corps of Engineers to modify the cost agreement between the Secretary and Saint Bernard Parish, Louisiana, with respect to the hurricane protection project on Lake Pontchartrain.

H.R. 10388. December 15, 1977. Post Office and Civil Service. Extends to all full-time temporary employees of the Energy Research and Development Administration the same right of conversion to permanent full-time status upon their respective transfers to the Department of Energy as previously extended to full-time temporary employees of the Energy Research Centers.

H.R. 10389. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to provide cost-of-living adjustments to personal exemptions and standard deductions (i.e., zero bracket amounts).

H.R. 10390. December 15, 1977. Merchant Marine and Fisheries. Implements the International Convention for the Prevention of Pollution from Ships.

Authorizes the Secretary of the department in which the Coast Guard is operating to administer, enforce, and prescribe regulations to carry out the provisions of the Convention and this Act.

Designates ships, ports, and terminals which are subject to this Act.

H.R. 10391. December 15, 1977. House Administration. Amends the Woodrow Wilson Memorial Act of 1968 to establish a Hubert H. Humphrey Fellowship in Social and Political Thought at the Woodrow Wilson International Center for Scholars at the Smithsonian Institution.

Establishes the Hubert H. Humphrey Fellowship Trust Fund in the Treasury.

H.R. 10392. December 15, 1977. House Administration. Amends the Woodrow Wilson Memorial Act of 1968 to establish a Hubert H. Humphrey Fellowship in Social and Political Thought at the Woodrow Wilson International Center for Scholars at the Smithsonian Institution.

Establishes the Hubert H. Humphrey Fellowship Trust Fund in the Treasury.

H.R. 10393. December 15, 1977. Public Works and Transportation. Restructures the financing of the activities of the Saint Lawrence Seaway Development Corporation.

H.R. 10394. December 15, 1977. Judiciary; Public Works and Transportation. Makes specified acts aboard or against an aircraft illegal. Imposes criminal and civil penalties for such violations.

H.R. 10395. December 15, 1977. Post Office and Civil Service. Allows any Federal employee to be granted up to five days' leave without loss of pay to attend a funeral of an immediate relative.

H.R. 10396. December 15, 1977. Ways and Means. Amends the Internal Revenue Code and Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to include within the coverage of such program all Members of Congress.

H.R. 10397. December 15, 1977. Interstate and Foreign Commerce. Amends the Federal Food, Drug, and Cosmetic Act to provide that new drugs for human or animal use will be regulated under such Act solely to assure their safety, and not their effectiveness.

H.R. 10398. December 15, 1977. Veterans' Affairs. Extends the authority to make veterans' readjustment appointments of Vietnam era veterans to the Federal Government through September 30, 1980. Abolishes the time limitation on eligibility for such appointments of veterans eligible for them on April 9, 1970, or who were separated from the armed forces on or after such date.

H.R. 10399. December 15, 1977. Veterans' Affairs. Provides educational benefits, on a prorated basis, to spouses and children of veterans having permanent service-connected disabilities rated at not less than 80 percent but less than total.

Increases the rates of special training allowances.

H.R. 10400. December 15, 1977. Judiciary. Restricts the investigatory authority of the Federal Bureau of Investigation to (1) investigations of Federal violations where a reasonable suspicion of a violation exists and (2) law enforcement activities specifically provided for by Act of Congress.

Specifies a rate of liquidated damages and other relief available for deprivation of rights under color of Federal law or for violations of the restrictions imposed by this Act.

Repeals criminal provisions relative to riots, seditious conspiracy, advocacy of overthrowing the Government, registration of certain organizations, and interference with the morale of the armed forces.

H.R. 10401. December 15, 1977. Ways and Means. Amends the Internal Revenue Code to allow annuitants to specify the amount they elect to have withheld from their annuity payments.

H.R. 10402. December 15, 1977. Judiciary. Directs the Secretary of Commerce to make grants to States and local governments to cover up to 75 percent of the cost of projects to (1) acquire, construct, or improve correctional facilities or (2) improve programs and practices in correctional facilities.

H.R. 10403. December 15, 1977. Judiciary. Confers jurisdiction on the appropriate district courts of the United States to hear any tort claims filed by specified survivors of three members of the United States Army killed in a truck accident in the Panama Canal Zone.

H.R. 10404. December 15, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to three individuals in full settlement of such individuals' claims against the United States.

H.R. 10405. December 15, 1977. Judiciary. Directs the Secretary of the Treasury to pay a sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 10406. December 15, 1977. Judiciary. Directs the Secretary of the Treasury to pay a sum to a certain individual in full settlement of such individual's claims against the United States.

H.R. 10407. December 15, 1977. Judiciary. Declares a certain individual to be the natural-born alien son of two citizens of the United States, for purposes of the Immigration and Nationality Act.

H.R. 10408. December 15, 1977. Judiciary. Confers jurisdiction on the appropriate district courts of the United States to hear any tort claims filed by specified survivors of three members of the United States Army killed in a truck accident in the Panama Canal Zone.

H.R. 10409. December 15, 1977. Judiciary. Admits a certain individual to the United States for permanent residence on specified conditions.

H.R. 10410. December 15, 1977. Judiciary. Directs the Secretary of the Treasury to pay specified sums to three individuals in full settlement of such individuals' claims against the United States.

H.R. 10411. December 15, 1977. Judiciary. Confers jurisdiction on the appropriate district courts of the United States to hear any tort claims filed by specified survivors of three members of the United States Army killed in a truck accident in the Panama Canal Zone.

H.R. 10412. December 15, 1977. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States.

H.J. Res. 391. April 18, 1977. Government Operations. Authorizes the Administrator of General Services to accept land, buildings, and equipment, without reimbursement, for the John Fitzgerald Kennedy Library in Boston, Massachusetts, as part of the National Archives system. Provides that such acceptance shall not occur until after the expiration of 60 days of continuous congressional session following the date on which a report is submitted by the Administrator to Congress on any such proposed Presidential archival depository.

H.J. Res. 392. April 19, 1977. Judiciary Constitutional Amendment. Allows the people of the District of Columbia to elect two Senators and the number of Representatives to Congress to which the District would be entitled if it were a State.

H.J. Res. 393. April 19, 1977. Post Office and Civil Service. Designates the week starting with the third Monday in February of each year as "National Patriotism Week."

H.J. Res. 394. April 19, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to supply energy to the California-Pacific Utilities Company for use in providing service to the Fort Mojave Indian Reservation and nearby residents in the vicinity of Needles, California.

H.J. Res. 395. April 19, 1977. Judiciary. Constitutional Amendment. Allows the President an item veto in appropriation legislation.

H.J. Res. 396. April 20, 1977. International Relations. Gives Congressional endorsement to the efforts of the United States Delegation to the Third United Nations Conference on the Law of the Sea to achieve a multilateral treaty which articulates the principle that deep seabed resources are the common heritage of all people and should be utilized with a view to distributing revenues to all countries. Endorses particularly the establishment of an International Seabed Authority to regulate such a system.

H.J. Res. 397. April 20, 1977. Judiciary. Constitutional Amendment. Provides for the direct election of the President and Vice President of the United States.

H.J. Res. 398. April 20, 1977. Post Office and Civil Service. Designates the square dance as the national dance of the United States.

H.J. Res. 399. April 20, 1977. Post Office and Civil Service. Authorizes and requests the President to proclaim the period of July 16 through July 24 as "United States Space Observance."

H.J. Res. 400. April 20, 1977. International Relations. Calls for the President to seek a treaty or international agreement establishing a wildlife preserve for humpback whales in the West Indies.

H.J. Res. 401. April 21, 1977. Judiciary. Constitutional Amendment—Prohibits compelling a student to attend a public school other than the one nearest his residence.

Grants Congress the power to enforce by appropriate legislation the provisions of this amendment, and to insure equal educational opportunities for all students wherever located.

H.J. Res. 402. April 21, 1977. Post Office and Civil Service. Authorizes and requests the President to designate April 19 of each year as "Annie Louise Keller Day."

H.J. Res. 403. April 21, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the last Friday of April of each year as "National Arbor Day."

H.J. Res. 404. April 21, 1977. Post Office and Civil Service. Designates the month of June 1977 as "National Graduating Class of 1977 Month."

H.J. Res. 405. April 21, 1977. Judiciary. Constitutional Amendment—Allows the President an item veto in appropriation legislation.

H.J. Res. 406. April 21, 1977. Judiciary. Constitutional Amendment—Allows the President an item veto in appropriation legislation.

H.J. Res. 407. April 21, 1977. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures required to prevent the death of the mother.

H.J. Res. 408. April 25. 1977. Post Office and Civil Service. Authorizes and requests the President to annually designate September 8 as "National Cancer Prevention Day."

H.J. Res. 409. April 25, 1977. Post Office and Civil Service. Authorizes and requests the President to designate November 16 of each year as "National Grandparents Day."

H.J. Res. 410. April 25, 1977. Post Office and Civil Service. Authorizes and requests the President to designate November 16 of each year as "National Grandparents Day."

H.J. Res. 411. April 25, 1977. Post Office and Civil Service. Requests the President to designate April 30, 1977, as "Vietnam Memorial Day."

H.J. Res. 412. April 25, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the week beginning May 1, 1977, and ending May 7, 1978, as "National Electronics Week."

H.J. Res. 413. April 25, 1977. Government Operations. Stipulates that it is the general policy of the U.S. Government to rely upon private commercial sources for the goods and services required to meet Government needs, and that this policy shall be administered by the Office of Federal Procurement Policy.

H.J. Res. 414. April 25, 1977. Judiciary. Constitutional Amendment—Forbids (1) any executive agency from issuing a regulation or committing an act not directly authorized by the Congress under its delegated powers, including anything regarding busing; and (2) any United States court from taking any action legislating a new program or type of affirmative action, including busing, not specifically provided for by the Congress.

H.J. Res. 415. April 25, 1977. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures which physically verifiable facts establish are required to prevent the death of the mother.

H.J. Res. 416. April 26, 1977. Post Office and Civil Service. Authorizes and requests the President to annually designate September 8 as "National Cancer Prevention Day."

H.J. Res. 417. April 26, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week of September 18 through September 24, 1977, as "National Lupus Week."

H.J. Res. 418. April 26, 1977. Judiciary. Constitutional Amendment—Permits prayer in public places or institutions. Permits religious instruction in public places or institutions if such instruction is given under private auspices.

H.J. Res. 419. April 27, 1977. Judiciary. Constitutional Amendment—Deems every human being to be a person from the moment of fertilization.

H.J.. Res. 420. April 27, 1977, Judiciary. Constitutional Amendment—Permits prayer in public buildings.

H.J. Res. 421. April 28, 1977. Judiciary. Restores posthumously full rights of United States citizenship to Jefferson Davis, effective December 5, 1868.

H.J. Res. 422. April 28, 1977. Judiciary. Constitutional Amendment—Imposes an income tax surtax, at a percentage rate to be determined by the President, to provide additional revenue equal to the amount by which total outlays of the Government exceed total receipts in any fiscal year when the Federal budget does not balance. Authorizes the suspension of such surtax in time of war or national emergency.

H.J. Res. 423. April 28. 1977. Judiciary. Constitutional Amendment—Specifies that Members of the House of Representatives shall serve for a term of three years. States that any person who is a Representative for five consecutive terms may not be a Representative during the three-year period following the fifth term with an exception for vacancies.

Stipulates that no person may serve as a Representative after attaining the age of 75 or if attaining the age of 75 before the end of a term.

H.J. Res. 424. April 29, 1977. Government Operations. Authorizes the Administrator of General Services to accept land, buildings, and equipment, without reimbursement, for the John Fitzgerald Kennedy Library in Boston, Massachusetts, as part of the National Archives system. Provides that such acceptance shall not occur until after the expiration of 60 days of continuous congressional session following the date on which a report is submitted by the Administrator to Congress on any such proposed Presidential archival depository.

H.J. Res. 425. April 29, 1977. International Relations. Directs the President to review United States policies and practices with respect to arms shipments to South Africa and to insure that such policies and practices are consistent with obligations under the United Nations Security Council Resolution to prevent shipment of arms and related items which might contribute to apartheid in South Africa. Requires the President to report such review to Congress and to explain the licensing of "nonmilitary weapons" for shipment to South Africa.

H.J. Res. 426. April 29, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of July 1977, 1978 and 1979, as "National Architectural Barrier Awareness Week."

H.J. Res. 427. May 2, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week of September 18 through September 24, 1977, as "National Lupus Week."

H.J. Res. 428. May 2, 1977. Education and Labor. Declares the policy of the Federal Government to work with the States and citizens to develop recommendations and plans to meet the needs of older persons.

Requires programs developed for the aging to place emphasis upon the rights of older persons to free choice and self help in planning their futures.

Authorizes the President to call a White House Conference on Aging in 1981, under the direction of the Secretary of Health, Education, and Welfare.

Requires the submission of a final report containing a comprehensive statement of a coherent national policy on aging.

H.J. Res. 429. May 2, 1977. Judiciary. Constitutional Amendment—Establishes a Court of the States, composed of one judge from each State, to hear and determine all cases arising under the tenth amendment (reserved powers of the States and people) upon appeal from the Supreme Court.

H.J. Res. 430. May 3, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week of September 18 through September 24, 1977, as "National Lupus Week."

H.J. Res. 431. May 3, 1977. Judiciary. Constitutional Amendment—Prohibits assignment of public school students to a particular school based upon their race, creed, or color.

H.J. Res. 432. May 3, 1977. International Relations. Gives congressional endorsement to the efforts of the United States Delegation to the Third United Nations Conference on the Law of the Sea to achieve a multilateral treaty which articulates the principle that deep seabed resources are the common heritage of all people and should be utilized with a view to distributing revenues to all countries. Endorses particularly the establishment of an International Seabed Authority to regulate such a system.

H.J. Res. 433. May 3, 1977. Judiciary. Restores posthumously full rights of United States citizenship to Jefferson Davis, effective December 5, 1868.

H.J. Res. 434. May 3, 1977. Judiciary. Constitutional Amendment—Limits a President to a single six-year term.

Revises the procedure for electing the President and Vice President to, among other changes, (1) designate a party's Vice Presidential candidate its Presidential candidate upon the disability, or resignation of the Presidential candidate, (2) abolish the present electoral college system and, determine the President and Vice President by popular votes, (3) establish a back-up electoral vote system to be used if no pair of a Presidential and a Vice Presidential candidates receives a majority of popular votes, and (4) conduct a popular run off election if no pair receives a majority of electoral votes.

H.J. Res. 435. May 3, 1977. Judiciary. Constitutional Amendment—Limits the President and Vice President to a single full six-year term.

H.J. Res. 436. May 4, 1977. International Relations. Establishes a delegation of United States citizens to confer with similar delegations from NATO democracies, Japan, Australia, and New Zealand, in commemoration of the Marshall Plan, to assess existing institutions and recommend means to perfect and preserve these institutions to protect the general welfare, liberty, and sovereignty of the people of the participating countries.

H.J. Res. 437. May 4, 1977. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures required to prevent the death of the mother.

H.J. Res. 438. May 4, 1977. Post Office and Civil Service. Designates the week beginning with the second Monday in October of each year as "National Fire Prevention Week."

H.J. Res. 439. May 5, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week."

H.J. Res. 440. May 5, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week."

H.J. Res. 441. May 5, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week."

H.J. Res. 442. May 5, 1977. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures required to prevent the death of the mother.

H.J. Res. 443. May 5, 1977. Post Office and Civil Service. Designates the week starting with the third Monday in February of each year as "National Patriotism Week."

H.J. Res. 444. May 6, 1977. Post Office and Civil Service. Designates the square dance as the national folk dance of the United States.

H.J. Res. 445. May 6, 1977. Rules. Creates a Joint Committee on Intelligence to exercise exclusive legislative jurisdiction with respect to: (1) any intelligence activity conducted by any agency or department of the Federal Government; and (2) the authorization of funds in connection with intelligence activities conducted by special agencies and departments.

H.J. Res. 446. May 6, 1977. International Relations. Directs the President to review United States policies and practices with respect to arms shipments to South Africa and to insure that such policies and practices are consistent with obligations under the United Nations Security Council Resolution to prevent shipment of arms and related items which might contribute to apartheid in South Africa. Requires the President to report such review to Congress and to explain the licensing of "nonmilitary weapons" for shipment to South Africa.

H.J. Res. 447. May 6, 1977. Judiciary. Constitutional Amendment—Amends the Constitution to require Congress to assure that the total expenditures of the Government, during any fiscal year, do not exceed the total receipts of the Government during such fiscal year. Permits an exception to such requirement in time of declared national emergency, but states that expenditures shall never exceed receipts by more than ten percent. Provides a schedule for the institution of such requirement.

Sets forth a schedule for the elimination of the federal indebtedness.

H.J. Res. 448. May 6, 1977. Judiciary. Constitutional Amendment—Amends the Constitution to require Congress to assure that the total expenditures of the Government, during any fiscal year, do not exceed the total receipts of the Government during such fiscal year. Permits an exception to such requirement in time of declared national emergency, but states that expenditures shall never exceed receipts by more than ten percent. Provides a schedule for the institution of such requirement.

Sets forth a schedule for the elimination of the federal indebtedness.

H.J. Res. 449. May 9, 1977. International Relations. Gives Congressional endorsement to the efforts of the United States Delegation to the Third United Nations Conference on the Law of the Sea to achieve a multilateral treaty which articulates the principle that deep seabed resources are the common heritage of all people and should be utilized with a view to distributing revenues to all countries. Endorses particularly the establishment of an International Seabed Authority to regulate such a system.

H.J. Res. 450. May 9, 1977. Judiciary. Constitutional Amendment—Prohibits interpretation of the United States Constitution to require school systems which assign pupils on a neighborhood basis to assign such pupils in any other manner.

H.J. Res. 451. May 9, 1977. Interior and Insular Affairs. Requires that the sites of service of General Thaddeus Kosciuszko during the American Revolutionary War be marked and that such tracing be officially known as the Kosciuszko Trail.

H.J. Res. 452. May 9, 1977. Education and Labor. Declares the policy of the Federal Government to work with the States and citizens to develop recommendations and plans to meet the needs of older persons.

Requires programs developed for the aging to place emphasis upon the rights of older persons to free choice and self help in planning their futures.

Authorizes the President to call a White House Conference on Aging in 1981, under the direction of the Secretary of Health, Education, and Welfare.

Requires the submission of a final report containing a comprehensive statement of a coherent national policy on aging.

H.J. Res. 453. May 10, 1977. Judiciary. Constitutional Amendment—Declares the term "persons," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures required to prevent the death of the mother.

H.J. Res. 454. May 10, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week."

H.J. Res. 455. May 11, 1977. Judiciary. Constitutional Amendment—Revises the procedure for the election of the President and Vice President.

Grants each congressional district established by the respective States pursuant to this Article one electoral vote and each State two at-large electoral votes, such votes to be cast for the pair of Presidential and Vice Presidential candidates receiving a plurality of popular votes within the appropriate jurisdictions.

Stipulates that the pair of candidates receiving the most electoral votes shall be declared President and Vice President.

H.J. Res. 456. May 11, 1977. Judiciary. Constitutional Amendment—Prohibits compelling a student to attend a public school other than the one nearest his residence.

Grants Congress the power to enforce by appropriate legislation the provisions of this amendment, and to insure equal educational opportunities for all students wherever located.

H.J. Res. 457. May 11, 1977. Post Office and Civil Service. Designates the month of October of each year as National Learning Disabilities Month.

H.J. Res. 458. May 12, 1977. Post Office and Civil Service. Requests the President to issue a proclamation designating the week beginning October 9, 1977, and ending October 15, 1977, as "National Gifted and Talented Children's Week."

H.J. Res. 459. May 12, 1977. Post Office and Civil Service. Authorizes and directs the President to proclaim the week in which Veterans Day is observed each year as "Love America Week."

H.J. Res. 460. May 12, 1977. International Relations. Establishes a delegation of United States citizens to confer with similar delegations from NATO democracies, Japan, Australia, and New Zealand, in commemoration of the Marshall Plan, to assess existing institutions and recommend means to perfect and preserve these institutions to protect the general welfare, liberty, and sovereignty of the people of the participating countries.

H.J. Res. 461. May 12, 1977. Post Office and Civil Service. Designates the square dance as the national folk dance of the United States.

H.J. Res. 462. May 12, 1977. Post Office and Civil Service. Declares the flower commonly known as the rose to be the national floral emblem of the United States of America. Requests the President of the United States to declare such fact by proclamation.

H.J. Res. 463. May 12, 1977. Education and Labor; Post Office and Civil Service. Requires the publication of statistics indicating the social, health, and economic conditions of Americans of Balto-Slavic origin or descent by specified executive departments. Requires an affirmative action program be implemented within the Bureau of the Census for the employment of personnel of Balto-Slavic background to aid in collecting census data on such persons.

H.J. Res. 464. May 13, 1977. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures required to prevent the death of the mother.

H.J. Res. 465. May 16, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of June of each year as "National Veterans' Hospital Week."

H.J. Res. 466. May 16, 1977. Post Office and Civil Service. Designates the week beginning with the second Monday in October of each year as "National Fire Prevention Week."

H.J. Res. 467. May 16, 1977. Post Office and Civil Service. Authorizes and requests the President to designate 1979 as "Thomas A. Edison Centennial Year."

Establishes the Thomas A. Edison Centennial Commission. Stipulates that such Commission shall terminate on September 30, 1980.

H.J. Res. 468. May 17, 1977. Judiciary. Constitutional Amendment—Amends the Constitution to require Congress to assure that the total expenditures of the Government, during any fiscal year, do not exceed the total receipts of the Government during such fiscal year. Permits an except to such requirement in time of declared national emergency. Provides a schedule for the institution of such requirement.

Sets forth a schedule for the elemination of the Federal indebtedness.

H.J. Res. 469. May 17, 1977. Judiciary. Constitutional Amendment—Declares the term "person", with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits abortion except in an emergency when a reasonable medical certainty exists that continuation of the pregnancy will cause the mother's death. Requires that every reasonable effort be made to preserve the life of the fetus.

H.J. Res. 470. May 17, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of July 1977, 1978, and 1979, as "National Architectural Barrier Awareness Week."

H.J. Res. 471. May 17, 1977. Post Office and Civil Service. Declares the flower commonly known as the rose to be the national floral emblem of the United States of America. Requests the President of the United States to declare such fact by proclamation.

H.J. Res. 472. May 18, 1977. Post Office and Civil Service. Authorizes and requests the President to annually designate September 8 as "National Cancer Prevention Day."

H.J. Res. 473. May 18, 1977. Judiciary. Constitutional Amendment—Prohibits deficit spending and increases in the national debt. Sets forth a schedule for repayment of the national debt.

H.J. Res. 474. May 18, 1977. Judiciary. Constitutional Amendment—Prohibits deficit spending and increases in the national debt. Sets forth a schedule for repayment of the national debt.

H.J. Res. 475. May 18, 1977. Post Office and Civil Service. Authorizes and requests the President to designate June 12, 1977, as National Day for Solidarity with Soviet Jewry.

H.J. Res. 476. May 19, 1977. Post Office and Civil Service. Designates October 7, 1977, as "National Coaches' Day."

H.J. Res. 477. May 23, 1977. Post Office and Civil Service. Authorizes and requests the President to designate October 9, 1977, through October 15, 1977, as "National Schoolbus Safety Week."

H.J. Res. 478. May 23, 1977. International Relations. Declares it the sense of the Congress that the United States should work within the third United Nations Conference on the Law of the Sea toward establishment of a single international organization to insure the conservation of whales and other cetaceans on a global basis.

Declares it the sense of the Congress that in order to achieve whale conservation as soon as possible, a series of bilateral and multilateral initiatives with nations having an interest in whales should be undertaken immediately by the Department of State.

H.J. Res. 479. May 23, 1977. International Relations. Declares it the sense of the Congress that the United States should work within the third United Nations Conference on the Law of the Sea toward establishment of a single international organization to insure the conservation of whales and other cetaceans on a global basis.

Declares it the sense of the Congress that in order to achieve whale conservation as soon as possible, a series of bilateral and and multilateral initiatives with nations having an interest in whales should be undertaken immediately by the Department of State.

H.J. Res. 480. May 23, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the first Sunday of September after Labor Day of each year as "National Grandparents Day."

H.J. Res. 481. May 23, 1977. Post Office and Civil Service. Authorizes and requests the President to designate June 1, 1977, as "Linus Pauling Day."

H.J. Res. 482. May 23, 1977. Post Office and Civil Service. Designates the second week in May of each year as "Municipal Clerks' Week."

H.J. Res. 483. May 24, 1977. Judiciary. Constitutional Amendment—Amends the Constitution to require Congress to assure that the total expenditures of the Government, during any fiscal year, do not exceed the total receipts of the Government during such fiscal year. Permits an exception to such requirement in time of declared national emergency. Provides a schedule for the institution of such requirement.

Sets forth a schedule for the elimination of the Federal indebtedness.

H.J. Res. 484. May 24, 1977. Judiciary. Constitutional Amendment—Amends the Constitution to require Congress to assure that the total expenditures of the Government, during any fiscal year, do not exceed the total receipts of the Government during such fiscal year. Permits an exception to such requirement in time of declared national emergency, but states that expenditures shall never exceed receipts by more than ten percent. Provides a schedule for the institution of such requirement.

Sets forth a schedule for the elimination of the federal indebtedness.

H.J. Res. 485. May 24, 1977. Post Office and Civil Service. Restores posthumously full rights of United States citizenship to Jefferson Davis, effective December 5, 1868.

H.J. Res. 486. May 24, 1977. Education and Labor; Post Office and Civil Service. Requires the publication of statistics indicating the social, health, and economic conditions

of Americans of Balto-Slavic origin or descent by specified executive departments. Requires an affirmative action program be implemented within the Bureau of the Census for the employment of personnel of Balto-Slavic background to aid in collecting census data on such persons.

H.J. Res. 487. May 25, 1977. International Relations. Directs the President to review United States policies and practices with respect to arms shipments to South Africa and to insure that such policies and practices are consistent with obligations under the United Nations Security Council Resolution to prevent shipment of arms and related items which might contribute to apartheid in South Africa. Requires the President to report such review to Congress and to explain the licensing of "nonmilitary weapons" for shipment to South Africa.

H.J. Res. 488. May 25, 1977. Judiciary. Constitutional Amendment—Prohibits compelling a student to attend a public school other than the one nearest his residence.

Grants Congress the power to enforce by appropriate legislation the provisions of this amendment, and to insure equal educational opportunities for all students wherever located.

H.J. Res. 489. May 26, 1977. Judiciary. Directs the Attorney General to cancel deportation proceedings for, and to record as lawfully admitted to the United States for permanent residence certain specified individuals.

H.J. Res. 490. May 26, 1977. Interstate and Foreign Commerce. Requires the Federal Communications Commission in interpreting or implementing policy governing the nationwide telecommunications network, to consider specified matters affecting rural users of telecommunications services.

Directs Congress: (1) to initiate studies to determine the potential economic impact of competition in the telecommunications industry; and (2) establish a national telecommunications policy which permits competition in such industry and assures that residents of less densely populated rural areas continue to receive telecommunications services on a par with urban areas.

H.J. Res. 491. May 26, 1977. Post Office and Civil Service. Authorizes the President of the United States to issue a proclamation designating May 13 of each year as "American Business Day."

H.J. Res. 492. June 1, 1977. Post Office and Civil Service. Authorizes and requests the President to annually designate September 8 as "National Cancer Prevention Day."

H.J. Res. 493. June 1, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week of September 18 through September 24, 1977, as "National Lupus Week."

H.J. Res. 494. June 1, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week."

H.J. Res. 495. June 2, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate October 1, 1977, as "National Coaches' Day."

H.J. Res. 496. June 2, 1977. Judiciary. Constitutional Amendment—Permits compelling a criminal defendant to testify against himself in open court. Requires that a defendant be informed of the evidence against him.

H.J. Res. 497. June 2, 1977. Post Office and Civil Service. Designates the period March 1, 1978, through March 7, 1978, as "National Weights and Measures Week."

H.J. Res. 498. June 2, 1977. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures required to prevent the death of the mother.

H.J. Res. 499. June 2, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week."

H.J. Res. 500. June 2, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week."

H.J. Res. 501. June 2, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week."

H.J. Res. 502. June 2, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week."

H.J. Res. 503. June 6, 1977. Post Office and Civil Service. Requests the President of the United States to designate July 18, 1978, as "Small Business Day."

H.J. Res. 504. June 6, 1977. Post Office and Civil Service. Requests the President of the United States to designate July 18, 1978, as "Small Business Day."

H.J. Res. 505. June 6, 1977. Post Office and Civil Service. Requests the President of the United States to designate July 18, 1978, as "Small Business Day."

H.J. Res. 506. June 6, 1977. Judiciary. Recognizes Fred Waring for his dedication and skills to the arts and his service to America.

H.J. Res. 507. June 7, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of June of each year as "National Veterans' Hospital Week."

H.J. Res. 508. June 9, 1977. Judiciary. Constitutional Amendment—Permits religious observances in governmental institutions and public places. Permits reference to a supreme being in a governmental or public document, activity, place, or on money. Declares that this amendment shall not constitute establishment of religion.

H.J. Res. 509. June 9, 1977. Post Office and Civil Service. Authorizes and directs the President to proclaim the week in which Veterans' Day is observed each year as "Love America Week."

H.J. Res. 510. June 9, 1977. Ways and Means. Affirms that maintenance of a viable domestic sugar industry is an integral part of United States agricultural policy and that any trade agreement with Cuba shall contain a clause to prevent the disruption of that industry by Cuban sugar imports.

H.J. Res. 511. June 10, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the last week in August of each year as "National Grade Crossing Safety Week."

H.J. Res. 512. June 10, 1977. Interstate and Foreign Commerce. Reaffirms competition as the best means of serving the American consumers' telecommunications needs, except where there is clear and convincing evidence that such competition would produce unreasonably higher costs or poorer service for the American consuming public.

H.J. Res. 513. June 13, 1977. Post Office and Civil Service. Requests the President of the United States to designate July 18, 1978, as "Small Business Day."

H.J. Res. 514. June 13, 1977. Judiciary. Constitutional amendment—prohibits automatic increases in the price of goods or services under any law, contract, or other authority by reason of any aggregate increase occurring during any period with respect to the cost of goods and services in the United States.

H.J. Res. 515. June 13, 1977. Post Office and Civil Service. Designates the calendar week beginning February 5, 1978, as "National Electrical Safety Week."

H.J. Res. 516. June 13, 1977. Education and Labor. Expresses the sense of the Congress that the services and contributions of school volunteers be recognized, and requests the President of the United States to issue a proclamation in recognition of this fact.

H.J. Res. 517. June 13, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of July 1977, 1978, and 1979, as "National Architectural Barrier Awareness Week."

H.J. Res. 518. June 13, 1977. Post Office and Civil Service. Makes Flag Day, June 14 of each year, a legal public holiday.

H.J. Res. 519. June 14, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of July 1977, 1978, and 1979, as "National Architectural Barrier Awareness Week."

H.J. Res. 520. June 15, 1977. Judiciary. Constitutional amendment—deems every human being to be a person from the moment of fertilization.

H.J. Res. 521. June 15, 1977. Judiciary. Restores posthumously full rights of U.S. citizenship to Jefferson Davis, effective December 5, 1868.

H.J. Res. 522. June 15, 1977. Interior and Insular Affairs. Allows the States to enact laws regulating off-reservation hunting and fishing granted to Indians by treaty if the laws are: (1) purely regulatory concerning the time and manner of hunting and fishing outside an Indian Reservation; and (2) equally applicable to Indians and all other citizens.

H.J. Res. 523. June 16, 1977. Judiciary. Constitutional Amendment—Revises the procedure for the election of the President and Vice President.

Grants each Congressional district established by the respective States pursuant to this Article one electoral vote and each State two at large electoral votes, such votes to be cast for the pair of Presidential and Vice Presidential candidates receiving a plurality of popular votes within the appropriate jurisdictions.

Grants the pair of candidates receiving the most votes nationwide 50 electoral votes if it received at least 40 percent of the popular votes cast.

Declares the pair of candidates receiving a majority of electoral votes President and Vice President.

H.J. Res. 524. June 17, 1977. Judiciary. Constitutional Amendment—Amends the Constitution to require Congress to assure that the total expenditures of the Government, during any fiscal year, do not exceed the total receipts of the Government during such fiscal year. Permits an exception to such requirement in time of declared national emergency, but states that expenditures shall never exceed receipts by more than ten percent. Provides a schedule for the institution of such requirement.

Sets forth a schedule for the elimination of the federal indebtedness.

H.J. Res. 525. June 20, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to extend specified Federal Housing Administration insurance programs.

Extends the authority of the Secretary of Housing and Urban Development to grant flexible interest rates for specified mortgage insurance programs.

Amends the National Flood Insurance Act to extend the national flood insurance program.

Amends the Housing Act of 1949 to extend specified rural housing programs.

H.J. Res. 526. June 21, 1977. Interior and Insular Affairs. Establishes the Hawaiian Native Claims Settlement Study Commission to recommend a land and financial settlement of the injuries arising from the annexation of Hawaii.

H.J. Res. 527. June 21, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week of September 18 through September 24, 1977, as "National Lupus Week."

H.J. Res. 528. June 21, 1977. Post Office and Civil Service. Declares the flower commonly known as the rose to be the national floral emblem of the United States of America. Requests the President of the United States to declare such fact by proclamation.

H.J. Res. 529. June 22, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week."

H.J. Res. 530. June 22, 1977. Judiciary. Constitutional Amendment—Permits compelling a criminal defendant to testify against himself in open court. Restricts introduction of prior criminal convictions except where they constitute an element of the offense charged. Requires that a defendant be informed of the evidence against him.

H.J. Res. 531. June 23, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the first Sunday of September after Labor Day of each year as "National Grandparents Day."

H.J. Res. 532. June 23, 1977. Interstate and Foreign Commerce; Post Office and Civil Service. Declares it to be the policy of the United States to encourage, develop, and implement, at the earliest possible date, policies and programs which act to stablize by voluntary means consistent with human rights and individual conscience, the population of the United States and thereby promote the future well-being of the citizens of this Nation and the entire world.

H.J. Res. 533. June 24, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the last Friday of April of each year as "National Arbor Day."

H.J. Res. 534. June 24, 1977. Post Office and Civil Service. Authorizes and directs the President to proclaim the week in which Veterans Day is observed each year as "Love America Week."

H.J. Res. 535. June 27, 1977. Judiciary. Constitutional Amendment—Declares that the term of office of Members of the House of Representatives shall be four years. Requires the election of one-half of all Representatives every two years. Limits the length of service of Representatives to three complete terms and of Senators to two complete terms.

H.J. Res. 536. June 27, 1977. Post Office and Civil Service. Designates turquoise as the national gemstone of the United States.

H.J. Res. 537. June 27, 1977. Post Office and Civil Service. Declares the flower commonly known as the rose to be the national floral emblem of the United States of America. Requests the President of the United States to declare such fact by proclamation.

H.J. Res. 538. June 28, 1977. Judiciary. Constitutional Amendment—Limits to 12 the number of years which Representatives and Senators may serve in Congress.

Limits to 18 the total number of years of service of a person who holds the office of Representative and who at another time holds the office of Senator.

H.J. Res. 539. June 30, 1977. Extends, for one month (to August 18, 1977), the statute of limitations governing civil actions for money damages arising prior to July 18, 1966, and brought by the United States on behalf of Indian groups and Indians whose land is held in trust by the government.

H.J. Res. 540. June 30, 1977. Post Office and Civil Service. Authorizes and requests the President to designate annually a week in the first ten days of May as Pacific/Asian American Heritage Week.

H.J. Res. 541. June 30, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of July 1977, 1978, and 1979, as "National Architectural Barrier Awareness Week."

H.J. Res. 542. July 12, 1977. Merchant Marine and Fisheries. Amends the Merchant Marine Act, 1936, to extend the age limitation before which passenger ships delivered on or after December 1, 1952, can qualify for operating differential subsidies from 25 to 30 years.

H.J. Res. 543. July 12, 1977. Judiciary. Constitutional Amendment—Limits the length of service of a Representative, Supreme Court Justice, or Federal judge to ten years during any 12-year period. Limits the length of service of a Senator to 12 years during any 14-year period.

H.J. Res. 544. July 12, 1977. Judiciary. Constitutional Amendment—Provides for enactment and repeal of laws by popular vote. Requires a petition signed by at least eight percent of the whole number of people in each of at least three-fourths of the States to place such an issue on the ballot and a majority vote in each of at least three-fourths of the States to pass it.

H.J. Res. 545. July 14, 1977. Interstate and Foreign Commerce. Declares that the Federal Power Commission and other Federal agencies with authority over the allocation of natural gas shall give the highest priority to specified agricultural users.

H.J. Res. 546. July 14, 1977. Interstate and Foreign Commerce. Declares that the Federal Power Commission and other Federal agencies with authority over the allocation of natural gas shall give the highest priority to specified agricultural users.

H.J. Res. 547. July 14, 1977. Government Operations. States the general policy of the United States Government to rely upon on private sources for Government service and goods needs.

H.J. Res. 548. July 15, 1977. Post Office and Civil Service. Designates the calendar week beginning February 5, 1978, as "National Electrical Safety Week."

H.J. Res. 549. July 18, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the first Sunday in June of each year as National Shut-In Day.

H.J. Res. 550. July 20, 1977. Post Office and Civil Service. Designates August 26, 1977, as "Women's Equality Day."

H.J. Res. 551. July 20, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the last Friday of April of each year as "National Arbor Day."

H.J. Res. 552. July 21, 1977. Education and Labor; Post Office and Civil Service. Requires the publication of statistics indicating the social, health, and economic conditions of Americans of Balto–Slavic origin or descent by specified executive departments. Requires an affirmative action program be implemented within the Bureau of the Census for the employment of personnel of Balto–Slavic background to aid in collecting census data on such persons.

H.J. Res. 553. July 25, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate October 1, 1977, as "National Coaches' Day."

H.J. Res. 554. July 25, 1977. Judiciary. Constitutional Amendment—Provides that the District of Columbia be treated as a State for purposes of representation in the Congress, election of the President and Vice President, and Article V of the Constitution of the United States.

Repeals the twenty-third amendment to the Constitution of the United States.

H.J. Res. 555. July 25, 1977. Post Office and Civil Service. Expresses the sense of the Congress that the services and contributions of school volunteers be recognized, and requests the President of the United States to issue a proclamation in recognition of this fact.

H.J. Res. 556. July 25, 1977. Judiciary. Restores posthumously full rights of United States citizenship to Jefferson Davis, effective December 5, 1868.

H.J. Res. 557. July 26, 1977. Post Office and Civil Service. Authorizes and requests the President to annually designate September 8 as "National Cancer Prevention Day."

H.J. Res. 558. July 27, 1977. Judiciary. Proposes an amendment to the Constitution to permit persons lawfully assembled in public buildings to observe a moment of silence.

H.J. Res. 559. July 28, 1977. Judiciary. Constitutional Amendment—Permits compelling a criminal defendant to testify against himself in open court. Restricts introduction of prior criminal convictions except where they constitute an element of the offense charged. Requires that a defendant be informed of the evidence against him.

H.J. Res. 560. July 28, 1977. Post Office and Civil Service. Authorizes the President of the United States to issue a proclamation designating May 13 of each year as "American Business Day."

H.J. Res. 561. July 29, 1977. Post Office and Civil Service. Authorizes and requests the President to issue a proclamation designating September as "National Sickle Cell Month."

H.J. Res. 562. August 1, 1977. Education and Labor. Authorizes the President to call a White House Conference on Families in 1979.

Directs the Secretary of Health, Education, and Welfare to establish an advisory committee to such Conference.

H.J. Res. 563. August 1, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the last Friday of April of each year as "National Arbor Day."

H.J. Res. 564. August 1, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the first Sunday in June of each year as National Shut-In Day.

H.J. Res. 565. August 2, 1977. Judiciary. Constitutional Amendment—Provides that the District of Columbia be treated as a State for purposes of representation in the Congress, election of the President and Vice President, and Article V of the Constitution of the United States.

H.J. Res. 566. August 2, 1977. Judiciary. Constitutional Amendment—Repeals the twenty-fifth amendment to the Constitution of the United States.

H.J. Res. 567. August 2, 1977. Education and Labor; Post Office and Civil Service. Directs specified Federal agencies to collect and publish data regarding labor force characteristics and the social, health, and economic conditions of Americans of East Asian or Pacific origin or descent for those States containing significant populations of such individuals.

Directs the Secretary of Commerce to implement an affirmative action program for the employment of such individuals within the Bureau of the Census.

H.J. Res. 568. August 3, 1977. House Administration. Directs the Secretary of the Interior to permit the National Committee of American Airmen Rescued by General Mihailovich to construct and maintain, with private funds, a monument to General Draza Mihailovich.

H.J. Res. 569. August 3, 1977. Post Office and Civil Service. Declares the flower commonly known as the rose to be the national floral emblem of the United States of America. Requests the President of the United States to declare such fact by proclamation.

H.J. Res. 570. August 3, 1977. Education

and Labor; Post Office and Civil Service. Directs specified Federal agencies to collect and publish data regarding labor forces characteristics and the social, health, and economic conditions of Americans of East Asian or Pacific origin or descent for those States containing significant populations of such individuals.

Directs the Secretary of Commerce to implement an affirmative action program for the employment of such individuals within the Bureau of the Census.

H.J. Res. 571. August 3, 1977. Post Office and Civil Service. Authorizes the President of the United States to annually proclaim April 22 as "Queen Isabella Day."

H.J. Res. 572. August 3, 1977. Judiciary. Constitutional Amendment—Provides for enactment and repeal of laws by popular vote. Requires a petition signed by at least eight percent of the whole number of people in each of at least three-fourths of the States to place such an issue on the ballot and a majority vote in each of at least three-fourths of the States to pass it.

H.J. Res. 573. August 3, 1977. International Relations. Honors General Thaddeus Kosciuszko by presenting the memorial plaque to be erected in his memory in the Wawel Cathedral in Krakov, Poland, on October 17, 1977, as a gift of the American people to the people of Poland.

H.J. Res. 574. August 4, 1977. International Relations. Directs the President to seek a treaty with the Union of Soviet Socialist Republics, Canada, Denmark, Norway, and other interested nations calling for an immediate moratorium on the killing of polar bears.

H.J. Res. 575. August 4, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the last Friday of April of each year as "National Arbor Day."

H.J. Res. 576. August 5, 1977. House Administration. Directs the Secretary of the Interior to permit the National Committee of American Airmen Rescued by General Mihailovich to construct and maintain, with private funds, a monument to General Draza Mihailovich.

H.J. Res. 577. August 5, 1977. Judiciary. Constitutional Amendment—Amends the Constitution to require Congress to assure that the total expenditures of the Government, during any fiscal year, do not exceed the total receipts of the Government during such fiscal year. Permits an exception to such requirement in time of declared national emergency, but states that expenditures shall never exceed receipts by more than ten percent. Provides a schedule for the institution of such requirement.

Sets forth a schedule for the elimination of the federal indebtedness.

H.J. Res. 578. August 5, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of May 1978 and 1979 as "National Architectural Barrier Awareness Week."

H.J. Res. 579. August 5, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of May 1978 and 1979 as "National Architectural Barrier Awareness Week."

H.J. Res. 580. August 5, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of May 1978 and 1979 as "National Architectural Barrier Awareness Week."

H.J. Res. 581. August 5, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of May 1978 and 1979 as "National Architectural Barrier Awareness Week."

H.J. Res. 582. August 5, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of May 1978 and 1979 as "National Architectural Barrier Awareness Week."

H.J. Res. 583. August 5, 1977. Judiciary. Constitutional Amendment—Declares the term "person," with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or condition of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures required to prevent the death of the mother.

H.J. Res. 584. September 7, 1977. House Administration. Directs the Secretary of the Interior to permit the National Committee of American Airmen Rescued by General Mihailovich to construct and maintain, with private funds, a monument to General Draza Mihailovich.

H.J. Res. 585. September 8, 1977. Judiciary. Constitutional Amendment—Permits religious observances in governmental institutions and public places. Permits reference to a supreme being in a governmental or public document, activity, place, or on money. Declares that this amendment shall not constitute establishment of religion.

H.J. Res. 586. September 8, 1977. Education and Labor. Authorizes the President to call a White House Conference on Families in 1979.

Directs the Secretary of Health, Education, and Welfare to establish an advisory committee to such Conference.

H.J. Res. 587. September 8, 1977. Education and Labor. Authorizes the President to call a White House Conference on Families in 1979.

Directs the Secretary of Health, Education, and Welfare to establish an advisory committee to such Conference.

H.J. Res. 588. September 9, 1977. Education and Labor; Post Office and Civil Service. Directs specified Federal agencies to collect and publish data regarding labor force characteristics and the social, health, and economic conditions of Americans of East Asian or Pacific origin or descent for those States containing significant populations of such individuals.

Directs the Secretary of Commerce to implement an affirmative action program for the employment of such individuals within the Bureau of the Census.

H.J. Res. 589. September 12, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Treasury to acquire by donation or purchase the Graceland Mansion and its grounds on Elvis Presley Boulevard, Memphis, Tennessee, for the establishment of an "Elvis Presley National Historic Site."

Directs such site to be administered by the Department of the Interior.

H.J. Res. 590. September 12, 1977. Post Office and Civil Service. Provides that a week in May be designated "National Burglary and Theft Prevention Week."

H.J. Res. 591. September 12, 1977. Post Office and Civil Service. Authorizes and directs the President to proclaim the week in which Veterans Day is observed each year as "Love America Week."

H.J. Res. 592. September 12, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the last Friday of April of each year as "National Arbor Day."

H.J. Res. 593. September 14, 1977. Post Office and Civil Service. Expresses the sense of the Congress that the services and contributions of school volunteers be recognized, and requests the President of the United States to issue a proclamation in recognition of this fact.

H.J. Res. 594. September 16, 1977. Post Office and Civil Service. Authorizes and requests the President to designate June 1 of each year as the "National Day of Prayer."

H.J. Res. 595. September 16, 1977. Judiciary. Constitutional Amendment—Requires the President to annually compute the gross national product of the United States. Limits the expenditures of the Government in any year to 20 percent of the gross national product of the preceding year. Requires the United States to maintain a balanced budget each year. Permits such limitations to be suspended during a period of grave national emergency or time of war by a concurrent resolution agreed to by two-thirds of the authorized membership of each House of Congress.

H.J. Res. 596. September 19, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of July 1977, 1978, and 1979, as "National Architectural Barrier Awareness Week."

H.J. Res. 597. September 20, 1977. Post Office and Civil Service. Designates May 3, 1978, as "Sun Day."

Directs the Secretary of the Department of Energy to coordinate the participation of applicable segments of the Federal Government in such "Sun Day."

H.J. Res. 598. September 22, 1977. Post Office and Civil Service. Provides that a week in May be designated "National Burglary and Theft Prevention Week."

H.J. Res. 599. September 22, 1977. Post Office and Civil Service. Designates the second week in May of each year as "Municipal Clerks' Week."

H.J. Res. 600. September 26, 1977. Education and Labor. Directs the President to call a White House Conference on the Arts, to be held by December 31, 1979, to assist in developing a climate wherein the arts can flourish.

Establishes a National Conference Planning Council on the Arts to plan and conduct such Conference.

Requires the Council to submit a report on such Conference to the President.

Authorizes the Chairman of the Council, with the approval of Council members, to make grants to States to defray the costs of participating in the Conference program.

H.J. Res. 601. September 26, 1977. House Administration. Directs the Secretary of the Interior to permit the National Committee of American Airmen Rescued by General Mihailovich to construct and maintain, with private funds, a monument to General Draza Mihailovich.

H.J. Res. 602. September 26, 1977. Judiciary. Constitutional Amendment—Provides that total appropriations shall not exceed estimated revenues. Authorizes the suspension of such prohibition in time of war or by a concurrent resolution passed by the Senate and the House stating that a national emergency requires suspension.

H.J. Res. 603. September 26, 1977. Post Office and Civil Service. Designates the first Sunday of October of each year as "National Choir Recognition Day."

H.J. Res. 604. September 27, 1977. Judiciary. Constitutional Amendment—Amends the Constitution to require Congress to assure that the total expenditures of the Government, during any fiscal year, do not exceed the total receipts of the Government during such fiscal year. Permits an exception to such requirement in time of declared national emergency, but states that expenditures shall never exceed receipts by more than ten percent. Provides a schedule for the institution of such requirement.

Sets forth a schedule for the elimination of the federal indebtedness.

H.J. Res. 605. September 27, 1977. Post Office and Civil Service. Authorizes the President of the United States to proclaim the second week in April of each year as "National Medical Laboratory Week."

H.J. Res. 606. September 28, 1977. Judiciary. Constitutional Amendment—Includes the unborn within the term "person." Permits abortion (1) to prevent the death or

physical impairment of the mother, and (2) in certain cases of rape.

H.J. Res. 607. September 29, 1977. Post Office and Civil Service. Designates November 15, 1977, as a "Day of National Observance of the Two Hundreth Anniversary of the Adoption of the Articles of Confederation."

H.J. Res. 608. September 29, 1977. Post Office and Civil Service. Designates the second week in May of each year as "Municipal Clerks' Week."

H.J. Res. 609. September 30, 1977. International Relations; Interior and Insular Affairs; Interstate and Foreign Commerce; Public Works and Transportation. Authorizes and requests the President to enter into further negotiations with Canada concerning the transportation of crude oil by pipeline through Canada to markets in the United States.

Directs the President to report to Congress by June 30, 1978, on the progress of such negotiations. Prohibits any Federal agency from authorizing the construction or alteration of any terminal, dock, or other facility related to crude oil transportation in, or immediately adjacent to, or affecting the navigable waters of the State of Washington until June 30, 1978.

H.J. Res. 610. October 4, 1977. Judiciary. Constitutional Amendment—Declares the term "person", with respect to due process and equal protection, applicable to human beings irrespective of age, health, function or conditions of dependency, including the unborn. Prohibits the deprivation of life of an unborn person, except permitting medical procedures required to prevent the death of the mother.

H.J. Res. 611. October 4, 1977. Banking, Finance, and Urban Affairs. Amends the Federal Reserve Act to extend the authority of Federal Reserve banks to purchase and sell obligations fully guaranteed bv the United States until May 1, 1978.

H.J. Res. 612. October 4, 1977. Interior and Insular Affairs. Extinguishes any right, title, or other interest in tracts of land on which dwellings of individuals are located that is asserted by the Mashpee Tribe in its civil action against the New Seabury Corporation in Massachusetts. Limits the size of the tracts so affected by this Act to one acre, with a designation by the Secretary of the Interior of up to one acre to be so affected on tracts which now exceed that size.

H.J. Res. 613. October 5, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the first Sunday of September after Labor Day of each year as "National Grandparents Day."

H.J. Res. 614. October 5, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the last Friday of April of each year as "National Arbor Day."

H.J. Res. 615. October 6, 1977. International Relations. Directs the President of the United States, the Secretary of Agriculture, the Foreign Agricultural Service, and the Department of State to formulate and implement a plan for the expansion of sales of American agricultural commodities abroad, including increased food-for-peace (Public Law 480) sales as well as private international transfers of food.

H.J. Res. 616. October 6, 1977. Judiciary. Constitutional Amendment—Deems every human being to be a person from the moment of fertilization.

H.J. Res. 617. October 6, 1977. Post Office and Civil Service. Authorizes and directs the President to proclaim the week in which Veterans Day is observed each year as "Love America Week."

H.J. Res. 618. October 6, 1977. Post Office and Civil Service. Requests the President to proclaim December 15, 1977, as the "National Day of Prayer for the Year 1977."

H.J. Res. 619. October 11, 1977. Interior and Insular Affairs. Declares it the sense of the Senate and House of Representatives jointly that no new national water resources management policy shall be implemented without congressional concurrence.

Sets forth a procedure whereby States shall be given an opportunity to participate in the formation of such policy.

H.J. Res. 620. October 12, 1977. Post Office and Civil Service. Authorizes and requests the President to designate November 19, 1977, as "National Family Day."

H.J. Res. 621. October 12, 1977. Interstate and Foreign Commerce; Interior and Insular Affairs. Approves the President's decision on an Alaska natural gas transportation system submitted to Congress on September 22, 1977. Finds that any environmental impact statements prepared relative to such system and submitted with the Presidents' decision are in compliance with the National Environmental Policy Act of 1969.

H.J. Res. 622. October 12, 1977. Appropriations. Makes continuing appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies through fiscal year 1978 at a rate for operations not in excess of the rate in effect on September 30, 1977.

H.J. Res. 623. October 12, 1977. Judiciary. Constitutional Amendment—Provides that total Government expenditures shall not exceed net revenue. Authorizes the suspension of such prohibition in time of war or by a concurrent resolution passed by the Senate and the House stating that a national emergency requires suspension.

H.J. Res. 624. October 12, 1977. Judiciary. Constitutional Amendment—Provides for enactment and repeal of laws by popular vote. Requires a petition signed by at least eight percent of the whole number of people in each of at least three-fourths of the States to place such an issue on the ballot and a majority vote in each of at least three-fourths of the States to pass it.

H.J. Res. 625. October 12, 1977. Education and Labor. Authorizes the President to call a White House Conference on Families in 1979.

Directs the Secretary of Health, Education, and Welfare to establish an advisory committee to such Conference.

H.J. Res. 626. October 13, 1977. Appropriations. Makes continuing appropriations for the salaries and benefits of State Department employees engaged in carrying out foreign assistance programs, the District of Columbia, Departments of Labor, Health, Education, and Welfare, and related agencies through fiscal year 1978.

H.J. Res. 627. October 13, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of May 1978 and 1979 as "National Architectural Barrier Awareness Week."

H.J. Res. 628. October 13, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the first Sunday of September after Labor Day of each year as "National Grandparents Day."

H.J. Res. 629. October 17, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the last Sunday in April 1978, as "National Grandparent's Day."

H.J. Res. 630. October 17, 1977. Judiciary. Constitutional Amendment—Increases the term of office for Members of the House of Representatives to four years.

H.J. Res. 631. October 18, 1977. Post Office and Civil Service. Designates November 15, 1977, as a "Day of National Observance of the Two Hundredth Anniversary of the Adoption of the Articles of Confederation."

H.J. Res. 632. October 18, 1977. Post Office and Civil Service. Designates November 15, 1977, as a "Day of National Observance of the Two Hundredth Anniversary of the Adoption of the Articles of Confederation."

H.J. Res. 633. October 19, 1977. Interior and Insular Affairs. States that during the year following the enactment of this Act the Secretary of the Interior shall neither withhold water delivery from any beneficiary of a Federal reclamation project nor initiate any proceeding intended to require the sale of privately owned lands within any project, for purposes of achieving conformity with acreage limitations or residency requirements of reclamation law.

H.J. Res. 634. October 19, 1977. Post Office and Civil Service. Establishes the Yorktown Bicentennial Commission to plan and coordinate the commemoration of the bicentennial of the surrender of Lord Cornwallis at Yorktown.

H.J. Res. 635. October 20, 1977. Judiciary. Constitutional Amendment—Increases to four years the terms of Members of the House of Representatives.

Restricts the eligibility of a Member of a House of Congress for election as a Member of the other House.

H.J. Res. 636. October 25, 1977. House Administration. Directs the Secretary of the Interior to permit the National Committee of American Airmen Rescued by General Mihailovich to construct and maintain, with private funds, a monument to General Draza Mihailovich.

H.J. Res. 637. October 25, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the second full week in October 1978 as "National Legal Secretaries' Court Observance Week."

H.J. Res. 638. October 26, 1977. Judiciary. Extends to 14 years the deadline for ratification of the equal rights amendment.

H.J. Res. 639. October 27, 1977. Education and Labor. Directs the President to call a White House Conference on the Humanities. Establishes a Presidentially appointed National Planning Council on the Humanities to conduct the Conference.

Authorizes the Chairman of the Council, with Council approval, to make a grant to each State to defray the cost of State participation in the Conference.

H.J. Res. 640. October 27, 1977. International Relations. Directs the President of the United States, the Secretary of Agriculture, the Foreign Agricultural Service, and the Department of State to formulate and implement a plan for the expansion of sales of American agricultural commodities abroad, including increased food-for-peace (Public Law 480) sales as well as private international transfers of food.

H.J. Res. 641. October 31, 1977. Appropriations. Makes continuing appropriations for the salaries and benefits of State Department employees engaged in carrying out foreign assistance programs, the District of Columbia, Departments of Labor, Health, Education, and Welfare, and related agencies until the enactment into law of an appropriation for such programs or agencies on February 28, 1978, whichever occurs first.

H.J. Res. 642. October 31, 1977. Appropriations. Makes continuing appropriations for the salaries and benefits of employees of the Departments of Labor and Health, Education, and Welfare, and related agencies through fiscal year 1978.

H.J. Res. 643. November 1, 1977. Appropriations. Appropriations funds for the District of Columbia for continuing projects conducted in fiscal year 1977 to be available from November 1, 1977, until enactment into law of an appropriation for any project provided for in this resolution or November 30, 1977, whichever first occurs.

H.J. Res. 644. November 1, 1977. Judiciary. Constitutional Amendment—Provides that

the District of Columbia be treated as a State for purposes of representation in the Congress, election of the President and Vice President, and Article V of the Constitution of the United States.

Repeals the twenty-third amendment to the Constitution of the United States.

H.J. Res. 645. November 2, 1977. Judiciary. Constitutional Amendment—Provides that the District of Columbia shall be treated as a State for purposes of representation in the Congress, election of the President and Vice President, and Article V of the Constitution of the United States.

Repeals the twenty-third amendment to the Constitution of the United States.

H.J. Res. 646. November 2, 1977. Appropriations. Makes continuing appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies through fiscal year 1978 at a rate for operations not in excess of the rate in effect on September 30, 1977.

H.J. Res. 647. November 2, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the first Sunday after Labor Day of each year as "National Grandparents Day."

H.J. Res. 648. November 3, 1977. Education and Labor. Directs the President to call a White House Conference on the Humanities. Establishes a Presidentially appointed National Planning Council on the Humanities to conduct the Conference.

Authorizes the Chairman of the Council, with Council approval, to make a grant to each State to defray the cost of State participation in the Conference.

H.J. Res. 649. November 3, 1977. Education and Labor. Directs the President to call a White House Conference on the Arts, to be held by December 31, 1979, to assist in developing a climate wherein the arts can flourish.

Establishes a National Conference Planning Council on the Arts to plan and conduct such Conference.

Requires the Council to submit a report on such Conference to the President.

Authorizes the Chairman of the Council, with the approval of Council members, to make grants to States to defray the costs of participating in the Conference program.

H.J. Res. 650. November 3, 1977. Post Office and Civil Service. Designates March 12 to 18, 1978, as "National Community Health Week."

H.J. Res. 651. November 3, 1977. Interior and Insular Affairs. Increases the authorization provided for the development of Ellis Island as part of the Statue of Liberty National Monument, New York, from $6,000,000 to $50,000,000.

H.J. Res. 652. November 3, 1977. Education and Labor. Directs the President to call a White House Conference on the Arts, to be held by December 31, 1979, to assist in developing a climate wherein the arts can flourish.

Establishes a National Conference Planning Council on the Arts to plan and conduct such Conference.

Requires the Council to submit a report on such Conference to the President.

Authorizes the Chairman of the Council, with the approval of Council members, to make grants to States to defray the costs of participating in the Conference program.

H.J. Res. 653. November 3, 1977. Education and Labor. Directs the President to call a White House Conference on the Humanities. Establishes a Presidentially appointed National Planning Council on the Humanities to conduct the Conference.

Authorizes the Chairman of the Council, with Council approval, to make a grant to each State to defray the cost of State participation in the Conference.

H.J. Res. 654. November 3, 1977. Post Office and Civil Service. Declares the flower commonly known as the rose to be the national floral emblem of the United States of America. Requests the President of the United States to declare such fact by proclamation.

H.J. Res. 655. November 4, 1977. House Administration. Directs the Secretary of the Interior to permit the National Committee of American Airmen Rescued by General Mihailovich to construct and maintain, with private funds, a monument to General Draza Mihailovich.

H.J. Res. 656. November 4, 1977. Post Office and Civil Service. Authorizes and requests the President to designate November 19, 1977, as "National Family Day."

H.J. Res. 657. November 4, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the second full week in October 1978 as "National Legal Secretaries' Court Observance Week."

H.J. Res. 658. November 8, 1977. Judiciary. Constitutional Amendment—Provides for popular enactment and repeal of laws, except those with respect to declaring war and similar matters. Requires a petition signed by a number of persons equalling at least three percent of the total number of persons voting in the last Presidential election both in each of at least ten States and nationwide to place such an issue on the ballot and a nationwide majority of votes cast to pass it.

H.J. Res. 659. November 18, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the fourth Sunday of November of each year as "National Grandparents Day."

H.J. Res. 660. November 18, 1977. Interior and Insular Affairs. States that during the year following the enactment of this Act the Secretary of the Interior shall neither withhold water delivery from any beneficiary of a Federal reclamation project nor initiate any proceeding intended to require the sale of privately owned lands within any project, for purposes of achieving conformity with acreage limitations or residency requirements of reclamation law.

H.J. Res. 661. November 22, 1977. Post Office and Civil Service. Authorizes and requests the President to designate annually a week in the first ten days of May as Pacific/Asian American Heritage Week.

H.J. Res. 662. November 29, 1977. Appropriations. Appropriates funds for the District of Columbia for continuing projects conducted in fiscal year 1977 to be available from December 1, 1977, until (1) enactment into law of an appropriation for any project provided for in this resolution; or September 30, 1978, whichever first occurs.

H.J. Res. 663. November 29, 1977. Post Office and Civil Service. Expresses the Congress' recognition of Doctor Mahlon Loomis for his contribution to wireless communication.

H.J. Res. 664. November 29, 1977. Interior and Insular Affairs. Postpones until December 31, 1978, the effective date of the final regulations developed from proposed regulations published in the Federal Register dated August 25, 1977, relating to acreage limitation provisions of Federal reclamation laws.

Allows the Secretary of the Interior to approve voluntary sales of excess lands in any irrigation district (except in Westlands Water District, California) if the Secretary finds that such sales are in compliance with the proposed regulations.

H.J. Res. 665. November 30, 1977. Post Office and Civil Service. Expresses the sense of the Congress that the services and contributions of school volunteers be recognized, and requests the President of the United States to issue a proclamation in recognition of this fact.

H.J. Res. 666. November 30, 1977. Judiciary. Constitutional Amendment—Provides for enactment and repeal of laws by popular vote. Requires a petition signed by at least eight percent of the whole number of people in each of at least three-fourths of the States to place such an issue on the ballot and a majority vote in each of at least three-fourths of the States to pass it.

H.J. Res. 667. December 6, 1977. Judiciary. Extends to 14 years the deadline for ratification of the equal rights amendment.

H.J. Res. 668. December 6, 1977. Judiciary. Constitutional Amendment—Prohibits discrimination based upon race, color, creed, national ancestry, sex, age, or physical handicap.

H.J. Res. 669. December 6, 1977. Post Office and Civil Service. Authorizes and directs the President to proclaim the week in which Veterans Day is observed each year as "Love America Week."

H.J. Res. 670. December 6, 1977. Post Office and Civil Service. Designates the third week of September 1978, as "National Rehabilitation Week."

H.J. Res. 671. December 6, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate September 8 of each year as "National Cancer Day."

H.J. Res. 672. December 7, 1977. Interior and Insular Affairs. Directs that the mountain in Alaska known as Mount McKinley retain such name in perpetuity.

H.J. Res. 673. December 12, 1977. Judiciary. Constitutional Amendment—Permits any State to prohibit or regulate abortion.

H.J. Res. 674. December 15, 1977. Declares that the second session of the 95th Congress shall begin on January 19, 1978.

Directs the President to transmit to Congress not later than January 23, 1978, the 1979 budget and the Economic Report.

H.J. Res. 675. December 15, 1977. Post Office and Civil Service. Authorizes and requests the President to annually designate September 8 as "National Cancer Prevention Day."

H.J. Res. 676. December 15, 1977. Judiciary. Constitutional Amendment—Provides for the direct popular election of the President and Vice President. Retains an electoral vote system, in which each congressional district established under this Article is entitled to one electoral vote, to be used when no pair of Presidential and Vice Presidential candidates receives a majority of the popular vote.

H.J. Res. 677. December 15, 1977. Interior and Insular Affairs. States that during the year following the enactment of this Act the Secretary of the Interior shall neither withhold water delivery from any beneficiary of a Federal reclamation project nor initiate any proceeding intended to require the sale of privately owned lands within any project, for purposes of achieving conformity with acreage limitations or residency requirements of reclamation law.

H.J. Res. 678. December 15, 1977. Agriculture; International Relations. Authorizes the Secretary of Agriculture, with the Secretary of State and the Administrator of the Environmental Protection Agency, to organize and convene, during fiscal year 1978 an international conference of Northern Hemisphere nations on the effects of long-range transport of air pollutants, especially as manifested in acid rain and snow, on agricultural crops, livestock, forests, and associated ecosystems.

H.J. Res. 679. December 15, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the third week of May 1978 and 1979 as "National Architectural Barrier Awareness Week."

H.J. Res. 680. December 15, 1977. Judiciary. Constitutional Amendment—Permits any State to prohibit or regulate abortion.

H.J. Res. 681. December 15, 1977. Post Office and Civil Service. Authorizes and requests the President to designate May 21, 1978, as "National Fallen Heroes Day."

H. Con. Res. 196. April 18, 1977. Declares

that both Houses of Congress shall assemble on April 20, 1977, to receive such communications as the President shall be pleased to make.

H. Con. Res. 197. April 20, 1977. International Relations. Declares that the United States should effect a regional conservation treaty for the protection of northern hemisphere pinnipeds.

H. Con. Res. 198. April 21, 1977. Directs the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 4877.

H. Con. Res. 199. April 21, 1977. Armed Services. Expresses the sense of the Congress that Department of the Army funds should not be used to promote President Carter's program to upgrade less than honorable military discharges from the Vietnam era.

H. Con. Res. 200. April 25, 1977. House Administration. Directs the printing as a House document of a revised edition of "The Constitution of the United States of America," revised under the direction of the Committee on House Administration.

H. Con. Res. 201. April 25, 1977. House Administration. Directs the printing of "The Declaration of Independence and the Constitution of the United States," as a House document.

H. Con. Res. 202. April 25, 1977. House Administration. Directs the printing of "The Constitution of the United States," the Bicentennial Edition, as a House document.

H. Con. Res. 203. April 25, 1977. House Administration. Directs the printing of a revised edition of "The Capitol," as a House document.

H. Con. Res. 204. April 25, 1977. House Administration. Directs the printing as a House document of a revised edition of "Our Flag," prepared under the direction of the Committee on House Administration.

H. Con. Res. 205. April 25, 1977. House Administration. Directs the printing as a House document of "Our American Government," revised under the direction of the Committee on House Administration.

H. Con. Res. 206. April 25, 1977. Interstate and Foreign Commerce. Expresses the sense of the Congress that the United States should adopt "911" as the nationwide, uniform emergency telephone number.

H. Con. Res. 207. April 26, 1977. Post Office and Civil Service. Requests the President to designate April 30, 1977, as "Vietnam Memorial Day."

H. Con. Res. 208. April 26, 1977. Budget. Sets forth the congressional budget for the United States Government for fiscal year 1978. Specifies the appropriate level of new budget authorities and the estimated budget outlays for each major functional category.

H. Con. Res. 209. April 27, 1977. Post Office and Civil Service. Requests the President to designate April 30, 1977, as "Vietnam Memorial Day."

H. Con. Res. 210. April 29, 1977. Veterans' Affairs. Expresses the sense of Congress that the Secretary of Defense shall at the earliest opportunity inter an Unknown Soldier in Arlington National Cemetery and make permanent display of representative medals, ribbons, and tributes of the Vietnam War in the Arlington Memorial Amphitheater.

H. Con. Res. 211. April 29, 1977. Veterans' Affairs. Expresses the sense of Congress that the Secretary of Defense shall at the earliest opportunity inter an Unknown Soldier in Arlington National Cemetery and make permanent display of representative medals, ribbons, and tributes of the Vietnam War in the Arlington Memorial Amphitheater.

H. Con. Res. 212. April 29, 1977. Veterans' Affairs. Expresses the sense of Congress that the Secretary of Defense shall at the earliest opportunity inter an Unknown Soldier in Arlington National Cemetery and make permanent display of representative medals, ribbons, and tributes of the Vietnam War in the Arlington Memorial Amphitheater.

H. Con Res. 213. April 29, 1977. Veterans' Affairs. Expresses the sense of Congress that the Secretary of Defense shall at the earliest opportunity inter an Unknown Soldier in Arlington National Cemetery and make permanent display of representative medals, ribbons, and tributes of the Vietnam War in the Arlington Memorial Amphitheater.

H. Con. Res. 214. May 3, 1977. Sets forth the congressional budget for the United States Government for fiscal year 1977. Specifies the appropriate level of new budget authorities and the estimated budget outlays for each major functional category. Revises allocations for fiscal year 1977 made by Senate Concurrent Resolution 10.

H. Con. Res. 215. May 4, 1977. International Relations. Declares it the sense of the Congress that the President should be commended for assistance to Zaire, and that the President should call upon the United Nations and its Security Council to investigate violations of Zaire's sovereignty.

H. Con. Res. 216. May 5, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that standards should be developed in the motion picture and broadcasting industries to prevent the defamation of ethnic, racial, and religious groups in films and programs which portray such groups.

H. Con. Res. 217. May 9, 1977. House Administration. Authorizes the printing of a revised edition of "The Constitution of the United States of America," revised under the direction of the Committee on the Judiciary.

H. Con. Res. 218. May 11, 1977. Interstate and Foreign Commerce. Expresses the sense of Congress that the ban on saccharin should be withdrawn.

H. Con. Res. 219. May 11, 1977. International Relations. Declares it the sense of the Congress that the United States should oppose United Nations membership of Vietnam and deny diplomatic recognition to Vietnam until that country cooperates in securing a satisfactory accounting of Americans missing in action and unaccounted for in the territory under Vietnamese control.

H. Con. Res. 220. May 12, 1977. House Administration. Prohibits the appointment of new employees to operate automated elevators in the Capitol and its associated buildings. Directs that such positions be eliminated as they become vacant.

H. Con. Res. 221. May 13, 1977. International Relations. Declares it the sense of the Congress that the United States Delegation to the Belgrade Conference concerning the Final Act of the Conference on Security and Cooperation in Europe should (1) reiterate the American commitment to human rights, (2) insist on a full conference agenda including discussion of all violations of the Final Act, and (3) include at least seven permanent seats for members of the Commission on Security and Cooperation in Europe.

H. Con. Res. 222. May 13, 1977. House Administration. Authorizes the printing of a revised edition of "The Capitol."

H. Con. Res. 223. May 13, 1977. Government Operations. Repeals the Parkinson law as it applies to the Federal Government.

H. Con. Res. 224. May 16, 1977. International Relations. Urges the President to request the Soviet Union to release Mr. Moroz, Mr. Rudenko, Mr. Shukhevych, and Mr. Tykhy, and to permit them to emigrate with their families.

H. Con. Res. 225. May 18, 1977. Agriculture; Interior and Insular Affairs; Public Works and Transportation. Expresses the sense of Congress that all agencies with responsibility for rural water supply and waste disposal facilities should coordinate their activities to provide assistance in the research, planning, financing and construction necessary to provide rural America with adequate environmentally sound and economic water supplies and waste disposal facilities.

H. Con. Res. 226. May 16, 1977. Merchant Marine and Fisheries. Declares that it is the policy of the United States to encourage the maximum use of United States vessels by individuals and corporations who import and export goods to and from the United States.

Directs all Federal agencies which ship, by ocean vessels, any goods or commodities which are paid for or financed by Federal funds to use United States flag vessels to the maximum extent possible.

H. Con. Res. 227. May 23, 1977. Interstate and Foreign Commerce. Directs the Administrator of the Environmental Protection Agency to exempt grain elevators with receiving leg capacities of less than 16,000 bushels per hour from regulations issued pursuant to the Clean Air Act establishing new source performance standards for grain elevators.

H. Con. Res. 228. May 23, 1977. International Relations. Declares it the sense of Congress that guarantees of human rights and freedom to emigrant on the part of the Soviet Union should be a prerequisite to future agreements and trade between that country and the United States.

H. Con. Res. 229. May 25, 1977. Declares an adjournment of the House of Representatives from May 26, 1977 to June 1, 1977.

Declares a recess of the Senate from May 27, 1977 to June 6, 1977.

H. Con. Res. 230. May 25, 1977. Interstate and Foreign Commerce. Requires the Federal Communications Commission in interpreting or implementing policy governing the nationwide telecommunications network, to consider specified matters affecting rural users of telecommunications services.

Directs Congress: (1) to initiate studies to determine the potential economic impact of competition in the telecommunications industry; and (2) establish a national telecommunications policy which permits competition in such industry and assures that residents of less densely populated rural areas continue to receive telecommunications services on a par with urban areas.

H. Con. Res. 231. May 26, 1977. Ways and Means. Expresses the disapproval of Congress with respect to the action taken by, or the determination of, the President (under the authority conferred by the Trade Act of 1974) to adjust customs duties to prevent serious injury to an industry transmitted to the Congress on May 4, 1976.

H. Con. Res. 232. May 26, 1977. Veterans' Affairs. Expresses the sense of Congress that the Secretary of Defense shall at the earliest opportunity intern an Unknown Soldier in Arlington National Cemetery and make permanent display of representative medals, ribbons, and tributes of the Vietnam War in the Arlington Memorial Amphitheater.

H. Con Res. 233. May 26, 1977. International Relations. Declares it the sense of Congress that Gaina and Olga Michelson should be granted exist visas by the Soviet Union.

H. Con. Res. 234. June 1, 1977. House Administration. Prohibits the appointment of new employees to operate automated elevators in the Capitol and its associated buildings. Directs that such positions be eliminated as they become vacant.

H. Con. Res. 235. June 1, 1977. International Relations. Declares it the sense of the Congress that the United States Delegation to the Belgrade Conference concerning the Final Act of the Conference on Security and Cooperation in Europe should (1) reiterate the American commitment to human rights, (2) insist on a full conference agenda including discussion of all violation of the Final Act, and (3) include at least seven permanent seats for members of the Com-

mission on Security and Cooperation in Europe.

H. Con. Res. 236. June 1, 1977. Education and Labor. Directs the United States Employment Service, through its central and State offices, to direct its resources toward assisting those groups traditionally suffering high unemployment.

Directs Congress to review the Wagner-Peyser Act and other legislation pertinent to Federal employment services.

H. Con. Res. 237. June 1, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 238. June 1, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 239. June 2, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 240. June 7, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 241. June 8, 1977. House Administration. Directs the printing, as a House document, of the report by the Subcommittee on Consumer Affairs of the Committee on Banking, Finance, and Urban Affairs entitled "Give Yourself Credit: Guide to Consumer Credit Laws."

H. Con. Res. 242. June 8, 1977. International Relations. Declares it the sense of the Congress that the United States Delegation to the Belgrade Conference concerning the Final Act of the Conference on Security and Cooperation in Europe should (1) reiterate the American commitment to human rights, (2) insist on a full conference agenda including discussion of all violations of the Final Act, and (3) include at least seven permanent seats for members of the Commission on Security and Cooperation in Europe.

H. Con. Res. 243. June 9, 1977. Makes a technical correction in the enrollment of H.R. 6206 (Appropriations authorization for commercial fisheries research and development).

H. Con. Res. 244. June 9, 1977. International Relations. Declares it the sense of the Congress that the United States should oppose United Nations membership of Vietnam and deny diplomatic recognition to Vietnam until that country cooperates in securing a satisfactory accounting of Americans missing in action and unaccounted for in the territory under Vietnamese control.

H. Con. Res. 245. June 9, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 246. June 10, 1977. International Relations. Declares it the sense of the Congress that the United States Delegation to the Belgrade Conference concerning the Final Act of the Conference on Security and Cooperation in Europe should (1) reiterate the American commitment to human rights, (2) insist on a full conference agenda including discussion of all violations of the Final Act, and (3) include at least seven permanent seats for members of the Commission on Security and Cooperation in Europe.

H. Con. Res. 247. June 10, 1977. International Relations. Declares it the sense of the Congress that the United States Delegation to the Belgrade Conference concerning the Final Act of the Conference on Security and Cooperation in Europe should (1) reiterate the American commitment to human rights, (2) insist on a full conference agenda including discussion of all violations of the Final Act, and (3) include at least seven permanent seats for members of the Commission on Security and Cooperation in Europe.

H. Con. Res. 248. June 13, 1977. Rules. Directs the Joint Economic Committee to undertake an investigation of past and prospective changes in the United States and world economies, and the impact of such changes on the economies of the United States and other nations.

H. Con. Res. 249. June 14, 1977. International Relations. Declares the sense of the Congress that the United States delegation to the Belgrade preparatory meeting should make every effort to insure that the agenda for the Belgrade Conference on the Final Act of the Conference on Security and Cooperation in Europe permits an exchange of views on the application and violations of the Final Act.

H. Con. Res. 250. June 14, 1977. International Relations. Declares the sense of Congress that the President should declare a moratorium on United States manufacture of chemical weapons (lethal and incapacitating nerve and mustard agents and "binary agents") and order the destruction of certain United States stockpiles of such weapons. Urges other nations to destroy their stockpiles. Urges the Conference of the Committee on Disarmament to conclude a treaty banning the manufacture and possession of such weapons.

H. Con. Res. 251. June 15, 1977. International Relations. Declares the sense of the Senate that the United States Delegation to the Belgrade Conference concerning the Final Act of the Conference on Security and Cooperation in Europe should (1) reiterate the American commitment to human rights, (2) insist on a full conference agenda including discussion of all violations of the Final Act, and (3) include at least seven permanent seats for members of the Commission on Security and Cooperation in Europe.

H. Con. Res. 252. June 17, 1977. International Relations. Declares it the sense of the Congress that the Secretary of State should seek the good offices of the Secretary General of the United Nations for the purpose of establishing a special investigatory commission charged with the responsibility of securing a full accounting of Americans listed as missing in Southeast Asia.

H. Con. Res. 253. June 20, 1977. Interior and Insular Affairs; Agriculture. Directs the Secretary of the Interior and Secretary of Agriculture to institute a comprehensive revision of the regulations governing the allocation of use for white water rivers to insure a fair allocation of use among all potential users.

H. Con. Res. 254. June 21, 1977. Directs the Clerk of the House of Representatives to make a correction in the engrossment of H.R. 6161 (Clean Air Act amendments).

H. Con. Res. 255. June 21, 1977. International Relations. Directs the President to request the Soviet Union to permit Valentyn Moroz to accept an invitation of Harvard University.

H. Con. Res. 256. June 21, 1977. International Relations. Expresses congressional endorsement of the efforts of the United States delegation to the Third United Nations Conference on the Law of the Sea to achieve a multilateral treaty which assures the right of any individual to conduct marine scientific research beyond the territorial seas of any country.

H. Con. Res. 257. June 21, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 258. June 21, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 259. June 22, 1977. House Administration. Directs the printing of "The American Indian Policy Review Commission Final Report" as a House document.

H. Con. Res. 260. June 23, 1977. International Relations. Declares it the sense of Congress that United States ground forces not be withdrawn from South Korea until Congress has examined the effect of such withdrawal.

H. Con. Res. 261. June 23, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 262. June 24, 1977. International Relations. Declares it the sense of Congress that the President and the United States delegation urge the Soviet Union to grant visas to the Smeliansky family to emigrate to Israel.

H. Con. Res. 263. June 24, 1977. House Administration. Directs the printing as a House document of the report by the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of the House Committee on Agriculture entitled "The Role of the Federal Government in Nutrition Education."

H. Con. Res. 264. June 24, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user or June 1, 1977.

H. Con. Res. 265. June 27, 1977. International Relations. Endorses the Hernosillo Declaration on Combating Traffic in Drugs at the International Level.

Urges the President to encourage other nations to cooperate in an international effort to eradicate narcotics trafficking and the illicit production of opium.

H. Con. Res. 266. June 28, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 267. June 29, 1977. States that the House will adjourn from June 30, 1977, to July 11, 1977, and that the Senate will recess from July 1, 1977, to July 11, 1977.

H. Con. Res. 268. June 29, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that during the period beginning on the date the Commission on Postal Service transmitted its final report to the President under the Postal Reorganization Act Amendments of 1976 and ending on March 15, 1978, the frequency of mail delivery service should not be reduced below the

frequency of such service on March 15, 1977, and that no postal office operating on March 15, 1977, should be closed unless such closing is approved by 60 percent of the patrons served by such facility who are over 18 years of age.

H. Con. Res. 269. June 29, 1977. International Relations. Declares it the sense of Congress that normalization of diplomatic relations between the United States and Cuba be predicated upon resolution of issues regarding violations to persons and property by the Cuban Government in 1959, use of Cuban military personnel beyond its border, and human rights.

H. Con. Res. 270. June 29, 1977. Ways and Means. Disapproves the action of the President (under the import relief provision of the Trade Act of 1974) transmitted to Congress on May 19, 1974.

H. Con. Res. 271. June 29, 1977. International Relations. Declares it the sense of Congress that the Holy Crown of Saint Stephen should remain in the United States until a constitutional government is established in Hungary.

H. Con. Res. 272. June 30, 1977. International Relations. Declares it the sense of Congress that United States ground forces not be withdrawn from South Korea until Congress has examined the effect of such withdrawal.

H. Con. Res. 273. June 30, 1977. Interstate and Foreign Commerce. Expresses the disapproval of Congress regarding the Federal motor vehicle safety standard transmitted to Congress on June 30, 1977.

H. Con. Res. 274. June 30, 1977. Post Office and Civil Service. Expresses the sense of Congress that the national observance of Thanksgiving should include a voluntary practice to be called "Thankful Giving" whereby Americans are invited to share with those abroad who are hungry.

H. Con. Res. 275. July 11, 1977. International Relations. Expresses Congressional disapproval of the sale of seven airborne early warning aircraft to Iran, proposed by the President on July 7, 1977.

H. Con. Res. 276. July 12, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 277. July 12, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 278. July 13, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 279. July 13, 1977. International Relations. Declares it the sense of Congress that the President and the United States delegation urge the Soviet Union to grant visas to the Smeliansky family to emigrate to Israel.

H. Con. Res. 280. July 13, 1977. Banking, Finance and Urban Affairs. Directs the Federal Home Loan Bank Board to adopt regulations permitting Federal savings and loan associations to offer flexible mortgage instruments in specified States.

H. Con. Res. 281. July 13, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 282. July 14, 1977. Public Works and Transportation. Directs the Secretary of Transportation to apportion the sums authorized to be appropriated for fiscal year 1979 for immediate expenditure on the National System of Interstate and Defense Highways, using specified apportionment factors.

H. Con. Res. 283. July 15, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 284. July 15, 1977. International Relations. Declares it the sense of Congress that the United States should seek a peace settlement in the Middle East based upon specified principles.

H. Con. Res. 285. July 15, 1977. House Administration. Directs the printing of "Summary of Veterans' Legislation Reported, Ninety-fifth Congress, First Session" for use by the House Committee on Veterans' Affairs and the Members of the House, and the printing of a similar publication for use by the Senate Committee on Veterans' Affairs.

H. Con. Res. 286. July 15, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 287. July 15, 1977. International Relations. Expresses congressional disapproval of the sale of seven airborne early warning aircraft to Iran, proposed by the President on July 7, 1977.

H. Con. Res. 288. July 15, 1977. International Relations. Declares it the sense of Congress that the President should seek an international convention to develop a multilateral treaty to deny sanctuary to international terrorists.

H. Con. Res. 289. July 15, 1977. International Relations. Requests the President to bring the question of Estonia, Latvia, and Lithuania (the Baltic States) before the United Nations.

Directs the United States Information Agency and other United States propaganda agencies to bring such question to world attention.

Declares it the sense of Congress that the United States not recognize annexation of these states by the Soviet Union, that the President of the United States should request that maps of the Soviet Union indicate that the United States does not recognize such annexation, and that the United Nations should conduct free elections in nations dominated by the Soviet Union.

H. Con. Res. 290. July 18, 1977. Interstate and Foreign Commerce. Urges the telephone and hearing aid industries to utilize all available technology to provide full access to telephone communications for hearing aid users.

H. Con. Res. 291. July 19, 1977. Directs the Clerk of the House of Representatives to make certain corrections in the enrollment of H.R. 6138 (Youth Employment and Training Act).

H. Con. Res. 292. July 19, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 293. July 19, 1977. International Relations. Expresses Congressional disapproval of the sale of seven airborne early warning aircraft to Iran, proposed by the President on July 7, 1977.

H. Con. Res. 294. July 20, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 295. July 20, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 296. July 20, 1977. Interstate and Foreign Commerce. Expresses the disapproval of Congress regarding the Federal motor vehicle safety standard transmitted to Congress on June 30, 1977.

H. Con. Res. 297. July 20, 1977. Interstate and Foreign Commerce. Expresses the disapproval of Congress regarding the Federal motor vehicle safety standard transmitted to Congress on June 30, 1977.

H. Con. Res. 298. July 20, 1977. Interstate and Foreign Commerce. Expresses the disapproval of Congress regarding the Federal motor vehicle safety standard transmitted to Congress on June 30, 1977.

H. Con. Res. 299. July 20, 1977. Interstate and Foreign Commerce. Expresses the disapproval of Congress regarding the Federal motor vehicle safety standard transmitted to Congress on June 30, 1977.

H. Con. Res. 300. July 20, 1977. Interstate and Foreign Commerce. Expresses the disapproval of Congress regarding the Federal motor vehicle safety standard transmitted to Congress on June 30, 1977.

H. Con. Res. 301. July 20, 1977. Interstate and Foreign Commerce. Expresses the disapproval of Congress regarding the Federal motor vehicle safety standard transmitted to Congress on June 30, 1977.

H. Con. Res. 302. July 20, 1977. Interstate and Foreign Commerce. Expresses the disapproval of Congress regarding the Federal motor vehicle safety standard transmitted to Congress on June 30, 1977.

H. Con. Res. 303. July 21, 1977. International Relations. Declares it the sense of Congress that the Soviet Union should release Anatoly Schransky from custody and permit him to emigrate.

H. Con. Res. 304. July 21, 1977. International Relations. Expresses the sense of the Congress that the people of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 305. July 25, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 306. July 25, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 307. July 25, 1977. International Relations. Urges the International Whaling Commission to adopt a ten-year moratorium on the commercial killing of whales and to undertake the management of unprotected, small cetaceans. Encourages specified nations to comply voluntarily with a ten-year moratorium on such killing, as endorsed by the United Nations.

H. Con. Res. 308. July 25, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 309. July 26, 1977. International Relations. Declares it the sense of Con-

gress that the President and the United States delegation urge the Soviet Union to grant visas to the Smeliansky family to emigrate to Israel.

H. Con. Res. 310. July 26, 1977. International Relations. Declares it the sense of Congress that our relations with the Republic of China should be continued, and that improved relations with the People's Republic of China can be accomplished without impairing our friendship with the Republic of China.

H. Con. Res. 311. July 27, 1977. Ways and Means. Expresses the disapproval of Congress with respect to the action taken by, or the determination of, the President (under the authority conferred by the Trade Act of 1974) to adjust customs duties to prevent serious injury to an industry transmitted to the Congress on May 4, 1976.

H. Con. Res. 312. July 27, 1977. International Relations. Expresses Congressional disapproval of the sale of seven airborne early warning aircraft to Iran, proposed by the President on July 7, 1977.

H. Con. Res. 313. July 27, 1977. Armed Services. Requests the President to appoint Peter Burke as a second lieutenant in the United States Army.

H. Con. Res. 314. July 28, 1977. Interstate and Foreign Commerce. Requests the Secretary of Health, Education, and Welfare to hasten the assembly of data and expedite the reviews and consideration precedent to the introduction of sodium valproate for the treatment of epilepsy in the United States.

H. Con. Res. 315. July 28, 1977. Interstate and Foreign Commerce. Expresses the sentiments of the House that the Secretary of Health, Education, and Welfare should hasten the assembly of data and expedite the reviews and consideration precedent to the introduction of sodium valproate for the treatment of epilepsy in the United States.

H. Con. Res. 316. July 28, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 317. July 29, 1977. Establishes the dates for adjournment of the House of Representatives and the Senate.

H. Con. Res. 318. July 29, 1977. International Relations. Interstate and Foreign Commerce. Resolves that all efforts be made to locate the 1984 summer Olympic games in the United States and that the Federal Government provide appropriate funds to the American city hosting the games.

H. Con. Res. 319. August 1, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 320. August 2, 1977. Directs the Secretary of the Senate to make certain technical corrections in the enrollment of S. 826 (Department of Energy establishment).

H. Con. Res. 321. August 2, 1977. International Relations. Declares it the sense of Congress that the Soviet Union should release Anatoly Schransky from custody and permit him to emigrate.

H. Con. Res. 322. August 2, 1977. International Relations. Declares it the sense of Congress that the Soviet Union should release Anatoly Schransky from custody and permit him to emigrate.

H. Con. Res. 323. August 2, 1977. International Relations. Declares it the sense of Congress that the Soviet Union should release Anatoly Schransky from custody and permit him to emigrate.

H. Con. Res. 324. August 3, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 325. August 3, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 326. August 3, 1977. House Administration. Accepts a statue of the late Senator Ernest Gruening presented by the State of Alaska for the National Statuary Hall collection.

Authorizes the State of Alaska to temporarily place such statue in the rotunda of the Capitol and hold ceremonies there on that occasion.

Directs the Joint Committee on Printing to print such proceedings as a Senate document, and directs that 5,000 additional copies of such document be printed.

H. Con. Res. 327. August 4, 1977. Makes specified corrections in the enrollment of H.R. 6161 (Clean Air Act amendments).

H. Con. Res. 328. August 4, 1977. International Relations. Expresses the sense of Congress that (1) any right to, title to, or interest in the Panama Canal Zone or any real property located therein should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress; and (2) any negotiation or other discussion with any foreign government by the President or any other representative of the United States in pursuance of any such conveyance, relinquishment, or other disposition should not be initiated or continued unless such conveyance, relinquishment, or other disposition has been specifically authorized by an Act of Congress.

H. Con. Res. 329. August 4, 1977. Interstate and Foreign Commerce. Expresses the disapproval of Congress regarding the Federal motor vehicle safety standard transmitted to Congress on June 30, 1977.

H. Con. Res. 330. August 5, 1977. Declares that when the Senate adjourns on August 5 or August 6, 1977, it stands adjourned pursuant to H.C. 317.

H. Con. Res. 331. August 5, 1977. International Relations. Declares it the sense of the Congress that the Secretary of State should seek the good offices of the Secretary General of the United Nations for the purpose of establishing a special investigatory commission charged with the responsibility of securing a full accounting of Americans listed as missing in Southeast Asia.

H. Con. Res. 332. August 5, 1977. International Relations. Declares it the sense of Congress that our relations with the Republic of China should be continued, and that improved relations with the People's Republic of China can be accomplished without impairing our friendship with the Republic of China.

H. Con. Res. 333. August 5, 1977. International Relations. Declares it the sense of Congress that normalization of diplomatic relations between the United States and Cuba be predicated upon resolution of issues regarding violations of persons and property by the Cuban Government in 1959, use of Cuban military personnel beyond its border, and human rights.

H. Con. Res. 334. August 5, 1977. International Relations. Directs the President to request the Soviet Union to permit Valentyn Moroz to accept an invitation of Harvard University.

H. Con. Res. 335. August 5, 1977. International Relations. Directs the President to request the Soviet Union to permit Valentyn Moroz to accept an invitation of Harvard University.

H. Con. Res. 336. August 5, 1977. International Relations. Declares it the sense of Congress that the President should express to the Soviet Union the concern of the United States for the physical condition of Yurij Shukhevych, and should urge his release.

H. Con. Res. 337. August 5, 1977. International Relations. Declares it the sense of Congress that the President should express to the Soviet Union the concern of the United States for the physical condition of Yurij Shukhevych, and should urge his release.

H. Con. Res. 338. August 5, 1977. International Relations. Declares it the sense of Congress that the President should (1) urge the Soviet Union to release Rudenko and Tykhy from prison and permit them to emigrate, (2) urge the Soviet Union to release and drop charges against other members of groups monitoring the Helsinki Agreement, and (3) make it known that the United States expects all signatories of the Helsinki Accord to fulfill that agreement.

H. Con. Res. 339. August 5, 1977. International Relations. Declares it the sense of Congress that the President should (1) urge the Soviet Union to release Rudenko and Tykhy from prison and permit them to emigrate, (2) urge the Soviet Union to release and drop charges against other members of groups monitoring the Helsinki Agreement, and (3) make it known that the United States expects all signatories of the Helsinki Accord to fulfill that agreement.

H. Con. Res. 340. August 5, 1977. Judiciary. Calls for the convening of a constitutional convention. Sets forth the procedures for such convention and for ratification of resultant amendments.

H. Con. Res. 341. August 5, 1977. Sets forth the congressional budget for the United States Government for fiscal year 1978. Specifies the appropriate level of new budget authorities and the estimated budget outlays for each major functional category.

H. Con. Res. 342. September 7, 1977. Makes corrections in the enrollment of S. 1153 (Abolition of Joint Committee on Atomic Energy).

H. Con. Res. 343. September 8, 1977. Education and Labor; Post Office and Civil Service. Expresses the sense of Congress concerning the collection and publication of census and other information pertaining to Americans 65 and older.

H. Con. Res. 344. September 8, 1977. Public Works and Transportation. Declares it the sense of Congress that the proposed toll increases on the Saint Lawrence Seaway should not be adopted and that negotiations on new tolls should be reopened, and if any toll increases are necessary, such increases should be minimal.

H. Con. Res. 345. September 9, 1977. Post Office and Civil Service. Declares it the sense of the Congress that no Federal agency should consider the value of military exchange and commissary provileges in determining the entitlement of any retired or former member of the armed forces to any other Federal benefits or the amount of such benefits.

H. Con. Res. 346. September 9, 1977. Merchant Marine and Fisheries. Expresses the sense of the Congress that any right to, title to, or interest in property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the Zone should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress.

H. Con. Res. 347. September 9, 1977. Merchant Marine and Fisheries. Expresses the sense of the Congress that any right to, title

to, or interest in property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the Zone should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress.

H. Con. Res. 348. September 9, 1977. Merchant Marine and Fisheries. Expresses the sense of the Congress that any right to, title to, or interest in property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the Zone should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress.

H. Con. Res. 349. September 9, 1977. International Relations. Expresses Congressional disapproval of the sale of 14 C–130 aircraft and 12 "Firebee" remotely piloted vehicles to Egypt, proposed by the President on September 7, 1977, pursuant to the requirements of the Arms Export Control Act.

H. Con. Res. 350. September 12, 1977. Merchant Marine and Fisheries. Expresses the sense of the Congress that any right to, title to, or interest in property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the Zone should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress.

H. Con. Res. 351. September 12, 1977. International Relations. Declares it the sense of Congress that the President should express to the Soviet Union the concern of the United States for the physical condition of Yurij Shukhevych, and should urge his release.

H. Con. Res. 352. September 12, 1977. International Relations. Declares it the sense of Congress that the President should (1) urge the Soviet Union to release Rudenko and Tykhy from prison and permit them to emigrate, (2) urge the Soviet Union to release and drop charges against other members of groups monitoring the Helsinki Agreement, and (3) make it known that the United States expects all signatories of the Helsinki Accord to fulfill that agreement.

H. Con. Res. 353. September 12, 1977. International Relations. Directs the President to request the Soviet Union to permit Valentyn Moroz to accept an invitation of Harvard University.

H. Con. Res. 354. September 13, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 355. September 13, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 356. September 14, 1977. International Relations. Declares it the sense of Congress that the United States should support free elections in Namibia and Southern Rhodesia under the supervision of the United Nations.

H. Con. Res. 357. September 14, 1977. International Relations. Expresses congressional support for United Nations Security Council Resolution 385 (termination of South Africa's mandate over Namibia).

H. Con. Res. 358. September 15, 1977. Merchant Marine and Fisheries. Expresses the sense of the Congress that any right to, title to, or interest in property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the zone should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress.

H. Con. Res. 359. September 15, 1977. Interior and Insular Affairs. Expresses the sense of the Congress that the sites of service of General Thaddeus Kosciuszko should be recognized by the Federal, State, and local governments as the Kosciuszko Military Engineering Sites and marked by suitable markers.

Encourages the Secretary of the Interior to accept the donations of such suitable markers for placement within the National Park System.

H. Con. Res. 360. September 22, 1977. Merchant Marine and Fisheries. Expresses the sense of the Congress that any right to, title to, or interest in property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the Zone should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress.

H. Con. Res. 361. September 23, 1977. Makes technical amendments in the enrollment of H.R. 6111 (Juvenile Justice and Delinquency Prevention Act of 1974).

H. Con. Res. 362. September 23, 1977. Public Works and Transportation. Declares it the sense of Congress that the proposed toll increases on the Saint Lawrence Seaway should not be adopted, that negotiations on new tolls should be reopened, and if any toll increases are necessary, such increases should be minimal.

H. Con. Res. 363. September 26, 1977. Post Office and Civil Service. Declares that it is the sense of the Congress that the United States Postal Service should not reduce the frequency of mail delivery service for any user of the mails below the frequency of such service which was in effect for such user on June 1, 1977.

H. Con. Res. 364. September 26, 1977. International Relations. Declares it the sense of Congress that the President should request South Africa to permit an impartial international organization to investigate the circumstances and conditions of all South Africans currently held under the Terrorism Act and Internal Security Act.

H. Con. Res. 365. September 27, 1977. Merchant Marine and Fisheries. Expresses the sense of the Congress that any right to, title to, or interest in property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the Zone should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress.

H. Con. Res. 366. September 30, 1977. Post Office and Civil Service. Declares it the sense of the Congress that no Federal agency should consider the value of military exchange and commissary privileges in determining the entitlement of any retired or former member of the armed forces to any other Federal benefits or the amount of such benefits.

H. Con. Res. 367. September 30, 1977. International Relations. Expresses congressional approval of the sale of 14 C–130 aircraft and 12 "Firebee" remotely piloted vehicles to Egypt proposed by the President on September 7, 1977, pursuant to the requirements of the Arms Export Control Act.

H. Con. Res. 368. October 4, 1977. International Relations; Interstate and Foreign Commerce. Advises the International Olympic Committee that the Congress of the United States would welcome the holding of the 1984 Olympic games in Los Angeles, California. Expresses the Congress' sincere hope that the United States is selected as the site for those games. Requests the Secretary of State to promptly transmit the text of this resolution to the United States and International Olympic Committees.

H. Con. Res. 369. October 5, 1977. Ways and Means; Education and Labor. Expresses congressional favor of the proposed revised coverage schedule of basic benefits for employee pension benefit plans other than multiemployer plans which was transmitted to Congress by the Pension Benefit Guaranty Corporation on September 23, 1977.

H. Con. Res. 370. October 5, 1977. International Relations. Urges the International Whaling Commission to adopt a ten-year moratorium on the commercial killing of whales, and to undertake the management of unprotected, small cetacean. Encourages specified nations to comply voluntarily with a ten-year moratorium on such killing, as endorsed by the United Nations.

H. Con. Res. 371. October 5, 1977. International Relations. Urges the International Whaling Commission to adopt a ten-year moratorium on the commercial killing of whales, and to undertake the management of unprotected, small cetacean. Encourages specified nations to comply voluntarily with a ten-year moratorium on such killing, as endorsed by the United Nations.

H. Con. Res. 372. October 5, 1977. Specifies dates for adjournment of the House of Representatives.

H. Con. Res. 373. October 6, 1977. International Relations. Declares it the sense of the Congress that the Secretary of State should seek the good offices of the Secretary General of the United Nations for the purpose of establishing a special investigatory commission charged with the responsibility of securing a full accounting of Americans listed as missing in Southeast Asia.

H. Con. Res. 374. October 6, 1977. International Relations. Declares it the sense of the Congress that the Secretary of State should seek the good offices of the Secretary General of the United Nations for the purpose of establishing a special investigatory commission charged with the responsibility of securing a full accounting of Americans listed as missing in Southeast Asia.

H. Con. Res. 375. October 6, 1977. Public Works and Transportation. Declares it the sense of Congress that the proposed toll increases on the Saint Lawrence Seaway should not be adopted and that negotiations on new tolls should be reopened, and if any toll increases are necessary, such increases should be minimal.

H. Con. Res. 376. October 12, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 377. October 13, 1977. Makes a correction in the enrollment of H.R. 3 (Medicare and Medicaid fraud).

H. Con. Res. 378. October 13, 1977. International Relations. Declares it the sense of Congress that the sovereign rights of the United States in the Panama Canal Zone shall not be transferred, and that no Federal funds shall be made available for negotiation or implementation of any treaty or other agreement which may impair the sovereign rights of the United States in the Canal Zone.

H. Con. Res. 379. October 14, 1977. International Relations. Urges the President to adopt the European Economic Community code of conduct as a standard for American businesses operating in South Africa.

Urges the President to encourage adoption of that code by the Organization of Economic Cooperation and Development.

H. Con. Res. 380. October 14, 1977. Post Office and Civil Service. Declares it the sense of the Congress that no Federal agency should consider the value of military exchange and commissary privileges in determining the entitlement of any retired or former member of the armed forces to any other Federal benefits or the amount of such benefits.

H. Con. Res. 381. October 17, 1977. Public Works and Transportation. Declares it the sense of Congress that the proposed toll increases on the Saint Lawrence Seaway should not be adopted, that negotiations on new tolls should be reopened, and if any toll increases are necessary, such increases should be minimal.

H. Con. Res. 382. October 18, 1977. International Relations. Declares it the sense of Congress that the United States establish diplomatic relations with Ukrainian Soviet Socialist Republic and the Byelorussian Soviet Socialist Republic.

H. Con. Res. 383. October 19, 1977. International Relations. Denounces certain acts of the Republic of South Africa. Urges the President to take the strongest possible diplomatic measures against South Africa.

H. Con. Res. 384. October 20, 1977. Makes corrections in the enrollment of S. 1811 (ERDA authorizations).

H. Con. Res. 385. October 25, 1977. International Relations. Declares it the sense of the Congress that the President direct the United States delegation to the Belgrade Conference to place the issue of the arrest, trial, and conviction of Mykola Rudenko and Oleska Tykhy before the Conference.

H. Con. Res. 386. October 25, 1977. International Relations. Declares it the sense of the Congress that the President direct the United States delegation to the Belgrade Conference to place the issue of the arrest, trial, and conviction of Mykola Rudenko and Oleska Tykhy before the Conference.

H. Con. Res. 387. October 26, 1977. International Relations. Pledges Congressional support to the President in efforts to advance the cause of human rights. Urges the President to inform other nations that the United States will take cognizance of the extent to which they protect human rights.

H. Con. Res. 388. October 26, 1977. International Relations. Denounces South Africa for the death of Steve Biko and for certain repressive measures against the opponents of apartheid, including closing of newspapers and other restrictions.

H. Con. Res. 389. October 27, 1977. Interstate and Foreign Commerce. Requires the Federal Communications Commission in interpreting or implementing policy governing the nationwide telecommunications network, to consider specified matters affecting rural users of telecommunications services.

Directs Congress: (1) to initiate studies to determine the potential economic impact of competition in the telecommunications industry; and (2) establish a national telecommunications policy which permits competition in such industry and assures that residents of less densely populated rural areas continue to receive telecommunications services on a par with urban areas.

H. Con. Res. 390. October 27, 1977. Banking, Finance and Urban Affairs; International Relations. Denounces the acts of repression committed by South Africa. Urges the President to take effective measures against South Africa. Declares it the sense of Congress that (1) the Export-Import Bank should not furnish any new financial guarantees with respect to South Africa, and (2) the President should terminate all nuclear cooperation programs between the United States and South Africa. Reaffirms congressional support for the voluntary arms embargo against South Africa. Encourages the President to support an international arms embargo against South Africa in the United Nations.

H. Con. Res. 391. October 28, 1977. International Relations. Declares it the sense of Congress that normalization of diplomatic relations between the United States and Cuba be predicated upon resolution of issues regarding violations of persons and property by the Cuban Government in 1959, use of Cuban military personnel beyond its border, and human rights.

H. Con. Res. 392. November 1, 1977. Agriculture; International Relations. Requests the President of the United States, the Secretary of Agriculture, and all appropriate officials of specified departments and agencies to formulate and implement a plan for the expansion of sales of American agricultural commodities abroad, including increased food for peace (Public Law 480) sales, and to place less emphasis on developing huge grain reserves. Requests the President to make certain that all export ports are open and fully operable and to use existing Federal labor laws to implement such policies.

H. Con. Res. 393. November 2, 1977. International Relations. Declares it the sense of Congress that the President and the Secretary of State should recognize Jerusalem as the capital of Israel and move the United States embassy in Israel to that city.

H. Con. Res. 394. November 2, 1977. International Relations. Denounces human rights violations by Idi Amin Dada. Calls upon the President to register the deep concern of the American people over such violations.

H. Con. Res. 395. November 2, 1977. International Relations. Denounces certain violations of human rights by the Peoples' Republic of China, and calls upon the President to express the concern of the American people about these violations.

H. Con. Res. 396. November 2, 1977. Public Works and Transportation. Declares it the sense of Congress that the proposed toll increases for the St. Lawrence Seaway should not be adopted, and that toll negotiations should be reopened.

H. Con. Res. 397. November 3, 1977. Directs the Secretary of the Senate to make corrections in the enrollment of the bill S. 1131, to authorize appropriations for the Nuclear Regulatory Commission for fiscal year 1978.

H. Con. Res. 398. November 3, 1977. International Relations. Denounces certain acts of the Republic of South Africa. Urges the President to take the strongest possible diplomatic measures against South Africa.

H. Con. Res. 399. November 3, 1977. International Relations. Denounces certain acts of the Republic of South Africa. Urges the President to take the strongest possible diplomatic measures against South Africa.

H. Con. Res. 400. November 3, 1977. International Relations. Denounces certain acts of the Republic of South Africa. Urges the President to take the strongest possible diplomatic measures against South Africa.

H. Con. Res. 401. November 3, 1977. International Relations. Denounces South Africa for the death of Steve Biko and for certain repressive measures against the opponents of apartheid, including closing of newspapers and other restrictions.

H. Con. Res. 402. November 3, 1977. Merchant Marine and Fisheries. Expresses the sense of the Congress that any right to, title to, or interest in property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the Zone should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress.

H. Con. Res. 403. November 3, 1977. Merchant Marine and Fisheries. Declares it the sense of Congress that the sovereign rights of the United States in the Panama Canal Zone shall not be transferred, and that no Federal funds shall be made available for negotiation or implementation of any treaty or other agreement which may impair the sovereign rights of the United States in the Canal Zone.

H. Con. Res. 404. November 3, 1977. International Relations. Declares it the sense of Congress that the sovereign rights of the United States in the Panama Canal Zone shall not be transferred, and that no Federal funds shall be made available for negotiation or implementation of any treaty or other agreement which may impair the sovereign rights of the United States in the Canal Zone.

H. Con. Res. 405. November 3, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 406. November 4, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 407. November 4, 1977. International Relations. Declares it the sense of the Congress that the President direct the United States delegation to the Belgrade Conference to place the issue of the arrest, trial, and conviction of Mykola Rudenko and Oleska Tykhy before the Conference.

H. Con. Res. 408. November 4, 1977. International Relations. Declares it the sense of the Congress that the President direct the United States delegation to the Belgrade Conference to place the issues of the arrest, trial, and conviction of Mykola Rudenko and Oleska Tykhy before the Conference.

H. Con. Res. 409. November 8, 1977. International Relations. Declares it the sense of Congress that normalization of diplomatic relations between the United States and Cuba be predicated upon resolution of issues regarding violations to persons and property by the Cuban Government in 1959, use of Cuban military personnel beyond its border, and human rights.

H. Con. Res. 410. November 8, 1977. Interstate and Foreign Commerce. Expresses the sense of Congress that action should be taken to focus national attention on the extent and consequences of and the need to find a cure for amyotrophic lateral sclerosis.

H. Con. Res. 411. November 11, 1977. Interstate and Foreign Commerce; Ways and Means. Declares it to be the sense of Congress that the Secretary of Health, Education, and Welfare should not include in the National Guidelines for Health Planning any guidelines which would directly or indirectly cause the closing of any small, rural hospital which is the only hospital providing primary care services to a local community.

H. Con. Res. 412. November 11, 1977. Agriculture; International Relations. Requests the President of the United States, the Secretary of Agriculture, and all appropriate officials of specified departments and agencies to formulate and implement a plan for the expansion of sales of American agricultural commodities abroad, including increased food-for-peace (Public Law 480) sales, and to place less emphasis on developing huge grain reserves. Requests the President to make certain that all export ports are open and fully operable and to use existing Federal labor laws to implement such policies.

H. Con. Res. 413. November 18, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 414. November 18, 1977. Ways and Means. Declares it the sense of Congress that the President should make maximum use of his authority to halt trade between the United States and South Africa.

H. Con. Res. 415. November 22, 1977. Interstate and Foreign Commerce; Ways and Means. Declares it to be the sense of the Congress that the Secretary of Health, Education, and Welfare should not include in the National Guidelines for Health Planning any guidelines which would directly or indirectly cause the closing of any small, rural hospital which is the only hospital providing primary care services to a local community.

H. Con. Res. 416. November 22, 1977. International Relations. Denounces certain human rights violations in the Philippines. Calls upon the President to terminate certain foreign assistance to the Philippines.

H. Con. Res. 417. November 29, 1977. Expresses the sense of the Congress that Anwar el Sadat and Menachem Begin be commended for the steps they have taken towards peace in the Middle East.

H. Con. Res. 418. November 29, 1977. Makes corrections in the enrollment of H.R. 8422 (Rural health clinics).

H. Con. Res. 419. November 29, 1977. Makes corrections in the enrollment of H.R. 7345 (Veterans Disability and death pension rates and dependency and indemnity compensation for parents).

H. Con. Res. 420. November 29, 1977. Interstate and Foreign Commerce; Ways and Means. Declares it to be the sense of Congress that the Secretary of Health, Education, and Welfare should not include in the National Guidelines for Health Planning any guidelines which would directly or indirectly cause the closing of any small, rural hospital which is the only hospital providing primary care services to a local community.

H. Con. Res. 421. November 29, 1977. Post Office and Civil Service. Commends the members of the Billard Barbells softball team of Reading, Pennsylvania, for their contributions to amateur sports in winning the 1977 United States Amateur Softball Association Championship.

H. Con. Res. 422. November 30, 1977. International Relations. Declares it the sense of Congress that the Holy Crown of Saint Stephen should remain in the United States until a constitutional government is established in Hungary.

H. Con. Res. 423. November 30, 1977. Agriculture. Petitions the President and the Secretary of Agriculture to: (1) increase price supports to bring commodity prices up to parity; (2) provide diversion payments for devoting land to conservation practices; (3) implement the critical lands and graze-out programs; (4) prevent Government dumping of surplus grain and dairy products into already depressed markets; (5) reimplement fully the summer-fallow provisions of the Agriculture and Consumer Protection Act of 1973; and (6) maximize agricultural exports.

H. Con. Res. 424. December 1, 1977. Interstate and Foreign Commerce; Ways and Means. Declares it the sense of Congress that the National Health Planning Guidelines should include sufficient flexibility to allow a Health Systems Agency, if it can demonstrate that its area has special characteristics, to establish a goal or standard that is different than the national goal or standard, therefore assuring that needed rural hospital services will continue.

H. Con. Res. 425. December 1, 1977. Interstate and Foreign Commerce; Ways and Means. Declares it to be the sense of Congress that the Secretary of Health, Education, and Welfare should not include in the National Guidelines for Health Planning any guidelines which would directly or indirectly cause the closing of any small, rural hospital which is the only hospital providing primary care services to a local community.

H. Con. Res. 426. December 1, 1977. International Relations. Declares that the President should take steps to discourage activities by the United States which benefit the Government of Uganda including closing the Ugandan embassy in the District of Columbia, restricting the movement of officials of the Ugandan mission to the United Nations, supporting legislation to prohibit imports to or exports from Uganda, prohibiting the entry of individuals on scholarships from Uganda, prohibiting the training of Ugandans in areas having military application, revoking the landing rights of Ugandan aircraft in the United States, and prohibiting maintenance in the United States of equipment having police or military application.

H. Con. Res. 427. December 1, 1977. International Relations. Expresses Congressional condemnation of the armed raids in Mozambique during November 1977, by Rhodesia. Calls upon Rhodesia to cease such activities.

H. Con. Res. 428. December 1, 1977. International Relations. Expresses the sense of the Congress that the peoples of Lithuania, Latvia, and Estonia should be given the right of self-determination. Calls for free elections in the Baltic States, under the auspices of the United Nations.

H. Con. Res. 429. December 1, 1977. Post Office and Civil Service. Expresses the sense of Congress that the Postal Service should issue a commemorative stamp in 1978 to honor Francis Bellamy, author of the Pledge of Allegiance.

H. Con. Res. 430. December 1, 1977. International Relations. Declares it the sense of Congress that the sovereign rights of the United States in the Panama Canal Zone shall not be transferred, and that no Federal funds shall be made available for negotiation or implementation of any treaty or other agreement which may impair the sovereign rights of the United States in the Canal Zone.

H. Con. Res. 431. December 1, 1977. Post Office and Civil Service. Designates May 3, 1978, as "Sun Day."

H. Con. Res. 432. December 5, 1977. Interstate and Foreign Commerce; Ways and Means. Declares it to be the sense of Congress that the national health planning guidelines should include sufficient flexibility to allow a health systems agency to recognize special characteristics in rural areas and, on the basis of those special characteristics, to establish a health systems plan that varies from the national guidelines, in order to provide necessary health care services to rural residents.

H. Con. Res. 433. December 6, 1977. Agriculture. Declares that it is the sense of Congress that full parity remains the goal of American agriculture and is a standard which represents a fair return to producers of agricultural commodities.

H. Con. Res. 434. December 6, 1977. Interstate and Foreign Commerce; Ways and Means. Declares it to be the sense of Congress that the national health planning guidelines should include sufficient flexibility to allow a health systems agency to recognized special characteristics in rural areas and, on the basis of those special characteristics, to establish a health systems plan that varies from the national guidelines, in order to provide necessary health care services to rural residents.

H. Con. Res. 435. December 6, 1977. District of Columbia. Approves an amendment to the District of Columbia charter relating to recall of elected officials.

H. Con. Res. 436. December 6, 1977. District of Columbia. Approves an amendment to the District of Columbia charter relating to initiative and referendum.

H. Con. Res. 437. December 6, 1977. District of Columbia. Approves an amendment to the District of Columbia charter relating to recall of elected officials.

H. Con. Res. 438. December 5, 1977. District of Columbia. Approves an amendment to the District of Columbia charter relating to initiative and referendum.

H. Con. Res. 439. December 7, 1977. Agriculture. Declares that it is the sense of Congress that full parity remains the goal of American agriculture and is a standard which represents a fair return to producers of agricultural commodities.

H. Con. Res. 440. December 8, 1977. Government Operations. Expresses the sense of the Congress that the President should be continually committed to assuring that Federal regulations are issued expeditiously, written clearly, and designed to efficiently meet the goals of the programs they are designed to regulate.

H. Con. Res. 441. December 8, 1977. House Administration. Directs the printing of the report, "New Perspectives in Health Care for Older Americans" (94th Congress).

H. Con. Res. 442. December 15, 1977. Declares that when the two Houses of Congress adjourn on December 15, 1977, they shall stand adjourned sine die.

Authorizes the Secretary of the Senate and Clerk of the House to receive messages from the President during such adjournment.

H. Con. Res. 443. December 15, 1977. Requests the President to return to the House of Representatives enrolled bill, H.R. 7738 (Presidential powers in war or national emergency).

Makes corrections in the reenrollment of such bill.

H. Con. Res. 444. December 15, 1977. Makes corrections in the enrollment of H.R. 3199 (Federal Water Pollution Control Act).

H. Con. Res. 445. December 15, 1977. International Relations. Declares that the President should take steps to discourage activities by the United States which benefit the Government of Uganda; including closing the Ugandan embassy in the District of Columbia, restricting the movement of officials of the Ugandan mission to the United Nations, supporting legislation to prohibit imports to or exports from Uganda, prohibiting the entry of individuals on scholarships from Uganda, prohibiting the training of Ugandans in areas having military application, revoking the landing rights of Ugandan aircraft in the United States; and prohibiting maintenance in the United States of equipment having police or military application.

H. Con. Res. 446. December 15, 1977. International Relations. Declares it the sense of Congress that the United States should encourage the United Nations to hold a World Alternate Energy Conference to consider alternate ways to meet the world's energy needs and to establish an International Alternate Energy Commission to encourage worldwide use of alternate energy sources.

H. Con. Res. 447. December 15, 1977. Science and Technology. Establishes priorities for research in outer space. Directs the Congress and executive agencies to determine how they may aid in achieving national goals in outer space.

H. Con. Res. 448. December 15, 1977. Post Office and Civil Service. Designates May 3, 1978, as "Sun Day."

H. Con. Res. 449. December 15, 1977. Agriculture. Petitions the President and the Secretary of Agriculture to: (1) increase price supports to bring commodity prices up to parity; (2) provide diversion payments for devoting land to conservation practices; (3) implement the critical lands and graze-out programs; (4) prevent Government dumping of surplus grain and dairy products into already depressed markets; (5)

reimplement fully the summer-fallow provisions of the Agriculture and Consumer Protection Act of 1973; and (6) maximize agricultural exports.

H. Con. Res. 450. December 15, 1977. Interstate and Foreign Commerce. Requests the Secretary of Health, Education, and Welfare to hasten the assembly of data and expedite the reviews and consideration precedent to the introduction of sodium valproate for the treatment of epilepsy in the United States.

H. Con. Res. 451. December 15, 1977. Science and Technology. Establishes priorities for research in outer space.

Directs the Congress and executive agencies to determine how they may aid in achieving national goals in outer space.

H. Res. 482. April 6, 1977. Rules. Directs the Committees on Banking, Finance and Urban Affairs; Appropriations; and International Relations of the House of Representatives to review all United States foreign assistance furnished through bilateral or multilateral lending institutions, to ascertain means of increasing congressional control over such assistance.

H. Res. 483. April 6, 1977. Judiciary. Refers H.R. 6149 to the Chief Commissioner of the Court of Claims.

H. Res. 484. April 6, 1977. Rules. Creates a House Select Committee on Population to conduct an investigation and study of world population growth, its effects, and methods to reduce such growth.

H. Res. 485. April 6, 1977. Rules. Creates a House Select Committee on Population to conduct an investigation and study of world population growth, its effects, and methods to reduce such growth.

H. Res. 486. April 6, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the week of April 4, 1977, as "National Rural Health Week."

H. Res. 487. April 6, 1977. Rules. Amends rule XXII of the Rules of the House of Representatives to prohibit the House from receiving or considering any bill or resolution unless its title accurately reflects its contents including the specific amount of each authorization or appropriation contained therein.

H. Res. 488. April 6, 1977. Judiciary. Refers H.R. 6103 to the Chief Commissioner of the Court of Claims.

H. Res. 489. April 18, 1977. House Administration. Directs the payment of expenses out of the contingent fund of the House for investigations and studies to be conducted by the Select Committee on Congressional Operations.

H. Res. 490. April 18, 1977. House Administration. Authorizes the reprinting of "Chemical Dangers in the Workplace," and "Administration of the Federal Employees Compensation Act" for use of the House Committee on Government Operations.

H. Res. 491. April 19, 1977. Expresses the acceptance by the House of Representatives of the Senate amendment to S. 489 (Amendment of the Foreign Assistance Act of 1961), and its decision to recede from its own amendment to such bill.

H. Res. 492. April 19, 1977. Sets forth the rule for the consideration of H.R. 5970 (Armed Forces appropriations authorization).

H. Res. 493. April 19, 1977. Sets forth the rule for the consideration of H.R. 5840 (Export controls).

H. Res. 494. April 19, 1977. Interstate and Foreign Commerce. Sets forth guidelines for the development of pay television.

H. Res. 495. April 19, 1977. Rules. Directs the House Committee on International Relations to conduct hearings to determine the nature and extent of any United States involvement in the hostilities in Northern Ireland.

H. Res. 496. April 19, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 497. April 19, 1977. Rules. Amends the Rules of the House of Representatives to transfer the responsibility of investigating Communist and subversive organizations affecting the internal security of the United States to a standing committee on Internal Security established by this Resolution. Confers upon such Committee the responsibility for investigating all organizations within the United States aimed at overthrowing the Government of the United States by force, insurrection or other unlawful means or inciting or employing violence to obstruct the authority of the Federal Government with respect to matters of internal security of the United States.

H. Res. 498. April 19, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 499. April 19, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 500. April 19, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 501. April 20, 1977. Elects a certain Member to the House Committee on International Relations, and the House Committee on Small Business.

H. Res. 502. April 20, 1977.

Establishes within the House of Representatives the Office of the Parliamentarian. Vests the administration of such Office in the Parliamentarian who shall be appointed by the Speaker of the House. Requires the Parliamentarian to appoint certain staff members, including a Deputy Parliamentarian.

H. Res. 503. April 20, 1977. Ways and Means. Declares it the sense of the House of Representatives that should import relief actions taken by the President not provide limits on footwear imported into the United States which would maintain a viable domestic nonrubber footwear industry, then the House should disapprove the President's import relief action on nonrubber footwear.

H. Res. 504. April 20, 1977. Interstate and Foreign Commerce. Directs that hearings be commenced as soon as possible by the committee with appropriate jurisdiction to consider and determine what should be the Nation's future telecommunications policy.

H. Res. 505. April 20, 1977. Rules. Directs the House Committee on Ways and Means to conduct a study of the feasibility of imposing a severance tax on natural resources removed from U.S. land for the purpose of increasing funds in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance.

H. Res. 506. April 20, 1977. Small Business. Expresses the disapproval of the House of Representatives of the Small Business Administration's proposal to increase the size of businesses, in the metal office furniture and drapery hardware and window shade industries, which are eligible under the Small Business Act to receive assistance in the acquisition of procurement contracts from the United States.

H. Res. 507. April 20, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the first week in April each year as "National Rural Health Week."

H. Res. 508. April 21, 1977. Authorizes the Speaker of the House of Representatives to establish a 37 member Ad Hoc Committee on Energy to consider and report to the House on the message of the President dated April 20, 1977, and on certain other related messages, bills, or resolutions.

Permits the initial reference to the Ad Hoc Committee of a bill or resolution incorporating the recommendations of the committees with subject matter jurisdiction over the substance of the President's message.

H. Res. 509. April 21, 1977. Amends House Resolution 508 (Ad Hoc Committee on Energy) to increase to 40 the membership of the House Ad Hoc Committee on Energy.

H. Res. 510. April 21, 1977. Post Office and Civil Service. Recognizes the month of April as Fair Housing Month.

H. Res. 511. April 21, 1977. International Relations. Declares that the House of Representatives applauds the efforts of the Women's Peace Movement to end violence in Northern Ireland.

H. Res. 512. April 21, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 513. April 22, 1977. International Relations. Declares it the sense of the House of Representatives that the Government of the United States should maintain its rights and jurisdiction over the Panama Canal and the Panama Canal Zone.

H. Res. 514. April 22, 1977. Interstate and Foreign Commerce. Calls for the consideration of the relationship between the violence depicted on television and violence in society by those persons responsible for television programing and broadcasting in the United States.

H. Res. 515. April 25, 1977. Sets forth the rule for the consideration of H.R. 195 (Congressional budget).

H. Res. 516. April 25, 1977. Ways and Means. Declares it the sense of the House of Representatives that should import relief actions taken by the President not provide limits on footwear imported into the United States which would maintain a viable domestic nonrubber footwear industry, then the House should disapprove the President's import relief action on nonrubber footwear.

H. Res. 517. April 25, 1977. Rules. Amends the Rules of the House of Representatives to transfer the responsibility of investigating Communist and subversive organizations affecting the internal security of the United States to a standing Committee on Internal Security established by this resolution. Confers upon such committee the responsibility for investigating all organizations within the United States aimed at overthrowing the Government of the United States by force, insurrection or other unlawful means or inciting or employing violence to obstruct the authority of the Federal Government with respect to matters of internal security of the United States.

H. Res. 518. April 26, 1977. Interstate and Foreign Commerce. States that Congress should expeditiously determine the future telecommunications policy of this Nation with the purpose of insuring the continuance of high quality telephone service.

H. Res. 519. April 26, 1977. Interstate and Foreign Commerce; Ways and Means. Expresses the sense of the House of Representatives that any legislation providing for the modification or federalization of medical assistance programs include optometric services.

H. Res. 520. April 26, 1977. Public Works and Transportation. Directs the Architect of the Capitol to conduct a feasibility study of using solar energy in certain House Office Buildings.

Authorizes the appropriation of funds to conduct such study.

H. Res. 521. April 26, 1977. International Relations. Declares it the sense of the House of Representatives (1) that the Soviet Union permit free emigration of Soviet Jews and others, (2) that the Soviet Union permit the free exercise of religious beliefs and cultural expression, and (3) that the Congress supports "Solidarity Sunday."

H. Res. 522. April 26, 1977. Judiciary. Refers H.R. 6663 to the Chief Commissioner of the U.S. Court of Claims.

H. Res. 523. April 26, 1977. Sets forth the rule for the consideration of H.R. 2 (surface coal mining).

H. Res. 524. April 27, 1977. Post Office and

Civil Service. Authorizes and requests the President to designate May 3 of each year as Polish Constitution Day.

H. Res. 525. April 27, 1977. House Administration. Declares that a specified election contest with respect to the Fifth Congressional District of Florida be dismissed.

H. Res. 526. April 27, 1977. House Administration. Declares that a specified election contest with respect to the 22d Congressional District of Texas be dismissed.

H. Res. 527. April 27, 1977. House Administration. Declares that a specified election contest with respect to the 10th Congressional District of Illinois be dismissed.

H. Res. 528. April 27, 1977. House Administration. Declares that a specified election contest with respect to the Second Congressional District of Michigan be dismissed.

H. Res. 529. April 28, 1977. Sets forth the rule for the consideration of H.R. 4049 (Railway Association Authorization).

H. Res. 530. April 28, 1977. Sets forth the rule for the consideration of H.R. 6179 (Arms control appropriations authorization).

H. Res. 531. April 29, 1977. House Administration. Directs that the expenses of investigations and studies to be conducted by the Ad Hoc Committee on Energy be paid out of the contingent fund of the House.

H. Res. 532. April 29, 1977. International Relations; Post Office and Civil Service. Declares it the sense of the House of Representatives (1) that the Soviet Union permit free emigration of Soviet Jews and others, (2) that the Soviet Union permit the free exercise of religious beliefs and cultural expression, and (3) that the Congress supports "Solidarity Sunday."

H. Res. 533. April 29, 1977. International Relations; Post Office and Civil Service. Declares it the sense of the House of Representatives (1) that the Soviet Union permit free emigration of Soviet Jews and others, (2) that the Soviet Union permit the free exercise of religious beliefs and cultural expression, and (3) that the Congress supports "Solidarity Sunday."

H. Res. 534. April 29, 1977. International Relations; Post Office and Civil Service. Declares it the sense of the House of Representatives (1) that the Soviet Union permit free emigration of Soviet Jews and others, (2) that the Soviet Union permit the free exercise of religious beliefs and cultural expression, and (3) that the Congress supports "Solidarity Sunday."

H. Res. 535. May 2, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 536. May 2, 1977. Interstate and Foreign Commerce. Amends the Rules of the House of Representatives to transfer the responsibility of investigating Communist and subversive organizations affecting the internal security of the United States to a standing committee on Internal Security established by this Resolution. Confers upon such Committee the responsibility for investigating all organizations within the United States aimed at overthrowing the Government of the United States by force, insurrection or other unlawful means or inciting or employing violence to obstruct the authority of the Federal Government with respect to matters of internal security of the United States.

H. Res. 537. May 3, 1977. Sets forth the rule for the consideration of H.R. 6689 (Appropriations authorization for State Department, U.S.I.A., and the Board for International Broadcasting, and Foreign Service personnel system changes).

H. Res. 538. May 3, 1977. Interstate and Foreign Commerce. States that the Congress should expeditiously determine the future telecommunications policy of this Nation. Calls for a moratorium on any further implementation of new telecommunications policies by the Federal Communications Commission until the 95th Congress has completed its study on the matter and determined the appropriate national telecommunications regulatory policy or adjourned sine die.

H. Res. 539. May 3, 1977. Rules. Amends rule XLIV of the Rules of the House of Representatives to require complete financial disclosure with respect to spouses and dependent children of persons required to file reports under the rule. Requires any Member who has outside earned income, derived from professional fees from clients, to disclose the names of and aggregate fees received from each such client.

H. Res. 540. May 3, 1977. Interstate and Foreign Commerce. Sets forth guidelines for the development of pay television.

H. Res. 541. May 4, 1977. Sets forth the rule for the consideration of H.R. 6655 (Community development and housing programs).

H. Res. 542. May 4, 1977. House Administration. Amends the Supplemental Appropriations Act, 1974, to make individuals attending or teaching at vocational schools eligible to serve as congressional interns in the House of Representatives.

H. Res. 543. May 4, 1977. Interstate and Foreign Commerce. Directs that hearings be commenced as soon as possible by the committee with appropriate jurisdiction to consider and determine what should be the Nation's future telecommunications policy.

H. Res. 544. May 4, 1977. Interstate and Foreign Commerce. Calls for the consideration of the relationship between the violence depicted on television and violence in society by those persons responsible for television programming and broadcasting in the United States.

H. Res. 545. May 5, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 546. May 5, 1977. House Administration. Authorizes each Member of the House of Representatives, including the Resident Commissioner from Puerto Rico and the Delegates from Guam, the Virgin Islands, and the District of Columbia, to hire for each year two senior citizen interns to serve within the District of Columbia.

H. Res. 547. May 6, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 548. May 6, 1977. Rules. Directs the House Committee on International Relations to conduct hearings to determine the nature and extent of any United States involvement in the hostilities in Northern Ireland.

H. Res. 549. May 6, 1977. Rules. Requires the Congressional Record for the House of Representatives to contain an accurate verbatim account of remarks actually delivered on the floor of the House together with permitted supporting data. Limits reviews of verbatim remarks in the Record, to the correction of grammatical and typographical errors which do not change the meaning, content, or substance of those remarks. Entitles Members to insert in the Record remarks not actually delivered on the floor. Stipulates that such insertions always be clearly distinguishable from verbatim remarks.

H. Res. 550. May 9, 1977. House Administration. Amends the Supplemental Appropriations Act, 1972, to require that the fixing or adjustment of any allowance payable out of the House contingency fund for Members, officers, and committees of the House of Representatives be submitted to the entire House for approval by resolution.

Repeals certain appropriations made by the Supplemental Appropriations Act, 1972, and the Legislative Branch Appropriation Act, 1977.

H. Res. 551. May 9, 1977. Rules. Amends rule III of the Rules of the House of Representatives to require the Clerk to make available for public inspection all records under the Clerk's control respecting expenditures incurred on or after January 3, 1977, by any Member or committee of the House.

H. Res. 552. May 9, 1977. Rules. Amends rule III of the Rules of the House of Representatives to require each employee of the House to file an annual statement disclosing the name of each Member who is a relative of such employee.

H. Res. 553. May 9, 1977. Rules. Amends rule XI of the Rules of the House of Representatives to prohibit the consideration of any report from the Committee on Rules, relating to the consideration of any bill or resolution, which does not allow for the offering of germane amendments under the five-minute rule.

Prohibits the consideration of specified resolutions reported from the Committee on Rules which do not allow for the offering of germane amendments under this five-minute rule.

H. Res. 554. May 9, 1977. Rules. Directs the House Committee on Interstate and Foreign Commerce to make a full investigation and study of the telecommunications policies of the Federal Government.

H. Res. 555. May 9, 1977. Rules. Amends the Rules of the House of Representatives to transfer the responsibility of investigating Communist and subversive organizations affecting the internal security of the United States to a standing Committee on Internal Security established by this Resolution. Confers upon such Committee the responsibility for investigating all organizations within the United States aimed at overthrowing the Government of the United States by force, insurrection or other unlawful means or inciting or employing violence to obstruct the authority of the Federal Government with respect to matters of internal security of the United States.

H. Res. 556. May 10, 1977. Sets forth the rule for the consideration of H.R. 6714 (Foreign assistance programs and agricultural trade assistance authority).

H. Res. 557. May 10, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 558. May 10, 1977, Judiciary. Expresses the sense of the House of Representatives that the United States should formally endorse the United Nations Standard Minimum Rules for Treatment of Prisoners and that the Attorney General should take steps to implement such rules where they do not conflict with the Constitution or existing statutes and do not fall short of desirable higher or more exacting standards.

H. Res. 559. May 10, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until

Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 560. May 11, 1977. Sets forth the rule for the consideration of H.R. 6810 (State and Local Fiscal Assistance Act).

H. Res. 561. May 11, 1977. Interstate and Foreign Commerce. Directs the House Interstate and Foreign Commerce Subcommittee on Communications to conduct a comprehensive examination of the national telecommunications policy.

H. Res. 562. May 11, 1977. Rules. Establishes within the House of Representatives an Ad Hoc Committee on Welfare Reform to: (1) study any problems which exist in the interaction of present benefit programs; (2) formulate legislation to resolve such problems; (3) study the system used by the House to refer proposed welfare legislation to committees; and (4) study whether there is a need in the House for a standing committee to handle such legislation.

H. Res. 563. May 11, 1977. Post Office and Civil Service. Congratulates Samuel C. Barnitt, Louis G. Ranley, Ben B. Rock, and the late Charles "Slim" West, four New Jersey aviation pioneers, upon their induction into the Teterboro Aviation Hall of Fame.

H. Res. 564. May 11, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Calls for a moratorium on further steps by the Federal Communications Commission to implement new decisions which change basic structural concepts of the national telecommunications system until the Ninety-fifth Congress has completed its study on the matter and determined what the national policy should be.

H. Res. 565. May 11, 1977. Rules. Directs the House Committee on Standards of Official Conduct to meet and vote before June 1, 1977, upon whether to undertake a formal investigation of those Members of the House who have publicly admitted accepting money or other emoluments from the Republic of Korea or agents thereof.

H. Res. 566. May 11, 1977. Rules. Amends rule XXII of the Rules of the House of Representatives to prohibit the House from receiving or considering any bill or resolution unless its title accurately reflects its contents including the specific amount of each authorization or appropriation contained therein.

H. Res. 567. May 11, 1977. Interstate and Foreign Commerce. Directs that hearings be commenced as soon as possible by the committee with appropriate jurisdiction to consider and determine what should be the Nation's future telecommunications policy.

H. Res. 568. May 12, 1977. Authorizes the printing of the House report accompanying the Clean Air Act Amendments of 1977.

H. Res. 569. May 13, 1977. Sets forth the rule for the consideration of H.R. 1139 (Child nutrition programs).

H. Res. 570. May 13, 1977. Interstate and Foreign Commerce. Directs that hearings be commenced as soon as possible by the committee with appropriate jurisdiction to consider and determine what should be the Nation's future telecommunications policy.

H. Res. 571. May 13, 1977. Post Office and Civil Service. Requests the House of Representatives to issue a proclamation commemorating Charles A. Lindbergh on his historic flight from New York to Paris on May 20–21, 1927.

H. Res. 572. May 16, 1977. Rules. Amends the Rules of the House of Representatives to transfer the responsibility of investigating Communist and subversive organizations affecting the internal security of the United States to a standing committee on Internal Security established by this Resolution. Confers upon such Committee the responsibility for investigating all organizations within the United States aimed at overthrowing the Government of the United States by force, insurrection or other unlawful means or inciting or employing violence to obstruct the authority of the Federal Government with respect to matters of internal security of the United States.

H. Res. 573. May 16, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunication policies until Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 574. May 16, 1977. Authorizes the printing of the maximum number of copies of the House report accompanying H.R. 7171, entiled the "Agricultural Act of 1977."

H. Res. 575. May 16, 1977. Sets forth the rule for the consideration of H.R. 10 (Federal employees' political activities).

H. Res. 576. May 16, 1977. Sets forth the rule for the consideration of H.R. 6884 (International security and arms export).

H. Res. 577. May 17, 1977. Interstate and Foreign Commerce. Directs that hearings be commenced as soon as possible by the committee with appropriate jurisdiction to consider and determine what should be the Nation's future telecommunications policy.

H. Res. 578. May 17, 1977. Interstate and Foreign Commerce. Sets forth guidelines for the development of pay television.

H. Res. 579. May 17, 1977. Post Office and Civil Service. Expresses the sense of the House of Representatives that the Lackawanna County Monument Fund Committee officers and fund raising committee be commended for their effort in completing such Monument.

H. Res. 580. May 17, 1977. House Administration. Amends the Supplemental Appropriations Act, 1974, to increase to three the number of Lyndon Baines Johnson congressional interns which may be hired by each Member of the House of Representatives. Authorizes the payment of additional compensation to such interns from the clerk-hire allowance.

H. Res. 581. May 18, 1977. Sets forth the rule for the consideration of H.R. 6111 (Juvenile justice).

H. Res. 582. May 18, 1977. House Administration. Authorizes the Clerk of the House of Representatives to withhold charitable contributions from the pay of House employees for transmittal to the Combined Federal Campaign, if the employee requests the Clerk to do so.

H. Res. 583. May 18, 1977. House Administration. Authorizes the Clerk of the House of Representatives to withhold charitable contributions from the pay of House employees for transmittal to the Combined Federal Campaign, if the employee requests the Clerk to do so.

H. Res. 584. May 18, 1977. Ways and Means. Declares it the sense of the House of Representatives that should import relief actions taken by the President not provide limits on footwear imported into the United States which would maintain a viable domestic nonrubber footwear industry, then the House should disapprove the President's import relief action on nonrubber footwear.

H. Res. 585. May 18, 1977. Rules. Creates within the House of Representatives a special committee to investigate the legal, political, and diplomatic status of lands which were subject to grants from the King of Spain and the Government of Mexico prior to the acquisition of the American Southwest as a result of the Treaty of Guadalupe-Hidalgo.

H. Res. 586. May 18, 1977. Ways and Means. Declares it the sense of the House of Representatives that the 1975 United States-Romanian Trade Agreement and the most-favored-nation status of Romania should be terminated if Romania continues to restrict the human rights of its citizens.

H. Res. 587. May 18, 1977. Ways and Means. Declares it the sense of the House of Representatives that the 1975 United States-Romanian Trade Agreement and the most-favored-nation status of Romania should be terminated if Romania continues to restrict the human rights of its citizens.

H. Res. 588. May 19, 1977. International Relations. Declares it the sense of the House of Representatives that the President of the United States (1) should propose an immediate suspension of underground nuclear explosions to remain in effect so long as the Soviet Union abstains from conducting underground explosions, and (2) should set forth promptly a new proposal to the Government of the Union of Soviet Socialist Republics and other nations for a permanent treaty to ban all nuclear explosions.

H. Res. 589. May 23, 1977. Rules. Sets forth the rule for the consideration of H.R. 6161 (Clean Air Act amendments).

H. Res. 590. May 23, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 591. May 23, 1977. Post Office and Civil Service. Requests the House of Representatives to issue a proclamation commemorating Charles A. Lindbergh on his historic flight from New York to Paris on May 20–21, 1927.

H. Res. 592. May 23, 1977. Post Office and Civil Service. Requests the House of Representatives to issue a proclamation commemorating Charles A. Lindbergh on his historic flight from New York to Paris on May 20–21, 1927.

H. Res. 593. May 23, 1977. Appropriations. Declares that the House of Representatives disapproves the proposed deferral of budget authority for operating expenses for the Clinch River breeder reactor plant project of the Energy Research and Development Administration.

H. Res. 594. May 24, 1977. Rules. Sets forth the rule for the consideration of H.R. 6970 (taking of marine mammals).

H. Res. 595. May, 24, 1977. Rules. Establishes within the House of Representatives a Select Committee on Welfare Reorganization to: (1) study any problems which exist in the interaction of present benefit programs; (2) formulate legislation to resolve such problems; (3) study the system used by the House to refer proposed welfare legislation to committees; and (4) study whether there is a need in the House for a standing committee to handle such legislation.

H. Res. 596. May 24, 1977. Rules. Establishes within the House of Representatives a Select Committee on Welfare Reorganization to: (1) study any problems which exist in the interaction of present benefit programs; (2) formulate legislation to resolve such problems; (3) study the system used by the House to refer proposed welfare legislation to committees; and (4) study whether there is a need in the House for a standing committee to handle such legislation.

H. Res. 597. May 24, 1977. House Administration. Abolishes the positions of majority and minority printing clerks.

Stipulates that the functions of such employees shall be performed by such persons as the Committee on House Administration may designate on the basis of bids submitted.

H. Res. 598. May 25, 1977. Rules. Directs the House Committee on International Relations to conduct hearings to review United States foreign policy with respect to the hostilities in Northern Ireland.

H. Res. 599. May 25, 1977. Rules. Amends the Rules of the House of Representatives to transfer the responsibility of investigating

Communist and subversive organizations affecting the internal security of the United States to a standing committee on Internal Security established by this Resolution. Confers upon such Committee the responsibility for investigating all organizations within the United States aimed at overthrowing the Government of the United States by force, insurrection or other unlawful means or inciting or employing violence to obstruct the authority of the Federal Government with respect to matters of internal security of the United States.

H. Res. 600. May 26, 1977. Sets forth the rule for the consideration of H.R. 6967 (Appropriations authorization for Peace Corps).

H. Res. 601. May 26, 1977. Sets forth the rule for the consideration of H.R. 7010 (Compensation for victims of crime).

H. Res. 602. May 26, 1977. Sets forth the rule for the consideration of H.R. 6990 (Construction of military installations).

H. Res. 603. May 26, 1977. Sets forth the rule for the consideration of H.R. 6804 (Establishment of Department of Energy).

H. Res. 604. May 26, 1977. Interstate and Foreign Commerce. Calls for the consideration of the relationship between the violence depicted on television and violence in society by those persons responsible for television programing and broadcasting in the United States.

H. Res. 605. June 1, 1977. Rules. Directs the Committees on Banking, Finance and Urban Affairs; Appropriations; Agriculture; and International Relations of the House of Representatives to review all United States foreign assistance furnished through bilateral or multilateral lending institutions, to ascertain means of increasing congressional control over such assistance.

H. Res. 606. June 1, 1977. Rules. Directs the Committees on Banking, Finance and Urban Affairs; Appropriations; Agriculture; and International Relations of the House of Representatives to review all United States foreign assistance furnished through bilateral or multilateral lending institutions, to ascertain means of increasing congressional control over such assistance.

H. Res. 607. June 1, 1977. Rules. Amends rule XIII of the Rules of the House of Representatives to require that each committee report accompanying a public bill or joint resolution contain an evaluation of the paperwork which would be incurred in carrying out such bill or resolution including estimates of time and cost required of affected parties, a showing of whether the effects of the bill could be substantial, and an estimate of recordkeeping requirements.

H. Res. 608. June 1, 1977. House Administration. Directs the printing of the final report of the American Indian Policy Review Commission for the use of the Commission.

H. Res. 609. June 1, 1977. House Administration. Amends the Supplemental Appropriations Act, 1974 to increase to three the number of Lyndon Baines Johnson congressional interns which may be hired by each Member of the House of Representatives. Authorizes the payment of additional compensation to such interns from the clerk-hire allowance.

H. Res. 610. June 1, 1977. House Administration. Amends the Supplemental Appropriations Act, 1974 to increase to three the number of Lyndon Baines Johnson congressional interns which may be hired by each Member of the House of Representatives. Authorizes the payment of additional compensation to such interns from the clerk-hire allowance.

H. Res. 611. June 1, 1977. Rules. Authorizes the establishment of an ad hoc Committee on Welfare to consider and report to the House on any bill or resolution relating to welfare or public assistance programs which the Speaker may refer thereto.

H. Res. 612. June 2, 1977. Interstate and Foreign Commerce. Calls for the consideration of the relationship between the violence depicted on television and violence in society by those persons responsible for television programming and broadcasting in the United States.

H. Res. 613. June 6, 1977. International Relations. Declares it the sense of the House of Representatives that there should be no diplomatic recognition of Cuba or lifting of the trade embargo against Cuba until Congress has determined that Cuba has: (1) made compensation for United States property expropriated in 1959; (2) released and repatriated United States prisoners held on political charges; (3) demonstrated progress toward the observance of human rights; (4) withdrawn Cuban troops and military advisors from Africa; (5) assured the United States of cooperation in hijacking situations; and (6) assured the United States of the security of the United States Naval Base at Guantanamo Bay.

H. Res. 614. June 6, 1977. Judiciary. Refers H.R. 7635 to the Chief Trial Judge of the Court of Claims.

H. Res. 615. June 7, 1977. Sets forth the rule for the consideration of H.R. 7556 (Appropriations for Department of State, Justice, and Commerce, and the Judiciary).

H. Res. 616. June 8, 1977. Sets forth the rule for the consideration of H.R. 7636 (Department of the Interior appropriations).

H. Res. 617. June 8, 1977. Sets forth the rule for the consideration of H.R. 6666 (Appropriations authorization for Legal Services Corporation).

H. Res. 618. June 8, 1977. Rules. Sets forth the rule for the consideration of H.R. 7589 (Appropriations for military construction).

H. Res. 619. June 8, 1977. Rules. Directs the House Committee on International Relations to conduct hearings to determine the nature and extent of any United States involvement in the hostilities in Northern Ireland.

H. Res. 620. June 10, 1977. Sets forth the rule for the consideration of H.R. 7073 (Extend Federal Insecticide, Fungicide, and Rodenticide Act).

H. Res. 621. June 10, 1977. Sets forth the rule for the consideration of H.R. 7553 (Public works appropriations).

H. Res. 622. June 10, 1977. Sets forth the rule for the consideration of H.R. 6135 (United States Grain Standards Act amendments).

H. Res. 623. June 10, 1977. House Administration. Authorizes the Clerk of the House of Representatives to withhold charitable contributions from the pay of House employees for transmittal to the Combined Federal Campaign, if the employee requests the Clerk to do so.

H. Res. 624. June 13, 1977. Sets forth the rule for the consideration of H.R. 7554 (Appropriations for Department of Housing and Urban Development).

H. Res. 625. June 13, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 626. June 13, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 627. June 13, 1977, Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 628. June 13, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 629. June 13, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 630. June 14, 1977. Elects John E. Cunningham to membership on the House Committee on Government Operations.

H. Res. 631. June 14, 1977. Interstate and Foreign Commerce. Directs that hearings be commenced as soon as possible by the committee with appropriate jurisdiction to consider and determine what should be the Nation's future telecommunications policy.

H. Res. 632. June 15, 1977. Sets forth the rule for the consideration of H.R. 5646 (Railroad reorganization amendments).

H. Res. 633. June 15, 1977. Sets forth the rule for the consideration of H.R. 5798 (Appropriations authorization for Office of Rail Public Counsel).

H. Res. 634. June 15, 1977. Waives certain points of order against H.R. 7558 (Appropriations for Agriculture and Related Agencies programs).

H. Res. 635. June 15, 1977. Rules. Directs the House Committee on Interstate and Foreign Commerce to make an investigation and study of the telecommunications policies of the Federal Government.

H. Res. 636. June 15, 1977. Rules. Establishes within the House of Representatives a Select Committee on Welfare Reorganization to: (1) study any problems which exist in the interaction of present benefit programs; (2) formulate legislation to resolve such problems; (3) study the system used by the House to refer proposed welfare legislation to committees; and (4) study whether there is a need in the House for a standing committee to handle such legislation.

H. Res. 637. June 16, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that the Federal Communications Commission should maximize local primary radio broadcast service in any proceeding respecting the provision of class I–A and I–B radio service.

Prohibits the operation of a standard broadcast station with power in excess of 50,000 watts.

H. Res. 638. June 16, 1977. Sets forth the rule for the consideration of H.R. 2777 (Nonprofit cooperatives).

H. Res. 639. June 16, 1977. Sets forth the rule for the consideration of H.R. 6683 (Earthquake hazard reduction).

H. Res. 640. June 16, 1977. Sets forth the rule for the consideration of H.R. 6566 (Appropriations authorization for Energy Research and Development Administration).

H. Res. 641. June 16, 1977. Sets forth the rule for the consideration of H.R. 6669 (National climate program).

H. Res. 642. June 16, 1977. Sets forth the rule for the consideration of H.R. 5023 (Indian Claims).

H. Res. 643. June 16, 1977. Sets forth the rule for the consideration of H.R. 5959 (Revision of Renegotiation Act of 1951).

H. Res. 644. June 16, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation.

Calls for a moratorium on any further implementation of new telecommunications policies by the Federal Communications Commission until the 95th Congress has completed its study on the matter and determined the appropriate national telecommunications regulatory policy or adjourned sine die.

H. Res. 645. June 16, 1977. Interstate and Foreign Commerce. Directs that hearings be commenced as soon as possible by the committee with appropriate jurisdiction to consider and determine what should be the Nation's future telecommunications policy.

H. Res. 646. June 17, 1977, Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommuncations policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications polices until Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 647. June 17, 1977. House Administration. Amend the Supplemental Appropriation Act, 1974, to increase to three the number of Lyndon Baines Johnson congres-

sional interns which may be hired by each Member of the House of Representatives. Authorizes the payment of additional compensation to such interns from the clerk-hire allowance.

H. Res. 648. June 17, 1977. Interstate and Foreign Commerce. Calls for the consideration of the relationship between the violence depicted on television and violence in society by those persons responsible for television programing and broadcasting in the United States.

H. Res. 649. June 21, 1977. Sets forth the rule for the consideration of H.R. 7797 (Appropriations for Foreign Assistance).

H. Res. 650. June 21, 1977. Rules. Directs the House Committee on Interstate and Foreign Commerce to make a full investigation and study of the telecommunications policies of the Federal Government.

H. Res. 651. June 21, 1977. Interstate and Foreign Commerce. Declares the sense of the House that no ban on saccharin should take effect unless and until the Food and Drug Administration has conducted hearings on the appropriateness of safety tests conducted on this food additive and whether an exemption from such ban should be granted for special dietary uses.

H. Res. 652. June 22, 1977. International Relations; Ways and Means. Declares it the sense of the House of Representatives that the 1975 United States-Romanian Trade Agreement and the most-favored-nation status of Romania should be terminated if Romania continues to restrict the human rights of its citizens.

H. Res. 653. June 22, 1977. Ways and Means. Expresses the disapproval of the House of Representatives of the extension of Presidential authority to waive the freedom of emigration requirements for eligibility for most-favored-nation status with respect to Romania.

H. Res. 654. June 23, 1977. House Administration. Directs the printing, as a House document, of the committee print of the Subcommittee on the City of the Committee on Banking, Finance, and Urban Affairs entitled "Toward a National Urban Policy."

H. Res. 655. June 23, 1977. Sets forth the rule for the consideration of H.R. 7933 (Appropriations for Department of Defense).

H. Res. 656. June 23, 1977. Rules. Amends the Rules of the House of Representatives to add Rule XLVIII, establishing the Permanent Select Committee on Intelligence to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the House appropriate proposals for legislation.

Sets forth procedures whereby the Committee may disclose publicly information in its possession.

Prohibits the appropriation of funds for specified intelligence activities unless authorized by a House bill or joint resolution.

H. Res. 657. June 24, 1977. Sets forth the rule for the consideration of H.R. 6796 (Energy Research and Development Administration authorizations).

H. Res. 658. June 27, 1977. Rules. Amends the Rules of the House of Representatives to add Rule XLVIII, establishing the Permanent Select Committee on Intelligence to oversee and make continuing studies of the intelligence and intelligence-related activities and programs of the United States Government, and to submit to the House appropriate proposals for legislation.

Sets forth procedures whereby the Committee may disclose publicly information in its possession.

Prohibits the appropriation of funds for specified intelligence and intelligence-related activities unless authorized by a House bill or joint resolution.

H. Res. 659. June 27, 1977. Sets forth the rule for the consideration of H.R. 3702 (Military retirement and survivors benefits).

H. Res. 660. June 27, 1977. Sets forth the rule for the consideration of H.R. 4963 (Appropriations authorization for maritime programs).

H. Res. 661. June 27, 1977. House Administration. Authorizes the establishment of two additional positions on the Capitol Police Force for duty under the House of Representatives.

Establishes the rate of compensation of the Chaplain of the House of Representatives.

H. Res. 662. June 27, 1977. House Administration. Directs the printing as a House document of the transcript of the proceedings in the Committee on the Judiciary of May 12, 1977, incident to the presentations of a portrait of the Honorable Peter W. Rodino, Junior, to the Committee.

H. Res. 663. June 27, 1977. Rules. Establishes a House select committee to investigate the circumstances surrounding both product liability and professional liability insurance rate increases.

H. Res. 664. June 28, 1977. Sets forth the rule for the consideration of H.R. 7932 (Legislative Branch appropriations).

H. Res. 665. June 29, 1977. Designates a specified individual as a minority employee of the House of Representatives, pursuant to the Legislative Pay Act of 1929.

H. Res. 666. June 29, 1977. Sets forth the rule for consideration of H.R. 7171 (Programs for farmers and consumers).

H. Res. 667. June 29, 1977. International Relations. Declares it the sense of the House of Representatives that the President of the United States (1) should propose an immediate suspension of underground nuclear explosions to remain in effect so long as the Soviet Union abstains from conducting underground explosions, and (2) should set forth promptly a new proposal to the Government of the Union of Soviet Socialist Republics and other nations for a permanent treaty to ban all nuclear explosions.

H. Res. 668. June 29, 1977. House Administration. Amends the Supplemental Appropriations Act, 1974, to increase to three the number of Lyndon Baines Johnson congressional interns which may be hired by each Member of the House of Representatives. Authorizes the payment of additional compensation to such interns from the clerk-hire allowance.

H. Res. 669. June 29, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 670. June 29, 1977. Interstate and Foreign Commerce. Calls for the consideration of the relationship between the violence depicted on television and violence in society by those persons responsible for television programing and broadcasting in the United States.

H. Res. 671. June 30, 1977. Sets the hour of meeting of the House of Representatives.

H. Res. 672. June 30, 1977. International Relations. Declares it the sense of the House of Representatives that the Government of the United States should maintain its rights and jurisdiction over the Panama Canal and the Panama Canal Zone.

H. Res. 673. June 30, 1977. House Administration. Authorizes each Member of the House of Representatives, including the Resident Commissioner from Puerto Rico and the Delegates from Guam, the Virgin Islands, and the District of Columbia, to hire for two weeks of each year two senior citizen interns to serve within the District of Columbia.

H. Res. 674. June 30, 1977. House Administration. Authorizes each Member of the House of Representatives, including the Resident Commissioner from Puerto iRico and the Delegates from Guam, the Virgin Islands, and the District of Columbia, to hire for twi weeks of each year two senior citizen interns to serve within the District of Columbia.

H. Res. 675. June 30, 1977. House Administration. Authorizes each Member of the House of Representatives, including the Resident Commissioner from Puerto Rico and the Delegates from Guam, the Virgin Islands, and the District of Columbia, to hire for two weeks of each year two senior citizen interns to serve within the District of Columbia.

H. Res. 676. June 30, 1977. International Relations. Declares it the sense of the House of Representatives that the Government of the United States should maintain its rights and jurisdiction over the Panama Canal and the Panama Canal Zone.

H. Res. 677. June 30, 1977. International relations. Declares it the senseof the House of Representatives that the Government of the United States should maintain its rights and jurisdiction over the Panama Canal and the Panama Canal Zone.

H. Res. 678. June 30, 1977. International Relations. Expresses the sense of the House of Representatives that: (1) the Government of the United States should maintain and protect its rights and jurisdiction over the canal and zone, and should not transfer any such sovereign rights, power, authority, jurisdiction, territory, or property that are necessary for the security of the United States and the Western Hemisphere; (2) there be no relinquishment of any presently vested United States sovereign right, power, or authority or property, except by treaty authorized by the Congress and duly ratified; and (3) there be no divestiture of any United States-owned property without prior authorization by the Congress.

H. Res. 679. July 11, 1977. Rules. Amends rule XIII of the Rules of the House of Representatives to require that each committee report accompanying a public bill or joint resolution contain an evaluation of the paperwork which would be incurred in carrying out such bill or resolution including estimates of time and cost required of affected parties, a showing of whether the effects of the bill could be substantial, and an estimate of recordkeeping requirements.

H. Res. 680. July 12, 1977. Interstate and Foreign Commerce. States that a review of the national telecommunications policy should be completed expeditiously.

H. Res. 681. July 12, 1977. Interstate and Foreign Commerce. States that the House of Representatives favors an expeditious determination of the telecommunications regulatory policy.

H. Res. 682. July 13, 1977. Sets forth the rule for the consideration of H.R. 6287 (Mining safety).

H. Res. 683. July 13, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation.

Calls for a moratorium on any further implementation of new telecommunications policies by the Federal Communications Commission until the 95th Congress has completed its study on the matter and determined the appropriate national telecommunications regulatory policy or adjourned sine die.

H. Res. 684. July 17, 1977. Judiciary. Declares it to be the sense of the House of Representatives that the Attorney General should appoint a special prosecutor to serve in the Departmentt of Justice to investigate and prepare prosecutions with respect to illegal acts to obtain influence for foreign governments from Federal elected or nonelected officials.

H. Res. 685. July 15, 1977. Sets forth the rule for the consideration of H.R. 5400 (Voter registration program).

H. Res. 686. July 15, 1977. Rules. Establishes a House select committee to investigate the circumstances surrounding both product liability and professional liability insurance rate increases.

H. Res. 687. July 18, 1977. House Administration. Authorizes the Clerk of the House of Representatives to disburse funds from the contingent fund of the House on behalf of each Member to defray the cost of leasing office space in such Member's district.

H. Res. 688. July 18, 1977. Government Operations. Expresses the disapproval of the House of Representatives of the Reorganization Plan Numbered 1 transmitted to Congress by the President on July 15, 1977.

H. Res. 689. July 18, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that the Federal Communications Commission should maximize local primary radio broadcast service in any proceeding respecting the provision of class I–A and I–B radio service.

Prohibits the operation of a standard broadcast station with power in excess of 50,000 watts.

H. Res. 690. July 18, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that the Federal Communications Commission should maximize local primary radio broadcast service in any proceeding respecting the provision of class I–A and I–B radio service.

Prohibits the operation of a standard broadcast station with power in excess of 50,000 watts.

H. Res. 691. July 18, 1977. Judiciary. Declares it to be the sense of the House of Representatives that the Attorney General should appoint a special prosecutor to serve in the Department of Justice to investigate and prepare prosecutions with respect to illegal acts to obtain influence for foreign governments from Federal elected or nonelected officials.

H. Res. 692. July 18, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation.

Calls for a moratorium on further steps by the Federal Communications Commission to implement new decisions which change basic structural concepts of the national telecommunications system until the Ninety-fifth Congress has completed its study on the matter and determined what the national policy should be.

H. Res. 693. July 19, 1977. Orders the printing of the report accompanying H.R. 6831 (National Energy Act) for the use of the Committee on Interstate and Foreign Commerce of the House of Representatives.

H. Res. 694. July 19, 1977. Rules. Sets forth the rule for the consideration of H.R. 8125 (Foreign influence in Congress, special prosecutor).

H. Res. 695. July 19, 1977. Rules. Establishes within the House of Representatives the Commission on South Korean Influence to investigate alleged South Korean influence buying in Congress and to make recommendations to Congress concerning Members who have received gifts in violation of House rules.

Vests exclusive jurisdiction to investigate such alleged South Korean influence buying in the Commission. Directs the House Committee on Standards of Official Conduct to cease its investigation into such matters.

H. Res. 696. July 19, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that the Federal Communications Commission maximize local primary radio broadcast service in any proceeding respecting the provision of class I–A and I–B radio service.

Prohibits the operation of a standard broadcast station with power in excess of 50,000 watts.

H. Res. 697. July 20, 1977. Elects a certain Member of the House of Representatives to the House Committee on Science and Technology.

H. Res. 698. July 20, 1977. International Relations. Declares it the sense of the House of Representatives that the Government of the United States should maintain its rights and jurisdiction over the Panama Canal and the Panama Canal Zone.

H. Res. 699. July 20, 1977. International Relations. Declares it the sense of the House of Representatives that the President take steps to make trade with the Soviet Union contingent upon observance of human rights agreements, and to assure the observance of human rights with respect to prisons, hospitals, and civil liberties, churches, and other guarantees of the Helsinki Accords in the Soviet Union.

H. Res. 700. July 20, 1977. International Relations. Declares it the sense of the House of Representatives that the Government of the United States should maintain its rights and jurisdiction over the Panama Canal and the Panama Canal Zone.

H. Res. 701. July 20, 1977. Rules. Directs the Commission on Administrative Review to investigate the financial services, known as the "House Bank," offered to Members of the House of Representatives by the Office of the Sergeant at Arms to determine if such services are pursuant to public law and the Rules of the House of Representatives.

H. Res. 702, July 21, 1977. Sets forth the rule for the consideration of H.R. 4544 (Black lung benefits).

H. Res. 703. July 21, 1977. Sets forth the rule for the consideration of H.R. 6951 (Council on Wage and Price Stability Act extension).

H. Res. 704. July 21, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that Congress should establish a national telecommunications policy.

H. Res. 705. July 21, 1977. Rules. Declares it the sense of the House of Representatives that the House Committee on Standards of Official Conduct or any other specified committee shall appoint a special counsel and establish a charter of independence for such counsel to conduct an inquiry into efforts by foreign governments to influence Members of the House.

H. Res. 706. July 22, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 707. July 22, 1977. Interstate and Foreign Commerce. States that Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 708. July 22, 1977. International Relations. Declares it the sense of the House of Representatives that the Government of the United States should maintain its rights and jurisdiction over the Panama Canal and the Panama Canal Zone.

H. Res. 709. July 25, 1977. Armed Services. Directs the Secretary of Defense to furnish the House of Representatives the name and (in the case of a member or former member of the armed forces) the service serial number of each individual who was present at the explosion of the atomic device known as "Smokey" which was detonated at Camp Desert Rock, Nevada, on August 31, 1957.

H. Res. 710. July 25, 1977. Interstate and Foreign Commerce. States that a review of the national telecommunications policy should be completed expeditiously.

H. Res. 711. July 25, 1977. Interstate and Foreign Commerce. Calls for the consideration of the relationship between the violence depicted on television and violence in society by those persons responsible for television programming and broadcasting in the United States.

H. Res. 712. July 25, 1977. Post Office and Civil Service. Authorizes and requests the President to designate the first week in April each year as "National Rural Health Week."

H. Res. 713. July 25, 1977. International Relations. Expresses the concern of the House of Representatives over human rights in Cambodia.

H. Res. 714. July 26, 1977. Sets forth the rule for the consideration of H.R. 4740. (Marine Mammal Protection Act appropriations).

H. Res. 715. July 26, 1977. Sets forth the rule for the consideration of H.R. 3744 (Fair Labor Standards Act amendments).

H. Res. 716. July 26, 1977. Interstate and Foreign Commerce. States that a review of the national telecommunications policy should be completed expeditiously.

H. Res. 717. July 26, 1977. Post Office and Civil Service.

Declares the sense of the House of Representatives that Frances G. Knight be commended for her outstanding service to the Nation upon the occasion of her retirement from Federal service.

H. Res. 718. July 27, 1977. Sets forth the rule for the consideration of H.R. 3816 (Federal Trade Commission Act amendments).

H. Res. 719. July 27, 1977. Rules. Sets forth the rule for the consideration of H.R. 8125 (Foreign influence in Congress, prosecution).

H. Res. 720. July 27, 1977. Rules. Sets forth the rule for the consideration of H.R. 8125 (Foreign influence in Congress, prosecution).

H. Res. 721. July 27, 1977. Judiciary. Declares it to be the sense of the House of Representatives that the Attorney General should appoint a special prosecutor to serve in the Department of Justice to investigate and prepare prosecutions with respect to illegal acts to obtain influence for foreign governments from Federal elected or nonelected officials.

H. Res. 722. July 27, 1977. Rules. Establishes within the House of Representatives the Commission on South Korean Influence to investigate alleged South Korean influence buying in Congress.

Vests exclusive jurisdiction to investigate such alleged South Korean influence buying in the Commission. Directs the House Committee on Standards of Official Conduct to cease its investigation into such matter.

H. Res. 723. July 27, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that Congress should establish a national telecommunications policy.

H. Res. 724. July 27, 1977. International Relations. Expresses the concern of the House of Representatives over human rights in Cambodia.

H. Res. 725. July 28, 1977. Directs the printing of the report by the House Ad Hoc Committee on Energy accompanying H.R. 8444.

H. Res. 726. July 28, 1977. Judiciary. Refers H.R. 8532 to the Chief Commissioner of the United States Court of Claims.

H. Res. 727. July 28, 1977. Sets forth the rule for the consideration of H.R. 8444 (Energy policy).

H. Res. 728. August 1, 1977. Sets forth the

rule for the consideration of H.R. 2176 (Federal auditing programs).

H. Res. 729. August 1, 1977. House Administration. Authorizes the expenditure of funds for investigations and studies to be conducted by the House Permanent Select Committee on Intelligence.

H. Res. 730. August 1, 1977. Interstate and Foreign Commerce. States that a review of the national telecommunications policy should be completed expeditiously.

H. Res. 731. August 1, 1977. Sets forth the rule for the consideration of the conference report on S. 826 (Department of Energy).

H. Res. 732. August 2, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 733. August 3, 1977. Sets forth the rule for the consideration of the conference report on H.R. 6161 (Clean Air Act amendments).

H. Res. 734. August 3, 1977. House Administration. Authorizes each Member of the House of Representatives, including the Resident Commissioner from Puerto Rico and the Delegates from Guam, the Virgin Islands, and the District of Columbia, to hire for two weeks of each year two senior citizen interns to serve within the District of Columbia.

H. Res. 735. August 3, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 736. August 3, 1977. International Relations. Declares it the sense of the House of Representatives that the United States delegation to the United Nations should work for a World Assembly on Aging and a World Year on Aging.

H. Res. 737. August 3, 1977. Judiciary. Refers H.R. 8114 to the Chief Commissioner of the Court of Claims.

H. Res. 738. August 4, 1977. Sets forth the rule for the consideration of H.R. 5383 (Age discrimination in employment).

H. Res. 739. August 4, 1977. International Relations. Declares it the sense of the House of Representatives that the Government of the United States should maintain its rights and jurisdiction over the Panama Canal and the Panama Canal Zone.

H. Res. 740. August 4, 1977. Ways and Means. Expresses the displeasure of the House of Representatives toward any policy of the Internal Revenue Service which changes through administrative interpretation longstanding applications of the internal revenue laws.

Expresses the sense of the House that the Internal Revenue Service refrain from changing its policy with respect to taxation of benefits given to employees without submission of any proposed changes to Congress.

H. Res. 741. August 4, 1977. Agriculture; Public Works and Transportation. Declares the sense of the House of Representatives that the Committee on Agriculture and the Committee on Public Works and Transportation should immediately hold joint hearings to: (1) document any inequities in the administration of the Federal drought assistance program respecting the share of Federal funds given to smaller communities; and (2) determine the policies, practices, and priorities which the Farmers Home Administration and the Economic Development Administration should adopt in administering such program.

H. Res. 742. August 4, 1977. Post Office and Civil Service. Extends the best wishes of the House to the Benjamin Whitcomb Corps of Rangers on the occasion of its reenactment of the Revolutionary War battle of Bennington, Vermont, and commends the Corps for its continuing education efforts in connection with the Revolutionary War.

H. Res. 743. August 5, 1977. Sets forth the rule for the consideration of H.R. 3 (Medicare and medicaid fraud).

H. Res. 744. August 5, 1977. Rules. Sets forth the rule for the consideration of H.R. 8125 (Special prosecutor).

H. Res. 745. August 5, 1977. Interstate and Foreign Commerce.

Directs the House Subcommittee on Communications to conduct independent studies to provide Congress with information necessary for the formulation of a telecommunication policy.

States that Congress may require a moratorium on further implementation of new telecommunication policies by the Federal Communications Commission until Congress has completed its study on the matter and determined the future telecommunications policy of this Nation.

H. Res. 746. August 5, 1977. Post Office and Civil Service.

Commends Francis Gary Powers for his service and self-sacrifice.

H. Res. 747. August 5, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that the Federal Communications Commission should maximize local primary radio broadcast service in any proceeding respecting the provision of class I–A and I–B radio service.

Prohibits the operation of a standard broadcast station with power in excess of 50,000 watts.

H. Res. 748. August 5, 1977. Appropriations. Expresses the disapproval of the House of Representatives of the proposed deferral D 77–58A of budget authority for operating expenses for the Clinch River breeder reactor plant project of the Energy Research and Development Administration.

H. Res. 749. August 5, 1977. Rules. Amends the Rules of the House of Representatives to transfer the responsibility of investigating Communist and subversive organizations affecting the internal security of the United States to a standing committee on Internal Security established by this resolution. Confers upon such Committee the responsibility for investigating all organizations within the United States aimed at overthrowing the Government of the United States by force, insurrection or other unlawful means or inciting or employing violence to obstruct the authority of the Federal Government with respect to matters of internal security of the United States.

H. Res. 750. August 5, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 751. September 8, 1977. Interstate and Foreign Commerce. Directs that hearings be commenced as soon as possible by the committee with appropriate jurisdiction to consider and determine what should be the Nation's future telecommunications policy.

H. Res. 752. September 8, 1977. Rules. Amends House Resolution 252 to authorize the House of Representatives Committee on Standards of Official Conduct to require the attendance and testimony of any person at the taking of a deposition by any attorney retained by the Committee for the purpose of conducting inquiries with respect to the acceptance of gifts by Members of the House, their associates, or immediate families from the Government of Korea.

H. Res. 753. September 8, 1977. Rules. Amends rule XXIII of the Rules of the House of Representatives to prohibit the consideration, in the Committee of the Whole House, of any amendment to any bill or joint resolution reported from the Committee on Appropriations, making appropriations, unless the amendment is printed in the Congressional Record at least two days prior to its consideration, and at least 25 copies are available to the Clerk before such amendment is offered for distribution to Members.

H. Res. 754. September 8, 1977. House Administration. Amends the Supplemental Appropriations Act, 1974, to increase to three the number of Lyndon Baines Johnson congressional interns which may be hired by each Member of the House of Representatives. Authorizes the payment of additional compensation to such interns from the clerk-hire allowance.

H. Res. 755. September 9, 1977. Rules. Amends rule XXII of the Rules of the House of Representatives to prohibit the House from receiving or considering any bill or resolution unless it contains a statement citing the Constitutional basis of authority for such bill or resolution.

H. Res. 756. September 9, 1977. Post Office and Civil Service. Designates the second Sunday of each April as "Grandparents' Day."

H. Res. 757. September 12, 1977. Directs the printing of additional copies of the conference report entitled "Food and Agriculture Act of 1977" to accompany S. 275.

H. Res. 758. September 12, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that Congress should establish a national telecommunications policy.

H. Res. 759. September 12, 1977. Agriculture; Public Works and Transportation. Declares the sense of the House of Representatives that the Committee on Agriculture and the Committee on Public Works and Transportation should immediately hold joint hearings to: (1) document any inequities in the administration of the Federal drought assistance program respecting the share of Federal funds given to smaller communities; and (2) determine the policies, practices, and priorities which the Farmers Home Administration and the Economic Development Administration should adopt in administering such program.

H. Res. 760. September 13, 1977. Rules. Authorizes the House Select Committee on Assassinations to make applications to courts and to bring and defend lawsuits arising out of subpoenas, orders immunizing witnesses and compelling them to testify, testimony or production of evidence, and failure to testify or produce evidence.

H. Res. 761. September 14, 1977. Ways and Means. Urges the International Trade Commission to recommend continuation of the import restraints on speciality steel.

H. Res. 762. September 14, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until Congress has completed its study on the matter and determined what such future policy should be.

H. Res. 763. September 15, 1977. Sets forth the rule for the consideration of H.R. 8011

(Pay for medical personnel in uniformed services).

H. Res. 764. September 15, 1977. Sets forth the rule for the consideration of H.R. 8655 (Debt limit increase).

H. Res. 765. September 16, 1977. Interstate and Foreign Commerce. States that the House of Representatives favors an expeditious review of telecommunications regulatory policy.

H. Res. 766. September 16, 1977. Rules; House Administration. Amends the Rules of the House of Representatives to: (1) establish an Administrator and Comptroller of the House to direct administrative support operations; (2) establish an Auditor of the House; (3) revise the duties of the Committee on House Administration and the Clerk of the House; (4) establish a Fair Employment Practices Panel; and (5) set forth new requirements regarding foreign travel of Members of Congress. Revises the legislative management services of the House. Creates a "House Employees Medical Disability and Maternity Fund." Creates a select committee to study the committee structure and procedures of the House. Sets forth various rules relating to House employees.

H. Res. 767. September 20, 1977. Sets forth the rule for the consideration of H.R. 8638 (Nuclear proliferation).

H. Res. 768. September 20, 1977. Ways and Means. Expresses the displeasure of the House of Representatives toward any policy of the Internal Revenue Service which changes through administrative interpretation long-standing applications of the internal revenue laws.

Expresses the sense of the House that the Internal Revenue Service refrain from changing its policy with respect to taxation of benefits given to employees, without submission of any proposed changes to Congress.

H. Res. 769. September 20, 1977. Rules; House Administration. Amends the Rules of the House of Representatives to: (1) establish an Administrator and Comptroller of the House to direct administrative support operations; (2) establish an Auditor of the House; (3) revise the duties of the Committee on House Administration and the Clerk of the House; (4) establish a Fair Employment Practices Panel; and (5) set forth new requirements regarding foreign travel of Members of Congress. Revises the legislative management services of the House. Creates a "House Employees Medical Disability and Maternity Fund." Creates a select committee to study the committee structure and procedures of the House. Sets forth various rules relating to House employees.

H. Res. 770. September 20, 1977. House Administration. Dismisses a specified election contest relative to the office of Representative of the fourth Congressional district of California.

H. Res. 771. September 21, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 772. September 22, 1977. Ways and Means. Urges the International Trade Commission to recommend continuation of the import restraints on speciality steel.

H. Res. 773. September 22, 1977. Rules. Amends rule X of the Rules of the House of Representatives to establish a permanent Select Committee on Handicapped Individuals to study the use of all practicable methods of encouraging programs and policies to assist the handicapped.

Stipulates that the Select Committee shall not have legislative jurisdiction.

H. Res. 774. September 26, 1977. Sets forth the rule for the consideration of H.R. 1037 (Oil import vessels).

H. Res. 775. September 26, 1977. Sets forth the rule for the consideration of H.R. 2329 (Fish and wildlife programs).

H. Res. 776. September 26, 1977. Sets forth the rule for the consideration of H.R. 8309 (Public works on rivers).

H. Res. 777. September 26, 1977. Rules. Amends rule XXII of the Rules of the House of Representatives to prohibit the House from receiving or considering any bill or resolution unless it contains a statement citing the Constitutional basis of authority for such bill or resolution.

H. Res. 778. September 26, 1977. House Administration. Increases the compensation for positions under the Doorkeeper of the House of Representatives.

H. Res. 779. September 26, 1977. Rules. Requires the Congressional Record for the House of Representatives to contain an accurate verbatim account of remarks actually delivered on the floor of the House together with permitted supporting data. Limits revisions of verbatim remarks in the Record to the correction of grammatical and typographical errors which do not change the meaning, content, or substance of those remarks. Entitles Members to insert in the Record remarks not actually delivered on the floor. Stipulates that such insertions always be clearly distinguishable from verbatim remarks.

H. Res. 780. September 26, 1977. Rules. Instructs the House conferees to recede from the House amendment to Senate amendment numbered 82 to H.R. 7555 (Department of Labor, and Health, Education, and Welfare appropriations).

H. Res. 781. September 27, 1977. Sets forth the rule for the consideration of H.R. 9290 (Debt limit increase).

H. Res. 782. September 27, 1977. Expresses the agreement of the House of Representatives to the Senate amendment to H.R. 5645 (Commission on Civil Rights appropriations).

H. Res. 783. September 27, 1977. Rules. Amends rule XXI of the Rules of the House of Representatives to require that the vote on final passage of any bill or resolution affecting salaries and certain benefits for Members shall be recorded by rollcall vote.

H. Res. 784. September 27, 1977. Agriculture; International Relations. Declares that the President should establish a Commission on Domestic and International Hunger and Malnutrition which should: (1) collect and generate information and resources on food, hunger, malnutrition and related concerns; (2) assess current programs affecting domestic and international hunger and malnutrition; (3) analyze and report its findings and recommendations to the President, the Congress, and the public; and (4) assist the President and the Congress in implementing its recommendations.

H. Res. 785. September 27, 1977. Agriculture; International Relations. Declares that the President should establish a Commission on Domestic and International Hunger and Malnutrition which should: (1) collect and generate information and resources on food, hunger, malnutrition and related concerns; (2) assess current programs affecting domestic and international hunger and malnutrition; (3) analyze and report its findings and recommendations to the President, Congress, and the public; and (4) assist the President and the Congress in implementing its recommendations.

H. Res. 786. September 27, 1977. Agriculture; International Relations. Declares that the President should establish a Commission on Domestic and International Hunger and Malnutrition which should; (1) collect and generate information and resources on food, hunger, malnutrition and related concerns; (2) assess current programs affecting domestic and international hunger and malnutrition; (3) analyze and report its findings and recommendations to the President, the Congress, and the public; and (4) assist the President and the Congress in implementing its recommendations.

H. Res. 787. September 27, 1977. Agriculture; International Relations. Declares that the President should establish a Commission on Domestic and International Hunger and Malnutrition which should: (1) collect and generate information and resources on food, hunger, malnutrition and related concerns; (2) assess current programs affecting domestic and international hunger and malnutrition; (3) analyze and report its findings and recommendations to the President, the Congress, and the public; and (4) assist the President and the Congress in implementing its recommendations.

H. Res. 788. September 27, 1977. Agriculture; International Relations. Declares that the President should establish a Commission on Domestic and International Hunger and Malnutrition which should: (1) collect and generate information and resources on food, hunger, malnutrition and related concerns; (2) assess current programs affecting domestic and international hunger and malnutrition; (3) analyze and report its findings and recommendations to the President, the Congress, and the public; and (4) assist the President and the Congress in implementing its recommendations.

H. Res. 789. September 27, 1977. Agriculture; International Relations. Declares that the President should establish a Commission on Domestic and International Hunger and Malnutrition which should: (1) collect and generate information and resources on food, hunger, malnutrition and related concerns; (2) assess current programs affecting domestic and international hunger and malnutrition; (3) analyze and report its findings and recommendations to the President, the Congress, and the public; and (4) assist the President and the Congress in implementing its recommendations.

H. Res. 790. September 27, 1977. Agriculture; International Relations. Declares that the President should establish a Commission on Domestic and International Hunger and Malnutrition which should: (1) collect and generate information and resources on food, hunger, malnutrition and related concerns; (2) assess current programs affecting domestic and international hunger and malnutrition; (3) analyze and report its findings and recommendations to the President, the Congress, and the public; and (4) assist the President and the Congress in implementing its recommendations.

H. Res. 791. September 27, 1977. Agriculture; International Relations. Declares that the President should establish a Commission on Domestic and International Hunger and Malnutrition which should: (1) collect and generate information and resources on food, hunger, malnutrition and related concerns; (2) assess current programs affecting domestic and international hunger and malnutrition; (3) analyze and report its findings and recommendations to the President, the Congress, and the public; and (4) assist the President and the Congress in implementing its recommendations.

H. Res. 792. October 27, 1977. Agriculture; International Relations. Declares that the President should establish a Commssion on Domestic and International Hunger and Malnutrition which should: (1) collect and generate information and resources on food, hunger, malnutrition and related concerns; (2) assess current programs affecting domestic and international hunger and malnutrition;; (3) analyze and report its findings and recommendations to the President, the Congress, and the public; and (4) assist the President and the Congress in implementing its recommendations.

H. Res. 793. September 27, 1977. Agriculture; International Relations. Declares that the President should establish a Commission on

Domestic and International Hunger and Malnutrition which should: (1) collect and generate information and resources on food, hunger, malnutrition and related concerns; (2) assess current programs affecting domestic and international hunger and malnutrition; (3) analyze and report its findings and recommendations to the President, the Congress, and the public; and (4) assist the President and the Congress in implementing its recommendations.

H. Res. 794. September 27, 1977. Agriculture; International Relations. Declares that the President should establish a Commission on Domestic and International Hunger and Malnutrition which should: (1) collect and generate information and resources on food, hunger, malnutrition and related concerns; (2) assess current programs affecting domestic and international hunger and malnutrition; (3) analyze and report its findings and recommendations to the President, the Congress, and the public; and (4) assist the President and the Congress in implementing its recommendations.

H. Res. 795. September 27, 1977. Judiciary. Expresses the disapproval of the House of Representatives toward the granting of permanent residence in the United States to specified aliens.

H. Res. 796. September 27, 1977. Judiciary. Expresses the disapproval of the House of Representatives toward the granting of permanent residence in the United States to a specified alien.

H. Res. 797. September 28, 1977. Elects a certain individual to the House Committee on Public Works and Transportation.

H. Res. 798. September 29, 1977. Sets forth the rule for the consideration of H.R. 4297 (Authorizations for marine protection and research).

H. Res. 799. September 29, 1977. Sets forth the rule for the consideration of H.R. 8410 (National Labor Relation Act amendments).

H. Res. 800. September 29, 1977. Set forth the rule for the consideration of H.R. 9354 (Staff allowance for former Presidents).

H. Res. 801. September 29, 1977. Ways and Means. Urges the International Trade Commission to recommend continuation of the import restraints on speciality steel.

H. Res. 802. September 30, 1977. House Administration. Prohibits the Clerk of the House from making any disbursements from the contingent fund on behalf of a Member, pursuant to H. Res. 687 (95th Congress), except to defray the cost of leasing office space in such Member's district. Stipulates that unused funds available for such purpose shall not be transferred to any other allowance, and shall revert to the Treasury.

H. Res. 803. September 30, 1977. Interstate and Foreign Commerce. States that this Congress should expeditiously determine the future telecommunications policy of this Nation. Requests the Federal Communications Commission to defer implementation of any further new telecommunications policies until Congress has completed its study on the matter and determined the future policy.

H. Res. 804. October 3, 1977. Expresses the agreement of the House to the Senate amendment to H.R. 9290 (Temporary debt limit increase).

H. Res. 805. October 3, 1977. Judiciary. Calls for the impeachment of Andrew Young, United States Ambassador to the United Nations.

H. Res. 806. October 3, 1977. Judiciary. Refers H.R. 9424 to the Chief Commissioner of the Court of Claims.

H. Res. 807. October 4, 1977. Waives certain points of order in the consideration of H.R. 9375 (Supplemental appropriations).

H. Res. 808. October 4, 1977. Rules. Declares that there be no reduction of customs duties on textile, apparel, or fiber products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 809. October 4, 1977. International Relations. Declares it the sense of the House of Representatives that the President should request South Africa to permit an impartial or international organization to investigate the circumstances and conditions of all South Africans currently held under the Terrorism Act and Internal Security Act.

H. Res. 810. October 4, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 811. October 4, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 812. October 4, 1977. Interstate and Foreign Commerce Declare a state of war against amyotrophic lateral sclerosis.

H. Res. 813. October 4, 1977 Interstate and Foreign Commerce Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 814. October 4, 1977. Interstate and Foreign Commerce. Declares a state of war against amyotrophic lateral sclerosis.

H. Res. 815. October 5, 1977. Sets forth the rule for the consideration of H.R. 8390 (Aircraft and missile authorizations).

H. Res. 816. October 5. 1977. Rules; House Administration. Amends the Rules of the House of Representatives to: (1) establish an Administrator and Comptroller of the House to direct administrative support operations; (2) establish an Auditor of the House; (3) to revise the duties of the Committee on House Administration and the Clerk of the House; (4) establish a Fair Employment Practices Panel; and (5) set forth new requirements regarding foreign travel of Members of Congress. Revises the legislative management services of the House. Creates a "House Employees Medical Disability and Maternity Fund." Creates a select committee to study the committee structure and procedures of the House. Sets forth various rules relating to House employees.

H. Res. 817. October 5, 1977. Rules. Amends rule XXI of the Rules of the House of Representatives to require that the vote on final passage of any bill or resolution affecting salaries and certain benefits for Members shall be recorded by rollcall vote.

H. Res. 818. October 5, 1977. Appropriations. Disapproves proposed budget deferral D78–19 which concerns construction of an airport in the Kosrae District of the Trust Territory of the Pacific Islands.

H. Res. 819. October 6, 1977. Sets forth the rule for the consideration of H. Res. 766 (House administrative and legislative services).

H. Res. 820. October 6, 1977. Sets forth the rule for the consideration of H.R. 9090 (Agricultural disaster payments).

H. Res. 821. October 6, 1977. Amends rule I of the Rules of the House of Representatives to direct the Speaker to implement a system for audio and video broadcasting and recording of the legislative proceedings of the House.

H. Res. 822. October 6, 1977. House Administration. Dismisses a specified election contest with regard to the office of Representative of the First Congressional District of Missouri.

H. Res. 823. October 11, 1977. Appropriations. Expresses the disapproval of the House of Representatives of the proposed deferral of budget authority for acquisition, construction, and improvements by the Coast Guard, including funding for the Puget Sound Vessel Traffic System and follow-on work related to the Medium Endurance Cutter replacement program as set forth in the special message transmitted by the President to the Congress on October 3, 1977.

H. Res. 824. October 11, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that the Federal Communications Commission should maximize local primary radio broadcast service in any proceedings respecting the provision of class I–A and I–B radio service.

Prohibits the operation of a standard broadcast station with power in excess of 50,000 watts.

H. Res. 825. October 11, 1977. House Administration. Dismisses a specified election contest regarding the office of Representative the Fifth Congressional District of Georgia.

H. Res. 826. October 12, 1977. Sets forth the rule for the consideration of H.R. 8200 (Bankruptcy law).

H. Res. 827. October 12, 1977. Government Operations. Expresses the disapproval of the House of Representatives of the Reorganization Plan Numbered 2 transmitted to Congress by the President on October 12, 1977.

H. Res. 828. October 12, 1977. Rules. Amends the Rules of the House of Representatives to transfer the responsibility of investigating Communist and subversive organizations affecting the internal security of the United States to a standing committee on Internal Security established by this resolution. Confers upon such Committee the responsibility for investigating all organizations within the United States aimed at overthrowing the Government of the United States by force, insurrection or other unlawful means or inciting or employing violence to obstruct the authority of the Federal Government with respect to matters of internal security of the United States.

H. Res. 829. October 13, 1977. Sets forth the rule for the consideration of House Joint Resolution 626 (Appropriations for 1978).

H. Res. 830. October 13, 1977. Sets forth the rule for the consideration of H.R. 7073 (Federal Insecticide, Fungicide, and Rodenticide Act amendments).

H. Res. 831. October 13, 1977. Ways and Means. Expresses the displeasure of the House of Representatives toward any policy of the Internal Revenue Service which changes through administrative interpretation long-standing applications of the internal revenue laws.

Expresses the sense of the House that the Internal Revenue Service refrain from changing its policy with respect to taxation of benefits given to employees without submission of any proposed changes to Congress.

H. Res. 832. October 14, 1977. Appropriations. Expresses the disapproval of the House of Representatives of the proposed deferral D78–30, relating to the Energy Research and Development Administration, gas cooled thermal reactor program, as set forth in the message of October 3, 1977, which was transmitted to the Congress by the President pursuant to the Impoundment Control Act of 1974.

H. Res. 833. October 14, 1977. Appropriations. Expresses the disapproval of the House of Representatives to the deferral of certain budget authority (D78–33) relating to the Energy Research and Development Administration, Magnetic Fusion Energy Program—Fusion Material Test Facility, proposed by the President in his message of October 3, 1977, transmitted under the Impoundment Control Act of 1974.

H. Res. 834. October 14, 1977. Appropriations. Expresses the disapproval of the House of Representatives to the deferral of certain budget authority (D78–34) relating to the Energy Research and Development Administration, Magnetic Fusion Energy Program—Intense Neutron Source Facility, proposed by the President in his message of October 3, 1977, transmitted under the Impoundment Control Act of 1974.

H. Res. 835. October 14, 1977. Appropria-

tions. Disapproves the deferral of certain budget authority (D78–35) relating to the Energy Research and Development Administration, High Energy Physics Program—Intersecting Storage Ring Accelerator, proposed by the President in his message of October 3, 1977, transmitted under the Impoundment Act of 1974.

H. Res. 836. October 17, 1977. Ways and Means. Urges the International Trade Commission to recommend continuation of the import restraints on speciality steel.

H. Res. 837. October 17, 1977. House Administration. Directs the printing of additional copies of the Committee print entitled "The Coordination of United States International Economic Policy."

H. Res. 838. October 17, 1977. Interstate and Foreign Commerce. Directs the House Subcommittee on Communications to conduct independent studies to provide Congress with information necessary for the formulation of a telecommunication policy.

States that Congress may require a moratorium on further implementation of new telecommunication policies by the Federal Communications Commission until Congress has completed its study on the matter and determined the future telecommunications policy of this Nation.

H. Res. 839. October 18, 1977. Sets forth the rule for the consideration of H.R. 9346 (Social Security Act and Internal Revenue Code of 1954 amendments).

H. Res. 840. October 18, 1977. Banking, Finance and Urban Affairs. Expresses the sense of the House of Representatives that the Secretary of the Department of Housing and Urban Development should not implement the proposed reorganization of the field and insuring offices of the Department of Housing and Urban Development prior to the time when the appropriate committees of the Congress have had an opportunity to hold hearings on such reorganization.

H. Res. 841. October 18, 1977. Rules. Establishes within the House of Representatives a Select Committee on the Committee System to study the establishment, jurisdicton, and operation of House committees.

H. Res. 842. October 18, 1977. Ways and Means. Reaffirms House of Representatives support for laws regarding competition from imports.

H. Res. 843. October 18, 1977. House Administration. Authorizes the expenditure of funds for studies and investigations by the House Select Committee on Population.

H. Res. 844. October 19, 1977. House Administration. Directs an increase in the rate of compensation of doormen employed by the Doorkeeper of the House of Representatives.

H. Res. 845. October 19, 1977. Banking, Finance and Urban Affairs. Expresses the sense of the House of Representatives that the Secretary of the Department of Housing and Urban Development should not implement the proposed reorganization of the field and insuring offices of the Department of Housing and Urban Development prior to the time when the appropriate committees of the Congress have had an opportunity to hold hearings on such reorganization.

H. Res. 846. October 19, 1977. Ways and Means. Declares that there be no reduction of customs duties on textile or apparel products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 847. October 19, 1977. House Administration. Directs the printing, as a House document, of the print of the House Committee on Science and Technology entitled "World-Wide Space Activities."

H. Res. 848. October 20, 1977. Sets forth the rule for the consideration of H.R. 9179 (Foreign Assistance Act of 1961 amendments).

H. Res. 849. October 20, 1977. International Relations. Declares it the sense of the Senate that the President of the United States (1) should propose an immediate suspension of underground nuclear explosions to remain in effect so long as the Soviet Union abstains from conducting underground explosions, and (2) should set forth promptly a new proposal to the Government of the Union of Soviet Socialist Republics and other nations for a permanent treaty to ban all nuclear explosions.

H. Res. 850. October 20, 1977. House Administration. Stipulates that the increase in the official expenses allowance for Members of the House of Representatives shall not take effect until the House of Representatives adopts a resolution determining specific guidelines for what constitutes an official expense.

H. Res. 851. October 20, 1977. Appropriations. Expresses the disapproval of the House of Representatives of the proposed deferral D78–30, relating to the Energy Research and Development Administration, gas cooled thermal reactor program, as set forth in the message of October 3, 1977, which was transmitted to the Congress by the President pursuant to the Impoundment Control Act of 1974.

H. Res. 852. October 20, 1977. Appropriations Expresses the disapproval of the House of Representatives to the deferral of certain budget authority (D78–33) relating to the Energy Research and Development Administration, Magnetic Fusion Energy Program—Fusion Material Test Facility, proposed by the President in his message of October 3, 1977, transmitted under the Impoundment Control Act of 1974.

H. Res. 853. October 20, 1977. Appropriations. Expresses the disapproval of the House of Representatives to the deferral of certain budget authority (D78–34) relating to the Energy Research and Development Administration, Magnetic Fusion Energy Program—Intense Neutron Source Facility, proposed by the President in his message of October 3, 1977, transmitted under the Impoundment Control Act of 1974.

H. Res. 854. October 20, 1977. Appropriations. Disapproves the deferral of certain budget authority (D78–35) relating to the Energy Research and Development Administration, High Energy Physics Program—Intersecting Storage Ring Accelerator, proposed by the President in his message of October 3, 1977, transmitted under the Impoundment Control Act of 1974.

H. Res. 855. October 20, 1977. House Administration. Establishes in the House of Representatives the House Employees Medical Disability and Maternity Benefits Fund.

H. Res. 856. October 20, 1977. Ways and Means. Declares that there be no reduction of customs duties on textile or apparel products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 857. October 20, 1977. Ways and Means. Declares that there be no reduction of customs duties on textile or apparel products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 858. October 20, 1977. Ways and Means. Declares that there be no reduction of customs duties on textile or apparel products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 859. October 20, 1977. Ways and Means. Declares it the sense of the House of Representatives that there be no reduction of customs duties on textile or apparel products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 860. October 20, 1977. Post Office and Civil Service. Designates January 6 as "Hyman Saloman Day."

H. Res. 861. October 20, 1977. Banking, Finance and Urban Affairs; International Relations. Declares it the sense of the House of Representatives that the President should review those United States policies which encourage investment in and trade with South Africa, and should consider what steps should be taken to end such support.

H. Res. 862. October 25, 1977. Banking, Finance and Urban Affairs. Expresses the sense of the House of Representatives that the Secretary of the Department of Housing and Urban Development should not implement the proposed reorganization of the field and insuring offices of the Department of Housing and Urban Development prior to the time when the appropriate committees of the Congress have had an opportunity to hold hearings on such reorganization.

H. Res. 863. October 25, 1977. Banking, Finance and Urban Affairs. Expresses the sense of the House of Representatives that the Secretary of the Department of Housing and Urban Development should not implement the proposed reorganization of the field and insuring offices of the Department of Housing and Urban Development prior to the time when the appropriate committees of the Congress have had an opportunity to hold hearings on such reorganization.

H. Res. 864. October 25, 1977. Ways and Means. Declares that there be no reduction of customs duties on textile, apparel, or fiber products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 865. October 25, 1977. Agriculture; International Relations. Declares that the President should establish a Commission on Domestic and International Hunger and Malnutrition which should: (1) collect and generate information and resources on food, hunger, malnutrition and related concerns; (2) assess current programs affecting domestic and international hunger and malnutrition; (3) analyze and report its findings and recommendations to the President, the Congress, and the public; and (4) assist the President and the Congress in implementing its recommendations.

H. Res. 866. October 25, 1977. Rules. Directs the Speaker of the House of Representatives to devise and implement a closed circuit system for the viewing of House proceedings.

Directs the House Committee on Rules to conduct a study of alternative methods of providing audio and visual broadcasting of all such proceedings. Requires the Speaker to implement a broadcasting and recording system for House proceedings.

Prohibits such coverage from being used for political purposes, or being broadcast with commercial sponsorship.

H. Res. 867. October 26, 1977. Government Operations. Requires Amtrak, the Urban Mass Transportation Administration, and ConRail to purchase only steel and products which have been mined, produced, or manufactured in a State or territory of the United States.

H. Res. 868. October 26, 1977. International Relations. Declares it the sense of the House of Representatives that the Republic of Korea should cooperate with the House of Representatives Committee on Standards of Official Conduct in determining whether Members of the House were bribed by such government.

H. Res. 869. October 26, 1977. Rules. Amends the Rules of the House of Representatives to add rule XLIX requiring any Member engaging in foreign travel by airplane to travel by commercial airplane. Stipulates that any Member desiring to use a private or military airplane shall submit a request to the appropriate committee chairman.

Restricts the kinds of local transportation which may be provided to House Members by any United States Embassy or consulate.

Establishes a reporting and reimbursement system for expenses incurred by Federal departments or agencies resulting from foreign travel by House Member or employees.

H. Res. 870. October 26, 1977. Ways and Means. Declares that there be no reduction

of customs duties on textile, apparel, or fiber products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 871. October 26, 1977. Rules. Declares that the House Select Committee on Ethics shall expire upon the completion of its official business.

Extends the authority of the Select Committee to report bills and resolutions, adopt regulations, and issue advisory opinions until such expiration date.

H. Res. 872. October 27, 1977. Sets forth the rule for the consideration of H.R. 6805 (Agency for Consumer Protection).

H. Res. 873. October 27, 1977. Rules. Establishes within the House of Representatives a Select Committee on the Committee System to study the establishment, jurisdiction, and operation of House committees.

H. Res. 874. October 27, 1977. Rules. Establishes within the House of Representatives a Select Committee on the Committee System to study the establishment, jurisdiction, and operation of House committee .

H. Res. 875. October 27, 1977. Ways and Means. Declares that there be no reduction of customs duties on textile, apparel, or fiber products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 876. October 27, 1977. International Relations. Recognizes the failure of the executive branch to submit the Panama Canal Treaty with terms that require the disposal of territory and property to be subject to the enactment of legislation.

Recommends that the Senate consent to the ratification of the Panama Canal Treaty with the reservation that United States territory and property in the Canal Zone be disposed of only by Act of Congress in accordance with article IV, section 3, clause 2 of the Constitution.

H. Res. 877. October 27, 1977. House Administration. Stipulates that the increase in the official expenses allowance for Members of the House of Representatives shall not take effect until the House of Representatives adopts a resolution determining specific guidelines for what constitutes an official expense.

H. Res. 878. October 27, 1977. Banking, Finance and Urban Affairs. Expresses the sense of the House of Representatives that the Secretary of the Department of Housing and Urban Development should not implement the proposed reorganization of the field and insuring offices of the Department of Housing and Urban Development prior to the time when the appropriate committees of the Congress have had an opportunity to hold hearings on such reorganization.

H. Res. 879. October 27, 1977. House Administration. Directs the payment of funds for standing and select committees of the House of Representatives for the period beginning January 3, 1978, and ending March 31, 1978.

H. Res. 880. October 28, 1977. Ways and Means. Declares that there be no reduction of customs duties on textile, apparel, or fiber products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 881. October 28, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that Congress should establish a national telecommunications policy.

H. Res. 882. October 31, 1977. Banking, Finance and Urban Affairs.

Expresses the sense of the House of Representatives that the Secretary of the Department of Housing and Urban Development should not implement the proposed reorganization of the field and insuring offices of the Department of Housing and Urban Development prior to the time when the appropriate committees of the Congress have had an opportunity to hold hearings on such reorganization.

H. Res. 883. October 31, 1977. Banking, Finance and Urban Affairs. Expresses the sense of the House that the national motto, "In God We Trust," shall continue to be engraved and printed on the currency of the United States.

H. Res. 884. October 31, 1977. House Administration. Authorizes the chairman of the Committee on House Administration to employ a special counsel to intervene in the action of Atkins against the United States.

H. Res. 885. November 1, 1977. Directs the agreement of the House with the amendments of the Senate to the amendments of the House to S. 1528 (Safe Drinking Water Act Amendments of 1977).

H. Res. 886. November 1, 1977. Banking, Finance and Urban Affairs. Expresses the sense of the House of Representatives that the Secretary of the Department of Housing and Urban Development should not implement the proposed reorganization of the field and insuring offices of the Department of Housing and Urban Development prior to the time when the appropriate committees of the Congress have had an opportunity to hold hearings on such reorganization.

H. Res. 887. November 1, 1977. Ways and Means. Declares that there be no reduction of customs duties on textile, apparel, or fiber products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 888. November 1, 1977. Ways and Means. Declares that there be no reduction of customs duties on textile, apparel, or fiber products and that such products be excluded from the current Tokya Round of Multilateral Trade Negotiations in Geneva.

H. Res. 889. November 1, 1977. Rules. Creates a select committee in the House of Representatives to study the effectiveness of measures being taken by the United States and foreign countries to alleviate the threat of terrorism.

H. Res. 890. November 1, 1977. House Administration. Stipulates that the increase in the official expenses allowance for Members of the House of Representatives shall not take effect until the House of Representatives adopts a resolution determining specific guidelines for what constitutes an official expense.

H. Res. 891. November 1, 1977. House Administration. Stipulates that the increase in the official expenses allowance for Members of the House of Representatives shall not take effect until the House of Representatives adopts a resolution determining specific guidelines for what constitutes an official expense.

H. Res. 892. November 2, 1977. Authorizes the consideration of House Joint Resolution 643 (Continuing appropriations).

H. Res. 893. November 2, 1977. Authorizes the consideration of the conference report and the amendment reported from conference in disagreement on H.R. 7555 (Appropriations for Department of Labor, and Health, Education, and Welfare).

H. Res. 894. November 2, 1977. Ways and Means. Expresses the displeasure of the House of Representatives toward any policy of the Internal Revenue Service which changes through administrative interpretation longstanding applications of the internal revenue laws.

H. Res. 895. November 2, 1977. House Administration. Stipulates that the increase in the official expenses allowance for Members of the Hcuse of Representatives shall not take effect until the House of Representatives adopts a resolution determining specific guidelines for what constitutes an official expense.

H. Res. 896. November 2, 1977. Rules. Directs the House Committee on Interior and Insular Affairs, International Relations, Interstate and Foreign Commerce, and Science and Technology to conduct joint hearings and a comprehensive study to assist Congress in developing a nuclear energy policy.

H. Res. 897. November 3, 1977. Rules. Establishes within the House of Representatives a Select Committee on the Committee System to study the establishment, jurisdiction, and operation of House committees.

H. Res. 898. November 3, 1977. House Administration. Authorizes compensation to specified additional employees with respect to Official Reporters of Debates and official reporters to committees.

H. Res. 899. November 3, 1977. House Administration. Directs the printing as a House document, "The Balance(s) of Power Series: Part 1—Strategic and Conventional Forces. A compilation of Congressional Record, Extensions of Remarks, March 17, 1976, through November 4, 1977."

H. Res. 900. November 3, 1977. Education and Labor. Declares that the Committee on Education and Labor should study the impact of imports on counterpart domestic industries and on unemployment generally in the United States.

H. Res. 901. November 3, 1977. Government Operations. Declares that Federal agencies should make greater efforts to obtain steel and steel products only of domestic origin and should require State and local governments conducting any program more than half of the funds of which derive from Federal sources to limit their acquisitions of steel and steel products to those of domestic origin.

H. Res. 902. November 3, 1977. Ways and Means. Directs the President to instruct the Special Representative for Trade Negotiations to initiate negotiations with Japan and the European Economic Community to achieve orderly marketing agreements resulting in a reduction in steel imports.

H. Res. 903. November 3, 1977. Ways and Means. Reaffirms the support of the House of Representatives for existing laws restricting unfair or subsidized competition from imports. Urges the President to direct Federal agencies to enforce existing laws to prevent dumping, trade discrimination, and unfair competition which have an adverse impact on the American steel industry.

H. Res. 904. November 3, 1977. Government Operations. Requires Amtrak, the Urban Mass Transportation Administration, and ConRail to purchase only steel and products which have been mined, produced, or manufactured in a State or territory of the United States.

H. Res. 905. November 3, 1977. Banking, Finance and Urban Affairs. Expresses the sense of the House that the national motto, "In God We Trust," shall continue to be engraved and printed on the currency of the United States.

H. Res. 906. November 3, 1977. Ways and Means. Declares that there be no reduction of customs duties on textile, apparel, or fiber products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 907. November 3, 1977. Ways and Means. Declares that there be no reduction of customs duties on textile, apparel, or fiber products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 908. November 3, 1977. House Administration. Stipulates that the increase in the official expenses allowance for Members of the House of Representatives shall not take effect until the House of Representatives adopts a resolution determining specific guidelines for what constitutes an official expense.

H. Res. 909. November 3, 1977. Rules. Amends rule XXI of the Rules of the House of Representatives to require the Clerk to call the roll on the vote on final passage of any bill, or final adoption of any resolution, affecting the compensation of a Member or ex-Member of Congress, and to record such vote.

H. Res. 910. November 4, 1977. Banking, Finance and Urban Affairs. Expresses the sense

of the House of Representatives that the Secretary of the Department of Housing and Urban Development should not implement the proposed reorganization of the field and insuring offices of the Department of Housing and Urban Development prior to the time when the appropriate committees of the Congress have had an opportunity to hold hearings on such reorganization.

H. Res. 911. November 4, 1977. House Administration. Directs the House Committee on House Administration to award contracts for the operation of the House beauty and barber shops.

Sets forth the procedure for awarding such contracts.

H. Res. 912. November 4, 1977. Rules. Amends the Rules of the House of Representatives to transfer the responsibility of investigating Communist and subversive organizations affecting the internal security of the United States to a standing committee on Internal Security established by this Resolution. Confers upon such Committee the responsibility for investigating all organizations within the United States aimed at overthrowing the Government of the United States by force, insurrection or other unlawful means or inciting or employing violence to obstruct the authority of the Federal Government with respect to matters of internal security of the United States.

H. Res. 913. November 4, 1977. Banking, Finance and Urban Affairs; International Relations. Declares it the sense of the House of Representatives that the President should review practices which encourage United States investment in or trade with South Africa, and consider steps to end practices beneficial to South Africa.

H. Res. 914. November 22, 1977. International Relations. Declares it the sense of the House of Representatives that the people of Egypt and Israel be congratulated and encourage the states of the Middle East to begin direct negotiations for peace in the Middle East.

H. Res. 915. November 22, 1977. House Administration. Directs the payment of funds, from the contingent fund of the House, for the investigation of Korean-American relations by the Subcommittee on International Organizations of the House Committee on International Relations.

H. Res. 916. November 29, 1977. Sets forth the rule for the consideration of S. 1340 (Energy research authorizations).

H. Res. 917. November 29, 1977. Sets forth the rule for the consideration of H.J Res. 662 (Appropriations for 1978).

H. Res. 918. November 29, 1977. Expresses the sorrow of the House of Representatives upon the death of a former Senator from Arkansas.

Directs the appointment of House committee to attend the funeral of the late Senator.

H. Res. 919. November 29, 1977. International Relations. Congratulates the people of Egypt and Israel and encourages the states of the Middle East to begin direct negotiations for peace in the Middle East

H. Res. 920. November 29, 1977. Government Operations. Requires Amtrak, the Urban Mass Transportation Administration, and ConRail to purchase only steel and products which have been mined, produced, or manufactured in a State or territory of the United States

H. Res. 921. November 29, 1977. House Administration. Directs the payment of $160,000 from the contingent fund of the House of Representatives for the further expenses of the investigations and studies to be conducted by the Committee on Small Business.

H. Res. 922. November 30, 1977. Rules. Amends rule XXII of the Rules of the House of Representatives to prohibit the House from receiving or considering any bill or resolution unless it contains a statement citing the Constitutional basis of authority for such bill or resolution.

H. Res. 923. November 30, 1977. Rules. Directs the House Committee on Interstate and Foreign Commerce to initiate an investigation concerning the Notice of Proposed Rulemaking regarding the National Guidelines for Health Planning filed by the Secretary of Health, Education, and Welfare.

H. Res. 924. December 6, 1977. International Relations. Congratulates the people of Egypt and Israel and encourages the states of the Middle East to begin direct negotiations for peace in the Middle East.

H. Res. 925. December 6, 1977. International Relations. Congratulates the people of Egypt and Israel and encourages the states of the Middle East to begin direct negotiations for peace in the Middle East.

H. Res. 926. December 6, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that the Federal Communications Commission should maximize local primary radio broadcast service in any proceeding respecting the provision of class I–A and I–B radio service.

Prohibits the operation of a standard broadcast station with power in excess of 50,000 watts.

H. Res. 927. December 6, 1977. Banking, Finance and Urban Affairs. Expresses the sense of the House of Representatives that the Secretary of the Department of Housing and Urban Development should not implement the proposed reorganization of the field and insuring offices of the Department of Housing and Urban Development prior to the time when the appropriate committees of the Congress have had an opportunity to hold hearings on such reorganization.

H. Res. 928. December 7, 1977. Directs the consideration of the House of a motion to consider Senate amendments to House Joint Resolution 662 (Appropriations for 1978).

H. Res. 929. December 7, 1977. Directs the considerations by the House of the Senate amendments to House Joint Resolution 662 (Appropriations for 1978).

H. Res. 930. December 7, 1977. Directs agreement by the House to the Senate amendments to H.R. 9378 (Employee Retirement Income Security Act amendments).

H. Res. 931. December 7, 1977. International Relations. Declares it the sense of the House of Representatives that the President should not extend diplomatic or other recognition to the Bophuthatswana territory.

H. Res. 932. December 8, 1977. House Administration. Directs the printing of the report, "Mandatory Retirement: The Social and Human Cost of Enforced Idleness" (95th Congress).

H. Res. 933. December 8, 1977. House Administration. Directs the printing of the report, "Senior Transportation: Ticket to Dignity" (94th Congress).

H. Res. 934. December 8, 1977. House Administration. Directs the printing, with typographical corrections, of the committee print, "Federal Responsibility to the Elderly" (95th Congress).

H. Res. 935. December 15, 1977. Authorizes the consideration of the conference report on H.R. 3199 (Federal Water Pollution Control Act authorizations).

H. Res. 936. December 15, 1977. Directs the payment of a death gratuity to the widow of a sepcified House employee.

H. Res. 937. December 15, 1977. Authorizes the consideration of the conference report on H.R. 9346 (Social security financing).

H. Res. 938. December 15, 1977. Directs the appointment of a House committee to inform the President of the completion of business of the sesion.

H. Res. 939. December 15, 1977. International Relations. Congratulates the people of Egypt and Israel and encourages the states of the Middle East to begin direct negotiations for peace in the Middle East.

H. Res. 940. December 15, 1977. International Relations. Commends the Norwegian Nobel Peace Prize Committee for awarding the prize to Mairead Corrigan, Betty Williams, and Amnesty International.

H. Res. 941. December 15, 1977. International Relations. Commends the Norwegian Nobel Peace Prize Committee for awarding the prize to Mairead Corrigan, Betty Williams, and Amnesty International.

H. Res. 942. December 15, 1977. International Relations. Commends the Norwegian Nobel Peace Prize Committee for awarding the prize to Mairead Corrigan, Betty Williams, and Amnesty International.

H. Res. 943. December 15, 1977. Interstate and Foreign Commerce. Expresses the sense of the House of Representatives that the Federal Communications Commission should maximize local primary radio broadcast service in any proceeding respecting the provision of class I–A and I–B radio service.

Prohibits the operation of a standard broadcast station with power in excess of 50,000 watts.

H. Res. 944. December 15, 1977. House Administration. Directs the Speaker of the House of Representatives to designate a delegation of Members of the House of Representatives to travel to Fort Knox, Kentucky, and inspect the Crown of St. Stephen and related Hungarian treasures.

H. Res. 945. December 15, 1977. Ways and Means. Declares that there be no reduction of customs duties on textile, apparel, or fiber products and that such products be excluded from the current Tokyo Round of Multilateral Trade Negotiations in Geneva.

H. Res. 946. December 15, 1977. Refers H.R. 10404 to the Chief Commissioner of the Court of Claims.

EXTENSIONS OF REMARKS

WITH EXPORTED LOGS GO FORESTS, WEALTH, JOBS

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. WEAVER. Mr. Speaker, the January 16, 1978, issue of the Oregon Grange Bulletin carries a significant analysis of the deadly impact of log exports upon the economy of the Pacific Northwest.

The annual export rate of around 2.8 billion board feet of raw logs robs our States of urgently needed raw material. Were those logs cut into lumber and plywood in U.S. mills, we would save the jobs and payrolls for our own country, and realize a much higher price in the export market.

The entire article follows:

WITH EXPORTED LOGS GO FORESTS, WEALTH, JOBS

We have, for many years, opposed exporting raw logs from Oregon. With each passing year we become more convinced that exporting raw logs is a terrible shortsighted and misguided policy that can only hurt this state and its people.

Forestry researchers, for whatever motive, are urging us to stop thinking of our state and federal forests as a natural resource. They urge us to consider, not the forest, but the trees—and to consider them only as a

crop to be sold as fast as possible down to the last tree. They contend that we should think of exporting our logs in the same context as we do exporting wheat or apples. They argue that they are now producing "super trees" that can be planted to produce a crop of much superior trees in from 35 to 50 years. Well—maybe! But what happens to our Forests? After all, a forest isn't just trees.

When we export a large percentage of our logs in their raw state, what happens to the people—not only the people who work directly in the lumber industry but also the people, mechants, doctors, teachers, etc., who provide the services the lumber workers use? What's good for the timber barons, past and present, is not (and has not been) always best for Oregon.

We recently noted an editorial in the International Woodworker which deals very graphically with this issue. It so clearly points out what is happening in Oregon's largest industry that we are reprinting excerpts from it.

"We just got the latest figures on log exports. September, 1977 shipments amounted to 227.6 million board feet from all ownerships in Washington, Oregon and northern California. This is a 22 percent increase from the August total and the August total included exports from Alaska. Alaska didn't export any logs in September.

"For that matter, northern California didn't contribute that much to the total either. Oregon and Washington supplied most of it: 219.7 million board feet.

"The total for the first nine months of 1977 now stands at 2.1 billion board feet and if the current pace continues, 1977 will come close to matching last year's all-time record of 2.86 billion board feet.

"And it will mean another 11,000 potential jobs in the lumber industry going down the drain along with the same numbers that went down last year. That's a record we don't enjoy seeing achieved.

"It also means additional pressure on public forest lands to meet the domestic demand for wood products; public forest lands which are already being over-cut at a rate not to be tolerated much longer. 'Sustained Yield' seems to be a forgotten term.

"It means a further erosion of the Pacific Northwest's economic foundation.

"But it means money too, lots of it. Exporters received nearly $700 million for logs during the first nine months of 1977. And there is a 'maximum' amount of profit in that figure. There isn't, for instance, much labor cost in it and the tax treatment is more of a treat for those who are responsible for company financial statements.

"Which brings us to the essence of the debate on log exports. Should the trees on our hillsides be used to benefit everyone or should they be used by multi-national corporations to generate enormous cash flows, the bulk of which are re-invested outside of the Pacific Northwest where 'investment productivity' is greatest? That is, where governments are friendly and workers are un-organized.

"Shouldn't those logs be made into lumber by American workers making American wages? It's cheaper that way, the lumber would cost less on a 'free' market. And those American workers would also be American consumers and American taxpayers. Right now they are unemployed Americans."

THE END OF AN ERA

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. LEVITAS. Mr. Speaker, last year, on October 6, I addressed the Woman's National Democratic Club in Washington, D.C., and said that "the New Deal is dead; may it rest in peace." During the course of that speech, I pointed out that we are witnessing the end of an era, that we are emerging from the New Deal era into a different time and place, which calls for new solutions to new problems. The Federal Government is no longer perceived as being all things to all people. The public no longer wants or needs all-encompassing direction and control from Washington. All things change, even those good for their times. The New Deal has become the Old Deal. Its ideals are still valid, but its modes of solution are no longer valid.

I said then that I felt that President Carter's election was based on his appeal to these sentiments. The major underpinning of Jimmy Carter's success was a broad-based appeal to the average, Main Street, nongroup-identifiable Americans. To a very great extent that appeal was based on their perception of Jimmy Carter as a person not associated with those aspects of Washington government that have proved to be wasteful, oppressive failures. He was perceived as seriously dedicated to changing fundamentally the direction of our Federal Government. His campaign called for Government reorganization, decentralization, tax reform, welfare reform, control over the bureaucracy, less government, more responsive government, and balanced budgets—these themes are basically responsible for the attraction that Carter had to millions of Americans. These themes are the antithesis of the New Deal. They are more Jefferson than Roosevelt. They are Carter's era, not FDR's.

Washington no longer has all the answers, nor should it. The problems of today are not those of a 1930's depression-ridden country. Today's problems are those that an urban, heterogeneous, sectional, sprawling world power must face. The answers lie for the most part within the people in their own regions, States, and localities. The answers lie, as well, in the private sector, not with an all-powerful government. Our success will be in returning to ourselves the power over our own lives.

There is an increasingly pervasive feeling that Federal control should yield to regional, State, and local initiatives—that State and local governments are the proper forums for much for the problem-solving directed from Washington, and that private sector initiatives and self-control are preferable to Federal over-regulation and strangulation. The American people favor this. The Democratic Party must readopt this approach.

All of this is not to say that we can, or should, abandon the ideals of the New Deal. Concern for minorities; respect for the dignity of the individual; and concern for the welfare of the people were valid concepts under FDR. They should still guide us today. But the methods of the New Deal will no longer work to solve today's problems. The New Deal idea that an expanding Federal executive branch, with an agency for each problem and vast spending programs for every ill is now outmoded and part of history.

Only Democrats can bring about this transformation, just as only Republicans could have opened up China. The newer Members of Congress, especially the new American public is hungry for new approaches, new solutions, and new directions.

Witness the lack of national, even Democratic, support for a new Federal bureaucracy, even if it is called something as politically attractive as an "Agency for Consumer Protection." The recent debate on the consumer bill again led me to say that we must break away from the old idea that we must create a new agency to solve every problem. That bill was defeated; a defeat symbolic in that it signifies that the message is getting through: People no longer believe that the creation of more Government agencies will solve their everyday problems.

Apparently even David Broder, columnist for the Washington Post, finally now agrees with this assessment, as he wrote in this morning's Washington Post, in the "End of the Washington-Con-Do-It Era." I am delighted that Mr. Broder has come to understand that Government as the panacea for all our social and political ills is less and less a feasible idea. The public has known this for a long time. Jimmy Carter's election underscored this even if some of his proposals have seemed to look back to a former era. It is time that congressional leadership realizes this as well.

The article follows:

END OF THE WASHINGTON-CAN-DO-IT ERA

(By David S. Broder)

Two brief talks on the floor of the House last week speak volumes about the changing political climate in America.

The first speaker was Rep. Carroll Hubbard Jr. (D-Ky.), a 40-year-old lawyer and former state legislator. In 1975, when the huge batch of Democratic freshmen came into the House on the heels of the Watergate scandal, Carroll Hubbard was the man they chose as their first class president.

That class of 1975 was viewed by many, at the time, as a force that was likely to tip the House heavily in the liberal direction. What made Hubbard's one-minute speech the other day interesting was that he used it to place in the Congressional Record an article, not from the New Republic but from Reader's Digest. The article knocked the stuffing out of President Carter's proposed consumer protection agency.

Hubbard said he thought the article was right, that the consumer agency would be "yet another unwieldy federal regulatory bureaucracy."

Next up was Rep. Abner J. Mikva (D-Ill.), an Evanston lawyer and former state legislator who is the current chairman of the Democratic Study Group, the caucus of the House liberals. What was on his mind that day was the need for remedial legislation that "will substantially ease the burden of Social Security taxes on middle-income taxpayers. . . ."

When Congress last year passed the bill to restore the solvency of the Social Security Trust Fund, it set off the loudest tax protest heard in ages. "It has become clear," said Mikva, the liberals' leader, "that last year's action . . . resulted in an intolerably burdensome payroll tax for middle-income taxpayers and for many businesses."

Those two statements pretty well capture the mood of the old liberals and the new arrivals who dominate the ranks of this Democratic Congress. And they explain why a period that many expected—with dread or anticipation—to bring a new burst of gov-

ernmental activism is proving instead to be a burial ground for most liberal legislation.

Jimmy Carter's budget marks the first time in this century that a newly elected Democratic president has failed to ask for major funds for a single significant new domestic welfare program. But Carter is still trying for some traditional liberal goals that many of the congressional Democrats have abandoned.

His welfare-reform proposal is being nibbled to death in committee, and seems a poor prospect for passage. National health insurance has begun to fade, even before it is formally introduced. The hospital-cost-containment bill that Carter had described as the essential first step toward national health insurance has been emasculated by, of all people, the late Richard J. Daley's man on the House Ways and Means Committee. So much for meat-and-potatoes liberalism.

As for the more visionary brand of liberalism, the Humphrey-Hawkins full-employment bill has been rewritten to eliminate any real commitment by the government to become the employer of last resort. And even in its watered-down form, it would probably be abandoned by the White House and most congressional Democrats, were it not for the pressure of the Black Caucus and the sentimental urge to erect one more monument to Hubert Humphrey.

Closer to the heart of the current political mood were the defeat of the consumer protection agency bill and the severe backlash on the latest Social Security taxes.

For 40 years, Social Security was the linchpin of all liberal politics. You literally couldn't do too much for the elderly, the disabled and the ill. But now the costs of that largess have come home with a vengeance, and the middle-class working families have let their congressmen hear from them. Never again will Social Security benefits be increased without Congress's looking nervously over its shoulder.

Consumerism was a cause as appealing in the early 1970s as welfarism was in the three previous decades. But now that cause has been blunted by the fear of a meddlesome, bureaucratic big government. And never again will Democrats assume—as they have for four decades—that the automatic answer to every problem in the country is the creation of a new agency in Washington.

An era is ending. You can see it even in such minor occurrrences as the one-minute speeches of Carroll Hubbard and Abner Mikva.

REDUCE TENSION IN THE HORN

HON. PAUL E. TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. TSONGAS. Mr. Speaker, Congressman DON BONKER and I released the report of our December factfinding mission to the Horn of Africa to the International Relations Committee on February 9. At the same time, we issued a statement calling upon the administration to expand its efforts to reduce tension in the Horn of Africa both unilaterally and through the United Nation's Security Council.

It is our feeling that the U.S. policy of neutrality in its present form is insufficient in dealing with the potentially explosive problems which exist in the Horn. We, therefore, have urged the President to call on Somalia to withdraw immediately from the Ogaden, and at the same time, warn Ethiopia not to cross the border into Somalia.

It is our position that the United States and other countries should not provide either indirect or direct military assistance to Somalia. Any form of assistance to Somalia would lend credence to Somalia's invasion of Ethiopia, prolong the fighting in the Ogaden, and lead to further escalation of the arms race in the region. We believe that reports of Egyptian military advisors in Somalia add a dangerous dimension to the conflict, and we have criticized Egyptian President Anwar Sadat for this action.

We have called upon the administration to immediately introduce a resolution in the United Nation's Security Council to establish a moratorium on the supply of arms to Ethiopia and Somalia; ask Somalia to withdraw its forces from the Ogaden in return for an international guarantee against an Ethiopian invasion into Somalia; and institute negotiations to extend full rights to the Somali inhabitants in the Ogaden.

We suggest that the international guarantee should consist of a U.N./O.A.U. peace-keeping force along the Ethiopian-Somalian frontier composed of Nigerian, Scandinavian, and Canadian troops.

The United States is at a critical stage in its policy in the Horn. The situation is volatile and potentially dangerous for several countries which are important to the United States. With Israel's support of Ethiopia, and with some Arab States now prepared to aid Somalia, the chances of the conflict spreading throughout Northern Africa and the Middle East become more imminent.

Our report, which is the most comprehensive and most current assessment of U.S. policy options in the Horn, is available to any Member of Congress. The report was personally delivered to President Carter and Secretary Vance at private meetings in January.

FULL VOTING REPRESENTATION FOR THE DISTRICT OF COLUMBIA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. RODINO. Mr. Speaker, on January 31 the Committee on the Judiciary voted to report to the House, House Joint Resolution 554, to provide full voting representation in Congress for the people of the District of Columbia. I am glad to say that the resolution was overwhelmingly approved by a vote of 27 to 6.

An excellent editorial was published in the Washington Post that day which urged such action and strongly supported the effort to give full representation in the House and Senate to District of Columbia residents. I ask that it be included in the RECORD for the information of my colleagues.

[From the Washington Post, Jan. 31, 1978]

VOTING FOR THE VOTE FOR THE DISTRICT OF COLUMBIA

Every now and again over the last century, we've suggested that Congress consider rectifying an old oversight that has shut out a respectable number of American citizens from its legislative doings—namely, the people of the District of Columbia, who are without full-fledged senators and representatives. Today, as the House Judiciary Committee meets to act on a proposed constitutional amendment providing congressional representation, we won't rehash the more familiar arguments for extending this democratic right; by now, most members have heard them.

Indeed, most members of Congress do acknowledge the right of the District's residents to representation in the House—it's the Senate that has been a sticking point. By and large, this opposition has focused on language in the Constitution providing that "no State, without its consent, shall be deprived of its equal suffrage in the Senate." But during the House hearings last fall, there was extensive testimony from constitutional scholars who saw no problem with this clause. Among them was Charles Alan Wright of the University of Texas, who predicted that any challenge to the proposed amendment based on this clause would fail. "It seems to me that the clear purpose of that clause was to ensure that the Great Compromise would not be undone and that representation in the Senate would not be put on the basis of population," he stated. "That purpose is not compromised by allowing the District to have two senators any more than it is when a new state is admitted."

Similarly, Prof. Stephen A. Saltzburg of the University of Virginia Law School testified: "To be candid, I find this argument to be nonsense. . . Nothing in the language of this Article states that the Constitution cannot be amended to give entities other than states voting power in the Senate. All that is required is that a state have an equal vote. If the District is given two senators, no state is in an unequal position when compared to any other state or to the District." For that matter, if the District were given representation in the House but not the Senate, the balance of the two Houses of Congress would be upset.

But the underlying reasons for opposing District representation in the Senate have more to do with politics than constitutional history. For one thing, many Republicans see the change as an automatic addition of two Democrats. Others in the club of 100 aren't anxious to have their relative influence diminished. Who knows, before we're through somebody may even argue that a limit of 100 senators is a necessary part of the conversion to a metric-decimal system.

In any event, there does seem to be strong interest this year in approving full voting representation. President Carter has endorsed it not just as a matter of local interest, but also as a part of the administration's human-rights commitments. Moreover, support for full representation was included in the 1976 platforms of the Democratic and Republican parties. Also in 1976, a majority of the House—nearly the necessary two-thirds—voted for a proposed amendment. This time, Congress should finish the job. The best sendoff would be a resounding committee vote this morning for nothing less than full representation in the House and Senate.

A HERO OF TWO WORLDS

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. DELANEY. Mr. Speaker, in addition to having brought to mind the debt of gratitude we owe President Lincoln, this past Sunday marked the anniversary of the birth of one of our greatest Revo-

lutionary War heroes, Gen. Thaddeus Kosciusko.

Upon his own resolve and at considerable personal expense, Kosciusko journeyed to America from his native Poland to make whatever contribution he could to the fight for liberty. Upon arriving in Philadelphia in 1776, he was immediately commissioned a colonel of Army Engineers in the Continental Army and engaged by the Philadelphia Defense Committee to assist in the fortification of the Delaware River. During the course of the war he served with distinction in the Carolinas, and in the battles of New York and Yorktown.

In my home State of New York, General Kosciusko made a formidable and lasting contribution to America's military security by designing and engineering the military defenses of West Point.

Returning to his native Poland in 1784, Kosciusko's thirst for freedom could not be quenched. Following the second partition of Poland in 1794, he led a national uprising which was temporarily successful in stemming the flood of Russian invaders. This heroic fight for liberty against overwhelming odds was characteristic of Kosciusko and typical of his spirit. Another great champion of freedom, Thomas Jefferson, once said of him:

He is as pure a son of liberty as I have ever known, and of that liberty which is to go to all, and not to the few or rich alone.

Mr. Speaker, my constituents and I are proud to have a bridge honoring this great Polish-American "hero of two worlds" in our congressional district. That it spans the border between Brooklyn and Queens symbolizes how General Kosciusko's love of freedom forms a bond of friendship between Americans and Poles even today.

REFORM OF THE VETERANS' PENSION PROGRAM

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. DRINAN. Mr. Speaker, last week the Veterans' Affairs Subcommittee on Pension and Compensation held hearings on the World War I Pension Act and other pension reform proposals. As a cosponsor of legislation to provide an unrestricted pension for World War I veterans and their widows as well as measures to preclude social security increases from serving as a basis for reduction in pension benefits, I was pleased to submit a statement to the subcommittee:

TESTIMONY OF CONGRESSMAN ROBERT F. DRINAN

Mr. Chairman: I thank the Subcommittee for holding these long-awaited hearings on the World War I Pension Act and other pension reform legislation. Less than one-fourth of the 4,744,000 Americans who served during World War I survive today. These veterans average 79 years of age. They do not comprise a large or aggressive constituency and unfortunately, too often in the past their concerns have been obscured by the need to attend to larger issues. Congressman Glenn Anderson is to be commended for his untiring efforts in focusing our attention on the plight of World War I veterans and their widows and his introduction of the World War I Pension Act.

In considering the merits of H.R. 9000 of which I am a cosponsor, we should remember that most of the World War I veterans retired nearly fifteen years ago when public and private pension plans were not as good as they are today. It was only in 1974 that the Congress enacted legislation which for the first time placed protections in law against the loss of private pension benefits. Additionally, besides serving in a war which involved primitive warfare by current standards and accompanying greater personal hardship and risk, upon their homecoming these veterans faced another sort of 'war' with the Great Depression. There were far fewer opportunities than those which existed for veterans returning from later conflicts.

Even in their veterans' benefits, World War I veterans did not enjoy benefits comparable to later day veterans. There was no program of educational assistance, there was no special effort to assist in employment and there was no system of V.A. medical care as exists today. In Massachusetts the average annual income of World War I veterans receiving pension is estimated to be $2300 excluding their veterans pension. This means that the yearly income of a World War I veteran and his spouse totals on the average under $5,000. Massachusetts has one of the highest cost-of-living rates for an elderly couple. The situation is more bleak for a World War I widow whose annual income is often times as low as $4300.

Providing an unrestricted pension benefit of $150 a month for a World War I veteran or his widow is not a special privilege. Enactment of the World War I Pension Act will serve to bring the treatment of World War I veterans and their widows to a point approaching equity with the benefits veterans of later years have received.

I would also like to commend the Subcommittee for its initiative in proceeding with legislation to reform the entire pension program, H.R. 10173. In recognition of the inadequacies which exist in the present structure, the Congress requested a comprehensive review and evaluation of the pension program from the Veterans' Administration. As you are well aware, that report has not yet been received but we cannot in good conscience delay further in attending to this concern. Each year at this time we all hear from older veterans or their widows who have experienced a reduction in pension due to the last year's social security increases. We are asked over and over again why what is given by one hand of the federal government is taken by the other. This problem warrants a permanent solution. Our efforts in the past to off-set social security increases through an increase in the income limitation of the veterans' pension program has not solved the problem. In all too many cases veterans or their dependents are still left in a worse financial situation in terms of total income. It is estimated that 80 percent of those eligible for veterans' pension also receives social security. For many of these people these two benefits are the sole means of support.

H.R. 10173 calls for substantial increases in the rates of pension and also provides an automatic cost-of-living adjustor in the pension program. Beneficiaries of veterans pension should not have to wait each year until the Congress decides whether there should be a cost-of-living increase in the pension program to off-set inflation. I fully support making such increase a matter of law as it is in social security and the federal pension program. Yet I do today as I have since 1972, urge this Subcommittee to consider removing social security cost-of-living increases from consideration as income in the pension program. When the Congress provided this automatic cost-of-living adjustor in the social security law the intention was clear—benefits were to keep pace with inflation. This additional benefit should not be deemed additional income with the result of serving as a basis for reduction in veterans' benefits. It is not a bonus but merely allows the older citizen to continue purchasing the necessities he or she needs and helps offset the increased costs of food, housing, utilities, etc. I urge this Subcommittee to consider a disregard in the veterans' pension program for social security cost-of-living increases.

LITHUANIAN ANNIVERSARY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. FLORIO. Mr. Speaker, February 16, 1978, marks the 60th anniversary of the reestablishment of the independent state of Lithuania.

On this date, in the year 1918, the resurgence of an independent Lithuanian people was realized. What a remarkable feat this was. Since its first historical recognition as a nation in the year 1009, much of the history of Lithuania has been dominated by the conquests and seizure of control of the nation by foreign powers.

Russian domination began in 1795, and continued until 1915. During Russia's long occupation, attempts were made to replace Lithuanian language and culture with Russian. But the Lithuanian people, strong in their faith in their God and their nation, refused to accept the dismantling of their national ways and traditions.

While Lithuanian faith remained impenetrable, their nation was ravaged in the destruction of the First World War. But the close of the conflict found Lithuania in a most favorable political position. Negotiations with the German state resulted in the birth of a sovereign, wholly independent state of Lithuania, with its centrally formed government based on strong democratic principles. February 16, 1918, Lithuanian Independence Day, will forever be celebrated by Lithuanians and freedom-loving peoples throughout the world.

The following years found Lithuania accepted as a sovereign state in the League of Nations, and a permanent constitution was adopted which accorded a republican form of government and preserved the freedoms of speech, assembly, and religious expression.

And, finally, before the eyes of the world, Russia in 1920 signed a peace treaty with Lithuania, recognizing it as an independent nation and dissolving forever any rights of sovereignty over it.

A free and independent Lithuania flourished. Land reform programs allowed a vast number of Lithuanians to own and farm the countryside. Industrial enterprises increased a thousandfold, and educational opportunities were expanded.

World War II quickly dissipated the momentum of progress the nation was on. Once again, Lithuania was engulfed by invading armies. Soviet occupation prevailed and in 1940 Lithuania was de-

clared a constituent republic of the U.S.S.R. by the Supreme Soviet in Moscow.

The protests of the Lithuanian people were strong. It is estimated that more than 30,000 freedom-fighting Lithuanians were deported to Siberia, and many more thousands were executed. Finally the close of the war found Lithuania firmly behind the Iron Curtain.

News from Lithuania is now censored as controlling bureaucracies from Moscow now dictates that nation's course. Stripped of its cultural and political independence, and of basic rights that all free men exercise, Lithuania and Lithuanian peoples throughout the world still mark February 16 as their day of independence. Lithuania keeps alive a spark of freedom in the very face of Soviet domination, and it is, indeed, a very small gesture for us today to pay tribute to this great nation and its people.

THE WYOMING VOICE OF DEMOCRACY ESSAY WINNER

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. RONCALIO. Mr. Speaker, I am pleased to submit for inclusion in the RECORD, an essay written by Steven R. Peck, winner of the Wyoming VFW Voice of Democracy scholarship program. Steven's essay is an articulate statement on the rights and responsibilities of all Americans.

Steven is the son of Robert and Cordelia Peck of Riverton, Wyo. His father, Robert, is publisher of the Riverton Ranger. Steven is also planning a career in journalism. He is currently editor of the Riverton High School newspaper, active in the high school band, and history and foreign language clubs. His interests range from tennis, golf, to jazz, fishing, and filmmaking. Encouraged by his accomplishments in both the National Forensics League and the Thespian Society, Steven is making a bid for the State president of Wyoming Thespian Society. His work follows:

VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

American poet Delmore Schwartz once said, "In dreams begin responsibilities."

This is perhaps the single most representative ideal of America ever expressed, for nothing so typifies the way of life we enjoy in this country. Having a dream, something to strive for, automatically commits one to take the responsibility to reach his goal. This has literally been the foundation and the backbone of the United States of America.

For without dreams, and the responsibilities stemming from them, we would have nothing. The United States would still be under the tyrannical rule of oppressive monarchs who knew nothing of the dreams of their people. Fortunately, a few brave men and women had the dream of freedom and equality, and were willing to accept the responsibility of making that dream into reality. For them we must be thankful. They started the attitude that Americans maintain today.

The American people know the responsibility they have to their country and to one another, that instinctive sense of fairness and understanding, from which the world's greatest nation has been born. The images of courageous soldiers, profound statesmen, blue skies, and majestic mountains are the images that people around the world have of America.

And why? Because of the overriding obligation to honor, sincerity, and justice that Americans take pride in presenting to their neighbors. Throughout history we have seen one example after another of an American who would give up everything he owned rather than surrender his right to honor his country. From the pilgrim, to Washington, Lincoln, Roosevelt, and Kennedy, we find such examples.

But the greatest and most frequent examples are the private citizens, who don't act for the glory or the recognition that some receive. They work themselves, for their own pride, for their own happiness, for their own security. And these people must be the most glorious examples of all.

America offers things that no other country can, because the other nations have not had the dreams or the courage to make those dreams work. Where else would we find such stories of success and accomplishment as in our country? Only in a nation that took the time to weigh its obligations to its people and to try to fulfill those obligations. America stands out as an example for other nations to follow. Because the old saying really is true. America is crowned with brotherhood from sea to shining sea.

The standards that America sets for its people are high. These standards are set so that we may maintain our own standards of living, speaking, and thinking freely.

My responsibility to America, as is every citizen's of this country, is to live up to these standards and qualifications that my country has set for me, no matter what they may be, to have the fortitude to dream and suggest, and to promote my country's interests in the best way I can.

And, surely, this is challenge enough for anyone.

FREEDOM, LIBERTY, AND INDEPENDENCE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. MINISH. Mr. Speaker, February 16 is a date which stirs in the hearts of Americans of Lithuanian descent, the memory of a brave nation's quest for independence and identity. Sixty years ago, the Lithuanian people declared their independence. They immediately began making great strides toward the establishment of a prosperous lifestyle for themselves, based on the principles of freedom, liberty, and independence.

Although that freedom was short in duration—for in 1940 the Soviets illegally declared Lithuania and the other Baltic States to be a part of the Soviet Union—the people of Lithuania have not forgotten the fulfillment they had found in a lifestyle of freedom.

This year, particularly in view of the Belgrade Conference, the free world must rise together in condemnation of the suppression of individual liberties. Unfortunately, under Russian dominance, suppression is an everyday occurence. We must also be steadfast in our protest against the refusal of the Russians to grant the basic right of self-determination to Lithuania, Estonia, Latvia, and all Baltic peoples. For only in the freedom of all men is any man truly free.

INTRODUCTION BY MR. PRESSLER OF THE AMERICAN AGRICULTURE MOVEMENT'S POLICY STATEMENT

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. PRESSLER. Mr. Speaker, I am inserting in the RECORD today the official policy statement of the American Agriculture Movement, for the benefit of my colleagues who may not be sure what the American Agriculture Movement stands for, or what is being sought through their efforts.

I am proud of the American Agriculture Movement because it brings attention to our agricultural problems. I rode in the tractorcade in Pierre, S. Dak., recently and I sincerely believe the members of the American Agriculture Movement here in Washington have been helping us by making all Members of Congress aware of the severe problems that our farmers and ranchers are facing at this moment.

The policy statement that follows makes it clear that U.S. farmers are not looking for a handout or that they are depending on the Federal Government to bail them out. What the members of the American Agriculture Movement are demanding is equal treatment with all other sectors of our economy on the domestic, and international front.

OFFICIAL POLICY STATEMENT OF THE AMERICAN AGRICULTURE MOVEMENT

We, the duly constituted delegates of the various States, sitting in concert, do hereby reiterate the following platform principles:

1. 100 percent of parity for all domestic and foreign used and/or consumed agricultural products.

2. All agricultural products produced for national or international food reserve shall be contracted at 100 percent of parity.

3. Creation of an entity or structure compiled of agricultural producers to devise and approve policies that affect agriculture.

4. Imports of all agricultural products which are domestically produced must be stopped until 100 percent of parity is reached; thereafter, imports must be limited to the amount the American producers cannot supply.

5. All announcements pertaining to any agricultural producing cycle shall be made far enough in advance that the producer will have adequate time to make needed adjustments in his operation.

The above five points nurtured this movement from the beginning and has continued to be the rally point that has pulled the grass roots farmers of this nation together as never before. We have not officially varied from these points from the beginning and are not with this submission varying our original position. Attached is an official policy statement of the American Agriculture Movement.

We of the American Agricultural Movement recognizing the economic plight of the nation as a whole and of the farm sector in particular, do hereby respectfully demand of Congress legislation consistent with the following:

I. 100 percent of parity for all agricultural products at the market place. Such product pricing shall be tied to law.

Parity is not a revolutionary concept. It really means equivalent buying power for

the family farmer who, in the final analysis, is the source of wealth in this country.

100 percent of parity is not a handout. It is an investment. Without it, the family farm system of agriculture in this country will disappear and the ultimate cost to society will be immeasurable. It allows the producer to keep pace with his cost of production.

II. All strategic reserves for national or international purposes shall be purchased at 100 percent parity.

III. An entity or structure of grower-producer representation which consist of a grower-producer elected from each State shall be set up within the Department of Agriculture. Qualified grower-producers shall be the qualified voters in such elections.

The duties of the Board shall be clearly defined. It shall review import-export policy and trade agreements and make recommendations for policy adjustments where applicable.

If necessary, the Board shall formulate a system of controls on a commodity basis. The three basic control mechanisms shall be:

A. Quota Marketing Control

B. Acreage Production Control

C. Import Control

Commodity groups shall have the option to choose their control method by referendum. The existing machinery of the ASCS shall be used to implement the control system chosen.

IV. Immediate import restrictions shall be placed on all agricultural products which are currently depressing domestic markets below parity levels.

The Board shall have immediate access to all import and export information, including the most current supply and demand projections for all countries with which we trade. With this information the Board shall determine commodity needs and thereby initiate the selected controls on domestic production.

The Board shall also have the power to bargain with potential customers for overseas sales or trade.

V. All announcements pertaining to any agricultural producing cycle shall be made far enough in advance that the producer will have adequate time to make needed adjustments in his operations.

The American Agriculture Movement believes these demands to be in keeping with the original intent of the Department of Agriculture's founders.

The American Agriculture Movement further believes that the implementation of these five points would have a positive impact on the following:

1. Unemployment—We will recreate purchasing power in the agriculture sector. Agriculture directly or indirectly consumes a large part of our nation's manufactured goods. When we can buy, labor can build.

2. Balance of Trade—Agricultural products make up a large portion of our export market. At 100 percent parity for exports our trade deficit would be reduced by several billion dollars.

3. National Budget Deficit—By putting people to work and at the same time putting net return in agriculture, added revenue to the national treasury is inevitable.

The American Agriculture Movement respectfully requests Congress to immediately draw upon its vast and competent resources of knowledge and manpower to draft legislation implementing these requests. We offer our services in any way that may be helpful.

We strongly urge that you fully accept the great responsibility you share with us and respond accordingly.

ADDENDUM POSITION STATEMENT NO. 1

In the event these policy statements do not produce a law addressing itself to the five points by planting time for the 1978 harvest and no direct relief is provided by the Administration or Congress, the following provision shall be effective:

Grower-producers following the recommendation of American Agriculture Movement for reduction of normal croplands shall be reimbursed by the U.S. Treasury for their loss of production.

THE TRUTH SLOWLY COMES OUT ON THE $11.5 BILLION COST OF THE PANAMA TREATIES

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. RUDD. Mr. Speaker, the administration has been caught lying to the American people about the cost of the proposed new Panama Canal treaties, but the truth is slowly beginning to come out.

President Carter has repeatedly insisted that the treaties would not cost the American taxpayers a single dollar. We have known that this is not true.

Now the administration has reluctantly acknowledged in a letter to Members of the U.S. Senate that the treaties will require $633 million in appropriated funds and lost revenue to the taxpayers. This letter was signed by Secretary of State Cyrus Vance, Secretary of Defense Harold Brown, and Secretary of the Army Clifford Alexander.

The $633 million in direct costs to the taxpayers would include:

The sum of $350 million to pay for merger of canal administration and defense activities, assumption of nonreimbursable health, education, and other support functions in the Canal Zone, and early retirement forced by the treaties for many U.S. employees;

The sum of $240 million in lost interest payments to the U.S. Treasury once the U.S. Panama Canal Company is abolished and replaced by a Government agency to run the canal. This interest is for the continuing U.S. investment in the company, apart from the cost of canal construction, amounting to about $319 million.

The sum of $43 million for relocation of certain defense installations, which the United States will be forced to abandon under the treaties, over the next 3 years.

Mr. Speaker, these direct taxpayer costs of the proposed new Panama Canal Treaties do not include the following other costs to the American people:

The sum of $10 billion for giveaway of the canal and its facilities. (This is the estimated replacement value of the U.S. property to be turned over to Panama if the treaties are ratified);

An additional $454 million in planned U.S. capital improvements to the canal and Canal Zone after U.S. sovereignty and control of the canal has been given to Panama;

Another $345 million in U.S. foreign aid, military sales, and credits that the administration has promised to Panama Dictator Omar Torrijos as a side agreement to the treaties;

Between $15 to $30 million of additional costs to American consumers, forced by the anticipated 30 to 60 percent increase in canal tolls for shippers of goods to American markets if Panama ever takes over the waterway.

I believe that administration estimates of higher tolls and higher consumer costs because of increased canal tolls are way low. The Torrijos regime has a giant shopping list of projects that they hope to pay for from canal revenue if Panama takes over the canal. I believe tolls would have to be increased a minimum of 60 percent to pay for these projects and keep the canal maintained and operating efficiently.

Mr. Speaker, these estimated costs of the proposed Panama Canal Treaties add up to $11.5 billion. That is a substantial cost to the American taxpayer. This cost amounts to $53.58 for every man, woman, and child in the United States, and about $110 for every taxpayer.

It is a far cry from not costing "a single dollar," as the President has persistently maintained, and costing every taxpayer an average of $110 to give away the Panama Canal.

The truth is that the proposed Panama Canal Treaties, aside from threatening our Nation's strategic well-being, will hit our taxpayers right in the pocketbook.

It is a shame that the administration was not honest about this economic impact of the proposed treaties from the very beginning.

The administration's deception and misstatement in its propaganda campaign to win approval of these questionable treaties has been a black mark against our Government's credibility and the public's belief in the integrity of our national leaders.

I hope that we can alleviate this serious problem by making the truth known to the American people. We must face up to the economic realities of the proposed Panama Canal Treaties—not sweep them under the rug as the President and other treaty proponents have tried to do.

TRIBUTE TO EDWARD P. COLBURN

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. BADHAM. Mr. Speaker, on the 4th of March friends and colleagues of Edward P. Colburn of Tustin, Calif., will gather to pay tribute to this man who has dedicated his life to the service of his fellow man. The occasion will be a retirement party which will mark the approach of his retirement from active service with the American Red Cross.

Ed Colburn's record of service with the Red Cross goes back over 35 years. During the height of the Second World War, Ed Colburn first joined the American Red Cross to work in service to the men and women of our armed forces and their families. As a member of the national staff, he served in assignments taking him throughout the Western United States and to Korea. At each post he devoted himself to the job of serving his fellow man.

In 1966 Orange County, Calif., was fortunate to gain the services of Ed Colburn as manager of the Orange County chapter of the American Red Cross. He has fulfilled the role of manager of our county chapter over the past 12 years making a substantial contribution to the welfare of the people of our country.

At the end of the month of March Ed Colburn's career of service will be at an end. But those who know him know that this will not mark the end of his dedication to service nor the end of his efforts to improve the lives of those who live in his community. I am proud to pay tribute to him today.

CARL H. SCHWARTZ, JR.

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. JOHNSON of California. Mr. Speaker, after 44 years of dedicated public service, Mr. Carl M. Schwartz, Jr., most recently a professional staff member of the Committee on Public Works and Transportation, retired at the end of January 1978.

On behalf of the Committee on Public Works and Transportation I wish to express my appreciation for the more than 4 decades of outstanding public service that Mr. Schwartz has provided to the Nation.

Mr. Schwartz, a native of Fort Wayne, Ind., earned his undergraduate degree in 1932 from the University of Michigan, his MBA from Columbia University in 1933, and completed his university training, again at Columbia University, with his Ph. D. in economics in 1938.

Mr. Schwartz began his distinguished career in the Federal service as a financial analyst with the Farm Credit Administration in 1934. After 8 years of work on essential agricultural domains programs and completing the requirements for his doctorate, he joined the staff of the Bureau of the Budget, Executive Office of the President, where he was responsible for the budget and program analysis of various aspects of several executive agencies, including the Departments of Agriculture and Interior, as well as the Army Corps of Engineers and Tennessee Valley Authority. In 1952 the Bureau of the Budget underwent a major reorganization, and five Budget Examining Divisions were established. At that time Carl Schwartz became chief of the Natural Resources Division which included the above agencies as well as all of the related regulatory and other independent agencies. As chief of the division he directed a staff of some 30 professional analysts whose role is to review in depth the budgetary requirements, legislative proposals, and overall management efficiencies of the agencies assigned to the division. The continuing review of the examining divisions provided the basis for the Bureau of the Budget's recommendations and many executive decisions.

Mr. Schwartz remained in his role as chief program director in the natural resources area for almost 20 years, during which time he was primarily responsible for the executive branch analytic support for all significant program changes in the natural resources area—including the creation of such major agencies as the Environmental Protection Agency.

Early in 1970 Mr. Schwartz became director of the Office of Management and Budget, the successor agency to the Bureau of the Budget, General Government Division which, at the time, was responsible for the budget, legislative and program analysis of the Departments of Commerce, Justice and Treasury; the General Services Administration, Civil Service Commission, and some 30 regulatory and other independent agencies.

After his retirement from the Office of Management and Budget in 1971, Carl Schwartz joined the staff of the Committee on Public Works and Transportation where he made many significant contributions toward streamlining the management of the committee's interval operation and workload during a period when the committee was assuming a larger jurisdictional role brought about by a reorganization of the House committee structure. In 1974 Mr. Schwartz joined the staff of the newly created House Committee on the Budget where he served as assistant to the Director and was largely responsible for recruiting and hiring a high quality professional staff. In 1976 Carl returned to the Public Works and Transportation Committee to act as an advisor on a wide range of committee matters.

Throughout his distinguished career, Mr. Schwartz has been of invaluable assistance to the Congress in shaping legislation for the development and conservation of the water and related land resources of the United States and his agency's implementation of its responsibilities in this extremely important area.

In a more personal vein, during his long service at the Bureau of the Budget, Mr. Schwartz was extremely helpful to those of us in the California delegation. He was noted for his quick and honest responses to our requests. Although at times there were honest differences of opinion as to priorities and timing of water resources development projects, it was our experience that Mr. Schwartz was understanding and completely candid in his dealings with us.

Mr. Schwartz is the recipient of various scholarship awards, including Phi Beta Kappa and Phi Kappa Phi. In 1965 he received the Distinguished Career Award from the National Civil Service League.

Mr. Schwartz is married to Anne Callahan Schwartz, his wife of 42 years. They live in Alexandria, Va. He has one son, Carl Clinton Schwartz, now residing in Maryland.

I am sure that my colleagues join with me in this expression of respect and appreciation with the knowledge and expectation that Mr. Schwartz' wise counsel and advice will still be available to the Congress and the nation.

REWARDING FAILURE IN ELEMENTARY AND SECONDARY EDUCATION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. ASHBROOK. Mr. Speaker, we are approaching the time of year when it is the duty of Congress to make certain that last year's appropriations were well spent, and to cut the budgets of programs and agencies that have failed. Once again, the liberal majority will ignore that duty. Liberals will dump taxpayers' money into every education and welfare boondoggle they have created, regardless of last year's results, or of 10 years' results.

I would like to give here one of many examples from last year's hearings, to illustrate what a complete sham these hearings have become. On March 21, 1977, the House Subcommittee on Appropriations for the Departments of Labor and Health, Education, and Welfare held hearings on funds requested for elementary and secondary education.

Reasonably enough, Mr. FLOOD, the subcommittee chairman, began by stating that $22 billion have been spent on this program since 1966, and asking what taxpayers got for their money. The Office of Education reply was one of the most impressive exercises in evasiveness I have read in many years of exposure to experts on the subject.

I would like to share this verbiage with you, inserting a reminder from time to time what the question was, namely, "What are we getting for our money"?:

Answer. Though local title I projects may encompass a wide variety of objectives, information from a number of different sources indicates that the area of greatest emphasis has been instruction in basic skills at the elementary level with a substantial proportion of this devoted to reading. Results of audit reports and State title I evaluation reports indicate that this emphasis has increased over the past decade. Information from a recent NIE-supported national survey indicates that almost 73 percent of the title I per pupil dollar is expended on instructional services. Other data from this survey show that 82 percent of title I students participate in a reading project or a language-arts project that involves reading instruction. Given this programmatic emphasis, it seems fair to regard improvement in reading skills as one of the primary indicators of program effectiveness, especially in the elementary grades. Indeed, most of the evaluative evidence in the State and local evaluation reports is comprised of reading test scores. . . ."

As this discussion rolls on, we must remind ourselves periodically that the question was simple: What have the taxpayers gotten for an expenditure of $22 billion? So far, not a word has been addressed to that question. Of course, everything said so far could simply be a lead-in to solid information later. It could be, but, as we will see as we proceed with the statement, it is not:

The emphasis placed upon reading does not mean that only reading performance should

be considered in judging the effectiveness of title I projects; however, the diversity of other kinds of student outcomes and the measurement problems associated with them have to date largely ruled them out as nation-wide indicators and restricted their use to occasional local evaluations.

With respect to reading, the evidence suggests that in elementary schools, title I has been well-targeted on children who read poorly and title I is probably having a positive impact. Educationally disadvantaged children usually lose ground to their more advantaged peers as they progress through school. However, poor readers who received extra attention because of title I and similar programs tend to hold their relative positions between fall and spring and on some tests they gain ground. In general, then, the reading results indicate modest success but with much work still to be done.

The question, for those who are still trying to keep track, is whether $22 billion have gone down a rathole. We all knew long ago that if a teacher stood over a slow learner, or a fast one, for that matter, he would temporarily know more than he would otherwise. But there is no evidence that our billions of dollars have done any permanent good at all, even though those getting the money are doing the evaluating. The most those spending the funds can say, is that it might have done some temporary good in education. So much for 73 percent of title I money spent on reading. So much also for the first 300 words of reply to a perfectly straightforward question.

At this point about 200 words are added about 27 percent of title I expenditures that may or may not have gone into food, clothing, counseling, or transportation. Title I is set up in such a way, it says, that it is impossible to know how these funds were actually expended. After this, the testimony continues:

Although the main evaluative judgments about the effectiveness of title I should be based directly upon the services provided to participating children, the impact of the program should also be considered in a large sense. As the first Federal program aimed at improving the education of disadvantaged children, title I has been instrumental in drawing the attention of educators and the public to the plight of these children. Although the problems of providing an adequate education for the disadvantaged have not yielded to solution as swiftly as had been hoped, that very fact has led to further efforts. States have initiated compensatory programs, school districts have tightened up their programs, parents have become more involved in their children's education, and researchers have pursued many new approaches to learning. There is much greater national consciousness about the education of disadvantaged children than there was 15 years ago and title I is certainly a central feature of this awareness. Since most social problems are difficult to solve, simply keeping the public's attention focused on the problem is essential to progress.

The only point of substance made here is that the main gain we have from our $22 billion expenditure since 1966 has been to publicize a particular kind of education. This is a pretty desperate attempt at justifying the program, and any sense of proportion would make a laughing-stock of it. According to national income accounts, the entire broadcasting industry of the United States, radio and television combined, amounted to less than $22 billion in the same 1966–76 period. Had we dedicated those $22 billion to advertising, we could have monopolized the entire broadcasting industry day and night and year round for the purpose of making known the educational needs of deprived students in elementary and secondary education. A single television network dedicated to this purpose would have done more to publicize these needs than the Federal program has.

Such an obviously specious argument as the provision of publicity serves only to illustrate how utterly lacking in any serious, solid results title I expenditures have been. This complete vacuousness is also reflected in the windup of the testimony:

In short, does the provision of such services to children who would not otherwise receive them and the modest success to date in remedying their problems as well as the creation of a national awareness that children with such problems are deserving of such special help, justify the expenditure of nearly $22 billion? The Office of Education's response is unequivocally "yes," recognizing that such a response entails a judgment concerning the value of enhancing the life chances of children who have been denied such opportunities in the past.

We have here a program which has expended more than $100 for every man, woman, and child in the United States. For this, we get a mishmash of verbiage that no executive could put into an annual report without being fired. Stockholders hearing this sort of report from executives on a $1 million expenditure would seriously consider a civil suit. But we are talking about 22,000 times that much money. This is money for which Congress is as responsible to the taxpayers as a corporate board of directors is to stockholders.

The liberals discharged this responsibility by increasing the elementary and secondary school aid budget from $2,285,000,000 last year to $2,735,000,000 for this year.

Taxpayers are so burdened by taxes today that all over the country they are voting down bond issues needed to keep local schools open. Yet the liberal majority feels we can throw away almost two and three quarters billion dollars more on a program which does education no demonstrable good at all. I cannot help thinking, Mr. Speaker, that the public is not going to put up with this sort of thing indefinitely.

The wastage of billions of tax dollars is a serious matter in a time when American taxpayers are staggering under the burden we have put on them. But there is a serious constitutional question involved here as well. We are appropriating billions of dollars, not on the basis of any results, but solely because these expenditures are recommended by the educational administrators who run the programs. To rely unquestioningly on the opinions of educational "experts" for justification of educational expenditures is tantamount to abdicating Congress congressional duty to appropriate money to those experts. Rule by "experts" is as much a violation of our Constitution as is rule by any other unelected group.

It is disturbing, too, that the experts to whom we are giving the power of appropriation are justifying themselves largely on the basis of the failure of educational experts in general. Great play is made of the fact that disadvantaged children are doing better relative to "advantaged" ones. But, due to educational methods being pursued today, there is a catastrophic drop in the performance of those so-called "advantaged" youngsters. There appears to be no end to the cycle: We will appropriate more billions to remedy the falling ability of our children to read, and our only gain will be the sort of gobbledegook quoted above and the demand for more money. As scores decline, if present trends continue, we will lavishly support educational incompetence without question.

We cannot indefinitely continue giving educators increased appropriations so that they can compensate for errors they made in the first place. Our increased title I budget this year is but another example of the liberal education policy of rewarding failure and of blindly accepting the testimony of administrators for bigger budgets without any results to justify them.

The only solution is that we, either now or a hundred billion dollars and ten million illiterates from now, demand substantive results from educational administrators, or else get rid of them. The public will not stand for our indefinitely rewarding incompetence, in education or anywhere else.

VIC SMIROLDO

HON. RICHARD C. WHITE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. WHITE. Mr. Speaker, Congress as a major American institution is based on a solid foundation of staff members who, by their expertise, are largely responsible for the technical creation of the legislation that later becomes our body of American statutory law. Such a skilled technician was the chief counsel for the House Post Office and Civil Service Committee, Victor Smiroldo, who died an untimely death at the age of 47, February 7, 1978. His passing was a genuine shock to those who had worked with him. He was not only a careful administrator of the House Post Office and Civil Service Committee, but he rendered spirit and vitality to its proceedings. We of the committee knew him as a forward looking, practical lawyer who had the rare balance of political and public understanding. He was an outstanding staff director, to whom all of us turned for information and guidance on the committee legislative jurisdiction. I am sure his family views his life and achievements with pride, and appreciated his human understanding. I and others who knew Victor extend our condolences to his family on their loss.

TRIPPING ON AMTRAK

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. VENTO. Mr. Speaker, during the past few months we have all heard about the problems associated with Amtrak. I am certain that many of my colleagues have received letters from constituents relating their experiences in riding Amtrak. Stories about unheated or non-air-conditioned passenger cars, lengthy delays, breakdowns, outdated schedules, lack of connecting trains, and disgruntled passengers are all too common and have been important reasons for Amtrak's low level of customers. Obviously, Amtrak, in coordination with Congress and the Department of Transportation, must act to correct these difficulties if we are to have a viable national rail passenger system.

Despite these complaints, there still exists a significant portion of our population dedicated to passenger rail service. These people, if given the opportunity, would choose train service over any other means of transportation.

My office has been inundated with letters and calls from people who want an efficient and effective national rail passenger system and are eager to utilize such a system. For many, rail service offers an inexpensive, relaxing, and enjoyable journey. It avoids the monotony and fatigue of the auto, the impersonality and cost of the airplane, and the cramped quarters of the bus. Train service allows one to see the beauty and diversity of the country, to meet new and interesting people, to enjoy new experiences and to travel in a relaxed environment.

Mr. Speaker, while our past discussions have centered around the current problems plaguing Amtrak, I feel that Congress must also be aware of the positive benefits that have been raised by the users of Amtrak. The discussions over the profitability and efficiency of Amtrak are a necessary step in our efforts to provide the public with a viable national rail passenger service. However, we must not restrict our considerations to economics alone for we are dealing with people and a public service. Any discussion of the future of Amtrak must include the benefits that the users of Amtrak gain: Not only financial benefits, but intangible benefits as well. The ability to travel, to meet new people, to share ideas and experiences, and to learn from and enjoy the diversity of this country and its people should play a role in our decisions on Amtrak. For this reason, I would like to draw my colleagues' attention to a recent article by Robert Britton in MPLS magazine. In this article Mr. Britton eloquently describes some of the joys and benefits that can result from riding Amtrak. Benefits that I hope we will remember in our later considerations of the future of this country's national rail passenger system.

The article follows:

TRIPPING ON AMTRAK

By Robert Britton

There was a time when more than a hundred trains left Minneapolis and St. Paul daily, including expresses to Montreal, Kansas City and Portland, and locals to New Prague, Northfield, Brainerd and other Minnesota towns. Today there are two daily departures to Chicago (and places in between), two westbound to Seattle, and a daily trip—heavily subsidized by the state and the Upper Great Lakes Regional Commission—to Duluth/Superior.

Although Amtrak on-time performance and most roadbeds are being improved, the Minneapolis-Chicago trip now takes about 10 hours, half again as long as the old 400-minute service. The ride was less than eight hours until the railroad imposed speed restrictions of 40 m.p.h. between Minneapolis and Milwaukee last winter.

Rather than bemoan the decline of passenger rail service, perhaps we ought to celebrate the fact that it is still possible to experience a ride on the rails without resorting to hopping freights. The basic train trip is still available for those who have, or can make, the time. The over-all quality of the experience almost always compensates for the inevitable inefficiencies—long waits on the reservation phone lines, misinformation at ticket offices, delays.

On the train, there is room to move, to go someplace else. You can walk a block or more while clicking (or lurching on the rough stretches of track) along at 75. If you happen to be sitting next to someone you don't like, you can move elsewhere: to the dining car, the club car, or, on many trains, upstairs to the glassed-in Vista Dome.

The train competes well on price: $32.50 to Chicago versus $50 one way on the silver bird. There are also U.S.A. Railpasses for unlimited rail travel. It's a great bargain in the off-season: $185, $250, and $295 for the 14-, 21, and 30-day passes, but the prices rise to $290, $365, and $420 for summer travel (after May 15). The train is also more efficient in energy use and stingy in pollutant emission.

But the real strength of the train is in the trip experience. The ride is nostalgia-bound, and the cues are abundant: the horn wailing on a summer night, engineers in striped overalls, the old depots in yet older towns. The train rolls through the past and present landscapes; the scenery is rich and varied. On the ride to Chicago, for example, the train runs along the Mississippi River valley below the bluffs for 140 miles, past farms, river towns, and orchards; into hilly "coulee country" near La Crosse and through one of the Midwest's few tunnels; past the neonized natural wonder of Wisconsin Dells; near the polished golden or tarnished green spires of South Milwaukee's huge churches, and into the almost endless suburbs and industrial innards of Chicago. A friend who rides trains frequently in the East disparages the ride, calling it a trip through America's backyards. Indeed, it is, but the backyard of hanging laundry, grimy warehouses, orderly dairy farms, or the sauerkraut factory in Franksville, Wis., is equally part of the American scene.

The inner environment is likewise enjoyable. The coaches are aging but have been carpeted and reupholstered since 1971, and are generally clean. On the Chicago-Minneapolis-Seattle run there are always several Vista Domes for a better look at the scenery. Even though the diner has lost most of its elegance and is yielding to increasing standardization, blandness, and microwaved frozen meals (one manifestation of the lamentable trend toward airlinization), it retains some familiar and welcome signs from the past: flowers on the tables, linen, orders that you write yourself. Meals are of variable quality; on recent trips I have endured greyburgers and enjoyed a good ham dinner as North Dakota wheat fields flashed past. Staff is still mainly black, both in the galley (where charcoal-fired stoves can still be found) and among the tables. Waiters' balancing acts are still of circus quality and the service is mostly amiable.

Fellow travelers also provide enjoyment and a chance to learn. The passengers are a diverse lot: a shopping center developer, a Dutch couple touring America, grandmothers bound for Spokane, a new Harvard graduate, and always a complement of story-filled railwaymen or their children, riding for free. The people I have met in the past five years are reason enough for riding along.

The probable venue for lively conversation is the club car (beer is 75 cents, mixed drinks are $1.50). On a Chicago-Minneapolis *Empire Builder* (named for James J. Hill) a few months ago, the Sunday evening club car scene was more exuberant than ever. A young Cuban-American played Chopin, jazz, and '60s rock on a piano, an uncommon but welcome fixture, until the Pabst drained his fingers near Hastings. A GE engineer explained railway electrification to anyone who cared to listen.

Doc, a gasoline truck driver from La Crosse kept everyone except the two young conductors supplied with beer, and fielded questions about his trade. A smalltown Montana woman explained the problems of adjusting to life in Boston (Paul Theroux, author of *The Great Railway Bazaar* and an expert observer of rail travelers recently called Amtrak "the last word in truth drugs").

Everyone affirmed belief in riding the train: we had the time, maybe wanted to save some money, to see America close up and thereby appreciate its vastness, to come to know other people. We were willing to put up with the hassles. By riding the train we sought to make sure that the last American trains didn't get—as Tom Paxton's "City of New Orleans" concluded—"them disappearing-railroad blues."

KEEPING THE LID ON NATURAL GAS PRICES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. GAYDOS. Mr. Speaker, the House-Senate Conference Committee on Energy reportedly is nearing agreement on a compromise bill involving the deregulation of prices on natural gas. Since that measure will come before the House for approval I thought my colleagues might be interested in the results of a recent survey taken on this question among the residents of the 20th Congressional District of Pennsylvania.

A compilation of more than 13,000 ballots received in answer to my lightning poll revealed an overwhelming majority of those responding want the lid kept on the price of natural gas and oil. As a matter of fact, 78 percent were opposed to the removal of controls, 21 percent supported the action and 1 percent had no opinion on the matter.

It was obvious from comments accompanying the ballots that many people are not convinced there is a true shortage of these fuels. A large segment indicated their belief that such shortages which have occurred have been man-

made or contrived. It appears most people agree that deregulation will result in higher prices but many do not accept the explanation the additional funds will be used for research and development of new sources of supply. On the contrary, it seems the consensus of opinion was the higher prices would mean only greater profits for the energy producers.

Mr. Speaker, in view of the administration's position on this issue I have forwarded the results of this survey to the President for his attention and consideration.

POLICE HAVE RIGHTS, TOO

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. BIAGGI. Mr. Speaker, one of the first bills I sponsored in Congress was the law enforcement officers' bill of rights. The overall objective of the legislation is to insure that members of the law enforcement community within their own departments, are guaranteed of the same civil and political rights as are enjoyed by all other Americans.

Specifically, the bill provides that:

Law enforcement personnel have the right to participate in political activities while off duty and out of uniform.

Law enforcement officers under investigation must be notified from the outset of the nature of the complaint, all complainants as well as those who will be present during the interrogation, and their legal rights including the right to counsel.

All interrogations must be conducted in a reasonable manner and while being conducted, no threats of disciplinary action shall be made.

The complete interrogation proceeding must be recorded.

A law enforcement officer must be notified and given reasons for any punitive action to be taken against him prior to the effective date of such action.

Another key provision in this legislation would extend to law enforcement officers, the right to bring civil suits against all those who violate their rights under the "bill of rights." In this vein, I wish to submit for the RECORD, an article which appeared February 5 in the Washington Post discussing the new activism of law enforcement personnel in filing civil suits on behalf of their rights. It is a heartening development, one which should stimulate the Congress to provide for this, as well as the other rights specified in the "bill of rights," through legislation.

I am pleased to have 57 cosponsors to this legislation as of today. I urge any of my other colleagues who are interested to contact me.

"BLUE LIB": POLICE SUE ABUSIVE CITIZENS

(By Stuart Auerbach)

A Chicago police officer was awarded $1,000 after suing a man who, he said had falsely accused him of soliciting a bribe to kill a traffic ticket. In Seattle, a policeman won $10,000 damages after suing a man who shot him during a routine vandalism investigation.

And in Tucson, a police officer was awarded a total of $3,100 in two lawsuits—one from a man who stamped on his foot and broke his toe while he was trying to break up a barroom brawl, the other from a woman who later admitted, and wrote a letter of apology as part of the court settlement, that she had falsely accused him of fondling her during a search.

More and more across the country, police are striking back—filing and sometimes winning civil lawsuits against people who attack them physically; insult them to the point of libel or slander, or bring spurious charges against them.

Police unions are pushing this new militancy, termed "Blue Lib;" a quarterly magazine, "The Police Plaintiff," lists cases and provides tips to police on how to file suits, and rank and file officers are embracing it.

"The police are deciding they don't have to be punching bags any more," said Frank G. Carrington, executive director of Americans for Effective Law Enforcement (AELE), a Chicago-based organization that is encouraging the suits.

Carrington, a former federal law enforcement official, sees his 10-year-old organization as a counterweight to the American Civil Liberties Union, which has filed suits against police officers on behalf of citizens who felt they were wronged.

"What we are trying to do is make people understand they can't go along killing and maiming police and get away with it," said George J. Franscell, attorney for the Los Angeles Police Protective League.

He filed about 30 cases on behalf of policemen last year, he said, compared to 20 in 1976. Although the number of civil suits filed by police is still small, a spot check of lawyers and police officials across the country showed that it is growing.

Each major city has at least two or three suits filed by police officers each year, said Glen R. Murphy, director of government affairs and legal counsel for the International Association of Chiefs of Police.

"It's not a large number," he said, "but there's no question it's increasing.

"For a number of years police have felt they didn't have the right to file a suit against people who injured them. It was considered bad form within the department, and in some cases, an officer had to get special permission."

Now, said Robert Gordon, executive director of the International Conference of Police Association representing 235,000 rank-and-file officers in 500 local associations, "We are urging our people to do it.

"It used to be if a police officer was brought up on false charges (departmental or criminal), he would let it go if he was cleared. Now we tell them, 'go after those people (the accusers) in civil suits.' "

Gordon said it has only been in the past three years that courts have been awarding damages to police officers in cases where they have been physically or verbally assaulted. Now, as word of court victories spreads, more and more officers are filing suits, he said.

Arlington Police Sgt. Robert Dreischer, who was shot in the head by one of three men he caught in a robbery attempt, was one of the first to win a court suit. He was awarded $150,000 damages in 1976 when he sued James Turner, who is currently serving a 40-year sentence after pleading guilty in criminal court to armed robbery and malicious wounding charges.

As in many of these cases, Dreischer has not collected any money from Turner. But the biggest benefit to Dreischer, said his attorney, William E. Artz, came when he realized "juries do indeed treat officers as human beings. He thought he was going to lose because he was a police officer."

Moreover, said Artz, there is a possibility Turner may inherit some money during the 20-year life of the judgment. When Turner was caught he was driving a Lincoln Continental belonging to his father, Artz said.

Artz said he has refused to take other cases where police officers have been injured because "I felt unless there is the slightest hint of assets it really becomes an academic exercise.

"Lawyers tend to shy away from these kind of cases," he continued, "because you are not going to pay your bills with them."

Joel Kinkelstein, attorney for the U.S. Park Police union, said he does not like police plaintiff cases for just that reason.

"How's a lawyer going to be paid?" he asked. "What good does it do to get a $150,000 verdict from a man who can't pay? An awful lot of judges' time, court time and legal time goes down the drain running after a pot at the end of a rainbow. I don't think it's worth it."

Franscell, the Los Angeles police attorney, thinks differently. While acknowledging that officers' suits often don't get a large amount of money, he said the suits are important to show that people can't get away with abusing police officers.

As an example of the kind of cases Los Angeles police officers are bringing, "The Police Plaintiff" reported three cases settled for a total of $11,650. The largest settlement was $10,000 from a doctor who, as two officers walked up to his green Mercedes, sprayed a Mace-like chemical into their eyes.

"The Police Plaintiff" is filled with examples of cases won and lost—and the pitfalls of bringing civil cases.

It is, the journal pointed out in an issue last year, near impossible for police officers to win defamation suits.

"Law enforcement officers are defamed with a certain regularity as a result of the peculiar nature of their jobs," a feature article said. "Frivolous accusations of police brutality, citizens' baseless complaint of 'you're a disgrace to your uniform,' and cleverly worded newspaper articles loaded with innuendo would all appear to be wrongs without legal remedies."

PERSONAL STATEMENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. MAZZOLI. Mr. Speaker, because of previous commitments, I was absent on February 9 and 14. Had I been present I would have voted:

"Nay" on rollcall No. 52, a motion to recommit H.R. 3813, the Redwood National Park Act.

"Yea" on rollcall No. 53, on final passage of H.R. 3813.

"Yea" on rollcall No. 54, on final passage of the conference report on the Endangered American Wilderness Act.

"Yea" on rollcall No. 55 to resolve the House into the Committee of the Whole to consider the Indian Claims Commission Act amendments.

"Yea" on rollcall No. 56, Mr. MCCLORY's motion to instruct the House managers of the conference committee on H.R. 7843, to insist on House language providing for the merit selection of district judges.

"Yea" on rollcall No. 57 to resolve the House into the Committee of the Whole

to consider H.R. 8336, the Chattahoochee River National Park.

"Nay" on rollcall No. 58, the Sebelius amendment to H.R. 8336.

"Yea" on rollcall No. 59 on final passage of H.R. 8336.

"Yea" on rollcall No. 60 on final passage of H.R. 5503, a bill relating to defense office personnel.

PEARSE KERR'S 98 DAYS IN A NORTHERN IRELAND JAIL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. EILBERG. Mr. Speaker, last November I had the thoroughly heartwarming experience of being instrumental in securing the release from a Belfast prison of Pearse Patrick Kerr, a young American citizen who was jailed for more than 3 months before the British authorities admitted that they had no grounds on which to hold him in the first place.

Pearse's plight first came to my attention when the Philadelphia Daily News reported that he was being held on charges of possession of a firearm or imitation firearm, and membership in a proscribed organization.

The 17-year-old Pearse, who grew up in Greater Philadelphia and moved with his family to Northern Ireland 4 years ago, had been arrested at his home at 4:30 in the morning. He had suffered a fractured arm during the course of being interrogated, and was being held without bail, with no indication of when he would come to trial.

After reviewing extensive information in cables which I requested from the American consulate in Belfast, and after meeting with the First Secretary of the British Embassy, I was convinced that Pearse Kerr was being held in jail while the authorities sought to build a case against him.

In the last week of November, Belfast authorities confirmed my suspicion that there was no evidence to justify Pearse's imprisonment. They freed him unconditionally as protests were mounted in Philadelphia, Washington, and by people all across the United States.

Since his release from prison, Mr. Speaker, Pearse has returned to the United States to resume his education. I have met with him several times to discuss his experiences in jail and in Northern Ireland, and I am deeply impressed with the thoughtfulness of this young man who was thrust into the center of an international controversy and who was forced to give up 3 months of his life in a great injustice.

The Today magazine of the Philadelphia Inquirer on February 5, 1978, interviewed Pearse Kerr on his imprisonment. In this account, Pearse describes some of the things he saw in prison, and the adjustment he is now going through in resuming a normal life. Pearse's story is well worth reading for any person who values human rights and human dignity:

REFLECTIONS ON 98 DAYS IN AN ULSTER JAIL

(By Maralyn Lois Polak)

"The only firearm I ever had was a toy when I was growing up in Philadelphia; it was plastic. I never had one in Ireland. My father told me I was never allowed one over there. A lot of children were shot down on the spot. One was found shot dead and I think he was only 7."

The paradox is this: How does an apparently wholesome American kid become an Irish revolutionary? And is he? The British, who thought he was, jailed Pearse Patrick Kerr in Ulster without bail or trial, despite the American passport in his pocket. They charged him with possession of firearms and membership in the outlawed Junior Irish Republican Army. Inadvertently, they contributed to Pearse Kerr's becoming an international cause celebre.

"I must have grown an inch in prison. I'd say I sprouted up in the last two years. I'm six-one. . . . And I was smoking 60 cigarets a day, three packs. Now I'm down to 10 or 11. . . . And I started growing gray in prison, too. Yeah," he says in his thick brogue, amused, perhaps proud. "I'll be gray before I'm 21."

Last summer, when Pearse Kerr was still a broth of a lad barely beginning to shave, he spent 98 days in a Northern Ireland prison. He says he was beaten and tortured for 15 hours. He says he was throttled until he blacked out. He says his left wrist was broken. He says he was punched in the jaw and the kidneys. He says he was subjected to surprise strips and searches. He says he shared his cell with rats and had to use a plastic bucket as a latrine. He says he saw men have their eardrums broken and their fingernails yanked out and saw them get carted off to padded cells. He says he survived by reciting the Rosary and praying to St. Jude and reading James Bond novels.

But I'm getting ahead of the story. Pearse Kerr is a gawky, gangly kid in blue plaid flannel shirt and jeans who still has pimples and peach fuzz. Though he turned 18 last Pearl Harbor Day, he is still enough of a boy to have lips the color of a moist plum. His earliest memory is of the surf at Wildwood. He spent his first 12 years growing up in Cheltenham, U.S.A. He recalls "doing my homework and loving sports" and dreaming about his baseball idol, Willie Montanez, and wanting to be an electrician so badly he'd dismantle the radio to see how it played.

How did he end up in Ireland? When he was 12, his grandmother was dying in Belfast. So he moved there with his bricklayer father, his mother and his younger brother. He claims his only "crime" was being "a 17-year-old Catholic" and perhaps being named after revolutionary folk hero Patrick Pearse.

What set his prison release in motion was a transcontinental phone call his father made to a sympathetic Philadelphia reporter, the Daily News' Jack McKinney, who spearheaded a media crusade for Pearse's release. The youth was ultimately freed through the efforts of U.S. Representative Joshua Eilberg and was whisked back to Philadelphia in time for Christmas. Since then he has been staying with relatives in Olney.

So Pearse Kerr was feted, paraded, rallied, photographed, interviewed, televised, recorded. He has met Frank Rizzo ("He was nice to me, so I wouldn't say anything against him"), assorted politicos, well-wishers, hangers-on. He engaged in a tense, well-publicized after-dinner verbal skirmish with Peter Jay, the British ambassador to the U.S. And Pearse vows, "I'll make it to Washington to see Jimmy yet."

But his bravado is not total. "I'm more nervous now when I'm going through all this TV stuff than when I was in jail," he says in his aunt's dining room. "I don't think I could do this (the publicity) for any other thing, unless I had gone through what I went through, unless I had seen what I had seen. Because I'm sort of a shy person.

"I saw all these things happen and I have this chance to let the people know what is happening. And if the American people really knew what was happening over there, they wouldn't stand for it," he declares. "We have to get as much of this story out as we can. It's very hard because the British have been feeding lies into the TV, radio, the whole media," he contends, "yeah, propaganda."

Does he consider himself a hero? "Definitely not. No way. People kind of make it look that way. I'm just trying to tell people what I went through and what's still happening to the other boys. This is something I have to do."

Does he feel he merits all this attention? "I don't feel I've earned it," he says. "But I feel the wrong stories have come over so much, I'm entitled to have my say. I'm really the first one who has had a chance to talk."

How has his experience changed him? "I've gotten tougher. I've seen a lot of things people here wouldn't call normal. You know, murders," he alleges. "Yeah, two cops getting shot dead outside our house. They were walking up the road, both had machine guns. Two guys came up and banged them off. The blood was just pouring out. I walked up and looked. A guy was catching the blood in a basin," he says and waits for me to react. "Ever hear of the Belfast Butcher? He used to get Catholics and cut them up. He'd cut their hands and forearms and head off."

His life as a teenager in Ireland consisted of "going to school, doing homework. Two years later I started going out, nothing bothering you, going to a friend's house or the youth club to play pool or darts or table tennis," he recalls. Was he political then? "Yeah, I was politicial but I didn't really know exactly what the whole situation was. But I saw what was going on around us.

"It was pretty dangerous there, pretty terrible," he asserts. "The first couple of days walking home from school I saw the army going by in tanks and firing rubber bullets at children indiscriminately. That's the first experience I can remember, seeing the sparks fly out of the hatches of the tanks. Another time I was walking to my cousin's house, not even a mile away, and we got fired on.

"They done it for sport," he contends, "it was something to do, they must have thought it was fun, firing rubber bullets at children. We never got hurt, no, we became experts at dodging after a while. Have you ever seen a rubber bullet? It's a good six inches long, it's black, it comes to a point. They have plastic ones now. They're far harder.

"And you hear the older people talking about politics and you pick it up from there. But nothing really solid," he protests. "And the harassment. Even as children from the age of 10 or 11, first they started cursing at us, and calling us names. Then when you were 13 or 14, they'd stop you in the street, trying to antagonize you, asking your name and what you had for breakfast.

"I'd say I'm not telling you and they'd start pushing me around. And when you're 15 or 16, they'd start bringing you into the barracks. I wasn't really taken in. I wasn't really out that much. But when I was out, they'd be on my back the whole time."

Was he ever politically active? "Not really, as far as doing anything outside. Not until now I haven't. I knew what was going on. I knew who was wrong and who was right. I had my own theories. Like my father taught

me, if something is wrong, you talk out against it."

Can he go back to Ireland? "That's a very good question. Uh, maybe I could go back, but I couldn't say it would be very safe," he reflects. "I'd love to, though. I'd say if I went back I wouldn't last more than three months. I wouldn't stay alive more than three months," he repeats. "The Brits have got my number. If I went back there, they'd shoot me through the back of the head and dump me off a mountain, that's the way they operate.

"My family is going back. But I'd like to convince them to stay here. Why are they going back? 'Cause they're Irish. Is that good enough for you?" he challenges me.

"Some people think they are not talking to Pearse Kerr but talking to newspaper clippings. All these people come up shaking your hand. I don't like that. There's something phony about it." How does he feel about becoming famous? "I don't really like it, to tell you the truth. But it's not me that I want to become famous, it's the guys who are still over there suffering."

Do people recognize him? "They sure do, everywhere. Me and my uncle went one night to get fried chicken. They asked, aren't you that kid from Ireland? I said yes. If you want anything more, it's on the house, they said. And when I go to the store, people always recognize me, saying isn't that Pearse Kerr? It's a ball sometimes, but everybody keeps asking and asking and asking and asking how did you get over here, and after a while, you think you're a record.

"But I don't think this will ever get to me, either. Right now, it's the most important thing in my life. I thought people might think I was telling lies or something, that's what I thought," he declares. "It has happened to other people before." Has he been approached to sell his life story? "Yeah, some guy was talking about it. In America, people can make big money that way. If you can make money, you might as well make it, I suppose." He shrugs. "My plans are to try to keep this going as long as possible, and take it from there after I got all the opportunities used up.

"You know, it's hard to get your feelings back. When I'd laugh, it wasn't a laugh, just a sneer. Somebody would tell a joke and I'd force myself to smile. But my feelings are coming back. I can feel them coming back. I can have a laugh now." He smiles. "But I still get a wee bit nervous when I see a police car here," he admits. "I can't help worrying and wondering some day they'll be hauling me in and banging me about."

After all this, isn't it strange, sitting here talking in this house in America? "No, I know prison and all that happened. I know that for sure. The only thing I'm sometimes asking myself—is *this* happening? Is *this* reality here? Who knows," says Pearse Patrick Kerr. "Maybe I'll wake up one morning back in my cell."

MISSISSIPPI PARTICIPANTS IN PRESIDENTIAL CLASSROOM

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. LOTT. Mr. Speaker, I would like to take this opportunity to recognize two outstanding young people from the Fifth Congressional District of Mississippi, Steven J. Allen of Long Beach and Elbert Leon Murphy of Hattiesburg, who are here in Washington this week to participate in the 1978 Presidential Classroom for Young Americans.

I always enjoy discussing the operations of our Federal Government with the Presidential Classroom students and commend these young Americans for their interest and attitude toward our Nation's destiny.

MILITARY SPENDING

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. LEHMAN. Mr. Speaker, my constituents, Mr. and Mrs. Christ Anderson recently sent me this article entitled, "How Much Security in Military Buildup." They felt that this article which appeared in the Miami News should be brought to the attention of all of the Members of Congress. Accordingly, I am enclosing a copy for your review.

HOW MUCH SECURITY IN MILITARY BUILDUP?

In a world swelling with population and fighting poverty, disease, famine and all kinds of life-shortening processes, it is sheer insanity that the nations of the world are squandering an estimated $330 billion annually for military hardware.

Imagine that 25 per cent of the world's scientific manpower is engaged in military pursuits and that 40 per cent of all research and development is geared to military purposes. And this country is right in the thick of this military madness, catering to an annual defense budget that has reached the $116 billion mark and is aimed at a $130 billion plateau, and still acting as the chief death merchant through annual arms exports of $12 billion.

What a terrible waste of manpower, resources and wealth in the quest of security. The arms race continues at a staggering pace with loose petrodollars of the Middle East spurring the sales lusts of military manufacturers and exporters. For example, this country, trying to make a buck and keep its military factories humming in these economic hard times, is selling Iran everything but old cannons on courthouse lawns. Arms sales competition is fierce among many nations.

While President Carter has made some effort to keep a promise to secure reductions in military spending and exports—like trying to shelve the B–1 bomber and setting stiffer regulations governing arms sales—he has made little progress. The defense budget keeps going up. With so many billions of dollars tied up in the military, cutbacks mean losses of jobs and economic upheaval in areas where arms plants are located. The bigger these military operations, the harder to close them, whatever their worth.

Helping the expansion of our military-industrial complex is a peace-through-strength philosophy that seems to be blindly accepted. Too, the Commies are always over the next hill. Got to keep up with the Russians no matter that they are protecting themselves from potential land enemies in Europe and Asia and we have no such problem. Our military budget breaks down into 30 per cent for home defense and 70 per cent for operations overseas. Our troops, like Caesar's regions, are scattered around the globe. What they are doing in Korea at this late date defies reason.

While a lot of political mileage has been made from the SALT talks—for both American and Russian leaders—this exercise has been a virtual bust. Military bargaining chips tossed on the SALT table become actual weapons systems. Negotiators talk about limitations—not disarmament. And who can feel secure with each side allowed thousands of missiles, bombers and nukes—enough to boil the planet in fire and radiation?

Had not an anti-ballistic missile site been authorized by SALT I, we probably would not have built one. It turned out to be a colossal waste of tax dollars—as advertised. Since the SALT negotiations in 1972, we have moved heavily into intercontinental missiles (ICBM) and multi-headed nuclear missiles (MIRV). We have opted for unneeded Trident submarines and missiles. We are moving forward with neutron bombs and cruise missiles. If there is any SALT progress around, it is well hidden.

To get a fix on the feebleness of SALT talks, consider that Defense Secretary Harold Brown proposes to trade only "a pause" in cruise missile development to get SALT talks going again.

Surely, there are areas where we can cut back our overseas forces and curb weapons systems that never seem to hold to their original costs. A Trident submarine, for example, was to cost $723 million—now it is $1.2 billion. Cost overruns on 47 principal weapons programs being acquired jumped 63 per cent or $80 billion. The military might as well be given a blank check.

When do we reassess a military machine that is growing so large that it can't be stopped because of economic consequences? When do we go to a real peacetime economy with exports leaning toward butter instead of guns? When do we trim our overkill arsenals? When do we even get some dialogue on the new military buildup in space? When do we see national security in terms of the well-being of the people—not just in terms of survivors from a first strike?

DR. MARY EDWARDS WALKER DAY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. MARKEY. Mr. Speaker, I would like to take this opportunity to express my support for Dr. Mary Edwards Walker Day, which will be celebrated in the Commonwealth of Massachusetts on February 15. Dr. Walker, as we all know, received a Congressional Medal of Honor for her courageous service in the Civil War, only to have it revoked in 1916 by an Army review board that claimed civilians were not eligible to receive the medal.

Indeed, there are very few other women in our history more deserving of the Congressional Medal of Honor than Dr. Walker, a trained physician who served in the Army under military contract.

I, for one, was pleased to see the restoration of this prestigious medal to Dr. Walker, who served so valiantly on our Nation's battlefields. I know I am among many who also regret the pain and suffering undergone by Dr. Walker during the last years of her life in her fruitless attempts to regain the Congressional Medal of Honor. Even at the age of 85, Dr. Mary Edwards Walker was here in Washington to persuade Congress to restore what was rightfully hers.

It was only until last year that these efforts, carried on by Dr. Walker's great-grandniece, Anne Walker, were successful. Mary Edwards Walker now has her Medal of Honor. In Massachusetts, she now has her day.

THE WALL STREET JOURNAL DISCOVERS BALTIMORE

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Ms. MIKULSKI. Mr. Speaker, a Washington editor of that distinguished financial publication, the Wall Street Journal, recently made the brief ride to Baltimore and discovered what those of us who live there and love it have known for some time: Baltimore is a living, thriving, growing American city—with fine neighborhoods, cultural attractions, and the Colts and Orioles, too.

I hope that reading this article will convince more of my colleagues in the Congress to come visit Baltimore, and perhaps, even to make it their "home away from home."

While I do not expect that many of my colleagues, all representing fine districts themselves, will be heard to admit in public to the slogan that "Baltimore is best," I do think they will enjoy whatever time they may spend in our community—be it for an evening of theater-going or as "temporary residents" during their service in the Congress.

THE FUTURE RISES FROM A RICH PAST

(By Martin Schenker)

BALTIMORE.—To millions on their way to somewhere else, Baltimore is a place to fly over, drive around or pass through.

Most citizens of this city merely shrug at such off-handed dismissal. For as they know, and as those who have been here know, Baltimore offers an impressive number of quality cultural attractions. Not having to compete for national attention with the major cultural centers, Baltimore has been free to concentrate its efforts inward, to improve the aesthetic lives of its own inhabitants.

"A city should be more than just a place to exist," Mayor William Schaefer says. "People should want to live there." And so, from a public murals program to neighborhood street fairs to lunch-hour concerts, Baltimore has placed great emphasis on what many other cities consider incidental aspects of their urban character.

The city appears to have come to a judicious compromise in dealing with its revival. Baltimoreans enjoy the best of both worlds, with the city encouraging innovative, but thoroughly planned renewal projects, such as the Inner Harbor development, while various municipal and citizens groups stand guard against destruction of irreplaceable signposts of Baltimore's history.

The residues of this history are everywhere in the city, but nowhere are they more impressive than in its architecture. Baltimore is a veritable museum of American design. Its age and recent restoration have combined to produce a startling juxtaposition of old and new. One can see the steel and glass towers of Mies van der Rohe and I. M. Pei rising from the Charles Center; drive a short distance past the 18th-century U.S. frigate Constellation and find one of the oldest sections of the city, Fells Point, which still maintains the flavor of its revolutionary origins.

In other parts of the city there are structures designed by such architectural luminaries as Benjamin Latrobe, who also worked on the nation's Capitol; Frank Lloyd Wright, Marcel Breuer and Stanford White.

And then there's Mount Vernon Place, a square of Victorian mansions surrounding the city's most recognizable landmark, the Washington Monument (not to be confused with its less interesting counterpart 50 miles south).

Off this square of gardens and fountains are two of Baltimores' most prestigious cultural institutions: The Peabody Conservatory, where music may be heard simply by passing open classroom windows or, more expensively, by buying a ticket to a symphony. Across the square is the Walters Art Gallery, a building that's as impressive as the works it contains. In fact, it is two buildings: The main structure is designed after an Italian Renaissance palazzo; the new wing, added in 1974, reflects the concrete modernism of its time.

The Walters, successor to a collection first assembled by a railroad magnate, Henry Walters, contains sparkling illuminated manuscripts and liturgical objects of the Middle Ages and Renaissance, meticulous medieval ivories and excellent examples of Roman sacrophagi.

About a mile north of the Walters is another fine collection: the Baltimore Museum of Art. The building is reminiscent of the National Gallery in Washington—they share the same genius of classical design, John Russell Pope. Its Cone collection, which bears the name of two Baltimore sisters who traveled through Europe in the early 1900s, contains one of the largest and most distinguished collections of the paintings and drawings of Henri Matisse.

As there is diversity in Baltimore's art and architecture, there is diversity in its people. And crucial to Baltimore's growing success as a city is its maintenance of ethnic character. Neighborhood festivals abound here, and the city's vitality is directly a consequence of this sectionalism.

Another byproduct of the city's ethnicity: good eating. There is a Little Italy in Baltimore, with all its gastronomical implications, and a large Polish section; two of the best kosher delicatessens this side of Bensonhurst; and the famous Lexington Market downtown, where one can eat everything from a Maryland crab cake to an alfalfa-sprout sandwich to one of Polack Johnnie's famous relish-lathered sausages.

Theater also flourishes in Baltimore. The Morris Mechanic Theater recently completed a highly successful engagement of "Golda" with Anne Bancroft, and on Feb. 21 will open a run of Ntozake Shange's "For Colored Girls Who Have Considered Suicide/When the Rainbow Is Enuf." And there's also a wealth of repertory and amateur groups performing about the city. For music, there is the highly regarded Baltimore Symphony; for dance, the Maryland Ballet.

Those multitudes whose only mental connection with Baltimore is the Colts and Orioles should take another look. There's quite a bit to see.

VIC SMIROLDO

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. LEHMAN. Mr. Speaker, I was so sorry and shocked to hear of Vic Smiroldos' untimely death. As we all know, Vic served on the staff of the Post Office and Civil Service Committee from 1969 to his death. Recently, he served the committee as executive director and general counsel.

Vic will be missed greatly. He was dedicated, concerned, and so conscientious in his career. A representative, democratic government cannot function without people like Vic. They are the ones who do the real work, but get too little of the credit.

My deepest sympathy to his family, particularly to his wife, Rose Marie, and his four children.

H.R. 10859—THE NATIONAL MATERIALS POLICY, RESEARCH AND ORGANIZATION ACT

HON. RAY THORNTON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. THORNTON. Mr. Speaker, several days ago I introduced legislation (H.R. 10895) which I believe deals with issues that are second to none in significance for the security and well-being of our Nation—namely, national materials policies and the role science and technology must assume in implementing them.

I am pleased that the ranking minority member of the Subcommittee on Science, Research and Technology of the Committee on Science and Technology, the gentleman from New Jersey (Mr. HOLLENBECK) has joined with me in sponsoring this legislation.

Hearings are scheduled to begin on February 28.

Neither the subject of materials policy, at which Congress has occasionally glanced during the past 25 years, nor the necessity for bringing science and technology to bear on it are newcomers to the concerns of the Science, Research and Technology Subcommittee, which I have the privilege to chair. We have been aware and studying the problems of materials since the early 1970's. They are complex and it has taken time to grasp the issues they present—a fact corroborated by our background reports in 1972, 1975, and 1977, and by investigative hearings we held last summer.

Hearings are scheduled to begin on February 28.

Now, however, I am convinced that the time for treating the idea of materials policy as a curious novelty is past and the time for judicious enhanced application of science and technology to materials problems is here. That is the reason for H.R. 10895 which would, for the first time, create a statutory, coherent materials policy for the Nation and provide mechanisms for implementing that policy—to a great extent—through more effective materials research and development.

Mr. Speaker, it is unfortunate but true that when we talk of a materials problem the response that most often returns to us is a blank stare. So let me summarize, or at least try to describe in oversimplified terms, what that problem is:

First. When we speak of materials, we mean "stuff." Stuff to make things with. All the things people must have, first, to survive; second, to maintain a decent

standard of living; third, to satisfy wants as well as needs. All the things we see and touch around us. And the materials, or stuff, is the metal, the glass, the wood, the plastic, the paper, the rubber, the chemicals and, yes, the fuels to make them and make them work.

Second. Until the last 20 or so years, the United States had (or seemed to have) plenty of materials of almost all kinds. We were all brought up believing there was plenty of everything. But excesses have taken their toll. Excessive population. Excessive consumption. Excessive waste. Excessive construction and excessive destruction. Excessive exports. Excessive gift programs to other nations. So we have drifted from being one of the greatest "have" nations of all time, to the point where we approach being a "have-not" nation. Many of our resources have been badly drained, some depleted.

Third. In order to meet our needs, to continue the life styles to which we are now accustomed, we must import materials from other countries. This we have been doing for the past decade in ever increasing and alarming quantities.

Fourth. For what we import, we must pay. And we pay mostly by selling stuff and things we produce which other nations want. But our national larder is low. Our balance of payments has not consistently run in favor of the United States since the midsixties. Moreover, the value of the dollar on the international market tends to sink in such situations—which it has—and that means we must pay more for what we import.

So far, coasting on economic momentum built up in the past, the seriousness of this materials situation has not been readily apparent. It has registered strongly on the American consciousness only once—when the OPEC countries shut down oil shipments in 1973. That embargo which created the great energy crisis and the American recognition of a critical, long-term energy problem, was actually the first materials issue to surface. The fact that other issues, equally severe, are waiting in the wings seems generally ignored by the public and Government alike. Coincidentally, these issues are not confined to shortages but apply equally to new kinds of materials with new or different properties and characteristics.

The question I pose is: Can we not act now either to avoid or mitigate future materials crises when they come? I believe we can and must.

Mr. Speaker, how serious is the materials issue? Let me answer by citing just a few pertinent facts as recently set out in official government reports.

Of the 38 basic minerals which comprise virtually all metal use, the United States imported 58 percent of its total consumption in 1976.

Over 75 percent was imported in 13 of the 38 categories, plus 41 percent of our oil and gas, 35 percent of our iron, and 22 percent of our aluminum—all major consumption materials.

When the 1973 oil embargo hit this country, we were importing between 12 and 15 percent of our petroleum. Today, in 1978, it is estimated that over half of the oil and gas we use is imported.

Now, what does all this mean in economic terms, in terms of our gross national product (GNP)? Consider the following:

According to the Department of Commerce, the production, processing, and importing of the basic minerals I have mentioned accounted directly for nearly one-fourth of total American GNP in 1976.

If we consider the indirect economic influence of these materials—such as dependence on them for manufacturing, sales, construction, and thousands of services—their role in the U.S. economy can scarcely account for less than 50 or 60 percent of the GNP.

As with most issues, it is easy to find extremists at both ends of the materials problem—prophets of doom and eternal optimists.

A number of knowledgeable people can also be found who will, without hesitation, scoff at the notion that a materials problem exists. This could be reassuring, except when such experts are quizzed closely it turns out that their rationale is usually based on one of two particular theses, or both:

First. When they say there is no real problem, they mean "not now," and "now" inevitably means, to them, the next 15 to 25 years; or

Second. They are talking about materials which exist plentifully—but in forms which make them extremely difficult, if not impossible with current technology, to isolate and extract.

But I have concerns about the future, even the future which I will probably not see. And I am not content to ride along on the assumption that technology, in the ordinary course of events and without stimulus or direction, will bail us out.

There is an additional troublesome side to our high-import stance of the present which I believe should not be swept under the rug. It is the fact that each of the major resources on which the United States has been depending to pay for its imports abroad in recent years has been hobbled by conditions that are very hard to control.

To a considerable extent, we have been depending on three exportable items:

First. Agricultural products. The American capacity to produce quality crops far in excess of its own needs has been a mainstay in our balance-of-payments system ever since World War II. Yet the past several years have been bumper agriculture years all around the globe. Demand for our yield is down—one factor in depressing farm prices, which has been brought to the Nation's attention so graphically in recent months.

Second. Arms and weapons systems. Regardless of the ethics or the politics of the matter, the economic factor is probably an overriding one with regard to the U.S. sale of arms abroad. But here, too, the salable item is subject to severe restraint caused by the very nature of the commodity and the controversy it creates. There is a marked limitation, which is imposed primarily by public opinion, on the supply of arms manufactured. I do not here mean to evaluate the "right or wrong" of such opinion but merely emphasize that its existence affects our buying power abroad.

Third. High technology. This term designates mainly knowledge, information know-how and the like which is salable in itself. It includes such things as computer systems, automation devices, medical technology, for processing, and advanced communication, energy and electronic innovations. But other nations have been catching up, while our own enthusiasm and support for new technology and the long-term basic research which spawns it have lessened—if not in the form of actual dollars, in the interest, attitude and spirit of a generation which has found the breakthrough of high-energy physics a hard act to follow and/or has been squeezed out of the better research endeavors by an aging but tenured group of scientists not yet ready to retire.

Mr. Speaker, it should be emphasized that the goal of the legislation proposed is not only to help assure the availability of the materials we must have to maintain our democratic, private enterprise system—but to help rebuild some of our lost economic independence.

This, I submit, is crucial. Without that independence, we shall certainly slide down the road to mediocrity and second rate international status.

It is unrealistic to suppose that we can ever return to the kind of self-sufficiency we had 50 or 75 years ago. The world is too interrelated now for that. But we can surely recover a great deal of it if we establish and follow a rational materials policy and if we make maximum use of science and technology to bolster our materials needs.

When people talk of materials research, they often mean finding new sources of traditional materials, or recycling materials so they can be used over again.

Obviously research in both these areas is of paramount importance. But there is far more to it than this. For example: we do not have the discovery techniques that we need, in many cases, to find the materials we are looking for. Often we do not have the extraction technology to recover what we are looking for when we do find it. Oil and gas provide a good illustration here. Usually, when we abandon an oil field as "played out", two-thirds of the oil is still down there—too deep or difficult for present technology to handle.

Recycling technology is also limited. Frequently, in the present state of the art, the expenditure of energy is too high to make recycling pay off.

Much more needs to be done in materials—substitution research, in areas of materials corrosion, in the capture of manufacturing wastes and by-products, in miniaturization, in prefabrication and component design, even in economic and social research if that effort can help in alleviating present national patterns of consumption or aid in shifting employment emphasis from goods to services.

The bill introduced is a refined version of one sponsored by former members of the Science and Technology Committee, Mr. Symington and Mr. Mosher, in the 94th Congress, and by Chairman TEAGUE at the beginning of the current Congress as H.R. 34.

The present bill has been honed down in order to minimize costs and shed former controversial sections dealing with patents and special congressional committees. It has also been reviewed by more than a score of materials scientists, professional society officials, economic and supply specialists, and so forth.

Accordingly, the status of the bill is several stages advanced from H.R. 34. It is still not "finished" legislation, but in my opinion it provides a sound basis for the further legislative hearings we propose to conduct.

Of course, there is room for much improvement. I would hope to gather many more suggestions for this purpose from the Executive branch, from the professional community, from the technical societies concerned with materials, from the academic and industrial communities, from other scientists and technologists, from labor and business leaders, and from the public at large. I would hope that our associates in the Congress will assist us in this endeavor by relaying to us their own views.

It should be noted that there are at least two schools of thought on the basic question of national materials policy. One is that the design of a national policy in this complex matter is too demanding to be achieved by the human intellect. Instead—it is contended—we should deal only with materials-related issues, one by one, as they emerge. This was, I believe, the view adopted by the Commission on Supplies and Shortages in its 1976 report.

If we adopt this concept, we study issues only after they emerge; environmental quality in 1972, materials shortages in 1973, energy in 1976, inflation in 1977. Perhaps—looking into the future, we will be studying depression in 1979, and then perhaps back to environment in 1980 and materials shortages in 1982. In this way we would always be hurrying to catch up with yesterday, and never quite making it.

To my mind, all these matters are related; so that a comprehensive policy in materials must take into account the environment, energy, jobs and the national economy, industrial technology, international trade, and the national security.

Thus, the other school of thought—to which I subscribe—is that we must develop a dynamically balanced stance toward the total complex of our national problems. We cannot set a policy in concrete, but we can skillfully adjust policies to meet changing demands. For example, to address minerals policy without recognizing the great wealth and industrial utility of agricultural materials is like trying to dig half a hole.

Hence, what we have attempted to put before the Congress and the public in this bill is a broad statement of materials R. & D. policy that is appropriate and reasonably complete to meet tomorrow's needs.

Mr. Speaker, before including a brief summary of H.R. 10859, I wish to make two observations about it.

First, as to organization. In addition to setting forth a basic materials research policy, the bill provides for a Materials and Resources Policy Board which recommends programs for implementing the enunciated policy, and a Commission on Materials Research and Operations which reviews the Board's recommendations, ascertains which are appropriate, and provides for their coordination and implementation by the pertinent agencies of Government.

Second, in all its features the bill makes use of existing offices, agencies, departments, and personnel. It creates no new bureau, nor any additional bureaucrats. The total cost of the bill is limited to the expenses of 7 public members of the Board, plus the salaries of not more than 10 staff members for the Board and an executive secretary to the commission.

SUMMARY OF H.R. 10859

FINDINGS

Policies in materials are needed in the face of prospective world competition for supplies and price instabilities; the scope of such policies include technological means to discover new mineral deposits employ renewable resources, prevent wasteful pollution, decrease needless throughputs, create new and better materials and synthetics, and recover materials from wastes. International cooperation in policy formation is essential.

DECLARATION OF POLICY

Policy is based on strong materials R&D. Nine goals are set out: availability of materials; balance of materials, energy, and environment; flexibility of industrial uses of materials; use of residues; efficiency of industrial use; international cooperation; abundant and renewable resource use; healthy materials-producing industry and updating of materials policy.

IMPLEMENTATION

Implementation of policy is based on: R&D; information management; exploration technology, design, funding, institutional cooperation and support, supply/demand data, stockpiling, private cooperative R&D, technology demonstration programs, program studies, international cooperation, materials R&D contributing to energy and environmental goals, and proposals for new policy legislation in materials.

NATIONAL MATERIALS AND RESOURCES POLICY BOARD

This Board shall consist of: Chairman; President's Science Advisor. Government Members: Office of Management and Budget Director, Council of Economic Advisors Chairman, Council of Environmental Quality Chairman, National Security Adviser. Seven public members from appropriate and relevant fields.

The functions of the Board shall be to recommend ways to implement policy under Title I, review budget for adequacy and balance, and review the overall policy for materials.

COMMISSION ON MATERIALS RESEARCH AND OPERATIONS

In effect, this Commission would be a cabinet committee to execute, through its members, recommendations of the Board. It would be chaired by President's Science Adviser, with members including Secretaries of State, Defense, Interior, Agriculture, Commerce, and Energy; and heads of the National Science Foundation, National Aeronautics and Space Administration, Environmental Protection Agency, and Government Services Administration and others as required. Its duties would be to foster:

New technology for mining and exploitation,

Materials R&D into new materials and substitutes,

Materials information enhancement,

Basic materials industry enhancement,

Commercial stockpiling and reserves,

Coordination of foreign materials trade,

Aid to industry for improved utilization,

Effective use of materials, State, local and private,

Recycling, with attention to safety,

Enhanced product durability,

Enhanced materials processing, including re-use.

DNA RESEARCH: THE BENEFITS AND THE RISKS

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Ms. MIKULSKI. Mr. Speaker, the Baltimore Sun recently published an excellent article concerning the divergence of views in the scientific community about the safety of DNA research.

I believe that this article makes a useful contribution to the debate about the appropriate role of Federal regulation of such research, and commend it to the attention of my colleagues.

DNA RESEARCH: THE BENEFITS AND THE RISKS

(By Tom Nugent)

Dr. Richard Cone, professor of biophysics at the Johns Hopkins University, calls it a "fearsome threat" to our health and safety, and says it is a perfect example of how "man's technology has outstripped his political and social development."

Dr. Donald Brown, on the other hand who is the director of Baltimore's prestigious Carnegie Institution for scientific research, says it offers "tremendous potential benefits for the future"—and that the current concern over the hazards it represents is a bad case of "overkill, the product of a specious fear."

The two scientists, both of whom are leading national figures in their respective fields of study, are talking about one of the most controversial subjects now being debated in the world of science: Recombinant DNA research, or "gene-splicing," as it is known to most laymen.

The ongoing debate over gene-splicing, a research technique in which scientists combine genetic material from different species in order to study how deoxyribo-nucleic acid (DNA), the basic building-block out of which genes are composed, works to transmit genetic information in living organisms, has been especially heated in the Baltimore area, where four different institutions are now doing DNA research.

And the questions the debate raises—questions of potential health benefits versus potential safety hazards; questions of technological progress versus the destructive effects of runaway technology—deal directly, and importantly, with our social values, our ethical choices and the ultimate shape of our common future.

The DNA issue is extraordinarily complicated, of course, both the process by which genetic materials are combined and the factors involved in determining the potential hazards of the process are so complex as to make understanding them extremely difficult for the average layman.

Put in simple terms, however, what the DNA researchers do is to take a piece of genetic material from an organism they're interested in studying and graft it onto DNA from a host, or "plasmid," organism—usually the simple bacterium E. coli. The E. coli then reproduce—quickly, and in large numbers—thus reproducing, at the same time, the

genetic material from the organism which is being studied.

In this way, the researchers are able to generate large amounts of the target DNA in a very short time; the E. coli acts as a kind of organic "copying machine" which allows the scientists to duplicate the genetic material they're interested in quickly and in large amounts.

The scientists engaged in recombining DNA emphasize the fact that they are merely duplicating genetic material—not trying to "create" new forms of life. "The purpose is to understand how genes work," says Dr. Nina Fedoroff, a researcher at Carnegie, "and why different genes are expressed at the right time in the developing organism. It's important to understand that we're not trying to manipulate or change living organisms—but only to study things."

The potential benefits of genetic research are enormous, the pro-recombinant forces say. They point to a recent project which successfully used the technique to synthesize insulin (the crucial, and until now very expensive, pancreatic substance used to combat diabetes), and they say that by studying recombinant DNA, they are going to be able to create new organic substances (such as bacteria which will feed on oil spills) of immeasurable benefit to all of us in the future.

In addition, many of the DNA-researchers are using the technique to explore the ways in which diseases, particularly cancer, are transmitted and grow. Dr. Daniel Nathans, Chairman of the Department of Microbiology at the Hopkins, has been working for several years with DNA from simian virus 40 (which causes tumors in monkeys), the simplest form of animal cancer.

Dr. Nathans says his people are trying to understand how cancer cells get "turned on" in an organism's cells; he points out that understanding the process, mainly through the use of recombinant DNA, could be an important step on the road to conquering cancer.

But these potential benefits are offset, say critics of the research, by some very frightening dangers: specifically, the danger that scientists might, by combining organisms with different characteristics, unwittingly create a "Frankenstein," a disease-causing bacteria, for example, which would be immune to antibiotics, and which could trigger a deadly plague.

Dr. Cone, who is an outspoken critic of the research now taking place at the Hopkins (about 20 researchers are now involved in projects there), insists that the hazards far outweigh the possible benefits. "We're moving into a completely unknown area," says Dr. Cone. "When you figure risks, you calculate the odds on what you know about. But it's hard to calculate when you don't know what you're dealing with. There are a million different problems that can arise in this kind of research, and the danger is that we might not even learn about them until it's too late. A cancer epidemic, for example. It might take 20 years for it to incubate, and by the time we discovered what had happened, it would be too late.

Dr. Cone says that he knows he's in the minority as a scientists who opposes recombinant DNA research (although a recent national) poll of 1,200 scientists showed them almost evenly divided on the issue). "I don't think that shouting from the sidelines is going to do much good. Nothing's going to happen until somebody dies, or there's a sickness. But why must we wait until then? I don't think that it is a good investment for our society to go on at such a high pace. We've got enough problems right now that we don't know how to handle. As far as I'm concerned, this is a classic instance of man wrestling with his own technology."

Most proponents of the research consider Dr. Cone's assessment to be too pessimistic, however. At Carnegie, a private research facility located near the Hopkins campus, where about a dozen people are currently doing DNA work, Dr. Brown notes that numerous safety precautions (most of them required by new National Institutes of Health guidelines designed to prevent accidents) are scrupulously adhered to. They include things like keeping negative air pressure in all labs containing genetic material, so that nothing can get outside, and using weakened strains of E. coli—which, should it escape the lab, probably couldn't survive long in the competitive, microbiotic world.

"This is overkill," says Dr. Brown of the current opposition to this program. "They [the critics] are treating basic researchers as if they had it in mind to disseminate this stuff immediately. But we're nowhere near disseminating anything—we're still at the basic, research stage. I think this opposition comes out of an immense fear of the unknown.

"Sure, I feel that guidelines are necessary—but the NIH guidelines are very strict, and they have slowed down the research considerably. What we're seeing is a very conservative reaction . . . but I think people are gradually admitting to themselves that it's based on a specious fear "

At the Hopkins, Dr. Roger Herriott, university distinguished service professor of biochemistry and chairman of the University Biohazards Committee, which monitors the DNA research there, also insists that the risks are very low when compared to the possible benefits. "There is no evidence that there's any danger involved," says Dr. Herriott. "I think we have a healthy respect for it . . . and a healthy group of scientists working on it. Of course, nobody knows what's going to happen. But I think that both the government and the scientists have bent way over backward to make sure that we keep the risks as low as possible."

Dr. Herriott's confidence is shared by Dr. Paul Lovett, a biologist at the University of Maryland, Baltimore county, who has been doing DNA research on soil bacteria for several years. "I don't shudder," says Dr. Lovett, "because I know the people who are doing the experiments.

"I know the quality of the investigators who are doing the most potentially hazardous work. And I'm confident that they are keeping the risks very low."

But Dr. Cone and his fellow critics aren't convinced. They say there's no way to be sure that the altered bacteria, even if weakened, won't be able to reproduce outside the lab; and they point to things like the power failure which hit the Hopkins campus last spring—shutting down the electricity and thus shutting down the fans which were needed to maintain negative air pressure in the labs.

So far, the DNA debate has taken place mostly among scientists. But at least one Baltimore citizens' group—the Abell Avenue Homeowners' Association, located near the Hopkins campus—has made public its opposition to DNA research being done in its neighborhood. (Representatives from the group met with researchers at both Carnegie and the Hopkins to express their opposition, and have threatened to take the issue to court.)

And the anti-DNA forces have been especially visible in the Frederick area, where the National Institutes of Health recently launched a $3 million research program at Fort Detrick, formerly the site of Army research on germ warfare. Several Frederick residents have filed suit to stop the DNA work at Fort Detrick, and have organized a lobby against it.

"There is a good possibility," said Bill Gregg, a local park ranger, "that new organisms can occur and end up in the Monocacy river, our main source of drinking water. How can we expect to control an organism about which so little is known?"

Do the benefits of recombinant DNA research—everything from miracle drugs to new organic compounds which might revolutionize industry—outweight its hazards? A lot of people—including the U.S. Congress, which has the issue under study by several legislative committees; the scientists, and increasingly ordinary citizens—are asking themselves this question. A lot, perhaps even our future, depends on the answer.

THE TAX THAT IS KILLING INVESTMENTS

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. BADHAM. Mr. Speaker, much controversy surrounds the tax treatment of capital gains. Mr. Carlos Galindo, a constituent of mine, forwarded to me in an interesting article entitled "The Tax That Is Killing Investment." I believe that the article is worthy of my colleagues' perusal and consideration.

The text follows:

THE TAX THAT IS KILLING INVESTMENT

(By John Cobbs)

William F. Ballhaus, president of Beckman Instruments Inc., doesn't think much of economists. "Half of them," he snorts indignantly, "are telling the President that we can't do anything about unemployment without generating more inflation. And the other half are telling him that we can't stop inflation without creating more unemployment. None of them realizes that we could make more jobs and get lower prices at the same time if we had a better balance between consumer spending and personal investment."

Ballhaus is a crusader. His own company has invested heavily and grown vigorously since he took charge in 1965. On the basis of his experience, he has developed a somewhat unorthodox theory that makes personal savings and investment the key to economic growth and stability. For the past two years, he has been calling on congressmen, government officials, and influential businessmen, preaching the gospel of investment with all the fervor of an evangelical minister calling sinners to the glory road. He leaves behind a batch of brochures, packed with charts and statistics, and titled: "How to put 4 million Americans back to work and bring inflation under control without raising taxes."

THE THEORY

As Ballhaus sees it, 1969 was a watershed year for the U.S. economy. That was when Congress passed the Tax Reform Act that greatly reduced the preferential tax treatment previously given to capital gains. Under the old system, the maximum rate on capital gains was 25%. Now it can go as high as 42½%. In addition, Congress has limited deductions for interest on money borrowed to buy securities. And it has reduced the write-off of losses against other income.

As a result, says Ballhaus, there is now scant incentive for individuals to save and invest any substantial part of their incomes in productive enterprises. Between 1969 and 1975, the labor force grew by 15 percent, but the number of investors dropped to 25.27 million from 30.8 million.

"If investors had invested in 1975 as they did in 1969," says a Ballhaus brochure, "there

would have been 35.5 million of them.... If investors had been motivated to invest at the same rate in 1975 as in 1969 ... [there would have been] $103 billion in equity capital available for new jobs, new products, and new services. With the new equity capital, additional funds could be borrowed [to maintain] a 20 percent debt-equity ratio, and 4.129 million new jobs could be created in the private sector alone."

Giant corporations have been able to keep up spending for new plant and equipment by drawing on retained earnings and depreciation allowances. Small companies, says Ballhaus, have been stopped in their tracks. In 1969, when some 1,800 companies raised new equity capital, "649 were small companies (less than $5 million net worth), which raised $1.1 billion in new capital. By 1974, only nine small companies raised $16.1 million equity capital."

Small companies, according to the Ballhaus theory, are the driving force in creating new jobs and bringing down prices. They develop "new jobs at a rate 66 times faster than very large companies because of their own faster rate of growth."

Stagnation in the domestic economy is not the only price that the U.S. pays for abusing the individual investor. It is losing out in competition for world markets. In the 1960–73 period, Japan devoted 26.9 percent of its gross national product to investment, and it was rewarded with an average increase in productivity of 10.5 percent a year. West Germany, which invested 19.1 percent of GNP, gained 5.85 percent in productivity. The U.S., with an investment rate of only 13.9 percent, averaged a poor 3.29 percent improvement in productivity.

The only way to get the U.S. back on the road to lower costs and faster growth, argues Ballhaus, is to stop kicking the individual investor around. His first recommendation is to defer all taxes on capital gains until the investor stops investing and pulls his money out. In effect, this would give the holders of securities the same rollover privileges that homeowners now have. There would be no tax on gains temporarily realized while switching from one stock to another, just as there is no tax on selling one residence and buying another for the same value.

When capital gains were realized and not reinvested—or when the owner died—they would be taxed at estate and gift rates. Capital gains would thus come out of the income tax system entirely and be covered by an integrated estate-gift and capital-gains tax.

In addition, Ballhaus would allow unlimited deductions from ordinary income for interest on money borrowed to make investments. And he would permit a 100 percent write-off of capital losses against other income. Both steps would liberalize the present law.

It is a simple package, but a logical one. "Its benefits," says Ballhaus. "seem so obvious, only one question can be asked: What are we waiting for?"

THE DISSENTERS

Economists don't think much of Bill Ballhaus. They point out that in 1969 the economy was coming up to the top of an upswing and that in 1974 it was in a deep recession. With money tight and the stock market in a state of shock, this period will naturally show a decline in stock issues and investment. Actually, 1971 and 1972 were good years for stock flotations. It was not until the violent inflation of 1973 and the slump of 1974 that investors lost their nerve and got out.

Moreover, say most economists, it would be disastrous for the U.S. to try to achieve investment levels comparable with those of Germany and Japan. The huge productive capacity of the American economy makes consumption the problem, not investment. If the U.S. plowed back anything like 20 percent of the GNP into new facilities, there wouldn't be enough warehouses to hold all the unsold merchandise or enough computers to pound out all the unemployment insurance checks.

Both Germany and Japan have geared their economies to produce huge export balances. In effect, they rely on their trading partners to generate the consumer demand to take their goods off the market and keep their factories running. Japan has carried this aggressive export policy to the point where it threatens to disrupt the whole system of world trade. As the Carter Administration is now trying to tell Prime Minister Takeo Fukuda, Japan will have to start consuming more and saving less. If it keeps on trying to win all the marbles, it will break up the game.

As economists see it, therefore, the problem is not to get people to save more by increasing the return on their investments. It is to keep consumption rising and encourage business to expand to serve the growing demand of the consumer markets. If the opportunities for investment are there, business will find the money to take advantage of them.

BALANCING PRODUCTION

Twenty years ago, when policymakers were confident that they could "fine tune" the economy and play it like a piano, this sort of brush-off might have been the end of Ballhaus. But the past decade has painfully demonstrated the weakness of the economic theories on which that confidence was based. And Ballhaus, in spite of his questionable figures and monomaniacal concentration on capital gains, has put his finger on one of the softest spots in orthodox economy theory—the relation between consumption and investment.

If an economic system is to grow in terms of incomes and output, it cannot consume everything that it produces. Obviously, some part of its production has to be devoted to expanding plant and equipment. The problem is to determine precisely what part. If the economy does not invest enough in periods when population is growing, production will not keep pace with rising needs; either there will be a drop in the standard of living, or there will be a violent inflation. If it invests too much, output will exceed demand, and the producers will be stuck with unsold goods. They will close down to work off inventory, and the economy will go into the contraction phase of a deep depression.

Ever since the Great Depression, economists have been more afraid of inadequate demand than of inadequate investment. As J. M. Keynes demonstrated, a more complex industrial economy can stabilize far below the level of maximum employment and output. And once stabilized, it will show no tendency to recover because producers do not see larger markets to justify new investment and consumers do not have the incomes to expand the markets. Theoretically, of course, manufacturers should lower their prices so that consumers could buy more goods with the same income. But in a world of fixed costs and long-term labor contracts, that is not likely to happen until the economy has gone into the wringer of depression.

DISCOURAGING SAVING

Keynesian economists, therefore, regard the consumer with an indulgent eye and the saver with a wary one. In the last 40 years, most of the government's economic policies and all of its social welfare programs—such as Social Security—have been designed to encourage spending and discouraging saving.

As a result, the U.S. has the lowest saving rate of any major industrial nation. Year in, year out, the percent of disposable personal income (after taxes) saved in this country varies between 4.5 percent and 8 percent. But in Japan, individuals save about 20 percent of income, and in Germany about 14 percent. The question is whether the U.S. is saving enough to keep the economy growing and to provide the jobs and rising incomes that every President since Franklin Roosevelt has promised the voters.

The low savings rate undoubtedly contributes to the inflationary bias that seems to be built into the U.S. economy. An increase in incomes—say, through more government spending or through a costly wage settlement—is promptly translated into spending. And almost all of it goes to the market rather than to investment.

There is no clear-cut evidence to prove that the low savings rate of the U.S. is responsible for the alarming lag of capital spending in the past three years. Big corporations seem to have no trouble getting money to finance expansion and modernization. The flow of cash from depreciation and retained earnings is enormous, and there are plenty of willing lenders to make up the difference if established corporations need more than that.

The fact remains that capital spending is falling far short of what the country needs to keep up with a growing labor force and an insistent demand for higher incomes. And there is considerable evidence that new companies and small companies are not getting money to grow on. The stock market is demoralized, and stock prices are so low that all companies—both large and small—are having trouble raising equity money. The ratio of debt to equity in many industries is close to the danger point.

Professionals may dismiss Bill Ballhaus as a cracker-barrel economist. But he is pointing to a real problem that seems to defy solution by the conventional economic wisdom.

THE BLUE APPLE PLAYERS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. MAZZOLI. Mr. Speaker, I would like to welcome to Washington the Blue Apple Players. This children's theater group from my hometown of Louisville, Ky., will be performing "The Ugly Duckling" at the Kennedy Center this Thursday, Friday, and Saturday.

Louisivillians are justifiably proud of the Blue Apple Players. Among the leaders of this theatrical troupe are:

Paul Lenzi, producing director: Paul has a degree in theater from Florida State University. In addition to his Blue Apple Player responsibilities, he also co-hosts "The Friendship Shop," a weekly television show for children in the Louisville area.

Geraldine Ann Snyder, associate director: Geraldine designs the costumes, props, and writes all the music for the groups, as well as appearing in all the shows. She co-hosts "The Friendship Shop" with Mr. Lenzi, her husband.

Bunny Johnson, Bunny has extensive experience in radio and theater, and has appeared on the stage in this country as well as in England and Ireland.

Kent P. Epler: Before joining the Blue Apple Players, Kent toured the country for 2 years with the New Shakespeare Company.

Hedy Hilburn: Hedy is the musical director of the Blue Apple Players.

I know the Blue Apple Players will bring further credit to themselves, to the Commonwealth of Kentucky and to Louisville with their performances this weekend at the Kennedy Center.

Bravo.

NURSE PRACTITIONERS BEST AT HANDLING PEDIATRIC PROBLEM

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Ms. KEYS. Mr. Speaker, nurse practitioners—nurses who have advanced training in various specialty areas—are taking on many new roles in health care. Pediatric nurse practitioners, for example, can handle many children's problems freeing the physician for more serious cases. A recent study, reported in the New England Journal of Medicine, indicates that these nurses handle common children's problems over the phone better than the pediatricians. They are more thorough in getting information. I think this is one more illustration of the potential of nurse practitioners for expanding the availability of good health care, a potential that certainly is not being fully utilized today.

A news story on the report was published in the February 6 issue of Health Care Week. Mr. Speaker, I insert the news story in the RECORD, as follows:

Pediatric nurse practioners handle common children's problems over the telephone better than practicing pediatricians and pediatricians in training, according to a published, controlled study.

The report, which appeared in *The New England Journal of Medicine*, noted that some 27 percent of pediatric practice time is devoted to phone management.

Pediatricians spent the least amount of time on each phone call, and tended to be too quick in reaching decisions after inadequate questioning of the parent, wrote Dr. Ellen Perrin and Helen Goodman of the University of Rochester.

Five nurse practitioners scored best in the study, which evaluated how well they, 23 practicing pediatricians and 28 house officers responded to an unidentified call made by an actress trained as a "programmed mother."

A random sampling of the pediatricians and N.P.'s taking night calls in Rochester agreed to take part three months before the study began. The "programmed mother" never called more than once a week, but when she did it was with such complaints as diarrhea, symptoms of croup, a serious respiratory infection or a recent injury to the child's head.

SHARP DIFFERENCES NOTED

As a result of the study, the researchers called on medical educators to devote more time to teaching pediatricians to respond to telephone calls from concerned parents.

The authors noted striking differences among the three groups. N.P.'s averaged 80 percent of the total theoretical score for taking medical histories from the caller, as compared with pediatricians in training who scored 69 percent and practicing pediatricians with 53 percent. For making recommendations, N.P.'s tabulated 71 percent of the maximum score, contrasted with 60 and 59 percent respectively for residents and practicing pediatricians.

"Practicing pediatricians seem to perform better in prescribing than in obtaining pertinent information," the authors wrote, adding that time constraints obviously hindered the physicians. They also noted that most phone messages were for minor illnesses and could generally be handled in a cursory manner.

However, they warned, "It is alarming . . . that this gamble is likely to cause them to miss occasional, seriously ill children because of incomplete information."

Mark Valet, head pediatric nurse in the emergency room at St. Louis Children's Hospital, commented that "the study correlates with what I believe. Nurse practitioners have been used to augment the staff, and answering phones is their specialty."

He further explained that both practicing and training pediatricians are involved with a wider scope of hospital duties, including research and diagnoses. N.P.'s, a recent addition to the medical ranks, have been specially trained to handle roles traditionally reserved for physicians.

TIME LACK A FACTOR

The authors noted that there were no N.P.'s working in any private physician's office in Rochester, and admitted that it would be "impractical" for a practicing physician to spend as much time on the phone as an N.P. "He'd never get a wink of sleep," Dr. Perrin said.

And Mr. Valet said that no matter how efficient a pediatrician was at handling the telephone, "in a typical day you might handle 70–80 phone calls in addition to being on call for 70–80 patients. You just have time to get the minimum amount of facts." He also stressed that phone management is not an attempt at diagnosis as much as a form of treatment. "By treating what you hear on the phone, hopefully the child will get better, it won't be so bad. A parent who calls usually wants to treat the child himself and not come to the clinic."

In response to the study, Dr. Walter Spitzer of McGill University in Montreal commended the Rochester research, but cautioned that it was just one part of a long-term process of evaluating the performance of nurse practitioners. "The experiment seems to be off to a promising start, but the final verdict is not in yet," he wrote.

COMPLETION OF ENERGY BILL LAGS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. NICHOLS. Mr. Speaker, for more than 4 years, the Congress has been unable to approve a much needed national energy program. In the meantime, our consumption of foreign oil continues to rise, the harsh winters work at depleting our already low energy resources, and conservation measures, though popular, are receiving no direction from either private or public sources.

This is not to say that grassroots awareness of our energy problems is not prevalent. As an example of the concern over the energy crisis, I am submitting to the record of this body, a six-point energy plan written for me by the ninth-grade class of the Lee Academy of Auburn, Ala.

Each of the six points show a mature understanding of the scope of our energy woes. The students have covered areas including conservation as well as research and development and their effort demonstrates a great deal of thought and imagination.

Yet most of all, the six points convey the importance for our country to become energy conscious, for if we fail to do so today, these ninth graders know that our energy resources may be exhausted by the time they enter the employment market.

ENERGY BILL

(By 9th Grade of Lee Academy, Auburn, Ala.)

I. Tax on purchase of new cars whose gasoline consumption is below 12 miles per gallon.

Tax rebate on purchase of new cars whose gasoline consumption is above 20 miles per gallon.

II. No cars to be manufactured whose average gasoline consumption is under 15 miles per gallon in city driving.

No cars to be manufactured whose average gasoline consumption is under 18 miles per gallon, highway driving.

III. Tax money to be used for research and development of alternative sources of energy.

Example: Find new pollution-free uses of coal.

IV. Reward inventors and designers of energy efficient machines or energy sources. Must be useful, efficient, safe, cheap, and practical. A never-ending source of energy utilized.

V. Tax rebate to people insulating homes on cost of insulation and on use.

Tax rebate to people installing and using solar, wind power or geothermal heat devices.

VI. Business lights limited to two (2) hours after closing.

DAM SAFETY

HON. LEO J. RYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. RYAN. Mr. Speaker, I am introducing today a bill, entitled, the "Dam Inspection Act of 1978."

This legislation addresses a long-neglected problem in the United States. The problem is national, and of huge proportions. Today there are more than 50,000 dams in the United States. Of these, 20,000 are so situated that their failure or misoperation could result in the loss of human life and major property damage. Most of these dams were poorly designed and constructed, and were never subjected to a safety inspection.

This problem is growing larger every year; 1,600 new dams are built every year. Most of these are in States which have inadequate dam safety programs. In fact, most States have no dam safety program at all—they have no basic law, they have no financial resources for this purpose, and no trained or qualified staff.

The bill which I am introducing is intended to solve these problems. It is directed toward the establishment of a national dam safety and inspection program. The States and the Federal Government would be required to cooperate in addressing these needs. The bill would authorize Federal financial and technical assistance to the States, so that they would be able to establish and improve their own dam safety programs.

The legislation which I am introducing would carry forward many of the recommendations of the report, entitled

"Dam Safety" adopted unanimously on February 8, 1978, by the House Government Operations Committee. That report is the product of an investigation by the Environment, Energy and Natural Resources Subcommittee, which I chair.

I believe that this legislation could prevent many future tragedies such as the Teton disaster in Idaho, and the Toccoa disaster in Georgia.

I believe we should act now, before we are confronted with another disaster. People should not be forced to live in the fear that a dam in their area is as lethal as a loaded shotgun pointed in their direction.

Thank you, Mr. Speaker.

MY RESPONSIBILITY TO AMERICA

HON. LAMAR GUDGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. GUDGER. Mr. Speaker, the rights of the citizens of this country are insolubly linked to the responsibilities that each citizen must exercise to maintain a free society. The Veterans of Foreign Wars and its ladies auxiliary have, in their "Voice of Democracy" contest, made a point of developing this spirit in the youth of America by selecting as this year's theme "My Responsibility to America."

I am pleased that the winner of our State competition is Claire Colleen Heck, a resident of Hendersonville, N.C., and a junior at Hendersonville High School. She exemplifies the quality of the youth of the 11th Congressional District which I represent, and I am sure that the qualities of leadership which she possesses will be of great service to her community, State, and Nation. I therefore wish to share with you her formula for a strong and secure America through responsible involvement:

VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM, 1977–78, NORTH CAROLINA WINNER

(By Claire Colleen Heck)

While struggling with writing a Declaration of Independence and our Constitution, our forefathers were careful with the wording of the documents. These men foresaw the importance of these compositions and knew they would be the basis for all law in the young Nation. Thus, they carefully established our privileges in writing so that they could not arbitrarily be usurped. When the citizens of the new United States accepted the Declaration and Constitution, they also took upon themselves the responsibility of exercising and defending their rights.

Unfortunately, in the 200 years that have passed, many have forgotten that rights and responsibilities are inseparable. As you flip through any popular magazine nowadays, you will invariably find a quiz that will tell you if you think young, have a large vocabulary or something of that nature.

See how you do on the test I have devised about a citizen's responsibilities to America.

First, if eligible, do you vote? Casting a ballot is the most important way that you let your ideas about government be known. Through this medium, one can raise or lower taxes, reject or re-elect an incumbent and help make many decisions through bond issues as well as referendums. The concept of one man, one vote, distinguishes us from many nations. Looking at those countries makes us realize how valuable an individual vote is and one understands the need for all citizens to vote.

Secondly, are you well informed, not only at election time but also throughout the year? To make an intelligent decision, listen to all sides on the matter, gather as much information as possible, then choose your stand on the issue. Throughout the year it is necessary to remain well versed on current events because your representatives will be making decisions on your behalf and need to hear many opinions.

Third, do you try to create a positive attitude about America? It is very easy to complain about a problem and then think no more of it. But it is just as easy to make constructive criticism. The next time you are disturbed about politics, for instance, try to offer a solution, too. During the past decade, it was popular to be anti-America. Happily, the pendulum has swung the other way and our people are cognizant that the most effective way to remedy problems is to work on them ourselves instead of relying on others to do the job.

Next, do you work at the grass roots level? Choose an issue of concern, support a candidate, join a party, but just get involved. You'll find that working in politics is good mental exercise and interesting. Once you start, you'll discover the work so exciting you will stay with it.

Lastly, do you work through the system? When you have a complaint, do you take it to your public officials? If they don't listen, run for office yourself. Start a citizen's group to work for good legislation. When you take the conventional route, you win support to your side and accomplish more. Even if you didn't pass the test, I hope that we have some of the same ideas on responsibility. And certainly the youth of our country should be included. The youth of today can be the leaders of today, too. They can join a student government group or attend City Council meetings.

We young people have a unique "I Can" attitude that helps achieve our goals. Thus, when we devote ourselves to exercising our rights by voting, being well informed, creating a positive attitude, participating and working through the system, we know that our Nation will always promise strength and security for all.

REMARKS AT A SANITARY LANDFILL

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. EMERY. Mr. Speaker, many of us in Congress are aware of the proliferation of Federal regulations in nearly every aspect of our lives. Our constituents, for the most part, are frustrated over these sometimes burdensome and often ridiculous Federal interventions, especially in municipal affairs.

I have long supported rules and regulations which promote high environmental standards. Among these are bills such as the Federal Water Pollution Control Act amendments, the Clean Air Act amendments, controls over strip mining, the Black Lung Benefits Reform Act, and I commend much of the work done by EPA, especially in region I where my district lies.

Even I have to ponder the results of all the recent legislation, however, when I listen to the comments of people like Mr. Peter Burbank, first selectman of Wayne, Maine. In his remarks at the opening of the Wayne sanitary landfill site, he effectively pokes fun at Federal regulations which seemingly are much ado about nothing. I offer the following remarks by Mr. Burbank as an example of the mood which many people in our country are in. I expect the reader will find them humorous yet succinct.

REMARKS AT THE OPENING OF THE WAYNE SANITARY LANDFILL

(By Peter H. Burbank)

It is with great pleasure that I accepted the invitation of a group of taxpayers to participate in this grand opening of the Wayne Sanitary Landfill. Any project which has cost the taxpayers this much money deserves recognition.

For a moment, let us pause in honoring the old dump. It was a place where the citizenry could gather, where friendships could be renewed, where something of value could be found and retrieved. But alas, these qualities are passed now as so much has in the name of progress. We liked our old dump but we were told that it wasn't nice.

However, now is the time to take a deep breath and look to the future. Yes, we will adjust to the inconvenience. There will even be those who will say that this dump is better. We are thankful on this day that we could find a hole in the ground befitting a dump in the Town of Wayne. Such holes are at a premium as several towns have inquired whether we had any more to sell. Solid Waste Management has become a household word in the State of Maine and we are fortunate, I suppose, that we can participate at the "ground level" in establishing a new bureaucracy—a model if you will, of regulation and control of local communities.

This bag of refuse which I hold in my hand will be symbolically placed in the new land fill area. It meets the specifications of "Bags, refuse" found in the soon to be published booklet, "Solid Waste and You." I have heard that this is a new government publication which specifies among other things, the material, thickness, tear-point, etc. for garbage bags. We all look forward to receiving a copy. It is publication number 143A, as amended July, 1977, Government Printing Office, please enclose 25¢.

So now we must move on each to their own tasks for the day. We return to our homes secure in the knowledge that we now have a place for brush, a place for metal goods, and a place for all other refuse—each never to be mixed with the other. It is a good feeling, one of which we can all be proud, to know that our notices of overdue bills will be under six inches of earth. This is a new beginning, a new era for the town. The day that solid waste was finally conquered.

IS THE CARTER ADMINISTRATION PREPARING TO SELL OUT FREE CHINA?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. ASHBROOK. Mr. Speaker, there is growing evidence that the Carter administration may be preparing to scuttle our friend and ally, the Republic of China on

Taiwan. The latest rumblings of such a move came from Leonard Woodcock, head of the U.S. mission in Peking. Woodcock urged full diplomatic relations with Communist China and indicated his support for abandoning Taiwan in favor of Peking.

Such a move would be a tragic mistake. As the Washington Star recently commented:

Yet as a symbol, our recognition of the People's Republic would have great importance. Mostly negative, from our point of view, since it would look like abandoning an old ally under pressure and withdrawing a step farther from our former influence in Asia.

We must not heed the words of those who advocate full diplomatic ties with Communist China at the expense of the Republic of China. The Carter administration, which on many occasions has stressed the importance of human rights, should stand by the Free Chinese.

Following is an excellent editorial on this subject which appeared in the February 11 Washington Star:

WHAT'S THE HURRY ON CHINA?

There's a touch of "Send in your dollar before it's too late!" psychology in the latest Ted Kennedy-Leonard Woodcock urgings of full diplomatic relations with the People's Republic of China. We're told that time is running out; that there is danger of an opportunity slipping away. The implication is that the United States is a supplicant, with much of value to be gained if we succeed in setting up a full-scale embassy in Peking, much to be lost if we don't.

And why is it so important to normalize relations with China? Because it is there. Because you can't ignore 900 million people. Because, without full ties, the U.S. might stumble into war with China—over Korean reunification, perhaps. Because China is a counterweight to the Soviet Union.

Besides, why shouldn't we recognize Peking? All it costs is a break with Taiwan.

This, of course, is what it's really all about.

The meaning of diplomatic formalities has changed greatly for all nations in this country. For example, nobody finds it necessary to declare war before starting to fight any more. Similarly, Embassy Row protocol isn't the beginning or the end of relations between governments. There can be both political negotiations and economic trading with a minimum of it—even the military and industry technology the Chinese would like to have from us could be arranged without an American ambassador in Peking.

Yet as a symbol, our recognition of the People's Republic would have great importance. Mostly negative, from our point of view, since it would look like abandoning an old ally under pressure and withdrawing a step farther from our former influence in Asia. Mr. Woodcock's warning about the danger of an accidental war over Korea is ironic; it is easier to imagine challenges to an American ally in Seoul after our dissociation from Taiwan than before.

Those urging recognition most strongly play down the impact on Taiwan. We could maintain political and economic ties without recognition or a formal defense treaty, they say, and we could come out against forced changes in Taiwan's status while emphasizing that the U.S. will not oppose a voluntary change.

This would presumably make it embarrassing for the Hua government to annex Taiwan by invasion. Besides, sending troops across the Formosa Strait would run the risks of failure and a bad press that any invasion runs.

Still, the Hua government's stated goal is to make the former Chinese province part of the People's Republic; the question is how. Peking has never been much for plebiscites, and it's hard to imagine the Taipeh government volunteering a merger.

What's not hard to imagine is a "war of national liberation" somehow springing up. One the U.S. would stay out of.

There is a little time to contemplate this cost/benefit equation before the big push comes for recognizing Peking and jettisoning Taipeh. Despite their note of urgency, Mr. Woodcock's strong words and the warnings of Sen. Kennedy and Sen. Alan Cranston are preliminary rumblings. It is widely agreed that the real drive won't come until the Panama treaty issue is settled. Presumably a second gesture that could be construed as global disengagement might intensify fears for American security in the international community, to the point where neither the Panama agreement nor the breaking of relations with Taiwan would be accepted.

This is not to say there should never be full diplomatic relations between Washington and Peking. Or cultural exchanges, or trade, or even economic aid.

There is much to be said for all of them. There are practitioners or *realpolitik* who feel a buildup of Chinese power is vital to American interests as a way to counter the Soviet expansion so conspicuous everywhere in the world. They argue that having the Chinese dependent on the U.S. for technological equipment would be a good idea. Meanwhile, people who feel strongly about human rights hope that closer connections with the West might make the Chinese regime less repressive.

The message is that, however desirable rapprochement may be, it does not have to come on Peking's terms. The Hua government has at least as much to gain from closer ties with the United States as we could possibly have. The courting of influential groups, such as the Kennedy entourage—a show of hospitality reminiscent of Fidel Castro's kindnesses to American decision makers—shows how well this is understood in Peking.

There is no real reason why we cannot have every benefit of full relations with the People's Republic of China without giving up anything in Taiwan. It has been said that continued recognition of the Republic of China treats a pretense as a fact. Who really believes the Taipeh government speaks for all Chinese or can hope to control the mainland again? Yet how many untenable situations do keep going! Think of West Berlin.

It is also useful to think of what else there is to be defended in Taiwan besides American prestige and strategic interest: a country that is giving 16 million people a prosperous and relatively free life. Taiwan is no civil liberties utopia compared with the United States. But, compared with the People's Republic of China, it is.

All worth remembering before we yield to the coming hard sell on recognizing Peking.

STATE OF ILLINOIS AGAINST HUCKABA AND SONS CONSTRUCTION CO.

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. RODINO. Mr. Speaker, on June 7, 1977, I introduced H.R. 7647, a bill to aid the private enforcement of the antitrust laws by extending the common law of collateral estoppel to litigated Government antitrust judgments. I sponsored this legislation to resolve a matter of legislative interpretation which has prevented the effective use of a Government antitrust judgment in a later private antitrust action. Some courts have held that matters determined in a Government antitrust suit do not have conclusive effect in a subsequent private action, contrary to the developing common law, because the 1914 Congress granted prima facie effect to the use of Government judgments. In my opinion, this views Congress action as a limitation, and not as an authorization to do what at the time appeared to be at the limit of Congress constitutional authorization.

I am therefore happy to append to my remarks an enlightened opinion by Judge Waldo Ackerman. His opinion, which grants conclusive effect to a litigated Government judgment in a subsequent action, greatly reduces the needless complexity of antitrust litigation and makes the administration of justice more certain and efficient.

The text of the opinion follows:

STATE OF ILLINOIS V. HUCKABA & SONS CONSTRUCTION CO.

State of Illinois v. Huckaba & Sons Construction Co., General Paving Co., and F. F. Mengel Co.

U.S. District Court, Southern District of Illinois, Southern Division. No. S-Civ-75-0093. Filed December 14, 1977.

MEMORANDUM ORDER

ACKERMAN, D. J.: The State of Illinois seeks a partial summary judgment on the issue of liability pursuant to F. R. Civ. P. 56 (a). It asserts that the defendants are the same defendants against whom a judgment of conviction was rendered in a prior criminal antitrust action brought by the United States. *United States of America v. Huckaba & Sons Construction Co., et al.*, S-Cr-74-3 [Case No. 2361] (S. D. Ill. 1974). It asserts further that the conviction was had on the same facts as those presently pleaded in its complaint. For the purposes of this memorandum order, such assertions will be taken as true.

Collateral estoppel

The motion is premised on the doctrine of collateral estoppel, in effect saying that defendants can assert no defense—being estopped from doing so by the doctrine. Again, for the purposes of this order, I will assume that the doctrine has that effect. Thus the focus is sharpened to the pivotal question: Can the doctrine here be invoked by plaintiff?

Prima facie evidence

Since plaintiff's action is statutory, I look first to the statute—Section 5(a) of the Clayton Act. 15 U.S.C. § 16(a):

A final judgment or decree heretofore or hereinafter rendered in any civil or criminal proceeding brought by or on behalf of the United States under the antitrust laws to the effect that a defendant has violated said laws shall be *prima facie evidence against such defendant* in any action or proceeding brought by any other party against such defendant under said laws or by the United States under Section 15(a) of this Title, as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto: *Provided*, That this section shall not apply to consent judgments or decrees entered before any testimony has been taken or to judgment or decrees en-

tered in actions under Sections 15(a) of this Title. (Emphasis added.)

I have emphasized the prima facie aspect of the conviction or judgment for the reason that defendants view this as a delimitation while the State views it as a jumping off place. Let me make my meaning more precise. That a prior judgment is prima facie evidence simply means that a plaintiff can shift the burden of proof to the defendant—but it does not preclude a defendant from putting up a defense. Plaintiff's case is then made with the judgment but defendant still has his day. Accordingly, defendants argue that since they have a right to defend—albeit that the burden is on them—the motion should be denied. Another way of putting this is that saying that a judgment is prima facie evidence is not the same thing as saying that it is conclusive. If we stop here, defendants are right, and the motion should be denied.

However, plaintiff argues that not only is the prior conviction prima facie evidence, but something a great deal more—in effect. conclusive, based on the doctrine of collateral estoppel. This doctrine is not enunciated in the statute—so the question is, is the doctrine otherwise available.[1] A recourse to policy and legislative history may aid in the search for intent.

Legislative intent

That Congress intended to ease the burden for plaintiffs is clear.[2] There was also a sly intent—sly in the best sense of the word—to encourage consent decrees as witnessed by the congressional abjuration that a consent decree was *not* to be prima facie evidence.[3] But these intentions so easily garnered are not of much help in answering our question—hence we turn to legislative history for whatever clues it may give us.

It turns out that way back in 1914 the House version did make a prior judgment conclusive evidence in a subsequent action.[4] But the Senate demurred even though they thought there were "considerations of public policy which favor the House provision of conclusiveness".[5] What the Senate feared was the then extant notion that due process was antithetical to conclusiveness and that its inclusion would work a constitutional infirmity. Therefore the Senate version was accepted and became law, for the House too, was fearful that conclusiveness might taint their version,[6] so prior judgments were characterized as prima facie evidence.

Subsequent Development of the Law

The fears of Congress went unrequited. It so evolved that conclusiveness, that is, collateral estoppel, was not violative of due process. The notion had prevailed that for an estoppel to be created, the parties in the second action had to be the same as in the first, but as has been said, that law did not so evolve.[7]

Thus, plaintiff argues that the inclusion of the prima facie standard—because Congress was then being wholesomely trepidatious—does not preclude the use of subsequent developments in the common law even though Congress rejected language which would have achieved a similar result because of what turned out later to be groundless fears. In other words, what Congress meant, according to plaintiff, was that plaintiff at a bare minimum could use the prior conviction as prima facie evidence and any other rules of the common law as might be available from time to time.[8]

Of course, defendants argue the converse, stating that the use of the words "prima facie" by implication preclude the prior judgment from being conclusive—else why use the word. They also buttress their arguments by attempts in the 1950's to amend the section so that a prior judgment for the government against X would be as conclusive as against X when used by another party.[9] Notwithstanding, the prima facie standard remained intact. From these rebuffs, defendants argue that the intent of Congress shines through, that is, that conclusiveness in 1914 was precluded. But it is not apparent to me how inaction by Congress in the 1950's can shed light on what it did do in 1914. I would not say that rebuffs in a given context might not shed light—only that they do not do so here.

One would suppose that between 1914 and to date, we would have an authoritative pronouncement—but such is not the case. Of the many cases cited to me by both sides, most merely seek to define the scope of the estoppel[10] while others are distinguishable on other grounds[11] and only a few need to be examined with any particularity. Purex Corporation Ltd., versus Proctor and Gamble Company [1970 TRADE CASES ¶ 73,178], 308 F. Supp. 584 (D.C. Calif. 1970), aff'd on other grounds [1971 TRADE CASES ¶ 73,782], 453 F. 2d 288 (9th Cir. 1971), appears to be one. There Purex sought to use a Federal Trade Commission ruling to collaterally estop defendant Procter and Gamble from litigating the issue of liability in a treble damage action. The court held that while the FTC order was a final judgment within the meaning of the section, the doctrine of collateral estoppel could not be utilized.[12] The court there apparently relied heavily upon Emich Motors Corp. versus General Motors Corp. [1950–1951 TRADE CASES ¶ 62,778], 340 U.S. 558 (1951).[13] In Emich the Supreme Court was presented with the scope of the prima facie standard.[14] It did not concern itself itself with the question before me but referred only to the "general doctrine of estoppel" to determine the scope of the section.[15] I need not belabor the point that the concept of the prima facie standard involves elements of estoppel—by definition. My reading of Emich leads me to the conclusion that their concern with the meaning of prima facie does not mean that a party cannot look beyond their definition to other remedies. Thus it seems to me the Purex opinion is bottomed on an unsound foundation. I also might note in passing that in the Purex case, the plaintiff sought to invoke for the purpose of collateral estoppel, a prior proceeding where there had been no right to a jury trial. Such a prior proceeding in my opinion could never be more than prima facie evidence in a subsequent proceeding and for that reason alone.[16]

Two cases do support the proposition that the doctrine of collateral estoppel is available. These cases are *McCook v. Standard Oil of California* [1975–1 TRADE CASES ¶60,-188], 393 F. Supp. 256 (C. D. Calif. 1975) and *Fleer Corp. v. Topps Chewing Gum, Inc.* [1976–2 TRADE CASES ¶60,969], 415 F. Supp. 176 (E. D. Pa. 1976). While not germane to the issues or holding in *McCook*, the court did observe that legislative history seemed:

> . . . to suggest that Congress only intended to set a minimum standard for the effect of prior government antitrust judgments, thereby leaving the courts free to apply in accord with constitutional limitations any common law doctrines which would increase the effect of the prior judgment beyond the prima facie evidence standard. *McCook, supra*, at 259.

In *Fleer*, the defendant sought to collaterally estop the plaintiff in pleading a favorable FTC ruling in defendant's favor. While the motion was denied for other reasons, the court did state:

> [1]t seems odd that a statutory provision which was enacted to strengthen antitrust plaintiffs should now be interpreted to make them worse off in many cases than they would have been without the enactment. *Fleer, supra*, at 185.

In effect, these cases suggest that Congress intended in Section 5(a) to provide what it thought it constitutionally could, leaving the field open should time and the course of an enlarging jurisprudence bring about other concepts.

I therefore conclude that plaintiff is right, that defendants are estopped from pleading any defense and that the motion for summary judgment should be allowed. It seems clear to me that the intent of Congress in 1914 was, so to speak, to play it safe, to give to a plaintiff what they thought they could and leave anything "more" to the passage of time and the course of future events. In my opinion, this "more" is now available to plaintiff in the invocation of the doctrine of collateral estoppel which no longer carries any possibility of constitutional infirmity.

This is not to say that with this rendition, that willy-nilly, I must allow the motion. While for the purposes of this order I have assumed that the facts are the same in this case as in the prior criminal action—the allowance of this assumption must be tested. If the facts or some of them are not the same, obviously, defendants are entitled to have them tried. Accordingly, ruling is reserved pending the submission of additional briefs—plaintiffs shall have thirty days, defendants fifteen days to answer and plaintiff fifteen days to reply. I realize that this opinion, involving as it does a controlling question of law, will engender a substantial ground for differences of opinion and accordingly this order is certified under the provisions of 28 U.S.C. § 1292(b) for immediate appeal as such, in my opinion, will materially advance the ultimate termination of this litigation.

In summary, therefore: It is my opinion that

(1) 15 U.S.C. § 16(a) does not preclude the application of the doctrine of collateral estoppel;

(2) Plaintiff's motion for partial summary judgment is reserved pending the submission of additional briefs; and

(3) Certificate of importance allowing immediate interlocutory appeal is granted.

FOOTNOTES

[1] This issue has not only been ably briefed by the parties and amici curiae but has been the subject of discussion by a number of commentators. See generally, McWilliams, Federal Antitrust Decrees: Should They Be Given Conclusive Effect in a Subsequent Private Action? 48 Miss. L. J. 1 (1977), and Comment, 43 U. Chi. L. Rev. 338 (1976), both of which argue that the application of collateral estoppel is not precluded by Section 5(a) and Comment, 85 Yale L. J. 541 (1976) which arrives at the opposite conclusion.

[2] See, 51 Cong. Rec. 1964 (1914), remarks of President Wilson: *Emich Motor Company* v. *General Motors Corp.* [1950–1951 TRADE CASES ¶ 62,778], 340 U.S. 558, 568 (1951); and *State of Michigan* v. *Morton Salt Co.* [1966 TRADE CASES ¶ 71,863], 259 F. Supp. 35 (D. C. Minn. 1966).

[3] See also, *Twin Ports Oil Co.* v. *Pure Oil Co.*, 26 F. Supp. 366, 371 (D. C. Minn. 1939) and *State of Michigan* v. *Morton Salt Co.*, *supra*, n. 2 at 59.

[4] 51 Cong. Rec. 9200 (1914).

[5] S. Rep. No. 698, 63rd Cong. 2d Sess. 45 (1914).

[6] 51 Cong. Rec. 16275 (1914).

[7] Compare, *Buckeye Powder Co.* v. *E. I. duPont deNemours Powder Co.*, 248 U.S. 55, 63 (1918) with *Bernhard* v. *Bank of America Nat'l Trust & Savings Ass'n*, 122 P. 2d 892 (1942) and *Blonder-Tongue Laboratories, Inc.*, v. *University of Illinois Foundation* [1971 TRADE CASES ¶ 73,565], 402 U.S. 313 (1971).

[8] See, *McCook* v. *Standard Oil of California* [1975–1 TRADE CASES ¶ 60,188], 393 F. Supp. 256, 259 (C.D. Calif. 1975).

Footnotes at end of article.

[9] See, H.R. 7905 81st Cong. 2d Sess. (1950). A similar attempt was made in 1966, but also failed. See, S. 2512, 89th Cong. 2d Sess. (1966).

[10] See, *Emich Motors Corp.* v. *General Motors Corp.* [1950–1951 TRADE CASES ¶ 62,577], 181 F. 2d 70 (7th Cir. 1950) reversed on other grounds [1950–1951 TRADE CASES ¶ 62,778], 340 U.S. 558 (1951); *Deluxe Theatre Corp.* v. *Balaban & Katz* [1950–1951 TRADE CASES ¶ 62,790], 95 F. Supp. 983 (N.D. Ill. 1951); *New Jersey Wood Finishing Co.* v. *Minnesota Mining and Manufacturing Co.* [1964 TRADE CASES ¶ 71,449], 332 F. 2d 346 (3rd Cir. 1964) aff'd 381 U.S. 311 (1965); *Richfield Oil Corp.* v. *Karseal Corp.* [1959 TRADE CASES ¶ 69,486], 271 F. 2d 709 (9th Cir. 1959), cert. den. 361 U.S. 961 (1960); *Harrison* v. *Paramount Pictures* [1953 TRADE CASES ¶ 67,568], 115 F. Supp. 312 (E.D. Pa. 1953) aff'd [1954 TRADE CASES ¶ 67,721], 211 F. 2d 405 (3rd Cir. 1954).

[11] See, e.g., *U.S.* v. *Grinnell Corp.* [1970 TRADE CASES ¶ 73,016], 307 F. Supp. 1097 (S.D. N.Y. 1969).

[12] *Purex, supra,* at 589–90.

[13] *Purex, supra,* at 589.

[14] The Emich Court at 566 defined the issues addressed in that opinion as follows:

"The issue we must determine as defined in our order granting review, is 'whether the Court of Appeals erred in construing § 5 [now § 5(a)] of the Clayton Act . . . as not permitting: (a) the admission in the instant case of the indictment in the antecedent criminal case against respondents, nor (b) the judgment therein to be used as evidence that the conspiracy of which respondents had been convicted occasioned Emich Motors' cancellation.' "

[15] 340 U.S. 558 at 568.

[16] See, *Rachel* v. *Hill,* 435 F. 2d 59 (5th Cir. 1970).

ALTERNATIVES TO STANDARDIZED TESTING

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. VENTO. Mr. Speaker, one of the most popular concepts in education today is to require successful completion of a competency based test to advance to a higher grade or to graduate from high school. Most competency based testing programs being discussed today involve only standardized, pencil-and-paper examinations, I feel it would be a mistake to jump aboard the "bandwagon" without examining all the alternatives to standardized tests within a competency based graduation framework.

What I am suggesting is that we take a long look at alternative paths to standardized tests. A competency based program must include tests on a broad range of skills needed to function as a productive member of society. Alone, standardized tests provide a limited picture of a student's abilities. Standardized testing can be used successfully only in conjunction with other measurements.

As a measure of educational attainment, standardized tests possess several inherent weaknesses. They cannot accurately predict success outside of the school setting. Several national studies have shown that college entrance examinations do not correlate with success in adult life. The amount of extracurricular and cocurricular activities is the only factor which predicted success with any accuracy. Certainly this should come as no surprise. Participation in these activities requires skills which are important in everyday life.

It is widely believed that requiring students to pass standardized tests before high school graduation will increase public support for education. However, it is a statistical and educational impossibility to have all students perform at a 12th-grade level before high school graduation. Educators will have to set lower standards of passing these tests. I seriously question whether increased support for education will result when parents learn that successful completion of high school means that a student can read and compute at seventh-or ninth-grade levels.

Many support the concept of competency based testing because they feel that it is a return to the basics—a repudiation of the humanistic and relevency movements of recent years. In fact, competency based testing is used in many innovative programs as an integral part of the evaluative process. Successful completion of these innovative programs include not only reading and math tests, but also the ability to hold a job, to find information in a library or other information system, to pass a driver's test, or to manage a budget. These are the skills which are beyond the range of standardized tests that our schools should teach our children.

Mr. Speaker, I am including an article from the Saint Paul Dispatch by Mr. Joe Nathan, who was program director at Saint Paul Open School and is now assistant principal at Murray High School in Saint Paul. This article outlines a comprehensive approach to competency based testing. I feel this is the direction that we should move.

[From the St. Paul Dispatch, January 14, 1978]

(By Joe Nathan)

OTHER WAYS TO MEASURE SCHOOLS' VALUE

Despite William Raspberry's column in the Jan. 7 Dispatch, there are much better ways to measure a school's effectiveness than by using standardized achievement tests. These include: (1) determining whether students are competent at various tasks required in the world; (2) checking the attitude of students and parents toward their school while a part of it, and five, 10 years after they have graduated or left; (3) looking at attendance and absence rates; (4) comparing self-concept test results; (5) administering criterion-rereferenced tests.

Those concerned with students' abilities to function in today's world also should examine the mounting evidence that standardized achievement test scores are worthless in predicting success as an adult.

The first major alternative to standardized achievement testing is requiring students to demonstrate important skills prior to graduation and-or movement from elementary to secondary school. As the Dispatch's Don Ahern explained in December, several dozen districts and, even states are trying this.

Craig, Alaska, students are required to demonstrate a variety of skills prior to graduation. These include passing the Alaska driver's test, successfully performing artificial respiration, identifying all 50 states on a U.S. map, passing a math test and changing an automobile's tire, plugs and points.

St. Paul's Open School requires its graduates to demonstrate (among other skills) that they can write a clear, grammatically correct, accurate description of their last three years of learning, pass a math test, show they can get and keep a job, explain differences and similarities between their own culture and others, and take care of their bodies.

Although a few of these basic living skills can be measured by paper-pencil tests, most can not.

Recently the St. Paul Board of Education established a task force to study whether other local schools should require demonstrated competence prior to graduation.

A second alternative to standardized testing is studying the attitude of parents and students toward the school. These people know much more than often is assumed. If parents in one area are much more satisfied with the schools than in another area, the Board of Education and school administrators know it.

Attitudes of parents and students may tell authorities a great deal. Locally, for example, we know that waiting lists of up to 700 students exist for certain programs such as Career Studies Center, Webster Magnet School, Franklin's Bravo Program, and the St. Paul Open School, while other schools have declining enrollments.

Given the interest expressed in these programs by parents and students throughout the area, it's likely that certain other facilities similar to those mentioned and the establishment of a "back to basics" school would draw more students to the St. Paul public schools.

A third important check on schools' performance is gained by determining how students view themselves. Do they see themselves as capable and responsible, or as powerless and dependent? Numerous studies indicate that people who believe they "can do it," will. Conversely, those with low self-concepts have major problems throughout life.

Students usually are remarkably honest about what they can and can not do. When we want to know whether students can perform specific tasks (criteria) such as correctly punctuating and capitalizing a paragraph, or multiplying numbers, we can give them "criterion referenced" tests. These tests give much more useful, specific information than that given by costly, imprecise standardized achievement tests.

Compared to these measures, what can standardized tests tell us? Study after study says "very little." There are two nationally standardized college entrance tests: the American College Test (ACT) and College Entrance Examination Boards (CEEB).

The ACT did a study of itself in 1974 to determine whether any of four factors predicted success as an adult. The factors were high ACT scores, high grades in college or high school, and participation in significant extra curricular activities.

The study concluded that the only good predictor of the four was participation in extra curricular activities such as debate, journalism, drama and student government. A study of the major portion of the CEEB had a similar result. There was no connection between high scores on the CEEB's Scholastic Aptitude Test and adult success. The SAT only predicted which students would get good college grades.

Several explanations have been given for these findings. The best seems to be that the world requires skills such as initiative, responsibility and perseverance much more than pedantic ones measured by standardized tests.

Everyone wants schools which prepare students to live in and help improve our communities, country and world. Parents paying

for the schools deserve the very best information available.

Much better data is available than that given by standardized tests. Let's make more use of measures such as ability to demonstrate skill in real world tasks, criterion-referenced tests, and parent and student attitudes.

ADVANCED NURSE TRAINING

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. PATTEN. Mr. Speaker, we are all concerned about improving health care for all people in this country. This means increasing our efforts to make the best use of our health care providers. The School of Nursing at Rutgers University has introduced a new clinical specialty for registered nurses, which is already paying off in terms of better care for people. This advanced training course is called parent-child nursing. Only six nurses have graduated from this program to date. It is the kind of pioneering program that has real promise and shows the need for continued Federal support of advanced nurse training programs. The work of one of the students of this program was described in a recent issue of the New York Times. Mr. Speaker, I commend this article to my colleagues:

[From the New York Times, Feb. 6, 1978]

NURSES WHO GO BEYOND MEDICINE INTO THE LIVES OF TROUBLED FAMILIES

(By Georgia Dullea)

NEWARK—Once again it was time for "Love of Life," at the home of Marie Howard, 21-year-old welfare mother of two.

Miss Howard is not the sort of woman who can watch a weepy soap opera and come away with the perverse satisfaction that her own troubles are not so bad after all. She turns on television soap operas to amuse the children and to liven up her ghetto apartment with sounds from the outside world.

Which is why "Love of Life" played on, in counterpoint to Judith Caruso's weekly visit with Marie Howard (a pseudonym), who is a "high risk" patient in an unusual family therapy program being conducted in homes around Newark by Rutgers University's College of Nursing.

They seemed like old friends—the shy, young mother and the cheerful registered nurse of 32, who will graduate from Rutgers this June with a master's degree in a rare clinical specialty known as parent-child nursing.

To date, only six nurses have received such degrees since the state university began its pioneering program in 1974. But while their numbers are small at Rutgers and elsewhere around the country, the scope of the parent-child nurses' training is broad. These nurses deal not only with the medical health of the family, but also with the emotional interactions of its members and its relations with the community.

As it turned out, the Howard family tested all of Mrs. Caruso's newly learned skills—and then some—on this particular visit.

Marie Howard's blood pressure was up again, Mrs. Caruso noted, gently inquiring whether the patient had decided to have a tubal ligation. With a serious kidney condition, another pregnancy would be dangerous, the nurse warned. The patient nodded. "I'm thinking about having my tubes tied," she said. "I really don't want any more kids."

Snoozing on her lap was the youngest patient, 5-week-old Robin, a doll in a dainty pink dress. Robin had been born prematurely by Caesarean section after Miss Howard's doctors had diagnosed her as too ill to carry the baby to term. The baby now weighs six pounds but looks so fragile that her mother is terrified to bathe her. The other day she told Mrs. Caruso, Robin began "making strangling sounds" and had to be rushed to the hospital emergency room by the police.

"What was the matter?" the nurse asked.

"I don't know," the mother replied. "I was filling out forms for the longest time and by the time I got finished, she was all right."

Still, a clue emerged from their conversation: Miss Howard, acting on the advice of her mother, who believes babies only cry because of hunger, had added cereal to Robin's bottle.

Mrs. Caruso shook her head, Robin was not ready for cereal and she would not be spoiled by a little cuddle "when she cried. Like this," she said, patting Robin. "She just wants to be close to mother."

Leroy, aged 3½, also wants to be close to mother. Since she came on the case last September, Mrs. Caruso has been counseling Miss Howard on how to help Leroy adjust to their many separations—she was hospitalized four times during the difficult pregnancy—and how to adjust to the new baby.

Her efforts have paid off. Leroy is enormously proud of his new sister and keeps giving her little kisses. He has not, however, followed Mrs. Caruso's advice on nutrition.

"Don't you like green vegetables?" she asked.

Leroy shook his head violently.

"How about yellow vegetables?"

Leroy gave her a funny look and ran off to join the other children who were watching "Love of Life."

There were four, in all. Lenore Brown, a friend of Miss Howard from grammar school days, has moved in, with her two daughters Stephanie, 5, and Andrea, 3. Just then she returned from the doctor's. He had found the cause of "that nauseous feeling."

"I'm pregnant," announced a smiling Miss Brown.

While everyone was congratulating Miss Brown, screams were heard from one of the two bedrooms. Leroy, hands over ears, emerged to announce that Stephanie had a splinter in her toe. Mrs. Caruso followed the screams and extracted the splinter, which came from the rough wooden floor.

Miss Howard's apartment, while tidy and brightly furnished, might not seem worth the $225 a month she pays in rent—just $10 less than her welfare check. For one thing, there was the bathroom with its crumbling ceiling, a huge hole under the sink where the cold air blows in and a bathtub that has been converted to a hamper because the drain doesn't work.

UNRESPONSIVE LANDLORD

"We have to go over to my mother's to take baths," said Miss Howard, staring at the tub. Had she complained to the landlord? Yes, but she didn't have much hope, because "the girl who lived here before me had the same trouble and she even took him to court—nothing happened."

Mrs. Caruso suggested that perhaps it was time to complain to the city authorities. That, she said, was one of Miss Howard's "options." But Miss Howard had already discarded that option.

"I don't want to make a whole lot of trouble," she said, in a quiet voice. "Besides, Lenore and I are thinking about moving out of here to a bigger apartment."

If they do, Mrs. Caruso will be there to advise them, just as she is now advising her young patient on how to apply for additional welfare money because of the new baby, how to adhere to a salt-free diet to prevent another kidney flare-up, how to deal with her conflicting feelings about the handsome young man who smiles from so many photographs around the room, the father of Leroy and Robin.

Had she seen John lately? Miss Howard shook her head. John has been "too busy working overtime," she said. Even so, he has not been helping her with the food money lately. Now her mother pays for the food out of her salary as a cook. "That's because she loves her grandkids." Miss Howard said.

At last, talk turned to Miss Howard's future. When she gets well enough, she said, she may return to her job waiting on tables at the coffee shop. Perhaps she may even enroll in that program for a high school equivalency degree.

"I'd like to go in for psychology," she said, brightening. "But I don't know. It takes so many years."

Mrs. Caruso began gathering up her things. She was late for her next assignment as a parent-child nurse. On the way, she talked of how Marie Howard had changed in the few months they had known each other.

"In the beginning I got a lot of head nods and shoulder shrugs," she said. "Now, I'm more like a friend of the family. I'm someone who is there planning with her. You know, I'm not somebody else telling her what to do."

60TH ANNIVERSARY OF LITHUANIA'S DECLARATION OF INDEPENDENCE

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. WALSH. Mr Speaker, Lithuanians throughout the world are commemorating the 60th anniversary of their Declaration of Independence, and we in the House of Representatives pause to pay annual tribute to the struggle of these people and their Baltic neighbors to maintain freedom and self-government from Soviet rule.

We in the United States take for granted, sometimes, the basic rights guaranteed to us by our Declaration of Independence—freedom to worship, freedom to enjoy our heritage, freedom to say, write, and think what we wish. But our world neighbors in Lithuania, Latvia, and Estonia are not so fortunate. Except for 25 years of their history, these people have been fighting Soviet suppression of their human rights. We applaud their efforts and offer continued support.

Although the Lithuanian people remain under the thumb of another nation at this time, they have not forgotten the joys of liberty, and they have not stopped in their struggle to obtain the rights to which they are entitled.

In 1918, Lithuania rejected Communist oppression and her citizens declared themselves free to follow their own beliefs and lifestyle. For 124 years they have lived under Russian rule and repeated attempts by the Soviet Union to annihilate their Baltic heritage and annex them into the United Soviet Socialist Republic.

For 60 years, the Lithuanians have been engaged in a struggle to practice the freedom their declaration of independence gives them—freedom to appreciate their own culture, literature, customs, religion. Yet they live in constant fear of Soviet retaliation for these efforts.

We as a nation are championing the cause of human rights throughout the world these days, and on the occasion of the Belgrade conference, I urge all Americans to encourage the Lithuanians in their brave and bold attempts in the arena of freedom and self-determination. Let us show them compassion in their continued domination and pray that someday they will be allowed to realize their God-given rights we enjoy and they have declared.

A STRATEGY FOR DISASTER

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. BEARD of Tennessee. Mr. Speaker, in the February issue of Sea Power, the publication of the Navy League of the United States, there is a most thought-provoking editorial that I want to commend to my colleagues.

It makes some very compelling points, but none more vital to our national defense than the fact that budget manipulators and systems analysts in the Department of Defense are presuming to replace Congress in its constitutional responsibilities to "provide for the common defense."

It is the Congress that is charged by the Constitution to "raise and support armies," and to "provide and maintain a Navy," and "to make rules for the government and regulation of the land and naval forces."

Whatever may have been our shortcomings in carrying out these responsibilities—and there may have been some—still, it is not the place for micromanagers in the executive departments of Government to impose their own judgments. They should be warned that they tamper with the statutory rolls and missions at their own peril. Unfortunately, it is a peril that also leads to a strategy for disaster:

A STRATEGY FOR DISASTER

The best unkept military secret in Washington in recent years has been the Defense Department's still unfolding plan to completely change U.S. national defense strategy—and, with it, the previously assigned roles of the separate services.

Under the new strategy, developed by DoD's Office of Program Analysis and Evaluation and passed down to the services in what is called a "consolidated guidance" memorandum, Army and Air Force units assigned to the NATO Central Front will be greatly strengthened, the Navy will be assigned responsibility primarily for keeping the sea lanes open to Europe, and the Marine Corps—working as part of a larger, consolidated Army/USMC quick response force—will be used primarily as a mobile strike unit on the NATO flanks or in lesser conflicts elsewhere in the world.

The new strategy, according to numerous articles which have already appeared in the national press, also: (1) suggests that the outbreak of a war on either of the NATO flanks is either unlikely or impossible to successfully defend against; (2) postulates that, because of the Soviet Union's own naval and land-based air strength, U.S. Navy forces would be of little value in a war on the Central Front; (3) severely downgrades the possibility of any NATO war lasting longer than about six months (which again translates into a greatly reduced need for naval forces); and (4) assumes that non-NATO conflicts—in Korea, the Persian Gulf, Africa, or the Mideast, for example, also either are unlikely or would not in any case involve a direct superpower confrontation and could therefore be dealt with on a more or less ad hoc basis.

Navy leaders and Navy supporters are alarmed, and with good reason. If the new strategy is implemented in future-year budget allocations and future-year ship, aircraft, and troop deployments, it will be a disaster for the Navy.

That partisan complaint, however, except from a very narrow Navy outlook, should be no cause for general alarm. If a particular policy, program, or budget decision "harms" the Navy but helps the nation, then that's simply too bad for the Navy. Speaking quite frankly, whatever is good for the nation is good for the Navy, whether the Navy likes it or not. The reverse is not necessarily true, however. Sometimes, a policy or program—putting all strategic forces and all ground units under Navy control, to suggest one extreme example—that might seem "good for the Navy" would not be good for the country, in which case such policy or program should be rejected by all citizens, including those who consider themselves "Navy supporters."

The real problem is that the new strategy would be a disaster for the nation, and for its allies all over the world—including, and particularly in, NATO itself.

To begin with, in the almost 33 years that have passed since World War II ended in Europe the United States has been involved in two major wars (Korea and Vietnam) and numerous other "brushfire" conflicts and non-shooting crises—none of them in Europe. The strategy of nibbling at the peripheries, playing a waiting game in Europe while making steady inroads elsewhere, has worked quite well for the Communists so far. Ideologically trained to accept the inevitability of a protracted conflict lasting several decades or more, they would have no reason to change their tactics merely to hasten the day of final victory—at the risk of final defeat at worst, horrendous losses at best.

It is logical also to suggest that, just as strengthening the Central Front is probably the best way to insure war does not break out in NATO's vital heartland, weakening or conceding the flanks is assuredly the best way to provoke aggressive Soviet moves in either the North Sea or Mediterranean. And if either flank falls, by military means or otherwise, NATO will correctly be seen by its own members as well as by other nations in the world community to be an alliance of collective weakness, not of collective strength.

There is, in the new strategy, as there should be, much discussion of cost projections. The term "limited resources," or its equivalent, keeps popping up. And, in an absolute sense, U.S. fiscal resources are indeed limited. But when the Soviet Union, with only about one half the gross national product of the United States, can spend as much or more in absolute terms on its naval and military forces as does the United States it is apparent that it is not American resources which are limited, it is American will power—and by that we mean the will power of America's elected and appointed political leaders, not the will power of the American people.

Those leaders, we fear, are not willing to face the unpleasant fact that, to provide the national defense posture that is needed—rather than one which is "affordable"—it may be necessary to spend more on defense and less on politically popular domestic programs. A close reading of the numerous articles written about the new defense strategy indicates that it is a strategy formed to fit an arbitrarily decided defense budget ceiling, rather than a strategy developed to answer the full range of possible enemy challenges throughout the world.

We do not doubt the integrity of the well-intentioned and patriotic men who developed the new strategy and are now ready to adopt it as national policy. But we respectfully point out that similarly well-intentioned and patriotic men—including some of those now back in high national office—first led the nation into and then grossly mismanaged the Vietnam War. The best and brightest now entrusted with responsibility for management of U.S. national security affairs, moreover, have only lately awakened to the Soviet and Cuban adventurist challenge in Africa, have already made a militarily dubious decision to withdraw U.S. ground forces from Korea, and are now busily promoting acceptance of Panama Canal and SALT Treaties which many of their fellow citizens consider at least altruistic and perhaps dangerous. The fact they have seen the light in Europe and are strengthening U.S. air and ground units there is encouraging, but the past record has not been one of undeviating infallibility.

Before national defense policy is substantially changed, and the roles and missions of the services along with it, Congress should take a long, hard look at the Pentagon's plans and either advise and consent or, exercising its equal constitutional responsibility "to provide for the common defense," force DoD's systems analysts to develop a more viable alternative based on all of the world's geopolitical and naval/military realities, not those isolated few which conveniently fit a strategy firmly mired in wishful thinking and fiscal constraints.

A "DEBATE" WITHOUT DEBATERS

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. DEL CLAWSON. Mr. Speaker, of necessity Members of the House usually must obtain their knowledge of the activities of the "Other body" secondhand. Often our efforts to obtain accurate information are hampered as much as helped by what we read, and drawing accurate conclusions becomes exceedingly difficult. To illustrate this point, my colleagues who did not have an opportunity to review the following editorials which appeared in yesterday's Washington Star and the Washington Post, are invited to share my conclusion. The editorials follow at this point in the CONGRESSIONAL RECORD:

[From the Washington Star, Feb. 14, 1978]

A "DEBATE" WITHOUT DEBATERS

Thinking to catch the drama of the historic event, and perhaps an insight or two,

we stopped in on the Panama Canal treaties debate Friday afternoon. We were prepared to elbow our way into a crowded press gallery overlooking a rapt collection of senators primed for the oratorical occasion of the year.

Well, no elbows were needed. Nor an ear for memorable oratory.

There were plenty of seats—whole rows—to choose from as we took our place in the gallery among three or four other journalists. A few score visitors sat in other galleries.

We were immediately aware of only three senators in the yawning chamber below. (A couple of others, we noticed a few minutes later, were sitting quietly to the side, and the rest of the people on the floor seemed to be staff members and Capitol functionaries.) Senators Paul Sarbanes, at a front desk, and Jake Garn, in the rear, were in the midst of an exchange about treaty costs, joined by Senator Barry Goldwater.

Then Mr. Garn, a Utah Republican, resumed a speech in which he labeled the subject at hand "a bad treaty, badly negotiated." He doubted that the Panamanians would maintain the Canal properly.

When Mr. Garn finished, Mr. Sarbanes started. But Mr. Garn heard little of it as he gathered up his papers and left. The Maryland Democrat started out quoting David McCullough's "The Path Between the Seas" (the Bible of the proceeding) on what a fine American achievement the Canal was, and went on to build a case for the treaties as being in the U.S. interest.

As 5 p.m. approached, the majority and minority leaders Senator Byrd of West Virginia and Baker of Tennesse showed up to put an official stamp on the start of the Lincoln's Birthday recess, which continues all this week. Mr. Sarbanes stopped at the appointed hour, but Senator Dick Clark of Iowa asked unanimous consent (none of the handful objected) to speak for five minutes and insert the rest of a prepared speech in the *Record* "as if presented." With that assurance that Mr. Clark's message would be preserved, we left.

Some of the conclusions from those 45 minutes of The Great Debate:

The fate of the treaties won't necessarily depend on senators listening to and being persuaded by each other.

Senators are amazingly skilled at speaking earnestly to empty chairs, seeming to forget their emptiness. (Mr Sarbanes, if he were just acting for the unseeing radio audience, would not have had to aim gestures impartially at chairbacks in different parts of the chamber.)

It is not really a debate on Panama, but a mostly disconnected series of speeches, some of them delivered only to the Government Printing Office.

Almost all of the senators have more important things to do on a Friday afternoon.

[From the Washington Post, Feb. 14, 1978]

THE SOUND OF THE SENATE

One of the arguments often made against broadcasting sessions of Congress is that the intrusion of microphones and cameras would change the nature of the proceedings. It seems clear, after three days of radio coverage of the debate on the Panama Canal treaties, that the presence of microphones does change what happens on the Senate floor. But the change, at least so far as we can see, weighs heavily in favor of broadcasting.

The sound in the Senate last week was that of a debate. Real, live senators were on the floor to challenge statements made by their colleagues. The accuracy of "facts" was questioned, interpretations were disputed, points were scored. Speakers seldom were allowed to drone on endlessly; some had to fight off questioners to get their speeches completed. Even absent senators appeared to think the debate meant something. Many tuned in in their offices.

Contrast that, if you will, with the sound of the Senate during some other historic "debates." All too often it has been the sound of a series of long and boring speeches listened to, as far as an observer could tell, by practically no one. Misstatements went unchallenged. Tourists went away shaking their heads at the Senate's claim to be "the world's greatest deliberative body."

Though we can't prove it, our suspicion is that the microphones made the debate. Neither supporters nor opponents of the treaties wanted any portion of the public to get a one-sided version of what the dispute is about. Thus, each side was making an effort to see that any argument was refuted as quickly as possible. And that, we submit, is just the point. Far from encouraging showboating, the microphones seemed to concentrate senatorial minds and create conditions conducive to a spirited exchange of opposing views. By broadcasting this debate live, public radio is doing a service not just to the public but to the Senate as well.

LESS ARMS, MORE NEGOTIATIONS, NEEDED IN MIDDLE EAST

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. NIX. Mr. Speaker, today's Washington Post carries the front page headline "United States Plans to Sell $3 Billion in Jets to Egypt, Saudis." The announcement of this proposed sale described in the Post article is a preliminary notice of a notice to make sales.

Letters of offer for such sales are due according to the Secretary of State during early April 1978. The Congress will then have until May 2, 1978, to reject the sales by appropriate motion under the terms of the Foreign Military Sales Act. I will support a concurrent resolution objecting to the proposed sale.

It is my belief that the Sadat trip to Jerusalem and the present negotiations would not have occurred without the firm conviction of the Egyptian general staff that they could not hope to compete militarily with Israel. It is Israel's predominant military strength which has made the progress to peace possible.

It has been the consistent policy of the Congress and Presidents of the United States since the creation of Israel in 1948, that all out support for Israel would lead to a Middle East settlement.

The Congress has backed that policy with foreign assistance legislation since 1961 totaling $12 billion. Every President since Woodrow Wilson has endorsed a national state for the Jewish people.

Since 1973 no military equipment has been sold under the terms of the Foreign Military Sales Act to Egypt. If we reverse that policy now, we will be endorsing a "balance of power" theory in the Middle East. This is a new policy and it is a bad policy.

We will rapidly lose our position as mediator in the Middle East. We are the only nation who can act as a mediator. If we do not fulfill that role no nation will be able to do so. Our mediation is the only hope for peace.

What we have done is to revive the hopes of Arab militarists for a military competition; it will revive their interest in nonnegotiation. Thus, negotiations require a status quo position. Changes in assistance of military or otherwise have to be tied to a final settlement.

I believe that this recent change in a foreign policy having its beginnings with Woodrow Wilson has its roots in the impatience of some Americans with a few months of negotiations. In order to achieve a settlement, I believe that as much as 2 years of constant negotiations may be required. Wars can come in a day, but peace may be the work of a lifetime. The effect of 30 years of armed siege against Israel cannot be overcome in 3 months.

Our constant and unswerving support for Israel is the way to end the Arab seige of Israel and that is the object of our negotiations.

LITHUANIAN INDEPENDENCE DAY COMMEMORATION

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. HUGHES. Mr. Speaker, we in this Nation are fortunate indeed. When the Fourth of July comes each year, Americans celebrate joyously with flag waving and fireworks the anniversary of that day in 1776 when independence was declared for 13 Colonies which have since become a powerful and free nation. We take pride in the fact that this independence has remained intact for more than 200 years.

But February 16, we must take note of the fact that there are others less fortunate than us whose struggles for independence now take a tragic note.

It was 60 years ago when the courageous people of Lithuania declared their independence from a long history of Russian and German rule. The tiny country's declaration marked the beginning of a fight for freedom which resulted in an independent nation capable of making great social and economic strides. But there is no flag waving or fireworks in Lithuania today. World War II brought an end to the nation's independence—although not an end to the people's determination—and a return to Soviet rule. The nation, which had enjoyed independence a mere 22 years, is now part of the U.S.S.R.

It is deplorable that Lithuanians today cannot celebrate 60 years of freedom. It is even more deplorable that the Soviet Union continues to deny Lithuanian citizens the right to exercise the principle of self-determination and continues to suppress their human rights.

I am proud to join with Americans of Lithuanian descent as they pay tribute to their brave and admirable ancestors who fought the courageous fight for independence 60 years ago. I also share with them the hope that Lithuania will someday shed oppression and gain independence once again.

THE DOPMA BILL AS IT AFFECTS THE UP-OR-OUT ADVANCEMENT SYSTEM FOR MILITARY CHAPLAINS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

MR. SCHULZE. Mr. Speaker, I would like to submit for the record today the following statement written by Rev. Joseph Turner which addresses the issue of the up-or-out advancement system and the impact of the recently approved DOPMA bill.

At the same time, I would like to echo his desire that hearings be held on this subject and the specific question of military chaplains be addressed in the near future.

The statement reads as follows:

STATEMENT

(By Rev. Joseph Turner)

In relation to the Bill H.R. 5503—the DOPMA Act—it intends to update the Grade Tables in all the Services of the military. The House Armed Services Committee held hearings concerning DOPMA H.R. 7486, HASC No. 94-48 on April 29, 1976. This 79 page document consists of formal statements from Major Doug Maxfield and Major Gordon Fowkes, Chairmen of the Officers Promotion Research Committee. In this document, Major Maxfield made reference to the Up or Out Promotion System as it affects military chaplains. The subject concerning the firing practices of clergymen in uniform was immediately dismissed with, "I don't want to get into the Chaplaincy". (see H.R. 7486, HASC No. 94-48, April 29, 1976.)

I wish to point out a serious deficiency in regards to the present Bill H.R. 5503. The Bill will continue to perpetuate discrimination against the Jewish, Catholic, Eastern Orthodox and many of the Protestant servicemen by terminating the services of chaplains from represented denominations already critically short because of the Up or Out System. What is the awesome role of the clergy in relation to the military apostalate? No matter the definition of the chaplain as determined by the military, no one has set forth the duty of a chaplain more eloquently than Bishop Raymond Gallagher of Lafayette, Indiana who stated: "The real service, rendered by chaplains, is often the quiet understanding and balanced contribution they make to the lives of the men they direct and counsel rather than in the "spit and polish" proficiency which they may lack in military affairs". (1 tr 10 Oct 77 to Senator John Stennis.)

I am in full agreement with the documented sentiments of the Honorable Jesse Helms (R-N.C.) "In my view, the Chaplain is the first soldier we should hire, and all others should fall in behind. This nation for some time has had its priorities backwards, and this recent action of the Army is an unfortunate manifestation of this attitude." (1tr to Chaplains Research Committee 26 Aug. 77) The Chief of Army Chaplains asserted on February 1, 1978 that "The Chaplaincy is an extension of the civilian religious community. . . ."

In its annual report to all Ecclesiastical Endorsing Agencies, the Department of the Defense admits detrimental imbalances and critical shortages existing among the various represented denominations in the Chaplaincy caused by in part the Up or Out System. There can be no doubt of the reality of and the harming effects of these critical shortages as set forth in my voluminous correspondence as Co-Founder of the Chaplains Promotion Research Committee, an organization of present and former military chaplains and church leaders. This correspondence is also from leaders of the Judeo-Christian organizations which supply clergymen to minister to their members in the Armed Forces.

On January 31, 1978, Congressman Richard Schulze (R-Pa.) entered into the Congressional Record for cause and focus a letter written by the Chaplains Research Committee to President Jimmy Carter, Commander-in-Chief of the Armed Forces. This letter emphasizes the grave concern that the Committee and church leaders have for the firing practices of scores of clergymen in the Service via the Up or Out Promotion System. It points out that the Army has informed the Honorable Richard Schweiker (R-Pa.) it has fired (involuntarily released) 115 clergymen. Apart from the critical numerical imbalances this system is causing within the represented denominations, it is depriving our Servicemen and their families adequate religious coverage on an established quota and pro-rated scale. It has come to my attention that the Air Force calls upon the Reserve Officer Chaplaincy to fill underslotted denominations while the Army has no such policy. I recommend this policy be uniform for all the Services for fairness sake. Your attention is brought to the document in this same Congressional Record whereby the Secretary of the Army exempts military doctors from the Up or Out System due to critical shortages. I recommend the same treatment be given to military chaplains rather than shortchange any servicemen of any Faith proper and adequate religious ministry.

In general, the Up or Out Promotion System seems most wasteful of our human resources and training across the board for all officers. As it affects chaplains it seems most epecially destructive of the relationship of the traditional separation of Church and State by placing these men of God under such a system. This system has destroyed a way of life and military calling for many officers of worth including our clergymen. It uses persons of youth (all officers) for how long? The Army informed Chairman, Congressman Melvin Price that "we need a young and vigorous force of chaplains". (1tr 27 Sep 77 to Cong. R. Schulze) It must be noted that the Reserve Officers Association (ROA) has expressed its concern over the misuse of the Up or Out System and the "use of age" as a promotional criteria in its past two national conventions.

Please note well that none of the 115 clergymen fired by the Army in recent years had their endorsements withdrawn by their respective churches. Endorsement is essential for entrance into the Chaplaincy. Must our Churches of America be embarrassed by the military's refusal to have them party to concurrence and review before their clergymen are involuntarily released by the "up or out" system! Must denominational representation remain unchecked! The documents revealing the recapitulation of Chaplains losses through the RIF and Up or Out Promotion System are very damaging and hurting to the spiritual needs of our Servicemen and their families across this nation.

Many more clergymen await in the wings to be released involuntarily with their first pass-overs for promotion. Should the Congress concern itself with providing the faithful in uniform the religious support of ministers, rabbis, and priests of their own persuasion! Must chaplains who have reached 17½ years of Service as Reverends Gordon Rector and Jerauld Vessels and others be involuntarily released because an Up or Out Promotion System has no room for them! The Military recruiting team will plague their Churches to replace them with younger clergymen. Is the Army asking the Congress to establish a "one Faith Chaplaincy" or a "one Faith Army" by depleting the human-ordained resources from the Churches of America?

The policies contained within the Bill are already in effect as service regulations and have resulted in the firing of hundreds of officers within a few months of qualifying for retirement. This policy of elimination from the Service prior to retirement eligibility is illegal in the civilian world. The Services justify this anomaly as a procedure to separate an officer from the Service early in his career. Mr. Speaker, I consider 17½ years of true and faithful Service as clearly not early in anyone's career. The fear of such late attrition from a chosen profession can only be detrimental to the moral courage and personal integrity of the Officer Corps. As it pertains to the Chaplaincy, it corrupts the principle of the separation of Church and State. This fear of forced attrition places the men of God under the domination of the military brass.

As a positive recommendation this Bill H.R. 5503 should be amended to effect that chaplains NOT be involuntarily released without the churches concurrence. And that the churches be involved and party to the process of evaluation and competitive standing. The moral damage of the past must not be allowed to dissuade our American Churches from generously supplying effective and available ministry to our brave men in uniform.

PENNSYLVANIA AMERICAN LEGION VOICES CONCERN ON STEEL IMPORTS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. EILBERG. Mr. Speaker, at its January 28 and 29 meetings in Gettysburg, Pa., the American Legion, Department of Pennsylvania, adopted a resolution touching on one of the most serious problems facing the economy of Pennsylvania: The health of the domestic steel industry

Right now, job cutbacks in steel are adding to an already substantial unemployment problem all across our State. In Johnstown, alone, curtailments are putting 3,500 steelworkers out of work, along with 1,800 steel-related coal miners.

The role which imported steel has played in contributing to the high unemployment rate in Pennsylvania's steel industry makes the American Legion's resolution all the more timely. I welcome the Legion's initiative in adopting the following resolution, and I commend it to the attention of my colleagues:

DEC RESOLUTION No. 387

Whereas: Our United States of America has been and wishes to remain the "Steel Country of the World"; and

Whereas: Unemployment in the United States is at an economically devastating and unacceptably high level; and

Whereas: We support fair trade but believe that the present practices of foreign governments are unfair competition in that these governments deliberately cause steel to be dumped in the American market at unrealistic prices to the detriment of the domestic steel industry and American workers; and

Whereas: Some of the present and proposed Governmental policies, particularly in the area of environmental control, have and are placing domestic steel industry at a further competitive disadvantage which is likely to result in the closing of steel plants and cause severe unemployment of steel workers which include many Veterans; and

Whereas: Some of the present and proposed Governmental policies in the area of National Defense Contracts, manufacture of United States weapons and subsidized Government projects are using Foreign Steel; now, therefore be it

Resolved, That the Executive Committee, The American Legion, Department of Pennsylvania, in regular meeting on January 28–29, 1978, at Gettysburg, Pa., petition the President and the Congress of the United States to immediately review the entire foreign steel imports used for our vital national defense and urge the promotion of American steel and American steel products for this purpose, and that all American fighting ships be manufactured of American steel.

THE PRESIDENTIAL MESSAGES: THE AMERICAN ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for February 15, 1978, into the CONGRESSIONAL RECORD:

THE PRESIDENTIAL MESSAGES: THE AMERICAN ECONOMY

In his messages to Congress this year, President Carter has made clear that the overriding concern in the country today is the uncertain economy. To meet this concern, he has put forward a series of conventional measures aimed at reviving confidence and assuring economic growth.

In his economic mesage the President has tried hard to convince the nation that he has a coherent economic program, the main elements of which are the tax cut, a tight budget and a mild anti-inflation program. The total program gives the economy only slight stimulus, but it gives top priority to continued production and a gradual reduction in unemployment. The President's main emphasis is on economic growth and his basic choice is to stimulate the economy rather than to lower the federal deficit.

The President is concerned that the economy will run out of gas sometime late this year even though it is performing satisfactorily now. He is worried about controlling inflation while providing for business investment and more jobs. He believes that a tax cut is necessary to insure the continuation of the recovery.

The painful choices that a President must make between attractive, but conflicting, goals are apparent in the economic message. President Carter wants to provide stimulus to the economy without fueling inflation; he wants tough anti-inflation measures that do not alarm business and union leaders; he defers a cherished pledge to balance the federal budget by the end of his first term because fulfillment of the pledge would mean less economic growth, fewer jobs and heavier tax burdens.

In the short run almost everyone agrees that the economy is virtually certain to keep moving through 1978. The President intends to use the economic powers of the government as long as necessary to sustain the movement, but he does not see the economy reaching its full potential until 1983. The Administration expects the economy to grow by 4.5% to 5.0% this year; unemployment should fall in the 6.0% to 6.5% range by the end of the year. The President believes that the federal budget can be balanced if the economy grows very strongly between now and 1981, but he knows that a balanced budget will not be reached until growth in the private sector reduces unemployment.

The President cannot be pleased with the 1977 record on inflation. The Consumer Price Index rose 6.8 percent in 1977 compared with a 4.8 percent rise the year before. He calls on major businesses and unions to discuss their price and wage plans with his administration in advance as part of an effort to whittle half a percentage point off the underlying rate of inflation this year. Businesses and unions will be asked to hold price and wage increases to less than the average rise in prices and wages during the past two years. Compliance will be voluntary and there will be no effort to apply uniform standards or guidelines to price setting and collective bargaining. President Carter will rely on public discussion and persuasion to keep price and wage increases moderate.

Other aspects of the President's anti-inflation policy will include: prudent fiscal and monetary decisions to keep aggregate demand down when the economy returns to full employment; expansion of industrial capacity to prevent shortages and bottlenecks; reduction of excise and unemployment taxes; and attention to the adverse impact of government regulatory action on prices and costs.

Almost unnoticed by commentators is the important fact that President Carter accepts a new full employment standard of 5.0 percent. His retreat from the previous goal of 4.0 percent is probably due to his recognition that there are large numbers of youth, blacks and women who must be added to the work force. He gives high priority to jobs for disadvantaged persons. Acknowledging that overall fiscal and monetary policies alone will not provide full employment, he proposes a continuation of public service jobs programs especially designed to benefit young people and minorities, which should serve to bring down intolerably high rates of unemployment for those groups. However, the President recognizes that the bulk of new permanent jobs must come from the private sector and he plans a major new initiative for private sector hiring of disadvantaged persons.

The reaction to the President's economic program has been mixed. In fact, every facet of it seems to be at issue. Critics are worried about the dangers of inflation, the federal deficit, the size of the tax and the tax reform proposals. Proponents applaud the reduction in the growth of federal spending, the reliance on the private sector to create jobs, and the decision not to establish price and wage controls.

WILL TELEVISED SESSIONS OF THE HOUSE BE "ACCURATE" AS CONGRESSIONAL RECORD?

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. STEIGER. Mr. Speaker, earlier today, I expressed my concern on the floor over the vote of the Rules Committee to give the House exclusive authority over televised coverage of its own proceedings. This is a troubling decision.

I made reference in my remarks to an article by Jack Germond and Jules Witcover which appeared in the February 13 Washington Star. The column, "Will Televised Sessions of the House Be 'Accurate' as CONGRESSIONAL RECORD?", strikes at the heart of the problem with an in-house TV system. That problem is the public perception that the in-house system could lead to self-serving editing of the telecasts.

The reliability of the CONGRESSIONAL RECORD has already been called into serious question because of the wholesale editing and revising now permitted. For the first time, the televised proceedings could give us a truly accurate account of our sessions.

The Germond-Witcover piece is one that should be given serious thought by all who are concerned about the way we operate and the way we are viewed by the public. I commend it to your attention.

WILL TELEVISED SESSIONS OF THE HOUSE BE "ACCURATE" AS CONGRESSIONAL RECORD?

(By Jack W. Germond)

Well, the House Rules Committee has finally voted to recommend to Speaker Tip O'Neill that the House establish its own facility for telecasting daily sessions of what the Senate calls "the lower body." In doing so, the committee rejected the alternative of having a pool of the TV networks handle the chore.

The decision risks the House taking, as Rep. B. F. Sisk of California put it afterward, "a helluva beating from the press" on grounds the legislators mean to control what the public sees and hears. Although the House authorization of the televised sessions, passed in October, specifically stipulates "complete and unedited audio and visual broadcasting and recording," Sisk says that "what matters is who controls the cameras."

The case for the in-house system is made by Rep. Gillis Long of Louisiana, chairman of the operative Rules subcommittee. Long argues that the networks would turn the daily House session into a night game at Yankee Stadium, being so disruptive and using lights so powerful that members would have to wear shades—to keep the glare down, that is; not to avoid recognition. Of course not.

Some unfortunate wording in the draft report by Long's subcommittee fed the concern that the in-house system inevitably would lead to self-serving editing of the telecasts. "In our view," the draft said, "the principal and overriding purpose is to provide a complete, uninterrupted, and accurate record of the official proceedings and business of the House, a kind of visual and audio parallel to the Congressional Record."

Gadzooks! As anybody who has ever read that daily package of boredom and knows the liberties of fiction-writing that members of Congress take in "revising and extending" their remarks, the comparison could not have been more damaging.

But Long insisted it was "ridiculous" to think the telecasts could be edited, what with all those spectators and reporters watching. The answer, of course, is that fiction-minded congresspersons desirous of cleaning up the record after the fact have never been inhibited by the presence of witnesses in the gallery.

The real question, though, is not whether members of the House will try to doctor the videotape, but rather what techniques are to be used in the telecasting. Those opposing an in-house system conjure up images of static, remote-control cameras focused too narrowly on the person addressing the House, while members off-camera commit all man-

ner of offenses—such as snoozing in their seats or idly leafing through a newspaper.

The foes of a network pool, for their part, envision frantic cameramen with mobile units strapped to their backs racing round the House floor like paparazzi in heat, insinuating themselves into private conversations and capturing lawmakers picking their noses.

In actual practice, neither extreme is likely. The real concern of reasonable men and women is that a network pool, news-oriented as it inevitably would be, would not be satisfied to function merely as a recorder of a live event. Rather, the pool would seek out scenes of drama, poignancy, humor, anger and the whole range of human emotions that could boost the entertainment quotient of the daily routine—but distort the substantive.

Such, undoubtedly, would be a great temptation. The average House session now is so dull and dreary that it probably couldn't beat out a black-and-white telecast of a test pattern on an educational channel in Kokomo. But part of the hope in televising the House sessions is that the action itself will induce better attendance, more lively floor debate and in general an uplifting of the House as a serious forum.

The size and nature of the House, of course, limits how much life the presence of television cameras can breathe into it. A legislative body of 435 members, most of whom are faceless nonentities to the average viewing citizen, has two strikes against it from the start, compared with the Senate of 100 members, many of whom have become at least mini-celebrities.

The guess here is that by whatever system the House sessions are televised, there will be some tasteless showboating by exposure-happy members at first, but that once the novelty wears off, things will get back to normal. The public's access to one of its two great legislative bodies will have been enhanced, and life on and off the House floor will go on as before. Statesmen will be statemen, knaves and fools fools. And the House, few would deny, has an ample supply of each.

COMMENTS OF MR. JOHN R. GILDEA ON ELKHART, IND.

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. BRADEMAS. Mr. Speaker, among the counties I have the honor of representing in the House of Representatives is Elkhart County, Ind.

Elkhart County, located in extreme north central Indiana, is a remarkable area, as John R. Gildea, the newly elected president of the Greater Elkhart Chamber of Commerce, indicates in a recent address.

Elkhart ranks thirteenth among the counties of Indiana in population, Mr. Gildea points out, but is first in consumer spendable income per household and second in retail sales per household. Elkhart County ranks fourth in manufacturing employment in our State, yet is a major agricultural area as well.

But, as Mr. Gildea notes, the greatest thing about Elkhart County is the people who live there. Men and women of widely varying backgrounds and occupations live and work in harmony in this progressive American community.

Mr. Speaker, I am pleased to insert Mr. Gildea's thoughtful remarks, as published in the Elkhart Truth of January 23, 1978, at this point in the RECORD:

PRESIDENT'S SPEECH, ANNUAL MEETING, GREATER ELKHART CHAMBER OF COMMERCE

(By John R. Gildea)

I am most pleased to serve as president of the Chamber of Commerce in this, its 59th year of existence; and in doing so, to follow the many illustrious Elkhartans—some of whom are here tonight—who have succeeded the first president, Carl D. Greenleaf, in this position. I am especially honored to hold this office in the community in which I, my parents and my children were born, and where—together with my wife's leavening and enlivening influence—we have lived all of our lives.

The place of one's birth, just as with the fact itself, is one over which an individual has little control, but the place where we spend our later life is very much a matter of choice—and the choice of remaining, of returning or of relocating to the Elkhart area—or of reinvesting here—is one which nearly all of us here have made—and is one in which we take satisfaction.

Geographically, this area combines fertile farmland with nearby hills; it has scenic rivers; within a radius of 50 miles there are 600 lakes for recreation, sailing and excellent fishing, and Lake Michigan with its dunes and beaches is but an hour away. We have the change of seasons—though some may say much more often than four times per year.

STRONG ECONOMY

Economically, the Elkhart area has demonstrated vigor deriving from its diverse balance of large and small industries, productive labor and profit-conscious management. Elkhart, though only 13th among population centers in the state, ranks first in the state in consumer spendable income per household, and second in retail sales per household. Its rate of unemployment is usually the state's lowest and it provides more than 14,000 jobs for people from surrounding counties.

The county ranks fourth in the state in manufacturing employment, yet despite its industry, Elkhart County is also first in the state in the sale of dairy products, second in poultry products, second in total value of farm produce sold, and third in apple production. Industry in Elkhart County employs highly sophisticated equipment and technology, including the latest computer systems, laser beams and unique fermentation techniques—yet the county also ranks first in the registration of horse-drawn buggies. These diverse characteristics have produced an incredibly fertile blend of economic, political and social convictions which point to the strongest asset of the area—its people.

RICH CULTURE

Culturally, Elkhart can boast of a fine symphony, a municipal band befitting its heritage as a leading manufacturer of brass and woodwind instruments, high school marching bands that routinely take national honors, and civic and scholastic choral, theater and dance groups that ennoble those who perform and those for whom they perform.

Elkhart's location, almost equidistant from the triangular points formed by Chicago, Indianapolis and Detroit, allows us to enjoy the museums, plays, and concerts from a wide range of selection. We are near the center of a smaller triangle comprised of South Bend, Fort Wayne and Kalamazoo, providing additional variety to an already full offering available to our residents.

THE CITIZENS OF ELKHART

And just who are these citizens who benefit from these advantages and who themselves contribute so much to the region? They are as interesting and as diverse as the climate, the topography and the economy:

They are heirs to the rich tradition of the Pottawattomi Indians that occupied this land and left their names upon its rivers, lakes, streets—and at least one shopping center;

They descend from the early English missionaries who were itinerant in these parts in the early years of the last century. One of these, Isaac McCoy, a Baptist minister, gave his wife's name to the stream we know as Christiana Creek;

Or they may be followers of Menno Simons who over the years have transformed this from a rural outpost in need of support to the central home of all worldwide activities of the Mennonite Board of Missions;

Or they may be the most peaceable of all our neighbors—the Amish—who not only revere their centuries-old traditions, but live them today fully in harmony with our industrialized society.

RICH ETHNIC BACKGROUND

More than likely, though, today's residents of Elkhart share the many cultures that have been transplanted to this area:

The Italians (especially from the area of Foggia) who, along with the Swedes and Irish, came to work on the railroad when this was becoming a major transportation center as a division point with repair shops and classification yards;

The Germans who came to produce musical instruments so that at one time 70 percent of all the world's band instruments were made here—and whose names still appear on many of them: Gemeinhardt, Bach, Blessing, Buescher;

The French who did their own brand of music-making, like Henri Selmer and LeBlanc—and who had earlier established a university just west of here in South Bend;

The blacks, many of whom moved from the South in the past thirty years, but who since here, have produced medical doctors, a Rhodes scholar, athletes and authors;

Or the Belgians who came to Mishawaka to build a rubber plant; the Hungarians and Poles who came to South Bend to work for Clement Studebaker; the Canadians who have unobtrusively moved to this area—and a number of Latin Americans, Greeks and Orientals who add spice to our life as well as our diet.

And now, what can be said of this amalgam of people who have come to this area at various times over the past 125 years and who have stayed to be both producers and consumers in its commerce? Firstly, they are a dedicated people to whom the work ethnic is both a way of life and the means to success. Small businesses have proliferated and succeeded in Elkhart far in excess of the normal average because of individuals' convictions that they could compete and excel; and because of creditors, customers and suppliers who let them prove it. Business success in Elkhart is not envied; it is emulated.

FRIENDLY AND CONCERNED PEOPLE

But what truly distinguishes the people of this community is their friendliness and concern for each other. Their quest for material achievement has not blurred their perspective and their qualities of human kindness and concern. Examples abound such as the hospital drive which several years ago exceeded its goal of $3 million by more than a million dollars, the YM-YW building fund, the Elkhart Converence efforts to revive the downtown and the recent United Way campaign which Captain Ehry, Dewey Welsh and so many others put over the top.

But tangible and important as they are, these fund-raising efforts are secondary to the real verve of this community and its

people. Even more important is the voluntary commitment of time to the many worthwhile projects in this area. When we think of the dedication of effort to school boards, churches, Aux Chandelles, Chamber committees, Meals on Wheels, United Way agencies and so many more, we begin to get a real appreciation for the community and its people.

I think, Professor Gruenewald, that as you come to know the people of Elkhart, you will find them to be progressive, I hope you will find them productive; but I know you will find them to be proud of their community and what they mean in it.

THE ROOTS OF THE ENERGY PROBLEM

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. SARASIN. Mr. Speaker, the joint House-Senate conference committee which is attempting to resolve the differences between the two vastly different versions of the administration's national energy plan is deadlocked on two crucial elements of that plan.

Those provisions, a natural gas pricing scheme and a tax on domestically produced crude oil, deserve to be the most problematic issues in that our past actions on these two energy sources continue to be the cause of our current problems today.

If, in the days following the OPEC oil embargo of 1973, we had chosen to allow the forces of the market system to work instead of imposing a series of regulations, we might not be in this position now. While some of those regulations did serve to temporarily ease the impact of the embargo they could not reverse the trend of continuing reliance on imported oil and the drain that dependancy would place on our balance of trade payments. Nor could those regulations provide for the orderly marketing and distribution of one of our most environmentally useful fuels, natural and gas.

I believe it is worthwhile for us to take a look back at where we were before anyone had mentioned the term "energy crisis." I am therefore inserting at this point an article which appeared in today's Wall Street Journal which I believe presents an accurate account of how we have dealt with the energy situation. I hope my colleagues take the time to ponder this column in preparation of some action on the long awaited conference report.

The article follows:

[From the Wall Street Journal, Feb. 15, 1978]

THE ROOTS OF THE ENERGY PROBLEM

(By George Melloan)

Whatever form United States energy policy takes when the President and Congress finally agree, the terms of the debate make one thing clear: It will not "solve" the nation's energy problem.

Oil imports will continue to rise. The $10 billion, 19,000-employe Department of Energy will continue to grow. Price and supply adjustments, once made with some efficiency in a relatively unfettered market, will continue to be bargained in a framework of law and regulation.

In short, energy has become hopelessly entangled in politics. In this week of pause in congressional deliberations on the energy program, it is instructive to review how it all came about.

The logical starting point is the Supreme Court's 1954 Phillips decision, which gave the Federal Power Commission control over natural gas prices at the wellhead. For some years, this presented no problem. Crude oil demand was rising rapidly, both oil and gas were being discovered at relatively low costs, and a vast pipeline network was being built to distribute them. There was a relatively low rate of inflation in the 1950s and early 1960s, which meant that gas producers usually had remunerative prices even if the FPC did not make frequent changes in the wellhead price ceilings.

AN ABUNDANT SUPPLY

There was, in fact, so much fuel being found and produced in the United States that the government applied import quotas to protect domestic producers from oil brought in from abroad by the big international oil companies. The Texas Railroad Commission used another lever against competition by controlling the "allowable" rate at which oil could be pumped in that big producing state.

This was hardly a "free" market, but certainly far freer than the energy market today. Oil products might have been even cheaper and gas more expensive had the controls of that time not existed, and the United States might have conserved both resources by importing more oil from abroad. But in a non-inflationary era, the problem was of more interest to market economists than the general public.

In the 1960s, however, oil companies found it increasingly attractive to seek crude oil abroad. Production costs in places like Saudi Arabia, Kuwait and Libya were only pennies a barrel. The international oil companies soon were awash in cheap crude and rapidly expanded refining and marketing operations abroad to make use of it. They also managed to get U.S. import quotas raised (they were finally removed altogether in the early 1970s). Exploratory drilling in the U.S. in the 1960s declined sharply.

By the end of that decade, U.S. surplus productivity capacity had dropped to the point where the Texas Railroad Commission could no longer manipulate supplies and, thus the world price. Control over the marginal supply of crude oil had moved abroad, to the members of the Organization of Petroleum Exporting Countries (OPEC).

Since most OPEC nations, unlike the United States, produced far more oil than they consumed, they wanted oil to be expensive, not cheap. And one OPEC member, Saudi Arabia, was willing to restrict production to manipulate the world price upward.

The United States unintentionally helped OPEC pull its cartel together. From 1967 through 1971, the U.S. dollar lost 12% of its purchasing power as a result of loose U.S. fiscal and monetary policies. Since the OPEC nations were paid mostly in dollars, they had a strong incentive to band together to try to get higher prices.

They demanded, and got, joint negotiations with the major oil companies in Tehran in early 1971 and won what at the time looked like substantial price concessions. The United States unaccountably let the oil companies engage in this exercise even though it was seemingly a contravention of antitrust laws.

A few months later, in August 1971, President Nixon, with the urging of Congress, responded to the dollar deterioration by putting the United States economy under wage and price controls. With prices controlled and the U.S. money supply rising, the U.S. economy had a false boom in 1972. The low rate of oil drilling in the 1960s had by then taken its toll. U.S. oil imports soared 145% between 1970 and 1973.

Oil and gas demand was being fed in another way. The Clean Air Act of 1970 had forced electric utilities to convert to cleaner fuels from coal. The environmental lobbies were stalling nuclear power development.

And, of course, with domestic prices controlled and inflation raging, there was even less incentive to drill for oil and gas in the U.S. than there had been in the 1960s.

In October 1973, during the Yom Kippur war, the Arab nations slapped an embargo on crude oil shipments to the U.S. and learned how much price pressure they could apply to the world market by restricting supply. The average price of crude oil imported into the U.S. leaped to $11.11 a barrel in 1974 from $3.41 in 1973.

By 1974, generalized price controls had largely collapsed through the combination of a weak dollar and the inability of a single nation, even one as powerful as the U.S., to control world prices. The correct policy for the U.S. would have been to free energy of controls to encourage a resumption of U.S. exploration and development under the high OPEC price umbrella. There would never be $3 oil again but oil would come back to somewhere close to its natural price considering the fact that the 1974 dollar was worth only 62.5% of its 1967 value.

The U.S. did the opposite. The Emergency Petroleum Allocation Act of 1973 was hatched, putting oil under control of a new Federal Energy Office, later to become the Federal Energy Administration, which last year became the core of a new Department of Energy. The FEO set out to "allocate" supplies made scarce by price controls, tangling the oil industry in massive bureaucratic redtape.

With domestic crude oil under price controls and foreign oil flooding in at uncontrolled prices, the next regulatory step was "entitlements." Refiners depending heavily on expensive imported crude were "entitled" to payments from those who used a greater than average amount of cheap domestic crude, Congress, incidentally, managed to make small refiners a little more equal than large ones in this "equalization" process. But the net effect was to subsidize exports, which kept right on rising.

TWO LOST CHANCES

In late 1975, President Ford had a chance to bring all this nonsense to an end. Congress had passed a 40-month extension of the 1973 act. If President Ford had vetoed the extension, it is safe to say that the energy "crisis" would have been solved. The FEA would have disappeared and the energy industry would have become, once again, just another U.S. industry, competing in world markets and developing resources wherever costs, transportation efficiencies, taxes, availability of capital and political risks justified. Given the unpleasantness with OPEC, a resumption of extensive development in the U.S. would have been the logical result. Mr. Ford, however, did not veto. A few months later he also muffed a chance to decontrol natural gas when some 18 Republican decontrol supporters were absent from a crucial vote in the House.

With this record to look back on, the Carter administration in April of last year revealed the most sweeping and interventionist program yet, basing it on the assumption, soon to be discredited, that the U.S. had nearly exhausted its supplies of fossil fuels. The new "National Energy Plan" featured some $70 billion to $80 billion in taxes designed to discourage energy consumption (and just maybe discourage economic activity altogether). It sought a federal takeover of electricity rate setting from the states. It sought to expand natural gas price controls

to the intrastate market, where they had not existed before, as a quid pro quo for raising the natural gas ceiling price. It sought a massive conversion of industry to coal without much evident thought about how environmental restrictions on coal use and the capital cost problems were to be handled. And, of course, it sought massive discouragement of automobile use on the apparent theory that the automobile is the useless luxury of an indolent race.

No wonder Congress has had so much trouble. And no wonder it is no nearer a solution to the energy problem than it was in 1973. It has not yet faced up to the real reasons why we have a problem.

LETTER CALLS ATTENTION TO HIGH COST OF GOVERNMENT REGULATION

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. BROWN of Ohio. Mr. Speaker, a former constituent of mine has called to my attention the following letter which graphically highlights the cost of Government regulation. The Department of Energy, established pursuant to the President's request, will cost the taxpayer over $11 billion in fiscal year 1979, which is just slightly less than the record total profits of the 30 largest oil companies in 1974. The statistical analyses in the following letter should give every Member something to think about, especially when we decry the growth of the Federal Government and call for reduced Government expenditures:

PATRICK PETROLEUM CO.,
Jackson, Mich., Dec. 1, 1977.

PARTICIPANTS

The "Energy Consumers and Producers Association" of Seminole, Oklahoma, recently sent a letter to every U.S. Senator pointing out the following facts about the newly created Department of Energy. This new department has a $10,000,000,000 budget and 20,000 employees.

To put that $10 billion budget in perspective, consider the following astonishing facts. This means:

1. $500,000 per Department employee or
2. $50 for each and every member of the total U.S. population (212 million) or
3. $266,871 for each of the 39,763 new wells drilled in 1976 or
4. $58.35 per foot drilled in 1976 (181,855,700 feet) or
5. $3.59 for each barrel of domestic crude oil produced in 1976 or
6. $1.67 for each barrel of petroleum product consumed in 1976 (including imports) or
7. $0.10 for every gallon of gasoline consumed in 1976 or
8. $0.3434 on every barrel of proven crude oil reserves in the U.S. as of December 31, 1976 (30.9 billion bbls.).

It also exceeds all expenditures by the petroleum industry in 1975 to both explore for and produce domestic crude oil, natural gas, and natural gas liquids ($9.4 billion, according to the Chase Manhattan Bank).

Furthermore, the Department of Energy budget exceeds the 1974 profits of the 7 largest oil companies—profits which have been called "obscene" by certain politicians and special interest groups.

To say the industry is floundering in government redtape and regulation, is not an overstatement. The figures prove it. The cost to the American taxpayer is staggering, yet in the whole unknown to most citizens.

When these somewhat hidden regulatory costs are added to the already high visual cost of energy, the true cost of energy becomes high indeed.

We believe there is no alternative. Some plan for deregulation must be enacted. These excessive costs can not continue to build.

Perhaps it is time for your Senator or Congressmen to either agree or explain why government regulation requires a budget equivalent to $266,871 per well drilled by the industry in 1976. Is it any wonder there is an energy shortage?

As an informed citizen with a direct financial stake in energy development, we urge you to write your Senators and Congressmen. Regardless of how they feel, make them justify their positions.

Yours truly,

PATRICK PETROLEUM COMPANY,
U. E. PATRICK, *President.*

LITHUANIAN INDEPENDENCE DAY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. YATRON. Mr. Speaker, I would like to join my colleagues and the Lithuanian-American community today in commemorating the 60th anniversary of Lithuanian Independence Day. I wish to express the fervent hope that one day Lithuania will again be a free and autonomous nation, and that her heritage of heroism, bravery, and dedication to the cause of freedom will continue to be a source of inspiration for all the oppressed peoples of the world.

Sixty years ago, after World War I, an independent Lithuania emerged from the ruins to begin rebuilding her land, establishing her own government, and in essence to determine her own destiny. This progression was halted by the Stalinist Soviets who ruthlessly seized Lithuania in 1940. While under Soviet domination for the past 38 years, Lithuania has not been given the opportunity to govern itself. This has not subdued the spirit of its people, however, who have continually resisted Soviet attempts to destroy their unity and identity. An ardent desire for autonomy survives in Lithuania today which is reflected in the way the people steadfastly adhere to a cultural heritage which embraces the value of freedom.

The lesson of Lithuania must be heeded by all the free peoples of the world. Lithuania reminds us of how essential and how precious freedom truly is, and what its loss can signify. Let us pray that one day soon the Lithuanian people will achieve the independence that is the natural right of all men, and that by their example the world will realize a universal understanding of the need for all people to be allowed to exercise their inherent right of self-determination.

OCEAN THERMAL ENERGY CONVERSION

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. FLOWERS. Mr. Speaker, yesterday, before the Advanced Energy Technologies and Energy Conservation Research, Development and Demonstration Subcommittee's hearing on the Department of Energy fiscal year 1979, Congressman LOU FREY, JR. testified on behalf of ocean thermal energy conversion (OTEC).

Mr. FREY has been working for the last 10 years to point out the potential of OTEC as a renewable energy source. He is our chief proponent for this program and I would like to share his remarks with my colleagues:

OCEAN THERMAL ENERGY CONVERSION

Mr. Chairman: To respond to the prospect of energy shortages, researchers on campuses, industry and Government, Federal energy officials, and the Congress are looking with a sense of urgency at alternative energy sources. In this regard I should like to commend the outstanding efforts of Mr. McCormack and Mr. Flowers, the chairmen of our two energy subcommittees who, through their leadership and dedication, have stimulated a well-balanced effort in research, development, and demonstration of new energy sources as well as in the development of additional supplies of proven, conventional energy sources. And I want to take special note of the leadership of Chairman Teague in directing this committee's actions toward developing new energy sources for the Nation.

Until recently, Mr. Chairman, many people throughout the world believed that fossil fuel resources were in endless supply. The dramatic impact of the oil embargo of 1973, and the effect of continuously escalating costs of oil, natural gas, and the nuclear option have altered that misconception.

This great global effort to find and develop new sources of energy encompasses not only the 30 percent of the Earth's surface covered by land but extends to the greater part covered by water—the world ocean. Interest has heightened in the renewable energy resource potential of the world ocean, and ocean temperature differences are one such renewable energy source that could play a significant role in easing the strain on U.S. energy resources.

Temperature differences between warm surface water and cold deep ocean water do represent a potential source of energy which when compared to that provided by fossil or nuclear fuels, would be a clean, essentially pollution-free source of power. Between the Tropic of Cancer and the Tropic of Capricorn, where the ocean accounts for some 90 percent of the surface area, warm water overlies much colder water at depths that vary with latitude from 1,000 meters (3,300 feet) near 30°N and 30°S latitude to only a little more than 100 meters (300 feet) near the Equator. There is an enormous resource of solar energy stored as heat in the surface layers of the subtropical and tropical oceans, which if released in one hour, would produce about 10^{18}(one quintillion) megawatts. This does however, represent a stored resource that can be drained at no more than its replenishment rate if it is to perform as a renewable resource. Attendantly, one must be concerned with the "available" thermal energy. The

amount of ocean thermal energy considered to be available for conversion has been estimated to be of the order of 10^8–10^{10} (100 million to 10 billion) megawatts. Environmental consequences relating to a cooling of ocean surface waters could dictate an upper limit on ocean thermal energy conversion at about the 10^7 (10 million) megawatt level.

There is general agreement that a temperature differential between surface and deep waters of at least 17°C (30°F) is required for operation of an OTEC power cycle. Thus, there are a limited number of near-shore sites where OTEC power plants may be located, if the power produced is to be transmitted to shore-based consumers via an ocean-to-land umbilical cable. Both coasts of Africa, the tropical west and southeastern coasts of the Americas, and many Caribbean and Pacific islands are situated where adjacent waters possess the year-round thermal characteristics required by OTEC plants. Potential areas of deployment as far as the United States is concerned include: Gulf Stream waters off the U.S. southeast coast and my own home State of Florida; the Gulf of Mexico; the Caribbean (e.g. U.S. Virgin Islands, Puerto Rico); the Hawaiian Islands and other U.S. possessions in the Pacific.

When at considerable distance from land, the transmission of electrical energy via underwater cable becomes prohibitively expensive, it has been suggested that the power developed be used on-site to produce different intensive materials at an ocean energy industrial complex (OEIC), provided the electricity is cheap enough to make the processes economically feasible. For instance, sea water could be electrolyzed to make hydrogen. Liquefied hydrogen could then be shipped by tanker to consumer ports for future use as a fuel gas to supplement and perhaps to replace natural gas in commercial and residential distribution and utilization systems. Liquid oxygen may be a valuable by-product of the hydrogen-producing process. The on-site manufacture of methanol has been proposed, and methanol and hydrogen may serve eventually as synthetic fuels. Nitrogen from the ambient air could be reacted with the hydrogen to produce ammonia—an important ingredient in the manufacture of fertilizers. Ammonia production, at a current annual level of about 18 million tons, requires some 660 billion standard cubic feet (scf) of natural gas as a feedstock in the process—nearly 3 percent of the total U.S. domestic natural gas supply. One of OTEC's greatest potentials is in meeting the needs created by the growth in demand for ammonia. It has been estimated that in the year 2020, the annual incremental increase in demand for ammonia will be 1,150,000 tons, requiring 50 billion scf of methane each year. Electrolysis of sea water may produce significant quantities of chlorine, caustic soda, and magnesium. Furthermore, if the necessary raw materials can be transported to the OTEC plant, the electricity could be used in energy intensive ore refining operations, such as the processing of bauxite into aluminum.

The concept of "solar sea power" is not new. In 1881, French physicist Jacques D'Arsonval attested to the possibility of extracting energy from the tropical ocean by noting that a heat engine could be built to operate on the temperature differences between surface and deep ocean water, but a full-scale ocean thermal power plant has yet to be built and operated successfully over a long period. Schemes for generating power from sea thermal gradients are, for the most part, based on extant technology and envisage either partially submerged ocean-based platforms, or stationary near-shore platforms. The thermal to electric energy conversion can be accomplished by using sea water as the working fluid. Warm surface water is flash evaporated under a partial vacuum to produce a low pressure steam that passes through and propels a turbine, and is later condensed using cold sea water pumped up from the depths. In 1930, the French engineer, Georges Claude used this very scheme in his open cycle plant built and operated on the coast of Cuba. The plant delivered only a small power output (22 kilowatts), and operations were terminated when the cold water intake pipe was destroyed by the sea. Claude later experimented with a floating plant but also was unsuccessful except in generally proving the concept. While many fundamental difficulties inherent in the open-cycle Claude process have been overcome, and more advanced concepts for the development of the open-cycle process have been proposed, DOE representatives have informed us that most contemporary investigators tentatively prefer a conversion cycle in which a working fluid—such as ammonia, propane or a Freon-type refrigerant—is vaporized and recondensed continuously in a closed loop to drive a turbine. In this closed cycle, warm sea water is drawn from the ocean surface layer and pumped through heat exchangers where the secondary working fluid is vaporized; the working fluid then expands and emerges as a high pressure vapor to drive the turbine. From the turbine, exhaust vapor flows to a condenser where it returns to the liquid phase as it is cooled by the cold sea water. Current proposals being supported envision a total ocean thermal system operating at sea would be contained in a semi-submersible hull incorporating power pack modules each containing heat exchangers, one or more turbines, generators and pumps to circulate the working fluid and the warm and cold sea water.

While the technology required for ocean thermal energy conversion is available, and although OTEC operating principles are well documented, we know that both closed and open cycle systems do pose complex engineering and cost problems. DOE officials point out that refinement, optimization, and further engineering development within the existing body of technology are being pursued in several key areas in order to adapt the technology for economically competitive applications. In addition, certain potential environmental, political, and institutional questions need to be addressed before an OTEC power plant could be operated at sea.

Early calculations of both the initial capital cost and the cost per kilowatt hour imply a favorable economic future for OTEC technology. Although the first units built will cost considerably more per kilowatt than fossil-fueled or nuclear power plants, expected savings due to technological improvements, assembly line production, lower operating and maintenance costs, no fuel expense, and long life operation may allow OTEC power plants to become economically competitive with more conventional energy sources by the 1990's. With identical assumptions, the capital costs projected by the various OTEC researchers for closed-cycle baseline state-of-the-practice plant designs fall within a reasonably narrow range of $1,650–$1,990 per kilowatt. Use costs are projected to be in a range of 42–51 mills per kilowatt hour by 1985, 21–31 mills per kilowatt hour by the turn of the century, and 15–25 mills per kilowatt hours by 2020.

Ocean thermal energy conversion systems are unique in the sense that their operation will not be interrupted when the Sun does not shine. Solar energy is continually converted and stored in the form of warm ocean surface waters. Except for slight diurnal and seasonal variations, the temperature of these waters remains fairly constant. Consequently, OTEC plants will be able to operate 24 hours a day, year-round, without the added expense of either energy storage systems or conventionally fueled back up power systems. OTEC plants are, therefore, capable of generating base load electricity without large-scale storage capacities. Since OTEC plants have the potential to produce base load electricity for existing grids, they are capable of displacing fossil fueled and nuclear power plants, the two most common base load electricity generators. Furthermore, OTEC plants may be used to produce energy intensive materials, thus displacing and saving the more conventional fuels currently used in that production.

Proponents charge that the ocean thermal energy conversion option is receiving too little priority, funding and manpower. Supporters urge rapid movement toward testing of systems and demonstration plants. Critics view ocean thermal energy as a high-cost, high-risk and uncertain energy option with perhaps relatively small payoff compared with other energy options under consideration and development. They question whether R&D will bring breakthroughs on costs and raise doubts about resource accessibility, energy transmission ashore, vulnerability to attack by nature or man, and environmental, legal and political implications.

The issue of transcendent importance is not the fact that one energy option must inevitably emerge as being superior to another or favored at the expense of another but, rather, that the Nation needs all the energy it can muster—coal, oil, natural gas, nuclear, synfuels, renewable environmental energy sources. Renewable energy options appear particularly attractive from the standpoint of serving in a supplementary role to nuclear and coal programs and, attendantly, extending the life of non-renewable fossil and nuclear fuel resources. The ocean thermal energy resource capacity could provide electricity directly to mainland distribution grids—even possibly providing baseload power to utilities and process industries or replacement electricity when incremental expansions of energy intensive processes come to be located at sea or on island sites. Mainland electricity is thus freed for other consumption.

Fiscal year 1977 was a productive year for the OTEC program as a whole, Mr. Chairman. Information concerning most of the critical questions is now in hand, and, generally, it is encouraging. This past December, the OTEC program reached a critical decision point in the Department of Energy. DOE officials feel that enough information is now available to accurately assess the technical viability and potential contribution of this technology. An in-depth review of the program is now being carried out by the DOE management. In general, it appears that it will be possible to resolve the technical issues, and that OTEC can make a substantial contribution to electric power in certain geographic areas.

During FY 79, the heat exchanger biofouling, corrosion and cleaning tests will be continued on larger scale assemblies. The plan includes initiation of the conversion of the Hughes mining barge to the *OTEC–1* early ocean test platform. This process is planned to be completed in fiscal year 1980. Fabrication of two shell and tube heat exchangers for testing on the *OTEC–1* will begin next year. A parallel effort in plate heat exchangers will also be conducted. Large scale cold water pipe segments will be constructed of concrete and fiberglas for testing purposes, and electric cable development activities will commence.

I am concerned, Mr. Chairman, in the matter of what amounts to an $18.6 million decrease in the Division's request of 51.1 million, to a level in the President's budget submission to Congress of $32.5 million. In investigating the matter, I have learned that approximately $10 million of this $18.6 million could have been used to ensure completion of the outfitting of OTEC–1 by the end of fiscal year 1979 so that ocean performance evaluations of the 1 megawatt power cycle system could then commence with the be-

ginning of fiscal year 1980, rather than toward the end of that year. The remaining $8.6 million was meant to hasten the development of hardware for (1) the cold water pipe ($2.0 million); and (2) OTEC heat exchangers ($5.0 million). These procurements, along with associated funding in support of program management ($1.6 million) could have advanced the fiscal year 1980 program in modular experiments (pilot plants).

OTEC is a viable new energy source for the Nation, Mr. Chairman, and to coin a phrase: "Energy is . . . when you need it"!! The skepticism of some stems in large part from their hope that energy either will not be needed in the future or will come solely from systems based upon highly sophisticated physics, but certainly not from a system which, at best, could be called sophisticated plumbing! I urge the Subcommittee in its deliberations on the fiscal year 1979 budget to consider restoring $18.6 million to the OTEC budget, so that DOE is able to move with all due haste and vigor to advance the time when OTEC achieves a competitive posture and assumes its place in the future mix of energy technologies.

AMERICAN AGRICULTURE MOVEMENT

HON. CHARLES WHITLEY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. WHITLEY. Mr. Speaker, this statement is a joint one issued by all of the signatories hereto:

We congratulate the American agriculture movement and its members for taking the lead in bringing to the attention of the Congress and the American public the plight of the farmer.

Representing, as we do, districts in which agriculture is of major economic concern, we have long been cognizant of the fact that the farmer has been caught tightly in a squeeze between rapidly increasing costs for his land, his seed, fertilizer, chemicals, machinery and equipment, fuel and other necessities, while prices for his produce remain constant or even diminished. We realize that no one can long survive at a loss of even at breaking even. The farmer should at least have a fighting chance to realize a fair return on his investment and reasonable compensation for his labors.

We endorse the basic concept of the American agriculture movement that the Federal Government can and should take action to see that prices on basic agricultural comodities are maintained at a sufficient level to insure that a farmer at least will recover the reasonable cost of production.

We believe that every effort should be made to increase our agricultural exports and to insure that our import policy is fair and reasonable.

We will support legislation designed to improve assistance for serious disaster losses.

We concur in the proposition that all policies and announcements by the Department of Agriculture relevant to a particular crop be made and publicized on a timely basis to afford farmers ample opportunity to plan their operations accordingly.

We believe that a sound and viable agricultural economy is essential to the well-being of our Nation and that not only farmers but every American will be well-served by a policy which insures a continued supply of essential food and fiber by providing farmers with economic opportunity comparable to that available to other Americans.

LIST OF SIGNATURES

Charlie Whitley, Walter B. Jones, Lamar Gudger, W. G. (Bill) Hefner, Jim Broyhill, Steve Neal, Charlie Rose, L. H. Fountain, Ike Andrews, and Richardson Preyer.

IT'S TIME FOR THE DEAF TO BE HEARD ON CAPITOL HILL

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. FINDLEY. Mr. Speaker, today with 17 new cosponsors I am reintroducing legislation to provide for special equipment to be installed in both the Senate and the House to enable deaf and hearing impaired individuals to communicate with Members of Congress. This brings to 36 the number of Members who have cosponsored this measure.

One of the unique problems faced by hearing impaired individuals is their inability to use a conventional telephone. Two million deaf Americans and millions more with hearing impairments, were denied the opportunity to use a telephone until recently.

Now, a device, called a teletypewriter or TTY, can give hearing impaired individuals the freedom to communicate with other individuals over long distances. This machine, coupled with a regular telephone receiver, can transmit messages to a similar device anyplace in the country.

This bill authorizes the installation of TTY equipment in the Senate and the House to enable hearing impaired constituents to communicate with their Representatives on Capitol Hill. Certainly, deaf and hearing impaired individuals should have the same ability to call their Representatives as do people with no hearing handicap.

These devices are already in service at the Department of Health, Education, and Welfare, the Internal Revenue Service, the General Accounting Office, and the Bureau of Standards. Congress, the people's branch of Government, should not be allowed to fall behind in this progressive trend.

This bill will enable deaf and hearing impaired individuals to be fully represented in Congress. I urge its adoption by this sesson of Congress. The following Members are cosponsors of this bill:

Les AuCoin (Oreg.); David E. Bonior (Mich.); Bob Carr (Mich.); John J. Cavanaugh (Nebr.); Robert F. Drinan (Mass.); Paul Findley (Ill.); William F. Goodling (Pa.); Tom Harkin (Iowa); James J. Howard (N.J.); Dale E. Kildee (Mich); Peter H. Kostmayer (Pa.); Robert J. Lagomarsino (Calif.); Norman F. Lent (N.Y.); Marilyn Lloyd (Tenn.); Norma Y. Mineta (Calif.); Joe Moakley (Mass.); Anthony Toby Moffett (Conn.); Austin J. Murphy (Pa.).

Richard Nolan (Minn.); James L. Oberstar (Minn.); Claude Pepper (Fla.); J. J. Pickle (Tex.); Albert H. Quie (Minn.); Frederick W. Richmond (N.Y.); Robert A Roe (N.J.); Jim Santini (Nev.); Paul Simon (Ill.); Stephen J. Solarz (N.Y.); Gladys Noon Spellman (Md.); Fortney H. (Pete) Stark (Calif.); Newton I. Steers, Jr. (Md.); David C. Treen (La.); Bruce F. Vento (Minn.); Doug Walgren (Pa.); Ted Weiss (N.Y.); Larry Winn, Jr. (Kans.).

ARE HAWAII AND ALASKA STATES OF THE UNION?

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. AKAKA. Mr. Speaker, Chairman John M. Murphy of the House Committee on Merchant Marine and Fisheries, myself, and a number of our colleagues will soon be introducing a resolution designed to protect Hawaii and Alaska from a potentially disastrous, discriminatory Government program.

The Department of Defense is proposing to expand its competitive rate program for the movement of DOD personnel's household goods to these two States. The basic premise behind our objection to this action is that the CRP will be implemented only in foreign countries, Guam, Hawaii, and Alaska—it will not be used in the other 48 States where the carrier evaluation rating system is utilized.

Hawaii and Alaska are States of the Union. My Congressional colleagues and I find this proposal a grievous, arrogant and injurious affront. There is no conceivable justification for applying one set of standards to Hawaii and Alaska and another to the rest of America.

Hawaii and Alaska have been States for 20 years. We are under the regulation of the Interstate Commerce Commission. Additionally, movement of household goods is further regulated by the Alaska Transportation Committee and the Hawaii Public Utilities Commission. The ICC sets what it considers to be adequately compensatory rates. Companies conducting business with DOD cannot charge rates higher than those permitted by the ICC. In fact, they rarely charge rates that are even equal.

Certainly, there is no need for yet another program to ensure that unreasonable profits are not being made by the household goods moving and storage industry.

The Department of Defense first initiated the CRP with the commendable goal of achieving cost savings. However, there are several points to consider:

First. For the May-October 1978 CRP bidding cycle, 937 out of 1,275 area-to-area traffic channels (73.5 percent) will award the low-bidding household goods forwarded 100 percent of all military business.

Second. Agents, those companies who actually do the trucking and storage under contract from forwarders, would go through 6-month stretches without participation in DOD movement if the forwarder they work for were not the low bidder. (In Hawaii, agents count on the military for an average of 80 percent of their contracts.)

Third. In Okinawa, before CRP was implemented, there were 12 agents providing service. Currently, there are only three.

Fourth. DOD made no effort to consult with the moving and storage industry in either Hawaii or Alaska. Meetings with industry representatives were in the form of briefings, merely explaining the me-

chanics of the CRP, as it were a fait accompli.

Fifth. The Hawaii congressional delegation requested that an independent economic impact study be conducted in order to determine how the CRP would affect business in the State. The reply was:

Since the amelioration of economic conditions is not a specific goal of our household goods shipment programs, there is no basis for the inclusion of such factors in our calculations.

The carrier evaluation rating system, designed to stimulate competition and reward efficient service, has been successfully instituted by the DOD in the lower 48 States. The CERS method of service procurement grants an initially larger percentage of contract awards to the lowest bidder, with the remainder of the business being divided equally among those others willing to match the low rate. Consideration is also given for quality of service.

Both Hawaii and Alaska have stated that they are willing to participate in the CERS program. How can this readiness to cooperate be so totally ignored and arbitrary and inequitable action be taken with respect to 2 out of the 50 States?

Hawaii and Alaska are States in every sense of the word—or so we thought. I would like to ask that my colleagues in the House support and cosponsor this legislation. Let it be the express sense of Congress that Hawaii and Alaska are not second-rate entities of these United States.

HUMAN RIGHTS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. ZABLOCKI. Mr. Speaker, the Committee on International Relations released on February 9, the latest human rights report from the Department of State on those countries that receive our aid. As was the case last year when a similar report was released, the contents of this report have drawn much reaction from the press and Government circles. I would like to insert into the RECORD, a Washington Post editorial on this general subject, which expresses very well, in a few words, some of the pitfalls and limitations of an inflexible and overly public approach to the problem of human rights violations around the world.

The Committee on International Relations has been in the forefront of congressional efforts to insure that human rights enjoys proper attention in our policymaking procedures. We have also frequently objected to human rights provisions which were seen to be counterproductive or unbalanced or which did not allow for the proper consideration of other elements of our national interest, elements such as our military and economic security which on occasion can outweigh certain human rights objections.

The Washington Post is to be applauded for its well reasoned call upon the President to employ discretion in our approach to human rights. I recommend it to the attention of all who are concerned about human rights violations as well as the necessity for the United States to exercise responsible and pragmatic leadership in this field:

HUMAN-RIGHTS REPORT CARDS

The United States became in 1976 the first country to write into law an obligation upon itself to issue annual judgments on the internal affairs of other states. This was done in an act requiring human-rights reports on the over 100 nations that receive one or another form of American aid. The idea was to systematize the use of aid as a lever for rights. Just what was the mixture of idealism and arrogance in this approach remains arguable. No matter; the law represented a politically irresistible conviction that American foreign policy had strayed too far from American values. Jimmy Carter drew from this current, added to it and, partly because of it, became president. He is, therefore, poorly placed to draw attention to the limitations and pitfalls of an inflexible human-rights policy, though they are becoming increasingly apparent.

The latest set of human-rights report cards underlines the point. They show that countries regarded as important for strategic, economic or political reasons, such as Iran, South Korea, the Philippines and various black African states, are to be mildly criticized but not officially penalized for shortfalls in human rights. But a little unimportant country like Nicaragua is to be both criticized and penalized; Nicaragua, we note, has made major strides *forward* in rights in the last year, chiefly to appease the United States. For its pains it is not only faced, as a logical consequence of the loosening up, with growing internal unrest but is also now subjected to fresh humiliation at the hands of the United States. There is a double standard, or a triple or quadruple standard, and that is unacceptable.

Increasingly, abroad as well as at home, President Carter must cope with questions about the effectiveness of his rights policy on the one hand and its intrusiveness on the other. You may say that that is his problem, or that no policy attacked from both flanks can be all bad. But he may be tempting the worst of both worlds, and in the meantime he is losing public confidence. There is the further fact that others, catching up the banner at the point when he would put it down, are attempting to apply a rigid rights test to American participation in the international development banks and now, in a particularly inept and damaging move, in the International Monetary Fund. In these international institutions, the United States plainly does not have the right to dictate the rules the way it does in its programs of direct bilateral aid. In the name of one set of human rights, another set—having to do with economic expectations—is threatened.

Mr. Carter finds it hard to say there can be too much of a good thing. But as leader of the parade he is the one who has to indicate an appropriate line of march. It's not enough that he protests, quietly, the damaging superpure amendments that rights advocates, in their unholy alliance with foes of development aid, keep trying to fasten to development bills. He should educate the public, perhaps first himself, in the limitations as well as the virtues of an up-front rights policy. He should make more room for the idea that in this field private groups and public opinion traditionally have a special role, and that discretion can be more effective than a battering ram. He must find the parts of the job that government alone can do well, and the private initiatives that are most effective. That's the meaning of leadership in human rights.

HAIR DYES SHOULD BE REGULATED

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. DELANEY. Mr. Speaker, on January 25 I introduced H.R. 10512 to remove from the Food, Drug, and Cosmetic Act the clauses which exempt so-called coal-tar hair dyes from regulation. This legislation is important to the health of the millions of Americans who use these hair dyes.

On January 30 the National Cancer Institute released the final data summary from its experiments with 2,4-diaminoanisole (also known as 2,4 DAA and 4 MMPD). 2,4-DAA is a major ingredient in many permanent hair dye products. The NCI study states hair dyes with 2,4-DAA cause cancer in rats and mice and are a potential health risk to human users.

In light of these findings, and others by the FDA and the GAO, it behooves the Congress to take a hard look at the special treatment given hair dyes under the law.

The GAO report entitled "Coal Tar Hair Dyes; An Unregulated Hazard to Consumers (rept. HRD 78–22)," notes that 33 million Americans use hair dyes. Fully 25 million of these people use the permanent hair dyes often referred to as coal-tar hair dyes.

The risks from 2,4-DAA are not the only ones hair dye users face. It is also known benzidine derived colors are used in some of these products. Benzidine has been a known cancer causing agent since the 1930's when factory workers exposed to the chemical derived bladder cancer.

In addition the GAO found many hair dyes use colors which have been banned for use in other products. Among these are the well known F. D, and C Red No. 2, as well as Green No. 2, Violet No. 1, and Red No. 1. Due to the exemption in the law for hair dyes these dangerous colors remain in hair dye formulas.

In that hair dyes were found a potential hazard to humans and can be absorbed into the skin the FDA recommended on January 6, the following warning on hair dye labels: "Warning—Contains an ingredient that can penetrate your skin and has been determined to cause cancer in laboratory animals." Furthermore, FDA Commissioner Donald Kennedy endorsed H.R. 10512 in a letter received by my office today. A copy of the letter is reprinted below.

Mr. Speaker, several times in the past the American people have been inconvenienced by Federal regulation of unsafe consumer products. I sympathize with those who must rearrange their lifestyles or change habits due to such regulation. However this inconvenience is small when compared to the great human suffering caused by cancer.

Ever since the so-called "Delaney Committee" held its hearings in the early 1950's I have been involved in the fight to rid our environment of cancer-causing agents. It is clear carcinogens in the environment play a key role in causing this killer disease.

I urge my colleagues to join me in sup-

porting H.R. 10512, to remove the exemption for hair dyes from the law. We cannot afford blanket protection for an entire industry; the price of which may be the health of 25 million Americans.

The letter follows:

DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE,
Rockville, Md., February 14, 1978.

Hon. JAMES J. DELANEY,
House of Representatives,
Washington, D.C.

DEAR MR. DELANEY: The Food and Drug Administration fully supports your bill H.R. 10512 which would repeal the present exemptions for coal-tar hair dyes from the Federal Food, Drug, and Cosmetic Act. We are pleased that you recognize the severe limitations on our authority to protect the public from the potential risks associated with the long-term use of hair dyes.

The Agency has urged that this exemption be deleted for many years. Our attempt to limit the exemption administratively brought on a long hard judicial battle. However, the courts held that only Congress could alter the exemption. We have testified against this exemption in the Senate and most recently in the House before the Subcommittee on Oversight and Investigations of the House Interstate and Foreign Commerce Committee.

When the exemption was created in 1938, Congress believed that a required warning statement and a patch test were sufficient to protect the public health. However, recent findings by the National Cancer Institute that some chemicals in hair dyes are carcinogenic in animals have resulted in a serious reevaluation of the earlier attitude toward these chemicals on the part of many members of Congress. In view of your own long campaign against cancer we are especially pleased that you have also taken the initiative to remedy this problem. We hope that your action will stimulate other members of Congress to support your bill and resolve this longstanding controversy for the good of the public health.

Sincerely yours,

DONALD KENNEDY,
Commissioner of Food and Drugs.

CONGRESSMAN STEVE NEAL'S COMPLETE VOTING RECORD

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. NEAL. Mr. Speaker, ever since elected to the House of Representatives at the beginning of the 94th Congress, I have assembled my entire voting record and made it a matter of public record. I regard this practice as a part of my responsibility to represent the Fifth District of North Carolina in a completely open, accessible, and accountable way.

In this manner, every vote that I have cast as a Member of Congress is available to every citizen of my district. Further, the voting record is tabulated in such a way that each issue is described in language which can be easily understood by the average inquirer. The tabulation begins with the rollcall number, followed by a description of the question. This is succeeded by my own vote, either "Yes", "No", or "DNV" (did not vote). Next, in parentheses, is the vote of the North Carolina delegation, indicated in the same "Yes-No-DNV" order. Finally, the disposition of the question by the entire House of Representatives is indicated by "Passed" or "Failed", followed by the yea-nay totals.

Mr. Speaker, it seems to me that the average citizen has no reasonable way of checking the voting record of his representative. Lacking the resource material, the time, and the expertise required to wade through the CONGRESSIONAL RECORD or other publications, one is left to the so-called voting ratings, or to the Member's response to questions about individual votes. I have found that the citizens of my district appreciate the availability of my voting record in this simple format, and although it would appear to be voluminous, it is in fact a fantastic time saver to anyone who desires to examine all or any part of the record.

The following tabulation includes all rollcall votes taken during the first session of the 95th Congress:

VOTING RECORD

(2) Election of the Speaker of the House. O'Neill, 290; Rhodes, 142. Neal voted O'Neill. N.C. Delegation: O'Neill, 9; Rhodes, 2.

(3) To bar amendments to Rules of the House for 95th Congress. Yes. (9–2) Passed, 261–140.

(4) Rules of the House for 95th Congress. Yes (8–2). Passed, 256–142.

(9) Authorize the President to establish a 90-day emergency natural gas program. Yes (11–0). Passed, 367–52.

(10) Approve journal of Feb. 1 proceedings. Yes (10–1). Passed, 413–2.

(11) Emergency Natural Gas Act: 90-day emergency allocation program; 180-day emergency purchase program; delete ceiling price on gas purchased from intrastate suppliers for interstate markets. Yes (11–0). Passed, 336–82.

(12) To adopt rule on resolution to create a Select Committee on Assassinations. Yes (9–2). Passed, 265–145.

(13) To eliminate language defining scope of investigation of Select Committee on Assassinations. No (4–7). Failed, 165–237.

(14) To reestablish until March 31, 1977, the Select Committee on Assassinations. Yes (9–2). Passed, 237–164.

(15) To approve journal of Feb. 2 proceedings. DNV (6–0–5). Passed, 329–3.

(16) Emergency appropriation ($6.4 million) for Department of Interior's Southwestern Power Administration. DNV (5–0–6). Passed, 341–5.

(17) To approve fishing agreements between U.S. and Bulgaria, Romania, East Germany, Poland, the Soviet Union, and the Republic of China. Yes (9–1–1). Passed, 353–35.

(18) To approve journal of Feb. 9 proceedings. Yes (9–0–2). Passed, 364–3.

(19) To direct Committee on Standards of Official Conduct to conduct an inquiry to determine whether Members of the House, their immediate families or their associates have accepted anything of value from the South Korean government or its representatives. Yes (10–0–1). Passed, 388–0.

(20) To raise ceiling on Small Business Administration loans and investments in FY 1977 from $6 billion to $8 billion. Yes (9–0–2). Passed, 381–0.

(22) To adjourn from Feb. 17 to Feb. 21. No (2–8–1). Failed, 109–224).

(23) Reduced air fares for the handicapped and the elderly. Yes (9–0–2). Passed, 403–0.

(24) To authorize medal to Marian Anderson in recognition of her distinguished career. Yes (9–0–2). Passed, 398–4.

(25) Budget Resolution: To adjust revenue and spending levels downward, assuming permanent tax cuts instead of expenditures for job programs. No (1–8–2). Failed, 148–258.

(26) Budget Resolution: Set spending ceiling and revenue floor for FY 1977. (Spending, $419.1 billion; revenue, $348.8 billion). No (4–5–2). Passed, 239–169.

(27) To adopt rule on public jobs bill (Local Public Works Capital Development and Investment Act of 1977). DNV (7–0–4). Passed, 384–5.

(28) To require that 65 per cent of funds for public works projects go to states based on number of unemployed in the state, and that 35 per cent of funds be set aside for states with unemployment rates in excess of 6.5 per cent. No (0–7–4) Failed, 187–201.

(29) To base public works funds allocation on number of unemployed in state in relation to national rate. Yes (7–0–4). Passed, 229–158.

(30) To make $6 billion available for public works projects on which construction could begin within 90 days. Yes (6–1–4). Passed 295–85.

(31) To extend arrest and police authority of fish and wildlife enforcement officials. Yes. (8–2–1). Failed, 206–136. (Two-thirds required).

(33) To approve fishing agreements between U.S. and Spain, Japan, South Korea, and European Economic Community. Yes (10–0–1). Passed, 377–18.

(34) Depository Institutions Amendments of 1977 on interest rate regulation, federal credit unions, Federal Reserve Banks. Yes (10–0–1). Passed, 401–4.

(36) To close debate on H. Res. 287, a new code of financial ethics for the House of Representatives. Yes (9–2). Passed, 267–153.

(37) To remove provision of ethics bill abolishing unofficial office acounts and, instead, increase official expense allowance. No (3–8). Failed, 187–235.

(38) To remove ethics code restriction on Members' outside income. No (0–10–1). Failed, 79–344.

(39) Code of financial ethics, strengthening financial disclosure requirements, prohibit unofficial office accounts and lame duck travel, and restrict franking privilege and outside earned income. Yes (10–0–1). Passed, 402–22.

(41) To provide $200 million authority for disaster relief activities made necessary by severe weather in eastern U.S. Yes (11–0). Passed, 411–4.

(42) To restore $81.6 million to budget for long lead time funds for Nimitz-class nuclear aircraft carrier. No (3–8). Failed, 161–252.

(43) To restore to budget $371 million for converting U.S.S. Long Beach nuclear cruiser to anti-aircraft cruiser. No (1–10). Failed, 137–269.

(44) Conference report (House-Senate compromise) on Third Budget Resolution calling for spending ceiling of $417.4 billion, revenue floor of $347.7 billion. No (4–7). Passed, 226–173.

(46) To consider (adopt rule) on Kennedy Center Act Amendments. Yes (10–0–1). Passed, 292–22.

(47) To reduce funds for Kennedy Center repairs from $4.7 million to $3.3 million. Yes (3–6–2). Failed, 101–213.

(48) Kennedy Center repairs. Yes (10–0–1). Passed, 239–78.

(50) To reestablish committee to study need for sports legislation. No (0–10–1). Failed, 75–271.

(51) To accept resignation of Rep. Henry B. Gonzalez as chairman of Select Committee on Assassinations. Yes (10–0–1). Passed, 296–100.

(52) To close debate on Tax Reduction and Simplification Act. Yes (6–4–1). Passed, 208–181.

(53) To phase out $50 rebates for persons earning more than $25,000 per year; to provide $50 payment to recipients of social se-

curity and veterans benefits. Yes (8–2–1). Passed, 312–103.

(54) Tax Act: To provide flat standard deduction of $2,400 for single persons and $3,000 for married couples. Yes (10–0–1). Passed, 386–29.

(55) To provide tax credit of 40 per cent on the first $4,200 of wages paid a new employee who represents actual increase in employer's payroll. Yes (8–2–1). Passed, 341–74.

(56) Tax Act: To substitute permanent tax cut in seven lowest brackets for $50 tax rebates. Yes (8–2–1). Failed, 194–219.

(57) Tax Act: Final passage providing $12.7 billion in tax cuts and payments in 1977, change standard deductions, etc. Yes (7–4). Passed, 282–131.

(59) To end debate on resolution establishing Select Committee on Ethics. Yes (8–3). Passed, 242–175.

(60) To establish Select Committee on Ethics to issue interpretive regulations for new code of financial ethics. Yes (10–0–1). Passed, 410–1.

(61) To recommit Judiciary Committee funding and earmark $300,000 to investigate subversive activities. No (7–4). Failed, 159–249.

(62) To consider Supplemental Housing Auth. Act. Yes (11–0). Passed, 411–0.

(63) Supplemental Housing: to increase Section 8 contract term from 20 to 30 years. Yes (11–0). Passed, 323–87.

(64) Supplemental Housing: Equal number of men and women on the National Commission on Neighborhoods: Yes (9–2). Passed, 249–157.

(65) Supplemental Housing: To eliminate provision creating Commission on Neighborhoods. Yes (9–2). Passed, 243–166.

(66) Supplemental Housing: Additional authority of $378 million for Section 8; $19.6 million for public housing; $10 million for urban homesteading. Yes (11–0). Passed, 380–30.

(67) To raise overall loan limit of Small Business Administration. DNV (9–0–2). Passed, 355–1.

(68) To prohibit importation of chrome from any nation which violates the human rights provisions of U.N. charter, DNV (3–6–2). Failed, 153–246.

(69) To delay for 30 days effective date of Rhodesian Chrome bill. DNV (3–6–2). Failed, 160–236.

(70) To allow prohibition on importation of Rhodesian Chrome DNV (6–3–2). Passed, 250–146.

(72) To allow and evaluate 90–day test televising of House proceedings. DNV (9–0–2). Passed, 398–10.

(73) To consider (adopt rule) on Economic Stimulus Appropriations. DNV (9–0–2). Passed, 333–71.

(74) To reduce countercyclical aid from $632.5 million to $250 million. DNV (8–0–3). Failed, 183–225.

(75) To prohibit public works funds for projects unless at least 10 per cent of those employed had lived in area 30 days and been unemployed for at least 30 days. DNV (3–6–2). Failed, 165–245.

(76) Economic Stimulus Appropriations: $23.3 billion. DNV (4–5–2). Passed, 281–126.

(77) To consider (adopt rule) on Supplemental Appropriations for FY 1977. DNV (7–1–3). Passed, 331–58.

(78) Supplemental Appropriations: $200 million for emergency assistance to low-income families to help with fuel bills. DNV (2–7–2). Passed, 233–170.

(79) Supplemental Appropriations: To bar use of funds for salaries and expenses in connection with military pardon program. DNV (8–1–2). Passed, 220–187.

(80) Supplemental Appropriations: To delete International Development Association funds. DNV (7–2–2). Failed, 171–234.

(81) Supplemental Appropriations: $27.92 billion for various departments and programs. DNV (6–3–2). Passed, 306–98.

(82) To consider (adopt rule) on National Aeronautics and Space Administration (NASA) Authorization Act. DNV (10–0–1). Passed, 389–0.

(83) To authorize $4.05 billion for NASA, FY 1978. DNV (9–0–2). Passed, 338–44.

(84) To authorize $275 million for expanding public library services (two years). Yes (9–0–2). Passed, 368–1.

(85) Unemployment Extension: To bar amendments to the rule. Yes (6–4–1). Passed, 213–164.

(86) To consider (adopt rule) on Emergency Unemployment Compensation Extension Act. Yes (7–3–1). Passed, 236–141.

(87) To extend Federal Supplemental Benefits (Unemployment Act) and reduce by one-half maximum number of FSB weeks. Yes (9–1–1). Passed, 327–63.

(89) To amend Vocational Education Technical Amendments to remove $25 million limit on federal funds for state administration and no limit on local administration of vocational education programs. Yes (11–0). Passed, 396–1.

(90) Resolution protesting the lack of freedom of emigration from the Soviet Union. Yes (11–0). Passed, 400–2.

(92) To consider (adopt rule) on Common Situs Picketing. No (2–8–1). Passed, 297–112.

(93) Common Situs: To limit right to picket a common site to employees of persons "primarily engaged in the construction industry on the site." Yes (10–1). Passed, 212–209.

(94) Common Situs: To exempt employers using "fast-track" or phased method of construction. Yes (11–0). Failed, 181–241.

(95) Common Situs: To exempt certain residential builders. Yes (11–0). Passed, 252–167.

(96) Common Situs: To require strike be approved by a majority of all workers affected, including union and non-union. Yes (7–4). Failed, 115–304.

(97) Common Situs: Sarasin Substitute (similar to original bill). No (2–9). Passed, 246–177.

(98) Common Situs: Final passage, to permit picketing of an entire construction site even if the dispute was with one employer on the site. No (0–11). Failed, 205–217.

(99) To approve journal of March 23. Yes (11–0). Passed, 386–3.

(100) To authorize $85 million for Federal Aviation Administration. Yes (11–0). Passed, 402–6.

(101) To authorize $868 million for National Science Foundation. Yes (10–1). Passed, 378–29.

(102) To authorize $89.7 million supplemental funds for State Department activities. No (6–5). Passed, 292–114.

(104) To create Select Committee on Congressional Operations. Yes (6–4–1). Passed, 211–147.

(106) To provide that governmental reorganization plans become effective only if both House and Senate approve the plan. No (0–10–1). Failed, 87–329.

(107) To renew for three years the President's authority to submit reorganization plans to Congress, to become effective within 60 days unless rejected by either house. Yes (11–0). Passed, 395–22.

(109) To consider (adopt rule) bill to continue the Select Committee on Assassinations Yes (7–3–1). Passed, 285–124.

(110) To withdraw authority given Assassinations Committee to bring, defend, or intervene in lawsuits. Yes (9–2). Passed, 223–195.

(111) To go into secret session to continue consideration of Assassinations Committee resolution. No (6–5). Failed, 185–226.

(112) Final passage, to continue Select Committee on Assassinations. Yes (4–7). Passed, 230–181.

(113) To approve section of H. Res. 393 authorizing additional funds for House leadership offices. No (6–5). Passed, 276–128.

(114) To authorize additional funds and personnel for House majority and minority leadership offices. Yes (9–2). Passed, 276–122.

(115) Strategic and Critical Materials Stockpiling Act Amendments. Yes (10–0–1). Passed, 373–24.

(116) To extend for one year authorizations for national cancer program; heart, blood vessel, lung and blood program, etc. Yes (11–0). Passed, 385–4.

(117) To increase authorization for home health services demonstration and training programs. Yes (9–1–1). Passed, 322–69.

(118) To extend for one year authorizations for grants to states for maternal and child health and crippled children services, etc. Yes (11–0). Passed, 376–4.

(119) To restore to VA authorization to provide medical services on a fee basis to certain veterans outside VA facilities. Yes (10–0–1). Passed, 402–0.

(120) To authorize $30 million (two years) for VA grants to states to construct veterans homes and nursing homes. Yes (10–0–1). Passed, 399–0.

(121) To change effective date of sick pay exclusion to Jan. 1, 1977, for taxpayers who wish to claim old sick pay exclusion. Yes (10–0–1). Passed, 404–0.

(122) To adopt conference report on extending Federal Supplemental Benefits Program through Mar. 31, 1978, and reduce number of FSB weeks from 26 to 13. Yes (10–0–1). Passed, 406–2.

(123) To consider (adopt rule) on Debt Collection Practices Act. Yes (10–0–1). Passed, 347–44.

(124) To amend Consumer Credit Protection Act to regulate debt collectors' activities, including a prohibition on harassing and intimidating consumers and making false or misleading representations. Yes (1–10). Passed, 199–198.

(125) To authorize $20 million for earthquake disaster relief activities in Romania. Yes (7–4). Passed, 322–90.

(126) To authorize grants to states to help local and state educational agencies provide career education programs in elementary and secondary schools. Yes (11–0). Passed, 398–14.

(127) To protect petroleum franchisees from cancellation. Yes (11–0). Passed, 404–3.

(128) To consider (adopt rule) on Federal Water Pollution Control Act Amendments. Yes (11–0). Passed, 348–60.

(129) To authorize $18.2 billion (three years) for municipal wastewater treatment works. Yes (11–0). Passed, 361–43.

(130) To approve journal of April 5 proceedings. Yes (9–1–1). Passed, 373–8.

(131) To consider (adopt rule) on Increased U.S. Participation in International Banking Agencies. Yes (10–0–1). Passed, 366–15.

(132) To require U.S. opposition to international banking loans for production of palm oil, citrus and sugar. Yes (11–0). Passed, 218–145.

(133) To provide withdrawal of U.S. funds from international banking agencies if the agencies provided financial aid to Cuba, Vietnam, Laos or Cambodia. No (8–3). Failed, 165–189.

(134) To increase to $5.2 billion (four years) U.S. participation in several international development lending institutions. No (2–9). Passed, 194–156.

(135) To permit tax deductible business use of residence for day care services. Yes (9–0–2). Passed, 320–1.

(136) To approve journal of April 18 proceedings. Yes (10–0–1). Passed, 367–4.

(137) To amend Federal Rules of Criminal Procedure, changing language relating to secrecy of grand jury proceedings, cases tried by juries of less than 12 persons, and cases tried without a jury. Yes (10–0–1). Passed, 376–3.

(138) To authorize $288 million for research, development and demonstration

projects of Environmental Protection Agency. Yes (11–0). Passed, 358–31.

(139) To consider (adopt rule) on Export Administration Act Amendments. Yes (10–0–1). Passed, 399–2.

(140) To extend Export Administration Act through FY 1979. Yes (10–0–1). Passed, 364–43.

(142) To adopt conference report on FY 1977 supplemental appropriations of $29 billion. No (5–6). Passed, 264–142.

(143) Supplemental appropriations: $12.5 million for Uniformed Services University of the Health Sciences (trains doctors for the armed services). Yes (8–3). Passed, 250–162.

(144) Supplemental appropriations: $20 million to reimburse local governments for snow removal costs in emergency areas. No (2–9). Failed, 124–279.

(145) To approve journal of April 21 proceedings. DNV (9–0–2). Passed, 326–8.

(146) Defense: To prohibit procurement of Airborne Warning and Control System aircraft. No (0–10–1). Failed, 135–222.

(147) To allow Treasury Department to earn interest on its idle tax and loan accounts by investing in interest-bearing securities. Yes (11–0). Passed, 384–0.

(148) Defense: To deactivate 17,000 troops stationed overseas and reduce total force by 50,000. No (0–11). Failed, 88–301.

(149) Defense: To place all future enlistees under congressional retirement plan. Yes (7–4). Failed, 148–247.

(150) Defense: To prohibit use of funds to advertise the review program for less-than-honorable discharges. Yes (10–0–1). Passed, 291–96.

(151) Defense: To authorize $35.9 billion for military procurement, research and development; to set active duty troop level at 2,090,425. Yes (11–0). Passed, 347–43.

(152) To consider (adopt rule) First FY 1978 Budget Resolution. Yes (11–0). Passed, 400–1.

(153) Budget Resolution: To increase revenue target by $900 million (Third 1977 Budget Resolution), by assuming deletion of business tax credits contained in Tax Reduction Act of 1977. No (0–11). Failed, 109–302.

(154) Budget Resolution: To reduce targets for budget authority and outlays by $7 million by assuming deletion of funds for recent pay raise for Members of Congress. (Cancel cost-of-living raise). Yes (6–4–1). Passed, 236–179.

(155) To resolve into committee of the whole House to consider First Budget Resolution. Yes (11–0). Passed 409–0.

(156) Budget Resolution: To transfer $7.95 billion from defense spending to reduce the national debt. No (0–10–1). Failed, 64–344.

(157) Budget Resolution: To increase target for budget authority for defense by $4.15 billion and target for defense outlays by $2.3 billion. Yes (10–0–1). Passed, 225–184.

(158) Budget Resolution: To affirm previous vote to increase defense targets. Yes (10–0–1). Passed, 218–185.

(159) Budget Resolution: To transfer $6.5 billion from military spending into spending for domestic programs. No (0–10–1). Failed, 102–306.

(160) Budget Resolution: To increase budget authority by $249 million for Law Enforcement Assistance Administration. Yes (6–4–1). Passed, 224–179.

(161) Budget Resolution: To increase budget authority and outlays by $500 million in veterans' benefits and services. Yes (10–0–1). Passed, 329–73.

(162) Budget Resolution: to reduce authority and outlays in natural resources by $100 million with the intention of striking funds for water projects. Yes (3–7–1). Failed, 143–252.

(163) Budget Resolution: To reduce outlays by $23 billion; deficit by $18 billion; assume permanent 10 percent across-the-board tax cut for individuals. Yes (3–7–1). Failed, 150–250.

(164) Budget Resolution: to reduce outlays target by $55 billion; increase revenue targets by $11 billion; install 10 percent tax cut. No (3–7–1). Failed, 131–271.

(165) Budget Resolution: Final passage, to set new budget at $505.7 billion; outlays at 466.7 billion; revenues at $398.1 billion; deficit at $69.6 billion. No (1–9–1). Failed, 84–320.

(166) To approve journal of April 27 proceedings. Yes (5–0–6). Passed, 329–13.

(167) To approve conference report, $318 million supplemental appropriation for Section 8 housing. Yes (10–1). Passed, 355–47.

(168) Funding ($2.5 million) for Assassinations Committee. Yes (3–7–1). Passed, 213–192.

(169) To consider (adopt rule) on strip mining bill. Yes (11–0). Passed, 340–58.

(170) To resolve into committee of the whole. DNV (7–0–4). Passed, 309–1.

(171) To ban strip mining in Western alluvial valleys. Yes (1–7–3). Passed, 170–149.

(172) To require $300 million from Outer Continental Shelf oil leasing be diverted to pay for abandoned strip mine reclamation. No (1–9–1). Failed, 86–226.

(173) Motion to recommit Surface Mining Control and Reclamation Act. No (3–7–1). Failed, 83–228.

(174) Passage of strip mining bill. Yes (10–0–1). Passed, 241–64.

(175) Appropriations for U.S. territories. Yes (11–0). Passed, 379–3.

(176) To authorize $31.1 million for San Luis reclamation project. Yes (11–0). Passed, 377–14.

(177) To authorize $1.6 billion for Energy Research and Development Administration. Yes (10–0–1). Passed, 360–30.

(178) Veterans Administration Medical Facilities Acquisition Act, requiring tighter congressional oversight. Yes (9–1–1). Passed, 373–19.

(179) To permit state legislators to deduct away-from-home expenses in connection with legislative duties in 1976–77. Yes (10–0–1). Passed, 372–6.

(180) To extend Defense Production Act for two years. Yes (10–0–1). Passed, 385–8.

(181) To provide $440,000 for expenses of Select Committee on Congressional Operations. Yes (8–2–1). Passed, 262–131.

(182) To extend Export-Import Bank authority to coincide with new fiscal year; require consideration of human rights in authorizing loans; congressional review of nuclear-related loans (introduced by Neal). Yes (11–0). Passed, 281–126.

(183) To strike language from Public Works Employment Act which would require spending money previously allocated for water resources projects. Yes (4–7). Failed, 108–302.

(184) Final passage, Public Works Employment Act (jobs bill). Yes (9–2). Passed, 335–77.

(185) To consider (adopt rule) on U.S. Railway Association Authorization for FY 1978. Yes (11–0). Passed, 409–0.

(186) To require feasibility reports on verifying arms control agreements. Yes (7–3–1). Passed, 259–148.

(187) To authorize $14.6 million for Arms Control and Disarmament Agency. Yes (11–0). Passed, 395–15.

(188) To authorize $13 million for administrative expenses of U.S. Railway Assn. Yes (11–0). Passed, 358–50.

(189) To adopt rule on Foreign Relations Authorizations. Yes (9–2). Passed 391–23.

(190) To provide $20.1 billion budget authority for economic stimulus package. No (7–4). Passed, 326–87.

(191) To reduce authorization for U.N. Ambassador's office. No (0–11). Failed, 91–318.

(192) To reduce U.S. contribution to United Nations. No (2–8–1). Failed. 149–257.

(193) To change language of Foreign Relations Authorization to require that any new Panama Canal treaty must "protect the vital interests of the United States," instead of "prohibiting use of funds for negotiations to surrender or relinquish the Panama Canal." No (2–9). Passed, 220–182.

(194) To prohibit use of foreign relations funds to negotiate any aid for Vietnam. Yes (10–0–1). Passed, 236–131.

(195) $1.68 billion for foreign relations operations. State Department, etc. DNV (8–2–1). Passed, 285–111.

(197) Budget Resolution: To increase defense spending targets by $8 billion in authorizations, $2 billion in outlays. No (5–6). Failed, 176–233.

(198) Budget Resolution: To increase defense authorizations by $2 billion, outlays by $1 billion. No (5–6). Failed, 184–223.

(199) Budget Resolution: To increase defense authorizations by $1 billion, outlays by $1 billion. No (5–6). Failed, 190–214.

(200) Budget Resolution: To reduce defense authorizations $1.15 billion and outlays target by $300 million. No (0–11). Failed, 88–315.

(201) Budget Resolution: To increase authority and outlays for veterans' benefits by $175 million, with intention to provide new pension for World War I veterans. Yes (10–1). Passed, 282–100.

(202) Budget Resolution: To increase defense spending targets $3 billion and outlays $2 billion; decrease budget authority and outlays targets for interest on national debt by $2.1 billion; and increase revenue target $3.3 billion. No (0–11). Failed, 85–306.

(203) Budget Resolution: To reduce outlays by $24 billion and the deficit by $21 billions and give across-the-board 10% tax reduction for individuals. Yes (3–8). Failed, 150–240.

(204) Budget Resolution: Final passage, setting spending limit at $464.5 billion. Yes (7–4). Passed, 213–179.

(205) To consider (adopt rule) on Housing and Community Development Act Amendments. DNV (8–0–3). Passed, 280–4.

(206) To establish Eleanor Roosevelt National Historical Site at Hyde Park, N.Y. Yes (10–0–1). Passed, 337–43.

(207) To authorize $1.1 billion through 1982 for programs under Education of the Handicapped Act. Yes (10–0–1). Passed, 376–2.

(208) To extend deadline for Civil Rights Commission report on age discrimination. Yes (10–0–1). Passed, 379–0.

(209) Higher Education Technical Amendments. Yes (10–0–1). Passed, 382–1.

(210) To authorize funds and continue appointment of counsel to represent the House and its Commerce Committee in court case, U.S. versus AT&T. Yes (5–5–1). Passed, 246–143.

(211) To recommit resolution dismissing the election of Rep. Gammage. No (2–7–2). Failed, 126–260.

(212) To dismiss the election contest against Rep. Mikva. Yes (6–2–3). Passed, 272–107.

(213) To dismiss the election contest against Rep. Pursell. Yes (9–0–2). Passed, 371–8.

(214) To approve journal of May 9. Yes (11–0). Passed, 381–12.

(215) To prohibit Alaskan pipeline oil from being exported for two years. Yes (11–0). Passed, 240–166.

(216) To increase authorization and extend Tinicum National Environmental Center. Yes (11–0). Passed, 374–32.

(217) To authorize U.S. contribution to International Commission for Conservation of Atlantic Tunas. Yes (11–0). Passed, 407–2.

(218) To authorize $13.5 million for Commercial Fisheries Development Act for FY 1978–80. Yes (11–0). Passed, 402–9.

(219) To strike dual formula for allocating Community Development Block Grants. Yes (11–0). Failed, 149–261.

(220) To approve journal of May 10. Yes (10–0–1) present). Passed, 386–12.

(221) To require 25% of Urban Development Grant funds go to communities under 50,000 population. Yes (11–0). Passed, 279–129.

(222) To delete sanctions against communities which refuse to participate in flood insurance programs (Housing and Community Development Act). No (8–2–1). Passed, 220–169.

(223) Final passage, reauthorizing for three years the Housing and Community Development block grants. Yes (9–0–2). Passed, 369–20.

(224) To adopt rule (consider) International Development and Food Assistance Act. Yes (10–0–1). Passed, 380–14.

(225) To reduce U.S. funds by $25.8 million to international development agencies. Yes (9–2). Passed, 233–171.

(226) To remove tobacco as an agricultural commodity eligible for export financing under P.L. 480 program. No (0–11). Passed, 229–178.

(227) To prohibit aid to Vietnam and Cuba under P.L. 480 program. Yes (11–0). Passed, 288–119.

(228) To authorize $1.68 billion for international development and international disaster assistance. No (1–10). Passed, 252–158.

(229) To consider (adopt rule) on Intergovernmental Antirecession Assistance Act. Yes (11–0). Passed, 390–3.

(230) To resolve into Committee of the Whole. DNV (7–0–4). Passed, 322–0.

(231) To base countercyclical fund on state and local effort, instead of unemployment rates. Yes (7–2–2). Failed, 127–216.

(232) To extend countercyclical aid program and revise formula. No (2–7–2). Passed, 243–94.

(233) To authorize $560,000 for National Committee on Atmosphere and Oceans. Yes (11–0). Passed, 387–6.

(234) To extend funding authority for Seal Beach National Wildlife Refuge. Yes (11–0). Passed, 384–4.

(235) To increase authorization for Canal Zone Biological Area. No (5–6). Passed, 245–141.

(236) To extend voluntary insurance program of Fisherman's Protective Act. No (7–4). Passed, 239–151.

(237) To adopt conference report, Tax Reduction and Simplification Act, providing tax cuts in FY 1977, 1978 and 1979. Yes (11–0). Passed, 383–2.

(238) To add Intergovernmental Antirecession Assistance Act to the tax bill. No (2–9). Passed 252–134.

(240) Final passage, to create a Young Adult Conservation Corps and other youth employment measures. Yes (9–2). Passed, 334–61.

(241) To extend and fund Drug Enforcement Administration. Yes (11–0). Passed, 393–1.

(242) To authorize $67 million for Securities and Exchange Commission. Yes (11–0). Passed, 375–22.

(243) To authorize $10 million for water resources planning and management. Yes (11–0). Passed, 397–2.

(244) To authorize $5.9 million for U.S. Water Resources Council. Yes (9–1–1). Passed, 390–6.

(245) To authorize continued funding for 18 river basin projects. No (6–5). Passed, 310–89.

(246) To authorize survey of Medicine Bow National Forest. No (8–3). Passed, 371–26.

(247) To allow Secretary of Transportation to provide aviation insurance to cover losses from riots, civil disorders, hijackings and similar acts. Yes (11–0). Passed, 388–8.

(248) To authorize "such sums as necessary" for the administration of federal disaster programs in fiscal year 1978. Yes (11–0). Passed, 393–5.

(249) To authorize $2.5 million a year for administration of Deepwater Port Act. Yes (11–0). Passed, 387–6.

(250) To authorize feasibility study of installing solar energy equipment in House of Representatives buildings. Yes (10–1). Passed, 368–29.

(251) To authorize $225 million for fiscal year 1977 and "such sums as necessary" in 1978 to make loans and grants to drought-affected areas. Yes (11–0). Passed, 395–2.

(252) To adopt conference report, First fiscal year 1978 Budget Resolution, including an outlays target of $460.95 billion. Yes (6–5). Passed, 221–177.

(254) To consider (adopt rule) on National School Lunch and Child Nutrition Amendments. Yes (11–0). Passed, 388–10.

(255) To limit number of children in each State who could participate in summer feeding program to 200% of children ages 5–17 in families with poverty-level incomes. Yes (9–2). Failed, 180–218.

(256) To limit number in local summer feeding program to local number eligible to reduced-price meals in regular school programs. Yes (10–1). Failed, 192–216.

(257) To give local school districts choice of cash or commodities for school lunch programs. No (1–10). Failed, 138–272.

(258) Final passage, to extend the summer feeding program of School Lunch Act, revising provisions to control fraud and abuse. Yes (11–0). Passed, 393–19.

(259) To consider (adopt rule) on International Security Assistance for FY 1978. Yes (11–0). Passed, 359–48.

(260) To consider (adopt rule) on Federal Employees Political Activities Act. Yes (10–1). Passed, 348–60.

(261) To assert federal employee's right to refrain from forming, joining, or participating in any organization or group which encourages political activity. Yes (6–5). Passed, 259–144.

(262) To prohibit job referrals by Members of Congress, etc., for job applicants seeking employment with Civil Service. No (3–7–1). Failed, 153–248.

(263) To limit debate on Federal Employees Political Activities Act. No (5–6). Failed, 169–237.

(264) To prohibit federal employees from running for federal or full-time state or local offices. No (3–8). Failed, 143–266.

(265) To prohibit intimidation or coercion of federal employees by an employee organization in regard to political activity. Yes (11–0). Passed, 229–168.

(266) To delete language from Political Activities bill relating to criminal penalties for extortion. Present (4–4–3 present). Failed, 73–319.

(267) To rise from consideration of Political Activities Act. Yes (11–0). Passed, 326–84.

(268) To extend Juvenile Justice and Delinquency Prevention Act for three years. Yes (11–0). Passed, 389–5.

(270) To extend for three months the Privacy Protection Study Commission. DNV (9–0–2). Passed, 387–3.

(271) To increase bv 6% the disability compensation to veterans and for dependency and indemnity compensation to their survivors. DNV (10–0–1). Passed, 393–0.

(272) To increase disability compensation for some veterans who have suffered loss of paired extremities. DNV (10–0–1). Passed, 385–7.

(273) To extend automobile assistance allowance to disabled veterans of World War I. DNV (9–0–2). Passed, 386–11.

(274) To authorize $10.54 million for U.S. Commission on Civil Rights for FY 1978. DNV (9–0–2). Passed, 365–34.

(275) To allow closed conference meetings on Military Procurement Authorizations for FY 1978. Yes (10–1). Passed, 273–114.

(276) To delete $700,000 for military education and training programs in Argentina and prohibit arms sales to that country. Yes (1–10). Failed, 187–200.

(277) To resolve into Committee of the Whole to consider International Security Assistance. Yes (11–0). Passed 400–0.

(278) To delete $100 million for Southern Africa Special Requirements Fund (International Security). No (2–9). Failed, 204–208.

(279) To delete requirements of "majority-ruled" for receiving funds from Southern Africa Special Requirements Fund. Yes (7–3–1). Passed, 238–173.

(280) To reduce authorized ceiling for FY 1978 military sales by $102.8 million. Yes (2–9). Failed, 139–260.

(281) To recommit International Security Assistance bill with instructions to permit the President to lift arms embargo against Turkey. No (4–6–1). Failed, 150–256.

(282) International Security: To authorize $3.2 billion in U.S. grant military assistance, foreign military credit sales and guarantees, and security supporting assistance. No (1–10). Passed, 242–163.

(283) To consider (adopt rule) on Clean Air Act Amendments. Yes (11–0). Passed, 383–1.

(284) To resolve into Committee of the Whole to consider Clean Air Act Amendments. DNV (8–0–3). Passed, 269–1.

(285) To permit governors to grant variances in clean air standards for stationary sources such as power plants. No (0–11). Failed, 170–237.

(286) To permit governors, after public hearings, to grant variances so new or modified sources (industries and power plants) could exceed allowable limits for sulfur oxide and particles for 5 percent of days of the year. Yes (11–0). Passed, 237–172.

(287) To postpone new compliance provisions for areas that have not attained health standards for clean air, until 60 days after EPA's required one-year study of non-attainment policy. No (3–8). Failed, 162–242.

(288) To resolve into Committee of the Whole to consider Clean Air Act Amendments. Yes (9–0–7, 1 present). Passed, 380–1.

(289) To modify auto emissions standards. Yes (7–4). Failed, 190–202.

(290) To put off standards for auto hydrocarbon emissions until 1980 and allow higher emissions of carbon monoxide and nitrogen oxides. No. (9–2). Passed, 255–139.

(291) Final passage, Clean Air Act Amendments. Yes (11–0). Passed, 326–49.

(292) Peace Corps Authorization (rule). DNV (6–0–5). Passed, 333–2.

(293) Marine Mammal Protection, porpoise quota amendment. DNV (5–3–3). Passed, 244–109.

(294) Marine Mammal, porpoise kill penalties. DNV (0–8–3). Failed, 158–194.

(295) Marine Mammal Protection, final passage. DNV (8–0–3). Passed, 334–20.

(296) Peace Corps Authorization, final passage. DNV (8–0–3). Passed, 305–43.

(297) Rule on Department of Energy. DNV (10–0–1). Passed, 345–2.

(298) To establish National Energy Board. DNV (0–9–2). Failed, 83–277.

(299) To strike authority to regulate wellhead price of natural gas. DNV (2–7–2). Passed, 236–119.

(300) To remove DOE oversight of individual leases. DNV (1–9–1). Failed, 170–180.

(301) To allow congressional veto of DOE regulations. DNV (9–1–1). Passed, 200–125.

(302) Resolve into Committee of the Whole. DNV (10–0–1). Passed, 313–0.

(303) Prohibit DOE employees from taking jobs in private regulated industry. DNV (0–10–1). Failed, 146–184.

(304) "Sunset" date of 1982 for DOE. DNV (8–2–1). Passed, 202–126.

(305) Final passage, Department of Energy. DNV (10–0–1). Passed, 310–20.

(306) To increase Federal Crop Insurance Corp. stock limit from $100 million to $150 million. Yes (11–0). Passed, 377–5.

(307) To appraise soil and water conservation resources and develop long-range policy for orderly development. Yes (11–0). Passed, 365–16.

(308) To extend Federal Energy Agency through FY 1978 and give FEA authority to require power plants to convert to coal. Yes (8–3). Passed, 272–111.

(309) To exempt Members of Congress from the taxes of states and localities other than those from which they were elected. Yes (11–0). Passed, 294–83.

(311) To repeal language in Military Construction bill relating to Davis-Bacon Act on projects to which it would not otherwise apply. No (4–7). Failed, 76–298.

(312) To authorize $3.5 billion for FY 1978 for military construction and family housing. Yes (11–0). Passed, 351–24.

(313) To resolve into Committee of the Whole to consider Federal Employees Political Activities Act. Yes (11–0). Passed, 371–26.

(314) To bar use of organization funds for political purposes, etc. No (3–8). Failed, 131–277.

(315) To clarify language pertaining to use of dues. Yes (9–2). Passed, 266–139.

(316) To eliminate all exceptions under which persons in restricted categories may participate in political campaigns. No (1–10). Failed, 56–344.

(317) To define extortion as including coercion through use of authority and the use of fear or violence. No (5–6). Failed, 190–219.

(318) To prohibit federal employees from soliciting campaign funds from fellow employees. No (2–9). Failed, 156–251.

(319) Final passage, Federal Employees Political Activities Act of 1977. Yes (8–3). Passed, 244–164.

(320) Conference report authorizing $4.7 million for Kennedy Center repairs. Yes (8–2–1). Passed, 291–90.

(321) To provide $7.52 billion budget authority for Treasury Department Postal Service, Executive Office of the President, and various independent agencies. Yes (11–0). Passed 359–45.

(322) To prohibit SST operations at New York unless SST met FAA noise standards for subsonic aircraft. No (0–11). Failed, 128–274.

(323) To provide $5.9 billion budget authority for Department of Transportation and related agencies. Yes (10–0–1). Passed, 391–11.

(324) To consider (adopt rule) on Victims of Crime Act. Yes (9–1–1). Passed, 312–79.

(325) To consider (adopt rule) on Interior Appropriations for FY 1978. DNV (9–1–1). Passed, 332–65.

(326) To increase funding for Energy Research and Development Administration. Yes (1–9–1). Failed, 145–251.

(327) Final passage, to appropriate $9.5 billion for Department of the Interior and related agencies. Yes (11–0). Passed, 395–7.

(328) To consider (adopt rule) on Legal Services Corp. Act Amendments. Yes (11–0). Passed, 352–52.

(329) To prohibit legal service attorneys from engaging in political activity or running for public office. No (8–3). Failed, 178–198.

(331) Conference report to extend Export Administration Act. Yes (10–0–1). Passed, 306–41.

(332) To prohibit use of State Department funds for U.S. diplomatic personnel assigned to Cuba or the Swiss Embassy in Cuba. No (5–5–1). Failed, 139–206.

(333) To resolve into Committee of the Whole to consider State-Justice-Commerce-Judiciary appropriations. Yes (10–0–1). Passed, 354–2.

(334) To increase LEAA authorization from $600 million to $704.5 million. No (7–3–1). Failed, 172–210.

(335) To appropriate $7.62 billion for State-Justice-Commerce-Judiciary. Yes (11–0). Passed, 353–42.

(336) To authorize $900,000 for investigation of past and prospective changes in world economy. Yes (8–3). Passed, 324–79.

(337) To make changes in Supplemental Security Income benefits, etc. Yes (9–2). Passed, 335–64.

(338) Public Works: To delete funding for 16 water projects. Yes (4–6–1). Failed, 194–218.

(339) Public works: To provide $10.2 billion in budget authority for FY 1978. Yes (8–2–1). Passed, 356–54.

(340) To consider (adopt rule) on HUD and related agencies appropriations. Yes (10–0–1). Passed, 370–20.

(342) HUD: To require 75% of new low income housing units be for elderly and handicapped. No (2–9). Failed, 183–214.

(343) HUD: To strike provision preventing Comprehensive Planning Grant funds from going to cities of over 50,000. No (1–10). Failed, 156–248.

(344) To prohibit use of VA funds to adjudicate claims or pay benefits to persons whose military discharges have been upgraded under President's Special Discharge Review program. Yes (11–0). Passed, 273–136.

(345) HUD: To reduce total budget authority by 1% for nonentitlement programs. Yes (6–4–1). Failed, 169–237.

(346) HUD: Final passage, $70.23 billion for HUD, NASA, Veterans Administration. Yes (10–0–1). Passed, 374–32.

(347) To resolve into Committee of the Whole to consider Labor-HEW appropriations. DNV (7–1–3). Passed, 342–4.

(348) Labor-HEW: To reduce funding for OSHA. Yes (10–1). Failed, 162–231.

(349) Labor-HEW: To reduce total appropriations by $563.5 million, affecting 11 health, education and elderly programs. No (2–9). Failed, 72–334.

(350) Labor-HEW: To prohibit HEW from requiring the busing of students beyond the schools nearest their homes. Yes (11–0). Passed, 225–157.

(351) To insist on human rights considerations in activities of International Banking Agencies. No (2–9). Failed, 161–200.

(352) Labor-HEW: To prohibit use of federal funds to pay for abortions. No (0–10–1). Passed, 201–155.

(353) To consider (adopt rule) on Agriculture Appropriations. Yes (11–0). Passed, 352–5.

(354) Agriculture: To prohibit use of funds for subsidy payments to sugar processors. No (1–9–1). Failed, 119–272.

(355) To direct House conferees to insist on "sunset" clause for Department of Energy. No (5–6). Passed, 228–179.

(356) Agriculture: To reduce appropriation for food stamp program by $673 million. No (3–8). Failed, 154–262.

(357) Agriculture: $12.7 billion new budget authority for agricultural, rural development, and domestic and international food programs. Yes (11–0). Passed, 380–35.

(358) Military Construction: To consider (adopt rule). Yes (11–0). Passed, 404–0.

(359) Military Construction: To provide new budget authority of $2.8 billion for military construction and family housing. Yes (11–0). Passed, 391–16.

(360) To consider (adopt rule) on Foreign Assistance Appropriations. Yes (9–1–1). Passed, 349–41.

(361) Foreign Assistance: To cut $31 million from the $120 million for the UN Development Program. No (5–5–1). Failed, 182–232.

(362) Foreign Assistance: To delete $50 million for development of Sahel region of Africa. No (8–2–1). Failed, 160–255.

(363) Foreign Assistance: To delete $100 million for the Southern African Special Requirements Fund. Yes (6–3–2). Failed, 199–209.

(364) Foreign Assistance: To prohibit use of $700,000 earmarked for training military forces in Argentina. Yes (4–6–1). passed, 223–180.

(365) Foreign Assistance: To prohibit use of funds from being used directly or through multilateral lending institutions in Uganda, Cambodia, Laos or Vietnam. Yes (10–0–1). Passed, 295–115.

(366) Foreign Assistance: To prohibit payment of repatriations to Vietnam. Yes (11–0). Passed, 359–33.

(367) Foreign Assistance: To resolve into Committee of the Whole. Yes (8–0–3). Passed, 382–5.

(369) To reduce U.S. contributions to the International Development Association by $477 million to $473 million. No (4–7). Failed, 175–233.

(370) Foreign Assistance: Motion to limit debate. No (8–3). Failed, 171–220.

(371) Foreign Assistance: To reinstate funds for military assistance for Nicaragua. No (7–4). Passed, 225–180.

(372) Foreign Assistance: To oppose international loans to expand sugar production, palm oil, or citrus crops. Yes (9–2). Passed, 209–179.

(373) Foreign Assistance: To prohibit use of funds for trade or assistance to Cuba. Yes (10–1). Passed, 274–112.

(374) Foreign Assistance: To reduce funds by 5 per cent. Yes (9–2). Passed, 214–168.

(375) Foreign Assistance: Final passage, $7 billion for foreign aid, international lending institutions, and operations of State Department. No (2–9). Passed, 208–174.

(376) Defense Appropriations: To consider (adopt rule). Yes (9–0–2). Passed, 337–1.

(378) Defense: To delete $65 million for Lance missile. No (2–9). Failed, 123–226.

(379) To resolve into Committee of Whole to consider Legal Services Corp. Act. Yes (8–0–3). Passed, 359–1.

(380) Legal Services: To reduce authorization from $238.7 million to $175 million. No (8–2–1). Failed, 158–221.

(381) Legal Services: To require Office of Management and Budget approve any budget request made by the corporation. Yes (8–1–2). Failed, 160–223.

(382) Legal Services: To prohibit corporation-funded lawyers from becoming involved in school desegregation cases. Yes (8–0–3). Passed, 208–174.

(383) Legal Services: To terminate funding for Legal Services Corp. on Sept. 30, 1979. No (6–3–2). Failed, 166–214.

(384) Legal Services: To prohibit legal services attorneys from providing legal assistance in cases involving homosexual rights. Yes (8–0–3). Passed, 230–133.

(385) Legal Services: Motion to recommit with instructions. No (7–2–2). Failed, 154–213.

(386) Legal Services Corp.: To authorize $492 million for two years. Yes (4–5–2). Passed, 267–103.

(387) To approve journal of June 27. Yes (11–0). Passed, 377–15.

(388) To deny the Oct. 1, 1977, cost-of-living adjustments to persons, including Members of Congress, who received pay raises on March 1. Yes (11–0). Passed, 397–20.

(389) Defense Appropriations: To delete $1.5 billion for the production of five B–1 bombers. Yes (2–9). Failed, 178–243.

(390) To reduce production of A–10 attack aircraft from 144 to 96 planes. No (74–4). Failed, 122–299.

(392) Legislative Appropriations: Adoption of the rule. Yes (10–1). Passed, 279–139.

(393) Legislative: To rescind March 1 pay raise for Members of Congress, the Vice President, White House staff and other executive branch officials. Yes (5–5–1). Failed, 181–241.

(394) Legislative: To provide salary expense funds for the Joint Committee on Defense Production. Yes (7–4). Failed, 172–244.

(395) Legislative: To delete $55 million for extension of the west front of the Capitol building. Yes (4–7). Failed, 204–212.

(396) Legislative Appropriations: Final passage, $928.8 million for operation of the legislative branch and related agencies and extension of the Capitol building. No (6–5). Passed, 250–161.

(397) Defense Appropriations: To resolve into Committee of the Whole. Yes (10–0–1). Passed, 399–1.

(398) Defense: To delete $26 million for development of a new engine for F–14 fighter. No. (4–7). Failed, 122–282.

(399) Defense: To delete provision to phase out civilian technicians employed by the National Guard. Yes (11–0). Passed, 288–119.

(400) Defense: To prohibit use of funds to review the status of MIAs in Southeast Asia. No (2–9). Failed, 160–246.

(401) Defense: To strike prohibition against military retirees receiving both retirement pay and salary for a federal job. Yes (9–2). Passed, 219–174.

(402) Defense Appropriations: Final passage, $110.6 billion in new budget authority and transfers from other accounts. Yes (11–0). Passed, 333–54.

(403) To designate week of Sept. 18 "National Lupus Week." Yes (7–0–4). Passed, 297–3.

(404) To authorize memorial to 56 signers of the Declaration of Independence. Yes (7–0–4). Passed, 302–3.

(405) To consider (adopt rule) Indian Claims Filing Extension. Yes (7–0–4). Passed, 299–0.

(406) Veterans: To extend eligibility for specially adapted housing grants to veterans who have lost one upper and one lower extremity. Yes (10–0–1). Passed, 403–0.

(407) Veteranss: To provide 7 per cent cost-of-living increase in VA benefits and other beneficial adjustments. Yes, (10–0–1). Passed, 403–0.

(408) To extend for two years the limit under which the Federal Government, as trustee for the Indians, may file suit for monetary damages. Yes (9–1–1). Passed, 331–69.

(409) Defense: To adopt conference report, $36.1 billion for Military Procurement and Research and Development. Yes (11–0). Passed, 350–40.

(410) To prohibit subsidies for shipment of grain to the Soviet Union in U.S. ships. No (7–4). Failed, 143–251.

(411) To authorize $553.6 million for maritime programs, including subsidies for vessel construction and operation. Yes (9–2). Passed, 355–40.

(412) To consider (adopt rule) National Consumer Cooperative Bank Act. Yes (10–1). Passed 339–55.

(413) Consumer Bank: To resolve into Committee of the Whole. Yes (8–0–3). Passed, 349–1.

(414) Consumer Bank: Substitute to establish a two-year pilot. Yes (8–3). Failed, 170–228.

(415) Consumer Bank: To terminate the Act on Dec. 31, 1982, transferring loans and contracts to another agency. No. (7–4). Passed, 203–196.

(416) Consumer Bank: To establish a National Consumer Cooperative Bank to make loans at market interest rates to consumer cooperatives. No (2–9). Passed, 199–198.

(417) To establish a permanent Select Committee on Intelligence. Yes (9–2). Passed, 227–171.

(418) To consider (adopt rule) Federal Mine Safety and Health Act. Yes (10–0–1). Passed, 359–11.

(419) To resolve into Committee of the Whole to consider Mine Safety Act. Yes (10–0–1). Passed, 298–3.

(420) Mine Safety: To keep Interior Secretary as administrator of the Act and retain safety enforcement in Interior, instead of Labor, Department. No (10–1–1). Failed, 112–227.

(421) Mine Safety: Substitute bill, transferring to Labor Department, etc. Yes (10–0–1). Failed, 151–188.

(422) Mine Safety: To permit states to administer non-coal mine health and safety programs. Yes (10–0–1). Failed, 165–169.

(423) Mine Safety: Final passage, transferring to Labor Department, combining coal and non-coal standards, setting mandatory dollar penalties for violations. No (1–9–1). Passed, 244–88.

(424) To authorize $8.1 million for Federal Election Commission. Yes (10–0–1). Passed, 383–22.

(425) To proclaim Thanksgiving week "National Family Week." Yes (11–0). Passed, 400–3.

(426) To direct Department of Commerce to determine the paperwork burden of the 1974 agricultural census and take steps to reduce it by 40 percent. Yes (11–0). Passed, 401–9.

(427) To increase salaries of director and deputy director of Office of Management and Budget. No (6–5). Passed, 253–158.

(428) To approve additional supergrade positions for Administrative Office of the U.S. Courts. No (4–7). Failed, 189–224.

(429) To authorize 100 additional hearing examiners (administrative law judges). No (9–2). Passed, 284–131.

(430) To reduce time federal employee must serve to retain life and health insurance benefits during retirement. DNV (10–0–1). Passed, 373–37.

(431) To adopt conference report, $6.2 billion in new budget authority for Department of Transportation. No (8–2–1). Passed, 397–14.

(432) To adopt conference report, $7.7 billion in new budget authority for State-Justice-Commerce-Judiciary. No (5–5–1). Passed, 326–85.

(433) Conference report, $69.5 billion in new budget authority for Department of Housing and Urban Development and independent agencies, including Veterans Administration. Yes (11–0). Passed, 379–30.

(434) To strike from HUD appropriations $20.7 million for Jupiter Orbiter Probe. Yes (8–3). Failed, 131–280.

(435) HUD: To insist on House language prohibiting use of VA funds to adjudicate claims or pay benefits to individuals receiving upgraded discharges under President's program. Yes (9–2). Passed, 251–160.

(436) Conference report authorizing $4 billion for National Aeronautics and Space Administration. Yes (10–0–1). Passed, 379–29.

(437) Conference report authorizing $3.7 billion for military construction and family housing. Yes (11–0). Passed, 370–34.

(438) Conference report establishing a Young Adult Conservation Corps. Yes (9–2). Passed 356–58.

(439) To consider (adopt rule) Agricultural Act of 1977. Yes (11–0). Passed, 367–38.

(440) To approve journal of July 19, 1977. Yes (11–0). Passed, 386–12.

(441) Conference report to authorize funds (61.9 million) for water resources research and saline water conversion. Yes (11–0). Passed, 401–1.

(442) Conference report, extending and authorizing $3.4 billion for federal health services, biomedical research, and health planning and resources development programs. Yes (11–0). Passed, 401–6.

(444) Farm: To set the payment limitation for wheat, feed grains, rice and cotton at $20,000. Yes (2–9). Failed, 183–230).

(445) Farm: To prohibit non-farm corporations from receiving payments on farm production. Yes (2–9). Failed, 199–207.

(446) Defense: To allow closed meetings on Defense Appropriations when classified information is under consideration. Yes (11–0). Passed, 376–0.

(447) Conference report authorizing $1.65 billion for international development and food assistance. No (2–9). Passed, 254–158.

(448) Conference report, authorizing $3.2 billion for international security assistance and foreign military sales. No (2–9). Passed, 262–147.

(449) Farm: To limit to $50,000 the annual payments sugar producers could receive under any farm program. Yes (2–9). Failed, 167–241.

(450) To establish a federal-state program to regulate coal surface mining and require the reclamation of mined lands. Yes (11–0). Passed, 325–68.

(451) To resolve into Committee of the Whole to consider Agricultural Act. DNV (10–0–1). Passed 352–4.

(452) Farm: Establish standards for the milk content of ice cream. Yes (11–0). Passed, 363–11.

(453) Farm: To establish a mandatory grain reserve of up to 35 million tons. Yes (2–9). Failed, 141–223.

(454) Conference report, $10.3 billion in public works and energy research appropriations. Yes (10–1). Passed, 318–61.

(455) To consider (adopt rule) Black Lung Benefits Reform Act. Yes (4–4–3). Passed, 306–83.

(456) Conference report, $990 million for activities of the Legislative Branch and related agencies. No (6–4–1). Passed, 252–152.

(457) Conference report, to recede from disagreement with Senate amendment providing $225,000 for Joint Committee on Defense Production. Yes (3–8). Failed, 160–250.

(458) Farm: To reduce peanut price supports from Agricultural Act level of $420 per ton. No (1–10). Failed, 207–210.

(459) Farm: To provide that Title I of the P.L. 480 program give priority to financing food and fiber commodities, thus restoring tobacco to the program. Yes (11–0). Passed, 260–151.

(460) Farm: Conference report appropriating $12.7 billion for agricultural, rural development, food stamp, domestic and international food programs. Yes (11–0). Passed, 377–33.

(461) To resolve into Committee of the Whole to resume consideration of Agricultural Act. Yes (11–0). Passed, 410–4.

(462) Farm: To bar use of food stamps to buy foods designated by Secretary of Agriculture as having negligible nutritional value, such as chewing gum, ice cubes, carbonated beverages, etc. No (2–9). Failed, 185–227.

(463) Farm: To limit food stamp expenditures in 1978 to $5.6 billion. Yes (5–6). Failed, 168–248.

(464) Farm: To set limit of food stamp program expenditures at $5.85 billion for FY 1978; $6.16 billion for FY 1979; $6.19 billion for FY 1980; and $6.24 billion for FY 1981. Yes (10–1). Passed, 242–173.

(465) Farm: To exempt strikers from Kelly amendment (barring food stamps for strikers) if they had households with children under age 16. No. (7–4). Failed, 152–266.

(466) Farm: To exclude strikers' households from Kelly Amendment if they contained children under 16, or disabled or elderly dependents. Yes (11–0). Failed, 190–227.

(467) Farm: To bar strikers from food stamp program unless the household was eligible before strike. Yes (11–0). Failed, 170–249.

(468) Farm: To restore to the bill the purchase requirements provisions of the current food stamp program. No (1–10). Failed, 102–317.

(469) Farm: To provide for government recovery of excess allocation of food stamps. Yes (3–7–1). Failed, 149–262.

(470) Farm: To resolve into Committee of the Whole to consider Agricultural Act. Yes (9–0–2). Passed, 386–4.

(472) Farm: To require USDA to implement any additional work/workfare projects which state agencies request. No (2–9). Failed, 159–255.

(473) Farm: To eliminate purchase requirement and tighten eligibility standards for food stamps. Yes (9–2). Passed, 320–91.

(474) Farm: To delete establishment of a wheat and wheat foods research and nutrition education program. Yes (6–5). Passed, 300–109.

(475) Farm: To add sugar beets and sugar cane to list of commodities eligible for government price supports. Yes (11–0). Passed, 246–165.

(476) Farm: To provide price supports of up to 13.5 cents a pound for sugar beets and sugar cane for 1977. No (6–5). Failed, 173–238.

(477) Farm: Motion to recommit Agricultural Act with instructions to set payment limitation of $30,000 for wheat, feed grains, rice and sugar. Yes (4–7). Failed, 201–210.

(478) Farm: Final passage, Agricultural Act extending major commodity programs for four years, etc. Yes (9–2). Passed, 294–114.

(479) To approve journal of July 28. Yes (9–0–2). Passed, 342–18.

(480) To adjourn from Aug. 5 to Sept. 7. No (8–1–2). Passed, 320–54.

(481) To establish two positions on Capitol Police Force. Yes (10–0–1). Passed, 383–2.

(482) To extend several programs of HUD, including Farmers Home Administration rural housing program. Yes (10–0–1). Passed, 383–2.

(483) To bar amendments and close debate on the rule on National Energy Act. Yes (8–3). Passed, 231–156.

(484) To consider (adopt rule) National Energy Act, permitting one day of debate. Yes (10–1). Passed, 238–148.

(485) To affirm vote on the rule, National Energy Act. Yes (9–2). Passed, 254–120.

(486) To consider (adopt rule) Fair Labor Standards Amendments. Yes (11–0). Passed, 331–44.

(487) To resolve into Committee of the Whole to consider National Energy Act. Yes (9–1–1). Passed, 365–12.

(488) To adopt rule on conference report, Department of Energy Organization Act. Yes (9–2). Passed, 294–115.

(489) Energy: Motion to recommit conference report. No (3–8). Failed, 157–257.

(490) Energy: Conference report, to establish a cabinet-level Department of Energy. Yes (10–1). Passed, 353–57.

(491) Energy: To reconcile differing versions of the utility weatherization program reported by the Commerce and Banking committees. Yes. (8–3). Passed, 217–205.

(492) Energy: To direct Department of Transportation to study the fuel savings potential of off-highway recreational vehicles and recommend efficiency standards. Yes (7–4). Passed, 212–210.

(493) Energy: To direct DOT to study energy saving potential of increased bicycle use. Yes (4–7). Passed, 252–166.

(494) Energy: To extend Davis-Bacon Act to construction work funded by grants for energy conservation in municipal buildings. No (0–11). Passed, 265–161.

(495) Energy: To authorize $65 million in grants to state and local government for implementing energy-saving maintenance. No (5–6). Passed, 317–105.

(496) Labor, HEW: Conference report, to appropriate $60.2 billion for Labor-HEW-Related Agencies. Yes (10–0). Passed, 337–82.

(497) Labor-HEW: Amendment to conference report stating that none of the bill's funds shall be used to perform abortions except where the life of the mother would be endangered, etc. No (4–7). Passed, 238–182.

(498) Energy: To resolve into Committee of the Whole. Yes (10–0–1). Passed, 404–5.

(499) Energy: To remove price controls from new on-shore natural gas as of April 30, 1978. Yes (4–7). Failed, 199–227.

(500) Energy: To delete provision extending federal antitrust jurisdiction to the siting of fossil fuel electric generating plants. No (10–1). Passed, 257–160.

(501) Energy: To delete the van pooling program for federal employees. Yes (7–4). Passed, 232–184.

(502) Energy: To resolve into Committee of the Whole. Yes (10–0–1). Passed, 378–3.

(503) Energy: To impose additional 5-cent-a-gallon gasoline tax—half going for mass transportation, half for improving bridges, roads and highways. No (0–11). Failed, 82–339.

(504) Energy: To increase gasoline tax by four cents a gallon in two stages. No (0–11). Failed, 52–370.

(505) Energy: To permit oil and gas producers to recover part of their oil equalization taxes if they invested more than 25% of gross production in exploration and production. No (3–8). Failed, 198–223.

(506) Energy: To transfer all revenue from crude oil equalization tax in 1978 to Social Security Trust Fund. No (6–5). Failed, 190–226.

(507) To provide $302,499 for investigations and studies by the permanent Select Committee on Intelligence. Yes (8–0–3). Passed, 342–10.

(508) Energy: To increase the earned income credit instead of providing rebates and tax credits for the crude oil equalization tax. No (3–8). Failed, 175–232.

(509) Energy: To delete exemptions from the oil and gas users tax that were provided for new plants which are exempt from the coal conversion program. Yes (9–2). Passed, 221–198.

(510) Energy: Anderson substitute for National Energy Act. No (1–10). Failed, 147–273.

(511) Energy: To delete the federal van pooling program. Yes (8–3). Passed, 239–180.

(512) Energy: To recommit National Energy Act with instructions to delete crude oil equalization tax. No (5–6). Failed, 203–219.

(513) Energy: Final passage, National Energy Act, providing tax credits for converting boilers to coal and weatherizing homes. It also increased the price of natural gas, set a national policy for regulating electric utilities, required efficiency labeling of appliances and cars, and set a program for fuel conservation in federal facilities. Yes (9–2). Passed, 244–177.

(516) To adopt conference report on defense appropriations ($109 billion in new budget authority). Yes (11–0) Passed, 361–36.

(518) Amendment to conference report to delete $1.4 billion to build five B–1 bombers. Yes (4–7). Passed, 202–199.

(520) Budget resolution: To reduce outlays ceiling by $52 billion and increase revenue floor by $8 billion to achieve a balanced budget. Yes (9–1–1). Failed, 169–230.

(522) Budget: To reduce revenue floor by $175 million to provide tax credit for tuition of full-time college and vocational school students. Yes (8–0–3). Passed, 311–76.

(523) Budget: To reduce budget authority ceiling by $109 million and outlays ceiling by $108 million to reduce U.S. food commodity support programs for South Korea. Yes (6–3–2). Failed, 181–205.

(524) Budget: To lower budget ceiling $144 million and outlays ceiling $110 million to reduce U.S. military and economic aid to S. Korea. No (0–9–2). Failed, 120–268.

(525) Budget: Adoption of the Second FY 1978 Budget Resolution setting outlay ceiling at $459.5 billion and a projected deficit of $61.6 billion. No (2–7–2). Passed, 199–188.

(526) To consider (adopt rule) ERDA National Security Authorization for FY 1978. Yes (9–0–2). Passed, 348–0.

(527) To consider (adopt rule) ERDA Civilian R&D Authorization for FY 1978. Yes (8–0–3). Passed, 338–14.

(528) To consider (adopt rule) Federal Banking Agency Audit Act. Yes (10–0–1). Passed, 312–47.

529) To consider (adopt rule) Age Discrimination in Employment Act Amendments. Yes (10–0–1). Passed, 362–0.

(530) To consider (adopt rule) Earthquake Hazards Reduction Act. Yes (10–0–1). Passed, 350–3.

(531) To consider (adopt rule) National Climate Program Act. Yes (11–0). Passed, 348–2.

(532) To authorize $210 million for national earthquake hazards reduction program. Yes (4–6–1). Passed, 229–125.

(533) To establish a federal National Climate Program Office to develop a climate prediction program. Yes (9–1–1). Passed, 282–60.

(535) To authorize $302 million for salaries and expenses of Nuclear Regulatory Commission. Yes (11–0). Passed, 396–2.

(536) To designate 16 areas containing 1.2 million acres in western U.S. for inclusion in the National Wilderness Preservation System. Yes (11–0). Passed, 380–18.

(537) To require VA to review any discharge upgraded under President's Special Discharge Review Program before extending benefits to the veteran. Yes (11–0). Passed, 321–75.

(538) To increase educational assistance allowances for all veterans' educational programs by 6.6 per cent. Yes (11–0). Passed, 397–0.

(539) To authorize special incentive pay for VA physicians and dentists. Yes (11–0). Passed, 397–1.

(540) To repeal requirement that VA make random inspections of mobile homes purchased with VA loans. Yes (11–0). Passed, 394–1.

(541) To increase liability of persons who cause oil spills and establish $200 million fund to pay for clean-up and damages caused by oil pollution. Yes (8–3). Passed, 332–59.

(542) To authorize cost-of-living increases under the Retired Servicemen's Family Protection Plan. Yes (11–0). Passed, 391–0.

(545) To adopt conference report on Second FY Budget Resolution setting an outlay ceiling of $458.3 billion and projecting a deficit of $61.3 billion. No. (4–7). Passed, 215–187.

(546) Minimum Wage: to Delete indexing minimum wage to the average production worker's wage. Yes (11–0). Passed, 223–193.

(547) Minimum Wage: To establish Minimum Wage Study Commission to study the effects of increases in minimum wage, the indexing procedure, youth subminimum wage, etc. Yes (5–6). Passed, 301–118.

(548) Minimum Wage: To reinsert into bill the indexing provision. No (0–11). Failed, 189–227.

(549) Minimum Wage: To retain 50% tip credit. Yes (11–0). Passed, 264–161.

(550) Minimum Wage: To continue exemption for seasonal, recreational and theme parks. Yes (10–1). Passed, 241–183.

(551) Minimum Wage: To allow employers to pay 85% of minimum wage to youths under 19 for first six months. Yes. (6–5). Failed, 210–211.

(552) Minimum Wage: To allow Secretary of Labor to waive minimum wage between June 1 and October 15 for children under age 12 in hand harvested agriculture, under certain protective conditions. Yes (11–0). Passed, 282–132.

(553) Minimum Wage: To increase enterprise threshold and expand definition of small businesses to include all businesses. No (0–11). Failed, 118–289.

(554) Minimum Wage: To increase enterprise coverage threshold to $500,000, but retain existing definition of small business. Yes (10–1). Passed, 221–183.

(555) Minimum Wage: Final passage, increasing minimum wage to $2.65 in 1978; $2.85 in 1979, and $3.05 in 1980. Yes (10–1). Passed, 309–96.

(557) To adopt conference report on Food and Agriculture Act, extending food stamp and Food for Peace Programs for four years, new payment limits for commodities, new target prices and loan levels, revising allotment, set-aside and disaster payments. Yes (8–2–1). Passed, 283–107.

(558) Conference report, to increase U.S. participation in International Banking Agencies. No (1–10). Failed, 153–230.

(559) To provide $323.5 million in federal payments and $1.4 billion from D.C. treasury for the District of Columbia government for FY 1978. Yes (10–1). Passed, 298–64.

(561) To permit filing for black lung benefits with Labor Department for only one year after the bill took effect. No (2–8–1). Failed, 108–268.

(562) To prohibit miners from collecting compensation on other disabilities while they are receiving total disability payments for black lung disease. No (2–8–1). Failed, 106–268.

(563) To permit mine operations to question a black lung claim based solely on x-rays by the claimant's physician. No (4–6–1). Failed, 136–242.

(564) Final passage, to establish an industry-financed Black Lung Disability Insurance Fund to pay all claims filed after June 30, 1973. Yes (8–2–1). Passed, 283–100.

(565) To consider (adopt rule) Increasing the Temporary Debt Limit. Yes (8–2–1). Passed, 284–96.

(566) To increase the debt limit to $775 billion from $700 billion. No (3–6–2). Failed, 180–201.

(567) To approve journal of Sept. 19 proceedings. Yes (10–0–1). Passed, 383–17.

(568) To increase district office space allowance from 1,500 to 2,500 square feet. Yes (3–7–1). Passed, 215–193.

(569) To cut ERDA funds for Clinch River Project from $150 million to $17 million to close out the project. Yes (4–6–1). Failed, 162–246.

(570) To cut ERDA funds for Clinch River Project to $17 million and delay project for one year. Yes (2–8–1). Failed, 129–277.

(571) To consider (adopt rule) Medicare-Medicaid Antifraud and Abuse Amendments. Yes (10–0–1). Passed, 374–6.

(572) To consider (adopt rule) Nuclear Antipoliferation Act. Yes (10–0–1). Passed, 388–0.

(573) To consider (adopt rule) Federal Insecticide, Fungicide and Rodenticide Act. Yes (10–0–1). Passed, 383–10.

(574) To resolve into Committee of the Whole House. Yes (10–0–1). Passed, 390–1.

(575) To require private industry to pay part of construction costs of Clinch River Breeder Reactor demonstration project. Yes (1–9–1). Failed, 196–206.

(576) To earmark $28 million to purchase four megawatts of solar photovoltaic equipment for the Federal Government and to provide $10 million to develop mass production techniques for photovoltaic equipment. Yes (2–8–1). Passed, 227–179.

(577) To approve journal of Sept. 21 proceedings. Yes (7–0–4). Passed, 283–6.

(579) To approve journal of Sept. 22 proceedings. Yes (8–0–3). Passed, 332–14.

(580) To authorize $6.6 billion for ERDA civilian research and development programs, including $150 million for Clinch River project. No (9–1–1). Passed, 317–47.

(581) To amend Medicare and Medicaid to establish stricter penalties for fraud and abuse, etc. Yes (10–0–1). Passed, 362–5.

(582) To raise the mandatory retirement age for private workers to 70. Yes (10–0–1). Passed, 359–4.

(583) To establish separate retirement funds for D.C. police, firefighters, teachers and judges, etc. Yes (10–0–1). Passed, 348–21.

(584) To restate the charter of George Washington University. Yes (10–0–1). Passed, 363–4.

(585) To appropriate estimated cost of water and sewer service provided by D.C. to Federal Government. Yes (11–0). Passed, 375–1.

(586) To prohibit use of any loans in D.C. Borrowing Authority for acquisition of land or beginning construction of a convention center without prior congressional approval. Yes (3–8). Failed, 187–196.

(587) To extend until October, 1979, the D.C. interim authority to borrow funds from the U.S. Treasury to finance capital improvements. Yes (9–2). Passed, 266–119.

(588) D.C. Pretrial Detention Amendments: To include armed robbery as a crime for which defendants could be denied bail and be detained pending trial. Yes (11–0). Passed, 346–43.

(589) To extend Child Abuse Prevention and Treatment Act and strengthen protective and treatment services. Yes (10–0–1). Passed, 375–12.

(590) To express the sense of Congress that the Postal Service should not reduce the frequency of mail delivery service. Yes (10–0–1). Passed, 377–9.

(592) Second on a motion to pass Black Hills Claim. Yes (11–0). Passed, 376–19.

(594) To reject Senate language on abortion (exemptions to the ban on federal funding of abortions in cases of rape, incest, where mother's life is endangered, and certified as "medically necessary"). Yes (8–3–0). Failed, 164–252.

(595) To consider (adopt rule) Status of Indochina refugees. Yes (11–0). Passed, 390–22.

(596) To increase the authorization for staff allowances of former presidents from $96,000 to $150,000 per year for 30 months following termination of funds under Presidential Transition Act. (2/3 required). No (5–6). Failed, 211–203.

(597) To allow Court of Claims to determine the merits of the Sioux claim that the U.S. took the Black Hills in violation of the Fifth amendment. No (0–11). Failed, 173–239.

(598) To direct a five-year study of nine areas in Montana for possible inclusion in the National Wilderness Preservation System. (2/3 required). Yes (8–3). Failed, 256–155.

(599) To direct GAO audits of Internal Revenue Service and the Bureau of Alcohol, Tobacco and Firearms. Yes (11–0). Passed, 402–5.

(601) To establish a 16-member Select Committee on Population to study causes and effects of changes in world population of U.S. options on global population policies. Yes (9–2). Passed, 258–147.

(602) To give Select Committee on Assassinations power to defend lawsuits and make certain applications to courts. Yes (9–2). Passed, 290–112.

(603) To consider (adopt rule) on Increasing Temporary Debt Limit. Yes (9–2). Passed, 312–96.

(604) To increase the temporary debt limit to $700 billion. No (4–7). Passed, 213–202.

(605) To establish safeguards against U.S. nuclear fuel exports being diverted and used in nuclear weapons or explosive devices. Yes (11–0). Passed, 411–0.

(607) To resolve into Committee of the Whole to consider H.R. 6566. Yes (9–0–2). Passed, 361–7.

(608) To prohibit use of any funds in Energy Research and Development Administration National Security Authorizations for production or deployment of neutron weapons. No (1–9–1). Failed, 109–297.

(609) To authorize $2.67 billion for ERDA's national security nuclear energy programs. Yes (10–0–1). Passed, 330–78.

(610) To approve recissions of $21.09 million in appropriations for foreign military credit sales and $75 million for Federal Buildings Fund. Yes (10–0–1). Passed, 403–1.

(611) To resolve into Committee of the Whole to consider H.R. 7010, Victims of Crime Act. Yes (10–0–1). Passed, 377–17.

(612) To compensate only victims of crime older than age 62. No (4–5–2). Failed, 133–253.

(613) To approve journal of Sept. 29 proceedings. Yes (9–0–2). Passed, 317–11.

(614) To reduce to 25 percent from 50 percent the amount the federal government would contribute to state programs for victims of crime. Yes (8–2–1). Passed, 216–144.

(615) To require eligible states to insure that proceeds from articles, interviews or statements by an individual formally accused or convicted of a crime be put into an escrow fund for benefit of the victim or survivors if the accused is found guilty. Yes (7–3–1). Passed, 245–113.

(616) Final passage, to provide federal assistance to state victim compensation programs and federal compensation to victims of violent crimes in federal enclaves to cover medical bills and lost wages. Yes (4–6–1). Passed, 192–173.

(617) To increase staff allowance for former presidents from $96,000 a year to $150,000. No (7–3–1). Passed, 262–95.

(619) To require president to present a plan for transferring the functions of Council on Wage and Price Stability to other federal agencies. DNV (6–4–1). Failed, 178–215.

(620) To extend Council on Wage and Price Stability for two years. DNV (10–0–1). Passed, 251–145.

(622) To adopt amended Senate bill increasing the temporary debt limit to $752 billion. No (4–7). Passed, 223–194.

(623) To close debate and bar amendments to National Labor Reform Act. Yes (9–2). Passed, 267–152.

(624) To consider (adopt rule) H.R. 8410, National Labor Reform Act. Yes (9–2). Passed, 291–128.

(625) Conference report, reauthorizing Community Block Grants, etc. Yes (10–0–1). Passed, 384–26.

(626) To resolve into Committee of the Whole to consider Labor Reform Act. Yes (10–0–1). Passed, 384–5.

(627) Labor reform: To delete provision which directed NLRB to promulgate regulations to insure that employees have equal opportunity to obtain information pertaining to unionization from organizers and employers. Yes (9–2). Failed, 168–247.

(628) Labor reform: To insure employers the right to present their side of a unionization argument whenever and wherever union representatives present their views. Yes (11–0). Passed, 408–8.

(629) Labor reform: To permit judicial review of NLRB's failure to implement or promulgate regulations within a reasonable period of time. Yes (11–0). Passed, 246–174.

(630) Labor reform: To increase time limit for holding representational elections from 15 days to 28 days. Yes (10–1). Failed, 185–229.

(631) Labor reform: To increase, under certain conditions, the time limit for representational elections from 15 days to 25 days. Yes (11–0). Passed, 418–0.

(632) Labor reform: To strike provision permitting the Labor Secretary to prohibit government contracts for three years with companies or unions that willfully violate NLRB orders. No (8–3. Failed, 111–301.

(633) Labor reform: To grant Labor Secretary authority to remove or reduce the period of time a company or union is barred from receiving federal contracts because of violations or NLRB orders. Yes (11–0). Passed, 394–8.

(634) To approve journal of Oct. 5 proceedings. Yes (10–0–1). Passed, 364–16.

(635) To consider (adopt rule) Marine Protection, Research and Sanctuaries Authorization. Yes (11–0). Passed, 388–2.

(636) To close debate, bar amendments to the rule on Navigation Development Act. No (6–4–1). Passed, 241–169.

(637) Labor reform: To delete provision which would authorize NLRB to award employees compensation for lost pay due to an employer's refusal to bargain on the first contract. Yes (5–6). Failed, 162–250.

(638) Labor reform: To recommit Labor Reform Act with instructions to change election set-aside provisions. No (2–9). Failed, 139–279.

(639) Labor reform: Final passage, National Labor Reform Act, setting limits within which elections must be held, strengthening penalties for ignoring NLRB orders or violating labor laws, and authorizing NLRB to summarily affirm Administrative Law Judge decisions in unfair labor practice cases. No (0–11). Passed, 257–163.

(641) To recommit conference report appropriating $6.8 billion for foreign economic and military assistance programs. Yes (5–6). Passed, 273–126.

(642) To table request for a conference on Fair Labor Standards Act amendments. No (2–9). Failed, 138–266.

(643) To consider (adopt rule) House Administrative Reorganization. No (2–9). Failed, 160–252.

(644) To recede from the abortion language House had adopted in the conference report on Labor-HEW Appropriations. Yes (11–0). Passed, 209–206.

(645) To add to Hyde amendment abortion language, which prohibited federal funding for abortions except when mother's life was endangered, a second exception for medical procedures necessary for prompt treatment of forced rape or incest. Yes (9–2). Passed, 263–142.

(646) To authorize $561 million for research and development of cruise missile program and $151.6 million for F–14A aircraft and parts. DNV (10–0–1). Passed, 347–37.

(648) To adopt conference report establishing stricter penalties for Medicare and Medicaid fraud. Yes (11–0). Passed, 402–5.

(649) Amendment to strike from Federal Trade Commission Amendments the section authorizing class action suits. Yes (10–0–1). Passed, 281–125.

(650) Motion to recommit FTC Amendments with instructions to provide for congressional review and veto of FTC regulations. Yes (11–0). Passed, 272–139.

(651) To authorize $133 million for FTC and make certain changes in its enforcement of rules and orders. Yes (4–7). Passed, 279–131.

(652) To authorize replacement of locks and Dam 26 on Mississippi River. Yes (11–0). Passed, 331–70.

(653) To approve Senate compromise abortion language which dropped the "medically necessary" exception. Instead, would have prohibited federal funding of abortions except in cases where the mother's life is endangered, in cases of rape or incest, and in cases where "the mother or fetus would suffer serious health damage." Yes (9–2). Failed, 163–234.

(654) To adopt conference report on Export-Import Bank Amendments (Neal bill). Yes (9–0–2). Passed, 281–62.

(655) Resolution to disapprove President Carter's proposal for reorganization of the Executive Office of the President. No (0–10–1). Failed, 20–350.

(656) To authorize General Accounting Office to audit the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and non-monetary policy functions of the Federal Reserve System. Yes (9–0–2). Passed, 336–24.

(657) To authorize $11.8 million for marine protection programs. Yes (9–0–2). Passed, 359–1.

(659) To prohibit HEW from implementing, for 18 months, the FDA's proposed ban on saccharin. Yes (11–0). Passed, 375–23.

(660) To revise law governing customs procedures and penalties for customs violations. Yes (11–0). Passed, 386–11.

(661) To make numerous clarifying, conforming, clerical and technical changes to provisions of the Tax Reform Act of 1976. Yes (9–2). Passed, 268–128.

(662) To exempt disaster payments for the 1977 wheat, feed grains, upland cotton and rice crops from the 1977 payment limitations ($20,000 per crop, $55,000 for rice). Yes (11–0). Passed, 265–127.

(664) To provide for a five-year Agriculture Department study of nine areas in Montana for possible inclusion in the National Wilderness Preservation System. Yes (10–1). Passed, 315–103.

(665) To appropriate $6.8 billion for foreign aid programs, international financial institutions, and State Department operations (conference report). No (1–10). Passed, 229–195.

(666) To allow the president to waive the prohibition of direct aid to Mozambique and Angola under certain conditions. No (1–8–2). Failed, 188–219.

(667) To strike from a House-passed bill restriction reducing aid to the Philippines. No (2–9). Failed, 160–254.

(669) To consider (adopt rule) Energy Transportation Security Act. No (8–3). Passed, 249–167.

(670) To define as "fair and reasonable rates" in Cargo Preference Bill as those no more than 50% higher than world market rates for carrying oil. Yes (9–2). Passed, 253–167.

(671) Final passage, Cargo Preference Bill, which would require that U.S.-flag ships carry 9.5% of imported oil by 1982. No (2–9). Failed, 165–257.

(672) To provide $9.1 million to build model intercultural centers at Georgetown and Tufts universities. Yes (3–8). Passed, 215–202.

(673) To delete language which would prohibit spending appropriated funds for the Clinch River Breeder Reactor project unless authorization bill was enacted. No (7–4). Passed, 252–165.

(674) To instruct conferees on Legal Services Corp. Act amendments to insist on prohibiting LSC–paid lawyers from handling cases on the desegregation of any elementary or secondary school or school system. Yes (9–2). Passed, 230–186.

(676) Minimum wage: To adopt conference report to increase minimum wage in steps to $3.35 by 1981. Yes (10–1). Passed, 236–187.

(677) To authorize $6.2 billion for civilian energy research and development programs. Yes (11–0). Passed, 336–52.

(678) To increase supplemental appropriations for Small Business Administration disaster loans by $675 million. Yes (10–1). Passed, 318–102.

(679) To end debate on adding $1.4 billion for B–1 bomber in Supplemental Appropriations bill. No (9–2). Passed, 212–187.

(680) Motion that the Committee rise from consideration of Supplemental Appropriations. Yes (3–8). Failed, 190–215.

(681) To add $1.4 billion to supplemental appropriations for production of five B–1 bombers. No (6–5). Failed, 194–204.

(682) Motion that the Committee rise from consideration of Supplemental Appropriations bill. No (4–7). Failed, 169–205.

(684) To order a second to a motion to suspend the rules and pass H.R. 7442, Utility Pole Attachments. Yes (10–0–1). Passed, 389–7.

(685) To permit expenditure of up to $30 million per year for three years to acquire more land for the Appalachian Trail. Yes (11–0). Passed, 409–12.

(686) To make it a federal offense to use children under age 16 in the production of pornographic materials, with penalties up to 10 years in prison, a $10,000 fine, or both. Yes (11–0). Passed, 420–0.

(687) To permit accredited law school libraries to serve as depositories of government publications. Yes (11–0). Passed, 397–20.

(688) To extend the effective date of several provisions of the Tax Reform Act of 1976. Yes (10–0–1). Passed, 411–5.

(689) To authorize acquiring suitable U.S. built mariner-class vessels in exchange for vessels in the National Defense Reserve Fleet that are scheduled for scrapping. Yes (11–0). Passed, 412–3.

(690) To increase from 50% to 80% the federal contribution for operating expenses of commuter rail services that have been adversely affected by the Regional Rail Organization Act. No (9–2). Passed, 308–106.

(691) To implement treaties with Mexico and Canada to permit transfer of convicted prisoners. Yes (11–0). Passed, 400–15.

(692) To instruct House conferees to agree with Senate provisions that imposed criminal penalties for the transportation, sale, or distribution of pornographic material depicting children. Yes (11–0). Passed, 358–54.

(693) To provide $7.2 billion supplemental budget authority for various departments and programs, including $4.5 billion for EPA construction grants, $1.4 billion for SBA disaster loans, and $80 million for Clinch River Breeder Reactor. No (9–2). Passed, 313–98.

(694) To authorize $253.6 million for Environmental Protection Agency research and development programs. Yes (11–0). Passed, 343–19.

(696) To consider (adopt rule) Social Security Financing Amendments. Yes (10–1). Passed, 265–153.

(697) Social security: To delete provision requiring social security coverage of federal, state, and local government employees, etc. in 1982 and instead require a study recommending by Jan. 1980 a fair plan of universal coverage. Yes (10–1). Passed, 386–38.

(698) Social security: To affirm the action taken on the previous vote. Yes (10–1). Passed, 380–39.

(699) Social security: To raise social security payroll tax rates faster than the bill required in order to permit more gradual increases in the taxable wage base. No. (9–2). Failed, 136–281.

(700) Social security: To delete provision granting the Social Security System standby authority to borrow from the federal general revenues whenever trust fund reserves drop below 25% of annual outgo. No. (8–3). Failed, 196–221.

(701) Social Security: To eliminate the minimum benefit from the social security program. No. (1–10). Failed, 131–271.

(703) Social security: To resolve into Committee of the Whole House for consideration of H.R. 9346. Yes (11–0). Passed, 405–3.

(704) Social Security: To phase out outside earnings ceiling (the maximum annual wage that a beneficiary age 65 to 72 may earn without losing any benefits) by 1982. Yes (9–2). Passed, 268–149.

(705) Social Security: Motion to recommit with instructions to mandate social security coverage for federal employees No (1–10). Failed, 57–363.

(706) Social Security: Final passage, to raise social security payroll taxes by increasing the taxable wage base for employers and employees, beginning in 1978, and increasing employer and employee tax rates, beginning in 1981. Yes (11–0). Passed, 275–146.

(707) To adopt conference report to transfer administration of coal and non-coal mining health and safety programs from Interior Department to the Labor Department. Yes. (4–7). Passed, 376–35.

(708) To adopt conference report, extending the Summer Food Program through FY

1982 and revising it in order to control fraud and abuse. Yes (11–0). Passed, 386–17.

(709) To authorize the Speaker of the House to devise and implement a system for closed circuit broadcasting of House floor proceedings to offices and committees. Yes (11–0). Passed, 342–44.

(710) To consider (adopt rule) Bankruptcy Law Revision. Yes (11–0). Passed, 358–11.

(711) To resolve into Committee of the Whole House to consider Bankruptcy Law Revision. Yes (9–0–2). Passed, 329–2.

(712) To delete provisions of Bankruptcy Law Revision which would establish an independent bankruptcy court system. Yes (11–0). Passed, 183–158.

(713) Motion that the committee rise from consideration of Bankruptcy Law Revision. No (5–6). Passed, 268–62.

(716) To make domestic raisins subject to the federal marketing order. Yes (11–0). Passed, 396–7.

(717) To extend Regulation Q through Dec. 15, 1978, set guidelines of the Federal Reserve Board to follow in determining monetary policy, etc. Yes (11–0). Passed. 395–3.

(718) To extend until April 30, 1978, Federal Reserve Bank authority to purchase U.S. obligations of up to $5 billion directly from the Treasury. Yes (11–0). Passed 388–14.

(719) To extend the Select Committee on Ethics until the end of the 95th Congress, or completion of its official business. Yes (11–0). Passed, 385–22.

(720) To express the sense of the House that the Government of Korea should extend full and unlimited cooperation to the House investigation of whether Members of the House accepted anything of value from the Korean Government or its agents. Yes (11–0). Passed, 407–0.

(721) To denounce acts by the Government of South Africa which suppress expression and violate individual human rights. Yes (11–0). Passed, 347–54.

(722) To recommit conference report on Maritime Authorization with instructions to insist that anti-rebate provisions take effect immediately instead of eight months after enactment. Yes (3–8). Failed, 166–231.

(723) To expedite EPA's registration and reregistration of pesticides. Yes (11–0). Passed, 368–21.

(725) To second motion to suspend rules and pass Congressional Salary Deferral. No. (7–4). Failed, 167–233.

(726) To uphold religious right to refrain from joining unions. Yes (11–0). Passed, 400–7.

(727) To increase the interest rates charged by Small Business Administration (SBA) from 3 percent to 5 percent on disaster loans between $40,000 and $250,000. (Two-thirds required). No (6–5). Failed, 234–170.

(728) To make employees of House Beauty Shop eligible for employee benefits. Yes (9–2). Passed, 273–131.

(729) To express the sense of the House that the president should appoint a 15-member Commission on World Hunger. Yes (11–0). Passed, 364–38.

(731) To permit the District of Columbia government to disburse the proceeds of revenue bonds to private colleges and universities in D.C. Yes (9–0–2). Passed, 403–0.

(732) To adopt conference report authorizing $2.6 billion for ERDA's nuclear weapons program. Yes (9–1–1). Passed, 336–69.

(734) To prohibit Overseas Private Investment Corp. from making any loans or guaranteeing or insuring any borrowings of the National Finance Corp. of Panama without prior congressional approval. Yes (7–4). Failed, 188–215.

(736) To rdequire that at least 50% of all Overeas Private Investment Corp. insurance, reinsurance, guarantees and financing activities go to U.S. small business. Yes (10–1). Passed, 285–111.

(738) To adopt rule on Labor-HEW Conference report. DNV (10–0–1) Passed, 361–9.

(739) To concur in Senate compromise abortion language. DNV (10–0–1). Failed, 172–193.

(740) To consider (adopt rule) Continuing Appropriations for FY 1978. DNV (9–0–2). Passed, 344–5.

(742) To approve journel of Nov. 3 proceedings. Yes (8–0–3). Passed, 184–14.

(747) To authorize $325 million (5 years)

(747) To authorize $325 million (5 years) to help state and local educational agencies provide career education programs in elementary and secondary schools. Yes (10–0–1). Passed, 372–20.

(748) To resolve into Committee of the Whole House to consider H. Res. 827, Disapproving Reorganization Plan No. 2. Yes (10–0–1). Passed, 387–2.

(749) To disapprove plan to consolidate U.S. Information Agency and Bureau of Educational and Cultural Affairs into a new International Communications Agency. No. (0–10–1). Failed, 34–357.

(751) To concur in Senate compromise abortion language. Yes (10–0–1). Failed, 183–205.

(753) To close debate and prohibit amendments on a motion to recommit Supplemental Appropriations bill to conference. Yes (8–3). Failed, 125–270.

754) To recommit Supplementali Appropriations to conference with instructions to increase funding for Amtrak to $18 million. No (0–11). Passed, 256–141.

(755) To affirm the vote on Amtrak appropriations. No (0–11). Passed, 258–138.

(756) To order the previous question, thereby closing debate and barring amendments to a motion to instruct conferees on Social Security Financing Amendments. Yes (10–1). Passed, 214–181.

(757) To instruct conferees to insist on phasing out the outside earning provisions of Social Security Financing Amendments by 1982. No (2–9). Failed, 183–209.

(759) To provide an additional $10,000 in FY 1977 for foreign travel on official business relating to the investigation of Korean-American relations. Yes (11–0). Passed, 366–2.

(761) To express sense of Congress that any national health planning guidelines should recognize and take into account the special problems of rural health care, to assure quality health care for rural residents. Yes (10–0–1). Passed. 357–0.

(762) To consider (adopt rule) Continuing Appropriations for FY 1978. Yes (10–0–1). Passed, 331–21.

(763) To further limit abortion language already voted on by requiring that rapes be forced, that incidents of rape or incest be reported promptly, for abortions to be federally funded. Yes (10–0–1). Failed, 170–200.

(764) To concur to a Senate amendment to conference report, Supplemental Appropriations, to provide $200 million for the Community Services Administration's Crisis Intervention Program. Yes (4–6–1). Passed, 182–181.

(765) To concur in a Senate amendment to rescind $462 million for production of two B–1 bombers. Yes (4–6–1). Failed, 166–191.

(767) To adopt conference report on H.R. 9418, which repealed an existing requirement that medical schools had to reserve positions in their third year classes for ratios of Americans studying in medical schools abroad. Yes (10–0–1). Passed, 344–0.

(768) To extend Legal Services Corporation for three years. Yes (5–5–1). Passed, 236–110.

(769) To conider (adopt rule) Continuing Appropriations for FY 1978. Yes (10–0–1). Passed, 251–86.

(770) To concur in Senate compromise language on abortion requiring that rape and incest be reported promptly" to qualify as exception to prohibition of federal funds for abortion. Yes (9–0–2). Failed, 171–178.

(771) To consider (adopt rule) ERDA Civilian Authorization for FY 1978. Yes (10–0–1). Passed, 329–18.

(772) To adopt conference report, authorizing $64 million for operations of the Securities and Exchange Commission. Yes (10–0–1). Passed, 348–2.

(773) To adopt conference report making it illegal for a SEC-registered corporation or other domestic concern to bribe a foreign official, etc. Yes (10–0–1). Passed, 349–0.

(774) To consider (adopt rule) Continuing Appropriations for FY 1978. DNV (9–0–2). Passed, 240–109.

(775) To amend compromise abortion language so the final version stipulated that exceptions permitted federally funded abortions only for cases where childbirth would cause a woman "severe and long-lasting" health damage "when so determined by two physicians," and for "medical procedures necessary for the victims of rape and incest, when such rape and incest have been reported promptly to a law enforcement agency or public health service." Yes (10–0–1). Passed, 181–167.

Congressman Neal missed the following votes at the end of the session because he was holding public meetings in the Fifth District. He had either paired or announced in advance his intention to vote "yes" on each of the five following rollcalls.

(776) To approve the journal of Dec. 7 proceedings. DNV (9–0–2). Passed, 284–14.

(777) To adopt rule conference report on Clean Water Act. DNV (7–0–4). Passed, 326–6.

(778) To adopt conference report on Clean Water Act, authorizing $25.7 billion, including $24.5 billion for sewage treatment construction grants for FY 1978 through 1982. DNV (9–0–2). Passed, 346–2.

(780) To adopt rule on conference report, Social Security Financing Amendments. DNV (9–0–2). Passed, 178–175.

(782) To adopt conference report, Social Security Financing Amendments. The bill raised social security payroll taxes by increasing the rates and taxable wage base for both employers and employees, beginning in 1979. It also stabilized the system's benefits structure, provided equal treatment for women, and increased the outside earnings ceiling in steps to $6,000 by 1982. DNV (6–3–2). Passed, 189–163.

ENERGY BONANZA WAITS TO BE UTILIZED

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. WEAVER. Mr. Speaker, in these days when energy or the lack thereof has become key to the American economy, it is time to look around us at some of the commonplace sources of energy that are being neglected. One such is the residue from logging operations. There is nothing exotic or high technology about it—it is lying right out there on the ground, waiting for someone to pick it up and make use of it.

An editorial of February 11, 1978, in the Eugene Register-Guard describes the magnitude of what is going to waste in the national forests. Between logging wastes and the dead or dying timber that could be salvaged, we have an energy bonanza waiting to be utilized.

The full editorial follows:

TO USE THE LEFTOVERS

A story Charley Stanton tells—and says is true—serves to underscore how little most

Washington, D.C., bureaucrats know about forest utilization problems.

"A good many years ago," Stanton relates, "when the Civilian Conservation Corps was quite active throughout the United States, the federal government sent from the East three carloads of coal to provide heat for a crew at Steamboat in the heart of the Umpqua National Forest . . ."

Editor of the Roseburg News-Review for many years, and now an editorial page columnist for that newspaper, Stanton probably has forgotten more about forest management policy problems than most people have ever heard or read. He's long been concerned about under-utilization of Oregon's forest resources and has written reams on the needs for legislation and government programs to promote remedial action.

It was in this vein that Stanton recently used the tale about federal ineptitude to introduce a column dealing with the increasing importance of wood as a fuel and as a raw material for the production of many products other than lumber and plywood. Among other things, he pointed out that the need for slash fires, such as usually follow commercial logging to reduce fire hazards and improve conditions for reforestation, would be greatly reduced if more logging leftovers could be used for firewood or other secondary purposes.

"Recently," Stanton continued with implied approval, "Congressman (Jim) Weaver has urged the U.S. Forest Service be provided with funds to bring mechantable residue into centers where it can be obtained for firewood or (other salvage uses)."

Weaver has also scheduled a Feb. 23 hearing in Washington, D.C., on national forest salvage sales, hoping to find ways to provide more timber for small logging firms (those with 25 employees or less) which, he says in a press release, "currently are being outbid by larger firms."

As the 4th District congressman points out, there should be an opportunity for small entrepreneurs with limited capital to assist in the salvaging of millions of board feet of merchantable timber that otherwise would simply rot in the national forests. Additionally, there may be an opportunity for small operators to haul logging slash to central collection points in the national forests for conversion into firewood, wood chips or material for small-dimension wood products.

Weaver has several bills in Congress aimed at improving forest utilization techniques along such lines. Simultaneously, a task force of the Oregon Legislature is probing slash utilization possibilities, as both a means of bolstering the state's economy and a way of reducing pollution of the state's airshed.

Last fall, a Georgia-Pacific forest scientist, Philip Hahn, told the Western Forestry and Conservation Association's annual meeting here in Eugene that 17 percent of all current U.S. energy needs could be met through the development of "silvicultural energy farms" where trees would be grown strictly for use as fuel in the production of electrical power.

So, it would seem that where there's so much concern, there should be definite prospects of some progress in using logging leftovers that now must either be destroyed by fire or left to impede forest regeneration.

It seems almost unbelievable that Weaver and other members of Oregon's congressional delegation still have to fight uphill battles when they're promoting forest utilization improvements. Or that the administration's Office of Management and Budget regularly delays the release of congressional appropriations for expansion of national forest research and timber management programs. Or that Congress' own General Accounting Office tells the U.S. Forest Service to do a lot more than funds at hand will finance.

The sad fact, however, is there has been pathetically little gain in the federal government's appreciation of forest resource utilization possibilities since that coal-to-Steamboat episode Charley Stanton tells about.

IRS THREATS TO STATE AND LOCAL RETIRED WORKERS

Hon. John E. "Jack" Cunningham

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. CUNNINGHAM. Mr. Speaker, the Internal Revenue Service is continuing its policy of threatening the pension income of thousands of retired State, county, municipal, and other local workers. Indifferent to the pleas of many groups which represent these workers or the levels of government where they work, the IRS insists that it has the power to undermine the confidence which these workers have in their pension plans.

Here is how they are accomplishing this goal. First, they demand that State and local governments file form 5500 for 1975 and 1976 on the pension plans. This decision was originally announced by means of a press release in the summer of 1977. Governments were required to file the cumbersome and complicated forms by the end of 1977. However, Commissioner Kurtz and his assistant, Mr. Lurie were kind enough to meet with representatives of a number of groups in December 1977. To the surprise of everyone at the meeting, they listened to the groups and postponed the filing deadline until the summer of 1978. They acted responsibly in the postponement.

Now it is time for the Congress to take affirmative steps to insulate the workers who have retired or will retire from State and local governments, so that they will be certain of retirement income.

Senator DICK STONE of Florida and I have introduced identical legislation which would automatically qualify State, local, and teacher retirement plans for tax exemption.

Why is this needed? The Constitution forbids the taxation by one level of government of another. This is a nicety which is lost on officials of the Internal Revenue Service. The IRS has, in fact, forced some retirement systems to pay taxes on investment income. Court cases are proceeding, but a legislative remedy is needed.

Second, the loss of funds from a retirement system, through Federal taxation, would tend to make the fund unsound. In Washington State alone, it is estimated by Governor Ray that this would result in a loss to the fund of some $48 million in taxes for just one recent fiscal year. Obviously, in order to protect the earnings of the recipients, the retirement system would have to be supplemented by additional moneys. This would very likely result in a tax increase at the State or local level to pay for the taxation which is proposed by IRS. The Stone-Cunningham bill would end the problems created by such a situation.

Finally, the Internal Revenue Service asserts that all it is really doing is to protect the pensioners from unsound funds by Federal oversight. They contend that this oversight power predates ERISA but that it is their contention that oversight is inferred additionally from ERISA. However, there is better evidence that the legislative history of ERISA intended to exempt State and local pension plans from both reporting and taxation.

The oversight paperwork is onerous, but the threat of taxation is worse. IRS could construct some sort of oversight system, working with Congress, within the framework of ERISA, but wihout the threat of taxation. This is the final reason why Stone-Cunningham is needed.

Mr. Speaker, during meetings with the IRS, it was asserted by top bureaucrats that they were stepping in because Congress had not acted. Pending reports of the Pension Task Force, Congress must act.

Hearings must be held in both the House Ways and Means Committee and the Senate Finance Committee. In addition, I would hope that the IRS begin to listen more closely to those it allegedly protects. I am pleased to include a list of cosponsors who have joined me in sponsoring H.R. 9118 and followup bills (H.R. 9462, H.R. 9891, H.R. 10308, and H.R. 10869):

LIST OF SPONSORS

Tom Bevill of Alabama.
Bob Badham of California.
Clair Burgener of California.
Mark Hannaford of California.
Bill Ketchum of California.
Bob Lagomarsino of California.
Leon Panetta of California.
Herb Burke of Florida.
Billy Lee Evans of Georgia.
Phil Crane of Illinois.
Ed Derwinski of Illinois.
Mel Price of Illinois.
Gladys Spellman of Maryland.
Silvio Conte of Massachusetts.
Mike Harrington of Massachusetts.
Arlan Stangeland of Minnesota.
William Clay of Missouri.
Richard Gephardt of Missouri.
Dick Ichord of Missouri.
Gene Taylor of Missouri.
Charles Thone of Nebraska.
Cap Hollenbeck of New Jersey.
Bob Roe of New Jersey.
Jack Kemp of New York.
Tenny Guyer of Ohio.
Tom Kindness of Ohio.
Joshua Eilberg of Pennsylvania.
Austin Murphy of Pennsylvania.
Jim Collins of Texas.
Dan Marriott of Utah.
Joel Pritchard of Washington.

In addition, Mr. Speaker, the gentleman from Florida (Mr. SIKES) and the gentleman from Oklahoma (Mr. RISENHOOVER) have introduced legislation with identical texts to H.R. 9118.

Representatives of workers and management, their congressional delegations, and interested individuals are working together to obtain support for the Stone-Cunningham approach. I thank my colleagues who have joined in sponsoring this legislation and would ask those who have not yet done so to look closely at the bill and sign on.

REDUCE AND SIMPLIFY THE PRESENT TAX CODE

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. STEERS. Mr. Speaker, I would like to urge that the House of Representatives take prompt action to reduce and simplify the present tax code. As President Carter expressed in his campaign, the present code is truly a disgrace. It unfairly penalizes the middle-income family that depends mainly on wages and salaries, who cannot afford the tax loopholes used primarily by the wealthy—and it unfairly penalizes the elderly and retired persons living on a fixed income.

My basic view on how to solve the problem of unfair taxation can be summarized by the phrase "true and significant reduction for the middle-income person." I believe that the individual who makes between $10,000 and $30,000 is the backbone of this country's economic health, and should be treated more fairly. Without giving this group of people a real incentive to save and to consume—by allowing them more disposible income—the problem of insufficient capital investment will also continue to become worse.

I would strongly urge my colleagues in the House of Representatives to support and fight for tax reduction and simplification. I believe that two bills which I have cosponsored, H.R. 6808 and H.R. 10136, would be especially beneficial for the middle-income American. As an optimal solution, the indexing solution which is employed in H.R. 6808 would be the best long-term tax policy which Congress could enact. This bill would prevent taxpayers from being pushed into higher and higher tax brackets by tying the income tax rates themselves to the cost-of-living index. As people receive increased wages—merely as a result of inflation—they would not have to pay the taxes of the higher brackets but would keep in the same percentage bracket. This would help middle-income people retain their real purchasing power.

As a second-best alternative, I would favor a drastic cut in the income tax rates at this time. As my colleagues may recall, I voted for a substantial tax cut during the House's consideration of H.R. 3477. This bill, as voted out of the Ways and Means Committee, provided for a moderate tax cut. I voted for the unsuccessful attempt to substantially increase the tax cuts provided by the committee. Unfortunately, this proposal failed. I have also been one of the sponsors of H.R. 10136, a bill introduced by Congressman JACK KEMP to reduce individual tax burdens by an average of 33 percent. If Congress fails to enact some version of the indexation concept, I would fervently hope that Congress will, at least, act favorably on this tax reduction approach during its consideration of President Carter's tax program.

LOUISE STOKES, MOTHER OF TWO POLITICAL FIGURES

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. VANIK. Mr. Speaker, I would like to express a few thoughts on the passing of a great woman who helped make both the City of Cleveland and our Nation a better place. Mrs. Louise Stone Stokes, widowed at an early age, and without benefit of a formal education, managed to instill in her sons, Louis and Carl, a sense of public duty and compassion toward their fellow man, leading them both to seek public office.

In these times, when family ties are too often disrupted and broken by the realities of our urban, mobile society, it took a special type of woman to raise two sons who rose to national recognition as public servants.

Louise Stokes lived in times of dynamic change and transition. In her own lifetime she witnessed the entire movement toward racial equality and justice. She was a women of love and compassion. Louis and Carl Stokes lost a beloved mother, and in a real sense we share their loss.

The following article of interest on Mrs. Stokes appeared in the Plain Dealer, on Monday, Feb. 13, 1978:

LOUISE STOKES, MOTHER OF TWO POLITICAL FIGURES

Louise Stone, Stokes, mother of Rep. Louis Stokes, D–21, and former Cleveland Mayor Carl B. Stokes, never let the fame of her sons change her from a sweet, gentle, thankful woman who cared about her neighbors and her community.

Asked how it felt to be the mother of both a mayor and a congressman, she said, "People ask me that, but I don't feel any different. I feel proud for them, but for me—I don't feel any different."

Mrs. Stokes, 82, died at 3:10 p.m. yesterday in the emergency room of St. Vincent Charity Hospital from cardiac arrest.

She became ill after leaving the service at Olivet Institutional Baptist Church, 8712 Quincy Ave., and was taken to the hospital by the emergency squad. The congressman attended the service with his mother and was with her when she died.

Mrs. Stokes was born on a farm at Wrens, Ga., near Augusta. She was the eighth of 11 children of a Methodist minister.

She used to recall that she "did a little bit of everything that was to be done on a farm."

That included milking cows before breakfast, gardening and cleaning. In recent years, her interest in gardening continued and she grew a few tomatoes in the backyard of her former home at 3718 Lindholm Rd., Shaker Heights, along with her roses and other flowers.

Mrs. Stokes sold that home about four years ago and moved downtown to Bohn Towers, a Cuyahoga Metropolitan Housing Authority project. She tended many plants in her suite and did her own cooking.

When she was growing up, Sunday school and church were the main interests of the Stone family. Her own ideas about education were formulated by her father. "It was his whole heart," she recalled years later.

Her two older sisters managed to complete a couple of terms of college, but young Louise was not so fortunate. Her formal education ended in the eighth grade.

When she was 18 she went to Jacksonville, Fla., to help her married older sister. Later, when another sister and her family moved to Cleveland, Louise went along. That was 1918.

In Cleveland she met Charles Stokes, a handsome young man who worked in a laundry. They were married in 1923.

Her husband died when Louis was 2½ and Carl was 13 months old.

Mrs. Stokes' widowed mother, Fannie Stone, came to look after the children while Mrs. Stokes worked as a domestic for 40 years. Mrs. Stone died in 1941.

She worked for the Union Club, the former Doanbrook and Cleveland hotels and private families at $2.50 an hour.

"I had to work with my hands," she said of those years. "It made me all the more concerned that my sons have the kind of education I lacked."

Religion continued to be a part of life for the Stokes family, as it had been for Louise Stone in her childhood. If her sons made excuses about attending church and Sunday school, they were told "No Sunday school, no shows!"

In 1929 when the Depression came, the family had to go on mothers' pension relief, a forerunner of the Aid to Dependent Children program. "We got $25 a month," Mrs. Stokes recalled.

"Of course, I worked, too, since that wasn't even rent money."

Other lessons to her sons involved money.

"When the boys got their first jobs, I asked a certain amount of their earnings as room rent. I wanted them to feel some responsibility for their home. I didn't let on to them but I always saved what they gave me and put it aside for them for a nest egg," she recalled.

Besides sons Louis and Carl, now an NBC–TV news commentator in New York City, survivors include seven grandchildren; brother, Pughsley Stone, 75, of Cleveland; and sister, Estella Freeman, 95, of Wrens, Ga.

Services are pending and will be conducted jointly by the House of Wills and C. B. Miller funeral home.

HOUSE ADMIN DOES IT A'GIN

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. COUGHLIN. Mr. Speaker, as you know, last fall the House voted itself an increase in the annual allowance for district office rentals. This measure, House Resolution 687, was brought to the floor as a privileged resolution bypassing the scrutiny of the Rules Committee and preventing floor amendments. This increase went into effect as of January 1978. In addition, the House Administration Committee reorganized the allowance structure into two categories: clerk hire and an official expenses account into which 9 of the 10 existing allowances would be consolidated. In order to ease the pain of changing our books, the committee authorized an increase in the official expense account to $5,000 effective January 1978. These increases prompt the following remarks:

I know it may seem incidental,
But about your district office rental—
You now may spend a princely sum
For many offices instead of one.

House Admin has done it again,
By raising rentals with stroke of pen;

Which can be used in many ways
For things that surely do amaze.

And House Admin has come up with a beaut,
a 250 percent hike in official loot;
From a paltry $2,000 for the year,
To $7,000, let's hear a cheer!

Should you not understand my verse,
Just put the dough in your office purse;
About $14,900 for the new office till,
While the taxpaying public swallows the pill.

THE PLIGHT OF THE AMERICAN FARMER

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mrs. SMITH of Nebraska. Mr. Speaker, I would like to take this opportunity to commend the members of the American Agriculture Movement from the Third District of Nebraska for their effective efforts in making known to the Congress and the administration the desperate plight of the farmer.

I salute these fine men and women who spent their own money, took their own valuable time, and expended much of their limitless energy in telling the story of American agriculture in our Nation's Capital.

This delegation is dedicated, deeply concerned, and sincerely searching for an answer to farm problems. We know that a businessman—and farmers are businessmen—cannot go on year after year paying out in expenses more than he takes in. The only institution that can do this is the Federal Government—but it can print its own money. The farmer cannot.

How bad is the situation. In all the United States in 1976, personal income rose by 10.2 percent. While nationally, consumer prices rose 5.25 percent.

Normally, that would be good news. But not in Nebraska and other farm States. The reason? Farm income. In Nebraska, farm income dropped 46.7 percent.

It is for this reason that American agriculture leaders from our district came to Washington. They have called upon Members of Congress, the Secretary of Agriculture, foreign embassies, and about anyone else who would listen and could offer them some hope. I was pleased to do all that I could to help them get appointments and point them in the right direction in this city of confusing bureaucracies, agencies, and offices.

They have had some successes. There are at least 100 bills that have been introduced in the Congress offering various remedies to the farm price situation. The House Agriculture Committee currently is holding hearings on these different approaches in an effort to find some solutions. Representatives of the American Agriculture Movement from our Third District of Nebraska are today testifying and presenting their views to the committee members.

We have a short range problem and a long range problem. Immediate action is needed to enable some of our young farmers to hold on. Careful study and thought must be given to long range approaches—including increased exports, and developing new and reliable markets.

STATEMENT ON AMERICAN AGRICULTURE MOVEMENT

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. ABDNOR. Mr. Speaker, I have been requested by several of my farm constituents to place in today's RECORD a statement in support of the policy statement of the American agriculture movement.

The basic goal of the movement—to increase agricultural income to provide farmers a standard of living on par with other Americans—is sound and totally defensible. Not only is it right, it is essential.

I will support virtually any legislative vehicle which can be brought to the floor of the House for the purpose of increasing farm income. Having made that statement in no uncertain terms, I will comment briefly on each of the five principles enumerated in the official policy statement of the American agriculture movement:

First, 100 percent of parity for all domestic and foreign used and/or consumed agricultural products.

While the parity concept has been challenged as being an invalid precept upon which to base the farm program, there is no point in discussing it further here. The point is that farm income must be higher, and it must be raised in a fashion which contributes to the long-term interests of both farmers and consumers.

Second, all agricultural products produced for national or international food reserves shall be contracted at 100 percent of parity.

If the Federal Government determines that as a matter of public policy food reserves will be held, such reserves should certainly be acquired and maintained in a fashion consistent with parity income for farmers.

Third, creation of an entity or structure compiled (sic) of agricultural producers to devise and approve policies that affect agriculture.

I strongly believe that farmers should have more input into Federal actions which affect them, particularly international trade negotiations. Any action which will contribute toward that end in a meaningful way will have my support.

Fourth, imports of all agricultural products which are domestically produced must be stopped until 100 percent of parity is reached; thereafter, imports must be limited to the amount American producers cannot supply.

The Federal Government has frequently subjugated the interests of America's farmers to the desire to accommodate foreign nations whose own farmers enjoy unfair advantages. This must stop, and we must begin to more actively promote fairness and freedom of trade in the international marketplace. Given an even break, America's farmers can compete very favorably. If other nations will not agree to free trade in agricultural commodities, we should respond with whatever economic and political leverage our Government can bring to bear to call them to account for their actions.

Fifth, all announcements pertaining to any agricultural producing cycle shall be made far enough in advance that the producer will have adequate time to make needed adjustments in his operation.

This is only commonsense. If the Government fails to do so, farmers should be reimbursed for any hardship or financial loss suffered. Farmers should not have to continue to bear the expense of mistakes made by the Government, as they have in the past.

That concludes my comments on the five points of the American agriculture movement's policy. I would like to make just a couple additional points.

First and foremost, the laws of economics cannot be repealed. An arbitrary price can be set for farm commodities, but the real key is the method by which supply and demand are brought into alinement to support the price level chosen. To increase prices, production must be reduced or the demand must be increased. It is not possible to simply set a price and expect that supply and demand will take care of themselves.

Farm income must be raised, and it must be raised in the marketplace. While simple solutions are usually no solution at all in the long run, the family farm system must be preserved. It is incumbent upon Congress to adopt a responsible legislative vehicle toward that end.

LITHUANIAN INDEPENDENCE DAY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. MIKVA. Mr. Speaker, February 16 marks the 60th anniversary of the Declaration of Independence of Lithuania and the date designated as the commemoration of the 727th anniversary of the establishment of the Lithuanian state. The Lithuanians' struggle for freedom throughout much of their history serves as a testimony to all people who cherish the right of self-determination and dignity.

In 1940 the Republic of Lithuania was overrun and annexed by the Soviet Union. However, the Lithuanian people are still a viable, independent, and free-thinking state unto themselves. Although, many of the basic freedoms of the Lithuanians have been restricted by the Soviet Union, their national spirit and determination to acquire full sovereignty has not been diminished.

I wish to extend my congratulations, Mr. Speaker, to all Lithuanians and their descendants for continuing their struggle for human freedom. Also, I would like to congratulate all Americans of Lithuanian origin for the invaluable

contributions that they have made to America. Let us hope that as we Americans enjoy our freedom and independence, that one day the Lithuanians can again gain their well deserved freedom.

U.S. AID TO UGANDA

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. YOUNG of Florida. Mr. Speaker, under the current foreign aid program, Idi Amin's Uganda is receiving our assistance. While this aid will not be provided directly through our bilateral programs, it will be made available to Idi Amin through indirect channels. Part of our contributions to the U.N. Development Program from 1977 through 1981 will aid the UNDP in making $30 million available to Uganda. Idi Amin is still receiving funds from several International Development Association (IDA) soft loans approved in earlier years. In addition, Uganda is one of three members of the East African Community, which have received more than $240 million from the World Bank, including $15 million in fiscal year 1976 alone.

According to our colleague, Congressman DON PEASE, last year the United States imported from Uganda 62,235 tons of green coffee valued at $176,747,400. This represents 4.7 percent of total U.S. green coffee imports in 1976, but it constitutes 33.6 percent of Uganda's total green coffee exports in 1976. It is important to note that 86 percent of Uganda's total export earnings came from coffee exports.

Is there a consistent U.S. foreign policy for Africa? In fact, is there any U.S. foreign policy for Africa? In addition, where is the consistency in the application of our policy on human rights? Recently The Indianapolis News editorialized on this issue and I would hope my colleagues would give serious consideration not only to the following editorial, but also to the direction the current Administration is pursuing on the African continent.

THE CRY FROM UGANDA

Why does the plight of the people of Uganda elicit little or no international sympathy or action?

Ugandans labor under one of the world's most brutal dictatorships, the arbitrary rule of Gen. Idi Amin. By conservative estimate, pieced together from the testimony of exiled Ugandans, Amin has murdered at least 150,000 of his countrymen, many of them the educated and talented who could have provided the country with enlightened leadership.

A land which was once considered one of the most prosperous and promising of Great Britain's colonial possessions has degenerated in only a few years since independence into rampant tribalism, economic chaos and human misery.

For the last 12 years most Western nations have observed the U.N.-sponsored boycott of Rhodesia (while some Communist nations have not) and more recently engaged in an arms boycott of South Africa. Yet neither country has perpetrated crimes against its people on the scale of Gen. Amin's atrocities.

Against Gen. Amin there is no boycott. The United States refuses to buy Rhodesian chrome, but it goes right on consuming Ugandan coffee, now the mainstay of Uganda's foreign exchange.

South Africa has been limited in its participation in the United Nations, but Gen. Amin's Uganda is still a member in good standing.

Prof. Richard Gardner, an authority on the U.N., recently observed that the U.N. appears to be "concerned more with how whites treat blacks than how blacks treat blacks or whites treat whites . . . more concerned with human rights violations by right-wing governments than left-wing governments."

Until international action comes to the rescue of brutalized Ugandans, that assessment of the United Nations is obviously and tragically correct.

WWI VETS: THEIR TIME (AND OUR TIME) IS SHORT

HON. DOUGLAS WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. WALGREN. Mr. Speaker, one of the great injustices of our time has been our treatment of World War I veterans.

For those individuals who sacrificed their lives or suffered injury for the United States over six decades ago, we have shown too little gratitude. Upon returning from the "Great War," these WWI veterans were given pocket change and a train ticket home. They received no employment assistance, educational aid, home loan mortgage insurance, and little of the other benefits veterans of subsequent wars were to enjoy.

In H.R. 9000, of which I am a cosponsor, we have the opportunity to provide the WWI veteran with the monthly pension we should have established long ago. To the 700,000 surviving veterans of the First World War and to the surviving spouses of deceased veterans, this $150 per month pension may provide some small relief. Many would otherwise live the remaining years of their lives without the aid we so quickly provided other veterans.

It is time to act decisively. Veterans of World War I average 81 years of age. Regrettably, this is really an issue which, if ignored, will go away, for this year approximately 100,000 World War I veterans will die. If we continue to do nothing, by 1986 there will be little we could do to correct our years of indifference. By failing to act, this country will also lose the honor that rightly goes to those nations who salute the sacrifices made by earlier generations of patriots.

I commend Chairman ROBERTS for his recent hearings on H.R. 9000 and other veterans' pension bills and urge him to hold mark-up sessions in the near future. This vital piece of legislation deserves to advance to the floor of the House of Representatives for consideration by us, the children and grandchildren of those who went "over there" some 60 years ago.

GEORGE W. BACON III: A DEATH OF HONOR

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. DORNAN. Mr. Speaker, I think it highly appropriate at this time that the country should be aware of the accomplishments and life of an authentic, contemporary American hero, the late George W. Bacon III.

Mr. Bacon was killed exactly 2 years ago yesterday, St. Valentine's Day, while fighting Cuban mercenaries in Angola. He was only 29 years old, yet he was a man of solid convictions, courage, and with a deep dedication to the principles of freedom, liberty, and human dignity.

Bacon, a native of Massachusetts, served with distinction as a member of a U.S. Army Special Forces unit in Vietnam after graduating first in his class at Fort Bragg. He later returned to Southeast Asia to work for the Central Intelligence Agency as an adviser to the Royal Laotian military forces. After 2½ years of extremely hazardous duty in Laos, Bacon returned to the United States. He had so impressed his superiors that he was given the CIA's second highest award, the Intelligence Star, for his outstanding performance. He was cited as having been one of the four most highly rated CIA case officers ever to have served in Laos.

Mr. Bacon resumed his studies, graduating in 1974 summa cum laude from the University of Massachusetts. He was a unique and complex man—a man of action and a man of high intellectual abilities. Following the Communist victories in Vietnam, Laos, and Cambodia, he became very concerned for he knew that the people living under those totalitarian regimes would never enjoy even the most basic of human freedoms.

In 1976 when Bacon learned of the Communist aggression in Angola, he decided to go there to do what he personally could to prevent another several million people from falling under a Marxist dictatorship—a totalitarian dictatorship imposed upon them by Soviet trained and equipped Cuban troops. In his last letter to his parents, he explained his motivation:

I have discovered that the communists—the MPLA, Russians, and Cubans are going to make a maximum effort to win the war quickly and capture all of Angola. Therefore, I cannot in good conscience sit idly by and watch what is going on without offering whatever help I can to the anti-communist forces . . .

And so this young American did go to Angola—on his own and not for money, nor for glory or excitement. He went on the principle that a man must do more than just hold principles; a man must live those principles. George Bacon did just that.

On February 14, 1976, George W. Bacon III had finished placing explosives on a bridge near the town of an San Salvadore, Angola. His mission was to slow the advance of the Cuban tanks and armored vehicles, thereby allowing

thousands of Angolan refugees to flee safely into Zaire. But he delayed the bridge's destruction when he learned that one of his patrols was overdue. That patrol, he knew, would need that bridge to return. With his customary concern for his men, Bacon took a vehicle and drove across the bridge for one last search for the missing patrol.

Up the road he was caught in a Cuban ambush. As the Soviet-made bullets tore through his vehicle, George W. Bacon III's last act was to push his partner to the floor of the jeep before he jumped out to return fire. He was killed immediately by concentrated automatic weapons fire.

I believe it is important to remind the American people and especially my colleagues of the heroism, accomplishments, principles, and dedication of one individual devoted to freedom. As some Americans try so eagerly to restore full relations with the totalitarian regime in Cuba, we must be aware that there are many other Americans who oppose Marxism and dictatorships—men and women who are morally outraged at the idea of the restoration of relations with the brutal Castro regime.

I would like to add my personal condolences to Mr. Bacon's family, Mr. and Mrs. George W. Bacon, Jr., and his two sisters, Heidi and Gail. All of them, while having suffered a great loss, can be very proud of their son and brother. For George Bacon died while attempting to bring our freedoms to other people, and in the furtherance of the American concepts of life, liberty and the pursuit of happiness. George W. Bacon III died as a true American patriot, in defense of liberty.

To those of us who revere freedom, morality, and principle, this young American and his life should never be forgotten. God took this hero to his eternal reward at a very young age. May that same loving God continue to protect the free world, our Nation and our families with selfless young men of courage and dedication—men of excellence like George W. Bacon III.

SUPPORT FOR AMERICAN AGRICULTURE MOVEMENT

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. DICKINSON. Mr. Speaker, it has been my privilege within the past 3 months to have met with Alabama farmers on a frequent basis both here in Washington and in Alabama. I have been deeply impressed with the dedication and determination shown by the leadership and rank-and-file members in the American agricultural movement in Alabama.

The American farmer has been taken for granted so much in recent years that an alarming number of family farmers—the backbone of America's production system—are on the economic ropes and are threatened with going out of business. In many instances they cannot even make production costs. That is why farmers have become more politically active and why they came to Washington by the thousands in January and why they will not leave until they have been given some answers and solutions to their problems.

Mr. Speaker, the Federal Government has the responsibility of finding these answers and solutions to the agricultural dilemma we find ourselves in. Government meddling in agriculture is a major factor in this dilemma. For these reasons—and because I am convinced they are right—I support the American farmer and the five-point policy statement formally adopted by the American agricultural movement. I intend to introduce the legislation they recommend and will do my very best to get it enacted into law.

FEWER STUDENTS, BIGGER BUDGETS

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mrs. HOLT. Mr. Speaker, in the fall of this year, enrollments in the public elementary and secondary schools of our country will have declined by more than 3 million students since 1971. Projections show that the trend will continue for at least several years into the future.

Local school districts have been able to achieve cost savings by closing some schools and eliminating some teaching positions, although it is true that inflation continues to drive local education budgets to new heights. To a large extent, the States have attempted to cushion the blow of inflation by expanding education aid to their local subdivisions.

In any event, the States and localities are in a much better financial condition than the Federal Government to meet rising education costs. Recent data show them with a large aggregate surplus while the runaway Federal budget is carrying a highly-inflationary $60 billion deficit.

At a time when we should be making strenuous efforts to restrain Federal spending to avoid potentially disastrous consequences to the national economy, President Carter has proposed a 25-percent increase in budget authority for aid to elementary and secondary public schools.

The total 1979 budget authority for aid to elementary and secondary schools would jump to $8.4 billion from a 1978 level of $6.7 billion—an increase of $1.7 billion. If we merely adjusted this budget for a 6-percent inflation rate, the increase would be only $400 million instead of the $1.7 billion leap proposed by President Carter.

I cannot quarrel with the President's proposal for a substantial increase of $279 million in aid for the education of the handicapped. By Federal law and court decisions, local education agencies are forced to assume an extremely costly burden of training students with very severe handicaps. We would be derelict in our duty if we failed to help meet this extraordinary and growing cost burden.

I am shocked at Mr. Carter's proposal to cut Federal aid for vocational education. If there is any concern that should absorb us, it is the need of our young people for skills to take into the job market. Every day our newspaper help-wanted sections are filled with advertisements for people with skills, and every day we hear the tragic stories of young people excluded from jobs because they lack skills.

But this is not President Carter's priority. Instead, he has proposed a 24-percent increase in title I funding to teach poverty-level children to read, write, and do arithmetic. The appropriation for this program would increase from $2.7 billion in 1978 to $3.4 billion in 1979.

Several points should be made. First, this supplements the fundamental role of local schools at a time of declining enrollments. Secondly, there is no evidence that the title I program has effectively improved the reading, writing, and arithmetic of disadvantaged students. Thirdly, there is no evidence that more federal aid for this project would be any more effective than all the previous billions of dollars.

The Federal role in education should be strictly limited to assisting with certain extraordinary needs for which local resources are inadequate. It is neither necessary nor appropriate for the Federal Government to fund the basic education program of any local school district.

The fundamental purpose of elementary and secondary education is to teach youngsters to read, write, solve mathematical problems, understand basic science and technology, know history and the notable achievements of a free America, and appreciate the cultural heritage of the ages.

I have been very concerned about the obvious decline in the quality of public education. Schools have been swept up in a search for something called relevance and emphasis on social awareness and social adjustment. A whole generation of American young people has suffered deficient education because our schools have been used as a cutting edge for social change.

The Federal Government is far from being blameless in causing this sorry condition. The U.S. Office of Education and its various tentacles are staffed with social reformers and tinkerers who cannot resist the impulse to manipulate policy at the local level by using Federal funds as a bait.

There is really nothing the Federal Government can do that will improve the product of the basic education program of any school. Some schools achieve outstanding results because effective principals and highly-motivated teachers have produced quality, but Federal funds have very little impact on this performance.

However, assume for a moment that President Carter is right in his request for a great increase in title I funds. If this is his priority, then why did he not

find the money in dozens of other Federal education programs that have little value?

For example, the education portion of his budget includes more than $100 million for special projects and training, which is the kind of make-work activity the bureaucracy loves, and there is another $100 million for the National Institute of Education, which is a jobs program for professors to do research on education.

We also have the program known as Emergency School Aid, established 6 years ago to help schools with desegregation problems. Well, every school district in the country has been desegregated; surely, the "emergency" must have ended. But this program keeps growing, spending more than $300 million a year.

And why did President Carter not look for money elsewhere in the budget of the Department of Health, Education, and Welfare? Here is a huge, sprawling bureaucracy with literally hundreds of programs and 147,700 employees, and the President's budget would add another 2,190 personnel to this Department. Those extra personnel represent about $40 million the President could have used for his ventures in aid to education. If he wants to get more money back to local school districts, he should not be swelling the HEW bureaucracy.

There is also the $30 million that Secretary Califano proposes to use on his antismoking campaign, when everybody is already aware of the health dangers from smoking.

President Carter said he used zero base budgeting in preparing his 1979 proposals. There is no evidence that he used it on HEW. If he did, then zero base budgeting is a fraud.

Finally, the President has proposed creation of a new, Cabinet level Department of Education, elevating education to the status of a major function of the Federal Government. If that legislation passes, we will have an explosion of Federal education spending in future years, and total Federal control of our schools, and no improvement in the quality of education.

Policymaking for education should be at the local level, where students, teachers, and parents can have significant influence. Already, excessive Federal meddling in local policy has had a harmful impact on public education.

If you think this is bad, just wait until we experience what a Cabinet level Department of Education would impose on our local schools. It would plan, direct, study, regulate, coordinate, experiment, and wreck our local school systems.

Parents, students, and teachers would not even know where to complain when things went awry. The policies would have been made in some Washington bureaucratic center occupied by faceless functionaries who really would not care what the local people wanted for their schools.

SALT STACKS THE CARDS AGAINST AMERICA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following article by the Honorable Charles H. Wilson concerning SALT II. The article presents an excellent analysis of the potential problems, particularly in the area of verification, posed by the proposed treaty.

The editorial follows:

[From the Los Angeles Times, Feb. 10, 1978]

SALT STACKS THE CARDS AGAINST AMERICA

(By Charles H. Wilson)

The proposed strategic arms limitation treaty, as it now stands, would guarantee the Soviet Union military superiority—probably for the rest of this century.

I do not make such a statement lightly. Nor do I base it simply on my personal feelings or suppositions. Rather, I say this because of what I learned as an official observer at the SALT II talks in Geneva last December, as well as from testimony given during recent meetings of the House Armed Services Committee.

During the formal and informal sessions that I attended with both American and Soviet negotiators at Geneva, it became distressingly clear that the U.S. bargaining team was operating under instructions to deemphasize the need for an appropriate U.S. deterrent. By playing down this crucial part of our defense—our ability to discourage a Soviet offensive by maintaining the ability to retaliate if attacked—the Carter Administration is willing to give away a lot and, in return, to receive little of substance. Apparently President Carter sees the SALT II accord not as an end in itself, but as a means of cementing U.S.-Soviet relations for the sake of possible future concessions from Moscow.

That strategy is risky at best, for the terms that Americans will have to live with—or die with—are not those that are hoped for or hinted at by diplomats, but those that are spelled out in the draft of the treaty that, after being signed by both parties, Carter will submit to the Senate for approval.

As currently worded, the SALT II accord would do the following:

Limit each side to 2,400 strategic weapons (nuclear bomb-carrying missiles and aircraft).

Set a ceiling of 1,320 on the total of missiles with multiple warheads.

Ban the development of new weapon systems, although each side would be able to improve its existing arms.

At first glance, the current agreement may sound equitable enough, since both nations would be permitted an equal number of such strategic-delivery systems as bombers and missiles, launched from either silos or submarines, as well as an equal number of multiple-warhead missiles.

However, the number of delivery systems alone is no measure of a nation's total strategic power. Throw-weight—the maximum weight, including warheads and other components, that a missile can lift—is also crucial, as is explosive power, or yield. Since Russia already has missiles with far greater throw-weight capable of carrying heavy, high-yield nuclear devices, the limit of 2,400 on strategic weapons clearly works in our disfavor.

The ban on weapons development is also troubling. Our most modern missile, the Minuteman, is a product of 1960s technology, while the newest Soviet intercontinental ballistic missile (ICBM) is still rolling off assembly lines. Thus the draft treaty would freeze American technology a decade behind that of the Soviet Union.

U.S. negotiators have, moreover, agreed to let the Russians keep some 300 heavy land-based missile systems—while the ban on new weapons would prevent us from building a similar system. Curtailing our own research and development today will, of course, assure Russian superiority for years to come.

Taken together, the concessions made in SALT II would allow the Soviet Union to deliver two to three times more destructive force with ICBMs than could the United States. This imbalance is terrifying, since it all but assures the Kremlin's ability to deliver a sudden first strike that could ruin our entire force of Minuteman missiles while still in their underground silos—knocking out a major element in our deterrent. Our negotiators in Geneva have not only "deemphasized" our deterrent, they have also acquiesced to its potential crippling.

Just as objectionable is the provision for bombers. While the FB–11s, B–52s, wide-bodied jets and all other American aircraft equipped to carry long-range missiles would count toward the U.S. weapons quota, Carter, yielding to pressure from Kremlin leaders, exempted the new and extremely effective Soviet Backfire bomber.

Such unilateral concessions are particularly troubling in light of the absence of a firm Carter Administration commitment to the development of future deterrent weapon systems. Moreover, even if the President were to support construction of cruise missiles, cruise-missile carriers or Triden II missiles, actual production would ultimately depend on decisions by congressmen and bureaucrats. Any or all of the projects could go the way of the B–1 bomber for political or fiscal reasons.

Thus, the United States appears about to walk a tightrope with its hands tied behind its back, unprotected by an insurance policy.

Presuming that these glaring inequities were corrected, the treaty would still have a major drawback: the failure of both parties to formulate an adequate way to verify compliance.

To check Soviet reports on its own missile numbers, the United States must rely, as it has for years, on reconnaissance satellites and interceptions of communication and radar transmissions. Such techniques can be effective in some circumstances, but are hardly sufficient to obtain crucial data about sophisticated weapons covered by SALT II.

Why has Carter tentatively agreed to such a one-sided treaty? Perhaps he really believes that U.S. concessions will enhance detente and lead to future Soviet reciprocity. If that is indeed the case, he should not be surprised if some informed members of his own party, including myself, prefer to hedge their bets when it comes to national security—a game we cannot afford to lose.

PEOPLE OF CONNECTICUT UNITE TO FIGHT WINTER'S WORST

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. DODD. Mr. Speaker, when Storm Larry hit the east coast last week, the results were devastating. I would like to take this opportunity to publicly commend the people of Connecticut for their remarkable response to the worst storm to hit Connecticut in this century.

I am sure that my colleagues here in

Congress are all aware of the severity of the storm and have heard the sad news of deaths, injuries, damage to property, and adverse impact on businesses that resulted.

Highway department workers, civil preparedness personnel, the National Guard, and Army troops fought both snow and sleep responding to the disaster in truly remarkable fashion.

One could easily fill the pages of today's CONGRESSIONAL RECORD with stories of the people who helped their neighbors to cope with the effects of the storm, from all those who worked to clear the roads to those who helped their friends next door to shovel a path from their doorways. Some people donated trucks and snowmobiles. Volunteers drove people to hospitals and brought badly needed food supplies to stranded families and the elderly. Some took waylaid travelers into the warmth of their homes, while others left the warmth of their homes in four-wheel vehicles to rescue those stranded on the highways.

Special praise must be extended, however, to local highway and civil defense workers as well as the Army and National Guard who plowed and dug through what must have seemed like a never-ending avalanche of snow. Working under the able direction of our selectmen and mayors, town and city employees have toiled all winter through what must seem to be one continuous storm, but they managed to bring even greater determination to their latest battle. Their seemingly inexhaustible energy buoyed people's spirits during the ordeal and the efforts of these people who fought the storm made the State's recovery effort proceed effectively.

I feel it is important that the cooperation and resourcefulness which characterized the response of the people of Connecticut to last week's storm should be remembered and appreciated.

In spite of the widespread hardship caused by the storm, we can and should be encouraged by the character which was demonstrated by the entire community as it joined together in a time of need.

FAMILY FARM DEVELOPMENT ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. BROWN of California. Mr. Speaker, on February 2, 1978, Congressman NOLAN and I introduced the Family Farm Development Act. The purpose of this legislation is to focus on the need for an overall agricultural policy that supports a small and moderate-sized family farm system of agriculture. Perceiving that the only way to achieve such support is through a major effort of reforms in research, education, tax structure, loans, land sales, price supports, education, and marketing programs, I worked with Mr. NOLAN and many others for over a year to develop such a package of reforms.

The family farm has been part of our American heritage and the bastion of our agricultural system and our rural communities. The Nation needs the family farmer now more than ever. Our small rural communities are floundering. Our soil is becoming depeted with predictions of bad production years ahead if strong conservation practices are not implemented. Our family farmers can be effective stewards of the land and supporters of our rural communities.

As E. F. Schumacher stated so well:

There is more involved in "agricultural operations' than the production of incomes and the lowering of costs: what is involved is the whole relationship between man and nature, the whole lifestyle of a society, the health and harmony of man as well as the beauty of his habitat. If all these things are left out of the experts' considerations, man himself is left out.

The family-operated farm is the epitome of this harmonious balance of man working with nature. To argue for its preservation is not to argue for a lost dream but for an effective relationship developed over past history which supports and sustains the best ecological balance and thus the long-term productivity of our soil and the economic viability of our rural communities.

The following article which appeared on January 16, 1978, in New West seems to cover the 160-acre issue regarding the Reclamation Act. But this article really is talking about the crossroads that this Nation has arrived at in its agricultural policy, and whether the family farm is to be the victim or the beneficiary of future policy decisions. It concludes by offering a suggested package of amendments and refers to the legislative package to be proposed by Representative NOLAN. This package is the newly introduced Family Farm Development Act—H.R. 10716. I urge my colleagues to read this article and to begin considering the issues at stake here.

[From the New West magazine, Jan. 16, 1978]

CALIFORNIA'S NEW LAND RUSH

(By Ehud Yonay)

"I can't believe this is happening to us," screamed the headlines on identical full-page ads that appeared last fall in the Los Angeles Times, Washington Post, San Diego Union, San Francisco Chronicle, and Time magazine. "They"—the federal government—"are going to take away our land," charged the emotion-laden text below. And the picture under the headline showed a gloomy farm family from the Imperial Valley. Larry and Cassie Gilbert and their four children, huddling together helplessly. You couldn't help but feel sorry for them. Cassie looked as if she'd been crying all night, and there was a haunting seriousness in the children's eyes. By the time you reach the bottom of the page, where you were invited to "Call for FAIRNESS" at a toll-free number, you were already pulling out your checkbook to help those poor people.

The ads were placed by "Citizens for Government Fairness," an Imperial Valley group that opposes the enforcement of the U.S. Reclamation Act of 1902—the law that allows only small family farmers who live on their land to receive water from federal irrigation projects. It was an effective—and expensive—piece of political advocacy.

But was the government really going to take away the Gilberts' land? The ad did not say just how much land Gilbert has, but when I called him up, he readily admitted that he owns 140 acres and leases 560 more for a total farming operation of 700 acres. Now follow this closely. The reclamation law allows each member of a farm family to own 160 acres and lease another 160. Under the law, the Gilberts and their four children can farm up to 1,920 acres, or almost three times as much land as they have now. Nobody's trying to take away any of their land.

So what is Gilbert beefing about?

At the time the ads appeared, another small Imperial Valley farmer named Emil Schaffner got so angry at the idea of the government taking his land that he drove his tractor through a field of growing sorghum and plowed, in huge letters, "No 160 Acers" (sic). To air travelers between Imperial and Yuma, Arizona, his message seemed like an S.O.S. from the fields below. The Associated Press picked up the story, and Schaffner's protest received as much publicity as Gilbert's ad.

But Schaffner was not about to lose his land, either. He and his wife, brother and parents all live on a small 400-acre dairy farm. The law he was protesting allows them to farm 1,600 acres—four times more than they do now.

So why is Schaffner angry?

These two small farmers personify the near hysteria and confusion surrounding the Interior Departments current plans to enforce the reclamation law. The large growers—who paid for Gilbert's ad—say that enforcement will cause the worst economic disaster since the Great Depression. Food shortages will be epidemic. Thousands of small farmers will go on welfare. And vast stretches of prime farmland will be abandoned to the sagebrush and rattlesnakes.

Proponents of the law—small farmers, farm workers, public-interest groups and, since last week, the United States Department of Agriculture (USDA)—totally disagree. They point to volumes of studies indicating that enforcement will attract an army of hard-working homesteaders, foster a rural renaissance, revive the family farm and prevent food price increases.

What these contrasting scenarios boil down to is this: The greatest range war in the history of the American West is raging from Texas to Oregon, from the Dakotas to the Mexican border. No, they are not shooting each other in Mendota or Five Points or El Centro—not yet, anyway. There are no armed horsemen along the California aqueduct. But all the characters are in place—from the third-generation land barons in their sprawling ranch houses, to the thousands of dirt farmers lined up along the edges of the huge estates—waiting for the greatest land rush since the Cimarron.

The confrontation actually began 75 years ago, when, to help small family farmers homestead the West, Congress passed the Reclamation Act, which empowered the government to build massive irrigation projects designed to transform fertile-but-dry land into productive fields. To prevent speculators and land monopolies from reaping the benefits of this enormous public expenditure, the law specifically prohibited the delivery of project water to farmers who owned more than 160 acres or who did not live on their land.

But those prohibitions were not enforced. Today much of the 11 million acres irrigated by the Bureau of Reclamation in the seventeen western states is held by huge agribusiness corporations, land syndicates and large growers—especially here in California. Since federal water raises land values by an estimated $1,000 per acre and more, relatively few giant ranchers are enjoying hundreds of millions of dollars' worth of government largesse.

Last August, after decades of government inaction, bitter debate and lawsuits, Secretary of the Interior Cecil D. Andrus suddenly decided to enforce the law by requiring large owners to sell their "excess" land to small farmers through a government-supervised lottery, at government-set prices. But as thousands of prospective homesteaders

signed up to buy the excess government-irrigated land, the big growers clung to their subsidized bonanza. Huge tractors rolled down city streets protesting "government unfairness," a massively financed propaganda blitz was launched, and political pressure popped safety valves from Sacramento to Washington, D.C.

The 160-acre rule is now a major issue in California's gubernatorial race. The leading Republican hopefuls. Los Angeles Police Chief Davis and Attorney General Younger, oppose it, while the Brown administration is flip-flopping, saying that the 160-acre rule is too strict and that farm owners should be allowed to live 50 miles from their land, rather than fifteen.

And this is only the beginning. Congress is reconvening under heavy pressure from grower lobbyists to "review" the reclamation law and abolish the 160-acre and residency limits, while batteries of high-priced grower attorneys are preparing lawsuits that would delay enforcement of the law until it can become a political football in the next presidential election. Last month, a Fresno judge ordered the Interior Department to prepare an environmental impact study of the enforcement regulations. Observers estimate that an environmental impact report could block enforcement for at least two years.

As consumers, we should be vitally interested in the outcome of this controversy, especially here in California.

Before we examine the issues, however, it may be worthwhile to inspect what's behind the opposition's scare campaign. Take the Imperial Valley growers, by far the most vocal opponents of the reclamation law. So far, they have:

Spent close to $1 million on a court battle in which they sought exemption from the 160-acre rule (*New West*, June 21, 1976; September 12, 1977). Last August they lost the case in the United States Court of Appeals, but they seem willing to spend whatever it takes to appeal it to the Supreme Court.

Budgeted at least $86,000 for newspaper ads and TV promotions.

Retained the services of the Dolphin Group, a powerhouse publicity agency responsible for last year's defeat of Proposition 14 with the slogan: "I am a small farmer, and I resent having my privacy invaded" (by farm labor organizers). For their Imperial Valley clients, Dolphin's writers came up with this: "Tell us if the government has been unfair to you, too."

Shelled out $45,000 to send a 45-man delegation to President Carter's fund-raising dinner at the Century Plaza last October in hopes of having an impact on him. Outside the hotel, they staged a noisy demonstration featuring scores of tractors and two high school marching bands.

Spent $50,000 to send another delegation to Washington, D.C. to lobby against the 160-acre rule.

That adds up to an impressive amount of money. But by getting small farmers like Larry Gilbert to plead their case in public, the big growers give the impression that little guys are mortgaging their homes in a desperate effort to hold onto their farms. This impression is so pervasive that even many small farmers believe it.

But the facts tell another story.

According to the latest government census, there are 830 farms in the Imperial Valley; some 640 of them have less than 1,000 acres each, and are therefore unlikely to be affected by the law. Another 73 farms have 1,000 to 1,999 acres, and 77 have more than 2,000 acres each. Those latter 150 farmers, among them the Southern Pacific Railroad and the Irvin Company, own almost two thirds of the valley's 450,000 superbly fertile acres and are the beneficiaries of an average of more than $2 million each in government water subsidies.

The Imperial Valley is the fifth most productive county in the nation. Its gross farm production last year was $521 million, with roughly $300 million produced by the 150 largest growers. It should come as no surprise, therefore, that these 150 large growers are leading the various committees and drives that oppose the 160-acre rule. They have a lot to lose.

The situation is much the same in other reclamation areas—relatively few huge operators own the bulk of the land affected by Andrus's regulations. This is no coincidence. In many cases a project was built at a particular location precisely because the large growers there wielded the necesary political muscle. Then, through cozy arrangements with Bureau of Reclamation officials, some of the same growers helped to block enforcement of the 160-acre and residency requirements.

These growers wield tremendous influence. For example, they dominate the Council of California Growers and the Farm Bureau, and sit on boards of directors of banks, supermarket chains and utility companies. One result of this clout is that the California Chamber of Commerce is now demanding that each member of a farming family be allowed to own 640 acres (instead of 160), and to lease as much land as he wants.

Much of the anti-160-acre information you hear these days comes from those with the most to lose—and the most to spend. So is it any wonder that many people don't have the vaguest notion of what the real impact of reclamation enforcement might be?

For the last several months, I traveled throughout the state to interview farmers, government officials, politicians and agricultural researchers. I reviewed stacks of studies, reread key court cases, analyzed the 1902 law and Andrus's recently proposed regulations, and attended government hearings. Many of the people I spoke to seemed unable to separate emotion from facts. It is difficult to discuss the national implications of the 1902 law with a farmer who fears that enforcement will deprive him of a major slice of his livelihood. On the other side, many reclamation law advocates needlessly anger farmers by defining the issue as Third World agrarian reform.

What did I find out? First, food prices will *not* go up, judging by the two government studies and several experts that I spoke to. Other than that, however, enforcing the regulations will have dramatic and beneficial effects on our farm and rural scenes.

According to incomplete Bureau of Reclamation estimates, 1,331,252 acres irrigated by federal water projects in the West are owned in violation of the 160-acre rule; the bulk of that land—1,091,000 acres—is in California. The actual figure is probably twice as high.

Breaking up this land into 320-acre farms will create 5,000 new ones—most of them in California. The Imperial Valley alone could get 1,000 new farm families. And these settlers will be followed by thousands of new school teachers, mechanics, fertilizer salesmen, custom harvesters, grocers, truckers, bookkeepers, lawyers, builders and so on, a massive population influx that will revive dying rural towns and help thin out our over-populated cities and suburbs.

This rural revival hinges on one crucial issue, however—the ability of the small farmer to make a living on a 320-acre farm. The big growers say that 320 acres isn't nearly enough land to support a modern farmer. But the fact is that 320 acres is a very large and reasonably profitable spread by state and national standards. According to the census, the average irrigated farm in 1974 was only 157 acres in California, 103 in Iowa, 87 in Illinois and 168 in the nation as a whole. Production figures are even more meaningful. Because of the long growing season, year-round irrigation and good soils, a 320-acre farm can gross $200,000 a year in Central California and $300,000 in the Imperial Valley. By contrast, in 1971, only 2 percent of all commercial farms in America grossed more than $100,000. That puts the "small" 320-acre California farm in the top 2 percent in the nation in terms of production.

The reason is simple: Sunny, fertile California is ideal for farming. The average yield of wheat in California is 62 bushels per acre, twice that of Kansas (29 bushels), and the average yield of cotton, 1,064 pounds per acre, is more than triple Texas's 288 pounds.

A recent University of California at Davis analysis of a hypothetical 320-acre family farm in the San Joaqum Valley's Westlands Irrigation District concluded that even after paying $1.500 per acre for the land, the farmer should net $40,000 to $50,000 a year—$15,000 in annual cash income and $25,000 in increased equity. And even a skeptical analyst like Robert Montague, an agricultural appraisal expert for the Bank of America, thinks that a 320-acre Westlands farm can net more than $18,000 a year.

Are the Davis and B of A reports accurate? Consider this: Last fall, Agricultural Secretary Bob Bergland ordered the USDA economic research staff to analyze the impact of Secretary Andrus's regulations. While the results of the study are still closely guarded, USDA insiders told me that the study concludes that 320 acres can provide an Imperial Valley or Westlands family with a comfortable $15,000 net annual income, which is the median in those counties.

The growers' contention that large farms are more efficient than small ones is based on a series of economies-of-size studies conducted more than ten years ago by the Giannini Foundation at the University of California at Berkeley. The studies, however, were designed to analyze what size farm was needed to allow modern farm equipment to operate at its peak efficiency, rather than what size farm yielded the highest income. And even then, farms considered "efficient" were not all that large—for example, 700 to 1,400 acres for a Fresno cotton farm and 1,500 acres for an Imperial Valley cash-crop farm. What's more, according to Dr. Phillip E. Leveen, assistant professor of agricultural economics at UC Berkeley, the studies did not take into account the costs of hiring more labor and management per unit of production on a large farm, and did not review any "one-man" farms of less than 160 acres.

By contrast, when Warren R. Bailey, a senior economist with the USDA's Economic Research Service, studied one-man farms four years ago, he concluded: "From the standpoint of costs per unit of production, [the one-man] farm captures most of the economies associated with size." He found that for maximum production efficiency an irrigated California cotton farm needs no more than 400 acres—that would net its owner-operator $36,000 a year. A one-man California vegetable farm would have only 200 acres, and net $49,000 a year. "The chief incentive for farm enlargement," Bailey noted, "is not to reduce unit costs of production, but to achieve a larger business, more output and more total income."

In other words, big farms are not more efficient. They simply make more money.

The best proof of the viability of the smaller farm is the thousands of farmers who are making a living on small spreads (see box, page 40), plus the thousands of seasoned farm hands who have come forward to buy excess government-irrigated land.

Clearly, 160 acres per person is more than sufficient; in fact, a family should not be allowed to own more than 640 acres. However, exceptions should be made for areas burdened with such problems as salinity, slow-draining soils or very short growing seasons.

The reclamation law also requires that landowners in reclamation areas live on their farms; Andrus's regulations interpret that to mean within 50 miles of them.

There are persuasive arguments in favor of residency enforcement. Take Westlands, where 600,000 acres without homes or people stretch 60 miles long and fifteen wide along Interstate 5 in the shape of a prehistoric flint knife. About a quarter of a million acres or more would eventually be auctioned off to new farmers if the proposed enforcement regulations go into effect. A recent study by Cooperative Extension Service agricultural economists concluded that the sale of the first 30,000 acres alone to small farmers who would live near their land would create 540 new jobs, increase the total personal income in Fresno County by $6.2 million a year and boost total private sector sales by more than $16 million a year.

This influx of money and people would, in turn, improve the quality of rural life—as studies have conclusively shown. For example, back in 1946, a young USDA researcher named Dr. Walter R. Goldschmidt, who is now a UCLA anthropology professor, examined two San Joaquin Valley towns of similar size and discovered that, compared to Arvin (which was surrounded by large farms), Dinuba (which was surrounded by small farms) supported twice as many businesses, churches, civic organizations and newspapers, four times as many elementary schools and three times as many public parks. Furthermore, Dinuba had 61 percent more retail trade than Arvin, more nonfarm businesses and a much higher level of municipal services. And this economic pattern holds true today, according to Isao Fujimoto, a rural sociologist with UC Davis who recently surveyed 130 San Joaquin Valley towns.

In view of these findings, it appears that requiring a federal water recipient to live on or near his land is not only consistent with the 1902 law, but is of immense benefit to our countryside. Still, there are good reasons to believe that Andrus's proposed 50-mile residency limit is inadequate. "There is no way a man is going to buy a farm 50 miles away and plan to farm it," says Victor Gallo, a small farmer in Firebaugh, near Westlands. In Westlands in particular, it seems that the 50-mile limit will enable Fresno families to buy farms for investment purposes and still conform with the law. Reducing the residence limit of fifteen miles, however, would keep out nonfarming investors and speculators.

I don't mean to imply that Andrus's proposed regulations are perfect. They aren't. The rules were drafted hastily as a result of a court order, and some are silly and should be modified as soon as possible. For example, one regulation defines a family as a lineal relationship only—father and sons, for instance. Thus a man and his children can form a family-farm corporation, but if the father dies, the descendents must break up the operation in order not to violate the law. This rule should be changed.

Another regulation requires that all excess land be sold through a government-supervised lottey. However, the public benefit of a lottery is dubious; enforcement will be expensive and may cause enormous bureaucratic hassles. For example, suppose you have 320 acres and want to buy another 160-acre parcel under your son's name from a neighbor. Under the new regulations, even if you talk your neighbor into selling his extra parcel, the government must still hold a lottery, which would greatly reduce your odds of getting the land.

Similar reasoning should eliminate a regulation that would limit the amount of land a farmer can lease to 160 acres per family member. Enforcing it would be prohibitive, if not impossible, since farmers can easily get around it by making verbal lease agreements.

In addition, the large growers' successful suit requiring the Interior Department to prepare an environmental impact report on its new regulations raises several new issues. The growers contend that breaking up large farms will lead to heavier use of pesticides and that local governments will have to spend fortunes on new roads, services, schools and so on. They also claim that many large growers would let their excess land go fallow rather than sell it.

None of these claims has much merit, however, at least according to a number of experts I interviewed. USDA economist Charles Moore of UC Davis told me that small farmers are less likely to grow the kind of intensive crops, such as vegetables, that require large amounts of pesticides; he thinks the use of such chemicals will actually drop when the large farms are broken up. There is also evidence that the cost of roads and services will be more than offset by the increased tax revenues from the larger number of homesteaders who will move out to the rural counties.

Also, the idea that large growers will choose to let their land revert to desert rather than sell it makes as much sense to me as a driver threatening to hold his breath unless a policeman agrees not to give him a speeding ticket. I suppose large farmers could afford to keep valuable land out of production while paying taxes on it, but for how long? What's more, that threat is certainly no justification for preventing the government from enforcing the law.

Any day now, Congress will begin its long-awaited debate on the reclamation law. Attempts will be made to turn it into a purely political power play, aimed at abolishing the 160-acre and residency rules. This would be a tragic mistake. The reclamation law is not a "socialistic experiment," as some of the large growers would have us believe. It reflects an American tradition as old as the Republic—from Jefferson's dream of a nation made up of agrarian freeholders, to Lincoln's Homestead Act, to Theodore Roosevelt's hearty support of the 1902 reclamation law as an antimonopoly bastion. The congressional reclamation debate of 1978 will have a lasting effect on the way this nation grows its food and develops. By affirming the national commitment to the reclamation law, Congress can help break the large corporations' stranglehold over the nation's food production, restore hardworking family farmers to the land, and bring about a long-needed rural renaissance.

Based on the evidence presented here, Congress should:

Bind all federal water projects by the 160-acre and residency rules.

Put a 640-acre ceiling on the amount of federally irrigated land a family may own—except where more land is clearly needed for the family's livelihood.

Require federal water recipients to live on their farms or within fifteen miles of them.

Require federal water recipients to own and operate their own farms—unless special circumstances, such as old age, sickness, and the like, prevent them from farming themselves.

Expand the family definition of the law to include all immediate family members, in order to enable brothers and sisters, for example, to pool their holdings to enjoy some of the advantages of large farms.

Making these provisions part of the law will make such cumbersome and expensive measures as leasing bans or sale by lottery unnecessary. But Congress should not stop there. If the reclamation law is really to bring about a revival of the small family farmer, a lot more is needed.

American family farmers are faced with a host of serious problems, from unstable prices and rising production costs to unfair tax laws and the lack of small-scale farm technology. It would be wrong to solve these problems only for reclamation-area farmers by giving them more land, especially since their 320-acre farms are already twice the national average. Congress should solve these problems for all family farmers through a thoughtful national legislation that would:

Encourage production cooperatives where, for example, several small farmers can jointly buy major pieces of equipment.

Modify the farm price-support system to give small family farmers 100 percent parity, while letting large growers rely on their size in the marketplace.

Change the tax laws to enable small farmers to write off farm losses against off-farm income—just the way large conglomerates do now.

Protect farmlands against speculators, foreign investors and developers.

Instruct the USDA and public universities and colleges to promote small-scale agricultural research.

Use antitrust measures to discourage large corporations from dominating food commodity markets through vertical integration or food-processing cartels.

Such a legislative package is already in the works. Congressman Richard Nolan of Minnesota, who heads the House Subcommittee on Small Farms and Rural Development, is preparing an omnibus family-farm bill that includes most of these provisions. Hopefully, Congress will respond by developing a national family-farm law. Failure to do so will place a seal of approval on the larger growers' blatant raid on the nation's most fertile farmlands—and on our food dollars in the years to come.

THE DISARMAMENT ADVOCATES ARE WINNING

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. DORNAN. Mr. Speaker, America has produced many fine military men and many fine men of upstanding character during her some 200 years. Of those fine military men of character few have gained the admiration of his countrymen and few have contributed more to their nation than Lt. Gen. Ira E. Eaker.

Eaker is a dedicated American, an airman of great renown and an outstanding citizen of our Republic. During his distinguished career as an aviation pioneer and Air Force leader, Lieutenant General Eaker set the world endurance flight record as chief pilot of "Question Mark," in 1929; flew the first transcontinental blind flight in 1936; served with the RAF in the early days of World War II to help develop the air arm of the U.S. forces; served as deputy commander of the Army Air Forces and Chief of Air Staff until his retirement in 1947. Last May, by unanimous consent, the Senate voted to award Lieutenant General Eaker a special medal in recognition of his contributions and dedication to the United States.

Since 1962, Lieutenant General Eaker has written a weekly column on national security—a goal he strove for and a subject which he knows as well as any American. In his January 15, 1978, column entitled "The Disarmament Advocates Winning," he expresses some of the concerns of those knowledgeable about the Soviet threat and the lack of action

on our own part. I commend it to my colleagues and ask that it be included as part of my remarks today:

SUNDAY, JANUARY 15, 1978

THE DISARMAMENT ADVOCATES WINNING

(By Lt. Gen. Ira C. Eaker, USAF (Ret.))

When President Carter answered questions of representatives of the television networks on December 28th, I listened intently hoping to hear him express concern for our national security.

None materialized. When asked to name his priorities, national security was not mentioned. Equally disturbing was a statement also on December 28th, by the new OMB Director, James T. McIntyre, who predicted that the 1979 budget will "show the country that the President will not neglect the country's domestic needs." No mention of national security by the President's chief budget adviser.

This does not indicate, of course, that the President is unconcerned about the safety of this country. It does mean that he sees no hazard from the continuing arms build-up by Russia, long after achieving military parity.

It also indicates that he is following the counsel of his disarmament advisers who urge continuing unilateral disarmament, believing, apparently, that military power is irrelevant to our safety.

It also is quite clear that professional military advice plays little part in determining our defense posture. I can think of no major recommendation of the Joint Chiefs of Staff which has been approved. I remember many of their recommendations which have been disapproved.

The Joint Chiefs unanimously recommended production of the B–1. It was cancelled.

They advocated continuing production of the Minuteman III missile. It was disapproved.

They expressed grave concern about Russia's naval build-up proposing among other urgent priorities the procurement of 20 new ships in the new fiscal year. This was cut by 25%.

Joint Chiefs recommended experimental development of the MX land-based, mobile missile. This has been postponed.

They also recommended an increased defense budget for next fiscal year of about three percent in real terms, after allowing for inflation, a total of $130 billion. This has been reduced to $126 billion, which is four billion less than the recommendation of Secretary of Defense, Harold Brown.

President Leonid Brezhnev's advice fared much better. He recommended the B–1 cancellation; Carter agreed. He strongly recommended against our MX Missile. It was delayed. He and Pravda railed against the neutron bomb and the cruise missile. Deployment of each is now in jeopardy.

The unilateral disarmament advocates profess to believe that if the U.S. develops or deploys any new strategic weapons, that this will be destabilizing, needlessly jeopardizing detente and endangering SALT II. They hold that the Soviet arms build-up is all our fault. If we continue to disarm, Russia will eventually react favorably, ultimately recognizing that military power now has little relevance to a nation's security. These false prophets also suggest that other factors make Russia's growing military power of little concern.

Such factors as the continued enmity between Russia and Red China, the faltering Soviet economy and their diminishing energy resources are cited to prove that Russia poses no threat to the U.S. and its Free World allies.

In fact, these alleged Soviet weaknesses may be ominous. Historically, no nation with preponderant military power has ever failed to demand and secure its needs from weaker neighbors.

With Soviet capability to control the Middle East oil supply; with Russia's power to disrupt our vital sea lanes; with growing superiority of the Warsaw Pact over our NATO allies, our continued disarmament represents a hazard no longer tolerable.

AMERICAN AGRICULTURE MOVEMENT

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. THONE. Mr. Speaker, I feel that the American Agriculture Movement has in a very short time done an excellent job of educating the country on the current dire situation facing agriculture. All costs of production have skyrocketed while prices for farm production are pitifully low. Many, many farmers are now caught in a vicious economic squeeze, and this story demands to be told.

The American Agriculture Movement is a group of individuals who have crossed over the boundary of political parties, farm organizations, and commodity groups and are working for the one thing missing in agriculture today—a fair price for his production.

Farm income, adjusted for inflation, is at its lowest level in more than 40 years. Farm income is down more than $1 billion from last year, and down nearly $10 billion from 1973.

Farm debt has doubled since 1970. We obviously need low interest, long-term loans and the moratorium on applicable Federal debt is much in order. More honest to goodness grassroots and effective farmer input on farm policy, and a more understanding administration of the farm law are also most positive ideas that need implementation.

Duane Neuenburg, of Cozad, Nebr., and Stan DeBoer, of Bertland, Nebr., testified formally before the House Agriculture Committee today and their prepared statement follows:

Mr. Chairman and Members of the Committee: I was originally given the general subject of the 1977 farm bill. Since this whole subject obviously is too extensive to deal with even superficially, to say nothing of analytically, in my allotted time, I choose to direct my testimony to the practical effects of this legislation as they relate to my own farming operation. My first observation is that this bill is *disastrous*, as it is presently being implemented.

To establish this premise, I now direct this testimony toward the principal commodity I produce—yellow corn. I know it best and hopefully my acquaintance with it will enhance the credibility of my testimony and your assessment of it.

At present, the CCC loan rate on No. 2 yellow corn in Dawson County, Nebraska where I farm is $1.96 per bushel, but in real terms I will receive much less than that. This loan is just that—a loan. I will possibly repay both principal and interest in the future. However, it now appears that I will forfeit my corn as pledged security to CCC for advancing the loan.

9 months of storage each at $.0225 per month	$0.2025
1% extra drying charge & shrinking charge to dry corn from 15½% (No. 2 corn basis) to 14½% moisture (this being the moisture content acceptable for storage) at a rate of 2% per wgt. at $1.96 per bushel	.0392
	.2417
Original loan rate advanced	1.96
Cost incurred during storage	.24
Subtotal	1.72

Should I elect to redeem my loan at maturity date, I would pay all of the above costs plus interest.

7% x $1.96 x 9 months=$.1029

Subtracting this from my previous subtotal, I would receive corn back which had an apparent value of $1.96 per bushel but which in fact had declined in value to $1.62.

Previous subtotal	$1.72
Interest charges	.10
Net value	1.62

So it would appear the present farm bill probably dictates that I will raise corn worth not $1.96 as it would appear, but worth somewhere in the area of $1.72 and $1.62, depending on how I dispose of it. This represents a very significant reduction in value.

Now let us examine what it costs me to produce it. Please remember these costs are derived from conditions in the Platte River Valley region of Nebraska and that I am prepared to defend them as being generally valid for corn production under irrigated conditions in the South Central regions of Nebraska.

The fixed costs were developed by me. The variable costs were developed by Mr. Willard Bellamy of Bellamy Grain, Cozad, Nebraska. Mr. Bellamy, in his various enterprises, operates a large commercial grain facility which warehouses and merchandises grain along with being a large fertilizer-chemical dealer and applicator. He sells livestock feeds. He also operates a very extensive farming-ranching-livestock feeding operation.

I use these figures with his permission. I consider them to be conservative in certain areas but exorbitant in none.

Costs of production, land capable of AVG 135 Bu yield:

Fixed Interest, $1,500 x 9%	135.00
Land amortization, 25 years	60.00
Taxes	5.25
Total	200.25
Variable costs	
Labor	18.00
Machine Operation including depreciation	22.00
Seed Corn	12.00
Herbicide	12.00
Insecticide	7.00
Aerial Spray Application	3.50
Fertilizer	40.00
Irrigation	20.00
Harvesting	15.00
Drying	13.50
Risk (20% factor)	32.60
Interest 195.60 x 9 x 8 months	11.74
	207.34
10% profit, 407.50 x 10%	40.76
	448.10

Cost per Bushel, 448.10 divided by 135, $3.32.

The history of farm programs similar to

this one indicates that in a "good" year—that is a year when conditions are such that generally good yields prevail—what is called a support price or loan rate in effect becomes a ceiling price for that commodity. When a farm bill creates such a situation of catastrophic disparity as this one has this year, I call that farm bill not beneficial but disastrous.

The second part of my testimony will indicate that the present farm bill has not only resulted in a calamitous negative flow of operating revenues until the present time but that it is also intended to continue to hold prices at depressed levels throughout its entire duration.

I request your attention to be directed to ASCS data projection sheet numbered "PAGE 17" at the bottom center of the sheet. At the upper left hand margin you will find the word "CORN". This document is dated 12–20–77, and I interpret it to display projected data concerning the commodity yellow corn through 1982, the year this farm plan will expire. Numerous aspects of production, inventories and prices are extended through this time interval.

I ask your attention to be directed specifically to "SEAS AV PRICE" under the general heading "PRICES". You will find there an estimated average price for 1978 of $2.00 @ bushel, a decline of $.10 from the previous year 1977. In 1979 the estimated average price will return to $2.10 @ bushel, the estimated average price in 1977. The price will then rise during the remaining years to a final estimated average price of $2.35 @ bushel. This would be an increase of 11 percent throughout these years.

How far will these projected price levels go to alleviate agriculture's economic problems? I think they will go a long way—but not in the right direction.

During the same time interval the parity index ratio will hover in the 55 percent area, ending with a ratio of 54 percent, or 7 percent less than it is estimated in 1977 according to this projection. If these projections are anywhere near accurate, the years 1978 through 1982 will be a continuation of the 1977 disastrous prices.

Now we hear of the USDA's new reserve program. Farmers may borrow more money to erect storage facilities to store grain and defer marketing. Another investment for the farmer to make—and for what purpose? He will be paid less than commercial storage rates while assuming the same risks as a bonded warehouseman.

Let us examine the prices farmers may expect to receive for their corn under this new reserve plan. On February 1, 1978 Secretary of Agriculture Robert Bergland in his statement to the House Agriculture Committee. according to stenographic transcripts of the hearings, page 12, beginning with line 23, said concerning this reserve program, "In corn, the range is $2.50 on the low side and $2.80 on the high side, but they do not have to sell the corn. But they agree they will not have to sell it until the price goes to $2.50."

Gentlemen, I suggest there is nothing in that price regime to resolve agriculture's dilemma of how to produce sufficiently for the needs of our country and the world, considering the production costs we now have and those we must reasonably anticipate in the future.

Contrary to some opinion, including that voiced by the President and the Secretary of Agriculture—agriculture's problems are not basically the result of operating agriculture's greed. The quadrupling of crude petroleum prices in recent years resulted not only in an increase in the cost of our fuels and energy but also contributes directly to the cost of our technology which is overwhelmingly based on petro-chemistry. None of the rest of our economy can move back to the price and value structure of "pre energy crisis" times. How can United States' agriculture be expected to return to that level and remain there? We obviously must have equal or parity pricing to survive.

In conclusion, it is my opinion that this present farm bill of 1977, which purports to be created for the nurture and benefit of United States agriculture, is in fact an economic absurdity. It has not, and it is projected not to improve the financial lot of agriculture. The only effect it can actually have in the present economic context is widespread attrition of the family farm and ranch to the extent of their virtual extinction. In light of the deceitful statements made by this Administration concerning the so-called benefits for agriculture as they have implemented this legislation to the present time and as confidential projections indicate they intend to implement it in the future, I charge and accuse this administration not only of deceit, but even of fraudulent misrepresentation of the effect of this bill on agriculture in the United States.

Gentlemen, not wishing to press this distasteful accusation further, but rather looking constructively to the future, I respectfully urge you to formulate a new farm bill. A bill which will honestly meet the needs of our country's most basic industry, agriculture. A bill which will afford a modest assurance of meeting the costs of production plus a reasonable chance for a necessary profit, coupled with reasonable regulation of that production so as not to jeopardize the total economy of our country. The need is imperative! The time is now!

It is my studied opinion that such a bill should be based on the proposals of the American Agriculture Movement.

For this opportunity to testify and for your kind attention, I thank you.

LITHUANIAN INDEPENDENCE

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. PURSELL. Mr. Speaker, 60 years ago the brave people of Lithuania threw off the yoke of Soviet repression and reestablished themselves as a free and independent nation.

I would like to take this opportunity to observe this anniversary, which is both a joyous and somber occasion for Americans of Lithuanian descent, and for freedom-loving people everywhere.

It is with sadness that we note the short duration of this independence. After 22 years of Lithuanian self-determination, the Soviet Union broke its treaties of friendship and forcibly annexed this country into its sphere.

For more than three decades since that date, the Soviet Union has tried to destroy all reminders of the Lithuanian State. Lithuanians who have not fled the country have endured religious persecution, political repression, and denial of their basic human rights.

In spite of these adversities, however, the Lithuanian people have retained their spirit of independence and national pride, and have remained firm in their effort to retain their own language, culture, and identity.

Resistance to Soviet domination continues in Lithuania, and in the sister republics of Estonia and Latvia, as evidenced by the underground publication of "The Chronicle of the Lithuanian Catholic Church," and "Ausra-the-Dawn," at the risk of arrest and imprisonment.

The United States, as a defender of human rights and freedom, has consistently refused to recognize the unlawful Soviet occupation of Lithuania.

But each individual American should also pause to recognize the courage and determination of the Lithuanian people, as a reminder that the precious freedom we often take for granted is not enjoyed throughout the world, and that the cost of losing that freedom is great.

Let us hope that the Lithuanian thirst for freedom is never quenched, and that the future may bring independence to this nation once again.

THE REAL UNEMPLOYMENT FIGURES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. MIKVA. Mr. Speaker, during the past year many articles have been written and statements made that the unemployment problem in the country is much less serious than the unemployment statistics indicate. Commentators and opinionmakers have pointed to the increase in workingwomen, the temporary bulge in working-age young people, and the increase in the actual numbers of jobs as evidence that unemployment is under control.

I disagree. Unemployment is still a massive problem. As a recent incident in Chicago reveals, data and statistics do not reflect the intense desire to work among the unemployed.

Mr. Speaker, I would like to share with the House an article which appeared in the Chicago Tribune on February 14, written by Mike McCabe which shows how many people do want jobs, and how many people will stand all day on a freezing Chicago street corner in the middle of February on the off chance that they will get one. I think these figures are as dramatic a symbol of the scope of the unemployment problem as any theoretical model.

1,500 STAMPEDE FOR 1,000 MARRIOTT OPENINGS

(By Mike McCabe)

The man in the blue suit stood atop a snow bank at 155 E. Ohio St. frantically handing out job applications to several hundred reaching hands.

"Go home, please! I'm pleading with you!" he said. "Isn't there anybody who wants to come back another day for an interview?"

"No! No!" the crowd screamed.

Newspaper ads had proclaimed, "The Magnificent Marriott brings 1,000 jobs to the Magnificent Mile." That brought more than 1,500 job applicants Monday morning, some as early as 6 a.m. The 1,214-room hotel at Ohio Street and Michigan Avenue is to open May 15.

The man in the blue suit, Steve Hubbard, Marriott's regional director of personnel, said he expects about 15,000 appli-

cants will be interviewed in the next few weeks for the thousand jobs.

By 9:30 a.m. most of the job applicants had been shivering in the "Marriott job line" for more than 45 minutes.

A few grabbed job application forms handed out by Hubbard and a Chicago policeman, but most chose to wait in line for an interview instead of returning another day.

"I'll take any kind of job they got," said Carolyn Logan of 313 W. 53d St. "I've been out of work for three years, and I've got four children. A cook's helper, a laundry worker—you name it, I'll do it. I'd even shovel manure right now if the money's right."

A few steps behind Mrs. Logan stood a man who identified himself as "Hopeless Needy." He too said he'll take any job he can get.

"I've been out of work about six months, and that's why you can call me Hopeless Needy, because that's what I am," he said. "I'll tell you my real name, but you'll have to pay me for that information. You see, I'm absolutely desperate."

Kathy Williams, near the end of the line, was hoping to get a job as a receptionist.

"I can't believe this line," she said, "I thought it was for a clothing sale or something. It's amazing."

Sue Lagatare, 20, of 2300 N. Commonwealth Ave., said she hopes to get a job as a hostess or waitress in one of Marriott's six restaurants.

"I like the idea that Marriott might ask me to relocate to another area. Right now I'd love to relocate to Hawaii."

Inside the Marriott Employment Center, where the interviews were being held, Granville Stallworth, director of personnel, said successful applicants would be notified about Easter time.

"What most of these people don't realize," he said, "is first come, first served doesn't work here. We hire the best qualified, not the first in line."

DISCONTENT GROWS AMONG IOWA FARMERS

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. LEACH. Mr. Speaker, all Members of the House have become more aware in recent weeks of the economic plight of many of America's farmers. In Iowa this concern has been most poignantly reflected in a recent Des Moines Register poll. I commend it to my colleagues in the House as clear evidence that farmers are alarmed at the astounding decline in net farm income and have little confidence in the administration's farm program.

A Des Moines Register article describing Iowa poll results follows:

DISCONTENT GROWS AMONG IOWA FARMERS

POLL SHOWS DISAPPROVAL OF USDA, BERGLAND, CARTER

(By Daniel Pedersen)

The seeds of discontent have been planted in Iowa's farmlands. Bags and bags of them.

Maybe you're a skeptical city dweller, who has kept half an eye fixed on the fledgling American Agriculture movement.

Maybe you chuckled a bit when former Agriculture Secretary Earl Butz proclaimed two weeks ago in Des Moines that the movement is merely a creation of the news media.

Maybe you laughed louder 10 days ago when only 500 farmers showed up at the Iowa Capitol to lobby for support of American Agriculture's demands for higher farm prices, when demonstration organizers had projected that the crowd would number 5,000 to 10,000.

Well, the Iowa Poll says you can stop laughing.

The new poll shows:

An overwhelming majority of Iowa farmers—fully nine out of 10—think the United States Department of Agriculture (USDA) favors consumers over farmers when their interests conflict.

The approval rating of Agriculture Secretary Bob Bergland has plummeted significantly in the past year. Seventy-two percent of rural Iowans applauded his appointment last January. But today, only 38 percent of the state's farmers approve of the job Bergland is doing.

President Jimmy Carter also takes it on the chin. Fewer than two in 10 Iowa farmers think his farm program will do anything to improve their economic condition. And that assessment comes at a time of apparent economic crisis.

And the cornerstone of the new Carter farm plan—inducing farmers to take some land out of production, thereby reducing the supply of grain and raising its price—is rejected by two-thirds of the state's farmers.

None of this indicates the American Agriculture movement is about to become as common in Iowa as the movement of a tractor down a country road.

What the poll does suggest is this: Even though crowds drawn so far by the stump-thumping masters of rural rhetoric are modest, the seeds of discontent are germinating out there. They just haven't yet been planted in neat political rows you can see.

Not American Agriculture's row. Not Carter's row. Not even a discernible row of their own.

Non-farming Iowans agree with farmers on all of the poll questions except the one about secretary Bergland, to whom they give narrow approval. But the degree of conviction is cloudier.

For example, slightly more than half of the non-farmers also believe that the USDA generally supports the consumer when the consumer's interest conflicts with the farmer.

But one of every four town and city dwellers thinks the USDA favors the farmer. Only one farmer in 25 believes that.

And, although it is predictable that those who don't make their living off the land are less opinionated about farm issues, the level of that lack of conviction sometimes is surprising.

Sixty-two percent of non-farming Iowans express no opinion at all about Bergland.

One of the state's oldest economic truisms is that a bust in the country makes nasty financial ripples, sometimes waves, in the city.

But if angry seeds are growing by the bushel in the fields, the poll also hints that the same unhappy crop may not be strong enough yet to crack through the concrete in Davenport, Des Moines and Dubuque.

NOT GOOD NEWS

None of the findings, however, constitutes good news for the USDA.

Bergland's department is more than a collection of four capital letters. Established by Abraham Lincoln in 1862, the USDA grew out of the political fact that farmers had numbers and therefore clout.

As both of those possessions have steadily declined since 1900, the agency's role has changed.

But the revelation that 90 percent of farmers here think the department now represents food consumers more readily than food producers is not likely to put federal observers to sleep.

The degree of disaffection is reinforced by another finding of the latest poll. Iowa farmers have about twice as much confidence in grocery stores—one of the chain of middlemen who reportedly continue to profit while the farmer limps along—as they do in the USDA.

Twenty-eight percent of farmers express lack of confidence in grocery stores. Sixty percent do not trust the USDA.

Perhaps it makes little difference to the majority here that President Carter, in his proposed budget released a week ago, slashed away more than a fifth of what the USDA was allotted during the current fiscal year.

That announcement drew heavy rebuke from a number of farm belt congressmen and Senate Agricultural Committee Chairman Herman Talmadge. The Georgia Democrat called for a huge boost in the USDA budget and asserted that U.S. agriculture "is caught up in a crisis of major proportions."

The Carter administration, however, is banking on the theory that exports plus higher grain prices next fall will translate into reduced federal aid for farmers.

The higher prices, the strategy runs, will result from reducing the oversupply of grain that plummeted prices last year.

"SET ASIDE"

The plan calls for convincing American farmers to idle 10 percent of their intended feed-grain acreage in exchange for government loans and price-support protection on the rest of their crop. In bureaucratic speed talk, that's called a set-aside program.

But the concept is not likely to make Carter Iowa's darling. Seven out of 10 farmers here and six out of 10 non-farmers oppose the concept of land diversion.

That's the same concept that several farm state congressmen, including some from Iowa, have supported.

Only one in four Iowa farmers say they are planning to participate in the program, a percentage right at the lower limits of the 25 to 35 percent rate that administration officials have predicted nationally.

Iowa Representative Charles Grassley has contended Carter will need "a massive public relations program" to persuade corn farmers to enroll because a 10 percent set-aside is not high enough and because the program may be canceled if corn prices go up early this year.

But only one farmer in five thinks that more than 10 percent of corn land should be idled. A larger group—30 percent of farmers—thinks no land at all should be set aside. Making up the remainder are the 24 percent who favor the Carter formula and the 25 percent who say they don't know how much land should be taken out of production.

In fairness, it should be noted that the solution of the American Agriculture movement—refusing to plant until higher prices are achieved—hasn't brought down the house in Iowa either.

A winter survey of farmers' planting intentions by the USDA reported 10 days ago that the threatened strike has had little impact on Iowa or the nation. Farmers here were planning to trim corn acreage by 2 to 3 percent and instead boost soybean planting by 8 percent.

What does the Iowa farmer want, then? What is the lever that will free him from the squeeze of increasing operating costs and decreasing crop and animal prices?

Those are riddles the Iowa Poll doesn't answer, if in fact there are answers to be had.

Historically, agrarian populism has been like a weed. It defies logic and grows fast in the driest of soils and in places where it's not wanted. It is almost impossible to root out.

And yet, the weed disappears almost as quickly as it appears. The only traces it leaves are the quaking nerves of farm politicians and another formal farm organiza-

tion to join the ranks of the Grange, the Farm Bureau, the Farmers Union and the johnny-come-lately (1955) National Farmers Organization.

It's too early to figure the growing season of the current crop. But one thing is clear: The seeds of that gangling plant are out there however, disheveled the rows may be, and it will be well worth watching to see how they grow.

The following questions were asked in the poll, conducted Dec. 7-20:

"When the interests of the farmer and the consumer are in conflict, do you think the U.S. Department of Agriculture generally supports the farmer or the consumer?"

"The federal government is attempting to increase grain prices by taking some farmland out of production. Farmers who don't take land out of production will lose certain federal assistances. Do you favor or oppose this type of set-aside program?"

"President Carter's farm policy will improve the farm economy. Do you strongly agree, agree, disagree, or strongly disagree?"

"Do you approve or disapprove of the job Bob Bergland is doing as U.S. Secretary of Agriculture?"

Farmers alone were asked:

"Based on what you know now, do you think you will participate in the set-aside program or not?"

"What percentage of corn land do you think should be set aside from production in 1978? None, 10 percent, 15 percent, 20 percent, other?"

OPIC AND U.S. AGRICULTURE

HON. JOHN J. CAVANAUGH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. CAVANAUGH. Mr. Speaker, during our consideration of legislation to extend the authorities of the Overseas Private Investment Corporation, the Subcommittee on International Economic Policy and Trade reviewed several Carter administration proposals for further focus of OPIC's programs on investments that clearly enhance both host country development and the domestic U.S. economy. One proposal with particular promise was the increased promotion of agribusiness projects that can help to improve dietary standards in poor countries, and, at the same time encourage orderly growth in the market for U.S. agricultural commodities. With the support of the International Relations Committee, OPIC already has undertaken to increase these activities, and I am pleased to call to the attention of my colleagues a new joint program announced recently by OPIC and the Department of Agriculture that is designed to increase LDC use of, and the corresponding demand for, U.S. feed grain, wheat, soybean, and rice.

The USDA-OPIC announcement is as follows:

USDA, OPIC PLAN FARM COMMODITY PROGRAM FOR DEVELOPING NATIONS

WASHINGTON, D.C., February 9, 1978.—A program to increase the market demand for feed grains and other U.S. farm commodities in the developing nations has been designed by the U.S. Department of Agriculture and the Overseas Private Investment Corporation.

The joint program will encourage U.S. companies and cooperatives with recognized capabilities in agricultural management and marketing to help expand and improve the livestock and processing industries of developing nations which cannot efficiently produce most grains. Some of these countries are potentially large markets for U.S. feed grain, wheat, soybeans and rice according to George S. Shanklin, acting general sales manager of USDA, and Rutherford M. Poats, acting president of OPIC.

The two agencies seek an orderly increase in the supply in lower priced meats, poultry and processed grains to meet the expanding demand by people of developing nations as well as a steady growth in these countries' purchases of U.S. farm commodities and breeder stock.

"A sustained growth in effective demand for farm products will help to assure both improved diets in the poor countries and reliable production of the basic commodities that can best be produced here by America's highly efficient farmers," Shanklin said. Mr. Poats emphasized that all projects assisted by OPIC must be compatible with the host country's economic development and nutritional policies.

Under the program, projects will be identified and implemented in three general areas.

Livestock: Joint ventures by the American livestock producing companies or cooperatives and businessmen in developing countries. The new or expanded LDC company would produce for sale in the host country, and perhaps surrounding areas, poultry, hogs, sheep, goats, fish and similar products, with the principal focus on expanding markets and reducing prices through the efficient application of high quality feeds, improved genetic strains, and more modern management. Feed grains and, to the maximum extent possible, genetic stock would be provided by U.S. producers and companies.

Milling: Joint ventures between American companies or cooperatives and businessmen in developing countries to process U.S. wheat, corn or other grain into flour, starches and other processed commodities for sale in the developing country and nearby regions.

Storage: Joint ventures, involving U.S. equity or management contracts, of storage and related facilities in developing countries, whether or not associated with processing facilities, designed to facilitate imports of U.S. grain.

Implementation of the program will include the offering of OPIC political risk insurance and loan guaranties, direct loans and funds for feasibility studies as incentives to U.S. investors.

The Agriculture Department, through the Commodity Credit Corporation, will finance the export of U.S. feed grains to approved projects with payment due three years after shipment. Interest rates will be at commercial rates, and sales on credit can be entered into for the benefit of the U.S. exporter and assigned to the Commodity Credit Corporation.

OPIC officials also inform me that placing greater emphasis on productive agribusiness projects already has produced some tangible results. For instance, in December 1977, OPIC insured a small feed mill and a flour mill in developing countries, both of which will help upgrade the supply of nutritional food in the host country. The mills also are expected to purchase more than $12 million worth of corn and wheat from the United States each year. Moreover, OPIC has pending applications for insurance on four more flour mills, two animals feed mills, and three poultry farms which could be constructed in the near future, and which would purchase substantial quantities of U.S. grain and breeder stock.

It should be evident that these programs will have long term benefits to the U.S. farmer. These are not the only ways, however, that OPIC programs benefit U.S. agriculture. The more comprehensive effects are contained in the following fact sheet.

I also would call the attention of my colleagues to the testimony of Richard Gordon Myers, executive vice president of Seaboard Allied Milling Corp., Kansas City, Mo., given before our subcommittee last summer. Mr. Myers describes far more effectively than I how U.S. businessmen can operate a successful enterprise in developing countries, and at the same time contribute to the economic and social development of the host nations. Mr. Myers also provided the subcommittee with important testimony as to how important OPIC political risk insurance is to the implementation of productive agribusiness projects in the developing countries. The statement follows:

BENEFITS TO U.S. AGRICULTURE OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION

Summary: U.S. agriculture has a major stake in the economic growth of less-developed countries ("LDCs"). For example, about 73 percent of our rice exports, 66 percent of our wheat exports, 60 percent of our cotton exports and over 50 percent of our beef and poultry exports are destined for these countries. Because of the drastic oil price rises and world-wide recession in 1974, LDCs critically need the capital and managerial skills provided by private U.S. investment to help develop their natural resources as well as stimulate the productive economic growth necessary to maintain or increase their ability to buy U.S. goods, services and agricultural commodities.

OPIC is a U.S. Government agency that selectively encourages private U.S. investment in friendly LDCs by insuring these investments against political risks such as war and expropriation. OPIC partially finances some small or pioneering ventures on commercial terms.

OPIC is totally self supporting and does not require appropriations to operate.

OPIC encourages only those investments that will be beneficial for both the U.S. and the host countries.

In some cases, OPIC insured investments such as flour mills directly stimulate U.S. agricultural exports. Most projects indirectly stimulate U.S. exports, moreover, by helping the host country earn or save hard currency needed to buy U.S. exports. The anticipated 5-year results of $1.2 billion of investment OPIC insured in the last 4 years in 514 projects in 55 countries include project-related U.S. exports of $3.3 billion plus the generation or saving of $1.8 billion in foreign exchange that the host countries can use to meet their import needs and other international obligations.

How OPIC Supported Investments Stimulate U.S. Exports: LDCs can maintain or increase purchases from the U.S. only by increasing their purchasing power or obtaining more foreign grants or loans. OPIC-supported private U.S. investment can supply both essential capital and managerial, technical and marketing skills needed to expand LDC purchasing power through economic growth and development. OPIC-assisted projects directly and indirectly stimulate U.S. agricultural exports in the following ways:

Projects buying U.S. Agricultural Commodities: OPIC has insured or finance many projects that have an ongoing need to buy U.S. agricultural commodities. For example,

10 flour mills already insured or financed by OPIC purchase 15 million bushels of U.S. wheat each year and OPIC has four more milling projects under consideration. Other projects purchase poultry, livestock, rice and corn products as well as some non-food agricultural products such as cotton.

Projects earning foreign exchange needed to buy U.S. commodities: About 31% of OPIC's expropriation insurance covers mining projects that produce exports earning hard currencies with which to pay for imports. Moreover, many of these projects also produce critical minerals such as cobalt, titanium, nickel and fluorspar, which are largely unavailable in the United States and are needed to continue U.S. production of glass, paint, stainless steel and other important products. In 1977, OPIC began insuring oil exploration in developing countries that are not members of the Organization of Petroleum Exporting Countries (OPEC). This program, which is limited to those U.S. companies that clearly need it, will help provide foreign exchange and energy for the host countries as well as helping to diversify the world-wide supply of oil. For example, OPIC recently insured three U.S. agribusiness cooperatives from McPherson, Kansas; Texas City, Texas and Indianapolis that will be extracting oil off the coast of Ghana. The project directly will benefit approximately 2 million farmers in cooperatives affiliated with the sponsors in New York, Minnesota, Illinois, Michigan, North Carolina, Ohio, Missouri, Tennessee and Virginia.

Services that facilitate U.S. agricultural exports: Some investment projects provide facilities helpful to U.S. agricultural exports. For example, OPIC has insured grain unloading facilities in Port Said, Egypt, and stevedore equipment in the Philippines. About 7% of OPIC insurance covers branch bank operations of U.S. financial institutions that provide financial arrangements necessary for the purchase of agricultural commodities and liaison between U.S. exporters and host country buyers.

Protection for U.S. producers. OPIC's enabling legislation requires it to consider the U.S. economic effects of all proposed projects and prohibits OPIC from assisting "runaway industries." Thus, OPIC has rejected agricultural projects such as the production of palm oil that would export its output to the U.S.

STATEMENT OF RICHARD GORDON MYERS, EXECUTIVE VICE PRESIDENT AND TREASURER, SEABOARD ALLIED MILLING CORP.

Richard Gordon Myers has been associated with Seaboard Allied Milling Corporation since 1942. He also serves as Vice Chairman of the Executive Committee of the Millers' National Federation, the trade group of the U.S. flour milling industry.

A 1942 graduate of Yale University, Mr. Myers was decorated twice by the Belgian Government during his service in the U.S. Army from 1942 to 1946.

Mr. Myers was born in Boston, Massachusetts, in 1921 and now lives in Kansas City, Missouri.

Mr. MYERS. I also have a statement which I would like to incorporate in the record, if I may.

Mr. WHALEN. Without objection.

BENEFITS FOR U.S. FARMERS

Mr. MYERS. We are what you call, I suppose, a medium-size company. Our company is Seaboard Allied Milling Corp. We are about the fifth largest flour milling company in the United States, which really is not too large. We have 10 flour mills in this country. We are basically a family owned business. Only about 13 percent of our stock is held by the public. If it weren't for the OPIC program, we would not be involved in any type of overseas investment. Through OPIC we have gotten involved now in three countries in west Africa, Sierra Leone, Liberia, Nigeria, and two countries in South America, Ecuador and Guyana.

In all five of these countries, we are milling flour. In Nigeria, we are also in the shrimp and fish business with a company operating 10 trawlers. We are gradually expanding into other activities in these countries.

Now, food is terribly important in these nations. We found a great deal of undernourishment, not necessarily starvation, but great malnutrition. Even though they have imported flour from other developed countries, they have not received flour enriched with vitamins and minerals. They haven't had fresh flour. It has not been made generally available into the hinterland of these countries, and consequently the diet has been very deficient.

For example, in Sierra Leone the dockworkers worked only 4 hours a day because that is all the strength they had. When we started a flour mill, we convinced the Government they ought to pass out a pound loaf of bread to each dockworker each noon, because these people were eating an evening meal only, not breakfast or lunch, which the Government did. After 2 weeks, the dockworkers started working 8 hours each day which is an example of what can happen with better nutrition.

Incidentally, at a time when wheat is in such great supply in this country, we presently grind 5,750,000 million bushels of U.S. wheat annually overseas, which at today's depressed prices is about $30 million f.o.b. New Orleans—a benefit to U.S. farmers.

BENEFITS FOR HOST COUNTRIES

In addition, we have been working in other areas of food production. In Ecuador, we now operate the largest feed mixing company in the country. We are presently building a feed mixing operation in Nigeria. We are going to arrange to bring in veterinarians and poultry people into Nigeria and stimulate the formation of a broiler operation. Nigeria is a country where there is not enough fish, there is not enough meat, there is not enough poultry, and the population is badly in need of this type of protein nutrition.

In addition to providing a much needed quality staple, we have created jobs and brought new skills and technology to these countries. We have about 650 nationals employed in our overseas operations, and they are learning modern production processes which constitute a future potential for their community.

INTANGIBLE BENEFITS

In addition, I might say when you work around these countries, you tend to get somewhat emotionally involved with them. This is a little bit of a sideline, and it doesn't really show up in the OPIC balance sheets, but to give you an idea of what happens, in Sierra Leone, we have become quite concerned about many other particular problems of the country. Consequently, it so happens that I have been appointed honorary consul for Sierra Leone in Missouri and Kansas. I have arranged for Freetown to become a sister of Kansas City. I have taken the mayor of Kansas City to Freetown where we discussed many of the local problems to see what we can do to help them.

Consequently, we have set up programs where Kansas City has donated 15 tons of medical equipment and about 12 tons of textbooks which have been transported on our wheat ships into the country, and believe me, this forms a bond, a feeling between two countries which I think is very important.

The average person in the streets of Sierra Leone, when he thinks of the United States, thinks of three cities—he thinks of New York, Washington, and Kansas City. I believe businessmen in following their natural desire to make profits for themselves can do so much to benefit a country by developing production and by constructing bridges between countries that help bind people together and help promote peace.

I feel very strongly on this point. I never testified before a congressional committee before. I came from Kansas City really because I think this organization (OPIC) is doing a tremendous job. If it weren't for them we never would have done the things we are doing. I think it is invaluable, and we haven't cost OPIC a penny for what they have done for us.

CARSON, CALIF.—A DECADE OF PROGRESS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. ANDERSON of California. Mr. Speaker, beginning on February 17, 1978, the people of the city of Carson, Calif., will celebrate their 10th anniversary as a self-governing, independent city in Los Angeles County. The title for the festivities is "A Decade of Progress," and it most certainly reflects the strides this young city has made in the last 10 years.

Carson formally received its incorporation papers on February 20, 1968. However, that event was the culmination of a long, hard-fought battle by the residents of the Carson-Dominguez area that began in 1958.

Originally used for truck farming and industry, the 27.5-square-mile Carson-Dominguez area began to experience residential development in the years following World War II. Earlier, the neighboring city of Long Beach had twice, in 1925 and 1938, tried unsuccessfully to annex portions of the area. Los Angeles also annexed small portions of the area over the years to expand the city strip connecting the main city with the harbor area communities of Wilmington and San Pedro.

The first incorporation attempt—in 1958—was limited to the Victoria Park region, and failed because of the opposition of homeowners in the area. It was in 1960, however, that the first attempt to incorporate the entire Carson-Dominguez area was made by the Carson-Dominguez Citizens Committee for Incorporation.

Three separate attempts at incorporation failed in 1961. Yet the citizens of the Carson-Dominguez area never became discouraged. Despite opposition from neighboring cities and continued attempts at annexation, they continued their drive toward an independent municipality under the energetic leadership of members of their own community.

Several incorporation efforts failed in the years between 1963 and 1967, and another annexation effort by Long Beach was unsuccessful in 1964.

In 1967, the pivotal year in Carson's drive was for cityhood .The Dominguez-Carson Organizational Committee on Incorporation, formed in December of 1966. held a mass meeting on January 5 at Carnegie Junior High School to discuss incorporation. On February 1, 1967, Sak Yamamoto of the Carson Chamber of Commerce; William Salyers of the Dominguez Chamber of Commerce; Ted

Paulson, representing the Dominguez-Carson Industrial Council; and John Marbut, representing homeowners groups as the Dominguez-Carson Coordinating Committee, presented the notice of the intention to the chief clerk of the Los Angeles County Board of Supervisors.

This latest move towards cityhood was met with annexation requests from the neighboring cities of Los Angeles, Long Beach, and Compton. Throughout much of 1967, the issues of incorporation and annexation were disputed. Finally on November 6, 1967, the Los Angeles Board of Supervisors unanimously approved February 6, 1968, as the date for the election on incorporation, a city name, five city councilmen, a city clerk, and a city treasurer.

When the polls closed, 64.99 percent of the voters had cast their ballot in favor of incorporating the new city. By a narrower margin, "Carson" was chosen over "Dominguez" as its name. John A Marbut became the mayor, and John L. Junk was the mayor pro tempore. Sak Yamamoto, Gilbert D. Smith, and H. Rick Clark filled the rest of the city council. Marilyn Cortina was elected as city clerk, and Dorothy Carter was chosen to be city treasurer.

Today, the city of Carson is the fastest growing city in southern California. Since 1971, approximately $200 million have been invested in the city, and in 1977 alone $62 million in new construction was started. Eighth largest in Los Angeles County by area, the city of Carson is fifth in assessed value of land. It boasts of fine residential areas, a growing parks and recreation department, and a strong economic base in business and industry.

Civic activities and projects involving community members are a strong point of Carson's social life. The city participates in a wide variety of State and Federal programs, and has been an outstanding example of the strength and abilities of local government.

My wife, Lee, joins me in congratulating the people of Carson for their city's many outstanding achievements in the past 10 years. It has truly been "a decade of progress," and we firmly believe that progress will continue in its vitality and strength in the years to come.

We should also like to express our best wishes to the elected officials of Carson: Mayor Sak Yamamoto; Mayor pro tempore Kay Calas; Councilmen John Marbut; Clarence Bridgers, and Gilbert Smith; City Clerk Helen Kawagoe; and City Treasurer Dorothy Carter, as well as City Administrator Frederick Bien.

ALLEGATIONS AND CONTROVERSIES ABOUT ST. STEPHEN'S HOLY CROWN

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. DORNAN. Mr. Speaker, on January 31, 1978, I entered into the CONGRESSIONAL RECORD an editorial which appeared in the January 29 Kanadi Magyarsag, the largest Hungarian weekly publication in the free world. This editorial was entitled: "Carter's Handling of the Hungarian Crown—New Watergate Scandal. State Department's Perjured Testimony decided Court's Decision." This editorial impugned the motives of the administration in surrendering the crown and the credibility of the press in reporting the administration's actions.

Today, I am writing to President Carter, Secretary of State Vance, Supreme Court Justice White, and Federal Judge O'Connor, informing them of these charges and asking them to institute such measures as they may consider necessary to clarify the public record as to what actually transpired.

Because of the seriousness of the charges made, I am urging the fullest revelation of all facts surrounding the incident. I shall of course report the answers I receive to the full House of Representatives. I believe that it is imperative that the record of the executive, judiciary, and legislature be clarified for the public.

ALUMINUM WIRING

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. STEERS. Mr. Speaker, several months ago I made available to citizens throughout the country copies of a pamphlet I reprinted explaining the hazards associated with aluminum wiring. I have received requests from all parts of the country. The reason for this interest is that the Consumer Product Safety Commission has been denied permission to provide information on this subject to the general public. Although there has been a partial lifting of the restraints placed upon the Consumer Product Safety Commission to allow for information dissemination under the Freedom of Information Act, the public is still uninformed.

I want to take this opportunity to insert into the CONGRESSIONAL RECORD the substance of the pamphlet in the hopes that more people will have an opportunity to be informed on this fire hazard:

WASHINGTON, D.C.

DEAR FRIEND: The Consumer Product Safety Commission is under a court order which prohibits that agency from disseminating information on aluminum wiring.

I have sponsored a bill in Congress to restore its authority. In the interim, I am pleased to make this booklet on the hazards of aluminum wiring available.

If I can be of further assistance to you, please contact my office.

Best wishes,

NEWTON I. STEERS, Jr.

HAZARDS OF ALUMINUM WIRE SYSTEMS

A fire hazard may exist in your home if it is wired with 15–20 AMP aluminum wire. On April 28, 1974, two members of a family died when their home in Hampton Bays, New York burned. Local fire officials determined that a faulty aluminum wire system caused the fire. Since this tragic incident, government officials have investigated numerous complaints from homehowners throughout the nation whose houses have aluminum wire electrical systems. Many of these complaints involved electrical outlets burning, smoking, or glowing. Investigation by the government in one county showed that a large percentage of homes using aluminum wire systems have outlets with dangerously high temperatures. As a result of these investigations the Consumer Product Safety Commission, an agency of the U.S. Government, has filed an action requesting that aluminum wire electrical systems used in homes be declared imminently hazardous consumer products.

THE PROBLEM WITH ALUMINUM WIRE SYSTEMS

Dangerous overheating may occur where aluminum wire connects to outlets or switches. This can happen on normal household circuits of 15 and 20 amperes and may make switches or outlets glow or smoke. When this happens, fire is a possibility. House wiring to appliances such as dishwashers, room air conditioners, and refrigerators may also share the same problem.

IF YOUR HOME OR APARTMENT HAS A 15 AND 20 AMP. ALUMINUM WIRE SYSTEM THERE MAY BE A FIRE HAZARD

Signs of trouble are:

Cover plates on switches and outlets which are warm or hot to the touch.

Smoke coming from outlets or switches.

Sparks or arcing at switches and outlets.

Strange odors, especially the smell of burning plastic, in the area of outlets or switches.

Lights which flicker periodically (in some cases, faulty appliances or other unrelated causes may result in lights flickering).

Outlets, lights, or entire circuits which fail to work.

TRAIN YOUR FAMILY TO RECOGNIZE THESE SIGNS

Although you may not find these trouble signals in your home or apartment, the danger of fire may still be present. It can even occur at an outlet which has nothing plugged into it. This happens because some electrical circuits can pass current through several outlets and junctions to an outlet at the far end of the circuit. When an appliance plugged into that outlet is turned on, the current passing through each of the outlets on the same line may cause one of those to overheat. In addition, even if you have lived in your house for several years and have had no trouble with your wiring, a fire hazard may later arise. This happens because the condition which causes aluminum wire to become dangerous can take a long time to develop.

WHAT HOMES ARE IN DANGER

If your home or apartment was built before 1965, there is little chance that aluminum wire is present.

Property built between 1965 and 1973 or any additions to homes made during that time may very well have aluminum wire. One estimate shows that up to two million homes may be involved.

If you added or replaced wiring in your home between 1965 and 1973, aluminum wire may have been used.

In 1972, manufacturers altered both aluminum wire and switches and outlets to make aluminum electrical systems safer. If your house was built after 1972, this does not mean that the system in your home has the newer equipment, since the sale of the old types of wire, outlets, and switches continued after 1972.

SIMPLE WAYS TO CHECK YOUR HOME FOR ALUMINUM WIRE

If you think that your home may have aluminum wire, you should follow these steps:

Do not remove cover plates on switches or outlets

Do not try to check the wiring in electrical panels or boxes

Do not try to check the wiring on your appliances

YOU MAY RECEIVE A DANGEROUS OR EVEN FATAL SHOCK

If there are areas in the basement, attic or garage where the wiring is open to view, check to see if the letters AL or the word ALUMINUM is printed or stamped every few feet on the outside jacket of the wire insulation.

If neither of these is used, the wire is probably not aluminum.

Since some houses are partly wired with aluminum and partly with copper wire, be alert for signs of trouble described above, even if you do not find either marking.

If no wiring is visible, call the electrical contractor who wired your home, and ask him if the wiring is aluminum.

The builder of your home may be able to supply the name of the contractor.

You can also find out if you have aluminum wiring by having a qualified electrician come to your home to make a visual inspection.

If you live in an apartment, ask the resident manager or maintenance man if the unit has aluminum wire.

WHAT TO DO IF YOU HAVE ALUMINUM WIRING AND SEE ANY TROUBLE SIGNS

Call an electrician: If your home has aluminum wire, you should have a qualified electrician check and repair the wiring. This is especially important since skill and proper tools are needed to hook up aluminum wire correctly and to tighten terminal screws to the right torque. If these repairs are not done properly, the hazard of fire may still remain. Please give the electrician this booklet when he arrives. The last three pages contain step-by-step instructions for professional use showing how to repair an aluminum wire system.

Do not try to make repairs yourself.

Do not try to inspect or adjust the wiring in switches and outlets or to make any electrical repairs.

You could receive a serious or fatal electric shock.

You could void the fire insurance on your home.

Instead seek an electrician's help.

WHAT THE ELECTRICIAN CAN DO

The electrician may have to replace switches and outlets with new ones specially designed for use with aluminum wire. These are known as CO/ALR devices.

The electrician may have to "pigtail" or splice a piece of copper wire to the aluminum wire with a special connector, and then connect the copper wire to a switch, outlet, or appliance.

In all cases, the electrician should check and, where necessary, tighten all terminal screws in the service panel.

The electrician should also check all light fixtures, permanently wired appliances (such as dishwashers, garbage dispcsals, furnace blowers), and junctions on household circuits where 15 and 20 AMP. aluminum wire is attached.

WHAT YOU CAN DO YOURSELF

If a circuit or outlet shows signs of a problem:

Turn off the power to that circuit at the circuit breaker or fuse box in your home. To do this, turn the circuit breaker switch to "off" as shown on the next page. If you have a fuse box instead of a circuit breaker, unscrewing the fuse turns off the electricity in the circuit controlled by the fuse.

Make sure that you have turned off the electricity in an outlet. To do this, plug in a lamp which you are sure is working properly and turn it on. If the lamp goes on, the wrong circuit breaker was probably shut off or the wrong fuse removed. Go back to the service box and switch on the circuit breaker that was turned off or replace the fuse that you removed. Turn off the power in another circuit by removing another fuse or switching off another circuit breaker. When the lamp goes off, the power in that circuit is also off.

All homes especially these with aluminum wire systems, should have smoke detectors and fire extinguishers. Make sure you have an extinguisher designed for use against electrical fires handy. Dry chemical or carbon dioxide extinguishers can be used for this purpose.

Move any furniture or fabric which might burn (beds, sofas, curtains) away from outlets. Never store any flammable products like gasoline, charcoal lighter, or cleaning fluids near these areas.

WHAT IS BEING DONE TO ELIMINATE THE FIRE HAZARD IN ALUMINUM WIRE SYSTEMS

The government is continuing to study the hazards of aluminum wire systems and ways for making such systems safe. One method under study employs a special connector used in aircraft wiring. Until the skill and tools needed for this method become available to residential electricians, the repair program suggested in this booklet should be followed.

ALUMINUM WIRING

RECOMMENDATIONS FOR ELECTRICIANS—NOT FOR USE BY PERSONS WITHOUT ELECTRICAL TRAINING

Reminder: Turn off electrical power in the circuit being serviced to avoid serious or fatal shock.

Never use unmarked devices or old stock devices marked AL/CU.

Never use "push-in" connections or other "quick-wiring" or "back-wiring" techniques with aluminum wire.

Connect aluminum wire only to wrap-around wire binding terminal screws on receptacles and switches marked CO/ALR.

For a CO/ALR device to be effective, it must be installed correctly following the directions below:

Remove the wire insulation to obtain a fresh surface of wire without nicking the wire.

Wrap the wire the proper distance and direction around the terminal screw.

Use the proper torque to tighten the terminal screw.

Reposition the wires within the outlet box to avoid loosening the new terminal connections.

FOLLOW THESE DIRECTIONS TO CONNECT ALUMINUM WIRE TO CO/ALR DEVICES

A. Connect aluminum wire only to binding screw terminals on switches and outlets marked CO/ALR. A CO/ALR device may also be used with copper or copper clad wire.

B. Always strip the wire far enough back so that it can be wrapped at least ¾ of the way around a terminal screw. Do not strip the wire so far that it can overlap when wrapped around the terminal screw.

C. When stripping, be careful not to nick the wire. Use the right size stripping tool to avoid nicks.

D. Wrap the stripped, unnicked end of the wire ⅔ to ¾ of the distance around a terminal screw. Wrap the wire clockwise and do not let the end overlap.

E. If you use a screw driver that gives torque readings, tighten the terminal screw to 12 inch pounds.

F. If you do not use a torque reading screw driver,

(a) tighten the screw until the wire is snugly in contact (1) with the bottom of the screwhead and (2) with the contact plate on the CO/ALR wiring device.

(b) To make firm contact, tighten the screw an additional ½ turn to flatten the wire between the screwhead and contact plate.

G. Position the wires behind the wiring device to prevent the problem of terminal screws loosening when the CO/ALR device is fitted into the outlet box.

NOTE: Although not universally recommended, some jurisdictions require that a method called "pigtailing" be used to repair aluminum wire connections. Pigtailing involves connecting a short piece of insulated copper wire with a special connector between the aluminum wire and the contact screws of a switch or outlet. Check your local electrical code to determine whether "pigtailing" is required.

Caution fire hazard: Follow these instructions carefully, dangerous overheating and fire can result from an improper connection.

GAO STUDY OF GRAIN ELEVATOR EXPLOSIONS

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. MADIGAN. Mr. Speaker, a number of recent explosions in grain elevators have produced a tragic loss of life, great financial damage, and a slowing of the export movement of grain. Although grain elevator explosions are not a new phenomenon, there is a belief that they are occurring with more frequency.

A recent article appearing in the February issue of the Farm Journal magazine, written by Roe Black, is indicative of the concern being expressed by the farm community regarding this problem. People are rightly demanding answers. It is sad that so little study and research has been done on this phenomenon. Statistics show that over 60 percent of the explosions have no explanation as to cause.

While hearings and statements have been and will continue to be held and made involving where to place the blame for the purported increase in explosions, I, for one, would like to see an unbiased, independent study performed to determine answers to questions I feel must be answered before we can proceed with objective legislation in this area. That is if any is needed.

I have, therefore, written a letter to the General Accounting Office asking them to investigate a number of these areas of concern.

A copy of that letter follows, thereafter followed by the Farm Journal article:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C., February 6, 1978.

MR. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: This refers to a recent meeting held with representatives of your office concerning a study of the recent explosions which have occurred in grain elevators throughout the country. Several people have been killed or injured as a result of these explosions, and property loss has been substantial. The explosions at export port locations are said to have had an adverse effect on the exports of farm commodities.

I am interested in having the grain elevator explosions investigated by the General Accounting Office (GAO) for the reason that there is a need to explain what appears to be an increasing frequency of such explosions. In addition, I believe that an objective entity

should conduct the study and investigation rather than those agencies which are involved directly or indirectly with the inspection of grain (the Federal Grain Inspection Service), the safety measures imposed on elevators and the environment within the elevator (the Office of Safety and Health Administration), or the air pollution standards for emissions from grain elevators (Environmental Protection Agency).

Among the items which I believe should be studied and investigated, some are quite technical and should, I believe, be conducted by the National Academy of Sciences under some contractual or other arrangement with GAO. In my opinion, the Committee on Industrial Hazards, National Academy of Sciences, under the chairmanship of Dr. Homer Carhart, is especially qualified to examine the following:

1. A probability study of recent explosions to determine whether, in fact, the numbers or frequency of elevator explosions have increased and what significantly different conditions may account for the variations, if any;

2. What the sources of ignition are which may—given conditions under which grain dust becomes explosive and causes fires (assuming dust will not explode unless confined)—cause grain dust to explode; and

3. What measurements of the flammability characteristics of grain dust can be determined so that monitoring standards can be established for guides in alerting grain elevator owners and operators of explosion dangers.

Questions which I believe GAO is especially well equipped to examine are, among others, as listed below:

1. Is the equipment installed or the dust standards imposed by Federal agencies in grain elevators in order to reduce pollution emissions or the standards imposed to protect the working environment of employees contributing to grain elevator explosions?

2. Is there a need for a change in grain inspection standards such that dust removed from grain is not reintroduced into grain shipped out of an elevator or terminal, Is there a simple way of giving an incentive to elevator owners and operators to permanently remove dust in grain?

3. Are explosivity indexes prepared by the Bureau of Mines valid and reliable today?

4. Is the increased speed of moving grain contributing to explosions?

5. Does the increased capacity of elevators (such as export terminals) have an effect on the probability of elevator explosions?

6. Does cleaning increase the probability of explosions, and are the processes to effect cleaning reliable and validated?

7. Is dust technology perfected; is there agreement on standards; and, is equipment properly operated, maintained, and tested to insure that it is effective?

8. Do Federal and State laws adequately legislate in the area of grain elevator inspections, grain inspection standards, elevator safety standards, etc.? Is there a need for a uniform State law that could address this issue?

9. Is there a positive relationship between Federal and State regulatory standards and inspections and the prevention of elevator explosions?

10. Are there reliable recommended tolerances in grain elevators for certain chemical hazards (such as fumigants and pesticides) and practices and devices (such as personal hygiene and personal protective equipment) which may be utilized to control human exposure to chemical and grain dust health hazards while minimizing fire and explosion hazards?

Finally, it appears to me that perfect conditions in elevators that would insure no explosions would be difficult to achieve within available owner/operator resources and Federal or State inspection resources. Therefore, I would appreciate it if you include recommendations resulting from your study which are common sense and reasonable. Recommendations which balance owner/operator and government (taxpayer) costs, a high concern for employee safety and health hazards, practicability for implementation, etc., are desirable objectives for the GAO study.

Your cooperation in addressing the foregoing matters in the course of an investigation and study of grain elevator explosions would be deeply appreciated.

With kind regards.

Sincerely,

EDWARD R. MADIGAN,
Member of Congress.

[From Farm Journal, February 1978]

ELEVATOR EXPLOSIONS JAR GRAIN EXPORT TRADE

(By Roe Black)

The tragic elevator explosions that cost 50 lives and untold millions in damage in late December will leave thundering echoes in the grain business for years. Here's why:

They're a mystery. No one knows for sure what caused them. The elevators were among the most modern anywhere. The Continental Grain Co., which owns the Westwego, La., terminal had just spent $17 million to update its huge elevator.

The elevator at Galveston was only nine months old. It had just been purchased from Cook Grain Co. by the co-op-owned Kansas City-based Farmers Export.

Dust was the first cause considered. Dave Barnes, chief meteorologist for the National Weather Service said: "The number one thing we can say in each case is that the rainfall for December in the Galveston and New Orleans areas ran significantly below normal." A combination of low humidity, low temperature and heavy dust from intense loading activity could have produced conditions where any spark—even static electricity—could have set off the blasts.

Gil Dozier, Louisiana's agriculture commissioner, has another theory. He thinks the New Orleans explosion may have been indirectly caused by the grain pileup resulting from the recent longshoremen's strike. Pockets of highly volatile methane gas tend to accumulate if grain sits for long.

Others blame new dust controls. The *Omaha World-Herald* quotes Bob Anderson of the Nebraska Grain and Feed Dealers Association, saying that Federal antipollution regulations require that dust be compacted. And that, under the right conditions, could make the dust "blow like the devil."

The blasts "raised hell" with the grain movement, one trader observes. Five rail embargoes were in place at Gulf ports in early January because of grain shipping logjams. The explosions reduced U.S. export loading capacity by 12%.

"But we'll work out of this," says Rod Turnbull, Kansas City Board of Trade. "By year's end, my guess is we'll make up all exports we expected to ship."

Continental was so confident of its flexibility that it wired all of its customers worldwide the morning after the New Orleans blast, assuring them that all contracts would be filled.

Meanwhile, look for a mixed impact on prices. If you're on a shipping route that normally moves to the Gulf, you may have locally discounted grain prices. But if you're located on a route to a port that's open, you may get a premium.

Momentum is lost, at least temporarily, in the co-op movement to put more export capacity in farmers' control. "It's a setback, no doubt about it," concedes Jewell Haaland, chairman, Farmers Union Grain Terminal Association, St. Paul, Minn. Haaland has been a leader in the movement to increase exports by farmers' co-ops. "But farmers are used to setbacks," he adds. "We'll just have to take it along with all the others we've had down through the years—and push on with our plans."

The lasting impact will come as elevator designers get "back to the drawing boards" to eliminate hazards and as current operations are watch-dogged by the USDA and the Occupational Safety & Health Administration.

THE B–1 DECISION: CHAOS AND CONFUSION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. DORNAN. Mr. Speaker, in the aftermath of President Carter's decision to shelve the B–1 aircraft last June, a turmoil of confusion has welled up which has only worsened as the months have passed. With each week that goes by, it becomes more apparent that the President and the Defense Department do not know what they are talking about or on which side of the fence they stand.

That confusion on the part of the administration has a counterpart here in the Congress among those legislators who are having more and more difficulty in deciphering what exactly the President's defense plan is—if there is one.

It is time for the Congress to start doing its own homework and studying the question for itself instead of relying on the administration's clarifications of clarifications and "explanations explanatory of things explained" in regard to its advanced manned bomber decision.

The confusion generated by the vacillation and lack of foresight on the part of the administration—and the resultant and understandable blurring of the issue—is the topic of a recent article in the Government Executive magazine, "Can Congress Cope With the B–1 Bomber?"

I include it in the RECORD. I also urge my colleagues to read it carefully. We cannot begin to decide an issue of this import unless we understand the facts involved and this article goes a long way toward clearing the deadwood strewn by the administration and the Department of Defense.

CAN CONGRESS COPE WITH THE B–1 BOMBER

Back in 1969, the then-Nixon Administration was slashing Defense expenditures. That Spring, the Air Force went up to Deputy Defense Secretary David Packard's office with its annual briefing-proposal on the merits of building an Advanced Manned Strategic Aircraft (AMSA), a program that had dropped out of more than eight years of "mission need" study on nuclear deterrence requirements.

In the apparently negative environment that existed then, they fully expected to be turned down—as they had been for at least the previous three years. Instead, according to the then-Commander of Air Force Systems Command, General James Ferguson, at the end of the briefing, Packard said, "You've been studying this thing for so long. Why don't you go ahead and build one?"

Air Force was so happily shocked, says Ferguson, "It look us six months to staff up the SPO (System Program Office.)"

The whole gestation of what became known as the B–1 was in simplest terms: Intercon-

tinental Ballistic Missiles (ICBMs), whether land-based or sea-based, left a President with no decision-making flexibility. In case of nuclear attack, he could surrender or knee-jerk launch Armageddon. Thus, no-recall ICBMs, by themselves, were not a credible deterrent.

But a manned vehicle, capable of penetrating enemy defenses if required and in sufficient numbers to deliver unacceptable destruction, was credible if added to the package. It became known as the Triad (land and sea-based ICBMs and bombers) strategy of nuclear deterrence.

LOGICAL EXTENSION

In effect, it endorsed a continued strategic role for the B–52, and, sans all the emotional turmoil that welled up around it, the B–1 was essentially a follow-on development dictated by technology advance both in potential enemy defenses and in offensive possibility. But inflation kept driving estimates of future (usually 1985) B–1 procurement costs up. And a vociferous crowd of mostly just anti-Pentagon critics jumped on those projections to claim, "It's not worth the cost."

Besides, they claimed, "It is destabilizing to detente" with the Soviets. All this had the general effect on Pentagon, White House and Congress of funding cutbacks and subsequent program stretchouts. The program became a classic in instability. To save cost, technology innovations were passed up, degrading potential performance. And the delays guaranteed what critics foretold, cost over-runs.

The result: based cn a then-planned procurement of 240 operational aircraft, a plane that was going to cost approximately $23 million a copy in 1975 dollars now would cost $85.9 million in 1985 dollars (assuming a production rate of four a month.)

Last June, President Jimmy Carter halted the program. (According to July, 1977, hearings of the Senate Armed Services Research and Development Subcommittee, to re-start the production program as early as October, 1978, at the 240-aircraft level, still will add $5.9 billion to program cost in 1985 dollars—but it would protect 15,000 current jobs and create 56,000 new ones in 1978–79.)

His reason: cruise missiles would be just as effective and cost less. Debate exploded on Capitol Hill. Snapped Senator John Tower (D-Tx.), "The Carter Administration has offered an astounding weak and unconvincing case to support its decision . . . Even worse (their) responses to even (our) most fundamental questions . . . show evidence that the future strategic posture of the U.S. is in serious disarray."

Stunned Reaction—Said Congressman Bob Wilson (R-Calif.), "The (House Armed Services) committee findings to date reveal a vacuum as regards cohesive and well-structured planning for the future of U.S. strategic forces. The sudden change of direction represented by the B–1 cancellation is evidence of the uncertainty of our planning—and is, to me, evidence of the fact that Congress has to take an active role in assuring the future of our strategic deterrence."

And the word passed back to their Congressmen, privately, by B–52 pilots in the Strategic Air Command (some of whom are younger than the planes they're flying) was, "When Jimmy Carter said, 'Why not the Best?', what he meant was, 'In everything except bombers.' "

Notes Congressman Bob Dornan, a pilot, himself, "The young men who are flying these aged, subsonic, 8-engine (B–52) aircraft will tell you, off the record, Congress has given them a kamikaze suicide mission, (something) I do not think this country has ever given soldiers, sailors or airmen in 201 years."

"Jane's All the World's Aircraft" Editor John Taylor wrote, in the current edition, that Soviet leaders "must be surprised beyond belief that the U.S. President has disposed of the B–1 without asking any Soviet concession in return. If our planet is subjected one day to the unimaginable horrors of a third world war, 1977 might be recorded as the year in which the seeds of defeat for the Western powers were sown."

But back in Washington, Carter explained in a letter to Congressman Bob Carr (D-Mich.), in part:

"I am convinced . . . that the cruise missile, carried by B–52s or specialized aircraft, is the best choice for the foreseeable future. The penetrating bomber continues to be part of our strategic triad. While I hope that it will not be necessary to produce a new aircraft, it is conceivable, though not likely, that future developments would necessitate such action.

"We cannot predict accurately what future Soviet strategic systems, air defenses, and SALT (Strategic Arms Limitation Talks) ramifications might be. Because of the stakes involved, I believe we must insure against the possibility, however remote, that we might have to produce a new penetrating bomber. That is why I decided to finish the B–1's development, including the 4th aircraft, which is the last one needed in the flight test program."

Senate and House both promptly erased original Fiscal 1978 B–1 production funding requests from the then-being debated Defense budget for this year. Where the curve balls started flying was over a so-called "Christmas tree" supplemental budget request to the Fiscal 1978 budget.

The $7 billion supplemental money bill included what dewy-eyed columnist Mary McCrory called "billions of dollars for clearly worthy enterprises—$4.5 billion for Environmental Protection Agency construction grants; $67.5 million for surface mining reclamation and reinforcement, $200 million for Community Services emergency fuel assistance for the poor and $1.4 billion worth of disaster relief loans for the Small Business Administration."

Virtually all the programs those funds represented are under strong challenge as wastefully ineffective, but the point for the B–1 advocates was that the Bill also included a request that already-appropriated but still unspent funds from the Fiscal 1977 Defense budget for the B–1 be "rescinded."

Among non-political legislators (and most of them are on the subject of National Security) that raised hackles, especially in the House. If approved, the recision would mean B–1's number 5 and 6 would not be built; the assembly line would be shut down by this Spring (it already is, for all intents and purposes); and, in effect, two things would happen:

Further flight testing in such critical areas as the aircraft's ability to withstand high intensity bursts of radio wave-like electromagnetic energy (such as produced by nuclear explosions) would not be done;

Far more importantly, in spite of Carter's claim, a recision would mean, in effect, foreclosing his option to restart the program at some future date. (Building B–1, number 5 and 6 would keep it going, albeit with a skeleton management and engineering crew, for another two years.)

Said one Air Force expert, "From a cost standpoint, the B–1—or any program for that matter—begins to lose its value very quickly if it's shelved." His point: after two to five years, "Because of the high cost of re-start, you're better off going after a whole new airplane. Even peanuts don't pop out of the ground overnight."

Added to that, the supplemental also requested $20 million "to look further into the feasibility and advisability of modifying the FB–111" to create a so-called "FB–111H" (with a stretched fuselage, B–1 engines, among other things) to perform the B–1's "penetrator" role. And it asked $33 million to start conversion of some B–52 (G and H models) bombers to carry air-launched cruise missiles (ALCM's.)

Congress-watchers advised both Carter and Defense Secretary Harold Brown the Bill "would probably win by 10 votes," in the House. It lost by 25 (191 against to 166 for.) Significantly, through some adroit parliamentary footwork, the Bill went to the Senate with, in essence, notice that House refusal to deny funds for building B–1 bombers 5 and 6 would not be negotiable in subsequent House-Senate conference.

Faced with that and a growing conviction among Senators that Defense really had not thought out a viable alternative to the B–1, the chance for favorable passage of Carter's Supplemental grew dim as the Christmas recess approached. So Senate leadership withdrew the Bill, to be brought up again at the start of this session.

(At Government Executive presstime, speculation was that a Senate vote would be called for right away, when all 100 Senators are in town, and, if it is, Carter friends will "probably pass it by two or three votes." That assuredly means a House-Senate conference confrontation.)

The reason a majority of the House refused to follow Speaker Tip O'Neil's plea to "support your President" is, largely that they've been paying attention during year-long hearings on the B–1; and reading transcripts of committee reports, i.e., doing their own homework.

Staff-Run—Speculation there, as well as among B–1 proponents on the outside, is that "an awful lot of Senators haven't been reading," for instance, the Senate Armed Services Research and Development Subcommittee hearing transcripts on the same subject—and/or "allowing staff aides to filter out only what they want their bosses to hear."

Regardless of how valid that charge is, the fact remains study of hearing transcripts and Congressional Record documents over the past year reveals some strange, and powerful, contradictions to the Carter claim that "cruise missiles are just as effective and cost less" than the B–1.

First, the pattern of Pentagon testimony—up until June—makes it clear neither proponents of the B–1 or of the cruise missile (in most cases they're synonymous) ever considered the debate one of "B–1 vs. cruise missile." Until Carters' decision, B–1 was to carry ALCM's itself. Game plan was the missiles would be launched at "softly defended" targets while the supersonic B–1, loaded with electronic counter-measure devices (ECM) bore in on the hard sites.

Further, Defense experts repeatedly pointed out that the merit of the man in the bomber over hostile territory is that "ECM of today is a complex game of electronics and tactics aided by computers and the human decision element."

Moreover, "ECM is reactive in nature, gaps will always exist. The extent and duration of those gaps will be dependent on the amount of intelligence provided and how rapidly we get the proper equipment in the field." In other words, a computer and people on board make for vastly greater likelihood of survivability on target approach than does an unmanned system, preprogrammed and launched from 800 or 1,000 miles away.

Predictions Blown—A most-used word in published versions of military testimony on Capitol Hill is "deleted," which makes gleaning sense from the documents a chore. But, apparently, Carter backing away from the B–1 and saying "an improved B–52" will be satisfactory (some in the role of penetrator bombers, some as stand-off cruise missile

launchers) was clinched by a DIA (Defense Intelligence Agency attitude change.

DIA is the same group that said two years ago the Soviet Backfire bomber had little strategic significance—and thus justified a further cut-back in U.S. fighter-interceptor and surface-to-air missile defenses—because the bomber had too short a range. Last year, they allowed that with one aerial refueling, its range "is 8% greater than that of the most advanced B–52s and 17% greater than the (shelved) B–1."

Real point of that is simply that technology can overwhelm predictions—as every good military planner knows. What really amazes more thoughtful Senators, however, is to hear DIA judgments—mountains of analagous evidence to the contrary, notwithstanding—that Soviet defense 10 years from now will not be able to stop the cruise missile.

"Anybody who says a Hawk or SAM–D can't handle a cruise missile is blowing smoke," said one, "given the state of the comparative technologies, today." Further, "anybody who thinks the Soviets can't develop, in ten years, a fighter-interceptor capability of the F–15 or F–14—assuming they don't already have it—to shoot down a subsonic cruise missile is even crazier."

Point is, as one General testified to Senator Tom McIntyre's Senate R&D Subcommittee, given what is currently known about the still-embryonic cruise missile (A fly-off for the ALCM contract between Boeing and General Dynamics is not due until late 1979), "You can attack defended targets (with it) if you so desire or if you have to, but you have to anticipate that you will, in fact, lose some of the cruise missiles in doing that. It is not a very efficient use of weapons to go after a highly defended target with an undefended weapon system."

Even more amazing to some Senators is the Pentagon contention—since Carter's decision—that even if the Soviets could solve the defensive challenge technologically, "the massive deployment of (late-model surface-to-air missiles); deployment of an AWACS (airborne warning and command system) and an advanced interceptor with a high quality look-down/shoot-down radar missile (would require) an economic investment comparable to our B–1 decision." "To suggest they would not be willing to do it," said one Communist expert, "is incredibly naive. And if they did invest, what's better for us: to have them putting their money into SS–16, SS–17, SS–18, SS–20 ICBM's or into defensive interceptors?"

Basic point is, while cruise missiles have a great deal of potential, the full book on their capabilities is a long way from being written. What is known, according to experts, is "their synergistic value as partner to the cruise missile carrier. Of the alternates that have been hastily offered up since Carter's decision:

1-A commercial 747 or DC–10 wide-body jet loaded with missiles has virtually no "penetrator" capability, according to the Congressional Record; is a "sitting duck" for Soviet forward air defenses—and the missile's ability to reach any worthwhile targets is essentially zero if:

A-Those defenses fly out as much as 800 nautical miles from Soviet shores;

B-Range of ALCM's is limited in the SALT agreements to 1350 or less miles (which rumor says the U.S. offered the Soviets at SALT as "a concession" for a Kremlin promise that it wouldn't use its Backfire in a strategic role).

Dollar Shift—A strange switch has taken place in 747 cost numbers, too. Last Spring, according to Congressional hearings, "It was the considered evaluation of responsible members of Strategic Air Command, the Air Force and the Joint Chiefs of Staff that B-1 procurement was the most effective option for near-term strategic force modernization."

Further, they said, in comparison to an $85 million per copy cost of a B–1, a 747 or DC–10 with sufficient cruise missiles for "equivalent effectiveness"—the kind of statement which always gets skeptical Congressmen curious, only this time apparently didn't—would cost $93–98 million. This Fall, asked about the cost by the House Appropriations committee, Brown said a 747 cruise missile carrier "could easily cost $50 million a copy, maybe more."

2—As to the FB–111H as an alternate, after assimilating all the numbers and reasoning, Senator William Proxmire (D-Wisc.) said last November, "The FB–111H is a second-rate substitute for the B–1 or even as a penetrating bomber. The Joint Strategic Bomber Study called it the least cost-effective of all bomber/cruise missile alternatives studied."

For alleged equivalent capability, he pointed out Air Force Chief of Staff Davey Jones said they would need 165 FB–111H's "which would be equal to 61 B–1's." But the Air Force Deputy Chief of Staff for Research and Development, Lt. Gen. Alton Slay said 165 FB–111H's would match 82 B–1's.

Even using the higher number, Proxmire said, "the argument is often heard" that the FB–111H's would cost $7 billion compared to $10.4 billion for the B–1's.

Besides ignoring an estimated FB–111H development cost of some $380 million, it also ignores life cycle costs. Said he, "Over 20-year operating costs (including additional personnel, more aerial-refueling tankers, etc.), the FB–111H would be $4 billion more expensive—$17 billion vs. $13 billion"—and in that Proxmire has added $1.5 billion to an actual 1977 Pentagon estimate of B–1 life cycle cost.

Even the Air Force told Congress, says the record, a year ago that the idea of "replacing a B–1 with an F–111 is near ridiculous." Now, of course, they are seeking $20 million, said one observer, "to see just how ridiculous it is."

3—Since the Carter decision, cost-comparisons issuing from the Pentagon on the B–52 have been meticulously worded. One of the latest:

"The annual operating cost of a B–52 with cruise missiles is slightly more than that of the B–1. For equal force effectiveness, life cycle costs vary according to the assumptions about weapon attrition to the threat. But at comparable threat levels, the pure force of B–52s with cruise missiles (is) about $6 billion less than an equally effective pure B–1 force (in FY '78 dollars) over a 20-year cost period."

For one thing, the B–1 price is based on buying only 101 aircraft (less than that, actually, because the "101" includes buying replacement spares and components equivalent of "X" number of aircraft) at a production rate of four a month. Nor does it indicate that a big chunk of the B–52 higher operating cost is personnel and greater fuel consumption—both items being "future costs" on which projections out 10–20 years from now are highly speculative.

But what it virtually glosses over—and only a few Senators seem willing, or interested enough, to question—is the mission-effectiveness part of the analysis. And that is really the "gut" issue, according to experts. Summed up Jane's Editor Taylor in January Air Force magazine:

"All in Congress (who support penetrator/cruise-missile-carrying B–52's) should be compelled to drive 20-year-old automobiles *and* (his emphasis) be taken for a long flight in a B–52 through severe turbulence, at very low altitude. Those who survived the experience would be qualified to judge whether or not the B–52 is a satisfactory strategic penetrating system for the '80's."

McIntyre says he will explore the issue "in-depth" this Spring. In the meantime, both on the Senate and House side, Members have demanded to know what, if anything, the General Accounting Office (GAO) is going to do—such as file a civil suit—about apparent Pentagon "flaunting" of "the mandate of Section 1012(b) of the Impoundment Control Act of 1974." When Carter announced his B–1 cancellation decision, the Pentagon promptly started cancelling contracts, evidently anticipating that Congress would agree to the requested recision of still unspent funds from the fiscal 1977 budget.

According to the Impoundment Control Act, if Congress has not taken positive action to agree with that White House decision within 45 days after receiving official notice, the Pentagon, in this case, is obligated by law to spend, again in this case, the $462 million already appropriated to complete fiscal 1977 expenditure on the program.

That deadline was up last October 4. Under prodding from some Congressional individuals, they have been dribbling out $100,000 here and $1 million there to "study" how to restart the cancelled contracts. Points out angry California Senator Alan Cranston, the payments to contractors should have been "at least $10 million in December, 1977, and $15 million in January, 1978."

But with no apparent analysis around on whether or not a bomber is necessary in the 1985 timeframe; no evident agreement on what ought to be done to protect land-based ICBM survivability in the same era; uncertainty about whether the Nation can afford a next-generation sea-launched missile system; indeed, apparent confusion where there was once certainty about what U.S. strategic deterrence should comprise, maybe breaking a law is the least of Congress' problems.

THE HOUSE BROADCAST DECISION

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. ANDERSON of Illinois. Mr. Speaker, this week the Committee on Rules will file with the House a report recommending that the House operate its own system for broadcasting our proceedings. The report was approved on a narrow 9–6 vote. One of those voting against the approval of such an in-House operation was the distinguished gentleman from California (Mr. SISK), who previously served as the chairman of the Ad Hoc Subcommittee on Broadcasting of the Committee on Rules in the last Congress. That subcommittee had recommended that coverage be provided by a pool of professional broadcasters, and not by the House itself.

In a guest column appearing in last Saturday's New York Times, our colleague from California (Mr. SISK) tells why a professional broadcasters' pool is far superior to a House-controlled system. The gentleman from California also notes that his attempt in the Rules Committee to permit a House vote on this important issue failed. But he concludes his column by expressing the hope that a direct vote on the decision

will still be permitted in the House. To quote from his concluding paragraph:

After three decades of debate, the House of Representatives has decided to pen its proceedings to the electronic media and to the millions of Americans who rely on them as a source of information. The implementation of that decision will have long-lasting effects. Let us hope responsibility for the decision will be shared by all members of the House.

At this point in the RECORD, Mr. Speaker, I include the full text of the column by the gentleman from California, and I commend it to the reading of my colleagues. The column follows:

[From the New York Times, Feb. 11, 1978]

CONTROLLING TV CAMERAS ON CAPITOL HILL

(By B. F. Sisk)

WASHINGTON.—On Oct. 27, 1977, the House of Representatives overwhelmingly approved radio and television coverage of its floor proceedings, culminating the efforts of numerous Congressmen over 33 years.

The resolution allowed the Speaker of the House to select the system. No system could be installed until the Rules Committee completed a study of all alternative methods for broadcasting. On Wednesday, the committee, voting 9–6, recommended a House-controlled system. An attempt to allow the House a vote on this important issue failed.

While it was imperative to gain approval for House broadcasting, the system for implementing the coverage is equally vital. The essential question centers on who will control the cameras.

Should the House buy the equipment, hire the personnel, and operate the system as is done by the Canadian Parliament? Should the House contract with public television to run the system as have many of the 44 state legislatures that allow coverage? Should the House allow a broadcast pool to cover its proceedings as is the case for Presidential news conferences and many important committee hearings?

After substantial work on broadcasting, a select committee chaired by Representative Jack Brooks, Democrat of Texas, recommended in this Congress that the House install and operate its own system.

A different conclusion was reached by a Rules Committee subcommittee, which I chaired, in the last Congress. The subcommittee, after considerable study, reported a resolution providing for coverage of House proceedings by a broadcast pool consisting of ABC, CBS, NBC, and PBS. Coverage was to be made available to all broadcasters. The pool also was to supply the House with a complete video record of its proceedings for archival purposes. This resolution, however, did not clear the Rules Committee.

However, I still think that for several reasons a broadcast pool is still the preferable system. The first is a matter of equity. Print journalists may sit in the galleries, observe the debate, and write whatever they please. They are not required to take their coverage from the Congressional Record or any other House document. Permitting professional broadcasters to bring the tools of their trade—cameras and microphones—into the galleries, simply provides equal access to the electronic media.

Second, the House protects First Amendments rights by allowing professional broadcasters to cover the proceedings. And, finally, a system run by professional broadcasters should produce a better quality product technically. Coverage that is not of broadcast quality will undoubtedly go unused.

However, the most important consideration is credibility. The purpose of broadcasting House proceedings is to permit the public to view debate on crucial issues. The objective should be to educate the public not only on issues but on the process by which decisions are made.

House procedure often is complex, as is inherent in an institution composed of 435 members who represent the diverse interest of some 218 million Americans. There are no villains or saints on the House floor. There are only men and women trying their best to represent the interests of their districts. Often these interests conflict.

The American people should be able to see the House at work, resolving difficult questions. What is more important, they should be assured that they are viewing the clear, unvarnished truth. If the broadcasts appear censored or in any way restricted, the validity of the coverage will be questioned. Rather than enhancing the House's credibility, broadcasts that are considered self-serving could tarnish its image. Instead of increasing public confidence, the House might find recent upward trends in the polls reversed as the House sinks lower in the public's esteem.

Regardless of who operates the system, I have no doubt that House members may believe their views have been distorted at times. Considering the fallibility of human nature, there probably will be mistakes, intentional or otherwise. Any venture has risks, but our system of government requires reliance on the collective good will and common sense of the people.

After three decades of debate, the House of Representatives has decided to open its proceedings to the electronic media and to the millions of Americans who rely on them as a source of information. The implementation of that decision will have long-lasting effects. Let us hope responsibility for the decision will be shared by all members of the House.

OLE HANSON

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1978

Mr. BADHAM. Mr. Speaker, it was more than 70 years ago when Ole Hanson surveyed the beautiful California coastal area now known as San Clemente and said:

I envision a place where people can live together more pleasantly than any other place in America. I am going to build a beautiful city on the ocean where the whole city will be a park; I want plazas, playgrounds, schools, clubs, swimming pools, a golf course, a fishing pier and a beach enlivened with people getting a healthy joy out of life.

February 21, 1978, marks the 50th anniversary of the founding of San Clemente as a city in Orange County, Calif., and I would like to call the attention of my colleagues to Ole Hanson's dream and how it came true.

A beautiful city of 27,000 residents today, lovely homes, beautiful beaches, a fishing pier and the other things of Hanson's dream didn't come easily, however.

Though Hanson spoke of a city of 50,000 when the surveyors came to lay out the first portion of the city in July 1925, only 125 acres were surveyed. Where Hanson saw homes and schools, the surveyors saw only empty land. Supervisors of Orange County, when presented with the first tract map, refused to accept it, deciding that no streets would be necessary in San Clemente.

It wasn't until the city incorporated 50 years ago that streets were accepted by the county. As the city has grown over the years into one of California's coastal beauty spots, it is most apparent that Ole Hanson's view of what could be accomplished was the most farsighted.

San Clemente, named for a Spanish saint, St. Clement, as well as for a Spanish city of the same name, has taken its place among the cities of Orange County and California as a progressive community typical of the West.

Moreover, San Clemente also has become well known in recent years as the place which at times was the center of the U.S. Government, where decisions affecting the entire world were made, and where leaders of the nations of the free world came to discuss matters of mutual concern.

For them, and all others who visited San Clemente, it was a worthwhile experience and a beautiful place to behold, whether for days of vacation relaxation, hours of contemplation of the ocean's majesty, or to study issues affecting the world's future.

So, on this occasion of the 50th anniversary of the founding of the city of San Clemente, I add my voice of congratulations to Ole Hanson and his successors for a job well done and I know that all Members of Congress join me in wishing the city of San Clemente and its people the best in the years ahead.

SENATE COMMITTEE MEETINGS

Title IV of the Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, February 16, 1978, may be found in Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 20

6:00 p.m.
Human Resources
Child and Human Development Subcommittee
To resume hearings to review the current programs on child care and child development and the need for additional legislation.
Until 9:00 p.m. 4232 Dirksen Building

9:00 p.m.
Human Resources
Child and Human Development Subcommittee

To resume hearings on the proposed extension of programs of the ACTION agency (P.L. 93-113).
4232 Dirksen Building

FEBRUARY 21

8:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on proposed fiscal year 1979 authorizations for the Department of Energy.
3110 Dirksen Building

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

9:30 a.m.
Environment and Public Works
To hold hearings on proposed fiscal year 1979 authorizations for the Economic Development Administration.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Water Research and Technology and the Navajo-Hopi Relocation Commission.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Health Service Administration, Department of HEW.
S-128, Capitol

Budget
To receive testimony from Director Bosworth, Council on Wage and Price Stability, in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Human Resources
Education, Arts, and the Humanities Subcommittee
To resume hearings on S. 1753, to extend and amend the Elementary and Secondary Education Act.
Until noon 4232 Dirksen Building

Select Intelligence
Budget Authorization Subcommittee
To hold closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407, Capitol

10:30 a.m.
Judiciary
To hold hearings on the nomination of Benjamin R. Civiletti, of Maryland, to be Deputy Attorney General, Department of Justice.
2228 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Center for Disease Control, Department of HEW.
S-128, Capitol

Select Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407, Capitol

FEBRUARY 22

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To hold hearings on proposed legislation to extend the Comprehensive Employment Training Act (CETA).
Until 12:30 p.m 4232 Dirksen Building

Human Resources
Child and Human Development Subcommittee
To hold hearings on S. 2534, authorizing funds for the Health Maintenance Organization through 1983.
S-207, Capitol

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To hold hearings on the proposed extension of authorizations for the Family Planning and Population Research Act (P.L. 91-572).
Until 12:30 p.m. 357 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of the Secretary.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To discuss the staff inquiry in connection with the nomination of G. William Miller, of California, to be a Member of the Board of Governors of the Federal Reserve System.
5302 Dirksen Building

Energy and Natural Resources
Public Lands and Resources Subcommittee
To hold hearings on S. 817, to authorize the Secretary of the Interior to defer repayment of municipal and industrial costs of the Dickinson Unit, North Dakota.
3110 Dirksen Building

Environment and Public Works
To hold hearings on proposed fiscal year 1979 authorizations for the Army Corps of Engineers.
4200 Dirksen Building

Joint Economic
To resume hearings on the President's economic report.
1202 Dirksen Building

Rules and Administration
To hold hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees, to be followed by consideration of these resolutions and other committee business.
301 Russell Building

Select Intelligence
To mark up S. 1566, to establish procedures for electronic surveillance in the area of foreign intelligence information.
154 Russell Building

Select Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Select Intelligence
Budget Authorization Subcommitte
To continue closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407, Capitol

FEBRUARY 23

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Commerce, Science, and Transportation
Science, Technology and Space Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

Environment and Public Works
Resource Protection Subcommittee
To hold hearings jointly with the Energy and Natural Resource's Subcommittee on Public Lands and Resources on S. 1820, to preserve examples of America's diverse natural ecological resources for classification, identification, and protection.
4200 Dirksen Building

9:30 a.m.
*Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold oversight hearings on U.S. export policy.
5302 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nomination of James P. Walsh, of the District of Columbia, to be Deputy Administrator of the National Oceanic and Atmospheric Administration.
235 Russell Building

Environment and Public Works
Resource Protection Subcommittee
To hold hearings on S. 1820, to preserve examples of America's diverse natural ecological resources for classification, identification, and protection.
4200 Dirksen Building

Human Resources
To hold hearings jointly with the House Education and Labor Committee on the proposed reorganization of Federal equal employment opportunity programs.
4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Veterans' Administration.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings to receive testimony from Secretary of the Interior Cecil Andrus, on proposed budget estimates for fiscal year 1979 for the Department of the Interior.
1114 Dirksen Building

Appropriations
Military Construction Subcommittee
Labor-HEW Subcommittee
To continue hearings no proposed budget estimates for fiscal year 1979 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
S-146, Capitol

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings on S. 201 and H.R. 7132, to establish an arbitration board to settle disputes between organizations of supervisors and the U.S. Postal Service.
357 Russell Building

Joint Economic
To continue hearings on the President's economic report.
5110 Dirksen Building

Rules and Administration
To continue hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcomittees, to be followed by consideration of these resolutions and other committee business.
301 Russell Building

Select Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorization for Government intelligence activities.
S-407, Capitol

11:30 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Panama Canal Company and the Panama Canal Zone Government.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the National Institutes of Health, Department of HEW.
S-128 Capitol

Select Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407 Capitol

FEBRUARY 24

7:00 a.m.
Human Resources
Child and Human Development Subcommittee
To resume hearings on the proposed extension of authorizations for the Family Planning and Population Research Act (P.L. 91-572).
Until 10:30 a.m. 4232 Dirksen Building

9:30 a.m.
Environment and Public Works
Resource Protection Subcommittee
To continue hearings on S. 1820, to preserve examples of all of America's diverse natural ecological resources for classification, identification, and protection.
4200 Dirksen Building

Governmental Affairs
Civil Service and General Services Subcommittee to hold oversight hearings on the activities of the General Services Administration.
357 Russell Building

Special Aging
To hold hearings on tax forms and tax equity for older Americans.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Veterans Administration.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of HEW.
S-128, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 2065 and S. 2470, to protect consumer rights and provide remedies in electronic fund transfer systems.
5302 Dirksen Building

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 2348, the proposed Domestic Offshore Communities Seaport Development Act.
235 Russell Building

Foreign Relations
To hold hearings on and to consider pending nominations.
S-116, Capitol

Rules and Administration
To continue hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees, to be followed by consideration of these resolutions and other committee business.
310 Russell Building

FEBRUARY 27

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 1895, to amend the Natural Gas Pipeline Safety Act.
5110 Dirksen Building

9:30 a.m.
*Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume oversight hearings on U.S. export policy.
6226 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the impact of building codes on housing rehabilitation.
5302 Dirksen Building

Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To hold oversight hearings on the SBA minority business program.
3302 Dirksen Building

Joint Economic
To resume hearings on the President's economic report.
1202 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Health Resources Administration, Department of HEW.
S-128, Capitol

FEBRUARY 28

8:00 a.m.
Energy and Natural Resources
Energy Conservation and Regulation Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for the Department of Energy.
3110 Dirksen Building

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for NASA.
318 Russell Building

9:30 a.m.
Human Resources
To hold a business meeting to consider recommendations it will make to the Budget Committee for the fiscal year 1979 budget in accordance with the Congressional Budget Act.
Until noon 4232 Dirksen Building

Veterans' Affairs
To consider committee budget resolution.
312 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To consider additional funding for items of the Department of the Interior and related agencies, proposed to be included in a second supplemental appropriations, and to hold hearings on proposed budget estimates for fiscal year 1979 for Alaska Land Use.
1114 Dirksen Building

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
S-146, Capitol

Budget
To receive testimony from Energy Secretary Schlesinger in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To mark up H.R. 7744, to permit the contract dredging for improvement of rivers and harbors by private industry.
4200 Dirksen Building

Select Small Business
To hold hearings on small business aspects of the Administration's 1978 tax program.
424 Russell Building

Rules and Administration
To resume hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees, to be followed by consideration of these resolutions and other committee business.
301 Russell Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Education, Department of HEW.
S-128, Capitol

MARCH 1

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To resume hearings on the proposed ex-

tension of programs under the Comprehensive Employment and Training Act (P.L. 93-567).
Until 12:30 p.m.
6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Bureau of Outdoor Recreation, and Land and Water Conservation Fund.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for elementary and secondary education programs, Department of HEW.
S-128, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on S. 2441, proposed Federal Public Transportation Act.
5302 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Energy and Natural Resources
To hold hearings to receive testimony from Energy Secretary Schlesinger on proposed fiscal year 1979 authorizations for the Department of Energy.
3110 Dirksen Building

Joint Economic
To resume hearings on the President's economic report.
1202 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for school assistance in federally affected areas, and emergency school aid programs, Department of HEW.
S-128, Capitol

7:00 p.m.
Human Resources
Child and Human Development Subcommittee
To hold hearings on proposed extension of authorizations for research and study of sudden infant death syndrome (P.L. 93-270).
Until 10:30 p.m. 4232 Dirksen Building

MARCH 2

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Energy and Natural Resources
Public Lands and Resources Subcommittee
To hold hearings on S. 2234, proposed fiscal year 1979 authorizations for the Bureau of Land Management, Department of the Interior.
3110 Dirksen Building

Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on the reauthorization of the Comprehensive Employment and Training Act (P.L. 93-567).
Until 12:30 p.m. 457 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Consumer Product Safety Commission.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Park Service.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Education, Department of HEW.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Washington Metropolitan Area Transit Authority and the Civil Aeronautics Board.
S-126, Capitol

Banking, Housing, and Urban Affairs
To continue hearings on S. 2441, proposed Federal Public Transportation Act.
5302 Dirksen Building

Budget
To receive testimony from Defense Secretary Brown in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Foreign Relations
To hold hearings on S. 2420, proposed International Development Cooperation Act, and proposed fiscal year 1979 authorizations for foreign assistance programs.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Office of Education, Department of HEW.
S-128, Capitol

MARCH 3

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Environment and Public Works
Resource Protection Subcommittee
To resume hearings jointly with the Energy and Natural Resource's Subcommittee on Public Lands and Resources on S. 1820, to preserve examples of America's diverse natural ecological resources for classification, identification, and protection.
4200 Dirksen Building

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 2040, the Comprehensive Drug Amendments Act.
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on spending practices of individual departments (Mission Budgeting) at HEW, and on proposed budget estimates for fiscal year 1979 for the Health Care Financing Administration, Department of HEW.
S-128, Capitol

Banking, Housing, and Urban Affairs
To continue hearings on S. 2441, proposed Federal Public Transportation Act.
5302 Dirksen Building

Energy and Natural Resources
Energy Conservation and Regulation Subcommittee
To hold hearings on proposed fiscal year 1979 authorizations for the Department of Energy.
6226 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for the Department of Energy.
3110 Dirksen Building

Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on S. 2420, proposed International Development Cooperation Act, and on proposed fiscal year 1979 authorizations for foreign assistance programs
4221 Dirksen Building

11:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
1318 Dirksen Building

MARCH 6

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on issues relating to the Federal highway program, including the level of Federal support, completion of the Interstate System, and the costs of maintenance on the Federal highway system.
4200 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Robert D. Thorne, of California, to be an Assistant Secretary of Energy.
3110 Dirksen Building

Foreign Relations
Foreign Assistance Subcommittee
To resume hearings on S. 2420, proposed International Development Cooperation Act.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for the Office of Education, Department of HEW
S-128, Capitol

6:00 p.m.
Veterans' Affairs
To resume hearings on a National Academy of Science study of health care for American veterans.
Until 10:30 p.m. 6226 Dirksen Building

MARCH 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To resume hearings on S. 50, the Full Employment and Balanced Growth Act.
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Surface Mining.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Human Development and special institutions, Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for military construction programs, and funds for NATO.
S-146, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by bank holding companies and other banks.
5302 Dirksen Building

Energy and Natural Resources
To hold a business meeting on pending calendar business.
3110 Dirksen Building

11:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations from officials of the VFW.
318 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Office of Human Development and special institutions, Department of HEW.
S-128, Capitol

MARCH 8

9:00 am.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Commerce, Science and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

Human Resources
Employment Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 50, the Full Employment and Balanced Growth Act.
Until 12:30 p.m. 4232 Dirksen Building

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To hold hearings on S. 1728, the proposed Domestic Violence Prevention and Treatment Act, and related bills.
Until 12:30 p.m. 457 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Endowment for the Arts.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by bank holding companies and other banks.
5302 Dirksen Building

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for the Department of Energy.
3110 Dirksen Building

Foreign Relations
Foreign Assistance Subcommittee
To resume hearings on S. 2420, proposed International Development Cooperation Act.
4221 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Coast Guard and St. Lawrence Seaway Development Corporation.
1318 Dirksen Building

MARCH 9

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Environmental Protection Agency.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Fish and Wildlife Service.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
S-146, Capitol

Budget
To receive testimony from HEW Secretary Califano and Labor Secretary Marshall in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Energy and Natural Resources
To hold a business meeting to consider recommendations it will make to the Budget Committee for the fiscal year 1979 budget in accordance with the Congressional Budget Act.
3110 Dirksen Building

Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on the Administration's request for the economic support fund.
4221 Dirksen Building

MARCH 10

9:00 a.m.
Agriculture, Nurtition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Commerce, Science and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2478, proposed fiscal year 1978 authorizations for the National Rail Passenger Corporation (AMTRAK).
318 Russell Building

9:30 a.m.
Judiciary
Antitrust and Monopoly Subcommittee
To resume oversight hearings on ICC's price regulation in the motor common carrier industry.
2228 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Environmental Protection Agency and Council on Environmental Quality.
1318 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Energy and Natural Resources
To continue business meeting to consider recommendations it will make to the Budget Committee for the fiscal year 1979 budget in accordance with the Congressional Budget Act.
3110 Dirksen Building

Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on contributions to international organizations, and on the administrative and personnel requirements of the proposed new organization which is to administer the aid program.
4221 Dirksen Building

MARCH 13

9:00 a.m.
Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To resume hearings on S. 2090, 2081, and 1919, to extend certain programs authorized by the Economic Opportunity Act.
Until 12:30 p.m. 4232 Dirksen Building

Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 2354, to provide for equal access to courts.
2228 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on proposed fiscal year 1979 authorizations for the Export-Import Bank.
5302 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for the Department of Energy.
3110 Dirksen Building

Foreign Relations
To hold hearings on U.S.-U.S.S.R. relations.
4221 Dirksen Building.

10:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on S. 2478, proposed fiscal year 1979 authorizations for the National Railroad Passenger Corporation (AMTRAK).
235 Russell Building

7:00 p.m.
Human Resources
Child and Human Development Subcommittee
To hold hearings on S. 258, the Children and Youth Camp Safety Act.
Until 10:30 p.m. 4232 Dirksen Building

MARCH 14

9:00 a.m.
Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 2090, 2081, and 1919, to extend certain programs authorized by the Economic Opportunity Act.

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 27 and S.J. Res. 28, proposed constitutional amendments to limit the number of terms of service for Members of Congress. 5110 Dirksen Building

10.00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Forest Service, Department of Agriculture. 1114 Dirksen Building

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for military construction programs. S–146, Capitol

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for the Export-Import Bank. 5302 Dirksen Building

Foreign Relations
To continue hearings on U.S.-U.S.S.R. relations. 4221 Dirksen Building

10:30 a.m.
Judiciary
Immigration Subcommittee
To hold hearings on S. 2252, proposed Alien Adjustment and Employment Act. 2228 Dirksen Building

MARCH 15

10:00 a.m.
Banking, Housing, and Urban Affairs
To mark up S. 2065, to provide consumer rights and remedies in electronic fund transfer systems. 5302 Dirksen Building

Budget
To receive testimony from Federal Reserve Board Chairman-designate Miller in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget. 6202 Dirksen Building

Foreign Relations
To continue hearings on U.S.-U.S.S.R. relations. 4221 Dirksen Building

MARCH 16

8:00 a.m.
Veterans' Affairs
To resume hearings on H.R. 5029, authorizing funds for hospital care and medical services for certain Filipino combat veterans of W.W. II, and S. 2398, to extend the period of eligibility for Vietnam-era veterans' readjustment appointment within the Federal Government.
Until 11:00 a.m. 357 Russell Building

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for NASA. 235 Russell Building

9:30 a.m.
Judiciary
Constitution Subcommittee
To continue hearings on S.J. Res. 27 and S.J. Res. 28, proposed constitutional amendments to limit the number of terms of service for Members of Congress. 6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Smithsonian Institution. 1114 Dirksen Building

Banking, Housing, and Urban Affairs
To hold oversight hearings on FDIC report on preferential bank lending policies. 5302 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget. 6202 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for the Department of Energy. 3110 Dirksen Building

10:30 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for National Highway Traffic Safety Administration. S–126, Capitol

Judiciary
Immigration Subcommittee
To resume hearings on S. 2252, proposed Alien Adjustment and Employment Act. 2228 Dirksen Building

MARCH 17

10:00 a.m.
Budget
To receive testimony from Secretary of HUD Harris in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget. 6202 Dirksen Building

MARCH 20

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To resume hearings on S. 2040, the Comprehensive Drug Amendments Act.
Until 12:30 p.m. 4332 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Bureau of Mines. 1114 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for the Export-Import Bank. 5302 Dirksen Building

Budget
To receive testimony from Representative Bolling in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget. 6202 Dirksen Building

MARCH 21

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 2094 and S. 2389, to abolish diversity of citizenship as a basis of jurisdiction of Federal district courts. 5110 Dirksen Building

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on issues relating to the Federal highway program, including the level of Federal support, completion of the Interstate system, and the costs of maintenance on the Federal highway system. 4200 Dirksen Building

Veterans' Affairs
To mark up S. 364, to provide for judicial review of administrative decisions promulgated by the VA, and to allow veterans full access to legal counsel in proceedings before the VA, and S. 2384, the Veterans and Survivors Income Security Act. 412 Russell Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Science Foundation. 1318 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Bureau of Land Management. 1114 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Federal Highway Administration. S–126, Capitol

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for the Export-Import Bank. 5302 Dirksen Building

Foreign Relations
Foreign Assistance Subcommittee
To resume hearings on S. 2420, proposed International Development Cooperation Act, and proposed fiscal year 1979 authorizations for foreign assistance programs. 4221 Dirksen Building

10:30 a.m.
Judiciary
Immigration Subcommittee
To resume hearings on S. 2252, proposed Alien Adjustment and Employment Act. 2228 Dirksen Building

MARCH 22

9:00 a.m.
Human Resources
To hold hearings on S. 2084, the Administration's proposed welfare reform legislation.
Until 12:30 p.m. 4232 Dirksen Building

Judiciary
Improvements in Judicial Machinery Subcommittee
To continue hearings on S. 2094 and S. 2389, to abolish diversity of citizenship as a basis of jurisdiction of Federal district courts. 2228 Dirksen Building

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To continue hearings on issues relating to the Federal highway program, including the level of Federal support, completion of the Interstate system, and the costs of maintenance of the Federal highway system.
4200 Dirksen Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the National Science Foundation and Office of Science and Technology Policy.
1318 Dirksen Building

*Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 2158, to permit the storing of foreign-caught shark fins at U.S. foreign trade zones for eventual exportation to foreign countries.
235 Russell Building

MARCH 23

9:00 a.m.
Human Resources
To continue hearings on S. 2084, the Administration's proposed welfare reform legislation.
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Foreign Relations
To hold hearings to receive testimony from Secretary of State Vance on the Administration's proposed arms transfer policy.
4221 Dirksen Building

10:30 a.m.
Judiciary
Immigration Subcommittee
To resume hearings on S. 2252, proposed Alien Adjustment and Employment Act.
2228 Dirksen Building

APRIL 3

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Endowment for the Humanities.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To hold oversight hearings on the condition of the banking system.
5302 Dirksen Building

Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on proposed fiscal year 1979 authorizations for security assistance programs.
4221 Dirksen Building

APRIL 4

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Bureau of Indian Affairs.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue oversight hearings on the condition of the banking system.
5302 Dirksen Building

APRIL 5

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Federal Aviation Administration.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on U.S. programs and facilities designed to increase U.S. exports.
5302 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations from AM-VETS Paralyzed Veterans of America, and Veterans of World War I.
Until 1:00 p.m. 6226 Dirksen Building

APRIL 6

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume oversight hearings on the National Bureau of Standards.
235 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Geological Survey.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Railroad Passenger Corporation (AMTRAK).
1224 Dirksen Building

APRIL 7

11:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Revenue Sharing, and New York City Seasonal Financing Fund, Department of the Treasury.
1318 Dirksen Building

APRIL 10

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to consider the reestablishment of housing goals and proposed extension of existing housing programs.
5302 Dirksen Building

APRIL 11

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 2253, to encourage prompt, informal, and inexpensive resolution of civil cases by use of arbitration in U.S. district courts.
2228 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to consider the reestablishment of housing goals and proposed extension of existing housing programs.
5302 Dirksen Building

APRIL 12

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To hold hearings on proposed authorizations for fiscal year 1979 for the National Science Foundation.
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Federal Railroad Administration.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings to consider the reestablishment of housing goals and proposed extension of existing housing programs.
5302 Dirksen Building

APRIL 13

10:00 a.m.
Appropriations
HUD Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for HUD.
1318 Dirksen Building

APRIL 14

10:00 a.m.
Appropriations
HUD Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for HUD.
1318 Dirksen Building

APRIL 18

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on the competitiveness of high technology U.S. exports in world markets and the potential adverse impact on exports from declining research and development expenditures by the U.S. Government and industry.
5302 Dirksen Building

APRIL 19

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Urban Mass Transportation Administration.
1224 Dirksen Building

APRIL 20

10:00 a.m.
Appropriations
HUD Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for NASA.
1318 Dirksen Building

APRIL 21

10:00 a.m.
Appropriations
HUD Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for NASA.
1318 Dirksen Building

APRIL 24

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on monetary policy.
5302 Dirksen Building

APRIL 25

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on monetary policy.
5302 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Federal Home Loan Bank Board and the National Institute of Building Sciences.
1318 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for Con-Rail and the U.S. Railroad Association.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Transportation Safety Board and the ICC.
1224 Dirksen Building

MAY 2

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of the Secretary, DOT.
1224 Dirksen Building

MAY 17

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings in connection with restrictions employed by foreign countries to hold down imports of U.S. goods.
5302 Dirksen Building

CANCELLATIONS

FEBRUARY 20

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Navajo-Hopi Relocation Commission.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on proposed fiscal year 1979 authorizations for HUD.
5302 Dirksen Building
11:00 a.m.
Foreign Relations
To hold hearings on the International Sugar Agreement (Exec. A, 95th Cong., 2d sess.).
4221 Dirksen Building

FEBRUARY 21

10:00 a.m.
Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for HUD.
5302 Dirksen Building
Foreign Relations
To hold hearings on H.R. 7819, S. 1256, and S. 1257, to guarantee fair and equitable compensation for Americans injured in auto accidents with diplomatic personnel, and to require compulsory auto liability insurance for all diplomats.
4221 Dirksen Building

FEBRUARY 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on HUD crime and riot reinsurance programs.
5302 Dirksen Building

FEBRUARY 23

9:00 a.m.
Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on proposed legislation to extend the Comprehensive Employment Training Act (CETA).
Until 12:30 p.m. 4232 Dirksen Building

FEBRUARY 24

10:00 a.m.
Foreign Relations
To resume hearings on the International Sugar Agreement (Exec. A. 95th Cong., 2d sess.).
4221 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, February 16, 1978*

The House met at 11 o'clock a.m. and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WRIGHT) laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 16, 1978.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore for today.

THOMAS P. O'NEILL, JR.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14: 34.

"Shed Thou, O Lord, Thy light
On this strong land.
Firm in the ways of right,
Strong may she stand.

Make her to all earth kin,
Teach her to share,
Cleanse her of inward sin;
Lord, hear our prayer.

Here let all men be free
Under Thy sun;
Bound in fraternity
All people one.

Here let Thy truth be power,
All deeds be just.
Save, Lord in this grave hour;
In Thee we trust."

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORT ON HOUSE JOINT RESOLUTION 554

Mr. DRINAN. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file a report on House Joint Resolution 554.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3377, WICHITA INDIAN CLAIMS

Mr. BOLLING, from the Committee on Rules, submitted a privilged report (Rept. No. 95–883) on the resolution (H. Res. 1030) providing for consideration of the bill (H.R. 3377) to authorize the Wichita Indian Tribe of Oklahoma, and its affiliated bands and groups of Indians, to file with the Indian Claims Commission any of their claims against the United States for lands taken without adequate compensation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT, TOMORROW, FEBRUARY 17, 1978, TO FILE REPORT

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight, Friday, February 17, 1978, to file a report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, may we know what the report is?

Mr. KILDEE. Mr. Speaker, if the gentleman will yield, the report has been cleared by the minority, and it is House Joint Resolution 649, the White House Conferences on Arts and Humanities.

Mr. BAUMAN. Further reserving the right to object, Mr. Speaker, it has nothing to do with Humphrey-Hawkins legislation?

Mr. KILDEE. No, nothing whatsoever.

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

A QUESTION OF PERSONAL PRIVILEGE

Mr. MARTIN. Mr. Speaker, I rise to speak to a point of personal privilege.

The SPEAKER pro tempore. The gentleman from North Carolina has advised the Chair of the nature of his point of personal privilege, and the Chair is convinced that the gentleman will bring before the House criticisms of him in his representative capacity. The gentleman is recognized for 1 hour.

COMMON CAUSE STRIKES AGAIN

Mr. MARTIN. Mr. Speaker, I thank the Chair, and I will not take the full time that is usually allotted.

Mr. Speaker, yesterday I received a delayed Valentine message from our friends at Common Cause. Their vice president demonstrated a flair for impugning the motives of others when he reportedly said:

> For those who still wonder whether political contributions can affect congressional action, we recommend that they carefully follow the upcoming procedures in the Health Subcommittee.

That pearl of wisdom, Mr. Speaker, refers to the Health Subcommittee of the Ways and Means Committee, on which it has heretofore been my pleasure to serve. He apparently objects to his own assertion that campaign contributions to me and some of my colleagues will in his opinion determine the outcome of our vote on President Carter's nobly intended hospital cost control legislation.

Since I am normally thin-skinned about ad hominem attacks on my integrity, and since Common Cause cites me as receiving $15,332 from health groups in the 1974 and 1976 elections, thereby outdistancing my colleagues, it is in order that I reply. There are three points that I want to make: First, to clarify the record about my campaign contributions; second, to discuss the relative merits and demerits of the legislation in question since that properly determines how I will vote; and finally to return their fire by reminding colleagues about the true motives of Common Cause.

First, I did receive $15,332 from three health-related political action committees in 1974 and 1976 combined, all of which was properly reported at the time. Of that amount $10,000 was received during the 1974 campaign when I was not a member of the Ways and Means Committee. Obviously, using simple subtraction, I received less after I went onto Ways and Means, a fact that would be of no importance to an organization that cares not who gets impugned.

What is more, that $10,000 in 1974 and another $1,666 in 1976 came from the North Carolina Medical Society political action committee, known as MED PAC. As a former chemistry professor in real life, having taught many premedical students, and knowing that most share my fairly conservative political philosophy, I was delighted to have their support, which I still welcome.

The vote on this hospital cost legislation, however, should be based on its merits, so let me turn to my second point. While President Carter commendably wants to do something to hold down rising hospital costs, his legislation and subsequent versions of it are not only ill-conceived, but probably hazardous to your health. In its simplest form, a law to limit costs charged by a hospital without limiting costs charged to a hospital can only result in reduced quality of health care in its community. Any uncontrolled overhead cost which rises by more than 9 percent will require new surgical or diagnostic improvements to be eliminated. That hardly serves the health interests of the thousands of constituents who contributed 93 percent of my campaign finances in those 2 years.

What is more, the scheme before us is not simple. It is very complex and convoluted. A hospital administration will probably not know until 1980 or 1984 whether their 1979 operations were in compliance with this law, or in violation. Mr. Speaker, this is a demerit. It will have a chilling effect on administrators who would like to improve health service but would forgo that in order to avoid the risk of inadvertently becoming an outlaw. That consequence hardly serves the health interest of the public.

In my opinion, if we want to assist hospitals in controlling costs, then let us assist them, providing counsel and advisers from HEW and other hospitals. There is no justification for punishing people for trying to serve their neighbors.

As for President Carter, if he wants to control costs let him start with something he runs, the Federal Government. Let him bend his efforts to clamp an 8- or 9-percent limit on the exponential growth of Government.

If he succeeds, and I will do my best to help him, then he will have earned the privilege of advising others. If he fails, if he signs appropriations which exceed his budget, then we will hear no more out of him about other administrators.

Now, let us take a good look at Common Cause. It is evident that hospital administration is not their bag. They are not expert on cost control legislation or health needs. No, they are after other game. What they want is to get Federal funding for congressional elections. They want us to raid the U.S. Treasury, to make taxpayers shell out to pay for campaigns of candidates they do not support as well as those they do support. If that serves the public interest, it is obvious the public has not caught on yet, so Common Cause has to rattle a few cages. They have been beaten on this their real agenda, and now they resort to impugning the motives of my subcommittee in hopes of intimidating us to support their scheme to get Federal funding. Along the way, if they intimidate us into supporting this ill-conceived, well-intended legislation they could not care less.

I believe they have singled out this issue only as a fortuitous example. If they recognize that the cost control legislation lacks merit and will be defeated, then so much the better for them because they can attribute that deserved defeat to other darker motives.

So, in the third place, Mr. Speaker, let us not lose sight of the motives of Common Cause.

Meanwhile, let us not let this mischievous distraction they have presented cause us to lose sight of the fact that the last thing the public health interest needs is for Government to dictate a freeze on health care improvements.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I want to commend the gentleman from North Carolina for taking a point of personal privilege to answer this totally unwarranted, unfounded charge made against him and other Members by Common Cause. The point of personal privilege is rarely used, and it is in our rules simply because any Member of the House needs a parliamentary way to answer unfounded charges which impugn his motives or his integrity.

I do not think anyone who has served with the gentleman from North Carolina would do either, but it is now an established custom by Common Cause and certain other groups to not only impugn the motives of Members whenever they disagree, but to go beyond that and allege, in fact, that one has been bought, or other Members have been bought, by special interest. This is not true, and it is a constitutional right of any organization or individual in America to contribute funds to a candidate who shares his beliefs.

That obviously has happened in the case of the gentleman from North Carolina and all other Members. The fact that a labor union or a business group or medical association, through their political action committees, lawfully contribute funds should in no way be equated to charging a Member of the House with selling his vote. It is unusual and surprising that an organization that is so citizen minded, so civic minded, so squeaky clean in all of its political dealings, is willing to stoop so low into the political gutter as to try to destroy the reputations of individuals in this Congress which they claim to wish to raise to a higher level.

There may well be others in the House, based on press reports of the Korean investigation and others, who may have committed improprieties, but the gentleman from North Carolina certainly has not, and his record proves it. I hope this and other groups will quit getting into what is basically a smear tactic against Members of the House.

Mr. MARTIN. I want to thank my friend from Maryland for the generosity of his remarks. I am sure they are motivated by the fact that we are indeed friends. I can only say that I would only wish he were president or senior vice president of the organization known as Common Cause. As a matter of fact, I have—as I am sure he does in his own district—I have many friends in my district who subscribe to Common Cause and its political interests, and with whom I agree at times and disagree at other times.

I would hope that they and I would continue to be friends and that they would realize that it is necessary for me to respond to this kind of accusation in the way that I have, because not to respond, simply to let it pass, would falsely imply to many of them that there was substance to the scurrilous mischievous effort on the part of the leaders in their organization—not my constituents in North Carolina but the national leaders of their organization—to assault my personal integrity.

Let me say I am not alone in this. There are other Members, and during the subcommittee meeting earlier this morning one other Member, our colleague the gentleman from New York (Mr.

PIKE), suggested that perhaps those of us who received contributions from any organization which testified against this legislation should disqualify ourselves from further consideration of it. He furthermore suggested that any of us who received contributions from organizations that testified in favor of this legislation should disqualify ourselves from further consideration. Of course the result of such a procedure would be that there would be only one Member to act on this legislation, one who was unopposed and therefore received and needed no support from his constituents. That would surely take care of the hospital cost legislation in question, because we would then not be able to get a quorum to deal with it any further, and I think that would be a very meritorious outcome to the whole business.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield further?

Mr. MARTIN. Certainly I yield to my colleague, the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I certainly join in the gentleman's estimate of the fact that there are a great many people who have become members of Common Cause and other organizations in all of our districts, and they are among the most regular letterwriters from the First District of Maryland, and I commend them for taking more than the normal interest in the affairs of Government, that many others do not. For that I commend them. But I wonder how many of these people are consulted before this kind of scurrilous attack is put out by the leadership of their organization in the name of all the members, and I do not think that opinion is shared by those members.

Mr. MARTIN. Mr. Speaker, I thank the gentleman from Maryland for his comments.

I appreciate the Speaker's tolerance of my electing to exercise this right.

ONE-THIRD GENERAL REVENUE FINANCING OF SOCIAL SECURITY

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I solicit the careful attention of my distinguished colleagues to a few brief remarks about my proposal for one-third general revenue financing of social security. You have frequently listened to me extoll the practical social and political implications of reducing the social security tax rate. Perhaps my fellow legislators would be interested in some frank discussion of the economic implications of my bill, H.R. 10668.

The one-third general revenue proposal, in which 120 courageous Members have already joined in cosponsorship, is designed to accomplish 3 particular goals: Reduce the regressive and burdensome payroll tax; stimulate our lagging economy; and put millions of unemployed Americans back to work.

Mr. Speaker, we have at our disposal a ready tool for accomplishing those goals. It is a tested tool. The one-third general revenue financing bill provides us with a well-targeted, expansionary tax policy tool. Tax cuts are proven formats for stimulating the economy. An employment level tax cut will be the most effective way to achieve several important national objectives.

H.R. 10668 would reduce the social security tax to 3.9 percent in 1979 and substantially increase every worker's take-home pay. Most consumers, based upon past performances, can be expected to spend anywhere from 92 to 94 percent of their additional take-home pay on consumer goods and services.

The spending of these funds will result in further income which, in turn, will generate still further rounds of increased expenditures. Such a tax reduction can also be expected to materially increase business income and thereby provide additional capital for labor, plant, inventory, and equipment expenses.

On the basis of this type of well-recognized multiplier effect, Mr. Speaker, I submit that this bill will provide a sufficient increase in the gross national product to actually result in increased Federal revenues.

It is, of course, not possible to precisely measure the "feedback effect" on Federal revenues that would result from such a massive stimulus of the GNP. We can, however, postulate with some certainty the effect of a major tax cut on the economy from the experience of the 1964 Kennedy-Johnson tax cut. Today, we know that the capacity utilization in manufacturing is approximately 83 percent. It has stagnated at that level for months. The 1964–65 experience shows us that, as the proposed tax cut takes effect, its stimulus to private consumption and investment will shrink the gap between the Nation's actual and potential output.

While other economic phenomena (largely the increased defense outlays for Vietnam) affected economic performance during the mid-1960's, the 1964 tax cut did stimulate the economy and generate positive "feedback effects." One of this Nation's leading economists estimates that by late 1965 gross national product was at least $30 billion higher than it would have been in the absence of the tax cut.

Mr. Speaker, a stimulus to national GNP flowing from a $30 billion payroll tax reduction will certainly have a significant impact on underutilization of plant capacity in the manufacturing industries. It is not necessary to study economics to realize that this means jobs. The tax cut of 1964, which was less than half the dimension of the tax reduction 110 Members of the House are proposing, put this Nation on a near full prosperity economy and provided approximately 2 million additional jobs. There is no escaping the fact that the one-third general revenue financing proposal for social security—a $30-odd billion permanent tax reduction—will provide at least that many additional jobs. I trust my colleagues will ponder the implications of this legislation. None of us can afford to ignore it.

The Social Security Honor Roll is as follows:

SOCIAL SECURITY HONOR ROLL FOR 1978

Applegate, Douglas—Ohio
Addabbo, Joseph—New York
Annunzio, Frank—Illinois
Aspin, Les—Wisconsin
Baucus, Max—Montana
Beard, Ed—Rhode Island
Biaggi, Mario—New York
Bingham, Jonathan—New York
Blanchard, James—Michigan
Boland, Edward—Massachusetts
Bonior, David—Michigan
Brodhead, William—Michigan
Burke, James—Massachusetts
Burke, Yvonne Brathwaite—California
Burton, John L.—California
Burton, Phillip—California
Carney, Charles—Ohio
Chisholm, Shirley—New York
Clay, William—Missouri
Collins, Cardiss—Illinois
Conte, Silvio—Massachusetts
Conyers, John—Michigan
Corman, James C.—California
D'Armours, Norman—New Hampshire
Dellums, Ronald—California
Diggs, Charles—Michigan
Dodd, Christopher—Connecticut
De Lugo, Ron—Virgin Islands
Drinan, Robert F.—Massachusetts
Early, Joseph—Massachusetts
Edgar, Robert—Pennsylvania
Eilberg, Joshua—Pennsylvania
Evans, Frank—Colorado
Fary, John G.—Illinois
Fauntroy, Walter—District of Columbia
Flood, Daniel—Pennsylvania
Florio, James—New Jersey
Ford, Harold E.—Tennessee
Ford, William—Michigan
Gaydos, Joseph—Pennsylvania
Gore, Albert, Jr.—Tennessee
Guyer, Tennyson—Ohio
Hanley, James M.—New York
Harrington, Michael—Massachusetts
Hawkins, Augustus—California
Heckler, Margaret—Massachusetts
Holland, Ken—South Carolina
Howard, Jim—New Jersey
Johnson, Harold T.—California
Jones, Walter—North Carolina
Jordan, Barbara—Texas
Kastenmeier, Robert—Wisconsin
Kildee, Dale—Michigan
Kostmayer, Peter H.—Pennsylvania
Le Fante, Joseph A.—New Jersey
Leggett, Robert—California
Lederer, Raymond—Pennsylvania
McFall, John—California
McKinney, Stewart—Connecticut
Markey, Edward—Massachusetts
Metcalfe, Ralph—Illinois
Mikulski, Barbara—Maryland
Minish, Joseph—New Jersey
Mitchell, Parren—Maryland
Moakley, Joe—Massachusetts
Moffett, Anthony Toby—Connecticut
Moss, John E.—California
Murphy, Austin J.—Pennsylvania
Murphy, Morgan—Illinois
Nedzi, Lucien N.—Michigan
Nix, Robert N. C.—Pennsylvania
Nolan, Richard—Minnesota
Oberstar, James—Minnesota
Ottinger, Richard—New York
Patten, Edward—New Jersey
Patterson, Jerry—California
Pattison, Edward W.—New York
Pepper, Claude—Florida
Perkins, Carl D.—Kentucky
Price, Melvin—Illinois
Quillen, James H.—Tennessee
Rangel, Charles—New York
Reuss, Henry S.—Wisconsin
Richmond, Frederick—New York
Risenhoover, Ted—Oklahoma
Rodino, Peter W.—New Jersey
Roncalio, Teno—Wyoming
Rooney, Fred B.—Pennsylvania
Rose, Charles—North Carolina
Rosenthal, Benjamin S.—New York

Scheuer, James H.—New York
Schroeder, Patricia—Colorado
Seiberling, John F.—Ohio
Shipley, George—Illinois
Simon, Paul—Illinois
Sisk, B. F.—California
Spellman, Gladys Noon—Maryland
St Germain, Fernand—Rhode Island
Solarz, Stephen—New York
Stark, Fortney "Pete"—California
Stokes, Louis—Ohio
Studds, Gerry—Massachusetts
Thompson, Frank—New Jersey
Tsongas, Paul E.—Massachusetts
Van Deerlin, Lionel—California
Weaver, James—Oregon
Weiss, Ted—New York
Wilson, Charles H.—California
Wolff, Lester—New York
Won Pat, Antonio B.—Guam
Yatron, Gus—Pennsylvania
Zablocki, Clement—Wisconsin
Zeferetti, Leo C.—New York
Senator John A. Durkin—New Hampshire
Senator Tom Eagleton—Missouri
Senator William Hathaway—Maine
Senator Don Riegle—Michigan
Senator Daniel Patrick Moynihan—New York
Senator Mark Hatfield—Oregon

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO FILE REPORT ON H.R. 10924, EMERGENCY HIGHWAY AND TRANSPORTATION REPAIR ACT OF 1978

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until midnight tonight, February 16, 1978, to file a report on the bill H.R. 10924, the Emergency Highway and Transportation Repair Act of 1978.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MARKS) is recognized for 5 minutes.

Mr. MARKS. Mr. Speaker, the Social Security Financing Amendments of 1977 was one of the most controversial issues that faced us last session. I was one of those who voted for the bill.

While it might have been more popular for me to have voted against the bill in order to have prevented an increase in social security taxes, in good conscience I could not do so. For the system to remain solvent immediate action was required. While the bill does not offer the most attractive solution, it does avert the fiscal crisis that faced the system.

There are 77,841 people in the 24th District who receive payments from social security totaling almost $200 million annually. Many of these people and 33 million other Americans depend on such payments as a major source of income. The expression of congressional intent to do whatever may be necesary to sustain the program was the most significant aspect of the bill; not the particular methods employed to increase the tax income, since these methods may well be revised before they take effect.

Concern over how to finance the system is still evident. Already new proposals to ease the social security payroll tax burden on workers are picking up support in Congress, spurred by heavy complaints from the public. Legislation has been introduced to fund the entire social security disability and health insurance programs from general revenues, an idea similar to the House Republican substitute measure that I supported.

The bill itself established a nine-member National Study Commission on Social Security to study the financial condition of the retirement, disability, and health insurance program, as well as program coverage, benefit level inequities, coordination with related Government programs and other issues; requiring a final report within 2 years. Consequently, I do not think we have heard the final word on this problem. Congress will have to face this issue again in the near future, in spite of actions taken this year. But this year, in order to avoid bankruptcy and maintain the fiscal integrity of the program, something had to be done.

More than 33 million Americans currently receive benefits from the social security system's three trust funds; old age and survivor's insurance (OASI), disability insurance (DI), and hospital insurance (HI). OASI and DI are cash benefit programs, in which benefits are based upon earnings. OASI pays benefits to retired workers and their dependents or survivors; DI pays benefits to disabled workers and their dependents. HI is the medicare program enacted in 1965.

Each year since 1975 the social security system has paid out more to beneficiaries than it collected from taxes. Government actuaries forecast continuing deficits, capable of draining trust fund reserves completely within a few years. Cumulative deficits for the DI trust fund and the OASI fund are expected to total over $50 billion for the period 1977–82. Though other factors contributed, the main cause of these shortfalls was the recent combination of inflation and recession, which together raised social security benefit costs and reduced tax receipts. Analysis of demographic trends revealed problems also. Projection showed demographic factors such as low birth rates, longer life spans, and the aging of the "baby boom" generation eventually undermining the system, as a shrinking work force became responsible for the support of a growing number of retirees.

It is true that taxes have been increased and they have been increased substantially, but not by as much as a casual reading of the headlines would suggest. These tax rate and wage base increases have been publicized frequently as causing a tripling of taxes during the next 10 years. The following statements help put these tax increases in a more proper perspective.

Under the old law, the tax income during the 10-year period 1978–87 was projected to be $1,646 billion. Under the new law, tax income during this same period is projected to be $1,873 billion. This is an increase of $227 billion, or about 14 percent.

While it is true that a person who has earnings equal to or greater than the taxable wage base in each year will have his taxes increased from $965.25 to $3,045.90 between 1977 and 1987, it is also true that his taxes would have increased to $2,012.40 under the old law. The number of persons affected by such a large increase is less than 10 percent of those covered by social security.

For workers with average earnings and for lower paid workers the tax increase over the next 10 years under the new legislation is much lower. A worker with wages equal to average annual wages would pay social security taxes of $654 in 1978 and this tax would have risen to about $1,201 in 1987 under the old law. Under the new law, the 1987 tax would be 11 percent higher—about $1,331 (an annual increase of $130—about $2.50 a week).

I voted for the bill and the tax increases as an acceptable, though not perfect, solution. I favored the solutions advanced in the Republican substitute that was offered during consideration of the bill on the House side. The proposal offered by Representative BARBER CONABLE did not raise tax rates or expand the wage base above present law. It would have kept social security taxes at their current schedules. Instead, it provided for transfers of HI funds to OASDI (OASI and DI) funds. In 1979, 25 percent of HI funds or $5.6 billion would be reallocated to OASDI: in 1980, 50 percent or $12.3 billion; in 1981; $16.1 billion; and so on. The hospital insurance trust fund would be reimbursed for reallocated revenues from general Treasury funds; a concept that the Presidential Advisory Council on Social Security recommended in its 1975 report.

The substitute also contemplated bringing Federal (not State and local) civilian employees under social security following a study to insure that the present rights of such employees would be guaranteed I voted for this Republican substitute measure that, unfortunately, was defeated.

I want to emphasize that I do not favor any increase with respect to income taxes. In fact I have sponsored legislation to reduce individual income taxes by an average of 30 percent over 3 years; the corporate tax rate from 48 to 45 percent over 3 years; and immediately raise the corporate surtax exemption from $50,000 to $100,000.

However, social security taxes are specific and unique. They are not general revenue taxes; rather, they represent contributory funding for old age pension and social insurance purposes. Millions of people depend on this system and I felt it important to stabilize it while we examined alternative means of solving the problem.

THE RURAL DEVELOPMENT POLICY ACT OF 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Iowa (Mr. GRASSLEY) is recognized for 15 minutes.

Mr. GRASSLEY. Mr. Speaker, hardly a day goes by without those of us from rural areas learning of some new problem that a rural community has run up against in trying to deal with an uncoordinated, unresponsive and often misleading Federal bureaucracy.

Ask any small town mayor or city councilman what are his biggest headaches as a public official, and somewhere up near the top of the list will be "dealing with the Federal Government." If it is not, you can figure that his is one of the many rural communities that has either deliberately tried to avoid contact with the Federal Govrenment or has not had the resources to compete for assistance under Federal programs that are geared more to urban than to rural areas.

A few days ago delegates from all over the country were here in Washington for the White House Conference on Balanced National Growth and Economic Development, and it was interesting to see the thinking of these delegates reflected in the Washington Press.

One column in the Post, for instance, quotes the Conference director as finding an almost universal frustration over the uncoordinated nature of the hundreds of Federal programs operating in the field, and a desire for a new "breakthrough idea" to make the Federal system more responsive to real problems.

Another report on the Conference noted "very sharp criticisms" of the Federal agencies and their regulations and the "inconstancy, inconsistency and obstinancy" of Federal bureaucrats.

Still another column that appeared about the same time told of the trials of the city manager of Alliance, Nebr., in dealing with the Federal bureaucracy, and of his "futile attempt to bend certain Federal program requirements and regulations to the conditions found in the neighborhoods and environs of his own beloved little city rather than in the big cities of the East or the imaginations of Federal administrators."

This is a story that is repeated over and over again in small towns throughout rural America. Only the names of the communities and the Federal agencies are different—the story stays the same.

I believe a major restructuring of Federal policy toward rural America is needed. We badly need a new approach—something I do not see forthcoming from the Carter administration. In the confusion of the reorganization efforts currently underway within the administration I see a blurring of focus on rural problems along with potential dismemberment of the Department of Agriculture, the one agency in the Federal Government with a legislative mandate to coordinate and lead the Federal rural development effort, and the only agency with the constituency and resources to do a good job of it.

One way to restructure the Federal rural development effort is embodied in legislation introduced last week by the chairman of our Family Farms, Rural Development, and Special Studies Subcommittee, the gentleman from Minnesota (Mr. NOLAN) and myself—the Rural Development Policy Act of 1978. This proposal, H.R. 10885, would provide a vehicle we have never had before for the coordination of Federal programs affecting rural areas, and a grassroots process for making those programs and the Federal bureaucracy more responsive to the needs of rural areas.

The bill establishes a Federal Rural Development Council to assist the Secretary of Agriculture with the rural development coordination responsibilities assigned him through section 603 of the Rural Development Act of 1972. The Council would be made up of members of the President's Cabinet along with the heads of other Federal agencies with programs affecting rural America. The Council would be required to develop a strategy based on the needs, goals, objectives, plans, and recommendations of local communities to—

One. Maximize the effectiveness, increase the responsiveness and improve the delivery of Federal programs to rural areas;

Two. Increase coordination of such programs with the development needs, objectives, and resources of local communities; and

Three. Achieve the most effective combinations of Federal, State, and local resources to meet the orderly growth and development needs of rural areas.

A prime responsibility of the Council would be to undertake a systematic effort to coordinate Federal programs with each other to eliminate gaps, overlap, and conflicts among those programs that have such an adverse effect in rural areas, and to reduce the bureaucratic and administrative problems that hinder the effective delivery of programs and services to rural America.

The thrust of this bill is to put the Federal Government in better touch with the rural people it is supposed to serve. We have had enough of civil service bureaucrats making major decisions for rural communities that are completely at odds with the objectives and needs of those communities and in conflict with other programs. We do not need central planners or a grand Federal design to change this state of affairs. What we do need is coordination, responsiveness, and good commonsense.

Government is a servant, not a master or even a partner—a servant. How can government best serve rural America? That is the question we need to ask, and the answer must come not from government, but from rural America.

We need a process—an effective process—for getting those answers, and an efficient vehicle for offering a coordinated response to them. Such a process and a vehicle are what this legislation proposes to provide, and I hope all those interested in rural development will take a close look at this bill and give us their suggestions and recommendations for improving it.

Mr. NOLAN. Mr. Speaker, maybe we expected too much.

Rural development policy under Nixon and Butz was, in a word, pathetic; little or no funds were requested under the Rural Development Act of 1972. Existing programs in the Farmers Home Administration were engulfed in needless redtape, applicants forced to wait indefinitely for the inevitable final answer that there were no funds available. FmHA county supervisors were hopelessly overworked while the administration rejected additional personnel deliberately appropriated by the Congress. Administration of the Rural Development Act was splintered into three agencies within USDA, while the Administrator of the Rural Development Service claimed, at a congressional hearing, that local communities "do not want all these Federal handouts."

The only coordination between agencies or Federal departments under the Rural Development Act authority was a meeting of the Assistant Secretary's working group to discuss a joint strategy for dealing with the swine flu program, hardly a rural development policy.

When Mr. Carter came to office we really thought things would change. Mr. Carter came from a rural area. Mr. Bergland was an actual farmer. If anyone understood rural problems, it would be this administration. Maybe we expected too much.

How can we expect a comprehensive rural development program to begin when the administration holds up rural development planning funds for local governments and rural areawide planning agencies? Regulations have only recently been published for funds that were supposed to be available last October.

What is the administration's rural commitment when they do not request any funds for rural development planning for fiscal 1979, essentially eliminating this program altogether?

I listened very closely to the President's recent state of the Union address. He did not mention the word "rural" once. Not one single mention.

The administration's press release on the White House Conference on Balanced National Growth did not mention "rural."

We hear a great deal about the administration's reorganization project. At the same time we hear about a developing urban policy in the administration. The reorganization planners at OMB have bluntly suggested that a favorite option of the President or at least an option he is very interested in, is the creation of one massive Department of Community Development. Frankly, that option frightens me a great deal.

Rural areas always end up on the bottom of everyone's list of priorities. It only stands to reason—whenever a Federal agency sets out to administer a program it looks at 80 percent of the population, an urban population, and designs the program with those concerns in mind. Typically, a Federal agency places as much of the burden in providing data and interpreting regulations as it can on the applicant. It saves administrative expense, and helps ease the problems of objective selection of successful applicants, since only the most clever and talented applicants can survive those criteria. Rural communities with a volunteer nonprofessional staff need the funds

desperately, but have no chance in a system like that. A single Department of Community Development would inevitably continue a strong urban bias.

Rural development cannot be the single domain of any one Federal agency. When Secretary of Transportation Brock Adams announces he will let Midwestern branch rail lines to small rural communities go bankrupt in order to cut back Federal outlays, that action has a decisive effect on the economic development of those rural communities.

When the Secretary of HEW announces proposed regulations for Federal funding of hospitals that have the effect of eliminating funding to a vast number of rural hospitals, that action has a decisive effect on the economic development of those rural communities.

When economic development programs are launched by HUD, or EDA, or Commerce, and they are targeted on the unemployment rate rather than on extent of poverty, most of the resources go to the urban areas where the unemployed congregate, rather than to rural areas where 50 percent of our Nation's poor live and from where a great many of the unemployed have escaped.

The Rural Development Act of 1972 recognized that a true Federal rural strategy needed to be a function of "interagency coordination" with one agency, the Department of Agriculture, in a leadership position.

The Department of Agriculture is the one Federal agency whose primary constituency is rural rather than urban. In 1972, it was reasoned that if any Federal agency could break the second-class status of rural areas it would be USDA. The Rural Development Act of 1972 changed the primary duties of the Secretary first granted in the early 1800's. The Secretary of Agriculture was to provide for and maintain the Nation's agriculture and rural development.

Section 603 of the Rural Development Act of 1972 charged the Secretary of Agriculture with providing "leadership and coordination within the executive branch," and assuming "responsibility for coordinating a nationwide rural development program utilizing the services" of the executive branch "in coordination with rural development programs of State and local governments."

But the act provided no vehicle for the Secretary to use in carrying out this mandate. The rural development effort has been hampered by lack of an adequate mechanism within the executive branch to coordinate and focus the programs of the various Federal departments and agencies that affect rural areas. The Rural Development Service has had neither a "carrot" nor a "stick" to achieve cooperation with Federal agencies.

The administration has proposed to combine the functions of the Rural Development Service and the Farmers Home Administration into a single agency, the Farm and Rural Development Administration. In concert with this move, substantial reorganization of the agency will occur which will streamline and strengthen both the farmer and community program delivery capabilities of the agency.

The nationwide rural development leadership and coordination authority of section 603, however, will be unaffected by this reorganization. With nearly 80 percent of all Federal assistance to rural areas coming from agencies other than USDA, it is clear that this role is key to any substantial rural development effort.

The administration has pledged renewed activity of the informal "Assistant Secretary's working group" for rural development. However well intentioned, this structure will not be able to effectively conduct a "coordinated" approach to rural development.

Consequently, Mr. GRASSLEY and I have introduced H.R. 10885, the Rural Development Policy Act of 1978. The proposed bill would set up a rural development coordination mechanism in the form of a Federal Rural Development Council, permanently chaired by the Secretary of Agriculture.

The Council would be made up of members of the President's Cabinet and administrators of major independent agencies whose policies or programs affect rural development. The principal role of the Council would be to solicit and act on the recommendations of local governments in rural areas, and to assist the Secretary of Agriculture in carrying out his responsibility for coordinating a nationwide program of rural development.

The Council would work with the Secretary to eliminate gaps, overlaps and conflicts which local governments believe exist among Federal programs that affect rural areas, and to reduce the bureaucratic and administrative problems that hinder the effective delivery of services to rural America.

In addition to this, the Council, acting on local input and acting under the leadership of the Secretary of Agriculture, would develop a coordinated, comprehensive economic development strategy for rural America, designed to reduce rural poverty, maximize rural business and employment opportunities, maximize rural health care services, maximize rural educational opportunities, improve rural housing, community services and facilities, strengthen the family farm system, and maintain and protect the environment and our national resources.

This would be a multiyear strategy—a program for the next 5 years—and the Council would be required to report annually on the needs of rural America and the requirements for meeting the multiyear program goals.

The staff and necessary administrative support for the Council would be provided by the Secretary of Agriculture through the resources of the new Farm and Rural Development Administration. It is anticipated that the Secretary would use staff and funding of the old Rural Development Service for this service.

The Secretary would also be authorized to provide financial assistance to members of the Council to establish offices of Rural Development within their respective departments and agencies. This would be an incentive for those agencies to cooperate in the rural development effort of the Council. The Secretary could also provide funding for cooperative projects among member agencies of the Council to further promote coordination of their various programs affecting rural areas.

The proposed bill would change the name of the present Farmers Home Administration to the Farm and Rural Development Administration as the Secretary of Agriculture has recommended. It would also change the name of the Department itself, to the Department of Agriculture and Rural Development, to more properly reflect the rural development mission of USDA.

In order to assist rural communities to compete with larger urban areas that can afford to conduct the planning and preliminary work necessary for successful application for Federal community assistance programs, this bill would raise the authorization for the newly funded "section 111" rural development planning grant program from $10 million to $50 million.

The bill would also provide for a new Under Secretary of Agriculture for Rural Development to provide an administrative focal point within the Department at a level high enough to insure coordination of the rural development effort throughout the Department. The Assistant Secretary for Rural Development has administrative authority for only three agencies: RDA, FmHA, and REA. Thus, he cannot effectively coordinate a rural development effort throughout the entire Department.

I believe this bill, the Rural Development Policy Act, will give USDA and other Federal agencies the tools to effectively "coordinate" a rural development strategy.

I believe this bill will create a "permanent" rural development lobby within the executive branch, so that Federal decisions will assess their rural development impact.

Mr. GRASSLEY and I sincerely hope this legislation will enjoy the support of the State and local governments, the Congress, and the administration.

The following is the text of this bill:

H.R. 10885

A bill to establish a council to assist in meeting the development needs of rural areas of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Rural Development Policy Act of 1978".

FEDERAL RURAL DEVELOPMENT COUNCIL

SEC. 2. The Rural Development Act of 1972 (Public Law 92-419; 86 Stat. 657) is amended by adding at the end thereof the following new section:

"SEC. 607. FEDERAL RURAL DEVELOPMENT COUNCIL.—(a) There is hereby established a council to be known as the Federal Rural Development Council to assist the Secretary of Agriculture and Rural Development in the coordination of a nationwide rural development strategy.

"(b)(1) The Council shall develop and implement a comprehensive strategy, based

on the needs, goals, objectives, plans, and recommendations of local communities and areas, regions, and States, to—

"(A) maximize the effectiveness, increase the responsiveness, and improve the delivery of Federal programs to rural areas;

"(B) increase coordination of such programs with the development needs, objectives, and resources of local communities and areas, regions, and States; and

"(C) achieve the most effective combinations of Federal, State, and local resources to meet the orderly growth and development needs of rural areas.

"(2) The Council shall provide for a process through which such needs, goals, objectives, plans, and recommendations can be identified and obtained on a continuing basis. Such strategy shall encompass a period beginning on October 1, 1980, and ending on September 30, 1985, and shall be designed to—

"(A) reduce the incidence of poverty in such rural areas and alleviate problems of the rural disadvantaged and elderly;

"(B) improve business and employment opportunities, occupational training, health care services, educational opportunities, energy utilization and availability, housing, transportation, community services, community facilities, water supplies, sewage and solid waste management systems, credit availability, and accessibility to and delivery of private and public financial resources in the maintenance and creation of jobs in such rural areas;

"(C) improve local government management capabilities, institutions, and programs related to rural development, and expand education and training opportunities for local officials, especially in small rural communities;

"(D) strengthen the family farm system; and

"(E) maintain and protect the environment and natural resources of the United States.

"(3) The Council shall conduct a systematic review of Federal programs affecting rural areas to determine whether such areas are benefiting from such programs in a proportion that is equitable in comparison to the benefits received in urban areas, to identify any factors which may restrict accessibility to such programs in rural areas or limit participation in such programs, and shall make recommendations for appropriate action if corrective action is required.

"(4) The strategy developed under this subsection shall be transmitted to the Congress not later than January 31, 1980.

"(5) During preparation of the strategy described under this subsection, the Council shall hold open hearings to receive suggestions and recommendations from the public, with the opportunity for oral presentations, and shall consider such suggestions and recommendations in development of such plan. The Council shall also consider recommendations from the Federal Rural Development Advisory Committee established under subsection (i).

"(6) The Council shall maximize coordination and effectiveness of the various Federal programs affecting rural areas through initiation of a systematic effort to—

"(A) improve communication and encourage cooperation among Federal departments and agencies in the administration of such programs;

"(B) eliminate conflicts between such programs as well as duplication and gaps in program coverage, and resolve contradictions and inconsistencies in the objectives, administration, and effects of such programs;

"(C) facilitate sharing or common location of field offices of agencies administering similar or complementary programs and unification of delivery systems, where feasible, to maximize convenience and accessibility of such agencies and programs to rural residents;

"(D) facilitate and expedite joint funding of rural projects through such programs;

"(E) correct administrative problems in such programs that hinder the effective delivery of Federal services, assistance, and benefits to rural areas;

"(F) reduce the administrative and paperwork requirements of rural applicants under such programs;

"(G) simplify, standardize, and reduce the complexity of applications, reports, and other forms required under such programs; and

"(H) expedite processing of such applications, reports, and other forms.

"(7) The Council shall hold public hearings on any matter which the Chairman or members of the Council believe may have a significant impact on rural development or the economic development of small rural communities, in order to determine such impact and to make recommendations for appropriate action. Such public hearings will be held at the call of the Chairman on his own initiative or at the request of any two members of the Council. The Council shall invite public comments, suggestions, and oral presentations on such matters, and shall consider such comments, suggestions, and oral presentations in making its recommendations.

"(8) The Council shall develop a systematic method or process through which local, regional, and State rural development needs, goals, objectives, and plans can be ascertained, rural development recommendations can be received and information and data on development, needs, and conditions affecting the quality of life in rural areas can be obtained and assessed on a continuing basis.

"(9)(A) The Council shall review and determine the impact of any proposed rule or regulation which—

"(i) has any effect upon any rural area of the United States; and

"(ii) is published in the Federal Register in accordance with the provisions of section 553(b) of title 5, United States Code.

"(B) The Council may submit, in accordance iwth the provisions of section 553(c) of title 5, United States Code, any comments or written data which it considers advisable in regard to any such proposed rule or regulation.

"(c) The Council shall be composed of twenty-one members as follows:

"(1) the Secretary of Agriculture and Rural Development or his delegate;

"(2) the Attorney General of the United States or his delegate;

"(3) the Secretary of Commerce or his delegate;

"(4) the Secretary of Defense or his delegate;

"(5) the Secretary of Energy or his delegate;

"(6) the Secretary of Health, Education, and Welfare or his delegate;

"(7) the Secretary of Housing and Urban Development or his delegate;

"(8) the Secretary of the Interior or his delegate;

"(9) the Secretary of Labor or his delegate;

"(10) the Secretary of State or his delegate;

"(11) the Secretary of Transportation or his delegate;

"(12) the Secretary of the Treasury or his delegate;

"(13) the Director of Action or his delegate;

"(14) the Director of the Community Services Administration or his delegate;

"(15) the Executive Director of the Domestic Council or his delegate;

"(16) the Chairman of the Council of Economic Advisers or his delegate;

"(17) the Administrator of the Environmental Protection Agency or his delegate;

"(18) the Governor of the Farm Credit Administration or his delegate;

"(19) the Director of the Office of Management and Budget or his delegate;

"(20) the Administrator of the Small Business Administration or his delegate; and

"(21) the Special Representative for Trade Negotiations or his delegate.

"(d)(1) Members of the Council shall serve for the life of the Council.

"(2) Members of the Council shall serve without compensation for their services as such.

"(3) Any member of the Council shall be allowed travel expenses in accordance with the provisions of section 5702 of title 5, United States Code.

"(4) The Secretary shall serve as Chairman of the Council.

"(5) Eleven members of the Council shall constitute a quorum for final adoption of the strategy described under subsection (b), but meetings and hearings may be conducted if two or more members are present.

"(6) The Council shall meet at the call of the Chairman on his own initiative or at the request of any two members of the Council.

"(7) The Council shall act by affirmative vote of a majority of its members present and voting.

"(e) (1) The Council may, for the purpose of carrying out its duties under this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Council considers advisable. The Council may administer oaths and affirmations to witnesses appearing before the Council.

"(2) When so authorized by the Council, any member or agent of the Council may take any action which the Council is authorized to take in this subsection.

"(3) Subject to the provisions of section 552a of title 5, United States Code, the Council may secure directly from any Federal department or agency information necessary to enable it to carry out its duties under this section. Upon request of the Chairman, the head of any such Federal department or agency shall furnish such information to the Council.

"(4) The Council may use the United States mails in the same manner and upon the same conditions as other Federal departments and agencies.

"(5)(A) The Secretary may detail such personnel and administrative support services and provide such funds of the Farm and Rural Development Administration and of other agencies of the Department of Agriculture and Rural Development as he considers necessary to assist the Council in carrying out its duties under this section.

"(B) The Secretary may assist any member of the Council in establishing and maintaining an office of rural development within the Federal department or agency which such member represents. The Secretary may reimburse such Federal department or agency for a portion of the cost incurred by such Federal department or agency in establishing and maintaining such office if such office, when established, is—

"(i) directly responsible to the head of such Federal department or agency;

"(ii) primarily engaged in activities related to the work of the Council; and

"(iii) directly involved in coordinaton of the rural development efforts of such Federal department or agency.

"(f) The Secretary may undertake cooperative efforts with any Federal department or agency represented on the Council to improve the coordination and effectiveness of Federal programs, services, and actions af-

fecting rural areas. The Secertary may reimburse such Federal department or agency for a portion of the cost incurred in such cooperative efforts.

"(g) The provisions of the Federal Advisory Committee Act (Public Law 92–463; 86 Stat. 770–776) shall not apply to the Council.

"(h) The Council shall transmit to each House of the Congress an annual report not later than January 31 of each calendar year beginning after 1980. Each such report shall contain a detailed statement of the findings and conclusions of the Council regarding the implementation, during the previous fiscal year, of the strategy developed by the Council under subsection (b), and any recommendations of the Council for revision of such strategy.

"(i) Not later than six months after the date of the enactment of this Act, the President of the United States shall appoint a Federal Rural Development Advisory Committee to provide recommendations on all aspects of rural development and otherwise assist the Council in its work. The Committee shall include representatives of States, regional and local units of government, farmers, rural residents, and other groups and organizations who can provide expertise in rural development matters. The Committee shall be convened during development of the strategy under subsection (b), and prior to any subsequent revision of such strategy.

"(j) For purposes of this section—

"(1) the term 'Chairman' means the Chairman of the Council designated in subsection (d)(4);

"(2) the term 'Council' means the Federal Rural Development Council established in subsection (a); and

"(3) the term 'Secretary' means the Secretary of Agriculture and Rural Development."

DUTIES OF SECRETARY

SEC. 3. The Rural Development Act of 1972 (Public Law 92–419; 86 Stat. 657) is amended by adding at the end thereof the following new section:

"SEC. 608. DUTIES OF THE SECRETARY.—Section 526(b) of the Revised Statutes (7 U.S.C. 2204(b)) is amended by—

"(1) striking out the second sentence thereof;

"(2) striking out 'and' after 'rural housing,'; and

"(3) striking out the period at the end thereof and inserting in lieu thereof ', technology appropriate to small and moderate-sized family farming operations and any other problem which the Secretary may determine has an effect upon economic development or the quality of life in rural areas.'."

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

SEC. 4. The Rural Development Act of 1972 (Public Law 92–419; 86 Stat. 657) is amended by adding at the end thereof the following new section:

"SEC. 609. DEVELOPMENT OF AGRICULTURE AND RURAL DEVELOPMENT.—(a) Section 520 of the Revised Statutes (7 U.S.C. 2201) is amended by inserting 'and Rural Development' after 'Department of Agriculture'.

"(b) Any reference in any other Federal law to the Department of Agriculture or any officer of such department shall be deemed to be a reference to the Department of Agriculture and Rural Development or such officer of the Department of Agriculture and Rural Development, respectively.

"(c) Any officer of the Department of Agriculture who is appointed by the President, by and with the advice and consent of the Senate, and who holds office on the date of the enactment of this Act shall not have to be reappointed to such office by reason of the amendments made by this section.

"(d) On the date of the enactment of this Act, the Department of Agriculture and Rural Development shall succeed to all the rights, duties, powers, and obligations of the Department of Agriculture.".

FARM AND RURAL DEVELOPMENT ADMINISTRATION

SEC. 5. The Rural Development Act of 1972 (Public Law 92–419; 86 Stat. 657) is amended by adding at the end thereof the following new section:

"SEC. 610. FARM AND RURAL DEVELOPMENT ADMINISTRATION.—(a) Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended by striking out 'Farmers Home Administration,' and inserting in lieu thereof 'Farm and Rural Development Administration,'.

"(b) Any reference in any other Federal law to the Farmers Home Administration or the Administrator of the Farmers Home Administration shall be deemed to be a reference to the Farm and Rural Development Administration or the Administrator of the Farm and Rural Development Administration, respectively.

"(c) The Administrator of the Farmers Home Administration on the date of the enactment of this Act shall not have to be reappointed to such office by reason of the amendments made by this section.

"(d) On the date of the enactment of this Act, the Farm and Rural Development Administration shall succeed to all the rights, duties, powers, and obligations of the Farmers Home Administration.".

UNDER SECRETARY FOR RURAL DEVELOPMENT

SEC. 6. Section 604 of the Rural Development Act of 1972 (Public Law 92–419; 86 Stat. 676) is amended by adding at the end thereof the following new subsections:

"(c) There shall be an Under Secretary of Agriculture and Rural Development for Rural Development who shall be appointed by the President, by and with the advice and consent of the Senate.

"(d) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(67) Under Secretary of Agriculture and Rural Development for Rural Development.'"

RURAL DEVELOPMENT GRANTS

SEC. 7. The Rural Development Act of 1972 (Public Law 92–419; 86 Stat. 657) is amended by adding at the end thereof the following new section:

"SEC. 611. RURAL DEVELOPMENT GRANTS.—Section 306(a)(11) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)) is amended—

"(1) by striking out '$10,000,000' and inserting in lieu thereof '$50,000,000'; and

"(2) by adding at the end thereof the following new sentence: 'Not more than 10 per centum of the funds awarded under this paragraph may be awarded to support the activities of the Federal Rural Development Council.'."

REPORTS

SEC. 8. (a) Section 901 of the Agricultural Act of 1970 (Public Law 91–524; 84 Stat. 1383) is amended by striking out subsection (c) through subsection (e) and by redesignating subsection (f) as subsection (c).

(b) Section 901(b) of the Agricultural Act of 1970 (Public Law 91–524; 84 Stat. 1383) is amended by striking out the last sentence thereof.

GENERAL LEAVE

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order today taken by the gentleman from Iowa (Mr. GRASSLEY).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CARTER'S MIDDLE EAST ARMS POLICY IS PREJUDICIAL TO HOPES FOR PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, President Carter has announced a radical departure from the policy of the past six Presidents by cutting Israel back on arms sales, and selling the most advanced weapons from the U.S. inventory to Israel's traditional adversaries in the middle of Mideast peace negotiations.

The decision announced by the Carter administration to cut back Israel's request for F–15 and F–16 aircraft while selling the F–15 and F–5E aircraft to Saudi Arabia and Egypt is a dangerous turn to what is manifestly the most incompetently formulated Middle East policy this Nation has suffered in living memory. The administration's gratuitous attempt to introduce Soviet participation in Middle East peace negotiations certainly stimulated both Arab and Israeli concerns about the competence of American foreign policy management.

Now, the sudden decision to open the most contentious dimension of foreign military sales policy to international scrutiny—arms sales to both sides of a conflict—can only inflame the dispute. Rather than employing arms sales as a means of rewarding successful peace negotiations by Israel's traditionally belligerent neighbors, the Carter administration's policy serves to encourage those forces in Arab governments who believe that the United States can be moved to push Israel out of the territory it gained since 1967 without compensatory peace initiatives by the Arab States. I urge the administration in the strongest possible terms to defer any final decision on arms sales to Egypt and Saudi Arabia until a formal peace is negotiated.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, due to the delayed arrival of my flight from Kansas yesterday—the weather is quite something in the Midwest right now, as many of you know all too well—I was not able to be present on the House floor for the first two votes which took place shortly after the House convened. I strongly feel that it is my responsibility to be on the House floor when votes occur and regret that circumstances beyond my control made that impossible on those early votes yesterday.

Had I been present, I would have voted "yea" on rollcall No. 57, the motion to resolve into the Committee of the Whole for consideration of H.R. 8336, the Chattahoochee River National Park

legislation. On the amendment to H.R. 8336 offered by my colleague from Kansas (Mr. SEBELIUS), rollcall No. 58, I would have voted "aye."

WASHINGTON POST ENDORSES CHICAGO FARE PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, imagine if you will a public transportation program that can simultaneously increase ridership, save energy, boost retail sales, and improve the quality of urban life.

A dream? Well, in Chicago this is one dream being made a reality. For more than a month now, Polk Bros., a major Chicago appliance retailer, and the Regional Transportation Authority (RTA) have cooperated in a service that has drawn national attention and acclaim for its pioneering spirit. This is the Fare plan, devised to encourage use of mass transportation and to reduce energy consumption. Under the Fare plan, shoppers who use public transit facilities can receive full refunds for the cost of a round trip when they present a transfer to a participating merchant—in this case Polk Bros., headquartered in my congressional district. The tallies are now beginning to roll in and they point to one thing: Fare plan can work.

In a recent editorial the Washington Post called the FARE plan "a splendid idea." I have stated before that I hoped other cities would carefully study the Polk Bros.-RTA venture and that, in particular, the Washington Metro system could benefit from a similar plan. I am gratified that the Post suggests that Washington retailers take a hint from their Chicago colleague and that Metro could use this plan on Saturdays when service is curtailed but shopping is at a peak. I could not agree more when the Post writes:

> Retailers routinely subsidize people who park and shop; why not encourage folks to ride and shop instead?

It has been estimated that the Chicago Fare plan can save up to 840,000 gallons of gas in only 1 month. This is a significant benefit, but more, this service can relieve traffic congestion and revive mass transportation. It is one step in the right direction toward solving our energy problems. And in our cities, the added benefit is that Fare plan can help draw residents from outlying areas into the city to shop without increasing the number of cars on the highway. And even though Chicago has suffered through stormy weather this winter, Mr. Sol Polk, Polk Bros. president, has reported that his January sales surpassed last January's by 12 percent. So the retailer has benefited, the consumer has benefited, the city has benefited, and mass transportation has benefited.

Mr. Speaker, to reap these rewards took a great deal of cooperation and planning by both government and private industry. I commend Mr. Polk and RTA Chairman Milton Pikarsky, for together they have proved that the private and public sectors can work in a creative and innovative fashion to solve problems. I might add that Polk Bros. has assumed a great deal of responsibility in this venture, as the store makes refunds out of its own pocket and has invested $200,000 in the project. Needless to say, those who come into the store for a refund are under no obligation to purchase anything. And as the Washington Post editorial points out, Mr. Polk is guided by more than a desire to sell appliances, but also by his belief that we must conserve energy and restore our mass transit systems. These are enlightened goals and I, for one, am pleased to see private enterprise offer constructive and imaginative programs that will benefit the entire community.

The following is the text of the February 15, 1978, Washington Post editorial in support of the FARE plan:

RIDE AND SHOP: A BRIGHT IDEA

A Chicago retailer has an idea that Washington businesses might well adopt. The retailer, Sol Polk of Polk Bros. appliance stores is offering Chicagoans free mass-transit rides to his stores. Under the system, which he calls a FARE Plan, the stores refund the equivalent of a round-trip transit fare to everyone who brings in a transfer no more than a few hours old. Riders don't have to buy a thing to get the refund. "As long as they come and see what we've got, we're happy," said Mr. Polk.

Mr. Polk obviously wants to sell more appliances—but he's trying to sell mass transit, too. He thinks the nation can't afford to burn more and more gasoline in private cars and let its vast investment in mass transit go to waste. Buses and subways should be marketed like any other product, he believes. So his company has invested $200,000 in rebates and promotion for a 90-day test of the FARE Plan. The results so far are good. Despite very bad weather last month, Mr. Polk reports, his stores' sales surpassed last January's by 12 percent. The plan has brought in "a lot of nice people," he says, including many "who haven't been on public transportation for years."

It's a splendid idea. Retailers routinely subsidize people who park and shop; why not encourage folks to ride and shop instead? Fare refunds should also draw potential customers such as elderly people who don't drive. And everybody benefits when public transit is used more, especially in off-peak hours. Washington retailers should try something like this; the ideal time might be when Metro starts running on Saturdays. It strikes us as the kind of private initiative that can produce profits for everyone.

PRESERVATION AND AVAILABILITY OF HOUSE RECORDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. PREYER) is recognized for 5 minutes.

Mr. PREYER. Mr. Speaker, I rise today to bring to the attention of the Members a vexing problem which has been around us long as the Congress—the handling and disposition of the Congress own institutional files. The Government Information and Individual Rights Subcommittee which I chair will hold hearings on February 23 and 28 and March 2 and 7 on the question of the ownership and disposition of Presidential papers. Of related significance, however, is the way in which this Chamber's own committee records and other institutional records are archived and made available to historians, researchers, and the public.

In 1974, the Congress adopted the Presidential Recordings and Materials Preservation Act. This law provided that custody of the documents of the Nixon Presidency would be given to GSA, which would be responsible for screening them and issuing regulations governing eventual public access. The constitutionality of this law has since been affirmed by the Supreme Court (*Nixon* v. *Administrator of General Services*. SC No. 75–1605, June 28, 1977).

This same statute also addressed the larger question of the retention and inspection of the papers and materials of public officials by establishing the National Study Commission on Records and Documents of Federal Officials. This panel was given the statutory duty "to study problems and questions with respect to the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials, with a view toward the development of appropriate legislative recommendations and other recommendations regarding rules and procedures * * *" (88 Stat. 1699).

Although the Commission's final report, issued last March, reflected some disagreement, there was consensus on the principal policy issue: Namely, that the papers produced by or on behalf of Federal officials, with the exception of those clearly pertaining to the officials' private lives, belong to the Government and should be accessible to the American people, with some narrowly defined exceptions.

Guided by the recommendations of the Public Documents Commission and the Court's ruling on the custody of the Nixon papers, I have introduced H.R. 9130, the Presidential Papers Act of 1977. This act would correct the current situation whereby the President can, upon leaving office, restrict access to the records of the White House, virtually as he or she chooses. This places Congress in the awkward position of having to resort to special legislation each time it determines that such restrictions are contrary to public interest. H.R. 9130 would establish a general policy for the preservation of, and public access to, the official records of the President. I am today introducing a revised version of my earlier bill to clarify that its public access provisions would extend to the records of a President only after he or she has left office.

I believe that this legislation will help resolve the ownership and access problems associated with Presidential papers—but what of our own records? The National Study Commission on Records and Documents of Federal Officials pointed to a number of shortcomings in the current rules regulating congressional papers. In its final report, for example, the Commission concluded that—

> The institutional records of Congress are an invaluable source of information about the legislative process, yet the rules concerning access are so varied and inconsistent that the records themselves often go unused.

The Commission also noted that the Congress has exempted itself from those provisions of Federal law that relate to archival administration and records disposition. Consequently, there is no comprehensive system to identify those records of Congress which have continuing value, or are outdated and should not be retained.

I recognize that this is a sensitive matter involving a mix of privacy, confidentiality, privilege, and security concerns. Nevertheless, a most considered approach to the subject can be pursued.

I have requested that the Select Committee on Congressional Operations examine the adequacy of existing House rules for preserving and providing public access to the institutional records of the House of Representatives, and consider the advisability of moving forward with the recommendations of the Federal Documents Commission. It is the underlying intent of this request that any recommendations that the select committee makes will reflect an increased sensitivity to preservation of the institutional records of the House as property of the United States. In addition, it is hoped that the committee will examine procedures akin to those of the Freedom of Information Act, to foster greater public access to the institutional records of the House.

The chairman of the select committee, JACK BROOKS, recognizes the importance of this proposal and has agreed to urge its adoption by the committee. He has advised me that any study by the committee would include an evaluation of the current archival holdings of the House, scrutiny of both stored and operative files, and consideration of the need for permanent arrangements for the management and archiving of House records. I anticipate that, after completing its studies, the select committee will make recommendations to the Speaker and appropriate House committees.

I hope my colleagues will indicate their support for action by the select committee and will contribute to the panel's deliberations. I thank you, Mr. Speaker, for this opportunity to speak on this important matter and offer for the RECORD the following exchange of correspondence with Chairman BROOKS.

GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., February 13, 1978.

Hon. JACK BROOKS,
Chairman, Select Committee on Congressional Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, the Government Information and Individual Rights Subcommittee which I chair will hold hearings beginning next week on the ownership and disposition of presidential papers. A related matter with which I have become increasingly concerned during my review of issues involved with the questions of presidential documents, is the manner in which the Congress' own files are handled.

I recognize that the handling of congressional documents is a complex matter involving privacy, confidentiality, and security concerns. For a thoughtful discussion of these concerns, I commend to your attention the final report of the National Commission on the Records and Documents of Public Officials. The Commission, which was established by Congress to examine the problem of presidential records, also made a number of recommendations dealing with the preservation, and public access to, congressional papers.

I believe that it is the time to re-examine the adequacy of existing House rules and to explore the advisability of moving forward with the Documents Commission's recommendations in this area. The Constitution, of course, prescribes that each House of Congress shall make its own rules. The Select Committee on Congressional Operations is in a unique position to undertake such a study, and I would respectfully request that such an examination be undertaken by the committee.

This study should include consideration of measures to increase sensitivity toward the preservation of the institutional records of the House as property of the United States, and procedures akin to those of the Freedom of Information Act to foster public access to these records.

I would hope that you will find this proposal an appropriate matter for the Select Committee's agenda, and will assign it a high priority.

Sincerely,

RICHARDSON PREYER,
Chairman.

SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS,
Washington, D.C., February 14, 1978.

Hon. RICHARDSON PREYER,
Chairman, Subcommittee on Government Information and Individual Rights, Committee on Government Operations, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Your request that the Select Committee on Congressional Operations examine the adequacy of existing House rules for preserving and providing public access to the institutional records of the House of Representatives will be given active consideration by the Select Committee at its next meeting on February 28. The proposed study will have my very strong support, and I feel confident that my colleagues on the Select Committee will recognize the importance of the subject and the appropriateness of a study by our committee whose specific responsibility includes addressing such institutional questions.

In carrying out this study, it would be my recommendation that the Select Committee examine the quantity and quality of the archival holdings of the House, to inspect representative examples of files as they exist both in stored form and in operational use, to find practicable ways of distinguishing between public records and personal files, and to consider the need for establishing permanent arrangements for storing, managing, and accessing the public records of the House.

Will keep you informed of the Select Committee's activities in the area and look forward to close and fruitful cooperation with you and other interested colleagues.

Sincerely,

JACK BROOKS.

SOVIET BUILDUP IN CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. RUDD) is recognized for 30 minutes.

Mr. RUDD. Mr Speaker, yesterday I introduced with cosponsors House Joint Resolution 740, which calls upon the President to take every possible action to secure the removal of all Soviet military personnel from Cuba

This may indeed be the most crucial foreign policy test facing the President and our Nation today.

Over the past few weeks, the Soviet Union has sent fighter pilots and air force ground crews into Cuba to take over Mig-21 missions, aircraft ground maintenance, and radar operations.

The implications of this quiet Soviet military buildup at a Communist base just 90 miles from our own borders are omnious, and constitute a serious threat to our national security. The Soviet timing, while the administration campaigns to give away the Panama Canal to a dictatorship friendly to both Cuba and the Soviet Union, suggests a stepped-up Soviet plan for penetration and Communist expansion throughout our hemisphere.

The presumed justification offered for this recent Soviet deployment of their best fighter pilots and other military personnel to Cuba is that Cuba's own air force has been severely depleted by Fidel Castro's intervention in Communist guerrilla wars in Africa. This line that the Soviets are therefore justified in helping to "defend" Cuba while Castro's own armed forces are away has even been picked up by our own State Department and news media.

But rather than being a justification for the Soviet and Cuban action, this Cuban military adventurism leading to a Soviet military buildup in Cuba is an even more pressing reason for the administration to take the firmest possible stand demanding the immediate removal of all Soviet military personnel from Cuba.

Not to do so will show the clearest kind of weakness that the Soviets are looking for, and invite further Soviet and Cuban military adventurism around the world and even in this hemisphere.

Let us look at the facts. What are the Cubans really doing in Africa? Why are they there? And what are the Soviet intentions in this hemisphere, in the Caribbean, in Latin America? Is it possible that they are getting on a "war footing"?

According to estimates of U.S. officials, Castro currently has between 25,000 to 30,000 military troops in Africa. Other estimates put the number of Cuban forces at 43,000.

U.S. officials report that there are 3,000 Cubans fighting on the ground and flying Soviet Mig–23 fighter jets in Ethiopia in the current war against Somalia. Somali officials report that 18,000 to 20,000 Cubans are taking part in the Ethiopian offensive. The Cubans are bombing Somali villages and conducting air strikes and guerrilla assaults against Somali-held territory in the Ogaden Desert of Ethiopia.

There are also 19,000 Cuban military troops in Angola, and an additional 4,000 in nine other African states, fighting with Communist forces to bring about Communist rule throughout Africa under Soviet domination.

The Cubans can only be in Africa principally as a training experience, to help them become seasoned by actual combat for Communist military offensives in other parts of the world, especially Latin America.

Likewise, the Soviets have sent their

own experienced military forces to Cuba, as replacements for the absent Cuban troops, to become seasoned in our own hemisphere—conducting Mig-21 tactical air missions over the Bermuda triangle, the Gulf of Mexico, and the Caribbean, where they can get used to the weather and the terrain, collect intelligence for the Soviets, and assist with Cuban training of other Communist insurgent forces from other countries.

SOVIET OBJECTIVES

What are the Soviet and Cuban geopolitical/military objectives in this hemisphere? They have not changed since Castro grabbed power in a bloody revolution 18 years ago. The objectives are simply to penetrate the "heartland" of the U.S. defense and commerce.

To the United States, the Caribbean Sea-Gulf of Mexico-Panama Canal area, with its vital strategic sealanes, its important archipelagoes, and its great agricultural and mineral resources, is of primary concern to our continental defense and trade.

It is the nexus—the connecting point—of the shipping lanes of the world. Through these vital waters pass U.S. military vessels. On their way to U.S. ports pass oil from Venezuela, bauxite from Jamaica, manganese from Brazil, tin, iron ore, and other mineral resources from Latin American countries, as well as other important commercial goods.

The Caribbean Sea-Gulf of Mexico-Panama Canal waters dominate not only north-south trade with Latin America, but east-west trade from Western Europe and the eastern coastal ports of the States to Western ports and the Pacific.

They constitute a vital direct east-west sea route for U.S. submarines and other military vessels on their way to and from all parts of the world.

In the words of Hanson W. Baldwin, the respected former military editor of the New York Times—

> The Caribbean Sea and its fringing islands command the Atlantic approaches to any Central American canal, to the Gulf of Mexico and to the Southeastern coast of the United States. If any of its islands or surrounding land masses should come under the domination of a major hostile power, the continental ramparts would be breached and, under certain conditions—as the Cuban missile crisis of 1962 demonstrated—a deadly, indeed a vital, danger to the security of the United States might develop. Alternatively, a Communist-dominated Caribbean nation posits the threat of creeping conquest; it could be a focal infection spot used for the export of Communism to Latin America.

It is the principle objective of the Soviet Union in this hemisphere to use its Communist client regime in Cuba as that base for "creeping conquest." Castro Cuba is the Soviet Union's "focal infection spot . . . for the export of Communism to Latin America."

The current Soviet military buildup in Cuba, even if only temporary, is part of that objective. The authoritative Baldwin has cited a six-point Soviet agenda for control of the Caribbean Sea-Gulf of Mexico-Panama Canal area, which includes the following:

GUANTANAMO BAY

First, takeover and control of what is now the U.S. Naval base at Guantanamo Bay on the southern end of Cuba, for use by the Soviets as a staging ground for its naval fleet in this part of the world.

Guantanamo is a 45-square-mile, $76 million U.S. facility with 1,400 buildings and two airstrips, including an 8,000-foot strip for jet aircraft. It is one of the best naval anchorages in the Caribbean. Normally, about 4,000 to 6,000 Americans are stationed at the base, including about 1,600 civilians, and another 4,000 to 5,000 military personnel are aboard ships of our naval fleet that operate out of Guantanamo.

Since the Spanish-American war, the base at Guantanamo has been developed into perhaps the most important U.S. naval facility outside our own shores in the Western Hemisphere.

The base has great strategic value for fleet support, training by all ships in the Atlantic, logistical and supply importance. It has naval and air supply and repair facilities unavailable at any other Caribbean base, and can be a staging base for fighter, troop-carrying, or cargo aircraft, enroute from the United States to Latin America.

It is a key part of the Soviet-Cuban Caribbean objective to get the United States out of Guantanamo, and to use it themselves for their own Communist expansionist objectives throughout the hemisphere.

MISSILE BASE

Second, Cuba is viewed by the Soviets as an important missile base—and there is still no guarantee, despite the supposed withdrawal of Soviet missiles in 1962, that Cuba is not being used to base Soviet medium range ballistic missiles to threaten large populations areas on the U.S. mainland.

Cuban missile sites would increase Soviet dispersion of Communist missile bases, and force the United States to allocate some of our nuclear-deterrent forces to neutralize them close to our own borders in the event of war.

INTELLIGENCE AND SUBVERSION

Third, Cuba is important to the Soviets as an intelligence base or center for the open and covert collection of information about the United States and South American countries. Electronic monitoring of the extensive radio and radar transmissions from all parts of this hemisphere have undoubtedly been conducted by the Soviets from Cuba for some time.

It is reported that the Soviets would like to build a much larger facility in Cuba for monitoring radio and radar.

Fourth, the Soviets also want to step up their use of Cuba as a base for subversion. The island has already been used extensively for the infiltration of Soviet agents or spies of various kinds—including some mixed in with legitimate refugees—to the U.S. mainland, Puerto Rico, to other Caribbean islands, or to Central and South America.

Both the Soviets and Castro have used Cuba to export subversion, propaganda, sabotage, and guerrillas throughout Central and South America. The troubles in Venezuela, and to some extent in Chile, Bolivia, and Panama, can be traced to influences or direct involvement emanating from Cuba.

In fact, during my own tenure as a special agent with the FBI, on diplomatic assignment in South America, I was personally involved in the identification of Ché Guevara after he had been shot and killed in the Bolivian forests where he was leading Communist guerrilla activities in that country.

As a base for Soviet-inspired Communist subversion, Cuba is a threat to the unstable regimes and poverty-stricken volatile masses of the Caribbean islands and Central and South America.

The Soviets and Castro Cubans hope to step up such subversion throughout the hemisphere, using propaganda and guerrilla war to incite revolution and the overthrow of non-Communist governments.

SPACE TRACKING STATION

Fifth, Cuba can be used by the Soviets as a tracking station for Soviet space shots, including communications and reconnaissance satellites and space weapons.

The island is ideal for instrumentation, control, and communications equipment for such space projects and weaponry, which the Soviets have had to operate from their own mainland or seagoing ships.

MILITARY DIVERSION

Finally, there is for the Soviets the military diversionary value of Cuba. If Cuba becomes a full-scale Soviet base for naval operations, missiles, infiltration and subversion of other nations, and for other purposes, it would be necessary for the United States to devote a sizable part of our strategic resources and power to offset or stop these threats to our own security, and that of other non-Communist nations.

Hanson Baldwin stated this aspect of the Cuban equation most succinctly:

> The most discouraging and ominous part of this military equation from the American point of view is that Russia, with very little additional effort (perhaps even feigned effort), can force the United States to raise the ante considerably. A sudden increase in the number of Soviet ships sent to Cuba, unusual engineering work in Cuba's mountains, overt displays of strengthened military power, the threat of new missiles, and the eruption of trouble fostered by infiltrators trained in Cuba, in other Caribbean islands or in Central America would necessitate the immediate allocation of additional United States military power to the Caribbean area. In this game Russia holds the cards. Moscow can play it hard or soft and force our effort to ebb or flow with her actions. We cannot—and must not—forget that in the fall of 1962 some forty-odd missiles and perhaps (at a maximum) 40,000 Russians forced the mobilization and concentration by the United States of more than half a million soldiers, sailors, Marines and airmen. All this suggests that the island of Cuba, by virtue of geography (and recently by virtue of the Russian transfusions of military power), is of long-term and continuing importance in Caribbean, hemispheric and global strategy. . . .
>
> Cuba is not vital to us as a base. But unless future U.S. security is to suffer a continuous and unpredictable series of alarms and retreats, it should be denied as a base to any potential enemy.

A CRUCIAL TEST

Mr. Speaker, the recent Soviet military build-up in Cuba, while Castro's armed forces are fighting to spread communism

in Africa, is a crucial test of this administration's willingness to stand firm.

The Soviet Union wants to know if President Carter will allow this buildup to continue—maybe even offer some justification for it in order to avoid taking any action himself to stop it—or whether he will take resolute action, issuing strong representations for an immediate Soviet withdrawal from our hemisphere.

I believe it is the duty of Congress to ask President Carter to stand strongly and resolutely for an immediate Soviet withdrawal of military personnel and other Soviet agents from Cuba. Any vacillation on this question by our Government will lead to other actions implementing the Soviet agenda for Communist expansionism in this hemisphere, which will seriously "breach the ramparts" of continental U.S. defense and security.

The resolution that I introduced yesterday with 14 cosponsors will express the clear determination of Congress in this matter. The resolution is based upon collective security agreements between the United States and other hemispheric nations, which require the United States to take action to prevent a Soviet presence that might permit a Soviet or Cuban strike against any nation in the hemisphere.

I would like to include the text of House Joint Resolution 740 at this point in the RECORD:

HOUSE JOINT RESOLUTION 740

(Mr. Rudd, for himself, Mr. Del Clawson, Mr. Bauman, Mr. Burgener, Mr. Livingston, Mr. Young of Florida, Mr. Butler, Mr. Lott, Mr. Rousselot, Mr. Ashbrook, Mr. Cunningham, Mr. Devine, Mr. Treen, Mr. Wampler, and Mr. John T. Myers introduced the following joint resolution; which was referred to the Committee on International Relations.)

Joint resolution expressing the determination of the United States with respect to the situation in Cuba

Whereas the Soviet Union has deployed military personnel to Cuba for the purpose of piloting and maintaining Cuban MIG–21 fighter aircraft, to operate Cuban radar installations, and for other military purposes; and

Whereas this Soviet deployment of military personnel into this hemisphere has occurred in conjunction with the depletion of Cuban military forces through the intervention of tens of thousands of Cuban troops in Africa in support of various Communist-supported military actions on that continent; and

Whereas such deployment of Soviet military personnel to Cuba, and Soviet and Cuban military personnel, arms, and support to Communist forces in Africa, is in the interests only of Communist expansionism and not in the interests of world peace; and

Whereas such Soviet military presence and build-up in Cuba is in violation of the Monroe Doctrine of 1823, which termed any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety," and of the Kennedy-Khrushchev agreements of 1962, which assured no deployment of Soviet forces or offensive arms in Cuba; and

Whereas in the Rio de Janeiro Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the Americn States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Punte del Este Resolution II of the Organization of American States of January, 1962, agreed "To urge the Member States to take those steps that they may consider appropriate for their individual and collective self-defense, and to cooperate, as may be necessary or desirable, to strengthen their capacity to counteract threats or acts of aggression, subversion, or other dangers to peace and security resulting from the continued intervention in this hemisphere of Sino-Soviet powers, in accordance with the obligations established in treaties and agreements such as the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Communist regimes of the Soviet Union and Cuba, acting individually or collectively, from extending by force or threat of force their aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability, or the deployment in Cuba of military forces from another Nation, for the purpose of establishing a stronger base for Communist expansionism in this hemisphere, thus endangering the security of the United States and other non-Communist Nations; and

(c) to work with the Organization of American States and with freedom-loving people of all Nations to implement collective security agreements and to support the aspirations of all people in this hemisphere for freedom and self-determination; be it further

Resolved, That the President of the United States take every possible action to carry out the intent of this resolution.

UKRAINIAN NATIONAL DAY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, January 22 marked the 60th anniversary of Ukrainian independence. I take my time today, even belatedly, to join in expressing hearty congratulations to the Ukrainian people on this important anniversary and to salute them for having courageously kept alive the spirit of freedom in the midst of over a half century of brutal Soviet repression.

Having enjoyed ourselves the benefits of one of the most liberal governments known to history for over 200 years, it is especially important that we Americans take this occasion to reflect seriously on what it means to people who have known, ever so briefly, these same freedoms, and then thereafter have been subjected to the terrors and persecution of totalitarianism.

Of all the people enslaved by the Soviet system, the Ukrainian people have been among the chief victims. In 1933 alone, the Ukraine, which for centuries had been known as the breadbasket for Russia, lost over 6 million people because of deliberate starvation. The famine was artificially created by the Soviet Government who confiscated the last grain of wheat from the Ukrainian peasant farmers. At this same time millions of Ukrainians were deported with their families to Siberia, where, as intended, they subsequently perished.

The persecution has not lessened in recent years, but merely changed its form. In place of planned starvation and mass deportation, the Soviet regime has employed new tactics. In the 1960's the most talented members of the young Ukrainian intelligensia were thrown into prisons and concentration camps. Today, poets, writers, students—any individuals giving expression to the natural Ukrainian longing for national freedom—find themselves tried and convicted for the alleged crime of anti-Soviet propaganda and agitation.

The fact that the emphasis of the Ukrainian protest is not so much on their own material misery, but rather on the spiritual and intellectual bondage to which they have been subjected, is as rude a lesson for Moscow as it is heartwarming for the free world.

Mr. Speaker, the voice of protest still arising from the Ukrainians, as from other subjugated peoples, in an ultimate affirmation of the human spirit. These voices of protest give firm proof that in the face of overwhelming indoctrination the yearning for freedom and truth will continue to rise out of man's heart and mind forever.

So on this important 60th anniversary, we salute the Ukrainian people, and hope the day will soon come when they can enjoy once again the freedom they won so briefly is 1918.

LITHUANIAN INDEPENDENCE DAY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, today marks the 60th anniversary of the free and independent Republic of Lithuania. I take this opportunity to salute once again the brave and admirable people of Lithuania, and to express the strong hope that the continued Soviet domination of their country, which seriously impairs their most basic human rights, will soon be ended.

Although a peaceful people, the Lithuanians have suffered many invasions both from East and West, throughout their long history. Yet their remarkable spiritual and ethnic strength has enabled them to persevere and to declare their independence as a free nation on February 16, 1918. On March 3 of that same year Lithuania was formally recognized by the new Russian Government as an independent nation under the Treaty of Brest-Litovsk. The Republic of Lithuania was also formally accepted as a full-fledged, free and independent member of the League of Nations in 1921.

Thus began their new birth of freedom, and during the next 20 years the Lithuanian people devoted themselves to the heroic task of building a free and prosperous state within their borders. Then suddenly with the onset of World War II, and the nefarious Hitler-Stalin pact, and the Nazi attack on Russia, the

Kremlin moved its troops into all three independent Baltic republics in June 1940, and annexed them. Thereupon the Soviet totalitarian regime proceeded to impose on the Lithuanian people a most brutal and oppressive occupation.

Yet in all the 37 years since that tragic day the Lithuanian people have waged their unrelenting struggle for freedom. Between 1940 and 1952 alone, 30,000 Lithuanian resistance fighters lost their lives in organized resistance movements against the Soviet oppression. And today resistance continues, through passive but nevertheless very effective means.

It is encouraging to see how these embers of the fire of freedom continue to glow in the hearts and souls of the Lithuanian people. Benedetto Croce once wrote in his treatise on history that a man who enslaves another awakes in him awareness of himself and enlivens him to seek for liberty.

Nothing could be more true, as the history of occupied Lithuania clearly demonstrates. And so there still remains today the bright hope that some day soon the freedom which Lithuania achieved 60 years ago today, but which has been brutally suppressed these past 37 years, will be born once again.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SIKES, for 15 minutes, today, and to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. BAUMAN) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 5 minutes, today.

Mr. SYMMS, for 30 minutes, today.

Mr. FRENZEL, for 5 minutes, today.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. PREYER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BAUMAN) and to include extraneous matter:)

Mr. STEERS in two instances.

Mr. DERWINSKI in two instances.

Mr. SYMMS in two instances.

Mr. HAMMERSCHMIDT.

Mr. YOUNG of Florida in six instances.

Mr. PURSELL.

Mr. MICHEL.

Mr. FRENZEL in two instances.

Mr. RUDD.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Ms. MIKULSKI.

Mr. DINGELL in five instances.

Mr. JOHNSON of California in two instances.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. COTTER.

Mr. WEISS in two instances.

Mr. HAMILTON in two instances.

Mr. ICHORD.

Mr. FISHER in five instances.

Mr. WAXMAN.

Mr. RICHMOND.

Mr. DRINAN.

ADJOURNMENT

Mr. KILDEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 24 minutes a.m.), under its previous order, the House adjourned until Monday, February 20, 1978, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3280. A letter from the Deputy Secretary of Defense, transmitting a definition of the term "combat", together with recommendations on expanding job classifications to which female members of the armed services may be assigned, and recommendations for changes in law necessary to implement these recommendations, pursuant to section 303 of Public Law 95–79; to the Committee on Armed Services.

3281. A letter from the Principal Deputy Under Secretary of Defense (Research and Engineering), transmitting a report on negotiated contracts for experimental, developmental, test or reserach work, or for industrial mobilization in the interest of national defense, covering the period January–June, 1977, pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

3282. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects to be undertaken by the Navy and Marine Corps Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

3283. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 2–148, "To amend a section of the District of Columbia statutes to authorize the Mayor to establish variable licensing periods, "pursuant to section 602 (c) of Public Law 93–198; to the Committee on the District of Columbia.

3284. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 2–149, "To change the effective date for payment of real property taxes of $100,000 or more in the District of Columbia; to permit sale of alcoholic beverages in legitimate theaters; and to reduce the rates of tax on spirits and alcohol, and other purposes," pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

3285. A letter from the Administrator, U.S. Small Business Administration, transmitting notice of a proposed change in the Administration's records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3286. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the annual report covering calendar year 1977 on the Corporation's compliance with the "Government in the Sunshine Act," pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

3287. A letter from the Chairman, Federal Election Commission, retransmitting the Commission's fiscal year 1979 authorization request, previously submitted pursuant to section 310(d)(1) of the Federal Election Campaign Act, as amended, to reflect the concept of zero-based budgeting; to the Committee on House Administration.

3288. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate John P. Condon, and by members of his family, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

3289. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Robert J. McCloskey, and by members of his family, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

3290. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Robert M. Sayre, and by members of his family, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

3291. A letter from the Deputy Fiscal Assistant Secretary of the Treasury, transmitting a report on the inventory of nonpurchased foreign currencies as of September 30, 1977, pursuant to section 613(c) of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

3292. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1979 and 1980; to the Committee on Interstate and Foreign Commerce.

3293. A letter from the Secretary of Transportation, transmitting a report on the Coast Guard's activities under title II of the Ports and Waterways Safety Act of 1972 during calendar year 1977, pursuant to section 203 of the act; to the Committee on Merchant Marine and Fisheries.

3294. A letter from the Comptroller General of the United States, transmitting a report on the Army's posture and planning for logistic support needed in Europe in the event of a NATO contingency (LCD–77–208, February 16, 1978); jointly, to the Committees on Government Operations, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELANEY: Committee on Rules. House Resolution 1030. Resolution providing for the consideration of H.R. 3377. A bill to authorize the Wichita Indian Tribe of Oklahoma, and its affiliated bands and groups of Indians, to file with the Indian Claims Commission any of their claims against the United States for lands taken without adequate compensation, and for other purposes (Rept. No. 95–883). Referred to the House Calendar.

Mr. PERKINS: Committee on Education and Labor. H.R. 10569. A bill to amend the Alcohol and Drug Abuse Education Act to extend the authorizations and appropriations for carrying out the provisions of such act, and for other purposes; with amendment (Rept. No. 95–884). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 10570. A bill to amend the Environmental Education Act to extend the authorization of appropriations for carrying out the provisions of such act, and for other purposes; with amendment (Rept. No. 95–

885). Referred to the Committee of the Whole House on the State of the Union.

Mr. EDWARDS of California: Committee on the Judiciary. House Joint Resolution 554. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; with amendment (Rept. No. 95–886). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COHEN (for himself, Mr. PEPPER, Mr. BIAGGI, Mr. CLAY, Mr. GOODLING, Mr. JEFFORDS, Mr. ZEFERETTI, Mr. MURPHY of Pennsylvania, Mr. SARASIN, Mr. SIMON, Mr. DOWNEY, Mr. DRINAN, Mr. HAMMERSCHMIDT, Mr. HUGHES, Ms. OAKAR, Mr. WAXMAN, Mr. AKAKA, Mr. BINGHAM, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EILBERG, Mr. FASCELL, Mr. FRASER, and Mr. ROYBAL):

H.R. 10994. A bill to amend the Older Americans Act of 1965 to require the Commissioner on Aging to establish a special grant program to enable States to establish community long-term care initiatives to assess the needs of chronically ill or disabled older persons for services and to provide for the efficient delivery of such services to such older persons; to the Committee on Education and Labor.

By Mr. COHEN (for himself, Mr. PEPPER, Mr. HANNAFORD, Ms. HOLTZMAN, Mr. HYDE, Mr. LAFALCE, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. PRICE, Mr. RODINO, Mr. WEAVER, Mr. YOUNG of Missouri, Mr. BEARD of Tennessee, Mr. SOLARZ, Mr. GUYER, and Mr. PANETTA):

H.R. 10995. A bill to amend the Older Americans Act of 1965 to require the Commissioner on Aging to establish a special grant program to enable States to establish community long-term care initiatives to assess the needs of chronically ill or disabled older persons for services and to provide for the efficient delivery of such services to such older persons; to the Committee on Education and Labor.

By Mr. HARRINGTON (for himself, Mr. AKAKA, Mr. BEARD of Rhode Island, Mr. BONIOR, Mr. BURKE of Massachusetts, Mr. D'AMOURS, Mr. DRINAN, Mr. EARLY, Mr. EILBERG, Mr. EMERY, Mr. GILMAN, Mr. GUDGER, Mrs. HECKLER, Mr. LUNDINE, Mr. MARKEY, Mr. MCKINNEY, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. OTTINGER, Mr. RICHMOND, Mr. ROE, Mr. ST GERMAIN, Mr. STUDDS, Mr. TSONGAS, Mr. WALGREN, and Mr. ZEFERETTI):

H.R. 10996. A bill to assist Governors of certain States in establishing Recovery Planning Councils under title VIII of the Public Works and Economic Development Act of 1965 to deal with the disasters caused by the winter storms of 1977 and 1978; to the Committee on Public Works and Transportation.

By Mr. HARSHA:

H.R. 10997. A bill to eliminate the reduction in social security benefits for spouses and surviving spouses receiving certain Government pensions, as recently added to title II of the Social Security Act by section 334 of the Social Security Amendments of 1977; to the Committee on Ways and Means.

By Mr. PREYER:

H.R. 10998. A bill to amend the Freedom of Information Act to insure public access to the official papers of the President, and for other purposes; jointly, to the Committees on House Administration, and Government Operations.

By Mr. MINISH:

H.R. 10999. A bill to revise the Interstate Land Sales Full Disclosure Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MICHEL:

H.R. 11000. A bill to authorize funds for the Everett McKinley Dirksen Congressional Leadership Research Center; to the Committee on Education and Labor.

By Mr. METCALFE (for himself, Mr. AKAKA, Mr. BINGHAM, Mr. EDWARDS of Oklahoma, Mr. FISHER, Mr. FRENZEL, Mr. HORTON, Mrs. LLOYD of Tennessee, Mr. NOWAK, Mr. OBERSTAR, Mr. OTTINGER, Mr. PEPPER, Mr. QUIE, Mr. RICHMOND, Mr. ROE, Mr. SIMON, Mr. THOMPSON, Mr. WAXMAN, Mr. WEISS, Mr. WINN, Mr. GUYER, and Mr. KILDEE):

H.J. Res. 741. Joint resolution to recognize the heritage of black citizens of the United States; to the Committee on Post Office and Civil Service.

By Mr. METCALFE (for himself, Mrs. BURKE of California, Mr. CLAY, Mrs. CHISHOLM, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. HAWKINS, Miss JORDAN, Mr. MITCHELL of Maryland, Mr. NIX, Mr. RANGEL, Mr. STOKES, Mr. RODINO, Mr. BRODHEAD, Mr. FLOOD, Mr. DAVIS, Mr. VAN DEERLIN, Mr. BALDUS, Mr. DRINAN, Mr. BURKE of Massachusetts, and Mr. PRICE):

H.J. Res. 742. Joint resolution to recognize the heritage of black citizens of the United States; to the Committee on Post Office and Civil Service.

By Mr. LEACH (for himself, Mr. BEILENSON, Mr. CORRADA, Mr. SOLARZ, Mr. LLOYD of California, Mr. CHARLES WILSON of Texas, Mr. ERTEL, Mr. ROSENTHAL, Mr. EILBERG, Mr. SIMON, Mr. PHILLIP BURTON, Mr. GLICKMAN, Mr. BLANCHARD, Mr. MIKVA, and Mr. HARRINGTON):

H. Res. 1031. Resolution condemning the recent poisoning by terrorists of oranges exported from Israel; to the Committee on International Relations.

By Mr. LEACH (for himself, Mr. BEILENSON, Mr. WHITEHURST, Mr. LAGOMARSINO, Mr. SARASIN, Mr. WOLFF, Mr. FREY, Mr. WAXMAN, Mr. FORD of Tennessee, Mr. HANNAFORD, Mr. OTTINGER, Mr. BEDELL, Mr. SEIBERLING, Mr. ROE, and Mr. SANTINI):

H. Res. 1032. Resolution condemning the recent poisoning by terrorists of oranges exported from Israel; to the Committee on International Relations.

By Mr. McDADE:

H. Res. 1033. Resolution to recognize the contributions of General Jose de San Martin to the liberation of the people of Latin America; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII,

302. The SPEAKER presented a memorial of the Legislature of the State of New York, relative to basing the 2d Infantry Division at Fort Drum, N.Y., as it is phased out of South Korea; to the Committee on Armed Services.

EXTENSIONS OF REMARKS

RECENT DEVELOPMENTS IN THE MIDDLE EAST

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. STEERS. Mr. Speaker, events in the Middle East continue to move at a rapid pace, as peace talks between Israel and Egypt continue in their early stages. However, we must not perceive this extremely positive and constructive interaction between Israel with a tunnel vision that permits us to disregard certain harsh realities of that region.

The United States should do all in its power to promote peace in the Middle East. We should use our influence to promote an atmosphere conducive to constructive negotiations. This will be a long process that will require much patience on both sides. I am presently corresponding with administration officials on an interesting project that would help establish a trilateral scientific cooperative, including the countries of Israel, Egypt, and the United States. Following my statement I am including some of this correspondence.

I mention this project as an example of how I feel the United States should be working in the Middle East. I do not think that the Carter administration's most recent proposal for large arms sales packages to Egypt and Saudi Arabia with a reduced sale to Israel is going to promote the cause of peace in the long run.

Some suggest that the United States send no arms to the Middle East. This is an admirable goal, but the United States would be turning its back to a long-standing commitment to the security of the State of Israel. This is a commitment that I suggest that we do not abandon at this time. Furthermore, several Arab States, not Egypt or Saudi Arabia, which are still unwilling to recognize the right of Israel to exist, continue to strengthen their arsenals. Given the reality of the situation, we have an obligation to provide Israel with sufficient means to protect herself in times of conflict.

Regarding the sale of F–15's to Saudi Arabia, I invite my colleagues' attention to my CONGRESSIONAL RECORD statement on page E5884 on September 27, 1978. I therefore outline my objections to this sale.

The selling of F–5E's to Egypt, given the political situation there, is also unwise. The United States should support the Sadat government in its efforts to negotiate a peace settlement, but providing greater offensive military capability to Egypt is the wrong kind of support.

While Sadat has won the hearts of millions of Americans with his courageous efforts for peace, he has also shown that he is apt to veer abruptly

in the conduct of negotiations, thus creating potentially crisis situations. Egypt is a less stable country than Israel, and her economy is weak. This economic weakness adds to Egypt's instability. The United States should concentrate on helping Egypt get her economy moving. This would render that Government more stable and less susceptible to the mercurial power shifts so common to the politics of that region.

While I believe Sadat's initiative for peace is sincere, a successive regime might not feel that way.

These are the factors I hope that President Carter will take into account as he reassesses this yet to be officially proposed sale of arms to the Middle East.

The correspondence follows:

HOUSE OF REPRESENTATIVES,
November 29, 1977.

HON. CYRUS VANCE,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: Last week we witnessed the end of an era. With the "psychological barrier to peace" broken, past assumptions of thirty years of immobility can now be swept aside. I agree with Mr. Atherton's assessment, delivered on Monday, November 21, that it is important not to lose the momentum generated by President Sadat's visit or the pending conference in Cairo.

Where do we go from here? I believe former Secretary Kissinger's advice is sound: The United States should take its lead from the participants.

We do not yet know where the participants, Israel and Egypt now, Israel and other Arab states tomorrow, will wish to go. But we should consider some directions in which they may decide to move and be prepared, should they want our assistance, to offer it promptly.

It is for this reason that I write. The United States enjoys extensive, mutually productive science research relations with Israel. We enjoy the same kind of relations with Egypt. I understand that a proposal under discussion in the Department of Health, Education, and Welfare calls for the United States Government to bring these two sets of professional relations together, enabling Egyptian and Israeli scientists to work with each other as well as with us. The proposal has been distributed to international offices of a dozen U.S. agencies funding research in these two countries. I understand that it has been favorably commented on by these agencies, and that they are prepared to move should they receive a signal to do so. I also understand, however, that the proposal was rejected by officials in your own Department who considered it premature.

I think contacts among scientists can further the process leading to peace in the Middle East, especially if these contacts serve immediate goals in fields such as health, agriculture, energy, etc. Since the elements of a cooperative U.S./Egypt/Israel science research program are already in place, including provisions for financing, it seems a logical place to begin.

I urge that your Department reconsider its assessment of the HEW proposal. It would indeed be unfortunate if Egyptians and Israelis turned to us for help, only to find us unprepared to move with either speed or imagination.

Sincerely,

NEWTON I. STEERS, Jr.

DEPARTMENT OF STATE,
Washington, D.C., December 31, 1977.

DEAR MR. STEERS: The Secretary of State has asked me to reply to your letter of November 29 urging this Department to propose scientific and technical cooperation among Israel, Egypt and the United States. We appreciate your support for this concept which is shared by many members of Congress and the American public at large.

The Department and our Embassies in Cairo and Tel Aviv discussed with HEW, among other agencies, multilateral scientific, health and technical cooperation before the Sadat visit to Jerusalem. They have continued to do so since the visit to be ready to respond when, in your words, the Egyptians and Israelis turned to us for help.

With the Cairo Conference just getting underway, Egypt and Israel will be dealing with the major diplomatic and security elements of a settlement. At some point in the negotiations the question of scientific health and technical cooperation may come up. If it does, the United States will be ready to do all it can to be responsive to the parties' requests for assistance in this area.

Sincerely,

DOUGLAS J. BENNET, Jr.,
Assistant Secretary
for Congressional Relations.

A CB MAY SAVE YOUR LIFE

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. FISHER. Mr. Speaker, I have long been interested in the problems and benefits of citizens band (CB) radios. The following article appeared in the Northern Virginia Sun, a newspaper located in my congressional district, and was brought to my attention by Edward F. Sayle, one of my constituents. The article points out the public service that a CB radio can perform and I believe it is worth reading:

A CB MAY SAVE YOUR LIFE

With an estimated one out of four motor vehicles in the Washington area equipped with citizen band radios, the value of the radios as safety devices for use in emergencies is receiving greater interest than ever before. Gone is the image of the trucker, the eighteen wheeler," as using the radio primarily for "smokey reports," CB parlance for warnings of police vehicles and radar units.

With the truckers accounting for only four per cent of CB radios in present use, the concept of a "citizens" personal communications system, envisaged when the citizens band radio frequencies were first authorized by the government, has become a reality.

With some 30 million CB radios currently in use, and no-cost licenses being issued by the Federal Communications Commission at almost one million a month, motorists reporting emergencies or seeking highway assistance have little difficulty in making radio contact with another broadcaster willing to telephone the request to public safety authorities.

In addition to a number of volunteer organizations montoring the national emergency channel, CB channel nine, increasing numbers of police and fire units are also providing quick response to emergency calls over the channel as a result of a federally-funded National Emergency Aid Radio (NEAR) which stresses that "help is NEAR to the monitoring public through use of the citizens radio service."

The government program, administered by the National Highway Traffic Safety Administration, hopes to reduce the response time to emergencies by utilizing the popular CB radio as another means for the citizen to call for help, as well as to report problems related to traffic safety and to receive other forms of assistance.

Hundreds of area volunteers staff several organizations dedicated to the monitoring of channel nine and the rendering of assistance when requested, be it the reporting of an accident or fire, arranging for emergency road service, or giving directions to lost motorists. One such local organization primarily serves mariners on the Potomac River.

The name "REACT" has become synonymous with the word "help" in seeking such assistance on the emergency channel, because that organization, Radio Emergency Associated Citizens Teams, in the largest and oldest of the monitoring organizations.

Yet, other organizations also serve the same purpose without affiliation with the national REACT organization, and will respond to emergency calls on channel nine. Thus, an emergency monitor should be within receiving distance for a motorist "breaking" on channel nine for "REACT," "for an emergency," or "for assistance," the most-used phrases in seeking help.

Locally, Fairfax REACT and Nova REACT serve as independent units within the area-wide National Capitol REACT. Herndon REACT fulfills the same role in a state-wide amalgamation. Another emergency monitoring organization, Affiliated League of Emergency Radio Teams (ALERT), headquartered in the National Press Building in Washington, has teams active in the area, as does the Virginia State Emergency Radio, an affiliate of the national U.S. Emergency Assistance Radio System (U.S. EARS).

Amateur radio operators providing response to emergency calls on channel nine, call their organization HAM, standing for Highway Assistance Modulators.

Civil Air Patrol units in Northern Virginia assist with emergency monitoring. An Arlington-based national organization, Radio Emergency Safety Teams, known as REST Marine, monitor the channel for assistance to mariners on the nation's seacoast and inland waterways, relaying emergency calls to the Coast Guard.

Each of the volunteer organizations named, with the exception of the Virginia State Emergency Radio, fields mobile monitoring units to render on-the-scene motorist assistance. Virginia State Emergency Radio, an off-shoot of the California State Emergency Radio which was organized in conjunction with the California Highway Patrol, permits its members to operate as base station monitors only.

The importance of such volunteer emergency monitors is seen in recent surveys conducted by state highway patrols in Missouri and Florida. Both found that notification time for a highway emergency by telephone and other conventional means averaged 15 minutes.

When the emergency was broadcast by citizens band radio, Missouri found the average notification time to be nine minutes, and Florida found it to be seven and one-half minutes. They also noted that in many cases, CBers were able to accurately describe the situation at an accident scene so proper emergency vehicles and personnel could be dispatched immediately, and could report back from the scene on changing conditions and emergency requirements.

Spokesmen for the emergency monitors are unanimous in asking that requests for assistance on CB Chanel 9 adhere to a system of priorities, with those making calls on the lesser priorities to "stand by" if a higher priority request is being handled or must interrupt their request for assistance. The priorities, which also define the types of assistance available on CB Chanel 9, are:

Priority One-Communications relating to an existing situation dangerous to life or

property, fire, automobile accidents and similar emergencies and hazards.

Priority Two—Communications relating to potentially hazardous situations; Car stalled or abandoned in a dangerous place, lost child, boat out of fuel, malfunctioning traffic signals, the report of a crime in progress, etc.

Priority Three—Road assistance to a disabled vehicle on a highway or street, requests to call AAA or other road services.

Priority Four—Road and street directions.

Because of the large number of calls served by the channel nine monitors, they also ask that reports be as brief and complete as possible and that the reporting motorist stand-by on the channel should more information be required by emergency vehicles. They suggest that motorists occasionally listen to channel nine to get a feel for the exchange of emergency messages. The knowledge gained by familiarization with operations on the national emergency channel, the monitors say, could save your life.

REV. JOSEPH F. FERENS

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. PURSELL. Mr. Speaker, on February 25, 1978, Rev. Joseph F. Ferens, pastor of St. Colette Church in Livonia, Mich., will be celebrating his 25th anniversary as a priest. I would like to insert this tribute in the CONGRESSIONAL RECORD for Reverend Ferens, to help celebrate this memorable occasion.

Rev. Ferens was born on July 17, 1924, in Connellsville, Pa. He was graduated from Sacred Heart Seminary in 1943 and from Sacred Heart College in 1949. He entered St. Johns Seminary in September 1949.

Ordained on June 6, 1953, in a class of 18, he began his first assignment at St. Benedict in Highland Park, Mich., as assistant to the pastor, where he served until September 1954.

Following that assignment, Rev. Ferens served as assistant to the pastors of St. Stephens in Port Huron, St. Vincent de Paul in Detroit, St. Boniface in Detroit, and Our Lady of Fatima in Oak Park.

In 1967, Rev. Ferens was named administrator of Our Lady of Victory in Detroit, where he served until 1970, when he was named pastor of St. Colette by Cardinal Dearden to establish a new parish. Responding with selfless devotion and excellent leadership, the church was dedicated on September 10, 1972.

During the 25 years of Rev. Feren's priesthood, his zealous devotion to the temporal and spiritual improvement of humanity has infused vitality and new meaning into each life he has touched.

Therefore, on this great anniversary, I would like to add my congratulations for a lifetime of devotion and giving to his fellow man to Rev. Ferens. It is men and women such as he who help to make this world a better place to live in.

I wish Rev. Ferens continued success and many more happy years in the priesthood, on this occasion of his silver jubilee.

EMERSON RHYNER ENDS DISTINGUISHED PUBLIC SERVICE CAREER

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. JOHNSON of California. Mr. Speaker, Emerson Rhyner, deputy chief counsel for the California Department of Transportation, is leaving State service after more than 30 years of distinguished effort. He is well known to many of my colleagues and in particular to those who have served on the House Public Works and Transportation Committee. We are sorry to see him leave this post, but want to wish him every success for the future.

In addition to supervising a staff of over 50 attorneys, Emerson has served for more than two decades as the primary legislative spokesman for his department before both the Congress of the United States and the legislature of the State of California. Because the State of California has been a leader in the field of transportation in recent years, the advice and counsel of Emerson Rhyner has been of particular value to the members and staff of the House Public Works Committee.

Throughout these many years Emerson has distinguished himself as a dedicated public servant by continually going "beyond the call of duty" in assisting Members of Congress in helping to solve their more difficult transportation problems and has consistently performed in a thoroughly dependable, honest, and hard-working manner.

Emerson's career spanned the development and implementation of the interstate highway program. The success of this undertaking, one of the largest engineering feats of all time, will indeed serve as a tribute to the hard work and the competency displayed by men such as Emerson Rhyner. His experience and skill in highway planning were indeed valuable in the drafting of basic legislation and in fashioning subsequent revisions.

During his distinguished career Emerson has been both a successful teacher and an understanding friend to the dozens of young attorneys who began their career in the practice of law under his supervision. They have now developed their own fields of expertise and are serving in a wide variety of transportation-related positions both in and out of government

In withstanding his heavy and demanding workload Emerson somehow always found the time to provide voluntary services to his community and to his profession, notably through his longstanding support of the annual YMCA Model Legislature in California and through his work as a member of the board of directors of the Sacramento County Bar Association

On behalf of his many associates and acquaintances in the House I want to express our sincere appreciation for his services and assistance and extend our hearty congratulations on a job well done. We wish him all the best in the future.

HUMAN RIGHTS IN ARGENTINA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. WAXMAN. Mr. Speaker, I wish to alert my colleagues in Congress and the American public to an alarming new development with respect to human rights in Argentina. On February 14, Argentina's military government issued new and severe edicts curtailing freedom of religion.

Under the new ruling, every religious group other than the officially recognized Roman Catholic Church must register with the Government. The registration requirement will cover the numerous members of Protestant denominations, adherents to the Eastern Orthodox Church, and the nearly half-million Jews. (As I document in the article below, Argentina's Jewish community has already suffered severe persecution.)

Most terrifying of all, the new Argentine laws openly reserve to the military government the right to refuse the registration of any religious group it finds objectionable and to deny to such group the right to religious expression.

In the following article, I seek to provide a survey of the human rights situation with respect to Argentina's Jews. The February 14 regulations intensify my anxiety for every Argentine citizen whose religious beliefs do not meet with Government favor. I feel it essential that the Government of the United States, in keeping with the human rights policies announced by President Jimmy Carter, forcefully express its concern with the deteriorating situation in Argentina and take appropriate steps to ameliorate the situation.

The article follows:

[From the Philadelphia Inquirer, Feb. 9, 1978]

JEWS ARE MURDERED—IS ARGENTINA BECOMING LIKE NAZI GERMANY?

(By Representative HENRY A. WAXMAN)

HENRY A. WAXMAN—"History has taught us the bitter lesson that frequently by the time it becomes crystal clear that Jews must flee, it is too late to do so."

Alejandro Deutsch and his 17-year-old daughter, Liliana, are in prison in Argentina. Alejandro Deutsch, a Romanian-born Jew, has lived in Argentina for nearly half a century. He heads a highly successful air conditioning and heating business.

The Deutsches have committed no crimes. Neither they nor any member of their family have been involved in "left" or "liberal" political causes. Most astounding of all, the Deutsches were officially declared innocent of any wrongdoing by an Argentine court. Nevertheless, they are still incarcerated.

I became familiar with the Deutsch case because I have a number of constituents closely related to the family. In many respects, their case reflects the precarious posi-

tion in which a large portion of Argentina's half million Jews find themselves.

How can a court declare prisoners innocent and a prison refuse to release them? Simply put, Argentina is in the midst of a situation similar to civil war. The civilian government of President Jorge Rafael Videla does not have complete control of the country. Rather it shares power with the official military leadership and unofficial right-wing paramilitary groups.

In 1977, 587 Jews were killed as a result of action taken by the military cadres. More than 2,000 were kidnaped and never released. It is assumed that many of these are now dead. There are frequent outbreaks of bombings, machine gun fire, and other violent attacks on Jewish-owned stores, synagogues and community centers.

Is Videla's government to blame? No one seems certain. If Videla is culpable, it is a matter of acquiescence to or inability to control the military. Videla himself, while certainly no champion of the Jews, has taken certain steps to distance himself from the most anti-Semitic elements in Argentine society. He has suppressed Nazi publications and has sent to the United Nations an ambassador openly sympathetic to both Argentina's Jews and Israel. Videla is undoubtedly concerned about negative public reaction—especially in the United States—to the human rights violations in his country.

Targets for anti-Semitic violence and repression have not been chosen randomly. Rather, those responsible have focused their attention primarily on the extremely wealthy and socially prominent and on Jews whose past political activities are regarded as leftist.

The rightists seem to take special delight in persecuting Jews who are both prominent and liberal. For example. Jacobo Timerman, editor of the important liberal newspaper, La Opinion, has been imprisoned since last April. No charges have been brought against him.

In their crusade against the prominent Graiver family, rightists attempted to prove that there were ties between the extensive Graiver financial enterprises and the left-wing Montomero guerrilla movement. David Graiver died in 1976 in a plane crash under "suspicious circumstances."

The victim of the most blatantly anti-Semitic assault was Jacobo Kovadloff, formerly head of the American Jewish Committee in Argentina. Kovadloff was a leading figure in Jewish community life. In many ways he symbolized the viability of the community as a whole. He avoided death or imprisonment only by closing down the American Jewish Committee office and fleeing the country. He was permitted to go into exile because the Committee is an American organization and much pressure was brought to bear on his behalf from the United States.

Argentina's Jews—especially those who belong to the "upper crust" are faced with a cruel dilemma. On the one hand, the danger of the current situation and the horrifying possibility of replacement of the Videla regime by a much worse government prompt thoughts of leaving. On the other hand, many Jews are deeply attached to Argentina. They have established themselves professionally, accumulated considerable wealth, and have made a place for themselves in Argentinean society.

The parallels between the situation of Argentina's Jews now and the predicament of Eastern European Jewry in the 1930's leads me to view the Argentinean situation with alarm. History has taught us the bitter lesson that frequently by the time it becomes crystal clear that Jews must flee, it is too late to do so.

Where does the United States stand in all this? The Carter Administration has, with good reason, been cautious out of fear that American involvement might inadvertently weaken the Videla government. U.S. officials have, however, been in close communication with the Argentine government both on the human rights in general and on a substantial number of specific cases involving Jews.

While the principles of human rights are universal, the tactics the United States can effectively use to advance these rights varies greatly from country to country. In Argentina, as in other troubled countries, American efforts can make a difference. I trust the Administration will continue to search for the most effective means of implementing the eloquent call for human rights with which Jimmy Carter began his presidency.

DRUG TRAFFICKING IN PANAMA: THE FACTS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. DORNAN. Mr. Speaker, the Senate is currently engaged in an historical debate on the proposed Panama Canal treaties. Next week that debate will enter a new phase when the Senate goes into secret session to be briefed on the involvement of the Torrijos government in international drug smuggling.

Unless the Senate votes to make public the information brought out in that session, we in the House of Representatives will never learn the extent to which the Torrijos regime is responsible for the flow of hard drugs into America.

In my opinion, this would not be in the best interests of the American people or of the House of Representatives.

It would not be in the best interests of the American people because they have the right to know the source of the scourge of drugs which is inflicted on our Nation and her citizens. It is the American people who bear the financial and personal burden of international drug trade including the deaths of thousands of young people. Americans want to know, and they should know, who is to blame for the plague of narcotics in the United States.

Nor would secrecy be in the best interests of the House of Representatives because it may still be called upon to consider the substance of the treaties. As the Constitution demands and as has been reiterated again and again in both Houses of Congress, the entire Congress—both Houses—must pass on the disposal of U.S. property. A majority of the House of Representatives has cosponsored a resolution to the effect that it must be consulted before the property is transferred and there is a Senate amendment to the treaties requiring that the treaties take effect only after implementing legislation has passed the House of Representatives.

If this amendment is passed and the will of the House is acceded to, we should make our decision on the transfer in the full knowledge of any drug smuggling activities of the Government to which we transfer the canal. Although we do not now know and may not in the future know the evidence to which the Senate will be privy, there are certain facts which are public today. We should be aware of them.

One of the most thorough expositions of the involvement of the Panamanian Government in international drug trafficking was contained in the sworn deposition of Leland L. Riggs, Jr. which was submitted to the Subcommittee on Separation of Powers of the Senate Judiciary Committee. Mr. Riggs was the U.S. narcotics agent in charge of all illegal international drug activities in Panama during the early 1970's. He, more than any other man, knows the extent to which the Torrijos government is embroiled in narcotics trafficking. His statement is clear, damning and public.

I commend it to my colleagues and urge that they read it carefully. I also urge that while doing so they ask themselves: "If this much is known in the public domain, what else lies beneath the murky surface of the Torrijos regime? If every man in the street is allowed to see this evidence, how much more will the Senate learn from the secret files?"

His statement follows:

STATEMENT OF LELAND L. RIGGS, JR.

Leland L. Riggs, Jr., being duly sworn, deposes and says as follows:

I, Leland L. Riggs, Jr., am a retired Special Agent in Charge of the United States Drug Enforcement Administration. I am familiar with facts involving narcotics intelligence collection in Central America.

I first became a criminal investigator for the U.S. Bureau of Customs in January, 1964, after having spent 8½ years as a highway patrolman. I was first assigned by the Bureau of Customs to duties in California where I conducted narcotics smuggling investigations for a period of 6½ years. Thereafter, I was promoted from Customs Special Agent to Senior Customs Representative and was transferred to Mexico City, Mexico. Inasmuch as I am bilingual and speak Spanish, my assignment to Mexico was deemed to be advantageous to the agency.

While assigned to Mexico City, I had sole responsibility for Customs narcotics intelligence gathering and for conducting follow-up investigations forwarded to me by our domestic offices of investigation. My area of responsibility included not only the Republic of Mexico but additionally all of Latin America. However, 95% of my investigative time concerned either Mexico or the Republic of Panama.

During the time I was in Mexico in 1970 and 1971, I conducted several investigations in Panama. Subsequently, in June of 1972, I was appointed Customs Attache and instructed to establish an office in the American Embassy in Panama City, Panama. This occurred during the period when the entire Bureau of Narcotics and Dangerous Drugs agents force had been expelled persona non grata from Panama. I served as Customs Attache until July 1, 1973, at which time the Drug Enforcement Administration was formed and I then also assumed command of the Panamanian functions of the Bureau of Narcotics and Dangerous Drugs when the Bureau of Customs narcotics functions were merged with those of the BNDD. In short, I became the Special Agent in Charge of the combined office.

I left Panama on June 17, 1974, to become the Special Agent in Charge of the DEA District Office in Brownsville, Texas. Thereafter while on temporary assignment as Project Manager for a special DEA operation in Colombia directed against clandestine cocaine processing laboratories in Colombia, on November 30, 1975, I was attacked, beaten, and

pushed off a retaining wall to a street below and suffered several fractured vertebrae, a broken ankle, kidney damage, and assorted cuts and bruises. The DEA subsequently retired me on August 24, 1976, for medical disability reasons.

When I first began conducting investigations in Panama, the BNDD Agent in Charge advised me that we had to be very careful about informing Panamanian government officials concerning our work since they were corrupt and also involved in narcotics trafficking. I soon learned from personal experience that this advice was sound.

During September, 1970, I traveled to Panama to conduct a follow-up investigation regarding a Yolando Sarmiento case involving shipments of heroin from Panama to New York. Although I do not have presently in my possession intelligence reports prepared by me at that time, I do recall certain aspects of the case. Yolanda Sarmiento reportedly was smuggling approximately 100 pounds of heroin monthly into the United States. This heroin was reported to be stored in the Colon Free Zone in the Republic of Panama.

The Colon Free Zone is a large, fenced-in, heavily guarded section of Colon, Panama, on the Atlantic side where duty-free items are displayed in numerous stores for purchase by persons and businesses based primarily in South America. I was advised by U.S. Canal Zone officials and a confidential source that the Guardia Nacional controlled and guarded this enclosed area. I later did manage to gain entrance with a U.S. Canal Zone official; however, we were only permitted to go into the showcase areas of the various stores. The Colon Free Zone is entered at a gate guarded by uniformed members of the Guardia Nacional. Although the Government of Panama does have a Customs Office and there are Panamanian Customs Agents, Panamanian Customs does not have responsibility for control of the Free Zone.

During 1970, United States Customs Agents in New York were able to affect the arrest of Yolanda Sarmiento, Emilio Diaz Gonzalez, and others; however, Yolanda Sarmiento was released on bail, subsequently fled the country, and became a fugitive in Argentina. As best I recall, Emilio Diaz Gonzalez escaped from prison in New York and is believed also to have fled the country.

My efforts to continue a follow-up investigation of the Sarmiento case were essentially unsuccessful because of the problems inherent in free movement within the Colon Free Zone resulting from the control of the Free Zone by the Guardia Nacional of the Government of Panama.

During my trips to Panama, I became aware of a BNDD investigation concerning the Panamanian chief air controller, Juaquin Him Gonzales. Juaquin Him was reportedly directing heroin from Panama into Texas and using his official capacity in the Government of Panama to facilitate the movement of this heroin. He was subsequently indicted by a U.S. Grand Jury in Texas and was arrested when he entered the U.S. Canal Zone to attend a softball game. Juaquin Him was tried and convicted for facilitating the transportation of narcotics into the United States.

I understand that the arrest of Juaquin Him caused considerable dissension between the Ambassador and the U.S. narcotics agents in Panama. I experienced similar problems in connection with the Raphael Richard-Moises Torrijos case.

I learned of the Richard-Torrijos case after my assignment as the Customs Attache to the American Embassy in Panama. In fact, I became directly involved in the investigation concerning Moises Torrijos, now Panamanian Ambassador to Spain, and Raphael Richard Gonzales, the son of the then-Panamanian Ambassador to Taiwan. Richard was arrested on the evening of July 8, 1971, at John F. Kennedy Airport in New York in possession of 151 pounds of heroin. Immediately prior to his arrest, he claimed diplomatic immunity and asserted that his suitcases could not be opened and searched due to his diplomatic passport. A U.S. customs inspector advised him that he was accredited as a diplomat in Taiwan, not in the United States, and therefore had no diplomatic status in the United States. Also arrested that evening was Nicolas Polanco, a reported chauffer-bodyguard of Moises Torrijos. Moises Torrijos was then the Panamanian Ambassador to Argentina, and he is the brother of Dictator Omar Torrijos.

The day following the Richard arrest, Guillermo Alfonso Gonzales was also arrested upon his arrival in New York City from Panama for the purpose of accepting delivery of the heroin Richard had attempted to bring into the country. Others arrested the same day were Jose Francisco Oscar San Martino, an Argentine, and Cesar Amarico Altanirano, both Panamanians.

Subsequent investigations of the same case led to the indictment of Moises Torrijos by a Grand Jury of the U.S. District Court for the Eastern District of New York. Torrijos was indicted as a co-conspirator with the above-mentioned defendants. Thereafter, a warrant for the arrest of Moises Torrijos was issued by the U.S. Court for the Eastern District of New York. On the basis of the evidence of a warrant, I was instructed to be on the alert to effect an arrest in the event Moises Torrijos traveled from Spain through the U.S.-controlled Panama Canal Zone.

During either late 1972 or early 1973, I was advised that Moises Torrijos, accompanied by his wife, was traveling from Spain to Panama on a passenger vessel. Subsequent information showed that the vessel would dock in Cristobal, Panama, within the U.S.-controlled Panama Canal Zone. Arrangements were therefore made to effect the arrest of Moises Torrijos in the U.S. territory upon his arrival. However, Moises Torrijos was obviously informed of his impending arrest and departed the vessel at Caracas, Venezuela, where he flew by commercial airliner to Tocumen Airport within the Republic of Panama. When the vessel arrived, only Mrs. Moises Torrijos disembarked. Inasmuch as the only parties aware of the planned arrest of Moises Torrijos other than BNDD were the U.S. Department of State and the Central Intelligence Agency, Moises Torrijos could only have been alerted to the planned arrest by United States authorities.

During my tenure as Special Agent in Charge of Drug Enforcement, I did not have another opportunity to effect the arrest of Moises Torrijos. In fact, during my tour of duty as Customs Attache before assuming command of the combined Customs and BNDD forces, I was advised that Washington officials of the Bureau of Narcotics and Dangerous Drugs traveled to Panama, met with Colonel Noriega, Chief of Panamanian Intelligence, and with General Omar Torrijos, and alerted them both to the existence of an indictment and warrant concerning the General's brother, Moises. To the best of my knowledge, the warrant for the arrest of Moises Torrijos is still in existence and presumably, if he touches U.S. soil, he is still liable to arrest.

During my tour of duty in Panama, several cases which were presented to the Panamanian enforcement officials were mysteriously terminated or not given proper attention. Due to my knowledge of their involvement, many cases were not presented to Panamanian enforcement officials so as not to compromise my investigation. Finally, I did not feel that I had the full support of the diplomatic community in the pursuit of my assigned mission in Panama, especially in those matters which tended to implicate officials of the Government of Panama. In any event, due to the eventual assignment of a State Department employee as the narcotics coordinator, I was relegated to a secondary position.

Similar conditions now exist in most embassies where Drug Enforcement personnel are assigned, and in almost all cases, the Department of State employee has no narcotics training nor expertise. It is my opinion that Department of State personnel are placed in the position of narcotics coordinator primarily to insulate and protect the activities of the Department of State from any so-called disrupting incident regarding narcotics enforcement directed against an official of the host government.

ADDITIONAL STATEMENT OF LELAND L. RIGGS, JR.

Leland L. Riggs, Jr., being duly sworn, deposes and says:

On approximately November 21, 1977, I was called at my residence in Texas by Mr. Bill Link, Special Assistant to Mr. Peter Bensinger, the Administrator of the Drug Enforcement Administration. Mr. Link advised me that the Attorney General's office was reviewing investigative reports of mine written while I was stationed in Panama and that within a few minutes the Attorney General's office would call me and that I was free to discuss these reports or answer any questions asked of me. A few minutes later, a Mr. Bushong called and stated that he was reading a report written by me concerning plans to attempt the arrest of Moises Torrijos in the U.S. Canal Zone. Mr. Bushong stated that my report advised that Moises Torrijos, who was enroute from Spain by vessel to the Panama Canal Zone, had suddenly disembarked in Caracas, Venezuela, and was flown to Tocumen Airport in the Republic of Panama where I had no jurisdiction, leaving his wife on board the vessel to travel to the Canal Zone. Mr. Bushong asked for my opinion as to how Moises Torrijos was advised of his impending arrest which caused him to change his travel plans. I stated that I felt the Government of Panama, and hence Torrijos, was advised of the planned arrest either by the United States Department of State or by the Central Intelligence Agency.

KUDOS TO THE WILLIAMSTOWN WARRIORS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. FLORIO. Mr. Speaker, I would like to take this opportunity to congratulate the Williamstown Warriors 110 pounds football team for winning the championship of the Eastern Conference Midget Football League. I am sure that Coach Warren Winslow is very proud of the team's 6–0 victory over the tough Stratford Falcons.

Organized programs develop physical, mental and teamwork skills as well as fostering the competitive spirit. Capturing any championship is a difficult task and often a once-in-a-lifetime experience. I am sure these youngsters enjoyed and will long remember this successful season. Once again, I congratulate the coach, parents and players of the Warriors and wish them the best of luck next season.

THE NUCLEAR NONPROLIFERATION ACT OF 1978

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. BINGHAM. Mr. Speaker, House action last Thursday accepting Senate amendments to H.R. 8638, the Nuclear Nonproliferation Act of 1978, completes congressional consideration of this bill. The legislation will soon be signed by President Carter.

The dispatch with which the House acted on the Senate amendments was unusual and commendable. This legislation has been under consideration for many months; further delay would have hurt America's antiproliferation efforts overseas while leaving in doubt the ability of the U.S. nuclear industry to make additional sales abroad.

While the Senate amendments were not particularly substantive in nature, some of them did help to clarify the intent of the bill regarding expeditious handling of export license applications by the executive branch and the Nuclear Regulatory Commission.

As these amendments were fully consistent with our purposes and since none of them weakened the licensing criteria and standards in the bill, they were quite acceptable to me as the principal House sponsor of H.R. 8638, as well as to my colleagues on the International Relations Committee.

As we look down the road to the implementation of this measure, I believe it is important for us to remember the central focus of this bill—which has been some 4 years in gestation. This measure writes into law some basic standards for the use of U.S. nuclear materials. These standards are written with the primary concern of protecting our national security by inhibiting the spread of nuclear weapons capability. However, they are not insensitive to the legitimate concern that the United States should try to retain its leadership role in the international nuclear marketplace and should continue trying to help balance our enormous trade deficits by assisting those nations needing nuclear materials and technology for energy production. If we are to have international nuclear commerce, though, we must guarantee that our exports are fully safeguarded. This is not just a right, it is a national responsibility: these safeguards must be sufficient so as to provide timely warning of any diversions of our materials for potential weapons uses. We seek to gain such assurances through adoption of H.R. 8638.

Safeguards attached to nuclear exports by the International Atomic Energy Agency (IAEA) are alarms, not locks. If they are inadequate, we cannot pretend that U.S. nuclear exports can go forward without eroding our Nation's—and the world's—security. In this sense, the legislation just passed the Congress represents a floor for nuclear trade standards, not a ceiling. The United States must take the lead in seeking to improve the quality of internationally administered safeguards on nuclear materials and we must seek to include all nations with nuclear programs in their coverage. Nuclear supplier nations are obligated to guarantee that these improvements are forthcoming—not just in the interests of security, but also out of concern that such improvements must be made if the nuclear marketplace is to expand.

While Congress looks to the executive branch and the President to continue to provide the leadership for these multilateral efforts, we in Congress must redouble our commitments to an improved IAEA and to an independent Nuclear Regulatory Commission, the U.S. body chiefly responsible for verifying the adequacy of the safeguards applied to nuclear exports. In the months ahead, these will be issues of particular concern to the International Relations Subcommittee on International Economic Policy and Trade, which I have the honor to chair.

Mr. Speaker, I should like to salute the President for the leadership he has shown in the area of nuclear nonproliferation. While some Members of Congress have tried for years to have strong export criteria written into law, we were frustrated by the obstacles posed by the last administration and succeeded in passing what I believe is a very sound measure this year only with the help of the President and his administration.

I also wish to express appreciation to my chairman, the able gentleman from Wisconsin (Mr. ZABLOCKI) for his successful efforts on behalf of H.R. 8638 and to thank our committee colleagues, especially the gentlemen from Illinois and Ohio, Messrs. FINDLEY and WHALEN for their contributions. In addition, the leadership in the other body shown by Senators PERCY, GLENN, and CRANSTON has been instrumental to our success in getting the bill to the President and I wish to thank them for their efforts. Work at the staff level, especially in terms of the close cooperation between the House and Senate, has been outstanding.

LITHUANIAN INDEPENDENCE ANNIVERSARY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. YOUNG of Florida. Mr. Speaker, on this day Lithuanians throughout the world commemorate the 60th anniversary of the Declaration of Independence of Lithuania. It is important that Americans take time to memorialize the plight of the Baltic people who have been overcome by the ruthless tyranny of the Soviet Union.

Lithuania, Latvia, and Estonia exemplify the true meaning of human rights. In fact, no part of the world represents a more serious denial of human rights, including the right of self-determination, than the imprisoning of the Baltic people.

Soviet repression has been consistent and harsh. Human rights have been violated in numerous ways and these violations are continuing. This ongoing repression makes it incumbent upon us to uphold our heritage of a free and open society and we must champion the cause of self-determination for the Baltic people. The United States must continue to support the aspirations for freedom, independence, and national self-determination of all peoples. We cannot accept foreign domination by any nation over another nation. To this end we remain committed and we must not waiver from our responsibility.

SMALL TOWN, NEW YORK 11222

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. RICHMOND. Mr. Speaker, deep within the very heart of New York City, there lives a town—a small town whose character remain separated from the rest of the city by social factors that have outlived the vast political, environmental, and economic changes of this century.

The town is Greenpoint, a close-knit, working class neighborhood located on the waterfront in my Brooklyn district. It is difficult to pinpoint the exact factors that have preserved Greenpoint. Many have noted the community pride of Greenpointers that has encouraged them to join hands to create this self-sufficient small town in the big city.

Greenpoint is a stable community including 14 churches, 23 block associations, and other strong public service organizations. Its residents have managed to generate community pride despite the fact that until 1974, the area was zoned for industry, not people.

Mr. Speaker, the truly remarkable experience of Greenpoint—known to many of us as the garden spot of America—was recently shared with New York Daily News readers by reporter Robert Murphy. I would like to share this article with my colleagues, as it points out that "Small Town, America" is much alive in the core of New York City.

[From the Sunday News Magazine, Jan. 29, 1978]

SMALL TOWN, N.Y.C., 11222

(By Robert Murphy)

"Hey," a middle-aged woman shouts to the token agent at the Nassau Ave. GG station in Greenpoint. "Which way is the best way to get to Fourth Street?"

"Where?" the man calls back.

"To Fourth Street," she repeats. "Downtown New York."

The woman is, of course, standing in New York, but to her it is Brooklyn. Greenpoint is her town, and when you leave it, even to go to Manhattan, you're out of town.

Going to Greenpoint, a visitor passes through great chunks of old Brooklyn broken up by poverty and the ailments of age. But once arrived in Greenpoint the vistor feels abruptly transported backward in time. For Greenpoint is a stable, mostly white, working class enclave which is, among other things, the Polish capital of New York. And to lay fresh eyes on Greenpoint is to see it as a small town within a big city, unified by

one main street, Manhattan Ave. Within its limits there are barely 50,000 people. Douglas Brooks, liaison for Williamsburg and Greenpoint to the Department of City Planning, says; "When I first went to Greenpoint and walked down Manhattan Ave., I thought, 'My God, this is a transplant of some small town in Ohio!' I would have had to pinch myself to remind myself that I was in New York, till I looked down Calyer St. and saw the World Trade Center."

Manhattan is a street of mostly small shops crowded together in an uneven line of 19th-century buildings, both frame and brick. Some stores have been there nearly as long as the buildings have, like Honig's Department Store, up on Kent St. hanging the same gold-on-red, serif-lettered sign since 1937.

At the counter inside, Bernie Honig, who runs the store for his brother Simon, does business and kibitzes with a blonde, 40ish Polish woman.

"Dziekuje," he says, as he hands her change.

She smiles. "Your Polish is good."

Honig disclaims this. "I know seven words."

"Tell me," he adds, "are you going home this year?"

"No, last year was enough."

He hands her advice with her package. "Tell your husband not to gain any more weight," he says, "or his pants will cost more."

Pieces of the past live on in places like Honig's and the Manhattan Barber Shop, below by Norman Ave., with its sparkling wooden front and its striped pole still spinning, where a haircut's a dollar-fifty and Angelo has been providing them for 35 years. Joseph Filler, proprietor of the Marilyn Women's Wear Shop for 25 years and president of the Manhattan Avenue Merchants' Association, talks of life there in sanguine, Dickensian terms.

"Business in general is good," he reports. "People are loyal to the merchants and it works the other way around. You can get anything you want here, from a head of cabbage to a cat.

"But this is a blue-collar area, not Sutton Place. People put a lot of money into fixing up their homes. They don't let them deteriorate. And we all work together. We have a fine Chamber of Commerce, a Lions' Club, a Volunteer Ambulance Corps. We have 14 churches. Yes, it's a fine community, very stable."

They also have bars on nearly every corner and several auxiliary social clubs for young men. Their 23 block associations are about twice as many as there were two years ago.

"On Decoration Day, we had a merry-go-round out here on Manhattan Avenue," Filler says. "I got permission from the police captain, whom I know very well, a very fine gentleman. 'Just stay out of the bus stops, Joe,' he told me. I helped the girls on the merry-go-round myself I'm a sexy senior citizen."

Manhattan is a perfect street for a parade, and Greenpoint had two for the bicentennial. Greenpointers are proud that a bicentennial barge docked on its East River shore line, and they claim to be the only community in the city with its own American flag.

"We're basically conservative," says Ralph Carrano, co-editor of the Greenpoint Gazette, a weekly with Conservative Party connections. "Even the Democrats are. Greenpointers save money and have a good time here. Some haven't been to Manhattan in years. I'll bet Marie Sadowski (Greenpoint's grande dame, who founded the Winthrop Civil Association there nearly 50 years ago) hasn't been there in 20 years.

"Everyone knows one another here. People have moved to Queens and been frustrated and lonely because they don't know anyone."

Carrano pauses, then draws an arc with his finger, pointing across Kent St. "Do you know," he asks suddenly, "that Greenpoint has the cleanest windows in the city?"

This same day on Lorimer St. boys bounce "spaldeens or negotiate the complexities of skateboarding. Old people lounge on stoops and in areaways, and in front of one house a young girl sits and converses easily with a woman who must be her grandmother. Down by the dockside, a kid, wearing a Yankee cap and a Budweiser T-shirt, smacks a tennis ball against the New York Merchant Co. Warehouse and retrieves it with a baseball glove, In a little park by Franklin St., middleaged women play rummy, as they do every day, while a drunk guzzles wine at the next table.

But for all its old-fashioned charm Greenpoint is a real place with real problems.

Greenpoint is the northwestern tip of Brooklyn, separated from Long Island City, Queens, by a thin slice of water called Newtown Creek, which splits off the East River approximately across from 23d St., Manhattan. From the river piers and certain streets the towers of Manhattan seem an arm's reach away. In the original configuration of the land Greenpoint was a peninsula. Bounded on the south by another inlet, Bushwick Creek, since filled in and now occupied at its farther reaches by McCarren Park. This insular locality was a long while attaching itself to the two burgeoning cities by its side, until the first bridge went up over Bushwick Creek in 1838 and ferry service was installed to 10th St., Manhattan, in 1852.

In some ways Greenpoint has never emerged from isolation, partly because subsequent developments reinforced it and partly because it hasn't wanted to, having learned to be self-sufficient. In the second half of the 19th century it became an industrial seaport, a small Fall River, and a shipbuilding capital. The heroic civil war ship. The Monitor, was built there, and a monument to its designer stands in the neighborhood's Monsignor McGoldrick Park. Within the arc of water surrounding Greenpoint (in those days Green Point) another arc of industrial buildings grew up, surrounding the inner residential community.

Some fine houses of Brooklyn's characteristic brick and brownstone were built toward the river on blocks like Kent St. to accommodate the new seaport's bosses. To the north toward Newtown Creek and to the east on the other side of Manhattan Ave. the simple frame houses of the laboring majority arose. Most Greenpointers still live in these houses and others like them.

There are many blocks where these attached wooden buildings sweep uninterrupted from corner to corner. On others the dwellings are broken up by factories, warehouses or garages. No one in Greenpoint is far from its industry; whoever has moved there in the last century and a quarter has agreed to live amid the smoke and din of manufacturing and transportation. But they have lived there and have dug in hard, their modest homes often being all they ever wanted. Greenpoint is a self-made community in the sense that, as the City Planning Commission conceded in a special report in 1974, it was never planned or encouraged as a residential place by the city it belonged to. It was zoned for industry, not people, up to the time of the 1974 report, which emerged out of a much-publicized, bitter struggle against the expansion of a factory in the Northside, an area just south of Greenpoint. The Commission, recognizing Greenpoint to be "a uniquely successful and stable mixture of housing and industry," came up with a resolution of "mixed zoning" for parts of the area, allowing for both housing and industry.

"More than anything else, Greenpoint has a very great sense of community pride," says Adelle Haines, Ralph Carrano's co-editor at the Greenpoint Gazette. Again and again the people of Greenpoint mention their pride: pride in ownership, pride in country, pride in their ethnic heritage, pride in their religion

Once there were a lot of Germans in Greenpoint, enough to support two Lutheran churches, including one grand one on Milton St. which identifies itself in the mother tongue—"St. Johannes Kirche." There were Presbyterian Scots, too, who transferred their shipbuilding skills from Glasgow. The Irish also came, as they did to all working-class neighborhoods in the 19th century, and later the Poles. The Irish and Poles became the salient ethnic groups, and are yet, the Poles especially, for they are still moving in. They built the greatest of Greenpoint's churches, the towering St. Anthony of Padua, drawing all of Milton St. to its doors, and St. Stanislaus Kostka, the main Polish church, on Humboldt St.

The Polish people's quiet, industrious life style sets the tone for the neighborhood. "They all own houses," remarks one young Greenpointer of Irish descent, "and they take good care of them."

In recent years a whole new colony of Poles has formed in the area, largely through the efforts of Father Longin Tolczyk, an immigrant anti-Communist who built the Polish and Slavic Center out of his and his family's own money, then enlarged its services with public funding. He gets housing, jobs and green cards for the newcomers, winning their total allegiance, while alienating older Polish institutions like St. Stanislaus Church, which disapprove of his methods. The center estimates that 2-to-3,000 new Poles arrive each year in Greenpoint, but that seems an inflated number.

However many there may be, most Greenpointers are glad to see them. The previous large wave of settlers was Puerto Rican, who through the '50s and '60s moved in on the northern end of Manhattan Ave., near Franklin St., nearer the river, and on the less substantial blocks in between. The new arrivals were unsettling to conservative Greenpoint.

There have been hot summer nights when the rubbing of one group against another has touched off sparks. The most serious trouble was four years ago; since then things have simmered down.

The other threatening population shift was the loss of young people—12.5% of those aged five to 34 in 1960 were not around 10 years later. One hears that this trend, too, has passed. Greenpoint today can compete with the suburbs for its young people's affections. You can get a fine brownstone there for $40,000, a frame house for a lot less, and you will live in a community. The down payment can be put together while living in a Greenpoint apartment, 93% of which rented for less than $100 in 1970.

What makes a community is easier to feel than define. You can feel Greenpoint at the corner of Franklin and Noble Sts. where a bunch of 20-year olds hang out in a private club called the Palm Inn, drinking beer at all hours, talking and joking about girls, sports and growing up together and playing street games like "skelsey."

"We have more of a sense of being a neighborhood," one named John Fritsch says, "than any place I know of. People along Flatbush Ave. don't know what the hell neighborhood they're in, whether it's Flatbush or Flatlands or what. We do."

There's another kind of Greenpoint enthusiast who wasn't born there, like ex-fireman Bill Vetell, who bought an empty brick row building on the river end of Greenpoint Ave. for $10,000, gutted it and is remodeling it into a lovely home for him and his wife Barbara, with a storefront photo studio for him to work in. The Vetells and another couple who have moved into a firehouse on India St. constitute the fringe of a small but sturdy Greenpoint "brownstoner" movement. Its father is Frank Newton, a bank vice-president who is a returned native. He grew up on the Kent St. block he now lives on, and once broke the window of the house he now lives in; he found the same shattered pane in the cellar when he took over the house. Newton came out of exile in Flushing to buy one house, then another on Kent St.

"I know couples," he says, "who make $70,000 a year between them and could live

anywhere—so could we, for that matter—and not worry about muggers, yet who choose to live in these city houses. I'm impressed by that."

But one reason these new Greenpointers are there is that the muggers aren't. Safety is one of the neighborhood's frequently mentioned virtues. "It's safe here," says Marena Lesbirel, owner of the Newtons' previous house. "I go to school four nights a week, and I never worry about walking these streets."

One woman who works nights stayed home one recent evening and found the cops at her door. They had been called to make an inquiry because her lights were on.

But Greenpoint is not Big Rock Candy Mountain. Crime increased there last year as in almost every precinct. Industry has left, taking with it jobs, and docks have shut down. Stores have closed; a few have burned. Manhattan Ave. has grown a bit grimy. There's hardly a bench intact in McCarren Park. There has been racial strife, and could be again. Not everyone in Greenpoint thinks the future will be like the past.

The neighborhood's isolationism is seen by one community worker as fostering a complacency that can only be destructive. "The place is like a feudal kingdom," he says. "The same 30 or 40 people control all the civic groups. There's been no new housing built in 20 or 30 years, so where are the young people going to go? They'll leave. And Hispanics will move in. We're trying to convince these people that these changes can be turned into something positive, if they're recognized. But most of them don't want to see it. They're still living 30 years ago."

"It will take a struggle to keep this community stable," thinks Donald Mader, pastor of the Greenpoint Reform Church. "Young and old will have to commit themselves to it."

Mader finds the banks a force of evil. "People don't realize how serious the redlining problem is here," he says. "The Greenpoint Savings Bank is the chief offender. They say they bank in Brooklyn, but look at where in Brooklyn—Canarsie. They're not committed to saving their own community. Their main mortgage office isn't even in Greenpoint any more; it's in Flushing. That tells you where they think the money is."

So Greenpoint may be in trouble, or it may not be. It has had to struggle to even exist, so it has an ingrown toughness. Having always been neglected by the city, it may be better able to handle the neglect the city now shows everyone. The city makes plans to close Greenpoint Hospital, so the neighborhood establishes a volunteer ambulance corps.

Pride keeps Greenpoint going, but there's a stubborn kind of pride that goes before a fall. And if Greenpoint should fall, would the sadness be confined to the people of this little insular place? Is Greenpoint too small, too special, to be significant in the big city's fate?

No, Greenpoint is both special and important because, despite the ills that surround and intrude upon it, it has remained essentially the same: it tells us that something about city life remains relevant. As deeply rooted as Greenpoint is, its death would tell us something dire indeed.

AN ANNIVERSARY OF ONCE-FREE LITHUANIA

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. HAMMERSCHMIDT. Mr. Speaker, today, February 16, marks the 725th anniversary of the coronation of Mindaugas as the first Christian King of Lithuania. It is an anniversary of considerable significance. It reminds us that, for two centuries following that coronation, Lithuania was a powerful force for freedom, and for good, throughout Eastern Europe. Not only did Lithuania enjoy broad political, cultural, and commercial relations with her neighbors, but in her belief in independence through strength, she also kept in check the German drive to the east, and the assaults of the Mongols and Tartars against the west.

Through subsequent subjugation, born of the duplicity of the Czarist Russia of the 18th and early 19th centuries, the people of Lithuania never lost their Christian faith nor their burning desire to again be free. That moment came, appropriately enough, on February 16, 1918. For the next 2 years, Lithuania again made marked progress in economic, social, and scientific fields. Then, in the World War II year 1939, the great people of Lithuania again fell victim to international greed and duplicity, this time through the signing of the infamous Molotov-Ribbentrop Pact with which Hitler-ruled Nazi Germany and the Stalin-ruled Soviet Union drew their blueprint for the division of Eastern Europe between them.

Little more than a year later the famous Lithuanian flames of faith and freedom were dimmed anew. Supported by armor and air power, a Soviet Red Army force of 300,000 rolled into, and over that essentially agrarian land. Yet, to keep these people in check, it became necessary for the Kremlin to station 1 armed soldier there for every 10 or 12 inhabitants, as Lithuania was ruthlessly absorbed into the Soviet Union.

But, again, the incredible character of the Lithuanian people, with their tremendous faith, and their undying dedication to freedom showed itself. This was documented no better than in the 1954 report of the Select Congressional Committee on Communist Aggression chaired, with such great distinction, by the late Honorable Charles J. Kersten of Wisconsin.

That chilling report contained a document which, drafted and executed by Soviet Gen. Ivan Serov, listed more than 100 categories of people as subject to arrest, deportation, and mass human extermination. Carried to the extreme, that heinous Red plan provided for the elimination of virtually every man, woman, and child except a member of the Communist Party of unquestioned reliability to that Kremlin-directed cause.

By the time the Kersten Report was issued, Soviet occupation of Lithuania was in its 14th year. Her people had been submitted to one of the most brutal occupations in modern history. One-sixth of the population had been shipped, in chains, to Russia or Siberia. Others had been killed outright. The Catholic Church, to which 85 or 90 percent of the Lithuanian people belonged, had been severely persecuted. Armed guerrilla resistance had ended. Passive resistance had taken over. It continues today, driven by devot religious feeling, fierce national pride, and that equally fierce Lithuanian desire for freedom.

In 1975, preceding the European Security Conference in Helsinki, several of my colleagues joined with me in introducing a resolution that it be U.S. policy that the Soviet annexation of Lithuania (as well as Latvia and Estonia) should, in no way, be honored with U.S. recognition.

As my colleagues know, of course, this resolution was passed, unanimously, by this body and, in turn, by the Senate. Then, both before and after the Helsinki Conference, then-President Ford reaffirmed that policy. Consequently, the non-Communist Chargé d'Affairs of the Lithuanian Legation here in Washington, like his Latvian counterpart here, and Estonian counterpart in New York, remains recognized by our Government as the true representative of his people that he is.

Together with his Latvian and Estonian colleagues in freedom, the Lithuanian Chargé d'Affairs continues to provide us with valuable insights with which we can compare the Soviet promise at Helsinki with the Soviet performance in Lithuania and in her Baltic sister states.

Monitoring that performance, officially, for our Government, of course, is our Commission on Security and Cooperation in Europe. Established by the Congress last year, the Commission is, as my colleagues know, composed of six Members of the House, and six Members of the Senate, with one member, each, from the Departments of State, Defense, and Commerce.

Last August 1 the Commission advised us that, in the Soviet Union, the initiatives of some citizens "in support of (Helsinki) Final Act compliance have been answered by acts of repression," and that such acts "are jeopardizing progress toward the overall goals of the Final Act."

Sadly, that information, coupled with information from the Lithuanian American Council, the Lithuanian Human Rights Commission, and the Joint Baltic Committee, leaves no doubt that much remains to be done before the Soviet promise of freedom is matched by Soviet performance.

Yet, I know that, on this meaningful 725th anniversary of the Mindaugas coronation, my colleagues join me in the hope and prayer of the Lithuanian people that freedom—true freedom—will, one day, be returned to that great and noble country, as well as to her Baltic sister states.

Thank you.

POLISH AMERICAN CONGRESS HONORS KASIMIERZ OLEJARCZYK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. DINGELL. Mr. Speaker, on February 19, the Michigan Division of the Polish American Congress will honor at a testimonial dinner, Mr. Kasimierz Olejarczyk on the 35th anniversary of his dedicated service to the Polish community. It is fitting that on this

occasion we express our deep appreciation of and respect for Mr. Olejarczyk's unselfish commitment and invaluable contributions in fostering the ethnic identity of Polish history and culture.

The dimension of a man's character can be traced in large part to his heritage. Mr. Olejarczyk's heritage, rich and vital, is an integral part of his character; his devotion to that heritage is attested to by his years of service to the affairs of the Polish people. During World War II, he served honorably and courageously in combat in both the Polish and the U.S. Air Force. As a reporter for the Polish section of the Voice of America and Radio Free Europe, he continued a concerned commitment to a free and independent Poland. In his 15 years as vice president and president of the Polish American Congress, Michigan Division, he has contributed to making this organization a truly viable representation of Polish tradition and culture and a positive force in recognizing Americans of Polish descent who have made outstanding contributions to the social, scientific, economic, cultural and political development of our Nation.

We take pride in the Polish culture which has been a valuable source for enriching the quality of American life. Kasimierz Olejarczyk has labored hard in his efforts to perpetuate the Polish heritage for generations and to make the Polish birthright a source of continuing pride. He has given of himself to the Polish people, and the Polish community has given him sustenance in return.

Mr. Olejarczyk has been a brilliant success in both the academic and business worlds. Few men have been able to match his achievement or his span of community interests. As a member of the National Ethnic Studies Assembly, as a member of the educational task force for the Detroit Board of Education, as vice chairman of the Michigan Ethnic Heritage Studies Center, as the author of numerous ethnic, cultural, social, and religious articles in Polish and American publications, as writer of his own poems and translations, Mr. Olejarczyk has made contributions which are immeasurable.

Kasimierz Olejarczyk is truly a "Renaissance Man," a man excelling in many fields of endeavor. He is exemplary of the perseverance and strength of the Polish people, of their spirit of wanting to do things for others, their compassion, and their ability to work together for the greater good of mankind. We take pride in his accomplishments.

CARTER ADMINISTRATION FAILS TO EXPEDITE REORGANIZATION OF FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. DRINAN. Mr. Speaker, on December 19, 1977, Representatives EDWARDS of California, HAWKINS and MITCHELL of Maryland, and I wrote to President Carter inquiring about the inordinate delay which has occasioned the submission of a reorganization plan for the Federal equal employment opportunity programs. Early last year, when the President was extolling the virtues of and necessity for reorganization, he and other high ranking officials promised that civil rights reorganization would be given a very high priority.

The Task Force on Civil Rights Reorganization in the Office of Management and Budget undertook, as its first project, the Federal equal employment opportunity program. Because that subject had been studied exhaustively by a wide variety of congressional committees, Government agencies, and private organizations, it was anticipated that the task force and the President would produce a plan in a very short period of time.

That expectation of quick action faded very rapidly as the summer and fall of 1977 passed without the President approving any plan for equal employment opportunity reorganization. As more details of the inner workings of the Carter administration on this subject emerged, it became clear that the impediment to expeditious submission of a plan was primarily in the White House and only secondarily in OMB. Of course, the task force could have performed its functions more quickly. But when it submitted what it considered a final plan in early December, it was White House officials, including the President, which sent the plan back to OMB for further consideration.

In the context of these events, we wrote to President Carter on December 19 asking him to advise us "why the proposal was returned to OMB, and when you expect to forward an approved plan to the Congress." On January 9, 1978, we received a pro forma acknowledgement from Frank Moore.

It is now February 16, almost 2 months since we first wrote to President Carter, and we are yet to receive a substantive response to our inquiry. Considering that the submission of the plan itself is many months behind schedule, it is, in one sense, not surprising that our letter has been virtually ignored.

I learned today, however, that the White House has referred the letter to OMB for a response. I am totally mystified as to why that referral occurred. We wrote to President Carter because, as we understood the facts, the barriers to final approval of a plan were in the White House, not at OMB.

Thus, we fully expect an answer from the President or his designated representative at the White House. I cannot imagine what a response from OMB will tell us that we do not already know. The mystery in the whole affair is why the President rejected the "final" plan prepared by the Civil Rights Task Force at OMB, and when he (not Mr. McIntyre) expects to approve the plan and submit it to Congress for examination.

At a meeting last week conducted by Vice President MONDALE, promises were again made that the President would soon approve a final plan and send it to the Senate and the House for consideration. I have little reason to believe that that promise will be kept any more than prior promises for expeditious submission of a reorganization plan for equal employment opportunity.

Any objective person reviewing this series of events would, I believe, quickly conclude that civil rights reorganization, contrary to Presidential statements, does not have a high priority. That is the unacceptable bottom line. If the Carter administration is to be judged by its deeds, rather than its words, it has to be given very bad grades regarding the reorganization of the civil rights programs. It is to be hoped that 1978 will see a genuine commitment to that activity and that real progress, not meaningless rhetoric, will be achieved.

The letter to President Carter and Mr. Moore's acknowledgment are inserted in the RECORD at this point:

DECEMBER 19, 1977.

President JIMMY CARTER,
The White House,
Washington, D.C.

DEAR PRESIDENT CARTER: Last spring when Congress gave you broad powers to reorganize the Federal executive agencies, officials in your Administration indicated that civil rights enforcement would have a high priority. Largely because of those representations, congressional action on numerous civil rights reforms was postponed in deference to your reorganization efforts.

When the Task Force on Civil Rights Reorganization in the Office of Management and Budget undertook as its first project the equal employment opportunity program, we anticipated an expeditious response by the Administration to the many calls for action to revise and strengthen the Federal effort in the employment field. After all, committees of Congress, executive branch agencies, private organizations, and countless others had studied that problem nearly to death. Because the body of literature was very extensive, early results were expected.

It is now December, however, and the Administration is yet to submit for congressional review any civil rights reorganization plan. We understand that OMB has forwarded to you its final proposal for the reorganization of the Federal equal employment program only to have it sent back for further study. We would appreciate your advising us why the proposal was returned to OMB, and when you expect to forward an approved plan to the Congress.

Because this matter is of the highest importance, we are dismayed by the delay which has occasioned the submission of an equal employment opportunity reorganization plan. An early response to our inquiry would be appreciated.

Cordially,

ROBERT F. DRINAN,
Member of Congress.
AUGUSTUS F. HAWKINS,
Member of Congress.
DON EDWARDS,
Member of Congress.
PARREN J. MITCHELL,
Member of Congress.

JANUARY 19, 1978.

DEAR CONGRESSMAN: The President has asked me to acknowedge [sic] his receipt of your December 19 letter regarding reorganization of civil rights agencies and programs and to let you know that your comments are under consideration.

Sincerely,

FRANK MOORE,
Assistant to the President for Congressional Liaison.

NARCOTICS AND CUBANS IN PANAMA—SERIOUS ALLEGATIONS OF A FORMER PANAMANIAN INTELLIGENCE OFFICER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. BIAGGI. Mr. Speaker, on Friday, February 10, a former Panamanian intelligence officer held a news conference in Miami, Fla., to discuss the role of certain Panamanian Government officials in the international drug traffic and also to bring to light some relationships between Castro's Cuba and the National Guard of Panama.

Alexis Watson Castillo, the Panamanian who made the charges, worked in a clandestine and political role for the Panamanian G–2 from 1968 to 1975. As an individual who had continuous access to some of the most important figures in the Panamanian Government, Watson's alarming charges compel close examination.

I have been told that the committee to save the Panama Canal will make available detailed information concerning Mr. Watson's press conference. Until that information is available to members, the attached article from the Miami Herald of February 11 should prove to be helpful.

Mr. Speaker, as chairman of the Coast Guard Subcommittee of the Committee on Merchant Marine and Fisheries (and also as a member of the Select Committee on Narcotics Abuse and Control), I have undertaken legislative and oversight initiatives to halt international narcotics traffic. I have suggested some possible diplomatic approaches to the Department of State in an effort to help overcome what is a serious international problem—organized drug trafficking supporting domestic drug abuse and addiction. Some of the initiatives which I have recommended concern Panama, and result from the use of the Panamanian flags-of-convenience and also from the strategic location of the Isthmus of Panama as a major funneling point for narcotics smuggling into the United States. Mr. Watson's allegations are further reason to make the interdiction of international narcotics traffic a high priority for our Government.

The article, translated from the Spanish, follows:

CONFERENCE OF COUNTERSPY: TORRIJOS IS ACCUSED OF TRAFFICKING IN DRUGS

(By Ileana Oroza)

On Friday, Alexis Watson Castillo, who claims to have been a counterspy with Panama, accused Gen. Omar Torrijos, the ruler of that country, of participating in drug contraband and of supplying arms to guerrillas who are fighting against the Colombian government.

Most of the accusations which Watson made at a press conference in Miami [came] from information he claims to have received from members of the Torrijos government.

But Watson asserted that on one occasion he saw more than six kilos of cocaine in a warehouse belonging to Torrijos, and that at a meeting in the office of the president, Demetrio Lakas, Torrijos and another government official, called Padilla, were seated by a large amount of money. Watson asserted that Padilla is involved in drug traffic in Panama.

The press conference was organized by Bill Rhatican, public relations agent for the Committee to Save the Canal, an organization which is opposed to the ratification of the Panama Canal treaty.

Watson asserted that immediately after the gathering he would go into hiding because his life would be in danger after those declarations. He did not say where he would live or what he would do in this country.

Watson said that Torrijos is one of the owners of Transit, Inc., a company which, according to him, controls the drug traffic in the Free Zone of Colon.

"Everyone knows that Transit, Inc. is operated by the National Guard. When the drugs arrive at Dock Five in Colon there are no Customs officials on the docks. The National Guard trucks gather the merchandise and take it to Transit, Inc.," he continued.

Watson asserted that he had information that Torrijos had gone to the docks where the drugs arrived, but he did not offer concrete proof for his accusations.

Watson indicated that he would not make these declarations before the U.S. Senate where the pact is being debated, "Because it could be seen as political interference on my part."

But Wason made similar declarations in January before members of the Merchant Marine Committee of the Senate (sic) and had an interview with Senator Paul Laxalt.

Watson said that he came to the U.S. on December 1, 1977. He said that he decided to move to this country after having been in jail, without food, for 22 days in Panama.

"I do not speak as a Panamanian who doesn't want the treaty to be ratified, but rather representing many fellow countrymen who do not want the treaty to be ratified with the Torrijos government," said Watson.

He also asserted that at least 50 percent of the government is communist and said that on one occasion he traveled from Miami with a Cuban who had a Panamanian passport and that on arriving in Panama he (the Cuban) gave orders to members of the National Guard of that country.

"I am convinced that the only thing that Torrijos wants is money for him and his group," he added. "If the U.S. approves the treaty, the Panamanian people will not benefit. Cuba will benefit and Russia, too."

THE 60TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. DERWINSKI. Mr. Speaker, today, February 16, marks the 60th anniversary of the Declaration of Independence of Lithuania. I feel it is a good time to consider the hopes and dreams of the Lithuanian people who long for the freedom they have been denied as residents of an oppressive Soviet state.

The Republic of Lithuania was established as an independent nation on February 16, 1918. These freedom-loving people enjoyed their independence from the Soviet Russian Empire for only 22 years. In June 1940, the Soviet Union invaded and occupied the Baltic States and Lithuania once again was forcefully annexed into the Union of Soviet Socialist Republics.

Although approximately one-fourth of its citizens have been removed from their homeland in an attempt to destroy their unity and identity, the Lithuanians will not accept this foreign occupation. No amount of repression has succeeded in stifling the Lithuanians' yearning to reestablish their nation as a free and sovereign state. Their heroic and inspiring struggle, despite massive persecution and suppression of human rights, has proved their undaunted determination to overcome Soviet domination.

At a time when a strong commitment for the ideals of human rights and individual freedoms has heightened in the Congress, the executive branch, and the country as a whole, we must reaffirm our deep obligation to the Lithuanian nation and others under Communist rule to champion the rights of national, individual, cultural, and religious freedoms for all captive peoples. We must combat the Soviet suppression of their fundamental rights. The United States has consistently refused to sanction the forcible occupation of Lithuania and its Baltic neighbors.

As we pause to mark this anniversary, we recognize also the large contributions made by the more than 1 million Americans of Lithuanian descent to the development of the United States and preservation of its ideals of freedom and liberty. Here in the United States, Lithuanians are a well-organized and a hard-working ethnic group who are deeply interested in maintaining their cultural heritage, national language, and their historic religious zeal. When the time comes for the restoration of freedom for their homeland, they will be in a position to make a positive contribution to the progress of that nation.

I would hope that some day soon we may not have to speak in Congress of the anniversary of the loss of liberty by the Lithuanian people; but instead we will speak of Lithuanian's realization of the ideals of personal liberty, independence, and human dignity. Until that day, we admire the Lithuanian people for reminding us through their struggle, of how precious and valuable is freedom and how costly is the loss of that freedom.

REFORM OF VETERANS' PENSIONS

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. STEERS. Mr. Speaker, recently I submitted testimony to the House Veterans' Affairs Committee, Subcommittee on Compensation, Pension, and Insurance. Today I am submitting this same testimony into the CONGRESSIONAL RECORD.

Specifically I submitted testimony on a bill that I have cosponsored that would provide pensions to veterans of World War I. I feel a measure of this type is long overdue and I am hopeful that the subcommittee will see fit to include this provision in a comprehensive bill on veterans pensions. The second bill I testified for would allow a veteran to receive a veteran's pension without having it

decreased by annual increases in social security payments. This is a bill that I have long supported. I joined with many of my colleagues in signing a letter to the House conferees on the social security bill asking them to accept the Senate provision that would protect veterans' pensions from annual social security increases. I want to commend Congressman ROBERTS, chairman of the Veterans' Affairs Committee, and Congressman MONTGOMERY, chairman of the Subcommittee on Compensation, Pension, and Insurance, for their active support of this bill.

The testimony follows at this point:

STATEMENT OF REPRESENTATIVE NEWTON I. STEERS, JR.

Mr. Chairman and Members of the Subcommittee:

I appreciate this opportunity to comment on two measures—H.R. 9000 and H.R. 10728—being considered in these hearings on improvements in veterans' pension systems. My constituents have indicated considerable support for these measures, and I am pleased to be a co-sponsor of each bill. In seeking this office during the 1976 campaigns, I told my constituency I would encourage legislation easing the limiting effect Social Security cost-of-living increases have had on veterans' pensions. These two bills, I am happy to note, will achieve that as well as provide improved assistance to veterans of American military conflicts, particularly World War I.

The first bill, H.R. 9000, would provide a $150 monthly pension for veterans of World War I and their surviving spouses and children. It would be in addition to—not in lieu of—any current law pension. This is a well-deserved and much-needed step that should be taken simply as a matter of equity, for these men and women did not have veterans' loan mortgage insurance, G.I. bill benefits or even sufficient time to qualify for Social Security. As it is, the current veterans' law will maintain a World War I veteran at the poverty level ($3,540) but will not pay him any more than that. And the only World War I veterans who have received any benefits of substance are those with service-related disabilities. Even worse, many World War I veterans have been trapped by the "notch" problem. This problem occurs when an increase in one benefit—in this instance, usually Social Security annual cost-of-living increases—leads to a decrease in another benefit—in this instance, veterans' service pensions, the very problem H.R. 10728 is designed to help alleviate. While recent modifications in the pension formula have dealt with this problem, some veterans nevertheless have been affected and some have lost their military pensions entirely. H.R. 9000 would provide this pension on the basis of service, not disability or financial need. This is a benefit not provided to veterans of later American military conflicts (these men and women enjoyed other benefits, as has been pointed out) but would be similar to the pension provided to veterans of the Spanish American War. Therefore, H.R. 900 simply will balance the books for those veterans who served their country so admirably during World War I. There are fewer than 700,000 surviving veterans of this war, and it is time we completely erased the burden of "notches" that has plagued them for so long. H.R. 9000 would seek to achieve this.

The second bill, H.R. 10728, would revise the pension system authorizing monthly payments to war veterans who are permanently and totally disabled from causes not related to their military service and to surviving spouses and children of such veterans. As would be true of the previous bill, this measure would provide pensions as a supplement to resources otherwise available and would seek to relieve the distress of the nation's aging veterans population. This bill would attack a major problem identified in discussing H.R. 9000. This is the "notch" problem. To account for the adverse effect this problem can have, pension rates would be indexed to Social Security increases, which are indexed to the Consumer Price Index. Therefore, every veteran who receives a cost-of-living increase in his Social Security benefits every July also would receive a cost-of-living increase in his pension. Too, this measure would insure that no veteran receives a smaller pension as a result of the annual cost-of-living increases in Social Security. This would provide for a true cost-of-living increase in a veteran's total pension plan, resolving the long-persistent "notch" problem. At the present time, there is no provision for this annual cost-of-living increase in pensions. Instead, the Congress increases veterans' benefits by some amount each time there is a Social Security increase. The legislated increase, however, usually is not the same percentage as that of the Social Security increase, resulting either in an overall decrease or confusion. This confusion is on the part of many pensioners, who do not realize that their total income may be unchanged or actually increased when they experience an increase in their Social Security checks but a decrease in their veterans' pension checks. Enacting H.R. 107728 would resolve this "notch" problem.

HOW PRESIDENT CARTER'S TAX PLAN WILL MEAN A TAX INCREASE ON THE VAST MAJORITY OF AMERICANS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. KEMP. Mr. Speaker, the February 20 issue of U.S. News and World Report carries an excellent analysis of President Carter's tax proposal. This analysis indicates that when you factor in higher social security taxes and inflation most American families will be worse off next year even if President Carter's tax cut passes this year, because his program increases progressivity rather than decreasing it.

This is one reason why I believe that the tax rate reduction act—H.R. 8333—which I have introduced with 144 other Members of the House, is a vastly better and more beneficial way to cut the tax burden on the American people and restore income growth to our economy.

The article follows:

WILL CARTER'S TAX CUTS DO THE JOB?

The conviction is growing among many economists that the President's plan for tax cuts will neither reduce the bite most people are complaining about nor do anything much to stimulate the economy.

That, rather than whether to sack the three-martini lunch, is likely to become the major issue in the tax debate in Congress this year.

The chart defines the problem, so far as individual taxpayers are concerned. They've been told they are going to get tax cuts, but two years hence the vast majority will almost certainly be paying more than now, even if the Carter cuts are approved.

This paradox stems from two factors: the big increase already set for Social Security payroll taxes and the steady march of inflation. Families with above-average incomes will feel the effects most severely, but even people with relatively low incomes are likely to be disappointed.

Take a look first at the outlook for payroll taxes. A person now earning, say, $20,000 a year, paid $965.25 for Social Security in 1977. Assuming that he gets an 8 percent pay raise this year and next—in line with the experience of many people in recent years—he will be making $23,328 in 1979 and paying $1,403.77 toward Social Security.

Because of the pay raises, due largely to inflation, people will also be paying more in the way of income taxes, despite the Carter cuts.

In the case of a family of four—husband, a wife who is not on a payroll, and two dependent children—income and payroll taxes together on $23,328 in 1979 will come to $3,926 on the basis of Carter's plan, compared with $3,139 that the same family with an income of $20,000 paid for 1977. Federal taxes will be taking 16.8 percent of the family income, up from 15.7 last year.

At only $8,000 of wages or salary in 1977, the family of four paid $584 in federal payroll and income taxes. The same people, with income boosted to $9,331 in 1979, would be paying $2 more, $586, under the plan—not much of a boost but no reduction.

At higher income levels, the increase in tax payments will be sharp. A married couple with no dependents, for instance, paid $8,382 or 21 percent in Social Security and income taxes on 1977 earnings of $40,000. By 1979, with income inflated to $46,656, they will be paying about $10,631 or 22.8 percent under the Carter program.

All this suggests that most taxpayers who are angry about taxes now will be more unhappy two years hence if the plan goes through as proposed. True, they'll be better off than if there is no tax-relief legislation at all, but that's about all the comfort they'll have.

There's also a broader way to judge the effect on consumers as a whole:

The Carter plan is calculated to reduce taxes on individuals 16.8 billion dollars below what they would otherwise be in 1979. But the increase in Social Security levies on individuals will come to 7.7 billion in the two years. And the Economic Unit of *U.S. News & World Report* estimates that income taxes will go up about 10 to 12 billion dollars as a result of the inflationary increases in wages and salaries in the same period. The increase in prospect for the two taxes comes to almost $18 billion, slightly more than the proposed tax savings.

How about the impact on business, where the annual reduction in corporate income taxes in 1979 under Carter's plan is figured at about 5.7 billion dollars?

Employers, too, will be paying an additional 7.1 billion in payroll taxes for Social Security this year and next. And to the extent that inflation raises profits, some of that increase will be sliced off by the corporate income tax, even though the rates of tax will be lower under the Carter plan. It's hard to see any clear-cut gain.

Not included in these calculations is the energy legislation in Congress that proposes a new tax on crude oil. Carter will modify his tax plans to offset any oil tax not automatically rebated to consumers. But this legislation will have impact far beyond that, tending to raise fuel costs for all sorts of businesses and to raise prices for all consumers.

Congress—along with most businessmen and investors—will be wondering whether Carter is doing enough to bolster the economic recovery at a time when it seems in danger of slowing down. But the lawmakers will face the same problem as the President:

If they decide more tax relief is needed, where is it to come from?

The federal deficit is already forecast at 61 billion dollars in the next fiscal year, and a bigger one might make inflation an even greater burden than it is now.

WHAT TAX CUT?

Even if Congress enacts President Carter's proposed reduction in income taxes, federal levies on most middle-income taxpayers will take a bigger share of their earnings in 1979. Here's what will happen, assuming incomes rise an average of 8 percent a year—

COMBINED SOCIAL SECURITY AND FEDERAL INCOME TAXES

[In percent]

1977 income	Married couple with 2 children		Sing'e person	
	1977 income	1979 income	1977 income	1979 income
$10,000	10.3	9.9	17.8	19.0
$15,000	14.7	14.8	20.0	21.0
$20,000	15.7	16.8	20.9	22.6
$25,000	16.4	17.6	21.9	23.2
$30,000	17.3	18.8	23.1	24.3
$40,000	19.5	21.8	25.5	27.1
$50,000	21.8	24.5	27.9	29.7

Note: Tax computations assume the following: Married couples use joint returns, and only 1 member of the family is a wage earner; all income is earned; taxpayers itemize deductions at 23 percent of income in 1977 and 20 percent in 1979, or use the zero-bracket amount if it is higher.

RECOGNITION OF 60TH ANNIVERSARY OF LITHUANIAN REPUBLIC

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. COTTER. Mr. Speaker, today Americans of Lithuanian descent are celebrating the 60th anniversary of the formation of the Lithuanian Republic in 1918. as well as 727 years of nationhood. Yet this is a bittersweet occasion for friends and relatives living in Lithuania under Soviet rule.

This brave country has suffered from oppressive Russian Government for many years. Prior to its independence in 1918, Lithuania was under czarist control for 123 years. And since June 1940, when the Soviets invaded and occupied this small, albeit strong nation, Lithuanians have lived with a repressive Communist presence.

However, their spirit has never been broken, and is most apparent in Lithuanian Americans who contribute so much to our country while remembering their own. I take pleasure today in joining these constituents to commemorate an historic date and look forward to the time when Lithuania will again rule her own.

CONGRESSMAN ICHORD'S VOTING RECORD—PEOPLE'S RIGHT TO KNOW

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1978

Mr. ICHORD. Mr. Speaker, there is much talk about the people's right to know and today, as never before, the people are demanding, and rightly so, that their elected officials be accountable to them. I welcome this development as one of the most healthy trends American politics has seen in a long time, and view in this reawakened public interest the retrieval of what is good in a democratic political system.

It has been my practice since I first entered public life to make my record openly and completely known to the Missourians I represent. In this regard I wish today to present my voting record for the 1st session of the 95th Congress. While I realize that the diversity of my district and the complexity of its interests and pursuits make it impossible to have everyone agree with my every vote on every issue, my voting record represents a sincere attempt to represent the public interest.

The following listing represents my votes on the major and controversial legislation of 1977. There were many controversial issues that confronted Congress in 1977, and I based my votes on my discussions with and letters from my fellow Missourians, a review of the facts and arguments on both sides of the issue, and my ultimate judgment, for which I was elected, of what was best for my district, State, and Nation.

Some of the more controversial issues of 1977 included:

Federal funds for abortion which I voted against.

The congressional pay increase which I strongly opposed and voted against, calling instead for a reduction in congressional salaries.

Food stamps for strikers which I voted against.

Several bills to increase the size of the Federal bureaucracy which I voted against.

Legislation to extend the House Select Committee on Ethics which I supported.

Congressional reform measures which I supported.

Legislation to direct a full investigation to determine whether Members of the House, their immediate families, or associates had ever accepted anything of value from the Republic of Korea or their representatives which I strongly supported and voted for.

Legislation to increase the temporary limit on the national debt which, as an opponent of deficit spending, I voted against.

Legislation to liberalize the Hatch Act which I voted against.

On the issue of the repeal of the Byrd amendment, permitting importation of Rhodesian chrome, H.R. 1746, an explanation of my "yes" vote is in order. I have grave reservations regarding our African policy particularly as it relates to Rhodesia. However, recognizing that the repeal of the Byrd amendment was inevitable and after consultation with Prime Minister Ian Smith and Bishop Muzorewa, I proposed an amendment to H.R. 1746 providing the President the flexibility to lift the ban on the importation of Rhodesian chrome if, in his view, such action would facilitate the peaceful transition to majority rule in that troubled country. Since the manager of the bill agreed to my amendment which I considered so important as it made it clear the President is empowered to lift the embargo despite the U.N. sanctions, I reluctantly agreed to vote for final passage.

There were also several attempts to revive gun control legislation, allow military unionization, and press through an early ratification of the Panama Canal treaties. As an opponent of all three measures, I joined in efforts to block these attempts.

During the 1st session of the 95th Congress, there were 471 yea and nay votes, 76 quorum calls, and 235 recorded votes for a grand total of 782 rollcalls. I responded to these rollcalls 89.2 percent of the time with a 90.6 percent voting record on recorded votes. Many of the votes or quorum calls I missed were due to unavoidable absences due to other legislative duties, primarily my work as chairman of the Research and Development Subcommittee of the House Armed Services Committee.

Mr. Speaker, I will be sending this voting record to my constituents in the hope that they will study it carefully and have adequate information to determine in their own minds the nature of my voting in the House of Representatives. I have found in my discussions with Missourians that they often are unaware of what we do here in Congress and how their elected Representatives vote. I hope this public recording of my votes will help to develop good lines of communication and give my constituents a base against which to compare their own personal tests of good government.

VOTING RECORD

Bill No.	Description	My vote
	Election of Speaker Thomas P. O'Neill, Jr. (passed 290–142)	Yes.
S. 474	Adoption of the conference report on the Emergency Natural Gas Act of 1977 granting the President temporary emergency powers to allocate and allow unregulated sales of natural gas (passed 336–82).	Yes.
H. Res. 222	A resolution creating a Select Committee on assassinations (passed 237–164).	Yes.
H.R. 27	Air fare for the elderly and handicapped (passed 403–0)	Yes.
H. Con. Res. 110	A concurrent resolution revising the congressional budget for the U.S. Government for the fiscal year 1977. This resolution would provide for revenues of $348,800,000,000 and outlays of $419,100,000,000 and a deficit of $70,300,000,000 (passed 239–169).	No.
H.R. 11	A bill to raise the authorization level to $6,000,000,000 from $2,000,000,000 for the emergency public works employment program (passed 295–85).	No.

VOTING RECORD—Continued

Bill No.	Description	My vote
H.R. 3365	A bill to extend the authority for the flexible regulation of interest rates on deposits and accounts in depository institutions (passed 401–4).	Yes.
H. Res. 287	Adoption of the resolution to require comprehensive financial disclosure by House Members, ban private office accounts, ban gifts from lobbyists, limit outside earned income and impose other financial restrictions on Members (passed 402–22).	Yes.
S. Con. Res. 10	Adoption of the conference report on the resolution setting new binding levels for the fiscal 1977 budget (passed 226–173).	No.
H.R. 2846	A bill to amend the John F. Kennedy Center Act to authorize $4,700,000,000 for certain repairs to the building (239–78).	Paired against.
H. Res. 111	Adoption of the resolution to create a House Select Committee on Professional Sports (failed 75–271).	No.
H.R. 3477	Adoption of an amendment to phase out the 1976 tax rebate for those earning more than $25,000 annually and for other purposes (passed 312–103).	No.
	Adoption of an amendment to increase the standard deduction for single persons to $2,400 from $2,200 (passed 386–29).	Yes.
	A bill providing tax reductions and payments which would reduce Federal revenues an estimated $12,700,000,000 in fiscal year 1977 (passed 282–131).	No.
H.R. 3843	A bill to authorize an additional $407,000,000 for housing assistance programs for low and moderate income families (passed 380–30).	Yes.
H.R. 2647	Adoption of the conference report on the bill to raise the ceiling on Small Business Administration loans and assistance to $7,400,000,000 (passed 355–1).	Yes.
H.R. 1746	An amendment to prohibit the importation of chrome from any nation that violated the human rights provisions of the United Nations Charter (failed 153–246).	Yes.
	An amendment to delay the effective date of the bill for 30 days so that the President could report to Congress on the status of negotiations to establish majority rule in Rhodesia (failed 160–236).	Yes.
	A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome (passed 250–146).	Yes.
H.R. 4876	A bill to appropriate $23,300,000,000 of supplemental fiscal 1977 funds for a variety of Federal programs, including the components of President Carter's economic stimulus package (passed 281–126).	No.
H.R. 4877	An amendment to prohibit the use of funds in the bill to carryout President Carter's Vietnam amnesty program (passed 220–187).	Yes.
	An amendment to delete from the bill the $55,000,000 U.S. contribution to the International Development Association (failed 171–234).	Yes.
	A bill to provide supplemental appropriations of $27,900,000,000 in fiscal year 1977 (passed 306–98).	No.
H.R. 4088	A bill to authorize $4,050,000,000 for the National Aeronautics and Space Administration for fiscal 1978 (passed 338–44).	No.
H.R. 4800	A bill to extend for 1 yr, a 13-week program of supplemental unemployment insurance to provide a maximum of 52 weeks of benefits in States and local areas with high unemployment rates (passed 327–63).	No.
H.R. 4250	An amendment to restrict common-site picketing to employers" primarily engaged in construction," thus limiting the availability of construction unions to appeal to employees of nonconstruction employers to observe their strikes (passed 212–209).	Yes.
	A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers and to establish collective bargaining procedures in the construction industry (failed 205–217).	Yes
H.R. 3965	A bill to authorize $85,000,000 for research and development programs of the Federal Aviation Administration for fiscal 1978 (passed 402–6).	Yes.
H.R. 4991	A bill to authorize $868,000,000 in fiscal 1978 for operations of the National Science Foundation (passed 378–29).	Yes.
H.R. 5040	A bill to authorize additional funds for activities of the State Department in fiscal 1977 (passed 292–114).	No.
H.R. 5045	A bill to extend for 3 yr the President's authority, which expired in 1973, to transmit to Congress plans for the reorganization of agencies in the executive branch (passed 395–22).	Yes.
H. Res. 433	Adoption of the resolution to continue the Select Committee on Assassinations for the duration of the 95th Congress (passed 230–181).	No.
H.R. 4895	Strategic materials stockpile fund (passed 373–24)	Yes.
H.R. 4975	Biomedical research extension program (passed 385–4)	Yes.
H.R. 4976	A bill to extend for 1 yr, the health services programs of maternal and child health and crippled children services, community health centers, family planning, and sudden infant death syndrome programs at an authorization level of $1,100,000,000 (passed 376–4).	Yes.
H.R. 1828	Motion to suspend the rules and pass the bill to delay for 1 yr, the effective date of certain changes in existing tax law that would end the exclusion for sick pay for all but totally disabled retired taxpayers (passed 406–2).	Yes.
H.R. 5294	A bill to amend the Consumer Credit Protection Act to make it a Federal crime to engage in certain debt collection practices (passed 199–198).	No.
H.R. 3199	Water Pollution Control Act (passed 361–43)	Yes.
H.R. 5262	An amendment to direct U.S. officials of international lending institutions to oppose financial aid for agricultural projects promoting palm oil sugar or citrus crops in competition with U.S. agricultural products (passed 218–145).	Yes.
	An amendment to prohibit international financial institutions from using U.S. funds for aiding Cambodia, Cuba, Laos or Vietnam (failed 165–189).	Yes.
	A bill to authorize the United States to contribute $5,200,000,000 to certain international financial institutions, including the World Bank, International Finance Corporation, International Development Association, and the Asian and African Development Banks for fiscal years 1978–81 (passed 194–156).	No.
H.R. 5101	A bill to authorize $313,000,000 for fiscal 1978 research and development activities of the Environmental Protection Agency (passed 358–31).	No.
H.R. 5840	A bill to revise U.S. export controls on sensitive materials and to prohibit U.S. firms from complying with certain aspects of the Arab boycott against Israel (passed 364–43).	No.
H.R. 5970	An amendment to prohibit purchase of three AWACS radar-warning and command planes unless NATO agreed to purchase the aircraft (failed 135–222).	No.
	An amendment to reduce overseas troop strength by 17,000 and total U.S. active duty troop strength by 50,000 (failed 88–301).	No.
	A bill to authorize appropriation of $35,900,000,000 for weapons procurement and military research programs of the Defense Department in fiscal 1978 (passed 347–43).	Yes.
H. Con. Res. 195.	An amendment to reduce budget authority and outlays in the general government functions by $7,950,000 in fiscal 1978 in order to delete funds for a pay raise for Members of Congress (passed 236–179).	Yes.
	An amendment to transfer $7,950,000,000 from the defense function to reduce the national debt (failed 64–344).	No.
	An amendment to increase budget authority and outlays by $500,000,000 each to provide for pensions for World War I veterans (passed 329–73).	Yes.
	An amendment to reduce budget authority and outlays by $100,000,000 in the natural resources function in order to cut funding for water projects (failed 143–252).	No.
	A resolution providing for fiscal 1978 budget targets of revenues of $398,000,000,000, budget authority of $505,000,000,000, outlays of $466,000,000,000 and a deficit of $68,000,000,000 (failed 84–320).	Yes.
H.R. 3843	Conference report on the bill to authorize an additional $378,000,000 for housing assistance for low and moderate income families, to extend to 30 yr from 20 yr contract term of sec. 8 assisted housing programs, to extend the crime and riot insurance programs and to establish a National Commission on Neighborhoods (passed 355–47).	No.
H.R. 11	Adoption of the conference report on the bill to authorize an additional $4,000,000,000 for the emergency public works employment program as requested in President Carter's economic stimulus package (passed 335–77).	Yes.
H.R. 6179	A bill to authorize $14,600,000 for the operations of the U.S. Arms Control and Disarmament Agency for fiscal 1978 (passed 395–15).	Yes.
H.R. 4049	A bill to authorize $13,000,000 for fiscal 1978 expenses of the U.S. Railway Association (passed 358–50).	No.
H.R. 4876	Economic stimulus supplemental appropriations fiscal 1977. Adoption of the conference report to provide $20,000,000,000 in fiscal 1977 supplemental appropriations for a variety of Federal programs, including President Carter's economic stimulus package (passed 326–87).	No.
H.R. 6689	A bill authorizing $1,700,000,000 for State Department expenses, U.S. contributions to international organizations and related programs in fiscal 1978 (passed 285–111).	No.
H. Con. Res. 214.	Amendment to add $3,000,000,000 in budget authority and $2,000,000,000 in outlays to the defense function (failed 176–233).	Yes.
	Amendment to add $3,000,000,000 in budget authority and $2,000,000,000 in outlays for national defense and to reduce budget authority and outlays for interest on the national debt by $2,100,000,000 (failed 85–306).	Yes.
	Adoption of the fiscal 1978 budget targets (passed 213–179)	No.
H.R. 6655	Amendment to delete from the bill a new alternative formula for allocation of community development block grant funds (failed 149–261).	Yes.
	Amendment that would remove a section of the Housing and Community Development Act of 1977 which prohibits banks and savings and loan associations from making loans relating to property that is located in an area designated by the Department of Housing and Urban Development as a special flood zone (passed 220–169).	Yes.
	A bill to authorize $12,450,000,000 for the community development block grant program for fiscal years 1978–80 and to authorize more than $2,000,000,000 for federally assisted, public and rural housing and to continue FHA mortgage and flood insurance programs (passed 369–20).	Yes.
H.R. 6714	Foreign economic aid, $1,700,000,000 (passed 252–158)	No
H.R. 3477	Adoption of the conference report to the bill increasing the standard deduction, extending individual and business tax cuts, providing a jobs tax credit for new employees and making other changes in the Federal tax laws (passed 383–2).	Yes.
H.R. 1139	A bill to extend through fiscal 1979 the summer food program and make other changes in the school lunch and child nutrition programs (passed 393–19).	Yes.
H.R. 6111	A bill to extend the Juvenile Justice Act and the Runaway Youth Act for 3 yr (passed 389–5).	Yes.
H.R. 6684	Amendment to delete a committee provision establishing a $100,000,000 African special requirements fund to aid those countries affected by the civil strife in Rhodesia (failed 204–208).	Yes.
	A bill to authorize $3,200,000,000 in foreign military security aid and weapons sales credits for fiscal 1978 (passed 242–163).	No.
H.R. 6161	Amendment to allow State Governors to permit class I and class II areas to exceed pollution levels for 18 days in a year (passed 237–172).	Yes
	Amendment to postpone compliance measures in areas that have not attained public health standards for clean air until 60 days after completion of a 1-yr Environmental Protection Agency study (failed 162–242).	Yes.
	Substitute for title II to delay and relax automobile emissions standards, to reduce the warranties for emissions control devices, and make other changes in existing law regarding mobile sources of air pollution (passed 255–139).	Yes.
	A bill to revise the 1970 Clean Air Act	Yes.
H.R. 10	Amendment to delete language that no labor union activities could be made unlawful that were not unlawful under the Federal Election Campaign Act (failed 131–277).	Yes.
	Amendment to prohibit Federal employees from soliciting political contributions from another Federal employee, whether he was a supervisor or not (failed 156–251).	Yes.
	Hatch Act amendments (passed 244–164)	No.
H.R. 7552	Treasury, Postal Service appropriations, fiscal 1978, $7,500,000,000 (passed 359–45).	Yes.
H.R. 7557	Transportation appropriations, fiscal 1978, $14,000,000,000 (passed 391–11).	Yes.
H.R. 5840	Export Administration Act/Arab Boycott (passed 306–41)	Yes.
H.R. 7556	State, Justice, Commerce and Judiciary appropriations, fiscal 1978, $7,600,000,000 (passed 353–42).	No.
H.R. 7553	Amendment to delete funding for 16 water projects and reduce funding for 1 more project, but to retain the total appropriations amount in the bill (failed 194–218).	No.
	Public Works-ERDA appropriations, fiscal 1978, $10,000,000,000 (passed 356–54)	Yes.
H.R. 7554	HUD, Independent agencies appropriations, fiscal 1978, $70,000,000,000 (passed 374–32).	Yes.
H.R. 7555	Labor/HEW appropriations, fiscal 1978, amendment to reduce the appropriation for the Occupational Safety and Health Administration by $6,300,000,000 (failed 162–231).	Yes.
H.R. 7558	Amendment to reduce the appropriation in the bill for the food stamp program to $5,000,000,000 from $5,700,000,000 (failed 154–262).	Yes.

VOTING RECORD—Continued

Bill No.	Description	My vote
	Agriculture Department appropriations, fiscal 1978, $12,000,000,000 (passed 380–35).	Yes.
H.R. 7589	Military Construction appropriations, fiscal 1978, $2,800,000,000 (passed 391–16).	Yes.
H.R. 7797	Amendment to delete the $100,000,000 contained in the bill for the Southern African Special Requirements Fund to aid those nations that border Rhodesia (failed 199–209).	Yes.
	Foreign aid appropriations, fiscal 1978, $7,000,000,000 (passed 208–174).	No.
H.R. 7933	Defense Department appropriations, fiscal 1978, $110,000,000,000 (passed 333–54).	Yes.
H.R. 5970	Defense procurement authorization, $36,000,000,000 (passed 350–40).	Yes.
H.R. 4963	Maritime programs authorization, $553,000,000 for fiscal year 1978 (passed 355–40).	Yes.
H.R. 2777	National Consumer Cooperative Bank (passed 199–198)	No.
H. Res. 658	A resolution to establish a Permanent House Select Intelligence Committee (passed 227–171).	Yes.
H.R. 7557	Transportation Appropriations—Conference report (passed 397–14).	Yes.
H.R. 7556	State, Justice, Commerce, Judiciary Appropriations, Fiscal 1978—Conference report (passed 326–85).	No.
H.R. 7554	HUD, Independent Agencies Appropriations, Fiscal 1978—Conference report (passed 379–30).	Yes.
H.R. 4088	Conference report to the bill to authorize $4,000,000,000 in fiscal 1978 for the operations and programs of the National Aeronautics and Space Administration (passed 379–29).	Yes.
H.R. 6138	Conference report on the bill to authorize $1,500,000,000 for a series of youth employment and training projects (passed 356–58).	No.
S. 1474	Conference report on the bill to authorize $3,000,000,000 for new military construction projects of the Defense Department (passed 370–34).	Yes.
H.R 4746	Conference report on the bill to authorize $21,000,000 for fiscal 1978 for research on national water supply needs and on saline water conversion (passed 401–1).	Yes.
H.R. 4975	Health Assistance Programs Extension—Conference report (passed 401–6).	Yes.
H.R. 7171	Amendment to limit producers of wheat, feed grains, rice and upland cotton to $20,000 a year in Federal farm subsidy payments through fiscal year 1981 (failed 183–230).	Yes.
	Amendment to prohibit payment of Federal farm subsidy payments to corporations or partnerships in which those holding majority interest were not engaged in farming operations as a sole proprietorship (failed 199–207).	Yes.
H.R. 6714	Foreign Economic Aid—Conference report, $1,600,000,000 (passed 254–158).	No.
H.R. 6884	Foreign Military Aid—Conference report, $3,100,000,000 (passed 262–147).	No.
H.R. 2	Strip mining bill—Conference report (passed 325–68)	No.
H.R. 7932	Legislative branch appropriations, fiscal 1978—Conference report, $990,000,000 (passed 252–152).	No.
H.R. 7558	Agriculture Department appropriations, fiscal 1978—Conference report, $13,700,000,000 (passed 377–33).	Yes.
H.R. 7171	Amendment to allow families of strikers with children under 16 to be eligible for food stamps (failed 152–266).	No.
	1977 Farm-Food bill (passed 294–114)	Yes.
S. 826	Conference report on the bill to create a Cabinet-level Department of Energy (passed 353–57).	Yes.
H.R. 7555	Conference report—Labor-HEW appropriations, fiscal 1978, $60,000,000,000 (passed 337–82).	No.
H.R. 8444	Ad hoc committee on energy amendment to delete from the bill a provision that automatically exempted new plants from having to pay the proposed oil and gas users taxes if such plants were exempted from regulatory orders prohibiting use of those fuels (passed 221–198).	Yes.
	National Energy Policy Act (passed 244–177)	No.
H.R. 7933	Defense Department Appropriations—Conference report $111,000,000,000 (passed 361–36).	Yes.
H. Con. Res. 341.	Amendment to reduce revenues by $175,000,000 to provide for tax credits of up to $250 per year taken against tuition of full-time college and vocational students (passed 311–76).	Yes.
	Adoption of the budget resolution setting binding levels of budget authority of $508,000,000,000, outlays of $459,000,000,000, revenues of $397,000,000,000 and a deficit of $61,000,000,000 (passed 199–188).	No.
H.R. 6683	A bill to authorize the President to designate a Federal agency responsible for a multiagency, national earthquake hazards reduction program (passed 229–125).	No.
H.R. 6669	A bill to authorize $50,000,000 in fiscal 1978 to establish a Federal climate program office to develop a climate prediction program to enable Federal agencies to make long-range plans to cope with climate-induced problems (passed 282–60).	No.
H.R. 3744	Amendment to delete procedures in the bill for automatic adjustment, or "indexing" of the minimum wage and to substitute a 3-step increase from the current level of $2.30 an hour to $2.65 on Jan. 1, 1978, to $2.85 on Jan. 1, 1979 and to $3.05 on Jan. 1, 1980 (passed 223–193).	Yes.
	Amendment to increase the minimum wage from the current level of $2.30 an hour to $2.65 on Jan. 1, 1978 and to establish a temporary indexing mechanism to automatically adjust the minimum each year through 1983 (failed 189–227).	No.
	Amendment to delete provisions reducing the tip credit, which would have required employers to pay a higher base wage to workers who earned tips (passed 264–161).	Yes.
	Amendment to retain existing minimum wage and overtime exemptions for employees at seasonal amusement parks (passed 241–183).	Yes.
	Amendment to permit employers to pay only 85 percent of the minimum wage to young workers under age 18 during the 1st 6 mo on a job (failed 210–211).	Yes.
	A bill to raise the minimum wage from $2.30 an hour to $2.65 on Jan 1, 1978, to $2.85 on Jan. 1, 1979, to $3.05 on Jan 1, 1980 (passed 309–96).	No.
S. 275	Conference report on the 1977 Farm-Food bill (passed 283–107)	Yes.
H.R. 5262	Conference report on the International Financial Institutions bill (failed 153–230).	No.
H.R. 4544	A bill to liberalize the black lung benefits program and shift more of the costs from the Federal Government to the coal industry (passed 283–100).	No.
H.R. 8655	A bill to raise the temporary debt limit to $775,000,000,000 through Sept. 30, 1978 (failed 180–201).	No.
H.R. 6796	A bill to authorize $6,600,000,000 in Federal civilian energy research and development programs for fiscal 1978 (passed 317–47).	Yes.
H.R. 3	Medicare-Medicaid Fraud bill (passed 362–5)	Yes.
H.R. 5383	A bill to raise to 70, from 65, the upper age limit for protection of non-Federal workers from age-based discriminatory practices, including mandatory retirement, and to eliminate the upper limit for most civilian Federal employees (passed 359–4).	Yes.
H.R. 6536	District of Columbia Retirement Reform Act (passed 348–21)	Yes.
H.R. 6530	A bill to provide the District of Columbia temporary authority (until fiscal 1980) to borrow from the U.S. Treasury to help finance capital works and related projects (passed 266–119).	No.
H. Res. 70	House Select Committee on Population (passed 258–147)	Yes.
H. Res. 760	House Select Committee on Assassinations. A resolution authorizing the committee to subpena testimony and to grant immunity from prosecution to witnesses testifying in the committee's investigations into the assassinations of President John F. Kennedy and Martin Luther King Jr. (passed 290–112).	Yes.
H.R. 9290	A bill to raise the temporary debt limit to $773,000,000,000 through Sept. 30, 1978 (passed 213–202).	No.
H.R. 8 38	A bill to strengthen controls on the export of nuclear fuels and technology (passed 411–0).	Yes.
H.R. 6566	A bill to authorize $2,600,000,000 for military-related activities of the Energy Research and Development Administration for fiscal 1978 (passed 330–78).	Yes.
H.R. 9019	A bill to rescind $96,100,000 in budget authority, contained in a message of President Carter of July 19, 1977, as follows: $21,100,000 in foreign military credit sales and $75,000,000 in the General Services Administration Federal building fund (passed 403–1).	Yes.
H.R. 7010	A bill to reimburse up to 25 percent of the awards paid by States to victims of violent crime for their medical expenses and losses of pay due to absence from work arising from the crime (passed 192–173).	No.
H.R. 6951	A bill to extend the authority of the Council on Wage and Price Stability through Sept. 30, 1979 (passed 251–145).	No.
H.R. 6655	Conference report on the Housing and Community Development Act (passed 384–26).	Yes.
H.R. 8410	Amendment to delete language providing that if management addresses employees on company premises or during working time on issues relating to union representation, unions must be granted equal access to employees at the workplace (failed 168–247).	Yes.
	Amendment to make the equal access provisions of the Labor Reform bill applicable to all elections under the act and to provide employers an equivalent opportunity to address employees at the union hall or at related gatherings (passed 408–8).	Yes.
	Amendment to extend election deadlines and give the National Labor Relations Board greater flexibility in determining the timetable (failed 185–229).	Yes.
	Amendment to delete provisions to permit the National Labor Relations Board to compensate employees for wages lost during periods employers illegally refused to bargain with a union (failed 162–250).	No.
	Labor Law Revision, a bill to aid union organizing and bargaining by streamlining regulatory procedures and stiffening penalities against employers who violated labor laws (passed 257–163).	No.
H.R. 8390	Fiscal 1978 supplemental defense authorization, $560,000,000 (passed 347–37).	Yes.
H.R. 3	Conference report on the Medicare-Medicaid Fraud bill (passed 402–5).	Yes.
H.R. 3816	Amendment to delete the authorization in the bill for individual or class action consumer suits based on Federal Trade Commission rulings and regulations (passed 281–125).	Yes.
	A bill to amend the Federal Trade Commission Act to expedite the enforcement of Federal Trade Commission cease and desist orders and compulsory process orders (passed 279–131).	No.
H.R. 8309	A bill to authorize $432,000,000 for a new locks and dam 26 on the Mississippi River and to phase in a 6-cents per-gallon tax on gasoline bought by inland waterway users (passed 331–70).	Yes.
H.R. 6415	Conference report on a bill to extend the Export-Import Bank Act of 1945 (passed 281–62).	No.
H.R. 2176	A bill to authorize the General Accounting Office to audit certain records of the Federal Reserve Board, Federal Reserve Banks, the Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency (passed 336–24).	Yes.
H.R. 4297	Marine protection and sanctuaries bill (passed 359–1)	Yes.
H.R. 9090	A bill to exempt disaster payments for the 1977 wheat, feed grains and upland cotton crops from the overall $20,000 payment limitation on those crops and to exempt disaster payments for the 1977 rice crop from the $55,000 payment limitation for that crop (passed 265–127).	No.
H.R. 7797	Foreign aid appropriations, fiscal 1978—Conference report, $6,700,000,000 (passed 229–195).	No.
H.R. 1037	A bill to guarantee U.S.-flag ships a 9.5-percent share of the country's oil imports (failed 165–257).	No.
H.R. 3744	Conference report on the minimum wage bill (passed 236–187)	No.
H.R. 9375	Amendment to the supplemental appropriations bill to add $1,400,000,000 for 5 B–1 bombers (failed 194–204)	Yes.
	Fiscal 1978 Supplemental Appropriations bill (passed 313–98)	Yes.
H.R. 5101	Conference report on the bill to authorize $253,000,000 for the Environmental Protection Agency's research and development programs for fiscal 1978 (passed 343–19).	Yes.
H.R. 9346	Amendment to delete provisions extending social security coverage to Federal, State and local government workers and employees of nonprofit organizations, to increase social security tax rate and wage base beginning in 1981, and to require a Federal study of universal coverage issues (passed 386–38).	Yes.
	Amendment to raise social security payroll tax rates more quickly, beginning in 1978, to permit more gradual increases in the taxable wage base over the next 7 yr. (failed 136–281).	No.
	Amendment to raise the ceiling on the earnings limitation by social security recipients over age 65 from $3,000 a year to $4,000 in 1978, $4,500 in 1979, $5,000 in 1980 $5,500 in 1981 and to lift the limit entirely in 1982 (passed 268–149).	Yes.
	Social Security Financing Act (passed 275–146)	No.
S. 717	Conference report on mine safety (passed 376–35)	Yes.
H.R. 1139	Conference report on the Child Nutritions Programs Act (passed 386–17).	Yes.
H.R. 7073	A bill to amend the Federal Insecticide, Fungicide and Rodenticide Act to allow conditional registration of new pesticides, establish a new formula for control of registration test data, separate classification from reregistration, permit "generic registration" and strengthen State agencies to make their own registrations (passed 368–21).	Yes.

VOTING RECORD—Continued

Bill No.	Description	My vote
S. 1339	Conference report on the ERDA authorization-military applications (passed 336–69).	Yes.
H.R. 7555	1st motion to recede from the House position prohibiting the use of Federal funds to pay for abortions except in certain cases and agree to a Senate amendment providing for a program of more liberalized payments (failed 172–193).	No.
H.R. 7	Adoption of the conference report on the bill to authorize $325,000,000 in fiscal years 1979–83 in grants to the States for career education programs in elementary and secondary schools (passed 372–20).	Yes.
H.R. 7555	2d motion to recede from the House position prohibiting the use of Federal funds to pay for abortions except in certain cases and agree to a Senate amendment providing for a program of more liberalized payments (failed 183–205).	No.
H.R. 9375	Motion to recommit the Supplemental Appropriations bill to increase Amtrak funds to $18,000,000 from $11,500,000 (adopted 256–141).	Yes.
H.R. 9346	Motion to instruct the House conferees on the bill to insist on a House provision that would phase out by 1982 the limitation on outside earnings by social security recipients aged 65 to 72 (failed 183–209).	Yes.
H. Res. 915	Adoption of the resolution to appropriate from House contingent funds $100,000 for foreign travel expenses for Members and staff of the International Relations Subcommittee on International Organizations in carrying out the investigation of charges of alleged bribery of U.S. Government officials and Members of Congress by South Korean agents (passed 366–2).	Yes.
H.R. 9375	Motion to recede and concur with the Senate amendment to rescind $426,000,000 appropriated in fiscal 1977 for the Department of Defense in production of 3 B–1 bombers (failed 166–119).	No.
H.R. 6666	Adoption of the conference report on the bill to authorize $205,000,000 in fiscal 1978 and such sums as may be necessary for fiscal 1979–80 to the Legal Services Corporation (passed 236–110).	No.
H.J. Res. 662	Motion to recede from the House position prohibiting the use of Federal funds to pay for abortions except in certain cases and agree to a Senate amendment providing for a program of more liberalized payments (failed 171–178).	No.
H.R. 3722	Adoption of the conference report on the bill to authorize $63,700,000 for the Securities and Exchange Commission for fiscal year 1978 (passed 348–2).	Yes.
H.J. Res. 662	Motion to recede from the House position prohibiting the use of Federal funds to pay for abortions except in certain cases and agree to a Senate amendment providing for a program of more liberalized payments (passed 181–167).	No.
H.R. 9346	A bill to amend the Social Security Act and the Internal Revenue Code of 1954 with respect to the financing of the social security system (passed 189–163).	No.

HOUSE OF REPRESENTATIVES—*Monday, February 20, 1978*

NOTICE

Effective Wednesday, March 1, 1978, the Laws and Rules for Publication of the **Congressional Record** will be amended to identify statements or insertions in the **Record** where **no part of them was spoken.** Unspoken material will be preceded and followed by a "bullet" symbol, i.e., ●.

Since procedures in the House and Senate differ, variations of the Laws and Rules for Publication for each body are as follows:

1. **HOUSE AND SENATE FLOOR PROCEEDINGS**

(a) When, upon unanimous consent or by motion, a prepared statement is ordered to be printed in the **Record** and **no part** of it is spoken, the entire statement will be "bulleted."

(b) If a Member verbally delivers the **first portion** of the statement (such as the first sentence or paragraph), then the entire statement will appear **without** the "bullet" symbol.

(c) Extemporaneous speeches supplemented by prepared statements **will not** be "bulleted."

2. **SENATE ONLY**

(a) **Additional Statements.** All **unspoken** prepared statements submitted for printing in the **Record will be** "bulleted"; and

(b) If the statement is **not germane** to the pending or unfinished business before the Senate, it will be printed in the **Record** under the heading of "Additional Statements";

(c) If, however, the unspoken prepared statement **is germane** to the pending or unfinished business, it will be printed in the **Record** as part of the debate on the matter being considered.

(d) **Routine Morning Business. Unspoken** prepared statements submitted with the introduction of legislation, notices of hearings, or any other "first person" statement **not spoken** will be printed in the **Record** with the "bullet" symbol and will appear in the **Record** at the appropriate place during Routine Morning Business.

3. **HOUSE ONLY**

(a) **One-Minute Speeches and Special Orders. If no portion** of such statements is spoken by the Member, the entire statement **will** be "bulleted."

(b) **Extensions of Remarks.** All statements **not spoken** by the Member will be "bulleted." If, however, a portion of a statement **is delivered verbally** by the Member, revised, but **not** received by GPO in time to appear in the **Record** for that day, it will be printed **without** the "bullet" symbol in a subsequent issue of the **Record** under "Extensions of Remarks."

By order of the Joint Committee on Printing.

FRANK THOMPSON, JR., Acting Chairman.

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
February 20, 1978.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore for today.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

Rev. Charles Mallon, St. Matthias Church, Lanham, Md., offered the following prayer:

You who dwell in the shelter of the Most High, who abide in the shadow of the Almighty, say to the Lord, "My refuge and my fortress, my God, in whom I trust."—Psalms 91: 1, 2.

Father we convene with the purpose of honoring Your servant George. It was his leadership and integrity that guided this country into formation.

We pray that You raise up men of like integrity in order that this Nation continue.

You are the Refuge, the Fortress, the Sheltering Shadow, in whom our first President trusts. In like manner accept our trust.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

GEORGE WASHINGTON'S FAREWELL ADDRESS

The SPEAKER pro tempore. Pursuant to the order of the House of Wednes-

day, February 15, 1978, the Chair recognizes the gentleman from California (Mr. LLOYD) to read George Washington's Farewell Address.

Mr. LLOYD of California read the Farewell Address as follows:

WASHINGTON'S FAREWELL ADDRESS

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, suffering and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to you interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds,

and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufacturers at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will aways be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enable to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposures to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled,

controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assauge it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of

the latter without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me fellow citizens), the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so nat-

ural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

WHY NOT LISTEN, MR. PRESIDENT?

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the current coal strike has now reached its stage of crisis. Attention is now being properly focused not only on the issues involved, but on the President's inability to handle them. The inexperience and questionable competence of this administration is contributing to the already complex problems involved.

Threats of Federal seizure of the mines follow threats of Taft-Hartley invocation.

The strategy of threat and the machinations of inexperienced administration figures simply has not worked. Now the President wants Congress to do in haste what he could not do in 80 days.

On July 19, 1977, I reminded the President that his call for labor law reform had ignored the most pressing need of the public: The establishment of machinery to settle emergency disputes. I said:

> The Congress is a political body. For it to be called upon to legislate on a specific labor dispute can never be a satisfactory procedure, and particularly when the emergency pressures are more conducive to emotion than reasoned judgment.

A week ago I cosigned a letter with our colleague Mr. SIMON, of Illinois, calling upon the President to appoint a blue ribbon panel to get these negotiations started again.

The President ignored that bipartisan advice just as he ignored the call for change in the labor law. A year ago it was fashionable to talk about the President's custom of marching to a different drummer. Now I believe all of us wish he'd get in step with the rest of us and stop trying to rely on his own perceived wisdom and his totally inexperienced staff.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SKELTON) to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. FINDLEY.
Mr. WHALEN.
Mr. ASHBROOK in three instances.
Mr. MCCLORY.

(The following Members (at the request of Mr. SKELTON) and to include extraneous matter:)

Mr. MAZZOLI.
Mr. CAVANAUGH.
Mr. YOUNG of Missouri.
Mr. HARRINGTON.
Mr. ANNUNZIO in six instances.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. BROWN of California in 10 instances.

ADJOURNMENT

Mr. SKELTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 21, 1978, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3295. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 55 of title 10, United States Code, to apply the CHAMPUS inpatient cost-sharing formulas to ambulatory surgery approved under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health, Education, and Welfare; to the Committee on Armed Services.

3296. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to increase the authorization of appropriations under the act of December 22, 1974 (88 Stat. 1712); to the Committee on Interior and Insular Affairs.

3297. A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal year 1979, and for other purposes; to the Committee on International Relations.

3298. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Galen L. Stone, and by members of his family, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

3299. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize fiscal year 1979 and 1980 appropriations for the International Communication Agency, and for other purposes; to the Committee on International Relations.

3300. A letter from the chairman, Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1979–81; to the Committee on Interstate and Foreign Commerce.

3301. A letter from the vice president for Government affairs, National Railroad Passenger Corporation, transmitting the Corporation's annual report for fiscal year 1977, pursuant to sections 308 and 805 of the Rail Passenger Service Act, as amended; to the Committee on Interstate and Foreign Commerce.

3302. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*The following report was omitted from the record of Feb. 16, 1978.*]

Mr. ZABLOCKI: Committee on International Relations. H.R. 3350. A bill to promote the orderly development of hard mineral resources in the deep seabed, pending adoption of an international regime relating thereof; with amendment (Rept. No. 95–588, Pt. III). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on Feb. 16, 1978, the following report was filed on Feb. 17, 1978*]

Mr. PERKINS: Committee on Education and Labor. House Joint Resolution 649. Joint resolution to authorize the President to call a White House Conference on the Arts; with amendment (Rept. No. 95–887). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Feb. 20, 1978*]

Mr. PERKINS: Committee on Education and Labor. H.R. 10606. A bill to authorize funds for the Hubert H. Humphrey Institute of Public Affairs; with amendment (Rept. No. 95–888). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Public Works and Transportation. H.R. 10979. A bill to provide emergency assistance for the repair of certain weather related damage to highways and urban mass transportation systems due to the winter of 1977–78; with amendments (Rept. No. 95–889). Referred to the Committee on the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ERTEL (for himself and Mr. BRADEMAS):

H.R. 11001. A bill to amend title 44, United States Code, to establish a system for the management and disposal of the official records of the President; to the Committee on House Administration.

By Mr. HARRIS (for himself and Mr. KINDNESS):

H.R. 11002. A bill to provide for the resolution of claims and disputes relating to Government contracts awarded by executive agencies; to the Committee on the Judiciary.

By Mr. HARRIS (for himself, Mr. UDALL, Mrs. SCHROEDER, Mr. DERWINSKI, Mr. LEHMAN, Mrs. SPELLMAN, Mr. NIX, and Mr. STEED):

H.R. 11003. A bill to clarify the authority for employment of personnel in the White House Office and the Executive Residence at the White House, to clarify the authority for employment of personnel by the President to meet unanticipated needs, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. QUIE:

H.R. 11004. A bill to amend the Higher Education Act of 1965 to improve the basic educational opportunity grants program; to the Committee on Education and Labor.

By Mr. VANIK:

H.R. 11005. A bill to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1979; to the Committee on Ways and Means.

By Mr. NOLAN (for himself, Mr. ALEXANDER, Mr. BUCHANAN, Ms. FENWICK, Mr. FLIPPO, Mr. FLOOD, Mr. FREY, Mr. GINN, Mr. HEFNER, Mr. HIGHTOWER, Mr. HILLIS, Mr. HUBBARD, Mr. JENKINS, Mr. JONES of North Carolina, Mr. LUNDINE, Mr. MCCLOSKEY, Mr. MCDONALD, Mr. MCKINNEY, Mr. MARRIOTT, Mr. MARTIN, Mr. MOLLOHAN, Mr. MOORHEAD of Pennsylvania, Mr. MURPHY of Illinois, Mr. MURPHY of New York, and Mr. NIX):

H.J. Res. 743. Joint resolution authorizing the President to proclaim the third week of May of 1978 and 1979 as National Architectural Barrier Awareness Week; to the Committee on Post Office and Civil Service.

By Mr. NOLAN (for himself, Mr. FOWLER, Mr. GUDGER, Mr. HOLLAND, Mr. KASTEN, Mr. MCDADE, Mr. NOWAK, Mr. PATTEN, Mr. QUILLEN, Mr. ROONEY, Mr. RUNNELS, Mr. SAWYER, Mr. SCHEUER, Mr. SEBELIUS, Mr. SIKES, Mr. SKELTON, Mr. ST GERMAIN, Mr. THOMPSON, Mr. THONE, Mr. VANDER JAGT, Mr. WALKER, Mr. WAMPLER, Mr. WHALEN, Mr. YATES, and Mr. YOUNG of Florida):

H.J. Res. 744. Joint resolution authorizing the President to proclaim the third week of May of 1978 and 1979 as National Architectural Barrier Awareness Week; to the Committee on Post Office and Civil Service.

By Mr. NOLAN (for himself, Mr. APPLEGATE, Mr. BENJAMIN, Mr. BOWEN, Mr. BROWN of Ohio, Mr. BURKE of Massachusetts, Mr. JOHN L. BURTON, Mr. COUGHLIN, Mr. CORRADA, Mr. CRANE, Mr. EDWARDS of Oklahoma, Mr. FISH, Mr. FORD of Michigan, Mr. HARKIN, Mr. KRUEGER, Mr. LEACH, Mr. LEDERER, Mr. LE FANTE, Mr. LONG of Louisiana, Mr. MOTTL, Mr. RANGEL, Mr. RISENHOOVER, Mr. ROSE, and Mr. SOLARZ):

H.J. Res. 745. Joint resolution authorizing the President to proclaim the third week of May of 1978 and 1979 as National Architectural Barrier Awareness Week; to the Committee on Post Office and Civil Service.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

REGISTRATIONS*

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

A. Airlift International, Inc., P.O. Box 522495, Miami, Fla. 33152.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Alcan Pipeline Co., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Akin, Gump, Hauer & Field, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Northwest Pipeline Corp., 315 East Second South, Salt Lake City, Utah 84111.

A. Robert D. Allen, 2845 Summit Drive, Hillsborough, Calif. 94010.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. American Arts Alliance, 424 C Street NE., Washington, D.C. 20002.

A. Gwen A. Anderson, American Sign & Indicator Corp., 1721 De Sales Street NW., Washington, D.C., 20036.
B. American Sign & Indicator Corp., 2310 Francher Way, P.O. Drawer 2727, Spokane, Wash. 99220.

A. John Archer, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Realty Committee, 2033 M Street NW., Washington, D.C. 20036.

A. Meyer L. Aron, 2901 Avenue I, Brooklyn, N.Y. 11210.

A. Association of Independent Corrugated Converters, 2530 Crawford Avenue, Evanston, Ill. 60201.

A. George J. Aste, United Airlines, 1825 K Street NW., No. 607, Washington, D.C. 20006.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.

A. John D. Austin, Jr., American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.

A. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. Richard E. Ayres, 917 15th Street NW., Washington, D.C. 20005.
B. Natural Resources Defense Council, Inc., 917 15th Street NW., Washington, D.C. 20005.

A. Baker & Daniels, 1800 M Street NW., Washington, D.C. 20036.
B. Independent Refiners Association of America, 1801 K Street NW., Washington, D.C. 20006.

A. C. A. Barker, Jr., 28 Linwood Road, Fort Walton Beach, Fla. 32548.
B. Air Line Pilots Association.

A. John H. Barnard, Jr., 803 Ironbark Place, Orinda, Calif. 94563.
B. Bechtel Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Douglas P. Bennett, 1776 F Street NW., Washington, D.C. 20006.
B. Association of Executive Recruiting Consultants, Inc., 30 Rockefeller Plaza, New York, N.Y. 10020.

A. Douglas P. Bennett, 1776 F Street NW., No. 108, Washington, D.C. 20006.
B. Eugene C. Cashman, 141 W. Jackson Boulevard, Chicago, Ill. 60604.

A. Douglas P. Bennett, 1776 F Street NW., Suite No. 108, Washington, D.C. 20006.
B. Chicago Board of Trade, LaSalle at Jackson, Chicago, Ill. 60604

A. Douglas P. Bennett, 1776 F Street NW., Suite No. 108, Washington, D.C. 20006.
B. National Restaurant Association, Suite 850, 1850 K. Street NW., Washington, D.C. 20006.

A. Harvey Marshall Berg, 7737 North Kendall Drive, Miami, Fla. 33156.

A. Kenneth W. Bergen, Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. Berman & Associates, 1776 K Street NW., Washington, D.C. 20006.
B. CNA Financial Corp., CNA Plaza, Chicago, Ill. 60685.

A. William R. Berman, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Beveridge, Fairbanks & Diamond, 1 Farragut Square South, Washington, D.C. 20006.
B. Alaska Movers Association, 10777 Main Street, Suite 205, Bellevue, Wash. 98004.

A. Beveridge, Fairbanks & Diamond, 1 Farragut Square South, Washington, D.C. 20006.
B. International Paper, Inc., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

A. Beveridge, Fairbanks & Diamond, 1 Farragut Square South, Washington, D.C. 20006.
B. Moving & Storage Association of Hawaii, P.O. Box 17865, Honolulu, Hawaii 96817.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Calista Corp., 516 Denali Street, Anchorage, Alaska 99501.

A. Robert W. Blanchette, Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. Board of Trade Clearing Corp., 141 W. Jackson Boulevard, Chicago, Ill. 60604.

A. L. Thomas Block, Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.
B. Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.

A. Jared O. Blum, Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.

A. Blum, Parker & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. Association of Independent Corrugated Converters, 2530 Crawford Avenue, Evanston, Ill. 60201.

A. Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Mt. Airy Refining Co., 1 Allen Center, Suite 1000, Houston, Tex. 77002.

A. Jay Bonitt, The Bendix Corp., 1911 North Fort Myer Drive, Arlington, Va. 22209.
B. The Bendix Corp., 1911 North Fort Myer Drive, Arlington, Va. 22209.

A. Bonneville Associates, 747 East South Temple, Suite 111, Salt Lake City, Utah 84103.
B. Vranesh & Musick, 2120 13th Street, P.O. Box 871, Boulder, Colo. 80306.

A. Mary M. Bourdette, 733 15th Street, NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.

A. Randal Bowman, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue, NW., Washington, D.C. 20036.

A. Francis J. Boyd, Jr., 3521 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., Suite 501, 3251 Old Lee Highway, Fairfax, Va. 22030.

A. John Henry Brebbia, Alston, Miller & Gaines, 1800 M Street NW., Suite 1000, Washington, D.C. 20036.
B. Board of Trade Clearing Corp., 141 West Jackson Boulevard, Chicago, Ill. 60604.

A. Miles H Bresee, Jr., 170 Altura Way, Greenbrae, Calif. 94904.
B. Bechtel Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Imperia Resources Association, P.O. Box 119, Brawley, Calif. 92227.

A. Michael E. Brunner, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.

A. Harvey F. Brush, 2006 Washington Street, Apt. 7, San Francisco, Calif. 94109.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Margaret Bryant, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Natural Service Co., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. John M. Burzio, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. Magazine Publishers Association, Inc., Magazine Center, 575 Lexington Avenue, New York, N.Y. 10022.

A. Frank W. Calhoun, 500 Gulf Building, Houston, Tex. 77002.
B. El Paso Natural Gas Co., P.O. Box 2185, Houston, Tex. 77001.

A. Jerry L. Campbell, 415 Pioneer Building, Chattanooga, Tenn. 37402.
B. Tennessee Valley Public Power Association, 415 Pioneer Building, Chattanooga, Tenn. 37402.

A. Alyce D. Canaday, Pacific Power & Light Co., 918 16th Street NW., Washington, D.C. 20006.
B. Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204.

A. Isaac R. Caraco, 4532 Park Monaco, Calabasas Park, Calif. 91302.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Joe Cargile, 727 Park Place, Escondido, Calif. 92025.
B. Communications Lobby Service, P.O. Box 3334, Van Nuys, Calif. 91407.

A. Peter Carlson, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Rita L. Castle, Caterpillar Tractor Co., 100 Northeast Adams, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.

A. Center for the Study of Congress, 505 C Street NE., Washington, D.C. 20002.

A. Chain Saw Manufacturers Association, 1015 18th Street NW., Suite 403, Washington, D.C. 20036.

A. Citizens for Government Fairness, 395 Broadway, El Centro, Calif. 92243.

A. Frank Clements, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

A. Marcia Cleveland, 122 East 42d Street, New York, N.Y. 10017.
B. Natural Resources Defense Council, Inc., 122 East 42d Street, New York, N.Y. 10017.

A. Cliffside Corp., 9033 Jackson Lane, Great Falls, Va. 22066.

A. CNA Financial Corp., CNA Plaza, Chicago, Ill. 60685.

A. Thomas B. Coates, Connecticut & Petroleum Council, 410 Asylum Street, Hartford, Conn. 06103.
B. American Petroleum Institute, 210 L Street NW., Washington, D.C. 20037.

A. Sharon West Coffey, 313 5th Street SE., Washington, D.C. 20003.
B. Ad Hoc Committee for Competitive Telecommunications, Commodore Hotel, Washington, D.C.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. Michael P. Cole, 424 Vassar Avenue, Berkeley, Calif. 94708.
B. Bechtel Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Ad Hoc 602 Committee).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washingon, D.C. 20036 (for Air Products & Chemical Co.)

A. Bruce Collins, National Cable Television Association, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.

A. Committee for Consumers No-Fault, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

A. Committee of Americans for the Canal Treaties (COACT), 444 North Capital Street, Suite 530D, Washington, D.C. 20001.

A. Committee To Save The Panama Canal, P.O. Box 2549, Reston, Va. 22090.

A. Communications Attorney Service, c/o Richard B. Cooper, P.O. Box 3334, Van Nuys, Calif. 91407.

A. Dana Contratto, Suite 700, 1800 M Street NW., Washington, D.C. 20036.
B. Associated Gas Distributors, 1800 M Street NW., Washington, D.C. 20036.

A. Clark R. Cosse III, 7043 General Haig Street, New Orleans, La. 70124.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, 70152.

A. C. Bryan Cox, P.O. Box 139, Kansas City, Mo. 64141.
B. Kansas City Life Insurance Co., P.O. Box 139, Kansas City, Mo. 64141.

A. William P. Crewe, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Sally F. Cromwell, 325 Pennsylvania Avenue SE., Washington, D.C., 20037.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Wasnington, D.C. 20003.

A. Eugene B. Dalton, 1600 South Eads Street., Apt. 1010N, Arlington, Va. 22202.
B. National League of Postmasters, 1745 Jefferson Davis Highway, Suite 501, Arlington, Va. 22202.

A. John Jay Daly, John Jay Daly Associates, Inc., 702 World Center Building, Washington, D.C. 20006.
B. Recording Industry Association of America, 1 East 57th Street, New York, N.Y. 10022.

A. Danzansky, Dickey, Tydings, Quint & Gordon, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Japan Atomic Industrial Forum, No. 1–13, 1-chome, Shimbashi, Minato-ku, Tokyo, Japan.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. American Bus Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Dawson, Riddell, Taylor, Davis & Holroyd, 723 Washington Building, Washington, D.C. 20005.
B. The Hormel Foundation, Austin, Minn. 55915.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.

A. J Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Electronic Industries Association, Consumer Electronics Group, 2001 I Street NW., Washington, D.C. 20006.

A. Deaver & Hannaford, Inc., 3030 M Street NW., Suite 403, Washington, D.C. 20036.
B. National Venture Capital Association, 2030 M Street NW., Suite 403, Washington, D.C. 20036.

A. deKieffer and Associates, 1055 Thomas Jefferson Street NW., Washington, D.C. 20003.
B. Department of Information, Private Bag X152, Republic of South Africa.

A. DeLaney & Patrick, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Cargill Inc., P.O. Box 9300, Minneapolis, Minn. 55440.

A. DeLaney & Patrick, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.

A. Department for Professional Employees, AFL–CIO, 815 16th Street NW., Washington, D.C.

A. John M. Devaney, The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.

A. DGA Interantional, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Thomson-CSF, Division Equipements Avioniques, 178, Blvd. Gabriel Peri, 92240 Malakoff, France.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.
B. Aberrant Behavior Center, 1250 Dallas Federal Savings Tower, Dallas, Tex. 74225.

A. David Dolgen, Seafarers International Union, AGLIW District, 815 16th Street NW., Suite 510, Washington, D.C. 20006.
B. Seafarers International Union, AGLIW District, 815 16th Street NW., Suite 510, Washington, D.C. 20006.

A. Harry L. Downey, Jr., the Firestone Tire & Rubber Co., 1730 K Street NW., Washington, D.C. 20006.
B. The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317.

A. Deborah Drudge, Healthy America, 919 18th Street NW., Suite 830, Washington, D.C. 20006.
B. Healthy America, 919 18th Street NW., Suite 830, Washington, D.C. 20006.

A. Dorothy A. Ellsworth, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

A. Edward Falck, Edward Falck & Co., 1625 I Street NW., Washington, D.C. 20006.
B. Delhi International Oil Corp., 2900 Fidelity Union Tower, Dallas, Tex. 75201.

A. John W. Farquhar, Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.

A. Richard H. Fay, 1150 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Peoples Drug Stores, Inc., 6315 Bren Mar Drive, Alexandria, Va. 22315 et al.

A. Benjamin R. Fern, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Paul J. Finazzo, Airlift International, Inc., P.O. Box 522495, Miami, Fla. 33152.
B. Airlift International, Inc., P.O. Box 522495, Miami, Fla. 33152.

A. Fifth Pro-Life Congressional District Action Committee, c/o John Kelley, 1120 Michigan Boulevard, Dunedin, Fla. 33528.

A. First Pro-Life Congressional District Action Committee, 6 Scarborough Road, Cumberland, R.I.

A. Ronald L. Floor, American Textile Manufacturers Institute, Inc., 1150 17th

Street NW., Suite 1001, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Suite 2124, 400 South Tryon Street, Charlotte, N.C. 28285.

A. Albert A. Fox, Jr., Suite 700, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Allied Chemical, P.O. Box 3000–R, Morristown, N.J. 07960.

A. Richard G. Fuller, National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.

A. Robert F. Furniss, 133 C Street SE., Washington, D.C. 20003; 6349 North 12th Street, Arlington, Va. 22205.
B. Public Citizen-Congress Watch, 133 C Street SE., Washington, D.C. 20003.

A. Norman V Germany, 1611 North Kent Street, Arlington, Va. 22209.
B. American Footwear Industries Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.

A. Carl Goldfield, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

A. Jack Golodner, 815 16th Street NW., Washington, D.C. 20006.
B. Department for Professional Employees, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

A. Robert F. Goodwin, Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.
B. Meredith Corp., 1850 K Street NW., Suite 275, Washington, D.C. 20006.

A. Ruth P. Graves, RIF, Inc., L'Enfant 2500, Smithsonian Institution, Washington, D.C. 20560.
B. Reading Is Fundamental, L'Enfant 2500, Smithsonian Institution, Washington, D.C. 20560.

A. Edward M. Green, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Saunders Gregg, Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.
B. Entex Inc., P.O. Box 2628, Houston, Tex. 77001.

A. Robert J. Grimm, 9 West 57th Street, New York, N.Y. 10019
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. Chester A. Groseclose, Jr., South Dakota Railroads Association, P.O. Box 489, Aberdeen, S. Dak. 57401.
B. South Dakota Railroads Association, P.O. Box 489, Aberdeen, S. Dak. 57401.

A. Richard J. Haas, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., Suite 501, 3251 Old Lee Highway, Fairfax, Va. 22030.

A. Harriett Perkins Hackney, The Business Roundtable, 1801 K Street NW., Washington, D.C.
B. The Business Roundtable, offices located at 405 Lexington Avenue, New York, N.Y. 10017; 1801 K Street NW., Washington, D.C. 20006.

A. Thomas F. Hairston, Union Oil Co. of California, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Union Oil Co. of California, 461 South Boylston Street, Los Angeles, Calif. 90017.

A. Richard Halberstein, 625 North Carolina Avenue SE., Washington, D.C. 20003.
B. Center For the Study of Congress, 505 C Street NE., Washington, D.C. 20002.

A. John L. Harmer, 10880 Wilshire Boulevard, Suite 1800, Los Angeles, Calif. 90024.

A. Rutherford C. Harris Petroleum Council of Georgia, Suite 1500, 230 Peachtree Street NW., Atlanta, Ga. 30303.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Healthy America, 919 18th Street NW., Suite 830, Washington, D.C. 20006.

A. Edward D. Heffernan, 1125 15th Street NW., Washington, D.C.
B. Cast Iron Pipe Research Association, 1125 15th Street NW., Washington, D.C.

A. Edward D. Heffernan, 1125 15th Street NW., Washington, D.C.
B. Citizen's for the Management of Alaska Lands, Anchorage, Alaska.

A. Steven B. Hellem, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., Suite 501, 3251 Old Lee Highway, Fairfax, Va. 22030.

A. Quizella T. Henderson, Q Enterprises, 4638 Livingston Road SE., Number 304, Washington, D.C. 20032.

A. Peter E. Holmes, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., Easton Turnpike, Fairfield, Conn., 06431.

A. Phillip G. Hough, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., Suite 501, 3251 Old Lee Highway, Fairfax, Va. 22030.

A. David Emery Hughes, Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04112.
B. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04112.

A. John Edward Hurley, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.
B. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.

A. E. A. Jaenke & Associates, 1735 I Street NW., Washington, D.C. 20006.
B. Cenex (Farmers Union Central Exchange, Inc.), Box "G", St. Paul, Minn. 55165.

A. E. A. Jaenke & Associates, 1735 I Street NW., Suite 610, Washington, D.C. 20006.
B. Land O'Lakes, Inc., 614 McKinley Place, Minneapolis, Minn. 55413.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. Jeffrey H. Joseph, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.

A. Robert C. Keeney, 1019 19th Street NW., Washington, D.C. 20036.
B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.

A. Irvin M. Kipnes, Kipnes & Associates, 6615 Malta Lane, McLean, Va. 22101.
B. John L. Harmer, 10880 Wilshire Boulevard, Los Angeles, Calif. 90024.

A. John R. Kirk, Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.
B. The First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.

A. John G. Knott, Burlington Northern Inc., Burlington Northern Station, Casper, Wyo. 82601.
B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

A. Walter R. Kurth, National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
B. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.

A. Theodore A. Lattanzio, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Leighton & Conklin, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Centex Corp., 4600 Republic National Bank Tower, Dallas, Tex. 75201.

A. Leighton & Conklin, 2033 M Street NW., Suite 800, Washington, D.C. 20036.
B. Radiation Waste Management Group, care of Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

A. Lynette B. Lenard, Suite 700 South, 1800 M Street NW., Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. State of Oregon, Department of Transportation, Transportation Building, Salem, Oreg. 97310.

A. James T. Lloyd, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. Continental Air Lines, Inc., Los Angeles International Airport, Los Angeles, Calif. 90009.

A. Lucas, Friedman & Mann, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. Coushatta Tribe of Louisiana, care of Ernest Sickey, Elton, La. 70532.

A. Lucas, Friedman & Mann, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. McNamara Construction of Manitoba, Ltd., 255 Consumers Road, Willowdale, Ontario, Canada.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. National Product Liability Council, Box 11111, Cincinnati, Ohio 45211.

A. Kevin D. MacAfee, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. Douglas E. MacArthur, P.O. Box 10162, St. Louis, Mo. 63145.
B. Zantop International Airlines, Willow Run Airport, Ypsilanti, Mich. 48197.

A. W. Thomas H. MacNew, P.O. Box 16858, Philadelphia, Pa. 19142.
B. Boeing Vertol Co. (Division of the Boeing Co.), P.O. Box 16858, Philadelphia, Pa. 19142.

A. Charles T. Marck, 1800 M Street NW., Suite 700 South, Washington, D.C. 20036.
B. The Dow Chemical Co., Midland, Mich. 48640.

A. Martin, Whitfield, Thaler & Bebchick, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Alaska International Air, Inc., P.O. Box 60029, Fairbanks International Airport, Fairbanks, Alaska 99701.

A. Alfred R. McCauley, 1629 K Street NW., Washington, D.C. 20006.
B. Lonza Inc., 22–10 Route 208, Fair Lawn, N.J. 07410.

A. Phyllis McClure, 806 15th Street NW., No. 940, Washington, D.C. 20006.
B. NAACP Legal Defense and Educational Fund, Inc., 806 15th Street NW., No. 940, Washington, D.C. 20006.

A. Linda A. McCorkle, Blum, Parker & Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. Independent Gasoline Marketers Council, 1015 18th Street NW., Washington, D.C. 20036.

A. William T. McCormick, Jr., American Gas Association, 1515 Wilson Boulevard, Arlington Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

A. Bruce A. McCrodden, Suite 650, 1050 17th Street NW., Washington, D.C.
B. The Standard Oil Co. (Ohio) Midland Building, Cleveland, Ohio 44115.

A. Raymond A. McGill, National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
B. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.

A. Mrs. Robert S. McNamara, RIF, Inc., L'Enfant 2500, Smithsonian Institution, Washington, D.C. 20560.
B. Reading Is Fundamental, Inc., L'Enfant 2500, Smithsonian Institution, Washington, D.C. 20560.

A. Ronald E. McWilliams, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20006.
B. Holly Corp., 3327–2001 Bryan Tower, Dallas, Tex. 75201.

A. Harold E. Mesirow, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. Stencel Aero Engineering Corp., P.O. Box 5836, Ashville, N.C. 28803.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.

A. Jon Minarik, Public Service Research Council, 8320 Old Courthouse Road, Suite 430, Vienna, Va. 22180.
B. Public Service Research Council, 8320 Old Courthouse Road, Suite 430, Vienna, Va. 22180.

A. John M. Mooney, Suite 2200, 2 Embarcadero Center, San Francisco, Calif. 94111.
B. Bechtel Corp., 50 Beale Street, San Francisco, Calif. 94105.

A. Clarence W. Moore, 407 Lincoln Road, Miami Beach, Fla.; Barr Building, 910, 912 17th Street NW., Washington, D.C. 20006.
B. National Barrel and Drum Association, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

A. L. Calvin Moore, Oil, Chemical & Atomic Workers International Union, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.

A. Moss, Frink & Franklin, 600 New Hampshire Avenue NW., Suite 480, Washington, D.C. 20037.
B. Steering Council for Alaska Lands, 1016 West Sixth Avenue, Suite B, Anchorage, Alaska 99501.

A. Moss, Frink & Franklin, 600 New Hampshire Avenue NW., Suite 480, Washington, D.C. 20037.
B. Thiokol Corp., P.O. Box 1000, Newton, Pa. 18940.

A. Moss, Frank & Franklin, 600 New Hampshire Avenue, NW., Suite 480, Washington, D.C. 20037.
B. Utah Power & Light Co., 1407 West North Temple Street, Salt Lake City, Utah 84101.

A. John P. Mulligan, Foundation, 1101 17th Street NW., Washington, D.C. 20036.
B. Tuna Research Foundation, 1101 17th Street NW., Washington, D.C. 20036.

A. Janet E. Munroe, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.

A. James J. Murphy, 1156 15th Street NW., Washington, D.C. 20005.
B. Laclede Gas Co., 720 Olive Street, St. Louis, Mo. 63101.

A. Gerald P. Nagy, National Home Furnishings Association, 1025 Vermont Avenue NW., Washington, D.C. 20005.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.

A. Bernard Nash, 1015 18th Street NW., Washington, D.C. 20036.
B. Association of Independent Corrugated Converters, 2530 Crawford Avenue, Evanston, Ill. 60201.

A. Bernard Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Zenith Radio Corp., 1000 Milwaukee Avenue, Glenview, Ill. 60025.

A. Raymond Nathan, 5025 Garfield Street NW., Washington, D.C. 20016.
B. American Ethical Union, 2 West 64th Street, New York, N.Y. 10023.

A. National Association of Corporate Directors, 1100 17th Street NW., Suite 1000, Washington, D.C. 20036.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. American Paratransit Institute, Inc., 1747 Pennsylvania Avenue, Suite 1000, Washington, D.C. 20006.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Trailways, Inc., 1500 Jackson Street, Dallas, Tex. 75201.

A. National Product Liability Council, P.O. Box 11111, Cincinnati, Ohio 45211.

A. The National Small Business Index, RR No. 1, Aitkin, Minn. 56431.

A. National Swimming Pool Institute, 2000 K Street NW., Washington, D.C. 20006.

A. Nicholson & Carter, 21 Dupont Circle NW., Washington, D.C. 20036.
B. American Chamber of Commerce in Italy, Inc., Suite 200, 21 Dupont Circle NW., Washington, D.C. 20036.

A. Nicholson & Carter, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Association of American Chambers of Commerce, Europe and Mediterranean, Inc., Suite 200, 21 Dupont Circle NW., Washington, D.C. 20036.

A. H. Christopher Nolde, National Soft Drink Association, 1101 16th Street NW., Washington D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. N.OS..I. ("Not One Square Inch"), 4082 Howard Avenue, Los Alamitos, Calif. 90720.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Association of General Merchandise Chains, 1625 I Street NW., Suite 1022, Washington, D.C. 20006.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Committee on Hospital Capital Expenditures, New York, N.Y.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Retail and Merchants Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Ashton J. O'Donnell, 89 Fair Oaks Lane, Atherton, Calif. 94025.
B. Bechtel Inc., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Patrick E. O'Donnell, J. C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

A. James G. O'Hara, 1200 17th Street NW., No. 700, Washington, D.C.
B. American Federation of Teachers, 11 Dupont Circle NW., Washington, D.C. 20036.

A. Olwine, Connelly, Chase, O'Donnell & Weyher, 299 Park Avenue, New York, N.Y. 10017.
B. U.S. Industries, Inc., 250 Park Avenue, New York, N.Y. 10017.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Clearfield Bituminous Coal Corp., P.O. Box 670/801 Water Street, Indiana, Pa. 15701.

A. John F. O'Neal, Law Offices of John F. O'Neal, 600 New Hampshire Avenue NW., Suite 952, Washington, D.C. 20037.

B. Commodity Exchange, Inc., 4 World Trade Center SE., Plaza Building, New York, N.Y. 10048.

A. Outdoor Power Equipment Institute, Inc., 1725 K Street NW., Suite 903, Washington, D.C. 20006.

A. Pacific Northwest Utilities Conference Committee, 327 North Wenatchee Avenue, Wenatchee, Wash. 98801.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Ad Hoc Committee of Zonal Electric Heating Manufacturers, 150 Avenue L, Newark, N.J. 07101.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Association of General Merchandise Chains, 1625 I Street NW., Washington, D.C. 20006.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Committee Concerned With the Safe Banking Act, 5500 Veterans Memorial Boulevard, Metairie, La. 70003.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Federal Pacific Electric Co., 150 Avenue L, Newark, N.J. 07101.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. National Retail Merchants Association, 1000 Connecticut Avenue NW., Room 700, Washington, D.C. 20036.

A. Wilhelm Pickens, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Richard A. Plata, The Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.
B. The Brooklyn Union Gas Co., 195 Montague Street, Brooklyn, N.Y. 11201.

A. Joan Porte, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Consumer Action Now, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. A. Frank Portmann III, 105 South Meridian Street, Indianapolis, Ind. 46225.
B. AMAX Coal Co., 105 South Meridian Street, Indianapolis, Ind. 46225.

A. Reading Is Fundamental, Inc., L'Enfant 2500, Smithsonian Institution, Washington, D.C. 20560.

A. Lipman Redman, Melrod, Redman & Gartlan, 1801 K Street NW., Suite 1100K, Washington, D.C. 20006.
B. Airlift International, Inc., P.O. Box 522495, Miami, Fla. 33152.

A. Harry O. Reinsch, 1310 Jones Street, Apt. 902, San Francisco, Calif. 94109.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. Sheffield C. Richey, Jr., 7901 Westpark Drive, McLean, Va. 22101.
B. National Machine Tool Builders' Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Nancy, J. Risque, Suite 650, 1050 17th Street NW., Washington, D.C. 20036.

B. The Standard Oil Co. (an Ohio corporation), Midland Building, Cleveland, Ohio 44115.

A. Bruce N. Rogers, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.

A. Kevin Michael Rooney, Long Island Lighting Co., 250 Old Country Road, Mineola, N.Y. 11501.
B. Long Island Lighting Co., 250 Old Country Road, Mineola, N.Y. 11501.

A. Seymour N. Ross, 1704 Stonebridge Road, Alexandria, Va. 22304.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for: Thomson-CSF, 178 Boulevard Gabriel, Peri, 92240 Melakoff, France).

A. Thomas T. Scambos, 3304 Idaho Avenue NW., Washington, D.C. 20016.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 for Thomson-CSF, 178, Blvd. Gabriel, Péri, 92240 Malakoff, France.

A. Michael M. Schoor, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

A. 2nd Pro-Life Congressional District Action Committee, 10 Manning Drive, Narrangansett, R.I. 02882.

A. Seven Months Session for Congress, 7201 Wood Hollow Drive, No. 337, Austin, Tex. 78731.

A. Rebecca D. Shapiro & Associates, 101 Second Street NE., Washington, D.C. 20002.
B. Makah Tribal Council, P.O. Box 115, Neah Bay, Wash.

A. Rebecca D. Shapiro & Associates, 101 Second Street NE., Washington, D.C. 20002.
B. Yakima Tribal Council, P.O. Box 632, Toppenish, Wash. 98948.

A. Richard N. Sharood, 919 19th Street NW., Washington, D.C. 20006.
B. Kennecott Copper Corp., 161 East 42d Street, New York, N.Y. 10017.

A. Norman R. Sherlock, American Bus Association, 1025 Connecticut Avenue NW., No. 308, Washington, D.C. 20036.
B. American Bus Association, 1025 Connecticut Avenue NW., No. 308, Washington, D.C. 20036.

A. T. Randolph Shingler, Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, Inc., 1730 North Lynn Street, Arlington, Va. 22209.

A. Silverstein and Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Champion International Corp., 1 Landmark Square, Stamford, Conn., 06921.

A. Richard L. Sinnott & Co., 888 17th Street NW., Washington, D.C. 20006.
B. Citizens for Management of Alaska Lands, P.O. Box 3256 DT, Anchorage, Alaska 99510.

A. Richard L. Sinnott & Co., 888 17th Street N.W., Washington, D.C. 20006.
B. Port of Oakland, Oakland, Calif.

A. James Lawrence Smith, Airlift International, Inc., 1001 Connecticut Avenue NW., No. 1001, Washington, D.C. 20036.
B. Airlift International Inc., P.O. Box 522495, Miami, Fla. 33152.

A. Robert Wm. Smith, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Seminole Indian Tribe of Florida, 6073 Stirling Road, Hollywood, Fla. 33024.

A. Sonosky, Chambers & Sachse, 2030 M Street NW., Washington, D.C. 20036.
B. Crow Creek Sioux Tribe, Fort Thompson, S. Dak. 57339, et al.

A. Earl C. Spurrier, 1101 17th Street NW., Suite No. 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

A. Charles D. Statton, 11517 Cushman Road, Rockville, Md. 20852.
B. Bechtel Power Corp., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.

A. George Stockton, 1957 E St. N.W., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E St. N.W., Washington, D.C. 20006.

A. Sullivan & Worcester, 1025 Connecticut Ave. N.W., Washington, D.C. 20036.
B. Deutsche Bank AG, Grosse Gallus-Strasse 10–14, 6 Frankfurt (Main), West Germany.

A. Sullivan & Worcester, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Carnegie Corp. of New York, 437 Madison Avenue, New York, N.Y. 10022.

A. Swift & Swift, 1100 17th Street NW., No. 710, Washington, D.C. 20036.
B. IU International, 1500 Walnut Street, Philadelphia, Pa. 19102.

A. 39th Congressional District Action Committee, RD 2, Allegany, N.Y. 14706.

A. Marvin I. Thompson, Box 123, Knoxville, Tenn. 37901 Peachwood Rd., Knoxville, Tenn. 37921

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Allison Technical Services, 1520 Arizona Avenue, Santa Monica, Calif. 90404.

A. Tom Tobin, 422 Main Street, Winner, S. Dak.

A. Harris Corp., William R. Tolley, Jr., 2600 Virginia Avenue NW., 8th Floor, Washington, D.C. 20037.
B. Harris Corp., 55 Public Square, Cleveland, Ohio, 44113.

A. Tuna Research Foundation, 1101 17th Street NW., Washington, D.C. 20036.

A. 23d Pro-Life Congressional District Action Committee, 230 Lee Avenue, Yonkers, N.Y. 10705.

A. Joseph Uehlein, Industrial Union Department, AFL–CIO; 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 816 16th Street NW., Washingtin, D.C. 20006.

A. Union Mutual Life Insurance Co., 2211 Congress Street, Portland, Maine 04112.

A. Lynn Kay Utzinger, Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.

B. Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.

B. American Bakers Association 2020 K Street NW., Washington, D.C. 20006.

A. C. John Vermilye, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.

B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

A. Verner, Liipfert, Bernhard & McPherson, 1660 L Street NW., Washington, D.C. 20036.

B. Texas International Airlines P.O. Box 12788, Houston, Tex. 77017.

A. Larry R. Veselka, Vinson & Elkins, 1701 Pennsylvania Avenue NW.

B. Vinson & Elkins, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006 for Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.

A. Joseph S. Wager, Sellers, Conner & Cuneo, 1625 K Street NW., Washington, D.C. 20006.

B. Zantop International Airlines, Willow Run Airport, Yipsilanti, Mich. 48197.

A. Gregg Ward, 220 North St. Asaph Street, Alexandria, Va. 22314.

B. Sheet Metal & Air Conditioning Contractors' National Association (SMACNA), 8224 Old Courthouse Road, Vienna, Va. 22180.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Sporting Goods Association, 717 North Michigan, Chicago, Ill. 60611.

A. Donald W. Whitehead, Suite 816, 1620 I Street NW., Washington, D.C. 20006.

B. Alternative Wastewater Management Association, Suite 800, 1620 I Street NW., Washington, D.C. 20006.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.

B. State of Hawaii, Department of Regulatory Agencies, P.O. Box 541, Honolulu, Hawaii.

A. James R. Winnie, Cities Service Gas Co., P.O. Box 25128, Oklahoma City, Okla. 73125.

B. Cities Service Gas Co., P.O. Box 25128, Oklahoma City, Okla. 73125.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., Suite 1040, Washington, D.C. 20006.

B. Building Owners and Managers Association International, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

A. M. Alan Woods, 517 Oronocco Street, Alexandria, Va. 22314.

B. DGA International, Inc., 1225 Nineteenth Street NW., Washington, D.C. 20036 (for Thomson-CSF 178, Blvd. Gabriel Péri 92240 Malakoff, France).

A. W. Robert Worley, 1080 Mason Woods Drive NE., Atlanta, Ga. 30329.

B. Georgia Power Co., 270 Peachtree Street NW., Atlanta, Ga. 30302.

A. Barry W. Zander, 6113 Amhurst Street, Metairie, La. 70003.

B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Quileute Indian Tribe, P.O. Box 279, LaPush, Wash. 98350.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1977:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_____

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $_____Dues and assessments
2. $_____Gifts of money or anything of value
3. $_____Printed or duplicated matter received as a gift
4. $_____Receipts from sale of printed or duplicated matter
5. $_____Received for services (e.g., salary, fee, etc.)

6. $_____TOTAL for this Quarter (Add items "1" through "5")
7. $_____Received during previous Quarters of calendar year

8. $_____TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $_____TOTAL now owed to others on account of loans
10. $_____Borrowed from others during this Quarter
11. $_____Repaid to others during this Quarter

12. $_____"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more (from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": _____

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	("Period" from Jan. 1 through _____, 19____)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $_____Public relations and advertising services
2. $_____Wages, salaries, fees, commissions (other than item "1")
3. $_____Gifts or contributions made during Quarter
4. $_____Printed or duplicated matter, including distribution cost
5. $_____Office overhead (rent, supplies, utilities, etc.)
6. $_____Telephone and telegraph
7. $_____Travel, food, lodging, and entertainment
8. $_____All other expenditures

9. $_____TOTAL for this Quarter (Add "1" through "8")
10. $_____Expended during previous Quarters of calendar year

11. $_____TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $_____TOTAL now owed to person filing
13. $_____Lent to others during this Quarter
14. $_____Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.000 per month.
$4,150.00	TOTAL

A. Action for Legal Rights, 2100 M Street NW., Washington, D.C.
D. (6) $5,200.82. E. (9) $6,342.20.

A. Bruce Adams, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $5,849.97.

A. Thomas L. Adams, Jr., 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $24,425.90. E. (9) $24,425.90.

A. Donald G. Agger, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc (for Aerospatiale, 37 Boulevard de Montmorency, 75016 Paris, France), 1225 19th Street NW., Washington, D.C. 20036.

A. W. Eugene Ainsworth, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $562.16. E. (9) $17.45.

A. Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.
E. (9) $80.25.

A. Aircraft Owners & Pilots Association, P.O. Box 5800, Washington, D.C. 20014.
E. (9) $3,878.65.

A. Randolf H. Aires, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck and Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $900. E. (9) $72.12.

A. Airlift International, Inc., P.O. Box 522495, Miami, Fla. 33152.
D. (6) $57,000. E. (99 $2,744.80.

A. G. Colburn Aker, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.
D. (6) $1,000.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Alcan Pipeline Co., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $15,000.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. American Collectors Association, Inc., 4040 West 70th Street, Minneapolis, Minn. 55435.
D. (6) $500.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. American Polygraphs Association, 3701 West Alabama, Suite 330, Houston, Tex. 77027.
D. (6) $2,697.32.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77046.
D. (6) $1,800.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. E. & J. Gallo Winery, P.O. Box 1130, Modesto, Calif. 95353.
D. (6) $3,200.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Haskins & Sells, 1114 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $1,200.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Northwest Pipeline Corp., 315 East Second South, Salt Lake City, Utah 84111.
D. (6) $1,000.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Sanchez/O'Brien Petroleum Corp. & National Association of Independent Gas Producers, P.O. Box 1337, Laredo, Tex. 78040.
D. (6) $2,500. E. (9) $452.27.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Sun Co., Inc., 1608 Walnut Street, Philadelphia, Pa. 19103.
D. (6) $8,000.

A. Akin, Gump, Hauer & Feld, 1100 Madison Office Building, 1155 15th Street NW., Washington, D.C. 20005.
B. Vickers Petroleum Corp., P.O. Box 2240, Wichita, Kans. 67201.
D. (6) $4,000.

A. Alcalde, Henderson, O'Bannon & Kline, 1911 North Fort Myer Drive, No. 1207, Arlington, Va. 22209.
B. Association of Local Transport Airlines, 1801 K Street NW., Suite 803, Washington, D.C. 20006.
D. (6) $1,000.

A. Alcalde, Henderson, O'Bannon & Kline, 1911 North Fort Myer Drive, No. 1207, Rosslyn, Va. 22209.
B. Computer Sciences Corp., 1616 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $3,000.

A. Alcalde, Henderson, O'Bannon & Kline, 1911 North Fort Myer Drive, No. 1207, Rosslyn, Va. 22209.
B. Tampa Electric Co., P.O. Box 111, Tampa, Fla. 33601.
D. (6) $1,500.

A. Alcalde, Henderson, O'Bannon & Kline, 1911 North Fort Myer Drive, No. 1207, Arlington, Va. 22209.
B. Tampa Port Authority, P.O. Box 2192, Tampa, Fla. 33601.
D. (6) $3,600.

A. Alcalde, Henderson, O'Bannon & Kline, 1911 North Fort Myer Drive, No. 1207, Rosslyn, Va. 22209.
B. Jim Walter Corp., P.O. Box 22601, Tampa, Fla. 33622.
D. (6) $3,000.

A. Alderson, Catherwood, Ondov & Leonard, 105 East Oakland Avenue, Austin, Minn. 55912.
B. The Hormel Foundation, Austin, Minn. 55912.

A. G. Kenneth Aldrich, National Association of Manufacturers, 222 South Prospect Avenue, Park Ridge, Ill. 60068.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $225.

A. Willis W. Alexander, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,875. E. (9) $3,736.49.

A. Roger D. Allan, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Maxton M. Allcox, 400 First Street NW., Room 801, Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $5,625.

A. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
E. (9) $14,191.

A. Ricardo R. Alvarado, 6108 Fort Hunt Road, Alexandria, Va. 22307.
B. Lockheed Corp., P.O. Box 551, Burbank, Calif. 91520.
D. (6) $2,100. E. (9) $1,061.90.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Amalgamated Transit Union, National Capital Local Division 689, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.

A. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
D. (6) $1,055.25. E. (9) $1,055.25.

A. American Association of Meat Processors, 224 East High Street, Elizabethtown, Pa. 17022.
D. (6) $510.83.

A. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $33,006.06. E. (9) $33,006.06.

A. American Cancer Society, 777 Third Avenue, New York, N.Y. 10017.
E. (9) $14,962.92.

A. American Council for Capital Formation, 1425 K Street NW., Suite 1000, Washington, D.C. 20005.
D. (6) $7,745. E. (9) $1,184.05.

A. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
E. (9) $395.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $8,501.77. E. (9) $8,501.77.

A. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068; 425 13th Street NW., Washington, D.C. 20004.
D. (6) $51,823. E. (9) $51,823.

A. American Federation of Labor and Congress of Industrial Organization, 815 16th Street NW., Washington, D.C. 20006.
E. (9) $107,276.01.

A. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $86,171.81. E. (9) $550.

A. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $10,303.96. E. (9) $10,303.96.

A. American Honey Producers Association, P.O. Box 368, Minco, Okla. 73059.
D. (6) $3,550. E. (9) $4,302.73.

A. American Hotel and Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $8,175.62. E. (9) $4,674.77.

A. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.
E. (9) $1,800.

A. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
E. (9) $2,638.45.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.
D. (6) $47,475. E. (9) $47,475.

A. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
E. (9) $3,860.

A. American League for International Security Assistance, Inc., Suite 4400, 475 L'Enfant Plaza, SW., Washington, D.C. 20024.
D. (6) $5,855.61. E. (9) $5,855.61.

A. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,923.75. E. (9) $34,310.64.

A. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $4,025.47. E. (9) $19,206.30.

A. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $6,103.74. E. (9) $6,103.74.

A. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.
D. (6) $1,030.29. E. (9) $1,030.29.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.
E. (9) $193.45.

A. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $38,357. E. (9) $141,636.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.
D. (6) $7,684.43. E. (9) $7,684.43.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
E. (9) $11,785.79.

A. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $2,446,394.15. E. (9) $166,347.29.

A. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $4,435.34. E. (9) $5,558.12.

A. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. American Surveys, Embassy Square, Suite 901, 2000 N Street NW., Washington, D.C. 20036.
B. National Custom's Brokers & Forwarders Association of America, Inc., One World Trade Center, Suite 1109, New York, N.Y. 10048.
D. (6) $244.69. E. (9) $256.49.

A. American Textile Manufacturers Institute, Inc., Wachovia Center, 400 South Tryon Street, Charlotte, N.C. 28285.
D. (6) $35,159.48. E. (9) $35,159.48.

A. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.
E. (9) $30.

A. Anthony L. Anderson, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $5,500. E. (9) $1,350.

A. M. Kent Anderson, The Trane Co., 2020 14th Street, North Arlington, Va. 22201.
B. The Trane Co., 3600 Pammel Creek Road, La Crosse, Wis. 54601.
D. (6) $350. E. (9) $82.50.

A. Anderson, Pendleton, McMahon, Peet & Donovan, 1000 16th Street NW., Suite 701, Washington, D.C. 20036.
B. Embassy of Chile, 1732 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $37.38.

A. Robert L. Anderson, Deere and Co., John Deere Co., John Deere Road, Moline, Ill. 61265.
B. Deere and Co., John Deere Road, Moline, Ill. 61265.

A. Scott G. Anderson, Burlington Northern, Inc., Suite 506, 2000 L Street NW., Washington, D.C. 20036.
B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $1,750. E. (9) $894.35.

A. Wm. C. Anderson, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $15.

A. Emmet Andrews, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $7,332.10.

A. Scott P. Anger, 1025 Connecticut Avenue NW., Suite 1206, Washington, D.C. 20036.
B. ENSERCH Corp., 301 South Harwood, Dallas, Tex. 75201.
D. (6) $200. E. (9) $239.08.

A. C. Stephen Angle, Marathon Oil Co., 1800 M Street NW., Suite 975, Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $224.89.

A. J. Donald Annett, 1050 17th Street NW., No. 500, Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $250.

A. APA Co., 400 First Street NW., Washington, D.C. 20001.
B. University of Health Sciences, the Chicago Medical School, 2020 West Ogden Avenue, Chicago, Ill. 60612.
D. (6) $750.

A. Clarence A. Arata, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.
B. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $3,750.

A. John Archer, American Automobile Association, 8111 Gatehouse Road, Falls Church Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Fred Armstrong, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Howard Arnett, Pacific Power and Light Co., 918 16th Street NW., Washington, D.C. 20006.
B. Pacific Power and Light Co., 918 16th Street NW., Washington, D.C. 20006.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Maritz, Inc., 1355 North Highway Drive, Fenton, Mo. 63026.
E. (9) $1,200.

A. Joseph Ashooh, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Associated Employers, Inc., 6009 Rittiman Plaza, San Antonio, Tex. 78218.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C.

A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $300.

A. Association for the Advancement of Invention & Innovation, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $150. E. (9) $1,957.

A. Association for the Improvement of the Mississippi River, care of Ramsay D. Potts-Shaw, Pittman et al., 1800 M Street NW., Washington, D.C. 20036.
E. (9) $902.

A. Association of American Publishers, 1707 L Street NW., Suite 480, Washington, D.C. 20036.
D. (6) $4,758.72 E. (9) $4,758.72.

A. Association of American Railroads, American Railroads Building (211), 1920 L Street NW., Washington, D.C. 20036.
D. (6) $18,949.43. E. (9) $18,949.43.

A. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.
E. (9) $10.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
D. (6) $4,000. E. (9) $4,800.

A. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $3,920. E. (9) $3,920.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.
E. $500.

A. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
E. $5,354.05.

A. Automotive Parts Rebuilders Association, 6849 Old Dominion Drive, McLean, Va. 22101.
D. (6) $2,250. E. (9) $2,250.

A. John S. Autry, Johns-Manville Corp., 1025 Connecticut Avenue NW., Suite 214, Washington, D.C. 20036.

B. Johns-Manville, Corp., P.O. Box 5108, Denver, Colo 80217.
D. (6) $500. E. (9) $700.

A. John D. Austin, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.
E. (9) $382.91.

A. David G. Axtmann, 5700 Baltimore Drive, No. 48, La Mesa, Calif. 92041.
B. San Diego Committee for a Human Life Amendment, Inc., 623 Aldwych Road, Fletcher Hills, Calif. 92020.
D. (6) $2,400. E. (9) $375.

A. Walter C. Ayers, Virginia Petroleum Industries, 1809 Staples Mill Road, Richmond, Va. 23230.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Craig H. Baab, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $600. E. (9) $100.

A. Donald L. Badders, TRW Credit Data, 5565 Sterrett Place, Suite 527, Columbia, Md. 21044.
B. TRW Information Services Division, 100 Oceangate, Suite 800, Long Beach, Calif. 90801.

A. Baer, Marks & Upham, 70 Pine Street, New York, N.Y. 10005.
B. Commodity Exchange, Inc., 4 World Trade Center, New York, N.Y. 10048.

A. George F. Bailey, Jr., P.O. Box 21, Montgomery, Ala. 36101.
B. Alabama Railroad Association, P.O. Box 21, Montgomery, Ala. 36101.

A. William W. Bailey, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $3,000. E. (9) $74.66.

A. David L. Baird, Jr., 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $296.57.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Houston Lighting & Power Co., P.O. Box 1700, Houston, Tex. 77001.
E. (9) $4.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77002.

A. Baker & Daniels, 1800 M Street NW., Washington, D.C. 20036.
B. Independent Refiners Association of America, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $1,300. E. (9) $101.51.

A. Thomas F. Baker, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C.

A. Michael Baly III, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulvard, Arlington, Va. 22209.
D. (6) $2,800. E. (9) $192.72.

A. Wayne B. Bardsley, Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Thomas H. Barksdale, Jr., 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $3,780. E. (9) $867.50.

A. Sydney S. Baron & Company, Inc., 540 Madison Avenue, New York, N.Y. 10022.
E. (9) $6,000.

A. Richard L. Barr, Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa 50309.
B. Iowa Railway Association, 620 Capital City Bank Building, Des Moines, Iowa 50309.

A. Robert W. Barrie, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $4,000. E. (9) $750.

A. David S. Barrows, 214 Century Building, Portland, Oreg. 97205.
B. Association of Oregon and California Land Grant Counties, Douglas County Court House, Roseburg, Oreg. 97470.
D. (6) $1,200.

A. Roger V. Barth, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association for Clinical Chemistry, Inc., 1725 K Street NW., Washington, D.C. 20006.

A. Robert E. Bates, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125.

A. William M. Bates, William M. Bates/Public Relations, Inc., 814 Carnegie Building, Atlanta, Ga. 30303.
B. Georgia Farm Bureau Federation, 814 Carnegie Building, Atanta, Ga. 30303.

A. Laurie C. Battle, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,325.

A. John F. Battles Massachusetts Petroleum Council-A Division of American Petroleum Institute, 11 Beacon Street, Boston, Mass. 02108.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Batzell, Nunn & Bode, 1523 L Street NW., Washington, D.C. 20005.
B. Independent Terminal Operators Association, 1523 L Street NW., Washington, D.C. 20005.
D. (6) $1,376.50.

A. Batzell, Nunn & Bode, 1523 L Street NW., Washington, D.C. 20005.
B. Joc Oil, Inc., Olympic Tower, 645 Fifth Avenue, New York, N.Y. 10022.
D. (6) $2,336.25.

A. Batzell, Nunn & Bode, 1523 L Street NW., Washington, D.C. 20005.
B. Martin Oil Service, et al., P.O. Box 298, Blue Island, Ill. 60406.
D. (6) $2,000.

A. Batzell, Nunn & Bode, 1523 L Street NW., Washington, D.C. 20005.
B. Mt. Airy Refining Co., International Energy Building, 256 North Belt East, Suite 150, Houston, Tex. 77060.
D. (6) $3,640.

A. Gary Lee Bauer, Direct Mail/Marketing Association, Inc.. 1730 K Street NW., Suite 905, Washington, D.C. 20006.
B. DMMA. 1730 K Street, NW.. Suite 905. Washington, D.C. 20006.
D. (6) $2,625. E. (9) $175.

A. John N. Bauman, 312 Barr Bldg., 910 17th Street NW., Washington, D.C.
B. White Consolidated Industries, Inc., 11770 Berea Road, Cleveland, Ohio 44111.
D. (6) $5,000. E. (9) $840.99.

A. Bruce A. Beam, 40 Franklin Road SW., Roanoke, Va. 24011.
B. Appalachian Power Co., 40 Franklin Road SW., Roanoke, Va. 24011.
D. (6) $666.80. E. (9) $1,105.23.

A. John E. Bearer, 1001 Broad Street, Johnstown, Pa. 15907.
B. GPU Service Corp., 260 Cherry Hill Road, Parsippany, N.J. 07054.
D. (6) $2,153.29. E. (9) $2,617.84.

A. Donald S. Beattie Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
B. Railway Labor Executives Association, 400 First Street NW., Washington, D.C. 20001.
D. (6) $2,355.76.

A. Christine T. Beatty, 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $2,410. E. (9) $110.23.

A. Alexander B. Bell, 9618 Cottrell Terrace, Silver Spring, Md. 20903.
B. United Association of Journeymen and Apprentices of the Plumbing & Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $3,750. E. (9) $136.

A. C. Thomas Bendorf, 1620 I Street, NW., Washington, D.C. 20006.
B. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.
D. (6) $3,000. E. (9) $100.

A. Bruce Benefield, TRW Inc., 2030 M Street NW., No. 800, Washington, D.C. 20036.
B. TRW Inc., Suite 800, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Kenneth U. Benjamin, Jr., 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,887.50. E. (9) $650.

A. Douglas P. Bennett, 1776 F Street NW., Washington. D.C. 20006.
B. Eugene C. Cashman, 141 West Jackson Boulevard, Chicago, Ill. 60604.
E. (9) $19.85.

A. Kathleen M. Bennett, Crown Zellerbach, 1660 L Street NW., Suite 915, Washington, D.C. 20036.
B. Crown Zellerbach, 1 Bush Street, San Francisco, Calif. 94119.
E. (9) $250.

A. William C. Bennett, Jr., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $1,080. E. (9) $113.

A. Benrus Corp., Benrus Center, Ridgefield, Conn. 06877.
E. (9) $3,500.

A. Kenneth W. Bergen; Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
E. (9) $263.75.

A. Gene S. Bergoffen, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Berman and Associates, 1776 K Street NW., Suite 701, Washington, D.C. 20006.
B. CNA iFnancial Corp., CNA Plaza, Chicago, Ill. 60685.

A. Berman and Associates, 1776 K Street NW., Suite 701, Washington, D.C. 20006.
B. Dutcher Industries, 7617 Convoy Court, San Diego, Calif. 92111.
D. (6) $2,000.

A. Berman and Associates, 1776 K Street NW., Suite 701, Washington, D.C. 20006.
B. Loews Corp., 666 Fifth Avenue, New York, N.Y. 10019.
D. (6) $3,000.

A. Berman and Associates, 1776 K Street NW., Suite 701, Washington, D.C. 20006.
B. Rentar Industries, 160 Central Park South, New York, N.Y. 10019.
D. (6) $7,000.

A. Berman and Associates, 1776 K Street NW., Suite 701, Washington, D.C. 20006.
B. Sydney S. Baron & Co., Inc., 540 Madison Avenue, New York, N.Y. 10022.
D. (6) $6,000.

A. Berman & Associates, 1776 K Street NW., Washington, D.C. 20006.
B. Warner Communications, Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.
D. (6) $6,000.

A. William R. Berman, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Arthur S. Berner, Inexco Oil Co., Suite 1900, 1100 Milam Building, Houston, Tex. 77002.
B. Inexco Oil Co., 1100 Milam Building, Suite 1900, Houston, Tex. 77002.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Centre National Interprofessionnel de l'Economie Laitere, 10 Avenue de Messine, 7508 Paris, France.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,200.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Energy Consumers & Producers Association, Petroleum Plaza, Box 1726, Seminole, Okla. 74868.
D. (6) $2,400. E. (9) $24.41.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW, Washington, D.C. 20006.
B. National Pest Control Association, 8150 Leesburg Pike, Vienna, Va.
D. (6) $2,550. E. (9) $76.05.

A. Berry, Epstein, Sandstrom & Blatchford, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Orkin Exterminating Co., Inc., 2170 Piedmont Road NE., Atlanta, Ga. 30324.

A. Robert A. Best, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. American League for International Security Assistance, Inc. (ALISA), 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
D. (6) $1,500. E. (9) $400 07.

A. Robert A. Best, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. TADCO Enterprises, Inc., 1625 I Street NW., Washington, D.C. 20006; and Archer-Daniels-Midland Co., Decatur, Ill. 62525.
D. (6) $600. E. (9) $49.34.

A. Robert L. Bevan, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $525. E.(9) $80.

A. Beveridge, Fairbanks and Diamond, 1 Farragut Square South, Washington, D.C. 20006.
B. BlueRay Systems, 375 North Broadway, Jericho, N.Y. 11753.

A. Beveridge, Fairbanks and Diamond, 1 Farragut Square South, Washington, D.C. 20006.
B. International Paper, Inc., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $750. E. (9) $14.30.

A. Beveridge, Fairbanks and Diamond, 1 Farragut Square South, Washington, D.C. 20006.
B. New England Power Co., 20 Turnpike Road, Westborough, Mass. 01581.

A. Beveridge, Fairbanks and Diamond, 1 Farragut Square South, Washington, D.C. 20006.
B. The Society of Plastics Industry, Inc., 1150 17th Street NW., Suite 1000, Washington, D.C. 20036.

A. Beveridge, Fairbanks & Diamond, 1 Farragut Square South, Washington, D.C. 20006.
B. SoGen Swiss International Corp., 20 Broad Street, New York, N.Y. 10005.
D. (6) $850. E. (9) $6.

A. Beveridge, Fairbanks & Diamond, 1 Farragut Square South, Washington, D.C. 20006.
B. Union Seas, Care of the Corporation Trust, Inc., 25 South Charles Street, Baltimore, Md. 21201.
D. (6) $500. E. (9) $25.

A. Robert C. Beverly, 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $21.04. E. (9) $6.

A. Andrew J. Biemiller, AFL–CIO, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $12,194. E. (9) $224.40.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Thomas E. Biery, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $26.75.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Calista Corp., 516 Denali Street, Anchorage, Alaska 99501.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street, Suite 300, Washington, D.C. 20015.
B. Coastal States Gas Corp., 5 Greenway Plaza East, Houston, Tex. 77046.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Columbia Gas System Service Corp., 20 Montchanin Road, Wilmington, Del. 19807.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. General Teamsters Local 959, State of Alaska, 1200 Airport Heights Road, Anchorage, Alaska 99504.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Steering Council for Alaska Lands, Suite D, Nerland Building, Fairbanks, Alaska 99707.

A. Birch, Horton, Bittner & Monroe, 4400 Jenifer Street NW., Suite 300, Washington, D.C. 20015.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20008.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Occidental Life Insurance Co., 12th and Hill, Los Angeles, Calif. 90054.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Paul Revere Corp., Worcester, Mass. 01608.

A. John L. Birkinbine, Jr., 222 South Prospect Avenue, Suite 130, Park Ridge, Ill. 60068.
B. National Association of Manufacturers, 1776 F Street N.W., Washington, D.C. 20006.
D. (6) $225.

A. C. Thomason Bishop III, National Association of Manufacturers, 1719 Route 10, Parsippany, N.J. 07054.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. Robert B. Bizal, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $242.75. E. (9) $3.83.

A. Neal R. Bjornson, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $2,000. E. (9) $3.66.

A. Tom G. Black, 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C.

A. Brent Blackwelder, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,394.

A. Donna C. Blair, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $140. E. (9) $32.05.

A. Richard W. Blake, 1776 K Street NW., No. 900, Washington, D.C. 20006.
B. American Sugarbeet Growers Association, 1776 K Street NW., No. 900, Washington, D.C. 20006.

A. Kenneth T. Blaylock, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $16,769.90. E. (9) $2,138.18.

A. Richard W. Bliss, National Association of Electric Companies, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Companies, 1140 Connecticut Avenue, Suite 1010, Washington, D.C. 20036.
D. (6) $1,125. E. (9) $161.

A. Jerald Blizin, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C.
B. Hill and Knowlton, Inc., 633 3d Avenue, New York, N.Y. 10017.

A. L. Thomas Block, Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.
B. Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.
D. (6) $400. E. (9) $400.

A. Mark Bloomfield, American Council for Capital Formation, 1425 K Street NW., Washington, D.C. 20005.
B. American Council for Capital Formation, 1425 K Street NW., Suite 1000, Washington, D.C. 20005.
D. (6) $325.

A. Mark Andrew Bloomfield, 2475 Virginia Avenue NW., No. 108, Washington, D.C. 20037.
B. WEMA, 2600 El Camino Real, Palo Alto, Calif. 94306.
D. (6) $3,000.

A. Jack A. Blum, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Independent Gasoline Marketers Council, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
E. (9) $13.

A. Blum, Parker & Nash, 1015 18th Street N.W., Suite 408, Washington, D.C. 20036.
B. Computer & Communications Industry Association, 1500 Wilson Boulevard, Suite 512, Arlington, Va. 22209.
D. (6) $100. E. (9) $16.44.

A. Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Mt. Airy Refining Co., 1 Allen Center, Suite 1000, Houston, Tex. 77002.
D. (6) $10,087.50. E. (9) $212.67.

A. Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110.
D. (6) $1,325. E. (9) $38.50.

A. Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Zenith Radio Corp., 1000 Milwaukee Avenue, Glenview, Ill. 60025.
D. (6) $2,375. E. (9) $16.82.

A. Wayne F. Boan, National Association of Manufacturers, 8320 Gulf Freeway, Suite 243, Houston, Tex. 77017.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,300.

A. Theodore D. Bogue, 2000 P Street NW., Suite 708, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.
D. (6) $200.

A. Patricia M. Boinski, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $40. E. (9) $24.

A. Robert J. Bolger, 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.
B. National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.
D. (6) $1,650.

A. A. Dewey Bond, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 (1600 Wilson Blvd., Arlington, Va.).
D. (6) $500.

A. L. H. Bonin, Jr., 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa. 15230.
D. (6) $2,400. E. (9) $350.

A. Jay Bonitt, 1911 North Fort Myer Drive, Arlington, Va. 22209.
B. The Bendix Corp., 1911 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $750. E. (9) $45.

A. Sharon Lee Bonitt, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, 1 Shell Plaza, Houston, Tex. 77001.
D. (6) $500.

A. Edward T. Borda, 1625 I Street NW., Washington, D.C. 20006.
B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $1,040.

A. G. Stewart Boswell, American Textile Manufacturers Institute, Inc., Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Suite 2124, South Tryon Street, Charlotte, N.C. 28285.
D. (6) $4,083.33. E. (9) $118.54.

A. Charles G. Botsford, 1730 M Street NW., Suite 609, Washington, D.C. 20036.

A. Frank J. Bowden, Jr., care of Associated Petroleum Industries of Pennsylvania, P.O. Box 925, Harrisburg, Pa. 17108.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. David W. Bowers, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $1,000.

A. J. Wiley Bowers, 415 Pioneer Building, Chattanooga, Tenn. 37402.
B. Tennessee Valley Public Power Association, 415 Pioneer Building, Chattanooga, Tenn. 37402.

A. Robert R. Bowers, West Virginia Petroleum Council, Suite 714, Atlas Building, Charleston, W. Va. 25301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $272. E. (9) $230.

A. Edward L. Bowley, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $10,551. E. (9) $5,553.38.

A. John G. Boyd, 1801 K Street NW., Washington, D.C. 20006.
B. International Business Machines Corp., Old Orchard Road, Armonk, N.Y. 10504.
D. (6) $262.40. E. (9) $54.86.

A. Melvin J. Boyle, International Brotherhood of Electrical Workers, 1125 15th Street NW., Washington, D.C. 20005.
B. International Brotherhood of Electrical Workers, AFL–CIO–CLC, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $6,000.

A. Robert E. Bradford, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $2,000.

A. Frank W. Bradley, Chevron U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., Subsidiary of Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.
E. (9) $100.

A. Gene M. Bradley, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $480. E. (9) $530.

A. Wayne W. Bradley, 535 North Dearborn Street, Chicago, Ill. 60610.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $500. E. (9) $250.

A. Charles N. Brady, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Joseph Brady, 5018 Summer Moon Lane, Phoenix, Ariz. 85044.
B. National Coordinating Committee of the Beverage Industry, 5018 Summer Moon Lane, Phoenix, Ariz. 85044.

A. Charles G. Bragg, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $736.16. E. (9) $108.06.

A. David C. Branand, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $29.45. E. (9) $2.75.

A. Jerome J. Breiter, 1800 K Street NW., Washington, D.C. 20006.

B. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $450. E. (9) $44.

A. Edward J. Brenner, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.
B. Association for the Advancement of Invention and Innovation, Suite 301, 1911 Jefferson Davis Highway, Arlington, Va. 22202.

A. Jeffrey Bricker, 460 Park Avenue, 7th floor, New York, N.Y., 10022.
B. Fallek Chemical Corp., 460 Park Avenue, New York, N.Y. 10022.
D. (6) $150. E. (9) $186.29.

A. Cyril F. Brickfield, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $2,000. E. (9) $14.

A. Claude S. Brinegar, 461 South Boylston Street, Los Angeles, Calif.
B. Union Oil Company of California, 461 South Boylston Street, Los Angeles, Calif. 90017.
D. (6) $1,875.

A. Wally Briscoe, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,031.25.

A. David A. Brody, Anti-Defamation League of B'nai B'rith, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y. 10016.
D. (6) $475.

A. Michael D. Bromberg, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
B. Federation of American Hospitals, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
D. (6) $4,500.

A. Phillip W. Brooks, Volunteer State Oil Committee, Division of API, 19th Floor, Third National Bank Building, Nashville, Tenn. 37219.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $25. E. (9) $81.71.

A. Donald G. Brotzman, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue, Washington, D.C. 20006.
D. (6) $8,000. E. (9) $147.15.

A. Charles B. Brown, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $810. E. (9) $163.20.

A. David S. J. Brown, 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $450. E. (9) $569.27.

A. Dennis E. Brown, 2 Militia Drive, Lexington, Mass. 02713.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $225.

A. Donald K. Brown, 1127 11th Street, Suite 618, Sacramento, Calif. 95814.
B. Hughes Air Corp., 3125 Clearview Way, San Mateo, Calif. 94403.

A. Donald K. Brown, 1127 11th Street, Suite 618, Sacramento, Calif. 95814.
B. Summa Corp., P.O. Box 14000, Las Vegas, Nev. 89156.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md.
B. Centar Associates, 369 Passaic Avenue, Fairfield, N.J. 07006.
D. (6) $500. E. (9) $190.

A. Howard C. Brown, Jr., 9618 Carriage Road, Kensington, Md.
B. National Association of Life Sciences, 9200 Leesburg Turnpike, Vienna, Va. 22180.
D. (6) $200.

A. J. D. Brown, American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $200.

A. Karen H. Brown, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Michael F. Brown, 919 18th Street NW., Washington, D.C. 20006.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $200.

A. Nancy Brown, 5942 Joel Lane, La Mesa, Calif. 92041.
B. San Diego Committee For a Human Life Amendment, Inc., 623 Aldwych Road, Fletcher Hills, Calif. 92020.
D. (6) $3,672. E. (9) $417.78.

A. Travis T. Brown, 2525 49th Street NW., Washington, D.C.

A. William E. Brown, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $310. E. (9) $126.50.

A. Stanley R. Browne, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
D. (6) $650. E. (9) $14.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. California Savings and Loan League, 9800 South Sepulveda Boulevard, Los Angeles, Calif. 90045.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. C.A.U.S.I.T.A. (Committee for the Abolition of U.S. Individual Income Taxes Abroad), George E. Fischer Associates, 2152 duPont Drive, Irvine, Calif. 92715.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Fluor Corp., Suite 1209, L'Enfant Plaza SW., Washington, D.C. 20024.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Foodservice Manufacturers Association, 875 North Michigan Avenue, Chicago, Ill. 60611.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Franchise Association, 7315 Wisconsin Avenue, Bethesda, Md. 20014.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Morgan Equipment Co., P.O. Box 7802, San Francisco, Calif. 94120.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. Mortgage Guaranty Insurance Corp., MGIC Plaza, Milwaukee, Wis. 53201.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Restaurant Association, Suite 2600, One IBM Plaza, Chicago, Ill. 60611.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Suite 900, Washington, D.C. 20036.
B. New York State Urban Development Corp., 1345 Avenue of the Americas, New York, N.Y. 10019.

A. Brownstein, Zeidman, Schomer & Chase, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Southern California Gas Co., 810 South Flower Street, Los Angeles, Calif. 90017.

A. John R. Bruch, P.O. Box 5000, Cleveland, Ohio 44101.
B. The Cleveland Electric Illuminating Co., P.O. Box 5000, Cleveland, Ohio 44101.
D. (6) $1,065. E. (9) $1,215.61.

A. Jacqueline Brunell, American Nurses' Association, 1030 15th Street NW., Washington, D.C. 20005.
B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $2,132. E. (9) $55.24.

A. Fred J. Bruner, Indiana & Michigan Electric Co., 2101 Spy Run Avenue, Fort Wayne, Ind. 46801.
B. Indiana & Michigan Electric Co., 2101 Spy Run Avenue, Fort Wayne, Ind. 46801.
D. (6) $1,817.92. E. (9) $2,391.09.

A. Paul A. Brunkow, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,300.

A. Michael E. Brunner, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007 (1600 Wilson Boulevard, Arington, Va.).
D. (6) $3,000. E. (9) $23.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. J. Charles Bruse, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Insurance Companies, Allstate Plaza, Northbrook, Ill. 60062.

A. Marguerite E. Bryan, Joint Maritime Congress, 444 North Capitol Street NW., Washington, D.C. 20001.
B. Joint Maritime Congress, 444 North Capitol Street NW., Washington, D.C. 20001.

A. Margaret H. Bryant, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Natural Service Co., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $850. E. (9) $33.90.

A. Philip N. Buckminster, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich. 48288.
D. (6) $2,000. E. (9) $580.65.

A. Robert D. Buehler, 1800 K Street NW., Suite 929, Washington, D.C. 20006.
B. B. F. Goodrich Co., Akron, Ohio 44318.
D. (6) $400.

A. Norman D. Burch, 1775 K Street NW., Washington, D.C. 20005.
B. National Constructors Association, 1101 15th Street NW., Suite 1000, Washington, D.C. 20005.

A. Norman D. Burch, 1775 K. Street NW., Washington, D.C. 20006.
B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60076.
D. (6) $3,375. E. (9) $215.69.

A. David G. Burden, 200 East Randolph Drive, Chicago, Ill. 60601.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

A. George J. Burger, Jr., National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 150 West 20th Avenue, San Mateo, Calif. 94403.
D. (6) $1,000. E. (9) $700.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.
B. The Montana Power Co., Butte, Mont. 59701.
E. (9) $91.46.

A. Thomas G. Burke, 1625 I Street NW., Washington, D.C. 20006.
B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $570.

A. Burley & Dark Leaf Tobacco Export Association, 1100 17th Street NW., Washington, D.C.
D. (6) $43,896.45. E. (9) $797.05.

A. Phillip C. Burnett, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $1,125. E. (9) $36.86.

A. George Burnham IV, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $124. E. (9) $92.

A. Charles S. Burns, Phelps Dodge Corp., 1620 I Street, NW., Washington, D.C. 20006.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $1,200. E. (9) $786.90.

A. Gerrie Bjornson Burns, 1800 K Street NW., Suite 929, Washington, D.C. 20006.
B. B.F. Goodrich Co., Akron, Ohio 44318.
D. (6) $100.

A. David Burpee, Fordhook Farms, Doylestown, Pa. 18901.

A. Burwell, Hansen & Manley, 1819 H Street NW., Suite 700, Washington, D.C. 20006.
B. Trans International Airlines, Inc., P.O. Box 2504, Airport Station, Oakland, Calif. 94614.
D. (6) $1,041.25. E. (9) $31.

A. Business Executives Move for New National Priorities, 901 North Howard Street, Baltimore, Md. 21201.
D. (6) $3,010. E. (9) $1,077.14.

A. James J. Butera, 1709 New York Avenue NW., Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $2,250. E. (9) $117.05.

A. Butler, Binion, Rice, Cook & Knapp, 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. Inexco Oil Co., 1100 Milam Building, Houston, Tex. 77002.
D. (6) $1,966.25. E. (9) $1.60.

A. John W. Byrnes, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006 (for American Family Mutual Insurance Co.).

A. John W. Byrnes, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006 (for Cabot Corp.).

A. John W. Byrnes, Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006. (for Insurance Association of Connecticut).

A. Cable, McDaniel, Bowie & Bond, 900 Blaustein Building, Baltimore, Md. 21201.
B. Crown Central Petroleum Corp., 1 North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.

A. Alan Caldwell, 1825 K Street NW., Washington, D.C. 20006.
B. Del Monte Corp., 1 Market Plaza, San Francisco, Calif. 94119.
D. (6) $1,000. E. (9) $50.

A. F. Patricia Callahan, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $150.

A. Peter E. Callanan, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Honeywell, Inc., Honeywell Plaza, Minneapolis, Minn. 55408.
D. (6) $600. E. (9) $200.

A. Gordon L. Calvert, Box 34–531, Washington, D.C. 20034.
B. Commercial Collection Agency Section, Commercial Law League of America, 222 West Adams Street, Chicago, Ill. 60606.
D. (6) $1,000. E. (9) $45.63.

A. Victoria R. Calvert, 919, 18th Street NW., Washington, D.C. 20006.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $50.

A. Donald L. Calvin, New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005.
B. New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005.

A. Arthur E. Cameron, 918 16th Street NW., Suite 406, Washington, D.C. 20006.
B. LFE Corp., 1601 Trapelo Road, Waltham, Mass. 02154; Eagle Signal Corporation, 8004 Cameron Road, Austin, Tex. 78753; Safetran Systems Corp., 7721 National Turnpike, Louisville, Ky. 40214.
D. (6) $4,500.

A. Arthur E. Cameron, 918 16th Street NW., Suite 406, Washington, D.C. 20006.
B. Prismo Universal Corp., 300 Lanidex Plaza, Parsippany, N.J. 07054 et al.
D. (6) $5,499.

A. C. R. Campbell, Jr., Suite 900, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. General Telephone & Electronics Corp., 1 Stamford Forum, Stamford, Conn. 06904.
D. (6) $500. E. (9) $250.

A. Carl C. Campbell, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $296.92.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
E. (9) $306.50.

A. Alyce D. Canaday, Pacific Power & Light Co., 918 16th Street NW., Washington, D.C. 20006.
B. Pacific Power & Light Co., Public Service Building, Portland, Oreg. 97204.
D. (6) $400. E. (9) $226.49.

A. David Caney, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $5,025. E. (9) $1,140.

A. W. Dean Cannon, Jr., 9800 South Sepulveda Boulevard, Suite 500, Los Angeles, Calif. 90045.
B. California Savings & Loan League, 9800 South Sepulveda Boulevard, Los Angeles, Calif. 90045.
D. (6) $2,000.

A. David L. Cantor, 1140 Connecticut Avenue, NW., Room 1010, Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Room 1010, Washington, D.C. 20036.
D. (6) $453. E. (9) $65.

A. Marvin H. Caplan, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $5,180. E. (9) $119.60.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. Council on Foundations, Inc., 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $3,749.49. E. (9) $53.37.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C 20036.
B. Salomon Bros., 1 New York Plaza, New York, N.Y. 10004.
E. (9) $170.92.

A. Ronald A. Capone, Kirlin, Campbell & Keating, 1150 Connecticut Avenue NW., No. 800, Washington, D.C. 20036.
B. Council of European & Japanese National Shipowners' Association, 30/32 St. Mary Axe, London, EC3A 8ET, England.
D. (6) $7,000. E. (9) $483.52.

A. Norval E. Carey, 2021 K. Street NW., Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif. 92138.
D. (6) $1,000. E. (9) $375.

A. Charles R. Carlisle, 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $9.360. E. (9) $86.65.

A. Chapin Carpenter, Jr., Magazine Publishers Association, Inc., 1629 K Stret NW., No. 603, Washington, D.C. 20006.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $1,500. E. (9) $873.17.

A. Jack M. Carpenter, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $19.23. E. (9) $2.55.

A. L. C. Carpenter, Midcontinent Farmers Association, 201 South Seventh Street, Columbia, Mo. 65201.
B. Midcontinent Farmers Association, 201 South Seventh Street, Columbia, Mo. 65201.
D. (6) $5,299.32. E. (9) $548.90.

A. Charles T. Carroll, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
D. (6) $8,000.

A. Charles S. Carter, 1140 Connecticut Avenue, NW., Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $360. E. (9) $87.

A. Joseph L. Carter, Jr., Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $301. E. (9) $103.45.

A. James P. Carty, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $350.

A. Ann M. Case, Phelps Dodge Corp., 1620 I Street NW., Washington, D.C. 20006.
B. Phelps Dodge Corp., 300 Park Avenue, New York, N.Y. 10022.
D. (6) $300.

A. John L. Casey, 345 Park Avenue, New York, N.Y. 10022.
B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.

A. John S. Casey, 207 Duke Drive, Heflin, Ala. 36264.
B. Alabama Railroad Association, Montgomery, Ala. 36101.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 802, Washington, D.C. 20006.
B. Columbia Gas Transmission Corp., 20 Montchanin Road, Wilmington, Del. 19807.
D. (6) $55.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue, Suite 802, Washington, D.C. 20006.
B. Independent Gas Producers Committee, 2601 Northwest Expressway, Oklahoma City, Okla. 73112.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 802, Washington, D.C. 20006.
B. Kansas Delaware Tribe of Indians, Inc., 1909 Aladdin, Norman, Okla. 73609.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 802, Washington, D.C. 20006.
B. Slurry Transport Association, Legislative Committee, 490 L'Enfant Plaza East, Suite 320, Washington, D.C. 20024.
D. (6) $536.25. E. (9) $23.70.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Suite 802, Washington, D.C. 20006.
B. Texas Oil & Gas Corp., 2700 Union Fidelity Tower, Dallas, Tex 75201.
E. (9) $75.70.

A. James B. Cash, Jr., American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $108.70.

A. Allen R. Caskie, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. John J. Castellani, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $307.50. E. (9) $19.85.

A. Philip T. Cavanaugh, Chevron U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., a subsidiary of Standard Oil Co. of California, 1700 K Street, NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $180.

A. Frank R. Cawley, Agricultural Publishers Association, Inc., P.O. Box 2351, Falls Church, Va. 22042.
B. Agricultural Publishers Association, Inc., P.O. Box 2351, Falls Church, Va. 22042.
D. (6) $100. E. (9) $59.81.

A. Dorothy D. Cecelski, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,562.50. E. (9) $269.30.

A. Charles E. Chace, c/o Nebraska Petroleum Council, 334 South 13th Street, P.O. Box 95063, Lincoln, Nebr. 68509.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Chain Saw Manufacturers Association, 1015 18th Street NW., Suite 403, Washington, D.C. 20036.
D. (6) $200. E. (9) $200.

A. Jerry L. Chambers, 2322 Casswell Drive, Bethel Park, Pa. 15102.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Steven Champlin, 8 St. Ronon's Terrace, New Haven, Conn. 06511.
B. National Association of Concerned Veterans, room 314, 1900 L Street NW., Washington, D.C. 20036; Association of Northeast Veterans, 84 Fifth Avenue, room 1105, New York, N.Y. 10011.
D. (6) $124.09. E. (9) $8.50.

A. J. W. Chandler, York Division, Borg-Warner Corp., 1101 17th Street NW., Washington, D.C. 20036.
B York Division, Borg-Warner Corp., South Richland Avenue, York, Pa. 17405.
E. (9) $26.60.

A. William C. Chapman, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $3,774.32.

A. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $78.04. E. (9) $78.04.

A. Howard P. Chester, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. Stone, Glass, and Clay Coordinating Committee, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $6,870. E. (9) $600.73.

A. Children's Rights, Inc., 3443 17th Street NW., Washington, 20010.
D. (6) $59.20. E. (9) $105.23.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 (for Domestic Wildcatters Association, 900 First City National Bank Building, Houston, Tex. 77002).
E. (9) $367.34.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 for Lone Star Steel Co., P.O. Box 35888, Dallas, Tex. 75235.
E. (9) $227.13.

A. John E. Chapoton, 2100 First City National Bank Building, Houston, Tex. 77002.
B. Vinson & Elkins, 2100 First City National Bank Building, Houston, Tex. 77002 for Petroleum Equipment Suppliers Association, 1703 First City National Bank Building, Houston, Tex. 77002.
E. (9) $286.09.

A. Phillip R. Chisholm, National Oil Jobbers Council, 1707 H Street NW., Washington, D.C. 20006.
B. National Oil Jobbers Council, 1707 H Street NW., 11th Floor, Washington, D.C. 20006.
D. (6) $5,000. E. (9) $264.43.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.
B. American Dental Association, 1101 17th Street NW., Washington D.C. 20036.
D. (6) $3,000.

A. James M. Christian, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
D. (6) $38.

A. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.
E. (9) $10,987.69.

A. James Ciarroccki, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.
B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $866.25. E. (9) $164.11.

A. Cigar Association of America, Inc., 1120 19th Street NW., Washington, D.C. 20036.

A. Citizens Committee for the Right to Keep and Bear Arms, 1601 114th Street S.E., No. 151, Bellevue, Wash. 98004.
D. (6) $203,220.70. E. (9) $141,946.49.

A. Citizens for Government Fairness, 395 Broadway, El Centro, Calif. 92243; P.O. Box 1336, Brawley, Calif. 92227.
D. (6) $169,675.47. E. (9) $157,419.77.

A. Claudouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Ashland Oil, Inc., 1401 Winchester Avenue, Ashland, Ky. 41101.

A. Claudouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Crown Central Petroleum Corp., 1 North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.

A. Claudouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., 2055 West 190th Street, Torrance, Calif. 90504.

A. Bob Clark & Associates, Suite 1908, 400 Madison Street, Alexandria, Va. 22314.
B. Ryder System, Inc., P.O. Box 520816, Miami, Fla.
D. (6) $1,500. E. (9) $115.

A. Carlton S. Clark, Baltimore Gas & Electric Co., 1100 Gas & Electric Building, P.O. Box 1475, Baltimore, Md. 21203.
B. Baltimore Gas & Electric Co., Gas & Electric Building, P.O. Box 1475, Baltimore, Md. 21203.
D. (6) $81.47. E. (9) $13.80.

A. Earl W. Clark, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue, Washington, D.C. 20001.
D. (6) $2,025. E. (9) $12.27.

A. James W. Clark, Jr., American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.
D. (6) $421.20. E. (9) $638.11.

A. Kimball Clark, Association of American Railroads, 40 Ivy Street S.E., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street, Washington, D.C. 20036.
D. (6) $71.04. E. (9) $43.50.

A. Richard Clark, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $2,750.01. E. (9) $217.80.

A. Thomas R. Clark, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $114.50.

A. Vernon A. Clark, 1660 L Street NW., Suite 215–216, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, Inc., 1660 L Street NW., Suite 215–216, Washington, D.C. 20036.
D. (6) $550. E. (9) $260.03.

A. Donald M. Clarke, Manufacturing Chemists Association, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Manufacturing Chemists Association, 1825 Connecticut Avenue NW., Wahington, D.C. 20009.
D. (6) $900. E. (9) $450.

A. Wade P. Clarke, Jr., Deere & Co., John Deere Road, Moline, Ill. 61265.
B. Deere & Co., John Deere Road, Moline, Ill. 61265.

A. Kathleen Ann Clarken, National Federation of Independent Business, 490 L'Enfant Plaza East, SW., Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East, SW., Suite 3206, Washington, D.C. 20024.
D. (6) $400.

A. Clay Pipe Industry Depletion Committee, P.O. Box 6, Pittsburg, Kans. 66762.

A. Jacob Clayman, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $1,365.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Scarsdale, N.Y. 10533.
E. (9) $61.70.

A. Walter S. Clement, P.O. Box 23652, L'Enfant Plaza Station, Washington, D.C. 20024.
B. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.
D. (6) $170.

A. Earle C. Clements, 1776 K Street NW., Suite 1200, Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Suite 1200, Washington, D.C. 20006.
D. (6) $80. E. (9) $80.

A. Ronald D. Clements, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Co., 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $238. E. (9) $40.

A. Clifford, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004.
D. (6) $750. E. (9) $258.85.

A. Clifford, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Avco Corp., 750 Third Avenue, New York, N.Y. 10017.

A. Clifford, Glass, McIlwain & Finney, 815 Connecticut Avenue, Washington, D.C. 20006.
B. Joint Corporate Committee on Cuban Claims, c/o Lone Star Industries, Inc., P.O. Box 5050, Greenwich, Conn. 06830.
D. (6) $900. E. (9) $270.

A. Clifford, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. New York Cocoa Exchange, Inc., and New York Cocoa Clearing Association, Inc., 127 John Street, New York, N.Y.; New York Coffee & Sugar Exchange, Inc., 79 Pine Street, New York, N.Y.; Commodity Exchange, Inc., 81 Broad Street, New York, N.Y.
D. (6) $3,550. E. (9) $1,187.16.

A. Clifford, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Warner-Lambert Co., 201 Tabor Road, Morris Plains, N.J. 07950.

A. Charles M. Clusen, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $6,500. E. (9) $68.

A. CNA Financial Corp., CNA Plaza, Chicago, Ill. 60685.

A. Coalition of Automotive Associations, 1825 K Street NW., Suite 1103, Washington, D.C. 20006.

A. Thomas B. Coates, Connecticut Petroleum Council, 410 Asylum, Hartford, Conn. 06103.
B. American Petroleum Institute, 2101 L Street N.W., Washington, D.C. 20037.

A. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
E. (9) $2,615.73.

A. John J. Coffey, Suite 638, 2101 L Street NW., Washington, D.C. 20037.
B. Western Oil & Gas Association, 609 South Grand Avenue, Suite 910, Los Angeles, Calif. 90017.
D. (6) $825.

A. Sharon West Coffey, 313 5th Street SE., Washington, D.C. 20003.
B. Ad Hoc Committee for Competitive Telecommunications, Commodore Hotel, Washington, D.C.
D. (6) $4,000.

A. David Cohen, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $10,500. E. (9) $693.22.

A. Thomas Cohen, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,600.

A. Marcus Cohn, Cohn and Marks, 1920 L Street NW., Washington, D.C. 20036.
B. Wometco Enterprises, Inc., P.O. Box 2440, Miami, Fla. 33128.
D. (6) $500.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.
E. (9) $42.34.

A. Cole Corette & Bradfield, 1200 17th Street NW., Washington, D.C. 20036.
B. The Chase Manhattan Bank, N.A., 1200 17th Street NW., Washington, D.C. 20036.
D. (6) $6,931.85. E. (9) $147.32.

A. Eleanor Cole, UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
B. UBA, Inc., 1800 M Street NW., 460 South Washington, D.C. 20036.
D. (6) $1,000. E. (9) $1,000.

A. R. Michael Cole, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $7,000.02. E. (9) $90.80.

A. Robert E. Cole, 1660 L Street NW., Washington, D.C.

B. General Motors Corp., 1660 L Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $1,683.14.

A. Stacey W. Cole, New Hampshire Petroleum Council, 23 School Street, Concord, N.H. 03301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Crown Central Petroleum Corp., 1 North Charles Street, Baltimore, Md. 21203.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Cardio Pulmonary Contractors Association, 1200 17th Street NW., Washington, D.C. 20036.
D. (6) $6,000.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. College of American Pathologists, 7400 North Skokie Boulevard, Skokie, Ill. 60076.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. National Pharmaceutical Alliance, P.O. Box 13547, St. Petersburg, Fla. 33733.
D. (6) $7,500.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for American Guild of Authors & Composers).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for American Imported Automobile Dealers Association).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for American Maritime Association).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for American Society of Association Executives).
D. (6) $600.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Association of Trial Lawyers of America).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Boating Industry Association).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Business Roundtable).
D. (6) $3,600.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Chicago Board Options Exchange).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Computer Sciences Corp.)

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.

B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Council of State Chambers of Commerce).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Energy Advances).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Independent U.S. Tanker Owners).
D. (6) $2,300.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. (for Machinery Dealers National Association).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Marathon Oil).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for National Association of Engine & Boat Manufacturers).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Reading Co.).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. (for Redwood Industry Park Committee).

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for State of Louisiana).
D. (6) $2,000.

A. William J. Colley, 1200 17th Street NW., Washington, D.C. 20036.
B. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036 (for Uncle Ben's Foods).

A. Harold R. Collier, Tenneco Inc., Suite 2202, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. American Cylinder Manufacturers Committee, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
D. (6) $25.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Suite 308, Washington, D.C. 20007.
B. Bicycle Manufacturers Association of America, Inc., 1101 15th Street NW., Washington, D.C. 20005.
D. (6) $500. E. (9) $100.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Suite 308, Washington, D.C. 20007.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $450.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., No. 308, Washington, D.C. 20007.
B. Tool and Stainless Steel Industry Committee, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
D. (6) $1,250. E. (9) $525.

A. Paul G. Collins, 1 Jackson Walkway, Providence, R.I. 02903.
B. New England Commercial Banking Caucus, 1 Jackson Walkway, Providence, R.I. 02903.

A. Robert B. Collyer, UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
B. UBA, Inc., 1800 M Street NW., 460 South, Washington, D.C. 20036.
D. (6) $1,000. E. (9) $1,000.

A. Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.
D. (6) $550. E. (9) $800.

A. Sharon Comey, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $299.61.

A. Committee for Consumers No-Fault, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $23,352. E. (9) $19,030.73.

A. Committee For Public Advocacy, Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $42.71. E. (9) $985.25.

A. Committee of Urban Program Universities, Suite 802, 11 Dupont Circle, Washington, D.C. 20036.
A. (3) $13,500. E. (9) $8,765.46.

A. Committee To Save The Panama Canal, P.O. Box 2549, Reston, Va. 22090.
D. (6) $5,522. E. (9) $5,216.43.

A. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $1,579,332.24. E. (9) $352,216.28.

A. Lance Compa, 917 15th Street NW., Washington, D.C. 20005.
B. United Electrical, Radio & Machine Workers of America, 11 East 51 Street, New York, N.Y. 10022.
D. (6) $3,514.95. E. (9) $390.

A. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $25,399.13. E. (9) 25,399.13.

A. Raymond F. Conkling, 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $200. E. (9) $15.75.

A. Ross Conlin, Chessie System, 840 Washington Building, 15th Street and New York Avenue, NW., Washington, D.C. 20005.
B. Chessie System, Terminal Tower, Cleveland, Ohio 44101.
D. (6) $3,000. E. (9) $1,000.

A. Connecticut Bankers Association, Suite 956, 100 Constitution Plaza, Hartford, Conn. 06103.
E. (9) $822.85.

A. Robert J. Conner, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 12000 Lynn Townsend Drive, Highland Park, Mich.
D. (6) $500. E. (9) $576.02.

A. Albert J. Conners, Air Force Sergeants Association, Inc., 1608 Pittsfield Lane, Bowie, Md. 20715.
B. Air Force Sergeants Association, Inc., 4235 28th Avenue, Marlow Heights, Md. 20031.

A. Jerry C. Connors, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Contract Carrier Conference of American Trucking Associations, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $1,800.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill. 60611.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $2,600.

A. Charles F. Cook, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $272.26. E. (9) $13.75.

A. Cook & Franke, 660 East Mason Street, Milwaukee, Wis. 53202..
B. M&I Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Frederick N. Cook, Vermont Petroleum Association, P.O. Box 566, Montpelier, Vt. 05602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $900.

A. Cook & Henderson, 1776 K Street, NW., 10th floor, Washington, D.C. 20006.
B. El Paso Alaska Co., Pouch 7009, Anchorage, Alaska 99510.

A. Cook & Henderson, 1776 K Street NW., 10th floor, Washington, D.C. 20006.
B. Texas Gas Transmission Corp., 3800 Frederica Street, Owensboro, Ky. 42301.
D. (6) $3,100. E. (9) $3,100.

A. Cook & Henderson, 1776 K Street NW., 10th floor, Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street, NW., Washington, D.C. 20006.
D. $2,800. E. (9) $2,800.

A. Howard L. Cook, Jr., American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $525. E. (9) $117.

A. Eileen D. Cooke, 110 Marvland Avenue NE., Suite 101, Box 54, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $834.

A. E. Keith Cooper, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $1,200. E. (9) $514.90.

A. Edward Cooper, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Janet R. Cooper, 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C.

A. Jesse D. Cooper, North Dakota Petroleum Council, P.O. Box 1395, Bismarck, N.D. 58501.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $112.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va. 22314.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H. 03801.
D. (6). $1,250. E. (9) $800.44.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Forest Industries, 1055 West Hastings Street, Vancouver 1, Canada.
D. (6) $3,000. E. (9) $2.25.

A. Mitchell J. Cooper, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Footwear Division, Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $10,500. E. (9) $21.06.

A. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $4,000. E. (9) $810.90.

A. Darrell Coover, National Association of Independent Insurers, Suite 1001, 1625 I Street NW., Washington, D.C. 20006.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill.
D. (6) $2,000. E. (9) $268.

A. Corcoran, Youngman & Rowe, 1511 K Street NW., Suite 1100, Washington, D.C. 20005.
B. Underwriters Laboratories, 207 East Ohio Avenue, Chicago, Ill. 60611.
D. (6) $700. E (9) $5.60.

A. Corcoran, Youngman & Rowe, 1511 K Street NW., Suite 1100, Washington, D.C. 20005.
B. Arthur Young & Co., 277 Park Avenue, 23d floor, New York, N.Y. 10017.
D. (6) $4,950. E. (9) $632.74.

A. Allan D. Cors, 1800 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Corning Glass Works, Corning, NY. 14830.
D. (6) $300.

A. William R. Corson, 1707 H Street NW., Washington, D.C. 20006.
B. Penthouse International, Ltd., 1707 H Street NW., Washington, D.C. 20006.
D. (6) $8,750. E. (9) $3,415.

A. R. H. Cory, 1510 American Bank Tower, Austin, Tex. 78701.
B. Central and South West Services, Inc., 1510 American Bank Tower, Austin, Tex. 78701.
D. (6) $2,833.34. E. (9) $6,147.62.

A. John E. Cosgrove, Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $9,926.28.

A. David Cosson, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $225.

A. Michael E. Costello, 1660 L Street NW., Suite 901, Washington, D.C. 20036.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.
E. (9) $179.93.

A. Cotton Warehouse Association of America, 1707 L Street NW., Suite 540, Washington, D.C. 20036.
D. (6) $265.43. E. (9) $265.43.

A. Council for Inter-American Security, 1721 DeSales Street NW., Washington, D.C. 20036.
D. (6) $26,162. E. (9) $29,020.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $373.85. E. (9) $1,516.38.

A. Douglas Couttee, Active Ballot Club Department, Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $11,736.18. E. (9) $1,418.97.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. American Association of Oral & Maxillofacial Surgeons, 211 East Chicago Avenue, Chicago, Ill. 60611.
E. (9) $395.69.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Business Men's Assurance Company of America, BMA Tower, 1 Penn Valley Park, Kansas City, 64141.
D. (6) $20,000.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Delmarva Poultry Industry, Inc., R.D. No. 2, Box 47, Georgetown, Del. 19947.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $12,750. E. (9) $22.27.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Irving Trust Co., 1 Wall Street, New York, N.Y. 10015.
D. (6) $17,500. E. (9) $56.25.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Committee for Limited Profit Housing, care of HHH Construction Corp., 515 Madison Avenue, New York, N.Y. 10022.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. National Federation of Independent Business, 921 Washington Building, Washington, D.C. 20005.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Hugo Neu, 380 Madison Avenue, New York, N.Y. 10017 for Hugo Neu & Sons, Inc., 380 Madison Avenue, New York, N.Y. 10017.
E. (9) $406.38.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. Perdue Inc., P.O. Box 1537, Salisbury, Md. 21801.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. Pyramid Ventures Group, Inc., P.O. Box 1671, Morgan City, La. 70381.
E. (9) $37.18.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.
B. The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.
E. (9) $12.44.

A. Carol A. Cowgill, American Academy of Family Physicians, 475 L'Enfant Plaza West SW., Suite 2970, Washington, D.C. 20024.
B. American Academy of Family Physicians, 1740 West 92d Street, Kansas City, Mo. 64114.
D. (6) $574.98. E. (9) $67.36.

A. C. Bryan Cox, P.O. Box 139, Kansas City, Mo. 64141.
B. Kansas City Life Insurance Co., P.O. Box 139, Kansas City, Mo. 64141.
D. (6) $60. E. (9) $250.56.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. American Society of Anesthesiologists, 505 Busse Highway, Park Ridge, Ill. 60068.
D. (6) $350. E. (9) $2,267.25.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.
B. National Collegiate Athletic Association, U.S. Highway 50 and Nall Avenue, P.O. Box 1906, Shawnee Mission, Kans. 66222.
D. (6) $516.25.

A. William J. Cox, 1707 L Street NW., No. 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $8,632.82. E. (9) $2,840.93.

A. Richard C. Creighton, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $3,000.

A. Joseph M. Cribben, 3104 Valley Lane, Falls Church, Va. 22044.
B. United Association of Journeymen and Apprentices of the Plumbing & Pipe Fitting Industry of the United States and Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $1,750. E. (9) $47.81.

A. Sally F. Cromwell, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,600. E. (9) $547.

A. Donald A. Crosier, Nebraska Petroleum Council, 334 South 13th Street, P.O. Box 95063, Lincoln, Nebr. 68509.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $86. E. (9) $12.

A. H. C. Crotty, Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.

A. Bobby E. Crow, P.O. Box 683, Houston, Tex. 77001.
B. Columbia Gulf Transmission Co., P.O. Box 683, Houston, Tex. 77001.
D. (6) $1,050. E. (9) $1,505.89.

A. Jack A. Crowder, American Textile Manufacturers Institute, Inc., Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 400 South Tryon Street, Suite 2124, Charlotte, N.C. 28285.
D. (6) $2,000. E. (9) $53.76.

A. Richard D. Cudahy, Suite 701, 1050 17th Street NW., Washington, D.C. 20036.
B. Central and South West Corp., P.O. Box 1631, Wilmington, Del. 19899.
D. (6) $500. E. (9) $25.

A. Barry M. Cullen, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $100. E. (9) $50.

A. Frank Cummings, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Institute of Electrical and Electronics Engineers, Inc., 345 East 47th Street, New York, N.Y. 10022.
D. (6) $3,400.

A. Cummins Engine Co., Inc., 1000 Fifth Street, Columbus, Ind. 47201.
E. (9) $4,176.

A. John T. Curran, Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $10,977.19. E. (9) $2,807.75.

A. Thomas Curry, P.O. Box 2185, Houston, Tex. 77001.
B. El Paso Co., P.O. Box 2185, Houston, Tex. 77001.
D. (6) $1,804. E. (9) $3,015.89.

A. Curtis, Mallet-Prevost, Colt & Mosle, 100 Wall Street, New York, N.Y. 10005.
B. U.S. Trust Co. of New York, 45 Wall Street, New York, N.Y. 10005.
D. (6) $5,865. E. (9) $719.79.

A. Jay B. Cutler, American Psychiatric Association, 2033 M Street NW., Suite 802, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $3,400. E. (9) $1,417.

A. Everett E. Cutter, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.
B. Oregon Railroad Association, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

A. Cystic Fibrosis Foundation, 3379 Peachtree Road NE., Atlanta, Ga. 30326.
E. (9) $22,491.38.

A. William K. Dabaghi, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $800. E. (9) $95.

A. William Kay Daines, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $600. E. (9) $58.

A. Thomas A. Daly, National Soft Drink Association. 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Damon Corp., 115 Fourth Avenue, Needham Heights, Mass. 02194.

A. Tracy Danese, P.O. Box 529100, Miami, Fla. 33152.
B. Florida Power & Light Co., P.O. Box 529100, Miami, Fla. 33152.
D. (6) $860 E. (9) $1,305.61.

A. Daniels, Houlihan & Palmeter, 1819 H Street NW., Washington, D.C. 20006.
B. American Importers Association, 420 Lexington Avenue, New York, N.Y. 10017.
D. (6) $3,000. E. (9) $391.35.

A. David S. Danielson, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.
D. (6) $124.64. E. (9) $25.25.

A. Joan E. Dannenbaum, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
B. Association of Media Producers, 1707 L Street NW., Suite 515, Washington, D.C. 20036.
D. (6) $4,000. E. (9) $250.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $1,500. E. (9) $850.

A. Philip J. Daugherty, Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $5,089. E. (9) $124.25.

A. Joseph Dauksys, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,600.

A. Daniel Davidson, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency (cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, and associate member Plumas-Sierra Rural Electric Cooperative).

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.
D. (6) $400. E. (9) $10.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603.
D. (6) $125.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $3,200. E.(9) $1.240.12.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.
D. (6) $300. E. (9) $10.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.
D. (6) $2,350.

A. Charles W .Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
E. (9) $40.

A. Charles W. Davis, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.
D. (6) $460. E. (9) $10.

A. David R. Davis, Indiana Petroleum Council, 714 Harrison Building, Indianapolis, Ind. 46204.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Dennis N. Davis, 1016 16th Street, Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street, Washington, D.C. 20036.

A. Edward M. Davis, 1750 K Street NW., Suite 300, Washington, D.C.
B. American Nuclear Energy Council, 1750 K. Street NW., Suite 300, Washington, D.C.
D. (6) $2,070. E. (9) $48.72.

A. George R. Davis, Amalgamated Transit Union, Local Division 689, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.
B. Amalgamated Transit Union, National Captain Local Division 689, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.

A. Kenneth E. Davis, 1025 Connecticut Avenue NW., No. 202, Washington, D.C. 20036.
B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.
D. (6) $500. E. (9) $100.

A. Ovid R. Davis, Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
B. Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
D. (6) $825. E. (9) $350.

A. R. Hilton Davis, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20062.

A. Robert W. Davis, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $600. E. (9) $307.

A. Thomas A. Davis, 1776 F Street NW., No. 108, Washington, D.C. 20006.
B. American Horse Council, Inc., 1700 K. Street NW., No. 400, Washington, D.C. 20006.
D. (6) $2,083.25. E. (9) $385.92.

A. Thomas A. Davis, 1776 F Street NW., No. 108, Washington, D.C. 20006.
B. Eugene C. Cashman, 141 West Jackson Boulevard, Chicago, Ill. 60604.
E. (9) $118.39.

A. Thomas A. Davis, 1776 F Street NW., No. 108, Washington, D.C. 20006.
B. Chicago Board of Trade, LaSalle at Jackson, Chicago, Ill. 60604.
D. (6) $2,500. E. (9) $470.46.

A. Thomas A. Davis, 1776 F Street NW., No. 108, Washington, D.C. 20006.
B. Florida Power & Light Co., P.O. Box 013100, Miami, Fla. 33101.
D. (6) $2,204. E. (9) $378.47.

A. Thomas A. Davis, 1776 F Street NW., No. 108, Washington, D.C. 20006.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80201.
D. (6) $1,125. E. (9) $359.59.

A. Thomas A. Davis, 1776 F Street NW., No. 108, Washington, D C. 20006.
B. National Corporation for Housing Partnerships, 1133 15th Street NW., Washington, D.C. 20005.
D. (6) $484.60. E. (9) $27.15.

A. Walter L. Davis, Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $750.

A. William Lee Davis, 299 Park Avenue, New York, N.Y. 10017.
B. Westvaco, 299 Park Avenue, New York, N.Y. 10017.

A. Charles W. Day, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $835.20. E. (9) $508.64.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Associated Third-Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.

A. J. Edward Day, 21 Dupont Circle NW., Washington, D.C. 20036.
B. Electronic Industries Association, Consumer Electronics Group, 2001 I Street NW., Washington, D.C. 20006.

A. Dealer Bank Association, 1800 K Street NW., Washington, D.C. 20006.
E. (9) $418.

A. John Russell Deane III, 1825 K Street NW., Suite 1103, Washington, D.C. 20006.
B. Coalition of Automotive Associations, 1825 K Street NW., Suite 1103, Washington, D.C. 20006.

A. John Russell Deane III, 1825 K Street NW., Suite 1103, Washington, D.C. 20006.
B. Specialty Equipment Manufacturers Association, 11001 East Valley Mall, Suite 204, El Monte, Calif. 91731.

A. Deaver & Hannaford, Inc., 2030 M Street NW., Suite 403, Washington, D.C. 20036.
B. National Venture Capital Association, 2030 M Street NW., Suite 403, Washington, D.C. 20036.
D. (6) $5,999.96. E. (9) $605.65.

A. Gaston de Bearn, Hoffmann-La Roche Inc., 1775 K Street NW., Suite 300, Washington, D.C. 20006.
B. Hoffmann-La Roche Inc., 340 Kingsland Street, Nutley, N.J. 07110.

A. Michael P. deBlois, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $10.27.

A. Tony T. Dechant, Farmers' Educational & Co-Operative Union of America, Denver, Colo. 80251.
B. Farmers' Educational & Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $5,000. E. (9) $179.68.

A. Winston M. Decker, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. W. M. Decker, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No. 828, Washington, D.C. 20005.

A. Catharine B. Deely, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $711.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Council on Foundations, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $120. E. (9) $7.

A. DeHart & Broide, Inc., 1505 22d Street N.W., Washington, D.C. 20037.
B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo. 64105.
D. (6) $480. E. (9) $47.35.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $680. E. (9) $92.90.

A. DeLaney & Patrick, 1801 K Street NW., No. 1104, Washington, D.C. 20006.
B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.
D. (6) $2,549.50. E. (9) $1,000.

A. DeLaney & Patrick, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Continental Grain Co., 277 Park Avenue, New York, N.Y. 10017.
D. (6) $1,695.40. E. (9) $1,000.

A. John L. Delano, Box 1172, Helena, Mont. 59601.
B. Montana Railroad Association, Box 1172, Helena, Mont. 59601.
E. (9) $562.88.

A. Garry J. DeLoss, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,000.

A. Ray Denison, 815 16th Street NW., Washington, D.C.
B American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $10,563. E. (9) $453.98.

A. John H. Denman, Missouri Oil Council, 208 Madison Street, Jefferson City, Mo. 65101.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $718. E. (9) $298.

A. Daniel B. Denning, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $600. E. (9) $650.

A. Wells Denyes, Eastman Chemical Products, Inc., 500 12th Street SW., Washington, D.C. 20024.

B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.
D. (6) $75. E. (9) $6.

A. Desautels Associates, Inc., 1725 K Street NW., Suite 811, Washington, D.C. 20006.
B. Flavor and Extract Manufacturers Association of the U.S., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $100.

A. Desautels Associates, Inc., 1725 K Street NW., Suite 811, Washington, D.C. 20006.
B. Merrill Lynch, Pierce, Fenner and Smith, Inc., 1 Liberty Plaza, New York, N.Y. 10006.
D. (6) $500.

A. Desautels Associates, Inc., 1725 K Street NW., Suite 811, Washington, D.C. 20006.

B. Xerox Corp., Stamford, Conn. 06904.
D. (6) $500.

A. Dennis Devaney, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. John Devaney, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,402.

A. Gerard F. Devlin, 15518 Annapolis Road, Bowie, Md. 20715.
B. Howard Gould, 2013 Carew Tower, Cincinnati, Ohio 45202.

A. R. Daniel Devlin, Trans World Airlines, Inc., 1000 16th Street NW., Washington, D.C. 20036.
B. Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016.
D. (6) $300.

A. Ralph B. Dewey, 1050 17th Street NW., No. 1180, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $5,722.50. E. (9) $5,751.39.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac (Toulouse) France.
D. (6) $7,086.49. E. (9) $7,086.49.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Krauss-Maffei-AG, Krauss-Maffei-Strasse 2, 8000 Munich, Federal Republic of Germany.
D. (6) $308. E. (9) $1,296.16.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Societe Nationale Industrielle Aerospatiale, 37, Boulevard de Montmorency, 75016, Paris, France.
D. (6) $10,127.02. E. (9) $10,127.02.

A. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. Thomson-CSF, Division Equipements Avioniques, 178, Boulevard Gabriel Péri, 92240 Malakoff, France.

A. Charles J. DiBona, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. John M. Dickerman, John M. Dickerman & Associates, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Lumber & Building Material Dealers Association, 1990 M Street NW., Suite 350, Washington, D.C. 20036.
D. (6) $5,850.36. (9) $395.65.

A. William P. Diener, 620 Pine Tree Road, Winter Park, Fla. 32789.
B. Florida Gas Transmission Co., P.O. Box 44, Winter Park, Fla. 32790.

A. John R. Dierker, 1150 17th Street NW., Washington, D.C. 20036.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.
D. (6) $300. E. (9) $153.70.

A. Michael F. Dineen, Lumbermens Mutual Casualty Co., Suite 206, 600 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.
D. (6) $1,800.

A. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
E. (9) $7,551.12.

A. Harley M. Dirks, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,887.50. E. (9) $687.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $43,577.58. E. (9) $43,577.58.

A. Disabled Officers Association, 1612 K Street NW., Washington, D.C. 20006.
E. (9) $3,160.

A. District of Columbia Bankers Association, 1709 New York Avenue NW., Washington, D.C. 20036.

A. Dennis C. Dix, 1725 K Street NW., Suite 903, Washington, D.C. 20006.
B. Outdoor Power Equipment Institute, Inc., 1725 K Street NW., Suite 903, Washington, D.C. 20006.

A. Norman L. Dobyns, Cutler-Hammer, Inc., 1660 L Street NW., Suite 912, Washington, D.C. 20036.
B. Cutler-Hammer, Inc., 4201 North 27th Street, Milwaukee, Wis. 53216.
E. (9) $250.

A. John D. Doherty, Jr., 900 17th Street NW., Washington, D.C. 20006.
B. Chase Manhattan Bank, National Association, 1 Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $77.50. E. (9) $19.84.

A. Robert C. Dolan, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $250. E. (9) $32.

A. Hollis M. Dole, Atlantic Richfield Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $950. E. (9) $70.

A. Richard M. Donaldson, 1700 Guildhall Building, Cleveland, Ohio 44115.
B. Standard Oil Co., (an Ohio corporation), Guildhall Building, Cleveland, Ohio 44115.
D. (6) $93.75.

A. James A. Dorsch, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; New York Office, 919 Third Avenue; Chicago Office, 332 South Michigan Avenue.
D. (6) $130.62. E. (9) $81.59.

A. H. Eugene Douglas, Memorex Corp., 1970 Chain Bridge Road, McLean, Va. 22101.
B. Memorex Corp., San Tomas at Central Expressway, Santa Clara, Calif. 95052.
D. (6) $8,124. E. (9) $95.

A. Sally L. Douglas, National Federation of Independent Business, 490 L'Enfant Plaza East, SW, Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East, SW., Suite 3206, Washington, D.C. 20024.
D. (6) $400.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B Univest Corp., 777 East Wisconsin Avenue, Milwaukee, Wis. 53202.
D. (6) $340.50. E. (9) $249.

A Richard Morgan Downey, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,562.50.

A. John C. Doyle, Jr., Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington D.C. 20003.
D. (6) $1,350.

A. Robert H. Doyle, 1120 Connecticut Avenue NW., No. 310, Washington, D.C. 20036.
B. Water Quality Association, 477 East Butterfield Road, Lombard, Ill. 60148.
D. (6) $300.

A. Nancy Drabble, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $2,750.

A. James E. Drake, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,984.85. E. (9) $546.

A. Andrew Drance, Room 511, 2425 Wilson Boulevard, Arlington, Va. 22201.
B. Media General, Inc., 333 East Grace Street, Richmond, Va. 23219.
D. (6) $349.98. E. (9) $26.80.

A. Deborah Drudge, 919 18th Street NW., Suite 830, Washington, D.C. 20006.
B. Healthy America, 919 18th Street NW., Suite 830, Washington, D.C. 20006.
D. (6) $3,000. E. (9) $216.34.

A. Thomas E. Drumm, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Macmillan, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $400. E. (9) $530.

A. Franklin B. Dryden, 1776 K Street NW., Washington, D.C. 20006.
B. Tobacco Institute, 1776 K Street NW., Washington, D.C. 20006.
D. (6) $200. E. (9) $300.

A. Lawrence M. Dubin, One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.
D. (6) $2,350.

A. William DuChessi, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing & Textile Workers Union, 99 University Place, New York, N.Y. 10003.
D. (6) $4,404.79. E. (9) $100.

A. Evelyn Dubrow, International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
D. (6) $5,904.60. E. (9) $2,779.32.

A. Michael J. Duff, National Paint & Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
B. National Paint & Coatings Association, Inc., 1500 Rhode Island Avenue NW., Washington, D.C. 20005.
D. (6) $500. E. (9) $53.

A. William E. Duke, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co, 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $1,200. E. (9) $760.

A. Duncan, Brown, Weinberg & Palmer, 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. East Bay Regional Park District, 11500 Skyline Boulevard, Oakland, Calif. 94169.
E. (9) $11.50.

A. Duncan, Brown, Weinberg & Palmer, 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Shee Atika, Inc., Box 578, Mount Edgecumbe, Alaska 99835.
E. (9) $140.80.

A. Duncan, Brown, Weinberg & Palmer, 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Western Railroad Association, 222 South Riverside Plaza, Room 1200, Chicago, Ill. 60606.
E. (9) $100.

A. Louise C. Dunlap, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $250.

A. Douglas G. Dunn, Northern Natural Gas Co., 1133 15th Street NW., Suite 503, Washington, D.C. 20005.
B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $1,500.

A. Mari Lee Dunn, American Council for Capital Formation, 1425 K Street NW., Washington, D.C. 20005.
B. American Council for Capital Formation. 142b K Street NW., Suite 1000, Washington, D.C. 20005.
D. (6) $325.

A. James A. Dupree, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $2,900. E. (9) $1,292.

A. Richard O. Duvall, 1220 19th Street NW., Suite 400, Washington, D.C. 20036.
B. Dunnells, Duvall & Porter, 1220 19th Street NW., Suite 400, Washington, D.C. 20036 (for Zena Co.)
D. (6) $300. E. (9) $160.97.

A. L. L. Duxbury, Burlington Northern, Inc., Suite 506, 2000 L Street NW., Washington, D.C. 20036
B. Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $1,900. E. (9) $2,007.

A. Henry I. Dworshak, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.

A. Roderick T. Dwyer 1725 K Street NW., Suite 903, Washington, D.C. 20006.
B. Outdoor Power Equipment Institute, Inc., 1725 K Street NW., Suite 903, Washington, D.C. 20006.

A. Roy W. Easley, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. East-West Trade Council, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,285. E. (9) $1,800.

A. Jack D. Early, Madison Building, Suite 514, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $93.75. E. (9) $17.50.

A. George H. Eatman, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $2,800. E. (9) $231.92.

A. Donald R. Ebe, The Goodyear Tire & Rubber Co., 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $1,500.

A. Robert E. Ebel, Enserch Corp., 1025 Connecticut Avenue NW., Suite 1206, Washington, D.C. 20036.
B. Enserch Corp., 301 South Harwood, Dallas, Tex. 75201.
D. (6) $1,450. E. (9) $995.

A. N. Boyd Ecker, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500. E. (9) $226.30.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Seat Belt Council, 271 North Avenue, New Rochelle, N.Y. 10801.
D. (6) $11,000. E. (9) $8,167.07.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. EMI Medical, Inc., 3605 Woodhead Drive, Northbrook, Ill. 60062.
D. (6) $500. E. (9) $770.35.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. Manufactured Housing Institute, 1745 Jefferson Davis Highway, Suite 511, Arlington, Va. 22202.
D. (6) $1,250.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. National Insulation Contractors Association, 1120 19th Street NW., Suite 405, Washington, D.C. 20036.
D. (6) $500.

A. Daniel J. Edelman, Inc., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. National Utility Contractors Association, 815 15th Street NW., Suite 838, Washington, D.C. 20005.
D. (6) $500.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Suite 460, Washington, D.C. 20006.
B. Aerospatiale, in care of DGA International, 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $2,514.13.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Air Bus Industrie, Avenue Lucien Servanty, 31700 Blagnac (Toulouse), France.
D. (6) $6,120. E. (9) $410.99.

A. Edelman International Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Republic of Turkey/Embassy of Turkey, 1606 23d Street NW., Washington D.C. 20008.
D. (6) $24,300. E. (9) $3,381.63.

A. William R. Edgar, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 2115, Washington, D.C. 20036.
D. (6) $1,846.25.

A. Arthur B. Edgeworth, Jr., United States League of Savings Associations, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $937.50.

A. J. Rodney Edwards, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.
E. (9) $123.10.

A. Jonathan W. Edwards, 507 Second Street NE., Washington, D.C. 20002.
B. The Confederated Tribes of Warm Springs, Warm Springs, Oreg. 97761.

A. Jonathan W. Edwards, 507 Second Street NE., Washington, D.C. 20002.
B. The Navajo Nation, Window Rock, Ariz. 86515.

A. Jonathan W. Edwards, 507 Second Street NE., Washington, D.C. 20002.
B. Portland General Electric Co., 121 Scuthwest Salmon Street, Portland, Oreg. 97204.

A. Macon T. Edwards, National Cotton Council of America, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $1,000. E. (9) $96.77.

A. H. Brent Egbert, 1800 K Street NW., Suite 920, Washington, D.C. 20006.
B. BankAmerica Corp., Bank of America Center, San Francisco, Calif.
D. (6) $212.57. E. (9) $10.62.

A. J. C. B. Ehringhaus, Jr., 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, 1776 K Street NW., Washington, D.C.
D. (6) $175.

A. George K. Eliades, Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.
B. Society of American Wood Preservers, Inc., 1401 Wilson Boulevard, Suite 205, Arlington, Va. 22209.
D. (6) $320. E. (9) $655.

A. J. Burton Eller, Jr., 425 13th Street NW., Suite 1020, Washington, D.C. 20004.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.
D. (6) $1,000.

A. Charles W. Elliott, Wisconsin Petroleum Council, 25 West Main Street, Room 703, Madison, Wis. 53703.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $606.66. E. (9) $485.13.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.

A. Ruth Bowdev Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.
D. (6) $683.51. E. (9) $667.48.

A. John Ellis, 1957 E Street, NW., Washington, D.C.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Dorothy A. Ellsworth, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,750. E. (9) $803.64.

A. Law Offices of Northcutt Ely, Watergate 600 Building, Washington, D.C. 20037.
B. Deepsea Ventures, Inc., Gloucester Point, Va.
D. (6) $6,000.

A. William Emerson, TRW, Inc., Suite 800, 2030 M Street NW., Washington, D.C. 20036.
B. TRW, Inc. 23555 Euclid Avenue, Cleveland Ohio 44117.
D. (6) $1,000.

A. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.
E. (9) $625.

A. Energy Action Educational Foundation, 1523 L Street NW., Washington, D.C. 20005.
D. (6) $4,540. E. (9) 2,043.41.

A. Energy Consumers & Producers Association, Petroleum Plaza, Box 1726, Seminole, Okla. 74868.
D. (6) $10,000.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.
B. York Barbell Co., York, Pa. 17405.
D. (6) $2,100. E. (9) $480.39.

A. Ralph Engel, 1001 Connecticut Avenue NW., Suite 1120, Washington, D.C. 20036.
B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert J. Englehart, 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. M. Dale Ensign, Husky Oil Co., 1800 M Street NW., Suite 295, Washington, D.C. 20036.
B. Husky Oil Co., P.O. Box 380, Cody, Wyo. 82414.
E. (9) $330.19.

A. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $45,155. E. (9) $41,789.10.

A. James R. Enyart, 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $500. E. (9) $15.40.

A. John M. Erskine, Jr., 500 Jefferson Building, Houston, Tex. 77002.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $1,079. E. (9) $1,625.76.

A. George T. Esherick, U.S. Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. U.S. Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $45. E. (9) $24.

A. John T. Estes, Suite 700, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Allied Chemical Corp., P.O. Box 3000–R, Morristown, N.J. 07960.
D. (6) $500. E. (9) $27.50.

A. David C. Evans, 1150 Connecticut Avenue NW., Suite 900, Washington, D.C. 20005.
B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22101.

A. Joseph O. Evans, 4401 Lee Highway, Apartment 21, Arlington, Va. 22207.

A. Robert D. Evans, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Robbie G. Exley, 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Robert R. Fahs, Cargill, Inc., 1050 17th Street, 12th Floor, Washington, D.C. 20036.
B. Cargill, Inc., P.O. Box 9300, Minneapolis, Minn. 55440.
D. (6) $2,500. E. (9) $11.

A. Edward Falck, Edward Falck & Co., 1625 Eye Street NW., Washington, D.C. 20006.
B. Delhi International Oil Corp., 2900 Fidelity Union Tower, Dallas, Tex. 75201.
D. (6) $17,400. E. (9) $481.

A. Thomas B. Farley, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $3,356. E. (9) $765.30.

A. The Farmers' Educational and CoOperative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $40,653.50. E. (9) $43,365.89.

A. Dolores L. Farr, American Nurses' Association, 1030 15th Street NW., Washington, D.C. 20005.
B. American Nurses' Association, 2420 Pershing Road, Kansas City, Mo. 64108.
D. (6) $2,503. E. (9) $89.74.

A. R. Roy Fausset, 1050 17th Street NW., No. 301, Washington, D.C. 20036.
B. Freeport Minerals Co., 200 Park Avenue, New York, N.Y. 10017.
D. (6) $300.

A. Peter J. Fearey, 215 Market Street, No. 930, San Francisco, Calif. 94105.
B. California Council for Environmental and Economic Balance, 215 Market Street, No. 930, San Francisco, Calif. 94105.

A. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $5,297.91. E. (9) $5,297.91.

A. Federation of American Hospitals, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
D. (6) $7,650. E. (9) $7,650.

A. Federation of American Scientists, 307 Massachusetts Avenue NE., Washington, D.C. 20002.
E. (9) $2,416.33.

A. Arthur Fefferman, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Andrew A. Feinstein, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $2,750.

A. Stuart F. Feldman, Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee For Public Advocacy, Suite 931, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $770.

A. Stuart F. Feldstein, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $2,250. E. (9) $23.

A. Kenneth E. Feltman, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $400.

A. Benjamin R. Fern, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $520. E. (9) $10.82.

A. Manuel D. Fierro, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. Herbert A. Fierst, 610 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. Council of Forest Industries of British Columbia, 1500–1055 West Hastings Street, Vancouver V6E 2H1, British Columbia, Canada.
D. (6) $9,500.01. E. (9) $450.

A. Paul J. Finazzo, Airlift International, Inc., P.O. Box 522495, Miami, Fla. 33152.
B. Airlift International, Inc., P.O. Box 522495, Miami, Fla. 33152.
D. (6) $24,999. E. (9) $480.

A. Theodora Fine, American Psychiatric Association, 2033 M Street NW., Room 802, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $1,700. E. (9) $525.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C. 20005.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Frederick Finn, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,550.

A. Firearms Lobby of America, 329 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $35,736.58. E. (9) $41,233.38.

A. First Class Mailers Association, Inc., 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.
D. (6) $550. E. (9) $35.

A. First Investment Annuity Co. of America, P.O. Box 831, Valley Forge, Pa. 19482.
E. (9) $4,001.71.

A. Mary Clare Fitzgerald, 1800 K Street NW., Suite 920, Washington, D.C. 20006.
B. BankAmerica Corp., Bank of America Center, San Francisco, Calif.
D. (6) $216.40. E. (9) $357.40.

A. Margaret Fitzgerald-Bare, 2030 M Street NW., Washington, D.C. 20036.

B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,562.50.

A. Hilliard J. Fjord, 602 Main Street, Room 312, Cincinnati, Ohio 45202.
B. The Ohio River Co., 580 Walnut Street, Cincinnati, Ohio 45202.
D. (6) $2,000. E. (9) $754.63.

A. Susan Garber Flack, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $251.

A. James J. Flanagan, New England Power Service Co., 20 Turnpike Road, Westborough, Mass. 01581.
B. New England Power Service Co., 20 Turnpike Road, Westborough, Mass. 01581.
D. (6) $3,540. E. (9) $1,888.44.

A. Charles D. Fleishman, 20 North Wacker Drive, Chicago, Ill. 60606.
B. American Fishing Tackle Manufacturers Association, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $1,725. E. (9) $3,075.63.

A. James F. Fleming, United Egg Producers, 705 National Press Building, Washington, D.C. 20045.
B. United Egg Producers, 3951 Snapfinger Parkway, Suite 580, Decatur, Ga. 30035.
D. (6) $1,200.

A. James F. Flug, 2904 Brandywine Street NW., Washington, D.C. 20008.
B. Energy Action Educational Foundation, 1523 L Street NW., Washington, D.C. 20005.
D. (6) $721.04.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Family Mutual Insurance Co., 3099 East Washington Avenue, Box 7430, Madison, Wis. 53707.
D. (6) $2,750. E. (9) $8.70.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Cabot Corp. and Subsidiaries, 125 High Street, Boston, Mass. 02110.
D. (6) $4,175. E. (9) $79.06.

A. Foley, Lardner, Hollabaugh & Jacobs, 1775 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Insurance Association of Connecticut, 60 Washington Street, Hartford, Conn. 06106.
D. (6) $3,045. E. (9) $17.65.

A. Food and Beverage Trades Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $6,570.39. E. (9) $6,570.39.

A. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $7,000. E. (9) $7,000.

A. John S. Forsythe, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $625. E. (9) $210.

A. David H. Foster, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.
B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $2,775.01. E. (9) $741.12.

A. Ebert E. Fournace, Ohio Power Co., 301 Cleveland Avenue SW., Canton, Ohio 44702.
B. Ohio Power Co., 301 Cleveland Avenue SW., Canton, Ohio 44702 (subsidiary of American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004).
D. (6) $576. E. (9) $347.24.

A. John G. Fox, American Telephone and Telegraph Co., 2000 L Street NW., Washington, D.C. 20036; 195 Broadway, New York, N.Y. 10007.
B American Telephone and Telegraph Co., 195 Broadway, New York, N.Y. 10007.

A. Joe H. Foy, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
D. (6) $500. E. (9) $272.38.

A. Walter L. Frankland, Jr., 1717 K Street NW., Washington, D.C. 20006.
B. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.
D. (6) $972.63. E. (9) $88.13.

A. Harry L. Freeman, Sr., American Express Co., 1700 K Street NW., Washington, D.C. 20006.
B. American Express Co., American Express Plaza, New York, N.Y. 10004.

A. James O. Freeman, United States League of Savings Association, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago Ill.
D. (6) $1,275. E. (9) $50.50.

A. Pamela B. Freer; International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
B. International Ladies Garment Workers' Union, 1710 Broadway, New York, N.Y. 10019.
D. (6) $3,750.11. E. (9) $180.37.

A. David T. French, American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $81.25. E. (9) $1.05.

A. Verrick O. French, National Retail Merchants Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $500. E. (9) $25.

A. Annette P. Fribourg, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $300. E. (9) $40.

A. George L. Frick, Delaware Oil Men's Association, 437 North DuPont Highway, Dover, Del. 19901.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Susan Fridy, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $1,150. E. (9) $11.10.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Cheyenne River Sioux Tribe, Box 100, Eagle Butte, S. Dak. 57625.
D. (6) $2,160.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926.
D. (6) $301.35.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Nez Perce Tribe, Lapwai, Idaho.
D. (6) $600.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Oglala Sioux Tribe of the Pine Ridge Reservation, Pine Ridge, S. Dak. 57770.
D. (6) $2,110.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Pueblo of Laguna, Laguna, N. Mex.
D. (6) $2,535.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Rosebud Sioux Tribe, Rosebud, S. Dak.
D. (6) $22.20.

A. Fried, Frank, Harris, Shriver & Kampelman, Suite 1000, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. James M. Friedman, 650 Terminal Tower, Cleveland, Ohio 44113.
B. Cleveland Electric Illuminating Co., 55 Public Square, Cleveland, Ohio, 44113.
D. (6) $12,875. E. (9) $325.59.

A. Gay H. Friedmann, 1150 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.
B. Southern California Gas Co., 720 West Eighth Street, M.L. 1208, Los Angeles, Calif. 90017.
D. (6) $2,187.50. E. (9) $245.70.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C. 20006.
B. Chase Manhattan Bank, National Association, 1 Chase Manhattan Bank, New York, N.Y. 10015.
D. (6) $351. E. (9) $118.40.

A. Charles H. Fritzel, National Association of Independent Insurers, 1625 I Street NW., Suite 1001, Washington, D.C. 20006.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $1,500. E. (9) $180.

A. Cornelius F. Froeb, Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.
D. (6) $240.

A. Paul K. Frost II, Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. David C. Fullarton, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $240.

A. Richard G. Fuller, National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
B. National Audio-Visual Assoication, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $1,250.

A. Ronald K. Fuller, 1150 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. San Diego Gas & Electric, 101 Ash Street, San Diego, Calif. 92112.
D. (6) $2,880. E. (9) $297.13.

A. Robert Furniss, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.

A. Terry Gabrielson, 480 L'Enfant Plaza, No. 11209, Washington, D.C. 20024.
B. Transcontinental Gas Pipe Line Corp., 2700 South Post Oak Road, Houston, Tex. 77001.
D. (6) $450. E. (9) $17.25.

A. James E. Gaffigan, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C. 20005.
B. American Hotel & Motel Asosciation, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $651.55. E. (9) $144.02.

A. Mark J. Gallagher, 1707 L Street NW., No. 400, Washington, D.C. 20036.
B. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $7,525.21. E. (9) $875.99.

A. Robert M. Gants, 1101 15th Street NW., Suite 1000, Washington, D.C. 20005.
B. National Constructors Association, 1101 15th Street NW. Suite 1000, Washington, D.C. 20005.
D. (6) $3,000. E. (9) $1,029.07.

A. M. D. Garber, Jr., Phillips Petroleum Co., 1825 K Street, NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. William B. Gardiner, Disabled American Veterans, 807 Maine Avenue, SW., Washington, D.C. 20024.
B Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $12,500. E. (9) $214.57.

A. John W. Gardner, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,000.02. E. (9) $250.01.

A. Paul Gardner, Jr., Kennedy, Webster & Gardner, 888 17th Street NW., Washington, D.C. 20006.
B. Banque Nationale de Paris, 75450, Paris, France, CEDEX 09.

A. Wendell P. Gardner, Jr., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $350. E. (9) $28.20.

A. Eleanor Garst, 4840 MacArthur Boulevard NW., Washington, D.C. 20007.
B. National Council for a World Peace Tax Fund, 2111 Florida Avenue NW., Washington, D.C. 20008.
D. (6) $715.

A. Lillian B. Gaskin, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Philip Gasteyer, United States League of Savings Association, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,593.75.

A. Margaret Gehres, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Wasington, D.C. 20006.
D. (6) $1,000.

A. General Aviation Manufacturers Association, 1025 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
E. (9) $1,846.25.

A. John Gentille, 1957 E Street NW., Washington, D.C.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
E. (9) $10,757.20.

A. William T. Gibb III, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
E. (9) $25.

A. Wayne Gibbens, Mid-Continent Oil & Gas Association, 1800 K Street NW., Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla., 74103.
D. (6) $1,634.40. E. (9) $52.

A. Anne Marie Gibbons, American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $400.

A. Joseph L. Gibson, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., 535 West Chicago Avenue, North, Chicago, Ill. 60671.

A. William L. Gifford, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., Fairfield, Conn. 06431.

A. Mark W. Gillaspie, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.

A. James T. Gillice, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.
B. Alliance of American Insurers, 20 North Wacker Dr., Chicago, Ill. 60606.
D. (6) $800. E. (9) $350.

A. Michael J. Giuffrida, 1469 Quail Hollow Road, Harrisburg, Pa. 17112.
B. National Frozen Food Association, Inc., 1 Chocolate Avenue, P.O. Box 398, Hershey, Pa. 17033.
D. (6) $96.25. E. (9) $130.

A. Dave Givens, Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn. 37201.

B. Class I Railroads in Tennessee, 916 Nashville Trust Building, Nashville, Tenn. 37201.

A. George L. Gleason, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 30, Washington, D.C.
D. (6) $750. E. (9) $94.16.

A. John P. Gleason, Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22102.
B. Brick Institute of America, 1750 Old Meadow Road, McLean, Va. 22102.
D. (6) $880.25. E. (9) $880.25.

A. George T. Glover, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $105. E. (9) $17.

A. Godfrey Associates, Inc., 918 16th Street NW., Suite 500, Washington, D.C. 20006.
E. (9) $155.06.

A. Horace D. Godfrey, 918 16th Street NW., Suite 500, Washington, D.C. 20006.
B. Godfrey Associates, Inc., 918 16th Street NW., Suite 500, Washington, D.C. 20006.
D. (6) $625. E. (9) $623.44.

A. Patrick L. Godfrey, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90004.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,400.

A. Harvey S. Gold, Velsicol Chemical Corp., 910 17th Street NW., Suite 1000, Washington, D.C. 20006.
B. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

A. Howard S. Goldberg, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20033 (for Aerospatiale, 37 Boulevard de Montmorency, 75016 Paris, France).

A. Lloyd L. Golding, National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
B. National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
D. (6) $1,180.

A. Ruth Gonze American Public Power Association, 2600 Virginia Avenue, NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue, NW., Washington, D.C. 20037.
D. (6) $600.

A. Don A. Goodall, 1625 I Street NW., Suite 401, Washington, D.C. 20006.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $352. E. (9) $52.19.

A. Charles E. Goodell, DGA International, Inc., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Aerospatiale, 37, Boulevard de Montmorency, 75016 Paris, France).

A. Charles E. Goodell, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Krauss Maffei AG, Krauss-Maffei-Strasse 2, 8000 Munich).

A. Vance V. Goodfellow, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.

B. Crop Quality Council, 307 Fourth Avenue South, P.O. Box 15047, Minneapolis, Minn. 55415.
D. (6) $7,890.

A. Vivian Goodier, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $425. E. (9) $75.

A. Bruce G. Goodman, 115 Fourth Avenue, Needham Heights. Mass.
B. Damon Corp., 115 Fourth Avenue, Needham Heights, Mass. 02194.

A. Frederick D. Goss, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $825.

A. Edward Gottlieb & Associates, 633 Third Avenue, New York, N.Y. 10017.
B. Florists' Transworld Delivery Association, P.O. Box 2227, Southfield, Mich. 48037

A. Edward Gottlieb & Associates, 633 Third Avenue, New York, N.Y. 10017.
B. Hecon Corp., Flextime Division, 31 Park Road, Tinton Falls, N.J. 07724.

A. Gould, Reichert & Strauss, 2613 Carew Tower, Cincinnati, Ohio 45202.
B. Francis J. Rorke, Box 1336, Cristobal, Canal Zone, et al.
E. (9) $100.

A. Carl F. Graham, Amway Corp., 7575 East Fulton Road, Ada, Mich.
B. Amway Corp., 7575 East Fulton Road, Ada, Mich.

A. Lawrence T. Graham, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C. 20005.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $651.55. E. (9) $49.07.

A. Allan Grant, American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $1,383.

A. Wm. W. Grant, Utah International, Inc., 1150 Connecticut Avenue NW., Suite 710, Washington, D.C. 20036.
B. Utah International, Inc., 550 California Street, San Francisco, Calif. 94104.
E. (9) $1,448.32.

A. Martha Williams Gray, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $39.75.

A. Robert Keith Gray, 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Samuel A. Grayson, Union Pacific Railroad, 611 Idaho Building, Boise, Idaho 83702.
B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebr. 68179.

A. Great Atlantic & Pacific Tea Co., Inc., 2 Paragon Drive, Montvale, N.J. 07654.
E. (9) $2,900.

A. Donald R. Greeley, 1101 17th Street NW., Suite 603, Washington, D.C. 20036.
B. Celanese Corp., 1211 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $625. E. (9) $149.98.

A. Edward M. Green, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress. 1100 Ring Building, Washington, D.C.
D. (6) $23.63. E. (9) $3.80.

A. Mark J. Green, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $3,750.

A. Howard Greenberg, 7426 Arrowood Road, Bethesda, Md. 20034.
B. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $5,000.

A. Howard Greenberg, 7426 Arrowood Road, Bethesda, Md. 20034.
B. Public Timber Purchasers Group, 1214 Oregon Bank Building, Portland, Oreg. 97204.
D. (6) $4,500.

A. Peter Alan Greene, 2000 P Street NW., Suite 708, Washington, D.C. 20036.
B. Health Research Group. 2000 P Street NW., Suite 708, Washington, D.C. 20036.

A. Margit S. Greenspon, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, 20037.
D. (6) $1,150.

A. Saunders Gregg, Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.
B. Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.
D. (6) $3,500. E. (9) $2,675.

A. William G. Grief, 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $5,000.

A. Lori Gribbin, 1025 Connecticut Avenue NW., No. 202, Washington, D.C. 20036.
B. Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105.
D. (6) $500. E. (9) $100.

A. Roger F. Griffin, 1620 I Street NW., Suite 703, Washington, D.C. 20006.
B. Bechtel Corp., 1620 I Street NW., Suite 703, Washington, D.C. 20006.

A. Robert J. Grimm, 9 West 57th Street, New York, N.Y. 10019.
B. Avon Products, Inc., 9 West 57th Street New York, N.Y. 10019.
D. (6) $50. E. (9) $182.91.

A. Frank N. Grossman, Santa Fe Industries, Inc., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Santa Fe Industries, Inc., 224 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $1,500. E. (9) $300.

A. James J. Gudinas, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 20042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Kenneth J. Guido, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $800.01. E. (9) $66.03.

A. Thomas M. Gunn, P.O. Box 516, St. Louis, Mo. 63166.
B. McDonnell Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.
D. (6) $220. E. (9) $115.

A. C. James Hackett, American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.
B. American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

A. Craig Hackler, RR 1, Box 177-S, Kearneysville, W. Va. 25430.
B. Independent Consultants, 2000 N Street NW., No. 1022, Washington, D.C. 20036.

A. Loyd Hackler, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $270.

A. Hageman, Prout, Kirkland & Coughlin, Attorneys and Counselors at Law, 5600 14th Avenue NW., Seattle, Wash. 98107.
B. Loren Bergh, 9517 8th NW., Seattle, Wash. 98117, et al.
D. (6) $500. E. (9) $15.47.

A. Haley, Bader & Potts, 1730 M Street NW., Suite 700, Washington, D.C. 20036.
B. Age 60 Injunction Fund, Jacque M. Sexton, 6 Sequoia Way, Redwood City, Calif. 94061.

A. Hall, Estill, Hardwick, Gable, Collingsworth & Nelson, 1701 Pennsylvania Avenue NW., Suite 404, Washington, D.C. 20006.
B. The Williams Companies, 1 Williams Center, Tulsa, Okla. 74101.

A. Floyd D. Hall, International Air Transport Association, 277 Park Avenue, New York, N.Y. 10017.
B. International Air Transport Association, 1000 Sherbrooke Street West, Montreal, Que., Canada. H3A 2R4.

A. Harry L. Hall, National Multiple Sclerosis Society, 6845 Elm Street, McLean, Va. 22101.
B. National Multiple Sclerosis Society, 205 East 42d Street, New York, N.Y. 10017.
D. (6) $3,750.

A. Seymour Halpern, 540 Madison Avenue, New York, N.Y. 10022.
B. Sydney S. Baron & Co., Inc., 540 Madison Avenue, New York, N.Y. 10022 (for American Can Co., American Lane, Greenwich, Conn.).
D. (6) $1,000. E. (9) $225.

A. Seymour Halpern, 540 Madison Avenue, New York, N.Y. 10022.
B. Sydney S. Baron & Co., Inc., 540 Madison Avenue, New York, N.Y. 10022 (for National Medical Care, Inc., 200 Clarendon Avenue, Boston, Mass. 20116).
D. (6) $1,000. E. (9) $225.

A. Seymour Halpern, 540 Madison Avenue, New York, N.Y. 10022.
B. Sydney S. Baron & Co., Inc., 540 Madison Avenue, New York, N.Y. 10022 (for Republic of China, Embassy of the Republic of China, 2311 Massachusetts Avenue NW., Washington. D.C.).
D. (6) $1,000. E. (9) $225.

A. Seymour Halpern, 540 Madison Avenue, New York, N.Y. 10022.
B. Sydney S. Baron & Co., Inc., 540 Madison Avenue, New York, N.Y. 10022 (for Republic of South Africa, Department of Information, Private Bag X152 Pretoria 001).
D. (6) $1,000. E. (9) $225.

A. Jerald V. Halvorsen, Allied-General Nuclear Services, 2120 L Street NW., Suite 245, Washington, D.C. 20037.
B. Allied-General Nuclear Services, P.O. Box 847, Barnwell, S.C. 29812.
E. (9) $20.11.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. The Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $150.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. United Student Aid Funds, Inc., 200 East 42d Street, New York, N.Y. 10017.

A. Philip W. Hamilton, 2000 L Street NW., Washington, D.C. 20036.
B. Wilson E. Hamilton & Associates, Inc., 2000 L Street NW., Washington, D.C. 20036 (for the National Labor-Management Foundation, Louisville, Ky).
E. (9) $27.55.

A. Patricia L. Hanahan, 1155 15th Street NW., Washington, D.C. 20005.
B. Bristol-Myers, Co., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $225.

A. Christopher G. Hankin, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $15.11.

A. Arthur Harding, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,300.

A. Chester L. Harding, Jr., NAM, 2 Militia Drive, Lexington, Mass. 02173.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $225.

A. William E. Hardman, 9300 Livingston Road, Washington, D.C. 20022.
B. National Tool, Die & Precision Machining Association, 9300 Livingston Road, Washington, D.C. 20022.

A. Eugene J. Hardy 1776 F Street NW., Washington, D.C 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $2.70.

A. Andrew E. Hare, 8313 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
D. (6) $737. E. (9) $187.

A. Bryce N. Harlow, 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. The Proctor & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.
D. (6) $357.08.

A. Donald L. Harlow, Air Force Sergeants Association, Inc., 310 Riley Street, Falls Church, Va. 22046.
B. Air Force Sergeants Association, Inc., 4235 28th Avenue, Marlow Heights, Md. 20031.

A. William B. Harman, Jr., American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C 20006.
D. (6) $90. E. (9) $20.

A. C. Wayne Harmon, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $500. E. (9) $600.

A. A. J. Harris II, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $629.35. E. (9) $39.60.

A. Rutherford C. Harris, Petroleum Council of Georgia, 230 Peachtreet Street NW., Suite 1500, Atlanta, Ga. 30303.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Saul J. Harris, National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $355. E. (9) $4.

A. Jim Harrison, Committee of Urban Program Universities, Suite 802, 11 Dupont Circle, Washington, D.C. 20036.
B. Committee of Urban Program Universities, Suite 802, 11 Dupont Circle, Washington, D.C. 20036.
D. (6) $5,000. E. (9) $646.20.

A. Rita M. Hartz, 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $1,178.08.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Charles W. Havens III, Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
E. (9) $25.

A. Sidney G. Hawkes, The Mead Corp., 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Mead Corp., Mead World Headquarters, Courthouse Plaza NE., Dayton, Ohio 45463.

A. John H Hawkins, Jr., Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.
B. Alabama Power Co., 600 North 18th Street, Birmingham, Ala. 35291.
D. (6) $2,625. E. (9) $6,228.24.

A. Paul M. Hawkins, 1750 K Street NW., Washington, D.C.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Robert T. Hayden, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $6,280.07. E. (9) $2,088.26.

A. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.
D. (6) $7,770.37. E. (9) $7,770.36.

A. Healthy America, 919 18th Street NW., No. 830, Washington, D.C. 20006.
D. (6) $5,450. E. (9) $3,863.40.

A. Patrick B. Healy, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $487.50.

A. William H. Hecht, 1776 K Street NW., No. 1200, Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., No. 1200, Washington, D.C. 20006.
D. (6) $1,580. E. (9) $580.

A. Edward D. Heffernan, 1125 15th Street NW., Washington, D.C.
B. Citizen's for the Management of Alaska Lands, Anchorage, Alaska.
D. (6) $4,000.

A. John F. Heilman, Disabled American Veterans, 807 Maine Avenue SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $8,000.

A. Spencer H. Heine, Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., 535 West Chicago Avenue, Chicago, Ill. 60671.
D. (6) $50. E. (9) $150.

A. Ross E. Heller, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.

A. John P. Helm, 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C.

A. Phil D. Helmig, 410 East College Street, Roswell, N. Mex. 88201.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Douglas F. Henderson, Rocky Mountain Oil & Gas Association, 345 Petroleum Club Building, Denver, Colo. 80202.
B. Rocky Mountain Oil & Gas Association, 345 Petroleum Club Building, Denver, Colo. 80202.
D. (6) $1,356.24. E. (9) $2,418.14.

A. Richard Dean Henderson, Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 1008, Washington, D.C. 20036.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y. 10017.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500.

A. Thomas M. Hennessy, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $2,006.40. E. (9) $261.42.

A. George F. Hennrikus, Jr., 1625 I Street NW., Washington, D.C. 20006.
B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $3,342.

A. Donald A. Henriksen, 515 South Flower Street, Los Angeles, Calif. 90071.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.

A. Hercules Inc., 910 Market Street, Wilmington, Del. 19899.
E. (9) $3,152.75.

A. Jack E. Herington, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $500. E. (9) $1,049.27.

A. Esther Herst, 510 C Street NE., Washington, D.C. 20002.
B. National Committee Against Repressive Legislation, 1250 Wilshire Boulevard, Los Angeles, Calif. 90017.
D. (6) $2,730. E. (9) $1,677.45.

A. Elena Hess, 3705 Porter Street NW., Washington, D.C. 20016.
B. Self-Determination for D.C., Room 300, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $57.25.

A. Andrew I. Hickey, Jr., Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.
D. (6) $13,319.77 E. (9) $1,262.83.

A. Frederic W. Hickman, 1 First National Plaza, No. 5200, Chicago, Ill. 60603.
B. The First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.
D. (6) $400. E. (9) $10.

A. Frederic W. Hickman. One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $3,200. E. (9) $1,240.12.

A. Frederic W. Hickman. One First National Plaza, No. 5200, Chicago, Ill. 60603.
B. Northwest Industries, Inc., 6300 Sears Tower, Chicago, Ill. 60606.
D. (6) $300. E. (9) $10.

A. Frederic W. Hickman. One First National Plaza. No. 5200, Chicago, Ill. 60603.
B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.
D. (6) $2,350.

A. Frederic W. Hickman. One First National Plaza. No. 5200, Chicago, Ill. 60603.
B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.
D. (6) $460. E. (9) 10.

A. Paul T. Hicks, Rhode Island Petroleum Association, 154 Francis Street, Providence, R.I. 02903.
B. American Petroleum Institute, 2101 L Street NW., 20037.
D. (6) $65. E. (9) $50.

A. Janet E. Hieber, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,000. E. (9) $120.

A. J. Thomas Higginbotham, Mellon Bank, N.A., Pittsburgh, Pa. 15230.
B. Mellon Bank, N.A. and Mellon National Corp, Mellon Square, Pittsburgh, Pa. 15230.
D. (6) $2,000. E. (9) $1,122.93.

A. Gerald "Jerry" Hill, 6 Executive Park Drive, Atlanta, Ga. 30329.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.

A. J. Eldred Hill, Jr., UBA Inc., 1800 K Street NW., No. 460 South, Washington, D.C. 20036.
B. UBA, Inc., 1800 K Street NW., No. 460 South, Washington, D.C. 20036.
D. (6) $2,000. E. (9) $2,000.

A. Stuart L. Hill, 12010 Devilwood Drive, Potomac, Md. 20854.
B. Bechtel Inc., 50 Beale Street, P.O. Box 3965, San Francisco, Calif. 94119.
E. (9) $373.56.

A. Kathryn Hilton, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,687.50.

A. Arthur Hintze, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Bertram E. Hirsch, 76–17 250 Street, Bellerose, N.Y. 11426.
B. Fallon Paiute and Shoshone Tribes, Fallon, Nev.
D. (6) $500. E. (9) $358.40.

A. Lawrence S. Hobart, American Public Power Association, 2600 Virginia Avenue N.W., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $1,200.

A. Claude E. Hobbs, Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.
B Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $900. E. (9) $195.

A. Charles L. Hoebel, Carrier Corp., Suite 510, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Carrier Corp., Carrier Tower, Box 1000, Syracuse, N.Y. 13201.
D. (6) $2,817. E. (9) $817.05.

A. Howard E. Hoelter, Illinois Petroleum Council, P.O. Box 5034, Springfield, Ill. 62705.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $92. E. (9) $8.20.

A. Lawrence S. Hoffheimer, 6845 Elm Street, Suite 511, McLean, Va. 22101.
B. American Group Practice Association, 20 South Quaker Lane, Alexandria, Va. 22314.
D. (6) $5,000. E. (9) $700.

A. Lawrence S. Hoffheimer, National Multiple Sclerosis Society, 6845 Elm Street, Suite 511, McLean, Va. 22101.
B. National Multiple Sclerosis Society, 205 East 42d Street, New York, N.Y. 10017.
D. (6) $3,750. E. (9) $975.

A. Ellen S. Hoffman, 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Children's Defense Fund of the Washington Research Project, Inc., 1520 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $250.38. E. (9) $295.65.

A. Herbert E. Hoffman, American Bar Association, 1800 M Street NW., Washington, D.C. 20036.
B. American Bar Association, 1155 East 60th Street, Chicago, Ill. 60637.
D. (6) $400. E. (9) $50.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.
D. (6) $8,273.75. E. (9) $245.34.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Council of European and Japanese National Shipowners' Association, 17/18 Bury Street, London EC3A 5AH, England.
D. (6) $150. E. (9) $6.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Cravens Wanlass Corp., 1442 Irvine Boulevard, Suite 101, Tustin, Calif. 92680.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $1,000.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. The El Paso Co., 2727 Allen Parkway, Houston, Tex. 77001.
D. (6) $6,800.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Energy Transportation Systems, Inc., 50 Beale Street, San Francisco, Calif. 94119.
D. (6) $600. E. (9) $12.25.

A. Hogan & Hartson, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Independent Refiners Association of California, 1901 North Moore Street, Suite 804, Arlington, Va. 22209.
D. (6) $5,588.75. E. (9) $234.97.

A. Henry W. Holling, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $300. E. (9) $253.

A. Thomas D. Holman, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $1,005. E. (9) $475.

A. Eric Holmes, Petroleum Council of Georgia, 230 Peachtree Street NW., Suite 1500, Atlanta, Ga. 30303.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Lee B. Holmes, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $668.75.

A. R. C. Holmquist, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.

A. John W. Holton, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $33.80.

A. The Hormel Foundation, Austin, Minn. 55912.

A. Michael E. Horrell, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $1,625. E. (9) $61.64.

A. Douglass C. Horstman, 1612 K Street NW., Suite 906, Washington, D.C. 20006.
B. Northern Textile Association, Maytag Co.
D. (6) $6,000. E. (9) $2,000.

A. John F. Horty, National Council of Community Hospitals, 815 Connecticut Avenue, Suite 206, Washington, D.C. 20006.
B. National Council of Community Hospitals, 815 Connecticut Avenue NW., Suite 206, Washington, D.C. 20006.
E. (9) $598.99.

A. Craig Hosmer, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $1,500. E. (9) $3.44.

A. Thomas B. House, 919 18th Street NW., Washington, D.C. 20006.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $750.

A. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
E. (9) $4,050.59.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.
B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill. 60501.
D. (6) $300.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1700 Pennsylvania Avenue NW., Suite 750, Washington, D.C. 20006.
B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. John B. Howerton, ASARCO, Inc., 1730 Rhode Island Avenue NW., Suite 206, Washington, D.C. 20036.
B. ASARCO Inc., 120 Broadway, New York, N.Y. 10005.
D. (6) $1,500. E. (9) $629.74.

A. Clifford T. Howlett, Jr., Georgia-Pacific Corp., 1735 I Street NW., Washington, D.C. 20006.
B. Georgia-Pacific Corp., 900 Fifth Avenue SW., Portland, Oreg. 97204.
E. (9) $250.

A. Tony R. Huerta, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $4,174.65.

A. James C Hughes, National Society of Professional Engineers, 2029 K Street NW., Washington, D C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. David C. Hull, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $785.

A. William J. Hull, Ohio Valley Improvement Association, Inc., 401 Carew Tower, Cincinnati, Ohio 45202.
B. Ohio Valley Improvement Association, Inc., 401 Carew Tower, Cincinnati, Ohio 45202.

A. Keith R. Hundley, 1625 I Street NW., Suite 902, Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $200. E. (9) $70.18.

A. Burt H. Hunley, Chevron U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., 1700 K Street NW., Suite 1204, Washington, D.C. 20006.
D. (6) $150. E. (9) $100.

A. Acacia Graham Hunt, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $50.61. E. (9) $2.30.

A. Milton F. Huntington, Maine Petroleum Association, 283 Water Street, Augusta, Me. 04330.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $80.

A. James L. Huntley, Active Ballot Club Department, Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $11,084.17. E. (9) $1,016.66.

A. Joan L. Huntley, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $181. E. (9) $9.75.

A. Hunton & Williams, P.O. Box 1535, Richmond, Va. 23212.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $1,500.

A. John Edward Hurley, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.
B. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.
E. (9) $158.

A. Raymond D. Hurley, Suite 1010, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, Ohio 43659.

A. John F. Hussey, 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $500. E. (9) $286.

A. Dewey M. Hutchins, Eastman Kodak Co., 500 12th Street SW., Washington, D.C. 20024.
B. Eastman Kodak Co., 343 State Street, Rochester, N.Y. 14650.
D. (6) $230. E. (9) $275.

A. Philip A. Hutchinson, Jr., Volkswagen of America, Inc., 475 L'Enfant Plaza SW., Suite 2450, Washington, D.C. 20024.
B. Volkswagen of America, Inc., 818 Sylvan Avenue, Englewood Cliffs, N.J. 07632.
D. (6) $250. E. (9) $50.

A. Philip A. Hutchinson, Jr., Volkswagen Manufacturing Corp. of America, 475 L'Enfant Plaza, SW., Suite 2450, Washington, D.C. 20024.
B. Volkswagen Manufacturing Corp. of America, 7111 East 11 Mile Road, Warren, Mich. 48090.
D. (6) $250.

A. Lee M. Hydeman, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. Continental Air Lines, Inc., Los Angeles International Airport, Los Angeles, Calif. 90009.
E. (9) $680.30.

A. Hydeman, Mason & Goodell, 1220 19th Street NW., Suite 700, Washington, D.C. 20036.
B. Atlantic Container Line, GIE, Overline House, Southampton, England.

A. David C. Hyer, Ohio Petroleum Council, 88 East Broad Street, Columbus Ohio 43215.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300. E. (9) $253.

A. Frank N. Ikard, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street N.W., Washington, D.C. 20037.
D. (6) $3,750. E. (9) $1,561.

A. Atilla S. Ilkson, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
D. (6) $2,000. E. (9) $19.85.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. Independent Consultants, Inc., 2000 N Street NW., No. 1022, Washington, D.C. 20036.

A. Independent Data Communications Manufacturers Association, Inc., 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $860. E. (9) $860.

A. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.
E. (9) $12,124.67.

A. Independent U.S. Tanker Owners' Committee, 1612 K Street NW., Suite 510, Washington, D.C. 20006.
D. (6) $81,456.10. E. (9) $172,169.18.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $12,292.85. E. (9) $12,292.85.

A. International Association of Machinists & Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $12,552.59.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
E. (9) $25,157.91.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $1,131.

A. Investment Counsel Association of America, Inc., c/o Ramsey D. Potts, 1800 M Street NW., Washington, D.C. 20036.
E. (9) $9.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, Saint Paul, Minn. 55101.
D. (6) $3,524.52. E. (9) $7,443.76.

A. William A. Irvine, 1725 K Street NW., Suite 607, Washington, D.C. 20006.
B. Associated Third Class Mail Users, 1725 K Street NW., Suite 607, Washington, D.C. 20006.
D. (6) $300.

A. Robert A. Jablon, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. Fort Pierce Utilities Authority of the city of Fort Pierce, Gainesville-Alachua County Regional Electric Water & Sewer Utilities, Sebring Utilities Commission, cities of Homestead, Kissimmee, Lakeland, Starke, Tallahassee, Fla.

A. Glenn F. Jackson, 644 Massachusetts Avenue NE., No. 507, Washington, D.C. 20002.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,632.50. E. (9) $50.

A. Mary Jo Jacobi, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $235.

A. Deborah Jacobs, 825 15th Street NW., Washington, D.C. 20005.
B. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.
D. (6) $46.15.

A. E. A. Jaenke, 1735 I Street NW., Washington, D.C. 20006.
B. E. A. Jaenke & Associates, 1735 I Street NW., Washington, D.C. 20006.
D. (6) $3,500.

A. E. A. Jaenke & Associates, Inc., 1735 I Street NW., Washington, D.C. 20006.
B. Australian Wool Corp., Wool House, 369 Royal Parade, Parkville, Victoria 3052.
D. (6) $1,000.

A. E. A. Jaenke & Associates, Inc., 1735 I Street NW., Washington, D.C. 20006.
B. California & Hawaii Sugar Co., 1 California Street, San Francisco, Calif. 94106.
D. (6) $1,000.

A. E. A. Jaenke & Associates, Inc., 1735 I Street NW., Washington, D.C. 20006.
B. Cooperative League of the U.S.A., 1828 L Street NW., Washington, D.C. 20036.
D. (6) $500.

A. E. A. Jaenke & Associates, Inc., 1735 I Street NW., Washington, D.C. 20006.
B. Midcontinent Farmers Association, Columbia, Mo. 65201.
D. (6) $500.

A. Joseph A. Jeffrey, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $256.30.

A. Joseph S. Jenckes, Abbott Laboratories, 1730 M Street NW., No. 808, Washington, D.C. 20036.
B. Abbott Laboratories, Abbott Park, Chicago, Ill. 60064.
E. (9) $141.44.

A. Linda Jenckes, 1730 Pennsylvania Avenue NW., No. 220, Washington, D.C. 20006.
B. Blue Shield Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
E. (9) $10.

A. James Courtney Jennings, 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Jennings, Strouss & Salmon, 111 West Monroe, Phoenix, Ariz. 85003.
B. Shamrock Foods Co., 2228 North Black Canyon, Phoenix, Ariz. 85009.
D. (6) $35.

A. W. Pat Jennings, Slurry Transport Association, 490 L'Enfant Plaza East, SW., Suite 3210, Washington, D.C. 20024.
B. Slurry Transport Association, 490 L'Enfant Plaza East, SW., Suite 3210, Washington, D.C. 20024.
D. (6) $1,200.

A. Chris L. Jensen, Florida Petroleum Council, 111 North Gadsden Street, Tallahassee, Fla. 32301.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. A. W. Jessup, 1025 Connecticut Avenue NW., No. 1014, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y. 10020.
E. (9) $121.86.

A. Guy E. Jester, 2150 Kienlen Avenue, St. Louis, Mo. 63121.
B. Association for Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.

A. Charles E. Joeckel, Jr., Disabled American Veterans, 807 Maine Avenue, SW., Washington, D.C. 20024.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $4,438.

A. Calvin P. Johnson, 1750 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C. 20006.
D. (6) $72. E. (9) $42.06.

A. H. Bradley Johnson, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.

A. Jess Johnson, Jr., Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. John B. Johnson, c/o Alabama Petroleum Council, 660 Adams Avenue, Suite 188, Montgomery, Ala. 36104.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. John Paul Johnson, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.
B. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., Suite 505, Washington, D.C. 20036.
D. (6) $10,116.28. E. (9) $1,719.24.

A. Nicholas Johnson, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Citizens Communications Lobby, P.O. Box 19101, Washington, D.C. 20036.

A. Rady A. Johnson, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $487.42. E. (9) $2.30.

A. Reuben L. Johnson, Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251.
B. Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $6,892.37. E. (9) $202.28.

A. Richard W. Johnson, Jr., 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. Non Commissioned Officers Association of the U.S.A (NCOA), P.O. Box 2268, San Antonio, Tex. 78298.
D. (6) $1,077. E. (9) $458.86.

A. Robert Johnson, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $2,234. E. (9) $190.

A. Spencer A. Johnson, National Home Furnishings Association, 1025 Vermont Avenue NW., Washington, D.C. 20005.
B. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill., 60654.
D. (6) $1,150.

A. Stanley L. Johnson, 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $264.

A. William Johnson, Consumers Power Co., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.
D. (6) $600. E. (9) $59.55.

A. Wilson S. Johnson, National Federation of Independent Business.
B. National Federation of Independent Business, 150 West 20th Avenue, San Mateo, Calif. 94403.
D. (6) $1,000. (9) $500.

A. David Johnston, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. James D. Johnston, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,600. (9) $2,710.93.

A. Joint Maritime Congress, 444 North Capitol Street NW., Washington, D.C. 20001.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.
D. (6) $130. (9) $20.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Kollmorgen Corp., 60 Washington Street, Hartford, Conn. 06106.
D. (6) $2,100.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Pacific Southwest Airlines, 3225 North Harbor Drive, San Diego, Calif. 92101.
D. (6) $150.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Pan American World Airways, Inc., Pan Am Building, New York, N.Y. 10017.

A. Jones, Day, Reavis & Pogue, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Timpte Industries, Inc., 5990 North Washington Street, Denver, Colo. 80216.

A. Ernest W. Jones, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. L. Dan Jones, Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $28.50.

A. James E. Jones, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $1,325. E. (9) $455.

A. Randall T. Jones, 1030 15th Street NW., Suite 700, Washington, D.C. 20005.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $195.

A. Donald L. Jordan, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $1,850. E. (9) $685.

A. James V. Jordan III, P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.
D. (6) $219.20. E. (9) $2,622.50.

A. Thomas M. Joyce, 1120 19th Street NW., Suite 503, Washington, D.C. 20036.
B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.
D. (6) $3,379.99. E. (9) $250.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. Dresser Industries, Inc., 1100 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.

A. James N. Juliana, 1750 New York Avenue NW., Suite 340, Washington, D.C. 20006.
B. Braniff International, Exchange Park, Dallas, Tex. 75235.
D. (6) $26.

A. H. Richard Kahler, 1850 K Street NW., Suite 925, Washington, D.C. 20006.
B. Caterpillar Tractor Co., 100 NE., Adams Street, Peoria, Ill. 61629.
D. (6) $2,500. E. (9) $2, 167,66.

A. Ann P. Kahn, National Congress of Parents and Teachers, 9202 Ponce Place, Fairfax, Va. 22030.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
E. (9) $12.75.

A. Donald J. Kaniewski, Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $4,500. E. (9) $1,382.42.

A. Charles W. Karcher, 1780 Guildhall, Cleveland, Ohio 44115.
B. The Standard Oil Co. (an Ohio Corporation), Midland Building, Cleveland, Ohio 44115.

A. Joseph E. Karth, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. American League for International Security Assistance, Inc. (ALISA) 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
D. (6) $3,645. E. (9) $560.54.

A. Joseph E. Karth, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. General Electric Corp., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $1,206.

A. Joseph E. Karth, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.
B. Special Committee for U.S. Exports, 3507 Leslie Avenue SE., Temple Hills, Md. 20031.
D. (6) $1,200. E. (9) $250.

A. Joseph E. Karth, 475 L'Enfant Plaza, SW., Suite 4400, Washington, D.C. 20024.
B. TADCO Enterprises, Inc., 1625 I Street NW., Washington, D.C. 20006; and Archer-Daniels-Midland Co., Decatur, Ill. 62525.
D. (6) $1,800. E. (9) $28.57.

A. Anthony R. Katz, Burson-Marsteller, 1800 M Street NW., 750S, Washington, D.C. 20036.
B. Burson-Marsteller (for Gould, Inc., Electric Motor Division, 1831 Chestnut Street, St. Louis, Mo. 63166), 1800 M Street NW., Suite 750 South, Washington, D.C. 20036.
D. (6) $4,910. E. (9) $473.16.

A. Linda E. Katz, 3350 Huntley Square Drive T–2, Temple Hills, Md. 20031.
B. Chicago Rock Island and Pacific Railroad Co., 332 South Michigan Avenue, Chicago, Ill. 60604.
D. (6) $4,500. E. (9) $632.18.

A. William J. Keating, 725 15th Street NW., Washington, D.C. 20005.
B. National Grain and Feed Association, P.O. Box 28328, Washington, D.C. 20005.

A. Howard B. Keck, The Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.
B. The Superior Oil Co., 555 South Flower Street, Los Angeles, Calif. 90071.
E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.
E. (9) $275.

A. Patricia Keefer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $5,600.01.

A. David C. Keehn, Air Products and Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
B. Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.
D. (6) $38.75.

A. John B. Kelley, 1025 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036.
B. Avco Corp., 1275 King Street, Greenwich, Conn. 06830.
D. (6) $1,500. E. (9) $250.

A. Ty Kelley, 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.
B. National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.
D. (6) $500.

A. Stephen S. Kellner, 1001 Connecticut Avenue NW., Suite 1120, Washintgon, D.C. 20036.
B. Chemical Specialties Manufacturers Association, 1001 Connecticut Avenue NW., Suite 1120, Washington, D.C. 20036.
D. (6) $48.09. E. (9) $29.95.

A. Carol A. Kelly, American Textile Manufacturers Institute, Inc., 1150 17th Street NW., Suite 1001, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Suite 2124, 400 South Tryon Street, Charlotte, N.C. 28285.
D. (6) $2,440. E. (9) $140.75.

A. Harold V. Kelly, 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Buiding, Cleveland, Ohio 44101.

A. John T. Kelly, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. Robert F. Kelly, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.

A. Thomas J. Kenan, 1000 Fidelity Plaza, Oklahoma City, Okla. 73102.
B. Cocquina Oil Corp., P.O. Box 2690, Midland, Tex.
E. (9) $337.56.

A. William J. Kendrick, Air Products and Chemicals, Inc., 1800 K Street NW., Suite 1016, Washington, D.C. 20006.
B. Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.
D. (6) $41.50.

A. William F. Kennedy, General Electric Co., Fairfield, Conn. 06431.
B. General Electric Co., Fairfield, Conn. 06431.

A. Jeremiah J. Kennedy, Jr., Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $421.70.

A. Robert T. Kennedy, 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.

A. Kenyon & Kenyon Reilly Carr & Chapin, 59 Maiden Lane, New York, N.Y. 10038.
B. Estate of Bert N. Adams, 1461 West 16th Place, Yuma, Ariz. 85364.
E. (9) $5.

A. Robert M. Ketchel, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

A. Richard F. Kibben, 405 Lexington Avenue, New York, N.Y. 10017.
B. The Business Roundtable, 405 Lexington Avenue, New York, N.Y. 10017.

A. William S. Kies, 1750 K Street NW., Wasington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Daniel L. Kiley, 8 North Jefferson Street, Roanoke, Va. 24042.
B. Norfolk and Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.
D. (6) $1,065. E. (9) $658.99.

A. Richard H. Kimberly, Kimberly-Clark Corp., 3390 Peachtree Road NE., Executive Suite, Atlanta, Ga. 30326.

B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
D. (6) $70. E. (9) $528.90

A. James L. Kimble, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Charles L. King, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, 1850 K Street NW., Washington, D.C. 20006.
D. (6) $160.

A. Francis L. Kinney, 76 Pheasant Run, Newington, Conn. 06111.
B. Northeast Utilities Service Co., Selden Street, Berlin, Conn.
E. (9) $96.

A. Irvin M. Kipnes, Kipnes & Associates, 6615 Malta Lane, McLean, Va. 22101.
B. John L. Harmer, 10884 Wilshire Boulevard, Los Angeles, Calif. 90024.
D. (6) $50,000

A. Jack Arthur Kirby, 1516 County Line Road, Rosemont, Pa. 19010.
B. American Society of Farm Managers and Rural Appraisers, Inc., P.O. Box 6857, Denver, Colo. 80206.
D. (6) $1,500.

A. Alan G. Kirk II, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.

A. John R. Kirk, Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.
B. First National Bank of Boston, 100 Federal Street, Boston, Mass. 02110.
E. (9) $377.74.

A. Kirkland, Ellis & Rowe, 1776 K Street NW., Washington, D.C. 20006.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Sally Ann Kirkpatrick, American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $750. E. (9) $125.

A. Saul B. Klaman, National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $169.23.

A. Richard P. Kleeman, Association of American Publishers, Inc., 1707 L Street NW., No. 480, Washington, D.C. 20036.
B. Association of American Publishers, Inc., 1707 L Street NW., No. 480, Washington, D.C. 20036.

A. Richard A. Kline, 1150 17th Street NW., Suite 609, Washington, D.C. 20036.
B. Council of Active Independent Oil and Gas Producers, 1150 17th Street NW., Suite 609, Washington, D.C. 20036.
D. (6) $3,437.

A. John J. Klocko, III, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.

B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
D. (6) $135.

A. Gary D. Knight, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
E. (9) $25.

A. Keith R. Knoblock, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $61.13. E. (9) $4.40.

A. Philip M. Knox, Jr., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
D. (6) $300. E. (9) $200.

A. Ruth E. Kobell, Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251.
B. Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $3,069.23. E. (9) $49.77.

A. George W. Koch, 1425 K Street NW., Washington, D.C. 20005.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.
D. (6) $104.05.

A. Robert M. Koch, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $18.29.

A. Robert M. Koch, Jr., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $21.52.

A. Horace R. Kornegay, Suite 1200, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $500. E. (9) $150.

A. Anita Korten, 600 Pennsylvania Avenue SE., Suite 205, Washington, D.C. 20003.
B. Citizens Committee for the Right to Keep and Bear Arms, Bellefield Office Park, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.
D. (6) $1,440.

A. Kenneth S. Kovack, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, Five Gateway Center, Pittsburgh, Pa.
D. (6) $6,280.07. E. (9) $1,607.71.

A. Mylio S. Kraja, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $6,795. E. (9) $1,055.51.

A. Amos Kramer, Kansas Petroleum Council, Eighth and Jackson Streets, Topeka, Kans. 66612.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Stephen W. Kraus, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Raymond Roger Krause, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $100.

A. Lawrence E. Kreider, Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

A. Nelson L. Krueger, 302 Providence Road, Lawrence, Kans. 66044.
B. Air Line Pilots Association, 200 Park Avenue, 56th Floor, New York, N.Y. 10017.
D. (6) $900. E. (9) $900.

A. M. J. Kuehne, American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.
B. American Plywood Association, 1119 A Street, Tacoma, Wash. 98401.

A. Lloyd R. Kuhn, Aerospace Industries Association, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $9,720. E. (9) $959.64.

A. Thomas R. Kuhn, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $1,548.75. E. (9) $162.64.

A. Daniel M. Kush, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
E. (9) $392.15.

A. Labor Bureau of Middle West, 1200 15th Street NW., Washington, D.C. 20005; 11 South LaSalle Street, Chicago, Ill. 60603.

A. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
E. (9) $22,508.07.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $12,304. E. (9) $5,394.

A. Philip A. Lacovara, 1660 L Street NW., Washington, D.C. 20036.
B. Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $465. E. (9) $6.

A. Philip A. Lacovara, Hughes, Hubbard & Reed, 1660 L Street NW., Washington, D.C.
B. Merck & Co., Inc., P.O. Box 2000, Rahway, N.J. 07065.
D. (6) $465. E. (9) $6.

A. Sarah M. Laird, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $899. E. (9) $3,837.

A. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

A. A. M. Lampley, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
E. (9) $150.

A. David W. Landsidle, 2 Militia Drive, Lexington, Mass. 02173.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $225.

A. Karl S. Landstrom, 510 North Edison Street, Arlington, Va. 22203.
B. Geothermal Resources International, 4676 Admiralty Way, Marina del Ray, Calif. 90291.
D. (6) $1,250.

A. James J. LaPenta, Jr., Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
E. (9) $965.71.

A. Lucille Larkin, National Cable Television Association, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $82.50.

A. Reed E. Larson, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
D. (6) $45. E. (9) $10.

A. Glenn T. Lashley, American Automobile Association, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Theodore A. Lattanzio, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Dennis Lavallee, American Footwear Industries Association, Suite 900, 1611 North Kent Street, Arlington, Va. 22209.
B. American Footwear Industries Association, Suite 900, 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $3,750. E. (9) $9.80.

A. George H. Lawrence, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $200.

A. Kenneth L. Lay, 783 Granville Drive, Winter Park, Fla. 32789.
B. Florida Gas Transmission Co., P.O. Box 44, Winter Park, Fla. 32790.

A. John I. Le Berre, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $200. E. (9) $300.

A. Michael L. Lehrman, 3012 Cortland Place NW., Washington, D.C. 20008.
B. Plessy Co., Ltd., Ilford, Essex, England.
D. (6) $10,082. E. (9) $4,725.

A. Robert J. Leigh, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
D. (6) $40.

A. Joseph L. Leitzinger, Simpson Timber Co., 900 Fourth Avenue, Seattle Wash. 98164.
B. Simpson Timber Co., 900 Fourth Avenue, Seattle, Wash. 98164.
D. (6) $2,880. E. (9) $1,658.

A. Gilbert LeKander, 1629 K Street NW., No. 801, Washington, D.C. 20006.
B. Montana Power Co., 40 East Broadway, Butte, Mont. 59701; Washington Water Power Co., Box 3727, Spokane, Wash. 99220.
D. (6) $450.

A. Lynette B. Lenard, Suite 700 South, 1800 M Street NW., Washington, D.C. 20036.
B. Dow Chemical Co., Midland, Mich. 48640.

A. Earl T. Leonard, Jr., Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga., 30301.
B. Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.
D. (6) $940. E. (7) $500.73.

A. Lloyd Leonard, 1730 M Street NW., Washington, D.C. 20036.
B. League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $659.

A. Will E. Leonard, 900 17th Street NW., Suite 714, Washington, D.C. 20006.
B. Karth-Best Associates, 475 L'Enfant Plaza SW., Suite 4400, Washington, D.C. 20024.

A. Steven H. Lesnik, Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.
B. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.
D. (6) $300.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Suite 1001, Washington, D.C. 20006.
B. General Cable Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.
D. (6) $2,343.75. E. (9) $105.38.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Beer Wholesalers' Association of America, 4001 West Devon Avenue, Chicago, Ill. 60646.
D. (6) $3,180. E. (9) $865.68.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue, Washington, D.C. 20006.
B. (9) National Council of Community Hospitals, c/o, 815 Connecticut Avenue NW., Washington, D.C. 20006.

A. Morris J. Levin, 1620 I Street NW., Washington, D.C. 20006.
B. Association of American Railroads, American Railroad Building, Washington, D.C.
D. (6) $1,000.

A. Harry LeVine, Jr., General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.

A. Roger N. Levy, Independent Insurance Agents of America, Inc., 1120 19th Street NW., Suite 503, Washington, D.C. 20036.
B. Independent Insurance Agents of America, Inc., 85 John Street, New York, N.Y. 10038.
D. (6) $3,379.99. S. (9) $250.

A. Tamar Lewin, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,800.01.

A. David Lewis, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, 3111 Aloma, Wichita, Kans. 67211.

A. Robert G. Lewis, Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251.
B. Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $1,960. E. (9) $53.55.

A. Stuart A. Lewis, 1800 M Street NW., Suite 1010, Washington, D.C. 20036.
B. Association of Reserve City Bankers, 1800 M Street NW, Suite 1010, Washington, D.C. 20036.
D. (6) $200.

A. Susan Paris Lewis, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington D.C. 20036.
D. (6) $1,757.50.

A. Walter R. Lewis, Jr., National Association of Manufacturers, 1719 Route 10, Parsippany, N.J. 07054.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $212.50.

A. Ronald L. Leymeister, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $400. E. (9) $130.80.

A. Herbert Liebenson, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $4,500. E. (9) $1,200.

A. Charles W. Linderman, Slurry Transport Association, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.
B. Slurry Transport Association, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.
D. (6) $75.

A. Lester W. Lindow, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. John E. Linster, Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.
B. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.
D. (6) $500.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. County of Baltimore, 111 West Chesapeake Avenue, Towson, Md. 21204.
D. (6) $1,200. E. (9) $54.13.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Lake Superior District Power Co., 101 West Second Street, Ashland, Wis. 54806.
D. (6) $440.23. E. (9) $67.97.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Madison Gas & Electric Co., 100 North Fairchild Street, Box 1231, Madison, Wis. 53701.
D. (6) $976.84. E. (9) $150.81.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Metropolitan Sanitary District of Greater Chicago, 100 East Erie Street, Chicago, Ill. 60611.
D. (6) $6,782.40. E. (9) $1,106.96.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Northern States Power Co., 100 North Barstow Street, Eau Claire, Wis. 54701.
D. (6) $1,320.41. E. (9) $203.85.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Radio Active Waste Management Group, 1800 M Street NW., Washington, D.C. 20036
D. (6) $11,925. E. (9) $167.53.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. State of Illinois, Department of Transportation, 2300 South Dirksen Parkway, Springfield, Ill. 62764.
D. (6) $10,520. E. (9) $511.98.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. State of Illinois, Department of Transportation, Division of Water Resources, 2300 South Dirksen Parkway, Springfield, Ill. 62764.
D. (6) $2,350. E. (9) $215.15.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Superior Water, Light & Power Co., 1230 Tower Avenue, Superior, Wis. 54880.
D. (6) $264.62 E. (9) $40.86.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wayne County Board of Commissioners, 706 City County Building, Detroit, Mich. 48226.
D. (6) $7,500. E. (9) $322.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Electric Power Co., 231 West Michigan, Milwaukee, Wis. 53201.
D. (6) $3,214.18. E. (9) $496.23.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Michigan Power Co., 231 West Michigan, Milwaukee, Wis.
D. (6) $1,068.25. E. (9) $165.02.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Power & Light Co., Madison, Wis. 53701.
D. (6) $1,833.06. E. (9) $283.01.

A. Ron M. Linton, 1015 18th Street NW., Suite 200, Washington, D.C. 20036.
B. Wisconsin Public Service Corp., P.O. Box 700, Green Bay, Wis. 54305.
D. (6) $1,771.81. E. (9) $273.55.

A. Robert G. Litschert, National Association of Electric Companies, 1140 Connecticut Avenue NW., Room 1010, Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Room 1010, Washington, D.C. 20036.
D. (6) $260. E. (9) $29.

A. Andrew Litsky, National Cable Television Association, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $1,168.75. E. (9) $17.

A. E. F Livaudais, Jr., Atlantic Richfield Co., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $500. E. (9) $45.

A. H. Richard Lloyd, Jr., General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $106.50

A. James T. Lloyd, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. Continental Air Lines, Inc., Los Angeles International Airport, Los Angeles, Calif. 90009.
D. (6) $340. E. (9) $3.20.

A. Loews Corp., 666 Fifth Avenue, New York, N.Y. 10019.
E. (9) $3,000.

A. Robert W. Long, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $210.96. E. (9) $8.45.

A. Christopher LoPiano, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $961.68. E. (9) $17.60.

A. Edward J. Lord, American Legion, 1608 K Street NW., Washington, D.C.
B. American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $4,242. E. (9) $276.29.

A. Philip J. Loree, 17 Battery Place North, New York, N.Y. 10004.
B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $900. E. (9) $628.52.

A. Judith A. Lorenson, 7386 Kingsbury, St. Louis, Mo. 63130.
B. Chromalloy American Corp., 120 South Central Avenue, St. Louis, Mo. 63105.
D. (6) $7,800. E. (9) $178.15.

A. Herschel, C. Loveless, 918 16th Street NW., No. 501, Washington, D.C. 20006.
B. Chromalloy American Corp., 120 South Central Avenue, St. Louis, Mo. 63105.
D. (6) $1,800. E. (9) $1,987.

A. James F. Lovett, 1801 K Street NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $1,000. E. (9) $200.

A. James P. Low, American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20036.
B. American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20036.

A. Gerald M. Lowrie, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $1,782.38.

A. Freddie H. Lucas, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $2,000. E. (9) $276.80.

A. John S. Lucas, Jr., National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.

A. Lumbermen's Mutual Casualty Co., Long Grove, Ill. 60049.
E. (9) $3,050.

A. Milton F. Lunch, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Christian J. Lund, United Technologies Corp., 1125 15th Street NW., Washington, D.C. 20005.
B. United Technologies Corp., United Technologies Building, Hartford, Conn. 06101; 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $9,000. E. (9) $1,818.10.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $1,200. E. (9) $53.14.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. First Investment Annuity Company of America, P.O. Box 831, No. 7 Valley Forge Executive Mall, Valley Forge, Pa. 19482.
D. (6) $1,475. E. (9) $5.30.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. National Product Liability Council, Box 11111, Cincinnati, Ohio 45211.
D. (6) $250. E. (9) $66.26.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. Pennsylvania Power & Light Co., 2 North Ninth Street, Allentown, Pa. 18101.
D. (6) $750. E. (9) $141.39.

A. Lund Levin & O'Brien, 1625 I Street NW., Washington, D.C. 20006.
B. Shanghai Power Co., 100 West 10th Street, Wilmington, Del. 19801.
D. (6) $120.

A. James H. Lynch, Jr., American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $9,168.60. E. (9) $15,358.40.

A. Richard Lyng, American Meat Institute, P.O. Box 3556, Washington, D.C. 20007.
B. American Meat Institute, P.O. Box 3556, Washington, D.C. 20007; 1600 Wilson Boulevard, Arlington, Va.
D. (6) $500.

A. Douglas E. MacArthur, P.O. Box 10162, St. Louis, Mo. 63145.
B. Zantop International Airlines, Willow Run Airport, Ypsilanti, Mich. 48197.
D. (6) $1,200. E. (9) $1,031.14.

A. James E. Mack, National Confectioners Association, 5101 Wisconsin Avenue, Suite 506, Washington, D.C. 20016.
B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill. 60603.
D. (6) $17,000. E. (9) $4,707.36.

A. Duncan H. Mackenzie, 3019 Goat Hill Road, Bel Air, Md. 21014.
D. (6) $210. E. $241.57.

A. John P. Mackey, Ad Hoc Committee in Defense of Life, Inc., 810 National Press Building, Washington, D.C. 20045.
B. Ad Hoc Committee in Defense of Life, Inc., 150 East 35th Street, New York, N.Y. 10016.
D. (6) $4,372.50. E. (9) $5,952.90.

A. Thomas J. Mader, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $4,200. E. (9) $61.

A. R. J. Maglione, 1911 North Fort Myer Drive, Suite 907, Arlington, Va. 22209.
B. AVCO Corp., 201 Lowell Street, Wilmington, Mass. 01887.
D. (6) $11,200. E. (9) $3,575.

A. R. J. Maglione, 1911 North Fort Myer Drive, Suite 907, Arlington, Va. 22209.
B. McDonnel Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.
D. (6) $4,600. E. (9) $3,575.

A. R. J. Maglione, 1911 North Fort Myer Drive, Suite 907, Arlington, Va. 22209.
B. Vought Corp., 1745 Jefferson Davis Highway, Suite 612, Arlington, Va. 22202.
D. (6) $6,900. E. (9) $3,475.

A. John F. Mahoney, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $3,343. E. (9) $763.

A. Michael C. Maibach, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $450. E. (9) $946.20.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Aluminum & Chemical Corp., 900 17th Street NW., Washington, D.C.
D. (6) $375. E. (9) $45.

A. Andre Maisonpierre, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $805. E. (9) $495.

A. J. Wilson Malloy, Jr., Eastman Chemical Products, Inc., 500 12th Street SW., Washington, D.C. 20024.
B. Eastman Chemical Products, Inc., P.O. Box 431, Kingsport, Tenn. 37662.
D. (6) $700. E. (9) $35.

A. Ben J. Man, Joint Maritime Congress, 444 North Capital Street NW., Washington, D.C. 20001.
B. Joint Maritime Congress, 444 North Capital Street, Washington, D.C. 20001.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.
B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.
D. (6) $8,951.03. E. (9) $77.15.

A. Mike Manatos, 1801 K Street NW., Suite 230, Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $5,000. E. (9) $3,000.

A. Dallace E. Marable, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,050. E. (9) $38.80.

A. Lawrence D. Markley, P.O. Box 3518, Anchorage, Alaska 99501.
B. Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501.
D. (6) $5,593.60. E. (9) $5,394.09.

A. Ralph J. Mariatt, Professional Insurance Agents, 1511 K Street NW., Washington, D.C. 20005.
B. Professional Insurance Agents, 1511 K Street NW., Washington, D.C. 20005.
D. (6) $450. E. (9) $1,100.

A. Dan V. Maroney, Jr., 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Marshall, Bratter, Greene, Allison & Tucker, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. New York State Beauty Schools' Association, Inc., 404 Fifth Avenue, New York, N.Y. 10018.
D. (6) $4,721.80.

A. J. Paull Marshall, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $333.33. E. $378.85.

A. M & I Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. David O. Martin, Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
B. Kimberly-Clark Corp., North Lake Street, Neenah, Wis. 54956.
D. (6) $150. E. (9) $250.

A. Katherine E. Martin, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $45.01. E. (9) $32.

A. Thomas A. Martin, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $500. E. (9) $200.

A. Tina Marts, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $25.

A. Joseph J. Martyak, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $2,800. E. (9) $127.48.

A. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.
E. (9) $49.81.

A. Mike M. Masaoka, Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 2006.
B. American Japanese Trade Committee, Suite 520, 900 17th Street NW., Washington, D.C. 20006.

A. Mike M. Masaoka, Association on Japanese Textile Imports, Inc., Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.
B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.
D. (6) $590.

A. Mike M. Masaoka, Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.
B. Nisei Lobby, Suite 520, The Farragut Building, 900 17th Street NW., Washington, D.C. 20006.

A. Mike M. Masaoka, Masaoka-Ishikawa and Associates, Inc., Suite 520, 900 17th Street NW., Washington, D.C. 20006.
B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
D. (6) $500.

A. John B. Mason, El Paso Products Co., P.O. Box 3986, Odessa, Tex. 79760.
B. El Paso Products Co., P.O. Box 3986, Odessa, Tex. 79760.
D. (6) $11,500. E. (9) $3,659.

A. Paul J. Mason, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Cliff Massa III, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. Charles D. Matthews, 1100 17th Street NW., Suit 410, Washington, D.C. 20036.
B. National Ocean Industries Association, 1100 17th Street NW., Suite 410, Washington, D.C. 20036.
D. (6) $2,435.64. E. (9) $123.33.

A. Robert A. Matthews, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $384.50.

A. Robert R. Mattson, Standard Oil Co. (Indiana), 200 East Randolph Drive, Mail Code 6402, Chicago, Ill. 60601.
B. Standard Oil Co. (Indiana), 200 East Randolph Drive, Chicago, Ill. 60601.
D. (6) $280. E. (9) $312.60.

A. C. V. & R. V. Maudlin, 1111 East Street NW., Washington, D.C. 20004.
B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.
B. Joint Government Liaison Committee, 1111 E Street NW., Washington, D.C. 20004.

A. Anthony F. Mauriello, N.Y.S. Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10017.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $632.16. E. (9) $336.94.

A. Thomas H. Maxedon, Kentucky Petroleum Council, 4010 Dupont Circle, Suite 469, Louisville, Ky. 40207.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Albert E. May, American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $410. E. (9) $8.32.

A. Arnold Mayer, 100 Indiana Avenue NW., Room 502, Washington, D.C. 20001.
B. Amalgamated Meat Cutters and Butcher Workmen of North America (AFL–CIO), 2800 North Sheridan Road, Chicago, Ill. 60657.
D. (6) $9,140. E. (9) $310.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.
B. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.
D. (6) $13,578.75.

A. Mayer, Brown & Platt, 888 17th Street NW., Washington, D.C. 20006.
B. The ERISA Industry Committee, Suite 1201, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Mays, Valentine, Davenport & Moore, Barr Building, 910 17th Street NW., Washington, D.C. 20006.
B. SEDCO, Inc., 1901 North Akard Street, Dallas, Tex. 75201.

A. Mays, Valentine, Davenport & Moore, Barr Building, 910 17th Street NW., Washington, D.C. 20006.
B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.
D. (6) $1,050.

A. J. R. McAlpin, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Armco Steel Corp., 815 Connecticut Avenue NW., Washington, D.C. 20006.
D. (6) $375. E. (9) $135.

A. William J. McAuliffe, Jr., American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.

A. Ann McBride, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $6,000. E. (9) $62.

A. Robert C. McCandless, 1707 H Street NW., Washington, D.C. 20006.
B. Transamerica Insurance Corp., of California (Occidental Life), Occidental Center, Hill and Olive at 12th Street, Los Angeles, Calif. 90015.
D. (6) $2,539.06. E. (9) $88.

A. John A. McCart, Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
B. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $2,245.78.

A. McCarty & Noone, 490 L'Enfant Plaza East, Suite 3306, Washington, D.C. 20024.
B. American Medical Technologists, 710 Higgins Road, Park Ridge, Ill. 60068.
D. (6) $1,080. E. (9) $421.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. Avon Products, Inc., 9 West 57th Street, New York, N.Y. 10019.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. Cities Service Co., Box 300, Tulsa Okla. 74102.
D. (6) $1,860.38. E. (9) $257.17.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. The Coca-Cola Co., P.O. Box 1734, Atlanta, Ga. 30301.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. Gulf & Western Industries, Inc., 1 Gulf and Western Plaza, New York, N.Y. 10023.
D. (6) $10,000.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. Tidewater Marine Service, 3308 Tulane Avenue, New Orleans, La. 70110.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.
B. United Artists Corp., 729 Seventh Avenue, New York, N.Y. 10019.

A. Linda A. McCorkle, Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Independent Gasoline Marketers Council, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
D. (6) $262.25. E. (9) $1.20.

A. John L. McCormick, Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,150.

A. E. L. McCulloch, Brotherhood of Locomotive Engineers, 819 Railway Labor Building, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.
D. (6) $284.60. E. (9) $81.50.

A. D. McCurrach, 1500 Wilson Boulevard, No. 609, Arlington, Va. 22209.
B. National School Supply and Equipment Association, 1500 Wilson Boulevard, No. 609, Arlington, Va. 22209.

A. Albert L. McDermott, American Hotel & Motel Association, 777 14th Street NW., Washington, D.C. 20005.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $1,390.91. E. (9) $541.02.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.
B. Big Prairie Farms, Inc., J. J. White, 100 State Street, Beardstown, Ill. 62618.
D. (6) $1,620.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.
B. The First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.
D. (6) $400. E. (9) $10.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.
B. Iowa Beef Processors, Inc., Dakota City, Nebr. 68731.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $3,200. E. (9) $1,240.12.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.
B. Peoples Gas Co., 122 South Michigan Avenue, Chicago, Ill. 60603.
D. (6) $2,350.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.
B. Sears, Roebuck & Co., Sears Tower, Chicago, Ill. 60684.
E. (9) $40.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.
B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.
D. (6) $460. E. (9) $10.

A. Francis O. McDermott, 1750 K Street NW., Suite 1110, Washington, D.C. 20006.
B. Trustees Under Will of Warren Wright, care of The First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60603.

A. McDermott, Will & Emery, 111 West Monroe Street, Chicago, Ill. 60603.
D. (6) $207.14.

A. Jack McDonald, 6845 Elm Street, No. 512, McLean, Va. 22101.
B. Jack McDonald Associates, 6845 Elm Street, No. 512, McLean, Va. 22101 (for Union Oil Co., P.O. Box 7600, Los Angeles, Calif. 90051.)
D. (6) $6,000.

A. Jack McDonald Associates, 6845 Elm Street, No. 512, McLean, Va. 22101.
B. Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067.
D. (6) $4,500. E. (9) $2,450.

A. Jack McDonald Associates, 6845 Elm Street, No. 512, McLean, Va. 22101.
B. Union Oil Co., P.O. Box 7600, Los Angeles, Calif. 90051.
D. (6) $15,000. E. (9) $9,750.

A. James McDonald, 6845 Elm Street, No. 512, McLean, Va. 22101.
B. Jack McDonald Associates, 6845 Elm Street, No. 512, McLean, Va. 22101 (for Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067).
D. (6) $2,250.

A. James McDonald, 6845 Elm Street, No. 512, McLean, Va. 22101.
B. Jack McDonald Associates, 6845 Elm Street, No. 512, McLean, Va. 22101 (for Union Oil Co., P.O. Box 7600, Los Angeles, Calif. 90051).
D. (6) $3,000.

A. Michael D. McDonald, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $175.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont. 59701.
B. The Montana Power Co., Butte, Mont. 59701.
E. (9) $65.45.

A. J. Raymond McGlaughlin, 400 First Street NW., Room 801, Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $9,674.10.

A. Robert M. McGlotten, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, Washington, D.C., 815 16th Street NW., Washington, D.C.
D. (6) $10,563. E. (9) 1,008.75.

A. John J. McGonagle, Jr., INA Corp. 1600 Arch Street, Philadelphia, Pa. 19101.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $10,563. E. (9) $335.33.

A. Clarence M. McIntosh, Jr., Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $994.01.

A. Lyn McIntosh, 1750 K Street, Suite 300, Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6)$1,100. E. (9) $128.17.

A. William F. McKenna, 1800 M Street NW., Washington, D.C. 20036.
B. Silver, Freedman, Housley & Taff, 1800 M Street NW., Washington, D.C. 20036.
E. (9) $0.90.

A. James D. McKevitt, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Association of Women's & Childrens Apparel Salesmen (NAWCAS), 515 Peachtree, Palisades Building, Atlanta, Ga. 30309.
D. (6) $2,000. E. (9) $50.

A. James D. McKevitt, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $3,500. E (9) $60.

A. C. A. "Mack" McKinney, 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. National Headquarters, Marine Corps League, 933 North Monroe Street, Suite 321, Arlington, Va. 22201.
E. (9) $74.65.

A. C. A. "Mack" McKinney, 110 Maryland Avenue NE., Box 43, Washington, D.C. 20002.
B. Non-Commissioned Officers Association of the United States (NCOA), P.O. Box 2268, San Antonio, Tex. 78298.
D. (6) $4,931.14. E. (9) $9,592.09.

A. John S. McLees, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
E. (9) $300.

A. William F. McManus, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $525. E. (9) $275.

A. C. W. McMillan, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.
B. National Cattlemen's Association, 1001 Lincoln St., Denver, Colo. 80202.
D. (6) $1,500.

A. Ralph J. McNair, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C. 20006.
B. American Dredging Co., 12 South 12th Street, Philadelphia, Pa. 19107.
D. (6) $21,000. E. (9) $4,126.52.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C. 20006.
B. Republic of Turkey, 1606 23d Street NW., Washington, D.C. 20008.
D. (6) $6,300. E. (9) $95.83.

A. Harry McPherson, 1660 L Street NW., Washington, D.C. 20036.
B. Small Producers for Energy Independence, Suite 970, Fourth Financial Center, Wichita, Kans. 67202.
D. (6) $4,615. E. (9) $125.

A. William H. Megonnell, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

A. Law Offices of Richard A. Mehler, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Automotive Parts Rebuilders Association, 6849 Old Dominion Drive, McLean, Va. 22101.

A. Louis L. Meier, Jr., 1625 I Street NW., Washington, D.C. 20006.
B. American Society of Civil Engineers, Professional Society, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017.
D. (6) $870. E. (9) $760.

A. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $10,563.

A. R. Otto Meletzke, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D (6) $205. E. (9) $105.

A. Marilee Menard, National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $600.

A. Ralph Merigliano, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $4,388.76.

A. John Merrigan, Suite 1000, 1660 L Street NW., Washington, D.C. 20036.
B. Small Producers For Energy, Suite 970, Fourth Financial Center, Wichita, Kans. 67202.
D. (6) $4,615. E. (9) $125.

A. Lawrence C. Merthan, Carpet & Rug Institute, 1015 18th Street, Washington, D.C. 20036.
B. Carpet & Rug Institute, Dalton, Ga. 30720.
D. (6) $412. E. (9) $273.

A. Marc Messing, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,085. E. (9) $232.17.

A. Tanya K. Metaksa, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $100.

A. Nancy S. Metler, 1750 K Street NW., Suite 300, Washington, D.C.
B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $516.25. E. (9) $10.81.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

A. M. Barry Meyer, Aluminum Association, 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. Aluminum Association, 818 Connecticut Avenue NW., Washington, D.C. 20006.
D. (6) $250. E. (9) $280.05.

A. Ronald A. Michieli, 425 13th Street NW., Suite 1020, Washington, D.C. 20004.
B. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.
D. (6) $1,000.

A. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $10.07. E. (9) $2,927.29.

A. Roy H. Millenson, Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street NW., Room 480, Washington, D.C. 20036.
D. (6) $1,850. E. (9) $37.

A. A. Stanley Miller, 910 16th Street, Room 302, Washington, D.C. 20006.
B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $200.

A. Miller, Cassidy, Larroca & Lewin, 2555 M Street NW., Suite 500, Washington, D.C. 20037.
B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.
B. Gulf Intracoastal Canal Association, Houston, Tex.
D. (6) $262.50. E. (9) $28.71.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.
B. Texasgulf Inc., Stamford, Conn.
D. (6) $450. E. (9) $399.54.

A. Joe D. Miller, American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $875.

A. Luman G. Miller, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.
B. Oregon Railroad Association, 620 Southwest Fifth Avenue Building, Suite 912, Portland, Oreg. 97204.

A. William P. Miller, Jr., American Society of Mechanical Engineers, 2029 K Street NW., Washington, D.C. 20007.
B. American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017.
E. (9) $300.

A. Milliman & Broder, P.C., 1730 M Street NW., No. 908, Washington, D.C. 20036.
B. National Council of Senior Citizens, Inc., 1511 K Street NW., Washington, D.C. 20005.
D. (6) $4,500. E. (9) $110.93.

A. John F. Mills, 1776 K Street NW., Washington, D.C. 20006.
B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $480. E. (9) $80.

A. Linda F. Mills, 1629 K Street NW., Suite 300, Washington, D.C. 20006.
B. General Mills, Inc., P.O. Box 1113, Minneapolis, Minn. 55440.
D. (6) $200. E. (9) $450.

A. Clarence Mitchell, NAACP, 733 15th Street NW., Suite 410, Washington, D.C. 20005.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $4,000.

A. Thomas F. Mitchell, Georgia-Pacific Corp., 1735 I Street NW., Washington, D.C. 20006.
B. Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, Oreg. 97204.
E. (9) $550.

A. Richard Mizrack, 270 Madison Avenue, New York, N.Y. 10016.
B. Wolf Haldenstein Adler Freeman & Herz, 270 Madison Avenue, New York, N.Y. 10016 (for Fallek-Lankro Corp., Tuscaloosa, Ala.).
D. (6) $520. E. (9) $90.

A. John S. Monagan, Suite 1010, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Benrus Corp., Benrus Center, Ridgefield, Conn. 06877.
D. (6) $3,500.

A. John S. Monagan, Whitman & Ransom, 1730 Pennsylvania Avenue NW., Suite 1010, Washington, D.C. 20006.
B. Connecticut Bankers Association, 100 Constitution Plaza, Suite 956, Hartford, Conn. 06103.
D. (6) $750. E. (9) 72.85.

A. Christopher Monek, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Montgomery Ward & Co., Inc., 1100 Connecticut Avenue NW., No. 530, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., 535 West Chicago Avenue, Chicago, Ill. 60671.
D. (6) $50. E. (9) $150.

A. G. Merrill Moody, Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $152.50. E. (9) $150.

A. O. William Moody, Jr., Maritime Trades Department, AFL–CIO, 815 16th Street NW., Suite 510, Washington, D.C. 20006.
B. Maritime Trades Department, AFL–CIO, 815 16th Street NW., Room 510, Washington, D.C. 20006.
D. (6) $2,500. E. (9) $1,485.84.

A. Alan J. Moore, Atchison, Topeka & Santa Fe Railway Co.. Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $1,000. E. (9) $150.

A. Powell A. Moore, 1155 15th Street NW., Suite 424, Washington, D.C. 20005.
B. Mondakota Gas Co., P.O. Box 224, Billings, Mont. 59103.

A. Powell A. Moore, 1155 15th Street NW., Suite 424, Washington, D.C. 20005.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.
D. (6) $1,430.

A. E. Joyce Morgan, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

A. Earl J. Morgan, 1150 17th Street NW., Washington, D.C. 20036.
B. McDonnel Douglas Corp., P.O. Box 516, St. Louis, Mo. 63166.
D. (6) $330. E. (9) $75.

A. Jo V. Morgan, Jr., 1050 17th Street NW., Washington, D.C. 20036.
B. American Humane Association, P.O. Box 1266, Denver, Colo. 80201.
D. (6) $1,800.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Suite 900, Washington, D.C. 20006.
B. Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y. 10017.

A. Morris Associates, Inc., 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Council of Community Mental Health Centers, 2233 Wisconsin Avenue NW., Washington, D.C. 20007.
D. (6) $15,000. E. (9) $15,000.

A. Stephen C. Morrisette, N.C. Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $250. E. (9) $187.59.

A. James A. Morrissey, American Textile Manufacturers Institute, Inc., Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Suite 2124, South Tryon Street, Charlotte, N.C. 28285.
D. (6) $4,000. E. (9) $186.

A. Sol Mosher, Crown Zellerbach, 1660 L Street NW., Suite 915, Washington, D.C. 20036.
B. Crown Zellerbach, 1 Bush Street, San Francisco, Calif. 94119.
E. (9) $250.

A. Moss, Frink & Franklin, 600 New Hampshire Avenue NW., Suite 480, Washington, D.C. 20037.
B. Kellogg Co., 235 Porter Street, Battle Creek, Mich. 49016.

A. Moss, Frink & Franklin, 600 New Hampshire Avenue NW., Suite 480, Washington, D.C. 20037.
B. Organization for the Management of Alaska's Resources, Inc., Box 516, Anchorage, Alaska 99510.

A. Lynn E. Mote, Northern Natural Gas Co., 1133 15th Street NW., Suite 503, Washington, D.C. 20005.
B. Northern Natural Gas. Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $2,000.

A. Walter L. Mote, Rocky Mountain Oil & Gas Association, 1155 15th Street NW., Suite 314, Washington, D.C. 20005.
B. Rocky Mountain Oil & Gas Association, 345 Petroleum Club Building, Denver, Colo. 80202.

A. John J. Motley, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
B. National Federal of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $210.

A. David Moulton, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington. D.C. 20003.
D. (6) $2,000.

A. Roger L. Mozingo, Tobacco Institute, 1776 K. Street NW., Washington, D.C. 20006.
B. Tobacco Institute, 1776 K Street NW., Washington, D.C. 20006.
D. (6) $110.

A. Karen Mulhauser, 825 15th Street NW., Washington, D.C. 20005.
B. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.
D. (6) $435.93.

A. Michael Mulkey, National Association of Manufacturers, 1776 F Street NW., Washington, D.C.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $60. E. (9) $5.

A. Robert M. Mulligan, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Mullin, Connor & Rhyne, P.C., 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Alberto de la Vega-Ripol, 804 Garching, Konigsbergerstr. 2, West Germany.
E. (9) $221.94.

A. Tracy Mullin, National Retail Merchants Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $400. E. (9) $20.

A. Robert J. Mullins, Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251.
B. Farmers' Educational and Co-Operative Union of America, Denver, Colo. 80251; 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $2,988.47. E. (9) $28.76.

A. Daniel J. Mundy, Building and Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
B. Building and Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
D. (6) $7,874.88. E. (9) $1,651.52.

A. Beverly Murphy, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $237.

A. Richard W. Murphy, 1050 17th Street NW., Suite 1050, Washington, D.C. 20036.
B. Merck & Co., Inc., Rahway, N.J. 07065.
D. (6) $1,000. D. (9) $110.

A. William T. Murphy, Jr., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Natural Service Co., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $2,550. (9) $1,300.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 1128, Washington, D.C. 20036.
B. Chicago, Milwaukee, St. Paul & Pacific RR., 516 West Jackson Boulevard, Chicago, Ill. 60606.
D. (6) $225. E. (9) $98.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 1128, Washington, D.C. 20036.
B. Cleveland-Cliffs Iron Co., 1460 Union Commerce Building, Cleveland, Ohio 44115.
D. (6) $100. E. (9) $65.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 1128, Washington, D.C. 20036.

B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $100. E. (9) $64.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 1128, Washington, D.C. 20036.
B. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, St. Paul, Minn. 55101.
D. (6) $150.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 1128, Washington, D.C. 20036.
B. LTV Corp., P.O. Box 5003, Dallas, Tex. 75222.
D. (6) $200.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 1128, Washington, D.C. 20036.
B. National Association of Industrial and Office Parks, 1901 North Fort Myer Drive, No. 1100, Arlington, Va. 22209.
D. (6) $250. E. (9) $46.

A. D. Michael Murray, 1120 Connecticut Avenue, No. 1128, Washington, D.C. 20036.
B. National Council of Coal Lessors, 1130 17th Street NW., Washington, D.C. 20035.
D. (6) $100.

A. D. Michael Murray, 1120 Connecticut Avenue NW., No. 1128, Washington, D.C. 20036.
B. U.S. Maritime Committee, 600 New Hampshire Avenue NW., No. 420, Washington, D.C. 20027.
D. (6) $1,800.

A. Thomas H. Mutchler, International Paper Co., 1620 I Street NW., Suite No. 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite No. 700, Washington, D.C. 20006.
D. (6) $200. E. (9) $30.

A. Lawrence P. Mutter, 6849 Old Dominion Drive, McLean, Va. 22101.
B. Automotive Parts Rebuilders Association, 6849 Old Dominion Drive, McLean, Va. 22101.

A. Fred J. Mutz, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $259.30.

A. Gary D. Myers, Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $103.23.

A. Law Offices of Timothy D. Naegele, Suite 1280, 1850 K Street NW., Washington, D.C. 20006.
B. PruLease, Inc., 1255 Boylston Street, Boston, Mass. 02215.
E. (9) $143.70.

A. John J. Nangle, National Association of Independent Insurers, 1625 I Street NW., Suite 1001, Washington, D.C. 20006.
B. National Association of Independent Insurers, 2600 River Road, Des Plaines, Ill. 60018.
D. (6) $250.

A. Bernard Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Computer & Communications Industry Association, 1500 Wilson Boulevard, Suite 512, Arlington, Va. 22209.
D. (6) $100. E. (9) $16.44.

A. Bernard Nash, 1015 18th Street NW., No. 408, Washington, D.C. 20036.
B. Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110.
D. (6) $1,325. (9) $38.50.

A. Raymond Nathan, 5025 Garfield Street NW., Washington, D.C. 20016.
B. American Ethical Union, 2 West 64th Street, New York, N.Y. 10023.
D. (6) $750. E. (9) $171.10.

A. National Abortion Rights Action League, 825 15th Street NW., Washington, D.C. 20005.
D. (6) $268,034.61. E. (9) $29,833.67.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $111.25. E. (9) $111.25.

A. National Air Carrier Association, 1730 M Street NW., Suite 710, Washington, D.C. 20036.

A. National Association for Free Enterprise, 1101 New Hampshire Avenue NW., Suite 107, Washington, D.C. 20037.

A. National Association for Humane Legislation, Inc., 675 Pinellas Point Drive South, St. Petersburg, Fla. 33705.
D. (6) $196.55. E. (9) $541.12.

A. National Association of Chain Drug Stores, Inc., 1911 Jefferson Davis Highway, Suite 504, Arlington, Va. 22202.
E. (9) $1,137.92.

A. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $1,734. E. (9) $17,539.

A. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
D. (6) $1,750. E. (9) $1,230.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,182,866.03. E. (9) $80,320.12.

A. National Association of Manufacturers, 1776 F Street NW., Washington, D.C.
D. (6) $61,110.98. E. (9) $61,110.98.

A. National Association of Mutual Insurance Cos., 7931 Castleway Drive, Indianapolis, Ind. 46250.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $8,609.17. E. (9) $8,609.17.

A. National Association of Plumbing Heating Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
D. (6) $1,550.24. E. (9) $1,550.24.

A. National Association of Realtors, 430 North Michigan Avenue, Chicago; 925 15th Street NW., Washington, D.C.
E. (9) $24,184.35.

A. National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
D. (6) $12,282.25. E. (9) $12,282.25.

A. National Association of Wheat Growers, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005
D. (6) $9,384.91. E. (9) $7,388.28.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $10,407.12. E. (9) $6,169.85.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $1,650. E. (9) $1,650.

A. National Business Aircraft Association, 1 Farragut Square South, Washington, D.C. 20006.

A. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $14,688. E. (9) $15,371.40.

A. National Cattlemen's Association, 1001 Lincoln Street, Denver, Colo. 80202.
E. (9) $3,927.51.

A. National Citizens Communications Lobby, P.O. Box 19101, Washington, D.C. 20036.
D. (6) $1,012. E. (9) $3,093.15.

A. National Committee for a Human Life Amendment, Inc., 1707 L Street NW., No. 400, Washington, D.C. 20036.
D. (6) $11,693.80. E. (9) $16,371.86.

A. National Committee for Research in Neurological and Communicative Disorders, 927 National Press Building, Washington, D.C. 20045.
D. (6) $5,825. E. (9) $6,192.15.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $20,578.89. E. (9) $20,578.89.

A. National Council for a Responsible Firearms Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,165.38. E. (9) $10.

A. National Council for a World Peace Tax Fund, 2111 Florida Avenue NW., Washington, D.C. 20008.
D. (6) $8,348.67. E. (9) $8,557.70.

A. National Council on Alcoholism, Inc., 733 Third Avenue, Suite 1405, New York, N.Y. 10017.
E. (9) $5,892.71.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. American Paratransit Institute, Inc., 1747 Pennsylvania Avenue, No. 1000, Washington, D.C. 20006.
D. (6) $8,287.50. E. (9) $1,205.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Belco Petroleum Corp., One Dag Hammarskjold Plaza, New York, N.Y. 10017.
D. (6) $3,140. E. (9) $145.75.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Cenco Instruments, 2600 South Kostner Avenue, Chicago, Ill.
D. (6) $2,750.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. North American Telephone Association, 1030 15th Street NW., Washington, D.C. 20036.
D. (6) $19,200. E. (9) $1,222.93.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Trailways, Inc., 1500 Jackson Street, Dallas, Tex. 75201.
D. (6) $12,950. E. (9) $793.70.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Western Railroad Association, 222 South Riverside Plaza, Chicago, Ill. 60606.
D. (6) $2,000. E. (9) $1,255.38.

A. National Electrical Manufacturers Association, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $964.75. E. (9) $964.75.

A. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C.
D. (6) $7,341.56. E. (9) $7,341.56.

A. National Grain & Feed Association, 725 15th Street NW., Washington, D.C. 20005.
E. (9) $33.33.

A. National Guard Association of the United States, 1 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $82,236.70. E. (9) $1,238.95.

A. National Home Furnishings Association, 405 Merchandise Mart, Chicago, Ill. 60654.
E. (9) $3,885.51.

A. National Housing Conference, Inc., 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $40,148.08. E. (9) $40,267.52.

A. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
D. (6) $6,411.13. E. (9) $6,411.13.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $5,676.53. E. (9) $5,676.53.

A. National Motorsports Committee of ACCUS, Suite 302, 1735 K Street NW., Washington, D.C. 20006.
E. (9) $76.59.

A. National Oil Jobbers Council, 1707 H Street NW., 11th Floor, Washington, D.C.
D. (6) $129,499.61. E. (9) $35,997.74.

A. National Product Liability Council, Box 11111, Cincinnati, Ohio 45211.
E. (9) $250.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C. 20005.
D. (6) $30,996. E. (9) $1,200.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
E. (9) $1,365.

A. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
D. (6) $3,942. E. (9) $3,942.

A. National Savings & Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
D. (6) $569,831. E. (9) $854.

A. National Security Traders Association, Inc., 55 Broad Street, New York, N.Y. 10004.
E. (9) $1,625.

A. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $2,562.52.

A. National Small Business Index, RR No. 1, Aitkin, Minn. 56431.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $12,500. E. (9) $12,200.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. National Solid Wastes Management Association, 1120 Connecticut Avenue NW., Suite 930, Washington, D.C. 20036.

A. National Telephone Cooperative Association, 2626 Pennsylvania Avenue NW., Washington, D.C. 20037.
E. (9) $2,480.

A. National Tire Dealers & Retreaders Association, 1343 L Street NW., Washington, D.C. 20005.
D. (6) $1,220. E. (9) $1,220.

A. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill. 60201.
D. (6) $1,361.50. E. (9) $1,929.92.

A. Natural Gas Supply Committee, 1025 Connecticut Avenue NW., No. 505, Washington, D.C. 20036.
D. (6) $286,250. E. (9) $20,980.36.

A. Alexander W. Neale, Jr., Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.
D. (6) $2,493. E. (9) $6,075.

A. Stanley Nehmer, Suite 800, 1101 17th Street NW., Washington, D.C. 20036.
B. American Footwear Industries Association, 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $750. E. (9) $500.

A. Stanley Nehmer, Suite 800, 1101 17th Street NW., Washington, D.C. 20036.
B. International Leather Goods, Plastics & Novelty Workers' Union, 265 West 14th Street, New York, N.Y. 10011.
D. (6) $250. E. (9) $225.

A. Stanley Nehmer, Suite 800, 1101 17th Street NW., Washington, D.C. 20036.
B. National Handbag Association, 350 Fifth Avenue, New York, N.Y. 10016.
D. (6) $250. E. (9) $225.

A. Nelson, Harding & Yeutter, 1819 H Street NW., No. 230, Washington, D.C. 20006.
B. Friendship Villa, Inc., Suite 505, Dakota Northwestern Bank Building, Bismarck, N. Dak.
D. (6) $4,000. E. (9) $4,000.

A. Louis J. Nelson III, National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $925.

A. Michael A. Nemeroff, Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, D.C. 20036.
B. Ravenswood Hospital Medical Center, 4550 North Winchester, Chicago, Ill. 60640.
D. (6) $300.

A. Michael A. Nemeroff, Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. St. Joseph Mercy Hospital, P.O. Box 995, Ann Arbor, Mich. 48106.
D. (6) $100.

A. Michael A. Nemeroff, Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. University of Michigan, Student Activities Building, Room 3552, 515 East Jefferson, Ann Arbor, Mich. 48109.
D. (6) $100.

A. Michael A. Nemeroff, Sidley & Austin, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. University Relations, Eastern Michigan University, Ypsilanti, Mich. 48197.
D. (6) $100.

A. Robert B. Neville, 1850 K Street NW., Suite 850, Washington, D.C. 20006.
B. National Restaurant Association, 1850 K Street NW., Washington, D.C., 1 IBM Plaza, Suite 2600, Chicago, Ill.
D. (6) $2,600. E. (9) $12,747.70.

A. Louis H. Nevins, 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $3,250. E. (9) $648.94.

A. John A. Nevius, Whiteford, Hart, Carmody & Wilson, 1050 17th Street NW., Washington, D.C. 20036.
B. District of Columbia Bankers Association, 1709 New York Avenue NW., Washington, D.C. 20006.

A. E. J. Newbould, 910 16th Street NW., No. 303, Washington, D.C. 20006.
B. National Clay Pipe Institute, P.O. Box 310, Crystal Lake, Ill. 60014.
D. (6) $175. E. (9) $86.24.

A. Kathryn L. Newman, 1101 15th Street NW., Washington, D.C. 20005.
B. Republic Steel Corp., Republic Building, Cleveland, Ohio 44101.

A. Thomas E. Newman, National Association of Manufacturers, 1717 Route 10, Parsippany, N.J. 07054.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $250.

A. Charles E. Nichols, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $1,971.71. E. (9) $327.08.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18332.
B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $2,475. E. (9) $696.

A. Donald R. Niemi, Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
B. Caterpillar Tractor Co., 100 Northeast Adams Street, Peoria, Ill. 61629.
D. (6) $754. E. (9) $812.72.

A. Patrick J. Nilan, American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C. 20005.
D. (6) $11,376.37. E. (9) $5,667.77.

A. Charles M. Noone, 490 L'Enfant Plaza East, No. 3306, Washington, D.C. 20024.
B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $160.56.

A. Andrea K. Nordell, 1730 Rhode Island Avenue NW., Suite 911, Washington, D.C. 20036.
B. St. Joe Minerals Corp., 250 Park Avenue, New York, N.Y. 10017.
D. (6) $875. E. (9) $36.29.

A. Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.
E. (9) $2,450.47.

A. Richard B. Norment IV, 2 Militia Drive, Lexington, Mass. 02173.

B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $475.

A. North American Telephone Association, Inc., 1030 15th Street NW., Washington, D.C. 20005.
D. (6) $19,200. E. (9) $1,222.93.

A. Robert H. North, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. Northeast Utilities Service Co., Selden Street, Berlin, Conn.
E. (9) $1,297.51.

A. N.O.S.I. (Not One Square Inch), 4082 Howard Street, Los Alamitos, Calif. 90720.
D. (6) $577.37. E. (9) $665.60.

A. Victor L. Nutt, 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.
B. Gulf & Western Industries, Inc., 600 New Hampshire Avenue NW., Suite 920, Washington, D.C. 20037.

A. Seward P. Nyman, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
D. (6) $850.

A. Mary E. Oakes, 1800 K Street NW., Washington, D.C. 20006.
B. Hercules, Inc., 910 Market Street, Wilmington, Del. 19899.
D. (6) $234. E. (9) $105.

A. Coleman C. O'Brien, 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $1,350. E. (9) $83.95.

A. John F. O'Brien, Connecticut Petroleum Council, 410 Asylum Street, Hartford, Conn. 06103.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300.

A. Raymond V. O'Brien, International Telephone & Telegraph Corp., 1707 L Street NW., Suite 200, Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $220. E. (9) $45.

A. W. Brice O'Brien, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $109.05. E. (9) $60.

A. G. H. Ochenrider, Grumman Aerospace Corp., 1600 Wilson Boulevard, Arlington, Va. 22209.
B. Grumman Aerospace Corp., Bethpage, N.Y. 11714.
D. (6) $2,500. E. (9) $1,100.

A. R. Dennis O'Connell, Marathon Oil Co., 1800 M Street NW., Suite 975, Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio. 45840.

A. O'Connor & Hann, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.
B. American Clinical Laboratory Association, 1747 Pennsylvania Avenue NW., Suite 600, Washington, D.C. 20006.
D. (6) $5,220. E. (9) $253.27.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Institute of Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $1,037.50. E. (9) $61.17.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $3,750. E. (9) $255.47.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Hennepin County, 2300 Government Center, Minneapolis, Minn. 55487.
D. (6) $3,826.25. E. (9) $716

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Hospital Financing Study Group, New York, N.Y.
D. (6) $2,000. E. (9) $672.59.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Minneapolis City Council, 307 City Hall, Minneapolis, Minn. 55415.
D. (6) $5,181.25. E. (9) $472.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The National Association of Church and Institutional Financing Organizations, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $250. E. (9) $23.70.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Committee on Hospital Capital Expenditures, New York, N.Y.
E. (9) $100.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Securities Industry Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $1,666.67. E. (9) $87.57.

A. L. L. O'Connor, 20 North Wacker Drive, Chicago, Ill. 60606.
B. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Robert C. Odle, Jr., International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $400. E. (9) $100.

A. John. A. O'Donnell, 1001 Connecticut Avenue NW., No. 716, Washington, D.C. 20036.
B. Philippine Sugar Commission, Box 978, Manila, Philippines.
D. (6) $3,000. E. (9) $250.

A. Patrick E. O'Donnell, 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $250. E. (9) $200.

A. Neil H. Offen, 1730 M Street NW., Washington, D.C. 20036.
B. Direct Selling Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $7,000. E. (9) $551.12.

A. Kathleen L. O'Flaherty, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $150. E. (9) $902.

A. Jane O'Grady, AFL–CIO, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $9,130. E. (9) $121.25.

A. Bartley O'Hara, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $8,025.

A. James G. O'Hara, Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.

A. Robert Spencer O'Leary, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 Street NW., Washington, D.C. 20036.
D. (6) $950.01.

A. Alvin E. Oliver, 725 15th Street NW., Washington, D.C. 20005.
B. National Grain and Feed Association, P.O. Box 28328, Washington, D.C. 20005.

A. Nancy J. Olson, Johns-Manville Corp., 1025 Connecticut Avenue NW., Suite 214, Washington, D.C. 20036.
B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $200. E. (9) $250.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Olwine, Connelly, Chase, O'Donnell & Weyher, 299 Park Avenue, New York, N.Y. 10017.
B. U.S. Industries, Inc., 250 Park Avenue, New York, N.Y. 10017.
E. (9) $215.82.

A. Samuel Omasta, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
B. National Limestone Institute, Inc., 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.
E. (9) $16.72.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. AMFAC, Inc., 700 Bishop Street, Honolulu, Hawaii.
D. (6) $15,000.

A. O'Melveny & Myers, 1800 M Street NW., Washington, D.C. 20036.
B. Clearfield Bituminous Coal Corp., P.O. Box 670/801, Water Street, Indiana, Pa. 15701.
D. (6) $2,025. E. (9) $61.

A. John L. Oshinski, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $6,987.62. E. (9) $1,477.68.

A. Roland A. Ouellette, 1660 L Street NW., Suite 501, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,600. E. (9) $5,701.76.

A. J. Allen Overton, Jr., American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $590.25. E. (9) $56.75.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.
B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. Henry S. Palau, 1625 I Street NW., Washington, D.C. 20006.
B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $511.

A. Fred Panzer, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, 1776 K Street NW., No. 1200, Washington, D.C. 20006.
D. (6) $530. E. (9) $300.

A. G. Oliver Papps, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $150.

A. Herschell E. Parent, Arkansas Petroleum Council, 302 Commercial National Bank Building, Little Rock, Ark. 72201.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Joel Paris III, Georgia International Services, Inc., 25 Pine Island Court, Roswell, Ga. 30076.
B. Northrop Corp., 1701 North Fort Myer Drive, Suite 1208, Arlington, Va.

A. Kimberly C. Parker, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
B. National Treasury Employees Union, 1730 K Street NW., Suite 1101, Washington, D.C. 20006.
D. (6) $4,334.40. E. (9) $252.42.

A. Michael J. Parker, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $850.

A. Paul Parkhurst, Chevron U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc. (a subsidiary of Standard Oil Co. of California), 1700 K Street NW., Washington, D.C. 20006.
D. (6) $150. E. (9) $75.

A. Tom E. Paro, Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

A. Nicholas D. Pasco, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.
B. Shipbuilders Council of America, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.
D. (6) $600. E. (9) $100.

A. Howard G. Paster, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 1125 15th Street NW., Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $10,534.16. E. (9) $808.83.

A. R. Y. Patterson, Jr., Florida Gas Transmission, Co., 1225 Contessa Court, Winter Park, Fla. 32789.
B. Florida Gas Transmission Co., P.O. Box 44, Winter Park, Fla. 32790.

A. William H. Patterson, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $200.

A. Kenton Pattie, National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22031.
D. (6) $2,160.

A. David J. Pattison, 1750 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, Inc., 1750 K Street NW., Washington, D.C.; 919 Third Avenue, New York, N.Y.; 332 South Michigan Avenue, Chicago, Ill.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
D. (6) $8,900.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Ad Hoc Committee on § 602, 1101 16th Street NW., Suite 300, Washington, D.C. 20006.
D. (6) $700. E. (9) $1,632.22

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Ad Hoc Committee of Zonal Electric Heating Manufacturers, 150 Avenue L, Newark, N.J. 07101.
D. (6) $450.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Air Products and Chemicals, Inc., P.O. Box 538, Allentown, Pa. 18105.
D. (6) $500. E. (9) $310.60.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Alyeska Pipeline Service Corp., P.O. Box 576, Bellevue, Wash. 98004.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. American Guild of Authors and Composers, 50 West 57th Street, New York, N.Y. 10019.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. American Imported Automobile Dealers Association, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $700. E. (9) $12.50.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. American Maritime Association, 17 Battery Place, New York, N.Y. 10004.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. American Society of Association Executives, 1101 16th Street NW., Washington, D.C. 20006.
D. (6) $1,580. E. (9) $643.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. AMFAC, Inc., 700 Bishop Street, Honolulu, Hawaii 96801.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Armco Steel Corp., General Offices, Middletown, Ohio 45042.
D. (6) $1,140. E. (9) $100.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Association of Oil Pipelines, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $420. E. (9) $26.07.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Association of Trial Lawyers of America, 20 Garden Street, Cambridge, Mass.
D. (6) $420. E. (9) $27.25.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Bath Iron Works Corp., 700 Washington Street, Bath, Maine 04530.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Boating Industry Association, 401 North Michigan Avenue, Chicago, Ill. 60601; National Association of Engine and Boat Manufacturers, P.O. Box 5555, Grand Central Station, New York, N.Y. 10017.
D. (6) $280.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. The Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $2,800. E. (9) $3,327.20.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Central American Sugar Council, 1200 17th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Chicago Board Options Exchange, LaSalle at Jackson, Chicago, Ill. 60604.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Computer Sciences Corp., 6565 Arlington Boulevard, Falls Church, Va. 22046.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Council of State Chambers of Commerce, 1028 Connecticut Avenue NW., Suite 1018, Washington, D.C. 20036.
D. (6) $440.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y. 10005.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Federal Pacific Electric Co., 150 Avenue L, Newark, N.J. 07101.
D. (6) $150.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Frontier Spar Corp., P.O. Box 235, Salem, Ky. 42078.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D C. 20036.
B. Hobby Industry of America, 200 Fifth Avenue, New York, N.Y. 10010.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Independent U.S. Tanker Owners Committee, 1612 K Street NW., Suite 510, Washington, D.C. 20006.
D. (6) $3,800. E. (9) $2,126.95.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Institute of Electrical and Electronics Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $2,625. E. (9) $6.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Institute of Scrap Iron and Steel, Inc., 1729 H Street NW., Washington, D.C. 20006.
D. (6) $140.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B Landmark Services, Inc., 900 Ohio Drive SW., Washington, D.C. 20024.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Lane, Powell, Moss & Miller, 1700 Washington Building, Seattle, Wash. 98101.
D. (6) $100. E. (9) $47.60.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. LOOP, Inc., 1010 Common Street, 350 Bank of New Orleans Building, New Orleans, La. 70112.
D. (6) $450.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Machinery Dealers National Association, 1400 20th Street NW., Washington, D.C. 20036.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Marathon Oil Co., 539 South Main Street, Findlay, Ohio 45840.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Mars, Inc., 1651 Old Meadow Road, McLean, Va. 22101.
D. (6) $1,200.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, 3251 Old Lee Highway, Suite 501, Fairfax, Va. 22030.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. National Medical Care, Inc., 560 Sylvan Avenue, Englewood Cliffs, N.J. 07632.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111.
D. (6) $42,187.50 E. (9) $2,656.46.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. New Process Co., 220 Hickory Street, Warren, Pa. 17365.
D. (6) $1,000.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Pyrotechnic Signal Manufacturers Association, Inc., 1730 K Street NW., Suite 1300, Washington, D.C. 20006.
D. (6) $450.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Ralston-Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.
D. (6) $2,000.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Reading Co., Reading Terminal, 12th and Market Streets, Philadelphia, Pa. 19107.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Redwood Industry Park Committee, 2750 Sand Hill Road, Menlo Park, Calif. 94025.
D. (6) $8,327. E. (9) $38.75.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. State of Louisiana, Department of Conservations, P.O. Box 44275, Baton Rouge, La. 70804.
D. (6) $1,400. E. (9) $600.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Tax Corporation of America, 2441 Honolulu Avenue, Montrose, Calif. 91020.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Todd Shipyards Corp., One State Street Plaza, New York, N.Y. 10004.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. United Plant Guard Workers of America, 25510 Kelly Road, Roseville, Mich. 48066.
D. (6) $1,125. E. (9) $866.26.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Virgin Islands Manufacturers and Importers Association, Inc., c/o Thomas Travis, 1290 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $62.50.

A. Patton, Boggs & Blow, 1200 17th Street NW., Washington, D.C. 20036.
B. Wometco Enterprises, Inc., 306 North Miami Avenue, Miami, Fla. 33128.

A. Richard A. Paysor, 274 Falling Leaves Court, Creve Coeur, Mo. 63141.
B. Chromalloy American Corp., 120 South Central Avenue, St. Louis, Mo. 63105.
D. (6) $1,740. E. (9) $1,680.

A. Barbara Jo Pease, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. James M. Peirce, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $1,452.46.

A. Paul E. Pendergast, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., Easton Turnpike, Fairfield, Conn. 06431.

A. Pennsylvania Power & Light Co., Two North Ninth Street, Allentown, Pa. 18101.
E. (9) $891.39.

A. Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001.
E. (9) $11,350.

A. Dominic V. Pensabene, Chevron U.S.A., Inc., 1700 K Street NW., Washington, D.C. 20006.
B. Chevron U.S.A., Inc., (a subsidiary of Standard Oil Co. of California), 1700 K Street NW., Washington, D.C. 20006.
D. (6) $50. E. (9) $25.

A. J. Carter Perkins, Shell Oil Co., Suite 200, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $1,000.

A. Edmund J. Perret, II, American Psychiatric Association, 2033 M Street NW., Room 802, Washington, D.C. 20036.
B. American Psychiatric Association, 1700 18th Street NW., Washington, D.C. 20009.
D. (6) $900. E. (9) $673.

A. Susan Perry, American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
B. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $2,100. E. (9) $2,378.17.

A. Kenneth Peterson, AFL–CIO, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $10,563. E. (9) $375.98.

A. Mary B. Peterson, General Motors Corp., 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $1,718.63.

A. Paul F. Petrus, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,200.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. John P. Philbin, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500.

A. Barbara F. Phillips, 1620 I Street NW., Washington, D.C. 20006.
B. Energy Transportation Systems, Inc., P.O. Box 3965, San Francisco, Calif. 94119.
D. (6) $24.24. E. (9) $75.84.

A. Sam Pickard, 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $500. E. (9) $38.74.

A. Paul E. Pierce, National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
B. National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
D. (6) $3,249.99.

A. Pierson, Ball & Dowd, 1200 18th Street NW., Washington, D.C. 20036.
B. Satellite Business Systems, 8003 Westpath Drive, McLean, Va. 22101.
D. (6) $2,500.

A. Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $3,847.50. E. (9) $163.14.

A. Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Edgington Oil Co., 2400 East Artesia Boulevard, Long Beach, Calif. 90805.
D. (6) $4,012.50. E. (9) $198.19.

A. Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Six Flags, Inc., 530 West Sixth Street, Los Angeles, Calif. 90014.
D. (6) $11,705.

A. Plains Cotton Growers, Inc., P.O. Box 3640, Lubbock, Tex. 79452.
D. (6) $31,654.15. E. (9) $1,350.

A. E. Rogers Pleasants, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
D. (6) $160. E. (9) $18.

A. Michael M. Pocost, N.Y.S. Petroleum Council, 551 Fifth Avenue, Room 718, New York, N.Y. 10017.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Frances A. Pollak, 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $1,000.

A. Nathaniel Polster, 2128 Wyoming Avenue NW., Washington, D.C. 20008.
B. American Cancer Society, 777 Third Avenue, New York, N.Y. 10017.
D. (6) $12,125. E. (9) $5,338.

A. S. J. Poray-Tucholski, P.O. Box 1681, Whittier, Calif. 90609.
B. Bermejo River Project Development Association.

A. Everett O. Post, National Association of Service Contractors, 1511 K Street NW., Washington, D.C. 20005.
B. National Association of Service Contractors, 1511 K Street NW., Washington, D.C. 20005.
D. (6) $250. E. (9) $14.05.

A. Alonzo M. Poteet, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE, Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $2,000.

A. Edmond A. Potter, NCR Corp., 2301 Research Boulevard, Rockville, Md. 20850.
B. NCR Corp., 1700 South Patterson Boulevard, Dayton, Ohio 45479.
D. (6) $8,150. E. (9) $1,600.

A. Potter International, Inc., 900 17th 17th Street NW., Suite 300, Washington, D.C. 20006.
B. Rockwell International, Inc., 600 Grant Street, Pittsburgh, Pa. 15219.
D. (6) $5,000.

A. Potter International, Inc., 900 17th Street NW., Suite 300, Washington, D.C. 20006.
B. Rohr Industries, Inc., P.O. Box 23000, San Diego, Calif. 92123.
D. (6) $1,500.

A. Potter International, Inc., 900 17th Street NW., Suite 300, Washington, D.C. 20006.
B. Western Shipbuilding Association, P.O. Box 3976, San Francisco, Calif. 94119.
D. (6) $2,250.

A. Ramsay D. Potts, Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $1,125. E. (9) $6.

A. Richard M. Powell, International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.
B. International Association of Refrigerated Warehouses, 7315 Wisconsin Avenue, Washington, D.C. 20014.

A. Robert D. Powell, Suite 401, 734 15th Street NW., Washington, D.C. 20005.
B. National Business Aircraft Association, 1 Farragut Square South, Washington, D.C. 20006.

A. Carlton H. Power, 1918 North Parkway, Memphis, Tenn 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $637.50. E. (9) $34.17.

A. John J. Power, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $4,359.42. E. (9) $417.81.

A. Prather, Seeger, Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.
B. Bankers' Association for Foreign Trade, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Prather, Seeger, Doolittle & Farmer, 1101 16th Street NW., Washington, D.C. 20036.
B. First National Bank of Chicago, 1 First National Plaza, Chicago, Ill 60670.
D. (6) $1,000.

A. William C. Prather, United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $678.

A. William B. Prendergast, Distilled Spirits Council of the U.S., Inc., 130 Penn Building, Washington, D.C. 20004.
B. Distilled Spirits Council of the U.S., Inc., 1300 Penn Building, Washington, D.C. 20004.
D. (6) $750.

A. Dan Prescott, Mid-Continent Oil & Gas Association, 1800 K Street NW., Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $708.75. E. (9) $302.50.

A. Lloyd T Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 for Aerospatiale, 37 Boulevard de Montmorency 75016, Paris, France).

A. Lloyd T. Preslar, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Airbus Industrie, Avenue Lucien Servanty 31700 Blagnac, France).

A. Michael W. Press, Suite 650, 1050 17th Street NW., Washington, D.C. 20036.
B. Standard Oil Co., Ohio, Midland Building, Cleveland, Ohio 44115.
D. (6) $150.

A. Preston, Thorgimson, Ellis, Holman & Fletcher, 1776 F Street NW., Suite 201, Washington, D.C.
B. Allegheny Airlines, Inc., Washington National Airport, Washington, D.C. 20001.
D. (6) $900.

A. Preston, Thorgimson, Ellis, Holman & Fletcher, 1776 F Street NW., Suite 201, Washington, D.C. 20006.
B. Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Tex. 77001.
D. (6) $2,646.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $625.

A. Arnold J. Prima, Jr., AIA, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,200.

A. Profit Sharing Council of America, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
E. (9) $3,074.66.

A. Jerry Z. Pruzan, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atlantic Richfield Co., 515 South Flower Street, Los Angeles, Calif. 90071.
D. (6) $250. E. (9) $150.

A. Public Employee Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $25,429.92. E. (9) $24,923.32.

A. Philip N. Pulizzi, Jr., NAM, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $400.

A. David E. Pullen, Johns-Manville Corp., 1025 Connecticut Avenue NW., Suite 214, Washington, D.C. 20036.
B. Johns-Manville Corp., P.O. Box 5108, Denver, Colo. 80217.
D. (6) $300. E. (9) $350.

A. Earl W. Putnam, 5025 Wisconsin Avenue N.W., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Quality Management Committee, 1500 Southwest Taylor, Portland, Oreg.
D. (6) $5,000. E. (9) $5,430.09.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $436.48.

A. Radioactive Waste Management Group, c/o Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.

A. Richard W. Rahn, American Council for Capital Formation, 1425 K Street NW., Washington, D.C. 20005.
B. American Council for Capital Formation, 1425 K Street NW, Suite 1000, Washington, D.C. 20005.
D. (6) $350.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
D. (6) $30,720. E. (9) $30,720.

A. Railway Progress Institute, 700 North Fairfax Street, Alexandria Va. 22314.

A. Donald A. Randall, 1625 K Street NW., Suite 1205, Washington, D.C. 20006.
B. Automotive Service Councils, Inc., 188 Industrial Drive, Suite 112, Elmhurst, Ill. 60126.
D. (6) $6,000. E. (9) $3,700.

A. R. Ray Randlett, 1150 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Allied Chemical Corp., P.O. Box 3000–R, Morristown, N.J. 07960.

A. Arthur G. Randol, American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.

B. American Nuclear Energy Council, 1750 K Street NW., Suite 300, Washington, D.C.
D. (6) $3,250. E. (9) $146.11.

A. Jerry F. Rapp, 1155 15th Street NW., Suite 606, Washington, D.C. 20005.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022.
D. (6) $500.

A. Magda Ratajski, P.O. Box 23652, L'Enfant Plaza Station, Washington, D.C. 20024.
B. Norfolk and Western Railway Co., 8 North Jefferson Street, Roanoke, Va. 24042.
D. (6) $456.48. E. (9) $100.

A. G. J. Rauschenbach, 950 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $1,500. E. (9) $930.

A. J. Gene Raymond, 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $890.88.

A. Susan E. Recce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $337. E. (9) $96.40.

A. Lipman, Redman, Melrod, Redman & Gartlan, 1801 K Street NW., Suite 1100K, Washington, D.C. 20006.
B. Airlift International, Inc., P.O. Box 522495, Miami, Fla. 33152.
D. (6) $19,500. E. (9) $700.

A. Timothy J. Redmon, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.

A. Campbell L. Reed, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Dwight C. Reed, National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Jerry Rees, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.
B. National Association of Wheat Growers, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.
D. (6) $1,396.60.

A. J. Mitchell Reese, P.O. Box 1166, Pittsburgh, Pa. 15230.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $1,500. E. (9) $300.

A. John T. Reggitts, Jr., R.D. No. 2, Boonton Avenue, Boonton, N.J. 07005.

A. John B. Rehm, Busby and Rehm, 900 17th Street NW., Suite 714, Washington, D.C. 20006.
B. Bicycle and Ignition Division, The Bendix Corporation, South Bend, Ind. 46634.
D. (6) $1,540.

A. Reid & Priest, 1701 K Street NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $670. E. (9) $3.20.

A. J. E. Reinke, 1030 15th Street NW., Washington, D.C. 20005.
B. Eastern Air Lines, Inc., 1030 15th Street NW., Washington, D.C. 20005.
D. (9) $2,385.

A. W. W. Renfroe, 69 Fountain Place, Frankfort, Ky. 40601.
B. Kentucky Railroad Association, 69 Fountain Place, Frankfort, Ky. 40601.

A. Diane Rennert, 1707 L Street NW., Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.
D. (6) $950. E. (9) $574.10.

A. Rentar Industries, 160 Central Park South, New York, N.Y. 10019.
E. (9) $7,000.

A. Jamie Replogle, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $2.60

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y. 10022.
E. (9) $2,500.

A. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $4,920.

A. James J. Reynolds, American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street NW., Suite 1000, Washington D.C. 20006.
D. (6) $1,875. E. (9) $345.13.

A. Nancy C. Reynolds, 1911 North Fort Myer Drive, Arlington, Va. 22209.
B. The Bendix Corp., 1911 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $2,500. E. (9) $175.

A. William L. Reynolds, National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
B. National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
D. (6) $590. E. (9) $264.

A. Austin T. Rhoads, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.

A. C. Brewster Rhoads, Jr., Bell Telephone Co. of Pennsylvania, 15th floor, 1 Parkway, Philadelphia, Pa. 19102.
B. The Bell Telephone Co. of Pennsylvania, 1 Parkway, Philadelphia, Pa. 19102.
D. (6) $20. E. (9) $152.96.

A. Rice Genocide Research, P.O. Box 7307, Washington, D.C. 20044; 3046 Roosevelt, Detroit, Mich. 48216.
E. (9) $446.60.

A. Ronald C. Rice, NAM, 801 Northland Towers West, Southfield, Mich. 48075.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $196.92.

A. Theron J. Rice, Continental Oil Co., 1130 17th Street NW., No. 400, Washington, D.C. 20036.
B. Continental Oil Co., High Ridge Park, Stamford, Conn. 06904.

A. Alan H. Richardson, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $1,500.

A. Peter S. Ridley, Jr., 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $875. E. (9) $35.

A. E. Philip Riggin, National Legislative Commission, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,747. E. (9) $168.06.

A. Morris A. Riley, American Medical Association, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,025. E. (9) $126.

A. John S. Rippey, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Cos., 730 15th Street NW., Washington, D.C. 20005.
D. (6) $562.50. E. (9) $44.95.

A. Carol A. Risher, 1707 L Street NW., Washington, D.C. 20036.
B. Association of American Publishers, 1707 L Street NW., Washington, D.C. 20036.
D. (6) $750. E. (9) $250.

A. James E. Ritchie, 1776 F Street NW., Washington, D.C. 20006.
B. Gaming Industry Association of Nevada, Inc., 1 East First Street, No. 1007, Reno, Nev. 89501.
D. (6) $500. E. (9) $370.42.

A. James E. Ritchie, 1776 F Street NW., Washington, D.C. 20006.
B. National Association of Off-Track Betting, P.O. Box 446, Batavia, N.Y. 14020.
D. (6) $5,000. E. (9) $1,016.67.

A. James E. Ritchie, 1776 F Street NW., Washington, D.C. 20006.
B. Nevada Resort Association, 932 East Sahara Avenue, Las Vegas, Nev. 89104.
D. (6) $1,550. E. (9) $530.42.

A. Stark Ritchie, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Geo. W. Ritter, 3914 King Arthur Road, Annandale, Va. 22003.
B. Alton Box Board Co., Alton, Ill. 62002.
D. (6) $6,250. E. (9) $1,462.

A. Paul H. Robbins, National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Hope E. Robertson, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,000. E. (9) $54.47.

A. Robert Robertson, 1050 17th Street NW., 12th Floor, Washington, D.C. 20036.
B. National Association of Independent Lumbermen, 1050 17th Street NW., Washington, D.C. 20036.
D. (6) $8,258.28. E. (9) $1,521.81.

A. John K. Robinson, Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
B. Chamber of Commerce of the United States, 1615 H Street NW., Washington, D.C. 20062.
E. (9) $50.

A. Antoinette K. Roche, 2021 K Street NW., Washington, D.C. 20006.
B. General Atomic Co., San Diego, Calif.
D. (6) $500. E. (9) $25.

A. Betty P. Rocker, Seafarers International Union, 815 16th Street NW., Washington, D.C. 20006.
B. Seafarers International Union of North America, 675 Fourth Avenue, Brooklyn, N.Y. 11232.

A. Robert Rodriquez, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,399.99.

A. Mitch Rofsky, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $2,750.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $1,187.50.

A. Frank W. Rogers, 2101 L Street NW., Suite 635, Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $1,000.

A. Frank W. Rogers, 313 Cambridge Road, Alexandria, Va. 22314.
B. Vetco Offshore Industries, Inc., 5808 Telephone Road, Suite 201, Ventura, Calif. 93003.
D. (6) $150.

A. Terrence L. Rogers, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $4,963.70. E. (9) $53.42.

A. Walter E. Rogers, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $1,000.

A. Martin Rogol, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $25.

A. Richard Rohrbach, 1625 I Street NW., Washington, D.C. 20006.
B. Boise Cascade Corp., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $4,000.

A. John F. Rolph III, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,500.

A. Kenneth S. Rolston, Jr., 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Pulpwood Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Nicholas Roomy, Jr., Appalachian Power Co., P.O. Box 1986, Charleston, W. Va. 25327.
B. Appalachian Power Co., P.O. Box 1986, Charleston, W. Va. 25327, subsidiary of the American Electric Power Co., Inc., 2 Broadway, New York, N.Y. 10004.

A. Albert B. Rosenbaum III, 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Larry M. Rosenstein, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Seymour N. Ross, 1704 Stonebridge Road, Alexandria, Va. 22304.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036. *For:* Thomson—CSF 178, Bd. Bagriel Peri 92240 Malakoff, France.

A. William F. Ross, South Carolina Petroleum Council, 716 Keenan Building, Columbia, S.C. 29201.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Donald D. Rounds, South Dakota Petroleum Council, P.O. Box 669, Pierre, S. Dak. 57501.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. William C. Rountree, Suite 650, 1050 17th Street NW., Washington, D.C. 20036.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 4415.
D. (6) $75. E. (9) $1,525.

A. Eugene F. Rowan, J.C. Penney Co., Inc., 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $168. E. (9) $93.

A. John W. Rowland, 5025 Wisconsin Avenue, NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Kathryn Coe Royce, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association, 1600 Rhode Island Avenue NW., Washington D.C. 20036.
D. (6) $462.50. E. (9) $113.34.

A. James S. Rubin, Suite 700, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Allied Chemical Corp., P.O. Box 3000–R, Morristown, N.J. 07950.
D. (6) $940. E. (9) $41.00.

A. Leonard H. Ruppert, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $75.

A. Perry A. Russ, Society of American Florists and Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.
B. Society of American Florists and Ornamental Horticulturists, 901 North Washington Street, Alexandria, Va. 22314.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $2,538.46. E. (9) $216.25.

A. Christine A. Russell, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C.
D. (6) $400.

A. Robert M. Russell, 2170 Piedmont Road NE., Atlanta, Ga. 30324.
B. Orkin Exterminating Co., 2170 Piedmont Road NE., Atlanta, Ga. 30324.
D. (6) $174.

A. J. T. Rutherford and Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.
B. American Association of Bioanalysts, International Society of Clinic Labs, 616 Olive Street, St. Louis, Mo.
D. (6) $200. E. (9) $1,240.18.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.
B. American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $600. E. (9) $1,607.10.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.
B. American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $1,870.32.

A. Ella Marice Ryan, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $25. E. (9) $74.15.

A. John F. Ryan, International Telephone & Telegraph Corp., 1707 L Street NW., Suite 200, Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $137. E. (9) $12.

A. William H. Ryan, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,125. E. (9) $108.10.

A. Fred J. Sacco, New Jersey Petroleum Council, 170 West State Street, Trenton, N.J. 08608.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300. E. (9) $86.09.

A. Frank P. Sanders, Flying Tiger Line, Inc., 815 Connecticut Avenue NW., Washington, D.C.
B. Flying Tiger Line, Inc., Los Angeles International Airport, Los Angeles, Calif.
D. (6) $600.

A. Frank P. Sanders, 815 Connecticut Avenue NW., Washington, D.C.; Signal Cos., Inc., 9665 Wilshire Boulevard, Beverly Hills, Calif. 90212.
B. Signal Cos., Inc., 9665 Wilshire Boulevard, Beverly Hills, Calif. 90212.
D. (6) $400.

A. San Diego Committee for a Human Life Amendment, Inc., 623 Aldwych Road, Fletcher Hills, Calif. 92020.
D. (6) $12,476.65. E. (9) $17,369.24.

A. Charles E. Sandler, 2101 L Street NW., Washington, D.C. 20037.

B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $5,000.

A. Sandler & Travis, 1290 Avenue of the Americas, Suite 2620, New York, N.Y. 10019; 444 Brickell Avenue, Suite 905, Miami, Fla. 33131.
B. Virgin Islands Manufacturers & Importers Association, P.O. Box Q, Kings Hill Station, Christiansted, V.I. 00850.
D. (6) $1,926.38. E. (9) $4,168.23.

A. Peter G. Sandlund, Room 400, 919 18th Street NW., Washington, D.C. 20006.
B. Council of European & Japanese National Shipowners' Associations, 17–18 Bury Street, London EC3A 5AH, England.
D. (6) $300.

A. George Saunders, 8223 Doctor Craik Court, Alexandria, Va. 22306.
B. PRN, Inc., 158 E. Altamonte Drive, Altamonte Springs, Fla. 32701.
D. (6) $1,700. E. (9) $430.

A. Harold B. Say, 916 Prince Street, Alexandria, Va. 22314.
B. Veterans of World War I of the U.S.A., Inc., 916 Prince Street, Alexandria, Va. 22314.
D. (6) $612.50.

A. Frank J. Scaduto, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Sheet Metal Workers International Association, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $5,800.

A. Thomas T. Scambos, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Krauss-Maffei AG Krauss-Maffei-Strasse 2 8000, Munich, Federal Republic of Germany).
D. (6) $153.84. E. (9) $12.

A. Thomas T. Scambos, 3304 Idaho Avenue NW., Washington, D.C. 20016.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Thomson-CSF (AVS) 178 Bd Gabriel Peri 92240, Malakoff, France).

A. Henry Schacht, California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.
B. California Canners & Growers, 3100 Ferry Building, San Francisco, Calif. 94106.
D. (6) $2,850. E. (9) $1,034.35.

A. Lois M. Schell, National Association of Manufacturers, 222 South Prospect Avenue, Park Ridge, Ill. 60068.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $170.

A. L. Charles Scherer, Jr., National Association of Manufacturers, 2 Militia Drive, Lexington, Mass. 02173.
B. National Association of Manufacturers, 1776 F Street, NW., Washington, D.C. 20006.
D. (6) $225.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Building, Two Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.
E. (9) $49.81.

A. Stephen I. Schlossberg, 1125 15th Street NW., Suite 600, Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $10,609.16. E. (9) $1,639.73.

A. Richard M. Schmidt, Jr., 1920 L Street NW., Suite 700, Washington, D.C.
B. Association of American Publishers, Inc., 1707 L Street NW., Suite 480, Washington, D.C. 20036.
D. (6) $500.

A. Robert L. Schmidt, 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $227. E. (9) $125.

A. Terry L. Schmidt, Terry L. Schmidt Associates, Inc., 1701 Pennsylvania Avenue NW., Suite 206, Washington, D.C. 20006.
B. American College of Emergency Physicians, 3900 Capital City Boulevard, Lansing, Mich. 48906.
D. (6) $450.00.

A. Terry L. Schmidt, Terry L. Schmidt Associates, Inc., 1701 Pennsylvania Avenue NW., Suite 206, Washington, D.C. 20006.
B. Hadley Memorial Hospital, 4601 Martin Luther King Avenue SW., Washington, D.C. 20032.

A. Mahlon C. Schneider, Green Giant Co., Hazeltine Gates, Chaska, Minn. 55318.
B. Green Giant Co., Hazeltine Gates, Chaska, Minn. 55318.
D. (6) $250.

A. Frank Schneller, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Anthony Schopp, Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.
B. Machinery Dealers National Association, 1110 Spring Street, Silver Spring, Md. 20910.

A. Robert I. Schramm, 1725 K Street NW., Suite 909, Washington, D.C. 20006.
B. Superior Oil Co., and Superior Farming Co., 1725 K Street NW., Washington, D.C. 20006.

A. N. Donald Schroeder, Maryland Petroleum Association, 60 West Street, Annapolis, Md. 21401.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Kathy J. Schroeher, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2020 M Street NW., Washington, D.C. 20036
D. (6) $4,275.

A. Robert L. Schulz, Iowa Petroleum Council, 1012 Fleming Building, Des Moines, Iowa 50309.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Donald H. Schwab, Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $3,125. E. (9) $166.58.

A. Bari Lee Schwartz, 2100 M Street NW., Washington, D.C.
B. Action for Legal Rights, 2100 M Street NW., Washington, D.C.
D (6) $4,062.64. E. (9) $190.

A. Evi Schwartz, P.O. Box H, Tuscaloosa, Ala. 35401.
B. Fallek-Lankro Corp., P.O. Box H, Tuscaloosa, Ala. 35401.
D. (6) $60. E. (9) $186.

A. Sydnee M. Schwartz, 900 15th Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $1,216.18. E. (9) $91.04.

A. Carl F. Schwensen, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.
B. National Association of Wheat Growers, 1030 15th Street NW., Suite 1030, Washington, D.C. 20005.
D. (6) $1,209.82.

A. Harold B. Scoggins, Jr., 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $31.87.

A. David A. Scott, Mississippi Petroleum Council, P.O. Box 42, Jackson, Miss. 39205.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $843.75. E. (9) $120.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn.
D. (6) $337.50. E. (9) $6.03.

A. Pamela Sederholm, 1730 Rhode Island Avenue NW., No. 213, Washington, D.C. 20036.
B. Brown & Root, Inc., 1730 Rhode Island Avenue NE., No. 213, Washington, D.C. 20036.
D. (6) $1,200. E. (9) $250.

A. Self-Determination for the District of Columbia, Room 300, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $5,782.60. E. (9) $4,585.46.

A. Stanton P. Sender, 1200 Connecticut Avenue NW., Washington, D.C. 20036.
B. Sears, Roebuck & Co., Sears Towers, Chicago, Ill. 60684.
D. (6) $750. E. (9) $23.

A. J. Richard Sewell, 1701 K Street NW., Suite 503, Washington, D.C. 20006.
B. Florida Power & Light Co., P.O. Box 013100, Miami, Fla. 33101.
D. (6) $3,300. E. (9) $197.48.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1800 M Street NW., Washington, D.C. 20036.
B. Dresser Industries, Inc., P.O. Box 718, Dallas, Tex. 75221.

A. Seyfarth, Shaw, Fairweather & Geraldson, 1800 M Street NW., Washington, D.C. 20036.
B. Trans-Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.
D. (6) $125.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $500. E. (9) $610.

A. Barbara J. Shailor, 647 South Carolina Street SE., Washington, D.C. 20003.
B. Energy Action Educational Foundation, 1523 L Street NW., Washington, D.C. 20005.
D. (6) $247.25.

A. James M. Shamberger, Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.

B. Reinsurance Association of America, 1025 Connecticut Avenue NW., No. 512, Washington, D.C. 20036.
E. (9) $25.

A. Shamrock Foods Co., 2228 North Black Canyon, Phoenix, Ariz. 85009.
E. (9) $35.

A. Lloyd D. Shand, 1101 17th Street NW., Washington, D.C. 20036.
B. Monsanto, Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.
D. (6) $700. E. (9) $300.

A. Harry D. Shapiro, 1800 Mercantile Bank & Trust Building, Two Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland Savings-Share Insurance Corp., 901 North Howard Street, Baltimore, Md. 21201.
E. (9) $49.81.

A. John J. Sharkey, Room No. 204, 1629 K Street NW., Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta, Ga. 30320.
D. (6) $922.50. E. (9) $79.98.

A. Norman F. Sharp, 1725 K Street NW., Suite 903, Washington, D.C. 20006.
B. Outdoor Power Equipment Institute, Inc., 1725 K Street NW., Suite 903, Washington, D.C. 20006.

A. Luther W. Shaw, 1625 I Street NW., Suite 827, Washington, D.C. 20006.
B. Paluszek & Leslie Associates, 1500 Broadway, New York, N.Y. 10036.
E. (9) $20.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., Washington, D.C. 20036.
B. Association for the Improvement of the Mississippi River, 10 Broadway, St. Louis, Mo. 63102.
D. (6) $902.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Institute of Foreign Bankers, 489 Fifth Avenue, New York, N.Y.
D. (6) $3,500. E. (9) $618.26.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., Washington, D.C. 20036.
B. Investment Counsel Association of America, Inc., 127 East 59th Street, New York, N.Y. 10022.
D. (6) $9.

A. Shaw, Pittman, Potts & Trowbridge, c/o Ramsay D. Potts, 1800 M Street NW., Washington, D.C. 20036.
B. National Committee on Locks and Dam 26, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $3,693. E. (9) $78.45.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Radioactive Waste Management Group, c/o Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
E. (9) $11,361.91.

A. John J. Sheehan, United Steelworkers of America, 815 16th Street NW., Suite 706, Washington, D.C. 20006.
B. United Steelworkers of America, 5 Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $8,981.40. E. (9) $4,608.09.

A. Spencer C. Sheldon, Suite 700, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Gulf Oil Corp., P.O. Box 1166, Pittsburgh, Pa. 15230.
D. (6) $300. E. (9) $75.

A. Norman R. Sherlock, American Bus Association, 1025 Connecticut Avenue, NW., No. 308, Washington, D.C. 20036.
B. American Bus Association, 1025 Connecticut Avenue NW., No. 308, Washington, D.C. 20036.
D. (6) $421.88. E. (9) $75.50.

A. Morris Shipley, Room No. 204, 1629 K Street NW., Washington, D.C. 20006.
B. Delta Air Lines, Inc., Hartsfield Atlanta International Airport, Atlanta. Ga. 30320.
D. (6) $800. E. (9) $18.49.

A. Harvey A. Shipman, Suite 700, 2021 K Street NW., Washington, D.C. 20006.
B. Penn Central Transportation Co., 1700 Market Street, Philadelphia, Pa. 19103.
D. (6) $350. E. (9) $665.

A. W. Ray Shockley, American Textile Manufacturers Institute, Inc., 1150 17th Street NW., Suite 1001, Washington, D.C. 20036.
B. American Textile Manufacturers Institute, 400 South Tryon Street, No. 2124, Charlotte, N.C. 28285.
D. (6) $2,550. E. (9) $79.54.

A. L. J. Sichel, Abbott Laboratories, 1730 M Street NW., No. 808, Washington, D.C. 20036.
B. Abbott Laboratories, North Chicago, Ill. 60064.

A. Bernard H. Sieracki, Illinois Petroleum Council, 200 East Randolph Drive, Suite 7209, Chicago, Ill. 60601.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $200. E. (9) $58.95.

A. David Silver, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Silver Users Association, Inc., 1717 K Street NW., Washington, D.C. 20006.
D. (6) $2,931. E. (9) $1,721.71.

A. Talmage E. Simpkins, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,025. E. (9) $33.90.

A. Roma D. Skeen, Marathon Oil Co., 1800 M Street NW., Suite 975, Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $45.

A. Barney J. Skladany, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125.

A. Carstens Slack, Phillips Petroleum Co., 1825 K Street NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. William L. Slayton, American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Institute of Architects, 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,500.

A. G. Bernard Slebos, United Airlines, 1825 K Street NW., No. 607, Washington, D.C. 20006.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $2,000. E. (9) $255.15.

A. Slurry Transport Association, 490 L'Enfant Plaza East SW., Suite 3210, Washington, D.C. 20024.
D. (6) $21,725. E. (9) $3,016.

A. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Donald E. Smiley, 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C. 20036.
B. Exxon Corp., 1251 Avenue of the Americas, New York, N.Y.
E. (9) $317.84.

A. Arthur J. Smith, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Elizabeth M. Smith, Room 310, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing & Textile Workers Union, 15 Union Square, New York, N.Y. 10003.
D. (6) $6,000. E. (9) $357.61.

A. Gordon L. Smith, 1725 K Street NW., Suite 602, Washington, D.C. 20006.
B. Edward Gottlieb & Associates, 633 Third Avenue, New York, N.Y. 10017 (for Florists' Transworld Delivery Association).

A. Gordon L. Smith, 1725 K Street NW., Suite 602, Washington, D.C. 20006.
B. Edward Gottlieb & Associates, 633 Third Avenue, New York, N.Y. 10017 (for Hecon Corp., Flextime Division).

A. J. Kenneth Smith, Sun Co., Inc., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $5,500. E. (9) $1,350.

A. James Lawrence Smith, 1001 Connecticut Avenue NW., No. 1001, Washington, D.C.
B. Airlift International, Inc., Miami International Airport, Miami, Fla. 33152.
D. (6) $12,500. E. (9) $50.

A. Michael P. Smith, New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.
B. New York State Bankers Association, 485 Lexington Avenue, New York, N.Y. 10017.
D. (6) $500. E. (9) $443.

A. Robert Bland Smith, Jr., American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
D. (6) $525. E. (9) $60.

A. Robert F. Smith, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
D. (6) $210. E. (9) $30.

A. Robert Wm. Smith, Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
B. Railway Progress Institute, 700 North Fairfax Street, Alexandria, Va. 22314.
D. (6) $769.01.

A. William H. Smith, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. Wayne H. Smithey, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $2,416.66. E. (9) $943.

A. Arthur V. Smyth, 1625 Eye Street NW., Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $1,350. E. (9) $68.20.

A. Frank B. Snodgrass, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
B. Burley and Dark Leaf Tobacco Export Association, 1100 17th Street NW., Suite 306, Wahington, D.C. 20036.
D. (6) $797.05.

A. John M. Snow, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
B. National Asociation of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
D. (6) $500. E. (9) $30.

A. J. R. Snyder, United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
E. (9) $200.

A. John M. Snyder, 600 Pennsylvania Avenue SE., Suite 205, Washington, D.C. 20003.
B. Citizens Committee for the Right to Keep and Bear Arms, Bellefield Office Park, 1601 114th SE., Suite 151, Bellevue, Wash. 98004.
D. (6) $4,050.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station, Washington, D.C. 20007.
D. (6) $10,650. E. (9) $9,971.63.

A. Carl A. Soderblom, Nevada Railroad Association, One East First Street, Suite 905, Reno, Nev. 89501.
B. Nevada Railroad Association, One East First Street, Suite 905, Reno, Nev. 89501.

A. Charles B. Sonneborn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Blue Shield Association, 211 East Chicago Avenue, Chicago, Ill. 60611.

A. Shelby E. Southard, 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
B. Cooperative League of the U.S.A., 1828 L Street NW., Suite 1100, Washington, D.C. 20036.
D. (6) $4,000. E. (9) $810.90.

A. Souther, Spaulding, Kinsey, Williamson & Schwabe, 1200 Standard Plaza, Portland, Oreg. 97204.
B. Quality Management Committee, 1500 Southwest Taylor, Portland, Oreg.
D. (6) $5,000. E. (9) $430.09.

A. Souther, Spaulding, Kinsey, Williamson & Schwabe, 1200 Standard Plaza, Portland Oreg. 97204.
B. U.S. Maritime Committee, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.
D. (6) $12,251.25. E. (9) $3,082.67.

A. Rodney K. Spackman, National Association of Manufacturers, 601 North Vermont Avenue, Los Angeles, Calif. 90004.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $700.

A. Charles E. Spahr, 1750 Midland Building, Cleveland, Ohio 44115.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Girardeau A. Spann, Public Citizen, Inc., 2000 P Street NW., Suite 700, Washington, D.C. 20036.

B. Public Citizen, Inc., Box 19404, Washington, D.C. 20036.
D. (6) $360. E. (9) $10.

A. Larry M. Speakes, Hill and Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Frank J. Specht, Schenley Distillers, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
B. Schenley Distillers, Inc., 888 Seventh Avenue, New York N.Y. 10019.

A. Specialty Equipment Manufacturers Association, 11001 East Valley Mall, Suite 204, El Monte, Calif. 91731.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. Robert A. Spelman, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
B. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
D. (6) $500. E. (9) $30.

A. William C. Spence, Box 683, Houston, Tex. 77001.
B. Columbia Gulf Transmission Co., Box 683, Houston, Tex. 77001.
D. (6) $1,400. E. (9) $1,416.03.

A. George Spiegel, Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency (cities of Alameda, Biggs, Gridley, Healdsburg, Lodi, Lompoc, Palo Alto, Redding, Roseville, Santa Clara, Ukiah, and associate member Plumas-Sierra Rural Electric Cooperative).

A. Spiegel & McDiarmid, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. Northern California Power Agency, et al., 1400 Coleman Avenue, Santa Clara, Calif. 95050.
D. (6) $3,370.51. E. (9) $14,406.16.

A. Joseph L. Spilman, Jr., 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $483. E. (9) $100.

A. James M. Sprouse, 1957 E Street, Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Earl C. Spurrier, 1101 17th Street NW., Suite 604, Washington, D.C. 20036.
B. Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166.

A. Squibb Corp., 40 West 57th Street, New York, N.Y. 10019.
E. (9) $160.70.

A. Squire, Sanders & Dempsey, 1800 Union Commerce Building, Cleveland, Ohio 44115; Cox, Langford & Brown, 21 Dupont Circle, NW., Washington, D.C. 20036.
B. Public Securities Association, One World Trade Center, New York, N.Y. 10048.

A. John W. Sroka, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Lynn E. Stalbaum, National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $1,906.25. E. (9) $118.02.

A. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.
E. (9) $1,818.75.

A. David P. Stang, Suite 601, 1629 K. Street NW., Washington, D.C., 20006.
B. J. Ray McDermott and Co., Inc., 1010 Common Street, New Orleans, La. 70160.
D. (6) $47.70.

A. David P. Stang, Suite 601, 1629 K Street NW., Washington, D.C. 20006.
B. National Ocean Industries Association, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $298.52.

A. M. B. Stanley, Room 900, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.
D. (6) $540. E. (9) $216.77.

A. Walter M. Starke, P.O. Box 2563, Birmingham, Ala. 35202.
B. Southern Natural Gas Co., P.O. Box 2563, Birmingham, Ala. 35202.
D. (6) $3,803.28. E. (9) $7,982.68.

A. State and Federal Associates, Inc., 1101 15th Street NW., Washington, D.C. 20005.
B. National Association of Convenience Stores, 5205 Leesburg Pike, Suite 305, Falls Church, Va. 22041.
D. (6) $3,000. E. (9) $98.10.

A. State and Federal Associates, Inc., 1101 15th Street NW., Washington, D.C. 20005.
B. Potato Chip/Snack Food Association, 915 Euclid Office Plaza, 26250 Euclid Avenue, Euclid, Ohio 44132.
D. (6) $2,000.01. E. (9) $8.50.

A. State and Federal Associates, Inc., 1101 15th Street NW., Washington, D.C. 20005.
B. Schering-Plough Corp., Galloping Hill Road, Kenilworth, N.J. 07033.
D. (6) $3,000. E. (9) $255.62.

A. Randolph J. Stayin, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202; and Special Committee for Workplace Product Liability Reform, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

A. Eugene H. Stearns, American Petroleum Institute, 200 East Randolph Drive, Chicago, Ill. 60601.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.

A. Theodore P. Stein, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,187.50.

A. David J. Steinberg, National Council for a Responsible Firearms Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Council for a Responsible Firearms Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $0.85.

A. Margaret Stewart, RFD 5, Box 109, Piedmont, Ala. 36272.

A. Robert B. Stewart, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $1,112.70. E. (9) $178.82.

A. Travis B. Stewart, Hoffmann-La Roche, Inc., 1775 K Street NW., Washington, D.C. 20006.
B. Hoffmann-La Roche, Inc., 340 Kingsland Street, Nutley, N.J. 07110.
D. (6) $800. E. (9) $200.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Suit 517, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, 1025 Connecticut Avenue N.W., Suite 517, Washington, D.C. 20036.

A. Stephen A. Stitle, 1030 15th Street NW., Washington, D.C. 20005.
B. Eli Lilly and Co., 307 East McCarty Street, Indianapolis, Ind. 46206.
D. (6) $3,000. E. (9) $155.

A. George Stockton, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. B. R. Stokes, American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
B. American Public Transit Association, 1100 17th Street NW., Washington, D.C. 20036.
D. (6) $812.50. E. (9) $268.45.

A. William M. Stover, Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $1,000. E. (9) $100.

A. John D. Stringer, Alliance of American Insurers, 1776 F Street NW., Washington, D.C. 20006.
B. Alliance of American Insurers, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $2,200. E. (9) $735.

A. George W. Strong, Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
B. Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001.
D. (6) $1,896.05. E. (9) $1,382.16.

A. Stroock & Stroock & Lavan, 61 Broadway, New York, N.Y. 10006.
B. Bank Hapoalim B. M., 50 Rothchild Boulevard, Tel Aviv, Israel.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $1,687.50. E. (9) $168.70.

A. Walter B. Stults, 512 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Companies, 512 Washington Building, Washington, D.C. 20005.
D. (6) $2,400.

A. Eugene F. Sturgeon, 182 Crater Lane, Kensington, Conn.
B. Northeast Utilities Service Co., Selden Street, Berlin, Conn.
D. (6) $553.04. E. (9) $648.47.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004.
B. Financial Accounting Foundation & Financial Accounting Standards Board, High Ridge Park, Stamford, Conn. 06905.
D. (6) $2,500. E. (9) $133.69.

A. Sullivan & Cromwell, 125 Broad Street, New York, N.Y. 10004.
B. General Electric Credit Corp., 260 Long Ridge Road, Stamford, Conn. 06902.
E. (9) $214.11.

A. Harold R. Sullivan, 1750 K Street NW., Washington, D.C. 20006.
B. Food Marketing Institute, 1750 K Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Roger H. Sullivan, Hawaiian Sugar Planters' Association, 723 Investment Building, Washington, D.C. 20005.
B. Hawaiian Sugar Planters' Association, Alea, Hawaii 96701.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. American Industrial Clay and Georgia Kaolin Division of Yara Engineering Corp., 511 Westminster Avenue, Elizabeth, N.J. 07207.
D. (6) $250. E. (9) $20.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Anglo-American Clays Corp., P.O. Box 471, Sandersville, Ga. 31082.
D. (6) $250. E. (9) $20.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006; 3100 First National Bank Tower, Atlanta, Ga. 30303.
B. The Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Engelhard Minerals and Chemicals Corp., 299 Park Avenue, New York, N.Y. 10017.
D. (6) $250. (9) $20.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Freeport Kaolin Division of Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $250. E. (9) $20.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. J. M. Huber Corp., Thornall Street, Edison, N.J. 08817.
D. (6) $250. E. (9) $20.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Massachusetts Mutual Life Insurance Co., 1295 State Street, Springfield, Mass. 01111.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Thiele Kaolin Co., Kaolin Road, Sandersville, Ga. 31082.
D. (6) $250. E. (9) $20.

A. Frank S. Swain, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $290.

A. Irving W. Swanson, Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. Edward L. Sward, Jr., El Paso Products Co., P.O. Box 3986, Odessa, Tex. 79760.
B. El Paso Products Co., P.O. Box 3986, Odessa, Tex. 79760.
D. (6) $1,100. E. (9) $1,596.

A. Noble J. Swearingen, American Lung Association, 101 Second Street NE., Washington, D.C. 20002.
B. American Lung Association, 1740 Broadway, New York, N.Y. 10019.
D. (6) $1,000.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
D. (6) $10,031.25.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C. 20036.
B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.
D. (6) $200. E. (9) $58.60.

A. Swift & Swift, 1100 17th Street NW., Washington, D.C. 20036.
B. IU International, 1500 Walnut Street, Philadelphia, Pa. 19102.
D. (6) $1,500.

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Family Leisure Centers, Inc., 1906 Highland Avenue, Cincinnati, Ohio 45219).

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Sisters of Charity of Cincinnati, Ohio).

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Special Committee for Workplace Product Liability Reform, 1150 Connecticut Avenue NW., Washington, D.C. 20036).
D. (6) $6,579. E. (9) $485.23.

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Taft Broadcasting Co., 1906 Highland Avenue, Cincinnati, Ohio 45219).

A. Robert Taft, Jr., 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Taft, Stettinius & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202 (for Werner Von Clemm, New York, N.Y.).

A. Susan Tannenbaum, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $5,500.02. E. (9) $34.35.

A. Norman Wilson Tanner, Jr., 1660 L Street NW., Suite 215–216, Washington, D.C. 20036.
B. Outdoor Advertising Association of America, Inc., 1660 L Street NW., Suite 215–216, Washington, D.C. 20036.
D. (6) $112. E. (9) $14.36.

A. William M. Tartikoff, Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Darold W. Taylor, National Clay Pipe Institute, 1130 17th Street NW., Washington, D.C. 20036.
B. National Clay Pipe Institute, P.O. Box 310, 350 West Terra Cotta Avenue, Crystal Lake, Ill. 60014.
D. (6) $150.

A. David K. Taylor, Jr., 1100 Connecticut Avenue NW., No. 1030, Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $375.

A. Frank Taylor, 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. Sid Taylor, National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $750. E. (9) $333.

A. Robert M. Teates, 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.

A. William K. Tell, Jr., 1050 17th Street NW., Washington, D.C. 20036.
B. Texaco, Inc., 2000 Westchester Avenue, White Plains, N.Y. 10650.
D. (6) $350.

A. L. D. Tharp, Jr., Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Earl Wayne Thevenot, Thevenot, Murray and Scheer, 1120 Connecticut Avenue, No. 1128, Washington, D.C. 20036.
B. First Investment Annuity Co. of America. 7 Valley Forge, Executive Mall, Box 831, Valley Forge, Pa. 19482.
D. (6) $2,300. E. (9) $2,521.41.

A. Thevenot, Murray and Scheer, 1120 Connecticut Avenue, No. 1128, Washington, D.C. 20036.
B. National Association of Stevedores, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. John T. Thielke, Economics Laboratory, Inc., 4 Corporate Park Drive, White Plains, N.Y. 10604.
B. Economics Laboratory, Inc., Osborn Building, St. Paul, Minn. 55102.
D. (6) $2,500. E. (9) $1,109.76.

A. 35th Congressional District Action Committee, Box 1, Chaffee, N.Y. 14030.
D. (6) $10. E. (9) $215.28.

A. John W. Thomas, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. American Veterinary Medical Association, 1522 K Street NW., No. 828, Washington, D.C. 20005.
D. (6) $30.

A. John W. Thomas, 1522 K Street NW., No. 828, Washington, D.C. 20005.
B. Association of American Veterinary Medical Colleges, 1522 K Street NW., No, 828, Washington, D.C. 20005.
D. (6) $10.

A. Jerry P. Thompson, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,750. E. (9) $15.85.

A. Kenneth W. Thompson, Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Interstate Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. Terence Hastings Thorn, American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (16) $525. E. (9) $126.84.

A. Robert T. Thornburg, Minnesota Petroleum Council, 1020 Northern Federal Building, St. Paul, Minn. 55102.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $296.65.

A. Gil Thurm, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 430 North Michigan Avenue, Chicago, Ill. 60611; 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $128.53.

A. Cyrus C. Tichenor III, 1050 17th Street NW., Suite 1104, Washington, D.C. 20036.
B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220.
D. (6) $6,000. E. (9) $8,953.35.

A. Paul J. Tierney, Transportation Association of America, 1100 17th Street NW., Washington, D.C. 20036.
B. Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.

A. George Tilton, 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $350.70.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Alcan Pipeline Co., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $210.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
E. American Inland Waterways Committee, 7733 Forsyth Boulevard, Suite 2201, St. Louis, Mo. 63105.
D. (6) $175.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $468.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. The Association of Trial Lawyers of America, 1050 31st Street NW., Washington, D.C. 20007.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Baxter Travenol Laboratories, Inc., 1 Baxter Parkway, Deerfield, Ill. 60015.
D. (6) $105.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. The Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $55.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Genesco, Inc., 111 Seventh Avenue, North, Nashville, Tenn. 37202.
D. (6) $35.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Middle South Services, Inc., Box 61000, New Orleans, La. 70161.
D. (6) $196.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $70.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. G. D. Searle & Co., P.O. Box 1045, Skokie, Ill. 60076.
D. (6) $70.

A. Timmons & Co., Inc., 1776 F Street NW., Washington, D.C. 20006.
B. Standard Oil Co. of Indiana, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $280.

A. Michael L. Tiner, Active Ballot Club Department, Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Union, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $7,691.04. E. (9) $769.53.

A. E. Linwood Tipton, 910 17th Street NW., Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 910 17th Street NW., Washington, D.C. 20006.
E. (9) $430.93.

A. James R. Tobin, Becton Dickinson & Co., Rutherford, N.J. 07070.
B. Becton Dickinson & Co., Rutherford, N.J. 07070.
D. (6) $2,000. E. (9) $200.

A. Warren D. Toburen, Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.
D. (6) $186.

A. David R. Toll, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., No. 1010, Washington, D.C. 20036.
D. (6) $690. E. (9) $321.

A. William R. Tolley, Jr., 2600 Virginia Avenue NW., Eighth Floor, Washington, D.C. 20036.
B. Harris Corp., 55 Public Square, Cleveland, Ohio 44113
D. (6) $1,500. E. (9) $132.97.

A. William D. Toohey, 1100 Connecticut Avenue NW.. Washington, D.C. 20036.
B. Discover America Travel Organizations, Inc., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,689. E. (9) $35.

A. Howard A. Topel, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Mullin, Connor and Rhyne, 1000 Connecticut Avenue, Washington, D.C. 20036. (For Alberto de la Vega-Ripol, 804 Garching, Konigsbergerstr. 2, W. Germany.)
D. (6) $163.

A. John M. Torbet, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
B. Rockwell International, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $32.25. E. (9) $197.20.

A. Thomas J. Trabucco, 1016 16th Street NW., Washington, D.C.
B. National Federation of Federal Em-

ployees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $3,442.40.

A. John P. Tracey, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
B. United States Independent Telephone Association, 1801 K Street NW., Suite 1201, Washington, D.C. 20006.
D. (6) $1,000.

A. Transportation Association of America, 1100 17th Street NW., Suite 1107, Washington, D.C. 20036.

A. Paul E. Trimble, Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.
B. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.

A. Glenwood S. Troop, Jr., 1709 New York Avenue NW., Suite 801, Washington, D.C. 20006.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,937.50. E. (9) $151.

A. George G. Troutman, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $250.

A. Ronald R. Tullos, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $425. E. (9) $52.40.

A. David L. Turley, 601 Sweetwater Boulevard, North Longwood, Fla. 32750.
B. Florida Gas Transmission Co., P.O. Box 44, Winter Park, Fla. 32790.

A. Bruce H. Turnbull, National Retail Merchants Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.
D. (6) $400. E. (9) $20.

A. Richard F. Turney, 1725 K Street NW., Washington, D.C. 20006.
B. Courtney & McCamant, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Shela C. Turpin, American Bankers Association, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.
D. (6) $1,000. E. (9) $400.

A. Margaret D. Tutwiler, National Association of Manufacturers, 1422 West Peachtree Street NW., Atlanta, Ga. 30309.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $1,278.20.

A. St. Clair J. Tweedie, Paperboard Packaging Council, 1800 K Street NW., Suite 600, Washington, D.C. 20006.
B. Paperboard Packaging Council, 1800 K Street NW., Suite 600, Washington, D.C. 20006.
D. (6) $500. E. (9) $20.

A. Joan E. Twiggs, 1730 M Street NW., Washington, D.C. 20036.
B. The League of Women Voters of the United States, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $555.

A. Stewart L. Udall, Duncan, Brown, Weinberg & Palmer, 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Alaska Federation of Natives, Inc., 550 West Eighth Street, Anchorage, Alaska.
E. (9) $100.

A. Stewart L. Udall, Duncan, Brown, Weinberg & Palmer, 1775 Pennsylvania Avenue NW., Suite 1200, Washington, D.C. 20006.
B. Aloha Association, Inc., Suite 572, Alex Young Building, Honolulu, Hawaii 96813.

A. Jerry G. Udell, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $200. E. (9) $360.

A. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
E. (9) $7,076.02.

A. United Egg Producers, 3951 Snapfinger Parkway, Suite 580, Decatur, Ga. 30035.
E. (9) $1,900.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
E. (9) $2,579.46.

A. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
E. (9) $572.94.

A. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill.
E. (9) $66,060.54.

A. U.S. Overseas Employees, Tax Fairness Committee, 1101 15th Street NW., Suite 1000, Washington, D.C. 20005.
D. (6) $2,500. E. (9) $64,600.04.

A. Lloyd N. Unsell, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $44.25.

A. J. Joseph Vacca, National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,849.64.

A. Jack J. Valenti, 1600 I Street NW., Washington, D.C. 20006.
B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. John A. Vance, Pacific Gas & Electric Co., 1050 17th Street NW., No. 1180, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $2,210. E. (9) $3,614.70.

A. Richard F. Vander Veen, 950 28th Street SE., Grand Rapids, Mich. 49508.
B. Citibank, 399 Park Avenue, New York, N.Y. 10022.
D. (6) $7,662.50. E. (9) $587.12.

A. Richard F. Vander Veen, 950 28th Street SE., Grand Rapids, Mich. 49508.
B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich 49201.
D. (6) $5,425 E. (9) $397.20.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Allstate Insurance, Allstate Plaza, Northbrook, Ill. 60062.
D. (6) $1,470. E. (9) $37.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. American Bakers Association, 2020 K Street NW., Washington, D.C. 20006.
E. (9) $22.50.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. American Institute for Certified Public Accountants, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $280. E. (9) $4.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Arctic Slope Regional Corp.
D. (6) $380. E. (9) $123.20.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Association of Local Transport Airlines, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $1,250. E. (9) $133.75.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Car and Truck Renting and Leasing Association, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $600. E. (9) $27.80.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Central and South West Corp., P.O. Box 1631, Wilmington, Del. 19899.
D. (6) $2,380. E. (9) $252.60.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Committee for Consumers No-Fault, 1220 19th Street NW., Washington, D.C. 20036.
E. (9) $25.60.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Northern Tier Pipeline Co., 1776 Lincoln Street, P.O. Box 5568, Denver, Colo. 80217.
D. (6) $2,190. E. (9) $305.60.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Republic Geothermal, Inc., 11823 East Slauson Avenue, Suite 1, Santa Fe Springs, Calif. 90670.
D. (6) $1,990. E. (9) $128.90.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. TOSCO Corp., 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $300. E. (9) $16.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. U.S. Maritime Committee, 600 New Hampshire Avenue NW., Suite 420, Washington, D.C. 20037.
D. (6) $1,037.50. E. (9) $16.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Western Crude Oil, Inc., P.O. Box 5568, Denver Center Building, Denver, Colo. 80217.
D. (6) $120. E. (9) $14.

A. Van Ness, Feldman & Sutcliffe, 1220 19th Street NW., Suite 500, Washington, D.C. 20036.
B. Wheelabrator-Frye, Inc., Liberty Lane, Hampton, N.H. 03842.
D. (6) $7,060. E. (9) $306.65.

A. Lois W. Van Valkenburgh, 3512 Halcyon Drive, Alexandria, Va. 22305.
B. Citizens Committee for UNICEF, 110 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $91. E. (9) $25.20.

A. Velsicol Chemical Corp., 341 East Ohio Street, Chicago, Ill. 60611.

A. Jerry T. Verkler, 1660 L Street NW., Suite 901, Washington, D.C. 20036.
B. Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001.
E. (9) $128.99.

A. Richard E. Vernor, American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.
B. American Council of Life Insurance, Inc., 1850 K Street NW., Washington, D.C. 20006.

A. Larry R. Veselka, Vinson & Elkins, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Vinson & Elkins, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006 (for Houston Natural Gas Corp., P.O. Box 1188, Houston, Tex. 77001).
D. (6) $3,500. E. (9) $3,086.27.

A. Larry R. Veselka, Vinson & Elkins, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Vinson & Elkins, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006 (for Texas Eastern Transmission Corp., P.O. Box 2521, Houston, Tex. 77001).
D. (6) $700.

A. Linda Vickers, 1735 Eye Street NW., Washington, D.C. 20006.
B. E. A. Jaenke and Associates, Inc., 1735 Eye Street NW., Suite 610, Washington, D.C. 20006.
D. (6) $1,000.

A. R. Eric Vigé, Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.
B. Cities Service Co., 1660 L Street NW., Washington, D.C. 20036.
D. (6) $160.

A. Rudolph A. Vignone, The Goodyear Tire and Rubber Co., 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. The Goodyear Tire and Rubber Co., Akron, Ohio 44316.
D. (6) $2,500.

A. Walter D. Vinyard, Jr., American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 415, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Virgin Islands Manufacturers and Importers Association, P.O. Box Q, Kings Hill Station, Christiansted, V.I. 00850.
D. (6) $1,926.38. E. (9) $1,926.38.

A. Andrew Vitali, Jr., 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $6,000. E. (9) $700.

A. David K. Voight, National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
B. National Federation of Independent Business, 490 L'Enfant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $2,250. E. (9) $500.

A. Volkswagen of America, Inc., 818 Sylvan Avenue, Englewood Cliffs, N.J. 07632.
E. (9) $325.

A. Volkswagen Manufacturing Corp., of America, 7111 East 11 Mile Road, Warren, Mich. 48090.
E. (9) $300.

A. Joseph S. Wager, Sellers, Conner & Cuneo, 1625 K Street NW., Washington, D.C. 20006.
B. Zantop International Airlines, Willow Run Airport, Ypsilanti, Mich. 48197.
D. (6) $2,200. E. (9) $250.

A. Robert J. Wager, American Bakers Association, Suite 850, 2020 K Street, NW., Washington, D.C. 20006.
B. American Bakers Association, Suite 850, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $893.75. E. (9) $4.25.

A. Robert E. Waldron, Associated Petroleum Industries of Michigan, 930 Michigan National Tower, P.O. Box 10070, Lansing, MI 48901.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $451.25.

A. E. F. Waldrop, Jr., Association of American Railroads, 40 Ivy Street SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $320.84.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Allen Products Co., Inc., P.O. Box 2187, R.D. No. 3, Allentown, Pa. 18001.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Aluminum Co. of America, Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Amax, Inc., Amax Center, Greenwich, Conn. 06830 et al.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bechtel Corp., 1620 I Street NW., Washington, D.C. 20006.
D. (6) $312.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Bethlehem Steel Corp., Bethlehem, Pa. 18016.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Business Roundtable, 1801 K Street N.W., Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Dresser Industries, Inc., 1100 Connecticut Avenue NW., Room 310, Washington, D.C. 20036.
D. (6) $312.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., Wilmington, Del. 19898.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Encyclopaedia Britannica, Inc. & Affiliates 425 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,000.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Fluor Engineers and Constructors, Inc., 3333 Michelson Drive, Irvine, Calif. 92730.
D. (6) $312.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., The American Road, Dearborn, Mich. 48121.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. General Electric Co., Washington, D.C. 20005.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., 1800 K Street NW., Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Lone Star Steel Co., 2200 West Mockingbird Lane, Dallas, Tex. 75235.
D. (6) $3,333.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Magma Power Co., 631 South Witmer Street, Los Angeles, Calif. 90017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. McCulloch Oil Corp., 10880 Wilshire Boulevard, Los Angeles, Calif. 90024.
D. (6) $625.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Bankers Association, 490 L'Enfant Plaza East SW., Washington, D.C. 20024.
D. (6) $200.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Owens-Illinois, Inc., Owens-Illinois Building, P.O. Box 1035, Toledo, Ohio 43666.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Procter & Gamble, Cincinnati, Ohio 45201.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pullman-Kellogg, Division of Pullman, Inc., 1300 Three Greenway Plaza East, Houston, Tex. 77046.
D. (6) $312.50.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Trans Union Corp., 90 Half Day Road, Lincolnshire, Ill. 60015.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Union Oil Co. of California, 461 South Boylston, Los Angeles, Calif. 90017.

A. Charls E. Walker Associates, Inc., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. United Air Lines, Inc., P.O. Box 66100, Chicago, Ill. 60666.

A. Warren W. Walkley, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $34.80.

A. R. Duffy Wall, 1050 17th Street N.W., No. 301, Washington, D.C. 20036.
B. Freeport Minerals Co., 200 Park Avenue, New York, N.Y. 10017.
D. (6) $300.

A. Carl S. Wallace, 1800 K Street NW., Suite 614, Washington, D.C. 20006.
B. Purolator, Inc., 255 Old New Brunswick Road, Piscataway, N.J. 08854.
D. (6) $37.36.

A. Don Wallace Associates, Inc., 1707 L Street NW., Suite 540, Washington, D.C. 20036.
B. Cotton Warehouse Association of America, 1707 L Street NW., Suite 540, Washington, D.C. 20036.
D. (6) $562.50. E. (9) $1,484.99.

A. Raymond C. Wallace, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. J. W. Walsh, Brotherhood of Railroad Signalmen, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railroad Signalmen, 601 West Golf Road, Mount Prospect, Ill. 60056.
D. (6) $350.

A. Michael Walsh, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.

A. John F. Wannamaker, Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
B. The Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $1,067.

A. Carol Ann Ward, National Federation of Independent Business, 490 L'Efant Plaza East SW., Suite 3206, Washington, D.C. 20024.
B. National Federal of Independent Business, 490 L'Efant Plaza East SW., Suite 3206, Washington, D.C. 20024.
D. (6) $400.

A. Jack Ware, API, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $7,125. E. (9) $362.60.

A. Michael O. Ware, Continental Oil Co., 1130 17th Street NW., Washington, D.C. 20036.
B. Continental Oil Co., High Ridge Park, Stamford, Conn. 06904.
D. (6) $800.

A. Peter F. Warker, TRW, Inc., 2030 M Street NW., Washington, D.C. 20036.
B. TRW, Inc., 23555 Euclid Avenue, Cleveland, Ohio 44117.
D. (6) $450. E. (9) $70.

A. Warner Communications, Inc., 75 Rockefeller Plaza, New York, N.Y. 10019.
E. (9) $6,000.

A. The Washington Group, Inc., 1020 Independence Avenue SE., Washington, D.C. 20003.
B. Nelson, Harding & Yeutter, Suite 230, 1819 H Street NW., Washington, D.C. 20006.
D. (6) $720. E. (9) $720.

A. The Washington Group, Inc., 1020 Independence Avenue SE., Washington, D.C. 20003.
B. SEDCO, Inc., Cumberland Hill, 1901 North Akard, Dallas, Tex. 75201.
D. (6) $9,000. E. (9) $8,523.22.

A. Nan Waterman, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $3,499.98. E. (9) $1,562.38.

A. George A. Watson, 1612 K Street NW., Suite 800, Washington, D.C. 20006.
B. Ferroalloys Association, 1612 K Street NW., Suite 800, Washington, D.C. 20006.
E. (9) $1,500.

A. Ralph J. Watson, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
B. Rockwell International, 1745 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $495. E. (9) $171.20.

A. George B. Watts, National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $600.

A. James L. Watts, 512 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Companies, 512 Washington Building, Washington, D.C. 20005.
D. (6) $3,000.

A. William H. Weatherspoon, North Carolina Petroleum Council, P.O. Box 167, Raleigh, N.C. 27602.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $300. E. (9) $276.22.

A. Webster & Sheffield, 1 Rockefeller Plaza, New York, N.Y. 10020.
B. Smith, Barney Real Estate Corp., a subsidiary of Smith, Barney, Harris, Upham & Co., Inc., 1345 Avenue of the Americas, New York, N.Y. 10020.
D. (6) $3,685. E. (9) $640.

A. Joan Weinstock, American Optometric Association, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, 3111 Aloma, Wichita, Kans. 67211.
D. (6) $261.44. E. (9) $191.93.

A. Weisman, Celler, Spett, Modlin, Wertheimer & Schlesinger, 1025 Connecticut Avenue NW., No. 910, Washington, D.C. 20036.
B. Beneficial Management Corp., 200 South Street, Morristown, N.J.
D. (6) $2,000.

A. Weisman, Celler, Spett, Modlin, Wertheimer & Schlesinger, 1025 Connecticut Avenue NW., No. 910, Washington, D.C. 20036.
B. National Football League Players Association, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000.

A. Morton N. Weiss, 55 Broad Street, New York, N.Y. 10004.
B. National Security Traders Association, Inc., 55 Broad Street, New York, N.Y. 10004.
D. (6) $1,625.

A. William Weitzen, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Aerospatiale, 37 Boulevard de Montmorency, 75016 Paris, France).

A. William Weitzen, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Krauss-Maffei AG, Krauss-Maffei-Strasse 2, 8000 Munich Federal Republic of Germany).

A. L. H. Wells, Shell Oil Co., 1025 Connecticut Avenue NW., Suite 200, Washington, D.C. 20036.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Wenchel, Schulman & Manning, 1625 K Street NW., Washington, D.C. 20006.
B. William H. Sullivan, Jr., 500 Neponset Avenue, Dorchester, Mass. 02122.
E. (9) $35.33.

A. Wenchel, Schulman & Manning, 1625 K Street NW., Washington, D.C. 20006.
B. Tuscaloosa Newspapers, Inc., P.O. Drawer No. 1, Tuscaloosa, Ala. 35401.
D. (6) $165,000. E. (9) $53.58.

A. Fred Wertheimer, 2030 M Street NW., Washington, D.C. 20036.
B. Common Cause, 2030 M Street NW., Washington, D.C. 20036.
D. (6) $9,250.02. E. (9) $138.

A. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
E. (9) $500.

A. Harry H. Westbay III, 1625 I Street NW., Suite 805, Washington, D.C. 20006.
B. St. Regis Paper Co., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,000. E. (9) $500.

A. Harvey J. Wexler, Continental Airlines, Inc., 1050 17th Street NW., No. 1060, Washington, D.C. 20036.
B. Continental Airlines, Inc., International Airport, Los Angeles, Calif. 90009.
D. (6) $2,000. E. (9) $1,000.

A. Brian B. Whalen, International Harvester, 401 North Michigan Avenue, Chicago, Ill. 60611.
B. International Harvester, 401 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,250. E. (9) $895.01.

A. Clyde A. Wheeler, Jr., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Co., Inc., 100 Matsonford Road, Radnor, Pa. 19087.
D. (6) $12,000. E. (9) $2,475.

A. Edwin M. Wheeler, The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. Thomas E. Wheeler, National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $995. E. (9) $240.

A. White & Case, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. The Presbyterian Hospital in the City of New York, 622 West 168 Street, New York, N.Y. 10032.
D. (6) $30.41.

A. White & Case, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Joseph E. Seagram & Sons, Inc., 375 Park Avenue, New York, N.Y. 10022.
D. (6) $3,013.50. E. (6) $17.65.

A. Donald F. White, American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $650.

A. John C. White, Private Truck Council of America, Inc., 1101 17th Street NW. Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., No. 1008, Washington, D.C. 20036.

A. John S. White, Marathon Oil Co., 1800 M Street NW., Suite 975, Washington, D.C. 20036.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $1,926.87.

A. Donald W. Whitehead, Suite 816, 1620 I Street NW., Washington, D.C. 20006.
B. Alternative Wastewater Management Association, Suite 816, 1620 I Street NW., Washington, D.C.
D. (6) $5,000.

A. Donald W. Whitehead, Suite 816, 1620 I Street NW., Washington, D.C. 20006.
B. Bi-A-Robi Systems, Box 133, Hamlin, Pa.

A. Alton W. Whitehouse, Jr., 1750 Midland Building, Cleveland, Ohio 44115.
B. The Standard Oil Co. (Ohio), Midland Building, Cleveland, Ohio 44115.

A. Louis M. Whitlock, P.O. Box 396, Carlsbad, N. Mex. 88220.
B. Beker Industries Corp., 124 West Putnam Avenue, Greenwich, Conn. 06830.

A. Anne Wickham, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $1,912.50.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Congaree Limited Partnership, 222 West Adams Street, Suite 1354, Chicago, Ill 60606.

A. Wickham & Craft, 1050 17th Street NW., Suite 1100, Washington, D.C. 20036.
B. Encyclopaedia Britannica, Inc., 425 North Michigan Avenue, Chicago, Ill 60611.
D. (6) $280.

A. Leonard M. Wickliffe, 1801 K Street NW., Suite 221, Washington, D.C. 20006.
B. California Railroad Association, 1127 11th Street, Suite 242, Sacramento, Calif. 95814.
D. (6) $10,299.99. E. (9) $4,438.94.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. American Society of Travel Agents, Inc., 711 5th Avenue, New York, N.Y. 10022.
E. (9) $2,018.48.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Arapahoe Tribe of Indians, Fort Washakie, Wyo.
E. (9) $158.97.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Association of Data Processing Service Organizations, Inc., 210 Summit Avenue, Montvale, N.J. 07645.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Bonneville International Corp., 36 South State Street, Salt Lake City, Utah.
E. (9) $528.71.

A. Wilkinson, Cragun & Parker, 1735 New York Avenue NW., Washington, D.C. 20006
B. Brigham Young University, Provo, Utah.
E. (9) $83.62.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The Church of Jesus Christ of Latterday Saints, 10 East North Temple, Salt Lake City, Utah.
E. (9) $76.19.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. College Placement Council, Inc., 65 Elizabeth Street, Bethlehem, Pa.
E. (9) $92.79.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.
E. (9) $229.17.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The Hoopa Valley Tribe, P.O. Box 817, Hoopa, Calif.
E. (9) $109.54.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Independent Data Communications Manufacturers Association, Inc. (IDCMA), 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $843.50. E. (9) $16.00.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Independent Insurance Agents of America, 85 John Street, New York, N.Y. 10038.
D. (6) $1,661.50. E. (9) $115.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. Nana Regional Corp., Inc., Box 49, Kotzebue, Alaska 99752.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. State of Hawaii, Department of Regulatory Agencies, P.O. Box 531, Honolulu, Hawaii.
E. (9) $190.

A. Wilkinson, Cragun & Barker, 1735 New York Avenue NW., Washington, D.C. 20006.
B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.
E. (9) $125.27.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. Arthur Andersen and Co., 1666 K Street NW., Washington, D.C. 20006.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. Benenson Realty Co., 380 Madison Avenue, New York, N.Y. 10017.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. The Coca-Cola Co., P.O. Drawer 1734, Atlanta, Ga. 30301.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. Federal National Mortgage Association (FNMA), 1133 15th Street NW., Washington, D.C. 20005.
E. (9) $5.

A. Williams & Connolly, 1000 Hill Building, Washington, D.C. 20006.
B. State of Maine, Office of the Governor, Augusta, Maine 04333.

A. Harding deC. Williams, National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.
B. National Savings and Loan League, 1101 15th Street NW., Suite 400, Washington, D.C. 20005.

A. Harry D. Williams, 1025 Connecticut Avenue NW., Suite 507, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $2,000.

A. Lucinda L. Williams, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
B. Federation of American Hospitals, 1101 17th Street NW., Suite 310, Washington, D.C. 20036.
D. (6) $3,150.

A. Williams, Meyers & Quiggle, 888 17th Street NW., Washington, D.C. 20006.
B. Church Alliance for Clarification of ERISA, 511 N. Akard Building, Suite 311, Dallas, Tex. 75201.
E. (9) $267.99.

A. Robert E. Williams, United Airlines, 1825 K Street NW., No. 607, Washington, D.C. 20006.
B. United Airlines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $1,250. E. (9) $420.

A. John C. Williamson, 1825 K Street NW., Washington, D.C. 20006.
B. Mortgage Insurance Companies of America, 1825 K Street NW., Washington, D.C. 20006.
D. (6) $4,000. E. (9) $174.55.

A. John C. Williamson, 1825 K Street NW., Washington, D.C. 20006.
B. National Apartment Association, 1825 K Street NW., Washington, D.C. 20006.
D. (6) $4,000.

A. Bertram C. Willis, International Telephone & Telegraph Corp., 1707 L Street NW., Suite 200, Washington, D.C. 20036.
B. International Telephone & Telegraph Corp., 320 Park Avenue, New York, N.Y. 10022.
D. (6) $80. E. (9) $12.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. Bristol-Myers Co., 1155 15th Street NW., Washington, D.C. 20036.

A. Wilmer, Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. The Business Roundtable, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $231.

A. Wilmer Cutler & Pickering, 1666 K Street NW., Washington, D.C. 20006.
B. Dealer Bank Association, 1800 K Street NW., Washington, D.C. 20006.
D. (6) $418. E. (9) $2.50.

A. R. J. Winchester, Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001.
B. Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001.
D. (6) $7,200. E. (9) $3,950.

A. Joseph B. Winkelmann, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $876.90.

A. James F. Winnie, Cities Service Gas Co., P.O. Box 25128, Oklahoma City, Okla. 73125.
B. Cities Service Gas Co., P.O. Box 25128, Oklahoma City, Okla. 73125.
E. (9) $25.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., No. 1040, Washington, D.C. 20006.
B. Atlanta/LaSalle Corp., 150 South Wacker Street, Chicago, Ill. 60600.
D. (6) $10. E. (9) $29.80.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., Suite 1040, Washington, D.C. 20006.
B. Building Owners and Managers Association International, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
E. (9) $144.53.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Gould, Inc., 8550 Bryn Mawr Avenue, Chicago, Ill. 60631.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., No. 1040, Washington, D.C. 20006.
B. International Council of Shopping Centers, 665 Fifth Avenue, New York, N.Y. 10022.
D. (6) $790. E. (9) $565.93.

A. Winston & Strawn, 1730 Pennsylvania Avenue NW., No. 1040, Washington, D.C. 20006.
B. New England Petroleum Corp., 825 Third Avenue, New York, N.Y. 10022.
D. (6) $60. E. (9) $3.60.

A. Mark E. Winter, American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
B. American Land Title Association, 1828 L Street NW., Washington, D.C. 20036.
D. (6) $3,000.

A. Richard F. Witherall, Colorado Railroad Association, 420 Denver Club Building, Denver, Colo. 80202.
B. Colorado Railroad Association, 420 Denver Club Building, Denver, Colo.
D. (6) $550. E. (9) $800.

A. Glenn P. Witte, 1105 Barr Building, Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. Erving Wolf, Inexco Oil Co., Suite 1900, 1100 Milam Building, Houston, Tex. 77002.
B. Inexco Oil Co., Suite 1900, 1100 Milam Building, Houston, Tex. 77002.
E. (9) $1,981.25.

A. Wolf Haldenstein Adler Freeman & Herz, 270 Madison Avenue, New York, N.Y. 10016.
B. Fallek-Lankro Corp., P.O. Box H, Tuscaloosa, Ala.
D. (6) $950. E. (9) $100.

A. Don Womack, Suite 1013, 1150 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texas Utilities Services, Inc., 2001 Bryan Tower, Dallas, Tex. 75201.
D. (6) $1,687. E. (9) $157.13.

A. Merle E. Wood, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.
B. Ewing M. Kauffman, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137; Box 1969, Kansas City, Mo. 64141.
D. (6) $325. E. (9) $472.40.

A. Merle E. Wood, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.
B. Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.
D. (6) $450. E. (9) $886.65.

A. Diane Woodruff, Committee of Urban Program Universities, Suite 802, 11 Dupont Circle, Washington, D.C. 20036.
B. Committee of Urban Program Universities, Suite 802, 11 Dupont Circle, Washington, D.C. 20036.
D. (6) $1,837. E. (9) $100.

A. M. Alan Woods, DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Airbus Industrie, Avenue Lucien Servanty, 31700 Blagnac, France).

A. M. Alan Woods, 517 Oronocco Street, Alexandria, Va. 22314.
B. DGA International, Inc., 1225 19th Street NW., Washington, D.C. 20036 (for Thomson-CSF (AVS) 178, Bd Gabriel Peri, 92240 Malakoff, France.

A. Perry W. Woofter, 2101 L Street NW., Washington, D.C. 20037.
B. American Petroleum Institute, 2101 L Street NW., Washington, D.C. 20037.
D. (6) $5,000. E. (9) $300.

A. Ronald L. Wooten, American Mining Congress, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, 1100 Ring Building, Washington, D.C.
D. (6) $59.34. E. (9) $9.

A. George M. Worden, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.
B. Hill & Knowlton, Inc., 633 Third Avenue, New York, N.Y. 10017.

A. Franklin L. Wright, Jr., 1709 New York Avenue NW., Suite 200, Washington, D.C. 20006.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $1,937.50. E. (9) $104.93.

A. Wyman, Bautzer, Rothman & Kuchel, Suite 1140, the Watergate 600, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Bristol Bay Native Corp., P.O. Box 220, Anchorage, Alaska 99501.
D. (6) $375.

A. Wyman, Bautzer, Rothman & Kuchel, Suite 1140, the Watergate 600, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. Petersen Publishing Co., 8490 Sunset Boulevard, Los Angeles, Calif. 90060.

A. John Yarmola, Seafarers International Union of North America, 815 16th Street NW., Suite 510, Washington, D.C. 20006.
B. Seafarers International Union of North America, 815 16th Street NW., Suite 510, Washington, D.C. 20006.
D. (6) $2,500.

A. John H. Yingling, 1156 15th Street NW., Suite 701, Washington, D.C. 20005.
B. Citibank, N.A., 399 Park Avenue, New York, N.Y. 10043.
D. (6) $1,500. E. (9) $194.50.

A. A. Steven Young, National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
B. National Small Business Association, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $200.

A. Kenneth Young, AFL–CIO, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $11,004. E. (9) $317.91.

A. Reynolds Young, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,100. E. (9) $280.

A. Eugene A. Yourch, 17 Battery Place North, New York, N.Y. 10004.
B. Federation of American Controlled Shipping, 17 Battery Place North, New York, N.Y. 10004.
D. (6) $700. E. (9) $599.

A. Robert Zacharias, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Donald Zahn, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
D. (6) $580. E. (9) $142.

A. Lynn Zakupowsky, 777 14th Street NW., Washington, D.C. 20005.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn. 06431.

A. John S. Zapp, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $3,870. E. (9) $247.

A. Thomas K. Zaucha, 1800 M Street NW., Suite 645–S, Washington, D.C. 20036.
B. The Great Atlantic & Pacific Tea Co., Inc., 2 Paragon Drive, Montvale, N.J. 07645.
D. (6) $2,000.

A. Donald P. Zeifang, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $248.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.
B. Confederated Tribes of the Colville Indian Reservation, P.O. Box 150, Nespelem, Wash. 99155.
D. (6) $2,099.60. E. (9) $80.84.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.
B. Lummi Tribe of Indians, 2616 Kwina Road, Bellingham, Wash. 98225.
D. (6) $1,490.60. E. (9) $67.03.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.
B. Makah Indian Tribe, P.O. Box 115, Neah Bay, Wash. 98357.
D. (6) $1,624. E. (9) $74.04.

A. Charles O. Zuver, American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,500. E. (9) $176.79.

A. Frances Zwenig, 133 C Street SE., Washington, D.C. 20003.
B. Congress Watch, 133 C Street SE., Washington, D.C. 20003.
D. (6) $1,832.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the third calendar quarter of 1977 were received too late to be included in the published reports for that quarter:

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_____ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report. ◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

A. Action for Legal Rights, 2100 M Street NW., Room 601, Washington, D.C. 20037.
D. (6) $7,826.25. E (9) $9,146.09.

A. Actors Equity Association, 1500 Broadway, New York, N.Y. 10036.
D. (6) $2,500. E. (9) $2,500.

A. Ad-Hoc Committee for Competitive Telecommunications, 520 N. Capitol Street NW., Suite 800, Washington, D.C. 20001.
D. (6) $15,316.04. E. (9) $23,333.88.

A. Air-Conditioning and Refrigeration Institute, 1815 N. Fort Myer Drive, Arlington, Va. 22209.
D. (6) $840. E. (9) $824.

A. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $12,732.59. E. (9) $12,732.59.

A. Roger D. Allan, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Maxton M. Allcox, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employees, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $5,625.

A. Allegheny Airlines, Inc., Washington National Airport, Washington, D.C. 20001.
E. (9) $2,026.61.

A. Anne Genevieve Allen, Los Angeles Division, Rockwell International, International Airport, Los Angeles, Calif. 90009.
B. Rockwell International, Los Angeles Division, International Airport, Los Angeles, Calif. 90009.
D. (6) $486.62. E. (9) $1,122.82.

A. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. American Cancer Society, 777 Third Avenue, New York, N.Y. 10017.
E. (9) $15,393.87.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $11,649.82. E. (9) $11,649.82

A. American Federation of State, County and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C.
E. (9) $41,305.94.

A. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $300. E. (9) $300.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $21,401.38. E. (9) $21,401.38.

A. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
E. (9) $2,500.54.

A. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $45,113. E. (9) $48,794.12.

A. American Maritime Association, 17 Battery Place, North Building, New York, N.Y. 10004; 1612 K Street NW., Washington, D.C. 20006.
E. (9) $687.90.

A. The American-Nicaraguan Council, 475 L'Enfant Plaza SW., Suite 4100, Washington, D.C. 20024.
E. (9) $2,434.67.

A. American Optometric Association, care of Dr. Wendell D. Waldie, 3111 Aloma, Wichita, Kans. 67211.
D. (6) $1,614.13. E. (9) $1,614.13.

A. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $7,302.04. E (9) $1,163.81.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $246.

A. Morris J. Amitay, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $6,249.99.

A. J. L. Anderson, Time Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time Inc., Time & Life Building, Rockefeller Center, New York City, N.Y.
D. (6) $2,555. E. (9) $935.

A. M. Kent Anderson, The Trane Co., 2020 14th Street, North Arlington, Va. 22201.
B. The Trane Co., 3600 Pammel Creek Road, La Crosse, Wis. 54601.
D. (6) $350. E. (9) $139.

A. Scott G. Anderson, Burlington Northern Inc., Suite 506, 2000 L Street NW., Washington, D.C. 20036.
B. Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minn. 55101.
D. (6) $1,750. E. (9) $867.50.

A. Jack R. Angell, United Gas Pipe Line Co., 1101 17th Street NW., Washington, D.C. 20036.
B. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
D. (6) $660. E. (9) $15.70.

A. Leonard Appel, Wilson Woods, Villalon & Hollengreen, 425 13th Street NW., Suite 1032, Washington, D.C. 20004.
B. Everett Terminal Co., Inc., P.O. Box 1478, Hewitt Avenue Marine Terminal, Everett, Wash. 98206.

A. John Christian Archer, 1730 Rhode Island Avenue NW., No. 213, Washington, D.C. 20036.
B. Brown & Root, Inc., 1730 Rhode Island Avenue NW., No. 213, Washington, D.C. 20036.
D. (6) $1,400. E. (9) $500.

A. Roy A. Archibald, National Education Association, 1705 Murchison Drive, Burlingame, Calif. 94010.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,282.42. E. (9) $100.

A. Fred Armstrong, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Commissioner of Baseball, 15 West 51st Street, New York, N.Y. 10019.
E. (9) $100.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Price Waterhouse & Co., 1251 Avenue of the Americas, New York, N.Y. 10020.
D. (6) $3,300. E. (9) $76.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $42. E. (9) $29.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. State Farm Mutual Automobile Insurance Co., One State Farm Plaza, Bloomington, Ill. 61701.
D. (6) $1,845. E. (9) $351.

A. Joseph Ashooh, 1957 E Street NW., Washington, D.C.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex. 77074.
E. (9) $354.07.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.
E. (9) $655.

A. Richard W. Averill, American Optometric Association, 7000 Chippewa Street, St. Louis, Mo. 63119.
B. American Optometric Association, 3111 Aloma, Wichita, Kans. 67211.
D. (6) $920. E. (9) $175.

A. Aviation Consumer Action Project, P.O. Box 19029, Washington, D.C. 20036.
D. (6) $500. E. (9) $190.

A. Richard E. Ayres, 917 15th Street NW., Washington, D.C. 20005.
B. Natural Resources Defense Council, Inc., 917 15th Street NW., Washington, D.C. 20005.
D. (6) $879.21. E. (9) $7.75.

A. Charles W. Bailey, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Houston Lighting and Power Co., P.O. Box 1700, Houston, Tex. 77001.
E. (9) $8.

A. Baker & Botts, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pennzoil Co., Pennzoil Place, P.O. Box 2967, Houston, Tex. 77002.

A. Baker & Daniels, 1800 M Street NW., Washington, D.C. 20036.
B. Independent Refiners Association of America, 1801 K Street NW., Washington, D.C. 20006.
E. (9) $408.83

A. James Taylor Banks, 917 15th Street NW., Washington, D.C. 20005.
B. Natural Resources Defense Council, Inc., 917 15th Street NW., Washington, D.C. 20005.
D. (6) $992. E. (9) $34.25.

A. Robert D. Bannister, National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005.

B. National Association of Realtors, 925 15th Street NW., Washington, D.C. 20005; 430 North Michigan Avenue, Chicago, Ill. 60601.
D. (6) $2,406.25. E. (9) $334.79.

A. Thomas J. Barlow, 917 15th Street NW., Washington, D.C. 20005.
B. Natural Resources Defense Council, Inc., 917 15th Street NW., Washington, D.C. 20005.
D. (6) $550.

A. Roger V. Barth, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association for Clinical Chemistry, Inc., 1725 K Street NW., Washington, D.C. 20006.

A. Robert J. Becker, Joint Council of Allergy & Immunology, 4902 Tollview Drive, Suite 107, Rolling Meadows, Ill. 60008; 229 North Hammes Avenue, Joliet, Ill. 60435.
B. Joint Council of Allergy & Immunology, 4902 Tollview Drive, Suite 107, Rolling Meadows, Ill. 60008.

A. Donald W. Bedell, 4990 Sentinel Drive, Washington, D.C. 20016.
B. Bedell Associates, 1522 K Street NW., Washington, D.C. 20005.
D. (6) $3,400. E. (9) $3,550.20.

A. Frances G. Beinecke, 917 15th Street NW., Washington, D.C. 20005.
B. Natural Resources Defense Council, Inc., 917 15th Street NW., Washington, D.C. 20005
D. (6) $371. E. (9) $329.

A. Winston Everett Bell, P.O. Box 5463, Las Vegas, Nev. 89102.

A. Douglas P. Bennett, 1776 F Street NW., No. 108, Washington, D.C. 20006.
B. Chicago Board of Trade, LaSalle at Jackson, Chicago, Ill. 60604.

A. Benrus Corp., Benrus Center, Ridgefield, Conn. 06877.
E. (9) $1,500.

A. Randolph C. Berkeley, 6200 Lakeview Drive, Falls Church, Va. 22041.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $781.25.

A. Charles L. Binsted, National Congress for Petroleum Retailers, Inc., No. 201, 2021 K Street NW., Washington, D.C. 20006.
B. National Congress of Petroleum Retailers, No. 201, 2021 K Street NW., Washington, D.C. 20006.
D. (6) $1,554. E. (9) $1,575.

A. Judith Lynn Campbell Bird, 917 15th Street NW., Washington, D.C. 20005.
B. Natural Resources Defense Council, Inc., 917 15th Street NW., Washington, D.C. 20005.
D. (6) $2,118.39. E. (9) $6.70.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Occidental Life Insurance Co., 12th and Hill, Los Angeles, Calif. 90054.

A. Robert J. Bird, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Paul Revere Corp., Worcester, Mass. 01608.

A. Kenneth T. Blaylock, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $15,812.30. E. (9) $2,185.05.

A. Betty Blouin, The American Dietetic Association, 430 North Michigan Avenue, Chicago, Ill. 60611.
B. The American Dietetic Association, 430 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $600. E. (9) $2,451.18.

A. Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110.
D. (6) $3,650. E. (9) $1.35.

A. Blum, Parker & Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Zenith Radio Corp., 1000 Milwaukee Avenue, Glenview, Ill. 60025.

A. Boasberg, Hewes, Finkelstein & Klores, 2101 L Street NW., No. 096, Washington, D.C. 20037.
B. National Board of Young Men's Christian Associations, 291 Broadway, New York, N.Y. 10007.
D. (6) $11,155.65.

A. Becky Bogard, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $189.

A. Bonneville Associates, 747 East South Temple, Suite 111, Salt Lake City, Utah 84103.
B. Richard Bass, 1150 Mercantile Building, Dallas, Tex. 75201.
D. (6) $4,868.16. E. (9) $70.19.

A. Bonneville Associates, 747 East South Temple, Suite 111, Salt Lake City, Utah 84103.
B. Salt Lake Area Chamber of Commerce, 19 East 200 South, Salt Lake City, Utah 84111.
D. (6) $11,000.02. E. (9) $10,826.71.

A. Bonneville Associates 747 East South Temple, Suite 111, Salt Lake City, Utah 84103.
B. Snowbird Corp., Snowbird, Utah 84070.
D. (6) $3,003.03. E. (9) $2,555.31.

A. Thomas C. Borzilleri, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $258.46. E. (9) $5.

A. Mary M. Bourdette, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $542.34. E. (9) $20.

A. Gene M. Bradley, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $960. E. (9) $780.

A. Charles N. Brady, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Joseph E. Brady, 5018 East Summer Moon Lane, Phoenix, Ariz. 85044.
B. National Coordinating Committee of the Beverage Industry, 5018 East Summer Moon Lane, Phoenix, Ariz. 85044.

A. Gail Bramblett, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,367.95. E. (9) $182.56.

A. Robert Brandon, Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
B. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
D. (6) $2,062.50.

A. Bread for the World, Inc., 207 East 16th Street, New York, N.Y. 10003.
D. (6) $80,923.48. E. (9) $101,942.04.

A. Cyri F. Brickfield, Miller, Singer, Michaelson, Brickfield & Raives, 1909 K Street NW., Washington, D.C. 20006.
B. National Retired Teachers' Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20006.
D. (6) $3,200. E. (9) $34.

A. Bill Brier, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street, NW., Washington, D.C. 20036.
D. (6) $4,750. E. (9) $334.

A. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express and Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $33,640. E. (9) $33,640.

A. Donald G. Brotzman, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $8,000. E. (9) $115.80.

A. Diane V. Brown, 1620 Eye Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., 1620 Eye Street NW., No. 700, Washington, D.C. 20006.
D. (6) $500. E. (9) $125.

A. Howard Brown, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $851.98.

A. John J. Brown, 1125 17th Street NW., Washington, D.C. 20036.
B. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.
D. (6) $3,750. E. (9) $875.

A. Travis T. Brown, 2525 49th Street NW., Washington, D.C.

A. A. T. Brust, Cromwell Street, Luke, Md. 21540.
B. Westvaco Corp., 299 Park Avenue, New York, N.Y. 10017.

A. William J. Burhop, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,541.65. E. (9) $320.79.

A. J J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.
B. The Montana Power Co., Butte, Mont. 59701.
E. (9) $62.96.

A. Alan Caldwell, 1825 K Street NW., Washington, D.C. 20006.
B. Del Monte Corp., 1 Market Plaza, San Francisco, Calif. 94119.
D. (6) $1,000. E. (9) $50.

A. Donald L. Calvin, New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005.
B. New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005.

A. Faith Thompson Campbell, 917 15th Street NW., Washington, D.C. 20005.
B. Natural Resources Defense Council, Inc., 917 15th Street NW., Washington, D.C. 20005.
D. (6) $470.40. E. (9) 8.10.

A. John E. Campbell, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20036.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C. 20036.
B. Association of American Publishers, Mass Market Paperback Division.
E. (9) $337.41.

A. Ross Capon, National Association of Railroad Passengers, 417 New Jersey Avenue, SE., Washington, D.C. 20003.
B. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
D. (6) $3,975.01.

A. L. C. Carpenter, Midcontinent Farmers Association, 201 South Seventh Street, Columbia, Mo. 65201.
B. Midcontinent Farmers Association, 201 South Seventh Street, Columbia, Mo. 65201.
D. (6) $5,299.32. E. (9) $855.29.

A. Richard M. Carrigan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 200036.
D. (6) $4,953.30. E. (9) $274.22.

A. Charles T. Carroll, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Eugene I. Casraiss, Jr., United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 1125 15th Street NW., Washington, D.C. 20005.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $7,134.45. E. (9) $440.37.

A. Center for the Study of Congress, 505 C Street NE., Washington, D.C. 20002.
E. (9) $1,520.

A. Stephen Chapman, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,500.

A. Chemtex Fibers, Inc., 850 Third Avenue, New York, N.Y. 10022.

A. James M. Christian, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington D.C. 20068.
D. (6) $114.

A. Citizens for Class Action Lawsuits, 4914 Belt Road NW., Washington, D.C. 20016.
D. (6) 2,075. E. (9) $1,714.11.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Ashland Oil, Inc., 1401 Winchester Avenue, Ashland, Ky. 41101.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Crown Central Petroleum Corp., 1 North Charles Street, P.O. Box 1168, Baltimore, Md. 21203.

A. Cladouhos & Brashares, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Toyota Motor Sales, U.S.A., 2055 West 190th Street, Torrance, Calif. 90504.

A. Anne Harrison Clark, 10561 Jason Lane, Columbia, Md. 21044.
B. National Consumers League, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. (6) $1,290. E. (9) $51.65.

A. Bob Clark & Associates, Suite 1908, 400 Madison Street, Alexandria, Va. 22314.
B. Ryder System, Inc., Miami, Fla.
D. (6) $1,500. E. (9) $125.

A. Marcia Cleveland, 122 East 42d Street, New York, N.Y. 10017.
B. Natural Resources Defense Council, Inc., 122 East 42d Street, New York, N.Y. 10017.
D. (6) $118.81.

A. Charles M. Clusen, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $5,875. E. (9) $66.50.

A. Coalition Against Strip Mining, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,328.24.

A. Coalition of Concerned Charities, c/o Annette J. Gnospelius, 1776 F Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $100.

A. Coalition on American Rivers, P.O. Box 2667, Station A, Champaign, Ill. 61820.
D. (6) $15,544.15. E. (9) $9,716.85.

A. Carl A. S. Coan, Jr., 1707 L Street NW., Suite 450, Washington, D.C. 20036.
B. National Association of Home Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) 680. E. (9) $7.64.

A. Carl A. S. Coan, Jr., 1707 L Street NW., Suite 450, Washington, D.C. 20036.
B. National Housing Conference, Inc., 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $3,750. E. (9) $497.50.

A. Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga. 30318.
E. (9) $50.

A. Sharon West Coffey, 313 Fifth Street SE., Washington, D.C. 20003.
B. Ad Hoc Committee for Competitive Telecommunications, Commodore Hotel, Washington, D.C.
D. (6) $6,500.

A. Jeffery Cohelan, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
D. (6) $4,549.99.

A. Jerry S. Cohen, Suite 708, 1776 K Street NW., Washington, D.C. 20006.
B. National Congress of Petroleum Retailers, Suite 301, 2021 K Street NW., Washington, D.C.
D. (6) $3,000.

A. Marcus Cohn, Cohn & Marks 1920 L Street NW., Washington, D.C. 20036.
B. Wometco Enterprises, Inc., P.O. Box 2440, Miami, Fla. 33128.
D. (6) $500.

A. John M. Collier, 4436 Perrier Street, New Orleans, La. 70118.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $7,350. E. (9) $1,902.59.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. American Feed Manufacturers Association, 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $100.

A. Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street NW., Washington, D.C. 20007.
B. Department of Information, Private Bag X152, Pretoria 0001, Republic of South Africa.
D. (6) $2,588.85. E. (9) $9,712.57.

A. Committee for Humane Legislation, Inc., 2101 L Street NW., Washington D.C. 20037; 11 West 60th, New York, N.Y. 10023.
D. (6) $61,864.32. E. (9) $44,040.99.

A. Committee of Publicly Owned Companies, 22 Thames Street, New York, N.Y. 10006.
D. (6) $2,535. E. (9) $3,025.

A. Computer & Communications Industry Association, Inc., 1500 Wilson Boulveard, Suite 512, Arlington, Va. 22209.
D. (6) $132,342. E. (9) $13,802.

A. Ross Conlin, Chessie System, 840 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.
B. Chessie System, Terminal Tower, Cleveland, Ohio 44101.
D. (6) $3,000. E. (9) $1,000.

A. Jerry C. Connors, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. David R. Conrad, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. American Rivers Conservation Council, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,171.

A. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.
E. (9) $14,525.

A. Consumer Action Now, Inc., 355 Lexington Avenue, New York, N.Y. 10017.
E. (9) $2,670.36.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill. 60611.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $2,600.

A. E. Keith Cooper, 955 L'Enfant Plaza North, SW., Washington, D.C. 20024.
B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $4,256. E. (9) $2,153.45.

A. Glen S. Corso, 15th and M Streets N.W., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $4,593.74. E. (9) $427.

A. William R. Corson, 1707 H Street NW., Washington, D.C. 20006.
B. Penthouse International Ltd., 1707 H Street NW., Washington, D.C. 20006.
D. (6) $7,500. E. (9) $6,097.

A. Council for Inter-American Security, 1721 DeSales Street NW., Washington, D.C. 20036.
E. (9) $36,260.

A. Council of AFL–CIO Unions for Professional Employees, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $1,250. E. (9) $1,250.

A. Council to Save the Post Card, Suite 700, 725 15th Street NW., Washington, D.C. 20005.
E. (9) $697.69.

A. John A. Couture. National Forest Products Association, 1619 Massachussetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $825. E. (9) $856.89.

A. Eric Cox, 3133 Connecticut Avenue NW., Washington, D.C. 20008.
B. World Federalist Political Education Committee, 600 Valley Road, Wayne, N.J. 07470.
D. (6) $1,600.02.

A. Kenneth A. Cox, 1150 17th Street NW., Washington, D.C. 20036.
B. MCI Communications Corp., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $3,199. E. (9) $6.95.

A. Cox, Smith, Smith, Hale & Guenther, Inc., 500 National Bank of Commerce Building, San Antonio, Tex. 78205.
B. Sanchez-O'Brien Petroleum Corp., and the National Association of Independent Gas Producers, 500 National Bank of Commerce Building, San Antonio, Tex. 78205.
D. (6) $11,380. E. (9) $2,123.35.

A. Cramer, Visser, Lipsen & Smith, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. American-Nicaraguan Council, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
D. (6) $2,434.67. E. (9) $2,434.67.

A. Cramer, Visser, Lipsen & Smith, 475 L'Enfant Plaza SW., Washington, D.C. 20024.
B. Government of Nicaragua, Comite Nacional de Emergencia, Managua, Nicaragua.
D. (6) $8,250.39. E. (9) $8,250.39.

A. Richard C. Creighton, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $3,000.

A. Joseph M. Cribben, 3104 Valley Lane, Falls Church, Va. 22044.
B. United Association of Journeymen and Apprentices of the Plumbing & Pipe Fitting Industry of the United States & Canada, 901 Massachusetts Avenue NW., Washington, D.C. 20001.
D. (6) $1,750. E. (9) $20.

A. Thomas G. Crikelair, National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
B. National Association of Railroad Passengers, 421 New Jersey Avenue SE., Washington, D.C. 20003.
D. (6) $1,209.25.

A. H. C. Crotty, Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.

A. Cuba Claims Association Executive Committee, P.O. Box 014004, Miami, Fla. 33131.
D. (6) $75. E. (9) $6.24.

A. Barry M. Cullen, International Paper Co., Suite 700, 1620 I Street NW., Washington, D.C. 20006.
B. Barry M. Cullen, International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $100. E. (9) $55.

A. William E. Cumberland, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $488. E. (9) $1,921.

A. Thomas B. Curtis, Curtis, Crossen, Hensley, Allen & Curtis, 7912 Bonhomme, Suite 304, Clayton, Mo. 63105.
B. Encyclopedia Britannica, 425 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $1,000.

A. Robert J. Cushman, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $2,800. E. (9) 653.27.

A. Mimi Cutler, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
B. Aviation Consumer Action Project, P.O. Box 19029, Washington, D.C. 20036.
D. (6) $150.

A. John Jay Daly, John Jay Daly Associates, Inc., 702 World Center Building, Washington, D.C. 20006.
B. Recording Industry Association of America, 1 East 57th Street, New York, N.Y. 10022.
E. (9) $7,500.

A. Alice Daniel, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp. 733 15th Street NW., Washington, D.C. 20005.
D. (6) $415.44.

A. John E. Daniel, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Richard C. Darling, 1156 15th Street, NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $1,650. E. (9) $900.

A. John C. Datt, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $5,250. E. (9) $100.

A. Joseph Dauksys, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Rubber Manufacturers Association, 1901 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $1,600. E. (9) $80.

A. John B. Davenport, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $283.30.

A. Kenneth E. Davis, 1025 Connecticut Avenue NW., No. 202, Washington, D.C. 20036.
B. Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105.
D. (6) $500. E. (9) $100.

A. P. M. Davison, Jr., North Dakota Railway Lines, 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.
B. North Dakota Railway Lines, 418 East Rosser Avenue, P.O. Box 938, Bismarck, N. Dak. 58501.

A. DeLaney & Patrick, 1801 K Street NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $3,213.73. E. (9) $700.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Agtek International Incorporated, 189 Elm Street, New Canaan, Conn. 06840.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Holstein-Fresion Association of America; Holstein-Fresion Services, Inc., 1500 Main Street, Springfield, Mass. 01115.
D. (6) $175.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Kennecott Copper Corp., 161 E. 42d Street, New York, N.Y.
D. (6) $4,500.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Marine Engineers Beneficial Association, 444 North Capitol Street, Washington, D.C. 20001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. National Federation of Societies for Clinical Social Work, 698 West End Avenue, New York, N.Y. 10025.
D. (6) $1,000.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. Tennessee Gas Transmission Co., P.O. Box 2511, Houston, Tex. 77001.

A. Dickstein, Shapiro & Morin, 2101 L Street NW., Washington, D.C. 20037.
B. United States Tour Operators Association, 1671 Wilshire Boulevard, Los Angeles, Calif. 90017.
D. (6) $375.

A. Timothy V. A. Dillon, 1850 K Street NW., Suite 380, Washington, D.C. 20036.
B. Department of Water Resources, State of California 95802.
D. (6) $745.77. E. (9) $45.77.

A. Timothy V. A. Dillon, 1850 K Street NW., Suite 380, Washington, D.C. 20006.
B. Westlands Water District, P.O. Box 5222, Fresno, Calif. 93755.
D. (6) $3,289.78. E. (9) $164.78.

A. District of Columbia Bankers Association, 1709 New York Avenue NW., Washington, D.C. 20036.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.
B. Helena Vertac Chemical Co., 5100 Poplar Avenue, Memphis, Tenn. 38137.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.
B. Houston Atlas, Inc., 9441 Baythorne Drive, Houston, Tex. 77041.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.
B. National Association of Property Owners, 5353 First International Building, Dallas, Tex. 75270.
D. (6) $2,180. E. (9) $2,180.

A. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.
B. Norton Manufacturing Co., P.O. Box 9067, Memphis, Tenn. 38109.

A. James F. Doherty, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
D. (6) $9,374.99.

A. Dana Dolloff, 1620 I Street NW., No. 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., No. 709, Washington, D.C. 20006.
D. (6) $1,500. E. (9) $650.

A. Domestic Petroleum Council, 1130 17th Street NW., Washington, D.C. 20036.
E. (9) $381.10.

A. R. Larry Drake, Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.
B. Consumers Power Co., 212 West Michigan Avenue, Jackson, Mich. 49201.
D. (6) $400. E. (9) $10.

A. Thomas E. Drumm, Jr., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Macmillan, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $400. E. (9) $280.

A. Morgan D. Dubrow, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 3000 Florida NW., Washington, D.C. 20009.
D. (6) $132.75.

A. M. L. DuMars, 2000 Florida Avenue, NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $60.

A. Louise C. Dunlap, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,000. E. (9) $245.24.

A. William E. Dutcher, Independent Gas Producer's Committee, 2601 Northwest Expressway, Suite 300, Oklahoma City, Okla. 73112.
B. Independent Gas Producer's Committee, 2601 Northwest Expressway, Suite 300, Oklahoma City, Okla. 73112.
D. (6) $7,166. E. (9) $2,432.38.

A. Richard O. Duvall, Dunnells, Duvall & Porter, 1220 19th Street NW., Suite 400, Washington, D.C. 20036.

B. Dunnells, Duvall & Porter (for: Zena Corp.), 1220 19th Street NW., Suite 400, Washington, D.C. 20036.
D. (6) $300. E. (9) $160.97.

A. Donald R. Ebe, 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $1,500.

A. Clifford E. Edwards, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $1,360. E. (9) $38.

A. Thomas Ehrlich, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $242.60.

A. Adelaide K. Eisenmann, 607 G Street SW., Washington, D.C. 20024.
B. Panamanian Committee for Human Rights.

A. Richard Eisenmann, 607 G Street SW., Washington, D.C. 20024.
B. Panamanian Committee for Human Rights.
E. (9) $1,927.15.

A. Jonathan P. Ela, Midwest Office, Sierra Club, 444 West Main, Madison, Wis. 53703.
B. Sierra Club, 530 Bush Street, San Francisco, Calif. 94108.
D. (6) $2,700. E. (9) $979.61.

A. John Ellis, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Steven G. Ellis, Burson-Marsteller, 1800 M Street NW., Suite 750S, Washington, D.C. 20036.
B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
E. (9) $703.22.

A. Dorothy A. Ellsworth, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,750. E. (9) $970.51.

A. Thomas Elwood, National Retired Teachers Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $218.09. E. (9) $52.38.

A. John W. Emeigh, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $13,088.63. E. (9) $11,849.33.

A. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.
E. (9) $724.12.

A. Lowell J. Endahl, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $235.

A. Steven L. Engelberg, Suite 404, 2033 M Street NW., Washington, D.C. 20036.
B. American Association of Marriage and Family Counselors, 225 Yale Avenue, Claremont, Calif. 91711.
D. (6) $3,600. E. (9) $86.74.

A. John R. Englehorn, Box 948, Stamford, Conn. 06904.
B. Texasgulf, Inc., High Ridge Park, Stamford, Conn. 06904.
D. (6) $2,031.26. E. (9) $919.57.

A. George T. Esherick, United States Steel Corp., 818 Connecticut Avenue NW., Washington, D.C. 20006.
B. United States Steel Corporation, 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $35. E. (9) $47.

A. Donald H. Estey, Jr., 15 Computer Drive W., Albany, N.Y. 12205.
B. Hospital Association of New York State, 15 Computer Drive W., Albany, N.Y.
D. (6) $1,069. E. (9) $2,127.30.

A. Robert B. Evans, National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
B. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $400. E. (9) $20.

A. Vernon L. Evans, National Consumer Finance Association, 1000 16th Street NW., Washington, D.C., 20036.
B. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $200. E. (9) $20.

A. Fawn K. Evenson, 1611 North Kent Street, Arlington, Va. 22209.
B. American Footwear Industries Association, 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $6,875. E. (9) $24.90.

A. George Failtrick, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $660. E. (9) $880.

A. Federal Express Corp., AMF Box 30167, Memphis, Tenn. 38130.
E. (9) $64,565.26.

A. Joseph D. Feeney, 222 South Riverside Plaza, Chicago, Ill. 60606.
B. Western Railroad Association, 222 South Riverside Plaza, Suite 1200, Chicago, Ill. 60606.
D. (6) $1,041.65.

A. Leon Felix, Jr., National Education Association, 1419 Joan Drive, Palatine, Ill. 60067.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,282.42. E. (9) $75.

A. Bernard Fensterwald, Jr., 2101 L Street NW., Suite 203, Washington, D.C. 20037.
B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y. 10023.
D. (6) $6,000. E. (9) $1,138.38.

A. Bernard Fensterwald, Jr., 2101 L Street NW., Suite 203, Washington, D.C. 20037.
B. National Nutritional Foods Association,

7727 South Painter Avenue, Whittier, Calif. 90602.
D. (6) $1,249.98. E. (9) $714.21.

A. C. H. Fields, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,587. E. (9) $42.

A. Laurie Ann Fiori, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $211.35. E. (9) $67.40.

A. Robert R. Fitzgerald, 13174 Putnam Circle, Woodbridge, Va. 22191.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

A. James H. Fitzpatrick, 15 Computer Drive West, Albany, N.Y. 12205.
B. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y.
D. (6) $200. E. (9) $308.10.

A. Ron Frank, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $16.

A. Donald A. Frederick, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $139. E. (9) $12.

A. Greg Frieberg, 918 16th Street NW., Suite 402, Washington, D.C. 20006.
B. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

A. Gay H. Friedmann, 1150 Connecticut Avenue NW., Suite 717, Washington, D.C. 20036.
B. Southern California Gas Co., 720 West Eighth Street, M.L. 1208, Los Angeles, Calif. 90017.
D. (6) $730. E. (9) $99.50.

A. Robert D. Fritz, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $1,500. E. (9) $1,760.

A. Ronald K. Fuller, 1150 Connecticut Avenue NW., Suite 517, Washington, D.C. 20036.
B. San Diego Gas & Electric, 101 Ash Street, San Diego, Calif. 92112.
D. (6) $1,440. E. (9) $117.56.

A. William R. Ganser, Jr., 4804 Folse Drive, Metairie, La. 70002.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $1,425.

A. Eleanor Garst, 4840 MacArthur Boulevard NW., Washington, D.C. 20007.
B. National Council for a World Peace Tax Fund, 2111 Florida Avenue NW., Washington, D.C. 20008.
D. (6) $715. E. (9) $11.10.

A. Margaret Gehres, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Leo J. Gehrig, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,941.93. E. (9) $388.06.

A. John Gentille, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Claire M. Geoghegan, 520 North Capitol Street NW., Suite 800, Washington, D.C. 20001.
B. Ad Hoc Committee for Competitive Telecommunications, 520 North Capitol Street NW., Suite 800, Washington, D.C. 20001.
D. (6) $5,115.39.

A. Norman V. Germany, 1611 North Kent Street, Arlington, Va. 22209.
B. American Footwear Industries Association, 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $270. E. (9) $250.

A. Llewellyn H. Gerson, 1019 19th Street NW., Washington, D.C. 20036.
B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $377.02.

A. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
E. (9) $20,557.95.

A. Norma J. Gilbert, 1776 K Street NW., Suite 200, Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $1,200.

A. Arthur P. Gildea, Holiday Park East, Rooms 428–432, 801–B West Eighth Street, Cincinnati, Ohio 45203.
B. National Conference of Brewery and Soft Drink Workers, International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America, Affiliate, 300 South Ashland Boulevard, Chicago, Ill. 60607.

A. Vernie R. Glasson III, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,563. E. (9) $74.

A. Claude R. Glaze, Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $360. E. (9) $400.

A. Marty Gleason, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County, and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $8,846. E. (9) $100.

A. Lloyd L. Golding, National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
B. National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
D. (6) $1,180.

A. Michael E. Goldman, Suite 1101, 1730 K Street NW., Washington, D.C. 20006.
B. National Treasury Employees Union, Suite 1101, 1730 K Street NW., Washington, D.C. 20006.
E. (9) $1,420.74.

A. Jack Golodner, 1140 Connecticut Avenue NW., Washington, D.C.
B. Actors Equity Association, 1500 Broadway, New York, N.Y. 10036.
D. (6) $2,500. E. (9) $310.

A. Jack Golodner, 815 16th Street NW., Washington, D.C. 20006.
B. Council of AFL–CIO Unions for Professional Employees, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. Alfonso J. Gonzalez, National Association of Social Workers, 1425 H. Street NW., Suite 600, Washington, D.C. 20005.
B. NASW, 1425 H Street NW., Suite 600, Washington, D.C. 20005.
D. (6) $7,140. E. (9) $400.

A. Brenda J. Gore, 1155 15th Street NW., Washington, D.C. 20005.
B. The LTV Corp., 1525 Elm Street, Dallas, Tex. 75222.
D. (9) $500.

A. Donald E. Graham, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $1,225. E. (9) $159.

A. James W. Green, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $5,572.20. E. (9) $426.36.

A. P. Michael Greenwald, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $893.33. E. (9) $182.25.

A. Dale Greenwood, Washington Railroad Association, 302 Hoge Building, Seattle, Wash. 98104.
B. Washington Railroad Association, 302 Hoge Building, Seattle, Wash. 98104.

A. Saunders Gregg, Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.
B. Entex, Inc., P.O. Box 2628, Houston, Tex. 77001.
D. (6) $3,500. E. (9) $4,775.

A. Lori Gribbin, 1025 Connecticut Avenue NW., No. 202, Washington, D.C. 20036.
B. Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105.
D. (6) $500. E. (9) $100.

A. Harold H. Griffin, 1050 17th Street NW., No. 320, Washington, D.C. 20036.
B. Family Health Program, Inc., 2925 North Palo Verde Avenue, Long Beach, Calif. 90815.
D. (6) $2,437. E. (9) $403.92.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
D. (6) $27,600.66. E. (9) $27,600.66.

A. James J. Gudinas, American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.
B. American Automobile Association, 8111 Gatehouse Road, Falls Church, Va. 22042.

A. Gun Owners of America, Legislative Action Fund, 455 Capitol Mall, Suite 315, Sacramento, Calif. 95814.
D. (6) $25,748.11. E. (9) $30,284.15.

A. James M. Hacking, National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association/American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $376.92. E. (9) $227.91.

A. Richard Halberstein, 625 North Carolina Avenue SE., Washington, D.C. 20003.
B. Center For the Study of Congress, 505 C Street NE., Washington, D.C. 20002.
D. (6) $1,000. E. (9) $5.75.

A. Haley, Bader & Potts, 1730 M Street NW., Suite 700, Washington, D.C. 20036.
B. Age 60 Injunction Fund, 6 Sequoia Way, Redwood City, Calif. 94061.

A. Harold T. Halfpenny, 111 West Washington Street, Chicago, Ill. 60602.

A. Isabelle Hallahan, the American Dietetic Association, 430 N. Michigan Ave., Chicago Ill. 60611.
B. The American Dietetic Association, 430 N. Michigan Ave., Chicago, Ill. 60611.
E. (9) $1,074.19.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Belize Sugar Industries, Limited, Belize City, Belize (Central American).
D. (6) $10,755.45 E. (9) $54.93.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Suite 400, Washington, D.C. 20006.
B. Central Bank for Cooperatives and associted District Banks, P.O. Box 17389, Denver, Colo. 80217.
D. (6) $375.

A. Hamel, Park, McCable & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Government of Republic of Panama, Compania Azucarera La Estrella, S.A. and Azucarera Nacional, S.A., Panama City, Panama.
D. (6) $3,008.30. E. (9) $89.84.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $6,467.01. E. (9) $4.83.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Sociedad Agricola e Industrial San Carlos, S.A., Compania Azucarera Valdez. S.A., Azucarera Tropical Americana, S.A., Tababuela Industrial Azcarera, C.A., Ecuador.

A. Hamel, Park, McCabe & Saunders, 1776 F Street NW., Washington, D.C. 20006.
B. Sugar Association of the Caribbean, Port of Spain, Trinidad.
D. (6) $8,818.16. E. (9) $131.85.

A. Thomas A. Hammer, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,125. E. (9) $27.

A. Robert N. Hampton, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., D.C. 20036.
D. (6) $1,598. E. (9) $69.

A. Donald K. Hanes, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
E. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C., 20036.
D. (6) $183. E. (9) $20.

A. Erling Hansen, Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., No. 701, Washington, D.C. 20036.
D. (6) $4,999.98.

A. Andrew E. Hare, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
D. (6) $575. E. (9) $200.

A. Robert E. Harman, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,921.20. E. (9) $75.

A. John L. Harmer, 10880 Wilshire Boulevard, Suite 1800, Los Angeles, Calif. 90024.
D. (6) $35,000. E. (9) $26,300.

A. Kay Harrold, 706 Seventh Street SE., Washington, D.C. 20003.
B. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.
D. (6) $625.83.

A. Michael M. Hash, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20036.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $2,934.20. E. (9) $200.64.

A. Walter A. Hasty, Jr., The Business Roundtable, 1801 K Street, Suite 811, Washington, D.C. 20006.
B. The Business Roundtable, 405 Lexington Avenue, New York; 1801 K Street, No. 811 Washington, D.C.
D. (6) $1,000. E. (9) $171.79.

A. Bruce R. Hawley, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,188. E. (9) $65.

A. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.
D. (6) $578.21. E. (9) $578.21.

A. Robert A. Hefner III, Suite 300, 2601 Northwest Expressway, Oklahoma City, Okla. 73112.
B. Independent Gas Producers' Committee, Suite 300, 2601 Northwest Expressway, Oklahoma City, Okla. 73112.
E. (9) $4,177.37.

A. Thomas M. Hennessy, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $8,025. E. (9) $1,963.52.

A. Janet Hieber, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,000.

A. Joe Hinson, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $325.

A. Arthur Hintze, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Robert Hitzhusen, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,000. E. (9) $16.

A. Ralph D. Hodges, Jr., National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
E. (9) $150.

A. Glen D. Hofer, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $1,167. E. (9) $121.

A. Lawrence S. Hoffheimer National Multiple Sclerosis Society, 6845 Elm Street, Suite 511, McLean, Va. 22101.
B. National Multiple Sclerosis Society, 205 East 42d Street, New York, N.Y. 10017.
D. (6) $3,750. E. (9) $950.

A. Austin B. Hogan, Jr., American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,360.51. E. (9) $165.21.

A. Robert L. Holding, Association of Home Appliance Manufacturers, 2033 K Street NW., Washington, D.C. 20006.
B. Association of Home Appliance Manufacturers, 20 North Wacker Drive, Chicago, Ill.
D. (6) $3,750. E. (9) $316.70.

A. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.
E. (9) $2,880.

A. John Holloman III, O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. Douglass C. Horstman, 1612 K Street NW., Suite 906, Washington, D.C. 20006.
B. Northern Textile Association, Maytag Co.
D. (6) $6,000. E. (9) $2,000.

A. John F. Horty, National Council of Community Hospitals "NCCH," 4614 Fifth Avenue, Pittsburgh, Pa.
B. National Council of Community Hospitals, 4614 Fifth Avenue, Pittsburgh, Pa.
E. (9) $1,321.51.

A. Hospital Association of New York State, 15 Computer Drive West, Albany, N.Y. 12205.
D. (6) $565.23. E. (9) $2,733.20.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.
B. National Advertising Co., 6850 South Harlem Avenue (Argo, Post Office), Bedford Park, Ill. 60501.
D. (6) $300.

A. Arthur L. Howard, 6801 Industrial Road, Springfield, Virginia 22151.
B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.
D. (6) $128.80. E. (9) $116.98.

A. Thomas Howarth, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $4,228. E. (9) $73.60.

A. Karl T. Hoyle, National Association of Federal Credit Unions, 1156 15th Street NW., Suite 329, Washington, D.C. 20005.
B. National Association of Federal Credit Unions, 1156 15th Street NW., Suite 329, Washington, D.C. 20005.
D. (6) $300. E. (9) $68.50.

A. Peter W. Hughes, National Retired Teachers Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $716.15. E. (9) $522.06.

A. Gregory A. Humphrey, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $7,725. E. (9) $439.63.

A. Keith R. Hundley, Weyerhaeuser Co., 1625 I Street NW., Suite 902, Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $100. E. (9) $67.52.

A. Joan L. Huntley, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. The Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $162.26. E. (9) $681.25.

A. Hunton & Williams, P.O. Box 1535, Richmond, Va. 23212.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $1,500.

A. Gerard F. Hurley, Suite 602, 1129 20th Street NW., Washington, D.C. 20036.
B. National Club Association, Suite 602, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $750. E. (9) $100.

A. Lee M. Hydeman, Hydeman, Mason & Goodell, 1220 19th Street NW., Washington, D.C. 20036.
B. Continental Air Lines, Inc., Los Angeles International Airport, Los Angeles, Calif. 90009.
E. (9) $610.

A. Bernard J. Imming, 1019 19th Street NW., Washington, D.C. 20036.
B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $1,175. E. (9) $40.42.

A. Independent Data Communications Manufacturers Association, Inc., 1735 New York Avenue NW., Washington, D.C. 20006.
D. (6) $213. E. (9) $213.

A. Independent Gas Producers' Committee, Suite 300, 2601 Northwest Expressway, Oklahoma City, Okla. 73112.
D. (6) $15,000. E. (9) $75,108.47.

A. Independent U.S. Tanker Owners' Committee, 1612 K Street NW., Suite 510, Washington, D.C. 20006.
D. (6) $210,878.05. E. (9) $6,295.50.

A. Institute of Foreign Bankers, 489 Fifth Avenue, New York, N.Y.
D. (6) $33,866.67. E. (9) $5,678.07.

A. Interlake, Inc., 2015 Spring Road, Oak Brook, Ill. 60521.
E. (9) $8,644.85.

A. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.
E. (9) $4,200.

A. Joseph S. Ives, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $130.50.

A. David L. Ivey, National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.
B. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $15.55.

A. Glenn F. Jackson, 644 Massachusetts Avenue NE., No. 507, Washington, D.C. 20002.
B. National Taxpayers Union, 325 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $2,632.50. E. (9) $200.

A. Deborah Jacobs, 706 Seventh Street SE., Washington, D.C. 20003.
B. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.
D. (6) $323.07.

A. Evie Jarvis, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $50.

A. Herbert N. Jasper, 520 North Capitol Street NW., Suite 800, Washington, D.C. 20001.
B. Ad hoc Committee for Competitive Telecommunications, 520 North Capitol Street NW., Suite 800, Washington, D.C. 20001.
D. (6) $15,384.64.

A. Philip F. Jehle, 1150 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. Smith Kline Corp., 1500 Spring Garden Street, Philadelphia, Pa. 19101.
D. (6) $1,200. E. (9) $1,537.

A. Joseph S. Jenckes, Abbott Laboratories, 1730 M Street NW., No. 808, Washington, D.C. 20036.
B. Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064.

A. Walter W. John, Organization of Professional Employees of the Department of Agriculture, Room 1247–S, Washington, D.C. 20250.
B. Organization of Professional Employees of USDA, Room 1247–S, Washington, D.C. 20250.
D. (6) $300.

A. Bruce T. Johnson, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $3,529. E. (9) $3,443.

A. David Johnston, 1957 E Street, NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Bruce O. Jolly, Jr., Independent Bankers Association, 1625 Massachusetts Avenue NW., Suite 203, Washington, D.C. 20036.
B. Independent Bankers Association, Sauk Centre, Minn. 56378.
D. (6) $1,500. E. (9) $800.

A. Ernest W. Jones, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Oliver H. Jones, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $4,500. E. (9) $13,305.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.
B. Dresser Industries, Inc., 1100 Connecticut Avenue NW., Suite 310, Washington, D.C. 20036.

A. Paula Dawson Kal, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Sheet Metal Workers' International Association, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $3,000

A. Donald Kaniewski, 905 16th Street NW., Washington, D.C. 20006.
B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $1,500.

A. Everett E. Kavanaugh, The Cosmetic, Toiletry and Fragrance Association, Inc., 1133 15th Street NW., Washington, D.C. 20005.
B. The Cosmetic, Toiletry and Fragrance Association, Inc., 1133 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $100.

A. Jefferson D. Keith, National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
B. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
D. (6) $900.

A. Thomas J. Kenan, 1000 Fidelity Plaza, Oklahoma City, Okla. 73102.
B. Coquina Oil Corp., P.O. Box 2690, Midland, Tex. 79201.
E. (9) $310.66.

A. James J. Kennedy, Jr., Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers Express and Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $7,000. E. (9) $1,224.

A. Kenyon & Kenyon Reilly Carr & Chapin, 59 Maiden Lane, New York, N.Y. 10038.
B. Estate of Bert N. Adams, 1461 West 16th Place, Yuma, Ariz. 85364, et al.
E. (9) $5.

A. T. Michael Kerr, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County, and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $5,303. E. (9) $16.65.

A. Carl F. Kettler, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,875. E. (9) $649.66.

A. John M. Kinn, 10416 Armstrong Street, Fairfax, Va. 22030.
B. Institute of Electrical and Electronics Engineers, Inc., 2029 K Street NW., Washington, D.C. 20006.
D. (6) $2,500. E. (9) $280.

A. Alan G. Kirk II, Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
B. Potomac Electric Power Co., 1900 Pennsylvania Avenue NW., Washington, D.C. 20068.
D. (6) $28.25.

A. Ralph W. Kittle, Room 700, 1620 I Street NW., Washington, D.C. 20006.
B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.
D. (6) $695.75. E. (9) $428.38.

A. Roger Klein, One World Trade Center, Suite 4665, New York, N.Y. 10048.
B. Public Securities Association, One World Trade Center, New York, N.Y. 10048.
D. (6) $2,636.

A. Barbara Klosterman, 403 South Colar, Apt. 2, Urbana, Ill. 61801.
B. Coalition on American Rivers, P.O. Box 2667, Station A, Champaign, Ill. 61820.
D. (6) $300. E. (9) $174.65.

A. John S. Knox, Jr., 166 16th Street NW., Atlanta, Ga. 30318.
B. The Coca-Cola Bottler's Association, 166 16th Street NW., Atlanta, Ga. 30318.
D. (6) $50.

A. Bradley R. Koch, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $125.25.

A. Louis C. Kramp & Associates, 1819 H Street NW., Washington, D.C. 20006.
B. Holiday Inns, Inc., 3742 Lamar Avenue, Memphis, Tenn. 38118.
D. (6) $2,880. E. (9) $2,880.

A. Louis C. Kramp & Associates, 1819 H Street NW., Washington, D.C. 20006.
B. National Association of Homes for Children, 200 South Tryon Street, Suite 1500, Charlotte, N.C. 28202.
D. (6) $1,500. E. (9) $1,500.

A. Nelson L. Krueger, 302 Providence Road, Lawrence, Kans. 66044.
B. Air Line Pilots Association, 200 Park Avenue, 56th Floor, New York, N.Y. 10017.
D. (6) $1,800. E. (9) $1,800.

A. James S. Krzyminski, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $461. E. (9) $43.

A. Joseph A. Kuchler, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,514.87. E. (9) $193.72.

A. Philip Kugler, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $7,725. E. (9) $537.74.

A. Dan Kuykendall, 918 16th Street NW., Suite 402, Washington, D.C. 20006.
B. DK Consultants, Inc., 918 16th Street NW., Suite 402, Washington, D.C. 20006.

A. Dan Kuykendall, 918 16th Street NW., Suite 402, Washington, D.C. 20006.
B. Southern Furniture Manufacturers Association, P.O. Box 2436, High Point, N.C. 27261.
D. (6) $12,133.38. E. (9) $12,133.38.

A. Ralph D. B. Laime, National Education Association, 3140 Valley Lane, Falls Church, Va. 22044.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,282.42. E. (9) $75.

A. Harry J. Lambeth, 725 15th Street NW., Suite 700, Washington, D.C. 20005.
B. Council to Save the Post Card, 725 15th Street NW., Suite 700, Washington, D.C. 20005.
D. (6) $675.

A. Clifford LaPlante, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $970. E. (9) $244.55.

A. Reed E. Larson, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
D. (6) $135. E. (9) $15.

A. Robert B. Laurents, 7205 Reservoir Road, Springfield, Va. 22150.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $2,475.

A. Dennis Lavallee, American Footwear Industries Association, Suite 900, 1611 North Kent Street, Arlington, Va. 22209.
B. American Footwear Industries Association, Suite 900, 1611 North Kent Street, Arlington, Virginia 22209.
D. (6) $3,750. E. (9) $31.72.

A. Susannah C. Lawrence, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Consumer Action Now, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $940.40. E. (9) $180.35.

A. Clark R. Layton, 1030 University Village, Salt Lake City, Utah 84108.
B. Intermountain Power Project, P.O. Box BB, Sandy, Utah 84070.
D. (6) $1,368.75. E. (9) $700.25.

A. Dale Lestina, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,367.20. E. (9) $104.26.

A. Joseph A. Letorney, National Education Association, 112 Union Street, South Weymouth, Mass. 02190.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,336.90. E. (9) $75.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue N.W., Suite 1001, Washington, D.C. 20006.
B. Commerzbank Aktiengesellschaft, 4 Dusseldorf 1, Postfach 1137, West Germany.
D. (6) $30,420. E. (9) $5,387.04.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Commonwealth Edison Co., P.O. Box 767, Chicago, Ill. 60690.
E. (9) $869.53.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Consolidated Edison Co. of New York, Inc., 4 Irving Place, New York, N.Y. 10003.
D. (6) $281.25.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Suite 1001, Washington, D.C. 20006.
B. General Cable Corp., 500 West Putnam Avenue, Greenwich, Conn. 06830.
D. (6) $2,387.50. E. (9) $982.96.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Montana Power Co., 40 East Broadway, Butte, Mont. 59701.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Council of Community Hospitals (NCCH), 4614 Fifth Avenue, Pittsburgh, Pa. 15213.
D. (6) $387.50.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Northeast Utilities, P.O. Box 270, Hartford, Conn. 06101.
D. (6) $593.75.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Suite 1001, Washington, D.C. 20006.
B. Union-Investment GmbH, 6 Frankfurt 16, Postfach 16767, 6 Frankfurt/Main, West Germany.

A. S. R. Levering, U.S. Committee for the Oceans, 245 Second Street NE., Washington, D.C. 20002.
B. U.S. Committee for the Oceans, 245 Second Street NE., Washington, D.C. 20002.

A. Morris J. Levin, 1620 I Street NW., Washington, D.C. 20006.
B. Association of American Railroads, American Railroad Building, Washington, D.C.
D. (6) $1,000.

A. Harry LeVine, Jr., General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $126.

A. Stuart A. Lewis, 1800 M Street NW., Suite 1010, Washington, D.C. 20036.
B. Association of Reserve City Bankers, 1800 M Street NW., Suite 1010, Washington, D.C. 20036.
D. (6) $200.

A. Walter R. Lewis, Jr., National Association of Manufacturers, 1719 Route 10, Parsippany, N.J. 07054.
B. National Association of Manufacturers, 1776 F Street NW., Washington, D.C. 20006.
D. (6) $212.50.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C. 20003.
D. (6) $46,308.58. E. (9) $46,302.03.

A. Russell B. Light, 955 L'Enfant Plaza North SW., Washington, D.C. 20024.
B. Boeing Co., P.O. Box 3707, Seattle, Wash. 98124.
D. (6) $1,900. E. (9) $2,115.47.

A. Pamela Lippe, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $660.

A. Martin Lobel, 1523 L Street NW., Washington, D.C. 20005.
B. American Bakers Association, 2020 K Street NW., Washington, D.C. 20006.
D. (6) $4,264.12. E. (9) $120.55.

A. J. Patrick Logue, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,323.75. E. (9) $108.

A. Nellie L. Longsworth, Preservation Action, 2101 L Street NW., Suite 906, Washington, D.C. 20037.
B. Preservation Action, 2101 L Street NW., Suite 906, Washington, D.C. 20037.
D. (6) $3,989.30. E. (9) $4,565.51.

A. Charles E. Lucey, 1701 Pennsylvania Avenue NW., Suite 500, Washington, D.C. 20006.
B. Catholic Press Association, 432 Park Avenue South, New York, N.Y. 10016.
D. $200. E. (9) $210.

A. William F. Ludlam, P.O. Box 5282, Virginia Beach, Va. 23455.
B. American Revolution Bicentennial Administration Licensees Association, P.O. Box 10, Cocoa Beach, Fla. 32931.
E. (9) $249.50.

A. C. Lance Lujan, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $4,613.64. E. (9) $154.80.

A. James H. Lynch, Jr., American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $8,251.60. E. (9) $6,958.80.

A. R. V. Mariani, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express, & Station Employes, 816 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $1,200. E. (9) $1,600.

A. Phillip M. Marinovich, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $3,749.99. E. (9) $304.42.

A. John Marlin, 309 West Nevada, Urbana, Ill. 61801.
B. Coalition on American Rivers, P.O. Box 2667, Station A, Champaign, Ill. 61820.
D. (6) $2,505. E. (9) $1,413.12.

A. C. Travis Marshall, 1776 K Street NW., Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $500. E. (9) $170.

A. John B. Martin, National Retired Teachers Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
B. National Retired Teachers Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $633.23. E. (9) $9.60.

A. Reynoldo L. Martinez, National Education Association, 1330 Gaylord Street, Suite 707, Denver, Colo. 80206.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,282.42. E. (9) $100.

A. Tina Marts, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $25.

A. Charles H. Mauzy, National Education Association, 3951 Snapfinger Parkway, Decatur, Ga. 30032.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,282.42. E. (9) $75.

A. H. Wesley McAden, Cook Industries, Inc., 1707 L Street NW., Suite 650, Washington, D.C. 20036.
B. Cook Industries, Inc., 5100 Poplar Avenue, Memphis, Tenn. 38197.

A. J. R. McAlpin, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Armo Steel Corp., 815 Connecticut Avenue NW., Washington, D.C. 20006.
D. (6) $365. E. (9) $130.

A. F. Stephen McArthur, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $4,350.

A. Joel McConnell, Independent Bankers Association, 1625 Massachusetts Avenue NW., Suite 203, Washington, D.C. 20036.
B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.
E. (9) $400.

A. John L. McCormick, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $3,033.33.

A. E. T. McDonald, Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $1,800. E. (9) $2,400.

A. Stanley J. McFarland, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $6,030. E. (9) $451.90.

A. Raymond A. McGill, National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
B. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
D. (6) $2,054.80.

A. J. R. McGlaughlin, Brotherhood of Maintenance of Way Employes, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $9,674.10.

A. Joseph B. McGrath, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $7,875. E. (9) $1,205.

A. John J. McHale, Jr., 1318 North George Mason Drive, Arlington, Va. 22205.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $1,500.

A. Robert McIntyre, Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
B. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
D. (6) $937.50.

A. Phil A. McKeaney, American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, AFL–CIO, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $5,500.02. E. (9) $191.90.

A. William F. McManus, 777 14th Street NW., Washington, D.C.
B. General Electric Co., Easton Turnpike, Fairfield, Conn. 06431.
D. (6) $725. E. (9) $455.

A. Joseph J. Meder, Interlake, Inc., 1050 17th Street NW., No. 1160, Washington, D.C. 20036.
B. Interlake, Inc., Commerce Plaza, 2015 Spring Road, Oak Brook, Ill. 60521.
D. (6) $6,840. E. (9) $568.25.

A. Carl J. Megel, American Federation of Teachers, 11 Dupont Circle NW., Washington, D.C. 20036.
B. American Federation of Teachers, 11 Dupont Circle NW., Washington, D.C. 20036.
D. (6) $7,000. E. (9) $300.

A. Nanine Meiklejohn, 1625 L Street NW., Washington, D.C. 20036.
B. American Federation of State, County, and Municipal Employees, AFL–CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $6,346. E. (9) $113.50.

A. Marilee Menard, National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $600.

A. Faye L. Mench, National Retired Teachers Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.

B. National Retired Teachers Association, American Association of Retired Persons, 1909 K Street NW., Washington, D.C. 20049.
D. (6) $166.39. E. (9) $25.

A. Ted H. Meredith, 6030 Warwick Court, New Orleans, La. 70114.
B. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $2,862.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. Central Gulf Lines, Inc., International Trade Mart, No. 2 Canal Street, New Orleans, La. 70130.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. Dirilyte Co. of America, Inc., 320 West Jefferson Road, Kokomo, Ind.
D. (6) $787.50. E. (9) $61.70.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. Klineman Associates, Inc., 1345 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $3,750. E. (9) $105.60.

A. Edward L. Merrigan, 6000 Connecticut Avenue NW., Washington, D.C. 20015.
B. National Association of Recycling Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.
D. (6) $9,375. E. (9) $814.74.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Nuclear Fuel Services, Inc., Suite 600, 6000 Executive Boulevard, Rockville, Md. 20852.
D. (6) $575.

A. Deborah Imle Miller, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $1,479.16. E. (9) $87.02.

A. Kirk Miller, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,125. E. (9) $65.

A. Lester F. Miller, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $1,360. E. (9) $64.

A. Pamela Rich Minier, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $750.

A. Clarence Mitchell, NAACP, 733 15th Street NW., Suite 410, Washington, D.C. 20005.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $4,000.

A. John S. Monagan, Suite 1010, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Benrus Corp., Benrus Center, Ridgefield, Conn. 06877.
D. (6) $1,500.

A. John S. Managan, Suite 1010, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Shimano American Corp., 1133 Avenue of the Americas, New York, N.Y. 10036.
D. (6) $2,400. E. (9) $49.76.

A. Christopher Monek, 1957 E Street NW., Washintgon, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Alan J. Moore, Atchison, Topeka & Santa Fe Railway Co., Suite 840, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.
D. (6) $1,000. E. (9) $150.

A. April D. Moore, 1867 California Street NW., Washington, D.C. 20009.
B. National Consumers League, 1028 Connecticut Avenue NW., Suite 522, Washington, D.C. 20036.
D. (6) $91.40.

A. Beverly C. Moore, Jr., 4914 Belt Road NW., Washington, D.C. 20016.
B. Citizens for Class Action Lawsuits, 4914 Belt Road NW., Washington, D.C. 20016.
D. (6) $1,325.

A. Alan B. Morrison, Public Citizen, Inc., Suite 700, 2000 P Street NW., Washington, D.C. 20036.
B. Public Citizen, Inc., Box 19404, Washington, D.C. 20036.
D. (6) $340. E. (9) $340.

A. Christopher M. Mould, National Board of Young Men's Christian Associations, 1666 Connecticut Avenue NW., Washington, D.C. 20009.
B. National Board of Young Men's Christian Associations, 291 Broadway, New York. N.Y. 10007.
D. (6) $375.

A. Karen Mulhauser, 706 Seventh Street SE., Washington, D.C. 20003.
B. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.
D. (6) $496.62.

A. Daniel J. Mundy, Building and Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
B. Building and Construction Trades Department, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
D. (6) $9,922.89. E. (9) $957.09.

A. William T. Murphy, Jr., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Natural Service Co., 1730 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $2,550. E. (9) $1,364.10.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $166.

A. Kenneth D. Naden, National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $1,750. E. (9) $140.

A. Bernard Nash, 1015 18th Street NW., Suite 408, Washington, D.C. 20036.
B. Computer & Communications Industry Association, 1500 Wilson Boulevard, Suite 512, Arlington, Va. 22209.
D. (6) $250.

A. Bernard Nash, 1015 18th Street NW., No. 408, Washington, D.C. 20036.
B. Northwest Pipeline Corp., P.O. Box 1526, Salt Lake City, Utah 84110.
D. (6) $3,650. E. (9) $1.35.

A. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.
D. (6) $175,655.71. E. (9) $17,320.42.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $19,664. E. (9) $24,484.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $46,391. E. (9) $12,999.44.

A. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
D. (6) $1,750. E. (9) $1,230.

A. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $105,075.90. E. (9) $60,484.76.

A. National Association of Homes for Children, 200 South Tryon Street, Suite 1500, Charlotte, N.C. 28202.
E. (9) $1,500.

A. National Association of Railroad Passengers, 417 New Jersey Avenue SE., Washington, D.C. 20003.
D. (6) $20,287.60. E. (9) $26,011.97.

A. National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
D. (6) $12,105.79. E. (9) $12,105.79.

A. National Board of Young Men's Christian Associations, 291 Broadway, New York, N.Y. 10007.
D. (6) $2,732,719. E. (9) $11,855.65

A. National Business Aircraft Association, 1 Farragut Square, Washington, D.C. 20006.
E. (9) $96.

A. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.
D. (6) $600. E. (9) $40.

A. National Council of Agricultural Employers, 237 Southern Building, 1425 H Street NW., Washington, D.C. 20005.
D. (6) $2,370. E. (9) $1,965.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $61,358. E. (9) $106,454.

A. National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
D. (6) $115,402.51. E. (9) $7,076.56.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. American Paratransit Institute, Inc., 1747 Pennsylvania Avenue, No. 1000, Washington, D.C. 20006.
D. (6) $3,350. E. (9) $549.74.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.

B. Belco Petroleum Corp., 1 Dag Hammarskjold Plaza, New York, N.Y. 10017.
D. (6) $2,632.50.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Cenco Instruments, 2600 South Kostner Avenue, Chicago, Ill.
D. (6) $2,750. E. (9) $33.50.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Domestic Wildcatters Association, 900 First National Building, Houston, Tex. 77002.
D. (6) $9,000. E. (9) $952.28.

A. National Counsel Associates, Inc., 421 New Jersey Avenue SE., Washington, D.C. 20003.
B. Trailways, Inc., 1500 Jackson Street, Dallas, Tex. 75201.
D. (6) $8,525. E. (9) $536.11.

A. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $64,091.31. E. (9) $14,743.24.

A. National Federation of Business & Professional Women's Clubs, Inc., 2012 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $514,607. E. (9) $4,573.80.

A. National Federation of Independent Business, 490 L'Enfant Plaza SW., Washington, D.C. 20024.
B. National Federation of Independent Business, 150 West 20th Avenue, San Mateo, Calif. 94403.
D. (6) $43,985. E. (9) $43,985.

A. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $9,900. E. (9) $12,596.89.

A. National Hairdresses & Cosmetologists Association, 3510 Oliver Street, St. Louis, Mo. 63103.
D. (6) $8,293.50.

A. National Insulation Contractors Association, 1120 19th Street NW., No. 405, Washington, D.C. 20036.

A. National Parking Association, 1101 17th Street NW., Washington, D.C. 20036.
E. (9) $4,198.54.

A. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $10,561.60. E. (9) $40,657.59.

A. National Right to Life Committee, Inc., Suite 341, National Press Building, 529 14th Street NW., Washington, D.C. 20045.
D. (6) $11,000. E. (9) $10,900.

A. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
D. (6) $3,457. E. (9) $3,457.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
E. (9) $4,758.75.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $10,608. E. (9) $7,436.

A. National School Transportation Association, 9001 West Braddock Road, Room 110, Springfield, Va. 22151.
D. (6) $1,947.05. E. (9) $1,947.05.

A. National Turkey Federation, Suite 302, International Center, Reston, Va. 22091.
D. (6) $300. E. (9) $300.

A. National Woman's Christian Temperance Union, 1730 Chicago Avenue, Evanston, Ill. 60201.
D. (6) $1,734. E. (9) $1,989.64.

A. Robert W. Nelson, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $160.

A. John A. Nevius, Whiteford, Hart, Carmody & Wilson, 1050 17th Street NW., Washington, D.C. 20036.
B. District of Columbia Bankers Association, 1709 New York Avenue NW., Washington, D.C. 20006.

A. New Directions, 2021 L Street NW., Washington, D.C. 20036.
D. (6) $60,418.85. E. (9) $18,347.61.

A. Frank Newham, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

A. Newspaper Guild, AFL–CIO, 1125 15th Street NW., Suite 835, Washington, D.C. 20005.
E. (9) $15,289.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $17,500. E. (9) $24,445.

A. Julia J. Norell, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $4,874.99. E. (9) $865.35.

A. North American Telephone Association, Inc., 1030 15th Street NW., Washington, D.C. 20005.
D. (6) $30,200. E. (9) $672.68.

A. N.O.S.I. Not One Square Inch, 4082 Howard Street, Los Alamitos, Calif. 90720.
D. (6) $470. E. (9) $345.64.

A. Hubert K. O'Bannon, 1532 34th Street NW., Washington, D.C. 20067.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $1,200.

A. William B. O'Connell, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States League of Savings Associations, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $1,450. E. (9) $572.96.

A. O'Connor & Hannon, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Aircraft Engine Business Group, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $1,000. E. (9) $50.

A. O'Connor & Hannon, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Automotive Parts & Accessories Association, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $300. E. (9) $15.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Exxon Co., U.S.A., P.O. Box 2180, Houston, Tex. 77001.
D. (6) $15,000. E. (9) $150.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Investors Diversified Services, Inc., Suite 2900, IDS Tower, Minneapolis, Minn. 55402.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Lehigh Coal & Navigation Co., Minneapolis, Minn.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer, Inc., 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

A. O'Connor & Hannan, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.

A. Robert C. Odle, Jr., International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
B. International Paper Co., 1620 I Street NW., Suite 700, Washington, D.C. 20006.
D. (6) $405. E. (9) $100.

A. Charles J. Oresin, National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
B. National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
D. (6) $3,507.69. E. (9) $110.

A. Organization of Professional Employees of the Department of Agriculture (OPEDA), Room 1247–S, Department of Agriculture, South Building, Washington, D.C. 20250.
D. (6) $648.27. E. (9) $563.46.

A. J. Denis O'Toole, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D. (6) $6,750. E. (9) $1,008.48.

A. Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $165.57. E. (9) $242.83.

A. Joel B. Paris III, P.O. Box 28031, Atlanta, Ga. 30328.
B. Northrop Corp., 1701 North Fort Myer Drive, Suite 1208, Arlington, Va. 22209.
D. (6) $500. E. (9) $105.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $283.50.

A. William H. Patterson, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $135.

A. John Joseph Pesch, 3422 Stoneybrae Drive, Falls Church, Va. 22044
B. Northrop Corp., 1701 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $6,250. E. (9) $8,872.05.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn. 55402.
B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn.
D. (6) $5,333.33. E. (9) $1,678.99.

A. C. B. Peterson, The Newspaper Guild, 1125 15th Street NW., Washington, D.C. 20005.

B. The Newspaper Guild, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $7,306. E. (9) $5,883.

A. Richard W. Peterson, Independent Bankers Association of America, 1625 Massachusetts Avenue, NW., Suite 203, Washington, D.C. 20036.
B. Independent Bankers Association of America, Sauk Centre, Minn.. 56378.
D. (6) $3,000. E. (9) $2,000.

A. John Pflieger, Time Inc., 888 16th Street NW., Washington, D.C. 20006.
B. Time Inc., Time & Life Building, Rockefeller Center, New York, N.Y.
D. (6) $1,750. E. (9) $600.

A. Paul E. Pierce, National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
B. National Association of Truck Stop Operators, Inc., 700 North Fairfax Street, No. 505, Alexandria, Va. 22314.
D. (6) $3,166.67.

A. Grant C. Pinney, 730 North Balsam Street, Ridgecrest, Calif. 93555.
B. Sierra Sands Unified School District, 730 North Balsam Street, Ridgecrest, Calif. 93555.

A. E. Rogers Pleasants, 1701 Pennsylvania Avenue NW., Suite 210, Washington, D.C. 20006.
B. E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898.
D. (6) $100. E. (9) $10.

A. Frances A. Pollak, 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $1,000.

A. Nathaniel Polster, 2128 Wyoming Avenue NW., Washington, D.C. 20008.
B. American Cancer Society, 777 Third Avenue, New York, N.Y. 10017.
D. (6) $12,750. E. (9) $5,769.

A. Frederick T. Poole, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.
B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.
D. (6) $3,212. E. (9) $239.

A. Population Resource Center, 622 3d Avenue, New York, N.Y. 10017.
D. (6) $9,160. E. (9) $3,448.

A. Everett O. Post, National Association of Service Contractors, 1511 K Street NW., Washington, D.C. 20005.
B. National Association of Service Contractors, 1511 K Street NW., Washington, D.C. 20005.
D. (6) $250. E. (9) $14.05.

A. Robert D. Powell, Suite 401, 734 15th Street NW., Washington, D.C. 20005.
B. National Business Aircraft Association, Inc., 1 Farragut Square, Washington, D.C. 20006.

A. Prather, Seeger, Doolittle, Farmer & Ewing, 1101 16th Street NW., Washington, D.C. 20036.
B. Bankers' Association for Foreign Trade, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $4,000.

A. Prather, Seeger, Doolittle, Farmer & Ewing, 1101 16th Street NW., Washington, D.C. 20036.
B. First National Bank of Chicago, 1 First National Plaza, Chicago, Ill. 60670.
D. (6) $1,500.

A. William B. Prendergast, Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
B. Distilled Spirits Council of the United States, Inc., 1300 Pennsylvania Building, Washington, D.C. 20004.
D. (6) $750.

A. Preservation Action, 2101 L Street NW., Suite 906, Washington, D.C. 20037.
D. (6) $3,989.30. E. (9) $4,565.51.

A. Preston, Thorgrimson, Ellis, Holman & Fletcher, 1776 F Street NW., Suite 201, Washington, D.C. 20006.
B. Allegheny Airlines, Inc., Washington National Airport, Washington, D.C. 20001.
D. (6) $1,950.

A. Gerald R. Prout, Burson-Marsteller, 1800 M Street NW., 750S, Washington, D.C. 20036.
B. The American Waterways Operators, Inc., 1600 Wilson Boulevard, Suite 1101, Arlington, Va. 22209.
D. (6) $300. E. (9) $66.81.

A. Public Citizen's Tax Reform Research Group, 133 C Street SE., Washington, D.C. 20003.
D. (6) $3,467.51. E. (9) $3,467.51.

A. Public Securities Association, 1 World Trade Center, New York, N.Y. 10048.
D. (6) $10,500. E. (9) $14,646.

A. Radioactive Waste Management Group, c/o Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 200036.

A. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $40,000. E. (9) $33,067.56.

A. Recreation Vehicle Industry Association, Box 204, 14650 Lee Road, Chantilly, Va. 22021.
E. (9) $18,000.

A. Campbell L. Reed, 1957 E Street NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Thomas J. Reese, 1225 Otis Street NE., Washington, D.C. 20017.
B. Taxation With Representation, 2369 North Taylor Street, Arlington, Va. 22207.
D. (6) $7.21.

A. J. E. Reinke, 1030 15th Street NW., Washington, D.C. 20005.
B. Eastern Air Lines, Inc., 1030 15th Street NW., Washington, D.C. 20005.
E. (9) $3,975.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York, N.Y. 10022.
E. (9) $2,500.

A. John H. Reurs, 25 Broadway, New York, N.Y. 10004.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $9,375. E. (9) $875.

A. James J. Reynolds, American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
B. American Institute of Merchant Shipping, 1625 K Street NW., Washington, D.C. 20006.
D. (6) $1,875. E. (9) $199.35.

A. John Arthur Reynolds, P.O. Box 512, Fresno, Calif. 93709.
B. Western Cotton Growers Association of California, P.O. Box 512, Fresno, Calif. 93709.
D. (6) $247. E. (9) $439.44.

A. Edmund B. Rice, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20036.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $628.93.

A. April Richards, 309 West Springfield, Urbana, Ill. 61801.
B. Coalition on American Rivers, P.O. Box 2667, Station A, Champaign, Ill. 61820.
D. (6) $600. E. (9) $73.79.

A. K. O. Richardson, Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline and Steamship, Freight Handlers, Express and Station Employes, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $660. E. (9) $880.

A. Russell W. Richardson, Lear Siegler, Inc., 1911 Jefferson Davis Highway, Suite 1002, Arlington, Va. 22202.
B. Lear Siegler, Inc., Aerospace/Electronics Group, 3171 South Bundy Drive, Santa Monica, Calif. 90406.
D. (6) $225. E. (9) $14.90.

A. Judith Assmus Riggs, 733 15th Street NW., Washington, D.C. 20005.
B. Legal Services Corp., 733 15th Street NW., Washington, D.C. 20005.
D. (6) $413.45. E. (9) $19.25.

A. John R. Rivers, American Hospital Association, 444 North Capitol Street NW., Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $1,571.52. E. (9) $559.59.

A. RJR Industries, Inc., 401 North Main Street, Winston-Salem, N.C. 27101.
E. (9) $91,298.69.

A. Perry A. Roberts, c/o Ramsay D. Potts, 1800 M Street NW., Washington, D.C. 20036.
B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.
E. (9) $256.12.

A. William S. Roberts, National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $55.

A. Reuben B. Robertson III, Public Citizen, Inc., 2000 P Street NW., Washington, D.C. 20036.
B. Public Citizen, Inc., P.O. Box 19404, Washington, D.C. 20036.

A. Robert Robertson, 1050 17th Street NW., 12th floor, Washington, D.C. 20036.
B. National Association of Independent Lumbermen, 1050 17th Street NW., Washington, D.C. 20036.
D. (6) $9,634.66. E. (9) $1,603.89.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $249.50.

A. Jerome Robinson, 500 Three Islands Boulevard, Hallandale, Fla. 33009.

B. Florida Restaurant Association, 1077 Northeast 125th Street, North Miami, Fla. 33161.

A. Ronn Robinson, National Education Association, P.O. Box 558, Mercer Island, Wash. 98040.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,282.42. E. (9) $100.

A. Howard W. Robison, 3903 Franklin Street, Kensington, Md. 20795.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $2,250.

A. Ted V. Rodgers, Suite 304, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Nationwide Insurance Companies and Affiliates, 246 North High Street, Columbus, Ohio 43216.
D. (6) $2,500. E. (9) $9,618.91.

A. James A. Rogers, 1101 15th Street NW., Suite 302, Washington, D.C. 20005.
B. United Parcel Service, Greenwich Office Park 5, Greenwich, Conn. 06830.
D. (6) $500. E. (9) $1,193.85.

A. Terrence L. Rogers, American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
B. American Federation of Government Employees, 1325 Massachusetts Avenue NW., Washington, D.C. 20005.
D. (6) $4,591.30. E. (9) $90.96.

A. June A. Rogul, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $2,638.45.

A. Anthony Z. Roisman, 917 15th Street NW., Washington, D.C. 20005.
B. Natural Resources Defense Council, Inc., 917 15th Street NW., Washington, D.C. 20005.
D. (6) $2,000.

A. Wally Rustad, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $100.

A. Sheryl P. Rutledge, 6801 Industrial Road, Springfield, Va. 22151.
B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.
D. (6) $3,351.51. E. (9) $403.60.

A. Frank P. Sanders, 815 Connecticut Avenue NW., Washington, D.C.
B. Tiger Line Inc., Los Angeles International Airport, Los Angeles, Calif.
D. (6) $900.

A. Frank P. Sanders, 815 Connecticut Avenue NW., Washington, D.C.
B. Signal Co., Inc. 9665 Wilshire Boulevard, Beverly Hills, Calif. 90212.
D. (6) $550.

A. Ross Sandler, 122 East 42d Street, New York, N.Y. 10017.
B. Natural Resources Defense Council, Inc., 122 East 42d Street, New York, N.Y. 10017.

A. Peter G. Sandlund, Room 400, 919 18th Street NW., Washington, D.C. 20006.
B. Council of European and Japanese National Shipowners' Associations, 30–32 St. Mary Axe, London EC3A 8ET, England.
D. (6) $300.

A. Jennifer Sauve, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets N.W., Washington, D.C. 20005.
D. (6) $5,343.75. E. (9) $349.82.

A. Harold B. Say, 916 Prince Street, Alexandria, Va. 22314.
B. Veterans of World War I of the U.S.A., Inc., 916 Prince Street, Alexandria, Va. 22314.
D. (6) $665.

A. Frank J. Scaduto, 1750 New York Avenue NW., Washington, D.C. 20006.
B. Sheet Metal Workers' International Association, 1750 New York Avenue NW., Washington, D.C. 20006.
D. (6) $5,800.

A. S. Jacob Scherr, 917 15th Street NW., Washington, D.C. 20005.
B. Natural Resources Defense Council, Inc., 917 15th Street NW., Washington, D.C. 20005.
D. (6) $155. E. (9) $7.

A. Terry L. Schmidt, Terry L. Schmidt Associates, Inc., 1701 Pennsylvania Avenue NW., Suite 206, Washington, D.C. 20006.
B. American College of Emergency Physicians, 3900 Capital City Boulevard, Lansing, Mich. 48906.
D. (6) $900.

A. Terry L. Schmidt, Terry L. Schmidt Associates, Inc., 1701 Pennsylvania Avenue NW., Room 206, Washington, D.C. 20006.
B. Hadley Memorial Hospital, 4601 Martin Luther King Avenue SW., Washington, D.C. 20032.

A. Allan D. Schimmel, 639 South Carolina Avenue SE., Washington, D.C. 20023.
B. Consolidated Rail Corp., P.O. Box 23451, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $3,625.

A. Frank Schneller, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street, NW., Washington, D.C. 20006.

A. David Schoenbrod, 122 East 42d Street, New York, N.Y. 10017.
B. Natural Resources Defense Council, Inc., 122 East 42d Street, New York, N.Y. 10017.

A. Marsha Schramm, 1130 17th Street NW., Washington, D.C. 20036.
B. Domestic Petroleum Council, 1130 17th Street NW., Washington, D.C. 20036.
D. (6) $240.

A. Robert I. Schramm, 1725 K Street NW., Suite 909, Washington, D.C. 20006.
B. Superior Oil Co. and Superior Farming Co., 1725 K Street NW., Washington, D.C. 20006.

A. Bari Lee Schwartz, 2100 M Street NW., No. 601, Washington, D.C. 20037.
B. Action for Legal Rights, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $6,093.98. E. (9) $250.

A. Durward Seals, 1019 19th Street NW., Washington, D.C. 20036.
B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $400. E. (9) $36.97.

A. Leo Seybold, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $1,575. E. (9) $93.46.

A. Yvonne L. Shafer, National Education Association, Classroom Teachers of Dallas, 3816 San Jacinto Street, Dallas, Tex. 75204.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $2,589.68. E. (9) $100.

A. Richard N. Sharood, 919 18th Street NW., Washington, D.C. 20006.
B. Kennecott Copper Corp., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $8,658.49 E. (9) $58.49.

A. James E. Shaw, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employes, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $600. E. (9) $800.

A. Shaw, Pittman, Potts & Trowbridge, 1800 M Street NW., Washington, D.C. 20036.
B. Emerson Electric Co., 8100 Florissant, St. Louis, Mo. 63136.
D. (6) $468.

A. John P. Sheffey, National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $1,125.

A. Jewell R. Shepperd, National Board of YMCA, 1666 Connecticut Avenue NW., Washington, D.C.
B. National Board of Young Men's Christian Associations, 291 Broadway, New York, N.Y. 10007.
D. (6) $250.

A. Norman R. Sherlock, Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C., 20006.
B. Air Transport Association of America, 1709 New York Avenue NW., Washington, D.C. 20006.
D. (6) $2,708.75. E. (9) $685.28.

A. Nelson T. Shields, National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
B. National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
D. (6) $1,150. E. (9) $128.

A. Shimano American Corp., 1133 Avenue of the Americas, New York, N.Y. 10036.
E. (9) $2,449.76.

A. Scott Shotwell, National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $825. E. (9) $50.

A. L. J. Sichel, Abbott Laboratories, 1730 M Street NW., No. 808, Washington, D.C. 20036.
B. Abbott Laboratories, North Chicago, Ill. 60064.

A. Mark S. Sigurski, 1776 K Street NW., Suite 200, Washington, D.C. 20006.
B. Motorola, Inc., 1776 K Street NW., Suite 200, Washington, D.C. 20006.
D. (6) $325. E. (9) $300.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.

B. Association for Advanced Life Underwriting, 1922 F Street NW., Washington, D.C. 20006.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10002.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. General American Transportation Co., 120 South Riverside Plaza, Chicago, Ill. 60606.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Government of the Netherlands Antilles, Fort Amsterdam Willemstad, Curacao, Netherlands Antilles.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Music Corp. of America, Inc., 100 Universal City Plaza, Universal City, Calif. 91608.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. National Association of Home Builders, 15th and M Streets NW., Washington, D.C.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. National Savings & Loan League, 1200 17th Street NW., Washington, D.C. 20036.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Ogden Transportation Corp., 277 Park Avenue, New York, N.Y. 10017.

A. Silverstein & Mullens, 1776 K Street NW., Washington, D.C. 20006.
B. Venezuelan-American Chamber of Commerce and Industry, Apartado 5181, Caracas 101, Venezuela.
E. (9) $35.

A. Marcus W. Sisk, Jr., 1775 K Street NW., Washington, D.C.
B. Tosco Corp. 10100 Santa Monica Boulevard, Los Angeles, Calif. 90067.
D. (6) $1,600. E. (9) $41.30.

A. Phyllis K. Slesinger, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $260. E. (9) $1,614.

A. Small Business Legislative Council, 1604 K Street NW., Washington, D.C. 20006.
D. (6) $2,500.

A. Elizabeth M. Smith, 815 16th Street NW., Washington, D.C. 20006.
B. Amalgamated Clothing & Textile Workers Union, 15 Union Square, New York, N.Y. 10003.
D. (6) $1,384.62. E. (9) $110.54.

A. Robert F. Smith, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.
D. (6) $144. E. (9) $25.

A. Arthur V. Smyth, 1625 I Street NW., Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $1,650. E. (9) $48.50.

A. John M. Snow, National Association of Furniture Manufacturers, 8401 Connecticut Avenue NW., Suite 911, Washington, D.C. 20015.
B. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
D. (6) $500. E. (9) $30.

A. S. L. Sommer & Associates, Inc., 1800 North Kent Street, Arlington, Va. 22209.
B. Northrop Corp., Defense Contractor, 1701 North Fort Myer Drive, Suite 1208, Arlington, Va.
D. (6) $24,000. E. (9) $12,243.93.

A. Leland R. Sorteberg, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $1,360. E. (9) $26.

A. Southern Forest Products Association, P.O. Box 52468, New Orleans, La. 70152.
D. (6) $29,211.06. E. (9) $29,211.06.

A. Wilbur D. Sparks, 1815 North Fort Myer Drive, Arlington, Va. 22209.
B. Air-Conditioning & Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Va. 22209.
D. (6) $624. E. (9) $200.

A. Robert A. Spelman, National Association of Furniture Manufacturers, 8401 Connecticut Avenue NW., Suite 911, Washington, D.C. 20015.
B. National Association of Furniture Manufacturers, 8401 Connecticut Avenue, Suite 911, Washington, D.C. 20015.
D. (6) $500. E. (9) $30.

A. James M. Sprouse, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. John W. Sroka, 1957 E Street NW., Washington, D.C. 20006.
B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. David E. Stahl, National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
B. National Association of Home Builders of the United States, 15th and M Streets NW., Washington, D.C. 20005.
D.(6) $2,437.50. E.(9) $57.34.

A. Robert H. Starkey, National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $1,360. E. (9) $21.

A. Gloria Starks, National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,362.30. E. (9) $375.21.

A. Robert B. Stewart, 1701 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Getty Oil Co., 3810 Wilshire Boulevard, Los Angeles, Calif. 90010.
D. (6) $3,894.45. E. (9) $233.72.

A. Sarah Jane Stewart, 706 Seventh Street SE., Washington, D.C. 20003.
B. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.
D. (6) $3,400.

A. Richard B. Straus, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $6,600.

A. Roger J. Stroh, 1019 19th Street NW., Washington, D.C. 20036.
B. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $284.37. E. (9) $25.44.

A. Stroock, Stroock & Lavan, 1150 17th Street NW., Suite 600, Washington, D.C.
B. J. Aron & Co., Inc., 160 Water Street, New York, N.Y.

A. Sutherland, Ashbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. American Industrial Clay and Georgia Kaolin Division of Yara Engineering Corp., 511 Westminster Avenue, Elizabeth, N.J. 07207.
D. (6) $1,000. E. (9) $45.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Anglo-American Clays Corp., P.O. Box 471, Sandersville, Ga. 31082.
D. (6) $1,000. E. (9) $45.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006 and 3100 First National Bank Tower, Atlanta, Ga. 30303.
B. Coca-Cola Bottlers' Association, 166 16th Street NW., Atlanta, Ga.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Engelhard Minerals & Chemicals Corp., 299 Park Avenue, New York, N.Y. 10017.
D. (6) $1,000. E. (9) $45.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Equifax Inc., P.O. Box 4081, Atlanta, Ga. 30302.
D. (6) $2,500. E. (9) $500.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Freeport Kaolin Division of Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $1,000. E. (9) $45.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. J. M. Huber Corp., Thornall Street, Edison, N.J. 08817.
D. (6) $1,000. E. (9) $45.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Mutual of Omaha Insurance Co., Dodge at 33d Street, Omaha, Nebr. 68131.
D. (6) $1,000. E. (9) $100.

A. Sutherland, Asbill & Brennan, 1666 K Street NW., Washington, D.C. 20006.
B. Thiele Kaolin Co., Kaolin Road, Sandersville, Ga. 31082.
D. (6) $1,000. E. (9) $45.

A. Glenn A. Swanson, Independent Bankers Association of America, 1625 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.
D. (6) $47,406.08. E. (9) $13,076.

A. Noble J. Swearingen, 101 2d Street NE., Washington, D.C. 20002.
B. American Lung Association, 1740 Broadway, New York City, N.Y. 10019.
D. (6) $1,000.

A. John L. Sweeney, 13931 Esworthy Road, Germantown, Md. 20767.
B. Consolidated Rail Corp., P.O. Box 23151, L'Enfant Plaza Station, Washington, D.C. 20024.
D. (6) $6,000.

A. Robert D. Swezey, Jr., 1150 17th Street NW., Washington, D.C. 20036.
B. MCI Communications Corp., 1150 17th Street NW., Washington, D.C. 20036.
D. (6) $1,272. E. (9) $32.16.

A. Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Tex. 77001.
E. (9) $8,159.04.

A. 35th Pro-Life Congressional District Action Committee, Box 1, Chaffee, N.Y. 14030.
D. (6) $312.60. E. (9) $37.34.

A. 37th Congressional District Action Committee, 419 Woodbridge Avenue, Buffalo, N.Y. 14214.
D. (6) $50. E. (9) $16.90.

A. Gregory A. Thomas, 330 Pennsylvania Avenue SE., Washington, D.C. 20003.
B. Sierra Club, 530 Bush Street, San Francisco, Calif.
D. (6) $4,750. E. (9) $80.

A. Fred D. Thompson, Thompson, Crawford & Rogers, First American Center, 15th floor, Nashville, Tenn. 37238.
B. Aircraft Engine Business Group, General Electric Co., 777 14th Street NW., Washington, D.C. 20005.
D. (6) $720. E. (9) $236.08.

A. Fred D. Thompson, Thompson, Crawford & Rogers, First American Center, 15th floor, Nashville, Tenn. 37238.
B. Westinghouse Electric Corp., 1801 K Street NW., Washington, D.C. 20006.
D. (6) $6,372. E. (9) $2,129.22.

A. Samuel Thurm, 1725 K Street NW., Washington, D.C. 20006.
B. Association of National Advertisers, 155 East 44 Street, New York, N.Y. 10017.

A. Drew V. Tidwell, 1725 K Street NW., Suite 1410, Washington, D.C. 20006.
B. Consumer Bankers Association, 1725 K Street NW., Suite 1410, Washington, D.C. 20006.
D. (6) $2,000. E. (9) $3,009.55.

A. Wallace Tillman, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $225.

A. George Tilton, 1016 16th Street NW., Washington, D.C. 20036.
B. National Federation of Federal Employees, 1016 16th Street NW., Washington, D.C. 20036.
D. (6) $701.40.

A. James R. Tobin, Becton, Dickinson and Co., Rutherford, N.J. 07070.
B. Becton, Dickinson and Co., Rutherford, N.J. 07070.
D. (6) $2,000. E. (9) $225.

A. H. Willis Tobler, 1735 I Street NW., Washington, D.C. 20006.
B. E. A. Jaenke & Associates Inc., 1735 I Street NW., Suite 610, Washington, D.C. 20006.
D. (6) $750.

A. Joseph P. Trainor, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 815 16th Street NW., Washington, D.C. 20006.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $6,750. E. (9) $2,100.

A. George G. Troutman, General Electric Co., 777 14th Street NW., Washington, D.C.
B. General Electric Co., 3135 Easton Turnpike, Fairfield, Conn.
D. (6) $274.

A. United Fresh Fruit & Vegetable Association, 1019 19th Street NW., Washington, D.C. 20036.
D. (6) $8,417.22. E. (9) $8,417.22.

A. United Gas Pipe Line Co., P.O. Box 1478, Houston, Tex. 77001.
E. (9) $990.82.

A. U.S. Committee for the Oceans, 245 Second Street NE., Washington, D.C. 20002.
D. (6) $200. E. (9) $360.45.

A. Nicholas L. Van Nelson, 1619 Massachusetts Avenue, Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. R. Dick Vander Woude, National Education Association, 1718 Yahara Place, Madison, Wis. 53704.
B. National Education Association, 1201 16th Street NW., Washington, D.C. 20036.
D. (6) $3,282.42. E. (9) $75.

A. Rudolph A. Vignone, 1800 K Street NW., Suite 800, Washington, D.C. 20006.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.
D. (6) $2,500.

A. Marcos von Goihman, 6700 Belcrest Road, Hyattsville, Md. 20782.
B. Guyana Airways Corp., 6700 Belcrest Road, Hyattsville, Md. 20782.

A. Jerome R. Waldie, 100 Indiana Avenue, Washington, D.C. 20001.
B. Alameda Naval Employees' Association, Alameda Naval Air Station, Alameda, Calif. 94501.
D. (6) $1,250. E. (9) $163.18.

A. Jerome R. Waldie, 100 Indiana Avenue, Washington, D.C. 20001.
B. American Association of Independent News Distributors, 25 Kearney Street, No. 300, San Francisco, Calif.
D. (6) $1,500. E. (9) $157.77.

A. Jerome R. Waldie, 100 Indiana Avenue, Washington, D.C. 20001.
B. American League of Anglers, 75 Rockefeller Plaza, No. 1705, New York, N.Y. 10019.
D. (6) $1,000. E. (9) $210.01.

A. Jerome R. Waldie, 100 Indiana Avenue, Washington, D.C. 20001.
B. Contra Costa County Water Agency, Administration Building, Martinez, Calif. 94553.
D. (6) $3,000. E. (9) $159.51.

A. Jerome R. Waldie, 100 Indiana Avenue, Washington, D.C. 20001.
B. Friends of the Earth, 529 Commercial, San Francisco, Calif.
D. (6) $308. E. (9) $115.

A. Jerome R. Waldie, 100 Indiana Avenue, Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue, Washington, D.C. 20001.
D. (6) $8,840.04. E. (9) $418.40.

A. Jerome R. Waldie, 100 Indiana Avenue, Washington, D.C. 20001.
B. National Council of Bureau of Indian Affairs and Indian Health Service Locals, 540 N Street NW., Washington, D.C. 20024.
D. (6) $700.

A. Jerome R. Waldie, 100 Indiana Avenue, NW., Washington, D.C. 20001.
B. National Franchise Association Coalition, P.O. Box 366, Fox Lake, Ill. 60020.
D. (6) $1,500. E. (9) $132.78.

A. Jerome R. Waldie, 100 Indiana Avenue, NW., Washington, D.C. 20001.
B. Task Force One, Federal Employees' Organization, Point Mugu, Calif.
D. (6) $1,050. E. (9) $62.25.

A. Leonard Warner, P.O. Box 100, Ashburn, Va. 22011.
B. Len Warner Inc., P.O. Box 100, Ashburn, Va. 22011.
D. (6) $1,000. E. (9) $1,630.

A. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.
E. (9) $4,216.55.

A. Washington State NARAL, P.O. Box 15549, Seattle, Wash. 98115.
D. (6) $803.58. E. (9) $1,082.15.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. American Society of Radiologic Technologists, 500 North Michigan Avenue, Suite 836, Chicago, Ill. 60611.
D. (6) $850.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C.
B. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex. 77036.
D. (6) $450.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Sand Springs Home, in care of E. J. Doerner, 1200 Atlas Life Building, Tulsa, Okla.
D. (6) $750.

A. Webster & Chamberlain, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Truck Body & Equipment Association, Inc., Suite 1220, 5530 Wisconsin Avenue NW., Washington, D.C. 20015.
D. (6) $200.

A. Paul S. Weller, Jr., National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $5,706. E. (9) $322.

A. Frances E. Welles, National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
B. National Council to Control Handguns, 810 18th Street NW., Washington, D.C. 20006.
D. (6) $615.

A. William B. Welsh, 1625 L Street NW., Washington, D.C. 20036.

B. American Federation of State, County, and Municipal Employees, AFL-CIO, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $12,596. E. (9) $100.

A. Carol Werner, 706 Seventh Street SE., Washington, D.C. 20003.
B. National Abortion Rights Action League, 706 Seventh Street SE., Washington, D.C. 20003.
D. (6) $4,494.

A. Western Cotton Growers Association of California, P.O. Box 512, Fresno, Calif. 93709.
E. (9) $761.44.

A. Western Railroad Association, 222 South Riverside Plaza, Room 1200, Chicago, Ill. 60606.
D. (6) $3,341.73. E. (9) $3,341.73.

A. Evelyn J. White, 2301 Market Street, Philadelphia, Pa. 19101.
B. Philadelphia Electric Co., 2301 Market Street, Philadelphia, Pa. 19101.
D. (6) $600. E. (9) $644.50.

A. Bryan K. Whitehead, Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees.
B. Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $660. E. (9) $880.

A. Gordon A. Whitt, 6801 Industrial Road, Springfield, Va. 22151.
B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C. 20080.
E. (9) $55.66.

A. Anne Wickham, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE, Washington, D.C. 20003.
D. (6) $2,550.

A. Richard J. Wiechmann, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. Thomas D. Wilcox, 919 18th Street NW., Washington, D.C. 20006.
B. National Association of Stevedores, 919 18th Street NW., Washington, D.C. 20006.

A. Sandra L. Willett, 3023 Dumbarton Avenue NW., Washington, D.C. 20007.
B. National Consumers League, 1028 Connecticut Avenue NW., Suite 522, Washington, D.C. 20036.
D. (6) $500.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. American Medicorp, Inc., 111 Presidential Boulevard, Bala Cynwyd, Pa.
D. (6) $300. E. (9) $30.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C. 20005.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. The Association of Family Farmers, 1130 17th Street NW., Washington, D.C. 20036.
D. (6) $200. E. (9) $20.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Bangor Punta Operations, Inc., 1 Greenwich Plaza, Greenwich, Conn. 06830.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Blyth Eastman Dillon & Co., Inc., 1 Chase Manhattan Plaza, New York, N.Y. 10005.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Brown & Root, Inc., Box 3, Houston, Tex. 77001.
D. (6) $400. E. (9) $40.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. C. Brewer & Co., Ltd., P.O. Box 1826, Honolulu, Hawaii 96801.
D. (6) $1,700. E. (9) $170.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Domestic Petroleum Council, Suite 600, 1130 17th Street NW., Washington, D.C. 20036.
E. (9) $160.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Estee Lauder, Inc., 767 Fifth Avenue, New York, N.Y. 10022.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Federal Express Corp., AMF Box 30167, Memphis, Tenn. 38180.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Institute for Due Process for Financial Institutions, 1130 17th Street NW., Washington, D.C. 20036.
D. (6) $100. E. (9) $10.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. IU International Management Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.
D. (6) $1,300. E. (9) $130.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Krause Milling Co., P.O. Box 1156, Milwaukee, Wis. 53201.
D. (6) $550.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. The Louisiana Land & Exploration Co., P.O. Box 60350, New Orleans, La. 70160.
D. (6) $850. E. (9) $85.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Martin Ryan Haley & Associates, Inc., 40 Central Park South, New York, N.Y. 10019.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Matilda Grey Trust, P.O. Box 20001, Lake Charles, La. 70601.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. National Association of Water Companies, Box 387, Washington, D.C. 20044.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Northrop Corp., 1800 Century Park East, Los Angeles, Calif. 90067.
E. (9) $50

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. The Superior Oil Co., First City National Bank Building, Houston, Tex. 77002.
D. (6) $1,400. E. (9) $85.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.
B. Texas County Irrigation and Water Resources Association, 118 West 6th Street, Guymon, Okla. 73942.

A. Wade S. Williams, 1620 I Street NW., Washington, D.C. 20006.
B. American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, N.Y. 10036.
E. (9) $400.

A. John C. Williamson, 1825 K Street NW., Suite 604, Washington, D.C. 20006.
B. Mortgage Insurance Companies of America, 1825 K Street NW., Suite 604, Washington, D.C. 20006.
D. (6) $4,000. E. (9) $100.75.

A. John C. Williamson, 1825 K Street NW., Suite 604, Washington, D.C. 20006.
B. National Apartment Association, 1825 K Street NW., Suite 604, Washington, D.C. 20006.
D. (6) $4,000.

A. Winston P. Wilson, 523 North Forrest Street, Forrest City, Ark. 72335.
B. Northrop Corp., 1701 North Fort Myer Drive, Suite 1208, Arlington, Va. 22209.
D. (6) $8,700. E. (9) $3,120.

A. Joseph B. Winkelmann, 925 15th Street NW., Washington, D.C. 20005.
B. National Association of Realtors, Government Affairs Office, 925 15th Street NW., Washington, D.C. 20005.
D. (6) $1,500. E. (9) $949.40.

A. Frank R. Wolf, 1901 North Moore Street, Suite 804, Arlington, Va. 22209.
B. Gerber Products, Co., 445 State Street, Fremont, Mich. 49412.
D. (6) $600.

A. Frank R. Wolf, 1901 North Moore Street, Suite 804, Arlington, Va. 22209.
B. National Farm & Power Equipment Dealers Association, 10877 Watson Road, St. Louis, Mo. 63127.
D. (6) $500.

A. Frank R. Wolf, 1901 North Moore Street, Suite 804, Arlington, Va. 22209.
B. Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111.
D. (6) $5,000.

A. Sidney M. Wolf, 1029 Esther Street, South Bend, Ind. 46615.
B. Environmental Policy Center, 317 Pennsylvania Avenue SE., Washington, D.C. 20003.
D. (6) $1,250.

A. Sidney M. Wolfe, 2000 P Street NW., Suite 703, Washington, D.C. 20036.
B. Health Research Group, 2000 P Street NW., Suite 708, Washington, D.C. 20036.

A. Irwin Wolkstein, American Hospital Association, 444 North Capitol Street NW., No. 500, Washington, D.C. 20001.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $994.50. E. (9) $29.

A. Kenneth Wollack, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
B. American Israel Public Affairs Committee, 444 North Capitol Street NW., No. 412, Washington, D.C. 20001.
D. (6) $6,999.96.

A. Burton C. Wood, Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $5,600. E. (9) $12,838.

A. Joyce Wood, New Directions, 2021 L Street NW., No. 405, Washington, D.C. 20036.
B. New Directions, 2021 L Street NW., No. 405, Washington, D.C. 20036.
D. (6) $2,412.

A. Merle E. Wood, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

B. Ewing M. Kauffman, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137, Box 1969, Kansas City, Mo. 64141.

D. (6) $350. E. (9) $422.21.

A. Merle E. Wood, Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

B. Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137.

D. (6) $400. E. (9) $603.95.

A. Wyatt and Saltzstein, 1300 Wyatt Building, Washington, D.C. 20005.

B. American Business Press, Inc., 205 East 42d Street, New York, N.Y. 10017.

D. (6) $2,687.50. E. (9) $125.

A. Donald Yarborough, Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C. 20002.

B. Paraplegia Cure Research, 100 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $165.

A. Edward R. Yawn, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C. 20004.

B. American Farm Bureau Federation, 225 Touhy Avenue, Park Ridge, Ill.

D. (6) $3,250. E. (9) $118.

A. Robert Zacharias, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Donald Zahn, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

B. National Right to Work Committee, 8316 Arlington Boulevard, Suite 600, Fairfax, Va. 22038.

D. (6) $438. E. (9) $123.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 9814.

B. Confederated Tribes of the Colville Indian Reservation, P.O. Box 150, Nespelem, Wash. 98155.

D. (6) $1,241.50. E. (9) $495.46.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Lummi Tribe of Indians, 2616 Kwina Road, Bellingham, Wash. 98225.

D. (6) $357. E. (9) $267.93.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Makah Indian Tribe, P.O. Box 115, Neah Bay, Wash. 98357.

D. (6) $357. E. (9) $303.52.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Northern Cheyenne Indian Tribe, P.O. Box 128, Lame Deer, Mont. 59043.

D. (6) $50. E. (9) $27.

A. Ziontz, Pirtle, Morisset, Ernstoff & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Quileute Indian Tribe, P.O. Box 279, LaPush, Wash. 98350.

A. Ziontz, Pirtle, Morisset, Ernstoff, & Chestnut, 208 Pioneer Building, 600 First Avenue, Seattle, Wash. 98104.

B. Suquamish Indian Tribe, P.O. Box 556, Suquamish, Wash. 98392.

E. (9) $2.25.

A. John L. Zorack, 1122 Connecticut Avenue NW., Washington, D.C. 20036.

B. Federal Express Corp., AMF Box 30167, Memphis, Tenn. 38130.

D. (6) $9,000. E. (9) $3,075.77.

A. John L. Zorack, 1122 Connecticut Avenue NW., Washington, D.C. 20036.

B. Pan American World Airways, 1800 K Street NW., No. 900, Washington, D.C. 20006.

D. (6) $9,000. E. (9) $766.68.

A. Barry Zorthian, Time, Inc., 888 16th NW., Washington, D.C.

B. Time, Inc., Time and Life Building, Rockefeller Center, New York, N.Y.

D. (6) $3,000. E. (9) $950.

A. Paul G. Zurkowski, 4720 Montgomery Lane, Bethesda, Md. 20014.

B. Information Industry Association, 4720 Montgomery Lane, Bethesda, Md. 20014.

D. (6) $500. E. (9) $6.80.

SENATE—Monday, February 20, 1978

(Legislative day of Monday, February 6, 1978)

The Senate met at 10 a.m., on the expiration of the recess, in executive session, and was called to order by Hon. DENNIS DECONCINI, a Senator from the State of Arizona.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

We shall pray today in the words of President George Washington's prayer for his country.

Let us pray—

"Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplication, we beseech Thee, through Jesus Christ our Lord." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 20, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DENNIS DECONCINI, a Senator from the State of Arizona, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. DECONCINI thereupon assumed the chair as Acting President pro tempore.

READING OF WASHINGTON'S FAREWELL ADDRESS

The ACTING PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified on February 8, 1978, the Senator from Kentucky (Mr. HUDDLESTON), having been appointed by the Vice President, will now read Washington's Farewell Address as in legislative session.

Mr. HUDDLESTON advanced to the rostrum and read the Farewell Address, as follows:

WASHINGTON'S FAREWELL ADDRESS

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review some sentiments which are the re-

sult of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflective and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with

its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put it in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enable to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alternations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assauge it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference

upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government

to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompentent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there may be a period for the transaction of routine morning business, as in legislative session, without any addresses made during that period being permitted to extend beyond 3 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR HUDDLESTON CONGRATULATED ON PRESENTATION OF GEORGE WASHINGTON'S FAREWELL ADDRESS

Mr. ROBERT C. BYRD. Mr. President, I congratulate the very distinguished Senator from Kentucky (Mr. HUDDLESTON) on his eloquent presentation of George Washington's Farewell Address to the people of the United States.

Senator HUDDLESTON not only has presented the address in a very eloquent, moving, and meaningful manner, but also, he has rendered a service to the Senate and to the Nation.

It is a service to the Nation always to hear the words of Washington's Farewell Address. I think it is good for all of us to refresh our memory with respect to the fundamental principles that George Washington laid down in his address. These are the principles which he held close to his heart, and they are among the principles that make this a very great Nation.

If we, in our day, are to perpetuate the greatness of this Nation, we need to hold on to some of the old verities that were expressed so well by the first President of our country, the commander of our forces at Valley Forge, and the man who presided over the Constitutional Convention in 1787.

I personally thank Mr. HUDDLESTON, and I am sure that the Members of the Senate appreciate the time he has given to the preparation of this address and to his very splendid reading of it.

Mr. PERCY. Mr. President, I join the majority leader in commending our distinguished colleague.

As Senator HUDDLESTON was reading Washington's Farewell Address, sections of it stood out and brought to mind two of the critical problems that we face today: the tragedy in the Mideast which has dominated the newspaper headlines this morning and, our most serious domestic problem, the continuing coal strike and its increasing, adverse effects on our energy supply.

Washington said in his Farewell Address:

> The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize.

He went on to say later:

> This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support.

I repeat. He said:

> (it) has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. . . . The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

THE COAL STRIKE

I cannot help think as we face this critical domestic situation today: as factories in some areas of the country begin to close down; as public concern increases about the safety, health and welfare of our citizens; as coal stocks are reduced; that we should pay tribute to those who have devoted themselves, without cessation, to trying to resolve this matter in a way that is conducive to the domestic tranquillity and conducive also to the survival of the free collective bargaining process that we treasure so

To those who have taken the law into their own hands, who have illegally inmuch in this country.

interfered with the movement of coal stocks, who have resorted to violence and, in a sense, have encouraged anarchy in some areas, I simply say: Read the words of our Founding Father and see whether or not any individuals in this country have the right to seize power for themselves, defy the law, and bring violence to those who are attempting to carry out their duties and responsibilities.

I commend those Governors who have seen fit to use their emergency powers to deal with this crisis. They are operating as best they can in a very difficult situation.

I hope we will move quickly toward a solution of this problem by carrying out the collective bargaining process in good faith. I hope both parties cooperate.

I hope we will not seek to resolve the problem through invocation of the Taft-Hartley Act. This is the ultimate weapon. I hope it is not going to be necessary for the President to turn to Congress for authority to seize and operate the mines. I think there is still time for collective bargaining to work.

Mr. President, I should simply close by printing in the RECORD at this time an Associated Press wire story that has just come across the wires indicating that a tentative contract agreement has been reached between the United Mine Workers and a major independent coal producer, the Pittsburgh & Midway Coal Co. This is welcome news indeed.

As I understand it, this coal company produces about 4,000 tons of coal and employs approximately 1,000 workers. It is a subsidiary of the Gulf Oil Corp. I have spoken to its chairman this morning and I have spoken to people from the Department of Labor about this important development for the coal industry.

Certainly, this forward move reinforces the strength of the collective bargaining process as the best tool for business-management relations, instead of resorting to Government interference. I think it would be in the best interests of this Nation for all of us—particularly those involved in the coal negotiations—to live by the spirit captured in words by President Washington when he spoke about our working within the framework of liberty that has been given to us. I commend our distinguished colleague for his eloquent reading of the truly eloquent address, and I ask unanimous consent to print in the RECORD the wire service item to which I have made reference.

There being no objection, the wire service item was ordered to be printed in the RECORD, as follows:

COAL STRIKE

(By David Espo)

WASHINGTON.—The striking United Mine Workers Union today reached a tentative contract agreement with a major independent coal producer as President Carter prepared to consult Congress on "definitive" action to end the 77-day-old soft coal strike.

Administration officials and union leaders said they were hoping the tentative agreement with the Pittsburgh and Midway Coal Co. would break the stalemate in the national strike.

P&M, which is owned by Gulf Oil Corp., is not a member of the Bituminous Coal Operators Association, which represents the large coal companies. BCOA members mine about half the nation's coal.

P&M has 800 to 1,000 mine employees and six mines in Kentucky, Missouri and Kansas.

The tentative P&M pact must be approved by the union's bargaining council and the union's membership.

If the contract is approved by the miners, P&M could begin producing coal, helping to ease shortages in some areas. But more importantly, the tentative agreement is expected to intensify pressure on the BCOA and the UMW to come to terms.

It was not immediately clear how long it will take for the tentative P&M contract to be voted on by the miners.

Merlin Breaux, Gulf Oil's vice president for industrial relations, said the tentative P&M contract represented a compromise between what the UMW wanted and what BCOA wanted. The UMW's bargaining council had previously rejected a BCOA offer because the union objected to clauses imposing penalties on miners who go out on wildcat strikes.

Breaux said other coal companies have three alternatives: follow the P&M contract pattern, continue negotiations with the UMW or stand by and let Carter intervene.

The breakthrough in the P&M contract came as administration officials were exploring the possibility of encouraging individual settlements between BCOA companies and local UMW units. The government could provide mediators for such an effort, for example, although this process would be time-consuming.

Carter is going to consult with Congress on "definitive" action to end the 77-day coal strike which already has forced some power cutbacks and industrial layoffs and is threatening more.

White House officials say the administration will consult with the congressional leadership on a series of options including temporary federal seizure of the coal mines, binding arbitration or invoking the Taft-Hartley Act.

Sources said Carter is likely to recommend a combination of these. "You have to have a lot of tools in this bag," said one source.

The strike began Dec. 6 with most utilities reporting 90-day emergency stockpiles of coal, but those supplies have dwindled and electricity cutbacks already are in effect in some areas. Mass industrial layoffs are feared with some government estimates saying the number of those out of work could reach five million.

Carter has authorized Ohio, Indiana and Kentucky to temporarily relax air pollution standards so that remaining coal can be burned more efficiently.

Congress would have to enact special legislation to permit a takeover of the industry or to allow binding arbitration to end the strike. In addition, administration sources say that invoking the Taft-Hartley Act is unlikely because of the widespread belief that the striking United Mine Workers members would ignore a back-to-work court order.

Rep. Frank B. Thompson, D-N.J., said Sunday he had been called back to Washington from New Jersey by the White House to ensure that a ranking member of the House Education and Labor Committee would be on hand. He is chairman of that body's labor-management relations subcommittee.

"Unless the miners and the operators come to their senses, we are at a very serious point where one of these options must be taken," Thompson said. But he said he doubted the miners would follow orders to return to work for a cooling-off period. He also doubted the effectiveness of a federal mine takeover.

Sen. Harrison Williams, another New Jersey Democrat, called Carter's decision to work with Congress "a wise" move. But Williams, chairman of the human resources committee, was not optimistic about quick congressional action.

"It wouldn't be a snap of the fingers," he said.

The White House announced its intention to take "definitive action" after conceding that the collective bargaining process failed to end the strike.

"The possibility remains for the two parties to resolve their remaining differences," White House press secretary Jody Powell said Sunday. "However, it is clear that we can wait no longer to initiate the process of resolving this matter by other means.

"We hope that as the process proceeds both parties will seriously reflect upon the unfortunate consequences of this breakdown in the bargaining process," Powell said in a prepared statement.

Asked whether he thought Carter has made a final decision, Powell said, "My suspicion is he has not."

Powell met with reporters after top administration officials held an afternoon strategy session at the White House to go over the strike and the stalemated negotiations. Carter, who attended a similar meeting with Labor Secretary Ray Marshall and others on Saturday, skipped the Sunday session.

There have not been negotiations since early Saturday, when the UMW bargaining council turned down a revised industry contract offer. Powel said he knew of no plans for further meetings.

Many industry bargainers left town after the rejection by the council, which must approve any contract before it is submitted for rank-and-file ratification.

TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of Executive N, 95th Congress, 1st session, which the clerk will state.

The assistant legislative clerk read as follows:

Executive N, 95th Congress, first session, treaty concerning the permanent neutrality and operation of the Panama Canal.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period of routine morning business, as in legislative session, until the hour of 11 o'clock this morning, after which the Senate then resume its consideration of the treaty.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALLEN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. ALLEN. Mr. President, I am seeking recognition in the period for the transaction of routine morning business and not the recognition to which I am entitled when the Panama Canal treaties are laid down.

The ACTING PRESIDENT pro tem-

pore. The unanimous-consent request is approved.

Without objection, the Senator from Alabama is recognized.

ALABAMA FARM BUREAU PRESENTS VIEWS

Mr. ALLEN. Mr. President, deviating from their traditional spring visit to Washington, some 225 members of the Alabama Farm Bureau made their annual visit to the Nation's Capital on January 23 this year. Because of the acute situation on the farms back home it was expedient that they come just as the second session of the 95th Congress was beginning.

These farmers, all members of the Alabama Farm Bureau, were united by a common bond. They had experienced the destruction of their last year's crops by a combination of drought, army worms and aflotoxin, all of which was followed by an inordinately wet fall which prohibited the proper harvesting of other crops. Add to this, if you will, falling farm prices and spiraling production costs. Cap all of this with increasing governmental interference by regulations from EPA and FDA.

But these farmers, Mr. President, came not out of anger but out of concern—concern for their future and concern over the potential collapse of the agricultural economy in Alabama. This concern prompted the able and distinguished president of the Alabama Farm Bureau, Mr. Jimmy Hays, to request a meeting of the Farm Bureau members with Secretary of Agriculture Bob Bergland, the Alabama congressional delegation, and representatives from the White House.

So, Mr. President, we met on the morning of January 23 and 12 selected members of the Farm Bureau made their presentations to us regarding the present status of agriculture in Alabama. These presentations were well prepared and well presented by these able agriculture spokesmen. Their information enlightened and, in some cases, shocked us. I feel it would be propitious to share these statements with my distinguished colleagues and, consequently, Mr. President, I ask unanimous consent that these 12 statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF MR. L. O. BISHOP

Thank you. I appreciate being allowed to be here. Thank you Senators and Secretary Bergland.

On our fuel and energy we support a program that will insure adequate supply of all fuel for agricultural purposes at reasonable prices. In relation to natural gas for the production of fertilizers, we support legislation which provides for decontrol of natural gas and prices.

On our nitrates and nitrites, we oppose the theory that the industry should prove it's a cancer causing agent in the curing of bacon. We feel that the USDA should first prove that it causes cancer and not lay the responsibility on the industry. In relation to sulfa drugs, we feel before they are pulled off the market that we should have a hearing. In my own case, I had hogs that were sick and coughing and I used a lesser drug day. I had to use a sulfa drug and, of course, after being on it five days they were O.K. But the hogs had to be held off the market, according to government regulations, because I used a sulfa base drug. So our point is Mr. Secretary, we don't want it pulled off the market without a hearing or until a drug has been developed that will be equally economical and as effective as sulfa.

STATEMENT OF MR. BEN BOWDEN

We certainly appreciate your giving this time to listen to us. I'm Ben Bowden, a cotton, soybean, peanut, corn and cattle farmer from Twin Springs in Russell County, Alabama.

Until recently I considered myself a successful farmer, a person able to meet the adversity that continues to confront all of us who till the soil. But this past year has left me in a state of shock. A turnaround in prices in an eight-month period is unbelievable. It's hard to understand how commodity prices could come down almost one-half and still not benefit the consumer.

Last April at planting time, soybeans were $10.50 a bushel; now they are $5.40. Corn was $3.75; now it's $2.10. Cotton was 78¢; now it's 51¢. Yet, the consuming public is still paying the same or more for the products made from our commodities. It makes us realize more that base prices of our farm products are not the contributing factor to increases in the cost of consumers goods. Therefore, we feel we could receive much higher prices for our commodities without contributing to inflation. It appears that the price for raw materials in all industries is their lowest cost of production. I would like to talk to you about just one commodity, soybeans, in a little more depth.

Soybeans are of great economic importance to our state. Acreage has grown to 1,600,000 acres in 1977. They are being planted in every area of the state. Whole communities and towns depend on soybeans as their main source of income. When the price is down, it affects a lot more people than just the farmer. Every business in the soybean area has its income cut. Each individual's purchasing power is affected.

On my farm, low prices have a serious affect on my ability to continue. The capital that is required to run a farm continues to multiply at an increased pace. Without greater income each year, we cannot meet the cost of staying in business, much less show a profit.

I would like to use an example of just one cost of growing beans. This is the cost of machinery. Four years ago I purchased a 4430 John Deere Tractor for $12,000. This year I purchased an identical tractor for $21,000, up $9,000. A combine four years ago cost $23,000. This year I purchased a combine for $43,000. When I purchased this equipment, beans were over $10.00 a bushel, and now they're a little over $5.00. I can't afford this equipment at today's soybean prices. Equipment is just one cost, though. Fuel, labor, chemicals, fertilizers, and land costs all continue to increase.

We need a realistic support price, but still low enough not to stimulate over production. We want to stay away from government control. This sounds impossible, but I feel there are a few areas that we can improve on. These five proposals, I feel, will help raise net farm income.

1. We need more on-the-farm storage. If we had more farm storage, we would have more leverage in the market. We could have this storage capacity with more favorable terms and loan rates on storage facilities, the CCC, FHA, or other government agencies should to provide this.

2. Exports is another area that needs a lot of work. We need to improve on our than sulfa base drug, and it got worse each dock facilities and our railroad capacity. We need to implement rules to permit farmers direct access to the export market. We need to renegotiate trade agreements and tariff restrictions. Farmers need broader representation in trade negotiations and in government trade decisions. Above all, we should prohibit an embargo.

3. Some farms use a lot of unskilled labor. We need passage of an amendment to the minimum wage law, giving agriculture a differential. Strikes at harvest time by groups handling farm products should be prohibited. We have to defeat the National Labor Reform Act, Senate Bill 1883. The Senate has to do this for us, not just for farmers, but for the good of the whole country.

4. FIFRA should be transferred to the USDA and out of the EPA. But until it is, we need a revision of R.P.A.R. procedures to require the EPA administrator to evaluate the cost benefit versus the environmental impact before R.P.A.R. notices are published in the Federal Register. A lot of good chemicals are not used because of the damaging accusations. They should not be cited until they are proven harmful.

5. Some form of crop insurance is needed for all commodities, probably under private carriers, which should be reinsured by the Federal Government. This insurance should be on an annual basis and not automatically renewed as is the current insurance program. We need to continue the current disaster program on all commodities.

These are just a few suggestions we feel will be helpful. Other states will have more. We farmers represent only 4% of the population, a small percent of the total population, but the total population depends on us for their food and fiber.

We feel they are sympathetic to farmer's needs and are willing to help us achieve better prices for our crops. We ask you to please help us realize better income by using your leadership and expertise to help us achieve this goal.

We appreciate your support and thank you for your past efforts to help the farm community and your state. I would like to thank you again for your time and for interest.

STATEMENT OF MR. DENNIS BRAGG

Thank you for this opportunity to visit with you and to express some of our suggestions. These are the subjects I would like to make comments about: 1. 100% Parity, 2. Target Price, 3. C.C.C. Loan, 4. Set-Aside, 5. Exports, 6. Imports, 7. Proven Yields for Payment.

1. 100% parity:

We have a resolution in Alabama Farm Bureau that states cotton farmers should be paid 100% of parity. I am sure all farmers should receive parity but I hope a way can be found to achieve it without the money coming from government support payments.

2. Target price:

The target price of cotton should be near the cost of production. We believe the cost for 1978 will be substantially higher than the 1977 figures indicate. The Alabama Commodity group recommended that the Target Price payment be figured on sales made in September, October, November and December.

3. C.C.C. loan:

Due to increases in cost of production the C.C.C. Loan should be raised and the interest charges lowered. The spread between loan and target should not be more than six cents.

4. Set-Aside:

A 20% set-aside should be used when needed for cotton and feed grains with the same provisions as for wheat. Most of the surplus has been caused by no controls and increased planting. Controlled planting would help eliminate erratic price changes

and oversupply. Set-aside would cause prices to advance with less cost to the government. Conservation practices on set-aside should be encouraged to build land for future use.

5. Exports:

We know that a great deal is being done to increase exports. This is one of the best ways of increasing our income and reducing surpluses. More work should be done to increase sales to our foreign customers and to begin trade negotiations with others. Some trade restrictions should be removed. Improvements should be made on our ports, such as Mobile and Galveston, so that large ships can enter and be loaded. Prompt loading of ships is very important. Better packaging of our cotton for overseas shipment is needed. We need to have less foreign matter in soybeans and grain that is shipped. Sufficient funds should be made available to expand exports. This would be an investment, not an expense. U.S. exports more than 25% of all cotton that is exported in the world, but yet Europe imports only 10% of her supply from the United States. Trade relations need improving in Europe.

6. Imports:

U.S. clothing imports rose 46% during the last 10 years. When international trade is conducted in a manner that is fair and equitable to all nations concerned it is a healthy contribution to the well being of those nations and their people. The multifiber arrangement (MFA) that we have with some countries has loopholes that are being used by some countries. Some countries are selling to the U.S. without any multifiber arrangements. The American people should be made aware of the adverse effect to the U.S. economy when they buy imported products. A report should be made of all imports to the U.S. and adjustments made where necessary.

7. Proven Yields for Payment Purposes:

My last information was that the final decision on how to figure yields for 1978 payments has not been made. One proposal is to get proven yields for five years, drop the lowest year and average the remaining four years. In some areas of Alabama we have had four cotton disaster years out of the last five years. Some proven yields have decreased from 700 pounds to 300 pounds due to insects and bad weather conditions. These producers would still have a disaster even if they drew payments on 100% of their proven yield. Special consideration should be given these producers and adjustments made by county committees of A.S.C.S. to correct these year after year cotton crop disaster yields. A 20% reduction on 1973 projected yields would be a fair figure.

STATEMENT OF MR. WILLIAM EASTERLING

Our distinguished friends of both the legislative and administrative sectors of our Federal Government, ladies and gentlemen. We have arrived at the point wherein it is essential that the agricultural community explain its problems with such clarity that our nation can understand the dilemma the farm community is facing. Several days ago on our fish farm we were attempting to back a tractor with a pump attached into one of our raceways. It had been raining, the bank was slippery, and the person driving the tractor was having a difficult time backing the pump into the water. It appeared that the driver was not going to be able to back into proper position to pump water. Nelson, standing next to me, said, "Mr. Easterling, if you'll let me get upon that tractor I'll back it in there." Nelson stutters when he talks, and I asked him the second time what he had said. So out of desperation, I asked the one driving the tractor to let Nelson try. Somewhat leery that Nelson might back the tractor in the water along with the pump, I cautioned him to be real careful. To my surprise he got the pump and tractor in perfect alignment to back into the water, but it was at this moment that I stopped Nelson and cautioned him to be sure and not jump off of the tractor in the event the brakes failed to hold. Slowly and cautiously Nelson began to back the pump into the water, and on reaching the edge of the bank he applied his brakes and the wheels began to slide. As Nelson slid down the bank and into the water with the tractor, he cried out, without stuttering a word, "I'm gone, I'm gone, I'm gone." And down into the water went Nelson, tractor, pump and all. Fortunately he was not hurt. I hope and pray that our nation's capital understands the words of the farmer in this hour as he cries, "I'm gone, I'm gone." He has not at this point fallen to the bottom of the pond, but we must understand that he is sliding in that direction.

I cannot help but believe that help is on the way. For we have here in this hour Mr. Bergland, our Secretary of Agriculture, Senator Allen, Senator Sparkman, representation from the President's office, members of the House of Representatives, and others of great importance to listen to our pleas. It is encouraging to have these great men to take time from their busy schedules to allow us to articulate our problems.

I represent that segment of the agricultural community that is just beginning to take a place in the conversation of the farming community. Yet, in rising to speak I'm sensitive to the fact that fish farming holds an important place in the dreams of every boy and girl. Catfish farming was unheard of a few years ago, but this year more than twenty million pounds of farm raised channel catfish will be eaten by the American people.

On September 29, 1977, President Carter signed into law the "Food and Agricultural Act." This bill contains a major milestone for the fish farmers of our nation. Never before had they been recognized in the farm legislation of our nation, but they are now considered a significant contributing force in providing food for our nation's people.

Recognizing this piece of farm legislation as only an authorization, distinguished members of the legislative sector proceeded with legislation for its implementation. Congressman Flippo introduced a bill in the House. Senator Stone introduced a bill in the Senate that was co-sponsored by Senator Allen, Senator Sparkman, Senator Bentsen, the late Senator Hubert Humphrey, and others. Senator Stone's bill is known as the "Aquaculture Act of 1977." This bill clearly states that the USDA is to be the lead agency for aquaculture. This bill deserves our full support. It provides a foundation that will enable aquaculture to understand its present status, establish goals for the future, and under the leadership of the USDA directions for obtaining these goals.

STATEMENT OF MR. J. D. HAYS

I am going to talk on monetary spending and tax policies. I address myself first to inflation. Last week the inflation rate for 1977 was announced at 6.8% and since 1972, it has increased 32%. In other words, $10,000 invested in 1972 would have an equivalent value now of about $14,750 on a break-even point. We do have a rapidly escalating rate of inflation in this country and it is causing a great many problems.

Basically, inflation is caused by government spending. We're just now looking at the budget of the coming year as proposed to Congress of about $500 billion. We're also looking at about $200 billion in local and state spending, which actually is about a third of the nation's total output. That's compared to 21% in 1950, so you can see how our budgetary needs have escalated by the government and $1 out of $4 is income for the government and one fifth of 20% of all sales of production and products go for government use.

We just had a State of the Union address by the President in which tax cuts were proposed. We also know that certain tax increases are coming. Economic and political commentators raise questions as to whether or not the tax cuts will become a reality, but the tax increases are already here. This in effect says that the budget is looking to be in the neighborhood of about a $60 billion deficit. This country has been operating on deficit budgets about 80 to 90% of the time for the last 20 years. This has resulted in a rather huge escalating national debt. This gets us of course into devaluation problems the dollar is having.

Last week, the Federal Reserve increased the discount rate from 6 to 6½ percent. The banks increased the prime rate to 8 percent. In the field of international trade, we're running a balance of a trade deficit of about $28–$30 billion. In other words, we're putting more U.S. dollars in foreign hands. This money is depressing the value of the dollar abroad. For example, the Japanese Yen as compared to the U.S. dollar—the dollar deteriorated about 22 percent last year; the Swiss Franc about 12½ percent and the German Mark about 12 percent. So, we are creating a problem there for us that is devaluating the dollar abroad and I think we should look at that in particular in two areas.

We are in need of additional exports to offset this balance of trade deficit and I know of no better way to do this than through agricultural exports. We're looking at the importation of oil and other energy sources. As the value of the dollar continues to decline abroad, two things happen. The price of this oil will go up and it's going to go up quickly if the value of the dollar continues to decline. These extra U.S. dollars abroad in foreign hands are coming home to this country in the form of domestic investments here in various enterprises including farmland. We need to be looking closely at this. I want to again emphasize that we need to find ways to use Public Law 480 to generate additional exports. We need to look at anything we can to innovate and stimulate additional agricultural exports which will relieve the pressure on the domestic market. It will help balance the balance of trade accounts and it will help to stabilize and strengthen the dollar.

In respect to agricultural research, the pressure of increased cost of production and declining agricultural prices, necessitates more efficient farming. Agricultural research is of significant importance to us. With respect to the reorganization of the Department of Agriculture, farmers feel that more emphasis should be placed on those functions directly related to agriculture—production, research on production, and some certainly on consumer affairs.

STATEMENT OF MR. OSCAR JONES, JR.

I am sure that everyone will agree that agricultural chemicals will play an essential role in agriculture's ability to feed the population of the future. Postive legislation is necessary or agricultural productivity will decrease. The American consumer will be the ultimate loser. Some of our present rigid and unrealistic standards governing the use of agriculture chemicals will have a far-reaching implication on this nation and also the world's feed supply.

The House-Senate Conference is anticipated on Senate Bill 1678 and House Bill 8681. These bills will amend and extend FIFRA for two years. (We feel very strongly that the amendments in the House bill au-

thorizing the states to register additional minor uses for any federally registered pesticide.) Manufacturers secure registration for pesticides on major crops on a national scale. It is important that the states be allowed to provide additional registration for local needs. We respectfully request that the Conference Committee report all of the amendments in House Bill 8681 and make FIFRA and the EPA responsive to the needs of farmers.

It's important that a farmer be able to purchase a restricted use pesticide for application by a commercial applicator. We, as farmers, need to employ procedures in formulating our farm plans and budgets that would enable us to gain early order discount by preseason purchases and insure that the proper pesticides are available in correct quantity when they are needed.

Property rights of pesticide manufacturers must be protected. FIFRA must insure that the chemical industry will have the incentive to research and produce additional new pesticides for agricultural use. We feel that the Environmental Protection Agency should meet certain requirements concerning pesticide issues. EPA should develop separate standards for federal registration of minor use pesticides. EPA can prepare an agricultural impact statement prior to the issue of any regulation. EPA should consider restricting use of a toxic pesticide rather than cancelling its registration. EPA's authority for enforcement against pesticide misuse should be limited. This authority should be transferred to the state so they may have primary responsibility for enforcement.

EPA's administrator should be authorized to register pesticides prior to the completion of final long-term studies. The EPA should have a sound scientific basis before initiating RPAR, Rebuttable Presumption Against Registration action, against the pesticide and should not be free to subject a pesticide to an expensive review process without scientific evidence. The EPA administrator should evaluate and publish costs and benefits versus environmental impact prior to the issuance of RPAR. The federal government should share equally with states in the cost of implementation of certification of applicator programs and state programs of enforcement of various provisions.

Fire ants are a problem in our area. We would like to encourage a Section 18 clearance for ferriamicide, an insecticide used to control fire ants. Ferriamicide degrades rapidly in the environment.

STATEMENT OF MR. GEORGE KAISER

I would like to expess my thanks to you gentlemen for attending and hearing what we have to say. We appreciate your giving us this time. I am George Kaiser of Baldwin County. Together with my three sons, we operate farms in which we produce cattle, soybeans, corn, some small grains and pecans. Cattle is the major part of our operation. We maintain a 700 head herd of brood cows all of whose offsprings we attempt to finish out in our feedlot. So we are familiar with cattle production problems from start to finish. The importance of the beef industry to both the consumer and the producer is, I believe, recognized by all of us. According to the latest available figures, over 19 percent of Alabama farm income is from beef cattle. The beef cattle industry has been depressed for quite some time as I'm sure all of you know.

The cost price squeeze is not new to us. The reduction in cattle numbers due to the many adversities including the ever increasing production costs, depressed prices, drought and insect problems has improved our price situation somewhat. We hope this is not a temporary situation. We believe that the beef cattle industry should remain free and continue to be governed by the laws of supply and demand in a free enterprise environment. However, we cannot accept the theory that agricultural producers are charged solely with the responsibility of providing cheap food for the world's hungry. We believe the concern should be equal to everyone whether he be in agriculture, industry or government. We are all citizens of the United States. Export or import policies should not be slanted for the benefit of some of us and to the detriment of others. Foreign trade is vital to all and production of agricultural products for export should be encouraged to offset the unfavorable balance of trade which is encountered by our heavy imports of oil.

Please accept our appreciation for all of your efforts in our behalf. We certainly hope that they will be for the benefit of all of us. Again, I say thank you.

STATEMENT OF MR. PHILIP MARTIN

Thank you so much. It's indeed a privilege for me to be here among friends. I feel that the Secretary, who is a farmer, is certainly our friend. Our senators and representatives who are represented today are indeed our friends.

As a farmer in Coffee County who grows peanuts and also operates a dairy and grows corn, I have the same problems that all other farmers in Alabama and the nation have. I would like to speak particularly in reference to the problems we have with labor.

All farmers today who are here are members of our Farm Bureau back in Alabama and have chosen to join in this group voluntarily. They believe by doing this they can work together to improve farming and their livelihood for themselves and provide an abundance of food and fiber for the American consumer and for agricultural customers abroad. One of the several inputs necessary for farm production is labor. We as farmers have little cost control over labor. The recent enactment of increased social security legislation and minimum wage increases, further adds to our labors costs. We farmers still have little assurance of what prices we will receive come harvest time. We strongly oppose legislation to rewrite the National Labor Relations Act which is contained in Senate Bill 1883. The sponsor likes to call it the Labor Reform Act. It would provide unions with built-in advantages and guarantees making employers all but powerless to resist unionization.

At a local level, we have seen a conservative trend which makes it difficult for unions to organize. We know that organized labor's goal with this attempt is to revise the National Labor Relations Act providing for the unionization of the South and other areas of our country that have the right-to-work law. If enacted into law, this Senate Bill 1883 would add two politically appointed members to the present 5 member National Labor Relations Board, by the Administration which is committed to its passage. We as farmers have evertightening cost squeeze to contend with in our farming operation. Now, for the first time in our nation's history labor gets more of the consumer's food dollar than does the farmer. We have seen that since 1960 the labor costs have increased almost 300%. We sincerely appreciate the efforts of our Alabama Congressional Delegation in opposing the passage of the National Labor Relations Act which was House of Representatives Bill 8410. Even though it did pass by a substantial margin in the House, we certainly urge and request that our Senators work for the defeat of this bill.

Thank you very much.

STATEMENT OF MR. CURTIS MCLELLAN

My name is Curtis McLellan and I'm from Lamar County, Alabama.

I'm a farmer by choice not by chance. My primary goal in American agriculture is to provide a decent, economic level of living for me and my family. Those that are secondary to that primary goal are 1) to help produce food and fiber for American people and for those in foreign countries 2) to enjoy what I believe is the best life on this earth and the first occupation known to man, agriculture 3) to continue to be a part of the greatest system of agriculture ever known to man, American agriculture.

These goals are becoming increasingly harder to obtain and almost impossible to maintain. American agriculture is in a very depressed condition. American agriculture is sick and is in dire need of diagnosing. But what are the problems? For the last three years, those of us in our area have blamed our problems upon what? We blamed our problems upon insects. We blamed our problems upon bad management, lack of research, lack of technology and on and on. You all know what we place the blame on. But regardless of the reason, we all said that we cannot continue to farm under the present set of circumstances, regardless of the reason we gave them. How many of you have said in the last three years, if we have one bad crop, it's going to destroy us. All it will take is one bad crop. But then every spring, we're led to believe that things are going to get better—the future is brighter around the corner and everything is going to be all right. But, in fact, this year, there looks as if there is very little hope around the corner. I finally decided to see exactly where my problem lies. We've reached a point where we've said, "I don't know" for so long. We're much like the man, the paratrooper, who was about to parachute out of an airplane. He was so afraid he couldn't jump and finally the captain pushed him out the door and the captain hollered out at him, "Now, all you got to do is count to 10, pull the rip cord, that thing will open, you float on down to the ground and there will be a truck down there waiting on you to pick you up and take you back to the base." The ole boy was scared to death. He started counting—he counted to 10, he pulled the rip cord and nothin' happened. The thing didn't open. As he passed the other men floating on down to the ground, he hollered back at them and said, "Yea, I betcha there ain't no truck waiting on us down there either." To find out what my problem was, I've prepared this little chart. It's a simple little chart, but it tells us that the problem in farming is a problem with the homemaker, it's a problem with the businessman, it's a problem with everybody that's trying to earn a decent living in this country.

In 1972 for 5–10–15 fertilizer, the same fertilizer that our President used as an example, cost me $48.55 a ton. In 1977 that fertilizer in bulk which is supposedly cheaper cost $89.25 a ton, which is an 84% increase. Triple 13 fertilizer cost $62.80 a ton. In 1977 it cost $120.00 a ton or a 91% increase. 5–20–20 fertilizer, like most of us use on our beans, cost $68.00 a ton. In 1977 it cost $135.00 a ton. On May 4, 1972 I bought 2 tons of fertilizer for $136.00. In 1977 I paid $135.00 for 1 ton. That is a 98.5% increase. Ammonia Nitrate in 1972, for side dressing cotton, I paid $62.00 a ton for it. In 1977 I paid $145.00 a ton, which is 2.34 times or a 134% increase. This next one really amazes me. For my planting cotton (seed), I paid $180.00 a ton in 1972. Because I thought my problems were in bad seed, bad weather or what not in 1977, I bought the very best seed that I could find. I paid $648.00 a ton, which is a 260% increase. A boy later told me he paid over $700 for his for the very same reason. For bean seed, I paid $5.10 a bushel. In 1977 I paid from $11–$18 a bushel—an average of $13 a bushel or a 154% increase. The best buy in agriculture today is Treflan. For Treflan, I paid $98.00 for 5 gallons. In 1977 I paid $112.00 for 5 gallons, only a 14% increase.

Corotan—$3.20–$4.40, 37½% increase. Temik—$.96 a lb. to $1.75 a lb., a 82% increase. Anzar 529—this one amazes me and everyone of these things that are connected anyway whatsoever with oil or energy are the ones that have increased so drastically. Anzar 529 in 1972 was $2.75 a gallon. This year we paid $7.50 a gallon for it, a 172% increase.

Coke, we all like Coke where I come from. In 1972 a Coke cost 15c each. They are not as high as they are in Washington but they are high at home. In 1977 a Coke cost us 25c each. Of course I put this small item in here to show that we, as farmers, buy the same products. We buy the same goods as all consumers. This is a 67% increase. The average increase of these items is 112.3%. In 1972 I sold my cotton at 45c per lb. A 500 lb. bale brought me $225 before expenses were taken out. In 1977, if I had sold my cotton on December 2, 1977, I would have received 46.2c per lb., which is a 2.6% increase. For my beans in 1972, I received $3.40 per bushel. In 1977, if I had sold them on December 2, 1977, I would have received $5.47 per bushel, which is a 61% increase. To me, this chart tells me why the American farmer is in trouble.

The American farmer is in trouble for the same reason that the housewife is in trouble. The American farmer is in trouble for the same reason that the service station man is in trouble. We are all in trouble because of inflation. But what are the answers to the problems? In my simple way, I see this problem can be answered in two or three different ways. The farmers of this country can unite and cut production in half, which theoretically would double the price of our products, creating economic problems that I don't believe that we, as farmers, can even imagine. Another thing that we can do to be in control is to completely shut down. This would create economic chaos in my estimation in this country. A workable solution though is one that I believe will work. Of course I am speaking for cotton and soybeans. I believe that if the loan level on all commodities was based on production costs, including, of course, the cost of management (which is a reasonable cost of production), with government-controlled acres that this problem which worked for many years will work again. It worked to the best interest of farmers, consumers and a healthy economy of our country for many years. This program would enable the American farmer to continue to insure that the American people are the best fed, cheapest fed, best clothed, cheapest clothed nation on earth.

In closing, I would like to leave with you this one thought. This problem is a vital concern to the American people and to the continued progress of this nation. Farming is the backbone of this nation and the backbone is either broken or is badly bent. A fact could be shown to eliminate this fact. Agriculture is at the foot of the crop of this nation for the past 200 years. In the 1700's, Adam Smith, the father of modern economics, predicted that the day would come when one farmer would produce enough food and fiber for two people thereby leaving that other individual free to produce goods and services for both. He was ridiculed and scorned for such a rash prediction. Today, through efficiency, toil and sweat, the American farmer produces enough food and fiber for 55–57 people. I firmly believe that the strides we see in medicine, education, space exploration and humanity is because of this great feat of the American farmer. Is he not important? Thank you.

STATEMENT OF MR. JAMES EARL MOBLEY

My name is James Earl Mobley, Vice President Alabama Farm Bureau; President Alabama Peanut Producers Association; Peanut grower from Henry County, Alabama.

ECONOMIC IMPORTANCE

The economic importance of peanuts to our state is tremendous. In 1977 we grew 210,000 acres of peanuts with an average yield of 2,750 pounds per acre. The gross value of this peanut crop was 125 million dollars. There are approximately 8 to 10 thousand peanut growers in Alabama. These are mainly small family type farms. Peanuts keep these people on the farms, out of our cities, and off our welfare rolls.

COST OF PRODUCTION

Including all production costs except land rent, it takes about $275 to $285 to produce an acre of peanuts. This is out of pocket expense by the peanut farmer and must be paid even if he has a crop failure. Each dollar spent on production generates $4 to $5 in the economy as it is spent in the agricultural community. On 210,000 acres of peanuts we spend approximately 60 million dollars on production. This generates 300 million dollars into the agricultural economy of our area.

SOLUTION

Recently we have been asked for some recommendations on support level for additional peanuts. We recommend a loan for additional peanuts at not less than $300 per ton. We recommend that farmers be encouraged to use area marketing associations. We think this will ensure orderly marketing. We believe additional peanuts should be used for market development.

CONCLUSION

We support the efforts of growers and the USDA to develop expanded export markets for peanuts. The demand for all types of protein is at an all time high in both domestic and world markets. Peanuts are a valuable source of protein. By exporting additional peanuts, we not only provide for the protein needs of the developing or third world nations, but we also contribute to the U.S. economy by improving our balance of trade positions.

STATEMENT OF MR. DAVID MOORE

ESTATE TAXES

The Tax Reform Act of 1976 has been said to be the most comprehensive, complex, and massive overhaul of our tax system that has ever been attempted by Congress. It affects every taxpayer. The Act contains some changes that can benefit the family farm. For example, a more valuable tax credit of $30,000 now replaces the specific estate tax exemption of $60,000. The marital deduction has been increased from half of the adjusted gross estate to the larger of $250,000, or half the estate. The new law also permits a longer installment schedule for payment of estate taxes.

While these changes are helpful, the family farm still faces estate tax problems which could terminate its operation by future generations. One advantage of the bill is that if certain conditions are met, real property used for farming may be valued on the basis of its use, instead of, as has been the case, on the basis of its "highest and best" use. However, to take advantage of this change in farm property evaluation and the installment payment plan for estate taxes depends, in part, on family members continuing to operate the farm without disruption. The bill has a tax "recapturing" clause in it which if part or all of the farm must be sold within 15 years of estate settlement in order to meet expenses, or other purposes, the IRS may recapture the estate taxes immediately which were avoided by the "special valuation."

This seems to be what I would term a speculative tax based primarily upon inflation. What right does government have to "recapture" taxes following estate settlements? It seems this could go on for years. Where is the fairness in this? What happens if the value of the land goes down 50% and the heir is forced to sell? The new law certainly doesn't propose any refund in this case. It seems only fair to simplify estate settlements and let them be just that—a settlement.

In addition, if the farm is sold by the heirs at a later date, they may face high capital gains taxes due to the new carryover basis in the law. The stepped-up date-of-death basis for assets received from an estate is out. Basically from 1977 on, it will be the decedent's cost or the fair market value of the assets on December 31, 1976, if he bought it before that date. Obviously, with our present rate of inflation around 7%, the further away from 1976 one gets, the more capital gains he will have to pay when he sells.

All estate tax returns require that an appraisal of properties be made to determine its fair market value. Estate taxes are paid at this time based on the valuation. It seems the simplest method is to accept this valuation as a basis for future capital gains taxes.

The new law would, not only require an executor, say in 1984, to have an appraisal to determine the land value at the decedents time of death, which is a difficult enough task at any time, but it will also require him to inform all the heirs of the value of the property on December 31, 1976. This new carryover basis for capital gains calculations would be based on a very arbitrary, retroactive appraised value.

The basis of inherited property may not be stepped-up under the new law to fair market value with respect to appreciation after 1976.

In his State-of-the-Union message, President Carter said the tax system must be made fairer and simpler. It seems to me the recapture of estate taxes and carryover basis of property rules do not coincide with these goals.

STATEMENT OF MR. J. C. RANDOLPH

AGRICULTURAL CREDIT

We believe the following changes should be made in F.H.A. to enable it to better meet the credit needs of young farmers and others whose farming unit is too small to be an economical operation.

1. Revise the definition of family farm: The present definition of family farm requires the farming unit to be too small.

2. Increase the amount of operating loans available through F.H.A. by at least $50,000. (Increase to at least $100,000.)

3. Presently F.H.A. will not loan to a partnership. This should be changed because it discourages young farmers from pooling their resources and labor so that they can have a more economical unit.

4. Increase real estate loan limits to at least $200,000 and do not require all loans to be participation loans.

AGRICULTURAL CREDIT—GENERAL

Due to the extremely high cost in recent years of all agricultural inputs and the low prices received for most farm products in the most recent marketing period, coupled with surplus supplies and loan and target prices so low as to be below cost of production for most farmers; it is next to impossible to submit to any lending agency, when applying for a production or any other farm loan, a cash flow statement showing the ability to repay the requested loan from the sale of farm products. Therefore, it stands to reason that an increase in the prices received for farm products would do more to help the farm credit problem than all other remedies combined. After all, who in his right mind wants to increase the mortgage on his farm to obtain a loan he can't repay from the sale of products produced

with said loan? Who is willing to loan money to anyone when it is apparent that the loan can't be repaid?

Somewhere in the United States every year, farmers suffer a crop disaster caused by drought or flood and sometimes both. There is no way to tell when or where and to what extent. The present disaster program by itself simply is not adequate to prevent economic disaster to the affected farmers. Economic disaster loans need to be easier to obtain and must be adequately funded.

Crop insurance, coupled with the disaster program payment that would allow farmers to recover most of their cash operating expenses, would save many farmers from financial ruin. It would also greatly reduce the amount of money needed for economic disaster loans. Low interest loans are still loans and must be repaid.

We recommend that the present disaster program be continued, and that crop insurance, which covers two-thirds of 90% of normal or projected yield, as established by local A.S.C.S. offices, be made available to farmers.

Recommended insurance rate: 6% of crop value covered (at target price value). A 90% or better crop would receive no insurance payment because it would not be covered.

**Example: cotton—500 lb. yield:

500 x 90% = 450 lbs. x ⅔ = 300 lbs. x .60 = $180 (value) x 6% = 10.80 insurance premium per acre.

**See attached examples on cotton and corn, pages 4 & 5, 6 & 7.

If a former desired insurance on his crop, he would make his premium payment to the A.S.C.S. office on or before the final certifying date. The same rules used to determine eligibility for disaster payment would be used except for percentages. This insurance program would be farmer-financed, A.S.C.S. administered, and government underwritten.

Any farmer who did not wish insurance would still be covered by the disaster program as it now applies.

If a crop is eligible for insurance or disaster payment or both, the A.S.C.S. would adjust his yield, for the year involved, to 90% of his normal yield at the beginning of the year in which low yield occurred.

We propose that the average price received by farmers for cotton in the last five months of the year in which the crop is grown be used to determine the average price for cotton. This is the normal marketing period for cotton and would be more in line with the method used on other crops.

Cotton: .60 target price; 500 lb. projected yield.

In this example, the target price will be used as the price received for crop produced and sold.

Insured crop, 50-percent yield:	
Sales (250 lb × 0.60)	$150.00
Disaster payment (125 lb × 0.20)	25.00
Insurance payment (200 lb × 0.40)	80.00
Total	255.00
Less insurance premium	−10.80
Total	244.20
Noninsured crop, 50-percent yield:	
Sales (250 lb × 0.60)	150.00
Disaster payment (125 lb × 0.20)	25.00
Total ($69.20 more with insurance)	175.00
Insured crop, 60-percent yield:	
Sales (300 lb × 0.60)	180.00
Disaster payment (75 lb × 0.20)	15.00
Insurance payment (150 lb × 0.40)	60.00
Total	255.00
Less insurance premium	−10.80
Total	244.20
Noninsured crop, 60-percent yield:	
Sales (300 lb × 0.60)	180.00
Disaster payment	15.00
Total ($49.20 more with insurance)	195.00
Insured crop, 70-percent yield:	
Sales (350 lb × 0.60)	210.00
Disaster payment (25 lb × 0.20)	5.00
Insurance payment (100 lb × 0.40)	40.00
Total	255.00
Less insurance premium	−10.80
Total	244.20
Noninsured crop, 70 percent yield:	
Sales (350 lb × 0.60)	210.00
Disaster payment	5.00
Total ($29.20 more with insurance)	215.00
Insured crop, 80-percent yield:	
Sales: (400 lb×0-60)	240.00
Disaster payment	None
Insurance payment (50 lb×0.40)	20.00
Total	260.00
Less insurance premium	−10.80
Total	249.20
Noninsured crop, 80-percent yield:	
Sales (400 lb×0.60)	240.00
Disaster payment	None
Total ($9.20 more with insurance)	240.00
Insured crop, 85-percent yield:	
Sales (425 lb.×0.60)	255.00
Disaster payment	None
Insurance payment (25 lb×0.40)	10.00
Total	265.00
Less insurance premium	−10.80
Total	254.20
Noninsured crop, 85-percent yield:	
Sales (425 lb.×0.60)	255.00
Disaster payment	
Total ($0.80 less with insurance)	255.00

Corn Example: Target price $2.40 per bushel. 100 bu. yield 100 bu. × 90% = 90 bu. × ⅔ = 60 bu. × 2.40 = $144.00 (value) × 6% = $8.64 insurance premium per acre.

Insured crop, 50-percent yield:	
Sales (50 bu×2.40)	$120.00
Disaster payment (10 bu×1.20)	12.00
Insurance payment (40 bu×1.60)	64.00
Total	196.00
Less insurance premium	−8.64
Total	187.36
Noninsured crop, 50-percent yield:	
Sales (50 bu×2.40)	120.00
Disaster payment (10 bu×1.20)	12.00
Total ($55.36 more with insurance)	132.00
Insured crop, 60-percent yield:	
Sales (60 bu×2.40)	144.00
Disaster payment	None
Insurance payment (30 bu×1.60)	48.00
Total	192.00
Less insurance premium	−8.64
Total	183.36
Noninsured crop, 60-percent yield:	
Sales (60 bu×2.40)	144.00
Disaster payment	None
Total ($39.36 more with insurance)	144.00
Insured crop, 70 percent yield:	
Sales (70 bu x 2.40)	168.00
Disaster payment	None
Insurance payment (20 bu x 1.60)	32.00
Total	200.00
Less insurance premium	−8.64
Total	191.36
Noninsured crop, 70-percent yield:	
Sales (70 bu x 2.40)	168.00
Disaster payment	None
Total ($23.36 more with insurance)	168.00
Insured crop, 80-percent yield:	
Sales (80 bu x 2.40)	192.00
Disaster payment	None
Insurance payment (10 bu x 1.60)	16.00
Total	208.00
Less insurance premium	−8.64
Total	199.36
Noninsured crop, 80-percent yield:	
Sales (80 bu x 2.40)	192.00
Disaster payment	None
Total ($7.36 more with insurance)	192.00
Insured crop, 85 percent yield:	
Sales (85 bu x 2.40)	204.00
Disaster payment	None
Insurance payment (5 bu x 1.60)	8.00
Total	212.00
Less insurance premium	−8.64
Total	203.36
Noninsured crop, 85 percent payment yield:	
Sales (85 bu x 2.40)	204.00
Disaster payment	None
Total ($0.64 less with insurance)	204.00

Mr. ALLEN. I yield the floor.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, what is the time set for the convening of the Senate on tomorrow under the previous order?

The ACTING PRESIDENT pro tempore. 9:15 a.m.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PERCY TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, after the prayer, Mr. PERCY be recognized, as in legislative session, for not to exceed 15 minutes, preceding the two orders for recognition of Senators made some time ago.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Routine morning business transacted and additional statements submitted are printed later in today's RECORD.)

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume the consideration of Executive N, 95th Congress, 1st session, which the clerk will report.

The assistant legislative clerk read as follows:

Executive N, 95th Congress, 1st Session, treaty concerning the permanent neutrality and operation of the Panama Canal.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized.

Mr. ALLEN. Mr. President, I thank the Chair for recognizing me at this time, and I thank the distinguished majority leader (Mr. ROBERT C. BYRD) for arranging last week that I might be recognized first when the treaties were to be laid before the Senate today. I appreciate, too, the attitude of the joint leadership (Mr. ROBERT C. BYRD and Mr. BAKER) in recognizing that this is one of the most important issues to come before the U.S. Senate in recent years, and that it is entitled to full debate and the opportunity to offer constructive substantive amendments to the treaties.

My opposition to approval by the Senate—that is, that the Senate give its advice and consent to the ratification of the treaties—is not a position as I have come to only recently, in recent weeks or in recent months. Each month since I have come to the U.S. Senate I have sent back to the people of Alabama a report of my position on the issues, my vote, my stand, and my activities in the U.S. Senate. I find, looking back, that in my newsletter of October 1971 I stated my position on the Panama Canal Treaty, thinking at that time it would be one treaty embodying all of the provisions agreed upon by the negotiators. The position that I arrived at in October 1971, some 5 years before Governor Reagan discovered this issue, was a position in opposition to the Panama Canal Treaty, that is, a treaty which would give the Panama Canal to Panama, I worded my statement at that time as follows:

"NO" ON GIVING UP PANAMA CANAL

The Nixon Administration is currently negotiating with the Republic of Panama for a new treaty respecting the operation, management and defense of the Panama Canal. The proposed new treaty would replace the present treaty which has been in effect since 1903. Under consideration are proposals to surrender sovereignty over the Canal to Panama, raise transit tolls, subject the Canal facility to joint defense, management and control, and eventually give up Panama both the existing Canal and any new one constructed in Panama at the expense of our taxpayers. Panama is holding out for a provision that would remove U.S. defensive forces. It has long been a Soviet aim to wrest control of the Panama Canal from us. With Cuba, Bolivia, Peru, and now Chile, already dominated by Communist power, the rest of Latin America could then soon be under Soviet control. Surrender of United States sovereignty over the Panama Canal will be vigorously opposed by me.

Mr. President, I could write the very same statement of my position today as I had back in October 1971 by merely striking out "Chile" and the words "Nixon administration" and substituting in lieu thereof the words "Carter administration." Just as I opposed the treaties which were being negotiated under President Nixon, so do I now oppose the treaties which have been negotiated under President Carter.

Mr. President, the President of the United States sent the two treaties to the Senate last year during the 1st session of the 95th Congress. He sent up, quite naturally and quite logically, the Panama Canal Treaty first in executive N, so-called, followed second by the neutrality treaty, also part of executive N. That, of course, would be a logical and sensible order in which to submit the treaties, because the Panama Canal Treaty provides for a transfer of the canal to Panama, and the circumstances under which the canal will be so transferred. The other treaty, the Neutrality Treaty, in practical effect provides for the defense of the canal starting with the year 2000.

So why, Mr. President, should the Senate be considering the matter of the neutrality of the canal starting with the next century without first deciding whether we are going to give the canal away?

Mr. ROBERT C. BYRD. Mr. President, will the Senator permit me to answer that question?

Mr. ALLEN. The distinguished Senator has been so gracious in yielding to other Senators that, whereas I would like to be able to complete my remarks, I will certainly not refuse to yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, the Senator is very kind to yield, and I apologize for interrupting him at this point. May I just state that it was the viewpoint of the leadership and the viewpoint of the committee in reporting the Neutrality Treaty first to the Senate that logically Senators should vote on that treaty before voting on the Panama Canal Treaty. The Panama Canal Treaty would relinquish U.S. control over the canal by the year 2000, and the leadership recognizes that most Senators would not want to vote on the treaty relinquishing control of the canal in the year 2000 without first establishing, beyond any doubt whatsoever, the right of the United States to guarantee access to and use of that canal after the year 2000 in perpetuity, and also to establish the fact beyond any semblance of doubt that U.S. war vessels, in times of need or emergency, would go to the head of the line.

As I look at this question as an individual Senator, I personally would want to know what is going to happen after the year 2000 before I vote on a treaty relinquishing U.S. control by the year 2000. That was the logic of the committee and the leadership's position, may I say to my good friend from Alabama.

Mr. ALLEN. I thank the distinguished majority leader for his attempt to justify the consideration, first, of the Neutrality Treaty rather than the Panama Canal Treaty. The distinguished Senator knows, of course, that if we were considering the Panama Canal Treaty, it would be quite easy to add an amendment that the treaty, even though approved, would not go into effect until the Neutrality Treaty had been agreed to.

At the latest count, this amendment has some 78 cosponsors, the Senator now speaking being one of them. Even if we did not put in a saving clause, this Canal Treaty, in practice, would not go into effect until the Neutrality Treaty is approved. We would be perfectly safe, even without a saving clause, in doing this because the 78 votes would be sufficient to approve the treaty. So if that is what he is worried about, it will protect him.

Also, I would like to call attention to the fact that article IV of the Panama Canal Treaty is just about as strong a provision for the defense of the canal as the so-called leadership amendment. A little bit later on, and I will not say just how soon, during the course of my remarks I will discuss the leadership amendment. It adds practically nothing to the concept of the United States having the right to defend the canal. I feel, in explanation to our distinguished majority leader, the distinguished Senator from West Virginia, that the Panama Canal Treaty should be considered first. I stated in the early days of the debate that at the appropriate time I would make a motion here in the Senate to proceed to the consideration of the Panama Canal Treaty. I feel this is a function, a proper function, of the leadership, to schedule the legislation or the executive business coming before the Senate in its proper order. There has been no objection to the leadership calling up the Panama Canal treaties at this time, but I do believe that the Senate itself should decide the order in which these treaties are to be considered. First things should be first. We should not put the cart before the horse. We should decide first whether it is going to be our national policy to surrender the Panama Canal to the Republic of Panama, and whether we shall give them hundreds of millions of dollars, if not in fact billions of dollars, for taking the canal off our hands.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. ALLEN. I yield to the distinguished Senator.

Mr. ROBERT C. BYRD. Mr. President. the Senator in referring to that treaty implies it does not go into effect until the year 2000. As a matter of fact, the instrument of ratification of the Neutrality Treaty would be exchanged at the same time as the instrument ratification of the treaty concerning the Panama Canal. Both treaties would go into effect at the same time.

I would further say to the Senator that the Senate leadership has put before the Senate the Neutrality Treaty, and the Senate leadership has scheduled debate on that treaty which, under that proposal, would go into effect at the same time as the Panama Canal Treaty.

(Mr. MELCHER assumed the chair.)

Mr. ALLEN. Mr. President, I thank the distinguished majority leader. Of course, the treaty does go into effect at the same time as the Panama Canal Treaty, but the chief function that it would have, inasmuch as the United States until the

year 2000 is charged with the primary defense of the canal, is found in the fact that the Neutrality Treaty applies mainly to the time when all U.S. troops would be removed from the Canal Zone. That is the main thrust of the treaty, because under the Panama Canal Treaty the United States does have the primary responsibility of defending the canal.

Under the Panama Canal Treaty and the signed agreements which have been entered into, our number of bases there in the Canal Zone, designed to protect and defend the canal, immediately on the approval of the Panama Canal Treaty are cut from 14 down to 4. But then starting with the year 2000, unless an amendment I have prepared is agreed to, prior to the start of the next century, the United States is required to withdraw all of its troops from Panama. We will not have a single soldier there defending the canal starting with the year 2000.

If we are going to give the canal away and pull all of our soldiers out, we certainly need some sort of treaty which will give us some sort of rights after year 2000.

Later on I am going to point out how the so-called leadership amendment does not protect the vital interests of the United States in seeing that the canal is defended.

Mr. President, all of us have an interest in the Panama Canal, this great engineering feat, possibly the greatest of all times. There was, as I understand it, more cubic feet of dirt removed than the cubic footage in the pyramids. It was a great engineering accomplishment made by the genius of America after the French had failed in their attempt to build a canal.

People of some States possibly have a great interest in the canal because of special contributions made by the people of their particular State. I noted with great interest when the distinguished majority leader quoting from Mr. David McCullough's book, "The Path Between the Seas." He read of the very fine contribution made by the State of West Virginia in the construction of the canal. This is found in the RECORD of February 9, 1978.

Among the more fascinating facts about the Panama Canal, for example, is that all hardware for the lock gates—the lifting mechanisms for the stem valves, the special bearings, gears and struts in the gate machines, all 92 bull wheels—was made by a single manufacturer in Wheeling, West Virginia.

That was certainly a very fine contribution made by the people of West Virginia in the construction of the canal.

I wish I were able to point out some contribution made by the people of Alabama and the State of Alabama in the actual, physical construction of the canal. I am not able to do that, but I am able to point with pride to the contribution made by three great Alabamians in connection with the concept of the canal and the execution of the plans and the dreams from the Panama Canal.

Senator John T. Morgan, of Alabama, one of Alabama's great U.S. Senators, who served in the U.S. Senate from 1877 to 1907, was called, and properly, the father of the Isthmian Canal. General—or doctor, if you will—William Crawford Gorgas was the doctor in charge of the medical facilities, the health programs, in Panama and in the Canal Zone. He is credited, and properly, with having wiped out yellow fever there, in the Canal Zone, which was one of the real causes of de Lesseps' inability and failure to complete the Panama Canal that he tried heroically to build.

The people thought that the fever came from the swamps, and that was the best medical opinion at the time. But Dr. William Crawford Gorgas of Alabama had the idea—it was not original with him, but it had been advanced, and he put into effect a plan to wipe out the mosquitoes in Panama——

Mr. PERCY. Mr. President, will the Senator yield?

Mr. ALLEN. A plan that did make a great contribution to the building of the canal.

In just one moment, I shall yield to the distinguished Senator.

Then Gen. William L. Sibert—he was later general and then, colonel—was Colonel Geothals' righthand man in the building of the Gatun locks. These great Alabamians made a great contribution to the building of the canal. I am certainly proud of the fact that Alabama, by the contribution of these three great leaders, possibly contributed more to the building of the canal than people of any other State, with the possible exception of New York State, which was the home of President Teddy Roosevelt.

Yes, I am now glad to yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I appreciate that very much.

My distinguished colleague from Alabama, a few moments ago, mentioned the figure that I have had referred to me previously in Illinois in the last 8 days on a number of occasions, as I have discussed the Panama Canal Treaty from one end of my State to the other. I should like to accurately report that there are many people who are applauding the efforts of the distinguished Senator from Alabama to bring out many of these facts. Some of the concerns he has expressed are genuine concerns, that are shared by many of us, including citizens in Illinois.

One point that was raised with me, however, is, Why is it necessary for us to reduce our bases there up until the year 2000? The amendment that I cosponsored with the majority and minority leaders and other of our colleagues would still continue, after the year 2000, the right for this country unilaterally to intervene militarily, so long as we do not interfere with the internal affairs of Panama, any time the canal is endangered—that is clear. But why do we have to cut our number of bases down in the meantime so much?

The distinguished Senator from Alabama did mention the figure that we were cutting our bases, from 14 to 4. Will he permit me just 2 minutes to read a section here in the testimony of General McAuliffe, whom many of us met, as the U.S. commander in chief for the U.S. Sovereign Command? We happened to fly back with him to Washington. We spent a great deal of time talking about this. He confirmed these facts.

He said in his testimony:

First, I wish to clarify the land areas available for defense purposes, since there has been considerable confusion about the number of military bases we now have in the Canal Zone, and those that will be available to the U.S. forces in the new treaty period. On several occasions, as an example, I have seen and heard statements to the effect that there are now 14 U.S. bases in the Zone, but that there will be only four left under the 1977 treaties. I know of no good fundation for either one of those figures—neither is correct. By actual count, there are 22 identifiable U.S. military reservations in the Canal Zone, most of them in active use, some inactive. However, they are administratively grouped in the Code of Federal Regulations into four; one per military service and one for my joint headquarters.

In my judgment, the number of bases is far less important than their adequacy to support of our forces and missions.

One can see from the two maps—

That he was demonstrating in committee at the time—

that the size of the base areas in red would be somewhat reduced under the new treaties. As the military commander, I can assure you that the reduction is not significant in terms of supporting U.S. forces and our mission accomplishment.

I talked to no one in our military establishments—Joint Chiefs of Staff or those in the Southern Command—who did not feel that, up until the year 2000, we have perfectly adequate facilities in Panama to protect, at any time, the Panama Canal against the kind of threat that we might possibly envision.

They always raised the question whether any degree of protection is available against a sabotage or terrorist activity, which can strike at almost any time, day or night, and which cannot always be guarded against. But so far as the major military threat against the base, I was assured when I came back, I want to tell my distinguished colleague from Alabama, that we are providing adequately in the bases. The four bases really do not constitute a cutdown from 22 or 14 to 4. It is simply a regrouping of them and is perfectly adequate for the defense of the canal.

Does my distinguished colleague have any different information that would lead him to believe that what we were told by the Joint Chiefs of Staff and the Southern Command was inaccurate?

Mr. ALLEN. I thank the distinguished Senator for his comments. One of the arguments, as I understand it, that is made by the proponents of the treaties is that the canal is indefensible. That being true, one would think that 14 bases—U.S. soldiers and marines in 14 bases could come nearer defending the canal than could American forces in four bases. But four is not the bottom line, because, under the side agreements that are made, that we do not have an opportunity even to vote on here in the Senate, according to the response of the distinguished Vice President (Mr. MONDALE) to my parliamentary inquiry—under the side agreements, every 2 years they consider whether they are going to

cut down from four with no right to come back in except with Panamanian approval. So it is possible that, long before 2000, we shall not have any bases there at all. If we do not need 22 bases there and just need 4, why have we kept them there all this while? This is something I cannot understand.

Obviously, it would be easier to defend now from 22 bases than from 4 bases.

The distinguished Senator has put his finger on the Achilles heel of the leadership amendment, the amendment that seeks to provide a defense of the canal after all of our forces have been withdrawn.

Is the amendment overlooks the fact—and the Senate or, as well, overlooked the fact—that all of our troops will have been withdrawn from Panama by the year 2000. So, when this Neutrality Treaty comes into full play, into full operation, we will not have any military presence there at all. It will all be gone.

If we think it is necessary to come in and defend the canal, we are going to have to come in as invaders. We are going to have to drop paratroopers.

The amendment that I am going to offer at the proper time—and right now, as I understand it, we are discussing the whole concept of the Panama Canal treaties and not necessarily discussing any particular article—will be an amendment to article I of the Neutrality Treaty, or the Panama Canal Treaty, depending on which one is before the Senate at that time, to add, in addition to what is already provided in article I, this proviso, that the military presence of the United States shall continue beyond December 31, 1999, if the President of the United States deems that it is necessary for the defense of the canal or for the maintenance of its neutrality, and so certifies to the Government of Panama prior to December 31, 1999.

Now, with that amendment we would have the military presence of the United States continue beyond the year 2000 if the President of the United States deems that it is necessary to do so prior to December 31, 1999, and so certifies to the Government of Panama, because without that amendment either as an amendment to article I or to the leadership amendment, so-called, without that amendment we are not going to have any soldiers in Panama come the year 2000. But with the amendment, our country has the option and the President of the United States has the option, acting on behalf of the people of the United States, to say that our military presence is needed in the Canal Zone to defend the canal or to maintain its neutrality.

The statement has been made that the last three or four Presidents have favored the Panama Canal treaties, and possibly they have. So I assume that the President of the United States, whoever he might be along about the year 1999, if he did not sincerely feel that it was necessary for us to maintain our military presence there in Panama, he would not deem it necessary and would not so certify to the Government of Panama.

But it does retain an option on behalf of the people of the United States, if our military presence is required there after the year 2000. Thus, prior to the lapse of the Panama Canal Treaty which will, in effect, lapse by the year 2000, it retains in the United States the option of the President to say that our troops are needed here to defend the canal.

We do not know what the situation is going to be in the year 2000. Is there any prophet here who is able to say what the governmental status of Panama will be in the year 2000?

We do not know what it will be tomorrow, much less the year 2000.

Mr. CHURCH addressed the Chair.

Mr. ALLEN. Will the Senator wait until I complete my thought?

Panama might be a Cuban satellite, it might be a Soviet satellite. I think we can certainly expect Castro, just as soon as the ink is dry on the Presidential ratification of these treaties, if they are ratified, to tell us to get out of Guantanamo. I dare say he would have just about as good a right to ask us to get out of our naval base in Cuba as Panama has to tell us to get out of the Canal Zone.

So are we taking on ourselves the role of prophets under the leadership amendment, under the treaties, that we are going to have a stable government down there in Panama and that they are going to be our friends? That is what the treaties and the leadership amendment presuppose.

Mr. CHURCH. Will the Senator yield?

Mr. ALLEN. Yes, I am delighted to yield to the distinguished Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. I thank the Senator from Alabama very much.

The point that he makes, that none of us can prophesy the future, of course, is self-evident.

I would point out to him, however, that the committee's recommended amendment go to the question of the security of the canal in the future, reserving to the United States the right to use its military forces to protect the canal against any threat that might be posed to it, whether external or internal.

If the Senate sees fit to adopt the recommended amendment, it seems to me that the vital interest the United States has in maintaining an open, neutral, safe waterway across the isthmus will be fully protected.

If, for example, at the end of the century a situation should exist in Panama as described by the able Senator from Alabama and the President perceived a threat to the canal, internal in character, then under the terms of the amendment it would be fully within the President's authority to use American military might to keep the canal safe and open.

Mr. ALLEN. Well, I am glad to hear the Senator say that, and I quote "it would be fully within the President's authority to retain troops for the purpose of keeping the canal safe and open" and, that being true, I am sure he will not object to agreeing to my amendment, if his amendment means that.

Mr. CHURCH. That being true, the Senator's amendment is superfluous and, therefore, unnecessary.

Mr. ALLEN. I thank the Senator for his admission that this is needed, this interpretation is needed; and why rely on an interpretation that might not be the interpretation of Dictator Torrijos when we can put it in plain English language?

I do not know what the final result will be in the Spanish language.

Now, the distinguished Senator from New Mexico asked that I yield to him a moment ago. If he still wishes me to do so, I will, and then I will yield to the distinguished Senator from Nebraska (Mr. CURTIS).

Mr. SCHMITT. The Senator from New Mexico appreciates the Senator's courtesy.

I just wanted to add my general concurrence and sympathy with the remarks of the Senator with respect to the so-called leadership amendment, having to do with the right of this country to intervene to protect the neutrality of the canal.

As a cosponsor of that leadership amendment, I should make clear that I am a cosponsor only because it slightly improves two treaties that are inherently bad, primarily because they are bilateral and it only requires one party to break such a treaty. I am not sponsoring those amendments with any great confidence that they would allow us, in fact, in a real situation, faced with the real fact, which the Senator from Alabama is pointing out to us this morning, to intervent militarily.

I greet with some interest the suggestion by the Senator from Alabama for a more specific amendment that would deal with the question of the ability to intervene, which is what I believe the Senator is getting to.

Mr. ALLEN. That is correct.

Mr. SCHMITT. I thank the Senator.

Mr. ALLEN. I might state, parenthetically, in response to the distinguished Senator from New Mexico (Mr. SCHMITT), that I, too, am a cosponsor of the so-called leadership amendment. I am a cosponsor on the same theory as the distinguished Senator from New Mexico—that it might just possibly improve the treaties. The improvement is very slight, indeed, but since such a furor has been made about the leadership amendment, that it solves all the ills of the treaty and from then on we will be fully protected—since that idea seems to be prevalent in some minds, I did not want to seem to be in opposition to that amendment.

Also, for the further reason, I say to the distinguished Senator from New Mexico, that being a cosponsor of the amendment allows me to point out its weaknesses, its defects, its failure to go far enough. I feel that, being a cosponsor of this amendment, I would have a perfect right to point out its shortcomings, which are many, and I am going to comment as soon as I yield to the distinguished Senator from Nebraska (Mr. CURTIS) for another short comment or two.

I now yield for a question to the Senator from Nebraska.

Mr. CURTIS. I thank my distinguished friend.

Is it true that there has not been an election in Panama since 1968?

Mr. ALLEN. I believe that is correct.

There has not been one since Torrijos engineered what we might call a coup d'etat.

Mr. CURTIS. Can the Senator from Alabama say why they do not have an election?

Mr. ALLEN. Because they have a dictator there who does not like free elections, I say to the distinguished Senator from Nebraska.

Mr. CURTIS. Is there anything in the leadership amendment that would hold this treaty in abeyance until such time as the Panamanians are in charge of their own government?

Mr. ALLEN. No; I looked with great interest for such provision but was unable to find it.

I might say, further, that I talked to one of the Senators who went to Panama. I did not go this current round to Panama. But I will have to confess, however, that I did on one occasion visit Panama, at Government expense, back in 1943, in the U.S. Navy. Our ship moved from the Atlantic to the Pacific on the way to fight Japan, and I did travel the canal at that time. But that was prior to Mr. Torrijos' coup d'etat in Panama.

Mr. CURTIS. Is it the Senator's opinion that the adoption of the leadership amendment would cure the major objections to the treaty?

Mr. ALLEN. No. I am quite certain it would not. It is just a little tempest in a teapot. It amounts to practically nothing. But it has been built up as being a cure-all for the many defects of the treaty. It does not even touch the real defects, and certainly in the area that it addresses, it falls far short.

In line with the remarks of the distinguished Senator from Idaho (Mr. CHURCH) a moment ago, since that is the intent of the leadership amendment, that we should be able to keep forces there beyond the year 2000, I would like to get that fact written into the amendment they offer, so there can be no misunderstanding.

Mr. CURTIS. Is there a difference between an amendment that improves the treaty and an amendment that just makes it more palatable to Senators and the public generally?

Mr. ALLEN. Well, of course, the strategy, as I understand it, of the proponents, is that the original treaties, as entered into, signed by the President and Dictator Torrijos, created such an uproar and were so deficient in not providing for the rights of the United States to defend the canal, that the President and Torrijos entered into an unsigned memorandum to calm troubled waters.

Torrijos straight away placed a different interpretation on it from that which the distinguished Senator from Idaho seems to place on the leadership amendment, which is, of course, an amendment based on the memorandum.

The Senator knows that when Torrijos went back to Panama, after having agreed to this unsigned memorandum, he made the statement that he did not sign anything in Washington, that he did not even sign an autograph. He said that he would construe that memorandum, which is now the leadership amendment, in effect, to mean that it did not give the United States the right to come down and defend the canal. It gave us the duty to do so when—to use his words originally in Spanish, I assume—when he pressed the button. That is the way Torrijos interprets the memorandum which, in effect, is now the leadership amendment.

So if Torrijos has one interpretation placed upon the language of the memorandum, which is now the leadership amendment, then I think we should spell it out, we should spell out that we can keep your military presence there if the President at that time—at the time of the complete pullout—feels that complete withdrawal would not permit us properly to defend the canal.

I feel this added amendment, this added power, should be spelled out, so that there will not be any doubt in Mr. Torrijos' mind about what the language means.

Mr. CURTIS. In reference to the Torrijos interpretation of what he signed here and what was agreed to, has that been made a matter of record before the Senate?

Mr. ALLEN. Made a matter of record where?

Mr. CURTIS. Made a matter of record so that it is now before the Senate in any of our documents.

Mr. ALLEN. Yes. Last year, I made 24 speeches on the floor of the Senate pointing out some of the defects in the treaty. In one of those speeches, I pointed it out. It is in the CONGRESSIONAL RECORD.

Mr. CURTIS. I thank the Senator.

Mr. GRIFFIN. Mr. President, will the Senator yield at that point?

Mr. ALLEN. The distinguished Senator from Idaho was on his feet first, and I will yield to the distinguished Senator from Michigan in just a moment.

Mr. CHURCH. I wonder whether the able Senator from Alabama will yield to me for the purpose of inserting in the RECORD the relevant language of the amendment, together with the committee's interpretation of the amendment.

Mr. ALLEN. I have no objection, provided I do not lose my right to the floor.

Mr. CHURCH. I thank the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

The material ordered to be printed in the RECORD is as follows:

A. AMENDMENT INCORPORATING IN ARTICLE IV OF THE NEUTRALITY TREATY THE RIGHTS OF DEFENSE SET FORTH IN CARTER-TORRIJOS JOINT STATEMENT

The Committee recommends that article IV of the Neutrality Treaty be amended by adding at the end thereof the following:

A correct and authoritative statement of certain rights and duties of the Parties under the foregoing is contained in the Statement of Understanding issued by the Government of the United States of America on October 14, 1977, and by the Government of the Republic of Panama on October 18, 1977, which is hereby incorporated as an integral part of this Treaty, as follows:

"Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the Neutrality Treaty), Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of the two contries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the Canal or against peaceful transit of vessels through the Canal.

"This does not mean, nor shall it be interpreted as, a right of intervention of the United States in the internal affairs of Panama. Any United States action will be directed at insuring that the Canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama."

STATEMENT OF INTENT

The Committee's intent in recommending the adoption of these two amendments to the Neutrality Treaty is that the Carter-Torrijos Joint Statement of October 14, 1977, be made an integral part of the treaty with the same force and effect as those treaty provisions submitted to the Senate initially for its advice and consent.

The Committee had originally voted to include the Joint Statement in a single amendment which would have added as a new article IX to the treaty. Upon being advised by the State Department—contrary to previous advice—that this placement could require a new Panamanian plebiscite, the Committee voted to reconsider the proposed article IX and voted instead to recommend the addition of that same material, in two parts, to articles IV and VI. This did not represent a "flip-flop"; in each instance the substantive wording was identical to that of the Joint Statement, and each provision—whether placed in one article or in two—would have had precisely the same legal effect, being equally binding internationally. The difference is purely one of cosmetics. If a negligible change in form, with no change whatsoever in substance, could obviate the need for a new plebiscite—an eventuality which could complicate vastly the ratification process—then the Committee concluded that it would happily oblige.

The meaning of these amendments, which together constitute the entire Joint Statement, is plain. The first amendment relates to the right of the United States to defend the Canal. (It creates no automatic obligation to do so. See p. 74 of this report.) It allows the United States to introduce its armed forces into Panama whenever and however the Canal is threatened. Whether such a threat exists is for the United States to determine on its own in accordance with its constitutional processes. What steps are necessary to defend the Canal is for the United States to determine on its own in accordance with its constitutional processes. When such steps shall be taken is for the United States to determine on its own in accordance with its constitutional processes. The United States has the right to act if it deems proper against any threat to the Canal, internal or external, domestic or foreign, military or non-military. Those rights enter into force on the effective date of the treaty. They do not terminate.

The above-described rights are not affected by the second paragraph of the amendment, which provides that the United States has no "right of intervention . . . in the internal affairs of Panama", and which prohibits the United States from acting "against the territorial integrity or political independence of Panama." The Committee notes, first, that these provisions prohibit the United States from doing nothing that it is not already prohibited from doing under the United Nations Charter, which proscribes "the threat

or use of force against the territorial integrity or political independence of any state" (article 2(4)). The Committee never supposed that the United States, in entering into the Neutrality Treaty, intended to obtain powers that it had previously renounced. The Committee thus does not believe that the provision in question substantively alters existing United States commitments to Panama.

Second, the prohibitions set forth in the second paragraph do not derogate from the rights conferred in the first. The Joint Statement recognizes that the use of Panamanian territory might be required to defend the Canal. But that use would be for the sole purpose of defending the Canal—it would be purely incidental to the Canal's defense; it would be strictly a means to that end, rather than an end in itself; and it would not be carried out for the purpose of taking Panamanian territory. The concepts of the territorial integrity and political independence of Panama are, in short, an integral part of the treaty, so that action directed at preserving the regime of neutrality set forth in the treaty would never be directed against Panama's territorial integrity or political independence.

For these reasons, use of Panamanian territory to defend the Canal would clearly be permissible under the portion of the Joint Statement incorporated in Article IV. This is made clear in an opinion presented to the Committee by the Department of Justice (hearings, part 1, p. 332):

"A legitimate exercise of rights under the Neutrality Treaty by the United States would not, either in intent or in fact, be directed against the territorial integrity or political independence of Panama. No question of detaching territory from the sovereignty or jurisdiction of Panama would arise. Nor would the political independence of Panama be violated by measures calculated to uphold a commitment to the maintenance of the Canal's neutrality which Panama has freely assumed. A use of force in these circumstances would not be directed against the form or character or composition of the Government of Panama or any other aspect of its political independence; it would be solely directed and proportionately crafted to maintain the neutrality of the Canal."

Finally, even if a conflict were somehow to arise between the two paragraphs, because the United States has the right to act against *"any . . .* threat directed against the Canal", there is no question that the first would prevail. The rights conferred therein are stated in absolute terms and must therefore be construed as controlling.

Mr. ALLEN. Does the Senator wish to ask a question predicated upon that insertion?

Mr. CHURCH. First, I would like to refer to the insertion, and then I may or may not have a question.

Mr. ALLEN. All right.

Mr. CHURCH. Mr. President, the language of this amendment speaks for itself.

Mr. ALLEN. I am yielding only for a question, because otherwise I would lose my right to the floor.

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senator from Alabama not lose his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. I yield for 3 minutes under those conditions.

Mr. CHURCH. I thank the Senator very much.

Mr. President, the actual language of the amendment which would be written directly into the text of the treaties is based upon the language of the communique agreed upon by the two Presidents. The language speaks for itself, and it is as follows:

The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality and consequently shall have the right to act against aggression or threat directed against the Canal or against the peaceful transit of vessels through the Canal.

If the Senate adopts this amendment that language will be written directly into the text of the treaty.

Furthermore, the Panamanian Government will have to sign off on the amended treaty at the time the instrument of ratification is filed. As a result, there will be no question that the United States has the right to intervene militarily in the event the canal is ever threatened.

This is what the Committee on Foreign Relations has to say about that language:

It allows the United States to introduce its Armed Forces into Panama whenever and however the canal is threatened. Whether such a threat exists is for the United States to determine on its own in accordance with its constitutional processes. What steps are necessary to defend the canal is for the United States to determine on its own in accordance with its constitutional processes. When such steps shall be taken is for the United States to determine on its own in accordance with its constitutional processes. The United States has the right to act as it deems proper against any threat to the canal, internal or external, domestic or foreign, miliatry or nonmilitary. Those rights enter into force on the effective date of the treaty and they do not terminate.

With all respect for the amendment to be offered by the Senator from Alabama, I do not see how language different from the amendment recommended to the Senate in the committee report could make more explicit or more definite the rights reserved to the United States. And the committee language, of course, is the same language that has been incorporated into the amendment introduced by Senators BYRD and BAKER, the majority and minority leaders, respectively. It conforms to the language of the communique agreed upon by both Presidents, and it would be riveted into the treaty.

I just think that unless the Senator can show me some way to improve upon that language his amendment is totally unnecessary and superfluous.

Mr. ALLEN. Mr. President, I thank the distinguished Senator. I will point out to him that what the Foreign Relations Committee says this means is not binding upon Dictator Torrijos who says it means something entirely different, and I will point out again to the distinguished Senator from Idaho—I sought to do so a moment ago—that his amendment overlooks the fact that these rights given to the United States subsequent to the year 2000 are rights given after all of our troops have been withdrawn. It is a right to invade Panama. They would give us that right but rob us of the means because by that time all of our troops will have been withdrawn from the canal and any of our intervention will be in the nature of an invasion of Panama.

Further, the leadership amendment has been offered herein for the RECORD by the distinguished Senator from Idaho, but he did not read out loud the last paragraph of the amendment which says that in no event will these rights under the leadership amendment be construed to authorize the United States to interfere with the internal affairs of Panama. Panama might be the very entity that is seeking to keeps us from using the canal. Panama might be under the control of Castro or some like dictator, and they will be the ones who are preventing us from using the canal. But yet we could not interefere with the internal affairs of the canal under the treaty.

So certainly if we invaded the country that would be interfering with the internal affairs of Panama.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. ALLEN. Yes. I yield at this time to the distinguished Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, I thank the Senator from Alabama.

Mr. President, I ask unanimous consent that I may be recognized for 3 minutes without the Senator from Alabama losing his right to the floor.

The PRESIDING OFFICER. Is there objection?

The Chair hears none.

The Senator from Michigan (Mr. GRIFFIN) is recognized for 3 minutes.

Mr. GRIFFIN. Mr. President, I commend the Senator from Alabama. Although he is a cosponsor of the so-called leadership amendment, he is pointing out some of its serious shortcomings. He is absolutely right, and I am not going to support the so-called leadership amendment for some reasons that I would like to talk about.

First of all, I will not support it because the representatives of the two countries, the United States and Panama, do not agree on what it means.

Mr. ALLEN. That is correct.

Mr. GRIFFIN. Second, because our interpretation would constitute a substantive change in the treaty, I feel very strongly that such a substantive change should be submitted to approval by the people of Panama. I have no confidence that, even if Mr. Torrijos personally agrees to something that we do, we can have any assurance that in the years down the road we are going to have a meaningful agreement with Panama.

And does the Senator from Alabama know—as a member of the Foreign Relations Committee, I, of course, am familiar with the exercise that went on, and I think it is important at this particular point in the debate to call attention to it—but is he aware of the fact that the so-called leadership amendment at one stage in the deliberations of the Committee on Foreign Relations was to be adopted as a new article of the Neutrality Treaty? Indeed, it had been approved

by a vote of the committee. Then, however, we received word from the State Department overnight that Mr. Torrijos would consider that, if we were to leave it as a separate amendment to the treaty, it would have to be submitted to the people of Panama in a plebiscite for approval; but if we divided the amendment in two, and tacked one part of it on one article and tacked another part of it on another article, then he was not going to submit it to the people of Panama for their approval—despite the fact that the words were exactly the same. How ridiculous can we get?

As a result of that, the Committee on Foreign Relations did a flip-flop and reconsidered their adoption of the leadership amendment which is, in effect, almost word-for-word the so-called Torrijos-Carter understanding, of October 14. They did a flip-flop. They struck out the amendment as it was adopted and divided the language up, putting one part of it on one article and one part of it on another, in order that it would not be submitted to the people of Panama for a plebiscite.

As far as I am concerned that is a major reason why I would not vote for the amendment—because we have notice in advance that it will not be submitted to the people of Panama for approval.

Now, then, I would like to say a word in response to the inquiry of the Senator from Nebraska about whether or not these differences of interpretation are in the record. I would like, if I might, to direct him and others who are interested to that portion of my statement of minority views which begins on page 183 of the committee's report. You will find there a rather lengthy documentation of the conflicting interpretation by spokesmen for the two governments.

Let me just focus, for example, upon a statement made by the chief Panamanian negotiator, Dr. Romulo Escobar. He said that—

> The neutrality pact does not provide that the United States will say when neutrality is violated. That is not provided there. There is an article which reads that Panama and the United States will maintain the neutrality pact with the purpose that the canal remain open peacefully for all ships of all flags of the world.
>
> That is all it says. It does not say it falls to the United States to decide when neutrality is violated or not.

(Mr. McGOVERN assumed the chair.)

Mr. GRIFFIN. Then, later, General Torrijos, after the Carter-Torrijos statement was released, went back to Panama and in a television address, just 3 days before the vote, said this:

> . . . [I]f we are attacked by superior forces, the United States is obligated to come to our defense. . . . [I]t is necessary for the United States to be committed to that when we ring the bell here, when we push the button, a bell rings over there, and the United States comes in defense of the Panama Canal. . . . I repeat, we push the button, the bell rings, and the United States is obligated to come to our defense.

There are other statements which document the point, and I urge my colleagues to review them.

Let me, for example, point to what the Library of Congress says.

Following the Carter-Torrijos statement, a memorandum provided by the American Law Division of the Library of Congress reaches this conclusion:

> . . . [T]he Carter-Torrijos statement, while guaranteeing each party the right to act against threats directed at the Canal, also specifies that the United States may not interfere with the internal affairs of Panama.
>
> It is not altogether clear that the statement would permit the United States to intervene in the event that the aggression or threat should result from Panamanian action.

The Senator from Alabama is absolutely correct. There is little likelihood that the Panama Canal is going to be attacked by a foreign power, by the Soviet Union, for example—but there is much more likelihood and much more ground for concern that an operation within Panama, perhaps even by a future Panamanian Government, could pose a threat to the canal.

I have summarized these concerns in my minority views by saying this—and I underscore them now, and urge the advocates to respond to these two points in the debate:

> On this record, it is painfully obvious that the United States and Panama have been in disagreement—and still disagree, despite the October 14 Carter-Torrijos "understanding"—on at least two major points:
>
> "Our Administration tells the American people that the United States will have the right to defend the Canal after the year 2000 against any threat to its neutrality, including an internal threat from within Panama. But spokesmen for Panama assert that the United States will have such a right only if the Canal is threatened by a foreign power.
>
> "Our Administration tells the American people that the U.S. can determine unilaterally when suc ha right to defend the Canal can be exercised. But Panamanian spokesmen insist that U.S. forces can come in only when requested or when the action is agreed to by Panama."

Now, despite the Carter-Torrijos understanding—the basic text of which is now likely to be written, in two parts, into the treaties on the recommendation of the Foreign Relations Committee—it is very obvious that we do not have true agreement on two essential points. It does not matter how many times the Committee on Foreign Relations repeats its own interpretation, or—with all due respect to him, because I do respect him—how many times the Senator from Idaho says what he thinks it means. Unilateral U.S. interpretations do not mean we have an agreement if the Panamanians do not agree with us that that is what it means.

I thank the Senator from Alabama for yielding.

Mr. ALLEN. I thank the distinguished Senator from Michigan (Mr. GRIFFIN) for his very pertinent comments, and I am delighted that he has pointed out the action that took place in the Committee on Foreign Relations with regard to these two so-called leadership amendments, that the Senators had already, in the committee, added these amendments as either one additional article or two additional articles, as the case might be, when they got word from Panama, through the State Department, that "We don't want to handle it that way."

I am not too pleased, Mr. President, with the fact that Dictator Torrijos seems to be having more influence here in the U.S. Senate and in the Committee on Foreign Relations in drafting Committee on Foreign Relations in these amendments than the Senators themselves. It looks, Mr. President——

Mr. CHURCH. Will the Senator yield?

Mr. ALLEN. No; let me proceed a little further. I have been yielding to Senators all over the floor. I will yield in a moment, but I want to complete this thought: It seems to me that we have a situation here almost like the situation that existed back, I believe, in 1940, when President Franklin Roosevelt was seeking a third term, and at the convention, the Democratic Convention, as various matters came up that President Roosevelt did not want to be concerned with, that he did not want to pass judgment on, he would say, "Clear it with Sidney," Sidney being Sidney Hillman, who was one of the great labor leaders of that day. He wanted everything cleared with Sidney. It looks like the U.S. Senate wants everything cleared with Omar, Omar being Mr. Torrijos.

If that is the attitude of the Senate, if we are going to allow Mr. Torrijos to tell us how to amend these treaties and by what method to amend them, I think then we are abdicating our role of giving advice and consent to the President in the process that we have of ratifying these treaties, if Mr. Torrijos tells the great and august Committee on Foreign Relations, "We do not like the way you are handling this amendment; we do not want you making separate articles out of these leadership amendments, because that might be something different that we might have to submit to another plebescite," and we react to it, then we are abdicating our responsibility to give advice and consent.

Are we going to let Mr. Torrijos determine whether or how we are going to amend these treaties? "I do not want to have you attach an article; just amend something."

In this connection, I have something I want to refer to a little later on. The Spanish word for amendment—"enmienda," I believe it is—is supposed to refer to a minor change, a connection, but the Spanish word "reforma" means a basic change. So he does not want the treaty reform; he wants an amendment added, which is considered, under the Spanish language, as being something minor which would justify not submitting it to another plebescite.

Mr. CHURCH. Mr. President, will the Senator yield at this point?

Mr. ALLEN. Yes; I yield for a question.

Mr. CHURCH. I would like to set the Senator's mind at ease on this particular issue. I do not want him to lose any sleep over it.

Mr. ALLEN. Well, I do not plan to.

Mr. CHURCH. These amendments were the result of an initiative by the Senate that commenced in the Senate Foreign Relations Committee.

When it became apparent, early in our hearings, that these two crucial provisions, section IV and section VI, were being interpreted differently in Panama and the United States, I was the one who first said that the Senate cannot be expected to ratify treaties if there is any serious question concerning such crucial provisions and their interpretation.

So, point No. 1 is that the initiative for these amendments did not start with Omar Torrijos; the initiative started in the Senate Foreign Relations Committee. It led to the President's invitation to General Torrijos to return to Washington, at which time the two Chiefs of State entered into a statement of interpretation which has now been proposed in the form of two amendments to be written into the text of the treaty itself.

Mr. ALLEN. You originally added two separate articles, though, did you not?

Mr. CHURCH. Yes. The first proposal——

Mr. ALLEN. And reconsidered that?

Mr. CHURCH. The first proposal that I made divided the text of the understanding between President Carter and General Torrijos into two parts, adding one part to section IV and the other part to section VI. I thought that the most logical way to amend was to attach each section of the understanding to the subject matter it related to in the treaties.

It was the State Department, not General Torrijos, that urged us to take a different course, which the committee then agreed to do, by adding article IX.

What the committee finally did, when the State Department reconsidered the matter, was to return to the original amendments I proposed and adopt them in the same form as I first proposed them. I certainly would not want the record left to suggest that the amendments the committee has recommended to the Senate in any way emanate from General Torrijos. They do not. They are the direct result of the initiative of the Senate itself, and they take the form I originally proposed to the committee.

Mr. ALLEN. I understand that, but did not the State Department say, after we had acted one way, "You should not have acted that way, because that is not going to please General Torrijos"; is that not correct?

Mr. CHURCH. The State Department——

Mr. ALLEN. Is that not correct?

Mr. CHURCH. The State Department was mistaken in its first recommendation to the committee, and came back after the weekend, after consultation with our Ambassador, and suggested the way I had originally proposed the amendment was the preferable way.

Mr. ALLEN. But did they not ask you to "lick the calf over," so to speak, from the action you had already taken, and do it in a different fashion? Is that not correct?

In other words, with the action you in the committee had taken, you reversed yourselves and did it in a different fashion. Is that correct?

Mr. CHURCH. The Senator is correct. The committee reversed the action they initially recommended, and reinstated the amendments originally proposed.

Mr. GRIFFIN. Will the Senator yield?

Mr. ALLEN. The amendments you proposed were never adopted by the committee and the two articles were adopted. Is that correct?

Mr. GRIFFIN. Will the Senator yield?

Mr. CHURCH. The final action of the committee was to adopt the amendments in the form I originally proposed.

Mr. ALLEN. That is another way of answering that they redid it.

Mr. CHURCH. That is correct.

Mr. GRIFFIN. Will the Senator yield?

Mr. ALLEN. I want to comment further on Senator CHURCH's comment about the initiatives taken by the Senate.

Mr. GRIFFIN. Can I underscore what I think is an important point?

Mr. ALLEN. Very well. I yield.

Mr. GRIFFIN. I made the point and the Senator from Idaho ignored it. While we are not repeating dark secrets, I will say this has been in the papers, the question comes down to whether or not this language was rearranged in two different places of the treaty in order to avoid a plebiscite of the Panamanian people. Is that not a factor? Was that a major factor for the reason of this quick stepping done by the Foreign Relations Committee?

Mr. ALLEN. I would not be able to answer that question.

But let me proceed. I have the floor, I will say to my distinguished colleagues.

The distinguished Senator from Idaho was saying that the initiative on the amendments was started in the Foreign Relations Committee, and that thereafter Torrijos and President Carter entered into a memorandum. The memorandum was embodied in the two amendments. Overlooked was the fact that Mr. Torrijos commented on the memorandum, which is now in the leadership's two amendments, and adopted a different interpretation of the memorandum than what we adopted here in the United States, even than the interpretation that the Foreign Relations Committee adopted. So still, even though these amendments are adopted, we do not clarify the misunderstanding. There is still a misunderstanding. That is the point I am making. It is now necessary to amend the leadership amendments in order to put in new words which have unmistakable meaning. The words the distinguished Senator is relying upon in the leadership amendments do not have an undisputed meaning. They mean one thing to Torrijos, and he has so stated. The distinguished Senator from Michigan (Mr. GRIFFIN) read from the record, and I mentioned it from memory, that Torrijos puts one interpretation on the meaning and the Foreign Relations Committee and the U.S. Government apparently put another interpretation on the meaning.

Mr. SARBANES. Will the Senator yield?

Mr. ALLEN. I yield for a question. I want to call attention to the fact that my remarks might extend somewhat longer than I had planned because about half of my time is being used by questioners to whom I have been yielding. I will feel free to go beyond the time I had originally estimated I might consume. I do not have prepared remarks, and I might have to go somewhat longer. I will yield for a question.

Mr. SARBANES. I appreciate the distinguished Senator yielding.

I believe the Senator from Idaho has made a most important contribution in bringing forth the two amendments now being proposed as the leadership amendments which clarify our rights under the treaty. It was at his initiative that the Senate Foreign Relations Committee moved to strengthen these treaties. I think it is generally perceived by all observers that the amendments do in fact strengthen the treaties and, therefore, constitute important additions to the documents.

As these amendments are now being proposed, they are in the form in which the distinguished Senator from Idaho proposed them in the committee. I would think that lawyers would agree that it is better to take a statement which relates to two articles in a treaty and incorporate the provisions of the statement with respect to each of the pertinent aricles at the appropriate points. That is what is being done with these amendments.

I hope the distinguished Senator from Alabama does not question the initiative or the role which the distinguished Senator from Idaho (Mr. CHURCH) has played in the course of the consideration of these treaties by initiating the effort to come forward with these strengthening amendments.

Mr. ALLEN. I have not questioned his statements. As the ranking Democrat on the committee he has played an important part.

The point I am making is that after the certain language, I do not know whether the memorandum of Torrijos and President Carter was word-for-word what the distinguished Senator from Idaho was proposing or not. But whatever it was, whoever was entitled to the credit for this initiative, came up with a wrong wording, an indefinite wording, a wording susceptible, apparently, to more than one construction. Mr. Torrijos interprets it one way and the Foreign Relations Committee and our Government interpret it another way.

So far as I know, there has been no departure from the memorandum agreed to but not signed by the President and the Dictator. There has been no change in that from the original Church initiative. Whoever is responsible for the wording has wording then that is susceptible, apparently, to two constructions. Mr. Torrijos has one and the Foreign Relations Committee has another.

The point I was further making is that aside from whose initiative it was, even though the two-amendment route was proposed by the distinguished Senator from Idaho (Mr. CHURCH), apparently the Committee on Foreign Relations did

not agree with him, his own committee did not agree with him, and the committee came up with a different method.

Then this different route, having come to the attention of the State Department, the State Department said, "No, no, do not do that. The Panamananians will not like it. Go ahead and reverse yourselves. Kill the action you have taken, and do it the way Senator CHURCH wants."

Mr. SARBANES. Will the Senator yield on that point?

Mr. ALLEN. Yes.

Mr. SARBANES. I do not think that is really fair to the initiative of the Senator from Idaho and the action of the Foreign Relations Committee.

The recommendations from the Foreign Relations Committee for amendments, which were included in its report, and the amendments which have now been proposed by the joint leadership and cosponsored by an overwhelming majority of the Members of the Senate, embodies the approach first put forward by the distinguished Senator from Idaho (Mr. CHURCH). That was the approach he took in the Foreign Relations Committee and that was the approach which was finally settled upon. I think it is the most sensible way to go about amending these treaties.

The provisions contained in those amendments, as the Senator from Idaho has underscored, are designed to clarify, beyond any doubt, the rights of the United States to take certain actions to protect the neutrality of the canal and also to place our warships at the head of the line in order to gain immediate passage of the canal in case of need.

Mr. ALLEN. Then may I ask the distinguished Senator, why is it that Dictator Torrijos gives it one construction and the Committee on Foreign Relations gives it another?

Mr. SARBANES. Let me reply to that question. First of all, I know the Senator from Michigan has made that argument, but I do not agree that the provisions are being given different interpretations.

Mr. ALLEN. The Senator has apparently not read the Torrijos statements.

Mr. SARBANES. I have indeed, and those statements are extensive and extended, as the distinguished Senator from Alabama knows from his own reading of them. Therefore, it is very important that one read through those statements completely, and his interpretation encompass all of the statements which have been made. On that basis, I do not agree that there is a difference in interpretation.

Second, the Panamanians have agreed to these treaties by their own volition. An agreement which gives us by the terms of the treaties many important rights and authorities. That is enormously important in terms of the American action that we can take.

I heard mentioned earlier, what could we do in the future? I only point out that we are the world's strongest military power, a nation of 218 million at present. Panama is a republic of 1.7 million people. The United States is in a position to use its power to protect its interests. But we should desire a legal and moral basis on which to use that power. That is what these treaties give to us. They give us the legal and moral basis for taking action.

The Senator from Michigan has argued for further plebiscites. The fact of the matter is that these treaties, with it understood that the joint statement is part of them, have been approved 2 to 1, in Panama.

The rationale of the opposition in Panama in the plebiscite was that the treaties are too accommodating to American interests, that they give us too much in terms of our rights to take action to protect our interests. Simply looking at American interests, I think that these treaties, with the leadership amendments to be incorporated therein, are enormously important in giving the United States the legal and moral basis to use its power to protect its interests. We ought not to lose the opportunity to gain that legal and moral basis; a basis which has been agreed to by the other party.

Mr. ALLEN. I thank the distinguished Senator for his nongermane comment.

Mr. GRIFFIN. Will the Senator give me 30 seconds to respond?

Mr. ALLEN. Provided I do not lose my right to the floor.

Mr. GRIFFIN. I want to say briefly in response to the Senator from Maryland that I am not arguing for additional plebiscites. I am arguing, however, for a new treaty relationship with the people of Panama, rather than a treaty with a temporary, self-appointed dictator. It is just as simple as that. If we end up here with a treaty that has the approval of Mr. Torrijos but does not have the approval of the people of Panama, then we are only fooling ourselves.

Who knows how quickly Mr. Torrijos' successor will seize upon the fact that these treaties have no validity—a very, very important point—because they have not been approved by the people of Panama?

If we do not change the treaties, that is a different thing. Then we in the Senate can vote them up or down, because the people of Panama have voted on them. But if we are going to change the treaties in a substantive way, then we are going to end up with a different treaty. Mr. Torrijos himself said if we put these two amendments together and called it an article, that would be a substantive change—but then he says, if you spread them out a little bit and hide them in other sections, you would not need to go back to the people of Panama for approval, even though the words are exactly the same. That, to me is a very dangerous kind of situation.

Mr. ALLEN. I thank the distinguished Senator from Michigan.

The point is being made that we are only now going back to the original thrust of the Church initiative, which was not accepted originally by the Committee on Foreign Relations, and that, after the Committee on Foreign Relations had made a separate article or articles of these amendments, the committee was advised by the State Department that that would not play in Panama, as might be said. Therefore, the Committee on Foreign Relations reversed their action, showing the influence of the Panamanian connection and showing that Mr. Torrijos has great power in shaping these treaties here in the U.S. Senate. Therefore, the committee did reverse itself and did go back to the Church initiative.

But the Church initiative, I say, Mr. President, is based upon the flawed memorandum, or the initiative started first and the flawed memorandum resulted from that. But whatever they came up with, the statement—I hesitate to call it an understanding—embodied in the memorandum between President Carter and Torrijos is flawed in that Torrijos puts one interpretation on it and the Committee on Foreign Relations and the U.S. Government apparently place another interpretation on it. That same flaw is carried forward into the leadership amendments, which are based on the memorandum which is apparently based on the Church original initiative.

Now, Mr. President, I have yielded to numerous Senators during the course of my remarks. As I stated, I have no prepared address, but I do have a number of items that I would like to cover.

In order that the continuity of my remarks be not interrupted, I am going to ask my distinguished colleagues, if they will, to allow me to speak until, say 1 o'clock, at which time I shall be glad to yield to questions by my distinguished colleagues.

I say that those Senators who have remarks to make that are not questions—and, as Senators know, a speaking Senator can yield only for questions without risking losing his right to the floor—if they have comments to make, let them store those comments up and make them when they have the floor, here in the U.S. Senate. At the present time, the junior Senator from Alabama has the floor, and he is going to talk now until 1 o'clock, at which time he will be glad to entertain questions and give such answers as he is capable of giving.

Mr. President, earlier in my remarks, I pointed out the great contributions made by Alabamians to dreaming the concept of the Panama Canal and to putting it into execution. I mentioned Senator John Tyler Morgan of Alabama, who has been called the father of the isthmian canal by no less an authority than Senator Spooner, who was author of the bill providing for a Panama canal.

Gen. William Crawford Gorgas, the conqueror of yellow fever in Panama, was an Alabamian, as was Gen. William Luther Sibert, who was the top assistant to General Goethals. I should like to read a tribute to Senator Morgan—who, I might say, is one of my all-time favorite U.S. Senators, whether they come from Alabama or any other State in the Union. In the authoritative book, "Cadiz to Cathay," by Miles Duvall, starting on page 424, there is a summing up of the great contribution made by Senator Morgan. I am not, at this time, going to go into the contributions of General Gorgas and General Sibert, but I do feel that

Senator John T. Morgan of Alabama played such an important role in visualizing the need and importance of an isthmian canal that I shall be remiss in my duty as a U.S. Senator from the State of Alabama if I do not call my colleagues' attention to his great contribution.

I quote, starting on page 424:

It was Senator John T. Morgan of Alabama who did most in those apathetic years of 1880–1903 to keep the issue alive and to campaign against reputed British encroachments. At first bitterly disappointed at the adoption of Panama in preference to Nicaragua, when real work started on the Panama Canal he took a great interest in it, for the end he was for any canal rather than no canal. He never lost faith in the ultimate accomplishment of his dreams. Some day, perhaps not until the Nicaragua Canal is built, some biographer will write the story of Morgan's life and work and thus give his name the great place it deserves in this important phase of American history.

Although a partisan of Nicaragua and represented as being of a most stubborn nature in his Senate conflicts, Morgan had a greater vision. Underlying his partisan behavior there was the larger view, well expressed by him in a letter to Joaquin Bernardo Calvo, one-time Costa Rican Minister in Washington:

Senator Morgan wrote this. This was written prior to 1907 because that was the date of Senator Morgan's death.

I need not speak of the motives that have so long impelled me to labor for an isthmian canal, against opposition that came from various powerful sources, at home and abroad, and often seemed beyond the power of resistance. You know that our Southern States are still buried under the ashes of the great civil war, and that an isthmian canal is the best, if not the only hope of lifting them above this debris, through the energies of production and through commercial intercourse with the Pacific Ocean.

The selection of the route is a secondary consideration provided the conditions are equally favorable to all concerned.

This passage is particularly interesting:

Later studies have shown that Morgan was essentially right in his views. The Nicaraguan Canal, as he saw in his day, was the preferable route from the standpoint of the welfare of the United States, especially the South.

I hasten to say this was Senator Morgan's view and not necessarily the view of history.

It has been predicted that if this canal were available today two-thirds of the transisthmian traffic would use the Nicaragua route because of its shorter distances for certain trade lanes. That fact, however, makes it fortunate that Panama was built first, as that still leaves a strong reason to build Nicaragua, whereas if Nicaragua had been built first no such impelling incentive could have been created for Panama and the present canal undoubtedly would have been delayed, as Panama leaders realized, even for centuries.

So if the Nicaraguan route had been successful, if it had been the one chosen, then we would not be here today debating this issue of whether or not we would give the canal to Panama.

Then again, Mr. President, on page 166 of that same authoritative work we read of the debate regarding the Panama Canal issue in the Senate:

At times the debate was bitter but not so bitter as to obscure the great part Morgan had played in the history of transisthmian water communication. To him was given one of the greatest tributes in the records of Congress, when on June 18 Senator Spooner declared:

I say again, Senator Spooner was the author of the bill providing for the Panama Canal. This is the great tribute he paid to Senator Morgan:

Upon whatever route an isthmian canal shall be constructed, the Senator from Alabama will forever stand in the memory of the people as the father of the isthmian canal; for, in season and out of season, in sunshine and in storm, unappalled by obstacles and adverse influences, with lofty patriotism and unfaltering purpose, he has, with rare skill tireless industry, and splendid advocacy, fought for an isthmian canal. When it comes, and it will come, his name will deservedly be identified with it far above that of any other man.[55]

Mr. President, I felt that it was appropriate that I pay this tribute to Alabama's great U.S. Senator of the past, John Tyler Morgan, for his great contribution toward the building of the Panama Canal.

Mr. President, why should we have a Panama Canal Treaty? Is it because of a good neighbor policy?

I believe that is carrying good neighborliness just a little bit too far.

Is it because the canal is indefensible? I think not, because under the treaty and the side agreements we are withdrawing from 10 of the 14 bases that we have defending the canal and if those in charge of such military matters feel that 4 bases are sufficient and that 14 are not needed, it is quite obvious, it would seem to me, that the canal can be defended.

Is it because of sabotage? Is it because of fear of sabotage?

The treaties wipe out the Panama Canal Zone and, whereas now the United States controls 5 miles on each side of the canal, as soon as the treaties are approved the boundaries of the canal zone will cease to exist and all of the territory will be Panamanian.

So if we are fearing sabotage, we are bringing the Panamanians 5 miles closer on each side of the canal.

Sabotage is no reason, or the fear of sabotage is no reason, to give the Panama Canal away.

Now, can we combat potential sabotage? I think so.

I quote from the February 9, 1978, CONGRESSIONAL RECORD a statement made by our distinguished majority leader—Mr. ROBERT C. BYRD. He made it not just once, but twice, and I make this statement, even though he is absent from the floor, because it is a correct statement, it is an honorable statement, it is a fair statement, and it is a correct assessment of the situation.

Senator BYRD said:

There is not any conceivable situation that could arise in Panama if these treaties were rejected, no conceivable situation that could possibly arise in Panama that we could not handle with our military.

So, Mr. President, there is no need to worry about the possible sabotage on the part of the Panamanians.

Why would they kill the goose that lays the golden egg? Seventy-five percent of the employees of the Panama Canal Company are Panamanians, and much of the high standard of living that the Panamanians have is traceable directly to the Panama Canal operations.

I fear, Mr. President, that these treaties are indicative and symptomatic of the growing trend in this country to be willing to give away our very substance. Already, we have contributed overseas more than $200 billion since 1946. Already, around the world, when resistance is given to us, we are willing to withdraw, to retreat. Here we set another example of our unwillingess to stand up for our rights, to stand up for our interests.

We seem principally concerned with coming up with a treaty that meets with the approval of dictator Torrijos, which will not require him to submit the treaties to a plebiscite.

On the matter of a plebiscite, what is wrong with a plebiscite? Mr. Torrijos jumped the gun on the other plebiscite. He could have called it any time he wanted to. He knew these treaties were going to come up before the U.S. Senate. He knew the U.S. Senate had the power to amend these treaties. Why, then, did he jump the gun and call for a plebiscite in Panama on the treaties?

He called a plebiscite. By a vote of 2 to 1, the people endorsed the treaties. If they would endorse them then, why would they not endorse them now, even if changes are made? But Mr. Torrijos, for some reason, must feel that his control over the Panamanians has slipped, that he could not succeed in another plebiscite.

So what he is saying to the U.S. Senate, in effect—I suppose he is actually saying it, for that matter—is, "Do not amend these treaties in substantive form. Do not have any substantive amendments, because that is going to make me resubmit these treaties to a plebiscite in Panama."

What should be the proper concern of the U.S. Senate? Obviously, it should be what is in the best interests of the United States and the people of the United States. Should we be concerned with whether or not Torrijos can get these treaties approved again in another plebiscite?

That should certain not be our primary concern. Our primary concern should be, and must be, how can these treaties be shaped to best protect the interests and the security of the canal, and thereby the security and best interests of the American people?

Are we going to adopt the leadership amendment, which apparently has different interpretations in the United States than in Panama, and having done that, stonewall the remainder of the amendments?

I call attention to this vaunted leadership amendment. It is not greatly different from article 4 of the Panama Canal Treaty. But again I say that it is susceptible, apparently of two constructions and overlooks the fact that by the year 2000 all our troops will have been withdrawn from the Canal Zone,

unless we can amend the leadership amendment, and any action on our part to defend the canal would be done by our acting in the role of an invader of that couutry. We can imagine the international repercussions that would be caused by the United States forcing itself back into Panama after all our troops are gone, and I would not wonder at that.

So what we need to do is to protect our right to defend the canal, if we are going to give it away. But as I say, we are getting the cart before the horse. We should be considering the Panama Canal Treaty first in order to decide whether we are going to give it away, before we decide whether we are going to plan for its defense down the road.

The amendment I intend to offer provides that our military presence could continue after December 31, 1999, if the President deems it is necessary for the defense of the canal or the maintenance of its neutrality and he so certifies to the Panamanian Government prior to December 31, 1999.

Mr. President, the giving of the canal to Panama changes the entire nature of the operation of the canal. The United States has operated the canal on a nonprofit basis, and it has been a benefit to the world, as they are able to use this canal, and the United States does not make a profit from it. Now it is going to change.

I am not going to comment on the full amount it is going to cost the taxpayers. That is going to be commented upon by others. However, after assurances were made time and time again by the proponents of the treaties that it would be at no cost to the taxpayers of the United States, the administration finally came out with a statement a few days ago saying, "Well, we were wrong about that. It is going to cost the taxpayers $600 million." That is just a start, as will be pointed out. But I feel that my time today is limited, even though under the rules it is not limited.

We are changing this entire operation of the canal.

Mr. Barletta, the Minister of Economic Planning in Panama, estimated that in the 22-year existence of the Panama Canal Treaty, Panama would receive—and this is largely from tolls, I will concede—$2.262 billion, this not counting the tremendous properties being turned over at this time, this not counting the loan program that has been made up for them of $345 million, this not counting the $319 million that is still owed to the U.S. Treasury on the canal.

They are going to receive, according to Minister Barletta, $100 million a year from the tolls. The treaties provide, at article XIII in the Panama Canal Treaty, that after the Panama Canal Commission runs a deficit, and it surely will, we will have to clear that before the year 2000, when we are obligated to turn the canal over to Panama free of debt.

Mr. President, let us consider for a moment this Panama Canal Commission that is set up to take the place of the Panama Canal Co. which now operates the canal for the U.S. Government. They are going to set up a commission to take over the canal. That is not talking about the year 2000. That is talking about the fact that as soon as these treaties are approved, they would turn the canal over to the Panama Canal Commission.

What is the makeup of this commission?

It has nine members. Five of them are American nationals, it says, and four of them are Panamanians. How do you choose the Panamanians? They are chosen by a list being furnished to the U.S. Government. That is all it says. It does not say who is going to appoint them. I assume it will be the President. He appoints the members of the Panama Canal Co., as I understand it. And a significant feature, Mr. President, is that whereas the members of the Panama Canal Co. have to be approved by the U.S. Senate the members of the Panama Canal Commission, nine in number, five Americans and four Panamanians, do not have to be approved by the U.S. Senate. So, Mr. Torrijos could send over the names of any four Panamanians he might wish to send over, no matter what their reputation, no matter what their background, no matter what their ties to other foreign governments, and it is incumbent on the United States to appoint those four without any confirmation by the U.S. Senate.

All right. Starting out with four Panamanians and five Americans, not approved by the Senate, suppose one of the five Americans sides completely with the Panamanian position. That would give Panama actual control right from the start.

The treaty provides, further, that whereas they have an American administrator until the year 1990, at that time they appoint a Panamanian administrator of the canal, so actually it would seem instead of waiting until the end of this century for Panama to get full control it looks like, with the administrator coming in, the Panamanian in 1990, Panama pretty well has control rights from the start.

Mr. President, I want to talk about the head-of-the-line provision that we hear so much talk about to the effect that they have accomplished great wonders for the security of the United States under this head-of-the-line provision. Let us see about that, just what it does say about the head of the line for American warships. We have not heard Mr. Torrijos' construction of this phase of the leadership amendment. But we have heard his construction of the memorandum:

> In accordance with the Statement of Understanding mentioned in Article IV above: 'The Neutrality Treaty provides that the vessels of war and auxiliary vessels of the United States and Panama will be entitled to transit the Canal expeditiously. This is intended, and it shall so be interpreted, to assure the transit of such vessels through the Canal as quickly as possible, without any impediment, with expedited treatment, and in case of need or emergency, to go to the head of the line of vessels in order to transit the Canal rapidly.'

In the first place, this gives Panama an equal right with the United States to be entitled to emergency treatment. In other words, the Panamanians will be in charge completely starting with the year 2000. It does not say which will have priority, the United States or Panama. So obviously the Panamanian ships, under a Panamanian owership and administration of the canal, it would seem to me, would get priority treatment over the United States. Let us read on:

> without any impediment, with expedited treatment, and in case of need or emergency, to go to the head of the line * * *

Who is going to determine the need or the emergency? Panama will be sitting there controlling the operation. They own the canal. They operate the canal. They maintain the canal. They defend the canal. Who is going to say whether it is an emergency?

Panama could well take the position: Well, I see no emergency. You ought to just wait your own good time. By the way, we have these two or three Panamanian vessels that certainly need to go first and we have equal right with the United States unded this so-called leadership amendment.

So I do not believe that this properly defines who determines whether there is an emergency or not. An I feel that the amendment is defective at that point.

Once again I point out I am a cosponsor of this amendment but that fact does not keep me from seeing its shortcomings and its very serious defects.

Once again, Mr. President, we are going to hear from time to time as amendments are offered here on the floor that this amendment or that amendment is not needed. I dare say amendments accepted by the leadership of really substantive nature are going to be few and far between, and for adoption of any amendment to strengthen the interests of the United States under these treaties the process is going to be like pulling eye teeth before the proponents of these leadership amendments will agree to any others. And they, the joint leadership, the Democratic leadership and the Republican leadership, are going to assure Members here that the leadership amendments take care of everything and we do not need any other amendments. Mr. Torrijos does not want any more amendments. Once again, I say we ought not to be concerned with what Mr. Torrijos will accept or what he wants.

Mr. SCHMITT. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I guess we are near enough to 1 o'clock. I stated I was going to speak until 1 o'clock without allowing interruption. Since this is the first request for my yielding, I will yield for a question.

(Mr. JOHNSTON assumed the chair.)

Mr. SCHMITT. A little bit earlier in a colloquy that the Senator from Alabama had with the Senator from Idaho, this Senator, the Senator from New Mexico had an impression that he heard something that he would just like to have clarified. Was it the Senator's understanding that prior to the introduction of the resolution for ratification there would be communication between parties unnamed, presumably the Senate and

the Government of Panama, to see if whatever amendments had appeared by that time would in fact be acceptable?

Mr. ALLEN. As I understand the procedures——

Mr. SCHMITT. I realize that is not Senate procedure, but I thought that is what the Senator from Idaho said.

Mr. ALLEN. As I understand the procedure, once the Senate agrees to the terms of the treaty, then a resolution of ratification is presented which embodies the provisions of the treaties as finally agreed to by the Senate. That resolution of ratification transmits it to the President and then, depending on whether Panama has taken all the steps it needs to take with respect to the approval of the treaty—up until that time you do not have a treaty. The missing ingredient would be whether Torrijos needs to submit the treaties as finally agreed to here in the Senate for the same type of approval that he got originally when he jumped the gun on calling a plebiscite.

Mr. SCHMITT. Well, I had the distinct impression—maybe the Senator from Idaho would be willing to clarify this—that he said that prior to the resolution of ratification being approved in the U.S. Senate, there would be some indication from the Torrijos government as to whether or not the amended treaties were acceptable.

Mr. ALLEN. Well, if so, that would not be official. With the "advice and consent" he is now giving our actions here, he seems to have taken over that role, but it would not be an official action to advise us—he would ratify.

Mr. SCHMITT. I fully recognize that, and maybe the Senator from Idaho will clarify that point.

Mr. CHURCH. Will the Senator yield to me for that purpose?

Mr. ALLEN. I will yield. I do not yield my right to the floor. I yield the Senator 5 minutes, Mr. President.

Mr. CHURCH. The able Senator from Alabama has stated the legal procedures accurately, and I have attempted to explain them earlier. Once the Senate has worked its will on these treaties, however the Senate may choose to amend them, the consent that the Senate gives is based upon the action that the Senate takes.

The treaties thus amended would be accompanied by an instrument of ratification, properly executed by the President or the Secretary of State, or someone acting in his behalf. By like token, the Panamanian Government must execute an instrument of ratification relating to these amended treaties.

The two instruments of ratification are then deposited in Panama and in the United States, and upon the deposit of the instruments of ratification the treaties, as amended, become of binding force and effect.

Mr. SCHMITT. The Senator from New Mexico understands that sequence. What is of concern to the Senator from New Mexico was the statement that he believed he heard the Senator from Idaho make, that prior to the vote on the instrument of ratification, on the resolution of ratification, there would be some type of interaction with the Government of Panama in order to determine whether the amended treaties would be acceptable.

Mr. CHURCH. The Senator from New Mexico misunderstood my remarks.

Mr. SCHMITT. Good. I am delighted to hear it.

Mr. CHURCH. Whatever the Government of Panama feels it must do under its constitution is up to the Government of Panama. I do not care. Whether they need another plebiscite is for them to determine, not for us to determine. Our responsibility is to amend these treaties as we think best conforms to the interests of the United States. That is our responsibility. Having done that, if the Torrijos government believes it must submit the amended treaties to the people of Panama for another plebiscite, that is up to them to decide, under their laws and their constitution.

Mr. SCHMITT. I appreciate the clarification. I think a number of other Senators misunderstood the earlier statement, and I think the clarification is good for this body and for the public.

I thank the Senator for that, and I again thank the Senator from Alabama for yielding.

Mr. ALLEN. I thank the Senator from New Mexico.

Mr. President, amendments will be offered here on the floor to the Neutrality Treaty and to the Panama Canal Treaty. "Selected Documents," from the Bureau of Public Affairs Office of Media Services contains the treaties and the amended annex and protocols in 22 pages. Accompanying that document—that is accompanying both treaties, their annexes, amendments, and protocols, calling on the other nations of the world to agree to this Panama Canal Neutrality Treaty—connected with these documents and referred to often in the treaties, but, according to a ruling of the Vice President—not a ruling because the question was not up, but in the response of the distinguished Vice President, Mr. MONDALE, to a parliamentary inquiry which I made the first day the treaties were before the Senate—these tremendous "Selected Documents" occupying 64 pages of the same size paper as the treaties, these tremendous documents going into nearly every phase of the agreements, overlapping, in some cases, the provisions of the treaties, are incredibly not before the Senate, according to the response of the distinguished Vice President.

That being true, Mr. President, since the Senate is not going to get any opportunity to act on these tremendous documents having to do with implementing the treaties, it is going to be necessary—and the distinguished Vice President did concede that this might be done—to offer amendments to one or both of the treaties if we are going to change any of the provisions of the "selected documents."

That being true, since we cannot amend the documents, we are going to be put to the need or to the requirement of amending the treaties; and that being true, there are going to be quite a few amendments.

The first amendment I intend to call up, as I have stated—but I feel that while I am talking about amendments I should mention this—is an amendment that calls attention to the fact that the so-called leadership amendment ignores the fact that all of our troops are to be out of Panama by the year 2000.

This so-called leadership amendment, which I must stress again is construed differently in Panama from the way it is construed here in the United States—would provide for our defense of the canal; but after the year 2000 all of our troops would be gone. So any defense—they make a big to-do about unilateral rights. Well, we can have unilateral rights without a scrap of paper, because if we want to go in and defend the canal, we could do it. What difference does it make whether we say in the document that we have got the right to defend the canal, when we have already got that right?

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. ALLEN. No, not until I get through, let me say to the Senator.

What the proponents overlook is the fact that all of our troops will be gone from Panama, and if we come in at all to defend the canal, we will, in effect, have to invade Panama. We will either have to come in with an amphibious landing or in an air assault with paratroopers.

But under my amendment, Mr. President, this pledge is fulfilled; this oversight, shall we say, of the leadership amendment is taken care of.

My amendment, which I intend to offer at the proper time, says that the military presence of the United States shall continue beyond December 3, 1999, if the President of the United States deems it is necessary for the defense of the canal, or for preserving its neutrality, and so certifies to the Panamanian Government prior to December 31, 1999.

We do not know what the conditions in Panama will be in the year 2000, or what form of government they will have. We know Russia and Cuba may want all of Panama or all of the canal. We do not know whether it will be a satellite of either of those countries.

This amendment does give the President of the United States the option to continue our military presence there beyond the year 1999, if he deems it is necessary, for the defense and maintaining its neutrality.

Now I will be glad to yield to the distinguished Senator from Maryland if he wishes me to.

Mr. SARBANES. Not at this time.

Mr. ALLEN. Mr. President, as much as we cannot change these documents by amendment, I believe it is necessary to put into the treaties amendments which will refer to the same areas as these documents and make them a part of the treaty.

Mr. President, the Presiding Officer in his responses to my inquiries seemed to indicate that if the negotiators of the treaty would come up with a treaty saying that the parties hereto agree to cer-

tain terms, which are set out in more detail in a signed agreement, if the Senate was unwise enough to agree to something like that then the whole thing could be handled by a signed executive agreement.

We have twice as much, we have three times as much, in the signed side agreements as we have in the treaties themselves.

It would seem to me it would be a bad precedent to agree to something not even in the treaties. These very important matters are referred to only in another document that the Senate cannot change.

Mr. SARBANES. Will the Senator yield?

Mr. ALLEN. I will yield for a question.

Mr. SARBANES. I thought at the beginning of the debate when the Senator had his exchange with the Chair and made a number of inquiries, it was clear that provisions in documents that were outside of the treaties themselves were actually not before the Senate for amendment. If the Senator feels such provisions should be in the treaties themselves, he obviously has the opportunity to offer amendments to the treaty which would incorporate or bring into the treaty any provisions the Senator deemed important. I understood that the Senator has that opportunity through the amendment process.

Mr. ALLEN. I believe the Senator did not quite understand what the Senator from Alabama was saying. The Senator from Alabama said that the Chair, in response to my inquiry, made a statement that whereas the selected documents are before the Senate, in a sense they are not before the Senate to allow the Senate to amend them. They are just here. They are in limbo. These side provisions cannot be touched by amendments, per se, to these related documents.

Mr. SARBANES. If the Senator will yield further——

Mr. ALLEN. I believe if the Senator will get a staff man to check the statements, he will find what the Senator from Alabama says in his response is correct.

Mr. SARBANES. I do not think there is any difference. If there are provisions in documents outside of the treaty which the Senator from Alabama thinks should be part and parcel to the treaty, the Senator from Alabama can offer amendments to that effect.

Mr. ALLEN. The Senator is just repeating what I have said. This side agreement tactic is to put us to offering amendments to treaties which would be contrary or at variance with, or sometimes in compliance with, the signed agreements. The point the Senator from Alabama is making is that the agreements themselves are not subject to amendment.

Mr. SARBANES. The treaty is the governing document. If the Senator wishes to offer amendments to the treaty and they are adopted——

Mr. ALLEN. The Senator from Alabama understands all of that.

Mr. SARBANES. Then we have no difference.

Mr. ALLEN. All the Senator from Alabama is saying is that it is going to require numerous amendments in order to counteract the provisions in these signed documents. That is all the Senator from Alabama is saying. I hope that is clear to the distinguished Senator from Maryland.

The Senator from Alabama has explained why numerous amendments must be offered, because the length of the signed document is three times as long as the treaties themselves, and we cannot touch the signed documents except by amendment of the treaties themselves.

Now, Mr. President, on another matter, as I said in my remarks earlier today, I commended the distinguished majority leader and the distinguished minority leader on their decision that due to the importance of this issue a reasonably long period would be set aside for consideration of the treaties. The distinguished majority leader is quoted as saying that he estimates the treaties would require anywhere from 3 to 5 weeks of debate, that the Senate will be allowed to have a full and extensive debate, and would have the opportunity to offer numerous constructive amendments. I feel that no dilatory amendments will be offered and no dilatory tactics will be used.

I think it is important to emphasize that we will have the opportunity to offer amendments and to speak with respect to the amendments and the treaties themselves.

There was an article in the New York Times in the last week by the able and distinguished columnist Mr. Tom Wicker commenting on the remarks I made here on the floor. I will read from that document. He has something to say about a filibuster and I would like to comment on it:

> Senator James Allen of Alabama * * * a dedicated treaty opponent, was even heard to say that we would not engage in "debate by cliches," a position that shatters all Senate precedents. He also offered a Washington Post interviewer the dubious theory that a filibuster or stalling tactics would "serve no purpose" in the treaty debate—although on the face of it, a ratification question requiring a two-thirds vote seems a splendid opportunity for an opposition filibuster.
>
> That is a non/sequitur.
>
> We shall see what we shall see.

The distinguished columnist, Mr. Wicker, says:

> Although on the fact of it a ratification requiring a two-thirds vote seems a splendid opportunity for an opposition filibuster.

Just the contrary, Mr. President, because it takes 67 votes to approve the treaties, to give the Senate's advice and consent to the ratification of the treaties, only 60 votes to cut off a filibuster. So it hardly seems logical to say that, since it takes 67 votes to approve the treaties, therefore, that is a good place for a filibuster. Just the contrary is true. That is one reason we shall not have a filibuster, because of the numbers involved, because 60 votes can cut off a filibuster, 67 votes are required to approve the treaties.

Another reason there will not be a filibuster, Mr. President, is that if the treaties, in effect, are defeated, or a better phrase would be prevented from coming to a vote, by extended debate, that would not be a defeat. They would remain on the calendar and any time the leadership wanted to bring the treaties up, they could do so just by moving to go into executive session, which is nondebatable. So even if we had the votes to maintain a filibuster, we would not have accomplished our goal; we would not have defeated the treaties, because they remain on the calendar, would be printed every day, and could be brought up whenever the leadership thought it had a sufficient number of votes.

More than that, the reason there will be no filibuster, Mr. President, is that, in my judgment, public opinion would not support a filibuster. A filibuster, or extended debate—which term I usually prefer—if it does not have public support, does not have public opinion behind it, is going to fail. The only chance of a filibuster ever succeeding is when public opinion supports it. Public opinion, in my judgment, wants a final determination of this issue. I think public opinion is opposed to the Senate giving its advice and consent to the ratification of these treaties.

Now, I know that it is awfully hard for opponents of the treaties to be in opposition to the leadership of our respective parties. The joint leadership is a tremendous force here in the U.S. Senate. The majority leadership is plenty potent; when you combine that with the minority leadership, you have a force that is very strong, indeed. It is hard to defeat and it is hard to buck.

Then, you add to that the great power of the President and the administration pushing for the approval of these treaties. It does make the role of the opponents of the treaties very difficult, indeed. But I am hopeful that enough Senators will respond to public opinion, which, in my judgment, is strongly opposed to agreeing to these treaties, and that we will, if not able to defeat them in their entirety, add amendments—constructive amendments, substantive amendments—that will protect the best interests of the United States.

Now, Mr. President, going further into the matter of extended debate and the possibility that the leadership might seek to limit debate, I should say that that would not be in the best interests of the approval of the treaties, because, for one thing, we do not know what legislation we are going to be asked to pass in the Senate having to do with the national coal strike. If cloture is ever invoked on this treaty, that blocks everything until the treaty is disposed of, which might take weeks. So I do hope that we will not invoke cloture in this matter, because I do not believe it will hasten the time when we will have a direct vote.

I do not know how long the secret session is going to last tomorrow. If we get out at a reasonable hour, I do plan, on Tuesday, to offer my motion to re-

verse the order of consideration of these treaties. I shall move to go first to the Panama Canal Treaty, which provides for the transfer of the canal over to Panama and the conditions under which the transfer will be made, rather than consider the neutrality treaty, which in the main, has to do with the defense of the canal starting with the year 2000.

I was asked just the other day by a major proponent of the treaties about how long I might possibly take on these treaties. I stated that it was my assessment that if we do reverse the order of these treaties, we shall probably knock a week off the time necessary to come to vote on the treaties. I do not believe that made any impresssion on this major proponent of the treaties.

Now, Mr. President, we have heard a lot about human rights and the lack of human rights down in Panama. Well, obviously, if we turn over to Mr. Torrijos' government—and that is pretty nearly the same thing as saying Mr. Torrijos—$100 million a year for the next 22 years, it is going to allow him to perpetuate himself and his regime in office. Dictator Torrijos has promised to do better down there, to do great wonders and all, but, obviously, I place no confidence whatsoever in what he says. Here we are in the anomalous situation of talking about human rights and preserving human rights, demanding human rights all over the globe, and we are handing $100 million to a government that knows nothing about human rights in order to allow it to perpetuate itself in office. I hardly feel that that is the right action for the U.S. Senate to take.

Another matter, and I mention this because it did come up—it was the subject of a hearing by the Subcommittee on Separation of Powers of the Judiciary Committee—is the provision of the Constitution having to do with the disposition of property of the United States. Article IV, section 3, paragraph 2 of the Constitution says that Congress shall have the power to dispose of and to make all needful regulations with respect to the territories or other property belonging to the United States. That power having been given to the Congress, embracing both the Senate and the House of Representatives, certainly, according to legal scholars, that vests that power in the Congress alone. Yet we see the administration saying that we do not need approval of the House of Representatives to dispose of property of the United States. This approach is unconstitutional and, if consummated, in a legal sense would be void.

While we are talking about property, we hear a whole lot about sovereignty and whether or not the United States has sovereignty or is entitled to operate as if it were sovereign. The fact of the matter is that the United States owns this property in the Canal Zone in fee simple; whether it has sovereignty or not really not important.

We are disposing of the physical property of the canal and the public property and lands in the Canal Zone. Yet the administration is unwilling to allow the House of Representatives to pass on this issue, even though I understand that more than 218 Members of the House have introduced a resolution asking that this matter be submitted to the House of Representatives, as well.

Mr. CURTIS. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield to the Senator.

Mr. CURTIS. My recollection is that the hearings revealed that the U.S. Government paid a substantial sum, I believe in excess of $3 million, to individual property owners.

Mr. ALLEN. Yes, that is correct.

Mr. CURTIS. Owners of farms, buildings, lots, and the like, in Panama.

Mr. ALLEN. That is correct. A much larger sum.

Mr. CURTIS. My question is this: If this treaty is adopted, in whom will that previously owned personal property, in whom will the title be vested for this previously owned property?

Mr. ALLEN. It will be my guess. I say to my distinguished colleague from Nebraska, it would belong to the Government of Panama if the treaties are agreed to. If the treaties are agreed to and the House of Representatves is allowed to act on it and approves it—but I think the contention will be made whether the House acts or not, that the property goes to the Government of Panama. That is my judgment.

Mr CURTIS. One other question.

Mr. ALLEN. I do not think they want us to own a foot of land down there, or have a single soldier down there.

Mr. CURTIS. Can the Senator tell me who took title to the land back at the time of the original treaty that was adopted when these sums were paid in order to compensate those owners of private property down there?

Mr. ALLEN. I am not absolutely sure. It would be the U.S. Government or an agency of the U.S. Government. I rather believe the Panama Canal Company was set up prior to the transfer of these properties, but I am not absolutely sure.

It is either the Government of the United States or an agency or branch of the U.S. Government.

Mr. CURTIS. Is it not true that the treaty that is before us, the first principal sanction sets aside the old treaty entirely?

Mr. ALLEN. It does, indeed, and that reminds me of another point I want to make, I say to the distinguished Senator.

Mr. CURTIS. In other words, if we approve the treaties before us, we carry over no rights that we had in the existing treaty and are limited only to those rights that this new treaty gives us?

Mr. ALLEN. That is exactly right, exactly right.

Mr. CURTIS. Does that make it more important than ever that Panama, and its chief executives, and this Government, agree on interpretation of what the language in the new treaty provides?

Mr. ALLEN. Very definitely, I say to the distinguished Senator.

Mr. CURTIS. If the new treaty is approved, then so far as any rights of the United States of any kind in that whole area, we start from scratch and only have those rights specifically given us in the new treaty?

Mr. ALLEN. That is correct, unless possibly the implementing legislation might possibly confer some rights on us. But I would say that in all likelihood the Senator is correct.

I give an example, the implementing legislation might require that this $319 million that is still owed on the canal might have to be paid or the interest might have to be paid on that, but that would be just on the day-to-day operation of the canal and not basic rights in the canal.

Mr. CURTIS. It is often said that the approval of these treaties before us should not be decided by prejudice or personal interest, but should be decided in the national interest.

Does the distinguished Senator agree with the Senator from Nebraska in the assertion that our national interest is the future operation of the canal, assuring without question all of the rights and prerogatives that this country needs from the standpoint of defense, as well as the passage of commerce through the canal, as well as protection from having the canal used by a nation that might have declared war against the United States?

Mr. ALLEN, Yes, I certainly agree with the distinguished Senator.

Mr. CURTIS. Well, what are the facts in reference to the new treaty and the use of the canal by a nation at war with the United States?

Mr. ALLEN. Under the present treaty, there is a method of preventing belligerents from using the canal. A vessel will have to have been in the Panamanian waters there for a certain time and thereafter it would be difficult for an enemy vessel to go through the canal.

But under the new treaties, we are obligated to let enemy subs or enemy warships ply the canal just like our own ships.

We might have some right to prior passage under the leadership amendment, but we do have to maintain neutrality and that means that enemy warships can use it, just like our own ships.

Mr. CURTIS. And if we sought to stop them from it, we would be running in the face of a solemn agreement if we ratify these treaties?

Mr. ALLEN. That is correct.

Mr. CURTIS. The distinguished Senator from Alabama is an excellent student of history. I would like to ask him, throughout the years that the United States has operated this canal, what has its record been so far as being fair with the commerce of the world?

Mr. ALLEN. Extremely fair. The canal, under the Panama Canal Company, which is an arm of the U.S. Government, has been operated on a nonprofit basis and that is going to end with the approval of the treaties in that Panama is going to skim approximately $100 million a year out of the operation.

Mr. CURTIS. Is it not correct that from the time the canal started operating until just the last couple of years or so

we never raised the tolls because we agreed to operate it at cost?

Mr. ALLEN. That is correct. I believe it was 4 or 5 years ago, there was a raise. But, of course, under the treaty we start off with a raise of 30 cents a ton that goes to Panama, and also certain other guarantees made there that are supposed to come out of the tolls, but, whether they are sufficient to come out of the tolls or not, that is another way the taxpayer is going to come into play here. If they have deficits there at the end of the term of the Panama Canal Treaty, we are obligated to turn the canal and the Panama Canal Commission over to Panama free of debt, and that includes the $319 million they still owe on the original Panama Canal.

Mr. CURTIS. Does the Senator from Alabama know of anyone urging the ratification of these treaties and basing his argument on criticism of the way the United States has operated this canal for the benefit of the consumers of the world?

Mr. ALLEN. I believe that any such argument certainly would be refuted by the facts.

Mr. CURTIS. In other words, there is no accumulation of complaints or substantial complaints of any kind against the way the United States has run the canal in the past, so far as accommodating the commerce of the world is concerned?

Mr. ALLEN. Not that I know of.

Mr. CURTIS. What interests of the United States would be advanced by the ratification of these treaties?

Mr. ALLEN. I know of none, except the dubious thought that it is in furtherance of a good neighbor policy, that by giving this tremendous natural asset to Panama, we would create good will for our country. But I think that is very dubious and contrary to recognized positions, because we have found that we have not been able to make a lot of friends through a liberal foreign aid policy.

I know of no friendships we have created, after having dumped about $200 billion overseas in foreign aid since 1946. I believe there would be less respect for the United States among the countries of the world, including Central and South America, if we were to allow ourselves to be frightened into these treaties.

Mr. CURTIS. In reference to the policy of the United States in matters of world affairs, can the Senator from Alabama think of any instance in which we have withdrawn from a particular area because of the desire not to confront opposition and it has resulted in peace and quiet and self-government and the protection of human rights for the area involved?

Mr. ALLEN. No. I cannot think of any that had that result. I think it is not likely that we will find any such instance, because I believe that human nature is such that if we give an enemy or a potential enemy a mile, he will take 2 miles.

Mr. CURTIS. Does the Senator regard the basic policy, whether to surrender the treaty and attempt to appease militant minorities, or whatever they represent, as something which will improve the position of the United States?

Mr. ALLEN. No, I do not believe it would. I think it would weaken the position of the United States around the world.

Mr. CURTIS. I thank my distinguished friend for his answers.

I think it is incumbent upon those who advocate the ratification of these treaties, whereby we repeal or set aside the old one, to prove that the United States has not operated the canal in the past for the good of all parties concerned. Does the Senator agree with that statement?

Mr. ALLEN. I certainly do.

Mr. CURTIS. Has the Senator from Alabama, in his very regular attendance here at the debates, heard any speech that establishes proof of the failure of the United States to manage properly the canal for the good of the commerce of the world?

Mr. ALLEN. No. I suggest that it has not been made.

Mr. CURTIS. I thank the Senator.

Mr. ALLEN. I thank the distinguished Senator for his very penetrating questions and the opportunity he has given me to reply to them.

One of the provisions of the treaty that the distinguished Senator is questioning reminded me of is provision that during the life of this treaty, 22 years, the States, that we not have the right to negotiate with any other country for the building of a canal, without Panamanian consent. They make the strange argument that that provision was put in the treaty for the benefit of the United States, that we not have the right to negotiate with another nation for the building of another canal across the isthmus.

I hardly see that that is for the benefit of the United States. But they say, "Well, by getting that agreement, we got the agreement that they would not allow another nation to build a canal there in Panama."

That sounds pretty good, until you consider that the United States, under the 1903 treaty, has a monopoly in Panama on the building of transisthmus canals through Panama anywhere in Panama.

So, as the distinguished Senator from Nebraska said, we will have to do away, under these treaties, with every agreement entered into in the past. So if we have agreed in the past that only the United States can build a canal in Panama, they first have us give up that right under the 1903 treaty and say, "Now you don't have that right, and we can give the right to some other nation. So, in return for our not giving any other nation the right to build a canal, you had better agree that you won't build anywhere other than Panama."

So they get us to give up our monopoly and then offer to trade us something we already have, in return for giving up the right to negotiate with another nation for another transisthmus canal. Obviously, doing away with the 1903 treaty deprives us of that right we now have; and in order to get it back, we have to agree that we will not negotiate with another country for the building of a canal.

Mr. CURTIS. Mr. President, will the distinguished Senator yield for another question?

Mr. ALLEN. I yield.

Mr. CURTIS. We live at a time when all governments find their costs going up, and figures have to be updated every once in a while. Would it be possible for the United States to retain the existing treaty and still give consideration to whether or not the existing dollar payments to Panama should be increased?

Mr. ALLEN. I appreciate the Senator asking that question, because it is something I would like to see done. But there are no circumstances under which I would vote for treaties with Panama—not these treaties—having to do with the canal.

The one thing I would be willing to concede on, provided our rights under the 1903 treaty were preserved, is that we have the right to operate, maintain, and defend the canal in perpetuity, as we now have, the one thing I would be willing to see changed is this $2.3 million annuity that the United States pays to Panama, that it could get from the tolls—I believe that would be a more proper way of increasing it—I would be willing to see that increased manifold. Tenfold would not shock me in the slightest, even twentyfold, which would get it up in the neighborhood of $50 million. I would not object to that concession being made.

However, I do think that the only way we are going to protect our national interests and our economic interests is to maintain our ownership, our control, our right to maintain, and our right to defend the canal.

So it would be only in that instance that I would be willing to agree to any new treaty with Panama.

Mr. CURTIS. If the distinguished Senator will yield further for another question: Is it not true that this upgrading of the numbers could even be done without resorting to the treaty procedure?

Mr. ALLEN. Yes. It has been done. It just started out that Panama at the outset received $10 million and then $250,000 a year annuity and that has been gradually hiked up to $2.3 million. So it could be done, yes.

Mr. CURTIS. So this new treaty cannot be urged upon America as a necessary vehicle in order to update the payments in the light of world crisis and many costs that all governments must incur?

Mr. ALLEN. No, it cannot be.

Mr. CURTIS. Again I thank the distinguished Senator.

Mr. ALLEN. I thank the distinguished Senator for his question.

Mr. President, if I may conclude my remarks, I shall send to the desk at the conclusion of my remarks an amendment that I plan to offer to article I of the Neutrality Treaty, if we do not move to the other treaties, as I feel we should, that would make this amendment an addition, in effect, to the thought of the leadership amendment. It does not ap-

ply to the leadership amendment. At another time it will be offered doubtless to the leadership amendment. But this will just amend article I, since it is only article I that can be amended at this time, having to do with our right to defend the canal and our right to maintain troops in the Canal Zone subsequent to December 31, 1999.

It reads:

Provided that the military presence of the United States in what was the Panama Canal Zone on September 7, 1977 . . .

And that is at the time of the signing of the treaties by Torrijos and President Carter—

the military presence of the United States shall be continued beyond December 31, 1999, if the President of the United States deems it necessary for the defense of the canal or the maintenance of the neutrality thereof and shall prior to December 31, 1999, so certify to the Government of Panama.

The distinguished Senator from Idaho (Mr. CHURCH) says that the meaning of this amendment is implicit in the leadership amendment. If that be true, why not spell it out? Why not spell it out if his amendment means the same thing? But the amendment overlooks the fact that by the time his amendment is put into practice all our troops will be out. We cannot maintain a military presence there, and the only recourse that we would have under the leadership amendment is to invade the country. Under this amendment I propose to introduce, we have a right to maintain our military presence in Panama after the year 2000, if the President deems it necessary for the proper defense of the canal and maintenance of its neutrality.

So it just reserves to the President, and we have seen Presidents, present and past, who have been in favor of this Panama Canal Treaty, and I think even the Panamanians could rely upon his bona fides that he would act to retain our military presence there only if it was necessary.

But we do not know what the condition of Panama is going to be. We do not know what form of government it is going to have. We do not know whether it will be under the control of Castro or Russia. It might be an enemy country by the year 2000. Yet we are obligated, honor bound, under the treaties, to pull all of our troops out of the Canal Zone, abolish the Canal Zone now, and pull all troops out before January 1, in the year 2000.

All this amendment that I plan to offer would do would be to preserve an option, a very necessary option, in the United States, acting through the President of the United States at that time.

Mr. President, I shall ask unanimous consent that I might offer in the RECORD a letter to the editor from my distinguished constituent Kenneth N. K. Able, of Huntsville, a letter to the Huntsville, Ala., News, in which he comments in a most constructive fashion on the reason for the need to defeat these treaties. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Huntsville (Ala.) News, Jan. 27, 1978]

LETTER TO THE EDITOR

Editor, Huntsville News:

Senator Sparkman's Foreign Relations Committee has before it two proposed treaties which would have the effect of dismembering our country by giving away territory and property in the Isthmus of Panama for which our government (i.e., tax-paying public) paid the French Syndicate of Ferdinand de Lesseps, the Republic of Panama, and the Government of Colombia.

Justification of this give-away, plus the granting of additional tribute to the Torrijos Syndicate of Panama, in the name of rectification of an alleged moral wrong, is a brazen test by President Carter of the credulity of a somewhat trusting American public.

There is obviously a far stronger moral case for returning the entire State of Georgia to the Cherokee Nation. Actually, if Carter's casuistic reasoning were pursued to its logical conclusion, the precedent set by these proposed Panama treaties would dispossess white and black Americans, alike, of every inch of what we have long regarded as American soil.

Other arguments to either justify or extenuate these capitulatory "treaties" seem equally preposterous. Regardless of Presidential "interpretations" and oral "understandings," could any person in full possession of his faculties actually believe that either the neutrality or the defense of the Panama Canal would be better assured by the transfer of sovereignty and ownership to a "banana republic" with an "emperor Jones" style of government?

Also, could any sane and prudent adult person really believe that we "Gringos" would thereby be more highly admired and regarded by Latin American jingoists and racists? The foregoing and other attempted justifications may be persuasive for the feeble-minded but are gross insults to the intelligence of mentally competent members of the American public.

What, then, are the real reasons for Mr. Carter's ardor in seeking to despoil our country of a legitimate and valuable asset?

And, why should our moralistic President propose to shower additional American blessings and resources upon a regime which is something less than virtuous in the recognition of "human rights," which permits political activity only by the Communist Party, which adores and consorts with the Castro-Communist regime in Cuba, which has actively engaged in the supplying of narcotics for street sale in the U.S.A., and which negotiates with the U.S.A. on the basis of threat and machete brandishing?

And, how is it that Mr. Carter has proceeded in this manner with supreme disregard of the responsibility of Congress under Article IV, Sec 3, para 2, of the Constitution he swore to defend—and with supreme contempt for the Senate, by staging a theatrical treaty-signing extravaganza to embarrass "the Hill" in its consideration of the "treaties."

Also, may it be asked, what explains the apparent functional illiteracy of the Supreme Court in connection with the above-mentioned Constitutional provision?

In light of recent revelations regarding substantial financial involvements of certain large American banks with the Torrijos regime, don't you agree that responsible handling by the Foreign Relations Committee would necessarily call for the conduct of a thorough and searching inquiry into all White House instructions to the treaty negotiators and into all circumstances underlying and surrounding the negotiation of these America-despoiling "treaties"?

If we are to have "open government" and "open covenants, openly arrived at," the Committee owes no less to the American people than to investigate all these matters thoroughly and to disclose the findings without whitewash. If impeachable offenses have been committed, the corrective procedural processes should be invoked.

Sincerely,

KENNETH N. K. ABEL.

AMENDMENT NO. 33

Mr. ALLEN. Mr. President, I send to the desk for printing and to lie on the table the amendment to which I referred in my remarks.

The PRESIDING OFFICER. The amendment will be received and printed and, without objection, the amendment will lie on the table.

Mr. ALLEN. Mr. President, if there are no questions by other Members of the Senate——

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. ALLEN. I am delighted to yield to my distinguished senior colleague, Mr. SPARKMAN.

Mr. SPARKMAN. I remember when we were having hearings on these treaties.

Mr. ALLEN. Yes.

Mr. SPARKMAN. My colleague, the Senator from Alabama, appeared and testified, and I thought he made a very fine impression.

Mr. ALLEN. I thank the Senator.

Mr. SPARKMAN. I remember at the time that he said that he felt that the treaties could be cured—he may have not used that word—with some rather simple amendments. Is that not correct?

Mr. ALLEN. Yes. I stated this, and I believe the distinguished Senator will bear me out on this, that I felt that it needed to be amended in at least five major areas and that the treaty, as so amended by the Senate, could well serve as a blueprint for future negotiations. I did not have in mind it would merely be sent to Mr. Torrijos for rubberstamping by him.

Mr. SPARKMAN. No.

Mr. ALLEN. And then that would be the treaty agreed to.

Mr. SPARKMAN. The Senator is right on the procedure that would be necessary.

Mr. ALLEN. Yes.

Mr. SPARKMAN. But, nevertheless, he indicated that he could go along with treaties of that type.

Mr. ALLEN. I could go along with it if these major amendments are adopted, to send it back for further negotiations, yes.

Mr. SPARKMAN. Yes.

Mr. ALLEN. And then if it came back in that form, after renegotiation, that I felt that it could be approved.

Mr. SPARKMAN. Yes. And as I said, I was very much impressed with the suggestions the Senator made at that time. In fact, I think I commented on it here on the floor.

Mr. ALLEN. Yes. The Senator certainly did. I appreciate it.

Mr. SPARKMAN. I commented that the Senator's testimony was helpful, that

the Senator did suggest amendments, but that if those amendments could be worked out satisfactorily then the Senator felt further negotiation could be held and it might be possible to get a workable treaty.

Mr. ALLEN. Yes; that is true. But it did presuppose not ratification at this time but further renegotiation. Is that not correct?

Mr. SPARKMAN. My impression was that the Senator felt that it could be successfully negotiated. I think I used the expression "could be worked out."

Mr. ALLEN. Yes; and I will say, too, that if the amendments I plan to offer are accepted then I feel that it would be approved here in the Senate, and I would start off with the amendment to which I have referred, that we maintain our military presence there in the Canal Zone if the President deems it necessary for the defense of the canal.

So I hope the distinguished Senator from Alabama, my able and distinguished colleague, will start off, then, by agreeing to my amendment and voting for it as one of the conditions precedent to our agreeing on the treaty.

Mr. SPARKMAN. Well, we will have to see about that as we proceed.

Mr. ALLEN. That is what I rather thought. I thank my distinguished colleague.

Mr. President, I want to pay tribute to my distinguished senior colleague (Mr. SPARKMAN) for his diligent and able work on these treaties in the Committee on Foreign Relations, and for keeping an open mind on the subject, and I appreciate the fact that he has studied this matter and has tried to come to what he considered a treaty or treaties that are in the best interests of the people of the United States.

He and I have independently reached differing conclusions with respect to the treaties, but I do pay tribute to him for his hard work, his sincerity of purpose, and his full and complete consideration of the matter before us at this time.

Mr. SPARKMAN. I thank my colleague.

Mr. ALLEN. I would like further to say that I do regret that my distinguished senior colleague, whom I respect and admire so much, and I have reached different conclusions. I would like for Alabama to speak in a loud voice, "No," with respect to these treaties.

Sometimes when the Senators from the same State differ—I see the distinguished Senator from South Carolina (Mr. HOLLINGS) here. I rather feel that possibly he might be at some point of difference with his senior colleague with respect to the treaties. Ordinarily where the Senators differ on a question, they do cancel their votes. In this case, however, Mr. President, that is not true. And even despite my distinguished colleague's seniority, his great experience, and his prestige as chairman of the Committee on Foreign Relations, on the particular vote of final approval of these treaties, the vote of the junior Senator from Alabama is going to count twice as much as the vote of the distinguished senior Senator from Alabama, and the vote "No" of the junior Senator from Alabama will not only cancel out the vote of my distinguished senior colleague (Mr. SPARKMAN), but it will also cancel out the vote of one other proponent of the treaties.

So we find that Alabama is in fact speaking out on this subject—speaking in a weak voice, I might say, Mr. President, because of the fact that Mr. SPARKMAN and I do differ, but still Alabama is able to speak out, even if in a weak voice, against these treaties.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Under the previous order, the Senator from Connecticut (Mr. WEICKER) is recognized.

Mr. CHURCH. Mr. President, I wonder if the distinguished Senator from Connecticut (Mr. WEICKER) would yield to me for the purpose of a short statement. I do not propose to undertake a full rebuttal at this time, because the Senator has been waiting patiently for the floor, but there was one remark made in the course of the debate——

Mr. WEICKER. I yield to the distinguished Senator from Idaho. I ask unanimous consent that he be allowed to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. I thank the Senator very much for his courtesy.

Mr. President many statements have been made in the past hour that must have our audience on public radio thoroughly confused if not literally hanging on the ropes. All of these statements will have to be addressed and rebutted in the course of the debate, and the confusion that exists will have to be clarified. But there was one statement that is so striking that I must reply to it at this time. It was asserted that by virtue of the neutrality provision in the treaties we somehow open the canal to warships of other nations, including enemy ships.

Mr. President, this is not just a distortion of the fact, but it is one of such alarming proportions that a reply at this time is mandatory. Under the existing treaty governing the present operation of the canal, the United States is formally obligated to respect and maintain a regime of neutrality. The provisions are written into the Hay-Pauncefote Treaty, and the governing article reads as follows:

> The canal shall be free and open, in time of war as in time of peace, to the vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise. . . . Such conditions and charges of traffic shall be just and equitable.

From the moment the United States opened the Panama Canal for international traffic in 1914 the canal has been administered in strict accordance with the terms of the treaty I have just quoted. It has been a neutral waterway, open to the passage of all ships, including warships, of any nation. Nothing in the pending treaty changes this arrangement in any way detrimental to the United States, and to suggest that it does is contrary to fact.

From the beginning, the United States has protected its national interests by preventing any hostile ships from approaching the canal. Obviously, you do not want to stop one in the middle of the locks. That would be a rather self-defeating way to prevent an enemy vessel from transiting the canal. We stop them out at sea. We prevent them from reaching the canal.

That is what we have done from the beginning, and that is what we would continue to do under these treaties. Let there be no confusion on that score.

I might say, Mr. President——

Mr. ALLEN. Will the Senator yield?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. CHURCH. May I have 1 additional minute?

Mr. WEICKER. One minute.

Mr. CHURCH. I might say, Mr. President, that the pending treaties actually improve the position of the United States with respect to this subject, since Panama, for the first time, undertakes an obligation to prevent any foreign troops from occupying any part of Panamanian soil. That is not true under today's arrangement. Under the existing treaties, there is no legal basis for the United States to complain if Panama invited Soviet troops and Cuban troops into Panama and stationed them right up against the fences of the Canal Zone. So, if anything, the position of the United States with respect to both the protection of the canal and the neutrality of the canal is improved under the pending treaty, not impeded. The record should be made clear on that point.

Mr. ALLEN. Mr. President, will the Senator yield me 1 minute?

Mr. WEICKER. Yes.

Mr. ALLEN. As to the distinguished Senator's statement. There was a further agreement, as I understand it, between Panama and the United States, entered into in 1914.

This agreement allows certain vessels neutral status, which was as written into the treaties, but it also requires, as I recall, such shipping to remain in Panamanian waters for 3 months, before transiting the canal, and vice versa. I do not have the document with me at this time. It is called the Protocol of 1914, and I will introduce it into the RECORD later.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. CHURCH. Mr. President, there is nothing in the evidence before the Foreign Relations Committee to suggest that any subsequent agreement altered, obviated or repealed the provisions of the Hay-Pauncefote Treaty, nor is there anything in the record to suggest or imply that the United States ever operated the canal except in accordance with the principles of neutrality as set forth in that treaty.

Mr. ALLEN. How many such enemy submarines transited the canal during World War I?

The PRESIDING OFFICER. Will the Senator from Connecticut yield?

Mr. WEICKER. I yield.

Mr. CHURCH. In the First and Second World War no enemy submarines transited the canal because the U.S. Navy controlled both the Atlantic and Pacific access and prevented them from even approaching the canal. This is precisely what we would do under the new treaty.

Mr. WEICKER. Mr. President, as the Senate begins its debate on the Panama Canal treaties, I am reminded of the words of the gentleman whose birthday we just celebrated, Abraham Lincoln.

Let us have faith that Right makes Might, and in that faith let us to the end dare to do our duty as we understand it.

Really, this is the essence of the argument presented to the U.S. Senate, defining the word "might." Is it defined in terms of a bodily presence, such as has been suggested by various opponents of the treaty?

Is it defined in terms of military hardware, which has been the essence of our foreign policy during the last several decades?

How does one, in the year 1978, define the word "might?"

I do not see why anyone in this Nation should have great difficulty with the answer to the question. The greatest strength of the United States is not in the head count of its military; is not in the numbers of weapons which we possess. It is today, as it has always been, in the spirit of its people. It is the state of our spirit that determines the state of the Union.

I do not see this as a time to question the value of strength of spirit in foreign policy when it comes to our dealings with the country of Panama. But there are those who still would define might in a more traditional sense. In the sense of years gone by, failing to understand that invariably it is a combination of spirit, of arms, of policy. All these in the sum total determine the strength and weakness of any particular nation.

Our own beginnings as a nation were totally contrary to the foreign policy of those times. The United States of America, or rather the colonies, did not have the armies, did not have the weapons, but certainly had the principles and certainly had the spirit which drove them to achievements way beyond any numbers.

So now it is that not only in this hemisphere, but throughout the world, the strength of any nation is going to be measured in more than just terms of hardware, in more than just terms of armies. Rather, it will be in terms of deeds matching the words of any particular philosophy.

As we view the words of totalitarian philosophies, communism included, there is little cause for trust on the basis of the actions of such nations.

In our own hemisphere, and throughout the world; in Africa, the Middle East, the Far East, nation upon nation is waking up, unwilling merely to follow the voices of a few leaders; rather, each one setting its own course in history, demanding the same quality of life as the more fortunate of its neighbors. Therefore, a great opportunity is available to the United States of America, an opportunity unparalleled in our lifetime: not to impose as a matter of fiat or dictation our philosophy, but, rather, by example to have others reach for it and want to emulate it.

Is there anything to be emulated in the old Panama Canal Treaty, in the terms of spirit, or in the terms of principle, or in the terms of what is right? Is there anything to be emulated?

It was the great technological achievement of its time, but it accommodated the big-stick ideas and philosophies of that time. That is no longer going to work.

I have no fear of our image when the United States is going to be out of Panama bodily. Rather, I anticipate that day when, yes, we are out bodily, but the spirit of this Nation is what remains behind as our strength. That is what is important.

During the past several months since it has become the issue, I have heard every conceivable type of criticism of the treaties except criticism based upon logic and fact.

I do not know what this exercise is that we are all going to go through tomorrow, but I do not think it stands to any great credit of the United States of America to have the Senate of the United States engage in such an exercise.

Is there anyone in this Government, in any branch, who could withstand the type of scrutiny on personal lives which will be applied here during the course of the debate on this treaty? And what does it really have to do with the treaty?

Earlier the Senator from Alabama made reference to his rather simple amendment, whereby our presence is maintained even after the year 1999.

He knows, as well as I, that that entirely destroys the value of the treaty. It is not that we are giving anything away; rather, it is that at the end of 20 years our presence, not only in Panama but in the entire Western Hemisphere, will be stronger than ever because it is an accepted not a forced presence.

Our presence will not be a matter of pieces of paper; belief in the United States of America and what it stands for will not be a matter of a piece of paper, but, rather, will be based upon the deeds of a great nation.

I intend, Mr. President, not only to vote for ratification of these treaties, but I intend to vote for them and speak for them enthusiastically. I intend to be on this floor in the weeks ahead, not merely to have a voice heard, but to respond to those who would take what could be one of our great moments in history and turn it into something shallow, something petty, something offered grudingly.

There are many Americans who feel we should not ratify the Panama Canal treaties. They are men and women of good sense, good will, and honorable intent. I have no doubt that it would be a very easy matter, indeed, for many of us here to succumb to the polls and, in effect, become pollsters ourselves; in effect, to stand here with a finger to the wind. Well, this is just one of those times when the tough side of the job becomes apparent.

I daresay most of my colleagues would agree that being a U.S. Senator is a wonderful thing. It is a very stimulating enterprise in the sense of colleagues, in the sense of the challenges that confront us every day. It certainly is diverse. Great attention is paid to each of us in terms of the media. Whenever we go to banquets or other affairs the spotlight is on us. That is the nice part of the job.

I remember very well the years I spent serving in the U.S. Army as a second lieutenant, then a first lieutenant, then a captain. Very frankly, I preferred serving in the Army in the capacity of an officer rather than an enlisted man. As to meals, transportation, quarters, privacy, everything, it was a far better way to serve. One day, in the course of one of our firing exercises down at Fort Bragg, the chief of the firing battery came up to me and explained that in the No. 3 gun, a round had not gone off. Would I go ahead and perform my duty? I asked exactly what that was.

He said:

Well, lieutenant, you are supposed to pull the lanyard and wait 5 minutes; then it is your job to open up the breech and clear the round.

All of a sudden, the job of being an officer was not so pleasant. Here was the other side of the coin. I think the time has come in this country, in many respects, for leadership to clear the breech, to understand that that is part of our job also. It is the tough part.

We have come off an unpleasant experience in Vietnam. Nobody is going to deny that. And I am sure some are looking, in an international or diplomatic sense, to regain our manhood.

I do not think we ever lost it. I think, we came to a realization that whatever our quests in this world, logic and facts had bettter stand behind them if the United States is to prevail.

I feel that, if it is leadership we are looking to regain, we are not going to do it in the traditional sense of beating up on the smallest guy on the block. Rather, we are going to do it in the way of elevating our actions to the idealism and to the high principle to which we have always striven as a nation.

The cpposition is based on a bedrock assertion that we should not "give away," as the phrase goes, the Panama Canal. Such arguments, it seems to me, owe far more to demagogy than to reason. It is a sorry day for America when we can do no better than to say, "It is ours, we built it, we paid for it, and we are going to keep it." That is not an argument that is a petulant, bullying assertion unworthy of a great power.

National pride in the Panama Canal as our moonshot of the early 20th century runs high whenever and wherever it is discussed, and understandably so. We achieved a technological and engineering marvel during the first decades of this century by drawing on financial and technical resources which were uniquely ours. Now, in the last decades of this century, we are called upon to draw on equally rare and powerful resources of fairness and goodwill to re-

turn the canal and the zone which surrounds it to Panama.

Those who oppose the treaties allege that to do so would be an act of national cowardice, allowing our southern neighbors, in effect, to kick sand in our faces.

Mr. President, Panama is about the size of South Carolina, with a population equal to the city of Atlanta. Without casting aspersions on the valor of the Panamanian Guardia Nacional, I submit to my colleagues that they do not pose a threat to the defense forces of the United States. Reasonable people are not apt to suppose that we are letting ourselves be pushed around by Panama.

So much of the argument about why we should keep the canal is based upon perceived historical rights and privileges which belong to the United States as a result of our involvement in this undertaking at the start of the century. The historical record on this point demands closer scrutiny, especially when some Americans believe we are being euchred or pressured out of something to which we have a strong legislative and historical right. So let us consider how we got involved in Panama in the first place.

Since the 16th century, the value of a canal in the Central American Isthmus was recognized. By the turn of the 20th century, when the United States got around to thinking seriously about building one, there was a question about where to put it—in Nicaragua or in Panama, which was a Province of Colombia. A private French group, the French Canal Co., already owned the rights to construct a canal across Panama. The French company offered to sell its interests in the area to the United States for over $100 million. Because of the price, we decided to build in Nicaragua.

Since their franchise was to expire in 1903, the French company saw the wisdom of lowering its asking price to $40 million so they could get their money out of the deal.

These arrangements were negotiated by a French agent, named Phillippe Bunau-Varilla, who had been the chief engineer on the French project.

The combination of a more reasonable price, plus a volcanic eruption in Nicaragua, convinced our Secretary of State to negotiate a treaty with the Colombian Ambassador in Washington which permitted us to build a canal in Panama and to have perpetual control over a strip of land extending for 3 miles on either side of the canal. For that, we agreed to pay Colombia $10 million, plus an annual fee of $250,000.

The U.S. Senate ratified this treaty. The Government of Colombia rejected it. It is understandable that they might have wondered why we were willing to buy out the French company for $40 million, and yet were only willing to pay Colombia $10 million for the perptual use of their country.

The Roosevelt administration put pressure on Colombia to accept the treaty, without success. When Colombia offered to negotiate, the President refused. He called Colombians, "inefficient bandits," and made known, in private, and very widely, his view that it would help to uncomplicate things if Panama were an independent state. In short order, the American press was full of stories to the effect that the United States would smile favorably upon a revolution in Panama.

In the draft of his state of the Union address in 1903, the President recommended a takeover of Panama. This was deleted from his address, however, because his private messages had already been received loud and clear. On November 3, a revolution broke out in Panama. There had been other revolutions there. The country had once been independent and, in 1821, opted to become part of Colombia. It then spent the better part of the rest of the century trying to regain its independence through revolutions, rebellions, and other expressions of dissatisfaction. But the 1903 revolution was different. That one was financed and organized out of the Waldorf-Astoria Hotel in New York City, and one of the principals in the effort was none other than Phillippe Bunau-Varilla; still looking for an angle to get back the French Canal Company's investment.

The United States intervened in the revolution in an interesting way. In 1846, we had concluded an agreement with Colombia by which we would mutually act to guarantee the right of transit across Panama and to keep law and order there. Now, acting under that agreement, we prevented Colombia herself from putting down the revolution in her own territory.

Three days after the revolution began, we recognized the new Republic of Panama. The new government, in turn, signed a treaty giving us the canal rights we hold today, for $10 million plus an annual fee. And who do you think negotiated the treaty for Panama? Our old friend, and the newly appointed representative from Panama in Washington—Phillippe Bunau-Varilla, the agent for the French Canal Co., which, when all was said and done, finally got its $40 million out of the deal.

Our dealings with the French Canal Co., the involvement of U.S. political figures like Mark Hanna, the questions of who got paid for what, and how the money moved, are all matters which are still largely shrouded in secrecy. Roosevelt later wrote that what had occurred, had been done "in accordance with the highest, finest, and nicest standards of public and government ethics." That is difficult to substantiate from the record. Some years later, Teddy came closer to the apparent truth when he boasted, "I took the Canal Zone."

If there is any cause for pride in these events, it exists in the fact that many Americans at the time were ashamed of what had been done and protested it.

In 1921, our Government indemnified Colombia to the tune of $25 million for our role in the so-called revolution which got us the Panama Canal Zone.

I do not think it is unpatriotic to say this episode does not constitute a shining, golden moment in American history. There is only so much that can be undone. Obviously, Panama is not going to go back under Colombian control. However, legitimate or illegitimate her birth or her rebirth, she exists—a sovereign state—the youngest republic in the Americas. And part of her sovereignity was signed away for profit by a French agent for a French corporation. with the connivance of American politicians. From the standpoint of the Panamanians, one does not have to be a raving Communist to object to the U.S. presence there.

This is why I question the constant vaporing effusions about pride in our involvement in Panama. We can be proud of the technological achievement. We can be proud of the organizational achievement. However, we do not need the Panama Canal as an eternal monument to our technological and organizational abilities. These are fully acknowledged and respected around the world.

I would rather see the Panama Canal established as a testament to our strength, our self-confidence and our essential fairness—and that will be done by restoring to Panama the rights that were signed away by Mr. Bunau-Varilla 75 years ago.

Just in recounting the events of our involvement in that part of South America, it certainly has to bring to mind some of our involvement of recent years, involvement that we now, in many formal ways are rejecting. Yet, for some reason or other, we still want to continue this last vestige of our one colonialist experience.

The "fatal flaw" in these treaties pointed out by many opponents is the potential crippling effect they would have on our national defense and security.

Before we begin conjuring up the ghost of the domino theory in Latin America or fantasizing about Soviet and American ships queuing up to transit the canal enroute to lambast each other's targets, let us recognize the essential fact that the military exigencies of 1978 are a far cry from those of 1903.

Many of us find it hard to convince our colleagues in this Nation that the exigencies of 1978 are far different from those after World War II. Certainly, no one will deny the change that has taken place since 1903.

One inspiration for our involvement in the canal in the first place was the fact that it took 69 days for one of our battleships to come around Cape Horn from the Phillipines to Cuba during the Spanish American War.

Today—we have large fleets in the Atlantic and the Pacific.

Today—the speed of our vessels is twice or three times what it was at the turn of the century.

Today—we have naval vessels which will not even fit through the canal.

I can think of nothing easier than putting the canal out of commission today, should an enemy choose to do so.

I can think of no more inviting target for a belligerent than a string of U.S. warships threading its way helplessly through the canal.

I can think of no better way to tie up substantial U.S. forces than to draw

them into the Canal Zone in a futile and debilitating effort to keep the canal open in the face of a hostile populace.

Let me stop at that argument, because it is used in a threatening way by those who are opponents of the treaty. Allusion to the fact that the populace would be hostile is used to imply unacceptable blackmail. Would we be hostile if there were an enclave owned by some foreign nation in any one of our constituencies? I would imagine so. So why is it not factual to state that such a hostility would exist? And why deem it unusual or a blackmail tactic?

The defense arguments over the canal suffer from one central and internal contradiction. Any war sufficient in magnitude to make the canal a strategic necessity would almost certainly be one which would make it a strategic liability.

I do not want to live with the tactics of 1903 in 1978. I do not want to live in 1978 with the conceptions of a world that existed in 1903.

There are those who would concentrate all their efforts, both in a diplomatic and a military sense, in the Far East, in the Middle East, in Africa, totally in disregard of that area of the world closest to us. This is our first priority: The Western Hemisphere, South America, Central America, the Caribbean.

We are a free people. It is a freedom which we believe in, which we perpetuate, and which, as every day goes by, we try to give greater meaning to. Why, then, a reversal of that attitude on the international scene as it applies to our closest neighbors?

In the military sense it is proper to turn to those who are the experts. Here the Commander in Chief and the Pentagon are satisfied. Our Joint Chiefs of Staff and the Secretary of Defense, who were involved in negotiations on a day-to-day basis, have endorsed the treaties. Those who are opposed are the former Chiefs of Staff, the former admirals, the former generals. It is not the "former" in whose hands I expect to put my life or the lives of my children. It is those who have that responsibility today and into the future. They have spoken clearly on the point that is of greatest concern, and properly so, to all of us—national security.

The only refutation of their testimony has been that they are pressured to support the treaties, and I think that is an insult against men of honor and character and intelligence.

Believe me, we are wise in the ways of Washington. If somebody wants to have their feelings known, they will have them known, if not before Senatorial committees, then through the media. So those who have the expertise, in a military sense, have spoken and are unqualifiedly for the treaties.

They have said they are not interested in ownership but, rather, in the use of the canal and that use has been guaranteed in the national security sense.

Another specter commonly raised is that of a Soviet enclave being established in Panama as a result of a return of the canal. I should like to address that issue, in response to some of the comments made by opponents of the treaty which comments imply a soft on communism result from treaty ratification.

First of all, let us understand that the opponents of the treaty in Panama are those political parties that are to the left of the Communist Party. They are all opposed to the treaty. The Communist Party of Panama is opposed in part to the treaty, specifically that part of the treaty which says that the United States has the right to guarantee the neutrality of the canal. They want the United States out entirely. Why are these leftist elements against the treaty? Because as long as the present situation exists, it is the climate in which they thrive.

So as to this shooting from the hip, such as comments of Torrijos being a Marxist dictator—that he is not—and we are giving something away to radical elements on the left, the exact reverse is the truth. If you were on the far left in Panama and committed to violence, believe me, you would want the present state of facts to continue; 1903 treaties is the climate in which violence occurs.

What is the Soviet experience in the Western Hemisphere to date? Obviously, the most prominent one that comes to mind is their close association with Cuba. What is the result of that association? Cuba is an economic liability to Russia, which we should see as a plus. What she—Cuba—gets out of the deal is the opportunity to send her sons to die in dubious battles on behalf of the Soviet Union in Africa and the Middle East and, yes, in South America.

I do not think the success of either the Soviet Union or Cuba has been outstanding in any respect. The dismal example of Cuba is probably the best insurance we can have against serious flirtation by any nation in the Western Hemisphere with the Soviet Union.

Now, it seems to this Senator that much of the resistance to the Panama Canal Treaties is found not so much in the prospective liabilities of the agreements but in their value as a political and a philosophical rallying point.

From the onset of the Republican primaries in 1976, we have watched the Panama Canal come around and around and around, with the colorless monotony of a carousel carrying only one horse.

With the broad and rich vein of social, economic, and political concerns which American conservatives could and should mine in redressing the political imbalance of America, it is saddening to me that no issue more compelling than Panama is chosen as the banner beneath which to assemble. It argues a lack of imagination, creativity, intellectual sensibility, and political sensitivity in the section of the ideological spectrum upon which we must rely to keep balance in our national politics.

If any one of us went to any street in America today and inquired as to what the principal issues of concern were, we certainly would get energy, we certainly would get the response of inflation, and we certainly would get the response of employment—of employment opportunity, of education. This is what should be addressed by all philosophies and all parties.

But instead there are those who look upon this as their moment of opportunity. I think it is a moment of opportunity in the national sense—in the sense of making it clear what it is this country stands for.

For too long America's words have had to stand alone, without the activism or the deeds behind them which give meaning to those words.

We have been through an orgy of celebration as to what it is this Nation has stood for over the course of 200 years and now the time has come, it seems to me, to write our own chapters in terms of our own lives and our own experiences. This is what is important, 1976 was never as important as 1977 and beyond.

This is the moment when we decide for ourselves and for our children what the definition of "strength" will be. This is our moment when we bring practical, useful glory to the concepts of America. This is our chance to leave a rather bleak period of history behind and to win that real battle for men's minds which is taking place.

If Cuba and those that follow the Soviet banner take their sons to war and leave them dying in foreign lands, let that be their testimony. If the United States does not compromise its great principles abroad but keeps them as pure and as whole as we insist for ourselves, let that be our testimony. Yes, nations of the world look to us, but in order to retain their gaze we better have a picture worth looking at.

I remember when the world laughed at us through our constitutional processes we put our own house in order. It was a world that had come to accept cynicism, corruption, in some measure or another as a necessary part of governing. It was only the great strength of this Nation that made stick, idealism being important, integrity being important. And the world that laughed at us, nation by nation came to accept the principles which we established. We did that not by force of arms but by virtue of what we stood for and what we stood for being right.

We are a free people in a free land. Why should we wish anything less for anyone else anywhere else? Not some diluted or modified version of democracy but exactly what we expect for ourselves.

Our strength as a nation is derived from the spiritual commitment which we have made to human freedom and national self-determination.

The United States does not have the population to be the greatest nation in the world. It is not there. Figure it out yourself. It is probably what, 6, 7, 8, 9, 10, down the population totem pole. We do not have the land mass to be the greatest nation in the world. It is not there. These are not matters of speculation or conjecture. They are matters of fact. We are not No. 1 in natural resources in the world. So we do not have the population, we do not have the land mass, we do not have the natural resources.

Just how is it that we became No. 1? What did we draw upon? What was it that brought us to our present state of

affairs? Sometimes I think we forget the origins of our national greatness. It is because we had something inside, some spirit that had us perform way beyond our capacity as measured by traditional yardsticks.

And the minute this Nation is willing to compromise or sell off a little bit of that spirit or a few of those principles our days are numbered as being the greatest nation in the world.

No, not freedom, in its full essence, for every American and not for somebody beyond our boundaries. We have been through that exercise.

We did not defend real estate in the great confrontations of the past by this Nation. We defended principles, and we fought for them. That spiritual commitment to freedom, to self-determination; American lives defended those commitments from Yorktown to Normandy, to Selma, Ala. I tell you that those who would have us deny Panama's legitimate right to be master of its own house give away far more than a canal; they compromise our basic strength.

The difficulty for many on this floor is that when jobs are spoken of and polls taken, ditto inflation, taxes, homeowning, education, these are the tangibles, these are what human beings easily relate to. It is the grist of politics. It is the subject matter of the poll taker. But how do you make anybody realize the importance of the American spirit? It is not an easy job politically. It is not something correctly asked as the right question in a poll. And yet without it, I think we are a very small nation indeed.

But because it is important many on this floor are going to stand up and do something quite contrary to what seems to be in their best political interests.

The real essence of this job, or rather the trust of this job, has nothing to do with politics. It has a great deal to do with a nation and its future.

The relationship we have maintained with Panama, under the terms of the 1903 Hay-Bunau-Varilla Treaty is a bad advertisement for American democracy. It is a horrible advertisement. It perpetuates a memory of our one unfortunate brush with imperialism, and, very frankly, provides a propaganda platform for those who want to degrade us before the world. Most importantly, it blurs what should be for the peoples of the world a crystal-clear distinction between the American and Soviet systems as manifested in foreign policy.

The United States was never meant to be a democratic rerun of the colonialism of the European monarchs or the totalitarianism of Communist central committees.

The treaties before us dispel once and for all the impression that this democracy, idealistically and outspokenly committed human freedom and national self-determination, could perpetuate a state of affairs for the people of Panama which it would not tolerate for its own.

Mr. President, today, in 1978, the emerging nations of Latin America and the world are testing the values of democracy and totalitarianism by how each system lives up to its ideals at home and honors them abroad. With the growth of freedom at stake, our words had better match our deeds.

We must as a people put aside the concept that a nation's strength is measured only in its armaments, its GNP or its natural resources.

What good are any of these things without a committed people, without a motivated people? Like all of you, most of my colleagues on this floor, anyway those of my age or older, whenever we saw versions of the Star-Spangled Banner, they inevitably were illustrated with both flamboyant and gory battle scenes of the American Revolution; meant to exemplify patriotism. I commend to each of you an illustrated version of the Star-Spangled Banner by Peters Speir which differs from the traditional version. Illustrating the first words of our national anthem there are the traditional paintings of the bombardment of Fort McHenry with which we are all familiar; but then when it gets to the second stanza, discussing our strength, there are pictures of combines in a wheatfield, of scientists in a laboratory, men on the moon, bulldozers in an urban area. This is the strength of the United States of America also. Not exactly what I was taught, any more than this experience with Panama is what I was taught; but it is the truth, and it is as much this Nation as our military prowess. Indeed it should be more so if we are to prevail in the future.

I started off with the words, and I will end with them—I cannot think of any better—"right makes might." That is why this treaty is going to pass this Chamber. No one can doubt or will ever doubt the technological superiority of the United States of America. I want this occasion, though, to be a superior first step on the march to our next centennial.

What is it that my generation and the generations of my children and grandchildren will have stood for? And did we have the guts to take our stand when it meant something? Not years and years from now, when obviously the circumstances or the times would make the treaty an easy choice—and it will be so; you know that as well as I do.

Our battle today is against vestiges of the past. We are going to have a treaty. But why not do it when it is a test of character, when it means something to vote "aye"?

Like anything else, you can measure the success in terms of the gamble. There is a great prize at stake here for the United States and for the principles that we stand for in this battle for men's minds across the world and in our own hemisphere.

Ours is a decent nation. Ours is a fair nation, and ours is a nation that has the courage to make both those traits stick. That is the United States I remember. That is the one worth dying for.

Again, not using my words, but in the words of James Russell Lowell:

> Then it is the brave man chooses
> While the coward stands aside,
> Till the multitude makes virtue
> Of the faith they have denied.

The name of the song: "Once to Every Man and Nation."

There will not be many more times in our lifetime when we have such an opportunity. The words, the principles of the Constitution of the United States have not changed. And now comes that test of our ability to take those words and act them out. It is not easy at home, or abroad. Recently, one of our colleagues recently died, and no man more thoroughly used a lifetime to try to make America's words come true. To a large degree he stood alone. While observing Hubert Humphrey's funeral the other day, I could only think to myself that if someone really wanted to pay a tribute to Hubert Humphrey, maybe a few of those who made it because of Hubert Humphrey, could pay tribute to the man by standing alone for someone else. That would be a real tribute.

About a year ago—in making a high school commencement address, I told the graduating class:

> I could wish nothing better for each of you than that once in your lifetime you would stand alone on behalf of somebody or something.

If the millions of people in this country would do that all at the same time, that would define the United States of America. It would be a strength nobody could lick. We would have recovered from some dim years in our recent past. Once again, we would be the strongest Nation in the world.

I yield the floor.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. WEICKER. I yield to the Senator from Maryland.

Mr. SARBANES. I want to thank the distinguished Senator from Connecticut for a very eloquent statement, and particularly for understanding that these treaties give the United States an opportunity to stand for something.

The Senator referred to Senator Humphrey. I ask unanimous consent, Mr. President, to have printed in the RECORD at this point the statement which Senator Humphrey submitted to the committee when we were considering the treaties. He felt so strongly that these treaties represented an opportunity for the United States along the lines on which the Senator from Connecticut has spoken so eloquently that he was motivated to submit a special statement to the committee. I have asked unanimous consent that that statement be printed in the RECORD at this point because it follows along so closely with the eloquent statement which the Senator from Connecticut has made.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HUMPHREY

I have followed this issue very carefully and discussed the treaties with the President by telephone. I have pledged to the President my full and active support for the treaties. An important goal of these negotiations has been the establishment of a modern and mutually acceptable treaty relationship between the United States and Panama which provides for the efficient operation of the

important waterway that will continue to remain open to all the world's shipping.

This has been the bipartisan goal for four Presidents, Johnson, Nixon, Ford, and Carter, who above all others have the responsibility for the national security of our country. The United States has lost nothing through these treaties. We have not given up anything. Clearly, no international relationship negotiated more than 70 years ago can be expected to last forever without adjustment.

In sum, the new treaties, based on partnership, give the United States the rights we need to restore the crucial ingredient of Panamanian consent and strengthens our mutual interest in a well-run and secure canal. The viability of any treaty depends on the underlying consent and shared interests of nations who are party to it.

Panama and our Latin American neighbors long have been dissatisfied with the 1903 treaty. This declining level of consent transcends any one government and now encompasses Panamanians of all strata.

There are some who claim that the proposed treaties will have an adverse effect on our security. However, the Panama Canal issue affects our relationships with other Latin American nations who view it as a test case of whether or not the United States will move into a more mature relationship with our neighbors in the Western Hemisphere.

Senate approval of the treaties will add substance and character to the good neighbor policy first enunciated by President Roosevelt.

The U.S. image and its leadership ability are under careful scrutiny around the world. Some Americans express concern that our national prestige would be diminished by the new treaties.

But in my view the case is just the opposite. The 1903 treaty is viewed abroad as one-sided and anachronistic, a holdover from a colonial era which other nations have discarded.

The ability of the United States to work through this emotion-fraught issue at home through ratification of the treaties in the Senate will be viewed abroad by friend and foe alike as a sign that we can make necessary accommodations to a changing world.

In essence, a new treaty relationship based on the concept of partnership and similar to other agreements with our allies throughout the world offers a tool that will better protect our basic interests.

The PRESIDING OFFICER (Mr. HODGES). Under the previous order, the Chair recognizes at this time the Senator from West Virginia (Mr. ROBERT C. BYRD).

Mr. ROBERT C. BYRD. I thank the distinguished Presiding Officer. Mr. President, I ask unanimous consent that the Senator from Hawaii (Mr. MATSUNAGA) be recognized at this time without prejudice to me under the order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Hawaii (Mr. MATSUNAGA) is recognized.

Mr. MATSUNAGA. Mr. President, I rise in support of the Panama Canal treaties now pending for ratification by this august body.

I support the treaties, because in my judgment, it would be disastrous for both Panama and the United States if the Senate did not ratify them. In trying to decide the issue before us, we must bear in mind, first and foremost, that the canal is worthless to us unless it can be kept in operation and we are able to use it.

The question then arises: In the event that the U.S. Senate rejects the treaties, and hostilities between Panama and the United States should ensue, could we adequately defend the canal and keep it in use?

In search of an answer, I went to Panama 3 months ago with the distinguished Senate majority leader, ROBERT BYRD, and five other Senators. While I was there, I inspected the canal. I took a helicopter tour of the Canal Zone, and I visited a remote island Province of Panama, I talked with Americans who live in the Canal Zone and with those who live in Panama proper, with American military and business leaders, with Panamanian leaders, including Gen. Omar Torrijos and President Demetrio Lakas, and with Panamanians who voted for and others who voted against the treaties in their plebiscite of last October.

My firsthand observation of the situation in Panama convinced me that Gen. George Brown, Chairman of the Joint Chiefs of Staff, was right when he said that in the event of hostilities between the United States and Panama, we could not adequately defend the canal and keep it in use, even with 100,000 troops. General Brown, of course, was speaking in the realistic expectation of guerrilla-type hostilities.

As a former infantry officer, while helicopting over the canal and viewing the dense tropical jungle extending for miles, right up to the canal on both sides, I came to the conclusion that any determined band of guerrillas could keep the canal completely shut down over extended periods of time and render it useless in the event of an emergency.

I was convinced, as were the other visiting Senators that the operation of the canal would be indefensible in the event of hostilities between the United States and Panama, as distinguished of course, from hostilities between any other nation and the combined defense forces of Panama and the United States. The manmade freshwater lakes that supply the canal's water, its complex lock system, and its electric power supply are just too, too vulnerable.

A single breach in the Lake Gatum Dam, the canal's major water source, would close down the canal for as long as 2 years, the time it would take rainfall to refill the lake. The sinking of a ship in the lock system—which would be technically easy to accomplish—would bring canal operations to a halt for a long period of time.

We are living in a world where terrorism runs rampant. And it will not take much terrorism to close the Panama Canal. Justifiably, ship owners themselves would refuse to sail their ships through the canal so long as a real threat to their safety prevails.

The new treaties are the best guarantee—in fact, the only guarantee—we have to avoid hostilities and to keep the canal open for our unobstructed use.

Every businessman in the United States should be aware of how the closing of the Panama Canal would affect U.S. trade. Every American should know that such closing would adversely affect his or her daily living and the security of this country.

Because the new, bigger ships, including supertankers carrying Alaskan petroleum to gulf or east coast refineries, cannot fit into the canal, the canal is becoming less crucial to our trade with the passage of time. However, 16 percent of American trade still goes through the canal. By comparison the percentage of U.S. intercoastal trade passing through the canal in 1924 was as much as 50 percent. Similarly, 1,265 U.S. military vessels went through the canal in 1949; in 1976 only 85 made the same journey.

America needs to use the canal. And there is every reason to expect that we will be able to continue using it freely—if we ratify the treaties.

There is a further need for ratification of the treaties, ratification would set right what is unquestionably an ugly chapter in American history. An examination of the events leading up to the signing of the 1903 treaty, under which we now operate the canal, supports this judgment.

Up until 1903, Panama was a Province of Colombia. The United States had sought a treaty to construct the canal with Colombia, the country that owned the land. The treaty was negotiated. But the Colombian Senate refused to approve it.

A Frenchman, Philippe Bunau-Varilla was the chief engineer for the French company that had gone bankrupt trying to build the canal.

Bunau-Varilla, who was a great entrepreneur, talked the United States into sponsoring a Panamanian revolution against Colombia—in exchange for the right to build and operate the canal.

Bunau-Varilla, the Frenchman, planned the revolution, literally wrote the original Panama Canal Treaty of 1903, and even signed the treaty for Panama on November 18, 1903, all before the official Panamanian delegation arrived in Washington to begin negotiations. What is even more incredible is that no Panamanian had even seen the treaty before it was signed by the Frenchman and our own Secretary of State.

Theodore Roosevelt, who was then President, took credit for the revolution and extended official American recognition of the new State of Panama within 3 days after the revolution. The hastily drawn treaty was signed by Secretary of State Hay for the United States on November 18, 1903, only 15 days after the revolution.

Here is what Bunau-Varilla told Secretary Hay just before the treaty was signed:

> For two years you have had difficulties in negotiating the Canal Treaty with the Colombians. Remember that (at that time) the Panamanians were still Colombians. You have now before you a Frenchman . . . do it now!

Secretary Hay said the treaty was "vastly advantageous to the United States, and we must confess, not so ad-

vantageous to Panama." Bunau-Varilla made one thing certain—that included in the new treaty, just as it was in the proposed treaty rejected by Colombia, was a provision for the payment of $40,000,000 by the United States to the French for equipment and materials used in the unsuccessful digging of the canal by the French.

You can easily appreciate why many Panamanians did not like the treaty from the very beginning. In 1936 and 1955, the Panamanians pursuaded the United States to make minor changes in the treaty for their benefit. In 1958, riots broke out in Panama when nationalists attempted to raise the Panamanian flag over the canal. Several Panamanians were killed in the incident.

In 1963, in an effort to calm the situation, we began flying both our flag and the Panamanian flag over the Canal Zone. But there were more riots. Finally in 1964, after 20 Panamanians and 4 Americans were killed, we consented to renegotiate the treaty. That renegotiation took 13 years, and was supported by the two Democratic and two Republican Presidents who served during that period.

Mr. President, in trying to decide whether to support the new treaties or not, we need also to try to understand the Panamanians' point of view. In our dialog with the Panamanians in November of last year, we visited Americans were told that what they want most is to regain their "national dignity." They are hurt by the fact that a foreign nation has complete control over their greatest national resource and primary means of transportation through their country.

The United States operates the canal and controls a strip of land 10 miles wide that runs completely across the middle of Panama. The Panamanians feel that only with the return of the Canal Zone to their control will they be able to express genuine pride in their country and walk with dignity as citizens of the Republic of Panama.

That is why they rioted in 1959 and 1964. That is why they pushed so hard for renegotiation of the treaty of 1903. That is why they support the new treaties overwhelmingly.

In fact, all of Latin America resents the old 1903 treaty. Ratifying the new treaties would be a major step, indeed, in improving our international relationships in our own hemisphere.

Let us now take a brief but close look at the objections which have been raised against the treaties.

The opponents of the treaties have said, "We bought (the canal) and paid for it. It is ours just as much as the Louisiana Purchase and Alaska are ours". They call the canal our sovereign territory.

The truth of the matter is that we do not own the canal. We never did. We are only leaseholders, highly privileged as we may be.

The 1903 treaty, under which we currently operate, says we are given the "use" of the Canal Zone. It does not say we own it. It, in fact, states that "the sovereignty of such territory (is) vested in the Republic of Panama." The United States is only given authority as "if it were the sovereign." The language of the 1903 treaty makes is unmistakably clear that the United States is not the sovereign, Panama is.

For the use of the canal and Canal Zone, we have been paying an annual rental fee to Panama. Until 1935, the fee was $225,000 a year. For 16 years thereafter, we paid $1.9 million annually. We now pay $2.3 milion a year.

Evidence in other areas points to our own recognition that we do not own the canal. For one thing, under our Federal Constitution, any person born on American soil is automatically an American citizen, regardless of parentage. However, a person born of non-American parents within the Canal Zone is not a citizen of the United States. Some of my colleagues may be aware of the fact that when the State of Hawaii was a Territory of the United States, a person born of alien parents in Hawaii automatically became a U.S. citizen. That is the basis of my own precious U.S. citizenship. This is not the case in the Canal Zone.

In addition, the Canal Zone's ports are considered foreign ports for postal mail purposes, and goods shipped from the United States to the Canal Zone are considered a part of foreign trade.

Opponents of the treaties are saying the treaties propose a "giveaway" of the canal. We certainly cannot give away something that is not ours.

The opponents of the treaties have also argued that they should not be ratified because they were signed by General Torrijos, a tinhorn dictator who cannot be depended upon.

General Torrijos may be a dictator—but he certainly is not a stereotypical dictator. He has the unmistakable support of his people, and walks among them even without bodyguards or arms. I know because I was with him on a couple of his walks. And he does not use terror and torture to govern. In fact, after signing the pending treaties, he sought and obtained, by a two-thirds majority vote, their ratification by his people through a plebiscite, overseen by United Nations observers.

Panamanians may not enjoy the same civil rights we Americans do, but their government under Torrijos does not systematically deny them their rights.

It is important to look, not only at Torrijos' failings but at his accomplishments—not only what he has not done, but what he has done.

As a tinhorn dictator, Torrijos has done exceedingly well by his people. Since he came to power in 1968, he has doubled the number of schools. He has improved marketing facilities for small farmers, and built hydroelectric plants. And he has instituted a low-cost housing program for the poor in urban and rural areas.

And he plans to do more. As part of the treaty agreements, we have promised $50 million in foreign sales credits to Panama over the next 10 years. General Torrijos told our delegation of Senators that he does not plan to spend this money for weapons. He will use it to send promising young Panamanians to college and to make them bilingual and trilingual so they can take over the complex operations of the canal in the year 2000. And he plans to buy helicopters and train pilots in each province of Panama to provide emergency medical aid.

Critics of the treaties have floated the rumor that General Torrijos is a Communist and that he plans to lead his country to communism.

I see no reason to believe that there is any truth to the rumor. When I was in Panama, I spoke to a cross section of American residents and Panamanians. None of them believed Torrijos is a Communist.

During one of our conferences, General Torrijos was asked whether he might turn the canal over to Cuba or Russia once the treaties were ratified. His response was that he did not want to see "Panamanian waters infested by Communist sharks."

At another time, he told us he had strong feelings about the issue. He said:

If I tried to lead my people to communism, they would throw me out, and if, despite my position on this issue, the people would take up communism, I would leave this country!

The President of Panama, Texas-educated Demetrio Lakas, who talks and acts like a Texan, is well known for his anti-Communist position. When asked about Torrijos, he said he was sure Torrijos was not a Communist and he would be willing to stake his life on it.

Consider this fact, too, that under Torrijos' leadership Panama has not even recognized the Soviet Union or the People's Republic of China. No diplomatic relations exist between Panama and the two foremost Communist nations. The truth of the matter is that we are on friendlier official relations with the Communist nations than is the Republic of Panama.

Despite the controversy over the treaties, my trip to Panama convinced me that the people of Panama are fond of Americans. And they tend to follow American leadership.

As a matter of fact, many of the present leaders of Panama are American educated, including General Torrijos.

Having said this about communism and the people's leanings in Panama, I do not want to leave the impression that there is absolutely no danger of a Communist takeover. There is.

I believe that a negative vote by the U.S. Senate on the pending treaties would be the greatest possible boost for communism in Panama. The enormous frustration that the Panamanians would feel would help the Communists convince them that the United States is an imperialist nation, bent on exploiting weaker nations.

Right now the Communists are the only ones in Panama working against the treaties. Their one issue will disappear when the treaties are ratified. Our voting down the treaties would give the Panamanian Communists new life.

Let me turn now to another argument frequently raised against the treaties—the lack of human rights in Panama.

Basically, this issue is not relevant to the treaties, except in the use of the treaties to win concessions from Torrijos, which we have.

During our final meeting with Torrijos in Panama last November, we urged him to repeal the law that permits detention, without due process of law, of persons accused of committing a crime, political or otherwise. He said he would discuss the matter with his advisory council, and only a few weeks later he announced its repeal. He also promised to allow more freedom for the Panamanian press. And he assured us he would allow political exiles to return home after the treaties have been ratified. I am confident, after having met the man, that he will keep those promises, too.

These are major concessions. He made them because he wants us to approve the treaties. In fact, he even said that he would be willing to resign from his present leadership position if such action would help in getting the U.S. Senate to ratify the treaties.

It should be noted, too, that Amnesty International, the organization which recently won the Nobel Peace Prize for its human rights work, was not sufficiently concerned about the human rights situation in Panama to mount an effort there. There were more human rights problems in other Latin American countries. And Amnesty International found few prisoner violations in their investigation in Panama.

Amnesty International did find political exile violations. But, as I mentioned earlier, General Torrijos promised Senator BYRD and the other visiting Senators that he would allow those exiles to return to Panama after the treaties have been ratified. He fears that prior return would create open agitation against the treaties led by these returnees.

Another criticism lodged against the treaties is that we would be paying the Panamanians millions of American taxpayers' dollars to take the canal off our hands. It is just not so.

During the period that we continue to operate the canal, toll rates will be increased to make up for the added payments. We should be paying in fact, additional sums for the maintenance of military bases that we now maintain in Panama, and if we continue to maintain them, just as we do in Greece, Spain, Turkey, and the Philippines. The truth of the matter is that we have not paid Panama a cent for use of our military bases there in 74 years.

We will be setting up a package of loans, loan guarantees, and credits for Panama. But most of these will promote trade and investment by American companies there, and the loans will be paid to the U.S. Government.

The one legitimate question that has come up since the canal treaties were signed is a military one: Does the United States have a right to intervene militarily if the neutrality of the canal is threatened? To clarify the language of article IV of the Neutrality Treaty, President Carter and General Torrijos agreed to a "Statement of Understanding" that the United States will, indeed, have that right. Also, the statement of understanding assures us that our ships will have the right to "go to the head of the line" in an emergency.

I personally believe that these two issues are dealt with adequately in the neutrality treaties as signed. However, I realize that many of my colleagues do not share this view. I have, therefore, joined as a cosponsor of amendments 20 and 21, which would incorporate into articles IV and VI of the Neutrality Treaty the exact language contained in the statement of understanding. Inasmuch as 78 Senators are listed as cosponsors of these amendments, their adoption is assured. The one legitimate objection which then can be raised against the treaties will be removed, and every Senator should be able to vote for ratification of the treaties with a clear conscience.

There is no denying that there is something in us as a nation that wants to stand up and say, "We've had enough. We're not going to be pushed around by anyone any more. Let's have no more Vietnams."

We want to take pride in the greatness and strength of our country—indeed, the greatest and strongest in the world.

But we must remember that above all greatness and strength is the will to do that which is right.

We may not be ecstatic over the proposed Panama Canal treaties. But we need to bear in mind that we can either ratify the treaties, and guarantee our right to use the canal, or we can vote them down and thereby virtually guarantee open warfare in the Canal Zone and the shutting down of the canal.

We may not like the choice between these two alternatives. But they are the only alternatives.

I am not saying that the existing treaty of 1903 is not valid. It is. But we must recognize that it smells of long-dead colonialism, as has been pointed out by many who have preceded me on the floor.

Since we signed and ratified that treaty, many changes have occurred in the world. We must change with the times or pay the consequences.

To summarize:

First and foremost, we need to keep the canal open.

Second, in our own good interest, we need to be concerned about how other nations see us. We need to be on good terms with the people of Panama. And we need to get going on a new good-neighbor policy in Latin America.

Third, and even more important, we need to be concerned about how we see our own selves.

This great country of ours was born of a revolution for the right to self-determination. We have fought for other peoples' right to self-determination. Let us not deny that same right to the Panamanians and try to understand that their yearning for self-determination and national dignity cannot too long be contained.

The understanding which is demanded of us now is the spirit of liberty that was once described by Judge Learned Hand as follows:

> The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the mind of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own . . .

Mr. President, I urge my colleagues to vote to ratify the Panama Canal treaties so we we who proudly call ourselves Americans may prove to the world that we are indeed dedicated to the true spirit of liberty.

Mr. SARBANES. Mr. President, will the distinguished Senator from Hawaii yield?

Mr. MATSUNAGA. I am happy to yield to the Senator from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. President, I thank and commend the distinguished Senator from Hawaii for his eloquent statement. He has taken a keen interest in this issue and has dealt with it in a reasoned, logical, and perceptive manner which has contributed greatly to the debate.

I particularly want to underscore one of his concluding points; namely, that the treaties involve the basic issue of how we see ourselves as a people; namely, our own self-perceptions. This is enormously important, because it is my view that the willingness of the American people to use our might to protect our interests is closely tied to their perception that that might is being exercised in harmony with right—in other words, that we are proceeding according to principles which command the respect of our own people. These treaties offer us the opportunity to have the legal and moral basis upon which to rest an exerise of our power if we have to take action in order to protect our interests.

Therefore, I think the point that the distinguished Senator from Hawaii has made so well is enormously important. The treaties address in a very fundamental and constructive way how the American people perceive themselves and what we stand for as a nation, and how we are prepared as a nation to use our power to protect our interests.

Mr. MATSUNAGA. I thank the Senator from Maryland (Mr. SARBANES) for his generous comments. He was one of those of us who went to Panama last November, and I must say that he contributed a great deal to the conferences we held with Panamanians, including General Torrijos and President Lakas.

Mr. PERCY. Mr. President, will the Senator yield for a comment?

Mr. MATSUNAGA. I am happy to yield to the Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, the Senator from Hawaii (Mr. MATSUNAGA) has rendered a valuable service this afternoon. He not only has spoken eloquently and shown his depth of feeling, but also, he has put out some very hard facts. It is really facts, rather than emotion, with which we must deal.

During my 8 days back in Illinois, I took a poll, generally at the beginning of

a discussion with various groups I was attending, as to how they feel about the canal. We spent about a half hour discussing those involved alternatives, putting the question right back to them: "If it is rejected out of hand, are you willing to pay the consequences? What alternative do we have?"

I was always encouraged by the fact that at the end of the discussion, the sentiment had changed, the mood had changed, the hand vote actually changed. And I think that is borne out by the Gallup Poll that indicates that the more people know about it, the more they tend to realize that we have been working for 14 years in an inevitable direction of finding a way to modify these treaties so that they will endure for another 75 or 100 years, and that is really what we are engaged in. Of all the 96 witnesses we had before the Foreign Relations Committee, I did not find a single witness who said we could cling to the 1903 treaties any longer.

I would like to just comment further on one particular point brought out by my distinguished colleague from Hawaii, in which he said that in 75 years or so we have never paid a penny to Panama for the use of those bases there. Consider the importance of the Panama Canal in World War I and World War II. I had someone in Illinois the other day say he was based in Panama and American soldiers were so deep they almost stood shoulder to shoulder down there protecting the canal because we realized the necessity of having that canal open. It was because of the friendliness of the Panamanians and their cooperation that we had the degree of security that we had. Even today, after several negotiated increases, we still pay less than 1 percent of the total revenue that the Panama Canal Company receives to Panama as rent for the rights that we lease from them, and it is clear that we do not have sovereignty; we lease these rights.

We will be paying an average of $35 million per year to Spain for base rights. I have not heard a single American challenge that or question my judgment or the judgment of the administration in supporting that.

Why, then, would we question paying out of toll revenue in the future $40 million for the right, as my distinguished colleague has said so eloquently, to cut a path, a ditch, right straight through the middle of their country, so that not even the Chief of State of Panama can fly over it by helicopter from north to south or south to north without getting permission before he does so?

I think you can get it right down to dollars and cents. I do not think this is going to be solved and we will discuss later some of the economic factors, and I will be very pleased to address myself to those issues in greater length later. I do not think that is going to be the crucial thing but certainly we are not paying Panama to take the canal off our hands. That was so misunderstood back at the beginning of my discussions back in Illinois 8 days ago. I hope by now it is much better understood. There are some costs involved of course, but not payments to Panama. We do not pay Panama for base rights for the next 22 years. Not a penny from the U.S. Treasury is paid to Panama for the use of bases, for huge bases, that for 22 years we will operate down there, when we without question are paying money from the Treasury to Greece, Turkey, Spain, many other countries for base rights. Why, then, should we resent so much the fact that Panama will be paid an increased rent or revenue as a result of a negotiating process in which some very, very hardheaded negotiators have done the best they can? But obviously if you drive so hard a bargain as to be grossly unfair, you get dissatisfaction. And we have had dissatisfaction for 75 years with an agreement that our own Secretary of State John Hay said any patriot would object to. Our majority leader eloquently made the point, and I quoted him many times this past week, that not a single Panamanian signed the 1903 treaty. A Frenchman signed it and he did a good job for France, but not certainly for Panama.

Mr. MATSUNAGA. I thank the Senator from Illinois (Mr. PERCY) for his comments. Relative to the amount that we have been paid it should be pointed out—I do not think that this has been brought out clearly as yet—last year we collected in tolls the sum of $165 million. The year before it was $135 million. So we had increased by $30 million in the course of a year. And it is expected that this toll may remain stable or increase in the future. So as to what the Senator from Illinois pointed out, even if we did pay up to $40 million or $60 million the total revenues would still exceed the amount by $120 million to $140 million.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Arkansas (Mr. HODGES) such time as he may require with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Is there objection to the request?

Hearing no objection, the Chair recognizes the distinguished junior Senator from Arkansas (Mr. HODGES).

Mr. HODGES. Mr. President, the greatness of the United States does not lie in our material possessions, whether it be unequaled military might, an unparalleled material standard of living, or a magnificent canal. It lies in our democratic ideals as written in the Declaration of Independence and the Constitution. These ideals are only as meaningful as our national translation of them into acts. Specifically, how as a nation do we treat those less powerful, less blessed, less free? Or, to use my simplistic and perhaps naive query—is it right? Harry Truman has become very popular of late; I suggest if you like to read of Harry Truman, as I do, you will love to read Abraham Lincoln. His speech on September 11, 1858, at Edwardsville, Ill., is particularly appropriate:

> What constitutes the bulwark of our own liberty and independence? It is not our frowning battlements, our bristling sea coasts, our army and our navy. These are not our reliance against tyranny. All of those may be turned against us without making us weaker for the struggle. Our reliance is in the love of liberty which God has planted in us. Our defence is in the spirit which prized liberty as the heritage of all men, in all lands everywhere. Destroy this spirit and you have planted the seeds of despotism at your own doors. Familiarize yourselves with the chains of bondage and you prepare your own limbs to wear them. Accustomed to trample on the rights of others, you have lost the genius of your own independence and become the fit subjects of the first cunning tyrant who rises among you.

Our Nation under the existing treaty can keep forever the canal—but is it right? We can militarily defend the canal against Panama or any other nation if the treaties are not ratified—but is it right? We can eventually overcome the adverse reaction in Latin and South America sure to be created if we turn down the treaties—but is it right?

There are those who question our national resolve and spirit if we fail to "stand up" to Panama. It is argued that to ratify the treaties is further evidence of our national impotence and erosion of resolve that began in Vietnam. I think just the opposite is true. Real character and strength are measured more by how the strong treat the weak, the large the small, the rich the poor, than by false notions of character or a distorted sense of pride. Our Nation will be no less powerful or great after the treaties are ratified. Indeed, I am convinced that to ratify the treaties will show clearly the greatness of the United States and reflect clearly the real compassion and charity of our people. The touchstone of democracy is essential fairness to all people. Abraham Lincoln taught this spirit in his address to the Indiana Regiment when he said:

> As I would not be a slave, so I would not be a master. This expresses my idea of democracy. What ever differs from this, to the extent of the difference, is no democracy.

I reject out of hand and without further comment in my State, who label treaty proponents traitors. Tactics using unfounded fear and smear have no place in a free and open debate.

We as Americans should understand and be sensitive to the desires of the people of Panama to have control over their own territory. We carved our nation out of the claims of others. The Panama Canal Zone is a 10-mile wide strip sitting squarely in the middle of their country, separating one side from another. The greatest natural resource of Panama, the canal, is leased to us in perpetuity. We control the single most important strip of land in their country. I can see that it is a psychological tourniquet cutting off circulation and damaging their national pride. I just reread the Declaration of Independence.

Although my thoughts are speculative and presumptuous, I am convinced from reading its language and knowing its history that the signers would understand and empathize with the desires of the people of Panama to make whole and independent their country.

Approval of the treaties is not without its risks. We are a nation of laws dealing with Panama with a government basically of one man. Omar Torrijos is a dictator, and from my brief encounter I have no sense of confidence in him. There is the possibility of a change in leadership bringing about a substantial change in Panama.

Also, I have reservations about the economic stability of the canal. It is a brilliantly designed, engineered, and constructed system, but it is old and requires expensive maintenance. I have no doubts as to the ability of the Panamanians to maintain the canal. I do question whether individual leaders will have the resolve and economic discipline to put the required great amounts of money into the operation.

The critical time obviously is the year 2000, when we will not longer have a physical presence in Panama. Under the neutrality treaty as amended we clearly have the right to take military action to insure neutrality generally and in particular our use of the canal. The safeguard is there, but it could require a military commitment and thereby potential loss to guarantee the right. That concerns me.

Thus, there are important and weighty reasons which give rise to legitimate questions about the adequacy of the treaties. But there are also grave risks in defending the treaties. That the Panama Canal has become an emotional symbol to many in the United States is evident. But this is even more intense in Latin America and the "third world." It is viewed there as indicative of the way a powerful and large nation treats a smaller, less powerful neighbor. Our rejection of the treaties will be difficult for them to understand. They will not hear our talk of equality, democracy and hemispheric cooperation because of the noise of our contrary actions. Democratic ideals are far more persuasive as embodied in actions than simply in print or word.

I have been assured by our military intelligence people, in briefings, part of which were classified, that the Communist influence in Panama is negligible. There are accusations to the contrary, but I find no evidence to support those contentions. Indeed, our failure to ratify the treaties will create fertile soil for communism, giving some proof to the accusation of U.S. imperialism.

Our military leaders on active duty are in favor of the treaties. Those whose duty it is to defend the canal state unequivocally that under the treaties, viewed from a military perspective, they can in fact guarantee the use of the canal to all. The most powerful nation in the world can, and I trust will, use that might to insure that which is right—neutral access to the Panama Canal.

I am particularly sensitive to the fact that I was not elected, nor will I be subject to a vote of the people of Arkansas in the future. Thus, the ordinary checks and balances on a political figure by the ballot box do not apply to me. I am acutely aware of the opposition of many Arkansans to these treaties, whose opinion I respect. It has made this an agonizing decision.

I can only assure them that I have carefully and completely weighed all the arguments. I have read and listened extensively. I went to Panama and there was exposed to all viewpoints, pro and con. Thus, I have not arrived at my decision quickly or capriciously. This is an issue that has merit on both sides. Simply stated, the interest of our Nation is served in using the canal, and these treaties with the two principal amendments proposed by the joint leadership guarantee as well as possible its use. I consider this decision to be similar to most hard choices in life in that it involves a balancing of concerns and competing interests, with the final result not a clear black or white, but gray. After sorting out the intellectual and emotional arguments on both sides, a single concept is most persuasive—to ratify the amended treaties is the right thing to do. In the final analysis I have to do what I think is right for the United States, but even more important, the right thing to do as I in my conscience believe it to be.

I would say also that those who strongly oppose these treaties in this Senate in my judgment do so also out of conscience and conviction. I do not detect nor have I heard mentioned any partisan or political motive. These are men I respect greatly. The fact that we reach different conclusions does not foreclose men of good faith, judgment and conscience coming to a different conclusion.

There are broader concerns and questions underlying this discussion of the specific issue of the Panama Canal treaties. I have decided how to cast my vote on the Panama Canal treaties in this broader context, and after weighing the merits on both sides come to the conclusion that I should cast my vote for ratification of the Panama Canal treaties with the two principal amendments as suggested by our leadership.

I thank the Senator for yielding this time.

Mr. ROBERT C. BYRD. Mr. President, I have to congratulate the distinguished Senator from Arkansas in his decision, which has been very thoughtfully and courageously arrived at. I know he has struggled long with his conscience about this matter; I have talked with him on a number of occasions about it, and I know that he has weighed the facts and the evidence carefully, and reached a considered decision based upon what he thought to be the merits and the facts.

I also want to congratulate the distinguished Senator from Alaska (Mr. MATSUNAGA).

Mr. MATSUNAGA. Hawaii. I come from the sunshiny State.

Mr. ROBERT C. BYRD. What did I say?

Mr. MATSUNAGA. Alaska.

Mr. ROBERT C. BYRD. Well, I am sorry; I should have said Hawaii. I think that it is evident that while it is the distinguished Senator from Hawaii (Mr. MATSUNAGA) to whom I address these compliments, they apply to both of these Senators. Their statements were cogent, unemotional, clear, persuasive, and concise, and I commend both Senators not only for their decisions but also their fine statements.

Mr. MATSUNAGA. Will the distinguished majority leader, the Senator from Virginia (Mr. ROBERT C. BYRD) yield?

Mr. ROBERT C. BYRD. West Virginia.

Mr. MATSUNAGA. Oh, West Virginia? Well, now we are even.

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Hawaii.

Mr. MATSUNAGA. I thank the Senator for his most generous comments, and I would like to take this time to congratulate especially the Senator from Arkansas (Mr. HODGES) for his great maiden speech which he has delivered today on this floor. Luckily for him it was on a major issue—perhaps one of the most important in this century, and, what is most important, I believe he arrived at the right decision and I congratulate the Senator from Arkansas for that great decision, which came to him, as he stated, after great anxiety. Again I congratulate him.

I thank the Senator for yielding.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Arkansas—from Hawaii.

Mr. President, in my previous remarks during this debate, I have discussed some of the reasons why I believe that these treaties are in the long-term best interests of the United States—our security interests, our economic interests, and our political interests.

I have cited some of the factors that have convinced me that approval of these treaties will enhance our international stature and prestige. These treaties represent the wise and judicious use of power by the most powerful Nation in the world.

I have emphasized that these treaties—with inclusion of the bipartisan amendments on defense rights and priority passage—are, in fact, more protective of our interests than is the existing agreement. The value of the canal is in its use, and that use is best guaranteed by cooperation, not confrontation, with Panama and by good relations with the other nations of this hemisphere.

The new treaties would not only strengthen our security and provide the moral and legal basis for our defense of the canal, but will engender an environment of goodwill and mutual respect.

SOVEREIGNTY

Today, I want to turn to some of the arguments that have been raised against the treaties—arguments that I do not believe will stand up in the face of serious examination.

For example, there is the question of sovereignty in the Canal Zone. This is a matter about which there has been a great deal of misunderstanding.

Stated simply, the United States is not now, and never has been, sovereign in the Canal Zone. It does not own, nor has it ever owned, the Canal Zone.

Article II of the 1903 Hay-Bunau-Varilla Treaty grants to the United States the "use, occupation and control" of a zone of land "for the construction, maintenance, operation, sanitation and protection" of a canal within that zone. The zone was not sold to the United States, it was not ceded, conveyed or granted. If it had been, there would have been no need for article II to spell out the particular rights which were being granted to the United States, for all the rights of ownership would obviously have belonged to the United States. There would have been no need for the treaty to state, as it did, that the "use, occupation and control" of the zone was for purposes of constructing a canal. If the land itself, if all sovereignty over it were being transferred to the United States, Panama would have had nothing to say about what we did with the land, or on it.

Clearly, the United States, by article II of the Hay-Bunau-Varilla Treaty, received certain interests and rights in the Canal Zone. But it did not acquire outright ownership, or sovereignty.

Article III of the 1903 treaty grants to the United States the "rights, power and authority" over the zone which it "would possess . . . if it were the sovereign." That is plain unmistakable English: "rights, power and authority, which it would possess if it were the sovereign." The United States is not sovereign. Panama always retained actual sovereignty. By the 1903 treaty, it granted to the United States the right to exercise sovereignty in furtherance of a particular purpose—the construction and operation of a canal.

To put it briefly, under the 1903 treaty we obtained rights—not land—and we have continued to make annual payments for those rights. Not sovereignty.

Several of my esteemed colleagues, and many who write to me, have compared our status in the Canal Zone to the purchase of the Louisiana Territory, and of Alaska. The contrast could not be more clearcut, and serves to demonstrate that the United States acquired neither territory nor sovereignty in the Canal Zone by virtue of the treaty.

On October 21, 1803, President Thomas Jefferson proclaimed the treaty for the cession of Louisiana. By article I, the First Consul of the French Republic, Napoleon Bonaparte, did "cede to the said United States in the name of the French Republic forever and in full sovereignty the said territory with all its rights of sovereignty which went with it, were transferred, or ceded, to the United States.

The Convention Ceding Alaska, proclaimed on June 20, 1867 by President Andrew Johnson, is similar. By article I, the Emperor of Russia, Alexandar II, agreed "to cede to the United States—all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands."

Both the Louisiana and Alaskan Treaties contain a provision concerning the admission to U.S. citizenship of residents of those territories—a provision which is conspicuous by its absence from the Hay-Bunau-Varilla Treaty. The Louisiana Treaty, for example, provides that—

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution to the enjoyment of all rights, advantages and immunities of citizens of the United States. . . .

The Alaskan Treaty speaks in similar terms.

These provisions establish that the status of these two territories, as contemplated by the signatories to the treaties and the Senators who ratified them, was indeed one of outright possession and dominion—lock, stock and barrel—in contrast to the 1903 Canal Treaty.

The record bears this out. We have, for example, treated the zone as a foreign territory for purposes of customs and mail, and for determining citizenship: children born in the Canal Zone of non-U.S. citizens are not U.S. citizens—as they would be if born in one of the States, the Virgin Islands, Guam.

Numerous statements have been made by U.S. officials which make clear that we have not been sovereign in the zone—beginning with Secretary of State John Hay's declaration in 1904 that Panama retained "titular sovereignty."

The distinguished Senator from Illinois (Mr. PERCY) wanted me to yield.

Mr. ALLEN. Will the Senator yield to me for a question?

Mr. ROBERT C. BYRD. I yield to the Senator from Illinois.

Mr. ALLEN. After the Senator from Illinois has completed, I will ask the distinguished majority leader to yield to me.

Mr. ROBERT C. BYRD. All right.

Mr. PERCY. I thank the distinguished majority leader for yielding. I would like to ask the majority leader, if we had sovereignty over the Panama Canal Zone, would it then be required for the House of Representatives to approve any transfer of such territory or land back to Panama? We have certain rights under the 1903 Treaty, as I understand the situation, which can be changed and altered, but we do not have sovereignty any more than if someone leases a house. His rights are quite different than if he owns title and deed to that house. I think the point is that clearly in the judgment of many of us the House of Representatives is not involved in this.

Mr. ROBERT C. BYRD. I believe properties can be transferred by treaty.

I believe they have been transferred by self-executing treaties.

Mr. PERCY. This particular question of ownership, the question of sovereignty and sovereign rights, is so misunderstood in the country. As the distinguished majority leader has pointed out, we have not possessed such sovereign rights, yet a very large part of the American people have believed that we have. That is why they continually ask the question, "Why are we giving away the canal?"

We are not giving away something. You cannot give away something that you do not really, in a sense, own. I think that point must be made, time and time again, to make clear what our rights are.

We do have certain rights. We are renegotiating those rights. But we certainly do not hold sovereignty over the Canal Zone itself. That, I think, must be fully understood by the American people if they are to understand the processes that four administrations have gone through for 14 years of negotiation.

Mr. ROBERT C. BYRD. The distinguished Senator from Illinois makes the point well and succinctly: One cannot convey that which he does not own.

I yield now to the distinguished Senator from Alabama.

Mr. ALLEN. I thank the distinguished majority leader.

I call the distinguished major leader's attention to page 69 of the digest of information on the proposed Panama Canal treaties prepared for the Subcommittee on Separation of Powers in the hearing held July 22, 1977. If the Senator will not object, I ask unanimous consent that this table be printed in the RECORD.

I do make that request, Mr. President.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[Provided for the record, Subcommittee on Separation of Powers, Senate Committee on the Judiciary, hearing held July 22, 1977.]

Total payments as a result of the 1903 Treaty[1]

1. Reflected on company books as title and treaty rights:	
a. Payment to Republic of Panama	$10,000,000
b. Payment to individual property owners (depopulation of Canal Zone)	3,965,254
c. Payment to French (land rights)	326,016
d. Madden Dam Area land rights, 1924–1932	437,619
Total b through d	4,728,889
2. Further payments to French:	
a. Inventories, salvage credits, other	1,282,664
b. Panama Railroad Capital Stock	7,000,000
c. Channel costs	31,391,320
Total	39,673,984
(Combined with 1c., payments to French total $40,000,000).	
3. Payment to Colombia (not reflected on company books): Indemnity to Colombia for loss of Panama	25,000,000
4. Payment to Panama for annuity:	
a. 1913 to 1920 (capitalized as construction costs)	2,000,000
b. 1921 to 1951 (dollar value in gold changed, 1933)	10,990,000
c. 1952 to 1976 (dollar value in gold changed, 1973 and 1974; includes payment by State Department, 1956 to 1976)	43,610,992
Total	56,600,992
Total payments to Panama, French, and Colombia	136,003,865

[1] The figures reported in are actual dollars paid at the time of payment and have not been adjusted to reflect the value of payments in terms of 1977 dollars.

NOTE.—Does not include unrecovered United States' investment in the Canal and Canal facilities except to the extent of $2 million in annuity payments which were capitalized as construction cost during the period of 1913 through 1920. As of October 1, 1977 unrecovered capital investment of the United States in the Panama Canal Company totals $319 million on which interest payments accrue in the approximate amount of $17 million per annum.

Mr. ALLEN. One of the items appearing here is "total payments as a result of the 1903 Treaty." First, "reflected on company books as title and treaty rights:

a. Payment to Republic of Panama, $10 million."

As the distinguished Senator realizes, in 1924, I believe, the United States paid Colombia an additional $25 million.

Mr. ROBERT C. BYRD. That was as an indemnity for the loss of Panama.

Mr. ALLEN. That is right, for the loss of the land.

b. Payment to individual property owners (depopulation of Canal Zone)—$3,965,254.

I think the distinguished Senator, if he would investigate a little further, would find that the United States did pay $3,965,254 to individual property owners for title to their land in what is now the Canal Zone.

Mr. ROBERT C. BYRD. The Senator is talking about apples; I am talking about oranges. The treaty did not convey title. The treaty did not convey sovereignty. Under the treaty, the United States had certain rights and subsequently had to purchase certain property.

Mr. ALLEN. Oh, I understood the Senator to state categorically, though, that the United States did not own this land in the Canal Zone. Yet the record shows that the U.S. Government paid some $3,965,254 for the title to the property in the Canal Zone.

The next item, is: "Payment to French (land rights)—$326,016."

d. Madden Dam Area land rights from 1924–1932.

They paid $437,619.

Mr. ROBERT C. BYRD. The U.S. Government pays money to landowners over in West Virginia for their land to add to the Monongahela, George Washington, and Thomas Jefferson forests.

Mr. ALLEN. And does that not become U.S. property?

Mr. ROBERT C. BYRD. The United States has the right, under the treaties, and in accordance with Panamanian law, to purchase certain properties, but the treaties themselves did not convey sovereignty over that zone.

Mr. ALLEN. I was not talking about sovereignty. I was careful not to. I was disputing the Senator's statement that the United States did not own the land. We are not talking about the statement that they do not have sovereigny. I dispute that, but I do not dispute it at this time.

Mr. ROBERT C. BYRD. They do not own the Canal Zone. The United States does not own West Virginia. It does own several thousand acres in the Monongahela National Forest. The United States does claim title to certain lands in the zone, but it does not own the Canal Zone, nor does it claim title in fee simple to all the land in the zone.

Mr. ALLEN. The United States owns the property constituting the Canal Zone, if you want to split hairs to that extent.

Mr. ROBERT C. BYRD. The Senator likes to split hairs. I do not care to.

Mr. ALLEN. I thank the Senator.

Mr. ROBERT C. BYRD. There are many private landowners in Panama today.

Mr. ALLEN. In Panama, but not the Canal Zone.

Mr. ROBERT C. BYRD. That is generally correct. A few parcels have been transferred to charitable organizations.

Mr. ALLEN. I thank the Senator.

Mr. ROBERT C. BYRD. Numerous statements have been made by U.S. officials that make it clear that we have not been sovereign in the zone, beginning with Secretary of State John Hay's declaration in 1904 that Panama retained titular sovereignty.

The point I am making, I say to my distinguished friend from Alabama, is that there is a difference in what the treaty of 1903 did with respect to the Panama Canal and the lands and waters there, the rights being granted to the United States to use those lands and waters for the purpose of constructing a canal—there is a difference between that treaty and the treaty that ceded the territory of Alaska to the United States or the treaty that ceded the Louisiana territory to the United States. Sovereignty passed, sovereignty vested in the United States of America in the case of Alaska and in the case of the Louisiana territory; but not in the case of the Panama Canal Zone. This is a distinction with a difference. It is a distinction that American people should understand.

In 1905, William Howard Taft, then Secretary of War, studied the issue and concluded in a report to President Theodore Roosevelt that—

. . . while we have all the *attributes* of sovereignty necessary in the construction, maintenance, and protection of the Canal, the very form in which these attributes are conferred in the Treaty seems to preserve the titular sovereignty over the Canal Zone in the Republic of Panama . . . I can see no reason for creating a resentment on the part of the people of the Isthmus by quarreling over that which is dear to them, but which is to us of no real moment whatever.

Although there are several court cases which lend further weight to this position, there is one case, Wilson against Shaw, which is often cited by those who insist that we do have sovereignty. It is worth noting that, of all the cases cited on the issue of sovereignty in the Zone, this is the oldest case, decided in 1907—7 years before the canal was completed. The issue in Wilson was not sovereignty—but whether the Congress could constitutionally expend public funds to construct the canal. The court held that it could. That holding was consistent with a long line of previous decisions interpreting congressional power under the interstate commerce clause. The decision did not rest upon—in fact, barely touched upon—the issue of sovereignty. The word sovereignty does not appear even once in the Court's opinion, excepting the instance where article III of the treaty itself is quoted—and that without comment.

The narrow limits of the Court's decision in Wilson were pointed out by the Supreme Court of the Canal Zone against Coulson. Referring to the Wilson decision, the Court stated:

The Supreme Court did not hold more in that case (*Wilson*) than that the United States had the use, occupation and control in perpetuity of the Canal Zone. It is apparent from an examination of the treaty that the United States is not the owner in fee of the Canal Zone, but has the use, occupation and control of the same in perpetuity. . . .

Most of my colleagues are aware, by now, of the Lukenbach Steamship Co. and the Vermilya-Brown, Co., Inc.—because both of these companies were involved in cases which went all the way to the U.S. Supreme Court—and both of these cases did involve the issue of sovereignty.

In the Lukenbach case, decided in 1930, the Court held that, for purposes of construing the mail transportation statute, the ports of Cristobal and Balboa could correctly be treated as "foreign" ports. The Justice Department, in that case, unsuccessfully argued what others are still arguing today, and I quote:

Under the provisions of the treaty between the Republic of Panama and the United States, the cities of Cristobal and Balboa in the Canal Zone are ports of the United States and the waters of the Panama Canal are waters of the United States.

As I have already indicated, the courts said "No."

The Vermilya-Brown Co., case, decided in 1948, involved the issue of the jurisdiction and sovereignty of the United States over a naval base in Bermuda. In reaching its decision about the applicability of the Fair Labor Standards Act to the base, the Court noted that the Administrator of the Wage-Hour Division had properly issued a statement of general policy to apply the act to the Canal Zone, which, in the Court's own words, is "admittedly territory over which we do not have sovereignty."

CONCLUSION

In conclusion, Mr. President, our thinking about the Panama Canal treaties should not be clouded by misconceptions concerning the locus of sovereignty in the Panama Canal Zone. Opponents of the treaties would have us believe that sovereignty rests with these United States and that under the treaties we are relinquishing our sovereignty. I maintain that we cannot now be accused of giving up what we never had. Opponents of the treaties seek to convince the American people that establishment of what the country never had—sovereignty over the Panama Canal Zone—is to be preferred over the preservation of what the country has had and will continue to have under the treaties—free and unimpeded access to the Panama waterway.

The protection of the national interests of the United States did not require us to demand sovereignty over the Canal Zone when the canal was built, and there is no reason to think that such sovereignty is now necessary.

Let me say clearly: The ratification of these treaties will achieve our basic objectives—first, to keep the canal open and available for use by the United States through this century and into the 21st century, and second, to maintain our defense rights through the 21st century to insure that our security will not be endangered. The treaties achieve these objectives through cooperation with Panama. They will result in increased trust and confidence between the United States and the Republic of Panama and between the United States and its other southern neighbors. Let us not fail to recognize that it is on such trust and confidence—the good neighbor policy—that a good part of America's strength in the Western Hemisphere depends.

Achieving our objectives by cooperation will also place the United States in a strengthened position to achieve our other objectives. After all, the national interests of the United States are many, they are plural, and the ratification of the Panama Canal treaties will allow us to tackle them with renewed strength and vigor.

Now, Mr. President, on tomorrow at 10 o'clock a.m.—and I would hope that the debate would continue today until circa 6 o'clock p.m.—tomorrow at 10 a.m. the Senate will go into closed session for the purpose of examining materials and information allegedly relating to the government of Gen. Omar Torrijos.

These materials have been the subject of intensive and thorough investigation by the Senate Select Committee on Intelligence. The select committee has reported its findings, in some detail, to the Foreign Relations Committee, and tomorrow they will be discussed before the full Senate, behind closed doors.

According to the provisions of Senate Resolution 400, the Select Committee on Intelligence is charged with formulating and applying rules and procedures necessary to prevent the disclosure of information which infringes upon the privacy, or constitutional rights, of individuals. The resolution specifically prohibits any member of the committee, or any employee of the committee, or any Senator or employee who receives information from the committee, from disclosing such information.

The need for such strictures is obvious. We are dealing in the realm of national security interests, and of individual rights protected by the Constitution. Few would argue that protection of our national security interests require some intelligence activities that legitimately necessitate secrecy. Few would argue with the need—indeed, the constitutional mandate—to protect the privacy rights of individual citizens.

Balanced against this interest in preserving secrecy is the interest of the Congress, and of the public, to have the facts. Senate Resolution 400 provides a very carefully structured mechanism for balancing these sometimes competing interests.

Mr. President, there appears to be some public misunderstanding about the closed session on tomorrow. There appears to be an impression that the Intelligence Committee is withholding information from the Senate and the public, or that the executive branch is withholding such information. To the contrary: Senate Resolution 400 has provided the mechanism, which is being followed, for every Member of the Senate to have the facts; it will be for the full Senate to determine which facts can and should be disclosed without jeopardizing national interests and individual rights.

Among the provisions of Senate Resolution 400 is a requirement that the Select Committee on Intelligence report to the Senate on the nature and extent of intelligence activities, and on any such matters requiring the attention of the Senate. This provision of the resolution specifically incorporates section 8(c)(2), which is designed to protect the confidentiality of information in the possession of the select committee.

Subsection 8(c)(2) authorizes the select committee to make confidential information available to Members of the Senate, and to prescribe and apply regulations to protect the confidentiality of such information. It also specifically states:

> No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

It is important for the public to understand how the closed session came about, and what will happen there. As I noted previously, the Intelligence Committee is not only authorized, but it is also required to report to the Senate on intelligence matters. When, on Friday, February 10, the distinguished Senator from Kansas (Mr. DOLE) exercised his prerogative to question the select committee about certain documents in its possession, the response—on my part, on the part of the minority leader, as ex officio members of the select committee, on the part of Senator BAYH, its chairman, and Senator GOLDWATER, its ranking Republican member—was to schedule a closed session at the earliest practicable date so that not only the Senator from Kansas, but all Members in the Senate, could have access to pertinent information and freely ask questions concerning such information. In the meanwhile, the staff of the select committee, and the materials in its possession have been available to Members of the Senate.

Mr. President, the purpose of the closed session is to provide Senators the opportunity to inform themselves about, and to debate, the information now in the hands of the select committee without jeopardizing our national security interests. The Senate will have before it on Tuesday a report prepared by the Intelligence Committee, including its recommendations as to what materials, if any, should be publicly disclosed.

The Senate then can determine whether the public interest would be served by disclosing all or part of those materials.

I feel confident that the Senate will pursue these matters within the spirit and the letter of Senate Resolution 400. That resolution is a landmark in the history of Congress. Until its adoption just 2 years ago, there was no legislative procedure adequate to the task of exercising congressional oversight over secret Government activities. The resolution provides an effective and efficient procedure for making legislative decisions concerning necessarily secret activities while respecting and preserving the constitutional rights of people and serving the national security interests.

Mr. President, I yield the floor.

Mr. GRIFFIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, while the distinguished majority leader is on the floor, I, like he, want to refer back to some of the points and arguments that were made earlier; and with his indulgence, I wish to refer to a comment he made on February 10, during the course of the debate.

In his remarks, the distinguished majority leader called attention to references I had made to former Ambassador Linowitz, and my remarks in that respect were essentially a restatement of the concerns I expressed in my minority views. The distinguished majority leader at that time said this:

> Mr. President, the distinguished Senator from Michigan (Mr. GRIFFIN) has referred to the expiration of the term of Ambassador Linowitz in a way that would imply that simply because the 6-month term of Mr. Linowitz as Ambassador was coming to an end, the treaties somehow had to be hurried, and the completion of the negotiations was hastily made. . . . The truth of the matter is that Mr. Linowitz did not have to have the title of Ambassador to continue to assist Mr. Bunker in the negotiations. . . . Let it not be said that Mr. Linowitz had to retain that title of Ambassador in order to continue to assist Ambassador Bunker in the negotiations.

Mr. President, at this point I shall read from the minority views that I filed on this particular point, as they appear beginning on page 198 of the committee report. Under the title "Other Concerns" is a subtitle, "4. Were these treaties negotiated in haste, under the pressure of a time deadline?"

> Because the treaties contain so much ambiguous language and so many provisions of doubtful merit, it is appropriate to ask such a question. And, unfortunately, there is reason for some concern.
>
> On February 10, 1977, shortly after he took office President Carter named Sol Linowitz to represent the United States as negotiator for the Panama Canal treaties. But, strangely, Mr. Linowitz was appointed only on a temporary basis—for a six month period. Under the law,[89] an appointment on this basis does not require confirmation by the Senate. Such an appointment operates to by-pass the usual scrutiny by a Senate committee of a nominee's qualifications and possible conflicts of interest.
>
> If hearings had been held, the Senate would have learned that Mr. Linowitz served as director of a New York bank that had participated in making huge loans, still outstanding, to the Torrijos government of Panama.[90] Furthermore, the committee might have cleared the air with respect to allegations that Mr. Linowitz formerly represented

the Marxist Allende government of Chile, and was required in connection therewith to register as an agent of a foreign government.[21]

Because the Senate is an integral part of the treaty-making process under the Constitution, it was unwise and something of an affront to the Senate for the Administration not to submit a treaty negotiator's name for confirmation. Utilizing such a short circuit procedure did not build Senate confidence in the treaty negotiations, and it also denied Mr. Linowitz the opportunity he should have had to explain away such possible conflicts of interest.

Mr. Linowitz, who was appointed on February 10, had six months— until August 10— to negotiate a new treaty without having his name submitted to the Senate for confirmation.

Interestingly enough, it was on August 10 that negotiators for the two countries finally announced their agreement in principle on new treaties relating to the Panama Canal.

Mr. President, that is the end of that portion of my minority views dealing with that particular subject.

Perhaps I am wrong, but as I read the majority leader's statement——

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield at that point?

Mr. GRIFFIN. I am glad to yield.

Mr. ROBERT C. BYRD. I beg the Senator's pardon for interrupting him in the middle of a sentence. If he would prefer, I will wait until he finishes.

Mr. GRIFFIN. If the Senator would wait, I would appreciate it; but I am always glad to yield to the distinguished majority leader, for whom I have such respect and admiration.

Mr. ROBERT C. BYRD. "A word fitly spoken is like apples of gold in pictures of silver."

I thank my friend.

Did not the Senator from Michigan have before the committee Mr. Linowitz, at which time he could have asked Mr. Linowitz questions concerning the purported conflicts of interest? If the answer is "Yes," my next question is, Did the Senator ask such a question?

Mr. GRIFFIN. I say to the distinguished majority leader that the first opportunity that this Senator had, or was aware of, was when Mr. Linowitz came before the Foreign Relations Committee after the treaties had been negotiated.

Mr. ROBERT C. BYRD. Yes, but did the Senator ask the questions then?

Mr. GRIFFIN. It was a little late to get into his qualifications to be a negotiator at that time, because the treaties had already been negotiated. But I say to the Senator that at that time I do not think I was aware of the concerns I am now expressing.

Mr. ROBERT C. BYRD. The Senator will agree, will he not, that Mr. Linowitz was before the committee on two occasions?

Mr. GRIFFIN. After the treaties were negotiated?

Mr. ROBERT C. BYRD. On September 26 and October 19, in open session.

Mr. GRIFFIN. This is after the treaties were negotiated.

Mr. ROBERT C. BYRD. So the Senator had two cracks at Mr. Linowitz.

Mr. GRIFFIN. Obviously, the question before the committee at that time was not whether he was qualified or whether he should be confirmed. It was a de facto situation. We were presented with a treaty that had already been negotiated, and the question then was, What were we going to do?

Mr. ROBERT C. BYRD. Why raise the question now? He was before the committee; and if the treaties already had been negotiated, why not confront him with that?

Mr. GRIFFIN. I will address myself to that.

Mr. ROBERT C. BYRD. Then the record here would have been made clear.

Mr. GRIFFIN. It is a legitimate question, and I will address myself to it.

Mr. SARBANES. Mr. President, will the Senator yield, just to develop this point one step further? I think there is one other important factor.

Mr. GRIFFIN. If the Senator from Maryland will permit me, I have something more to say, and it may be that in my statement I will answer the point of the Senator from Maryland. If not, I will yield to him.

Mr. SARBANES. I hope the Senator from Michigan will address himself to the April 20, 1977, meeting that was held with the negotiators, a closed meeting, to brief the members of the Senate Foreign Relations Committee on the progress with respect to the treaties; that meeting was well before the date to which the Senator has just referred.

Mr. GRIFFIN. That could be.

Mr. SARBANES. That, of course, provided an opportunity to the Senator to raise the very points to which the Senator is now addressing himself.

Mr. GRIFFIN. May I continue?

Mr. SARBANES. I hope the Senator, in the course of doing that, will address that meeting as well.

Mr. GRIFFIN. Perhaps I am wrong, but as I read the statement made on February 10 by the distinguished majority leader, it appears to me that he was suggesting that the President of the United States has a free hand in appointing individuals to participate in diplomatic functions. In fact, however, the President's power in this regard is limited by both the U.S. Constitution and statutory law.

Article II, section 2, clause 2 of the Constitution gives the President the power to "nominate, and by and with the advice and consent of the Senate," to "appoint ambassadors and other public ministers."

At least since 1855, the term "ambassadors and other public ministers" has been interpreted to mean "all officers having diplomatic functions, whatever their title or designation."

I am here quoting an Attorney General's opinion of 1855 (7 Ops. Atty. Gen. 168).

It is true that on occasion during our history Presidents have appointed individuals to serve as ambassadors in a limited and special way for a President— particularly where some secrecy about the fact of the appointment was essential. However, in 1972 Congress formalized the arrangement by amending the Foreign Service Act of 1946 to preclude any such appointment for more than a 6-month period without Senate confirmation.

Let me read from the language of section 501(c) of the Foreign Service Act. It says:

> On and after the date of enactment of the Foreign Relations Authorization Act of 1972, no person shall be designated as ambassador or minister, unless that person is appointed . . . in accordance with . . . clause 3, section 2, of Article II of the Constitution . . . except that the personal rank of ambassador or minister may be conferred by the President in connection with special missions for the President of an essentially limited and temporary nature of not to exceed six months.

The President does not have the power to assign individuals to perform diplomatic functions for a period exceeding 6 months without obtaining the advice and consent of the Senate. And appointments for less than 6 months which do not go before the Senate are by law supposed to be limited to assignments "of an essentially limited or temporary nature."

Given the tremendous importance of the Panama Canal Treaty negotiations and the fact that under previous administrations negotiations had continued without success for over a decade, in my view the President was at least ill-advised when he circumvented the Senate by appointing Mr. Linowitz on a temporary basis. After all, the Senate is under the Constitution an integral part of the treaty-making process—and surely the President must have known at that time that it would be difficult to get two-thirds of the Senate to ratify treaties that would, I will not say give away the Panama Canal, but which would seriously change the relationship.

Why the President did not—and I can only speculate as to why he did not—take the Senate into his confidence to the extent of submitting the name of the negotiator to the Senate for confirmation, I do not understand. But I think it is unfortunate that now we find out about some matters which I think Mr. Linowitz probably could have explained. He should have laid them before the committee. I have no doubt that he could have cleared the air, but I think it is very disturbing to find out these matters later. It is against this background that these treaties, it seems to me, have to be judged.

Perhaps it was just a coincidence that it was precisely 6 months to the day following the Linowitz appointment that "agreement in principle" was announced by the negotiators. But let me say that I am not the only one who has come to the conclusion that these treaties are poorly drafted and full of ambiguities— indicating that, perhaps in haste to meet a deadline, language was used which should not have been accepted. Let me just say the dean of the University of Panama School of Law, Prof. Camilo Perez, has described these treaties as "one of the most imperfect treaties in the entire history of international law."

And Professor Perez further said that the United States must bear responsibility for any conflicts of interpretation, because the treaty was "signed in a hurry because the time given to Lino-

witz to complete negotiations was running out." I am quoting here the dean of the school of law of the Republic of Panama.

Mr. SARBANES. Mr. President, if the Senator will yield, does the dean of that school of law oppose or support these treaties?

Mr. GRIFFIN. I really do not know.

Mr. SARBANES. It is my understanding he opposes them as being too accommodating to the interest of the United States. Is this correct?

Mr. GRIFFIN. That may very well be. I do not know.

I received in the mail last week a letter from Mr. Linowitz indicating that he understood I had several questions about his appointment as conegotiator for the Panama Canal treaties and would welcome the opportunity to discuss them with me.

I have written back to Mr. Linowitz. In my letter I do not indicate that I would not meet with him privately, but I make it very clear that I would rather read his response to the matters that have been raised. I would be delighted on his behalf to put his letter, or whatever his response is, in the CONGRESSIONAL RECORD, since it is in the RECORD that the concern about his appointment and his participation has been raised.

I ask unanimous consent, Mr. President, that copies of his letter and my response may be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follow:

WASHINGTON, D.C., *February 14, 1978.*

Hon. ROBERT P. GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRIFFIN: I understand that you have several questions about my appointment as Co-Negotiator for the Panama Canal Treaties, and I would welcome the opportunity to discuss them with you.

Please let me know when it might be convenient for me to drop by. I'll be looking forward to it and will await word from your office.

With appreciation,
Sincerely,

SOL M. LINOWITZ.

FEBRUARY 17, 1978.

Hon. SOL M. LINOWITZ,
Washington, D.C.

DEAR MR. LINOWITZ: Thanks for your recent letter.

Enclosed is a copy of my Minority Views filed as part of the Senate Foreign Relations Committee's report on the Panama Canal treaties. You may be particularly interested in that portion beginning on page 198.

Of course, I would be pleased to have the opportunity to look over your comments concerning those or any of the other points that have been raised in connection with the treaties.

Sincerely,
ROBERT P. GRIFFIN, *U.S. Senator.*

Mr. GRIFFIN. To the point made by the distinguished Senator from Maryland, I can only repeat, as I said before, that—once treaties are negotiated and laid before us—I suppose that, of course, we can go back and try to conduct a full-scale investigation of the principal participant's background and what his qualifications and possible conflicts of interest may have been. This Senator certainly did not do that and did not feel that that would be the question before the committee at that time. We were then looking at the treaties. They were already negotiated.

Mr. SARBANES. If the Senator will yield, the date I cited to him was an April 20 date. This was well ahead of the treaty date. Will the Senator yield on this point?

Mr. GRIFFIN. I am yielding, yes.

Mr. SARBANES. Fine.

Mr. GRIFFIN. Does the Senator want the floor?

Mr. SARBANES. No, I just want to make a comment and address a question to the Senator.

Mr. GRIFFIN. Sure.

Mr. SARBANES. I think it is terribly unfortunate to bring in what I consider to be in personam arguments with respect to the merits of these treaties whose provisions are before us concerning the rights the United States has pursuant thereto. Now the Senator may choose to engage in a personal argument with respect to Mr. Linowitz. I think that is unfortunate for the following reasons. These points were raised early on at the beginning of last year, if the Senator will recall. Does the Senator contend that the matters which he is raising he only discovered recently?

Mr. GRIFFIN. Some of them, yes.

Mr. SARBANES. The matters that the Senator has cited were placed in the RECORD by other opponents of the treaty early in the beginning of 1977 and, therefore, were on the public record and were responded to by a letter from the chairman of the Foreign Relations Committee who cited the clearance that had been given to Mr. Linowitz with respect to the conflict of interest question by legal counsel at the State Department. The Senator may then go on and say he disagrees with the legal opinion, but the fact——

Mr. GRIFFIN. No, the Senator has not said that.

Mr. SARBANES. But the fact remains the opinion was sought and an opinion was rendered. Therefore, I think it is unfortunate to engage in the sort of in personam attacks on Mr. Linowitz that have just taken place.

Furthermore, as I indicated earlier, when the Senator responded to the distinguished majority leader with respect to raising these issues in the hearings before the Senate Foreign Relations Committee, and the response of the Senator from Michigan was that the hearings took place after the treaty and, therefore, he felt in a different posture with respect to raising the issue. But on the 20th of April, we had a closed hearing of the Foreign Relations Committee to get a briefing from the negotiators with respect to how matters were moving, and it is not my recollection that the Senator from Michigan raised the issue with Mr. Linowitz at that point.

Mr. GRIFFIN. May the Senator from Michigan have the floor again?

Mr. SARBANES. Surely.

Mr. GRIFFIN. I thank the Senator.

I think the Senator from Maryland is altogether missing the point that I am trying to make.

The point is not whether or not Mr. Linowitz was guilty of a conflict of interest. I am willing to concede that if he had had the opportunity in a confirmation hearing to explain his situation that he could have convinced us that there was no conflict of interest despite these items in his background. I wish he had had that opportunity.

What disturbs this Senator very much is that he was put in a position to negotiate a Panama Canal treaty in a 6 months' period, where he was operating under a very tight time deadline. As one lawyer and one Senator who has studied these treaties very carefully, when I find over and over again unfortunate and ambiguous language used, and when I find that at the last minute in the negotiation, in order to get a treaty, presumably, we gave away the right to even negotiate to build another canal in another country—then I think it is not altogether inappropriate to observe how this appointment was made, and the fact that he was operating under a 6 months' time limit.

Whatever the reason was for the President doing that, to me it was not a good idea—and, as I have already said, I think it was an affront to the Senate to circumvent the confirmation process by not submitting the name of the negotiator in such an important situation to the Senate for confirmation.

That is my point. I am not trying to attack Mr. Linowitz. I am not trying to say that he is guilty of any conflict of interest. I am only saying that it was unfortunate, if we want to build confidence in the treaties themselves, confidence within the Senate, and confidence around the country, that it was not handled in the regular appropriate way.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. GRIFFIN. Of course.

Mr. SARBANES. First of all, I want to make one correction. The date of the meeting that I referred to was the 1st of April, not the 20th of April.

Mr. GRIFFIN. Well, I do not think that is relevant to the argument I am making.

Mr. SARBANES. No, but I want the record to be very clear if the Senator wishes to pursue the conflict-of-interest question.

The Senator is now separating two issues, and I think at least in that regard making some progress, because the question of conflict of interest was raised in the course of this debate by the Senator from Michigan.

If it is not relevant to the consideration, which I understand is the point the Senator is now making—he is dealing only with the question of a title in a 6-month period, contending there was undue haste at the end of that because the title would no longer apply, then it should not have been brought up. The introduction of the conflict-of-interest question was made by the Senator from Michigan. I regard that as extremely unfortunate, because it was unanswered much earlier, and if it was not answered to

the Senator's satisfaction, he had the opportunity to pursue the matter ahead of the treaty being negotiated.

As to the second point, the 6 months' period, as the distinguished majority leader pointed out, Mr. Linowitz remained available to be part of the negotiating team with Ambassador Bunker. Therefore, the loss of the title was not important with respect to the treaty.

The third point I have underscored earlier. Since we have had these personal attacks with respect to the negotiator and with respect to some of the parties in Panama, I must stress that in the end we come back to an examination of the terms of the treaties. Are the terms of the treaties protective of American interests? That is what is at issue. So I would hope the Senator would not, in the course of trying to deal with the substance and the merits of the treaties, on which I recognize there are legitimate differences, in fact, undercut people personally, which it seems to me is not only irrelevant but unfortunate with respect to some able and competent individuals.

Mr. GRIFFIN. Well, I do not think it is irrelevant to call attention to the fact that there was a time frame of very short duration; namely, 6 months, in which this negotiator had to complete a treaty, and to note the fact that it was precisely on the expiration date of that 6-month period that the treaty agreement was reached.

I keep going back again to the fact that under the Constitution as it has been interpreted, all officers having diplomatic functions, whether they are to be titled Ambassador or whatever, are to be appointed and confirmed by the Senate, with the exception of the statute—and I am not sure even that is constitutional; that we can modify the Constitution and say that anyone having a diplomatic function can be appointed even for a 6-month period.

I would note, for example, that all Army officers, all Navy officers, and all Air Force officers are nominated and confirmed by the Senate. We may do it routinely, but it is required by the Constitution.

I just make the point again that I think, as we try to look at the merits of these treaties, which I have done in my minority views, which in the most part are dealing with the merits of the treaties, it is inescapable to also look at the background and the context in which these treaties were negotiated.

I am sorry that it is necessary to bring that up. I felt that the statement made by the distinguished majority leader had to be responded to. I welcome Mr. Linowitz' written explanation, and I will be blad, on his behalf, to put it in the CONGRESSIONAL RECORD, to make the record complete.

Mr. SARBANES. Mr. President, in view of the statement which has just been made by the distinguished Senator from Michigan, I ask unanimous consent to have printed in the RECORD at this point excerpts from the CONGRESSIONAL RECORD of March 10, 1977, of an exchange of correspondence between Chairman SPARKMAN of the Foreign Relations Committee and the State Department dealing both with the legal authority for the 6-month appointment of Mr. Linowitz as Ambassador, and also dealing with the conflict-of-interest question which was raised earlier in the course of the debate by the Senator from Michigan.

I think it is important that this exchange of letters be placed in the RECORD at this point to indicate very clearly that the matters which are now being raised, as it were after the fact, were addressed at the very beginning of 1977; and I submit that the distinguished Senator from Michigan had more than ample opportunity to pursue the issues had he chosen to do so.

Mr. GRIFFIN. This was after the appointment had been made, and the authority of the Senate had already been circumvented; is that correct?

Mr. SARBANES. No; the Senator from Michigan had at that point, well ahead of the conclusion of any treaty, an opportunity if he wished to pursue these issues, either or both of them, or any additional ones that he felt the appointment raised.

It is my understanding—and if I am in error I would certainly like to be corrected—that the Senator from Michigan made no effort to do so prior to filing his minority report to the Foreign Relations Committee report—in other words, prior to the year 1978.

This is an exchange of correspondence inserted in the CONGRESSIONAL RECORD on March 10, 1977, almost a year ago, which addresses directly of the points which the Senator has been raising here on the floor today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPOINTMENT OF AMBASSADOR SOL LINOWITZ

Mr. SPARKMAN. Mr. President, I want to bring to the attention of my colleagues a couple of items of information bearing on the appointment of Ambassador Sol Linowitz to be a conegotiator in the Panama Canal talks.

In this regard, I wrote to Secretary of State Vance shortly after he discussed this appointment with me. Our exchange of correspondence on this issue makes it clear that Ambassador Linowitz's appointment will not extend beyond 6 months; and that this appointment is limited to the role of conegotiator and is not intended in any way to supplant Ambassador Bunker's role.

I ask unanimous consent that this correspondence be printed in the RECORD at the close of my remarks, along with that provision of the Foreign Service Act of 1946, as amended, which provides for short-term Presidential appointments with the personal rank of Ambassador.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPARKMAN. In addition to the above, Mr. President, I want to bring to my colleagues' attention a letter dated March 7, which I received from the Department of State and which bears on certain conflict-of-interest allegations with respect to Ambassador Linowitz's current position. The conclusion of this letter reads as follows:

"As a result of the Department's review and the foregoing undertakings by Mr. Linowitz, the Acting Legal Adviser gave a written opinion which concluded that the requirements of the applicable statutes and Department of State regulations on conflicts of interest had been satisfied."

Mr. President, I believe this letter and enclosures will be of interest to my colleagues and I ask unanimous consent that it, too, be printed in the RECORD following the above-mentioned material.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

JANUARY 31, 1977.

Hon. CYRUS R. VANCE,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am writing you with respect to our recent conversation concerning the appointment of Mr. Sol Linowitz.

It is my understanding that this appointment will be made for a period not to exceed six months and for the purpose of putting Mr. Linowitz in the position of U.S. co-negotiator on the Panama Canal talks. As I indicated to you, I have no objection to this arrangement for a not-to-exceed-six-month period, so long as the negotiations from the U.S. side are headed up jointly by Ambassador Bunker and Mr. Linowitz. I am sure you will agree with me that Ambassador Bunker has performed admirably throughout his tenure as chief negotiator and I am confident, as I am sure you are, that he will continue to perform in this fashion until these negotiations are brought to a successful conclusion.

I know that you will apprise me of any misunderstanding on my part about Mr. Linowitz's role. Similarly, I would appreciate being informed beforehand of any change in the co-negotiating procedure.

Sincerely,

JOHN SPARKMAN,
Chairman.

THE SECRETARY OF STATE,
Washington, February 10, 1977.

Hon. JOHN SPARKMAN,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: Thank you for your letter of January 31 concerning the appointment of Mr. Sol Linowitz. That is to confirm that your understanding that Mr. Linowitz is to be appointed as Co-Negotiator with Ambassador Bunker on the Panama Canal Talks, with the personal rank of Ambassador for a period not to exceed six months, is entirely correct. There has been absolutely no change in the co-negotiating procedure.

Sincerely,

CYRUS VANCE.

EXCERPT FROM FOREIGN SERVICE ACT OF 1946, AS AMENDED

APPOINTMENTS

SEC. 501. (a) The President shall, by and with the advice and consent of the Senate, appoint ambassadors and ministers, including career ambassadors and career ministers.

(b) The President may, in his discretion, assign any Foreign Service officer to serve as minister resident, charge d'affaires, commissioner, or diplomatic agent for such period as the public interest may require.

(c) On and after the date of enactment of the Foreign Relations Authorization Act of 1972, no person shall be designated as ambassador or minister, or be designated to serve in any position with the title of ambassador or minister, unless that person is appointed as an ambassador or minister in accordance with subsection (a) of this section or clause 3, section 2, of article II of the Constitution, relating to recess appointments, except that the personal rank of ambassador or minister may be conferred by the President in connection with special missions for the President of an essentially limited and temporary nature of not exceeding six months.

EXHIBIT 2

DEPARTMENT OF STATE,
Washington, D.C., March 7, 1977.

Hon. JOHN J. SPARKMAN,
Chairman, Senate Foreign Relations Committee, U.S. Senate.

DEAR MR. CHAIRMAN: In light of certain statements by a member of the Senate and a member of the House with respect to Ambassador Sol M. Linowitz, I would like to make the following observations which may assist you and the members of your Committee in responding to questions or inquiries.

Ambassador Linowitz was appointed, last February 10, as Co-Negotiator for the Panama Canal Treaty, in the capacity of Special Government Employee with a six-month appointment to the personal rank of Ambassador, in accordance with applicable Federal and Department of State regulations and established procedures. He is serving in this capacity without compensation.

The Department of State conflict of interest regulations provide that no Department employee may "have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities" (22 CFR 10.735-205). Pursuant to these regulations, Mr. Linowitz prior to his appointment submitted to the Department a full statement of his memberships on boards of directors as well as his financial holdings. These were reviewed thoroughly by the Office of the Legal Adviser.

In the cases of two companies, Pan American World Airways, Inc., and Marine Midland Banks, Inc., Mr. Linowitz furnished information from them outlining their activities and financial interests in Panama. Appended are the statements from the Presidents of these two companies. Based on the Department's review, Mr. Linowitz agreed that in the unlikely event any aviation issues arise during the course of the treaty negotiations which might be of possible interest to Pan American, he would recuse himself from participation in the negotiation of any such issues. Continued membership on the board of Marine Midland Bank did not violate the applicable regulations because of the relatively low level of financial transactions of the bank with and in Panama.

Mr. Linowitz also agreed that his law firm "is not now and will not while I am serving in this capacity, represent any client on any matter related to the Panama Canal Treaty negotiation or the Canal Zone."

In the case of Mr. Linowitz' financial interests, two companies in which he had small shareholdings—AT&T and Texaco—did have business which the Legal Adviser believed might be affected by the outcome of the Canal Treaty negotiations. Consequently, Mr. Linowitz agreed to sell his shares in those companies, and has done so.

As a result of the Department's review and the foregoing undertakings by Mr. Linowitz, the Acting Legal Adviser gave a written opinion which concluded that the requirements of the applicable statutes and Department of State regulations on conflicts of interest had been satisfied.

Sincerely yours,

KEMPTON B. JENKINS,
Acting Assistant Secretary for Congressional Relations.

NOTE

Note to F. C. Wiser.

Re Pan Am Activities in Panama—Intertrade.

Intertrade is a small distribution company, wholly-owned by Pan Am. Established in 1972, its principal functions are:

Provides bonded warehouse services, including customs clearance services and some inventory management services. It now has facilities at three locations: Colon Free Zone, Panama Airport, and Panama City.

Provides extensive local trucking services primarily between the Airport and its bonded warehouses.

Acts as Pan Am's General Sales Agent in Colon and certain other points in Panama.

Provides sea-air transshipment services; arranges for the receipt of goods by sea from Japan and other points in the Orient and for onward shipment, usually by air to points in Central and South America.

As indicated in the attached 1977 projections, 1977 Intertrade sales are expected to increase from the 1976 level of $703,000 to $946,000 and net profit before tax from $125,000 to $142,000. Pan Am originally invested $10,000 to establish the company. The underlying book value of our equity is now $170,000.

Intertrade is under the direction of Art Summer, who has been with Pan Am 35 years, most of them as a resident of Panama. The other 58 employees are citizens of Panama.

Also attached is a recent brochure on Intertrade which may be of interest.

I understand you are being provided with information on SDISA through Art Best.

CHARLES W. TRIPPE.

JANUARY 7, 1977.

Note to F. C. Wiser.

Subject Pan American Operation, Panama,

Sales office location: Edificio Hatillo, Avenida Justo Arosemena, Panama City, Republic of Panama.

Hours/Telephone: Mon.-Fri. 8:00 a.m.-12 Noon/1:00 p.m.-5:30, Sat.-Sun. closed. Telephone: 25-5425.

Airport/location: Tocumen International Airport, located approximately 18 miles from Panama City. The Airport operation at the present time, is 100% handled by Pan American personnel, with the exception of inbound cargo, which is handled by Intertrade.

Director: Reeder Chaney. Office Phone: 25-6510. Home Phone: 26-0589.

Mr. Chaney is the only international employee in Panama, and is responsible for not only Panama, but offline west coast/South American General Sales Agents in Colombia, Ecuador, Bolivia, and Peru.

Present Employment: 151 people.

Passenger Operations: 75 movements/month.

Passenger Sales/1976: $10,000,000.

Cargo Sales/1976: $4,000,000.

General Information: New Airport and terminal facilities will be in operation by fall of 1977.

Separate Corporations in Panama:

(a) Intertrade (separate report being prepared by C. Trippe).

Intertrade is wholly owned Panamanian cargo company and is the general Sales Agent for Pan American on the Atlantic side of the canal for cargo and passengers. They are also general Sales Agents for Pan Am for the balance of the Republic of Panama, other than the City of Panama.

An agreement has recently been signed with Intertrade to do all of our inbound cargo handling at Tocumen Airport.

(b) SDISA (Servicios y Diversiones Internacionales, S.A.).

A Pan Am wholly owned Panamanian Catering operation located at Tocumen Airport servicing all carriers.

A. S. BEST.

PAN AMERICAN OPERATIONS, PANAMA

Prior to World War II, Pan American operated from both the Atlantic and Pacific side of the Canal Zone in Panama. When World War II started, the operation at France Field, located on the Atlantic side, was consolidated with the operation at Albrook Field on the Pacific side.

Pan American's operation continued at Albrook Field until the Republic of Panama developed an International Airport at Tocumen in October, 1949.

At one time, our operation in Panama was considerably more active than at present. Due to retrenchment in military forces, reduction in Panama Canal Zone international employees, long-range and wide-bodied aircraft, Pan Am has decreased its total activity through Panama.

The present 151 employees represent only 9.2% of our employees in Latin America or slightly over 1% of our employees worldwide in the field marketing group. Likewise, today the total sales of $10,000,000 for passengers and $4,000,000 for cargo represents .8% of our revenue.

MARINE MIDLAND BANKS, INC., OPERATIONS RELATED TO PANAMA

A. Past or Dormant Investments.—

1. Banco Inmobiliario de Panama S.A.—This is a small mortgage bank in Panama that engages in medium- to long-term housing mortgages and the warehousing of mortgage paper. We have just sold our 2½ percent interest.

2. Financiera Centroamericana S.A.—This is a general finance company engaged in commercial, industrial, and real estate lending in Central America, as well as holding an equity interest directly and indirectly in bonded warehouses in Central America and the Caribbean. This 22.4 percent investment was just disposed of.

3. Servicio de Anuario Telefonico Internacional S.A.—This company sold and distributed telephone books in several Latin American countries. We have preferred shares at modest value. This investment will be written off.

B. Current Investments.—

Marine, through Intermarine London, owns Bream Shipping, which was formed a few years back in conjunction with the international lending operations of Intermarine London. This company is presently not being used; however, it has limited assets resulting from prior activities conducted external to Panama.

C. Branch Operations.—

Most international banks have involvements in Panama consistent with that country's currency relationship with the dollar and its favorable climate as a financial center. Accordingly, the Marine started in Panama with a Regional Representative Office for Central America in 1971. It subsequently opened a branch operation in October 1973 to complement the Representative Office with a primary focus on generating corporate business in Panama and Central America, as well as deposit gathering from Latin America. As of November 30, 1976, it has total claims of approximately $32.4 million (of which $18.5 million is claims in Panama, and the remainder is almost entirely claims due from other Central American corporate clients). In Panama much of its business involves financing trade of corporations located in the Colon Free Trade Zone. The combined Representative Office and Branch have a staff of 25, 3 of whom are U.S. nationals. This operation is not large when compared to the activities of several others.

D. Loans.—

As a large international money center bank, the Marine conducts business throughout the world. Panama has long been a center for trade, as well as a notable financial center. Loans in Panama are a national consequence of the position of the bank and the country.

Marine Midland, either directly from New York or through the Bahamas or Panama Branch or foreign affiliate, has a $100,000 short-term unsecured loan available to the Hydroelectric Power Authority of Panama.

There is a $100,000 loan to the Agricultural Development Bank in Panama.

There is a $4 million loan to the Republic of Panama, due in November, 1983. There is Marine's share in a $115 million international syndicated loan, managed by Citibank/New York. InterUnion/Paris, in which Marine directly owns 45 percent, also has a loan of $2 million to the Republic of Panama.

In addition to these direct loans to the Government of Panama or institutes of the Government, the Marine is engaged in normal short-term lending operations through the banks and the private sector in that country.

* * * * *

Intermarine owns two Panamanian special-purpose shipping companies, International Ship Finance (Panama) Inc., and Avon Shipping, Inc. These companies each own a Panamanian flag vessel on behalf of Japanese owners, which vessels are financed by Intermarine. These corporations are financing vehicles, and they are only notionally involved with Panama.

Mr. GRIFFIN. I will be glad to read that. The point that disturbs this Senator, however, is that the President chose this irregular method of appointing a negotiator in such an important situation.

I, of course, had hoped that we would have treaties before us that I could consider were in the national interest, and that I could support. But I find so much that is wrong with them, so many ambiguities, so many things that in my humble opinion do not serve the interests of this country, that I must raise the point that they very well could have been negotiated in a hasty, last minute situation, and that disturbs me very much.

Mr. President, I yield the floor.

Mr. SCOTT. Mr. President, I ask unanimous consent that Charles J. Conneely of the staff of the Armed Services Committee be afforded the privileges of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, having listened to the colloquy between the two distinguished Senators, I am going to make my statement in its entirety, without yielding the floor, and then I will be glad to respond to any questions that any Senator might have.

I might say at the outset that I have been advised that our statements are no longer being carried on the radio since it is after the hour of 5 o'clock. Perhaps we can relax a little more at this time.

(Mr. ZORINSKY assumed the chair.)

Mr. SCOTT. Mr. President, many thoughts have been expressed by various Senators since we started considering whether to advise and consent to the canal treaties. One suggestion was that we pay some attention to the views of the people of the country. My own mail is becoming heavier, although there is little, if any, change in the ratio of those for and against the treaties. Needless to say the overwhelming majority of the mail is in opposition to ratification. This in spite of every effort by the administration to educate the people to its point of view.

In fact, our chief negotiator, Ellsworth Bunker, stated in a talk in Los Angeles on December 2, 1975, that—

Our presence in the canal has a constituency among the American people—but our negotiations to solve our problem there do not. So, if we are to gain support, we must find it through candid and reasonable discussion.

These discussions, however, have not been productive insofar as changing the public view on giving the Canal Zone to Panama. While the State Department has been attempting to educate the American people to their point of view, we should remember that throughout our history the ultimate decisions in the United States have been made by the American people. Alexander Hamilton recognized this during the debates on the Constitution in 1788 when he said:

Here, sir, the people govern.

If our votes in the Senate are to reflect the views of the American people, these treaties will be defeated.

My opposition, in a broad sense, is that the treaties are written in a way to meet the demands of Panama and further the best interests of Panama rather than the best interests of the United States. At the present time the United States has possession and control of the canal. From the viewpoint of our own national interest there is no need to negotiate a new treaty. In my judgment, we do not obtain any benefits from these treaties but we lose substantially all of the interests we now have in the Canal Zone. It would appear that our negotiators have been willing to give Panama anything it wanted and that Panama has wanted everything it could get. This has resulted in a one-sided treaty. A treaty that, in my opinion, is not in the interest of the United States or in the interest of the free world.

Perhaps it would be well to initially consider what we have in the Canal Zone that will be lost by the ratification of these treaties. First, of course, is the canal itself, together with the installations, material, and equipment used in its operation. The canal is an important artery of commerce of great value from an economic and military point of view. Ownership will immediately be transferred to Panama, as more gradually will complete control. At the present we have roughly 3,300 American citizens residing in the Canal Zone who are civilian employees of the canal government and approximately 6,200 dependents of these employees. The American military forces consist of roughly 8,500 members with somewhat over 11,000 dependents, plus an additional 1,200 civilian employees assisting our military forces for a total of 30,186 Americans presently residing in the Canal Zone, according to testimony by General McAuliffe, the head of our southern military command. Of course, there are quarters, both military and civilian; 17 military bases; the Panama Railroad; the Thatcher Ferry Bridge crossing the canal on the Pacific side; highways of various kinds, including one crossing the entire isthmus; schools, hospitals, stores, and recreational facilities; the Military School of the Americas where officers from the various Latin American countries receive training and the jungle warfare school where our own troops are trained for jungle fighting. We have several pipelines of various sizes across the isthmus; pier complexes to handle cargo and storage, warehouses for material awaiting transshipment. It should also be recalled that all of the improvements within the Canal Zone were constructed by the United States, or purchased from the French company; that yellow fever and malaria were conquered, sanitary water and sewage systems established; that many American lives were lost in the establishment of this project which has been called the "moonshot" of its day. These facilities are said to have a replacement value of approximately $10 billion.

I believe the exact figure is $9.8 billion.

It is said that fewer than 1 percent of the original work force that built the canal were Panamanians.

I do not know, Mr. President, the nature of all of our military facilities within the Canal Zone but there have been newspaper accounts of foreign agents operating within the zone and it would appear that in closed session each Senator should be informed fully regarding additional military use, if any, being made of the Canal Zone. It would appear that this is the southern most base of operation for our military forces in the Western Hemisphere and military aid programs for all of South America are directed from our bases located within the zone.

In addition to the tangible assets that would be lost, the world community might well lose the right to cross the Isthmus of Panama to avoid the much longer route of going around the entire South American Continent to get from the Atlantic to the Pacific ocean at prices shippers can afford to pay. The United States has always permitted transits of the canal at cost and, in fact, in recent years I understand that there has been a deficit in the operation of the canal even though tolls have been raised. But immediately after ratification, Panama will receive 30 cents per ton on all material passing through the canal, plus an annuity of $10 million per year, an additional annuity of another $10 million annually if toll revenues permit, and $10 million for providing fire. police, and sanitary services. There is no doubt that Panama will charge all that the traffic will bear when it is able to fix the rates. Last year I visited five South American countries, Colombia, Peru, Brazil, Argentina, and Chile. Even the leaders of these countries who support transfer of the canal to Panama wanted some provision against increases to tolls. Concern was also expressed about Communist influence and ultimate Communist control of the canal.

We cannot afford to ignore the Russian buildup of its military and naval forces; of its support for revolutionary movements throughout the world; Soviet pilots flying MIG aircraft in Cuba; or Russia supplying weapons and material for Cuba to intervene in the internal affairs of others nation; of Egypt, Ghana, and Somalia finding it necessary to ex-

pel the Russians; of Canada expelling more than a dozen Russian diplomats for attempting to bribe Canadian citizens to obtain intelligence information.

Russia using other nations to achieve its subversive goals in Africa is illustrated in a concise statement on page 29 of the February 20 issue of Time magazine entitled, "Moscow's Helping Hands." It points out that a number of Warsaw Pact nations, including East Germany, are aiding Cubans in Ethiopia, Angola, and other places. I ask unanimous consent that this statement be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows.

MOSCOW'S HELPING HANDS

"Doing the Kremlin's dirty work" is the way one Western intelligence official refers to them. Another labels them "Moscow's cat's-paws." These derisive descriptions refer to Communist countries that are busily reinforcing Soviet support for Ethiopia with sorely needed arms as well as military and political expertise.

Cuba has been the most prominent of Moscow's proxies, with 3,000 troops in Ethiopia, 19,000 in Angola and about 4,000 in nine other states. In recent years other Communist-ruled nations—most notably in Eastern Europe—have dispatched elite units to black Africa to serve Soviet foreign policy interests. Presumably, this strategy has been designed to help Moscow maintain a low profile and thus escape being branded a neoimperialist.

The efficient and ideologically rigorous East Germans have apparently been selected as the most trustworthy ally. First sent to Ethiopia last summer, East Germany's forces there now number an estimated 1,000. Senior East German officers assigned to the Ethiopian Defense Ministry helped to reorganize the country's armed forces, and no doubt have contributed to the planning of the current offensive. Other East Germans have been advising the Ethiopians on the military and ideological training of the police, militia, regular armed forces and youth groups. A hard-lining East Berlin Politburo member, Werner Lamberz headed a delegation that advised Addis Ababa about reconstructing the country's economy on orthodox Marxist lines.

The army and secret police of nearby South Yemen have been learning the latest security techniques from some 2,000 East Germans, assisted by about 4,000 Cubans, some of whom also seem to serve as a kind of Praetorian Guard for the country's repressive Premier Ali Nasser Mohamed. East Germany is also believed to be running three training camps in South Yemen for radical Palestinian commandos. East Berlin has dispatched "Brigades of Friendship," consisting of military, ideological, security and medical cadres, to Angola; in Mozambique, the East German "diplomatic" mission has become the largest in the country, exceeding even that of the Soviet Union. East Germany's increasingly complex African operations are now handled by a special secretariat in East Berlin, headed by Deputy Minister of Foreign Trade Alex Schalk.

Hundreds of Czechs, Hungarians, Poles and Bulgarians are also aiding Ethiopia's forces. Technicians from Prague and Budapest have supervised the arrival of large quantities of weapons, such as AK–47 automatic rifles and machine guns, made by Warsaw Pact countries. Transporting arms and men from Eastern Europe to Ethiopia formerly presented only minor problems, since they were flown from their staging area in Libya over an unsuspecting Sudan. Until they were expelled in May, Russian advisers in Khartoum had tampered with the Sudanese radar network to create a blind spot in its coverage, in effect creating a "corridor" through which Soviet planes flew undetected.

Ominous though the Soviet presence in Ethiopia may be, Moscow may yet bungle this political opportunity as it has bungled others. Despite heavy political and military investments in Ghana, Egypt and Somalia, the Russians were ultimately tossed out of those countries. They and their cat's-paws may start to suffer if the war on the Horn begins to exact a toll. According to intelligence reports, Cuba's military presence abroad is now so unpopular that troopships must leave Havana at night.

Mr. SCOTT. Mr. President, let me read just the first part of the statement.

All these happenings add credence to the warning of the former Chairman of our Joint Chiefs of Staff, Adm. Thomas H. Moorer, in testimony on January 31 before our Senate Armed Services Committee. He said:

The defense and use of the Panama Canal is wrapped inextricably with the overall global strategy of the United States and the security of the free world. I submit that, if the United States opts to turn over full responsibility for the maintenance and operation of such an important waterway to a very small, resource poor and unstable country as Panama and then withdraws all U.S. presence, a vacuum will be created which will quickly be filled by proxie or directly by the Soviet Union as is their practice at every opportunity.

So, Mr. Chairman, and members of the committee, do not be surprised if this treaty is ratified in its present form, to see a Soviet and/or Cuban presence quickly established in Panama. In any event, any confrontation over the "neutrality" of the canal then becomes a confrontation with the Soviet Union rather than with Panamanian guerrillas or terrorists. With the Soviets already on the scene, as Senator Goldwater has pointed out, fighting our way in—with or without the help of the small 1,500 men Panamanian Army will not be without unnecessary loss of U.S. men and material, not to mention loss of the use of the canal.

I believe a permanent United States presence in the Panama Canal Zone to be the only feasible and safe posture for all of the nations of this hemisphere. In saying this I must also emphasize that the year 2000 is meaningless insofar as the requirements for the security of this hemisphere are concerned. The threat, the problems, the global balance will not change as if by magic in the year 2000, so why should we pass this dilemma down to our children and grandchildren.

Let us remember that Admiral Moorer, as Chairman of the Joint Chiefs of Staff was our No. 1 military man from 1970 to 1974. Although presently retired I believe his opinions are entitled to great weight. Therefore, I asked his views on the testimony of a presently active military commander, Admiral Weisner, the commander in chief of the Pacific, who previously had testified before the Subcommittee on Manpower and Personnel of the Armed Services Committee: The question posed was, if the canal was not under the control of the United States, could he see possible adverse effects on his command in the Pacific?

Admiral Weisner answered:

I can see an adverse effect, Senator Scott. It takes considerable time to move items by sea from the east coast to the Pacific. Without the Panama Canal you are adding 3 weeks time in shipping critical items as ammunition from East Coast ports rather than from West Coast port.

Then I asked him, aside from the time elements, would he see any need for an increase in the naval strength of this country if we did not have control of the canal. He answered:

Yes, we would have to put these critical items shipped by sea over a greater area to accomplish the same purpose.

Would we need a larger navy? and he said:

That is right.

When I asked Admiral Moorer whether he agreed with Admiral Weisner, he responded:

I agree with him on every point.

In fairness, I believe the treaty supporters agree that the Panama Canal is very important to our national security. Treaty supporters constantly argue that it is "use rather than ownership that is important" and that the United States can better assure use of the canal by ratifying the present treaties. Secretary of Defense Brown in his testimony before the Foreign Relations Committee, stated:

Use of the canal is more important than ownership.

He later noted:

I think the canal is more likely to remain open to us with friendly Panama and a friendly Latin America than in a situation where the people of those nations look at the canal as an American ownership of the canal, and it works as an insult to them, as a threat to them.

There seems to be a strange logic that the United States would be in a better position if it reduced its present military installations in the Canal Zone from 17 to 4 after the treaties are ratified and entirely withdraw our military presence from the canal in the year 2000. The argument goes that, with a friendly Panama, the canal would likely be more available for the use of U.S. commercial and military ships.

What is ignored here is to whom we are giving the canal—today to General Torrijos and tomorrow to who knows what government in Panama, given that country's political instability.

Let us discuss for a moment who General Torrijos is. He is the dictator of Panama who took over that country from a lawfully elected government "at the point of a gun" in 1968. He is the same dictator who has increased the national debt of Panama from some $167 million to over $1.5 billion, the highest per capita national debt in the world. He is the dictator who has compiled a dismal record on human rights, according to Freedom House. He is the same dictator who has open admiration for Castro and who, on his return to Panama after the signing of the treaties in Washington last fall, sent the following message to Castro:

On my return trip to my country and flying above the sky of Cuba, I salute you with friendship always . . . in Latin America, our name is associated with feelings about dignity that have been channeled toward a shameful period of colonialism.

This is the same Fidel Castro who has 19,000 to 20,000 Cubans in Angola and several thousand Cubans in Ethiopia and, apparently, sees a need to have Soviet pilots fly air defense missions for him in Cuba. Torrijos is the same dictator who has never met the American Governor of the Canal Zone. This according to testimony of the Governor. I asked Governor Parfitt, when he testified before the Subcommittee on Separation of Powers of the Judiciary Committee, his personal opinion as to Communists within the structure of the Government of Panama.

Governor Parfitt, an active major general in our Army, responded:

I believe the general consensus is that the Panamanian Government itself is not Communist-leaning, but advisers in various places within the government are in fact Communists.

I asked, "This would be advisers to General Torrijos? Some of his advisers are believed to be Communists?"

Governor Parfitt answered, "That is correct."

Let me add that Governor Parfitt also testified at this hearing that our Government has not asked him whether the proposed treaty should be negotiated.

It seems untenable that the top U.S. official, the Governor of the Canal Zone, would not be asked his opinion before the treaties were signed.

But, Mr. President, it does not appear that we would be giving up our $10 billion canal to any great or reliable friend of the United States. This may in part account for the fact that Americans are bombarding the Senate with mail against ratification.

We are told that it really does not matter what General Torrijos is—a dictator—a friend of Castro's. The important thing is that the United States has the right to intervene after the year 2000 if the neutrality of the canal is violated. In addition, we also would be permitted "expeditious passage" of our ships during time of crisis.

As a practical matter, what does each of them mean? The right to intervene presumably means that the United States could move troops back into the Canal Zone if we felt that the neutrality of the canal was violated. What would be the effect of that if Panama violated the neutrality of the canal? Would we have the military run the canal after the year 2000? The same could be said of the "expeditious passage" of our ships. Does anyone really think that the United States would land military forces in Panama if our ships did not get what we thought was "expeditious passage" during a crisis? What is to stop the Panamanians from having a "slow-down" during a crisis in which they did not take our side—for example, with Cuba or any Communist nation.

As a practical matter, what is the advantage of intervention or "expeditious passage" when one compares it to current U.S. presence in and control over the Canal Zone? The entire Neutrality Treaty, even the proposed clarifying amendments, remind me of a "shell game." We are never going to know exactly what our rights are, whether after giving away title and control we will have the fortitude to return to the Canal Zone to enforce our rights, whatever they may be. If his treaty was a contract it might well be held to be void because of vagueness. Today we own the Canal Zone, we control it, our troops are there. I see no reason to change from a certain position of strength to an uncertain one of potential weakness.

U.S. MILITARY PRESENCE IN CANAL IMPORTANT

Admiral Holloway in his testimony befor the Armed Services Committee stated that—

Because of the importance of the Canal, as a military man, I would very much like to have seen the complete responsibility and control of the operation and defense of the Canal in U.S. hands. . . We (the military) deplore the situation that leads us to have to resort to these treaties in order to ensure our continued use of the Canal.

Admiral Holloway also made clear his view that—

Without bases, the introduction of U.S. forces would take longer and be more costly.

Admiral Moorer stated:

I believe a permanent U.S. presence in the Panama Canal Zone to be the only feasible and safe posture for all of the nations of this hemisphere.

In response to a question on the importance of the United States having rights in Panama after the year 2000, Admiral Moorer responded:

I think it is mandatory that we maintain a presence through one kind of agreement or another.

INTERNAL THREAT TO CANAL

Some type of insurgency from inside of Panama is generally considered to be the most likely threat to the canal in the event the treaties are not ratified. Lieutenant General McAuliffe, the U.S. Southern commander, our top military man in the Canal Zone, stated in his testimony before the Armed Services Committee, that with forces under his control:

Under the most likely threats, we can limit such interrupations (to the Canal operation) to ones of short duration.

General McAuliffe also testified that sabotage of the canal was a difficult job.

In this regard, Admiral Moorer testified:

The most likely attacks can be handled with present forces. So far as the fear of another Vietnam is concerned, there is absolutely no comparison.

He added that—

The Canal itself is tough. One hand grenade, or stick of dynamite will not bring the Canal operations to a complete halt as some suggest. While I do not doubt that there could be student demonstrations motivated from time to time by—to quote Ambassador Bunker—"persons trained in communist countries for political action," I do not think they comprise a threat that will bring about closing of the Canal or serious confrontation.

FORCES REQUIRED TO DEFEND THE CANAL

General McAuliffe testified before the Armed Services Committee:

If we are looking at simply a period of increased tension, then I would say my forces would need to have some modest augmentation security and surveillance forces in order to maintain our capability for defense over a sustained period. If, on the other hand, we are faced with widespread violence . . . civil disturbances, guerrilla action and insurgency, then . . . my estimate (of reinforcement required) runs upward of about the sum total of 40,000 troops. . . .

Admiral Moorer testified:

The proponents of these treaties proclaim again and again that the only way to handle the internal threat is to ratify the treaties and give up the Canal. It is repeated over and over again that we are not interested in ownership, only continued use, which can be acquired only with the help of the Panamanians. Otherwise, they say, 100,000 troops will be required to defend the Canal and we will immediately be plunged into another Vietnam. I do not accept any of these scare statements. In the first place, a major part of the income of Panama is due directly to the existence of an operating Canal. If the Panamanians make an effort to sabotage the Canal, they are the ones that will be harmed. Most of them know this. In the second place, it is a gross overstatement to suggest that 100,000 men will be required to defend against saboteurs even if they are supported by the 1500 men Panamanian armed forces. I estimate that 50,000 or less would be adequate even in the face of an unusually large scale determined effort with outside support.

ATTITUDE OF LATIN AMERICA TOWARD TREATIES

Mr. President, one of the great myths surrounding these treaties is the view that the United States will alienate all of Latin America if we do not ratify these treaties. This point of view would have us believe that all of Latin America strongly supports U.S. turnover of the canal to Panama.

Let us address this point. When former Deputy Secretary of Defense Clements testified before the Armed Services Committee, he indicated that Robert Hill, former Ambassador to several Central and Latin American countries, asked him to inform the committee that his contacts indicated most of these countries did not favor the treaties, because they were "convinced it would be an added cost to their economy" and because they were concerned "with respect to the security of the canal" since most of their trade depends upon efficient and economical operation of the canal.

At a meeting of the Organization of American States last year, the nations of Latin America passed a resolution by an overwelming vote of 17 to 0 with three absentees to reaffirm:

The principle that the Panama Canal tolls should exclusively reflect the actual operating costs.

Panama abstained from this vote and apparently implicitly criticized the Organization of American States (OAS) for even considering the matter.

When Lt. Gen. Gordon Sumner, Chairman of the Inter-American Defense Board, testified before the Armed Services Committee he stated that the 19 countries of Latin America which comprise the Inter-American Defense Board:

Look at this Canal as the "Canal of the Americas" and it is important to those countries.

When asked concerning the views of Inter-American Defense Board countries on the treaties, General Sumner stated that he had talked to:

The Presidents, the Ministers of Defense and the high level military people of the 17 countries besides the United States and Panama, and that all express a very grave concern about the treaties.

He testified that—

They see the possibility here for conflict. They also see the possibility for mischief making by the Communists. . . .

He went on to add that all of these countries have "some type of Communist subversion or terrorism going on in their countries." General Sumner indicated that all members of IADB has "expressed reservations about the fact that the United States will no longer be in Panama. Once we do not have the bases there, then the entire area becomes destabilized."

Mr. President, from my own visits to Latin America made last year, I can confirm the views of both Ambassador Hill and General Sumner. There was considerable concern, particularly in countries on the west coast of South America concerning possible toll increases. Without question, the countries I visited in Latin America were worried about the possible involvement of Communists in Panama once the U.S. presence there was reduced or eliminated.

VIEWS OF RETIRED OFFICERS

Maj. Gen. J. Milnor Roberts, retired, executive director, Reserve Officers Association, testified before the Senate Foreign Relations Committee and indicated that of 282 admirals and generals who responded to a letter from him on the canal treaties, 278 opposed. That would only leave four in support of the treaties. Let me cite some of the officers opposed: Gen. Lyman L. Lemnitzer, U.S. Army; Adm. John C. McCain, the former commander in chief, Pacific; Gen. Charles L. Bolte, former Vice Chief of Staff, Army; Maj. Gen. Ernest L. "Mike" Massad, former Deputy Assistant Secretary of Defense; Maj. Gen. Kenneth O. Sanborn, former commander, U.S. Air Force—South Panama; and Brig. Gen. John S. D. Eisenhower, U.S. Army Reserves, son of the late President Eisenhower. These are among the flag rank officers opposed to Panama Canal treaties signed by President Carter on September 7.

Mr. SARBANES. Mr. President, will the Senator yield at that point?

Mr. SCOTT. Mr. President, I decline to yield until I finish my statement. Then I will be glad to yield.

Several more names might be of interest to Senators:

Lt. Gen. Robert W. Colglazier, Jr., AUS, retired, former Deputy Chief of Staff—Logistics.

Lt. Gen. Stanley "Swede" Larsen, USA, retired, former Deputy Commander in Chief, Chief of Staff, U.S. Army—Pacific.

Vice Adm. J. F. Bolger, USN, retired, former Deputy Chief of Naval Personnel.

Maj. Gen. Glenn C. Ames, AUS, retired, nationally recognized leader, also, in the National Guard Association, Association of the U.S. Army, and former adjutant general of California.

Maj. Gen. Homber I. "Pete" Lewis, USAFR, former Chief of Air Force Reserve.

There is even a Carter:

Maj. Gen. Leslie D. Carter, USA, retired, of Midlothian, Va.

As General Roberts testified:

Both Secretaries Rusk and Kissinger brought out the importance of grassroots knowledge. I suggest to you that right here we have more grassroots than you have seen for a long time, and the grassroots are overwhelmingly against the propcsed treaty in Panama.

I know that much has been made of the support of the current members of the Joint Chiefs of Staff for the proposed treaties. In this regard, let me cite the testimony of Admiral Holloway before the Armed Services Committee who stated:

Because of the importance of the Canal, as a military man, I would very much like to have seen the complete responsibility and control of the operation and defense of the Canal in U.S. hands.

He further stated:

We (the military) deplore the situation that leads us to have to resort to these treaties in order to ensure our continued use of the Canal.

Admiral Holloway made clear his view that—

Without bases, the introduction of U.S. forces would take longer and be more costly.

It would appear that from strictly a military point of view the JCS would have preferred to have military personnel and bases in Panama, but that when they considered the political situation there the JCS came down on the side of the treaties.

Mr. President, the Commander in Chief favors these treaties. He has said so many times on nationwide television and otherwise. Active military personnel have been taught the chain of command concept that they are subject to higher authority. It is ingrained in them. But once they have retired a greater freedom exists to exercise their own independent judgment. To me that explains why there is a difference of opinion—diametrically opposed postions between the active and retired military leaders.

It appears to me that giving up the canal will weaken our Nation and I cannot help think of Neville Chamberlain's efforts to obtain "peace in our time" shortly before World War II. In my judgment we should reject both treaties as being contrary to the national interest.

Mr. President, I am glad to yield to the distinguished Senator from Maryland.

Mr. SARBANES. Mr. President, I wish to address the point that the Senator from Virginia just made with respect to the act of the Joint Chiefs of Staff. The subject has been discussed before in the course of this debate, and I think it is an absolute disservice to the acting members of the Joint Chiefs of Staff to imply that on this issue they are not reflectng their own true personal opinions.

We had the Joint Chiefs before our committee and directly put that question to them. General Brown was very forthright in indicating that he understood his responsibilities when he appeared before a congressional committee in response to direct questioning, that he gave his personal opinion, that that was what he was doing, that he had no difficulty with disagreeing with the Commander in Chief in those circumstances if, in fact, he disgreed. He then went on to voice his very strong support for these treaties.

Other retired members of the Joint Chiefs and service chiefs—Gen. Maxwell Taylor, General Ridgway, Admiral Zumwalt, General Westmoreland, General Norstadt—have endorsed these treaties. People may disagree with their judgment, but I hope that no one is going to question either the motives or the honesty or the integrity of either the Acting Joint Chiefs or former Joint Chiefs.

I disagree with the judgment or the wisdom of retired members whose names the Senator from Virginia has cited, who oppose the treaties, but I do not question their honesty or their forthrightness. I think it is a disservice to the Joint Chiefs to suggest that they are taking their position when it does not represent their true views.

Mr. SCOTT. I say to the distinguished Senator from Maryland that I have very high regard for the military. I have been privileged to serve on the Armed Services Committee since coming to the Senate. I have become personally acquainted with a large number of them, and I do not believe it is a question of their integrity. I think it is a question of indoctrination over the years. The Commander in Chief favors these treaties and his subordinates that are holding office. If we would put it on a more personal level, if in the Senator's own office, as a Member of the U.S. Senate, the Senator took a certain position—and we are talking about civilians now—I suspect that the members of the Senator's staff would take a similar position. When the Commander in Chief speaks, well, General Singlaub should listen. Perhaps he did not listen closely enough and he was called back and reprimanded.

Mr. President, let me read a letter that I received from a constituent that bears directly on this point. It is addressed to me, Senator WILLIAM LLOYD SCOTT, U.S. Senate, Washington, D.C.

DEAR SENATOR SCOTT: As a registered and active voter of Virginia I am writing to ask that you vote against ratification of the Panama Canal Treaties. I must also request that you not use my name in this matter as I have been told indirectly to support these treaties by General David C. Jones, Air Force Chief of Staff.

I am enclosing a copy of a message that General Jones sent to all commanders. Paragraph 5 makes it quite clear that we as military personnel are expected to support these treaties.

Although I cannot speak out publicly against the Panama Canal Treaties. I will not speak out in support of them either. . . . I would appreciate it if you and your staff not reveal how you received the enclosed message.

The unclassified telegram has a number of identifying features indicating the wide distribution it received. With these features removed, it reads to the following commands to which it was referred. And, Mr. President, I ask unanimous consent that this telegram from General Jones with regard to the Panama Canal Treaties be printed at this point in the RECORD in response to the questions raised by my distinguished colleague

from Maryland. I will be glad to let him have a copy if he cares to read it in its entirety.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

For Commanders from General Jones.
Subject Panama Canal Treaties.

1. On 10 Aug. 1977 Panamanian and U.S. negotiators anounced agreement in principle on a conceptual framework for two new treaties, One, the neutrality treaty, provides for the permanent neutrality of the canal; the second, the Panama, Canal Treaty, deals with the operation and defense of the canal. Both treaties would enter into effect after ratification and document exchange processes are complete. The neutrality treaty will be of indefinite duration, whereas the Panama Canal Treaty will terminate in all aspects on 31 December 1999.

2. The Panama Canal is a major defense asset, the use of which enhances United States capability for timely reinforcement of United States forces. Its strategic military advantage lies in the economy and flexibility it provides to accelerate the shift of military forces and logistic support by sea between the Atlantic and Pacific Oceans and to overseas area. United States military interests in the Panama Canal are in its use, not its ownership. The proposed treaties would assure that access to and security of the Panama Canal are protected in time of war and peace.

3. As President Carter has stated, "We will have operating control and the right to protect and defend the Panama Canal with our own military forces until the end of this century. Under a separate neutrality treaty we will have the right to assure the maintenance of the permanent neutrality of the canal as we may deem necessary."

4. The Air Force actively participated in the development of all defense related aspects of the proposed treaties, and fully supports them. They would provide a basis for development of a continuing friendly relationship between the United States and Panama which would be of significant importance in insuring that the Panama Canal would be available to the United States when needed. Once the U.S. no longer operates the canal, the proposed neutrality treaty would provide an adequate basis for safeguarding our interests in the canal.

5. It is important that our personnel, particularly our senior people, understand our support for the proposed treaties.

Mr. SARBANES. May I say to the distinguished Senator from Virginia that the telegram is not responsive to the question I raised and the question, to put it again, is does the Senator from Virginia question or doubt that the endorsement of these treaties by the current Joint Chiefs of Staff represents their own personal view as to what was in the best interests of the United States?

Mr. SCOTT. No, I do not.

Let me read the Senator what I said.

Active military personnel have been taught the chain of command concept that they are subject to higher authority. It is engrained in them, but once they have retired a greater degree of freedom exists to exercise their own independent judgment.

To me that explains why there is a difference of opinion, diametrically opposed positions between the active and retired military leaders.

Mr. SARBANES. General Brown, if the Senator will yield further, stated in his testimony before the Foreign Relations Committee, first of all, that—

The rules are quite clear that in response to interrogation before a congressional committee we answer fully and factually. The public record is quite clear where we have been in opposition to a Presidential decision.

And he then cited two examples and then went on to say, and I am now quoting General Brown, Chairman of the Joint Chiefs of Staff:

So it is wrong to say that in the case of the Panama Canal we are doing this only because a decision has been made. I have personally worked very diligently for 4 years to achieve these treaties with Ambassador Bunker and subsequently with Ambassador Linowitz also and as we have testified the key point that finally found its expression in a treaty of neutrality was conceived within the Defense Department. We have worked hard for this treaty because we feel it is right.

And I am only asking the Senator from Virginia not to question—he may disagree with General Brown's judgment, he may quarrel with where he comes down on this issue—but I would hope he would not question General Brown's own personal integrity with respect to the position he has taken and enunciated so clearly on this issue.

Mr. SCOTT. Let me say that I have not questioned the integrity of General Brown. I have defended General Brown on two occasions when his name was brought before our Senate Armed Services Committee for statements that he had said that were subject to criticism by some. But I would ask the distinguished Senator how would he account for the vast difference in opinion between the retired military and the active military? I do not believe there is the slightest doubt numberwise, rankwise, that the retired military are opposed to this treaty. You can name a few names.

Mr. SARBANES. That is right.

Mr. SCOTT. But you cannot name a great many names. The percentage of the retired military are against this treaty.

Mr. SARBANES. In response to the Senator from Virginia, first of all I would say that there are a number of very distinguished retired military who support the treaty, some of the best military leaders we have had. Second, the current joint chiefs are the ones who have the responsibility for protecting our defense and strategic interests and they, therefore, are required to analyze the options very carefully and the choices that are before the country.

Let me just quote General Wilson, the Commandant of the Marine Corps, in testimony before the Senator's committee, not before the Senate Foreign Relations Committee, before the Committee on Armed Services:

General Wilson said:

I can assure you that no one has put any pressure on me nor would I succumb if they did. I reach my position independently and I believe the other chiefs reach their own views independently.

These are the active people who have the responsibility and they have to make some tough judgments and they have to examine the matter very carefully.

Again the Senator may end up not agreeing with the judgment they make, but I do not think their good faith, their straightforwardness, and their honesty in reaching that judgment should be put into question. That is the point I am addressing. I think the distinguished Senator from Virginia ought to, as I think all of us have tried to do, accept the motivation and the honesty of the people on either side of this debate and not question their own personal view when they have clearly stated that this is what their opinion represents in response to direct questions before the congressional committees.

Mr. SCOTT. Mr. President, I have twice responded to the distinguished Senator from Maryland. Active military personnel have been taught the chain-of-command concept that they are subject to higher authority. It is engrained in them. But once they have retired a greater freedom exists to exercise their own independent judgment.

To me this explains why there is a difference of opinion, diametrically opposed positions between the active and retired military leaders.

I cited a few minutes ago the response to the letter from Major General Roberts, retired, executive director of the Reserve Officers Association, where of 282 admirals and generals who responded to a letter from him on the canal treaties, 278 opposed, less than 2 percent for, less than 2 percent favored the treaty.

And I would ask the distinguished Senator from Maryland, because I have attempted to respond to him, why does he believe that there is such a difference between the retired military and the active military, because undoubtedly there is. I have put in the RECORD additional names, not wanting to take the time to read those names. I can read others if need be.

Mr. SARBANES. How many names did the distinguished Senator from Virginia cite in the course of this canvas?

Mr. SCOTT. Two-hundred eighty-two admirals and generals who responded to a letter from him on the canal treaties. Two-hundred seventy-eight were opposed. Now this is the executive director of the Reserve Officers Association. I think that is a respected group.

Mr. SARBANES. What was the nature of the letter which he sent?

Mr. SCOTT. I believe it is shown in the record of the Armed Services Committee, and I would be glad to read from the report of the committee.

Let me just start reading from page 587 of the hearings before the Committee on Foreign Relations, the distinguished Senator's committee. He says:

Well, to take a look at that impression I wrote a personal letter to all of the flag-rank members of our association which are in excess of 700, and included many retired regulars, many regular officers as well as reserve and guard. This is what I said to them in part:

"You are certainly aware that the administration has mounted one of the most massive public relations campaigns ever directed from the White House in an effort to convince the American people that the treaty will be good for them. A significant part of the pro-treaty propaganda is designed to show that the military security of the United States would not be damaged. The present active duty Joint Chiefs have been persuaded to give their blessing to the treaty, and the chairman, General George Brown, has at-

tempted to line up some flag-rank retirees on his side. However, Admiral Moorer, Admiral Burke, and other distinguished senior officers who are no longer subject to disciplinary action because they oppose administration policy, are on record in opposition to the treaty for very cogent reasons.

"It is my personal belief that the overwhelming majority of American military leaders are opposed to the 'pay-away' of the American Canal in Panama Those of us who are not 'muzzled' should speak up so that our fellow citizens are not misled into the conviction that military leaders think the treaty is the greatest thing since we landed on the Moon."

As a result of that I have received replies and just this morning got a couple of more from 282 admirals and generals of the Armed Forces, from the regular component, the Reserve, the National Guard, Army and Navy and Air Force, Marines, and Coast Guard.

Of the 282, 278 opposed the treaty.

That is better than 98 percent of those responding opposed the treaty.

Mr. SARBANES. Will the Senator yield?

Mr. SCOTT. Certainly.

Mr. SARBANES. The letter to which they were responding was a solicitation, in that they were asked to join in public opposition to the treaties.

Mr. SCOTT. Well, it would appear so.

Mr. SARBANES. Yes, indeed, it certainly would appear so. It was a direct appeal that they join with General Roberts in opposing the treaties.

Mr. SCOTT. The distinguished Senator is placing his own interpretation, because why would not the people who felt strongly the other way—they were afforded the opportunity, and only four of them said to the contrary. They were not afraid of being disciplined.

Mr. SARBANES. They obviously did not want to join. How many letters were sent out?

Mr. SCOTT. The record says approximately 700.

Mr. SARBANES. 700. So well less than half of those to whom the letter was sent responded.

Mr. SCOTT. Well, I am told that when 10 percent respond, the Library of Congress has indicated to me that that is a good response, and I think this is an excellent response.

Mr. SARBANES. That is a good response to a communication from a Member of Congress. It may not be a good response when an association is communicating with its own members. But in any event——

Mr. SCOTT. It is certainly a valid sample, this response is.

Mr. SARBANES. As a factual matter, the response to a letter soliciting people to join in a matter——

The PRESIDING OFFICER (Mr. ALLEN). Under the previous order, the treaty debate is to end at 6 o'clock. The time has run over 5 or 6 minutes, and the Chair is unable to indulge the Senators further.

Mr. SCOTT. Mr. President, I appreciate the courtesies of the Chair.

ADDITIONAL STATEMENTS SUBMITTED

Mr. HATCH. Mr. President, press accounts have recently indicated that major issues of the Panama treaties were not resolved until the concluding weeks of the period of negotiations. It has also been asserted that these concessions were made as a result of pressure brought by Panama through a threat to reveal embarrassing actions taken covertly by the United States.

The Senator from Utah is not in a position to prove or disprove the allegations about Panamanian threats. However, it is possible to establish that significant concessions—this Senator would call them rash and dangerous concessions—were made at the last moment. There was certainly no need to rush this treaty, or to make such concessions. Yet the record now can show that such concessions were made in fact.

The Department of State has recently made available a July 11 draft of the Panama Canal Treaty. The draft made available is in Spanish and cannot be printed in the CONGRESSIONAL RECORD. However, a brief analysis of the July version has been made by staff, and shows conclusively that major decisions were made after that date.

Mr. President, I ask unanimous consent that the analysis and comparison of the July draft be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

According to a recently obtained preliminary draft of the Panama Canal Treaty, a number of significant concessions were made between July 10, the date on this document, and September 7, the date of signing of the final versions.

Several articles included in the official version do not exist in the preliminary draft. The latter contains no provisions for employment with the Panama Canal Commission (Article X, official document), or injunction against American Commission employees undertaking political activity in Panama (Article V). Similarly, the text does not address itself to the display of the Panamanian or American flag (Article VII). There is no mention either of the procedure to be used in the statement of possible disputes about the interpretation of the texts. (Article XIV).

A number of articles are substantially different. Whereas the official text (Article XII) calls for an American-Panamanian feasibility study of a possible sea-level canal, the preliminary draft flatly gives the U.S. the right to build it, with construction to begin fifteen years after the entry into force of the treaty. In the latter document, the clause giving Panama veto power over construction of a canal in a third country by the United States does not exist.

Differences exist with regard to the payments to be made to Panama. The annual $10 million payment in return for the public services Panama assumes in the former Canal Zone is given no mention. (This draft does not include details on the other payments, which were apparently still being negotiated at the time).

There are also variations with regard to the procedure to be followed in connection with certain lands (Article IX). The principal one relates to lands to which the licensing procedure is not applicable, or ceases to be applicable following the entry into force of the treaty. Under the July draft, individuals who own real property located on these lands may continue using the land at a cost no higher than that being paid before the enactment of the treaty. Under it, furthermore, Panama must allow the individuals to buy the land at a price which cannot exceed $500 an acre. In connection with the transfer of U.S. government property to Panama, (Article XII, official treaty) the Panama Railroad is not mentioned.

Under Article VIII of the official treaty, up to 20 officials of the Panama Canal Commission qualify for diplomatic immunity. Under the July draft, by contrast, a far higher number, 75, may receive it.

The provisions for the termination of the agreement are different in the two texts. While the final version calls for the treaty to expire on December 31, 1999, under the July draft it would end on that date or any time thereafter, with one year's prior notice required of the party wishing to terminate the agreement.

In the July draft, the section of the Annex detailing functions which may thereafter be performed by the Panama Canal Commission is not present. The section listing the functions which the Commission shall not perform exists in the preliminary draft, but two clauses are omitted from it. These are "commercial pier and dock service, such as the handling of cargo and passengers" and the blanket statement, "Any other commercial activity of similar nature, not related to the management operation or maintenance of the Canal." At present pier and dock service is one of the principal sources of revenue of the Panama Canal Company.

In comparing the finished English and Spanish version of the Panama Canal Agreement, a number of discrepancies come to light. The Spanish text "to handle" as the translation "to manage" in the context of American activities; similarly, it describes the Panama Canal Commission as having a "Board of Directors" which will "direct," while the English text refers to a "Board" which will "supervise." It is interesting to note that these problems are not present in the Spanish language July draft. Both "to manage" and "shall be supervised by a Board" are translated accurately.

DRUG TRAFFICKING IN PANAMA: AN APPRAISAL OF THE PROPOSED PARTNER OF THE UNITED STATES

Mr. HELMS. Mr. President, tomorrow, under a unanimous-consent agreement, the Senate will go into a closed session to discuss the allegations that have been brought against Panama with regard to trafficking in drugs. Such a procedure has both advantages and disadvantages. While it will allow Senators to examine and debate material now sealed in the files of the Select Committee on Intelligence, it will also prevent the American people from forming their own conclusions of the evidence. We have seen in the fruits of the Warren Commission the distrust and uncertainty which such a procedure breeds when it is applied to deeply felt, emotional issues. There must be no hint of coverup, no suggestion that secrecy has been imposed to silence politically damaging revelations.

If these treaties are ratified, the American people will be entering a 22-year partnership that confers great benefits upon a foreign government—benefits that could have been kept for the American people. The American people will be justifiably angered if it turns out that the Panamanian Government is controlled by an international gangster.

A major problem involved in the discussion of such matters in a closed session is that it imposes serious constraints upon any Senator who participates. A Senator must bend over backwards to avoid discussing privileged matters; he has to err on the side of too much caution. Sometimes the procedure has the

effect of putting a gag upon knowledge already in the possession of a Senator before he is given access to classified matters. Since the Senator from North Carolina has not yet had access to the files of the Intelligence Committee, he would like to discuss today the publicly known issues and facts before the record is closed. What I hope to do today is to lay down some basic principles as a public framework for the closed debate tomorrow.

BASIC PRINCIPLES

Here are the considerations we ought to keep in mind:

First. The issue is not an internal matter of Panama. The Panamanian drug traffic has very much involved the health and welfare of the United States.

Second. The Panamanian drug traffic is not a matter which is to be viewed as a problem in which many nations are involved in the general context of international relations; we have always had a special relationship with the Republic of Panama.

Third. Panamanian drug traffic has itself been stamped with a special character; the role of Panama has been unique and far reaching.

Fourth. The overwhelming evidence on the public record of the Panamanian drug traffic in the early seventies is not to be dismissed as past history; the participants today occupy positions of trust in the present regime in Panama.

Fifth. The absence of aggressive investigative or diplomatic action by the United States since the signing of the Kissinger-Tack agreement of February 1974 is not to be taken as evidence that Panama has been "cleared"; rather, the obvious self-interests of both governments suggest either a coverup or a temporary cessation of activity during negotiations and Senate debate.

Sixth. Although it is important to sift all evidence relating to the complicity of Omar Torrijos himself, Torrijos himself is not the issue. The focus should be on Panama as such; its form of government; its record of enforcement and cooperation over the past 10 years; and the complicity of a broad range of Panamanian officials and their relatives and friends.

Seventh. The evidence we are looking for with regard to the Panamanian dope traffic does not have to be limited to the type of evidence that would convict in a U.S. court. We are debating the conferring of a great benefit in Panama, at great expense to ourselves, and we are not trying to convict in a court of law.

Eighth. Finally, it is not correct to treat the Panamanian drug problem as a side issue to the treaties; for the treaties would place the United States in an initimate and mutual partnership with Panama that would be unparalleled in our relationship with any other nation in the world. Moreover, the provisions of the treaty and its related agreements place our Nation in the position where the United States is specifically prohibited from enforcing drug traffic controls in a U.S. Government facility that has great potential for criminal abuse.

THE EVIDENCE

The evidence now available shows that Omar Torrijos has aided, abetted and protected the drug traffic in Panama. In brief form, the evidence for the complicity of high Panamanian officials in the narcotics traffic is this:

First. Panama's geographic location and its transportation facilities make it an ideal location for the transfer and control of narcotics shipments either by sea or by air.

Second. In a 1973 report based on testimony and on-the-spot investigation by the House Merchant Marine Committee, Panama was found to be the conduit for one-twelfth of the heroin coming into the United States—enough for the daily supply of 20,000 addicts.

Third. Cases involving drug trafficking reached the highest levels of the Panamanian Government. Omar Torrijos and his Foreign Minister Juan Tack led public efforts to discredit and cover up revelations of such drug trafficking incidents.

Fourth. Moises Torrijos, brother of Omar, was indicted by a grand jury of the U.S. District Court for the Eastern District of New York as a coconspirator in a New York case in which five Panamanians were convicted and imprisoned for narcotics trafficking. The indictment still stands, and Moises Torrijos is liable for arrest if he steps on U.S. soil.

Fifth. According to the sworn statement of Leland L. Riggs, Jr., former Customs attaché at the U.S. Embassy in Panama, a warrant had been issued to arrest Moises Torrijos on the basis of the indictment, and that he, Riggs, was ordered to arrest Moises upon his scheduled arrival in the Canal Zone from Spain by passenger ship. However, Moises was forewarned, disembarked in Venezuela, and arrived by air, landing in Panama. Mr. Riggs points out that only the U.S. State Department and the CIA had advance knowledge of the planned arrest, and "Moises Torrijos could only have been alerted to the planned arrest by U.S. authorities."

Sixth. John Ingersoll, then Director of the Bureau of Narcotics and Dangerous Drugs, traveled to Panama, met with Col. Manuel Noriega, Chief of Panamanian Intelligence, and with Gen. Omar Torrijos, and discussed the indictment and warrant.

Seventh. Moises Torrijos had earlier been Panamanian Ambassador to Argentina, and had been declared persona non grata for his activities in that country. Even though he was persona non grata in Argentina, even though he was indicted in the United States, even though his government had been informed of the indictment, he was named Ambassador to Spain. He now enjoys high favor and currently is also director of treaty information for Panama. Despite this new responsibility, Moises Torrijos has never come to the United States since his indictment, not even for the treaty signing ceremony on September 7, 1977.

Eighth. The arrest of Raphael Richard Gonzales at the John F. Kennedy Airport on July 8, 1971, with 151 pounds of heroin, led to a series of arrests and convictions of Panamanians and to the indictment of Moises Torrijos. Richard was the son of the Panamanian Ambassador to the Republic of China (Taiwan) and was attempting to use a diplomatic passport to bring in the heroin without customs inspection. Under international law, Richard was not entitled to a diplomatic passport; yet he bore such a passport signed by the Panamanian Foreign Minister, Juan Tack. Richard had made successfully four previous such deliveries of heroin undetected.

Ninth. The arrest and conviction of Joaquin Him Gonzales, air traffic controller of Panama's Tocumen International Airport, pointed up the crucial role which Tocumen has played in international smuggling. Him directed planes carrying millions of dollars worth of heroin to special areas of the airfield, where the cargoes were guarded by uniformed members of the Panamanian Guardia Nacional. Him was arrested in U.S. territory in the Canal Zone, and convicted in Texas, where he had arranged heroin deliveries. He was also an associate of Moises Torrijos.

Tenth. The Yolanda Sarmiento case points up the role of the Colon Free Zone in international smuggling. Intended to be a duty-free location for the import, display, and sale for export of manufactured goods, the Free Zone is not under the control of Panamanian Customs, but of the Guardia Nacional. According to Leland Riggs, Jr., the U.S. Customs attaché in Panama, Yolanda Sarmiento was responsible for shipping 100 pounds of heroin monthly to the United States. This heroin was stored in the Colon Free Zone. The Free Zone is 50 miles across the isthmus from Tocumen Airport; reportedly the heroin was shipped from the airport to the Free Zone in Guardia trucks. The United States recently agreed to the expansion of the Free Zone by leasing Old France Field, which is in U.S. territory, to Panama for $1 a year.

Eleventh. Another Torrijos brother, Hugo, is in charge of the Panamanian state gambling casinos and the national lottery, operations which generate large amounts of unaccounted-for cash. He also owns a large nightclub which is a center for prostitution and retail drug dealing. The arrest of Gerado Sanclemente for narcotics in June 1977 created consternation. Sanclemente is married to a cousin of the Torrijos brothers; he was induced to come to Panama from Colombia and to set up various business enterprises under their protection. He lived in a building owned by Hugo, which was also the offices of the National Casinos. His apartment in this building was the center of drug dealing. According to depositions taken in Panama, Hugo intervened to urge Sanclemente to give himself up. Subsequently, Sanclemente was taken to a medical clinic near a private airport used by the Guardia and Government planes; he escaped from the clinic and was taken away by a waiting plane.

Twelfth. A third Torrijos brother,

Marden, is traveling ambassador extraordinaire for the Government of Panama. Although no further information is available as to his duties and activities, the documented use of diplomatic passports for narcotics trafficking casts a cloud over the legitimacy of his appointment.

Thirteenth. Several investigative sources report that Omar Torrijos is a business partner with Frank Marshall Jimenez in several businesses relating to transportation, including trucking firms, buslines, and nonscheduled airlines. Also included in their interests is a freight forwarding firm that controls shipments into and out of the Colon Free Zone. Marshall is a fugitive from Costa Rica, a former member of the Costa Rican legislature, who used his legislative immunity to cover extensive liquor smuggling operations. When his immunity was lifted by Costa Rican authorities and arrest threatened, Marshall fled to Panama.

IMPLICATIONS

The facts related above have profound implications for the consideration of the Senate during the debate on the Panama Canal treaties. The first considerations go to the integrity of the Panamanian Government; the second go to the effect on the treaties of the treaties themselves.

It is sometimes said that the integrity of the Panamanian Government or the character of its leaders are irrelevant to the treaty debate; it is said that the treaties represent the universal aspirations of the Panamanian people no matter what government might be in charge. Nevertheless, the only way that we can deal with the Panamanian people is through their government. It is self-evident that the treaties are agreements made with the government, not with the people. Therefore, even if it be granted for the sake of argument that the treaties do represent the aspirations of the people, if the government is deeply flawed it cannot be the vehicle for the fulfillment of those aspirations.

Although corruption exists in almost every government, including our own, the key to integrity is whether there also exist the checks and balances which can identify that corruption and eliminate it. No one can pretend that the Panamanian Government is a representative government, or that it contains checks and balances. Even outside the governmental system, there are no political parties, no free press, or other countervailing political forces. In form it is a military dictatorship; in practice it is a fiefdom for the Torrijos family and their favored cronies.

Although the Panamanian Government has made a great show of narcotics enforcement, in practice most of those arrested are small dealers, or third country nationals who are attempting to muscle in on the territory. The market for the Panamanian dope trade is not Panama, but the United States. Only those with the right connections can prosper; those who are arrested know that they are subject to extortion if they want their freedom.

This posture is evident in the restrictions which were placed upon U.S. agents working out of the U.S. Embassy in Panama. They received cooperation from Panama only so long as their cases dealt with "little people." Before they could proceed to investigate a case, permission had to be obtained from Panamanian officials; the moment the case involved any member of the National Guard or substantial amounts of drugs, permission was denied. On the side of the U.S. Government, State Department officials worked hand in glove to reinforce these restrictions on U.S. narcotics agents. The actions taken to thwart the impartial justice of the U.S. judicial system in the case of Moises Torrijos is a sensational example; but the daily effect of similar actions in operational activities is bound to have a chilling effect on the effectiveness and output of U.S. narcotics agents.

The impact of the narcotics trade upon the United States hardly needs to be discussed. It takes a toll not only in the thousands of addicts whose lives are ruined, but in the climate of crime and fear in our cities, the toll of robberies, injuries and deaths suffered by thousands of innocent citizens, the increased costs of welfare and medical attention, and the social costs of the decay of our great cities. The fact that Panama's leaders would participate in or condone such injuries to the United States should make us pause before we confer substantial benefits upon them.

IMPACT OF THE TREATIES

The ratification of the treaties would have the following impact:

First. The treaties would make us an intimate partner with a corrupt regime which uses the machinery of government for criminal gain. The benefits which will be conferred upon Panama will be placed into the trust of this corrupt regime. The daily knowledge of the citizens of Panama that the United States is supporting this regime in power and pouring millions of dollars into corrupt hands will inflame hostility and hatred against us. The over-riding object of the treaties purportedly is to improve relations with the Panamanian people; but it is far more likely that our relations will become worse.

Second. Panama would take total jurisdiction over customs. The treaties and related agreements specifically provide that offenses in narcotics trafficking will be under Panamanian jurisdiction, even in the canal operating areas. At the present time, U.S. Customs officials are able to search ships, make arrests (as, for example, in the case of Joachim Him, and in the attempt on Moises Torrijos) and to pass on information to Customs officials waiting at ports in the United States. None of this will be possible under the treaties.

Third. Panama will take charge of the Ports of Balboa and Colon, including piers, warehouses, and security. Thus it will be possible for a corrupt government to control completely the shipments of narcotics by sea, just as the Panamanian Government now controls Tocumen Airport.

Fourth. The Panama Canal Company presently has an Internal Security Division, which includes a narcotics intelligence unit. When the treaty is implemented, the canal organization no longer will collect narcotics intelligence. The canal operation, which has thousands of Panamanian workers, many of them in daily contact with foreign ships, will be a U.S. Government agency under the treaty; yet the United States will not be able to enforce or even collect information on the violation of U.S. narcotics laws on U.S. Government property.

Fifth. The unique geographic location of Panama at the midpoint between the two continents makes it ideally suited as a center for drug smuggling by airplane. The United States will be hampered in its drug enforcement programs because we will no longer have agents free to operate in the Canal Zone; U.S. enforcement personnel attached to the U.S. Embassy will continue to be under restrictions from officials who put good relations with Panama above the broader interests of the American people.

Mr. President, in order to provide a basis for the debate on the drug problem tomorrow, I ask unanimous consent that the following documents be printed at the conclusion of my remarks:

First. The statement of Leland Riggs, Jr., for the use of the Subcommittee on Separation of Powers;

Second. A series of articles by UPI reporters Nicholas Daniloff and Cheryl Arvidson on the drug situation in Panama;

Third. Excerpts from the book, "The Secret War Against Dope," by Andrew Tully, dealing with the Raphael Richard case;

Fourth. Excerpts from a 1973 report of the House Merchant Marine Committee dealing with narcotics trafficking in Panama.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF LELAND L. RIGGS, JR.

Leland L. Riggs, Jr., being duly sworn, deposes and says as follows:

I, Leland L. Riggs, Jr., am a retired Special Agent in Charge of the United States Drug Enforcement Administration. I am familiar with facts involving narcotics intelligence collection in Central America.

I first became a criminal investigator for the U.S. Bureau of Customs in January, 1964, after having spent 8½ years as a highway patrolman. I was first assigned by the Bureau of Customs to duties in California where I conducted narcotics smuggling investigations for a period of 6½ years. Therefore, I was promoted from Customs Special Agent to Senior Customs Representative and was transferred to Mexico City, Mexico. Inasmuch as I am bilingual and speak Spanish, my assignment to Mexico was deemed to be advantageous to the agency.

While assigned to Mexico City, I had sole responsibility for Customs narcotics intelligence gathering and for conducting follow-up investigations forwarded to me by our domestic offices of investigation. My area of responsibility included not only the Republic of Mexico but additionally all of Latin America. However, 95 percent of my investigative time concerned either Mexico or the Republic of Panama.

During the time I was in Mexico in 1970

and 1971, I conducted several investigations in Panama. Subsequently, in June of 1972, I was appointed Customs Attache and instructed to establish an office in the American Embassy in Panama City, Panama. This occurred during the period when the entire Bureau of Narcotics and Dangerous Drugs agents force had been expelled *persona non grata* from Panama. I served as Customs Attache until July 1, 1973, at which time the Drug Enforcement Administration was formed and I then also assumed command of the Panamanian functions of the Bureau of Narcotics and Dangerous Drugs when the Bureau of Customs narcotics functions were merged with those of the BNDD. In short, I became the Special Agent in Charge of the combined office.

I left Panama on June 17, 1974, to become the Special Agent in Charge of the DEA District Office in Brownsville, Texas. Thereafter while on temporary assignment as Project Manager for a special DEA operation in Colombia directed against clandestine cocaine processing laboratories in Colombia, on November 30, 1975, I was attacked, beaten, and pushed off a retaining wall to a street below and suffered several fractured vertebrae, a broken ankle, kidney damage, and assorted cuts and bruises. The DEA subsequently retired me on August 24, 1976, for medical disability reasons.

When I first began conducting investigations in Panama, the BNDD Agent in Charge advised me that we had to be very careful about informing Panamanian government officials concerning our work since they were corrupt and also involved in narcotics trafficking. I soon learned from personal experience that this advice was sound.

During September, 1970, I traveled to Panama to conduct a follow-up investigation regarding a Yolando Sarmiento case involving shipments of heroin from Panama to New York. Although I do not have presently in my possession intelligence reports prepared by me at that time, I do recall certain aspects of the case. Yolanda Sarmiento reportedly was smuggling approximately 100 pounds of heroin monthly into the United States. This heroin was reported to be stored in the Colon Free Zone in the Republic of Panama.

The Colon Free Zone is a large, fenced-in, heavily guarded section of Colon, Panama, on the Atlantic side where duty-free items are displayed in numerous stores for purchase, by persons and businesses based primarily in South America. I was advised by U.S. Canal Zone officials and a confidential source that the Guardia Nacional controlled and guarded this enclosed area. I later did manage to gain entrance with a U.S. Canal Zone official; however, we were only permitted to go into the showcase areas of the various stores. The Colon Free Zone is entered at a gate guarded by uniformed members of the Guardia Nacional. Although the Government of Panama does have a Customs Office and there are Panamanian Customs Agents, Panamanian Customs does not have responsibility for control of the Free Zone.

During 1970, United States Customs Agents in New York were able to effect the arrest of Yolanda Sarmiento, Emilio Diaz Gonzales, and others; however, Yolanda Sarmiento was released on bail, subsequently fled the country, and became a fugitive in Argentina. As best I recall, Emilio Diaz Gonzales escaped from prison in New York and is believed also to have fled the country.

My efforts to continue a follow-up investigation of the Sarmiento case were essentially unsuccessful because of the problem inherent in free movement within the Colon Free Zone resulting from the control of the Free Zone by the Guardia Nacional of the Government of Panama.

During my trips to Panama, I became aware of a BNDD investigation concerning the Panamanian chief air controller, Juaquin Him Gonzales. Juaquin Him was reportedly directing heroin from Panama into Texas and using his official capacity in the Government of Panama to facilitate the movement of this heroin. He was subsequently indicted by a U.S. Grand Jury in Texas and was arrested when he entered the U.S. Canal Zone to attend a softball game. Joaquin Him was tried and convicted for facilitating the transportation of narcotics into the United States.

I understand that the arrest of Juaquin Him caused considerable dissension between the Ambassador and the U.S. narcotics agents in Panama. I experienced similar problems in connection with the Raphael Richard-Moises Torrijos case.

I learned of the Richard-Torrijos case after my assignment as the Customs Attache to the American Embassy in Panama. In fact, I became directly involved in the investigation concerning Moises Torrijos, now Panamanian Ambassador to Spain, and Raphael Richard Gonzales, the son of the then-Panamanian Ambassador to Taiwan. Richard was arrested on the evening of July 8, 1971, at John F. Kennedy Airport in New York in possession of 151 pounds of heroin. Immediately prior to his arrest, he claimed diplomatic immunity and asserted that his suitcase could not be opened and searched due to his diplomatic passport. A U.S. customs inspector advised him that he was accredited as a diplomat in Taiwan, not in the United States, and therefore had no diplomatic status in the United States. Also arrested that evening was Nicolas Polanco, a reported chauffeur-bodyguard of Moises Torrijos. Moises Torrijos was then the Panamanian Ambassador to Argentina; and he is the brother of Dictator Omar Torrijos.

The day following the Richard arrest, Guillermo Alfonso Gonzales was also arrested upon his arrival in New York City from Panama for the purposes of accepting delivery of the heroin Richard had attempted to bring into the country. Others arrested the same day were Jose Francisco Oscar San Martino, an Argentine, and Cesar and Amarico Altanirano, both Panamanians.

Subsequent investigations of the same case led to the indictment of Moises Torrijos by a Grand Jury of the U.S. District Court for the Eastern District of New York. Torrijos was indicted as a co-conspirator with the above-mentioned defendants. Thereafter, a warrant for the arrest of Moises Torrijos was issued by the U.S. Court for the Eastern District of New York. One the basis of the evidence of a warrant, I was instructed to be on the alert to effect an arrest in the event Moises Torrijos traveled from Spain through the U.S.-controlled Panama Canal Zone.

During either late 1972 or early 1973, I was advised that Moises Torrijos, accompanied by his wife, was traveling from Spain to Panama on a passenger vessel. Subsequent information showed that the vessel would dock in Cristobal, Panama, within the U.S.-controlled Panama Canal Zone. Arrangements were therefore made to effect the arrest of Moises Torrijos in the U.S. territory upon his arrival. However, Moises Torrijos was obviously informed of his impending arrest and departed the vessel at Caracas, Venezuela, where he flew by commercial airliner to Tocumen Airport within the Republic of Panama. When the vessel arrived, only Mrs. Moises Torrijos disembarked. Inasmuch as the only parties aware of the planned arrest of Moises Torrijos other than BNDD were the U.S. Department of State and the Central Intelligence Agency, Moises Torrijos could only have been alerted to the planned arrest by United States authorities.

During my tenure as Special Agent in Charge of Drug Enforcement, I did not have another opportunity to effect the arrest of Moises Torrijos. In fact, during my tour of duty as Customs Attache before assuming command of the combined Customs and BNDD forces, I was advised that Washington officials of the Bureau of Narcotics and Dangerous Drugs traveled to Panama, met with Colonel Noriega, Chief of Panamanian Intelligence, and with General Omar Torrijos, and alerted them both to the existence of an indictment and warrant concerning the General's brother, Moises. To the best of my knowledge, the warrant for the arrest of Moises Torrijos is still in existence and presumably, if he touches U.S. soil, he is still liable to arrest.

During my tour of duty in Panama, several cases which were presented to the Panamanian enforcement officials were mysteriously terminated or not given proper attention. Due to my knowledge of their involvement, many cases were not presented to Panamanian enforcement officials so as not to compromise my investigation. Finally, I did not feel that I had the full support of the diplomatic community in the pursuit of my assigned mission in Panama, especially in those matters which tended to implicate officials of the Government of Panama. In any event, due to the eventual assignment of a State Department employee as the narcotics coordinator, I was relegated to a secondary position. Similar conditions now exist in most embassies where Drug Enforcement personnel are assigned, and in almost all cases the Department of State employee has no narcotics training nor expertise. It is my opinion that Department of State personnel are placed in the position of narcotics coordinator primarily to insulate and protect the activities of the Department of State from any so-called disrupting incident regarding narcotics enforcement directed against an official of the host government.

Given under my hand and seal on this the first day of December, 1977, in the City of Washington, District of Columbia.

LELAND L. RIGGS, Jr.

UPI INVESTIGATION OF DRUG TRAFFICKING IN PANAMA—PART I

(By Nicholas Daniloff and Cheryl Arvidson)

WASHINGTON.—Since 1971, the U.S. government has received a stream of allegations linking Panama's Supreme Revolutionary Leader, Gen. Omar Torrijos, his family and associates to drug trafficking, a UPI investigator has disclosed.

The allegations—some from officials, others admittedly second-hand—come from informants, drug pushers and agents. They are in files of the Canal Zone government, the Drug Enforcement Administration, the U.S. Army, the CIA, and congressional committees.

Attorney General Griffin Bell wrote Sen. Jesse Helms, R-N.C., last October that a grand jury had reviewed allegations against Torrijos and found insufficient evidence to warrant action.

The Justice Department says Torrijos has been "neither the subject nor target of an investigation." Federal drug enforcement chief Peter Bensinger states the disclaimer more cautiously: "General Omar Torrijos has never been the target of investigation."

President Carter is aware of the allegations. Carter, Bell and Bensinger met last fall to discuss their implications in the uphill battle to win Senate ratification of the treaties that would turn the Panama Canal over to Panama.

The allegations prompted the Senate to schedule a rare closed session Feb. 21 to examine them.

Treaty supporters call the drug questions peripheral to the canal issue.

But Sen. Robert Dole, R-Kan., says they involve the integrity of the Panamanian government and its ability to stand behind the agreements.

The current Senate ratification battle is so close opponents feel the drug issue could defeat the treaties. Supporters, short of the needed two-thirds majority, have accepted changes in the treaties, but hope to avoid the volatile drug issue.

United Press International began its investigation in January. Two UPI reporters examined scores of documents, many supplied by treaty opponents. These included investigative reports, affidavits, congressional testimony and interviews with officials in Panama and Washington.

Among at least 45 files on "the Panama connection" compiled by DEA, there are dossiers on Omar Torrijos, his brother Hugo, head of Panama's casinos; his brother Moises, Panama's ambassador to Spain; Col. Manuel Antonio Noriega, chief of Panama's intelligence service; and other officials and associates.

During the investigation, UPI confirmed that Moises Torrijos was indicted in the Eastern District of New York for heroin trafficking in 1972. A bench warrant for his arrest was issued May 16, 1972.

An attempt to arrest Moises Torrijos in December 1972 in the Canal Zone failed, according to several sources, because the Torrijos brothers were tipped by high U.S. officials. So far as is known, Moises is still subject to arrest on U.S. territory.

UPI also learned of a series of unusual actions to safeguard DEA files on the Panamanian situation. The files were moved several times during one week in October and rumors circulated on Capitol Hill that some documents may have been removed.

U.S. concern about narcotics smuggling through Panama goes back to the Vietnam War period. U.S. narcotics agents estimate up to 47 tons of narcotics arrive in this country from Panama each year.

This volume has led U.S. officials to suspect that the "Panama connection" operates either with the aid or negligence of Panamanian officials.

"There's no doubt that senior officials in that country are involved," one former official told UPI. The source, who asked not to be named, had direct responsibility for stopping the narcotics flow from Panama.

Panama, linking the oceans and North and South America, is a natural transit point for contraband. Whenever goods are consigned to bonded warehouses for trans-shipment, smugglers have opportunity to hide drugs in legitimate cargoes.

For at least the last 17 years, drug agents have watched goods and passengers transiting the canal, the U.S. Canal Zone, Panama's free trade zone at Colon and Panama City's Iocumen International Airport.

One airport official, Jose Delgado, was named by two Panamanian informants as a connect for cocaine packages from Colombia destined for Omar Torrijos.

Former Panamanian intelligence agent Alexis Watson told House investigators Jan. 5 about an incident he witnessed at the airport in November 1976:

"There is a Colombia guy . . . he says he is Torrijos' second cousin. He used to come to Panama each week. When he came . . . this is something that I investigated and I saw the package . . . he carries some packages. He was received by Torrijos himself. They went to a place in the free zone of the airport . . . a guy named Delgado, and left the package there."

Watson told House Merchant Marine Committee investigators he did not see the contents, but was convinced they were drugs. He said a Panamanian Air Force pilot told him he was flying to El Salvador to deliver just "one package that Delgado has from Torrijos."

A second Panamanian informant also named Delgado and others in sworn testimony: "Their actions and involvement with Torrijos and other Panamanian officials make it highly probable that they are either actively involved or at least very knowledgeable of narcotics being smuggled into and out of Panama."

Watson told House investigators the Transit S.A. company, which he said was operated by Omar Torrijos and Noriega, handles Colombian coffee with cocaine inside.

Watson said in November 1975 he saw associates of Torrijos take "three sacks of two kilos of cocaine" out of coffee bags. He said Carlos Duque, manager of Transit S.A., and Orejita Ruiz, a former Torrijos bodyguard, and a Lt. Col. Cecilio Fisher of the National Guard were involved. The second Panamanian witness also said Duque and Fisher were in the drug traffic.

In 1972, Watson also said he saw Omar Torrijos, Panamanian President Demetrio Lakas and a suspected drug dealer named "Padilla" in Lakas' office dividing about $200,000 in $100 bills. "I think if Padilla is there, it was drugs," Watson said.

Noriega, who last week called Watson "a paranoid and an embezzler," was praised recently by Bensinger for anti-narcotics efforts. But in DEA intelligence reports, Noriega is mentioned along with other drug traffickers.

Watson also testified Noriega ordered him in 1971 to release Padilla's brother and an American he had arrested in Panama City.

"I called my commander and told him I had two people with cocaine, five or six pounds. I gave their names, I had their identification in my hand. Immediately I received the order, 'Put those people on liberty.' "

The House interviewers asked: "Who was your commander?"

WATSON. "Noriega."

INVESTIGATOR. "You called Noriega on the radio?"

WATSON. "He didn't speak to me, but the order received by radio said: 'Number One says to free those people.' "

INVESTIGATOR. " 'Number One' meant Noriega?"

WATSON. "Yes."

The congressional testimony meshes with the picture emerging from the following DEA documents:

A 1973 document states that Colombian suspect Andres Velasquez planned a trip to Tocumen Airport to make a drug drop for the Torrijos brothers.

A 1974 report quotes an informant as saying Frank Marshall Jimenez "worked directly with and for Gen. Omar Torrijos in Panama and that between the two of them, they control the contraband traffic from the free zone of Colon, Panama."

It also states the Torrijos brothers "own 33⅓ percent interest in the Gran Hotel de Costa Rica and that the gambling casino there was operated by the Torrijos interests . . . This hotel has been suspected of being a contact point for international narcotics couriers."

A 1975 document states Ramiro Rivas, owner of a Panamanian cement company, tried to buy a freight company to help move drugs for Omar and Hugo Torrijos.

In an interview, a high U.S. diplomat in Panama criticized Omar Torrijos for retaining Hugo as director of national casinos: "It's just too much of a temptation."

Hugo Torrijos' name surfaced when Panama seized 145 pounds of cocaine at Tocumen Airport on June 9, 1977.

One suspect was Gerardo Sanclemente, a Colombian married to a Torrijos relative, Gloria Nubia Quinceno. Sanclemente allegedly helped move narcotics through the airport. He carried a "courtesy of the port" card, which assured him favored treatment and a letter from Hugo Torrijos to Delgado.

Senora Sanclemente quoted Hugo as telling her in a phone call, "I want Gerardo to give himself up, it's the only way I can help him. I want him to call Dario Arosemena (chief of Panama's equivalent of the FBI) at 22-2415, and turn himself in; he won't be mistreated or anything."

Sanclemente complied. Because he was ailing, he was confined to a hospital near Panama City's Paitilla airport."

In October of last year, a second suspect held in Paitilla medical center bribed a guard and escaped to Colombia. Rumor's swept Panama City that Sanclemente had escaped, too. U.S. authorities in Washington and Panama City denied the rumors.

Questions about Hugo Torrijos' activities still circulate.

"Hugo Torrijos has a background from 20 years before as a cocaine addict," Watson told investigators. "Everybody in Panama knows. If you ask someone in Panama, 'Where can I buy cocaine.' They will tell you, 'go to Hugo.' "

Watson recalls, too, seeing Omar and Hugo publicly snorting cocaine in a bar run by Hugo in 1961: "We started drinking when about 12 midnight, I saw him and Hugo take drugs. And I asked (a companion) what is Omar doing?

He said: 'They are big, so you don't have do anything about it.'

Watson is convinced Omar Torrijos no longer handles drugs personally.

Omar can't be so stupid to handle this thing in that way, Watson told UPI in a telephone interview Feb. 10 before leaving the United States for a hiding place abroad. Watson fears his disclosures will provoke Torrijos to reprisals.

Next, the supreme leader's brother—an indictment and a tipoff.

PART II

WASHINGTON.—One of the best documented instances of Panamanian government involvement in narcotics led to the indictment of Omar Torrijos' brother Moises, now Panama's ambassador to Spain, for heroin trafficking.

A two-month UPI investigation of the case turned up allegations that the Panamanian "Supreme Revolutionary Leader" was tipped off to the indictment against his brother by high U.S. officials and that Moises was able to evade arrest.

On July 3, 1971, Rafael Gonzalez, the 23-year-old son of the Panamanian ambassador to Taiwan, was arrested at New York's Kennedy Airport with 154 pounds of heroin in his suitcase.

Richard was carrying a diplomatic passport signed by Juan Tack, then foreign minister, who represented Panama in canal treaty negotiations during the Nixon-Ford years.

Richard claimed diplomatic immunity, but customs agents determined he did not have legitimate diplomatic status.

Also arrested was Nicholas Polanco, chauffeur for Richard's uncle, Guillermo Gonzalez, a former bodyguard of Moises Torrijos, was believed to be a ringleader in heroin smuggling.

Customs agents discovered the trip was Richard's fifth trip with similar amounts of heroin, according to police reports. On previous trips, Guillermo Gonzalez had accompanied Richard, but this time, Richard and Polanco were to telephone Gonzalez in Panama on delivery of the heroin.

The agents persuaded Richard to call his uncle and urge him to come to New York. When Gonzalez arrived, he was arrested. Three others, an Argentine and two Panamanians, also were arrested. Gonzalez was convicted of heroin smuggling and sentenced to seven years in prison.

When the news reached Panama, according to one Panamanian who was present, Col. Manuel Noriega, Panama's intelligence chief,

told an associate. "You heard this ass-hole kid stuck his foot in it?"

Another Panamanian informant told House Merchant Marine subcommittee investigators that the associate replied, "Yes, yes, we're going to fix it."

Subsequent investigations resulted in the indictment of Moises Torrijos as a co-conspirator in the transportation of heroin. The indictment was handed down by a grand jury in Eastern District of New York, in May 1972 and a bench warrant for the arrest of Moises was issued on May 16, 1972, U.S. sources said. As far as is known, the indictment and warrant remain in force, meaning Torrijos is subject to arrest on U.S. territory.

A former high government official familiar with the case told UPI the evidence against Moises went far beyond helping obtain a diplomatic passport for Richard: "I've been told fairly recently that we have one hell of a good case against Moises Torrijos."

At the time of the Richard arrest, Moises was Panama's ambassador to Argentina. Later in 1971, he was recalled at Argentina's request after causing offense at a diplomatic reception. He was then assigned as Panama's ambassador to Spain.

The indictment has never been unsealed although the Miami Herald last October quoted Justice Department sources as confirming its existence.

UPI learned that U.S. narcotics agents tried to arrest Moises Torrijos in December 1972 but failed because other U.S. officials apparently had tipped Omar Torrijos to the indictment.

UPI was told by three sources that John Ingersoll, former head of the Bureau of Narcotics and Dangerous Drugs—DEA's predecessor—went to Panama and passed the information to the Panamanian leader.

Retired DEA agent Leland Riggs, who tried to apprehend Moises Torrijos, gave a sworn affidavit to a Senate Judiciary subcommittee stating he was assigned to the case on his arrival in Panama in June 1972: "I was instructed to be on the alert to effect an arrest in the event Moises Torrijos traveled from Spain through the U.S. controlled Panama Canal Zone."

Riggs said in December 1972, "I was advised that Moises Torrijos, accompanied by his wife, was traveling from Spain to Panama on a passenger vessel. Subsequent information showed that the vessel would dock in Christobal, Panama, within the U.S. controlled Panama Canal Zone."

Riggs said arrangements were made to arrest Torrijos in Cristobal when the ship arrived.

"However, Moises Torrijos was obviously informed of his impending arrest and departed the vessel at Caracas, Venezuela, where he flew by commercial airliner to Tocumen Airport within the Republic of Panama. When the vessel arrived, only Mrs. Torrijos disembarked.

"Inasmuch as the only parties aware of the planned arrest of Moises Torrijos other than BNDD were the U.S. Department of State and the Central Intelligence Agency, Moises Torrijos could only have been alerted to the planned arrest by United States authorities," the Riggs affadavit said.

UPI determined that on June 21, 1972, six months before the arrest attempt, BNDD chief Ingersoll went to Panama to discuss the indictment with Omar Torrijos.

The following is a second-hand account which Senate investigators say they obtained from a "principal" at the meeting:

Omar Torrijos was sitting in a hammock with his feet propped up and smoking a cigar when Ingersoll and his group arrived.

Ingersoll told Torrijos he was reluctant to discuss the situation but "in fairness" he thought the general should know that his brother, Moises, had been indicted in New York for heroin smuggling and a warrant had been issued for his arrest.

"The guy at the meeting said Torrijos made no move at all. He continued to smoke his cigar and there was no change in his facial expression. He didn't even take his feet down," the Senate source said.

Ingersoll offered to send someone to Panama to discuss the indictment with Moises, but the general said that wouldn't be necessary. But some time later, Torrijos contacted U.S. officials to send someone to meet with his brother.

Riggs, when questioned informally by Senate investigators, said he didn't know about the Ingersoll trip. But Riggs said his diary noted a Jan. 30, 1973, visit to Panama by Jerry Strickler, who Riggs identified as head of a Latin American division of BNDD in Washington.

After discussions with American officials, Strickler and agent Ed Heath met with Moises Torrijos, a session Riggs said he had assumed was the "first official notification" of the indictment.

UPI reached Ingersoll in Paris where he now works for IBM. He was asked about his trip to Panama in June 1972.

"I don't know what you're talking about," Ingersoll replied. "You expect me to remember what I was doing in June of 1972?"

Ingersoll said he had traveled to Panama "several times" to meet with Omar Torrijos but told the reporter to ask "the DEA people," * * *.

"I'm not denying or confirming it, and I suggest to you that if you want a denial or a confirmation that you refer your quote allegation unquote to the Department of Justice," Ingersoll said.

UPI learned from three sources—all in narcotics enforcement at the time—that a "government decision" led to Ingersoll's meeting with Torrijos where information on Moises' indictment was relayed.

Two sources said they believed the decision was made to put "pressure" on the Torrijos government.

One said the purpose was to reinstate agents who had been expelled from Panama in March 1972, after press leaks about the Richard investigation implicated Moises and Tack. The other source said Ingersoll might have offered to "go light" on Moises if Panama would strengthen anti-narcotics efforts.

The third source said the trip was made to avoid "an international incident." He said three White House meetings were held to discuss the tipoff. At these meetings, the source said, were Ingersoll, Egil Krogh, chairman of Nixon's cabinet level narcotics committee, Vernon Acree, former U.S. customs commissioner, and State Department representatives.

Ingersoll, the source said, got the assignment because of his "acquaintanceship" with Torrijos "and could approach him on a discussion basis."

"After the indictment was returned, there was a lot of concern and consternation over that fact because it did involve the brother of Torrijos. . . . The concern was if he came to the United States, he would be arrested. I think some of the State Department people were concerned over the fact that this might cause or create some kind of international incident," this source said.

PART III

WASHINGTON.—A UPI inquiry into drug trafficking allegations against Panamanian strongman Omar Torrijos poses questions about what happens when U.S. foreign policy objectives and narcotics law enforcement collide.

Several sources interviewed by UPI during a two-month investigation left a clear impression U.S. officials sometimes give "preferential treatment" when drug investigations—often based on hearsay—lead to officials of foreign governments, including but not limited to Panama.

The policy goes back at least to the early 1970s. It exists, sources indicated, because diplomatic and political considerations frequently take preference over narcotics enforcement efforts. In these cases, it is not deemed in the best U.S. interest to vigorously pursue the leads.

It also was suggested that despite known Panamanian government involvement in drug dealing, U.S. narcotics agents still need a working relationship with the country's police to stop other drug smuggling to the United States.

"Some (cooperation) is better than none," one current drug official commented.

A former enforcement official told UPI, "We have to do business there. If they're corrupt, we have to find out how they're being corrupted."

"I have no doubt that what the U.S. government really knows about these allegations will eventually become known," one American diplomat in Panama said.

"But in the meantime," he said, "the United States is in a real dilemma. Our intelligence files contain potentially libelous information on many world leaders. Are we to make these known to the public? Or should we withhold them because they may be libelous and because their release might affect foreign policy interests?"

The Carter administration inherited this policy, but the practices followed in the past became highly meaningful when Carter's negotiations reached agreement on treaty proposals to phase out U.S. control of the canal.

Alleged drug involvement by Torrijos, his brothers and his government may be peripheral to the question of ratifying the treaties, as their supporters claim, but it also could bolster opponents attacks on the integrity of the Torrijos regime! In fact, conservative opponents concede the drug allegations may now be their only hope to stop the treaties.

Faced with intense conservative opposition and an uphill ratification battle last fall, the Carter administration apparently decided last fall to take extraordinary efforts to keep the drug questions out of the public eye.

Included were administration pressures to quash a congressional inquriy that could have brought some allegations to light, secret movement and possible removal of DEA documents relating to the drug charges, and a decision to limit congressional access to the materials by giving them to the Senate intelligence committee.

In late September, Sen. James Allen, D-Ala., a leading treaty opponent, held the first hearings on the treaties before his Judiciary subcommittee.

Allen's subcommittee knew nothing of the drug allegations. Instead, it was focusing on reports involving U.S. bugging of Omar Torrijos.

The subcommittee wanted to find out whether Torrijos used knowledge of the bugging to blackmail American negotiators into making concessions. This suggestion was later denied by the Senate intelligence committee.

Allen's subcommittee issued two sets of subpoenas to an Army sergeant who supposedly sold the information to Torrijos and top officials of intelligence agencies and the Justice Department.

The first subpoenas dealt specifically with the bugging incident. A second set—far more broad—was issued later. Quentin Cronnelin, staff director of the Allen subcommittee, believes the broad scope of the second subpoenas caused alarm because they might have opened up the drug issue.

Attorney General Griffin Bell, in a Sept. 29 letter to James Eastland, D-Miss., chairman

of the Judiciary Committee, said the subpoenas were "overbroad" and said they "could result in a serious misunderstanding" between the Intelligence and Judiciary committees.

The administration enlisted help from Senate Democratic Leader Robert Byrd, like Eastland a member of Allen's subcommittee, and from the top members of the intelligence committee—Sen. Daniel Inouye, D-Hawaii, and Sen. Barry Goldwater, R-Ariz.—to stop the Allen hearings.

After what one individual described as "the most intense pressure I've ever seen" on Allen, including threats of Senate censure, the Alabama Senator backed off. The hearing was canceled and the subpoenas became moot.

About this time, two vocal treaty opponents, Sens. Jesse Helms, R-N.C., and Bob Dole, R-Kan., were getting hints of raw intelligence data in government files relating to the Torrijos regime and narcotics.

The Allen subcommittee hearings were cancelled on Sept. 30—a Friday.

Documents and rumors circulating on Capitol Hill suggest that on the following Monday, there was a White House meeting between Bell, President Carter and others.

The Justice Department confirms that Bell met with Carter that day, but the White House claims to have no meeting recorded. However, the White House press office said that Carter might have met with Bell without a record of the session being made.

Congressional sources told UPI that at the Oct. 3 session and at another meeting later that week—reportedly Thursday, Oct. 6—there was considerable discussion about the drug material and its ramifications on the treaty debate if it became public.

A suggestion reportedly was made to Carter that he classify all government documents on the subject as "national security" material.

The President rejected this suggestion, sources said, and accepted a second option—limited disclosure to "safe" congressional sources, including the Senate intelligence committee, Byrd and Senate Republican Leader Howard Baker.

UPI ascertained that Bell and DEA chief Peter Bensinger did, in fact, brief Baker, Byrd, Inouye and Goldwater Oct. 6 on the drug allegations.

According to congressional sources, at this meeting Byrd told Bell and Bensinger that the best way to keep the lid on the drug allegations would be to send the files to the intelligence committee where strict security could assure "no leaks."

Later in the day, sources said the same briefing was given House Speaker Thomas O'Neill, who reportedly told Bensinger that "under no circumstances" should the files be sent to any House committee because of possible leaks.

A large number of drug files were moved from DEA to the Senate intelligence committee in late October or early November. Senators must sign a pledge not to reveal what they read in committee files under threat of action by the Senate Ethics Committee.

An intelligence committee report based on these documents was presented in secret session to the Senate Foreign Relations Committee, and a "sanitized version" is due to be released soon.

A closed session of the Senate will also be based on the material in the hands of the intelligence committee.

Although administration officials have repeatedly stated that all the government's files relating to Panama drug ties were sent to the intelligence committee, UPI was told that some material may have been removed before it reached Capitol Hill.

There have been suggestions that some sensitive material may have been placed in Bell's office safe or may have been destroyed.

In addition, UPI received reports that the DEA files relating to Panama were moved at least four times during one week in October—all but once without the usual accounting and receipting procedures to protect them—before they reached the intelligence committee.

Dole made the first public mention of files being moved from the DEA headquarters to its Washington field office during Senate debate on Oct. 13. The movement of files also came up with State Department officials during a hearing by Allen's subcommittee Nov. 15.

But when UPI attempted to get more information, reporters had to gather details indirectly, apparently due to a Bensinger warning on Oct. 7 that any DEA employee who leaked material on Panama would be fired and face criminal charges.

Congressional sources gave UPI details said to come from a DEA employee afraid to provide information directly to reporters. The information passed through two people before being relayed to UPI.

UPI was told that on Oct. 7, the Panama files were moved under high security from their normal storage site in DEA to the 10th floor of the building. One of the offices on the 10th floor is that of Gordon Fink, assistant DEA administrator for intelligence.

The following was the procedure as described to UPI:

With armed guards posted, the files were spread across table tops and examined, and particularly sensitive material removed. Bill Link, an assistant to Bensinger, was identified as supervisor of the operation.

Once the files reached the 10th floor, Link reportedly ordered the normal procedure known as a "paper trace"—requiring people in possession of files to sign receipts for them—suspended.

The files were sifted until 9 p.m. Between 11 p.m. and midnight, Bensinger went to the White House to brief Carter. Carter reportedly voiced concern over the impact of the information on the treaties if it became public.

The White House said it had no record of a late night visit by Bensinger on Oct. 7 but because of the lateness of the hour, conceded it might not have been recorded.

On Saturday, Oct. 8, an individual provided details on the file movement to a congressional source. At that time, he expressed concern about the security of the files.

On Sunday, Oct. 9, the files were moved to the field office. They were returned to headquarters Thursday, Oct. 13, to an individual identified as "Goe," head of Latin American security. Bob Goe is chief of the Latin American section of the Office of Intelligence.

A former high federal narcotics enforcement official, being interviewed on a different subject, volunteered that he had heard the files also were moved at during that week to Bell's office.

"I know first hand that when all this erupted (the allegations of Torrijos involvement in drug traffic), the files were moved from DEA to Justice," the source said. "I was told. There's no question about it."

A congressional source said he understood some material might have been put in Bell's office safe.

UPI also was told that on Oct. 11, a DEA secretary for routine reasons asked for a file labeled "Panama-Miami." She was denied the file and questioned for three hours by Fink's security division to find out if she was the source of a leak.

UPI was also told—again by congressional sources who said the material was coming from high in the DEA—that the Panamanian drug files allegedly contain information about members of Congress.

These sources said at least one current senator is named as receiving a campaign contribution that may have come from a foreign government and that the files hint of intelligence work done by DEA involving members of Congress.

Dole filed a Freedom of Information request with the DEA on Oct. 14, 1977, for material on the Panamanian drug allegations. He listed 45 specific files relating to the possible involvement of Torrijos, his family and his government in drug dealing.

After some delay, Dole received a 75-page report with none of the material requested. Dole said it was "heavily censored" and "almost totally sanitized."

"All I ended up with was a bunch of newspaper clippings," the senator said.

When Dole protested, Bensinger replied that DEA "was conforming to the specific request and direction of the Senate leadership of both parties that files regarding Panamanian officials and the family of Gen. Omar Torrijos be made available specifically to the Senate intelligence committee."

Bensinger told Dole: "We have complied fully with that directive and have furnished them complete file information. As we indicated at that time, Gen. Omar Torrijos has never been a target of investigation."

But, in an earlier letter to Sen. Jesse Helms, R-N.C., Griffin Bell conceded Omar Torrijos was the object of a grand jury investigation.

Helms had written Bell in October enclosing a raw intelligence file naming Omar Torrijos and asking for information.

Bell responded that DEA learned CBS planned a report on the document, and the Justice Department public information office "informed CBS that a grand jury investigation based on the report had failed to produce any evidence linking the chief of state to the illegal drug traffic."

In practice, Bell said, "DEA and the Department of Justice should not give credibility to such hearsay allegations by announcing the steps, if any, taken to investigate them."

Bell said he therefore had instructed the Justice Department spokesmen to state that none of the allegations have resulted in investigations of Torrijos.

The order stuck: to this day the Justice Department refuses to state there was a grand jury investigation of Omar Torrijos.

Dole, on his return from Panama, wrote Bensinger that Omar Torrijos had promised to contact DEA and help the senator secure the drug files. But Bensinger replied with information about cooperation between the Panamanian authorities and the DEA on drugs. Dole fired back a letter saying, "I believe you misunderstood the point of my communication to you."

Bensinger then conceded there were two matters involved and suggested "with respect to DEA file material, I would again recommend that you contact the Senate Select Committee on Intelligence which has copies of all DEA files regarding this matter."

When UPI requested a briefing on the Panamanian drug situation from DEA, reporters were told there could be no questions about Torrijos.

UPI tried to contact Leland Riggs, a retired DEA agent who once attempted to arrest Moises Torrijos, about an affidavit the agent gave to Senate investigators.

A congressional source placed an introductory telephone call for the reporter. After declining to answer four calls from the reporter, Riggs told the congressional staffer he had received word from an individual in DEA whom he knew and trusted. Riggs said the DEA official cautioned him "not to talk

to anybody except the Senate Intelligence Committee."

"I'm on ice," Riggs said.

UPI also sought to reach a DEA agent in Denver who had been involved in the investigation that led to the indictment of Moises Torrijos. The agent, Wilbur Place, said he needed permission from Bensigner before talking to anyone.

That, he conceded, was unlikely.

THE SECRET WAR AGAINST DOPE

(By Andrew Tully)

CHAPTER 10—DIPLOMATIC STEW

Cases like that of the heroin-carrying picture frames have caused United States Customs inspectors everywhere to adopt an amiably sardonic attitude toward their more glamorous colleagues in the investigative Customs Agency Service. The mostly anonymous inspectors, many of them now women, like to joke that the sleuths are "the first line of defense against junk—after us." In point of fact, this is true because the overwhelming majority of dope smugglers try to sneak their stuff into the United States through the legal channels provided by the Customs inspection routine. If the inspector misses the contraband in a suitcase or picture frame, the agent has no case. But in the past decade Customs inspectors have become more than just people in uniform who paw through a traveler's personal effects with infuriating care. They have been trained in their own investigative procedures. They have learned to recognize the smuggler's "profile," to be suspicious of numerous visa and entry stamps showing extensive travel, and to take a second look at an individual whose passport bears the seal of a country with a casual, if not corrupt, attitude toward smuggling. Among other characteristics, the average inspector tends to view with leery eye the wayfarer with diplomatic credentials. He has learned that some members of this elegant tribe are wily practitioners of the old shell game and that it is unwise to take them on faith. Thus the interest shown in a young Latin American who arrived in the United States on a summer evening in 1971.

As any poker expert can testify, a successful bluff depends to a large extent on an accurate appraisal of the other player's intelligence. Raphael Richard González, twenty-four, son of the Panamanian Ambassador to Nationalist China, was handsome and personable, but he was not very bright. It had never occurred to him, apparently, that United States Customs inspectors knew a thing or two about the international regulations applying to diplomatic passports.

When Richard arrived at New York's Kennedy International Airport from Panama shortly after 7 p.m. on July 8, 1971, he was carrying a diplomatic passport that showed he was a member of the ambassador's family. The passport bore a B–2 visa issued at the United States Embassy in Panama for multiple entries into the United States until August 31, 1974. With a special elegance befitting his position, Richard presented the passport to Customs Inspector Joseph Ania, who greeted him with the courteous respect due an envoy's son.

But if Ania was courtly, he also had the instinctive suspicion of his breed. He wondered about that multiple-entry visa and about Richard's luggage, which consisted of four large Samsonite suitcases and an attaché case.

"What's in your bags, sir?" Ania asked Richard.

"Summer clothing," replied Richard, abstractly.

Ania hefted one of the large suitcases. It seemed unusually heavy for a bag containing "summer clothing." He also noted that when he turned the suitcase from one end to the other, the contents shifted.

Customs, in the person of Inspector Joseph Ania, had good reason to be interested in travelers entering the United States from Panama. Despite the preceding eighteen months, the little "republic" operated by the strong man General Omar Torrijos had become one of the principal conduits for illicit dope trafficking aimed at the American market. One estimate was that as much as one-twelfth of the heroin used by American addicts passed through Panama, which means that approximately 20,000 drug users in the United States got their daily supply by this route.

Moreover, the Panama Canal Zone was an American military base, and law enforcement people were concerned over the statistic which revealed that one-third of the prison population in the Zone was incarcerated on drug charges. Diplomatically, too, there was the danger that the narcotics traffic could complicate months-old negotiations on a new Panamanian sovereignty over the 500-square mile Zone but keep the defense and operation of the canal under American control.

There was also gossip, some of which found its way into print in American newspapers, that cronies of General Torrijos and officials of his regime were involved in the heroin trafficking and were stashing huge profits in Swiss bank vaults. Thus Richard's diplomatic passport made him suspect rather than giving him the privileged respectability such a document commonly bestows on its holder. Customs had no desire to meddle in foreign policy, but the bureau willy-nilly had an official, obligatory curiosity about the baggage of potential smugglers.

"Would you mind opening your bags?" Ania asked Richard.

Richard politely demurred. Waving his passport languidly, he told Ania, "I have diplomatic immunity."

"I'm afraid not," replied Ania. "Your passport shows that neither your father nor you is accredited to the United States, only that your father is accredited to Taiwan. Immunity granted only by the country to which a diplomat is accredited."

There was a brief legal discussion. Then Richard informed Ania that, anyway, he was in transit to Madrid and therefore his luggage was subject to examination only when it reached its final destination. If that was true, Ania retorted, why was Richard's luggage not in the custody of Braniff Airlines for transshipment to Spain? Richard was unable to account for this. "It's the airline's fault," he said. At any rate, Richard was not about to stand still for an examination there and then of his luggage.

Inspector Ania went through channels. He notified Supervisory Inspector Leonard Simon of the impasse, and Simon escorted Richard to a small conference room for a little chat. Richard steadfastly refused to open his bags. He now explained that, anyway, he had lost the keys to the luggage. Thereupon, Simon dispatched an aide on an errand. The aide was back in a few minutes with a set of duplicate keys obtained from a large Customs collection at the airport.

Simon opened all four suitcases and the attaché case. None contained clothing or toilet articles. They did yield 140 plastic bags of white powder. A simple field test of the powder revealed a positive finding for heroin.

Special Agent John Giery was summoned, and he placed Richard under arrest for violation of the federal narcotics laws. After Richard had been informed of his rights under the Constitution, Agent Giery offered the young man some fatherly advice. Richard thought things over, then agreed to cooperate.

He told his interrogators that he had traveled from Panama with Nicolá Polanco, "a kind of bodyguard." Polanco, said Richard, had already cleared Customs and had observed his arrest from the "Fishbowl" area of the observation deck in the International Arrivals Building. Both Richard and Polanco had been instructed to contact the heroin shipper, an uncle of Richard's named Guillermo Alfonso González López, upon their arrival in New York. Richard gave Agent Giery González' telephone number in Panama—645–357.

An alert was placed with the New York Telephone Company to put a hold on any calls to the Panama number. Meanwhile, according to Richard's instructions, the agents checked the young man into Room 897 of the McAlpin Hotel at 34th Street and Broadway.

At about 10 p.m., Customs got a call from the telephone company. Agents forthwith descended on a public telephone booth at 42nd Street and Eighth Avenue. There they arrested Polanco while he was waiting to get through to González. An agent hung up the phone for Polanco. Customs hoped to have its own little chat with González, later, an eventuality Polanco's warning call would have thwarted.

Thus when agents escorted Richard to his room at the McAlpin about midnight, they were delighted to hear the telephone ringing. Richard had his instructions. When the caller turned out, as hoped, to be González, he told his uncle, "Everything is okay."

The agents heard González ask Richard why he was so late checking into the hotel.

"I got lost," Richard told him. He also informed his uncle that Polanco, by then incarcerated in a cell in the Federal House of Detention, was "downstairs getting a sandwich."

"Okay," González told Richard. "I'm leaving on a Lan-Chile flight arriving at ten o'clock this morning at Kennedy. Stay in your room and wait for me."

As the official Customs report put it: "Arrangements were made in New York for the expected arrival of Guillermo González." Some arrangements. A call was put through to the Customs office in Miami, and instructions were given to the agent in charge there to put a man on the plane González would be taking to New York. Thanks to Richard, the Miami office could be provided with description of the youth's uncle—Panamanian, five feet, five inches tall, slim build, about 135 pounds, mustache, black hair, white complexion, forty-two to forty-six years of age.

Then Richard talked some more. He told his interrogators he had made five previous flights from Panama to the United States with heroin in his luggage—four in the fall of 1970 and one in January, 1971. On all these flights, Richard said, González accompanied him as "bodyguard."

Gonzalez arrived at Kennedy Airport at 11:30 a.m. via Miami. Unknown to González, it was a couple of Customs agents who escorted him to a taxicab operated by Special Agent Mario Sessa. González told Sessa to take him to the McAlpin Hotel, En route, the Panamanian informed Sessa that he had a friend in the Hotel Edison and asked if Sessa knew the Edison address. Sessa gave him the address. González thanked him and remarked that he must remember to call his friend that night.

Upon his arrival at the McAlpin, González went directly to Room 897, where he greeted Richard and made some small talk. Then, with Customs men eavesdropping, González told his nephew to place a call to the Hotel Edison. When the call was put through, González took the phone and was connected with an Oscar San Martin in Room 834. González and San Martin arranged to meet in the bar of the Edison within the hour. When González hung up, he was arrested by agents

who had been sequestered in an adjoining room.

Like Richard, González was willing to talk. He explained that his arrangement with San Martín for delivery of the heroin required him to place the four suitcases and attaché case in the locked trunk of a rented car, then leave the car in a public parking lot and deliver the parking ticket to San Martín. Ten minutes later, agents had rented a car and stashed Richard's luggage in the trunk. Under surveillance, González drove to a parking lot at 1250 Broadway where he left the car, then set off to deliver the parking ticket to San Martín.

With Customs men still dogging his footsteps, González dutifully arrived at the Hotel Edison, where he met San Martín and turned over the ticket. With González and his guardian agents standing by, San Martín placed a phone call from the hotel lobby. González then departed with his agents, while other Customs men remained to keep an eye on San Martín. Within a few minutes, a man later identified as Américo Altamirano arrived at the Edison and had a brief conversation with San Martín, after which San Martín returned to his hotel room under surveillance.

Agents followed Altamirano to a building at 310 West 47th Street. He left the building several minutes later, accompanied by a man later identified as his brother, César. The brothers walked around in aimless fashion for more than twenty minutes before arriving at the lot where the rented car was parked. There they separated, with César proceeding to the parking lot office while Américo strolled about in the immediate neighborhood.

César presented the parking ticket to a uniformed attendant named Duane Lane, whose full-time job was special agent of the Bureau of Customs. Lane drove the rented car from its space and delivered it to his customer. Then, as César attempted to climb into the car, he was arrested. When César refused to talk, his brother, Américo, was arrested on a nearby street. At about the same time, agents arrested San Martín at the Hotel Edison.

It was a little after 4 p.m. on July 9, 1971. It had taken Customs less than twenty-four hours to round up all six persons involved in the smuggling attempt. Agents had seized 151 pounds of pure heroin with a street value estimated at up to $27,000,000—enough to supply the habit of every addict in New York City for almost a month.

The apprehension of Guillermo Alfonso González López also provided the Customs' Intelligence Division with some raw intelligence to be squirreled away for possible use on another day, in another case with diplomatic ramifications. On González' person were found various papers and an address book, which, in Customs' carefully calculated—and absolutely necessary—double-talk, "indicated" that González had had "associations with" some big names in Latin-American governmental and diplomatic circles, including at least one head of state, at least two ambassadors, assorted Cabinet ministers, and a couple of high-ranking military officers.

As one Customs official put it: "All these names make fascinating reading, but we couldn't lay a glove on their owners even if we had admissible evidence. They're a problem for their own countries unless they get in trouble on American soil and even then we probably couldn't hold them. In the meantime, we're not in the business of toppling foreign governments no matter what kind of creeps they have running their stores."

Besides, Customs at the time was preoccupied with its part in the final disposition of the case of Raphael Richard, *et al.* As receiver of the heroin, Óscar San Martín drew the stiffest penalty—a twelve-year prison sentence on each of three indictment counts, to run concurrently. González, the operation manager, got seven years in the pen, and Richard three and a half years after both pleaded *nolo contendere*. Américo and César Altamirano each got two years, but charges against Richard's bodyguard, Nicolás Polanco, were dismissed by the United States Attorney's office after he had served almost six months in jail awaiting trial.

Meanwhile, however, Congress had become inquisitive about the drug situation in Panama, and in March, 1972, Customs' intelligence on official Panamanian involvement in heroin trafficking became a matter of public record. The vehicle of this exposé was a draft report by the unlikely Panama Canal subcommittee of the House Merchant Marine and Fisheries Committee headed by Representative John M. Murphy, Democrat, of New York.

The connection lay in the fact that the subcommittee had been studying and conducting hearings on the United States position in Panama vis-à-vis the future operation of the Panama Canal and jurisdiction over the Canal Zone. Among the experts to which the subcommittee turned was Customs Commissioner Myles J. Ambrose, who arranged a briefing for the panel by a group of special agents on January 24.

In a far-ranging review, the briefing agents cited some chapter and verse on thirty major heroin seizure cases during the preceding eighteen months. The seizures ranged from 13 pounds to several hundred pounds, and five of the seizures—or one-sixth of the total—involved the Republic of Panama. According to the subcommittee's draft report, "The briefing team concluded that based on the Customs investigation" the Richard case "reached into the highest levels of Panamanian officialdom and included Moises Torrijos, the brother of General Omar Torrijos, and the Panamanian Foreign Minister, Juan Tack."

The report on the briefing also noted that Nicolás Polanco, Richard's bodyguard, was a chauffeur for Richard's uncle Guillermo González, and that González was a longtime friend and former bodyguard of Moises Torrijos. Added the report: "The Customs agents claimed that because Richard's father was in Taiwan at the time of these transactions that he got his diplomatic passport from Moises, who had access to them as a Panamanian ambassador. Customs confirmed the Bureau of Narcotics and Dangerous Drugs' report that Juan Tack had signed the diplomatic passport."

Although the subcommittee acknowledged that narcotics trafficking was "basically an American problem run, in part, by Americans and criminals in other countries . . . as in every other part of the world, local nationals and officials succumb to the enticement of easy money and are lured into the drug traffic. This has happened in Panama."

The subcommittee was almost as rough on the State Department, which it charged "has had an historic policy of ignoring or denying the involvement in the narcotics traffic into the United States of high-ranking officials of friendly foreign governments . . . The question is [whether] the United States is negotiating a treaty that involves a 70-year, five-billion-dollar U.S. commitment, not to mention the security of the United States and this hemisphere, with a government that condones or is actually involved in a drug-running operation into the United States."

Although it flopped, the Richard caper combined two smuggling methods—one as old as international relations and the other a product of the jet age. A proper diplomatic passport has been the perfect *laissez-passer* for the carrier of contraband since the days of ancient Canaan. Travel by commercial airline enables the dope supplier in Marseilles to promise speedy, often same-day delivery to the wholesaler in New York, Miami or Chicago, and payment within a matter of days. It has brought to the narcotics trade the rapid turnover of the supermarket.

However he travels, an accredited diplomat's person and baggage are safe from customs inspection. The same is true of the individual traveling with a head of state or a high government leader paying an official visit to a foreign country, no matter how clerkly his status. By courtesy and tradition, none of the visiting team's baggage is examined; and, of course, the diplomatic "pouch"—which might be as big as a piano box—is always inviolate. Occasionally, however, authorities are able to gather enough evidence of suspicious associations to move against even these privileged persons, in what might be called "the international interest"—for want of a handier term.

EXCERPTS FROM REPORT ON ACTIVITIES DURING THE 92D CONGRESS OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

AN OVERVIEW OF THE NARCOTICS PROBLEM IN PANAMA

One of the most pressing problems facing the United States—drug use and drug trafficking—has apparently not been overlooked by the young Americans in the Panama Canal Zone. According to reports coming to the Subcommittee, young dependents of military and civilian families "turn on" to "Panama Red", the local brand of marijuana, as readily as their counterparts in the United States turn to similar hallucinogenic drugs. A large percentage of the prison population in the Canal Zone is being held on drug charges.

Subcommittee investigators have been told that American G.I.'s have sought assignment to Panama because of the easy availability of cheap high grade dope. And this is not a recent development. As far back as 1968 members of the 101st Airborne Division reportedly volunteered for duty at the jungle training schools in Panama because of the lure of drugs. The Subcommittee has been told by U.S. drug law enforcement officers that the Panamanians have complained about the use of marijuana by U.S. troops and have charged that our G.I.'s have corrupted Panamanian troops by introducing them to drug use during what they ironically describe as "joint" maneuvers.

Since a clamp-down on major Mexican airports, Panama has become the conduit through which passes enormous quantities of dope—an estimated one twelfth of the heroin in a recent one year period—used by U.S. addicts. This means that at one point in time roughly 20,000 American drug addicts were getting their daily supply by this route. Large quantities of cocaine have also transited the Zone into this country.

With the increase in heroin and cocaine coming through the Canal Zone, the possibility of drug epidemics that have plagued our military bases and the dependents of both military and civilian support personnel in most parts of the world is a constant threat. This happened for example, in the sprawling U.S. air base, Ching Chuan Kang (CCK), Taiwan, on Okinawa, in the Philippines, and, of course, on a massive scale in Vietnam. Wherever this happens, our military strength is sapped, our image before the people of the host countries is tarnished and our capabilities to operate defense positions and vital installations such as the Panama Canal are diminished.

Given the sensitive nature of our current relations with Panama, we cannot afford to have the picture distorted by the use of drugs or the activities of mercenary American nationals, "soldier of fortune" pilots, and others who are making small fortunes by

running thousands of pounds of the world's illicit dope through the Republic of Panama. There are, of course, many points surrounding the United States where criminals transship narcotics into the United States—but these areas do not have a canal vital to the defense and commerce of the Americas and the entire world.

As Chairman Garmatz of the Merchant Marine and Fisheries Committee said in mandating the Subcommittee, we must keep abreast of all of those factors affecting the smooth and efficient operation of the Canal.

The narcotics traffic is a threat to our people there, to their children, to the American image in that country and to the relationships between our two countries. We must not let international dope peddlers and drug traffickers imperil the American position in Panama. It should be and must be stopped as quickly as possible and the Subcommittee intends to see that the Bureau of Narcotics and Dangerous Drugs Panama Task Force does this as quickly and efficiently as they did in Okinawa where a special BNDD led task force arrested 71 traffickers in nine months—mostly American servicemen and dependents—and all but wiped out the traffic on that island which contains 50,000 U.S. troops and civilians.

The Subcommittee in no way wishes to cast all of the blame on Panama or its officials for the sudden emergence of Panama as a pipeline for heroin and other drugs into the United States. It is basically an American problem run, in part, by Americans and criminals in other countries. * * *

* * * * *

Another case which prompted the original BNDD assessment of Panamanian official involvement centered around Joaquin Him Gonzales, a notorious smuggler who was arrested in the Canal Zone by U.S. authorities on February 6, 1971. Within two weeks he was brought to Dallas, Texas, for his active participation in the drug market and tried for conspiracy.

Him Gonzalez was international transit chief at Panama's Tocumen Airport and he used his high position to protect shipments of drugs to the United States. He was accused on this occasion of sending to Dallas somewhat over a million dollars worth of heroin. Gonzalez was allegedly a Torrijos protege and this relationship was made clear when the Panamanian Government mobilized all its resources, something it had not done until that point, for the offender to be returned to Panama. Reports in the press cited the "angry outburst" and "outraged" protest of the Panamanian Government—led by Juan Tack—over the arrest of Gonzalez.

An indication of the duplicity of certain Panamanian officials is found in a comparison of their public statements and their private or official actions in this regard. For example, in October 1972, Colonel Manuel Moriega, the Intelligence Chief of the National Guard, proclaimed a desire for Panama to become the enforcement center for fighting the drug traffic in Latin America. Yet that same month intelligence reports of the United States Government sustains the 1971 BNDD assessment and we still find that Panamanian officials and security agents are allegedly involved in narcotics trafficking. A similar "offer" was made on April 8, 1972, which received worldwide publicity. However, U.S. officials, when questioned by the Subcommittee, were unaware of any direct contact by the Panamanian Government which would have brought this about.

The arrest of Manuel Rojas Sucre, the nephew of Panama's Vice President Arturo Sucre at Kennedy International Airport on December 3, 1972, with cocaine, liquid hashish, and a diplomatic passport (his mother is Panama's consul general in Montreal) is further indication of a need for continued efforts by the United States Government to impress upon the Panamanians the seriousness with which we view the drug problem.

THE POSITION OF THE DEPARTMENT OF STATE

The State Department has had a history policy of ignoring or denying the involvement in the narcotics traffic into the United States of high-ranking officials of friendly foreign governments.

While the Department has taken a "soft" approach to the narcotics problem generally, in Panama it has reached an absurd extreme. For example, the Subcommittee was told by the director of the BNDD that as a result of the strong Panamanian objections to the arrest of Him Gonzalez it is highly doubtful that the State Department would ever again allow the arrest of a Panamanian national in the Canal Zone; BNDD agents claimed the Panamanians were only paying lip service to narcotic drug enforcement and that the big trafficking was going on full tilt with the knowledge, sanction and even involvement of certain Panamanian officials and Guardia members.

After a preliminary Subcommittee report was released in March of 1972, on the involvement of Panama's Foreign Minister and others in that government in the narcotics traffic, three BNDD agents assigned to work out of the U.S. Embassy in Panama City were declared persona non grata and given 12 hours to leave the country. This ultimatum was delivered on national television by Foreign Minister Juan Tack. This was done after Tack had arranged for the agents to sign letters written by the U.S. Ambassador in Panama denying they had discussed with the Chairman of this Subcommittee the relationship of government officials of Panama to narcotics smuggling into the United States. In subsequent testimony before this Subcommittee, one of the agents stated that he had, in fact, discussed with staff members of the Subcommittee such high-level involvement. There were public denials by various administration agency heads of the charges made in the Subcommittee report—the most heated coming from the Department of State. However, a recent government document supplied to the Subcommittee compiled from information and intelligence gathered by the several agencies with a responsibility for international narcotic law enforcement reached the following conclusion on the so-called "Latin connection":

"Generally speaking, the greatest detriment to effective enforcement in Latin America is corruption. The corruption goes all the way to the top of some Latin American governments. One of the more glaring examples of official corruption is the country of Panama, . . ."

This Subcommittee is in accord with the proposal made by the authors of this report when they concluded:

". . . Because of the known involvement of Panamanian government officials in the international narcotics traffic, the U.S. Government should take a firm stand in the current negotiation of a new treaty for the continued use of the Panama Canal Zone.

"The new treaty should continue to vest authority for the Canal Zone in the Canal Zone Police. The U.S. should not abrogate its authority to arrest fugitives from the U.S. who appear in the Zone, regardless of their nationality. The U.S. should not forego the right to remove such fugitives to the appropriate federal jurisdiction. By taking a strong stand, the U.S. will continue to provide adequate protection to the large number of U.S. citizens who reside in the Canal Zone. It will also prevent international traffickers from obtaining refuge in the Zone as they now do in Panama. More importantly, it will also demonstrate to the rest of the continent that the U.S. is completely serious about controlling the flow of narcotics into the country. It is recognized that by taking this stand, the Government of Panama will attempt to retaliate by creating incidents similar to those that occurred in 1964."

In summary, the Department of State has put a higher priority on placating an increasingly hostile and demanding regime in Panama than it has on taking a firm stand against government that is a major factor in allowing the international flow of heroin and cocaine presently inundating the United States. This is in spite of a wealth of evidence and intelligence that would dictate a firmer course of action.

The question that has apparently been left for the Congress to answer is: Is the United States negotiating a treaty that involves a 70 year—5 billion dollar U.S. investment, not to mention the security of the United States and this hemisphere with a government that condones or is actually involved in a drug-running operation into the United States?

In view of the weak reaction of the Department of State to the narcotics traffic in Panama, it is the conclusion of this Subcommittee that it is incumbent on the Subcommittee to let the Congress—and in turn the Panamanians—know that the United States will not tolerate the use of diplomatic channels and the attendant immunity to be used to funnel drugs into this country.

QUORUM CALL

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be resoinded.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of February 10, 1978, the Secretary of the Senate, on February 13, 15, and 17, 1978, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on February 13, 15, and 17, 1978, see the end of the proceedings of today.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of February 10, 1978, the Secretary of the Senate, on February 14, 1978, received a message from the House of Representatives which announced that the Speaker had signed the following enrolled bills:

S. 1340. An Act to authorize appropriations to the Department of Energy, for energy research, development, and demonstration, and related programs in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy

Research and Development Act of 1974, and for other purposes.

H.R. 3454. An act to designate certain endangered public lands for preservation as wilderness, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD).

MESSAGES FROM THE HOUSE

At 10:02 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4544) to amend the Federal Coal Mine Health and Safety Act to improve the black lung benefits program established under such act, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2637. An act to amend title 10, United States Code, to authorize the Secretary of the Air Force to contract with air carriers to acquire civil aircraft to provide greater cargo capacity for national defense purposes in the event of war or national emergency, and to modify existing passenger aircraft for this purpose;

H.R. 5503. An act to amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation, and retirement of members of the Armed Forces, and for other purposes;

H.R. 8336. An act to enhance the outdoor recreation opportunities for the people of the United States by expanding the national park system, by providing access to and within areas of the national park system, and for other purposes; and

H.R. 9370. An act to provide for the development of aquaculture in the United States, and for other purposes.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 2637. An act to amend title 10, United States Code, to authorize the Secretary of the Air Force to contract with air carriers to acquire civil aircraft to provide greater cargo capacity for national defense purposes in the event of war or national emergency, and to modify existing passenger aircraft for this purpose; to the Committee on Armed Service;

H.R. 5503. An act to amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation, and retirement of members of the Armed Forces, and for other purposes; to the Committee on Armed Services;

H.R. 8336. An act to enhance the outdoor recreation opportunities for the people of the United States by expanding the national park system, by providing access to and within areas of the national park system, and for other purposes; to the Committee on Energy and Natural Resources; and

H.R. 9370. An act to provide for the development of aquaculture in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on February 14, 1978, he presented to the President of the United States the following enrolled bill:

S. 1340. An Act to authorize appropriations to the Department of Energy, for energy research, development, and demonstration, and related programs in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPARKMAN (by request):

S. 2544. A bill to authorize a supplemental appropriation for the extension of credit and the issuance of guaranties under the Arms Export Control Act for the fiscal year 1978, and for other purposes; to the Committee on Foreign Relations.

By Mr. PROXMIRE:

S. 2545. A bill to amend the Federal Financing Bank Act of 1973 to prohibit the Bank from financing sales of military weapons, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPARKMAN (by request):

S. 2544. A bill to authorize a supplemental appropriation for the extension of credit and the issuance of guaranties under the Arms Export Control Act for the fiscal year 1978, and for other purposes; to the Committee on Foreign Relations.

SUPPLEMENTAL SECURITY ASSISTANCE AUTHORIZATION ACT OF 1978

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to authorize a supplemental appropriation for the extension of credit and the issuance of guaranties under the Arms Export Control Act for the fiscal year 1978, and for other purposes.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated February 3, 1978, and the section-by-section analysis.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Supplemental Security Assistance Authorization Act of 1978".

SEC. 2. In addition to amounts otherwise authorized, there are hereby authorized to be appropriated to the President to carry out the Arms Export Control Act in the fiscal year 1978, not to exceed $5,000,000, to be available for obligation without regard to the limitations of section 31(b) of such Act.

DEPARTMENT OF STATE,
Washington, D.C., February 3, 1978.

Hon. WALTER F. MONDALE,
President of the Senate,
U.S. Senate.

DEAR MR. PRESIDENT: Under cover of this letter, I am transmitting draft legislation to authorize a supplemental appropriation of $5,000,000 to carry out the Arms Export Control Act in the fiscal year 1978. The funds made available pursuant to this legislation are intended to be used to extend up to $50,000,000 Foreign Military Sales financing to Lebanon in fiscal year 1978 for the purchase of defense articles and services.

I make this request because I am convinced that our traditional ties of friendship with Lebanon, our support for Lebanon's national unity, territorial integrity, and sovereignty, as well as our national interests in the region of which Lebanon is a part, make our continued support essential for the efforts of the Lebanese Government to rebuild a national Army. Since the end of the tragic civil conflict of 1975–76, the government of President Elias Sarkis has been working to rebuild the country's shattered national institutions, including the Armed Forces which disintegrated during the fighting. Lacking an effective national Army, the Lebanese Government is unable to reestablish its authority throughout the country, particularly in the areas in the south bordering on Israel where continued instability endangers our Middle East peace efforts.

This legislation would enable us to continue to assist the efforts of the Lebanese Government through the current fiscal year, when our help will be urgently required, and provide concrete expression of our continued support for the constitutional central government and its unifying policies.

The Office of Management and Budget advises that there is no objection to the presentation of this legislation to the Congress and that its enactment would be in accordance with the program of the President.

Sincerely,

DOUGLAS J. BENNET, Jr.,
Assistant Secretary for Congressional Relations.

SECTION-BY-SECTION ANALYSIS

Section 1. This section provides that the Act may be cited as the "Supplemental Security Assistance Authorization Act of 1978".

Section 2. This section authorizes appropriations of not to exceed $5,000,000 to carry out the Arms Export Control Act in the fiscal year 1978. The amount authorized is in addition to the amount authorized for the fiscal year 1978 by section 31(a) of the Arms Export Control Act. In addition, sums appropriated pursuant to the bill may be obligated without regard to the aggregate ceiling imposed on the extension of FMS financing in the fiscal year 1978 by section 31(b) of the Arms Export Control Act.

By Mr. PROXMIRE:

S. 2545. A bill to amend the Federal Financing Bank Act of 1973 to prohibit the Bank from financing sales of military weapons, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

REFORMING THE FEDERAL FINANCING BANK

Mr. PROXMIRE. Mr. President, I introduce today a bill to prohibit the Federal Financing Bank from lending money to foreign governments for arms purchases. Such loans now amount to about 8 percent of the Bank's total holdings.

The Federal Financing Bank Act, which my bill amends, established the

Bank in 1973. The purpose of the Bank was and is to consolidate borrowing either directly by the Government or under its guarantee. This improves management of the Government's credit and avoids extreme differences in interest rates between different types of obligations which are all backed by the full faith and credit of the United States.

The Bank has generally worked well and serves its intended purposes. However, the Bank's loans to foreign governments for the purchase of military items was not foreseen or intended when the Bank was established. The intention was that the Bank would mostly fund loans made or guaranteed by the Government for important national social or economic purposes. In fact, with the exception of the military sales loans, all of the Bank's present holdings serve these purposes. For example, two of its principal customers are the Farmers Home Administration and the Rural Electrification Administration. By contract, the Bank's military sales loans are the only ones which the Bank makes directly to foreign governments, and they clearly either do not serve or are not necessary to the objectives for which the Bank was founded.

I would like to make it clear that this does not mean that the Bank has acted without authority. Were that so, the bill I am introducing today would not be necessary. In fact, both the general language of the Federal Financing Bank Act and another provision of law permit the Bank to make arms sales loans. The effect of my bill will be to limit the wide generality of the provisions of the act so that the Bank will no longer have this authority.

Mr. President, the Committee on Banking, Housing, and Urban Affairs has recently held hearings on this subject. In these hearings, State, Defense, and Treasury representatives told us that military sales financing could be adequately taken care of by a combination of direct loans by the Defense Department and guaranteed loans. The direct loans would be made from appropriated funds; the guaranteed loans would, of course, be made by private lenders with their own money. Accordingly, in either case the Treasury would no longer have to borrow money to fund military sales loans. Furthermore, since the direct Department of Defense loans will be made from appropriated funds, Congress will have much closer oversight of these loans than was possible when they were made with borrowed funds. The guaranteed loans will at least have the same congressional handling and oversight as they have now.

Removal of military sales loans from the Federal Financing Bank will not impair the Bank's ability to carry out its functions. The Bank is not obliged by the present law to assume all Federal direct or guaranteed loans, nor does it do so. Rather, it chooses those which would be most likely to affect market conditions and levels of interest rates. Military sales loans handled by the Bank have varied between $1.4 and $1.7 million in recent years, and this figure is likely to decline. These small amounts will not seriously affect the Bank's efforts to stabilize money markets and interest rates.

Mr. President, there are many views about the desirability of arms sales, particularly to the developing countries, who receive most of these Federal Financing Bank loans. We all expect that during this session of Congress there will be an extensive congressional debate on this controversial issue. My bill will not, by itself, resolve this controversy. It will, however, take the Federal Financing Bank out of a loan program for which it was not primarily intended and return its full attention and resources to its important central purposes.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285) is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, the Bank may not make a commitment to purchase or sell, or purchase or sell, any obligation issued, sold, or guaranteed by any Federal agency for the purpose of financing (1) the purchase of any defense article, defense service, equipment, or construction materials or services for the use of the armed services of any foreign country, or (2) the purchase of any defense article or defense service by the government of any foreign country. As used in this subsection, the terms 'defense article' and 'defense service' have the same meanings as in section 47 of the Arms Export Control Act.".

ADDITIONAL COSPONSORS

S. 294

At the request of Mr. MELCHER, the Senator from Arkansas (Mr. HODGES) was added as a cosponsor of S. 294, a bill to amend the Meat Import Quota Act of 1964 to define fresh, chilled and frozen meat, and for other purposes.

S. 2391

At the request of Mr. HUDDLESTON, the Senator from Mississippi (Mr. EASTLAND), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Michigan (Mr. RIEGLE), the Senator from North Dakota (Mr. YOUNG), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of S. 2391, a bill to extend the Commodity Exchange Act.

SENATE CONGRESSIONAL RESOLUTION 62

At the request of Mr. MCGOVERN, the Senator from Illinois (Mr. PERCY), the Senator from New Jersey (Mr. CASE), the Senator from Michigan (Mr. RIEGLE), and the Senator from New York (Mr. JAVITS) were added as cosponsors of Senate Congressional Resolution 62, requesting the United Nations to convene a World Alternate Energy Conference and establish an International Alternate Energy Commission.

SENATE CONGRESSIONAL RESOLUTION 65

At the request of Mr. CHURCH, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Resolution 65, relating to the present reviews of federally owned roadless areas.

AMENDMENTS SUBMITTED FOR PRINTING

PANAMA CANAL TREATIES—EX. N, 95-1

AMENDMENT NO. 33

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted an amendment intended to be proposed by him to Executive N, 95-1, the treaty concerning the permanent neutrality and operation of the Panama Canal.

(The remarks of Mr. ALLEN when he submitted the amendment appear earlier in today's proceedings.)

AMENDMENTS NOS. 34 THROUGH 39

(Ordered to be printed and to lie on the table.)

Mr. HATCH submitted six amendments intended to be proposed by him to Executive N. 95-1, the Panama Canal Treaty.

Mr. HATCH. Mr. President, as in executive session, I submit and send to the desk six amendments to the Panama Canal Treaty. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 34

In paragraph 1 of article I, after "Upon its entry into force," insert "subject to the enactment of the implementing legislation referred to in paragraph 5,".

In the first sentence of paragraph 2 of article I, after "related agreements," insert "and subject to the enactment of the implementing legislation referred to in paragraph 5,".

At the end of article I, add the following:

"5. For all purposes of this Treaty, the two Parties undertake to enact, in accordance with their respective constitutional processes, the legislation necessary to implement the provisions of this treaty, including the legislation necessary to exercise the power of the Congress of the United States of America under article IV, section 3, clause 2 of the Constitution of the United States of America, relating to the disposal of territory or other property belonging to the United States of America.".

AMENDMENT NO. 35

In the first sentence of paragraph 1 of article III, after "as territorial sovereign," insert "but subject to the enactment of the implementing legislation referred to in Article I,".

In paragraph 10 of article III, after "Upon entry into force of this Treaty," insert "subject to the enactment of the implementing legislation referred to in Article I,".

AMENDMENT NO. 36

In the first sentence of paragraph 1 of article XI, after "The Republic of Panama shall" insert a comma and the following: "subject to the enactment of the implementing legislation referred to in Article I,".

In the second sentence of paragraph 1 of article XI, after "upon the date this Treaty enters into force," insert "subject to the enactment of the implementing legislation referred to in Article I,".

AMENDMENT NO. 37

In paragraph 1 of article XIII, after "Upon termination of this Treaty," insert "and subject to the enactment of the implementing legislation referred to in Article I,".

AMENDMENT NO. 38

In paragraph 3 of article III, at the end of the text immediately above subparagraph (a), add the following: "The operating revenues of the Panama Canal Commission shall be deposited in the Treasury of the United States of America.".

In the first sentence of paragraph 5 of article III, strike out "Panama Canal Commission shall reimburse" and insert in lieu thereof "United States of America shall reimburse, only after the amount of such reimbursement has been appropriated,".

AMENDMENT NO. 39

In the text of paragraph 4 of article XIII immediately above subparagraph (a), strike out "Panama Canal Commission" and insert in lieu thereof "United States of America, only after such amount has been appropriated,".

In paragraph 4(a) of article XIII, strike out "Canal operating revenues" and insert in lieu thereof "the Treasury of the United States of America".

In paragraph 4(b) of article XIII, strike out "Canal operating revenues" and insert in lieu thereof "the Treasury of the United States of America".

In paragraph 4(b) of article XIII, strike out the last sentence.

In paragraph 4(c) of article XIII, strike out "Canal operating revenues to the extent that such revenues" and insert in lieu thereof "the Treasury of the United States of America, if its receipts from the Panama Canal Commission".

In the last sentence of paragraph 4(c) of article XIII, strike out "Canal operating revenues" and insert in lieu thereof "such receipts."

ORDER FOR STAR PRINT

Mr. HATCH. Mr. President, as in executive session, I ask unanimous consent that my amendment No. 19 be reprinted as a star print because of several typographical errors.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICES OF HEARINGS

ANTITERRORISM HEARINGS

Mr. RIBICOFF. Mr. President, the Committee on Governmental Affairs will continue hearings on S. 2236, the Omnibus Antiterrorism Act, on Wednesday, February 22, 1978, at 9:30 a.m. in room 3302 of the Dirksen Building.

The following witnesses will appear before the committee:

The Honorable David E. McGiffert, Assistant Secretary of Defense for International Security Affairs;

The Honorable JAMES H. SCHEUER, U.S. Representative from New York; and

The Honorable Mary C. Lawton, Deputy Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Vermont (Mr. LEAHY), I wish to announce that the Comptroller General of the United States will testify before the Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture, Nutrition, and Forestry on February 22 at 9 a.m. in room 322, Russell Senate Office Building, on the General Accounting Office's investigation of the Commodity Futures Trading Commission.

The CFTC's authorization expires at the end of this fiscal year. The Committee on Agriculture, Nutrition, and Forestry is striving to make its reauthorization deliberations on the CFTC a model "sunset" review. An advisable first step in a comprehensive review of any agency's or program's operations is receipt of a GAO report evaluating that performance and making appropriate recommendations.

This presentation by the Comptroller General will be the starting point for the committee's consideration of the various aspects of the Commission's responsibilities.

I know that Mr. HUDDLESTON, the chairman of the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, has a deep interest in this area, as do other members of that subcommittee. I urge and invite their attendance and participation at the February 22 hearing and the other CFTC reauthorization hearings to follow.

Following the Comptroller General's testimony further reauthorization hearings will be scheduled. It is my current intent, in the interest of full and informed discussion, to publish in the notice of these future hearings questions that Chairman TALMADGE and I have sent to the Commissioners of the CFTC dealing with some of the major areas in the field of futures regulation, so that the industry and the public may have an opportunity to address these same questions.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CHURCH. Mr. President, for the information of the Senate and the general public, the Energy and Natural Resources Committee's Subcommittee on Energy Research and Development has scheduled a set of hearings to examine the fiscal year 1979 Department of Energy authorization request for energy research, development, and demonstration, and related projects. The first two hearings have been scheduled for February 21 and February 28, 1978, to be held in room 3110 of the Dirksen Senate Office Building beginning at 8 a.m.

Dr. Eric H. Willis, Acting Deputy Assistant for Energy Technology and Mr. George Fumich, Acting Director for the Fossil Energy Research program will present testimony on the fossil energy programs on both days of the hearing.

Anyone wishing additional information with regard to the hearings should contact the subcommittee staff director, Willis Smith, at (202) 224–4431.

SUBCOMMITTEE ON NUTRITION

Mr. McGOVERN. Mr. President, I wish to announce that the Subcommittee on Nutrition of the Committee on Agriculture, Nutrition, and Forestry will meet Wednesday, February 22, to discuss the recent efforts of the U.S. Department of Agriculture in human nutrition research.

Specifically, the subcommittee plans to discuss with department officials how USDA is implementing the human nutrition policy language in the Food and Agriculture Act of 1977. Other invited witnesses will also testify.

The hearing will begin at 8:30 a.m. in room S206 in the Capitol. Anyone wishing further information should contact the committee staff at 224–2035.

ADDITIONAL STATEMENTS

NATIONAL HEALTH INSURANCE: AN IDEA OVER THE HILL

Mr. CURTIS. Mr. President, a recent column by James Kilpatrick succinctly summaries why national health insurance is an idea whose time has passed. It deserves the attention of all of the Members of the Senate, for he points out the lack of popular support for this expensive program; the growing disillusionment with Federal programs generally; the awareness of the very dramatic cost escalations that accompany any one of the programs advanced; and the distrust of either the efficiency or the equity of a new massive bureaucratic structure. He also points out, as I have for many years, that the need for national health insurance has never been demonstrated: that our current system of targeting aid to various sectors in the medical care arena results in a system of health care coverage which meets demonstrated need.

I ask unanimous consent that the Kilpatrick column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATIONAL HEALTH INSURANCE: AN IDEA OVER THE HILL

(By James J. Kilpatrick)

WASHINGTON.—In his press conference of Oct. 27, President Carter said he couldn't think of any major innovative proposals he would offer in 1978 or 1979. Shortly thereafter, responding to some raised eyebrows, the press office said that wasn't exactly so. Carter had not abandoned his promise of national health insurance. Such a program would yet be presented.

Maybe so. Carter's commitment was absolute. Time after time on the campaign trail, he pledged his efforts to enact a "comprehensive, mandatory program of national health insurance." This is the kind of sweeping, first-dollar, all-embracing program that Sen. Edward Kennedy, D-Mass., continues to push. The 100-member Committee for National Health Insurance still is beating the drums for this scheme. The American Public Health Association, which met in Washington last week, raised whoops and hollers for "socialized medicine" as such.

But unless I am wholly mistaken, most of the steam has leaked out of the movement toward national health insurance. Victor Hugo once said that no army can resist the strength of an idea whose time has come. By the same token, no army can impose an idea whose hour has passed. The idea is over the hill.

Several reasons support that cheerful prediction.

So radical a departure from existing paterns of medical care would have to command overwhelming popular support. Are the people clamoring for national health insurance? Unless my ears deceive me, the people are as quiet as so many clams. Last year, NBC took a poll: "Do you favor or oppose a program of health insurance paid by the government through increased taxation?" Only 36 percent of the respondents said yes. Almost half

opposed; 16 percent were not sure. It is not what you would call a ground swell.

The NBC figures reflect the growing disillusionment with federal programs generally. What is proposed, under Kennedy's grandiose plan, is to turn medical care over to the same wonderful folks who have given us Amtrak and the Postal Service. If ever a majority of the people believed government could perform a function better than the private sector, that belief no longer commands much support. A people disenchanted with public education have no perceptible enthusiasm for comprehensive public health.

The opposition to the Carter-Kennedy program rests on more than intuitive antipathy. The people are perfectly capable of foreseeing fantastic costs, and they don't like what they see. The senator's idea is to scrap all existing programs of private insurance; he would also abandon Medicare, and he would retain only parts of the health care now provided under Medicaid, the Veterans Administration, and other agencies.

In their place he would erect an enormous new bureaucratic structure headed by a Health Security Board. This board would effectively fix hospital budgets, fix doctors' fees, fix prescription prices, collect billions of dollars in new taxes, and disburse millions of checks annually to providers of health services. The total cost? No one has even a foggy notion of the cost. Two hundred billion, three hundred billion? It is all the same to Messrs. Kennedy and Carter. Present costs are vaguely estimated at $145 billion. Once all restraints were abandoned, the figure easily could double or treble.

Who would pay for all this? Who do you think would pay for all this? The Kennedy-Carter plan envisions new taxes on employer and employee (on top of the stunning Social Security increases now in prospect), plus matching billions from the general fund. There is no way under moon or sun that Carter could fold any such program into his budget for 1979 or 1980, and still hope to see the budget balanced.

An estimated 92 percent of our people now are covered by some sort of health or hospital insurance. Relatively speaking, only a small minority of families have no coverage of any sort. The poor are fully covered by Medicaid, the aged by Medicare, the veterans and their families by military benefits. In our largest industries, such as automobile manufacturing, collective bargaining has resulted in health benefits equaling what Kennedy proposes.

If any federal program at all can be justified—and can be afforded—it is a program to insure the risk of catastrophic illness. If Carter will settle for that, few persons will belabor him for breaking a promise. And you can depend on that.

FARM PARITY

Mr. TALMADGE. Mr. President, the Georgia State Senate, now in session in Atlanta, has adopted a resolution which, for myself and my colleague, Senator NUNN, I bring to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Relative to granting farmers 100% parity on their products; and for other purposes

Whereas, the farmer has always been among the first to support this nation, its needs and principles; yet that principle held most dear to all Americans—a dollar for a dollar's worth—has been denied the farmer; and

Whereas, farmers have given the citizens of this country security from hunger at minimal cost—about 19% of household income, compared to 30% and up in most of the other countries; and

Whereas, the price of equipment, fertilizer and energy has been doubling or tripling, but net farm income is down approximately $10 billion from four years ago; and

Whereas, farmers are put in the intolerable position of having to sell their commodities for less than what they cost to produce; and

Whereas, this is more than just a farm issue because economic upheaval on the farm could very well lead to a general depression which would bankrupt the nation; and

Whereas, many great industries and thousands of workers are directly or indirectly dependent upon farming and farm products.

Now, Therefore, be it resolved by the Senate that the members of this Body do hereby urge and request that President Carter's administration and Congress take the necessary action to assure farmers 100% parity on their products.

Be it further resolved that the Secretary of the Senate is hereby authorized and directed to transmit appropriate copies of this Resolution to the President of the United States, to the United States Secretary of Agriculture and to each member of the Georgia Congressional Delegation.

UNION MEMBERS DO NOT FAVOR SO-CALLED LABOR REFORM BILL

Mr. HELMS. Mr. President, it is becoming increasingly clear that the only people who seem to favor the so-called labor reform bill (S. 2467) are the big union bosses. It is not just management who oppose this one-sided legislation. It is opposed by even the majority of the rank and file.

In a recent poll conducted by the Opinion Research Corp., only one-third of current union members support this legislation, while almost half of all members (48 percent) think that the present laws should not be changed. This reflects the union members' attitudes toward their union leaders. Fifty-one percent believe that the union bosses have too much power and only 11 percent think they have too little.

What the statistics show was graphically illustrated by a piece of mail I received the other day. The correspondence consisted of a printed form cut out of a union publication. On the form the following was printed in bold type:

Dear Senator: The Labor Reform Bill (S. 1883) has my strong support. It's needed. It should be passed. Please vote for it.

There was a place at the bottom for the sender's name and address. However, the person who mailed it to me crossed out the message, and instead inserted the following in his own handwriting:

I am a union man paying dues. But we don't need bill S. 1883. Please vote against it. This clipping came out of my union paper.

I would reveal the identity of this union member except that I fear he might suffer reprisals. Of course union reprisals against the right of a member to support or not to support union activity are prohibited by section 8(b)(1) of the National Labor Relations Act, but the enforcement of prohibitions against union unfair labor practices leaves something to be desired. Unfortunately, however, the so-called Labor Reform bill remains silent on that subject; as one would expect, in a bill largely drafted under the guidance of union bosses, its proponents are, shall we say, very selective in their indignation.

It is a strange reform bill and a very selective indignation that does not address itself to the type of union violence that we are seeing in the current coal strikes. Many newspapers have published photographs of State police and National Guardsmen escorting convoys of coal trucks to the beleaguered people of Ohio and Indiana. Why? Because the already too-powerful union radicals and union bosses have threatened the very safety of those who would deliver coal during the strike.

Mr. President, that situation is a portent for the future that should alert all of us to the dangers of a nation held in the grips of increased union power—and the tragedy of union violence—if this bill should pass in any form.

NEEDLESS CONCENTRATION OF FEDERAL SERVICES

Mr. McGOVERN. Mr. President, the Sioux Falls Angus-Leader of February 13, 1978, carries a thoughtful editorial relative to the needless and costly transfer of certain Government functions. I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LOADING CITIES

The latest streamlining proposal of President Jimmy Carter's administration illustrates anew that when federal administrators transfer functions, bigger is better.

The Internal Revenue Service (IRS) has announced that it will transfer some of its services and employees from Aberdeen to St. Paul. As many as 48 employees and some services performed for South Dakota taxpayers are heading for Minnesota's capital city.

John B. Langer, Aberdeen, district director of the IRS, said that all the services that will be moved are "support functions" like processing of audit reports and other basic functions. "They will be transferred to the St. Paul office so we can take advantage of the economics of scale." Langer said similar moves are planned in 12 other states.

Dean Gerry, a spokesman for IRS employees in Aberdeen, said the agency's contention that the move will streamline services and save money may not be true. He said that if the moves are made, some information will be stored in St. Paul and employees will have to consult that office before they are able to deal with certain situations.

U.S. Sen. George McGovern, who is fighting the transfer, said that as much as $500,000 in salaries will be lost to the Aberdeen business economy because of the move. Langer contends that the IRS will save $5 million nationally each year with the changes in 12 district offices.

The Aberdeen office has served this state well despite some previous trimming of its functions The ultimate step may be to concentrate every federal staff in large metropolitan centers. Other government programs, of course, seek to solve congestion and other problems in populous areas.

The population of St. Paul was 309,714 in

1970. As part of the Minneapolis-St. Paul metropolitan area (2 million) and the Minnesota capital, it does not need a new influx of government personnel. Aberdeen, with 26,476 residents, is a better choice for the agency, employees and South Dakota taxpayers.

The shift from Aberdeen to St. Paul is like Housing and Urban Development's plan to transfer more of the work in its Federal Housing Administration to Denver. This is a bureaucratic effort to eliminate 37 jobs out of a total of 501 in the region. The Sioux Falls office would be cut from 26 fulltime persons to eight. Fargo, Casper and Helena offices would lose people to Denver, a metropolitan area of 1.4 million.

Carter's carte blanche to top administrators to shuffle people around the nation and into congested metropolitan areas in the name of efficiency is a backward step. A Georgia country should know better.

LITHUANIAN INDEPENDENCE DAY

Mr. CURTIS. Mr. President, on February 16, 1978, Lithuanians throughout the world observe the Declaration of Independence of Lithuania.

Lithuanians still remember that brief 2 years, now 60 years in the past, when their's was a free nation with an elected President and Parliament.

To Lithuanians, these years of freedom are well worth remembering. While she was once a proud nation, respected by her neighbors and able to fight for that respect, Lithuania is now sternly in the power of the Soviet Union.

This is why the people of this proud nation celebrate their independence with a pang of regret. Their once proud nation is now undergoing the humiliating process of russification.

By russification we mean the total subjugation of most human rights. The Soviets have done their best to stifle the religion, language, and culture of the Lithuanians. Hundreds of thousands of these brave people have been banished to Siberia. The young people of Lithuania are being indoctrinated into the Soviet culture and made to forget their own rich heritage.

Yet, these years of oppression have only served to stimulate, in the Lithuanians, a growing desire for freedom and a tenacious sense of national identity.

So, on this, the 60th anniversary of Lithuanian independence, Lithuanians everywhere remember their past freedom, not only with regret, but with a sense of pride and renewed hope.

As the elected representatives of the greatest democracy on Earth we must not turn our backs on these people.

The United States will continue to deny recognition of the Soviet Union's illegal seizure and occupation of the Baltic nations: Estonia, Latvia, and Lithuania.

As Americans, we cannot afford to turn our backs on these valiant people, who cling to the dogged hope that, one day, they will once again be a free nation.

GENOCIDE—A MATTER OF CONCERN FOR EVERYONE

Mr. PROXMIRE. Mr. President, I feel compelled to take this time to discuss some faulty legal advice that has been given by opponents of the Genocide Convention, a treaty which I have been deeply committed to for some time.

Opponents of the treaty have argued that it is not a proper vehicle for the prevention of genocide, on the grounds that it deals with "domestic matters." This is neither true in principle nor in constitutional judgment.

Significantly, there are strong grounds for the constitutional validity of this treaty. Tom Clark, a retired Supreme Court Justice has remarked:

> Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treaty making power of the United States.

The American Bar Association concurs with this interpretation. We have ratified treaties governing hunting of seals and narcotics trafficking. These are no less domestic than genocidal acts, yet no complaints were raised in deliberation of these treaties.

The facts are clear: The agreement is constitutional and indeed essential to meet the international threat of genocide. I ask for immediate compliance in making the United States a partner in this enterprise.

COMMUNIST CUBA TO BACK PANAMA

Mr. GOLDWATER. Mr. President, appearing in the Miami Florida paper, the Diario Las Americas, was an article written in Spanish that has been of great concern to people who oppose the canal treaty. I have translated this and ask unanimous consent that it be printed in the RECORD. I hope that my colleagues in the Senate will read it and I hope they will pay a little more attention to the proximity of Cuba to the Panama Canal and the proximity of other countries not exactly friendly to the United States who while they want the canal to continue to operate, would probably take up the defense of what the Panamanians would call an intervention by the United States if and when it becomes necessary for us to defend the canal.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMUNIST CUBA TO BACK PANAMA

MEXICO CITY, D. F., January 28.—Cuban Foreign Minister Isidoro Malmierca stated that Cuba would back Panama militarily if the people of that country were to request assistance to defend themselves against a U.S. aggression.

"We will aid any government that requests it in order to fight for its independence and social justice," added Malmierca who is here to share in the work of a Cuba-Mexico Joint Commission.

Within this ideological framework, the Cuban Foreign Minister stated that his country's troops would remain in Angola until that country's security had been assured "against the racist armies of South Africa and Zaire."

Malmierca also stated that Latin American integration "is a permanent aspiration of the Cuban revolution" but much progress yet remains to be made.

Finally, Malmierca stated his "dismay" at the presence of U.S. troops in Guantanamo and the possible intervention of the U.S. Navy in the Panama Canal.

THE AMERICAN PEOPLE SUPPORT HIGHER FARM INCOME

Mr. McGOVERN. Mr. President, a recent poll by Louis Harris indicates that the American people by an overwhelming percentage, 80 to 13, are sympathetic with the current farm strike. The survey indicates that most Americans favor action to assure farmers of a just return on their products. I ask unanimous consent that the report of this poll appearing on the front page of the January 30, 1978, Sioux Falls Argus-Leader, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAJORITY SUPPORTING FARMERS

(By Louis Harris)

By 80–13 percent, an overwhelming majority of Americans is in sympathy with the farmers who have taken to their tractors to protest falling farm incomes, according to a recent nationwide Harris Survey of 1,259 adults.

Moreover, by 5 to 1 the public supports the basic demand of the farmers, which is to raise the prices of the crops they sell so that they would be based on 100 percent of parity.

Of course, the acid test of such public backing is whether consumers would be willing to pay higher food prices to relieve the plight of the farmer.

During the past few years, Harris Surveys have consistently shown that, along with energy and health, more than 8 of every 10 Americans attribute their rising cost of living to the cost of food. In this latest poll, when asked how worried they would be about their own food costs rising rapidly if farm prices were allowed to go up sharply, 35 percent said they were "greatly worried" and another 47 percent were "moderately worried."

Despite this, the public by a 54–36 percent majority would be willing to have food prices rise by 5 percent in order to give farmers their parity goals, according to the survey. When people were asked if they would be willing to see their food costs go up 10 percent, a 68–19 percent majority then said they would oppose the farmers' position.

But accepting a 5 percent rise in food costs is not insignificant. There are very few occasions these days when Americans express a willingness to pay more for any product or service.

Part of the reason for this deeply felt sympathy for the farmers can be traced to the fact that most people do not blame farmers for high food prices. By a lopsided 87–4 precent, a majority continues to agree with the charges of farm protest leaders that "food middlemen rather than the farmers are the ones who make most of the profits in food."

Farmers are less than 4 percent of the population.

Among people who live in big cities, a 48–37 percent majority favors parity, even if it means a 5 percent rise in their own food costs. To be sure, rural residents support the move by a higher 60–33 percent. But the key fact is that in the big cities, the issue has not been cast as consumers against farm producers.

Among union members, a high 59–32 percent majority would be willing to pay 5 per cent more in food costs to give farmers their price goals. It is evident that union labor is capable of identifying with the plight of

farmers, despite the long history of farm and labor union organizations being at loggerheads on most issues in Congress.

The most affluent and educated groups also are most supportive of the protesting farmers' movement. Among the college educated, a 57–34 percent majority is willing to pay 5 percent more for food costs, as is an even higher 62–29 percent majority of professionals. Among those with incomes of $25,000 and over, willingness to pay more to see parity given to the farmers reaches a high-water mark of 63–33 percent.

THE ROOTS OF THE ENERGY PROBLEM

Mr. HANSEN. Mr. President, in the continuing debate and present stalemate over a national energy policy, one thing is clearly perceptible. Regardless of whether or how the issues of natural gas and oil pricing are resolved, the United States will continue its massive dependency on imported oil and to a lesser degree natural gas.

Eleven years ago in my first speech on the Senate floor, I attempted to point out the hazards of the energy nonpolicy we were pursuing. At that time—1967—we were still self-sufficient in both oil and gas production but were beginning to use up our reserve base at a greater rate than new additions were being added.

Without burdening my colleagues with all the details of the remarks I made that day, I will quote only a few to emphasize what some of us have been saying about the need for an energy policy for a good many years:

Mr. President, turning from the question of imports for a moment, we are confronted with a serious decline in our own domestic energy producing capabilities. In contrast to the phenomenal growth of the oil industry in foreign countries, our domestic drilling for oil has fallen off by 41 percent in the past decade and our oil finding success ratio is the lowest it has been in 30 years. Our ratio of domestic reserves has declined accordingly. In 1950, the ratio of reserves to production in the United States was 13.6 to 1. Last year, it was only slightly more than 12 to 1. This steady decline of exploration in this country has reached a point where annual consumption of petroleum products exceeds new reserves found.

In pursuing this course we have enabled many foreign countries to operate without any national debts and we have greatly increased our own balance-of-payments and deficit problems.

The net effect of this combination of circumstances is that our Government has exposed our Nation to the whims and demands of foreign oil producing countries. This exposure is doubly serious in light of the fact that energy is, of course, the key to our complex industrial economy.

We have, by our own practices, and by the lack of any comprehensive policy, placed a club in the hands of foreign countries and this club is being used more and more effectively on a daily basis.

During the intervening 11 years, we have suffered humiliation and a resulting recession from the 1973–74 oil embargo and a quadrupling of oil prices.

We now import almost half of the oil we use and have just brought on Alaskan oil 10 years after it was discovered to halt the decline of domestic production.

The U.S. dollar continues its decline against other currencies principally because of our massive purchases of foreign oil. Some $47 billion in 1977 resulting in the largest U.S. trade deficit on record. And, there is no end in sight.

In May 1971, the U.S. Senate passed Senate Resolution 45, a national fuels and energy policy study.

That study is still continuing but the only national energy policy resulting from that study and hundreds of days of hearings has been legislation that has hindered rather than helped the United States regain some semblance of energy self-sufficiency.

The President's energy plan, now stalemated in controversy over natural gas and oil pricing policy, would even further discourage development of domestic energy supplies if adopted as it was passed by the House.

Last week while Congress was recessed, George Melloan of the Wall Street Journal wrote:

Whatever form United States energy policy takes when the President and Congress finally agree, the terms of the debate make one thing clear: It will not "solve" the nation's energy problems.

Oil imports will continue to rise. The $10 billion, 19,000-employee Department of Energy will continue to grow. Price and supply adjustments, once made with some efficiency in a relatively unfettered market, will continue to be bargained in a framework of law and regulation.

In short, energy has become hopelessly entangled in politics. In this week of pause in congressional deliberations on the energy program, it is instructive to review how it all came about.

Mr. Melloan then reviewed the events leading to our present energy dilemma.

I would hope that all Senators and especially those of us serving on the energy conference committees would take a few minutes to read and heed what Mr. Melloan has so carefully done in putting the U.S. energy problem in perspective.

Perhaps there is yet hope that we might possibly face up to the real reasons why we have a problem.

Mr. President, I ask unanimous consent that the Wall Street Journal article, "The Roots of the Energy Problem," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ROOTS OF THE ENERGY PROBLEM

(By George Melloan)

Whatever form United States energy policy takes when the President and Congress finally agree, the terms of the debate make one thing clear: It will not "solve" the nation's energy problem.

Oil imports will continue to rise. The $10 billion, 19,000-employee Department of Energy will continue to grow. Price and supply adjustments, once made with some efficiency in a relatively unfettered market, will continue to be bargained in a framework of law and regulation.

In short, energy has become hopelessly entangled in politics. In this week of pause in congressional deliberations on the energy program, it is instructive to review how it all came about.

The logical starting point is the Supreme Court's 1954 Phillips decision, which gave the Federal Power Commission control over natural gas prices at the wellhead. For some years, this presented no problem. Crude oil demand was rising rapidly, both oil and gas where being discovered at relatively low costs, and a vast pipeline network was being built to distribute them. There was a relatively low rate of inflation in the 1950s and early 1960s. which meant that gas producers usually had remunerative prices even if the FPC did not make frequent changes in the wellhead price ceilings.

AN ABUNDANT SUPPLY

There was, in fact, so much fuel being found and produced in the United States that the government applied import quotas to protect domestic producers from oil brought in from abroad by the big international oil companies. The Texas Railroad Commission used another lever against competition by controlling the "allowable" rate at which oil could be pumped in that big producing state.

This was hardly a "free" market, but certainly far freer than the energy market today. Oil products might have been even cheaper and gas more expensive had the controls of that time not existed, and the United States might have conserved both resources by importing more oil from abroad. But in a non-inflationary era, the problem was of more interest to market economists than the general public.

In the 1960s, however, oil companies found it increasingly attractive to seek crude oil abroad. Production costs in places like Saudi Arabia, Kuwait and Libya were only pennies a barrel. The international oil companies soon were awash in cheap crude and rapidly expanded refining and marketing operations abroad to make use of it. They also managed to get U.S. import quotas raised (they were finally removed altogether in the early 1970s). Exploratory drilling in the U.S. in the 1960s declined sharply.

By the end of that decade, U.S. surplus productive capacity had dropped to the point where the Texas Railroad Commission could no longer manipulate supplies and, thus the world price. Control over the marginal supply of crude oil had moved abroad, to the members of the Organization of Petroleum Exporting Countries (OPEC).

Since most OPEC nations, unlike the United States, produced far more oil than they consumed, they wanted oil to be expensive, not cheap. And one OPEC member, Saudi Arabia, was willing to restrict production to manipulate the world price upward.

The United States unintentionally helped OPEC pull its cartel together. From 1967 through 1971, the U.S. dollar lost 12 percent of its purchasing power as a result of loose U.S. fiscal and monetary policies. Since the OPEC nations were paid mostly in dollars, they had a strong incentive to band together to try to get higher prices.

They demanded, and got, joint negotiations with the major oil companies in Tehran in early 1971 and won what at the time looked like substantial price concessions. The United States unaccountably let the oil companies engage in this exercise even though it was seemingly a contravention of antitrust laws.

A few months later, in August 1971, President Nixon, with the urging of Congress, responded to the dollar deterioration by putting the United States economy under wage and price controls. With prices controlled and the U.S. money supply rising, the U.S. economy had a false boom in 1972. The low rate of oil drilling in the 1960s had by then taken its toll. U.S. oil imports soared 145% between 1970 and 1973.

Oil and gas demand was being fed in another way. The Clean Air Act of 1970 had forced electric utilities to convert to cleaner fuels from coal. The environmental lobbies were stalling nuclear power development.

And, of course, with domestic prices controlled and inflation raging, there was even less incentive to drill for oil and gas

in the U.S. than there had been in the 1960s.

In October 1973, during the Yom Kippur war, the Arab nations slapped an embargo on crude oil shipments to the U.S. and learned how much price pressure they could apply to the world market by restricting supply. The average price of crude oil imported into the U.S. leaped to $11.11 a barrel in 1974 from $3.41 in 1973.

By 1974, generalized price controls had largely collapsed though the combination of a weak dollar and the inability of a single nation, even one as powerful as the U.S. to control world prices. The correct policy for the U.S. would have been to free energy of controls to encourage a resumption of U.S. exploration and development under the high OPEC price umbrella. There would never $3 oil again but oil would come back to somewhere close to its natural price considering the fact that the 1974 dollar was worth only 62.5% of its 1967 value.

The U.S. did the opposite. The Emergency Petoleum Allocation Act of 1973 was hatched, putting oil under control of a new Federal Energy Office, later to become the Federal Energy Administration, which last year became the core of a new Department of Energy. The FEO set out to "allocate" supplies made scarce by price controls, tangling the oil industry in massive bureaucratic red tape.

With domestic crude oil under price controls and foreign oil flooding in at uncontrolled prices, the next regulatory step was "entitlements." Refiners depending heavily on expensive imported crude were "entitled" to payments from those who used a greater than average amount of cheap domestic crudes. Congress, incidentally, managed to make small refiners a little more equal than large ones in this "equalization" process. But the net effect was to subsidize exports, which kept right on rising.

TWO LOST CHANCES

In late 1975, President Ford had a chance to bring all this nonsense to an end. Congress had passed a 40-month extension of the 1973 act. If President Ford had vetoed the extension, it is safe to say that the energy "crisis" would have been solved. The FEA would have disappeared and the energy industry would have become, once again, just another U.S. industry, competing in world markets and developing resources wherever costs, transportation efficiencies, taxes, availability of capital and political risks justified. Given the unpleasantness with OPEC, a resumption of extensive development in the U.S. would have been the logical result. Mr. Ford, however, did not veto. A few months later he also muffed a chance to decontrol natural gas when some 18 Republican decontrol supporters were absent from a crucial vote in the House.

With this record to look back on, the Carter administration in April of last year revealed the most sweeping and interventionist program yet, basing it on the assumption, soon to be discredited, that the U.S. had nearly exhausted its supplies of fossil fuels. The new "National Energy Plan" featured some $70 billion to $80 billion in taxes designed to discourage energy consumption (and just maybe discourage economic activity altogether). It sought a federal takeover of electricity rate setting from the states. It sought to expand natural gas price controls to the intrastate market, where they had not existed before, as a quid pro quo for raising the natural gas ceiling price. It sought a massive conversion of industry to coal without much evident thought about how environmental restrictions on coal use and the capital cost problems were to be handled. And, of course, it sought massive discouragement of automobile use on the apparent theory that the automobile is the useless luxury of an indolent race.

No wonder Congress has had so much trouble. And no wonder it is no nearer a solution to the energy problem than it was in 1973. It has not yet faced up to the real reasons why we have a problem.

FIVE-POINT SUPPLEMENTAL AGRICULTURAL PROGRAM

Mr. TALMADGE. Mr. President, the Georgia House of Representatives, now in session in Atlanta has adopted a resolution which, for myself and my colleague, Senator NUNN, I bring to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the problems besetting Georgia farmers are already at a crisis level; and low marketing prices, rising production costs, the winter freeze and the summer drought, the alfatoxin mold, and the army worm have combined to place Georgia agriculture in a perilous position which affects all Georgia citizens; and

Whereas, while federal assistance is necessary to save agriculture, the Food and Agriculture Act of 1977 as presently implemented is not adequate; and

Whereas, the five-point supplemental agricultural program proposed in January by Senator Herman E. Talmadge is the best solution currently available; and

Whereas, the members of the Agriculture and Consumer Affairs Committee of the Georgia House of Representatives and the members of the Agriculture Committee of the Georgia Senate met in a joint session on January 26, 1978, together with farmers, agricultural leaders, and other concerned citizens, to discuss the plight of Georgia agriculture; and

Whereas, that group sent a letter to President Carter requesting implementation of the Talmadge plan.

Now, therefore, be it resolved by the House of Representatives that President Carter and Secretary Bergland are urged to immediately approve the Talmadge plan and implement its provisions in the 1978 crop year.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit appropriate copies of this resolution to President Jimmy Carter, Secretary of Agriculture Bob Bergland, Senator Herman E. Talmadge, Senator Thomas S. Foley, Honorable James T. McIntyre, Jr., and the members of the Georgia Congressional Delegation.

PRETTY NAILS COSTLY

Mr. GOLDWATER. Mr. President, all of us know about the many abuses which exist in awarding of unemployment compensation. But I wonder if it is generally realized how ridiculous some of these incidents actually are. I learned recently of a case in my home State where a woman who was fired, because she refused to type for fear this would damage her nails was awarded unemployment compensation by the Department of Economic Security.

Mr. President, because this case is becoming more and more typical of the Government's attitude toward employment, I ask that a letter describing the so-called "Case of the Pretty Nails," which appeared in the Phoenix Gazette be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRETTY NAILS COSTLY

I have been tempted for some time to express my feelings, particularly as they relate to unemployment compensation and the way that companies are given little, if any, chance to protect themselves through a hearing. I feel sure that our company is no different from a number of other companies, in that we are charged for the abusive use of unemployment insurance.

It seems that companies in general are "wrong" when they discharge an employe. To give the specifics on this case, we hired a person to do a job which required a considerable amount of typing. She worked for us for approximately six months and her work was, in general, satisfactory. About August 10 she told us that she had been giving quite a bit of grooming to her nails, and her nails were now so beautiful that she would no longer be able to do the amount of typing required on the job.

We explained to her that this was unsatisfactory, that the job required a certain amount of typing, and that if she could not do it, we would have to replace her. Her reply was that she could not damage her nails now that she had gotten them in such beautiful condition. We had no choice but to let her go.

She immediately filed for unemployment compensation, and was awarded the coverage. The Department of Economic Security stated that the discharge did not warrant disqualification. Their note said, "You were discharged for not meeting the employer's expectations. You stated you performed your duties to the best of your ability. No evidence of a disregard of the employer's interests has been shown." To me, this is highhanded. DES never checked with us other than to ask us why we let her go, and we expressed to them, just as I have expressed in this letter, that because of her nails she was no longer able to do the work required of the job.

I feel that this is a complete disregard of the employer's interest, but it seems that this type of ruling just fits in with the general attitude that prevails today—that the individual is always right and the company is always wrong.

I don't know what, if anything, can be done about this, but it is a terrible situation when this condition exists. If it continues, it could be that because of similar situations, companies could be forced out of business. I believe it is ridiculous, and if there is any way that the public and their tax money can be protected, we must do it.

FRANK M. FEEFER, Jr.,
President, Chemonics Industries, Phoenix.

TET: HISTORICAL TURNING POINT IN THE VIETNAM WAR

Mr. McGOVERN. Mr. President, Mr. Don Oberdorfer has written a perceptive account of the 1968 Tet offensive which changed the course of the Vietnam war. I ask unanimous consent that this valuable article appearing in the January 29, 1978, issue of the Washington Post magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TET: THE TURNING POINT

HOW A "BIG EVENT" ON TELEVISION CAN CHANGE OUR MINDS

(By Don Oberdorfer)

Shortly after midnight on January 31, 1968, seventeen men in black pajamas gathered at a small automobile repair shop in downtown Saigon and began unpacking weapons and munitions which had been smuggled to town as "rice" and "tomatoes." By 2:45 a.m. they were rolling through the deserted streets in a Peugeot truck and a taxicab. A few minutes later they dynamited a hole in the compound wall of the United States Embassy, killed two U.S. Military Police guards and scampered inside to lay siege to the six-story headquarters building for the U.S. government in South Vietnam.

The guerrilla attack on the embassy was among the smallest engagements to win a place in military history. That night and the night before, in a spectacular operation which was ordered to "split the sky and shake the earth," some 67,000 North Vietnamese and Viet Cong troops launched synchronized surprise attacks against nearly every city and town throughout the 800-mile length of South Vietnam. With battalions, regiments and divisions suddenly moving out of the forests and jungles and onto the attack, the battle at the embassy was in conventional terms, as a U.S. military officer said, " a piddling platoon action." This was so in the same way, it turned out, that the Watergate break-in was "a third-rate burglary." For the combat at the embassy in downtown Saigon, under the noses and cameras of the American press corps, was to dominate the attention of the outside world in the first hours of an offensive which shocked the American government and public and led to a historic turnabout on the war.

The attack on the embassy was repulsed in six and one-half hours, with all the attackers killed or captured, and nearly all the much larger attacks elsewhere in the country were repulsed within a few days. Except in the former capital of Hue, where dug-in North Vietnamese troops held out for twenty-five days, the vaunted "General Offensive and General Uprising" turned out to be a series of shortlived raids which failed. Contrary to Vietnamese Communist doctrine, little or no support for the revolutionary forces surfaced in the cities, and there was no sign of a popular uprising. Communist losses were extremely high, including the best of a generation of Southern-bred resistance fighters. After Tet, increasing numbers of North Vietnamese troops had to be sent to battle in the South; the struggle became less an insurgency and increasingly a conventional fight of main force units.

Halfway around the world in the United States, the results were completely different. On the heels of an official campaign to convince the public that the war was being won, saturation news coverage of this panoply of surprise attacks resounded like a thunderclap. This unexpected Big Event from the war zone was suddenly projected onto the home television screens of millions of Americans. It was a powerful blow to popular confidence and government credibility on the home front. Moreover it supplied a rationale to citizens, commentators, advisers and officials for reconsidering earlier positions and changing their minds about the war. Many did just that in the weeks that followed, as American marines and South Vietnamese government troops fought block-by-block in Hue and mortar shells exploded around supply planes at the remote U.S. marine outpost of Khe Sanh.

At the White House in late March a weighty group of outside advisers—conservative men such as Dean Acheson, McGeorge Bundy and Cyrus Vance—told a crestfallen chief executive that they had changed their minds and now concluded that no additional U.S. commitment to the war was supportable. Moves toward disengagement must be taken, they said. Less than a week later, President Lyndon Johnson halted the bombing of most of North Vietnam in a bid for peace talks and, under the threat of major defeats in Democratic primary elections, announced his retirement from politics.

As many suspected then and nearly everyone agrees in retrospect, Tet was the turning point. Presidents Nixon and Ford inherited a change in direction which had been made in the wake of Tet and confirmed in the months thereafter. They were able to maneuver only within the limited context of a steadily declining U.S. military and economic commitment. In a broad sense it was all downhill from President Johnson's decision on March 31, 1968, to the final, abject, nearly inevitable escape by the last American ambassador from the embassy rooftop on April 30, 1975.

By every standard and almost every account, the Tet Offensive was among the great events of the 1960s and possibly one of the great events of our time. It is also among the most paradoxical and seemingly inexplicable. Ten years later, it remains a puzzle to historians and the subject of debate among that portion of the public which still cares.

How to explain the connection and seeming disconnection between events in the war zone on the one hand, and the consequences of those events at home on the other? How could the same engagement have been, as Prof. Russell H. Fifield of the University of Michigan phrased the historical consensus, "a military disaster for the North Vietnamese and the Vietcong" and yet, "a political victory for Hanoi comparable to its military and political victory at Dien Bien Phu in the First Indochinese War"? How, in other words, could Tet have been both a defeat for the attacker abroad and a defeat for the government at home?

It is unsurprising that attention has focused on the transmission mechanism between events in the field and perceptions at home—the American Press. Debate about the press role was rekindled within recent weeks by the publication of Peter Braestrup's monumental two-volume work, Big Story: How the American Press and Television Reported and Interpreted the Crisis of Tet 1968 in Vietnam and Washington (Westview Press, $50). The basic conclusion of Braestrup, a Vietnam correspondent for both The Washington Post and the New York Times and now editor of the Wilson Quarterly, is that Tet was misreported. Calling it "an extreme case," Braestrup wrote that "rarely has contemporary crisis journalism turned out, in retrospect, to have veered so widely from reality." Reviewers have applauded or condemned the judgment, depending largely on their previous views on the war and the press. One reviewer, Johnson era White House aide John Roche, called for a congressional investigation of the press. Some others said that if the Tet battle was misreported, thank God for errors which averted greater national folly.

The hundreds of dispatches, broadcasts and newsmagazine articles cited or printed by Braestrup in his 1446-page study portray many shortcomings of the press. In the fog of war, details were inevitably wrong. Some reports were more polemical than others in drawing the contradiction between pre-Tet official optimism and the fact of blazing battles. Some journalists, networks and journals were ahead of others in realizing, and reporting, that the initial attacks had been contained. Some sensed more quickly than others the change in Communist strategy—and in U.S. response—which Tet implied. It should be remembered, however, that thoughtful and well-informed officials as well as journalists were unsure at the time what all had happened or what was coming next. In any case, it should have been evident to attentive readers and viewers of the press, well before the Washington decision-making of late March, that the surprise offensive launched at Tet had been repulsed.

Errors and misinterpretations by the press did not seem to me to be an adequate explanation for what happened at Tet as I pieced the story together for my 1971 book on the battle and its consequences. Nor do I think they seem to explain Tet in the light of Braestrup's book. Certainly there were mistakes in detail and interpretation, especially in the first days and weeks, for which correspondents should be held to acccount. But why should anyone believe that even the gloomiest press reporting in this case was taken so literally and digested so completely by a general public and elite groups which are usually so skeptical about the press?

Much of the impact, as suggested earlier, was due to the dangerously vulnerable stance of President Johnson and his administration at the beginning of a presidential election year, a time when the American political system is most susceptible to shocks. Johnson and his advisers, by preaching late in 1967 that "we are winning" and that success was in sight, climbed far out on a limb which the surprise attacks at Tet sawed off behind them.

Johnson did not climb out there without a reason. In my view August 3, 1967, not the turbulent time of six months later, was the day the Vietnam war was lost at home. On that day, for the first time Johnson asked the public at large to pay for the war, proposing a ten per cent surcharge on individual and corporate income taxes while sending more men to fight. Until that moment the great majority of Americans had not been asked to do anything or pay anything to support the war. After that moment public and political support in the broad middle ground of American opinion began almost visibly to sink. Johnson's ill-considered "Success Offensive" of late 1967 shored up this sagging support—but at the cost of a promissory note on the immediate future in the war zone.

If August 3, 1967, was the beginning of the end, the Tet Offensive was the middle of the end. Careful studies of public opinion polls suggest that Tet brought a resumption of the long-term decline in general public support for the war. The change was not precipitous but it was significant. For the first time more people said it was a mistake to have become involved than said it was not—the pollsters' key question on war support.

More dramatic was the impact of Tet on opinion leaders and the political and economic elite, many of whom had their doubts before but had not expressed them. Suddenly the doubts were reinforced by the evidence of North Vietnamese and Vietcong power and determination, and their expression became legitimate, appropriate and surprisingly widespread. "In the Pentagon the Tet Offensive performed the curious service of fully revealing the doubters and dissenters to each other, in a lightning flash," wrote Townsend Hoopes, who was Under Secretary of the Air Force at the time. President Johnson, who never could quite fathom what had happened, said after Tet that even his "stalwarts" had been depressed and that "the voices just came out of the holes in the wall and said, 'Let's get out.' "

If Tet had been reported only in newspaper stories and radio dispatches, I doubt that the offensive would have had this electric effect. My belief is that near-saturation, near-simultaneous television coverage via satellite from Asia was the "X factor" which made a historic difference.

Vietnam was America's first television war,

and the Tet Offensive America's first televised superbattle. Suddenly the fighting erupted not in remote areas as in the past but in the cities before the camera eye of network television and the human eye of legions of correspondents.

There were television news specials, well-known correspondents doing "crouch-down" summations instead of "stand-uppers" because shrapnel and bullets were flying, film that suddenly went black because the cameraman was hit, and many other cues to viewers that this was no ordinary news event. What was said was probably less important than what was seen. And what was seen was a war that was out of control.

For the first time nearly every politically aware American—except, curiously, for those actually in the war zone and thus beyond the range of network television—experienced all together, "just as it happened," a crisis on the battlefield and its reflection in the crisis atmosphere of Washington. Government officials absorbed the television reports in their homes and offices, as did politicians and the press. The impact on all was reinforced by the knowledge that neighbors, friends, families and everyone else—all were getting the same shocks. Suddenly the country looked at the war in a new light all at once, and the new light glowed through a picture tube.

I write these lines not to credit or blame television for what happened ten years ago but to set forth a theory which may explain the otherwise inexplicable. In my view the Tet Offensive was the first true-life Big Event in which television played a catalytic role in changing people's thinking and behavior on matters of national and international policy.

It can be argued that at least two other Big Events of this sort followed in the half decade after Tet:

The highly-changed "battle of Chicago" between demonstrators and police during the Democratic National Convention of August 1968, which nearly destroyed the presidential candidacy of Sen. Hubert H. Humphrey and catapulted Richard Nixon to an unbelievable 73-to-11 lead in the Harris poll.

President Nixon's epochal and theatrical trip to China in February 1972, a made-for-television production which generated a "China boom" in the United States, substituting fascination for antipathy and giving a mighty boost to Nixon's political fortunes in the process.

In recent weeks we have seen another Big Event: Egyptian President Anwar Sadat's dramatic policy switch embodied in his journey to Jerusalem. This was the most important mindchanging event since Tet and it broke new ground; it deeply affected the views of people in the area concerned, as Tet did not, as well as opinions in the United States.

Anwar Sadat, articulate, cool and English-speaking, is more attentive to and adept at American television than any other foreign leader. When he said he would go to Jerusalem, the U.S. networks played a role in bringing the trip about. The network anchors—Walter Cronkite, Barbara Walters and John Chancellor—accompanying Sadat on his plane to Jerusalem, presided over the Big Event in person from the scene. Television provided saturation coverage not only in the United States but in Egypt, Israel and much of the rest of the world via Eurovision.

Though it is uncertain at this writing whether Sadat's initiative will succeed, the impact has been very great—like Tet, greater than could be logically explained without the television factor. "I never thought that it would have such repercussions all over the world, and among my people also," a pleased and surprised Sadat told Time magazine.

In Egypt Sadat's trip loosed a powerful peace sentiment which could not be safely voiced until that time. In Israel his journey shifted public and official opinion toward Egypt overnight, although the impact was less great on the knotty Palestinian problem. In the United States, Sadat suddenly became a superstar, finishing second to President Carter in Gallup's year-end "most admired" list, ahead of Hubert Humphrey, Billy Graham, Gerald Ford and Henry Kissinger. According to the Harris poll, the proportion of Americans believing that Egypt "really wants peace" leapt from thirty-seven per cent before Jerusalem to fifty-eight per cent just after the event and settled down to fifty-two per cent in early December. At that point, a higher proportion believed that Egypt "really wants peace" than thought the same of Israel (forty-seven per cent). This is an unprecedented change in perception.

What then are the attributes, potentialities and dangers of Big Event projection, via television, of dramatic happenings which are seen to be historic?

First, it is clear that action rather than words carry the televised impact, although words which suggest the meaning of the pictures may be important. The selective reality from Vietnam on the picture tube at Tet "disproved" the Johnson administration's optimism; the picture of Sadat trooping the line of Israeli leaders "proved" that he wants peace.

Second, the Big Event can take place only when and where the world press is attentive and the cameras are on the scene. Even then, it will only be treated as a Big Event if the editorial gatekeepers of the press—the anchors, editors and producers—believe it to be of extraordinary interest and importance compared to everything else that is going on.

Finally, the Big Event by its nature is the unusual and the unexpected, and the impact is greatest in the first hours and days when the surprise is greatest. At that point governments as well as journalists are likely to be unsure about the significance and outcome of what is happening—despite pressures to tell quickly "what it means."

It is often said that there is nothing new under the sun, but here is something new: the ability to bounce fragments of reality off satellites in space and transmit them instantly to homes and offices, touching the imaginations, fears, hopes and dreams of millions. Its benefit is to disseminate widely and quickly a taste of direct experience from afar, possibly illuminating truths and destroying myths and misconceptions. The danger is that the projected reality may be too selective, its meaning unknown and its message mistaken.

The global village created by international mass communications has a short attention span and little taste for suspended judgment. The new velocity and power of projected experience by satellite can change people's minds before the returns are in. We are only beginning to see the workings and implications of this circumstance.

In the case of the Tet Offensive, not much more is known today than was known at the time about the motives and expectations of those who planned it. Recent memoirs and histories of the war from the other side of the lines have said surprisingly little about the Tet campaign. No one ever came forward to claim credit. And the Vietnamese Communists never tried anything like it again.

Based on their experience with the French in 1945–54, the leaders in Hanoi consistently declared and expected that the United States sooner or later would tire of the war. From available evidence it is doubtful that they understood, any more than the U.S. leaders of the time, how the Tet Offensive would bring that about. Even ten years later, we can perceive only in shadowy outline all the forces which worked at Tet. The first international Big Event, via television, remains one for historians to ponder.

PROPOSED ARMS SALES

Mr. SPARKMAN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, Mr. President, I ask unanimous consent to have printed in the RECORD the notification I have just received.

There being no objection, the notification was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
February 15, 1978.

In reply refer to: I–735/78ct.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith, Transmittal No. 78–11, concerning the Department of the Navy's proposed Letter of Offer to the United Kingdom for major defense equipment, as defined in the International Traffic in Arms Regulations (ITAR), estimated to cost $69.8 million and support costs of $2.2 million for a total estimated cost of $72 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

H. M. FISH,
Lieutenant General, USAF, Director, Defense Security Assistance Agency, and Deputy Assistant Secretary (ISA), Securtiy Assistance.

[Transmittal No. 78–11]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTRAL ACT

(i) Prospective Purchaser: United Kingdom.

(ii) Total Estimated Value: Major Defense Equipment* $69.8 million, other, $2.2 million. Total $72.0 million.

(iii) Description of Articles or Services Offered: Five hundred (500) MK–46 mod 2 torpedoes.

(iv) Military Department: Navy.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress: February 15, 1978.

*As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).

WASHINGTON, D.C.,
February 15, 1978.

In reply refer to: I–8547/77ct.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 78–14, concerning the Department of Air Force's proposed Letter of Offer to the Republic of Indonesia for major defense equipment, as defined in the International Traffic in Arms Regulations

(ITAR), estimated to cost $125 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

H. M. FISH,
Lieutenant General, USAF, Director, Defense Security Assistance Agency and Deputy Assistant Secretary (ISA), Security Assistance.

[Transmittal No. 78–14]

NOTICE OF ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Republic of Indonesia.

(ii) Total Estimated Value: Major Defense Equipment*, $125.0 million. Other, 0.0 million. Total, $125.0 million.

(iii) Description of Articles of Services Offered: Twelve (12) F–5E and four (4) F–5F aircraft, support equipment and spare parts.

(iv) Military Department: Air Force.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress: February 15, 1978.

*As included in the U.S. Munitions List, a part of the International traffic in Arms Regulations (ITAR).

WASHINGTON, D.C.,
February 15, 1977.

In reply refer to: I–7489/77ct.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith, Transmittal No. 78–15, concerning the Department of the Army's proposed Letter of Offer to Saudi Arabia not for major defense equipment as defined in the International Traffic in Arms Regulations (ITAR), estimated to cost $604.5 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

H. M. FISH,
Lieutenant General, USAF, Director, Defense Security Assistance Agency, and Deputy Assistant Secretary (ISA), Security Assistance.

[Transmittal No. 78–15]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective Purchaser: Saudi Arabia.

(ii) Total Estimated Value: Major Defense Equipment*, $0.0. Other, $604.5 million. Total, $604.5 million.

(iii) Description of Articles or Services Offered: Amendment No. 8 to the Saudi Ordnance Corps Program (SOCP), calling for the US Army Corps of Engineers to provide contract management, construction, and fiscal services support of procurement by the Saudi Arabian Army Ordnance Corps.

(iv) Military Department: Army.

(v) Sales Commission, Fee, etc. Paid, Offered or Agreed to be Paid: None.

(vi) Date Report Delivered to Congress: February 15, 1978.

*As included in the U.S. Munitions List, a part for the International Traffic in Arms Regulations (ITAR).

SENATOR DICK CLARK ON DIFFICULTIES OF THE CATTLE FEEDING INDUSTRY

Mr. TALMADGE. Mr. President, I want to commend to the attention of my colleagues in the Senate an appraisal of the difficulties of the cattle feeding industry prepared by Senator DICK CLARK of Iowa. Senator CLARK looks carefully at the forces that have come together to put heavy pressure on cattle prices in recent years. And, he thinks the Government should take a stronger position in our negotiations with countries who sell beef and other products to us so that we do not bear more than our share of the economic adjustments going on around the world just now. Senator CLARK presented his views before the Sioux County, Iowa Cattlemen last January 14. Mr. President, I ask unanimous consent that Senator CLARK's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SIOUX COUNTY CATTLEMEN

It is a pleasure for me to be here with you, this evening. And I do not mean that lightly. It's a pleasure to visit with cattle producers right out in the heart of cattle country. I know that many of you, and the cattle feeding industry in many parts of the country, have had a very long seige of low cattle prices and increasing costs, and that many cattle feeders have lost money for most of the time over the last three or four years. I wish that I could tell you that I have the answer to the problems that have been plaguing the cattle industry. I can't. Instead, I hope to talk with you about the problems, and perhaps learn some things I can take back with me to Washington when Congress reconvenes next week.

When I go back next week, I will be ending 6 weeks of discussions with Iowans about our issues and problems. I confess that my time in Iowa is not entirely due to a sense of duty. Partly, I come here because I enjoy it. I get a sense of renewal when I can get away from the city and the meetings and get outside—even if outside means Iowa winter.

One doesn't have to be back here long to appreciate the kind of values that prevail—rural values basing values of hard work, responsibility, friendliness. Values that really made our country great.

I want to make a few comments tonight and then take this opportunity to get some comments from you on things that concern you and the cattle feeding industry and farming in general.

I know that most of your concerns are rooted in the persistent low cattle prices. This concern is sharpened by the fact that many countries in northwest Iowa suffered dry weather in 1976 and lost at least part of a crop at a time when the crop disaster program was being administered so as to minimize cost to the government and, protections to the farmers.

And, I know that cattle feeders continue to be concerned by the high level of beef imports—running over a billion pounds a year now and expected to reach 1.3 billion pounds in 1978.

To some extent, the beef industry has been troubled by bad luck—by the fact that a number of things happened at the same time. Any one of them would have been a serious problem, but when they came together they made things even worse.

I suppose the first of these is more or less natural. The cattle cycle is a basic fact of life in the cattle industry. When prices are favorable and ranchers begin holding back heifers for breeding, that reduces the numbers available for feeding and pushes cattle prices even higher. This increases calf production. Once these calves began to come to market as fat steers and heifers, it is hard to regulate that supply. Almost inevitably beef supply reaches the level where prices weaken. And then ranchers liquidate herds and increase the supply even more and further depress the price until the nation's breeding herds is back down to some basic level. Then prices strengthen and the whole process begins once again.

We reached a high production point on that cycle about 1976—and, for the only time in 50 years virtually every cattle producing nation in the world reached the same point at about the same time.

Market experts seem to think that we are about through a liquidation phase now and that we should see some market strength this year. My optimism over that expectation is tempered by the fact that they expected the market to turn up quite a bit earlier—almost a year ago and much of that expected market strength did not materialize. However, I see that cattle prices are slightly stronger now than they were a year earlier. Perhaps the experts will be right this time. Let's hope so.

The second force that troubled the beef industry in recent years was a drop in domestic demand. Our finished beef is a product that enjoys extremely high consumer favor. It is, in a sense a luxury. But consumers can get along without streaks if their income falls, and to some extent, that is what happened. The recession of the last few years caused many consumers to do without many things they wanted, including a certain amount of beef—enough so that the overall demand was weakened, and enough so that price recovery has been weaker than expected over the past several months. Even worse, it appears that once consumers reduce their demand for a product temporarily, it is hard to get them to consume again at the same level. When their real income increases, they do express their preferences again, but that takes time.

And, we still have some good beef customers out of work. Interestingly, it is the medium and lower income workers who spend the largest share of their income and save the least. They spend more of their income on food. And, they like beef and buy lots of it. Unemployment is still high—far too high, and we are losing part of our beef market because of it. Last month, however, we saw a significant drop in unemployment. That can help.

A third set of forces adversely affecting the beef industry are related to international problems—in a sense the energy crisis.

I am surprised when people question whether or not there is an energy crisis. There is a temptation to conclude that because we do not have lines at gas stations, we do not have an energy crisis. We are now spending $45 billion a year on oil, and the impact on the dollar is negative and serious, as you know. The world energy crisis impacted on beef very quickly after the 1973 oil embargoes. It appeared in the form of a crisis in foreign exchange. And it resulted in a violent disruption in world beef trade.

In the years previous to 1974, the European economic community was importing some 850,000 to 900,000 metric tons of beef annually and Japan was importing about 300,000 tons from all sources. Party because of increases in their beef production, but largely because of their need for foreign exchange to buy oil, the Europeans reduced their imports to about 250,000 metric tons annually and Japan reduced their beef imports to below 100,000 metric tons. Very suddenly, the world demand for beef declined by some 800,000 metric tons—⅔rds of the export market disappeared—enough to shatter the world beef price.

A drop in world beef prices puts pressure on U.S. prices through the beef we import. This beef does not compete precisely with the beef that comes from Iowa feed lots—it is almost entirely lower quality beef. But imported beef does complete with our cow beef,

obviously, and it competes with a portion of the choice beef carcass. Distressed prices for hamburger beef around the world were one more contributing factor to low U.S. cattle prices.

The U.S. has a law concerning beef imports that was designed to project beef producers against low surges in imports. The meat import act of 1964 allows the Secretary of Agriculture to enter into voluntary agreements with beef producing countries to limit their shipments to the U.S. Basically, it allows the Secretary to develop agreements that limit beef imports to about 7% of the U.S. market.

It was assumed when the act was passed 13 years ago that it would hold imports down to a level that the U.S. needs to supplement the higher quality beef that comes from our feed lots. It was felt that foreign beef would come in when U.S. prices were high and more beef was needed here to maintain demand, but that the quantities foreigners would be willing to sell here would fall when U.S. prices are lower and less attractive.

In fact, we have imported just about exactly the maximum amount each year since the mid-1960's—when prices were high and when they were low. In 1967 almost a billion pounds were imported and between 1 billion and 1.3 billion have come in each year since then. Clearly, the law has prevented some beef from coming into this country that would have come in in the absence of any agreements. It is just as clear that the law does not work to give any added protection to cattle feeders when they are most vulnerable.

In fact, there are several loopholes. For example, it is possible to import live cattle without restriction under the 1964 act. Not only do these cheap cattle increase the beef supply and increase pressure on U.S. prices, but when they are slaughtered they are counted in the estimates of domestic production and they then increase the allowance for imports, too. While beef imports do not amount to a flood—the total beef from imported cattle and from direct beef imports probably does not exceed 2 billion pounds, or less than 10% of our 26 billion pound beef production—still, imports are an additional and significant downward pressure on cattle prices. Certainly, this is an additional adverse pressure cattlemen do not need.

It is one thing to describe a problem. To know what ought to be done about it is sometimes a far more difficult matter. And yet, it is of little value to describe a problem if we don't try to solve it.

Our long term policy objective must be to strengthen the demand for our beef. This means that the nation must first find and implement policies that reduce unemployment and strengthen our domestic consumer demand. We are seeing some progress in that area. But progress is slow and it is not reaching some groups of unemployed people.

We must also develop an effective strategy to shift the balance of our international trade in beef. Either we gain access to European and Japanese markets on the same basis as we give them access to our markets, or we must find ways to reduce the access foreign beef producers have in U.S. markets.

Such conclusions have very serious implications, I know.

First, negotiations are complicated by the fact that those who sell beef in the U.S. are not the same nations whose markets we would like for our beef. As a result, negotiations on these issues must involve a large number of nations and many, many commodities and products. We cannot deal independently with these nations.

Second, international trade depends on stable or growing economies and there is very serious concern around the world just now concerning slowdowns in economic growth.

Third, in order to obtain concessions from customers it is necessary to make concessions to other nations. That means, at least, that U.S. proposals to Japan and Europe to reduce restrictions and tariffs on beef probably depend, at least in part, on our willingness not to add restrictions on our nonagricultural imports—at least for the time being.

I agree with the logic this line of reasoning takes, but I believe that there is a limit to its application, and that there are some things that should be undertaken right away.

The first is tougher bi-lateral agreements with Canada and Mexico concerning imports of live cattle. We need a better means to control this flow, especially so that we can be assured that the numbers coming in will at least go up and down with prices, and not the other way around. When it works in the reverse, it means that we become the dumping ground for North America's distressed cattle.

The second is hard-headed negotiations with the Japanese and Europeans about the way they restrict U.S. beef imports.

Very important and delicate negotiations are underway this winter both in Tokyo and Geneva, and beef is very high on the agenda in both places. We are pressing the Japanese for a 10 fold increase in the quantity of hotel and restaurant beef they allow to come in, and we are pressing the Europeans for a major change in their variable levy.

As you know, Robert Stauss, our trade negotiator, has just concluded some tough negotiations with Japan, and that they now have agreed to buy more beef. The amounts are small, but they do represent progress.

Even more significant, we are pressing both these customers for access to a significant and increasing share of their domestic market to be phased over the next several years.

The fact is that in the industrialized world, at least, every nation depends on virtually every other nation for both markets and for supplies. Any significant disruption of either markets or supplies has serious and far reaching impacts on large segments of the population. A return to isolationism would be costly for all.

However, I also believe that we have borne more than our share of the brunt of economic change. Our international trade balance is a disaster. We need significant concessions in trade from our trading partners, and we must insist on those even to the point of threatening their markets in this country.

On the whole, our agricultural interests in international trade are immense. We depend on overseas customers for markets for about half our soybeans; half our wheat; and a quarter of our corn. To a large extent, the prosperity of agriculture today depends on our access to foreign markets.

In fact, I am convinced that the decade of the 1970's will turn out to be a major turning point for U.S. Agriculture—because it was during this decade that U.S. Agriculture became an export-oriented industry.

We are committed to an export-orientation by events beyond our control. Long term world population trends and long term increases in the economic purchasing power of foreign countries were the basic causes.

The shift of U.S. agriculture to an export-oriented industry is a basic change. Because it arises mainly from long-standing and powerful world wide trends, I believe it will persist. But this perspective is not entirely understood in this country, or believed around the world. It deserves reemphasizing. It means that U.S. agricultural commodities now face levels of world demand that will keep world prices high enough to allow efficient U.S. producers to sell at a profit both overseas and at home most of the time.

This concept sounds straightforward and very positive, but it is not as easy and simple as it seems. We cannot expect to maintain our extremely important competitive advantage unless we design our policies with extreme care to support and maintain it. And that, many times, raises extremely difficult questions.

We have to be willing to expand considerably those government programs designed to help foreigners find out about our products, and try them out. We have to conduct thorough country-by-country analyses of the potential demand for our products. Where there is market potential, we must find out why sales are low and do whatever is appropriate to remove the barriers that are holding sales down.

We must keep our prices competitive, but that is not enough. We have to pursue customers aggressively. And we must find and remove barriers to trade. For example, I suggest we should very carefully review the list of nations who enjoy most favored nation status, and seriously consider whether a number of those which have great potential as customers for our agricultural products should be added to that list.

I began this evening with a description of a number of negative observations about forces that have held beef prices down in recent months—indeed, for the past 3 to 4 years. And, we all know that, at today's prices, many farmers are not even close to making a profit—and some are not even breaking even. There is serious economic concern among farmers all across the nation about both the immediate and the long term future for farming.

In spite of that, I take what is basically an optimistic long term view. I believe that the nations of the world are successfully adjusting to the economic shocks they felt from increased oil prices, and that we will face strong and increasing economic demand for both our agricultural and our industrial products.

And, I am encouraged that we are beginning to recognize our international trade problems and take steps to correct them. I recognize that there is strong pressure and some unfair competition from abroad—but there is also widespread realization in agriculture that we need foreign markets and cannot afford to interfere with fair and evenhanded competition even though it puts some competitive pressure on us. If we can weld these advances into a comprehensive agricultural production and trade policy, we will be in a far better position to anticipate and deal with the next series of sharp changes in weather, economic position, and prices.

It is a great pleasure to be with you. Thank you.

WORLD ALTERNATE ENERGY CONFERENCE AND INTERNATIONAL ALTERNATE ENERGY COMMISSION

Mr. McGOVERN. Mr. President, on December 15, 1977, the late Senator Hubert Humphrey introduced Senate Concurrent Resolution 62, a resolution requesting the United Nations to convene a World Alternate Energy Conference and establish an International Alternate Energy Commission. Due to the sad circumstances of Senator Humphrey's death, I am undertaking the legislative effort on this resolution in the Senate.

The energy dilemma we face in the United States is not unique. Conventional energy resources are becoming scarce and expensive worldwide. Studies developed by the Organization for Economic Development indicate several major industrialized and developing nations' energy research and development programs are inadequate and will fall short of meeting their energy needs by the year 2000.

One of our most promising energy options is in the development of renewable resource technology. The United States has advanced beyond several nations in the development of solar energy technologies, while other nations have conducted research in some renewable resource fields in which we would benefit from the technology transfer. An international effort is needed to provide and collect the information and technology necessary to close the projected gaps between energy demand and supplies.

I urge support of this resolution which would establish the mechanism essential to the international exchange of these technologies.

Mr. President, I ask unanimous consent that an article from the January 4, 1978, Oil Daily, describing the necessity of such an international effort be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Oil Daily, Jan. 4, 1978]

ENERGY R. & D. STILL INADEQUATE, OECD REPORT SAYS

WASHINGTON.—The current expansion of research and development programs for energy resources in 13 industrialized nations is still inadequate, according to a report by the Organization for Economic Development.

Calling for an "integrated international cooperative effort," the group's international Energy Agency said the countries' programs fall short of solving their energy problems by the year 2000.

IEA, in its report, suggested general priorities for research and development objectives and gave a preliminary assessment of the possible impact of these technologies during the next 20 years.

TWO SCENARIOS

The group projected oil imports for 13 of its 19 member countries under two scenarios. One was without new supply or conservation technologies. The other was with the potential development of these measures.

Without the successful introduction of new technologies, the report stated, by the year 2000 the 13 countries will need almost as much oil as the current world production—about 2,616 million tons of oil equivalent. Of this amount, 1,848 million tons would come from foreign sources.

Current research and development efforts, if they are successful, could offset only about half of the projected imports, the report said.

International efforts could help close this gas, IEA continued. It urged connecting national programs with international efforts and the sharing of advanced energy sources when this becomes technically feasible. It also called for the acceleration of research and development timetables and greater concentration on economic targets.

In a list of international objectives, IEA gave conservation measures top priority.

The agency said that technologies involving fuels which can be directly or easily substituted for oil should be considered next in the order of priorities. Such measures include development of oil shales, tar sands, coal and nuclear converters.

Broader use of renewable energy resources was third on IEA's list of international objectives. These technologies, involving solar heating, biomass and hydro power, would be more available to underdeveloped countries than would the former group of technologies.

Lastly, IEA recommended sharing world technical and financial resources to deal with long-term energy needs. It urged industrialized countries to take the lead in development of such measures as the nuclear breeder, large-scale solar applications and hydrogen technology.

In a second phase of the project, IEA said it will cover further analysis and strategy development in greater detail.

PRELIMINARY NOTIFICATION OF PROPOSED ARMS SALES

Mr. SPARKMAN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million, or in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that two such notifications were received on February 16, 1978.

Interested Senators may inquire as to the details of these preliminary notifications at the offices of the Committee on Foreign Relations, room S–116 in the Capitol.

Mr. President, I ask unanimous consent to have the notification printed in the RECORD.

There being no objection, the notification was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ISA

Washington, D.C., February 16, 1978.

In reply refer to: I–13125/77ct

Mr. WILLIAM RICHARDSON,

Professional Staff Member, Subcommittee on Foreign Assistance, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. RICHARDSON: My letter dated 18 February 1976 indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to NATO tentatively estimated to cost in excess of $25 million.

Sincerely,

H. M. FISH,
Lieutenant General, USAF.

DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ISA

Washington, D.C., February 16, 1978.

In reply refer to: I–13126/77ct

Mr. WILLIAM RICHARDSON,

Professional Staff Member, Subcommittee on Foreign Assistance, Committee on Foreign Relations, U.S., Senate, Washington, D.C.

DEAR MR. RICHARDSON: My letter dated 18 February 1976 indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Northeast Asian country for major defense equipment tentatively estimated to cost in excess of $7 million.

Sincerely,

H. M., FISH,
Lieutenant General, USAF.

SENATOR KENNEDY'S LEADERSHIP ON UNITED STATES-CHINA RELATIONS

Mr. McGOVERN. Mr. President, Mr. David Broder, the distinguished Washington Post columnist, has written a much deserved tribute to the recent work of Senator KENNEDY in strengthening American policy toward China. I ask unanimous consent that Mr. Broder's article in the February 1, 1978, issue of the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KENNEDY: "A SKILLFUL PROD" ON CHINA

In the long annuals of American diplomatic history, the case of Patrick Kennedy's tooth may not even rate a footnote. But then again, it may, so it's worth getting on record now, while the memory is fresh.

It was in Canton, on the final night of the Kennedy family's early-January trip to China, that Patrick, aged 10, was called upon to add his words to the reminiscences being exchanged by the Kennedys and their Chinese hosts.

He said some things about his pleasure in having made friends his own age in China that quite clearly touched the Chinese officials. And one of them, responding, said—not without emotion—that it was more than symbolic that Patrick had lost a baby tooth while he was in China. Chairman Mao himself had written that whoever leaves something behind in China, leaves a part of himself with China.

As Patrick's father, Sen. Edward M. Kennedy (D-Mass.), recounts the story, there is more than a little emotion in his own voice. It is obvious that Patrick was not the only Kennedy to leave something of himself behind in China.

And that is important, because Ted Kennedy—who in his 10-year period of imposed exile from presidential politics has quietly become the most skillful politician of the left in America—can quite conceivably do more than anyone else just now to nudge along the U.S.-China relationship.

Certainly President Carter cannot. Although committed in principle to the goal of "normalization" of American relations with Peking, Carter has his hands full with Panama and SALT and the Middle East. He needs another controversial foreign-policy issue like he needs another Marston affair.

Even since Secretary of State Cyrus Vance's chilly trip to Peking last year, when the Chinese learned that "normalization" is well down the list of priorities for this administration, official diplomacy between the two countries has slowed to a crawl.

The Chinese have not bothered to replace the head of their liaison office in Washington, who left last fall. Leonard Woodcock, the head of the U.S. liaison office in Peking, was back in Washington for a month last fall without even seeing the President. He is coming home again this month for more "consultations." Talk of Cabinet members' visiting China for discussions of agriculture or trade was discouraged by National Secu-

rity Adviser Zbigniew Brzezinski. Talk of a Brzezinski visit to Peking was discouraged by Vance.

This political impasse, fortunately, has not hindered the increasing traffic of legislators, state delegations, businessmen, scientists and other visitors to China. But it has created a vacuum in the high-level public discussion of China policy, which Kennedy seems uniquely qualified to fill.

Intellectually, Kennedy has been committed to the cause of improved U.S.-China relations for a dozen years, taking that position long before Richard Nixon's trip to Peking gave it political respectability. In a speech last August, he advocated diplomatic recognition of Peking and withdrawal of the remaining U.S. troops from Taiwan, but the maintenance of strong U.S. commercial and private ties with the Nationalist Chinese island.

As was the case with his brothers, however, real commitment for Ted Kennedy involves personal contact with people and problems—not just thinking about issues. And this first trip to China has given him a feel for the country that was not there before. He now knows not only some of its top leaders, but also university rectors, plant managers, physicians and scientists.

His is not a Pollyannaish view of that regime. He saw the effects of its propaganda when he polled Chinese students and found they accepted the paradoxical government line that China should invest in farm equipment to improve its standard of living, but the United States should build more arms to help control Soviet aggression. He saw, firsthand, the arbitrariness of a government that gave him permission to interview a prisoner in jail but denied him an appointment with its own minister of health.

But Kennedy—whose preparations for the China trip were, State Department officials say, the most thorough ever undertaken by a congressional visitor to that country—has come back convinced of two things: that the basic interests of China and the United States run in parallel tracks at this time, and that we must move to solidify that relationship through diplomatic recognition.

To that end, he will operate, not as a critic of the Carter administration, but as a skillful prod—playing a role that is far from unwelcome to many of the President's advisers.

With the knowledge but not necessarily the approval of the administration, he carried to the Chinese officials suggestions for a number of steps, short of "normalization," that might carry immediate benefits for both countries and also improve the climate for diplomatic recognition. They include specific scientific, cultural and commercial exchanges. But the most important, Kennedy thinks, in terms of public opinion, would be Chinese actions to permit reunification of divided families.

He is now waiting with interest to see if the Chinese, who recognized the symbolic value of his suggestion that six musicians from the Peking Philharmonic join the Boston Symphony next summer at Tanglewood, will also see the wisdom of letting Johnny Foo, an ailing Chinese who Kennedy arranged to see on his trip, visit his parents in Stoneham, Mass.

After the Panama debate is over, Kennedy will be speaking out again in public on U.S.-China relations, giving that issue the public visibility the administration cannot now provide. And just as Kennedy's constant advocacy keeps national health insurance from falling off the President's agenda, so it may be with the China issue.

The man who cannot, for now, be President can still be a major influence on presidential decisions. And that is why Patrick Kennedy's tooth, and all that goes with it, may yet be a footnote to diplomatic history.

WOMEN IN COMBAT

Mr. PROXMIRE. Mr. President, U.S. News and World Report recently ran a "Pro and Con" column on the question, "Should Women Fight in War?"

Taking the pro side was Maj. Gen. Jeanne Holm, who testified before the Joint Economic Committee Subcommittee on Priorities and Economy in Government last summer on this subject. I find myself in general agreement with her arguments.

Brig. Gen. Elizabeth Hoisington spoke against using women in combat units. The main thrust of her argument was that combat is a terrible thing and that women should not be subjected to it.

I agree that war is hell, and I do not want anyone—male or female—to have to undergo its horrors. But I think General Hoisington underestimates the skill, stamina, bravery, and responsibility of the women in our armed services.

Numerous studies and tests have shown that women in no way reduce our military effectiveness. On the contrary, women score higher on standardized tests, they have a higher retention rate, they are less of a disciplinary problem, they are strong enough for almost all jobs, and they lose one-half as much time from the job as do men.

General Hoisington repeatedly makes the point that Congress has placed current restrictions on women in the military. This is true in part, and I hope that Congress will see fit to remove these restrictions that deny equal career opportunity to servicewomen and that keep our defense effort from being as strong as it can be.

The Secretary of Defense will soon be sending recommendations to Congress on the role of women in the services as well as a revised definition of "combat." I hope the Armed Services Committee will give this important matter immediate attention.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOULD WOMEN FIGHT IN WAR?

(Interview with Jeanne Holm, Major General, U.S. Air Force (Ret.))

YES—"GET OVER THE NOTIONS THAT WE HAVE ABOUT WOMEN IN COMBAT"

Q. General Holm, why do you favor abolishing laws that limit the assignment of women to combat units in the armed forces?

A. I feel that it is inevitable that the law that currently limits the use of women as air-crew members and aboard ships is going to be changed in the near future because that's the direction our culture is going. Service Secretaries should be allowed to use their own discretion in the assignment and training of all their people.

Q. Should there be a limit on the use of women in combat?

A. I see no reason for any restrictions on the use of women as members of combat air crews. I see no reason why they should not serve aboard combat ships.

The bottom line is obviously infantry. There I have a little difficulty. I think the services have to be very cautious in what they do in that regard because there are unique problems. The Army is currently conducting tests to determine just how far they can and should go with the use of women in combat units of that kind. We just have to wait to see what they find out.

Remember, only 8 per cent of the people in the armed forces are infantrymen. There are other forms of combat without being in the infantry.

Q. Do you mean armored forces and—

A. Yes. And artillery. Missiles, I think that the armed forces ought to find out what the limitations really are, and get over the notions that we have about women in combat. They shoud find out what the problems really are—get down to the nitty-gritty. I think the Army is finally facing up to that. I would be very surprised if women end up as infantrymen. But I leave that door open. The Army may find that I'm wrong on that.

Q. Is there a danger that women in combat will lower the efficiency of these units in battle, and perhaps even endanger lives of the whole unit?

A. It might; it might not. If it lowers combat efficiency, then we have no choice but to exclude them.

The No. 1 criterion must be the ability of the unit to perform its combat mission. Everything else has to be secondary to that.

Q. Would the nation's military power over all be affected by putting large numbers of women into combat units?

A. That is another concern that the armed forces do have. Any reticence that the military has about increasing the numbers of women is, I am convinced, a genuine, deep-seated concern about combat effectiveness. There is a concern that a potential enemy would see this as a weakening of our resolve, a weakening of our armed forces. But it's interesting to note that the Russians in World War II used large numbers of women as combatants in the military—even as pilots of combat aircraft.

Q. How many women should the armed forces recruit?

A. First, let me point out that there are literally tens of thousands of jobs that women could do without ever coming up against the issue of combat—particularly in the Air Force.

In fact, the Air Force already is expanding its use of women at an enormous rate—probably as fast as practical. They've gone from 5,000 enlisted women and about 700 officers—exclusive of nurses—in 1965 to 40,000. Now, that's pretty spectacular. And they're planning to double that to 87,000 in five years. Where they will go from there will depend on what the recruiting climate is.

Q. Is there more discrimination against women in the military services than there is in civilian jobs?

A. Once a woman is in the forces, the discrimination is much less. As a matter of fact, it's disappearing at a very rapid rate. Almost all institutional discrimination has been eliminated.

Q. Do you think that we're going to see a time when women are going to be commanders of the armed forces and members of the Joint Chiefs?

A. Yes. I don't know when that time is. It's got to be at least 20 years from now because the people who achieve those positions generally are academy graduates. Women have just been admitted to academies—and in very tiny numbers.

Q. Isn't there a disproportionately high dropout rate of women from the military services?

A. The statistics that the services have been gathering indicate that the loss of time for women on duty is less than lost time for men—even taking into account time lost for pregnancy. Actually, the retention rate of women is higher than for the men. I always thought that because of pregnancy the turnover rate of women would always be a little bit higher than the men. But

what has happened is that the retention rate of women has gone up while the retention rate of men has gone down.

You see, we have changed the policies with regard to women and children. And we now make it much easier for a woman to stay in the armed forces and have a normal family life. The concept that it's not feminine for a woman to be in the military is disappearing.

Q. In your view, is it necessary to eliminate the restriction on women in combat roles to save the volunteer service?

A. No. This is not critical to the volunteer forces because of the relatively high ratio of noncombat to combat personnel required by modern military forces. However, there's no question in my mind that women are making the all-volunteer force a reality. Not only that, they are improving the quality of the force.

If we expect to meet the future requirements of all-volunteer forces, I don't think we have any choice but to continue to use more women. Otherwise we're going to have to resort to some kind of selective service again, and I don't think that's in the cards.

(Interview with Elizabeth Hoisington, Brigadier General, U.S. Army (Ret.))

NO—WOMEN ARE NOT "PHYSICALLY, MENTALLY AND EMOTIONALLY QUALIFIED" FOR COMBAT

Q. General Hoisington, why do you oppose assignment of women to combat units in the armed forces?

A. If we assign women to combat units, we must accept the inevitability of their going into battle.

I have no personal experience in a combat unit, but my male colleagues tell me—and I believe—"War is hell." Heads are blown off; arms and legs are maimed; suffering is so intolerable it affects men for years. It is bad enough that our men have to endure this. But do we want young women to suffer it, too?

I get fed up with all the studies about whether or how many women should be assigned combat units. Studies cannot duplicate the realism of a battle in a Vietnam jungle or the cold Korean hills, the trauma from killing, witnessing death and terrible wounds.

I do not doubt the Army has women who can complete a combat course, endure three days or three weeks under field conditions, and shoot as straight as any man. But in my whole lifetime, I have never known 10 women whom I thought could endure three months under actual combat conditions in an Army unit.

I think we should continue to have a legal bar against women in combat units—not because they are women but because the average woman is simply not physically, mentally and emotionally qualified to perform well in a combat situation for extended periods. Nor should our country allow women to subject themselves to this experience that is so devastating and leaves such dreadful wounds—mentally and physically.

Q. Do you think that putting women into combat units would reduce the effectiveness of our military forces?

A. Yes, I do. Women cannot match men in aggressiveness, physical stamina, endurance and muscular strength in long-term situations. In a protracted engagement against an enemy, soldiers with these deficiencies would be weak links in our armor. We cannot build a winning Army if the soldiers in it have no confidence in the long-term mental and physical stamina of their comrades.

Also, we must consider the consequences of mixing men and women in units in a close situation like combat. Man-woman relationships become a problem, and they could cause costly distractions.

Q. Would you favor allowing women to serve on combat ships and aircraft, while barring them from combat roles in the infantry or ground forces generally?

A. No, I do not think it's practical to make this distinction. Congress decided this question of women serving in combat planes and ships when they passed Public Law 625, the Women's Armed Services Integration Act, in June, 1948. They said women will not be assigned to ships or planes that are engaged in combat missions. Congress also made it clear that it expected the Army to keep women out of combat units through its regulations.

Nothing has changed since then to make Congress change its mind. The American people do not want their women in combat units. Only a small, nonrepresentative group of rather noisy women are advocating that women be assigned to combat units.

Congress should not change the law. The Army should not change its regulations. They must continue to look at the big picture.

We know some women have the brains, ability and courage to be fighter pilots and part of a missile or ship's crew. But how are the mothers, fathers, husbands and brothers of these women going to feel when the planes and ships go down, the women are killed or taken prisoner? Who then will want to admit it was their idea to change the policy and put women in combat units?

Q. Do you oppose such a change because it would alter the traditional role and image of women in American society?

A. The crux of this whole thing is that women alone can be mothers. There's no transferring that role.

I think we already have a pretty good plan for the division of responsibility between the sexes. It's pretty plain that God intended women to bear the children and men to be the protectors in our society.

Q. Isn't it unfair to limit a woman's job opportunities—to say she cannot become a fighter pilot or a destroyer captain or a platoon leader—simply because of her sex?

A. This question cannot be decided on the basis of job opportunities or equal rights. It has to be decided on the basis of whether or not this is the proper thing for women to be doing.

We shouldn't let people who have no knowledge of war or combat duty make the decision. We should listen to men with knowledge and experience in such matters. They alone know the endurance and stamina required. They alone know the reaction to hand-to-hand combat, to bodies and minds being blown apart or crippled forever. Ask any combat-experienced Army officer or NCO [noncommissioned officer] if he wants his daughter assigned to a combat unit.

Q. What about the women themselves? Obviously, they might be exposed to physical danger. Do you fear it might be harmful to them in other ways as well?

A. Yes, it would be harmful in many ways. If women knew or could even imagine the physical, mental and emotional demands of serving in combat, they would not blithely or bravely volunteer to serve in combat. The peripheral dangers of serving in combat units—being raped by stronger or temporarily crazed comrades; being taken prisoner of war and similarly abused, beaten and starved; being mentally and physically incapable of performing one's assigned duties in combat and being responsible for others being killed or wounded—these are some of the other harmful situations women would experience in combat. There is more to fear in combat than just being killed and not returning to your loved ones at home.

Q. Will it be possible for the armed services to continue with the all-volunteer force without using women in combat, or at least, semicombat units?

A. Yes, I think so. Just recently, the Secretary of the Army stated that the all-volunteer Army is a success. If this is true, there should be no need to change the policy on using women in combat units.

CONGRESSMAN HAWKINS AND THE FIGHT FOR FULL EMPLOYMENT

Mr. McGOVERN. Mr. President, the Washington Post of February 1, 1978, carries an interesting article about the courageous and effective career of Congresseman AUGUSTUS HAWKINS and his great fight for full employment.

As a longtime admirer and colleague of Congressman HAWKINS, I ask unanimous consent that this much desired article about this respected California lawmaker be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

AUGUSTUS F.: THE OTHER, UNKNOWN HALF OF HUMPHREY-HAWKINS

(By Ward Sinclair)

Augustus F. Hawkins is not complaining, but he is one of the more famous unknown men of the day.

He is the other half of Humphrey-Hawkins, the shorthand term for the controversial employment and economic policy bill pending in Congress.

In that context, Hawkins' name rings a bell in millions of minds. It is a subject of White House statements, a topic of presidential campaign debate.

Yet for all the name recognition that has brought him, Gus Hawkins remains a famous unknown—at least outside the small circle in which he moves.

His circle is the House of Representatives, where he sits as the Democratic congressman from the Watts area of Los Angeles. He was elected in 1962, the first black to come to Congress from west of the Rockies.

Fifteen years in the House have lifted Hawkins to chairmanship of the Education and Labor subcommittee on employment opportunities, which makes him a central actor in every job creation and welfare revision proposal that comes along.

For those emotional and fight-provoking issues, his colleagues and acquaintances say, Hawkins is the right man: fair, thorough, persistent, shrewd, low-key, willing to let others take the credit and win the headlines.

Humphrey-Hawkins is a perfect example.

Hawkins drew up most of the legislation and got it started through the House in 1973. The late Sen. Hubert H. Humphrey (D-Minn.) added features to it and began pushing it in the Senate. Humphrey's name and enthusiasm helped. The press, business, labor, and people in Congress scon named the Full Employment and Balanced Growth Act the Humphrey-Hawkins bill.

Some blacks insist on calling it the Hawkins-Humphrey bill, but fate seems unstoppable. Others who labored as hard and long as Hawkins also ended up something like footnotes to legislative history.

Hartley of Taft-Hartley(labor law); Burton of Hill-Burton (hospital building), Harris of Kefauver-Harris (food and drug law) are three who come to mind.

If that bothers Gus Hawkins, he isn't letting on.

"I put in my bill to deal with jobs and discrimination, but Humphrey and Sen. Jacob Javits [R-N.Y.] had a planning bill in the Senate—they had done the pioneer work—so we joined together," he said the other day.

"I was trying to get a handle to fight discrimination and strengthen the Equal Employment Opportunity Act. But I had to convince others that the issue was much broader than discrimination. Humphrey had pretty much the same ideas. We discussed it and decided the job problem had been handled too much on a Band-Aid basis."

The result is a bill that directs the President and Congress to establish programs and

policies to achieve full employment, while combatting inflation and job discrimination.

It has been controversial, a subject of debate in the 1976 presidential campaign but now, in revised, watered-down form, has wider support as a policy measure.

"I am hoping for a final vote in the House by March 1," Hawkins said. "The debate is going to be heated. Policy is always controversial and it should be debated. But that is how you commit the country to a policy."

The whole idea, as Hawkins sees it, is that none of the big problems—housing, health care, equal opportunity—will be settled until everyone who wants to work can do so.

Hawkins could make his crusade a parochial crusade, with unemployment in Watts running to 15 percent and youth unemployment at least 60 percent, but solutions will not come that way.

"I think our bill presents the soundest way of dealing with the issues of my district and the country, because they all fit a pattern," he said.

"Race is just not an issue where I am concerned. I don't think I represent black people. I am not considered a black leader and I don't seek that type of role. I feel I am here fighting for issues, causes, principles."

He continued: "Racializing an issue defeats my purpose—which is to get people on my side. Blacks might profit from it, but it affects all people in the country. A job is a right in this country and we are trying to see that everyone who is willing and able can work."

Hawkins is a short, bald, trim man who looks a little like everyone's favorite uncle. He is 70 but he works with the energy of a man of 50. He smiles quickly, closes his eyes thoughtfully before answering a question, keeps his voice low.

After his father lost his shirt in the Depression, Hawkins took a Works Progress Administration job and mixed sodas to pay his way through the University of California at Los Angeles.

The Depression got him interested in politics, so he ran for the California legislature in 1935—a relatively poor, unknown Democrat in a Republican district. He was elected and he has been in public office since, which may make him the country's most experienced black legislator.

Hawkins' popularity is obvious. He was unopposed for re-election in 1974. In 1976 he won 88 percent of the vote in his south Los Angeles district.

Not long after he got to Congress, Hawkins achieved a mark that he'd like to be remembered for—the incorporation of his fair-employment bill as Title VII of the Civil Rights Act of 1964.

Hawkins finds some amusement in the confusion that his light skin color causes. He often is mistaken for white, putting him in situations where deprecating remarks are made about blacks. Some unknowing whites—and blacks, as well—are curious about his devotion to minority issues.

"He is so solid, just so determined, believing in what he's doing," said Carl Holman, president of the Urban Coalition, "that he's like water dripping against a stone."

The time it takes to get things done in Congress is what bothers Hawkins most about the place, his staying power notwithstanding.

"I get impatient with the process because I think of the damage done in the meantime. We've been on this bill since 1973. But the damage to millions of individuals who are unable to find work is irreparable. You can't repair that damage and that bothers me very much," he said.

But Hawkins stays right after it, a quality that never fails to impress. Arnold Packer, an assistant secretary of labor who has gone head-to-head with Hawkins on the jobs bill and welfare revision, expressed it this way:

"He is a very serious legislator with persistence to stay with an issue. He is a hard negotiator, but nobody ever goes away mad. He's fair and he's looking for a solution—not a political advantage."

Which isn't a bad way for a politician to be remembered.

RHODESIA

Mr. HATCH. Mr. President, last week Prime Minister Ian Smith and three of the black moderate leaders worked out an agreement toward black majority rule for Rhodesia. While there are still many things to be worked out and many experts close to the scene have many doubts as to whether the agreement will last, it should be kept uppermost in mind that this is the first solid attempt to bring majority rule to Rhodesia. Unfortunately this agreement, the Salisbury Settlement, did not meet with the approval of United Nations Ambassador Andrew Young. He immediately refuted the agreement, claiming that it had "created a black on black civil war." He has steadfastly refused to acknowledge any settlement that fails to include the radical leaders of the Patriotic Front. This group, based in two neighboring countries and backed by Communist financing, has vowed to continue the fighting until Ian Smith is removed from any government position. Both of the leaders of the Patriotic Front, Joshua Nkomo and Robert Mugabe have indicated that they will not accept any settlement that fails to give them control over the Rhodesian Government security forces. Anyone that has control over the military in such a fragile government would surely have the ultimate control of that government.

Bishop Muzorewa, one of the leaders of the moderate black groups, is acknowledged to have the largest number of supporters among the black community in Rhodesia. He has been a strong advocate for a peaceful settlement, one that will permit Rhodesia to continue as a multi-racial community and bring about the abolition of a white supremacy within the government.

This is the proper way to approach the problem and one that will ultimately be successful if allowed to develop. What the people of Rhodesia do not need is for the governments of other nations to try and foist an agreement upon them. Ambassador Young has attempted to do just that with his continued barrage against the government of Ian Smith. His support for the Communist-backed Patriotic Front is an affront to every person living in a free society. Since the administration has not seen fit to "muzzle" his uncontrolled rantings, his statements appear to be the policy of the administration. In last Friday's Wall Street Journal an editorial appeared that called on the administration to curb the tongue of Ambassador Young and another editorial appearing in Sunday's Washington Star asked the question of whether Ambassador Young is running a one-man show on U.S. African policy. I ask unanimous consent that these informative and timely editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

AFRICAN POLICY REVEALED

The Carter administration's African policy stands revealed in all its splendor in UN Ambassador Andrew Young's remarks on the tentative settlement between whites and black moderates in Rhodesia. The only route to peace, the ambassador seems to believe, is to turn the continent over to the most radical possible blacks and their Cuban and Soviet sponsors.

The white Rhodesian government of Ian Smith has just negotiated a democratic constitutional framework with three black moderate leaders, including Bishop Abel Muzorewa, who is generally conceded to have the largest political following among Rhodesia's blacks. The framework provides for a black political majority while reserving a block of parliamentary seats for whites. It is of course a great tragedy that the white Rhodesians could not move themselves to similar generosity five or 10 years earlier, before bitterness deepened and armies took the field. As an empirical fact, as our Mr. Leger reports nearby, today's odds are against the settlement sticking.

It is quite another question, though, whether U.S. policy should try to make this kind of settlement work, or try to torpedo it. A State Department spokesman refused "to doom anything in advance." But apparently this word did not make it from Foggy Bottom in Washington to the UN mission in New York, and Ambassador Young characteristically blurted out exactly what was on his mind.

"What you have done is not a settlement but created a black on black civil war," Mr. Young told a hurriedly assembled press conference. He said he saw little chance that an internal settlement would be recognized by the United States or others, and that no resulting government would get financial help from the U.S. or the rest of the world, let alone military help against Patriotic Front guerrillas. The reason the settlement would "create" a new war, he said, is that there is "evidence that there would be a massive commitment of Soviet weapons' to help the guerrillas overthrow a black-majority government. The parliamentary settlement, he complained, "does not address the issues that have some 40,000 people fighting."

Well of course. A democratic constitution is the last thing on the minds of those 40,000 guerrillas and their arms suppliers and advisers. They are fighting not for parliamentary niceties but for power. If the recent history of other African nations is any guide, indeed, they are interested in dictatorial government, the first victim of which is likely to be not Mr. Smith but Bishop Muzorewa.

Of course, too, the Soviets and Cubans will intervene to widen the fighting, as they did in Angola and are doing in Ethiopia. It is all clear, except for one puzzle. How does an American Ambassador to the United Nations come to blame the fighting not on the parties supplying the arms and doing the shooting, but on the parties trying to negotiate a democratic constitutional framework?

In answer to this puzzle, we offer one hypothesis: Ambassador Young's position has nothing to do with Africa and everything to do with American domestic politics. To reap domestic political benefit from the African issue, you have to be against the white racists. So long as the whites suppress all blacks, you have the luxury of supporting the black moderates. But if the whites and the moderates start to come to terms, to oppose the white racists you have to start also opposing the black moderates. You have to start supporting the black radicals. At the end of the day, in order to demonstrate your opposition to the racists you end up supporting the Russians.

For those who insist on viewing African policy in terms of the U.S. civil rights struggle, we offer one way to look at what

Ambassador Young and current U.S. policy are doing in Africa. They are writing off the National Association for the Advancement of Colored People and the Southern Christian Leadership Council because they negotiate with the establishment, and instead are throwing support to the Black Panthers and Blackstone Rangers.

RHODESIA AND MR. YOUNG

Our United Nations ambassador, Mr. Andrew Young, says that the so-called "internal" solution for majority rule in Rhodesia could spark a "black on black civil war." That is a possibility, especially if Mr. Young continues to sound his pessimistic note and his gloomy prophecies become self-fulfilling.

Mr. Young, for reasons he alone knows, believes that the guerrilla forces operating from Rhodesia's neighboring states must be included in any durable regime. Their cooperation would help, of course, and Ian Smith seeks it on reasonable terms. But their ambition is essentially rule or ruin, their co-operation unlikely.

Mr. Young has had an unusually free hand to speak for the United States on the delicate issues of Southern Africa. In keeping—perhaps—with his feckless view that Cubans are a "stabilizing force" in Angola, he has aligned U.S. policy with the Soviet- and Chinese-supported guerrillas of the Patriotic Front and their hard-line attitudes.

He and Dr. David Owen, the British foreign secretary, have tried to talk the Patriotic Front leadership into a more conciliatory attitude; but so far without result. They have produced no born-again revolutionaries.

While the terms for majority rule in Rhodesia were under negotiation, as they have been since November, Mr. Young's personal—some would say eccentric—diplomacy may have been defensible in a way. Keeping one foot in the guerrilla camp may have added some pressure on the white Rhodesian regime to come to terms.

But now that there is agreement between Prime Minister Smith and three prominent blacks—an agreement looking to a reasonable and workable transition to majority rule—it is time to call Mr. Young from left field. His one-man policymaking will no longer do.

The reason is simple. In the coming weeks, if all goes well inside Rhodesia, the U.S. must make a crucial choice. We must choose between supporting and welcoming the new Rhodesian government, lifting economic sanctions against it, maybe even giving it military assistance to resist the assault of Soviet- and Chinese-supported guerrillas, and Mr. Young's obstructive and unreasonable alternative.

Since the Patriotic Front flatly refuses to cooperate in a Rhodesian settlement which it cannot dominate, the Young policy could put us in league with the outside spoilers—against the internal peacemakers—even after elections, even after a government is formed, and even, conceivably, after the new regime has been endorsed by the British government. Not even Dr. Owens clings, as does Mr. Young, to the stubborn view that an internal settlement is necessarily unworkable.

The obvious question, then: Is Ambassador Young alone to run a one-man show on American policy in Southern Africa? Or will his superiors at the White House and the State Department insist, as they should, that American policy is too important to be tied to the whim of one official?

The new arrangement between Prime Minister Smith and the black moderates of Rhodesia demands at least open-mindedness on our part. If that arrangement proves fair and workable, if it is sustained by fair elections. the U.S. will have no choice consistent with our own political values but to endorse, welcome and assist it. If the Russians and Chinese and Cubans conspire to try to overthrow the new regime, we should see that the Rhodesian army has the means to defend the country.

That means Mr. Young must be weaned from his infatuation with the guerrillas. The weaning is already overdue.

GRIFFIN, MILLIKEN, AND BRICKLEY PROVE THERE IS LIFE IN THE GRAND OLD PARTY

Mr. PERCY. Mr. President, over the Lincoln Day recess heartening news came across the wire services that is a cause for rejoicing for all Republicans and all Americans who want to see a strong two party system with the announcement that our distinguished colleague ROBERT GRIFFIN will seek reelection to the Senate, William Millikin to the governorship, and James Brickley again as Lieutenant Governor. They are a credit to the great State of Michigan, to their party and to the American political process.

I ask unanimous consent that the story in the February 20, 1978 issue of the Detroit Free Press describing this dramatic development be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MAKING OF A GOP "DREAM TICKET"

(By Remer Tyson and Hugh McDiarmid)

The making of the 1978 Michigan Republican ticket began with the Notch Manifesto in the mountains of New Hampshire last October.

It ended last week with a "dream ticket" that Michigan Republican leaders hardly dared think possible until the key pieces were in place.

The ticket has Gov. Milliken running for a third term as governor, former Lt. Gov. James Brickley leaving as president of Eastern Michigan University to become Milliken's running mate again, and U.S. Sen. Robert P. Griffin changing his mind about his announced retirement and becoming a candidate for re-election.

Prospects for the top of the state's Republican ticket were much less certain last October when Gov. Milliken attended a Republican governors conference in Franconia Notch, N.H.

Two members of Milliken's staff, George Weeks and Joyce Braithwaite, went to New Hampshire with Gov. and Mrs. Milliken. State Police Lt. Arlyn Brower, head of the governor's security detail, also went along.

All had planned to return to Michigan by flying to Boston, then to Lansing. But they decided to drive to Boston after the conference so that Milliken, his wife and his aides could talk about his political situation.

Milliken had asked Weeks, his executive secretary, and Miss Braithwaite, his patronage chief, to make a list of the pros and cons for each of his options.

On the last night of the Franconia conference, Weeks and Miss Braithwaite scribbled their thoughts on six pages of a yellow legal paid, a document they labeled the Notch Manifesto.

The handwritten cover page lists them as authors, with Miss Braithwaite's name in huge letters and Weeks' in fine print. The document laid out three options for the governor "Run for the Senate, run for governor or run for cover (retirement)."

The document was used as a basis for discussion as the governor's party traveled in a rented car down through New Hampshire toward Boston Oct. 4. Lt. Brower rode in another car with a New Hampshire state trooper.

Along State Route 3 they stopped at the Basin, a place where sparkling water splashes through a mountain gap. There they walked in the woods, looked at the fall colors, took photographs and talked politics.

On Weeks' desk in the state Capitol is a color photo of himself and the governor standing beside a stream that day. The woods and water are in clear focus; Milliken and Weeks are shadowy figures.

According to Milliken and Weeks, the manifesto dealt in text book fashion with choices open to Milliken: What would be the results if he did or did not run for governor again? What would it be like being a U.S. senator? How much impact could he have on national Republican politics as either a governor or a senator? What would he do if he chose not to run for office in 1978? Go into foreign service? Start a new business?

No mention was made in the manifesto of any prospects that Milliken, the nation's senior Republican governor from a big industrial state, might have on the Republican presidential ticket in 1980, both Weeks and Milliken said.

"I don't have the fever," Milliken said.

It was only coincidental that the Notch Manifesto was written in the state that holds the first presidential 'primary' every four years, they insisted.

The two-hour drive to Boston was all talk, no decisions. Milliken would make those later while walking his dog, Mac, and at the dinner table with his wife, Helen.

About that time, another wheel in Michigan politics was about to make its first turn. A letter to be signed by Michigan's eight Republican congressmen urging Griffin to reconsider his decision to retire was in the making. One of the signatures was that of U.S. Rep. Phillip E. Ruppe of Houghton.

Griffin had walked into the Washington office of one of his aides, James DeFrancis, late last April and handed him a statement saying that the senator would not seek reelection.

DeFrancis was stunned but said, "OK, if you're going to do it, let's do it," DeFrancis started setting up a press conference for April 20 at which Griffin announced that he would retire.

DeFrancis would regret he didn't tell Griffin to wait awhile. But he knew Griffin had been in a depressed state of mind about the Senate for a while.

Griffin had been close to President Ford, and the loss of the White House to Jimmy Carter had cut him off from that power. Griffin had expected to move up from his position as the Senate's Republican whip to Republican leader, but he was defeated in January 1977 by Howard A. Baker Jr. of Tennessee. A politician who loses power sometimes loses his bearing.

By fall Griffin still told colleagues that he would not be a candidate for re-election. But the seed had been planted in his mind that he might make another race. Yet even if he wanted to, he couldn't. His wife, Marge, was head set against another term. Griffin would not make a race without her enthusiastic support.

Milliken had imposed a deadline on himself. He told reporters he would decide by Thanksgiving—Nov. 24, 1977—whether to run for the Senate, for governor or for nothing.

On Sunday afternoon, Nov. 13, Milliken took his West Highland terrier, Mac, for a walk along Old Mission Peninsula, 15 miles north of the governor's home on the west fork of Grand Traverse Bay in Grand Traverse City.

They walked for more than an hour, through the woods, past the lighthouse. He would not run for the Senate, Milliken de-

cided; he would postpone a decision on running for governor.

The next day, he made that announcement at a Lansing press conference. Griffin was surprised and dismayed that Milliken had chose not to run for the Senate.

Milliken and Griffin had grown up in Traverse City politics. They had been back-to-back chairmen of the Grand Traverse County Republican Party. When he announced that he was leaving the Senate Griffin had urged Milliken to run for the seat. At the time, Milliken had not tried to argue Griffin out of retiring, treating, his decision as "personal and private."

Thanksgiving, the Christmas holidays, New Year's, the Rose Bowl and the Super Bowl all but buried the action in the game of politics being played by Republicans in Michigan and Washington. Milliken's indecision on the governor's race froze things there.

But in the Senate race, Republican candidates began jumping in or planning to. They included Lt. Gov. James Damman, Hillsdale College President George Roche and Oakland County Prosecutor L. Brooks Patterson.

Griffin had hoped, if Milliken wasn't going to run, that Ruppe or U.S. Rep. Guy Vander Jagt of Cadillac would get in the Senate race. But Vander Jagt took himself out in October. Griffin favored Ruppe's candidacy.

On June 30, Ruppe had chosen a fund-raising dinner in Jackson to announce that he would seek re-election to his House seat and not run for the Senate. Toward year end, though, Ruppe made a trip to Japan and Egypt. He had a 40-minute talk with Egyptian President Anwar Sadat. Ruppe began to think he might like to be a senator after all. Politicians can change their minds, as Ruppe was to find out later.

Brickley, a former Detroit city councilman, had been Milliken's running mate in the governor's close victory over Democrat Sander Levin in 1970. At the end of his term in 1975, Brickley decided that he didn't want to sit around as lieutenant governor until Milliken left the governor's office and gave him a shot at it.

So Brickley left politics. He became president of Eastern Michigan. If the governor's office came open, he might run for the Senate seat that Griffin was vacating. He couldn't imagine the circumstances under which he would run for lieutenant governor again.

During the first weeks of this year, Brickley was in the governor's office to talk about an Eastern Michigan project. Milliken raised the question of whether Brickley might agree to be his running mate in 1977.

Brickley said, "Pardon me. You mean as lieutenant governor?" He was trying to make sure the governor wasn't telling him that he wanted Brickley to run for the Senate seat.

No, Milliken said, he meant a running mate as lieutenant governor.

Milliken said he still had not made up his mind. He gave his annual State of the State address June 12, then left with Mrs. Milliken for a vacation at a Rockefeller family resort on Caneel Bay in the Virgin Islands.

While the Millikens played and swam in the Caribbean, Washington was holding special services on Jan. 14 for one of its own—Democratic Sen. Hubert H. Humphrey, who died of cancer. As he attended the memorial service, Sen. Griffin said he recalled Humphrey telling him not long before his death to "run again."

Griffin also was pleased to discover that his wife was having second thoughts about leaving Washington and returning to Traverse City.

Meanwhile, the players were changing. Roche had withdrawn and William Seidman, who had been an economic adviser to President Ford, was getting in.

Then came what is now referred to around the governor's office as "The Week That Was."

No one, not even Milliken, seems to remember the exact moment when he decided to run again. Mrs. Milliken said they sat at the dinner table at the governor's house in Lansing—she thinks it was Tuesday night, Feb. 7—saying, "Shall we do this? Shall we do this? Finally, we said this can be done."

In any event, by all accounts, the governor's office was buzzing on Wednesday, Feb. 8, State GOP Chairman William F. McLaughlin, whose office is across from the Capitol, was in the executive office with Weeks and Miss Braithwaite when Milliken informed them that he was going to see Brickley.

Milliken told Lt. Brower to make arrangements for a motel meeting with Brickley. Brower wasn't going on the trip, so he reserved a room at the Howard Johnson's Motor Inn, 2380 Carpenter in Ann Arbor, in the name of Sgt. Roger Devolder, another member of the security detail.

Brickley had taken his 14-year-old daughter, Kelle, to the office of Dr. Richard Door in Ypsilanti and took the call from a Milliken secretary on the doctor's personal phone.

The governor was on his way. Brickley was given room number 208 at Howard Johnson's. (The $23.68 bill was later paid from Milliken's personal funds.) As he left hurriedly, Brickley said to Dr. Door, "Remind me to tell you about this call someday."

Milliken and Brickley arrived at the motel almost at the same moment—about 3:30 p.m. A trooper got a room key. Brickley and Milliken went in alone. They talked for an hour and a half. When they parted, another part of the ticket had slipped into place.

Brickley said that Milliken promised him nothing but that both understood Brickley agreed to run as lieutenant governor because he wanted to succeed Milliken. Milliken agreed that Brickley didn't have to leave the college as president until September.

Milliken asked Brickley everything he could think of about his personal life, finances, anything that might be embarrassing. Milliken was thinking: "Is there anything you should tell me?"

Milliken had been surprised by newspaper disclosure of secret land deals in Troy by his 1974 running mate, Lt. Gov. Damman. Milliken doesn't like to be surprised.

Brickley said he was telling all, that he would make public his income taxes. His divorce had been settled without rancor.

Milliken began to move quickly. Weeks, Miss Braithwaite and McLaughlin began to tie down the details of the announcement, while Milliken arranged a noon meeting with Griffin in Washington on Thursday, Feb. 9. A visit to the White House to talk to Jack Watson about urban policy and another stop at the Defense Department would serve as covers. Michigan's governor can't go to Washington without reporters asking why.

Milliken and Griffin met alone in Room 487 of the Hyatt-Regency Hotel in Washington across from the Capitol. They ordered cheeseburgers for lunch from room service.

The governor told Griffin that he was running again and that Brickley was running with him. He asked Griffin to get on the ticket with them. Milliken left thinking that Griffin might do it.

Earlier in the week, Milliken had brushed aside requests from Vander Jagt and U.S. Rep. Garry Brown of Schoolcraft to put Ruppe on the ticket as lieutenant governor to make it easier for Griffin to become a candidate.

Griffin and Ruppe had been friends and colleagues. Milliken and Ruppe had experienced differences over location of the nuclear submarine warning system, Seafarer. In the Upper Peninsula, Ruppe thought Milliken was dragging his feet on stopping Seafarer. Milliken thought Ruppe was squeezing him.

Thursday afternoon, Griffin went to see Ruppe to tell him that he was reconsidering. Ruppe had planned to announce for the Senate on Wednesday, Feb. 15. The meeting between old friends was businesslike.

On Feb. 9, Miss Braithwaite attended the premiere of Horold Robbins' "The Betsy" in the Detroit Plaza Hotel. At 10 p.m. she got up and went to a pay phone in the lobby to trigger a conference call among herself, Milliken, back from Washington and now at his home in Lansing, Weeks in the Capitol Park Hotel where he had secreted himself, after returning from Washington, and McLaughlin at his home in Northville.

They made final plans for Milliken's announcement the next morning, Friday, Feb. 10. It was the first time all four had been able to join in a conference call since things began to move so fast. Miss Braithwaite missed the end of the movie, but she heard reviews called in on an adjoining pay phone by reporters for the Detroit Free Press and the Detroit News and listened as a mother chewed out her son for not washing the dinner dishes while she was away.

The big question was how to make the Brickley announcement. They agreed to have Milliken announce that he was running, then spring Brickley from the governor's office for maximum media effect.

McLaughlin normally stands in the back of the governor's press conferences, but on that Friday he stood up front to see the reaction of reporters when Milliken sprang Brickley on them.

Because McLaughlin knows the importance to politicians of television production, he remembers the instant appreciation of the governor's show by TV reporters.

About 2:30 p.m. Saturday afternoon, aide Jim DeFrancis got a call from Griffin. De Francis was pasting on cream-colored wallpaper in the hall to his new home in Beverly Hills. He had moved back to Michigan because Griffin wasn't going to run again.

Griffin wanted plane reservations to Michigan for himself and Mrs. Griffin on Sunday, Feb. 12. DeFrancis knew the Senate race was on. The wallpapering was left unfinished, as it still is.

THE LATE ALBERT BOUTWELL

Mr. ALLEN. Mr. President, on behalf of myself and Mr. SPARKMAN, as in legislative session I ask unanimous consent that the Senate proceed to the immediate consideration of a resolution which I now send to the desk.

The PRESIDING OFFICER. The resolution wil be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 399) expressing the condolences of the United States Senate to the family of the late Albert Boutwell, former Mayor of Birmingham, Alabama, Lt. Governor of the State of Alabama, and three-term member of the State Senate of Alabama, and paying tribute to him.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I have no objection.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. ALLEN. Mr. President, this resolution expresses condolences to the family of the late Albert Boutwell, who was State Senator from Jefferson County

in Alabama, Lieutenant Governor of the State, and mayor of Birmingham; and it pays tribute to Albert Boutwell as a great public servant.

Senator Boutwell, Mayor Boutwell, or Governor Boutwell was my dear friend. I served with him in the Alabama State Senate, and later, while I was Lieutenant Governor of the State, I presided over the State senate of which Senator Boutwell was a member.

His family and my family have been very close, and I feel that Albert Boutwell was the ablest public servant that the State of Alabama has ever had. I think it is entirely appropriate, and I have asked that my colleagues join with me in approving this resolution, and that a copy of the resolution be sent to Mrs. Helen Boutwell.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the resolution.

The resolution (S. Res. 399) was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, Albert Boutwell served 12 productive years representing his home county of Jefferson in the Senate of the State of Alabama; and

Whereas, he was elected to the high office of Lieutenant Governor of the State of Alabama, carrying 59 of the State's 67 counties, demonstrating the widespread respect and affection with which he was held by his fellow Alabamians; and

Whereas, he was elected in 1963 as the first Mayor of the City of Birmingham, Alabama, under the mayor-council form of government, taking office during one of the most turbulent periods of that city's history; and

Whereas, as Mayor, he provided moral and physical courage of the highest order to lead his community over the difficult hurdles that faced it as it sought successfully to find peaceful resolution to the massive problems facing its people; and

Whereas, his personal quiet and calm leadership helped lead to agreements that resulted in peaceful cooperation in all of the various phases of community life; and

Whereas, throughout his years of public service he demonstrated himself to be a person of principle and courage, of quiet dignity and unfailing grace; and

Whereas, he was one of Alabama's greatest public servants, always in the forefront of efforts to secure good government, and always having the public interest at heart; and

Whereas, his death leaves a great void in the ranks of those American leaders whose personal integrity, strength of character, wisdom and faith in the system have helped our country to greatness;

Now, Therefore, be it resolved, that the sympathy of the United States Senate be expressed to Mrs. Helen Boutwell and to her sons and daughter on the death of her husband and of their father and to the people of Alabama on the loss of an historic figure.

Mr. STEVENS. Will the Senator yield for a moment?

Mr. ROBERT C. BYRD. I yield.

BERNARD V. SOMERS

Mr. STEVENS. Mr. President, it has just come to my attention that today marks the last official day of service for Bernard V. Somers, the Senate Journal Clerk.

"Bernie" as he is affectionately known has a long and distinguished record of service here in the Senate.

On February 5 there was an article in the Pioneer Press in Minnesota, setting forth the story of how he happened to be involved with the Senate and his background in Minnesota. I point out that he has worked for a great many of the Members who served in the Senate, including a former Vice President, as well as former Senator Ed Thye of Minnesota. He has 32 years of Government service, 30 as a Government employee and about 2½ years in the U.S. Marine Corps.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the article about Mr. Somers entitled, "A Calumet Irishman." It is a very interesting article.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From St. Paul (Minn.) Pioneer Press, Feb. 5, 1967]

A CALUMET IRISHMAN—UNSUNG MINNESOTAN HOLDS IMPORTANT SENATE POSITION

WASHINGTON.—Quick now—what's the name of the Minnesotan who has the final say on all official actions taken by the U.S. Senate?

You say Vice-President Hubert Humphrey, because he's president of the Senate?

You've not only got the wrong man—you've got the wrong party. It's not Humphrey but Bernie Somers, a dapper Irish Catholic Republican who came to Washington 20 years ago this month from Calumet, Minn.

Somers is the journal clerk of the senate, and as such, records for posterity all official proceedings of that body.

Before the first session of the 90th Congress ends late this year, Somers will have filled over 1,000 pages of the huge red minutes book in which he records all the senate's legislative action.

And, when questions arise about who did what in the senate, it's Somers' journal that is consulted. The journal takes precedence. And unless Somers has written it down, it just didn't happen.

Somers, who was appointed assistant journal clerk in January, 1953, and was elevated to journal clerk in September, 1964, doesn't take down the vast verbiage of the senate's debate and speeches—that's done by a team of stenographers working in 10-minute shifts, for the daily Congressional Record.

"The proceedings of the senate shall be briefly and accurately slated on the journal," says Somers, quoting from the Standing Rules of the Senate. "I record all bills, votes, messages from the house or the president—all legislative action.

"Last session, I filled 1,180 pages of the minutes book. I write down in an abbreviated longhand in the minutes book and later transcribe it to the official journal."

Because he records the Senate proceedings for history, Somers has to make sure he records them correctly.

"On any motions, you have to be pretty darn careful. But a lot of the motions are quite similar and it makes your job easier."

Has Somers ever incorrectly recorded a vote? "No, thank God," he replied.

Somers finds his work "immensely interesting because it's like feeling the pulse of the nation. Sometimes, however, the job tests his physical endurance. Once, during a filibuster by Oregon's Wayne Morse, he sat at his desk from mid-afternoon until noon the next day.

Somers, who has an assistant who can take over for him in an emergency, has never missed a day of work. Last January, he walked six miles from his suburban Maryland home after the season's biggest snow storm and got a ride the last mile. The senate was in session for four hours that day.

Although a Republican, Somers hasn't been active in politics since 1954. "Since I'm serving 100 senators, I don't take part in partisan politics," he explains. And adds, "I've learned to respect both sides of an issue since I've been here."

Somers enjoys working when Humphrey is presiding. "He's very friendly. He tells stories and kids with all the fellows at the rostrum."

Somers also recalls when Minnesota's junior Democratic senator, Walter Mondale, first presided as a freshman over the senate. "I told him he could be at ease because he had a fellow Minnesotan on hand to help him out."

Somers is hesitant to make any ratings of senators, but he obviously admires senate majority leader Mike Mansfield. "Mansfield's so open, and he's always above board. And there's a lot of respect between him and the minority leader, Sen. Dirksen."

How about the Kennedy brothers? "Well, Teddy doesn't say too much, but Bobby seems to know his way around more."

Asked what one thing impressed him most about operation of the senate, Somers replied, "Politically it's suicide to praise the other side or to praise the legislation of the other side. Sen. Frank Lausche is about the only one who always expresses his views openly."

Somers says it takes "seven years or so" to learn the precedents of the senate. "We're following the same procedures that were used the last 100 years."

Somers, who admits to being "fiftyish", came to Washington in January, 1947, to work for former Minnesota Sen. Joseph Ball. "I only was going to be here for few months," he said.

He worked on a patronage job for Ball until Humphrey defeated him in 1948, and then went to work for former Minnesota Sen. Ed Thye and the Republican national committee. In 1953, he was appointed assistant journal clerk.

Somers graduated from Coleraine high school and Itasca junior college. He is a former Itasca county Republican chairman and was chairman of the state GOP party from 1945 to 1946.

Somers and his wife—he was a marine and she a college student when they met at a USO dance—have four boys and three girls, the oldest of whom is married and has two children.

Somers, whose parents operate a Calumet cafe, started out as a Democrat. He was secretary of the Itasca county Young Democrats from 1933 to 1936, when he resigned rather than support the Farmer-Labor slate. He became active in the Republican party in 1938, campaigning for Harold Stassen, and later served as county, district and state chairman of the Young Republicans.

Somers has maintained close Minnesota ties since coming to Washington. He is a former president of the Minnesota State society as well as the conference of state societies.

Mr. STEVENS. Mr. President, Bernie Somers' contribution to the operation of this institution will be remembered for a long time by those of us who knew him. On behalf of the Members on this side of the aisle, I thank Bernie for all he has done for us throughout the years, and I wish him and his family the very best for the future.

Mr. ALLEN. Will the Senator yield?

Mr. STEVENS. I am happy to.

Mr. ALLEN. Mr. President, I commend the distinguished Senator from Alaska for inserting this article into the RECORD concerning our good friend Bernie Somers, who has been Journal clerk of the U.S. Senate for many years. It has been my observation that Mr. Somers has been a distinguished, dedicated, and hardworking employee of the U.S. Senate. He has performed his work well. We have always been able to depend upon the accuracy of his journal. He has been a distinguished employee of the Senate. I join with the distinguished Senator from Alaska in commending Mr. Somers for a job well done over the years and express to him our genuine affection for him and our best wishes to him and Mrs. Somers in his years of retirement.

Mr. STEVENS. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I join Mr. STEVENS and Mr. ALLEN in their compliments and words of praise to Bernie Somers as he prepares to enter into a new career or retirement. My best wishes go with him. He has been a valuable public servant. He has been accommodating, courteous, and understanding in his relations with the Members of the Senate, the officers of the Senate, and the employees of the Senate. We will miss him. We will not forget the fine work he has done.

Mr. GRIFFIN. Mr. President, I want to add my voice to the voice of others who have already praised the work of Bernie Somers. Over the years he has been a very, very dependable officer of the Senate and a friend of all the Senators on both sides of the aisle. The Senate will be different tomorrow without his face. I join in wishing him and his wife a long, healthy, and happy period of retirement whether they live in Ocean City or Florida. They have enjoyed both places. We salute Bernie Somers for the long years of service he has given to the country, and particularly to the U.S. Senate.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow morning at 9. After the prayer, the following Senators will be recognized, as in legislative session, each for not to exceed 15 minutes: Senators PERCY, MATHIAS, and BAKER, after which there will be a period for the transaction of routine morning business not to extend beyond the hour of 10 o'clock a.m., with Senators permitted to speak up to 2 minutes each during that period. At 10 o'clock a.m., the Senate will go into closed session to further debate the treaties. I do not know how long that closed session will last. It may take all day. Senators may plan their day accordingly.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered, that the Senate, in executive session, stand in recess until 9 a.m. tomorrow.

The motion was agreed to, and at 6:15 p.m. the Senate, in executive session, recessed until the following day, Tuesday, February 21, 1978, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate February 13, 1978, pursuant to the order of the Senate of February 10, 1978:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Gloria Cusumano Jimenez, of North Carolina, to be Federal Insurance Administrator, Department of Housing and Urban Development (new position).

FEDERAL MARITIME COMMISSION

Leslie Lazar Kanuk, of New Jersey, to be a Federal Maritime Commissioner for the term expiring June 30, 1981, vice Clarence Morse, term expired.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The following-named persons to be members of the board of directors of the Overseas Private Investment Corporation for terms expiring December 17, 1979:

James M. Friedman, of Ohio, vice Gustave M. Hauser, resigned.

Richard R. Swann, of Florida, vice James A. Suffridge, term expired.

IN THE COAST GUARD

Rear Adm. John B. Hayes, U.S. Coast Guard, to be the Commandant of the U.S. Coast Guard for a term of 4 years with the grade of admiral while so serving, and

Rear Adm. Robert H. Scarborough, Jr., U.S. Coast Guard, to be the Vice Commandant of the U.S. Coast Guard with the grade of vice admiral while so serving.

IN THE AIR FORCE

The following-named officers for promotion as a Reserve of the Air Force, under the appropriate provisions of chapter 35 and 837, title 10, United States Code.

LINE OF THE AIR FORCE

Lieutenant colonel to colonel

Aleksich, Bryan, [redacted].
Apel, Elmer C., [redacted].
Arthur, Dennis S., [redacted].
Ayers, Roy E., Jr., [redacted].
Bailey, Samuel W., [redacted].
Baltz, Howard B., [redacted].
Beattie, Sheridan B., [redacted].
Begue, William J., [redacted].
Benigno, Caesar J., [redacted].
Berry, Jack K., [redacted].
Boiko, George A., [redacted].
Booth, Billy C., [redacted].
Boughton, Charles J., [redacted].
Boyd, Charles A., [redacted].
Brainin, Howard L., [redacted].
Braun, Hugh R., [redacted].
Brenner, Stanley J., [redacted].
Brown, Gail E., [redacted].
Buchanan, David L., [redacted].
Buehler, John R., [redacted].
Buescher, Norman E., Jr., [redacted].
Buller, Gerald E., [redacted].
Burkhalter, Alvie C., Jr., [redacted].
Cafiso, Matthew M., [redacted].
Campbell, William J., Jr., [redacted].
Cargill, Charles R., [redacted].
Carson, Charles E., [redacted].
Carter, Thomas M., Jr., [redacted].
Cate, Joe N., Jr., [redacted].
Chasteen, Doyle W., Jr., [redacted].
Childress, Robert D., [redacted].
Coleman, Charles B., III, [redacted].
Collisson, David K., [redacted].
Cook, Carter C., [redacted].
Corzine, Donald J., [redacted].
Cox, Robert C., [redacted].
Craig, Walter P., [redacted].
Crakes, Patrick J., [redacted].
Danaher, Jere J., [redacted].
Dang, Eugene L., [redacted].
Davenport, George R., [redacted].
Davis, William E., Jr., [redacted].
Dayton, Alfred B., [redacted].
Degraw, Barton K., [redacted].
Dement, Ira III, [redacted].
Dietrich, Joseph N., [redacted].
Diller, John C., Jr., [redacted].
Diuguid, John P., [redacted].
Ehrenhaft, Peter D., [redacted].
Elser, Carl H., [redacted].
Ellis, Ben F. II, [redacted].
Emery, James L., [redacted].
Erwin, Ralph D., [redacted].
Fail, Woodrow T. Jr., [redacted].
Farha, Henry S., Jr., [redacted].
Feldman, Alfred A., [redacted].
Feltel, Gilbert L., [redacted].
Fitch, Dewey C., [redacted].
Foley, Charles W., [redacted].
Folloni, John R. Jr., [redacted].
Forbes, Forrest S., [redacted].
Forschler, George P. A., [redacted].
Fortner, Richard W., [redacted].
Fox, Harry D., [redacted].
French, Donald B., [redacted].
Fried, Meyer Z., [redacted].
Fritz, Bernard J., [redacted].
Frye, James H., [redacted].
Gagliano, Charles J., [redacted].
Gates, Jackie L., [redacted].
George, Richard S., [redacted].
Glahn, Harry R., [redacted].
Glass, Franklin E. Jr., [redacted].
Haldeman, Norman J. Jr., [redacted].
Hand, Donald J., [redacted].
Harper, William L., [redacted].
Harris, Martin H., [redacted].
Hart, Donald C., [redacted].
Hartman, Roger L., [redacted].
Haugen, Kenneth R., [redacted].
Hegland, Leonard W., [redacted].
Hennessy, John R., [redacted].
Henry, Eugene W., [redacted].
Heyner, Franklin R., [redacted].
Hillman, Richard D., [redacted].
Hipp, Augustus J., [redacted].
Hirschi, Harvey C., [redacted].
Hoback, Harold N., [redacted].
Horne, Stanley H., [redacted].
Huber, Johannes H., [redacted].
Hull, Benjamin C., [redacted].
Hyland, Patrick F., [redacted].
Hyman, Julius, [redacted].
Ingraham, Hubert H., Jr., [redacted].
Ingram, Bobby F., [redacted].
Jacobsen, Richard L., [redacted].
Janover, Lee R., Jr., [redacted].
Jervey, Annie A., [redacted].
Johnson, Heinz H., [redacted].
Johnson, Lester M., [redacted].
Johnson, Severd V., [redacted].
Johnston, Thomas D., [redacted].
Johnstone, Stowell R., [redacted].
Keefer, James F., [redacted].
Kegg, Earl C., [redacted].
Kehaya, Donald E., [redacted].
Kendall, Andrew W., [redacted].
Kerschner, Lee R., [redacted].
Kintigh, Jerry L., [redacted].
Kirschner, Burton H., [redacted].
Kliemann, Richard H., [redacted].
Knazik, Carl W., [redacted].
Knight, Haven A., [redacted].
Knight, Montgomery, Jr., [redacted].
Kornher, Kenneth L., [redacted].
Kosikowski, Robert E., [redacted].
Lamorte, Michael W., [redacted].
Leadbetter, George D., [redacted].
Lebanoff, Lazarus, [redacted].
Lemersal, Robert R., [redacted].
Lindsey, Robert E., [redacted].
Little, William B., [redacted].
Locker, Donald R., [redacted].
Logan, Kenneth W., [redacted].
Long, Charles C., [redacted].
Loughran, Edmund X., [redacted].
Loveland, Emerson R., [redacted].
Ludlow, Roger L., [redacted].
Lyle, Richard W., [redacted].
Lynch, Donald W., [redacted].
MacDonald, Leland H., [redacted].

Macko, Charles, XXX-XX-XXXX.
Manes, Charles H., XXX-XX-XXXX.
Manning, William S., XXX-XX-XXXX.
Marcotti, Arthur D., XXX-XX-XXXX.
Mariutto, Donald V., XXX-XX-XXXX.
McCawley, Frank X., XXX-XX-XXXX.
McCloskey, Neal T., XXX-XX-XXXX.
McDaniel, William B., XXX-XX-XXXX.
McDonald, Walter G., XXX-XX-XXXX.
McDonnell, Joseph M., XXX-XX-XXXX.
McEntee, Jervis W., XXX-XX-XXXX.
McEwen, John E., XXX-XX-XXXX.
McFarland, Edward L., XXX-XX-XXXX.
McHaffie, John C., XXX-XX-XXXX.
McLean, Bernard B., XXX-XX-XXXX.
McLean, Horace L., XXX-XX-XXXX.
McMullen, Robert A., XXX-XX-XXXX.
McQuade, William J., XXX-XX-XXXX.
Meldrum, Sterling L., XXX-XX-XXXX.
Mercer, Robert D., XXX-XX-XXXX.
Metzger, Robert C., XXX-XX-XXXX.
Meyer, Marvin C., XXX-XX-XXXX.
Michener, Richard E., XXX-XX-XXXX.
Miller, Carl D., XXX-XX-XXXX.
Mitchell, Albert C., XXX-XX-XXXX.
Mitchell, Merle F., XXX-XX-XXXX.
Moeller, Kenneth E., XXX-XX-XXXX.
Moore, John D., XXX-XX-XXXX.
Morgan, Billy B., XXX-XX-XXXX.
Mossman, Frances I., XXX-XX-XXXX.
Mowry, Charles J., XXX-XX-XXXX.
Munroe, Donald D., XXX-XX-XXXX.
Muscatello, Richard W., XXX-XX-XXXX.
Neel, Robert L., XXX-XX-XXXX.
Neff, William A., XXX-XX-XXXX.
Newstadt, Barry B., XXX-XX-XXXX.
Noell, William C., Jr., XXX-XX-XXXX.
Oberhelman, Jerry D., XXX-XX-XXXX.
Olsen, Norman E., XXX-XX-XXXX.
Olson, Herbert A., XXX-XX-XXXX.
O'Rourke, Donald J., XXX-XX-XXXX.
Oswald, Lynn S., XXX-XX-XXXX.
Parker, Billie H., XXX-XX-XXXX.
Parks, Anderson H., Jr., XXX-XX-XXXX.
Parr, Robert W., XXX-XX-XXXX.
Parrott, Charles R., XXX-XX-XXXX.
Parsons, Stuart O., XXX-XX-XXXX.
Pochari, Thomas R., XXX-XX-XXXX.
Pundt, Lockett J., Jr., XXX-XX-XXXX.
Pustilnik, David D., XXX-XX-XXXX.
Reynolds, Donald E., XXX-XX-XXXX.
Reynolds, Frank L., Jr., XXX-XX-XXXX.
Richard, Charles W., Jr., XXX-XX-XXXX.
Richardson, Howard H., XXX-XX-XXXX.
Robertson, Richard R., XXX-XX-XXXX.
Ross, Leslie W., XXX-XX-XXXX.
Rottas, Raymond G., XXX-XX-XXXX.
Roxby, William C., Jr., XXX-XX-XXXX.
Sanders, Corban H., XXX-XX-XXXX.
Scheer, Roger P., XXX-XX-XXXX.
Schmidt, Leo C., Jr., XXX-XX-XXXX.
Schmitz, Francis T., XXX-XX-XXXX.
Schroeder, Stuart L., XXX-XX-XXXX.
Schuelke, Charles W., XXX-XX-XXXX.
Schultz, William P., XXX-XX-XXXX.
Schweinler, David E., XXX-XX-XXXX.
Scott, Richard A., XXX-XX-XXXX.
Sgarro, Rocco R., XXX-XX-XXXX.
Shaw, John D., Jr., XXX-XX-XXXX.
Shea, Robert S., XXX-XX-XXXX.
Simms, Harry A., Jr., XXX-XX-XXXX.
Singer, Donald M., XXX-XX-XXXX.
Skill, Neil T., XXX-XX-XXXX.
Slater, Charles D., XXX-XX-XXXX.
Smith, David A., XXX-XX-XXXX.
Smith, James W., XXX-XX-XXXX.
Smith, Kenneth F., XXX-XX-XXXX.
Smith, William M., XXX-XX-XXXX.
Snyder, Harvey L., XXX-XX-XXXX.
Sokolski, Alan, XXX-XX-XXXX.
Spagnola, Joseph C., Jr., XXX-XX-XXXX.
Sprenger, Robert H., XXX-XX-XXXX.
Sproul, William E., XXX-XX-XXXX.
Spruill, Joseph E., Jr., XXX-XX-XXXX.
Stine, Joseph M., XXX-XX-XXXX.
Stobbs, John D., XXX-XX-XXXX.
Sult, Robert L., XXX-XX-XXXX.
Sunshine, Gabriel, XXX-XX-XXXX.
Tapp, Marshall L., XXX-XX-XXXX.
Taylor, James L., XXX-XX-XXXX.
Taylor, Thomas A., Jr., XXX-XX-XXXX.
Tayman, Grafton P., Jr., XXX-XX-XXXX.
Thomas, James P., XXX-XX-XXXX.
Tom Herbert K., XXX-XX-XXXX.
Travis, Edward A., Jr., XXX-XX-XXXX.
Troshynski, Robert H., XXX-XX-XXXX.
Turner, Eugene B., XXX-XX-XXXX.
Turner, William J., XXX-XX-XXXX.
Twitchell, Paul F., XXX-XX-XXXX.
Ulirich, Thomas W., XXX-XX-XXXX.
Villarreal, Ysidro, XXX-XX-XXXX.
Vinson, Norman, XXX-XX-XXXX.
Voss, Benjamin, XXX-XX-XXXX.
Waggoner, Raymond C., XXX-XX-XXXX.
Walker, Frederick D., XXX-XX-XXXX.
Wartonick, Nicholas A., XXX-XX-XXXX.
Weber, Melvin B., XXX-XX-XXXX.
Weisberger, Alan M., XXX-XX-XXXX.
Wenaas, Gordon J., XXX-XX-XXXX.
Wicke, Robert J., XXX-XX-XXXX.
Williams, Gilbert R., XXX-XX-XXXX.
Wyand, Martin J., XXX-XX-XXXX.
Yancey, Reuben H., XXX-XX-XXXX.
Yates, Elwood F., Jr., XXX-XX-XXXX.
Zimmerman, Carl B., XXX-XX-XXXX.

CHAPLAIN CORPS

Coogan, Roch A. T., XXX-XX-XXXX.
Dilella, Mario, XXX-XX-XXXX.
Duckworth, James O., XXX-XX-XXXX.
Guy Myrwood K., XXX-XX-XXXX.
Hoffman, Sydney L., XXX-XX-XXXX.
Kobrinetz, Simeon, XXX-XX-XXXX.
Mcgahren, Joseph J., XXX-XX-XXXX.
Petsch, Joseph P., XXX-XX-XXXX.
Strobel, Walter R., XXX-XX-XXXX.
Thearle, Christian J., XXX-XX-XXXX.
Thomas, Richard H., XXX-XX-XXXX.
Wingard, William F., XXX-XX-XXXX.
Worner, George J., XXX-XX-XXXX.

DENTAL CORPS

Cooper, Bobby L., XXX-XX-XXXX.
Dwyer, Martin J., XXX-XX-XXXX.
Freedman, Irving, XXX-XX-XXXX.
Goldstone, Ronald J., XXX-XX-XXXX.
Sills, Ashley H., Jr., XXX-XX-XXXX.

MEDICAL CORPS

Amadeo, Jose H., XXX-XX-XXXX.
Bogard, Dorr E., XXX-XX-XXXX.
Bryson, Michael F., XXX-XX-XXXX.
Burnell, Ernest L., XXX-XX-XXXX.
Cock, Thomas C., XXX-XX-XXXX.
Ellis, John W., Jr., XXX-XX-XXXX.
Felt, Robert S., XXX-XX-XXXX.
Ferre, George A., XXX-XX-XXXX.
Garman, Ray F., XXX-XX-XXXX.
Hillis, William D., XXX-XX-XXXX.
Jenkins, Edward R., XXX-XX-XXXX.
Johnson, Wayne A., XXX-XX-XXXX.
Jones, Robert T. XXX-XX-XXXX.
Longo, Michael R., Jr., XXX-XX-XXXX.
Mathews, Thomas P., XXX-XX-XXXX.
McClure, James E., XXX-XX-XXXX.
Moore, Patrick J., XXX-XX-XXXX.
Olesijuk, Andrew, XXX-XX-XXXX.
Ransmeier, Robert E., XXX-XX-XXXX.
Rodi, Alexander E., XXX-XX-XXXX.
Schaefer, Norman E., XXX-XX-XXXX.
Skeel, David A., XXX-XX-XXXX.
Statti, Thomas F., XXX-XX-XXXX.
Taylor, William M., XXX-XX-XXXX.
Thomason, Thomas L., XXX-XX-XXXX.
Trump, David S., XXX-XX-XXXX.
Vaughn, Clarence B., XXX-XX-XXXX.
Young, Frank W., XXX-XX-XXXX.
Yrizarryyunque, Jose M., XXX-XX-XXXX.

NURSE CORPS

Foote, Marian F., XXX-XX-XXXX.
Goldberg, Judith, XXX-XX-XXXX.
Hollen, Marriane R., XXX-XX-XXXX.
Irwin, Mary E., XXX-XX-XXXX.
Koncelik, Joseph F., XXX-XX-XXXX.
Meadows, Bettie J., XXX-XX-XXXX.
Miller, Elaine M., XXX-XX-XXXX.
Mishima, Margaret Y., XXX-XX-XXXX.
Tumas, Elizabeth R., XXX-XX-XXXX.

MEDICAL SERVICE CORPS

Aramendia, Frank M., Jr., XXX-XX-XXXX.
Spruiell, Thomas L., XXX-XX-XXXX.

VETERINARY CORPS

Gisler, Donald B., XXX-XX-XXXX.

BIOMEDICAL SCIENCE

Jordan, John T., XXX-XX-XXXX.

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, section 3303 and 3305:

ARMY PROMOTION LIST

To be colonel

Ackerman, Albert A., XXX-XX-XXXX.
Adams, Basil R., XXX-XX-XXXX.
Adams, John E., XXX-XX-XXXX.
Aguanno, Edwin M., XXX-XX-XXXX.
Albro, Ames S., XXX-XX-XXXX.
Alexander, Lyle K., XXX-XX-XXXX.
Andrews, Donald G., XXX-XX-XXXX.
Archibald, Norman E., XXX-XX-XXXX.
Austin, Clinton W., XXX-XX-XXXX.
Austin, Freddie C., XXX-XX-XXXX.
Babers, Donald M., XXX-XX-XXXX.
Bachman, Clayton J., XXX-XX-XXXX.
Badovinac, Nick J., XXX-XX-XXXX.
Baggett, Ronald L., XXX-XX-XXXX.
Bailey, Kenneth R., XXX-XX-XXXX.
Bain, John R., XXX-XX-XXXX.
Baker, Frank H., XXX-XX-XXXX.
Baker, Jack E., XXX-XX-XXXX.
Ballantyne, John L., XXX-XX-XXXX.
Balzhiser, Robert M., XXX-XX-XXXX.
Bard, John C., XXX-XX-XXXX.
Barker, Llyle J., XXX-XX-XXXX.
Barrand, Kerwood W., XXX-XX-XXXX.
Basil, Benjamin J., XXX-XX-XXXX.
Bassham, Archie F., XXX-XX-XXXX.
Baxter, George M., XXX-XX-XXXX.
Beaumont, Charles D., XXX-XX-XXXX.
Bell, Glenn N., XXX-XX-XXXX.
Belcher, Eugene R., XXX-XX-XXXX.
Benfer, Richard H., XXX-XX-XXXX.
Benn, Clark H., XXX-XX-XXXX.
Bennett, Joseph D., XXX-XX-XXXX.
Bennett, Willard M., XXX-XX-XXXX.
Bergquist, Robert L., XXX-XX-XXXX.
Bickston, Walter J., XXX-XX-XXXX.
Bilderback, Gerald, XXX-XX-XXXX.
Blasingame, Josiah, XXX-XX-XXXX.
Bliss, Donald E., XXX-XX-XXXX.
Bodine, James F., XXX-XX-XXXX.
Bonito, Louis J., XXX-XX-XXXX.
Boose, Gordon D., XXX-XX-XXXX.
Bournes, William V., XXX-XX-XXXX.
Bowling, Frederick, XXX-XX-XXXX.
Bradbury, Donald K., XXX-XX-XXXX.
Bradley, William C., XXX-XX-XXXX.
Bramblet, William B., XXX-XX-XXXX.
Bramlett, James T. XXX-XX-XXXX.
Branscum, Billy R., XXX-XX-XXXX.
Broman, Ralph W., XXX-XX-XXXX.
Brooks, Buford, XXX-XX-XXXX.
Brooks, Leo A., XXX-XX-XXXX.
Brown, Dallas C., XXX-XX-XXXX.
Brown, Ollie, XXX-XX-XXXX.
Brown, Sam A., XXX-XX-XXXX.
Browne, Roger J., XXX-XX-XX...
Bryan, Clyde M., XXX-XX-XXXX.
Buckley, Paul R., XXX-XX-XXXX.
Bunyard, Jerry M., XXX-XX-XXXX.
Burbach, Frederick, XXX-XX-XXXX.
Burbules, Peter G., XXX-XX-XX...
Burns, Joseph C., XXX-XX...
Burns, Paul P., XXX-XX-XXXX.
Burns, William F., XXX-XX-XXXX.
Butler, Alman I., XXX-XX-XXXX.
Butler, Joe C., XXX-XX-XXXX.
Calhoun, George B., XXX-XX-XXXX.
Cameron, Duane G., XXX-XX-XXXX.
Cantrell, Jack R., XXX-XX-XXXX.
Carr, Robert F., XXX-XX-XXXX.
Carvell, Richard F., XXX-XX-XXXX.
Chambers, Andrew P., XXX-XX-XXXX.
Chancellor, George, XXX-XX-XXXX.
Chandler, Edwin W., XXX-XX-XXXX.
Chant, Robert J., XXX-XX-XXXX.
Chesbro, John S., XXX-XX-XXXX.
Chritton, William R., XXX-XX-XXXX.
Churchman, Robert E., XXX-XX-XXXX.
Cipriano, Alexander, XXX-XX-XXXX.

Clark, Robert H., [redacted]
Coder, John D., [redacted]
Collins, Franklin W., [redacted]
Connell, Charles R., [redacted]
Cook, Larry L., [redacted]
Cook, Richard R., [redacted]
Corbin, Delmar L., [redacted]
Cornell, Robert K., [redacted]
Cottrell, Walter A., [redacted]
Courtney, Clemon G., [redacted]
Creel, Tilford C., [redacted]
Crook, George R., [redacted]
Crosby, John S., [redacted]
Crosmun, Clifford A., [redacted]
Crowell, Howard G., [redacted]
Cutolo, Eward P., [redacted]
Daniels, Geoffrey M., [redacted]
Darden, Fred A., [redacted]
Darling, Sterling P., [redacted]
Daschle, Charles L., [redacted]
Davis, Jack C., [redacted]
Davis, Jethro J., [redacted]
Davis, Thomas H., [redacted]
Davis, Willie L., [redacted]
Debelius, Charles A., [redacted]
Dehrkoop, Clinton B., [redacted]
Deitch, Raymond, [redacted]
Delamain, Frederick, [redacted]
Delaney, Robert F., [redacted]
Demoss, James R., [redacted]
Deshields, William, [redacted]
Dewey, Desmond D., [redacted]
Dewitt, William W., [redacted]
Dexercarter, Leonard, [redacted]
Diller, Richard W., [redacted]
Dinardo, Nicola, [redacted]
Dirmeyer, Robert P., [redacted]
Dockler, Gordon S., [redacted]
Doctor, Henry, Jr., [redacted]
Doty, Daniel, W., [redacted]
Dowdy, Harry K., [redacted]
Deher, Henry E., [redacted]
Drexler, Charles H., [redacted]
Driscoll, Paul C., [redacted]
Durbin, James J., [redacted]
Durkee, Richard Y., [redacted]
Elliott, Richard L., [redacted]
Ellis, Alvin C., [redacted]
Ellison, Henry L., [redacted]
Eton, Robert M., [redacted]
Epling, William Y., [redacted]
Eubanks, James M., [redacted]
Fair, Cecil G., Jr., [redacted]
Falter, Vincent E., [redacted]
Farmer, Douglas H., [redacted]
Farr, Robert A., [redacted]
Farrar, John H., [redacted]
Faulk, Emmett A., [redacted]
Fernander, Bobbie B., [redacted]
Finehout, Arthur W., [redacted]
Fitzpatrick, William, [redacted]
Fitzsimmons, Eugene, [redacted]
Flint, Robert W., [redacted]
Flynn, Thomas J., [redacted]
Forman, Robert C., [redacted]
Fountain, Charles D., [redacted]
Francois, Frank, [redacted]
Fuchigami, Harry H., [redacted]
Fulp, Charles A., [redacted]
Furlong, George P., [redacted]
Gabbert, Howard M., [redacted]
Galloway, Frederick, [redacted]
Galvin, John R., [redacted]
Geesey, Edwin P., [redacted]
Gheen, John W., [redacted]
Gilbert, Wendell H., [redacted]
Giles, George R., [redacted]
Gomez, Robert M., [redacted]
Goode, Franklyn C., [redacted]
Goodwin, Robert E., [redacted]
Gorey, Paul J., [redacted]
Gosney, Robert R., [redacted]
Grace, William P., [redacted]
Graham, Tasman L., [redacted]
Granger, John D., [redacted]
Grant, Donald E., [redacted]
Graves, James R., [redacted]
Gregerson, William E., [redacted]
Griffin, Richard W., [redacted]
Grummt, Otto C., [redacted]
Guenther, Leo A., [redacted]
Guffey, Howard R., [redacted]
Guyton, James S., [redacted]
Haendle, Karl V., [redacted]
Haller, Douglas L., [redacted]
Haney, Kenneth W., [redacted]
Hannon, Clarence W., [redacted]
Hannum, David B., [redacted]
Harmon, Leonard J., [redacted]
Harron, Dennis J., [redacted]
Hart, Edward P., [redacted]
Hart, Franklin A., [redacted]
Harvey, Alton H., [redacted]
Hathaway, Warren A., [redacted]
Hauser, William L., [redacted]
Hays, James E., [redacted]
Haywood, Willie M., [redacted]
Healy, Thomas F., [redacted]
Hegdahl, James O., [redacted]
Helter, James A., [redacted]
Hess, Carl H., [redacted]
Highfill, James K., [redacted]
Hilbert, Donald E., [redacted]
Hill, Michael E., [redacted]
Hilsman, William J., [redacted]
Hilt, George H., [redacted]
Himes, Todd I., [redacted]
Hincke, John I., [redacted]
Hoagland, David O., [redacted]
Hobbs, Richard W., [redacted]
Hoey, Stanislaus J., [redacted]
Hoffert, Charles E., [redacted]
Hoffman, Howard J., [redacted]
Holland, David K., [redacted]
Holland, Leland J., [redacted]
Holt, Daniel R., [redacted]
Holtom, Stanley E., [redacted]
Honor, Edward, [redacted]
Hudachek, John W., [redacted]
Hugo, Victor J., [redacted]
Huhn, John N., [redacted]
Hull, Frederick B., [redacted]
Hunter, Kelvin H., [redacted]
Imhoff, Maximilian, [redacted]
Jackson, James C., [redacted]
Janairo, Maximiano, [redacted]
Jay, James W., [redacted]
Johnson, Edward K., [redacted]
Johnson, Harold R., [redacted]
Johnson, William D., [redacted]
Jones, Ed E., Jr., [redacted]
Jones, Richard A., [redacted]
Jordan, Horace E., [redacted]
Jorns, Russell L., [redacted]
Kastner, Joseph H., [redacted]
Kause, Kaye D., [redacted]
Keener, Robert E., [redacted]
Keiser, Edwin C., [redacted]
Kelly, Edward J., [redacted]
Kirk, K. Leslie, [redacted]
Kitchens, Ernest, Jr., [redacted]
Klein, William E., [redacted]
Knoff, Edward M., [redacted]
Koehler, William F., [redacted]
Koloski, John J., [redacted]
Komornik, Ronald G., [redacted]
Korpal, Eugene S., [redacted]
Kourakos, George S., [redacted]
Kowalczyk, Chester S., [redacted]
Krebs, James M., [redacted]
Kros, William J., [redacted]
Lambert, Richard T., [redacted]
Larkin, Phillip S., [redacted]
Lassiter, Edward A., [redacted]
Ledwidge, Augustine, [redacted]
Lee, William R., [redacted]
Leighton, James P., [redacted]
Leiser, Maurice H., [redacted]
Lemanski, Ronald J., [redacted]
Leonard Dan S., [redacted]
Levanger, John C., [redacted]
Ley, Robert E., [redacted]
Lilley, Aaron L., [redacted]
Lillis, Francis X., [redacted]
Lilly, Richard A., [redacted]
Littlefield, Richard, [redacted]
Lloyd, Luther R., [redacted]
Lockwood, Bill G., [redacted]
Lowrey, Patrick R., [redacted]
Luepnitz, Carl A., [redacted]
Luster, Albert B., [redacted]
Lykke, Arthur F., [redacted]
Lynn, Charles T., [redacted]
Mackey, William C., [redacted]
Macklin, Joseph D., [redacted]
Madigan, John J., [redacted]
Mallonee, John B., [redacted]
Maloney, James P., [redacted]
Marcrum, Robert H., [redacted]
Marini, James L., [redacted]
Marko, George F., [redacted]
Martin, David C., [redacted]
Mason, Elijah F., [redacted]
Mathison, Theodore, [redacted]
Matsumoto, Glenn K., [redacted]
Matthews, Lloyd J., [redacted]
McCarthy, John W., [redacted]
McCollum, Richard J., [redacted]
McCormick, Richard, [redacted]
McGee, Bernard A., [redacted]
McGee, Carl D., Jr., [redacted]
McGraw, Russell M., [redacted]
McKay, William P., [redacted]
McKee, Richard W., [redacted]
McQueen, James T., [redacted]
Meese, John R., [redacted]
Menetrey, Louis C., [redacted]
Merklinger, George, [redacted]
Meyer, Harvey B., [redacted]
Mikula, Joseph G., [redacted]
Miliani, John A., [redacted]
Miller, Charles E., [redacted]
Miller, Harry W., [redacted]
Miller, James M., [redacted]
Miller, John T., [redacted]
Mills, Robert W., [redacted]
Mino, Paul L., [redacted]
Mitchell, Frederick, [redacted]
Momeier, John L., [redacted]
Moore, George D., [redacted]
Moore, James E., [redacted]
Moran, William J., [redacted]
Mounts, James A., [redacted]
Nack, Thomas P., [redacted]
Neal, Charles A., [redacted]
Nidever, Richard L., [redacted]
Nix, Eddie M., [redacted]
Noffsinger, Gordon, [redacted]
Northcutt, Maurice, [redacted]
Nosek, George F., [redacted]
Odom, William E., [redacted]
Old, William D., [redacted]
Olesky, William G., [redacted]
Overholt, Hugh R., [redacted]
Owel, William R., [redacted]
Page, Harold R., [redacted]
Palastra, Joseph T., [redacted]
Palermo, Frank J., [redacted]
Palmer, Warren T., [redacted]
Panzer, Donald F., [redacted]
Pappageorge, John G., [redacted]
Parini, Romano J., [redacted]
Parker, Russell W., [redacted]
Partridge, Charles, [redacted]
Passmore, Edwin E., [redacted]
Pate, Robert I., [redacted]
Patnode, Clarence A., [redacted]
Paul, William V., [redacted]
Pelham, Wendall L., [redacted]
Penney, Hubert F., [redacted]
Perkins, Andrew D., [redacted]
Perry, John W., [redacted]
Pershing, Jay W., [redacted]
Peters, Billy, [redacted]
Petersen, Peter B., [redacted]
Poel, David J., [redacted]
Pole, Frederick R., [redacted]
Poteat, John A., [redacted]
Powers, George F., [redacted]
Privette, Jake H., [redacted]
Quedens, Bernard B., [redacted]
Ralph, James R., [redacted]
Ransone, James F., [redacted]
Reding, Charles H., [redacted]
Reed, Robert T., [redacted]
Reese, Mark L., [redacted]
Register, Benjamin, [redacted]
Remus, Melvyn D., [redacted]
Reniker, Gene B., [redacted]
Resley, Robert D., [redacted]
Richards, Howard C., [redacted]
Ridgway, John J., [redacted]
Ripple, Larry M., [redacted]
Robinson, Hugh G., [redacted]
Rose, Harold P., [redacted]
Rose, Myron W., [redacted]
Rountree, Herbert A., [redacted]
Rowan, George R., [redacted]
Rudd, William C., [redacted]

Rue, Norman L., XXX-XX-XXXX.
Rushkowski, Edward, XXX-XX-XXXX.
Ryan, James P., XXX-XX-XXXX.
Rydel, Albert S., XXX-XX-XXXX.
Sager, Robert A., XXX-XX-XXXX.
Schneider, George J., XXX-XX-XXXX.
Schweikert, Paul, Jr., XXX-XX-XXXX.
Scott, Charles G., XXX-XX-XXXX.
Scott, Charles H., XXX-XX-XXXX.
Scott, Richard L., XXX-XX-XXXX.
Scott, William T., XXX-XX-XXXX.
Scovel, James L., XXX-XX-XXXX.
Serra, Robert R., XXX-XX-XXXX.
Setzer, Howard L., XXX-XX-XXXX.
Sewell, William P., XXX-XX-XXXX.
Shalikashvili, Otha, XXX-XX-XXXX.
Shallcross, George, XXX-XX-XXXX.
Shamblee, Curtis G., XXX-XX-XXXX.
Sharp, Benjamin F., XXX-XX-XXXX.
Shaw, Donald P., XXX-XX-XXXX.
Shreves, Charles L., XXX-XX-XXXX.
Sigler, Nolan M., XXX-XX-XXXX.
Sink, Herbert T., XXX-XX-XXXX.
Skeen, Henry G., XXX-XX-XXXX.
Skibbie, Lawrence F., XXX-XX-XXXX.
Sloan, James H., XXX-XX-XXXX.
Smiley, Philip, XXX-XX-XXXX.
Smith, Douglas S., XXX-XX-XXXX.
Smith, John A., XXX-XX-XXXX.
Smith, Otto B., XXX-XX-XXXX.
Snyder, Quay C., XXX-XX-XXXX.
Spain, Harold D., XXX-XX-XXXX.
Spence, Thomas H., XXX-XX-XXXX.
Spruill, Joseph L., XXX-XX-XXXX.
Spry, Alfred E., XXX-XX-XXXX.
Stallard, James E., XXX-XX-XXXX.
Stenehjem, George N., XXX-XX-XXXX.
Stevens, Ronald J., XXX-XX-XXXX.
Stevenson, Bruce E., XXX-XX-XXXX.
Stodter, Charles S., XXX-XX-XXXX.
Stone, Kenneth M., XXX-XX-XXXX.
Stovall, Don O., XXX-XX-XXXX.
Stuart, Douglas B., XXX-XX-XXXX.
Sullivan, Harry E., XXX-XX-XXXX.
Sullivan, Jerome J., XXX-XX-XXXX.
Sullivan, Roy F., XXX-XX-XXXX.
Swanson, Robert L., XXX-XX-XXXX.
Swaren, John W., XXX-XX-XXXX.
Templeton, James L., XXX-XX-XXXX.
Thomas, David L., XXX-XX-XXXX.
Thomas, John A., XXX-XX-XXXX.
Thompson, Charles H., XXX-XX-XXXX.
Thoreson, David P., XXX-XX-XXXX.
Thornton, James F., XXX-XX-XXXX.
Thorpe, John C., XXX-XX-XXXX.
Tigh, Leland F., XXX-XX-XXXX.
Tobin, Daniel J., XXX-XX-XXXX.
Toner, Francis J., XXX-XX-XXXX.
Trowbridge, Clarence, XXX-XX-XXXX.
Tuten, Jeff M., XXX-XX-XXXX.
Underwood, Frank E., XXX-XX-XXXX.
Vaughn, Luther C., XXX-XX-XXXX.
Vavra, George R., XXX-XX-XXXX.
Vesser, Dale A., XXX-XX-XXXX.
Vinson, Newell E., XXX-XX-XXXX.
Vinton, James N., XXX-XX-XXXX.
Volpe, Joseph J., XXX-XX-XXXX.
Vornsand, Glenn E., XXX-XX-XXXX.
Wagner, Louis C., XXX-XX-XXXX.
Walter, Francis, Jr., XXX-XX-XXXX.
Ware, Fletcher K., XXX-XX-XXXX.
Washer, Robert J., XXX-XX-XXXX.
Weafer, William J., XXX-XX-XXXX.
Weathersby, Russell, XXX-XX-XXXX.
Weaver, Richard L., XXX-XX-XXXX.
Welch, Gene B., XXX-XX-XXXX.
Westervelt, John R., XXX-XX-XXXX.
White, Chad B., XXX-XX-XXXX.
Wild, Julian S., XXX-XX-XXXX.
Wilks, Clarence D., XXX-XX-XXXX.
Williams, James A., XXX-XX-XXXX.
Willner, Larry E., XXX-XX-XXXX.
Wilmes, John J., XXX-XX-XXXX.
Witteried, Peter P., XXX-XX-XXXX.
Wood, Hector, XXX-XX-XXXX.
Wright, Elden H., XXX-XX-XXXX.
Wyatt, James E., XXX-XX-XXXX.
Zion, Robert B., XXX-XX-XXXX.
Zugschwert, John F., XXX-XX-XXXX.
Zurbriggen, Donald, XXX-XX-XXXX.

CHAPLAIN CORPS

To be colonel

Adickes, Donald K., XXX-XX-XXXX.
Barry, Raymond E., XXX-XX-XXXX.
Benton, Homer G., XXX-XX-XXXX.
Degi, Joseph, Jr., XXX-XX-XXXX.
Foley, Raymond J., XXX-XX-XXXX.
Kovacic, Francis, XXX-XX-XXXX.
Kowsky, John J., XXX-XX-XXXX.
Lapp, Ernest D., XXX-XX-XXXX.
Lent, Peter S., XXX-XX-XXXX.
Moskowitz, Seymour, XXX-XX-XXXX.
Polhemus, David W., XXX-XX-XXXX.
Randles, Jack C., XXX-XX-XXXX.
Reaser, Clarence L., XXX-XX-XXXX.
Shaw, James E., XXX-XX-XXXX.
Stevey, John E., XXX-XX-XXXX.
Tibbetts, Alan C., XXX-XX-XXXX.
Tupy, Richard R., XXX-XX-XXXX.
Wright, Wendell T., XXX-XX-XXXX.
Young, James H., XXX-XX-XXXX.

WOMEN'S ARMY CORPS

To be colonel

Russell, Marilyn J., XXX-XX-XXXX.
Williams, Mary R., XXX-XX-XXXX.

DENTAL CORPS

To be colonel

Baker, Frank L., XXX-XX-XXXX.
Barnes, George P., XXX-XX-XXXX.
Bowles, William F., XXX-XX-XXXX.
Brady, John M., XXX-XX-XXXX.
Cochran, Robert M., XXX-XX-XXXX.
DeChamplain, Richard, XXX-XX-XXXX.
Dipietro, Girard J., XXX-XX-XXXX.
Fedalei, Albert F., XXX-XX-XXXX.
Genova, James J., XXX-XX-XXXX.
Hoffman, William, Jr., XXX-XX-XXXX.
Hutchison, Rowland, XXX-XX-XXXX.
Johnson, Robert M., XXX-XX-XXXX.
Miller, Ronald K., XXX-XX-XXXX.
Mullins, Harold A., XXX-XX-XXXX.
Newell, Donald H., XXX-XX-XXXX.
Parker, Warren A., XXX-XX-XXXX.
Rees, Terry D., XXX-XX-XXXX.
Staehle, William, II, XXX-XX-XXXX.
Stoll, Robert P., XXX-XX-XXXX.
Thomas, Philip C., XXX-XX-XXXX.
Vanswol, Ronald L., XXX-XX-XXXX.
Vatral, John J., XXX-XX-XXXX.
Webb, Derrill L., XXX-XX-XXXX.
Williford, John W., XXX-XX-XXXX.
Zelin, John R., XXX-XX-XXXX.

MEDICAL CORPS

To be colonel

Birk, Thomas C., XXX-XX-XXXX.
Canales, Luis, XXX-XX-XXXX.
Coultrip, Raymond L., XXX-XX-XXXX.
Fike, Robert H., XXX-XX-XXXX.
Gunderson, Carl H., XXX-XX-XXXX.
Herrick, Clyde N., XXX-XX-XXXX.
Holloway, Harry C., XXX-XX-XXXX.
Hyland, Eugene P., XXX-XX-XXXX.
Kleanthous, Costas, XXX-XX-XXXX.
Meyer, James J., XXX-XX-XXXX.
Mologne, Lewis A., XXX-XX-XXXX.
Nelson, Roald A., XXX-XX-XXXX.
Nowosiwsky, Taras, XXX-XX-XXXX.
Nuss, Donald D., XXX-XX-XXXX.
Park, Robert C., XXX-XX-XXXX.
Pither, James L., XXX-XX-XXXX.
Reeder, Maurice M., XXX-XX-XXXX.
Ritter, Richard R., XXX-XX-XXXX.
Rusinko, Andrew, XXX-XX-XXXX.
Russell, Phillip K., XXX-XX-XXXX.
Scheetz, Walter L., XXX-XX-XXXX.
Stewart, James L., XXX-XX-XXXX.
Strevey, Tracy E., XXX-XX-XXXX.
Stuart, Richard B., XXX-XX-XXXX.
Torp, Richard P., XXX-XX-XXXX.
Treasure, Robert L., XXX-XX-XXXX.
Wergeland, Floyd L., XXX-XX-XXXX.
Whaley, Robert A., XXX-XX-XXXX.
Winkler, William P., XXX-XX-XXXX.

MEDICAL SERVICE CORPS

To be colonel

Albertson, John N., XXX-XX-XXXX.
Brown, Joseph I., XXX-XX-XXXX.
Bullard, John W., XXX-XX-XXXX.
Cabell, Ben M., XXX-XX-XXXX.
Clark, Scott W., XXX-XX-XXXX.
Conselman, Charles, XXX-XX-XXXX.
Copeland, Francis A., XXX-XX-XXXX.
Girone, Gerard M., XXX-XX-XXXX.
Herwig, Lee C., XXX-XX-XXXX.
Hille, Robert A., XXX-XX-XXXX.
Leone, John N., XXX-XX-XXXX.
Lewis, John P., XXX-XX-XXXX.
McWilliam, Robert D., XXX-XX-XXXX.
Oestereich, Orlyn C., XXX-XX-XXXX.
Silvernale, Douglas, XXX-XX-XXXX.
Smith, Creed D., XXX-XX-XXXX.
Sommers, George A., XXX-XX-XXXX.
Thompson, Helmer W., XXX-XX-XXXX.
Wood, Theodore D., XXX-XX-XXXX.

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Hamilton, Elizabeth, XXX-XX-XXXX.
MacTaggart, Lois, XXX-XX-XXXX.
Matthews, Nancy L., XXX-XX-XXXX.

VETERINARY CORPS

To be colonel

Anderson, Ronald D., XXX-XX-XXXX.
Chandler, Harold K., XXX-XX-XXXX.
Dean, Richard F., XXX-XX-XXXX.
Eddy, Gerald A., XXX-XX-XXXX.

ARMY NURSE CORPS

To be colonel

Antonicci, Anna E., XXX-XX-XXXX.
Baker, Evaline R., XXX-XX-XXXX.
Baskfield, Margaret, XXX-XX-XXXX.
Cooper, Robbie F., XXX-XX-XXXX.
Geissinger, Amy D., XXX-XX-XXXX.
Glisson, Bessie R., XXX-XX-XXXX.
Rodgers, Elizabeth, XXX-XX-XXXX.
Simon, Dorothy A., XXX-XX-XXXX.
Supplee, Jeanne L., XXX-XX-XXXX.

Executive nominations received by the Senate February 15, 1978, pursuant to the order of the Senate of February 10, 1978:

THE JUDICIARY

Ellen B. Burns, of Connecticut, to be U.S. district judge for the district of Connecticut, vice M. Joseph Blumenfeld, retired.

IN THE AIR FORCE

Gen. William V. McBride, U.S. Air Force, (age 55), for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 8962.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066 in grade as follows:

To be general

Lt. Gen. Alton Davis Slay, XXX-XX-XXXX, U.S. Air Force.

Executive nominations received by the Senate February 17, 1978, pursuant to the order of the Senate of February 10, 1978:

INTERNATIONAL ATOMIC ENERGY AGENCY

Roger Kirk, of the District of Columbia, a Foreign Service officer of class 1, to be the Deputy Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

DEPARTMENT OF THE TREASURY

Evelyn T. Davidson, of Colorado, to be Superintendent of the Mint of the United States at Denver, vice Betty Higby, resigned.

THE JUDICIARY

Robert W. Sweet, of New York, to be U.S. district judge for the southern district of New York, vice Inzer B. Wyatt, retired.

DEPARTMENT OF JUSTICE

James V. Serio, Jr., of Louisiana, to be U.S. Marshal for the eastern district of Louisiana for the term of 4 years, vice Ollie Lee Canion, resigned.

EXTENSIONS OF REMARKS

BAILING OUT BANKS THAT STRAITJACKET THE THIRD WORLD

HON. JOHN J. CAVANAUGH
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Monday, February 20, 1978

Mr. CAVANAUGH. Mr. Speaker, in view of the impending consideration by the House of H.R. 9214, authorization for the U.S. participation in the International Monetary Fund's special lending facility or "Witteveen Facility" I feel that it is appropriate to submit for the RECORD recent articles that deal with issues that go to the heart of this legislation.

An article written by Prof. Howard Wachetl and Michael Moffit for the February 12 edition of the Washington Star is a straight forward examination of the mounting debt of the LDC's and all resulting political and economic ramifications.

A letter to the editor of the New York Times on February 17 by Michael M. Horowitz, president of the Institute for Development Anthropology and a consultant to both the World Bank and AID, speaks eloquently of the relationship of economic growth and political and economic rights in the Third World:

BAILING OUT BANKS THAT STRAITJACKET THE THIRD WORLD

(By Howard M. Wachtel and Michael Moffitt)

The catchword of foreign policy pronouncements from the State Department is human rights. But across town, the Treasury doesn't seem to have gotten the word. Their international economic policy has had the effect of restricting human rights by imposing conditions of economic austerity on countries that are in debt.

This has happened in Peru, Zaire, Jamaica, and in wealthier countries too, like Portugal, Turkey, and Italy.

The Peruvian case is particularly instructive because after 1968 a progressive government had embarked on an ambitious program of social development and democratization of the workplace only to have the reforms aborted by the conditions that the International Monetary Fund and, later, private bankers imposed on Peru.

Business Week has implored bankers to be cautious of these types of ventures because they raise "troublesome questions about foreign business interference in the affairs of a sovereign state." The banks insist that "they did not interfere in Peru's affairs," but "simply told Peru to put its financial house in order and the Peruvian authorities independently decided how they would make themselves credit-worthy again."

The survival of Egyptian President Sadat has also been threatened by debt and the conditions creditors have imposed. Less than a year ago, the New York Times editorialized that "Egyptian crowds rioted when the subsidies for food and fuel were removed . . . That action, threatening the regime of President Sadat, was imposed by Egypt's creditors." The U.S. Treasury, in a more subdued tone, echoes the same theme. "Whichever adjustment policies a government chooses," the Treasury remarked in a report on debt, "it may face political difficulties in implementing them. Restraining current consumption may require adoption of an incomes policy that angers wage earners."

To understand the origins of this austerity question we must go back to the early 1970s, when New York-based multinational banks engaged in a worldwide expansion of finance that was without precedent in history. Billions of petrodollars—dollar earnings of OPEC countries—flowed into U.S.-based multinational banks at a speed that rivaled the role at which the oil gushed from the sands of the Middle East. The petro-dollars have been recycled through the financial system by a handful of private U.S. multinational banks who have accepted OPEC's deposits and, in turn, loaned them out to borrowers experiencing balance-of-payments problems. And like true financial nomads, the modern multinational bankers have roamed the earth setting up their financial tents wherever they promised to yield the most profits with the least government regulation.

Offshore banking havens sprouted in places like the Cayman Islands, the Bahamas, Panama, and Singapore. In the Bahamas, there is now one bank for every 800 inhabitants. New York's Citibank, one of the largest multinational banks in the world, is reported to have booked 20 per cent of its offshore loans from offices in the Bahamas and now receives 20 per cent of its earnings from oil-importing less-developed countries.

Increasingly, the loans made by these private multinational banks have not gone to their typical blue-chip private corporate customers. Instead, many loans have been made to governments of less-developed countries in the Third World, whose debt has reached crisis proportions in the past five years. The 86 LDCs that import oil and other necessities have accumulated a debt of $200 billion; all but $83 billion has been borrowed since 1972. Of this total debt, about $80 billion is owed to private banks.

This burden of debt is overwhelming for the many poor countries who find themselves substantially in hock to their creditors, their futures mortgaged to the bill-collector. Countries like Pakistan, Botswana, Somalia, the Congo and others have debts nearly as large as their gross national product. The debt is so onerous that larger and larger proportions of precious export earnings must be used to pay back old debts. Egypt, Mexico, Brazil, Peru, and Pakistan are now using anywhere from 30 to 40 per cent of their annual export earnings to pay off old debts.

Whether or not these loans can ever be paid back is a question which has stirred great controversy in policy-making circles. On the one hand, bankers publicly insist that their capital structures are sound and that they have not, as some have alleged, become seriously "overexposed" in a number of Third World countries. Among those whose concern has been aroused by the dramatic growth of private bank loans to the Third World are such figures as Arthur Burns, former chairman of the Federal Reserve Board, and IMF Director H. Johannes Witteveen. In a speech last year at Columbia University, Burns warned that the international financial system is seriously overextended and especially vulnerable to a possible crisis should there be another international recession.

The situation cries out for much more disclosure of the financial situation of the banks so that the public can make a rational decision about the several expensive proposals now floating around to resolve the world's current debt predicament.

One proposal now making its way through Congress would cost the American taxpayer $1.7 billion—the U.S. contribution to a $10 billion fund put together by the IMF to assist countries that are in debt. The name given to this fund is the Witteveen Facility, named after the IMF official, of the Netherlands. The stated purpose of the Witteveen Facility is to provide loans to countries that are experiencing serious debt problems. At first glance, this seems to be an innocuous, though expensive, activity; but beneath the surface lurk important questions for the American taxpayer who will foot this bill and for the countries that will borrow money from the Witteveen Facility:

How will IMF member countries benefit from the Witteveen Facility?

Will the Witteveen Facility become an indirect subsidy to private U.S. multinational banks who have lent enormous sums of money to the less-developed-countries (LDCs) and fear that these loans can never be repaid?

Will funds expended under the Witteveen Facility help meet the basic human needs of the poor in the world in concert with the development strategies being discussed in the World Bank and the U.S. Agency for International Development?

Are the conditions of economic austerity imposed by the IMF compatible with the human rights thrust of the Carter administration?

Just like New York City, debtor countries are under pressure to mortgage their political sovereignty (to use former Mayor Beame's characterization) to their creditors by adopting austerity programs imposed by the private foreign banks or in conjunction with the IMF. Arthur Burns has referred to this as the "IMF certificate of good standing," designed to restore bankers' perceptions of credit-worthiness of an impoverished nation.

Whatever the coating, the austerity pill usually prescribed by the IMF and private banks adds up to the same medicine: lowering the standard of living through a dose of restrictive fiscal and monetary policies whose effect is to increase unemployment, restrict the activities of labor unions, and reduce public sector expenditures on the very basic human needs that the World Bank and the United States propose as the cornerstone for their development policies in the world.

All this adds up to a series of contradictory forces operating on U.S. foreign policy. The commercial banks who lent money to poor countries naturally expect to have those loans repaid. However, in the course of paying back the debt, the poor countries are being asked to dance to a particular tune of the piper, a melody that imposes conditions of economic austerity which restricts a country's ability to fulfill the basic human needs strategy that World Bank President Robert McNamara and President Carter have articulated as the goal of development assistance. At times countries are pushed into policies that necessarily restrict human rights in order to enforce a policy of lowering the standard of living of their people.

The austerity route, however, is *not* the only policy that would assist debt repayment. Other options are open, options that would enable countries to pay back their loans, expand human rights, and meet basic needs

First, poor countries could be encouraged to diversify their exports so they can reduce their dependence on the export of one crop or one mineral. The industrial countries could also reduce their import barriers on finished manufactured goods and processed raw materials from the LDCs. Less-developed countries with higher and more stable export earnings would be much better customers for U.S. exports.

Secondly, LDC's could be more selective in the type of imports they allow in under the conditions for the extension of future credits. Rather than restrict necessities like food, a country could restrict the importation of luxury goods, as the Manley government of Jamaica has done.

Finally, the industrial countries could follow the Swedish government's example of writing off the debts owed to them by poor countries. As the debate about a foreign aid reorganization bill is heating up in Congress, we should consider debt write-off as a significant foreign aid option. We would get more bang for the buck this way since fewer bureaucrats would be in need to administer debt relief than for the normal aid program.

None of these alternative solutions has been discussed by the Congress as it has deliberated about the Witteveen Facility. Rep. Cavanaugh, D-Neb., a member of the House Banking, Finance and Urban Affairs Committee, which has jurisdiction over the bill, complained that adequate public discussion of these issues has never been held.

These pleas have thus far fallen on deaf ears and on January 23, the House Banking, Finance and Urban Affairs Committee approved the U.S. contribution to the Witteveen Facility. By a margin of two votes, an amendment by Congressman Mitchell, D-Md., was defeated that would have "encouraged" the IMF staff to develop stabilization programs for countries that meet basic human needs and do not restrict human rights.

There is little debate about the necessity for some international mechanism for bailing out the countries heavily in debt to private U.S. multinational banks and public lending institutions. The issue is the form this facility will take and the conditions it will impose on sovereign countries. However, like the two sides of a coin, the creditor countries stand to benefit from the Witteveen Facility just as much as the debtor countries. Congressman Pattison, D-N.Y., addressed this question with an amendment, also defeated, that would have prevented the Witteveen Facility from simply becoming a mechanism for bailing out the private banks through an indirect IMF-administered subsidy, while thrusting the risk of default wholly onto public lending institutions. If, as most bankers maintain, the private banking system is currently sound, then why do we need the Witteveen Facility to bolster confidence in the financial system?

In opposing the Witteveen Facility, the Wall Street Journal editorialized that "American taxpayers, in other words, will be asked to cough up a few billion for the IMF to loan to the poor countries so that they can pay off the banks . . . Imagine the flap if the problem were solved honestly and directly," they ask, by calling the Witteveen Facility "The Bankers Relief Act of 1977."

OF THIRD-WORLD GROWTH AND "POLITICAL NICETIES"

To the Editor:

Jahangir Amuzegar, Iran's representative at the World Bank, chides the Carter Administration and its Congressional supporters for attempting to relate U.S. and other donors' economic assistance to a recipient's concern for the political rights of its population [Op-Ed Jan. 29]. Third-world countries he states, must sacrifice "certain political niceties [by which he means 'rights for the redress of grievances, personal immunity from unlawful or unnecessary search and seizure, *habeas corpus* privileges, due process of law for incarceration . . . the abence of cruel and inhuman punishment', etc.] to insure maximum economic growth."

The assumption that economic growth and reducing the gap in domestic distributions of wealth require, as a trade-off, heavy constraints on individual and group liberty must not go without challenge. For there is no evidence that the poor genuinely profit from the suspension of civil liberties, whether under the dictatorship of a Pinochet or an Indira Gandhi.

The lot of the Voltaic poor is not worsening because the Ouagadougou Government is edging from military control to civilian politics. Can one say that the Gambian or Botswanan poor are hungrier or more illiterate than they would be if the governments were to abandon parliamentary processes? Have the poor in Spain, Portugal and Greece suffered as their countries returned to political democracy?

Political elites typically control the allocation of wealth within a country for their own benefit. Constraints on political rights facilitate elite holds on the economy. It will be a shame if the World Bank, which more than any other donor organization has the leverage to influence both economic and political situations in recipient countries, chooses to dissociate itself from the campaign for human rights. Economic growth without equity, either nationally or internationally, will hardly reduce the gap between rich and poor. And equity, nationally and internationally, is dependent on the "political niceties" of freedom and justice.

The Congressional mandate that economic assistance should reach the poorest of the world's poor and the Administration's urgings about human rights recognize that the two are intertwined. It is treating them as if they were separable which is in large part responsible for the increasing disparity between the affluent and the impoverished, a disparity to which the large donors have, sometimes unwittingly, contributed.

MICHAEL M. HOROWITZ,
Binghamton, N.Y., Feb. 13, 1978.

A TRIBUTE TO THE ESTONIAN PEOPLE ON THE 60TH ANNIVERSARY OF ESTONIAN INDEPENDENCE DAY

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 20, 1978

Mr. McCLORY. Mr. Speaker, it will be my privilege to participate on Saturday, February 25, in a ceremony commemorating the 60th anniversary of Estonian Independence Day.

This ceremony, which will take place at Estonian House in Lake County, Ill., will honor the freedom-loving native Estonians as well as their descendents who continue to fight for liberation of the Republic of Estonia from the yoke of Soviet suppression and control.

Mr. Speaker, 38 years of the 60 years which have elapsed since the Republic of Estonia gained independence in 1918 have been consumed by bloodshed, war, arrests, deportation, mass murders, terrorization, and massive forced Soviet settlements within the territory of the Republic of Estonia.

Mr. Speaker, I am proud of the native Estonians and Estonian descendents who reside within my 13th Congressional District of Illinois. These brave people, including my long-time friend, Olaf Tammark, president of the Estonian Association of Northern Illinois, are among the most courageous and freedom-loving individuals who occupy our globe.

Mr. Speaker, when I visit Estonian House on Saturday, February 25, I shall bring the greetings of the Members of this body as well as a salute to those faithful and courageous people who are unwilling to let the torch of freedom be extinguished and who, with our help and encouragement, can look forward to a time when Estonia will again be liberated and resume its historic role as a free and independent nation.

Mr. Speaker, it is most fitting that on this day when we honor the first President of the United States, George Washington, that we pay tribute to a nation which is working and praying for a rebirth of freedom and independence—the people of the Republic of Estonia.

THE IMF: AN INTERNATIONAL METHODONE FUND?

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 20, 1978

Mr. HARRINGTON. Mr. Speaker, the Congress will soon vote on a $1.7 billion authorization for the International Monetary Fund. On this occasion, the Congress is duty bound to examine the impact which this extraordinarily powerful, and little understood, institution has had on the United States and on the Fund's 131 other member nations. The aftermath of IMF austerity programs has been strewn with crises, including severe unemployment in Mexico, business bankruptcies in the Philippines, food riots in Egypt and Peru and fallen governments in Italy and Portugal. It is events such as these which have led to conclude that the Fund, through its reliance on quick fix policies, has caused enormous political and economic trauma for many nations without the benefit of immunization against further economic disruption. As a condition of new American support, the IMF must reform its approach to solving monetary instability.

Created by the Bretton Woods Agreements of 1944, the International Monetary Fund was chartered to promote free trade and a stable international monetary system. Because this order is threatened by nations which hover on the brink of default due to severe international payments deficits, the IMF provides balance-of-payments support to maintain country creditworthiness in the eyes of foreign lenders and investors. As countries approach their borrowing limits, the IMF regularly requires the adoption of stabilization or austerity programs to promote economic stability.

The Fund's austerity programs, which are confidential documents, typically require borrowing countries to implement strict deflationary measures. These include reduced government spending, higher interest rates, tighter supplies of money and credit, and restrained wages. In addition, by relaxing controls on foreign investment and devaluing currency, austerity programs seek to attract outside investment and increase export competitiveness.

Most of the effects of these policies on borrowing countries and on the world economy are less than beneficial. Here is what happens:

First, unemployment increases; living standards fall. As the cost of domestic

credit increases and purchasing power declines through wage controls in borrowing countries, business activity slumps, bankruptcies and unemployment increase and living standards decline. Mexico, currently laboring under IMF austerity, reports that half of its labor force is now unemployed or underemployed. An observer of the Philippines' austerity program reports that "a movement similar in scope to that which took place after the devaluation-decontrol in 1962, when in 4 years time close to 1,500 firms were driven to a state of collapse, appears to be in progress."

Second, foreign capital flows into the country resulting in greater debt and the export of American jobs. By agreeing to IMF austerity programs, borrowing countries receive the IMF's seal of approval. This approval inspires a new round of foreign lending and investment. Following Zaire's austerity agreement, the commercial banks are now organizing a new $250 million loan for this already over-indebted nation. Often the IMF loan and new commercial lending are used to pay off old commercial debts, leading the Wall Street Journal to dub the proposed new IMF authorization "The Bank Relief Act of 1977." Austerity, in conjunction with wage controls, attracts new foreign investment which generates new jobs. These jobs are created, however, at the expense of employment in local businesses which have been stran.led by austerity and at the expense of American workers whose jobs are often exported on the heels of foreign investment.

Third. The world economy stagnates and more American trade and jobs disappear. Few are aware of the effect of IMF austerity programs on our own Nation's trade and employment. The effect is significant. Austerity in other countries results in fewer American exports. Last November, before the House Ways and Means Subcommittee on Trade, Assistant Secretary of the Treasury Fred Bergston testified that in the developing countries alone a combination of self-initiated and IMF-induced austerity cost the U.S. economy approximately $7 billion in lost exports during the first half of 1977. During this period, austerity programs in force in Mexico and Brazil alone accounted for nearly one-sixth of the large increase in our trade deficit. If these reports are acccurate, the jobs and incomes of many Americans have evaporated as a result of austerity programs.

Fourth. Political instability grows, sometimes leading to constitutional crisis. Austerity programs are inherently unpopular. Riots followed the elimination of food subsidies in Egypt and Peru. Within a year after India and the Philippines signed austerity agreements with the Fund, Indira Ghandi and Ferdinand Marcos suspended their nations' constitutions on the pretext of implementing economic austerity. In Italy and Portugal, governments have fallen, thus threatening these fragile democracies and strengthening the position of their Communist parties. These and other instances raise serious questions about the political cost of IMF intervention.

What are these IMF agreements accomplishing by these severe economic and political disruptions? In many cases, they achieve only a temporary solution.

The Fund's austerity programs assume that the payments imbalances of member countries are just temporary, resulting from transitory crop failures, soft export markets and the like. However, for many countries, especially the developing countries who draw most frequently on the Fund, payments crises are often symptomatic of severe structural problems within their economies. Many of these countries seriously mismanage their resources. Agricultural lands are undertaxed and underutilized while these countries depend heavily on food imports and their rural populations remain hungry and unemployed. Other borrowing nations squander scarce foreign exchange on extravagant, unproductive expenditures such as Soviet fighter jets in the case of Peru and unfilled, government-financed hotels in the Philippines.

The recidivism rate of countries operating under IMF austerity programs indicates the temporary effect of these measures. Of the 54 countries which have accepted austerity programs during the past 10 years, 43 have required subsequent programs. Approximately 13 of these countries have found it necessary to apply for additional assistance over the course of from 4 to 10 consecutive years.

Yet, the IMF claims that it has no power to effect structural change within troubled countries. According to the Fund, its leverage extends only to broad macroeconomic policies, specific microeconomic policy being within the sole purview of the borrowing government. There is no virtue in this distinction, however, if by limiting itself to general requirements, the Fund fails to encourage a durable solution to the underlying structural problems which afflict its member countries.

These criticisms are not intended, as some contend, to transform the IMF into a development bank. It is to suggest that within its charter, the IMF can be more conscious of the structural disorders which sometime underlie monetary instability and reform its policies to encourage more durable and humane solutions to instability within the international economic system.

TRIBUTE TO GRANDPARENT'S DAY

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 20, 1978

Ms. MIKULSKI. Mr. Speaker, as cosponsor of the joint resolution authorizing the President to proclaim a National Grandparent's Day, I would like to share the following song with my colleagues. This song was written by Mrs. Whiteman, one of my constituents, who is a grandparent herself. I feel that this song expresses all the joyful feelings that occur in a relationship between grandparents and their grandchildren.

GRANDMA'S GIRL

(By Clayre E. Whiteman)

My life is getting dreary each day along the way.
I watched my children grow up, while I grow older each day.
Life seemed so useless now and then, but one day out of the blue,
I seem to hear a wee voice say, "Grandma, I love you."
'Twas my youngest grandchild Joan, so lovely to behold.
She brought so much joy to my life when I was growing old.
She's made my life so happy, sometimes I feel I'll burst; this little girl so precious, it makes my poor heart burst.

To want to be near her this little girl and I.
Whenever she sits by my side, the time passes me by.
When I am not around her, I always seem aware of a tiny voice saying, "I love you, Grandma Clayre."
My life is getting dreary each day along the way.
I watched my children grow up, while I grew older each day.
Life seemed so useless now and then, but one day out of the blue,
I seemed to hear a wee voice say, "Grandma, I love you."
I want to be near her, this little girl and I.
Whenever she sits by my side, the time passes me by.
When I am not around her, I always seem aware of a tiny voice saying, "I love you, Grandma Clayre."

SPINKS NEW WORLD BOXING CHAMP

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 20, 1978

Mr. YOUNG of Missouri. Mr. Speaker, I would like to take this opportunity to offer my congratulations to a fellow St. Louisan who is now the new world heavyweight boxing champion, Leon Spinks.

In a 15-round bout that dazzled this Nation and the world, Leon Spinks won a close decision over one of the great boxers of all time, Muhammad Ali.

I am sure that my colleagues in the Congress will join me in extending my congratulations to both the former champion and the new champion for a great fight. Both men showed amazing strength and stamina in a bout that went down to the wire.

The close decision went to Leon Spinks, and he deserved to win. As the new champion, he joins the ranks of famous St. Louis boxers including former light-heavyweight champion Archie Moore, welterweight titleholder Virgil Akins, and the former lightweight, featherweight, and welterweight champion "Hammering Henry" Armstrong.

The people of St. Louis are proud of Leon Spinks and his brother Michael. We were proud when they became the first brothers to win Olympic gold medals in boxing in the same year. And we are doubly proud of them now.

PERSONAL EXPLANATION

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 20, 1978

Mr. EDWARDS of Oklahoma. Mr. Speaker, I am presently listed as a cosponsor of H.R. 8973. At this time I wish to disassociate myself with this bill and state that I do not support its passage.

SENATE COMMITTEE MEETINGS

Title IV of the Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committees scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 21, 1978, may be found in Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 22

8:30 a.m.

Agriculture, Nutrition, and Forestry
Nutrition Subcommittee
To hold hearings to examine the implementation of the Department of Agriculture's nutrition research authority as contained in the 1977 Food for Agriculture Act.
S-206, Capitol

9:00 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

10:00 a.m.

Agriculture, Nutrition, and Forestry
Agriculture Research and General Legislation Subcommittee
To hold hearings to receive testimony from officials of the Government Accounting Office concerning its investigation on activities of Commodities Future Trading Commission.
322 Russell Building

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the defense establishment.
1223 Dirksen Building

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for foreign aid programs.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of the Secretary.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To discuss the staff inquiry in connection with the nomination of G. William Miller, of California, to be a Member of the Board of Governors of the Federal Reserve System.
5302 Dirksen Building

*Budget
To receive testimony from Director Bosworth, Council on Wage and Price Stability, in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
357 Russell Building

Energy and Natural Resources
Public Lands and Resources Subcommittee
To hold hearings on S. 817, to authorize the Secretary of the Interior to defer repayment of municipal and industrial costs of the Dickinson Unit, North Dakota.
3110 Dirksen Building

Environment and Public Works
To hold hearings on proposed fiscal year 1979 authorizations for the Army Corps of Engineers.
4200 Dirksen Building

Finance
To hold a business meeting to consider recommendations which it will make to the Budget Committee on the fiscal year 1979 budget in accordance with the Congressional Budget Act.
2221 Dirksen Building

Joint Economic
To resume hearings on the President's economic report.
1202 Dirksen Building

Rules and Administration
To hold hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees.
301 Russell Building

Select Intelligence
To mark up S. 1566, to establish procedures for electronic surveillance in the area of foreign intelligence information.
154 Russell Building

Select Intelligence.
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407, Capitol

2:00 p.m.

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for public works projects.
S-126, Capitol

Select Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407, Capitol

FEBRUARY 23

9:00 a.m.

Agriculture, Nutrition, and Forestry
To hold hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Environment and Public Works
Resource Protection Subcommittee
To hold hearings jointly with the Energy and Natural Resource's Subcommittee on Public Lands and Resources on S. 1820, to preserve examples of America's diverse natural ecological resources for classification, identification, and protection.
4200 Dirksen Building

9:30 a.m.

Armed Services
To resume hearings on proposed fiscal year 1979 authorizations for military procurement.
1202 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Committee
To hold oversight hearings on U.S. export policy.
5302 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nomination of James P. Walsh, of the District of Columbia, to be Deputy Administrator of the National Oceanic and Atmospheric Administration.
235 Russell Building

Human Resources
To hold hearings jointly with the House Education and Labor Committee on the proposed reorganization of Federal equal employment opportunity programs.
4232 Dirksen Building

10:00 a.m.

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the defense establishment.
1223 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Veterans' Administration.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings to receive testimony from Secretary of the Interior Cecil Andrus, on proposed budget estimates for fiscal year 1979 for the Department of the Interior.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Appropriations
Military Construction Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
S-146, Capitol

Finance
To hold a business meeting to consider recommendations which it will make to the Budget Committee on the fiscal year 1979 budget in accordance with the Congressional Budget Act.
2221 Dirksen Building

Governmental Affairs
Energy, Nuclear Proliferation, and Federal Services Subcommittee
To hold hearings on S. 201 and H.R. 7132, to establish an arbitration board to settle disputes between organizations of supervisors and the U.S. Postal Service.
357 Russell Building

Rules and Administration
To continue hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees.
301 Russell Building

Select Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407, Capitol

11:30 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Panama Canal Company and the Panama Canal Zone Government.
1224 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Select Intelligence
Budget Authorization Subcommittee
To continue closed hearings on proposed fiscal year 1979 authorizations for Government intelligence activities.
S-407, Capitol

FEBRUARY 24

7:00 a.m.
Human Resources
Child and Human Development Subcommittee
To hold hearings on S. 2522, authorizing funds for the Family Planning and Population Research Act through 1983.
Until 12:30 p.m. 4232 Dirksen Building

9:30 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Department of Agriculture.
1224 Dirksen Building

Environment and Public Works
To hold hearings to review the proposed fiscal year 1979 authorizations for the Economic Development Administration with a view to making recommendations thereon to the Budget Committee.
4200 Dirksen Building

Governmental Affairs
Civil Service and General Services Subcommittee
To hold oversight hearings on the activities of the General Services Administration.
357 Russell Building

Special Aging
To hold hearings on tax forms and tax equity for older Americans.
6226 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Environment, Soil Conservation, and Forestry Subcommittee
To hold oversight hearings on the proposed fiscal year 1979 authorizations for soil and water conservation projects.
322 Russell Building

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the defense establishment.
1223 Dirksen Building

Appropriations
Hud-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Veterans Administration.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of HEW.
S-128, Capitol

Banking, Housing, and Urban Affairs
Consumer Affairs Subcommittee
To resume hearings on S. 2065 and S. 2470, to protect consumer rights and provide remedies in electronic fund transfer systems.
5302 Dirksen Building

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 2348, the proposed Domestic Offshore Communities Seaport Development Act.
235 Russell Building

Foreign Relations
To hold hearings on and to consider pending nominations.
S-116, Capitol

Rules and Administration
To mark up resolutions requesting funds for activities of Senate committees and subcommittees and to consider other committee business.
301 Russell Building

10:30 a.m.
Judiciary
Juvenile Delinquency Subcommittee
To resume oversight hearings on the Drug Enforcement Administration's efforts to control drug trafficking on U.S. borders with Mexico.
2228 Dirksen Building

FEBRUARY 27

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 1895, to amend the Natural Gas Pipeline Safety Act.
5110 Dirksen Building

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume oversight hearings on U.S. export policy.
6226 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for foreign aid programs.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
To hold oversight hearings on the impact of building codes on housing rehabilitation.
5302 Dirksen Building

Foreign Relations
Foreign Economic Policy Subcommittee
To hold hearings to review the progress of the international negotiations to establish a common fund for commodities; debt releases for developing countries; and other North-South issues.
4221 Dirksen Building

Government Affairs
Federal Spending Practices and Open Government Subcommittee
To hold oversight hearings on the SBA minority business program.
3302 Dirksen Building

Joint Economic
To resume hearings on the President's economic report.
1202 Dirksen Building

Select Indian Affairs
To resume hearings on S.J. Res. 102, to reevaluate federal policy as it relates to changes which may need to be made to protect and preserve American Indian religious cultural rites and practices.
S-207, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Health Resources Administration, Department of HEW.
S-128, Capitol

FEBRUARY 28

8:00 a.m.
Energy and Natural Resources
Energy Conservation and Regulation Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for the Department of Energy.
3110 Dirksen Building

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for NASA.
318 Russell Building

Human Resources
To hold a business meeting to consider recommendations it will make to the Budget Committee for the fiscal year 1979 budget in accordance with the Congressional Budget Act, and S. 2539, the proposed College Opportunity Act.
Until noon 4232 Dirksen Building

9:30 a.m.
Veterans' Affairs
To consider committee budget resolution.
312 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To consider additional funding for items of the Department of the Interior and related agencies, proposed to be included in a second supplemental appropriations, and to hold hearings on proposed budget estimates for fiscal year 1979 for Alaska Land Use.
1114 Dirksen Building

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
S-146, Capitol

Budget
To receive testimony from Energy Secretary Schlesinger in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Environment and Public Works Water Resources Subcommittee
To hold hearings on Soil Conservation Service projects.
4200 Dirksen Building

Finance
To hold a business meeting to consider recommendations which it will make to the Budget Committee on the fiscal year 1979 budget in accordance with the Congressional Budget Act.
2221 Dirksen Building

Foreign Relations
To mark up the Tax Convention with the United Kingdom of Great Britain and Northern Ireland (Exec. K, 94th Cong., 2nd sess.); Tax Convention with the Republic of Korea (Exec. P, 94th Cong., 2nd sess.); Income Tax Convention with the Republic of the Philippines (Exec. C, 95th Cong., 1st sess.); Protocol to the Convention on International Civil Aviation (Exec. C, 95th Cong., 1st sess.); and Convention for the Unification of Certain Rules Relating to International Carriage by Air (Exec. B, 95th Cong., 1st sess.).
S–116 Capitol

Select Small Business
To hold hearings on small business aspects of the Administration's 1978 tax program.
424 Russell Building

10:30 a.m.
Appropriations
Labor-Hew Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Department of HEW.
S–128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Education, Department or HEW.
S–128, Capitol

MARCH 1

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To resume hearings on the proposed extension of programs under the Comprehensive Employment and Training Act (P.L. 93–567).
Until 12:30 p.m.
6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Bureau of Outdoor Recreation, and Land and Water Conservation Fund.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for elementary and secondary education programs, Department of HEW.
S–128, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on S. 2441, proposed Federal Public Transportation Act.
5302 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Energy and Natural Resources
To hold hearings to receive testimony from Energy Secretary Schlesinger on proposed fiscal year 1979 authorizations for the Department of Energy.
3110 Dirksen Building

Joint Economic
To resume hearings on the President's economic report.
1202 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for school assistance in federally affected areas, and emergency school aid programs, Department of HEW.
S–128, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for Department of the Treasury, and on supplemental appropriations for fiscal year 1978.
1224 Dirksen Building

7:00 p.m.
Human Resources
Child and Human Development Subcommittee.
To hold hearings on S. 2523, proposed extension of authorizations for research and study of sudden infant death syndrome (P.L. 93–270).
Until 10:30 p.m. 4232 Dirksen Building

MARCH 2

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Energy and Natural Resources
Public Lands and Resources Subcommittee
To hold hearings on S. 2234, proposed fiscal year 1979 authorizations for the Bureau of Land Management, Department of the Interior.
3110 Dirksen Building

Human Resources.
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on the reauthorization of the Comprehensive Employment and Training Act (P.L. 93–567).
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for foreign aid programs.
S–146, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Consumer Product Safety Commission.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Park Service.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Education Department of HEW.
S–128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Washington Metropolitan Area Transit Authority and the Civil Aeronautics Board.
S–126, Capitol

Banking, Housing, and Urban Affairs
To continue hearings on S. 2441, proposed Federal Public Transportation Act.
5302 Dirksen Building

Budget
To receive testimony from Defense Secretary Brown in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Foreign Relations
To hold hearings on S. 2420, proposed International Development Cooperation Act, and proposed fiscal year 1979 authorizations for foreign assistance programs.
4221 Dirksen Building

Select Indian Affairs
To hold hearings on S. 2000 and S. 2188, to provide for the use and distribution of an award granted by the Indian Claims Commission to the Seminole Indian Nation of Florida.
357 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Office of Education, Department of HEW.
S–128, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Department of the Treasury, and on supplemental appropriations for fiscal year 1978.
1224 Dirksen Building

MARCH 3

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Environment and Public Works
Resource Protection Subcommittee
To resume hearings jointly with the Energy and Natural Resource's Subcommittee on Public Lands and Resources on S. 1820, to preserve examples of America's diverse natural ecological resources for classification, identification, and protection.
4200 Dirksen Building

9:30 a.m.
*Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 2534, authorizing funds for the Health Maintenance Organization through 1983.
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on spending practices of individual departments (Mission Budgeting) at HEW, and on proposed budget estimates for fiscal year 1979 for the Health Care Financing Administration, Department of HEW.
S–128, Capitol

Banking, Housing, and Urban Affairs
To continue hearings on S. 2441, proposed Federal Public Transportation Act.
5302 Dirksen Building

Energy and Natural Resources
Energy Conservation and Regulation Subcommittee
To hold hearings on proposed fiscal year 1979 authorizations for the Department of Energy.
6226 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on proposed fiscal year 1979 authorization for the Department of Energy.
3110 Dirksen Building

Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on S. 2420, proposed International Development Cooperation Act, and on proposed fiscal year 1979 authorizations for foreign assistance programs.
4221 Dirksen Building

11:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
1318 Dirksen Building

MARCH 6

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
Environment and Public Works
Transportation Subcommittee
To hold hearings on S. 2440, proposed Federal Highway Improvement Act.
4200 Dirksen Building

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Robert D. Thorne, of California, to be an Assistant Secretary of Energy.
3110 Dirksen Building

Foreign Relations
Foreign Assistance Subcommittee
To resume hearings on S. 2420, proposed International Development Cooperation Act.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for the Office of Education, Department of HEW
S–128, Capitol

6:00 p.m.
Veterans' Affairs
To resume hearings on a National Academy of Science study of health care for American veterans.
Until 10:30 p.m. 6226 Dirksen Building

MARCH 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To resume hearings on S. 50, the Full Employment and Balanced Growth Act.
Until 12:30 p.m. 4232 Dirksen Building

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To resume hearings in connection with the protection of human subjects used in experimental research.
Until 12:30 p.m. 357 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for foreign aid programs.
S–126, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Surface Mining.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Human Development and special institutions, Department of HEW.
S–128, Capitol

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Human Development and special institutions, Department of HEW.
S–128, Capitol

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for military construction programs, and funds for NATO.
S–146, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by bank holding companies and other banks.
5302 Dirksen Building

Energy and Natural Resources
To hold a business meeting on pending calendar business.
3110 Dirksen Building

Select Indian Affairs
To hold hearings on S. 2502, to authorize the States and the Indian tribes to enter into mutual agreements respecting jurisdiction and governmental operations in Indian country.
Room to be announced

11:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations from officials of the VFW.
318 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Office of Human Development and special institutions, Department of HEW.
S–126, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for the Department of the Treasury, and on supplemental appropriations for fiscal year 1978.
1224 Dirksen Building

MARCH 8

8:30 a.m.
*Human Resources
Child and Human Development Subcommittee
To hold hearings on S. 1728, the proposed Domestic Violence Prevention and Treatment Act, and related bills.
Until 11:30 a.m. 457 Russell Building

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

Commerce, Science and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 50, the Full Employment and Balanced Growth Act
Until 12:30 p.m. 4232 Dirksen Building

9:30 a.m.
Environment and Public Works
Resource Protection Subcommittee
To consider pending legislation.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Endowment for the Arts.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by bank holding companies and other banks
5302 Dirksen Building

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for the Department of Energy.
3110 Dirksen Building
Foreign Relations
Foreign Assistance Subcommittee
To resume hearings on S. 2420, proposed International Development Cooperation Act
4221 Dirksen Building
Human Resources
Education, Arts, and the Humanities Subcommittee
To resume hearings on S. 1753, to extend and amend the Elementary and Secondary Education Act.
1318 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Coast Guard and St. Lawrence Seaway Development Corporation.
1318 Dirksen Building

MARCH 9

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for foreign aid programs.
S-126, Capitol

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Environmental Protection Agency.
1318 Dirksen Building
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Fish and Wildlife Service.
1114 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Department of HEW.
S-128, Capitol
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
S-146, Capitol
Budget
To receive testimony from HEW Secretary Califano and Labor Secretary Marshall in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building
Energy and Natural Resources
To hold a business meeting to consider recommendations it will make to the Budget Committee for the fiscal year 1979 budget in accordance with the Congressional Budget Act.
3110 Dirksen Building
Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on the Administration's request for the economic support fund.
4221 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for the U.S. Tax Court and certain functions under the Executive Office of the President, and on supplemental appropriations for fiscal year 1978.
1224 Dirksen Building

MARCH 10

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on the financial condition of American agriculture, including the impact of 100 percent of parity.
322 Russell Building
Commerce, Science and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2478, proposed fiscal year 1978 authorizations for the National Rail Passenger Corporation (Amtrak).
318 Russell Building

9:30 a.m.
Human Resources
Handicapped Subcommittee
To hold hearings on vocational rehabilitation and developmental disabilities.
Until noon 4232 Dirksen Building
Judiciary
Antitrust and Monopoly Subcommittee
To resume oversight hearings on ICC's price regulation in the motor common carrier industry.
2228 Dirksen Building

10:00 a.m.
Appropriations
HUD-independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Environmental Protection Agency and Council on Environmental Quality.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Department of the Treasury, and on supplemental appropriations for fiscal year 1978.
1224 Dirksen Building
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building
Energy and Natural Resources
To continue business meeting to consider recommendations it will make to the Budget Committee for the fiscal year 1970 budget in accordance with the Congressional Budget Act.
3110 Dirksen Building
Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on contributions to international organizations, and on the administrative and personnel requirements of the proposed new organization which is to administer the aid program.
4221 Dirksen Building
Select Indian Affairs
To resume hearings on S. 2502, to authorize the States and the Indian tribes to enter into mutual agreements respecting jurisdiction and governmental operations in Indian country.
457 Russell Building

MARCH 13

9:00 a.m.
Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To resume hearings on S. 2090, 2081, and 1919, to extend certain programs authorized by the Economic Opportunity Act.
Until 12:30 p.m. 4232 Dirksen Building
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 2354, to provide for equal access to courts.
2228 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on proposed fiscal year 1979 authorizations for the Export-Import Bank.
5302 Dirksen Building
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for the Department of Energy.
3110 Dirksen Building
Foreign Relations
To hold hearings on U.S.-U.S.S.R. relations.
4221 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To resume hearings on S. 2478, proposed fiscal year 1979 authorizations for the National Railroad Passenger Corporation (AMTRAK).
235 Russell Building

7:00 p.m.
Human Resources
Child and Human Development Subcommittee
To hold hearings on S. 258, the Children and Youth Camp Safety Act.
Until 10:30 p.m. 4232 Dirksen Building

MARCH 14

9:00 a.m.
Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To continue hearings on S. 2090, 2081, and 1919, to extend certain programs authorized by the Economic Opportunity Act.
6226 Dirksen Building

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To hold hearings on proposed funding of roads on Indian lands.
4200 Dirksen Building
Human Resources
Handicapped Subcommittee
To resume hearings on vocational rehabilitation and developmental disabilities.
Until 12:30 p.m. 4232 Dirksen Building
Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 27 and S.J. Res. 28, proposed constitutional amendments to limit the number of terms of service for Members of Congress.
5110 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for foreign aid programs.
S-126, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Forest Service, Department of Agriculture.
1114 Dirksen Building

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for military construction programs.
S-146, Capitol

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To continue hearings on proposed fiscal year 1979 authorizations for the Export-Import Bank.
5302 Dirksen Building

Foreign Relations
To continue hearings on U.S.-U.S.S.R. relations.
4221 Dirksen Building

Select Indian Affairs
To hold hearings on S. 2460, to amend the Indian Self-Determination and Education Assistance Act.
357 Russell Building

10:30 a.m.
Judiciary
Immigration Subcommittee
To hold hearings on S. 2252, proposed Alien Adjustment and Employment Act.
2228 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the U.S. Postal Service, and on supplemental appropriations for fiscal year 1978.
1224 Dirksen Building

MARCH 15

10:00 a.m.
Banking, Housing, and Urban Affairs
To mark up S. 2065, to provide consumer rights and remedies in electronic fund transfer systems.
5302 Dirksen Building

Budget
To receive testimony from Federal Reserve Board Chairman-designate Miller in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Foreign Relations
To continue hearings on U.S.-U.S.S.R. relations.
4221 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for certain functions under the Executive Office of the President, and on supplemental appropriations for fiscal year 1978.
1224 Dirksen Building

MARCH 16

8:00 a.m.
Veterans' Affairs
To resume hearings on H.R. 5029, authorizing funds for hospital care and medical services for certain Filipino combat veterans of W.W. II, and S. 2398, to extend the period of eligibility for Vietnam-era veterans' readjustment appointment within the Federal Government.
Until 11:00 a.m. 357 Russell Building

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for NASA.
235 Russell Building

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on S. 2440, proposed Federal Highway Improvement Act.
4200 Dirksen Building

Judiciary
Constitution Subcommittee
To continue hearings on S.J. Res. 27 and S.J. Res. 28, proposed constitutional amendments to limit the number of terms of service for Members of Congress.
6226 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for foreign aid programs.
S-146, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Smithsonian Institution.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To hold oversight hearings on FDIC report on preferential bank lending policies.
5302 Dirksen Building

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for the Department of Energy.
3110 Dirksen Building

Select Indian Affairs
To resume hearings on S. 2460, to amend the Indian Self-Determination and Education Assistance Act.
Room to be announced

10:30 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for National Highway Traffic Safety Administration.
S-126, Capitol

Judiciary
Immigration Subcommittee
To resume hearings on S. 2252, proposed Alien Adjustment and Employment Act.
2228 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for certain functions under the Executive Office of the President, and on supplemental appropriations for fiscal year 1978.
1224 Dirksen Building

MARCH 17

10:00 a.m.
Budget
To receive testimony from Secretary of HUD Harris in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

MARCH 20

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To resume hearings on S. 2040, the Comprehensive Drug Amendments Act.
Until 12:30 p.m. 4332 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Bureau of Mines.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To resume hearings on proposed fiscal year 1979 authorizations for the Export-Import Bank.
5302 Dirksen Building

Budget
To receive testimony from Representative Bolling in preparation for reporting the first concurrent resolution on the fiscal year 1979 congressional budget.
6202 Dirksen Building

MARCH 21

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 2094 and S. 2389, to abolish diversity of citizenship as a basis of jurisdiction of Federal district courts.
5110 Dirksen Building

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To resume hearings on S. 2440, proposed Federal Highway Improvement Act.
4200 Dirksen Building

Veterans' Affairs
To mark up S. 364, to provide for judicial review of administrative decisions promulgated by the VA, and to allow veterans full access to legal counsel in proceedings before the VA, and S. 2384, the Veterans and Survivors Income Security Act.
412 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for foreign aid programs.
S-128, Capitol

Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Science Foundation.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Bureau of Land Management.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Federal Highway Administration.
S-126, Capitol

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To ccntinue hearings on proposed fiscal year 1979 authorizations for the Export-Import Bank.
5302 Dirksen Building

Foreign Relations
Foreign Assistance Subcommittee
To resume hearings on S. 2420, proposed International Development Cooperation Act, and proposed fiscal year 1979 authorizations for foreign assistance programs.
4221 Dirksen Building

10:30 a.m.
Judiciary
Immigration Subcommittee
To resume hearings on S. 2552, proposed Alien Adjustment and Employment Act.
2228 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Defense Civil Preparedness Agency, Civil Service Commission, Federal Labor Relations Council, and the Federal Election Commission, and on supplemental appropriations for fiscal year 1978.
1224 Dirksen Building

MARCH 22

9:00 a.m.
Human Resources
To hold hearings on S. 2084, the Administration's proposed welfare reform legislation.
Until 12:30 p.m. 4232 Dirksen Building

Judiciary
Improvements in Judicial Machinery Subcommittee
To continue hearings on S. 2094 and S. 2389, to abolish diversity of citizenship as a basis of jurisdiction of Federal district courts.
2228 Dirksen Building

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To continue hearings on S. 2440, proposed Federal Highway Improvement Act.
4200 Dirksen Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the National Science Foundation and Office of Science and Technology Policy.
1318 Dirksen Building

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 2158, to permit the storing of foreign-caught shark fins at U.S. foreign trade zones for eventual exportation to foreign countries.
235 Russell Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the General Services Administration, and on supplemental appropriations for fiscal year 1978.
1224 Dirksen Building

MARCH 23

9:00 a.m.
Human Resources
To continue hearings on S. 2084, the Administration's proposed welfare reform legislation.
Until 12:30 p.m. 4232 Dirksen Building

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To hold hearings on the status of proposed construction of a Federal Interstate Highway near Memphis Tennessee.
Room to be announced

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for foreign aid programs.
S-126, Capitol

Foreign Relations
To hold hearings to receive testimony from Secretary of State Vance on the Administration's proposed arms transfer policy.
4221 Dirksen Building

10:30 a.m.
Judiciary
Immigration Subcommittee
To resume hearings on S. 2252, proposed Alien Adjustment and Employment Act.
2228 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for certain Independent Agencies, and on supplemental appropriations for fiscal year 1978.
1224 Dirksen Building

APRIL 3

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To hold hearings on S. 394, proposed Bridge Replacement and Rehabilitation Act.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Endowment for the Humanities.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To hold oversight hearings on the condition of the banking system.
5302 Dirksen Building

Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on proposed fiscal year 1979 authorizations for security assistance programs.
4221 Dirksen Building

APRIL 4

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Bureau of Indian Affairs.
1114 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1979 for the Department of the Treasury, Postal Service, and General Government items, and on supplemental appropriations for fiscal year 1978.
S-126, Capitol

Banking, Housing, and Urban Affairs
To continue oversight hearings on the condition of the banking system.
5302 Dirksen Building

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for the Department of the Treasury, Postal Service, and General Government items, and on supplemental appropriations for fiscal year 1978.
S-126, Capitol

APRIL 5

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Federal Aviation Administration.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on U.S. programs and facilities designed to increase U.S. exports.
5302 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations from AM-VETS Paralyzed Veterans of America, and Veterans of World War I.
Until 1:00 p.m. 6226 Dirksen Building

APRIL 6

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume oversight hearings on the National Bureau of Standards.
235 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Geological Survey.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Railroad Passenger Corporation (AMTRAK).
1224 Dirksen Building

APRIL 7

11:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of Revenue Sharing, and New York City Seasonal Financing Fund, Department of the Treasury.
1318 Dirksen Building

APRIL 10

9:30 a.m.
*Human Resources
Health and Scientific Research Subcommittee
To hold hearings on proposed authorizations for fiscal year 1979 for the National Science Foundation.
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to consider the reestablishment of housing goals and proposed extension of existing housing programs.
5302 Dirksen Building

APRIL 11

9:00 a.m.
Judiciary
Improvements in Judiciary Machinery Subcommittee
To hold hearings on S. 2253, to encourage prompt, informal, and inexpensive

resolution of civil cases by use of arbitration in U.S. district courts.
2228 Dirksen Building

9:30 a.m.
Human Resources
Health and Scientific Research Subcommittee
To resume hearings on S. 2040, proposed Comprehensive Drug Amendments Act.
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings to consider the reestablishment of housing goals and proposed extension of existing housing programs.
5302 Dirksen Building

APRIL 12

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To mark up proposed Federal Aid highway legislation.
4200 Dirksen Building
Human Resources
Health and Scientific Research Subcommittee
To continue hearings on S. 2040, proposed Comprehensive Drug Amendments Act.
Until 12:30 p.m. 4232 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Federal Railroad Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To continue hearings to consider the reestablishment of housing goals and proposed extension of existing housing programs.
5302 Dirksen Building
Select Indian Affairs
To hold oversight hearings on the current status of the reorganization of the Bureau of Indian Affairs.
1202 Dirksen Building

APRIL 13

10:00 a.m.
Appropriations
HUD Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for HUD.
1318 Dirksen Building

APRIL 14

10:00 a.m.
Appropriations
HUD Independenct Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for HUD.
1318 Dirksen Building

APRIL 17

9:30 a.m.
Environment and Public Works
Transportation Subcommittee
To resume mark up of proposed Federal aid highway legislation.
4200 Dirksen Building

APRIL 18

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings on the competitiveness of high technology U.S. exports in world markets and the potential adverse impact on exports from declining research and development expenditures by the U.S. Government and industry.
5302 Dirksen Building
Select Indian Affairs
To hold hearings on S. 2375, to establish guidelines to be followed by the Department of the Interior in response to petitioning Indian tribes seeking an acknowledgement of a Federal relationship.
5110 Dirksen Building

APRIL 19

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Urban Mass Transportation Administration.
1224 Dirksen Building

APRIL 20

10:00 a.m.
Appropriations
HUD Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for NASA.
1318 Dirksen Building
Select Indian Affairs
To resume hearings on S. 2375, to establish guidelines to be followed by the Department of the Interior in response to petitioning Indian tribes seeking an acknowledgement of a Federal relationship.
318 Russell Building

APRIL 21

10:00 a.m.
Appropriations
HUD Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1979 for NASA.
1318 Dirksen Building

APRIL 24

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on monetary policy.
5302 Dirksen Building

APRIL 25

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on monetary policy.
5302 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Federal Home Loan Bank Board and the National Institute of Building Sciences.
1318 Dirksen Building
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for Con-Rail and the U.S. Railroad Association.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the National Transportation Safety Board and the ICC.
1224 Dirksen Building

MAY 2

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1979 for the Office of the Secretary, DOT.
1224 Dirksen Building

MAY 17

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings in connection with restrictions employed by foreign countries to hold down imports of U.S. goods.
5302 Dirksen Building

CANCELLATIONS

FEBRUARY 22

9:00 a.m.
Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To hold hearings on proposed legislation to extend the Comprehensive Employment Training Act (CETA).
Until 12:30 p.m. 4232 Dirksen Building
Human Resources
Child and Human Development Subcommittee
To hold hearings on S. 2534, authorizing funds for the Health Maintenance Organization through 1983.
S–207, Capitol

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To hold hearings on the proposed extension of authorizations for the Family Planning and Population Research Act (P.L. 91–572).
Until 12:30 p.m. 357 Russell Building

FEBRUARY 23

10:00 a.m.
Joint Economic
To continue hearings on the President's economic report.
5110 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, February 21, 1978*

NOTICE

Effective Wednesday, March 1, 1978, the Laws and Rules for Publication of the **Congressional Record** will be amended to identify statements or insertions in the **Record** where **no part of them was spoken.** Unspoken material will be preceded and followed by a "bullet" symbol, i.e., ●.

Since procedures in the House and Senate differ, variations of the Laws and Rules for Publication for each body are as follows:

1. **HOUSE AND SENATE FLOOR PROCEEDINGS**

(a) When, upon unanimous consent or by motion, a prepared statement is ordered to be printed in the **Record** and **no part** of it is spoken, the entire statement will be "bulleted."

(b) If a Member verbally delivers the **first portion** of the statement (such as the first sentence or paragraph), then the entire statement will appear **without** the "bullet" symbol.

(c) Extemporaneous speeches supplemented by prepared statements **will not** be "bulleted."

2. **SENATE ONLY**

(a) **Additional Statements.** All **unspoken** prepared statements submitted for printing in the **Record will be** "bulleted"; and

(b) If the statement is **not germane** to the pending or unfinished business before the Senate, it will be printed in the **Record** under the heading of "Additional Statements";

(c) If, however, the unspoken prepared statement **is germane** to the pending or unfinished business, it will be printed in the **Record** as part of the debate on the matter being considered.

(d) **Routine Morning Business. Unspoken** prepared statements submitted with the introduction of legislation, notices of hearings, or any other "first person" statement **not spoken** will be printed in the **Record** with the "bullet" symbol and will appear in the **Record** at the appropriate place during Routine Morning Business.

3. **HOUSE ONLY**

(a) **One-Minute Speeches and Special Orders.** If **no portion** of such statements is spoken by the Member, the entire statement **will** be "bulleted."

(b) **Extensions of Remarks.** All statements **not spoken** by the Member will be "bulleted." If, however, a portion of a statement **is delivered verbally** by the Member, revised, but **not** received by GPO in time to appear in the **Record** for that day, it will be printed **without** the "bullet" symbol in a subsequent issue of the **Record** under "Extensions of Remarks."

By order of the Joint Committee on Printing.

FRANK THOMPSON, JR., Acting Chairman.

The House met at 12 o'clock noon.

Dr. Algirdas Jurenas, pastor, Port Clyde Baptist Church, Port Clyde, Maine, offered the following prayer:

O God, today we pray for the Lithuanian people and other Baltic nations deprived of their freedom and independence.

Make us free enough, O Lord, to work toward the liberation of the downtrodden of this Earth until the last stone of the ugly fence that separates the free from the archipelago of slaves is cast down once and for all. Remind us again that, if it is not freedom for all, it is not freedom at all.

In the years to come make us more responsive to their cry that they may know that we are people who truly care and are worthy of their trust.

In the name of Him who came "to proclaim liberty to the captives" and "to set free the oppressed." Amen.

CALL OF THE HOUSE

Mr. ROUSSELOT. Mr. Speaker, on the basis of rule I, clause 1, I make the point of order that a quorum is not present.

Mr. WRIGHT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 64]

Andrews, N.C.	Brooks	Carney
Armstrong	Burke, Calif.	Cederberg
Ashbrook	Burke, Fla.	Clay
Beilenson	Burleson, Tex.	Collins, Ill.
Biaggi	Burton, John	Conyers
Bingham	Burton, Phillip	Cornwell
Bowen	Byron	Cotter
Crane	Krueger	Roncalio
Danielson	Leggett	Rosenthal
Davis	Lloyd, Tenn.	Rostenkowski
Dent	McDonald	Roybal
Diggs	Martin	Ruppe
Dodd	Meeds	Russo
Edwards, Calif.	Mikva	Scheuer
Edwards, Okla.	Milford	Shuster
Fish	Moakley	Skubitz
Flynt	Moss	St Germain
Ford, Tenn.	Motti	Staggers
Fraser	Murphy, Ill.	Stangeland
Giaimo	Murphy, N.Y.	Teague
Gonzalez	Myers, John	Udall
Harsha	Oakar	Ullman
Holland	Patterson	Watkins
Jenrette	Pepper	Whitten
Jones, N.C.	Perkins	Wydler
Kasten	Pressler	Young, Alaska
Kastenmeier	Pursell	Zeferetti

The SPEAKER. On this rollcall 351 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 21, 1978.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am enclosing herewith a telegram received by the Clerk of the House from the Executive Director of the Board of Elections of New York City. The telegram states that the following are the figures canvassed by the Board of Elections in the Special Election held on February 14, 1978 in the 21st Congressional District of New York:

Robert Garcia, Republican and Liberal	7,959
Louis Nine, Democrat and Conservative	3,514
Raymond S. Velez, Victory Party	2,280
Armando Montano, Build the Bronx	394
Israel Ruis, Jr., Alliance for Progress	219

With kind regards, I am,
Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

The telegram is as follows:

NEW YORK, N.Y.,
February 17, 1978.

Hon. EDMUND L. HENSHAW, Jr.,
Clerk of the House,
House of Representatives,
Capitol One, D.C.:

The following are the figures canvassed by the Board of Elections in the 21st Congressional District special election February 14, 1978. Louis Nine, Democrat and Conservative, 3,514; Robert Garcia, Republican and Liberal, 7,959; Raymond S. Velez, Victory Party, 2,280; Armando Montano, Build the Bronx, 394; Israel Ruis, Jr., Alliance for Progress, 219. A formal certificate of elec-

tion will be made by the State Board of Canvassers.

BETTY DOLEN,
Executive Director, Board of Elections, New York City.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
February 21, 1978.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I am enclosing herewith a telegram received by the Clerk of the House from the Executive Director of the Board of Elections of New York City. The telegram states that the following are the figures canvassed by the Board of Elections in the Special Election held on February 14, 1978 in the 18th Congressional District of New York:

S. William Green, Republican	30,332
Bella S. Abzug, Democrat and Liberal	29,171
Howard Lim, Jr., Conservative	435
Paul Gallagher, Labor Party	152

With kind regards, I am,
Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

The telegram is as follows:

NEW YORK, N.Y.,
February 17, 1978.

Hon. EDMUND L. HENSHAW, Jr.,
Clerk of the House:

The following are the figures canvassed by the Board of Elections in the 18th Congressional District special election February 14, 1978—Bella S. Abzug, Democrat and Liberal, 29,171; S. William Green, Republican, 30,332; Howard Lim, Jr., Conservative, 435; Paul Gallagher, Labor Party, 152. A formal certificate of election will be made by the State Board of Canvassers.

BETTY DOLEN,
Executive Director, New York City Board of Elections.

THE HONORABLE ROBERT GARCIA AND THE HONORABLE S. WILLIAM GREEN

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the gentleman from New York, Mr. ROBERT GARCIA, be permitted to take the oath of office today. His certificate of election has not arrived; but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RHODES. Mr. Speaker, I ask unanimous consent that the gentleman from New York, Mr. BILL GREEN, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest filed with the House; and the House has received no notification that any question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GARCIA and Mr. GREEN appeared at the bar of the House and took the oath of office.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

KWONG LAM YUEN

The Clerk called the bill (H.R. 1798) for the relief of Kwong Lam Yuen.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MORRIS AND LENKE GELB

The Clerk called the bill (H.R. 3084) for the relief of Morris and Lenke Gelb.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAPUTO. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore (Mr. WRIGHT). The Chair is aware of and acquainted with the press accounts of comments concerning the gentleman from New York (Mr. CAPUTO), in his Representative capacity, and the Chair recognizes the gentleman from New York for 1 hour.

The gentleman from New York is recognized.

Mr. CAPUTO. For purposes of clarity, Mr. Speaker, I think it would be important for me to state the basis for my question of personal privilege.

Mr. Speaker, the gentleman from Massachusetts (Mr. O'NEILL) during a recent appearance on a nationally syndicated television program made certain allegations and repeated other allegations which directly impugned my motives and actions as a member of the Committee on the Standards of Official Conduct. Those allegations have been widely reported in the media. I, therefore, rise to a question of personal privilege. In doing so, I send to the Chair a verbatim transcript of the remarks made by the gentleman from Massachusetts on the nationally syndicated television program and copies of articles concerning these statements which have appeared in various national newspapers.

The gentleman from Massachusetts alleged that this gentleman from New York has two employees on his congressional payroll who "checked the sex life of his colleagues, who check to see whether they are cheating on their wives, who check if they go on corporate planes."

Mr. Speaker, I have neither instructed nor authorized members of my staff to investigate anyone's personal life or anyone's use of aircraft.

The gentleman from Massachusetts referred to these charges as "hearsay" whose "accuracy" he had not "checked out." When he does, he will learn the accusations are untrue. I would hope this matter can end here.

There is a second allegation; namely, that I revealed to journalists questions I asked Ms. Suzy Park Thomson about the gentleman from Massachusetts during an executive session of the Ethics Committee. Some questions and answers of this nature did, indeed, appear in the press. But it is no secret how the press obtained the information. Mr. Philip J. Hirschkop, Ms. Thomson's attorney, held an open press conference directly after the testimony was given

On September 12, 1977, Mr. Hirschkop wrote to the chairman of the Ethics Committee concerning the matter. A copy of the letter was sent to me by Mr. Hirschkop at that same time. Let me read from that letter:

I, of course, was present when the questions were asked about House Speaker Tip O'Neill (by Mr. Caputo). I thought the questions were perfectly proper, and, in fact, a great deal more proper than some of the others asked in the course of the hearing. Further, I discussed those questions not twenty minutes after the hearing ended with 20 to 30 members of the press outside the committee room.

I ask unanimous consent that the full text of Mr. Hirschkop's letter be inserted into the RECORD at this point.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The letter is as follows:

ALEXANDRIA, VA.,
September 12, 1977.

Re Suzi Park Thomson.

JOHN J. FLYNT, Jr.,
Chairman, Committee on Standards of Official Conduct, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN FLYNT: I understand that the House is now considering a Rule where staff would be able to question witnesses for the Committee on Standards of Official Conduct without members of Congress being present. I would encourage, in light of the experience I had representing Suzi Park Thomson, that such a Rule not be adopted by the House of Representatives. Indeed, had there been such a Rule when Ms. Thomson finally testified, I would have advised her to chance contempt rather than testify under such a situation. Ms. Thomson was abused by some of the staff in the absence of members of Congress and only seemed to get fair treatment when a member of Congress was present. In this regard, I enclose my letter of April 25, 1977 to John W. Nields, Jr. The background of this letter is very informative about the impending amendment to the House Rules.

On March 30, 1977 Mr. Lacavera informed Ms. Thomson that a subpoena was being sent to her to produce certain documents. I enclose a copy of the letter of March 30, 1977 from Peter Kriendler sending me that subpoena. I thereafter discussed the matter with John Nields and told him of her inability to produce such documents in view of the fact they did not exist with the exception of some grand jury notes prepared

for her own lawyer. In an effort to cooperate with the Committee, I met with Mr. Nields and let him see the majority of those notes. In order to reply to the subpoena, I told him I would send Ms. Thomson down with a letter with regard to the same and enclose also my letter of April 6, 1977 replying to the subpoena thereby meeting the formal language of the subpoena.

When Ms. Thomson got down to the House Committee just to produce that letter, she was questioned my Mr. Nields and apparently another lawyer asking her opinion of the Korean investigation; things about FBI agents; after indicating to them she would have to ask her lawyer about these questions about the FBI agents, they then asked her if she had a job; how she makes a living; about the grand jury; etc. I thereafter received a letter of April 18, 1977 from Mr. Nields about our agreement on grand jury notes prepared by Ms. Thomson and sent him by letter of April 25, 1977, both of which are attached, regarding his misconduct in questioning Ms. Thomson in my absence. I think it outrageous that a Committee counsel would so violate the ethics of the profession as to press people and examine when counsel knows they are represented by counsel and are dealing with counsel, and yet the counsel is not present.

On August 16, 1977, Thomas Fortuin, another counsel of the Committee, wrote me about my client's continued refusal to testify in closed hearing and objections to the same. In that letter, he discussed the misconduct of Mr. Nields and confirmed that Ms. Thomson was examined in my absence. Mr. Fortuin indicates that, "the conversation up to that point took place out of your presence only because you, with notice of the proceeding, chose not to appear." The position is, of course, outrageous in that the Committee has absolutely no right to subpoena someone for questioning unless it is formally, under oath, in the form of testimony. For Committee counsel to issue subpoenas just to haul people in for questioning and not testimony is an abuse of process. For Committee counsel to go ahead and question people and claim it was pursuant to a subpoena without having a member of Congress around is a violation of the Rules of the House. Either way, the whole thing was shoddy and for Congress to elect to have these people proceed with members of Congress responsive to the public not present would be a terrible abrogation of the rights and duties of members of Congress.

Lastly, I understand that part of the impetus behind this motion to amend the House Rules is the fact that a member of Congress informed Les Whitten about questions asked about House Speaker O'Neill. I, of course, was present when the questions were asked of Ms. Thomson about House Speaker O'Neill. I thought the questions were perfectly proper and, in fact, a great deal more proper than some of the others asked in the course of that hearing. Further, I discussed those questions not twenty minutes after the hearing ended with twenty to thirty members of the press outside the Committee room. I have a great deal of knowledge about the matter of the Anderson article and firmly believe that the information did not come from Congressman Caputo or any other Congressional person on that Committee. I think if the Committee is to act honestly and with integrity, it should be able to act under the standing House Rules and not be afraid to ask questions about any member of Congress. An amendment of this nature, if passed by Congress, might well explain why everyone insisted my client had to be interrogated in secret and that a true exposure of what happened with regard to any potential Korean pavoffs might never be forthcoming.

Very truly yours,

PHILIP J. HIRSCHKOP.

Mr. CAPUTO. Mr. Speaker, as you know, Members of Congress cannot reveal testimony taken in closed sessions of the Ethics Committee. But witnesses and their counsel are free to speak to the press and the public. And in this case they obviously did. There was no leak. Only an authorized open discussion of the deposition by Ms. Thomson's lawyer.

Since this TV program will be appearing around the country in the next few days, perhaps the gentleman from Massachusetts will examine the Hirschkop letter and consider amending his statement about the source of the Suzy Park Thomson story. I yield back the balance of my time. Thank you very much, Mr. Speaker.

WITH REFERENCE TO THE QUESTION OF PERSONAL PRIVILEGE RAISED BY THE GENTLEMAN FROM NEW YORK, MR. CAPUTO

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, when I took the oath as Speaker of this House, I pledged, in Henry Clay's words, that "in those moments of agitation from which no deliberative assembly is always entirely exempt" I would "remain cool and unshaken, guarding the permanent laws and rules of the House from being sacrificed to temporary passions, prejudices, or interests." I want to bring nothing but credit to this great institution in which we serve.

On reflection I feel that I should not have uttered the personal remarks which I made last week in an interview relating to a colleague in the House. When I am interviewed as Speaker, I have an official responsibility to be above the battle. I should not have challenged his motives, and I am sure it was unwise to have made references to conduct on his part where I am unwilling to substantiate or corroborate those charges I have been both angered and hurt by what I consider to be unfounded and unfair charges that I have violated laws of the United States and the Constitution of the United States; but when we are in public life, we have to be thickskinned, and I should not have let those personal attacks motivate me to respond in kind.

I guess what it comes down to is this: that as Speaker, a constitutional officer of this House, I must be more charitable and responsible toward my colleagues than they sometimes are toward me.

THE UNWARRANTED CHARGES MADE AGAINST THE CALIFORNIA RAISIN INDUSTRY

(Mr. KREBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KREBS. Mr. Speaker, as you may know, the entire U.S. raisin production originates in California's San Joaquin Valley, a portion of which I am privileged to represent. Our raisin growers are almost exclusively family farmers, who justly pride themselves on their independence and the fine quality of their product. The industry maintains a quality control system which is second to none. Our raisin growers and this Member were, therefore, saddened to hear of the unwarranted and unsubstantiated charges made against their industry last week before the Subcommittee on Oversight and Investigations. Specific reference is made to the allegation that residues of Captan, a fungicide, have been found in raisins and that the substance was carcinogenic. One of our colleagues wasted no time in declaring that "the public cannot even be sure of the safety of the raisins it eats * * *."

The fact of the matter is that Captan is not being used by our growers in their normal cultural practices, and in those isolated cases in which Captan residue was discovered, the quantity was substantially below tolerance level. Last but not least, there is no concrete evidence that Captan is even carcinogenic.

Mr. Speaker, this statement was not meant for those persons who believe that raisins grow on trees.

SOCIAL SECURITY TAXES

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. It is gratifying to note that some of my Democratic colleagues have introduced legislation to cut the recently enacted social security tax burdens. It is also amazing because these same Members strongly opposed similar efforts just 4 months ago when I offered my motion to recomit the social security financing bill and its massive tax increases. That motion was overwhelmingly defeated.

This about-face is gratifying, because it indicates a desire to rectify a disastrous mistake. But the way they are going about it is still disappointing. They want to shift both medicare and disability insurance taxes to the retirement and survivors insurance program. All that is needed is to move medicare taxes to the combined old age, survivors and disability insurance (OASDI) trust funds.

I think my approach is preferable, for three important reasons. Participants receive benefits from the OASDI programs in proportion to their contribution. In that sense, social security's disability program has the same insurance character as its retirement program. Both are actuarially based. Medicare is not. Participants receive benefits based not on their contributions, but on the extent to which they need medical service.

Second, the Ways and Means Subcommittee on Social Security is conducting public hearings on the varied problems besetting the disability insurance program. It is hoped that this effort could lead to important program changes, which should precede refinancing.

Finally, Mr. Speaker, I believe my approach is preferable because there is no financial need to shift the disability insurance taxes. By moving only half the medicare taxes to the combined OASDI trust funds we can cut the massive tax

increases in current law and keep the payroll load near old law levels.

Therefore, I am reintroducing, in effect, my proposal to do just that, and I ask my colleagues for their support.

GREAT EXPECTORATIONS?

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, we have a nationwide coal strike. We have serious troubles in the economy. We have grave problems in our defense capability.

Amidst all these problems the Carter White House has somehow found time to issue a 33-page report on the subject of the great spitting incident. It seems that a White House aide was reported to have spat a drink at a young lady in a local watering hole. The story was vehemently denied by the White House and today, as I say, a 33-page rebuttal of the story was issued by the White House.

Mr. Speaker, I think you will agree with me that a 33-page White House report on an alleged spitting incident is a far cry from the high hopes many had for the administration when it entered office.

Are we to conclude that in 1 year the Carter administration has gone from great expectations to great expectorations?

POSTMASTER GENERAL BAILAR

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, unlike the distinguished minority whip who just spoke, I by nature am nonpartisan. Therefore, the 1-minute speech I am about to insert into the RECORD is a eulogy of the recently retired Postmaster General, written with objectivity, none of the political type of style used by my friend, the whip.

I advise all to read the RECORD tomorrow. You will be enlightened by these remarks.

Mr. Speaker, the resignation of Postmaster General Benjamin F. Bailar begs the question: Who are the innumerable congressional critics of the U.S. Postal Service going to kick around next? It is a question aspirants for the top postal job might well consider before subjecting themselves to the constant carping over the many real and many imagined deficiencies in the Postal Service.

Bailar became our Nation's 61st Postmaster General on February 17, 1975. It is a date he is not likely to forget. From that time on, he became a convenient target of opportunity for a legion of postal experts who had no conception of the problems and complexities involved in running one of the world's unique organizations. In scope of daily operations and responsibilities, the Postal Service has no counterpart.

Despite what his critics say, Postmaster General Bailar has done a good job under difficult circumstances. Today, the Postal Service is handling more than 5 billion more pieces of mail than it did 6 years ago, and it is doing the job with 74,000 fewer employees.

While Bailar is leaving the Postal Service for a higher paying job in private industry, he might have remained on the job longer had he not been forced to spend a disproportionate amount of time and energy dealing with 535 assorted experts. Some of these same experts who were in a position to assist the Postmaster General were long on promises but short on coming up with meaningful and objective postal legislation.

Perhaps, if Bailar had been less outspoken and went along to get along, he would have won more friends on the Hill. Generally, he called them like he saw them and frequently told Congress what it did not want to hear.

Looking back on his 3-year stewardship, Bailar can justifiably claim he left the Postal Service in better shape than he found it.

Now that Bailar is on his way out, the question before the House is: Who is the next whipping boy?

REMEMBERING THE FREEDOM-LOVING PEOPLE OF EASTERN EUROPE

(Mrs. FENWICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FENWICK. Mr. Speaker, at this time of year, many of the nations of Eastern Europe remember their independence days. The three Baltic States—Estonia, Latvia, and Lithuania—gained their independence at the close of World War I, only to come under Soviet occupation in 1945. Also in 1918, the Republics of Ukraine and Byelorussia proclaimed their independence. Although the liberty of these two states was brief, the 1936 and 1977 Soviet Constitutions recognize their right of secession. As people from these states celebrate the 60th anniversary of their independence, it is fitting that we should remember their courage and dedication to liberty.

We remember also the people of these nations, and of Poland, Czechoslovakia, Hungary, and Romania whose sons and daughters have contributed so much to our country. General Kosciuszko—born on February 12, 1746—and General Pulaski—born on March 4, 1748—both left a divided Poland and distinguished themselves in our own Revolutionary War effort. These days are celebrated by free Poles around the world to commemorate the freedom-loving spirit of these patriots.

The Ukrainian people have given us the inspired words of their poet laureate, Taras Shevchenko, who was born on March 9, 1814. He is recognized as one of the greatest Slavic poets.

Hungarians in the United States celebrate March 15 as Kossuth Day, to commemorate the 1849 Hungarian Revolution that he inspired. Although the revolt was put down by the ruling Hapsburgs, Kossuth later came to the United States where he was given a hero's welcome by the American people.

February 25 marks the 30th anniversary of the Communist coup d'etat in Czechoslovakia and the end of democratic government in that country. This date is remembered by Czechs and Slovaks in the free world, and by all of us.

Mr. Speaker, the United States has never recognized the forced occupation of many of these countries, and we will continue to honor the spirit and courage of the people of Eastern Europe. In these days we remember their past history and the brave people who today are reminding their governments of the pledges made at Helsinki in regard to human rights and freedoms.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. This is the day for the call of the Suspension Calendar.

Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated, and after those motions to be determined by nonrecord votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

AIRCRAFT REGISTRATION

Mr. ANDERSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10368) to amend the Federal Aviation Act of 1958 relating to eligibility for registration of aircraft.

The Clerk read as follows:

H.R. 10368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 501(b)(1)(A)(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1401(b)(1)(A)(i)) is amended by striking out "citizen of the United States (other than a corporation)" and inserting in lieu thereof "citizen of the United States".

(b) Section 501(b)(1)(A)(ii) of the Federal Aviation Act of 1958 (49 U.S.C. 1401(b)(1)(A)(ii)) is amended by inserting "(other than a corporation which is a citizen of the United States)" immediately after "corporation".

The SPEAKER pro tempore. Is a second demanded?

Mr. SNYDER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. ANDERSON) and the gentleman from Kentucky (Mr. SNYDER) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on November 9, 1977, the President signed Public Law 95–163 which, among other things, amended section 501(b) of the Federal Aviation Act to expand the aircraft registration eligibility criteria to include aliens admitted for permanent residence in the United States and corporations of the United States or a State thereof which are controlled by persons not meeting the citizenship test.

The language of Public Law 95–163 provides that where corporate ownership is involved, an aircraft has to be "based and primarily used" in the United States in order to be eligible for registration. Although that test was intended to apply only to corporations controlled by non-U.S. citizens, the language has been interpreted to include corporations controlled by U.S. citizens as well. This has led to the undesirable result that existing corporations having aircraft registered prior to Public Law 95–163 find themselves in a situation where the validity of the existing registration of certain aircraft is in question. H.R. 10368, as reported, clarifies the original intent by applying the "based and primarily used" test established by Public Law 95–163 only to those aircraft registered by corporations controlled by persons not meeting the Federal Aviation Act citizenship test. Aircraft owned by corporations meeting the U.S. citizenship test are, in effect, placed in the same situation which existed prior to enactment of Public Law 95–163. I urge adoption of this measure.

Mr. SNYDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from California (Mr. ANDERSON) in urging my colleagues to support the pending bill, H.R. 10368. This legislation clarifies the intent of Congress with respect to the eligibility for U.S. registration of U.S. aircraft based and operated in a foreign country.

Attorneys representing aircraft financing institutions have taken the position that the alien aircraft registration provisions of H.R. 6010 (Public Law 95–163) contain language which cast doubt on the eligibility of aircraft operated by U.S. international air carriers for U.S. registration—if such aircraft are based abroad. We have been persuaded that these contentions have some merit—although, of course, our intention in H.R. 6010 was never to affect the status of such aircraft one way or the other.

The provisions of the bill were directed to other aspects of aircraft registration—namely to permit aliens admitted for permanent residence in the United States and foreign corporations operating in the United States to register their aircraft in this country. The alleged ambiguity comes about as a result of an amendment in the other body. The pending bill, H.R. 10368, removes that alleged ambiguity and should be supported.

Mr. Speaker, I know of no controversy on the bill, and I have no requests for time.

Mr. JOHNSON of California. Mr. Speaker, on November 9, 1977, the President signed Public Law 95–163, which amended section 501(b) of the Federal Aviation Act to revise the eligibility requirements for the registration of aircraft in the United States. Since its enactment it has been found that the amendment has a drafting ambiguity which raises substantial legal problems.

Public Law 96–163 by inadvertence provided that a U.S. corporation could register an aircraft in the United States only if the aircraft is "based and primarily used in the United States." Many of the aircraft operated by our U.S. international air carriers would not technically meet this requirement of primary use in the United States since the majority of their hours flown are outside the continental limits. This bill corrects this problem by limiting the applicability of this test to corporations which, due to substantial foreign ownership, fail to meet the U.S. citizenship requirements of the act.

I urge adoption of this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ANDERSON) that the House suspended the rules and pass the bill H.R. 10368.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMERGENCY HIGHWAY AND TRANSPORTATION REPAIR ACT OF 1978

Mr. HOWARD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10979) to provide emergency assistance for the repair of certain weather related damage to highways and urban mass transportation systems due to the winter of 1977–78, as amended.

The Clerk read as follows:

H.R. 10979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Highway and Transportation Repair Act of 1978".

SEC. 2. As used in this Act the term—

(1) "Secretary" means the Secretary of Transportation;

(2) "State" means any one of the fifty States, the District of Columbia, Puerto Rico, or Guam; and

(3) "highway" means the surface of any paved road, street, parkway, bridge, tunnel, or railroad highway crossing, which is under the jurisdiction of and maintained by a public authority and open to public travel.

SEC. 3. (a) The Secretary shall enter into a contract with each State for payment of 100 per centum of the cost of repairing weather related damage to (A) highways in such State and (B) the surface rails of urban mass transportation systems in such State (other than railroads). Such damage must be attributable to the weather during the winter of 1977–1978, except that no payment shall be made under this Act for any damage of the type authorized to be repaired or reconstructed by section 125 of title 23, United States Code.

(b) Every contract entered into under this Act shall be a contractual obligation of the United States for payment to the State of the agreed amount. The State must obligate such amount for repairs authorized by this Act not later than June 15, 1978.

(c) Each contract entered into with a State under this Act shall contain such conditions as the Secretary determines necessary to insure that the funds authorized by this Act shall be in addition to, and not in substitution for, expenditures by such State from its funds for the type of repairs authorized by this Act.

SEC. 4. No State shall receive, under any contract entered into under this Act, less than one-half of 1 per centum, or more than 7 per centum of the amount authorized in section 5 of this Act. In entering into contracts with States under this Act, the Secretary shall take into account such factors as he determines necessary to carry out this Act including, but not limited to, climatological data available prior to April 1, 1978, related to extraordinary pavement deterioration conditions, vehicle miles of travel on all public roads in each State, and the paved public road mileage in each State.

SEC. 5. There is authorized to be appropriated, out of the Highway Trust Fund, $250,000,000 to carry out this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. GARY A. MYERS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. HOWARD) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. GARY A. MYERS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 10979, a bill to provide emergency assistance for the repair of certain weather related damage to highways and urban mass transportation systems due to the winter of 1977–78.

This bill, Mr. Speaker, has been referred to as the "pot hole" bill and correctly so. Its basic purpose is to alleviate primarily the pot hole condition on our highways and streets which we have all become very familiar with.

Much of our legislation in Congress is highly technical, but no matter where I go in this city and around the country everybody understands what a pot hole is and what it costs them.

The harshness of the weather in nearly every part of the Nation this winter has caused severe damage to the surfaces of

our highway system, and in some instances for surface rails of urban mass transportation systems.

As this damage and deterioration came to the attention of the members of the Committee on Public Works and Transportation, it was apparent that the serious safety problems which would ensue made it imperative that prompt action be taken to repair the damage.

The States and local governments are working hard to keep up with the needed repair work, but the unusual severity of this particular winter has aggravated the problem to the extent that the cost of the repair work is far in excess of the States' normal expenditures for this type of work, and many are experiencing severe budget strains as a result. It therefore seemed evident that some sort of help was needed to prevent a slowdown in this vital repair work.

This bill would provide for $250 million out of the highway trust fund at 100 percent Federal funding to be made available immediately with a minimum of one-half of 1 percent and a maximum of 7 percent to each State.

In order that there be one source of distribution, the funds would be allocated to the States and distributed as they see fit throughout the State to meet individual needs.

This bill illustrates, Mr. Speaker, that this Congress is aware of, and responsive to, the Nation's needs, and the sense of urgency of those needs has prompted our committee's expeditious action.

I urge favorable action by the House, and expeditious and favorable action in the other body.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I would like to clarify this and get answers to two questions I have in my mind. On page 3 of the bill, the language is: "The Secretary shall enter into a contract with each State * * *"

Would, actually, the contracting administering body of the State be the agency which presently administers the Federal highway trust fund?

Mr. HOWARD. Within the State, yes.

Mr. VOLKMER. My question is, would this agency which administers this Federal trust fund be the same agency which would contract this provision for the pothole money?

Mr. HOWARD. Yes, whichever it is.

Mr. VOLKMER. So they would not be able to go outside of that and contract with another State agency to administer this money?

Mr. HOWARD. No.

Mr. VOLKMER. The second question is—and I believe I know the answer, but I want to get it in the record—on page 4, it provides: "The State must obligate such amount for repairs authorized by this act not later than June 15, 1978."

I have no disagreement with that, but there is one question that this brings up, and that is that the State can do this on its own, through its own manpower, through its own employees, or they can contract it out; is that correct?

Mr. HOWARD. Yes, that is correct.

Mr. VOLKMER. Either alternative would be satisfactory, however the State wishes to do it?

Mr. HOWARD. That is the way it has been done. Some do it with their own employees, and some do have a contract out for the work.

June 15, 1978, was put in there in recognition of the late thaws in some of the Northern States. To take care of the work which will result from the winter damage is what the money will be used for.

Mr. VOLKMER. Mr. Speaker, I thank the gentleman.

Mr. HOWARD. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I rise in support of H.R. 10979, the Emergency Highway and Transportation Repair Act of 1976, legislation which the States urgently need to help them repair unusually severe weather damage to their roads and highways.

This bill authorizes $250 million out of the highway trust fund money already sent to Washington, D.C., by highway users for emergency repairs undertaken by the States under contract with the Secretary of Transportation and requires obligation of funds by June 15, 1978.

It is not intended to duplicate assistance available under the emergency relief provisions of existing highway law, relating to more extensive projects than contemplated under this bill, nor the resurfacing, restoration, and rehabilitation provisions of existing law.

Instead, it is targeted precisely on the less severe but far more widespread damage directly resulting from the unusually severe weather conditions being experienced this winter.

That damage is indeed severe, Mr. Speaker, resulting in most instances from repeated freeze-thaw cycles that break up highway pavement, but resulting also from the damaging effects of heavy rains in warmer climes.

The factors to be considered by the Secretary in determining States' relative shares of the funding include weather, along with miles of paved road and vehicle miles traveled. Provision of a one-half percent minimum per State and a limitation of a maximum 7 percent any one State can receive are intended to supplement that formula and assure fairness in the program.

And, most importantly, the bill specifies that the Federal funds shall be in addition to, and not a substitute for, each State's own spending on "pothole" repair.

Mr. Speaker, the States face a heavy financial burden resulting from the second severe winter in a row. Many have already sustained severe damage and have committed extensive amounts for their repair. And the winter is far from over.

I urge my colleagues to join in enacting this bill so that the States can continue to proceed with repairs in the knowledge that at least some emergency assistance for the extraordinary increase in work will be available.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. I thank the gentleman for yielding.

Mr. Speaker, I want to associate myself with the remarks of the gentleman from Pennsylvania (Mr. SHUSTER). I can think of no better investment of the highway trust fund than this expenditure, to keep intact the system in which the Federal Government already has a sizable investment.

First, we all continue to recognize that routine road maintenance has been, is and should remain strictly a State responsibility: We have no intention here to establish any precedent to the contrary.

Second, we do not want to be rigid or dogmatic about it at a time when the States are facing a real emergency situation. Their roads and their highways—and their treasuries—took a beating last year because of unusually severe and destructive weather. Now they are getting more of the same for the second year back to back. For example, this year it will cost my State of Arkansas $20 million more than it normally spends to repair damage to its roads from the winter of 1977–78. We have to be sensitive to that, too.

We also have to recognize that the ability of the States to finance normal levels of highway construction and reconstruction as well as maintenance—will be severely impaired by the drain on State sources resulting from weather-related damage. The extent and severity of damage can result in far more than mere inconvenience to the motorist. It can result in increased vehicle maintenance costs and repair costs. And beyond that, in many cases, it can result in a real safety hazard.

I would also point out that this legislation will benefit all States. This has been an unusually severe winter throughout the country, to include those Sun Belt States which normally do not experience such extreme cold weather. Therefore, these States need emergency road repair assistance too, and this legislation will provide it to them as well as to the normally colder areas of the country.

The Arkansas Good Roads and Transportation Council was in touch with me just this morning to express its support of this legislation and to reiterate just how badly such assistance is needed in Arkansas and other Southern States.

For these reasons, I think we are fully justified in making available this assistance to help the States meet at least some of the increased repair needs resulting from this unusually severe winter.

I urge passage of the bill.

Mr. GARY A. MYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am in the unique position of opposing a bill which I originally co-sponsored, and I would like to explain how I find myself in that position.

Quite frankly, I do not oppose some Federal involvement in assisting the

States in meeting emergency repairs to the highway systems which have been essentially constructed from Federal funds in the past. I think the question becomes one of what Federal involvement we are talking about and to what extent we should limit that Federal involvement.

Madam Speaker, when I originally supported the bill which the gentleman from New Jersey (Mr. HOWARD) drafted, it was my intention to support the concept of some Federal involvement, with the ability to restrict its application in reasonable forms. In committee, when the bill was being discussed, I put forward the idea that the States must, first of all, be required to maintain the level of effort which they had maintained in the past. As a result of that debate we had an amendment put forth; and the committee did accept the requirement that the States maintain the effort they had maintained in the past.

Madam Speaker, I think this is an example of the committee's recognizing the fact that this bill, in its original draft, was not tightly enough drawn and that there was legitimate concern as to what the impact of Federal involvement would be.

I put forth an additional amendment in the committee which would have made the bill palatable to me, to the point that I could have then supported the bill and could now support it. That amendment required a cap or limit on the amount of money that goes from the Federal Government to the States for this category of spending at no more than 25 percent of the previous year's maintenance of effort, which would mean that the Federal Government could contribute a significant amount toward the repair of roads damaged by winter.

However, Madam Speaker, the committee did not adopt that amendment. What we have done is to bring the bill before the House in such form that in some cases we might find the Federal Government committing itself to as high as 60 or 70 percent of the total State expenditures in this category.

Madam Speaker, I think that is too great a step without some hearings and without an assessment of what the Federal Government's role should be in this maintenance of highway program after winter damage.

Mr. CONABLE. Madam Speaker, will the gentleman yield?

Mr. GARY A. MYERS. I yield to the gentleman from New York.

Mr. CONABLE. Madam Speaker, I would like to thank the gentleman from Pennsylvania (Mr. GARY A. MYERS) for the statement he is making.

I think his remarks point up the fact that he has a significant amendment, and I would support it were it to be offered.

He points up the mistake of taking up such a measure as this one under suspension of the rules.

I do not think there is any doubt that this money would do some good in filling potholes, potholes which we are all familiar with, not only in our districts, but here in the District of Columbia.

However, it seems to me this is one of those typical emergency-type measures which constitute an unfortunate precedent. This bill misstates, in my view, the role of the Federal Government. I would hate to see us continue along the course of making the Federal Government the sole problem solver. No local government will fill its own potholes, hereafter, if there is hope of getting some of this 100-percent Federal money.

Mr. GARY A. MYERS. Madam Speaker, I thank the gentleman.

He points out very clearly the hazard that might exist in ensuing years if the States should more and more rely on the Federal Government to assure the responsibility in this maintenance category.

I would like to point out, Madam Speaker, that the gentleman from New Jersey (Mr. HOWARD) indicated that the cost of material to fill existing pothholes amounts to somewhere around $350 million. I am not sure what the total expenditures are to put that material in place; but I assume we could make some sort of categorical assumption that perhaps materials and labor would be about a 50–50 split. If we make that assumption, this bill will fund, on the average, the Federal Government will be assuming 40 percent of the total cost in filling the potholes, a significant increase from the Federal Government's previous zero involvement.

Madam Speaker, the argument is made that the bill requires the States to justify their expenditures regardless of how many millions of dollars are involved. Madam Speaker, all the money will be spent, even if it is spent in a very inefficient way, involving overtime work and other ways to simply get the money spent and off the rolls.

Madam Speaker, I would like to draw the Member's attention to the chart which has been developed in the Committee on Public Works and Transportation, which indicates an estimate of how the money will be split.

It is interesting to note that many of the Southern States such as Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee will get more money than the State of Connecticut, which one might expect to have much more damage of the nature we are talking about.

Mr. SHUSTER. Madam Speaker, will the gentleman yield?

Mr. GARY A. MYERS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman. I would just like to clarify a few points.

Does the gentleman concede that there is an emergency problem which exists, and that this funding will not satisfy the problem, but will only be some part of the solution; therefore, the States must step up the job?

Mr. GARY A. MYERS. I concede to the gentleman that it appears that this winter is worse than the average winter. However, it is not nearly as bad as last winter. I just recently read that the average temperature in January was some 3 to 5 percent below the average. However, January 1977 was some 30 percent below average. So, it seems that maybe we are 1 year late.

I agree also with the gentleman that regardless of how much money we would throw to the States, they would say that they could use more. That simply reinforces my concern that none of the money which cannot be properly justified will be returned. It will be justified in some way.

So, I say to the gentleman that I think the Federal Government has the responsibility to decide in what ways they want to restrict the spending, and make some effort to indicate to the States in the future what maintenance of effort we are willing to take in this area.

Mr. SHUSTER. I would like to refer to the testimony we received from the Federal Highway Administrator, in which he said:

> Until we went into this situation, the chairman is most correct, and I concur, that this winter is worse on the roads than last winter.
>
> Mr. Chairman, without going into an analysis of the level of need of the Administration position, we certainly would have to say that we have experienced bad winters, two in a row. Many of the States have not recovered from last winter.

So, we have the head of the Federal Highway Administration telling us that, as bad as last winter was, this winter is even worse.

Mr. GARY A. MYERS. I thank the gentleman.

Mr. BAUMAN. Madam Speaker, will the gentleman yield for a question?

Mr. GARY A. MYERS. I yield.

Mr. BAUMAN. It is my understanding that this legislation guarantees to each State a certain portion of the $250 million, not less than one-half of 1 percent. The bill includes Puerto Rico, Guam, and Hawaii. What would be the necessity for filling potholes in Hawaii or Puerto Rico or Guam? I do not quite understand the necessity in those cases of a hard winter that might have produced damages. Would the sun have scorched their highways?

Mr. GARY A. MYERS. The gentleman precisely points out one of the weaknesses in the bill. I believe, at the time the supporters of the bill have time, the gentleman can ask them to support that particular provision.

Mr. SHUSTER. Madam Speaker, will the gentleman yield so that I may respond?

Mr. GARY A. MYERS. I yield.

Mr. SHUSTER. We are advised that they have had some serious rainstorms there, and indeed these storms have created an emergency situation. However, if an emergency does not exist, then they would not be considered for the money. It is only there if—if—the emergency exists.

Mr. BAUMAN. If the gentleman would yield further, I assume now that if that is the justification, everytime a rainstorm occurs we will have to provide emergency road assistance if that is now to be considered the basis of emergency aid.

Mr. GARY A. MYERS. Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Madam Speaker, I, with great reluctance, rise to oppose this bill. I am reluctant for a number of reasons:

First, I have a great respect for the Committee on Public Works, and for the people who have sponsored this bill, as well as its fine staff. But, I am worried about the precedents we are about to set here, that perhaps we will set if this bill is passed.

Madam Speaker, I rise in opposition to H.R. 10979. It addresses a bad problem with a bad solution. If passed, the bill threatens to increase, rather than reduce, the problems we have found in the Federal-State highway program. The funds in the bill will not begin to solve the pothole problem. The principles in this bill are a threat to the continued, efficient operation of the highway trust fund.

We do not know enough to even begin debating this bill. To list just some of the things we do not know:

We do not know the extent of damage nationally or the cost of repairing it.

We do not know what the cost of repairs in any given State will be.

We do not know whether this damage is in fact caused by the weather or by State laxity in making repairs or enforcing existing truck weight laws. There is a real chance we may be rewarding some States for their casual attitude toward highway maintenance.

We do not know the administration's position on this bill.

Finally, and perhaps most importantly, we do not know what the impact of this bill will be on the highway trust fund inasmuch as it breaches two fund principles—matching commitments by the States and a restriction against the use of funds for highway and bridge maintenance.

Last week several of my colleagues on the Ways and Means Oversight Subcommittee joined me in sending a letter to all Members of the House setting forth our objections. We hope that every Member has had a chance to read this letter. We also hope that they will join us today in voting to return this bill to the Committee on Public Works for a more thorough study of the problem and the development of a more sensible approach to it.

Our concerns about this bill fall into two main categories:

First, we object to the excessive speed with which this legislation has come to the floor, and the inadequate investigation that accompanied its preparation.

Second, as members of the committee having primary responsibility for the integrity of the highway trust fund, we think that pouring revenues from that fund into local potholes will set precedents that the Congress and the States will come to regret.

For sound reasons, the States traditionally have been given the responsibility of maintaining their own highways and bridges. That principle down through the years has been supported by such respected organizations as the American Association of State Highway and Transportation Officials and the American Automobile Association. And it has been adhered to religiously by the States and by the Congress itself, including the congressional public works committees.

But that principle, and others along with it, would be shattered by the enactment of H.R. 10979, despite its coloration as "emergency" legislation. Indeed, it could be argued that because some money would be guaranteed each State—regardless of the severity of its weather—Congress could be rewarding those States which have been the most laggard in meeting their maintenance responsibility.

Moreover, and perhaps most seriously, this bill would encourage State and local governments in the future to come running to Washington for help in solving their smallest problems—at a time when some of our top leaders are trying to discourage that tendency.

As you know, H.R. 10979 would allocate $250 million from the highway trust fund to help the States repair damage to highways and mass transit systems caused by the winter of 1977–78. The money would be apportioned on a 100-percent, nonmatching basis. Even so, the total represents only a drop in the bucket in contrast with the road repair needs of several States.

Those of us who oppose "the pothole bill," as it is familiarly known, want to emphasize two things. We recognize that a serious problem exists in some States. This winter, as well as last, has dealt devastating blows to a number of States. Some of us, in fact, represent States which either have been hard hit or would stand to gain the most from this legislation.

For example, under the apportionment formula suggested by the sponsors, my own State of Florida would rank No. 8 among the States getting the largest amounts of money—something on the order of $7 million. And Florida could use the money, especially those counties in the northern part where the roads were never built to withstand the kind of weather experienced in the past two winters.

But, as our letter to the House membership explains, those of us on the Ways and Means Oversight Subcommittee know from recent hearings of our own that harsh weather is not the only factor which contributes to road and bridge damage. One major contributor is those in the trucking industry who try to beat the competition by grossly overloading their vehicles—and thereby beat our highways to dust.

When we first started building the Interstate System more than 20 years ago, the planners counted on a 20-year life expectancy for these highways. At that time, truck traffic amounted to only about 5 percent of all highway traffic. Today it amounts to 15 to 20 percent. The result? According to a recent report by the General Accounting Office, the Interstate System—our finest network of roads and bridges—is wearing out 50 percent faster than expected—and much faster than they can be repaired. In fact, according to a more recent study by the Federal Highway Administration, the Nation already has a backlog of 8,000 miles of interstate—about one-fifth of the entire system—badly in need of rebuilding.

What this means for us and for our fellow taxpayers is that the demands on the trust fund, now and in the foreseeable future, are immense. The trust fund will be strained just to keep up with minimum needs. Thus, in our view, it is simply not acceptable and, indeed, is foolhardy in the long run to use trust fund moneys for this purpose and to set such a precedent.

Instead of pouring money down a pothole, as this bill contemplates doing, the Congress ought to be coming up with sound recommendations not only for meeting immediate needs, perhaps through the normal appropriations process, but also for preserving the taxpayers' vast investment in our highway system over the long term. On the basis of our recent subcommittee findings, I will soon announce some legislative proposals for better addressing long-term problems by improving States' enforcement of vehicle size and weight laws.

Madam Speaker, I believe that H.R. 10979 should not be considered for a final vote on passage today. There just has not been enough time for all 435 Members to give it proper consideration since it was introduced just a week ago today.

Within that 1 week, the bill was introduced; it was approved by the Subcommittee on Surface Transportation and the Committee on Public Works; and it was scheduled for floor action under a suspension of the rules.

The subcommittee and the committee approved the bill without hearings—only a discussion among the members was held, with staff standing by to answer questions. There was no expert testimony on the exact extent of the problem or the precise needs of individual States. Nor do we have before us a statement of committee findings or a statement of the administration's position on this bill.

I realize how difficult it is for Members to vote against legislation which guarantees their States Federal money. It is especially difficult for Members from those districts where the past two winters have wrought their worst havoc.

But I submit that H.R. 10979 does not provide the answer. So I move, Madam Speaker, that the bill be sent back to the Committee on Public Works for more extensive study and that the committee report back within a month with a more reasoned, sensible approach to this problem and one hopefully that does not require trust fund moneys. I know that I speak for all members of the Ways and Means Oversight Subcommittee in saying we stand ready to assist the Public Works Committee and its staff in any way we can.

Mr. HOWARD. Madam Speaker, I yield myself 1 minute.

I would like to comment for a moment just on the statement made by the gentleman from Florida.

I think he is very accurate and correct in bringing up his apprehension that this may be setting a precedent and that the Federal Government had never intended to get into this small amount of maintenance. That is precisely why this bill is here today as an emergency measure, and that is precisely why this kind of maintenance will not be a part in the

major bill affecting title 23, which we will be bringing to the House floor during this year. We do not intend to get into the pothole-filling business as a routine measure. This should be up to the States. This is an emergency situation for this year.

The gentleman from Maryland brought up a very good question about the minimum amount as being one-half of 1 percent. A provision in the bill states it must be certified by the States that this will be used in addition to the normal winter maintenance and repair, so if there is any State that cannot attest that this is a special situation this year, that State will not get this minimum one-half of 1 percent.

I believe that is a very important addition that was put into the bill following the recommendation by the gentleman from Pennsylvania.

Mr. GARY A. MYERS. Madam Speaker, I yield such time as he may consume, to the gentleman from Pennsylvania (Mr. MARKS).

Mr. MARKS. Madam Speaker, I urge my colleagues to support the Emergency Highway and Transportation Repair Act. The past winters have caused enormous damage to roads and bridges across most of the Nation, and this legislation is vital.

I can testify from personal experience in my own State of Pennsylvania that weather-related damage to roads and bridges has caused many serious automobile accidents and threatens schoolchildren's lives each time the schoolbus crosses a bridge.

Although Pennsylvania has attempted to make needed repairs, the cost of the herculean task before us is stalling the effort. The city of Erie, for example, projects an annual 33 percent shortfall of needed repairs.

The Emergency Highway and Transportation Repair Act is not simply a piece of special interest legislation, benefiting one section of the Nation at the expense of other sections. All parts of the country this past winter have experienced unusual weather phenomena. Further, Pennsylvania and other coal-producing States will be moving roughly half of their coal production over State roadways. This coal will benefit the entire Nation, but the expense of moving that coal should not be borne alone by residents of Pennsylvania and other coal States.

The Emergency Highway and Transportation Repair Act authorizes $250 million for road and bridge surface repairs, which will be drawn from the highway trust fund. I can think of no better use to which these funds could be put.

Mr. GARY A. MYERS. Madam Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. ABDNOR).

Mr. ABDNOR. Madam Speaker, I want to join in complimenting the chairman of the Surface Transportation Subcommittee (Mr. HOWARD), the ranking minority member of the Public Works Committee (Mr. HARSHA), and the ranking minority member of the subcommittee (Mr. SHUSTER), as well as the chairman of the full committee (Mr. HAROLD T. JOHNSON), for their leadership in bringing this much-needed measure to the floor.

The severity of this winter, following an equally harsh winter last year, dictates the passage of this emergency program. Hardly an area of the country has escaped road and street damage caused by alternate freezing and thawing.

Resultant potholes and similar damage to roads and streets have caused and will cause billions of dollars in damage to automobile tires, steering, and suspension systems. The $250 million in funding to come from the highway trust fund, which is financed by highway user revenues, will go a long way toward minimizing such damages while easing the extraordinary demands upon State highway maintenance forces.

Judging by the support for this measure in my own State, it is a most helpful and clearly needed emergency piece of legislation. I am pleased to be one of the cosponsors.

Mr. GARY A. MYERS. Madam Speaker, I yield such time as he may consume, to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Madam Speaker, I thank my friend, the gentleman from Pennsylvania, for yielding.

Madam Speaker, I think one of the key controlling factors in all of this relates to page 3 of the committee report where it states the basis on which funds would be allocated to the States:

> On the basis of factors including, but not limited to, paved road mileage in each State, vehicle miles of travel on all public roads in each State—

And here is the key—

> and climatological data available prior to April 1, 1978—

This will determine which States will receive funds on the basis of the kinds of weather conditions that existed at that time.

Mr. GARY A. MYERS. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. HANNAFORD).

Mr. HANNAFORD. Madam Speaker, I rise in opposition to the bill H.R. 10924. Let me state my objections.

This bill authorizes an appropriation of $250 million. While this sum may not strike all of us as being a substantial expenditure, we are, nevertheless, dealing with public funds—with taxpayer dollars. Consumers have been criticized for their lack of interest in matters when they may only be affected by minuscule financial burdens. In this case, the burden would be about $1 for each American. But as their representatives, it is our responsibility to insure that the millions, and indeed the billions of dollars that the Government spends each year can be fully justified by public hearings and by a careful examination of how the money is to be allocated.

Madam Speaker, there were no hearings on this bill. Moreover, this bill raises serious questions on the role of the Federal Government in providing millions of stop-gap "emergency" funding dollars.

Section 125 of title 23 of the United States Code provides for emergency relief to States for highway system damages caused by floods, hurricanes, tidal waves, earthquakes, severe storms, landslides, catastrophic failures, and for damages which result from physical deterioration. With the availability of this emergency relief funding mechanism, why is it necessary for the Congress to now authorize $250 million from the highway trust fund for the purposes of this act?

Madam Speaker, we should find out through public hearings what the money will be used for. We should examine exactly how the Department of Transportation plans to implement the program. Language in the act is fairly vague and raises many questions of an interpretational nature. If we approve this legislation, we should include reporting requirements so that we know exactly how the program is administered. However, I must raise strong objections to approval of measures like the one we are presently considering.

Madam Speaker, for a long time the Congress has been talking about fiscal responsibility and of the need to give credibility to our budget process. By approving this bill, we bypass the budget process, and we bypass the appropriations process. This is not responsible. This would be an egregious act of hypocrisy. Moreover, it only adds fuel to criticisms of Congress lack of commitment to hold the line on Federal spending.

Madam Speaker, just a few weeks ago, a majority of this House voted to defeat legislation to establish an office of Consumer Representation. There was heated debate on both sides of the issue. It was certainly a difficult issue—one which demanded many hours of study and evaluation. The cost of that legislation was only $15 million. And it was defeated. Now we are talking about $250 million. The Consumer Office was turned down because many of my colleagues believed that it is the Congress' primary duty, and that of our regulatory agencies to serve as consumer advocates. I ask, then, on what merit can we casually pass H.R. 10924? How many times can we ask taxpayers to throw in just another $1 or $2 to fund programs which come up in willy-nilly style? If we need another Emergency Relief Act, let us get to work and seriously examine what changes need to be made. Let us have our hearings and our committee report on time. But I strenuously object to having to vote on legislation involving millions of dollars of Federal expenditure without a clear picture as to why it is necessary. My constituents, and I am sure the constituents in every other congressional district in this country, are being raked over the coals by inflation, high property taxes, high costs of housing, high costs of food and clothing, high social security taxes, and exhorbitant health care costs. And I, for one, cannot in good conscience approve this bill simply because it has the word "emergency" in its title.

Madam Speaker, I sincerely believe that we must see an end to the day when new programs are approved simply because of philosophical arguments. Programs must be evaluated thoroughly on their merits and the Congress must

recognize that first and foremost we are accountable to the people who trust us to represent them. I urge my colleagues to vote against H.R. 10924.

Mr. HOWARD. Madam Speaker, I yield such time as he may consume to the chairman of the full Committee on Public Works and Transportation, the distinguished gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Madam Speaker, H.R. 10979, the Emergency Highway and Transportation Repair Act of 1978, provides $250 million out of the highway trust fund for necessary repairs to paved roads and urban transit systems damaged during the winter of 1977–78. Funds would be allocated to the States on the basis of a formula to be developed by the Secretary of Transportation which takes into account such factors as paved road mileage in each State, vehicle miles of travel in each State, and the incidence of climatological conditions of snow or rain associated with cycles of freezing and thawing. Each State would be assured of receiving a minimum of one-half of 1 percent of the total amount authorized, provided that any funds which a State receives would be in addition to and not in substitution for the amount of State and local funds normally expended for the types of repairs authorized by the act. No State would receive more than 7 percent of the total amount authorized.

Madam Speaker, we checked several States' estimate of what it will cost to spot patch and fill up their potholes this year, and there is no question that on the whole the winter of 1977–78 looks like it will produce more damage of this type than in recent memory. I am sure Members who are aware of the condition of roads here and in their own districts would agree with this assessment. Last winter may have been more severe, but there were not as many freeze-thaw cycles to contribute to breakup of the pavement surfaces.

This is indeed an extraordinary situation, Mr. Speaker, and I would urge the Members' vote for this legislation.

Mr. HOWARD. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Madam Speaker, I rise in strong support of this legislation. This is not a bill for the States. This is a bill that provides assistance for the public who ride these roads. If any of the Members has ridden these roads recently then he knows what these chuckholes are like. I happen to have ridden on many of these highways and every one that I have ridden on has these potholes and chuckholes, particularly on bridges. So I am sure the Members can well realize the necessity for this legislation. The States cannot do it on an emergency basis. This is an emergency bill for that purpose, only. I repeat, I am in strong support of the legislation and appreciate the purpose in offering the measure.

Mr. HOWARD. Madam Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. YOUNG).

Madam Speaker, will the gentleman yield?

Mr. YOUNG of Missouri. I am happy to yield to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Madam Speaker, I thank the gentleman from Missouri (Mr. YOUNG) for yielding to me.

I have asked the gentleman to yield so as to be able to thank the gentleman from Texas (Mr. ROBERTS) for the statement he just made in stating that this is not just a bill for the States. I certainly appreciate very much the point the gentleman has brought out when he cites the importance of this legislation to all of the drivers in this Nation because the cost of filling these potholes, and the amounts of money that the States are spending this year, it is estimated that the cost to the drivers of our Nation who have to travel these roads is in the nature of $882 million.

This is broken down for additional fuel to be used at a cost of $626 million, $159 million for brake, steering, and suspension system repairs, and an additional $97 million for tire damage.

I would like to state in response to what I believe the gentleman from California (Mr. HANNAFORD) stated that this would be a bad bill that we should not pass because of adding to the Federal budget deficit, that this money comes out of the Federal highway trust fund. It does not add 1 penny to the budget deficit of the United States for this year.

I thank the gentleman for yielding.

Mr. DON H. CLAUSEN. Madam Speaker, will the gentleman yield?

Mr. YOUNG of Missouri. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I thank the gentleman for yielding.

As further amplification of the point that was made by the gentleman from Texas (Mr. ROBERTS) and the gentleman from California (Mr. JOHNSON) let us go right to the law. It says:

> The funds authorized by this Act shall be in addition to, and not in substitution for, expenditures by such State from its funds for the type of repairs authorized by this Act.

Then on page 5, it has to be related to extraordinary pavement deterioration conditions, and so forth.

Mr. YOUNG of Missouri. I thank the gentleman.

Madam Speaker, I would like to express my support for H.R. 10979, the Emergency Highway and Transportation Act of 1979.

In many areas of the United States, this has been the worst winter in decades. The continuous freezing and thawing spells during the last few months have caused an excessive number of potholes and other weather-related damage to roads across the country.

In my district in St. Louis County, highway officials say that this bad winter has already caused more road damage than the winter of 1976–77, which was one of the coldest on record.

This is a record-setting winter, and I believe that it demands some precedent-setting legislation. The bill we are considering today is a one-time, emergency measure. It does not imply that the Federal Government will assist States in road repair every winter. It says that road damage caused by this winter's severe storms is so bad that Congress should take action.

I think that intention is clear, and the State highway departments fully understand it. This bill is badly needed, and I believe that we should approve it.

Mr. HOWARD. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEISS).

Mr. PEASE. Madam Speaker, will the gentleman yield?

Mr. WEISS. I am pleased to yield to the gentleman from Ohio.

Mr. PEASE. I thank the gentleman for yielding.

I would like to ask a question perhaps of the gentleman from New York (Mr. WEISS) or perhaps of the chairman, the gentleman from New Jersey (Mr. HOWARD). The advisory says that the money is to be used for the repair of any highway whether it is on the Federal aid system or not. I want to know if that is correct and, if so, what the reason for it is.

Mr. HOWARD. Madam Speaker, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from New Jersey

Mr. HOWARD. I thank the gentleman for yielding

Yes, this may be used whether it is on the Federal aid system or not. This is an emergency situation. We deal only with paved roads, but we try to give to the States enough flexibility to be able to handle safety situations which they have in the States. That is why it does include all roads.

Mr. WEISS. Madam Speaker, I would like at the outset to extend my appreciation and commendation to the gentleman from New Jersey (Mr. HOWARD) and to his subcommittee, and to the Committee on Public Works and Transportation for their good sense in proposing this emergency legislation. The fact is that we are all aware of the havoc which this winter has caused to communities around the country. The kind of winter we have had is unprecedented. New York's record indicates that whereas in the last 75 years there have been only 35 instances where we have had record snows of over 10 inches, we have had 2 in this year's winter alone. With freezing temperatures, and large blocks of snow freezing into ice, and with the thawing and refreezing, tremendous damage has been done to our streets.

This emergency legislation, this effort to use the highway trust funds in this fashion, is the most innovative and justifiable use of those highway trust funds in many, many a year. I think all of the people of this country will benefit from this legislation.

I thank the gentleman for yielding.

Mr. GARY A. MYERS. Madam Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr JONES).

Mr. JONES of Oklahoma. Madam Speaker, despite the outstanding leadership of the gentleman from California (Mr. JOHNSON) and the gentleman from New Jersey (Mr. HOWARD), I oppose this legislation for at least three reasons:

First, is the fact that no hearings were held on this legislation and thus a sound

judgment buttressed by factual testimony cannot be made.

Second, because it is brought up under a suspension of the rules and no amendments can be offered.

Third, as has been stated before, this does set a very dangerous precedent which gives the Federal Government the right and the responsibility to maintain the interstate systems and the highways within the various States.

Now, a similar occurrence happened in the election year of 1972 when the general revenue sharing bill that was going to be just a few billion dollars of Federal giveaway to the States was passed and now we cannot get rid of that. A similar precedent is happening here today if this legislation passes. Proponents of this bill say it is an emergency and a one-time bill. They say that because it is an emergency and because of the criteria set out in the bill, this is not a precedent-setting event.

The real criteria, in my judgment, should be who is in a better position to pay for the maintenance of these highways. The real emergency is the fiscal irresponsibility and deficit budgets of the Federal Government. This emergency is more pressing in 1978 than the potholes that exist on these States' highways.

Who is in a better position to pay for the maintenance of these potholes? I submit it is the States themselves. The economists in the administration tell us that one of the problems we have with our economy today is that the Federal Government is borrowing $61 billion, or did last year, while the States had a $28-billion surplus. Maintenance of these highways by the States is as good a use as any for these surplus funds without establishing the precedent that the Federal Government is responsible for this.

Mr. GARY A. MYERS. Madam Speaker, I yield myself 1 minute.

Madam Speaker, before we close the debate, I would like to point out a few things. In the specialty bridge program, we are facing a $20 billion bridge repair bill, and spend only $180 million a year. I know a later bill coming up will increase that sum; but I want to put this in perspective. We are asking for $250 million for potholes in this bill. Also, I would like to point out that tomorow when we read the recorded vote on this measure we will find that many Members voted "aye" on this bill that voted "no" on the proposal of the gentleman from New Jersey (Mr. HOWARD) on the issue of increasing the gas tax. It will be interesting to observe the relationship of those votes.

With regard to the emergency nature of the legislation, I would say if we are in an emergency situation, we still have plenty of time to act, because the States are required to maintain their efforts of last year, which means they have to spend 100 percent of the money they spent last year, so we come in on the back end of this responsibility and vote 25 percent of the additional money.

Mr. LUKEN. Madam Speaker, I rise in support of this bill which would provide a one-time authorization for repair of potholes brought about by the extraordinary weather conditions this winter.

States, counties, and cities throughout the country have been hard hit by blizzards and snowstorms these past months. The budgets of these political subdivisions have already been strained by the cost of snow removal and other snow-related services. The cost of road repair will cause an additional burden and in some areas will prove too much to handle.

In my district of Hamilton County/Cincinnati potholes have pitted many of our neighborhood roads making travel on these snow-lined streets all the more dangerous. Potholes damage cars and lead to slow movement of traffic and potential accident conditions.

This bill would provide $250 million to cover the cost of spot patching and pothole filling. Funds would be allocated fairly on the basis of such factors as climatological data and subsequent pavement deterioration, and paved road mileage.

I do not believe this bill is out of line or sets a bad precedent. It has been an extraordinary winter and the ramifications call for this type of relief action.

I urge my colleagues to act favorably on this legislation.

Thank you.

Mr. DON H. CLAUSEN. Madam Speaker, this measure is urgently needed to repair streets and roads across the country which have been hard hit by this past winter's severe weather. Snow and ice may have created a winter wonderland in many parts of the United States, but they have certainly done no good for our highways.

The Emergency Highway and Transportation Repair Act will authorize $250 million in emergency Federal aid to help States repair widespread "pothole" damage. This type of damage goes beyond mere inconvenience to the motorist and can represent a safety hazard which must be eliminated as quickly as possible. The repair burden confronting the States has become so heavy that it has diminished their ability to sustain normal levels of maintenance, construction, and reconstruction of highways. Therefore, this bill will be in addition to, and not a substitute for, each State's own spending on "pothole" repair.

While the provisions of H.R. 10979 certainly should not be considered as a precedent we in the Public Works Committee intend to continue in future years, we do believe that this past winter has produced so much damage that emergency aid is imperative for roads on the Federal-aid highway system as well as all paved public roads and streets including bridges, rail-highway crossings, and urban rail lines.

This measure authorizes the Secretary of Transportation to contract with the States for repair work, with each State's share based on such factors as road mileage, vehicle-miles traveled and climate factors such as freeze/thaw cycles—related to road damage. By financing this program out of the highway trust fund, revenues will be available immediately upon passage of the bill. And by requiring that all funds be obligated for repair work by June 15, that funding only be available for damage attributable to the weather during the winter of 1977–78, and that no State may receive less than one-half of 1 percent and no more than 7 percent of the entire $250 million—we have made every effort to insure a fair and equitable division of the total authorization.

In sum, I urge my colleagues to support this bill to help States meet staggering repair costs, to fix our pock-marked roads immediately, and to keep our highways safe.

Mr. NOWAK. Madam Speaker, I rise in support of the Emergency Highway and Transportation Repair Act of 1978 and urge its adoption by the House.

The concept of this type of targeted emergency assistance for areas hit hard by severe winter weather first surfaced several weeks ago at the initiative of our subcommittee chairman, Congressman JIM HOWARD. Since it has recently been formalized in a legislative proposal by the committee leadership and cosponsored by numerous members of the Committee on Public Works and Transportation—including myself—I have received nothing but expressions of support for the measure from responsible officials in municipal and State governments.

In Buffalo, Lackawanna, and other western New York communities, severe cold weather has damaged highway pavement to dangerous proportions. The city of Lackawanna has two maintenance crews working continuously to repair pothole damage. One particularly large pothole in a Buffalo park was found to contain several hub caps before the one added by a member of my staff.

Extensive potholes are more than a nuisance; they are a serious safety hazard.

Nationwide we have received estimates of an 18 percent increase in the number of potholes from the bad winter experienced last year. The periodic thawing and refreezing this winter has already wreaked havoc on our road and highway networks and the final spring thaw is yet to come. Approval of this emergency measure is urgently needed.

Mr. DERRICK. Madam Speaker, I rise in opposition to H.R. 10979, the Emergency Highway and Transportation Repair Act of 1978.

H.R. 10979 is a spending bill of the broadest type. It would provide $250 million in budget authority and $200 million in outlays in fiscal year 1978 to be spent on repairs to any road whether it is related to a Federal road program or not.

I understand that the purpose of the bill is to assist States and localities in dealing with the severe road damage caused by harsh weather conditions. However, this bill would involve the Federal Government in an area that is historically a purely local responsibility. In addition, it would distribute the funds according to a formula that would give each State, regardless of need, a minimum of one-half of 1 percent of the authorization and would be 100 percent federally funded.

Yet the various States and localities have experienced quite different weather conditions on the roads this winter, and their fiscal conditions vary widely. In fact, according to recent reports, on an overall basis, States and localities are running substantial surpluses while the Federal Government may have a $60-

plus billion deficit in the upcoming year if we do not exercise restraint.

The resources of the Federal Government are not infinite. We simply cannot assume every new responsibility even when it may be a worthy one. In the coming months, as we prepare for the consideration of the fiscal year 1979 budget resolution, we will have to make many very difficult decisions if the deficit is to be kept within reasonable bounds.

That makes it all the more difficult to assume new responsibilities, such as repairs to local roads as proposed in H.R. 10979. Next year, we will be faced with winter weather again. It may or may not be as harsh as this winter, but the roads will be 1 year older and there will be plenty of potholes again. So, next year, in all likelihood, we will have the same need for this expenditure as this year. Will this one-time emergency bill thus become a recurring expense?

This program, Madam Speaker, is one that should remain a State and local responsibility. The $250 million that would be authorized in this bill is badly needed for many other Federal transportation programs, such as completing the interstate program, meeting traditional Federal and maintenance and rehabilitation requirements, and providing for urgently needed mass transportation programs. The Federal Government cannot be all things to all people and at the same time maintain a sound budget and a strong national economy. We cannot continually expand old programs, fund new programs, reduce taxes, and survive financially. I strongly oppose the adoption of H.R. 10979.

Mr. BIAGGI. Madam Speaker, as we travel down the roads of winter, chances are in many areas of this Nation, the trip is rudely interrupted by potholes. I am pleased therefore that this Congress, in the spirit of true relief for beleaguered motorists, is considering H.R. 10979.

This legislation will provide some $250 million from the highway trust fund to repair roads damaged by the effects of rapid freezing and thawing, snowplowing and other aspects reserved for the winter months. What is significant here is that in the past, States and primarily local governments, had to tap their own limited resources to pay for road repairs. This year, many major northeastern cities, especially New York, have been severely strained by exhorbitant snow removal costs. To require them to also pay for road repairs would be harsh.

This is legislation which the American people can both understand and appreciate. I suggest that there are very few people in this Nation who have not endured the jarring reality of falling into a pothole or some other similar road hazard. Potholes are far more than mere nuisances; they cause serious accidents and cost consumers as well as bus transit services significant sums in vehicle repair.

This legislation responds to a critical situation. Roads both here and in our home districts are in deplorable condition. Anyone who travels between the Capitol and National Airport does so with inherent risks caused by the many potholes.

The Subcommittee on Surface Transportation and its distinguished chairman, Mr. HOWARD, are to be commended for this important initiative. The bill deserves our full support. It will not only smooth our roads but will also calm the frazzled nerves of millions of Americans.

Mr. HOWARD. Madam Speaker, I have no further requests for time.

The SPEAKER pro tempore (Miss JORDAN). The question is on the motion offered by the gentleman from New Jersey (Mr. HOWARD) that the House suspend the rules and pass the bill H.R. 10979, as amended.

The question was taken.

Mr. GARY A. MYERS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HOWARD. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

WHITE HOUSE CONFERENCE ON ARTS AND HUMANITIES

Mr. BRADEMAS. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 649) to authorize the President to call a White House Conference on the Arts, as amended.

The Clerk read as follows:

H.J. RES. 649

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WHITE HOUSE CONFERENCE ON THE ARTS

SHORT TITLE

SEC. 101. This title may be referred to as the "1979 White House Conference on the Arts Act".

FINDINGS

SEC. 102. The Congress hereby finds and declares—

(1) that the development and encouragement of arts activity in the United States are of the utmost importance to the Nation's life and heritage;

(2) that concern for the quality of life in the United States requires constant dedication, planning, and reflection on the state of the arts in the Nation;

(3) that the arts have an increasingly significant impact on the economic sector of our society;

(4) that it is appropriate to encourage the maximum and broadest participation by the Nation's citizenry, including, but not limited to, artists, knowledgeable citizens and other interested persons, representatives of State and local governments, labor, agriculture, business and industry, educators (including art educators) and experts in all fields of the arts, in the process of insuring needed support for the arts among all parties concerned at Federal, State, and local levels; and

(5) that in order to implement these findings, it is desirable to call a White House Conference on the Arts.

WHITE HOUSE CONFERENCE ON THE ARTS

SEC. 103. (a) The President shall call a White House Conference on the Arts to be held no later than December 31, 1979. The purpose of the Conference shall be to help develop a climate in which the arts can flourish, and recommendations to formulate an assessment of problems and issues relating to the arts, and to develop recommendations relating to the appropriate growth of the arts in all parts of the Nation.

(b) The Conference shall be planned and conducted under the direction of a Presidentially appointed National Conference Planning Council on the Arts headed by a Chairman (appointed by the President) from among the members of the Council. Each department and agency of the Federal Government shall provide such cooperation and assistance to the Council, including the assignment of personnel; as may reasonably be required by the Council.

NATIONAL CONFERENCE PLANNING COUNCIL ON THE ARTS

SEC. 104. (a) There is hereby established a National Conference Planning Council on the Arts. The Council shall be composed of 15 members appointed by the President. The Council shall provide guidance and planning for the Conference.

(b)(1) Any member of the Council who is otherwise employed by the Federal Government shall serve without compensation in addition to compensation received in his regular employment.

(2) Members of the Council, other than any member referred to in paragraph (1), shall receive pay at rates not to exceed the daily rate in effect for GS–18 in section 5332 of title 5, United States Code, for each day they are engaged in the performance of their duties (including time engaged in travel). While so serving away from their homes or regular places of business, such members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as authorized in section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Council shall cease to exist 180 days, unless extended by the President, but in no event a period not to exceed one year, after the submission of the report required in section 105.

REPORT

SEC. 105. A report of the Conference shall be submitted by the Council to the President and to the Congress no later than 180 days following the date on which the Conference is called and shall include recommendations for any legislative action necessary to implement the recommendations in the required report. The report shall immediately be made available to the public.

ADMINISTRATIVE PROVISIONS

SEC. 106. In carrying out the provisions of this title, the Council and the Chairman shall—

(1) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate, including Federal advisory bodies having responsibilities in areas affecting the arts;

(2) render all reasonable assistance, including financial assistance, to the States in enabling them to organize and conduct conferences on the arts before the Conference.

(3) prepare and make available necessary background materials for the use of delegates to the Conference;

(4) prepare and distribute such interim reports of the Conference as may be appropriate; and

(5) appoint such individuals as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service,

and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates of pay not to exceed the rate prescribed for GS–18 in section 5332 of such title.

GRANTS

SEC. 107. From any sums appropriated under section 108, the Chairman, with the approval of the Council, may make a grant to each State, upon application by the State arts agency of the State, in order to assist in defraying the costs of the State in participating in the Conference program, including the conduct of at least one conference within the State: *Provided*, That broad and maximum public participation is assured by such State arts agency which would include, but not be limited to, artists, knowledgeable citizens and other interested persons, representatives of State and local government, labor, agriculture, business and industry, educators (including art educators), and experts in all fields of the arts.

AUTHORIZATION OF APPROPRIATIONS

SEC. 108. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

DEFINITIONS

SEC. 109. For purposes of this title—

(1) the term "Chairman" means the Chairman of the National Conference Planning Council on the Arts;

(2) the term "Conference" means the White House Conference on the Arts;

(3) the term "Council" means the National Conference Planning Council on the Arts;

(4) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, the Northern Marianas, and any other territory or possession of the United States; and

(5) the term "arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, theater, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape, and sound recording, and the arts related to the presentation, performance, execution, and exhibition of such major art forms.

TITLE II—WHITE HOUSE CONFERENCE ON THE HUMANITIES

SHORT TITLE

SEC. 201. This title may be cited as the "1979 White House Conference on the Humanities Act".

FINDINGS

SEC. 202. The Congress hereby finds and declares—

(1) that the development and encouragement of national strength in the humanities is of the utmost importance to the life and heritage of the United States;

(2) that concern for the vitality of democratic institutions, the character of national policies, and the application of our national heritage to the needs of the present and future requires full commitment to, planning for, and reflection on the role of the humanities in national life;

(3) that the humanities make an increasingly significant contribution to public and private decisions having major social and economic impact;

(4) that the relationship of the humanities to the health and pluralism of the Nation's culture and system of education is of fundamental importance;

(5) that it is appropriate to encourage the maximum and broadest participation by the Nation's citizenry, including knowledgeable citizens and other interested persons, State and local government, institutions and organization in the humanities, representatives of labor, agriculture, business and industry, educators, scholars, and other participants in all fields of the humanities in the process of insuring needed support among all parties concerned at Federal, State, and local levels;

(6) that in order to implement these findings, it is desirable to call a White House Conference on the Humanities.

WHITE HOUSE CONFERENCE ON THE HUMANITIES

SEC. 203. (a) The President shall call a White House Conference on the Humanities to be held no later than December 31, 1979. The purpose of the Conference shall be to help develop a climate in which the humanities can flourish, to formulate an assessment of problems and issues relating to the humanities, and to develop recommendations relating to strengthening the humanities in all parts of the Nation.

(b) the Conference shall be planned and conducted under the direction of a Presidentially appointed National Planning Council on the Humanities headed by a Chairman (appointed by the President) from among the members of the Council. Each department and agency of the Federal Government shall provide such cooperation and assistance to the Council, including the assignment of personnel, as may reasonably be required by the Council.

NATIONAL PLANNING COUNCIL ON THE HUMANITIES

SEC. 204. (a) There is hereby established a National Planning Council on the Humanities. The Council shall be composed of 15 members appointed by the President. The Council shall provide guidance and planning for the Conference.

(b)(1) Any member of the Council who is otherwise employed by the Federal Government shall serve without compensation in addition to compensation received in his regular employment.

(2) Members of the Council, other than any member referred to in paragraph (1), shall receive pay at rates not to exceed the daily rate in effect for GS–18 in section 5332 of title 5, United States Code, for each day they are engaged in the performance of their duties (including time engaged in travel). While so serving away from their homes or regular places of business, such members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as authorized in section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) The Council shall cease to exist 180 days, unless extended by the President, but in no event a period not to exceed one year, after the submission of the report required in section 205.

REPORT

SEC. 205. A report of the Conference shall be submitted by the Council to the President and to the Congress no later than 180 days following the date on which the Conference is called and shall include recommendations for any legislative action necessary to implement the recommendations in the required report. The report shall immediately be made available to the public.

ADMINISTRATIVE PROVISIONS

SEC. 206. In carrying out the provisions of this title, the Council and the Chairman shall—

(1) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate, including Federal advisory bodies having responsibilities in areas affecting the humanities;

(2) render all reasonable assistance, including financial assistance, to the States in enabling them to organize and conduct conferences on the humanities before the Conference;

(3) prepare and make available necessary background materials for the use of delegates to the Conference;

(4) prepare and distribute such interim reports of the Conference as may be appropriate; and

(5) appoint such individuals as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates of pay not to exceed the rate prescribed for GS–18 in section 5332 of such title.

GRANTS

SEC. 207. (a) From any sums appropriated under section 208, the Chairman with the approval of Council, may make a grant to each State, upon application by the State humanities entity of the State, in order to assist in defraying the costs of the State in participating in the Conference program, including the conduct of at least one conference within the State: *Provided*, That the broadest and maximum public participation is assured by such State humanities entity which would include, but would not be limited to, knowledgeable citizens and other interested persons, State and local government, institutions and organizations in the humanities, representatives of labor, agriculture, business and industry, educators, scholars, and other participants in all fields of the humanities.

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

DEFINITIONS

SEC. 209. For purposes of this title—

(1) the term "Chairman" means the Chairman of the National Planning Council on the Humanities;

(2) the term "Conference" means the White House Conference on the Humanities;

(3) the term "Council" means the National Planning Council on the Humanities;

(4) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, the Northern Marianas, and any other territory or posession of the United States; and

(5) the term "humanities" includes, but is not limited to, the study of the following: language, both modern and classical; linguistics; literature; history; jurisprudence; philosophy; archeology; comparative religion; ethics; the history, criticism, theory, and practice of the arts; those aspects of the social sciences which have humanistic content and employ humanistic methods; and the study and application of the humanities to the human environment with particular attention to the relevance of the humanities to the current conditions of national life.

TITLE III—GENERAL PROVISIONS

WHITE HOUSE CONFERENCE ON EDUCATION

SEC. 301. (a) Section 804 of the Education Amendments of 1974 (20 U.S.C. 1221–1 note) as amended by striking out "1977" each place it appears therein and inserting in lieu thereof "1980".

(b) Section 804(e) of the Education Amendments of 1974 (20 U.S.C. 1221–1 note) is amended by striking out "June 30, 1978" and inserting in lieu thereof "September 30, 1981".

The SPEAKER pro tempore (Mr. MINETA). Is a second demanded?

Mr. BAUMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without

objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. BRADEMAS) will be recognized for 20 minutes, and the gentleman from Maryland (Mr. BAUMAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge my colleagues to give their strong support to House Joint Resolution 649, as amended, legislation calling for a White House Conference on the Arts and a White House Conference on the Humanities in 1979.

Before explaining this joint resolution, Mr. Speaker, I would like to thank the distinguished chairman of our committee, Mr. PERKINS, for his support of the subcommittee's efforts. I would also like to thank the distinguished ranking minority member of the Education and Labor Committee, Mr. QUIE, for his contributions to the legislation.

Mr. Speaker, both majority and minority members of the Subcommittee on Select Education, which I have the honor to chair, have worked hard and long on this legislation, and I would like to thank them for this effort. Mr. Speaker, I would like particularly to thank Mr. JEFFORDS, Mr. BEARD, Mr. MILLER of California, Mr. HAWKINS, Mr. LEHMAN, Mr. ASHBROOK, and Mrs. HECKLER for their work on this legislation.

SUMMARY

Briefly, Mr. Speaker, House Joint Resolution 649 would:

First. Call for a White House Conference on the Arts and a White House Conference on the Humanities to be held no later than 1979.

Second. Provide for statewide conferences on the arts and on the humanities in each State, preceding the White House Conferences, at which delegates would be selected and proposals drafted for consideration at the national conferences.

Third. Authorize the President to appoint a 15-member National Conference Planning Council for each of the White House Conferences. The councils would have the responsibility of directing the planning of the two conferences.

Fourth. Assure broad participation at both the State and national level.

Fifth. Authorize an appropriation of such sums as may be necessary to carry out the conferences.

Mr. Speaker, the National Foundation on the Arts and the Humanities Act established, in 1965, the National Endowment for the Arts and the National Endowment for the Humanities to encourage and support cultural activities in the United States. Since that time Federal assistance for the arts and the humanities through these two agencies has grown considerably.

During their first year, the endowments each received an appropriation of $2.5 million to carry out their programs. Now in their 13th year, the Arts Endowment for fiscal year 1978 are $123.5 milion and for the Humanities Endowment, $121 million.

While Federal support for the arts and the humanities has expanded, public interest in and enthusiasm for cultural programs have risen. Witnesses testifying on the legislation under consideration spoke of the growth in audiences at plays and concerts, the extension of informal education programs at libraries and universities and the increased numbers of Americans visiting museums as examples of the expanding interest in cultural activities in the United States.

Mr. Speaker, our subcommittee held hearings on this legislation in nine cities throughout the country, including joint hearings with the Subcommittee on Education, Arts and Humanities, chaired by Senator CLAIBORNE PELL of Rhode Island, of the Senate Committee on Human Resources. Testimony was given by over 325 witnesses representing a diversity of backgrounds and interests in the arts and the humanities, including witnesses on behalf of the National Endowment for the Arts and the National Endowment for the Humanities, representatives of State arts and humanities programs, as well as public witnesses, including distinguished artists and scholars. The testimony indicated broad support for the joint resolution from these individuals in all parts of the country.

Mr. Speaker, I would like very briefly to discuss some of the major provisions of the joint resolution before us.

PROVISIONS—NATIONAL CONFERENCE PLANNING COUNCILS

A National Planning Council on the Arts and a National Planning Council on the Humanities will provide guidance for and assist in the planning of the White House Conferences. Each planning council will be composed of 15 members appointed by the President.

The cooperation and assistance of appropriate Federal agencies, including the assignment of personnel, will be available to the planning councils, while the actual operation of the White House Conferences will be directed by a staff hired for that purpose.

STATE CONFERENCES

Mr. Speaker, preceding the White House Conference on the Arts and the White House Conference on the Humanities, each State will hold a separate set of statewide conferences on the arts and the humanities for the purpose of discussing issues affecting the arts and the humanities and identifying issues for discussion at, and selecting delegates to participate in, the White House Conferences in Washington, D.C. The State conferences should also provide opportunities for assessments of programs for the arts and the humanities in each State.

A portion of the costs of the State conferences on the arts and the humanities will be defrayed through grants from the National Planning Council on the Arts and the National Planning Council on the Humanities. Grants for this purpose will be awarded to the State arts agencies and humanities entities, which will be responsible for organizing the two sets of State conferences.

Mr. Speaker, I should point out that in order for a State to receive assistance in carrying out its conferences preceding the White House Conferences, assurances must be given of broad and maximum public participation. Participation should include, but not be limited to, artists, scholars, educators, knowledgeable citizens and other interested persons, representatives of State and local governments, institutions and organizations in the arts and the humanities, representatives of labor, agriculture, business and industry, and experts and other participants in all fields of the arts and the humanities.

REPORT

The White House Conference on the Arts and the White House Conference on the Humanities will each submit a report to the President and to Congress within 6 months after the conferences—including recommendations for legislative action if necessary. The reports will also be made publicly available. These reports, Mr. Speaker, should be of significant use to public and private agencies throughout the country in studying the future of the arts and the humanities.

COST

House Joint Resolution 649 authorizes appropriations for a White House Conference on the Arts and a White House Conference on the Humanities at such sums as may be deemed necessary by the Congress.

Mr. Speaker, the costs of White House Conferences held in the past have varied depending upon the scope of the conferences. It is anticipated that the cost for each conference for each of the 2 years would range between $750,000 and $1.5 million.

WHITE HOUSE CONFERENCE ON EDUCATION

I would note here, Mr. Speaker, that House Joint Resolution 649 also amends section 804 of Public Law 93-380, authorizing the President to call a White House Conference on Education in 1977. The conference was never called. House Joint Resolution 649 amends Public Law 93-380 by changing the date for a White House Conference on Education from 1977 to 1980.

Mr. Speaker, I urge my colleagues to support the joint resolution before us today.

A White House Conference on the Arts and a White House Conference on the Humanities would provide the opportunity for artists and scholars, representatives of State and local governments, and knowledgeable individuals from a diversity of backgrounds concerned about the arts and the humanities to discuss and analyze the issues confronting the cultural growth of our Nation.

Through State conferences preceding the White House Conferences in Washington, D.C. we can insure, Mr. Speaker, that the broadcast public participation will be included.

The arts and the humanities are important to our Nation's life and heritage—they are essential to the human spirit. I would urge my colleagues to

support the measure before us today so that we can continue to develop a climate in the United States in which the arts and the humanities can flourish.

Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I want to commend the chairman of the committee for bringing forth this joint resolution. It was, as has been pointed out, reported out unanimously by the subcommittee and the full committee, and it has the support of the minority.

It has our support because, as well as taking care of our basic needs, it is important that we also take care of the spirit, the soul, the beauty, the essence of life, the purposes for living the real meaningful parts of our lives.

Living has to be more than existing. A society which ignores these values, the humanities, the arts, will lose its spirit, its ability to lead, and its moral fiber.

Mr. Speaker, it certainly is important that we allow those people, who best exemplify through the use of the arts and through their participation in the humanities the purpose for living to have an opportunity to come here and to look at the programs we have, give us guidance on them, and at the same time emphasize to America the need, the crucial need, to examine and to revitalize the spirit of America.

Mr. BRADEMAS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. Mr. Speaker, I am delighted to have the opportunity to rise in support of this legislation seeking to establish White House Conferences on the Arts and Humanities. I believe that in my State of Louisiana and throughout the Nation, our citizens are increasingly anxious to recapture our past, and to use our heritage and traditions to cope with many present and future problems. The arts and the humanities are an integral way of relating our past usefully to our present.

As you know, I had many occasions while I served as chairman of the Joint Congressional Committee on the Bicentennial to observe the virtual hunger in our country for a better understanding of and closer association with the many threads of our national heritage—at the community and regional levels as well as in the broadest national context. The Bicentennial signaled the dramatic reawakening in our country of intense interest in our many cultures, our differing ethnic and regional experiences, our high heritage of customs, experiences, and lifestyles.

In my own city of New Orleans and State, this increased commmunity interest in the humanities is illustrated by activities as various as they are exciting. Loyola University in New Orleans is retrieving information about the Spanish influence on Louisiana. The New Orleans public library has mounted an ambitious 3-year project to illustrate and convey to our citizens the complex religious and cultural ingredients that have made New Orleans unique among American cities. Our public television organization has begun planning for increased humanities programing geared to the special interests and needs of our city and its people. The New Orleans museum is alone in the South as the site of the fascinating King Tut exhibition, and is also the sponsor of locally originated activities and public programs planned around that exhibition.

One of the most enriching and fascinating programs in recent years has been the Jambalaya program, part of the New Orleans public library's continuing investigation of the cultural and social climate of New Orleans. Jambalaya seeks the essential New Orleans through a continuing series of classes, discussions, and other activities for everyone who wants to better understand life in "America's Most Interesting City." The program is made possible by a grant from the cultural institutions program of the National Endowment for the Humanities.

Throughout my city and throughout Louisiana, citizens are rediscovering the arts and the humanities in schools and colleges, in the work of research and teaching of our facinating Louisiana history, and above all, in our local communities throughout the State, in our museums and historical societies, in our public libraries, and in the activities of clubs, civic organizations, labor unions, church groups, and ethnic and minority organizations. I have heard from many sources support expressed for this legislation because of its importance in bringing awareness of the arts and humanities in America to the people of the United States.

I am wholly supportive of these activities in the arts and the humanities and I look forward to the increased effectiveness and impact which they can have as a result of the exchange of information, the national "stock-taking," and the national support which these White House Conferences on the Arts and the Humanities can provide.

Mr. BRADEMAS. Mr. Speaker, I have no further request for time.

Mr. BAUMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, I rise in support of the legislation under consideration which provides for the authorization of White House conferences on the arts and the humanities.

Mr. Speaker, I want to thank the gentleman from Indiana for accepting in the full committee the amendment which I offered, to extend the authority for calling a White House Conference on Education, which is now contained in this legislation.

The White House Conference on Education was an idea that was sponsored by myself and other Members of the House. It was included in legislation passed some years ago, and the President was authorized to call a White House Conference on Education. President Ford did not see fit to do so, and neither did President Carter, although the time during his administration was exceedingly short and it probably was not really possible for him to call the conference. Reauthorizing this conference and extending the date until 1980 would give President Carter the opportunity to exercise this authority. The legislation now on the books, Public Law 93–380, in section 804, authorizes the calling of the White House Conference, preceded by local and State conferences. It authorizes modest contributions by the Federal Treasury to each State to underwrite part of the cost of State conferences. It contemplates the conference which (by law) would not be dominated by educators but, rather, would be dominated by those who are other than professional educators.

Mr. Speaker, I hope that this will be approved, along with the White House Conference on the Arts and the White House Conference on Humanities, and that President Carter will see fit to exercise this authority when it is enacted into law.

Mr. BAUMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, you might ask, "Why do we need a White House Conference on anything?" particularly on the arts and humanities. The simple answer is that because both of these areas are so important to America and are really experiencing such financial problems today that the American people need to understand and become aware of them. A White House conference brings about awareness and focus.

The term White House Conference is misleading because it is not just a 1-, 2-, or 3-day meeting here in Washington where a few people get together and talk. The national conference is preceded by individual State conferences funded by the Federal Government. It is through the individual State conferences that focuses awareness and public debate of local problems occur. It is by and through State representatives that the needs, problems, and goals of each State are crystalized. It is only after States meet and deliberate that thousands of representatives will come together for a national conference to try to develop recommendations for a national focus.

Mr. Speaker, I feel strongly that both of these areas should be moving together, because both of the areas are of such tremendous importance.

There has long been concern about Federal domination in the arts and humanities. I think it has been demonstrated through the lives of both endowments that Federal domination has never materialized. The White House conference when it meets here, develops a national focus based upon the recommendations of the States. This is true democracy in action.

The arts and the humanities are so vital to our everyday lives that they are taken for granted by most of us. Yet we all enjoy or participate in some form of them even though we may not be aware that they fall under one classification or the other. The fact remains that they are both vital to American and a national conference should bring real meaning and value to all of us.

Mr. BAUMAN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I had not intended to

take the second; but at the time no other Member was here to demand it.

I do think the bill before us deserves more discussion than it is receiving here today. I think it is regrettable that the legislation should be brought up under suspension since it prohibits the offering of any amendments that would deal with limiting the amount of money for each of these conferences, or, for that matter, perhaps a prohibition against these conferences engaging in what might constitute lobbying the Congress on any legislative issues.

I think we deal rather superficially with the issue of national issue conferences, especially in view of what has happened in the last few months at the National Conference on the International Women's Year, held in Houston, Tex. Rarely have I received as much mail on any Federal conference or meeting in opposition to what occurred there, and rarely has the mail contained so many charges of its being unrepresentative of the American people.

It is entirely possible that the conferences funded under this legislation will be far more representative; and I hope that that would be the case. Nevertheless, we are precluded by this procedure from dealing with these issues.

Secondly, Mr. Speaker, I raise the question of whether or not at this particular time roughly $9 million, based on the report's projection, scheduled for this series of State and Federal conferences is justified.

Mr. Speaker, this morning I had a reporter ask me the question of where the Federal budget could be cut and what programs ought to be put aside or dismissed entirely. I cited some instances, but hence we are about to spend $9 million for these three pending conferences.

It does seem to me that it is important that each of these areas of concern affect our national life. We have funded all of these areas to the tune of not just hundreds of millions of dollars, but to the tune of billions of dollars in some cases.

Therefore, Mr. Speaker, I raise the question—and I hope that perhaps the gentleman from Indiana (Mr. BRADEMAS) can respond to it—as to why the National Foundation for the Arts and Humanities cannot handle the planning for these conferences. This bill creates two separate conferences, which might be better combined. It creates two planning councils, each of which will have to be paid at per diem rates and may exist for well over a year's time. It seems to me that when we have an agency of Government already funded, that agency might be better directed toward the handling of the planning in an instance like this, at least.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman from Maryland (Mr. BAUMAN) raises a very thoughtful question, to which, however, I think there is a reasonable reply.

The answer is that one of the purposes of a White House Conference on the Arts and on the Humanities would be to afford an opportunity to raise criticisms of the operation at present of the two endowments; and it would, therefore, not seem to me to be wise to give those two endowments the responsibility of actually operating and administering the two conferences. There would be a conflict of interest were that to be the case.

That is the fundamental reason the committee took the action which it did.

Mr. BAUMAN. Mr. Speaker, I appreciate the gentleman's response. It may well be that that is the case.

I tend to believe, however, based on the past performances of these conferences, that the agency directly involved with the topic under discussion usually has a large measure of influence on the direction of the conference and the choice of the delegates, its makeup, and the agenda to be discussed. I suspect that in all of these areas that will again be the case.

Mr. Speaker, I do not wish to belabor the point. It just seems that with a $60 billion deficit following several other years of deficit spending, this is one area which we might best put aside, at least in order to assist President Carter in his professed goal of trying to balance the budget by 1981.

Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mrs. HECKLER. Mr. Speaker. I strongly support passage of House Joint Resolution 649. It has been said over and over again that White House Conferences on the Arts and the Humanities is an idea whose time has come—and I do not think there are many here today who do not agree with that sentiment. But if we pass this resolution today without stronger commitment and leadership then we will lose a great opportunity to enrich opportunities for our citizens and preserve and protect the most resilient treasures of civilization—the arts and the humanities.

Last month I had the pleasure of sitting with the distinguished gentleman from Indiana, the chairman of the subcommittee (Mr. BRADEMAS) and the Subcommittee on Select Education in Faneuil Hall in Boston where we heard testimony on this subject. We heard a wide spectrum of views representing the artistic community, State and local governments, and the business community. We learned that large and small art companies alike need support—that their activities are badly in need of exposure and funding. We have learned that small cities are starved for opportunities to enjoy live presentations and that their citizens are anxious to participate in programs to encourage artists to come to their communities. The ballet, the opera, theater, the symphony, and dance companies are all on the rise and they want our help. Excellent testimony was also provided by leading humanists.

The White House Conferences offer an opportunity for the Government to take the leadership in exploring already existing programs and projects from urban renewal to public television, to synthesize the views of artists, the community, and business, and to serve as a catalyst to formulate an articulate policy that will guide the arts and humanities—without censorship and regulation—toward the 21st century. The arts and humanities provide us with a perspective on the past and an inspiration for the future—let us strongly support that inspiration.

Mr. DRINAN. Mr. Speaker, I am delighted to lend my enthusiastic support for the White House Conference on the Arts and Humanities.

As we move into our third century, it seems entirely appropriate that we examine carefully the economic difficulties facing our artists and attempt to formulate a comprehensive national policy that will encourage the continued growth and availability of the arts for all Americans.

Interest in the arts has risen dramatically over the past decade and continues to rise. Both audiences and the number of arts organizations are continuing to grow in communities in every part of the Nation.

The statistics are staggering:

There are currently more than 1,200 community arts councils and art service organizations operating in the United States.

Attendance at the opera jumped from 2 million in 1950 to nearly 10 million in 1976. There are now more than 900 opera companies compared to 77 before World War II.

Ballet audiences have skyrocketed from attendance of about 1 million in 1966 to 15 million in 1976. In 1960, there were 134 dance companies in the United States. Today there are more than 350.

Over half of the major symphonies in the United States are now providing year-round rather than seasonal performances.

According to a recent survey conducted by the National Endowment for the Arts in 20 major U.S. cities, more people went to cultural institutions than attended baseball, football, basketball, and hockey games combined. In the city of Boston, the symphony outdrew professional ice hockey attendance and even basketball attendance.

This cultural explosion that we are experiencing attests to a growing awareness that the arts are no longer a peripheral, but instead an integral part of our lives. As the National Committee for Cultural Resources concluded in a recent report, "the American people themselves are making the strongest case for the arts."

With this tremendous surge of interest in the arts, the proposed White House Conference takes on added significance. Federal involvement in and commitment to the arts have deepened to the point where new and important questions need close examination.

The Conference should address a wide range of issues vital to artists. Let me suggest a few:

Should artists retain a monetary interest in their works after sale? Should Federal legislation be enacted to provide resale royalties for artists?

Does an artist have a right to protect the integrity of the work? Should the creator of a piece of art have the right to object to its alteration, multilation, or distortion? Should Congress secure his so-called moral right through legislation?

Are the regulations promulgated under the new Copyright Act, which became

effective January 1, adequate to protect the rights of artists?

Does increased Federal support for the arts adversely affect local support? Does it discourage private support from individuals and organizations, including foundation and corporate funding? How can we encourage the private sector to contribute more generously?

How can we provide more employment opportunities for our talented young artists? Is the CETA program being fully utilized by our artists and art organizations?

How can we develop more arts programs in our elementary and secondary schools?

Are we better advised to put larger amounts of Federal money into our major arts institutions, or should funds receive a wider distribution among lesser known groups?

Can the endowments as they now stand cope with a larger number of grant requests? Should endowment personnel be expanded or should a larger percentage of money be allotted to the State arts councils?

Should the endowments provide more technical assistance programs to arts organizations, particularly in the areas of management and fundraising development?

Before closing, I would like to sound a brief cautionary note regarding the proposed White House Conference on the Arts. At the present time, a number of bills are pending in the Congress, which, in various ways, would assist artists in their creative work. Legislation concerning moral rights, which I have introduced, (H.R. 8261), resale royalties, art banks, alternative funding for the arts, amendments to the Tax Code, and others are awaiting action. It would be tempting, I am sure, for us to postpone consideration of these bills until the White House Conference is held, partly in the hope that some national consensus will emerge on what should be done. In my judgment, it would be a grave disservice to the arts if action on these bills were delayed in any way. If this committee approves the bill calling for a White House Conference, I would hope it would not mean the deferral of any action on other bills which are vital to the well-being of arts in America.

In a very real sense the greatness of a nation is measured by the respect which it accords the creative works of its people. And a large measure of that respect is contained in the attitudes of the Government toward the arts, attitudes which inevitably are reflected in the laws of the land. Unless we all work together to set our goals on a national effort to elevate the arts to their rightful position, the United States, with all its wealth, power, and achievements, will be deemed at best, a second-rate civilization.

Mr. BIAGGI. Mr. Speaker, it is an honor to rise as an original cosponsor of House Joint Resolution 649 which provides for the convening of two White House conferences, one on the arts and the other on the humanities, by no later than the end of the decade.

This is a most significant development in the current era of increasing cultural consciousness in our Nation. To reach the level of a White House conference is a graphic demonstration of the importance that this Nation places on its cultural life. More importantly, White House conferences are springboards for planning, assessment and action. They serve as invaluable instruments for progress and such conferences in the arts and in the humanities are long overdue.

Heightened interest and involvement in the arts and humanities transcend all races, colors, and creeds. Proficiency and excellence in the arts and humanities have long been a trademark of American life. House Joint Resolution 649 recognizes this and seeks to have the arts and the humanities enjoy the distinct honor of being the subjects of White House conferences.

Our distinguished subcommittee chairman, Mr. BRADEMAS, conducted a series of hearings throughout the Nation to elicit support for this measure. I am pleased to say that he has succeeded in this mission, and the proposal enjoys widespread and enthusiastic support.

This legislation is designed in such a way as to permit maximum participation by the various States in terms of identifying issues for discussion at the conferences. Yet just as important is the symbolic value associated with White House conferences. We are talking about a national commitment to the arts and humanities; a national goal for future expansion. Perhaps the most fundamental benefits of this legislation is the recognition it extends to the many individual artists, writers, professors, students, arts organizations, and arts and cultural institutions, that they have, individually and collectively, enriched this Nation substantially.

Mr. PERKINS. Mr. Speaker, I rise in support of House Joint Resolution 649, a bill to authorize the President to call a White House Conference on the Arts and a White House Conference on the Humanities, both to be held in 1979.

Initially, I want to compliment our distinguished colleague, JOHN BRADEMAS, for his consistent leadership and committed efforts in promoting the arts and humanities and in seeing to it that very extensive and widespread hearings were conducted in regard to the legislation now under consideration.

These hearings have taken place throughout the United States in nine locations, and testimony has been received from a large and diversified number of people. The hearings have reflected a growing commitment and interest in the arts and humanities and a united concern throughout the country that sound directions be taken in supporting cultural programs and activities.

Mr. Speaker, I would point out that such a strong and demonstrated concern for cultural pursuits is a relatively new thrust in American life, especially when one considers that the original act in 1965 which established the National Endowment for the Arts and the National Endowment for the Humanities began with a small appropriation of $2.5 million for each endowment. These appropriations have grown to the sizable amounts of $123.5 million for the arts and $121 million for the humanities.

Evidence supports the view that it is now time to take a new look at the arts and the humanities in order to properly evaluate and assess goals and directions in these areas. It is fitting and necessary at this important turning point in the commitment to and the concern for cultural pursuits that White House conferences be held in order to reevaluate approaches in dealing with this important aspect of American life.

House Joint Resolution 649 calls for such conferences in 1979, to be preceded by State conferences and to be funded at such sums as deemed necessary. It is anticipated that the cost of carrying out the conferences will not exceed $3 million for each conference.

Mr. Speaker, I want to compliment the members of the committee on both sides of the aisle on this legislation, and recognizing the overwhelming and unanimous support that exists for House Joint Resolution 649 I would urge my colleagues to join with me in supporting this bill.

Mr. MATTOX. Mr. Speaker, in this resolution by Mr. BRADEMAS, the House is today being asked to make one of the most important contributions of this Congress to the quality of life in America.

For example, historic renovation is more than just the construction or revamping of buildings; it is the reconstruction of neighborhood pride and the rejuvenation of community morale.

The Endowments realized this long ago, and though HUD and the private sector provide the big moneys for construction, the small grants from the endowments have helped these communities put on the final touches which eventually separate these sites from being just another housing project. Sometimes the money is used to help the people explain the historic nature of an area through exhibits, film, et cetera, and sometimes the money will help set up a community center's folklore program. The uses of these small amounts of money are as varied as the number of historic projects going on in all areas.

Another example of how these conferences might lead to an improvement of the quality of life in America can be found in the fact that one of the main thrusts will continue to be in education.

All of us have witnessed the excitement that children express while visiting a museum exhibition, or while learning to play a musical instrument. But all around the country, art teachers and music teachers are being eliminated wherever possible. Museums are forced to operate in the red because it costs approximately $10.38 per person to visit a museum, even if the admission to the public is free. Nearly every high school has an extensive athletic program, but while the local government often floats bonds for stadiums, it will not do the same for museums.

Humanities studies need to be brought out of the fold of total academia and into greater accessibility by the people. While education has been seen in this country as a means to an end of economic sustenance, what about the sustenance of our hearts and minds? Literature, history, language are all components of enrichment in our lives. We

have, in America, the best training anywhere, yet we have the least opportunity of any other country for access to that training or for expression of that talent. Only 1 out of every 15 artists who applies for subsidy from the National Endowment is able to receive help. The United States spends only 46 cents per capita for cultural events and activities, compared with our close neighbor, Canada, which spends $2.12 per capita. Sweden, Germany, Russia, the United Kingdom, all outstrip our contributions in this area. It would seem that the arts and humanities have been low on our list of priorities.

I feel also that we do need to bring the arts and humanities back home to the people. By this I do not mean sacrificing quality for quantity. Of course, some important value judgments will have to be made, if we are to have well-balanced grants programs in the future.

Some might even say it is crass and degrading to put a dollar value on artistic and humanistic endeavor and achievement. I agree. Certainly, works of art can be priceless, if even only to the artist; and philosophical and literary works just as timeless and beyond monetary comprehension. But still, the struggling artist must eat; the struggling public television network must make ends meet; and the struggling writer must pay the rent. We will always want and need more money. But, through these conferences we can meet the challenge of how best to distribute what we have. This is where esthetics always runs headlong into practicality. But we can make it work.

The people should be encouraged to contribute and made aware that their contribution will come back to them manifold. Minority and ethnic groups, with their own folk art and distinctive art forms, have we forgotten our national heritage, and all the different folks it took to make up this great land? Attention needs to be turned to them. Public television, with so many fine and highly acclaimed programs, needs more money and further outreach of its educational programs. Cultural preservation—we must save our architectural heritage, our first foundations. Concerts, art shows, dance companies, ethics, philosophy and literature, the list is endless; the funds are not.

The arts and cultural events and institutions are also naturally interdependent with the community. They encourage tourism and the patronage of restaurants and facilities nearby. A well-developed arts and humanities community will encourage people to come not only to see and listen, but to study, ponder, and produce.

American art and American humanistic ideals, we cannot lose sight of them. And the best way to achieve all this for the least money is through these two conferences.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) that the House suspend the rules and pass the joint resolution (H.J. Res. 649), as amended.

The question was taken.

Mr. BAUMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 649, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ALCOHOL AND DRUG ABUSE EDUCATION ACT AMENDENTS

Mr. BRADEMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10569) to amend the Alcohol and Drug Abuse Education Act to extend the authorizations and appropriations for carrying out the provisions of such act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 10569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 3(f) of the Alcohol and Drug Abuse Education Act (21 U.S.C. 1002(f)) is amended by striking out "and", by inserting before the period at the end thereof the following: ", $6,000,000 for fiscal year 1979, $12,400,000 for fiscal year 1980, $14,400,000 for fiscal year 1981, $16,400,000 for fiscal year 1982, and $18,400,000 for fiscal year 1983".

SEC. 2. (a) Section 2(b) of the Alcohol and Drug Abuse Education Act (20 U.S.C. 1001 (b)) is amended—

(1) by striking out "curricula on" and inserting in lieu thereof "approaches to";

(2) by striking out "problems" the first place it appears therein and inserting in lieu thereof "prevention";

(3) by striking out "curricula" and inserting in lieu thereof "approaches";

(4) by striking out "curricular materials" and inserting in lieu thereof "successful approaches"; and

(5) by striking out ", on drug abuse problems".

(b)(1) Section 3(a) of the Alcohol and Drug Abuse Education Act (20 U.S.C. 1002 (a)) is amended—

(A) by inserting "throughout the Nation" after "Education shall carry out";

(B) by striking out "projects" the first place it appears therein and inserting in lieu thereof "programs"; and

(C) by striking out "projects throughout the Nation" and inserting in lieu thereof "programs to develop local capability".

(2) (A) Section 3(b) of the Alcohol and Drug Abuse Education Act (20 U.S.C. 1002 (b)) is amended by striking out paragraph (1) thereof and by redesignating paragraph (2) through paragraph (7) as paragraph (1) through paragraph (6), respectively.

(B) Section 3(b)(4) of the Alcohol and Drug Abuse Education Act, as so redesignated in subparagraph (A), is amended by inserting "prevention" after "abuse".

(3) Section 3 of the Alcohol and Drug Abuse Education Act (20 U.S.C. 1002) is amended by adding at the end thereof the following new subsection:

"(g) Funds appropriated under this Act shall remain available to the Commissioner for the duration of this Act in order to permit multiple-year funding of projects under this Act.".

(c) Section 8(c) of the Alcohol and Drug Abuse Education Act (20 U.S.C. 1007(c)) is amended by inserting "the Northern Marianas," immediatey after "the Virgin Islands.".

The SPEAKER pro tempore. Is a second demanded?

Mr. JEFFORDS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. BRADEMAS) and the gentleman from Vermont (Mr. JEFFORDS) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge my colleagues to support H.R. 10569, as amended, legislation to extend for 5 years the Alcohol and Drug Abuse Education Act.

Before explaining this bill, Mr. Speaker, I would like to thank the distinguished chairman of our committee, Mr. PERKINS, for his support of the subcommittee's efforts. I would also like to thank the distinguished ranking minority member of the Education and Labor Committee, Mr. QUIE, for his contributions to the legislation.

Mr. Speaker, both majority and minority members of the Subcommittee on Select Education, which I have the honor to chair, have worked hard on this legislation. I would like particularly to thank Mr. BIAGGI and Mr. JEFFORDS for their efforts.

SUMMARY

Briefly, Mr. Speaker, H.R. 10569 proposes a 5-year extension of the alcohol and drug abuse education with amendments to clarify the purposes of the act and to permit multiple-year funding of alcohol and drug abuse education projects.

BACKGROUND

Mr. Speaker, young people in the mid-20th century have been frequently caught in the maelstrom of rapid social change. Global interdependence links their fate to events thousands of miles away. Economic change frequently dislocates them and upsets their career plans. There are new attitudes toward the family, sex roles, education, religion, and government.

The young person today is faced with both extraordinary challenges and demands. He or she must often cope with these challenges and demands without the security and support of the social institutions that gave individuals a clearer sense of direction in earlier times.

In sum, Mr. Speaker, young people, buffeted by change, often lack the beacons that will enable them to navigate the always difficult years of adolescence.

One symptom of this situation is that young people too often seek an escape through the abuse of alcohol and drugs.

Mr. Speaker, the abuse of alcohol and drugs by young people exacts a terrible toll in lives stunted or even ended.

During the 1960's concern about young people's abuse of alcohol and drugs reached a high, if not panic, level. Requests for Federal help came from every corner of the Nation. The formulation and enactment of the Alcohol and Drug Abuse Education Act in 1970 was one response by the Federal Government. The act was amended and reauthorized in 1974.

ADMINISTRATION OF THE PROGRAM

Mr. Speaker, the Alcohol and Drug Abuse Education Act is intended to provide State and local education agencies, institutions of higher education, and other public and private education or community agencies with grants and contracts for establishment of demonstration prevention and early intervention alcohol and drug abuse programs, for technical assistance in program development and for training of educational and community personnel.

In recent years, Mr. Speaker, the program has emphasized training at five regional centers for school teams from local school districts. The training itself takes 10 days to 2 weeks and is tailored to meet the distinctive needs of each team. Teams learn:

To assess the needs and expectations of the youth population to be served;

To formulate realistic objectives for meeting those needs;

To identify human and financial resources in their school and community for supporting a prevention program;

To design an action plan addressed to their carefully defined problem;

To evaluate the range of prevention materials and methods available and to adapt those that are appropriate tools for its particular school district or community setting; and

To build in feedback and evaluation, so they will know what parts of their strategy are working, and why and how.

Training is followed by onsite technical assistance designed to facilitate the implementation of the action plan and teach the team to solve problems unique to that team.

Mr. Speaker, through this system, teams have been trained and supported with technical assistance in every State and territory, and programs set up by these teams reach approximately 1 million individuals annually.

In the 4 years from 1972 to 1976, Mr. Speaker, the program trained 3,000 teams from a variety of settings, most of them, however, from rural, suburban, and small and medium size city school districts. In fiscal year 1977, as resources available to the program decreased, the decision was made to concentrate on the challenging problem of alcohol and drug abuse in large urban school districts.

Mr. Speaker, on the basis of reports that successful alcohol and drug abuse prevention programs often reduce vandalism, dropouts, truancy, racial conflict, disciplinary problems and other destructive behavior, the Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration suggested a cooperative effort with the alcohol and drug abuse education program utilizing its system and strategies on the problem of prevention of school crime and violence. The Office of Juvenile Justice under an interagency agreement provided $1.233 million in fiscal 1976 and $2.8 million for fiscal 1977–78 for this effort.

HEARINGS

On January 24, 1978, the Subcommittee on Select Education of the Committee on Education and Labor held a hearing on the extension of the Alcohol and Drug Abuse Education Act and on oversight of the operation of the program conducted under the act.

All of the witnesses at the hearing recommended that the act be extended and all had high praise for the effectiveness and success of the "school team" approach. For example, Mr. Speaker, Superintendent Nolan Estes of the Dallas Independent School District said:

> There is an abundance of evidence that suggests that we have not had any program that has provided greater dividends than this program.

He concluded:

> No program, in my estimation, has been more successful.

EXPLANATION OF H.R. 10569

Mr. Speaker, H.R. 10569 extends the Alcohol and Drug Abuse Education Act for 5 additional years; that is, through fiscal year 1983.

H.R. 10569 includes authorization levels for the Alcohol and Drug Abuse Education Act of $6 million in fiscal year 1979, $12.4 million in fiscal year 1980, $14.4 million in fiscal year 1981, $16.4 million in fiscal year 1982, and $18.4 million in fiscal year 1983.

Mr. Speaker, the authorization for the Alcohol and Drug Abuse Education Act in fiscal year 1978 is $34 million and $2 million was appropriated. In bringing before the House a bill with more modest authorization levels for future years, I would emphasize that I continue to view with the deepest concern the problems which this act seeks to address. Indeed, Mr. Speaker, I believe that even full funding of the $34 million fiscal 1978 authorization would not be adequate to address the urgent problems of alcohol and drug abuse among our Nation's youth.

The authorization levels contained in the bill simply reflect a realistic expectation of the levels of appropriation that can and should actually be provided and that can be effectively utilized by the program.

Mr. Speaker, H.R. 10569 amends the act to strengthen the focus on the "school team" approach. In the "statement of purpose" of the act and in the enumeration of authorized activities, references to the development of curriculum materials are deleted and the more general term "Approaches" is substituted. Using the school team approach to provide local school personnel and community persons with the skills to develop curricula suited to their own problems and circumstances has proven an effective means for preventing alcohol and drug abuse. With respect to the prevention of alcohol and drug abuse, Mr. Speaker, federally developed curricula that do not meet local needs are often ineffective or even counterproductive.

The bill also amends the "statement of purpose" to emphasize the prevention of alcohol and drug abuse.

Finally, Mr. Speaker, the bill amends the act to make it clear that all of the activities authorized by the act shall be carried out "throughout the Nation" and to permit multiple year funding of projects.

CONCLUSION

Mr. Speaker, the Alcohol and Drug Abuse Education Act is obviously not a comprehensive solution for the abuse of alcohol and dangerous drugs.

But, Mr. Speaker, this act makes important contributions to the battle against the abuse of alcohol and dangerous drugs. First, the act emphasizes prevention, deterring our youth from socially and personally destructive behavior rather than mopping up the casualties when it is often too late. Second, the act authorizes an educational program, and it is administered by the U.S. Office of Education. The program has credibility with educators and ties to the schools. This linkage of alcohol and drug abuse prevention with the schools, where our young people spend much of their time, is vital in an effective overall strategy to deal with this problem.

Mr. Speaker, during the 1976 Presidential campaign, President Carter remarked:

> We now must expand our vision to include farsighted and well-conceived programs aimed at the prevention of alcohol and drug misuse. Prevention is a most important factor in the equation of comprehensive programming, and it deserves major emphasis by all of us.

Mr. Speaker, I urge my colleagues to join me in supporting the bill before us today. This bill will continue a well-conceived and effective program of alcohol and drug abuse prevention.

Mr. JEFFORDS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, first I would like again to commend the chairman of the subcommittee for his work in this area not only on this particular piece of legislation but also in the past.

Also I would like to make a few comments of my own.

I am sure it is safe to say that there is no Member in this Chamber who is not appalled by the use of drugs. We have all seen and heard the horror stories of what has happened to young people throughout the country who have abused drugs. The use and abuse is our national shame.

In 1973 the problem of drug abuse was plaguing our Nation. The staggering cost of this problem cannot be measured in terms of dollars—the staggering loss is the ruined lives of those victimized by drug abuse.

The last time this legislation was extended, we changed the law to cover not only drug abuse, but alcohol abuse as well. Again, if Members simply read the newspapers in their own districts, they must be aware that the abuse of alcohol by teenagers in recent years has been increasing. It is not uncommon to hear stories about teenagers being so drunk in school that they are unable to function.

By focusing attention on alcohol as

well as drugs we attempted to highlight the problem and at the same time put into focus for the American people the dual problems. Everything we heard in committee indicates that the program, although small, is doing well. Certainly, alcohol and drug abuse education programs alone will not end the problem, but as young people become aware of the problem and get good factual information rather than hearsay or half-truths, hopefully their use of drugs will be diminished.

This bill makes one significant change which I think will go a long way toward bringing more information to students in that we struck the development of curriculum and emphasized developing new approaches to reaching new young people. I am hopeful that the media will be used more and the use of realistic films will be utilized, not only for students in school, but for use in public television and community programs as well. The gentleman from Minnesota (Mr. QUIE) deserves credit for this significant change. Drug abuse does not stop at the schoolhouse door. When a teenager is involved in it, not only is he or she affected, but their entire family and community as well.

Mr. Speaker, I would like to point out what I believe is a terrible inconsistency of the administration in this respect. It has been already alluded to by the chairman of the subcommittee. It seems to me a problem of this dimension, the most serious health problem this Nation has, does not deserve to have recommendations made by the administration that its budget in effect be cut. This recommendation was made notwithstanding the testimony of administration witnesses that the program was working well, but was very limited, and could be tripled. I think this is an incredible inconsistency and another indication of the contradictions of our President. Let us examine the campaign rhetoric of our President. I ask you to compare this rhetoric with his actions where it counts, in the budget.

When the President was campaigning he made this statement:

> * * * we now must expand our vision to include farsighted and well-conceived programs aimed at the prevention of alcohol and drug misuse. Prevention is a most important factor in the equation of compresion programming, and it deserves major emphasis by all of us.

Who can disagree with this statement?

For the administration to now come in and ask, in effect, for a decrease in the amount of money to be spent in these valuable programs is not only ludicrous, but politically stupid. For a small increase, almost unnoticable in view of the budget size, the programs could have been significantly improved and the President's credibility enhanced. It is also amazing to note that at the same time that this program is being cut, the President comes to ask that we spend 10 times as much money to prevent smoking when this problem, serious as it may be, does not come close to having the harmful effects of drug abuse. I think that this in itself is a perfect example of the kind of decisions we are getting out of the administration, especially in these areas of such importance, where we are only attempting to move forward to expand a proven program. It should be noted that we are presently funding the programs at only 15 percent of what it used to be. In the early seventies, the appropriations was $12 million. It is now only $2 million.

Administration witnesses testified that the level ought to be $6 million at once. The evidence given to us before the committee by those dealing with the program indicated how successful the program has been and how much it can do if it has adequate funding. It cannot be more effective by decreasing the money. How many more times will we see these examples of campaign rhetoric contradictions?

I hope the Members will support the bill at this time, No. 1, and second, to join with us when we go to get adequate funds to deal sufficiently with this horrible problem.

Mr. BIAGGI. Mr. Speaker, as a cosponsor of this measure, I rise to urge its swift approval by the House. Passage of H.R. 10569 will permit this Nation to continue and expand its commitment to the reduction and elimination of alcohol and drug abuse among our young people.

I participated at hearings on this legislation and was greatly impressed with the accomplishments of the ADEA in reducing alcohol and drug abuse in our schools. The most startling fact is that they have achieved this success with a paltry budget of $2 million per year.

Armed with this impressive record of accomplishment, our subcommittee has recommended that the program be extended through fiscal year 1983. I advocated that the funding levels for this program be significantly increased and am pleased to note that H.R. 10569 authorizes a three-fold increase in funding for fiscal year 1978, and some $60 million for fiscal years 1980–83.

The result of this legislation will be measured in terms of continued reductions in the numbers of alcohol and drug abuse victims in our schools. A related and essential benefit will be a reduction in crime and vandalism which today, are ravaging schools throughout this Nation. The emphasis which this program places on prevention is proper.

We all seek cost-efficiency and results in our Federal programs, yet all too often, these goals are not realized. The Alcohol and Drug Abuse Education Act is an outstanding program which has worked. Its reward will be the passage of H.R. 10569 by the House.

We must take action to insure that our schools are not the feeding grounds for alcohol and drug abuse. Education programs must respond to the realities of the environment found in many of this Nation's schools. H.R. 10569 addresses a very serious educational need and its passage will be an important step in the right direction.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding and rise in support of the motion to suspend the rules on H.R. 10569, extending the Alcohol and Drug Abuse Education Act to provide $67.6 million during the next 5 fiscal years—ranging from $6 million for fiscal year 1978 to $18.4 million for fiscal 1983. The alcohol and drug abuse education program, which is administered by the Department of Health, Education, and Welfare, is designed to prevent drug abuse by this Nation's school-age youth.

Mr. Speaker, under the leadership of the distinguished chairman of the Select Committee on Narcotics Abuse and Control (Mr. WOLFF) and the distinguished gentleman from New York (Mr. RANGELL), the Select Committee on Narcotics Abuse and Control, of which I am a member, held a series of hearings in September and November of 1976 in New York City regarding the rampant use and abuse of drugs in New York City's school system. The ease by which teenagers can obtain heroin, cocaine, PCP and marihuana was particularly disturbing to members of the select committee, and H.R. 10569 can in my opinion, help educate our teenagers on the dangers of drug abuse.

The report by the Committee on Education and Labor accompanying H.R. 10569 stated that the Alcohol and Drug Abuse Education Act of 1970 "emphasizes prevention, deterring our youth from socially and personally destructive behavior rather than mopping up the casualties when it is often too late." This is precisely what is needed if this Nation is to educate its citizens, particularly our youth, regarding the physiological and emotional destructiveness that accompanies drug abuse.

In its hearings and investigations, the select committee has found that nearly 5,000 individuals, again, mostly the youth of our Nation, annually succumb to drug abuse.

In its "Preliminary Staff Study—Drug Abuse in New York City Schools," January 1977, the select committee's study stated:

> More than 41.1 percent of the students in grades 7–12 who were users of drugs more serious than marijuana during the 1974–75 school year received no exposure to either prevention or intervention services indicating a serious unmet need for such programs. Although the users of such substances did receive the highest percentage of exposure to both prevention and intervention, it is this population that is most seriously in need of some type of service. The fact that only 58.9 percent of these students who were users of drugs more serious than marijuana have been exposed to school-based drug programs underscores the critical need for increasing prevention and intervention services to these students.

Mr. Speaker, the urgency for enacting legislation to prevent alcohol and drug abuse for all Americans should be obvious to all of us. Accordingly I urge that my colleagues support the motion offered by the gentleman from Indiana (Mr. BRADEMAS) to suspend the rules and pass this vitally significant measure.

Mr. QUIE. Mr. Speaker, I join my colleagues in supporting this legislation and I particularly want to reinforce the remarks made by my colleague from Vermont (Mr. JEFFORDS) when he said how appalled every Member is about the use of drugs and alcohol among teenagers. I am concerned when any individual does anything in excess and ruins his or her life or body, but the abuses of alcohol and drugs that are prevalent throughout the country today affect not only the in-

dividuals who use them, but their families and communities as well.

This program is a relatively small Federal effort, but one which has reached millions of young people and hopefully will benefit millions more. Hopefully through it young people and their families will gain a better understanding and awareness of what alcohol and drugs can do to their bodies as well as their minds. I do not think that I can stand here today and say how many young people may be saved or turned around because they are exposed to one of these programs. It is my feeling though that for every one we do reach and make aware, all of society will be better because of it. This is a good program, and I think one which all Members can fully support.

Mr. PERKINS. Mr. Speaker, I rise in support of the bill, H.R. 10569, to extend and amend the Alcohol and Drug Abuse Education Act.

Initially, I want to compliment the distinguished chairman of the Subcommittee on Select Education—our colleague JOHN BRADEMAS. The Alcohol and Drug Abuse Education Act was enacted in 1970, largely through the untiring efforts of JOHN BRADEMAS, and his continuing and thoughtful attention to the program since that time has produced this important legislation to improve and extend the act.

I want to compliment also members of the committee on both sides of the aisle for their work on this bill.

Mr. Speaker, we know that the abuse of alcohol and drugs by young people has terribly stunted—and even ended—many young lives. The Alcohol and Drug Abuse Prevention Act of 1970 was one response by the Federal Government to a growing concern in this area. In 1974 the act was amended and reauthorized, and over the past years ambitious and significant programs have been administered through this legislation, some of which have been effective in alleviating causes of alcohol and drug abuse as well as giving persons involved in alcohol and drug abuse the basic insight and skills they need to solve their own alcohol and drug problems.

Today the abuse of alcohol and dangerous drugs by the youth of the Nation remains a continuing and pressing national priority. This legislation contains amendments to clarify the purposes of the original act and to permit multiple year funding of alcohol and drug abuse education projects.

Hearings by our Select Education Subcommittee in January brought forth strong evidence that supports the extension of the act, citing specifically the significance and effectiveness of the "team school approach" which has been used in programs under this act. By this approach young people throughout the Nation have been reached by school personnel and community persons who have been trained to deal with alcohol and drug abuse as they relate specifically to problems and circumstances in their own areas. Programs set up through this approach reach approximately 1 million individuals annually.

Mr. Speaker, H.R. 10569 proposes a 5-year extension of the Alcohol and Drug Abuse Education Act through fiscal year 1983. This legislation provides a modest amount with which to implement existing programs and to assist local educational agencies in the planning, development, and implementation of drug and alcohol abuse education programs. H.R. 10569 recommends authorization levels for the Alcohol and Drug Abuse Education Act of $6 million in fiscal year 1979, $12.4 million in fiscal year 1980, $14.4 million in fiscal year 1981, $16.4 million in fiscal year 1982, and $18.4 million in fiscal year 1983.

Mr. Speaker, this measure was ordered reported unanimously by both the subcommittee and the full committee. I urge my colleagues to support H.R. 10569—legislation which is urgently needed if we are to adequately address problems of alcohol and drug abuse.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) that the House suspend the rules and pass the bill H.R. 10569, as amended.

Mr. JEFFORDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill which has just been under discussion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ENVIRONMENTAL EDUCATION ACT AMENDMENTS

Mr. BRADEMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10570) to amend the Environmental Education Act to extend the authorizations of appropriations for carrying out the provisions of such act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 10570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7 of the Environmental Education Act (20 U.S.C. 1536) is amended by striking out "and", and by inserting before the period at the end thereof the following: ", $5,000,000 for fiscal year 1979, $7,000,000 for fiscal year 1980, $9,000,000 for fiscal year 1981, $11,000,000 for fiscal year 1982, and $13,000,000 for fiscal year 1983".

(b) Section 7 of the Environmental Education Act, as amended in subsection (a), is further amended by adding at the end thereof the following new sentence: "Funds appropriated under this Act shall remain available to the Commissioner for the duration of this Act in order to permit multiple-year funding of projects under this Act.".

SEC. 2. (a) Section 3(a)(2) of the Environmental Education Act (20 U.S.C. 1532(a)(2)) is amended by inserting "energy," before "population".

(b) Section 3(b)(2)(C) of the Environmental Education Act (20 U.S.C. 1532(b)(2)(C)) is amended by inserting "or groups of such agencies," after "agencies,".

(c) Section 3(b)(2)(D) of the Environmental Education Act (20 U.S.C. 1532(b)(2)(D)) is amended by inserting after "ecology," the following "or to develop interdisciplinary strategies and programs of environmental quality and ecology,".

(d) Section 3 of the Environmental Education Act (20 U.S.C. 1532) is amended by striking out subsection (c) thereof.

The SPEAKER pro tempore. Is a second demanded?

Mr. JEFFORDS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. BRADEMAS) and the gentleman from Vermont (Mr. JEFFORDS) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I yield myself such time as I may consume.

ENVIRONMENTAL EDUCATION ACT

Mr. Speaker, I rise to urge my colleagues to give their support to H.R. 10570, as amended, legislation calling for a 5-year extension of the Environmental Education Act.

Before explaining this bill, Mr. Speaker, I would like to thank the distinguished chairman of our committee, Mr. PERKINS, for his support of the subcommittee's efforts. I would also like to thank the distinguished ranking minority member of the Education and Labor Committee, Mr. QUIE, for his contributions to the legislation.

Mr. Speaker, both majority and minority members of the Subcommittee on Select Education, which I have the honor to chair, have worked diligently on this legislation. I would like particularly to thank Mr. JEFFORDS and Mr. PRESSLER for their efforts.

Briefly, Mr. Speaker, H.R. 10570 extends for 5 years the Environmental Education Act with amendments to clarify the purposes of the act, to permit multiple year funding of environmental education projects and to abolish the Advisory Council on Environmental Education.

BACKGROUND

Mr. Speaker, during the decade of the sixties this Nation experienced an awakening to a number of basic issues. One of these issues was that of the impact of human beings on the natural order and on sensitive balances present in the physical world. Public concern over such matters resulted in an insistence on governmental responses to environmental issues. Many of the responses of Government were directed at the conservation of rapidly depleting resources. Other governmental actions were directed to abuses of the environment as in the cases of air and water pollution.

It was also recognized, Mr. Speaker, that our environmental concern needed to be translated into new educational practices. Therefore, Mr. Speaker, the Environmental Education Act was formulated and enacted in October 1970 (Public Law 91-516). It was amended

and reauthorized in May 1974 (Public Law 93-278).

ADMINISTRATION OF THE PROGRAM

In the administration of the program, Mr. Speaker, support has been provided for personnel development, resource material development, community education, elementary and secondary education, and for small grant workshop-type projects.

Mr. Speaker, the projects have been designed to develop educational processes and resources dealing with man's relationship to his natural and manmade surroundings. From fiscal year 1971 to fiscal year 1977, a total of 474 general project grants, 175 minigrants and 6 contracts have been awarded.

HEARINGS

Mr. Speaker, the Subcommittee on Select Education of the Committee on Education and Labor held 2 days of hearings on the extension of the Environmental Education Act and on oversight of the operations of the program conducted under the act. The hearings were held on June 6 and 7, 1977 in Washington, D.C.

Witnesses at the hearings described a variety of successful projects being supported under the act including:

The development of a high school curriculum program titled "Energy, People and the Environment: Coal Mining," which is intended to help students analyze the decisionmaking process involved in the extraction and use of coal as an energy source;

A community adult education project dealing with the environmental problems of the harbor at Superior, Wis., and conducted with the cooperative efforts of the University of Wisconsin and the League of Women Voters; and

A teacher training program in environmental education carried out by the St. Louis public schools in cooperation with the Missouri Botanical Gardens.

All of the witnesses, Mr. Speaker, recommended that the Environmental Education Act be extended. Suggestions for improving the administration and management of the program were made and these are reflected in the committee report.

EXPLANATION OF H.R. 10570

H.R. 10570 extends the Environmental Education Act for 5 additional years; that is, through fiscal year 1983.

H.R. 10570 recommends authorization levels for the Environmental Education Act of $5 million in fiscal year 1979, $7 million in fiscal year 1980, $9 million in fiscal year 1981, $11 million in fiscal year 1982, and $13 million in fiscal year 1983.

Mr. Speaker, the authorization for the Environmental Education Act in fiscal year 1978 is $15 million and $3.5 million was appropriated. In bringing before the House a bill with more modest authorization levels for future years, I would emphasize that I continue to view with deep concern the environmental problem which this act seeks to address. These lower authorization levels simply reflect, Mr. Speaker, a realistic expectation of appropriations that can and should actually be provided.

H.R. 10570 amends the act to include the word "energy" in the definition of "environmental education." This action is meant to encourage the energy-related environmental education projects already being supported by the Office of Environmental Education as well as to suggest that such projects ought to be a high priority in the future.

Mr. Speaker, the act is also amended in order to promote cooperative and coordinated environmental education efforts at the State and local level, and to recognize the interdisciplinary nature of training in environmental education.

H.R. 10570 also abolishes the Advisory Council on Environmental Education. This council has not been very active, visible, or effective and a separate advisory council for a program of this size can no longer be justified. The Department of Health, Education, and Welfare has recommended termination of this council in response to President Carter's directive that all Federal agencies review their advisory councils and committees.

Finally, Mr. Speaker, this bill amends the act to permit multiple year funding of projects, which may be required to achieve effective curriculum development and inservice training projects. Strong support for this action was voiced both in the hearings and by environmental educators throughout the Nation.

Mr. Speaker, in his proclamation of April 12, 1977, announcing Earth Week, 1977, President Carter said:

> Since the beginning of this decade, we have begun to recognize that our planet's capability for satisfying the needs of mankind has limits. We have begun to see that we are its stewards, not its masters.

The President continued—

> Human activities, even well-intended ones, can inflict deep and lasting damage to the earth, air and the living plants and animals on which we depend. Protection of the environment is a debt we owe to ourselves and to those who follow us.

The President concluded his statement, Mr. Speaker, by saying:

> In particular, I ask all educators to consider introducing an ecological perspective into every scholastic or academic discipline to encourage future application by graduates to protect the health of our planet.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 10570 to extend the Environmental Education Act precisely in order to support such an environmental concern and environmental responsibility among American educators and American citizens.

Mr. JEFFORDS. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. PRESSLER).

Mr. PRESSLER. Mr. Speaker, as cosponsor of this fine bill, I wish to commend the gentleman from Indiana (Mr. BRADEMAS) for his description of it. In committee I was prepared to offer an amendment, but after discussion decided to have put into the report a provision that part of the environmental education should be interpreted to give due consideration to the role played by shelterbelts in the conservation of water and soil resources, as well as topsoil preservation. I think it is very important to preserve our agricultural land from wind and water erosion by planting shelterbelts. The planting of trees in shelterbelts and importance in preserving soil and water resources is an aspect of that which we frequently do not consider under environmental education which we frequently fail to consider. So often when we think of water, we think of large city pollution, but there is danger to our Nation's rural water quality due to siltation which occurs due to agricultural land runoff, or due to wind erosion, and, in some areas, due to strip mining. Unfortunately, many of our shelterbelts were planted in the 1930's and the mature trees are dying; or, these shelterbelts are being ripped out due to the pressure to put all agricultural lands into production. Therefore, I believe the value of shelterbelts to environmental quality should be given special consideration under the environmental education program.

I have introduced, along with the gentleman from Minnesota (Mr. NOLAN) two bills which will make the Great Plains program permanent and also institute a national shelterbelt program with incentives for landowners to plant shelterbelts.

Mr. Speaker, I am happy that the Environmental Education Act amendments have in the report provisions for shelterbelts and soil and water conservation.

Mr. JEFFORDS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, when the legislation was considered in 1973, I told the House that my love of nature has always been a source of great strength and inspiration to me. I am concerned as an individual that this Nation do everything to protect our environment and the gifts that God has given us. I believe that today more than ever there is just so much land, so much air, so much water and so many animals and anything that we can do to preserve our environment so that we as adults, our children, our grandchildren, and all future generations can enjoy them, should be done.

This bill today simply extends a program which from all reports appears to be working and I think that from what we say during the hearings the teachers as well as the students that participate truly benefit from involvement in this program. More importantly, the limited dollars that the Federal Government puts into this program actually stimulates significant local contributions which greatly exceed the Federal grants. A sensible environment awareness makes students better citizens. I think this program has been a good one and I ask all of my colleagues to join me in supporting it.

Mr. JEFFORDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as ranking minority member of the subcommittee which handled this bill, and also as chairman of the Environmental Study Conference, I enthusiastically endorse this legislation and hope that it will have the support of all Members. I am concerned as an individual that this Nation do everything to protect our environment and the gifts that God has given us. I believe that today more than ever there is just so much land, so much air, so much water, and so many animals, that anything that we can

do to preserve our environment so that we as adults, our children, our grandchildren, and all future generations can enjoy then should be done.

This bill today simply extends a program which from all reports appears to be working. I think from what has been said during the hearings the teachers, as well as the students that participated, truly benefit from involvement in this program.

More importantly, the limited dollars the Federal Government puts into this program actually stimulates the Federal contribution to school districts.

I think this program has been a good one. I certainly ask all my colleagues to join with me in supporting it.

Further, I would like to explain why I could conceive in effect of approving a reduction in authorization levels. This is one program which the States and local communities have picked up the ball and are running with it. It is that important that we have not needed the Federal involvement and support that we have had in other programs. Thus the level of funding, although I would like to see an increase, is near to being adequate and certainly will be adequate to provide the support to continue the programs at the State and local levels.

I think this is an important act and deserves the support of all Members.

Mr. PERKINS. Mr. Speaker, I rise in support of the bill, H.R. 10570, a bill to amend and extend the Environmental Education Act.

Initially, I want to compliment the distinguished chairman of the Subcommittee on Select Education—our colleague JOHN BRADEMAS. Largely through his efforts, the Environmental Education Act was formulated and enacted in 1970 in response to public concern over environmental issues, including conservation of depleting resources and air and water pollution. This new legislation reflects his continuing concern and untiring efforts in this area. I want to compliment also the members of the committee on both sides of the aisle for their work on this bill.

The Environmental Education Act was amended and reauthorized in 1974, and H.R. 10570 proposes a 5-year extension with amendments to clarify the purposes of the act, to permit multiple year funding of environmental education projects, and to abolish the Advisory Council on Environmental Education.

The major thrust of the Environmental Education Act has been to increase environmental concern and environmental responsibility among American educators and American citizens.

Included in projects under this act has been a strong focus on the energy issue as it relates to environmental matters. There has been an emphasis on conserving the quality of the natural environment, as well as on examining and evaluating available resources where there are diminishing supplies.

The recommended authorization levels in H.R. 10570 are realistic levels that can and should be provided. H.R. 10570 recommends authorization levels for the Environmental Education Act of $5 million in fiscal year 1979, $7 million in fiscal year 1980, $9 million in fiscal year 1981, $11 million in fiscal year 1982, and $13 million in fiscal year 1983.

Mr. Speaker, this legislation was unanimously ordered reported by both the subcommittee and the full committee, and I urge my colleagues to support H.R. 10570.

Mr. JEFFORDS. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) that the House suspend the rules and pass the bill H.R. 10570, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

HUBERT H. HUMPHREY INSTITUTE OF PUBLIC AFFAIRS MEMORIAL ACT

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10606) to authorize funds for the Hubert H. Humphrey Institute of Public Affairs.

The Clerk read as follows:

H.R. 10606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hubert H. Humphrey Institute of Public Affairs Memorial Act".

SEC. 2. The Commissioner of Education (hereinafter referred to in this Act as the "Commissioner") is authorized to provide financial assistance in accordance with the provisions of this Act to assist in the development of the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota-Twin Cities.

SEC. 3. No financial assistance provided by this Act may be made except upon an application at such time, in such manner, and containing or accompanied by such information as the Commissioner may require.

SEC. 4. There are authorized to be appropriated such sums, not to exceed $5,000,000, as may be necessary to carry out the provisions to the Act. Funds appropriated pursuant to ths Act shall remain available until expended.

The SPEAKER pro tempore. Is a second demanded?

Mr. BAUMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. FORD) and the gentleman from Maryland (Mr. BAUMAN) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Speaker, H.R. 10606 authorizes a one-time $5 million appropriation for the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota to honor our late Vice President. The Humphrey Institute was founded last year "to perpetuate the innovative, creative and humane approach to public service exemplified by the career of Senator Hubert H. Humphrey—a center for the education, stimulation and recruitment of bright young men and women for positions in public and community service."

The Humphrey memorial bill was cosponsored by my distinguished colleague, the ranking minority member of the Education and Labor Committee (Mr. QUIE) on January 30 and reported from committee by unanimous vote on February 8.

Mr. Speaker, our legislation is intended to authorize an appropriate gift from this country to the Humphrey Institute. Other nations have already expressed their intent to make similar contributions with the belief that there will be created at the University of Minnesota a center of great value to the international community. The Prime Minister of Japan has notified the institute that he has recommended to the Japanese Diet that a gift of $1 million be donated on behalf of Japan. The Ambassador from Iran has also indicated his country's intent to make a gift.

How fitting it would be for us to join other governments of the world in honoring the memory of this great statesman by contributing to the establishment of an institute to perpetuate the dedication to and enthusiasm for our democratic system demonstrated by former Vice President Humphrey during his entire public career which stretched over 4 decades.

The Hubert Humphrey Institute of Public Affairs will house a vigorous program of research and study and training in the major fields in which the former Vice President spent his public service career. It will also house the Humphrey Archives, the Humphrey Library collection of public affairs documents, and include a strong program of outreach into the community, the State, and the Nation.

Mr. Speaker, this legislation is a bipartisan proposal cosponsored by 45 of our colleagues. Similar legislation is now pending in the Senate. I hope our colleagues can demonstrate their gratitude to this great American by giving this legislation speedy approval today.

Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Speaker, I rise in support of the motion offered by the gentleman from Michigan (Mr. FORD) to suspend the rules and pass H.R. 10606, a bill authorizing an appropriation of $5 million to the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota, on the Twin Cities campus. This bill was reported unanimously by the Committee on Education and Labor.

First, let me make it clear that the funds authorized by H.R. 10606 would, if fully appropriated, provide only about 25 percent of the $20 million needed for sup-

port of the institute. By mid-February more than $7 million has already been raised by businessmen and labor leaders.

I believe it is fitting as a memorial to the late Senator, Hubert Humphrey, who gave so unstintingly of his own time and energies in the field of public service, renowned as he is now, from the life he led and the leadership he gave here in the Congress. I believe this authorization will also be of tremendous importance to the University of Minnesota in providing the kind of service that is needed by the people of our area and of the Nation as well.

Next fall the institute will officially open its doors for the first time. It offers a unique and extensive program in public administration for students who are interested in becoming legislators and administrators. It also offers programs of continuing education and training to professionals already in the private or public sector and to the general public.

The institute is unique in that it is structured to meet the needs of changing times and changing policies much like Mr. Humphrey himself was eager and open to face changes and new ideas and to deal with new problems. New programs at the institute will focus on such things as technology planning which will include issues dealing with environmental quality. It will also focus on human services and include an examination of the problems of aging in our society. Curriculum will incorporate the social sciences, political philosophy, economics, computer science, mathematics, and the natural biological and environmental sciences.

Support for the institute has come from leaders in every segment of life—both in Minnesota and throughout the country. The executive committee is composed of the sponsoring committee:

EXECUTIVE COMMITTEE

Mr. John B. Amos.
Mr. Dwayne O. Andreas.
Mr. James H. Binger.
Mr. George Bristol.
Mr. Bill Brock.
Mr. Edgar M. Bronfman.
Mr. Curtis L. Carlson.
Mr. Joseph R. Cerrell.
Mr. Alden W. (Tom) Clausen.
Mr. William Connell.
Mr. Kenneth Curtis.
Mr. Joseph Danzansky.
Mr. Julius E. Davis.
Mr. Donald C. Dayton.
Mr. S. Harrison Dogole.
Mrs. Charles W. Engelhard.
Mrs. Katharine Graham.
Mr. Harold W. Greenwood, Jr.
Mr. Lloyd Hand.
Dr. Walter W. Heller.
Mr. Burton M. Joseph.
Mrs. Geri Joseph.
Mr. Max Kampelman.
Mr. Walter J. Karabian.
Mr. Philip Klutznick.
Mr. Frederick Mann.
Mr. Peter McColough.
Mr. George Meany.
Mr. Patrick J. O'Connor.
Mr. Jeno Paulucci.
Mr. Jay Phillips.
Mr. Joseph Robbie.
Mr. Marvin Rosenberg.
Mr. Walter Shorenstein.
Mr. Robert E. Short.
Hon. William E. Simon.
Hon. George Smathers.
Mr. Robert S. Strauss.
Mr. Louis Susman.
Mr. Jeff Wald
Hon. David W. Walters.
Mr. Lew R. Wasserman.
Mr. Roy Wilkins.
Mr. James P. Milmot.
Mrs. Rosalind Wyman.

SPONSORING COMMITTEE

Mr. Maynard Abrams, Hon. Joseph L. Alioto, Hon. Eugene Anderson, Hon. Wendell R. Anderson, Hon. Walter Annenberg, Dr. Carl Auerbach, Hon. George Ball, Mr. Robert W. Barrie, Hon. Bob Bergland, Dr. Edgar Berman, Mr. Philip I. Berman, Hon. John A. Blatnik, Mr. Stanley Bregman, Mr. Leonard Burchman, Mr. Jack Chestnut, Mr. Joseph E. Cole, Mr. John F. Connelly, Hon. John T. Connor, Mr. Joseph Crangle, Mr. Leonard Davis, Hon. Joseph Dillon, Hon. Mervyn Dymally, Hon. Cyrus S. Eaton, Jr., Mr. Elliot Epstein, Mr. Abraham Feinberg, Mrs. Ruth Field, Mr. Henry Ford, II, Mr. Gerald Friedell, Hon. Orville L. Freeman, Mr. Milton Gilbert, Mr. Erwin L. Goldfine, Mrs. Zmira Goldman, Mr. Lorne Greene, and Hon. W. Averell Harriman.

Ms. Carol Haussamen, Mrs. Elizabeth E. Heffelfinger, Rev. Theodore Hesburgh, Mrs. Frances Humphrey Howard, Mr. Thomas L. Hughes, Mr. Eugene Istomin, Mr. Irvin Jacobs, Mr. Philip F. Jehle, Mr. Michael Johnson, Mr. Vernon E. Jordan, Jr., Dr. Evron Kirkpatrick, Hon. Henry A. Kissinger, Mr. Eugene V. Klein, Mr. Jerry D. Landreth, Mrs. Albert D. Lasker, Mrs. Epple Lederer (Ann Landers), Mrs. Walter Lochheim, Hon. Lee Loevinger, Mr. Cyril Magnin, Dr. C. Peter Magrath, Mr. Lester A. Malkerson, Mr. James P. Maloney, Mr. Charles T. Manatt, Hon. Leonard Marks, Dr. J. Alfred Marrow, Mr. Frank J. McDermott, Mrs. William McMurtrie, Hon. Robert E. McNair, Mr. Martin J. McNamara, Mr. Robert Moore, Mrs. Wenda Moore, Mr. Ben F. Morgan, Hon. Arthur Naftalin, and Hon. Claude Pepper.

Hon. Rudy Perpich, Mr. Neal D. Peterson, Mrs. Morton Phillips (Abigail Van Buren), Mr. Carl R. Pohlad, Mr. A. B. Polinsky, Mr. James Ramstad, Mr. Bernard H. Ridder, Jr., Mr. Louis Rivlin, Mr. David Roe, Mr. Harold Roitenberg, Mr. Carl Rowan, Hon. James H. Rowe, Mr. Arnold A. Saltzman, Hon. Grant Sawyer, Mr. Richard M. Scammon, Mr. Jerome D. Schaller, Mr. George T. Scharffenberger, Mr. Jay Schwamm, Mr. Daniel J. Schwartz, Mr. Eric Sevareid, Mr. Norman Sherman, Hon. Hulett Smith, Dr. Alfred L. Stern, Mr. Isaac Stern, Mr. Fred R. Sullivan, Mr. Maurice Tempelsman, Mr. Charles Tyroler, Mr. Jack Valenti, Mr. Ted Van Dyk, Jr., Mrs. Helen Reddy Wald, Mrs. Elizabeth Taylor Warner, Mr. Glenn Watts, and Mrs. Whitney M. Young. (In Formation.)

The institute, like the current school of public affairs at the university, will offer two degree programs, the master of arts in public affairs and the master of arts in planning, to its expected beginning enrollment of 100 students. It will also offer joint degree programs with the university's Institute of Technology and College of Business Administration.

Let me also note that there is precedent for legislation such as that before us today. In 1972, following the death of Senator Allen J. Ellender, the Congress enacted the Ellender fellowship program providing up to $1 million in the current year for the support of the closeup program. This program brings thousands of high-school-age young men and women to Washington to learn firsthand about how our National Government actually operates. The Ellender support assures that low-income students are given an equal opportunity to participate in the closeup program.

In 1976 the Congress enactcd legislation to provide $500,000 in support for the Wayne Morse Chair of Public Affairs at the University of Oregon. The late Senator Morse was, of course, the chairman for many years of the Senate Education Subcommittee of the former Committee on Labor and Public Welfare.

In 1974 the Congress passed legislation which provided up to $1 million Federal aid to the Sam Rayburn Library in Texas. This facility houses the papers of the late Speaker of the House.

In addition to these memorials to former Members of Congress, there are also several instances where the Congress has chosen to memorialize a former President, including 1974 and 1968 acts providing grants to Eisenhower College in Seneca Falls, N.Y. Totally these two acts authorized $14 million—$5 million in 1968 and $9 million in 1974.

In 1974 legislation was also enacted to create the Harry S Truman fellowship program. Thirty million dollars, the full authorization, was subsequently appropriated.

One of the most recent—and visible—of congressionally created memorials is the John F. Kennedy Center for the Performing Arts. Created in 1964, the Federal Government contributed 023 million for the construction of the center and has a continuing commitment for its maintenance and operation. In addition, we are spending more than $4 million annually for operation of the center.

A final precedent was the establishment in 1968 of the Woodrow Wilson International Center for Scholars at the Smithsonian Institution. The current appropriation for the center is in excess of $1.3 million.

In 1975 Public Law 93–585 was passed which authorized $7 million for the Hoover Institution on War, Revolution, and Peace at Stanford University in honor of former President Herbert Hoover. And, of course, every President from Franklin Roosevelt to Lyndon Johnson has his papers housed in a Presidential library whose operating costs are paid for through the General Services Administration.

In conclusion, Mr. Speaker, I urge the prompt passage of this legislation by both bodies. The purposes to which these funds will be put to use will be a fitting and most appropriate memorial to the late Senator Humphrey who devoted his life to the public service as mayor of Minneapolis, U.S. Senator, and Vice President of the United States. Hubert Humphrey was a remarkable man who served as a symbol of governmental assistance at times when peoples needs have been great. Now that people have been losing faith in government and its leaders, hopefully this institute will teach our future leaders to be more sensitive of peoples needs, learn ways to help them mediate their problems and thereby rebuild the trust between people and their institutions. The greatest memorial to his life will be the preparation of future generations of leaders. Let us insure that today.

Mr. BAUMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, there are very few people in this country whose lives were not in one way or another touched by the late Senator from Minnesota, Hubert H. Humphrey. Certainly all of us admire the way in which he dealt with his final trial resulting in his passing.

I was amongst those Members in this Chamber some months ago who rose and applauded this man for the remarks he made and for the courage he displayed in his final days.

However, during the time I have been here there has been, as related by the gentleman from Minnesota (Mr. QUIE), a number of bills voted upon which have sought to memorialize various political leaders in this country by granting large amounts of taxpayers' money. For one or another purpose. I think the record will show that throughout that time I have voted against all these bills, simply because I do not think there is sufficient justification to spend the taxpayers' money as a memorial to someone who has passed on.

There is a certain justification, in the case of a former President of the United States whose records and volumes should be preserved for history. But, by and large, those who have served in the House or in the Senate should be, in my mind, memorialized by the private sector. This in no way denigrates the service that Mr. Humphrey rendered in many capacities to the United States of America. But if we are in fact to spend taxpayers' money in the amount of $5 million for any one of the many who are prominent, one has to raise the question of exactly where the line is to be drawn. I think it is a bad precedent to establish, and certainly I would suspect that if a full accounting of the Federal funds received through the years by the University of Minnesota was conducted at this point, it would be many, many millions more than $5 million. There are many ways for giving grants to private or State educational institutions. It is my own feeling that the Senator's memory would be better served if we saved this money for some of the better programs he believed in, rather than spend it in this way.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Minnesota

Mr. QUIE. I thank the gentleman for yielding.

Mr. Speaker, when the gentleman talks about funding this from the private sector of the economy, I want the gentleman to know that already the non-Federal sector has contributed more money than is authorized by this bill—over $7 million of a total amount of $20 million. I believe that we have demonstrated before that Federal money draws private money, and I am sure that the remainder of the amount will be forthcoming.

I have some reservations about some programs that the former Senator proposed, but I do not have any reservation about this institute. That is why I gladly support this legislation.

Mr. BAUMAN. Mr. Speaker, I would say to the gentleman from Minnesota that I am sure he would not have any reservations, under the circumstances and I fully appreciate why he would not.

Mr. SKUBITZ. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Kansas.

Mr. SKUBITZ. I thank the gentleman for yielding.

Mr. Speaker, can the gentleman tell me, did we make similar contributions for Senator Taft's memorial, and also for President Eisenhower's memorial?

Mr. BAUMAN. A grant was made to Eisenhower College, which I did not support. But, to the best of my knowledge, when the late and great Senator Robert A. Taft of Ohio passed away, in 1953, the Congress granted permission for erection of the memorial bell tower here on Capitol Hill; but the subscription was totally privately paid funds for the building of that memorial. There is a Taft Institute, but I do not think it has received any Federal funds. It may have. I do not know.

Mr. SKUBITZ. I think the same thing was true of the Eisenhower memorial in Abilene. I think funds were raised there by public subscription.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Arizona.

Mr. RUDD. I thank the gentleman for yielding.

Mr. Speaker, I want to go on record in support of the remarks of the gentleman from Maryland. I think this can be done in the private sector, and it would be more appropriate to do so.

Mr. BAUMAN. Mr. Speaker, I reserve the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with respect to the question which was raised on the other side of the aisle about Eisenhower College, I would like to call to the gentleman's attention the committee report which contains a list of grants made to educational projects and institutions as memorials. I think Eisenhower College is a particular case where an institution received $5 million in fiscal year 1969, and an additional $9 million in fiscal year 1975. I might say that this was virtually by unanimous action of the House. It is true that there are many great Americans who have not been honored in this fashion in the past. We have other types of memorials that are built, sometimes with public money, sometimes with a combination of public money and private subscriptions, and sometimes entirely with private subscriptions, which are scattered throughout Washington and throughout the country. The difference in this approach, I might mention, is that we are not talking about erecting a statute or putting some other inanimate object on display. We are talking about providing money for higher education at a public university, which, I might say, is the largest single public university campus in the United States. The main campus has the largest student population in the country on a single campus. The institution will be located on that campus, operated by the university.

What we are talking about here is money for education in the name of and in the memory of former Vice President Hubert Humphrey, but nevertheless a living contribution for people yet to come; and those people who presumably will participate in the programs of the University of Minnesota will thereafter make their added contribution to this country on the basis of the expenditure of Federal money.

It is not a dead-end expenditure intended simply to build an inanimate memorial. It is an expenditure of resources, to provide educational opportunities that might otherwise be neglected, to American citizens from throughout the country, who will over many years to come, we would hope, benefit from these funds, and we do this in the name of a late and great American, Hubert H. Humphrey.

Mr. BAUMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I appreciate the gentleman's yielding time to me.

I wanted to inquire of the distinguished subcommittee chairman as to what the policy of the subcommittee is on measures of this kind.

The gentleman made mention of other distinguished Americans whom we may or may not want to honor in a similar manner. I have in mind, for example, the late Senator Everett McKinley Dirksen, who served as the minority leader in the U.S. Senate for longer than any man in the history of this country and surely made his imprint, just as Hubert Humphrey did, on the lives of many Americans in this country.

We have established out in Senator Dirksen's home community of Pekin, Ill., the Dirksen Congressional Leadership Research Center at which there is a library containing all his papers. It is to that center that scholars can come and study the leadership of the Congress throughout the years.

Mr. Speaker, I am wondering whether it is the normal practice of the subcommittee to hold hearings on a piece of legislation of this kind. I have a bill, incidentally, which bears the number H.R. 11000, and which would, for all practical purposes, appropriate $2.5 million to the Dirksen Congressional Leadership Center. I would like, if possible, to have a hearing on my proposed legislation so that we might be able to make our case in favor of supporting the Dirksen Center. I, frankly, support the legislation before us today in the name of Hubert Humphrey, because he was, as I said in my own remarks when we honored him on the floor of the House, one of the greatest Americans of all time. While we had our differences politically, he was something extra special.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, the committee staff became aware over the weekend of the gentleman's interest in a similar bill. I have to apologize because we searched, and we do not find the gentleman's bill assigned to our committee.

At the moment our staff is telling me that the gentleman just introduced the bill last Friday; is that correct?

Mr. MICHEL. I introduced H.R. 11000 on Thursday, February 16. I apologize to the gentleman because while I knew that there were good prospects for this legislation coming before us, I did not know it would come with such speed and dispatch. I know that we have in the past tied the Rayburn Library to the Eisenhower College grant and that these bills were considered in tandem. I had hoped that there would be ample time to also talk about one of Hubert's colleagues with whom he, frankly, worked very closely. I thought it would perhaps be appropriate to be doing at least some measure of the same kind of thing for Everett Dirksen as we are doing for Hubert Humphrey.

Mr. FORD of Michigan. Mr. Speaker, I might say to the gentleman that while there has been no discussion within the committee of any policy, as such, with regard to the treatment or consideration of legislation of this kind, I know of no instance in which this type of legislation has come before the Committee on Education and Labor and has not been considered.

I might say, however, that the policy question may be decided today if the gentleman from Maryland (Mr. BAUMAN) prevails in his point of view that this is an inappropriate way in which to memorialize a great American. In that event, I suppose the committee would be guided accordingly in its treatment of future proposals of this kind. However, if the gentleman's position does not prevail, I think the committee would be quite strongly constrained to do as it has in the past, consider each and every request of this kind on its individual merits.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for his response. I would say that the gentleman from Maryland (Mr. BAUMAN), however, is well within his rights to raise the kind of questions he has here today. The question as to whether or not we want to limit these kinds of measures only to those who either served as President or Vice President or in a leadership role in either body ought to be a matter for public discussion. Frankly, if we were to make the same kind of memorial for every Member of the other body—and obviously, we do not have the funds to do that—we would be expected to do the same for every Member of this body.

I think there is good reason to question the validity of what we are doing, and make sure that we are proposing good public policy for the future. I applaud the gentleman from Maryland for raising some questions today, knowing full well that he has that same warm and affectionate regard for the late Hubert Humphrey that the gentleman from Illinois shares.

Mr. BAUMAN. I would just observe that if the bill introduced by the gentleman from Illinois (Mr. MICHEL) to make a grant to the Senator Everett Dirksen Center is reported on the floor, as much as I was charmed by his mellifluous voice over the years and shared many of his views, I would be constrained to oppose that also.

Mr. PERKINS. Mr. Speaker, I rise in support of H.R. 10606, a bill which authorizes $5 million in Federal funds for the Hubert H. Humphrey Institute of Public Affairs.

This bill, which has enjoyed the cosponsorship of 44 Members, pays tribute to the late Senator from Minnesota in what I feel is a most appropriate manner.

In addition to the wide support exemplified by the number of cosponsors, the bill enjoyed bipartisan support in committee, where it was ordered reported unanimously earlier this month. At this point, I want to congratulate the chairman of our Subcommittee on Postsecondary Education, Mr. WILLIAM D. FORD, for his work in directing this legislation through the committee. All members of the committee on both sides of the aisle are to be commended for their support of this worthwhile bill.

H.R. 10606 is dedicated to the memory of a man who worked tirelessly to unite this Nation after the painful and bitter division of the early seventies. Senator Humphrey exemplified those positive attitudes of fairness and decency which have restored America's faith in these basic tenets.

Mr. Speaker, I feel the tribute which is the fundamental purpose of H.R. 10606 is a most appropriate one—because it will support the study of excellence that will be pursued at the Humphrey Institute. This institute was established last year at the University of Minnesota and wil' provide scholars opportunity to draw upon the brilliance, wisdom, and experience of a man dedicated to the improvement of man's relationship to man.

This memorial is not with several precedents. Similar and equally appropriate memorials have been previously enacted by the Congress—including the Allen J. Ellender fellowships, grants to Eisenhower College, the Herbert Hoover Memorial, the Harry S Truman Memorial Scholarship Act, and the Wayne Morse Chair of Law and Politics.

Because the goals of the institute are universally acclaimed. it is my feeling that every Member of this body can vote in favor of H.R. 10606. I, therefore, urge unanimous approval of the bill.

Mr. FRASER. Mr. Speaker, I want to indicate support for this legislation to authorize a $5 million appropriation for the Hubert Humphrey Institute of Public Affairs at the University of Minnesota. I am particularly pleased that this memorial to a great American and a great Minnesotan will be located in my district.

The institute's charter uses the terms "innovative," "creative," and "humane" to described Hubert Humphrey and his approach to public service. I can think of no better characterization of this man who left such a lasting imprint on the political life our country.

Hubert Humphrey filled many roles during his career which spanned four decades. He was a brilliant orator, a masterful legislator and a dynamic political leader whose energy and optimism knew no bounds. Many of us from Minnesota knew him in another capacity—as a superb teacher who taught us about the role and purpose of public service. Now, the ideals which were so important to him will be perpetuated through the Humphrey institute which will educate young people for Government service at the Federal, State and local level.

By adopting H.R. 10606, we will be honoring Hubert Humphrey's memory in a fitting and appropriate way. This legislation needs and deserves our support.

Mr. BAUMAN. Mr. Speaker, I have no further requests for time.

Mr. FORD of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. FORD) that the House suspend the rules and pass the bill H.R. 10606.

The question was taken.

Mr. BAUMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this vote will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion, on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 10979, by the yeas and nays.

House Joint Resolution 649, by the yeas and nays.

H.R. 10569, by the yeas and nays.

H.R. 10606, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

EMERGENCY HIGHWAY AND TRANSPORTATION REPAIR ACT OF 1978

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 10979, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOWARD) that the House suspend the rules and pass the bill H.R. 10979, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 274, nays 137, not voting 23, as follows:

[Roll No. 65]

YEAS—274

Abdnor	Bafalis	Bonior
Addabbo	Baldus	Bonker
Akaka	Barnard	Brademas
Alexander	Baucus	Breaux
Allen	Beard, R.I.	Brodhead
Ambro	Beard, Tenn.	Broomfield
Ammerman	Bedell	Brown, Calif.
Anderson, Calif.	Benjamin	Brown, Mich.
	Bennett	Burke, Mass.
Andrews, N.C.	Bevill	Burlison, Mo.
Andrews, N. Dak.	Biaggi	Burton, John
	Bingham	Burton, Phillip
Annunzio	Blanchard	Byron
Applegate	Blouin	Caputo
Ashley	Boggs	Carney
Aspin	Boland	Carr
AuCoin	Bolling	Carter

Cavanaugh
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clay
Coleman
Conte
Conyers
Corman
Cornwell
Cotter
Coughlin
Davis
Delaney
Dellums
Dickinson
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Ertel
Evans, Del.
Evans, Ga.
Fary
Fascell
Fish
Fithian
Flippo
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fraser
Frey
Garcia
Gaydos
Gilman
Ginn
Gonzalez
Goodling
Gore
Gradison
Green
Hagedorn
Hall
Hamilton
Hammer-schmidt
Hanley
Harrington
Harsha
Hawkins
Heckler
Hefner
Hightower
Hillis
Hollenbeck
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Jeffords
Johnson, Calif.
Johnson, Colo.
Jones, Tenn.
Kastenmeier
Kazen
Kildee
Kindness
Kostmayer
Krebs
Latta
Le Fante
Lederer
Levitas
Livingston
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Luken
McCormack
McDade
McEwen
McFall
McHugh
McKinney
Madigan
Markey
Marks
Marlenee
Martin
Mathis
Meeds
Metcalfe
Meyner
Mikulski
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Myers, John
Myers, Michael
Natcher
Nedzi
Nichols
Nix
Nolan
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pressler
Preyer
Price
Pursell
Quayle
Quie
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Richmond
Rinaldo
Risenhoover
Roberts
Rodino
Roe
Rooney
Rosenthal
Roybal
Russo
Sarasin
Scheuer
Schroeder
Schulze
Seiberling
Sharp
Shipley
Shuster
Sikes
Simon
Sisk
Skelton
Smith, Iowa
Snyder
Solarz
Spellman
St Germain
Staggers
Stanton
Steed
Steers
Stockman
Stokes
Stratton
Studds
Stump
Taylor
Thompson
Thornton
Traxler
Tsongas
Tucker
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walgren
Walsh
Wampler
Watkins
Waxman
Weaver
Weiss
Whalen
White
Whitehurst
Whitten
Wilson, Bob
Wilson, C. H.
Wolff
Wright
Wylie
Yates
Yatron
Young, Alaska
Young, Mo.
Young, Tex.
Zablocki

NAYS—137

Anderson, Ill.
Archer
Badham
Bauman
Beilenson
Bowen
Breckinridge
Brinkley
Brooks
Brown, Ohio
Broyhill
Buchanan
Burgener
Butler
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Corcoran
Cornell
Crane
Cunningham
D'Amours
Daniel, Dan
Daniel, R. W.
de la Garza
Derrick
Derwinski
Devine
Dornan
Duncan, Oreg.
Edwards, Okla.
Emery
English
Erlenborn
Evans, Colo.
Evans, Ind.
Fenwick
Findley
Fisher
Flowers
Fountain
Fowler
Frenzel
Fuqua
Gammage
Gephardt
Gibbons
Glickman
Goldwater
Grassley
Gudger
Guyer
Hannaford
Hansen
Harkin
Harris
Heftel
Holland
Holt
Hyde
Ichord
Ireland
Jacobs
Jenkins
Jenrette
Jones, Okla.
Jordan
Kelly
Kemp
Ketchum
Keys
LaFalce
Lagomarsino
Leach
Lehman
Lent
Lott
Lujan
Lundine
McClory
McCloskey
McKay
Maguire
Mahon
Mann
Marriott
Mattox
Mazzoli
Michel
Mollohan
Montgomery
Moore
Moorhead, Calif.
Myers, Gary
Neal
Pettis
Pickle
Pike
Poage
Pritchard
Rhodes
Robinson
Rogers
Rose
Rousselot
Rudd
Runnels
Ruppe
Ryan
Santini
Satterfield
Sawyer
Sebelius
Skubitz
Slack
Smith, Nebr.
Spence
Stark
Steiger
Symms
Thone
Treen
Tribie
Udall
Ullman
Van Deerlin
Walker
Whitley
Wiggins
Wilson, Tex.
Winn
Wirth
Wydler
Young, Fla.

NOT VOTING—23

Armstrong
Ashbrook
Burke, Calif.
Burke, Fla.
Burleson, Tex.
Collins, Ill.
Danielson
Dent
Flynt
Giaimo
Jones, N.C.
Kasten
Krueger
Leggett
McDonald
Murphy, N.Y.
Pepper
Perkins
Roncalio
Rostenkowski
Stangeland
Teague
Zeferetti

The Clerk announced the following pairs:

On this vote:

Mr. Zeferetti and Mr. Murphy of New York for, with Mr. McDonald against.

Mr. Pepper and Mrs. Collins of Illinois for, with Mrs. Burke of California against.

Mr. Dent and Mr. Leggett for, with Mr. Teague against.

Until further notice:

Mr. Danielson with Mr. Burleson of Texas.

Mr. Giaimo with Mr. Jones of North Carolina.

Mr. Flynt with Mr. Perkins.

Mr. Roncalio with Mr. Krueger.

Mr. Ashbrook with Mr. Burke of Florida.

Mr. Kasten with Mr. Stangeland.

Messrs. POAGE, HEFTEL, CRANE, BROOKS, KELLY, D'AMOURS, GAMMAGE, MOORE, COLLINS of Texas, ARCHER, HARKIN, and DERRICK changed their vote from "yea to "nay."

Messrs. PURSELL, ANDREWS of North Carolina, FREY, STUMP, PEASE, FLIPPO, and ECKHARDT changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WHITE HOUSE CONFERENCES ON ARTS AND HUMANITIES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the joint resolution (H.J. Res. 649) as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) that the House suspend the rules and pass the joint resolution (H.J. Res. 649) as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 341, nays 65, answered "present" 1, not voting 27, as follows:

[Roll No. 66]

YEAS—341

Abdnor
Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Applegate
Aspin
AuCoin
Bafalis
Baldus
Barnard
Baucus
Beard, R.I.
Beard, Tenn.
Bedell
Beilenson
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonior
Bonker
Bowen
Brademas
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Broyhill
Buchanan
Burgener
Burke, Mass.
Burlison, Mo.
Burton, John
Burton, Phillip
Byron
Caputo
Carney
Carr
Carter
Cavanaugh
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Coleman
Conable
Conte
Conyers
Corcoran
Corman
Cornell
Cornwell
Cotter
Coughlin
D'Amours
Daniel, Dan
Davis
Delaney
Dellums
Derrick
Dicks
Diggs
Dingell
Dodd
Downey
Drinan
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Colo.
Evans, Del.
Evans, Ind.
Fary
Fascell
Fenwick
Fish
Fisher
Fithian
Flippo
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fowler
Frenzel
Frey
Fuqua
Gammage
Garcia
Gaydos
Gephardt
Gibbons
Gilman
Ginn
Glickman
Gonzalez
Gore
Gradison
Grassley
Green
Gudger
Guyer
Hamilton
Hammer-schmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Holland
Hollenbeck
Holtzman
Horton
Howard
Hubbard
Huckaby
Hughes
Ireland
Jeffords
Jenkins
Jenrette
Johnson, Calif.
Johnson, Colo.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Kemp
Keys
Kildee
Kostmayer
Krebs
LaFalce
Lagomarsino
Le Fante
Leach
Lederer
Lehman
Lent
Levitas
Livingston
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lujan
Luken
Lundine
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McHugh
McKinney
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Martin
Mathis
Mattox
Mazzoli
Meeds
Metcalfe
Meyner
Michel
Mikulski
Mikva
Milford
Miller, Calif.
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moore
Moorhead, Pa.
Moss
Mottl
Murphy, Ill.
Murphy, Pa.
Murtha
Myers, Gary
Myers, John
Myers, Michael
Natcher
Neal
Nedzi
Nichols
Nix
Nolan
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pease
Pettis
Pickle
Pike
Pressler
Preyer
Price
Pritchard
Pursell
Quayle
Quie
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Rodino
Roe
Rogers
Rooney
Rose
Rosenthal
Roybal
Runnels
Ruppe
Russo
Ryan
Santini
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Solarz
Spellman
Spence
St Germain
Staggers
Stanton
Stark
Steers
Steiger
Stockman
Stokes
Stratton
Studds
Thompson
Thone
Thornton
Traxler
Tsongas
Tucker
Udall
Ullman
Van Deerlin
Vanik
Vento
Volkmer
Walsh

Wampler	Whitten	Wright
Waxman	Wiggins	Wylie
Weaver	Wilson, Bob	Yates
Weiss	Wilson, C. H.	Yatron
Whalen	Wilson, Tex.	Young, Fla.
White	Winn	Young, Mo.
Whitehurst	Wirth	Young, Tex.
Whitley	Wolff	Zablocki

NAYS—65

Archer	Findley	Pattison
Badham	Goodling	Poage
Bauman	Hagedorn	Roberts
Benjamin	Hall	Robinson
Bennett	Hansen	Rousselot
Breaux	Holt	Rudd
Brown, Mich.	Hyde	Satterfield
Brown, Ohio	Ichord	Shuster
Butler	Jacobs	Skelton
Clawson, Del	Jones, Okla.	Snyder
Collins, Tex.	Kelly	Steed
Crane	Ketchum	Stump
Cunningham	Kindness	Symms
Daniel, R. W.	Latta	Taylor
de la Garza	Lott	Treen
Derwinski	McKay	Trible
Devine	Marriott	Vander Jagt
Dickinson	Miller, Ohio	Waggonner
Duncan, Oreg.	Montgomery	Walgren
Duncan, Tenn.	Moorhead, Calif.	Walker
Edwards, Okla.	O'Brien	Watkins
Evans, Ga.		Young, Alaska

ANSWERED "PRESENT"—1

Wydler

NOT VOTING—27

Armstrong	Dornan	Murphy, N.Y.
Ashbrook	Flynt	Pepper
Ashley	Fraser	Perkins
Burke, Calif.	Giaimo	Roncalio
Burke, Fla.	Jones, N.C.	Rostenkowski
Burleson, Tex.	Kasten	Sarasin
Collins, Ill.	Krueger	Stangeland
Danielson	Leggett	Teague
Dent	McDonald	Zeferetti

The Clerk announced the following pairs:

On this vote:

Mr. Zeferetti and Mrs. Burke of California for, with Mr. McDonald against.

Mr. Pepper and Mr. Murphy of New York for, with Mr. Burleson of Texas against.

Until further notice:

Mr. Danielson with Mr. Ashbrook.

Mr. Ashley with Mr. Krueger.

Mrs. Collins of Illinois with Mr. Leggett.

Mr. Jones of North Carolina with Mr. Dornan.

Mr. Flynt with Mr. Fraser.

Mr. Giaimo with Mr. Kasten.

Mr. Teague with Mr. Stangeland.

Mr. Rostenkowski with Mr. Sarasin.

Mr. Roncalio with Mr. Perkins.

Mr. MARRIOTT changed his vote from "yea" to "nay."

(So two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Joint resolution to authorize the President to call a White House Conference on the Arts, and to authorize the President to call a White House Conference on the Humanities.".

A motion to reconsider was laid on the table.

ALCOHOL AND DRUG ABUSE EDUCATION ACT AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 10569, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) that the House suspend the rules and pass the bill H.R. 10569, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 67]

YEAS—409

Abdnor	Davis	Holtzman
Addabbo	de la Garza	Horton
Akaka	Delaney	Howard
Alexander	Dellums	Hubbard
Allen	Derrick	Huckaby
Ambro	Derwinski	Hughes
Ammerman	Devine	Hyde
Anderson, Calif.	Dickinson	Ichord
Anderson, Ill.	Dicks	Ireland
Andrews, N.C.	Diggs	Jacobs
Andrews, N. Dak.	Dingell	Jeffords
Annunzio	Dodd	Jenkins
Applegate	Dornan	Jenrette
Archer	Downey	Johnson, Calif.
Ashley	Drinan	Johnson, Colo.
Aspin	Duncan, Oreg.	Jones, Okla.
AuCoin	Duncan, Tenn.	Jones, Tenn.
Badham	Early	Jordan
Bafalis	Eckhardt	Kastenmeier
Baldus	Edgar	Kazen
Barnard	Edwards, Ala.	Kelly
Baucus	Edwards, Calif.	Kemp
Bauman	Edwards, Okla.	Ketchum
Beard, R.I.	Eilberg	Keys
Beard, Tenn.	Emery	Kildee
Bedell	English	Kindness
Beilenson	Erlenborn	Kostmayer
Benjamin	Ertel	Krebs
Bennett	Evans, Colo.	LaFalce
Bevill	Evans, Del.	Lagomarsino
Biaggi	Evans, Ga.	Latta
Bingham	Evans, Ind.	Le Fante
Blanchard	Fary	Leach
Blouin	Fascell	Lederer
Boggs	Fenwick	Lehman
Boland	Findley	Lent
Bolling	Fish	Levitas
Bonior	Fisher	Livingston
Bonker	Fithian	Lloyd, Calif.
Bowen	Flippo	Lloyd, Tenn.
Brademas	Flood	Long, La.
Breaux	Florio	Long, Md.
Breckinridge	Flowers	Lott
Brinkley	Foley	Lujan
Brodhead	Ford, Mich.	Luken
Brooks	Ford, Tenn.	Lundine
Broomfield	Forsythe	McCloory
Brown, Calif.	Fountain	McCloskey
Brown, Mich.	Fowler	McCormack
Brown, Ohio	Fraser	McDade
Broyhill	Frenzel	McEwen
Buchanan	Frey	McFall
Burgener	Fuqua	McHugh
Burke, Mass.	Gammage	McKay
Burlison, Mo.	Garcia	McKinney
Burton, John	Gaydos	Madigan
Burton, Phillip	Gephardt	Maguire
Butler	Gibbons	Mahon
Byron	Gilman	Mann
Caputo	Ginn	Markey
Carney	Glickman	Marks
Carr	Goldwater	Marlenee
Carter	Gonzalez	Marriott
Cavanaugh	Goodling	Martin
Cederberg	Gore	Mathis
Chappell	Gradison	Mattox
Chisholm	Grassley	Mazzoli
Clausen, Don H.	Green	Meeds
Clawson, Del	Gudger	Metcalfe
Clay	Guyer	Meyner
Cleveland	Hagedorn	Michel
Cochran	Hall	Mikulski
Cohen	Hamilton	Mikva
Coleman	Hammer-schmidt	Milford
Collins, Tex.	Hanley	Miller, Calif.
Conable	Hannaford	Miller, Ohio
Conte	Hansen	Mineta
Corcoran	Harkin	Minish
Corman	Harrington	Mitchell, Md.
Cornell	Harris	Mitchell, N.Y.
Cornwell	Harsha	Moakley
Cotter	Hawkins	Moffett
Coughlin	Heckler	Mollohan
Crane	Hefner	Montgomery
Cunningham	Heftel	Moore
D'Amours	Hightower	Moorhead, Calif.
Daniel, Dan	Hillis	Moorhead, Pa.
Daniel, R. W.	Holland	Moss
	Hollenbeck	Mottl
	Holt	Murphy, Ill.
		Murphy, Pa.
		Murtha
		Myers, Gary
		Myers, John
		Myers, Michael
		Natcher
		Neal
		Nedzi
		Nichols
		Nix
		Nolan
		Nowak
		O'Brien
		Oakar
		Oberstar
		Obey
		Ottinger
		Panetta
		Patten
		Patterson
		Pattison
		Pease
		Pepper
		Pettis
		Pickle
		Pike
		Pressler
		Preyer
		Price
		Pritchard
		Pursell
		Quayle
		Quie
		Quillen
		Rahall
		Railsback
		Rangel
		Regula
		Reuss
		Rhodes
		Richmond
		Rinaldo
		Risenhoover
		Roberts
		Robinson
		Rodino
		Roe
		Rogers
		Rooney
		Rose
		Rosenthal
		Rousselot
		Roybal
		Rudd
		Runnels
		Ruppe
		Russo
		Ryan
		Santini
		Satterfield
		Sawyer
		Scheuer
		Schroeder
		Schulze
		Sebelius
		Seiberling
		Sharp
		Shipley
		Shuster
		Sikes
		Simon
		Sisk
		Skelton
		Skubitz
		Slack
		Smith, Iowa
		Smith, Nebr.
		Snyder
		Solarz
		Spellman
		Spence
		St Germain
		Staggers
		Stanton
		Stark
		Steed
		Steers
		Steiger
		Stockman
		Stokes
		Stratton
		Studds
		Stump
		Symms
		Taylor
		Thompson
		Thone
		Thornton
		Traxler
		Treen
		Trible
		Tsongas
		Tucker
		Udall
		Ullman
		Van Deerlin
		Vander Jagt
		Vanik
		Vento
		Volkmer
		Waggonner
		Walgren
		Walker
		Walsh
		Wampler
		Watkins
		Waxman
		Weaver
		Weiss
		Whalen
		White
		Whitehurst
		Whitley
		Whitten
		Wiggins
		Wilson, Bob
		Wilson, C. H.
		Wilson, Tex.
		Winn
		Wirth
		Wolff
		Wright
		Wydler
		Wylie
		Yates
		Yatron
		Young, Alaska
		Young, Fla.
		Young, Mo.
		Young, Tex.
		Zablocki

NAYS—0

NOT VOTING—25

Armstrong	Flynt	Poage
Ashbrook	Giaimo	Roncalio
Burke, Calif.	Jones, N.C.	Rostenkowski
Burke, Fla.	Kasten	Sarasin
Burleson, Tex.	Krueger	Stangeland
Collins, Ill.	Leggett	Teague
Conyers	McDonald	Zeferetti
Danielson	Murphy, N.Y.	
Dent	Perkins	

The Clerk announced the following pairs:

Mr. Zeferetti with Mr. Ashbrook.

Mr. Dent with Mr. Burleson of Texas.

Mr. Danielson with Mr. McDonald.

Mr. Flynt with Mr. Leggett.

Mr. Giaimo with Mr. Krueger.

Mr. Rostenkowski with Mr. Burke of Florida.

Mrs. Burke of California with Mrs. Collins of Illinois.

Mr. Murphy of New York with Mr. Conyers.

Mr. Jones of North Carolina with Mr. Kasten.

Mr. Perkins with Mr. Sarasin.

Mr. Teague with Mr. Stangeland.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HUBERT H. HUMPHREY INSTITUTE OF PUBLIC AFFAIRS MEMORIAL ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 10606.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gen-

tleman from Michigan (Mr. FORD) that the House suspend the rules and pass the bill H.R. 10606, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 356, nays 53, not voting 25, as follows:

[Roll No. 68]

YEAS—356

Abdnor	Drinan	Le Fante
Addabbo	Duncan, Oreg.	Leach
Akaka	Duncan, Tenn.	Lederer
Alexander	Early	Lehman
Allen	Eckhardt	Lent
Ambro	Edgar	Livingston
Ammerman	Edwards, Ala.	Lloyd, Calif.
Anderson, Calif.	Edwards, Calif.	Lloyd, Tenn.
	Eilberg	Long, La.
Anderson, Ill.	Emery	Long, Md.
Andrews, N.C.	Erlenborn	Luken
Andrews, N. Dak.	Ertel	Lundine
	Evans, Colo.	McClory
Annunzio	Evans, Del.	McCloskey
Applegate	Evans, Ind.	McCormack
Ashley	Fary	McDade
Aspin	Fascell	McEwen
AuCoin	Fenwick	McFall
Bafalis	Findley	McHugh
Baldus	Fish	McKinney
Baucus	Fisher	Madigan
Beard, R.I.	Fithian	Mahon
Beard, Tenn.	Flippo	Mann
Bedell	Flood	Markey
Benjamin	Florio	Marks
Bennett	Flowers	Marlenee
Bevill	Foley	Martin
Biaggi	Ford, Mich.	Mathis
Bingham	Ford, Tenn.	Mattox
Blanchard	Forsythe	Mazzoli
Blouin	Fountain	Meeds
Boggs	Fraser	Metcalfe
Boland	Frenzel	Meyner
Bolling	Frey	Michel
Bonior	Fuqua	Mikulski
Bonker	Gammage	Mikva
Bowen	Garcia	Milford
Brademas	Gaydos	Miller, Calif.
Breaux	Gephardt	Mineta
Breckinridge	Gibbons	Minish
Brinkley	Gilman	Mitchell, Md.
Brodhead	Ginn	Mitchell, N.Y.
Brooks	Goldwater	Moakley
Broomfield	Gonzalez	Moffett
Brown, Calif.	Gore	Mollohan
Brown, Mich.	Gradison	Moore
Brown, Ohio	Grassley	Moorhead, Pa.
Broyhill	Green	Moss
Buchanan	Gudger	Mottl
Burgener	Guyer	Murphy, Ill.
Burke, Mass.	Hagedorn	Murphy, Pa.
Burlison, Mo.	Hamilton	Murtha
Burton, John	Hammer-schmidt	Myers, Gary
Burton, Phillip		Myers, John
Byron	Hanley	Myers, Michael
Caputo	Hannaford	Natcher
Carney	Harkin	Neal
Carr	Harrington	Nedzi
Carter	Harris	Nichols
Cavanaugh	Harsha	Nix
Cederberg	Hawkins	Nolan
Chappell	Heckler	Nowak
Chisholm	Hefner	Oakar
Clausen, Don H.	Heftel	Oberstar
	Hightower	Obey
Clay	Hillis	Ottinger
Cleveland	Holland	Panetta
Cohen	Hollenbeck	Patten
Coleman	Holtzman	Patterson
Conable	Horton	Pattison
Conte	Howard	Pease
Conyers	Hubbard	Pepper
Corcoran	Huckaby	Pettis
Corman	Hughes	Pickle
Cornell	Ichord	Pike
Cornwell	Ireland	Pressler
Cotter	Jeffords	Preyer
Coughlin	Jenrette	Price
D'Amours	Johnson, Calif.	Pritchard
Daniel, Dan	Johnson, Colo.	Pursell
Davis	Jones, Okla.	Quie
de la Garza	Jones, Tenn.	Quillen
Delaney	Jordan	Rahall
Dellums	Kastenmeier	Railsback
Derrick	Kazen	Rangel
Derwinski	Kemp	Regula
Dickinson	Ketchum	Reuss
Dicks	Kildee	Rhodes
Diggs	Kindness	Richmond
Dingell	Krebs	Rinaldo
Dodd	LaFalce	Risenhoover
Downey	Lagomarsino	Roberts
Rodino	Smith, Nebr.	Vento
Roe	Solarz	Volkmer
Rogers	Spellman	Walsh
Rooney	Spence	Wampler
Rose	St Germain	Watkins
Rosenthal	Staggers	Waxman
Rousselot	Stanton	Weaver
Roybal	Stark	Weiss
Runnels	Steed	Whalen
Ruppe	Steers	White
Russo	Steiger	Whitehurst
Ryan	Stockman	Whitley
Santini	Stokes	Whitten
Sawyer	Stratton	Wiggins
Scheuer	Studds	Wilson, Bob
Schroeder	Thompson	Wilson, C. H.
Schulze	Thone	Wilson, Tex.
Sebelius	Thornton	Wirth
Seiberling	Traxler	Wolff
Sharp	Treen	Wright
Shipley	Trible	Wydler
Sikes	Tsongas	Wylie
Simon	Tucker	Yates
Sisk	Udall	Yatron
Skelton	Ullman	Young, Alaska
Skubitz	Van Deerlin	Young, Mo.
Slack	Vander Jagt	Young, Tex.
Smith, Iowa	Vanik	Zablocki

NAYS—53

Archer	Glickman	Miller, Ohio
Badham	Goodling	Montgomery
Barnard	Hall	Moorhead, Calif.
Bauman	Hansen	
Beilenson	Holt	O'Brien
Butler	Hyde	Quayle
Clawson, Del	Jacobs	Robinson
Cochran	Jenkins	Rudd
Collins, Tex.	Kelly	Satterfield
Crane	Keys	Shuster
Cunningham	Kostmayer	Snyder
Daniel, R. W.	Latta	Stump
Devine	Levitas	Symms
Dornan	Lott	Taylor
Edwards, Okla.	Lujan	Waggonner
English	McKay	Walgren
Evans, Ga.	Maguire	Walker
Fowler	Marriott	Young, Fla.

NOT VOTING—25

Armstrong	Giaimo	Roncalio
Ashbrook	Jones, N.C.	Rostenkowski
Burke, Calif.	Kasten	Sarasin
Burke, Fla.	Krueger	Stangeland
Burleson, Tex.	Leggett	Teague
Collins, Ill.	McDonald	Winn
Danielson	Murphy, N.Y.	Zeferetti
Dent	Perkins	
Flynt	Poage	

The Clerk announced the following pairs:

Mr. Zeferetti with Mr. McDonald.

Mr. Murphy of New York with Mr. Krueger.

Mrs. Burke of California with Mr. Kasten.

Mr. Dent with Mr. Leggett.

Mr. Flynt with Mr. Perkins.

Mr. Giaimo with Mr. Sarasin.

Mr. Jones of North Carolina with Mr. Stangeland.

Mr. Rostenkowski with Mr. Winn.

Mrs. Collins of Illinois with Mr. Burleson of Texas.

Mr. Teague with Mr. Burke of Florida.

Mr. Roncalio with Mr. Ashbrook.

Mr. Danielson with Mr. Armstrong.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 10606 just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE ALCAN PIPELINE

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise to inform the House of certain actions taking place in Canada that will severely disadvantage American manufacturers and, in particular, our steel industry. In addition, this matter will also adversely affect the cost of natural gas to consumers in the United States.

I am deeply disturbed by recent events occurring in Canada with respect to efforts to construct a pipeline to carry natural gas from Alaska through Canada to the lower 48 States.

You will recall that last November 3, this body passed House Joint Resolution 621 approving the President's decision selecting the Alcan pipeline system to deliver natural gas from Alaska.

Under the President's decision, the portion of the Alcan system traversing Canada would be constructed, owned and operated by a Canadian company; Foothills Ltd.

Because the Alcan pipeline would cross Canada, the administration negotiated an agreement on principles with Canada in order to provide satisfactory protection for American interests in this endeavor. The agreement on principles was submitted as part of the President's decision which was approved by Congress.

The agreement on principles, among other things, committed each Government to insure that the supply of goods and services to the pipeline project would be "on generally competitive terms". In addition, the agreement on principles limited direct charges which may be imposed on the pipeline to those which are normally paid by pipeline companies in Canada.

Recent events in Canada lead me to conclude that the Canadian Government may already be in violation of the agreement on principles.

First, the Canadian pipeline enabling legislation, introduced on February 3, 1978, requires that the level of Canadian goods and services be "maximized." In addition, the legislation establishes a mechanism which gives the Canadian Federal Government the power to block proposed pipeline contracts for goods and services negotiated by Foothills that fail to provide sufficient Canadian content. The official Canadian press release that accompanied the introduction of the legislation said that this condition was "in keeping with Foothills' stated objective of achieving some 90 percent Canadian content."

Second, yesterday, the Canadian Government announced that it will use 56-inch pipe for a major portion of the pipeline system in Canada. Canada can make 56-inch pipe; the United States cannot. In this connection, the Department of Energy advises me that one of the Canandian facilities able to manufacture 56-inch pipe is an affiliate of one of the participating companies in Foothills.

The United States favored installing a 48-inch pipe high-pressure system that would have cost less. Using 56-inch pipe will cost U.S. consumers additional hun-

dreds of millions of dollars over a 20-year period.

Both of these actions by the Canadian Government seem to be inconsistent with Canada's promise to insure that the supply of goods and services to the pipeline project would be on generally competitive terms. Both actions may be interpreted as denying a fair and competitive opportunity for U.S. manufacturers, and particularly the steel industry, to participate in the supply of goods and services to the pipeline in Canada.

Finally, to add insult to injury, the majority of the costs to the Canadian Government of operating the mechanism designed to insure maximum Canadian input to the pipeline is being charged indirectly to U.S. consumers. This is a charge which has not normally been paid by pipeline companies in Canada and may very well also violate the agreement on principles.

I have written a letter to the Department of Energy and Department of State and other Government agencies regarding this matter. I urge my colleagues to be attentive with respect to the situation with regard to the procurement of pipe.

LEGISLATION TO CREATE AN ASSISTANT SECRETARY OF AGRICULTURE FOR RESEARCH, EXTENSION, AND TEACHING

(Mr. WAMPLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMPLER. Mr. Speaker, last year this Congress passed and the President signed the Food and Agricultural Act of 1977. Title XIV of that act provided for significant increases in funds for all aspects of agricultural research, extension, and teaching in the food and agricultural sciences beginning in fiscal year 1978. This law also provided for a major strengthening of the administration of these functions, with particular attention directed toward building upon the existing Federal-State cooperative arrangements that have existed over the years in our land-grant colleges and universities and State agricultural experimental research stations.

However, Mr. Speaker, the Carter administration has deliberately cut Federal-State cooperative agricultural research and education funds in the fiscal year 1979 budget and reduced the administrative role and position of power of these functions in the Department of Agriculture.

First, the Carter administration deemphasized the traditional role of State-Federal cooperative research and education by placing a new administrative layer between the responsible agencies in USDA and the Assistant Secretary having overall supervision for these functions; then it proceeded to cut its funds.

With those to speak for the needs for agricultural research and education relegated to an insignificant role—there is no one left in the Department with enough clout to match the demands for power and funds by the new breed of consumer-environmentalists and conservationists—administrators brought in by the President whose only desire is to turn USDA into a "big brother" agency for food and nutrition policy.

If there has been one outstanding program in the Department of Agriculture over the last 100 years which has added to America's economic strength, it has been our highly successful Federal-State cooperative agricultural research and education program. Now is not the time to destroy it. We need to carry out the initiatives and intent of Congress in enacting title XIV of last year's Food and Agricultural Act and give those functions new strength and vigor. The bill which I am introducing today will restore the clout of research and education in USDA by creating a new Assistant Secretary to insure that Federal-State cooperative agricultural research, extension and teaching is restored to a top priority in our Government. Thus we will be able to assure our growing populace of a bountiful and reasonably priced food supply in the years to come.

Enactment of my bill will not add one penny to the President's 1979 budget. To the contrary, with a strong hand over the agricultural research, extension and teaching functions of USDA, instead of the weakened and undefined administration that is now being developed in the Department, significant scientific results can be achieved. Moreover, it is also my intention to substitute the Assistant Secretarial position called for in my bill for one of the two Assistant Secretary positions recently requested of the Congress by the Secretary of Agriculture.

I urge support for this legislation.

LITHUANIAN INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 60 minutes.

Mr. FLOOD. Mr. Speaker, today in the House we observe the 60th anniversary of Lithuanian independence. It was on February 16, 1918, that the Lithuanian nation declared its independence following a long period of Russian domination as well as German occupation during the First World War. Regrettably, after two decades of precious independence Lithuania once again fell under Russian domination when it was occupied by the Red Army during the Second World War and was declared a constituent republic of the U.S.S.R. on August 3, 1940.

Following the German attack on the Soviet Union in June 1941, Lithuania was in Nazi hands until reoccupied by the Soviet Army in 1944 and since that time has been considered by the Soviet Union as a component republic. The United States, however, has never recognized the Soviet incorporation of Lithuania or the other two Baltic States, Estonia and Latvia.

As history shows, Lithuania was one of the first countries to experience the aggression of both Nazi Germany and the Soviet Union. History also shows that Lithuania attempted to maintain a policy of absolute neutrality when the outbreak of the Second World War seemed imminent, but was gradually engulfed nevertheless. In the face of an ultimatum and the threat of the German Armed Forces the first loss occurred when Memel was yielded to Germany in March of 1939.

Next, a Mutual Assistance Treaty was forced upon Lithuania by the Soviet Union in October 1939. Lithuania was required to grant air bases to the Soviet Union and admit Soviet garrisons in spite of a Soviet-Lithuanian Treaty of Nonaggression which had been signed in Moscow on September 28, 1926. On June 15, 1940, the Soviets demanded immediate formation of a "friendly" government and occupied the country. In July 1940 a rigged election produced a Congress which requested the incorporation of Lithuania into the Soviet Union. On August 3, 1940, at this "request," Lithuania was declared a constituent republic of the U.S.S.R. by the Supreme Soviet in Moscow.

It is estimated that during this first Soviet occupation, Lithuania suffered the loss of about 45,000 people, as many Lithuanians fled and others were arrested or deported. For example, some 30,000 members of the Lithuanian intelligentsia were deported to Siberia on the night of June 14, 1941, and 5,000 political prisoners were executed when the Soviet forces hastily retreated under German attack.

In a second phase, repeating the history of the First World War, German occupation replaced the Soviet. Only a few days after the German attack on the Soviet Union on June 22, 1941, Nazi forces overran Lithuania. During their occupation the Germans inaugurated a colonization policy and several thousand German families were settled in Lithuania. Moreover, almost all Lithuanian Jews were executed by the Nazis.

When the tide of the war turned against Germany, Lithuania returned not to independence but to Soviet domination. Vilnius, which the Soviets recognized as part of Lithuania instead of Poland, was retaken by the Soviet Army on July 13, 1944. Soon all of Lithuania was occupied.

LITHUANIA UNDER COMMUNIST DOMINATION

News from the Baltic States has been very sparse since their incorporation into the Soviet Union, for the borders of Lithuania, as well as of Latvia and Estonia, have been kept sealed against the outside world and each other. Until 1959, when Vilnius was opened, no Western observers were allowed in Lithuania. The rest of the country is still closed. This is often attributed to military reasons, observers noting that the Baltic coast is ideally situated for missile bases.

As would be expected, Communist literature claims great accomplishments for Lithuania in industry, agriculture, education, and culture. The Communists appear to have concentrated their efforts on the industrialization and on collectivizing agriculture. However, the few who have been able to escape report a lack of freedom and the imposition of Communist methods which exists throughout the Communist world.

Because of Soviet policies, there has been a considerable change in the composition of the population of Lithuania. When the Soviets retook the country in 1944, some 80,000 Lithuanians fled to Western Germany. Another 60,000 were found in Eastern Germany and deported to Siberia. During 1945 and 1946 an ad-

ditional 145,000 Lithuanians were deported. Still another massive deportation occurred when some 60,000 Lithuanians were deported in March 1949 in answer to passive resistance of the farming population to the collectivization of agriculture.

It is reported that since Stalin's death the attempt to disperse the Baltic peoples has been changed, and that about a third of those deported have been permitted to return home. Most of the others, it is believed, perished in the meantime.

Throughout most of the world, the last two decades may be called years of freedom. The last remaining former colonies are being recognized as independent and are being admitted to the United Nations. The Soviet Union joins the free world in congratulating them and applauding their independent statehood. However, it remains silent, grim, and intransigent about ever withdrawing from formerly independent countries it has occupied since World War II, such as the Baltic Republics, among which is Lithuania.

I should like to call your attention to the Soviet Constitution imposed upon Lithuania, which guarantees religious freedom together with other freedoms. It is now 2 years that the Soviets have greatly intensified their policy of terror in Lithuania against the faithful and all readers of religious literature, even of those several publications printed with Soviet sanction. The most rabid terror is directed against the readers of Chronicles of the Catholic Church in Lithuania, which contains nothing but simple statements of bare facts; namely, of Soviet violations of their own constitution regarding the freedom of religion. In Soviet-enslaved Lithuania and in the Soviet Union only the bravest dare react against violation of the constitution and they are the only ones who are punished for venturing to speak of them publicly and to protest them.

This is the daily way of life in the old and honorable nation and State of Lithuania, while the rest of the civilized world is granting independence to peoples barely emerging into nationhood.

I trust that the time is not far distant when humaneness, truth, justice, and freedom will prevail and flourish once again in Lithuania, and for her courageous and gallant people.

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Arizona.

Mr. RUDD. I thank the gentleman for yielding.

Mr. Speaker, I wish to commend the gentleman from Pennsylvania (Mr. FLOOD) for this effort to expose the brutal control of the Soviet tyranny over the proud Lithuanian people.

On February 16, 1918, Lithuania declared herself an independent, sovereign nation whose independence was formally recognized by the Soviets and which became short-lived when some 300,000 Soviet troops invaded that proud nation in the early days of World War II.

The Lithuanian people have since that time been subjected to incredible cruelties and a concerted effort by the Soviets to destroy their national spirit. One-sixth of her population has been exiled into every corner of the Soviet Union to serve in slave labor camps, many of whom have never been heard from again.

Lithuanians were prohibited from speaking their own Lithuanian tongue in shops and elsewhere. The Catholic Church, to which some 90 percent of the devout people belong, has been sharply restricted and its members have been ridiculed. They have lost their jobs, or even worse, simply because they refused to deny their past and bow to the atheistic Soviet government and to Communist principles.

After more than 40 years of Soviet stranglehold and domination, the Lithuanian people have continued their courageous battle for independence and the basic freedoms which we often take for granted here in this country. It is important to note that since the Soviet Union signed the so-called Helsinki Agreement, guaranteeing basic human rights, the people of Lithuania have felt no relief from brutal Soviet oppression.

Their reading materials are completely controlled. They are subject to unexplained and unwarranted searches of their homes and of their persons. They may be sentenced for trumped-up crimes by a Communist Party spokesman, with no possibility of appeal. The Communists have even tried to infiltrate the Catholic seminary for the training of priests by the KGB. Human rights violations seem unending, and yet this proud nation, this proud people, denied even of its sovereignty by the Soviets, continue to rebel.

The love of freedom and the patriotism that this small country shows the rest of the world is truly admirable, and I join in supporting that. I also join, with freedom-loving people everywhere, in saluting Lithuania on her day of independence, and I pray with those locked behind her boundaries that they may once again live free.

Mr. Speaker, I thank the gentleman from Pennsylvania again for making this statement possible, to project the statement of freedom-loving people everywhere in exposing the brutal evils of the Soviet Union.

Mr. FLOOD. Mr. Speaker, I thank the gentleman for his eloquent remarks.

Mr. RUPPE. Mr. Speaker, last week marked the 60th anniversary of the founding of the Republic of Lithuania. It is a pleasure to join my colleagues in commemoration of this important date.

Even though the time which the Lithuanian people enjoyed their freedom was brief, it has not been forgotten. Today in Lithuania the struggle for independence continues. The Lithuanian people remain proud of their heritage, and their desire for freedom is undiminished. The hopes of the people has not dimmed as a result of their captivity.

There are a million Lithuanian Americans in this country. I believe that the Congress and the American people should join with them in reaffirming the commitment of this country to Lithuanian independence. In the future, I hope that we will not have to speak of this day and recall the loss of Lithuania's freedom. Rather the United States should work to assure that someday Lithuania and the other captive nations will be able to resume control over their own destinies.

Mr. McHUGH. Mr. Speaker, it is with pride that I salute the bravery and determination of the Lithuanian people on the occasion of the 60th anniversary of Lithuania's Declaration of Independence.

The national identity of the Lithuanian people was a matter of comment by the Roman historian Tacitus as early as the first century A.D. The Lithuanian language remains the oldest in structural forms of the world's living languages. The people of this ancient land played an important part in the evolution of modern Europe. It is therefore a tragedy of major proportions that in this century, when the frontiers of freedom have expanded to include so many new and independent nations, liberty and self-determination have been cruelly denied to the people of Lithuania.

The efforts of Lithuania's Soviet captors have been continuously directed to the physical and spiritual extinction of an entire people for many years now—a continuing form of genocide that should serve as a warning to all those who take freedom for granted. Yet the Lithuanian people have continued to teach the world that, in matters of the human spirit, it is precisely on lost ground that lasting qualities and values shine forth most clearly. For some 20 centuries, Mr. Speaker, the Lithuanian people have showed the world that their language, customs, and homeland were unique and to be treasured. In recent years the brave people of this ancient land have reminded the world that the freedom of the human spirit is ineradicable and indomitable, and it is that which makes everything about one's native land precious and capable of being nurtured through centuries of hardship and challenge.

As we salute the Lithuanian people during this commemoration, Mr. Speaker, it is incumbent on us to renew our resolve that the blessings of liberty on this planet should not be apportioned by international power struggles, from which no victors emerge. Rather, the history of untold human sufferings throughout the world in our lifetime should convince us that it is in the deepest self-interest of every nation that basic human rights and national self-determination should become both the birthright and the precious inheritance of all peoples.

Mr. MOAKLEY. Mr. Speaker, late last year reports leaked out of the Soviet Union telling of how thousands of Lithuanians went on a rampage through the streets of Vilnius, shouting anti-Soviet and nationalist slogans.

The act included setting police cars afire, smashing windows, and tearing down Soviet propaganda banners. Soviet troops patroled the streets to restore order.

This was yet another example of the nationalism of the Lithuanian people and their fight against Russian suppression since 1944.

Lithuania, as a nation-state, has a long history going back to the 12th century. She was a powerful, independent state in Europe during the Middle Ages, but in

the end of the 18th century, Lithuania fell into the hands of Russian control.

This occupation lasted until 1915, and in 1918, the Lithuanian Council in Vilnius proclaimed "the restoration of the independent state of Lithuania, founded on democratic principles."

February 16 marks the 60th anniversary of this declaration of the independence of Lithuania.

This quest for independence still goes on today and dissent in Lithuania, especially the struggle for national rights, has been present since the Soviet Union forcibly occupied this independent republic in June of 1940. Immediately after World War II, resistance to Soviet rule took the course of a violent national partisan war, in which perhaps as many as 50,000 partisans lost their lives, and 200,000 people were deported to Siberian concentration camps and prisons.

For more than three decades, the Lithuanian people have endured religious persecution, political repression, complete denial of their basic human rights, and concentrated programs of Russification of their country by the Soviet Union.

The Soviet Union has blatantly ignored the human rights provision of its own constitution; the provisions for human rights in the United Nations Charter; and most recently it has ignored the implementation of the basket 3 provisions of the Final Act of Helsinki.

The facts surrounding the Soviet military occupation of Lithuania speak for themselves. There can be no justification or acceptance of their repressive actions and the struggle by Lithuanian people will continue for there is no compromise in freedom.

Mr. VANDER JAGT. Mr. Speaker, during this 60th anniversary of the Declaration of Independence of Lithuania, I would like to add my sincere words of encouragement to the people of Lithuanian birth as they commemorate this meaningful occasion by their continuous and courageous struggle to win freedom, national independence, and human liberty.

It is at times difficult for us in the United States and other free world countries to fully comprehend the anxieties and severe hardships of a people who must exist without freedom. At this time of commemoration and remembrance of their Declaration of Independence, let all freedom-loving people take a somber note that many people in this world do not enjoy the blessings of liberty. Let us call to the attention of the world that the aspirations for freedom and basic human rights for all people still remain unachieved.

While I share with other Members a great desire for good, mutual relations with the Soviet Union, I readily condemn and denounce any and all imperialistic policies aimed at the occupation and imprisonment of the sovereign Nation of Lithuania. The people of Lithuania have demonstrated and struggled for the right to exercise control over their own destinies in an atmosphere free from the Soviet imposition of arbitrary restraints.

Consistent with the principles upon which our Nation was founded, and in full support of the perseverance of the Lithuanian battle for liberty, I urge each free person in our world not to turn a deaf ear on their voices of dissent and their voices of hope. It is my hope that our great traditions of justice and liberty will one day be worldwide. On this day let us all renew and strengthen our belief that all mankind must be free.

Mr. KEMP. Mr. Speaker, February 16, 1978, marked the 60th anniversary of the Declaration of Independence by the small State of Lithuania on the Baltic Sea. Yet this nation, whose heritage dates back to the Kingdom of Lithuania in the 13th century, is not free today. Lithuania, along with Estonia and Latvia, was forcibly annexed by the Soviet Union in 1940, and the Communist Party that has directed its affairs since then has murdered over 300,000 Lithuanian citizens, and exiled countless more to Siberia. Those who remain in Lithuania today have no political, social, or cultural freedom. Lithuania's basic right to self-determination has been continually denied, despite the Helsinki accords.

Mr. Speaker, Simas Kudirka, that courageous Lithuanian who tried to obtain political asylum in the United States by literally jumping from the deck of a Russian ship onto a U.S. Coast Guard vessel, and who was eventually allowed to emigrate after harassment and imprisonment by Soviet officials, brought home to the United States the grave situation that now exists in his homeland, despite loud cries of denial from Soviet authorities. In his statement to the Bicentennial Convocation on Global Justice, convened by the National Conference of Catholic Bishops Kudirka said:

> Article 7 of the Declaration of Human Rights states: "All are equal before the law and are entitled, without any discrimination, to equal protection of the law. . . ."
>
> The Soviet constitution guarantees the rights of freedom of conscience, of worship, of association, and of the press. When Soviet authorities have daily violated these constitutional rights, repeated formal written complaints to the proper Soviet authorities by (Lithuanian) individuals and on occasion by thousands of signers have not only been ignored, but have brought upon the petitioners further injustices such as imprisonment and fines. . . .
>
> May I appeal to you (the United Nations), who represent the spiritual leadership of the free world, to put the human rights of the people in Soviet-occupied territories on your agenda.

How many Simas Kudirkas do we need before the world opens its eyes and sees the terrible wrongs that are being perpetrated in Lithuania, Estonia, Latvia, and all the other Soviet-controlled territories of the world? On this 60th anniversary of Lithuanian Independence Day, let us pledge the firm commitment of the United States to pursue at all opportunities the self-determination of Lithuania, and the establishment of the basic human rights of political, religious, and social freedom that have been denied the Lithuanian people for so long.

Mr. ROSENTHAL. Mr. Speaker, I am honored to be able to pay tribute, on the occasion of the 60th anniversary of Lithuanian independence, to the people of Lithuania and to the contributions of Lithuanian Americans to our country.

At the close of World War I, the people of Lithuania declared their independence, and, for 20 years thereafter, enjoyed a prosperous and free existence. The Soviet Union began a campaign of intimidation in 1939, and within a year the peace which Lithuania had known came to an abrupt end.

The United States has never recognized the forceful annexation of Lithuania by the Soviet Union, and rightly so. As a people whose own history began with a struggle for freedom, we recognize that many other peoples of the world are still under the yoke of oppression, and we sympathize with their plight. The brave Lithuanians are among these.

It is fitting that on this proud occasion we Americans should reflect upon our own past and rededicate ourselves to the principles and values we cherish so highly. Above all, we must assure Lithuania and those of Lithuanian descent now in the United States that their past accomplishments and their present struggle are not forgotten. With our help and the help of others dedicated to the cause of freedom, their dream may yet become a reality.

Mr. DINGELL. Mr. Speaker, on February 16, 1918, the Council of Lithuania declared the existence of an independent state, based on democratic principles and free of ties to all other sovereignties. On this day, 60 years ago, the Lithuanian people regained their independence after 120 years of Russian domination. It was a freedom which was to last for two decades, until June of 1940, when the Soviet Union once again invaded the Baltic States and forcefully annexed Lithuania into the Union of Soviet Socialist Republics. Although the oppressive occupation continues which denies Lithuanians their political rights and their religious freedom and restricts their economic and cultural development, they have continued to preserve their unity and strong sense of national consciousness. It is thus appropriate that on this occasion we pay tribute to the affirmation by the Lithuanian people of those principles of self-determination which are born out of spiritual and ethnic strength and dedicated to the reestablishment of a nation once more independent and free.

The dimension of a man's character can be measured, in part, by his devotion to the causes he believes in—and so it is with a nation. To win independence only to lose it again and still to seek, despite injustice and massive persecution, the self-determination which all men deserve is a quest of heroic proportions. For the courage displayed by this nation, for her dedication and nobility of character, we pay tribute today to Lithuanian people everywhere. Their undying perseverance in seeking the goal of individual and national liberation stands as an example to mankind and reaffirms our own strong commitment to the fundamental right of human liberty for captive peoples everywhere.

Mr. FARY. Mr. Speaker, on the 727th anniversary of the formation of the Lithuanian State, and the 60th anniversary of the independent Republic of Lithuania, I thank the Speaker for allowing me to address the House on Lithuanian Independence Day.

As the Congress knows, Lithuania is a country possessed of a long and noble history. First praised by the Roman historian Tacitus, Lithuania was unified in 1251 and led by King Mindaugas who was crowned in 1253 by a delegate of Pope Innocent IV. It is a land rich not only in fertile soil, beautiful lakes, and majestic forests, but also in culture and traditions exhibited by its language, religion, literature, and art.

Since the publication of the first book in Lithuania in 1547, the Lithuanian people have produced a unique cultural and ethnic identity steeped in the ideals of freedom.

After the third partition of Lithuania in 1795, until the first part of the 20th century, the czarist government attempted to eradicate the language and culture of the country. Ending in failure, these efforts only served to encourage open defiance against the harsh yoke of the foreign power.

The Lithuanians' proud struggle during the 19th century showed that resistance to tyranny and the unfailing will to be free can overcome prolonged oppression.

February 16, 1918, the Republic of Lithuania was finally established. Centuries of trials had been successfully faced and the Lithuanian faith, language, and traditions had endured. The bittersweet freedom enjoyed by the Lithuanians was jealously protected for the next two decades against ceaseless foreign aggression. Remarkably, domestic progress and a commitment to the future were made during this critical period of time. A constitution was written, a secret ballot introduced, and agrarian reform instituted.

Then, in 1940, 300,000 Soviet troops dragged the people of Lithuania from their freedom and into a night of political bondage as Lithuania was declared a constituent republic of the U.S.S.R. on August 3. Later, Nazi occupation and the subsequent reentry of the Soviets constituted a plague of oppression from and under which the Lithuanians have suffered ever since.

Under the dictator's heel, hundreds of thousands have been deported. Repopulation has been forced on the people. Leaders such as Stulginskis have been arrested, religious leaders have been assassinated, people tortured, property confiscated, organizations banned, and presses destroyed.

Lesser spirits would have dimmed, but the Lithuanians have remained steadfast in their courage and their struggle continues today.

The Soviets talk of freedom, but theirs is a system of callous control. They talk of dignity, but there is no peace when religious leaders are murdered and inspired patriots are dragged from their homes.

Let us not delude ourselves. There can be no peace as long as people such as Nijole Sadunaite cannot possess a copy of the Chronicle of the Lithuanian Catholic Church without being sentenced to 3 years of hard labor.

In spite of these poignant and difficult circumstances, the Lithuanian people have remained loyal to their heritage. In their honor we must commit ourselves to the goal of reestablishing a Lithuanian national identity and culture endowed in liberty, freedom, and democracy.

To this end, I call upon the President to continue to speak out for human rights and, in particular, for the rights of the Lithuanians presently being subjected and dominated by the Soviets. We must use the technology, finances, and commodities coveted by the Soviets as a balance and means to end the violence committed against the freedoms of the Lithuanian peoples.

Lastly, the House and each Member must oppose Soviet violation of the Lithuanian peoples' human rights.

By doing these things we will pay tribute not only to the brave Lithuanians now oppressed by the Soviets, but also to their brothers and sisters in this country who have individually and through numerous charitable, scholastic, and aid societies contributed so much to northwest Indiana and to our entire country.

May all Lithuanian people be honored this day, and may they be granted the perseverance to continue their struggle so that one day, the Lithuanian peoples on both sides of the Atlantic may join hands together and walk into the sunlight of cherished freedom.

Mr. CARNEY. Mr. Speaker, February 16, 1978, marked the 60th anniversary of the Declaration of Independence of Lithuania. In 1918, at the end of World War I, the Lithuanian people proclaimed their independence and established a free government. Today, we commemorate this people's struggle for freedom and self-determination.

The long history of Lithuania's struggle for freedom goes back to the 13th century when Lithuanians united under King Mindaugas to defeat Russian aggression against their homeland. Between 1350 and 1795, Lithuania formed an alliance with Poland. During this period, Lithuania fought attempts by Germany to dominate Russia and by the Mongols and Tartars to dominate Europe. After the partition of Poland, Russia gained possession of Lithuania's territory. During this period, the Lithuanians resisted attempts of the tsarist government to thwart their national identity by political and economic oppression.

Lithuania reestablished its territorial independence in 1918, following World War I and the Bolshevik revolution. With the aid of allies, the Lithuanians drove out the Bolshevik army. During the next 20 years, they initiated a period of reconstruction which resulted in unprecedented prosperity. Lithuanians were also free to speak their own language and develop their own culture. As a member of the League of Nations, its autonomy and sovereignty were internationally recognized.

Lithuania's freedom was interrupted by the Hitler-Stalin Pact and the partition of Poland between Germany and the Soviet Union in 1938. Shortly thereafer, the Soviet Union moved against Lithuania by demanding permission to station 20,000 troops in the country and establish military bases. By June 1940 the Soviets had begun to establish a puppet government which requested entry into the U.S.S.R. as a republic. In response to popular resistance, the Russians deported dissidents and further implemented repressive measures against the population. The severity of this repression has never abated, but dissent to Soviet rule over Lithuania continues to exist.

Mr. Speaker, the Soviet Union continues to suppress Lithuanian dissent in violation of the Helsinki Accords and basic human rights. The United States must defend the human rights of Lithuanians at the Belgrade Conference. Accordingly, world opinion will encourage Lithuania to continue her struggle for national identity. Today, I join all Americans of Lithuanian descent in recognizing and encouraging Lithuania's fight for justice and the reestablishment of freedom.

Mr. RODINO. Mr. Speaker, this past week marked the 60th anniversary of the Declaration of Lithuanian Independence, and persons of Lithuanian descent all over the world commemorated the event.

The anniversary of Lithuanian independence has special meaning for Americans, who are committed to speak out for the rights of individuals and self-determination for nations throughout the world.

Our own country has benefited greatly from the contributions of Americans of Lithuanian descent who have brought the rich history and traditions to our shores. Long before the Lithuanian Republic was founded, Lithuania enjoyed a special place in Eastern Europe. As a country which encouraged education and tolerance of differing ideas, its values played an important role in the growth of Western civilization.

Now, as Lithuanians long for their freedom from outside domination, it is very important for Americans to remember their struggle and rededicate ourselves to the democratic ideals which founded our own country.

Mr. Speaker, I am privileged to join in the commemoration of this 60th anniversary of Lithuanian independence and I salute the Lithuanian people and their commitment to self-government and basic human rights.

Mr. WYDLER. Mr. Speaker, recently the American people had the opportunity to see an excellent documentary on the attempted defection, brutal capture and imprisonment by Soviet authorities, and ultimate emigration to the United States of the brave Lithuanian seaman, Simas Kudirka. This documentary brought the dry words "Soviet oppression" to life for many Americans.

On the immediate and personal level, Simas Kudirka's story had a happy ending. He and his family are now living in freedom in this country. But unfortunately, for the approximately 3¼ million of his Lithuanian countrymen, the nightmare of repression continues. The Kudirkas are undoubtedly glad to be out of that vast prison camp that is the U.S.S.R. But who can be really happy while one's homeland remains enslaved? Lithuania remains a captive nation, and this is a sorrow not only for the many Americans of Lithuanian descent, but

for all free peoples of whatever national origin.

We are now commemorating the 60th anniversary of Lithuanian independence. It is important to note that this is not the 60th anniversary of the birth of Lithuania as a nation. Lithuania is one of the ancient nations of Europe, having achieved national unity already in the 13th century under Mindaugas, who was crowned first Christian King of Lithuania by Pope Innocent IV in 1253. Thereafter Lithuania was an important actor on the stage of European history. No, the 60th anniversary that we are commemorating is not the birth of a young nation but the liberation of a very old one. For on February 16, 1918, Lithuania, which had been struggling against Russian domination since the late 18th century, and had been under German occupation during World War I, declared the restoration of its independence.

Genuine independence did not come without a fight, because the Red army moved in as soon as the German occupying troops moved out. However, the Bolshevik invaders were finally defeated, and on July 20, 1920, a peace treaty was signed between the Soviet Union and Lithuania which clearly acknowledged Lithuania's independence and sovereignty. Subsequently, a nonaggression pact between the two countries, signed on September 28, 1926, reaffirmed Lithuania's sovereignty and territorial integrity.

Following its achievement of independence, Lithuania established a democratic, constitutional form of government. And during the next 22 years, the creative energies of the Lithuanian people, so long stifled under foreign domination, burst forth in accomplishments that only freedom can produce. In cultural life, in commerce, industry, and agriculture, the story was everywhere the same. Astounding productivity and progress marked these 22 years.

It was not just Lithuania's loss, but the world's as well, when this country's independence was again taken away by force. In 1940 the Soviet Union invaded Lithuania, and there followed the now sickeningly familiar drama of terror and deportations, puppet governments, and ultimately the incorporation of Lithuania into the Soviet Union. In one night alone, June 14–15, 1941, over 34,000 Lithuanians—including children and elderly persons—were deported to Siberia.

And this was only the beginning. Deportations continued, and were particularly heavy in 1945–46, when 145,000 Lithuanians were deported, and March of 1949, when 60,000 more were sent to the Soviet slave labor camps. It has been estimated that in all, approximately 400,000 Lithuanians were deported during the period 1941–50. Simas Kudirka was not the first Lithuanian to become acquainted with the terrible Siberian labor camps. More lucky than many of his countrymen who preceded him, he got out alive.

Mr. Speaker, just as the words "Soviet oppression" may be "dry," so statistics such as 400,000 deportations may be lifeless. But there is a terrible human tragedy behind these statistics, and to bring this immense tragedy to life, I would like to quote briefly from Balys Gajauskas, a former political prisoner who is still living in Lithuania. Mr. Gajauskas was, in fact, quoted by Simas Kudirka in the latter's testimony at Maryknoll, N.Y., on July 14, 1976, at the Bicentennial Convocation on Global Justice convened by the National Conference of Catholic Bishops Committee for the Bicentennial. Asked why he fought the Soviet regime, Mr. Gajauskas said:

> Who could have stood idly by, watching the columns of political prisoners from Kaunas, Siaulial, Vilnius and other prisons, which stretched toward the waiting cattle cars? These prisoners were being deported from Lithuania. Who could have quietly accepted the sight of bayonette-wielding foreign troops surrounding mothers and children, whose fathers and husbands were being deported to Siberia? One's heart burst watching the children's tears.

And while the Lithuanians were being deported from their homeland, Russians were being sent to live in Lithuania in an effort to dilute the yearnings for independence that continued strong in the Lithuanian people.

Despite all this, the Lithuanian people maintain both their sense of national identity and their longing for freedom. Where do they get their courage and strength in the face of such overwhelming force? For many Lithuanians, it is their strong religious conviction that sees them through this difficult time. The Lithuanians are a deeply religious people, the great majority of them being Roman Catholic. The Soviets are, of course, attempting to suppress religion in Lithuania. Those involved in the secret printing of prayer books and catechisms are being imprisoned, exiled to Siberia, or sent for "treatment" to "psychiatric hospitals." Teaching children religion can land a priest in jail. And the Soviets are converting the beautiful Lithuanian churches to dance halls, concert halls, theaters, and even warehouses.

But although they have worldly might and power at their disposal, the Soviets have not won the spiritual battle for the souls of the Lithuanian people. Let us pray that they never do so. This will be the best way we can commemorate the anniversary of Lithuanian independence.

Mr. RINALDO. Mr. Speaker, it is a distinct honor for me to join with more than 1 million Lithuanian Americans across the Nation in commemorating the 60th anniversary of the reestablishment of an independent Lithuania.

Lithuania has a rich and ancient culture. According to classical writers, Lithuanians moved from the steppe border regions about 2,500 years ago and settled in the Upper Dneiper Basin. Although Lithuanians were threatened by various tribes and conquerors over the years, they succeeded in retaining their independence. Later, when the Lithuanian national movement was formed, it fought hard for its aims against Russification.

Despite Russian dominance for the past 38 years, the Lithuanian devotion to reestablishing basic human, civil, political, and religious rights has not dimmed.

On this occasion, it is fitting that Americans of all heritages join with Lithuania in proclaiming their proud and never-ending struggle to overthrow the dictatorship of Moscow. As one who has consistently spoken out in support of the Lithuanian struggle, I know my colleagues join with me in pressing for greater freedom for Lithuania and all the Baltic States.

Mr. MURPHY of Illinois. Mr. Speaker, today we are commemorating the 60th anniversary of Lithuania's Declaration of Independence.

The purpose of the commemoration is to express support for Lithuania's long-sought freedom from Soviet domination. It is important that the United States remember those who are denied freedoms that we all too often take for granted. Lithuanians do not have freedom of religion; freedom of speech; freedom of the press; the right to peaceably assemble; the right to be secure in their persons, houses, and papers; and many other liberties.

Thus our hearts go out to Lithuania and other captive nations that yearn for the same rights we are so privileged to enjoy.

Mr. Speaker, Herbert Spencer once said: "No one can be perfectly free till all are free." It is in that spirit that we commemorate Lithuania's Independence Day and earnestly hope for that country's liberation from Soviet domination.

Ms. MIKULSKI. Mr. Speaker, it is a great honor to inform my colleagues that the 60th anniversary of the Declaration of Independence of Estonia will be celebrated on February 24. It was in 1918 that Estonians proclaimed their freedom from the Soviet Union's control. Estonia was then immediately recognized as an independent nation by several countries, including Great Britain and France. However, Estonians suffered under both Russian and German attacks and invasions until 1920, when, having defeated both these countries through a gallant struggle, a treaty was signed confirming Estonian independence.

In June of 1920 Estonia adopted a democratic constitution. Throughout its years of freedom the Government of Estonia served to aid its people in several ways. For example, one of the first actions the Estonian Government took was to redistribute ownership of the land. Many estates that had been owned by nobility were divided among men who had fought for the country's independence, and other persons who had formerly worked on the large estates, but had never been permitted to own land themselves.

Estonia's independence, however, was tragically destined to face new trials. In 1940, Russian troops entered Estonia. They set up a new government and annexed Estonia as one of the Republics of the Soviet Union. Then, in 1941, German troops invaded Estonia. The people suffered under German rule until 1944, when the Russians reentered the country, remaining there even until today.

Estonians have long suffered under the most severe of human conditions: cruel oppression and blatant denial of human rights. Therefore, I salute the exceptional courage and determination of Estonian Americans who work to keep alive the Estonian culture, something

now repressed in their Soviet-occupied homeland. Indeed, the history of the Estonian peoples' fight for freedom serves as a model for all the world. Therefore, I encourage all Americans to pay tribute to Estonians today, in their steadfast struggle for human rights, freedom, and national independence.

Mr. BLANCHARD. Mr. Speaker, last Thursday, February 16, 1978, marked the 60th anniversary of Lithuania's Declaration of Independence.

When we as a nation consider the plight of various peoples around the world who face a deprivation of basic human rights, too often we neglect to emphasize the struggle for freedom in Lithuania and the other captive nations. Yet, over the past 183 years the Lithuanian people have only tasted the fruit of freedom for a period of 22 years. This short-lived independence began 60 years ago on February 16, 1918, and lasted up until the Soviet invasion and occupation in June of 1940.

The hope and spirit of the Lithuanian people has not been broken. Their constant struggle for freedom and the right to self-government was once again demonstrated last October when riots occurred in Vilnius. The populace simply could no longer stand the hardships and the constant repression of their lives. In protest, they organized freedom demonstrations, knowing full well the consequences that they faced. That is the kind of dedication to freedom that must be recognized and remembered by the free world. It is the kind of spirit that demands our support.

One of the most effective weapons that we have to combat the repression and disregard for basic human rights that is occurring in Lithuania today is the power of public opinion. The fact that the United States has never agreed to recognize the forced annexation of Lithuania into the Soviet Union has had a mitigating impact on Soviet actions there. Indeed, it can be said that the voice of freedom speaking out against repression has actually saved lives.

We must continue to be vocal in our objection to all Soviet violations of human rights in Lithuania. We must strive to focus world attention on these constant transgressions. To do so, it is necessary to capture the same spirit and depth of commitment that has been exhibited by the Lithuanian people.

All Lithuanian Americans share this spirit, and I am proud to join with them in this struggle. I hope all my colleagues will take the opportunity of the 60th anniversary of Lithuanian independence, to commit themselves to this cause.

Mr. RUSSO. Mr. Speaker, I am proud to join my colleagues in commemorating the 60th anniversary of the Declaration of Independence of Lithuania, when the brave people of this Baltic State gained their freedom from Soviet domination and proclaimed their right to govern themselves as they saw fit.

However, the celebration of this momentous event is tinged with sorrow. Sorrow, because of the Soviet Union's brutal invasion and enslavement of Lithuania in 1940, which left her people in the oppressive hands of the U.S.S.R. After enjoying only 22 years of cherished liberty, Lithuanians were forced to again begin a struggle against blatant violations of their basic human rights. Their struggle continues today.

We, in this great assembly are guaranteed the sacred rights of free speech, expression, and choice of religion that are denied to the citizens of Lithuania and the other Baltic States of Latvia and Estonia. This suppression of individual rights and denial of the exercise of self-determination will always be viewed as a reprehensible situation in the eyes of all Americans. Although these people have been denied their inalienable rights, Lithuanians have never lost their as yet unsatisfied appetite to enjoy the fruits of free will and rule themselves in their homeland.

Lithuania's 60th anniversary of its Declaration of Independence stirs hope that we will one day see her determined people escape from under the iron feet of Soviet oppression and secure their goal of self-direction. For, when Lithuania's dream becomes a reality, we in the House of Representatives, as well as all Americans, will then be able to truely celebrate their Independence Day as we in America now celebrate the Fourth of July, with elation and pride, and unbridled by the unwelcome intervention of foreign powers.

I ask my colleagues and all Americans to continually condemn the Soviet Union's unjustified and unconscionable treatment of Lithuanians, until these people gain the independence and sovereignty they rightfully deserve.

Mr. BURKE of Florida. Mr. Speaker, once more I rise to call to the attention of the Congress the plight of the Lithuanians, Latvians, and Estonians. Last year on June 15, I urged that the President and the Secretary of State press vigorously in all current and forthcoming talks with the signatories of the Helsinki accords for continued improvement in the political and human rights of all repressed persons and groups in the Soviet Union.

With the commemeration of the 60th anniversary of Lithuanian Independence Day on February 16 just passed, it is fitting that I again urge that the administration focus its attention to the human rights of others on the Lithuanian people together with their neighbors from Latvia and Estonia.

The Soviet denial of the human rights of these people and the denial of the principle of self-determination for the Balkan peoples is contrary to all which we hold dear, and we in the Congress should renew our strong stand taken on December 2, 1975 when we passed H.R. 864 which refused to recognize the forceable incorporation of the Baltic Republic into the Soviet Union.

Mr. CONABLE. Mr. Speaker, this week we celebrate the 60th anniversary of the restoration of the independence of Lithuania. All who care about human rights and the cause of liberty greet this occasion with a feeling of admiration mixed with sadness. We salute the indomitable spirit of a proud people who have struggled to preserve their traditions, language, and religion against the attacks of rapacious neighbors.

For more than nine centuries, the Lithuanian people have struggled against foreign domination as their neighbors on all sides have pursued policies of annexation and repression. In the wake of World War I, freedom for the Lithuanian people reemerged and for a little more than 21 years, the people of Lithuania were able to control their own destiny. Although World War II ended the independence of Lithuania, their love of liberty continues to glow, setting an example for all peoples. We commend the dedication of the Lithuanian people to the cause of freedom and express continued support for its restoration to them and to their sister Baltic States.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SYLVA ZALMANSON AND EDWARD KUZNETSOV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COUGHLIN) is recognized for 60 minutes.

Mr. COUGHLIN. Mr. Speaker, I had the privilege of speaking 2 weeks ago with Sylva Zalmanson, the wife of Soviet "prisoner of conscience" Edward Kuznetsov, who has been on a hunger strike since December 17, 1977. Sylva, a former prisoner of conscience herself, has come to the United States to publicize the plight of her husband in the hope that world opinion can help gain his release.

Edward Kuznetsov is a man of high moral principles who has promised to remain on his strike until death if necessary. He has stated that his goal is to gain the release of those involved with him in the so-called Leningrad incident.

Kuznetsov's first "crime" was to join in the unauthorized reading of the poems of Mayakovsky, which took place in Moscow's Mayakovsky Square. He was sentenced to 7 years in prison when he and others published the underground magazine, "Phoenix." During this term, Kuznetsov's interest in his Jewish background was reawakened, and he knew by 1968 that he had to emigrate to Israel.

After he married Sylva Zalmanson in 1970, the couple applied for exit visas, seeking to start life together in freedom, but their papers were rejected. In desperation, the couple and a group of 10 other frustrated, harassed Soviet Jews considered taking an empty plane from Leningrad to Sweden, hoping to continue on to Israel. The KGB disrupted these plans and the Leningrad trial of 1970 followed.

Edward Kuznetsov is now serving a 15-year prison term, which will conclude in June 1985. The court had handed down a death sentence, but this was changed

to 15 years of "special regime" due to an outcry of world opinion. This "special regime" allows him to receive one visitor each year, and one letter every year after half of the sentence has been served. Because he is now on a hunger strike, Kuznetsov has been placed in solitary confinement as well.

Sylva was given a 10-year term, but she was freed after 4 years, due to concern and pressure from the West. Two of her brothers, Israel and Wulf, continue to be held in labor camps for their role in the Leningrad incident. Another brother, Samuel, is also serving in prison.

According to the Helsinki agreement of 1975, the Soviet Union has agreed to accelerate the processing of exit visas for all minorities, especially in those cases where family reunification is an issue. Freedom of religion is guaranteed in point seven of the so-called third basket of the accord, yet Kuznetsov and others continue to be mistreated in violation of the agreement. Not only do the actions of the authorities violate humane considerations, but they also violate Soviet internal law.

Along with Sylva Zalmanson, I believe that only world opinion can force the Soviet Union to abide by the Helsinki agreement that they have signed, and live up to the responsibilities of all signatory nations. It is Sylva's legal right to visit her brothers and husband, historic figures whose actions were instrumental in the emigration of almost 150,000 Soviet Jews. The lives of Edward Kuznetsov, the Zalmanson brothers, and thousands of men and women like them depend on our efforts, whether these take the form of letters to the "prisoners of conscience," messages to Soviet officials, phone calls, or other actions. Remembering that no one's rights are truly secure unless everyone's rights are protected, we owe it not only to Sylva Zalmanson and others who suffer like her, but to ourselves. It is important to let the Soviet officials know that the preservation of individual rights and freedoms, as spelled out at Helsinki, remains vital to all Americans.

Mr. LENT. Mr. Speaker, to any remaining Americans who may still question what we can do to help Soviet prisoners of conscience, I say consider Sylva Zalmanson.

Knowing that a worldwide outpouring of concern led to her own release from a Soviet prison, Sylva is touring the United States to gain support for her husband, Edward Kuznetsov. Edward remains today a Soviet prisoner of conscience. Since December 17, 1977, he has been on a hunger strike—unto death—under the slogan "Freedom for the Political Prisoners." Despite his strike and his weakened condition, his rights under Soviet law continue to be ignored. On January 13, an announcement was made that he would be permitted no visitors.

I was priviliged to meet Sylva during her visit to Washington. She told me of her fear for Edward's life because of his absolute commitment to freedom, which he is demonstrating by the hunger strike. I share her deepest hope that a united effort by concerned people everywhere will lead to her husband's release or a recognition of his rights at the very least, and I join in her plea to all who value human rights to join in the cause.

On January 29, Edward Kuznetsov was 39 years old. He has spent most of his adult life in Soviet prisons. He is known to many people through his book "Prison Diaries"—a moving portrayal of the cruel conditions of his imprisonment and his commitment to freedom.

Because we know the impact a demonstration of solidarity can have, I have contacted Ambassador Dobrynin on Edward Kuznetsov's behalf. I urge my colleagues to do likewise and address these questions to the Soviet authorities: Why was not Edward Kuznetsov amnestied during the recent celebrations? Why is he allowed no visitors—not even his wife? And what of Edward's health?

All who support the cause of freedom everywhere can take courage from Sylva Zalmanson. In return, it is our moral duty to respond by voicing our abhorrence at the cruel and inhuman treatment accorded Jews in the Soviet Union, and calling for an end, once and for all time, to the persecution they have suffered.

Mr. WYDLER. Mr. Speaker, the courage of those in the Soviet Union who are fighting for basic human rights under that oppressive system is well known and is frequently extolled by many of us here in the House of Representatives. There is another kind of bravery, a quiet, less spectacular bravery, but one deserving of our honor nevertheless. Today I want to pay tribute to a young woman who exemplifies this quiet bravery, a young woman I have had the privilege of meeting on a number of occasions. Her name is Sylva Zalmanson.

Of course, Sylva can stand up to the hard tests. She herself was imprisoned in the Soviet Union before she was eventually released and allowed to emigrate to Israel. Sylva is not short on the heroic kind of bravery. But her ordeal did not end when she at last reached freedom. Sylva is the sister of my adopted prisoner of conscience, Wulf Zalmanson, and of Israel Zalmanson, also imprisoned, and of Samuel Zalmanson who is also in a Soviet labor camp. Sylva is the wife of Soviet prisoner Edward Kuznetsov, who recently went on a hunger strike in his prison camp. Sylva requested that she be allowed to visit him, and although the authorities at first refused, we have just received the good news that she will be granted a visa. Having been told that his wife could come to visit him, Edward Kuznetsov has reportedly gone off his hunger strike, another piece of very good news.

For years Sylva has tirelessly worked in the West to bring the plight of her loved ones to the attention of Western authorities. She lives quietly with the daily anxiety, the constant gnawing concern for her brothers and husband. A naturally shy person, she forces herself to meet with strangers and address groups, pouring out the story of her loved ones to a sea of strange faces. This takes courage, too, the quiet courage of which I spoke earlier, a courage inspired by love.

I most recently met Sylva in Mineola, N.Y., on February 3, where we both attended tree-planting ceremonies for the Anatoly Shcharansky Justice Garden. Sylva does not labor only for her brothers and husband. She has enough dedication and concern to spare for others besides her immediate family. She is deserving of every tribute that we pay to those on the front lines of the battle for freedom.

Mr. KEMP. Mr. Speaker, many of my colleagues have had the opportunity to meet with Sylva Zalmanson during her recent visit to the United States, and therefore, have become aware of the gross violation of civil rights which her husband, Edward Kuznetsov, must bear as a Soviet prisoner. They have heard the heartbreaking tale which Sylva has brought to the United States to gain recognition and support for her husband who has been confined to a strict regime in a Moscow prison, deprived even of the rights which he is permitted under Soviet law: One visitor and one letter per year after half of his 15-year sentence is served.

Mr. Speaker, the Soviets will undoubtedly accuse us of interfering in their internal affairs when we speak out in opposition and protest of their abuse of Edward Kuznetsov's civil rights. This is not a new accusation for them to make, nor, I fear, is it the last time they will make it. But, Mr. Speaker, this man, along with Sylva and her brothers, risked his life in an effort to leave the Soviet Union almost 8 years ago. As a result, thousands of Soviet Jews have been able to emigrate, and world attention was called to the fact that thousands more cannot leave.

Mr. Speaker, Sylva was more fortunate than some. She was released from a Soviet prison after 4 years. But her three brothers and her husband are still imprisoned, still risking their lives for the chance to be free. Since December 17, Edward Kuznetsov has been on a hunger strike for his right to receive a visitor and a letter. The Soviet Government has not permitted Sylva to enter the country to visit him, and has even denied his aunt, Elena Bonner Sakharov, the visit which had been promised her earlier. Although he is being force fed, Kuznetsov has vowed to starve to death in pursuit of his rights.

Mr. Speaker, we cannot allow ourselves to become apathetic to the problems which Soviet Jews face, nor can we allow ourselves to be intimidated in our support of these people as a result of criticism by Soviet officials. We must continue to speak out and encourage the Soviet Government to afford these people the rights to which they are entitled and to end their persecution of Soviet Jewry. I urge my colleagues to join me in support of Edward Kuznetsov in both word and deed, and to share your endeavors with both Edward and Sylva by letter. Later, perhaps, we will be able to share our sentiments with them in person.

My deep thanks to Congressman COUGHLIN for his leadership in organizing this important effort in behalf of Edward Kuznetsov.

GENERAL LEAVE

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the subject of the special order today by the gentleman from Pennsylvania (Mr. COUGHLIN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

A TRIBUTE TO WILLIAM T. MURPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MURPHY) is recognized for 60 minutes.

GENERAL LEAVE

Mr. MURPHY of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of the late Hon. William T. Murphy, former Representative from Illinois.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MURPHY of Illinois. Mr. Speaker, Members of the House were saddened to learn of the death of their former colleague, Congressman William T. Murphy, who died January 29 in Chicago at the age of 78.

Bill Murphy was my distinguished predecessor who represented Chicago's South Side from 1959 to 1971.

While in Congress Bill served as chairman of the House Subcommittee on Asian and Pacific Affairs, and also was a member of the Subcommittee on Africa. A self-taught expert on the People's Republic of China, Bill presided over congressional hearings in 1969 that led to the opening of diplomatic relations with that country. Bill won the admiration of his colleagues for his knowledge of history and their affection for his warmth and good will.

Prior to his election to Congress in 1958, Bill was alderman of Chicago's 17th ward for 24 years. He was a member of the Chicago Planning Commission from 1947 to 1959, and was a delegate to the Democratic National Conventions in 1944, 1948, 1952, and 1956. In addition to being a lawyer, Bill was a registered land surveyor and a licensed professional engineer.

Mr. Speaker, my colleagues join me today in offering our sympathy to Bill Murphy's family: his two sons, William Jr., and John; his daughter, Rosemary Blyth; his sister, Kitty Hunt; and his five grandchildren. With the passing of Bill Murphy, the people of Chicago have lost one of their most dedicated and loyal public servants, and the Members of this House have lost a highly esteemed colleague and good friend.

Mr. ROSTENKOWSKI. Mr. Speaker, I am deeply grieved as I join my colleagues who today eulogize the life and accomplishments of a distinguished legislator, William T. Murphy of Illinois. Our friend, Bill Murphy, represented Illinois' Third District from the 86th through 91st Congresses.

Bill Murphy's life can be described as one of diversity and fullness of accomplishment. Before coming to Congress, Bill Murphy was a major force in Chicago's City Council, serving among its membership for 24 years. In addition to being an attorney for 50 years, Bill possessed technical expertise. A licensed professional engineer and registered land surveyor, he contributed significantly to Chicago as a member of the Chicago Planning Commission from 1947 to 1959.

With such a distinguished background, it is no surprise that Bill was regarded as one of the most knowledgeable Members of the class of the 86th Congress.

While in Congress, Bill served on the Foreign Affairs Committee and was a very distinguished chairman of the Asian and Pacific Affairs Subcommittee. He was considered an expert on the culture and politics of the People's Republic of China. Because of his commanding knowledge, he chaired a congressional hearing that paved the way to opening diplomatic relations with the Chinese.

A man of great personal warmth, Bill was respected by everyone who came into contact with him. He is remembered not only for his legislative skill but also for his character—described very simply as that of a gentleman.

On behalf of Mrs. Rostenkowski and myself, I would like to extend my sincere condolences to the entire Murphy family.

Mr. PRICE. Mr. Speaker, I would like to join my colleagues today in paying tribute to the late Representative William T. Murphy of Illinois.

Bill Murphy served in the House, representing the Third District of Illinois, for 12 years. It was my privilege to have been with him and to have gained from his insight and knowledge for these years.

Bill was a "jack of all trades," but unlike the old saying, he was master of all. Lawyer, surveyor, engineer, Chicago city councilman, U.S. Representative—Bill was all of these and more. To each position he held, Bill Murphy brought a special dedication and a commitment to do his very best for the people of the Third District, for the people of Illinois, for the people of the Nation. I believe I can say that his work was deeply appreciated by all those he represented.

I would like to express my sincere condolences to the family of Congressman Murphy on their loss. We all share that loss to some extent.

Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Honorable William T. Murphy, who represented the people of the Third District of Illinois, located on Chicago's southwest side, during the 86th through the 91st Congresses.

Congressman Murphy was my friend for over 30 years and he served the people of his district and the Nation with distinction and devotion. Bill Murphy's long and distinguished career of public service will long be remembered by all of us who had the good fortune of knowing him and working with him.

Although he had retired, I continued to communicate with him, to talk with him on the telephone, and to see him during the congressional recesses while I was in Chicago. I shall always cherish the good counsel and advice that he so generously extended.

Bill Murphy began his career of leadership in Chicago with his election as alderman in 1935, and served the people of the 17th ward for almost 25 years before being elected to the House of Representatives in 1958. He was also a member of the Chicago Planning Commission from 1947 to 1959, and in addition to being an attorney, he was a licensed professional engineer and a registered land surveyor. Also while a member of the Chicago City Council, Bill served as chairman of the Committee on Labor-Management from 1940–1947, chairman of the Committee on Planning from 1947–1955, and chairman of the Committee on Planning and Housing from 1955–1959.

When he arrived in Congress in 1959, Bill Murphy became a member of the House Committee on Foreign Affairs, where he became chairman of the Asian and Pacific Affairs Subcommittee. During his 12 years as a Congressman, he was a member of the Canada-United States Interparliamentary Group from 1960–1968, a member of the 16th Assembly of the NATO Interparliamentary Group at the Hague, in the Netherlands, and in 1964 he received the Tenth Commemorative Medal presented by the Assembly of Captive Nations.

William T. Murphy became a self-educated expert on many aspects of foreign affairs during his service in Congress, and his outstanding dedication to high standards was an inspiration to his friends and fellow citizens. His record of excellence and creative accomplishment was most commendable. I and the entire Chicago delegation were proud to work together in Congress with Bill Murphy and we were disappointed when he decided to retire at the end of his sixth term.

Mrs. Annunzio and I extend our deepest sympathy to his daughter, Mrs. William Blyth of La Grange, Ill., and his two sons, William T. Murphy, Jr., and Dr. John P. Murphy, both of the Washington area.

Mr. FARY. Mr. Speaker, it was with a great deal of sadness that I learned of the death of one of the most popular Members of the House, William T. Murphy, Representative of Illinois.

During his many distinguished years of service from 1959 to 1971 in the House, Congressman Murphy provided the people of his Third Congressional District with outstanding legislative representation and excellent constituent assistance.

Bill Murphy had a genius for friendship. He was a man who often gave the impression of bubbling with good will toward his fellow man. He was a jolly companion, always considerate, and ever mindful of the problems of his colleagues.

I will always remember Bill's untiring warmth and friendliness. We have lost a wonderful colleague, and the people of Chicago have lost a dedicated and devoted Representative.

Mr. METCALFE. Mr. Speaker, it is a privilege to rise under the special order of MORGAN MURPHY to join my colleagues

of the House of Representatives to honor the late William T. Murphy.

Bill Murphy was a dedicated public servant to Chicago and to its people for his entire professional career. Following military service in World War I and during study at the Loyola University School of Law, he worked with the Cook County Highway Department from 1922 to 1935, first as an engineering draftsman and later as a civil engineer and assistant right-of-way attorney.

He became alderman of the 17th ward on the southwest side of Chicago in 1935 and served in the Chicago City Council until 1959. Also he was elected Democratic ward committeeman in 1940, a post held until 1964. I am proud to have served with him in the city council and on the Cook County Democratic Central Committee. While in the city council, Mr. Murphy at various times acted as chairman of the Committee on Labor-Management, the Committee on Planning, and the Committee on Planning and Housing. I am proud to note that he favored open housing legislation.

Mr. Murphy was first elected to Congress by the citizens of the Third Congressional District of Illinois in Chicago's far south and southwest side and south and southwest suburbs in 1958. He served with distinction from 1959 to 1971, when he retired.

While in Congress he was a member of the House Committee on Foreign Relations and became chairman of the Subcommittee on Asia and Pacific Affairs. He had the reputation of a hard worker who regularly participated in committee meetings.

Mr. Murphy became an expert on the problems, geography, history, and politics of the People's Republic of China, and in 1969 he chaired congressional hearings in United States-China relations, entitled "A Strategy for the Future." These paved the way for the opening of diplomatic relations with China.

As a member of the Subcommittee on Africa, Mr. Murphy met many foreign dignitaries and represented the subcommittee with foreign leaders abroad. One month 127 leaders of developing African nations met with him to discuss their particular problems and what the United States could do to help.

Bill Murphy took pride in his knowledge and interest in Africa and was considered one of the leaders in the initiation of the present movement of self-rule. This attitude emanated from his personal visits to Africa.

Bill Murphy and I developed a warm relationship because of our athletic backgrounds. He was an outstanding basketball player and maintained his interest in sports as we compared notes pertaining to our athletic endeavors.

I am privileged to have counted Bill Murphy as a warm personal friend and will always remember his hard work for his constituents and his loyalty to his party.

Mr. RUSSO. Mr. Speaker, I want to say a few words today about a gentleman who once served in this distinguished body. Former Congressman William T. Murphy, who died earlier this month at the age of 78, represented Illinois' old Third District, and he represented it ably and with distinction.

First elected to the 86th Congress, Mr. Murphy was a Member from 1959 to 1971 and served on the old Foreign Affairs Committee and for a time was chairman of the Subcommittee on Asian and Pacific Affairs. He was avidly interested in China, and in 1969 he headed a congressional hearing that apparently paved the way for opening of diplomatic relations with that country.

Reading about Bill Murphy or talking to his old friends, a picture emerges of a man with a fine mind, intellectual curiosity, and public dedication—alderman for 24 years, Chicago Planning Commission member, delegate to four Democratic National Conventions, lawyer, engineer, land surveyor. Not only did he know the law, but he knew geography and history as well; not only could he chair a congressional hearing, he also could relate well personally with people.

Mr. Murphy, served during particularly difficult times for our south side suburbs, and he showed courage during this period. As the present Representative for much of his old district, I especially want to pay final tribute to William T. Murphy and the work he did for us.

Mr. ANDERSON of Illinois. Mr. Speaker, I am pleased to join today in this special order paying tribute to our former colleague from Illinois, Bill Murphy, who died on Sunday, January 29. Bill Murphy came to the Congress in 1959 as the Representative from the Third Congressional District of Illinois, and served with distinction in this body through the 91st Congress in 1971.

It was my pleasure to know Bill Murphy for most of his 12 years of service in this body, and although we sat on different sides of the aisle, his kindness and friendship bridged any partisan gap there may have been. Bill had a unique sense of his own district and constituency, having been born, raised, and educated in Chicago, and then going on to serve on the Chicago City Council from 1935 to 1959. He never lost touch with that constituency and served it well for more than a decade in the Congress.

While Bill Murphy was first and foremost an outstanding Congressman from and for Chicago, he was also a man of broader vision, serving with distinction and dedication on the House Foreign Affairs Committee. He will be particularly remembered for his distinguished service as chairman of the Subcommittee on Asian and Pacific Affairs during our country's difficult Vietnam experience.

We all mourn the death of our good friend and colleague from Illinois, Bill Murphy, and our heartfelt condolences go out to his wife, Rose, his two sons, Bill, Jr. and John, his daughter, Rosemary Murphy Blyth, and his five grandchildren. They can all be proud of his contribution to this Nation.

Mr. DERWINSKI. Mr. Speaker, I wish to join in paying a special tribute to an outstanding public servant, our former colleague, William T. Murphy.

We were fellow Members of the class of the 86th Congress, and I knew Bill Murphy to be a conscientious, hard-working, and effective legislator. His expertise in foreign relations, contributed to his diligent discharge of his responsibilities as chairman of the House Subcommittee on Asian and Pacific Affairs.

Bill Murphy was a dedicated public official, but above all, those of us who remember him recognized that he was a wonderful friend, a man of great ability, wit, and charm, and during his varied career as an attorney, engineer, registered land surveyor, alderman, and in his various public offices, he always exemplified the highest ideals of public service.

Prior to entering Congress, Bill Murphy served as alderman from Chicago's 17th ward for almost 25 years. In the finest sense, he ably represented his ward's residents.

Mrs. Derwinski joins with me in extending our condolences to his two sons, William, Jr., and John, and his daughter, Mrs. William Blyth.

Mr. McCLORY. Mr. Speaker, it is a privilege and yet sad experience for me to participate in this final tribute to our deceased former colleague, Congressman William T. Murphy, of the Third Congressional District of Illinois.

Bill Murphy and I were close personal friends for a period long antedating his arrival on Capitol Hill. We were young lawyers in Chicago when we first met. In the summer of 1935, Bill Murphy and I spent a most enjoyable vacation together in Canada. It was during this experience that I became acquainted with a young Canadian girl, Audrey Vasey, who a few months later became my wife. Bill Murphy and I had an even closer attachment since that time and his late wife, Rose, and their children, William, John and Rosemary, were always very close to Audrey and me and our children.

Mr. Speaker, I followed Bill Murphy's career as a member of the Chicago City Council and later as a Member of the House of Representatives, where I joined him in 1963.

Congressman Bill Murphy was a devoted and hard-working member of the Congress, who placed the interests of his constituents prominently in his mind. He rendered excellent service as a lawmaker and as a concerned representative who responded to the needs and requirements of his constituency.

Mr. Speaker, in addition to his distinguished public service, Bill Murphy will long be remembered by his friends as a warm and generous personality. His loyalty, his good humor, and his candor, are characteristics which endeared him to so many. Even more important, Bill Murphy was a devoted husband and father. He helped hold together a family whose devotion one for the other has been an inspiration to all with whom this family has come in contact.

Mr. Speaker, it is with a sense of deep personal sadness that I reflect upon the passing of my good and long-time friend Bill Murphy and as I recall our many experiences together during the years since our friendship began more than 40 years ago.

My wife, Doris, wishes also to be joined in this expression of affection and

respect. We extend to his children, William, John and Rosemary, our deep sympathy.

Mr. MADIGAN. Mr. Speaker, I would like to join with my colleagues today in paying tribute to William T. Murphy, former Member of the House of Representatives, who died in Chicago on January 29 of this year.

William Murphy was an outstanding Member of Congress, representing Chicago's south side from 1959 to 1971. During his tenure in the Congress, Mr. Murphy served as chairman of the House Subcommittee on Asian and Pacific Affairs and became known for his expertise on the problems, geography, and politics of the People's Republic of China.

Through his capacity as subcommittee chairman, Mr. Murphy played an important role in opening the door to diplomatic relations with the People's Republic of China. Because of his efforts, and those of the Nixon administration, we are now in the position of being able to turn to China as a possible new market for American agricultural exports. In March I will be a member of the Illinois agricultural mission traveling to China to explore the possibilities of establishing such a market in China for U.S. agricultural exports.

On behalf of the American farmer, I would like to express my gratitude to Mr. Murphy for the part he played in the past to make such overtures possible today.

Mr. DEVINE. Mr. Speaker, it was my pleasure to serve in the Congress for many years with our beloved, late colleague, William T. Murphy, and we are all saddened to learn of his passing. Since his retirement from the Congress, Bill stopped back occasionally and always had a twinkle in his eye and a friendly smile for all of us.

I well remember, Mr. Speaker, several trips abroad with Bill when his beloved wife, Rose, could not be with him, my wife and I sort of adopted Bill and shared many meals and side trips together. He also acted as escort to one of my daughters who joined us as she resided on the European Continent.

Bill Murphy will always be remembered for his contribution to the Congress and to the Nation during the period he served, from 1959, when he came to Congress with me, until 1971.

Mr. ANDERSON of California. Mr. Speaker, I would like to add my voice to those paying tribute to our late colleague, the Honorable William T. Murphy. As the Representative of Illinois' Third District from 1959 to 1971, he consistently fought for his constituents' interests while standing firm on his own beliefs and conscience.

A native of Chicago, William T. Murphy earned his law degree at Loyola University. He served in the military during World War I, and was a member of the Chicago City Council for many years before his election to Congress.

During his years as a Member of the House, Representative Murphy served on the Foreign Affairs Committee, and was for a time chairman of the Subcommittee on Asian and Pacific Affairs. He was known as a strong advocate of civil rights. Despite growing racial tension in his district, Bill Murphy consistently supported open-housing legislation knowing full well that by doing so, he risked loss of support back home.

Throughout his life, William Murphy personified the best aspects expected in a public official. We were all sorry to see him leave when he retired in 1971, and the news of his passing saddened us all.

My wife, Lee, joins me in expressing our sincere condolences to William T. Murphy's family and many friends including his daughter, Rosemary Blyth; his two sons, Dr. William T. Murphy, Jr., and Dr. John P. Murphy; and his sister, Kathryn V. Hunt.

Mr. ERLENBORN. Mr. Speaker, it is with sadness that we mark the passing of a former colleague, William Murphy of Illinois.

William Murphy represented the south side of Chicago in public office for 35 years. As a city councilman, from 1935 to 1959, then as a Member of this body from 1959 to 1971.

Mr. Murphy's district reflected the changes which occurred in cities throughout the Nation, during his terms of office. As the neighborhoods changed, so did William Murphy. He fought for open housing, marched with Dr. Martin Luther King, and always held the respect of his constituents.

In the true spirit of the public servant, William Murphy stood tall in difficult times.

Mr. SLACK. Mr. Speaker, there are unhappy occasions when it is necessary to note the passing of one who was both a stout personal friend and a respected colleague. In this vein, I join in the tribute to former Congressman William Murphy of Illinois.

Bill Murphy first came to the House of Representatives in January 1959, as a Member of a large "freshman class," among which I was also numbered. We found much in common, and became good friends.

He was a public official of the old school. He listened often and spoke less often. He looked to the solution of a problem, and wasted no time on public promises that the problem would be solved.

He was a politician in the best sense of both major definitions in Webster's dictionary:

One versed in the art of science of government.

One engaged in party politics as a profession.

Bill Murphy accepted the fact the political method of providing representation for the people's interests was dictated by the terms of the American Constitution, so the privilege of serving must be won and maintained within the boundaries of accepted competitive political practices.

He believed that "politics is the art of the possible," and had a natural ability to spot the genuine need floating in a sea of theories and assumptions.

He always remembered a Congressman is a part of a living system designed to bring the best advantages of self-government to thousands of persons who will rightfully look to the Member for assistance. He felt that we are all part of a long parade through history, an endless file of men and women who came before us and will follow after. He measured the problems and crises of each day against the benchmarks established during nearly 150 years of congressional activity.

A stout and loyal friend, a dedicated and effective Member of Congress, a pleasant and rewarding companion, a responsible citizen in every respect, these are the elements of remembrance which come to me when I think of Bill Murphy. His passing writes the final sentence to a good and satisfying friendship, and I extend my sincere condolences to his family on this occasion.

Mr. BURKE of Massachusetts. Mr. Speaker, our country has suffered the loss of several great leaders this year, not the least of which is my former colleague and cherished friend from Illinois, William T. Murphy. He was a personal friend as was his late beloved wife, Rosemary. Bill was a man who held the respect and admiration of all who knew him. He was a distinguished and gracious gentleman who served the interests of Chicago's South Side for 35 years.

He served first as a city alderman, from 1935 until 1959 at which time he was elected to the 86th Congress. We came to these great Halls together—freshman Congressmen eager to serve. He served his district well; Bill approached his duties with enthusiasm and readily embraced the many challenges the times presented.

As chairman of the Foreign Affairs Committee's Subcommittee on Asia and the Pacific, he was widely acknowledged as an expert on the Far East. He was instrumental in the establishment of diplomatic relations with the People's Republic of China.

Years ahead of his time, he has left an indelible mark on the country, helping to shape our relations with the Third World. He had an uncommon grace and dignity which endeared him to those of us who knew him well.

I am deeply saddened by his loss and extend my sympathies to Rosemary, John, and William. I will sorely miss the friendship and counsel of this great man.

Mr. ROYBAL. Mr. Speaker, as the House pauses today to honor the memory of a most distinguished former Member, I would like to express the deep loss shared by all those who had the privilege to know William T. Murphy.

He was a public servant of exceptional talent who served the people of Chicago with unfailing dedication. This included his 12 years in Congress, as well as 23 years in the Chicago City Council.

Eearly in my career as a Member of the House of Representatives, I had the pleasure to work with Bill on the Foreign Affairs Committee. Bill distinguished himself in the area of international relations, earning a high degree of respect and recognition for his efforts.

It is, indeed, with great sadness that I now mark the passing of this fine leg-

islator, colleague and friend, who worked so hard to create a better life for the people of Chicago and the Nation.

Mr. VAN DEERLIN. Mr. Speaker, I would like to join with my colleague, MORGAN MURPHY, in expressing regret at the passing of his predecessor, William T. Murphy.

Bill Murphy represented his Chicago district for 12 years, and for 8 of those years we served together. I remember him as a soft-spoken, but hard working man of many accomplishments.

He served in local, State, and national politics with distinction, and also had successful careers as a lawyer and engineer.

He knew his district with an intimacy born of three decades of grassroots politics, but he also was an acknowledged authority on Asian and African affairs.

In our age of media campaigns, it is well to reconsider the virtues of Bill Murphy's kind of public service—taking care of the day to day needs of his constituents, and trying to assure that every minority and ethnic group got a piece of the great American pie.

Bill Murphy will be missed by those who knew him—both in Washington and Chicago.

Mr. GIAIMO. Mr. Speaker, I join wholeheartedly in honoring the late William T. Murphy. He and I came to the House together in 1959. Soon I grew aware that Bill Murphy was no ordinary Congressman. He fielded legislative problems with a lawyer's skill. Although he was not a geographer, he could describe this planet as if he carried a global map in his head. He could detail events and wars of ancient times as if he had lived through them, although he was neither a historian nor a Methuselah.

In addition to being a lawyer, Bill Murphy was a licensed professional engineer and a registered land surveyor. I never had a chance to witness his expertise in those fields, but I am sure that he was at the top in them, too. As geographer, historian and lawmaker, he brought his scholarly expertise to the Subcommittee on Asian and Pacific Affairs, which he chaired.

It is not, however, as a legislator but as a friend that I shall most dearly remember Bill Murphy. Whenever I recall him I usually also think of his late and lovely wife Rosemary and their wonderful children, Bill Jr., John and daughter Rosemary. I shall miss Bill very much, and I know that—much as I respected his capacities as a self-taught scholar—even more I esteemed his remarkable capacity to be a good and true friend.

Mr. CARNEY. Mr. Speaker, a former colleague and friend, Representative William T. Murphy, Sr., of Illinois, passed away on Sunday, January 29; he was 78 years old.

Born and raised in Chicago, Congressman Murphy served in the Army during World War I. After the war, he earned a degree from the Loyola University School of Law and practiced law in Chicago. He was a member of the Chicago City Council and the Planning Commission. In addition to being an attorney, he was a licensed professional engineer and a registered land surveyor.

Mr. Murphy was a delegate to the Democratic National Conventions in 1944, 1948, 1952 and 1956. He was first elected to Congress in November 1958; he served in the 86th Congress and the five succeeding Congresses—from 1959 to 1971. He did not seek reelection in 1970.

Mr. Speaker, I was just a freshman legislator when Bill Murphy was completing his 12th year in Congress. His advice and counsel helped me to adjust to my new role and responsibilities. In the short time that I knew him, I was impressed with his honesty and integrity, and with the conscientious manner in which he performed his duties. He was a patriotic American and a loyal Democrat. Indeed, he was a man who exemplified the old-fashioned virtues of loyalty, friendship and service to his fellow man.

Mr. Speaker, William T. Murphy was a good Congressman and a decent human being. He will be missed by all of us who knew him. My heartfelt sympathy goes to his family.

Mr. BOLAND. Mr. Speaker, it was with great sadness that I received the news that our former colleague, William Murphy of Chicago, had passed away.

During his 12 years in Congress, Bill Murphy distinguished himself as a fine public servant of both his district and the Nation. As a member of the House Foreign Affairs Committee, Congressman Murphy became particularly expert in the area of Asian affairs and served as chairman of the Subcommittee on Asian and Pacific Affairs.

Mr. Speaker, I take this opportunity to send along my condolences to Congressman Murphy's family, both here and in the Chicago area. He will be greatly missed by all who knew him.

OTIS PIKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 10 minutes.

Mr. UDALL. Mr. Speaker, OTIS PIKE is moving on and I'm sad.

Earlier this year, I referred to Udall's fourth law, an obscure principle of political science which, on the topic of congressional retirement, asserts that, "them that should, don't; and those that shouldn't, do."

OTIS PIKE's distinguishing mark was always a special kind of class and style. He came here with it and he leaves with it intact and enhanced.

Few people around here had his ability to cut through the clouds of confusion to the guts of a problem. Few could do it with such humor and verve and telling effect.

Few among us had his intellectual honesty—to follow where logic led.

On February 12, he made a broadcast of his reasons for retiring. It is pure vintage PIKE, and ought to become a collector's item. Candid, humorous, and without self-pity, a sensitive man reflects with good will on the many joys and increasingly multiple frustrations of service in this House.

There seems to be something very basic going on in the House of Representatives these days. Like the Washington Redskins, a lot of older players are leaving. There are some forces at work here—maybe the country will gain something in vigor and fresh perspective, but the departure of people like CHARLES WHALEN, GEORGE SHIPLEY, FRANK EVANS, BARBARA JORDAN, JOHN MOSS, JOE WAGGONNER, and ALBERT QUIE, to name just a few of the middle seniority group, will also leave its mark.

Two of the most thoughtful and valuable of this group are PIKE and LLOYD MEEDS, of Washington. Both agonized over their decision to leave and both made introspective assessments of service here, both its pain and joy.

On page 433 of the CONGRESSIONAL RECORD of January 23, I noted the departure of LLOYD MEEDS.

Today, by unanimous consent, I am including with these remarks, Representative PIKE'S February 12 broadcast transcript, and a tribute from columnist Nick Thimmesch.

OTIS PIKE: THE BIPARTISIAN TWEAKER

(By Nick Thimmesch)

WASHINGTON.—Otis Pike, one of our best congressmen, just announced that he won't run for reelection.

This decision would be of modest import, except that Pike always offers wry comment on his actions, and he sure seized advantage of this occasion.

He took 15 minutes on his Sunday radio show to tell constituents that while he was 56 and felt "great," his motivation was slipping, and he agreed with the brilliant soccer star, Pele, that, "A man can't play one game all his life."

Pike is a Democrat elected nine times in a Republican district on the end of Long Island, many miles from the dreary liberalism of New York City.

He is bright, hard-working, independent, and unafraid of big names or conventional wisdom. His constituents, Democrat and Republican, love him for it.

In retiring, he made bold to say that:

He could have been re-elected; people increasingly "bug" him; he has no privacy; he doesn't like campaigns or fundraising; both parties are indifferent to the national debt, and he is weary of his own party's "never-ending fiscal irresponsibility"; the wisdom of the ages isn't secretly entrusted to Democrats; he's tired of congressional drivel; he will miss being pampered by staffers, but it's best he fend for himself; he'll get a good pension (estimated at $25,000 a year).

Otis has been this way since I first covered him at the New York State Democratic convention, Sept. 1, 1964. Delegates were stuffed into an incredibly hot hall, and wanted only to drink beer and nominate Robert F. Kennedy for the Senate race.

"It would be wrong, wrong, wrong," Pike cried in a dissenting speech, "to nominate as the senator from New York a man who on August 24 is listed at the Democratic National Convention as the delegate from Massachusetts."

Pike didn't like the idea of an outsider dropping into New York at the last minute to get into a sure-win race for the Senate.

He was just as irreverent toward Defense Secretary Robert McNamara, another titan of that era, accusing him of fiscal trickery in the purchase of planes for the Vietnam war.

While Pike's ardor for the war waned, he sponsored a bill in 1968 to deny federal loans to students who engaged in campus violence.

He told his own children that demonstrators could tie up the dean, steal papers and disrupt, but not at taxpayer's expense.

The biggest ruckus Pike got into was when he chaired the Select Committee investigating FBI and CIA activities. He came to develop respect for the CIA, but not for Henry Kissinger, then secretary of state, whom Pike said, "Lied to us repeatedly . . . it was terribly frustrating."

Pike wanted the committee report made public, but the House embarrassed him by voting to suppress it. Then CBS newsman Daniel Schorr was involved in its partial publication, and all hell broke loose.

Pike's Senate ambitions were thwarted by his own unwillingness to raise big campaign money. His first congressional campaign cost only $7,000, and his most expensive, a modest $50,000.

He also objected to the tendency of rich senators and congressmen to piously vote ethics bills prohibiting outside work, while they receive huge outside investment income.

He also lamented that "neither the Democratic Party nor the House of Representatives is a comfortable place for a congressman who believes that people should work when they can, earn what they can, save what they can, pay their bills and balance their budgets, and that nations should, too."

Pike's heresies included the notion that "some Republican congressmen are great; some Democratic congressmen are not great. I would like to feel free to say so without being accused of treason . . ."

When demagogues blamed Con-Edison not just for New York's blackout but for the looting as well, Pike said, "nonsense," and declared the nation had gone too far in protecting young criminals.

Washington yawned when President Carter announced his $500 billion budget. Pike promptly wrote that such an enormous sum, if stacked in $1,000 bills, would go 250 feet high, and tweaked Carter for double-talk on balancing the budget.

We'll miss him.

RADIO BROADCAST, FEBRUARY 12, 1978

Over the past 18 years I have made about 700 weekly broadcasts to report to my district on events in Washington, and in general, in good times or bad, as the bearer of good tidings or ill, triumph or defeat, war or peace, or just speaking of the little things in your lives or in Washington, I have enjoyed communicating with you, and have felt close to you.

The broadcast this week, in my eighteenth year as your Congressman, is the toughest I have ever had to make, because I am announcing that I will not be a candidate for re-election this year. The decision is final.

Because I consider those who listen to these reports as friends rather than just constituents or voters, I would like to talk to you about it. Why am I getting out? Let's first dispose of some things that aren't the reason. Physically, I feel great, and as far as can be seen, have quite a few miles left on me. Politically, frankly, I believe we could handle another election, or several other elections, reasonably well. Any Congressman who complains about either his pay or his vacations has just plain lost touch with the real world. The job has been the most interesting job I have ever had. So why give it up?

There is no reason—rather an accumulation on a great many of them which make me feel that this is the right time. In my 56 years, I have enjoyed several careers. In high school and college days, I played the piano not very well in a not very good dance band, but we had a lot of fun. During World War II, I was a Marine Corps pilot. No one could ever call it fun, but it certainly wasn't boring. After the war I became a lawyer and went home to practice law in Riverhead. 29 years ago this year I ran for public office for the first time—and lost. I continued to practice law and enjoyed that. 25 years ago I ran again and won and have been a public servant for 25 years. It's time to do something different—there's time for at least one more career. When the Brazilian soccer great, Pele, retired, he used a lovely phrase—"A man can't play one game all his life." So that's one reason.

25 years is a long time to be a public servant. 18 years is a long time to serve in Congress. People will vote this year who have never known another Congressman. Heck, how would they know whether I was good or bad if they never had anything to compare me with?

Last year was the first time in my 18 years in Congress that my attendance in the House was not the best of all the Representatives from the State of New York. It was still pretty good, 96%, but it wasn't the best. In 18 years I have never missed a vote because of illness, but I've dragged myself to vote when I was sick. I watch the weather maps, and this week, as so many other weeks over the years, went down to Washington a day early, just to be sure to be there. My motivation to do those things is slipping, and I won't give the people I'm representing anything less than my best, so I want to get out before I am giving them less than my best. So that's another reason.

People expect a great deal from their public servants. Public servants who like being public servants try very hard to give it to them, both because they want to help and because they want to get reelected. But being expected to put in a full day's work at the office every day and a full night's appearance on the banquet or meeting circuit every night can get to be, and has come to be, a bore. I am simply unwilling to do it any more, and that's another reason.

It may be just a sign of old, or at least upper middle age, but people bug me more than they used to. They are asking their government to do more for them, and are willing to do less and less for themselves. This is a broad generalization, and surely unfair to many people, but the people who write to their congressman, and there are about 300 a day these days, are more and more demanding, and the demands get more and more shrill. No one "requests" or "asks" any more, they "demand". The people who bug me most are people who are absolutely, positively, sure that they're right on issues which to me are very close or troubling. I have often wished that I could see issues as clear and simple and one-sided as either doctrinaire liberals or doctrinaire conservatives do. Two-thirds of the Congress is completely predictable. It is more difficult being a moderate, being able to see some validity on both sides of an argument, and then having to either try to work out some suitable compromise or vote for one side or the other. The compromise will be unacceptable to both sides. The vote will be troublesome because you're never all that sure you're right and half the people will be absolutely certain you're wrong.

In addition to being bugged on my votes, all my actions as a congressman and every aspect of my public life, there is now abroad in the land the concept that every aspect of my private life should also be public property. Having fought and voted for years against people having their phones tapped, their mail opened, their tax returns publicized, their bank accounts examined, and for their right of privacy, I am expected to give up all of my own. Public servants are people, too. I would rather give up my public life and get out of the goldfish bowl. So that's another reason.

Last year the Congress was in session 174 days. This means it was not in session 191 days, more than half the year. Last year the Congress voted a so-called "ethics bill". Most of the bill I supported, but I opposed as hard as I could the one provision in the bill which said that I could only earn, outside of Congress, a minimal amount. If I take those 191 days when Congress was not in session and go junketing all around the world at your expense, I am ethical. If I go home and work in my law office, I am unethical. There were loopholes for certain professions. If I write a book, I am ethical. If I write wills or deeds, I am unethical. If I get a hundred thousand dollars a year sitting on my butt and collecting dividends, interest, rents, and royalties, I am ethical. If I work and earn $10,000, I am unethical. Our new no-work ethic makes no sense to me.

Frankly, there are enough loopholes so that by itself, there is no way that the new ethics can either force a Congressman out of office or even cut his income. Congressmen who control businesses can reduce their salaries, which are deemed unethical; increase their dividends, which are deemed ethical. Lawyers can be quote, bought out, unquote by their partners, instead of earning money. Anyone in business can be paid rent, which is ethical, instead of fees or salary which are not. Wives and children can get money the Congressmen used to earn. I decline to play any of those games. My own ethics tell me to get out.

Again this may be a function of age, but I feel increasingly uneasy with the never-ending fiscal irresponsibility of the majority of my own party, and the absolute indifference of both political parties to inflation, the size of our annual deficit, our national debt, or any obligation to pay our bills and balance our budget. The Republicans pay lip service to these things, and then vote overwhelmingly to increase defense spending, start new pension programs, revenue sharing programs, increase tax credits and increase tax cuts, every one of which must, of course, increase both the deficit and the debt. The Democrats vote to increase welfare programs, education programs, health programs, and recognize every national need except the need to pay our bills. In your community people who do not pay their bills are not well thought of, and in the international community nations aren't either.

In any event, neither the Democratic Party nor the House of Representatives is a comfortable place for a Congressman who believes that people should work when they can, earn what they can, save what they can, pay their bills and balance their budgets. And that nations should, too.

One of the things I don't enjoy the way I used to is political campaigns. It was fun being the underdog—all my life I've loved underdogs, and I haven't been an underdog in years. Considering the fact that I'm a Democrat in Suffolk County, the last few political campaigns have been embarrassingly easy. It's probably just as well, for while I used to love to debate with my opponents and cut them up, I don't want to hurt anyone any more, even my opponents. That old instinct for the jugular is gone. So political campaigns themselves have become a burden, rather than the delight they once were.

Another aspect of campaigning which I have come to absolutely dread is fund raising. We run inexpensive campaigns, we have never hired any kind of P.R. outfit, but we do need a little money. In what just might be some kind of a record, I will leave our Nation's Capitol without ever, once, having had a fund raiser in Washington. The parade of daily fund raisers in the Democratic Club or the Republicans' Capitol Hill Club in Washington, whereby the unions, corporations, trade associations, and lobbyists are systematically though legally milked is just so nauseous that we never did it. Instead,

year after year, we have gone back to the same dear friends for political support. Some give money, others give great quantities of time and effort. They have given enough, and I simply can't ask them to give any more—so that's another reason.

At the risk of shocking some of my democratic friends, I am tired of pretending that the accumulated wisdom of the ages has been secretly entrusted only to democratic candidates and democratic officeholders. Some republican candidates are better than some democratic candidates. Some republican congressmen are great; some democratic congressmen are not great. I would like to feel free to say so without being accused of treason or ingratitude and that's another reason.

The work of congressmen has increased greatly, and that's O.K., so has our pay, but so much of the work is nit-picking trivia! As I make this broadcast, we have had 34 record votes this year, and 25% of them were so one-sided and non-controversial that we shouldn't have had them at all. We have already started the waste of time and money involved in useless record votes on such nothing issues as approving the journal of the previous meeting, going into committee to debate a bill, etc. At the end of the session we will count all the votes and brag about how hard we worked, but so many of the votes are junk that much of the time we are spending is boring and wasteful. The day to day operations of the House, the time we spend, the hours of our lives are to a large extent controlled by a small group of procedural nit-pickers, and the leadership seems powerless to do anything about it. No congressman minds working hard on important issues, Lord knows there are enough of them around, but this congressman is weary of wasting his time on drivel. That's a real reason.

There is another element which candor compels me to admit. I'll get a darned good pension if I retire, based on 18 years of Federal service in congress and almost 4 years in the Marine Corps. And no way could I pretend that that's not a real reason, too.

There are other reasons, but I've given you the most important. It isn't the big issues that grind you down, they're the challenge, the opportunity, the fun of my life. It's the little things that over the years, take some of the joy from the job.

Will I miss it? Lord, yes, I'll miss it! Congressmen are treated in Washington at least, like little tin Jesuses. Seven employees are there to fetch me a cup of coffee, get me a hamburger, look up things, take dictation pamper me, flatter me, remind me to get a haircut, and generally ease my way through life. It will be good for me to have to make my own plane reservations and balance my own checkbook.

I'll miss not seeing the capitol dome out of my office window, seeing U.S. Congress #1 on my license plate, being able to park where other mortals can't, getting dinner reservations and concert tickets when other mortals can't, being called "Mr. Congressman", being recognized and asked for my autograph. It's a real ego trip, but I've taken the trip, and it's time to cruise on other waters. Serving people has been what I've enjoyed most and done best; seeking power and using power have never meant anything to me, and I probably haven't done it very well. I'm a lousy log roller, because I won't vote for things I don't believe in in order to get things I really want.

So there you have it. This broadcast has been about me, and it's been far too full of "I", "I", "I". You know how much I have loved being your representative. I will always cherish the opportunity you have given me to participate in the great ongoing experiment of government by the consent of the governed. Thank you for consenting to me for 18 years.

This is neither a funeral oration nor a goodbye. I'll be back next week and the week after and the week after that. This is just the statement that when all the weeks of the 95th Congress are gone, I will be, too. In the meantime, let's have some fun.

To all my democratic friends and supporters—I love you.

To all my republican friends and supporters—happy Lincoln's birthday.

URBAN SPREAD—CONTROL FAVORED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. JEFFORDS) is recognized for 10 minutes.

Mr. JEFFORDS. Mr. Speaker, all across our land a major crisis is developing. That crisis is neither an urban crisis nor an energy crisis but is an agricultural crisis. From Maine to California we are literally running out of farmland and in the years to come the situation will only escalate to devastating proportions. The situation is by no means regionally confined. Almost every region in the country has been struck by this plight and in the end all areas will suffer if we do not act soon.

In the Northeast, much has been written and discussed about energy shortages and population migration. But just as alarming are the facts of urban sprawl onto lands that have for years been farms. As our farms disappear the difference in acreage must be made up by increasing the yield per acre. But, as we know, yield per acre has been steadily dwindling, making it imperative that our prime farmland be preserved.

Regionally speaking, the Northeast has lost over 13 percent of its farmland in the last 15 years; the Lake States have lost over 10 percent; Appalachia, nearly 15 percent; the Southeast, 12 percent; and the Pacific, 5 percent with sharp increases each year. Obviously the situation must be corrected—and soon, before a crisis of major proportion develops. The time to act is now and with public support, the crisis can be averted.

Recently I read an important poll in the San Francisco Chronicle on January 20, 1978, that specifically stated that support is behind the control of urban spread onto agricultural land. I would like to insert that poll into the RECORD at this time:

CALIFORNIA POLL: "URBAN SPREAD" CONTROL FAVORED

(By Mervin D. Field)

In a sharp reversal of the public mood which generated this state's housing boom of the 1950s and '60s, the public today overwhelmingly favors stricter control of "urban spread."

The California Poll found in a recent survey that the public clearly considers farmland protection to have the highest priority.

Asked whether they believe there is still plenty of land left in California for both farms and people, or whether the spread of cities needs to be controlled, only one out of four persons thinks there is "plenty of land for both." Nearly three out of four say they favor controlling the spread of cities.

	Percent
Plenty of land for both farms and people	24
Spread of cities needs to be controlled	71
No opinion	5

What about the American dream of a house, a yard and wide-open spaces that fueled California's suburban boom of the last generation? Would people really favor slowing urban growth if it meant fewer houses in suburbs and the country? When offered this choice, a large majority of Californians—84 percent—agree that California should keep as much of its productive land in food-growing as possible, even if it means building fewer house in suburbs or the country.

In response to a series of tradeoff questions, farming is preferred by the public nearly eight to one over housing and industry, and by almost four to one over parks and recreation uses.

If it comes to a choice between using productive land for farming or for housing, which do you think should come first?

	Percent
Farming	82
Housing	11
No opinion	7

If it comes to a choice between using productive farmlands for farming or industry, which do you think should come first?

	Percent
Farming	30
Industry	12
No opinion	8

If it comes to a choice between using land for parks and recreation or using the land for farming, which do you think should come first?

	Percent
Farming	73
Parks and recreation	19
No opinion	8

If it comes to a choice between using lands for parks and recreation or using the land for timber production, which do you think should come first?

	Percent
Timber production	50
Parks and recreation	40
No opinion	10

Most Californians believe that improving the quality of life in cities would attract more middle-class people to live in cities rather than suburbs. Comments were asked about these statements:

If the quality of life in the center cities was improved, a lot more middle-class people would choose to live in the cities instead of moving to the suburbs.

	Percent
Agree strongly	44
Agree somewhat	36
Disagree somewhat	11
Disagree strongly	5
No opinion	4

The state and federal government should step in with tax money to help cities rebuild themselves.

	Percent
Agree strongly	32
Agree somewhat	33
Disagree somewhat	13
Disagree strongly	12

The story is essentially the same in Illinois also. It is known that 40,000 to 60,000 acres of agricultural land are converted to other uses each year. The urban spread in the Illinois area has had a detrimental effect of farming operations located around scattered developments. Farmers of adjacent lands have had their crop yields reduced by such factors as water runoff from subdivision or ac-

cess roads, by damage caused by trespassing, and by ordinances engineered by subdivision residents to curb the use of fertilizers, herbicides, and other "nuisances."

In essence the problem becomes apparent when two factors occur simultaneously—the loss of farmland and the environmental problems of urban and suburban sprawl. Today we are seeing both occur. Our farmlands are diminishing rapidly and our yield per acre has leveled off and in some commodities it has actually decreased.

The bill that I am reintroducing today is designed to curb the continuing loss of highly productive, naturally efficient agricultural land to urban growth, water resource development, and other uses incompatible with agriculture. Although when I first introduced this legislation I summarized its provisions I would like to briefly outline them again.

First. The bill would establish a commission to more accurately determine the dimension of the problem, and to make recommendations to the Congress and the President about possible modifications in present policies and programs which would further the effort to conserve farmland. Despite increasing awareness of the seriousness of the agricultural land conversion problem, inadequate information exists about this problem at this time. This absence of information is impeding State and local efforts to protect their best farmland, and furthermore, makes it difficult, if not impossible, for Congress to rationally devise national policies at this time. The commission approach will fill this need.

Second. The bill would establish a demonstration program to fund State and local government efforts to demonstrate and test innovative techniques for reducing farmland conversion. Many States and localities are already attempting to develop farmland protection programs. This program would further those efforts without interjecting the Federal Government into land use matters best left in local hands.

This legislation has a broad base of support among many agricultural groups. In this regard, on February 8, 1978, at the mid-winter meeting, the National Association of State Commissioners of Agriculture passed the following resolution unanimously:

National Association of State Commissioners of Agriculture resolution:

Whereas the preservation of the nation's essential agricultural land is vital to the national economy and the feeding of increasing populations and

Whereas the United States is losing its farmland at a rate variously estimated to be one to five million acres annually.

Be it resolved that the National Association of State Departments of Agriculture at the mid-winter meeting in Washington D.C. on February 8, 1978 urge the Congress of the United States to act with all deliberate speed to address the critical problem of attrition of essential farmland, and that the Congress do so by following the principles encompassed in H.R. 5882 (the Jeffords Bill) which are:

(a) that the Federal Government adopt a national policy encouraging the retention of our essential agricultural land

(b) that the formulation of this policy be the product of broad public input, particularly from those involved in production agriculture

(c) that the Federal Government provide financial and technical assistance through cost sharing of demonstration projects in order to assist individual land owners and local public bodies to find ways of stemming the loss of farmland

(d) that the involvement of the Federal government in land use be strictly limited to the encouragement of local initiatives and that the Federal Government shall in no way be authorized to restrict or regulate the use of private land, nor to deprive in any way the property rights or the income from sale of that property, or to abrogate in any way state or local authority over land use.

I move for the adoption of this resolution.

FREDERIC WINTHROP,
Commissioner, Massachusetts Dept. of Food and Agriculture.

Seconded by Ed Eurich.
Passed Unanimously.
Feb. 8, 1978.

The retention of America's prime farmlands in production may well be the most important resource issue to face this Nation now and in the future. The basic and irreplaceable role of food in achieving the type of society we desire in the United States and providing the products we must send abroad for both humanitarian and economic reasons cannot be avoided. We can no longer dream of a "quick fix" from technology or a limitless supply of energy or capital to replace the land as the essential foundation of that food supply. For many reasons—economic, social, environmental—we must place our concern for the future of the Nation's prime farmlands at the top of our priority list.

STATEMENT OF REPRESENTATIVE CHARLES E. GRASSLEY IN SUPPORT OF IOWA'S DECISION TO DECLARE MARCH YOUTH ART MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GRASSLEY) is recognized for 5 minutes.

Mr. GRASSLEY. Mr. Speaker, very soon Gov. Robert Ray of my home State of Iowa will sign a proclamation declaring March as Youth Art Month. The Governor will present awards to the Iowa students whose work has been selected to be exhibited in the State Capitol Building in Des Moines.

I fully support Iowa's decision to place the art work of young people on display in the capitol. Doing so will not only encourage young people to pursue their interest in art, it will encourage us all to think about the relationship between art and democracy.

The following is a statement which I sent to the art educators of Iowa:

ART AND DEMOCRACY

(Statement by Representative CHARLES E. GRASSLEY)

America is the only country consciously founded upon the moral conviction that individual freedom is an inalienable right. This heritage has shaped our nation, and separated it from all others both in our eyes and in the eyes of the rest of the world.

It is the stated policy of our government not to interfere with an individual's right to self-expression. Freedom of the press and freedom of speech are the right of the people by natural law, not by man's law. In other words, the Government does not grant such freedoms, it only guarantees them.

Art in America has flourished in part because our society is open and it welcomes change. Similarly, Art in totalitarian countries, be they fascist or communist, has not flourished. The reason is simple. In a democracy like ours, the free flow of information is necessary, because we believe in the citizen's ability to make intelligent choices for the good of all. In other countries, the flow of information is limited, because the government believes that the people do not have the ability to make decisions that will benefit everyone. And so the power of these government is based upon not only censorship of expression, but censorship of thought.

In Art as in Education, the government may provide access and opportunity. However, it must not dictate policy or declare right and wrong, better or worse, for this is rightfully the prerogative of the people. The creation and enjoyment of Art is an individual experience. It must remain so, because when Art ceases to be a product of liberty, it becomes a tool of repression.

Human progress has, in large part, come from man's ability to know himself, to understand his limitations and potential, both as an individual and a group of individuals with converging goals. Art not only gives man self-awareness, it enhances his ability to learn by challenging his boundless imagination.

Art, like life, is best when it is freely created and freely enjoyed.

I congratulate those whose work appears here in the Capitol. It's an honor to be proud of, not just because this is the seat of government, but because it is the seat of democracy which represents and upholds your right to free self-expression.

CONGRESSMEN CARR AND DOWNEY ERR ON SIGNIFICANCE OF NEW SOVIET SURFACE-TO-AIR MISSILE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, on February 17, 1978, Roland Evans and Robert Novak's syndicated column entitled, "Does Russia's SA–10 Eclipse the Cruise Missile?" was published in the Washington Post. A subsequent "rebuttal" was circulated by Mr. CARR and Mr. DOWNEY, respectively Representatives from Michigan and New York. Regrettably, the Carr-Downey "re buttal" obfusticates numerous technical and policy issues, and simply is incorrect in a number of other assertions. I would like to briefly discuss a few of the most significant points as it pertains to the controversy over the wisdom of the President's B–1 bomber decision.

Carr-Downey assertion:

Significant deployment of the SA–10 by the early 1980s would require the Soviets to produce these weapons at a rate substantially higher than they have achieved in the past with much simpler missiles.

Fact: There is no disagreement in the community of Soviet analysts that the Soviet Union has the industrial base to

support a rapid buildup of SA–10 production if they require it. In the past the Soviets did not have the requirement for a rapid deployment of a new air defense system because: First, they could add increments of new air defenses to their extensive existing system, and second, the U.S. penetrating bomber threat grew steadily, but slowly over a period of more than two decades. Examples of Soviet surge production capability have not been demonstrated, but the fact that the Soviets produce 1,800 to 2,000 combat aircraft per year compared to less than one-fourth that number in the United States suggests that the Soviet Union could produce the large number of SA–10 surface-to-air missile launchers if their political leadership so decided.

Carr-Downey assertion:

It [the SA–10] is optimized for use against penetrating bombers such as these [the B–1 and B–52], and is not nearly so well suited to defending against very small cruise missiles.

Fact: The new generation of Soviet SAM's are not optimized against any particular aircraft, but are suitable for any high-speed, low-altitude aerodynamic threat. These threats can be a manned bomber, a cruise missile, or a short-range attack missile. In addition to the need for a high performance radar and associated signal processing and command and control, there is a requirement for a missile capable of very high rates of acceleration to engage an aerodynamic threat which is within range for a very brief period of time. Soviet air defense technology has reaped the benefits of the enormous investment the Soviets have made in ballistic missile defense technology since the early 1970's—many times our own effort. The existing capability of Soviet air defense radars to detect an aerodynamic object of the size of the first generation cruise missile undefended by electronic countermeasures is formidable. In terms of effective radar cross section—the technical parameter describing the "visibility" of an object to radar—the B–1 has approximately the same radar cross section as the first generation cruise missile—because the B–1's electronic countermeasures reduce the effectiveness of Soviet radar—and the SRAM—short range attack missile—has a radar cross section one-fiftieth of the first generation cruise missile owing to the lack of aerodynamic surfaces and turbine inlets of the cruise missile. Carr-Downey misunderstand the interaction between aircraft speed, the role of electronic countermeasures, and the character of penetration tactics that can be employed against terminal defenses such as the SA–10.

Carr-Downey assertion:

The B–1's only hope is to jam or deceive the SA–10 radar through electronic countermeasures (ECM).

Fact: No. The B–1—and the B–52—can suppress defenses with its short-range attack missiles (SRAM) before it comes within the effective intercept range of the SA–10—or other Soviet terminal defenses. The fact that the B–1 can travel 20 percent faster than the first-generation cruise missile combined with its ECM means that it has a much higher probability of preventing lock-on by the SA–10 radar than would be the case with the cruise missile as currently configured. Thus, the B–1 can exploit a combination of high speed, low altitude penetration, and electronic countermeasures to defeat a modern SAM. The cruise missile must rely entirely on its low altitude flight profile and small radar cross section to evade defenses. If the Soviets are able to exploit modern signal processing technology for their radars—the fundamental aspects of which are widely published in the U.S. and European technical literature—then more energetic measures must be taken to insure that the cruise missile will be able to penetrate Soviet defenses in sufficient numbers to assure that all necessary targets can be attacked. Such measures may include adding ECM and increasing the speed of the cruise missile, but neither of these features are scheduled to be included in the first generation cruise missile.

Carr-Downey assertion:

It is not economically feasible to use SA–10s or any other ground-launched missile for a "border" or "coastline" defense. . . .

Fact: Manned penetrating bombers can attack Soviet targets through a vast number of arrival "corridors" because of the long range capability of the bomber, its ability to adapt to unanticipated defenses, and its navigation system. The cruise missile is a different case entirely. The first-generation cruise missile employs an onboard radar to identify irregularities in local terrain. This information is compared to a computerized "map" of the route to its target. This information in turn is used to "update" the cruise missile's inertial guidance system. The key element of the cruise missile in this regard is the Tercom system which permits the inertial guidance system to be updated. To provide an adequate "fix" for updating the guidance, substantial contrast in local terrain—that is hills or mountains—are required so the cruise missile can navigate accurately. The Soviet Union is, however, notoriously flat; moreover, the United States has proposed a severe range limitation on U.S. air-launched cruise missiles in SALT—that is 1,550 nautical miles. As a consequence, U.S. cruise missile penetration of Soviet territory may be channeled into areas where there is significant terrain contrast to allow precise navigation of the cruise missile. Such a characteristic could be economically exploited by the Soviets as a site for terminal defenses—SAM's.

Carr-Downey assertion:

By 1983 or 1984, we will be deploying a second generation cruise missile, called the Advanced Strategic Air Launched Missile, acronym ASLAM . . . it will pass right through an SA–10 defense unscathed.

Fact: The speed of ASALM and reduced radar cross section are important improvements which reduce vulnerability and justify a vigorous development program. Without going into classified details—which were presented to the Defense Appropriations Subcommittee in testimony by Air Force witnesses—I believe the ASALM should be deployed if successfully developed, but it will not in itself solve the cruise missile penetration problems suggested by the Carr-Downey letter.

DO CONSUMERS BENEFIT FROM EFT AD CAMPAIGNS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the marketing of electronic banking instruments calls into question two of the more critical issues of the electronic funds transfer (EFT) debate: Consumer cost and education.

For example, when New Yorkers pick up a newspaper or turn on a radio these days, there is a good chance they will also pick up an advertising message from Citibank, the Nation's second largest: "The Citi Never Sleeps." This play on words is the slogan of the largest and most expensive media campaign in Citibank's history. It is not a pitch for loans or for checking or saving accounts or for any other traditional banking service. The message is unmistakably that "the Citi never sleeps" while its 24-hour automated teller machines (ATM) are in operation. According to one news report, this campaign will be a major effort involving virtually every form of media, from two page spreads in the Sunday New York Times to 30 second radio spots. Coincidentally, the radio spots remind snow-weary New Yorkers ATM's do not shutdown with the weather.

But what is the primary motivation for implementing these electronic banking instruments on such a massive scale? EFTS is being passed off as the greatest invention since sliced bread and yet, who ultimately is going to foot the bill for all these ads? By their own admission, bankers agree that EFTS is far from paying its own way. Does this mean consumers will be paying more for other services in order to subsidize this grand experiment? By putting ATM's in the hands of Madison Avenue is the motivation cost-saving or purely competitive, to get a jump on other banks? And by tying ATM's to environmental conditions out of everyone's control is the consumer informed or is his dissatisfaction and inconvenience merely preyed upon?

The more central question, however, is whether electronic banking is developing in legitimate response to the consumer or in response to large banks who see a chance of profit. At hearings last fall held by the Consumer Affairs Subcommittee, which I chair, we heard a great deal of testimony on the EFTS section of H.R. 8753. One banker testified that EFT was still in an "embryonic stage of development." Now, though, we see EFT being sold as if it were complete and all the bugs worked out. There are still far too many answers consumers want regarding the cost effectiveness, security, and privacy of these systems.

What happens, for example, if you lose the debit card used to make transactions

through an automated teller? Who is liable, the consumer or the bank? Right now there is no limit of liability as there is in standard credit cards. Or what happens if you are accosted late at night while attempting an ATM transaction and forced to complete it for the sole benefit of a thief? One consumer advocate close to the issue has suggested that banks develop more intricate security systems other than a private identification number, such as voice or fingerprint identification, and that a consumer have the option to push a warning code if forced to make a transaction. The only vital consumer information included in one full page Citibank ad I saw was that consumers get "little receipts" with each ATM transaction. Rather, the ad stressed the convenience of electronic banking and even stated at one point that "once you get started, it is more fun than a pinball machine." Well, I would suggest that consumer finances are a more serious business, involving a great deal of responsibility on the part of both consumer and bank.

Now, I am not one to stand in the way of progress or the free enterprise system. I do not give 2 cents how Citibank wants to spend its money. But I do care when all these ad dollars are being spent to promote a system that could well revolutionize the entire concent of money—consumers' money. We have seen what happened in the credit card industry when many consumers were lured by massive solicitation into purchasing too many credit cards and overextending their credit. As I have stated before, we must get a jump on EFTS now, so it does not develop along the same lines. Progress can be good; we cannot turn our backs on the future. But we can exert some control over issues of such overwhelming significance. The Consumer Credit Protection Act Amendments, H.R. 8753, will give consumers and financial institutions a workable environment in which EFTS can develop.

REMARKS TO THE AMERICAN LITHUANIAN COUNCIL OF LAKE COUNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BENJAMIN) is recognized for 5 minutes.

Mr. BENJAMIN. Mr. Speaker, I was fortunate to be able to observe the 60th anniversary of the independent Republic of Lithuania with the Lithuanian American Council of Lake County, Ind., on Sunday, February 19, 1978.

The council's president, Albert G. Vinick, its first vice president, Antoinette Nenios and all of the council's warm and dedicated members have contributed immeasurably to northwest Indiana.

It was an honor to share the evening with the council and to review with them the Lithuanian human rights' struggle of the past year. Further, to anticipate what action could be taken during the coming year to improve the situation of those still being oppressed.

To commemorate this event, I wish to insert my remarks of February 19 in the CONGRESSIONAL RECORD:

REMARKS BY REPRESENTATIVE ADAM BENJAMIN, JR., TO THE AMERICAN LITHUANIAN COUNCIL OF LAKE COUNTY

One year ago, I had the pleasure of sharing dinner and your company on Lithuanian Independence Day. At that time we spoke of Lithuania's unique culture, its history and its proud struggles.

We sadly recalled the month of August, 1940, when 300,000 Soviet troops dragged the people of Lithuania from their freedom and into the night of political bondage. We took note of the later Nazi occupation and the subsequent reentry of the Soviets. We called upon President Carter to continue to voice the United States' concern for human rights. We prayed that, one day, the Lithuanian people on both sides of the Atlantic might join hands and walk together in the light of precious freedom.

It is again my pleasure to join with you in the observance of the 727th anniversary of the formation of the Lithuanian state and the 60th anniversary of the independent Republic of Lithuania.

It is good to be with you again.

I would like to begin this evening's discussion by reviewing what has occurred in Lithuania's human rights struggle during the past year.

Tomas Venclova, a founder of the Lithuanian group to promote observance of the Helsinki Agreements, in testimony before the Commission on Security and Cooperation in Europe said:

"We have the problem of maintaining our nation. We have the problem of maintaining our culture and enriching our culture and we have the religious problem."

People in Lithuania continue to be brought to trial and imprisoned for expressing their views. Those who refused to be crushed under the boot of oppression and resisted Soviet authority are not allowed to resettle in their own country after serving sentences in camps. High school students are summarily expelled for exhibiting an interest in Russian dissidents, Lithuanian history or religion. We are reminded of the Poet Tomonis who was "treated" in a psychiatrict hospital as others continue to be so "treated". The Russian colonization of Lithuania continues and the flower of Lithuanian youth is enticed into settling in the Soviet Union.

The number of priests in the country continues to decline as only 10 new priests are ordained for every twenty that die. There are no convents or monasteries.

Emigration from the country to the United States for reunification of families and other humanitarian reasons remains difficult. Only twenty persons were allowed to emigrate from Lithuania to the United States in 1971, twenty-five in 1972, eighteen in 1973, twenty in 1974, eleven in 1975, and twenty-one in 1976. It saddens one to make such a recitation.

While the Belgrade Conference continues, distinct violations of articles VII and VIII of the Helsinki final act continue. Unfortunately, Western proposals targeted at reinforcing protection of individuals have little chance of adoption, except in the vaguest of terms and it is unlikely that censure against any country will be expressed in the conference.

In sum, there have been no fundamental improvements in the situation since the last time we met. However, to say that no progress has been made, would be in error.

Testimony and evidence compiled by the Department of State and the Congress clearly establishes that the people of Lithuania are knowledgeable about the Helsinski accord and while non-binding, it provides a sounding board and a bureaucratic mechanism to air grievances. It has sensitized foreign perception of Soviet outrages.

Although the Soviets continue to act with callous disregard for human rights, they are not totally insensitive to the censure of nations. This is evidenced by their many official complaints about "interference in internal affairs."

Further witness the creation and continued existence of the Lithuanian group to promote observance of the Helsinki agreements. As Mr. Venclova states: "As far as the statement that our group's activities demonstrate some freedom of action one could agree that some improvement has occurred or has been achieved."

Finally, the Soviets, last month, opened the city of Kaunus to foreign travel. Previously, special permission was needed to travel to the city. The towns of Druskininkai and Trakai formerly open to only escorted tours, were also opened. Prienai too, has been opened.

Small matters to be sure, but enough to encourage us to rededicate ourselves to a faith in the future.

During the coming year we must reaffirm a faith in our creator, ourselves and the people in Lithuania. We must speak out continuously against the violation of Lithuanian human rights in order that the existence of Mr. Venclosa's group is not threatened and that one day it will not be needed.

Our support must be constant. As Vladimir Bukovsky explained, western aid will only result in greater oppression if it is not permanent. As Venclova says, "looking at it from a general aspect, serious and permanent and continuing efforts on the part of the west can only help."

In discussions with the State Department in preparation for this evening's dinner, I was repeatedly told that organizations such as the Lithuanian Roman Catholic Priests' League of America, the Lithuanian Human Rights Commission and the Lithuanian American Council serve a vital task in providing hard factual information on the situation in Lithuania in the form of news from relatives, travel reports, and smuggled letters and manuscripts.

Stay active. Be firm. Continue in your efforts in this regard.

We in Congress must continue to urge the President and Secretary Vance to seek further travel concessions and a liberalization of the U.S.S.R.'s emigration policy as it pertains to Lithuania. I believe this is an area where results can be attained. Unfortunately, results will not be immediate nor will they be easily achieved.

The struggle continues. Nationalist incidents continue. The *Financial Times* of London reported a series of incidents last year. A Soviet Republic flag was torn down. Students removed a portrait of Lenin from the central post office. Signs saying, "Free Lithuania—Russians Get Out," appeared on public buildings and the old Lithuanian National Flag was raised for a brief moment above the ministry of internal affairs.

For those who have suffered and died; for those in danger because of their courage, let us now be thoughtful of our responsibilities, tender in our love for freedom and tenacious in the pursuit of a noble goal.

In conclusion, let us not judge the smallness of the beginning made, but rather, that the journey home has begun.

Thank you.

THE SIXTIETH ANNIVERSARY OF LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. LE FANTE) is recognized for 5 minutes.

Mr. LE FANTE. Mr. Speaker, 60 years ago, on February 16, 1918, as World War I was drawing to a close, the Lithuanian people declared their political independ-

ence. For 22 years, the free State of Lithuania enjoyed the fruits of cultural and governmental autonomy until it fell victim to the ravages of the Second World War.

Since their incorporation into the Soviet Union, the Lithuanian people, together with the other Baltic nationalities, have suffered not only the loss of their free governments, but the elimination of their cultural sovereignty as well. For upon annexing the Baltic States, the Soviet Union embarked upon a policy of collectivization, nationalizing both industry and agriculture; while conducting mass arrests and undertaking the deportation of thousands. Yet, despite this subjection to the Soviet central planners, the patriotic and religious tenets and spirit of the Lithuanian people has not been eradicated.

Today, after more than three decades of Communist rule, Lithuania is living witness to the fact that mere administrative control over a nation's political institutions does not necessarily constitute a government to which its people have consented.

I deplore the lack of sensitivity on the part of the Soviet Government and the indifferent attitude which they have taken toward those nations and peoples who have sought tc realize the principles expounded at Helsinki. Yet, I am heartened that it has been the peoples of these very nations themselves who have been in the forefront of this fight, courageously insisting, by their words as well as by their deeds, on the just implementation of Basket Three, the humanitarian articles of the Helsinki Accords.

Mr. Speaker, the Congress and President Carter are keenly aware of the importance of human rights in all parts of the world, and both have taken steps to rectify the intolerable conditions under which so many must suffer. Accordingly, on the anniversary of Lithuanian independence, I join with the more than 1 million Americans of Lithuanian ancestry in urging my colleagues to continue their efforts in this direction until all citizens, everywhere, are guaranteed the freedom and basic human rights to which all people, in all lands, are entitled.

HEW LOAN DEFAULT ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

Mr. FORD of Michigan. Mr. Speaker, I am pleased to announce that, after 8 years of neglect and improper management, we finally have an administration which is committed to proper stewardship and administration of Federal student assistance programs. Secretary of HEW Joseph A. Califano, Jr., announced on Thursday a major effort by his Department to insure that the intent of Congress in authorizing student aid programs finally will be met through efficient and responsive management of those programs both by the Government and by postsecondary institutions.

Among the measures Secretary Califano put in place last week are use of computerized bill collection and record-keeping, clarification and enforcement of procedures that institutions must follow to insure that loans are being repaid, audits of information supplied by grant applicants to protect against fraud and abuse, and much more aggressive collection techniques in the case of defaults.

Let me stress something about Secretary Califano's announcement which I think is significant. Unlike others in HEW and the Office of Education who preceded him, he did not attempt to lay the blame for the existing problems with the schools or the banks or the students or even the Congress. Rather, he frankly admitted that much of the problem lies directly with HEW and OE administration, and that he will correct it. While commending the Secretary for his candor, I must state that I do not believe the blame lies with him or his administration of HEW; it lies with the negligent management of the previous two administrations.

This is not the first effort by Secretary Califano to improve the management of HEW's student aid programs. Shortly after taking office, he created a Bureau of Student Financial Assistance, consolidating the administration of all student aid programs. He also appointed two extremely capable administrators, U.S. Commissioner of Education Ernest Boyer and Deputy Commissioner Leo Kornfeld.

Under their leadership a computerized billing system has been established which, by the end of March, will have sent billing letters to all of the 344,000 borrowers in default under the guaranteed student loan program. Operation Cross-Check, a computer match of the HEW payroll against the list of GSL defaulters, has been established. And, finally, over the last 6 months about 1,500 cases have been referred to the Justice Department for prosecution. These cases involve individuals who have refused to repay their outstanding loans.

Mr. Speaker, I am delighted by this initiative. With this kind of management leadership from the Secretary of HEW, Commissioner Boyer, and Deputy Commissioner Kornfeld, we will finally have an efficient and effective system of student financial aid which responds to congressional intent.

Secretary Califano's statement follows:

STATEMENT OF SECRETARY JOSEPH A. CALIFANO, JR.

For two decades, government supported programs of financial aid to students seeking higher education have moved this nation towards realizing the basic American ideal of equal educational opportunity.

Today I am announcing a series of measures to ensure that the three largest student assistance programs in HEW—the Basic Educational Opportunity Grant Program, the Guaranteed Student Loan Program and the National Direct Student Loan Program—are tightly and responsibly managed, both by the Federal government and by institutions of higher learning.

These steps in these important programs will rectify improper practices that have too often characterized student assistance programs and that have resulted from negligent management over the past decade.

The initiatives include: use of computerized bill collection and record keeping, clarification and enforcement of procedures that institutions must follow to ensure that loans are being repaid, audits of information supplied by grant applicants to protect against fraud and abuse, and much more aggressive collection techniques in the case of defaults.

We want these student assistance programs to be operated efficiently. It is our obligation to ensure that the taxpayer's dollars are spent in precisely the manner intended by the Congress.

The Congress, and the American people, expect and deserve no less.

I must underscore a basic point. The problems in two of the three programs I am reporting on today can be remedied quickly, as in the case of the BEOGs program, or are already on the way to being remedied due to actions taken during the last six months, as in the case of the GSL program. In BEOGs especially, we are applying some preventive medicine before more substantial difficulties develop. Both BEOGs and GSL are administered by the Federal government.

BEOGs and GSL are sound programs deserving of public confidence and trust. That is why President Carter's recent proposal to aid middle income families who must bear college expenses focused an additional $1.46 billion on BEOGs, Guaranteed Student Loan, as well as the College Work Study program. Moreover, the management initiatives we are announcing today will be in place before the funds requested by the Administration are spent—and these initiatives will further ensure that the programs are managed in a wholly responsible and fiscally sound manner in the future.

The National Direct Student Loan Program has, however, more serious difficulties. This program—which is administered not by the Federal government but almost exclusively by educational institutions—has been operating at a default rate that may be as high as 20 percent. We have found that approximately 700,000 students had defaulted on their NDSL notes, and there is approximately $600 million in unpaid principal.

These serious problems are largely responsible for our decision not to include NDSL in the President's balanced student assistance package aimed at reducing the burden carried by middle income families with children in higher education.

When we arrived at HEW a little more than a year ago the problems in student assistance programs fell into four broad categories:

For the last several years, HEW had poorly administered the programs. The department had failed, in many areas, to develop adequate regulations and procedures to ensure the honest administration of these loan and grant programs, and it did not enforce effectively those regulations that it did publish. In addition, almost no steps had ever been taken by HEW to collect on the loans that it acquired from the original lenders through defaults.

Administration of the assistance programs by colleges, universities and technical schools was often lax or non-existent, partly because HEW never made clear what would be required but partly through the inattention of these institutions themselves.

Some of the schools enrolling students through the use of financial assistance programs offered little of educational or vocational value and were thus exploiting the students and improperly taking their loan money.

Finally, thousands of students did not view their obligation to repay their loans seriously. Let me now review in more detail the problems we found and the steps we have taken—most of which have not been announced previously.

THE BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

When we assumed office in January, 1977, none of the information supplied on the Basic Grant application form was verified prior to an award being made. There has

been a growing concern that some applicants were supplying false information in order to meet eligibility criteria or to receive higher awards than they deserved. For example, a September, 1977, GAO report estimated that about seven percent of the awards in 1974–75 were made to ineligible students.

Beginning immediately, the Office of Education will implement new procedures to substantiate data reported by 200,000 applicants annually before the grant is awards. Through various sampling methods, any applicant may be required to substantiate the information he or she has provided—in much the same way a tax return is selected for an audit by the IRS. In addition, applications resubmitted with the revised data will be subject to intensive computer screening.

By these relatively simple techniques, we seek to reduce significantly the potential for fraud and abuse in the otherwise highly successful and highly regarded BEOGs program.

THE GUARANTEED STUDENT LOAN PROGRAM

More complex problems plagued the Guaranteed Student Loan Program. In January, 1977, there were over 300,000 defaults in the federally insured loan program, involving approximately $300 million in unrepaid principal and interest. Although 87 percent of the loans were in repayment, the default rate of about 13 percent was simply too high. Collections on these defaults were not being effectively processed in the Office of Education, and the number of defaults was increasing rapidly.

Under the program, the Federal government had paid the initial lender. Then the Department failed to collect from the borrower. Record-keeping was loose; most student defaulters had not heard from the government about their indebtedness for more than five years; and cases were rarely referred to U.S. Attorneys for investigation and possible prosecution.

In addition, some students did not understand their initial obligations under the program and were not adequately informed by lending institutions. Some marginal educational institutions were misleading students about the courses offered—even committing outright fraud—and, as a result, students quickly dropped out of school but failed to recover their tuition. And, in other instances, schools used phantom students to gain grants improperly.

In the past year, a number of actions have been taken to deal with these problems, including the following:

A Bureau of Student Financial Assistance was established in the Office of Education to consolidate, streamline and upgrade the administration of all student financial assistance programs, and Leo Kornfeld, an education consultant and an expert in computer and financial systems, was brought in to head the new unit.

A computerized billing system was designed so that borrowers will know how much they owe and when they are expected to repay.

The Bureau sent billing letters to over 100,000 defaulters, and by the end of March letters will have been sent to all 344,000 borrowers currently in default under this program.

In the last six months we have referred about 1,500 cases to U.S. Attorneys, compared to some 150 in the previous ten years.

Operation Cross-Check was begun—a project that includes a computer match of HEW's nationwide payroll against the Guaranteed Student Loan default file. A match of 317 names resulted, and billing letters were mailed to each. Of these 317 individuals, 184 have agreed to repay their loans or initiated repayment; 33 were accounts written off due to death, disability or bankruptcy; and 62 individuals could not be located. If these individuals can be found, they, and the 38 additional individuals who contest their indebtedness, will be subject to new collection procedures.

Additional actions to improve the administration of the Guaranteed Student Loan Program are also being undertaken this year and include the following:

Pursuant to an agreement with the Civil Service Commission, HEW has used computers to match the Central Personnel Data file of all active Federal civilian and Postal employees against the GSL default file. The match—which was run on February 7, 1978—has revealed 6,738 persons whose names appeared on both lists. Approximately $7.5 million in loan principal is involved.

More than 100 proprietary schools are under investigation by the Inspector General for fraud and abuse relating to the GSL program.

Regulations have been published authorizing the Office of Education to limit, suspend and terminate institutions from participating in the program.

Beginning this Spring, all institutions entering the program will be reviewed for the adequacy of administrative and fiscal standards before they are allowed to participate, and institutions presently in the program will be reviewed over a three year period. In addition, the Office of Education will continue its program of onsite reviews of institutions to check, in a more indepth fashion, the adequacy of student aid administration.

We will intensify collection efforts. We will rely primarily on HEW employees, but we will contract with private collectors on an expeperimental basis in two regions. We will also begin new training programs in debt collection practices for the Federal personnel. In carrying out these efforts, we will respect the privacy and other civil rights of the borrowers, and will require that the guidelines set forth in the Fair Debt Collection Practices Act be scrupulously observed. It is for that reason that I wanted to proceed slowly with private collection agents to ensure that delegations of governmental functions could be carried out in a lawful, responsible fashion.

THE NATIONAL DIRECT STUDENT LOAN PROGRAM

As of June 30, 1977, as I noted earlier, an estimated 700,000 students had defaulted on NDSL notes, involving about $600 million in uncollected funds. Because NDSL works on a revolving fund principle, each defaulted loan results in a dollar-for-dollar reduction in the amount of aid available.

An audit by the GAO as of June 30, 1976, has also suggested that institutions were then holding an excess of $61.3 million in federal funds beyond the amount needed to make loans over the succeeding 30 days.

To get control and begin to reduce the rate of default in NDSL loans, I am directing the Office of Education to take several actions both to facilitate and to require better management in the months ahead of the NDSL program by participating institutions.

During the spring of 1978, OE regional offices will conduct workshops for institutional financial aid and business officers, stressing adherence to the so-called "due diligence" requirements and procedures that institutions should observe in their relationship with student borrowers.

OE will conduct on-site program reviews at selected institutions where the student default rate is above average, and will make specific recommendations for improving the administration of the program.

Institutions with the highest default rates will be encouraged to seek targeted federal funds under the Developing Institutions program to strengthen the management of their student financial aid programs.

For the first time, HEW will implement that provision of the Education Amendments of 1972 that enables institutions to assign loan notes in default for more than two years to the Office of Education. Institutions will thereby forfeit the prospect of regaining their 10% share of the principal; but OE estimates that institutions will have transferred about 15% of all outstanding loan defaults for government collection by September 30, 1979.

HEW will seek Treasury/IRS support for a legislative amendment to the Tax Reform Act of 1976 that will permit IRS to provide participating institutions current addresses of defaulted borrowers.

If participating institutions continue to fail to practice due diligence in collections, OE will take appropriate action to limit, suspend, or terminate the institutions participation in the program.

To correct the problem of excess federal cash held in some participating institutions, HEW will:

Build a new requirement for a cash flow analysis into the upcoming revision of the NDSL HEW Audit Guide.

Formally obligate institutions to withdraw from their account with the government only those funds needed for loan operations during the next 30 days.

Develop procedures for determining and "recapturing" excess amounts of Federal capital from the revolving funds of participating institutions, in time to affect allocations for academic years 1979–80.

With these new initiatives, we will continue the task we began last year, managing student assistance programs with the fiscal integrity and responsibility that will gain the respect of the American taxpayer.

These programs are of great value to hundreds of millions of our citizens. As we ask Congress to continue and expand student assistance, we must demonstrate that the programs can be operated without fraud, abuse and error.

The steps I am announcing today will take us a long distance toward that important goal.

WILL THE UNITED STATES OF AMERICA BE A WRECKER IN INTERNATIONAL MONETARY AFFAIRS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

Mr. NEAL. Mr. Speaker, on Wednesday, February 22, we will debate H.R. 9214, a bill to amend the Bretton Woods Agreements Act to authorize U.S. participation in the supplementary financing facility of the International Monetary Fund.

The impact of our consideration is tremendous. In fact, a negative vote would send economic shock waves around the globe, imperiling the economies of many nations. In the long run, a negative vote would mean the loss of U.S. jobs and profits, to the detriment of our own economic recovery and the well-being of millions of Americans.

The Christian Science Monitor, in an article of February 21, declares that the U.S.'s monetary reputation is at stake in this one issue. The article takes a penetrating look at some of the implications, and I here commend it to the attention of my colleagues:

[From the Christian Science Monitor, Feb. 21, 1978]

UNITED STATES MONETARY REPUTATION AT STAKE

(By David R. Francis)

BOSTON.—The United States stands in danger of being regarded as a wrecker in international monetary affairs.

Congress clobbered the proposal of former Secretary of State Henry A. Kissinger for a $25 billion "safety net" for helping industrial countries finance their massive international payments deficits resulting from the quadrupling of oil prices.

Now the House might well defeat legislation enabling the U.S. to participate in the so-called "Witteveen Facility." This is a $10 billion emergency capital pool negotiated by the International Monetary Fund to help any country—developing or developed—overcome its international payments problems more gradually than might otherwise be possible.

The bill was first scheduled for a floor vote February 2. But a whip count showed 274 votes against it, easily enough to defeat it. The vote was delayed to enable the administration to try to turn some 60 votes around.

Another vote was planned for February 15. But once again it was delayed, this time to today.

UNITED STATES SUPPORT CRUCIAL

If the measure does fail, the entire Witteveen Facility proposal will go out the window. Other nations, including members of the Organization of Petroleum Exporting Countries (OPEC) will refuse to join in.

Rep. Henry Reuss (D) of Wisconsin, chairman of the House Banking Committee, warns of the dangers of defeat of the financing facility. "If the deficit countries have to impose draconian restrictions on their economies to cut imports, the repercussions would be felt throughout the world economy, including in the United States."

He went on: "U.S. markets abroad would shrink. Waves of protectionism would set in. Confidence in the stability of the world financial system would be damaged. There would be even greater pressure on the U.S. dollar, which is being held in huge amounts by traders and investors around the world."

"These are chances we can't take," he told the Monitor.

Of course, it could be that none of this will happen. The international monetary system has got by so far without a safety net or Witteveen facility, relying mostly on private financing of the OPEC-created deficits. These surpluses have amounted to around $178 billion since 1974, or roughly $44 billion a year. The $10 billion new IMF fund wouldn't go too far against such huge sums.

SUPPORTERS VOCAL

Nonetheless, the Carter administration and congressional economic experts like Mr. Reuss and Sen. Jacob K. Javits (R) of New York are keen to see the U.S. $1.74 billion participation.

One reason, as noted by Mr. Reuss, is risk reduction. Commercial banks have been attempting to temper the growth in their loans to developing countries. If loans to an important developing country should go sour, bank credit could dry up quickly. Many developing countries might have to trim their imports suddenly.

The Witteveen facility is intended to give the IMF the capability of offering sufficient credit to make it tempting for a nation to comply with its "conditions"—economic measures intended to reduce the deficit.

Another advantage of the facility is that it involves the OPEC nations. Says Mr. Reuss: ". . . the oil countries are putting up 48 percent of the money compared to the U.S.'s 17 percent. It is a good deal for us."

OPPOSITION VARIED

Congressional opponents of the Witteveen facility argue that it is foreign aid (unpopular in an election year), that it is a bail-out for the banks, or, from the liberal side, that it should include a provision restricting loans to nations violating human rights.

Actually, the facility would be making loans that are to be repaid with interest at a rate about ¼ percent more than the U.S. Treasury rate. So it isn't really foreign aid.

Nor is it a bail-out. Commercial banks aren't likely to decrease their total loans to the poor countries. Even if it was, is that necessarily bad? The banks have done the world a great favor by their financing operations. Without them the world recession would have been more severe.

As for the human rights question, that is not an issue to saddle an international institution such as the IMF with. If every country attached conditions on loans to that body (say prohibitions against loans to South Africa or Communist dictatorships such as Vietnam and Romania or participants in some war such as Ethiopia and Somalia), the IMF would soon be highly politicized at the expense of world monetary stability.

Aside from its economic repercussions, failure of the bill will damage U.S. standing in the world. Noted an IMF spokesman: "I'm afraid U.S. credibility and strength in international negotiations would feel it."

Mr. Speaker, I now address a complication upon which passage or failure of the bill may depend—indeed, upon which may rest the success or failure of the International Monetary Fund.

It is my understanding that a "human rights" amendment will be offered when we consider H.R. 9214. While I abhor the denial of basic human rights anywhere in the world—and respect and share fully the concerns of human rights advocates—this bill is not a proper place to pursue this worthy cause. In fact, imposing such restrictions on the considerations made by the IMF would be in direct violation of the articles of agreement of the IMF, which we have supported for the past 33 years.

The problem with adding human rights language to the bill is not that of intent, but of precedent. Since its inception, the IMF has not been politicized to its detriment. If we open the door to such considerations, the logical consequence would be for other participating nations to want to impose conditions of their own. Such conditionality could touch upon extremely volatile issues, such as those which presently exist in the Middle East, and well might lead to the destruction of the IMF. So, in being the first nation to insist that the IMF make political, or even moral considerations, we might be reducing people to the status of poker chips as we gamble their human needs against their human rights.

The Washington Post, in an editorial of Monday, February 20, raised this very same point. I hope that my colleagues will read it before they consider amending H.R. 9214. The editorial follows:

[From the Washington Post, Feb. 20, 1978]

WHEN HUMAN RIGHTS ARE WRONG

Congress is once again trying to decide how far the United States can go in exporting its political standards to other countries. This time the focus is, remarkably, a financial bill to increase international support for countries with balance-of-payments troubles. The bill has already fired up an intensely ideological debate over American responsibilities to pursue social justice abroad. When it comes to the floor of the House—it's currently scheduled for Wednesday—Rep. Newton Steers (R-Md.) is going to offer a human-rights amendment. That amendment constitutes a classic case of good intentions gone wrong.

If the bill is beaten, it will be a jarring defeat for the American effort to preserve a stable world economy. If it is passed with the human-rights amendment, it will bring this country into repeated collision with other nations over their sovereignty and their internal politics. Worse, it will politicize the world's central monetary pool with genuinely ugly possibilities for future discrimination by other countries with other purposes.

The International Monetary Fund is one of those large gray institutions whose operations rarely draw much notice. But its job is crucial. World trade has soared over the past decade and created vast and unexpected flows and surges of money among countries. The IMF lends to the nations that are under pressure, to prevent defaults and currency collapses. Fear of defaults chills world trade and starts a spiral of unemployment. The danger is not hypothetical. It happened in the 1930s.

The IMF operates a central kitty to which its members contribute and from which all of them, including the United States, draw as needed. But with the huge increases in oil prices, most of the oil-importing countries are now running unprecedented trade deficits. To help carry them along, it is urgent to expand the IMF's kitty The present plan is a $10 billion increase, with the United States contributing one-sixth and the oil-exporting countries, led by Saudi Arabia, putting up nearly half. This new credit is known, after the IMF's director, as the Witteveen Facility. The endangered bill before Congress is to authorize the American share.

It has set off an avalanche of doubts and objections in the House. Some of them have real substance, like the fear that the oil deficits are becoming self-perpetuating and are dragging down the growth of the world's economy. That's probably true, but the drag will become rapidly worse if the IMF runs short of money. You could argue that the Witteveen Facility itself solves nothing, but only buys time—probably about three years. But that's time worth having. It would be irrational to kill the bill because it only insures the world's monetary system, instead of gloriously reforming it.

Mr. Steers, incidentally, recognizes that point and intends to vote for the bill whether the House accepts his human-rights amendment or not. But a lot of his support on the amendment is coming from young Democrats who see a looming issue of ideology and social justice. When the IMF makes a loan to a country with a large and rising deficit, it usually insists as a condition that the country do what it can to help itself—which usually means cutting public spending. That strikes some of the Democrats as reactionary. The Steers amendment contains language requiring the U.S. representative to the IMF to do everything in his power to prevent "deprivation of basic human needs." When Britain got that vital loan from the IMF in late 1976, it had to agree to cancel some future social benefits. Did that contribute to deprivation? In a sense, it did. But even the poorest of Britain's people was left better off than if the pound had kept falling.

The human-rights activists are drawing on American experience at home, under a constitution—specifically, experience with the Civil Rights Act of 1964, which cuts off federal money to offenders. The people supporting this amendment want to strike in the same way at repression in countries like South Africa. But South Africa can get along without IMF support. The urgent cases in the coming months are likely to be countries like Portugal, Turkey and Spain. The Arabs would doubtless be glad to help Congress declare monetary warfare against South Africa. But if the IMF is turned into a political weapon, the Arabs are likely to use it against other and more vulnerable targets.

It's true that the Witteveen Facility is a limited and rather unsatisfactory device. It cannot do much for civil rights abroad, and ought not be asked to try. It cannot carry much of a freight in social values, other than

the simple principle that stable prosperity is better than the alternative. It cannot reform the wicked or chastise the sinful. It can do only one narrow, technical job. But that job is essential.

CONFERENCE REPORT ON H.R. 4544, BLACK LUNG BENEFITS REFORM ACT OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Pennsylvania. Mr. Speaker, on February 6 the Senate unanimously approved the conference report on H.R. 4544, the Black Lung Benefits Reform Act of 1977. On February 15, this body approved the conference report overwhelmingly. I hope the President will quickly sign this equitable piece of legislation into law.

The history of this bill and of the black lung program is long and complicated. Although this program has provided compensation to thousands of miners suffering from this harsh disease, the program has often been administered in an arbitrary, inconsistent, and time consuming fashion. My office has spent countless hours attempting to untangle the bureaucratic maze placed in front of elderly suffering miners. It is unfortunately true that many miners have died from this terrible disease during the years it has taken to process their claims. This legislation will go far toward streamlining and bringing a sense of equity into that system.

The bill will provide an automatic review of all denied or pending claims. These claims will be reviewed in light of all available medical evidence, under standards no more restrictive than the "interim" standards issued by the Secretary of Heath, Education, and Welfare. Claimants will have an opportunity to update their medical evidence during this review. The reviewing agencies will be prevented from engaging in lengthy and time consuming X-ray rereading; rather they must accept the reading of a board certified radiologist.

In the future the taxpayers will be relieved of the burden of underwriting the program. The full cost of this program will be borne by the coal operators. In this regard I wish to thank my colleagues on the Ways and Means Committee for their magnificent cooperation in funding this program, and especially to that committee's distinguished chairman, Mr. ULLMAN.

My gratitude, as well as that of the miners in my district, goes especially to my distinguished chairman, Mr. PERKINS and the distinguished subcommittee chairman, Mr. DENT. These two colleagues gave birth to the black lung program and continue to work tirelessly for its improvement, I also thank Chairman PERKINS for his kind remarks concerning myself, it was a pleasure to work with him in this cause.

This legislation has been termed "special interest" legislation by colleagues and others. I think the unanimous vote of the Senate and the overwhelming vote of this body show clearly that this legislation is considered important, equitable, and necessary by all sectors of the country. If the proposition is that it is in some way evil for the Government to have a direct, compassionate concern for those who have been totally disabled while supplying the Nation with a vital energy source, I could not disagree more strongly. I would like to quote the words of the gentleman from New Jersey (Mr. THOMPSON) during the debate on the conference report:

> We should never lose sight of what we are doing here today. Thousands of elderly, disabled miners are living out their lives around the country in pain and in suffering. What we are doing here today is giving them some compensation for that suffering and giving them a measure of fairness, justice and decency

This interest in equity and justice should be the special interest of our Government. If that be the special referred to I can heartly support it.

INTRODUCTION OF RESOLUTION TO OVERTURN ADMINISTRATION DECISION NOT TO PROVIDE IMPORT RELIEF FOR U.S. FASTENER INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, on December 12, 1977, the U.S. International Trade Commission found that the domestic fastener industry—the makers of ferrous nuts, bolts, and screws—were being seriously injured by import competition and recommended a 5-year program of relief so that the domestic industry could modernize and better prepare itself to compete.

On February 10, 1978, the President rejected the ITC recommendation and indicated that he was providing no relief for the domestic industry.

In this action, international politics has again intervened and overridden a critical domestic economic need. Trade policy should be made more responsive to economic considerations. The decision to disregard the International Trade Commission recommendation was made by the silk hat crowd who demonstrate to a glaring insensitivity to the injury to American jobs and production. The administration is pursuing a very dangerous course in inviting a legislative initiative.

I am, therefore, introducing a resolution, as provided for under the Trade Act of 1974, to overturn the administration's action and implement the International Trade Commission's recommendations. I am taking this action, because I believe the administration has committed a grave error which must be corrected by the Congress.

AIRCRAFT SALES TO SAUDI ARABIA AND EGYPT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FREY) is recognized for 5 minutes.

Mr. FREY. Mr. Speaker, the decision recently announced by President Carter to cut back Israel's request for F–15 and F–16 aircraft, and to sell the F–15 and F–5E to Saudi Arabia and Egypt, is the wrong decision. What is needed is to put oil on troubled waters, not gasoline on a fire that is burning. It appears to me that holding up the arms sale can be used as a means of helping the parties reach an agreement. This appears to be just another blunder of our Mideast policy which started with the U.S. attempt to bring the Russians back into an area where their power and influence was at a low ebb. This, together with other recent decisions such as the giveaway of the Panama Canal and the apparent desire to recognize Castro's Cuba, raises deep concerns about the direction and commonsense of American foreign policy. I would certainly hope that the administration would reexamine its position and hold up any sales to Egypt and Saudi Arabia until peace agreements between Israel and Egypt have been reached.

THE PROPOSED SALE OF 60 F–15 AIRCRAFT TO SAUDI ARABIA

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a memorandum prepared by the American Israel Public Affairs Committee and released in January 1978, and a response to that memorandum which I requested from the Department of State on February 2, 1978.

This proposed sale of 60 F–15 aircraft to Saudi Arabia will produce considerable debate and controversy in the Congress. I believe that these two memorandums provide a useful background setting for the debate which will ensue.

The memorandums follow:

[Memorandum from the American Israel Public Affairs Committee, Washington, D.C.]

F–15's TO SAUDI ARABIA—A THREAT TO PEACE

SUMMARY

The Administration has confirmed its intention to sell 60 F–15 fighter-bombers to Saudi Arabia. The sale will raise tensions and upset the military balance in the Middle East, endangering American interests and peace prospects.

The aircraft

The F–15 is the most advanced air-superiority fighter in the world. It is capable of long-range attacks and interceptions. F–15s would enable Saudi Arabia to strike deep into Israel.

Saudi military strength

Purchases of more than $12 billion in the last four years have made Saudi Arabia a fourth confrontation state on Israel's borders. The Saudis are acquiring 110 U.S. F–5E fighters, 550 French and American tanks, 6,000 anti-tank missiles and three mobile SAM systems. The Saudis are building up a total military infrastructure to base, maintain and operate a major military force.

The effect of an F–15 sale

Sale of F–15s will mean a tripling of Saudi air strength compared with 1973. The F–15s

firepower and payload will mean a dramatic qualitative increase in Saudi strength. An F–15 sale will require that the U.S. sell the Saudis advanced airborne radar systems such as the E–2C or E–3A (AWACS). The presence of so advanced a weapons system on Israel's borders will not enhance Saudi Arabia's security. Instead, it will make Saudi participation in a future Arab conflict with Israel more likely.

The Saudi threat to Israel

Saudi Arabia is now constructing a major airbase at Tabaq—only minutes flying time from Israel's Red Sea port of Eilat. Similar military preparations are underway elsewhere. Saudi leaders have pledged to use their military equipment against Israel and are coordinating military planning and training with Egypt, Jordan and Syria, sometimes in violation of U.S. law.

Who threatens Saudi Arabia?

An attack from Iraq is unlikely, and F–5Es and Improved HAWK anti-aircraft missiles already in Saudi Arabia would provide defense. Iraq is deterred by its strained relations with Syria, by hundreds of miles of desert and by Iran. The Saudis are not likely to assume a direct military role in northeast Africa and an attack from Iran is unlikely. More likely is an internal coup against the monarchy leading to the F–15's falling into radical hands.

Israel's F–15s

Israel is acquiring 25 F–15s and has requested 25 more. While Arab states can buy from the USSR, Britain, France and the U.S., Israel can only look to the U.S. for advanced military equipment. America's aim of assuring Israel's security will be directly undermined by an F–15 sale to Saudi Arabia, whose planes with long-range lethal missiles could neutralize Israel's F–15s on a one-to-one basis and pose an unprecedented threat to Israeli bases and cities.

U.S. policy formation

The F–15 sale has elicited widespread concern and opposition. The U.S. Air Force reportedly promoted an F–15 sale to amortize cost overruns. The Arms Control and Disarmament Agency opposed the sale, as did the Defense Department's Office of Policy Analysis and Evaluation.

The General Accounting Office had sharp reservations, noting that F–5Es had fulfilled Saudi defense needs; that American advisers are active inside the Saudi military; that there are problems in Saudi assimilation of F–5Es already delivered; that Saudi Arabia is in no danger of being overrun; that an F–15 sale would obligate the U.S. armed services to provide many more skilled technicians to Saudi Arabia; and that there are no controls to present unauthorized use of U.S.-supplied military equipment.

Although an advanced interceptor was committed by the previous Administration, the sale of this particular aircraft need not go through for this reason alone. In fact, such a sale is contrary to recent Presidential Review Memorandum–12 restricting U.S. arms sales.

The effect on peace prospects

The F–15 would encourage the Arab states to seek military solutions and undercut negotiations. Saudi diplomatic policies to date have not been sufficiently forthcoming to justify an F–15 sale. Saudi oil "moderation" is also a myth since its oil policies have actually been self-serving and damaging to the West. Quadrupling of oil prices is undeserving of a reward. Finally if Saudi-U.S. friendship hinges on the sale of F–15s, then the basis of this friendship requires reevaluation.

Conclusion

In view of the above facts, the sale of F–15s to Saudi Arabia is contrary to U.S. national interests and should be blocked by Resolutions of Disapproval in the House and Senate.

The Administration has confirmed its intention to sell 60 F–15 fighter-bombers to Saudi Arabia. The sale of the F–15, the most advanced fighter-bomber in the world, will neither promote nor enhance regional stability. On the contrary, the presence of F–15s in Saudi Arabia will raise tensions and upset the military balance in the Middle East.

1. THE AIRCRAFT

The F–15 is an advanced air superiority fighter-bomber noted for its versatility maneuverability, and firepower. The F–15 can outclimb and outmaneuver any aircraft now in service.

An all-weather fighter capable of speeds beyond Mach 2.5, the F–15 is armed with a 20 mm. cannon, a computer-guided gunsight, and four medium-range radar-guided AIM–75 Sparrow and short-range heat-seeking AIM–9L Sidewinder air-to-air missiles. The aircraft is designed to find, identify, engage, and destroy any aircraft now in existence or expected to be a threat through the 1980s. The F–15 has a look-up/look-down radar as well as a shoot-down capability. It is capable of mission turn-around times of twelve minutes.

The F–15 can carry up to 12,000 pounds of external air-to-ground ordnance, a reportedly without sacrificing its air-to-air capabilities. Although its combat range is classified, reliable unofficial sources estimate the F–15's combat radius is about 500 miles for an air superiority mission and from 300 to 900 miles for ground strike missions.

The F–15 is aided by an advanced radar system which provides long-range detection and tracking as well as a central computer which assures the most effective fire control. The F–15 may also be used for electronic countermeasures (ECM). A ECM set has been developed for the F–15, and is designed to confuse enemy radars and disguise incoming attack forces.

In any mode, the F–15 is designed to overcome the most advanced aircraft, missiles and radars presently manufactured by the Soviet bloc, Britain, or France.

2. SAUDI MILITARY STRENGTH

In the last four years, Saudi military acquisition has increased dramatically. Since 1973, Saudi Arabia has spent more than $12 billion on advanced weapons and military construction. As a result, Saudi Arabia has become a potential fourth confrontation state on Israel's borders, and the acquisition of F–15s would significantly enhance Saudi Arabia's offensive capabilities.

Saudi Arabia's arms purchases have already satisfied any foreseeable defensive needs. The Saudi armed forces are increasingly capable of sustaining offensive operations in the air, on land, and on the sea.

In aircraft, Saudi Arabia is receiving 110 special upgraded F–5E fighters from the U.S. The F–5Es are equipped with Maverick television-guided air-to-ground missiles (which make the F–5s potent bombers) and Sidewinder AIM 90 air-to-air missiles. A recent exhaustive year-long evaluation carried out by the U.S. Air Force and Navy has shown the F–5E to be a much more effective dogfighter than expected.

The Saudis have purchased 300 French AMX–30 and 250 American M–60 main battle tanks. Two thousand TOW and 4,000 Dragon antitank missiles have been acquired from the U.S.

For mobile air defense, the Saudis have bought the American Improved Hawk, the British Rapier and the French Shahine (Crotale) SAM missiles.

For naval operations, the Saudis have ordered guided missile boats, patrol ships, attack craft, hovercraft and frigates.

The Saudis are not merely buying an inventory of weapons but are engaged in a thorough and systematic program to develop from the ground up a complete military infrastructure, including airfields, naval port facilities, radar and communications systems, supply depots and related logistical support, and maintenance and repair facilities, as well as thorough training of personnel to maintain, operate, repair, command and administer the weapons and facilities. Whereas the Libyans, by contrast, are acquiring large amounts of equipment but lack an infrastructure commensurate with their weapons inventory levels, Saudi Arabia is acquiring basing, operating, and maintenance facilities which exceed the requirements of current inventories and lay the groundwork for considerable future growth.

3. THE EFFECT OF AN F–15 SALE ON FUTURE PURCHASES

Sale of the F–15 to Saudi Arabia would provide the Saudis with ten multirole fighter squadrons (seven squadrons of F–5s, three squadrons of F–15s), enhancing their combat capability dramatically.

There will be a tenfold increase in the number of Saudi combat aircraft compared to 1967 and a threefold increase since 1973. The increase in weapons payload will be even greater: An increase of 2700 percent over 1967 and 500 percent over 1973. And the new aircrafts will be superior in range, maneuverability, top speed, low-level penetration capability, avionics, weapons delivery equipment, electronic countermeasures, cannons, and missilery. Even if operated at 50 percent efficiency, the new equipment would represent a very significant augmentation of existing Saudi, and Arab, capabilities.

The F–15 is more difficult to maintain than the F–5. In fact, the USAF continues to rely heavily on McDonnell technicians to maintain its own F–15s. Thus there would be considerable involvement of private U.S. personnel in Saudi combat support who would not be subject to control by the U.S. government.

Such enhanced capabilities would not end with the acquisition of the F–15: For most effective performance, the F–15 requires support from advanced ground or airborne radars. The F–15's own radar can focus at long ranges but cannot scan wide, distant areas. It thus needs assistance to search for, acquire and lock on to targets. Also, to assure accurate identification of distant targets as "friend or foe", (IFF) large support radars are again required.

Thus, according to a study by the Center for Defense Information, the sale of the F–15 would mean that an additional sale of advanced radar systems would be required in the future. Because of Saudi Arabia's large area and long borders, the likely candidates would be either the Grumman E–2C Hawkeye or the Boeing E–3A (AWACS). Such airborne radars would further enhance Saudi offensive capacity, and further destabilize the Arab-Israel military balance. The alternative to airborne radars would be ground systems, requiring thousands of American technicians.

4. INVOLVEMENT IN FUTURE CONFLICT

The presence of F–15s in Saudi Arabia would almost make certain direct Saudi involvement in any future Arab-Israel war.

If Saudi intentions are ambiguous or appear to be leaning toward involvement in a war, the Israelis will have to take this into account. During the Arab attack against Israel, should F–15s be stationed at or transferred to bases in the northwest, the threat posed to Israel may compel the Israeli Air Force (IAF), faced with a multifront war,

to undertake immediate strikes against these bases and aircraft even if Saudi Arabia had not yet brought its forces into the war. Moreover, the threat posed by F–15 aircraft in Saudi possession would constitute a much greater additional burden on Israeli defenses than any aircraft now with any Arab forces. The Policy Planning staff at the Department of State raised all these concerns during internal debate last year. Saudi F–15s would:

Divert IAF squadrons from other theatres;

Complicate the identification problems of the IAF;

Pose a threat to the survivability of the Hawkeye airborne early warning and control system on which Israel now depends heavily and force the diversion of Israeli F–15s from other tasks to expand the combat air patrol dedicated to defending the Hawkeye; and

Very significantly enhance the threat of Saudi strikes against Israeli military and civilian targets on the ground.

The Saudis, for their part, would have to assume that Israeli attacks on the northwestern airfields would be more likely than ever before, and might for this reason conclude that staying out of the war, an option that might otherwise have been feasible, would in the circumstances be foreclosed by the logic of the new situation. Thus, the transfer of advanced combat aircraft to Saudi Arabia might set in motion a cycle of defensive/pre-emptive calculations on both sides.

5. THE SAUDI THREAT TO ISRAEL

A central fact is Israel has never threatened Saudi Arabia. However, the Saudis have behaved aggressively towards Israel on a number of occasions. In 1948, Saudi troops invaded Israel soon after statehood was declared. During the 1973 Yom Kippur War, Saudi units fought alongside the Syrian army.

At present, Saudi Arabia is building a major field and support facility at Tabuq, only 125 miles from Israel's major southern port of Eilat and 140 miles from Sharm el-Sheikh at the Straits of Tiran, the gateway to Eilat. The New York Times reported on January 9, 1978 that Saudi Arabia has embarked on extensive war and defensive preparations in and around Tabuq. This base, constructed by the U.S. Army Corps of Engineers, is also the site of an airborne and paratroop training facility. During November 1977, a squadron of Saudi F–5E fighters already participated in maneuvers at Tabuq. Other reports indicate that F–5Es may be permanently stationed at this air base.

In addition, the civil airfields at Gurayat and Turayf (250 and 300 miles, respectively, from central Sinai) are being expanded for military use. F–15s will be able to operate in a war environment from all three airfields.

These bases and F–15 aircraft would present an added threat to Israel if, as Kuwait's al Qabas reported on March 15, 1977, Saudi Arabia plans to blockade Eilat in any future war with Israel. The Saudis might also use the F–15s in the southwest—from Khamis Mushayt, where F–5s are already deployed—to close the south end of the Red Sea to Israeli shipping.

Therefore, the fundamental question is against whom will the F–15s most probably be used? Saudi Arabia has repeatedly asserted that it will lend its arms to the Arab states in any future war with Israel contrary to U.S. law. Defense Minister Prince Sultan was asked in the Arab weekly Events (December 3, 1976): "Is it true that there is a condition attached to the arms agreements that stipulates that they must not be re-exported outside Saudi Arabia without prior agreement of the exporting country?" Sultan replied: "There were never such conditions and we do not accept any such conditions."

Earlier Sultan told graduating Saudi Air Force cadets: "All we own is at the disposal of the Arab nation and will be used in the battle against the common enemy". (Christin Science Monitor, December 5, 1974).

King Khalid told the New York Times in May of 1976 that: "When we build up our military strength we have no aims against anybody except those who took by force our land and our shrines in Jerusalem—and we know who that is. We also believe that the strength of Saudi Arabia is a strength for the whole Arab and Islamic world. We always intended to make use of all military equipment that might help build our military strength."

Most importantly, these words are being implemented. The New York Daily News reported on November 9, 1975. that at least one squadron of Saudi F–5s had been deployed in Syria and had taken part in the exercises there. The press also reported on November 11, 1975, that a number of Saudi pilots and aircraft had arrived in Jordan. In 1975, the State Department repeatedly protested to the Saudi government that Egyptian pilots were being trained on the U.S.-supplied F–5E aircraft in violation of U.S. law. Yet in the past two years, and despite American protests, there have been reports that a significant number of Egyptian pilots have become qualified on the F–5.

It is thus apparent that the presence of F–15s in Saudi Arabia would permit a broader attack on Israel. If F–15s were assigned strictly for home defense, the F–5Es would be freed for attacks on Israel. Such attacks could come from Saudi Arabia, or in coordination with Jordanian F–5 or Syrian MiG aircraft.

6. WHO THREATENS SAUDI ARABIA

It has recently been argued that Saudi Arabia requires the F–15s to blunt an attack from Iraq. But the Saudi F–5E force, combined with the mobile Improved HAWK batteries, was specifically designed to assure a home defense against such an attack The only additional capability which the F–15 could provide would be deep penetration against Iraq.

Given the Soviet presence in Iraq, and obvious Soviet backing which any Iraqi attack on Saudi Arabia would require, deep counterattacks by Saudi F–15s into the Iraqi heartland would have global consequences.

The possibility of an Iraqi attack have been overstated by the Administration. Given its strained relations with Syria, Iraq is deterred from such an attack—as well as by hundreds of miles of desert between Saudi Arabia and Iraq which make an armored attack unlikely.

It is also unlikely that Iran would remain quiet in the face of open Iraqi aggression against another pro-Western state on the Persian Gulf. By reasons of geography, any Iraqi attack would be aimed at Saudi oil fields. Iran could not be expected to allow a Soviet-backed adversary to assume control of so much productive capacity.

However, the suggestion that Saudi Arabia requires the F–15s to protect its oilfields from Iraq and/or protect the Persian Gulf shipping lanes is unjustified. The F–5s and Improved HAWK force is totally capable of these defense roles. It is unlikely that Iraq would bomb Saudi oilfields. Control of intact fields might serve a political and economic purpose while control of ruined fields would not. Moreover, Iraq's own oilfields are far too vulnerable to counterstrike. Most important, all Persian Gulf oil producers use the Gulf and the Straits of Hormuz for tanker traffic. Each is the hostage of the other and each has a fundamental economic need to assure continued freedom of passage.

It has also been argued that F–15s would be required to blunt an Iraqi attack aimed at bolstering a pro-Iraq/pro-Soviet junta overthrowing the Saudi monarchy. If this is a serious policy concern, than the implicit Saudi instability mandates that such an advanced weapon not be sold. The F–15 could easily end up in the control of the radical elements and the Soviet Union, simultaneously endangering America's regional position and technological security.

Administration officials have suggested that Saudi Arabia requires F–15s because of Soviet expansion in Ethiopia and northeast Africa. But the Saudi monarchy, mindful of its limited manpower and the potential for internal instability has always avoided active roles in Persian Gulf and African conflicts. In the intra-Arab and regional spheres—where pan-Arab support could not be assumed—the Saudis have always used financial and political means to achieve their foreign policy goals. For example, the Saudis avoided military involvement against the Soviet-backed Marxist regime in South Yemen, and also against the Soviet-aided rebels in Dhofar, Oman. Moreover, during the last decade, the Soviet Union has maintained an active presence in South Yemen and northeast Africa. Yet during this time, when Saudi Arabia was more vulnerable and less well-defended than it is today, the Soviet Union did not menace the Saudi regime.

In light of these facts, to encourage an expanded Saudi military posture would undermine the basic U.S. goals of promoting regional stability and peace.

Finally, an attack by Iran using its U.S.-supplied F–14s and other aircraft is highly unlikely. If the United States seriously believes that an Iranian-Saudi confrontation is at all likely, then its vast arms supply relationships with both countries should be reviewed since the United States supplies both countries with high-technology equipment. U.S. interests will be seriously threatened if two client states go to war and both look to the U.S. for assistance and resupply as occurred in the Cyprus conflict. At the same time, American lives would be endangered as tens of thousands of U.S. technicians and advisers in both countries would be caught in the dispute.

7. ISRAEL'S F–15'S

Israel is presently acquiring 25 F–15s and has requested 25 more. However, Israel's need for the plane is more acute than that of Saudi Arabia. In the face of massive Arab purchases of French, Soviet and American aircraft, Israel's highly-trained but outnumbered pilots require sufficient quantities of air superiority aircraft to ensure Israel's defense. Israel can acquire sophisticated aircraft only from the United States.

In view of Presidential policy that advanced weapons for Israel would be provided to offset quantitative disadvantages, the sale to Saudi Arabia alone of more than the number of F–15s Israel will receive runs contrary to the Administration's own stated policy. Israel's F–15s will have to be used to defend on multiple fronts. America's policy of ensuring Israel's security cannot be enhanced by the positioning of 60 of America's top fighter-bombers with long-range Sparrow air-to-air capability on a hitherto quiet front, with the capability of neutralizing Israel's own F–15s on a one-to-one basis. With this new Arab long-range air-to-air capability, Israeli superiority in dog-fighting skills is offset, putting more pressure on Saudi Arabia to participate in a future conflict.

8. POLICY FORMULATION WITHIN THE ADMINISTRATION

The F–15 sale has been the subject of considerable disagreement inside both the Ford and Carter Administrations. The New York Times, in an interview with then-Deputy Secretary of Defense William Clements, reported on July 8, 1976 that the Pentagon was advising Saudi Arabia that its Air Force was not ready to maintain and fly the F–15. Ac-

cording to Clements, the Pentagon's advice was that the Saudis should build their capability around the F-5 aircraft. On the other hand, according to the July 20, 1977 New York Times, Saudi Arabia was later encouraged to buy the F-15 and to expand its air capacity beyond original needs by the U.S. Air Force. Several sources told the Times that Air Force officials vigorously promoted the sale in order to amortize cost overruns on the F-15 program.

Several governmental agencies have voiced reservations or opposition to the sale. According to the September 3, 1977 Washington Post, the Arms Control and Disarmament Agency (ACDA) recommended that the sale of F-15s to Saudi Arabia not go through. ACDA and government officials confirmed the Post's report. It was also learned that the DOD's office of Policy Analysis and Evaluation had opposed the F-15 sale.

Following a study mission to Saudi Arabia, the General Accounting Office issued a report to Congress by the Comptroller General. The GAO report made the following observations:

That delivery of the F-5s had successfully fulfilled DOD recommendations for Saudi defensive capability. On the basis of this and the maintenance and support problems now facing the Saudis, the GAO asserted that future sales of advanced aircraft would aggravate the problems of the Saudi Air Force.

That American military advisors are active inside each Saudi armed service, not only at the headquarters level but also at military cities and bases. The report also noted the active role of American trainers and advisors in the Saudi National Guard, including "specialized U.S. teams to accompany deployed battalions . . ." The GAO report foresaw the continued expansion of American advisory and training responsibilities in Saudi Arabia. The GAO asserted that this expansion would obligate the U.S. armed services to allocate a larger share of their own skilled people to assist the Saudis. Shortages within the U.S. military were foreseen as a result.

That there are continuing problems in assimilating the F-5s, some of which were delivered to Saudi Arabia six years ago.

That "information we obtained indicated there is no imminent threat of Saudi Arabia's being overrun."

Finally, the GAO concluded that "in Saudi Arabia there were no physical controls to prevent the unauthorized use of FMS equipment and services. Furthermore, it appears that physical control after the sale may not be practical to achieve." The GAO called for tighter controls on sales of munitions, and for sounder evaluation of legitimate needs.

9. THE SALE IS CONTRARY TO U.S. INTERESTS

Established policies of the United States relating to regional military balance, regional interest and arms control all argue against the sale of F-15s to Saudi Arabia.

A. The United States has set as its primary regional interest the assurance of a lasting Arab-Israel peace. With the presence of F-15s in Saudi Arabia, the Arab states are likely to feel more confident about military "solutions" and be less receptive to negotiation and compromise.

B. The sale of so advanced an offensive weapon as the F-15 cannot occur within a vacuum. It is certain to set off a series of "balancing transactions" in Iran, Iraq and other countries. The net result will be greater tension, less regional stability, and a higher level of violence should a conflict occur.

C. In explaining his Administration's arms sales policy (Presidential Review Memorandum-12), President Carter stated on May 19 that, henceforth, arms transfers will "be used only in instances where it can be clearly demonstrated that the transfer contributes to our national security interests". In the case of the F-15 sale to Saudi Arabia, this has not been demonstrated. As Americas' allies are dependent on both Saudi and Iranian oil shipments, it is unlikely that raising the tensions between these two countries will enhance America's global interests or the reliability of these countries as oil sources for the West.

PRM-12 also asserted that transfers of advanced weapons would be made to "offset the quantitative and other disadvantages in order to maintain a regional balance". But the Arab states maintain an overall 3:1 military superiority over Israel at present. Furthermore, the F-15 sale would upset the regional military situation in both the Arab-Israel sphere and in the Persian Gulf. Saudi Arabia's current legitimate defense needs are being met by sales already contracted for.

D. It has been argued that the F-15 sale must go through since it was originally promised by the previous Administration. But the Carter Administration has specifically stated that it would not feel bound by the past arms sales policies of previous Administrations. For example, the Carter Administration, after assuming office, decided to block the sale of CBU-72 bombs to Israel, even though President Ford had personally committed the U.S. to sell this equipment.

E. Saudi Arabia lacks the security infrastructure of both Israel and our NATO allies. There is no guarantee, therefore, that Saudi Arabia can prevent Soviet access to the F-15 once the aircraft is sold. The presence of Egyptian, Pakistani and Palestinian technicians within Saudi Arabia is relevant. Former head of Air Force Intelligence, Major General George J. Keegan warned the Senate Foreign Relations Committee on October 3, 1977 that the sale of the F-15 to Saudi Arabia would be "a situation tailormade for early compromise of F-15 technology to the Soviets". The F-15 is expected to be a cornerstone of American defense for the next decade. Moreover, because of the continuing cooperation between the air forces of Saudi Arabia, Syria and Egypt, it is likely that first hand information about the F-15's capabilities and weaknesses would be passed to the USSR.

F. Like Libya and Iraq before their coups, Saudi Arabia is a narrowly-based monarchy. There have already been several coup attempts and plots discovered within the Saudi military, and particularly within the Air Force, since 1969. There is thus a distinct possibility that America's most advanced fighter-bomber could fall into the hands of radical elements hostile to U.S. interests.

G. It is difficult to justify the claim that Saudi Arabia deserves F-15s as a reward for its diplomatic policies. Because of its antipathy to communism and its traditional meditaing role in the Arab World, Saudi Arabia has refused to join the Soviet-backed rejectionist front of Syria, Libya and Iraq. But Saudi Arabia has lent only modest support to the Egyptian and Israeli negotiations. It still refuses any direct dealings with Israel and enforces the Arab economic boycott of Israel.

H. Nor does Saudi Arabia deserve the F-15 as a reward for "moderating" oil price increases. It was Saudi Arabia which led the way in quadrupling oil prices four years ago. The economic effects of this unwarranted price rise are still being felt here in the United States and in the Western and Third World economies. Indeed, it is reduced economic activity caused by the oil price rises which have been responsible for putting an effective ceiling on the price of OPEC oil. In the face of lowered oil consumption and excess productive capacity, Saudi Arabia has repeatedly and massively cut its oil output in order to protect the cartel's market control. As the New York Times pointed out on January 18, 1978, an oil glut now exists in the world and can be expected to continue into the 1980s. We must not permit Saudi Arabia's accumulation of vast wealth to dictate American arms or foreign policies.

Certainly, the claim that continued Saudi cooperation on oil prices requires a reward of such advanced weaponry must prove dangerous. By implication, with each passing year, Saudi Arabia could be expected to demand more and newer weapons systems, lest it cease being "moderate" on the price of oil. A cycle of blackmail would be the ultimate result.

Notably, it has been American banks—not the Saudi government—which have assumed the burden of refinancing the growing oil debts of Third World nations impoverished by oil price increases. And Saudi Arabia has assumed its "moderate" pricing stance with an eye towards protecting its own vast investment holdings. Finally, it may be argued that Saudi price policy has been designed to defuse—through the appearance of "moderation"—growing oil consumer resistance to the OPEC cartel.

I. A failure to sell Saudi Arabia the F-15 should not be interpreted as an indication that the U.S. does not appreciate Saudi Arabia's legitimate defense needs. More than $12 billion in military sales by the U.S. to Saudi Arabia since 1950, with the bulk of it during the past five years, refutes this. The F-15 sale should not be a test of U.S.-Saudi friendship. The United States has assiduously cultivated a friendly relationship with the Saudis even at the expense of the American consumer. If Saudi-American friendship hinges on supplying 60 F-15s, then the basis of that friendship requires serious re-evaluation.

10. CONCLUSION

In view of the above facts and America's global and regional interests, foremost of which is the pursuit of peace and stability, the sale of F-15s to Saudi Arabia should be blocked by Resolutions of Disapproval in the House and Senate.

DEPARTMENT OF STATE,
Washington, D.C., February 16, 1978.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on International Relations, House of Representatives

DEAR MR. CHAIRMAN: Secretary Vance has asked me to respond to your letter of February 2 requesting the Department's detailed comments on a memorandum prepared by the American-Israeli Public Affairs Committee concerning the proposed sale of sixty F-15 aircraft to Saudi Arabia.

Our comments on a number of the points in the AIPAC memorandum are attached. I would, however, like to make some general observations. First, as you know, this Administration has pursued peace in the Middle East with a scrupulous care for Israel's security. The Secretary's announcement of February 14 on the sale of aircraft to several Middle East countries gave particular prominence to this point. In particular, as the Secretary stated, the aircraft sales recently approved by the President—including the sale of F-15's to Saudi Arabia—will not alter the basic military balance in the Middle East.

Secondly, as the Secretary also noted, the aircraft sales in question will be consistent with the overriding objective of a just and lasting peace.

Finally, we regard the sale of F-15's to Saudi Arabia as meeting the legitimate requirement of Saudi Arabia to modernize its air defense. In this connection, it is relevant to stress the immense importance of Saudi Arabia in promoting a moderate and responsible course both in Middle East regional development, including peacemaking, and in international economic and financial affairs.

Sincerely,

DOUGLAS J. BENNET, Jr.,
Assistant Secretary for Congressional Relations.

Enclosure: Comments on AIPAC memorandum.

STATE DEPARTMENT REPLY

Comments on AIPAC Memorandum in Response to a Request of Congressman Hamilton, Chairman, Subcommittee on Europe and the Middle East, Committee on International Relations

THE AIRCRAFT

AIPAC memorandum

". . . the F-15 is armed with short-range heat-seeking AIM-9L Sidewinder air-to-air missiles . . . (and) . . . can carry up to 12,000 pounds of external air-to-ground ordnance, reportedly without sacrificing its air-to-air capabilities. . . ."

Department of State comments

The Saudi Air Force is not scheduled to get the AIM-9L all-aspect Sidewinder missile which will be carried on USAF F-15s. The AIM-9J which the Saudi Air Force currently has on its F-5 aircraft would be used on the F-15s along with the radar guided AIM-7F.

Although manufacturer's specifications state the F-15 can carry up to 12,000 pounds of external air-to-ground ordnance, the US Air Force version is currently certified to carry a maximum of three 2,000-lb. bombs on three "hard points". Modification of the F-15 to permit carrying additional ordnance is a highly complex undertaking which would require US approval and assistance. The plane's hard points are also used to hang external fuel tanks; using them for bomb loads limits the aircraft range and time on station in an air defense role.

SAUDI MILITARY STRENGTH

AIPAC memorandum

"Purchases of more than $12 billion in the last four years have made Saudi Arabia a fourth confrontation state on Israel's borders. The Saudis are acquiring 110 US F-5E fighters, 550 French and American tanks, 6,000 anti-tank missiles and three mobile SAM systems. The Saudis are building up a total military infrastructure to base, maintain and operate a major military force.

". . . For mobile air defense, the Saudis have bought the American Improved Hawk, the British Rapier and the French Shahine (Crotale) SAM missiles.

"For naval operations, the Saudis have ordered guided missile boats, patrol ships, attack craft, hovercraft and frigates. . . ."

Department of State comments

Foreign Military Sales to Saudi Arabia through September 30, 1977 totalled $15 billion. Of this amount only $1.2 billion has been spent on weapons and munitions. The balance has been for supporting equipment and services, including $6.2 billion for construction contracts managed by the Corps of Engineers. Most of the financing for construction has gone to private contractors, many of whom are not U.S. firms.

Saudi Arabia shares no land borders with Israel and is not a fourth confrontation state; has not participated in any significant way in military operations in past Arab-Israeli wars; and its leaders have emphasized they have no aggressive intentions toward any state in the area.

Saudi Arabia has the smallest armed force of any major state in the Middle East, whereas it has to defend an area as large as the U.S. east of the Mississippi.

The F-15 would modernize the Saudi air defense capability. Their aging British Lightning interceptors will be phased out over the next several years. The F-15s, like the Lightnings, have a secondary air-to-ground capability but both are primarily interceptor aircraft with an air defense mission.

Saudi army tanks and antitank inventories are modest compared to those of other Middle Eastern states. The number of AMX-30 and M-60 tanks the Saudis have purchased is considerably less than the AIPAC figures.

While the I-Hawk is inherently mobile, the Saudis have set up their batteries in fixed installations to protect vital areas.

Rapier and Crotale are both short-range SAMs for close-in defense of deployed ground forces. The Saudis have no Rapier and only limited quantities of Crotale on order.

The Saudi Navy, when modernized, will have patrol boats. It will not have hovercraft or frigates.

Even after the completion of the current military modernization program, the Saudis will have no more than 100,000 men under arms. (58,000 Army; 3,000 Navy; 12,000 Air Force; 26,000 National Guard.)

Saudi modernization plans include development of certain basic infrastructure taken for granted by many nations but still lacking in Saudi Arabia.

THE EFFECT OF AN F-15 SALE

AIPAC memorandum

"Sale of F-15s will mean a tripling of Saudi air strength compared with 1973. The F-15s firepower and payload will mean a dramatic qualitative increase in Saudi strength. An F-15 sale will require that the U.S. sell the Saudis advanced airborne radar systems such as the E-2C or E-3A (AWACS). The presence of so advanced a weapons system on Israel's borders will not enhance Saudi Arabia security. Instead it will make Saudi participation in a future Arab conflict with Israel more likely."

". . . The F-15 is more difficult to maintain than the F-5. In fact, the USAF continues to rely heavily on McDonnell technicians to maintain its own F-15s. Thus there would be considerable involvement of private U.S. personnel in Saudi combat support who would not be subject to control by the U.S. Government."

Department of State comments

In 1973 the Saudis had 70 combat aircraft (37 Lightnings, 20 F-5s and 13 F-86s). The F-86s have been phased out and the Lightnings will be phased out over the next several years. Thirty additional F-5s were delivered in 1974 and 64 more F-5s, ordered in 1975 and 1976, will be delivered through 1978. The Saudi goal is to have 167 combat aircraft consisting of 107 F-5s and 60 F-15s by the mid-1980s. Most of Saudi Arabia's neighbors are expected to have larger combat aircraft inventories in the 1980s.

An F-15 sale will not lead to the sale of the E2C or E3A. The F-15 has an excellent radar. Were the Saudis to purchase an aircraft with a less effective radar than the F-15, they would be more likely to seek an airborne radar system. The Saudis have expressed no interest in either the E2C or AWACs.

Past history would indicate that, in the event of renewed Arab-Israeli hostilities, the Saudis are unlikely to participate in combat to any significant degree. To use their interceptor aircraft against Israel would strip them of their first line of air defense and lay them open to retaliation. The F-15 is an air superiority fighter, not primarily designed for ground strikes. If the Saudis were interested in attaining a capability for striking Israeli targets, they would presumably be seeking attack aircraft such as the Jaguar, Mirage F-1 or F-16.

The F-15 is easier to maintain than the Lightning interceptor currently in the Saudi Air Force because the F-15 has modular units which can be replaced without extensive technical capability.

The US Air Force does not utilize McDonnell technicians to maintain the F-15s. The only McDonnell personnel on a USAF F-15 base are a few technical representatives normally assigned to monitor weapons systems status and provide specialized assistance. The same eventually would be true for the Saudis F-15s.

US contractor personnel are prohibited by law from providing technical support in time of war. The Saudis are fully aware of this prohibition.

INVOLVEMENT IN FUTURE CONFLICT

AIPAC memorandum

"The presence of F-15s in Saudi Arabia would almost make certain direct Saudi involvement in any future Arab-Israel war.

". . . Saudi F-15s would pose a threat to the survivability of the Hawkeye airborne early warning and control system on which Israel now depends heavily and force the diversion of Israeli F-15s from other tasks to expand the combat air patrol dedicated to defending the Hawkeye."

Department of State comments

Saudi acquisition of 60 F-15s would not alter the basic Middle East arms balance. Fundamental inhibitions which have led Saudi Arabia to refrain from combat with Israel in past conflicts would still pertain. It is questionable that Israel would feel compelled to undertake a pre-emptive strike against Saudi Arabia because of Saudi possession of the F-15. Such strikes have not been undertaken by Israel against Iraq or Libya in past conflicts, for example, although their arsenals include advanced Soviet aircraft. While F-15 sales will increase Saudi defensive capability, Israeli military planning and force disposition are unlikely to be greatly affected.

Israel does not depend heavily on the E-2C Hawkeye; none have been delivered yet. Even when these planes are delivered, their maneuverability will make them less vulnerable to attack than fixed ground radar systems.

THE SAUDI THREAT TO ISRAEL

AIPAC memorandum

"Saudi Arabia is now constructing a major airbase at Tabuq—only minutes flying time from Israel's Red Sea port of Eilat. Similar military preparations are underway elsewhere. Saudi leaders have pledged to use their military equipment against Israel and are coordinating military planning and training with Egypt, Jordan and Syria, sometimes in violation of U.S. law.

". . . In addition, the civil airfields at Gurayat and Turayf (250 and 300 miles, respectively, from central Sinai) are being expanded for military use. F-15s will be able to operate in a war environment from all three airfields.

". . . The New York Daily News reported on November 9, 1975, that at least one squadron of Saudi F-5s had been deployed in Syria and had taken part in the exercises there. The press also reported on November 11, 1975, that a number of Saudi pilots and aircraft had arrived in Jordan. In 1975, the State Department repeatedly protested to the Saudi government that Egyptian pilots were being trained on the U.S.-supplied F-5E aircraft in violation of U.S. law. Yet in the past two years, and despite American protests, there have been reports that a significant number of Egyptian pilots have become qualified on the F-5."

DEPARTMENT OF STATE COMMENTS

Tabuq, long one of Saudi Arabia's army camps, was redeveloped in 1972 to house infantry elements, the French armor school, the airborne school, a basic training center and air defense units. Family housing is now being constructed as part of an overall effort to improve the standard of living of the military.

The Saudi air base at Tabuq is an expansion of the civilian airport which has been used by the civil airline since the early 1960s. In 1974, a British firm completed additional facilities which permit support for a squadron of Lightning interceptors. These facilities would not support the stationing of F-15 aircraft. Saudi military planning stresses dispersal of defensive air and ground units throughout the Kingdom with concentration in the Dhahran area (to protect the

oil facilities); at Taif to defend the Mecca-Medina-Jidda complex; and at Khamis Mushait to defend the southern border. In present Saudi planning only these three sites will have the extensive facilities required to support the stationing of advanced aircraft; equipping other airfields to support the F–15 would be a major undertaking requiring U.S. cooperation.

Asphalt airstrips have been constructed near Turayf and Gurayat to replace dirt strips. Runway improvements at these two locations are part of a country-wide Saudi program to improve civil aviation and have no direct military application other than the general usefulness of any runway for emergency landings. There are no military support facilities at Turayf or Gurayat and without them fighter aircraft cannot effectively operate from either airstrip.

Saudi Arabia is fully aware of its obligations not to transfer US equipment supplied under foreign military sales without US permission.

The Saudi army has never played a significant role in an Arab-Israeli war. During the 1973 war, a Saudi army brigade was stationed in Syria in a reserve position; this unit was engaged in one minor contact with Israel forces.

Saudi forces, wholly under Saudi control, did participate in brief maneuvers in Syria in 1975. No Saudi aircraft have ever been stationed in either Jordan or Syria nor are there currently any other Saudi forces in either country.

A few Egyptian pilots received familiarization training on Saudi Lightning aircraft prior to the 1973 war; no Lightnings were ever transferred to Egypt.

In 1975, six Egyptian pilots received orientation training in Saudi F–5s while nine Egyptian maintenance officers attended an English language course in Saudi Arabia. This training was terminated after two months, and since then no Egyptian pilots or maintenance crews have been trained.

The Saudis are aware that since 1976, US law prohibits training of third-country nationals on US-origin equipment without our prior consent. Any such intention to consent would have to be notified to Congress pursuant to Section 3 of the Arms Export Control Act.

We are unaware of any current Saudi military training with Egypt, Jordan and Syria. We are unaware of any violation of US law with regard to any aspect of our military relationship with Saudi Arabia.

WHO THREATENS SAUDI ARABIA?

AIPAC memorandum

"An attack from Iraq is unlikely, and F–5Es and Improved Hawk anti-aircraft missiles already in Saudi Arabia would provide defense. Iraq is deterred by its strained relations with Syria, by hundreds of miles of desert and by Iran. The Saudis are not likely to assume a direct military role in northeast Africa and an attack from Iran is unlikely. More likely is an internal coup against the monarchy leading to the F–15s falling into radical hands."

Department of State comments

Saudi Arabia has a history of ideological and political dispute with Iraq, a country which is heavily armed with Soviet-supplied weaponry. Saudi F–5s and I–Hawk SAM air defenses could be overcome by a determined attack from Iraq with its advanced fighter bombers and stronger armed forces. Although excellent for a close-in air-defense role, the Saudi F–5s are primarily intended by them for air support for ground and naval forces. The F–5 does not have the endurance, range, all-weather capability, or other air superiority characteristics to counter the threat posed by the modern fighter-bombers in the Iraqi inventory.

Saudi Arabia fought a border war with the People's Democratic Republic of Yemen in 1969 and engaged in further combat with PDRY forces in 1974 and 1976.

In 1963 Saudi Arabia was bombed by Egyptian aircraft supporting revolution in the Yeman Arab Republic. On the basis of recent history, Saudi defense planning must consider the People's Democratic Republic of Yemen as a serious, if limited, potential threat.

We agree that an attack on Saudi Arabia by Iran is unlikely, cooperation between Saudi Arabia and Iran in the face of a common threat is a more likely contingency. But Saudi Arabia cannot rely wholly on Iran or other neighbors for its own defense.

Saudi Arabia has been one of the most politically stable countries in the Middle East during the decades since World War II.

ISRAEL'S F–15'S

AIPAC memorandum

". . . America's aim of assuring Israel's security will be directly undermined by an F–15 sale to Saudi Arabia, whose planes with long-range lethal missiles could neutralize Israel's F–15s on a one-to-one basis and pose an unprecedented threat to Israeli bases and cities."

Department of State comments

The combat experience and high levels of performance of Israel's airmen are well established. Saudi air crews have not had comparable combat experience.

The F–15 is primarily an air defense system with only limited capability for ground strikes. The aircraft would not pose "an unprecedented threat to Israeli bases and cities."

Israel is also acquiring F–16s as well as F–15s and holds a large inventory of Mirage, A–4, F–4, and Kfir aircraft. A "one-to-one" comparison of Saudi and Israeli F–15 capability is unwarranted.

U.S. POLICY FORMULATION

AIPAC memorandum

". . . the U.S. Air Force reportedly promoted an F–15 sale to amortize cost overruns. The Arms Control and Disarmament Agency opposed the sale, as did the Defense Department's Office of Program Analysis and Evaluation.

"The General Accounting Office had sharp reservations . . .

"Although an advanced interceptor was committed by the previous Administration, the sale of this particular aircraft need not go through for this reason alone. In fact, such a sale is contrary to recent Presidential Review Memorandum-12 restricting U.S. arms sales."

Department of State comments

Following a USAF survey of Saudi military requirements in 1974 which recommended that the aging Lightning aircraft be replaced, the Saudis received briefings on four U.S. aircraft, the F–14, F–15, F–16, and F–18. The Saudis followed up with visits to plants. After careful consideration the Saudis made their own decision. No attempt was made to influence their choice.

The GAO did not express "sharp reservations" and did not note that F–5Es had fulfilled Saudi defense needs. The GAO noted that there are no "physical controls" on U.S. equipment after a sale; this is the case in every other country to which the U.S. sells defense articles. U.S. personnel in Saudi Arabia and U.S. intelligence organizations are alert to any violation of U.S. law. If any occurred it would be reported and acted upon promptly.

Executive Branch procedures for reviewing foreign military sales have been carefully followed in the case of the proposal to sell F–15s to Saudi Arabia. ACDA and DOD's Office of Program Analysis and Evaluation expressed views which were taken into account in the decision-making process. The proposal for the sale was carefully considered under the provisions of the Administration's arms transfer policy and found to be consistent with those provisions.

THE EFFECT ON PEACE PROSPECTS

AIPAC memorandum

"The F–15 would encourage the Arab states to seek military solutions and undercut negotiations. Saudi diplomatic policies to date have not been sufficiently forthcoming to justify an F–15 sale. Saudi oil 'moderation' is also a myth since its oil policies have actually been self-serving and damaging to the West. Quadrupling of oil prices is undeserving of a reward. Finally, if Saudi-US friendship hinges on the sale of F–15s, then the basis of this friendship requires re-evaluation."

Department of State comments

Denial of F–15 aircraft to Saudi Arabia would undermine Saudi confidence in our reliability as a major power fundamentally concerned with Saudi security. Such confidence is an essential element in a relationship fostering Saudi cooperation with the US in a wide spectrum of common concerns, including Saudi backing for a just and lasting peace settlement through negotiations between the confrontation states and Israel.

The Arab confrontation states do not look to Saudi military assistance, but to Saudi financial and diplomatic support. We believe it unlikely that the confrontation states would adopt a policy of seeking "military solutions" because Saudi Arabia acquired the F–15.

Saudi moderation on oil prices in the past couple of years is a matter of record. Saudi leadership in seeking restraint has resulted in current prices probably 20 percent lower than most members of OPEC would have wished. At current values, each five percent increase in oil price raises the world's oil bill by $6 billion and the US oil bill by $1.5 billion.

The Western world has relied on Saudi Arabia to produce at levels well beyond the needs of the Saudi domestic economy. Saudi willingness to produce at these levels has been motivated in part by a US-Saudi relationship based on mutual confidence.

THE FEDERAL FINANCING BANK AND ARMS SALES ABROAD

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues correspondence I have had with the Departments of Defense and Treasury concerning statements made in a paper published by the Military Audit project (a copy of the paper appeared in the CONGRESSIONAL RECORD on December 1, 1977, pages 38334 through 38336).

The military audit project paper and the responses from the Departments focus on the role of the Federal Financing Bank in making loans to foreign countries purchasing military equipment and services from the United States. I believe that further scrutiny of the Bank's activities is warranted and welcome the inquiries I understand my colleagues, Representative HENRY REUSS and Senator WILLIAM PROXMIRE, are currently conducting in regard to the Bank's functions. At question is the Bank's role in facilitating arms sales and the role of Congress in controlling operations of the Bank.

The correspondence follows:

COMMITTEE ON
INTERNATIONAL RELATIONS,
November 30, 1977.

Hon. W. MICHAEL BLUMENTHAL,
Secretary of the Treasury, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: I enclose for your detailed scrutiny a paper recently prepared by the Military Audit Project here in Washington on aspects of American foreign military transfers.

In particular, I would like the Department's comments on the section of the paper dealing with the Federal Financing Bank role in arms transfers. I gather this Bank is administered by the Department of the Treasury.

A similar letter has been sent to the Department of Defense mainly dealing wtih other aspects of the study. If you have further questions regarding this matter, my staff director, Mike Van Dusen, can be reached at 225–3345.

I appreciate your consideration of this matter and look forward to your critique of the paper's comments on the role of the Federal Financing Bank's role in arms transfers.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

Enclosure.

DEPARTMENT OF THE TREASURY,
Washington, D.C., February 3, 1978.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe, and the Middle East, Committee on International Relations, Washington, D.C.

DEAR MR. CHAIRMAN: I am happy to respond to your request for Treasury's comments on a paper issued by the "Military Audit Project" entitled: Foreign Military Transfers—Credit Arrangements and Sales to the Third World: Methods, Loopholes, and Circumventions.

As you have suggested, I will limit my comments to that portion of the paper which deals with the Federal Financing Bank (FFB) and I would like to focus on what I consider the two major questions concerning the Bank raised in the paper: (1) Is Federal Financing Bank lending a vehicle for circumventing Congressional limitations on Foreign Military Sales (FMS)? (2) Does the Federal Financing Bank provide an unwarranted subsidy to the borrowing countries?

First I believe that a brief description of the purpose and operations of the FFB would be helpful. Prior to 1974, some form of federally-backed financing was coming to the market on an average of three out of five business days. Large numbers of small market issues were taxing the private distribution system and increasing the borrowing costs of all participants in the Government securities markets. Although equivalent to Treasury securities in terms of credit risk, many of these direct and guaranteed issues were selling at yields considerably higher than the yields on comparable Treasury securities. There were two major reasons for this. Investors were unfamiliar with the issuers and the securities did not provide the liquidity of a direct Treasury issue. To centralize the marketing and reduce the cost of federally-backed financings, Congress created the Treasury-supervised FFB with the power to purchase obligations issued or guaranteed by other Federal agencies with funds borrowed in the market or from the Secretary of the Treasury. Thus, one large Federal issuer is substituted for many small ones, and the resulting lower financing costs can be passed through to the FFB's borrowers.

The FFB has no impact on the size nor does it change the budget treatment of the Foreign Military Sales (FMS) program or any program it finances. It is merely a conduit to the market for the financing of programs otherwise authorized by Congress. The budget treatment of these programs is the same whether they are financed by the FFB or directly in the market.

The paper also infers that the lower FFB lending rate, which is currently ⅛ percent above Treasury's borrowing costs, provides an improper subsidy to the borrowing countries. FFB rates are lower than those charged by banks, which made these guaranteed loans before the FFB was established. We estimate that the spread between the FFB and bank rates for these loans generally falls in the ½ to 2 percent range, not the 2 to 5 percent range indicated in the paper. It is the Department's view that when a Federal guarantee is placed on an obligation, the yield on that obligation should be relatively close to the yield on Treasury securities since the credit risk is the same for both.

It may be that some countries should pay more for their borrowing under the FMS program to reflect the differential in risk underwritten by the United States Government and other factors. However, we believe such a decision should be made by Congress or the guarantor agency and accomplished by a higher guarantee or other administrative fee. Neither the private market nor the FFB should be given the responsibility to assess the differential in lending rates or to allocate credit among FMS borrowers. In this regard, unless otherwise directed by statute, the FFB has used the standard method to set its lending rates which apply to all of its customers.

I hope these comments are of assistance to you. If you need anything else, don't hesitate to call me.

Sincerely,

GENE E. GODLEY,
Assistant Secretary (Legislative Affairs).

COMMITTEE ON
INTERNATIONAL RELATIONS,
Washington, D.C., November 30, 1977.

Hon. HAROLD BROWN,
Secretary of Defense, Department of Defense, Washington D.C.

DEAR MR. SECRETARY: I enclose for your detailed scrutiny a paper recently prepared by the Military Audit Project here in Washington on aspects of American foreign military transfers.

In particular, I would like your comments and critique of the section of the paper dealing with aspects of commercial sales (page 6 on).

A similar letter has been sent to the Department of the Treasury mainly dealing with other aspects of the study. If you have further questions regarding this matter, my staff director, Mike Van Dusen, can be reached at 225–3345.

I appreciate your consideration of this matter and look forward to your critique of the paper's comments.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

DEFENSE SECURITY ASSISTANCE AGENCY AND DEPUTY ASSISTANT SECRETARY (SECURITY ASSISTANCE), OASD/ISA,
Washington, D.C., January 13, 1978.

In reply refer to I–13918/77ct.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on International Relations, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of November 30 to Secretary Brown, in which you requested our detailed scrutiny of a paper by the Military Audit Project concerning foreign military transfers.

While the paper contains numerous misstatements of fact and misinterpretations of law, it does raise valid questions concerning control of commercial military exports. Our specific comments on the paper are in the attached analysis, which we hope will serve your purpose.

Sincerely,

LT. GEN. HOWARD M. FISH.

ANALYSIS

(Analysis of paper by Military Audit Project titled "Foreign Military Transfers—Credit Arrangements and Sales to the Third World: Methods, Loopholes, and Circumventions," prepared November 1977.)

We will preface this analysis with a comment which applies to the paper in general. Subsequent comments will relate to specific statements in the paper.

Throughout the paper, the use of the terms "arms" and "weapons" gives the erroneous impression that only combat equipment is transferred to foreign countries under Foreign Military Sales (FMS) agreements and commercial military exports. For example, the paper refers to the FMS credit program as a "weapons sales program" and speaks of Federal Financing Bank (FFB) loans for foreign military purchases as an "arms sales credit program." Actually, weapons and ammunition represent only approximately 40 percent of the value of U.S. military sales to foreign countries. The remaining 60 percent of the value of such sales is comprised of support articles and services. Examples of support articles and services are spare parts, cargo aircraft and cargo vessels, dump trucks and tractors, construction, and training.

In the following paragraphs specific statements are extracted verbatim from the paper, followed by our comments on them. The first two statements are extracted from the opening paragraph of the paper. Subsequent statements are taken from the sections of the paper indicated by the headings. Occasionally, the same erroneous statement appears at more than one place in the paper. In such cases, the error is quoted and commented on only once.

Statement by the Military Audit Project

Since 1965 the U.S. has dominated the world arms market; it is presently the supplier for over 50 percent of global arms sales.

Comment by the Department of Defense

The estimate that the United States accounts for more than one-half of world arms sales is based on counting all foreign military sales agreements and grant military aid as "arms sales." The U.S. dollar total includes all articles and services that the U.S. Government agrees to sell or provide to another nation through government-to-government channels under the authority of the Foreign Assistance and Arms Export Control Acts. The total also includes commercial military sales, i.e., all articles and services on the Munitions List exported directly to foreign governments by U.S. contractors under licenses issued by the Department of State.

There are significant differences between U.S. military exports and those of other nations. Also, there are major gaps in our information on the military export activities of other nations. Thus, any comparison of U.S. military exports with those of foreign countries requires substantial qualification.

While we have incomplete knowledge of Soviet sales of equipment, major items of combat equipment alone appear to account for a much larger percentage of total Soviet sales than of United States sales. The same is true for other major foreign suppliers.

"Services" have accounted for about 33 per cent of overall U.S. sales in recent years.

"Services," as such, as not included in U.S. estimated of Soviet sales, since we have insufficient information. We believe, however, that "services" are only a very small percentage of total Soviet sales transactions.

The problem of computing worldwide sales for comparative purposes is compounded by the difficulty of assessing the value of Soviet sales accurately. Soviet "trade" prices are generally lower than for similar western articles and vary considerably depending on a variety of factors, particularly Soviet political objectives. They are not a true reflection of the value of Soviet transactions. The estimates of Soviet sales would increase about one-third if, in lieu of Soviet trade prices, the values of Soviet items were computed on the basis of what it would cost to produce those items in the U.S. Additionally, we count as U.S. sales all agreements made even though deliveries do not take place for several years. Soviet deliveries are made over a shorter time span, therefore, we tend to compare unlike periods when we compare U.S. and USSR "sales." Our knowledge of Soviet deliveries is much better than of Soviet sales agreements. The latter frequently must be determined after the fact based on observed deliveries.

Statement by the Military Audit Project

For the four month period from May 19, 1977 to September 15, 1977 the Pentagon has notified Congress of specific foreign military sales which amount to over $4 billion.

Comment by the Department of Defense

We did not notify Congress of "specific foreign military sales" of over $4 billion during the period cited. Rather, we notified Congress of proposed FMS offers in that amount during that period. Foreign countries do not finally accept all FMS offers which they initially request. Thus, not all such offers result in FMS agreements. Based on past experience, approximately 20 to 25 percent of the dollar value of the FMS offers notified to Congress do not result in FMS agreements.

THE FOREIGN MILITARY SALES CREDIT PROGRAM

Statement by the military audit project

The credit program is sanctioned by section 23 of the Arms Export Control Act of 1976 which states that the "president is authorized to finance procurements of defense articles and defense services by friendly foreign governments and international organizations . . ." Additionally, section 24 states that the president may guarantee any corporation or other juridical entity doing business in the U.S. "against political and credit risks of nonpayment arising out of their financing of credit sales of defense articles to friendly governments. . . ."[4] These credit and guarantee authorizations are under "Chapter 2—Foreign Military Sales Authorizations" of the Arms Export Control Act. They are mandated for the foreign military sales program, i.e., government to government transactions.

Comment by the Department of Defense

The assertion that Sections 23 and 24 of the Arms Export Control Act authorize credit extensions and guaranties only for government-to-government military sales is a misinterpretation of the law. Nothing in the language of Sections 23 and 24 supports the contention that FMS credit can be applied only to intergovernmental sales. Further, the legislative history of Sections 23 and 24 and predecessor legislation has supported the use of FMS credit to finance commercial military sales as well as government-to-government military sales. For example, House Report No. 1641, 90th Congress, 3 July 1968, on H.R. 15681 (The Foreign Military Sales Act), states on page 10, with regard to Section 23, that "In carrying out this section the President may, as under the Foreign Assistance Act, either procure defense articles and defense services for sale to purchasing countries and international organizations or *make disbursements on their behalf for defense articles and defense services purchased by them directly from commercial sources.*" (emphasis added) Further, Congress is aware that some of the credit funds made available under Sections 23 and 24 are used to finance commercial military purchases. As a recent example, in a letter to you on 3 November 1977, I–11920/77, we stated: "Each request by a borrowing country for disbursements under . . . credit financing arrangements must identify the approved Purchase Arrangements for which the disbursements will be used. This standing requirement for authorization of Purchase Arrangements applies both to FMS agreements and to *direct commercial contracts.*" (emphasis added)

Footnote 4 alleges that certain sales of defense articles to Zaire were actually grants, because Zaire defaulted on DOD guaranteed loans and DOD then paid these loans. This allegation is false. The loans are subject to a comprehensive debt rescheduling agreement under which DOD will collect from Zaire the principal plus interest due.

THE FEDERAL FINANCING BANK

Statement by the military audit project

As an off-budget agency, the bank's loans are not directly appropriated and authorized by Congress. Consequently, they are freed from the discipline of the federal budget and are not included in budget outlays.

Comment by the Department of Defense

The implication of this statement is that Congress exercises virtually no control over Federal Financing Bank (FFB) loans. Actually, as the paper itself acknowledges later in another context, Section 31(b) of the Arms Export Control Act imposes a limit on the aggregate amount of credit which may be extended and guaranteed by DOD under Sections 23 and 24. This limit is subject to annual review and modification by Congress in connection with its consideration of legislation to authorize security assistance activities. Further, an annual Congressional authorization and appropriation are necessary to make funds available for DOD credit extensions and guaranties.

Statement by the military audit project

After 1973, when Congress prohibited the Export-Import Bank (also a government agency) from financing arms purchases by foreign governments, DOD, through its guarantee program, began channeling FFB funds to foreign countries for such purchases. Paradoxically, Congress opened up this source of funding by amending, in 1974, section 24 of the Arms Export Control Act to allow DOD guarantees of FFB credit extended for foreign military purchases.[5] . . . FFB loans are at an interest rate set only to recover the cost of money to the U.S. government (a rate which is substantially below that of prime commercial loans). As a result, the FFB is effectively subsidizing the purchase of arms by foreign countries which could not otherwise gain such low interest loans.

Comment by the Department of Defense

Among the inaccuracies in this statement are the following. First, Congress enacted the prohibition against financing of U.S. military sales by the Export-Import Bank in 1968, not 1973. Second, this prohibition applies only to military sales to Less Developed Countries, not to all foreign countries. Third, DOD did not begin "channeling FFB funds to foreign countries" to finance U.S. military sales. Rather, it began to guarantee to the FFB the repayment of loans which the FFB extended to foreign countries to finance their military purchases. Fourth, the statement in footnote 5 that, previous to 1974 "no DoD guarantees were allowed for loans extended by *any* U.S. government agencies" is false. Legislation prior to 1968 permitted DOD to guarantee loans issued by the Export-Import Bank, an agency of the U.S. government. Fifth, the interest for FFB loans for military sales is set at a rate which not only ensure recovery of the cost of money to the U.S. Government, but which also provides for a surcharge to recover expenses to the U.S. Government for administering the loans. Finally, because FFB loans for military sales are at no cost to the U.S. Government, it is incorrect to say that "the FFB is effectively subsidizing the purchase of arms by foreign countries."

Statement by the military audit project

Section 31(a) of the Arms Export Control Act appropriated $740 million for fiscal year 1977 to the executive branch to carry out the credit and guarantee programs for foreign military sales as authorized by sections 23 and 24 of the same act. However, use of FFB financing by DoD involves another $2.6 billion more in U.S. government money. Thus, while Congress appropriated $740 million for the credit and guarantee programs, over $3 billion in public funds is actually being utilized for these programs.

Comment by the Department of Defense

Section 31(a) of the Arms Export Control Act did not appropriate $740 million for DOD direct and guaranteed credits for FY 1977, but rather authorized the appropriation of this amount. Subsequent legislation, P.L. 94–441, 1 October 1976, made the appropriation. The $2.6 billion represents the cumulative value of all net disbursements from FY 1975 through 1 October 1977 under loans extended by the FFB and guaranteed by DOD. It is meaningless to draw a conclusion based on the sum of the $740 million which was appropriated only for FY 1977 for both DOD direct and guaranteed loans, and the $2.6 billion which was disbursed under only DOD guaranteed loans during a three year period. An appropriation for both DOD direct and guaranteed credit for one year is not comparable to disbursements from DOD guaranteed credit during a period of three years.

Statement by the Military Audit Project

Section 31(b) of the Arms Export Control Act states that "the aggregate total of credits . . . extended pursuant to this Act and of the principal amount of loans guaranteed bu(sic) the U.S. government . . . shall not exceed . . . $2,022,100,000 for the fiscal year 1977 . . ." DoD exceeded this ceiling in March, April, May, June, July, and August 1977 solely with aggregate guaranteed borrowings from the FFB of $2.046, $2.069, $2.114, $2.145, $2.189, and $2,293 billion respectively. However, DoD has interpreted the above legislation to apply only to credits extended and loans guaranteed with fiscal year 1977 appropriations. Many of the loans currently outstanding were guaranteed in fiscal year 1976 and 1975 with money appropriated for those years. By virtue of its literal and perhaps extralegal interpretation DoD unilaterally exempts these loans from the Con-

[4] . . . If a country defaults on a loan, as Zaire has recently done, the bank which extended the loan is paid the total amount of principal and interest owed it with money from the aggregate guarantees deposited in the reserve fund. (Zaire was recently unable to pay $9.7 million in unliquidated balances on loans from two U.S. commercial banks. DoD assumed and repaid these debts in total. Thus, the arms which Zaire "purchased" with this financing are in fact free transfers paid for by the U.S. government.)

[5] Previously, no DOD guarantees were allowed for loans extended by *any* U.S. government agencies.

gressional ceiling and thereby circumvents this ceiling.

The wording of the legislation, as quoted above, refers to "aggregate", i.e., total borrowings. This concept implicitly includes *all* outstanding loans, whether borrowed during fiscal year 1977 or previous to then. However, Congress did not explicitly include under the credit ceiling current borrowings on commitment agreements established previous to fiscal year 1977. This lack of exact limitations was seized upon by DoD as a method by which to escape the aggregate dollar limitations imposed by Congress for fiscal year 1977. During this fiscal year actual borrowings from the FFB for arms purchases more than doubled, growing from $1.1 billion on September 30, 1976 to $2.6 billion on 1 October 1977.

Comment by the Department of Defense

The assertion that DoD exceeded the ceiling on FMS credits in Section 31(b) of the Arms Export Control Act "in March, April, May, June, July and August 1977 solely with aggregate guaranteed borrowings from the FFB of $2.046, $2.069, $2.114, $2.145, $2.189, and $2.293 billion respectively" is wrong. The ceiling to which the assertion refers is a limit only on the total value of loans which may be extended during FY 1977. The paper itself states that "Congress did not explicitly include under the credit ceiling" disbursements in FY 1977 pursuant to loans extended prior to that fiscal year. The monthly "borrowings from the FFB" which are cited are the values of all net disbursements made cumulatively by the FFB pursuant to DoD guaranteed loans, through each of the months indicated. In the section titled *Sales to Third World Countries,* the paper admits that the total amount of DoD guaranteed loans extended by the FFB during FY 1977 was only "over $1.5 billion," far below the ceiling of over $2 billion in Section 31(b). The correct total of DoD guaranteed FFB loans extended during FY 1977 is, incidentally, less than $1.4 billion, not "over $1.5 billion."

Contrary to what the paper asserts, the word "aggregate" in Section 31(b) does not apply to "*all* outstanding loans, whether borrowed during fiscal year 1977 or previous to then." Rather, "aggregate" refers to the sum of the DOD direct loans extended during a particular fiscal year under Section 23 and the DOD guaranteed loans extended during that same fiscal year under Section 24. This is evident from the context of Section 31(b). Further, the interpretation which the Military Audit Project would assign to "aggregate" is illogical in light of the relation of Section 31(a) to 31(b). In Section 31(a), Congress authorizes an appropriation of funds for a specific fiscal year. These funds are for the purpose of extending DOD direct and DOD guaranteed credits, the aggregate limit of which is set forth in Section 31(b). The determination of the amount required in Section 31(a) to support credit extensions depends on the aggregate limit in Section 31(b). This determination is possible only if the aggregate amount in Section 31 (b) corresponds to the same specific fiscal year as does the value in Section 31(a). This understanding of the relationship between Sections 31(a) and 31(b) has been shared by the Executive Branch and sucessive Congresses.

"COMMERCIAL" TRANSACTIONS

Statement by the military audit project

The "commercial" sales sales (sic) are less easily monitored than sales under the foreign military sales program. This makes disclosure and knowledge of these sales less probable.

Comment by the Department of Defense

Each commercial export of defense articles or services on the U.S. Munitions List requires a license by the Department of State. However, such licensing does not occur until after the consummation of the sales agreement, at the time for delivery under that agreement. By contrast, U.S. Government control over FMS agreements occurs prior to their consummation. Further, a sale of major end items under FMS is treated as a "package concept;" the sales agreement provides for the necessary support articles and services to accompany the major end items. Thus, when Congress receives reports and notifications of major FMS agreements under Sections 36 (a) and (b) of the Arms Export Control Act, it obtains complete information as to the scope of these agreements. The same is not true for reports and notifications of commercial export licenses under Sections 36 (a) and (c). Thus, the paper's assertion that knowledge of commercial military sales is less likely than for FMS agreements is accurate.

Statement by the Military Audit Project

Section 505 of this Foreign Assistance Act states:

None of the funds appropriated or made available pursuant to this Act shall be used to provide military assistance, international military education and training, or foreign military credit sales to the Government of Uruguay.

However, the credits used by Uruguay in fiscal year 1977 are drawdowns on two commitment agreements established and guaranteed previous to fiscal year 1977. They do not involve any fiscal year 1977 expenditures and therefore are not prohibited by the 1977 Foreign Assistance Act legislation.[9]

The arrangement of these commitments illustrates how DoD circumvents the intent of the law. One commitment agreement, for $2.5 million, was guaranteed by DoD on September 29, 1977, that is, *two days* before the beginning of fiscal year 1977. The other agreement, for $7.5 million, was signed on June 30, 1975. The commitment period continued until June 30, 1977. However, this agreement was *extended* through December 30, 1977 by an amendment signed by DoD on *August 8, 1977.*

Comment by the Department of Defense

It is our understanding of Section 505 of the Foreign Assistance and Related Programs Appropriation Act, 1977, that it intended to prohibit the use of funds appropriated under that Act to finance credit sales to Uruguay. There was no inent to prohibit the use of credit funds appropriated under earlier legislation. Thus, the disbursement in FY 1977 of credit funds appropriated under earlier legislation is proper and consistent with the law and our international obligations.

We should also note the following. The paper has provided no basis for the charge in footnote 9, nor do we know what the so-called "minor administrative costs" were. "September 29, 1977" was not *"two days* before the beginning of FY 1977," but rather one day before the end of that fiscal year. DOD did not sign the amendment which extended the expiration date of the loan agreement from 30 June to 30 December 1977. Rather, the FFB signed this amendment, with the prerequisite authorization from the Department of State and the concurrence of DoD.

DISCLOSURE REQUIREMENTS

Statement by the Military Audit Project

Any attempt to monitor and control weapon sales to foreign countries is limited by the weak disclosure requirements of the Arms Export Control Act. Under Sections 36 (a) and 36(b) of that act, Congress must be notified only of sales of $1 million or more of major defense equipment if that equipment is exported commercially. For sales of major defense equipment under $1 million and all other sales of defense articles of any value no notification is required. The exporter need only obtain a license from the Department of State. Under the foreign military sales program the same requirements apply. except that Congress must be notified of and has veto power over sales of any defense articles of $25 million or more and over sales of major defense equipment of $7 million or more.

11. Congress must also be notified of the cumulative value of all foreign military sales to each country. However, not even this minimal reporting requirement applies to commercial sales. In any event, such cumulative reports are useless for the identification of specific low cost sales, including those of counterinsurgency weapons. See below, "Sales to Third World Countries."

Comment by the Department of Defense

Congress receives no notifications of commercial "sales of $1 million or more of major defense equipment." Under Section 36(a) (4) of the Arms Export Control Act, Congress does receive quarterly reports on licenses issued by the Department of State for the commercial export of such equipment. The State Department issues these licenses at the time for delivery under commercial sales agreements which have already been consummated; in many cases, licensing does not occur until months or even years after the sales agreement has come into being. Section 36(b) of the Arms Export Control Act does not relate to commercial exports; it is not clear why the paper referred to that section when discussing Congressional notification of such exports. Section 36(c) imposes Congressional notification requirements concerning specified proposed commercial export licenses.

Footnote 11 argues that reports to Congress on the total value of all FMS agreements with each country are "useless for the identification of specific low cost sales." In addition to the quarterly reports on the total value of FMS agreements and to the individual Congressional notifications of all proposed FMS offers involving at least $25 million or major defense equipment of at least $7 million, we provide Congress under Sections 36(a)(1) and (2) of the Arms Export Control Act quarterly reports specifically describing each FMS offer and agreement involving major defense equipment of $1 million or more. Prior to the enactment in 1976 of the $1 million major defense equipment threshold, which the Executive Branch did not request, all FMS offers and agreements were specifically described in the Section 36(a) reports to Congress. In an effort to make the maximum amount of information available to Congress, we provided an annex to our Section 36(a) report for the last quarter of FY 1977 which contained specific descriptions of all FMS agreements concluded during that fiscal year, including those agreements for which descriptions are not required by law. Thus, Congress has received the specific data on "low cost sales" under FMS to which footnote 11 refers. Congress has not received comparable data for commercial military sales.

SALES TO THIRD WORLD COUNTRIES

Statement by the Military Audit Project

Also, commercial sales are explicitly exempted from Carter's ceiling. DoD need only continue its illegal practice of labelling "commercial" sales which are financed through the foreign military sales program. In this way, these sales circumvent any limitations imposed by the "ceiling" stated in the new policy.

[9] There may be some minor administrative costs which are actual fiscal year 1977 expenditures. Such costs do appear to be illegal in light of the 1977 Foreign Assistance Act language.

Comment by the Department of Defense

It is true that commercial sales are excluded from President Carter's ceiling on arms transfers. However, DoD does not determine whether sales shall be through commercial or FMS channels. Congress and the Department of State make this determination for the United States. In Section 38(b)(3) of the Arms Export Control Act, Congress has prohibited the commercial export of any major defense equipment for $25 million or more, unless the purchaser is NATO or another eligible international organization, or is a member of NATO, Australia, New Zealand, or Japan, or unless the export is pursuant to a co-production agreement. If a commercial export is not prohibited by Section 38(b)(3), the Department of State determines whether the transaction may proceed through commercial or FMS channels. Pursuant to approval by the Department of State, DoD has in many cases sold under FMS articles and services which were not on the U.S. Munitions List. Examples are commercial vehicles, telephone systems, and construction. These articles and services could have been sold directly by private U.S. firms without even obtaining a commercial military export license from the Department of State.

It is not "illegal" to label as "commercial" those sales by private firms which are financed with FMS loans. We wonder whether the Military Audit Project would contend that the mere export licensing by the government of sales by private firms would require labeling such sales as "noncommercial".

Statement by the Military Audit Project

Additionally, from May 19 through August 31, 1977, over $165 million was drawn down from the FFB on commitments previously established for military purchases by third world countries.[20]

Comment by the Department of Defense

The figures in the statement "excludes loans to . . . oil rich nations such as Iran, Saudi Arabia, and Kuwait," because there have never been FFB loans to those countries to finance military purchases.

CONCLUSION

Statement by the Military Audit Project

Carter's position both reflects and takes advantage of Congressional ambiguity. The Arms Export Control Act asserts ". . . it remains the policy of the United States to encourage regional arms control and disarmament agreements and to discourage arms races." It also states that it is ". . . the sense of Congress that sales (of weapons) and guarantees (of borrowings for such sales) . . . shall not be approved where they have the effect of arming military dictators who are denying the growth of fundamental rights or social progress to their own people . . ." However, Congress, in the same sentence, gives authority to the President to waive this limitation when "it would be important to the security of the United States . . .". Furhermore, section 4 of this Act states that defense articles and services shall be sold to friendly countries for "internal security".

DoD has taken advantage of these loopholes and those in Carter's own policy statement to continue without abatement arms transfers and the financing of such transfers. Thus, the contradictions within the law and the weakness of Carter's policy provide the means by which the declared intent of the law and of the "new" policy are overriden (sic).

[20] These figures exclude loans to Israel, Turkey, all European countries, and oil rich nations such as Iran, Saudi Arabia, and Kuwait.

Comment by the Department of Defense

DoD has not "taken advantage" of "loopholes", "contradictions within the law", and the "weakness of Carter's policy" to circumvent the intent of legislation and Executive Branch policy. The Arms Export Control Act and Executive Branch policies recognize that a decision to enter into a particular Foreign Military Sales agreement or to approve a particular commercial military export may require a weighing of competing policy considerations. The effect of a particular sale on U.S. diplomatic and national defense interests, international human rights, regional stability, and arms control are among the factors to be considered. Because such factors impact so heavily on United States foreign policy, the Department of State has, by law and in practice, program control of sales of defense articles and defense services to foreign countries. Section 2(b) of the Arms Export Control Act stipulates that the Secretary of State "shall be responsible for the continuous supervision and general direction of sales and exports under this Act." In accordance with Section 38 of the Arms Export Control Act and Department of State regulations issued thereunder, no commercial export of any defense articles or services on the U.S. Munitions List may occur except pursuant to a license issued by the Department of State. In accordance with Executive Branch policy, DoD may not and does not issue any FMS offer, extend any credit, or guarantee any loan to a foreign country without the approval of the Department of State.

THE CASE OF THE WILMINGTON TEN

(Mr. DELLUMS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, I would like to pose a question here: That is, whatever happened to justice in this country? The answer to this question has been left to but one remaining individual—the man in the White House. I call upon Mr. Carter to respond, to do what is right and just.

This is not a personal choice between capricious action or respect of another's judgment; it is a national choice between dignity or shame. How can we face the rest of this world, holding up our heads asserting that unique and sacred trust between leaders and citizens, knowing only too well the disgraceful facts surrounding the case of the Wilmington 10?

Not since the Scottsboro Boys were railroaded to prison by lurid racist paranoia has there been such a clearcut case of injustice. A nation that first subjugates and afterwards scorns an entire race of people cannot then retain its greatness, nor distinguish itself as the home of freedom and tolerance. Just recently, Clarence Norris, the last survivor of the Scottsboro Boys, finally won his long struggle with authorities to recognize his innocence, but at what cost? And can we say that he has at least achieved the cherished goal of justice? How can that be when it cost the lives—the long and bitter lives spent in a Tennessee prison—of the other accused, sparing merely the end of one? Let us not ignore the lesson the South taught us then, over four decades ago, when we saw that the scales were tipped to a dangerous balance.

It is our moral duty as legislators to call forth the forces and resolute strength of the combined States to assure that the political motivations of one do not overwhelm the rest. Our purpose is to see that no man or woman suffers under any authority save the one asserted collectively under the Constitution: That all are created equal, and that due process shall be fairly administered.

That the Wilmington 10 still sit in prison is an affront to all the people of this country. For any person, the jails and prisons of today can only be a destructive and degrading experience, which goes beyond punishment to perversity. But for the innocent and heroic defendant in the Wilmington 10 case, their stay in prison must be a daily battle against uneven odds for spiritual integrity and a sense of hope. To witness this gross miscarriage of justice without attempting to right it is to allow ourselves to slide farther and farther back into the dark days of hatred and prejudice. Amnesty International has called this the worst abuse of human rights in the United States today, and still the President defers to the old system of southern justice, allowing the case to stay enmeshed in litigation and stretching out for years through the slow-moving court system that we have built to insulate ourselves from accountability. This case demonstrates with ringing finality that notions of white supremacy are still very much alive in the United States. It is time to test Mr. Carter's human rights principles.

To dispel this notion, the Carter administration should take immediate action in three areas, so that we do not see more young lives wasted in prison for a crime they did not commit. First, the Attorney General must reveal to us and to the public the official results of the Justice Department's investigation of this case. (That the investigation was done at all shows that there is a concern—it is both natural and just that that concern should be carried through to its conclusion.) I am certain that the Justice Department report could reveal some very provocative facts in this case, and those must be brought out into the open. The second thing the administration must do is to file an amicus curiae with the Federal District Court in North Carolina, expressing the concern of the U.S. Government that the trial was handled improperly, and that the court should make a favorable and expeditious decision on the defendants' petition for a writ of habeas corpus. Finally, there have been reports that the Reverend Ben Chavis, the spiritual leader of the Wilmington 10 and a former church activist, was the object of the FBI's Cointel program of surveillance and harassment of domestic civil "agitators." Now, the philosophy behind Cointelpro is questionable at best, but when its activities are directed against individuals who are later tried for a crime, I think it is vital that we know the nature of the FBI's investigation of Reverend Chavis to see whether or not the evidence that

convicted him was in fact the product of Government harassment.

Those of us here have another role to play in this dramatic but real-life tragedy: That is, not to ignore these individuals who have been mistreated, nor to forget the memory of thousands of souls who met their end without ever tasting the delicious freedoms for which this country was created. For the sake of all these nameless people, and for their living descendants who still suffer from yesterday's ideologies, we must work together to snuff out all vestiges of reactionary sentiment so that true freedom and true equality will not be still a future dream.

The duty of the Congress is to guide the administration of justice through law, but it is also more than that. When the laws we pass are disregarded by some officials who feel they have superior powers of judgment, we cannot simply pass more laws and hope that these officials come around—we could be waiting until judgment day for that. No, what we have to do is emerge; to speak out on these issues, and tell the rest of the Nation that we care what happens to our principles, and we care what happens to the individuals who are denied the rights of those principles.

Sir William Blackstone, the noted English jurist, made a statement that is repeated often enough to make us almost believe it true:

It is better that ten guilty persons escape than that one innocent should suffer.

Now we have the opposite situation: Ten innocent people have been convicted, nine imprisoned, and there is probably one guilty person who has escaped having to answer for his crime. Well, theories sound nice, and quotations have a catchy ring, but what is really happening is no pleasant sight to see. It weighs heavy on the heart. Even worse, it causes us to lose faith in that which we have already accomplished in the realm of civil rights. There is, however, a fundamental resource which we can tap, and that is our emotions. What has happened to the Wilmington 10 stirs such an anger that I believe it will carry us through this ordeal, carrying with it our hopes for the future. For if humane and conscientious action is taken now, we will be that much closer to a unity based on faith and mutual trust.

LEAVE OF ABSENCE

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), for February 21 and 22, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. UDALL, for 10 minutes today and to include extraneous material.

(The following Members (at the request of Mr. CUNNINGHAM) and to revise and extend their remarks and include extraneous matter:)

Mr. JEFFORDS, for 10 minutes, today.

Mr. GRASSLEY, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. FREY, for 5 minutes today.

(The following Members (at the request of Mr. WALGREN) and to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. CARNEY, for 5 minutes, today.

Mr. BENJAMIN, for 5 minutes, today.

Mr. LE FANTE, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mr. BINGHAM, for 10 minutes, today.

Mr. MURPHY of Pennsylvania, for 5 minutes, today.

Mr. COTTER, for 10 minutes, on February 22.

Mr. HOWARD, for 60 minutes, on February 23.

Mr. VANIK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HAMILTON, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,725.

Mr. HAMILTON, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,149.75.

Mr. DERRICK, to extend his remarks during debate of H.R. 10979.

Mr. QUIE, to extend his remarks on the Alcohol and Drug Abuse Education Act extension, H.R. 649.

Mr. DELLUMS.

(The following Members (at the request of Mr. CUNNINGHAM), and to include extraneous matter:)

Mr. YOUNG of Florida.

Mr. CONABLE.

Mr. BROWN of Ohio.

Mr. HYDE.

Mr. LENT in two instances.

Mr. KEMP.

Mr. DERWINSKI in two instances.

Mr. MOORE in two instances.

Mr. MARTIN in two instances.

Mr. RUPPE in two instances.

Mr. LEACH.

Mr. FINDLEY.

Mr. BURGENER.

Mr. QUILLEN.

Mr. MITCHELL of New York.

Mr. DEL CLAWSON.

Mr. SYMMS.

Mr. WHALEN in three instances.

Mr. STEERS in two instances.

(The following Members (at the request of Mr. WALGREN) and to include extraneous matter:)

Mr. CARNEY in two instances.

Mr. MCCORMACK.

Mr. BAUCUS.

Ms. MIKULSKI.

Mr. PEASE in three instances.

Mr. RANGEL.

Mr. DINGELL in three instances.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. BLANCHARD in two instances.

Mr. EVANS of Indiana.

Mr. CAVANAUGH in three instances.

Mr. MAZZOLI in two instances.

Mr. BRECKINRIDGE.

Mr. BLOUIN in two instances.

Mrs. MEYNER.

Ms. OAKAR.

Mr. NEAL.

Mr. MURTHA.

Mr. CORNWELL.

Mr. DRINAN.

Mr. BARNARD.

Mr. BOWEN.

Mr. VANIK in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 666. An act to allow Federal employment preference to certain employees of the Bureau of Indian Affairs, and to certain employees of the Indian Health Service, who are not entitled to the benefits of, or who have been adversely affected by the application of, certain Federal laws allowing employment preference to Indians, and for other purposes; to the Committeee on Post Office and Civil Service and the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4544. An act to amend the Federal Coal Mine Health and Safety Act to improve the black lung benefits program established under such act, and for other purposes.

ADJOURNMENT

Mr. MURPHY of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 22, 1978, at 3 o'clock p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3303. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to accept and administer on behalf of the United States gifts or devises of real and personal property for the benefit of the Department of Agriculture or any of its programs; to the Committee on Agriculture.

3304. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting notice of proposed changes in the terms of the transaction with Petroleos Mexicanos which was previously reported to Congress (Executive Communication No. 2324), pursuant to section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

3305. A letter from the Executive Secretary to the Department of Health, Educa-

tion, and Welfare, transmitting proposed regulations governing development and operation of Teacher Corps projects pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3306. A letter from the Secretary of State, transmitting the first annual report on Americans incarcerated abroad, pursuant to section 108 of Public Law 95–105; to the Committee on International Relations.

3307. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a quarterly report on the programing and obligation of International Narcotics Control funds as of December 31, 1977, pursuant to section 481(b)(1) of the Foreign Assistance Act of 1961, as amended (87 Stat. 719); to the Committee on International Relations.

3308. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination 78–2, and the justification therefor, waiving the limitation on the aggregate of military assistance, credits and guarantees to African countries in fiscal year 1978, pursuant to section 33(b) of the Arms Export Control Act (88 Stat. 1815); to the Committee on International Relations.

3309. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on the implementation of the President's decision to withdraw U.S. ground combat forces from Korea, pursuant to section 512 of Public Law 95–105; to the Committee on International Relations.

3310. A letter from the Assistant Secretary of State for Administration, transmitting a request for an appropriation for the U.S. Emergency Refugee and Migration Assistance Fund for fiscal year 1979, pursuant to section 2(c)(3) of the Migration and Refugee Assistance Act of 1962, as amended (89 Stat. 771); to the Committee on International Relations.

3311. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the 17th Annual Report of the Center for Cultural and Technical Interchange Between East and West, covering fiscal year 1977, pursuant to section 704(c) of the Mutual Security Act of 1969; to the Committee on International Relations.

3312. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

3313. A letter from the Secretary of Energy, transmitting the annual report on the Strategic Petroleum Reserve, pursuant to section 165 of the Energy Policy and Conservation Act of 1975; to the Committee on Interstate and Foreign Commerce.

3314. A letter from the Assistant Attorney General (Antitrust Division), transmitting a report on the effects of Interstate Commerce Commission regulation of independent owner-operators in the trucking industry, pursuant to section 10(c) of the Small Business Act of 1958, as amended; to the Committee on Small Business.

3315. A letter from the Secretary of the Treasury, transmitting a report on the state of the finances of the U.S. Government for fiscal year 1977, pursuant to section 257 (First) of the Revised Statutes [31 U.S.C. 1027]; to the Committee on Ways and Means.

3316. A letter from the Chairman, Interstate Commerce Commission, transmitting a proposed codification of the Interstate Commerce Act and related statutes, together with recommendations for substantive changes to modernize existing law and harmonize regulation among the several modes of transportation, pursuant to section 312 of Public Law 94–210; jointly, to the Committees on the Judiciary, Interstate and Foreign Commerce, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DIGGS: Committee on the District of Columbia House Concurrent Resolution 464. Concurrent resolution approving an amendment to the District of Columbia Charter relating to initiative and referendum (Rept. No. 95–890). Referred to the House Calendar.

Mr. DIGGS: Committee on the District of Columbia. House Concurrent Resolution 471. Concurrent resolution approving an amendment to the District of Columbia charter relating to recall of elected officials (Rept. No. 95–891). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 11006. A bill to amend title 5, United States Code, to preserve and strengthen the separation of powers in Federal Government by establishing a uniform procedure for congressional review of executive branch rules which may have a harmful impact on the public, may be contrary to law, or may be inconsistent with congressional intent; to expand opportunities for public participation in Federal agency rulemaking; and for other purposes; jointly to the Committees on the Judiciary and Rules.

By Mr. BEILENSON:

H.R. 11007. A bill to promote public health and welfare by preventing unwanted conceptions and reducing the need for abortions among all women, especially teenagers, through improved and expanded family planning services and population research activities by the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. BOGGS (for herself, Mr. ADDABBO, Mr. JOHN L. BURTON, Mr. CARR, Mr. CONABLE, Mr. ERLENBORN, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. HARRINGTON, Mr. HARRIS, Mr. LEHMAN, Mr. METCALFE, Ms. MIKULSKI, Mr. MIKVA, Mr. MOSS, Mr. QUIE, Mr. RODINO, Mr. ST GERMAIN, Mr. SARASIN, Mrs. SPELLMAN, Mr. STARK, Mr. WAXMAN, Mr. WEISS, and Mr. CHARLES WILSON of Texas):

H.R. 11008. A bill to authorize the Smithsonian Institution to acquire the Museum of African Art, and for other purposes; to the Committee on House Administration.

By Mr. BRINKLEY (for himself, and Mr. ABDNOR):

H.R. 11009. A bill to amend title 38, United States Code, to improve the mobile home loan program of the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. DON H. CLAUSEN:

H.R. 11010. A bill to amend the Internal Revenue Code of 1954 to eliminate the adjusted gross income limitation on the credit for the elderly, to increase the amount of such credit, and for other purposes; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 11011. A bill to amend chapters 2 and 21 of the Internal Revenue Code of 1954 and title II of the Social Security Act to improve the financing of the social security programs by adjusting OASDI and HI tax rates, increasing the allocations for disability insurance purposes, and permitting the two OASDI Trust Funds to borrow from each other when necessary to make benefit payments and continue full operation; to the Committee on Ways and Means.

By Mr. FASCELL (for himself and Mr. BUCHANAN):

H.R. 11012. A bill to authorize additional appropriations for the Board for International Broadcasting for fiscal year 1978; to the Committee on International Relations.

H.R. 11013. A bill to authorize fiscal year 1979 and 1980 appropriations for the International Communication Agency, and for other purposes; to the Committee on International Relations.

H.R. 11014. A bill to amend the Board for International Broadcasting Act of 1973 and to authorize appropriations for fiscal years 1979 and 1980 for carrying out that act; to the Committee on International Relations.

By Mr. FORD of Michigan (for himself, Mr. BEARD of Rhode Island, Mr. BONIOR, Mr. DRINAN, Mr. EDWARDS of California, Mr. GAYDOS, Mr. GONZALEZ, Mr. LE FANTE, Mr. LEHMAN, Mr. LUJAN, Mrs. MEYNER, Ms. MIKULSKI, Mr. NEDZI, Mr. PATTEN, Mr. PURSELL, Mr. REUSS, Mr. STUDDS, Mr. WEAVER, and Mr. YATRON):

H.R. 11015. A bill to amend the Higher Education Act of 1965 to increase the eligibility of middle-income students for the various forms of student assistance available under such act, and for other purposes; to the Committee on Education and Labor.

By Mr. HOWARD (for himself and Mr. SNYDER):

H.R. 11016. A bill to provide emergency assistance for the repair of certain weather related damage to highways and urban mass transportation systems due to the winter of 1977–78; to the Committee on Public Works and Transportation.

By Mr. HYDE:

H.R. 11017. A bill to amend the Rehabilitation Act of 1973 with respect to the definition of a handicap; to the Committee on Education and Labor.

H.R. 11018. A bill to provide for the establishment of a Commission on Federal Judicial Nominations with respect to each Federal judicial district for the purpose of recommending to the President, on the basis of merit, potential nominees for the offices of U.S. district judge, U.S. attorney, and U.S. marshal for such district; to the Committee on the Judiciary.

By Mr. JEFFORDS:

H.R. 11019. A bill to amend the Internal Revenue Code of 1954 to provide individuals a credit against income tax for amounts paid for tuition and a deduction for amounts contributed to certain trust funds payments from which are restricted to the payment of educational expenses; to the Committee on Ways and Means.

By Mr. JEFFORDS (for himself, Mr. QUIE, Mr. MCCLORY, Mr. BYRON, Mr. PRESSLER, and Mr. JOHN L. BURTON):

H.R. 11020. A bill to establish a national policy concerning agricultural land; to establish an Agricultural Land Review Commission; to establish a demonstration program for protecting agricultural land from being used for nonagricultural purposes, and for other purposes; to the Committee on Agriculture.

By Mr. KEMP:

H.R. 11021. A bill to provide for the duty-free entry of live worms, if a product of Canada; to the Committee on Ways and Means.

By Mr. KINDNESS (for himself and Mr. QUAYLE):

H.R. 11022. A bill to amend section 6(d)(1) of the Food Stamp Act of 1977, and for other purposes; to the Committee on Agriculture.

By Mr. LaFALCE:

H.R. 11023. A bill to amend the Internal Revenue Code of 1954 to encourage the targeting of manufacturing-related investments in labor surplus areas by providing, with respect to property placed in service in such areas, an additional depreciation deduction and an additional investment tax credit, and by providing, with respect to real property located in such areas, an additional deduction for State and local real property taxes; to the Committee on Ways and Means.

By Mr. LEVITAS (for himself, Mr. HANNAFORD, Mr. EVANS of Georgia, Mr. BAUCUS, Mr. PATTERSON of California, Mr. WHITE, Mr. NEAL, Mr. CEDERBERG, Mr. DORNAN, Mr. BENJAMIN, Mr. CHARLES WILSON of Texas, Mr. HARRINGTON, Mr. LENT, Mr. FORSYTHE, Mr. BLANCHARD, Mr. EDWARDS of Oklahoma, Mr. GRASSLEY, and Mr. BROWN of Ohio):

H.R. 11024. A bill to amend the Administrative Procedure Act to require the performance and publication of economic impact analyses in the Federal Register for all proposed and final rules which are subject to the provisions of that act; to the Committee on the Judiciary.

By Mr. LOTT:

H.R. 11025. A bill to require that imported meat and meat food products made in whole or in part of imported meat be subjected to certain tests and that such meat or products be identified as having been imported; to require the inspection of imported dairy products and that such products comply with certain minimum standards of sanitation; to require that the cost of conducting such tests, inspections, and identification procedures on imported meat and meat food products and on dairy products, as the case may be, be borne by the exporters of such articles; and for other purposes; to the Committee on Agriculture.

By Mr. MANN:

H.R. 11026. A bill for the relief of certain hospitals and health-care facilities; to the Committee on the Judiciary.

By Mr. MATHIS (for himself, Mr. POAGE, Mr. WAMPLER, Mr. CORNELL, Mr. ARMSTRONG, Mr. CORCORAN of Illinois, Mr. VOLKMER, Mr. MOORE, and Mr. HARKIN):

H.R. 11027. A bill to strengthen the economy of the United States through increased sales abroad of American farm products; jointly to the Committees on Agriculture and International Relations.

By Ms. MIKULSKI (for herself, Mr. BONKER, Mr. BUCHANAN, Mr. HARRINGTON, Mrs. PETTIS, and Mr. STARK):

H.R. 11028. A bill to establish programs for the prevention and treatment of family violence; to the Committee on Education and Labor.

By Mr. MITCHELL of Maryland (for himself, Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON of Illinois, Mr. ANDREWS of North Dakota, Mr. BALDUS, Mr. BAUMAN, Mr. BEARD of Rhode Island, Mr. BEDELL, Mr. BENJAMIN, Mr. BOWEN, Mr. BROWN of Ohio, Mr. BUCHANAN, Mrs. BURKE of California, Mr. PHILLIP BURTON, Mr. BYRON, Mrs. CHISHOLM, Mr. DON H. CLAUSEN, Mr. CLAY, Mr. CONTE, Mr. CONYERS, and Mr. CORRADA):

H.R. 11029. A bill to provide for the temporary transfer of the hospital ship U.S.S. *Sanctuary* (*AH–17*) to *LIFE International* for the purpose of providing health care and related services to developing nations on a nonprofit basis, and to authorize funds for such purpose; jointly to the Committees on Armed Services, and International Relations.

By Mr. MITCHELL of Maryland (for himself, Mr. DENT, Mr. DIGGS, Mr. DOWNEY, Mr. DRINAN, Mr. DUNCAN of Oregon, Mr. EDGAR, Mr. EILBERG, Mr. EMERY, Mr. ERTEL, Mr. EVANS of Delaware, Mr. FAUNTROY, Mr. FISHER, Mr. FLORIO, Mr. FORD of Tennessee, Mr. GILMAN, Mr. GINN, Mr. HARRINGTON, Mr. HARSHA, and Mr. HAWKINS):

H.R. 11030. A bill to provide for the temporary transfer of the hospital ship U.S.S. *Sanctuary* (*AH–17*) to *LIFE International* for the purpose of providing health care and related services to developing nations on a nonprofit basis, and to authorize funds for such purpose; jointly to the Committees on Armed Services, and International Relations.

By Mr. MITCHELL of Maryland (for himself, Mr. HEFTEL, Mr. HEFNER, Ms. HOLTZMAN, Mr. HORTON, Mr. HUBBARD, Mr. HUCKABY, Mr. HUGHES, Mr. HYDE, Ms. KEYS, Mr. KILDEE, Mr. LEDERER, Mr. LE FANTE, Mr. MAGUIRE, Mr. MARTIN, Mrs. MEYNER, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MOFFETT, Mr. OBERSTAR, Mr. PRESSLER, and Mr. PRICE):

H.R. 11031. A bill to provide for the temporary transfer of the hospital ship *U.S.S. Sanctuary* (*AH–17*) to *LIFE International* for the purpose of providing health care and related services to developing nations on a nonprofit basis, and to authorize funds for such purpose; jointly to the Committees on Armed Services, and International Relations.

By Mr. MITCHELL of Maryland (for himself, Mr. QUIE, Mr. RANGEL, Mr. RODINO, Mr. ROE, Mr. ROYBAL, Mr. SCHEUER, Mr. SHIPLEY, Mr. SIMON, Mr. SPENCE, Mr. STEERS, Mr. STOKES, Mr. THOMPSON, Mr. TREEN, Mr. VANDER JAGT, Mr. WEISS, Mr. WHITEHURST, and Mr. BOB WILSON):

H.R. 11032. A bill to provide for the temporary transfer of the hospital ship *U.S.S. Sanctuary* (*AH–17*) to *LIFE International* for the purpose of providing health care and related services to developing nations on a nonprofit basis, and to authorize funds for such purpose; jointly to the Committees on Armed Services and International Relations.

By Mr. MONTGOMERY (for himself and Mrs. LLOYD of Tennessee):

H.R. 11033. A bill to amend section 1448 of title 10, United States Code, to provide survivor benefits in case of death of certain members or former members of the armed forces who die before becoming entitled to retired pay for non-Regular service, and for other purposes; to the Committee on Armed Services.

By Mr. NICHOLS:

H.R. 11034. A bill to provide wheat, feed grain, and cotton producers the opportunity to receive parity prices for the 1978 crops; to the Committee on Agriculture.

By Mr. PICKLE (for himself, Mr. CONABLE, Mr. WRIGHT, Mr. RHODES, Mr. BRADEMAS, and Mr. MCCLORY):

H.R. 11035. A bill to incorporate the United States Capitol Historical Society; to the Committee on the Judiciary.

By Mr. PRICE (by request);

H.R. 11036. A bill to authorize appropriations for the Department of Energy for national security programs for fiscal year 1979, and for other purposes; to the Committee on Armed Services.

By Mr. ROBINSON:

H.R. 11037. A bill to protect the economy of the United States; domestic agriculture, labor, and industry, by the maintenance of farm income and purchasing power; to the Committee on Agriculture.

By Mr. ROBINSON (for himself, Mr. ROBERT W. DANIEL, Jr., Mr. DORNAN, Mr. EVANS of Georgia, Mr. GOODLING, Mr. HANNAFORD, Mr. KETCHUM, Mr. KRUEGER, and Mr. MANN):

H.R. 11038. A bill to amend an act to provide for certain payments to be made to local governments by the Secretary of the Interior based upon the amount of certain public lands within the boundaries of such locality; to the Committee on Interior and Insular Affairs.

By Mr. RUPPE:

H.R. 11039. A bill to amend the Internal Revenue Code of 1954 to provide an additional investment tax credit for property placed in service in certain economic redevelopment areas, to increase the amount of such credit allowable for a taxable year, and to increase the credit for employment of certain new employees in such areas; to the Committee on Ways and Means.

By Mr. SEBELIUS (for himself, Mr. TUCKER, Mr. NATCHER, Mr. GUYER, and Mr. JENRETTE):

H. R. 11040. A bill to provide wheat, feed grain, and cotton producers the opportunity to receive parity prices for the 1978 crops; to the Committee on Agriculture.

By Mr. SIKES:

H.R. 11041. A bill to authorize an appropriation to reimburse certain expenditures for social services provided by the States prior to October 1, 1975, under titles I, IV, VI, X, XIV, and XVI of the Social Security Act; jointly to the Committees on the Judiciary and Ways and Means.

By Mr. SIKES (for himself, Mr. FUQUA, and Mr. BENNETT):

H.R. 11042. A bill to provide 100 percent parity to farmers; to the Committee on Agriculture.

By Mr. TEAGUE:

H.R. 11043. A bill to amend title 38, United States Code, to transfer the functions of the Secretary of Labor under chapters 41, 42, and 43 (relating to job counseling, training, placement, and reemployment of veterans) to the Administrator of Veterans' Affairs, to create the office of Associate Deputy Administrator for Veterans' Employment, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 11044. A bill to amend title 38, United States Code, to provide limitations on the payment of educational assistance allowances to certain veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 11045. A bill to amend title 38, United States Code, to make certain technical corrections therein, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TEAGUE (by request):

H.R. 11046. A bill to terminate the authority for the pursuit of flight training programs by veterans and for the pursuit of correspondence training programs by veterans, spouses, and surviving spouses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WAMPLER:

H.R. 11047. A bill to establish a new Assistant Secretary of Agriculture who shall be responsible for agricultural research activities conducted by the U.S. Department of Agriculture; to the Committee on Agriculture.

By Mr. LENT:

H. Con. Res. 484. Concurrent resolution stating congressional disapproval of the proposed sales, announced by the Secretary of State on February 14, 1978, of certain military aircraft to Egypt and Saudi Arabia; to the Committee on International Relations.

By Mr. VANIK:

H. Con. Res. 485. Concurrent resolution to disapprove the determination of the President denying import relief under the Trade Act of 1974 to the U.S. industry manufacturing bolts, nuts, and large screws of iron and steel; to the Committee on Ways and Means.

By Mr. BOLAND:

H. Res. 1034. Resolution providing funds for the Permanent Select Committee on Intelligence; to the Committee on House Administration.

By Mr. FASCELL:

H. Res. 1035. Resolution to amend the Rules of the House of Representatives to restrict amendments to general appropriation bills, to restrict consideration of supplemental appropriation bills, and to prohibit consideration in the House of continuing resolutions; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAUCUS:

H.R. 11048. A bill for the relief of Ivan Mauricio Mas-Jaccard, his wife, Carmen Mas-Jaccard, and their children, Clifford Mas-Jaccard and Johnny Mas-Jaccard; to the Committee on the Judiciary.

By Mr. OBERSTAR:

H.R. 11049. A bill for the relief of Herman R. Klun and Helen Klun; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

400. By the SPEAKER: Petition of the Detroit Lithuanian Organization Center, Detroit, Mich., relative to independence of the Baltic States of Lithuania, Latvia, and Estonia; to the Committee on International Relations.

401. Also, petition of the legislature of Rockland County, N.Y., relative to alleged human rights violations in Northern Ireland; to the Committee on International Relations.

402. Also, petition of the Illinois Commerce Commission, Springfield, Ill., relative to approval of the proposed change in the Federal Communications Commission's accounting rule governing station connections; to the Committee on Interstate and Foreign Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 9214

By Mr. HARKIN:

Page 3, add new section after line 14:

"SEC. 3. The Bretton Woods Agreements Act (22 U.S.C. 286–286k–2), as amended, is further amended by adding at the end thereof the following new section:

"'SEC. 29. (a) The Secretary of the Treasury shall instruct the United States Executive Director on the Executive Board of the International Monetary Fund to initiate a wide consultation with the Managing Director of the Fund and other member country Executive Directors with regard to encouraging the IMF staff to formulate stabilization programs which, to the maximum feasible extent, foster a broader base of productive investment and employment, especially in those productive activities which are designed to meet basic human needs.

"'(b) In accordance with the unique character of the International Monetary Fund, the Secretary of the Treasury shall direct the U.S. Executive Director to take all possible steps to the end that all Fund transactions, including economic programs developed in connection with the utilization of Fund resources, do not contribute to the deprivation of basic human needs, nor to the violation of basic human rights, such as torture, cruel or inhumane treatment or degrading punishment, prolonged detention without charge, or other flagrant denials of life, liberty and the security of person; and to oppose all such transactions which would contribute to such deprivations or violations.

"'(c) In order to gain a better understanding of the social, political and economic impact of the Fund's stabilization programs on borrowing countries, especially as it relates to the poor majority within those countries, the U.S. Governor of the Fund shall prepare and submit, not later than 180 days after the close of each calendar year, a report to the Congress. Such report shall evaluate, with respect to countries to which loans are made by the Fund during the year, the effects of the policies of those countries which result from the standby agreement(s) on the ability of the poor in such countries to obtain:

"'(1) an adequate supply of food with sufficient nutritional value to avoid the delibitating effects of malnutrition;

"'(2) shelter and clothing;

"'(3) public services, including health care, education, clean water, energy resources, and transportation;

"'(4) productive employment that provides a reasonable and adequate wage.'"

Page 3, add new section after line 14:

"SEC. 3. The Bretton Woods Agreements Act (22 U.S.C. 286–286k–2), as amended, is further amended by adding at the end thereof the following new section:

"'SEC. 29. (a) The Secretary of the Treasury shall instruct the United States Executive Director on the Executive Board of the International Monetary Fund to initiate a wide consultation with the Managing Director of the Fund and other member country Executive Directors with regard to encouraging the IMF staff to formulate stabilization programs entered into pursuant to loans from the Supplementary Financing Facility which, to the maximum feasible extent, foster a broader base of productive investment and employment, especially in those productive activities which are designed to meet basic human needs.

"'(b) In accordance with the unique character of the International Monetary fund, the Secretary of the Treasury shall direct the U.S. Executive Director to take all possible steps to the end that all Supplementary Financing Facility transactions, including economic programs developed in connection with the utilization of Fund resources, do not contribute to the deprivation of basic human needs, nor to the violation of basic human rights, such as torture, cruel or inhumane treatment or degrading punishment, prolonged detention without charge, or other flagrant denials of life, liberty and the security of person; and to oppose all such transactions which would contribute to such deprivations or violations.

"'(c) In order to gain a better understanding of the social, political and economic impact of the Fund's stabilization programs entered into pursuant to loans from the Supplementary Financing Facility on borrowing countries, especially as it relates to the poor majority within those countries, the U.S. Governor of the Fund shall prepare and submit, not later than 180 days after the close of each calendar year, a report to the Congress. Such report shall evaluate, with respect to countries to which loans are made by the Supplementary Financing Facility during such year, the effects of policies of those countries which result from the standby agreement(s) on the ability of the poor in such countries to obtain:

"'(1) an adequate supply of food with sufficient nutritional value to avoid the debilitating effects of malnutrition;

"'(2) shelter and clothing;

"'(3) public services, including health care, education, clean water, energy resources, and transportation;

"'(4) productive employment that provides a reasonable and adequate wage.'"

SENATE—*Tuesday, February 21, 1978*

(Legislative day of Monday, February 6, 1978)

The Senate met at 9 a.m., on the expiration of the recess, in executive session, and was called to order by Hon. KANEASTER HODGES, JR., a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Seek ye the Lord while He may be found, call ye upon Him while He is near:

Let the wicked forsake his way, and the unrighteous man his thoughts: and let him return unto the Lord, and He will have mercy upon him; and to our God, for He will abundantly pardon.—Isaiah 55: 6, 7.

O Lord, our God, we come to Thee once more at the beginning of the new day because Thou art first in our lives—in Thee we live and move and have our being. Find us where we are and lift us to a life we never yet have lived. Keep us from being satisfied with things as they are, or content with having our own way when it is Thy way we seek. Open our minds to the wisdom of others and our hearts to the loneliness some persons hide from us. Keep us loyal and strong, ever striving to advance the kingdom over which Thou dost rule. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 21, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KANEASTER HODGES, Jr., a Senator from the State of Arkansas, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. HODGES thereupon assumed the Chair as Acting President pro tempore.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois (Mr. PERCY) is recog-

nized as in legislative session for not to exceed 15 minutes.

LITHUANIAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, as we in the U.S. Senate commemorate today the 60th anniversary of Lithuanian independence, we must note with sadness that the situation in the Baltic States does not change from year to year in any hopeful way. The denial of self-determination continues. The repression of dissent continues. The effort to suppress the legitimate aspirations of the Lithuanian, Latvian, and Estonian peoples continues.

At the same time, however, we note no diminution in the ongoing determination of the Lithuanian, Latvian, and Estonian peoples to maintain their national identities and to reassert their national cultures. Each of these peoples has earned the admiration and respect of free men in all countries for their perseverance against seemingly overwhelming odds. They have shown that they will not yield to the "denationalization" process. They have demonstrated that they mean to survive as nations.

Mr. President, this is heartening to those of us who have had the privilege of visiting the Baltic States. I did visit the Baltic States some years ago for the purpose of seeing for myself the conditions that exist there. There is not any question that the attempt to "Russianize" the people of the Baltic States is ever present. There is the attempt to suppress the use of their native tongue, to continually bring in films and other means of communication to accomplish this and, in every way, to replace the national heritage and culture.

But the valiant spirit of the people I saw in Lithuania and Latvia is not to be suppressed. They continue, despite the possibility of sanction and, certainly, suppression, without a government of their own choice, to exercise the rights that they feel must be preserved, and to preserve their mores and customs, in every way they can. Certainly, we are proud, indeed, of the American descendants of those peoples, some of whom were born in the Baltic States and have migrated to this country. Through their children and their grandchildren, they have continued their cultural heritage.

I had the great pleasure—have had for many years now—of visiting some of the national day events when they celebrate the obtaining of their freedom and independence at the end of World War I. I have done so on occasion in company with members of the First Family who have visited Chicago for that purpose.

I am proud that the United States, under succeeding administrations of both parties, has chosen to adhere to its policy of nonrecognition of the forced incorporation of the Baltic States into the Soviet Union. In this regard, the Department of State, commenting in response to concerns that the Conference on Security and Cooperation in Europe (CSCE) may have changed the situation, said in the Department of State Bulletin of September 26, 1977, that—

> The United States had made it clear that the CSCE has not altered our policy of not recognizing the forcible incorporation of the Baltic States into the U.S.S.R. In fact, the principle on territorial integrity excludes the acquisition of territory by force or threat of force. It states that no acquisition contrary to international law may be regarded as legal. The language in this principle reflects and supports the longstanding U.S. position on the Baltic States. Our policy was reiterated by the President on the eve of the Helsinki summit in July 1975 and again in a letter to Estonian-Americans on February 19, 1976. The executive branch of the government has also welcomed House and Senate resolutions expressing no change in the U.S. position of nonrecognition.
>
> Following the 1968 invasion of Czechoslovakia, the Soviet Union claimed the right to protect Communist regimes even if it meant the use of force. The CSCE principles on sovereign equality of states and equal rights and self-determination of peoples, however, reflect the concept that all states should be able to choose and carry out their own political lives free from domination by any other states. These elements, coupled with the principle of nonintervention in internal affairs, constitute a de facto rejection of what is popularly known as the "Brezhnev doctrine."

Mr. President, I have reaffirmed and had direct reaffirmation from the past four Presidents of the United States and Secretaries of State, with whom I have discussed these matters, that there is no change and that the United States stands firm in its nonrecognition in this area.

This language of the State Department bulletin is reassuring and I take it as a commitment that the Carter administration intends to sustain the policy of nonrecognition. I know that in this body there is great support of this policy.

Last June, in this Chamber, I commented that:

> The peoples of Lithuania, Latvia and Estonia somehow, with God's help, have maintained their national identities, their national cultures, their religious beliefs, and their self-respect. They deserve our continuing admiration. They deserve our continuing concern. We shall never forget them.

Today, as we mark the anniversary of the Declaration of Independence of Lithuania, it is done in this spirit, and with high regard for the Baltic communities in the United States who have earned our respect for their remarkable personal qualities, for their steadfastness in the cause of freedom, and for their loyalty to their heritage.

In a sense, these great Americans of ethnic origin and heritage; after all, all of us in this country—with the exception perhaps of the American Indians—all of us treasure that right, in this country, to hold to our background, to cling to the ideals and principles that have given us the character that makes us.

After all, the character that made this Nation is emblazoned in marble above the chair of the President of the Senate: "E pluribus unum," Of many, one. Of many nations, of many religions, of many tongues, one nation, one people.

In this body there are 100 Senators, every single one affiliated with a religious faith and conviction of his own and every one ready to fight for the right of any Senator or any other American to hold any religious position that he chooses.

There are 17 different denominations represented. Though we do not agree in philosophy, we believe in the cause the great maker has brought to us. The cause we carry out and the zeal with which we fight for the liberties that have made this country great is the same zeal that inspires these dedicated people who, though they have achieved freedom in this country, do not take their own liberty for granted and do not ever forget that, though they have gained this right for themselves, they will everlastingly continue the fight for the freedom of the countries whose heritage and background they still cherish.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent that I be granted the remaining time of the Senator from Illinois (Mr. PERCY).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LITHUANIAN INDEPENDENCE

Mr. GLENN. Mr. President, I wish to associate myself with the remarks made by the distinguished Senator from Illinois (Mr. PERCY).

It was my pleasure last Sunday afternoon to meet with and speak to a large number of citizens in Cleveland of Lithuanian extraction, some of whom came from Lithuania directly during some of the difficult days there at the time of the Soviet takeover years ago. To meet with Cleveland's Lithuanian community was, indeed, an honor as we shared some thoughts together on the future of that country and of the other Baltic States and celebrated together the 60th anniversary of Lithuanian Independence Day.

Though short-lived, the 20th century period of Lithuanian independence stands as a beautiful example of human freedom and one we must strive for anew. It is not dead, and someday will be revived, even as it lives now in the hearts of those American Lithuanians who commemorated that 60th anniversary on Sunday last, in Cleveland.

When we look back on our own Bicentennial in 1976, we celebrated not just what was past, but we celebrated what was yet to come, what was just started.

America is an infant among nations and when we look at our past, at our 200th birthday, last Sunday we also looked back and commemorated the fact that Lithuania's first Christian king was crowned more than five centuries before the Founding Fathers ever thought of breaking the yoke of British domination.

During all of our 200 years, America's enormous potential as a nation was shaped and is shaped today in great

measure by the contributions of those who came from other lands, and their sons, daughters, grandsons, and granddaughters.

In the contributions of the Lithuanian population in America, the Lithuanian community in America was, first and foremost, proud to be American, proud of this land, proud of our land, and eager to make its mark at the same time with its Lithuanian heritage on this Nation; to bring with them some 700 years of experience as a nation, a nation with a proud and a rich culture that will never die, a nation with a belief in God, which has weathered attempts by oppressors to kill the church and those who believe in a divine maker. They brought with them a yearning for human rights and a deep understanding of what the denial of such rights means.

As we in this country enter our third century, President Carter, quite rightly, has made human rights a major thrust of his foreign policy—a difficult objective to achieve, at best. But it can be a guiding beacon for our foreign policy. We cannot directly impose our concept of human rights on other cultures, but we know that we must keep trying.

We share with nations now under Soviet domination, such as Lithuania, our faith in God, our faith in independence, and the concepts of rights which flourished before foreign armies moved in to dominate Lithuania as it is dominated today.

But they have known the beauty and the spiritual power of freedom, and they want it to flourish again. They will not be fooled by empty gestures when, behind the scenes, there is harassment and oppression and violation of human rights that no decent people can tolerate, today or ever.

I think we need to keep reminding ourselves all the time that the Helsinki agreements were signed by many nations and that the freedom to choose, freedoms that were supposedly guaranteed under those agreements, have not been met completely. We must keep the pressure on to see that, somehow, sometime, they are met in full.

No one wants war. No one wants to go to war over these issues, least of all those people who would be most directly affected, those people living in what was a free and independent Lithuania at that time. But we do stand with the Lithuanians in their hope that someday they will have the freedoms they once knew.

Sixty years ago last Thursday, the torch of freedom was lit over Lithuania. During the intervening years, first the Nazis and now the Soviets worked and worked to extinguish that flame, and they may mistakenly think they have. But if we look around the Lithuanian community of this country today, look into the hearts of those who stand for human rights along with the American Lithuanians of today, we know that we exist in America more than just for ourselves; that we must stand as this beacon of freedom, so bright, so intense, and so real that those who oppose it must be stopped in their tracks.

If this is idealistic, then I say that idealism is what we must have in our day and our time and hold it up as that beacon for other nations, such as the currently dominated area of Lithuania, to look to.

Mr. President, as a sign of good faith on the part of the United States, the people involved in the cause of Lithuania's freedom wish to see the United States live up to its enunciated policy of human rights by using whatever peaceable means are available to help reunite families, to urge the Soviets to release political prisoners, to urge the Soviet regime to allow the practice of religion without threatening fines and prison sentences, to work to lessen tariffs on personal goods sent to families in Lithuania, and to state publicly the position of the United States on the Baltic States in all available public forums, both here and around the world.

For all these reasons and more, Mr. President, I am glad to associate myself with the remarks of the distinguished Senator from Illinois. I hope that we, in our time, not just in some future generation—but somehow in our time—can see the day when those Baltic States once again can celebrate the independence and the freedoms they once knew.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maryland (Mr. MATHIAS) is recognized, as in legislative session, for not to exceed 15 minutes.

Mr. DOLE. Mr. President. I ask unanimous consent that 5 minutes of that time be assigned to the Senator from Kansas.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I commend the distinguished Senator from Illinois for observing the commemoration of the 60th anniversary of the independence of Lithuania here today in the Senate, I join him in honor and support of this occasion. I ask, therefore, Mr. President, that the full text of the remarks I presented in Chicago on February 12 be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

LITHUANIAN INDEPENDENCE DAY

Ladies and gentlemen, I am pleased to be with you today to commemorate the 60th anniversary of the Independence of Lithuania. Although she gained freedom on the 16th of February, 1918, Lithuania has a long and proud tradition of independence, dating back to the 11th century.

Your fathers and forefathers came to this country, as did many other Europeans, to seek freedom from repression and an opportunity for a better life. But to your credit you have not forgotten your roots nor those who are today suffering under the yoke of Soviet tyranny.

CONCERN WITH THE BELGRADE CONFERENCE

It is for this reason that you have been so concerned with the negotiations at the conference on Security and Cooperation in Europe, especially the principles dealing with human rights and self-determination of all peoples. I share your concern and would like to reiterate today what I stated in Belgrade to the U.S.S.R. and the other nations of the world in November:

"I have met with representatives of organizations such as the National Confederation of American Ethnic groups, the Czechoslovak National Council of America, the Congress of Russian Americans, the Polish American Congress, the Hungarian Organization of North America, the Ukrainian National Association and the Joint Baltic American National Committee—and many others. They have expressed their concern not only about the Human Rights Provisions of Basket II and Principle VII, but also about the Right of Self-determination of all peoples.

It is a fact that the United States has never recognized the Soviet Incorporation of Lithuania, Latvia, and Estonia and U.S. official policy of non-recognition was not affected by the results of the European Security Conference. This long-standing principle is the policy of the United States and is supported by the Congress of the United States."

When I finished my speech, the Soviet Ambassador asked for the floor and in a style calculated to make light of my assertions pointed out that it was just a matter of time before the U.S. official policy would change just as it had on so many other issues. Exercising his right to reply, U.S. Ambassador Goldberg again restated the U.S. official position of non-recognition quietly and firmly. For my part, I would like to pledge to you today, that I will do everything within my powers to see that this policy is never changed.

LITHUANIA BEARS A HEAVY BURDEN

Although the hope for self-determination for the captive nations can be nourished and strengthened here, the major burden for making it a reality rests on those who are under Soviet oppression today. Based on what I have read about the will of the Lithuanian people, I am confident Lithuanians one day can have a free and independent homeland again.

Of course, our support for Human Rights, for Family Reunification, for Religious Freedom, for Self-determination must be continuous and unflagging. Every detail of our foreign policy must reiterate our commitment to the principle that freedom is that birthright of man, that the destiny of all men—those living and to be born—to be free.

DISSIDENT MOVEMENT ON THE INCREASE

Last week I had the honor of visiting with a Soviet dissident. He was asked why such severe and seemingly haphazard sentences were being meted out to the dissidents. He replied that the Soviet Regime no longer knew how to deal with this ever widening problem. Ten years ago, the protesters were a mere handful. Today, the people involved are so many that the Soviets are no longer able to apply a consistently repressive standard. The movement is spreading from religious groups, to labor union activists, to ordinary citizens, all of whom yearns for the most fundamental personal freedoms. The film on Mr. Simas Kudirka, which was recently broadcast on prime time television vividly portrayed the process of just how an ordinary citizen becomes a dissident.

RIOTS IN LITHUANIA ARE NATIONALISTIC

The most striking evidence of the turmoil that boils just beneath the surface of the Soviet Regime is the spontaneous anti-Soviet riot which took place last fall in Vilnius. Predictably, the Soviets tried to play it down by saying it was started by "drunken Hooligans." But you and I know that it was a demonstration of Nationalist and Anti-Soviet feelings. I am sure many such incidents occur but the news does not reach the Western Press. But they are indications of the will of the Lithuanian people to survive and one day again be masters of their own fate. As long as you have people such as Romans Kalanta, Sadunaite, Terleckas, Petkus, and the countless others whose names are not so familiar to us, we may be confident about the eventual outcome of this struggle for freedom.

ACCESS TO INFORMATION ESSENTIAL

For our part, it is essential that we understand the importance of providing informa-

tion to the Captive Nations. That is why preserving and adequately funding radio free Europe/Radio Liberty is of the utmost importance. Both stations attempt to tell the people of Eastern Europe and Russia news about themselves and their countries which their governments do not want them to hear. This information is essential for the dissident and Nationalist movements.

The Voice of America, similarly disseminates information—news of what the U.S. Government is doing. When the President issues the Captive Nations day proclamation, the Voice of America broadcasts its message. Let us hope, however, that the President has learned the significance of this action and we will not have to prod him into issuing it this year as we did last year.

SALT II: DECISION TIME ON DEFENSE

Similarly, it is imperative to have a strong defense posture.

However, with the Administration demonstrating unilateral reduction and elimination of major weapons systems, such as the cancellation of the B–1 bomber, the curtailment of the MX Missile, and the significant cutback on naval ship construction, the need for a strong and firm Salt II Treaty becomes imperative.

I believe this country is at a point where a strong and serious commitment must be made, not only to a spending program that ensures that defense posture, but also to negotiate a Salt II agreement that will give the U.S. the freedom to pursue the strategic programs necessary to prevent the achievement by the Soviets of the capability to destroy our land-based deterrents in a pre-emptive strike.

The defense effort of the Soviet Union is continuing to expand and modernize major components of its strategic forces. Some Soviet equipment is reportedly now equal to that of currently deployed U.S. systems in technology and sophistication.

There is now controversy among serious analysts that the Soviets are engaged in a formidable, steady, sustained military effort. The United States must be no less steady, sustained, and effective in maintaining its superiority.

PANAMA CANAL

The Panama Canal Treaty issue is yet another instance where we must exercise caution and good judgment. All the arguments on the issue—both pro and con—boil down to one fundamental decision: Are these the "best" Treaties we can hope to negotiate with Panama? If they do not fully protect vital American rights and interests, then they should be amended or rejected.

When I first introduced six amendments to the proposed canal treaties last September, I insisted that the Treaties should be defeated unless American rights to use and defend the Canal were strengthened. At first, both the Carter Administration and the Senate leadership resisted any changes in the Treaties. My efforts were termed "obstructionist" in nature.

Now, however, both the Administration and the Senate leadership openly support treaty amendments on defense and passage rights and hail them as their own.

Well, the story doesn't end there, other amendments will be offered in the weeks ahead by myself and others. Unless we have a treaty that fully guarantees all our national security interest, we would do better to go back to the negotiating table and start over again. For, if we cannot ensure the survival and defense of freedom's interest in our own backyard, our efforts elsewhere will be doomed to failure.

These are not the only areas where our resolve is going to be tested. Although the idea of normalizing our relations with Cuba, Vietnam, and China might look tempting, we would not do so without certain conditions and guarantees. Likewise, our resolve to defend western Europe cannot waiver, nor can we permit communist expansion in western Europe. We must maintain a strong NATO alliance and do all in our power to help bring peace to the Middle East.

U.S. FUTURE STAND VERY IMPORTANT

The way in which the rest of the free world perceives our handling of these problems is of vital importance. If we seem to be waivering on unsure, our allies will likewise soften their stance.

While we mustn't fear to negotiate with our adversaries, we must firmly delineate the limits beyond which we will never go. Our principles must be clearly and unequivocally drawn so that there can be no misunderstanding of our goals and objectives.

The two cornerstones of this policy must be patience and firmness. Patience to demonstrate time and time again that our resolve has not faltered and firmness to restate our goals and principles, our support for Human Rights, for Self-determination for all peoples, from the Ukraine to the Baltic Sea.

It is altogether fitting that we close this celebration of Lithuanian Independence by remembering the words of a great American freedom fighter who was born on this day 169 years ago. Lincoln's words about America expresses our hopes for Lithuania. He said: "That this Nation, under God, shall have a new birth of freedom".

Lincoln's dream was realized in the United States. Let us pray that the same dream comes true in Lithuania before too many more Lithuanian independence days pass.

THE PANAMA CANAL TREATIES CLOSED SESSION DEBATE

Mr. DOLE. Mr. President, at 10 o'clock, the Senate will go into closed session to discuss and hear discussed and perhaps hear the record on certain allegations involving General Torrijos' alleged drug trafficking.

Mr. President, as one who is very concerned about this, I would hope that following the closed session, whether it ends today, tomorrow, or whenever, the Senate would, in its wisdom, vote to make that information available to the public. There might be some exceptions, if there is any possibility that someone's life might be endangered or someone might be exposed to physical harm.

But having traveled around the country a great deal in the past 10 days, there is a great interest in the Panama Canal debate across the country. Some are for the treaties; some are opposed to the treaties; and some have not made up their minds.

It seems to the Senator from Kansas that one way to discourage the American people is to somehow keep secret information that should be made available.

The Senator from Kansas said on a number of occasions that there is not any direct bearing or direct connection between the alleged drug trafficking and the treaties themselves. The Senator from Kansas never made that charge. But I can say as far as the American people are concerned there is a direct bearing because, as I sense the mood of the American people, they do not want us voting for the treaties if, in fact, there is some connection between drug trafficking and General Torrijos.

So it would seem to me, as we prepare to go into closed session, there are a number of questions that must be addressed.

We must determine whether General Torrijos has ever been "the subject"—as distinguished from "the target"—of an investigation by either the U.S. Justice Department, the U.S. Drug Enforcement Administration, or a U.S. grand jury, with respect to illegal Panamanian drug operations. If so, we should know the results of that investigation and if not why not, considering the several allegations contained within DEA files.

We should also address the question whether or not General Torrijos if not a direct participant is in any way aiding, abetting, protecting, or tolerating illegal drug traffic passing through Panama.

If there is a sealed indictment, as there now appears to be, involving the brother of General Torrijos, Moises Torrijos, as a coconspirator in illegal drug operations, is there additional evidence in the possession of the DEA that Moises Torrijos is guilty of drug trafficking? What elements of this matter were discussed between John Ingersoll, Director of U.S. Bureau of Narcotics and Dangerous Drugs, and Omar Torrijos in Panama on June 22, 1972?

Does the Senate Intelligence Committee have possession of all 45 DEA files on the list supplied by this Senator, including so-called DEACON 1 and DEACON 2 files? Who do they suggest about the participation by the Torrijos family and other Panamanian Government officials in illegal narcotics operations? What information do they contain regarding connections between Omar Torrijos and Cuban President Fidel Castro?

These are some of the basic questions that hopefully will be addressed in the closed session which is about to commence.

But, I think, finally, the American people have a right to know as much as possible and, unless the motion is made by some other Senator, the Senator from Kansas intends to move that we lift the cloak of secrecy insofar as we can pertaining to the evidence revealed to other Senators on the floor at 10 o'clock.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MORGAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER VITIATING ORDERS FOR RECOGNITION OF SENATORS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the remaining time under the orders for the recognition of Senators be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, as in legislative session, not to extend beyond the hour of 10 a.m., with statements therein limited to 2 minutes each.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2516. A bill to amend the Federal Aviation Act of 1958 relating to eligibility for registration of aircraft (Rept. No. 95-637).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, with amendments

H.R. 9851. An act to amend the Federal Aviation Act of 1958 to improve cargo air services (Rept. No. 95-638).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments

S. Res. 398. A resolution authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations (Rept. No. 95-640). Referred to the Committee on Rules and Administration.

SPECIAL REPORT ON BLIND TRUSTS (REPT. NO. 95-639)

Mr. RIBICOFF. Mr. President, pursuant to section 311 of Senate Resolution 110, the Senate instructed the Committee on Governmental Affairs to review the desirability of establishing rules and regulations for the establishment and maintenance of blind trusts, or similar financial arrangements, by high level officers during their period of Government service. The resolution specifically directed consideration of blind trusts held by Members, officers, and employees of the Senate.

Today I am pleased to submit that report to the Senate. The committee voted 15-1 to approve the report.

In preparing this report, the committee carefully reviewed existing practices with regard to blind trusts. The committee also conducted 2 days of public hearings on June 7 and 9, 1977 on the purposes and problems of blind trusts.

The committee is hopeful that this report will be helpful in the consideration of S. 555 by the House of Representatives and in the implementation of the provisions of S. 555 and the Senate Code of Conduct relating to blind trusts.

The report concludes that properly constructed blind trusts can and do serve important and valid objectives. The report recognizes that blind trusts, in order to be meaningful, must be created and monitored in conformity with published standards and procedures which assure that they will be "blind" in fact. The report's recommendations, which reflect the provisions presently contained in S. 555 and the Senate Code of Conduct, would establish proper minimum standards for the creation of blind trusts, and insure that those trusts are effectively monitored and enforced.

The principal recommendations of the report include the following:

A truly independent trustee: The individual or institution in charge of the qualified blind trust must be independent of the government official in reality and appearance. Permissible trustees are limited to professional groups with standards of conduct governing their action as fiduciaries (financial institutions, attorneys, accountants and brokers). The trustee cannot be a relative, employee or partner of the government official, his spouse or dependents.

A trust document meeting certain minimum standards: The trust document must expressly prohibit communications between the trustee and the government official with respect to the identity of any of the trust holdings. The trustee must be empowered to make investment decisions independent of any consultation with or control by the government official.

The trust is only blind as to those assets acquired by the trustee, not as to those assets put in the trust by the Government official: This is the most innovative and most important aspect of the provisions defining a qualified blind trust. Previously all holdings of a blind trust were often considered blind the day after the trust was established, even though it was obvious that the trust almost certainly still contained the same assets which were placed in it by the government official. However, a "qualified blind trust" is blind only with respect to those assets acquired by the trustee. Therefore, if the government official initially places ABC stock in a qualified blind trust, the government official is bound by conflict of interest rules and statutes with respect to that stock in the same way as if the property were held outright. When the trustee sells the ABC stock, he must inform the government official so that the government official no longer need consider conflicts caused by that particular holding. The trust is then blind as to the assets the trustee purchases with the proceeds of the sale of the ABC stock. That is so because the government official will not in any way be informed of the identity of the assets purchased by the trustee.

Public disclosure of trust document and assets placed in the trust: The trust document (except any testamentary provisions) and a list of the assets the government official initially placed in the trust (including the category of value of each asset) will be available for inspection by the public.

Prior approval by the supervising ethics office of the trustee and the trust document: Every proposed trustee and proposed trust document will be reviewed by the appropriate supervising ethics office before a trust can qualify as a "qualified blind trust." This is essential so that the supervising ethics office can ensure in advance that the proposed qualified blind trust satisfies the letter and the spirit of the established standards.

Effective sanctions and enforcement: For the first time, stiff criminal and civil penalties are provided for any government official or trustee who violates his obligations under a qualified blind trust. In addition, the supervising ethics office can impose appropriate administrative or other sanctions.

EXECUTIVE REPORTS OF COMMITTEES

Mr. CANNON. Mr. President, as in executive session, I report favorably from the Committee on Commerce, Science, and Transportation sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of February 6, 1978, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RIEGLE:

S. 2546. A bill to amend the Consumer Credit Protection Act to provide consumer rights and remedies in electronic fund transfer systems; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PACKWOOD:

S. 2547. A bill for the relief of Soo Yung Kim; to the Committee on the Judiciary.

By Mr. EASTLAND (for himself, Mr. THURMOND, Mr. BENTSEN, Mr. STEVENS, and Mr. HANSEN):

S. 2548. A bill to establish an Office of Energy Security within the Department of Energy; to the Committee on Governmental Affairs.

By Mr. KENNEDY:

S. 2549. A bill to authorize appropriations for the activities of the National Science Foundation, and for other purposes; to the Committee on Human Resources.

By Mr. KENNEDY (for himself, Mr. HATHAWAY, Mr. JAVITS, Mr. PELL, and Mr. WILLIAMS):

S. 2550. A bill to promote the full use of human resources in science and technology through a comprehensive program to maximize the potential contribution and advancement of women in scientific, professional and technical careers; to the Committee on Human Resources.

By Mr. KENNEDY (by request):

S. 2551. A bill to amend title XV of the Public Health Service Act to revise and extend the authorities and requirements under that title for health planning, to provide for assistance to hospitals in discontinuing inappropriate services, and for other purposes; to the Committee on Human Resources.

By Mr. CANNON (for himself and Mr. PEARSON):

S. 2552. A bill to amend the Act of July 19, 1940, relating to travel in the United States, to authorize additional appropriations; to the Committee on Commerce, Science, and Transportation.

S. 2553. A bill to authorize appropriations for the fiscal year 1979 for certain maritime programs of the Department of Commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIEGLE:

S. 2546. A bill to amend the Consumer Credit Protection Act to provide consumer rights and remedies in electronic fund transfer systems; to the Committee on Banking, Housing and Urban Affairs.

ELECTRONICS FUND TRANSFER CONSUMER PROTECTION ACT

Mr. RIEGLE. Mr. President, I am today introducing legislation which is a revised version of S. 2065, the Electronic Fund Transfer Consumer Protection Act, which I introduced last September. This legislation is designed to provide important consumer rights and safeguards in EFT systems.

After introduction of S. 2065, the Consumer Affairs Subcommittee, which I chair, held 3 days of comprehensive hearings on October 3, 4, and 5, 1977, to receive the comments of consumer groups, Federal regulatory agencies, State bank regulators, retailers, and financial institutions. These hearings produced an extremely informative and helpful record.

The bill I am introducing today is a revised version of S. 2065 which reflects the comments received at the subcommittee's hearings and from other persons and groups around the country. These changes are designed to assure that this bill adequately protects the public without creating unnecessary or unreasonable operating complications for financial institutions.

Among the key revisions contained in this bill are the following:

First. The requirement of transfer receipts has been relaxed so that it applies only when a transfer is initiated by a consumer at an electronic terminal. No receipts would be required for telephone transfers or preauthorized transfers like mortgage payments or utility bills;

Second. Transfer receipts would not have to describe any goods or services purchased, as this would require hardware which is simply too expensive;

Third. The consumer's right to reverse transfers would apply only to transfers of $50 or more. This $50 trigger is a compromise which parallels Wisconsin's highly successful EFT law;

Fourth. The consumer's liability for unauthorized transfers would be limited to a maximum of $50, but a consumer would be fully liable for improper use by a person entrusted with a consumer's EFT card. This standard is now in effect in Wisconsin and Iowa where it has proven extremely effective in limiting unauthorized uses and protecting the public from catastrophic losses;

Fifth. A financial institution would be required to notify a consumer if a preauthorized credit (like wages or social security benefits) is not received as scheduled. This important protection for consumers codifies general bank practice today;

Sixth. The time in which a financial institution must investigate and correct an account error has been expanded from 3 to 10 business days. Based on discussions with bankers around the country, this appears to be the most reasonable balance of both the bank's and consumer's interests. As an alternative, the bank could take longer than 10 days, provided it provisionally recredits the consumer's account for the amount of the alleged error;

Seventh. Restrictions on issuance of debit cards have been eased so that a financial institution could mail a card (but not an access code) on an unsolicited basis so long as it is accompanied by a full disclosure of the consumer's rights and liabilities and the access code is distributed only in response to the consumer's request. A financial institution would be solely liable for any unauthorized uses involving an unsolicited card and code.

I believe that these and other revisions make this bill a highly reasonable, workable, and effective piece of legislation which fulfills the National EFT Commission's recommendation that Congress enact a "Model EFT Consumer Code."

In order to assure the most complete record feasible, the Consumer Affairs Subcommittee will conduct an additional day of hearings on consumer EFT legislation on Friday, February 24, to hear from former members of the National EFT Commission and additional State bank regulators.

As always, I would welcome additional comments on this bill prior to its markup on March 15.

Mr. President, I ask unanimous consent that the text of this bill and a section-by-section analysis be included at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 2546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IX—ELECTRONIC FUND TRANSFERS

"§ 901. Short title

"This title may be cited as the 'Electronic Fund Transfer Consumer Protection Act'.

"§ 902. Findings and purpose

"(a) The Congress finds that the use of electronic systems to transfer funds provides the potential for substantial benefits to consumers. However, due to the unique characteristics of such systems, existing consumer protection legislation is inapplicable, leaving the interests of consumers unprotected and the rights and liabilities of consumers, financial institutions, and intermediaries in electronic fund transfers undefined.

"(b) It is the purpose of this title to provide a basic framework establishing the rights, liabilities, and responsibilities of participants in electronic fund transfer systems. The primary objective of this title, however, is the protection of individual consumer rights.

"§ 903. Definitions

"As used in this title—

"(1) the term 'accepted card or other means of access' means any card, code, or other means of access to a consumer's account for the purpose of initiating electronic fund transfers when the person to whom such card or other means was issued has requested and received or has signed or has used, or authorized another to use, such card or other means of access for the purpose of obtaining money, property, labor, or services;

"(2) the term 'account' means a demand deposit, savings deposit, or asset account (other than a credit balance in an open end credit plan as defined in section 103(i) of this Act) established primarily for personal, family, or household purposes;

"(3) the term 'Board' means the Board of Governors of the Federal Reserve System;

"(4) the term 'business day' means any day in which the offices of a financial institution involved in an electronic fund transfer are open to the public for the transaction of routine business;

"(5) the term 'consumer' means a natural person;

"(6) the term 'electronic fund transfer' means any non-cash transfer of funds, other than by check or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, direct deposit of funds, and transfers initiated by telephone. Such term does not include any check guarantee or authorization service that does not result in a debit or credit to a consumer's account;

"(7) the term 'electronic terminal' means any electronic device, other than a telephone, which allows a consumer to initiate an electronic fund transfer. Such term includes, but is not limited to, point-of-sale terminals, automated teller machines, and cash dispensing machines;

"(8) the term 'financial institution' means a State or national bank, a State or Federal savings and loan association, a mutual savings bank, a State or Federal credit union, or any other person who, directly or indirectly, holds an account belonging to a consumer;

"(9) the term 'preauthorized electronic fund transfer' means an electronic fund transfer authorized in advance to recur at substantially regular intervals;

"(10) the term 'State' means any State, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any political subdivision of any of the foregoing;

"(11) the term 'unauthorized electronic fund transfer' means an electronic fund transfer from a consumer's account initiated by a person other than the consumer without actual authority to initiate such transfer and from which the consumer receives no benefit, but the term does not include any electronic fund transfer initiated by a person other than the consumer who was furnished with the card or other means of access to such consumer's account by such consumer, unless the consumer has notified the financial institution involved that further transfers by such other person are not authorized.

"§ 904. Regulations

"(a) The Board shall prescribe regulations to carry out the purposes of this title. In prescribing such regulations, the Board shall take into account, and allow for, the continuing evolution of the technology utilized in electronic fund transfers.

"(b) The Board may issue model forms and clauses to facilitate compliance by financial institutions with the requirements of section 905. Such forms and clauses shall be adopted after notice duly given in the Federal Register and opportunity for public comment in accordance with section 553 of title 5, United States Code.

"(c) Regulations prescribed hereunder may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary or proper to effectuate the purposes of this title, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

"§ 905. Terms and conditions of transfers

"(a) A financial institution shall clearly disclose in writing to the consumer all terms and conditions governing electronic fund transfers involving the consumer's account

prior to the first time access to such account by means of an electronic fund transfer is permitted. Such disclosures shall be in readily understandable language and shall include, to the extent applicable—

"(1) the consumer's liability for unauthorized electronic fund transfers;

"(2) the telephone number and address of the person or office to be notified in the event the consumer believes that an unauthorized electronic fund transfer has been or may be effected;

"(3) the type and nature of electronic fund transfers which the consumer may initiate, including any limitations on the frequency or dollar amount of such transfers;

"(4) any charges for electronic fund transfers or for the right to make such transfers;

"(5) the consumer's right to stop payment on a preauthorized electronic fund transfer and the procedure to initiate such a stop payment order;

"(6) the consumer's right to reverse an electronic fund transfer and the procedure to initiate such a reversal;

"(7) the consumer's right to receive documentation of electronic fund transfers under section 906;

"(8) a summary, in a form prescribed by regulations of the Board, of the error resolution provisions of section 909 and the consumer's rights thereunder. The financial institution shall thereafter transmit such summary at least once per calendar year;

"(9) the financial institution's liability to the consumer under section 911; and

"(10) under what circumstances the financial institution will disclose information concerning the consumer's account to third persons.

"(b) A financial institution shall notify a consumer in writing at least thirty days prior to the effective date of any change in any term or condition of the consumer's account required to be disclosed under subsection (a) when such change would result in greater cost or liability for such consumer or decreased access to the consumer's account.

"(c) For any account of a consumer made accessible to electronic fund transfers prior to the effective date of this title, the information required to be disclosed to the consumer under subsection (a) shall be disclosed not later than—

"(1) in the first periodic statement required by section 906 (c) or (d) after the effective date of this title; or

"(2) thirty days after the effective date of this title.

"§ 906. Documentation of transfers

"(a) For each electronic fund transfer initiated by a consumer from an electronic terminal, the financial institution holding such consumer's account shall, directly or indirectly, at the time of the transfer, provide the consumer with written documentation of such transfer or the option to obtain such documentation at such time. The documentation shall clearly set forth to the extent applicable—

"(1) the amount and date of the transfer;

"(2) the type of transfer;

"(3) the identity of the consumer's account with the financial institution from which or to which funds are transferred;

"(4) the identity of any third party to whom or from whom funds are transferred; and

"(5) the location or identification of the electronic terminal involved.

"(b) When a preauthorized electronic fund transfer is scheduled to credit a consumer's account on a bimonthly or more frequent basis, the financial institution shall provide prompt positive or negative notice to the consumer, in accordance with regulations of the Board, if such credit is or is not completed as scheduled. Such means of notice shall be disclosed to the consumer in accordance with section 905.

"(c) A financial institution shall provide each consumer with a periodic statement of each account of such consumer that may be accessed by means of an electronic fund transfer. Except as provided in subsection (d), such statement shall be provided at least monthly for each monthly or shorter cycle in which an electronic fund transfer affecting the account has occurred, or every three months, whichever is more frequent. The statement, which may include information regarding transactions other than electronic fund transfers, shall clearly set forth—

"(1) with regard to each electronic fund transfer during the period, the information required to be disclosed under subsection (a);

"(2) the amount of any fee or charge assessed by the financial institution during the period for electronic fund transfers or for account maintenance; and

"(3) the balance remaining in the consumer's account at the close of the period.

"(d) In the case of a consumer's account which may not be accessed by electronic fund transfers other than preauthorized electronic fund transfers crediting the account, a financial institution shall provide an account statement in accordance with subsection (c) at least quarterly.

"(e) In any action involving a consumer, any documentation required by this section to be given to the consumer which indicates that an electronic fund transfer was made to another person shall be admissible as evidence of such transfer and shall constitute prima facie proof that such transfer was made.

"§ 907. Preauthorized transfers

"(a) A preauthorized electronic fund transfer from a consumer's account may be so authorized by the consumer only in writing, a copy of which must be provided to the consumer at the time of his signing. A consumer may stop payment on a preauthorized electronic fund transfer by notifying his financial institution at any time up to three business days preceding the scheduled date of such transfer.

"(b) In the case of preauthorized transfers to the same person which may vary in amount, the financial institution or designated payee shall, prior to each transfer, provide reasonable advance notice to the consumer, in accordance with regulations of the Board, of the amount to be transferred and the scheduled date of the transfer.

"§ 908. Reversal of transfers

"(a) A financial institution shall reverse an electronic fund transfer initiated by a consumer to a third person in the amount of $50 or more upon receipt of oral or written direction by the consumer made within three business days after the transfer. In the case of an oral direction for reversal, a financial institution may require written confirmation of such direction within fourteen days. For the purpose of this subsection, a series of transfers arising out of the same transaction shall be aggregated.

"(b) A consumer's right to reverse an electronic fund transfer under subsection (a) may be exercised regardless of whether the consumer's reason for initiating a reversal constitutes an account error under section 909.

"§ 909. Error resolution

"(a) If a financial institution, within sixty days after having transmitted to a consumer documentation pursuant to section 906 (a), (c), or (d) or notification pursuant to section 906(b), receives oral or written notice in which the consumer—

"(1) sets forth or otherwise enables the financial institution to identify the name and account number of the consumer;

"(2) indicates the consumer's belief that the documentation, or, in the case of notification pursuant to section 906(b), the consumer's account, contains an error and the amount of such error; and

"(3) sets forth the reasons for the consumer's belief (where applicable) that an error has occurred, the financial institution shall investigate the alleged error and report or mail the results of such investigation to the consumer within ten business days.

"(b) If the financial institution determines that an error did occur, it shall promptly, but in no event more than one business day after such determination, correct the error, subject to section 910, including the crediting of interest where applicable.

"(c) If a financial institution receives notice of an error in the manner and within the time period specified in subsection (a), it may, in lieu of the requirements of subsections (a) and (b), within ten business days after receiving such notice provisionally recredit the consumer's account for the amount alleged to be in error, subject to section 910, including interest where applicable, pending the conclusion of its investigation. Such investigation shall be concluded not later than forty-five days after receipt of notice of the error. During the pendency of the investigation, the consumer shall have full use of the funds provisionally recredited.

"(d) If the financial institution maintains after its investigation pursuant to subsection (a) or (c) that an error did not occur, it shall deliver or mail to the consumer reproductions of all documents which the financial institution relied on to conclude that such error did not occur within three business days after the conclusion of its investigation.

"(e) If in any action under section 918, the court finds that a financial institution knowingly and willfully notified the consumer pursuant to this section that the consumer's account was not in error when such conclusion could not reasonably be drawn from the preponderance of the evidence available to the financial institution at the time of its investigation, the consumer shall be entitled to treble damages under section 918(a)(1) in such action.

"(f) For the purpose of this section, an error consists of—

"(1) an unauthorized electronic fund transfer;

"(2) an incorrect electronic fund transfer from or to the consumer's account;

"(3) the omission from a periodic statement of an electronic fund transfer affecting the consumer's account which should have been included;

"(4) a computational error by the financial institution;

"(5) the financial institution's failure to reverse an electronic fund transfer when properly instructed to do so;

"(6) the consumer's receipt of an incorrect amount of money from an automated teller machine; or

"(7) any other error described in regulations of the Board.

"§ 910. Consumer liability for unauthorized transfers

"(a) A consumer shall not be liable for any unauthorized electronic fund transfer involving the account of such consumer unless the card or other means of access utilized for such transfer was an accepted card or means of access. In no event, however, shall a consumer's liability for an unauthorized transfer exceed the lesser of—

"(1) $50; or

"(2) the amount of money or value of property or services obtained in such unauthorized electronic fund transfer prior to the time the financial institution is notified of, or otherwise becomes aware of, circumstances which lead to the reasonable belief that an unauthorized electronic fund transfer involving the consumer's account has been or may be affected. Notice under this paragraph is sufficient when the consumer takes such steps as may be reasonably required in the ordinary course of business, after discovery by the consumer of facts

leading to the reasonable belief that an unauthorized electronic fund transfer involving the consumer's account has been or may be effected, to provide the financial institution with the pertinent information whether or not any particular officer, employee, or agent of the financial institution does in fact receive such information.

"(b) In any action which involves a consumer's liability for an unauthorized electronic fund transfer, the burden of proof is upon the financial institution to show that the electronic fund transfer was authorized or, if the electronic fund transfer was unauthorized, then the burden of proof is upon the financial institution to establish that the disclosures required to be made to the consumer under section 905 regarding the consumer's liability for an unauthorized electronic fund transfer were in fact made in accordance with such section.

"(c) In the event of an unauthorized electronic fund transfer which involves both an extension of credit as defined in section 103(e) of this Act and a transfer of funds from a consumer's account, the consumer's liability for such unauthorized electronic fund transfer shall be determined solely in accordance with this section.

"(d) Except as provided in this section, a consumer incurs no liability from an unauthorized electronic fund transfer.

"§ 911. Liability of financial institutions

"(a) Subject to subsection (b), a financial institution shall be liable to a consumer for all damages proximately caused by—

"(1) the financial institution's failure to make an electronic fund transfer, in accordance with the terms and conditions of an account, in the correct amount or in a timely manner when properly instructed to do so by the consumer, except where—

"(A) the consumer's account has insufficient funds;

"(B) the funds are subject to legal process or other encumbrance restricting such transfer;

"(C) such transfer would exceed an established credit limit; or

"(D) as otherwise provided in regulations of the Board;

"(2) the financial institution's failure to make, in accordance with the terms and conditions of an account, an electronic fund transfer due to insufficient funds when the financial institution failed to credit promptly a deposit of funds to the consumer's account which would have provided sufficient funds to make the transfer; and

"(3) the failure of the financial institution to reverse an electronic fund transfer when instructed to do so by the consumer in accordance with section 908.

"(b) A financial institution shall not be liable under subsection (a) (1) or (2) if the financial institution shows by a preponderance of the evidence that its action or failure to act resulted from a technical malfunction—

"(1) caused by an act of God or other circumstance beyond its control, that it exercised reasonable care to prevent such an occurrence, and that it exercised such diligence as the circumstances required; or

"(2) which was made known to the consumer at the time he attempted to initiate an electronic fund transfer or, in the case of a preauthorized transfer, at the time such transfer should have occurred.

"§ 912. Issuance of cards or other means of access

"(a) No person may issue to a consumer any card or other means of access to such consumer's account for the purpose of initiating an electronic fund transfer other than—

"(1) in response to a request or application therefor; or

"(2) as a renewal of, or in subsitution for, an accepted card or other means of access, whether issued by the initial issuer or a successor.

"(b) Notwithstanding the provisions of subsection (a), a person may distribute to a consumer on an unsolicited basis a card, code, or other similar device for use in initiating an electronic fund transfer from such consumer's account, if—(1) such card, code, or other device is not validated; (2) such distribution is accompanied by a complete disclosure, in accordance with section 905, of the consumer's rights and liabilities which will apply if such card, code, or other device is validated; (3) such distribution is accompanied by a clear explanation, in accordance with regulations of the Board, that such card, code, or other device is not validated and how the consumer may dispose of same if validation is not desired; and (4) such card, code, or other device is validated only in response to a request or application from the consumer, upon verification of the consumer's identity.

"(c) For the purpose of subsection (b), a card, code, or other similar device is validated when it may be used to initiate an electronic fund transfer.

"§ 913. Suspension of obligations

"In the event a system malfunction prevents the effectuation of an electronic fund transfer initiated by a consumer to another person, and such other person has agreed to accept payment by such means, the consumer's obligation to the other person shall be suspended until the malfunction is corrected and the electronic fund transfer may be completed.

"§ 914. Compulsory use of electronic fund transfers

"No person may—

"(1) condition the extension of credit to a consumer on such consumer's repayment by means of preauthorized electronic fund transfers; or

"(2) require a consumer to accept any electronic fund transfer service or establish an account with a particular financial institution as a condition of employment or receipt of a Government benefit.

"§ 915. Exemption of wages from attachment

"(a) Except as provided in subsection (b), in any account in which a consumer's earnings are deposited by such consumer's employer by means of an electronic fund transfer, there shall be exempt from any levy, attachment, garnishment or other process the sum of $800 for each such consumer.

"(b) The provisions of subsection (a) do not apply in the case of—

"(1) any order of any court for the support of any person;

"(2) any order of any court of bankruptcy under chapter XIII of the Bankruptcy Act; or

"(3) any debt due for any State or Federal tax.

"(c) No court of the United States or any State may make, execute, or enforce any order or process in violation of this section.

"(d) The amount of the exemption under subsection (a) shall be increased on October 1 of each year by the percent rise, if any, in the Consumer Price Index (all items—United States city average) published monthly by the United States Bureau of Labor Statistics, as of March 1 of that year over the Consumer Price Index of March 1 of the preceding year, adjusted to the nearest one-eighth of 1 per centum, as determined by the Board.

"§ 916. Confidentiality of consumer records

"A financial institution may not disclose information regarding any electronic fund transfer initiated by a consumer to any person except—

"(1) the consumer making the transfer;

"(2) any other person who is a party to the transfer or is necessary to effectuate the transfer, but only to the extent that the information disclosed is necessary to effectuate or correct the transfer;

"(3) to ascertain the existence or good standing of the consumer's account;

"(4) to communicate the terms and history of a credit transaction as defined in section 103(e) of this Act involving the consumer to a consumer reporting agency as defined in section 603(f) of this Act or to any other person meeting the requirements of section 604 (3) of this Act;

"(5) to a person authorized by law to have access to the records of the financial institution in the course of such person's official duties;

"(6) pursuant to a court order; or

"(7) pursuant to the express authorization of the consumer for a particular purpose.

"§ 917. Waiver of rights

"No writing or other agreement between a consumer and a financial institution or between a consumer and a provider of goods or services at retail may contain any provision which constitutes a waiver of any right conferred or cause of action created by this title. Nothing in this section prohibits, however, any writing or other agreement which grants to a consumer a more extensive right or greater protection than contained in this title.

"§ 918. Civil liability

"(a) Except as otherwise provided by this section and section 911, any person who fails to comply with any provision of this title with respect to any consumer is liable to such consumer in an amount equal to the sum of—

"(1) any actual damage sustained by such consumer as a result of such failure;

"(2)(A) in the case of an individual action, an amount not less than $100 nor greater than $1,000; or

"(B) in the case of a class action, such amount as the court may allow, except that (i) as to each member of the class no minimum recovery shall be applicable, and (ii) the total recovery under this subparagraph in such action shall not be more than the lesser of $500,000 or 1 per centum of the net worth of the defendant; and

"(3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee as determined by the court.

"(b) In determining the amount of liability in any action under subsection (a), the court shall consider, among other relevant factors—

"(1) in any individual action under subsection (a)(2)(A), the frequency and persistence of noncompliance, the nature of such noncompliance, and the extent to which the noncompliance was intentional; or

"(2) in any class action under subsection (a)(2)(B), the frequency and persistence of noncompliance, the nature of such noncompliance, the resources of the defendant, the number of persons adversely affected, and the extent to which the noncompliance was intentional.

"(c) Except as provided in section 911, a person may not be held liable in any action brought under this section for a violation of this title if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

"(d) No provision of this section or section 919 imposing any liability shall apply to—

"(1) any act done or omitted in good faith in conformity with any rule, regulation, or

interpretation thereof by the Board or in conformity with any interpretation or approval by an official or employee of the Federal Reserve System duly authorized by the Board to issue such interpretations or approvals under such procedures as the Board may prescribe therefor; or

"(2) any failure to make disclosures in proper form if a financial institution utilized an appropriate model form or clause issued by the Board,

notwithstanding that after such act or omission has occurred, or after the use of such form or clause, such rule, regulation, approval, or model form or clause is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

(e) Without regard to the amount in controversy, any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, within one year from the date of the occurrence of the violation.

"§ 919. Criminal liability

"Whoever knowingly and willfully—

"(1) gives false or inaccurate information or fails to provide information which he is required to disclose by this title; or

"(2) othewise fails to comply with any provision of this title;

shall be fined not more than $5,000 or imprisoned not more than one year, or both.

"§ 920. Administrative enforcement

"(a) Compliance with the requirements imposed under this title shall be enforced under—

"(1) section 8 of the Federal Deposit Insurance Act, in the case of—

"(A) national banks, by the Comptroller of the Currency;

"(B) member banks of the Federal Reserve System (other than national banks), by the Board;

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;

"(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(1) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions; and

"(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal credit union.

"(b) For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title, any other authority conferred on it by law.

"(c) Except to the extent that enforcement of the requirements imposed under this title is specifically committed to some other Government agency under subsection (a), the Federal Trade Commission shall enforce such requirements. For purpose of the exercise by the Commission of its functions and powers under the Federal Trade Commission Act, a violation of this title be deemed an unfair or deceptive act or practice in violation of that Act. All of the functions and powers of the Commission under the Federal Trade Commission Act are available to the Commission to enforce compliance by any person with this title, irrespective of whether that person is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act, including the power to enforce the provisions of this title of a Federal Trade Commission trade regulation rule.

"§ 921. Reports to Congress

"(a) Not later than twelve months after the effective date of this title and at one-year intervals thereafter, the Board and the Attorney General shall, respectively, make reports to the Congress concerning the administration of their functions under this title, including such recommendations as the Board and the Attorney General, respectively, deem necessary or appropriate. In addition, each report of the Board shall include its assessment of the extent to which compliance with this title is being achieved, and a summary of the enforcement actions taken under section 920 of this title.

"(b) In the exercise of its functions under this title, the Board may obtain upon request the views of any other Federal agency which, in the judgment of the Board, exercises regulatory or supervisory functions with respect to any class of persons subject to this title.

"§ 922. Relation to State laws

"This title does not annul, alter, or affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to electronic fund transfers except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency. For purposes of this section, a State law is not inconsistent with this title if the protection such law affords any consumer is greater than the protection provided by this title.

"§ 923. Exemption for State regulation

"The Board shall by regulation exempt from the requirements of this title any class of electronic fund transfers within any State if the Board determines that under the law of that State that class of electronic fund transfers is subject to requirements substantially similar to those imposed by this title, and that there is adequate provision for enforcement.

"§ 924. Effective date

"This title takes effect upon the expiration of one year from the date of its enactment, except that sections 910 and 912 take effect upon the date of their enactment."

SECTION-BY-SECTION ANALYSIS—EFT CONSUMER PROTECTION ACT

Sec. 901. *Short title.*—The Act may be cited as the "Electronic Fund Transfer Consumer Protection Act."

Sec. 902. *Findings and purpose.*—The Congress finds that EFT services can potentially provide substantial benefits to consumers but, because EFT systems are not covered by existing legislation, consumer rights and remedies are undefined in the law.

The Act's purpose is to establish a framework of consumer rights, responsibilities, and remedies in EFT transactions.

This bill is intended to implement the National EFT Commission's recommendation that Congress enact a "Model EFT Consumer Code."

SEC. 903. *Definitions.*—Among the key definitions are the following:

"Account" is defined to include not only traditional consumer bank accounts, but also other types of asset accounts, like margin accounts at brokerage houses and mutual fund accounts, which may now or in the future be accessible to EFT transactions.

"Electronic fund transfer" is defined to mean a non-cash transfer, other than by paper check, which is initiated by electronic terminal, telephone, or computer tape so as to order or instruct a financial institution to debit or credit an account. This definition includes common EFT services like point-of-sale transfers, direct deposit of funds, automated teller machine transactions, and pay-by-phone systems. It does not include check guarantee or authorization systems which do not debit a consumer's account.

"Financial institution" is defined to include traditional depository institutions as well as other entities, like mutual funds, which make consumer assets accessible by EFT transactions. This assures that all entities who offer EFT services to account holders are subject to the Act's coverage and are treated equally.

Preauthorized transfer" is defined to mean transfers, like mortgage payments or insurance premiums, which are authorized in advance to be debited from the consumer's account on a regular basis.

Sec. 904. *Regulations.*—The Federal Reserve Board is given authority to issue regulations to implement the Act. The Board may issue model forms and clauses to facilitate compliance by financial institutions.

As with other consumer laws, the Board may make whatever differentiations or classifications it deems necessary to facilitate compliance. The Act specifically requires the Board to take into account the evolving technology of EFT.

Sec. 905. *Terms and conditions of transfers.*—This section requires a financial institution to disclose in writing to the consumer all terms and conditions of an EFT account prior to opening it. Among the disclosures required are: the consumer's liability for unauthorized transfers; the type of transfers the consumer may make; any charges for transfers; the consumer's right to reverse certain transfers; the Act's error resolution procedure; and the consumer's right to receive monthly statements.

These disclosures are similar to the information required for revolving charge accounts under the Truth in Lending Act, and are a specific recommendation of the National EFT Commission.

Sec. 906. *Documentation of transfers.*—This section requires that a consumer be given a receipt (or the option to have one) each time a transfer is initiated at an electronic terminal. Examples of such transactions are point-of-sale transfers and automated teller machine transactions. The receipt must indicate: the amount and date of transfer; the type of transfer; the consumer's account number; the identity of any third party to the transfer; and the location of the terminal involved.

Where a consumer receives preauthorized credits (like wages or Social Security benefits) on a bimonthly or more frequent basis, the financial institution must notify the consumer if the credit is not received at the time or amount scheduled. This requirement corresponds with current industry practice.

In addition to receipts, the Act requires that consumers be provided with monthly statements (as with checking accounts) detailing each transfer affecting the consumer's account. (This requirement is relaxed to quarterly statements where the only transfers affecting an account are preauthorized credits, like payroll). This statement and the receipts required would, like cancelled checks, serve as prima facie proof of payment.

Sec. 907. *Preauthorized transfers.*—This section applies to recurring payments, like insurance premiums, utility bills, or mortgage payments, which the consumer authorizes to be automatically debited from his account on a regular basis. The Act requires that such transfers be authorized only in writing and gives the consumer the right to stop payment on a preauthorized transfer up to three business days before the scheduled transfer.

This section also provides that where a preauthorized debit may vary in amount

from transfer to transfer (such as utility bills), the financial institution or designated payee must provide reasonable advance notice to the consumer of the amount to be debited. This is to assure that the consumer has adequate funds to cover the transfer. This requirement is now followed as a matter of industry practice.

Sec. 908. *Reversal of transfers.* This section provides that a consumer may reverse a transfer to a third person involving $50 or more within three business days after the transfer. A financial institution may, as is now the case with check stop-payment orders, require written confirmation of the order within 14 days.

This section duplicates Wisconsin's EFT law. It is intended to give the consumer a measure of control over his funds where shoddy goods or services are involved, similar to stop-payment power over checks. The $50 trigger is a compromise designed to limit reversibility only to larger purchases where a check (with stop-payment rights) is most often used. The $50 trigger also corresponds to the Fair Credit Billing Act, which provides that a consumer who purchases defective goods or services for more than $50 with a bank credit card can withhold payment to the card issuing bank.

Sec. 909. *Error resolution.* This section establishes a framework for prompt correction of account errors by a financial institution. If a consumer alleges an error within 60 days after receiving an account statement, the financial institution is required to either investigate and correct the error within 10 business days or provisionally recredit the consumer's account for the amount alleged to be in error, pending final resolution within 45 days.

If the financial institution maintains after its investigation that no error occurred, it is required to supply the consumer with any documents it used to reach its conclusion. If a court finds that a financial institution knowingly and willfully misrepresented that no error occurred, it would be liable to the consumer for treble damages.

This section is nearly identical to the error resolution provisions of the Fair Credit Billing Act governing credit card account errors. A principal difference is the shorter time frame (90 vs. 10 days) for correction—a recognition of the hardships which could result if an error left a consumer unable to meet essential expenses like rent, utility bills, or insurance premiums. Because a small number of investigations may take longer than 10 days, the financial institution is given the option to take longer, so long as the consumer's account is provisionally recredited for the amount of the alleged error.

Sec. 910. *Consumer liability for unauthorized transfers.*—This section governs a consumer's liability in the event his debit card and access code are lost or stolen, resulting in cash withdrawals from the consumer's account. Under this section, a consumer's liability would be limited to either $50 or the amount of money withdrawn prior to the consumer's notifying the financial institution, whichever is less.

This section is nearly identical to current federal law governing lost or stolen credit cards. One exception, however, relates to the more restrictive definition of "unauthorized transfer" found in section 903. The latter provides that if a consumer gives his debit card and code to another person and that person withdraws more money than authorized, it is not an "unauthorized transfer" and the consumer would be liable until the bank is notified of the improper use. This is intended to make a consumer responsible for the actions of those entrusted with an EFT card, as with a signed blank check.

This provision is nearly identical to current Wisconsin and Iowa EFT law.

Sec. 911. *Liability of financial institutions.*—This section determines a financial institution's liability to its customer in the event it fails to make a transfer, transfers the wrong amount, or fails to reverse a transfer when properly instructed. The bank's liability under this section is essentially identical to its liability under the Uniform Commercial Code for failure to honor checks or stop payment.

Under this section, a financial institution which fails to effect a transfer in the correct amount or in a timely manner is liable for all proximate damages, except where there are insufficient funds, it would exceed an established credit limit, or the funds are subject to a legal encumbrance. A financial institution would also be liable for proximate damages where it failed to reverse a transfer when properly instructed and where its failure to promptly credit a deposit caused insufficient funds.

A bank would not be liable, however, if its failure resulted from a technical malfunction caused by circumstances beyond its control, provided it used reasonable care to prevent such an occurrence and exercised such diligence as the circumstances required. Liability would also be excused where a system malfunction was made known to the consumer at the time he attempted to initiate a transfer.

This section is in line with the National Commission's recommendation that EFT legislation make the standards of bank liability for checking accounts applicable to EFT transactions.

Sec. 912. *Issuance of cards or other means of access.*—This section prohibits a financial institution from distributing EFT debit cards and access codes on an unsolicited basis—the same restriction currently applicable to credit cards. However, this provision does permit a financial institution to distribute a card or code on an unsolicited basis if the card or code cannot be used to effect transfers without proper validation and such validation is given only in response to a written request by the consumer. Along with the initial distribution, the financial institution would be required to provide a complete disclosure of the consumer's rights and liabilities if validation is requested.

This provision strikes a middle ground between an absolute prohibition on unsolicited cards like that for credit cards today and totally unrestricted distribution. This formula was recommended by several federal bank regulatory agencies and is similar to the National Commission's proposal.

Sec. 913. *Suspension of obligations.*—This section provides that if a technical malfunction prevents a transfer from being completed to a person who has agreed to be paid by means of EFT, the consumer's obligation would be suspended until the malfunction was corrected and the transfer is completed.

This concept is similar to that applicable to checks. Under the U.C.C., when a party accepts a check and initiates collection, the payor's obligation is suspended pending final payment. The NCEFT has recommended that this concept be made applicable to EFT. Thus where a consumer pays his insurance premiums on a preauthorized basis approved by the insurer, the consumer's policy would not lapse if a malfunction caused a payment to be late.

Sec. 914. *Compulsory use of electronic fund transfers.*—This section prohibits any person from conditioning the extension of credit on a consumer's repayment by means of automatic debits. It also prohibits an employer or government agency from requiring a consumer to accept any EFT service or mandating that a consumer establish an account with a particular financial institution.

These restrictions were recommended by the NCEFT in order to insure that consumers are free to choose the financial services they want and are not coerced to use EFT services or a particular financial institution.

Sec. 915. *Exemption of wages from attachment.*—This section provides that if a consumer's earnings are deposited in his bank account automatically by his employer (direct deposit), $1200 in such account may not, except for limited purposes, be garnished or otherwise taken from the consumer.

In 1968, the Congress enacted legislation which protected 75 percent of a worker's income from garnishment. The NCEFT has pointed out, however, that it is unclear whether the consumer's earnings continue to be "wages" (and thus protected) when they are deposited and intermingled with other funds in the consumer's bank account. A consumer who is paid by cash or check could protect himself from this danger by not depositing his earnings. But as direct deposit via EFT grows in use, this option is lost and there is a danger that the 75 percent exemption enacted by Congress could be nullified.

This section follows the NCEFT's recommendation that Congress specify a dollar amount that would be exempt from garnishment in order to resolve this problem in the EFT context. The $800 figure represents 75 percent of the average estimated monthly earnings for private non-agricultural workers less average withholding for federal and social security taxes ($633), plus a residuum of 25 percent which is likely to be in a consumer's account. The bill provides that this sum shall be adjusted annually to reflect inflation.

Sec. 916. *Confidentiality of consumer records.*—This section places restrictions on a financial institution's distribution of consumer account information. Account data can be disseminated only: 1) to the consumer; 2) to another party to the transfer; 3) to verify the existence or good standing of the consumer's account; 4) to communicate credit history; 5) to bank examiners in their normal duties; 6) in response to a court order; or 7) pursuant to the consumer's express authorization.

These restrictions are intended to protect the consumer's privacy in the EFT environment. As the NCEFT pointed out, consumers regard the potential for invasions of privacy as their greatest reservation about EFT. The computerized nature of EFT permits quicker and more voluminous data capture (and easier access to such data) than ever before in banking.

Sec. 917. *Waiver of rights.*—This section expressly prohibits any agreement which would waive a consumer's rights under this Act. It expressly permits, however, a financial institution or retailer to offer a consumer greater rights or remedies.

Sec. 918. *Civil liability*—This section establishes a financial institution's civil liability for violation of the Act. Except as stated below, a financial institution would be liable to a consumer for actual damages, an additional penalty of $100 to $1,000, and attorney's fees and costs in a successful action.

As in other federal laws, a bank would be excused from liability if its violation was a bona fide error and occurred despite procedures designed to avoid such an error. Liability would also be excused if the financial institution relied in good faith on a regulation or interpretation issued by the Board.

This section resembles the civil liability provisions of the Truth in Lending Act, the Consumer Leasing Act, and the Fair Debt Collection Practices Act.

Sec. 919. *Criminal liability*—This section establishes criminal liability for knowingly and willfully violating the Act. It is nearly identical to a provision of the Truth in Lending Act.

Sec. 920. *Administrative enforcement*—This section assigns administrative enforcement in accordance with other federal consumer laws. For depository institutions, enforcement is assigned to the respective regulatory agency. For retailers and others, the F.T.C. is charged with enforcement.

Sec. 921. *Reports to Congress*—This section requires the Board and Attorney General to submit annual reports to Congress containing recommendations and enforcement data.

Sec. 922. *Relation to State laws*—This section adopts the language contained in all federal consumer legislation. State laws which are weaker would be pre-empted, while those that are more protective would be unaffected.

Sec. 923. *Exemption for State regulation*—This section permits a State to apply to the Fed and be exempted from the Act's provisions if its law were substantially similar to this Act. A similar provision is found in the Truth in Lending Act and the Fair Debt Collection practices Act.

Sec. 924. *Effective date*—The Act would take effect one year from enactment, except that sections 910 and 912 (liability for unauthorized transfers and issuance of EFT cards) would take effect immediately.

By Mr. EASTLAND (for himself, Mr. THURMOND, Mr. BENTSEN, Mr. STEVENS, and Mr. HANSEN):

S. 2548. A bill to establish an Office of Energy Security within the Department of Energy; to the Committee on Governmental Affairs.

OFFICE OF THE ENERGY SECURITY ACT

Mr. EASTLAND. Mr. President, the critical and timely need to take additional steps by which to protect our vital oil and gas resources became apparent through the testimony and evidence presented during subcommittee hearings concerning the vulnerability of the trans-Alaska-pipeline system.

Along with Senators THURMOND, BENTSEN, STEVENS, and HANSEN, I am pleased to introduce today a bill by which the security of cur oil and gas resources may be protected and the use of these vital resources insured for present and future generations.

Mr. President, I ask unanimous consent that the text of my bill, which will establish an Office of Energy Security in the Department of Energy, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Office of Energy Security Act".

FINDINGS

Sec. 2. The Congress finds that—

(1) in order to further the general welfare and the common defense of the American people, it is necessary to preserve and keep secure the oil and gas resources of this Nation and to insure the reliability of use for the oil land gas needs of present and future generations;

(2) The Trans-Alaska Pipeline is of such paramount importance in providing a reliable source of energy for the Nation that any threat to the security of this pipeline would also be a major threat to the internal security of the United States; and

(3) in order to coordinate Federal activities directed toward maintaining the security of the Trans-Alaska pipeline and other oil and gas resources of this Nation, it is necessary to establish an Office of Energy Security.

ESTABLISHMENT

SEC. 3. (a) (1) There is hereby established within the Department of Energy an Office of Energy Security (hereinafter referred to in this Act as the "Office") which shall be headed by a Director (hereinafter referred to in this Act as the "Director") who shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

(2) The Director of the Office shall report to and be under the supervision of the Secretary of Energy.

(b) There shall also be in the Office a Deputy Director appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall assist the Director in the administration of the Office and shall, during the absence or temporary incapacity of the Director or vacancy of the Office, act as Director.

(c) The Director and the Deputy Director shall each be subject to the provisions of subchapter III of chapter 73, title 5, United States Code.

STAFF

SEC. 4. The Director of the Office, in accordance with the applicable laws and provisions governing the Civil Service, shall—

(1) select and employ Assistant Directors of the Office who shall have the responsibility for supervising the performance of the functions, powers and duties assigned by the Director in fulfillment of the provisions of this Act; and

(2) select and employ investigative and clerical employees necessary to carry out the reponsibilities of the Office.

DUTIES

SEC. 5. (a) The Director shall—

(1) coordinate, supervise and provide policy direction for the regulation and inspection of all personnel, facilities, and devices related to securing against threats, thefts, terrorist or other criminal attacks, and sabotage the processing, tranportation, and handling of all oil and gas resources and products;

REPORTS TO CONGRESS

SEC. 6. The Director shall submit to the Secretary of Energy and to the Congress an annual report, the first of which shall be submitted not later than one year after the date of enactment of this Act which shall include, but not be limited to the following:

(1) findings and recommendations with respect to the need for a centralized security force or agency as provided in section 5(a)(4) of this Act;

(2) an identification and description of the significant problems, abuses, and deficiencies in the security programs relating to the oil and gas industry;

(3) recommendations for Congressional action and a detailed account of the administrative actions taken to remedy the problems, abuses or deficiencies noted; and

(4) an evaluation of the progress and achievements of the Office.

INTER-AGENCY ASSISTANCE

SEC. 7. In carrying out his responsibilities under this Act, the Director of the Office shall avail himself of the assistance of all appropriate Executive departments, agencies, and instrumentalities of the United States. The heads of such Executive departments, agencies, or instrumentalities shall make available to the Director such assistance as the Director may request without reimbursement to the fullest extent practicable.

COMPENSATION

SEC. 8. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(114) Director, Office of Energy Security, Department of Energy.".

(b) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(141) Deputy Director, Office of Energy Security, Department of Energy.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

(2) monitor and conduct tests of the facilities and devices described in subsection (a)(1) as a basis for making recommendations to the Secretary of Energy and the Congress for improving the security of oil storage facilities, pumping stations, and pipelines;

(3) develop policies and coordinate, and supervise relationships between the Department of Energy and all appropriate Federal, State and local governmental agencies and private industry with respect to—

(A) all matters relating to the collection of information necessary to develop contingency plans to respond to threats, thefts, terrorist or other criminal attacks, and sabotage, with respect to oil and gas resources and products; and

(B) the identification and prosecution of those who, through criminal means, seek to destroy or interfere with the lawful use of our oil and gas resources or products;

(4) assess the need for and the feasibility of establishing a centralized security force or agency within the Office to carry out security measures in accordance with the purposes of this Act;

(5) make recommendation to the Secretary of Energy with respect to research needed to enable the Department of Energy to carry out its security functions; and

(6) carry out any other function assigned to him by the Secretary of Energy.

(b) Nothing in this section shall be construed to limit the functions of the Department of Energy or the Secretary of Energy with respect to the development of oil and gas reserves.

By Mr. KENNEDY:

S. 2549. A bill to authorize appropriations for the activities of the National Science Foundation, and for other purposes; to the Committee on Human Resources.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT FOR FISCAL YEARS 1979 AND 1980

Mr. KENNEDY. Mr. President, I am introducing today the administration's bill authorizing funds for the National Science Foundation. The budget request for fiscal year 1979 totals $940.9 million, of which $755 million will be available for the support of basic research. The following table summarizes the budget allocations proposed by the administration:

NSF BUDGET ACTIVITY COMPARISON FISCAL YEAR 1979/78

[Dollar amounts in millions]

Program activity	Fiscal year 1978		Fiscal year 1979		Difference, fiscal year 1979/78	
	Amount	Percent of total program	Amount	Percent of total program	Amount	Percent increase, fiscal year 1979/78
Research and related activities:						
Mathematical and physical sciences and engineering	$246.0	28.4	$268.3	28.5	$22.3	9.1
Astronomical, atmospheric, Earth, and ocean sciences	210.1	24.3	227.3	24.2	17.2	8.2
U.S. Antarctic program	48.2	5.6	50.7	5.4	2.5	5.1
Biological, behavioral, and social sciences	142.2	16.5	158.0	16.8	15.8	11.1
Basic research stability grants	4.5	.5	0	0	−4.5	
Applied science and research applications	57.9	6.7	73.9	7.8	16.0	27.6
Scientific, technological, and international affairs	24.6	2.8	24.3	2.6	−.3	−1.0
Program development and management	52.0	6.0	54.8	5.8	2.8	5.4
Subtotal	785.5	90.8	857.3	91.1	71.8	9.1
Science education activities:						
Scientific personnel improvement	32.2	3.7	29.8	3.2	−2.4	−7.5
Science education resources improvement	28.2	3.3	29.7	3.2	1.5	5.5
Science education development and research	8.2	1.0	11.7	1.2	3.5	42.8
Science and society	5.4	.6	6.4	.7	1.0	18.8
Subtotal	74.0	8.6	77.6	8.3	3.6	4.9
Special foreign currency appropriation	5.4	.6	6.0	.6	.6	10.4
Total, NSF	864.9	100.0	940.9	100.0	76.0	8.8

In this budget, the Foundation plans to place an emphasis on the funding of university-industry cooperative research. This is an activity which was strongly endorsed in the NSF authorization as approved by the Congress last year and is described in the following excerpt from NSF's announcement of the program:

Cooperative efforts will require the active participation by both university and industry. In most instances, Dr. Atkinson said, it is expected that the industrial firm or possibly groups of firms would contribute funds, personnel, or services reflecting their interest in the research. This kind of activity can be made attractive to small business, he said, by reducing the amount of cost-sharing involved.

Jointly prepared proposals from cooperating institutions will compete for funds with regular proposals, Dr. Atkinson said, but such cooperative projects would be established as a factor to be considered in the award decision process.

Possible barriers to joint university-industry research and mechanisms to overcome such barriers will be examined by NSF through existing advisory bodies and special workshops.

The Subcommittee on Health and Scientific Research, which I chair, has scheduled hearings on the administration's bill for April 12. At that time we will have an opportunity to review with officials of the Foundation and outside witnesses the details of the administration's proposal. I expect that we will hear testimony on a number of programs and research areas which may merit higher priority than reflected in this initial budget.

In his message on priorities for 1978, supplementing the state of the Union message, President Carter declared:

The health of American science and technology and the creation of new knowledge is important to our economic well-being, to our national security, and to our ability to help solve pressing national problems in such areas as energy, environment, health and natural resources.

Our subcommittee looks forward to reporting to the Senate an authorization for the National Science Foundation which will permit real growth in basic and applied research, strengthen science education, and promote participation by all of our citizens in careers in science and technology.

By Mr. KENNEDY (for himself, Mr. HATHAWAY, Mr. JAVITS, Mr. PELL, and Mr. WILLIAMS):

S. 2550. A bill to promote the full use of human resources in science and technology through a comprehensive program to maximize the potential contribution and advancement of women in scientific, professional, and technical careers; to the Committee on Human Resources.

WOMEN IN SCIENCE AND TECHNOLOGY EQUAL OPPORTUNITY ACT

Mr. KENNEDY. Mr. President, today I am introducing the Women in Science and Technology Equal Opportunity Act designed to increase the participation of women in scientific and technical careers. This legislation is the result of a growing concern over the fact that there has been virtually no increase in the number of women in scientific careers over the last 50 years. The percentage of women in the scientific work force, just 10.4 percent, has not changed since the 1920's. Moreover, those women who are working as scientists and engineers are earning less than men in every field, at every degree level, at every level of experience, and in every employment setting. Further, those women who are trained in scientific and technological fields are experiencing an unemployment rate from three to five times that of men in every field of science.

Mr. President, a substantial amount of information has now been gathered on the extent to which women are underrepresented in the scientific and technical work force. Research into the nature of the barriers women face has begun to attract some financial support in recent years. Various pilot programs have been funded, both in the private sector and by the National Science Foundation, to test methods which may prove effective in attracting more qualified women into scientific and technical careers. The American Association for the Advancement of Science recently brought together a group of women who had recently received doctoral degrees in science and engineering both to gather information concerning their own experiences and to develop recommendations as to steps which could be taken to alleviate the problems confronting women in scientific and technical careers in the government, academic, and industrial sectors.

The information which has been gathered thus far on the serious extent to which women are underrepresented in science and technology makes it very clear that the appropriate agencies of the Federal Government must devote more substantial attention to the role they can play in assuring that women have an equal opportunity to develop skills in mathematics and science and to pursue careers in science and engineering. At the same time, we must establish programs which will encourage the academic institutions and industrial laboratories to assign higher priority to activities designed to enhance employment and advancement opportunities for women with scientific and technical skills.

Full participation of women in the scientific and technical work force is not a goal which we can expect to reach in 1 or 2 years. Nor is it, however, a goal which we can afford to put off for another 50 years. The bill I am introducing today, to be effective in 1980, would establish a 10-year program to remove the educational, cultural, and institutional barriers which have resulted in the serious under-representation of women in science and technology. Rather than focusing on an increase in the total scientific and technical work force, it attaches highest priority to programs which will change the mix of students deciding to pursue higher education in scientific and technical fields.

It is my conviction that the full implementation of this program will enhance this Nation's scientific and technical strength, contribute to the standard of excellence which has been the hallmark of our scientific and technical enterprise, and assure that all of our talented students and researchers are given a full opportunity to pursue careers which are among the most challenging and rewarding that our Nation has to offer.

Mr. President, Senators WILLIAMS, PELL, HATHAWAY, and JAVITS are joining me in introducing this legislation today. It is our hope that we will be able to begin to hear testimony on its provisions

during hearings in April on the authorization for the National Science Foundation. The legislation will also be circulated widely for further comments and suggestions to groups which have been working on behalf of equal opportunity for women in science and to those in the scientific community whose activities and perceptions have such a direct bearing on whether women are given the opportunity to realize their full potential in scientific and technical fields.

I ask unanimous consent that the Women in Science and Technology Equal Opportunity Act appear at this point in the RECORD, together with a summary of its provisions.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 2550

Be it enacted by the Senate and House of of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Women in Science and Technology Equal Opportunity Act".

TITLE I—STATEMENT OF FINDINGS, PURPOSE, AND POLICY

STATEMENT OF FINDINGS

SEC. 101. The Congress finds that—

(1) it is in the national interest to promote the full use of human resources in science and technology and to insure the full development and use of the talents of men and women with scientific and technical skills;

(2) the Nation's preeminent position in science and technology depends upon the development of the full potential of the talents of men and women with scientific and technological skills and the full employment of such men and women produces job opportunities in technical and support occupations and exerts a strong multiplier effect on the gross national product;

(3) the full use of the Nation's scientific and technical human resources is required to meet the strong demand for such skills over the long term; and

(4) skills in science and mathematics contribute substantially to entry and achievement in a wide range of professional and technical fields;

(5) although men and women have equal potential for excellence and advancement in scientific and technical fields—

(A) the number and proportion of women earning degrees in science and engineering has remained virtually unchanged over the last fifty years,

(B) less than 10 per centum of scientists and engineers engaged in basic or applied research are women,

(C) the unemployment rates of women scientists and engineers are three times higher than for men in every field of science, and are five times higher among young doctorates, and

(D) women scientists and engineers earn less than men in every field, at every degree level, at every level of experience and in every employment setting.

DECLARATION OF PURPOSE

SEC. 102. The Congress declares that it is therefore the purpose of this Act to encourage the full participation of women in scientific, professional, and technical fields through new and existing programs and procedures which—

(1) improve science education, with particular emphasis on mathematics;

(2) promote literacy in science and mathematics and prepare women for scientific, professional, and technical careers;

(3) increase opportunities for the employment and advancement of women in science and technology;

(4) encourage the participation of minority and handicapped women in scientific and technical careers; and

(5) educate and inform the public concerning the importance of the participation of women in science and technology.

STATEMENT OF POLICY

SEC. 103. The Congress declares it is the policy of the United States to assure equal opportunity for women in education, training, and employment in scientific and technical fields and thereby promote the full use of the Nation's resources in science and technology.

TITLE II—EDUCATION

ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

SEC. 201. (a) The National Science Foundation is authorized and directed to support acctivities designed to strengthen elementary and secondary activities designed to strengthen elementary and secondary school programs in science and mathematics in accordance with the provisions of this section. Such activities shall demonstrate potential to interest and involve female students and assist them in acquiring knowledge, skills, and information.

(b) Programs assisted under this section shall emphasize activities focused on female students in grades seven through twelve and shall include, but not limited to—

(1) the development of methods, instructional materials, and technologies to improve the quality and relevance of education in science and mathematics and awareness of career opportunities requiring scientific and technical skills;

(2) the training and retraining (including inservice training) of teachers, counselors, and other appropriate educational personnel to improve the quality and relevance of education in science and mathematics and to increase awareness of career opportunities requiring scientific and technical skills;

(3) the use of innovative methods, systems, materials, or other arrangements to encourage students to continue in and complete courses in science and mathematics and to consider careers in scientific and technical fields;

(4) student science training programs, research participation projects, and internships; and

(5) workshops for students and their parents and guardians to increase awareness and understanding of the importance of basic skills in science and mathematics and of career opportunities requiring scientific and technical skills.

(c) No grant may be made and no contract may be entered into under the provisions of this section unless an application is submitted to the Director of the National Science Foundation at such time, in such manner, and containing or accompanied by such information as the Director may require.

HIGHER EDUCATION PROGRAMS

SEC. 202. (a) The National Science Foundation is authorized and directed to support programs which demonstrate potential (1) to increase the participation of women in courses of study leading to degrees in scientific and technical fields, (2) to encourage women to consider and prepare for careers in science and technology, and (3) to provide traineeship and fellowship opportunities for women in science and technology, in accordance with the provisions of this section.

(b) Programs assisted under this section shall include, but not be limited to—

(1) the development of technologies, methods, and instructional materials to strengthen basic skills in science and mathematics, to improve the quality and relevance of scientific and technical courses, and to increase student awareness of career opportunities requiring scientific and technical skills, particularly at the undergraduate level;

(2) the training and retraining (including inservice training) of faculty, counselors, and other appropriate personnel to improve the quality, relevance, and presentation of scientific and technical curricula, and to increase student awareness of career opportunities requiring scientific and technical skills, particularly at the undergraduate level;

(3) the award of traineeships and graduate and postgraduate fellowships;

(4) projects to encourage promising students enrolled at institutions of higher education to continue in and complete courses of study leading to degrees in scientific and technical fields.

(c) No grant may be made and no contract may be entered into under the provisions of this section unless an application is submitted to the Director of the National Science Foundation at such time, in such manner, and containing or accompanied by such information as the Director may require.

(d) Recipients of traineeships and fellowships under clause (3) of subsection (b) of this section shall be paid such stipends (including such allowances for subsistence, health insurance, relocation expenses, and other expenses for such recipients and their dependents) as the Director of the National Science Foundation may prescribe by regulation.

CONTINUING EDUCATION PROGRAM

SEC. 203. (a) The National Science Foundation shall initiate a program of continuing education in science and engineering, with particular emphasis on the participation and needs of women, in order to enable persons who (1) have been in the work force for at least three years at the time of selection under the program authorized by this Act, or (2) hold degrees in scientific and technical fields, or (3) have had their careers in science and technology interrupted for at least three years, to pursue courses of study designed to—

(A) enable such persons to render more valuable contributions to the Nation through the acquisition of new knowledge, techniques, and skills in other fields; or

(B) provide such persons with new knowledge, techniques, and skills in their special fields.

(b) The program developed under this section shall include but not be limited to—

(1) the development of special curricula and education techniques in cooperation with industry and academic institutions for continuing education in science and engineering; and

(2) the award of fellowships to enable persons eligible under subsection (a) to pursue courses of study which provide continuing education in science and technology.

(c) The Director of the National Science Foundation is authorized to make grants to, and enter into with institutions of higher education and other academic institutions, nonprofit institutes and organizations, and private business firms, for the purpose of developing courses and curricula designed for continuing education in science and technology under this section.

(d)(1) The Director of the National Science Foundation shall allocate fellowships under this subsection in such a manner, insofar as practicable, as will—

(A) attract highly qualified applicants; and

(B) encourage the participation of women in careers in science and technology.

(2) The Director of the National Science Foundation shall pay to individuals awarded fellowships under this section such stipends (including such allowances for subsistence, health insurance, relocation expenses, and other expenses for such persons and their dependents) as the Director may prescribe.

(3) Fellowships shall be awarded under this section upon application made at such times and containing such information as the Director of the National Science Foundation shall by regulation require.

EVALUATION

SEC. 204. The Director of the National Science Foundation shall require that programs supported under this title include provisions for the development and use of standardized evaluation tools and mechanisms in order to determine the long term impact on individuals of participation in programs authorized under this title.

TECHNICAL ASSISTANCE

SEC. 205. In carrying out the activities required by this title the Director of the National Science Foundation is authorized to make available technical assistance relating to the design and conduct of activities under this title.

TITLE III—PUBLIC UNDERSTANDING

PART A—INFORMATION PROGRAMS

CLEARINGHOUSE ON WOMEN IN SCIENCE

SEC. 301. (a) The National Science Foundation in authorized and directed to establish and operate a Clearinghouse on Women in Science. The Clearinghouse shall collect, analyze, and disseminate to the public information concerning activities in the public and private sector which encourage the full participation of women in science and technology. Such information shall include but not be limited to—

(1) federally supported programs designed to encourage the advancement of women in science;

(2) job openings for women in scientific and technological positions in public agencies, business concerns, private nonprofit organizations, and educational institutions;

(3) programs to assure equal opportunity for women in science and technology;

(4) programs to improve science education and promote literacy in science and mathematics;

(5) internships, traineeships, scholarships, fellowships, doctoral and postdoctoral positions;

(6) opportunities for minority and handicapped women in scientific and technical careers;

(7) data on the status and number of women in scientific and technological positions, including, but not limited to, material gathered under titles II, III, and IV of this Act;

(8) research being conducted to increase the potential contribution of women in science and technology and to facilitate the participation and advancement of women in scientific and technological careers, and the results of such research, including, but not limited to, material gathered under sections 302 and 303 of this Act; and

(9) programs to educate and inform the public concerning the importance of the participation of women in science and technology.

(b) There is authorized to be appropriated the sum of $3,000,000 for fiscal year 1980 and for each of the nine succeeding fiscal years to carry out the functions of the Clearinghouse specified in this section and in section 413 of this Act.

RESEARCH PROGRAM

SEC. 302. (a) The National Science Foundation is authorized and directed to conduct, directly or by way of grant or contract, a comprehensive research program designed to increase understanding of (1) the potential contribution of women in science and technology and (2) means to facilitate the participation and advancement of women in scientific and technical careers.

(b) The program shall include studies leading to understanding and amelioration of problems confronting young women in the study of science and mathematics, and the impact of science and mathematics skills on the entry and advancement of women in technical and nonscientific fields.

DISSEMINATION

SEC. 303. Data collected and research conducted under sections 302 and 404 shall be made available to the public through appropriate dissemination mechanisms including the Clearinghouse on Women in Science established under section 301 of this Act.

MEDIA PROJECTS

SEC. 304. The National Science Foundation is authorized and directed to support projects designed to improve the scope, relevance, and quality of information available to the public concerning the importance of the participation of women in careers in science and technology through the use of radio, television, journals, newspapers, magazines, and other media. In carrying out the provisions of this section, the Director of the National Science Foundation shall develop criteria which assign highest priority to proposals which emphasize innovative approaches, demonstrate potential for increasing public awareness of the contribution of women in scientific and technical fields, and which stress the importance of equal opportunity for women in careers in science and technology.

BOOKS AND INSTRUCTIONAL MATERIALS

SEC. 305. (a) The National Science Foundation shall identify books and instructional materials which encourage girls and young women to study mathematics and science and to pursue careers in scientific and technical fields, and which stress the importance of equal opportunity for women in science and technology. In identifying books and instructional materials under this section, the Foundation shall assign highest priority to books and materials which—

(1) portray women in scientific and technical careers;

(2) encourage girls and young women to consider careers in science and technology;

(3) emphasize the need for mathematical and technical skills in a wide range of professions;

(4) present scientific and technical material in a manner responsive to the needs of girls and young women; and

(5) emphasize the equal ability and status of men and women in science and technology.

(b) Information concerning books and materials identified under subsection (a) shall be made available to the public through appropriate existing dissemination mechanisms, including the Clearinghouse on Women in Science established under section 301 of this Act.

(c) The National Science Foundation is authorized and directed to support the development of books and instructional materials which present science and mathematics in a manner consistent with the criteria established under subsection (a). Books and instructional materials developed under this subsection shall be considered for identification under subsection (a).

COMMUNITY OUTREACH

SEC. 306. (a) The National Science Foundation is authorized and directed to support community outreach activities with the potential to attract substantial numbers of young women and girls and designed to—

(1) emphasize the importance of equal opportunity in scientific and technical fields;

(2) stimulate the interest of girls and young women in science and mathematics; and

(3) encourage girls and young women to continue in and complete courses of study in science and mathematics.

(b) In carrying out the provisions of this section the National Science Foundation shall make grants to nonprofit organizations which sponsor community activities, including afterschool, weekend and summer programs, to enable such organizations to include programs related to mathematics and science in new or existing activities.

MUSEUM PROGRAMS

SEC. 307. The National Science Foundation is authorized and directed to make grants and enter into contracts with museums and science centers for the support of projects which demonstrate potential to interest and involve women. Such projects shall be designed to encourage the study and development of skills in mathematics and science, to emphasize opportunities for careers in scientific and technical fields, and to stress the importance of equal opportunity for women in science and technology.

PART B—AWARDS

ESTABLISHMENT OF EQUAL OPPORTUNITY IN SCIENCE AWARDS COMMITTEE

SEC. 311. (a) There is established the President's Committee for Equal Opportunity in Science Awards (hereinafter referred to in this part as the "Committee"), which shall be composed of thirteen members. The Committee shall make recommendations to the President and the Director of the National Science Foundation concerning the names of persons to receive the awards authorized in sections 312, 313, and 314 of this Act. In making such recommendations the Committee shall consider recommendations from the National Science Board and the clearing house on women in science established under part A of the title.

(b) Each member of the Committee shall be appointed by the President and the membership shall represent a cross section of the physical, life and social sciences. At least two members of the Committee shall be nonscientists. At least seven members of the Committee shall be women, and at least three members shall be members of minority groups. In appointing members to the Committee, the President shall consider recommendations submitted by the Clearinghouse on Women in Science established under part A of this title.

(c) Members of the Committee shall be appointed to serve for a three-year term, except that the terms of office of members first appointed shall expire, as designated by the President at the time of appointment, five at the end of one year, four at the end of two years, and four at the end of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term. Members may be reappointed to serve one additional term of three years.

(d) Seven members of the Committee shall constitute a quorum, and any vacancy in the Committee shall not affect its power to function.

(e) The President shall designate one of the members of the Committee to serve as Chairperson.

(f) (1) Members of the Committee who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Committee.

(2) Members of the Committee not otherwise employed by the Federal Government shall receive compensation at a rate equal to the daily rate prescribed for GS–18 of the

General Schedule under section 5332 of title 5, United States Code, including traveltime, for each day they are engaged in the performance of their duties as members of the Committee, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties for the Committee.

(g) The National Science Foundation is authorized to provide such additional assistance as may be necessary and appropriate to carry out purposes of this section.

(h) The Committee, with the approval of the President is authorized to establish such additional procedures and criteria as necessary to implement the provisions of this part.

DISTINGUISHED ACHIEVEMENT IN THE ADVANCEMENT OF WOMEN IN SCIENCE AWARD

SEC. 312. The President, upon the recommendations of the Committee, shall make twenty cash awards, of $25,000 each, to be known as the Distinguished Achievement in the Advancement of Women in Science Award (hereinafter in this section referred to as the "award"). The awards shall be made once each calendar year to the individuals, academic institutions, State or local public agencies, private nonprofit organizations or business concerns which have made an outstanding contribution in the past calendar year to the participation and advancement of women in science and technology. Each recipient of the award shall receive a suitable citation describing the achievements for which the award is presented.

MATHEMATICS AND SCIENCE INCENTIVE AWARD

SEC. 313. The Director of the National Science Foundation (hereinafter referred to in this part as the "Director") shall, upon the recommendations of the Committee, make not more than twenty cash awards of $10,000 each, to be known as the Mathematics and Science Incentive Awards, to schools which include one or more of grades seven through twelve and which have demonstrated a commitment to encouraging the enrollment of girls and young women in mathematics and science courses, in accordance with the provisions of this section. Awards shall be made to such schools which have demonstrated a substantial increase in the number of women enrolled in mathematics and science courses during the year immediately preceding the granting of the award. Such schools which enroll substantially more than the national average of women in advanced mathematics and science courses shall also be eligible for awards. The Mathematics and Science Incentive Awards shall be presented once each year.

(b) The cash awarded under subsection (a) shall be used by the recipients to establish or further programs which encourage the participation of women in mathematical and scientific careers.

(c) Each recipient of the award shall also receive a suitable plaque to commemorate the achievements on which the award is based. The size and design of the plaques shall be determined by the Committee with the approval of the Director.

(d) The Director is authorized to establish such rules and regulations as are necessary to carry out his functions under this section.

VISITING WOMEN SCIENTISTS PROGRAM

SEC. 314. (a) There is established the visiting women scientists program. The purpose of the program is to select women scientists who shall visit secondary schools and institutions of higher education in order to—

(1) encourage girls and women to consider careers in science and engineering and to prepare themselves appropriately for such careers;

(2) provide information to students, teachers, and counselors; and

(3) conduct lectures, seminars, informal discussions, and presentations concerning various aspects of scientific and technical careers for women.

(b) Each year, the Director, upon the recommendation of the Committee, shall name not less than thirty women from the government, industrial, private nonprofit, and academic sectors to be visiting women scientists. Each woman selected shall demonstrate the potential to fulfill the purposes of the program as described in subsection (a). At least one-half of the visiting women scientists named in a particular calendar year shall be women who have degrees in science and engineering which were conferred during the five-year period immediately preceding the date of their selection.

(c)(1) Visiting women scientists who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under subsection (a).

(2) Visiting women scientists not otherwise employed by the Federal Government shall receive compensation at a rate of $100 a day, including traveltime, for each day they are engaged in the performance of their duties under subsection (a) and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under subsection (a).

TITLE IV—EQUAL EMPLOYMENT OPPORTUNITY

PART A—AGENCY RESPONSIBILITY AND REPORTING REQUIREMENTS

AGENCY RESPONSIBILITY

SEC. 401.(a) The head of each Federal agency, national laboratory, and federally funded research and development center which supports or conducts research and development in science and technology shall take appropriate action to—

(1) prevent discrimination against women in science and technology;

(2) increase opportunities for the employment and advancement of women in science; and

(3) encourage the participation of minority and physically handicapped women in scientific and technical careers.

(b) In carrying out the provisions of this section, the head of each such agency, laboratory, and center shall take action including, but not limited to, activities designed to increase the number of qualified women—

(1) in permanent scientific and technical positions at each appropriate GS level or other similar category;

(2) realizing opportunities for promotion;

(3) serving on peer review and advisory panels; and

(4) serving as principal investigators for research projects, grants, and contracts.

REPORTING REQUIRED

SEC. 402. (a) The head of each Federal agency which provides Federal financial assistance for research and development in science and technology which equals or exceeds $30,000,000 in any fiscal year and the head of each national laboratory and federally funded research and development center, shall report to the Congress annually, to the maximum extent possible through existing appropriate reports, concerning the employment status of women in scientific and technical positions, both at the agency, laboratory, or center and in agency, laboratory, or center supported research and development projects. The reports required shall include, but not be limited to, a compilation evaluation, and comparison, by sex and as a per centum of the total of—

(1) the number of persons in (A) permanent and (B) temporary scientific and technical positions, by GS level or other similar category;

(2) the average salary of persons employed in such scientific and technical positions;

(3) the number and type of promotional opportunities realized by persons in such scientific and technological positions;

(4) the number of persons serving on (A) peer review and (B) advisory panels dealing with scientific research and development activities; and

(5) the number of persons serving as principal investigators in agency, laboratory or center supported or conducted scientific research and development projects

(b) The head of each Federal agency, laboratory, and center required to report under subsection (a) shall transmit the data, compiled and evaluated, to the Director of the Office of Science and Technology Policy for use in the reports required under section 209 of the National Science and Technology Policy and Priorities Act of 1976.

(c) The head of each Federal agency, laboratory, and center is authorized to establish such rules and regulations as are necessary to implement the provisions of this Act.

DEFINITIONS

SEC. 403. (a) For purposes of sections 401 and 402—

(1) "Federal financial assistance" means any grants, loans, or contracts other than a contract of insurance or guaranty;

(2) "national laboratory" means Government directed research and development laboratories, as well as research and development laboratories funded at least in part by the Federal Government, except as provided in clause (3) of this subsection;

(3) "federally funded research and development center" means organizations which perform research and development exclusively or substantially financed by the Federal Government and which are administered by industrial firms, universities, and colleges, or other nonprofit institutions.

(b) The Director of the Office of Science and Technology Policy, in consultation with the Director of the National Science Foundation, the Chairman of the Civil Service Commission and the Director of the Office of Management and Budget, shall establish the criteria for defining "scientific and technological positions" for the purpose of this part.

DATA COLLECTION PROGRAM

SEC. 404. (a) The Director of the National Science Foundation is authorized and directed to make an accurate accounting of the participation and status of women in all disciplines and job categories of scientific, and technological fields in the public sector, private enterprise and academic institutions. The Director shall make and publicize such an assessment through the use of existing data collection, analysis, publication and dissemination programs and shall develop new programs, if necessary, in order to assure that a complete assessment of the participation of women in scientific and technological careers is made and publicized.

(b) The gathering and reporting of data pursuant to subsection (a) shall include, an accounting and comparison, by sex, of the participation of women and men in scientific and technological positions in public agencies, business concerns, private nonprofit organizations, and educational institutions. The Director shall collect, compile, and analyze data concerning—

(1) the number of persons in (A) permanent and (B) temporary scientific and technological positions by appropriate job category;

(2) the average salary of persons in such scientific and technological positions;

(3) the number and type of promotional opportunities realized by persons in such scientific and technological positions; and

(4) the number of persons serving as principal investigators in federally conducted

or federally supported research and development.

(c) All data collected, compiled, and analyzed pursuant to the provisions of this section shall be made available to the public through new and existing dissemination mechanisms, including the Clearinghouse on Women in Science established under section 301 of this Act.

(d) Once each year, the Director of the National Science Foundation shall make a report on the data collected, compiled and analyzed pursuant to this section. Such report shall be transmitted to the Director of the Office of Science and Technology Policy, the Attorney General, the Chairman of the Equal Employment Opportunity Commission, the Director of the Office of Civil Rights of the Office of Education of the Department of Health, Education, and Welfare and the Director of the Office of Contract Compliance of the Department of Labor.

(e) The Director of the Office of Science and Technology Policy shall include the data received pursuant to subsection (d) in the annual report submitted to Congress under section 209 of the National Science and Technology Policy and Priorities Act of 1976.

PART B—OPPORTUNITY PROGRAMS

FEDERAL GOVERNMENT TRAINING FOR THE ENCOURAGEMENT OF WOMEN IN SCIENCE

SEC. 411. The Civil Service Commission is authorized and directed to include in its training program for officials of appropriate Federal agencies, information and instructions relating to—

(1) the recruitment, retention, and promotion of qualified women scientists, engineers, and technicians;

(2) Federal programs designed to assist in assuring equal opportunity for women in science and technology;

(3) Federal laws requiring equal employment opportunity for women; and

(4) enforcement and compliance mechanisms available to assure full participation of women in scientific and technological fields.

CIVIL SERVICE REGISTERS

SEC. 412. The Chairman of the Civil Service Commission is authorized and directed to include in existing registers women qualified for and seeking scientific and technological positions. The Chairman shall take whatever action is necessary to assure that such registers are circulated to each Federal agency, national laboratory, and federally funded research and development center conducting research and development activities.

EMPLOYMENT REGISTER

SEC. 413. (a) The Clearinghouse on Women in Science established under section 301 of this Act shall establish an employment register. Such register shall include—

(1) a listing of qualified women seeking scientific and technological positions; and

(2) a listing of positions available in public agencies, business concerns, private nonprofit organizations and educational institutions.

(b) The Clearinghouse shall notify State and local scientific organizations, private nonprofit organizations, educational institutions, and business concerns that the register has been established and is available for use in filling scientific and technological positions and as a means of notifying the public of job opportunities in scientific and technological fields.

DEMONSTRATION PROJECTS

SEC. 414. (a) The National Science Foundation is authorized and directed to make grants to public agencies, business concerns, private organizations, and individuals for activities to encourage employment and advancement of women in science and technology through—

(1) flexible work schedules and job sharing arrangements;

(2) eligibility for fringe benefits and the establishment of tenure for part-time employees;

(3) the removal of antinepotism employment conditions; and

(4) other similar arrangements, including day care, which show promise of encouraging such employment and advancement.

(b) No grant may be made under this section unless an application is submitted to the Director of the National Science Foundation at such time and in such manner and containing or accompanied by such information as the Director determines to be reasonable and appropriate.

TITLE V—GENERAL PROVISIONS

AUTHORITY

SEC. 601. (a) Except as otherwise provided in this Act the Foundation shall, in carrying out its functions under this Act, have the same powers and authority the Foundation has under the National Science Foundation Act of 1950 to carry out its functions under that Act.

(b) Except as otherwise provided in this Act, the Director of the National Science Foundation shall, in carrying out the functions of the Director under this Act, have the same powers and authority the Director of the Foundation has under the National Science Foundation Act of 1950 to carry out the functions of the Director under that Act.

DEFINITIONS

SEC. 602. (a) For the purposes of this Act the term—

(1) "Federal agency" means any such agency as defined in section 551(1) of title 5, United States Code; and

(2) "State" means each of the several States and the District of Columbia; and

(3) "Foundation" means the National Science Foundation.

AUTHORIZATION OF APPROPRIATIONS

SEC. 603. There are authorized to be appropriated for the fiscal year 1980 and for each of the succeeding nine fiscal years, such sums, but not to exceed $25,000,000 in any fiscal year, as may be necessary to carry out the provisions of this Act.

WOMEN IN SCIENCE AND TECHNOLOGY EQUAL OPPORTUNITY ACT

SUMMARY OF THE BILL

General

This Act establishes a framework to promote the full use of human resources in science and technology through a comprehensive program to maximize the potential contribution and advancement of women in scientific, professional and technical careers. It establishes programs, policies and procedures to enhance education for women in science and mathematics, to improve training and employment opportunities for women in science and technology, and to prevent discrimination against women in scientific and technical fields.

Title I—Statement of Findings, Purpose and Policy

Findings

The Congress finds that it is in the national interest to promote the full use of human resources in science and technology; that skills in science and mathematics contribute substantially to achievement in a wide range of professional fields; and that men and women have equal potential for excellence in scientific and technical fields. It also includes the findings of the Congress that:

(a) the number of and proportion of women earning degree in science and engineering has remained virtually unchanged over the last fifty years;

(b) less than ten percent of scientists and engineers are women;

(c) that unemployment rates of women scientists and engineers are three times higher than for men in every field of science, and are five times higher among young doctorates; and

(d) that women scientists and engineers earn less than men in every field, at every level of experience and in every employment setting.

Declaration of purpose

It is the purpose of this Act to encourage the full participation of women in scientific, professional and technical fields through programs to improve science education; to promote literacy in science and mathematics and educate and inform the public concerning the importance of the participation of women in science and technology; to increase employment and advancement opportunities for women; and to encourage the participation of minority and handicapped women in science and technology.

Statement of policy

The Congress declares that it is the policy of the United States to assure equal opportunity for women in education, training and employment in scientific and technical fields and thereby promote the full use of human resources in science and technology.

Title II—Education

Elementary and secondary education programs

The National Science Foundation is directed to support activities to strengthen elementary and secondary school programs in science and mathematics. The activities supported must demonstrate potential to interest and involve female students and priority is to be given to activities focused on students in grades seven through twelve. Among activities eligible for support are:

(a) the development of methods, instructional materials and technologies to improve education in science and mathematics;

(b) the training and retraining of teachers and counselors;

(c) the use of innovative methods, systems and materials to discourage attrition from courses in mathematics and science;

(d) opportunities for students to assist in research related activities; and

(e) workshops for students and parents to increase awareness of the importance of acquiring basic skills in science and math.

Higher education programs

The National Science Foundation is directed to support activities which demonstrate potential:

(a) to increase the participation of women in courses of study leading to degrees in scientific and technical fields;

(b) to encourage women to consider and prepare for careers in science and technology; and

(c) to provide traineeship and fellowship opportunities for women in science and technology.

Among activities eligible for support are:

(a) the development of methods, instructional materials and technologies to improve scientific and technical courses and to increase student awareness of career opportunities requiring scientific and technical skills, particularly at the undergraduate level;

(b) training and retraining of faculty and counselors;

(c) traineeships, graduate and postgraduate fellowships; and

(d) projects to encourage students to continue in and complete courses of study leading to degrees in scientific and technical fields.

Continuing education

The National Science Foundation is directed to initiate a program of continuing education and science and engineering, with particular emphasis on the participation and needs of women, to enable persons who (i) have been in the workforce for at least three years, (ii) hold degrees in scientific and technical fields; and (iii) have had careers inter-

rupted for at least three years to acquire new skills and/or strengthen existing skills. The program includes the development of curricula and education techniques in cooperation with industry and academic institutions, as well as fellowships. The fellowships are to be allocated in a manner which attracts highly qualified applicants and encourages the participation of women.

Evaluation

Standardized evaluation tools and mechanisms for determining the long term impact on individuals of participation in programs authorized under this title are to be developed and used.

Technical assistance

Technical assistance for the design and conduct of activities under this Title is authorized.

Title III—Public Understanding

INFORMATION PROGRAMS

Clearinghouse on women in science

A Clearninghouse on Women in Science is established to collect, analyze and disseminate to the public information concerning activities in the public and private sectors to encourage full participation of women in science and technology. An annual authorization of $3 million is provided.

Research program

The National Science Foundation is directed to conduct a comprehensive research program to increase understanding of the potential contribution of women in science and technology and of means to facilitate the participation and advancement of women in scientific and technological careers. The program is to include studies leading to understanding and amelioration of problems confronting young women in the study of science and mathematics and the impact of science and mathematics skills on the entry and advancement of women in technical and nonscientific fields.

Media projects

The National Science Foundation is directed to support projects to improve the scope, relevance and quality of information available to the public concerning the importance of the participation of women in careers in science and technology through the use of the media. Highest priority is to be given to proposals which emphasize innovative approaches, demonstrate potential for increasing public awareness of the contribution of women in scientific and technical fields, and which stress the importance of equal opportunity for women in careers in science and technology.

Books and instructional materials

The National Science Foundation is to identify books and instructional materials which encourage girls and young women to study mathematics and science and to pursue careers in scientific fields and stress the importance of equal opportunity for women in science and technology. The National Science Foundation is also directed to support the development of books and instructional materials which meet this criteria. Information concerning books and materials identified and developed is to be made available to the public.

Community outreach

The National Science Foundation is directed to support community outreach activities designed to attract substantial numbers of young women and girls, to emphasize the importance of equal opportunity in scientific and technical fields, to stimulate the interest of girls and young women in science and mathematics and to encourage girls and young women to continue in and complete courses of study in science and mathematics. Support is to be available to nonprofit organizations which sponsor community activities including afterschool, weekend and summer programs.

Museum programs

The National Science Foundation is directed to support projects at museums and science centers which demonstrate potential to interest and involve women. The projects are to encourage the study and development of skills in mathematics and science, to emphasize opportunities for careers in scientific and technical fields and to stress the importance of equal opportunity for women in science and technology.

AWARDS

Equal opportunity in Science Awards Committee

A Committee is established to make recommendations to the President and the Director of the N.S.F. concerning the names of persons to receive awards for contributions to the education and advancement of women in science. At least seven of the thirteen members of the Committee must be women, and the membership must also include nonscientists and minority group members.

Distinguished achievement in the Advancement of Women in Science Award

Up to twenty awards of $25,000 each are to be made each year by the President to individuals, academic institutions, State or local public agencies, private non-profit organizations or business concerns which have been made an outstanding contribution to the participation and advancement of women in science and technology.

Mathematics and Science Incentive Award

Each year the Director of the National Science Foundation is to make up to twenty awards of $10,000 each to schools which include one or more of grades seven through twelve which have demonstrated a commitment to encouraging and increasing enrollment of girls and young women in mathematics and science courses.

Visiting women scientists program

Each year the Director of the National Science Foundation is to name at least thirty women scientists who will visit secondary schools and institutions of higher education to: (1) encourage girls and young women to consider careers in science; (2) provide information to students, teachers and counselors; and (3) conduct lectures, seminars and presentations concerning scientific and technical careers.

Title IV—Equal Employment Opportunity

Agency responsibility and reporting requirements

Agency responsibility

The head of each Federal agency, national laboratory and federally funded research and development center which supports or conducts research and development is to take action to: (1) prevent discrimination against women in science and technology; (2) increase opportunities for the employment and advancement of women in science; and (3) encourage the participation of minority and physically handicapped women in science. In meeting these requirements action is to be taken designed to increase the number of qualified women in permanent scientific and technical positions, realizing opportunities for promotion, serving on peer review and advisory panels, and serving as principal investigators.

Reporting requirements

The head of each Federal agency which spends $30 million or more annually on research and development, and the head of each national laboratory and federally funded research and development center is to report annually to the Congress and to the Director of the Office of Science and Technology Policy concerning the employment and status of women in scientific and technical positions, on peer review and advisory panels and serving as principal investigators. The reports are to include a compilation, evaluation and comparison, by sex and as a percent of the total, of the participation of women.

Data collection program

The Director of the National Science Foundation is to make an accurate accounting of the participation and status of women in all disciplines and job categories of scientific and technological fields in the public sector, private enterprise and academic institutions. This data is to be widely disseminated and made available to the public. Once each year the data collected, compiled and analyzed is to be transmitted to the Director of the Office of Science and Technology Policy, the Attorney General, the Chairman of the Equal Employment Opportunity Commission, the Director of the Office of Civil Rights of the Office of Education of the Department of Health, Education and Welfare and the Director of the Office of Contract Compliance of the Department of Labor.

OPPORTUNITY PROGRAMS

Federal Government training for the encouragement of women in science

Training programs for officials of appropriate Federal agencies are to include information and instructions relating to: (1) recruitment, retention and promotion of qualified women scientists, engineers and technicians; (2) federal programs assuring equal opportunity for women in science and technology; (3) federal laws requiring equal employment opportunity; and (4) enforcement and compliance mechanisms to assure full participation of women in scientific and technological fields.

Civil Service registers

The Civil Service Commission is to include qualified women on registers for scientific and technological positions and to circulate such registers to each Federal agency, national laboratory and federally funded research and development centers conducting research and development activities.

Employment register

The Clearinghouse on Women in Science is to establish an employment register which includes a listing of qualified women seeking scientific and technological positions and a listing of positions available in public agencies, business concerns, private nonprofit organizations and educational institutions.

Demonstration projects

The National Science Foundation is to support demonstration projects to encourage the employment and advancement of women in science and technology throughout: (1) flexible work schedules and job sharing arrangements; (2) eligibility for fringe benefits and tenure for parttime employees; (3) removal of antinepotism employment conditions; and (4) other similar arrangements, including day care, which show promise of encouraging the employment and advancement of women in science.

Title VI—General Provisions

Authorization of appropriations

For fiscal year 1980 and for each of the succeeding nine fiscal years $25 million is authorized to carry out the provisions of this Act.

Mr. HATHAWAY. Mr. President, I am pleased to join my colleagues in introducing the Women in Science and Technology Equal Opportunity Act. This act establishes a framework to encourage the full use of human resources by establishing programs, policies, and procedures which improve education, training, and opportunities for women in the fields of science and technology.

At present, although men and women have equal potential in scientific and technical skills, the potential of women is inadequately tapped. Less than 10 percent of the Nation's scientists and engineers are women, and the number of women earning degrees in these fields has remained virtually unchanged over the last 50 years. In employment, women scientists and engineers earn less than men with comparable education and experience, and are 3 to 5 times more likely to be unemployed. This act would insure not only equal opportunity, but would also prevent discrimination in education and employment.

The act establishes direction for the National Science Foundation in encouraging more women in science and technology. It focuses NSF activities on students in grades 7 through 12, funds programs which improve education in math and science, and expands opportunities for students to assist in research activities. It also encourages the use of innovative methods to discourage attrition from these programs. In higher education, NSF is directed to support activities which encourage greater opportunities for women in science and technology. The intention of the act is to broaden both the educational opportunities for women and to expand the existing knowledge base of educational programs and activities in science and technology.

Information programs and awards are yet another part of the framework designed to maximize the involvement of women in scientific and technological education and employment. Information programs would improve the public's knowledge of these fields, as well as attempt to improve attitudes about women in science and technology. Other educational efforts would inform qualified women of available employment in the private and public sectors and encourage girls and young women to pursue education and careers in science and technology. Other facets of the program include expanding the instructional base of this field of education by including community outreach and museum programs.

The act includes provisions for awards to individuals, academic institutions, State or local public agencies, private nonprofit organizations, or business concerns who have made an outstanding contribution to the participation and advancement of women in science and technology. There are also provisions for incentive scholarship awards, leadership recognition, and programs enabling women scientists acting as role models to visit secondary schools and institutions of higher learning to encourage more women to pursue science and technology careers.

This legislation expands opportunities for women while it assures the country that the valuable human resource potential of women in the important fields of science and technology will no longer be ignored. Our Nation's scientific research efforts deserve all the talent and energy we can provide. With the cooperation of the scientific community, our academic institutions, public and private employers, and the Federal Government, we can insure a future of full participation of men and women, maximizing our Nation's potential in science and technology. I shall look forward to considering the bill when it comes before the Human Resources Committee on which I serve.

By Mr. KENNEDY (by request):

S. 2551. A bill to amend title XV of the Public Health Service Act to revise and extend the authorities and requirements under that title for health planning, to provide for assistance to hospitals in discontinuing inappropriate services, and for other purposes; to the Committee on Human Resources.

HEALTH PLANNING AMENDMENTS AND HOSPITAL SERVICES DISCONTINUATION ACT OF 1978

Mr. KENNEDY. Mr. President, on January 23 I introduced S. 2410, a bill to extend and amend the health planning and resources development authorities contained in titles XV and XVI of the Public Health Service Act. Today I am pleased to introduce by request the administration's health planning amendments, as a companion bill to my own proposed legislation.

The Senate Subcommittee on Health and Scientific Research, of which I am chairman, heard testimony from Under Secretary of Health, Education, and Welfare Hale Champion at a hearing on this subject on February 2. At that time the Under Secretary described the administration's legislative proposals which are reflected in the bill I am introducing today.

While I am not in agreement with every aspect of the administration's bill, parts of their proposal appear to represent helpful improvements. In some cases, their amendments overlap with those in my own bill. For example, as in my bill, the administration is proposing a program of grants to encourage hospitals to close, merge or convert unnecessary facilities or services. As I noted in the hearing, however, I am concerned that HEW would wait until fiscal year 1980 to initiate this program, despite the fact that they claim a possible savings of five health care dollars for every dollar spent.

While there are other similarities and contrasts between our bills, the important point is that the Under Secretary's testimony and the bill the administration is submitting have reaffirmed and underscored my own conviction that the planning process can work. For that reason, I look forward to working with the administration closely as we amend and extend this vital health care program. I believe, however that the funding level suggested in S. 2410 for the health systems agencies and other planning organizations and institutions are necessary in order for the process to work.

I ask unanimous consent that the bill, Secretary Califano's transmittal letter, and a section-by-section summary be printed in the RECORD at this point.

There being no objection, the bill, letter, and summary was ordered to be printed in the RECORD, as follows:

S. 2551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Health Planning Amendments and Hospital Services Discontinuation Act of 1978".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act, unless otherwise specifically stated.

(b) Section 1525(c) is amended by striking out "and" after "1976," and by inserting before the period ", $30,000,000 for the fiscal year ending September 30, 1979, and such sums as may be necessary for the fiscal years ending September 30, 1980, and September 30, 1981".

(c) Section 1526(e) is amended by striking out "and" after "1976," and by inserting before the period ", $2,000,000 for the fiscal year ending September 30, 1979, and such sums as may be necessary for the fiscal years ending September 30, 1980, and September 30, 1981".

(d) Section 1534(d) is amended by striking out "and" after "1976," and by inserting before the period ", $6,900,000 for the fiscal year ending September 30, 1979, and such sums as may be necessary for the fiscal years ending September 30, 1980, and September 30, 1981".

TITLE II—AMENDMENTS TO HEALTH PLANNING AUTHORITIES HEALTH SERVICE AREAS IN METROPOLITAN AREAS

SEC. 201. The last sentence of section 1511 (a) is amended by striking out "each State" and inserting in lieu thereof "any State".

REVISION OF BOUNDARIES OF HEALTH SERVICE AREAS

SEC. 202. The first sentence of section 1511 (b)(4) is amended by inserting after "the requirements of subsection (a)" the following: "or a change in the boundary of such area would result in a health service area which better meets the requirements of such subsection".

IMPROVED COORDINATION BETWEEN GOVERNING BODIES FOR HEALTH PLANNING AND THEIP PUBLIC REGIONAL PLANNING BODIES OR UNIT' OF GENERAL LOCAL GOVERNMENT

SEC. 203. (a) Section 1512(b)(3)(A) amended by striking out the first sentenc' and inserting in lieu thereof the following: "A health systems agency which is a public regional planning body or unit of general local government shall establish a separate governing body for health planning in accordance with subparagraph (C), which shall have the responsibilities prescribed by subparagraph (B), and which has exclusive authority to perform for the agency the functions described in section 1513 except as otherwise provided in subparagraph (B) of this paragraph. The public regional planning body or unit of general local government may remove for cause members of the governing body for health planning.".

(b) Section 1512(b)(3)(B)(i) is amended by inserting immediately before the semicolon ", but the budget of a health systems agency described in clause (B) or (C) of paragraph (1) of this subsection shall be subject to approval by the public regional planning body or unit of general local government".

(c) Section 1512(b)(3)(B)(ii) is amended by inserting immediately before the semicolon ", but both plans (and amendments to those plans) in the case of a health systems agency described in clause (B) or (C) of paragraph (1) of this subsection shall be subject to approval by the public regional planning body or unit of general local government".

CONFIDENTIALITY OF PERSONNEL RECORDS

SEC. 204. (a) Section 1512(b)(3)(B)(viii) is amended (1) by striking out "business meetings" and inserting in lieu thereof "business meetings (other than those parts of meetings that involve personnel matters)", and (2) by striking out "records and data" and inserting in lieu thereof "records and data (other than records and data on the personnel of the health systems agency)".

(b) Section 1522(b)(6) is amended (1) by striking out "business meetings" and inserting in lieu thereof "business meetings (other than meetings on personnel matters)", and (2) by striking out "records and data" and inserting in lieu thereof "records and data (other than records and data on the personnel of the State Agency)".

(c) Section 1524(b)(3) is amended by striking out "business meetings" and inserting in lieu thereof "business meetings (other than those parts of meetings that involve personnel matters)".

CONSUMER MEMBERS OF THE GOVERNING BODY OF A HEALTH SYSTEMS AGENCY

SEC. 205. Section 1512(b)(3)(C)(i) is amended by striking out "who are consumers of health care and who are not (nor within the twelve months preceding appointment been) providers of health care" and inserting in lieu thereof "who are not providers of health care and have not within the twelve months preceding appointment been direct providers of health care (as defined in section 1531(3)(A))".

PROVIDER MEMBERS OF THE GOVERNING BODY OF A HEALTH SYSTEMS AGENCY

SEC. 206. Section 1512(b)(3)(C)(ii) is amended by striking out "who represent" and inserting in lieu thereof "shall include representatives of".

NONMETROPOLITAN MEMBERS OF THE GOVERNING BODY OF A HEALTH SYSTEMS AGENCY

SEC. 207. Section 1512(b)(3)(C)(iii)(II) is amended by inserting "at least" before "equal".

OFFICIALS ON THE GOVERNING BODY OF A HEALTH SYSTEMS AGENCY

SEC. 208. (a) Section 1512(b)(3)(C)(iii)(I) is amended to read as follows:

"(I) include representatives of public and private agencies in the health service area concerned with health,"

(b) Section 1512(b)(3)(C) is amended (1) by renumbering clauses (ii), (iii), and (iv) as (iii), (iv), and (v), respectively, and (2) by inserting after clause (i) the following:

"(ii) At least one quarter of the members shall be public elected officials and other representatives of governmental authorities in the agency's health service area."

(c) Section 1512(b)(3)(C)(i) (as amended by section 205 of this title) is further amended by inserting ", who are not public elected officials or other representatives of governmental authorities in the health service area," after "(as defined in section 1531(3)(A))".

CONTRIBUTIONS FROM HEALTH CARE INSURERS

SEC. 209. The first sentence of section 1512(b)(5) is amended by striking out "it is" and inserting in lieu thereof "it is a health care insurer or it is".

RETURN OF HEALTH SYSTEMS AGENCY TO CONDITIONAL STATUS

SEC. 210. Section 1515(c)(3) is amended by adding at the end the following: "If an agreement under this subsection is not renewed by the Secretary, he may enter into an agreement under subsection (b) with the entity for a period of conditional designation which may not exceed 24 months, if the Secretary finds that the period of conditional designation should enable the entity to qualify again for designation under this subsection, and that the period of conditional designation will assist in carrying out the purposes of this title.".

CARRY-OVER OF GRANT FUNDS

SEC. 211. (a)(1) The second sentence of section 1516(a) is amended by striking out ", and shall be available for obligation" and all that follows in such sentence and inserting in lieu thereof a period.

(2) Such section is amended by inserting after the second sentence the following: "Funds under a grant which remain available for obligation at the end of the fiscal year in which the grant has been made shall remain available for obligation in the succeeding fiscal year, but no funds under any grant to an agency may be obligated in any period in which a designation agreement is not in effect for such agency, except that in the case of a grant made to a conditionally designated entity with which the Secretary will not enter into a designation agreement under section 1515(c), such funds shall be available for obligation for such additional period as the Secretary determines such entity will require to satisfactorily terminate its activities under the agreement for its conditional designation".

(b) The second sentence of section 1525(a) is amended to read as follows: "Funds under a grant which remain available for obligation at the end of the fiscal year in which the grant has been made shall remain available for obligation in the succeeding fiscal year, but no funds under any grant to a State Agency may be obligated in any period in which a designation agreement is not in effect for such State Agency.".

(c) Section 1526(c) is amended (1) by striking out "(1) such a grant" and all that follows through "(2)", and (2) by adding at the end the following: "Funds under a grant which remain available for obligation at the end of the fiscal year in which the grant has been made shall remain available for obligation in the succeeding fiscal year, but no funds under any grant to a State Agency may be obligated in any period in which a designation agreement is not in effect for such State Agency.".

PLANNING GRANTS TO HEALTH SYSTEMS AGENCIES

SEC. 212. (a) Section 1516(b) is amended to read as follows:

"(b) The amount of any grant under subsection (a) to a health systems agency designated under subsection (b) or (c) of section 1515 shall be determined by the Secretary."

(b) Section 1516(c) is amended (1) by repealing paragraph (2), and (2) by striking out the paragraph designation "(1)".

MAJOR MEDICAL EQUIPMENT AND HEALTH MAINTENANCE ORGANIZATIONS UNDER A STATE CERTIFICATE OF NEED PROGRAM

SEC. 213. (a) The first sentence of section 1523(a)(4) is amended by inserting "and new major medical equipment" after "new institutional health services".

(b) The second sentence of section 1523(a)(4) is amended by striking out "organizations" each place it occurs and inserting in lieu thereof "equipment".

(c) Section 1531(5) is amended by striking out "and health maintenance organizations" and "and organizations".

(d) Section 1531 is amended by adding after clause (5) the following:

"(6) The term 'major medical equipment' means equipment which is used in the provision of health care and whose cost or fair market value (whichever is greater) exceeds $150,000.".

CONFORMITY WITH STATE PLANS UNDER A STATE CERTIFICATE OF NEED PROGRAM

SEC. 214. The second sentence of section 1523(a)(4) is amended by inserting "and consistent with the State health plan under this title and the State medical facilities plan under title XVI" after "found to be needed".

REVIEW OF NEW INSTITUTIONAL HEALTH SERVICES

SEC. 215. (a) Paragraph (5) of section 1523(a) is repealed, and paragraph (6) is renumbered as (5).

(b) The second sentence of section 1521(b)(2)(B) is amended by inserting "(i) shall require that the designated State agency, unless the State has an agreement in force with the Secretary under section 1122 of the Social Security Act, make findings as to the need for new institutional health services proposed to be offered within the State, after consideration of recommendations submitted by health systems agencies under section 1513(f) respecting such services, and (ii)" after "Secretary".

(c) Section 1513(f) is amended by striking out "paragraphs (4) and (5) of section 1523(a)" and inserting in lieu thereof "section 1523(a)(4) and section 1521(b)(2)(B)(i)".

(d) Section 1522(b)(13) is amended (1) by striking out "(5), or (6)" and inserting in lieu thereof "or (5)", and (2) by striking out "(f), (g), or (h)" and inserting in lieu thereof "(g) or (h)".

(e) Section 1523(c) is amended by striking out "(4), (5), or (6)" and inserting in lieu thereof "(4) or (5)".

PROPORTIONAL REPRESENTATION OF HEALTH SYSTEMS AGENCIES ON STATEWIDE COORDINATING COUNCILS

SEC. 216. (a) Section 1524(b)(1)(A) is amended (1) by striking out clause (ii) and by redesignating clause (iii) as clause (ii), and (2) by amending the first sentence of clause (ii) (as so redesignated) to read as follows: "The number of representatives on the SHCC to which a health systems agency is entitled shall be proportional to the share of the State's population in the agency's health service area, except that each agency shall be entitled to at least one representative on the SHCC.".

(b) Section 1524(b)(1)(A)(i) is amended (1) by striking out "at least five", and (2) by adding at the end the following: "Each agency shall submit a number of nominees to the Governor which is at least twice the number of representatives on the SHCC to which the agency is entitled.".

SELECTION BY GOVERNOR OF CHAIRMAN OF THE STATEWIDE HEALTH COORDINATING COUNCIL

SEC. 217. Section 1524(b)(2) is amended to read as follows:

"(2) The Governor of the State shall select from among the members of the SHCC a chairman."

APPROVAL OF STATE HEALTH PLAN BY GOVERNOR

SEC. 218. (a) Section 1524(c)(2) is amended by adding at the end the following:

"(C) The State health plan shall be subject to approval by the Governor of the State. If the Governor does not approve the plan, a revised plan submitted by the SHCC to the Governor shall not be subject to the requirements of subparagraph (B)."

(b) The heading to switch 1524 is amended by adding at the end "AND APPROVAL OF STATE HEALTH PLAN BY GOVERNOR".

REVIEW OF FACILITIES, EQUIPMENT, AND SERVICES OF HEALTH MAINTENANCE ORGANIZATIONS

SEC. 219. (a) Section 1532(c) is amended—

(1) in the material preceding paragraph (1), by striking out "Criteria" and inserting in lieu thereof "Except as provided in subsection (d), criteria",

(2) by striking out paragraph (8),

(3) by renumbering paragraph (9) as (8), and

(4) by striking out the last sentence.

(b) Section 1532 is amended by adding at the end the following:

"(d) Criteria required by subsection (a) for health systems agency and State agency review, in relation to the facilities, equipment, or services of health maintenance organizations (as defined in section 1301), shall include only those criteria specified by the Secretary, and shall be consistent with the standards and procedures established by the Secretary under section 1306(c)."

TECHNICAL AMENDMENTS

SEC. 220. (a) Title IX and subsections (a) and (b) of section 314 are repealed.

(b) Section 1512(b)(3)(B)(i) is amended by striking out the comma after "(h)".

(c) Section 1512(b)(3)(B)(vi) is amended by striking out "reimburse" and by inserting in lieu thereof "reimburse (or when appropriate make advances to)".

(d) Section 1513(e)(1)(A)(i) is amended (1) by inserting a comma after "Community Mental Health Centers Act", and (2) by striking out the second comma after "Drug Abuse Office and Treatment Act".

(e) Section 1513(e)(1)(A)(i) is amended by striking out "sections 409 and 410" and inserting in lieu thereof "section 410".

(f) Section 1513(e)(1)(A)(i) is amended by inserting "of 1972" after "Drug Abuse Office and Treatment Act".

(g) Section 1513(e)(1)(B) is amended by striking out "under titles IV, VII, or VIII of this Act" and inserting in lieu thereof "for research or training".

(h) Section 1514 is amended by striking out "304" and inserting in lieu thereof "305".

(i) The last sentence of section 1532(a) of the Public Health Service Act is amended by striking out "States" and inserting instead "State".

(j) Section 1604(b)(1)(I) of the Public Health Service Act is amended by inserting "medical" after "outpatient".

(k) The first sentence of section 1620(b)(2) is amended by striking out the comma after "pay".

EFFECTIVE DATES

SEC. 221. (a) Sections 203, 214, 216, 218 and 219 of this title, and section 213 of this title with respect to major medical equipment, are effective 180 days after the date of its enactment.

(b) Section 212 of this title is effective October 1, 1979.

(c) The remainder of this title is effective on the date of its enactment, except that section 208 of this title shall not require the removal of any person from the governing body or executive committee of a health service agency if that person is a member of the body or committee on the date of enactment of this title.

TITLE III—ASSISTANCE TO HOSPITALS FOR DISCONTINUING INAPPROPRIATE INPATIENT SERVICES

GRANTS TO HOSPITALS TO ASSIST IN DISCONTINUING INPATIENT HOSPITAL SERVICES

SEC. 301. (a) The Secretary may make grants to public or private nonprofit hospitals that have been in operation for at least seven years to assist them in discontinuing inappropriate inpatient hospital services.

(b) An application of a hospital for a grant under this section shall be in such form, submitted to the Secretary in such manner, and contain such information and assurances, as the Secretary may prescribe.

(c) Upon request by a hospital, the State health planning and development agency designated under section 1521 for the State in which the hospital is located shall, after requesting the recommendations of the appropriate health systems agency designated under section 1515, make a finding as to the appropriateness of inpatient hospital services which the hospital wishes to discontinue. The finding of a State health planning and development agency under this subsection shall not be subject to further review. The Secretary may not make a grant under this section to assist in discontinuing hospital services unless the State health planning and development agency has made a finding that the services are inappropriate.

(d) The Secretary may make a grant under this section only if he determines—

(1) that the average per capita inpatient hospital costs in the health service area (established under section 1511) in which the hospital is located will be less, if the grant is made, than if it is not made,

(2) that the hospital would not be able to discontinue the services with respect to which the application is submitted without the grant, and

(3) that the hospital will comply with such additional conditions as the Secretary determines are appropriate.

(e) The amount of any grant under this section shall be determined by the Secretary. A grant under this section may include amounts—

(1) in the case of the closure of the entire hospital, to liquidate the net outstanding debt of the hospital,

(2) in the case of the conversion of part of the hospital from use for inpatient care to another health care use, to pay for the costs of that conversion, including costs of construction, and

(3) that the Secretary determines are otherwise needed to assist in discontinuing inappropriate inpatient hospital services.

(f) The Secretary may make payments under this section in advance or by way of reimbursement, and at such intervals and on such conditions as he finds necessary.

(g) Each hospital which receives a grant under this section shall (1) establish and maintain such records, and arrange to have performed such audits, as the Secretary may require, and (2) make available those records to the Secretary and the Comptroller General of the United States for examination, copying, and mechanical reproduction.

TECHNICAL ASSISTANCE

SEC. 302. The Secretary may provide technical assistance to hospitals eligible for grants under section 301 to assist them in discontinuing inappropriate inpatient hospital services.

APPROPRIATION AUTHORIZATIONS

SEC. 303. For the purposes of making grants and providing technical assistance under this title, there are authorized to be appropriated such sums as may be necessary for fiscal years 1980 and 1981.

DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE,
Washington, D.C., Feb. 14, 1978.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for consideration by the Congress is a draft bill "To amend title XV of the Public Health Service Act to revise and extend the authorities and requirements under that title for health planning, to provide for assistance to hospitals in discontinuing inappropriate services, and for other purposes."

An appropriate health planning system is a cornerstone for the provision of quality health care and for the control of excessive health care costs. The National Health Planning and Resources Development Act of 1974 established the framework for such a system. We intend to continue our implementation of the program in this important area. The enclosed draft bill would materially assist our implementation by authorizing needed appropriations through fiscal year 1981 and by making certain improvements in current authorities.

Of particular importance in controlling unnecessary health costs is the elimination of unneeded hospital inpatient services. The draft bill would provide for grants to hospitals for fiscal years 1980 and 1981, to assist them in eliminating services found inappropriate by State health planning and development agencies. We estimate that this program would save about five dollars in unnecessary costs for every dollar spent for the grants.

The Administration is not requesting an extension of the expiring health resources development authorities (title XVI of the Public Heatlh Service Act). There are currently more health care facilities than are needed, and these facilities can usually raise funds for capital expenses without federal assistance. To control ever increasing health care costs we need to discourage additional unneeded construction, much less to support it. We intend to assist in developing needed health resources in areas with inadequate health care systems through such programs as the National Health Service Corps, Community Health Centers, and Health Maintenance Organizations.

A table of appropriations authorizations appears at Tab A, and a summary of the draft bill at Tab B.

We urge that the Congress give the draft bill its prompt and favorable consideration.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the President's program.

Sincerely,

JOSEPH A. CALIFANO,
Secretary.

SUMMARY OF DRAFT BILL

TITLE I

Section 101 would authorize appropriations for fiscal years 1979, 1980, and 1981 for health planning activities (see Tab A).

TITLE II

Section 201 would permit the Secretary to divide a standard metropolitan statistical area into two or more health service areas if the Governor of any State involved so requests. Currently the Governor of each State involved must so request.

Section 202 would authorize the Secretary of Health, Education, and Welfare to change the boundary of a health service area if another boundary would be more suitable. The Secretary may now change the boundary only if the existing boundary ceases to meet the statutory requirements.

Section 203 would expand the authority of a public regional planned body or unit of general local government that serves as an HSA, in relation to the authority of the separate governing body for health planning. The parent body would be empowered to approve the budget of the separate governing body for health planning, the health systems plan, and the annual implementation plan. The parent body could also remove for cause members of the separate governing body for health planning.

Section 204 would exempt personnel records from the requirement that HSAs, SHPDAs, and SHCCs make their records available to the public.

Section 205 would permit individuals to serve as consumer representatives on HSAs although they had been classified as "indirect providers" during the immediately preceding year (often because they had served as members of a health institution's governing board).

Section 206 would permit certain "providers" to serve on HSAs as "provider" representatives although they do not fall into one of five currently specified classes.

Section 207 would require nonmetropolitan representation on HSAs at least equal to the proportion of nonmetropolitan residents in the health service area. Currently the representation must be equal to the proportion of those residents in the health service area.

Section 208 would require that at least

one quarter of each HSA's membership consist of representatives of governmental authorities, and would apply the current provision concerned with consumer representation only to consumers who were not such representatives.

Section 209 would permit HSAs to accept contributions from health insurers.

Section 210 would permit the Secretary to return to conditional status for not more than 24 months an HSA which was experiencing difficulty in meeting all the requirements applicable to HSAs.

Section 211 would permit HSAs and SHPDAs to use funds granted in a fiscal year in the following fiscal year.

Section 212 would replace the present allocation of grants to HSAs on a formula basis with grants whose amounts would be determined by the Secretary.

Section 213 would require State certificate of need programs to determine the need for major medical equipment, whether or not located in a medical institution, but would eliminate the requirement that those programs determine the need for the establishment of health maintenance organizations.

Section 214 would require a State, before granting a certificate of need to a project, to determine that the project was consistent with the State medical facilities plan and the State health plan.

Section 215 would delete a redundant requirement for State review of new institutional health services.

Section 216 would provide for representation of HSAs on SHCCs based on the population in each HSA's area, rather than on the current basis of equal representation for each HSA.

Section 217 would direct the Governor of a State to appoint the chairman of the SHCC; currently the SHCC members choose their own chairman.

Section 218 would subject the State health plan developed by the SHCC to approval by the Governor.

Section 219 would require HSAs and SHPDAs, in reviewing the facilities, equipment, or services of health maintenance organizations, to utilize only those criteria specified by the Secretary.

Section 220 would enact technical amendments to the Public Health Service Act.

Section 221 would provide for effective dates.

TITLE III

Section 301 would permit the Secretary to make grants to public or nonprofit private hospitals that have been in operation for at least seven years to assist them in discontinuing inappropriate inpatient hospital services. A hospital could not receive a grant unless the SHPDA, after consulting with the HSA, determined that the hospital was providing inappropriate services. In addition, the Secretary would have to determine that the grant would decrease the average per capita inpatient hospital costs in the health service area. The Secretary could provide grant funds to assist in liquidating the outstanding debt of a hospital that was closing, converting part of a hospital from use for inpatient care to other health care uses, and meeting other costs associated with the discontinuation of the inappropriate services.

Section 302 would authorize the Secretary to provide technical assistance to hospitals eligible for grants under this title.

Section 303 would authorize appropriations of "such sums as may be necessary" for fiscal years 1980 and 1981.

By Mr. CANNON (for himself and Mr. PEARSON):

S. 2552. A bill to amend the act of July 19, 1940, relating to travel in the United States, to authorize additional appropriations; to the Committee on Commerce, Science, and Transportation.

Mr. CANNON. Mr. President, today I am introducing legislation to authorize appropriations for the domestic travel promotion program of the U.S. Travel Service which is an agency of the Department of Commerce. The authorization level reflects the administration's budgetary request for fiscal year 1979.

The Subcommittee on Merchant Marine and Tourism expects to hold hearings on March 15.

The act of July 19, 1940 (16 U.S.C. 18–18d), enacted on July 19, 1940—hereafter referred to as the Domestic Travel Act—authorized and directed the Secretary of the Interior to encourage, promote, and develop travel within the United States, its territories, and possessions, providing such activities do not compete with the activities of private agencies. By Public Law 93–193, enacted December 19, 1973, the authority contained in the Domestic Travel Act was transferred to the Secretary for Commerce. Appropriations of $2.5 million for each of fiscal years 1976, 1977, and 1978 were authorized by Public Law 94–55, enacted July 9, 1975.

The proposed legislation would authorize appropriations of $1.008 million for fiscal year 1979, and such sums as may be necessary for fiscal years 1980, 1981, and 1982 to carry out the purposes of the Domestic Travel Act.

According to the U.S. Travel Service, its domestic program seeks to: First, expand job opportunities and sustain current employment by encouraging tourism to those areas of the country which account for the largest share of the Nation's total unemployment, possess viable and competitive tourist attractions and facilities, but are experiencing significant underutilization of their existing tourist plants, and/or characterized by extreme labor force fluctuation due to seasonal travel patterns; second, inform the public on ways to conserve energy and protect the environment as they travel; third, motivate increased travel within the United States by Americans in order to improve the U.S. current account balance, and fourth, improve tourism development and planning at the State and local levels as a means of achieving more balanced economic development.

By Mr. CANNON (for himself and Mr. PEARSON):

S. 2553. A bill to authorize appropriations for the fiscal year 1979 for certain maritime programs of the Department of Commerce and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARITIME APPROPRIATION AUTHORIZATION ACT, 1979

Mr. CANNON. Mr. President, today I am introducting legislation to authorize appropriations for the fiscal year 1979 for certain maritime programs of the Department of Commerce, and for other purposes.

The bill would authorize appropriations in the total amount of $494,628,000; a decrease of about $59 million from the amount authorized last year. The authorization figures reflect those in the administration's budget request for fiscal year 1979. It is anticipated that the Subcommittee on Merchant Marine and Tourism will hold hearings to review the administration's request.

Very briefly, section 2(1) of the bill would authorize $157 million for construction differential subsidy. This is $22 million more than was authorized last year. The requested amount, together with carry-forward funds of $122 million would provide a construction program level of $279 million for the construction of two containerships for American President Lines; two roll-on/roll-off ships for American Export Lines, and two LNG vessels for El Paso Gas.

Section 2(2) would authorize $262,800,000 for operating differential subsidy. This is $109,309,000 less than was authorized last year. This request amount would provide for the subsidized operation of 173 liner vessels, 21 bulk vessels, and participation in the Russian grain trade by about 10 U.S.-flag vessels.

Section 2(3) would authorize $17.5 million for the research and development activities of the Maritime Administration. This is about $3.2 million less than the amount authorized for fiscal year 1978.

Section 2(4) of the bill pertains to maritime education and training expenses, and section 2(5) pertains to operating expenses. In this regard, the format of the bill is slightly different from previous years. This change has been made to accommodate the requirement of Public Law 95–173—the Marad authorization bill for fiscal year 1978—that henceforth the annual authorization bill will cover "expenses necessary for extension and correspondence courses authorized under section 216(c) of this act," and "other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, or general administration."

Section 2(4) of the bill would authorize $22,483,000 for maritime education and training expenses. Of this amount:

$15,359,000 would be for the continued operation of the Federal Maritime Academy at Kings Point, N.Y.—an increase of $703,000 over the amount authorized last year.

$5,220,000 would be for financial assistance to the six State marine schools—a decrease of $750,000 over the amount authorized last year.

$1,904,000 would be for supplementary training courses for which we have authorization authority, for the first time this year.

Section 2(5) of the bill would authorize $34,845,000 for operating expenses. Of this amount:

$5,516,000 would be for the continued maintenance of the National Defense Reserve Fleet—an increase of $379,000 over the amount authorized last year, and

$29,329,000 would be for other operating expenses of the Maritime Administration. This is the first time that authorization authority has been requested in the Marad authorization bill.

Section 3 of the bill authorizes supplemental appropriations for fiscal year 1979 for the activities for which appropriations are authorized under section 2 of the act, as may be necessary

for increases in salary, pay, retirement, or other employee benefits authorized by law, and for increased costs for public utilities, food service, and other expenses of the Merchant Marine Academy at Kings Point, N.Y.

ADDITIONAL COSPONSORS

S. 1820

At the request of Mr. RANDOLPH, the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1820, the Natural Diversity Act.

S. 2327

At the request of Mr. MELCHER, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 2327, a bill to amend the Internal Revenue Code of 1954 to allow the payment of income tax on certain income support or deficiency payments to wheat and feed grain producers to be made in the year when the income normally received from the crops have been reported.

S. 2343

At the request of Mr. MELCHER, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 2343, a bill to insure the quality of imported meat.

S. 2394

At the request of Mr. KENNEDY, the Senator from Maine (Mr. HATHAWAY) was added as a cosponsor of S. 2394, a bill to amend the Older Americans Act of 1965 to provide assistance of legal services projects for the elderly.

S. 2490

At the request of Mr. RIBICOFF, the Senator from Wisconsin (Mr. PROXMIRE) was added as a cosponsor of S. 2490, a bill to improve administrative agency practice and procedure, and for other purposes.

S. 2539

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 2539, the College Opportunity Act of 1978.

SENATE CONCURRENT RESOLUTION 66—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO DISAPPROVAL OF IMPORT RELIEF TO DOMESTIC PRODUCERS OF NUTS, BOLTS, AND LARGE SCREWS

Mr. GLENN (for himself, Mr. ALLEN, Mr. ANDERSON, Mr. BAYH, Mr. BENTSEN, Mr. DANFORTH, Mr. EAGLETON, Mr. FORD, Mr. HEINZ, Mr. LUGAR, Mr. METZENBAUM, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SPARKMAN, and Mr. STEVENSON) submitted the following concurrent resolution, which was referred to the Committee on Finance.

S. CON. RES. 66

Resolved by the Senate (the House of Representatives concurring), That the Congress does not approve the action taken by, or the determination of, the President under section 203 of the Trade Act of 1974 transmitted to the Congress on February 10, 1978.

Mr. GLENN. Mr. President, today, for myself and Senators ALLEN, ANDERSON, BAYH, BENTSEN, DANFORTH, EAGLETON, FORD, HEINZ, LUGAR, METZENBAUM, RANDOLPH, SCHWEIKER, SPARKMAN, and STEVENSON, I am submitting a resolution disapproving a determination of the President under the Trade Act of 1974 denying import relief to domestic producers of nuts, bolts, and large screws. I take this action to: First, provide needed relief to the American industrial fasteners industry, which has been found to be experiencing serious injury from imports by the U.S. International Trade Commission; second, affirm the intent of the Congress with regard to the import relief provisions of the Trade Act of 1974; third, address the national security problems that our Nation's dependence on fasteners imports poses; and, fourth, communicate to foreign manufacturers that Congress is determined to insure that the interests of those sectors of the steel industry not covered by the reference price system are protected.

On December 8, 1977, the U.S. International Trade Commission reported to the President that imports of nuts and bolts are causing serious injury to the fasteners industry of the United States. Its recommendation that import relief be granted to the fasteners industry was in response to the dramatic increase in imports of steel fasteners and the impact of those imports on American industry. Whereas foreign imports held 21 percent of the domestic market in 1968, they now hold 45 percent of the domestic market. Employment in the fasteners industry has dropped 36 percent since 1969 and profits have dropped steadily since 1974.

In addition, Robert Strauss, the President's special trade representative, recommended to the President that import relief, in the form of a tariff-quota system, be provided for the fasteners industry. On Friday, February 10, the President decided that no relief at all was necessary.

In his report to the Congress, the President states that import relief for the fasteners industry is not in the national economic interest. The report outlines this departure from the recommendations of the U.S. International Trade Commission and the Office of the Special Trade Representative along the following six points:

1. The USITC reported that domestic producers' shipments and exports had increased in 1976 and the first half of 1977. It also indicated that domestic producers' rates of return on sales were above the corresponding ratios for producers of all fabricated metal products and for all manufacturing corporations. Furthermore, domestic producers or their wholly owned subsidiaries imported or purchased 20 to 25 percent of total 1976 shipments of imported fasteners in the United States. The domestic industry, particularly firms specializing in the production of automotive fasteners, has and should continue to benefit from increased U.S. consumption of fasteners.

2. Provision of import relief would have significantly increased costs of fasteners for U.S. manufacturers who use fasteners to produce cars, machinery, equipment, and construction items. The inflationary impact of providing relief could cause unemployment in other U.S. industries, offsetting gains in fastener employment if import relief had been imposed.

3. The Department of Labor has stated that reemployment prospects for unemployed fastener workers are fair since many of these workers are located in areas with unemployment rates below the national average.

4. Provision of import relief would subject U.S. jobs in other industries to possible foreign retaliation against U.S. exports or compensation by the United States by lessening U.S. import restrictions on other products.

5. Import relief would adversely affect U.S. international economic interests, particularly in light of U.S. efforts to reduce trade barriers in the multilateral trade negotiations.

6. The appreciation of the yen during 1977 will alleviate competitive pressures from Japanese fastener exports to the United States. Imports from Japan have comprised about three-fourths of total U.S. fastener imports in recent years.

In my view the statements contained in these reasons do not accurately reflect the condition of the domestic industry. With regard to the first point, that "domestic producers' shipments and exports had increased in 1976 and the first half of 1977," it should be noted that the increase in domestic producers' shipments is in relation to data regarding 1975, a year in which the United States experienced its worst economic setback since the Great Depression. Therefore, although shipments increased from 1976 to 1977, that increase really is only relieving a bad situation; it does not indicate a healthy industry. In relation to all other years since 1969, producers' shipments were at their lowest in 1975, 1976, and 1977. It should also be noted that exports are increasing while domestic shipments have remained at record lows during 1975 to 1977. This demonstrates that imports are definitely keeping the domestic industry from supplying its own market, which is the largest fastener market in the world, generating the most revenue for those selling it. Moreover, increasing U.S. exports cannot compensate for the major loss of market share that the domestic producers are suffering at the hands of imports. The import-to-consumption ratio has gone up every year since 1969, culminating in 1976 with a 44-percent share of the U.S. market.

The argument in point No. 1 continues. The President states that:

It is also indicated that domestic producers' rates of return on sales were above the corresponding ratios for producers of all fabricated metal products and for all manufacturing corporations.

This statement implies that an industry with a higher return on sales is more profitable than an industry with a lower return on sales. This is not always the case.

Forbes magazine, in its annual analysis of U.S. industry, uses two measures to assess the profitability of American industries: First, aftertax rate of return on capital, and second, aftertax profits as a percent of stockholders' equity. These measures give a more accurate picture of the profitability of an industry than the ITC's figures on the pretax rate of return on sales used in the President's report to Congress. I have compared the figures compiled by Forbes in its 30th Annual Report on Industry, released in January 1978, with figures on the fasteners industry prepared in a private study submitted to the Office of the Special Trade Representative. These figures reveal that the profitability of the domestic fasteners industry is lower than

the average profitability of "all other" industry. The figures also reveal that the profitability of the automotive fasteners sector of the fasteners industry, which accounts for about a third of all fasteners sales, is considerably higher than that of the rest of the fasteners industry. Isolating the profitability of these two distinct sectors gives a truer picture of the profitability of the fasteners industry.

TABLE 1.—*Aftertax rate of return on capital—1977*

	Percent
Entire fasteners industry	7.7
Automotive fasteners	13.0
Non-Automotive fasteners	7.0
All other industry	10.2
Heavy construction	12.4
Electrical	14.3
Construction material and handling equipment	11.1
Vehicles	10.8
Appliances	10.7

TABLE 2.—*Aftertax rate of return on stockholders' equity*

	Percent
Entire fasteners industry	9.6
Automotive fasteners	18.3
Non-Automotive fasteners	7.0
All other industry	13.9
Heavy construction	18.9
Electrical	19.0
Construction material and handling equipment	15.4
Vehicles	15.7
Appliances	16.5

It should also be highlighted that the industry's profit picture is only one indicator of its health. The import relief provisions of the Trade Act of 1974 are also concerned with employment which, in the fastener industry, is suffering. Every year since 1973 the employment levels of the industry have fallen. Over 4,400 jobs have been lost since 1974. Four plants closed during the last half of 1977.

Point No. 1 of the President's report continues:

> Furthermore, domestic producers or their wholly owned subsidiaries imported or purchased 20 to 25 percent of total 1976 shipments of imported fasteners in the United States.

It is reasonable to assume that domestic producers are importing because imports are underselling domestic products to such a great degree. In this instance, it is likely that the domestic producers are importing in order to stay in the market because domestically produced items cannot be sold at the low prices at which the imports are offered. However, although the business entity may remain viable through this practice, there is a consequent loss of U.S. jobs, revenues related to U.S. production of the fasteners, tax revenues, and so forth.

Point No. 1 concludes that:

> The domestic industry, particularly firms specializing in the production of automotive fasteners, has and should continue to benefit from increased U.S. consumption of fasteners.

I would argue that this is a questionable projection. Auto analysts in the United States are now predicting that automobile production will decrease in 1978. Furthermore, higher gas mileage requirements demand smaller and lighter automobiles, which obviously will be using fewer fasteners. The already realized benefits of increased consumption cited in the President's report are also dubious. U.S. consumption, in terms of quantity rather than value, has been increasing from 1975 to 1977 but, taken in perspective, it is only a return to normal levels. Apparent consumption had been higher than the 1976 level in every year since 1969 except one: 1971. While consumption rates are now approaching earlier levels, the U.S. industry is supplying less and the importers supplying more of the product consumed. For example, in 1971 consumption was 1.539 billion pounds of which domestic producers supplied 1.243 billion pounds. In 1976, consumption was 1.608 billion pounds, but domestic producers supplied only 1.100 billion pounds. Thus, despite the increased consumption from 1975 to 1976, the domestic producers shipped 143 million pounds less to the U.S. market in 1976 than they did in 1971. Making the same comparison for imports, importers supplied 325 million pounds more in 1976 than in 1971.

With regard to point No. 2 in the President's report, regarding inflationary impact of providing relief to the fasteners industry, it should be noted that, in general, the cost of fasteners constitute significantly less than one-tenth of 1 percent of the cost of production of automobiles, machinery and equipment. Therefore, a 100-, 200-, or even 500-percent increase in the price of industrial fasteners would have a de minimis effect on the total cost of the above-mentioned durable goods.

In response to this point and to the third point, that "reemployment prospects for unemployed fasteners workers are fair," I would call attention to the congressional intent of sections 201–203 of the Trade Act of 1974, as outlined in Senate report (Finance Committee) No. 93–1298. The report reads:

> With regard to the effect of relief on consumers, the committee feels that the goals of the Employment Act of 1946 should be paramount. Unemployed persons are not happy consumers. If the choice is between first allowing an industry to collapse and thereby creating greater unemployment, larger Federal or state unemployment compensation payments, reduced tax revenues, and all the other costs to the economy associated with high unemployment, or second, temporarily protecting that industry from excessive imports at some marginal costs to the consumer, then the committee feels that the President should adopt the latter course and protect the industry and the jobs associated with that industry.

The relief recommended by the ITC reflects the committee's intent.

In points No. 4 and No. 5, it is suggested that import relief might trigger foreign retaliation and adversely affect U.S. interests in multilateral trade negotiations. With regard to retaliation, it is only possible and its impact may be minimal. In contrast to the known impacts on our domestic economy of our present import policy, the retaliatory effects on our economy associated with the provision of import relief are highly speculative. Moreover, the impact of retaliation, should it occur, would probably be spread out over a number of product sectors, which would reduce its adverse effects, if any. I do recognize that U.S. interests in multilateral trade negotiations merit consideration. However, it is hard to see, given the smallness of global trade in steel fasteners and the broad range of nontariff barriers to U.S. trade abroad, how the International Trade Commission's recommended course of action would jeopardize our trade relations.

The sixth and final point of the President's report, states that:

> The appreciation of the yen during 1977 will alleviate competitive pressures from Japanese fastener exports to the United States.

Yet despite the appreciation of the yen in 1977, information gathered by the International Trade Commission indicated that imports were underselling domestic products by margins of up to 70 percent. In fashioning its recommendation, the Commission was aware of the appreciation of the yen, but in light of the pricing practices within the U.S. fastener market, it determined that a 30 percent ad valorem tariff was needed to remedy the present serious injury being suffered by the domestic industry.

Apart from the specific statements in the President's report to the Congress, it is important to respond to the implication, inherent in that report, that provision of import relief for the steel fasteners industry is at odds with a policy of free and fair trade. The sections of the Trade Act of 1974 that deal with import relief are intended to serve as instruments for the orderly adjustment of our domestic economy to free international trade. The rationale for import relief, or the "escape clause," as it is referred to in the Senate Finance Committee's report on the Trade Act of 1974, is based on the intent of Congress to protect, not inhibit, free trade. According to this report:

> The escape clause is aimed at providing temporary relief for an industry suffering from serious injury, or the threat thereof, so that the industry will have sufficient time to adjust to the freer international competition.

It is not the purpose of this portion of the Trade Act of 1974, nor is it the intention of this resolution, to protect industries that seek to avoid international competition. As the committee stated:

> The escape clause is not intended to protect industries which fail to help themselves become more competitive through reasonable research and investment efforts, steps to improve productivity and other measures that competitive industries must continually undertake.

The granting of import relief to the fasteners industry is consistent both with the purpose of the escape clause and with the free and fair trade principles to which our country is justifiably committed.

Finally, and perhaps the most important point to be made, it is significant to mention the national security problems posed by the decline of the fasteners industry. As a result of that decline, our Nation's mobilization base for fasteners has become more and more dependent on imports—45 percent dependent to be exact. This dependence poses serious national security problems that the Federal Preparedness Agency, acting at the request of the Department

of Defense, has documented in its recent study of the fastener industry. In a letter to Robert Strauss, the President's special trade representative, dated February 3, 1978, the Acting Director of the Federal Preparedness Agency advises that:

I do not feel it prudent for national policy to allow such import dependency to continue.

Because the steel fasteners industry is not protected by the reference price system, it is especially vulnerable to import pressures. Experience has shown that when we cut basic steel imports we stimulate import problems in other sectors of the steel industry. Particularly from a national security standpoint, as well as an economic perspective, I am concerned that the fabricated steel industry will suffer additional injury as a result of the President's decision not to stem the flow of fabricated steel imports into the domestic market. First, the reference price system will increase the costs of imported steel which the fastener producers consume to produce their product. Secondly, the reference price system does not apply to fasteners, although a vast majority of the imports of fasteners are fabricated from carbon steel. Since reference prices will not apply to this form of steel import, it is reasonable to assume that the domestic market will suffer further increases of fastener imports, which will serve to aggravate the economic injury the domestic industry is currently suffering and further jeopardize our national security position.

UNDERSTANDING SUBMITTED FOR PRINTING

PANAMA CANAL TREATIES—EXECUTIVE N, 95–1

UNDERSTANDING NO. 1

(Ordered to be printed and to lie on the table.)

Mr. HOLLINGS (for himself and Mr. BELLMON) submitted an understanding intended to be proposed by him to the resolution of ratification of the Panama Canal Treaty.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. RIBICOFF. Mr. President, I wish to announce that the Committee on Governmental Affairs will hold hearings on S. 991, and related bills, to establish a Department of Education, and for other purposes, March 14, 15, and 16, in room 3302, Dirksen Senate Office Building, beginning at 10 a.m.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, on behalf of the Governmental Affairs Committee, I wish to announce that the committee will hold a 1-day hearing on February 24 on S. 1990, a bill to establish as an executive department of the Government of the United States a Department of International Trade and Investment, and for other purposes. The hearing will be held in the Dirksen Senate Office Building, room 3302, at 10 a.m. The witnesses will be Harold Malmgren, Daniel Minchew, and Stephen Cohen.

RESCHEDULING OF HEARINGS

Mr. CRANSTON. Mr. President, I would like to announce several changes in the hearing schedule of the Subcommittee on Child and Human Development of the Human Resources Committee. The hearings on family planning and population research programs, originally scheduled for February 22 and 23, have been rescheduled for Friday, February 24, from 7 a.m. to 1 p.m., in room 4232, Dirksen Senate Office Building.

The hearing previously scheduled for March 13 on youth camp safety has been rescheduled for March 20, from 6:30 p.m. to 10 p.m. in room 4232, Dirksen Senate Office Building.

Additionally, the subcommittee will be holding a field hearing in Los Angeles on March 4, from 9 a.m. until 12:30 p.m., on the subject of domestic violence. The hearing on domestic violence previously scheduled for March 8 in Washington, D.C., will instead begin at 8:30 a.m., rather than 9:30 a.m. as previously announced, in room 457, Russell Senate Office Building.

ADDITIONAL STATEMENTS

MERIT SELECTION LONG OVERDUE

Mr. LUGAR. Mr. President, the significance of merit selection of Federal judicial officers has assumed new proportions in light of the imminent passage of the omnibus judgeship bill. In the very near future, the Congress is expected to approve the creation of more than 140 new Federal judgeships, including more than 110 district court judgeships.

Few positions in Government carry with them so much honor or so much unilateral discretionary authority over the lives of Americans, yet, absent prompt and far-reaching reform, these new judges will be selected through a political rather than a merit process. In the short range, partisan selection will inevitably reflect negatively on the statesmanship, credibility, and integrity of the executive and legislative branches. Of greater long-range impact, however, is the irreparable damage that political selection could do to the long-cherished concept of an independent, nonpartisan Federal judiciary.

By the sheer numerical increase in Federal judgeships filled through political methods, the entire character of the judicial branch would be subject to challenge in the skeptical public eye. Although the men and women filling these august posts might possess superlative credentials, it seems highly unlikely that they will be able to escape the suggestion that they attained their positions solely due to political considerations.

Never before has this body been faced with a greater challenge to the maintenance of an independent judiciary as envisioned by our forefathers. In light of the failure of the administration to act in this area, it falls upon this body to assure continued meaning to this constitutional promise.

Mr. President, on February 4, the Indianapolis News published an editorial entitled "Appointment by Afterthought." It calls to mind several of the concerns which are addressed in Senate Resolution 353 providing for merit selection of U.S. district judges, attorneys, and marshals, which I introduced on January 19. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Indianapolis News, Feb. 4, 1978]

APPOINTMENT BY AFTERTHOUGHT

The men who interpret the laws, rather than the laws themselves, have increasingly become the decisive factors in legal decisions.

The name for such interpretation and the policy-making to which it leads, is judicial legislation. Prof. Raoul Berger, whose latest book is called "Government by Judiciary," has explored how far the Federal judiciary has come in imposing its philosophy.

Berger explains how the judiciary has helped the Federal government control phases of life once left to the authority of the state. Examples are the death penalty, classroom prayer, pornography and censorship and legislative reapportionment.

Berger's widely-debated analysis of judicial usurpation serves to underscore the important of the Federal judiciary in our daily lives. Likewise, President Carter's firing of U.S. Attorney David Marston for political reasons, underscores the lack of importance frequently accorded such judicial posts.

President Carter is going to have the chance to place his personal imprint on those Federal posts to an unparalleled extent. Congress is almost certain to create at least 145 new judgeships in 1978 and about 30 sitting judges are expected to step down.

This means the President will personally be able to name about 30 percent of the Federal bench within one year. Federal judges are appointed for life.

And although Carter campaigned upon promises to implement a merit selection system for judicial officers, except on the appellate level, this has not been the case. His nominations and dismissals have been partisan. In his first 11 months in office, the President nominated Republicans for only 1.1 percent of the vacancies.

Part of the trouble with his choices stems from the selection process for nominees. Nominations are treated as political plums to be plucked and passed out by senators of the same party as the president. They in turn generally offer the president his choice of names.

Now Sen. Richard Lugar has launched an uphill drive to persuade senators to relinquish this patronage prerogative. Lugar has introduced a Senate resolution to remove political control over the appointment of Federal district judges, U.S. attorneys and marshals.

It calls for the appointment of a bipartisan commission in each Federal district to submit three names to the president for consideration when a vacancy occurs. Senators would not originate names of candidates and commission judgment would be final.

"It is time to assist the President in keeping his own promises," Lugar told the Senate. "It is time to remove the taint of political cronyism from offices which are increasingly at the heart of governmental decision-making. It is time for the U.S. Senate to demonstrate its members can transcend crass political motivations . . ."

It is not only time, Sen. Lugar, it is long overdue.

SIXTIETH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

Mr. SCHWEIKER. Mr. President, I am pleased to participate in the commemoration of the 60th anniversary of the independence of Lithuania. Actually, the tradition of an independent Lithuania dates back more than 700 years. From that time, the people of Lithuania have been dedicated to the preservation of the independence of their nation and the freedom of her citizens. Few nations today can speak of as great a heritage.

On February 16, 1918—60 years ago—Lithuania regained her independence after more than a century of foreign domination. Although occupied by a foreign power during this time, the Lithuanian people never lost hope and never gave up the ideals they had developed over the past centuries. Their dedication to the principles of human rights, for which they struggle so courageously today, never faltered.

In 1940, Lithuania was once again tragically occupied by an aggressive neighbor, the Soviet Union. The Soviet authorities have worked tirelessly since that time to crush the spirit of the Lithuanian people and, once and for all, to extinguish the flame of Lithuanian independence. But they have been unsuccessful. Lithuanians throughout the world deeply respect their national heritage, and work tirelessly to restore the principles of freedom and liberty in their beloved homeland.

Because of this, I have always had deep reservations about the Helsinki agreement, which appeared to tacitly recognize Soviet occupation of the Baltic nations. I have therefore strongly supported Senate resolutions reaffirming that the Helsinki accords do not in any way change our long-standing policy of not recognizing Soviet annexation of Lithuania and the other Baltic States. I have also urged that the condition of the Baltic peoples be thoroughly discussed at the Belgrade Conference, and remain committed to a free and independent Lithuania.

We are now commemorating the 60th anniversary of Lithuania's independence from czarist Russia. Yet what we all wish to celebrate is Lithuania's independence from the Soviet Union. We must never relax our vigilance until that great day arrives.

BLOCK EXPENDITURES OF FUNDS TO DISCOURAGE SMOKING

Mr. HOLLINGS. Mr. President, On February 1, 1978, the South Carolina General Assembly passed a concurrent resolution urging the Congress of the United States to block the expenditure of $23 million of HEW funds to discourage smoking and oppose additional tobacco excise taxes proposed by the Secretary of HEW.

On behalf of the senior Senator from South Carolina (Mr. THURMOND) and myself, I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION

Whereas, the Secretary of the United States Department of Health, Education and Welfare has proposed an extensive and expensive program to discourage smoking which will require the expenditure of an estimated twenty-three million dollars of federal funds; and

Whereas, portions of the proposed program include a total ban on smoking in public buildings and on airplanes, a plan which is both offensive and in violation of the basic rights of citizens who choose to smoke; and

Whereas, the proposed program suggests discriminatory increase in insurance rates for smokers without reference to other potential health standards, an obviously unfair proposal which is manifestly unenforceable; and

Whereas, other provisions of the reformed smoker Mr. Califano's proposal would increase the already high excise taxes on tobacco which constitute a highly questionable use of taxation to regulate the morals of our citizens; and

Whereas, the expenditure of twenty-three million dollars to destroy an indutsry that provides employment to many persons and generates billions in tax revenue is a strange business practice even for the federal government; and

Whereas, Mr. Califano's proposed program is especially offensive to South Carolina whose leading money crop is tobacco and whose citizens deeply cherish and staunchly guard the rights of private citizens to control their private lives and personal habits without unnecessary guidance from the federal government.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the General Assembly memorializes the Congress of the United States to take necessary legal action to block the use of federal funds to implement the plan of the Secretary of the Department of Health, Education and Welfare to discourage smoking and increase federal excise taxes on tobacco.

Be it further resolved that copies of this resolution be forwarded to the Speaker of the House of Representatives, the Vice President of the United States and each member of the South Carolina Congressional Delegation in Washington, D.C.

AIRLINE REGULATORY REFORM

Mr. PEARSON. Mr. President, for almost 2 years, the Aviation Subcommittee of the Committee on Commerce, Science, and Transportation, under the leadership of my distinguished colleague from Nevada who is now the chairman of the full committee, has been studying the need for reform of the economic regulation of domestic commercial air transportation. After many days of hearings and many markup sessions during the first session, S. 2493, and the accompanying committee report was filed on Monday last.

I am pleased to join my colleague from Nevada and many other Senators in cosponsoring this important legislation and encourage the leadership to bring S. 2493 to the floor as soon as possible.

When this legislative effort began with the introduction of S. 292 (Pearson-Baker) and S. 689 (Cannon-Kennedy) early in the first session, many air carriers were predicting doom for the industry. The industry soothsayers prophesied that even the introduction of such legislation would result in serious financial problems. In spite of such prophesy and the fact that considerable airline management energy was somewhat concentrated in Washington, D.C. over the past year, the airlines had their best financial year ever. It is also interesting to note that such banner financial results were achieved during the only rate war in memory. This all makes me skeptical about the testimony before the Aviation Subcommittee indicating that the threat of change and lower fares would bankrupt the industry.

Over the next few weeks, Senate offices will likely be filled once again with the now familiar refrain about the sanctity of airline regulation enacted 40 years ago. I would urge my colleagues to carefully weigh such claims against the empirical evidence of the last year.

It appears that the airlines, consumers, and the Congress have learned some important lessons during the consideration of this legislation. It is possible to generate more airline traffic by lowering fares and still make a reasonable rate of return. There are still some innovators out in the marketplace. We need to protect competition rather than competitors. And finally, the public interest requires that economic regulation of air transportation be fundamentally redirected as provided in S. 2493.

I urge my colleagues to support this legislation when it comes to the Senate floor later this session.

THE PRIME MINISTER OF IRELAND SPEAKS AGAINST VIOLENCE IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, all of us in Congress who support peace in Northern Ireland are appalled by the vicious and deadly bombing last Friday at the La Mon House restaurant in Belfast. That bombing, which claimed the lives of 12 innocent civilians and injured 30 others, including several children, is one of the worst atrocities committed in the entire 8 years years of violence in Northern Ireland.

While the search for a peaceful settlement goes on, all of us in the United States, especially Irish Americans, bear a special responsibility to insure that nothing we do provides any support or encouragement for the violence or for those engaged in violence. And so I would take this opportunity to urge all my colleagues in Congress, all Irish Americans, and all other Americans to look again at all their actions and associations, and to convince themselves beyond any reasonable doubt that no involvement of our own—neither our actions, nor our dollars, nor our words—contributes in any way to the violence in Northern Ireland.

Tragically, those who live by violence in Northern Ireland still find support in the United States for their campaigns of terror and destruction. Last Saturday, in the wake of the deadly bombing in Belfast, Prime Minister John Lynch of the Republic of Ireland spoke bluntly of the situation and took the unprecedented step of criticizing certain organizations in the United States whose activities, he said, "are anathema to our party and our Government."

In his remarks, which were delivered

by the Prime Minister in the course of an address to his party's annual conference in Dublin, Mr. Lynch also spoke at length about many other aspects of the situation in Northern Ireland. I believe his statement will be of interest to all of us, and I ask unanimous consent that it may be printed in the RECORD. I also ask unanimous consent that the text of a joint statement that I made last year with Speaker O'NEILL, Senator MOYNIHAN, and Governor Carey of New York may be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

EXTRACT FROM ADDRESS BY AN TAOISEACH (PRIME MINISTER OF IRELAND) JOHN LYNCH T. D.

As you all know, in the course of an interview on "This Week" Radio Eireann programme on Sunday, 8th January I was asked a number of qustions about Fianna Fail's policy on Northern Ireland. In my replies I reiterated Fianna Fail's already stated and known policies in relation to the ultimate reunification of our people. I did not depart one iota from Fianna Fail policy as it had been stated and in operation since the very foundation of our party over 50 years ago that reunification can be brought about only by peaceful political means. The first priority being that the majority and minority in the North come to understand and accommodate each other and live together in peace and harmony. I restated our commitment to an executive administration in Northern Ireland, involving power-sharing, partnership or participation on a basis agreed by both sections of the community there. Has not this been British Government and Opposition policy for years? Was it not agreed at Sunningdale and enshrined in British legislation? Has it not been specifically confirmed to me by the British Prime Minister during my meeting with him in Downing Street last September? Have I not in fact repeated his confirmation to a very comprehensive representation of British press, radio and television at an hour long press conference in London that evening after my meeting with Mr. Callagahan? If all this was not the case, and if I had made some revolutionary departure from the attitude and policies which this party and indeed the vast majority of the Irish people have advocated and supported consistently in the past, one might understand the reaction.

What was the purpose of the clamour? Whatever the reason for the sense of outrage, real or professed, is it not a pity that persons in positions of responsibility and influence in the press and in politics should so distort the situation, and try to cause division? Should they not instead pursue and encourage policies that could lead towards reconciliation, peace and a way forward for the people of Northern Ireland—and of this island. We pledged our full support for the concept of powersharing. We have never departed from our ideal of progress by peaceful means. And we do not believe in coercion. We believe that the ultimate solution lies in the coming together of all people living on this island in understanding and co-operation.

The terrorist activities of the Provisional IRA are making it impossible to bring this about. Their activities are, on the contrary, driving people more and more apart. We condemn their cowardly attacks on human lives and property which cause horror and disgust to the overwhelming majority of all Irish men and Irish women.

I wish to reiterate that we, as a Government, will employ the full resources of security and of the law available to us in pursuing and bringing to justice those who engage in violence and who embark on a course of savagery like blowing innocent children to bits on their way to school.

On this point and despite recent unsustainable assertions to the contrary, the border is not a major security problem now. About 2 percent of the violence in the North has any direct connection with it. This is not my assessment but that which was officially supplied by British authorities. At my meeting last September, Mr. Callaghan expressed satisfaction at the degree of co-operation between the forces responsible for security under present arrangements. And we have had no complaints since which would indicate any change in the degree or the effectiveness of this co-operation.

I wish to appeal again to Irish people abroad, especially in the United States, who might not be fully aware of the atrocities committed in the name of Irish patriotism and who might be induced to contribute to organisations who provide the raw material for these bombings and killings. If those who contribute believe that their money goes to support widows and orphans let me make it clear that it goes to make widows and orphans. They are not helping to fulfill the aspirations of the Irish people but to destroy them.

Fianna Fail want to see peace in all parts of this island. We want to see an end to the agony that the people of Northern Ireland have endured for so long. The men of violence must at some stage face the stark reality that they are no nearer to achieving their objective than they were when they embarked on their campaign eight years and two thousand lives ago. That campaign, if it achieved nothing else, has reinforced our conviction that progress can be made only by peaceful means.

Shortly after we came to office last year, I was happy to welcome President Carter's initiative in relation to Northern Ireland. I welcomed also the initiatives taken by political leaders in the United States such as the Speaker of the House of Representatives, Tip O'Neill, the Governor of New York, Hugh Carey, Senators Ted Kennedy and Pat Moynihan, and the many other true friends of Ireland in American political and business life. We value their support for the economic development of this country as a whole and in encouraging Irish Americans to desist from contributing to doubtful organizations in the United States—like Noraid and the Irish National Caucus—whose activities are anathema to our party and our Government.

But it would be a great mistake to believe that peace can be achieved simply by the elimination of violence. Those who hold that view are condemned to repeat the past. The sort of trouble we have seen in Northern Ireland has occurred there now in almost every decade for the past sixty years. Each time, the situation has been stabilized but each time the solution has been temporary.

Can we not learn from this? The damage to Northern Ireland is great. It is not measured simply in terms of lives and suffering—though there the tragedy has been on an appalling scale. It is not simply in the damage to the property and the bitterness which follows from communal strife. It is also in the entire fabric of Northern society—in the unemployment, in the social deprivation and in the lack of spontaneous investment.

We have not escaped. The burden for this small island has been immense.

It is not for me to spell out the consequences for Britain. To them the cost, counted also in the tragedy of lives and in finance, has been great.

I say this now because I think it is vital that we do not press any point simply on the grounds of some historical imperative. That exists and can be ignored only at peril. But there are other equally compelling arguments based on common interest and practical sense. There are arguments based on the benefit to all the people of Northern Ireland, to this part of the country and to Britain, of finding a solution, by discussion and consent, in the knowledge that all past solutions have failed to produce the stability which the people of this island want and on which all true progress must be built.

The cost of the past has been too great for us now to think that the old answers will once again serve. We must look at the old molds, knowing that "In this island we cannot always live separated from one another. We are too small to be apart or for the border to be there for all time". These are not my words but those of Lord Craigavon many years ago.

This is the background to the policy which we have advocated. In July 1971, in my speech at the Garden of Remembrance, I said:—

"It would take nothing from the honour of Britain or the rights of the majority in the North if the British government were to declare their interest in the unity of Ireland by agreement, in independence and in a harmonious relationship between the two islands."

I believe that such an indication by Britain would make real progress possible and that a major obstacle on the road to peace would have been removed. I say this because I believe that an analysis of the developments which have given rise to the present situation leads to the inevitable conclusion that the only realistic way forward is the one that faces up to tht real nature of the problem. There is no instant blueprint. Mindless slogans, whether of the "No surrender" or the "Brits out" variety, will get us nowhere.

In the Fianna Fail policy statement of October 1975 we said that if the British were willing to make the declaration we sought, we would propose "Discussions with elected representatives of the North to resolve constitutional, legal, social and economic differences with goodwill and understanding". These discussions would, of course, involve the British Government also. We would seek their culmination only in agreement. There could be no compulsion and we would set no timetable.

Now that a general election is expected in Britain later this year or early next year it is unlikely that Britain will make any significant move towards resolving the situation in the North until after the election.

But while we assert that Britain has a major responsibility we, too, as the largest political party on this island, whether in opposition or in government, have our responsibilities. While in opposition we have been keeping all aspects of the problem, political economic and constitutional, under review and we produced a number of position papers. Party committees have now been reformed broadly along the lines on which they operated while we were in opposition. Our back-up service is being reconstituted and I propose to set up a study group, drawn initially from both, to review North-South relations in all aspects. Such a study would cover civil rights, financial, constitutional and other relevant arrangements, as well as a possible federal arrangement—and this is nothing new. An in-depth study of this nature would be a necessary prerequisite to drawing up a White Paper if it ultimately seemed feasible to do so.

Quite apart from any studies of the longer-run issues which would arise from a drawing together of the two communities on this island, there are other, more immediate, ways in which more friendly North/South relationships can develop.

I was surprised, and disappointed, when we returned to office and discovered how lit-

tle progress had been made in the whole area of practical North/South co-operation over the past four years.

I emphasized the importance of this co-operation in my talks with Mr. Callaghan in September. We agreed then to have Anglo-Irish and especially North/South areas of economic co-operation identified and examined with a view to positive action being taken. Since then much preliminary work has been done, and these efforts will continue. This emphasis on practical forms of economic co-operation is not only of major importance in its own right because of the contribution it can make to promoting better North/South relationships, it is also highly relevant to the emphasis we have placed, since our return to government, on tackling our own constitutional, cultural, social and economic problems.

JOINT ST. PATRICK'S DAY APPEAL FOR PEACE IN NORTHERN IRELAND

The world has looked with increasing concern over the past eight years on the continuing tragedy that afflicts the people of Northern Ireland. Each of us has tried in the past to use our good offices to help see that the underlying injustices at the heart of the Northern Ireland tragedy are ended, so that a just and peaceful settlement may be secured.

It is evident to us, as it is to concerned people everywhere, that continued violence cannot assist the achievement of such a settlement, but can only exacerbate the wounds that divide the people of Northern Ireland.

We therefore join together in this appeal, which we make in a spirit of compassion and concern for the suffering people in the troubled part of Ireland. We appeal to all those organizations engaged in violence to renounce their campaigns of death and destruction and return to the path of life and peace. And we appeal as well to our fellow Americans to embrace this goal of peace, and to renounce any action that promotes the current violence or provides support or encouragement for organizations engaged in violence.

We make this appeal on St. Patrick's Day 1977, a day on which Irish peoples of all traditions everywhere should feel proud to rejoice in our common heritage, and a year in which peace should come at last to Northern Ireland.

EDWARD M. KENNEDY
THOMAS P. O'NEILL, JR.
DANIEL PATRICK MOYNIHAN
HUGH L. CAREY.

THE UNITED KINGDOM TAX TREATY

Mr. MARK O. HATFIELD. Mr. President, in the months ahead the Senate will be considering a treaty of substantial significance to the revenues of both State and Federal Government. As my colleagues are aware, the United Kingdom Tax Treaty will significantly alter the present provisions related specifically to companies who do business in both the United Kingdom and the United States.

Oregon has already expressed its strong opposition to certain controversial sections of the bill, particularly article 9(4). Most recently, Mr. John J. Lobdell, chairman of the Multistate Tax Commission and director of Oregon's Department of Revenue, has written an excellent and thoughtful response to an editorial which recently appeared in the Wall Street Journal in favor of the treaty.

Mr. President, I believe that Mr. Lobdell's response highlights inadequacies in the proposed treaty which will unfairly and unfavorably affect a number of State governments. I ask unanimous consent that both the letter by Mr. Lobdell and the January 17, 1978, editorial by the Wall Street Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF REVENUE,
January 30, 1978.

The EDITOR,
The Wall Street Journal,
New York, N.Y.

The Journal's January 17, 1978 editorial concerning the United Kingdom Tax Treaty now pending before the Senate contained factual errors of which your readers should be aware.

1. The editorial states that "objections (to the treaty) come mainly from a single state, California." This is not true. Over half the states have officially objected to article 9(4) of this treaty, as have state organizations, such as the National Conference of State Legislatures, and labor unions. Over 20 Senators are on record opposing article 9(4); not one of these represents California.

2. The editorial implies that California (and the other states) objects solely because it "fears it may lose some tax revenues." This is not true. Revenues are just one issue. The states prime concern is Treasury's attempt to use the treaty process to bypass the taxwriting committees of Congress and dictate tax policy to the States. This Treasury action is without precedent. Many states not immediately affected by the treaty oppose article 9(4) for this reason. Ways and Means Committee Chairman Al Ullman also thinks that tax changes should be legislated by Congress and not dictated by the U.S. Treasury.

3. The editorial states that the Treaty will net the U.S. Treasury "several hundred millions of dollars." This is not correct. A study by the Joint Committee on Taxation asserts that the supposed revenue gainer, the treaty provisions providing a tax rebate to U.S. shareholders in British corporations, *"will not significantly increase U.S. tax revenues"* (emphasis supplied). Other treaty provisions, such as the tax credit for oil companies producing in the North Sea, will cost the Treasury dearly. This makes any U.S. revenue gains from the treaty dubious at best.

4. The editorial states that the ban in article 9(4) on state use of the "unitary" method of auditing multinationals was a "quid pro quo" for the tax break for U.S. investors in British corporations. This greatly overstates the case. The unitary ban was almost an afterthought. The U.S. Treasury may even have suggested it to the British.

5. The editorial states that "a few states believe they will suffer a net loss of tax revenue." This is not correct. At least 23 states apply the unitary method to multinationals to some degree. Other states are considering doing so.

6. The editorial states that the unitary method forces a multinational to pay taxes to a state "out of profits earned elsewhere in the world." This is not correct. The profits of an integrated multinational corporation do not arise from any particular slice of geography; they arise from the worldwide operation as a whole. More important, the unitary method often works in the corporation's favor, and California adopted this method only after many corporations themselves had insisted upon using it. Furthermore, neither Treasury nor anyone else has demonstrated that the alleged misallocation of income is any greater than that which occurs under the Treasury's arms-length method.

The editorial puts down the states' position on the U.K. Treaty by ignoring their major points. The Treasury's arms-length method of auditing multinationals has been a dismal failure. It is a bureaucratic boondoggle which the states, unlike the federal government, cannot afford. In addition, the unitary method gives domestic producers and small businesses an equal shot by thwarting the tax-dodging of their foreign-based competitors. Furthermore, the editorial fails to mention the utter failure of Treasury and the multinationals to document the state overtaxation which they allege. An objective study would demonstrate not over-taxation, but tax avoidance on a large scale. Finally, the editorial neglects a key question for the Senate: will the Treasury be permitted to use the treaty process to by-pass the tax-writing committees of Congress and establish broad-reaching tax policy changes, not only concerning state taxes, but on federal taxes as well?

The Wall Street Journal traditionally opposes inefficient bureaucracy, government favoritism of some businesses over others, and intrusions of an omniscient federal government into the affairs of the states. In opposing article 9(4) of the United Kingdom Tax Treaty the states take precisely this stand. Why then does not the Journal have even a word of support for the states?

JOHN J. LOBDELL,
Chairman, Multistate Tax Commission.

[From the Wall Street Journal Jan. 17, 1978]

THE U.K. TAX TREATY

The Panama Canal Treaty is not the only important international agreement awaiting Senate advice and consent. There's also a tax treaty negotiated by the Treasury with the United Kingdom. But interestingly enough, it, like the canal treaty, also turns out to be controversial.

Unnecessarily so, we think. The objections come mainly from a single state, California, which fears it may lose some tax revenues. The benefits of the treaty, or even of simply clearing up present uncertainties among companies that do business in both the U.S. and the UK, override such objections. The Senate should take up the UK treaty before becoming bogged down in the Panama struggle and approve it. We will endeavor to explain why.

First, there is the non-controversial provision, which is all gravy for the United States. The United Kingdom agrees to cut back its effective tax rate on distributed income of U.S. subsidiaries located in the UK to 42% from 52%, and to make this provision retroactive to 1975. U.S. corporations that have paid corporate taxes to the British treasury since 1975 will get a retroactive dividend and the U.S. Treasury will get roughly half by retroactively taxing that dividend.

All this amounts to several hundred millions of dollars to American shareholders and the Treasury, which is the main reason the treaty should not be delayed. The UK agreed to the reduction because it felt that the new rate treated investors more equitably and might thus contribute towards U.S. investment in the UK. There also is a quid pro quo from the U.S. side.

This other major provision of the treaty is the controversial one, because it provides for a uniform tax base for federal and state tax purposes in treating the earnings of U.S. subsidiaries of UK companies. A few states, notably California, believe they will suffer a net loss of tax revenue because of such uniform treatment.

The problem comes down to this: If UK Widget has a subsidiary in California, UKal Widget, how can the California tax collector be sure all the profits of UKal are being reported in California? Maybe the UK account-

ants are juggling the books to shift profits back to the parent and thus escape U.S. and California corporate taxes.

The federal government has a similar concern and uses a standard "arm's length" method for dealing with it. It sets up bookkeeping rules and checks up on them, having UK Widget justify any suspicious shifting of costs that seem to be tax dodges. California, Oregon and Alaska have a different method. These states look at UK Widget's world-wide sales and profits, reckon UKal's income as a percentage of the total and thus calculate UKal's taxable profit UKal may be losing money, but this "unitary" approach to tax accounting will force the parent to pay California a "profits" tax out of profits earned elsewhere in the world.

Most states use this unitary approach to allocate costs of companies operating only within the United States. This is reasonable because the U.S. is roughly uniform on prices, wage rates, property costs, etc. But it's also reasonable that the U.S. and a foreign state agree to limit U.S. federal and state taxation to income earned from property, payroll and sales within the United States.

Obviously, the California tax gatherers will be restrained by the treaty from switching tax formulas on U.S. subsidiaries of UK parents, depending on which yields the biggest tax harvest. But that's what the treaty is all about, reducing the political and commercial friction between nations that might otherwise be "solved" by retaliation. Over the long pull, we suspect California would gain revenues by attracting more foreign investment. We understand that several other European nations would like to negotiate similar treaties if the UK agreement is approved.

It is so seldom that our diplomatic corps can negotiate a decent treaty, it is a shame to have this one gathering mold. California's arguments against it appear narrow and short-sighted in comparison to the longer term benefits to the flow of investment and trade.

COLLEGE OPPORTUNITY ACT OF 1978

Mr. KENNEDY. Mr. President, I am pleased today to cosponsor S. 2539, the College Opportunity Act of 1978, which Senator PELL crafted and introduced before we recessed. I think that his proposal is an execellent way for us to meet the immediate needs of middle-income families for assistance as they put a child through college.

Families which must pay for the rapidly rising cost of higher education frequently find that doing so creates a great hardship. The rate of inflation has increased in the last 10 years. Families which had been putting away money found that they had not put away enough. Other families could not afford to put away much money at all.

Senator PELL's proposal provides a comprehensive approach to meeting the increased need for educational assistance. The proposal increases the availability of the basic educational opportunity grants to those who need them the most; it provides for work study jobs so that students who need extra money have a way of getting it; and it allows for more guaranteed student loans, which allow for so much to be made available, because a Federal subsidy in turn greatly increases the willingness of banks to make commitments.

This legislation is a much sounder way of providing Federal educational assistance than is the tuition tax credit proposal which has also been suggested as a method of meeting this need. I will not repeat here all of the reasons that I have expressed through the years as to why a tax credit is a bad idea. But three points must be emphasized—a tax credit is a bad idea from the viewpoint of the parent who must pay the college bill; it is a bad way to spend our money; and it puts educational decisionmaking in the hands of those whose expertise is collection of our taxes rather than those that the Senate has decided should review our educational needs.

Parents do not benefit much from a $250 tax credit. When private colleges average $4,800 in yearly costs, the $250 made available on the April 15 following the school year—some 10 months after the close of the school door—will not do much to remove the burden that parents feel. The real need for most parents is to have a larger amount available. Students are willing to work for a larger amount through the work study program. Students should also recognize that they are the ones who enjoy the benefits of an education, and most stand ready to pay back loans which are made available for their education. Finally, the poorest students are on an austerity budget. They need larger grants.

Taxpayers as a whole lose with a tax credit system. For, tax credits give everybody the same amount whether they are rich or poor, whether they come from a family with eight children or two children. In fact, the $250 tax credit proposal gives between $250 million and $500 million to families with incomes over $25,000. So each Senator and each citizen must ask himself—is this the way you want to spend all that money?

Finally, responsible congressional decisionmaking loses with this tax expenditure system. The Senate appoints committees, and allows for subcommittees, to enable itself to have several people develop continuing responsibility and expertise in dealing with recurring matters—such as educational policy. It is these people who should have the first look at a matter affecting areas within their jurisdiction. For, the goals we are pursuing—in the educational assistance area, as well as in many other areas—are not tax goals of the Federal Government. They are spending goals, involving the expenditure of billions of dollars a year in Federal subsidies. The present proposal for affirmative Federal assistance for educational purposes places what we are doing here in the proper perspective and in the proper committee.

Mr. President, next year we will consider the range of Federal programs for assistance to the college student, when these programs come up for reauthorization. At that time we will continue to consider the best ways in which to meet the liquidity problem faced by families when their children go to college. We will see where we want to make grants and where we want to make repayable loans. We will see which programs we want to administer through the colleges and we will see the assistance eligibility criteria we want to apply.

The proposal that Senator PELL has made is an excellent method for alleviating the problem until we undertake that full scale reevaluation next year, under Senator PELL's leadership.

Mr. President, we must realize that as the cost of education goes up, we must readjust our notions of who needs aid and who does not. We must provide for increased liquidity for those families whose costs balloon for a certain period of time, when it is a purpose as essential as education which causes the ballooning. This is what is done by S. 2539.

Mr. President, I am pleased to join as a cosponsor of the College Opportunity Act of 1978.

SENATOR FRANK CHURCH ON WILDERNESS

Mr. MARK O. HATFIELD. Mr. President, the most recent issue of Western Wildlands, a journal published by the School of Forestry of the University of Montana, carried an interview with my good friend and colleague from Idaho, Senator CHURCH.

Senator CHURCH, the floor manager of the Wilderness Act of 1964 and the author of the Wild and Scenic Rivers Act, is a very eloquent spokesman for wilderness. However, like me, Senator CHURCH is also a strong advocate of a balanced Federal land management program. He and I have worked closely together to assure that an adequate cross-section of America's wilderness heritage is preserved for the future, and to assure that the resource needs of the Nation are met and the economic stability of forest-dependent communities protected.

Mr. President, I ask unanimous consent that the interview on wilderness with Senator CHURCH be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

AN INTERVIEW ON WILDERNESS WITH SENATOR FRANK CHURCH

(Editor's Note: On March 21, 1977, Senator Frank Church delivered the first annual Wilderness Resource Distinguished Lecture at the University of Idaho. It was sponsored by the Wilderness Research Center of the College of Forest, Wildlife and Range Sciences. Senator Church was the Floor Manager of the Wilderness Act when it passed the Senate in 1961, and again when it finally became law in 1964. He is the former Chairman of the Senate Subcommittee on Public Lands, which oversees wilderness policy. A thousand-person, standing-room-only audience gathered to hear the Senator's address, which was broadcast live on public television and included a subsequent 90-minute question and answer period.

(We recently invited Senator Church to elaborate on some of the issues raised in his lecture; hence, the following interview.)

WESTERN WILDLANDS: In your speech you placed a lot of emphasis on wilderness as part of a balanced land use program. But, doesn't this put you in the middle of two polarized groups, the preservationists and the users? What can be done about this polarization?

Senator CHURCH: I wish I knew the answer. In my view, we should be getting both more wood and more wilderness from our national forests. And we could get more of

both if the public interest groups would recognize—and I think some of them do—that they need to search for areas of agreement. For example, timber lost to wilderness classification could be more than made up for through intensive management of our working forest lands. But this will require that the preservationists get together with the loggers to provide the political support necessary to finance better forest management programs.

WESTERN WILDLANDS: How much wilderness is enough? How large a wilderness system will we ultimately have?

Senator CHURCH. How much is enough? The better question, perhaps, is how much is feasible, given our need for wood products, minerals and other uses. I would guess about twice as much as the 40 to 50 million acres anticipated in 1964, when Congress passed the original Wilderness Act—which is about half as much as ardent wilderness proponents wants. If you look at the figures, you will see that, at the beginning of 1977, 62.5 million acres were either already classified as wilderness, proposed to Congress for such classification, or reserved for future wilderness study. If these areas are incorporated into the wilderness system, that would leave an additional 20 to 30 million acres to be taken from the remaining 145 million acres of roadless lands. This excludes most of the large allocations in Alaska that may be made under the Native Claims Settlement Act.

WESTERN WILDLANDS. Some argue that it is unfair for local communities in a few Western States to forego their development and expansion to provide wilderness for the nation. What do you think?

Senator CHURCH. Yes, it is unfair. In certain cases novel approaches may have to be pursued. Consider the problem faced by Idaho County in my state. This county depends on the forest products industry; yet it probably contains more national forest roadless lands than any other county in the United States, outside of Alaska. In March of last year, I met with a group of citizens from Grangeville, the County Seat. These people are not against all wilderness; their love of the land, the hunting, fishing, and the chance to enjoy the outdoors runs deep. To them, the inordinate length of time it is taking to make wilderness allocations is as important as the ultimate amount of land to be so preserved. After several years in the processing, two Forest Service land-use in Idaho County were sent back by the Chief, to be done over again. The citizens were genuinely alarmed. They felt as though they were caught fast in a Gordian Knot that would tie up the local economy for years, while a tedious planning process, followed by a succession of appeals and lawsuits, threatens the normal harvest. They ask, how can local mills make needed investments without knowledge of the future timber supply? Current cuts are based, in part, on collateral timber growing on many of these roadless lands. If decisions are delayed too long, the allowable cut will have to be severely reduced until such time as suitable parts of the roadless lands become available, thus causing mills to be closed and many jobs to be lost.

To help solve this problem, I brought representatives of their group together with Idaho conservationists. The two groups had been at loggerheads over a 500,000-acre roadless area within Idaho County, known locally as Gospel-Hump. After many day-long sessions and literally months of hard work, the two groups came up with a compromise management proposal for part of the Gospel-Hump area. This plan would designate the high alpine region of the area as wilderness, and at the same time free up some of the commercial timber lands that had been snarled in Forest Service red tape. Thus, by getting together, these people avoided years of delay and further uncertainty. After reaching agreement, they presented their plan to me, and I introduced legislation to give their decisions force of law. After appropriate hearings, and some minor changes, this unusual proposal was added as an amendment to my Endangered American Wilderness Act. That bill (at the time of this interview) is awaiting final action by a joint House-Senate conference committee.

In another effort to resolve the larger problem, I have sought to make the Carter Administration aware of it, and its ramifications. I welcomed Assistant Secretary Cutler's efforts to inaugurate a complete review of the roadless and undeveloped lands throughout the entire National Forest System, the so-called RARE II process. The inventory stage of this process has recently been completed. Now the Forest Service proposes to divide these lands into three categories: areas to become wilderness at once, those requiring further study, and those remaining which should be released for regular multiple-use management. As presently structured, Congress would be asked to provide implementing legislation once the review process is completed. If short-term problems can be solved, this review has the potential of speeding up the decision-making process and ending the uncertainty which now plagues many areas of the West.

WESTERN WILDLANDS. Wasn't this one of your purposes in introducing the Endangered American Wilderness Bill—to speed up wilderness decision-making?

Senator CHURCH. Absolutely! There are a number of deserving *de facto* wilderness areas throughout the West that qualify in every respect except formal designation. The more rapidly these areas, about which there is substantial agreement, can be brought into the Wilderness System, the more rapidly we can proceed to make other lands available for multiple use.

WESTERN WILDLANDS. How big an area do you favor for Wilderness from the reclassification of the Idaho and Salmon River Breaks Primitive Areas?

Senator CHURCH. I have generally favored the proposal developed by Interior Secretary Andrus when he was Governor of Idaho. Like him, I believe that the boundaries should be drawn to protect the important headwater tributaries of the Salmon River System. This region in central Idaho is the largest remaining roadless tract south of Alaska. It will constitute a wilderness of immense attraction and significance approaching 2 million acres in size.

I anticipate that the administration will send up its proposal for these areas in the near future. At the beginning of the second Congressional session, I have agreed to introduce, by request, the 2.3-million-acre proposal advocated by the River of No Return Wilderness Council. Other bills may also be introduced. Public hearings—in Idaho and Washington, will then be held on all proposals in the regular manner. Much information must be gathered before a final decision on the size of this wilderness area is made.

WESTERN WILDLANDS. In your answer to the previous question, you mentioned the boundaries of the Salmon River System. Do you feel we need to classify wilderness to protect the quality of water coming from mountain drainages?

Senator CHURCH. There are places where it may be necessary. For example, in some parts of Idaho, the soil is so fragile—such as that derived from the Idaho batholith—that it must be protected from too much disturbance. In such locations, wilderness designation may be the best answer. Reckless road-building and poorly conceived clearcuts in the headwaters of the South Fork of the Salmon River in Idaho almost wiped out the anadromous fish runs in that drainage. After 20 years that stream is only now coming back, and it may never be the same again.

WESTERN WILDLANDS. In your speech you said that restricting use may be necessary at times to protect especially fragile sites. How do you feel about rationing wilderness use?

Senator CHURCH. Sometimes it may be necessary to limit wilderness use, either to preserve an especially fragile location or to keep popular treks, like the float trips down the Middle Fork of the Salmon River in Idaho, from becoming so crowded that they lose their wilderness appeal. But I think rationing should always be a last resort, invoked only after all other approaches have failed. Like most other management decisions, the issue is not whether restrictions are permissible, but whether they are really necessary. Each case must be carefully examined on its own merits.

WESTERN WILDLANDS. For millions of years, fire has been a vital, natural force acting on our wildlands, shaping both the vegetation and the wildlife populations. Ecologists now point out that our too-effective suppression of all fires in wilderness is destroying their naturalness. The same argument is raised about forest insects and diseases. What are your views on the role of fire, insects, and disease in classified wilderness?

Senator CHURCH. This is a pretty technical question for someone who is neither an ecologist nor an entomologist. Experts now talk about "fire management," not "fire control." Small, controlled fires, they maintain, create new habitat for wildlife, while thinning congested timber growth and reducing fuels that might ultimately lead to major conflagrations.

I can't deny the validity of these concepts, even though this new thinking is a bit bewildering to anyone who grew up with Smokey Bear. But I can tell you that the Wilderness Act was written to permit the control of fire, insects, and disease, where necessary. It would be shortsighted indeed if tolerance of fire, insects, or disease within a wilderness caused the debilitation of timber growing on surrounding lands suitable for commercial uses. The Seney Wildlife Refuge fire that went out of control in Michigan is a case in point.

WESTERN WILDLANDS. When will Congress start appropriating adequate amounts of money for wilderness management?

Senator CHURCH. There will never be enough money to do everything at once. Priorities must be established. Right now, I would give first attention to the completion of land-use plans in the national forests, so that new wilderness allocations can be made and remaining lands opened for perpetual harvest.

However, once land-use allocations near completion, wilderness management should assume a higher order of importance. So far, I don't think that the Wilderness System has been much damaged from lack of funds. In fact, the past decade has been a valuable shakedown period for formulating management policies. There have been disagreements between Congress and the managing agencies, ranging from the purity doctrines of the Forest Service to National Park Service proposals for hostels serviced by helicopters! Hopefully, some of these conflicts are being resolved through new policies being pursued by the Carter Administration and through additional direction from Congress. Also, management plans are now being tailored for individual areas and the public is being involved. This will help us get ready for the years ahead, when some money and attention will need to be given to management questions.

WESTERN WILDLANDS. Senator Church, you have criticized the Forest Service for its purist view of wilderness. Would you care to comment on the kind of a job you think the agency is doing?

Senator CHURCH. The Forest Service does

the best it can. In my judgment, it is one of the finest agencies. However, with respect to classifying areas for wilderness designation, as well as managing the Wilderness System, I think the Forest Service has, at times, applied too strict a standard.

WESTERN WILDLANDS. Would you mind clarifying your views on the purity issue? Many people are concerned about the creeping impact of civilization in wilderness—from over-use by visitors as well as overdevelopment by the agencies. Isn't a certain degree of purity necessary to prevent that?

Senator CHURCH. Naturally, wilderness areas must be administered so that the wild nature of the land is not lost. No one wants paved trails or developed campgrounds in the wilderness. But when areas are disqualified for wilderness designation simply because they contain minor evidence of man's prior activities, when restrictions are imposed to inhibit outfitter operations or obstruct fish and wildlife management in ways that limit the enjoyment of hunters and fishermen, or when abandoned cabins of pioneer settlers are burned to eliminate the evidence of earlier human habitation, the Wilderness Act is being misconstrued.

If Congress had intended that the wilderness should be left completely untouched, the law would not have provided for the possibility of insect, disease, and fire control. It would not have allowed private in-holdings to remain, or excluded condemnation as a permissible means for forcefully acquiring ranches within wilderness areas—a practice, incidentally, which is allowed on ordinary national forest lands. Nor would Congress have made wilderness classification subject to established private rights and uses, such as mining and grazing. Neither would Congress have provided for the continuation of non-conforming uses where customary—including the use of motor boats in part of the Boundary Waters Canoe Area, and the use of air fields in certain primitive areas in Idaho. As these examples clearly demonstrate, it was not the intent of Congress that wilderness be administered in so pure a manner as to needlessly restrict public use and enjoyment. While the wild character of the land is to be generally preserved, and management limited to the minimum necessary to protect each area, Congress sought to retain wilderness for the enjoyment of the people. The acid test for what is permitted is whether it is necessary for the realization of this objective.

During the hearings on the Endangered Wilderness legislation, the Energy and Natural Resources Committee heard testimony from Assistant Secretary Cutler indicating that the Agriculture Department is aware of Congressional concern about the purity issue. He told us that the Administration supports a less stringent interpretation of the 1964 Wilderness Act. Assistant Secretary Cutler's memorandum to the Chief of the Forest Service, dated August 11, 1977, sets forth necessary "clarification" of the wilderness management policies of the Department and in my opinion is a good first step in the right direction.

WESTERN WILDLANDS. Senator Church, thank you for taking the time to give us your additional views on these wilderness issues. On behalf of our readers, and the University of Montana School of Forestry, we want to express our appreciation for your past contributions to resource management; even more, for your continuing involvement and willingness to speak out on the most controversial issues involving wilderness, roadless areas, and timber supply. Your leadership in these matters is especially important to people in the West.

THE U.S. FUTURE AND THE PANAMA CANAL

Mr. KENNEDY. Mr. President, last month, at Endicott College, former Senator Henry Cabot Lodge made a very sensible and compelling speech in support of the Panama Canal Treaties. He stressed our political, security, and commercial interests in the new treaties and warned that failure to ratify them "would surely poison our relations with the whole Latin American world." I commend this speech, from an elder statesman of Massachusetts, to all my colleagues, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE U.S. FUTURE AND THE PANAMA CANAL

President Carter has asked the Senate to ratify two separate treaties. One is the Panama Canal Treaty which provides for the administration of the canal by the United States for the rest of this century (after which it goes to Panama). The other treaty, known as the Neutrality Treaty, guarantees that the canal will be open and neutral permanently, both during and after the period covered by the Panama Canal Treaty. It gives the United States the power to act in defense of the Canal's neutrality in time of need.

Supporting President Carter's request is former President Ford, former Secretary of State Kissinger and the Joint Chiefs of Staff. Four Presidents have recommended that the treaty of 1903 be changed and brought up to date. I am supporting the President.

Let me say that when a President makes a proposal in the complicated field of foreign affairs he is entitled to have the benefit of the doubt—at least at the outset After all, he knows things that we do not know. Later, as we gain in knowledge and experience, we may conclude that the President is wrong, but, at the beginning, he is entitled to the benefit of the doubt.

Our relations with the Panama Canal are governed by the Treaty of 1903 which said that the U.S. in Panama would be "as if we were sovereign". But we never were actually sovereign and we did not want to be. So there is no question of "giving up our sovereignty" over territory which belongs to us, like Alaska or the Louisiana territory. The crucial question is whether we shall so conduct ourselves that we incur the hatred, rather than the respect, of Latin America. That—rather than "sovereignty"—is truly important.

The present state of affairs should be changed. It makes enemies for us. After all, there is no need for the United States to run the courts, the schools, the street cleaning, and the fire department in Panama—and we do not do so. But in the Canal Zone, which is a ten mile swath of about 600 square miles and which cuts the country in two, we do run the local government. Understandably this seems unreasonable and somewhat colonial to the Panamanians.

We Americans can be proud of the Panama Canal. The building of it was surely one of the greatest adventures of all times. Nothing else in history even remotely equals it If you exclude the two World Wars, it was much the biggest and costliest effort that was ever mounted and it affected the lives of tens of thousands of people throughout the world. It was the "moonshot" of the early 20th century.

Now, here we are after 74 years under the Treaty of 1903, and Panama is entering a new phase which has already split public opinion. I believe that the long-headed and sagacious thing to do is to ratify these two treaties.

Remember that the canal will not be turned over to Panama until the year 2000, that the permanent right of the U.S. to defend the canal is specifically assured in the treaty and that today the largest supertankers and U.S. aircraft carriers are too big to pass through the canal, but a sea level canal probably could handle the biggest ships.

I have also heard the statement made that the US taxpayers should not have to pay the Panamanians to take the canal back. This is not going to happen: the payments to be made to Panama for the use of its territory will come from canal tolls, not the US taxpayer. As the Joint Chiefs have repeatedly stressed, US military—and commercial—interests in the canal are interested in its use, not in who owns it.

A statement of General Marshall's, although made in another context, is pertinent here. He said that national security is achieved not just by military power, necessary though that sometimes is, but also by actions which subtract from the number of one's potential enemies and which add to the number of one's potential friends. I believe that in the case of Panama, we need good will for us, throughout Latin America, and do not need the real estate in Panama.

If this pending effort to remove the appearance of colonialism by ratifying the two treaties were to fail, such failure would surely poison our relations with the whole Latin American world. It might well involve our troops in the Canal Zone in an expensive guerrilla warfare with Panamanian rebels. Viet Nam should have taught us how costly a guerrilla war can be. We would in such a case be paying an enormous price in order to keep our special position in the Canal Zone, a position which we are better off without.

On the other hand, to transfer ownership of the canal to Panama would tend to give us new friends and reduce the number of our enemies. To me, this course, even though it is not easy to do, is the constructive course to follow.

PLIGHT OF THE AMERICAN FARMER

Mr. HOLLINGS. Mr. President, on February 13, 1978, the South Carolina General Assembly passed a concurrent resolution urging the Congress of the United States to take all necessary steps to alleviate the paralyzing and frustrating economic plight in which the American farmer now finds himself.

On behalf of the senior Senator from South Carolina (Mr. THURMOND) and myself, I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

Whereas, two thousand farm tractors were driven by South Carolina farmers to the State Capitol in Columbia on Saturday, December 10, 1977, as part of a nationwide protest to bring public attention to their desperate plight; and

Whereas, it is a peculiar irony that the farmers who work and till the soil to provide food for the citizens of this nation and indeed people in all parts of the world cannot make a decent return from their labors; and

Whereas, the moment a product leaves the hands of the farmer a profitable return is usually assured to middlemen, wholesalers and retailers; and

Whereas, the General Assembly of South Carolina recognizes that the plight of the American farmer has been overlooked, postponed and ignored for far too many years; and

Whereas, if America is to remain the custodian of freedom, human dignity and economic security it must no less secure those principles to its farmers. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States is memorialized to take all necessary steps to alleviate the paralyzing and frustrating economic plight in which the American farmer now finds himself by taking measures to guarantee one hundred percent parity.

Be it further resolved that copies of this resolution be forwarded to each member of the Congressional Delegation representing South Carolina.

SHOULD SMALL CARS DRIVE FASTER?

Mr. KENNEDY. Mr. President, Charles A. Lave, an associate professor of economics at the University of California, Irvine, has written about an intriguing idea. In the February 10, 1978 addition of the Wall Street Journal, Mr. Lave suggests that small cars, which are energy efficient, be allowed to return to the pre-OPEC speed limit of 65 miles per hour, traffic conditions permitting, as an encouragement toward energy savings in transportation. He points out that the original drop in the speed limit from 65 to 55 produced only a 2-percent gasoline savings and that the savings come not from slowing down, although that has substantial benefits in terms of safety, but in driving cars which are economic and which use considerably less fuel. Small cars get double the mileage of the average American car and it is moving toward automobiles of this size which we wish to encourage.

Mr. Lave points out that all of the experiments and research indicates that this one idea might be capable of providing the savings which we have not been able to achieve and do not expect to be able to achieve by increasing the price of gasoline, at least until the price rises above $1 a gallon.

I have opposed drastic increases in the price of gasoline because of the impact on low- and middle-income people who need automobiles in our society to get to work and to carry on their essential business. While I am not ready to endorse Mr. Lave's idea—which I understand has also been advanced by Prof. Jerry Plunkett of the University of Montana—I believe it deserves serious consideration.

Mr. President, I ask unanimous consent that the Wall Street Journal article by Mr. Lave be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 10, 1978]

ENERGY CURE: BUY SMALL, DRIVE FASTER

(By Charles A. Lave)

President Carter, and many other officials, have proposed stricter enforcement of the 55 mph speed limit as a way of conserving energy. Because the original drop from 65 to 55 produced only a 2% gasoline savings, we surely cannot expect much effect from stricter enforcement against the minority of drivers who now violate the limit. Apparently, then, the case for enforcement rests on equity, not efficiency: "If I am driving slowly to save gasoline, you should, too."

Unfortunately, the equal-sacrifice argument runs into immediate difficulties when we consider the people who own small cars. Any small car driver can tell you, with a great deal of moral fervor, that even at 65 mph he gets double the mileage that standard cars obtain at 55 mph. So much for justice.

I suggest that we harness some of this moral fervor by allowing fuel-efficient cars to drive faster than 55 mph, traffic permitting, and that the resultant increase in the desirability of small cars will make a substantial increase in their sales; and hence we will make an enormously greater impact on the energy crisis than any of the other auto-oriented features in the Carter energy proposals.

The potential for saving gasoline in this way is very great: the average car now gets 14 mpg, but smaller cars can easily double this, and so cut gasoline consumption in half. Hence even modest increases in the market share of efficient cars will have a far greater impact than the gain from stricter speed enforcement.

The Carter program does recognize the primary importance of promoting efficient cars, but the only incentive it offers is a monetary one: an extra tax on big cars and a small rebate on fuel-efficient cars. Of these two, the small car rebate would have been the most effective, but it is now politically dead.

How much impact would either of these monetary incentives have? There is actually a great deal of relevant research on this issue that has been published over the past 10 years. Most of it deals with the question of what incentives will cause people to choose a particular mode of travel, e.g., transit versus cars. There have also been a large number of demonstration experiments, to manipulate these incentives, financed by the Urban Mass Transit Administration.

It is fair to say that neither the research nor the experiments has demonstrated much sensitivity to monetary incentives; for example, there was essentially no effect on the amount of auto commuting after bridge tolls into Manhattan were doubled several years ago. But the research and experiments have demonstrated a great deal of sensitivity to time savings. In fact, the simple summary of what has been learned is: The fastest mode gets all the people. (The continuing exodus of people from bus transit is only one of the manifestations of this axiom.)

Now, for once, we have a chance to make a fuel-efficient mode be the fastest form of transportation. Why not allow fuel-efficient cars to travel the pre-OPEC speed limit of 65 mph traffic conditions permitting?

The direct behavioral incentive to switch to small cars would be immense. And even the indirect effects would be favorable—changing the image of the small car, making it the macho, speedy vehicle, compared to the giant lumbering whale—which would further increase the demand for fuel efficient cars.

The administrative problems are simple. Most states have had differential speed limits in the past, and the highway patrol had no particular problem remembering that, for example, cars with trailers were not allowed to go as fast as other cars. And it is easy to decide which particular cars are allowed the privilege of faster driving. The motor vehicle registry knows the horsepower and equipment on each car, can easily look them up in the current EPA fuel efficiency tables, and simply issue different color plates to the appropriate cars. It would even be possible to differentiate the crashworthiness of different cars and deny high-speed plates to those cars which were relatively unsafe for such driving.

Furthermore, the Carter proposals can at best affect the new car market, which is only about 10% of all cars. My plan would affect the entire auto market: Drivers of all gas guzzlers, even the existing ones, will have a very substantial incentive to trade them in on fuel-efficient cars. Immediately.

Thus we have a proposal which is easy to administer, and which is equitable to all. If we are going to manipulate speed limits to conserve energy, we should at least do so in an effective way.

ALBERT NELS JORGENSEN

Mr. RIBICOFF. Mr. President, I was deeply saddened to learn that Albert Nels Jorgensen, the former president of the University of Connecticut, had died Saturday, February 11, 1978, at his home in Scottsdale, Ariz. Dr. Jorgensen, who was 78, was president of the University of Connecticut from 1935 to 1962, a period when the university enjoyed great growth.

Dr. Jorgensen presided over UConn during a time when the institution was transformed literally from a small rural agricultural school of about 800 students to a major institution with more than 13,000 students.

My tenure as Governor of Connecticut—1955 to 1961—paralleled the later years of Dr. Jorgensen's term as president of UConn. It was a great pleasure to work with this distinguished educator. He had vision. He could see the tremendous future that awaited UConn as a major center of learning in Connecticut and New England.

Moreover, what was equally satisfying about working with Dr. Jorgensen was his patience, his perseverance, his intuitive sense of what measure of support and resources we could look forward to receiving from the legislature. He was a realist, never overly assertive in explaining the university's needs. But, by the same token, determined and unwilling to relent if he knew his cause was justified, ever confident that we could be, and would be, treated fairly if we put our case before the people and their elected representatives in a straight-forward manner.

His career as president of the University of Connecticut was characterized by a genuine concern for the students, high hopes for the future of the school, coupled with an appreciation of what was possible.

He was a unique man, compassionate, highly intelligent, well organized, a good manager of people and programs.

As Governor, I found Dr. Jorgensen to be one of the most capable officials in our State.

He also came to be my good friend. He will be sorely missed. But his family and friends—and the thousands of students who benefited because of his dedication—can take consolation in the realization that Albert Nels Jorgensen was responsible for enhancing the quality of higher education in Connecticut and for expanding educational opportunities manyfold.

Mr. President, I ask unanimous consent that an obituary about Albert Nels Jorgenson from the February 13, 1978 Hartford Courant be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

A. N. JORGENSEN DIES; LED UCONN

Albert Nels Jorgensen, 78, who was president of the University of Connecticut during its greatest period of growth, died Saturday at his home in Scottsdale, Ariz.

Jorgensen, who was UConn president from 1935 to 1962 when he retired, oversaw the growth of the university from a small rural agricultural school of about 800 students to a major institution of higher education enrolling more than 13,000 students.

He was born March 20, 1899, in Lanark, Ill. Before becoming UConn president he was a professor of education at the University of Buffalo and after his retirement from UConn he was director of the Washington, D.C., Office of the Institute for International Education for five years.

The men who worked with Jorgensen while he was at UConn praised him Sunday for his leadership and vision.

Albert E. Waugh, who served as provost for 13 years under Jorgensen, said almost all the permanent campus buildings were acquired during Jorgensen's tenure.

When Jorgensen became president, UConn was the unaccredited Connecticut State College. When he retired there were 15 accredited schools and colleges, Waugh said. Waugh praised Jorgensen for his sense of academic freedom and noted the former president consistently protected faculty members from outside pressures.

UConn Academic Vice President Kenneth G. Wilson, who has been at the university for 27 years, also commented on the Jorgensen leadership during UConn's growth and noted the former president created a university that his successors could build on.

Former UConn President Homer D. Babbidge Jr. said Connecticut owes a great debt to Jorgensen whom he said awakened the state to the need for an institution "of the first rank, accessible to all."

"The state and its people will continue to benefit from his unique leadership as long as there is a University of Connecticut," Babbidge said.

Babbidge succeeded Jorgensen in 1962 and served for 10 years.

Jorgensen leaves his wife, Harriet S. Jorgensen of Scottsdale; a daughter, Dorothy Clothier, also of Arizona; a son, Albert N. Jorgensen Jr. of Newington, and several grandchildren.

Arrangements for memorial and funeral services are incomplete.

ENVIRONMENTAL ACTIVITIES IN 1977

Mr. ANDERSON. Mr. President, recently the Council on Environmental Quality published a status report on Federal environmental activities in 1977. Both the President and the Congress devoted considerable effort last year to programs to restore and preserve the air, land, and water resources we absolutely depend on in this country. In 1977 President Carter delivered the first environmental message to Congress in 4 years and his administration examined closely the policies of the U.S. Government on environmental protection and resource conservation.

As my colleagues are well aware, in 1977 the Congress approved amendments to the Clean Air Act, Clean Water Act, enacted the Surface Mining and Reclamation Act of 1977, and devoted considerable time to several other major bills that have significant impact on the physical environment of the United States.

Mr. President, I found the CEQ report of Federal environmental activities in 1977 an excellent summary of the many environmental issues enacted and pending before the Congress. I request unanimous consent that "Environmental Activities in 1977," a status report compiled by the Council on Environmental Quality, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NEW ENVIRONMENTAL LEGISLATION, AGREEMENTS, AND POLICIES

The year's major environmental accomplishments included new legislation to regulate air and water pollution and strip mining, a new policy on nuclear non-proliferation, international agreements on Alaskan gas and whaling, a new leasing schedule for offshore oil and gas, and a new program to reduce oil pollution from tankers. Several new Executive Orders were also issued.

CLEAN AIR ACT AMENDMENTS OF 1977

In his Environmental Message, President Carter announced support for:

Strong provisions to prevent the deterioration of air quality in clean areas;

A program to protect visibility in our National Parks and Wilderness Areas;

Strong enforcement tools, including economic penalties to eliminate the benefits of non-compliance;

The use of "best available control" technologies in all new facilities;

Strict controls on coal-burning plants to ensure that they meet air quality standards;

Emission limitations for automobiles which help meet clean air goals but allow achievement of strict fuel economy standards;

State implementation of inspection and maintenance programs in seriously polluted areas to ensure that automobiles continue to meet emission control requirements while in use;

Continuation of EPA's current "offset" program for controlling new industrial growth in polluted areas and a review of the program to determine whether it should be altered.

For the most part, Congress adopted these recommendations. The hard-fought standards for auto emissions are slightly weaker than those proposed by the Administration, but they are far tougher than those sought by the auto industry. The new standards will require installation of three-way catalysts on new cars by 1981. Congress virtually forbade any additional pollution in National Parks and other unique areas and permitted only modest increases of pollution in areas where new growth is planned. With respect to already polluted areas, Congress adopted the President's recommendation to continue EPA's "offset" policy for the present, but to study it with a view toward possible revision. The other proposals made by the Administration were less controversial, and were incorporated into the Clean Air Amendments.

CLEAN WATER ACT OF 1977

The President's recommended amendments to the Federal Water Pollution Control Act included:

Assigning highest priority to developing "best available technology" standards for controlling the discharge of toxic pollutants;

Continued funding for construction of municipal wastewater treatment facilities, with emphasis on water conservation, on alternatives to conventional treatment plants, and on ensuring proper operation of facilities once built;

Increased attention to pollution caused by runoff from agriculture, mining, forestry, and city streets, including additional funding for state and local agencies to plan and carry out programs;

A strong federal wetlands protection program, with opportunity for states to assume major responsibilities for carrying out the program and with appropriate exemptions and procedures to avoid over-regulating activities that cause little wetlands damage (such as normal farming, ranching, and logging).

The Congress agreed with and adopted most of the Administration's recommendations. Congress incorporated use of best available technology for toxics control but deferred the deadline for one year, from 1983 to 1984. It funded the municipal grants program at a level of $4.5 billion for 1978 and $5 billion per year from 1979–82; this was slightly higher than the Administration proposed.

Congress significantly increased funding for state and local programs to control runoff pollution—$150 million per year through 1980. Finally, Congress retained a strong federal wetlands protection program that provides for broad state participation and implementation.

TIDEWATER TREATMENT POLICY

The Environmental Protection Agency instituted a major policy change in its grant program for municipal waste water treatment facilities. Announced in October, the new policy emphasizes land treatment systems as an alternative to conventional sewage treatment plants. Land treatment has the advantages of recycling both the nutrients contained in sewage and the water that carries it. Land treatment systems are also often cheaper to build and operate than sewage treatment plants.

SURFACE MINING AND RECLAMATION ACT OF 1977

Taking a position counter to the previous Administration's, President Carter strongly endorsed national strip mine legislation.

The new law passed by Congress protects critical lands from irreparable damage. Mining on prime farmlands is permitted only if they can be restored to their original productivity. Mining in alluvial valley floors of the West—very important agricultural lands that are easily damaged—is allowed only if it does not prevent or permanently interrupt farming or damage water supply. Mined-over areas must be returned to their approximate original contours, and a tax to be collected on currently produced coal will be used to reclaim already mined land. Although the Surface Mining Control and Reclamation Act enacted in August does not contain all the features sought by the Administration, it does contain the most critically needed measures for protection of land and water.

NUCLEAR NON-PROLIFERATION POLICY

A comprehensive review of U.S. nuclear policy begun a few days after President Carter took office, culminated in an April 7 policy statement which significantly changed U.S. nuclear energy policies, especially toward use of plutonium and other weapons-usable materials. Key items included the indefinite deferral of commercial reprocessing and recycling of plutonium in U.S. nuclear power programs, including no federal support to complete or operate a reprocessing plant at Barnwell, South Carolina.

In October the Administration stated that its domestic and international non-proliferation efforts would be assisted if the Nuclear Regulatory Commission were to terminte its proceedings on the Generic Environmental Statement on Mixed Oxides (GESMO). In December the Commission ordered the proceedings terminated and the draft safeguards supplement prepared for its GESMO proceedings published as a staff technical report.

The President also requested the termination of the Clinch River Breeder Reactor (CRBR) project and has directed the restructuring of the U.S. breeder program to give greater priority to alternative designs of the breeder other than plutonium and to defer the date when the breeder reactor would be put into commercial use. In November the President reasserted his opposition to the CRBR by vetoing the FY 1978 appropriations bill which would have provided funds for the project.

U.S. nuclear R&D priorities were also redirected to accelerate research into alternative nuclear fuel cycles not involving di-

rect access to materials that can be used for nuclear weapons.

Another part of U.S. policy is to continue its role as a reliable supplier of low enriched uranium fuels. In October the Administration announced a policy of accepting limited amounts of spent nuclear fuel from other countries when nonproliferation objectives would be advanced. The U.S. fuel supply and spent fuel storage policies are both designed to help eliminate the need for reprocessing and plutonium use.

The April 7 statement also announced the U.S. would explore the establishment of an international effort to evaluate potentially safer nuclear alternatives. The first meeting of the International Nuclear Fuel Cycle Evaluation (INFCE) was held in Washington, D.C. in October.

WATER RESOURCES PROJECTS

Soon after taking office, the President initiated a major interagency review of federal water resource projects and announced his intention to develop water policy reforms and to oppose construction of projects which fail to meet minimum economic, environmental, and safety criteria. (See Water Resources, Policy Reform, Page 8).

President Carter succeeded in getting fiscal year 1978 funds deleted for 9 of the 18 water projects which the Administration found most objectionable. In addition, three projects were to be modified to reduce environmental damage, and no funds were appropriated for 12 unbudgeted projects.

ALASKA NATURAL GAS PIPELINE RESOLUTION

Congress supported the President's choice of a pipeline route proposed by the Alcan Pipeline Company to transport natural gas from Alaska's North Slope to the lower 48 states. The decision followed negotiations and agreement with the Canadian government.

The Alcan route was one of three competing pipeline proposals. It is regarded by federal agencies and environmental groups as the one which will do the least damage to the general environment and wildlife of the area.

WHALING AGREEMENTS

Since 1972, the United States has sought a moratorium on the commercial killing of whales. In order to provide additional protection, the government took several important steps this year, including:

Prohibiting commercial whaling within our 200-mile fishery conservation zone; and

Maintaining firm support for a 10-year moratorium on the commercial killing of whales.

OUTER CONTINENTAL SHELF LEASING POLICY

The Administration supported legislation to control exploration and production of oil and gas on the Outer Continental Shelf (OCS) (see section on proposals awaiting Congressional action, Page 12). In the interim before new legislation, the President directed the Secretary of the Interior to revise substantially the OCS leasing schedule. The new schedule and regulations are designed to consider goals of increased production from offshore areas, high standards of environmental protection, and adequate consultation with affected states so as to permit better planning.

OIL POLLUTION PREVENTION

The dramatic consequences of last winter's tanker accidents drew a great deal of public attention to the risks of tanker spills. In March, the President delivered a Message on Oil Pollution of the Oceans, which laid out a program to reduce accidental spills and routine oil discharges from tankers, to improve cleanup after oil spills, and to provide full compensation to victims of oil pollution damage.

At the President's direction, the Department of Transportation has issued draft regulations that would upgrade construction and personnel training standards for foreign and domestic tankers. In addition, the Department of Transportation has begun boarding and examining tankers entering U.S. ports in order to record failures to meet requirements for safety and environmental protection. At the same time, the United States is making a strong effort to improve international standards for tanker construction, inspection, and crew training.

PROTECTING THE NATION'S WETLANDS

In addition to supporting a strong wetland protection program under the Federal Water Pollution Control Act, the President took additional steps to safeguard our nation's wetlands.

By Executive Order President Carter directed all Executive agencies to refrain from supporting construction in wetlands wherever there is a practicable alternative. Where none exists, agencies must see to it that adverse impacts are reduced.

In addition, the President added more than $10 million to the Department of the Interior's FY 1977 and 1978 budgets for the acquisition of wetlands to maintain important breeding and wintering habitats for migratory waterfowl. He proposed an increase of $50 million over five years for this purpose.

BETTER MANAGEMENT OF FLOODPLAINS

Although the federal government has spent vast sums on flood control projects for the last 40 years, loss of life and property from floods continues to increase. Meanwhile, unwise floodplain development continues to destroy valuable forest, farmland, and recreation areas. Unfortunately, the government itself has supported some of this development.

Another Executive Order issued by President Carter directs all federal agencies to protect the values and benefits of floodplains. Agencies are directed to reduce risks of flood losses by not conducting, supporting, or allowing actions to be located in floodplains unless there is no practicable alternative.

PROTECTING PUBLIC LANDS DAMAGED BY OFF-ROAD VEHICLES

The President issued an Executive Order in May amending Executive Order 11644 on the "Use of Off-Road Vehicles on the Public Lands." The new amendments require agency heads to close portions of the public lands to off-road vehicles if their use will cause or is causing considerable adverse effects on the soil, vegetation, or other values of the public lands. The amendments also authorize federal agencies to close portions of the public lands until studies indicate whether the lands should be permanently designated as suitable or not suitable for use by off-road vehicles.

The Executive Order affects only those off-road vehicles actually responsible for environmental damage. Where motorcycles are restricted during summer because they are causing damage, snowmobiles which are used in winter will not necessarily be restricted if they do not cause any harm.

RESTRICTING IMPORTS OF HARMFUL EXOTIC PLANTS AND ANIMALS

The President issued an Executive Order which increases protection for U.S. agriculture, forestry, and wildlife from harmful effects of exotic plants and animals. The Executive Order restricts:

The introduction of exotic species into federal lands and waters;

The importation of exotics for the purpose of introduction; and

The use of federal funds and programs to export native species.

Some introductions are both necessary and beneficial to the public, and the Executive Order does not apply to them. But many of the hundreds of exotic species which have become established in the United States have been highly detrimental to public health, agriculture, and wildlife. The costs to society incude competition for or destruction of wildlife habitat, competition with native wildlife species, and the direct economic cost of state and federal programs to control harmful exotic species which have become established in U.S. ecosystems.

POLICY REFORM IN PROCESS

In his Environmental Message to Congress in May, President Carter sent a series of directives to federal agencies which would change present policies.

Improving implementation of the National Environmental Policy Act

The National Environmental Policy Act (NEPA) and its requirement for environmental impact statements have had a dramatic and beneficial influence on the way new federal projects are planned. Nevertheless, an increasing preoccupation with paperwork in the EIS process has tended to obscure the Act's fundamental goals.

To improve NEPA, the President issued an Executive Order directing the Council on Environmental Quality to prepare regulations which will ensure the effectiveness of environmental impact statements while reducing unnecessary paperwork. CEQ was also directed to develop procedures to resolve interagency conflicts. The Council has prepared draft regulations which will go into effect later this year after they are reviewed by government agencies and the public.

Reforming water resources policy

At the same time the President initiated a review of federal water projects, he directed the Water Resources Council, the Office of Management and Budget, and the Council on Environmental Quality to review present water resource policy. He asked for concrete recommendations for policy coordination and reform. These recommendations are to be submitted to the President in early 1978.

Among the critical issues being examined are:

The appropriate standards for water project planning and evaluation. Present standards that specify planning objectives, discount rates for determining future benefits, and procedures for cost-benefit analysis tend to exaggerate a project's direct economic benefits while understating environmental and indirect economic costs;

The appropriate cost-sharing formulas used to determine the non-federal contribution to federal water resources programs and projects. Present formulas are highly inconsistent, differing from one purpose to another and from one agency to another;

Ways to ensure that projects apply the most effective water conservation and reclamation methods. Such measures are costly, and often impossible, unless they are included during early project planning; and

The need to anticipate and reduce adverse environmental impacts of proposed federal water resources programs and projects. Flood control and navigation programs have eliminated millions of acres of productive agricultural and forest lands and have destroyed commercial and sport fisheries along hundreds of river miles. Unanticipated effects of water resource programs have cost federal agencies vast sums to mitigate environmental damage.

COORDINATING TOXIC SUBSTANCES PROGRAMS

A multitude of federal statutes and programs address in various ways the problems of harmful chemicals. To improve the administration of these authorities, the President called for the development of a coordinated federal strategy. An interagency Toxic Substances Strategy Committee was subsequently formed to devise ways to:

Emphasize prevention of problems before they occur;

Improve the sufficiency, quality, and coordination of research and its usefulness in support of regulation and policy;

Develop improved methods of coordinated collection and exchange of needed information by federal agencies;

Ensure that regulatory and non-regulatory approaches to chemical substances control are effective, mutually compatible and otherwise enhance coherent implementation of these laws;

Adopt a government-wide set of general principles relating to identification of cancer-causing substances as a first step in more uniform approaches to risk assessment; and

Establish methods for effective and coordinated governmental response to chemical emergencies.

The Environmental Protection Agency, the Occupational Safety and Health Administration, the Consumer Product Safety Commission, and the Food and Drug Administration have also agreed to work together on many of the same problems. Although these agencies often regulate the same industries and the same chemicals, they use different testing methods, have different regulations for similar chemicals and have different priorities about the danger of similar substances. The Interagency Regulatory Liaison Group's efforts to establish common priorities, procedures, and regulations are an important step in regulatory reform.

CONTROLLING HEALTH AND ENVIRONMENTAL EFFECTS OF COAL USE

In both his National Energy Plan and Environmental Message, President Carter recognized that the increased and accelerated use of coal must be accompanied by a strong commitment to environmental protection.

In addition to stripmining legislation, efforts are now underway to:

Assess the health and environmental effects of direct coal combustion and to develop better pollution control technology;

Identify the health and environmental effects of coal conversion and other new energy technologies. The Department of Energy and the Environmental Protection Agency are also developing procedures to establish environmental standards for these technologies; and

Revise the national coal leasing program so that mining on public lands occurs only in areas where it is environmentally acceptable and compatible with other uses.

IMPROVING ENVIRONMENTAL MONITORING AND DATA COLLECTION

An interagency task force was formed at the President's direction to improve government's environmental monitoring and data programs. Our growing awareness of environmental problems has led to the creation or expansion of more than a hundred such programs. However, many suffer from large gaps, wasteful duplication, questionable validity, and lack of coordination. Proposals to remedy these problems will be ready in September 1978.

IMPROVING GOVERNMENT ORGANIZATION

To improve the ability of government to manage natural resources and protect environmental quality, the President directed the Office of Management and Budget to review the way the federal government is now organized to perform these functions. An OMB task force is expected to present its recommendations to the President in February 1978.

PROPOSALS AWAITING CONGRESSIONAL ACTION

A number of Administration proposals sent to Congress in 1977 await action. These are aimed at:

CURBING NUCLEAR PROLIFERATION

In addition to the new policies outlined in President Carter's April 7 statement (see Pages 3-4), the Administration submitted legislation to aid in curbing nuclear proliferation. The Nuclear Non-Proliferation Act of 1977 currently before Congress has as its main features:

Defining the immediate export conditions which the U.S. can reasonably ask other nations to meet while we renegotiate stricter arrangements;

Defining additional nuclear export conditions which will be required in new agreements for civil nuclear cooperation;

Requiring that recipients of U.S. nuclear supplies will have all their nuclear activities under International Atomic Energy Agency safeguards; and

Continuing our objective of universal adherence to the Non-Proliferation Treaty.

The bill is intended to reassure other nations that the United States will be a reliable supplier of nuclear fuel and equipment for those who genuinely share our desire for non-proliferation.

CONTROLLING OUTER CONTINENTAL SHELF DEVELOPMENT

The President is supporting legislation which would improve the government's ability to control exploration and production of oil and gas on the outer continental shelf. In contrast to the OCS Lands Act of 1953, which now governs OCS development, the proposed legislation provides for:

A pause between exploration and development, after oil and gas are actually discovered, to evaluate how and whether development should proceed;

Cancellation of leases and compensation to the lease holder in situations of unacceptable environmental risk;

Full delineation of the role and authority of states in OCS decisionmaking;

Adequate collection and sharing of information for the benefit of states, affected communities, and the public; and

A comprehensive program for OCS leasing that meshes consideration of environmental risk, environmental knowledge, and conservation of resources for the future, together with anticipated needs for the resource.

CONSERVING ENERGY AND DEVELOPING RENEWABLE ENERGY RESOURCES

Underlying many of the tax incentives, pricing policies, and other features of the National Energy Plan and the National Energy Act submitted to Congress is a firm commitment to energy conservation and the development of renewable resources. These new energy policy goals also hold clear benefits for the environment, as we reverse our present wasteful energy practices and come to rely on technologies which use sunlight and other renewable energy sources.

PREVENTING OIL POLLUTION OF THE OCEANS

To accompany those programs delineated in his Message on Oil Pollution, the President urged the Congress to ratify the International Convention for the Prevention of Pollution from Ships (1973). The Convention requires segregated ballast on large new tankers and places strict controls on oil discharges from ships.

The President also submitted to the Congress the Comprehensive Oil Pollution and Compensation Act of 1977. It would establish a single nationwide system to impose liability for oil spills to ensure full compensation to victims of all oil pollution damage, and it would provide for a $200 million fund to cover all cleanup and damage costs.

REFORMING HARD ROCK MINING ON PUBLIC LANDS

The mining of hard rock minerals (such as gold, copper, and iron) on the public lands is still governed by the Mining Law of 1872. This law lacks clear authority for establishing environmental standards. It ignores the need for balanced management of resources, and it does not require compensation to the public for private development of public resources.

To correct these problems, the Administration submitted legislation to Congress which would:

Repeal the Mining Law of 1872;

Authorize the issuance of mineral leases and establish federal discretionary authority over the exploration and development of hard rock minerals on the public lands;

Establish strict standards for the prevention of environmental damage and the reclamation of mined areas;

Integrate mining into land use plans being developed for the public lands under other federal statutes;

Require government approval of mining operations and reclamation plans; and

Provide for a fair return to the federal treasury for the production of publicly owned hard rock minerals.

Preserving Alaskan lands

Under the Alaska Native Claims Settlement Act, the Congress has until the end of 1978 to determine how much federal land in Alaska will be set aside as National Forest, National Park, National Wildlife Refuge, and Wild and Scenic Rivers. The Administration has proposed that 92 million acres be selected for inclusion in these systems, permitting the creation or expansion of 19 National Parks and Reserves, 14 National Wildlife Refuges, and 42 Wild and Scenic Rivers.

Protecting and expanding Redwood National Park

The Congress established the 58,000-acre Redwood National Park in 1968 to protect the unique coastal redwoods. Unfortunately, the compromise boundaries adopted by Congress left the Redwood Creek portion at the northern tip of the Park especially vulnerable to damage from logging on lands outside the Park.

The Administration has proposed to the Congress:

Adding 48,000 carefully chosen acres to the Redwood National Park to provide protection to existing parklands and to add additional stands of redwoods to the Park;

Rehabilitating the Redwood Creek watershed to repair damage from past abuse.

REPORT ON INDOCHINESE REFUGEES

Mr. KENNEDY. Mr. President, as so often in the past, America's voluntary agencies are currently playing a crucial role in the resettlement of Indochinese refugees who are coming to our shores, as well as offering a helping hand to those still in refugee camps in Southeast Asia.

One of the leading voluntary agencies involved in this effort is the U.S. Catholic Conference Migration and Refugee Services. Recently its national director, John McCarthy, traveled to Southeast Asia to view firsthand the growing problems among refugees in Thailand and the "boat people" now scattered throughout the area.

Mr. McCarthy makes an eloquent plea in their behalf, and their claim upon our greater attention and concern. Mr. President, I would like to share his report with my colleagues, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
February 13, 1978.

Hon. EDWARD M. KENNEDY,
U.S. Senate
Washington, D.C.

MY DEAR SENATOR KENNEDY: I am taking the liberty of enclosing herewith a copy of my report on a recent trip to Southeast Asia. There is no question but that we are facing a tragedy of unprecedented proportions if more is not done to help the refugees and displaced now in Thailand and other countries bordering the South China Sea.

The almost farcical action of our government officials having to appear before Congress every few months to plead and plead for a few thousand refugees is certainly not the spirit that is the history of our land. What we need, Senator, is the action you have proposed, this is, an open-ended refugee policy to be administered by our Attorney General whose record, and the record of his predecessors in this area of service, is not only a model of constraint but also a model of efficiency.

It troubles me deeply that the local government officials in the area are implying that if more is not done, these people will have to be repatriated back to their native lands. If this takes place, the conclusions are foregone.

We should never forget that approximately 40 years ago the representatives of 32 nations met in Evian, Switzerland just twelve days after the Nazis invaded Austria. Discussion at that meeting centered on providing resettlement opportunities for 300,000 Jews and others who were opposed to the totalitarianism that was coming into force in Germany and other areas of Europe. It was implied by the German societies represented at the meeting that the pipeline for this movement was open and would remain open if acceptance and resettlement could be assured. This conference ended in the utter inability of the nations involved to take positive action, claiming they could not have an open door policy and that they had already taken enough refugees. The pipeline was closed, and six million people died in the holocaust of the concentration camps.

It is our hope and prayer that the present limited approach and restrictive policy to the refugee movement will not repeat a mistake and tragedy that will forever defame the national image of those involved.

Senator Kennedy, we are deeply appreciative of all that you have done and are doing in this broad area of humanitarian concern. You may be assured of our total and complete support in your most positive refugee proposals.

With kindest personal regards, I remain,
Most sincerely,

JOHN E. MCCARTHY,
Director.

THE REFUGEES AND DISPLACED OF THE INDOCHINA AREA

It is often said that one picture is worth a thousand words. I can add to this by stating that personal experience is worth a thousand pictures. Having spent the first three weeks in January visiting with the refugees in a number of countries bordering the South China Sea, it is difficult for me to write or talk unemotionally about the desperate plight of these unfortunate people.

This area of the world is afflicted with seemingly never-healing sores that are dramatic testimony of man's inhumanity to man. My visit has clarified the urgent need for a more intensified assistance-and-resettlement endeavor by all the nations of the free world in order to ameliorate this suffering in an even limited way.

In discussing with the refugees their reasons for a desperate, almost suicidal flight to a hoped-for haven and a new life for themselves and their families, they described the horrors of enforced relocation, separation of families, imprisonment, and mass killing.

Their reports bring to mind once again many of the horrors of World War II and succeeding conflicts. What should be done? Our experience teaches us that bureaucratic hearings, endless discussions, and political posturing are the last things this situation needs.

Shortly after Germany invaded Austria in 1938 an emergency meeting was held in Evian, France by a number of concerned and free nations of the world, including representatives from the German societies. The Evian meeting related to the possible movement and resettlement of 30,000 persons of the Jewish faith and other political opponents of the growing and oppressive totalitarian regime of Germany and its allies.

Procedures were available at that time for implementation of this movement, and continued movement was deemed feasible if only arrangements were made for the resettlement of the initial 30,000. Unfortunately, the free world did not come to a workable agreement on this. Doors were closed and millions died in concentration camps.

It is our hope now, 40 years later, that we are not facing a like situation. Still, statements that "we have taken enough refugees" and "we cannot have an open door policy" are heard in some quarters today.

In Thailand there are approximately 100,000 refugees from Vietnam, Laos, and Cambodia. These refugees have found a most temporary asylum in 13 separate refugee compounds controlled by the Government of Thailand. Approximately 5,000 new refugees are entering Thailand each month, around 1,500 by small boat from Vietnam and more than 3,000 over land from Cambodia and Laos. Despite traditional kindness founded in national history and religion, the Government of Thailand is in a most precarious position from internal and diplomatic points of view: the country is surrounded by well-armed Communist nations.

In conversation with Archibishop Michai of Bangkok, Thai government officials, United States Ambassador Whitehouse, and representatives of the United Nations and other international organizations, it was made quite clear that Thailand could not continue to accept this never-ending flow of refugees and that accelerated third-country resettlement had to be instituted. The spectre of enforced repatriation was implicit in that the Thai government has been sending all the land refugees who have arrived in their country after November 15, 1977 to separate refugee camps which are not supervised by the United Nations High Commissioner.

There is no way of knowing how many refugees have been turned back at the borders by local Thai officials. The United States press reported some months ago a group of 29 who had been returned to Cambodia and immediately executed.

During my visit I interviewed some of the 1,200 small boat refugees in Lam Sing, in Chanthaburi, Thailand. This guarded camp is a two-to-three-acre fenced enclosure on the Gulf of Siam. Limited foodstuffs are provided by the Thai Government on the basis of an allocation from the United Nations. After screening on arrival and the confiscation of any valuables, the refugees may live either on the boats in which they arrived or in huts on the shore. Living in the camp are representatives of every aspect of Vietnamese life. I spoke with Army captains, lawyers, fishermen, seminarians, and widows with children. Many have relatives in the United States, and we are making every effort to identify such persons so that assurances can be provided.

On August 11, 1977, the United States Government authorized the admission of 7,000 boat cases and 8,000 land-refugees. On January 25, 1978, the Attorney General authorized the admission of 7,000 additional boat refugees. These admissions are, of course, stopgap measures. Some type of open-ended admission procedure is needed to avoid unimaginable disaster.

The Government of France has instituted such a humane procedure and is, and has been, accepting aprpoximately 1,000 refugees each month. The Governments of Australia, Canada, and some nations of Europe have made more limited commitments.

As in all emergent refugee escape endeavors, some don't reach their goal and their is a corresponding loss of life.

In the Southeast Asian turmoil there are first-hand reports of the terrors of the overland march from Laos and Cambodia and of the loss of life of an estimated 50% in the almost suicidal small boat movement from Vietnam. For every two persons who start out, only one survives.

The Bangkok Post, January 15, reported:

"Six Vietnamese refugees drowned and three others were missing after being swept overboard by a huge wave during a storm on the South China Sea Wednesday . . . the refugee boat carrying about 30 Vietnamese sailed into Kuala Trengganu fishing village, about 310 miles northeast of here, for supplies and was returned to international waters when it was caught in the storm. Fifteen people were washed overboard and six were rescued."

The Pacific Stars and Stripes, January 20, related the following:

"Kuala Trengganu, Malaysia: 92 Vietnamese refugees were rescued from their capsized boat by workers on an Exxon Oil Co. rig in the South China Sea . . . the refugees told reporters they escaped from Vietnam January 11 and that their boat capsized. . . ."

While little mention of children is made in the presses of the major countries, the Bangkok Post of January 11 carried the following story:

"A fishing boat carrying 64 Vietnamese refugees, including 13 men, 11 women and 40 children, arrived in this southern coastal province last Sunday, according to a delayed report reaching the Police Department. The boat, which left Pha Mao in the south of Vietnam over a week ago, was denied permission to remain. One of the refugees later swam ashore and met the chief inspector, Pol Maj Phisit Chairat, and the district officer. He asked permission for the refugees to stay for three days to clean the boat."

It may seem unbelievable to us, to our secure surroundings, that after braving the terrors of the sea the refugees find that what awaits them is not really asylum. A proliferation of reports indicate that boats are driven off or towed back to the open sea. These refugees have no alternative but to seek haven in other countries bordering the South China Sea (The Philippines, Korea, Macao, Hong Kong and Taiwan) or, in desperation, to set sail in their small, unseaworthy craft for Australia, over 3,000 miles away.

One of the tragic aspects of this refugee movement is the reluctance of larger vessels plying the South China Seas to pick up those in distress. Past experience has taught the masters of these vessels that such a humanitarian endeavor encumbers them and the shipping company with untold complications. Many countries, when learning that refugees are aboard a vessel, will not permit any of the crew to disembark. No landing rights are given to refugees, and the ship must maintain them on board with the hope of reaching some port that will grant temporary asylum. There have been instances of some ships sailing nearly around the world dropping off refugees in South Africa, Kuwait, Italy, and other places too numerous to mention.

It is hoped that it will be possible to

develop a free port somewhere in Southeast Asia where these refugees can find temporary asylum. Can we do less for human beings than is done for machinery, tools, and automobiles? If such a port were known to exist, possibly thousands of lives could be saved in that captains could pick up the distressed with the assurance of nearby asylum.

Despite the horror and tragedy of this refugee endeavor, there is the beauty of the compassion of the average world citizen. This seems to always emerge as a bright light out of the darkness wherever emergency situations arise.

Unfortunately, there seems to be an almost humanitarian sterility by the formalized government structures of many of the countries of Southeast Asia to the plight of these refugees, particularly the "small boat" people. This inaction, they claim, is based on political considerations and what is deemed to be lack of resources.

However, despite this governmental inaction, the local citizenry, its voluntary agencies and church structures have again arisen to the challenge. This can be well exemplified in Japan where the government has only reluctantly permitted landing of boat refugees. All care for these desperate people is being provided by a joint endeavor coordinated by the Catholic Church and involving the local Red Cross and Buddhist structures. Similar joint church humanitarian endeavors are being carried on for the thousands of refugees in Korea, Hong Kong, Taiwan and Macau.

In the Philippines, Cardinal Sin has made this entire refugee community his personal responsibility. Special housing developments have been constructed, professional staffs assembled to provide guidance and legal assistance. The introduction of self-help programs in gardening, tailoring and food preparation are the developmental tools for a new life for these refugees. The Cardinal has identified his program as the "theology of action."

Everywhere the picture etched in my mind is that of children! In each refugee camp or facility I visited, there were these little tots, sometimes hundreds of them, crying or playing with self-made toys, with wonderment of why they had moved, sometimes secretly and most speedily, from their normal environment. In talking to their parents, there was repeated the preamble to all past refugee movements: "I could possibly exist, but I wanted to provide a new and hopeful life for my children." This is in fact the saddest of all refugees endeavors I have participated in over the past 30 years. With the large family structures of these refugees, in many instances over 60 percent of the boat and camp population is made up of children.

I assure you in the name of tens of thousands of refugees of our deepest appreciation for what has been done in the past and I join you in the hope we will have a world where there will be no refugees. However, until that day comes, we must continue in this Herculean task of helping these, some of the most unfortunate victims of a very unsettled world.

PLIGHT OF THE AMERICAN FARMER

Mr. HOLLINGS. Mr. President, on February 1, 1978, the South Carolina General Assembly passed a concurrent resolution urging the Congress of the United States to take all necessary steps to alleviate the paralyzing and frustrating economic plight in which the American farmer now finds himself.

On behalf of the senior Senator from South Carolina (Mr. THURMOND) and myself, I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION

Whereas, two thousand farm tractors were driven by South Carolina farmers to the State Capitol in Columbia on Saturday, December 10, 1977, as part of a nationwide protest to bring public attention to their desperate plight; and

Whereas, it is a peculiar irony that the farmers who work and till the soil to provide food for the citizens of this Nation and indeed people in all parts of the world cannot make a decent return from their labors; and

Whereas, the moment a product leaves the hands of the farmer a profitable return is assured to middlemen, wholesalers and retailers; and

Whereas, the General Assembly of South Carolina recognizes that the plight of the American farmer has been overlooked, postponed and ignored for far too many years; and

Whereas, if America is to remain the custodian of freedom, human dignity and economic security it must no less secure those principles to its farmers.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States is memorialized to take all necessary steps to alleviate the paralyzing and frustrating economic plight in which the American farmer now finds himself by taking measures to guarantee one hundred percent parity.

Be it further resolved that copies of this resolution be forwarded to the American Farm Bureau, the South Carolina Farm Bureau, the United States Secretary of Agriculture, each member of the Congressional Delegation representing South Carolina, the President of the United States and the American Agriculture.

CAB CHAIRMAN ON REGULATORY REFORM

Mr. KENNEDY. Mr. President, the Senate will soon be considering legislation to reform regulation of the airline industry to make the airlines more price competitive than 40 years of regulation have allowed them to be. In addition, the legislation would allow new and existing airlines to offer airline services with a minimum of CAB interference. Historically, CAB regulation has prevented existing airlines from picking new markets and has absolutely foreclosed new airlines from entering the existing trunk airlines' protected markets. The bill would also significantly overhaul the outmoded Federal subsidy program to make sure that Federal moneys are spent more efficiently to serve small communities in need of air service. I am pleased that the National Association of State Aviation Officials strongly supports reforming the subsidy program.

Mr. President, for the past 4 years a number of us here in the Senate have been involved in developing airline regulatory reform legislation. Although this is not the time to recount that story, suffice it to say that beginning in late 1974 a number of us—particularly Senator HOWARD CANNON—have developed the predicate for legislative change and steered those proposals through the legislative process so that full Senate action is now expected next month.

As everyone even vaguely familiar with regulatory reform knows, the CAB is unique among agencies because it fully supports legislative efforts to curtail its historic power. In fact, since 1976 the CAB has been asking Congress to pass reform legislation designed to limit the Agency's discretion. The reasons for the CAB's support are threefold: First, the CAB fully recognizes the great public advantages that would come from a more procompetitive regulatory scheme—better service at lower prices would be the result. Second, the Board recognizes that without legislation its recent attempts to change 40 years of regulatory policy under the current statute raise serious legal questions and pose great risk that these efforts will be rebuffed in the courts. Finally, and perhaps most importantly, the Board honestly admits that the history of economic regulation has been primarily an anticompetitive one, and that without legislation the Board's newly developing policies are likely to prove a temporary phenomenon as membership changes and as the public spotlight is removed from its activities. The need for legislative change is simply overwhelming.

Mr. President, CAB Chairman Alfred E. Kahn is trying to do everything he can under the present statute to regulate in a fundamentally procompetitive manner. With the active support of the other distinguished members, the Kahn Board is moving resolutely in the direction it should. Although the strictures of a 40-year-old statute pose considerable barriers to the kind of reform we all think is necessary, Chairman Kahn in recent days has articulated publicly the current regulatory philosophy. In separate interviews with Barron's and the National Journal last month, and a major address to the New York Society of Security Analysts, Chairman Kahn has described a blueprint for creating a healthy competitive airline environment to better serve the traveling public. His remarks serve as a thoughtful and persuasive backdrop for Senate consideration of the legislative changes that the CAB, the administration, and many of us on both sides of the Capitol and on both sides of the aisle have worked so long and hard to bring about.

I ask unanimous consent that the remarks of Chairman Kahn be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CAB'S KAHN ON THE AGGRAVATIONS OF AIRLINE REGULATION

Q: Are you pleased with the way things are going at the CAB after being chairman for six months?

A: If you are referring particularly to all the nonsensical things the board has to do, I don't feel that I have made as much progress as I would like to, largely because I am assured typically that many things that I think are ridiculous are required by the law. Even in those cases, we have made rather large steps in giving the staff delegated authority to make many of these picayune decisions. I would have liked to hire somebody whose sole job for a couple of months would be to survey everything the board does with an independent and skeptical eye. I have never had the time to document all the nonsense we do.

Q: Whose fault is it that this has developed?

A: I do think it is the nature of the [1938 Civil Aeronautics] Act that it requires a whole elaborate process of certification, the essence of which is that you cannot have a willing seller get together with a willing buyer without having a piece of paper, without having the approval of the board. Because of the protectionist character of the act and the past interpretations, the pieces of paper are extraordinarily complex—thousands and thousands of restrictions on where you must land and where you may not land and how many stops you can take before you land and what percentage of your trips can be off-route and who has a right to do what and with which and to whom. The essence of a dynamic market is that you are constantly encountering new configurations of demands, and the consequence is that every single change has to have a signature.

Q. Why not approve everything?

A. My disposition, of course, is to say that if a seller and buyer want to get together, that is all I need to know. But I am told that we could be taken to court if we did not make the necessary findings. Now how conscientiously I do some of those is something between me and God, but I am supposed to do them.

Q. Is your principal salvation the deregulation bill Congress is considering?

A. So far as a great deal of the nonsense is concerned, yes. But so far as the core of what we do, we have done a lot already and will do more in the next few months to liberalize what we do and to remove a great deal of the dead hand of the CAB.

Q. Could you give me an example or two?

A. Within the last month or two, for the first time in history I think, two carriers applied for a route—Washington to Cincinnati—and we told them they might both go in if they choose. In one swoop, we undermined the traditional character of certification, which is its exclusivity and its correspondingly mandatory character. . . . We will be making more strides within a couple of months to undermine the essential character of cartel-like restrictions on entry, which is that you cannot come in without a license and that some government agency must decide that there is room for you and then it gives an exclusive franchise. . . . All this, of course, is counter to a competitive system. Our moving against exclusivity and requiring that the carrier has to serve the route strikes at the heart of the process.

We have 630 applications for entry pending in varying vintages and varying degrees of sincerity. In some cases, they apply for a route and do not necessarily mean it but they have an active application that may stand in the way of someone else wanting to come in. In fact, we have a secret language here—when you file for a route, you do not necessarily mean it, but if you really mean it, you file a second petition to get expedited consideration. So there are a whole bunch of applications where a carrier tells a community, "See, we have filed for the route," but they have told us secretly by failing to file a motion for expedited consideration that we know they don't mean it and they know we know that they don't mean it.

Q. Is there anything the board can or should do to protect the public interest?

A. Step by step, we are moving toward making generous findings about what the market may support and then, consciously, we say we may let a carrier in when we are not certain there is room for two. Another thing we may do is permit two or three carries to enter a market even though there is only room for one so that if one steps out, a second or third may automatically move in without our consent.

Q. Is there any way to short-circuit the laborious process of reviewing thousands of city-pair markets?

A: I don't know how to short-circuit it yet. I have a new general counsel and operating bureau heads who are working on it. I want to short-circuit it to the extent that I can under the law. Look, I believe in freedom of entry and believe that all businessmen do not want to commit mass suicide and to rush into markets when there is room maybe for only one, but I think this should be decided by them. It should not be the CAB that operates as a great profit maximizer at 1825 Connecticut Avenue.

So I like the idea of creating dormant authority where there are already carriers certificated not only because it permits easy entry but it keeps the incumbent honest. That is the main way competition arises—it is the threat of entry that induces the incumbents to look at the quality of their service and to their pricing in order to forestall entry.

Q: Would new legislation be helpful in giving you a new mandate and providing automatic entry in certain cases?

A: No question.

Q: What are the prospects for such legislation in 1978?

A: I can't judge it. Maybe it's 50–50. There is a tremendous amount of latent resistance. The perspective that I get from Congressmen is that above everything else, they want to make sure there is air service to the communities they represent even if it costs them $100 million a year by way of subsidy. There is a feeling that if you do have more competition, the reasonably good service will be jeopardized and that this would be a plunge into the unknown. I can't prove to you that more competition will not bankrupt some carriers or that greater freedom of entry and withdrawal may not result in some instances in withdrawals. So there is a basic caution here that I cannot totally overcome because, after all, I am not certain, although I do think there is a high probability it would work and I want to see.

Q: Is it clear to you that the long-term future holds lower fares for the consumer? As you know most of the airlines say it cannot be done.

A: I am not satisfied that all travelers want the kind of service that you would have to have in order to have very high load factors and very low fares. Some want assured reservations without having to call 45 days in advance. Others want a reasonable likelihood of being able to get a reservation at the last minute. My objection is not that historically fares have been too high and service not good, but that the market has not had enough differentiation. Obviously, the secret to low fares is high load factors. Our whole overbooking regulations are getting to the notion that you should develop different kinds of service with different degrees of assurance and convenience.

Q: Doesn't all of this get confusing for the consumer?

A: That is a real problem. When I first came to the board, I thought this enormous variety of fares with all these ridiculous names and restrictions was an abomination. Abstractly considered, I think they are, but I don't any longer think that I won't be happy until they all disappear because there is that other side of the coin, that if you want to go to Europe . . . you can go standby with Laker [Airways] and if you do not get on that, there is a very good chance you can get on TWA [Trans World Airlines Inc.] or British Airways or Pan Am [Pan American World Airways Inc.]; if you call 45 days in advance, you can get on Super-APEX [advance purchase excursion fare] if you are prepared to take the restrictions, or you can get a different plan 21 days in advance or you can have the budget fare. So the point is, just as some people want a real confirmed reservation and a reasonable chance of getting it by calling two days in advance, there are other people who may be willing to accept conditional reservations.

Q: On the issue of low fares, are you convinced that the CAB has the capability to prevent predatory pricing?

A: We have the capability, but I am not sure we have the answer to a question that is still plaguing lawyers in the antitrust field as to how we know when an action is predatory. I must admit to a subtle change in my own actions in these last six months. I have become in my own view more permissive about selective pricing reductions because, domestically, I don't want to rely exclusively on the survival of charters as the only source of competition. That is why I will be inclined to be more permissive on selective price reductions where the carrier can show me that it is trying to plan the availability of seats at the low fare in such a way as not to destroy the benefits of the service that the regular fare-paying customers get.

Q: Are you surprised or disappointed that the President has disagreed with what you have done and reversed you on several major international issues?

A: There have been three major international decisions, and he has overturned me on all three. The most blatant, it seems to me, is this Dallas-London route [the award of the route to Braniff Airways Inc., rejecting the CAB's recommendation that the route go to Pan Am]. I told a press conference that I didn't hold a meeting for 24 hours because I wanted to count to 24, one digit at each hour. I am not as disturbed as I was when the decision was announced, but I disagree with the President.

Q: Should the President be giving more deference to the board?

A: Yes, of course. But he has the authority and a point of view. I could understand it more in the first two cases than in the third because the third, it seems to me, to some extent makes a mockery of the whole incredibly tortured adjudicatory process that we went through. I mean where is the due process? If you knew how I suffered over it and how many meetings I had with members of the staff trying to see if we could work out some other arrangement permitting us to give the route to Braniff. . . .

Q: How much contact did you have with the President or his staff before he made these decisions?

A: Zero. I don't think that is my job. We are supposed to be a quasi-judicial agency writing opinions that set forth all our reasons. The institutional arrangement is that we transmit those to the White House where they get the views of other agencies. Then the President decides in principle on the basis of considerations that are extraneous to our consideration because he is in charge of foreign policy. Okay, he is in charge of foreign policy, but the only foreign policy consideration that he adduced in overturning us in this case is that he believes in international competition. Well, he does not believe in it any more than I do. What he really is saying is that he has reached a different conclusion about which choice will best serve that end. In that case, I sure as hell would like to know what is in his mind since we wrote 3 pages pointing out why we came to this conclusion. I would sort of like to know if somebody over there went through that same process as thoughtfully and thoroughly as we did. I have my private thoughts.

Q: Was this the kind of thing that makes you wonder whether you should be here?

A: At first it did, but not today.

Q: What are your thoughts about reducing regulation in other areas of transportation?

A: It seems to me that if there is any place to begin, it is trucking. If there is any place where entry should be easy, capital requirements are low, dangers of destructive competition as close to nil as they could possibly be—it is trucking.

Q: In the spring, some White House aides predicted that you would be assisting the President on other regulatory reform issues,

for example, trucking. Have you been doing so?

A: Only in a very limited way. I have been so overwhelmed here with this job. Mike Pertschuk (chairman of the Federal Trade Commission) took the lead to bring the chairmen of the regulatory agencies together, and we expect to meet with reasonable regularity.

Q: Have you met yet?

A: Once. I see Dan (A. Daniel) O'Neal of the Interstate Commerce Commission and (Charles D.) Ferris of the Federal Communications Commission. We talk about getting together, but each of us is so submerged that it is hard to do. I do like the notion of playing some role, because I do not think there is a carryover. It is just a matter of time.

Q: One pending issue in the regulatory area is whether a proposed executive order on the publication of agency agendas should be applied to the independent regulatory agencies. What are your thoughts on whether the CAB should be forced to comply?

A: My impression is there is nothing in the order that we are not determined to do. Some of the procedural changes we have already made. On the specific question of whether we should be under (the President's) control. I guess I am a traditionalist: I feel very strongly about the independence of a regulatory agency. I have no objection to the President looking to the people he appoints as chairmen and asking them what are they doing along these lines, but Congress is jealous. I'm not sure, but that the recent Dallas decision is perhaps an illustration of the desirability of having the regulatory agencies be independent.

If regulatory agencies were part of the Administration, I probably would not take the job, because the independence of the agency is the thing that attracts me. I don't want to be part of the Administration. I don't like to play the kinds of games that perhaps the Administration has to play. I like the tradition that if a Congressman calls me. I can tell him that "I'm terribly sorry to sound like a stuffed shirt, but you know it's not proper for me to talk about the case." I believe in the principle of Congress setting down a rather broad statutory mandate and then delegating. There is something to be said that when you make such broad delegation, it should be an agency which has certain protections against violations of due process and is accountable only on broad policy to Congress and on following the stautory mandate to the courts. It's a perfect job for a colleague professor—that's my point, really.

Q: In the international area, does it seem to you that there are major changes threatening the cartel-like arrangements of the past?

A: My impression is you are right.

Q: Where do you see this evolving?

A: I don't think anyone knows where it is going, but I think this flux is a marvelous thing. I'm a little worried because I don't want competition to get a bad name, but it is obvious that so many things have converged to make this a time of great uncertainty. The liberalization of charter rules and the competitive pressures that it has caused, the excess capacity overhanging the market because of the failure of demand to grow in the early '70s, and the changing attitude of the U.S. government to an orientation that is really quite a dramatic change are all having an effect. . . . In the past, the U.S. approach to international negotiations was, what rights can we get for our carriers and what should we swap for foreign carriers? It was really government acting as agents for carriers. Sometimes, that was not at all pro-competitive.

Q: Is the U.S. government, in fact, helping to move to break up the IATA [the International Air Transport Association]?

A: In a sense, yes. In going along with charter liberalization, in accepting these various reduced-fare proposals by scheduled carriers and in negotiating with those countries who are interested in these arrangements, a breakup of the bilateral balance idea is in the works.

Q: Could there be chaos resulting from this?

A: It depends what you mean by chaos. I recognize that in the international field, pure competition is always going to be restricted by the interests of the sovereign countries, but I would like to approach as closely as possible a freer trading situation. You can't do that within an IATA context because that immediately means a context of fair shares. Chaos is a word that has been invented by cartelists as being synonoymous with competition just as a chiseler is a word that a trade association uses to refer to a free enterpriser. Competition is messy, there is no question. I am not a true believer, but I keep my fingers crossed, and that is why we try to devote so large a share of our time to trying to achieve it.

A little bit of chaos is a good thing. We won't dispense with IATA; it is still needed to help on fares, baggage-handling and things like that. But so far as I can see, the public is benefiting from what the cartelists call chaos.

TALK TO THE NEW YORK SOCIETY OF SECURITY ANALYSTS BY ALFRED E. KAHN

Several weeks ago, I asked Bert Fingerhut what he thought I ought to talk to you people about. "Why don't you tell them what you are trying to do at the CAB?", he responded; "that's what they'd really like to know." I am not sure whether I actually said "so would I!" aloud or just thought of saying it.

Anyway, it was a welcome suggestion. Figuring out what I am trying to do and where I am trying to go is the essence of my job; and if I can't explain it after seven months, I ought to stop doing whatever it is I am doing—except that stopping would be doing something too.

I didn't come into this job with a grand strategy. But I did come in with a strong sense of the imperfections of regulation, a healthy respect for the efficiency of markets, and a predilection in favor of relying on the latter wherever effective competition appears to be feasible. That does not mean that I am a true believer. I am well aware of the imperfections of competition in the real world, and do not shrink from governmental intervention to remedy those imperfections, to maintain competition, to correct market failures, and to regulate "natural monopolies." But wherever competition seems feasible, my disposition is to put my trust in it in much the same way as I do in democracy—as a manifestly inefficient system that is better than any of the alternatives.

I do not want to draw overly simplified lessons from what has been a very complicated—and, incidentally, extremely rewarding—experience, but for the most part the last seven months have reinforced those general views. For one thing, I could not possibly have imagined the number and variety of ways in which I was going to be called upon every single day to give my consent before a willing buyer and a willing seller could get together: May an airline pick up some celebrities from various points to an assembly point and carry them on a triumphal pre-inaugural flight along some newly certificated route? May a freight forwarder receive commissions from a cargo carrier? To how many travel agents may a tour operator give free passage to inspect an all-inclusive tour? And must those agents then visit and inspect every one of the accommodations in the package? May an air taxi acquire a 50-seat plane? May a supplemental carrier carry horses from Florida to somewhere in the Northeast? Should we let a scheduled carrier pick up stranded charter customers and carry them on seats that would otherwise be empty at charter rates? May an air taxi operate a single round-trip passenger charter flight between two points in substitution for a supplemental? Should we take review of an order by our Bureau of Enforcement dismissing this or that complaint, even though no party has appealed the dismissal? May a carrier introduce a special fare for skiers that refunds the cost of their return ticket if there is no snow? May the employees of two financially affiliated airlines wear similar-looking uniforms? May a cargo carrier serve city X from airport Y while X's airport is under construction? May a scheduled carrier fly over some city on Saturdays? May it fly nonstop between two points when its certificate says it must make at least one stop along the way? Or fulfill that onestop obligation at city A rather than city B? May a carrier already certificated to fly between A and C via B pick up passengers going only from A to B? Is it any wonder that I ask myself every day: is this action necessary? Is this what my mother raised me to do?

This seems a good point at which to repeat the story that Joseph Fisher, a very good economist who has fallen so far from grace as to become a Congressman, told me about an incident on a rainy day in Washington, when a large number of people were waiting at a bus stop on their way home from work, only to be passed time and again by full busses. An empty bus came lumbering down the opposite side of the street; the driver pulled over to the curb, opened his window, and asked the very wet people across the street how long they had been waiting. Upon hearing their tale of woe, he said "wait just a minute," drove ahead to the next traffic circle, and within a few seconds returned to pick them up and take them home. That driver could not have been regulated by the Civil Aeronautics Board.

Another way in which my experiences at the CAB have reinforced the convictions with which I entered has been in giving me a much more intensely visceral sense of the meaning and consequences of regulatory delay. Please do not misunderstand: considering the minutiae that require our consent, it is amazing how quickly and often our staff, operating under delegated authority (the scope of which we try to broaden every day), is able to give the necessary permissions. But in any case in which some affected party—usually a competing carrier—objects to our granting the requested authority, claiming it would be adversely affected, we are subject to the requirements of due process. It seems to this layman that "due process" is defined in an asymmetrical fashion: it seems inherently to give protection to the parties who benefit from delay, and to be injurious to the parties—typically, the public at large—who are adversely affected by delay. And of course the requirements of strict adherence to published tariffs and open filings of proposed changes, with opportunities for objection, justification in public and full-blown adversary proceedings, and a formal, appealable initial decision before a competitive or innovative step can be taken run directly counter to the requirements of competition and risk-taking innovation: in short, the requirements of *legal* due process, interposing the heavy hand of government between an idea and its application in the market, are directly antithetical to competition.

There is time only to mention one final aspect of my recently-experienced responsibilities that has reinforced my distaste for regulation in the presence of competition, and that has been the task of selecting among

competing applicants for a route certificate rather than leaving the selection to the market. The law can perhaps make me do it; it can't make me—or anyone else—do it well; and it can't make me think it's a good thing to do.

So what I am trying to do, to put it in the broadest possible terms, is to remove the meddling, protective and obstructionist hand of government, and to restore this industry, insofar as the law permits, to the rule of the market. The law constrains us to do so gradually, case by case and within the prescription of due process. This approach is in any event intellectually congenial to me: despite the many difficulties of trying to administer an industry that remains part pervasively regulated while subjecting it increasingly to competition—difficulties that I have spelled out at considerable length recently elsewhere [1]—I recognize that this industry has grown up in a hot house; it gives good service, and it has to be financially healthy if it is to continue to do so. No advocate of competition, and no friend of the consumer, can be anything but worried by such facts as that the market value of airline equities today is averaging only about two-thirds of book. And so, while I would leave no doubt of my intention to move resolutely in the direction of freer entry and pricing—because it seems to me essential that airline managements and investors know what is in store, and begin to plan for it, rather than spend most of their time trying to make it go away—I am committed also to proceeding as cautiously, thoughtfully, and sensitively as possible in those directions.

THE PROGRAM

Let me begin by simply outlining, without explanation or justification, the main components of the program that we have been evolving during the last several months. I will then try to discuss what seem to me its implications—in terms, first, of the kinds of uncertainties that I am sure you and I share about how freer competition is likely to work out in this industry; second, of how I expect we will tailor our regulatory policies in the light of those uncertainties and of experience; and, finally, in terms of what this program means and should mean to company managements and—if you will forgive my encroaching on your turf—security analysts.

Entry

Freedom of entry is the heart of competition; and route certification by the CAB has therefore been the critical instrumentality for the cartelization of this industry. The extreme exemplification of this policy was the route moratorium of the early 1970's, during which the Board simply refused to entertain the hundreds of applications that came into it for new route authority; less obvious but equally effective is the indescribably intricate maze of restrictions on the operating rights of each of the existing carriers.

Our program of liberalization involves the following:

1. A greater receptivity of applications for new operating authority, by existing carriers and new ones.

2. A particular receptivity to applications that are accompanied by proposed new low-fare options—not the mere verbal promise of low fares that may come to be regarded as *de rigeur* in future applications, but the offer of a plan of operation that backs up that promise with a credible expectation of low costs.[2]

3. A willingness to make route awards temporary, with renewal dependent on performance. In our recent Trans-Atlantic routes decision, for example, we made the awards good for only five years, promising to take into account, in deciding whether to renew, the extent to which the carriers had continued to offer the low fares they had recently introduced, purportedly in response to the Laker Skytrain.[3]

4. Permitting existing carriers, with increasing liberality, to realign their routes and slough off the restrictions that limit their operating flexibility.[4]

5. Making more of the certificated authority we grant permissive and

6. Non-exclusive, and/or

7. Accompanied by a provision for back-up authority.[5]

If one or more carriers are applying for a particular market whose ability to support an additional carrier is questionable, or whose traffic, it appears, is large enough to justify only one; or if it can clearly take at least one at present prices, but might conceivably take more if prices were reduced—in those various situations, we are experimenting increasingly with admitting one, permissively, but in the same case naming a second and even a third with authority to move in if the first does not; or certificating more than one even at the outset, but, again, requiring neither to enter. As a result, we are proliferating situations in which there are carriers with authority to enter markets in which they do not yet operate—standing in the wings, and ready to enter whenever in their judgment the market situation justifies it. Our comprehensive route realignments are having the same effect.

8. A more permissive attitude toward market exit in situations where entry has been liberalized. This attitude is of course implicit in our increasing willingness to grant permissive and back-up authority, both of which reflect a willingness to see second and third carriers in a particular market not exercise the licenses we give them. In a competitive regime, there is no room for governmentally-imposed obligations on sellers to serve markets that they think cannot economically support them—provided others are free to enter if they think otherwise—or for internal subsidization. It is the essential function of competitive entry to eliminate the super-normal profits on hitherto sheltered routes that have served in part to subsidize service on uneconomic routes: erosion of the former privileges must carry with it as a logical counterpart relaxation of the latter obligations. Certainly one major historical reason for the financial problems of the railroads has been their subjection to increasingly intense inter-modal competition, while continuing to be required to serve uneconomic markets.

I do not want to exaggerate the importance of this point. There no longer seems to be any substantial amount of internal subsidization practiced by the unsubsidized carriers. The overwhelming proportion of unsubsidized service provided today exceeds the minimum levels stipulated by the CAB as a condition for holding a certificate. The only possible inference is that these carriers provide this service because it is profitable; and that, therefore, there is not a large frustrated demand on their part to get out of unprofitable service obligations. On the other hand, as we permit new competitors to enter markets, we must expect incumbents in some cases to want to get out; and we must be prepared to let them do so.

The corollary of a liberal attitude on our part toward market exit is our devising of a plan, the essentials of which are embodied in the major regulatory reform statutes now before Congress, for the explicit, direct, taxpayer-financed subsidization of markets that are too thin to be served on a strictly economic basis by private, unsubsidized carriers.

9. A relaxation of the functional and operational restrictions on the various categories of carriers and on the services they are permitted to offer. The most obvious and dramatic instance has been our liberalization of charter rules—making charter travel available to non-affiliated groups, reducing the advance purchase requirements, permitting additional fill-up sales and substitutions as flight time approaches, and reducing the minimum group sizes. Symmetrically, we have relaxed the limitations on the right of scheduled carriers to run charters off their certificated routes; declared our willingness in principle to let them transfer customers from charters onto empty seats of scheduled flights; and permitted them, with greatly increased freedom, to appeal to the same economy-minded public as charters do, and in much the same way, with sharply discounted fares for off-peak and standby services, conditional reservations, capacity-restricted advance sales of seats that would otherwise go empty, and the like.

Equally logical components of a program of removing the shackles on different kinds of carriers—step by step, and synchronously—will be our sympathetic consideration of applications by supplemental carriers to engage in scheduled service (I'd like to think that if this kind of application had come to us in 1977 it wouldn't have required a Court of Appeals decision to make us do so); by combination carriers and all-cargo carriers to compete with one another; by airlines traditionally restricted to international routes to enter domestic markets, as we have already been permitting domestic carriers to move in the opposite direction, and of foreign flag carriers to have access to additional U.S. gateways in exchange for reciprocal relaxations by foreign governments, particularly in their willingness to receive our charters and low-fare schedule flights.

Pricing

I need hardly describe to you at length the similarly permissive attitude we have been taking toward more flexible, discretionary pricing. Historically, the Board has insisted on second-guessing decisions by individual carriers to offer price reductions, in terms not only of whether they might result in reduced profits for the industry as a whole—thus playing the role of grand cartelizer for the industry—but even of whether the proposing carrier had correctly gauged its own interest. During the last several months, we have been abandoning this paternalistic role, leaving the introduction of discount fares increasingly to management discretion.

We are contemplating a codification of our pro-competitive policies in a comprehensive revision of the industry pricing standards promulgated just a few years ago in the Domestic Passenger Fare Investigation. Among other changes, these could involve abandoning the following aspects of the DPFI:

1. its fundamental disapproval or at least critical attitude toward discount fares, except on a temporary basis and in the presence of excess capacity (I am told that this is an overly simplified characterization of that policy; I believe there is no doubt, however, that the Board's attitude toward discount fares has become much more tolerant during the last year or two);

2. its required cross-subsidization of short-haul by long-haul traffic;

3. its imposition of uniform rates per mile in all markets, thick and thin, low-cost and high;

4. its prescription of a minimum mark-up of first-class over coach fares and a maximum discount of economy from coach;

5. its requirement of uniform rates, based on industry cost, to be charged by all carriers, regardless of their own individual modes of operations and costs—which, by excluding possible differences in fares, has ensured the resolution of contests for route

Footnotes at end of article.

awards only on the basis of such considerations as the kinds of service that the competing applicants promise to offer, their comparative need of "route strengthening," which one got an award last time, if not by the toss of a coin; and, in general,

6. its insistence that rates be judged primarily in terms of their coverage of fully allocated costs, almost regardless of the direction of travel or its relation to the system peak, except for quite restricted and rigid allowances of night coach rates—from almost all of which principles the Board has already departed in important ways.

We have already confronted some striking instances of the gross disparities between rates set on the basis of average, industry cost—whether averaged geographically, or as between different carriers, or on the basis of some economically arbitrary allocation of common costs—and economically efficient rates, such as would be set in an effectively competitive market. One such is the costing of freight carried in wide-bodied combination aircraft. The traditional approach is to allocate the common capacity costs between passengers and freight on the basis of the relative spaces in the passenger and belly compartments. Although these results are typically subjected to various judgmental "adjustments" to take account of a variety of considerations—not always clearly described—they apparently still take inadequate account, from the standpoint of economic efficiency, of the fact that only about 35% of belly capacity is used, and that the equipment acquisition and scheduling decisions are determined preponderantly by passenger traffic. In short, they evidently produce rates for freight and mail far above marginal costs, and therefore tend to result in economic waste. Since this matter is an issue in cases now before the Board, it would be improper for me to be more specific.

The other example I'd like to mention is the Board's historic treatment of first class-coach fare differentials. In the DPFI, the Board decided that first class seats should be priced above coach at a differential reflecting their respective "costs," in order to keep the former service from imposing a financial burden on the latter. But that cost differential is itself measured by allocating total capacity costs in proportion to the space taken up by the two compartments. One of the problems in evaluating full cost allocations of this kind is that they sound so plausible: after all, if a first-class seat takes up space that would otherwise provide one and a half coach seats, isn't it clear that it "costs" 150 percent as much to supply it? The answer is that it is not clear at all. The underlying—and crucial—assumption is that the space two first-class travelers take up would in fact otherwise be used to carry three coach passengers.

But with industry load factors averaging 55%, it should be obvious that this assumption is likely more often than not to be incorrect. Uniformly charging at least 150% as much for a first-class as for a coach seat, as our present rules require, will therefore inevitably entail charging far more than the true marginal costs of supplying that service much of the time. Even worse, this requirement could (a) fail to protect coach passengers from having to bear a disproportionate part of the burden of common costs, and (b) prevent the carriers from availing themselves of opportunities to get a larger contribution. The ideal markup will depend upon the elasticity of demand for the more luxurious service, and how much of the passenger compartment would otherwise be empty. If, for example, the 50% mark-up results in very few of these seats being sold, they cannot make an appreciable net revenue contribution, and the overwhelming burden must inevitably fall upon coach. If instead the airlines were free to vary the mark-up and their seat configurations, they would almost certainly, at times when the normal coach section would in any event be partially empty and when they thought the demand for first-class comfort sufficiently elastic, reduce the premium, and provide a larger proportion of first-class seats, and in this way get the larger net revenue contribution that our present rigid rules prevent. And this, it may confidently be expected, is what would happen under competition—at least if Darwin was correct, and the competitive struggle would result in the survival of the fittest managements.[6]

DANGERS, REAL AND IMAGINARY, AND THEIR IMPLICATIONS

The most general fear about such a program is that when the CAB withdraws its protective hand from the doorknob, the door will open to destructive competition—to wasteful entry and cut-throat pricing—that will depress profits, render the industry unable to raise capital, and so cause a deterioration in the service it provides—on the whole, it must be admitted, good service. This dire prediction has at least two aspects, one short-term the other chronic. The first has to do with the dangers of taking a delicate plant that has been raised to maturity in a hot house, and setting it suddenly out in the cold. The other is a belief that for some inherent reason the kind of competitive regime under which most industries in our economy have grown and prospered is unsuited to airlines. (There are other aspects to which I will allude only indirectly—such as the expectation, almost certainly justified, that the pressures of competition on costs will necessarily result in deterioration of service quality, at least for those customers that opt for the lower-fare options, but perhaps for others as well.)

The fear of sudden change

So far as the first prognosis is concerned, the simple prescription would seem to be gradualness: adjust the conditions of the overgrown infant's incubator only gradually to those of the outside world; give the delicate organism time to adjust.

On the other hand, as I have already emphasized, this prescription will never work unless the commitment to gradualness is accompanied by a resolution to make the change. This industry must know what its future regulatory environment is going to be like. So long as its management continues to hope or believe that it can stay in the incubator, that its prospects of success will continue to be best assured by fighting in the halls of the CAB and Congress against the eventual necessity for emerging into the adult world, it will refuse to begin the process of fundamental reorientation that is the key to ultimate survival in that world. If the CAB and Congress are best advised to be cautious, they must equally be advised to be resolute.

Distortions and inefficiencies of free entry

Turning to the more fundamental fear: there seems to be a general belief among defenders of the present regulatory regime that there is something about airplanes that drives businessmen crazy—that once the CAB removes its body from the threshold, they will rush into markets pell-mell, en masse, without regard to the size of each, how many sellers it can sustain, and how many others may be entering at the same time. I don't believe it. I suspect, on the contrary, that once it becomes clear entry is genuinely free of government restraint, the reaction is likely to be cautious, with each carrier and would-be carrier holding back in order to see what the others do. If I am right, the entries that do take place will be the result of careful advance calculation and selection by managements of the opportunities that are most promising for their particular companies.

These fears are probably inspired partly by the avid competition for route authorizations that now takes place before the CAB: at the moment, we have something like 280 applications for domestic route authority filed largely within the last three years and, it is quite clear, with varying degrees of sincerity. But of course there will always be heavy competition for government franchises, so long as they confer some degree of exclusivity. There is no way of knowing how many of these applications before us would be prosecuted if competition were transferred from the corridors of the CAB to the market place. Carriers file applications in part to gain the value, especially the future value, of the certificate in an otherwise closed system, to prevent other carriers from getting authority, and on the theory that they will gain more authority if they participate in a large number of cases, albeit as losers most of the time. If entry were genuinely free, and if, therefore, the pieces of paper for which the companies are vying carried no exclusivity—had no inherent value except perhaps as certifications of financial and technical fitness—this particular, regulatorily-induced application filing and entry would cease.

A somewhat more subtle set of fears would run along the following lines. First, that so long as the process of liberalization is gradual, the intensified competition that follows freer entry will be seriously distorted: victory will go not necessarily to the most efficient firm, or the one with the most enterprising management, but to the one with the best existing route structure. As we know, the main determinant of the relative costs of different carriers is not the inherent quality of their respective managements, but the particular set of operating authorities that each possesses. Closely associated is the belief that a strong determinant of success in this kind of competition in any particular market is the extent to which the various competitors have strong feeder and beyond route systems, from and into which they can funnel passengers over their own operations on the competitive routes.

Quite a different concern is that the competition that ensues will be wasteful; that it will take the form largely of competitive over-scheduling, resulting in poorer load factors. The energy fanatic will translate this prediction into a perceived incompatibility between energy conservation and airline competition; and some financial analysts will translate it into an expectation of wasteful over-investment, accentuated financial weakness, and an inability to raise capital—a somewhat paradoxical scenario, since it clearly makes one wonder how then the companies are going to finance all this excessive investment. In point of fact, however, the entry of competition has in the past had this effect, at least in part: the number of carriers in particular markets does seem to be correlated inversely with load factors.

I will not attempt to assess all these expectations in a priori terms. Instead, I will try to explain how our program takes them into account—is indeed in some ways specifically designed to meet them. I do not pretend to certainty that these precautions will suffice; they will certainly not take the place of intelligent company planning. But in my judgment they, plus the discipline of market competition, should do the job.

1. The best answer to the inefficient entry and operations that are artificially induced by a desire to obtain and to hold a valuable certificate is to diminish and eventually wipe out the scarcity value of the certificate; and the way to do this is to make entry free and permissive. Eliminating the door prize will eliminate that artificial inducement to go through the door; it will also eliminate the

Footnotes at end of article.

incentive to stay inside and engage in uneconomic operations merely in order to hold on to the prize.

2. The best answer I can think of to the differential handicaps to which carriers are subject because of the comparative efficiencies of their existing route systems is to give them freedom to improve those systems by route realignments, new entries and market exists. I do not mean by this to dismiss as unimportant the preexisting advantages and handicaps with which carriers enter the new and more competitive era. Route structure is, indeed, the dominant influence on relative unit costs: the longer the haul, and the greater the traffic density, the lower the costs. But carriers compete over particular routes: the distance and density of traffic between Kansas City or Charlottesville and Washington is no greater or less for carrier A, with a preponderance of long hauls and dense markets on the rest of its system, than for carrier B, with a lot of short hops over sparse routes. Of course, B will worry about A's ability to draw on a deeper purse than it has available to it. But, first, the notion that the larger carriers, with the longer, denser routes, are typically richer than the smaller ones is obviously wildly off the mark. And, second, what reason is there to think that a business will transfer funds from a profitable operation to subsidize ventures in others in which it enjoys no advantage except the possession of more money to lose than its competitors there—particularly if it will itself be subject to the constant threat of entry in the latter markets if it should succeed in driving those competitors out and then attempt to recoup its initial losses?

Moreover, costs also vary significantly among carriers with roughly the same route structures. A statistical analysis made several years ago showed carriers with almost identical route systems but widely differing unit costs, clearly suggesting that differences in efficiency stemming from differences in management quality have at least as important an impact on the relative abilities of different carriers to compete on particular routes as the quality of their overall route structures.

These considerations provide no simple answer, either, to the possibility that free entry will permit the bigger airlines, with ample feeder and beyond operations, to funnel intermediate traffic on competitive routes into their own aircraft, making it impossible for smaller, more specialized carriers to compete on those routes. To the extent this advantage exists, it may represent in part a genuine economy of integration: if a carrier can attract passengers because it gives them single-plane or single-carrier service, that is, at least in part, a genuine social advantage, and one that should weigh favorably in the struggle for competitive success.

But also, experience has already amply demonstrated, if there are such advantages of integration, there are also powerful economies of specialization. A lack of feeder and beyond traffic did not prevent PSA from becoming the dominant carrier in the Los Angeles to San Francisco route, or Southwest Airlines from duplicating that success between Dallas and Houston; and, it is interesting to observe, at least one of Eastern Airlines' most profitable routes is the shuttle between Washington, New York and Boston, in which it has surrendered any possible advantages of single-plane service, feeder or beyond operations. A concentration on turnaround service between a pair of cities will, if true origination and destination traffic between them is sufficiently great, permit optimum scheduling for that single market, without the need for compromises to accommodate a combination of other markets for through flights. It should also permit better on-time performance, by avoiding down the line delays. And, perhaps most important, it permits optimum use of the aircraft best adapted for that particular route—a powerful determinant of costs—whereas a carrier operating a more diversified network has to compromise in order to accommodate the needs of markets of differing sizes or peaking characteristics.

So far as I know there is no objective basis for deciding which of these situations is more likely to prove typical—the one in which the integrated, typically larger carrier can out-compete its more specialized rivals because of the network economies it enjoys from the multi-stop and on-line traffic flows at its command, or the one in which the specialized carrier will have clear advantages. There will undoubtedly be situations of both kinds, with all sorts of gradations and combinations in between: there is no reason to expect most markets to fit neatly into one category or the other. In market after market, carriers of widely varying sizes and degrees of integration co-exist today. I understand that where local service carriers and trunks meet in head to head competition, there is no systematic tendency for the former to have lower load factors than the latter. Perhaps the only conclusion one can and need draw is that under a competitive regime, where all suppliers are free to try to take advantage of the opportunities presented by free entry and exit to augment their advantages and shed their handicaps, and to have their qualifications tested in the marketplace, these various kinds of market situations can be expected to sift themselves out automatically, with various kinds of suppliers emerging successful on the basis of their respective advantages and handicaps in each. I admit to the slightest feeling that this conclusion may be just a little glib, but it seems to me the only one justified by the experience with market competition in this industry and in the economy at large.

Moreover, if we cannot predict how these offsetting advantages and handicaps of the several carriers are likely to work out under a regime of free entry, it seems to me even less likely that we can hope to achieve the most efficient performance of the transportation function by prescribing how the thousands of markets should be served, through a comprehensive regulation of entry. I find it difficult to see how these uncertainties tilt the balance in the direction of a reliance on ignorant regulation in preference to an uncertainly predictable market process.

3. And the answer to the fear of excessive capacity and low load factors, I am convinced, is to reverse the process that produces this kind of wasteful, cost-inflating service competition, by opening the door to price competition. The observation is by now commonplace—and the airline industry is its prime exemplar—that an industry that is deterred from price competition, whether because of oligopolistic self-restraint or by cartel-like controls, will, if there remain incentives to compete, do so instead in service; that if, for one reason or another, price is prevented from falling to marginal cost, then marginal cost will adjust upward to price; and if super-normal profits consequent on restriction of entry cannot be competed away through price reductions, they will be competed away through service rivalry.

Service competition is up to a point desirable: load factors can be too high as well as too low. It is objectionable only where customers are not presented with choices of better and poorer service, with corresponding cost-based differences in price—i.e., when the amount of service provided is not subjected to a market test.

And the solution is already inherent in our program: our particular receptivity to entry accompanied with plans to provide genuinely new low-price options is intended to provide exactly this wider range of choice, and in so doing, to limit cost-inflating service competition to what sufficiently large groups of customers, given a genuine choice, are willing to pay for. Once price competition is possible there is far less need to assume that competitive entry will mean only lower load factors, and wasteful use of fuel; on the contrary, as I will explain more fully in a moment, low-fare options will mean higher breakeven load factors and, therefore, more efficient use of fuel.[7]

Destructive price competition

But may not the competition of low-fare options destroy scheduled service—the very result protective CAB regulation is intended to avert—by causing a loss of business to charters, and/or by the competitive responses of the scheduled carriers so filling their planes as to eliminate the one essential characteristic of such service: the ability of regular fare-paying customers to make reservations on convenient flights on relatively short notice? Is not the flood of discounting that has beset the industry during the last year or so the best demonstration of the threat of destructive price competition?

I do not have the complete answer: any industry that operates on the average at something like 55% of capacity, and whose marginal costs are therefore well below average costs, can never be said to be totally free of this danger. But there are a number of partial answers:

1. First of all, almost all of this industry's markets can support only a single carrier or a few: their natural structure, therefore, is monopolistic or oligopolistic. This kind of structure could still be conducive to highly effective competition if only the government would get out of the way: the ease of potential entry into these individual markets, and the constant threat of its materializing, could well suffice to prevent monopolistic exploitation. Still, that kind of market situation—particularly when exit is likewise easy—is simply not conducive to bitter-end price competition.

Indeed, if I had to decide which is the greater danger, I think it would be that because carriers are few, even in the so-called "competitive" markets, each will take into account the probable responses of its rivals to its fare reductions, and, fearing retaliation, will refrain from initiating any. The carrier with a small share of one market, and therefore with the most to gain and least to lose from a price cut, is likely to be deterred from engaging in all-out price competition there by the likelihood that it will be meeting those same competitors in other markets in which, more than likely, the situation will be reversed. This kind of situation is more conducive to a diplomatic policy of live-and-let-live than to continuous price warfare.[8]

2. This industry has long ago evolved a method of pricing that takes advantage of its low marginal costs while limiting the danger of undermining the entire market. I refer, of course, to the intricate maze of special fares, carefully—but not always successfully, to be sure—defined to avoid spoiling the market for regularly scheduled service while yet picking up the additional traffic, at prices well in excess of marginal cost. Like others, I have tended to regard the complexity and variety of these fares, each with its own set of sadistic restrictions, as an abomination. To some extent I still do. But I recognize that they also represent a rational response to the situation I have described, much superior, from the social standpoint, than no response at all.

I have attempted to analyze the character of these discount fares more fully elsewhere.[9] It probably suffices to observe here, first, that they undoubtedly embody very substantial elements of price discrimination—representing largely successful efforts

Footnotes at end of article.

to reduce prices electively to the price-conscious, demand-elastic customers, while continuing to hold the demand-inelastic passengers to levels reflecting the average costs of operation at something like 55 percent of capacity. But they also represent efforts to tailor the various discount services in such a way as to ensure that they will indeed have the lower marginal costs, both short and long-run, that characterizes the filling of empty seats. Albeit discriminatorily, they embody the basic principles of peak responsibility pricing. This is obviously the case with charters, standbys and conditional reservations. But it is also true of capacity-controlled discount fares: the capacity controls are analogous to the interruptibility of service that enables gas and electric distribution companies to offer extremely low rates for customers who, being willing to suspend taking at times of peak demand, bear no marginal causal responsibility, either short- or long-run, for the incurrence of capacity costs.

There has long been a strain of hostility in the CAB's attitude toward the more obviously discriminatory discount fares (in contrast with clearly off-peak rates and standbys). In part this has merely reflected its conception of its responsibility to protect the industry against price competition, partly out of a legitimate fear that, in an industry part competitive and part regulated, if competitive price reductions to certain groups of customers produce net revenue deficiencies, the Board will be forced to authorize compensating increases in regular fares.

This fear has been reinforced by the view that the long-run marginal cost of discount traffic is no less than of regular traffic, that discount fares are therefore likely to be below long-run marginal cost, and therefore inevitably a drain on net revenues. There are two bases for this view—first, the apparent absence of economies of scale, and, second, the belief that additional discount customers in the long run induce additional scheduling in just the same way as regular farepayers. These two premises, taken together, compel the conclusion that any additional traffic generated by discount fares has the same LRIC as regular traffic, with both being equal to average, fully allocated costs.

Whatever the validity of this logic under some regulatory circumstances, it is invalid under our present regulatory policies. Specifically, the assumption that discount passengers have the same effect on scheduling decisions as regular ones is, I think, simply incredible in the presence of the discount fare adjustment that the Board adopted a few years ago, in order to prevent the recoupment of any net revenue losses from the offer of discount fares through corresponding increases in regular fares. It would be irrational for a carrier to count a half-fare-paying passenger more than half as much as a full-fare customer in inducing it to acquire additional planes or to schedule additional flights. The essential economic implication and consequence of low fares is that, by reducing average net revenue yields per passenger, they raise the break-even load factor—the point at which adding capacity becomes marginally profitable. Unless, therefore, managements are totally irrational—and competition and capital markets have a way of disciplining any such—this means that equipment acquisition and scheduling decisions will reflect those reduced average yields by ensuring continuation of those higher load factors.

3. For this reason, I do not expect intensified price competition to result in the feared disappearance or debilitation of scheduled service. I see the offer of discount fares by the scheduled carriers, with our encouragement and under intelligent management planning, as pushing them toward a new equilibrium of lower average yields, higher load factors, and consequently lower average costs. This equilibrium need not at all be achieved by sparser scheduling: the effect of scheduled airlines taking advantage of the low short- and long-run marginal costs of empty seats should be to improve the viability of scheduled as compared with charter service, and possibly even to permit increased frequency of scheduling, depending on how elastic demand proves to be.

4. Increased competition should make for a leaner, more efficient scheduled operation in more than one way. Filling emtpy seats with discount fares reduces average costs. Even more important, I think, increasing intensity of price competition should exert powerful pressures on airlines, who have for too long been operating in a regime of protectionism and cost-plus pricing, to intensify their efforts to rationalize their operations, hold down input prices, and improve the efficiency with which they use those inputs.

Withal, I do not presume to guarantee you that the industry will be a model of prosperity in the transition to a more intensely competitive regime. May I be permitted to whisper, however that the industry's financial record has not exactly been *eclatant* under the CAB's protection? I cannot believe, in any event, that it requires governmentally-imposed cartelization to make this or any other industry creditworthy. There is something marvelously effective and responsible about a market system, in which whoever seeks to seize an opportunity to profit bears the risk of loss. It does not require an all-powerful government agency to make these investment decisions responsible.

The responsibilities of management—And security analysts

The removal of the protetcive mantle of government places responsibility where it ought to rest: on management, first and foremost, but also on the capital markets and those who run and influence them. It is up to management to start thinking hard and creatively, in order to prepare systematically for the era of increased freedom. With the freedom will come, of course, exposure to uncertainty and danger; but it will also offer new opportunities to the management that is farsighted and bold enough to grasp them.

What kind of thinking and planning? Well, first of all, the managements of the several companies have a responsibility not to believe all of the propaganda that some of them have been issuing about the perils of becoming a part of the free enterprise system, not to panic on the basis of an assumption that while they are sane, their counterparts in other companies may be expected to be insane, and drive them all to mass suicide. Second they must, each of them, soberly assess their companies' strengths and weakness, seeking ways to take advantage of the former and remedy the latter. This means making strenuous efforts to bring their costs under control. It means figuring out in which markets they have or could have an advantage over rivals, actual and potential, and in which they are vulnerable: and making plans to hold on to or enter the former, and either to remedy their vulnerability or get out of the latter. This means examining the quality and price of their offerings in the markets most exposed to entry, with a view to improving them in order to forestall that entry (rather than waiting for it to happen), or to planning for an orderly withdrawal. It means examining the markets in which they enjoy or could enjoy the advantages of integration, in which the advantages of specialization, and adjusting their operations accordingly.

It is up to the capital markets, also, to exercise discrimination; to help managements identify targets of opportunity; to see that capital is provided to the ones who can place their own houses in order and get their costs under control; who can determine what it is they do not do well and cast if off, and what it is that they do or could do well, in markets newly freed-up, and aggressively make and grasp those new opportunities. In this process, I imagine, security analysts could play a vital, creative role. In doing so, you could be doing far more than helping the airline industry; you could help demonstrate something important about the prospects of a market economy.

FOOTNOTES

[1] "Deregulation of Air Transportation: Getting from Here to There," Paper presented at the Northwestern University Transportation Center, November 6, 1977.

[2] Both of these policies are clearly reflected in the high priority we have given to four major route proceedings in which innovative low fare services have been proposed. On Tuesday hearings began in the first of these, the *Chicago-Midway Low-Fare Route Proceeding* (Docket 30277), in which we have set August 1 as the deadline for Board decision (Orders 76–12–149, 77–5–81, and 77–8–10). Last November, we adopted a procedural schedule giving priority to the other three cases (Order 77–11–126). They are the *Transcontinental Low-Fare Route Proceeding* (Docket 30356) (which includes consideration of World Airways' 10-year old application), in which we intend to reach a final decision by March 8, 1979 (Orders 77–1–94, 77–6–23, and 77–11–39); the *California-Nevada Low-Fare Route Proceeding*, scheduled for final decision by April 26, 1979 (Docket 31574, Orders 77–10–136 and 78–1–16); and the *Miami-Luxembourg Low Fare Service Investigation*, October 18, 1979 (Docket 30790). Those of you not familiar with CAB procedures and the rigors of due process cannot begin to appreciate how tight those deadlines really are. Or how clearly their setting reflects our determination to rearrange our business so that applications promising substantial public benefits will be heard as quickly as the law and our staff resources permit. In December we announced a new policy to govern the trial of traditional route cases. In the past, competing applicants have jockeyed for the Board's favor primarily by proposing to offer more service but almost never, God forbid, lower prices. We have determined that the offer or failure to offer lower prices will be an important factor in every route case in determining whether the public convenience and necessity require the award of new or additional authority, and if so, which carrier or carriers should be selected (Order 77–12–50). In January we took another unprecedented step by instituting a route proceeding on our own motion to determine whether the certification of additional carriers is required in the Miami-Los Angeles market on the basis of proposals to offer lower fares (Order 78–1–35). The particular justification in this last case was the fact that the two incumbent carriers have evidently been content to operate at load factors below 40%, reflecting the fact that on long haul rates like these the Board's traditional formula has tended to set fares markedly above average costs.

[3] Opinion of October 21, 1977 at 32 (Docket 25908).

[4] Order 77–11–74, involving the Western Airlines realignment.

[5] Only a few examples of our new approach have reached final decision. In the *Cincinnati-Washington Subpart M Proceeding*, Order 77–10–4, we made multiple nonstop awards in a relatively small market. Just last week we granted permissive authority to one applicant, with a backup award to a second, in the *Phoenix-Des Moines/Milwaukee* route proceding, Order 78–1–116. And at our Board meeting yesterday, we considered the award of authority to two additional carriers—rather than just one as would have been likely in the past—in several major Atlanta markets. *Midwest-Atlanta Competitive Service* case, Docket 28115.

[6] Just last week the Board permitted Braniff's new first class Freedom fares—with discounts of up to 20 per cent from the full fare—to take effect over the objection of American. Order 78–1–108.

[7] We have explicitly spelled out this expectation in setting down our Miami-Los Angeles low fares proceeding (*loc. cit.*), largely *because* of the very low load factors prevailing in that market.

[8] I have observed and documented this tendency in the chemical industry, where an analogous situation prevails, in Walter Adams, (ed.), *The Structure of American Industry* (1st, 2nd and 3rd ed.), New York: Macmillan, 19, and

[9] In the Northwestern University paper, to which I have already referred.

OFF WITH THE SHACKLES

BARRON'S. You've called the airline system—the regulatory system governing the airline industry—unsatisfactory. What's wrong with the industry as it is regulated in the U.S.? And what are the reasons for wanting to change the rules under which carriers operate?

KAHN. I find it difficult to look at the airline industry and say basically that its performance is unsatisfactory. That probably would be quite unreasonable. We get pretty good service. My understanding is that the costs of American airline companies compare very favorably with costs around the world. My main source of dissatisfaction begins by looking at what the regulatory process is, and then I see reflections of these dissatisfactions in the performance of the industry itself.

There are two aspects, at least, of the regulatory process that seem to be pretty close to insane. I surely was not aware before I came here of how pervasive is our intervention, how many, many things I'm asked to do daily that, it seems to me, the government just shouldn't be doing. Before a willing seller and a willing buyer can get together, they must have our permission.

Here's an example of the kind of question that arises every single day. Can an airline pick up celebrities from various points and carry them to an assembly point for a triumphal, pre-inaugural flight? They had to come to us for permission. We permit pre-inaugural flights—celebratory, champagne-drinking flights. In this case, they wanted to pick up people from other cities to bring them to the assembly point. We had to give permission.

Q. Do you have any other examples?

A. Loads of them. May a freight forwarder receive commissions from a cargo carrier? We don't really regulate freight forwarders appreciably. We don't regulate the rates they charge, and it seemed to me that if you believe that the freight market should be competitive or can be effectively competitive, what do we care whether a forwarder gets commissions or not?

To how many travel agents may a tour operator give free passage to inspect an all-inclusive tour? Now, this is a really interesting one that came before us. We were setting rules about how many travel agents could be taken on a charter flight. The question then came up whether the travel agent had to look at and inspect every single stop-off point in the tour package. And the rule is, yes, they must. So, I said, "Why are we regulating this? Do we regulate the prices charged by tour operators?" No, we do not. So why, I said, is this injurious? Well, I was told, because it may take up seats which would otherwise be sold to charter passengers.

But all this means is that the tour operator has to collect a slightly higher price from the people who pay, if he decides he wants to take on travel agents. We don't regulate the price he pays. Why do we care if he gives them free flights? There's no logical answer, except that we've always done it. And if the travel agent gets it, why does he have to look at every one of the hotels? Maybe he's seen one of the hotels in the preceding year. What do we care?

Q. Are there more?

A. Lots more. May an air taxi acquire a 50-seat plane? That one comes to us time and again. We don't regulate air taxis or commuters. Don't get me wrong. The law requires us to make this kind of intervention, but if they see an opportunity to get a slightly bigger plane to use for charter services, why the hell should we be regulating it?

May a supplemental carrier carry horses from Florida to somewhere in the Northeast? I have had five cases since I've come to the Board on carrying horses, in which somebody wants horses carried and somebody else is willing to carry them. You can't carry horses in the belly compartments of ordinary passenger planes. And they have to come to us for permission.

Should we let a scheduled carrier pick up stranded charter customers and carry them on seats that would otherwise be empty, at charter rates? It happens every day. Or how about the air taxi which wants to operate a single round-trip passenger charter flight between two points? We get one of these every day, too. Somebody wants to fly oil equipment to Bahrein. The Bahrein government wants it and they find somebody over here who is willing to carry it. We have to give our okay.

Here's another. A carrier wants to introduce a special fare for skiers. If there's no snow, they'll take them back free. Obviously, we have to regulate that. We had a case with KLM, the Dutch company, which has a subsidiary company. And the question was: is it a deceptive practice for the employees of the subsidiary to wear costumes that look like the costumes of KLM?

We had a cargo carrier that served Indianapolis—Airlift was its name. The Indianapolis airport was under construction, so it couldn't use it. We had to give them consent to go via O'Hare and truck in. On another occasion, a scheduled carrier wanted to fly over—instead of landing at—a city on Saturdays because there weren't five passengers on the average flight. Of course, we have to give consent for them to do so.

And this gives you an idea of the thoroughness and pervasiveness of our regulation. What it means to me is that our market system just can't operate effectively. The essence of a dynamic economy is that the demands are changing all the time. Market opportunities arise. Some horses have to be flown this week but not next week. And to have a great god up here on Connecticut Avenue who has to be consulted on every move, and whose basic statutory instructions are to protect scheduled carriers from competition, it seems to me it sort of fundamentally constipates the market process.

What are the consequences of all this? Well, the fact is the airlines can operate reasonably profitably on the average filling only 55 percent of their planes—only 55 percent, and it's even more extreme in the long-distance markets. In the Miami-to-Los Angeles case, which is before us, we found that the carrier, National, has been operating at an average 37 percent load factor, and yet it keeps operating. Now Western has come in there, and they're both operating in the 30s. Now that, to me, means either they're throwing good money away in uneconomic service—and there's an element of that—or—and I know there's an element of this as well—those rates are so far above cost that they can break even with their planes 37 percent full.

We see markets, intrastate markets, that have been cited ad nauseam, in which carriers have come in with tighter seating configurations, with turnaround service like the Eastern shuttle in the East, and they charge lower fares—Pacific, PSA, on the West Coast, Southwest Airlines in Texas—you know those cases. So we see that the Board and its system of regulations has thwarted competition. It's obstructive. It forces inefficiencies and rigidities on the reaction of carriers. It denies customers the possibility of different price service combinations. By discouraging price competition, it encourages service competition, over-scheduling, luxurious services, high cost. I've observed it in my studies of the oil industry, and you can find it in other industries. If you do not permit price to come down to cost, costs will go up to price. It's as simple as that. The airlines are a perfect example.

Q. Are these the examples you had in mind in that recent speech when you said you'd been called upon to make decisions that no grown man or woman ought to have to make?

A. That's what I'm talking about. At one point I said, "My mother didn't raise me to make decisions like this."

Q. You mentioned recently that airline stocks are now selling at about two-thirds of book. Is this system of regulation responsible, in any large measure, for those depressed prices?

A. It's very easy to be glib about that. I can't guarantee that if you have more competition, less protectionism, if you wipe out these taxi-cab medallions that every carrier has, that there won't be financial stress. Nor can I say that the Board has acted as the grand monopolist and protected them from competing against one another. All I can do is put it backwards.

Q. Go ahead.

A. Okay. It's clear the airlines have not done very well financially under regulation, and you can see the reasons. You limit price competition, you limit entry. But you still encourage competition in some ways, or there is a will to compete for whatever reason, and I'm not entirely certain why it is, but it's clearly a will to compete. Then all that happens is that the possible profits of monopoly get competed away in services, in scheduling, in low load factors. So there's an inherent tendency under the present situation to erode away any of the profits that you think you are protecting by restricting and limiting entry and price competition.

Number two, the government never, that I know of, gives monopoly privileges without demanding something in exchange. What are they demanding in this case? For one thing, limitations on your ability to abandon routes. I don't want to exaggerate, because the airlines have been dropping routes—at least the major trunk carriers have—and local service carriers have been coming in and getting them. Still, there are restrictions on the ability to depart, and that, after all, surely played a major role in killing the railroads.

There also are limitations on your ability to raise prices. There probably is an inherent tendency in regulation to squeeze the companies being regulated, particularly in an industry like airlines that is very susceptible to the business cycle, because there's nothing regulation can do to prevent them from suffering very badly at a time of decline in demand, as in the early 'Seventies. Then what happens when you get recovery is that regulators don't like to raise rates. And where there is a market system, you might get fair flexibility on the upper side to make good on losses on the downside. But you're constantly limiting them. Until I came in, we were professing to set rates on the basis of costs as of the time the rate went into effect, which guarantees in a period of inflation that the returns would always be inadequate.

Q. Couldn't the carriers project anticipated costs?

A. We wouldn't permit them—the Board wouldn't permit them to project. One of the first things I persuaded my fellow Board members to do, which is what I did in New York, was to say, "You've got to use projections if you're going to be honest." Unless, of course, the rate of return doesn't mean anything. And, of course, it's true that 12% is kind of a Pickwickian rate of return.

Then you have so many operating restrictions. It's just like Alice in Wonderland, this business of going from A to X via C, D, E and F, with one-stop, two-stop and three-stop restrictions. Until recently, when the Board has become much more hospitable to route realignments, all sorts of operating rigidities and inefficiencies are forced on these companies.

Number four, there probably is a general tendency where an industry is regulated on the cost-plus basis, and you have restrictions on competition, for labor costs to rise. It's very hard to document that statistically across the economy, but apparently the airline industry is a clear illustration of bargaining for sharp increases in wages. Apparently wages in the industry are well above industry elsewhere. That's why the Pilots Association and the Teamsters are the principal opponents of competition.

Moreover, if you look at the reasons for the relative success, let's say, of a Delta as compared with an Eastern, or a PSA and SWA as compared with a scheduled carrier, you find not that they don't pay union scale, but that they have much fewer productivity restrictions.

My fifth reason is sort of a hypothetical one, which is to say I don't see industries in the economy at large being systematically starved. They seem, in an unregulated situation, more or less to be able to raise capital when they need it. And it isn't surprising that the industries you worry about most in terms of their ability to raise capital are airlines and electric power companies.

Q. The airlines are having trouble now in attracting investment capital.

A. Yes.

Q. And I understand they expect a period of uncertainty, which exists now and may be prolonged, to make that worse.

A. Right, although in the last six months there's been kind of a recognition that they are doing a good deal better. But I agree. The industry is entitled to know what the rules are going to be. So are investors. But the main source of uncertainty is Congress, not us. And there's not much I can do about that. But one of the reasons for the difficulties in raising capital is a temporary one. It's a transitional one. It's not necessarily a demonstration that deregulation will ruin this industry financially. It's rather a demonstration that uncertainty will ruin it.

Q. Would you go, then, for the big-bang approach to change in order to end the period of uncertainty more quickly, or do you prefer gradualism?

A. While I see a good deal of attractiveness in the big-bang theory, all systems are imperfect. I'm terribly worried that total deregulation suddenly would give the competitive market a really bad name. A student of mine, now a professor at MIT, did a study of deregulation of insurance companies in Massachusetts. They took off the controls right away. The result was that within a year rates in one section of Boston trebled, as you would expect in a competitive market. Within a year, total regulation was reimposed.

The airline industry has grown up in a hothouse with all sorts of distortions, all sorts of inefficiencies, with managements that perhaps don't know how to live in a competitive era. I'd like to give them a period of transition. That still could be a big bang. Say, five years from now, everything's off. But I don't write the laws. I can't do that. I'm sort of a pragmatist, I'm living with the law I have, and what I'd like industry to know is what I plan to do in the next two years—that is, when I find out myself.

Q. Are the major pieces of airline legislation pending in Congress big-bang or gradualistic?

A. They're much the same, more gradualistic.

Q. What are the chances of any of those bills becoming law of the land?

A. I really don't know. I guess 50–50.

Q. Do you think there will be a strong Presidential initiative in this session?

A. I would expect it.

Q. But doesn't Mr. Carter have many other things to deal with that have high priority? The Panama Canal, for one.

A. Sure, and the energy bill. But airline deregulation has come to have symbolic importance, in terms of the President's domestic program. And the President really believes quite strongly, I know, and there's no doubting his sincerity, that there's too much regulation and that the government ought to get out of some of this kind of business and restore competition. This is his place to show it. I believe he's likely to put the pressure on.

The question undoubtedly will be raised, "As long as Fred Kahn is at the CAB, and is liberalizing, why do we need a bill?" First of all, this is not false modesty. It really is unfair not to give credit to the people who were here before I came, like G. Joseph Minetti and Lee West, who have been wanting to have more liberal entry, and it was going on under John Robson before I came. But setting the personal aspect aside, I've asked my lawyers to give me a thorough answer to that question. It's a rather delicate thing for us to do because we don't want to admit we can't do anything because we may have to live with this law. So I'm torn. But I aim to go as far as I can with the present law.

Q. Are you saying you can't go as far as you want without legislative change?

A. I'm sure I cannot.

Q. Are the other four members of the Board in agreement with what you're trying to do?

A. Generally, without making distinctions between them, they certainly are. There are strains of the regulatory mentality. But in general, there's no question that a majority, if not all of the members of the Board, are in varying degrees persuaded that we should be moving in the liberalizing direction.

Q. Let's go back to something you said earlier about the airlines' difficulties in raising capital being temporary. Why is that?

A. One important reason for the financial travails of this industry, which were most extreme until about '75, is that, under this present protectionist regime, the carriers acquired a tremendous amount of capacity in the late 'Sixties, largely as a result of the jet revolution, and then the wide-body revolution, on the premise that demand was going to continue to grow at the rates that it had been growing in the 'Sixties. That excess capacity has been hanging over the market all through the 'Seventies.

But I look to the late 'Seventies for a kind of automatic economic correction of that, whether under regulation or under no regulation. The relationship between the demand and capacity is going to improve from the standpoint of the carriers. Load factors have been going up. They will continue to climb. I don't want to sound like a totally naive, free-market person, but there is an economic law that's working out here. Automatically, as we go into the very late 'Seventies and the early 'Eighties, I expect the carriers to both need capital and be able to raise it.

Now, you might say, "Yes, but what if the economy slips into a real depression again and traffic ceases to grow?" All right, returns will go down and the airlines' need for capital will diminish correspondingly. Therefore, the natural phenomena of '76 and '77 are not an aberation, but are in part a consequence of this long-run eroding away of the excess capacity that had been hanging over the industry in the late 'Sixties and early 'Seventies.

Q. If you had to play the prophet here, not by stating what you would like to see exist but what you think will be the conditions, would you look ahead, say, five years to 1983 and sort of describe the industry in terms of the degree of regulation or deregulation, in terms of excess capacity, in terms of profitability?

A. I'll do my best, but I'm very uncomfortable about crystal balls. I believe first that within the next several years we will witness a progressive relaxation of restrictions on entry. That we're going to witness specialized carriers coming into markets with specialized kinds of operations suitable to those markets. But this is going to mean stimulus to traffic through lower fares associated with lower costs. I see, along with this increase in competition, which will stimulate traffic and promote higher load factors, carriers being forced—as well as permitted by us—to look to their existing systems, to realign their route structures.

I will be pushing—I hope with Congress' help—to permit airlines to slough off these restrictions and improve the logic of their route structures and their efficiency, not to have to make costly stops, dropping a jet aircraft down at a little airport to pick up five people. Then, with what I see as an enormous pressure on management, I see an opportunity for enterprising management. Pressure to get their houses in order, to hold down their costs, to find ways of improving productivity, to figure out what parts of their route systems they should be dropping and what restrictions they should be dropping, with the CAB being more and more hospitable to that.

It seems to me it becomes the era of the system planner, the person who says, What makes sense from our point of view? In the freight area, we're already there, or practically. People can now go anywhere that the market asks them to go, and that's just exactly what I'm looking toward. It will be more rigid with scheduled service, but at least you'll have specialized scheduled service, attuned to the particular characteristics of different markets.

Q. Assuming decent management on the part of the airlines, does this mean they will be thriving under the picture you paint?

A. I would think that the good ones will thrive and that the rest won't. That's the way it ought to be.

Q. I've seen some speculation that the well-run, large companies will devour the little ones. Also some opinion that, in fact, perhaps some of the little ones which are operating lean and very cannily might eat into the big ones.

A. I suspect both are going to happen. There will be areas in which the advantages of size and a complicated route structure will confer an advantage. But I see all sorts of niches for relatively small, lean, well-managed operations. In my studies of the oil industry, I found that there were a lot of moderate-size refiners or marketers—relatively small marketers operating in a narrow, specialized geographic area—who could run rings around the major companies. Typically, the largest firms in an industry are not the most profitable. Nor are they in airlines, by the way. American, Eastern, United and TWA certainly don't begin to compare in profitability with Delta or Northwest. Northwest seems to be a very much leaner operation, less bureaucratic, run by a single man who has put the stamp of his personality on the airline.

It's probably a little glib of me to say it, but I think the market will sift it out. I always feel slightly uncomfortable about that,

but that is the way markets work. What makes me feel less uncomfortable about that kind of glib prediction is that I compare it with the alternative, which is for me to sift it out. If I can't even predict how it's going to work out in the market system with the initiative of large numbers of people of different sizes, working it out in different markets, why should I be given the job of enforcing it? If I can't even describe it, why should I be given the job of prescribing it?

HILL WIDENS OLD-AGE AID FOR WOMEN

Mr. ANDERSON. Mr. President, 30 to 50 million American homemakers approach retirement without sufficient financial security. To address this important problem, I introduced S. 1783 last year to make homemakers eligible for individual retirement accounts. The homemaker retirement bill allows homemakers to provide for their own retirement, thus fostering self-reliance and reducing the burden on dwindling social security funds. Most importantly, my bill gives economic value to the work of homemakers.

S. 1783 makes all nonworking spouses eligible for individual retirement accounts (IRA's). An individual who owns an IRA makes annual tax-deferred contributions to a retirement savings fund in amounts up to the lesser of $1,500 or 15 percent of income. Under present law, a couple wishing to establish two IRA's, one for each spouse, must limit combined contributions to $1,750 annually. Under S. 1783, each spouse could contribute up to $1,500 or 15 percent of income each year. At retirement, IRA owners withdraw their IRA funds, usually paying much less in income taxes than if the earnings had been taxed when earned.

The homemaker retirement bill is cosponsored by nine Senators to date. The companion bill in the House of Representatives, Congressman PAUL S. TRIBLE'S H.R. 4649, is cosponsored by 143 Members and is under consideration of the Ways and Means Committee.

Several other proposals addressing the problem of retirement security for homemakers have been made. All of these depend upon the Treasury or the social security system for funding. As you know, Mr. President, the social security funds are being depleted at a rapid rate as the proportion of older Americans in our population is growing. Further reliance upon social security to provide retirement income for homemakers will burden the system unnecessarily since the same result can be accomplished through allowing homemakers to set up their own individual retirement accounts on the basis of their spouses' earnings.

Mr. President, a noteworthy article by Spencer Rich in the Washington Post of January 10, 1978, points out many of the difficulties with the other proposed solutions to the problem of homemaker retirement security. Primary among these is the enormous cost to the taxpayers since additional social security taxes will be necessitated by homemakers' increased eligibility for social security benefits. None of these problems arise with regard to my bill.

I ask unanimous consent that the Post article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HILL WIDENS OLD-AGE AID FOR WOMEN

(By Spencer Rich)

Tucked away in last month's massive Social Security tax bill were two little noticed provisions significantly enlarging women's rights to Social Security benefits.

They deal with delicate subjects on which Congress seldom legislates directly; divorce and remarriage.

And they denote a major convulsion in the entire Social Security system, brought about by the changing role of women in America and the changing structure of the family.

One change will, starting next year, repeal the "living in sin" rule. For a widow over 60 receiving a pension based on her late husband's earnings, this rule cuts her benefits as much as 50 per cent if she remarries. The result: many aged people live together unmarried. Repeal will benefit about 130,000 widows. (It will apply to men, too, but most retire on their own earnings records and aren't penalized for remarriage.)

The second change will allow a divorced wife to receive a pension on reaching retirement age, based on the earnings record of her former husband, as long as the marriage lasted at least 10 years and she doesn't remarry. About 45,000 will benefit. The previous requirement was 20 years, which left many thousands of women high and dry when their marriages broke up just short of the 20-year span. Their only hope was to remarry or to build up some meager Social Security credits of their own by working in the remaining 15 years or so before they reached 62.

Women's groups increasingly are demanding, as one House member put it, that Social Security be "desexed," that it be freed of the attitudes toward women that prevailed when the system was set up in the 1930s.

Despite all the efforts in various areas of national life to give women more independence, the advocates argue, Social Security still treats women largely as economic dependents of men instead of enhancing their freedom.

At a time when 45 per cent of the nation's women are working and divorce is shooting up, Social Security still assumes women don't work and do stay married, they say.

"The Social Security system as it stands today deliberately treats men differently than women, and is possibly the worst example of institutionalized sexism in our society." Eleanor Cutri Smeal, president of the National Organization for Women, told a House Ways and Means subcommittee last summer.

As some of the sex-based distinctions or restrictions, and the "punishments" for divorce and remarriage, are cleared away, the women's groups are shooting for much bigger changes. The goal: far more independence from husbands, and far better Social Security protection.

Under existing law, taxes paid into the system generate entitlement to benefits, and the taxpayer's spouse and children derive benefits from that. The women's groups want some form of wage credit—even if a woman never works a day outside the home—that would entitle her to benefits in her own right, not just the lesser benefits derived from her husband's work record.

This concept was endorsed by the National Women's Conference in Houston last November, is under study in the Department of Health, Education and Welfare, and is expected to be explored by the House subcommittee.

One major proposal, advanced by former Rep. Bella Abzug (D-N.Y.) and Rep. Barbara Jordan (D-Tex.) in different forms, would give a woman who stays home to take care of her children or other relatives a wage credit under Social Security just as if she had worked. The credit might be based on the average wage for women who did work, or on the "economic value of a housewife"—a concept that in 1972 valued the labor of a housewife aged 25–34, for example, at about $6,400 a year.

The cost could be paid by the Treasury (Abzug proposal) or by a tax on the family (Jordan).

This homemaker credit would give every woman her own earnings record, on which she could build when she worked outside the home—for example, after her children were grown.

With her own earnings record, she would be eligible during her early years for some things nonworking women don't get now as derivative benefits—disability insurance with attendant Medicare benefits regardless of age, survivor benefits for any minor children if she dies.

At 62 she could collect a pension in her own right, even if her husband hadn't yet retired. She could divorce her husband when she chose, knowing that her retirement benefits didn't depend on him.

This system would eventually end the basing of wives' and widows' benefits on husbands' earnings; the women would have their own benefit base.

A second major proposal, sponsored by Reps. Don Fraser (D-Minn.) and Martha Keys (D-Kans.), was first pushed to public attention by the Women's Equity Action League, then headed by Fraser's wife Arvonne. It has the support of the National Organization for Women, American Association of University Women, National Council of Catholic Women and other groups, according to a Fraser aide.

It would simply split a couple's total wages between husband and wife for Social Security crediting purposes. If a husband made $12,000 a year and his wife nothing, each would be credited with $6,000. If he made $8,000, and she made $4,000, again they'd each get $6,000 credits.

This plan would have the same advantages to the wife as the homemakers credit: independence, entitlement to disability benefits and children's benefits, creation of a continuous work record.

Both these plans have some severe problems in common.

The wife's broadened eligibility—particularly for disability benefits—and her continuous earnings record would probably mean much higher costs for the overall Social Security system. Workers are already groaning about the much higher taxes voted last month.

The homemaker credit, according to former Social Security Commissioner Robert Ball, presents some problems "to which there are no good answers." For example: How big should the credit be? Should a working wife who also takes care of the house get it too? Who pays? What about a working husband who does half the housework in a two-worker family? Should the credit be compulsory or voluntary?

A problem with the Fraser plan is that benefits for a couple could end up lower than now. Under present law, a man who makes $12,000 retiring in 1979 gets $5,090 in annual benefits, plus another "free" 50 per cent if he has an aged dependent wife, for a total of $7,640.

However, if he split the $12,000 50-50 with his wife, the two benefits based on $6,000 would total only $6,350. Another version of the Fraser plan has a higher benefit but is correspondingly more expensive.

Ball, discussing the plan in his forthcoming book "Social Security Today and Tomorrow," foresees considerable worker resistance to automatically crediting a wife with half a wage. (In case of divorce, for example,

the husband who actually earned the money would end up much worse off than now. Instead of $5,090 he would only get $3,170.)

A third proposal, originally advanced by ex-Rep. Martha W. Griffiths (D-Mich.), deals with a different problem: the fact that a working woman may pay into Social Security for years yet earn a benefit lower than the extra "free" 50 per cent that any woman can obtain simply by being married to a man who retires on his own earnings record.

These working women have repeatedly complained that if they can get a higher benefit free just by being married, then all their contributions over the years are not buying them anything. They might as well not pay in.

The Griffiths proposal, and several similar ones, would simply allow a two-earner family to unite their earnings and then get the same 150 per cent couples' benefit they would obtain if the entire earnings were the husband's. This would mean higher benefits for many couples.

Ball, discussing this problem, said that a woman with her own entitlement isn't buying "nothing" just because her retirement benefit may be low. Rather, she is buying all the things that the Abzug-Jordan and Fraser proposals would provide her.

The current dispute over homemaker credits, wage-credit splitting and "cheated working wives" has its roots in the origins of the Social Security system.

In 1939 and 1940, when dependents and survivor benefits were added to Social Security, only 25 per cent of all women above the mid-teens and 14 per cent of all married women were working. Therefore, said Ball in an interview, the only possible way to protect women against loss of income in old age was to anchor their benefits to husbands' wage records.

In the intervening years there has been a revolution in women's work habits. Today, about 45 per cent of all women are working. The divorce rate has doubled. Women's life expectancy, which was 65 years in 1940 compared to about 61 for men, has jumped to about 76 compared to 68 for men.

However, women's labor tends to be more intermittent. They take time out for childbearing. They earn less (the median was $10,301 in 1976 for all male workers, only $4,296 for all female; for full-time year-round workers the figures were $13,455 for men and $8,099 for women.

Because of their intermittent work, at lower-paying jobs, most women collect less than men when retiring on their own Social Security earnings records. Many women's groups say this is unfair.

Yet some Social Security experts believe that, with all its apparent inequities, the system is doing a good job and shouldn't be tampered with too much.

They point out, for example, that about 95 per cent of all elderly persons are receiving benefits of some type. Even though many are widows or wives capitalizing on husbands' earnings, the point is that most are covered and are receiving income protection. That is the real objective of the system.

Almost every plan for improving women's benefits would cost much more, or reduce someone else's benefits when the system is under attack as already too costly.

Also according to Ball's forthcoming book women pay 28 per cent of the costs and get 54 per cent of the benefits.

Says one expert who doesn't think the inequities are as great as many women's groups contend: "The real impetus for the Fraser and homemaker bills is to let the women say, 'I have my own pension plan. To hell with you, I'm leaving.' "

THE PRACTICAL IMPORTANCE OF THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, I have often spoken out about the symbolic importance of passing the Genocide Treaty. I would like to take this time to emphasize that this treaty also has great practical significance which should not be overlooked.

After the Nuremberg war trials, there was a recognition that the grounds under which individuals could be tried for the crime of genocide should be clarified. Since the United States was built on a foundation of laws, it was natural for us to lead the way in drafting the Genocide Convention. Worldwide acceptance of the treaty would formalize what had been implicitly acknowledged during the war trials, that individuals could be held responsible for crimes committed against certain groups.

It is now 30 years later. Shockingly, we have failed to ratify this treaty, to proclaim before the world the moral outrage which all Americans feel toward the conscious destruction of other groups of individuals through prejudice and ignorance.

If we are to exercise any moral leadership in the future, we must transform this outrage into a written condemnation. We must put into law what we feel in our hearts. We must ratify the Genocide Treaty immediately.

JAMES BRYANT CONANT: A HARVARD MAN FOR ALL SEASONS

Mr. BROOKE. Mr. President, there are men who lead lives of such extraordinary scope, whose historical accomplishments defy categorization, whose record of success fills so vast a canvas, as to render them impossible of conventional eulogizing.

Such men need no eulogy; their achievements speak volumes.

In an age of specialists, James Bryant Conant was a renaissance man. Chemistry remained his premier infatuation. His boyhood experiments with his mother's soap compelled his father to build a rudimentary laboratory on the side of the Conant home in Dorchester. In later years, the young academician's experiments with chlorophyll made him a Nobel Prize candidate.

Still later, President Conant's scientific abilities formed the cornerstone of Project Manhattan, an integral partner in the creation of mankind's most awesome weapon, Conant lay face down in an advance trench when the first atomic bomb exploded over a New Mexico desert on July 16, 1945.

Grateful as he was that the bomb sped up war's end, saving hundreds of thousands of American lives in the process, Dr. Conant repudiated pride as an inappropriate response.

"I have never been one of those," he told later questioners, "who thought the use of atomic energy for peaceful purposes held such potential benefits for the human race that we should all rejoice at the discovery of atomic fission. To my mind, the potentialities for destruction are so awesome as to outweigh by far all the imaginable gains that may accrue in the distant future when atomic plants may exist all over the world."

In this instance, as so often, Dr. Conant combined the compassion of the New England humanist tradition with the dry genius of the chemist.

Dr. Conant was the son of a photoengraver, born in Dorchester. He earned a Harvard doctorate at the age of 23. He was one of the youngest men ever to hold the Harvard presidency, and he acquitted himself nobly in the footsteps of Stoughton and Eliot and Lowell. He presided over a Harvard wracked by domestic political upheaval. In the years of the depression, when so many American institutions suffered the frustrations common to middle age and exploded dreams, Dr. Conant took a rich man's college and gave it to the people.

Under Dr. Conant, a national scholarship program brought to Cambridge outstanding scholars, without regard to their financial circumstances.

Dr. Conant's Harvard refused to withdraw into its rich traditions when people half a globe away were trampled under by dictators whose vision of the educational process differed from his as tyranny differs from freedom. Conant made no secret of his satisfaction when the corporation rejected the offer of a scholarship to enable a Harvard student to see firsthand the supposed glories of "the new Germany."

That same courage propelled the president into battle a generation later, when some in America sought to subvert education at Harvard and elsewhere, confusing intellectual inquiry and free speech with some vague, never-substantiated threat to the Republic's stability.

James Conant understood that such men, even when well intentioned, represent a far graver threat to our liberties than the dissidents they denounce. His defense of academic freedom at Harvard and a thousand other American campuses was a highlight in the history of America's oldest college.

Conant left Massachusetts Hall in 1953 to serve as High Commissioner, then Ambassador, to West Germany. He played a major role transforming an international pariah into a responsible—and respected—member of the world community.

Late in life, Dr. Conant turned his attention to the weaknesses of American education. He was among the first to advocate the principle of racial balance in our classrooms, holding true to the principles of equality that had characterized his presidency, and ennobled his public life.

In his last class report, President Conant wrote that—

> Concern with American education is likely to remain with me . . . as long as I can write and talk.

That was an understatement, a twist of irony that is as much a part of New England as Robert Frost's landscapes and Cotton Mather's denunciations and Harvard itself.

It will be difficult to stroll through the Old Yard in the years ahead and not imagine his tall, spare frame striding toward University Hall or Widener, the eyes intense behind wire-rimmed glasses.

His voice will come back to us whenever we seek academic courage to ward off the selfish instincts of political predators, and we will be grateful that Harvard University chose him to guide her through the stormy decades that were the bloodiest, most turbulent years of the Christian era.

Anyone who loves America's oldest college, or who venerate intellectual accomplishment profound in its ramifications, or who knew James Bryant Conant; anyone concerned with education and the excellence to which American minds aspire, knows we are poorer for this passing.

To his colleagues in Cambridge, and to his widow and family, I extend my condolences on their loss—and my congratulations for having shared in so triumphant a life.

ENERGY COSTS DRIVE INFLATION

Mr. KENNEDY. Mr. President, while inflation is typically thought to result from too many dollars chasing too few goods where cartel-enforced prices are a fact of life, inflation is quite a different matter. In an interview in the February 20 Washington Star Dr. Gar Alperovitz, director of Exploratory Project for Economic Alternatives, suggests that it is time the United States takes steps to insulate its people from the ruinous effect of inflation in the cost of basic necessities such as food, health, and energy, particularly where cartel-set prices are the source of the problem.

Mr. Alperovitz and the exploratory project are making an excellent contribution to the discussion of economic issues, as this interview illustrates. I particularly commend the interview and the reports of the project to the Senate because they alert us to the continuing need to deal with the regressive nature of our tax and energy policies.

I ask unanimous consent that the interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

A NEW LOOK AT ECONOMIC REALITIES

Question. There have been a number of recurring problems the economy has faced. Various proposals have been tried and have failed. Is there anything that really can be done to solve problems in an economy the size of ours?

ALPEROVITZ. Yes. We can make changes but it requires us to recognize that we are entering a dramatically new economic era. The postwar boom is over. We're into a situation where the old solutions won't really apply. Capital problems, shortages of basic raw materials, productivity slowdown, jolts we've been getting from the climate—these are in a dramatically new ear. Above all, the United States is no longer in the dominant position it was after World War II so we're going to need solutions appropriate to the new era.

Q. Your organization has been conducting studies on various aspects of the situation. Have you come up with any sense of direction to new solutions?

A. Yes, in a number of areas. Take inflation, which is one of the most powerful and pervasive. It is very clear to us that the old solutions are obsolete. Much of the inflation which bothers the average family is in the basic necessities of life—health, energy, shelter. The reality there is that the source of the inflation has not derived significantly from labor costs. We can have all sorts of budget cutting but we won't be getting at the heart of the matter.

Q. What is the heart of the matter?

A. Well, as for energy, everyone realizes that with Arab policies, shortages and linking our price levels domestically to the world economy, it is a major, dramatic source of inflation. Unless we can break that linkage, particularly on the necessities of life, we will continue to allow the Arab tail to wag the American dog. So that our whole inflation cycle, the ripple effect and everything coming after it will continue if the Arabs hit us with another 5 or 10 percent rise. It's dramatic to me how lucky the Carter administration has been so far in the restraint of the Arabs. But we are very, very vulnerable. Unless we are willing to go at pricing and energy policies in a different way, we are likely to hit this cycle once more.

Q. Do you believe one of our main aims should be to get away from oil, to nuclear or solar power?

A. Yes. We've got to develop new, renewable sources of power, particularly. We've really got to develop a three-part program. One is to develop renewable sources of energy dramatically—and I would emphasize solar and not nuclear. Secondly, use direct measures to conserve basic energy. Instead of allowing the price of gasoline to go up 25 or 30 cents, directly prohibit or eliminate gas guzzlers. That's a basic principle. And thirdly, stabilize the price for necessity users of energy. Heating oil in the winter in New England is a necessity use, the price of gasoline or petroleum for private yachts is not. So we have to have a split-level pricing system that clearly distinguishes between what is important and what is not.

Q. Is that feasible to develop? Aren't there gray areas?

A. Yes, there are gray areas. But when you look at what is a necessity to most families—heating oil, drive-to-work, gasoline, basic electrical utility use—that's the heart of the matter for the vast majority of American families. You can draw the line pretty carefully and pretty clearly as to what's an obvious necessity. There is the intermediate area where a great deal of debate is required, but that's not the significant part.

Q. Wouldn't this take an even larger government bureaucracy to handle?

A. That's the most interesting thing: The question of government bureaucracy is already resolved. We have a huge bureaucracy in the government managing the energy industry. No one expects the government to get out of the energy business. The real question is whose benefits is it going to serve—the major oil companies or the average consumer or the next generation which needs conservation? Whether we like it or not, we've resolved the question of whether the government's going to be involved; the question is whether it's going to be for good or bad.

Q. Unemployment is a major factor in the economy. What do you think of the Humphrey-Hawkins bill approach?

A. The Humphrey-Hawkins bill in its present form is a very limited and generalized concept. We could put some real teeth in it by implementing it beyond this. Or we could avoid the trap of targeting it in on the inflation question which I think some in the House and Senate may very well do. It's a vehicle which takes us in the right direction but we've got a lot of improvement to do.

Q. What actually is the effect of unemployment on the economy, the gross national product?

A. If you look at virtually all the other advanced industrial countries in the world and take a look at their employment records and inflation records in the post-war years, you find that most countries were running unemployment figures below 2 percent for long periods of time. If we had been able to do that for the past 20 years, we would have generated vast excess sums which could have been translated into public programs, which could have been used for tax relief.

Q. Would this have been a net profit, considering the inflation rate that accompanies high employment?

A. Well, it depends on whether we had simultaneously stabilized our inflation rates. But the basic answer is yes. In the new economic era we are entering, the trade-off between inflation and unemployment is increasingly a non-fact. You can lower the levels of unemployment dramatically hoping to stem inflation and if the Arabs boost the price of energy—which has no relationship to employment—you still have inflation. World food prices will go up, and this has no relationship to the U.S. employment situation but it will raise inflation.

Q. What do you think of the Carter economic policies so far?

A. They've been extremely mild, in many ways extremely cautious and they've been operating in a context which has been quite fortuitous for the administration. They have not been hit by any major shocker. They could very well have been. They also have been very conservative in that they have not been willing to spend money on the things that society needs to stimulate the economy. Instead, tax relief or reduction—the most conservative way of using overall economic policy—has been the Carter administration's primary slant. Now, they do attempt on the margins of economic policy to reform in small ways, if possible, some parts of the tax package which is a move in the right direction. But in the larger issues it's been very cautious and, by and large, very conservative.

Q. In what areas do you feel more money should be spent?

A. It would be very easy for us to list what our railroad needs are, our mass transit needs, our solar needs, our pollution control devices. Those are self-evident. There would be no objection, indeed many advantages in accelerating our investment in these things that we'll be doing anyway and using that to stimulate the economy. This would be killing at least two or maybe three birds with the same stone. We meet some of our needs that are well defined, we'd stimulate the economy and in the cases at least of mass transit, rail and solar, we'd be taking a good cut at the energy problem.

Q. Tax reform measures have come both from the Congress and the administration. From the individual's point of view, what do you think of the proposals so far?

A. They are very modest on the reform end. They have not dealt with very many of the major areas of reform that the president talked about during the campaign. By and large, that was left out. If you look then at a much smaller package, there are some small gains at the lower end of the income distribution, there are large benefits for the corporations. There are tiny tokens taken at such things as expense account luncheons which in the big picture are not the heart of the matter.

Q. How about from the small business point of view?

A. Early on in the administration, there was some sign that the president was taking a strong position in favor of the nation's 14 million small businesses and that he understood the great, great difference between their needs and those of the Fortune

500. Of late, it appears that the president is listening much, much more to the large business leaders and is not taking up the issues facing the nation's small businesses. The average small businessman is facing difficulty in getting capital. He also has difficulty in getting access to local markets. He's having difficulty with government paperwork, regulations and tax policy as well. A strong policy favoring the small and medium-sized businessman could be very advantageous, could be healthy to innovation and healthy to communities.

Q. How do you see the impact of the government on the marketplace?

A. The old issue of big government and small government is really obsolete. Everyone recognizes that government is gigantic and when you press even the most conservative people on this issue, everyone understands that we're really not going to turn history back. Involvement in the economy is with us. Once you recognize that, the question really is: Who benefits? The vast majority of the consumers on the one hand or the giant oil companies? Are we going to have policies that benefit communities of America and stabilize their local economies or are we going to have corporations which hop-scotch around from the North to the South? The question is what goals can we set that are positive rather than negative.

LITHUANIAN INDEPENDENCE DAY

Mr. LUGAR. Mr. President, I am pleased at this time to recognize Lithuanian Independence Day, and to pay tribute to a proud people whose history as a nation dates back over 700 years.

In 1978, we celebrate the 60th anniversary of the Lithuanian Declaration of Independence, following years of domination by Czarist Russia. Denied their own literature for over a century, the Lithuanian people passed on from generation to generation their history and culture in song and spoken word.

This same indomitable spirit has sustained the Lithuanian people through 38 years of Soviet occupation. They also enjoy both the support of Lithuanian Americans, who continue to keep alive their people's culture and struggle, and a growing awareness among the world community of their plight.

The struggle of the Lithuanians is the struggle of all peoples whose human rights are denied or threatened by foreign domination. We should take up our part in that struggle and demand that the Soviet Union fulfill its commitment to uphold the International Covenants on Human Rights and to meet its obligations under the final act of the Conference on Security and Cooperation in Europe.

Mr. President, I join with the Lithuanian community in Indiana and across our country in reaffirming support for the people of Lithuania.

ENERGY COSTS AND THE POOR

Mr. KENNEDY. Mr. President, in the midst of another severe winter and at a time when we await a resolution of the deadlocked energy conference, it is well to consider again how energy costs affect our least affluent citizens.

Lester Thurow, a professor of economics and management at the Massachusetts Institute of Technology, has conducted the definitive study to date on how rising energy costs touch the lives of Americans at all income levels. In testimony given before the Joint Economic Committee on May 25, Thurow said the poorest 10 percent of all housholds spend almost 30 percent of their entire budget to pay for energy while the richest 10 percent pay only a little 4 percent of their income.

"As a result, any increase in the price of energy will cause a reduction in real living standards that is seven times as large for the poorest decile as it is for the richest decile," Thurow said. "A 50-percent increase in the price of energy would, for example. lower real living standards 14.9 percent for the poorest decile and only 2.1 percent for the richest decile," he pointed out.

Thurow also testified that the best way to offset the rise in energy prices and achieve economic justice is to insure that no American pay more than the average family for energy, a step which can be taken by employing a "vanishing energy tax credit." The Congress has not faced squarely the effect of rising energy costs on the poor and most do so in the future. Mr. Thurow's testimony will be valuable to the Congress for years to come.

I ask unanimous consent that the testimony of Mr. Lester Thurow before the Joint Economic Commitee, May 25, 1977, be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF LESTER C. THUROW, PROFESSOR OF ECONOMICS AND MANAGEMENT, MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Mr. THUROW. Senator, your staff asked me if I would comment on a slightly different set of topics.

If the President's program were to go through as announced, what would be the distributional aspects of the program? Whose income would go down and by how much?

If you analyze the direct household consumption of energy in 1976, it indicates that direct energy consumption is highly regressive. As a proportion of before-tax incomes, energy consumption falls dramatically as incomes rise; and you can see that in table 1 of my prepared statement.

The poorest 10 percent of all households, any household with an income less than approximately $3,000 per year, spend 20.2 percent of their budget on home energy consumption and almost 10 percent of their budget on gasoline. As a consequence, almost 30 percent of their entire budget goes to paying for energy.

In contrast, if you look at the richest 10 percent of all households, which are households which have an income above $30,000 per year, this group spends only 2 percent of their income on home energy consumption and only 2.2 percent on gasoline and oil for a total energy consumption of a little over 4 percent of their income. As a result, any increase in the price of energy will cause a reduction in real living standards that is seven times as large for the poorest decile as it is for the richest decile. A 50-percent increase in the price of energy would, for example, lower real living standards 14.9 percent for the poorest decile and only 2.1 percent for the richest decile.

The average American household spends 3.8 percent of its income on home energy consumption and 3.6 percent of its income on gasoline consumption, for total energy consumption of 7.4 percent. Thus, a 50-percent increase in the price of energy would reduce its real living standard by 3.7 percent.

The data in table 2 of my prepared statement show the same breakdown by region of the country. Home energy consumption varies from 4.5 percent of household income in the Northeast to 2.3 percent of household income in the West. Gasoline consumption varies from 4.0 percent of household income in the South to 3.3 percent of household income in the Northeast.

Overall, direct household energy consumption ranges from 8.9 percent in the Northeast to 6.0 percent in the West. Somewhat surprisingly because the South consumes a lot of gasoline, uses air-conditioning extensively, and has a lower average income level than the rest of the country, the South is not a low energy region. Relative to its income, it consumes more energy than both the North and North Central regions of the country. As a result, a 50-percent increase in the price of energy would cut real standards of living by 4.5 percent in the Northeast, 3.5 percent in the North Central, 4.0 percent in the South and 3.0 percent in the West.

According to the estimates of "Data Research", the President's energy proposals, shown in table 3 of my prepared statement, would raise gasoline prices by 57 percent from 1976 to 1980. Such an increase would cut the real standard of living of the poorest decile by 5.5 percent, the real standard of living of the richest decile by 1.3 percent, and the real standard of living of the average American by 2.1 percent.

The effects that flow through home energy consumption will depend upon what fuel is being used. From 1976 to 1980, electricity is scheduled to rise by 31 percent—7 percent per year—residential natural gas by 36 percent—8 percent per year—and home heating oil by 49 percent—10.5 percent per year.

What will happen to the individual consumer will depend upon what he uses to heat his home with and what his public utility uses to generate electricity. If we assume that this averages to a 40-percent price hike for home energy, then the poorest decile will find its real standard of living cut by 8.1 percent, the richest by 0.8 percent, and the average American will find his real standard of living cut by 1.5 percent.

Given a 57-percent increase in gasoline prices and a 40-percent increase in home energy prices, the overall cuts in standards of living will range from 13.6 percent for the poorest decile to 2.1 percent for the richest decile, with an average cut of 3.6 percent.

In addition to direct purchases of energy, households also purchase energy indirectly in everything that they buy. Based on updated 1967 input-output data, table 4 of my prepared statement indicates the total energy requirements that are necessary to deliver one dollar's worth of product in a few selected areas.

Since consumption falls as a percentage of income as incomes rise, and since an increase in the price of energy is equivalent to a proportional tax on consumption, the indirect price effects are also more severe on low-income individuals. An industrial energy price hike of 80 percent lowers average real incomes by 2.5 percent, the income of the poorest 10 percent by 4.3 percent, and the income of the richest 10 percent by 1 percent.

If this average indirect real income reduction of 2.5 percent is combined with the average direct real income cut of 3.6 percent, then the average household will find its real income cut by 6.1 percent overall. The poorest 10 percent finds their real incomes reduced 17.9 percent and the richest 10 percent finds their real incomes reduced 3.1 percent.

Since the growth of real standards of living is determined by the rate of growth of productivity, real family incomes could be expected to grow about 3 percent per year in the next 4 years. As a result, about half of the expected growth in real incomes over the next 4 years will be offset by higher

energy prices for a family with an average income that derives none of its income from the energy industry.

Since higher energy prices are merely a transfer of income as far as the economy as a whole is concerned, the real income of the average family—including families that receive income from the energy industry—would not be affected. This is only true to the extent that the higher prices are not paid to foreigners.

Given a 3-percent growth in real incomes, a household in the richest decile with no energy sources of income offsets its losses in 1 year. In contrast, a household in the poorest decile requires almost 6 years of normal income growth to regain 1976 real standards of living. Upper income families are also much more likely to own energy resources and thus to counterbalance consumption price increases with energy income increases.

NEEDED—A RECYCLING OF ENERGY PRICE INCREASES

The energy area is a classic test case of whether we can combine the efficiencies of market price incentives while maintaining some degree of equity in the division of sacrifices. To lower demands for energy efficiently, consumers need to be faced with the full costs of energy. Yet a policy which proposes to alleviate the energy problem by cutting the real incomes of the poorest 10 percent of the population by 18 percent and the richest 10 percent by 3 percent would hardly seem an equitable sharing of sacrifices.

If we are looking at a family that gets no income from energy-related industries, the average American family will devote 2 years out of every 4 to offsetting the price of energy, the richest percent will devote 1 year out of 4 to offset the growth, and the poorest percent will have to spend the next 6 years recouping their position from the President's energy proposals.

If you look at these cuts, it seems to me they indicate that the whole question of recycling revenue is not a trivial one that can be ignored. If you are talking about cutting real incomes at the bottom by 18 percent and real incomes at the top by 3 percent, there is a Government responsibility to have some kind of safety net at the bottom.

There are a variety of techniques for doing that. Some people have suggested reconstituting food stamps as necessity stamps and allowing households to buy energy with them. Other people have called for vanishing energy tax credits and others call for the lifeline concept where you buy energy at some low cost and energy above that level is at full cost.

Each of these proposals has merits and demerits, but the vanishing energy tax credit would seem to be the most efficient method for income recycling. The lifeline concept should probably be ruled out on the grounds that any income supplement should be embedded in the Government's budget rather than hidden in a below-market price subsidy in the private economy.

Given the difficulties and time lags in welfare reform, an augmented "necessity stamp" would probably be too time consuming to implement. The only real problem with a tax credit is getting the credit to those families whose incomes are so low that they do not bother to file an income tax form. I suspect, however, that if a little publicity was given to the fact that a tax rebate check was there waiting for most low-income families, these families would quickly learn to file an income tax form.

If a vanishing energy tax credit were adopted, at what level should it be set and where should it vanish? Basically this is a question to which there are no economic answers. It depends upon your judgment as to what extent low-income households should be asked to sacrifice. One possibility would be to design a credit so that no income class is asked to make a sacrifice larger than that made by the average American family. This would mean that the credit would vanish at the median income and be set to keep any family's real income reductions from exceeding 6.1 percent.

Thank you.

Senator HUMPHREY. Wow! [Laughter.]

That is tremendous testimony. It will take a day or so for me to read that over again.

Thank you, Mr. Thurow.

[The prepared statement of Mr. Thurow follows:]

PREPARED STATEMENT OF LESTER C. THUROW

DISTRIBUTIONAL IMPACTS OF CARTER ENERGY PROPOSAL

Analysis of direct household consumption of energy for 1976 indicates that direct energy consumption is highly regressive. As a proportion of before-tax incomes, energy consumption falls dramatically as incomes rise (see Table 1). The poorest 10 percent of all households (a household with an income less than approximately $3,000 per year) spend 20.2 percent of their budget on home energy consumption and 9.6 percent of their budget on gasoline. As a consequence, almost 30 percent of their budget goes to paying for energy. In contrast, the richest 10 percent of all households (a household with an income above approximately $30,000 per year) spend only 2.0 percent of their income on home energy consumption and 2.2 percent of their income on gasoline, for total energy consumption of 4.2 percent of their income.

TABLE 1.—DIRECT 1976 HOUSEHOLD ENERGY CONSUMPTION AS A PERCENTAGE OF BEFORE TAX INCOME

Decile	Home energy consumption	Gasoline consumption	Total
1st	20.2	9.6	29.8
2d	10.4	5.8	16.2
3d	7.4	5.6	13.0
4th	5.6	5.2	10.8
5th	4.7	4.8	9.5
6th	3.9	4.5	8.4
7th	3.9	3.8	7.7
8th	3.3	3.7	7.0
9th	3.0	3.1	6.1
10th	2.0	2.2	4.2
Total	3.8	3.6	7.4

TABLE 2.—DIRECT HOUSEHOLD ENERGY CONSUMPTION BY REGION—1976

[In percent]

Region	Home energy consumption	Gasoline consumption	Total
Northeast	4.5	3.3	8.9
North central	3.3	3.7	7.0
South	3.9	4.0	7.9
West	2.3	3.7	6.0

Note: estimated from national income and product account totals for 1976 and household data from "Consumer Expenditure Survey Series: Diary Survey, 1973," USDL report 448-2.

As a result, any increase in the price of energy will cause a reduction in real living standards that is 7 times as large for the poorest decile as it is for the richest decile. A 50 percent increase in the price of energy would, for example, lower real living standards 14.9 percent for the poorest decile and only 2.1 percent for the richest decile.

The average American household spends 3.8 percent of its income on home energy consumption and 3.6 percent of its income on gasoline consumption, for total energy consumption of 7.4 percent. Thus, a 50 percent increase in the price of energy would reduce its real living standard by 3.7 percent.

The data in Table 2 shows the same breakdown by region of the country. Home energy consumption varies from 4.5 percent of household income in the Northeast to 2.3 percent of household income in the West. Gasoline consumption varies from 4.0 percent of household income in the South to 3.3 percent of household income in the Northeast. Overall, direct household energy consumption ranges from 8.9 percent in the Northeast to 6.0 percent in the West. Because the South consumes a lot of gasoline, uses air conditioning extensively, and has a lower average income level than the rest of the country, the South is not a low energy using region. Relative to its income, it consumes more energy than both the West and Northcentral regions of the country. As a result, a 50 percent increase in the price of energy would cut real standards of living by 4.5 percent in the Northeast, 3.5 percent in the Northcentral, 4.0 percent in the South, and 3.0 percent in the West.

According to the estimates of Data Resources, the President's energy proposals (see Table 3) would raise gasoline prices by 57 percent from 1976 to 1980. Such an increase would cut the real standard of living of the poorest decile by 5.5 percent, the real standard of living of the richest decile by 1.3 percent, and the real standard of living of the average American by 2.1 percent.

TABLE 3.—ANNUAL PERCENT CHANGES IN ENERGY PRICES—DRI ESTIMATES

	1976–80	1980–85	1985–90
Oil:			
Average domestic crude	12.9	6.9	7.1
Residual fuel	16.1	7.9	6.4
Distillate fuel	10.5	6.2	6.5
Gasoline	12.0	9.1	5.7
Natural gas:			
Interstate contract	13.2	13.4	8.4
Average residential	8.4	10.1	7.0
Average industrial	24.4	10.8	8.1
Contract coal price	7.1	5.8	4.9
Average residential electricity	6.9	4.4	4.1

Source: "The Data Resources Review," May 1977, p. 1.10.

The effects that flow through home energy consumption will depend upon what fuel is being used. From 1976 to 1980, electricity is scheduled to rise by 31 percent (7 percent per year), residential natural gas by 36 percent (8 percent per year), and home heating oil by 49 percent (10.5 percent per year). What will happen to the individual consumer will depend upon what he uses to heat his home with and what his public utility uses to generate electricity. If we assume that this averages out to a 40 percent price hike for home energy, then the poorest decile will find its real standard of living cut by 8.1 percent, the richest decile will find its real standard of living cut by 0.8 percent, and the average American wil find his real standard of living cut by 1.5 percent.

Given a 57 percent increase in gasoline prices and a 40 percent increase in home energy prices, the overall cuts in standards of living will range from 13.6 percent for the poorest decile to 2.1 percent for the richest decile, with an average cut of 3.6 percent.

Based on the average regional consumption of energy, a 57 percent increase in gasoline prices and a 40 percent increase in home energy prices results in a 3.7 percent cut in real incomes in the Northeast, a 3.4 percent cut in the Northcentral, a 3.9 percent cut in the South, and a 3.0 percent cut in the West.

In addition to direct purchases of energy, households also purchase energy indirectly in everything that they buy. Based on updated 1967 input-output data, Table 4 indicates the total energy requiremnets that are necessary to deliver one dollar's worth of product in a few selected areas. Each $1 worth of food, for example, contains 2.52 cents worth of energy, while each $1 worth of footwear contains 1.46 cents worth of energy. If industrial energy prices rise 82 percent, and the average product embodies 3.0 cents worth

of energy per dollar of final demand, real standards of living would fall by 2.5 percent through this indirect effect.

Since consumption falls as a percentage of income as incomes rise, and since an increase in the price of energy is equivalent to a proportional tax on consumption, the indirect price effects are also more severe on low income individuals. An industrial energy price hike that lowers average real incomes by 2.5 percent would lower the income of the poorest 10 percent by 4.3 percent and the income of the richest 10 percent by 1.0 percent.

TABLE 4.—*Total energy requirement (direct and indirect) per dollar of delivery to final demand*

New construction	3.15
Food and kindred products	2.52
Apparel	1.83
Household furniture	1.88
Plastics and synthetic materials	6.91
Footwear and leather products	1.46
Household appliances	2.28
Motor vehicles and equipment	2.26
Hotels, personal, and repair services except autos	2.16
Amusements	1.18
Medical, educational services, and nonprofits	1.65
Federal Government	3.41
State and local government	5.97

Source: Survey of Current Business, February 1974, pp. 50–55; 1967 input-output data updated to 1976 prices.

If this average indirect real income reduction 2.5 percent in combined with the average direct real income cut of 3.6 percent, then the average household will find its real income cut by 6.1 percent overall. The poorest 10 percent finds their real incomes reduced 17.9 percent and the richest 10 percent finds their real incomes reduced 3.1 percent.

Since the growth of real standards of living is determined by the rate of growth of productivity, real family incomes could be expected to grow about 3 percent per year in the next 4 years. As a result, about half of the expected growth in real incomes over the next 4 years will be offset by higher energy prices for a family with an average income that derives none of its income from the energy industry. Since higher energy prices are merely a transfer of income as far as the economy as a whole is concerned, the real income of the average family (including families that receive income from the energy industry) would not be affected. (This is only true to the extent that the higher prices are not paid to foreigners.)

Given a 3 percent growth in real incomes, a household in the richest decile with no energy sources of income offsets its losses in one year. In contrast, a household in the poorest decile requires almost 6 years of normal income growth to return to 1976 real standards of living. Upper income families are also much more likely to own energy resources and thus to counter balance consumption price increases with energy income increases.

NEEDED: A RECYCLING OF ENERGY PRICE INCREASES

The energy area is a classic test case of whether we can combine the efficiencies of market price incentives while maintaining some degree of equity in the division of sacrifices. To lower demands for energy efficiently, consumers need to be faced with the full costs of energy. Yet a policy which proposes to alleviate the energy problem by cutting the real incomes of the poorest 10 percent of the population by 18 percent while cutting the real incomes of the richest 10 percent of the population by 3 percent would hardly seem and equitable sharing of sacrifices. To reduce demands while fairly sharing sacrifices, some portion of the revenue generated by the price hikes needs to be recycled to the lowest income groups. There are a variety of techniques for carrying out such a recycling.

One possibility would be to reconstitute food stamps as "necessity stamps" and allow them to be used to purchase food, energy, and perhaps housing. Some part of the extra energy revenues would be diverted to the new necessity stamps and benefit levels could be raised accordingly.

Another possibility would be to introduce a "vanishing energy tax credit" into the income tax. This credit would be set so as to offset the real income effects for the lowest income groups and then gradually fall to zero at whatever income level was desired. Those in the income classes between the full offset and the zero point would find part of their real income cuts offset by a tax credit.

Yet a third option is the "lifeline" concept often talked about in the case of electricity. Every family would be issued some minimum allotment of energy coupons that would entitle them to buy enough energy to survive at some fixed below-market price. Any energy consumption above this minimum would be priced at market or above market rates to discourage consumption.

Each of these three proposals has merits and demerits, but the vanishing energy tax credit would seem to be the most efficient method for income recycling. The lifeline concept should probably be ruled out on the grounds that any income supplement should be embedded in the government's budget rather than hidden in a below-market price subsidy in the private economy. Given the difficulties and time lags in welfare reform, an augmented "necessity stamp" would probbably be too time consuming to implement. The only real problem with a tax credit is getting the credit to those families whose incomes are so low that they do not bother to file an income tax form. I suspect, however, that if a little publicity was given to the fact that a tax rebate check was there waiting for most low income families, these families would quickly learn to file an income tax form.

Any recycling of energy revenues has two additional economic effects that must be considered. Some of the revenue that is returned to low income families will be spent on energy, and thus the energy cut-backs will not be as large as anticipated. To offset this effect energy price increases would have to be slightly higher than had otherwise been programmed. Secondly, to the extent that energy revenue is recycled, producer incentives are reduced. This objection is partially met in the Carter energy proposals by allowing marginal (new) sources of energy to be sold at market prices while holding old sources of energy below market prices. In the short-run extra production incentives are also not as important as they are in the long-run. Given the very sharp increases in the prices of old energy, producers have had a very sharp increase in their incentives to produce energy. This is clearly seen in the profits of energy companies. As a result, in the short-run increases in the supplies of energy are more dominated by inevitable time lags in bringing production on-line rather than in any lack of incentives. Extra production incentives above those now being offered would probably have very little impact on the pace of new energy production. Thus, recycling could probably occur with very little impact on production incentives for a number of years.

If a vanishing energy tax credit were adopted, at what level should it be set and where should it vanish? Basically this is a question to which there are no economic answers. It depends upon your judgment as to what extent low income households should be asked to sacrifice. One possibility would be to design a credit so that no income class is asked to make a sacrifice larger than that made by the average American family. This would mean that the credit would vanish at the median income and be set to keep any family's real income reductions from exceeding 6.1 percent.

RETIREMENT OF MORELLA HANSEN

Mr. SPARKMAN. Mr. President, today is the last day before the retirement of Miss Morella Hansen, a professional staff member of the Committee on Foreign Relations. Morella has served the committee ably for more than 30 years.

Throughout her long and loyal service, Morella has been a key adviser to committee members on a broad range of subjects. Because of her experience and keen grasp of detail, she has long been the committee's unofficial historian and its "institutional memory."

Morella has a great talent for research. One of her last projects was the preparation of a background document, published as a committee print, on the Senate's role in the treaty ratification process. This compilation of precedents and practices in the Senate's handling of treaties, prepared primarily as background for the Senate's consideration of the Panama Canal treaties, has drawn many favorable comments from Members and staff of the Senate, officials of the executive branch and members of the legal profession. This excellent paper typifies the careful, thoughtful effort that Morella has put into every assignment.

The committee and the Senate will lose a dedicated public servant with her retirement. On behalf of all of the members of the committee, I extend best wishes for an interesting and enjoyable retirement.

I ask unanimous consent that there be printed in the RECORD a resolution adopted by the committee concerning her service.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

COMMITTEE RESOLUTION

Whereas, for three decades Morella Hansen has served the Committee on Foreign Relations with distinction under six Chairmen; and

Whereas, throughout she has provided the Committee with invaluable staff support on a wide range of issues and problems; and

Whereas, Morella Hansen is retiring from the Committee staff; and

Whereas, her advice and counsel will be greatly missed:

Now, therefore be it

Resolved, That the Committee on Foreign Relations expresses to Morella Hansen its deep appreciation for her dedicated service to the Senate and the Nation, and be it further

Resolved, That the Committee extends to Morella Hansen its best wishes for the future.

Done at Washington, D.C., this 1st day of January, 1978.

JOHN SPARKMAN, *Chairman.*
FRANK CHURCH.
CLAIBORNE PELL.
GEORGE MCGOVERN.
HUBERT H. HUMPHREY.
DICK CLARK.
JOSEPH R. BIDEN, JR.
JOHN GLENN.
RICHARD (DICK) STONE.
PAUL S. SARBANES.
CLIFFORD P. CASE.
JACOB K. JAVITS.
JAMES B. PEARSON.
CHARLES H. PERCY.
ROBERT P. GRIFFIN.
HOWARD H. BAKER, JR.

UPDATED LIST OF TRILATERAL COMMISSION MEMBERS

Mr. GOLDWATER. Mr. President, on February 10, I placed in the RECORD material describing the origin and nature of the Trilateral Commission, which I have suggested may have had an unknown influence on the development of the Panama Canal Treaty. At that time, I mentioned that if an updated list of the membership were known, I suspected it would carry the names of many members of the Carter administration.

Mr. President, I have now obtained such an updated list which includes the names of all North American members, primarily United States, but some Canadian, members of the Commission, current to October 25, 1977. The list also contains the identity of European members of the Commission up to October 25, 1977, and the names of Japanese members current to November 28, 1977.

In addition, Mr. President, the list carries the names of former North American and European members of the Commission, who entered public positions. It is interesting to note that 18 former Trilateral Commission members became officials of the highest rank in the Carter administration.

Mr. President, in order that this information may be more easily available to the general public, I ask unanimous consent to print in the RECORD a 14-page list of the membership of the Trilateral Commission as it stood in late 1977.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TRILATERAL COMMISSION

I. NORTH AMERICAN MEMBERS

(October 25, 1977)

*I. W. Abel, Former President, United Steelworkers of America.

David M. Abshire, Georgetown University Center for Strategic and International Studies.

Gardner Ackley, Henry Carter Adams University Professor of Political Economy, University of Michigan.

Graham Allison, Dean, Public Policy Program, John F. Kennedy School of Government, Harvard University.

Doris Anderson, Editor, Chatelaine Magazine.

John B. Anderson, House of Representatives.

Ernest C. Arbuckle, Chairman, Wells Fargo Bank.

Anne Armstrong, Former U.S. Ambassador to Great Britain.

J. Paul Austin, Chairman, The Coca-Cola Company.

George W. Ball, Senior Partner, Lehman Brothers.

Michel Belanger, President, Provincial Bank of Canada.

*Robert W. Bonner, Q.C., Chairman, British Columbia Hydro.

John Brademas, House of Representatives.

Andrew Brimmer, President, Brimmer & Company, Inc.

William E. Brock III, Chairman, Republican National Committee.

George Bush, Former Director of Central Intelligence.

Sol Chaikin, President, International Ladies Garment Workers Union.

William S. Cohen, House of Representatives.

*Executive Committee.

*William T. Coleman, Jr., Senior Partner, O'Melveny and Myers, former Secretary of Transportation.

Barber B. Conable, Jr., House of Representatives.

Alan Cranston, United States Senate.

John C. Culver, United States Senate.

Gerald L. Curtis, Director, East Asian Institute, Columbia University.

Lloyd N. Cutler, Partner, Wilmer Cutler & Pickering.

John C. Danforth, United States Senate.

Emmett Dedmon, Vice President and Editorial Director, Field Enterprises, Inc.

Louis A. Desrochers, Partner, McCuaig and Desrochers, Edmonton.

Peter Dobell, Director, Parliamentary Centre for Foreign Affairs and Foreign Trade, Ottawa.

Hedley Donovan, Editor-in-Chief, Time Inc.

Claude A. Edwards, Member, Public Service Staff Relations Board; former President, Public Service Alliance of Canada.

Daniel J. Evans, Former Governor of Washington; President, The Evergreen State College.

Gordon Fairweather, Chief Commissioner, Canadian Human Rights Commission.

Thomas S. Foley, House of Representatives.

George S. Franklin, Coordinator, The Trilateral Commission; former Executive Director, Council on Foreign Relations.

Donald M. Fraser, House of Representatives.

William A. Hewitt, Chairman, Deere & Company.

Alan Hockin, Executive Vice President, Toronto-Dominion Bank.

Hendrik S. Houthakker, Henry Lee Professor of Economics, Harvard University.

Thomas L. Hughes, President, Carnegie Endowment for International Peace.

*Robert S. Ingersoll, Deputy Chairman of the Board of Trustees, The University of Chicago; former Deputy Secretary of State.

Edgar F. Kaiser, Jr., President & Chief Executive Officer, Kaiser Resources, Ltd.

Michael Kirby, Jr., President, Institute for Research on Public Policy, Montreal.

Lane Kirkland, Secretary-Treasurer, AFL–CIO.

*Henry Kissinger, Former Secretary of State.

Sol M. Linowitz, Co-Negotiator for Panama Canal Treaty.

*Bruce K. MacLaury, President, The Brookings Institution.

Paul W. McCracken, Edmund Ezra Day Professor of Business Administration, University of Michigan.

Arjay Miller, Dean, Graduate School of Business Stanford University.

Lee L. Morgan, President, Caterpillar Tractor Company.

Kenneth D. Naden, President, National Council of Farmer Cooperatives.

*Henry Owen, Director, Foreign Policy Studies Program, The Brookings Institution.

David Packard, Chairman, Hewlett-Packard Company.

Gerald L. Parsky, Former Assistant Secretary of the Treasury for International Affairs.

William R. Pearce, Vice President, Cargill Incorporated.

John H. Perkins, President, Continential Illinois National Bank & Trust Company.

Peter G. Peterson, Chairman, Lehman Brothers.

Edwin O. Reischauer, University Professor and Director of Japan Institute, Harvard University; former Ambassador to Japan.

*Charles W. Robinson, Senior Managing Director, Kuhn, Loeb & Company; former Deputy Secretary of State.

*David Rockefeller, Chairman, Chase Manhattan Bank, N.A.

John D. Rockefeller, IV, Governor of West Virginia.

Robert V. Roosa, Partner, Brown Bros., Harriman & Company.

*William M. Roth, Roth Properties.

William V. Roth, Jr., United States Senate.

John C. Sawhill, President, New York University.

Henry B. Schacht, President, Cummins Engine Company.

*William W. Scranton, Former Governor of Pennsylvania; former Ambassador to the United Nations.

*Mitchell Sharp, Member of Parliament; former Minister of External Affairs.

Mark Shepherd, Jr., Chairman, Texas Instruments, Incorporated.

Edson W. Spencer, President and Chief Executive Officer, Honeywell Inc.

Maurice F. Strong, Chairman and President, Petro-Canada.

Robert Taft, Jr., Partner, Taft, Stettinius & Hollister.

Arthur R. Taylor.

James R. Thompson, Governor of Illinois.

Russell E. Train, Former Administrator, Environmental Protection Agency.

Philip H. Trezise, Former Assistant Secretary of State for Economic Affairs.

Paul A. Volcker, President, Federal Reserve Bank of New York.

Martin J. Ward, President, United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States and Canada.

Glenn E. Watts, President, Communications Workers of America.

Caspar W. Weinberger, Vice President and General Counsel, Bechtel Corporation.

George Weyerhaeuser, President and Chief Executive officer, Weyerhaeuser Company.

Marina v. N. Whitman, Distinguished Public Service Professor of Economics, University of Pittsburgh.

Carroll L. Wilson, Mitsui Professor in Problems of Contemporary Technology, Alfred P. Sloan School of Management; Director, Workshop on Alternative Energy Strategies, MIT.

II. FORMER NORTH AMERICAN MEMBERS IN PUBLIC SERVICE

Lucy Wilson Benson, Under Secretary of State for Security Assistance.

W. Michael Blumenthal, Secretary of the Treasury.

Robert R. Bowie, Deputy Director of Intelligence for National Estimates.

Harold Brown, Secretary of Defense.

Zbigniew Brzezinski, Assistant to the President for National Security Affairs.

Jimmy Carter, President of the United States.

Warren Christopher, Deputy Secretary of State.

Richard N. Cooper, Under Secretary of State for Economic Affairs.

Richard N. Gardner, Ambassador to Italy.

Richard Holbrooke, Assistant Secretary of State for East Asian and Pacific Affairs.

Claude Masson, Head, Division of Planning and Research, Department of Trade and Commerce.

Walter F. Mondale, Vice President of the United States.

Jean-Luc Pepin, P.C., Chairman of the Anti-Inflation Board of Canada.

Elliot L. Richardson, Ambassador at Large with Responsibility for UN Law of the Sea Conference.

Gerald C. Smith, Ambassador at Large for Non-Proliferation Matters.

Anthony M. Solomon, Under Secretary of the Treasury for Monetary Affairs.

Cyrus R. Vance, Secretary of State.

Paul C. Warnke, Director, Arms Control and Disarmament Agency; Chief Disarmament Negotiator.

Andrew Young, Ambassador to the United Nations.

III. EUROPEAN MEMBERS (OCTOBER 25, 1977)

*Giovanni Agnelli, President, FIAT.
*P. Nyboe Andersen, Member of Danish Parliament.
Piero Bassetti, Chamber of Deputies, Rome.
*Georges Berthoin, Former Chief Representative of the Commission of the European Communities to the United Kingdom.
*Kurt Birrenbach, President, German Foreign Policy Association; President, Thyssen Stiftung.
René Bonety, Advisor, Economic Research Department, French Electricity Board.
*Henrik N. Boon, Former Dutch Ambassador to NATO and Italy.
Guido Carli, President, Confindustria; former Governor, Bank of Italy.
Jean-Claude Casanova, Professor, Institute of Political Studies, Paris.
Umberto Colombo, Former Director-General, Research & Development Division, Montedison.
Guido Colonna di Paliano, President, La Rinascente; former Member of the Commission of the European Communities.
Francesco Compagna, Chamber of Deputies, Rome.
Michel, Crépeau, Member, French National Assembly; Mayor of La Rochelle.
The Earl of Cromer, Advisor to Baring Bros. & Co., Ltd., former British Ambassador to the United States.
Michel Debatisse, Chairman, French National Farmers Union.
*Paul Delouvrier, Chairman, French Electricity Board.
Barry Desmond, Member of Lower House, Irish Republic.
Jean Dromer, Président, Banque Internationale pour l'Afrique Occidentale.
Francois Duchêne, Director, Centre for Contemporary European Studies, University of Sussex.
G. Eastwood, General Secretary, The Association of Patternmakers & Allied Craftsmen, London.
Horst Ehmke, Deputy Leader of the Parliamentary Fraction of the Social Democratic Party; former Minister of Justice.
Pierre Esteva, Administrateur Directeur Général, Union des Assurances de Paris.
*Baron Léon Lambert, Président, Compagnie Bruxelees Lambert pour La Finance et l'Industrie.
Arrigo Levi, Director, La Stampa, Turin.
Mark Littman, Deputy Chairman, British Steel Corporation.
Richard Löwenthal, Professor Emeritus, Univeristy of Berlin.
*Roderick MacFarquhar, Member of British Parliament.
Robert Marjolin, Former Vice President of the Commission of the European Communities.
Roger Martin, Président, Compagnie Saint-Gobain Pont-à-Mousson.
Reginald Maulding, Member of British Parliament; former Cabinet Minister.
Cesare Merlini, Director, Institute for International Affairs, Rome.
Alwin Münchmeyer, President German Banking Federation.
Preben Munthe, Professor of Economics, Oslo University; Official Chief Negotiator in Negotiations between Labor Unions and Industry.
Dan Murphy, Secretary-General of the Civil Service Executive Union, Dublin.
Karl-Heinz Narjes, Member of the Bundestag.
Friederich A. Neuman, Chairman, State Association, Industrial Employers Societies, North-Rhine Westphalia.
*Egidio Ortona, President, Honeywell Information Systems Italy; former Italian Ambassador to the United States.
Bernard Pagezy, Président Directeur Général, Sociétés d'Assurances du Groupe de Paris.
Sir John Pilcher, Former British Ambassador to Japan.
Jean Rey, Ministre d'Etat; Chairman, Sofina; former President of the Commission of the European Communities.
Julian Ridsdale, Member of the British Parliament; Chairman, Anglo-Japanese Parliamentary Group.
Sir Frank Roberts, Advisory Director, Unilever Ltd.; Advisor on International Affairs, Lloyd's of London; former British Ambassador to Germany and the Soviet Union.
*Mary T. W. Robinson, Member of Senate, Irish Republic.
M. H. Fisher, Editor-in-Chief, *Financial Times*.
Garrett Fitzgerald, Head of the Fine Gael Party; former Foreign Minister of Ireland.
René Foch, Member of Executive Committee, Parti des Républicains Indépendants.
Francesco Forte, President, Tescon, S.p.A., Rome.
Jacques de Fouchier, Président, Compagnie Financiére de Paris et des Pays-Bas.
*Michel Gaudet, Président, Fédération Francaise des Sociétés d'Assurances.
Sir Reay Geddes, Chairman, Dunlop Holdings, Ltd.
Giuseppe Glisenti, President, Director General, Radio Audizione Italiana.
Ronald Grierson, Director, General Electric Co., Ltd.
Lord Harlech, Chairman, Harlech Television; former British Ambassador to the United States.
Hans Hartwig, President, German Association for Wholesale and Foreign Trade.
Bernard Hayhoe, Member of British Parliament.
Jozef P. Houthuys, Chairman, Belgian Confederation of Christian Trade Unions.
Horst K. Jannott, Chairman, Board of Directors, Munich Reinsurance Society.
Daniel E. Janssen, Administrateur Délégué and Directeur Général, Belgian Chemical Union.
Hans-Jürgen Junghans, Members of the Bundestag.
Karl Kaiser, Director, Research Institute of the German Society for Foreign Policy.
Sir Kenneth Keith, Chairman, Rolls Royce Ltd.
Henry Keswick, Chairman, Matheson & Company, Ltd.
Michael Killeen, Managing Director, Industrial Development Authority of the Irish Republic.
Sir Arthur Knight, Chairman, Courtaulds Ltd.
Max Kohnstamm, President, European University Institute, Florence.
Erwin Kristoffersen, Director, International Division, German Federation of Trade Unions.
Sir Frederick Warner, Director, Guinness Peat Group Ltd; former British Ambassador to Japan.
Luc Wauters, Chairman, Kredietbank, Brussels.
Edmund Wellenstein, Former Director for External Affairs, Commission of European Communities.
Kenneth Whitaker, Former Governor of the Central Bank of Ireland.
Alan Lee Williams, Members of British Parliament.
Otto Wolff von Amerongen, President, Otto Wolff A. G., Cologne; President, German Federation of Trade and Industry.
*Sir Philip de Zulueta, Chairman, Antony Gibbs Holdings Ltd.

IV. FORMER EUROPEAN MEMBERS IN PUBLIC SERVICE

Svend Auken, Minister of Labor, Denmark.
Raymond Barre, Prime Minister and Finance Minister, French Republic
Herbert Ehrenberg, Minister of Labor and Social Affairs, Federal Republic of Germany.
Marc Eyskens, Belgian State Secretary for Flemish Regional Economy.
Jean-Philippe Lecat, Presidential Spokesman, French Republic.
Count Otto Lambsdorff, Minister of Economics, Germany.
Evan Luard, Parliamentary Under Secretary of State for the British Foreign Office.
Michael O'Kennedy, Foreign Minister of Ireland.
Henri Simonet, Foreign Minister of Belgium.
Thorvald Stoltenberg, Secretary of State, Norweigian Ministry of Foreign Affairs.
Olaf Sund, Senator for Labor and Social Affairs, Land Government of Berlin.
Sir Eric Roll, Chairman, S.G. Warburg and Co., Ltd.
W. E. Scherpenhuijsen Rom, Chairman, Board of Directors, Nederlandsche Middenstandsbank, N.V.
John Roper, Member of British Parliament.
Francoise de Rose, Ambassadeur de France; Président Directeur Général Société Nouvelle Pathé Cinéma.
Baron Edmond de Rothschild, Président, Compagnie Financiére Holding, Paris.
John C. Sanness, Director, Norwegian Institute of International Affairs.
Ivo Samkalden, Former Mayor of Amsterdam.
Gerhard Schröder, Member of the Bundestag; former Foreign Minister of the Federal Republic of Germany.
Erik Seidenfaden, Directeur de la Fondation Danoise, Institut Universitaire International de Paris.
Federico Sensi, President, INGENS, Spa.
Roger Seydoux, Ambassadeur de France; Président, Banque de Madagascar et des Comores; Président, Fondation de France.
Lord Shakleton, Deputy Chairman, Rio Tinto-Zinc Corporation, Ltd., London.
Andrew Schonfield, Director, Royal Institute of International Affairs.
Hans-Günther Sohl, Chairman of the Board, August Thyssen Hütte A.G.
Theo Sommer, Editor-in-Chief, *Die Zeit*.
Myles Staunton, Member of Lower House, Irish Republic.
G. R. Storry, St. Antony's College, Oxford (Far East Centre).
J. K. Swire, Chairman, John Swire and Sons, Ltd.
*Otto Grieg Tidemand, Shipowner; former Norwegian Minister of Defense and Minister of Economic Affairs.
A. F. Tuke, Chairman, Barclays Bank International Ltd.
Heinz-Oskar Vetter, Chairman, German Federation of Trade Unions.
Paolo Vittorelli, Director, *Avanti;* former Member of Italian Parliament.

V. JAPANESE MEMBERS (NOVEMBER 23, 1977)

Isao Amagi, Advisor to the Minister of Education; former Vice Minister of Education.
Yoshiya Ariyoshi, Chairman, Nippon Yusen Kaisha.
Shizuo Asada, President, Japan Air Lines.
Yoshishige Ashihara, Chairman, Kansai Electric Power Company, Inc.
Toshiwo Doko, President, Japan Federation of Economic Organizations (Keidanren).
Jun Eto, Professor, Tokyo Institute of Technology.
Shinkichi Eto, Professor of International Relations, Tokyo University.
*Chujiro Fujino, Chairman, Mitsubishi Corporation.
Shintaro Fukushima, President, Kyodo News Service.
Noboru Gotoh, President, TOKYU Corporation.
Toru Hagiwara, Advisor to the Minister of Foreign Affairs, former Ambassador to France.
Sumio Hara, Chairman, Bank of Tokyo, Ltd.

*Yukitaka Haraguchi, Chairman, Central Executive Committee, All Japan Federation of Metal Mine Labor Unions.

Norishige Hasegawa, President, Sumitomo Chemical Company, Ltd.

Teru Hidaka, Chairman, Yamaichi Securities Company, Ltd.

Gen Hirose, President, Nihon Insurance Co., Ltd.

Hideo Hori, President, Employment Promotion Projects Corporation.

Shozo Hotta, Chairman, Sumitomo Bank, Ltd.

Hosai Hyuga, Chairman, Sumitomo Metal Industries, Ltd.

Shinichi Ichimura, Professor of Economics, Kyoto University.

Yoshizo Ikeda, President, Mitsui & Co., Ltd.

Hiroki Imazato, Chairman, Nippon Seiko K.K.

Yoshihiro Inayama, Chairman, Nippon Steel Corporation.

Kaoru Inouye, Chairman, Dai-Ichi Kangyo Bank, Ltd.

Rokuro Ishikawa, Executive Vice President, Kajima Corporation.

Tadao Ishikawa, Professor, Department of Political Science, Keio University.

Joji Itakura, President, The Mitsui Bank, Ltd.

Yoshizane Iwasa, Chairman, Japan-U.S. Economic Council.

Motoo Kaji, Professor of Economics, Tokyo University.

Fuji Kamiya, Director, Institute of Modern International Relations, Keio University.

*Yusuke Kashiwagi, President, Bank of Tokyo, Ltd.; former Special Advisor to the Minister of Finance.

Koichi Kato, Member of the Diet.

Ryoichi Kawai, President, Komatsu, Ltd.

Katsuji Kawamata, Chairman, Nissan Motor Company, Ltd.

Kiichiro Kitaura, President, Nomura Securities Company, Ltd.

Koji Kobayashi, President, Nippon Electric Company, Ltd.

Kenichiro Komai, Chairman, Hitachi, Ltd.

Shinichi Kondo, Former Ambassador to Canada.

Fumihiko Kono, Counsellor, Mitsubishi Heavy Industries, Ltd.

Masataka Kosaka, Professor, Faculty of Law, Kyoto University.

Fumihiko Maki, Principal Partner, Maki and Associates, Design, Planning and Development.

Shigeharu Matsumoto, Chairman, International House of Japan, Inc.

Daigo Miyado, Chairman, The Sanwa Bank, Ltd.

*Kiichi Miyazawa, Member of the Diet; former Minister of Foreign Affairs.

Akio Morita, President, SONY Corporation.

Takashi Mukaibo, President, Tokyo University.

*Kinhide Mushakoji, Vice Rector, United Nations University; Professor of Political Science, Sophia University.

Norihiko Nagai, Executive Director, Mitsui O.S.K. Lines.

Yonosuke Nagai, Professor of Political Science, Tokyo Institute of Technology.

Shigeo Nagano, President, Japan Chamber of Commerce and Industry.

Eiichi Nagasue, Member of the Diet.

Toshio Nakamura, President, Mitsubishi Bank, Ltd.

Ichiro Nakayama, President, Japan Institute of Labor.

Sohei Nakayama, Counselor, Industrial Bank of Japan.

Akira Ogata, Chief News Commentator, Japan Broadcasting Corporation.

Yoshihisa Ohjimi, Executive Vice President, Arabian Oil Company, Ltd.; former Vice Minister of International Trade and Industry.

*Saburo Okita, President, Overseas Economic Cooperation Fund.

Kiichi Saeki, President, Nomura Research Institute of Technology and Economics.

Kunihiko Sasaki, Chairman, Fuji Bank, Ltd.

Yukio Shibayama, President, Sumitomo Shoji Kaisha, K.K.

Yoshihito Shimada, President, Takahashi Foundation; former President Japan Petroleum Development Corporation.

Tatsuo Shoda, Chairman, The Nippon Fudosan Bank, Ltd.

Toshisuke Sugiura, President, The Long Term Credit Bank of Japan, Ltd.

*Ryuji Takeuchi, Advisor to the Minister for Foreign Affairs; former Ambassador to the United States.

Eiji Toyoda, President, Toyota Motor Company, Ltd.

Seiki Tozaki, President, Itoh & Co., Ltd.

Seiji Tsutsumi, President, Seibu Department Store, Inc.

Kogoro Uemura, Honorary President, Japan Federation of Economic Organizations (Keidanren).

Tadao Umesao, Director, National Museum or Ethnology.

*Nobuhiko Ushiba, Advisor to the Minister for Foreign Affairs; former Ambassador to the United States.

Shogo Watanabe, Chairman, Nikko Securities Company, Ltd.

*Takeshi Watanabe, Chairman, Trident International Finance Ltd., Hong Kong; former President, Asian Development Bank.

Eme Yamashita, Former Vice Minister of International Trade and Industry.

Kizo Yasui, Chairman, Toray Industries Inc.

CONTROLLING NUCLEAR TECHNOLOGY: THE LESSONS OF COSMOS 954

Mr. CRANSTON. Mr. President, we are all thankful that the Soviet nuclear-powered satellite, Cosmos 954, did not crash into a densely populated area. But, even in the remote expanses of northern Canada, two persons investigating the crash were contaminated with dangerous radiation from the satellite's reactor.

On the positive side, the crash prompted a thoughtful editorial by James Reston, entitled "The Lessons of That Unguided Missile." Mr. Reston notes that despite the sophisticated technology and expert scientists dedicated to monitoring equipment in space, no one could predict even which continent would receive the unwelcome visitor.

James Reston concludes that—

(W)hat the accident of Cosmos 954 has done is that it dramatized, at least for officials in Washington, the weakness of present national and international controls of atomic energy, and the imperative need for new nuclear regulations among the nations on earth, in space, and under the seas.

Mr. President, it is indeed unfortunate that we need such a dramatic example of the necessity for effective international control of atomic energy. Some progress has been made in controlling nuclear technology, such as the Nuclear Non-Proliferation Act of 1978, which will help insure that peaceful nuclear exports of any nation do not contribute to proliferation of nuclear weapons. Yet, there is much more to be done.

As the crash of the Soviet nuclear-powered satellite illustrates existing regulations and international agreements do not adequately protect us from many potential nuclear dangers. The Outer Space Treaty of 1967 bans "all nuclear weapons or other kinds of weapons of mass destruction," but does not preclude nuclear-powered satellites or facilities in space, such as Cosmos 954. Nor does the present treaty ban antisatellite weapons.

The Carter administration has initiated negotiations with the Soviet Union to go beyond this treaty and to ban antisatellite weapons. In the wake of the Cosmos 954 crash, the President has also proposed a ban on nuclear reactors in space and, at the minimum, improved cooperation and information-sharing with the Soviet Union on space activities.

I am certain my colleagues join me in strong support for efforts to control the applications of nuclear technology—in James Reston's words—"on Earth, in space, and under the seas."

Mr. President, I ask unanimous consent that the text of Mr. Reston's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LESSONS OF THAT UNGUIDED MISSILE

(By James Reston)

WASHINGTON.—Every once in a while something happens here, usually by accident, to startle the nations of the world out of their narrow differences and remind them of their common dangers.

The latest example was that unguided or disobedient Soviet satellite that crashed with its deadly radioactive fumes and wastes into the lonely Northwest Territories of Canada.

It could have come down anywhere in the terrestrial world. All the atomic nations that monitor satellite traffic in outer space were not sure that it would land in lonely or densely populated areas. In fact, with all their fancy modern gear, they couldn't even predict the continent where it would come down.

"Early on the morning of the 24th (of January)," President Carter said at his news conference of January 30, "I was notified that the satellite would enter the atmosphere quite early. We did not know whether it would hit between Hawaii, or on a very high curve up to the northern part of Canada, or the western coast of Africa, because sometimes satellites can skip from one place to another as they enter the atmosphere."

His use of the word "skip" tells us something about the atomic world of space where our children may live.

It is clearly going to be a quite different world, requiring wholly new rules. "One-two-three-O'Lerry, skip here, skip there, guess where? And down it comes, maybe in Hawaii, maybe in Canada, maybe in Africa, who knows?" The untold story is what was going on in Washington, Moscow, London and the other atomic capitals at that time.

The first point is that anybody can shoot anything on any orbit into space, and while everybody can be threatened, nobody is directing traffic.

The second point is that the Soviets were really not very helpful. On the 12th of January President Carter personally decided to notify the Soviet Union that Washington was aware that the satellite was getting out of control.

This was done in a private conversation with Anatoly Dobrynin, the Soviet ambas-

sador in Washington. Dobrynin replied, according to the highest officials here, that there was nothing to worry about, that Cosmos 954 was "designed" to "disintegrate" as it came back into the earth's atmosphere and that there was no "possibility" of an explosion.

Carter and the task force he set up in the White House as early as the 19th of last December were not satisfied with Dobrynin's assurances, and asked for details about the fuel aboard Cosmos 954—was it U-235 or what? All this was highly secret, but I have the impression that Dobrynin, on instructions from his government, was defensive, and until pressed by the White House reluctant to make clear the critical facts.

Meanwhile, there was the hard question in Washington of whether to announce to the world what was going on. If nobody knew where Cosmos 954 might land, shouldn't all nations in potential target areas be advised?

The decision was made here, and in retrospect it was probably wise, that every precaution should be taken, but that no public announcement should be made that might arouse unnecessary anxiety all over the world.

Cosmos 954 was a one- or two-day wonder in the press and on television, but there is reason for saying here that it had a profound effect.

What the accident of the Cosmos 954 has done is that it has dramatized, at least for officials in Washington, the weakness of present national and international controls of atomic energy, and the imperative need for new nuclear regulations among the nations on earth, in space, and under the seas.

It was lucky where Cosmos 954 came down. Nothing was lost, but in the capitals tracking its collapse everything for a few days and weeks seemed in peril and officials here at least are beginning to think about how the nations of the world can begin to think, not about their immediate differences, but about their common interests in living together in the Atomic Age of the coming century.

MULTILATERAL TRADE TALKS

Mr. WALLOP. Mr. President, during the past weeks, Congress has become more aware of the problems facing the American farmer and the crisis in domestic agriculture. Today I would like to draw your attention to the crisis facing American agriculture overseas, in Geneva, Switzerland, where the multilateral trade talks are underway.

I have just returned from Geneva where I had an opportunity to review the U.S. negotiating posture. Discussions with members of our negotiating team and the ambassadors of other participating countries revealed a disappointing weakness in the U.S. negotiating position on agricultural trade. I am alarmed because it would be a tragic waste if the interests of the American farmer were left out of the trade talks as they have been in the past.

The history of the multilateral trade talks reveals why there is concern that once again agricultural trade interests will not benefit from the multilateral trade negotiations. The United States is participating in the Tokyo round of multilateral trade negotiations held under the auspices of the General Agreements on Tariffs and Trade. The intent of the MTN is to achieve a reduction in tariff and nontariff barriers on industrial and agricultural products, allowing all participating countries to reap the benefits of free trade. I have no argument with free trade theories, nor can I doubt that in a world of free trade, the wealth of nations and prosperity of individuals will increase. Yet there is sharp contrast between the theoretical world of the free trade advocate and the reality of present day commercial policies, particularly in the area of agricultural trade.

Significant advances have been made through the efforts of the GATT in achieving liberalized trading practices for manufactured goods, but there has been relatively little progress in gaining fair market sharing opportunities for agriculture.

During the last session of the previous multilateral trade negotiations, known as the Kennedy round, the Europeans and Japanese managed to reach agreement on reducing barriers on a wide range of manufactured goods. The United States conceded to these trade agreements without pressing the question of tariff and nontariff barriers to agricultural products. U.S. negotiators feared that by pressing the issue of agricultural trade, and asking for a reduction in tariffs on agricultural products, they would jeopardize the outcome of the talks. In the name of free trade, agriculture was abandoned in the Kennedy round, and the delegates returned home as brave and triumphant advocates of international commercial freedom. Commercial freedom for manufactured goods had increased, but the U.S. farmers were left with the high tariff barriers of the European Community and the complex tariff and nontariff barriers presented by the Japanese.

The administration has insisted that agriculture will not be abandoned in the Tokyo round of the multilateral trade talks. But for all the administration's posturing and its soothing words for the farmer, there nonetheless exists grave danger that agriculture will be abandoned once again.

A look at the present situation shows little promise for agriculture. The very structure under which the trade talks are being pursued raises serious questions about the intent and ability of our negotiators to reach an agreement favorable to U.S. agriculture.

Under the Trade Act of 1974, the Congress set forth overall negotiating objectives for further trade negotiations. Section 103 of the Trade Act states:

> To the maximum extent feasible, the harmonization, reduction, or elimination of agricultural trade barriers and distortions shall be undertaken in conjunction with the harmonization, reduction or elimination of industrial trade barriers and distortions.

The intent of Congress was for the Office of Special Trade Negotiations to exchange trade liberalization on manufactured goods for concessions favorable to agricultural trade. If agricultural and industrial products are negotiated separately, the United States forfeits the leverage it needs if we are to obtain concessions from the European Community and Japan on agricultural trade.

Instead of following the intent of Congress, the Tokyo round of negotiations is discussing agricultural and manufactured products on a "separate but parallel" basis. This concession has already weakened our negotiating position and raises the issue of whether the Office of Special Trade Representative for Trade Negotiations has not already violated the Trade Act of 1974.

The real issue at stake is whether the administration will once again sacrifice agriculture for the sake of reaching accommodation. There are strong indications that it will. In a meeting with the ambassadors of other nations participating in the MTN, I received protests that the U.S. negotiating stance is disappointing and weak. One comment was that given the U.S. requests on agriculture at the outset of the talks, it will be an achievement for our negotiators to retain the few concessions in agriculture that we have gained in the past, to say nothing of gaining increased access for agriculture. Other agricultural exporting countries such as Canada and Australia are infuriated with the U.S. position toward the Common Market. Exporting countries know that the United States is the only major food producer which has the market and economic strength to achieve a favorable multilateral agreement on agricultural trade.

To further weaken the negotiating position of agriculture, the Tokyo round is pursuing discussions on the repeal of countervailing duties, and there is a possibility that the United States will lose the flexibility it now has to levy such duties on subsidized imports. Under section 331 of the 1974 Trade Act, the Secretary of the Treasury is directed to levy a countervailing duty on imports which have received a bounty or a grant. The present round of negotiations threatens to reach an agreement that will limit our ability to levy a countervailing duty. If this is repealed by treaty, the United States would not only have to prove that an import had received a subsidy, but the United States would also have to prove that the importation of the product causes damage to a domestic industry.

The United States cannot give up this means of protecting domestic industry unless we receive significant concessions in other areas. We have been too easily moved by the rhetoric that demands compromise. The deteriorating position of the dollar, our mounting trade deficit, and the future of agriculture are all linked to international trade agreements. The United States cannot afford anything but a strong negotiating stance at the multilateral trade talks. If we compromise in Geneva, we compromise the access to markets which our farmers need now more than ever. Worse yet, we compromise the American farmers' entire world economic future. The economic situation facing the American farmer is too desperate to allow agricultural interests to be sacrificed on the altar of free trade.

There are a number of Senators who share my belief that under no circumstances should the United States concede to a multilateral trade agreement which

does not contain far-reaching advances in liberalizing agricultural trade. If an agreement favorable to agriculture cannot be reached, then the United States should leave the negotiating tables. We have no need for future trade agreements which offer nothing but unemployment and deficits, all in the name of free trade.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

RECESS UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 10 o'clock a.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Whereupon, the Senate, at 9:40 a.m., took a recess until 10 a.m.

The Senate reassembled at 10 a.m., when called to order by the Vice President.

CLOSED SESSION

The VICE PRESIDENT. Under the previous order, the hour of 10 o'clock having arrived, the Senate will now go into closed session.

(Thereupon, the doors of the Chamber were closed.)

[NOTE.—The expurgated transcript of the proceedings of the closed session of the Senate on February 21 and 22, 1978, will be published in the body of the permanent RECORD, as follows:]

QUORUM CALL

Mr. ROBERT C. BYRD. I suggest the absence of a quorum. This will be a live quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 5 Ex.]

Abourezk	Griffin	Moynihan
Allen	Hansen	Muskie
Anderson	Hart	Nelson
Baker	Hatch	Nunn
Bartlett	Hatfield,	Packwood
Bayh	Mark O.	Pearson
Bellmon	Hatfield,	Pell
Bentsen	Paul G.	Percy
Brooke	Hathaway	Proxmire
Bumpers	Hayakawa	Randolph
Byrd,	Heinz	Ribicoff
Harry F., Jr.	Helms	Riegle
Byrd, Robert C.	Hodges	Roth
Cannon	Hollings	Sarbanes
Chafee	Huddleston	Sasser
Chiles	Humphrey	Schmitt
Church	Inouye	Schweiker
Clark	Javits	Scott
Cranston	Johnston	Sparkman
Culver	Kennedy	Stafford
Curtis	Laxalt	Stennis
Danforth	Leahy	Stevens
DeConcini	Long	Stevenson
Dole	Lugar	Stone
Domenici	Magnuson	Talmadge
Durkin	Mathias	Thurmond
Eagleton	Matsunaga	Tower
Eastland	McClure	Wallop
Ford	McGovern	Weicker
Garn	McIntyre	Williams
Glenn	Melcher	Young
Goldwater	Metzenbaum	Zorinsky
Gravel	Morgan	

Mr. STEVENS. I announce that the Senator from New Jersey (Mr. CASE) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. BURDICK), and the Senator from Colorado (Mr. HASKELL) are necessarily absent.

I further announce that the Senator from Washington (Mr. JACKSON) is absent on official business.

The VICE PRESIDENT. A quorum is present.

Mr. ROBERT C. BYRD addressed the Chair.

The VICE PRESIDENT. The Senator from West Virginia.

The Senate will be in order.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I call attention to the fact that the microphones will not be working, so I hope that the Senate will be in order at all times so that Senators may hear Senators who are speaking.

Mr. President, I ask unanimous consent that during the closed session, in addition to the Secretary of the Senate, the Assistant Secretary of the Senate, the legislative clerk, the journal clerk, the Sergeant at Arms, and the Deputy Sergeant at Arms, all of whom are authorized under rule 36, except that current titles have been used where they have been changed, that the following personnel be authorized to be on the floor: The Parliamentarian, the Assistant Parliamentarian, the assistant legislative clerk, the assistant journal clerk, the assistant executive clerk, the special assistant to the Sergeant at Arms, the chief counsel and general counsel of the Democratic policy committee, the legislative assistant to the minority leader and the administrative assistant to the Vice President, the floor assistant to the majority leader, the official reporters of debate—Mr. Walker, Mr. Timberlake, Mr. Perry, Mr. Mohr, Mr. Reynolds, Mrs. Ross, Mrs. Garro, and Mr. Smonskey, Messrs. Dockery and Jones of the Foreign Relations Committee staff, Mr. Murphy, Director of the Senate Office of National Security Information, Mr. Robert Downen of Senator DOLE's office, and Miss Susan Alvarado, assistant to the minority whip.

Mr. HELMS. I object, Mr. President.

The VICE PRESIDENT. Objection is heard.

Mr. HELMS. Mr. President, if I may address myself to that, I intend this in all affection for my friend, the distinguished majority leader, but the staff members listed in the unanimous-consent request appear to be weighted in favor of those who favor the treaties. That may not be the intent, but that is the way it appears to me.

In the first place, I feel this session of the Senate should be public. I feel the American people are entitled to hear what may be said here. Somewhere along the line I hope a motion to that effect will be made, and a vote taken. But for all of these staff assistants to be available mainly to those who favor the treaties, I say to my dear friend from West Virginia, is just not fair.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. HELMS. I yield.

Mr. GOLDWATER. I do not quite agree that necessarily they are weighted in favor of the treaty. On our committee, I cannot tell you which staff members are for or against it. Frankly, I do not know how Senator BAYH and I can act in our responsibilities to the Senate if we do not have access to the thinking and the words of the people who have done all the work. We are merely members of the committee; and, as we all know, the staff members do the work.

Mr. HELMS. Well, Foreign Relations Committee staff members, with all due respect to the staff, are going to be on the floor. They have nothing to do with the Intelligence Committee. Is that not correct?

Mr. GOLDWATER. Yes.

Mr. ROBERT C. BYRD. Two members.

Mr. GOLDWATER. I cannot see what effect that will have on our disclosure of secret material regarding the Torrijos family. I honestly cannot follow the Senator. He knows that he and I are not too far apart in the same camp.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. HELMS. I yield.

Mr. BAYH. I intend to emphasize to all my colleagues in the Senate that, so far as the Senator from Indiana is concerned—and I assume I speak for my friend from Arizona, although I think when it finally comes down to a vote, we may be on different sides of this issue—we do not view our mandate by the Senate to try to debate here the pluses and minuses and merits of the treaty. Our purpose for being here is to evaluate and make available to the Senate intelligence data. Then each Senator can make an assessment of how he or she weighs this intelligence data.

Mr. HELMS. Does the Senator object to the public knowing what is going to be said in this debate?

Mr. BAYH. I am going to suggest——

Mr. HELMS. I asked my friend a question.

Mr. BAYH. Will the Senator from North Carolina permit me to answer it?

Mr. HELMS. I hope he will. Yes or no.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HELMS. I yield.

Mr. DOLE. Let me say that having visited the Senate Intelligence Committee yesterday, I think it is necessary that we have the staff here. I do not know their pros or cons on the treaty, but I discussed with them a number of things that I asked them to prepare, based on questions I would ask, concerning 45 different files that refer to Torrijos.

I might say to the Senator from North Carolina that either early or later on, the Senator from Kansas—and I assume others—will move to make public whatever we can, without endangering the lives of anyone who may be mentioned.

I know your desire to get at the facts, but we have propounded a number of questions, or will propound them, based upon probably more staff knowledge and preparation than either Senators BAYH or GOLDWATER have had a chance to prepare for.

Mr. GOLDWATER. I know that the majority leader is preparing a unani-

mous-consent request to make available to the public those things which will appear in a sanitized version that will be sent to the Foreign Relations Committee. I must say that that sanitized version is mighty close to being the testimony that we will give this morning, that was given before the Foreign Relations Committee. It is going to be made public, if the majority leader does what he intends to do. I will say that he is merely following the precedent. I do not know how we can do it without these men on the floor.

Mr. BAYH. In response to the Senator from North Carolina, if I may answer his question, I think the majority leader already has a motion prepared which provides that at the end of the day, the transcript will be made available, after it has been checked for sources and methods.

We are in the process of dealing with some of the most sensitive information, if not the most sensitive information, that has ever been made public to the U.S. Senate. That is what we are here to discuss. I would think that almost all of us would be unwilling to have some of this very sensitive information made public. It could do jeopardy to our intelligence-gathering capability. It could jeopardize the lives of some sources [class. deleted]. I think all of us certainly would agree that the record should be made public, but information that deals with sources and methods should not be made public.

After that has been dealt with, I think the whole transcript should be made public. I am going to urge my colleagues, after we have had this thing circulated here, look at the sanitized version referred to by the Senator from Arizona.

We finally got this laid down last evening, after some very fruitful negotiation with the administration, in which they have agreed, in essence, to declassify everything that I feel is meaningful. We will give it to you for your consideration.

I regret that all members of the Intelligence Committee could not be involved in the negotiation. I want them to look at the sanitized version. I hope that in the next couple of hours we can get together in a session in the cloakroom, so that we can do formally what we have done in the past, before we have gone public with a sensitive document. We can make that available immediately.

Mr. STEVENSON addressed the Chair.

Mr. HELMS. Who has the floor, Mr. President?

The VICE PRESIDENT. The Senator from West Virginia has the floor.

Mr. STEVENSON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENSON. I thank the majority leader for yielding.

I have a question I would like to ask the Senator from Indiana. Am I correct in understanding that the information to be reported to the Senate today will be done so by the Intelligence Committee in accordance with the provisions of Senate Resolution 400?

Mr. BAYH. That is accurate.

If I might expand that answer, one of the requirements of staff, it would seem to me, is that staff would have been subjected to the same kind of careful scrutiny for security on this floor as has been required of handling these documents in the committee.

So that everyone will know, we have people on the Intelligence Committee who are for the treaty and against the treaty. Each has specific staff designees. Those staff designees have been cleared for security.

I do not care what the position of the Senator is on the issue, but we should make sure that whoever that staff man or woman is has been subjected to the same kind of security mechanism.

Mr. STEVENSON. And this information relates to intelligence activities of the United States. Is that correct?

Mr. BAYH. Of the most sensitive kind.

Mr. STEVENSON. Mr. President, has this information been classified under established security procedures?

Mr. BAYH. It certainly has.

Mr. STEVENSON. Then, Mr. President, I want to call to the attention of all Members a provision of Senate Resolution 400. This provision is section 8(d). It reads as follows:

> It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer, or employee of the Senate and report to the Senate concerning any allegation which it finds to be substantiated.

Mr. President, as the majority leader and the Senator from Indiana have indicated, the Senate can authorize any disclosure whatsoever. But any disclosure that is not authorized and which derives from the Intelligence Committee and is reported to the Senate today in accordance with the provisions of Senate Resolution 400, and which is subsequently disclosed, invokes the provision I have just read.

And, Mr. President, I regret to say that if it must be invoked again it will not be for the first time. The Standards and Conduct Committee, now the Ethics Committee, has already received two allegations raising the possibility, at least, of unauthorized disclosures of classified information, as a result of which that committee has established a subcommittee with the staff—the subcommittee is chaired by the distinguished Senator from North Carolina—which is already investigating possible unauthorized disclosures of classified information with a view to ascertaining the facts, making appropriate recommendations to the Senate which could include remedial or disciplinary action.

Mr. President, the Ethics Committee has discussed this matter. We do not take these allegations lightly, and on behalf of that committee I can assure all of the Members that if there are any additional allegations, they, too, will not be taken lightly or treated lightly by the Ethics Committee.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Indiana.

Mr. BAYH. Perhaps that is a more appropriate way because I really want to make an observation instead of directing a question to the Senator from Illinois.

I want to salute him for the rather difficult task that he is seeking to perform. It is never easy to serve as a watchdog over one's contemporaries. But I salute him for it and I urge him to continue this vigilance.

Also, I would like to say at the risk of getting rather fundamental, but I think it is important for us to deal with fundamentals here, I would like to take just a moment to emphasize that the mission that is being carried out by the Senator from Illinois, as chairman of the Ethics Committee, and the responsibility that weighs very heavily on each and every one of us as individual Members of the Senate, goes far beyond this individual debate.

I want to salute the Senator from Hawaii and the Senator from Arizona, who were chosen—I think excellent choices—to govern and to provide leadership for the Intelligence Committee at its birth. We have gone through almost 2 years, and I think it is fair to say that this committee, as a result of the leadership and as a result of the membership's willingness to adhere to certain standards of confidentiality, has been able to establish a reputation for trying to find out what the facts are, make as many of them public as we possibly could, but also to protect the sensitive information which is necessary for us to have if we are to be able to exercise our oversight function.

Now, gentlemen and Mrs. HUMPHREY, let me say is through this debate we are to show that it is impossible for the United States Senate to handle the secure, sensitive information in such a way that it is not confidential and we are giving treasured secrets of our country, in essence, to the enemy and to the world, then what is going to happen in the future is the intelligence agencies just plain are not going to give us the information that the Intelligence Committee must have if it is to perform the oversight function that the Senate has given to it and thus the effort that the Senator has made successful, with the leadership of the Senator from Hawaii, to try to get all of these misdeeds behind us and to start out with the Senate of the United States having a meaningful oversight function, all of that will have gone right down the tubes.

So I would urge all of us to understand that the information and the requirements of secrecy and confidentiality of Senate Resolution 400 goes far beyond the particular issue in question here. It goes to whether we as a government are going to be able to have a meaningful legislative oversight of the intelligence community.

Mr. DOLE. Mr. President, will the distinguished majority leader yield on that point?

Mr. ROBERT C. BYRD. Yes.

Mr. DOLE. Mr. President, is it not correct, though, that under the rules of the Senate we could still lift the secrecy injunction? That does not in any way conflict with Senate Resolution 400 or anything the distinguished Senator from Illinois stated, does it? In other words, when we finish debate, it is still in order to move to lift the secrecy injunction on everything that has been said in this Chamber; is that correct?

Mr. ROBERT C. BYRD. I intend to ask unanimous consent that the sanitizing version of the report which Mr. BAYH and Mr. GOLDWATER have made be immediately made public.

Mr. DOLE. Right.

Mr. ROBERT C. BYRD. And I also intend to ask unanimous consent that the transcript of the debate, after it has been properly edited to remove any references to informants, sources, methodology, et cetera, have been deleted, that it be made public.

Mr. DOLE. That in no way conflicts with the statement by the distinguished Senator from Illinois?

Mr. STEVENSON. Mr. President, will the distinguished majority leader yield?

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENSON. No. On the contrary, that is the procedure that is contemplated and approved by Senate Resolution 400. It is disclosure by the Senate, not unilateral disclosure by a Senator. It is that disclosure——

Mr. ROBERT C. BYRD. Or an employee.

Mr. STEVENSON. Or an employee, which invites the action by the Ethics Committee.

Mr. DOLE. I guess the question is when is the motion in order on the transcript itself? Who determines what may be stricken out? Is that done by the Senate or is that done by someone and then a sanitized transcript presented to the Senate?

Mr. ROBERT C. BYRD. I have something prepared on that. I will be glad to read it.

Mr. BAKER. Mr. President, will the Senator yield to me a moment so I may respond?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. If I could invite the attention of those who have direct jurisdiction in this matter, it is my understanding that on motion the Senate can authorize the disclosure of any material that is discussed during executive session. I think the practice is that an effort is made by the leadership, I believe the majority leadership, to take a first cut at sanitizing the record so that a maximum amount of information can be cleared at one time, but the literal answer, I believe, to the Senator's query is that on motion by any Member at any time the Senate itself can authorize the disclosure of any material submitted during executive session.

Mr. GOLDWATER. Mr. President, if the Senator will yield, to answer Senator DOLE's question, it is my understanding that the full transcript of the proceedings would go to the Intelligence Committee and they would, in effect, sanitize it, not as the State Department might or the Executive might, but just to make sure that there are no names in there who are informants of ours who help us in our operation, because this, as we all know, would be dangerous and could be literally disastrous, so I would think that the Intelligence Committee would have that job and I would expect that the leader would turn it over to the Intelligence Committee and we would act with all haste.

Mr. BAKER. Mr. President, if the majority leader will yield, I think that is the practical way to approach the matter and I would assume that is the way it would be done. If I may say to the Senator from Arizona.

Mr. ROBERT C. BYRD. Mr. President, this would be on the order of the consent request that I would make. I would have two requests.

One, I would ask unanimous consent that at the completion of the closed session today the Senate release the sanitized version of a report to the Senate made today by Senator BAYH, chairman of the Select Committee on Intelligence. That would be done immediately.

The other would read as follows:

I ask unanimous consent that at the conclusion of the closed door session, the complete transcript of the proceedings be personally delivered in a sealed envelope by the chief reporter to the Secretary of the Senate, that the transcript of the remarks of each Senator who participated in the debate be made available by the Secretary of the Senate under his direction to said Senators for revision of their said remarks, and when this is completed the transcript shall be resealed and stored in the Office of Classified National Security Information for safekeeping for any further disposition by the Senate.

I would add that further disposition include the release of that transcript to the public after the Intelligence Committee has had an opportunity to go over it to make sure that any very sensitive information concerning sources or methods would be eliminated from the transcript that is made public.

Mr. DOLE. If the Senator will yield, there is nothing to prevent, you know, say, we wrapped this up fairly soon and there is nothing that compromises security or sources or whatever, there is nothing to prevent the motion at the end of that time to release a transcript, and we have that right under the Senate rules. I do not see any time in there. This is going to take weeks.

Mr. ROBERT C. BYRD. I indicated that, immediately after the closed session becomes an open session, the sanitized version of the report to the Senate be made public.

Mr. DOLE. But on the transcript there is no timeframe; it could be weeks. It probably would not be, but——

Mr. ROBERT C. BYRD. We could place a timeframe on it, if you would like.

Mr. DOLE. I personally would not have any objection to that, but I might want to reserve the right to object to the second request until we had a chance to get into the debate.

Mr. ROBERT C. BYRD. All right. Mr. President, I hope my friend from North Carolina will not object. On the basis that he has objected, those of us in favor of the treaties could just as validly say we ought to have two-thirds of the staff members on the floor, because it will take a two-thirds vote to carry the treaty; but we do not make that kind of specious argument. I hope the Senator will not object.

Mr. BAKER. Mr. President, will the majority leader yield to me?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I have discussed this matter with the distinguished Senator from North Carolina, and I believe I correctly state the position of the Senator that he has been in the vanguard, the forefront of the effort that we are about to demonstrate, and states that if we are going to have staff on the floor, he would like to have one staff member; I believe he would like to include the name of Dr. James Lucier.

Mr. HELMS. Yes.

Mr. BAKER. I ask unanimous consent, if I may, that that name be included.

Mr. BAYH. Will the Senator yield for a question?

Mr. BAKER. Yes.

Mr. BAYH. I think the Senator from North Carolina should have staff support. The Senator from Kansas should have staff support. We have designees of Senators on the Intelligence Committee that have been cleared for handling any sensitive information. With all respect to my distinguished colleague from North Carolina, I do not know whether this staff member of his has or not. That, it seems to me, is the test, not whether a staff person is for the treaties or against the treaties, but has this person been subjected to the test that is going to protect the kind of information all of us are soon going to have at our disposition, and, indeed, any Member of the Senate could have had for the last 10 days?

I do not mean to say anything disparaging about this gentleman. I just never heard of him before. I am sure he is qualified, or he would not be working for the Senator from North Carolina.

But is it fair to ask the Senator from North Carolina to rely on those significant staff members who have expertise in this area who are assigned to the Intelligence Committee? We do not have the kind of committee structure there, as the Senator from North Carolina may know, for the chairman to decide who the staff will be. Each member of the committee designates who his professional staff person will be. We have tried to run a tight ship. The Senator from Hawaii established this policy; as far as I know, this is the only committee that operates that way. I commend him for it. The reason for operating that way is that we feel the importance of security is paramount; that security is more important than patronage.

Mr. ROBERT C. BYRD. Mr. President, may I ask the Senator from North Carolina, has Dr. Lucier received proper clearance for this secret session?

Mr. HELMS. I am sure he has not, I will say to my friend.

Mr. ROBERT C. BYRD. Well, if he has not, I do not see how——

Mr. HELMS. Has everybody on that list received it?

Mr. ROBERT C. BYRD. Yes, all the others have. They have been briefed, they have signed waivers——

Mr. HELMS. Who clears them, may I ask the majority leader?

Mr. BAKER. He can be cleared the same way the others are. He has got to sign waivers.

Mr. ROBERT C. BYRD. Mr. President, I shall add the name to the list of Dr. Lucier, on the condition that he receives clearance before he is given the privilege of the floor, and ask unanimous consent

that after he has received such clearance, he be given the privilege of the floor.

The VICE PRESIDENT. Is there objection?

Mr. LEAHY. Mr President, reserving the right to object——

Mr. HOLLINGS. I do not reserve the right, I just object. Let us get on with Omar, and hear something about him. We have been wrangling about rules, rules, and staff; we are going to kill the day here.

Mr. BAYH. May I ask the Senator from South Carolina to just—I guess it is too late to ask him to reserve the right to object; but if another motion is made, perhaps, to consider it in a little different light. The Senator from Indiana has no objection to that staff man if he has been cleared.

Mr. HOLLINGS. Well, I do. I admit that you have a staff, but I do not have a staff; why should he have a staff?

Mr. LEAHY. Mr. President, the only reason I have for reserving the right to object is that when I was on the Armed Services Committee, having a couple of staff members cleared took 2 or 3 months. If that is the case here, it is a moot point anyway; at least I would hope we are not going to be that long.

Mr. BAYH. What we are talking about here, ladies and gentlemen, is questions, legitimate questions that can be asked about thousands of documents. I have read the bulk of them, but I swear to God I cannot tell you I have read them all; and if one of our distinguished colleagues asks a question, I would like to be able to say to a staff guy, "I do not immediately recall where it is; find that." Unless we have some staff help, that is going to be a problem, because we are talking about voluminous cable traffic.

Mr. ROBERT C. BYRD. Mr. President, will the Chair put my original request?

The VICE PRESIDENT. The Senator from West Virginia has requested that the names of such persons as he has read be present during the course of the debate on this matter. Is there objection? The Chair hears none; so ordered.

Mr. GRIFFIN. Mr. President, I did not hear the request.

The VICE PRESIDENT. The Senator from West Virginia requested that certain staff persons be present during the course of this debate. Those names the Presiding Officer could repeat if the Senator from Michigan wishes, and I have restated the request.

Mr. GRIFFIN. Those are all staff members of the Intelligence Committee?

Mr. ROBERT C. BYRD. No.

The VICE PRESIDENT. No. I do not have the list.

Mr. ROBERT C. BYRD. Mr. President, I will restate the request. The request, may I say in short to Mr. GRIFFIN, was that I asked the Chair to present the original request, which would have been as I have stated it, with only one name omitted, that being Dr. Lucier.

Mr. GRIFFIN. Who are they? You do not need to mention all their names; just tell me who they are. Are they members of the Intelligence Committee staff?

Mr. ROBERT C. BYRD. No, I had not gotten to them. I will read the list: The parliamentarian, the assistant parliamentarian, the assistant legislative clerk, the assistant journal clerk, the assistant executive clerk, the special assistant to the Sergeant at Arms, the assistant secretary to the minority, the chief counsel and general counsel of the Democratic policy committee, the legislative assistant to the minority leader, the administrative assistant to the Vice President, the floor assistant to the majority leader, the official reporters of debates, by their names; and in addition thereto, Messrs. Dockery and Jones of the Foreign Relations Committee staff, Mr. Murphy, Director of the Office of National Security Information, Mr. Robert Downen of Senator DOLE's staff, and Miss Susan Alvarado, assistant to the minority whip.

In addition, I was going to suggest these names: The following staff members of the Senate Select Committee on Intelligence, all of whom have the necessary clearances for access to sensitive intelligence information: Messrs. William G. Miller, Earl Eisenhower, Mark Gitenstein, Thomas Moore, Walter Ricks, Angelo Codevilla, Edward Levine, and David Bushong.

Mr. GRIFFIN. I thank the majority leader.

Mr. BAYH. Mr. President, reserving the right to object, and I shall not object because I think this is a good request, is it true that all of the agency staff members will have to sign a specific oath before they can enter the Chamber?

The VICE PRESIDENT. They have been cleared, as I understand it.

Mr. ROBERT C. BYRD. That is correct.

The VICE PRESIDENT. Without objection——

Mr. HOLLINGS. Is Dr. Lucier in this?

Mr. ROBERT C. BYRD. Yes.

The VICE PRESIDENT. Without objection, the request is approved.

The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, Mr. STEVENSON made reference to certain disciplinary action that might follow upon the disclosure of proceedings of this session. I read paragraph 4 of rule XXXVI of the Standing Rules of the Senate. I always read this rule in closed session just as a reminder to Senators and to employees:

> Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body, and if an officer—

Which I would include employees—

> to dismissal from the service of the Senate and to punishment for contempt.

Mr. President, I yield the floor.

Mr. BAYH. Mr. President——

The VICE PRESIDENT. The Senator from Indiana.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the completion of the closed door session today the Senate release the sanitized version of a report to the Senate which will be made today by Mr. BAYH, chairman of the Select Committee on Intelligence.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the closed door session the complete transcript of the proceedings be delivered in a sealed envelope by the chief reporter to the Secretary of the Senate, with the transcript of the remarks of each Senator who participated in the debate made available by the Secretary of the Senate under his direction to said Senators for revision of their said remarks, and when this is completed the transcript shall be resealed and stored in the Office of Classified National Security Information for safekeeping for further disposition by the Senate.

I would include in such further disposition, that that transcript be made public after it has been examined by the Intelligence Committee, and I would be willing to add a time limit on that publication if Senators desire. Could we say 1 week?

Mr. DOLE. Reserving the right to object, and I respectfully shall object at this time—if I can have the majority leader's attention.

Mr. ROBERT C. BYRD. Within 72 hours.

Mr. DOLE. I do not want to delay the proceedings, but I think perhaps at this time I shall object.

The VICE PRESIDENT. Objection is heard.

Mr. BAYH. I have been advised by some of our colleagues, the Senator from Michigan and others, that we have become spoiled because of the electronic situation and that they cannot hear. If there is no objection, I will take advantage of this opportunity to speak from the well. In the meantime, I will yield to the distinguished Senator from Utah for an observation.

Mr. GARN. I thank the chairman. I will not take long. But inasmuch as we have discussed the security aspects of this, as a member of the Intelligence Committee I would like to add another word of caution beyond what the distinguished majority leader has read.

I have been on the Intelligence Committee for the entire time, and I am extremely concerned, even though I am an opponent—I think everyone knows that I am an opponent of these treaties—and I would particularly caution my colleagues who do oppose these treaties not to be so zealous in attempting to defeat them that we start revealing any possibility of sources and methods. I would like to see the treaties defeated, but not in any way that endangers the security of this country.

I am not sure that all of our colleagues recognize the importance of these sources and methods. I do not expect any Senator to leave these premises and talk about names or exact sources. From what I read in the press yesterday, from some of those who had been briefed, there was certainly no intention [class. deleted].

Even though I am opposed to the treaty, I certainly think that Panama is rather significant militarily, national defensewise, compared to what damage we can do if the Soviets and others get information about what we can learn and how well we do it.

Some of you might have taken advantage sometime in getting the DIA briefings, and a lot of them from what

we are able to obtain, I think would amaze you. I do not mean to lecture, but I hope when we leave this we do not even talk in generalities about what we got [class. deleted]. Words [class. deleted] are not revealing methods or sources directly or endangering people's lives, but I would hope we would be extremely cautious in the general terms we use about where we got this information. I think most of my colleagues or all of them would agree with that sentiment of the Intelligence Committee from what we have been exposed to. I do not mean to lecture or talk down. That is not my purpose. But if each individual Senator as interviewed by the press would avoid any references about how we got this, even in a general way, I think we would be far better off.

Mr. BAYH. I thank my colleague for what he has said.

At the risk of overemphasizing this, I would like to expand on his remarks briefly——

Mr. ROBERT C. BYRD. Mr. President, could I interrupt the Senator? We do not have authority yet to take the notes on what is being said.

Mr. BAYH. I yield to the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the official reporters of debates be authorized to report verbatim the proceedings of the closed-door session, that the notes be transcribed, and that when the session is concluded, the original notes, together with all material and papers used in the transcribing process of the proceedings, be personally delivered in a sealed envelope by the Chief Reporter to the Office of Classified National Security Information and kept secret along with other minutes and matters of such nature already in the custody of that Office. That at least allows us to have a transcript. We can decide later what to do——

Mr. DOLE. That would not in any way impair our rights——

The VICE PRESIDENT. Without objection——

Mr. DOLE. Reserving the right to object, that would not in any way impair our rights under the Senate rules to make the transcript public if we felt the need to do so.

Mr. ROBERT C. BYRD. It would not.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BAYH. I would like to expand on the concern expressed by the Senator from Utah and emphasize once again what I said earlier. We are talking here not only about the security of the moment, what security information might be available to our adversaries, but by the release of this information we would be doing irreparable damage to the oversight function of the Intelligence Committee which was given to it under Senate Resolution 400. I think everybody understands we are involved in very serious business, and I trust that all of us will exercise our duties responsibly in this regard.

(Mr. INOUYE assumed the chair.)

PANAMA CANAL TREATIES

Mr. BAYH. I have had some people ask, "How do you know that you are getting the kind of cooperation that you say you are getting from the intelligence community?"

The Senator from Hawaii can speak with more authority on this than I because I have just become the chairman. I think it is fair to say that we believe, and there is no reason for us not to believe, that we have had complete cooperation for the fact much of the information made available to us, and which is about to be made available to you, was made available to us voluntarily, without us asking for it, by the intelligence community, and although I cannot say that there is not something which has been hidden, I have to say that if it is hidden it has to be well hidden, because they have given us information which is almost unbelievable. I would hope that out of this session we do not do anything to jeopardize that kind of relationship. We have a duel responsibility, to let the public know what is going on, and that is why I think disclosure is important, but to do it in such a way that we do not jeopardize the security of the country.

Mr. GOLDWATER. Will the Senator yield?

Mr. BAYH. I yield to my distinguished colleague.

Mr. GOLDWATER. I would like to back up what my chairman has said. We have received unusual cooperation all through the existence of this committee from the intelligence agencies of our country. I can assure my colleagues that they need not worry on that point.

Mr. BAYH. I think that it will soon become apparent to all that the report we are about to give is not covering up anything. I mean we are going to lay it all out there. We will make available to you all the information we have. Any questions you want to ask about information that is not in the report to substantiate certain assessments, we will make available.

Basically, what the Senator from Indiana intends to do is read the report that the leadership asked be prepared when this information was first made available to us, along in October. The report was made in behalf of the Senator from Indiana and the Senator from Arizona and the Intelligence Committee to the Committee on Foreign Relations about 10 days ago.

Mr. DOLE. Will the Senator yield?

Mr. BAYH. Yes.

Mr. DOLE. Will there be numbered copies, secure copies, available to follow along while the Senator is reading in case we have questions, or is that not possible?

Mr. BAYH. We do not have copies of this, very frankly, because of the sensitivity of it. We have not made copies. What I have asked the staff to do is make copies, which I understand are in the process of being made—copies of the sanitized version, which was just decided upon, through negotiations last evening. I spent about an hour and a half on this with the Secretary of State and his deputy and two or three other people, the White House—we had the whole community represented there. Frankly, it is almost the same. We have removed, I suppose, a couple of names [class deleted]—things like that. You can make the judgment after you hear the full report and have a chance to read the abridged version. I think you will come to the conclusion that the thrust of everything is there.

As far as trying to protect Omar Torrijos from embarrassment, it is not going to do that in the revised version, gentlemen, because it mentions the names right there.

Mr. DOLE. The Senator from Kansas read the report. I think as a matter of convenience and speeding up the process, if we could have the sanitized version and mark certain questions as we go along it might save the Senator from Indiana hours and hours of trying to figure out on what page you said that. It might streamline the process. When the sanitized versions are available, it will be very helpful.

Mr. BAYH. As has been said, we have already agreed to make this sanitized version available to the public immediately after we are through here, a transcript. I certainly support making that transcript available as soon as it has been sanitized—only for the removal or for the removal only of sources and methods.

I also point out that this report has been available to every Senator since it was compiled and given to the Foreign Relations Committee about 10 days ago. Other documents, under the constraints of Senate Resolution 400, have been avaliable to every member of this committee and to the Senate since the committee had possession of them.

(The VICE PRESIDENT assumed the chair.)

Mr. BAYH. I would like to say, before going further here, that I am deeply grateful to the Senator from Arizona. As I said earlier, he has been very helpful in this transition period and I appreciate that.

The following is a report given by the chairman and vice chairman of the Select Committee on Intelligence to the Foreign Relations Committee entitled "Oversight of U.S. Intelligence Activities in Panama."

Mr. President, it is my duty to appear before the Senate today to discuss the select committee's oversight of intelligence activities in Panama.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate so everyone can hear this very important report?

The VICE PRESIDENT. The Senate will be in order.

Mr. BAYH. Under the select committee's charter, Senate Resolution 400, we have a responsibility to share this information with the entire Senate. I hope this report on our oversight activities with regard to Panama will be of assistance to the Senate in its consideration of the Panama Canal treaties. As you know, we have already reported to the Foreign Relations Committee.

Before I begin, I should like to restate restrictions imposed upon our committee by the Senate under the terms of Senate Resolution 400, which states:

Whenever the Select Committee makes such (classified) information available, the committee shall keep a written report showing, in the case of any particular information, which committe or which Members of the Senate received such information. No Member of the Senate who and no commit-

tee which receives any information under this subsection shall disclose such information except in a closed session of the Senate.

Thus far, this procedure has worked well. We have agreed not to disclose classified information except under the procedures set forth in Senate Resolution 400. The executive branch has provided full access to any intelligence information, no matter how sensitive. In the case of some of the material I shall discuss today, disclosure could [class. deleted] jeopardize the intelligence-gathering capability of this country, [class. deleted].

The interest of the Select Committee on Intelligence Activities in Panama goes back for more than a year. In December of 1976, the committee was reviewing allegations of illegal and improper CIA intelligence activities in Micronesia. Exposure in the press of the CIA operations there had created serious difficulties with the new compact we had negotiated with the residents of the Pacific Trust Territories. It was clear to the committee from the Micronesia case record that intelligence activities intended to support important negotiations could, under high-risk conditions, achieve the opposite effect. Under some circumstances, they could undermine, taint, or otherwise endanger the intended outcome of the negotiations.

When it was clear negotiations were under way in earnest in Panama, the committee decided to review our intelligence activities in Panama, with a particular focus on whether there were any high-risk activities that, if disclosed, might affect adversely the outcome of treaty negotiations there. We also studied the question of how the treaties might affect intelligence operations in the future.

In pursuit of this goal, after briefings on intelligence activities in Panama and a review of the material in Washington, members of the committee staff visited Panama in February of 1977 to survey intelligence operations in the field. [Class. deleted]

Just prior to the committee staff's departure for Panama, the select committee staff was informed that one sensitive intelligence operation was believed compromised, but the staff complied with a request not to discuss the matter in Panama because the possible compromise was still under investigation at that time. The select committee learned more details about the compromise last June, when it received substantial documentation for a committee study of espionage law. These are the key details of the case in question.

A U.S. military person stationed in the Canal Zone was found to be passing intelligence information to the Panamanians. The investigation ultimately disclosed that, among other things, this person had passed to the Guardia Nacional information on U.S. intelligence operations including copies of sensitive intelligence from one of these operations.

[Class. deleted]

Later last summer, in connection with briefings on other intelligence questions before the committee, the select committee was provided with sensitive intelligence reports of high reliability relevant to the treaty negotiations.

This intelligence information led the select committee to initiate an investigation. During both this investigation and a second investigation which is described later in this report, the select committee received unprecedented access to records and executive branch personnel at all levels. The select committee views this access as a significant step forward in congressional oversight of the intelligence community.

In the course of that investigation, which began in September of last year, 1977, the committee received [class. deleted] access to personnel and documents of the following agencies: State Department, CIA, the National Security Agency, and the Department of Defense.

All told, several thousand pages—several thousand pages—of documents were reviewed, and we questioned for the record or received sworn testimony from numerous witnesses, including Ambassadors Bunker and Linowitz, Admiral Turner, Admiral Inman, Director of NSA, Dr. Brzezinski, Theodore Sorenson, and several others.

In addition, we interviewed or received testimony from other individuals at the National Security Council, State Department, and NSA, and held two hearings in executive session.

We investigated in depth a series of events that occurred in Panama and Washington on July 15 and 16, 1977.

I would now like to recount these events in some detail as we have reconstructed them because it is the events that occurred in that time frame that could, indeed, have affected the outcome of the treaty negotiations.

You will see the conclusion of the committee was that it did not [class. deleted].

On Thursday, July 14, last year, 1977, Ambassador Sol M. Linowitz attended a breakfast meeting with reporters, hosted by Godfrey Sperling, to discuss the treaty negotiations.

Ambassador Linowitz believed the event was not for attribution. He stated his assessment that the Panamanians were being unrealistic in their economic demands, and also described the U.S. rights to defend the canal unilaterally under the Neutrality Treaty, which had been largely negotiated by that time. But, the Ambassador told our committee, he was careful to avoid the term "intervention," intervention, because the word is highly inflammatory in Panama.

Within about 24 hours, however, newspaper accounts of the press breakfast had triggered a flap. Press reports which contained the word "intervention" as well as comment about the Panamanian economic demands were published in the United States and Panama and were attributed to Ambassador Linowitz by name.

By Friday afternoon, July 15, Ambassador Linowitz learned from the Panamanian Ambassador that the Panamanian Government was deeply concerned by the comments.

The next morning, the State Department and the National Security Council received copies of an important intelligence report of the highest quality, which also had to be evaluated against the possibility that it was intended to exert revenge on the U.S. Government.

This is a very important incident so I will describe it in some detail.

[Class. deleted]

The report said that the Panamanians were preparing for a major press conference the following week in Washington. According to the report, at that press conference, the Panamanians would allege that high level members of the executive and legislative branch had asked for payoffs in return for arranging increases in the annuity—to be paid to Panama under the Panama Canal Treaty.

The Panamanians planned also to reveal their knowledge of U.S. intelligence operations in Panama. [Class. deleted]

[Class. deleted] This intelligence report was received at the White House and the State Department on Saturday morning, July 16.

Ambassador Bunker saw the report Saturday morning, but we know of no one at the National Security Council who recalls seeing it at that time.

At approximately noon, Saturday, however, the Panamanian concern about the press coverage of Ambassador Linowitz's statements was brought to the attention of Dr. Brzezinski [class. deleted].

He received a telephone call in the White House from Theodore Sorenson. He had been asked to go to Panama on a business matter relating to problems of a client.

Mr. Sorenson, who was acquainted with General Torrijos, had been asked to Farallon by the general, to meet with him there, and he learned firsthand of the Panamanians' concern.

Mr. Sorenson told the committee staff the Panamanians were particularly incensed over the use of the word "intervention."

Mr. Sorenson telephoned Dr. Brzezinski and the two discussed the problem and agreed to issue a White House press statement characterizing press accounts as inaccurate.

Dr. Brzezinski, who answered the committee's questions through his staff, said that he did not recall having seen the report at the time he talked to Mr. Sorenson.

Mr. Sorenson told the committee staff that General Torrijos did not mention plans to hold a press conference, but said there was absolutely no indication that the Panamanians planned to make the disclosures that would be embarrassing.

Mr. DOLE. That did not, or did?

Mr. BAYH. No, I am sorry. He did mention the plans to hold the press conference.

Mr. DOLE. Yes.

Mr. BAYH. But did not mention anything at all about the disclosure of embarrassing information.

In any event, Dr. Brzezinski, after consultation with Jerold Schecter of the NSC staff, arrived at the text of a statement which said as follows, and I quote:

The Los Angeles Times News Service story of July 15 on the Panama Canal negotiations is incorrect in major details with regard to

the U.S. and Panamanian proposals and the negotiations.

That was the press release which was issued as a result of the concern expressed by the Panamanians.

The NSC issued a press statement without discusing it with anyone at the State Department.

But Ambassador Bunker and Ambassador Linowitz were acting independently to calm the situation, unaware of the White House actions.

Ambassador Bunker talked to Panamanian Ambassador Gabriel Lewis shortly after noon, and a meeting with Ambassador Linowitz and Ambassador Bunker and Ambassador Lewis was arranged for that afternoon.

[Class. deleted]

[Class. deleted]

[Class. deleted]

[Class. deleted]

[Class. deleted]

Shortly thereafter [class. deleted] Ambassadors Bunker and Linowitz met with the Panamanians and we have three accounts of that meeting:

The recollections of Ambassadors Bunker and Linowitz and later reports on Panamanian versions of the meeting. Most of the meeting was devoted to discussion of the press account and explanations of the workings of the Washington press corps.

[Class. deleted]

[Class. deleted]

But the Panamanian perception of that meeting was that President Carter wanted to make compromises, particularly on economic questions, which could come into effect after the signing of the treaty.

The Panamanians also perceived that they might get a possible "simulated" or "self-liquidating" loan from the United States which Panama would not be required to repay.

Ambassador Linowitz said that he had emphasized to Ambassador Lewis at the meeting that the Panamanians should not try to incorporate other U.S. offers of economic aid directly into the treaty. Ambassador Linowitz said that he told them if they agreed to a treaty, this would improve the chances for other economic benefits. He told the committee that this was a reiteration of a point he had made repeatedly, time after time, in the various negotiating sessions.

The negotiating records that the committee has examined, frankly, are consistent with Ambassador Linowitz' story and his interpretation of what happened there. It was a key U.S. negotiating point that the side economic benefits should be separate from the treaty and subject to independent congressional approval. The Panamanians had urged that the two packages be combined. Similarly, there was under discussion at that time a "self-liquidating loan" which would have been secured through a complex mechanism involving various canal revenues. That approach was still being considered on July 16, but ultimately was dropped from the final treaty drafts.

In sum, the package of economic benefits which Ambassador Lewis reported to his foreign minister turned out not to be new benefits or a so-called compromise, but actually a summary of the side economic package that had been discussed the preceding week.

We have been able to trace each economic item [class. deleted] prior to July 15. The memoranda of earlier negotiating meetings confirm Ambassador Linowitz' recollection that he recapitulated earlier economic discussions and did not enter into any new substantive negotiations at the Saturday afternoon meeting.

That is an outline of what occurred that weekend as we have constructed it in our investigation.

The committee also conducted an exhaustive study of any possible relationship between intelligence activities and the Neutrality Treaty, the Canal Treaty and the economic benefits set forth in the side notes.

We have come to the following conclusions:

First, although the Panamanians dropped their planned press conference, we cannot trace any treaty concessions or other change to any events that occurred that weekend. We have examined this as carefully as we can and concluded that during that weekend the Panamanians received a short press release, with a reassurance that we were not going to stop negotiating, which was their original concern. They received nothing else.

The second point. The treaty terms did change in the weeks after July 16 as the two sides reached agreement. That is what negotiations are all about. But it is the Panamanians who abandoned their principal economic demands and accepted, with relatively few modifications, the U.S. offer that was under consideration and discussion in the week prior to July 15.

The third point. Because of our inquiry into the espionage case, we know which intelligence operations the Panamanians could have disclosed. But we have not—we have not, let me emphasize—despite intensive investigations, been able to learn anything more about the alleged payoffs which were supposed to have been sought by the executive and legislative branch officials.

We requested and received a massive search of intelligence files for any further reference to the subject. [Class. deleted]. There were none. There were none.

We asked Ambassador Bunker, Ambassador Linowitz, Admiral Turner, Admiral Inman of NSA, and Under Secretary Cooper, under oath, what they knew about the alleged payoffs. They testified that they knew of no such activities.

The allegations about payoffs have been referred to the Attorney General for his investigation, to see if there is anything out there that we have not been able to find. We have looked, and there is nothing so far as the committee has been able to ascertain.

In summary, the Select Committee on Intelligence could find no evidence that any intelligence activities—in particular, the espionage case or the events of July 15 and 16—caused changes in the Canal Treaty, the Neutrality Treaty, or the separate economic assistance package.

I repeat, in summary, the Select Committee on Intelligence could find no evidence that any intelligence activities—in particular, the espionage case or the events of July 15 and 16—caused changes in the Canal Treaty, the Neutrality Treaty, or the separate economic assistance package.

The staff report and supporting documentation describing these events in greater detail is available to the Senate, under the provisions of Senate Resolution 400.

Before moving to the second point, one of the things the Senator from Indiana found helpful was to go down the shopping list of the position of the Panamanians [class. deleted] and the position of the United States prior to that weekend. Without exception, in all the major areas, the final treaty includes the U.S. position, not the Panamanian position. There are a couple of areas where there is a reasonable agreement between the two, but nothing major.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield.

Mr. ROBERT C. BYRD. I believe Senator BAKER and I were present at a meeting of the Intelligence Committee when we were interrogating Ambassadors Bunker and Linowitz and other personnel in the Intelligence Committee. It seems to me that, based on that information, it was clear that rather than compromising the U.S. position and following these developments [class. deleted] the threatened press conference, and so forth, the U.S. negotiators toughened their position rather than indicated in any way a softening or weakening of the U.S. position.

Mr. BAYH. If one assesses all the points in the treaty that were up for consideration at the time, the final treaty negotiations, the provisions, are much closer—in some instances identical—to the position of the United States; but certainly much closer to the position of the United States. I think the assessment of our leader is accurate. I feel that the roughening was a product of good negotiations being conducted by American represenatives.

If Senators would like, I could go down these major economic arrangements that were listed in the accords or wait for questions.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. DOLE. In addition to the economic benefits, there are other changes in the treaty, and there is some conflict on when certain changes were made, whether they were made in May or June or July and August. I assume that that information will be available to us later on. Maybe we should not interrupt the Senator at this point. But there is some difference of opinion.

Mr. BAYH. The Senator from Arizona has that information, as well as the Senator from Indiana. Would it be appropriate to go ahead and finish this statement, and I will not volunteer this information?

Mr. GOLDWATER. If the Senator will yield, I was going to suggest that this

material be placed in the RECORD at this point. It gives a very clear explanation of just what happened at that particular time. I do not know if I am in order in asking that.

Mr. BAYH. Since the Senators here might not have a chance to read this now, let me quickly run through it.

Does the Senator from Arizona want to deal with the noneconomic treaty?

Mr. GOLDWATER. No—just what is at hand.

Mr. BAYH. Let me stress this economic question, and then we can come back to the noneconomic factors in the negotiations.

[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]

Why do I not move on with the rest of the statement? We can come back to the legitimate points raised by the Senator from Kansas relative to noneconomic points which is the subject of debate.

I think we can lay to rest concerns here. Certainly these matters were taken into consideration as well as the economic matters in reaching the conclusion that the intelligence problem as related to the Senate did not affect the outcome of the treaty in any way.

Now, the second investigation concerning intelligence activities in Panama, which we have been asked to report, is nearing conclusion, but such findings as I will summarize are still tentative. I say "nearing conclusion" because at the time we gave this report to the Foreign Relations Committee we had not yet received, although we had requested—not that there was any delay there with intention—we just did not receive the documents that the Senator from Kansas was talking about and also certain documents from the NSC. We do have the documents of the Senator from Kansas and the documents from NSC.

I think, my colleagues, we have everything. But we have not had the time to go back and digest this information with the same kind of time advantages that were available for the first part as far as the intelligence [class. deleted] operation was concerned. I think the assessments that we make are accurate, but I just want to level with you that we have not had the chance to have the thorough assessment of all the documents that we did on the others.

Oh, we have assessed the documents thoroughly, but we are concerned that maybe there are a few documents out there that we still do not have. We do not know where they are. Anybody who has been asked for documents has made them available. I think I need say no more.

This investigation, like the first one, is based upon highly sensitive intelligence information [class. deleted].

Once again, therefore, the requirement that this information not be disclosed to anyone outside this Chamber is a real one as well as an obligation under Senate Resolution 400.

Now to the question, on October 6, 1977, Attorney General Bell informed the leadership of the Select Committee on Intelligence and the majority and minority leaders that the Drug Enforcement Agency had intelligence information purportedly linking prominent Panamanians to illicit drug trafficking and that one Panamanian official had been named in a sealed indictment. The select committee was asked by the leadership to investigate the quality of this information and the impact, if any, of intelligence activities in the narcotics trafficking field upon the Panama Treaty negotiations.

The select committee in carrying out this investigation was mindful of its specific mandate. The committee's duty is to investigate intelligence activities, not to pass judgment on questions of general foreign policy or to second guess the judgments of judges or prosecutors.

Our investigation, therefore, focused upon the following four questions:

First. What intelligence regarding narcotics trafficking by Panamanian officials was selected? What did we have? What was the quality of this intelligence and how was it used?

Second. In what ways, if any, did foreign policy considerations affect intelligence activities in this field or affect the use of the intelligence that we had?

Third. In what ways, if any, did U.S. intelligence activities in this area affect narcotics enforcement efforts and in what ways did both intelligence and enforcement efforts, based upon that intelligence, affect U.S. foreign policy?

Fourth. Did U.S. intelligence activities in this area affect either the Panama Canal Treaty negotiations or the eventual terms of agreement?

Thus far, in this investigation, the staff of the select committee has reviewed documents from the NSC, the FBI, the Drug Enforcement Administration, the Central Intelligence Agency, the Department of State, the Department of Justice, the National Security Agency, Army Intelligence, the Bureau of Customs, and the Department of the Treasury.

The committee has also interviewed relevant personnel from these agencies as well as persons who served on the White House staff.

The select committee has found no evidence that U.S. narcotics intelligence activities affected the terms of the Panama Canal agreements or the negotiating process.

I would like to come back at the beginning of the debate, because we have a mixture of sentiment relative to the pros and cons of the treaty. The leaders did not ask, nor was it our function as a select committee of the Senate to get involved in, whether there should be a Panama Canal Treaty and what it should contain.

We were asked only to examine the intelligence question, what intelligence is available, not only who but what the quality of it is, and then to try to reach a conclusion as to whether that intelligence information had any impact on the treaty process.

Our conclusion was, as I mentioned in this defined area. We are not getting involved with the Foreign Relations Committee's responsibility or the Armed Services Committee's responsibility. But as far as the intelligence function is concerned, we concluded that there was no evidence that U.S. narcotics intelligence activities affected the terms of the Panama Canal agreement.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BAKER. Mr. President, will the Senator yield to me for a second?

Mr. BAYH. I yield to the Senator.

Mr. BAKER. Mr. President, as I recall that meeting, I was there, Senator BYRD was there—I believe if the majority leader will help me, was the Senator from Indiana also present at the meeting when Attorney General Bell——

Mr. BAYH. Senator INOUYE.

Mr. ROBERT C. BYRD. Senator INOUYE, the chairman of the committee, was there.

Mr. BAKER. And Senator GOLDWATER was there.

Mr. ROBERT C. BYRD. Senator GOLDWATER was there. I believe Senator CURTIS was there. I am not absolutely positive.

Mr. BAKER. I am referring to a briefing by Griffin Bell about the drug question.

Mr. CURTIS. I was not there.

Mr. ROBERT C. BYRD. He was not.

Mr. BAKER. What I wanted to say was to make a short addendum to the remarks by the Senator from Indiana. We were advised, that is, I was advised, and I believe Senator BYRD was advised by the Attorney General that certain information of this sort might become public knowledge and was in his knowledge, and he wanted to report it to the Senate.

It was not our view that information of this character should be transmitted in toto to the intelligence Committee for whatever jurisdictional purpose it might serve, not only in conjunction with the Panama Canal Treaty, but otherwise, and our instruction was that the Justice Department and the DEA give all of there information to the Intelligence Committee.

Mr. ROBERT C. BYRD. Our leader is correct according to my recollection.

Mr. DOLE. Mr. President, will the Senator from Indiana yield?

Mr. BAYH. Yes. I am glad to yield.

Mr. DOLE. Again, I do not want to delay the Senator. Just to make the record, at least this Senator has never questioned that somehow the terms of the treaty were affected, because of drug trafficking. Our question has gone to the credibility of the leader of Panama, if in fact there has been drug trafficking, because he is, in effect, if the treaties are ratified, the guarantor to make certain that the treaties are implemented and, second, if, in fact, there has been any drug trafficking involving the leaders of Panama, some of us have raised the question whether we want to prop up that kind of a government.

So I would not want, and I have tried to avoid in the past, any charge that

somehow there was something going on between the negotiators and the leaders of Panama, or somehow pressure was put on because of drug traffic, that may have changed the terms of the treaty. The Senator from Kansas has never suggested that, and I go back to—we are dealing with individuals here who have responsibilities. I know we can cover that later, but since it has been raised by the Senator from Indiana, I do not quarrel with that. I think the Senator is right. Based on whatever information the Senator from Kansas has, there was not anything that affected the terms of the treaty, but that does not solve the question in the minds of many American people.

Mr. GRIFFIN. Will the Senator from Indiana yield for a question?

Mr. BAYH. Yes.

Mr. GRIFFIN. I think it is fine to have the conclusions of members of the Intelligence Committee, but I want to draw my own conclusions, and I am more interested in what the facts are. The Senator said, for example, that a member of the Panamanian Government had—that an indictment had been issued concerning drug trafficking.

May I assume that the chairman is going to get to the point that he is the brother of Omar Torrijos, that he was ambassador to Argentina, that he was kicked out of Argentina, allegedly, because of drug trafficking, that he was then made ambassador to Spain, and that at present he also has the title of Director of Treaty Information for the Government of Panama? Will the Senator get into such matters and let us know all those facts?

Mr. BAYH. The Senator from Michigan, as a member of the Foreign Relations Committee, had the opportunity to hear——

Mr. GRIFFIN. Some of these things I did not hear, though. All I got was a lot of conclusions. As one Senator, I would like to hear the facts, and I then would like to draw my own conclusions.

Mr. BAYH. I think the Senator from Michigan knows how the committee makes its judgment. Sometimes the committee's judgment is sustained by the Senate, and sometimes it is not. The purpose of the conclusions is certainly not to lock anybody in chains; that is not how this body operates. Certainly everybody—we do not have total agreement on the committee. The Senator from Michigan and the Senator from Indiana, although we did not draw the same conclusions in terms of the treaties, have been working hand in hand and reached the same conclusions as far as the validity of the intelligence product is concerned, and how it affects not only the treaties but the terms involved. The report of the committee deals very sternly with the brother of Omar Torrijos. If the Senator from Michigan has no objection, I will go ahead——

Mr. GRIFFIN. I have no objection. I just am more interested in facts than conclusions.

Mr. BAYH. Well, the Senator from Indiana would have had more facts on the record now if he had had a couple of more minutes to read his statement. But I think this give and take is certainly within the confines of what this body is all about.

I should point out that I believe the issue raised by the Senator from Kansas is a good point. Not only is the issue of whether the intelligence community and its influence affected the outcome of the treaties, not only is that a relevant issue that the committee has been looking at, but I think all of us are concerned about what type of individuals will be running Panama, whether we can trust them, and that kind of thing.

General Torrijos is the man running the government down there right now, and we certainly have the responsibility to ask questions about General Torrijos. We are going to give you all the information we have; then you have the responsibility to make up your own minds about Torrijos, just as with any other nation we have the responsibility to making up our minds about its leaders.

Unfortunately, we do not have the responsibility of advising and consenting on the leadership of other nations. We have to take them as they are. I am not about to suggest that the Senator from Indiana would want to suggest that we would like to have some of these individuals made Members of the U.S. Senate.

We will give you whatever information we have, and you make your own assessment as to the credibility. We will do our best to give you everything we have here.

In the early 1970's, narcotics enforcement and intelligence activities may have affected the timing and the atmosphere of the canal negotiations—that is, back in 1970—by occasionally impairing relations between Panama and the United States, and by generating Panamanian distrust of U.S. policy and objectives.

To see how this came about, let me briefly summarize what the select committee has found regarding each of the four questions we were investigating.

Intelligence on narcotics trafficking in Panama was voluminous, particularly from 1971 to 1973.

I think it is important, as we discuss this, that the Senator from Indiana try—and I hope everyone else will try—to keep in mind the time frame relevant to what was happening, because the traffic was voluminous in narcotics through Panama and, indeed, the intelligence information was voluminous.

The intelligence contained numerous reports of markedly varying quality regarding the activities of over a dozen current and former Panamanian officials, including high ranking ones. [Class. deleted.] The information ranged from rumors reported by small time drug dealers who were hoping for a lighter sentence to eyewitness accounts of competent observers. Three examples will illustrate the variety of intelligence information which was collected.

I do not want to get into too much detail, but I think it is important to understand that the whole process, I am just learning, as are the other members of the committee, that the intelligence gathering process is like a big broom; you sweep everything up out there on the floor, and then you look for the little jewels of credible information you think you can rely on. I think that is what we will do through our discussion here.

Three examples will illustrate the variety of intelligence information which was collected. I want to emphasize, however, the important distinction between evidence admissible in court and raw intelligence.

What I am about to share with you now is based upon raw intelligence, much of it uncorroborated and little of it admissible in court as evidence. We do not sit here today as judge and jury, and are not subject to the rules of evidence. We have an obligation to review this information, because it may bear upon the treaties.

Certainly, as the Senator from Michigan pointed out, each Senator, after having access to all this information, ought to determine which are pearls of wisdom and truth and which is hearsay and not to be accounted as credible.

We have an obligation to review this information, because it may bear on the treaties. Therefore, I am prepared to share with you any and all information in the possession of the committee. However, we should bear in mind that intelligence information alone cannot prove that a given Panamanian official has or has not engaged in narcotics trafficking. That is just not what we are dealing with here. We will give you the information, and then you will prove to your own satisfaction——

Mr. DOLE. Can we prove they did not, the other half?

Mr. BAYH. I do not see how we can have information that can prove a negative. You cannot prove a negative in this country without individuals, either righteous ones or those who have criminal motivations, and you cannot prove that same negative about Panamanians, Colombians, or anybody else. We might just as well recognize what we are talking about here.

Let us start with Moises Torrijos, who is Panamanian Ambassador to Spain, accurately described, I think, by the Senator from Michigan, at least as to his past history, or at least part of it. He is the brother of Gen. Omar Torrijos.

In 1971, a Panamanian named Guillermo Gonzales was arrested in New York, along with the son of a Panamanian diplomat, for smuggling drugs. Gonzales identified Moises Torrijos as the person who had passed the Panamanian drugs through customs.

This report was corroborated by other sources, this report, proper. Although this corroboration did not come from eye witnesses Moises Torrijos was the subject of a sealed indictment in 1972, in New York, as I recall, after a grand jury heard testimony by Gonzales, Ambassador Moises Torrijos' long-time associate and former employee. Later intelligence included eye witness accounts of occurrences which tended further to suggest narcotics trafficking activities by that Torrijos. Let me point that out.

Later intelligence, included eyewitness accounts of occurrences which tended

further to suggest narcotics trafficking activities by Ambassador Moises Torrijos.

Mr. RIEGLE. Will the Senator yield at that point?

Mr. BAYH. Yes.

Mr. RIEGLE. It seems to me that the sealed indictment against Torrijos' brother is still in effect. To corroborate, do you know by whom? Does the staff know? How can we pin that down to the fact that we are satisfied with the sources that brought that out?

Mr. BAYH. As the Senator from Michigan knows, there are strict limitations on how information that is part of an indictment can be handled. That was waived in our case. It could not be waived as far as making this information available to others, like Gen. Torrijos himself. That is a complicated situation, if anyone wants to discuss that further. Certainly, the grand jury reached the conclusion that there was probable cause there and did return the indictment. The Senator from Indiana is prepared, from what he has seen, to accept the assessment of that grand jury.

Mr. McCLURE. Will the Senator yield on that point?

Mr. BAYH. Yes.

Mr. McCLURE. I understand that the sealed indictment secrecy was waived so far as the Intelligence Committee is concerned; is that corrrect? Do you have all the information that was available to the grand jury?

Mr. BAYH. I think we do. The corroborating source—well, that is sealed testimony. We have the thrust of the information. [Class. deleted] That is the kinds of bits and pieces we are putting together.

Mr. RIEGLE. If the Senator will yield, if I might continue, in the case of a [class. deleted] informant, that can mean a lot of things, that it was a [class. deleted] employee, or someone of great credibility, and it would be one thing. But if it was somebody else who provided information, as we have seen in other situations, I would attach a different kind of credibility to that. I am wondering if it is really ironclad evidence. What I am wondering is how do we ascertain the caliber and the weight or the strength of that [class. deleted] informant?

Mr. BAYH. The Senator from Michigan is touching upon a major difficulty confronting the committee. We are not talking about an exact science. Do not expect that. We will give you everything we have, the documents and the testimony of witnesses. But don't expect too much. These are bits and pieces. This particular [class. deleted] witness [class. deleted] as I recall reading that traffic, was considered a reliable source.

There are all sorts. We have some information I read in the newspaper based on unidentifiable sources. We do not know who gave the information and we do not know their credibility. Unidentified and we read about it. Gentlemen, that is the way it operates. You have to make the assessment. This was a reliable source. Unfortunately, in this business reliable sources at one time may not be so reliable at another when they have a different ax to grind. [Class. deleted]

Mr. RIEGLE. Could I ask one further question? Is the basis upon which you made the statement that this was corroborated on the strength of the testimony of this one [class. deleted] informant or others?

Mr. BAYH. Let me give an example of what I am talking about.

Mr. RIEGLE. I wanted the evidence to pin this down.

Mr. BAYH. OK. This is information [class. deleted] that was distributed only to six individuals in our Government prior to our getting access to it, [class. deleted]. He states here, and this is the kind of thing we try to piece together and that is why very little of this could ever hold up in a court of law:

> Point 2 of this is that [class. deleted] according to the same source [class. deleted] an aide [class. deleted] said that [class. deleted] an unidentified high-ranking Panamanian Government official had gone to Tocumen Airport near Panama City to arrange for the transfer of the drugs prior to their attempted shipment to New York.
>
> [Class. deleted]

Mr. GOLDWATER. Will the Senator yield?

Mr. BAYH. Yes.

Mr. GOLDWATER. I might point out what the chairman is talking about. We have a copy, and it is available to all Members, of the indictment returned by a grand jury investigation in New York against Moises Torrijos. But, as I understand it, there are no documents from that grand jury investigation to give us any light on this. This can be seen by all of you.

Also, we have a letter, a copy of a letter, from the Department of the Treasury, Bureau of Customs, dated August 2, 1971, which is a very interesting document that I think you all should read. It is a little long. It is a letter of how the grand jury got a Raphael Richard, a Panamanian citizen traveling with diplomatic passport No. 217–A to enter the case and testify.

This letter also includes a list of names that both Mr. and Mrs. Richard were acquainted with. I will not attempt at this time to put it into the RECORD. I just wanted to substantiate what the chairman has said. We have these documents. The grand jury has never supplied us—they may have supplied the Government, but we have never seen them—with the backup paper we need to do much more than to say there is an indictment outstanding on Moises.

Mr. McCLURE. Will the Senator yield?

Mr. BAYH. I want to make one more observation. The Senator from Arizona is accurate. We do not have the documents. We have had access to the witnesses, the two witnesses, Gonzales and Richard. Those were the same two people who presented the evidence. The jury thought it was credible. We, of course, have looked at their assessment.

Mr. JOHNSTON. Will the Senator yield?

Mr. BAYH. I yield to the Senator from Louisiana.

Mr. JOHNSTON. If we may put aside for a moment the question of admissibility, and the question of guilt beyond a reasonable doubt, did the Senator from Indiana come to any conclusion in his own mind as to whether Moises Torrijos had committed the crime as charged?

Mr. BAYH. That is in my statement. I would have to say to my friend from Louisiana, beyond a reasonable doubt? No. Probable cause to believe? Yes.

Mr. JOHNSTON. Well, not probable cause or an indictment. Does the Senator believe that Moises Torrijos committed the crime?

Mr. BAYH. From what I know right now I would have to say to my colleague I think Moises Torrijos has been involved in drug traffic.

Mr. MOYNIHAN. Will the Senator yield?

Mr. BAYH. I yield to the Senator from Idaho.

Mr. McCLURE. Although we do not have the documents submitted to the grand jury, I assume those documents were submitted by the grand jury to our Government and I assume the Government provided the same documents to the committee they provided to the grand jury? Is that a fair assumption? Or is the Government withholding evidence from the committee that they submitted to the grand jury?

Mr. BAYH. We have the evidence. The facts are that this Raphael Richard, whatever it is, is the son of a father whose name was also Richard, who at the time was the Panamanian Ambassador to Taiwan.

Unbeknownst to the father, the son, Rafael, was traveling through this country on a diplomatic passport. From the evidence we have, I think it is credible, and our people do not believe that his father knew anything about that. We do believe that there was pressure, influence used—I think that is a better word—there was influence used to get a special passport for this young man. He was, I think, 22 years of age at the time. He came through—if I could just finish this chronology, and I will not go into all the detail.

He came through the airport in New York. They asked to search his luggage. He protested that he had diplomatic immunity. They suspected he was not entitled to it. They took him into a side room where they had an extended argument.

Not to prolong this, they searched the luggage and there were the goods.

Mr. GRIFFIN. I ask the Senator from Indiana, when he says special arrangements were made for the passport, is it not true that his passport was especially signed by the Foreign Minister of Panama, Tack, who has been very closely involved in the treaty negotiations?

Mr. BAYH. Juan Tack, the Foreign Minister, signs all diplomatic passports in Panama.

Mr. GRIFFIN. Let me underscore another point. When referring to drugs, is it not true that we are not talking about a few ounces of marijuana in these cases; we are talking about a lot of heroin. Is that correct?

Mr. BAYH. (Nods in affirmative.)

Mr. GRIFFIN. And with respect to this fellow Richard whom you were just talking about, does not the indictment refer to 70 kilos of heroin? What is that, about 150 pounds?

Mr. BAYH. That is 145 pounds.

Mr. GRIFFIN. I just think it ought to be clear what we are talking about. That is the kind of "drugs" we are talking about.

Mr. BAYH. I hope the Senator from Michigan does not think the Senator from Indiana——

Mr. GRIFFIN. It has not been said, BIRCH—I think we ought to know we are not talking about marijuana.

Mr. BAYH. I think it should be said that we are talking about some people who are rather unscrupulous characters. We are not talking about Sunday School teachers. The question is, how much evidence do we have on whom, how much does it relate to people who are in responsible positions in Panama, and what impact does that have on the treaties?

The unfortunate thing is, as you go through this, you see a lot of the same kinds of things happening in positions of great authority in Panama that happen in, probably, the majority of other nations that we deal with on an everyday basis.

I am not excusing them. I am just trying to put it on the record, gentlemen, that this is not just that different a case.

Now, should I finish? We had Gonzales in the room with 145 pounds of heroin. Then, through a sequence of circumstances, our (customs) agent convinced him to call his uncle—Gonzales was his uncle, as I recall—to call him down in Panama.

They have done this before BOB. This was not the first time they tried this trick. They had a pretty good system where they had somebody in the Passport Bureau where, when the name was flashed, influence was used. It could well have been Moises' influence, but I am not sure of that.

This young kid was traveling on a diplomatic passport. His dad did not even know about it. Before, Gonzales had traveled with him. This time he did not travel with him, for reasons that are not clear to me. When he got to New York, Richard was supposed to call Gonzales. The customs agents convinced him to call Gonzales. A couple of days later, Gonzales appears, when he gets off the airplane, bang, they nab him. They put the stuff in the back end of the car, they check into a hotel, leave it on a parking lot, go through the whole subterfuge, ultimately naming a couple of people in this country who picked it up.

That is the kind of evidence we have.

Mr. GOLDWATER. Will the Senator yield?

Mr. BAYH. Yes.

Mr. GOLDWATER. I just want to point out that this is evidence of the type of trouble that our staff has had. The answers to questions that have been asked here are available from Judge Weinstein's court in New York, but he refuses to release them. This is a grand jury. We all know how sacred grand jury material is.

If the judge would just yield these papers, I think we could tie this whole thing up in a tight ball of wax much more completely than just an indictment issued as a result of the grand jury investigation.

This, I must say, has been a repetitious experience of the staff as they have tried to unravel this particular case. It seems that every time we get it about ready to release, bang, in come another five or six hundred pages that will have a hearing on it.

I just wanted to make that clear.

Mr. BAYH. I think it is fair to say to my friend from Arizona, we both have reached the judgment, have we not, that even if we got another 500 pages, it is probably not going to be exculpatory in nature as far as this particular individual is concerned.

Mr. GOLDWATER. That is right.

Mr. MOYNIHAN. I thank the Senator.

I make two simple points. The first is to say that the indictment that we are discussing was issued in the eastern district of New York, which includes Kennedy Airport, where this episode occurred. It might be of interest to the Senators, most of whom I think know this, that the pattern of drug smuggling by Latin American diplomats was somewhat epidemic at this point. When we learned about it and arrests such as this took place, it dropped off sharply. I have a list here of similar episodes with these diplomats of about this time. The countries read: Guatemala, Mexico, Uruguay, Colombia, Panama, Bolivia, Panama, Panama, Panama, Bolivia, and so on.

Mr. Tragar is the U.S. attorney for the eastern district. I have been in touch with his office. I understand that the sealed indictment has been made available to the Attorney General, and as is right, of course, through him, to us.

In response to the Senator from Arizona, I shall take the liberty of contacting Judge Weinstein, who, I know, would wish to be fully cooperative with the Senate.

I simply make the point that, although there were very large amounts of heroin involved here, no one should think this was a unique event at this time. This was a much too common event at this time.

Mr. CURTIS. Will the Senator yield?

Mr. BAYH. I yield.

Mr. CURTIS. Has Torrijos' brother been subject to the jurisdiction of the United States since the indictment?

Mr. BAYH. He has not. If the Senator will permit me to finish my statement, or proceed along here—let us not say it that way. When the time comes for the Senator from Indiana to proceed, he will find out that there were certain circumstances that occurred so that the Senator from Indiana can answer that question in the negative instead of the affirmative.

Mr. CURTIS. Do we have an extradition treaty with the Republic of Panama?

Mr. BAYH. I do not think we do. Let us check that out.

We have had an example here, that I recall looking through the records in the last couple of years, where General Torrijos and Colonel Noriega have cooperated with DEA and have sent to this country, under armed guard, meaning the Nacional, by airplane, people that we were looking for and turned them over to us. That is a relatively new occurrence.

Frankly, we have had, sometimes, cooperation and sometimes a lack of cooperation. Right now, we have a very good relationship. The amount of drugs going through Panama, as I point out in my statement, has fallen off precipitately; not just in the last few months, but going back into the 1973–74 period.

Mr. CURTIS. I understood the distinguished Senator to say that some sort of pressure had been exerted that provided this young man that he mentioned with a diplomatic passport. Who applied that pressure?

Mr. BAYH. [Class. deleted]

Mr. CURTIS. [Class. deleted]

Mr. BAYH. Let me spell it out. [Class. deleted] We have reason to believe that the Foreign Minister, Juan Tack, did indeed sign this passport, as he was required to sign all diplomatic passports. [Class. deleted]

Mr. CURTIS. That answers my question.

Mr. DOLE. Will the Senator yield?

Mr. BAYH. I yield to the Senator from Kansas.

Mr. DOLE. I think we can show that diplomatic passports are not that numerous or that many. So, if you say he signed all diplomatic passports, you are talking about a small number.

Second, with respect to the Senator from New York's statement, I understand that it happened in Uruguay, Colombia, and many other Latin American countries, by the treaty with Panama, and that is why it is important we focus on Panama.

Third, I think there will be an amendment offered to the treaty which will provide for extradition for trafficking in drugs, if it is not provided for now.

We will all have a chance to vote on such an amendment, maybe sometime this month, or next month, or hopefully, about May—sometime in May, when we get to that part of the treaty, because I do not think it is provided for now, and I would suggest we could focus on that.

But do we have information on the number of diplomatic passports issued in that year. Can that be provided?

Mr. BAYH. We can get that from the State Department. That is a matter usually resolved.

Mr. ROBERT C. BYRD. Mr. President, I wonder if the Senator would be allowed to complete his statement. There are some Members who want to get to lunch eventually, and there is no plan to recess for lunch. The plan is to go through the closed session until it is finished.

Mr. BAYH. That is encouraging information to the Senator from Indiana.

Mr. PERCY addressed the Chair.

Mr. BAYH. The Senator from Illinois.

Mr. PERCY. I would ask unanimous consent that the Senator from Indiana be permitted to finish his statement without interruption and then some of us would like to ask questions. If he is

going to be interrupted further, I would like to ask my questions now. But I would prefer to hear the statement finished.

Mr. HANSEN. Mr. President, reserving the right to object, I would make this observation. It is difficult lots of times to go back and pick up and to refresh everyone's thinking with a particular point and it is only because of my concern that it may be more relevant that we——

Mr. PERCY. I would hope to defer to the distinguished chairman.

Mr. BAYH. Let me speak in one respect.

Mr. PERCY. All right.

Mr. BAYH. If you want to interrupt, fine. We are trying to get everything out here and we mention some of these things ourselves or include things before even I understand their impact.

I should correct the record in response to the question of our distinguished colleague from Kansas. We do have an extradition treaty with Panama, but on extradition we are talking about extraditing our own citizens, not extraditing Panamanian citizens and then bringing them into our country and trying them according to American law.

The treaty does not permit Panama to extradite American citizens to Panama because they are alleged to violate Panamanian law, and we would not want it applied the other way.

Mr. PERCY. Will the Senator yield?

Mr. BAYH. Yes.

Mr. PERCY. The Senator from Illinois' preference would be that we go along with the majority leader's suggestion.

We have established a procedure in the Senate of allowing a witness, if we can call our distinguished chairman of the Intelligence Committee that, the chance to finish his statement and then we question him.

I think, having read carefully the statement the chairman is about to make, or trying to make, I think it would help us all to hear the whole statement here, and then question him. But if that is not to be the procedure, then the Senator from Illinois would like the right to ask him a few questions, that I hope will be helpful, at this stage.

First, I would like to read a comment made by our distinguished colleague from Kansas. Senator DOLE said:

> We are here to debate the treaties and not some outside issue.

So far this hearing sounds like it is a hearing of the Permanent Investigating Subcommittee of the Senate, or something like that. We have hardly gotten into the treaties.

I would like to quote again, Senator DOLE, that if, in fact:

> The allegations are true and there is some drug trafficking by Torrijos, can he be trusted as the guarantor of the treaties?

I really feel that is not the critical point. We are making a treaty with a country, a sovereign nation.

If at any time allegations are made against a governmental official for this reason and we cannot go ahead and make a contractual relationship with the government body that he represents, no one would have made a contract with the city of Chicago, certainly, since the days of Mayor "Big Bill" Thompson or in the intervening 45 years.

We are dealing with a government. We are dealing with a country. We are dealing with a sovereign nation. If the brother of the chief executive officer of that country was somehow involved in drug trafficking, and we would not, therefore, do business with the country, should some other nation then not do business with us if members of the official family have at some point or other had allegations made against them involving some crime?

No individual is without fault and we are not our brother's keeper.

I think the whole question is, to get back to our principal responsibility, whether these actions and activities that we have been discussing had any vital effect upon the treaties.

I have read the testimony. I have heard our distinguished colleagues Senator BAYH and Senator GOLDWATER testify before the Foreign Relations Committee. We questioned them for several hours. I have yet to conclude that there is any basis for our feeling these matters had a material effect upon the treaties themselves.

I would like to ask a few questions.

At any time, was the Drug Enforcement Agency told to go easy on Panama because we are negotiating treaties and we want to take it easy on them and not embarrass them?

Mr. BAYH. Not to my knowledge.

Mr. PERCY. I have had that point affirmed by Peter Bensinger, head of the Drug Enforcement Administration this morning. I called and asked him. He said at no time has he ever been told to go easy.

Mr. BAYH. May I suggest, if my colleague would permit me to temporarily reclaim the floor here, if the Senator's questions are going to go to very realistic reasonable questions to the involvement of our agency or our officials right up to the White House in certain activities in Panama, it is going to be awfully difficult for me to answer those conclusively, yes or no.

If the Senator would permit me to finish my statement, you can see what I am talking about, and I will not have to hedge.

Mr. PERCY. I have read the statement. I am simply trying to bring out——

Mr. BAYH. I understand. Unfortunately, everybody else has not read it.

Mr. PERCY. My information is that it has not had an effect upon the treaty.

Mr. BAYH. The Senator concluded that earlier.

Mr. PERCY. Do we have any evidence that any treaty clause was affected by these allegations of [class deleted] intelligence operations or traffic in drugs?

Mr. BAYH. May I just read a statement that, to my knowledge, applies to everything in this respect?

The select committee has found no evidence—no evidence—that U.S. narcotics intelligence activities affected the terms of Panama Canal agreements in any way.

The Senator from Kansas is trying to skin a little different cat here. He is going to credibility.

Mr. DOLE. I said as much. I do not want anybody to misunderstand. Before the Senator from Illinois arrived and did not hear what was going on, we discussed that and tried to lay it to rest.

I stand by the statement I made. I have never suggested that somehow somebody was influenced. Maybe the facts will prove otherwise. But I am not going to try to convince everyone in America if Torrijos is involved it will not affect my vote.

Mr. BAYH. I think we have a situation here where both sides, and in my present position I do not feel I have a side on this, because I am trying to give the intelligence data without any bias as to what happens on the treaty, but I think we have agreement here, everybody that studied this agrees that the intelligence activities in the narcotics field did not affect the treaty negotiations.

Mr. DOLE. At least up to now we have that understanding.

Mr. BAYH. As far as I know.

Mr. DOLE. Yes.

Mr. PERCY. If the Senator will yield for two more brief questions. Taking into account that very few governments are totally cooperative on drug trafficking because it does involve internal affairs, has the Government of Panama been reasonably good in cooperating with the U.S. Government in attempting to reduce drug trafficking, and have they at any time in the Senator's knowledge actually participated when a relative of Torrijos was involved; have they actually participated in making an arrest?

Mr. BAYH. In answer to the first question, you are going to have this in my statement. It was about the time of 1973 or 1974 that the narcotics picture, which has been horrendous— the Senator from Michigan does not exaggerate, it had been horrendous—improved significantly to the place that [clas. deleted] CIA had deemphasized narcotics as an intelligence requirement for Panama. Since that time, there has been significant cooperation, much better cooperation.

However you could appraise it from looking at the documents, sometimes they cooperated and sometimes they did not. I think you can see that back 7 years ago there was very little or perhaps no cooperation so far as relatives were concerned. Within the last year or two, the Panamanians, themselves, have arrested the husband of a cousin of General Torrijos, and they arrested her, too. They convicted him.

So you can see now there is not an inhibition to go out and get some of the relatives.

Mr. PERCY. That is the information I would like to put on the record.

According to Peter Bensinger, who has this responsibility for the Federal Government, he indicates that the cooperation of Panama has been generally good. He cited to me 43 people that have been arrested. There has been no obstruction

in drug cases involving these 43 cases. The information I have is that San Clemente, who is apparently the husband of a niece of Torrijos, was arrested by the Panamanian authorities, with apparently the full knowledge of General Torrijos, who felt that his apprehension should move forward.

My last question deals simply with the interception question, as to whether or not General Torrijos personally was involved in warning his brother that if he entered the Canal Zone, he would be arrested. Can the Senator give us information as to what agency of Government actually notified General Torrijos that this arrest might be made? If this comes in the subsequent material—I am sure it does—then I yield to the distinguished chairman to finish his statement, and I hope it can now be completed.

Mr. BAYH. As the Senator knows, the answer is "Yes." Let me go over chapter and verse in the rest of my statement.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield.

Mr. THURMOND. I am going to take about 2 minutes to ask a couple of questions, and I want to say in the beginning that I think it is a mistake to try to defeat these treaties on what Mr. Torrijos's brother is accused of doing. I think it would be unfair to Mr. Torrijos to try to do that. I do think that Mr. Torrijos has enough against him, himself. I think that before these treaties come to a vote, a lot of Senators will be convinced that that is the case.

First, I would like to make a statement of about a half minute and ask the Senator a question.

During the period of 1970 through 1973, the National Security Agency conducted wiretaps for the plumbers. Allegedly, the wiretaps were to obtain information on drugs. However, much of the information was used to compile the enemies list made so famous by Watergate. I have been told that the illegal wiretaps were given the code name Operation Shamrock, and, further, that the Justice Department impounded these files in April of 1976 because of the sensitive nature of the information they contained, such as [class. deleted]; third, information on U.S. citizens and politicians, and so forth.

Now, this information allegedly has not been given to the Intelligence Committee, and I just want to ask the distinguished Senator if it has been given to the committee.

Mr. BAYH. I say to my colleague from South Carolina that the Senator from Indiana is familiar with the Operation Shamrock issue. He did not brief himself on the contents of that because, as the Senator from Indiana recalls, all that was made public in the report from the Church committee. So it is not a matter of carefully held intelligence information.

Mr. THURMOND. Would the Senator be willing to request the Justice Department to make available this information, so that Senators can see it for themselves, since one allegation that the information contains is the drug connection between Castro and Torrijos?

Mr. BAYH. I certainly would be glad to have the Justice Department give us anything they have. I think perhaps we should look at the Church report, to see what was made public, first, and then ask for any extra information.

There are all sorts of allegations. Sure, you have allegations of drug tie-ins to Torrijos and Castro. I have to say we found absolutely no substantiation of that.

Interestingly enough, we have found a tie-in between the Cuban Government and one of the informants that has been widely used to discredit Torrijos. So it is sort of a mixture there.

Mr. THURMOND. In view of the information that has come to you, you may find a connection there, in these papers, the drug connection between Castro and Torrijos. I think that would be of interest.

I think what Torrijos' brother did, unless you had proof, would have no effect here. But if you are going to connect Torrijos, that is the man I think you have to connect. Again I say that I think it is unfair to hold him responsible for something that someone else may have done, even his brother.

Is the Senator willing to request this information from the Justice Department, which was impounded in April of 1976, and make it available to the Senate?

Mr. BAYH. I have already asked my staff, and they have already undertaken to get this information.

If the Senator from South Carolina has any information at his disposition, any papers, I hope he will make them available to us.

Mr. THURMOND. I think you will find the information in the Shamrock papers.

The other question: One other operation which I understand was not given to the Intelligence Committee by DEA was Operation Northern Light. These files allegedly have information showing the connection between Castro and Torrijos and their relationship and I am told go so far as to assure the involvement of Colonel Noriega, chief of intelligence for Panama's National Guard, with the DGI, which is the Cuban intelligence agency, at the United Nations in New York.

Has this been turned over to the Intelligence Committee? If not, would the Senator request that information and make it available to Senators?

Mr. BAYH. We have those allegations, I say to my colleague from South Carolina. We have not found anything credible about it. We will ask the Justice Department to dig deeper and see if there is other information that may be available to us.

When the time comes for me to continue with the committee statement here, you will see that we do not tread lightly on Colonel Noriega.

Mr. LEAHY. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. Let me finish.

The point I am making is that I do not think it is adequate just to ask the Justice Department what they have on so and so. I would like the Justice Department to make the papers available which they impounded in April of 1976 on Operation Shamrock, and also to make available the papers on Operation Northern Light, so that Senators can see those papers for themselves and make their own determination. As I understand, the Senator is willing to request——

Mr. BAYH. As I said, the request already has been forwarded. I have every reason to believe that we are going to get complete cooperation from the Justice Department. They have done nothing but cooperate with us.

I think it would be in the interests of all of us if we would let the Senator from Idaho respond to that Northern Light matter, because we are talking about the Shamrock matter, and we are talking about a matter which was before the committee he chaired so ably.

Mr. STEVENS. Mr. President, will the Senator yield for one question?

Mr. THURMOND. Just a minute.

The Justice Department might take one view. I may not feel something is important that other Senators here might feel is important. I would like for these papers to be made available for all Senators to see themselves what is in those papers, because I understand that important information is in there and I think Senators ought to have it available.

Mr. BAYH. This Senator told his colleague that we are going to check that out and do our best. We will get any information that is there.

I have to say to the Senator that there have been a lot of allegations that have turned into hot air when we get to looking at them. If there is something there we will get it, make it available and assess it. The Senator can assess it, too. But if there is not anything there we cannot help the Senator on that.

Mr. THURMOND. I do not want the Justice Department to tell me something is there or one Senator even on the Intelligence Committee. I like for Senators themselves to see the papers and let them draw their own conclusions.

I thank the Senator very much.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. ROBERT C. BYRD. How long will it take him to complete his prepared statement?

Mr. BAYH. About 10 minutes.

Mr. STEVENS. That is what I wanted to ask.

Mr. ROBERT C. BYRD. I urge that we let the Senator complete his 10 minutes and read his text and then we will recess for a half hour or 45 minutes, and let Senators have a little lunch and come back.

Mr. LONG. I object.

Mr. BAYH. I have no objection to whatever pattern we want to follow. I think it is important the Senator from Idaho have a contribution here in this particular dialog.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAYH. I yield to the Senator from Louisiana.

Mr. LONG. With reference to the point made by the Senator from South Carolina, I certainly would support his con-

tention that the Senate is entitled to know any relevant matter that might have anything to do with any of this. I would hope that we are not going to start this thing of inviting 100 U.S. Senators to go through all these raw files of the FBI and the CIA.

Just as a committee chairman on one occasion with regard to a contested nomination, I assigned myself and the ranking Republican leader, at that time Mr. Wallace Bennett, to the chore of going through one of these raw files, wading through about 500 pages of junk, and I never saw so many unsupported, unsubstantiated allegations so that just if one wanted to, he could spend the rest of his life just going through all these different ramifications and suggestions of what somebody said about somebody and what somebody else heard and what somebody thought might be the case. If you investigate it, you might find thus and so. By the time I got through all that, I concluded if I really wanted to spend the rest of my life, I could probably make the case this fellow should not be confirmed for office. I was satisfied I would not live long enough to do that and do anything else.

I do not see any point of 100 U.S. Senators going through some file to come up with whether some of this scurrilous stuff that people say by hearsay and all that should be made available just because if somebody says something that is clearly libelous and by any rights at all would be subject to litigation against someone should it be said. I do not think it is fair that 100 U.S. Senators go through all that junk and start repeating scurrilous things somebody said to somebody.

It would be perfectly all right to me if a Senator on each side of the aisle—to satisfy the Senator from South Carolina, have him go through, just go through everything he can find over there—that is fine—but I do not think we ought to have 100 U.S. Senators going through all this junk. Then if it leaks out we want to know who leaked it, and it is a complete violation of our ethics and our proper conduct. If we had one or two people go through it, then at least we can hold someone responsible.

All this time, if you find scurrilous unsupported things in there and it then leaks, we ought to be in some position to hold someone accountable for leaking it.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no later than 1 o'clock p.m. today the Senate stand in recess for 45 minutes and when it reconvenes it reconvene in closed session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I need 1 minute to discuss Operation Shamrock. I have no personal recollection of Operation Northern Light.

But the select committee that was charged with investigating the abuses of the intelligence agencies and issued its report in seven volumes. We did look exhaustively into the question of Operation Shamrock. I believe we accumulated all available evidence on Operation Shamrock and gave a detailed account of it in our final report. All the information is there. All of it is public.

To the best of my recollection, none of that information linked Castro with Torrijos in connection with any drug traffic.

Mr. BAYH. I appreciate the updating by the Senator from Idaho. I think it is important, let me say to my colleagues, and I think my friend BARRY agrees, the thing that has caused me the greatest concern in reading some of these stories are the allegations that some of the agencies have been involved in coverup, whether it is the Justice Department pulling something back or this business about the files being transferred all around in an effort to escape us.

Part of the problem is that these people have bent over backward: DEA did not want to pull out—and we told them:

We don't want you to pull out what you think is important; send us the whole darn box and let us determine what is important.

I cannot swear to you on a stack of Bibles that there is not a ream of material under Griffin Bell's bed. You know, I have not been under his bed. But I have to say to Senators, as far as the Justice Department, DEA, CIA, NSA—who did I leave out—National Security Council—everybody has been very forthcoming and if we have erred, it has not been because someone has been trying to cover up tracks.

We will make those available to colleagues. I trust we will all have the chance to read the published report referred to by our distinguished colleague from Idaho.

Mr. THURMOND. Mr. President, I thank the distinguished Senator.

Mr. SCHMITT. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. SCHMITT. I hope during my brief absence this was not covered. If it was, just say so and I will read the RECORD. But there is an indication both in the Senator's report and in the report that is on our desk from the Committee on Merchant Marine and Fisheries in the House of Representatives that Moises Torrijos may have been warned by officials of our Government to not come to the Panama Canal Zone in order to avoid arrest.

Mr. BAYH. He was warned. If the Senator will permit me, I will cover that perhaps in a more succinct way.

Mr. SCHMITT. I am sorry. I thought the Senator already recited that.

Mr. BAYH. No. That is certainly a reasonable question and it was raised by the Senator from Illinois.

He was warned. And now shall we proceed to see how and why?

We have just dealt with the grand jury indictment of Moises Torrijos.

A much smaller quantity of intelligence was collected alleging narcotics activities of a high National Guard official. One BNDD informant named the same officer as having "overall operational control" of officially sanctioned drug trafficking in Panama. This person, although making the allegations, provided no examples and did not claim to have witnessed anything.

That is the kind of problem we have of people making tremendously damaging statements and then not being able to really nail it down by any specifics or any eye witness accounts.

Here again, my colleagues, let us look at the kind of world we are talking about, to catch this next sentence. Moreover, the informant was a political opponent of the Torrijos regime who had been exiled for participating in an unsuccessful coup d'etat attempt against Torrijos.

I mean some of this information comes from people who have every reason to want to try to damage Torrijos.

Nearly 4 years later a different BNDD informant found persons who said that the high National Guard officer directed narcotics operations between Cuba and Panama. As Panama's intelligence chief, Colonel Noriega has sometimes cooperated with and sometimes frustrated U.S. enforcement efforts.

The Drug Enforcement Administration reports that in recent years Colonel Noriega has cooperated in DEA enforcement efforts in Panama.

Why the difference I do not know. But I will say quickly this is not something that this cooperation suddenly improved in the last 6 months or a year. This has been back since 1973, I think it was, the time when the situation seemed to have improved appreciably.

Intelligence linking Gen. Omar Torrijos to drug trafficking has been largely secondhand information. Over the years, several drug dealers have told BNDD or DEA informants that they were friends of General Torrijos, and that he was one of their customers, or that he protected them. Friends and associates and, as we have seen, relatives of General Torrijos have been tied to narcotics traffic, and informants have alleged that he received a part of the profits. Some sources have provided intelligence which we view as reliable suggesting that General Torrijos knew about narcotics trafficking by government officials and failed to stop his brother's activities [class deleted]. On one occasion, at the suggestion of the U.S. Government, he did in fact aid his brother in avoiding arrest in the Canal Zone.

Mr. ROBERT C. BYRD. When was that?

Mr. BAYH. I will cover that, if I might.

Mr. CRANSTON. Was this also with the aid of the U.S. Government? Will you explain that point?

Mr. BAYH. Yes, this was. General Torrijos assisted his brother to escape arrest, but so did the U.S. Government assist his brother to escape arrest, I think it is fair to point out.

How has Government intelligence on Panamanian narcotics trafficking been used? It has been used to brief policymakers, to aid enforcement efforts, and to support diplomatic initiatives aimed at improving narcotics enforcement. On July 15, 1971, BNDD officials briefed State Department personnel on their findings. On July 28, they provided the State Department Country Director for Panama with a memorandum which listed intelligence data on 15 prominent

Panamanians. The memorandum treated as facts—I want to emphasize this; the memorandum, to be made available, treated as facts all the uncorroborated allegations given BNDD by everybody, including supporters of General Torrijos, without indicating the sources of these allegations.

I think the material we have now, as much as we can, confines any allegations to a given source, so that we can give you, in most instances, some indication of the reliability of that individual; but this information did not do that. A similar briefing was later given to two NSC staff members. Intelligence about narcotics was used by BNDD Director John Ingersoll when he met with officials in Panama in September and November of 1971. That information was used both to increase cooperation on narcotics enforcement and to pressure General Torrijos regarding Colonel Noriega. During this period, very little progress was made on either front. That was back in 1971, September or November.

This intelligence was drawn upon by Director Ingersoll for several congressional briefings. For example, on December 19, 1971, he appeared at a closed session before Congressman MURPHY'S Panama Canal Subcommittee and described his frustration with Panamanian officials. Intelligence reporting also lead Ingersoll to request, on January 10 of 1972, that his staff prepare a plan for the "immobilization" of [class. deleted].

[Class. deleted.]
[Class. deleted.]
[Class. deleted.]
[Class. deleted.]
[Class. deleted.]
[Class. deleted.]
[Class. deleted.]
[Class. deleted.]
[Class. deleted.]
Mr. DOLE. [Class. deleted.]
Mr. BAYH. [Class. deleted.]
[Class. deleted.]
[Class. deleted.]
[Class. deleted.]

U.S. intelligence activities in Panama and relations between Panama and the United States necessarily influenced each other over the years. Let me highlight a number of the most important events.

On February 6, 1971, BNDD agents arrested a Panamanian official named Joaquin Him Gonzales in the Canal Zone. Panamanians believed he was lured into the Canal Zone, and this resulted in a serious diplomatic incident. This led the State Department to insist that BNDD personnel not enter Panama without coordinating their activities with the U.S. Ambassador. Panamanian intelligence officials insisted upon similar coordination, and undermined some BNDD activities.

In March 1972, Jack Anderson published a column based on Ingersoll's testimony to a closed session of Congressman MURPHY'S House Panama Canal Subcommittee. The column indicated somewhat dubious charges against Panamanian Foreign Minister Juan Tack. This provoked another diplomatic incident and the expulsion of BNDD personnel from Panama. The Government of Panama quickly agreed to accept new BNDD personnel, however, after the State Department threatened to cut off aid funds from the United States.

In June 1972, at the direction of the White House, and with the concurrence of the concerned agencies, Director Ingersoll met with General Torrijos and informed him of the sealed indictment against his brother Moises Torrijos. In October, the U.S. Ambassador to Panama told one of his aides to continue narcotics enforcement efforts despite "high level agreement between the United States and the Panamanian Governments not to upset each other's respective domestic political apple carts" before Inauguration Day in 1973. That was October 1972.

In December 1972—and this goes back to an earlier question—in December 1972, a State Department official, upon instructions apparently originating from the White House [class. deleted] something came from somebody in the White House and nobody has any recollection who he was. We have talked to several principals, Egil Krogh and others in the White House, who were in charge of the particular narcotics emphasis at that time. Nobody knows exactly where the orders came from or who initiated the orders. [Class deleted.]

He warned—here is the way it happened—he warned General Torrijos—the way we have it here is not quite accurate—we have here that he warned General Torrijos not to let his brother Moises enter U.S. jurisdiction in the Canal Zone.

We say Moises Torrijos was on a ship bound for Cristobal where customs officials were waiting to arrest him.

In going over this again, in trying to get a sanitized version, it is not as specifically accurate as it was in the Foreign Relations Committee. [Class deleted] The State Department official told General Torrijos, in a telephone conversation, that the United States was aware that Moises was about to enter U.S. jurisdiction in the Canal Zone on this ship, the Verde, I think was the name of it. [Class. deleted.] The general got very angry and and said, "My brother has the right to be on any ship he wants to be on," and hung up the telephone.

Mr. HELMS. [Class. deleted]

Mr. BAYH. [Class. deleted]

Mr. PERCY. If the Senator will yield, I think this is a terribly important point. If General Torrijos received this information and attempted to subvert the authority of the United States and the ability of the United States to intercept and arrest his brother, that might be one thing. But if he interpreted the telephone call as a warning, "Here is an agency going to do this, but we in the State Department think you should know about it," [class. deleted] what is he supposed to do? I do not think it is reasonable to assume that he would.

Will the chairman of the Intelligence Committee comment on what they interpret to be the implication of that telephone call? Is there any evidence we have? In reading the record, I just inferred that General Torrijos indicated the U.S. Government was warning him and leaving it to him as to what he should do. The implication could have been, "Tell your brother to get off the ship." What is he supposed to do in that case? What further can be added on that particular point, which I think is a very crucial point?

Mr. BAYH. I think it is a crucial point also, I will say to my colleague from Illinois. The result was that General Torrijos did exactly what the White House or the State Department—well, we have no evidence on this as to who it was in the White House. We have every reason to believe that General Torrijos did exactly what our Government hoped he would do as far as his brother was concerned. What all of the reasoning behind this was, I will leave up to everybody's interpretation.

We have solid evidence that General Torrijos had more than one plan to try to create an incident that could portray the United States in an unfavorable light in the UN and also in developing nations of the world.

I think you can make a good case, a reasonable case, that our Government was concerned that this was a planned incident, or indeed would result in the kind of incident that Torrijos had been looking for. Here his very brother had been arrested on what they claimed to be sovereign soil, which we call the Canal Zone. For that reason, the State Department wanted to escape that incident. It was not the desire of them to keep the General's brother from being arrested.

Mr. JAVITS. Will the Senator yield? I wanted to try to get that clear.

Mr. BAYH. [Class deleted]

Mr. JAVITS. Will the Senator yield?

Mr. BAYH. All I am doing, I will say to my distinguished colleagues, is giving the information that is contained in these files. I have no way of reaching an independent judgeship. The Ambassador was concerned about this and in his testimony this is his assessment of what was about to happen or what would have happened.

Mr. JAVITS. Will the Senator yield?

Mr. BAYH. I yield.

Mr. JAVITS. It seems to me at this point a statement from the State Department is required. I personally feel, as I said a few days ago, Torrijos is no angel and this does not make or unmake the question of whether the treaties are in the national interests of the United States. I think this is a central point that has to be laid beside whatever was the state of the negotiations on the Panama Canal or relationships with Third World countries, or whatever is the explanation of the State Department, in order to complete the record.

It does not have to be done by you, Senator BAYH. All I ask you is, Are you prepared to do that? If not, I think it should be done by the Foreign Relations Committee.

Mr. BAYH. We would be glad to do that.

Mr. JAVITS. Will you do it in collaboration with the Foreign Relations Committee?

Mr. BAYH. Of course. Let us get it done. I think there is no question about what was done.

Mr. JAVITS. I do not think there was any question.

Mr. BAYH. Our Government was implicated.

Mr. JAVITS. But I do think those additional facts, because it is such a sensitive point, should be contained on this point.

Mr. BAYH. I will say that the staff did investigate the progress of the treaty negotiations at that time to see whether this was used as a pressure point. Really, the treaty negotiations were dormant at that time. I think this had to do with something entirely different. In the record of the committee we have the testimony of Ambassador Sayre.

Mr. JAVITS. I think it is important, too, that the negotiations on the treaty were dormant. Everything has a reason. We should have whatever reason is assigned.

Mr. BAYH. We will get this from the State Department.

Mr. SCHMITT. Will the Senator yield?

Mr. BAYH. I will be glad to yield, but we have a unanimous consent which gives me about a minute and a half to complete my statement. Could I finish that and then you could question? I do not want to leave this ending until after the recess.

Mr. SCHMITT. I will be happy to defer my question.

Mr. BAYH. I appreciate the courtesy of my colleague. Let us get this over with.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senator have an additional 3 minutes to complete his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. We had the brother Moises on a ship. We had the recognition that customs agents, including Mr. Riggs, whose name has been prominently mentioned in the newspapers, were waiting to arrest him. And then General Torrijos, acting on the information provided by our country, by a State Department official at the request or order of the State Department or the White House, contacted Torrijos, and Moises then left the ship at an earlier stop.

Moises flew into Panama where, a month later, he—Moises—was briefed by BNDD officials on his indictment.

Intelligence on Moises Torrijos continued to come during 1973. After that, however, with the arrest of some major international narcotics traffickers and an increase in United States-Panamanian cooperation—this is the latter part of 1973, now—on narcotics control, Panama became less important as a narcotics transshipment point. By the beginning of 1976, the CIA had deemphasized narcotics as an intelligence requirement for Panama. The committee has been unable to find any narcotics intelligence on Moises Torrijos in recent years.

Another question: How did U.S. narcotics intelligence activities affect the Panama Canal negotiations? This was really the major trust of our mission. The Government of Panama interpreted U.S. pressure on narcotics questions and the press leaks of the Murphy subcommittee report, based in part upon classified BNDD testimony, as efforts to influence the canal negotiations.

Mr. Valdez says that that was the interpretation put on these circumstances by Panama.

The Panamanians may also have known of BNDD efforts to neutralize the high National Guard officer. Panama responded both with anger and, eventually, as it turned out, with better cooperation on narcotics enforcement. [Class. deleted.] We have found no evidence that any U.S. agency was behind this leak. Neither did we find any use of narcotics intelligence to influence the negotiation. The committee found no evidence that narcotics intelligence activities affected the final terms of the Panama Canal accords. We seem to have agreed on that.

Our overall conclusion is that the effect of these intelligence activities was only upon the atmosphere surrounding the negotiations in 1972, that it was negative but temporary, and it was no longer of significance by the time the accords were drafted and negotiated in 1977.

I want to say, before yielding the floor, just to remind us all, that the statement has not been released, so I hope that everyone who has a sanitized version would leave that——

Mr. DOLE. That is not released, either?

Mr. BAYH. No. The sanitized version has not been released. I hope that, at the conclusion of our testimony, we can release it.

Mr. McCLURE. Will the Senator yield on that point?

Mr. BAYH. Yes.

Mr. McCLURE. Will this room be secured during the period of recess?

The PRESIDING OFFICER. The answer is yes.

Mr. BAYH. This document is not ours. I do not know where it came from. It says "Confidential" on it.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. In response to your comment, Senator BAYH, the previous unanimous-consent request, which was granted, was that at the completion of the closed session today, the Senate release the sanitized version of the report that has been made by you today. Do you want to leave that as it was, or do you want to make it releasable when we recess for lunch?

Mr. BAYH. I hope that we could release it after we have been through discussing it. There may be some people who want to discuss some changes: [Class. deleted.]

[Class. deleted.]

Mr. ROBERT C. BYRD. Mr. President, it is true, is it not, that the Chamber will be secured during the lunch period?

The PRESIDING OFFICER. The answer is "Yes."

Mr. SARBANES. Will the chairman yield for a question about a report about which he said he did not know what it was? I am not sure I know what it was either.

Mr. ROBERT C. BYRD. I ask for 2 additional minutes for the Senator to ask his question.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate then stand in recess until the hour of 2 p.m., at which time it will reconvene in closed session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. I do not see Senator HELMS in the room, but I did see at the outset of this session that he brought in this stack of reports that were distributed. It is a staff report of the Committee on Merchant Marine and Fisheries, a staff report to the chairman of that committee. The heading is "Regarding the Alleged Involvement of Panamanian Government Officials in Narcotics Trafficking." It is stamped "Confidential" across the top. I just inquire what is the status of this report?

Mr. GOLDWATER. As far as I know, it was left by some other committee. I do not recall this committee having anything to do with it.

Mr. BAYH. The Senator is accurate. We received a copy of it. We have a copy of that in our file. We did not put it on the desks here. Who did that, I do not know. It is a document, the product of which document is part of our consideration and our conclusions.

Mr. SARBANES. I assume this document is covered by the rules under which we are operating here, at least for the moment, until some decision is made with respect to it?

Mr. BAYH. I would assume it would be.

Mr. ROBERT C. BYRD. I think the answer to that would be yes. I have not seen the document until just as the Senator has pointed it out to me at this moment. I do not know the contents of it. As far as I am concerned, we can deal with that after we come back from the recess.

Mr. SCOTT. Will the Senator yield just briefly?

Mr. ROBERT C. BYRD. Yes.

Mr. SCOTT. All I was going to say is that I have read portions of it and wanted to use this document for the purposes of asking questions of the distinguished chairman of the Committee on Intelligence after the recess.

RECESS UNTILL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 1:06 p.m. having arrived, the Senate will stand in recess until 2 p.m. and will reconvene in closed session.

Thereupon, at 1:06 p.m., the Senate recessed until 2 p.m., whereupon, it reassembled when called to order by the Presiding Officer (Mr. MOYNIHAN).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, this will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

Abourezk	Gravel	Morgan
Allen	Griffin	Moynihan
Anderson	Hansen	Muskie
Baker	Hart	Nelson
Bartlett	Hatch	Nunn
Bayh	Hatfield, Mark O.	Packwood
Bellmon	Hatfield, Paul G.	Pearson
Bentsen	Hathaway	Pell
Brooke	Hayakawa	Percy
Bumpers	Heinz	Proxmire
Burdick	Helms	Randolph
Byrd, Harry F., Jr.	Hodges	Ribicoff
Byrd, Robert C.	Hollings	Riegle
Cannon	Huddleston	Roth
Chafee	Humphrey	Sarbanes
Chiles	Inouye	Sasser
Church	Javits	Schmitt
Clark	Johnston	Schweiker
Cranston	Kennedy	Scott
Culver	Laxalt	Sparkman
Curtis	Leahy	Stafford
Danforth	Long	Stennis
DeConcini	Lugar	Stevenson
Dole	Magnuson	Stone
Domenici	Mathias	Talmadge
Durkin	Matsunaga	Thurmond
Eagleton	McClure	Tower
Eastland	McGovern	Wallop
Ford	McIntyre	Weicker
Garn	Melcher	Williams
Glenn	Metzenbaum	Young
Goldwater		Zorinsky

The PRESIDING OFFICER. A quorum is present.

THE PANAMA CANAL TREATIES

Mr. SCHMITT. Mr. President, I note that the distinguished chairman of the Intelligence Committee is not here yet.

Mr. ROBERT C. BYRD. The chairman is here.

Mr. SCHMITT. I just wanted to very briefly indicate the reason for the thrust of my questioning earlier in the day, and that is not to say that the negotiations of the treaties were in any way necessarily affected by the events described so ably by the chairman, but that the nature of those events brings into focus two points which are important.

One is the character of the Panamanian Government, present and what might be anticipated in the future, and a second question is the future ability of this country to fight the traffic of illegal drugs at a critical point such as Panama obviously creates.

I think there is no reason at this point to go into any more depth than to state these points, but I think it is important that this body remember it is more than the nature of the negotiation of the treaties we are discussing here, but also the ability of our country to deal with Panama both on the implementation of the treaties, should they be ratified, and our ability to implement certain drug enforcement activities that are very necessary to the health and welfare of the citizens of this country.

Mr. ROBERT C. BYRD. Mr. President, earlier, the Senate gave its consent to the release, at the completion of the closed session today, of the sanitized version of the report that has been made to the Senate today by the chairman of the Committee on Intelligence, Mr. BAYH. Mr. BAYH is of the opinion that, rather than wait until the close of the session today, that sanitized version which has now been read should be released immediately. That was the opinion of Senator GOLDWATER, also expressed earlier.

So I make this new request: that the chairman and Mr. GOLDWATER be permitted to release that sanitized version now.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Mr. President, reserving the right to object, could I clarify something?

The chairman read a much longer statement than the one we have in front of us. Is this the sanitized version that you gave us?

Mr. BAYH. Yes; I have to confess to my friend and colleague that I have not compared the length, but I must say, as honestly as I know how, that the substance is very much on target.

Mr. DOMENICI. That is the one that you handed us?

Mr. BAYH. Yes.

Mr. DOMENICI. That is the one that you will release?

Mr. BAYH. Yes.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, while we have just a moment in the proceedings, I should like to inquire of the majority leader what his intention might be with respect to recess or adjournment time for today and what his plans might be if we do not finish the closed session today.

Mr. ROBERT C. BYRD. Mr. President, I would hope that we would finish the closed session today. I would anticipate keeping the Senate going until about 6 or 6:30 p.m. today in order to do that.

Mr. BAKER. Mr. President, I thank the majority leader. If we have not finished today, then we will continue with the closed session tomorrow, I take it?

Mr. ROBERT C. BYRD. If we have not finished by 6 or 6:30, I think we should go a while longer today and try to finish it today.

Mr. CURTIS. Mr. President, will the distinguished Senator yield for a few questions?

Mr. BAYH. I am glad to yield to my colleague from Nebraska.

Mr. CURTIS. Raphael Richard Gonzales—was that the young man who had the false diplomatic passport?

Mr. BAYH. That is accurate.

Mr. CURTIS. What happened to his case?

Mr. BAYH. He was tried and convicted in the southern district or eastern district—eastern district of New York.

Mr. CURTIS. Do you know what punishment he received?

Mr. BAYH. I am advised that he received a prison term of about 4 years. I do not know exactly.

Mr. CURTIS. Is he a nephew of Gen. Omar Torrijos?

Mr. BAYH. No, he is a nephew of another defendant Gonzales.

Mr. CURTIS. Is he a nephew of Moises Torrijos?

Mr. BAYH. No. He is a son of the Panamanian ambassador to Taiwan.

Mr. CURTIS. And is he related to Gonzales?

Mr. BAYH. He is his uncle. Gonzales is the uncle of Richard.

Mr. CURTIS. I am speaking of Juaquin Him Gonzales.

Mr. BAYH. No, we are talking about Guillermo Gonzales.

Mr. CURTIS. In reference to Juaquin Him Gonzales, he was convicted in Dallas, Tex., of a narcotics offense, was he not?

Mr. BAYH. Yes, that is accurate.

Mr. CURTIS. Was he a long-time friend and bodyguard of Moises Torrijos?

Mr. BAYH. Guillermo Gonzales was. Him Gonzales was not.

Mr. CURTIS. Did Juaquin have a record as a smuggler and trafficker in drugs?

Mr. BAYH. He has a conviction in Dallas, so he has a record, yes.

Mr. CURTIS. Do you have any evidence that General Omar Torrijos protested and denounced the arrest and conviction of Joaquin Gonzales?

Mr. BAYH. Yes. That particular arrest, and I suppose we would say the subsequent conviction, precipitated quite an incident between the United States and Panama. The Panamanians are very much of the opinion that our BNDD personnel tricked Gonzales into leaving Panama and coming into the Canal Zone, I think to see a baseball game, and while he was there they nailed him.

Mr. CURTIS. Did General Torrijos take part in that protest and condemnation?

Mr. BAYH. Yes. He was very unhappy about it. He looked at this as an invasion, an infringement, on the sovereignty of Panama.

Mr. CURTIS. Did the Panamanian Government then expel certin U.S. narcotics agents working down there?

Mr. BAYH. No, that is not accurate. Not at that time.

Mr. CURTIS. Did they at any time?

Mr. BAYH. They did, in following years, as I recall. They expelled two BNDD personnel. They reinstated BNDD personnel; not the same two, but they permitted BNDD to come back into the country. It is only because our country put some pressure on them. The pressure was, directly or inferentially, that "You are going to have a tough time getting foreign aid if you do not let BNDD work with you in the country."

Mr. CURTIS. Why were those two expelled?

Mr. BAYH. That was the Jack Anderson column.

Mr. CURTIS. I never read it. You will have to fill me in on it.

Mr. BAYH. There are so many of these things, with the same names, same players, different series.

The Anderson column, as I recall, contained very serious allegations directed at Juan Tack, the foreign minister, that Torrijos thought were the result of leaks from the BNDD. He thought that this was really official Government policy trying to embarras Panama.

He then ordered BNDD people out.

Mr. CURTIS. Has the Senator's committee and particularly his staff had co-

operation, extended cooperation with a committee over in the coordinate legislative body, the House of Representatives? I refer to the House Merchant Marine and Fisheries Committee subcommittee.

Mr. BAYH. The committee has in its possession and has studied the document that has been on Senators' desks here. This was not the first time we saw it. How it got here I do not know. But we are familiar with that document.

We have not had a relationship with that particular committee. We have talked to those who were interviewed by the committee and whose testimony was used as a basis of the report that the Senator is referring to.

Mr. CURTIS. I thank the Senator.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. DOLE. Earlier on we discussed the economic benefits before and after, I guess in relationship to that period July 15–July 16, and the distinguished Senator from Indiana, I think, read completely the document showing the U.S. position, the Panamanian position, and the final text.

There were, as the Senator indicated properly, no substantial changes. In fact, it appeared the United States may have prevailed more often than not. It was also suggested at that time there could have been changes in other areas and we could go over that at a later time. Is that something we can do at this time or is that something that Senator GOLDWATER wanted to discuss?

Mr. BAYH. I would be glad to do it or we can wait until the Senator from Arizona arrives.

The Senator from Arizona and the Senator from Indiana have worked very closely on this as our staffs have also. If the Senator from Kansas wants to proceed on this right now, the Senator from Indiana will do his best and, if he is not satisfied or there are other questions, I am sure the Senator from Arizona will be glad to add his thoughts.

I cannot unequivocally say that every word I utter relative to this problem will be concurred in by the Senator from Arizona. But I think I can, in all fairness, say that we reached the same conclusions.

Mr. DOLE. The reason the Senator from Kansas raises the issue is that I have a document marked unclassified, dated July 10, 1977. Someone's handwriting says, "Panama Canal Treaty." It refers to certain articles and also has at the side when these were negotiated or dropped or modified. I am wondering how best to proceed because there are, as I view it, rather substantial changes in the treaty itself.

In addition, I have a typed version of somewhat the same information which gives a different date.

So, maybe the best way to proceed is if the Senator from Indiana could give me the information he has, then I could determine which of the documents, if either, are accurate or a combination of both might be accurate.

Mr. BAYH. Or neither.

Mr. ROBERT C. BYRD. That is correct.

Mr. BAYH. I have not seen the documents, and I am sure my friend from Kansas is anxious to have them validified or discredited, as the case may be. If he will maybe give us a copy of that, while I go down these points, the staff will be glad to look at them and give him any information we have on this. Perhaps it would be helpful to the Senate to go over the major noneconomic canal changes that occurred after July 14. As I recall, the Senator's document here was July 10. If our concern is what impact did that interchange that took place the 14th, 15th, 16th of July have on the treaty negotiations, then anything that was resolved before that is pretty well exonerated.

Mr. DOLE. Except I might clarify that the document is dated July 10 but it has notations along the side when certain provisions were dropped which are subsequent to July 10. So it might have some bearing.

Mr. BAYH. All right. There is no question, and here again I want to hasten to add that our committee did not feel that its mandate encompassed an effort to try to resolve the strengths and weaknesses of these various factors. It was rather evident when one looked at the economic factors that were decided after the intelligence breach that was referred to earlier that the United States won almost all those points.

The treaty was not finalized. There were other factors, and the Senator from Kansas has pointed to this and why do we not deal with them as he will, but I will be glad to go down them point by point and, if we do not cover them all, it will be inadvertent and the Senator can bring them up.

Why do I not read the following confidential explanation of what the Senator wants. We just discovered what we think this is. This is article II.

Mr. DOLE. Article II, section 2.

Mr. BAYH. This was article X of the draft. It became article II of the final text.

Here are the changes.

Paragraph 2 of this article originally had a 1-year notice provision for the termination of the treaty on or after December 31, 1999.

The final text omitted the notice requirement and set a firm date for termination, which was December 31, 1999, the year 2000.

Prior to that the text earlier required for 1-year notice and we arrived at a final date in the final text, the year 2000, December 31, 1999.

This change was less significant than it might seem for Panama could always have given notice as soon as a treaty came into force. In other words, according to the first draft all they would have had to have done would be give a 1-year notice and then they could have terminated the treaty. The substantive effect of the change is to require a new treaty if the parties should later wish to extend the Panama Canal Treaty. Under the July 31 draft a Panamanian withdrawal of notice to terminate the treaty would have sufficed. I think I said the same thing a little different way twice there.

Let me go down the other points.

Mr. DOLE. If I could comment on that one, if we could have order, Mr. President.

The PRESIDING OFFICER. The Senator from Kansas is correct.

Senators will have difficulty hearing one another. Request for order.

Mr. DOLE. I guess the first question then, if I could comment, is when was this change made then? What date in July?

Mr. BAYH. It says August in the Senator's draft. I have no contrary information.

Mr. DOLE. I want to know if the draft is authentic.

Mr. BAYH. I do not know either. I have to confess, giving attention to that right now really for the first time, I do not see how the United States comes out any worse by the change that occurred after this encounter in July than they were before.

It seems to me we are in a better position if we have a fixed date, the year 2000, in which the treaty cannot be abrogated, the United States is protected to the year 2000; whereas, the original draft permitted the Panamanians to cancel that treaty with just 1 year's notice.

Mr. DOLE. If the Senator will yield, it is my understanding that the rationale for including this clause in the treaty was to maintain a certain amount of leverage over Panama with regard to defense arrangements to pertain after the year 2000 and to establish the right of the United States to consult with the Panamanians to agree upon these defense arrangements with a clear implication that there was contemplated continuing U.S. military presence under mutually satisfactory arrangements after the year 2000. While the position, as I understand, was not actually brought up until June 1977, it represented a consensus that had been sort of the executive branch's position since the beginning of negotiations.

I also understand it was dropped under pressure shortly after it was tabled in the month of June of 1977. I do not know the date it was dropped, though the other unclassified document indicates it was August of 1977, which would be after the July 15–16 period.

Mr. BAYH. Let us check that out, may we? Honestly, we do not have that information at our fingertips right now. We will be glad to check that out. If it was tabled in June, of course, that was before the incident here.

Mr. DOLE. They use the word "table" as meaning put on the table for discussion.

Mr. BAYH. I see.

Mr. DOLE. Not laid aside in general.

Mr. BAYH. Here again, it seems to me the deliberations of the Foreign Relations Committee may be more important than the deliberations of the Intelligence Committee as to whether that particular finalized version which put a date certain for the termination of that treaty is

more favorable to the interests of our country than a treaty which permits the Panamanians, with 1 year's notice, to cancel the treaty. It seems to me we are in a better position to say, "Listen here, you cannot do anything to affect this until the year 2000" than to say, as under the present treaty, "Next year you can give us a year's notice to be out the following June." And I do not think that indicates a breach in intelligence.

Mr. DOLE. The Senator from Kansas does not suggest there is, but we ought to find out whether it was dropped, and what relation that bears to the dates July 15 and 16. We could go down through and check that in each instance; it would not take but a second.

Mr. BAYH. You mean in the noneconomic provisions?

Mr. DOLE. Yes.

Mr. BAYH. Let us do that.

Mr. DOLE. It is hard for the Senator from Kansas to believe that a four-line press release took care of everything they were threatening; you have a press conference, and then there is a little four-line statement issued by the White House, and that suddenly resolved everything. Maybe it did. Maybe there were other things in addition to the press statement. I guess what we were asking for is, were there any other agreements, written or oral, other than this little four-line press statement?

Mr. BAYH. I think that is a very fair assessment of the Senator from Kansas. I think that to answer that, one has to look behind what actually happened, what was said and what was misinterpreted in subsequent press releases, and the real impact that had on the Panamanians.

I mean the best I have been able, that I and the committee have been able to judge this is that we had the series of circumstances mentioned earlier, where we had Linowitz giving this Godfrey Sperling breakfast, with the reporters present and everything, and saying "This is not for attribution." The wire services found out about it. They had not been invited to the Godfrey Sperling breakfast, so they did not feel bound by the "not for attribution." They also inadvertently used the word "intervention," which Mr. Linowitz, knowing it was a flag word, would not have used. They all knew that was like putting gasoline on a fire.

So when Torrijos learned that Linowitz, not a high official but Linowitz, had used the word "intervention," they took this as a vehicle being used by the United States to back away from the negotiating process. The best we have been able to analyze it, they really thought the whole negotiating process had just about reached an end, that they were not going to be able to get a treaty, and that we were going to look for an excuse to get out from under it.

What the Brzezinski press release, short as it was, did was to convince them that we really meant business, and that there were errors in this Los Angeles paper, I think it was, and that this should in no way jeopardize the negotiating process. Of course, this was reinforced by Mr. Linowitz and Mr. Bunker, Ambassador Linowitz and Ambassador Bunker, in their conversations later that same day with the Panamanian Ambassador, Lewis.

I asked myself: Here is a relatively small, innocuous press release that seems to allay these fears. But that, to me, is the only logical explanation.

Mr. DOLE. Again, all the statement said was that the Los Angeles Times News Service story of July 15 on the Panama Canal negotiations is incorrect in regard to several details with reference to the progress of the negotiations.

I think we ought to go through, now, and see what was charged after that date. Someone may make some conclusion that may or may not be accurate. I am not suggesting it should be made, but we ought to find out if this is all there was, just a four-line press statement.

Mr. BAYH. I think you have to look at how that press statement was formed. The press statement was first conceived—the press release was conceived, really, in Torrijos' presence, when Ted Sorenson was down there. He had been invited, and as I recall, he arrived, and they had the whole hierarchy of the government there in Torrijos' home, wherever they were meeting there, or his villa.

Mr. DOLE. They were old friends, I think, or they knew each other.

Mr. BAYH. Yes, but it was more than a meeting of old friends. It was important enough that they had the whole hierarchy there. They were convinced that the whole thing was coming unglued, because there was evidence, as printed in the Los Angeles Times. Sorenson said, "I will find out about that," and he did; he called Brzezinski, and they negotiated back and forth on the telephone.

Mr. DOLE. Is that conversation available, the transcript of the telephone call?

Mr. BAYH. No; there are no transcripts of the phone call [class. deleted].

Mr. DOLE. [Class. deleted]

Mr. BAYH. [Class. deleted]

But in talking with Mr. Sorenson, our records show that he was involved in trying to allay General Torrijos' fears that this really was an effort of the United States to try to renege under the negotiation process.

Mr. DOLE. The Senator from Kansas is not having any great difficulty in this area. Maybe someone else will have questions, but I would just like to have the record show when, if any, were any substantive changes made in the treaty, and if the ones I have suggested were made were in fact made on the dates suggested in the document that I have.

Mr. BAYH. Would you like to go down the other two points you mentioned?

Mr. DOLE. I would like to go down that list, and then I understand Senator WALLOP could also contribute there, and we could have a three-way exchange here and clean it up rather quickly.

Mr. BAYH. If anybody on the Foreign Relations Committee or anyone else wants to participate in this, please feel free.

Mr. SARBANES. Will the Senator yield at that point?

Mr. BAYH. Yes.

Mr. SARBANES. I just wanted to underscore that if in fact the Panamanians could believe Linowitz had used the word "intervention," as the newspaper report carried, that is an extremely serious use of language, and it ought not to be minimized. We are all involved in politics; I think we have some understanding of the sensitivity of certain words and certain language, and if that had happened, it was really a very serious matter.

Therefore, the sort of pressure that you referred to was remedied by the press release. It is short and does not say that much, but, in effect, it constituted a denial by the executive branch of the story attributing the use of the word "intervention" to negotiator Linowitz and, therefore, remedied that particular problem which, of course, was perceived as being extraordinarily serious by the Panamanians in terms of the American position and the American intention.

I think we have to appreciate that and to recognize that short press release is sufficient to, in effect, disclaim that language on the part of Linowitz and, therefore, rectify what was perceived as an extremely explosive development.

(Mr. MOYNIHAN assumed the chair.)

Mr. BAYH. If the Senator will permit me to interject a thought, the short press release plus [class. deleted] the phone conversation which took place in the presence of General Torrijos, with his friend Sorenson talking to the head of the NSC in Washington.

Mr. DOLE. The Senator from Kansas is not trying to delay, but if these are all the facts and we make a judgment on what we have, I am just trying to determine what are the facts. If we dropped certain provisions after July 15 or 16 it would not necessarily mean anything. But it could. If there was only the conversation between Sorenson, Brzezinski, and a little press statement worked out, if that is all there is, that is one thing. If there is more I would like to have the record indicate what else it might be. Maybe the Senator from Wyoming has information on this.

Mr. WALLOP. Will the distinguished chairman of the Intelligence Committee yield?

Mr. BAYH. Yes; but before that, will the Senator from Wyoming permit me to address two other questions which have been raised?

Mr. WALLOP. By all means.

Mr. BAYH. This refers to articles 5 and 6. There is handwritten here in ball point that article 5 was dropped in August. In actuality, it was taken out in May, that portion that had to do with "except as the United States and Panama may otherwise agree."

Also, on article 6, "Such vessels of war and auxiliary vessels will be entitled to transit the canal expeditiously," that matter was settled in June.

All of the features of the Neutrality Treaty were pretty well laid to rest sometime in June.

Mr. DOLE. My records indicate that

was dropped in May or April, that article 6. Anyway, it was prior to July 15 or 16.

Mr. BAYH. I am just saying what you gave me had "dropped in August." The facts are that article 5 was taken out in May and article 6 was settled in June [class. deleted]. Does that satisfy my friend from Kansas?

Mr. DOLE. I think for the time being. I may have some questions later.

Mr. BAYH. I will say to everyone present, if anyone else wishes the floor, I do not mean to monopolize the floor by just standing here. If there are questions, I will try my best to deal with them.

Mr. WALLOP. I have no questions. I wonder if you would be prepared to yield.

Mr. BAYH. Surely.

First, perhaps for the edification of the Senate, it would be wise to read a statement which we have secured from Admiral Inman, the Director of the National Security Agency, relative to the Shamrock question, which was raised by our colleague from South Carolina. If there is no objection, I will read it rather quickly:

STATEMENT FROM BOBBY INMAN, DIRECTOR, NATIONAL SECURITY AGENCY

Regarding the statement that SHAMROCK material contained information on Torrijos, Castro and South American drug activities related to Panama that had been deliberately withheld from the Senate Select Committee on Intelligence, there is no substance to that allegation. Regrettably the esteemed Senator has been misinformed concerning information provided to the Senate Select Committee on Intelligence. There is a misunderstanding, first on how the information was collected, and second on our relationships with the Committee. SHAMROCK was a means of collection [class. deleted]. It was drop-copy of messages at the point of filing. [Class. deleted]

On the allegations that materials were withheld from the Committee, we are greatly concerned and distressed, and would want all the membership to understand the facts on that issue. The National Security Agency has been totally responsive in any area in which the Committee wanted to inquire and specifically in Panama. I was instructed by the President, through Dr. Brzezinski personally, to provide Senator Inouye and the Senate Intelligence Committee with all information needed in pursuing their inquiry into Panama. We were already doing just that.

Mr. BAYH. I must say I concur with Admiral Inman.

Mr. LEAHY. So I fully understand, Mr. President, after the questions back and forth I wonder if I can ask the distinguished chairman of the committee this question: Concerning the Shamrock, however we define it, and from my own background I do not know whether to be pleased or displeased with the title they used for the project, that has no connection with the question of why General Torrijos' brother might be arrested as he arrived in the Canal Zone; is that correct?

Mr. BAYH. None whatsoever.

Mr. LEAHY. And also, is my understanding correct that that word was given to General Torrijos by a State Department official and was done so at the request of the White House? Is that correct.

Mr. BAYH. That is accurate. Specifically, someone from the White House, and we know not who, advised State Department officials who called General Torrijos on the telephone and said that the United States was aware that his brother was headed for a port which was in the U.S. jurisdiction.

Mr. LEAHY. And do I understand that DEA or its predecessor, the BNDD, suggested in any way that this presented problems and was unwise to them in their enforcement of drug trafficking?

Mr. BAYH. No. As I said earlier, I suppose anyone can put a different interpretation on this. [Class deleted.] The people in our Government were very concerned that this not become a major incident. If one can look at what has happened since that time, the cooperation has improved significantly. I would not want anyone to believe that that is directly related to that. I think in answer to the question of the Senator from Vermont, certainly that did not cause our relationship or cooperation to deteriorate.

Mr. LEAHY. I just wanted to mention that my own feeling is that the BNDD is one of the most overrated agencies in our Government, and that is giving them the benefit of the doubt. I am sorry the Senator from South Carolina is not on the floor because I wanted to ask him a question which would show the feeling on his part that the United States would not be involved in any way in dealing with a dictator who might be facing allegations that directly or indirectly might be involved in drug traffic.

I will raise the question whether we have changed our policy in this country from the Vietnam days once the Senator from South Carolina is back on the floor.

Mr. McCLURE. Will the Senator yield?

Mr. BAYH. I yield.

Mr. McCLURE. It is indicated in response to the question that the inside information that was given to General Torrijos did not hamper the effort of our narcotics agents. I was a prosecutor at one time and I know darned well that if I had had somebody in my unit of government that was slipping word to the criminals I was trying to catch, I would have felt hampered in my efforts. As a matter of fact, upon occasion, we suggested that that might be true.

As a matter of fact, Moises Torrijos is still an agent of the Panamanian Government. He is now in Spain. We arrest and prosecute other people involved in drug trafficking, even though they may be outside of the United States, but not this man. I find it incredible to suggest that that does not hamper our narcotics enforcement efforts. It may enhance our relations with his brother, the general, but it certainly cannot aid our narcotics enforcement efforts.

I just wonder if that statement were simply a conclusion or whether it is supported by evidence.

Mr. BAYH. Look, you are not talking to the fellow who made the decision to warn. You need to talk to the people in the last administration, Krogh and some of those other people.

Mr. McCLURE. I am not accusing you of having made that decision. I hope you would not have. But as a matter of fact, it was the State Department or in the White House that that decision was made, it was not made in the narcotics enforcement section. They were still trying to arrest him.

Mr. BAYH. Yes.

Mr. McCLURE. If our State Department had not been protecting him, they probably would have arrested him.

Mr. BAYH. They would have. The man, Mr. Riggs, was waiting at the dock and he was left waiting.

Mr. SARBANES. Could I interrupt the chairman at that point?

Mr. BAYH. Yes.

Mr. SARBANES. I understood that you recounted this morning, and I wanted to ask about this because I was not clear, that the instruction to communicate the information came from the White House, or the State Department. Is that correct?

Mr. BAYH. That is accurate.

Mr. SARBANES. And the State Department was then carrying out the White House's instructions?

Mr. BAYH. [Class. deleted]

(Mr. HODGES assumed the chair.)

Mr. SARBANES. One other question I wanted to ask: Did I understand that you said Egil Krogh—who, of course, we have heard about in a lot of other matters that are hopefully now behind us as a nation—was he involved in that? Do we know?

Mr. BAYH. He was involved in narcotics, but in our conversations with Mr. Krogh, he denies any knowledge of this particular event.

Mr. MELCHER. Will the chairman yield?

Mr. BAYH. I am glad to yield.

Mr. MELCHER. On page 15 of this report, which I think is being referred to as the sanitized report, which I understand is now available to the public and available to anyone who wants it—is that correct, Mr. Chairman?

Mr. BAYH. That is accurate.

Mr. MELCHER. On page 15, where it mentions Moises Torrijos—do I pronounce that correctly?

Mr. BAYH. However you pronounce it, you pronounce it correctly.

Mr. MELCHER. Moises Torrijos was indicted by a grand jury. We have discussed here that that indictment involved 145 pounds of heroin. Now, that is not mentioned in this report. What about the question of 145 pounds of heroin? Is that supposed to be secret within these Chambers and within the grand jury, or is it something that is available for the public to know?

Mr. BAYH. Well, it was not in either the version given to the committee—you can use any figure you want, Senator. The fact of the matter is—I am advised it is in the court records.

Mr. MELCHER. And is it public information?

Mr. DOLE. No, it is not.

Mr. BAYH. Let us just look at this situation.

Mr. MELCHER. Well, you know, if somebody asked me, "What is the matter with Torrijos' brother," and I say, "He was indicted by a grand jury in New York"—the natural question is for what?

Mr. BAYH. You can say for heavy involvement, you can say whatever you want.

Mr. MELCHER. But not 145 pounds of heroin.

Mr. BAYH. If you want to say 145 pounds of heroin. I think you are probably understating what he did 2 years before. I think this is not the first step. That is the reason we did not pick out this particular instance. As I said in response to one of our colleagues here, if you have to ask me, I think he was definitely involved. I would not like to add anything more, just say a word about the kind of cross Moises was to Omar, his brother.

Mr. MELCHER. Mr. Chairman, do you feel that mentioning 145 pounds of heroin in relationship to this indictment of Moises Torrijos would be a violation of the secrecy of this session?

Mr. BAYH. As far as I am concerned, if that is the worst thing my distinguished friend from Montana does, he can take the place at my right hand if he wants it.

Mr. MELCHER. Mr. Chairman, I have about three more questions. Was a warrant issued for his arrest? It is not mentioned here. And who issued the warrant, if such a warrant was issued?

Mr. BAYH. I thought we had that in here someplace.

May 16 or thereabouts.

Mr. MELCHER. If it is in here, I missed it. I am sorry, but I have not found it.

Mr. MOYNIHAN. Will the Senator yield for a question?

Mr. BAYH. 1972, May 16.

Mr. MELCHER. What page is it?

Mr. BAYH. That is a good question. It is not in here. I stand corrected.

Mr. MELCHER. All right. Now, was a warrant issued?

Mr. BAYH. Yes, a warrant was issued.

Mr. MELCHER. Is that warrant still in effect?

Mr. BAYH. Yes.

Mr. MELCHER. All right. So, if Moises Torrijos came back into any part of the United States, would he be arrested?

Mr. BAYH. Exactly.

Mr. MELCHER. He would be subject to arrest.

What has Omar Torrijos said about turning over his brother, making certain that his brother was turned over to accept the warrant and to face the indictment?

Mr. BAYH. I have to confess that my expert source is the distinguished Senator from Kansas, whom I have seen quoted, either accurately or inaccurately, in the papers. Perhaps he could answer that question better than I.

Mr. MELCHER. Well, all right. Would the distinguished Senator from Kansas answer the question?

Mr. DOLE. I do not remember precisely the words used by General Torrijos, but Senator LAXALT and I were there and talked with him personally. He indicated to us that if his brother were involved, he would go to jail, if it could be proved.

Mr. MELCHER. But he would not turn him over?

Mr. DOLE. I do not know whether we got into that.

Mr. MELCHER. He did not say, "Well, we will bring him back from Spain," or whatever?

Mr. DOLE. No, I do not think that was ever mentioned. He said if he were guilty.

Mr. MELCHER. It would be hard to prove it without having a trial and having the accused there.

Mr. DOLE. I would think so.

Mr McCLURE. Will the senator yield for a question on that point?

Mr. MELCHER. Yes.

Mr. McCLURE. My understanding of narcotics law does not require that the offense have occurred within the United States. We do have extradition treaties, apparently not with Panama, that will cover a Panamanian, even though the crime is committed in the United States. But we do have laws that allow us to reach outside of the United States to reach somebody who is in a chain of events that culminated in the United States. Several other countries cooperate with us in the prosecution of criminals caught in that kind of chain of events.

The general's brother is now in Spain. I understand that we have gotten some convictions of Spanish citizens for acts committed in Spain, but we apparently cannot reach a Panamanian who is now there.

Mr. BAYH. Would the Senator define that? To be accurate and to be an accurate comparison, you would have to say that we got the arrests and convictions of those Spaniards after having them extradited from Spain. The question is not a question of whether we can get an American citizen extradited or not, or if we can arrest, try, and convict a foreign national in our country.

We have a unique situation where we have a foreign national that is in a foreign country who has been part of a criminal conspiracy in our country.

Mr. McCLURE. I think that is a fair explanation. But I did want to make clear that our reach does not simply extend to the crimes that are committed within our boundaries, if, as a matter of fact, that crime has been a part of the chain of transmission to this country. We do reach criminals outside this country under other circumstances, so that we reach, under other circumstances, farther than we have reached here.

Mr. MELCHER addressed the Chair.

Mr. SARBANES. Will the Senator yield at that point?

Mr. McCLURE. Surely.

Mr. SARBANES. I do not really follow that. There is a sealed indictment pending because of the involvement in a conspiracy with respect to someone who was not in the United States, is that what you mean by the reaching out?

Mr. McCLURE. Yes.

Mr. SARBANES. Well, that has occurred in this instance.

Mr. McCLURE. Except we are not going after the man.

Mr. SARBANES. I do not quite know how—I mean, leaving aside the White House notification that we talked about earlier, which one will have to judge the import of as they choose, I do not quite see what you mean by going after them.

Mr. McCLURE. Would the Senator from Montana yield, or does he want to go ahead?

Mr. MELCHER. I will yield for one more comment.

Mr. SARBANES. I did not mean to interrupt the chain of questioning.

Mr. McCLURE. Just so far that in other instances in which there was a chain of transmission to this country, that we reached the people outside of this country that were involved in that chain and prosecuted them.

Mr. SARBANES. Prosecuted them where?

Mr. McCLURE. I suspect they were brought to this country for prosecution.

Mr. SARBANES. How were they brought?

Mr. McCLURE. I am not certain I can answer that question. But it does not necessarily require the action of a foreign national in this country in order to subject them to the processes of our law where it is a violation against the United States.

Mr. SARBANES. No. And that has occurred in this very case. But we have not been able to establish the jurisdiction.

I just want to get clear in my own mind how it is you have reached out. I mean, you do not send people there, in effect, to kidnap them and bring them here, so we then have them and can try them.

Mr. McCLURE. We have sought to bring them within the processes of our country and it has been successful and they have been prosecuted and tried and convicted in other cases.

Mr. SARBANES. If the Senator could pinpoint what it is that we have done, that is what I do not understand. He is apparently contending something was done somewhere else that is available to be done here.

Mr. McCLURE. That we brought people from outside the United States to trial for being involved in the transmission.

Mr. SARBANES. Well, how did we bring them?

Mr. McCLURE. Let me say, I do not think that is relevant, but then if the Senator does, we will pursue it, but a little later, without being on his time.

Mr. SARBANES. All right.

Mr. McCLURE. The only point——

Mr. SARBANES. I will be happy to pursue it on our own time when we get to it.

Mr. McCLURE. The only point is that in other instances we did pursue it. In this instance, for some reason, our Government has chosen not to pursue it.

Mr. MELCHER. Mr. President, you have been very patient and I think rather well demonstrated that in your judgment and in the committee's judgment that the treaty negotiations were not affected by anything in this report, including the Moises Torrijos indictment, and the warrant for his arrest involving 145 pounds of heroin.

But has the committee, and maybe I am asking a rhetorical question, has the committee found that this incident affects the credibility of the Omar Torrijos regime, since Omar Torrijos as the su-

preme leader in Panama, cooperated with his brother to avoid arrest for what most Americans would consider a very serious crime?

Mr. BAYH. I appreciate the compliments the Senator directed at our committee.

With all respect, I suspect the assessment of credibility is one that our committee has not tried to touch upon and does not feel it should touch upon, but would leave to each individual Senator.

But there are some factors—I hope I do not forget anything—to try to get out on the RECORD all of the facts that we have here that might go to credibility.

I do not think any of us would conduct our businesses or our private or governmental affairs by the same standards that are SOP—standard operating procedure—not only in Panama, but several other places.

That does not excuse them. Perhaps it does put in proper perspective an explanation of the real world, not as we would like it to be, but as it really is.

So it seems to me each of us as we look at this has to ask himself: "Well, how different is this than other situations that our Government consistently deals with, because that is the only government there is, that is the only game in town."

Now, we have, I think, a general feeling here, on these [class. deleted] literally thousands of documents, one gets the feeling, and I think our Intelligence Committee really comes to the conclusion, that General Torrijos was pretty well participating in what was the normally accepted way of running a country where you did not call everybody into account, that when you were in you took advantages of the spoils in office and when you were out you probably either got shot or sent out of the country.

That is, unfortunately, the way a lot of governments operate, and I think that is the way that Government was operating and its successor government will operate.

I am trying to sort out just what is credible and what is not.

I think it is fair to say the intelligence community is of the opinion that as far as Omar Torrijos, General Torrijos, is concerned, his brother Moises has really been a burden for him to carry. [Class. deleted]

He has made statements at times that his brother is easily duped. One statement attributed to him was that perhaps he should arrest his brother or do something positive with his brother, but he could never do that as long as their mother was alive.

He brought him into a position, he was asked to leave Argentina.

The Senator from Michigan was accurate, and I cannot tell the Senate, not pretend to tell the Senate, that when he was in Argentina he was not involved in drug traffic.

I can tell you that we have no intelligence data that links his discharge with drug trafficking.

Frankly, he got totally smashed one night, totally inebriated, made a fool of himself, and also apparently was involved in purchasing a lot of contraband alcohol. That is the evidence we have about his discharge. There may have been some other things involved, but those are the facts we have as far as intelligence information is concerned about his discharge from Argentina.

So he comes back to Panama. Brother taking care of brother, trying to find a place for him, they put him in some lower level job for which he was overtrained, and that created problems. I think almost out of desperation to get him out of the country, he sent him to Spain, so he would not be under foot. That does not excuse anything or anybody. But I think to suggest that Omar and Moises have a close personal relationship in which one is serving as a surrogate or an agent of the other is not in any way borne out by any intelligence data that has been made available to the committee.

Mr. MELCHER. Mr. Chairman, just to recap this, you have told us this morning that in your judgment, and perhaps in the judgment of the committee, the indictment against Moises Torrijos was an indictment based on sufficient fact and that in your judgment it was a proper indictment.

Mr. BAYH. That is accurate. I must say, so that there is no misinterpretation, that there was a mixed assessment of the strength of that indictment at the Justice Department.

Mr. MELCHER. Yes, but in your judgment, and perhaps in the judgment of the committee, the evidence that was made available to you was sufficient for you to conclude that it was a proper indictment.

Mr. BAYH. That is accurate.

Mr. MELCHER. And it flows from there that a warrant should be issued and that the arrest should be made, in your judgment. Mr. Chairman, am I accurate on that?

Mr. BAYH. There is a warrant outstanding. It just was not delivered to the body because we never got jurisdiction over him.

Mr. MELCHER. But it is your judgment at this moment that warrant still be served and he should be arrested?

Mr. BAYH. If he ever comes into this country. I think that should happen.

Mr. CURTIS. Mr. President, will the Senator yield at that point?

Mr. MELCHER. I want to finish this line of questioning, and then I will yield the floor.

Mr. Chairman, is it your judgment that in 1972, Omar Torrijos prevented justice from being followed, in helping to serve the escape or the avoidance of the arrest of his brother?

Mr. BAYH. The best response I can give to that——

Mr. MELCHER. I thank you for your previous answer. I know the standard operating procedure.

Mr. BAYH. It is, "Yes, but."

Mr. MELCHER. I will settle for that.

Mr. BAYH. Let me put the tail on the "but." Yes, but he did exactly what our Government wanted him to do.

Mr. MELCHER. That is right. We are no longer dealing with that White House.

We are no longer dealing with the administration of 1972. But we are going to deal with the Omar Torrijos regime.

I think the answer to my question, the question I posed to you almost as a rhetorical question, is that there is certainly a lack of credibility in that regime.

Mr. RIEGLE. Mr. Chairman, could I just pursue this one bit further? I think the Senator from Montana is pursuing an interesting and important subject here.

Do we have any information as to why the White House at that time took this action? Is there any explanation whatsoever in the record as to why they would become so directly involved and sound the alarm?

Mr. BAYH. [Class. deleted]

[Class. deleted]

I cannot honestly say to my friend from Michigan that that is the reasoning. I think you can make just as good reasoning.

There is one line of thought, and we do know—we have evidence—that in that proximity, a short time before, General Torrijos was looking for a way to cause an incident to try to get sympathy from the U.N. and from the developed nations.

The reasoning goes that if indeed an incident is in the process of being precipitated, it is going to be less damaging to the United States in the U.N. or anyplace else if our Government can say, "We did the best we could. We alerted the President, the General, that this was going to happen, and he took no steps to alleviate the problem."

Mr. RIEGLE. Let me pursue this one step further, because I am concerned now about another possibility which may also have a bearing on this.

As my mind goes back to that period, there were a lot of other sort of shady characters that were around the scene at that time. One was Robert Vesco. Robert Vesco also managed to skip out of the country and managed to find a safe haven somewhere else. Does he figure in this thing in any way?

As I recall, President Nixon at one time had a problem with his own brother, which was somewhat different, I gather from what was true for Omar Torrijos. But there was a problem as I recollect. at least the surmise in some of the press stories that were circulated at the time, that he may have worked at one time for Vesco and that Vesco may have been involved in drugs, and so forth, and so on.

Has the question been asked as to whether people like Vesco or Rebozo or anybody else who was a part of that administration at that time, and about whom dark rumors were also circulated from time to time, would have had any connection whatsoever with Panama or the Panama Government or any of the principals we are mentioning here?

Mr. BAYH. The only information we have about Vesco, and we did ask the question, was that he was trying to move to Panama. The situation was rather untenable wherever he was. He was trying to move to Panama. We have no evidence at all, any intelligence, that connects Vesco with drugs in any way.

Mr. RIEGLE. This Senator would be

interested in knowing and if the question has not been asked——

Mr. BAYH. Drugs with Panamanians. No evidence to connect Vesco with drugs so far as the Panamanians are concerned. We have not explored Vesco vis-a-vis other countries, because we did not feel that was part of our job.

Mr. RIEGLE. The issue which I would like to make sure is not one that would have to be pursued further is that I think the assumption we are making is that the White House at that time would have tipped off the Panamanian people for reasons of politics, geopolitics of some sort. Maybe that was the reason.

What I am interested in is whether there would be any suggestion at all that, somehow or other, anybody in and around that crowd that was associated with the government in power in our country had anything to do, had any kind of relationship—close in, arm's length—with Panama or any of these Panamanian officials. If the question has not been asked, I would like to ask that it be asked.

In other words, I am wondering if there might be any reason why the Government at that time would have been very sensitive about this and would have gone to such lengths to tip them off ahead of time. Frankly, there was enough money floating around at that time, and there were enough shady characters that were sort of hovering around the periphery, that I just want to satisfy myself that that might not be at least a part of why this was handled in what seems to me to be a very bizarre fashion.

Mr. BAYH. We have dug as deeply and as thoroughly as we know how to dig in the National Security Council records. We have volumes, thousands of documents from DEA and BNDD, and we have evidence of a great deal of activity in Panama, none of it involved with any top officials in this country.

Mr. RIEGLE. Just to finish, and I want to repeat my request if I may, if the direct question has not been asked of the Senator's sources, the whole variety of his sources of whether any of these other people—and I will name them again—whether anybody that had any direct connection to the administration, whether a relative or whatever, or whether Vesco or whether Rebozo or whether any of these people about whom I saw rumors also circulated years ago. I have read them in the paper. I am sure everybody else did. I just want to assure myself that there was not any connection that our intelligence people might have picked up that would have been so sensitive that they would not necessarily advertise it and that the Senator would only find out if he asked.

I just want to make sure that question is asked so that if there is nothing there then we know there is nothing there.

Mr. BAYH. We have asked and have looked at all the documents. The documents were handled in such a way that our committee determined what parts of files encompassed a number of problems relevant and we took that part out instead of having somebody take it out downtown and point it in our direction. We found no evidence.

Mr. RIEGLE. Just as a case in point, the Senator says he did raise the name of Vesco. I mean, that one was pursued directly?

Mr. BAYH. It came in the information. In looking at the information, Vesco's name appeared. In looking at all the information available these other names did not appear, Rebozo or anybody else.

Mr. RIEGLE. But we did not make any particular inquiry along that line. In other words, we were looking at raw data and trying to find names that we would recognize. Is that what the Senator is saying?

Mr. BAYH. Frankly, we did not say "Give us everything you have on Rebozo." Rebozo did not appear.

Mr. RIEGLE. I am interested. I am just saying it really is sort of beyond my imagination why the White House at that time in this situation would tip somebody off that is under indictment that we are ready to make an arrest on. It appears to have been a major drug operation. This has been pinned down. I mean this is not a small-scale deal. And it seems to me there has to be more to the story. I would just like to know what it is.

Mr. BAYH. Perhaps the Senator from New York can give us an idea of the U.N. perspective because he had more than a passing relationship there.

Mr. MOYNIHAN. I would like to thank the chairman for this opportunity and I would like to speak to those of the Members who are not yet persuaded about the treaty, to say I very much appreciate the quality of their questions and the care with which this inquiry is proceeding.

But it is possible in pursuing the question of drug trafficking and indictments, and so forth, to create in our minds the notion that this was the only thing going on in America and the only thing that the President of the United States or anybody else was interested in at that time.

It happens that this was a most troubled period in American foreign policy. The rising assaults from the Third World in allegiance with the Communist bloc was beginning to be formidable. The Security Council had agreed to meet in the spring of 1973 in Panama, not the General Assembly, not UNESCO, not the World Health Organization, but the Security Council, the one body of the UN with power, and with responsibilities that concern war and peace, and the violation of the territorial integrity of other nations.

As a symbolic act of solidarity with Panama of the Communist powers and the Third World nations, it was the worst blow we had ever yet received. It concentrated our mind. We said to ourselves that meeting was called for the purpose of embarrassing the United States, of taking action against the United States, an action which could only be prevented by our own veto (which in the end we had to cast). We wanted to limit the damage. It could not but be costly. The question was: Would it be disastrous?

In that circumstance, and here I have to speculate, I can fully imagine the Department of State and people in the White House thinking about this and saying, "Well, this is not the time to throw the maximum leader's brother into the slammer." After all, what is the advantage to the United States of paying room and board for Ambassador Torrijos for 20 years? We want him to stop smuggling; we did not necessarily need to lock him up.

By contrast, the Security Council meeting in Panama presented us with the prospect that we could really be hurt in our position in the world. The prospect was that the situation could get so out of control that no Panamanian Government could sign with us the kind of treaty which in fact we now have before us on this Senate floor. That possibility was very real, and compared to it Ambassador Torrijos was pretty small potatoes.

In my judgment, I would think that this was the analysis. I obviously cannot say. But I would ask this, and I will try to find more about it. But I would ask the Senate to remember that we faced a crisis here. We faced the possibility of being driven out of Panama the way we were driven out of Saigon. It has happened in the world. It has happened to us.

And the fact is we are negotiating our way out. We are walking out at a stately pace and in a manful way, and we are walking out with the right to walk back in. We have negotiated. Our ambassadors, Ambassador Bunker and Ambassador Linowitz, have done a superb job. One of the responsibilities of the State Department was to see that the atmosphere did not become impossible for a Panamanian Government to negotiate with us. Thanks be to God that somehow happened. I think that the questions that are being raised here are real and important questions but the context in which these decisions were made seem to me, Mr. President, to be important.

Mr. WALLOP addressed the Chair.

Mr. BAYH. I appreciate the personal insight of the Senator from New York.

Does the Senator from Wyoming want the floor?

Mr. WALLOP. I do. I appreciate it.

Mr. BAYH. Fine. I would appreciate it also.

Mr. WALLOP. I am sure you would by now.

I want to say that I think the remarks of the Senator from New York have been well taken as to the circumstances that might have surrounded that kind of warning because I do not think that the committee can say with any confidence that that came from the White House. I think it can surmise that and I think it can surmise that in some detail, but I do not think there is a shred of truth that that is the only place from which that could have emanated.

Whatever it is, the reasoning advanced by the Senator from New York would be ample for it to have come from any high level office or official concerned with the ongoing nature of the United States' stature in the world.

But I would like to address another area that has come up from time to time.

Mr. BAYH. If the Senator will pardon me, and may I ask him to yield briefly, because his assessment of the source

none of us really know. We only have two sources unless the Senator from Wyoming has other sources in material available to him. But as far as our committee is concerned, we have sworn testimony from former [class. deleted] that the order came from the White House, and we also have [class. deleted] a cable, [class. deleted] in which they quote [class. deleted] there as saying it came from the White House. That is our total substance of saying it came from the White House, but nobody can remember exactly who at the Whtie House said it. Excuse me.

Mr. WALLOP. As I read in the paper on Sunday, when the Attorney General was receiving a telephone call and the telephone call was from the White House, he said, "Don't tell me 'the White House,' damn it. The White House cannot talk. Tell me who it is that is calling."

And there is reason to suppose that anyone, including the National Security Council, could have been the White House. That is all I am saying. There could have been any number of places that it could have emanated from within the White House without the obvious conclusion that it came directly from the mouth of the President.

Mr. BAYH. I agree with the Senator from Wyoming. I think that is an accurate assessment.

Mr. WALLOP. I just wanted to make that clear because I think there is no reason for us to get hung up on Rebozo and a number of other things. But there is an area that I would like to draw the attention of the Senate to because I think it is important.

I have absolutely no reason to suspect any motives or anything else on the part of the Intelligence Committee or the staff of the Intelligence Committee, and I do not intend to make the remarks that I am about to make with any such thing in mind. But I would submit to the Senate that there are legitimate conclusions that can be drawn which are different from those which have been presented here, and different from those which were presented to the Senate Foreign Relations Committee. I would like to indulge you and your time for a minute to try to point those out.

[Class. deleted].

Mr. SARBANES. Will the Senator yield at that point?

Mr. WALLOP. I yield.

Mr. SARBANES. [Class. deleted].

Mr. WALLOP. [Class. deleted].

Mr. SARBANES. [Class. deleted].

Mr. WALLOP. [Class. deleted].

Those are the three specific quotations I used.

We have no sworn testimony from them; [Class. deleted].

Mr. GRIFFIN. May I ask why they were not called?

Mr. WALLOP. I would yield for the purpose of answering that to the chairman of the committee. I am rarely consulted as to——

Mr. GRIFFIN. I mean, I would think that would be crucial.

Mr. WALLOP. I yield for the purpose of answering the question, without losing my right to the floor.

Mr. BAYH. Let me just answer that specific question, if the Senator from Wyoming will yield.

The first time that the lack of sworn testimony that went to the substance, the credibility of the substance, was raised, I think, was yesterday when, at the briefing, the Senator from Wyoming raised this question with the committee staff.

Mr. WALLOP. I would like to make a point of clarification. That is not true. I raised this question far earlier. As a matter of fact, I raised the question in December, before leaving on the trip to Europe.

Mr. BAYH. The first time the Senator from Indiana received any word from his friend from Wyoming that he was serious about the whole matter was the letter you sent me earlier.

The question really goes, one, to a matter of convenience: just how much more credible is it if you get staff people to go up to ask Ted Sorenson to swear to something that, in the judgment of the Senator from Indiana, is not critical, or to get his answer without it being sworn?

We have asked him, let me say, after getting the letter from the Senator from Wyoming, to give us an affidavit, and I assume that will be forthcoming, because I have no reason to believe that Ted Sorenson is trying to mislead us.

The Brzezinski question is a bit more delicate. Some of you know better than I because you have been here longer, how difficult it is to get the chairman of the National Security Council to say anything to Congress, let alone to say it under oath. Frankly, our staff talked to their staff, and we tried to avoid a constitutional crisis here in which, instead of the facts we were after being the matter of special concern, it would be then that "Brzezinski refuses to testify."

Having said all that, and having received the official concern of the Senator from Wyoming, I talked to Mr. Brzezinski last night and again this morning, and I have here for introduction into the RECORD an affidavit in which he swears that the facts contended, which were a matter of concern to the Senator from Wyoming, are indeed true, "Sworn to and subscribed before me this 21st day of October, Robert E. Linder, Notary Public."

He also says I should point out, in addition to—would you like me to read it? We just now received it.

Mr. SARBANES. Yes.

Mr. BAYH. I am operating on the Senator's time.

Mr. WALLOP. I assume my time is as limited as anyone else's, before I yield the floor.

Mr. GOLDWATER. Mr. President, may I interject one thing? The Senator will remember hearing of this before the committee [Class. deleted] and you will recall quite elaborate testimony before the Intelligence Committee as to what it added up to.

To my recollection, it added up to a threat to us [Class. deleted] that was called off, and again, according to my recollection, I cannot remember any finger being pointed any place except [class. deleted] the Panamanian Government.

We traced what we thought might be leads; we checked this payoff thing all over the place [Class. deleted].

Mr. WALLOP. That is correct. [Class. deleted.]

Nevertheless, the point I am trying to make is that what is presented in the report of the committee does not contain any sworn testimony or cross-examination, either one, from Brzezinski or Sorenson.

Mr. BAYH. It does now, Senator.

Mr. WALLOP. That is an affidavit, but it is not a cross-examination. I am perfectly willing to have that entered, and I am interested to see what it says.

I think I would like to make this statement prior to hearing that.

Mr. GOLDWATER. If the Senator will yield just for a moment, we will have exactly the difficulty of privilege if we tried to get Brzezinski up here. I am anxious to hear this paper. We questioned them at great length trying to find out what they meant by payoff; why such a threat should ever come about. If it is merely a threat, we do not know what the nature of the threat was going to be. We thought it involved some change on their part relative to the treaty, but we were never able to ascertain it. I would like to get the answers myself.

Mr. WALLOP. Perhaps the answers will come. It is not my point in raising it to criticize the chairman, the staff, or anybody else, but to raise what I consider to be a legitimate point. I think within that light it would be better for me to make my point before we heard the affidavit of Mr. Brzezinski in full.

It is not the purpose here to question the motives of the people, as to just question the means by which the committee arrived at a conclusion. I think you will see that there are other conclusions which can be drawn.

The fact is that up until now, when we are about to hear it, Mr. Brzezinski did not even answer the staff's questions in person, but he conveyed to us that he does not recall seeing the intelligence report [class. deleted] delivered to his office [class. deleted]. This is central to the claim that the negotiations with Panama were unaffected by Panamanian threats. One cannot be affected by a threat one is not aware of. "We were not affected by the threat; I was not aware of the threat."

The two things just do not jibe. I think that is part of the reasoning that goes behind my conclusion that there are other ways of interpreting the data that came before the committee.

Then if we assume that the first part is so, what influence did the Panamanian threats have?

Again, I think it is fair to say we do not know. But we do know that in the week following the incident a number of changes took place in the treaty strategy, none of which were favorable to the United States, despite information to the contrary.

Mr. BAYH. If the Senator will please yield——

Mr. WALLOP. I would not yield at the moment. I think I can document this.

If you care to question the conclusions I have at the end, I would be happy to yield.

Mr. BAYH. I do not question the Senator from Wyoming. I only rise because what he just said totally ignores the facts of the financial agreement. Perhaps he was not here when I laid out the facts.

Mr. WALLOP. I think the financial agreement can be questioned. All I am saying is that there are two sets of conclusions which can be drawn from what has come in front of the committee. I would just like to point out one conclusion that I think can be drawn.

[Class. deleted.]
[Class. deleted.]
[Class. deleted.]
[Class. deleted.]

Mr. BAYH. Will the Senator yield?

Mr. WALLOP. I will yield for a question.

Mr. BAYH. I do not want to just get involved in nit-picking, but here I have a document from the negotiating team which points out that this was dropped on June 16, 1977. [Class. deleted]

Mr. WALLOP. I would also point out that the State Department merely says that. They have offered no proof of that.

Mr. BAYH. Would the Senator like to look at this document? I am not trying to mislead him at all. I just found this document last night. I know the Senator feels very strongly about his position. I frankly just want to give you the information we have.

I would like to ask unanimous consent that that be printed in the RECORD, if the Senator has no objection.

Mr. WALLOP. I have no objection.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To The files.
From Edward Levine.
Subject Economic arrangements in the Panama Canal Accords: Changes between July 14, 1977, and the final text.
Date February 6, 1978.
[Class. deleted]

Mr. WALLOP. For the moment. I will leave that and come back to it. If I am wrong, I will be delighted to admit I am wrong. But at this moment there has been no proof offered on that. One would have to examine that document in some detail to assure themselves that it was so. As of last night Ambler Moss had informed committee staff that there was no proof.

The deputy to Ambassador Bunker had advised the staff of the committee that the change was decided upon over luncheon late in May but could provide no documentation. Now we have another documentation.

Mr. BAYH. The paper that the Senator from Indiana just gave to the Senator from Wyoming is a verbatim transcript of the record of the negotiating team.

Mr. WALLOP. I will drop that. I think there is enough other reasons to believe that certain other things took place.

Mr. BAYH. Well——

Mr. WALLOP. I have the floor.

[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]
[Class. deleted]

But then, there is probably no reason that it should have been. But to my knowledge, other than the fact that we have a search of intelligence files—we really did not pursue the trail of any alleged recipients who might have been on the end of those payoffs. I think that the hearing testimony will show that we did not do that. No one here knows what went on between Messrs. Brzezinski and Sorenson, and no one here has seen Mr. Brzezinski's routing logs.

Mr. SARBANES. Will the Senator yield at that point? I looked at the Intelligence Committee's materials yesterday, because I felt some obligation to do so. My recollection was that, at least from the negotiators—and I thought from some other parties—there are sworn denials of anything of that sort.

Mr. WALLOP. Nobody accused the negotiators of having payoffs or taking them. Nobody really knows to whom they were referring. That is the point. We were not able to determine that, but we did not pursue it, other than to make the search through the intelligence files to see if there already was any other reference to payoffs or a similar kind of thing.

Mr. SARBANES. As I understand it, the contention was that certain people were going to make concessions in the treaty terms in return for payoffs. Of course, the people who were negotiating the treaty terms and arriving at them were in fact the negotiators. My understanding of the committee's documents, which I did take some time to look at, is that this question was put to them directly and that sworn responses were obtained.

Mr. WALLOP. I think you will find that one said that they ignored it and did not pay any attention to it.

Mr. SARBANES. Pardon?

Mr. WALLOP. I think you will find that Ambassador Bunker said he thought it was ludicrous and never looked at it another inch. Ambassador Linowitz, I think, was very vague on the detail with which he had considered these.

Mr. BAYH. Will the Senator yield?

Mr. SARBANES. If the chairman would enlighten me, my understanding is that specific inquiry was made and responses received. Of course, the Senator from Wyoming has indicated that that was not the case. I guess the committee's work record will indicate what the case is. It would be helpful if we could have a response on that.

I put that to the chairman of the committee.

Mr. WALLOP. I yield to the chairman for an answer to that.

Mr. BAYH. Why does the Senator from Wyoming not go ahead? I must say it is sort of like the blind fellow who was asked to describe what an elephant looked like. When he felt its tusk, he said it was long and hard and smooth and when he felt its tail, he got an entirely different reaction.

I do not even recognize the effort that the committee made as it is described by my distinguished friend from Wyoming. I mean, what would he have us do, let me ask? Whom would he have us talk to? I do not know who was there, but the majority leader was——

Mr. WALLOP. I yielded for that response——

Mr. BAYH. I will be perfectly happy to have the Senator finish and I will be glad to deal with that later on.

Mr. SARBARNES. It might be helpful to have it right at this point.

Mr. BAYH. Why don't we let the Senator from Wyoming go ahead, because obviously, he thinks we did not fulfill our responsibilities and he is certainly within his right to feel that way. I feel very strongly, and I think the Senator from Arizona concurs unequivocally with this, that we did everything that is reasonably possible to expect us to do. I would hope that, as the Senator from Wyoming elaborates on this point, he will tell us what he would have had us do that we did not do. What other efforts would he have had us make?

Mr. WALLOP. The Senator from Wyoming would suggest that the committee itself probably did what it could do. He would also suggest that the administration did absolutely not one thing, made not one investigation of their own, made not one in depth.

The Justice Department was not called into it. The Justice Department was notified, but there is no record of any particular activity on the part of the Justice Department. They were notified. What did they do?

Mr. BAYH. Look, we asked all of the intelligence agencies—they are supposed to have all the information available. We cannot give you information that is not there.

Mr. WALLOP. I agree with that. I am not saying it was the obligation of the committee to conduct a full-scale investigation. I am saying it was the obligation of the administration and the Justice Department, and nothing would indicate that they have.

Mr. BAYH. The matter has been referred to the Justice Department. They have investigated it. The last time I questioned it, they had uncovered nothing.

We asked the CIA, NSA, and State Department about it. They responded that they had absolutely no information, they had looked through all of their records, all of their files, could not find anything about it.

[Class. deleted]. They looked at all their information.

The answer right here is in the record. They answered negatively. Senator BYRD was the one that was doing the interrogation here.

I do not think he would interpret this interrogation as a cavalier effort.

There is no need of reading it all. It is there. That is what we tried to do, I say to my friend from Wyoming. I do not know how he could have asked us to do more.

(Mr. GLENN assumed the chair).

Mr. WALLOP. I am not asking the Committee to do any more. I have already said that the committee has done what was within its power to do on this thing. I am saying the administration has not. Now you tell me the administration is still investigating this matter as to whether or not this thing took place and here we are, debating a treaty. Surely we should wait until that investigation has been brought to its final conclusion.

Mr. BAYH. All I can say to my colleague from Wyoming is that, in my judgment, all of these agencies have done everything you would expect them to do. The Justice Department has looked at everything they can find. They have not found anything.

We all know that everybody is servicing documents and that kind of thing. How does the Justice Department prove a negative? They have no evidence about payoffs. What more would you have them do?

The Senator suggested that the executive branch has not done anything. What more——

Mr. WALLOP. Has the executive branch done this: Has the executive branch taken a look at where the treaty went after the 15th of July? And have they produced a conclusive paper saying that under no circumstances were these weakening changes related to that weekend?

Mr. BAYH. The State Department has.

Mr. WALLOP. The State Department is not the Justice Department. The State Department are the ones that have the vested interest in this treaty. And the State Department is noticeably self-interested in these things.

Mr. BAYH. I am responding to the Senator from Wyoming. The State Department has been asked. They are the ones that know most about negotiating a treaty. I do not suppose there are half a dozen people down at the Justice Department that can tell you what all the ramifications are in this treaty.

The State Department people were there on the scene, in the coliseum of conflict there. I think they are much more credible to tell you whether there was something given irresponsibly or not. When the Senator from Wyoming has completed—and I appreciate his courtesy by letting us interrupt him. When he is through, I intend to reiterate the facts, not as given to the Senator from Indiana and to the committee from the State Department, but the facts as they are that, in my judgment, totally refute the assessment of my friend from Wyoming about the economic package, and that certainly reach a different conclusion about the noneconomic agreements.

I suppose it is fair to suggest we could have differing opinions, but I should say, at least from the standpoint of the Senator from Indiana, he looks at a different part of this animal as far as whether anything out of the normal course of the negotiating process transpired. I think he can say unequivocally it did not.

Mr. WALLOP. That is the point I was making when I got up to speak in the first place. I am not questioning anybody's motives in the conclusions that they draw. I think there is legitimate reason to conclude something different than that which has been represented by the report that was given in front of the Senate Foreign Relations Committee. One of the reasons that I bring this up in the first place is that I had asked, when that report was brought around to me, that my concerns be represented to the Foreign Relations Committee and they were not. I checked the record on that.

Mr. BAYH. That is not accurate. The Foreign Relations Committee was advised of the opposition of the Senator from Wyoming and of his independent views.

Mr. WALLOP. The record of the day's hearing does not indicate that.

Mr. BAYH. It was in the report. I made a statement on behalf of the Senator from Arizona and myself and the large majority of the committee.

The statement also forwarded a comprehensive report to the Foreign Relations Committee, and in that report were the opposing views of the Senator from Wyoming.

Mr. WALLOP. In the report. I understand.

Mr. BAYH. It came up in the Foreign Relations Committee dialog, and they were advised.

Mr. WALLOP. I would grant it went in the report. I would also suggest to you, I know very few Senators who read the reports of anybody's committee. They listen to the testimony at which they are present, and their staff reads it, perhaps, but very few——

Mr. SARBANES. Will the Senator yield on that very point?

Mr. WALLOP. Not at this moment, I would like to finish.

Mr. SARBANES. Well, I think it is very important on this question of reading the reports, because that is what is prompting my questions to the Senator from Wyoming. I raise this as something that requires us in a responsible way to consider it.

I have looked at this payoff allegation. Now, the Senator said, apparently, that no effort was made. At a minimum, I think, he would have to concede from the report of his own Intelligence Committee that certain witnesses under oath were queried as to whether they had any information or knew anything about it and said they did not, including the negotiators and leading members of the intelligence community and leading officials in our Government.

Now, an allegation is made. It is my understanding——

Mr. WALLOP. I would correct the Senator there. No allegation was made. [Class. deleted]. This not an allegation. [Class. deleted].

Mr. SARBANES. Which constitutes——

Mr. WALLOP. It is not an allegation.

Mr. SARBANES. Which constitutes an allegation.

Mr. WALLOP. Nobody said anything. Somebody said they were there.

Mr. SARBANES. It constitutes an allegation. I mean, I do not accept it as fact [Class. deleted]. I hope the Senator from Wyoming——

Mr. WALLOP. I do not. I am suggesting that no American official made an allegation which could have been slipped over. The fact is that we know very little about the operation.

I am talking about the circumstantial case, and a circumstantial conclusion that can be drawn, that is quite different from the one the committee has because there were, in fact, a number of changes that I think were not in the interests of the United States.

Mr. SARBANES. No. No.

Mr. WALLOP. That took place after that weekend.

Mr. SARBANES. The Senator is mixing two issues. I differ with the Senator, but I recognize an argument that can be made with respect to how the treaty negotiations went with respect to the terms of the treaty and we just have to look at that and make our judgment.

The point I am now addressing myself to, and I addressed only this point in my efforts to try to propound inquiries, was the question of payoffs referred to in the report that you mentioned.

Now, in my view, that constitutes an allegation. [Class. deleted].

Now, the [Class. deleted] point is that, and this is why I rose initially [Class. deleted].

[Class. deleted] said there has been no effort by the committee. My understanding is that all the inquiries and all efforts to gain material have not produced anything that gives any substance to that allegation.

I do not know what more you can do than that. I mean, you do the most careful check you can and you go wherever you can to ask the right people. You do not get anything to back it up. So it remains an allegation without any substance.

Mr. WALLOP. It may remain an allegation without any substance and I do not quarrel with that, but I do feel there is a circumstantial case that can be drawn around that, and we at least should pay pretty darn close attention to it.

I think that is the case I am trying to make.

[Class. deleted].

The whole thing just plainly can have a circumstantial case built around it.

I am trying to point out to the Senate legitimate facts to consider. I am not saying that there was anybody who knew specifically to whom the payoffs referred, the high American officials and legislators. I am not saying anybody knows that. I am saying we do not know it.

But the plain fact is that, after that weekend, a number of changes took place in the treaty which were not in the interests of the United States, at least in this Senator's considered judgment, as to what might have been.

They were, in fact, what I would consider weakening.

It may be that it had nothing to do with this weekend. It may be it had to do with the fact that Linowitz's term of nonconfirmed office was running out.

Maybe that is the reason the horse got cheap. I do not know.

But whatever happened, something happened between that weekend and the day on which those treaties were signed by the President, and the horse got cheaper the closer we got to the end of the treaty.

That is the only point I wanted to make, that you can draw conclusions that are different, that are different from those presented, and, it is fair to say, that a majority of the Intelligence Committee has concluded.

I am saying you can draw a different conclusion, and I feel it is my obligation to point out to the Senate that a different conclusion can be drawn.

Now, if you do not want to accept it, by all means do not. I suspect the Senator's mind, much like mine, is made up. I suspect everybody sitting here talking about the Sun rising and setting on the Panama Canal, as though there is no other issue in front of the treaty, does not really know, in the circumstance of geography, whether the Sun either rises or sets on it. In fact, it rises and sets in the Atlantic Ocean, and that fact does not deter the Senate from endless rhetoric to the contrary.

Mr. SARBANES. Let me say to the Senator, I think it is important to try and separate the issues out and analyze each one of them.

[Class. deleted].

Now, we have got two matters there, and I have been addressing myself only to the payoffs question. It seems to me there that there has been no evidence of any sort to support any allegation with respect to a payoff. It seems to me if that is the case, the Senator at least ought to put that issue to one side. If you want to pursue the others [class. deleted], that is a different matter. But there has been nothing on this payoffs issue.

You have had people before your committee that you queried under oath who absolutely denied it and there has been no evidence to support it.

Mr. WALLOP. There has been evidence, I would point out, and I will not do it again now on this. I also point out that there has been no evidence that refutes my point. There have been sworn statements that nobody knows to whom the payoffs could have been going.

But I would point out, there has been no evidence to refute it.

I would also agree with the Senator that there is nobody specifically whose name is attached to it, and there is the point again about Brzezinski's logs. They have not been made available to the committee. He said he was not aware of the intelligence report that he does not recall seeing it. Perhaps if we get those logs, they will show what he did.

But that part of the investigation that was not done. It is part of the investigation I am assured that we would receive an answer of executive privilege. If we ask for it then we will probably have to go with your conclusion and my conclusion that can be drawn from the same set of circumstances that are in front of the committee.

Mr. CURTIS. [Class. deleted.]
Mr. WALLOP. [Class. deleted.]
Mr. CURTIS. [Class. deleted.]
Mr. WALLOP. [Class. deleted.]
Mr. CURTIS. [Class. deleted.]
Mr. WALLOP. Not to my knowledge.

Mr. CURTIS. Is there any dispute that certain changes from the original drafts were made that were weakening to the treaty from the standpoint of the United States?

Mr. WALLOP. I think that, in all fairness, that is a subjective judgment. To my estimation, they were weakening. To my estimation, we backed down a good deal, and we increased the financial kitty considerably after that weekend.

Mr. CURTIS. There seems to be a dispute as to when those changes were made, or is there anything positive and conclusive to repudiate the idea that they were not made after there was knowledge of the intelligence report.

Mr. WALLOP. With the exception of the one which I have not had an opportunity to examine, the document that the Senator from Indiana just gave me—with the exception of that one, there is no dispute that all those took place after that weekend.

Mr. CURTIS. It is entirely possible that this could be a factor in these sessions, even though nobody was guilty of a payoff or of doing anything else illegal. There are some people who flee when no man pursueth, and the fear that something might happen or might be proved can sometimes frighten people. I hope that did not happen, too.

I want to move the focus of the Senate off [Class. deleted].

I think it is fair to say that the administration and other people might have been embarrassed [Class. deleted].

Mr. CURTIS. [Class. deleted].

Mr. WALLOP. [Class. deleted].

So the fact is that there was, even without the issue of payoffs, plenty of reason for the United States to draw a conclusion that it would be best if this were not made public and it began to negotiate from a different standpoint.

I am saying that there is a circumstantial case that can be drawn which demonstrates it. People are entitled to draw whatever conclusion they want, but I am saying that the conclusion I have drawn is that, after this weekend, a good deal of change in our negotiating posture began to take place.

As regards drugs, I think the committee's report tells us the essentials: Omar Torrijos knowingly aided, abetted, and protected his family's and his government's involvement in the drug trade.

It also tells us that the Department of State saw fit to obstruct the enforcement of American laws against drug smugglers because it did not want to jeopardize treaty negotiations.

Knowing this, we can assume that once the Torrijos regime assumes control of customs in the canal, they will find it far easier than before to use Panama's central position in world commerce to smuggle drugs into the United States.

It is up to us as the American people's representatives to answer the obvious question: Are these treaties so valuable to us that in order to get them we should be willing to make drug smuggling into the United States easier? I think the American people would want us to answer No, they are not.

I am told that my friend from Missouri would like me to yield to him, and I yield the floor to the Senator from Missouri.

Mr. DANFORTH. I thank the Senator.

Mr. President, I would like to ask a question of Chairman BAYH. The question is as follows, and it relates to page 8 of the text of Senator BAYH's comments.

The question is whether the Panamanians have reason to believe that representations were made to them that further consideration would be forthcoming after formal signing of the treaties. I call your attention to page 8, which refers to what you call Panamanian versions of the meeting of July 16, 1977, between Ambassadors Bunker and Linowitz and Panamanian negotiators. In the second full paragraph of page 8 you say as follows:

[Class. deleted.]

Then, in the second half of the next paragraph you say:

[Class. deleted.]

This is the question I would like you to address yourself to. I know that you cannot speak for the Panamanians, but what I am curious about is this: What do we know about what the understandings of the Panamanians are? [Class. deleted.]

[Class. deleted.]

What I am interested in, very simply, is this: What concerns me is the possibility that if we ratify these treaties, there will be continuing bones of contention between the United States and Panama with respect to what consideration will be forthcoming in Panama. What concerns me is the possibility that representations were made to Panama—albeit, informal representations; albeit, without legal consequence—which Panama is counting on, relying on, that further economic or other benefits will be forthcoming that are not contained in the text of the treaties and that are not contained in any of the related documents which are appended to the treaties.

Mr. BAYH. [Class. deleted].

It appears to the Senator from Indiana, and I think to most of us on the committee—the best we have been able to reconstruct this—that after that meeting with Bunker and Linowitz, [Class. deleted] bargaining points that had been discussed earlier and some points that had been raised—as I recall, the self-liquidating loan or one of those factors had been raised—at a personal lunch where Linowitz and Lewis had lunch together with Secretary Cooper. It was an informal session apparently with Secretary Cooper and Lewis for some reason or other in structuring where they thought they were at that time to put all of those things in there.

Our position was that you should move forward with the treaty. Everybody we have talked to sees that as consistent, and Bunker attests to what Linowitz said.

We have never found him saying or taking any other position. We should

move forward with the treaty and then the economic assistance would follow.

In looking at whether there were representations as a result of intimidation, it seems to me the best way to refute that, I say to my colleague from Missouri, is to look at this economic package that now has surfaced.

Mr. DANFORTH. That is not my question, because I know the economic package that has surfaced. I know what is contained in the treaties and the related documents. The question I have is whether there is any indication that the Senator's committee has that in addition to the consideration which is contained in the documents before us there were other side deals made.

Mr. BAYH. No.

Mr. DANFORTH. And whether Panama has any hope of getting further benefits which are not contained in any of the documents before us.

Mr. BAYH. We have no such evidence at all. [Class. deleted].

Nothing appeared on the radar screen that had not been in the negotiation earlier.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. DANFORTH. Just 1 minute.

But when, I take it, Ambassador Linowitz says there will also be a series of offers of what can be obtained independently of the economic aspects [Class. deleted].

And that does not, in the Senator's opinion, relate to any promise of consideration, whether or not legally enforceable is beside the point, that Panama is counting on?

Mr. BAYH. No. I have no evidence of that. We have no evidence of that whatsoever.

I appreciate the concern raised by the Senator from Missouri because we all are familiar with executive agreements that have totally ignored Congress, and so we look carefully at that. The distinction lies between economic factors or changes or provisions that exist in the treaty. The amount of dollars to be paid for services, the tax or no tax on civilian employees, the increase of tolls—those are economic factors in the treaty itself, separate and apart from that were these informal discussions of economic assistance which then go to the Import-Export credits, to AID housing, to AID soft loans, to OPEC guarantees, that kind of thing.

After Senator WALLOP's questioning of Ambassador Linowitz, Senator INOUYE addresses the following question to Ambassador Linowitz:

> I realize that this question was asked last Friday but since it was alluded to today, are there any secret agreements, written, unwritten, or otherwise, that exist between the negotiators or the governments of the United States and Panama?
>
> Ambassador LINOWITZ. Absolutely not.
>
> Ambassador BUNKER. Absolutely not, sir.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. DANFORTH. I yield.

Mr. McCLURE. I think the evidence does show two or three places, if I recall reading the record correctly, that they were urged not to press the points on economic aid but to rely upon the goodwill of our administration and the persuasion of Congress later to come up with further aid later. So I think it would be fair to say that there may be no agreements but they were led to believe that they could expect further aid if they were good boys in this negotiation.

Mr. BAYH. The Senator is accurate. The agreements are now available to the Senate, and I think the only fair way to assess whether there was any response to the alleged intimidation that may have occurred because of that report about payoffs in press conferences is to look at what these agreements were.

Mr. McCLURE. I think the Senator from Missouri is not talking about that aspect of the negotiations but whether or not the records that the Senator has would indicate there were some other agreements, irrespective of the pressures and payoffs.

Mr. BAYH. We have none.

Mr. McCLURE. I think the evidence that the Senator has read is that there are no agreements, but I think the evidence can also be read to say that there is strong implication that, if you will not press that point too hard now, we will be very agreeable later.

Mr. BAYH. If the Senator will yield, that is where I think it is important to make the distinction. We are talking about two kinds of economic aid. Panamanians want to put it all in one bundle, put it into the treaty.

Mr. McCLURE. Right.

Mr. BAYH. They were told that they should not push to have the economic aid as contrasted from the economic provisions commingled together so that the economic provisions were kept in the treaty and if you are good boys, you are going to get something else assistance in agreements later on. We now know what those agreements are. So we can make an assessment as to whether there way any succumbing to the pressure.

Mr. McCLURE. Again I do not think the Senator from Missouri is talking about whether there was succumbing to pressure, just whether there were signed agreements.

Mr. DANFORTH. Yes.

The sensational aspects of today's discussion frankly do not concern me as much as they do other Senators. The scenario that I express concern about is that for one reason or another in the middle of July 1977, it looked as though something that was very important to our administration was about to fall apart and that what happened at the meeting at 4 o'clock on the afternoon of July 16 was that our team attempted to assure the Panamanians that in fact we did want the treaties, that it was important to us, and that what is more if they went along with the treaties and we consummated this deal they could expect further economic benefits that were not part of any written agreement with respect to the treaties.

Mr. BAYH. Yes. That is why I keep coming back to my figures of aid. That is because very clearly they were told and everybody knew there would be other aid forthcoming.

Now we know what those agreements are. They have reached agreement as to what that extra assistance will be. I think by looking at what was finally agreed upon, in preparing what the Panamanians were shooting for and what the Americans' position was, one can conclude that the Americans came out in almost all instances on the target that they set, not the target that was set by the Panamanians.

Mr. DANFORTH. Sure. But from what the Senator knew and what his committee knows, he does not believe that the Panamanians are expecting down the road something else?

Mr. BAYH. No, absolutely not. And I quoted the Ambassadors who were intimately involved and we uncovered absolutely nothing of any side deals here at all.

At the moment of this conference [Class. deleted] the amount of assistance and the categories of assistance had not been finalized. Now they have, and I suggest that the Senator look at the figures. At least my concerns are eased, and in fact they are resolved.

Mr. DANFORTH. I yield the floor.

Mr. BAYH. Mr. President, I hate to——

Mr. GRIFFIN. Mr. President——

Mr. BAYH. May I just sum up here? The Senator from Indiana has had more time on this floor than either he or other Members of the Senate have wanted, I imagine, this afternoon; but I think this is such an important point raised by the Senator from Wyoming that it is important to put the committee side of this matter in perspective once again.

The Senator from Wyoming, and I have great respect and affection for him, I think he knows that, is certainly entitled to his position, and I admire him for hanging in there and presenting it very forcefully and eloquently.

I have to suggest, however, that there were 19 of us who looked at this matter, and there was only one who came to the conclusion that the Senator from Wyoming did. He could be right; this is not an exact science. But at least 18 members of the committee concluded to the contrary.

The reason why I wanted to sum this up is that the concerns of the Senator from Wyoming are based on some rather serious inferences, if not accusations. If the word "accusations" is proper, I hope it is considered in the context in which the Senator from Indiana intends for it to be considered.

The Senator first talks about the credibility of Mr. Sorenson and Mr. Brzezinski. I think the Brzezinski question has been put to rest, and I am sure the Sorenson question soon will, because we have no problem of executive privilege there. Everyone here knows how hard it is to get any head of the National Security Council of any administration up here before Congress, and we have to deal with that delicately. I have no question that we did have truthful testimony there. The fact that it was not sworn is a matter of convenience and of constitutional flexibility, frankly.

I would just like to ask the Senate to

try to envision exactly what happened. [Class. deleted].

Mr. DOLE. [Class. deleted].

Mr. BAYH. [Class. deleted].

Mr. WALLOP. Will the Senator yield for one clarification?

Mr. BAYH. Yes.

Mr. WALLOP. I believe the Senator said 19 people drew the same conclusion.

Mr. BAYH. I said there was only one who came to the conclusion that the Senator from Wyoming had.

Mr. WALLOP. Does the record disclose whether or not the committee ever voted on this matter?

Mr. BAYH. No, the committee did not vote on it. Because of the time pressure from the Foreign Relations Committee, the chairman took it on himself to circulate the report to all members of the committee, and to advise them that he was forced—not forced, but requested—to testify, and no one objected.

Mr. WALLOP. The only point I am trying to make is that we did not engage in a committee dialog. When I first asked if I might make the caveat that I did to the report, I was told that it was in fact a staff report, and it was very unusual for a Senator to append remarks to a staff report, but I was given special permission to do it.

I think one cannot draw conclusions about the thought processes of the committee from the fact that the chairman was given the privilege of preparing the report in that manner. I only wish to point that out because I think it is fair to say that I trust my own logic would perhaps have been able to bring one or two others along with me.

Mr. BAYH. I am sure the Senator from Wyoming could do very well with that. I am not sure the Senator from Indiana would be able to bring anyone else along with him.

All I can say is that every member of the committee had a chance to look at that report, and there is only one member of the committee who had the kind of objections the Senator from Wyoming did. I appreciate that, and applaud him for it, although I disagree with his conclusions.

Mr. WALLOP. I thank the Senator.

Mr. BAYH. [Class. deleted.]

There is no proof; as I keep saying, two plus two equals four, information we do not have in the Intelligence Committee. But we have tried our best to find out.

In the payoffs area, we surveyed all of the records that were available. We asked every intelligence agency to dig in, to find out, [Class. deleted] to look at their files, and we got nothing on payoffs. Our distinguished majority leader is here, and I am sure he would not mind my quoting him; he was the one who instigated the cross-examination and interrogation of the major witnesses that were in a place to know about payoffs. This was very alarming, and he, our distinguished leader, had addressed himself to the article entitled "What the Americans Have Not Told Their People," and then goes on down and asks the question:

Mr. Linowitz, do you have any knowledge whatsoever of the charge, and do you have any proof, that high-level members of the executive and legislative branch of the United States Government asked for payoffs in return for getting the Panamanian treaty?

The same interrogatories were directed not only to Ambassador Linowitz, but Ambassador Bunker, Admiral Turner, and Secretary Cooper.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BAYH. Yes.

Mr. ROBERT C. BYRD. I ask unanimous consent, if I may, that the excerpts of those interrogatories by me and the responses be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator BYRD. Mr. Linowitz, do you have any knowledge whatsoever of the charge, and do you have any proof that high level members of the executive and legislative branch of the United States asked for payoffs in return for getting the Panamanians increases?

Mr. LINOWITZ. The only time I have seen or heard any of these things or any of these allegations was when I saw this intelligence report, which was a week later when I was in the State Department, and knew nothing about it. I asked Ambassador Bunker if he knew anything about it and was assured by him that he did not, and I have heard nothing about it.

Senator BYRD. Nothing before or since.

Ambassador LINOWITZ. Before or since.

Senator BYRD. Ambassador Bunker, I pose the same question to you.

Ambassador BUNKER. Yes, sir, I think our replies are the same.

Senator BYRD. But I want to hear it again.

Have you ever known of any such, before or after, of any such charge or proof that high level members of the executive and legislative branch of the United States have asked for payoffs in return for getting the Panamanians increases in the annuity?

Ambassador BUNKER. I have not, sir.

Senator BYRD. Admiral Turner, the same question.

Admiral TURNER. No, sir.

Senator BYRD. Admiral Inman, Secretary Cooper, the same question.

Mr. COOPER. No, the same answer.

Senator BYRD. Which is what?

Mr. COOPER. Which is that is the only reference I ever saw to that.

Senator BYRD. You heard nothing before.

Mr. COOPER. Nothing before.

Senator BYRD. Nothing since, and you know of nothing that would substantiate this.

Mr. COOPER. That is correct.

Senator BYRD. Admiral Inman?

Admiral INMAN. We have done an exhaustive search, and there is no intelligence at all in any way implying this, and I have no knowledge of any kind of other allegations.

Senator BYRD. Has any one of you attempted to ascertain whether there is any truth to this statement?

Admiral INMAN. In the light of Senator Stevenson's discussions with us on Friday, I have pursued it a bit but have uncovered nothing.

Mr. BAYH. I just wanted to point out because here we have our leader, who was leading a charge out here, and I hope no one gets the idea that our committee, or any agency we have dealt with, has been other than assiduous in our efforts to find out what was meant.

We found absolutely no evidence. Brzezinski, in his affidavit, swears he knew absolutely nothing about payoffs.

Now let us look at a possible reason for all this.

I confess that I am dealing with possibilities just like my friend from Wyoming is. [Class. deleted]

[Class. deleted].

If I had to stake my life on it, and I would hope that none of us would have to, but if I had to, I am of the opinion, if we go back to the knee jerk reactions of the Panamanians to the misinterpretation of the Linowitz statement, as a belief that Uncle Sam was trying to get out from underneath the negotiating process, that the whole threat of payoffs and of disclosure [class. deleted] was really to try to make certain that we got [class. deleted] back on the track they thought we were off of, as far as the negotiating process was concerned.

Mr. GRAVEL. Will the Senator yield?

Mr. BAYH. I yield.

Mr. GRAVEL. [Class. deleted].

Mr. BAYH. [Class. deleted].

Mr. GRAVEL. [Class. deleted].

Mr. BAYH. [Class. deleted].

Mr. GRAVEL. [Class. deleted].

Mr. BAYH. [Class. deleted].

Mr. GRAVEL. [Class. deleted].

Mr. BAYH. [Class. deleted].

[Class. deleted]. We were able then to unravel the misunderstanding, which was precipitated by the Los Angeles Times article as a result of the Godfrey Sperling press conference. Sorenson was helpful in that regard. As soon as the Panamanians were aware of the fact that there was going to be a press release and that negotiations were going to continue as a result of the Sorenson-Brzezinski conference, and that rather brief press release from the White House, he said "Call a press conference. Pretend like you don't even know it."

It seems to me you could make a pretty good case that that is as good a line of argument as anything else. Plus, I just want to say even if that is not the reason, and as the Senator from Alaska said in talking about factors, if no one pursued it, in looking at whether there was real intimidation or whether, indeed, there were payoffs, the best evidence is what the quid quo on the other side was.

At the risk of trying the patience of the Senate——

Mr. GRAVEL. If I might interject, and I certainly do not want to do that, I would like to ask my colleague one final question in that regard: Would it be reasonable to assume that in this instance, and in prior instances [Class. deleted] that they were trying to get a message to us.

Mr. BAYH. That makes sense to the Senator from Indiana. I appreciate your company.

Let me go over these points. I think in context, on the other side of this argument, if you look at what positions changed, on the question of the self-liquidating loan that [Class. deleted] after the meeting with Linowitz and Bunker, the self-liquidating loan was dropped altogether. That is not a part of it.

If you look at the tolls, the Panama position was to increase 50 cents, and the American position was 30 cents. Final text: 30 cents.

I ask unanimous consent that these figures, as related earlier, be printed in

the RECORD at this time. There is no need in boring the Senate with them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To The files.
From Edward Levine.
Subject Econcmic arrangements in the Panama Canal Accords: Changes between July 14, 1977, and the final text.
Date February 6, 1978.
[Class. deleted].

Mr. BAYH. In every instance, whether it is civilian employees, increase of Import Bank soft aid loans, or OPIC guarantees—in every instance the final figure is not the Panama negotiating position but the American negotiating position.

Mr. BELLMON. Will the Senator yield for a question?

Mr. BAYH. I yield.

Mr. BELLMON. I am a little startled to find out that the United States was [class. deleted]. In light of the fact that the 1903 treaty has already been highly objectionable to the Panamanians since they feel no one in their Government would allow something like this to go on which had the intent of poisoning the whole atmosphere. Did the committee come up with a reason as to why we were conducting such an operation during the time the negotiations were being conducted?

Mr. BAYH. It was to gather intelligence. I have to say to my friend from Oklahoma after talking with the negotiators I think most of them felt that the information they got was fairly sparse compared to what they did get from other sources for the negotiation process and [class. deleted] arrived too late to be of any assistance to them.

Mr. BELLMON. It is like if you are in a poker game and the other guy is looking at your hand.

Mr. BAYH. That is exactly what it is and the one guy knows the other guy is looking at his hand in this particular instance.

Mr. BELLMON. Were the Panamanians [class. deleted].

Mr. MOYNIHAN. Will the Senator yield?

Mr. BELLMON. I yield.

Mr. MOYNIHAN. I would like to offer a personal comment in support of what you have said. I have listened with great interest to these hearings the Intelligence Committee had. I support everything our chairman has said today. I wondered if anyone would have the sensitivity to raise the one thing which disturbs me, the stupid act [class. deleted]. There was no need, with men of the quality of Ellsworth Bunker and his colleagues. [Class deleted]. At this point all we can say is we are sorry it happened. The CIA had nothing to do with our negotiators. It is clear that our negotiators were not anywhere near that sort of thing, were not affected by it and probably were embarrassed by it. I would hope the day would come that the United States knows that if you put good men into the negotiations process you do not have to read other people's mail and [class. deleted].

Mr. WALLOP. [Class. deleted].

[Class. deleted].

[Class. deleted].

Mr. GRAVEL. I think it should be noted, if the Senator will permit me, use or no use, it was a dishonorable way to conduct yourself in international affairs in this instance.

Mr. BELLMON. It seems to me someone in our Government, maybe the Senate, ought to apologize. It seems totally unworthy of our Government.

Mr. GRAVEL. I agree.

Mr. GOLDWATER. I have to take issue. We have to have intelligence.

Mr. BELLMON. What does intelligence here have to do with our national security? I agree with you on intelligence.

Mr. GOLDWATER. That is what we are talking about, intelligence gathering. The man we are gathering intelligence from can see the apparatus. He knows it is going on. [Class, deleted.]

I suggest to my colleagues that if we are going to take the attitude that collecting intelligence is unsportsmanlike [class. deleted.]

I do not want to see this thing getting into a question of our apologizing to any country. We might have picked up something there involving a Cuban plan to invade Miami. We have to have these things.

I have suggested over in the House, we are spending too much time crticizing the CIA and the NSA and our other systems of intelligence.

Mr. BELLMON. We have been spending the whole afternoon, if the Senator will allow me, criticizing Torrijos for his drug connection. It seems to me that our hands are far from clean as we are conducting that kind of operation against a country we are negotiating a treaty with.

Mr. GOLDWATER. The Senator from Oklahoma and the Senator from Arizona are 180 degrees apart on this. I cannot see any similarity between this and drug trafficking. [Class. deleted.]

What I complain about is this constant complaining about the United States performing a job of intelligence. We are not going to be around here long if we continue to take that silly attitude.

Mr. BELLMON. That is not——

Mr. WEICKER. The point, I think, that the Senator from Oklahoma raises, without getting into this issue of intelligense, is that we were brought here by some of our colleagues to pass moral judgment, if you will, on Mr. Torrijos and his family. It is rather ironic that we are confronted with this particular situation, which is a reflection, in the minds of some, without getting into the details of these other things, on ourselves.

Mr. GOLDWATER. I see nothing moral or immoral about going about the daily business of collecting intelligence. I suggest everyone in this room collects intelligence. We could not be Senators if we did not have sources of intelligence. There is nothing wrong with that.

Mr. BELLMON. I doubt anybody in this room has [class. deleted] because that is what we are talking about.

Mr. McCLURE. That is not true.

Mr. WALLOP. [Class. deleted.]

Mr. GOLDWATER. [Class. deleted.]

Mr. WALLOP. [Class. deleted.]

Mr. MOYNIHAN. I would not wish to be misunderstood, especially by the Senator from Arizona. [Class. deleted.]

But it is, unfortunately, the fact that, in the course of these negotiations [class. deleted]. It was disappointing to encounter that information.

I wanted to say I thought the Senator from Oklahoma raised the point of honor and we wish it had not happened. But it never touched on the personal conduct of our negotiators. I think he would be proud of that. Those men never went near that sort of thing.

Mr. GOLDWATER. [Class. deleted.]

Mr. MOYNIHAN. We never should have [class. deleted]. Why do we act like that?

Mr. GOLDWATER. I will agree with you [class. deleted].

Mr. BELLMON. I was going to raise another question of the Senator from Indiana.

I am told by a source in our Government that there has been an order or an instruction issued to the Drug Enforcement Agency for agents to cease the arrest of Panamanians during the time this treaty is being debated on any matter related to a drug offense. Is the committee aware of this or is there in fact such an order?

Mr. BAYH. That is the first time the Senator from Indiana has heard of it.

Mr. BELLMON. You do not have any knowledge of such an order outstanding?

Mr. BAYH. I have no knowledge whatsoever.

The Senator from Arizona pointed out that there is an indictment out, a warrant out right now, for the President's brother.

Mr. BELLMON. I have reference to the fact that, since the treaty negotiations have been under way and since the debate has now begun, the Drug Enforcement Agency is under orders not to apprehend any Panamanian citizen in connection with a drug offense.

Mr. BAYH. No, we have no information on that.

Mr. BELLMON. Would the committee have a way of checking to see if that is, in fact, the case?

Mr. BAYH. We will put that question to them in no uncertain terms and receive the answer to it. We have no information to that effect.

In fact, the arrest of the husband of the cousin of General Torrijos, Sanclemente, that I referred to this morning, took place in Panama. The Panamanians did the arresting. But the U.S. Government and our agents cooperated with them in making that arrest possible.

Mr. BELLMON. Could the committee get a record of arrests of Panamanians, say, over the last 3 years up to the current time, to see if there is——

Mr. BAYH. We have requested that, plus a current drug traffic assessment. I will be glad to make that available for the record and let the Senator from Oklahoma see it.

Mr. DOLE. Mr. President.

The PRESIDING OFFICER (Mr. SASSER). The Senator from Kansas.

Mr. DOLE. Mr. President, I would like

to make a brief statement and then comment on what I believe have been the good qualities of the debate today. There is a good deal of interest in this issue.

I congratulate the distinguished chairman of the Intelligence Committee and the leadership for agreeing to this type of session, where we can discuss these sensitive matters and then make our own judgment. It seems to me that, based upon the attendance, which has been up as high as 70-some this afternoon, and never much lower than 20 or 25—which is, I might add, higher than the open sessions—it is an indication that this question should be resolved. I commend the distinguished Senator from Arizona and the Senator from Indiana for offering us their assistance in trying to lay it to rest. That has been the intent of this Senator and, I believe, others who have questions about the credibility of the Government in Panama, and more specifically, the credibility of the leader in Panama.

We are not dealing with the Panamanian people. We are dealing with the Panamanian leader, who is, as far as I know, a fairly absolute dictator. We should know about his credibility.

I think, secondly, that the distinguished Senator from Wyoming made a point that this Senator had not realized. That is what we have, in effect, a staff study. We have the conclusions of the staff in the so-called report to the Senate of Senator BIRCH BAYH, chairman of the Select Committee on Intelligence. I do not quarrel with the staff's conclusions, but we should not be led to believe that everything in this sanitized statement is based on a line-by-line examination by Senators.

Mr. GOLDWATER. Will the Senator yield at that point?

Mr. DOLE. Yes.

Mr. GOLDWATER. The Senator knows my position. I am opposed to this treaty. I do not care what form it comes out in. I have said I would vote against it if it had the Lord's Prayer in it. But I want to put the Senator right.

There were many hearings. There were many staff investigations. But this was thoroughly discussed before many meetings of the committee. I join my friend from Wyoming. I am unhappy about the fact that we could not find out about the "payoffs." So is the staff. So is the whole committee.

[Class deleted.] We do not know exactly why it started, what happened as a result of it. We cannot find any evidence. I wish we could have gotten Brzezinski down here and a few others.

It might have shed some light on it. But in view of what we have heard and what has been testified to before this committee, I have to join the committee in the assumptions they have taken, even though I am not completely happy with it.

But I do not think it is right to say that this has been a staff study and not a committee study. The results of the staff study were made available to all members of the committee, and we either said, "Yes, that is what I think," or "No, I do not think that way." There is nothing unusual in this procedure.

I may not be here much longer and, if the Senator will yield, I would like to commend my chairman for having done a good job, and while I am opposed to the treaty I do not believe that anything we have said today is going to have any material effect on it.

I do disagree with, and I wish he were, my friend from New York, who says we must judge this treaty on its merits and not the leader of the country.

I disagree completely. If I am going into business with you, and it involves $9 billion, I want to know something about BOB DOLE, whether he smokes pot, gambles, chases around—not that you do, I am not suggesting that.

I want to know.

Mr. BAYH. Would the Senator like to have our intelligence information on that?

Mr. GOLDWATER. We are working on it.

I just want to make that point, that I think this is a very important issue for the American people. Now, it might not be to some Senators, but it is to this Senator.

As I say, when we are doing business with a country, with a dictator who took over by power, I like to have some idea how we are going to get along with this fellow in the intervening years of this treaty.

So I apologize for taking too much time, but I just wanted to defend this committee on this whole point.

Mr. DOLE. I do not mean to take issue with the report. I want the record clear.

I have been involved in some staff studies released to the press. In fact, the distinguished Senator from South Dakota (Mr. MCGOVERN) and myself have been defending our committee against the cattlemen and the egg producers, and others, for the past 2 years on a staff study, dietary goals, we never voted on, but responsible for everything in the report.

I do not quarrel with the staff. I think they did a good job. But they do suggest from time to time the committee found no evidence. That may be the committee judgment. I do not know. But as the Senator from Wyoming pointed out, no one voted on this sanitized version. Maybe you voted on the unsanitized version.

Mr. GOLDWATER. Will the Senator yield again?

Mr. DOLE. Yes.

Mr. GOLDWATER This sanitized version was agreed to last night, about 8 o'clock, and if the Senator wants to know the whole truth, this is just from one Senator, I do not think the administration wanted us to have a sanitized version.

Senator BAYH went down to the State Department and was there at 8 o'clock. I could not be with him. He telephoned me and told me the conclusions they had come to and outside of the submission of three or maybe four names [class. deleted] which I think is perfectly proper, the sanitized version is pretty much identical to the one we have, that the two of us gave to the Committee on Foreign Relations.

Mr. WALLOP. Nevertheless——

Mr. GOLDWATER. Just a moment. You cannot criticize the committee for not having had a chance to vote on it. My God, I did not see the ——— thing until this morning.

Mr. DOLE. I do not want to leave that impression. I just want the Record to show what this actually is.

It is a staff document that was given to the Senator this morning. It has been released to the press. It has been sanitized, and I will yield to the Senator from Wyoming if I am mistaken.

Mr. WALLOP. No. The only thing I would say is that we never subjected this document to a debate within the committee where I had a chance to represent my misgivings about the conclusions that are in there, and to represent it as being all against one is not exactly an accurate representation.

It is, in fact, a staff document, and whether one supports the staff's conclusions or finds a different conclusion, as I do, the plain fact is that the staff did this. The committee did not sit and engage in any dialog about the conclusions that are represented in that as committee conclusions. Nor did the committee vote on the conclusions.

Mr. GOLDWATER. We did discuss the report that we made to the Foreign Policy Committee. I will not say in complete detail.

Mr. WALLOP. It was circulated. That is not a debate. That is not a chance where I had a chance to try to make the points I wish to make.

Mr. GOLDWATER. I sat there one day and listened to the Senator raise four or five points. I think the Senator remembers I patted his back and said, "Good going."

That became the report we offered the Foreign Policy Committee. They asked it be sanitized for their use.

We were, on the whole, length and breadth—whatever that is—never able to get a sanitized version from the State Department or White House, and it was not until Senator BAYH got back here and, between his words and mine, I think we got them off their horse and we got them moving.

Mr. WALLOP. I do not mean in any way to criticize either the chairman or the ranking minority member because they perform yeoman service in a very difficult committee, because sometimes those are not well attended and sometimes the subject matter is difficult, and basically, relies on staff.

But the plain fact is that I think we were in a constrained situation with several reports and other things. When that came up, we did not in any way engage in a dialog.

I asked permission to address my remarks to the committee report, and I think the committee minutes will show that it is represented as a staff report with subsequent remarks from the Senator from Wyoming.

Mr. ROBERT C. BYRD. Mr. President, who has the floor?

Mr. DOLE. The Senator from Kansas has the floor. I am pleased to yield.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. President, as an ex officio member of the committee, I had my chance yes-

terday, and I took advantage of it to look over this material.

Every Senator was put on notice before the Senate went on recess that the committee staff would be available on yesterday to provide to any Senator any materials bearing on these questions that such Senator might wish to see.

I took advantage of that opportunity.

I did what I could to impress upon the White House and upon the State Department the necessity for making available to the public everything that could be made available on these subjects, with the exception only of sources of information, methodology, very sensitive matters affecting the national security interests.

So I had an opportunity to see the report and, may I say in this connection, I have been around this place now for 20 years and around the House for 6 years prior to that, and I have, the first time in my recollection, to sit down as a Senator on a committee and go over word-for-word a report of that committee.

I have been on the Appropriations Committee for 20 years, I have been chairman of the subcommittee of that committee for many years, and it has always been the staff that prepared the committee report. Never did I as chairman of any subcommittee sit down and prepare the report or dictate that report myself.

I daresay there are not any other Senators in here who have done that, either. It is the staff that prepares the committee reports. Senators would not have the time to do that.

But Senators certainly have an opportunity to look over the reports and to suggest changes if they want to do it.

We had our day yesterday. I took advantage of it. And, as I say, I did everything I could to get the White House and the State Department to cooperate, which they did cooperate.

I congratulate the Senator from Arizona, Mr. GOLDWATER. I congratulate the Senator from Indiana, Mr. BAYH. I also congratulate Mr. DOLE for having raised the question of the closed session. I think that Mr. BAYH and Mr. GOLDWATER have done an outstanding job, and I am especially appreciative of the Senator from Arizona for taking the floor and saying that this is not a unique situation. Of course, it is not a unique situation. The staff prepares these reports all the time. To take the position now that this is a staff report, that Senators have not had an opportunity to look at it—it is the fault of Senators if they have not had a chance to look at it. Maybe they could not all see the sanitized version until today, but the original version was there.

I say that in defense of the committee and the chairman and the ranking member.

Mr. DOLE. Others, as did the Senator from Kansas, took advantage of that yesterday—many others in the Chamber, and others had been briefed in the Foreign Relations Committee or are members of the committee. So there is a great deal of interest. I do not mean to contend on this one point. I raised it as a technical matter, and I will proceed.

I yield, first, to the distinguished Senator from New York.

Mr. MOYNIHAN. I thank the Senator from Kansas.

He will know and others will know that there can be few persons in this body who are held in greater respect and more affection than the Senator from Arizona—certainly, none by me.

Yet, on a purely technical matter, a legal matter, I would ask to differ with him with respect to his statement, which seems to me to be at the very center of the argument we have had today, the debate we have had today, which is, what relevance has the character of the head of the State of Panama or the nature of its regime to our approval of this treaty?

This is a matter of fact, I believe, and no longer one of dispute in international law; and it is a fact of particular relevance to us.

The second ranking member of the Committee on Foreign Relations is here, and he will know that the current doctrine of international law in this matter is, in many ways, attributable to the incumbency of Thomas Jefferson as Secretary of State, who made a break with the tradition of Europe in this issue with respect to the recognition of other regimes.

Until then, recognition was very much involved with the question of legitimacy and of monarchies and blood ties, and so forth. Jefferson came in and said, "This is a new country; we have new standards. We ask one question about a government: Is it in power? If it is in power, we recognize it. That does not mean we approve of it."

That doctrine, with some lapses, has been continued to our time.

With respect to treaties, it is our rule, and it is international law, that the only question about a government, with respect to a treaty, has to do with whether that government had the power to sign the treaty. Was the person who represented himself as the Secretary of the State in fact the Secretary of State? Was this a government in power?

There is no question of Panama having such authority—the Torrijos regime. We are entering treaty with the State of Panama, and it could not be more important to understand that we signed that treaty because of the rights it gives us. The Panamanians must understand that that has nothing to do with whether we like them or do not like them.

Mr. Torrijos today is the third ranking dictator in Latin America. He has already much overstayed his statistical probability. In the year 2000, God knows who will be in the Presidential Palace in Panama. It will not matter.

What everybody must understand is that we have rights under these treaties and we will exercise those rights regardless of the regime, whether it is a nice regime or a nasty regime; that we Americans will do what by right we can do under this treaty, and nothing else will make any difference.

As a matter of fact, one of the happy aspects of this treaty is that we are never likely to face a regime in Panama so virtuous as to dissuade us from the exercise of our rights and, indeed, our responsibilities to the American people under this treaty. [Laughter]

We signed that treaty with Panama. Indeed, when that marvelous Frenchman, Mr. Bunau-Varilla, came up here, he was not even a Panamanian. But he had a right to negotiate a treaty, and we have enforced it ever since.

I see the distinguished Senator from Idaho standing. I hope I have correctly reflected his understanding of the law.

Mr. DOLE. The Senator from Kansas does have the floor.

Mr. MOYNIHAN. Perhaps the Senator from Kansas might like to inquire.

Mr. DOLE. I made a note that I have the floor. [Laughter]

Mr. CHURCH. Mr. President, will the Senator yield briefly to me? I will speak only a few words, and it will not be necessary for the Senator from Kansas to make another note.

Mr. DOLE. I yield.

Mr. CHURCH. The Senator from New York has stated the case with great accuracy. The treaty before us is not an agreement between President Carter and General Torrijos. If it were no more than that, there would be no need for both countries to exercise their constitutional processes; no need to bring it here to the Senate for ratification, and no need to submit it to a plebiscite in Panama.

The very fact that these constitutional procedures are necessary underscores the nature of a treaty which is a formal, binding contract between two sovereign states. The contracting governments will be bound by the terms of the treaty as long as the treaty lasts, regardless of who may occupy the White House or exercise executive powers in Panama.

The Senator is quite right, and that is why I think this whole exercise today has been irrelevant to the business before us. In fact, I have not heard the terms of the treaties discussed throughout the entire day. That, after all, is the issue before the Senate.

I commend the Senator from New York for his erudite remarks.

Mr. GOLDWATER. I thank my good friend from New York for his comments. I am fully aware of what he said, and I understand it. I am not in disagreement in a completely political way. I am just a little bit old-fashioned; and when I am doing business with somebody, I like to know a little more about him.

I wish that Torrijos was a very honorable, fine, upright gentleman. It would make me happier. If this were the only thing that bothered me about the treaty—Torrijos' background—that would not make me vote against him. I just want to make that clear. But I did want to voice my personal opinion that we do a lot of things that are inconsistent with consistency. We have a President who wants to get in bed, not literally——

Mr. MOYNIHAN. I believe that is his ranking staff officer. [Laughter]

Mr. GOLDWATER. Well, this is the year of lust, so we can do what we want. [Laughter]

He wants to recognize Red China. If it were just the Chinese people, I would have no objection. I object to the government, whoever is the head of that type of government. It is the same way with Cuba. I would like to see us recognize Cuba, but not as long as they practice what they practice. I realize that we do not have to pay attention to those things when we recognize governments.

However, I do want to thank my friend from New York for his generous remarks. I realize that history proves him right; but also, history has proven me wrong. But in your heart, you know I have been right. [Laughter]

Mr. DOLE. Mr. President, I thank my distinguished colleagues.

There is a real question of whether we should worry about Torrijos and drug traffic. There is also a very practical question some of us face, and I am certain the distinguished Senator from Idaho understands that. I do not know what the polls show in Idaho, but in my State, I have faith in the judgment of the people when they elect me; and they are wondering if I have any confidence in their judgment when they say, "Don't vote for the treaties."

So we sampled our mail. We analyzed our mail, not the generated mail, but we took the mail, the longhand mail and the typewritten mail, and found that 48 percent were opposed to the treaties because of Torrijos. So we should not disabuse ourselves and say he is not a factor. If I were the proponents of the treaty I would spread everything I could find on the record to convince the American people; that despite all the allegations we are dealing with the Panamanian people and whatever happens Torrijos will not be the guarantor of the treaties. So I suggest, as I have many times, I have never said that drug allegations had a direct bearing on the treaties. I do not suggest any negotiators were drugged or influenced by drugs, or somehow were pressured because of what happened in drug traffic, but I suggest there is a very practical consideration and it would make it a lot easier for some in the Senate to address the treaties if we can lay this to rest, and I do not believe any Senator will quarrel with that.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. CHURCH. Our purpose is really not to pass judgment on Omar Torrijos. No proponent of the treaty has pretended that he is a saint, much less his brother. But we are not engaged in a canonization. We are examining provisions of two treaties which will bind the United States and Panama long after Torrijos has left office. These treaties are self-executing in that they establish the relationship that will govern the two parties in connection with the operation of the canal from now until the end of the century and beyond.

For that reason, I fail to see the relevance between the character of Torrijos, or the nefarious activities of his brother, to the subject that really engages us, namely, whether we should consent to the ratification of these treaties.

Mr. DOLE. Does the Senator have any inside word on when Torrijos is leaving? The Senator said he will be gone. When is he leaving? I am not privy to any information that he will be gone.

Mr. CHURCH. I do not think it much matters, I say to the Senator. We have treaties with many governments in this world whose leaders we do not approve of. If we only dealt with those who met our standards, we would deal with precious few.

Mr. DOLE. That is what makes the debate interesting because we have different views from time to time.

I wonder if I might address a question. On page 11 of the sanitized version of the report it says, "The second investigation concerning intelligence activities in Panama of which I have been asked to report is nearing conclusion, but such findings I will summarize are still tentative."

The Senator from Indiana said this morning in discussing that particular section that there were two factors that still had not been pursued. One was information the Senator from Kansas may have had and the other, as I remember, information the National Security Council had.

Now, the Senator from Kansas submitted five documents and a list of 45 file numbers, I understand the material of the Senator from Kansas is authentic, that is, the copies were authentic, and all that had to be done was check them off if that were the case.

What else then is outstanding, what else do we need before we can finish the investigation and make a final report to the Senate?

Mr. BAYH. I think in relatively short order we should be able to finalize the report. We now have the documents from the Senator from Kansas which, very frankly, were documents that had been considered earlier.

Mr. DOLE. Right. I mean the Senator had those checked off.

Mr. BAYH. The Senator was sincere about them. Understandably, I think we wanted to make certain the Senator had not found something we had not been able to find.

Mr. DOLE. That is right.

Mr. BAYH. The Security Council documents have been reviewed. We have found nothing inconsistent with our present finding. I think we are going to go back to them to make absolutely certain, but they were very close to being able to conclude the second part.

Mr. DOLE. The Senator is not waiting for more information, or volumes of information and files.

Mr. BAYH. No.

Mr. DOLE. It is just a matter of trying to sift through it and make a judgment.

Mr. BAYH. If the Senator will permit me to put this report, and it is a degree of consideration by the committee, in perspective, it is divided into two component parts. The first part [class deleted] we spent a good deal of time discussing with our good colleague from Wyoming. That was initiated earlier and as a result was concluded some time ago. That was considered in the committee, and the committee indeed did vote it out.

And we told the Senator from Wyoming that we would be perfectly happy to let his staff people peruse it and make minority views or his views available, that would be appended then to the staff report so that anybody who read it would know. And this was done.

The second half of the report is in the state which we now see it about to be concluded. But I must say, although I have stressed earlier the fact that everybody in the committee has had a chance to look at this document, most all of us who have looked at it, certainly perhaps, I should confine myself to the Senator from Arizona and the Senator from Indiana, and I think the Senator from Utah this morning spoke, although he was opposed to the treaty, as the Senator from Arizona is, that he concurred in the staff report. So I think it is fair to say that that document with its strengths and its weaknesses very well represents the strong majority of the committee a far as what the facts are.

How one interprets those facts, as I said repeatedly, that is up to each and every Senator.

Mr. DOLE. Do I understand that in the report you covered information that might have been included in the so-called Deacon 1 and Deacon 2 files? Has that been covered by the chairman? It is allegedly information regarding Torrijos-Castro.

Mr. BAYH. Deacon 2 contains no relevant information, so none of the information that is presently in the report relies on any documentation of Deacon 2.

[Class. deleted.]

Mr. DOLE. How does the Senator define the word "relevant"?

Mr. BAYH. Relative to Panamanian officials involved in drug trafficking.

Mr. DOLE. It would not have to have any impact on the secret negotiations or treaty language. If they were involved in drug traffic their names would appear in Deacon 1 or Deacon 2?

Mr. BAYH. Right. That is accurate.

I think the Senator from Kansas is certainly within the realm of reasonableness to talk about the credibility of the individual. We have differing opinions on that here in this body. But I do not think this is an unreasonable matter and certainly we have tried, as I hope he will agree when we proceed here to look at some of these documents, to make available the information we could get that would go to credibility to actual involvement as well as the impact that this involvement may have on the treaty which I think we all concur, the Senator and I both concur, is de minimis.

Mr. DOLE. I am willing to accept the judgment of the distinguished chairman on the so-called Deacon 1 and Deacon 2 files, and if you say, as you have said, that there is no relevant information, if you define relevant as indicating that neither General Torrijos, in those records, has ever engaged in drug traffic or had any connection with Fidel Castro, then certainly the Senator from Kansas

will not go through that matter at any greater length. I assume that is the response of the chairman, that there is not any connection, that there is no mention of Torrijos and the drug traffic, or Torrijos and Castro, or any combination.

Mr. BAYH. What the staff tried to do and now is in the process of trying to bring the chairman up-to-date on, and he is trying to share that information with the Senate, because of the volume involved here, I am sure the Senator from Kansas appreciates that we have taken the rather significant list of documents and categories of documents brought to our attention by the Senator from Kansas and then have tried, to the best of our ability, to determine what if any information in that category of documents is relevant.

In the Deacon 1 and 2 files we have found no information relevant to the matters before us.

Mr. DOLE. The Senator from Kansas has no information relevant to those files, either, but we know there were files called either Deacon or Decon 1 and 2, and information was given that if they were examined, they would show a tie between Torrijos and Castro, and possibly their connection with drugs. That is why I believe it was important. If there is no truth to it, we can forget about it and move on to something else.

Mr. BAYH. Let me say to my friend from Kansas, if he will forgive the interruption, that we are absolutely certain on the drug traffic and Torrijos, or any other officials in Panama. We have asked the staff to check to make absolutely certain that the same is true as far as Castro and the Torrijos family are concerned. We should know in the next few minutes.

Mr. DOLE. We can come back to that.

Mr. BAYH. Why not just leave it that my answer stands as no relevant documents. If that is not the case, I will certainly bring it to the attention of my colleagues.

Mr. DOLE. That is certainly satisfactory to the Senator from Kansas.

Involvement in international drug traffic by Omar Torrijos or any members of the Panama Government, I think, does cast some doubt on the integrity, reliability, trustworthiness, and future cooperation of the government with respect to treaty provisions. I have made that statement before, and based on that statement, at least as far as my own personal knowledge is concerned, General Torrijos has denied any personal involvement. He in fact denied any knowledge of his brother's involvement; and if it is now demonstrated these were not accurate statements, we have to ask the question, can he be trusted with any treaty commitment?

Maybe we should not worry about that. Maybe, as the Senator from New York has said, it makes no difference what Torrijos says or does, or what his family does.

I am not concerned with what his family does unless he had knowledge, aided, protected, abetted, or in some way helped them pursue that policy, whatever it may have been.

There is no doubt that General Torrijos was alerted by John Ingersoll, the BNDD director, in June of 1972 that his brother Moises was involved in the drug traffic. I assume we can now presume that General Torrijos did in fact alert Moises to the pending arrest. That fact cannot be ignored.

In fact, he appointed him ambassador to Spain, which I assume gives him some cloak of immunity. I doubt you can arrest and detain ambassadors, even if there is an indictment outstanding? I do not know, but that is a question that deserves consideration.

So it seems to the Senator from Kansas that ratification of the treaties is a matter involving the reputation and political strength of the Torrijos regime, and we should determine in advance, if we can, just what type of government—it is really only one person; it is a one-man government—what kind of man we are propping up with our money, not our money, but the taxpayers' money. If payments under the treaty will amount to $60 million or $70 million in payments per year, plus some $350 million in economic aid pledges, there is no doubt that, if we ratify the treaty, it will strengthen the hand of Omar Torrijos. Maybe it should be strengthened. Maybe it was an act of statesmanship on his part to persuade some 60 percent of the Panamanians to support the treaties.

He has been in power for 10 years, and is still a relatively young man. I do not know; maybe some other Senators may know when he plans to leave office, but I would suggest that does become a factor. I suggest we look at the chronology of the development of the inquiry into the Panama drug operations just in the past several months.

As I recall, it was last September that the distinguished Senator from Alabama (Mr. ALLEN) proceeded to investigate or launched an investigation [class deleted]. That hearing was aborted, I guess would be the proper word; it was at least ended.

On October 3, we had the briefing of President Carter by Attorney General Bell on the relevant facts concerning the drug traffic an dthe Panamanian regime, which was made public. There was the reference to "safe" congressional sources, which I guess was the Senate leadership and others on the appropriate committees. Then 3 days later, on October 6, we had the Attorney General and the DEA Administrator briefing the Senate leadership, including Senators BYRD, BAKER, and GOLDWATER, on these matters, and directing that all the intelligence files be given to the Senate committee.

Then later we had Bill Lenck of the DEA staff and others examining the documents behind closed doors, and there has been the suggestion that some of the key documents may have been removed at that time. Two days later the files are removed from DEA headquarters to the Washington field office of DEA, without the usual accounting procedures, and then returned on October 13. It has been reported—and again it is something we ought to clarify—that some of the files were destroyed or redirected during the move.

Mr. BAYH. Will the Senator yield?

Mr. DOLE. I was going to ask if you could clarify those matters right now?

Mr. BAYH. When I read that in the paper I was very distressed. I was distressed at the allegations that maybe the Attorney General had locked some of these things in his safe.

We have investigated this as thoroughly as it is possible to investigate it, and I am of the opinion that there is absolutely no fact to substantiate either one of these allegations. In fact, in the rather unique circumstances which surrounded the way in which those documents ultimately reached the Senate here, the product of more than normal effort, the order came down Friday afternoon sometime that we wanted those documents, and Friday evening they worked until midnight and brought them all out of their normal filing places and put them in one centralized place so they could make sure we got everything.

If the Senator would like, I have a statement here that has been prepared by Mr. William Lenck, who is the executive assistant to the Administrator of DEA. I could read that into the RECORD. or place it in the RECORD as the Senator wishes. But I am convinced that both this plus the conversations I have had with the Attorney General and the people in the Justice Department that if there is any information that we have got, I cannot believe that anyone has tried to spirit some information out of there and hide it or destroy it. We have no information to indicate that at all.

These things seem to knit together, and the staff that has examined this, and are much more expert in this than I, are convinced that if there had been removal, if some of the documents had been removed, sooner or later, because of the way all these things are coded and one thing and another, we would find out about it.

We have run them backwards and forwards in our committee and on some of the retrieval machines which are available to us.

Mr. DOLE. Again, is the chairman satisfied that the information which was there on October 7 was still there on October—I do not know what date they were turned over to the Intelligence Committee, but I guess late October—I do not know the precise date——

Mr. BAYH. It was a mater of a very few days. The problem was that we had a weekend there in which the normal repository was not open, which caused Mr. Lenck to take them to his home. Then, because he had not received clearance from the CIA, he could not, in fact, deliver those documents to us without getting what they call third party clearance. So he put them in the only place he thought really had the kind of security necessary, and that was the vault in the Washington field office.

If there is no objection, I would ask unanimous consent to print in the RECORD at this point Mr. Lenck's day-by-

day, almost hour-by-hour, assessment of how these documents were handled.

Mr. DOLE. It would be very helpful. Again, I have not read the information, but I understand—we have a copy here—it does give a running account of what happens.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

The following is a statement regarding the details of the handling of DEA files related to Panama in early October:

1. On October 7, 1977, as a result of an afternoon meeting with the Senate Intelligence Committee staff, DEA was requested to have relevant file information and copies of same furnished to the committee by 10 a.m. on October 8. As a result, at approximately 5:30 p.m. on October 7, I tasked DEA officials from the offices of Enforcement, Intelligence, Internal Security and the DEA File Room with the task of gathering all the files related to Panama and drugs into a central area in the Intelligence office. I advised the concerned officials that it would be necessary to centralize the files, review them for relevant material related to the issue of Panama and drugs and to make copies of the relevant material. The concerned officials from the listed offices assembled approximately thirty employees and this task group proceeded from approximately 6 p.m. until 11 p.m. the evening of October 7 to complete the prescribed task and four copies of the relevant material were made with third-agency document copies having been segregated from the DEA copies.

2. At approximately 11 p.m., with an escort by an inspector from the Office of Internal Security, I moved the files from DEA Headquarters to my residence in Temple Hills, Maryland where I kept them in my possession overnight anticipating the delivery of them at 10 in the morning of October 8, 1977.

3. At 9 a.m. on October 8, 1977, it was determined that the CIA had not yet authorized the release of any third-agency materials and therefore I was precluded from furnishing approximately eight cartons of DEA files themselves to the Committee since they contained third-agency materials. At that point, rather than having the eight cartons of files taken to the Intelligence Committee offices on Capitol Hill, I ordered that the files be taken to the vault of the DEA Washington District Office, which I determined was the only secure location available at that particular time in the Washington, D.C. area. (Access to the areas of DEA Headquarters were inaccessible at that time). I then proceeded to Capitol Hill and furnished to the Senate Intelligence Committee staff copies of all DEA documents which were made from the DEA files themselves in the eight cartons. I did not furnish the copies of third-agency material which I also had in my possession. Copies of DEA materials and third-agency materials were furnished to Mr. Phillip Jordan, Special Assistant to the Attorney General, and copies of DEA materials and third-agency materials were retained in the Intelligence Office and I retained one copy of the DEA materials and two copies of the CIA materials since the copies of the third-agency materials were not furnished to the Committee.

4. On Thursday, October 13, 1977, when it was determined that the Senate Intelligence Committee was satisfied with the copies of the DEA materials that they had received on October 8, and that the Committee did not, at that point, desire to review the DEA files themselves which were in the eight cartons in the Washington field office vault, I ordered that the eight cartons be returned to DEA Headquarters and they were returned at approximately 10 a.m. that date. Those files, and other file materials subsequently located by DEA have been retained in a limited access area in the DEA Intelligence Office on the 10th floor in DEA Headquarters and copies of all of this material has been furnished to the Senate Intelligence Committee on a continuing basis since October 8, 1977.

At no time after the files were placed in the cartons, was any material removed or destroyed from the files themselves. A total of four copies was made of the file material—the first went to the Committee (less third-agency documents, which I retained), the second was retained in the DEA Intelligence Office, the third was given to Mr. Phillip Jordan, Special Assistant to the Attorney General and the forth was retained by me.

WILLIAM M. LENCK,
Executive Assistant to the Administrator, DEA.

Mr. DOLE. Again, I would say to the distinguished chairman that there are a lot of rumors around about what did happen. I do not quarrel with the executive assistant, Mr. Lenck, but in our dealings with DEA, they were less than candid at times, in my opinion. The statement will be very helpful.

Mr. HELMS. I would like to direct a question to the distinguished Senator from Indiana.

It is not clear to me, Senator, what disposition is to be made regarding the Shamrock file and Northern Lights file. What precisely did you tell Senator THURMOND this morning?

Mr. BAYH. What we have, which has been put into the record, is the statement prepared by Admiral Inman, of NSA, relative to Shamrock. We have put that into the record.

The Northern Lights matter is still under investigation.

I take that back. It was under investigation until this moment, at which time the following assessment can be delivered to my colleague:

This morning the Senator from South Carolina did make allegations concerning the committee's access to the DEA files pertaining to a DEA operation called Northern Lights.

In essence, the allegation is that these files, which the Senator alleges were not made available to the committee, contain information to the effect that Castro and/or Cuba and some outfit were involved in the narcotics trafficking matter along with Torrijos' brother. We have checked out this matter and found the following:

Northern Lights was a specialized DEA intelligence operation that started 3 years ago in Vancouver, Canada. Under this operation, Canadian law enforcement officials provided DEA information on the telephone numbers called by narcotics couriers from Southeast Asia as they arrived in Vancouver. Apparently, Vancouver has an unusual telephone system whereby toll records, both incoming and outgoing, telephone numbers, are recorded. Therefore, by review of the toll numbers, DEA was unable to identify certain traffickers.

We have asked DEA whether any intelligence derived from that operation was denied the committee. No information derived from that operation pertaining to the committee's inquiry was denied the committee. Indeed, a number of reports which appear in other files were provided to the committee.

Mr. HELMS. Would you repeat the last sentence?

Mr. BAYH. No information derived from that operation pertaining to the committee's inquiry was denied the committee. Indeed, a number of reports which appear in other files were provided the committee.

Mr. HELMS. So, as I understand it, the files were not requested to be made available?

Mr. BAYH. In essence, what you and I are concerned about, Senator HELMS, is that there was no information which came out of Northern Lights in any way involving the Torrijos family or Panamanian officials in the drug trafficking, in the so-called Cuban connection. There is just nothing there.

Mr. HELMS. I thank the Senator.

Mr. DOLE. To go on with the chronology of the inquiry into the Panama drug operations, on October 13, the Senator from Kansas received the allegation of involvement by General Torrijos and members of his family along with a list of 45 DEA file codes relating to the matter. We will have a chance to go through each of those later. On that date, the Senator from Kansas made a statement on the Senate floor.

On October 14, the Senator from Kansas submitted a freedom of information request for DEA files mentioned in the list and any other relating to the Torrijos family involvement in drug trafficking operations.

It was sometime in that area that I guess DEA files that Mr. Lenck had taken home, or wherever, were delivered to the Senate Intelligence Committee.

On October 26, this Senator met with Mr. Bensinger and Mr. Lenck in my office, and I was advised that the files had been given to the Intelligence Committee, so they would have been delivered in October. I was told that the files were moved earlier—that has been clarified now by the chairman—for security reasons. I do not quarrel with that.

At that time I renewed or reaffirmed my freedom of information request personally to Mr. Bensinger.

On December 16, and again it is nothing of a great revelation, the Senator from Kansas received 75 pages of heavily censored DEA files relating to Panama drug trafficking, and none mentioned the Torrijos family. Other material was withheld on national security grounds because it might "jeopardize," as I recall, our foreign policy interests.

On December 18, the Senator from Kansas filed an appeal with the Justice Department, and the appeal is still pending at the present time.

On December 30, this Senator, along with Senator LAXALT and certain members of the staff, met the General Torrijos in Panama City. We asked General Torrijos if we could ask any questions we had on our mind, saying some were very personal, some might be offensive He said, "Ask me anything you like."

So we asked him about the drug allegations. He said, earlier as I recalled, "Your Government is playing games.

They should cooperate with the Senator's request on such a serious matter. I will contact them myself and ask that they comply with your request. I will send documents of my own on this matter."

Well, the Senator from Kansas is still waiting for the documents from General Torrijos. We did send a letter in January.

On January 31, 1978, the Senator from Kansas received Xerox copies of two DEA files from an unknown source. They were left in my office. I understand the Senator from Nevada (Mr. LAXALT) received the same copies. Both would implicate General Torrijos and members of his family in drug smuggling and contraband operations.

On February 3 the Senator from Kansas sent copies of the two files to Bensinger to inquire as to their authenticity. On February 7, Mr. Bensinger offered to brief me personally on the matter.

Then on February 10, before the recess, of course, there was a discussion about a closed session. That was agreed to.

We also understand, and again this is a matter of some conjecture that may or may not be relevant, that on February 13, there was a phone call from the Attorney General to Mr. Bensinger which, in effect, suggested that he "neutralize the drug situation."

Then on February 15, the Senator from Kansas received an additional 64 pages of sanitized DEA files. I might suggest that most of it was newspaper clippings from the New York Times and other daily newspapers, with some statements made by this Senator and other Senators in the CONGRESSIONAL RECORD. There really was not anything of any value. In the one document concerning the trip to Panama by John Ingersoll, to give anybody who might still be present a sample of what might be left on that page, two lines on page 1 were left and page 2 was missing.

(Mr. HODGES assumed the chair.)

Mr. DOLE. So we did not get a great deal of information from the Drug Enforcement Administration. Maybe they were under some restraint. But it seemed to me they were less than forthcoming in efforts to find out what material was available. I might suggest that that led to the request for a closed session, because those of us who had an interest had no other choice. It seems to me, as the distinguished Senator from North Carolina pointed out earlier, there has not been a great deal happen that could not have been done in a public session, but it seemed to some of us that we could not discuss the drug issue unless we were in a closed session and then, at the appropriate time, move to make as much of the information public as possible.

That, more or less, sets the stage as far as the Senator from Kansas is concerned concerning the first information received by this Senator and the efforts made by this Senator to obtain the information without the necessity of delaying the Senate, taking the Senate's time, in satisfying the Senator from Kansas as to whatever the allegations may have been.

We have clarified a great many of them and I thank the distinguished chairman, because there were a great many rumors spread around the Capitol and a lot of stories floating around about what happened to these drug files between October 7 and October 9, or, really, up to the time they were turned over to the committee. I accept the statement of Mr. Lenck and the comments by the chairman. Also, I accept the chairman's comments with reference to Deacon 1 and Deacon 2 files. There have been a lot of stories about those files, how they would tie Castro and Torrijos together, possibly in drug trafficking. I accept the statement of the distinguished chairman of the committee. I have no reason to doubt it. As he has indicated, they are making a check. Unless there is some change, that answer will stand.

I am wondering also, Mr. Chairman, if the committee has available a study called "Study of the illicit opium, morphine, and heroin traffic in South America, 1973–76, GFZB–75–8033," published April 1, 1971. Is that document—I checked with the staff yesterday and they indicated that that document was available.

Mr. BAYH. Yes, that document is available.

Mr. DOLE. Rather than read it, is a member of the staff prepared to respond to questions on that study?

Mr. BAYH. I am advised by the staff there is only about one paragraph in that entire document that is relevant. If the Senator would like, I shall be glad to read it into the RECORD.

Mr. DOLE. That, again, would satisfy certain inquiries on this particular part of the study as far as this Senator is concerned.

Mr. BAYH. I call the Senate's attention to the document mentioned by the Senator from Kansas, further to page 102, the top of the page, subsection (b), which says:

> Heroin production. In 1973, an active heroin laboratory was seized and destroyed in Panama. Acidic anhydride and other precursors, heroin and morphine base, were also seized at the time. This seizure, however, was conducted in a clandestine manner by the Panamanian Government, which has never openly or officially admitted to United States officials or to the public the fact that the heroin laboratory was active in that country. Review of available files failed to disclose any further developments in the matter and there has been no other reporting of the presence of heroin-producing laboratories in Panama.

I think it is fair to say that our study of this problem would substantiate this, that this is a rather unique situation. There has been a lot of heroin moving in and out of Panama, but we were not aware of any laboratories, and this is the only one anybody has ever found. When they found it, they closed it down themselves and didn't want to say anything about it, but we found out about it and it is listed in that report.

Mr. DOLE. Well, the chairman has indicated what the report contains. It is fair to say, then, that there is no reference in that report to any activity by General Torrijos in drug trafficking. There is no mention at all of Torrijos.

Mr. BAYH. That is accurate.

Mr. DOLE. Again, that satisfies this Senator as far as some of the questions raised about Torrijos.

Mr. Chairman, the Senator from Kansas has a number of questions that may have been answered, but I think they can be disposed of rather quickly.

Mr. SARBANES. Could I interject, what was the date of that lab being seized?

Mr. DOLE. 1973.

Has General Torrijos ever been the subject, as distinguished from the target, of an investigation by either the U.S. Justice Department, U.S. DEA, or the U.S. grand jury with respect to illegal Panamanian drug operations?

Mr. BAYH. The answer is no.

Mr. DOLE. One file, in particular, states that the information is for the purpose of supplying investigative leads.

Mr. BAYH. I am sorry. I was trying to make certain that the previous answer was accurate.

We had an investigation which was directed and targeted at someone else, a fellow by the name of Rivas, which is the principal in one of the other documents that you have asked questions about. In the process of investigating this particular matter, we found out that there were allegations from an informant that attempted to tie Rivas and Torrijos together. But in my judgment, if you want to deal with specifics, the staff has totally discredited that. There just is no tie-in there.

The answer is no.

Forgive me. Your next question.

Mr. DOLE. You may have answered that, because, as I remember, and I have it here now, the file states that the information is for the purpose of supplying investigative leads. If we look at that file, it is called "intelligence report," [class. deleted]. It says:

> This report is for confidential and exclusive use of law enforcement agencies only. Information contained herein is not for evidential use as contents were collected by sensitive sources. The information is for the purpose of supplying investigative leads and contains neither recommendations nor conclusions.

[Class. deleted]

That is my understanding. Again, that this is an authentic document; is that correct?

Mr. BAYH. That is an authentic document, that is accurate.

Mr. DOLE. Now, was some determination made as to the credibility of Rivas, was an investigation made to see if, in fact, he did maintain his bank account and if he did, in fact, have contact with Torrijos?

Mr. BAYH. Yes.

What happened, generally, was that this investigation was leaked to the press, whereupon DEA went in and subpenaed some of the records contained as a result of the investigation.

We asked DEA to make assessments of the intelligence themselves, and paragraph one, as related previously, in which Rivas pointed out that he was in partnership with Omar Torrijos, in essence, the DEA assessed that that information was in the form of an unsub-

stantiated allegation, and there was absolutely no followup of investigative leads to substantiate the allegations.

They made the same assessment about paragraph 3 where General Torrijos' name was once again mentioned.

In our staff study, we found that where the source had suggested that the bank account was in size of $750,000, our staff found on investigation it had never been any larger than $250,000.

In looking at what had happened as the money moved in and out of the bank account, there was absolutely no contact whatsoever that could lead one to reasonably believe that any of the Torrijoses were involved.

In all fairness, as I recall, there was one transaction that could well have been drug-oriented that Rivas was involved in on his own.

This in no way ties in with Torrijos, but it might lend credibility to the belief Rivas himself is involved in heroin traffic.

Mr. DOLE. Can we be supplied the information on that transaction?

Mr. BAYH. Yes.

Mr. DOLE. Can we do that now, for the record?

Mr. BAYH. Well, I have pretty well told you.

Mr. DOLE. We can do that later, I do not want to detain——

Mr. BAYH. We are talking about the secret grand jury report here and we are treading on some rather hazardous ground, I think, even to get access to that kind of information.

But we did get access to it and I made it available, as I remember it, which I am advised by the staff is an accurate recollection.

Mr. DOLE. Is there some way in addition, and I do not dispute the chairman's statement, but is there something that could be supplied for the record that indicates from some independent source that Rivas was not a credible witness?

Mr. BAYH. Well, the DEA assessment is that we are talking about nonsubstantiated allegations and I do not know whether that comes close to what the Senator is looking for.

Mr. DOLE. I mean, somebody took a statement, this special agent, and he said that the information is for purposes of supplying investigative leads. You know, if it is not a credible source of information, then, because it is hearsay, it is a confidential source in direct conversation with Rivas.

Can we be told who the confidential source is?

Mr. BAYH. No. We cannot be told who the confidential source is because that would really jeopardize that individual.

The DEA assessment of this particular individual is that the source, the informant, is credible, that he has a record of accurately reporting what he has heard.

But, in this business, you never know whether what the informant hears is accurate or not.

Not being a student of the drug traffic, I am told that it is common custom for people who want to get financing and want to get involved in the business operations, to hold themselves out as being the best friends or partners or related to someone in high office some place else.

Now, the source, the informant, is called reliable. So we can assume that he passed on what he got, which was a self-serving kind of statement from this Rivas fellow.

There is no substantiation to these allegations and, apparently, no one took them seriously enough or credibly enough to conduct an investigation to substantiate the allegation. We have no other information to substantiate them at all.

Mr. DOLE. Well, then the record we are making is to be completed, by saying this is the only document with reference to Rivas in this transaction. There was no followup to determine the credibility of the statement and no effort to pursue any of the leads that may have been given, or any contacts with any of those names [class. deleted], including Torrijos, and Hugo Torrijos, the brother, nor mentioned in that list of names.

Is this all there is, just this document floating around by itself and no corroboration.

Mr. BAYH. That is exactly it.

Now, Rivas himself is in trouble. We have the grand jury subpena to check records. We have been able to look into his bank file, bank record, and in all of this investigation directed at Rivas, not Torrijos, there is no evidence to tie Rivas to Torrijos.

I think that is what the Senator is looking for.

Mr. DOLE. Yes.

Mr. BAYH. This is the only intelligence document we have right here, because Rivas is in trouble, and, at least, I assume there is some question about him or there would not be the grand jury subpena and, what we have been able to learn from that grand jury subpena, Rivas is not tied to Torrijos.

Mr. DOLE. I do not want to put the distinguished chairman on the spot, but I want to satisfy myself so we make a judgment later on.

The chairman is saying then for the record that there is no credible evidence insofar as the Rivas allegations are concerned.

But you are suggesting then that you are satisfied and the committee is satisfied that Rivas was not a credible witness and there was no tie to General Torrijos?

Mr. BAYH. That is accurate.

Mr. DOLE. Fine.

Mr. BAYH. We know what the information given to the informant was. We do not know the context of it.

As I mentioned earlier, ofttimes when someone is trying to get involved in a business deal in one country that involves substantial kinds of money, needs substantial financing, it is not at all uncommon, in fact it is very common, and that is what makes this kind of intelligence very difficult to sort out. I learned from my intelligence friends that it is sort of standard operating procedure to claim you are related to other people who have influence, which tends to substantiate your own bank statement, so to speak.

Mr. DOLE. That is satisfactory to the Senator from Kansas.

I have another question. It may have been answered in the sanitized version. Is there reason to believe that General Torrijos, if not a direct participant—we have a lot of hearsay, but if he is not a direct participant, is it fair to conclude from what I read on page 15 of the sanitized version, and in one or two other places, that he may be aiding, abetting, protecting, or tolerating illegal drug traffic passing through Panama? Maybe those words can be changed, but I think we have said, in effect, on page 15——

Mr. BAYH. Page 15, I think, pretty well tells it in much more succinct fashion.

Mr. DOLE. It says:

> . . . intelligence which we view as reliable and which we believe suggests that General Torrijos knew about narcotics trafficking by Government officials and did not take sufficient action to stop his brother's activities.

Those are two different matters, as I see it—his brother being one and officials being the other.

Mr. BAYH. That is accurate.

Mr. DOLE. Who would those Government officials be? Is that the Richards case, or are they other cases?

Mr. BAYH. No. I think the best case in question there would be the National Guard officer. Here, again, I do not think we have enough evidence, the kind of thing on which you could bring an indictment against him in this country.

But you are asking me, and as one colleague to the other, from what I have read and sensed through all these documents, there is just a tremendous amount of smoke there, so far as the Guard official is concerned.

If I might expand on that a bit: He is a very powerful figure in the Guard. Without trying to excuse the unwillingness of General Torrijos to really put the hammer on him, the general conception is that he is reluctant to do that because he needs his support to maintain the power base.

Mr. DOLE. But there could be another argument made. I do not have evidence on which to base either one. But it could be that there was some connection between him and Torrijos and that Torrijos knew what was going on. What the Senator from Kansas would like to determine is this: Is there a pattern of continued looking the other way by Torrijos while government officials and members of his family engaged in drug trafficking? If there is that pattern, and if it did continue over a period of years or months, can we have that information? Can we be told what it is, so we can make a judgment?

Mr. BAYH. As I think I mentioned in my statement, the pattern is a positive pattern. Earlier on in the period of our study—1970, 1971, 1972, on into the 1973 period—you would have to say that sometimes the National Guard officer cooperated and sometimes he did not. Now it appears, from talking to our drug people, that he is cooperating, even to the almost unheard of experience in Latin American circles of putting the long arm of the law on a cousin.

Mr. DOLE. The Senator from Kansas does not really care about the Guard of-

ficer, unless he was doing this with the knowledge of Torrijos.

Mr. BAYH. I use the Guard official as the fellow who is in a position—probably in a closer position—to carry out the will of General Torrijos. I think his action now is a product of being prodded by Torrijos.

Mr. DOLE. Is it fair to assume that General Torrijos is a bright man and knows that we are in the process of negotiating treaties, and this has been ongoing now for the last couple of years. It has been on the front burner, so I guess we could draw different assumptions as to why there is a slowdown in operations.

The Senator from Kansas is not really too concerned about Hugo or Moises or others unless there is some connection between what they are doing and General Torrijos. If he has looked the other way, if he alerts his brother, that would be some involvement. That would not be enough to alarm this Senator. But if there has been a pattern of looking the other way, then we should have that for the record. As I see the question, it is whether or not Torrijos has been involved—not once, but has he been involved? That means more than one time, or alerting his brother. Apparently, somebody made the judgment. It says he knew about drug trafficking by government officials. That is more than one official. And trafficking, I assume, would be more than one occurrence.

Mr. BAYH. We have no evidence; and I do not believe, from what I have seen, that General Torrijos, himself, is involved in narcotics trafficking. I do believe he had a general awareness of what some of the people were doing, and particularly it had been brought to his attention what his brother was doing. I think a fair assumption is that he realized his brother was really creating problems for him.

The pattern of improvement has been significant over the last 3 or 4 years. I am not about to suggest that it could not be better, but it is much better than it was before.

Mr. DOLE. I suppose—and I do not want to be persistent—it is important for some of us to know how long Torrijos looked the other way. How long did he know about narcotics trafficking and what officials were involved?

Mr. BAYH. Let me turn to one of the documents that has been of some concern to the Senator from Kansas, a report of the Panama City, Panama, district office. This document is a history and activities of a violator by the name of Ricardo Garcia Ramirez, class I violator. It is a summary of DEA information regarding Garcia as a drug trafficker. It does not contain sources of allegations about General Torrijos. It did not, therefore, lend itself, it seems to me, to the analysis of criticism or efforts to tie Torrijos in with the drug trafficking. However, General Torrijos is mentioned in that document as an associate of Garcia, in the second paragraph of the document.

Mr. DOLE. What is the number of that one?

Mr. BAYH. Torrijos is mentioned in that document as an associate of Garcia, in paragraph 2, but that association arises from the fact that both Garcia and Torrijos served in the Guardia Nacional.

Torrijos is mentioned in a favorable manner in paragraph 3. That paragraph relates that Torrijos investigated allegations of corruption in the DENI, which is the Panamanian equivalent of the FBI, and removed Garcia, who was the Director of DENI.

The document also points out that this subsequently lead to Garcia's being forced to resign his commission in the Guardia Nacional.

So we have some evidence of Torrijos being willing to pursue it.

I think in fairness we should say that although we know that Garcia was discharged as the head of DENI, their FBI, and was forced to resign his commission, further [class. deleted] files disclose that later on, about a year later, DENI agents raided Garcia's home in June 1974, and seized 1 kilo of heroin.

[Class. deleted]

[Class. deleted]

I mean it is not a clear picture. It does show that General Torrijos was trying to get things shaped up but was not willing to go as far as the Senator and I would go ourselves or would like to see him go.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a unanimous-consent request only and with the understanding that the request not appear in the RECORD as having disturbed the colloquy?

Mr. BAYH. I yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the closed-door session today a complete transcript of the proceedings be personally delivered in a sealed envelope by the Chief Reporter to the Secretary of the Senate; that until tomorrow afternoon at 3 o'clock p.m., the transcript of the remarks of each Senator who participated in the debate be made available by the Secretary of the Senate under his direction only to said Senators for revision of their said remarks; that for this purpose, the transcript be secured in room S-406 of the Capitol, the Office of Classified National Security Information; that the staff of the Intelligence Committee be authorized to sanitize the completed remarks in that same room under the supervision of the Secretary of the Senate or his designee; and that when this has been completed the sanitized version of today's remarks be released to the news media no later than 40 hours after the completion of business today.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object.

Mr. DOLE. Mr. President, reserving the right to object, again I do not want to take issue with the staff and committee. Is there going to be any opportunity for other Senators on the committee or the Senate itself to pass on what should be excised from the report?

Mr. ROBERT C. BYRD. Certainly. I would include staff of the Intelligence Committee be authorized to sanitize the completed remarks in that same room under the supervision of the Secretary of the Senate or his designee and the chairman and ranking minority member of the Intelligence Committee.

Mr. BAYH. May I ask that our leader add one other?

Mr. ROBERT C. BYRD. Yes.

Mr. BAYH. And in conjunction with appropriate officials from the executive branch.

Mr. ROBERT C. BYRD. Yes.

Mr. DOLE. Mr. President, further reserving the right to object, I do not know whether this has been discussed with the minority leader.

Mr. ROBERT C. BYRD. Could we include the minority and majority leaders also then?

Mr. DOLE. The only question the Senator from Kansas has, and I know the Senator from West Virginia has the same feeling, is as much as can be made public should be made public.

Mr. ROBERT C. BYRD. Yes.

Mr. DOLE. At the same time I do not want to threaten anybody to fear for his life because of what we released, so I do not have any quarrel with that, and I do not have any qualms about the judgment of the staff. But I think it would be helpful—I was trying to think how we could—if some other person could have a chance to look at that.

Mr. ROBERT C. BYRD. I have included the chairman, Mr. BAYH, the ranking minority member, Mr. GOLDWATER, the minority leader, Mr. BAKER, and myself, and I will be glad to broaden that to other members of the Intelligence Committee if the Senator wishes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object. I share some concern about just delegating this responsibility to staff and certain Members of the Senate. I think we ought to find out what it is they want to take out, and at that point we would make a decision.

It is my strong feeling that the Intelligence Committee has left out a lot of facts in its sanitized version of this report and I see no reason whatsoever such facts should not be made public. I appreciate the importance of not revealing sources and of not revealing methods of collecting information. But a lot of information, just facts, have been omitted from this report.

I do not know what would happen in the so-called sanitization of the transcript of these proceedings here in the Senate.

Mr. ROBERT C. BYRD. Mr. President, unless we have some order from the Senate to release this transcript it will not be released, and this is my purpose, and I am sure it is the desire of the Senator from Kansas and the chairman of the committee to try to find some way that a

transcript of what has gone on here today can be released to the public.

Now, if more that 40 hours are needed, that is fine with me. But I am just trying to work out some way. And may I say to the distinguished minority leader, that under the request the committee staff under the supervision of the chairman, and the ranking minority member, the minority leader, and myself, and I offered to enlarge that to the entire Intelligence Committee if so desired, have 40 hours from the close of business today to sanitize the transcript and make it available to the public.

Mr. GRIFFIN. What happens if there is disagreement among the members of the group on important matters?

Mr. DOLE. Bring it to the Senate.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, it would seem to me that if there is disagreement the rules of the Senate provide that on motion of any Senator under Senate Resolution 400 motion could be made to declassify the part that had not been sanitized for publication. Would that appear to be the view of the majority leader?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. BAKER. I thank the Chair.

So if there is a disagreement of what the staff of the Intelligence Committee, under the supervision of the chairman and ranking minority member, have done by way of sanitizing this transcript, it would still be the privilege of any single Senator to move to disclose that part, notwithstanding that it had not been included in the sanitized version by the Intelligence Committee.

Mr. ROBERT C. BYRD. And I left out one element of the request, that it also include appropriate officials from the executive branch, so that that sanitized version would be protected from the inclusion of information regarding sources, methods, and so on.

Mr. BAYH. I might just suggest to the leader that I would hope that we could reach the 40-hour deadline, but I would hope that he would be benevolent if we get to the 39th hour and the job is not yet done. [Class. deleted]

Mr. ROBERT C. BYRD. We could make it not to exceed 48 hours or 72 hours.

Mr. BAKER. Mr. President, will the majority leader yield to me?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, it seems to me that the concern I feel in this request is that there may not be an adequate input by people who are not members of the Intelligence Committee with respect to what should or should not be included.

Could I ask: Would it be possible, would it be agreeable to the members of the Intelligence Committee and the majority leader if we might add, say, two Senators to that group, say Senator WALLOP and——

Mr. DOLE. He is on the committee. He will be a good one.

Mr. BAKER. Senator WALLOP is on the committee. I wonder what other two.

Mr. GRIFFIN. How about Senator DOLE?

Mr. BAKER. DOLE——

Mr. GRIFFIN. I think that is enough.

Mr. ROBERT C. BYRD. Senator DOLE and Senator SARBANES.

Mr. BAKER. Mr. President, I wonder if that will serve the purpose.

Mr. ROBERT C. BYRD. Fine.

Mr. GRIFFIN. I withdraw my reservations.

Mr. DOLE. Mr. President, further reserving the right, if there should not be an agreement, I am not suggesting there would not be an agreement, by one or two Senators out of the six who would be looking at this out of the staff, does this one Senator have the right to bring to the floor material that was not included in the report?

Mr. SARBANES. As I understood the minority leader, I do not quite understand the concern because if we did a sanitized version and some Senator then felt that material had not been published which should have been or could have been that they were overly protective, as I understand it that Senator then has the right by motion seek to disclose that material as well, if that is the concern. Now, if the concern is from the other direction, and I do not understand that it is, that you would disclose more than you should——

Mr. DOLE. Oh, no.

Mr. SARBANES. And I do not perceive that concern, then it seems to me that in any event, if the sanitized version does not go as far as Senators think it should, they still have the opportunity thereafter to move to disclose what was not disclosed.

Mr. DOLE. Is that the understanding of the Chair?

The ACTING PRESIDENT pro tempore. Yes. Under rule XXXVI, any Senator has the right to make that motion.

Mr. BAKER. Mr. President, will the majority leader yield to me for one moment?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I am advised by the staff of the Intelligence Committee that we may have another problem we ought to address also, and that is that under Senate Resolution 400, the executive department, the President or his working department, have 5 days, I believe, to protest the proposed disclosure of information that has been classified by the executive department. I wonder if the Chair could advise me how that would relate to the provisions of rule XXXVI that have just been cited to us.

The ACTING PRESIDENT pro tempore. The executive branch rule adopted by Senate Resolution 400, would supersede rule 36, and therefore they would be entitled to the 5 days.

Mr. ROBERT C. BYRD. But then following that, does the Senate not have an opportunity to make a judgment as to the justification for the President's request, and either abide by that or release it, or refer it back to the committee for its decision as to whether to proceed to release it?

The ACTING PRESIDENT pro tempore. Yes. The ultimate decision is in the hands of the Senate.

Mr. ROBERT C. BYRD. And if it refers it back to the committee, that decision would be in the hands of the committee, then?

The ACTING PRESIDENT pro tempore. Ultimately the Senate itself would have the ultimate decision to make.

Mr. DOLE. A further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. DOLE. Then if it went back to the committee, we still have rule XXXVI, and any one Senator could move to lift the veil of secrecy, is that correct, after the 5-day period and after it went back to the committee?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DOLE. Even though the executive branch disagrees?

The ACTING PRESIDENT pro tempore. The Senator is correct. The decision is that of the Senate.

Mr. DOLE. So we are talking about, at the outside a week, probably?

Mr. ROBERT C. BYRD. I am not absolutely sure than any one Senator can do that after the President has raised an objection, submits his justification for that objection, and the Senate has taken the matter up and has decided to refer it back to the committee for its decision. I am not sure it can be left in the hands of any one Senator at that point. I may be wrong; I am not sure.

Mr. DOLE. You may be defeated.

The ACTING PRESIDENT pro tempore. It is not in the hands of one Senator. The motion can be made by one Senator, but finally the matter is in the hands of the Senate itself.

Mr. DOLE. Right.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HELMS. Mr. President, most respectfully I am going to have to object. I regret to do it, but I have my doubts that the Senate is proceeding wisely with this.

I say this to my friend the majority leader without the slightest implication of any doubt about the good faith of anybody on either side. But in this matter, we not only have to be right, we have to look right. Here we have a situation where we have one Senator from the Intelligence Committee and one Senator from the Foreign Relations Committee who dissented. I honestly believe that when the public understands what procedure is being followed here, it will be resented and misunderstood.

I would like to object for the time being and think about it a little bit, and then ask the majority leader to restate the request, and perhaps there will be no objection.

Mr. ROBERT C. BYRD. All right.

The ACTING PRESIDENT pro tempore. The objection is noted.

Mr. ROBERT C. BYRD. I withdraw the request for now.

Now, Mr. President, if the distinguished Senator from Kansas will yield to me further——

Mr. DOLE. Yes.

Mr. ROBERT C. BYRD. It is for the very purpose that the Senate "looks right" that I have tried to get a unani-

mous-consent request consented to, to permit the transcript of today's proceedings to be made public. I am sure that the distinguished Senator from North Carolina wants that done, and so I withdraw the request for now, hoping that we can, within a few minutes if possible, arrive at an agreeable solution to this matter that will allow the transcript to be made available to the public, and at the same time will allow it to be sanitized so as to protect sources of information, [class. deleted], methodology, and anything that may have an impact upon the national security interests of our country.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:30 tomorrow morning.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. And, Mr. President, I ask unanimous consent that after the prayer on tomorrow morning, the Senate resume the consideration of the Neutrality Treaty.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, am I correct in presuming that we will be continuing the closed session tomorrow?

Mr. ROBERT C. BYRD. No, it is my intention to finish the closed session tonight. I am merely trying to set a time tomorrow when the Senate might resume its consideration of the treaty.

Mr. HELMS. Well, I will say to the able majority leader that in the absence of having staff on the floor, I am having to go back and forth. I am preparing some questions that I wish to propound to the distinguished chairman of the Intelligence Committee, but I am not prepared to do it at this moment, and it may be another hour.

Mr. ROBERT C. BYRD. That is all right. It is perfectly all right with me, if it is all right with the Senator from Indiana.

Mr HELMS. I was hopeful that we could go back into closed session tomorrow morning for a period, in any event.

Mr. ROBERT C. BYRD. Mr. President, we have been in closed session now since 10 o'clock this morning with the exception of 50 minutes when we were out for lunch We have had excellent attention, excellent attendance, and certainly the Senator has a right to propound his questions. But I think we ought to wind up this closed session today. If the Senator from Indiana is able to stay for another hour and await the arrival of the questions by the distinguished Senator from North Carolina, I would hope that we could proceed in that fashion.

Mr. DOLE. Mr. President, reserving the right to object, may I say to the distinguished majority leader I think we have made good progress. It was not until about 4 o'clock that those of us who wanted to ask questions really had the opportunity.

Mr. HELMS. That is the point

Mr. DOLE. I just notified the chairman that I have 45 specific questions on each DEA file reference. Some might take 1 minute, and some might take 30 minutes.

I am not trying to prolong this. We have made good progress. I have said for the record three or four times that certain information satisfied this Senator, and I do not want to delay it, but these questions have been raised. Maybe they are prepared now to read down the list; but it will take some time, and I know Senator LAXALT has some information he is trying to prepare for each Senator, and there may be others.

Mr. GRIFFIN. I have some questions.

Mr. DOLE. So I am perfectly willing to proceed, but we are not going to finish in any hour or two.

Mr. ROBERT C. BYRD. Well, Mr. President, the request I have made puts us out at the end of the session until 10:30 tomorrow morning. If there is objection, we will just have to stay in session.

Mr. HELMS. Mr. President, reserving the right to object, then the closed session must end tonight?

Mr. ROBERT C. BYRD. I have said I hope the closed session would be finished tonight.

Mr. DOLE. As far as the Senator from Kansas is concerned, if we are going to stay here, if we want people to understand we may need live quorums with Senators on the floor.

Mr. BAKER. As I understood the unanimous-consent request, it was simply that we recess until 10:30 tomorrow. The request did not make a differentiation.

Mr. ROBERT C. BYRD. That is correct, and that after the prayer the Senate resume consideration of the treaty.

Mr. BAKER. A parliamentary inquiry, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. BAKER. Under the form of the unanimous-consent request, there is no predetermination of whether or not we will be in executive session or open session.

The ACTING PRESIDENT pro tempore. We are in executive session on the treaties. At the present time we are in closed session. The Senator directs his question to the differentiation in open and closed session.

Mr. BAKER. The question I am trying to put is whether or not, under the form of the unanimous-consent request of the majority leader, there is any statement or any request as to whether we will be in open or closed session when we convene tomorrow at 10:30.

Mr. ROBERT C. BYRD. No, there is not.

The ACTING PRESIDENT pro tempore. No, there is not.

Mr. BAKER. As I understand it, if this unanimous-consent request is not objected to, nature will take its course. We will finish when we finish tonight. If we do not conclude the closed session, we will be in closed session, and if we do, we will resume in open session tomorrow.

Mr. ROBERT C. BYRD. No, that is not correct. May I state for the distinguished minority leader what the situation will be? If this request is granted, tomorrow at 10:30 o'clock after the prayer, we would simply resume consideration of the treaties. That is the request. It says nothing about open or closed session.

I was merely trying to answer a question by the Senator as to whether I contemplated being in closed session tomorrow. I said that I hoped to finish that tonight. Understand that under the Senate rules, one Senator, seconded by a second Senator, can always put this back into closed session. I was simply expressing the hope that we could finish the closed session tonight. But the request, itself, leaves it open. It has nothing to do with whether we are in closed session when we come back tomorrow or not.

The ACTING PRESIDENT pro tempore. The Chair would like to interject that unless some action is taken by the Senate, we will remain in closed session. It would require some affirmative action by the Senate to change it from closed session.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. BAKER. To restate my inquiry previously made, if the request of the majority leader is granted without objection, whether we are in closed session or open session in the morning will abide events tonight. It is not within the contemplation of the request, either.

The ACTING PRESIDENT pro tempore. The Senator is absolutely correct. The request for the unanimous-consent was to proceed in closed session with the consideration of the Neutrality Treaty.

Mr. BAKER. I thank the Chair.

Mr. DOLE. Reserving the right to object, the Senator from Kansas does not want a closed session, I think for the very reason that the Senator from West Virginia does not want a closed session. It appears that we are carrying on some secret operation, that we are trying to maybe cover up or not reveal to the American people. I would be pleased to discuss all these files in open session. We are in a dilemma. I do not want to take the time of the Senate in closed session. I would prefer to do it in open session in the first instance, but if I started to discuss this in open session, I would be in violation of Senate Resolution 400. What do we do as Senators if we want information and we cannot discuss it openly? That is the quandary we are in.

Mr. ROBERT C. BYRD. Well, it is really no quandary. As I have said, any Senator, seconded by another Senator, can put us right back into closed session tomorrow.

Mr. DOLE. Then you have to decide after that is done whether we stay in closed session.

Mr. ROBERT C. BYRD. Well, a majority vote can put us back out into open session. I was hoping that we would finish our closed session tonight, if we went to 8 o'clock, 9, or 10, or whatever, and then go back into open session.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Kansas has the floor.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 10 o'clock tomorrow morning; that immediately after the prayer tomorrow morning, the Senate resume its consideration, in closed session, of the matters that have been under discussion; and that, no later than 2 o'clock tomorrow afternoon, the Senate return to open session, with the time during that 4 hours in closed session to be equally divided between and under the control of Mr. DOLE and Mr. BAYH.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. Yes.

Mr. DOLE. Would the same unanimous consent with respect to release of material—will the majority leader make that same unanimous-consent request to apply tomorrow?

Mr. ROBERT C. BYRD. That request was temporarily withdrawn at the suggestion of Mr. HELMS.

UNANIMOUS-CONSENT AGREEMENT

I make the following request: I ask unanimous consent that, at the conclusion of the closed-door session tomorrow, a complete transcript of the proceedings be personally delivered in a sealed envelope by the chief reporter to the Secretary of the Senate; that, until Thursday noon—that being the day after tomorrow—the transcript of the remarks of each Senator who participated in the debate be made available by the Secretary of the Senate, under his direction, only to said Senators for revision of their said remarks, and that for this purpose, the transcript be secured in room S–406 of the Capitol, the Office of Classified National Security Information; further, that the staff of the Intelligence Committee be authorized, under the direction of the Secretary of the Senate or his designee, the chairman and ranking member of that committee, the minority leader and the majority leader, the Senator from Kansas (Mr. DOLE), and the Senator from Maryland (Mr. SARBANES), and appropriate persons from the executive branch to sanitize the completed remarks in that same room, S–406 of the Capitol; and that, when such sanitization is completed, the sanitized version of today's remarks be released to the news media no later than 50 hours after the completion of the closed session tomorrow.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HELMS. Reserving the right to object, Mr. President.

May I ask the distinguished majority leader if he would be willing to add the able Senator from Michigan (Mr. GRIFFIN) to that list?

Mr. ROBERT C. BYRD. Yes; I shall be glad to add Mr. GRIFFIN and Mr. CHURCH.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SCHMITT. Reserving the right to object. I shall not object if the distinguished majority leader can explain how this now relates to the 5-day rule relative to the press.

Mr. ROBERT C. BYRD. Well, under the request, if the request is granted, that sanitized version would be released to the press, it having been arrived at under the jurisdiction of the aforementioned Senators and staff and appropriate officials from the executive branch, within 50 hours after the completion of the closed session tomorrow afternoon.

Mr. SCHMITT. But if the executive branch had some continuing objection, if agreement could not be reached, then it would be an extended period beyond that time; is that right?

Mr. ROBERT C. BYRD. Well, then, if that occurs, I should think that the President, under Senate Resolution 400, would be able to lodge an objection within 5 days, just as it was earlier stated; in which case, the Senate could make the final decision.

Mr. SCHMITT. But, if the leader will yield further, by limiting the time before release to 50 hours, we are usurping some executive branch privileges, according to Senate Resolution 400, or at least the modification of that, I believe.

Mr. ROBERT C. BYRD. I could change the request to say as long as the release of the sanitized transcript within 50 hours after the close of tomorrow's closed session does not supersede in any way the provisions of Senate Resolution 400 as they apply to the release of classified information.

Mr. SARBANES. If the leader would yield, would that not apply in any event? It would seem to me that the request that has been made sets the parameters for proceeding, but that the executive, if they chose to, could invoke Senate Resolution 400 on the 5-day provision.

Mr. ROBERT C. BYRD. Yes; and what I have said just now to the distinguished Senator from New Mexico is that this request—in the event the President sought to lodge an objection, it would be understood this request would not supersede the law, the provisions of Senate Resolution 400, as passed.

Mr. SCHMITT. If the Senator will yield, that means that the President would have the opportunity, within that 50-hour period, of declaring his intention to use the entire 5 days?

Mr. ROBERT C. BYRD. Yes; which would trigger the rest of the mechanism in Senate Resolution 400.

Mr. SCHMITT. I presume there is no parliamentary reason why that would not be possible.

Mr. ROBERT C. BYRD. That would be according to——

Mr. SCHMITT. It sounds fine to me. I just want to be sure we are not getting into a hassle with the executive branch unnecessarily.

Mr. ROBERT C. BYRD. The Senator has raised an important question. I am grateful for his having done this. By virtue of his having done this, I think the postscript I have added to the request here protects the President in that event.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent request as explained and clarified?

Without objection, it is so ordered.

Mr. ALLEN. Will the distinguished majority leader yield?

Mr. ROBERT C. BYRD. Yes.

What I have said to the Senator from New Mexico is correct. By his having raised the question and by my adding the caveat, the President's rights would be preserved. If he exercised those rights, the rest of the mechanism would be triggered and the Senate, in the final analysis, would still make that decision.

But if the President does not exercise the rights, he has 5 days that he could indicate within the 50 hours, I feel, as to whether or not he was going to do that, and, if he indicated that he was not going to exercise any rights, then the transcript could be released at the conclusion of 50 hours.

Mr. SCHMITT. If the Senator will yield, I presume the Secretary of the Senate will be directed to so notify the President, just so that he is aware that he has that option.

Mr. ROBERT C. BYRD. He will be so notified.

I yield to the distinguished Senator from Alabama—do I have the floor—if the Senator from Kansas will allow me to yield.

Mr. DOLE. Yes.

Mr. ALLEN. Since the distinguished majority leader expressed the desire that the motion which the Senator from Alabama plans to make on tomorrow be disposed of on tomorrow, I wonder if it might be well, if the distinguished majority leader thinks well of it, closed session for, shall I say, not to exceed 15 minutes, for the purpose of offering this motion to proceed to the Panama Canal Treaty and to discuss it for that length of time.

ORDER FOR RECOGNITION OF MR. ALLEN TOMORROW

Mr. ROBERT C. BYRD. Yes.

Mr. President, I ask unanimous consent that at the conclusion of the closed session, the distinguished Senator from Alabama (Mr. ALLEN) be recognized for the purpose of making the motion which he has described and that at that time, when the Senate returns to open session, if it is necessary to have a quorum call that that time not be charged to the Senator from Alabama, but that the

Senator from Alabama have 30 minutes in which to speak on his motion.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. ALLEN. I thank the distinguished majority leader.

Mr. ROBERT C. BYRD. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Kansas has the floor.

Mr. ROBERT C. BYRD. Would the Senator indulge me for just one further statement?

I should emphasize that the record of today's proceeding will be secured in room S-406 of the Capitol under the control of the Secretary of the Senate overnight.

I thank the Senator for his kindness.

Mr. DOLE. Mr. President, let me state for the benefit of the Members who may want to remain, and also the staff, that the Senator from Kansas does not intend to proceed at great length. Perhaps we can work out some procedure whereby the questions that I would raise in a period of 4 or 5 hours can be disposed of in 15 or 20 minutes tomorrow morning.

I have made available to the distinguished chairman (Mr. BAYH) a DEA file reference list and it is my understanding the staff between now and tomorrow morning will take each file number and be prepared tomorrow morning to advise the Senator from Kansas and other Senators whether or not there is any information, any credible evidence, concerning General Torrijos and drug trafficking.

Is that how we understand each other?

Mr. BAYH. Yes, I will say to my friend from Kansas, I am deeply appreciative and I hope all Members of the Senate are and I am sure the Intelligence Committee staff is appreciative of his understanding in the complexity of this problem.

We are talking about documents, some of which are voluminous, in which there may be no reference at all to Torrijos or in which there may be just a casual passing reference.

The Senator has every right to ask a question of what is in these documents, but I do not think he wants 15, 20 minutes, or half an hour, of recitation of facts that really are not relevant.

The court of action that he has proposed would permit us to go through these files, each document, examine it carefully, pick out the matters that are relevant facts, and make those available to the Senator and the Senate tomorrow.

Mr. DOLE. Right.

As far as this Senator, others may have a different concern, [class. deleted].

That does not really interest this Senator unless there is some evidence that they engaged in a trafficking of drugs.

So perhaps we could dispose of most of those 45 files in a rather short time.

In addition, it has been suggested that the DEA files could contain evidence of ownership by the Panamanian Government of apartment complexes and real estate within the United States, and if they contain any evidence of the Panamanian Government having millions of dollars in U.S. bank accounts, and however these holdings are financed, and did the U.S. Internal Revenue Service ever investigate the bank accounts cited in the March 10, 1975, Rivas file.

I have that question. So I can submit that, in addition, if you would rather not go into it now. [Class. deleted.]

[Class. deleted.] Again, that is of no direct interest to the Senator from Kansas unless General Torrijos was aware of what was going on and, as I said, turned the other way.

I assume that will be determined tomorrow when we go over each one of the files on what the involvement of General Torrijos was, how extensive it was, the duration of it, if any, and——

Mr. BAYH. The credibility of the source.

Mr. DOLE. Right.

We have information from Mr. Arias, the former Panamanian President, that the following members of the Torrijos regime were involved in illegal narcotic business:

Hugo and Moises Torrijos and the general himself, Noriega, Lakas, the President of Panama, Major Purcell, Chief of the Panamanian Air Force, Chaco Delgado, the Tocumen Airport administrator, Lieutenant Colonel Fitcher, Eugene McGrath brother of Panama Archbishop, Carlos Duque, president of Transit Free Zone Colon Panama, Luis Ramos, a close friend of General Torrijos.

I am not certain whether you have information that could either verify or, in other words, is this credible information, or is it more hearsay that we have bundles of, I might add.

I have the list.

Mr. BAYH. If we could have that, does that refer to specific intelligence documents, that particular set of allegation?

Mr. DOLE. No. This list of a former Panamanian president indicates that he has some intelligence of his own. But I will provide the list to Mr. Miller, the staff director.

Mr. BAYH. We will be glad to examine it. I think the Senator understands it is difficult enough to determine——

Mr. DOLE. Right.

Mr. BAYH. The validity and credibility of the informant and the source, if we have it nailed down and have some input from our intelligence sources. [Class. deleted]

This becomes almost impossible to verify when we are talking about a former political adversary making the kind of broad-brush indictment of almost everybody in town there. But we will look at it.

Mr. DOLE. All right.

Mr. HELMS. Will the Senator yield?

Mr. DOLE. Yes.

Mr. HELMS. I thank the Senator.

If I could direct a couple of questions to the distinguished chairman, maybe what has been said here today will be a bit clearer.

It is a little difficult to hear without the sound system, as the Senator knows, and perhaps I misunderstood. But earlier today, the distinguished Senator from Wyoming (Mr. WALLOP)—I think I can remember almost his exact words—said, "I think the committee's report tells us the essentials. Omar Torrijos knowingly aided, abetted, and protected his family's and his government's involvement in the drug trade."

Is that a fair assessment of what the committee's position is?

Mr. BAYH. No. I think that is an overly broad and a too severe assessment of what the committee's report says.

Mr. HELMS. But the distinguished chairman, himself, if I understood him correctly, said that in the absence of evidence that would convict in court, he—the chairman, Mr. BAYH—had personal doubts about General Torrijos.

Mr. BAYH. No. The Senator misunderstood me, or I misspoke.

Mr. HELMS. What did the Senator say?

Mr. BAYH. I expressed personal doubts about brother Moises.

Mr. HELMS. But you have no doubt whatsoever about General Torrijos?

Mr. BAYH. But I was about to resolve those doubts from what I knew and come down on the side of believing that Moises Torrijos was indeed involved.

We now apparently have had opened up for us in the last hour the grand jury indictment. The judge in New York did open this at 6:15. I was advised by the leader of that. We will have a chance to pursue that.

I hope we do not get a lot of increased expectations here, because I think that since we had access to all those people, we pretty well knew what they were going to say, and I think that is probably what we will find out.

Please let me define carefully: Moises Torrijos has been indicted. We do have hard evidence; we do have corroborated testimony. We do not have any of that so far as General Torrijos is concerned.

Mr. HELMS. Would the Senator be willing to say what his impressions are concerning General Torrijos, himself, based on the accumulation of evidence that he has read and heard?

Mr. BAYH. Well, I think I said it about as succinctly as I could in the report. Although it has been discussed as a staff document, I associate myself with it and helped in the process of final preparation, and the words were not chosen lightly.

It is evident that General Torrijos did indeed know of his brother's involvement in narcotics traffic. We told him. We made available to him information that made it possible for him to warn his brother and keep him from being arrested by agents in the Canal Zone.

As I said earlier, the response of General Torrijos was exactly what our Government wanted it to be. So if indeed Torrijos is implicated, the people right up to the White House are indicated in that particular course of action. Our committee did not try to judge the wisdom of that but, rather, to study the evidence and then let everyone draw their own conclusions.

Mr. HELMS. The Senator, of course, understands the thrust of my question. I do not propose to get into a debate here about the merits of the treaties, regardless of the circumstances. But the fact

does remain that we are not proposing to give the Panama Canal to the Panamanian people. We are proposing to turn it over to a specific regime.

I wonder if I could ask the Senator if he would consider doing one thing which I think would be wise in terms of later public reaction, and that concerns Mr. Brzezinski's log [class. deleted] which were referred to earlier today. Would the chairman be willing to ask—not demand, ask—Mr. Brzezinski to furnish those logs, just so that it would be a matter of record?

Mr. BAYH. We will be glad to do that. We did make that request, so the Senator will not think our efforts were negligent. We did make that request. We are told by the NSC that the logs did not disclose anything. We are prepared to ask for the logs so that we can make that assessment for ourselves.

Mr. HELMS. Let me say that it would be put to Mr. Brzezinski not on the basis that we doubt his word but that some of us consider it essential to clear up any doubt. I think it would be to his advantage to provide that information.

Mr. SCHMITT. Mr. President, will the Senator yield?

Mr. HELMS. I yield.

Mr. SCHMITT. In that regard, since two names came up in this respect, Mr. Sorsenson as well, did the committee seek any affidavit of any kind from Mr. Sorenson, sworn or otherwise, to really put into their record his involvement in this affair?

Mr. BAYH. We are in the process of seeking it.

Mr. SCHMITT. A sworn affidavit?

Mr. BAYH. As of this morning, when we got Senator WALLOP's letter, we have requested from Mr. Sorenson that he give us an affidavit relating to the truthfulness of the information that he has given to us over the telephone and which is a part of our record. In person—I am sorry. It was not on the telephone.

Mr. SCHMITT. He did talk to the committee staff in person?

Mr. BAYH. That is accurate.

Mr. SCHMITT. And there is a record of that? Is there a record of those conversations?

Mr. BAYH. There is a record of that interview. It took place in New York instead of in Washington, which is the reason why he was not sworn.

Mr. SCHMITT. But it is a verbatim transcript of the conversation?

Mr. BAYH. It is verbatim. Let me correct that. I am advised that it is not a verbatim, word-for-word, interview. It is a summary of conclusions of that interview. I would assume that upon it being shown to Mr. Sorenson he could make an affidavit suggesting that it is indeed his recollection and honestly describes his words and it is the recollection of the committee and his recollection of the facts and circumstances at the time.

Mr. SCHMITT. We have one indication that Mr. Sorenson has contradicted a sworn affidavit by other sworn testimony, in another completely unrelated situation, and I can make that available—it is public record—to the committee. I would just advise the committee to look very carefully at that testimony. This is testimony surrounding the confirmation hearing to be Director of the CIA.

Mr. HELMS. One other question, Mr. President, and I do appreciate the patience the Senator from Kansas, who has yielded to me.

May I make another suggestion to the chairman with reference to the Shamrock file and the Northern Light file?

The Senator will understand that all sorts of rumors and reports are coming to us, as opponents of the treaties. I think the Senator knows me well enough to know that I want to be objective about it. I want to be able to say that we have done everything we can to look into all the allegations and so forth. Therefore, I wonder if the distinguished chairman of the committee would be willing to ask the Justice Department to let the committee see these files—not the Senator from North Carolina, but the committee.

Mr. BAYH. What files are we talking about?

Mr. HELMS. The Shamrock and the Northern Light. I will say candidly to the Senator——

Mr. BAYH. Let me reply. I will answer the question "yes." Now, please continue.

Mr. HELMS. I will say candidly to the Senator that we are receiving reports that these files have indeed been destroyed. I do not know whether they have or not. I assume they have not. But I would be comforted if the committee would obtain those files and satisfy itself as to the continued existence of the files and the contents thereof.

Mr. BAYH. We will be glad to make that request.

Mr. HELMS. I thank the chairman, and I thank the Senator from Kansas.

Mr. SARBANES. Mr. President, will the chairman yield for just a moment?

Mr. BAYH. The chairman is under the sufferance of the distinguished Senator from Kansas.

Mr. SARBANES. May I ask a question while the distinguished Senator from New Mexico is still in the Chamber?

Mr. SCHMITT. Yes.

Mr. SARBANES. I have looked at the submission that he made with respect to Mr. Sorensen in a totally unrelated matter where the Senator suggested—I am not exactly sure of what he said and I do not want to repeat it because it concerned me greatly—I think on looking at those statements that they are subject to being consistent with one another depending on how one interprets them and I would not want to simply leave on the record the statement that the Senator made with respect to it. I think in fairness to Mr. Sorensen, I do not think this has ever been raised to him or anywhere else, and I do not think on reading those two statements that they are necessarily inconsistent with one another.

Mr. SCHMITT. I think the Senator is entirely right. They are subject to interpretation and Mr. Sorensen withdrew his nomination prior to being subjected to any cross-examination on those statements.

So all we have are those statements on their face which in this Senator's opinion does cast a little bit of doubt on sworn testimony from Mr. Sorensen although subject to interpretation. I think the Senator is entirely correct to make that qualification. And I thank him for it.

Mr. DOLE. Mr. President, I do not believe the question was asked today whether or not the [class. deleted].

Mr. BAYH. [Class. deleted]

Mr. DOLE. [Class. deleted]

Mr. BAYH. [Class. deleted]

Mr. DOLE. [Class. deleted] there is no evidence of any contact with reference to drugs to any other official of government or any other official of any other country, unless it is enforcement, I guess it would be.

Mr. BAYH. [Class. deleted]

Mr. DOLE. [Class. deleted]

Mr. BAYH. I asked that question myself because we do have a rather significant capacity to get information and despite that fact not only was there no information on General Torrijos but there was no information from that source on other Panamanian officials.

Mr. DOLE. I think the general question is the chairman and, I understand, the distinguished minority leader of the committee, Senator GOLDWATER, are satisfied that the Senator has seen everything or at least the staff has seen everything, the Senator had total access to all the raw material and all the files and he indicated in his written statement, as I remember, that all the proper agencies were most cooperative; so far as he is concerned all the loose ends are tied together except he has not quite completed the in-house study in one area.

Mr. BAYH. That is accurate. The National Security Council documents were the last ones to reach the committee.

Mr. DOLE. I think as to the one question—I do not want to plow it over again—but based on the statement on page 14 maybe it could be supplied for the record tomorrow, it says:

> Friends or associates and, as we have seen, relatives of General Torrijos have been tied to narcotics trafficking and informants have alleged that General Torrijos received a cut of the profits. Some sources have provided intelligence which we view as reliable and which we believe suggest that General Torrijos knew about narcotics trafficking by government officials and did not take sufficient action to stop his brother's activities. Intelligence reports also contain allegations asserting that General Torrijos assisted his brother.

That is the area which is I think sort of the key to the whole thing. I can say that when I left here a few moments ago the press was all focusing on this one area. This is the meat of the sanitized report. So I think it would be very helpful if the record would show what Torrijos knew and who was involved, and again the duration of the involvement, and that can be done after the staff has a chance to search through there again because some may be contained in those files. I do not know.

Mr. BAYH. I think we are familiar enough with the files as they relate to the principal, General Torrijos, to be able to say that there is no evidence, first hand, corroborated evidence, that ties the general himself directly actively in

the trafficking business, the drug trafficking business. There are all sorts of allegations—I mean, it is unbelievable. You have allegations that are held up as evidence of this kind of activity where the report itself says the source is undetermined. You are talking about an unidentified source of undetermined credibility that is contained in the report after having already made these allegations. Rather obviously that kind of thing is suspect to say the least.

We have no evidence of General Torrijos being involved in this kind of activity. We do have evidence that he knew about it, as far as his brother was concerned we do have evidence that he helped his brother avoid arrest, and there can be a strong case made that the general was aware of activity on the part of other Panamanian officials. One can only suppose as to why he did not exert force of law as far as they are concerned.

The intelligence community is of the opinion that particularly as far as [class. deleted] is concerned that [class. deleted] is a prominent force in the Guardia Nacional and that he needed his support to try to keep his government together.

As I have said earlier, that does not excuse it. It may help to explain it.

Mr. DOLE. Again, I think the only point that I would have is I do not expect we will have any evidence, at least there has been none revealed, that Torrijos himself was moving the stuff around. But I guess it gets into sort of the dilemma that the Attorney General had on a recent Sunday program, whether you use the word implicated or involved and/or whether you use either word, maybe. There is another word that can describe the general's activities. At least he was aware of what was going on, and again I do not know how extensive it was or how many officials were involved or whether that information that is now available. So I think it is fair to say—in fact it is said—I mean it is in the report that he was aware, he knew about it, and also, of course, took action to stop or prevent the arrest of his brother.

I think finally, just for whatever value it might have, I would like to submit for the RECORD a list of the Torrijos relatives who now occupy positions in the government, furnished to us, indicating that 49 relatives, brothers, sisters, sisters-in-law, brothers-in-law, nephews, nieces, et cetera, are now at work in the Government of Panama. I am sure there is no objection to that.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Name, relationship, and Government position:

1. Moises, brother, Ambassador to Spain.
2. Hugo, brother, Director, National Gambling Casinos.
3. Marden, brother, Travelling Ambassador Extraordinary.
4. Nelva de Soler, sister, Director, Educational Reform.
5. Fulvia de Macias, sister, High School Director.
6. Victoria de Jaen, sister, Director Credit Dept., Institute for Human Resources Development (IFARHU).
7. Aura de Horta, sister, Director, Institute for Special Care.
8. Maura de Segovia, sister, Present position unknown.
9. Berta de Arosemena, sister, Director, Artistic Expression.
10. Ayda de Miro, sister, Was executive in IFARHU until she and husband were exiled after his father was murdered by regime.
11. Sior Lopez de Torrijos, sister-in-law, National Director of Education.
12. Dora de Torrijos, sister-in-law, Director Branch Services, Natl. Lottery.
13. Susana Richa de Torrijos, sister-in-law, Dean, School of Humanities, University of Panama, also Dir. Secondary Education.
14. Marcelino Jaen, brother-in-law, [1] Member Legislative Commission.
15. Franklin Arosemena, brother-in-law, Department Director, Natl. Housing Inst.
16. Reginaldo Macias, brother-in-law, Ambassador to Costa Rica.
17. Andres Segovia, brother-in-law, Director, Chiriqui Railroad.
18. Alfredo Soler, brother-in-law, Dean, School of Science, Univ. of Panama.
19. Dr. Abraham Saied, relative-of in-law, [2] Minister of Health.
20. C. Lopez Guevara, relative of in-law, Negotiator of Canal Treaty.
21. Lilia Jaen de Mata, sister of in-law, Director, Scholarship Grants.
22. Lenin Torrijos, nephew, Executive, National Savings Bank.
23. Moises Torrijos, Jr., nephew, Municipal Government Official.
24. Marden Torrijos, Jr., nephew, Scholarship Grantee & Official in London Embassy.
25. Santiago Torrijos, nephew, Executive, Felipillo Sugarmill.
26. Dumas Torrijos, nephew, Director Public Relations Natl. Casinos.
27. Gloria de Perez, niece, Psychology student & Psychologist at Ministry of Labor.
28. Magnolia T. de Rosado, niece, Wife of Ambassador to Nicaragua.
29. Teresa Rodriguez Torrijos, niece, Consul to various Middle East Countries.
30. Carlos Chaves, nephew of Ligia Torrijos, Consul General in Londan.
31. Vielka de Torrijos, niece-in-law, Ministry of Public Works.

COUSINS AND OTHER RELATIVES

Name, and Government Position:

32. Gerardo Gonzales Vernaza,[2] Vice President.
33. Alvaro Vernaza Herrera, Manager, Bank for Agriculture.
34. Amanda Vernaza de Sabarin, General Director, National Lottery.
35. Col. Roberto Diaz Herrera, Secretary General, National Guard.
36. Efebo Diaz Herrera, Ambassador to Cuba.
37. Edison Diaz Herrera, Treasurer, Capital District.
38. Luzmila Diaz H. de Pinzon, Director, Urraca College.
39. Roberto Pinzon, Borough Representative.
40. Raquel de Diaz, Executive of IFARHU.
41. Carlos Perez Herrera,[1] Member Legislative Commission.
42. Marcos Perez Herrera, Ambassador to Egypt.
43. Mario Perez Herrera, Director Labor Unions, Labor Ministry.
44. Alberto Perez Herrera, Chief, Chiriqui Citrus.
45. Nitido Perez Herrera, Chief, Bureau of Customs.
46. Antonio Perez, Psychology student-Psychologist, Ministry of Labor.
47. Leticia Perez H. de Lopez, Coordinator, National Red Cross.
48. Ruben Dario Herrera,[1] Member Legislative Commission.
49. Angel Riera Pinilla, Consul General in Singapore.

Mr. BAYH. I think it is fair to say that the Torrijos Government practices the old-fashioned tradition of reward your friends and either imprison or exile your enemies.

Mr. DOLE. That would seem to be true.

Mr. SARBANES. May I respond to that? That is not unusual in terms of Latin American countries.

Mr. BAYH. And not just Latin America. As it came out before, if we were to stop dealing with governments that practice that kind of nepotism at all, we would be dealing with a lot fewer governments than we are dealing with now.

Mr. DOLE. I do not suggest that it is irregular, but it is an interesting approach to government.

I think finally, the Senator said earlier today—much earlier today——

Mr. BAYH. Was that today or was that yesterday?

Mr. DOLE. [Class. deleted].

[Class. deleted].

Mr. BAYH. [Class. deleted].

[Class. deleted].

Mr. DOLE. I guess my question is what portion of the transcript that will be made available to the public will deal with that concern. Will areas [class. deleted], be released?

Mr. BAYH. What we are talking about are sources, methods, and important national security questions.

Let us go to the two major revisions that we made between the original report as I gave it to the Senate and that which we released shortly thereafter. One deals with—as the Senator recalls, the memorandum of alternatives that had been prepared for BNDD Director Ingersoll as to how effectively to remove a high National Guard official from the scene. [Class. deleted].

[Class. deleted].

Mr. DOLE. Well, I do not quarrel with that. That is the proper judgment.

Mr. BAYH. [Class. deleted] as I mentioned earlier, as our DEA people say, is now cooperating. They want him to continue to cooperate, [class. deleted].

There is evidence that when the Panamanians determine to do a good job, they can do a good job of enforcing and arresting people. We now have them in the record where they are cooperating, and they did not want anything like this to come along and destroy that cooperation.

Mr. DOLE. Again, I thank the distinguished chairman and the distinguished Republican leader (Mr. GOLDWATER) for their patience and their efforts to try to resolve some of the real questions that we have. As I said earlier, this has been helpful to those of us who have been bombarded with questions and rumors and documents, some authentic, some baseless. Hopefully, tomorrow we can conclude any questions we have in this area.

---

[2] Torrijos also appoints and replaces all other officials except the President and Vice President . . . that is under the Constitution of 1972. However, the President acquires this privilege after the Transitory Provisions lapse.

[1] The Legislative Commission is appointed by Torrijos, who is granted this power under a 6 year "Transitory Provision." However, this commission (not the National Assembly) forms part of the National Legislative Council which enacts the laws.

Mr. BAYH. Yes. I appreciate the concern of the Senator from Kansas. As I mentioned earlier, some of the things that I read in the newspapers I was deeply concerned about. I have answered the questions raised to my own satisfaction. That does not mean that any other Member of the Senate needs to be similarly satisfied.

What we want to try to do, what I and our committee staff will try to do between now and 10 o'clock in the morning—and I compliment the staff; they have put in a tremendous amount of work in going through these documents, an unbelieveable number of documents. They have done an effective job of preparing these documents for all of our consumption; but between now and 10 o'clock in the morning we will ask them to make another Herculean effort, and continue what they have done over the last several days, which is go over the 45 documents the Senator from Kansas has suggested he is concerned about, and get out of those documents the salient information and make it available to the Senate.

We would also like to go back and examine those documents. One is the [class. deleted] files.

Mr. DOLE. [Class. deleted].

Mr. BAYH. As I mentioned to my friend from Kansas, we had the files, but we did not have them categorized as [class. deleted] at the moment.

I also want to look through that rather voluminous yellow report—what is the name of it?

Mr. DOLE. The 1973 report.

Mr. BAYH. Yes; the "Study of Illicit Heroin, Morphine, and Cocaine Traffic in South America." It is possible that we overlooked one or two references to Torrijos. If any of that is significant, we will go over all that between now and morning, and make all that available to you.

Mr. DOLE. OK.

(This concludes the closed session proceedings of February 21, 1978, the expurgated transcript of which was released on March 3, 1978.)

RECESS UNTIL 10 A.M. TOMORROW

Mr. SARBANES. Mr. President, I move, in accordance with the previous order, that the Senate, in executive session, stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and at 7:50 p.m., the Senate, in executive session, recessed until Wednesday, February 22, 1978, at 10 a.m.

EXTENSIONS OF REMARKS

TOM C. CLARK: THE JUSTICE AS ADMINISTRATOR

HON. DENNIS DeCONCINI

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Tuesday, February 21, 1978

Mr. DECONCINI. Mr. President, the late Supreme Court Justice Tom Clark not only was the author of numerous landmark Supreme Court decisions, but was a dynamic, open-minded leader in the struggle for more efficient and effective court administration. Following his retirement, he dedicated himself to court administration in the same wholehearted manner as he served the people of this country during his long career on the bench. Together with Chief Justice Burger, Tom Clark is the name most closely associated with improvements in the judicial machinery. Court administration is not a glamorous task but it is one which should be recognized as vital in the delivery of justice through the courts of our country. I would like to draw the attention of my colleageus and the public to Prof. Dennis Dorin's article, "Tom C. Clark: The Justice as Administrator," published in the January 1978 issue of Judicature.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOM C. CLARK: THE JUSTICE AS ADMINISTRATOR

(By Dennis D. Dorin)

(NOTE.—Tom Clark's concern with effective judicial management was demonstrated through his approach to opinions and decisions.)

Every close observer of the American legal system is familiar with the late Justice Tom C. Clark's Herculean efforts in the cause of effective judicial administration. No one ever gave more of himself to its achievement.

Justice Clark was one of the main forces behind the establishment of the Federal Judicial Center, serving as its first director; one of the founders of the National College of the State Judiciary; and chairman of the board of the American Judicature Society. The bench and the bar recognized him as perhaps the single most important individual in the country when reformers sought support for new court rules to streamline proceedings, innovations to diminish backlogs, or approaches to bring more dignity to traffic courts. His contributions are legendary; surely he was a "travelling salesman of justice," as John Paul Frank once said.[1]

Yet, apparently, no student of the courts has considered the relationship between Justice Clark's interest in effective judicial administration and his approach to the decision of cases. In a very real sense he had two careers, one as a reformer of judicial institutions and the other as a Supreme Court justice and judge, at one time or another, of every one of the United States circuits. His position as associate justice immeasurably helped him bring improved management techniques to the judiciary; it provided an incomparable pulpit and base of operations. But did his concern with administration also influence his judicial decision-making? An answer may be found in his conception of the justice's role.[2]

TWO POSSIBLE ROLE MODELS

A vigorous national debate attended Attorney General Tom Clark's appointment to the Court in 1949. Proponents and opponents of his nomination clashed over such issues as his ideology, competence, independence of thought and judgment, and compatibility with the other justices. Throughout the heated exchanges among politicians, members of the bench and bar, and reporters and columnists, however, virtually no one attempted to articulate the appointee's conception of the judicial function.

Instead, the part of the controversy that came closest to this issue related to whether he possessed a "judicial temperament." Newsweek answered affirmatively, calling him "serious-minded, candid, and forthright."[3] Senator Lyndon Johnson found that Clark possessed not only "intelligence, integrity, consistency, rare courage, and complete honesty," but also the ability "to divorce the cause of justice from the ties of sentiment." Johnson felt Clark also had the "warm compassion" for, and understanding of, the problems of contemporary society which were "indicative of a true judicial temperament."[4] Former Secretary of the Interior Harold Ickes, however, argued that the Supreme Court required legal learning, wide vision, and intellectual qualities which, "if possessed by Clark, [had] never been capable of detection."[5]

In the weeks between his appointment and confirmation, the attorney general did not expound up his future role. When he accepted the nomination, he said little more than that he considered it an honor and the greatest possible challenge for a lawyer. Since he was not called to testify before the Senate Judiciary Committee, he next spoke publicly about his new position when he was administered the oath of office.

But even though few people knew it, Clark had spoken in a revealing fashion about a Supreme Court justice's responsibilities and duties scarcely a year before his nomination. During the attorney general's traditional tribute to departed justices, (in this instance, Justices McReynolds and Stone), Clark not only made a vivid contrast between McReynolds' and Stone's conceptions of their roles, but also delineated criteria by which he would personally assess a justice's performance.

McReynolds' character and philosophy, Clark contended, showed "a rigid righteousness, an unyielding determination, and an unshakable stability." His code of honor was "inflexible and unyielding." Thus, McReynolds experienced the "greatest difficulty" in moderating his expression and tolerating those who opposed him. His concept of the judicial function did not require him to adapt his positions to the demands of a changing society. In the face of social and political change, he "remained an enduring rock of fixed location, a philosophical bench mark from which a historian might survey the past or future temper of the nation."[6]

But the source of Stone's greatness, Clark asserted, was his flexibility. Stone did not consider the law "an absolute," but an institution designed to meet human needs. Stone thus believed that a justice should take "an open-minded, dynamic approach to the law." He should use all the intellectual force he could muster when he attempted to persuade his brethren to adopt his position on a controversial issue. If he were unsuccessful, however, he should also possess sufficient impartiality to abide by a contrary interpretation of the law.

This "lofty conception of the judicial function" could only have been expected of a man who was moved most in "his judicial life" by a "feeling of humility, accompanied by a clear understanding of what he conceived his task to be. . . ." Chief Justice Stone's conception

Footnotes at end of article.

of the responsibilities and duties of a justice, Clark concluded, should serve as "a model for all who [might] follow him." [7]

THE NEED FOR A MODEL

Did the new justice need such a model? Could he simply continue to make decisions in the same fashion as he did as head of the Justice Department? The positions of attorney general and justice, Clark wrote two decades later, were very different. The task of the attorney general, the President's lawyer, was to develop legal arguments in defense of the chief executive's actions. His staff would perform much of the technical work involved, and the courts would decide whether his interpretations of constitutional and statutory law prevailed.[8]

As a justice, however, he "just had a different feeling" toward his office.[9] He represented no client; he had to confront legal questions solely on their merits. In place of the hundreds of lawyers he could have drawn upon at the Justice Department, he was provided with two law clerks, a secretary, and a messenger. He had to work largely on his own in deciding thousands of issues. Finally, he had to live with the realization that, in many instances, his court would have the final say in the interpretation of the Constitution; for the great majority of litigants who came before the Court—many as defendants in capital cases—its decision marked "the end of the road." [10]

The positions of attorney general and justice were so different, he concluded, that a former attorney general might need five years to become adjusted to the Court's processes, as Justice Jackson once noted.[11]

His appointment thus confronted him with a situation in which he was required to develop a new definition of his policymaking role. Justice Clark needed a relatively clear concept of the kind of behavior expected of him—a set of more or less explicit norms by which he could assess his performance.

Did Stone's approach light the way? Or was McReynolds a better guide? Did any criteria govern his use of the vast discretion he possessed as a justice: Or did he decide each case as it came? And did his profound interest in sound management principles for the courts find expression in his opinions and decisions?

CLARK'S THREE PRINCIPLES

Justice Clark never fully expounded upon the central principles of his conception of his role in a single opinion, address, or law review article. But through seminars and interviews following his retirement, he presented a detailed explanation of the standards that he believed had governed his decision of cases. Three principles, he said, had guided him in his years on the Vinson and Warren Courts.

1. His primary tenet was that obedience to the law was the foundation, indeed, the "salvation" of the American constitutional system. Civil rights and liberties could not be protected if citizens disobeyed the law. When the courts determined a legal issue, everyone, even those conscientiously opposed to the result, was bound by their decision.[12]

This principle applied in no less force to judges and justices, who symbolized "the law" in the eyes of the citizenry; they were the "present embodiment of [the community's] ideal of justice." [13] The last thing they should do was to show contempt for the law themselves. Yet, when a justice dissented term after term from the Court's application of one of its doctrines, he refused, in effect, to abide by one of the court's decisions—he held himself above the law.[14]

For this reason, Clark explained, he developed his "no-subsequent-dissent" rule.[15] He would only dissent from a precedent with which he disagreed during the term in which it was established. After that it was "the law of the land," and he was bound by it, as any other citizen. He thus had no choice but to apply it to subsequent cases.[16]

This view was hardly embraced by all of his brethren. When Justice Black thought a precedent was wrong, for example, he could dissent every time the Court applied it. "Hugo thought he ought to preserve his position," Clark noted, believing that if "you no longer dissented, you couldn't maintain your identity" as a rallying point for allies. But Clark said that when a justice carried on a dissent term after term, he was "like a bull in a china shop," causing "more dissension than ever." "I'm a very simple guy," Clark concluded, "I'm not above the law." [17]

2. This first principle did not require him to adhere blindly to "settled" precedents, however. From his first day on the Court, Clark considered the law "an agency of society to be shaped with conscious recognition of the interests of those whom it must serve. . . ." He had always thought adjudication was a "dynamic process," one which required the "adjustment of legal [rules] to change." [18]

Hence, if a doctrine embodied unsound public policy, he could rightfully seek to overturn it. He could dissent against it during the term in which it became law—when the Court still had jurisdiction over it. He could attack it again as he concurred in its application to future cases. Of crucial importance, he could work behind the scenes to persuade at least four of his fellow justices to overrule it. His "no-subsequent-dissent" rule was in no way violated if he marshalled a majority of his brethren in support of a decision which overturned a precedent and established another in its place. Such a course of action did not flout the law; it simply changed it.

3. Clark contended, however, that it was one thing to reject a precedent in explicit terms and quite another to overrule it by implication. If the Court thought that a case should no longer control, it should say so in no uncertain terms. "Certainty in legal rules" was essential if the law were to be enforced fairly and effectively,[19] and every justice should write opinions which clearly defined the Court's doctrines for the courts below. A confused, unduly complex or subtle, or otherwise ambiguous holding signaled a justice's failure to fulfill this obligation.

Such a performance also reduced the Court's effectiveness. The justices could draw upon neither the purse nor the sword in their attempts to implement their policies. Nor could they employ public relations firms to "sell" their decisions to the citizenry. All they could rely upon was the persuasiveness of their opinions. The Court could influence the course of the government only so long as it treated the cases before it with sound logic and clarity. "I've heard people say that it's pretty severe when you overrule cases, so how about softening the blow," Clark once said, "but I'd rather overrule them more forthrightly. I believe in going ahead and cutting the Gordian knot. Why prolong the agony?" [20]

Hence, upon his retirement from the Supreme Court and at the outset of his ten-year career of deciding cases on the circuits, Justice Clark had defined what he considered to be the key elements of his role. He had stated principles which harmonized significantly with those he had ascribed to Stone some twenty years before. Had they, in fact, been important considerations to him as he participated in the Court's decision of cases? And if so, what relationship might they have had to his efforts in the field of judicial administration?

THE JUSTICE AS ADMINISTRATOR

Clark's conception of the judicial function clearly played a very significant part in his Supreme Court decision-making. His opinions, from his first to his last term on the Court, contained explicit invocations of his "no-subsequent-dissent" rule.[21] In accordance with his second precept, he did not hesitate to overrule past precedents as soon as he had his majority.[22] Following his third principle, he attempted to refrain from *sub silentio* overrulings, exhorting his colleagues to do the same.

Clark believed his approach comported well with effective judicial administration. The Court formulates rules for the entire American legal system. It not only deals with very complex matters in its cases; it also establishes rules for a vast array of societal institutions. Thousands upon thousands of individuals must implement its decisions and opinions, so its doctrines run a high risk of distortion as they are communicated to, and interpreted by, the lower levels. The Court should do everything it can to convey its message effectively.

Clark contended that his three principles helped fulfill this task. If every justice followed his "no-subsequent-dissent" rule, the Court would speak with one voice in many more cases. Obedience to his second principle would wipe unsound precedents from the books as soon as possible—before they could do further damage. Adoption of his precept against *sub silentio* overruling would help keep the Court's rulings sharp and clear.

Clark believed that a justice concerned with effective judicial management could build upon this foundation. He could, for example, keep his opinions short; succinct, to-the-point statements of the law had a better chance of being understood and implemented. He could also strive toward uniformity, ensuring, for example, that fundamental guarantees of the Bill of Rights had the same meanings at the federal and state levels. Finally, he could work to keep the law responsive to changes in society. The legal system had to be constantly revitalized, and the Supreme Court inescapably played a major role in that process. A justice thus had to be intimately concerned with each new era's threats and challenges to, and opportunities for, the development of an increasingly more civilized body of law.

THE PRINCIPLES IN ACTION

The coherence in what Clark was attempting to do—his unity of purpose—was well demonstrated in his concurring opinion in *Irvine* v. *California*.[23] In this case, state police, suspecting Irvine of gambling offenses, had illegally and secretly entered his home three times, setting up and adjusting electronic surveillance devices. This permitted them to secure evidence which supported his conviction, while eavesdropping on the most intimate aspects of Irvine's and his wife's lives for over a month.

For Justices Frankfurter and Burton, this evidence could not be used against Irvine at his trial. It was obtained in violation of the Court's "shock-the-conscience" doctrine through tactics which—although involving no physical coercion—offended general principles of fairness and decency under the due process clause. For Black, joined by Douglas, Irvine's conviction had to be reversed because the California authorities had violated the defendant's safeguard against self-incrimination.

Douglas also contended, for himself alone, that Irvine was entitled to a new trial because he had been the victim of an unreasonable search and seizure, and the prose-

Footnotes at end of article.

cution could not use the evidence so obtained. Douglas conceded that his position was not the law of the land under the governing case of *Wolf* v. *Colorado*,[24] but reiterated a stand he had taken many times—that *Wolf* should be overturned.

Justices Jackson, Warren, Reed and Minton, however, saw the case differently. The "shock-the-conscience" test, they said, only applied to cases in which law enforcement officials engaged in physical brutality, and the protection against self-incrimination had never been held to apply to state trials. Finally, they stated, *Wolf* was the law of the land; it did not require the use of an exclusionary rule in the courts of California.

Thus, Frankfurter, Burton, Black, and Douglas, sought a reversal of Irvine's conviction, while Jackson, Warren, Reed, and Minton sought to affirm it. In the context of this melange of conflicting opinions, Clark presented a two-page concurrence vividly demonstrating his approach to the judicial function.

CLARK'S CONCURRENCE

Parting company with Jackson, Warren, Reed and Minton; Frankfurter and Burton; and Black; and providing support to Douglas, he declared that had he been on the Court when *Wolf* was decided, he would have concluded that the Constitution did apply an exclusionary rule to the states. But the majority chose not to do so then and it held to that decision in *Irvine*. Hence, in a clear recourse to his "no-subsequent-dissent" rule, Clark concluded that *Wolf* remained "the law and, as such [was] entitled to the respect of the Court's membership."

Therefore, he could not hold the fruits of the electronic surveillance to be inadmissible and reverse Irvine's conviction. Although he also found the police tactics in *Irvine* to be outrageous, he like everyone else was bound by *Wolf*. But, he noted, he invoked the *Wolf* doctrine with "great reluctance," hoping that strict adherence to it might "produce needed converts for its extinction." [25]

Clark's resort to his first principle—the "no-subsequent-dissent" rule—had a significant impact upon the law. Had he voted for reversal, Jackson, Warren, Reed and Minton would have been overpowered by a curious majority which included Clark and Douglas (on the ground that an exclusionary rule should be applied), Black, with Douglas' concurrence (on self-incrimination grounds); and Frankfurter and Burton (by means of their interpretation of the "shock-the-conscience" test). Clark avoided such confusion by means of a concurrence which made it clear to the thousands of judges, law enforcement officials, prosecutors, defense attorneys, and defendants who looked to the Court for direction, that *Wolf* still prevailed.

At the same time, he foreshadowed the use of his second precept, leaving no doubt that he would vote to overturn *Wolf* as soon as he had the requisite majority. Perhaps it was a good idea, he said many times, to apply a bad law to its fullest extent. This court clearly showed its deficiencies and possibly hastened its demise. In much the same spirit, therefore, he voted with Jackson, Warren, Reed, and Minton in the hope that strict adherence to *Wolf* would "produce needed converts for its extinction"—a wish fulfilled seven years later with his own landmark opinion in *Mapp v. Ohio*.[26]

Finally, Clark's concurrence in *Irvine* also involved a clear invocation of his third principle against implicit overrulings. This came into play in his attack upon Frankfurter's and Burton's approach to the "shock-the-conscience" doctrine. Of course, Clark maintained, he could join these justices in their conclusion that "shock-the-conscience was not limited to cases involving physical brutality, and thus encourage their movement to overturn *Wolf sub silentio*. Such a course of action would help to "sterilize" *Wolf* because it would support the position that a conviction should be reversed, and a guilty man should go free, whenever five justices were sufficiently revolted by police behavior in securing evidence against him.

But the promulgation of such a rule would make for such uncertainty and unpredictability that it would be impossible to foretell—other than by guesswork—just how brazen the invasion of the intimate privacies of one's life had to be in order to shock itself into the protective arms of the Constitution.[27]

Such an approach would thus not "shape the conduct of local police one whit." "Unpredictable reversals on dissimilar fact situations" were "not likely to curb the zeal of those law enforcement officials who might be intent on racking up a high percentage of successful prosecutions." [28]

A STEP TOWARD MAPP

Clark's *Irvine* opinion thus embodied obvious recourses to all three of the central principles of his role conception. In this respect, it was clearly in the mainstream of what he considered effective judicial administration. It also coincided with his view of the justice as administrator in several other ways.

First, it was short. It was not an interminable jurisprudential discourse and its language was simple and straightforward. It therefore fit his model for a clear and succinct communication to the persons responsible for its implementation. Secondly, his call for "converts" encouraged the development of identical standards for federal and state courts under the most important provisions of the Bill of Rights—an objective to which he became greatly committed during the later years of his tenure.

Clark's treatment of the *Irvine* case thus harmonized perfectly with his later opinion in *Mapp* holding that the Fourth and Fourteenth Amendments barred unconstitutionally seized evidence from state, as well as federal, prosecutions.[29] The *Irvine* concurrence was similarly in the spirit of his early support for the *Gideon* case,[30] as well as his belated, but passionate, defense of *Miranda v. Arizona*.[31] In a legal system governed by the same constitutional principles, fundamental civil rights and liberties had to mean the same thing in all jurisdictions.

Finally, Clark's *Irvine* views appeared to be in the flow of the societal forces which would culminate in the "Warren revolution." As a step toward *Mapp v. Ohio*, it brought the law closer to the day when, for all Americans, the constitutional safeguard against unreasonable searches and seizures would not be an "empty promise." [32] Clark could thus look upon his performance in *Irvine* as a significant moment in the modern development of civilized legal standards.

Justice Clark's decisions in cases such as *Irvine* were neither erratic nor inexplicable. They revolved, to a considerable extent, around the three principles he considered to be central to his role—complemented by others which he also thought would bring more effective administration to the federal and state judiciaries. His orientation was, in profound ways, modeled in accordance with the Harlan Fiske Stone he depicted in his 1948 tribute. His work evidenced an "open-minded, dynamic approach to the law. . . ." His behavior, as reflected in the rich fabric of his votes, opinions, articles, addresses, seminars and interviews, demonstrated that he was faithful to his own explicit standards of proper conduct and unwilling, as he saw it, to put himself above the law.

FOOTNOTES

[1] John Paul Frank, THE WARREN COURT 77. New York: The Macmillan Co., 1964.

[2] For the purpose of this work, a person's definition of his role is his set of normative expectations (or evaluative standards or principles) in regard to what behavior is appropriate for the incumbent of his position. See, e.g., Theodore R. Sarbin, *Role*, in XIII THE INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL SCIENCES 546, ed. by David L. Shields. New York: The Macmillan Co., 1968.

[3] *National Affairs—The Presidency: Mr. Justice Clark*, NEWSWEEK 14. August 8, 1949.

[4] *Hearings on the Nomination of Tom C. Clark Before the Senate Committee on the Judiciary*, 81st Cong., 1st Sess. 2 (1949).

[5] Harold L. Ickes, *Tom Clark Should Say, "No Thanks,"* THE NEW REPUBLIC 11. August 15, 1949.

[6] *Proceedings in the Supreme Court of the United States in Memory of Mr. Justice McReynolds*, 334 U.S. v. XVII-XIX (1948).

[7] *Proceedings in the Supreme Court of the United States in Memory of Mr. Chief Justice Stone*, 333 U.S. v, XIII-XVII (1948).

[8] Tom C. Clark, *Reminiscences of an Attorney General Turned Associate Justice*, VI HOUS. L. REV. 623–628 (March 1969).

[9] Bernard Hurwitz, *Nixon Can't Mold Court, Justice Says*, The Daily Progress (Charlottesville, Virginia) § A, at 2. January 10, 1971.

[10] Clark, *supra* n. 8 at 627.

[11] *Id.* at 626–628.

[12] The statements in this paragraph are from remarks by Tom C. Clark during a seminar sponsored by the American University's Washington Semester Program, United States Supreme Court Building, Washington, D.C., May 5, 1970; and Tom C. Clark, *The Judge and the Public*, XXXIX J. OF THE ST. B. OF CALIF. 89 (January-February, 1964).

[13] Tom C. Clark and Ramsey Clark, transcript of their appearance on NBC–TV's "Meet the Press" program (April 19, 1970). Merkle Press, Inc., Washington, D.C. at 10.

[14] Tom C. Clark remarks during a seminar sponsored by the American University's Washington Semester Program, United States Supreme Court Building, Washington, D.C., May 18, 1971.

[15] Justice Clark did not give this principle a specific name. "No-subsequent-dissent" rule is my term.

[16] Clark seminar, May 5, 1970, *supra* n. 12.

[17] All of the statements included in this paragraph are from Tom C. Clark, personal interview with Dennis D. Dorin, United States Supreme Court Building, Washington, D.C., August 15, 1973.

[18] The quotations in this paragraph can be found in Tom C. Clark, *Dynamic Process*, XIII Texas B.J. 410, 411 (August, 1950).

[19] *Id.* at 410.

[20] The statements in this paragraph are from Clark interview, *supra* n. 17.

[21] See, e.g., Cassell v. Texas, 339 U.S. 282, 296 (1950) (during Justice Clark's first term) and Wade v. United States, 388 U.S. 218, 243 (1967) (during Justice Clark's last term).

[22] The most obvious example of this recourse to his second principle is his majority opinion in Mapp v. Ohio, 367 U.S. 643 (1961).

[23] 347 U.S. 128 (1954).

[24] 338 U.S. 25 (1949).

[25] Statements in this paragraph can be found at 347 U.S. 128 at 138–139.

[26] 367 U.S. 643 (1961).

[27] Irvine v. California, 347 U.S. 128 at 138.

[28] The quotations in the last two lines of this paragraph can be found at 347 U.S. 128 at 138.

[29] 367 U.S. 643.

[30] Gideon v. Wainwright, 372 U.S. 335 (1963).

[31] 384 U.S. 436 (1966).

[32] 367 U.S. 643 at 660.

BARBARA FRANKLIN AND CARCINOGEN POLICY

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. MARTIN. Mr. Speaker, faced with a confusing and anxious array of charges that saccharin, hair dyes, coffee, natural foods, and even anxiety itself can cause greater cancer incidence in test animals, the public and the Congress are understandably bewildered. Are we helplessly overexposed to a carcinogenic environment? Must we ban the food supply and all other chemicals to protect ourselves? Will it help to ban the relatively trivial hazards while neglecting more potent substances on the grounds that industry can be controlled and agriculture cannot—or vice versa?

Or, should we just look the other way?

Amid all this confusion and complexity, one voice of leadership within the Consumer Product Safety Commission is beginning to be heard and heeded nationally. Commission vice chairman Barbara Hackman Franklin has called on the President, the Congress, and all allied regulatory agencies to frame a sensible, reasonable approach to the regulation of substances suspected of causing cancer.

Her approach is sound. She recognizes that there is, after all, a great danger from some substances. She recognizes, as well, that absolute safety, the basic principle of the Delaney Clause that threatened to ban saccharin, is impossible. She recognizes that the public is best served by an approach which considers the relative risk of a substance and also its relative benefits.

It is to acquaint our colleagues, Mr. Speaker, with her sensible philosophy that I submit for the RECORD, the text of an address given in December by vice chairman Franklin to the Town Hall of California:

REMARKS OF HON. BARBARA HACKMAN FRANKLIN

CHEMICALS AND CANCER—A GOVERNMENT SNAFU?

I am very honored to be your guest today and appreciate the gracious welcome.

Town Hall, for many years, has been a barometer of national economic, political and social thought. More frequently than not, the seeds planted here have sprouted broader public discussions, even new directions of considerable significance.

So I approached this occasion carefully, sorting through many subjects to decide which I should devote these moments to.

I started out with two good possibilities and immediately narrowed the list down to five.

One prime candidate was the economy. So as a Harvard Business School "faithful," I consulted with several economists on what they thought I should say. They said there may be a downturn to the upturn in the making, a slowdown of the speed-up and that while the confidence of the business community is shaky, this uncertainty could be replaced with an upturn if only a series of major adjustments and readjustments are made. Hence, I decided not to concentrate today on the economy.

Next, I thought about regulatory reform—another topic of intense concern to this audience and to me. But I scrapped this theme too, since it was only last week that Ronald Reagan reminded radio listeners that it was the Consumer Product Safety Commission which once recalled our own toy safety buttons due to sharp edges and a high level of lead-in-paint.

More seriously, the economy and regulatory reform are timely and important issues, to be sure. But there is another one, equally significant, which I chose to discuss today.

It is the little-understood, thorny dilemma of chemicals and cancer—a problem that may have a devastating impact on millions of people, a problem increasingly central to your own businesses. My contention is that we must find more rational, responsible ways to deal with the issues in pretty short order.

In a real-life twist to what was science fiction, some substances have surfaced as potential hazards not only to the environment but to human life as well.

The rallying cry is cancer, the six-letter word that probably summons more dread and fear in the minds of American people than any other disease.

And with good reason.

In the U.S., Cancer is the second leading cause of death. Among developed nations, it also ranks number two. This year in the U.S. alone, some 900,000 new cases will be diagnosed.

Looking ahead, the situation may be no better. Indeed, it may worsen, due to the long incubation period of the disease and its inclination to strike middle-aged and older Americans, our fastest growing population. Expectations are that we must deal with high iincidence rates for years to come, even if cures (such as those developed for many victims of Hodgkin's disease and childhood leukemia) were announced as we meet here today.

Eventually, according to the American Cancer Society, one in every four of us will develop cancer, and about two-thirds of those who get it are likely to die.

With this background, it is understandable why as a nation, we must make the best possible efforts to get at the root causes and cures and to insist on better diagnosis, treatment and rehabilitation. Three successive Presidents and the Congress have recognized the importance of this work, they have boosted, for example, the budget of the National Cancer Institute, the "Pentagon" of the effort, from $180 million in 1970 to $815 million this year.

It is an expensive proposition. The program is big. But the stakes are high too.

And like so many areas of public health and safety that seem to cost a lot and rely heavily on research, controversy mounts in direct proportion to the rate at which conclusive answers and miraculous cures seem outside our grasp.

One controversy is whether the strategy aimed more at cures than at prevention is lopsided, in view of accumulating evidence that most cancers—perhaps as many as 60 to 90 percent of them—are environmental in origin.

Sixty to ninety percent? It's an astonishing figure, based on the best estimates available.

What are environmental factors? They include smoking, alcohol consumption, diet, exposure to radiation—and a range of chemical and other substances.

What does this mean? It means that more and more, the concern is over potentially dangerous substances in the air we breathe, the food we eat, the products we use and the manufacturing processes we depend upon.

And, more and more, a target of the concern is chemicals.

It was the 1959 cranberry scare which first aroused the public consciousness about environmental hazards. Others followed. Congressional hearings over passage of the new Toxic Substances Control Act sparked some of the current debate. But for most Americans, it was the proposed ban on saccharin earlier this year which brought the message home. With President Carter's recent signing of legislation to delay the ban pending the outcome of further testing, I believe we should expect even more public attention.

Developments along this line are changing the thrust of the battle against cancer. The developments are sending scientists scurrying back to their labs and lawyers back to law libraries. They are provoking Congressional hearings and regulatory proposals in the Federal Register at a rapid clip, and are filling the nation's newspaper columns and air waves with what cynics call the "cancer of the week" syndrome.

Across the board, chemicals and cancer are escalating into a major issue headed toward a full-blown crisis. Public confusion, and the pressures on government and business "to do something" are running at about 75 decibels.

Will this situation result in a government snafu? Frankly, it is too soon to tell.

But it is not too early to make another prediction.

As a nation, we must come to grips with all of the issues and seek solutions that industry can live with, government can live with and most importantly the American people can live with. If we don't, we may well have a bureaucratic snafu. But we will have far more on our hands that that. We will be courting a crisis, even a calamity whose consequences stretch far beyond the banks of the Potomac and into virtually every home, community and workplace.

Why do I say this?

Because what is at stake is the very real possibility that we stand on the threshold of reducing the ominous threat of cancer. At the same time, we face the possibility that havoc is at hand for the $100-billion-a-year chemical industry and for countless other industries which use chemical compounds in a variety of ways—with distinct benefits to consumers.

The hard, cold reality is that even this represents only the tip of the iceberg.

Beneath the surface are technical, political and ethical questions that are highly complex and intricate.

At our agency, the point has been boldly underscored time and time again throughout our first four years. With a staff of 890 and a $40 million budget to deal with far more than chronic hazards, the Commission already has addressed fluorocarbons, lead-in-paint, vinyl chloride, asbestos, acrylonitrile, benzene, and Tris.

It is our struggle over children's sleepware that particularly illustrates the difficulties.

Some years ago, the Federal Government ordered that children's sleepwear be made flame retardant to protect children from serious burn injuries. So it was, with the result that the severity of childhood burns has been reduced.

But concern suddenly arose with charges that Tris, one of the chemicals which industry used to make children's sleepwear meet the Federal regulation, was carcinogenic.

After presentation of substantial evidence (including linking the results of long-range animal tests to human experience) and after serious economic, social, and legal considerations were weighed, the Commission banned Tris last April.

Today, the debate rages on.

Inside the courtrooms and outside, there are those who maintain too much was done by the government and those who complain of too little. Some object to the procedures followed. Others find fault with the substance of the ban; still others, with its implementation.

Judges still are wrestling with questions like these: In proceeding under one section

of the law in order to protect consumers with a minimum of delay, did the Commission violate the due process rights of producers? How far back in the distribution chain can the economic effects of the ban be spread?

On Capitol Hill, companies involved in production of children's sleepwear are seeking indemnity for financial losses suffered when Tris was banned. Bills are pending in the House and Senate.

There's more.

Close on the heels of Tris came allegations that Fyrol, one of the substitutes some companies used in the wage of Tris, also might be carcinogenic.

One major retailer voluntarily removed Fyrol-treated garments from the store shelves. After a public hearing, study by our staff and review of conflicting test results, the Commission determined that we lacked sufficient evidence to ban Fyrol or to require labeling.

All the furor is taking its toll, and to the extent the public is perplexed or annoyed, it certainly is understandable.

The curtain has yet to come down on the safety of flame-retardant chemicals. As a result, it is neither possible nor desirable to write the final reviews. At this point, however, it is clear that the drama, if not a smash hit, is well on its way to a long-playing run.

So it goes, with Tris and many, many other chemical hazards at the Commission and other agencies.

In fact, Federal involvement with chemicals and cancer cuts across many agencies. Eight have principal regulatory and/or research responsibility in this area, to the tune of about a billion dollars, according to my rough estimates.

President Carter has asked the Council on Environmental Quality to review the activities of the various agencies and to make recommendations how they can be done better. Our Commission, FDA, EPA, and OSHA also have agreed to take a hard look at the way we regulate chemicals and how we can work together more closely.

But as Lyndon Johnson said, "The hardest part of government is not trying to do the right thing; the hardest part is knowing what the right thing is."

For all the agencies, the $64,000 question is what does constitute adequate public protection?

There are other questions.

Should there be consistency on the ways agencies move from research results to regulation? Or will this always boil down to a case-by-case situation within the framework of each agency's laws?

How do we reduce delay in the regulatory process yet assure a solid basis for regulation, meaningful public participation and adequate due process?

And another question. Do Federal agencies scrap cost/benefit thinking altogether, as somo suggest?

Simply banning a substance may be the one quick way out now—but it certainly is not an adequate or acceptable answer over the long term.

For example, do the benefits of saccharin for people who are diabetics outweigh the risks of cancer? And what about the substitutes for saccharin such as Xylitol? Are they equally or more dangerous? Finally, what about the impacts of a ban on business and their employees?

My point is that banning a specific substance may indeed be the proper approach. But other factors must be weighed—before decisions are made so that we don't dreadfully shortchange the public health and safety or cause unnecessary economic upheaval.

Then there's the battle of the tests.

As a nation, we're short on tests and testing protocols that are reliable, fast and cheap. Animal tests to determine carcinogenicity can cost up to a quarter of a million dollars each and can take years. Meanwhile, the public health and safety is in limbo, government agencies really cannot do much, and industry's ability to market new, beneficial chemicals can be hamstrung.

Some short-term testing is being used but no one in or out of government is certain just yet how conclusive it is as a basis for regulation.

As a result, each agency has or is formulating its own testing guidelines and criteria. So is industry.

The consequences can be chaotic.

As companies try to evaluate new chemicals on the theory that safety should be tested in the lab and not in the environment, they find no uniform position—in the scientific, Federal or business communities—on what tests should be conducted and how the results should be interpreted. It can be especially bewildering if two or more agencies are focusing on the same chemical—or, as in the case of Fyrol, the same test is used but conflicting results emerge.

Another issue is threshold levels of exposure—in other words, points below which carcinogenic compounds may have no adverse effects on human health.

If there were scientific certainty or even consensus on what these levels are—or even if they exist, decisionmaking for regulators and businesspeople would be easier. But such is not the case, and the mere suggestion of it sends many of my scientific friends up the wall.

One result is that the approach of each agency differs, depending on the specific substance and the provisions of the particular law which apply.

The proposed ban on saccharin, for example, was in accordance with a specific provision of FDA's law, the Delaney Clause, which triggers an automatic ban. The laws administered by the Consumer Product Safety Commission, on the other hand, do not contain a Delaney-type provision. At our agency, regulation must follow a decision of a majority of the Commissioners that a substance presents an "unreasonable risk" of injury, illness or death.

Where do we go from here?

I only wish I could plot an effective course of action which would make sense for industry, government and most of all, for consumers—those who must feel increasingly confused or cynical. And frankly, I'm hard pressed to blame them.

At the moment, products whose benefits consumers have enjoyed, sometimes for years, are headlined as hazards that may be garrotes around their throats. At the same time, they are besieged with conflicting news reports that there is absolutely no cause for concern.

Is nothing safe any more, they ask? Are we victims of over-dramatization by the media? Regulatory overkill or underkill? Industrial conspiracies? Is this the necessary price we pay for living in a highly industrialized society?

I say to you emphatically—that neither I nor any other single individual, agency, company or public interest group has conclusive answers to all of these questions. The issues are much too complex and interdependent and their impact too extensive to expect that the answers are the sole prerogative any one person, organization or profession.

But the questions are good ones, and they underscore the urgency and seriousness of the challenge of chemicals and cancer before us all.

Fundamentally, this strikes at the heart of my major concern.

It is that we in government seem to be talking too much to ourselves and too little with industry and consumers, whose knowledge and concerns may differ—or may be the same. The point is that we're not sure. Industry too is cruising along on its own course—without full consideration of the attitudes and information of others.

It's akin to 30 different acts being performed simultaneously at a three-ring circus which lacks a ringmaster.

Eventually—or sooner I hope, we all must recognize that the heady problems with chemicals and cancer are truly shared ones and that it serves the broad public interest to face them squarely.

So it goes with the solutions, if they are to be sound, equitable and lasting. They too must reflect information and involvement from many sources and in the final analysis, consensus and compromise—abhorrent through these words may seem to some.

This is why, in many public forums, I have called for wide, open and frank discussion of the causes and control of cancer. It is essential that all segments of the public be more adequately informed and actively concerned and involved. Not just when cancer strikes a family member or friend. Not just in reaction to a specific regulatory proposal. And not just when writing a check to support cancer research and related activities, as important as all of these are.

The concern must go much deeper, and the public consciousness and understanding must be raised proportionately.

This is why I have repeatedly urged President Carter to provide the leadership for a strong, sustained and coordinated national commitment to bring the hazards down to size and to help reduce the confusion and uncertainty over cancer and chemicals. With vigorous support from the White House, I believe we can achieve it—and head off the possibility of a government snafu.

The first major step needed was the one the President took—to ask an interagency group to conduct a study and make recommendations. But much more must be done. The next step urgently needed is serious discussion with the scientific, academic and medical communities, business community, the public and the Federal agencies themselves—beginning now. Together, we must explore the issues and suggest sound strategies to deal with them.

This is why I will continue to urge formulation of a national policy on carcinogens with the weight of the White House behind it. Again, government must take the lead responsibility but the policy must reflect the diverse concerns of the public. A policy, developed in concert with the public, should articulate—so that everybody will know—the posture and program of the Federal government in this area and the guiding principles behind it.

At a minimum, I believe a policy must address issues including these: Information needed to regulate cancer-causing chemicals, the tests that should be used, how the results should be interpreted and factors other than public health which should be taken into account.

The policy must recognize the need for flexibility so that developing scientific knowledge can be applied and so that the individual agencies can perform the jobs that the President and Congress expect. Perhaps most of all, such a policy must spell out the magnitude of the problem, the need for adequate consumer protection and for timely, intelligent and informed action to achieve it.

Unlike most who come before Town Hall audiences, I am urging your support—in essence, for more governmental involvement.

Historically, business has resisted the concept of government intrusion—and not without sound reason.

But with chemicals and cancer, this is not the response called for. With this issue and the chaos and high stakes which surround it, more Federal involvement is inevitable and should be welcomed, if it is rational and responsive.

For you, the immediate challenge—and I believe, the opportunity—is to make a serious commitment to working with government. We need actions which serve the public interest and are good business—before the chaos runs its course and before decisions are made when there are no longer good alternatives.

Is there room for voluntary initiatives? Of course.

Government regulation is never the complete answer. That was the name of the game when Congress passed the Consumer Product Safety Act and created our agency and even more recently, when EPA's Toxic Substances Control Act was enacted. The spirit of both, as I see it, is that it is in the public interest and your own economic self-interest to take any precautionary steps needed before products are marketed, not afterwards.

With certain chemical hazards, however, the crux of the issue is precisely what these "precautionary steps" are.

This is why, at this point, more governmental leadership is needed. Serious discussions—triggered by the highest level of our government—could bring perspective, direction and visibility to the need to control cancer. A national policy would establish the framework, lay the ground rules and coalesce the diverse concerns of many Federal agencies, industry and the public.

Not all the scientific evidence to confirm or refute our worst fears is in. But it seems to me that we know enough to know the odds are against complacency or reluctance to work together.

Can we reduce the uncertainty and broad array of issues to a common denominator from which total unanimity will emerge? Maybe not.

But the risks are such that we must try.

RIPOFF OF AMERICAN TAXPAYER

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. DEL CLAWSON. Mr. Speaker, ripoffs are rife in Washington, according to some reports, which portray the culprit as private enterprise seeking to "make a deal" at the taxpayer's expense. But the taxpayer is less informed concerning the more costly Government "ripoffs." In this context it would be well to review the following statistics which have been compiled concerning the Department of Energy which has a staff of 20,000 and a budget of $10 billion:

The budget represents $500,000 per department employee.

It represents $50 for each member of the total U.S. population.

It represents $26,871 for each of the 39,763 wells drilled in 1976.

It represents $58.35 for each of the 181,855,700 feet drilled in 1976.

It represents $3.59 for each barrel of domestic crude oil production in 1976.

It represents $1.67 for every barrel of petroleum products consumed in 1976.

It represents 10 cents for every gallon of gasoline consumed in 1976.

It represents $0.3434 on every barrel of proven crude oil reserves as of December 31, 1976 (30.9 billion barrels).

It exceeds total 1975 capital and exploration expenditures by the petroleum industry to produce domestic crude oil natural gas, and natural gas liquids ($9.4 billion, according to the Chase Manhattan Bank) and it is almost three-fifths of the capital expenditures of all U.S. petroleum sectors in 1975 ($17.7 billion).

It exceeds the 1975 profits of the seven largest oil companies—profits which were called "obscene."

To summarize the administration's Energy Department, in a nutshell, in attempting to protect us from the oil companies' "obscene profits," it looks like Government is going to be collecting some obscene taxes to pay for their DOE.

TASK FORCE ON THE AGRICULTURE EMERGENCY

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. MOORE. Mr. Speaker, today, House Minority Leader JOHN RHODES, and House Republican Research Committee chairman BILL FRENZEL, announced the formation of the House Republican Task Force on the Agriculture Emergency. The minority leader and the Research Committee chairman named me as chairman of the task force, whose objective is to seek solutions to the present crisis facing U.S. agriculture. The work of our task force will be vital—we must meet the agricultural emergency head on and formulate a comprehensive farm program to meet our future needs.

Let me emphasize at the outset: We are not looking for agricultural issues for Republican Party candidates to run on this year. There are plenty of those without looking further for them. What we are looking for are answers to help farmers through the present agricultural emergency.

Republicans have traditionally been the party of agriculture and we will not fail farmers now. We are committed to the preservation of the family farm and unalterably opposed to the administration's unfair food policy which robs taxpayers and farmers alike. Our answers must include means to lower the farmer's costs of production, increase his gross income, and give him greater assistance in a time of crisis.

For whatever reasons, this administration and a good part of the Democratic-controlled Congress have adopted the attitude that the farm problem will somehow go away if we simply ignore it—that we should sit back and see what the farm bill passed last year can do to solve the problem.

The problem will not go away. And there is nothing in the 1977 farm bill to suggest it contains all the answers to the problem.

As you are aware, the House Agriculture Committee last week completed 8 days of hearings on proposals to help farmers through the present agriculture emergency. But the committee has not acted on any of these recommendations. If and when it does, the best we can expect, in my opinion, will be a limited piecemeal approach. Meanwhile, the administration has made it plain that it intends to do nothing.

Unfortunately, the magnitude of the problem calls for more.

During the first year of this farmers' "Peanut Paradise on the Potomac," there has been not only a substantial drop in net farm income but a sharp rise in farm operating expenses. According to the latest Department of Agriculture index, prices the farmer receives for what he sells are 1½ percent under a year ago. Yet, the prices he pays for goods and services, wages for his hired hands, and money for his taxes and interest—all have risen 5 percent over a year ago.

Translated into dollars, farm income averaged nearly $26 billion a year for each of the 1973 through 1976 years. Last year, it dropped to under $20 billion—and the outlook for 1978 is even worse.

As a result, the farmer is caught in an economic vise between rising production costs and falling prices for what he produces. Farm and ranch indebtedness have expanded dramatically while overseas markets for farm exports have tightened substantially. Across America, there is growing concern on the part of the public over the long-range capability of U.S. agriculture to continue to provide ample food at fair prices. Ample production will insure fair prices and that is the only protection for the consumer.

On top of this, there has been a marked shift in U.S. Department of Agriculture's traditional mission, as evidenced by President Carter's fiscal year 1979 budget, which moves USDA away from production, research and marketing emphasis and toward food and welfare assistance and income transfer programs.

There are other problems. For one thing, there is clear dominance by the State Department over U.S. farm export policies. Our grain sales policy is not expanding overseas markets as it should. The administration's sugar policy is in a shambles. There is an overzealousness toward banning protective food additives without adequate testing and without properly considering the impact on farm income and on the availability of meat and poultry products.

In addition, the executive branch is placing curbs on agricultural science and research and education in the face of congressional mandates to expand these fields of endeavor. The USDA has failed to support worthwhile energy programs and, such as gasohol and solar development. There has been a reduction in adequate support for soil and water conservation programs and forestry programs and a failure to meet the agricultural community's need for adequate pest management representation in the council's of Government.

Finally, there is deep concern that agricultural policy is not being determined by the Department of Agriculture but by the White House. All of these trends and policies impact in some way adversely upon agriculture and the farmer, rural communities, and ultimately the consumer.

But more is needed than to simply recount these failures. What farmers and consumers need are answers to the problems. That's what we hope to develop through the House Republican Task Force on the Agriculture Emergency.

Without prejudging what we will recommend, I can tell you this: We plan to concentrate on three immediate areas of need which have been inadequately addressed by the Carter administration. These include ways of boosting U.S. farm exports, means of providing credit relief to hard-pressed farmers and methods of enhancing grain prices.

Overall, what we hope to achieve through this task force is a comprehensive legislative package—not a piecemeal approach—to remedy this problem: one which will provide the farmer with immediate relief and long-range help.

Joining with me as members of this nine member task force are the following:

WILLIAM F. GOODLING of Pennsylvania, WILLIS D. GRADISON of Ohio, JAMES P. JOHNSON of Calorado, ROBERT LAGOMARSINO of California, JAMES A. LEACH of Iowa, RON MARLENEE of Montana, J. KENNETH ROBINSON of Virginia, and ARLAN STRANGELAND of Minnesota.

As you can see, we have a good cross-section of the Congress on this panel—representing rural, suburban, and urban interests from various geographical areas of the country. As I said at the outset, we plan to develop answers to the problems facing the farmer.

To sum it up, the farmers are in real trouble, the Democrat administration is doing nothing and only talking of "survivors," the Democrat Congress will not do enough; so it is up to Republicans to come up with a solution.

THE NEW PRESIDENT OF THE KENTUCKY MEDICAL ASSOCIATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. MAZZOLI. Mr. Speaker, I would like to congratulate Dr. John P. Stewart, the new president of the Kentucky Medical Association.

Dr. Stewart, a radiologist at the King's Daughters Memorial Hospital in Frankfort, also is the director of the Stewart Home School, an institution for the mentally retarded.

During an interview shortly after he assumed office, Dr. Stewart explained that in his judgment, the health-care system needed "a good dose of competition, free enterprise and fiscal conservatism."

Dr. Stewart believes that shortages of trained medical professionals soon will be alleviated as the increased number of students in our schools are graduated. He thinks there is a proper role for the Government to play in the delivery of health-care services to Americans. But, he is apprehensive that the Government might expand outside its appropriate sphere and do substantial harm to the very health-care system it seeks to improve. Many of us share his same concerns.

Dr. Stewart will encounter many problems in his tenure as head of the Kentucky Medical Association. These problems are unavoidable given the complexity of the times in which we live.

But, Dr. Stewart has the best wishes of many for success in the discharge of his difficult duties.

WASHINGTON'S BIG EVIL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. DERWINSKI. Mr. Speaker, Jack Fuller, of the Chicago Tribune's Washington bureau in a special column of February 16, comments on the "hot" issues facing Attorney General Bell.

There is no doubt the Attorney General has become the most controversial cabinet officer (for the time being at least). The subject of this objective column by Mr. Fuller is one that I commend to the attention of the Members:

WASHINGTON'S BIG EVIL: IT TRIES TO DESTROY ITS GOOD MEN

(By Jack Fuller)

If Washington politics were a stock market, Atty. Gen. Griffin Bell's shares would be down sharply in heavy trading.

By firing David Marston, United States attorney in Philadelphia, after being urged to do so by a congressman who had come under Marston's scrutiny, Bell caused a sea-change in opinion.

Newspapers that only a few weeks before had written that Bell had overcome initial skepticism about him, began to write that skepticism was renewed.

Someone even suggested impeachment proceedings.

Bell has a problem, and it is one the rest of us share: Washington politics is a stock market. Political opinion takes wild swings at the slightest provocation. There are power brokers and analysts ready to act as profit-takers at the first sign of weakness. They trade on reputations with about as much concern for them as a commodities futures broker has for grains of winter wheat.

Bell and President Carter did handle the Marston affair badly. But the criticism that mistake touched off goes far beyond this one slip.

Now people are complaining, for example, that it took Bell a long time to find a new Federal Bureau of Investigation chief as if it were his fault that his first choice—Frank Johnson—suffered medical problems after his nomination.

They are also complaining that the Justice Department took too long to get to Korean bribery scandal figure Tong Sun Park, as if United States subpena power reached to Seoul.

Pretty soon they will be hauling out all that nasty business about the exclusive, all-white clubs Bell quit when he became attorney general. When it comes to politics, a man can never put anything behind him.

By any reasonable measure. Bell has done creditably as attorney general. He has found a good man to head the FBI. He has resisted the enormous pressure of the intelligence community to water down protections of individual liberties in the name of national security. His weakest appointee at the Department of Justice—former Deputy Atty. Gen. Peter Flaherty—has left to run for governor of Pennsylvania. Bell has worked toward reform of the federal criminal justice system.

But once he slipped in the Marston affair, criticism coagulated around him to such a degree that he has considered resigning. The scab looks a lot worse than the wound.

One of the real costs of the viciousness of Washington politics is that it deters good people from government service. Who needs to put his good name on the line in the certain knowledge that it can be destroyed unfairly?

Washington drives qualified government servants out. Like Bell, they consider resigning, and some go ahead with it. In fact, there are people in the nation's capital who have made careers out of predicting when a government official is a goner. One of President Carter's mistakes in the Bert Lance case was said around town to be that he did not call on illumnati.

Another cost of Washington's meanness is the diversion of the national debate from important policy questions to more tawdry matters. Even when the case against a political figure is grave and not unfairly mustered, the resolution of his fate overshadows all less personalized concerns. Bert Lance, Wayne Hayes, Wilbur Mills. For a time, the disgrace of each of them stole the show.

If we are lucky, Bell will survive the Marston affair. He might be more cautious about the appearance of partisanship in the Department of Justice, which is always a danger. He may even regain his full and rightful reputation as a decent—though fallible—fellow who has the nation's interests at heart.

But he may bear some scars, too. A certain bitterness, perhaps. A distaste for his job and the personal toll it takes on him. Maybe even a sense of cynicism about government and politics.

Bell is a seasoned public servant, a former federal appeals court judge, who can overcome these natural feelings and move on with the work at hand.

But in the end, the cynicism that the Washington political stock market can produce could become its heaviest cost. If Washington continues to indulge its taste for destroying its servants, it may end up having—not the kind of leaders it needs—but only the mean-spirited servants it deserves.

THANK YOU, "TIGER"

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. FLOWERS. Mr. Speaker, last Thursday evening our colleague, DON FUQUA of Florida, had the pleasure of addressing the large gathering at the Annual American Institute of Aeronautics and Astronautics dinner here in Washington.

DON took the opportunity to issue some formidable challenges to this august body as well as pay tribute to one of the great committee chairmen the House has seen.

I would like to associate myself with DON'S remarks and ask you to take a moment to read this moving tribute to Chairman TEAGUE:

REMARKS OF THE HONORABLE DON FUQUA

We are here tonight to honor the achievement of those people in the aerospace community who have excelled in their chosen field. They represent a select group, within a select community that excel everyday. Few fields of endeavor require the levels of excellence demanded in the aeronautical and space program. And few government expenditures have stimulated such excellence and produced such worthwhile achievements. This audience knows well that our aeronautical and space activities have not only fired the imagination of man but have also provided the highest standards of achievement and improved our daily lives through new technology and its application.

Our space programs are today, after only two short decades, a domestic and international success story without parallel. The ground work has been provided for achievements which were science fiction less than a generation ago. We have a communications industry which has been revolutionized by the satellite—A fact that will be recognized in the awards tonight. We have seen unprecedented involvement in space activities internationally, which now includes 148 nations of the World.

Two decades of success in space and aviation has required leadership second to none. Chairman OLIN E. "TIGER" TEAGUE has been of great strength and inspiration from the start. He continues today to stand in the forefront of those dedicated to a strong and growing national space and aeronautics program. His retirement at the completion of his current term in the House will leave us a legacy of unselfish service to our Nation. Even though he has decided to change his role, we still look forward to his wisdom and continue leadership. Mr. Chairman, I know I speak for a grateful people in saluting your efforts and foresight in building our national space program.

We can take great pride in unprecedented achievements—our exploration of the moon and planets; the creation of an "earth-watch" with Landsat, Nimbus and other earth orbiting spacecraft; the development of Space Shuttle, a whole new breed of space transportation; and the application of space technology to our daily needs. The initiation of Project Galileo will help expand U.S. space science and meet challenges as broad as our Universe. The Space Telescope is envisioned today as mankind's eye to the heavens for the next 20 years.

Appropriately, the Jupiter Orbiter Probe has been renamed Galileo. Shortly after Galileo's discovery of Jupiter's moons by telescope some of his contemporaries made the following pronouncement:

"Jupiter's moons are invisible to the naked eye, and therefore can have no influence on the earth, and therefore would be useless, and therefore do not exist."

Our space science programs were the earliest space efforts to become international in character following the tradition of other international science programs. The last several years have seen a dramatic increase in international participation in earth resources and other satellite services. As I mentioned earlier, a total of 148 nations now have at least some participation in space programs. Obstacles to increasing international cooperative space activities may seem large to some, but the opportunities seem so great that we need to seek new ways to encourage mutuality. We need not give away our skills and talents in the process, but we must recognize that evenhanded give-and-take in international space cooperation will be beneficial and may prove decisive to our national well-being.

The delivery of Spacelab by the European Space Agency will once again confirm a mutual commitment to international cooperation in space. With all of this success, there remains an uncertain future—there remain a number of concerns which affect both our short-term and long-term space efforts.

Substantial opportunities exist in space application and space science—more than we will likely have the resources to undertake. To make rational decisions—establish the real alternatives and act decisively—requires not only advanced planning, but a commitment to the technology efforts required to verify that our choice of alternatives is good. This is the up-front investment we cannot ignore. It is apparent now that space industrialization, solar satellite power, and earth resource systems bring new dimensions to space utilization. We need to undertake the necessary technology program to assure that the benefit of space are realized.

With technology in hand, we must then convert mature research and development programs to operational programs wherever it becomes apparent that the public benefit is served. This is "space" for the good of mankind, Government and industry have had limited experience here, but it is none the less important that we do not erect any artificial barrier to inhibit the flow of benefits from practical space applications.

With all the success of the space program since its inception, we sometimes forget the great difficulties that have been encountered and surmounted. For those few who have never believed that a Space Shuttle would fly as an economical transportation system, let me say that the industry-government-university team is doing a good job.

This year NASA has twenty-five launches planned. Fifteen are for paying customers. They include communications, geodetic, environmental, navigation, meteorological and earth resource, planetary and scientific satellites. But, we must improve our current record. The opportunities are great. The uniqueness of the Space Shuttle offers the promise of satisfying many needs. I have confidence that in breaking new ground, the shuttle will far exceed our expectations.

Much has been said in the last several months about the need for a comprehensive plan for future space activities. Probably not enough has been said about the necessity of setting concrete short and long-term goals for our space program. I have mentioned space industrialization, solar satellite power, and earth resource systems. Educational and medical service satellites also have a place among our future goals. Linked with these goals must also be a commitment of national will to sustain such effort.

With only a few new programs in space science and applications, the risk of bidding for new work has continued to increase. The only answer to that situation is to bring home to the public not just the *value* of the space program, but also the necessity of a space program to insure our quality of life and economic well-being. There is no more important task for those in this room tonight than bringing the *need* for a strong space program to the public and decision-makers in government and industry. Only, with a renewed effort on your part will we realize the benefits, both material and intellectual, that are available to the nation and World.

We must gain a public understanding that disbursing tax dollars to effect social change involves the redistribution of existing wealth, whereas, spending to effect technological change involves the creation of new wealth.

We must convince the public and our Nation's leaders to make investments in the future of our Nation.

Government-sponsored research has produced discoveries that have triggered developments that have enriched our way of life. Advancing technology allows society to get more from the same stock of resources. The American society must not become one that sacrificed its future by striving exclusively for immediate short term gain.

I challenge each of you who agree to find the necessary extra energy and enthusiasm to convey that message.

Thank You.

THE 1978 PRESIDENTIAL CLASSROOM FOR YOUNG AMERICANS

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. BRECKINRIDGE. Mr. Speaker, I would like to take this opportunity to recognize eight young people from the Sixth District of Kentucky who have been selected by their high schools as participants in the 1978 Presidential Classroom For Young Americans. They are: Treacy Regan, Tom Hanna, Charles Halloran, Anne Lamprecht, Travis Patterson III, and George Snyder from Henry Clay High School in Lexington; and Charles Baker and Susan Cohn from Lafayette High School in Lexington.

I am proud that these young men and women have been chosen for their leadership and scholastic excellence to take part in this most worthwhile program. I commend these young Americans on their interest in and dedication to America's future.

MEDIA REPORTS

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. STEERS. Mr. Speaker, media reports state that you have expressed dissatisfaction with Representative CAPUTO and have made extremely serious charges against him, charges which involve his motivation, charges which are clearly prohibited by the House rules, if made on the House floor. I urge you to substantiate these charges or withdraw them.

I note that you stated that Mr. CAPUTO is "trying to propel himself into higher public life." It is my belief that the only basis on which one can propel oneself into higher public life is to render superior service in one's current position. I am glad indeed that you recognize that Mr. CAPUTO is rendering superior service despite your attacks on him.

Mr. Speaker, I am reminded of your strongly partisan attack on Republicans generally in connection with the social security bill. I had many misgivings about the bill but had decided to vote for it, and I did so, but I must say that your attack on my party was not conducive to the end you sought—passage of the bill. We all know that your job includes rallying Democrats to sometimes unpopular decisions. I hope, however, that you will try to remember that you are the Speaker of the entire House, and not the majority leader. I hope that you will remember that Republicans have as genuine an interest in the future of our country as do Democrats, and have a duty to act as the administration's legal opposition.

May I remind you of Representative OTIS PIKE's statement in his witty and hilarious swan song:

> I am tired of pretending that the accumulated wisdom of the ages has been secretly entrusted only to Democratic candidates and Democratic officeholders.

I hope upon further consideration you will induce Democrats and Republicans alike to regard you in the way that you regard the President, so that we can all join and say, "He's one helluva Speaker."

TUITION TAX CREDIT

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. WHALEN. Mr. Speaker, this morning I testified before the House Ways and Means Committee stating my reasons for opposing the various proposals to use the tax code to provide financial assistance to families with students in primary or secondary schools or institutions of higher learning.

In my view, more equitable and more effective ways, such as expanded student grant and loan programs, can be found to achieve the purposes of these proposals.

Mr. Speaker, at this time I would like to share my thoughts on this issue with my colleagues. My testimony follows:

TESTIMONY OF THE HONORABLE CHARLES W. WHALEN, JR., BEFORE THE HOUSE COMMITTEE ON WAYS AND MEANS ON TUITION TAX CREDITS

I appreciate this opportunity to appear before your Committee today to discuss proposals which would grant tax credits for educational expenditures. The measures which have been referred to your panel, Mr. Chairman, fall into two categories. One group of bills provides across-the-board relief, applying to children enrolled not only in institutions of higher learning, but in primary and secondary schools as well. The other extends credits only for the costs of college tuitions.

On the surface, tuition tax credits seem to promise an attractive solution to the shortcomings of existing educational assistance programs. Yet when analyzed in the light of five relevant criteria, this approach clearly is defective.

First, enacting tuition tax credits would be *inconsistent with current public sentiment* which demands *reform* of our tax code. At a time when total "tax expenditures" approximate $124.4 billion yearly, the American people want fewer, not more, tax breaks in the law. It seems to me, therefore, that the Congress should be seeking to eliminate "loopholes," not creating new ones.

Second, tuition tax credits would be *inequitable.*

A. They are exclusionary. They apply only to those who elect, or who are able, to send their children to college or private schools. They ignore those parents who do not opt for a private education for their sons and daughters. They ignore those who cannot afford to send their youngsters to college or to a private school. Finally, they ignore those parents who must maintain college-age children who either do not choose to pursue a higher education or who are unequipped to do so.

B. They benefit most those with higher incomes. The Congressional Budget Office, for example, estimates that under S. 1570 over 60.3 percent of the total benefits would go to families with incomes in excess of $25,000; over 25 percent of the tax write-off would accrue to families in the $40,000 and above classification.

Third, implementing a tuition tax credit plan would promote further segregation of our nation's public schools by encouraging a shift of middle and higher income children to private institutions. We cannot overestimate the important role our egalitarian public school system has played in the progress of this country.

The late James Bryant Conant once described the purpose of education:

"The primary concern of American education today is not the development of the appreciation of the 'good life' in young gentlemen born to the purple . . . Our purpose is to cultivate in the largest possible number of our future citizens an appreciation of both the responsibilities and the benefits which come to them because they are Americans and are free."

To date, we have overcome temptations to separate the brightest or the elite; and in recent years we have made respectable progress toward racial desegration of our public school systems. By increasing federal support of private institutions, we threaten an erosion of local taxpayer support for public education.

Fourth, tax credits for tuition to parochial schools undoubtedly would be *voided* by the courts as not meeting the standards of separation of church and state. The federal courts, in such cases as *Committee for Public Education* v. *Nyquist,* and *Meek* v. *Pittinger,* consistently have held that tax benefit programs for parents of non-public school children are unconstitutional.

Fifth, tuition tax credit, if adopted, would add to an already large federal budget deficit. Federal expenditures for education currently are $11.7 billion annually. Estimates for one-year costs in lost revenue for tuition tax credit proposals range from $1.2 billion (credit for college tuitions only) to $6 billion (across-the-board credits). In the light of existing federal expenditures for education, plus the fact that tuition credits would benefit principally those who already can afford to send their youngsters to the schools of their choice, such an addition to the deficit appears inappropriate.

Mr. Chairman, after examining the effects of the tuition tax credit proposals, I am convinced that this approach does not merit positive action by the Congress. I believe we can find fairer and more effective ways of providing financial assistance to middle and lower income families which are burdened with heavy educational expenses.

REV. JAMES J. HOGAN

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. MURTHA. Mr. Speaker, I would like to call to your attention the action taken by the Most Reverend James J. Hogan of the Altoona-Johnstown Catholic Diocese during last July's disastrous flood.

Bishop Hogan entered the flooded Johnstown area immediately after the waters hit. His presence in the midst of so much devastation served as an example to those of all faiths. He walked through all areas of the city, under the most hazardous conditions, to console numerous disaster victims.

During the initial disaster stages, Bishop Hogan coordinated the social services of the Catholic Church. Through his efforts 220 tons of food and cleaning materials were brought into the neighborhood relief centers of the stricken area. These supplies served as an important supplement to the centers' stocks and enabled many to receive adequate materials.

After the enormous needs of the early disaster period were met, Bishop Hogan quickly took action to provide assistance with the rebuilding effort. Through his leadership, approximately $600,000 were raised within church circles to help provide for community needs on a nonsectarian basis. His example served to inspire other community and religious organizations to contribute financial assistance to the recovery movement. The local Community Chest put in $250,000 and the Lutheran Relief Services contributed $10,000.

I feel that the leadership exercised by Bishop Hogan is worthy of special notice. I hope his actions will be emulated by other community leaders if they are confronted by similar problems.

LITHUANIAN INDEPENDENCE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. HYDE. Mr. Speaker, on February 16, Lithuanians throughout the world commemorated the 60th Anniversary of the Declaration of Independence of Lithuania. Tragically, after only two decades of independence, Lithuania again fell under Soviet domination during World War II, and was declared a constituent republic of the U.S.S.R. in August 1940. Following the German attack on the Soviet Union 10 months later, Lithuania was in Nazi hands until reoccupied by the Soviet Army in 1944. When the tide of the war turned against Germany, Lithuania returned not to independence, but to Soviet domination.

Many of us who viewed the CBS movie concerning the plight of Lithuanian seaman, Simas Kudirka, on January 23, were reminded of just how desperately the people of the Captive Nations yearn for freedom. We know from the treatment that Simas Kudirka received when the United States denied his first request for asylum and he was returned to Soviet authorities, that the Lithuanian people are in no position to buck authority and demand their human rights. Those that do are quickly shipped off to Siberia or executed. Close relatives and friends of dissidents may well be persecuted and subjected to unconscionable acts.

Since the people of Lithuania cannot speak for themselves, we in the free world have an obligation to speak for them; we must demand their human rights. As the leaders of the free world, to do less would be an unconscionable act on our part. Americans of all nationalities must join with Lithuanian Americans in their fight to restore freedom and independence to their homeland.

The suppressed people of Lithuania continue to look to the United States as a symbol of justice and hope. We must not retreat in our fight for human rights in the world, for to do so would be to repudiate the principles on which our own Nation was founded.

IT'S NOT ONLY THE NEWARKS

HON. HELEN S. MEYNER
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mrs. MEYNER. Mr. Speaker, the problems of the Northeast Corridor are not new to those of us who represent these areas. As a result of the combined efforts of congressional and gubernatorial coalitions, we are insuring that the rest of the Nation is as cognizant of the Northeast's woes as we have been for some time. The litany of reasons for the decline of the Northeast economy is well known—aging housing structures, excessive labor and energy costs, the loss of Federal installations and defense contracts, the increasing attractiveness of non-Northeast areas as locales for industrial activity—these, and other problems, are taking their toll on our Northeast States.

Too often, discussion of the revitallzation of the Northeast focuses on the large, visible cities. The New Yorks, Newarks, Portsmouths, and Philadelphias are the objects of our concern and financial support. Important as that support to large metropolitan areas is, we cannot afford to ignore the smaller urban areas facing the same types of problems. The New York Times has succinctly depicted this issue by focusing on a small city—population 18,000—whose problems are not atypical of hundreds of Northeast towns. These problems are, albeit on a smaller scale, the same as the New Yorks and Newarks. The Times' article, which I am entering for the RECORD, describes not only the problems facing Phillipsburg, N.J., but the State and local efforts to resolve these problems vis-a-vis a partnership.

Of particular interest in the tale of Phillipsburg—my hometown—is the commitment of the State and town officials to the restoration of the city through a rejuvenation of its existing facilities and faculties. Phillipsburg is coping with modern urban ills without losing its heritage and charm. One look at Phillipsburg is worth a thousand words in a history book explaining the post-Civil War industrialization of America. This heritage cannot be lost as we revitalize the many Phillipsburgs of our Nation.

Mr. Speaker, I hope that the following article will shed some light on the problems facing small, urbanized areas of the Northeast. I would like to commend the many people of Phillipsburg—municipal officials and private citizens—and Governor Byrne for the commitment to the rejuvenation of Phillipsburg. It is a commitment that I share, and I hope that the Federal-State local partnership will not only restore our city, but serve as a prototype for governmental aid to the hundreds of Phillipsburgs in the Northeast:

IT'S NOT ONLY THE NEWARKS

(By Martin Waldron)

PHILLIPSBURG, N.J.—Motorists driving along U.S. 22 in New Jersey will pass a string of charming bedroom towns. None will have more charm than this picturesque river town whose history is entwined with that of New Jersey, but few will have more troubles, for Phillipsburg, in effect, is a small-scale Newark. And there are dozens of other small New Jersey towns in similar straits—their outer wear still smart looking but their underwear fraying.

In Phillipsburg, unemployment is double what it was four years ago. Crime is up. Neighborhoods are declining, and streets have a tendency to fall apart after a hard freeze. The population is static and may even be declining.

Phillipsburg long ago gave up trying to rebuild solely with its own resources and is one of the many New Jersey cities that need special attention from the state and Federal Governments.

A month ago, when Governor Byrne announced that his second Administration would concentrate on rebuilding cities by bringing them more jobs, Newark, Jersey City, and Elizabeth were considered the likely candidates. The troubles in cities such as these are manifest, and a motorist can easily see them. Those in towns like Phillipsburg, however, are not that evident.

The state's new strategy undoubtedly will focus to a large extent on the large cities, but state officials say that the Phillipsburgs will not be ignored.

There are more than 100 towns in New Jersey as large or larger than Phillipsburg, which has a population of 18,000 and 49 of these have 50,000 or more residents. At least half of them are beginning to show signs of wear, including a number of "bedroom" towns in Bergen and Morris Counties.

A state plan to help Phillipsburg, said Robert S. Powell executive director of the New Jersey Economic Development Authority, will probably center around "job retention"—helping the town to keep the industry it has. One of the major obstacles to bringing new industry into any city, large or small, he said, is finding available industrial sites.

"That's a problem in Phillipsburg," said the town's Mayor, John H. Pursel. "We are an old, stable, completely filled town." Phillipsburg is proud of what it has been and may be again, and instead of tearing down the decay and building new structures, "we have attempted to repair what we have," said the mayor.

The State Department of Community Affairs which acts as a liaison between municipalities and the state and Federal Governments, is also being called in to help the Phillipsburgs. Mayor Pursel said his town recently received a $120,000 grant from the state for neighborhood rehabilitation. "We're spending lots of money," he said, in "repairing and redoing."

It has been estimated that almost 10 percent of Phillipsburg's 4,332 residence and 14 apartment complexes are delapidated, and to replace them would cost $20 million.

Phillipsburg is one of 28 New Jersey cities and towns of more than 15,000 population that get special urban aid from the state. Last year, Phillipsburg received $90,000 from this source and another $90,000 from the state to hire policemen.

To qualify for this aid, a city must have more than 15,000 residents at least 350 children in its public schools who come from families getting Aid to Dependent Children funds at least one publicly-financed low-cost housing development and a per capita real estate property valuation below the state average.

The new police in Phillipsburg will deal with a crime rate that is above the state average. The biggest increase has been in the number of burglaries which rose from 146 in 1975 to 185 in 1976. Statistics for last year have not yet been compiled.

Some of the trouble comes from Pennsylvania across the Delaware River, where the minimum age to buy alcohol is 21 years. In New Jersey, it is 18. The police are kept pretty busy handling teen-aged drinkers who come over the river, said the mayor. And there has been some pressure for a teenage curfew.

Phillipsburg's largest employer is the Ingersoll Rand Company, which has made machinery here for years. About 750 persons work for the company. Mr. Powell said the concern's plant and some of its equipment may be getting outdated and that as part of the state's plan to help Phillipsburg, the Economic Development Authority may help the company arrange a low-cost loan if it should decide to remodel.

The development agency borrows money at low interest rates by issuing tax free bonds, and then lends the money to industry. More than $500 million worth of industrial expansion and remodeling has been approved in the last three years by the Authority, and $260 million worth of the bonds have been sold.

Efforts to restore the cities are likely to be made much easier by a system under which the state government in effect will guarantee municipal loans. The state will assure bond buyers that, if necessary, the state will make the payments. This program has established credit for the first time for some cities.

In the long run, one benefits of the city-state partnership to improve life in the Phillipsburgs and Newarks may be a new feeling of togetherness in New Jersey, which has long been conditioned to think of itself as a stepchild of New York and Pennsylvania.

THE 60TH ANNIVERSARY OF THE LITHUANIAN DECLARATION OF INDEPENDENCE

HON. NORMAN F. LENT
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. LENT. Mr. Speaker, on the occasion of the 60th anniversary of their independence, I extend my greetings and good wishes to the brave and freedom-loving people of Lithuania.

It was 60 years ago, on February 16, 1918, that the Lietuvos taryba or Council of Lithuania met in Vilnius and declared the existence of an independent state free of ties to all other sovereignities. But apart from two short decades, those 60 years have not been free and independent ones and it is time to step back and reflect upon the plight of the people of this courageous nation.

History has not been kind to Lithuanians. Unlike the long period following our own liberation when we were isolated from would-be aggressors and free to direct our energies toward building a strong and unified nation, the people of Lithuania had to build their nation under the shadow of neighboring totalitarian regimes. After only 22 short years, German and Soviet aggressors besieged Lithuania's eastern and western boundaries. Although the stalwart Lithuanians had repelled attempts at colonization many times, these brave people could not defend their country against a major onslaught by two mighty countries. The defeat of Hitler's forces left the struggling Lithuanians in Soviet hands. The clever Soviets, who had employed their covert subversive tactics to undermine the independent structure of the Lithuanian Government since Russian troops had entered Lithuania in 1939 were quick to absorb the ill-fated citizens. Without deference to the Lith-

uanian sovereign state, the Soviets moved in and engulfed the free territory. They remain there today.

Soviet propaganda would assure the free world that the Lithuanian people are delighted with their satellite status; that Soviet farming and industrial techniques have brought untold economic growth; that the Soviet construction proclaims freedom of speech, assembly, and religion, and that the Lithuanian constitution echoes it. Yet the citizens of the free world know this is a sham. In Lithuania, newspapers and books can be openly published only by communist institutions. For the secret printing of prayerbooks, catechisms, and underground papers, people are thrown into jails or psychiatric wards or exiled to Siberia. The Lithuanian Human Rights Commission prepared a report to the American delegation to the Belgrade Conference stating that not one diocese in Lithuania has its own bishop ordinary. Indeed, two bishops have been exiled from their dioceses. Priests are being jailed and fined for teaching children religion even in church. Moreover, many churches have been converted into warehouses, dance halls, theaters, and concert halls. The consent of atheistic government officials is necessary for the appointment of priests, and all charitable action of the church is prohibited. In many instances, hospital patients cannot even call priests for last rites. In a "letter of the Lithuanians to the Irish" we read: "Inform the world that we Catholics . . . have not even a Catholic calendar, prayerbooks, or catechism; priests are jailed for teaching religious truths. . . ."

On this anniversary, let us seize the chance to assure the implementation of the Helsinki agreements with regard to the right of self-determination and freedom for the people of Lithuania. On this 60th anniversary of the Lithuanian Declaration of Independence, we must speak out about the fundamental human rights which are so routinely denied by the Soviet Union. We of the free world who enjoy the blessings of freedom have not forgotten those who still languish in the shadow of tyranny and oppression. On this anniversary, let us rededicate ourselves to the glorious cause of freedom for all men everywhere. As we pause on this date in solemn tribute to the silent and subjugated status of millions of our fellow human beings, we offer hope, not despair, and faith, not resignation. Let justice and freedom prevail in Lithuania once again.

POINT OF PERSONAL PRIVILEGE RAISED BY REPRESENTATIVE CAPUTO

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. LEACH. Mr. Speaker, I should like to strongly support the point of personal privilege raised this afternoon by Representative BRUCE CAPUTO of New York. In a national television program, the Speaker of the House chose to place his prestige on the line in criticizing the personal conduct, as well as motives, of a young, principled Member of this House.

As a fellow freshman Republican, I can attest to the high integrity of Mr. CAPUTO. I can also attest to the high regard he is held by his peers. All Members of the House are deeply concerned that in the climate of suspicion in which Congress is currently viewed nothing be said or implied about any individual Member which cannot be backed up by fact. The reputations of individual Members, as well as the House itself, are at stake in the Korean probe. The other side of the coin is also true. The Committee on Standards of Official Conduct is charged by the House with a serious inquiry. Nothing should be said or implied about its Members based solely on hearsay. The impugning of the integrity and motives of Mr. CAPUTO only impugns the integrity and motives of the House itself.

NATION'S COAL MINES

HON. DAVID L. CORNWELL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. CORNWELL. Mr. Speaker, I would like to share with my colleagues a letter which I sent to President Carter, UMW President Arnold Miller, and BCOA President Joseph Brennan. I feel that it offers valuable suggestions in reaching an agreement that will resume work in our Nation's coal mines.

The text of the letter reads as follows:

WASHINGTON, D.C.,
February 15, 1978.

President JIMMY CARTER,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I wish to applaud the actions you have taken to renew contract negotiations. I am hopeful that, by bearing in mind the severity of the problems caused by the current coal strike, all parties will make every effort to reach an acceptable agreement.

I want to suggest that one of the first items of consideration be the resumption of coal production under the provisions of the 1974 Contract. Under such an agreement, negotiations could continue in an orderly and deliberate manner without the additional pressures you face in the crisis atmosphere of today. The provisions of any new contract would obviously be retroactive to the date of the initial return to work.

This procedure, I feel, has a number of advantages. It would avoid the imminent invocation of the back-to-work provisions of the Taft-Hartley Act and their potential for nationally disruptive and dividing violence. It would be a compassionate act demonstrating the concern of both bargaining parties for the suffering of the miners and the general population in impacted states and communities. Most importantly, it would forestall a national crisis that could cripple our economy not only immediately, but for years to come.

I hope you will give this suggestion serious consideration.

Sincerely,

DAVID L. CORNWELL,
Member of Congress.

JOINT CHIEFS AND MISCHIEF

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. SYMMS. Mr. Speaker, last week during the debate on the Defense Officer Personnel Management Act, I tried to express my growing concern about the uselessness of our senior officers, especially the Joint Chiefs of Staff, as a source of professional military counsel to the Congress and to the President.

Our senior military officers have been so emasculated by executive practices, and so intimidated by such obvious lessons as the Gen. John Singlaub affair, that they are no longer captains of their own souls.

I deplore what is happening to our military leadership under the carrot-and-stick treatment of the Commander in Chief.

The Joint Chiefs of Staff are no longer the primary military advisors to the President of the United States. They are confronted today with carrying out—or else!—the two most profoundly detrimental decisions of this decade. Decisions made in the heat of a political campaign, without the Chiefs of Staff ever having the opportunity of consultation.

The commitment to withdraw any effective military presence in Korea, and to capitulate our canal to Panama, are so fraught with consequences to our future security, that it is an outrage that it could have been decided without the candid counsel of those in whom this country has invested a lifetime of training to be our best brain bank on national defense matters.

Truth known, I would venture the Singlaub censure was calculated to silence criticism far more with respect to the canal caper than it was aimed at Korea.

And the silence of those top officers who privately state agreement with General Singlaub, does no credit to their character.

In any event, the overriding lesson for us is that the senior military must be protected in their professional performance and witness, from the politically motivated intimidation of their civilian associates and superiors.

One proposal calls for the former chiefs of service to have a lifetime tenure that disqualifies them for subsequent Government appointments. The same proposal regards the selection as a chief of service as the ultimate honor, making further honors superfluous, and possible only by the consent of Congress.

There may be other approaches, but the problem is real and urgent, and begs your earnest consideration.

Peter J. Ognibene, writing in the Washington Post of Tuesday, February 20, touched upon the problem, and I am including his article for your interest:

THE JOINT CHIEFS: A SLOW EROSION OF INFLUENCE

(By Peter J. Ognibene)

It seems a paradox. The defense budget soars to greater heights; yet, the Joint Chiefs

of Staff appear to be losing, rather than gaining, influence within the government.

In an earlier day, generals had personal relationships with presidents. General Douglas MacArthur, in his "Reminiscences," recounts his meeting with President Roosevelt to ask for more money for the pre-war army. Angered at the president's response, the general told him "that when we lost the next war and an American boy, lying in the mud with an enemy bayonet through his belly and an enemy foot on his dying throat, spat out his last curse, I want the name not to be MacArthur, but Roosevelt."

Nowadays, not only is a general unlikely to argue directly with the president, he would probably consider himself fortunate to get to see him at other than wreath-laying ceremonies. MacArthur, Eisenhower and Marshall exerted tremendous influence, shaping not only war strategy but the approach to peace after World War II. By contrast, their counterparts during the Vietnam war found their power severely circumscribed.

After his retirement, Gen. Harold K. Johnson, who was Army Chief of Staff during much of the Vietnam war, met informally with a group of young officers to discuss military and political affairs. He said he would have preferred sending rifle squads into the jungles; instead, large units with heavy firepower and high technology went in. He wanted to discuss his views directly with the president but found that while a California clothing tycoon would get a hearing on the subject, the Army's senior officer could not. On a lesser issue, he suggested doing away with the term "psywar" (psychological warfare) but was overruled because the other services did not want to change their lexicons.

Similarly, in recent years, the Joint Chiefs of Staff have lost a number of critical engagements. Under Nixon, the volunteer army was forced on the Army and Marine Corps. The Navy had to give up future supercarriers during the Ford administration. President Carter shot down the B–1 bomber, the Air Force dream machine of the '80s.

Yet, even though the generals and admirals seem less in control of their own bailiwicks, the budget of the Department of Defense continue skyward. President Carter has requested $126 billion for fiscal year 1979, up $10 billion over this year.

Some of the rise can be attributed to the high cost of modern arms and inflation, but there are other reasons as well—principally, the use of the defense budget as a political weapon.

During James Schlesinger's tenure as Secretary of Defense, for instance, new emphasis was given to limited nuclear warfare. The present secretary, Harold Brown, is funneling more money toward our forces in NATO. What both these decisions have in common is that they are essentially political statements. They are designed more to effect Soviet perceptions than counter Soviet military capabilities.

The men who make it to the top of the armed services are primarily managers, experts in organizing people and modern technology. They have little experience with broad political decisions.

With the rise of the managers, the more charismatic style of military leadership has become an anachronism. Gen. George S. Brown, if he is remembered at all a few years hence, will be recalled less for what he accomplished as chairman of the Joint Chiefs of Staff than for what he said. Though by all accounts a competent officer, Brown made off-the-cuff remarks about Jews and banking that revealed (among other things) a narrowness of experience and perspective that obviously disqualified him from ranging much beyond his five walls.

The military enjoys good standings on Capitol Hill, but that seems to be a reflection of the size of the budget and its economic effect on local constituencies rather than a broad affirmation of the attitudes of its uniformed leaders. Indeed, except for the far right, relatively few members of Congress reflexively adopt the world view of the Joint Chiefs.

So, while the budget of the Pentagon continues to rise and the officers who manage the place climb higher in rank, they seem to be having less and less say about the strategies and policies they administer.

RHODESIAN SETTLEMENT NEAR?

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. BURGENER. Mr. Speaker, one of my most distinguished constituents is Mr. Robert Letts Jones. Mr. Jones was president of Copley Newspapers for some 10 years. I commend his penetrating article on the seriousness of the situation in Rhodesia to my colleagues and to all readers of the CONGRESSIONAL RECORD. His views and conclusions are based on more than 40 years of observing global events. Particularly significant was the time he spent in Europe in 1936 and 1937 covering the Spanish civil war for the United Press and the League of Nations.

Mr. Jones sounds a most somber note of warning to the free world, particularly the United States of America. His vivid impressions were gained firsthand and were written from Salisbury, Rhodesia. His message follows:

RHODESIAN SETTLEMENT NEAR?

(By Robert Letts Jones)

SALISBURY, RHODESIA.—The impression grows here that an agreement for a gradual transition to majority Black rule will be reached in a matter of weeks.

Prime Minister Ian Smith continues to meet regularly with moderate Black nationalist leaders to work out an internal constitutional settlement leading to a one-man one-vote government.

The negotiations are encouraging cautious optimism among the 270,000 Whites and six and one-half million Blacks in this landlocked country. The talks are being held at Government Lodge, a civil service center on the outskirts of the capital.

Is such hope for eventual peace warranted?

A look at the principals in the negotiations suggests a different outcome is likely—that of civil war.

The internally-based Black nationalists convening with Smith include Bishop Abel Muzorewa, 52, generally acknowledged as the most respected, grass-roots Black leader in Rhodesia.

With Muzorewa are the Rev. Ndabaning Sithole, 56, who returned from exile with a pledge of support for a peaceful settlement, and Senator-Chief Jeremiah Chirau, chairman of the tribal chiefs' council.

Not present for the talks, however, are the two rival leaders of the so-called Patriotic Front, Joshua Nkomo, 60, controversial head of guerrilla forces backed by Soviet Russia, and Robert Mugabe, 52, whose guerrillas operate out of neighboring Mozambique. Both leaders direct their terrorist forces from outside this country.

The United States and Great Britain, who have been seeking to impose "a package plan" on Rhodesia for majority rule, have warned that an internal settlement which didn't include Nkomo and Mugabe would not be accepted internationally. A similar threat has been issued by Samor Machel of Mozambique, one of the Front-line presidents.

Yet, one of the significant factors which persuaded Ian Smith in late November to initiate the current talks with the moderate Black representatives was the desire to get international acceptance of a settlement. He had hoped an agreement with the moderate Blacks would remove the basis for sanctions which the United Nations had imposed in 1966. In fact, he must have believed that global recognition at that point would be a mere formality. There can be little doubt that sanctions have limited the country's economy to such an extent that the economy now seems to be in what might be described as "a holding pattern."

So what chance is there for Ian Smith to realize his desire to remove those sanctions by a vote of the United Nations?

Possible answers to that question are discouraging.

Soviet Russia, which is covertly seeking to dominate this subcontinent by having Black guerrillas do its dirty work, would certainly veto any move in the U.N. to relieve Rhodesia of crippling sanctions—unless the U.S.S.R.'s guerrilla allies came to power with a takeover of the government. Otherwise, such use of the veto power would scuttle any internal settlement that did not include the so-called Patriotic Front leaders.

If the U.S. and Britain hold to their announced pledge also to insist on inclusion of Nkomo and Mugabe in any agreement, then this country would get no needed relief from those Western quarters.

So where does that leave Rhodesia?

A target for communist-sponsored civil strife on a scale far beyond that which has been experienced to date from terrorists.

Statements issued by the two militant leaders leave no doubt as to the coming chaos they intend to create in Rhodesia.

In the early 1960s Joshua Nkomo had issued inflammatory calls to drive the Whites out. He had coupled that with a demand for terrorism against any non-violent or non-political Black.

A spokesman for the "Patriotic Front" said in Lusaka, capital of near-by Zambia, in September of last year that "only through armed struggle can our goals be attained. The enemy will be conquered only through the gun."

In August Nkomo said he was prepared, if necessary, "to destroy Salisbury (this capital) in order to win the war of liberation."

Kenneth Kaunda, another Front-line president (of Zambia) from whose country Nkomo directs his guerrillas, declared this past July: "A new Zimbabwe (Rhodesia) can be born only out of the barrel of a gun."

Mugabe's representative in London has made it plain that Rhodesia, if the "Patriotic Front" takes over by force, will have "no parliamentary democracy, no voting and no canvassing (criticism)."

Aware of those threats, Smith and the moderate Blacks in the internal negotiations must still face a question which involves the guerrilla forces of Mugabe and Nkomo. Can the present Rhodesian security force, made up of more than 80 per cent Blacks withstand an all-out attack by communist-directed guerrillas and other allies? Those Black members of the security force have been told that they are on the list of those to be executed if the "Patriotic Front" comes to power.

Before the "Patriotic Front" can assume ultimate victory, however, the long-standing differences, both personal and tribal, between the two leaders, Nkomo and Mugabe, have to be decided. How much of an influence Moscow will exert in resolving that rivalry must be left to the future for decision.

Nevertheless, although the Kremlin is not involved directly in the internal negotiations, that does not preclude the fact that the final resolution of Rhodesia's future could well be made by Soviet Russia.

P. K. van der Byl, this nation's foreign minister, anticipated such a possibility in an interview with me a month ago. He foresaw a new international principle developing out of the global pressures on Rhodesia. He referred to the fact that, if his country were lost to outside forces, then the reality of today's world politics dictated that no country, which was not a super power, could remain independent and nationalistically disposed if it were unacceptable to the Russians.

If the United States and Great Britain hold to their present position that no internal settlement will be recognized internationally without the "Patriotic Front," then a bloody civil war will likely overwhelm any agreement reached by Ian Smith and the moderate Blacks. And the resulting chaos will benefit only Soviet Russia, which cunningly seeks eventually to control southern Africa, with its vast store of strategic minerals and the Cape of Good Hope sea route.

In this situation, U.S. insistence on communist participation in a future Black government contrasts startlingly with the recent State Department statement on Euro-communism in Italy. In that instance, Washington made clear that "we do not favor" communist participation in the new government in Italy.

The dramatic scenario being created in this country, with its outcome considered not in the interests of the Western nations, still could surprise the forecasters of doom. What is thought "inevitable" in foreign affairs can readily not develop because of surprise events which change the course of the "expected."

Nevertheless, an observer in this beautiful capital city can only shake his head in disbelief at the unusual coalition of Washington, London and Moscow to destroy this country, regardless of an anticipated pact between Ian Smith, Bishop Muzorewa, the Rev. Sithole and Chief Chiau. Yet, the three moderate Black leaders are acknowledged as representing the vast majority of Blacks in Rhodesia, while the "Patriotic Front" leaders are believed to represent only a militant minority.

Therefore, although an internal settlement seems possible now, that settlement might not settle anything—except the prospect of terrible strife ahead.

ELECTRONIC MAIL: THE STRUGGLE TO ASSURE A COMPETITIVE MARKETPLACE

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. WHALEN. Mr. Speaker, two subjects that I have commented on frequently during this Congress are electronic mail and the need to foster competition in the telecommunications industry. Ordinarily, these two topics are not discussed together.

However, a recent article by A.G.W. Biddle, president of the Computer and Communications Industry Association (CCIA), does draw an interesting connection between the issues of competition and electronic mail. Mr. Biddle's association represents many of the aggressive new companies that have recently entered the telecommunications and data processing marketplaces.

The Biddle piece, which appears in the January issue of the CCIA's house organ, OnLine, expresses concern that, as we move closer to establishing a public network of electronic mail facilities, the Postal Service may brush aside the innovative new companies in favor of one of the industry giants.

Mr. Biddle makes an interesting case, one which merits our serious consideration. Consequently, I wish to insert his article in the RECORD at this point. The text follows:

VIEWPOINT

(By A. G. W. Biddle)

Seems inocuous enough doesn't it? A simple little Bill that would, on the surface, appear to offer the hope of improvement in our nation's rapidly deteriorating postal service. Entitled the "Postal Reform Act", like the "Consumer Communications Reform Act" or Bell Bill, it too contains a few hookers buried under that simple phrase ". . . and for other purposes."

So far, I haven't run into anyone in either the computer or the communications industries who is even aware of the existence of HR 7700, much less cognizant of the extremely serious ramifications that it could have for the future of the information industry in America.

How so? Section 4 of the bill provides that the U.S. Treasury will fork over from general tax revenues an amount equal to 15 percent of the total estimated operating expenses of the Postal Service for the preceding fiscal year. These funds are earmarked to subsidize post offices that would otherwise be economically unjustified and (here's the hooker) for ". . . the establishment of a research and development program, including the development of systems for the electronic transfer of messages, the annual expenditures for which shall by fiscal year 1980, and thereafter, be equal to at least 2 percent of the annual revenues of the Postal Service for the immediately preceding fiscal year . . ." The staff comments on the legislation show that for 1980 the USPS would be required to spend $300 million and by 1985 would be spending some $500 million per year on "electronic mail" R&D.

Now . . . that raises some very interesting questions, and I believe some very legitimate fears. First, there is no way on earth that the USPS could spend that kind of budget internally, their R&D budget last year was a mere $22 million. They would have to contract it out. Great you say? Not so; for the USPS is under absolutely no rules or regulations requiring competitive bidding. Furthermore, as they are unlikely to have the capability to manage a complex R&D effort of this magnitude, it is highly probable that they would simply turn the money and the task over to a single prime contractor. You may want to take bets whether that would be IBM or AT&T, but it's sure not likely that you would see any other names on the RFP list.

But, that's only the beginning of the game. Having spent close to two billion dollars developing a system, you don't think the good old USPS is going to sit there and let private sector types "cream skim" do you? Of course not. After all, it's not unreasonable for the USPS (or perhaps the US Electronic Service) to deem any electronically transmitted message to be first class mail and properly within the scope of its monopoly charter. The presence of the so-called "private express laws," makes the potential expansion of the Postal Service into EFTS, data communications, and information transfer almost inevitable. These statutes are specifically designed to buttress the postal monopoly by sharply limiting existing and potential competition with Postal Service operations. These laws have, as our readers know, been expansively interpreted by the Postal Service. Indeed, regulations promulgated by the USPS purport to apply to various forms of electronic and data communications.

There are a couple of other hookers hidden under the ". . . and for other purposes" as well. Section 3 places a statutory limit on the amount of Postal Service costs which must be attributable to a specific category of service, at 60%. With 40% of its costs unassigned, the net effect will be that the Postal Service (like AT&T) will find it convenient to subsidize its competitive offerings, such as electronic mail, with its monopoly services—the local letter carrier. That is, if the USPS allows any electronic message movement competition at all.

Which leads to the third hooker. Section 7 of the Bill authorizes legal representation of the Postal Service by its own attorneys or by private counsel. This section will remove the Department of Justice (which along with the Electronic Funds Transfer Commission, the FCC, and others, has opposed the Postal Service's move into electronic mail) as the counsel to the USPS not only in rate cases, but in mail classification matters as well.

H.R. 7700 has been favorably reported out of the House Committee on Post Office and Civil Service and may well come up for a vote in the House during the next thirty days. If you believe, as I do, that this legislation would tend to create a total monopoly in the movement of information electronically and would stifle developments in EFTS, electronic mail, data communications and a variety of other areas, you might wish to write your Congressman relative to Sections 3, 4 and 7 of this Bill.

GUN CONTROL ALTERNATIVES

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. MOORE. Mr. Speaker, rumblings of a renewed drive for stringent handgun control legislation and recent Senate approval of S. 1437 as a means to update the Federal Criminal Code once again focus attention on alternatives aimed toward a reduction in serious crime where firearms are used. Some wish to limit the availability of handgun and ammunition in one degree or another while others choose to increase penalties for the felon who commits a crime with a handgun. This latter alternative is the most recent to be approved by the Senate during floor revision of S. 1437. I strongly support it and oppose the former choice. We have yet to receive a message from the President on gun control, but present indications are that it will include a ban on the private resale of handguns as well as other objectional features found within a gun control bill that became dormant in the last Congress.

These issues are summarized in the following article along with the personal grief felt by one father whose son was killed by a terrorist group. The article appears in the January issue of the New Guard magazine and is written by a constituent of mine, Mr. Donald H. Carpenter of Denham Springs, La. It carries a message which I believe merits examination before any further gun ownership limitation is considered in Congress.

ONE FATHER'S CRUSADE AGAINST OUR RIGHTS

(By Donald H. Carpenter)

In a recent issue of Parade (Sept. 18, 1977), there appeared an article entitled "One Father's Crusade Against Handguns." It tells

the story of Pete Shields, a marketing executive for E.I. duPont, whose son Nick was shot to death in San Francisco in April, 1974. After the incident occurred Mr. Shields decided that the only proper course of action for him was to lead an effective movement for national handgun controls. So he formed the National Council to Control Handguns (NCCH) in Washington, D.C., and went to work lobbying for such controls.

Now, no one can legitimately condone the use of a gun against any innocent person, and certainly Mr. Shield's son is no exception. The individual or group responsible for such acts should be brought to justice swiftly and punished severely. (In Nick Shields's case, his death was attribued to the Zebra Gang, which operates in the San Francisco area.)

But, as with every important political issue, so it is in the case of gun control: the end does not justify the means. More specifically, a moral end does not justify immoral means. And that is the crux of the gun control affair.

Many (but by no means all) of the supporters of handgun control have a completely moral end in mind, i.e., to reduce violent crime. However, the means they would use to reach that end are totally immoral. And Mr. Shields is one of the leading supporters of those means.

I quote from the Parade article:

What Shields and his grass-roots lobby eventually want are federal laws that will restrict the possession of handguns to police, the military, licensed pistol clubs and registered collectors. Yet he has scaled down that long-term dream to realistic dimensions by campaigning for more modest interim objectives.

Generally he favors any measures that will slow down the increasing number of handguns being produced, assembled, and sold in America. Specifically, he wants national registration of handguns, a ban on multiple sales to individuals, and tough screening procedures for every purchaser.

On September 18, CBS' Sixty Minutes carried a segment dealing with the National Rifle Association (NRA). In it, reporter Morley Safer asked why NRA members oppose laws which merely require the registration of all handguns. Because, he answered his own question, they see registration as an important first step toward eventual confiscation of those same handguns. Mr. Shield's views, as related in the Parade article, prove that the NRA's fears are well-grounded.

Clearly, a gun cannot kill someone by itself. It should also be clear that that there are many legitimate uses for handguns, such as self-defense, target-shooting, even hunting. Futhermore, it is obvious that no one is responsible for the death of Nick Shields except the person or persons who were directly involved in committing the murder. I am in no way responsible, you the readers are not, and neither are the members of the National Rifle Association. So why penalize the innocent for the crimes of the guilty?

The Second Amendment to the Constitution states that "the right of the people to keep and bear arms, shall not be infringed." Thus, any governmental action which makes it illegal or more difficult for citizens to obtain guns directly and unequivocally violates one of our basic constitutional rights. Gun control advocates are fully aware of this, and it doesn't faze them a bit.

There are two points on which many opponents of gun control seem to be weakening. The first is simple registration of guns by either the federal government or the various state and local governments. Many conservatives, including William F. Buckley, Jr., have compromised their former hard-line opposition so that gun registration is now acceptable to them. This is pure appeasement of the gun control advocates, a method of buying them off in an effort to avoid greater encroachment upon our rights. It is unacceptable for two reasons: (1) once the government, be it federal, state, or local, has its foot in the door, it never seems to stop, at least not on its own initiative. Registration would open the way for restrictions upon the sale of guns, then a ban upon the sale of guns, and finally widespread confiscation of all or most of the guns in private hands. (2) The government simply has no business knowing whether or not a person owns a gun, how many guns he owns, or what he intends to do with them, until he has committed a crime with one of them. Just as a person's right to privacy must be protected from encroachment by other individuals, so it must be protected from the government as well.

A second area of appeasement among opponents of gun control is the proposed ban on the sale of cheap handguns, or Saturday Night Specials. Unfortunately, the idea is becoming more palatable to many who were at one time opposed to it. This is dangerously wrong. Again, we must ask ourselves: if we allow the government to ban the sale of guns below a certain arbitrary price (determined by the government), how long will it be before that ban is extended to the sale of all guns, regardless of type of cost? Also, cheap guns can be used for self-defense and sporting purposes, although it is perhaps preferable to use those of higher quality.

The point to be made from both of the above examples is that government must be limited to its one proper function of defense of the rights of individuals. Unlike the private citizen, government must always be presumed guilty in any action that does not pertain to protection of individual rights, because any such action must necessarily constitute a violation of those same rights. It's as simple as that, and the issue of gun control provides an excellent example of that kind of action.

The use of pure statistics by the advocates of gun control is extremely misleading, and locks them into a gross inconsistency. For example, Mr. Shields points out that handguns are used in 150,000 robberies and 100,000 assaults each year. Yet there are well over 50 million handguns in the United States. Assuming that 500,000 crimes are committed each year by private individuals using handguns (a liberal figure, even by Mr. Shield's calculations), and assuming that a different gun was used in each case, that means less than 1% of the existing handguns are used in the commission of crimes. To put it another way, over 99% of all handguns are not used for such crimes! Should 99% of those who possess handguns be made to pay for the sins of that 1% who comprise the criminal element? Evidently Mr. Shields and his followers think so.

To further illustrate the point, let me draw a simple analogy. In most large cities, blacks commit far more violent crimes than do whites, not only in proportion to their numbers, but also in absolute terms. For example, in New Orleans, blacks commit roughly 80% of the violent crimes (assaults, rapes, murders, armed robberies, etc.), while constituting only 50% of the population. Does that mean all blacks should be prevented from leaving their homes, except to go to and from work? I think that would be a hideous violation of individual rights. But a gun control advocate would have to say "Yes," or else be so inconsistent in his position as to be totally ludicrous.

There is only one correct solution for the problem of violent crime: the swift apprehension and trial of the guilty ones, along with severe punishment to discourage others. There are many incorrect solutions; gun control is merely one of them.

Guns have always been available to almost anyone who wanted to purchase one. It is only in the last few decades, with the advent of lenient sentences and loopholes in the law which allowed criminals to escape scot-free, that the crime rate has risen so dramatically.

The gun control issue is an extremely symbolic one. Compared with so many other aspects of our personal lives, there are relatively few restrictions on the production, sale, and non-criminal use of guns. The right to keep and bear arms is perhaps the closest we have to an absolute right. Let's make it absolute, by working to repeal what restrictions there are, and by opposing any further regulations that would threaten our freedom. Remember, if guns are taken from private citizens, Big Brother Government will be the only one left to possess them. Frightening thought, isn't it?

MAN OF THE YEAR

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. WAXMAN. Mr. Speaker, the most generous gift that can be bestowed upon one's fellows is that of one's self; time and energy and thought tirelessly devoted to community needs. Nat Jolton exemplifies this gift of self, and he is to be honored as "Man of the Year" for his devotion by the Guardians of the Jewish Home for the Aged, Ida Mayer Cummings Auxiliary at its 49th annual Charity Ball on February 26, 1978.

A popular well-loved man, Nat Jolton has been an articulate and successful spokesman for the Home. As a past president he headed 2,500 business and professional men in the Home's Guardians, and has held, in addition, many other key offices including the vice presidency. Currently he serves as chairman of the public relations and auxiliary liaison committee.

Nat's lively wife, Ruth, has been on the advisory board of the Cummings Auxiliary, of which she is a life member, and a second generation of Joltons is now serving the aged through their sons, Buddy and Jerry.

Nat Jolton was raised on the East Side of New York right after the turn of the century, began pursuit of a legal career at Fordham University and finished his law studies at Tifton College in Georgia, where he passed the bar in 1922. But before he could become a practicing attorney, family circumstances took him to Colorado where, with his late brother, Jerry, he operated a chain of general merchandise stores in a number of small towns. When Nat arrived in Los Angeles during World War II, he was not quite 40 and decided to go back into business. He also committed himself to community service. His years of devotion to the Guardians still left room for other activities; he helped organize the Brentwood Country Club, became active with Temple Israel of Hollywood, and served as a key man of the United Jewish Welfare Fund as well as supporting many other causes of concern to his community. Nat is a strong believer in the dignity of man, and truly can be termed a "Tzaddik," the Hebrew appellation given to a person who is upright and honorable. His erudition and wit, his humanitarian instincts, his love for his fellow man, his never-ceasing efforts to

help others, all combine to prove his fitness to be honored. I ask the Members to join me in extending congratulations and good wishes on this occasion of Nat Jolton's receipt of the Man of the Year Award.

THE CASE AGAINST IDI AMIN

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. PEASE. Mr. Speaker, since last summer, I have been trying to persuade this House that we should take steps to further dissociate our Nation from the genocidal regime of Idi Amin in Uganda. My colleagues, CHARLES DIGGS, JONATHAN BINGHAM, and DONALD FRASER, are to be commended for holding a series of hearings on the whole of United States-Ugandan relations—the first to be held since Idi Amin came to power.

It was my privilege to offer testimony at the second hearing. At that time, I gave a full explanation of why we should proceed to end the U.S. commercial support that greatly aids Amin's survival. Furthermore, I sought to debunk the administration's opposition to my proposals and to expose the moral bankruptcy of the State Department's posture. The text of my testimony is as follows:

I am tempted to speak at length about Amin's tenure as "life president"—How he has managed to reduce one of Africa's most promising countries and most vibrant societies to ruins. However, my task is to persuade you that we should discontinue the support Amin derives from our country. I will confine my remarks to evaluating arguments in opposition and in favor of economic sanctions against Uganda.

It is said that Amin is an African problem to be dealt with by Africans. To argue this point is to ignore reality. While there is little doubt that Amin is a source of anguish and embarrassment to black African leaders, only a few like Nyerere and Kaunda have repudicated him. To explain this is not easy.

Amin is a master of politics as drama. In a post-colonial era, it is understandable how his theatrics embody a certain black nationalist appeal as recently as last summer, he received a standing ovation at the O.A.U. summit in Gabon.

More importantly, many black African leaders are hesitant to deplore the slaughter in Uganda for fear of being criticized for human rights violations themselves. The O.A.U. doctrine of non-interference in the internal affairs of a member nation provides an easy out for a threatening dilemma. The only hope of Africans dealing with Amin lies in their recognition of what much of the rest of the world has already concluded—that Amin is a special case . . . as is South Africa.

It is said that what Amin has presided over in Uganda is reprehensible to the world community . . . that his genocidal policies are crimes against humanity and deserving of United Nations sanctions. Yet, Uganda has escaped international pressure like the arms embargo leveled against South Africa last fall. The U.N. has failed to come to grips with Amin's reign of terror. To expect otherwise demonstrates bad arithmetic and blind faith.

The 49-member African bloc has frustrated any discussion of Uganda. Last March, the African bloc joined forces with other Third World and Communist countries to block an investigation of human rights in Uganda by the U.N. Commission on Human Rights. Little more than six weeks ago, the African bloc once again led the way in tabling the nordic resolution censuring Uganda. Those who would have us do nothing about Uganda are content knowing the U.N. Commission on Human Rights might include Uganda on its agenda next month.

The only semblance of international condemnation of Uganda came last summer when the British commonwealth members in conference censured Uganda in Amin's absence. At that, the resolution was passed only because it did not mention Amin by name. It was approved by acclamation without anyone having to sign his name.

Amin has cowed the O.A.U. and the U.N. This obscures the fact that the West, particularly the United States, has the real power to affect events in Uganda. Increasingly, Amin sustains his hold on power through coffee sales to the United States and a few of our allies. Ruling out military force, it is through economic clout that we can best influence conditions in Uganda . . . as is the case with South Africa. Let us examine the arguments put forth by the State Department and the Commerce Department to justify continued U.S. commercial support for Amin's regime.

It is said that economic sanctions against Uganda would have only a symbolic effect . . . that recent history has demonstrated that sanctions don't work. Most of all, it is said, sanctions against Uganda would be toothless without the cooperation of other states. So the argument goes.

What about symbolic gestures? The State Department asks us to be content with resolutions of disapproval, the closing of embassies and the recalling of ambassadors, while the slaughter in Uganda continues. If these gestures have more than symbolic value, it is lost on me. Moreover, to dismiss a coffee boycott or a trade ban as being of merely symbolic significance fails to take into account the direct relationship between American purchases of Uganda's coffee and Amin's murderous regime.

Amin's Uganda is not like Rhodesia or Cuba, and parallels should not be drawn. Whether Amin would fall from power if he lost his coffee revenue from the West is an open question, but the impact upon him would be severe. Given what is known about the scale of official murder in Uganda and Amin's nearly total dependency on coffee revenue, the burden of proof is upon those who would do nothing. Finally, I reject the notion that our decision to impose sanctions on Uganda must await a prior commitment of our allies to follow suit. That notion has the familiar ring of a self-fulfilling prophecy. There is just as much reason, if not more, to believe that a U.S. coffee boycott or trade ban could serve as a catalyst for international action to hasten Amin's downfall. In fact, since the U.S. buys the lion's share of Ugandan green coffee, it is all the more appropriate for us to take the first step to bring economic pressure to bear upon conditions in Uganda.

Another argument for continuing our commercial trade with Uganda states that economic sanctions undermine the integrity of the GATT agreements. "The U.S. must honor its long-standing commitment to free trade," we are told, "a Ugandan coffee boycott or trade ban would set a bad precedent for our trade policies."

Let me say at the outset that I think unrestricted free trade is a worthy objective. However, to suggest the GATT agreement is sacrosanct and inviolable is misleading. Yes, it is true that adopting economic sanctions against Uganda would constitute a GATT violation. But there already exists ample precedent for the U.S. and other countries to act, when they see fit, on trade matters regardless of GATT obligations.

The Commerce and State Departments make much of our strong support for GATT's non-discrimination clause. However, the historical record since GATT's inception in 1948 contradicts this assertion. Here are but a few examples.

In the early 1950's, the U.S. dropped most-favored nation status for Czechoslovakia—a clear violation of article I of GATT. Even though Czechoslovakia complained, the GATT members retroactively approved the move.

Again, in the early 50's, the Netherlands complained of U.S. violations of GATT with respect to trade barriers for dairy product imports. To the best of my knowledge, this matter remains unresolved.

In 1960, the U.S. unilaterally cut off trade with Cuba. While Cuba never complained to GATT, the violation occurred nonetheless. Either this decision was wrong or some principals outweigh free trade. In this instance, "political principles".

Also in 1960, we were successful in persuading the OAS to approve economic sanctions against the Trujillo regime in the Dominican Republic for its attempted intervention in Venezuela.

Certainly, on other occasions, we have restricted the sale of certain types of technology to Communist countries. Sometimes the coordinating committee (COCOM) within NATO has been utilized in this regard. Even the Carter administration tacitly acknowledged that limited economic sanctions are sometimes justified. Witness the cutbacks in credits and aid to a few countries like Uruguay last year.

Don't get me wrong. I am not seeking to justify economic sanctions with Uganda on the shaky reasoning that it has been done before. I just want to emphasize that such a move would hardly be unprecedented.

There is something much more basic about the free trade argument that bothers me. It is rooted in the notion that the dynamics of international economics and international politics are separate and distinct. I do not argue that, on balance, it does not serve our national interests to try to maintain this distinction. However, our fervor for free trade rhetoric sometimes tends to delude us into forgetting that economic and political motives are frequently intertwined. "Free trade" becomes a principle of convenience to be used to avoid having to make tough decisions in the most trying circumstances, namely Uganda and South Africa. In the case at hand, once the feasibility of economic sanctions against Uganda is dismissed on free trade grounds, our options for coping with Amin are drastically reduced. We are expected to energize an international moral consensus against Amin in a world undistinguished by moral scruples. If we leave the door open to commercial trade with Amin, we neutralize our real power over him and we render ourselves political eunuchs.

The history of our international trade in the past 30 years suggests that we have been willing to forego our GATT obligations under certain circumstances. The exceptions have sometimes been rooted in principle and sometimes not. I am suggesting that in the case of Uganda, not unlike South Africa, there are higher principles involved than blind adherence to free trade dogma.

If we adopt sanctions against Uganda, we would be establishing a new principle in our trade policies. We will indicate that we recognize limits of decency beyond which other governments may not go in their treatment of their own citizens. We will demonstrate that in special cases the Congress will use its authority to insist upon corporate responsibility where it may otherwise be lacking. If we continue to look the other way regarding U.S. commercial support for Amin's regime, we leave the door open to the Hitlers, Stalins and Amins of the future to exploit us in the name of "free trade."

What about the argument that economic sanctions would hurt the very people most in need of help—the Ugandans? This notion reflects a basic misunderstanding of the manner in which coffee is grown and marketed in Uganda. Most Ugandan coffee is sold under Amin's auspices through the central structure of the Ugandan marketing board. The government (Amin) confiscates the coffee when it is harvested and the Ugandan coffee growers seldom, if ever, get paid for their crop. You have already received testimony detailing the pittance that growers receive when paid.

Uganda's coffee production declined by 31 percent in 1976. And the slide continued in 1977. At the same time, Kenyan coffee exports increased dramatically as Amin's officer's smuggled more of their coffee across the border in order to enrich themselves.

Seasoned international cynics and other opponents of sanctions argue that the Soviets, the Libyans, or others will fill the void created by a coffee boycott. This is a hypothesis worth testing. What do we have to lose? I cannot say for certain that these countries will not buy Amin's coffee for their own consumption or resale, but I think it is unlikely. The Soviets' allegiance to Amin is not unqualified, and certain costs would have to be accepted in coming to Idi Amin's rescue. But what if the Soviets do purchase the Ugandan coffee? At least, it would be Soviet rather than U.S. dollars—paying for the Soviet arms that Uganda receives.

We all know what has happened to coffee prices in recent years. It is reasonable to ask what might be the effect of a Ugandan coffee boycott on consumer prices in the U.S. The answer from sources as reliable as the foreign agriculture service within the Agriculture Department is not much. Since Ugnada supplies less than 5 percent of our annual green coffee imports, alternative supplies could be found without much hardship. When pressed, a spokesman for the green coffee association acknowledged that other supplies, even from other African countries could pick up the slack.

A decision to impose sanctions on Uganda should not be made without due regard for the secondary effects on Uganda's landlocked neighbor to the south—Rwanda. A large amount of Rwandan trade is routed through Uganda and the U.S. is the major buyer of Rwandan exports. In fact, Rwanda is presently developing alternative marketing routes to the Indian and Atlantic Oceans.

This infrastructure is supported directly and indirectly by U.S. contributions and loans. Moreover, Rwanda has relied primarily on non-Ugandan routes previously. This suggests that alternative marketing patterns for Rwanda could be developed without much hardship to offset the effects of sanctions on Uganda. At any rate, we could easily provide supplementary transportation assistance to Rwanda until other marketing routes are fully developed.

Finally, I come to the last major argument in opposition to economic sanctions against Uganda—the impact upon Americans still isider Uganda. Frankly, this is the factor that concerns me the most. If anything, Amin has demonstrated himself to be unpredictable. The only real leverage Amin has with us is the well-being of the Americans living in Uganda. As recently as last February, he reminded us of their utility as political hostages.

The potential danger in this regard was recognized as long ago 1973 when the American Embassy in Kampala was closed and all Americans were urged to leave Uganda. Since that time, there have been repeated warnings to all Americans to leave. Recent warnings have been transmitted through official and informal channels. Still some Americans stay. The missionaries stay because of their dedication to their cause and their unwillingness to leave Ugandans in time of greatest need. Other Americans stay because there is much money to be made. The point is that they all stay for personal reasons, and are fully aware of the risks they assume.

We in positions of governmental authority must take seriously our Government's responsibility to provide for the safety of the Americans at home and overseas. Every reasonable effort should be made to ensure the safety of Americans in Uganda. However, there is a point beyond which individuals must assume responsibility for their personal decisions. That point may have been reached in Uganda. I think it has. We must ask ourselves if the presence of the Americans in Uganda who are there of their own choosing will be the governing factor in the whole of United States-Ugandan relations.

Having responded to the arguments for not taking a course of action does not provide a rationale for acting. Let me set forth the main reasons why I am calling for a coffee boycott or trade ban with Uganda.

We have seen examples of when the State Department and the Congress have endorsed deviation from our free trade commitments for political reasons—the Cuuban embargo and the Jackson-Vanik amendment in 1974. This suggests that we value some principles more highly than free trade. I propose that we act upon a new principle: In special cases involving governments characterized by genocide, we as a nation will take all steps to disassociate ourselves from those governments—including economic sanctions. Uganda is clearly a case of genocide practiced as government policy—a special situation which justifies an exceptional response.

Translated into policy-making, both the State Department and the Congress will have to make difficult judgments about when to act in special cases. No longer would it be possible to justify continued commercial trade with an Amin on the grounds that to do otherwise would undermine free trade.

We could provide an answer and a course of action when someone asks: "Are American coffee companies prepared to do business with a genocidist like Amin or Hitler if the price is right?"

An objective evaluation of United States-Ugandan commercial trade suggests that economic sanctions will hurt Amin and hasten his downfall. He is uniquely dependent upon hard currency from coffee exports to ensure the loyalty of his mercenaries and, thereby, his survival. Further, we should not underestimate the psychological impact of a U.S. boycott. In Africa and in Uganda, conditions will determine whether Amin is perceived to be a ruler with a future or without a future. A U.S. boycott could signal that Amin's days are limited, and even if a coffee boycott did not cripple Amin's hold on power, we could take heart in knowing that our country would be using our economic leverage against rather than in support of Amin.

Many Americans believe that there is a double standard at work within our African policies. Defenders of the Vorster government in South Africa are fond of making this point. Whether this allegation has any merit or not is of secondary importance to the fact that its appeal would be quashed if we were to act more strongly against genocide in Uganda.

Another argument in favor of a Ugandan coffee boycott or trade ban is my belief that it could serve as a catalyst for responsible international action to hasten an end to Amin's reign of terror. Once the United States has demonstrated a willingness to withdraw its commercial support from Amin, pressure can be brought to bear upon a few of our allies to follow suit. A coordinated boycott could have a dramatic economic impact upon Amin's government.

In addition to the reasons cited previously taking action to disassociate ourselves from Amin's rule is consistent with our Nation's commitment to justice, liberty and respect for human rights. Our human rights policy is so much empty rhetoric if we fail to act against wholesale slaughter in Uganda.

Finally, we must dispose of the notion that morality must be divorced from our international trade policies in all cases. Otherwise, we will face further dilemmas like the ones confronting us today in Uganda and South Africa. By virtually any standard, conditions in Uganda could hardly get much worse. Any semblance of a working economy has disintegrated. Standards of civil conduct has disappeared. And as many as 300,000 Ugandans may have been slaughtered.

Perhaps Mr. Godfrey Lule, Uganda's former minister of justice who escaped last spring, put it best in a plea to the U.N.: "For the people of Uganda, there is no known behavior or code of conduct that can guarantee personal safety from unwarranted arrest, torture, and murder—fear engulfs everyone, high and low."

The absence of effective action from anywhere in the world reveals the need for some country to demonstrate that it has the means and the will to stand up against Amin's practice of internal genocide. We have the means. It remains to be seen if we have the will.

In conclusion, Mr. Chairman, let me say that we have heard this afternoon an impressive recitation of cold, logical, businesslike and analytical reasons why the United States should not establish a Ugandan boycott.

But, Mr. Chairman, the American people do not react coldly, logically, analytically where tens of thousands of innocent people are being killed. They react with their hearts, and thank God that they do. They will want to disassociate the United States in every way from a murderous regime. They will want to do whatever is possible to end the torture and the bloodshed. When all is said and done about free trade, precedents and GATT agreements, it comes down to this—a trade boycott is the most effective means available to stop the carnage in Uganda.

THE 25TH ANNIVERSARY OF THE NATIONAL JUNIOR CLASSICAL LEAGUE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. MAZZOLI. Mr. Speaker, I read with interest the remarks of the gentleman from Indiana (Mr. SHARP) concerning the occasion of the 25th anniversary of the National Junior Classical League. Mr. SHARP mentioned his belief that the study of Latin and Greek is an important tool in understanding history.

I agree with Mr. SHARP, and I might add that in my own family, the study and appreciation of Latin has been very strong over the years.

My wife, Helen, is a former Latin teacher at Sacred Heart Academy in Louisville. Her own love of the language inspired our son, Michael, to study Latin. He is now a third-year Latin scholar at Gonzaga College High School here in Washington, D.C.

I feel the study of Latin provides not only a strong foundation for the pursuit of other languages, but is in itself a rich mental discipline which benefits its students for their lifetime.

STATE OF TENNESSEE'S VOICE OF DEMOCRACY WINNER THIS YEAR IS LISA KATHRYN STORY OF JOHNSON CITY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. QUILLEN. Mr. Speaker, it is my honor to make available to my colleagues through the pages of the CONGRESSIONAL RECORD the winning speech of the State of Tennessee's Voice of Democracy Contest, sponsored by the Veterans of Foreign Wars.

This fine speech was written and delivered by Lisa Kathryn Story of Johnson City, Tenn.

More than a quarter of a million secondary school students participated in this contest last year—the 31st year the Voice of Democracy scholarship program has existed.

In winning the statewide contest, Miss Story began competing among the students at Washington College Academy, progressing through community and district levels before reaching State competition. After being judged the finest in the State in content, originality, and delivery, Miss Story has brought her speech to the national competition, here in Washington.

Special achievements are a way of life for this fine young Tennessean. Among her honors are a 1975 "most outstanding youth" award, 1977 "business education award" and "American history award," and listings on her school's honor rolls. She has been named to "Who's Who" and the Society of American High School Students.

In her speech, Miss Story states with pride that "America Is Mine"—complete with beauties and flaws given her by each of her citizens: her sentiment that "America will be what I make it" could well serve as the slogan for each of us in this Nation, and particularly, in this Congress.

Therefore, it is with pride in Lisa Kathryn's story, her accomplishments, and her ideals, that I commend to you the winning speech for the Tennessee VFW Voice of Democracy scholarship program:

VOICE OF DEMOCRACY ESSAY

(By Lisa Kathryn Story)

Recently, America celebrated her bicentennial. The festivities which followed stood for 200 years of love and labor on the part of millions of men and women; labor that was both good and bad. Since the Mayflower Compact of 1620, Americans have strived to work together "for our better Ordering and Preservation." As an American citizen, it is my responsibility to be a worthy representative of this historic nation.

Granted, there are times when the nation does not seem worthy of being represented, due to corrupt or unfair government, but I must remember that "we the people" have elected and put them in office. As a voting citizen, it will be my responsibility to take all elections seriously, choose the best man, and see that he is elected. If I do not do my part by voting, I cannot complain later if the wrong or unjust candidate wins the election. There is no excuse for not voting.

As far as obeying the laws, it is quite a temptation to go ahead and do something because "everybody" is doing it, but as a good American citizen and as a Christian, I cannot. The Apostle Paul is noted in his letter to the Romans to say, "Obey the government, for God is the one who has put it there. There is no government anywhere that God has not placed in power." So with me, it is not just a matter of choice to respect my country and her government; it is a commandment.

But America is more than documents and declarations; it is a country of people, working together to make a better world. A country has to be more than just the land and the government. Without the people, without love and concern, a country would be nothing. America will be what I work to to make it.

As a child, I was taught to respect America. Being the daughter of a man who had served in the Armed Forces, I often heard the phrase, "love it or leave it." I whole heartedly support this statement now, as a young adult. After America offers her citizens so much, they could at least respect her. This is not to say that one cannot find fault in the country, but in finding fault, the respect should not be lost. Discovering weak points, taking a positive look and approach to them and correcting them actually strengthens the country.

Freedom—it is a big word. Some foreign visitors have no concept of it, and it is my responsibility to show those visitors and immigrants who do make it to America, a good America. I must show them the love and care and patriotism our ancestors had, to start the country. A phrase familiar to students at my school applies also to American citizens. It says, "Remember who you are and what you represent." Every time I meet a non-American, I try to remind myself that I may be the only American they see, and I want them to have a picture of which I can be proud.

Many people today, as part of the bicentennial, have been asked if they would have signed the Declaration of Independence. Almost as many of them said no as yes. Questioning myself after rereading the Declaration, I have decided I would. True, it is a very radical document, but it was necessary. The strong words of Thomas Jefferson in the Declaration, would have been the words to persuade me to sign and join forces to create the United States of America. These men did not expect immediate peace: most of them did not even foresee peace in their life times. What they did see was their children. All too often, I take the easy way out of responsibilities by saying, "Why should I worry? It won't affect me. I won't even be around then." But when I really stop to think about it, I want to build a good America and a good world for my children. I realize now that it is my responsibility.

Now that I have given all these other reasons for being responsible to America, I have come to my final and most important reason: America is mine. I was born here; I am a native, a natural citizen. No one can take this honor away from me, for it is not a material possession. With all her faults, with all her flaws, with all her people and their love, she is mine. I cannot really explain why I feel the way I do, for love cannot be defined. As my thoughts collect, I realize just what America does mean to me, and just what responsibilities I do have as an American.

My responsibility to America is to serve her proudly. I serve her because I must, and I serve her because she served me first. I serve her for my children and because I want a better world. I serve her because she is mine. It is my hope that my ancestors could be proud of me and of the country they fought so hard for. What they began more than 200 years ago has continued, grown, and prospered to be the United States of America as we know it today. "And the Star-Spangled Banner forever shall wave, o'er the land of the free, and the home of the Brave."

CDU/CSU GROUP IN THE GERMAN BUNDESTAG "WHITE PAPER" ON THE HUMAN RIGHTS SITUATION IN GERMANY AND OF THE GERMANS IN EASTERN EUROPE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. KEMP. Mr. Speaker, one of the most significant initiatives taken by the Carter administration has been to encourage the totalitarian states of Eastern Europe to extend fundamental human rights to their citizens. The subject of human rights has been widely discussed in the public media as well as in international diplomatic conferences. Perhaps the most important international discussions of the question of human rights has been in the context of the initial review conference of the Final Act of the Conference on Security and Cooperation in Europe.

One of the most valuable reports presented to the Review Conference in Belgrade, Yugoslavia was a White Paper prepared by the CDU/CSU Group in the West German Bundestag on the human rights situation in Germany. The account of the gross violations of human rights by the East German regime underscores the odious character of the present government. The report prepared by the CDU/CSU group performs a valuable service for America because it calls attention to an aspect of the human rights situation in Eastern Europe which is likely to be overlooked in our emphasis upon violations of human rights by the Soviet Union. The behavior of the East German regime toward its own citizens is worthy of the worst aspects of the Gulag Archipelago in the Soviet Union.

I have appended the text of the conclusions and recommendations of the White Paper which summarizes the findings of the report at this point:

[CDU/CSU Group in the German Bundestag]

WHITE PAPER ON THE HUMAN RIGHTS SITUATION IN GERMANY AND OF THE GERMANS IN EASTERN EUROPE

CONCLUSIONS AND RECOMMENDATIONS

In the Final Act of the CSCE all signatory States have explicitly undertaken to respect and allow the exercise of the human rights and fundamental freedoms of their citizens as an essential factor in the development of friendly relations among them. This obligation has made their domestic conduct a yardstick for their good intentions as regards friendly relations. Now, therefore, the realisation of human rights deserves the same status as respect for national sovereignty or the obligation not to resort to force, including the inviolability of frontiers.

The Belgrade review meeting will therefore be the first test of this solemn pledge. As experience since Helsinki has shown, violations of human rights considerably weaken mutual trust. They thus hamper co-operation between the signatory States and jeopardise the process of real detente in Europe.

1. The conduct of the Government of the GDR is open to criticism in this respect on the following grounds:

1.1. The fortifications along the border of the GDR with the Western part of Germany, especially the orders given to guards to shoot to kill anyone trying to escape, the automatic shooting devices and minefields, constitute an attack on the life, physical integrity, and freedom of people who want to exercise their right of free movement. The line dividiing Germany is the most inhumane border on earth.

Since 13 August 1961, members of the "GDR Border Force" have fired at people trying to escape in 1,509 known cases. 70 refugees and others trying to help them have died along the wall through Berlin: 66 of them were shot, 91 badly wounded, and 3,002 arrested trying to escape over the wall.

From 1949 to 1 August 1977, a total of 182 people lost their lives on the intra-German border including the sectoral borders in Berlin and the outer boundary of West Berlin, through stepping on mines, being shot by guards or shooting devices, and by other means. Four of them have been killed since the signing of the CSCE Final Act.

The CDU/CSU Parliamentary Group calls upon the Federal Government and appeals to the participating States of the CSCE to induce the GDR Government to remove the fortifications and other obstructions which are a threat to human life and inimical to human rights.

1.2. The Government of the GDR, through its legislation, internal administrative instructions and other arbitrary administrative practices, has reduced the right of free movement practically to nil. It prosecutes people who insist on exercising their right of free movement. It uses people thus incriminated and other political prisoners as a means of obtaining foreign exchange and dealing in human beings. It punishes others by an inhumane decision to deprive them of their parental rights (that is, by forcing the adoption of their children against their will), and by refusing to allow persons engaged to be married to enter or leave the country.

The CDU/CSU Parliamentary Group calls for all laws and administrative regulations of the GDR relating to free movement to be made available for scrutiny, and for procedures on a legal basis for the processing of applications for exit visas which may be subject to complaint. It calls for a stop to the inhumane practice of compulsory adoption and the separation of persons engaged to be married.

It calls for the release of about 2,500 people who are serving prison sentences for having tried to escape or to help others do so.

It calls upon the Government of the GDR to abandon its practice of systematic constraint using political prisoners, a practice by which it not only grossly violates its international obligations but also places itself outside the scope of Europe's moral standards.

1.3. The Government of the GDR has restricted the category of persons allowed to visit relatives to GDR pensioners, and hampers visitor travel from the West by arbitrary measures, chicanery, and intimidation.

The CDU/CSU Parliamentary Group calls for the elimination of obstacles that still stand in the way of contacts between the people of one nation, even after Helsinki.

1.4. The Government of the GDR suppresses free speech, freedom of conscience, and freedom of religion. Many people have been subjected to discrimination in various ways, even to the extent of being forced to reside in a certain place, or even criminal prosecution for expressing critical views or religious activity. Between two and three thousand political prisoners are receiving inhumane treatment.

The CDU/CSU Parliamentary Group calls for complete freedom of religion and free speech for all inhabitants of the GDR as well as the release of persons detained and sentenced for exercising those rights, especially the persons specifically referred to in this documentation. It calls for more humane prison conditions in the GDR. Like the Federal Republic of Germany, the GDR must be prepared to accept an international inspection of its prison regime.

1.5. The Government of the GDR time and again rejects proposals for the promotion of intra-German contacts among young people, in the fields of sport and culture, education and science, and among communal associations and the Churches, whose aim is to give effect to the spirit and letter of the Final Act of Helsinki and of the Intra-German Basic Treaty.

The CDU/CSU Parliamentnary Group calls for a broader framework and the appropriate facilities for contacts between the people.

1.6. The Government of the GDR, through official representatives and statements, exhorts the people to bring up the young to hate the democratic institutions of the Federal Republic of Germany and its allies. By constantly fostering hatred against people it is opposing the dictate of tolerance which is conducive to peace. It steps beyond the limits of legitimate political and ideological conflict in a manner inimical to peace and human rights.

The CDU/CSU Parliamentary Group calls for a halt to the propaganda of hatred and defamation and a return to objective discussion.

2. Since the signing of the CSCE Final Act, the situation of the following more than three and a half milliion persons of German natonality or ethnic origin has not improved, in some cases it has deteriorated:

Approx. 1.2 million German nationals in the territories East of Oder and Neisse;

Approx. 200,000 persons of German origin in Poland;

Approx. two million persons of German origin in the Soviet Union (including the remainder of those German nationals who were taken from their homeland after the war);

85,000–130,000 German nationals (Sudeten Germans) in Czechoslovakia; and

Approx. 360,000 persons of German origin in Romania.

2.1. The individual human rights of these Germans have been violated. They are subject to discrimination or even prosecuted, mostly on account of their German origin or their religious beliefs.

The CDU/CSU Parliamentary Group calls upon the Federal Government to meet their obligation under the constitution and afford diplomatic protection to Germans entitled to such protection under German law.

It further calls upon the Federal Government to afford assistance to those Germans who are not German nationals but seek the help of the Federal Republic of Germany pursuant to the international agreements for the protection of human rights, the importance of which is emphasized in the Final Act of Helsinki.

2.2. The rights of these Germans as national groups are also being violated.

The Polish Government officially denies the existence of a German ethnic group.

The nationality laws of the Soviet Union, Czechoslovakia, and Romania formerly acknowledge the rights of national groups, but in practice those rights are for the most part denied to ethnic Germans living there, the degree differing from country to country. The national identity of these ethnic groups is being increasingly threatened. As a result, a growing number of Germans see emigration to the Federal Republic of Germany as their only means of escape. But government reaction in Poland, the Soviet Union, Czechoslovakia and Romania is to take years to process or reject applications for exit permits, and in many cases applicants have to contend with reprisals or prosecution. Further impediments to people wishing to leave are the disproportionately high costs, restrictions on the transfer of property and on the disposal of property left behind.

The CDU/CSU Parliamentary Group calls upon the Federal Government to raise at the Belgrade follow-up meeting the question of the situation of the German ethnic groups under the jurisdiction of the abovementioned States. It should in particular insist that the cases set out in detail in this report on the situation of Germans in the Soviet Union who have been prosecuted and sentenced on account of their religious convictions or for trying to emigrate be reviewed by an independent commission composed of representatives of CSCE participating States or of the International Red Cross.

2.3. Individual discrimination on national or religious grounds and the denial of rights to national groups lead, as this report proves, to a vicious circle:

Persons thus discriminated against become foreigners in their own homeland. Faced with the choice of losing their national identity or leaving their homeland, more and more of them are opting for settlement in the Federal Republic of Germany.

As the governments of the countries concerned try to halt this growing pressure for resettlement by denying the people concerned the right to free movement and by other violations of their rights, human suffering and sources of political conflict in those countries are increasing.

Injustice to individuals and whole national groups is, as has been proved in recent years, a strain on relations between States and peoples, and that at a time when the application of the Final Act of Helsinki is supposed to bring less, not more, tension.

The CDU/CSU Parliamentary Group therefore recommends participating States of the CSCE follow-up meeting, with a view to settling the problems of national minorities in conformity with the dictates of human rights, to discuss concrete measures for the protection of such minorities, which meet the requirements of the CSCE Final Act and develop it further.

In particular it proposes the following:

(a) A pledge by CSCE participating States to recognize national minorities and groups and to elaborate provisions securing the protection of minorities and guaranteeing their right to develop on a par with others, both as a group and as individuals.

(b) The elaboration of recommendations for the conclusion of option treaties between the countries concerned. Under such treaties, the members of national minorities should be free to opt for emigration to another country and its nationality. One might take as examples of such option treaties those concluded after 1945 between the Soviet Union and Poland, the Soviet Union and Czechoslovakia, the Soviet Union and Yugoslavia, Poland and Czechoslovakia, and, more recently, the Italo-Yugoslav treaty of 10 November 1975. These treaties leave it up to the persons directly concerned to decide.

(c) Recommendations to all CSCE participating States to endeavor to make it easier for people wishing to leave the country and settle somewhere else to do so.

These recommendations should include:

The disclosure of all laws and regulations relating to freedom of movement and emigration and to fees and costs, as well as the introduction—if none exists or it is inadequate—of a due procedure established by law for the handling of applications for exit visas and allowing complaints; also a reduction of the prohibitively high fees and costs and the lifting of the confiscatory restrictions on the transfer of property and on the free disposal of property left behind upon leaving the country.

(d) To extend the mandate of the group of experts appointed in Helsinki to enlarge upon the Swiss draft convention on a European system for the peaceful settlement of disputes.

Participating States should discuss in this connection the inclusion of violations of human rights in the jurisdiction of the arbitral tribunal or the investigatory, mediation and settlement commission proposed in the draft; but also the possibilities for individuals to lodge complaints along the lines of the European Human Rights Convention of the Council of Europe.

The creation of an effective and comprehensive system for the protection of human rights both within the national and the international framework is the logical consequence of the solemn pledge of Helsinki to respect and give effect to human rights. The extent to which the signatory States of the CSCE Final Act pursue this aim will show how serious they are about the whole matter.

DOMESTIC STEEL INDUSTRY RESTRICTED IN CONSTRUCTION OF ALCAN NATURAL GAS PIPELINE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. DINGELL. Mr. Speaker, in connection with my speech in the House of Representatives today, which appears in the body of the RECORD, regarding my concerns with the construction of the Alcan natural gas pipeline from Alaska through Canada to the lower 48, and the interrelated issue of possible serious economic impacts on the U.S. manufacturing community, namely, our steel industry, I insert at this point the letter on this matter signed by my colleague, Congressman CLARENCE J. BROWN and me to the Secretary of State, Cyrus Vance.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 21, 1978.

Hon. CYRUS R. VANCE,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: We are deeply disturbed by recent events in Canada with respect to efforts to construct a pipeline to carry natural gas from Alaska through Canada to the lower 48 States. It appears that several recent actions by the Canadian Government may be inconsistent with agreements with the United States, costing United States' consumers additional hundreds of millions of dollars and severely disadvantaging United States' manufacturers, particularly our steel industry.

On November 3, 1977, the Congress adopted a Joint Resolution approving the President's decision selecting the Alcan Pipeline System (now known as the Northwest Alaskan Pipeline Company) to deliver natural gas from Alaska. A U.S.-Canadian Agreement on Principles was submitted as part of the President's decision.

The Agreement on Principles, among other things, committed each government to the position that the supply of goods and services to the pipeline project would be on generally competitive terms. In this connection, Deputy Assistant Secretary of State Bosworth testified before our Subcommittee that this provision "assured that American materials specifically will have access to inputs into this pipeline on a competitive basis". In addition, the Agreement on Principles limited direct charges which may be imposed on the pipeline to those that are normally paid by pipeline companies in Canada.

Recent events in Canada lead us to conclude that the Canadian Government may already be in violation of its commitments in the Agreements on Principles and the prohibition against discriminatory treatment contained in the Transit Pipeline Treaty.

First, the Canadian pipeline enabling legislation was introduced in the House of Commons on February 3, 1978. This legislation requires that the level of Canadian goods and services for the pipeline (called Canadian content) be "maximized". The legislation also requires that maximum advantage be taken of opportunities provided by the pipeline to establish and expand suppliers in Canada. In addition, the legislation establishes a mechanism which gives the Canadian Federal Government the power to block proposed pipeline contracts for goods and services negotiated by the Canadian pipeline company (called Foothills) that fail to provide sufficient Canadian content. The official Canadian press release accompanying the introduction of the legislation said that this condition was "in keeping with Foothills' stated objective of achieving some 90% Canadian content".

Restrictions similar to those proposed by the Canadian Government are conspicuously absent from the President's decision.

Second, the Agreement on Principles between the U.S. and Canada specified that the technical study group would address the issue of the diameter and operating pressures for the 1100-mile portion of the Canadian pipeline (between Whitehorse and Caroline Junction) that would carry a commingled stream of Alaskan and Canadian natural gas. The technical study group was required to test and evaluate 54-inch 1120 pounds per square inch (psi), 48-inch 1260 psi and 48-inch 1680 psi pipe, or any other combination of pressure and diameter which would achieve safety, reliability and economic efficiency for operation of the pipeline. The Agreement on Principles specifically recognized that the decision relating to pipeline specifications remained the responsibility of the appropriate regulatory authorities.

The United States has informed Canada that it prefers the 48-inch 1680 psi alternative for the portion of the pipeline between Whitehorse and Caroline Junction. The 48-inch system is considered to have the lowest cost of service.

The U.S. steel industry currently has one facility capable of manufacturing 48-inch pipe. Presumably under the Agreement on Principles this company would have a fair opportunity to supply pipe for this portion of the pipeline.

Yesterday, however, Canada announced it has selected a 56-inch 1080 psi system for this segment of the pipeline system. The cost of service of this system is greater than that for a 48-inch system. Using 56-inch pipe is estimated to cost U.S. consumers additional hundreds of millions of dollars over a 20-year period.

Canada currently has two facilities capable of manufacturing 56-inch pipe. One of these facilities is an affiliate of one of the Canadian pipeline companies constructing the pipeline system in Canada. The United States presently does not have any facilities that produce 56-inch pipe. We understand that other countries such as Japan and Germany can produce 56-inch pipe.

Both of these actions by the Canadian Government appear to be inconsistent with Canada's promise to ensure that the supply of goods and services to the pipeline project would be on generally competitive terms. Both actions effectively deny a fair and competitive opportunity for U.S. manufacturers to participate in the supply of goods and services to the pipeline in Canada.

Finally, the Canadian legislation establishes a "Northern Pipeline Agency", the mechanism by which the Canadian Government will control the Canadian content of the pipeline project. The legislation provides that the cost of operating this agency will be charged to the pipeline. Thus, the cost of this agency will be borne in large measure by U.S. consumers. It is our understanding this requirement is new and is not a charge that has normally been paid by pipeline companies in Canada. It, therefore, appears to violate the Agreement on Principles and the Transit Pipeline Treaty's prohibition on discriminatory treatment.

This matter raises serious concerns with respect to the degree to which the Canadian Government considers itself legally bound by the Agreement on Principles and the Transit Pipeline Treaty. To the extent these documents go unheeded, the President's decision on this matter has been severely undermined.

The Agreement on Principles provides for coordination and consultation between the U.S. and Canada on the implementation of the principles relating to the construction and operation of the pipeline. We request that you inform us of the consultations that have occurred between the United States and Canada on the matters raised in this letter before Canada took each of its actions. In addition, we request that you take appropriate actions to ensure that the responsibilities of the Canadian Government with respect to the Agreement on Principles and the Transit Pipeline Treaty are responsibly and faithfully discharged.

Sincerely,

JOHN D. DINGELL,
Chairman.
CLARENCE J. BROWN,
Ranking Minority Member.

SPIRIT OF 1978 EMBODIED AT MISSISSIPPI STATE UNIVERSITY

HON. DAVID R. BOWEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. BOWEN. Mr. Speaker, next Tuesday, February 28 is a memorable day for Mississippi State University, located at Starkville in the Second Congressional District. February 28 has been declared Proclamation Day, officially inaugurating centennial ceremonies for this great institution of higher learning.

As the Congressman representing Mississippi State University in the House of Representatives, it will be my privilege to join Dr. James D. McComas, president of MSU, Dr. James Schlesinger, Secretary of Energy and the Proclamation Day speaker, Dr. Willie McDaniel Jr., chairman of the centennial committee and the many thousands of students, faculty, alumni and friends of our great university for this occasion.

Mississippi State has grown from its establishment a century ago to become one of the Nation's outstanding land-grant schools and one of the South's foremost universities.

It is appropriate that the centennial committee has chosen as a theme for this year's observance, "A Noble Past, a Promising Future." In celebrating the past growth and many accomplishments of Mississippi State, it is significant that MSU's future goals and ambitions are fully in focus.

Mississippi State embodies as well as any educational institution the spirit of the New South, while maintaining a link

with our heritage from the past. It provides a wide range of educational opportunities for young Mississippians from every walk of life. A significant part of the leadership in future decades for our State is being molded now on the campus of Mississippi State University.

It has been my privilege during the 5 years I have been in Congress to work closely with Mississippi State administrators, students, and alumni. The MSU of today is vastly different from the MSU I (once) knew as a boy, when I often visited the campus. My own ties to Mississippi State are close, since my uncle, R. L. Bowen, spent 40 years on the faculty, my father, D. R. Bowen, was graduated in the class of 1929, and my brother, R. P. Bowen, was graduated in the class of 1963.

The physical growth and development I have seen have been phenomenal, the surge in enrollment spectacular, and the increase in wealth of programing and caliber of studies are truly impressive.

Those pioneers who had the foresight to establish MSU, followed by those dedicated to its development, intended for it to be the "People's University." It is my belief that they have succeeded far beyond their dreams of a century ago.

Mississippi State University has served the people of Mississippi and the Nation well during its first century. As its horizons expand, even around the globe, I know my colleagues from around the Nation join me today in saluting this fine institution for its past accomplishments and wishing it every success in its future endeavors.

DIPLOMATIC RELATIONS WITH PEKING

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. FINDLEY. Mr. Speaker, our ambassador to the People's Republic of China, Leonard Woodcock, recently told a group of Americans that the United States should move to establish normal diplomatic relations with the PRC.

At the same time, Ambassador Woodcock told me he also feels strongly that ways must be found and can be found to protect the well-being of the people of Taiwan.

Even if the United States withdraws its ambassador from Taiwan and abrogates the mutual defense treaty, it does not necessarily follow that the United States will leave Taiwan open to an invasion from the PRC. In fact, I believe that a satisfactory arrangement is possible which will further the mutual interests of the Chinese and the United States, and now is the time to begin seeking the right formula.

Text of Ambassador Woodcock's remarks follows:

WOODCOCK SEES U.S. ESTABLISHING FULL PEKING TIES

(By Lee Byrd)

America's envoy to the People's Republic of China declared yesterday he is positive the United States will seek full diplomatic recognition of the Peking government, and he endorsed a senator's suggestion that the United States withdraw recognition from Taiwan.

Ambassador Leonard Woodcock said the lack of normal relations with the Communist mainland is "founded on an obvious absurdity," and could prove disastrous if another war erupts in Asia.

Woodcock did not specifically say in his own words that the United States should drop recognition of Taiwan, the longtime stumbling block toward normalized relations with the People's Republic. But he did say he was "delighted" at the recommendation of Sen. Alan Cranston (D. Calif.) that this be done.

Woodcock was referring to the recognition of the Taiwan government, rather than Peking, as representing China, when he said U.S. policy was rooted in an absurdity.

Woodcock said, "The greatest threat of another world war is in the Northeast Pacific, probably on the Korean peninsula," and the danger cannot be abated "until we take the step for a full and normal relationship between the world's most populous power and the world's mightiest power."

He said, "I am positive this nation can find the necessary courage to take the obvious step" of establishing full relations with the People's Republic.

It was not immediately clear exactly to what extent. Woodcock was reflecting the official view of the Carter administration. Woodcock arrived in Washington Tuesday night for consultations at the State Department. He told a reporter at midday yesterday that he did not know when he would be discussing the issue with President Carter.

Last July, a spokesman for the president denied that the administration had decided to accept Peking's terms for full diplomatic ties, that is, severing relations with the Taiwan regime, which still claims to represent all the Chinese people.

The president himself has said only that the United States would continue to "move toward normal relations" with the Communist government, but has stopped short of suggesting that would be done at the cost of cutting ties to Taiwan.

Woodcock made his remarks during a brief drop-in at a legislative conference of the United Auto Workers, the union he headed before accepting Carter's appointment, with ambassadorial rank, to head the U.S. mission in Peking.

When pressed by a reporter as to when the government might move on his recommendation Woodcock replied, "I don't know."

He said Washington's continued recognition of the government of Nationalist China rather than Peking as representing the Chinese people means the United States "is still involved in a civil war which ended for all practical purposes in 1949."

"I strongly believe it is necessary for the peace of this world for there to be a normal relationship between the United States and China," said Woodcock.

He complained that while President Nixon "opened the door" to China six years ago, "67 other nations have walked through that door—including virtually all our allies" to full relations, while "we're still holding that door."

Last year, Chinese Vice Premier Teng Hsiao-ping told visiting Associated Press executives that the trip to Peking of Secretary of State Cyrus Vance in August had set back U.S.-China relations.

Teng said Vance had proposed that the United States downgrade its ties with Taiwan to an exchange of missions, while establishing a full embassy in Peking. This, said Teng, was not satisfactory, and represented a retreat from former President Ford's promise to break ties with Taiwan if re-elected.

At the time, U.S. officials declined to comment about Teng's account or other details of the Vance journey.

TARGETING TAX CREDITS TO AREAS OF HIGH EMPLOYMENT

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. RUPPE. Mr. Speaker, today, I am introducing legislation that offers a different approach to the issue of how to stimulate our national economy. It is known as tax targeting.

Discussion of current tax reductions proposals have centered around such ideas as an across-the-board tax cut for individuals and increasing business tax credits for all types of enterprises. The costs involved as far as revenues lost will be considerable; yes, there is no guarantee that those areas most in need of tax relief will benefit significantly from such nationwide reductions.

To target tax credits to deteriorating urban and rural areas suffering from high unemployment rates not only insures that the tax relief will benefit those who need it most, but also would involve substantially less revenue loss than a general tax credit. In short, such a proposal would help stimulate development and create jobs where they are most needed.

Therefore, the legislation I am introducing involves changes in two sections of the Internal Revenue Code. The first part of my proposal would provide additional 5-percent investment tax credit for those businesses that locate or expand in economic development areas—or era's—which are characterized by long-term unemployment problems. It would also expand the investment tax credit allowable in era's from 50 to 90 percent and permit the use of the credit for plant building and structural components. Businesses could not utilize this credit if they relocated from an area outside any era causing a reduction in employment at its original location.

The second part of this package allows a 10-percent increase in the existing jobs tax credit for those businesses which create new jobs within an era.

The era is defined as an area that, first, is either a municipality with a population of at least 100,000 or a county, second, has had an average unemployment rate in excess of the national rate for at least 4 of the last 5 years or is requested to be designated as a high unemployment and economically deteriorating area by the Governor, and third, is so designated by the Secretary of the Treasury in consultation with the Secretary of Labor.

For the eligible urban areas plagued by high unemployment, this legislation would encourage industrial development and revitalization by giving these additional tax breaks to new or expanding businesses which might not otherwise have located in that particular municipality. Thus, the tax credit would not only allow for more efficient use of existing city services and utilities, but it would

also serve to contain the continued city outmigration caused by declining urban centers. It would be taking the work to the workers.

For the rural areas, the tax credits would help equalize the geographical and economic disadvantages of locating in less developed countries, making these areas more competitive in terms of attractiveness for new businesses.

As James Sundquist, director of the Brookings Institute's governmental studies program, stated in an October 30, 1977 Washington Post article entitled "Creating Jobs is Not Enough," "By making the incentives greater if the investment is placed where the need is greatest, a portion of that investment could be channeled to distressed central cities and rural areas where unemployment has reached appalling levels." The full text of Mr. Sundquist's article is included, which goes into more detail on this issue of tax targetting.

I am hopeful that the Ways and Means Committee will look carefully at this measure as it takes up the President's tax package:

[From the Washington Post, Oct. 30, 1977]

CREATING JOBS IS NOT ENOUGH—TAX BREAKS ARE NEEDED TO AIM THEM AT THE JOBLESS

(By James L. Sundquist)

Whenever Washington officials worry about ways to inject life into an anemic economy and reduce unemployment, a vital aspect of the problem usually is ignored. The aim of national policy is not only to promote stable economic growth, difficult as that may be, but also to ensure as far as possible that new investment and job opportunities are targeted at those who need them most.

It makes little economic or moral sense, for example, for Washington to provide equal encouragement for new investment in the outer fringes of Dallas-Ft. Worth, a metropolitan area where the latest jobless rate was only 3.9 per cent, and in Jersey City, N.J., where it was a devastating 11.6 per cent. By what logic should the federal government do as much for an outer suburb of Chicago where there is virtually no unemployment and for San Diego, Calif., where the jobless rate was 9.4 per cent?

While Washington long has had programs to provide direct aid to decaying urban and rural areas, officials have failed to use an equally—and perhaps more—promising way to help accomplish these ends through the tax system. The Carter tax program, according to authoritative reports, ultimately may contain up to $22 billion in tax reductions, some in the form of incentives to encourage business and industrial investment. By making the incentives greater if the investment is placed where the need is greatest, a portion of that investment could be channeled to distressed central cities and rural areas where unemployment has reached appalling levels.

The country has used tax incentives before as a means of directing investment according to national need. During World War II and again during the Korean war, an accelerated depreciation allowance was granted for investment in industries defined as war-related but not for others, and the system served its purpose. In principle, discrimination on the basis of geography is just as feasible as discrimination on the basis of industry group. Drawing the boundary lines between eligible and ineligible locations admittedly involves difficulty, but deciding what industries were war-related involved tough boundary decisions, too.

Indeed, discrimination between prosperous areas and those in need is accepted as a matter of course in other programs. Ever since 1961, depressed areas legislation and emergency public works programs have made funds available only to areas of high unemployment. The Appalachian Regional Development Program, and the kindred regional programs established under the Public Works and Economic Development Act of 1965, confer benefits only on regions of relative impoverishment. It is equally logical to confer higher benefits on areas of need when tax breaks are written into law.

NO EXTRA COST

The crucial importance of the tax approach is that it provides an incentive for private investment and private jobs. A shortcoming in existing programs for depressed urban and rural areas is that they are limited to public investment and public jobs. These are useful and necessary in themselves, but they usually do not lead to self-sustaining, permanent growth. Sometimes public investment that spruces up a community makes it so attractive that private investment follows—but not often enough or quickly enough to serve the purpose.

Experience also tells us that offering loans on favorable terms to private firms—as through the proposed "urbank" that is reportedly being designed—will not do much to influence locational decisions either. Small, marginal firms may find the credit helpful, but big companies do not lack for access to normal credit markets. What is needed to lure more of their investments into distressed urban and rural areas has to be something more tangible—a direct cash benefit. The subsidy could be provided in various forms, but since the proposal about to be offered by President Carter is to give a direct cash benefit to all firms through the tax route, introducing a differential rate into that benefit would appear to be the quick, easy, simple way to do it.

This need not cost the Treasury anything extra. The present investment tax credit is 10 per cent. Whatever additional tax credit the administration concludes is necessary to spur investment can be provided either as a flat rate or as a sliding scale. To increase by half the present benefit, for instance, a flat rate of 15 per cent could be offered or a range could be established—perhaps from 12 per cent in areas of relative labor shortage to 20 per cent in areas of heavy unemployment—that would produce the same volume of additional investment at approximately the same total cost to the Treasury.

Moreover, to employ tax policy in this manner would represent an important beginning toward carrying out the intent of Congress in the Urban Growth and New Community Development Act of 1970. That law committed the United States to adopt a "national urban growth policy" that would seek to stem urban and rural decline. No specific policy was proposed by either President Nixon or President Ford, but there is every sign that President Carter is taking the statutory mandate seriously. His administration is preparing the biennial report on growth policy called for by the act, and a White House conference on balanced national growth and economic development is scheduled for late January.

All of the major industrial countries of the world—except the United States—have explicit and well-established national growth policies designed to steer investment to where it is most needed. "Take the work to the workers" is the slogan in the European countries, and direct subsidy to investors is the universal means.

This is seen as the way to preserve and restore communities, to minimize hardship on individuals and families, and indeed to serve the goals of maximum employment and production with minimum inflationary consequences.

But "taking the work to the workers" is exactly what is not happening in the United States today. Our concentrations of unemployment and underemployment are in the inner cities, in declining rural areas and in old industrial centers. But most new jobs are being created in the thriving suburbs of major metropolitan areas.

WASTE, HARDSHIP, AND INFLATION

This is what happens in the absence of a national growth policy—and it is undesirable for four clear reasons.

First, such a pattern of growth is wasteful. If a new plant is put in a green field 20 or 30 miles from the center of St. Louis or Chicago or Philadelphia, a whole array of public facilities has to be created at public expense—while facilities that already exist in the center of the city or in the declining small towns of the hinterland are underutilized. The result is urban sprawl instead of compact settlement, and sprawl is synonymous with waste—waste of resources, waste of energy, waste of productive agricultural land.

Second, such a growth pattern is inhumane. It forces people to uproot themselves and move—often at great financial loss—from where they are to where the jobs are put, or to spend hopeless hours trying to commute. Housing is not necessarily available to low-income blacks and other minority group members who might seek to relocate from the cities to where the jobs are. As for interregional migration, experience both in this country and in Europe shows the great reluctance of workers to leave their native areas. When the Labor Department some years ago tried subsidizing the relocation of unemployed iron miners from northern Minnesota to steel centers of the Middle West, the experiment failed: The workers drifted back. As for commuting, the new jobs located on—and beyond—the beltways that girdle the metropolitan centers usually are inaccessible by any form of public transportation to the unemployed of the urban ghettoes, and they are beyond the commuting range of most of the rural unemployed as well.

Third, such a growth pattern is inflationary. If most of the country's growth takes place in areas of relative labor scarcity—and the outer suburban fringes of major metropolitan centers are such areas—as the economy expands, labor shortages and bottlenecks appear relatively quickly, costs rise and price increases follow. By contrast, if the jobs are taken close to where the unemployed live, labor surpluses are absorbed and the economy can move significantly closer to full employment before shortages occur and inflationary forces are set in motion.

Fourth, such a growth pattern is destructive of communities—originally the communities of rural and smalltown America and now the great metropolitan central cities as well. The national interest in maintaining a viable New York or Detroit or Cleveland need hardly be argued.

THE LURE OF THE SUBURBS

So why, if there are all these consequences, do investors choose the suburbs? There are many reasons. Land costs are lower than in the city. Low, rambling buildings with spreading lawns are possible. Business transportation problems may be eased. The air is cleaner, the crime rate lower, the environment more pleasant. The available labor force may be better trained or more tractable.

But the benefits to individual firms have to be weighed against the economic and social costs borne by employees, taxpayers and the country at large, and the previously noted public costs—waste, hardship, inflationary impact, destruction of communities—surely outweigh the private benefits. The object of the tax differential, then, would be to provide enough subsidy to an investing firm that takes its jobs to the workers to offset the gains it would otherwise realize by locating on the suburban fringe.

It may be, of course, that the forces that lead entrepreneurs to avoid investing in

distressed areas, particularly in the most rundown central cities, would prove too powerful in most cases to be offset by the scale of the tax differential. If this proved the case, the government would have to decide whether to increase the differential, at least for the most neglected areas, or possibly abandon the objective altogether. In that case, the Treasury would have lost nothing, since there would be no extra tax breaks if firms did not bite.

Yet there is great diversity among American cities, and in all likelihood they would respond quite differently. Some probably would benefit from a differential of any size; others might go beyond rescue no matter how large the subsidy proffered. The answers to these questions cannot be known in advance. They can be learned only by enacting something and finding out what happens.

The rural areas and old industrial centers that would benefit are a diverse lot, too. Rural distress seems to have dropped out of the news of late while the South Bronx and Detroit are the centers of attention. But only a few years ago it was the poor of Appalachia and the Mississippi Delta who captured the nation's sympathy. Indeed, it was the plight of the rural areas that originally gave rise to the agitation for a national growth policy that culminated in the act of 1970, and the statute seeks rural-urban as well city-suburban balance. "Taking the work to the workers" has to mean steering investment to wherever the unemployed and underemployed are concentrated, whether the locale be a declining metropolitan core, a New England mill town, a Pennsylvania mining center that has lost its basic industry, or a county in the Southern Black Belt.

This is not only the most equitable approach, but it is also the basis for the political coalition needed to pass such a measure. The prospects for aid on a scale necessary to turn the tide in the cities would be hard to come by if the cities and their supporters tried to go it alone. But a coalition of the cities with the rural and small town areas that are fellow sufferers could well prove irresistible. Even a good part of suburban America might support a city-rural coalition dedicated to claiming the bulk of new investment for their communities; not all suburbanites are in favor of headlong, unrestrained growth.

Two Senate votes a few years ago show both the power of the tax differential idea and the strength of the city-rural coalition.

One of those votes came in 1969. President Nixon had recommended that the 7 per cent investment tax credit then in effect for manufacturing investment be removed. This passed the House, but when it reached the Senate floor, Sen. Ted Stevens (R.-Alaska) proposed an amendment to retain the tax credit for rural areas of "substantial outmigration." Even though the idea came as a surprise at that time, it carried the Senate by two votes. It was lost, however, in the House-Senate conference.

The second vote came two years later, when Nixon reversed himself and recommended that the 7 per cent investment credit be restored. Again the House supported the President, and again an amendment was offered on the Senate floor. This time, Sen. James Pearson (R.-Kan.) proposed that a differential of 3 per cent be added for most rural areas, and the bill's sponsors accepted the idea. Sen. Abraham Ribicoff (D.-Conn.) then demanded equal treatment for central cities with unemployment over 6 per cent. This was approved, 56 to 24, and the combined Pearson-Ribicoff amendment was adopted by the overwhelming vote of 60 to 19—better than 3 to 1. But the bill's managers refused to support it on the ground that the projected revenue loss of $750 million—the extra incentive in this case was to be placed atop the general investment credit—was more than the Treasury could stand, and the idea was again lost in conference.

No such proposal has been voted on since, but there is every reason to believe the potential for a powerful coaliton still exists. This coalition, it should be noted, cuts across the current Sunbelt-Snowbelt argument. Both North and South have their areas of unemployment and underemployment that would be eligible for any special tax concession and their flourishing metropolitan fringes that would not.

THE EUROPEAN EXPERIENCE

In time, the United States might find that tax concessions are not the simplest and most effective means for influencing the locational decisions of investors. That has been the experience in Europe.

There, tax devices were used initially when experimentation with growth policy began in earnest in the post-World War II years. But the European countries, and Canada as well, have long since shifted their emphasis to direct cash grants made by the government to the investing firm as more direct, more open, quicker and in the end less costly. The standard grant for locating an investment in an area of labor surplus seems to have settled down at 20 per cent of the cost of the investment, but gradually the countries have developed sliding scales of subsidies for different areas—a kind of zoning according to the degree of need—and the rate may range from 10 or 15 per cent to 25 or 35 per cent or even more in a few cases.

The nine countries of the European Community together are spending an estimated $17 billion a year on locational incentives. There is recurrent debate, of course, about the fine points of policy—what areas and what kinds of enterprises should be eligible, and for how much. And policies change from time to time. But on the principle itself there seems no longer to be any debate anywhere in Europe.

The consensus is that the policies have been successful. New jobs that otherwise would have been located on the fringes of London or Paris or Milan have been steered to Scotland and Brittany and the impoverished Italian South. Three independent analyses by British economists of that country's program several years ago credited investment grants and other related measures with creating 30,000 to 70,000 additional jobs a year in development areas. One of the studies concluded that the policy measures had cut the north-south migration flow within the country by half, reduced the national unemployment rate by one-half of 1 per cent and increased national output by $500 million a year.

Whatever the economic analyses show, the political judgment in Europe is that the benefits of the locational incentive systems far outweigh the costs. Every major political party in every country supports the programs. All the parties agree that it is a proper function of government to attempt to influence and guide the geographical location of investment—to put the jobs where, in the interest of the whole society, they are most needed.

CITY OF PHILADELPHIA AND HUMAN RIGHTS IN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. BIAGGI. Mr. Speaker, last December 1, the City Council of Philadelphia passed an important resolution pertaining to the issue of human rights in Ireland.

Their resolution calls on the President, Congress, and the United Nations to begin investigations into documented charges of human rights violations against Britain. Most notably mentioned in the resolution is the case involving Pearse Kerr, the 17-year-old American citizen who was arrested and tortured for 98 hours without charge in an Irish prison.

This type of resolution symbolizes the growing national concern with the issue of human rights in Ireland. If our emphasis on human rights in foreign policy is to be effective, we must insist upon it from all nations, friend or foe. Otherwise we are doing nothing more than engaging in selective morality.

The Ad Hoc Congressional Committee for Irish Affairs which I have the privilege to chair, is most concerned about human rights and is urging the House International Relations Committee to conduct a hearing. Our committee now consists of 92 members.

I now wish to insert the text of the Philadelphia resolution into the RECORD. I commend the city council for its leadership and feel that such a resolution on human rights passed by the City of Brotherly Love is both symbolic and significant:

RESOLUTION

Memorializing the President, the Congress, and the United Nations to undertake an investigation of the systematic violation of human rights in Northern Ireland, particularly abuses perpetrated against Pearse Kerr, a seventeen-year-old citizen of the United States who was born in Pennsylvania

Whereas, The International Commission on Human Rights has found the British government guilty of torturing political prisoners in Northern Ireland; and

Whereas, The British government under its Special Powers Act and its Northern Ireland Emergency Provisions Act has repeatedly violated the human rights of individuals by incarceration without trial; and

Whereas, The government of the United States, although articulating concern with human rights throughout the world, has failed to express meaningful interest in abuses of human rights in Northern Ireland; and

Whereas, The October 20, 1977, Philadelphia Daily News article by Jack McKinney documents the multiple violations of the civil rights of Pearse Kerr, a United States citizen, by British armed forces in Belfast, Northern Ireland; and

Whereas, The State Department of the United States and the United States Consulate in Belfast had failed to protect the rights of Pearse Kerr; and

Whereas, This seventeen-year-old American citizen was beaten and incarcerated in prison in Northern Ireland without trial, for ninety-eight days; therefore

Resolved, That the Council of the City of Philadelphia hereby memorializes the President, the Congress, the United Nations and the International Commission on Human Rights to investigate the systematic violation of human rights in Northern Ireland, particularly the aforesaid violationsof the civil rights of American citizen Pearse Kerr.

Further Resolved, That certified copies of this resolution be forwarded to the President, the Secretary of State, the President of the Senate, the Speaker of the House, the Majority and Minority Leaders of the Senate and House, all members of the Pennsylvania Congressional Delegation, the Secretary General of the United Nations, the American Ambassador to the United Nations, the Governor of Pennsylvania, the President and Speaker of the Pennsylvania Senate and House, and the Mayor of Philadelphia.

OUR NATION SALUTES HIS EXCELLENCY, THE MOST REVEREND FRANK J. RODIMER, BISHOP, DIOCESE OF PATERSON, STATE OF NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. ROE. Mr. Speaker, on Tuesday, February 28, at the historic Cathedral of St. John the Baptist, Paterson, residents of my congressional district and State of New Jersey will join with the religious and laity of national and international renown to participate in the episcopal ordination and installation ceremony of one of the most esteemed members of the clergy and good friend to all of our people, the Most Reverend Monsignor Frank E. Rodimer, who has been elevated to the high ecclesiastical office of honor and trust, His Excellency, the Bishop of the Diocese of Paterson.

We are especially proud to have a splendid man of God from our own diocese appointed by Pope Paul VI to the Holy See. I know you will want to join with me in extending our warmest greeting and felicitations to Bishop Rodimer and share the joy and happiness of his family: His father, Frank G.; his brothers, Daniel and John; their wives and children—and oh, how proud his late mother Susan would have been on this most memorable occasion.

Mr. Speaker, in rejoicing with his family and parishioners, the quality of his leadership, the richness of his wisdom and the abundance of his caring and sensitivity to the needs of our people have been captured in the resolution adopted by the New Jersey General Assembly upon the announcement of his designation as Bishop-Elect. With your permission I would like to have this tribute by our State legislators inserted at this point in our historical journal of Congress, as follows:

ASSEMBLY RESOLUTION

Whereas, Monsignor Frank J. Rodimer, doctor of canon law and pastor of St. Paul's Church in Clifton, has been elevated by Pope Paul VI to be the sixth bishop of the Diocese of Paterson, comprising the counties of Passaic, Morris and Sussex; and

Whereas, Monsignor Rodimer has, since ordination in 1951 at the Cathedral of St. John the Baptist, Paterson, spent his entire clerical career in the service of the Diocese of Paterson, having inaugurated his priesthood as assistant pastor of St. Brendan's Church, Clifton, and having held with distinction the posts of vice chancellor and chancellor of the diocese; and,

Whereas, In succeeding to the see most recently occupied by the late Bishop Lawrence B. Casey of beloved memory, Monsignor Rodimer is the first native of the diocese to be appointed to the episcopate; now, therefore,

Be It Resolved by the General Assembly of the State of New Jersey:

That this House hereby declare its appreciation for Monsignor Rodimer's postoral and administrative services to his diocese, respectfully offer him its congratulations upon his designation as bishop, and publish its deeply felt wishes for his continued success in discharging the exalted responsibilities of spiritual leadership; and

Be It Further Resolved, That a duly authenticated copy of this resolution, signed by the Speaker and attested by the Clerk, be transmitted to Monsignor Rodimer.

Mr. Speaker, Bishop Rodimer has extended a lifetime of good works in service to God through the acts of faith, hope, and charity, which have instilled within the hearts of all who have the good fortune to know him the noble bonds of brotherhood enriched with understanding, respect, good will, and communion among all mankind.

Born in Rockaway, October 25, 1927, Frank J. Rodimer attended local schools and continued his education at Seton Hall Prep, South Orange; St. Charles College and St. Mary's Seminary in Maryland; Immaculate Conception Seminary, Darlington; and the Catholic University of America, where he received a licentiate in sacred theology in 1951. Ordained that same year, he returned to Catholic University for further studies and was awarded a doctorate in canon law in 1954.

Bishop Rodimer has held both parish and chancery assignments throughout his priestly career. He was assistant pastor at St. Brendan, Clifton, before being named administrator of Our Lady of the Lake, Sparta, in 1967. The following year he was named pastor of St. Paul's where he succeeded the late Msgr. Joseph H. Hewetson, who had baptized him and preached at his first Mass.

Named diocesan chancellor in 1964, he was only the second man to hold that office. His predecessor, the late Msgr. William Louis, had been chancellor since the diocese was formed.

Bishop Rodimer was also the first chairman of the Diocesan Liturgical Commission, served on the Priests' Senate, is a member of the Board of Consultors, and was instrumental in the development of the Diocesan Pastoral Council, an organization in which he continues to hold a deep personal interest.

In Clifton, he has served as president of the Passaic-Clifton Council of Churches, vice president of the Clifton Urban Council, member of the Juvenile Conference Committee, and in 1972 was the recipient of the B'nai B'rith Maurice F. Karp Award for outstanding citizenship.

Mr. Speaker, Bishop Rodimer is the sixth Bishop of Paterson since the diocese was created by papal decree of Pope Pius XI on December 9, 1937, and is the first priest from the diocese to be named to the episcopate as the spiritual leader of the Paterson Diocese. His priestly career for the past quarter of a century plus, and particularly his liturgical, administrative and pastoral expertise, serves as an inspiration to all of us. He has served personally under all five of his predecessors. He was 15 years old when Paterson's first bishop, Bishop Thomas McLaughlin, accepted him as a candidate for the priesthood. Bishop Thomas A. Boland, now the retired archbishop of Newark, ordained him, and Bishop James A. McNulty assigned him to the chancery staff. Bishop James J. Navagh appointed him his secretary, and then as chancellor, a post he continued to hold under the late Bishop Casey.

Mr. Speaker, to understand the awe and respect we all feel for Bishop Rodimer's lifetime of dedication in encouraging and promulgating spiritual refreshment and recreation for our people in service to God, may I include at this point in our historical journal of Congress an excerpt from the Beacon, the most prestigious newspaper of the Diocese of Paterson, which provides a commentary on the exemplary accomplishments of his five predecessors with whom he was so closely associated, as follows:

FORTY YEARS OF DEVELOPMENT

BISHOP THOMAS M'LAUGHLIN, 1937–1947

Formation of new parishes and recruitment of priests to staff them from Dioceses of Rochester and Pittsburgh and from Irish seminaries (notably, St. Patrick's, Carlow); Pope Pius XII High School, Passaic; Mary Help of Christians Academy, North Haledon, and Delbarton School, Morristown, founded; diocesan statutes promulgated, Synod, 1943.

BISHOP THOMAS A. BOLAND, 1947–1952

Four new parishes founded, three new high schools—Bayley-Ellard, Madison; Don Bosco Tech, Paterson, and Mount St. John Academy, Gladstone—seven new parochial schools. Five new churches built; St. Clare Hospital, Denville, opened; St. Anne Pavilion at St. Joseph Hospital, Paterson, completed; seminarians sent to Rome and Louvain University, Belgium, to study for priesthood.

BISHOP JAMES M'NULTY, 1953–1963

Vocation development to increase the numbers of priests and sisters serving the diocese; opening of diocesan mission in Caranavi, Bolivia; Association for International Development, to train lay missionaries, opened; Mount Carmel Guild Hospital, opened; construction of De Paul High School, Wayne; Morris Catholic, Denville, and Our Lady of the Lake (now Pope John XXIII), Sparta; three missions established to serve Hispanics of diocese (Paterson, Passaic and Dover).

BISHOP JAMES J. NAVAGH, 1963–1965

Early implementation of Vatican II directives on liturgy and administration; $6 million fund drive launched and oversubscribed by $1.5 million; Neumann Prep, Wayne; Paterson Catholic High School and Paul VI High School, Clifton, started.

BISHOP LAWRENCE B. CASEY, 1966-1977

Commitment of diocese to full renewal urged by Vatican II; diocesan-wide census; establishment of The Beacon; Second Diocesan Synod promulgated; implementation of Vatican II decision-sharing mandates, with establishment of Priests' Senate, Sisters' Council, Lay Council and Diocesan Pastoral Council; enunciated the position of the universal Church in the case of Karen Ann Quinlan—that there is no need to use extraordinary means to sustain life when there is no hope of recovery.

Mr. Speaker, in administering his new office Bishop Rodimer has stated his desire to especially achieve the following characteristics of his predecessors:

Bishop McLaughlin's pioneering spirit;
Archbishop Boland's gentlemanliness;
Bishop McNulty's gracious manner;
Bishop Navagh's pastoral zeal;
Bishop Casey's openness, his willingness to change his mind.

Mr. Speaker, all of us know that he has already manifested these inspirational qualities in his daily pursuits. It is a pleasure to have the opportunity to call his lifetime of achievements to your attention here in the Congress and seek this national recognition of our new Bishop. His leadership and dedication

to the highest standards of excellence in ecumenical principles and practices has achieved communion and understanding amongst all of our people and truly enriched the spiritual, cultural and educational endeavors of our community, State and Nation. We do indeed salute His Excellency, the Most Reverend Frank Rodimer, Bishop of the Diocese of Paterson.

THE WITTEVEEN FACILITY

HON. JOHN J. CAVANAUGH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. CAVANAUGH. Mr. Speaker, tomorrow the House will consider H.R. 9214, which seeks to authorize the U.S. participation in the proposed supplementary financing facility of the International Monetary Fund. Over the life of this facility, which is commonly referred to as the Witteveen Facility, our participation is likely to exceed 1.7 billion of our taxpayers hard-earned dollars. As a member of the Subcommittee on International Trade, Investment and Monetary Policy of the House Banking, Finance and Urban Affairs Committee which originally considered this legislation, I attended all the hearings and questioned each witness closely. Having devoted a great deal of time and study to the issues regarding the stated need for the facility and the precarious financial position of many of the lesser developed countries I continue to be disheartened at the unwillingness of the administration to acknowledge that the problems confronting the International Financial System, especially as they relate to the recycling of petrodollars, cannot be solved with a mere 3-year injection of a Witteveen cure. The problems are much more structural in nature and at best this new lending scheme can only buy us time in which to develop innovative structural improvements.

I am also concerned about the possibility, the very distinct possibility, that as a result of the availability of these new IMF credits, which are made available through official governmental lending to the fund, countries will have an opportunity to borrow funds which will enable them to keep current their debt service payments to their private creditors while they maintain the ability to renege on their public debts. Tomorrow I will offer an amendment which can be found on page 3001 of the February 9 CONGRESSIONAL RECORD which seek to insure that supplementary financing facility resources will not be used to "bail-out" the large international banks to the sufferance of existing public credits. As has been pointed out in many recent periodicals including the recent edition of Newsweek magazine dated February 27, 1978, page 70, regarding the avenues which were pursued by many LDC's to borrow additional sums to meet their balance-of-payments deficits, "But the more advanced LDC's went to the commercial banks, which were then beating the bushes for customers to borrow the huge petrodollar deposits pouring into their coffers from the oil exporting countries." Such was the case because of the slack in demand in western economy for credits.

I urge my colleagues to consider my amendment and I refer to a February 20, 1978, Extension of Remarks entitled "Bailing Out Banks That Straitjacket the Third World," which was included at my request. It appears on page 384 Following is a Wallstreet Journal editorial on the subject:

[From the Wall Street Journal, Sept. 26, 1977]

THE WITTEVEEN FACILITY

The annual meeting of the International Monetary Fund starts today in Washington, D.C., which gives us an opportunity to lecture the whole gang of finance ministers all at once. The plain fact is, the IMF is among the chief sources of the planet's economic problems and it shows no sign of reforming.

The main topic of mischief this week no doubt will be the care and feeding of the Witteveen Facility, named after its creator, Johannes Witteveen, the IMF chairman. What is the Witteveen Facility? First we will tell you the problem the W-F seeks to correct.

Over the last 25 years, a lot of poor countries around the world came to the IMF and asked what they had to do to get ahead. The IMF advised them to borrow lots of money in the world's capital markets—the big New York and London banks, mainly—and use this capital to build "infrastructure." Dutifully, the little countries did so, but this has not proved the key to development.

So today, throughout the Third World, there is an abundance of rusting infrastructure, creaky steel mills, potholed roads. The cumulative debt now ranges around $200 billion, and the little countries have had to jack up their taxes to pay the debt service. From time to time a team of IMF economists drops by to recommend "austerity," mostly meaning higher taxes. By now the little countries have raised taxes on their miserable citizens to levels that can only be called "grinding." How can they now be further squeezed so the banks can be paid off?

Enter, the Witteveen Facility. The industrial countries should put $5.2 billion into the W-F, and the Arab oil sheiks will put $4.8 billion. American taxpayers, in other words, will be asked to cough up a few billion for the IMF to loan to the poor countries so that they can pay off the banks.

This indirect approach is necessary in order to fool the taxpayers into thinking they are really helping the poor. Imagine the flap if the problem were solved honestly and directly: The Bankers Relief Act of 1977. How much more heartwarming it is to hear Sen. Jacob Javits, who represents Manhattan, including lower Manhattan, warning that there will be an economic collapse unless we bail out the Third World (banks).

We doubt that such terrible things will happen if we fail to bail out the banks, though the big banks with the most infrastructure loans will no longer be quite so big unless they and the IMF can figure out another way to salvage their loans. We note that their problems can be solved by economic growth in the Third World, and see no reason why the IMF economists couldn't tell the little countries that what they need is not infrastructure but lower taxes, lower government expenditure, lower taxes, freer markets and lower taxes.

H.R. 7711: HELPING ARCHITECTS MEET THE CHALLENGE OF LIABILITY INSURANCE COSTS

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. STEERS. Mr. Speaker, last year I participated in an ad hoc, bipartisan panel that was formed to study the problem of rising costs for product and professional liability insurance. One of the conclusions we reached was that the Federal tax code was aggravating the liability insurance problem by unnecessarily hindering the creation of self-insurance reserve funds.

Mr. WHALEN, who chaired our panel, introduced H.R. 7711 on June 9, and I am pleased to be a coauthor of that bill. The legislation would revise the tax code to allow business deductions to liability reserve funds and to allow those funds to remain tax exempt so long as they are used only for liability insurance purposes.

Such self-insurance reserve funds could conceivably be used to provide total coverage, but the most likely use for them would be to allow beleaguered companies and individuals to take commercial policies with relatively high deductible features. This should be of considerable help to those who are seeking ways to bring under control the rapidly growing cost of liability insurance premiums.

H.R. 7711, the Product Liability Insurance Tax Equity Act (PLITE) has been discussed at length in the RECORD, especially with regard to the well-known problem of product liability insurance costs. It is only recently, though, that much attention has been paid to the beneficial impact this legislation could have on professional liability insurance.

My coauthors have recently placed in the CONGRESSIONAL RECORD extracts from various trade and professional journals, discussing how passage of PLITE would help doctors and engineers in particular. Today, I wish to call my colleagues attention to an article that appeared in the December issue of Architectural Record, a McGraw-Hill publication. This is a discussion of PLITE's significance for architects.

Parenthetically, I think it should be noted that H.R. 7711 has been endorsed by the American Institute of Architects as well as numerous other national organizations representing manufacturers, professionals and others. It is cosponsored by more than 60 Representatives.

Our legislation is currently pending in the Ways and Means Committee. Chairman ULLMAN has not yet scheduled a date for consideration of PLITE, but we are increasingly hopeful that it might be taken up as part of the overall discussion of tax reform.

At this point in the RECORD, I wish to insert the article about PLITE that appeared recently in Architectural Record. The text follows:

[From the Architectural Record, December 1977]

A NEW BILL IN CONGRESS, IF ENACTED, SPELLS TAX RELIEF FOR FIRMS SUBJECTED TO LIABILITY EXPOSURES

(By Arthur T. Kornblut, Esq.)

(Provisions in the Internal Revenue laws and regulations set forth ground rules for deducting the cost of purchasing liability insurance and paying business related claims not covered by insurance. For most architects, unless money is paid out for insurance premiums or actual claims, no tax deductions are permitted under current law. However, a new proposal known as the PLITE bill (H.R. 7711) has been introduced in Congress, and if enacted it could provide significant additional tax relief to businesses subjected to liability exposures.)

In its most basic form, existing tax law permits a business expense deduction for the cost of premiums for professional liability insurance covering an architect's practice. No deductions are permitted for funds placed in self-insurance reserve accounts, even though the amount of money placed in reserve does not exceed the cost of commercially available insurance or even if commercial insurance is not available. Amounts paid to satisfy a legal judgment or settle a professional liability claim are deductible only to the extent that they are not covered by insurance.

The existing laws work hardships on architects in a number of ways. First, practically no architectural firm is large enough to justify the expense of self-insurance. Second, professional liability insurance policies available to architects are all written on a "claims made" basis with relatively high deductibles applied to most or all claims (depending on the insurance policy). Tax deductible reserves cannot be established to pay deductible amounts under an insurance policy for which the firm might become obligated in the future. Third, if the firm is organized as a corporation, the retention of earnings to cover potential claims or deductible payments could result in the imposition of an accumulated earnings tax.

THE PLITE BILL WOULD ENABLE FIRMS TO ESTABLISH TAX-EXEMPT INSURANCE TRUSTS

In an attempt to ameliorate the limitations of current tax laws on businesses with either professional or product liability claim exposures, Congressman Charles W. Whalen, Jr., of Ohio introduced, on June 9, 1977, a proposed amendment to the Internal Revenue Code of 1954. This bill (H.R. 7111) is entitled the Product Liability Insurance Tax Equity Act of 1977, or PLITE for short.

The PLITE bill, if enacted, would enable businesses to establish tax-exempt trusts for the payment of future liability claims and related expenses. Such trusts would be exempt from income tax, and deductions would be permitted for payments made to them. The bill would strictly limit the trusts to the payment of expenses resulting from liability claims. If funds are withdrawn for any other purpose, they would be included in gross income for the year in which withdrawn. One further limitation relates to the amount that could be paid into a trust in any tax year. A deduction for contributions to a trust would be allowed only to the extent that they did not exceed the reasonable cost of liability related insurance. "Reasonable cost" is not defined but probably would be determined on the basis of availability of commercial insurance and specific insurance costs for each type of business. This latter limitation on maximum contributions in a given year prevents a business from using the trust to shelter income in a highly profitable year and drawing from the trust in a poor year—which amounts to an unintended form of self-regulated income averaging.

Subsection (C) of the bill defines "product liability" for the purposes of the proposed amendment to the tax law as: "in the case of any person engaged in any trade or business of manufacturing, distributing, or selling any manufactured goods, any liability arising from any defect in or use of such good; and in the case of any person engaged in any trade or business of providing any service, any liability arising from the providing of (or the failure to provide) such service."

From the standpoint of all professionals, it would be desirable for this subsection to be amended slightly so that product liability and professional liability are defined under separate headings. This change would recognize that product and professional liability are distinctly different legal concepts and that different standards are applied to determine each type of liability.

SUPPORT FOR ENACTMENT IS GROWING; BILL MEANS RELIEF FROM COST OF CLAIMS

It is difficult to assess the PLITE bill's chances for enactment both in terms of timing and in a form substantially unchanged from that as drafted by the sponsor. The present Administration is contending with the development of various revisions to the tax laws, most of which seem to be in the area of adjusting tax rates for individual taxpayers and improving the corporate investment tax climate. It can safely be assumed that the IRS will be reluctant to support any measure that might seriously reduce revenues. However, when he introduced the bill, Congressman Whalen stated in the *Congressional Record* that he believed it would have a minimal effect on the Treasury. He said, "When the relevant laws were written no one anticipated that self-insurance reserve funds would be necessary or desired, and they have developed only within the past two years or so. The tax revenues now derived from the additional tax obligations incurred by self-insuring companies were never anticipated in formulating the national budget. Consequently, they will not be missed if PLITE were enacted and the tax situation returns to where it was before the 1975 explosion in product liability insurance problems and the related growth in self-insurance reserve funds."

Support for PLITE is growing, with dozens of Congressmen from all parts of the country and of all political persuasions now listed as cosponsors. Both the AIA and the National Society of Professional Engineers have gone on record in support of PLITE, as have numerous organizations representing manufacturers and producers of products.

For architects and other design professionals, the enactment of PLITE could mean the beginning of a program of relief from the cost of professional liability claims. The PLITE trusts would enable firms to gradually increase the deductibles on their commercially purchased liability insurance. In addition to the premium savings, the trust funds would alleviate concerns over multiple claims in a single year that could severely strain a firm's financial posture. Over a period of time in which an absence of claims enabled their trusts to grow, firms would be able to better structure their insurance programs. PLITE trusts, as a form of self-insurance, could cover much of their exposure, and commercially available insurance could provide for catastrophy.

VETERANS' PENSION REFORM

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. WHALEN. Mr. Speaker, recently I submitted testimony to the House Committee on Veterans' Affairs' Subcommittee on Compensation, Pension, and Insurance regarding a matter which has been of concern to me for a number of years, the frequent cutbacks in, or elimination of, veterans' pensions due to automatic cost-of-living increases in social security.

At the same time, I took note of significant legislation to reform the veterans' pension system which now is being considered in the House Committee on Veterans' Affairs. I applaud this reform, and welcome the provision which will make cost-of-living increases in veterans' benefits automatic and which will cause those adjustments to be simultaneous with the annual reappraisal of the level of social security benefits. In addition, this measure, H.R. 10173, will raise all means-tested pension levels to a point where recipients will no longer be forced to live below the poverty level.

The main thrust of my testimony, Mr. Speaker, concerns the portions of H.R. 10173 which will prevent loss of pension due to increases in social security payments. At this time, I would like to share my testimony with my colleagues and include it in the RECORD at this point:

TESTIMONY OF CONGRESSMAN CHARLES W. WHALEN, JR.

Mr. Chairman, I welcome this opportunity to submit testimony to your Committee on an issue which has been a cause of concern to me for a number of years, the frequent cutback in—or elimination of—veterans' pensions due to automatic cost-of-living increases in social security.

Congressman John Seiberling and I, along with many other colleagues, have introduced legislation addressing this problem. However, today I would like to express my support for the Chairman's proposal, H.R. 10173, a bill which is designed to achieve the purpose of my own bill as well as to institute an automatic cost-of-living increase in veterans' benefits for non-service connected disabilities. This automatic increase, I understand, would be based upon the percentage of social security adjustment and would be in an equal percentage for all recipients of veterans' pensions. The increase for veterans would occur simultaneously with the social security adjustment, thus eliminating much of the cause for past confusion among those persons receiving both social security and veterans payments.

However, Mr. Chairman, I would like to voice my deep concern that these proceedings reflect what I interpret to be the sense of the Congress. Very simply, the intent of my legislation, and I believe of the Chairman's bill, is that no recipient of both social security and of veterans' benefits should experience a cutback in their veterans' benefits due exclusively to a cost-of-living increase in social security.

Veterans compensation for non-service-connected disability is properly based upon the income of the eligible individual and social security is included in the calculation of that income. As I understand the existing situation, only persons whose income falls at the breaks in the benefit tables, known as "bend points," are affected by such a slight change in their income as a small increase in social security. Therefore, only a limited number of eligible veterans or survivors have been faced with the situation of seeing a reduction in their veterans' checks upon reassessment of those benefits at the beginning of each year. I have been unable to secure data from the Veterans' Administration regarding the actual numbers of individuals adversely affected by the reassessment due to social security increases. I am certain, nevertheless, that every Member of

the House has received many calls and letters similar to those I have received. This is evidenced by the fact that in the 95th Congress over 200 members have sponsored bills to eliminate this recurring injustice.

I note the Chairman's letter of January 25 stating that a major provision of H.R. 10173 is that it "will assure that no pensioner will ever receive a reduced check as a result of increase social security." In the absence of specific "disregard" or "pass-through" language in the bill, we must not assume that we have eliminated the possibility of unfortunate individuals being caught at the "bend points." Past experience with such increases simply has not borne out this assumption.

In addition, I note that last November the Senate passed an amendment to the Social Security Financing Act of 1977 to prohibit a reduction of veterans' pensions as a result of annual, automatic social security increases. Sixty-two Congressional colleagues joined Congressman Seiberling and me in sending a letter to the Chairman of the Committee on Ways and Means urging the House conferees to support this amendment. Mr. Ullman responded that this provision had been dropped at the urging of the House Committee on Veterans' Affairs since they were developing legislation to handle this situation. I would like to include a copy of that response for the record of this hearing. I believe Mr. Seiberling has already submitted a copy of our letter to Chairman Ullman.

In closing, Mr. Chairman, I am pleased to be a cosponsor of H.R. 10173 which contains a number of needed reforms in our veterans' programs. I have expressed here my personal wariness lest a few individuals again be caught in the middle between veterans benefits and social security and not receive any upward adjustment to compensate for inflation.

I was delighted to notice the bill encompasses World War I veterans and believe that this inclusion represents an approach far superior to our past programs and one that should please those who have advocated an across-the-board monthly payment to all veterans of that war. Too, the improved benefit levels contained in H.R. 10173 are long overdue.

I hope Mr. Chairman, the Committee and the House will pass this measure intact.

The chairman's letter is attached as follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 5, 1977.

Hon. CHARLES W. WHALEN, Jr.,
House of Representatives.

DEAR CHUCK: This is to acknowledge and reply to your letter of November 18, 1977, signed by yourself and 63 Colleagues, concerning the Senate provision in H.R. 9346, the social security financing bill, to prevent reductions in veterans pensions because of increases in social security benefits.

The House conferees on the bill were aware of the views of so many Members of the House on this provision. However, the provision eventually was dropped at the strong insistence of the House Committee on Veterans' Affairs. Chairman Ray Roberts of that Committee wrote to me that it was important this matter be handled by legislation which his Committee was developing.

Sincerely,

AL ULLMAN, *Chairman.*

THE IMF AND THE WITTEVEEN FACILITY

HON. DOUG BARNARD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. BARNARD. Mr. Speaker, I have come to the realization that there is some misunderstanding of the IMF—International Monetary Fund—and the supplementary financing facility introduced by H.R. 9214, the Witteveen facility. I would like to take this opportunity to explain and express my support for these vital entities.

The IMF originated as a post-World War II organization to ward off the collapse of fixed exchange rates, excess fluctuations in the rates, and to insure stability and provide needed international credit. It was developed through the Smithsonian and Jamaican agreements with numerous countries involved, including the United States.

The organization has gone through some positive change since that time and now has 130 member countries. Each member has a quota, drawing rights, equal to the amount it pays into the fund in the form of gold or currency. It acts as a reserve of the various contributed currencies so that members can draw the type of currency needed for its trade payments. This set up enables the fund to fulfill its responsibility which is to aid the members in protecting their national economies by helping to offset trade imbalances that reduce their resources of currency and gold to dangerous levels.

Member countries are also able to borrow up to 25 percent of their quotas if they have already used up their drawing rights. This is done without much difficulty, the member country just has to show that it is making reasonable efforts toward finding a solution to each of the problems it faces. To borrow even more from the Fund the country has to develop definite economic policies to solve its economic ailments. The policies are judged by certain economic indicators as time passes, and the funds are disbursed in installments, so as to be able to stop the credit extension if the policies are changed or efforts slacken.

IMF credit was always intended to be a temporary source, again just to aid during balance-of-payments adjustment. This makes it quite different from regular "aid".

The "conditionality" involved with member use of the Fund is the only means by which the organization has any influence over the economic policies of member countries.

May I point out that the organization is not a politically biased arrangement. It was never meant to be. It has a responsibility to its members to protect their economies through trade support, and decisions are made in regards to Fund actions by representatives of all the contributing countries. Economic considerations are the only guidelines for making these decisions. This was the original idea and it is provided for in the articles of agreement.

The IMF has expressed concern for some of the oil-importing countries which have developed serious balance-of-payments problems, including several LDC's (less developed countries) who have placed themselves in a heavy debt position with private creditors. H.R. 9214 has been initiated and passed by the House Committee on Banking, Finance, and Urban Affairs leading it to the floor for consideration, in order to deal with this concern.

The bill would amend the Bretton Woods Agreements Act to authorize the United States to participate in the Witteveen facility. This participation would call for an investment of $1.75 billion by the United States, allowing it drawing rights of $1.45 billion. The bill would also bring the salaries of our representatives to the Fund in line with those of individuals in the National Government and the private sector.

Several amendments will be offered on the floor, but their political and human rights considerations should not and do not pertain to this issue. The IMF, as stated, is not an agency of the United States. It is an international entity and it is up to the representatives of the various countries involved with the organization to make the decisions related to Fund actions, not just the United States. We should not allow ourselves to make this organization anything else than what it was set up to be, a relief fund.

The Witteveen facility is necessary for the IMF to fulfill its responsibility and purpose. The balance-of-payments problem, in relation to the oil importing nations, would be aided specifically by the new facility since it is the most severe and 50 percent of the contributions to it would be made by the oil producing nations. If balance can be restored in this, as well as other situations of imbalance that exist, the economies of the countries involved will be protected and private investors will again find extension of credit to them to be of interest. Once stabilized, the related countries will be able to concentrate on activities that will hopefully lead to progressive growth and development of their economies. The more secure these economies become, the better off the world economic situation will be.

I urge my colleagues to support H.R. 9214, so as to allow this country to involve itself in an effort to protect and improve the economies of troubled countries throughout the world. By doing so we invest support, as well as dollars, into something that will surely bring us valuable returns.

CIVIL DEFENSE: THE NEED IS NOW

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. MITCHELL of New York. Mr. Speaker, the American people are getting a snow job, one that has nothing to do with the weather.

The snow job I refer to deals with our civil defense preparedness. To be more precise, I should say lack of civil defense preparedness. We all know what a snow job is. It is an effort to lead us to believe something which just is not so.

With civil defense, we are victims of a nuclear age snow job. Like our times, it is complex, subtle, and often confusing.

According to conventional wisdom, civil defense is not a problem. After all, say those who do little more than yawn when the subject is addressed, why should we consider it a problem during an era when the leaders of our acknowledged principal adversary among super-

powers, the Soviet Union, claim to be directing their efforts toward a world at peace? And, they continue, is it not apparent that progress is being made in the ongoing strategic arms limitations talks?

My response, in order, is quite blunt.

On the first point, I judge the Soviets more by their deeds than their words. I would find Mr. Breshnev's assertions that the Russians are truly dedicated in their search for a just and lasting peace much more convincing if he could produce evidence to back up his claims. The evidence at hand reveals a continued Soviet buildup of arms and might. For peace? As far as progress in the arms limitations talks, I am for it, but where is it?

Those of us who are concerned about our lack of civil defense preparedness, and the number is increasing daily, realize our job is cut out for us as we endeavor to convince the American people something must be done about it. We are facing that old nemesis: apathy.

Quite simply, most people just cannot bring themselves to believe our civil defense preparedness will ever be put to a test. They quickly dismiss any thought of the United States ever launching a war, and rightly so, but they also put down summarily the notion that another nation might just be the aggressor. They would not dare, goes the theory, because our response would be so devastating as to make the risk of a first strike unacceptable. Another theory, one widely accepted, is that the United States and the Russians are at a point where there is relatively equal might and therefore, since neither side has an advantage, a confrontation will not get beyond the word stage. On the surface, that theory is not without merit. However, when one delves a little deeper, a different picture comes into sharp focus.

Broad assumptions are risky, but for the sake of putting my concern into perspective, let us assume the United States and the Soviets have true equivalency in terms of weaponry. Very simply that would mean we are on a par offensively. But what about defense. The so-called balance-of-power equation is quickly tilted in favor of the side which has both an offense and a defense. We have one and not the other. The Soviets have both.

I am concerned. Deeply concerned. And I intend to do something about it. While working for a much-needed increase in the attention and resources we devote to civil defense I am also going to bring to the fore for consideration the observations on this subject from others who are knowledgeable and know whereof they speak.

The current issue of Reader's Digest has an article, "Soviet Civil Defense: The Grim Realities," which I feel should be required reading for all who share my concern for our future security. Authored by John G. Hubbell, the article reports on the apparent success of the Soviets in tilting the balance-of-power scales in their favor.

The article follows:

SOVIET CIVIL DEFENSE: THE GRIM REALITIES

(By John G. Hubbell)

The evidence is unmistakable and ominous. The Soviets have added a major civil-defense component to their military posture—an addition which, in a superpower showdown, could prove decisive.

Item: U.S. intelligence has located, at 75 points adjacent to the beltway encircling Moscow, huge steel spheres—each containing communications centers, emergency power sources, sleeping areas, food and water storage. Reserved for the Politburo, military general staff and high-level Soviet bureaucracy, they have been sunk 600 feet into the ground, then covered with earth and reinforced concrete. Similar shelters have been built in and around major cities throughout the U.S.S.R.

Item: Since the early 1960s, the Soviets have been dispersing their new industrial complexes in widely scattered locations over the length and breadth of Russia. Even single factories, which in the United States would be housed under one roof for efficiency's sake, are divided into many buildings so separated from one another and with machinery so protected that destruction would require numerous nuclear warheads. And every factory in Russia now has blast-resistant underground shelters sufficient to accommodate its largest work shift.

Item: All Soviet factory workers devote at least two to four hours per month to civil-defense training. Moreover, civil-defense education begins in the second grade and continues on a compulsory basis up to age 60.

Item: Reconnaissance satellites have located huge underground food-storage facilities throughout the U.S.S.R. Intelligence sources explain that the Soviets plan to store away enough food (with the help of U.S. grain purchases) to feed themselves following a nuclear exchange—at least until a new harvest.

Item: Throughout the U.S.S.R., special training sites have been built with fire-gutted buildings, downed power lines. and all the debris that would result from nuclear assault. Factory and municipal workers attired in gas masks and protective clothing learn to fight fires, decontaminate buildings, rescue people and restore services.

The Soviets have made no secret of this interest in civil defense. According to Harriet Fast Scott, a Washington-based consultant on Soviet military affairs who lived for years in Moscow, "Officials constantly stress that nuclear war is survivable and that 'civil defense is everybody's business.' "

By the mid-1960s, U.S. intelligence agencies had made several attempts to call attention to the Soviet civil-defense programs as a major effort which, if continued, could affect our own deterrent capability. The information was dismissed by some as irrelevant to arms control, and intelligence collection ceased in the late '60s. In 1972, we entered into the Anti-Ballistic Missile (ABM) treaty without taking Soviet civil defense into account. With the ABM treaty, Washington and Moscow agreed not to deploy weapons systems that could effectively defend against each other's nuclear missiles. In other words, we each made our population hostage to the threat of nuclear attack by the other. But the Soviets, with their continuing and increasingly elaborate civil-defense program, have been depriving us of our hostage—in effect, circumventing the intent of the treaty.

In 1972, the Soviets dramatically upgraded civil defense. Organized since 1961 under a central military command, it was now publicly ranked as a separate service of the armed forces on an equal footing with its army, navy and air force. Each of the U.S.S.R.'s 15 republics has a military commander and staff concerned solely with civil defense. In 1976, elite status was conferred upon civil-defense boss Col.-Gen. Aleksandr T. Altunin: he was elevated to full membership in the Central Committee of the Communist Party. Last year, he was promoted to full general.

There simply is no question that Russia is serious about civil defense. Says Prof. Leon Gouré, director of Soviet studies at the University of Miami's Center for Advanced International Studies: "Soviet leaders persistently call for a military posture that includes a war-survival capability. They see no point in being able to destroy an enemy if he is able to destroy them in turn. And as the disparity between the Soviet and American abilities to survive nuclear war becomes more pronounced, it becomes more difficult for the Kremlin to believe that the United States would engage in a nuclear exchange over a secondary issue; for example, on behalf of Israel or Japan or even Western Europe."

Nevertheless, many Americans still subscribe to the belief that a nuclear exchange would mean suicide for the country making the first move. Yet, T. K. Jones, for three years senior technical adviser to former U.S. SALT negotiator Paul H. Nitze, offers some tough, mathematical reality to chew on:

Suppose the worst happens. A crisis gets out of hand, and the U.S.S.R. launches a nuclear first strike against the United States. Calculations show that half our strategic arsenal would survive such a strike. If all our surviving strategic weapons—all of them—were then delivered on the Soviet Union, they would kill all of the people in an area that amounts to only 2.7 percent of the U.S.S.R.'s geography. Retargeting these weapons to produce radioactive fallout would force the Russians to take shelter, but within a week of American retaliation the people in 97 percent of the Soviet Union would be able to leave their shelters for an eight-hour workday.

Had the Soviets not gone ahead with civil defense but had kept their population in the cities hostage to our nuclear arsenal, our deterrent force would still be effective. However, the Kremlin now is able to disperse its people over its agricultural lands, approximately 27 percent of U.S.S.R. territory—an area nine times greater than we can cover with our nuclear weapons.

The bottom line? Last year, in response to a query from Sen. William Proxmire (D., Wis.), Gen. George S. Brown, Chairman of the Joint Chiefs of Staff, estimated that ten Americans might die for every one Russian in a Soviet-American "worst case" nuclear shoot-out if the Soviets successfully evacuated their urban populations and the U.S. failed to take civil-defense measures. That means Russia's losses could be roughly half the 20 million lives it lost in World War II, and about four percent of the population—food for thought for Americans who have been educated in the myth that we can wipe out the U.S.S.R. many times over!

Clearly, the Soviets regard their civil-defense capabilities as a factor of immense strategic significance, one which is not matched in the American arsenal and which strongly supports Moscow's pursuit of its aggressive international designs. Without the advantage it provides, Soviet leaders surely would be much less likely to threaten our allies or challenge us in areas of vital interest.

What to do about it? For openers, our government can stop soft-pedaling the issue in the hope of achieving politically popular but dangerous arms-control agreements with the Kremlin. Indeed, there has been some minimal progress in this respect. Before he took office, Defense Secretary Harold Brown was publicly doubting the notion of an effective Soviet civil defense; but by last spring, he was taking a much more sober view, estimating Soviet civil-defense expenditures at a billion dollars annually, ten times the U.S. investment. At the same time, an interagency in-

telligence survey was being drafted by the CIA which would put the Soviet investment much higher. Intelligence services in Western Europe have estimated $65 billion for the past decade.

Not incidentally, even before the interagency report had been written, people who had not participated in the survey were leaking to the press alleged conclusions demonstrating that Soviet civil-defense activities had declined since 1973 and were not cause for alarm. According to participants, the highly classified study shows no such thing.

We must face the facts. According to Jones, Professor Gouré and others who have studied Soviet civil defense closely, we have no choice but to get into a civil-defense program, although we need not do so on the massive, activist, hugely expensive scale the Russians have. Jones and Gouré believe that with reasonable expenditures for shelters and crisis evacuation, at least 90 percent of our population could be saved in a nuclear attack. Bomb-damage calculations show that there is no need to uproot and scatter our essential industry and work forces across the landscape, but zoning laws must be changed so that dangerous industrial clusters can be disassembled and factories spread out. And vigorous testing shows that industrial machinery can be rigged to withstand all but a direct nuclear hit. Factories can be fireproofed, and shelters built to afford some protection for workers.

Also needed is a trained professional civil-defense force, the basis of which already exists in the National Guard and the Red Cross. Augmented by veterans organizations and other civil groups, such a trained force could provide rudimentary instruction to the general public as well as direction in case of actual attack. Studies show that in times of crisis, people pay close attention to authoritative instructions, and act quickly on them.

Experts agree that an upgraded, well-planned civil-defense program need not cost much, that it would add perhaps $1 billion to a defense budget which now approaches $117 billion annually. And it would restore credibility to the American deterrent—credibility which has been diminished to a dangerous degree as a result of the massive Soviet civil-defense program.

AMERICAN AGRICULTURE MOVEMENT

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. BAUCUS. Mr. Speaker, I stand to support the American Agriculture Movement and their efforts to obtain parity prices.

These farmers came to Congress with an urgent message—that they face financial ruin and that if we let our farm economy collapse, the rest of the Nation will follow.

Mr. Speaker and fellow colleagues, we cannot let this happen.

I was convinced, and I personally told many of you, that the target prices and loan levels we set last summer were too low. You supported my effort to increase the target price for wheat to $2.90, but that still did not cover farmers' costs of production.

Now Congress must act quickly to make up for our failure last summer. We must pass new legislation to insure the survival of our farm families.

Farmers working together through the American Agriculture Movement have come forward with legislative proposals that deserve a hearing in Congress.

Let me repeat that these proposals come from farmers. Too often Congress passes farm bills which protect only USDA bureaucrats and Swiss grain traders.

Now we are hearing from the men and women who work the land, and who suffer the brunt of our short-sighted policies. This Federal Government has administered farm policy for over 40 years. If we looked at a farmer's records and saw that he had crop failures for 40 years, we would tell him to get out of agriculture. Farmers have looked at our record—and they are telling us to get out of agriculture.

Basically, the American Agriculture Movement asks that farmers be given a say in their own affairs.

They ask for a board of producer representatives within the USDA. These representatives, elected by farmers and ranchers in each State, would review import-export policies and make recommendations for policy changes where necessary. The board would have power to bargain with potential customers for overseas sales or trade.

They ask for a fair price; namely, 100 percent of parity. Parity prices would insure that farmers could cover their costs of production and earn reasonable profits.

Farmers know that parity prices cannot be obtained from the marketplace without supply management. They do not want the historical system of subsidies that require huge Treasury outlays and result in price-numbing inventories held by the Government. Their proposals would cost the Federal Government nothing.

Instead, farmers ask that they be given authority to restrict marketings to raise market prices to parity. They ask that producers of each commodity have authority to use marketing quotas, acreage restrictions, or import controls.

The choice of a method to control marketings would be made by producers of the commodity by referendum. If they preferred, producers of a commodity could decide not to control supply and take their chances with unrestricted markets. The important thing is that producers would choose the marketing system that best suits them.

Today I am introducing, along with other House Members, the Economic Recovery Act of 1978. This is a farm bill incorporating the American Agriculture Movement proposals.

I request that the Agriculture Committee give these proposals full consideration. In past weeks dozens of witnesses before the committee have stressed the need for new agricultural legislation. Now it is time for action.

Compromise may be necessary. We depend on foreign buyers to purchase 80 percent of Montana's wheat, and we want to insure that export markets are not adversely affected by any legislation passed. Other questions may come up in the course of hearings.

Nevertheless, I am convinced that we need better farm legislation. And I am convinced that we would not have better legislation until we have more farmers involved in farm affairs.

I salute the farmers and ranchers who have worked so hard, and been so successful in convincing this Nation that its farmers deserve better treatment. I pledge them my fullest support as new farm legislation is debated in the coming weeks.

FREE TRADE THEN, NOW

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Ms. OAKAR. Mr. Speaker, in recent weeks, I have been monitoring the developments related to import relief for the metal fastener industry. Following the President's rejection of the U.S. International Trade Commission recommendations for increased tariffs on imported metal fasteners, I introduced a concurrent resolution of disapproval (H. Con. Res. 483) to override the President's action.

This can be reduced to the free trade-protectionism dichotomy. Yet if one approaches that question at hand in this manner, a familiarity with the recent past is necessary. Moreover, a keen understanding of the term "free trade" is essential. In an effort to provide additional illumination on this subject, I include in today's RECORD a copy of Donald M. Blinken's piece on free trade (New York Times, February 21, 1978). Mr. Blinken places the goals of free trade in contemporary trade environments, he shows that we must deal with the realities of global commerce.

The article by Donald Blinken follows:

[From the New York Times, Feb. 21, 1978]

FREE TRADE THEN, NOW

(By Donald M. Blinken)

"The past is a foreign country," the saying goes, "they do things differently there." And so they do. Consider that classic, liberal, economic article of faith: free trade.

What was once viewed by most people as "a given"—the growth of international trade through elimination of trade barriers—has been painfully challenged by the new facts of life.

This is especially true in my own case. Thirty years ago, I wrote a book, "Wool Tariffs and American Policy," that reflected the mood of that era. It intoned: "Tariffs are out of joint with the times. If America wants free and healthy markets it must be both an efficient producer and a good customer."

Brave words and, given the time and context, sound enough. United States protectionism was viewed as having helped create the worldwide depression of the 1930's. Exporting unemployment by imposing high tariffs or quotas interfered, in an economic sense, with the process of national selection. The contrary theory of competitive advantage, asserted, Do what you can do best, and let productivity and efficiency determine the flow of trade. As Alvin Hansen, the famous Harvard economist, euphorically wrote in 1945, "American producers, with their mass-production techniques can undersell any

competitor in automobiles, radios, typewriters, etc."

So, after World War II it seemed inconceivable that the United States would one day find itself burdened with an annual balance-of-payments deficit approaching $27 billion. Of course, no one could have predicted the creation of the Organization of Petroleum Exporting Countries, or the impact of the Green Revolution.

Our farmers, rather than becoming an increasingly inefficient segment of a "maturing economy," became in many ways the most efficient. Perversely, the quantity and price of our most critical import, energy, have risen because we do not produce enough and use energy inefficiently.

The change comes not only from the energy crisis and the Green Revolution. It stems primarily from the fact that foreign governments rarely view the relationship between public and private sectors as we do.

Our Government "collaborates" by imposing new restraints: rules and regulations on controlling the environment, and securities regulation, for example. West Germany and Japan "collaborate" by providing to industry low-interest long-term loans and attractive export credit and insurance, granting industry handsome latitude in depreciation schedules and the timing of tax payments.

Of course, American manufacturers must share the blame. The appeal of imported cars or television sets suggests that foreigners have exploited our weaknesses and emphasized their strengths. But even in some industries where differences in products are relatively small (for example, steel or fasteners) foreign government support becomes unfair competition. Unfair not in the old sense of low wages or poor working conditions but in the new sense of benevolent governmental attitudes toward return on investment and use of cash.

Nor do foreigners necessarily believe in allowing the free market to work when it infringes on their domestic affairs. Our old, free-trade views failed to foresee that foreigners would use non-tariff measures to limit imports or create competitive advantages.

Is there a lesson in all of this? Does the experience of the last 25 or 30 years suggest that the relaxation of trade barriers is misguided or unsound? The answer, in principle, remains no. Tariffs, quotas or even recently instituted so-called reference prices are devices that one still hopes to avoid. But, in practice, it is clear that free trade is too inexact a term to use in describing the exchange of goods and services in the real world.

Ideally, trade will continue to flow on a basis of relative measures of productivity and efficiency. But so long as foreign governments regard their relationships to the private sector in ways different from ours, United States trade policies must in some way reflect these differences.

It is not good enough to suggest that we should concentrate on the export of knowledge, service and technology while permitting major segments of industry to close because they are no longer competitive. We can do more to sell our products abroad through realistic United States Government depreciation and tax policies that would make United States industry more competitive abroad.

For all the original reasons, free trade remains a desirable objective of high priority. But if we have learned anything since 1948, it is that ideology alone is no response to new facts of life. Increased Government collaboration with industry must respond to the real needs of American industry, labor and agriculture in a different competitive world. Then we could all be "free-traders" again.

VETERANS' PENSION REFORM

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. BLOUIN. Mr. Speaker, recently I submitted testimony to the House Veterans' Affairs Subcommittee on Compensation, Pension and Insurance. Today, I am submitting this same testimony into the CONGRESSIONAL RECORD.

Specifically, I submitted remarks on two bills of which I am a cosponsor and which I feel are long overdue in the area of veteran's pensions. The first bill, H.R. 9000, which I have cosponsored with Congressman GLEN ANDERSON of California would provide penisons to veterans of World War I. The second bill, which I am cosponsoring with the chairman of the subcommittee, Congressman SONNY MONTGOMERY, would specifically guarantee the veteran that his current pension benefits would not be decreased by annual social security payment increases.

The testimony follows at this point:

REMARKS OF CONGRESSMAN MIKE BLOUIN

Mr. Chairman, members of the subcommittee, I appreciate very much this opportunity to share my thoughts, as well of those of my constituents, with you on two bills which I believe merit the immediate attention of Congress.

I feel that it is particularly appropriate that this subcommittee has decided to address both of these issues at this time.

The first, HR 9000, calls for an additional $150 per month pension for World War I veterans and their immediate survivors and the second, HR 10173, makes significant and long overdue changes in the current veterans pension structure.

First, I would like to address myself to HR 9000 which I am cosponsoring with Congressman Glen Anderson of California.

Without a doubt I am sure that most of us will agree that the surviving World War I veteran is perhaps the most neglected individual who ever served in the defense of this nation.

Other than those World War I veterans with service connected disabilities who received benefits awarded for their injuries, in most cases individuals who served during the First World War did not even receive the most modest of government benefits.

At the time of their discharge not only did they not receive job preference, educational benefits or subsistence allowances, but they also failed to receive the free hospital care that veterans of more recent service have received as a matter of course.

In fact, the only thing these veterans received for their efforts after the "war to end all wars" was a one-way train ticket to their home town and $60 in expenses.

While it is true that since that time Congress has attempted to aid these World War I veterans by setting a limit on the total income any veteran could earn and still receive a military pension, pension payments were most often accompanied by annual increases in social security.

The resulting effect was that over the years the World War I veterans' total income was inadvertently allowed to increase above the maximum allowable limit thereby causing many to lose most, if not all, of their pension benefits.

As you can imagine with the inflation that has been nibbling away at the dollar for these many years, an individual living on fixed income and experiencing such a set of circumstances is bound to suffer.

Mr. Chairman, I am sure that we could all agree with Russell Proffitt, Executive Director of the Heritage Agency on Aging in Cedar Rapids, Iowa, when he wrote to me saying:

"It is evident that the spiral of inflation and the steady loss of veterans' pension benefits has caused . . . elderly citizens to sink deeper and deeper into poverty."

"This is especially true of veterans and widows from World War I and we must figure out a way to correct this inequity."

In my opinion, HR 9000 would do just that.

As I am sure you are all aware, HR 9000 would authorize the payment of service pensions at a rate of $150 a month to veterans of World War I, their surviving spouses and children in addition to any current pension that, under existing law, might be available.

Now while the Veterans Administration is not favorably disposed towards this particular piece of legislation, it seems only fair and equitable that World War I veterans be compensated for their many years of doing without the benefits that Congress has granted to veterans of subsequent time.

In my opinion, Mr. Chairman, the amount of funding called for in this bill is only fraction of the amount these individuals deserve and should accompany this committee's efforts to revamp the existing pension programs.

Mr. Proffitt also stated in his letter that "It seems unthinkable that our government would continue to tolerate the penalizing of veterans and their widows . . . who are suffering a loss of pension benefits every time Social Security payments are raised."

May I state for the record that I could not agree with him more.

With the assistance of Mr. James Braxmeier, Veterans Representative of the VA in Cedar Falls, Iowa, I would like to include as part of my remarks some specific examples of inequities within the existing Veterans Administration pension programs.

The first case involves a veteran and his wife who live in a $15,000 home in a large northeast Iowa town. Their Social Security income went up by $8.40, their John Deere pension went up by $19.35 and as a result their VA pension went down by $38.04 a month. The veteran suffered a stroke which rendered him physically and mentally disabled and now needs constant care and supervision which is incredibly expensive for anyone and almost impossible for someone on a fixed income.

The next case involves a veteran's widow who was drawing $2,115 annually from Social Security and saw it increase to $2,336 the following year. When the Social Security increased the VA widow's pension was reduced from $54.44 a month to $36.70 and when her Social Security income went up to $2,733 her pension went down even further to $28.96 a month.

The final case involves a veteran whose Social Security income increased from $3,125 to $3,436 annually while his VA pension was sliced from $87.75 a month to $75.84 a month.

As is evident from the cases supplied by Mr. Braxmeier, it is increasingly obvious that legislation such as HR 10173, which I am pleased to have the honor of co-sponsoring with the Chairman of this committee, is needed and should be enacted into law immediately.

This bill addresses the problem of individuals having their pension checks reduced as a result of associated increases in social security benefits.

As the members of this committee are aware, this proposed legislation would substantially increase the rates of pension so that no eligible veteran or widow or widower would be required to live below the poverty level.

Moreover, it would automatically index pension increases to the same schedule as the current law sets for Social Security thereby eliminating the need for Congress to take annual action to provide cost-of-living increases.

Finally, and most importantly in my mind, HR 10173 would assure that no veteran's pension would ever be reduced as a result of an increase in Social Security.

Mr. Chairman, I think that the argument in favor of this particular piece of legislation could best be summed up by Mr. Pete Todd, Executive Secretary of the Linn County Commission of Veterans Affairs in Cedar Rapids, Iowa.

He said: "I personally do not feel that this country owes me a living just because I served in the Armed Forces. It does owe me the opportunity to work, and if unable to work, to live in a dignified manner."

Mr. Chairman, I believe the advocates of HR 10173 are only asking their fellow members of Congress to aid them in their effort to remedy this present situation and to insure that veterans who are beyond their productive years are able to have that dignity of life of which Mr. Todd and others have spoken.

ABOLITION OF FEDERAL DIVERSITY OF CITIZENSHIP JURISDICTION

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. DRINAN. Mr. Speaker, the House will soon consider H.R. 9622, the bill to eliminate diversity of citizenship as a basis for jurisdiction in the Federal courts. Under the diversity jurisdiction, Federal courts have the authority to adjudicate disputes between citizens of different States even if the controversy involves only questions of State or local law. The Constitution provides for such jurisdiction because, in 1789, it was feared that State courts might discriminate against out-of-State residents. The Constitution also, however, gives to Congress the ultimate authority to decide whether and to what degree the diversity jurisdiction should be exercised. In reporting favorably on H.R. 9622, the Judiciary Committee determined that the essentially "protective" role of diversity jurisdiction is no longer needed.

A few weeks ago, I had the occasion, along with other colleagues on the Judiciary Committee, to participate in a seminar on the administration of justice held in Williamsburg, Va. Altering the diversity jurisdiction was one of the topics examined. Judge Elmo B. Hunter, of the western district of Missouri, presented a very cogent statement on the necessity to eliminate diversity jurisdiction. As background to and in support of the pending legislation (H.R. 9622), I insert in the RECORD at this point the thoughtful remarks of Judge Hunter:

FEDERAL DIVERSITY JURISDICTION IS NO LONGER JUSTIFIABLE

(By Judge Elmo B. Hunter)

From what you have heard from prior speakers you know there is an ongoing need to examine anew the purpose the federal courts serve and should serve in our democracy if those courts are to fulfill their constitutional function. This examination must include as a top priority a proper jurisdictional balance between the federal and state court systems, and an assignment to each system those cases most appropriate to that system in the light of the basic principles of federalism. The guiding principle is that that there should be federal court jurisdiction where federal questions are at stake, and state court jurisdiction where state questions are at stake and state courts are available to provide an adequate forum.

My assignment is to briefly but specifically review the subject of federal diversity jurisdiction to determine how it came to be, the purposes it serves, and whether or not it should remain as a basis for federal jurisdiction. Such a review must include a recognition of the burden placed on the federal courts by diversity jurisdiction and consideration of the ability of the state courts to take it over.

Federal diversity jurisdiction is made possible by Article III of our Constitution which was drafted so as to permit but not to mandate federal court jurisdiction based on "controversies between citizens of different states and between a state or the citizens thereof and foreign states, citizens or subjects." The grant was not self executing.

Thus, the Constitution gave to Congress the power and duty to decide if there should be federal diversity jurisdiction, and to what extent, if any.

At that early hour of our history our Courts were quite different from today. In our nation's *First Judiciary Act*, passed in 1789, Congress created not just one set of inferior courts, but two. Each of the twelve states was given at least one district court. Only a handful of Judges were needed to man those few district courts. Congress also created three Circuit Courts. Judges were provided for the Supreme Court, five in number, and for the District Courts, but the Circuit Courts were given no judges of their own. Instead the Circuit Courts were to hold two sessions each year within the circuit, with the Circuit Court consisting of two justices of the Supreme Court and the District Judge of the district. Population was sparse; travel very limited; and interstate business was minimal. It was in this setting that, in the First Judiciary Act, Congress created diversity jurisdiction. The grant of such jurisdiction had a de minimis result as indications are that few cases were filed on that basis.

To this day there is no consensus as to why diversity jurisdiction was made a permissive basis of federal court jurisdiction; or why Congress opted for it. It was simply not debated or explained at the time.

Scholars, and others, over the years, have endeavored to come up with explanations for the Congressional action taken in 1789. The traditional explanation is a fear that state courts in those early days would be prejudiced against those litigants from out of state. Mr. Justice Marshall mentioned this as a possible explanation in an opinion in Bank of the United States v. Deveaux in 1809 (3 L. Ed. 38).

Whatever such prejudice as may have existed in 1789, it is acknowledged today to be either de minimis or nonexistent. Today our people travel much and freely. They reside first in one state and then in another. They move as their business or personal convenience dictates. Their families, relations, business associates and friends also move often and frequently live in other states. There is no longer any real risk of prejudice based on state of residence.

And today it is generally recognized that it is unrealistic to believe that prejudice against a litigant merely because he or she is a citizen or resident of a different state is a significant factor in arriving at justice in a case. Today's modern state courts, with their stress on objectivity and fairness, and with their sensitive appellate reviews can be relied on to be free of that type of prejudice. Moreover, since federal juries are now drawn from the same registration or voter lists as state jurors, although from a wider area within the state, there is no advantage prejudicewise in having a federal jury over a state jury.

Often federal judges have earlier served as state court judges. If a personal testimonial is permitted—it is strange to me as one who has been a state court judge for 13½ years and one who has sat on all the courts of record of his state—trial, appellate and supreme court—that I may have been susceptible of such prejudice then but have been purged of it for the 12 years I have been a federal judge.

A second reason occasionally suggested for retention of federal diversity jurisdiction is that it may provide a forum for cases over which no state court could obtain jurisdiction. This is a rare possibility in view of modern-day state service statutes, and state interpleader statutes. And that possibility becomes meaningless since the federal interpleader statute (28 U.S.C.A. 1335) and federal question statutes remain and provide federal jurisdiction. These assure that a forum will always be available, even in the absence of federal diversity jurisdiction.

A third reason sometimes mentioned is that it is a function of federal diversity jurisdiction to assure a high level of justice to the traveler or visitor from another state. Since the Supreme Court's landmark decision in Erie Railroad v. Tompkins, 304 U.S. 64 (1938), the federal courts are required to apply state law in diversity cases.

The federal courts in such cases do not, however, authoritatively determine state law; only state courts do so. Thus, the diversion of state law litigation to federal tribune both delays the authoritative development of state law and imposes upon federal courts the risky, laborious and wasteful task of predicting what the state law may be on issues upon which only the state courts may speak with authority. Often the federal courts anticipate differently from what the state courts later decide. This is not the way to assure justice to the traveler or visitor from another state; it is counter-productive to the process of justice and is an undesirable and needless interference with state autonomy. Nor is diversity jurisdiction justified in order to encourage free movement and business activity throughout the country. Abolition of diversity jurisdiction in 1978 is irrelevant to free trade and free movement and would not create any impediments to citizens' travel and business.

Even so, some believe that the federal courts are superior—i.e., better than the state courts, and, hence, should be given jurisdiction. Certainly this attitude is unsupportable as applied to state law problems where state law controls. Such a belief, if carried to its logical conclusion, would result in the placing of all litigation in the federal court system, and would abolish the state courts of this nation. Our state courts have exclusive jurisdiction over murder cases with the death penalty applicable; they have jurisdiction over crimes calling for sentences up to and including life; they have jurisdiction over our property rights, our marital rights, inheritance rights, etc. Historically they have performed capably. To say they are not to be trusted with the trial of an automobile collision event because of the happenchance of diversity of citizenship is shocking and illogical.

Actually, in modern society diversity jurisdiction simply provides a tactical weapon for lawyers, without advancing the cause of justice. Ingenious attorneys have invented a number of devices both to create and to defeat diversity jurisdiction, as it suits their tactical interests in the particular suit. Such things as transferring causes of action, assignments for collection purposes only; transferring small interests; changing the state of incorporation; appointing out-of-state administrators and guardians, selecting out-of-state class action representatives are illustrative of tactical or collusive efforts to

create or to defeat federal jurisdiction. The law books are full of such cases and our courts lose much valuable time and devote substantial attention to ruling the jurisdictional questions rather than have that time free to be devoted to cases more properly belonging on the federal court's docket.

I turn now to another reason, fully sufficient in itself, why federal courts should no longer entertain diversity actions. That reason is the tremendous burden which these cases impose upon the limited judge-power of the federal courts which should be kept free for those cases which only the federal courts can handle, or which, because of their federal expertise, they can handle significantly better than the courts of a state. We know only too well that the federal courts in recent years have experienced an ever-increasing dramatic growth in volume of cases. In only 20 years the number of civil cases filed in the federal district and appellate courts has more than doubled. No letdown is in sight. The result is a situation not capable of reasonable resolution simply by the creation of more judgeships, necessary as they are. Some reduction in intake is imperative.

Sometimes facts in the dry form of statistics rather than rhetoric best describe the workload of the Federal Judiciary occasioned solely by federal diversity jurisdiction. In the fiscal year ending June 30, 1977, there were 130,567 civil cases filed in the federal district courts of which 31,678 or 24.3 were diversity cases. The total civil and criminal cases filed in the federal district courts during the 1977 fiscal year was 172,631. Diversity cases comprised 18.4% of all civil and criminal filings. The great bulk of these diversity cases (approximately 68%) were tort actions, usually personal injury actions (97% of 68%). For some reason diversity cases go to full trial more often than nondiversity cases. About 12% of them are tried by the court or jury, while only about 7.8% of other federal cases go to full trial. In other words, approximately 3,300 of them are tried each year by the Federal District Courts. Thus, diversity cases accounted for more than 25% of all jury trials and about 68% of all civil jury trials. And, remarkably, a very large percent of those tried are appealed, presenting an awesome volume problem to our appellate courts. For example, in 1977 of the some 10,980 civil cases appealed to the circuit courts of appeal 1,713 were diversity cases. The future is not bright. There was a 44½% increase in the number of diversity cases appealed compared to fiscal 1971. The movement seems always to be on the increase.

Clearly, through sheer force of numbers these diversity cases tend to preempt already overcrowded dockets and to make it very difficult, if not impossible, for the federal judiciary to give adequate and necessary time to other federal cases that do properly belong in the federal judicial system charged with the administration of justice in basic federal rights areas. Hence, there is presented an independent vital need to achieve a better balance between the state and federal judiciary without the sacrifice of the proper role of the federal courts in our democratic government.

Over a quarter of a century ago, the late Mr. Justice Jackson stated that "In my judgment the greatest contribution that Congress could make to the orderly administration of justice would be to *abolish* the jurisdiction of the federal courts which is based solely on the ground that litigants are citizens of different states." At an even earlier date Mr. Justice Frankfurter referred to "the mounting mischief inflicted on the federal judicial system by the unjustifiable continuance of diversity jurisdiction."

The Federal Judiciary favors outright abolition of diversity jurisdiction based on state citizenship. The Judicial Conference in its own wisdom for a number of years has advocated the repeal of diversity jurisdiction based on state citizenship. Our Attorney General (Bell), on behalf of the Department of Justice has stated his conviction that it should be abolished. The American Bar Association urges its abolition, as do many other prestigious organizations and leaders.

I earlier mentioned the ability of the 4,000 state trial courts to take over this burden now carried by the less than 400 federal district court judges.

As a part of this audience, we have present the Chief Justice of the Supreme Court of Minnesota, Justice Robert J. Sheran, who is the Chairman of the State Conference of Chief Justices. That Conference on August 2, 1977, passed a resolution in favor of the abolition of diversity jurisdiction. Although Justice Sheran is on our program on another topic, at the risk of being impolite, I'd like to call on him to stand and tell us in a word or two whether in his opinion the 4,000 state court trial judges of this nation could as to ability and capacity handle the diversity cases now being handled by the federal district court judges.

To come to the bottom line as the saying goes—in all aspects of government, throughout the history of our nation there have been numerous and repeated changes in the original laws of our nation to meet the changes occurring in our society. The 1789 laws were never intended to be sacrosanct and to meet the needs of a 1978 society. 189 years ago conditions were vastly different. Certain changes of law have had to occur, have often occurred, and need to occur in the future if our nation and its three branches of government are to survive and properly serve this nation. Fortunately, the American people can look to their elected representatives, their Congress, to be sensitive to these problem areas where change is needed and to make those changes of law which are meritorious and in the interest of the people of this nation. The very important diversity jurisdiction problem with its adverse effect on the ability of the federal judicial system to serve the American people has not gone unnoticed or unattended. In this Congress there is an in depth, ongoing examination of the problem. One of our nation's great leaders, the Honorable Robert W. Kastenmeier, Chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice, Committee on the Judiciary, House of Representatives, is here with us today. He and his subcommittee on October 18, 1977, introduced H.R. 9622 which was referred to the Committee on the Judiciary. This bill, designed to squarely meet the near overwhelming problems caused by federal diversity jurisdiction has as its stated purpose the abolishing of diversity of citizenship as a basis of jurisdiction of Federal District Courts and to abolish the amount in controversy requirement in federal question cases. I have contacted Mr. Kastenmeier's staff prior to this meeting and have obtained his gracious consent for him to discuss H.R. 9622, including briefly its history, present status and its hopeful future.

Mr. Kastenmeier, we of the Judiciary know you to be a true friend of the federal and state justice systems, ever alert to the needs of the people served by those systems, and as one always striving to improve the judicial process and the quality of justice within our nation. It is my pleasure to ask you to take over and to use the remaining time on this subject an any way that you desire.

SMALL U.S. FIRMS LOSING POTENTIAL FOREIGN SALES

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. BLOUIN. Mr. Speaker, at a time when it has just been annouced that this country's present trade deficit will most likely be duplicated during the coming year; and at a time when economic experts of varying philosophical viewpoints are jointly predicting the continuing decline of the U.S. dollar in foreign money markets unless this country's balance of trade position moves back to the positive side of the ledger, I feel that it would be appropriate to draw to the House's attention a recent Christian Science Monitor article entitled, "Small U.S. Firms Losing Foreign Sales."

While I believe that the individuals over at the Department of Commerce's Industry and Trade Administration (formerly known as the Domestic and International Business Administration) charged with encouraging and promoting this country's exports have been doing an outstanding job, I feel that they have been operating under less than ideal circumstances given that this country's official policy does not seem to enthusiastically embrace the proposition that development of export markets should be one of the economic priorities of this Nation.

The article follows:

[From the Christian Science Monitor, Feb 14, 1978]

SMALL U.S. FIRMS LOSING POTENTIAL FOREIGN SALES

(By Guy Halverson)

WASHINGTON.—Not too long ago, in the U.S. Midwest, a small manufacturing firm received an unexpected order worth $100,000 from Nigeria. The befuddled company executives didn't know what to do with the request, so, it wasn't filled.

This Midwest manufacturer's loss of potential overseas business is not unique. Indeed, for a variety of reasons, many small and medium-sized U.S. firms are not taking full advantage of lucrative export markets, according to a new study under way here.

"The situation is becoming very serious," argues Dr. George Tesar, a professor of marketing and international management at Georgetown University, and head of a special project looking at exporting policies of U.S. small businesses.

Dr. Tesar fears that the trend could even result in some U.S. firms being knocked out of business in their own domestic markets by foreign firms. He says these American businesses are more and more going to be at a disadvantage with their overseas counterparts, which are becoming quite sophisticated about world trade—including the giant U.S. market.

Georgetown's study has already examined some 500 small business firms. It is believed to be one of the most extensive of its kind.

LACK OF MODERN TECHNIQUES

According to Commerce Department officials, the demise of some small firms would have negative impact on the U.S. social-business structure since many small businesses are often the main suppliers to large businesses. Further, according to some economists, in an age of business consolidation and conglomerates, small businesses remain one of the last areas of full-fledged competition. They sometimes exert a "restraining" factor on excessive price markups by large firms.

According to the Georgetown study, small-business men are not using modern management techniques to sell their products abroad.

In Wisconsin, for example, there are 6,500 firms with fewer than 200 employees, compared with only 204 firms with 240 to 250 employees and 164 firms with more than 500 employees.

Yet out of a sample of some 423 smaller-sized firms checked, only 167 are engaged

in exporting. Of these 167 firms, only 37 had exports constituting more than 10 percent of their entire sales volume.

Studies in Illinois and Minnesota suggest similar results: little exporting by small firms.

"We're very quickly approaching a point where we're going to have to do something as a nation to step up our exporting by smaller firms," says Dr. Tesar. One problem, he says, is that many heads of small firms are craftsmen—geared to running a shop or production line. They often lack backgrounds in management and marketing. They tend to be insular and unfamiliar with overseas markets. What's more, says Dr. Tesar, who was born in Czechoslovakia, young college-trained businessmen usually gravitate to large corporations.

MANY ORDERS SCRAPPED

The incident noted at the beginning of this story—the unfilled order from Nigeria—is not at all uncommon, says Dr. Tesar. He notes that often firms will receive orders from abroad, and not knowing how to go about exporting in the first place, will merely scrap the order, no matter what the order is worth.

Some communities, he says, such as Fairfax County, Virginia, now are hammering together plans to expand exporting by small firms, he says. But in most cases, cities and firms remain indifferent or unaware of export possibilities.

How should a small firm or family-owned business go about exporting? According to Dr. Tesar:

1. They should read journals and magazines about overseas trade.

2. They should contact their local chamber of commerce, the regional office of the U.S. Commerce Department, or a local bank, for information.

3. If they don't wish to handle the actual work involved with overseas trade themselves, they can hire an agent who will do everything from "packing the goods to providing the bill of lading." Reputable agents can be found through the U.S. Chamber of Commerce or the Department of Commerce.

According to Dr. Tesar, who is joined in the Georgetown research project by Profs. Harvey Iglarsh and Arnold Herzog, the key to stepped up exporting is what he calls a process of "internationalization." This means, he says, "a change in attitudes" by small-business men about overseas market potential. Also they must learn how to deal with orders from abroad.

THE TAX CUT—WHO WINS, WHO LOSES

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. CONABLE. Mr. Speaker, there has been a great deal said about the impact of the President's tax cut proposal on individual taxpayers and its gets down to who wins and who loses under it. The President said in his campaign that he would never increase taxes on those below the median income level which is now about $17,000 for a family of four.

What we need to understand when considering the impact of any tax proposal is that taxes come in many forms—income taxes, social security taxes, and inflation—and each must be included in any analysis relating to the burden of taxation.

Last week's National Journal contains an article describing an analysis which takes into account the President's individual tax cut proposal, the new social security taxes enacted last year and inflation. Its conclusion, is that the only single taxpayers who benefit are those whose 1977 incomes fall in the $3,300 to $4,500 range and families of four with incomes between about $8,000 and $17,000.

It is clear from this analysis that very few would benefit from the President's tax proposal. I would hope that all would review this analysis carefully for it is an important piece of information adding to the debate on the administration's tax program.

I ask unanimous consent that the article, minus the graph, be included in the RECORD at this point:

EVEN UNDER CARTER TAX PLAN, MOST PEOPLE LOSE

Even if President Carter's proposed $25 billion tax cut is enacted, most individuals and families of four will pay a greater percentage of their income in federal taxes in 1979 than in 1977—assuming that their salaries rise with the cost of living.

The effect of the new tax system would not be so much progressive as perverse. Taxpayers at both the bottom and the top of the tax scale would pay more; only those in the middle would gain.

A National Journal analysis of the proposed tax changes shows that the only single taxpayers who would benefit are those whose 1977 incomes fell in the narrow range of $3,300 to $4,500. Probably only about 10 per cent of all single taxpayers fall in this range. The very poor, and the many single taxpayers whose incomes exceeded $4,500, would pay more.

The only families of four who would be better off are those with 1977 incomes between about $8,000 and $17,000. Those whose incomes ranged up to $22,000 would come out about the same. But for poor families whose incomes fall below $8,000, as well as families whose incomes exceeded $22,000, the tax bite would be worse in 1979 than 1977. Such families probably represent at least 45 per cent of all families of four.

Of course, most people who pay income taxes would be better off with the Carter tax proposals than without them. The perverse effects of the Carter proposals are the result of two factors that offset the tax cuts: social security tax increases legislated in 1977 and the effect of inflation as it pushes taxpayers into higher income tax brackets.

Taking these factors into account, National Journal compared the 1977 and 1979 tax bites of individuals and families of four with incomes up to $30,000 in 1977. The results are shown in the graph above.

Single taxpayers would have to pay as much as an additional 1.7 per cent of their income in federal income and social security taxes. In dollar terms, they would have to pay as much as $1,400 in additional federal taxes.

Families would get hit hard at both the low end and the high end of the income scale. Families with 1977 incomes of $6,000 would see their tax bite increase from 2.5 per cent of their income in 1977 to 4.5 per cent in 1979, while $30,000-a-year families would experience an increase from 18.4 per cent to 20.1 per cent. At the upper end of the income scale, that percentage difference means $1,400.

Because of the earned income credit, very poor families would continue to pay a negative income tax—that is, they would collect more money from the tax system than they would pay. But they would benefit less than before, because of the increase in the social security tax rate.

In its calculations, National Journal assumed that 1977 incomes would be inflated by 14.5 per cent in 1979. This increase, of about 7 per cent a year, is equal to the increase that Congress, anticipating inflation, originally assumed in setting maximum wages subject to the social security tax.

Income taxes were computed according to actual 1977 tax tables and Carter's proposed 1979 tax tables. The standard deduction ($2,200 for individuals, $3,300 for families) was used for taxpayers in the lower brackets, but the average itemized deduction was used in higher brackets.

The social security tax is scheduled to rise from 5.85 per cent in 1977 to 6.13 per cent in 1979, and the maximum wages subject to the tax will rise from $16,500 to $22,900. Families of four were assumed to have two wage earners contributing social security taxes, with the lower-paid worker earning one-third of the social security wage base.

—Joel Havemann and Robert J. Samuelson

HOSPITAL COSTS AND GOVERNMENT REGULATIONS

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. EVANS of Indiana. Mr. Speaker, Saint Francis Hospital Center's January 1978 publication, Intercom, offers a very timely and tongue-in-cheek article on the impact of Government on hospital costs.

At a time when we are all concerned about the skyrocketing costs of medical care in our country, and when the Government is initiating efforts to combat high health costs, the article presented here is well worth our review and attention:

WHETHER HOTELS OR HOSPITALS, GOVERNMENT INTERVENTION COSTS MONEY

There is an old complaint about hospital costs that goes like this. "How come hospitals charge up to $100 a day for just room and board? My gosh, I can stay at the best hotel in town for less than half that amount!" Sound familiar?

One reason why hospital costs continue to climb is the financial impact of literally hundreds of government regulations on the everyday operation of the hospital.

So let's take one of Indianapolis' finer hotels—the Hyatt Regency—and impose just a few of these mandatory regulations under which the Hyatt must operate. These rules emanate from hundreds of city, state, and federal "authorities". They are the dictates under which the hotel manager, like the hospital administrator, must conduct his business.

It would go something like this:

1. The hotel must certify in writing that each guest "needs" a room before permitting that person to enter the hotel.

2. The hotel must have a committee to establish how long each guest may keep a room as each guest enters the door. If the guest stays longer than the prescribed time, he may not be required to pay for extra days of stay. (In a hospital, Medicare and Medicaid patients who stay past the prescribed time for a particular diagnosis and who do not receive proper notice from the hospital cannot be charged for added days of stay nor will Uncle Sam pay for those days.)

3. Periodically, the hotel will be required to determine and report the "race" of each guest in the hotel on a particular day.

4. Next, let's require that for one-third of its guests, the hotel cannot set room rates. Instead, an "authority" will determine how much the guest may be charged. Better yet, we will tell the manager that these guests may not be charged more this year than last

year's rates—regardless of how much the hotel must pay for the items it uses, or how much our new regulations have added to the the hotel's operating costs. If the Hyatt gets into a financial bind, it can always apply for a rate increase to a Hotel Rate Review Committee. If approved, the hike in prices will be applied to the other two-thirds of its guests to make up the loss. (This is the situation a hospital faces where one-third of the patients are covered by Medicare or Medicaid.)

5. Since the government will be paying for the hotel charges for one-third of the guests, the hotel must now issue two separate bills to an agency acting as an intermediary for the government. But they won't collect in full. The government will pay 86 percent of one bill for ordinary daily services and only 80 percent on a second bill for professional fees. In the final analysis, the Hyatt will have to write off a portion of the total bill as an uncollectible item. (Again, this equates to a hospital's experience with Medicare/Medicaid, in which the hospital's real cost is not met by the amount of charges allowed by law.)

6. Let's say the check-out time is 12 noon. If a guest stays later, he will be charged. But for the one-third of the guests whose stay will be paid for by the government, the Hyatt cannot charge for extra hours in which a room is occupied past the check-out time. They also can't honor a reservation for the room for another guest since the room is still occupied. That's a double loss. (A hospital cannot collect from Medicare-Medicaid patients who stay beyond established dismissal time for a period less than 24 hours.)

7. In order to qualify for federal reimbursement of charges for that one-third group of guests, the Hyatt must participate and conform to standards of excellence established by another agency, the Joint Commission for Accreditation of Hotels (JCAH, for short). The Hyatt must also pay for this participation, which includes a scrupulous survey of the hotel, its policies, procedures, and physical plant. If they fail to meet certification by the JCAH, they might also find that Master Charge, Visa, and other credit organizations can refuse their services to the hotel. (This is how a hospital qualifies for participation in the government-subsidized Medicare-Medicaid program, and in some instances, participation in Blue Cross and other insurance plans. The accrediting agency is the Joint Commission on Accreditation of Hospitals.)

8. Naturally, we will establish that the hotel is to be "fined" for refusal to report all data outlined by the regulations or if its records are not totally accurate.

9. For topping, the hotel must hire an independent accountant to certify the accuracy of data reported under the regulations.

10. If the Hyatt wants to buy an emergency generator system that costs over $100,000, it must prepare a detailed document of need, send it to a government agency, be available for ensuing conferences and interviews to obtain approval to make the improvements. The same procedure holds true if the hotel wants to add another 6 rooms for guests. (*This is a constraint placed on hospitals for capital equipment expenditures or addition of services.*)

11. To wrap things up, let's make the hotel manager responsible for planning each guest's total stay in town. If he errs in judging what is best for a guest, then sue, sue, sue.

These regulations and hundreds more can be piled onto the daily operation of the Hyatt. Do you wonder how long it might take for hotel rates to work up to the level of hospital charges? But then, of course, the solution would be simple—create another authority to force down hotel rates. We would call it a national Hotel Systems Agency or HSA for short. That should solve everything, wouldn't you think?

GOVERNMENT, REGULATION AND HOSPITAL COSTS

1. How much does government spend for health care services?

Through Medicare, Medicaid and other local, state and federal programs such as veteran's hospitals and maternal and child health services, government spent almost $50 billion in 1975. This represents about 40 percent of the $118 billion spent by all sources on health care in 1975.

2. How much of that $50 billion pays for hospital care?

Because many government programs are designed to aid high risk groups like the elderly and the poor, hospital usage by these covered groups is high, thus, hospitals receive about 55 percent (25.6 billion) of government's health care dollars.

3. What trends can be seen in government spending for hospital care?

Just ten years ago, government paid less than 40 percent of total hospital bills. Today, that has jumped to 55 percent, largely due to implementation of the Medicare and Medicaid programs. While government is attempting to cut back the cost of its programs through regulations and amendments to the original Medicare act, increased benefits and more participants will make real cost reduction difficult to achieve.

4. Most laws and regulations are designed to protect consumers' health and welfare. Why do hospitals fight them?

Hospitals are not opposed to government regulation. As a matter of fact, they recognize that government, as the single largest purchaser of hospital care, has an obligation to oversee the effective and efficient delivery of hospital services. And in many instances, hospitals support wholeheartedly the end goals of these laws and regulations. What hospitals oppose is wasteful, counter-productive or contradictory regulations which cost more than the benefits are worth. Hospitals are working for a more effective review and testing process for new regulations, for greater input into their development, and for regulations that are cost-effective.

5. What are hospitals doing to help achieve these goals?

Hospitals, through their associations, are working on a day-to-day basis to provide expertise to Congressional committees and federal agencies in an effort to develop coordinated, workable and cost-effective regulatory programs that protect the public interest along with the financial viability of health care institutions.

6. What are some specific examples of government programs that hospitals feel are wasteful?

The Social Security Administration's (SSA) efforts to validate JCAH accreditation as a means of establishing hospitals' eligibility to participate in the Medicare program is an excellent example. In the inspections, hospitals were faced with conflicting directives and inconsistent interpretation of the regulations, causing a great deal of confusion. In the simplest terms, the inspections utilized the 1967 Life Safety Code which had been updated twice. Many hospitals were in compliance with the newer 1970 or 1973 versions, but were declared ineligible to participate in Medicare based on the 1967 code. In addition, the Code is open to interpretation, so application often depended on the individual inspector. On the average, hospitals found to be deficient were asked to make improvements averaging $1 million each. And hospitals believed many of the "improvements" would not add noticeably to patient safety.

7. Hospitals have said government is not paying its full share of the Medicare program and that paying patients are "subsidizing" government. What is meant by those statements?

When the Medicare law was written, Congress stated "the costs with respect to individuals covered by the (Medicare) insurance programs . . . will not be borne by individuals not so covered . . ." Congress also provided for reimbursing hospitals on the basis of the "reasonable" cost of providing services to Medicare program beneficiaries. At present, the definition of "reasonable" cost eliminates such unavoidable expenses as the costs of research and education not directly related to patient care and hospitals' losses for patients who cannot or will not pay. Those costs determined to fall outside the limits of "reasonable" must then be recovered from non-Medicare patients. So in essence, non-Medicare patients are paying extra to cover the services provided by the hospitals to patients the government is committed to caring for, a situation prohibited by the original law.

PUBLIC SUPPORT FOR UGANDAN COFFEE BOYCOTT GROWS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. PEASE. Mr. Speaker, there is no doubt support for ending U.S. commercial support for Idi Amin is growing. Day by day, more Americans are becoming aware of the large sums of money ($215 million in first 9 months of last year) that American coffee companies are providing for Amin. They are disgusted that American dollars are being used to buy Soviet military equipment and to finance luxury goods for Amin and his mercenaries. This kind of corporate irresponsibility is repugnant to many Americans and they are increasingly beginning to make known their views.

Last week, the Boston City Council passed a resolution sponsored by Council President Lawrence DiCara urging the Congress to approve the bills I have introduced to end U.S. commercial trade with Uganda. Moreover, the State House of Representatives and the State Senate of Massachusetts have approved similar resolutions calling for an end to American commercial support for Amin. In addition, the Massachusetts resolutions call upon Gov. Michael Dukakis to proclaim a "Freedom for Uganda" day in the State in order to acquaint Massachusetts residents with the outrageous brutality of the Amin regime and how Amin relies upon heavy exports of coffee to this country for his continued survival. Much credit and praise should go to Dr. Jeffrey L. Lant, coordinator of student services in the evening college of Boston College, State Senator Alan Sisitsky, chairman of the Senate Judiciary Committee, and to State Representative Denis Baker for focusing the attention of all Massachusetts residents upon the plight of Ugandans and for spurring the Massachusetts Legislature to take action.

I applaud the actions taken by the Boston City Council and the Massachusetts State Legislature. They serve as fresh reminders that concerned, compassionate Americans want the Congress to take further steps to disassociate our country from Amin's genocidal policies. I expect similar expressions of support from elsewhere around the country.

Now more than ever, I believe the American people want stopped the role

a few American companies are playing in propping up Idi Amin. It is within the power of this Congress to do so.

I am reminded Albert Einstein once observed that it is a very dangerous world we live in. Not so much because of those who would do evil, but because of those who would do nothing about them. In this vein, it is becoming clearer by the day the American people want us to use our economic leverage against Idi Amin rather than in favor of him.

CONGRESS MUST STOP THE CARTER PROPOSAL FOR ARMS SALES TO EGYPT AND SAUDI ARABIA

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. LENT. Mr. Speaker, last week's action by the President in proposing sale of highly sophisticated fighter planes to Egypt and Saudi Arabia threatens such serious consequences that the Congress must act to block any such sales. I am, therefore, introducing today a concurrent resolution declaring the opposition of the Congress to this very dangerous shift in U.S. foreign policy.

Mr. Speaker, for more than 30 years under six Presidents, Democratic and Republican, the U.S. policies in the Middle East have been directed consistently at seeking a balance of military force among the nations there. For more than 30 years, the U.S. policies in the Middle East have been directed consistently at attempting to curb escalation of military power there. Now, with no justification, President Carter seeks to overturn this wise and consistent program by proposing to supply Egypt and Saudi Arabia with highly sophisticated fighter planes, thus building a new, and major, strike force in the Middle East. This strike force can be aimed at one target, and one target only—Israel.

Such a fearsome escalation of Arab military power would have the effect of an exploding bombshell on the delicate peace negotiations now in progress in the Middle East. With the expectation of a major buildup in Arab military strength, Arab extremists will be encouraged to dream anew of wiping out Israel through military conquest. Any Arab interest in a peace settlement brought about by respect for Israeli military strength and determination would be greatly diminished.

Israel itself would face increasing military pressure with its security deeply menaced. Adding to Israel's heavy burden is the solemn fact that the Carter administration's proposal must increase the already strong doubts growing in Israel about the commitment of the United States to its support. No matter what smiling assurances the Carter administration may seek to give Israel, the words ring hollow when matched against the cold facts of the administration's arms sale proposal. The Carter move can only be interpreted by Israel as a signal of the Carter administration's desire to abandon the 30-year tradition of U.S. support for the only truly democratic nation in the entire Middle East.

Mr. Speaker, I see only disaster ahead if this ill-considered and highly provocative proposal is pushed to reality; disaster for the nations of the Middle East; disaster for the United States; disaster for world peace. By any standard—logic, diplomacy, U.S. interests, world peace, even President Carter's past policy declarations—this move is totally, deplorably wrong.

Mr. Speaker, I call upon my colleagues to support my concurrent resolution disapproving the proposed arms sale. Let us demonstrate to President Carter and his State Department that the Members of Congress totally oppose this disastrous proposal. Let us demonstrate to the world that the Congress is determined there will be no change in the responsible, sane policy the United States has maintained in the Middle East for the past 30 years. Let us squelch this thoughtless, heedless venture before it can spawn the evil consequences which must surely follow its implementation.

AMERICA WANTS AND NEEDS A COMPREHENSIVE NATIONAL HEALTH INSURANCE PROGRAM

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. CARNEY. Mr. Speaker, I would like to take a few moments to discuss national health insurance.

All the polls I have seen indicate that the American people want a comprehensive national health insurance program. For example, a poll taken by Pat Caddell in September 1977, indicated that most Americans are pretty strongly in favor of national health insurance, and that they are willing to pay for it with their taxes.

In January 1978, a Gallup poll also showed that a majority of the American public favors a national health insurance program covering all medical and hospital expenses. Older Americans and poorer people favored it by large margins. In addition, a questionnaire survey of my congressional district, the 19th Ohio District, taken in early 1977, showed that 72 percent of the respondents favored some form of national health insurance.

Mr. Speaker, the need for a comprehensive national health insurance program has also been clearly demonstrated. We are spending too much for health care, and the quality of our health care is not what it should be. From fiscal year 1967 to fiscal year 1976, the Nation's total health care bill rose from $47.9 billion to $139 billion—an increase of 190 percent in just 10 years.

The average American spends 1 month's pay each year for health care—much more than the average citizen in any other industrial country. Private health insurance companies currently pay less than one-third of the health care costs of those covered. Moreover, approximately 40 million Americans have no health insurance whatsoever. In addition, millions of working people and their families do not have their medical and hospital costs covered when they are laid off from their jobs or unemployed.

Mr. Speaker, the United States is falling further and further behind other modern industrial countries in such vital areas as: Infant mortality, maternal mortality, and life expectancy. Yet, the United States remains the only modern industrial country that does not have a national health insurance plan.

Because I believe that all Americans should have quality medical and hospital care, I am a cosponsor of the Health Security Act, H.R. 22. In essence, the Health Security Act would establish a national health insurance program for every American, regardless of age or income, covering the entire range of health care services, with no deductibles and no coinsurance. I am inserting a brief summary of the health security program in the RECORD at this time:

HEALTH SECURITY IN BRIEF

Eligibility.—Everyone living in the United States would be eligible for Health Security benefits.

Benefits.—The Health Security Program would pay for nearly the entire range of personal health care services including catastrophic coverage. The covered services would include full physicians' services; inpatient and outpatient hospital services; home health services; optometry and podiatry services, and devices and appliances. It would also cover, at the outset, dental care for children up to age 15 and eventually cover the entire population. And, with limitations, psychiatric services, nursing home care and drugs would be covered. It would establish large pilot projects to determine the feasibility of home maintenance care for the chronically ill or disabled.

Administration.—Health Security would be administered by a five-member Health Security Board as part of the Department of Health, Education, and Welfare. The Board would establish policy, standards and regulations for the program.

Financing.—The program would be financed from a Health Security Trust Fund created by a special tax on employers, employees and the self-employed, with the entire amount matched by Federal general revenues.

Cost and quality controls.—Health Security would establish a Quality Control Commission to develop cost control features, including national standards for health care providers.

Payments to providers.—Physicians, dentists, hospitals, nursing homes and other health care providers would be paid in full directly from the Health Security Trust Fund. The patient could not be charged more.

Consumer participation.—Health Security would assure effective participation of consumers in policy, development and administration of the program on the national, state and local levels. It would encourage consumer organizations to establish health care plans. Procedures would be built into the entire system to assure public accountability for its operation.

Manpower support.—Health Security would actively encourage more efficient organization of existing health manpower and provide funds for special training of health professionals and allied personnel.

Resources Development Fund.—To improve the providing of health care, a Resources Development Fund would be established to support innovative health programs, particularly in manpower, education, training and group practice development.

Incentives.—Financial, professional and other incentives would be built into Health Security to move the health care delivery sys-

tem toward organized arrangements for patient care, such as health maintenance organizations and other prepaid group practice plans or professional foundations. It would also establish programs for preventive care, early diagnosis of illness and medical rehabilitation.

I am also inserting the letter I wrote to the Honorable Joseph A. Califano, Jr., Secretary of Health, Education, and Welfare, concerning national health insurance, together with the reply I received from him:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 19, 1978.

Hon. JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: This in response to your letter of January 18, 1978, asking my views with respect to National Health Insurance.

Since the first session of the 92nd Congress (1971), and in the 93rd, 94th, and 95th Congresses, I have co-sponsored the Kennedy-Corman "Health Security Act". I want to reaffirm my strong support for the "Health Security Act of 1977", H.R. 22. A summary of the "Health Security Program" is enclosed. In my judgment, the enactment of such legislation is long overdue.

Accordingly, it is my hope, and my recommendation, that the President will endorse and work for the passage of legislation to establish a national health insurance program for every American, regardless of age or income, covering the entire range of health care services, with no deductibles and no coinsurance. After full employment, national health insurance, as provided in the 'Health Security Act", should be the Administration's highest domestic priority.

Thank you for giving me the opportunity to express my views on this vital issue. With best personal regards, I am

Sincerely yours,
CHARLES J. CARNEY,
Congressman, 19th Ohio District.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., February 7, 1978.

Hon. CHARLES J. CARNEY,
House of Representatives,
Washington, D.C.

DEAR MR. CARNEY: Thank you for your rapid response to my request for your views on national health insurance. Your comments will be most helpful as we complete the process of developing recommendations for the President in preparation for his announcement this Spring of the principles that will guide the formulation of his national health insurance proposal.

I share your desire to see enacted legislation to establish a national health insurance program for every American, regardless of age or income. I also agree that passage of a national health insurance proposal should be among the Administration's highest domestic priorities. Further, I can assure you that the Department has considered carefully the principles of the "Health Security Act" which you endorse.

Again, thank you for your expeditious reply. I look forward to continuing this dialogue.

Sincerely,
JOSEPH A. CALIFANO, Jr.

COALITION FOR A NEW CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. RANGEL. Mr. Speaker, it has recently come to my attention that a coalition of civic minded constitutents have committed their collective energies toward revitalizing the inimitable city of New York. Officially titled, "The New York Society for Ethical Culture" this coalition believes that in order for New Yorkers to right themselves, they must take advantage of their most abundant resource—humanity.

The polyglot society of New York City can be revitalized by utilizing the inherent strengths of interracial and intercultural cohesion. The people of New York must awake and unite to combat the engulfing shadow of poverty.

Edward L. Ericson chairman of the societies board of leaders, has succinctly analyzed the cornucopia of diversity which has stagnated the growth of New York, and conversely enunciates the coalition's goals and aspirations for the future. I would like to share with you this revealing insight into rectifying the misfortune which has cast this greatest of American cities into a deep slumber. The speech follows:

CARING ENOUGH TO MAKE A DIFFERENCE TOWARD A COALITION FOR A NEW CITY

(By Edward L. Ericson)

During the past few months the impression has deepened in my mind that we who make New York City our home do not recognize the city we have become. We assume we have a fair working knowledge of what our community is, but in truth we do not.

If it is any consolation, people outside of New York do not grasp the reality of the city either. Our critics and detractors, viewing our troubles from afar, often seem to want to bulldose the metropolis and all it represents into New York harbor, and the sooner the better. Others see our city as a relic, a stranded dinosaur, bogged down in its own demographic sink, whose death struggle is a rehearsal of the fate of many other large cities.

It is common knowledge, of course, that New York has become increasingly black and brown, Afro-American and Hispanic. Many relate the city's decline to this fact—if they are bold enough to announce their opinion—while many of the ethnic and racial minorities and their partisans see the city's crisis as the result of five hundred years of racially sanctioned exploitation and abuse inflicted by whites in this Western Hemisphere.

It is not my purpose to review this melancholy story once again. On the contrary, it is my belief that this history, tragic as it is, offers the City of New York an opportunity for renewal that even our most advanced reformers and visionaries have failed to grasp. Or, at least if they have such a vision of New York's revival, they have failed to express it in a form that we might assimilate into our consciousness as a city.

A thought that I have shared in two recent addresses from this Ethical Culture platform, and that I wish to develop more fully this morning, is that the changing ethnic composition of New York makes this the city nobody knows. People like or hate New York on the basis of a culture and population that is rapidly dispersing, rapidly becoming assimilated into a cross section of middle and upper class America. While the children of these groups will retain certain features of the old culture that was New York, the city is no longer producing the social ferment, the distinctive New York cultures and styles, that were preponderant influences when the languages and cultures of the city were a medley of Irish, Yiddish, Italian, and more than a score of other folkways and accents.

That unique event was something wonderful in history. It had never before occurred to such a degree and on such a scale—in such a concentrated place for such an intense moment.

New York has completed that phase of the city's career, and while we may sing about it, preserve it in legend, and sentimentalize that it should not be permitted to pass, the fact is that New York cannot retain its historic position as the gateway city for Europe's immigrant masses. We shall, of course, continue to have a small influx of immigrants from the Soviet Union, from Western, Central and Southern Europe, and for this smaller stream of immigrants New York will perhaps be as important as it was for earlier generations.

But the passing of the great tides of European immigration and the Americanization of those populations does not mean the necessary obsolescence and decline of New York. The city has within itself the resources and skills to achieve a future as important to American democracy and for the Western Hemisphere as anything it has accomplished in the past. I have suggested before, and now wish to make more explicit, the career that I believe this great city can and should undertake for its own renewal and for the strengthening of our whole nation and hemisphere.

If New York has ceased to be a port of entry for millions coming from the old world, it can and should serve as a major cultural and economic gateway for millions of our own people who by reason of race have been excluded from participation as equals in the American economy and community. Conversely, it can be the United States of America's gateway to the mind and soul not only of its own black people, but to the black and brown peoples and cultures of the hemisphere and world. And heaven knows this nation badly needs that open door.

Most of the 23,000,000 blacks in the United States have been forced to live as a dependent people in an internal colony—wards of the nation—without being accepted as part of the nation itself. A large population of Puerto Ricans in our city have experienced similar exclusion, although they too are American by birth. We have recently noted the *de facto* colonial status of most American Indians, who number less than a million in the United States. Yet to their number we must add the many millions of Mexican-Americans of substantial Indian blood, the Chicanos, who constitute our second largest racial minority. Thus the Indian population in the United States is a large one, as it is in the Americas as a whole.

These black and brown populations, who make up nearly a sixth of our nation, represent the greatest unrealized human potential in our nation and hemisphere. New York City, as I pointed out in a previous address, has already become to a substantial degree a Southern city, a place of refuge—although not always a place of true opportunity—for millions of American citizens who suffered exclusion in the states and region of their or their parents' birth.

I do not wish to suggest that all black New Yorkers are of Southern birth or background. But the great majority are, by ancestry, religion and culture. To these must be added many other black people whose roots are in the West Indies. While many features of West Indian culture and history were different from those of black people in the Southern United States, West Indian blacks have experienced a similar racial and economic history. To these we might add most Puerto Ricans (excepting only those who are white) and many others from the Hispanic countries and territories of the Caribbean who suffered similar histories of slavery and colonialization Thus the black and brown populations from the Sunbelt of the American South, and from the British and Hispanic lands of the Caribbean, now make up an important new element—a decisive element—in the composition of New York City.

As I have suggested before, the New York now in formation is an island in the sun, an island of the South and the Caribbean that has drifted north and lodged in the

estuary of the Hudson River. This is the New York that many people of this city do not recognize. Our eyes are not yet open to it. We see it purely as a social problem, as we persist in our set way of thinking about what that city is. So the meaning of the arrival of this island in the sun simply has not been learned by a city going about its familiar business, with a cherished image of itself drawn from an illustrious past.

Because we have not recognized the implications of the change that has overtaken us, the city and its surrounding region have not responded with the imagination and resourcefulness usually characteristic of New York. More than we care to admit we have become narrowly provincial in our outlook, a bit of a backwater, regretting the future bearing upon us and trying to hold it back. We have received the new populations sullenly as something alien, a problem to be absorbed instead of a potentiality to be developed. And because we have acted on this negative premise, or have simply looked the other way, we have allowed vast areas of the city to sink into squalor and anarchy. Crime, blight, declining educational and civic standards, economic stagnation, unemployment, and threatening municipal bankruptcy have been allowed to become the order of the day in New York City. The barricaded door and the muscular guard dog symbolize our state of mind.

This is a high price to pay for a failure of nerve. But there is nothing that this city needs to save itself that the people of New York cannot do, if we have the vision and determination to undertake it. Jimmy Carter cannot save New York. The United States treasury does not have the resources to maintain us in a state of moral and physical collapse, and simply pumping in money without a rejuvenation of social and moral vision would be a predictable waste.

The people of this city must believe in New York once again, and act on that belief, in order to make this city once again the great experiment in democratic living and human development that characterized its most creative periods. I am not talking about blind faith in a ridiculous goal. I am urging rational commitment to a realistic re-direction of our skills and resources. That commitment must begin with a wholehearted acceptance of the new populations of New York. We must learn who we are and build a community that corresponds to the needs, dreams, and gifts of today's people—not those of sixty or eighty years ago.

The fact that Jimmy Carter cannot save New York does not mean that the President or the Federal government can afford to turn their backs on the city's needs. The Administration and the Congress cannot do that and hope to have a viable United States. If New York is a cancer, as some people in this country apparently think it is, that cancer will spread to a hundred other cities and destroy American democracy.

But if New York is not a malignancy, but a city suffering growing pains—the pains of dislocation and transition—if New York can grow up to a new stage in its career as a city of opportunity and social development—then in setting about our work of reconceiving and reconstructing New York we are embarking on a task that can again be the wonder of the world and the salvation of democratic society.

Approached in that context, we should not petition Washington, or private business, as beggers looking for a handout to save a failing city, a city that has outlived its purpose and that many argue should be left to wither away. We should approach our lawmakers and business leaders boldly and enthusiastically as a city of people holding the key to a new century of social vitality for America. For such a cause the American President and the American people will respond with an enthusiasm equal to our own, if what we ask is a good investment. This is the quality of effort that I urged recently in suggesting a Marshall Plan for our cities.

What is it that this island in the sun, this new city in formation, has to offer the American nation? What we can give now is at least equal to the contribution that New York made during the past century and a half, when the city assisted a small and provincial Anglo Saxon nation to grow into a world power with a cosmopolitan people and drawn from many nations and continents.

We are a wonderously mixed people, a gathered people from every continent and region of the globe, engaged in an enterprise of civilization-building unrivaled anywhere. Where else in the world can one find a continental nation of more than two hundred million people with a history of more than two hundred years of constitutional self-government? There have been and are many cruel and ugly violations of our democratic faith and we must still work to overcome the effects of racial and cultural exclusions that have sometimes risen to the level of barbarism. But the democratic ideal still animates our energies.

To undertake the new phase of the city's career, New Yorkers of older and more established ethnic groups must learn to recognize more recent arrivals, especially the black and brown peoples from the Sunbelt and the Caribbean, as the segments of the population that give our city special entry to the heartland of the Americas.

The heartland peoples of the two American continents, and of the tropical seas between, are the black and the brown. They are by far the majority of the hemisphere. Our island in the sun provides a unique setting where the various peoples and cultures flow together, producing the potential of a new culture in the making. A richer expression of democratic community can be born here, releasing an energy that can transform the character of race relations and the quality of urban life throughout America.

The center of gravity in our life must shift decisively toward the heartlands of the Americas and particularly toward the cultures of the black, Hispanic, and Amerindian peoples who make up the majority of the two continents of the Western Hemisphere.

We who are European and white in our ancestry must undergo a fundamental reorientation in our perception of our black and brown neighbors. New Yorkers must raise their consciousness about racial diversity in this city. We must raise our consciousness to recognize the part that black and brown people play in our lives, their contribution to our culture and spirit. (It is equally necessary for minority groups to undergo a similar transformation in their image of themselves, for even after a decade of emphasis on black and brown culture and pride, it would be too optimistic to suppose that the self-negating stereotypes of three and four centuries of oppression have been dispelled.)

Many white liberals will be embarrassed or offended by this suggestion. Are not we the good people who worked for civil rights, who marched in freedom parades, who occasionally even attended the funerals of friends, or our children's friends, who were killed in the struggle for racial equality? Yes, all this is true.

But in many respects, as a class we often serve as the last barrier to black and brown equality. We take pride in our cultivated black or Puerto Rican friends, showing them off in a demonstration of liberality—all the while oblivious to the chauvinism of our conduct. In our failure to respect the equality of the human spirit, which means respecting the cultural roots and integrity of a people, we inflict an unconscious wound. We sanction attitudes and social patterns that offend those we would befriend and reduce others to the role of dependents who must look to us for favors.

These are the defensive maneuvers of a people who do not understand how to commit themselves to the mutuality that honest community requires. Until we learn to correct this distortion in the way we perceive people racially, we shall continue to undermine the foundations of this once proud and prosperous city. We shall continue to abandon the city and its people, retreating like a tribe of cowering Neanderthals before an advancing glacier. Already the ice of fear hangs heavily over our city; even now the crushing wall has demolished whole neighborhoods, so that even derelict buildings are not left standing. Is this the city we wish the Federal Government and the state to come in and rescue?

Let us set about the necessary task of discovering what our part must be to prepare our city for a renewed career as a place where new cultures can flourish, where new worlds can be born out of the creative linkages of diverse peoples, with their unique gifts and their unspoken languages of the heart. When we do this we shall be prepared to put to proper use the national investment which this city requires to prosper.

If those of us who are the sons and daughters of the older immigrations of Europe believe that the newer arrivals from the Sunbelt and the Caribbean do not possess the energy and creativity that we honor in our forebears, by our own attitude we seriously impair the quickening of the community life that our newer population might create with us.

People who believe in the possibility of a greater and richer New York must join together to recreate in this city a harmony of races and peoples working for a more vital community. It is no mystery how this must be done. New York must re-discover and apply more broadly the social awareness and concern that for two hundred years made this a special place in the flowering of American civilization.

I have suggested to the trustees and membership of the Society for Ethical Culture that we set before ourselves the task of undertaking a concerted, imaginative effort to bring about a better understanding of the requirements to build a more vigorous interracial culture in this city. The objective of such an effort, which I earnestly urge us to undertake in the coming year, is the beginning of a Coalition for a New City that will build on the cultural, ethnic, and racial resources that until now have not coalesced sufficiently to rejuvenate this city's morale and community life. The Ethical Culture Society is unusually well-equipped to address this problem, to use its resources as a laboratory for social solutions having wide application.

Many New Yorkers may have forgotten that the settlement house movement that once enabled our inner city neighborhoods to become real communities had its American beginning in the Society for Ethical Culture. Even before Jane Addams established Hull House in Chicago, the first settlement house in America was established here in New York nearly ninety-two years ago. That beginning was the University Settlement, the work of Stanton Coit, a young assistant to Felix Adler, founder and leader of this Society. A few years later another understudy of Adler, John Elliott, established Hudson Guild, whose work in Hell's Kitchen became a legend—opening the doors of opportunity to many young people growing up in the squalor and crime of one of the city's worst slums.

A century ago, Felix Adler demonstrated the method by which creative community is stimulated and personal character formed. He called that method Ethical Culture, which simply means the moral and spiritual process of developing stronger, more ethically sensitive human beings and communities through mutually enhancing relationships. Our task today as a Society is to apply what we have learned to the resistant new prob-

lems that now obstruct the forward movement of our city and nation. In coming months we shall be inviting others to join with us in this effort.

We must unite our intelligence and concern to the moral and social energies of others in a coalition of caring for the future of New York. Together as New Yorkers, we must care enough to make a difference.

ARTHUR S. FLEMMING TESTIFIES ON AGE DISCRIMINATION STUDY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. BRADEMAS. Mr. Speaker, the Age Discrimination Act of 1975, establishing the principle of nondiscrimination on the basis of age, charged the U.S. Commission on Civil Rights with undertaking a study of discrimination based on age in programs receiving Federal financial assistance.

The study, which was released by the Commission on Civil Rights on January 10, 1978, provides a base of information and analysis to help the Secretary of Health, Education, and Welfare in formulating regulations that will be effective in ending such age discrimination.

Last month, the Subcommittee on Select Education, which I have the honor to chair, held a hearing at which testimony was received on the age discrimination study.

Mr. Speaker, as sponsor in the House of Representatives of the Age Discrimination Act, I am pleased to insert in the RECORD the statement on the age discrimination study given at our hearing by the distinguished Chairman of the Commission on Civil Rights, Dr. Arthur S. Flemming.

Dr. Flemming's statement follows:

TESTIMONY BY ARTHUR S. FLEMMING

I. INTRODUCTION

A. The Assignment—

1. The Age Discrimination Act of 1975 directs the U.S. Commission on Civil Rights to conduct a study of unreasonable discrimination on the basis of age in the administration of programs or activities receiving Federal financial assistance.

2. The Commission transmitted a report to the President, the President of the Senate and the Speaker of the House of Representatives on January 10, 1978.

B. The Commission assembled evidence for the report in the following manner:

1. We decided to focus on the following service areas:

a. Community Mental Health Services.
b. Legal Services Programs.
c. Vocational Rehabilitation Programs.
d. Community Health Centers.
e. Social Services under Title XX of the Social Security Act.
f. Comprehensive Employment and Training Act (CETA).
g. Food Stamp Program.
h. Medical Assistance Program.
i. State Vocational Education Basic Grant Program.
j. Adult Basic Education Program.
k. Admission Policies in Higher Education.

2. The Federal statutes, implementing regulations, administrative policies and guidelines, participant data and other materials for the Federal programs were analyzed, except for the educational service programs, in the following six geographic areas: San Antonio, Texas; St. Louis, Missouri; Jackson, Mississippi; Seattle, Washington; Augusta and the State of Maine; and Chicago, Illinois.

a. The State government agencies and the Federal regional offices serving these areas and having responsibilities for the programs studied were also included along with appropriate State and area agencies on aging.

b. During the course of the field study approximately 500 interviews were conducted.

3. The field of higher education was examined separately and the examination focused on whether age was a determining factor in admission policies.

4. Four public hearings were held at San Francisco, California; Denver, Colorado; Miami, Florida; and Washington, D.C.

a. These hearings were designed to expand the body of information acquired from the staff analysis and the field study.

b. Testimony was taken from more than 300 witnesses.

C. After weighing the evidence we have concluded:

1. That barriers have been erected by both public and private administrators between persons falling within particular age groups—especially children and older persons—and services which are financed in whole or in part by the Federal Government.

2. That erection of these barriers is having a serious adverse impact on the lives of children and older persons who need these services—it is a depersonalized approach which is in direct conflict with the concept of the dignity and worth of the individual.

D. We recognize that Congress from time to time has made provision for special programs designed to meet the needs of specific age groups—an approach which constitutes sound public policy.

E. We have examined the reasons that have been advanced for using age as a barrier for the delivery of services supported by the Federal Government and have concluded:

1. None of these reasons constitutes a valid basis for disregarding the needs of individuals falling within these age groups.

2. All such barriers constitute "unreasonable discrimination" on the basis of age and should be prohibited by law.

3. Exceptions to this principle should be made only by the Congress and no authority should be granted to public or private administrators to make such exceptions.

F. Within the framework of this brief summary of our report I would like to underline some of our specific findings and recommendations.

II. BODY

A I will discuss briefly eleven out of our seventeen findings.

1. Discrimination on the basis of age in the delivery of Federally supported services and benefits exists to some extent in each Federal program examined.

a. We have included illustrative materials from mental health services, the Comprehensive Employment and Training Act, the Vocational Rehabilitation program, the Legal Services Corporation program and, the Community Health Centers program, to support this finding.

b. The following comments are taken from the illustrative material relating to the mental health services program:

The area of mental health services represents one of the most glaring examples of discrimination on the basis of age.

In 1975, 328 Community Mental Health Centers reported the addition of 539,947 persons to their patient caseloads.

Children under 15 and persons 65 or over are seriously under-represented. Older persons have the lowest participation rate of any age group compared to their representation in the service area population. A report from the National Institute of Mental Health (NIMH) of the Department of Health, Education, and Welfare adds that:

"Relative to their numbers in the [service] area, children are served at roughly one-third the rate and the elderly at less than one-fourth the rate of the 25–44 year old group."

The under-representation of older persons in Community Mental Health Centers is even more disturbing when viewed against expert opinion and studies on mental health problems among persons aged 65 and over.

Dr. Gene Cohen, Director of the Center for the Study of the Mental Health of the Aging, NIMH, estimates that, based on his work, 18 to 25 percent of those 65 or older have mental health problems that interfere severely with their ability to function on a daily basis.

According to the Commission on Mental Health appointed by President Carter, "the incidence of mental health problems is higher among people sixty-five and older than in other age groups." The Commission adds that "[e]stimates indicate that 20 to 30 percent of all people labeled as 'senile' have conditions that are either preventable or reversible if detected and treated early." . . .

Dr. Robert Butler, Director of the National Institute of Aging of the Department of Health, Education, and Welfare, has written that older persons are "the most susceptible to mental health problems." . . . He and others also cite the fact that persons 65 or over account on an annual basis for 25 percent of all reoprted suicides.

2. Members of minority groups, women, and handicapped individuals are often victims of compounded discrimination based on age, sex, race, national origin, and handicap.

a. The isolation, limited mobility, educational, and low income status that characterize the older population impose dramatically more burdens for its minority members who have been historically deprived of the opportunities and benefits that should be available to them. Program administrators are not taking sufficient steps to take into account the multiple problems faced by many older persons and to increase their opportunities for obtaining needed services and benefits.

3. Age discrimination exists because Federal, State and local program administrators develop policies that narrowly interpret broad statutory goals, the application of which limits the participation of certain age groups.

a. For many program administrators, preventive health care under the Community Health Centers program means health care for children and adolescents. Older persons are often considered too old to warrant an investment in preventive health care, or are viewed as unable to derive as much benefit as younger persons.

Four Center directors and several Federal Regional Office officials attributed this situation to U.S. Public Health Service and Department of Health, Education, and Welfare policies that associate achievement of the preventive health care goal almost entirely with services to children and youth.

Preventive health care is a major theme of the Forward Plan for Health for Fiscal Years 1978–82 prepared by the U.S. Public Health Service of the Department of Health, Education, and Welfare. The plan devotes nearly all of its discussion of preventive health to the needs of children, youth and young adults.

The effect of this Federal policy focus is demonstrated by the fact that Community Health Center directors at all sites visited by Commission staff emphasized preventive health care for children and youth.

CETA is intended primarily to reach the chronically unemployed who have the greatest difficulty in obtaining permanent positions financed from other sources. Neither the Federal statute nor the implementing regulations make references to employability based on age as a necessary or permissible consideration to restrict program participation. The Comprehensive Employment and Training Act, in fact, prohibits age discrimination in conducting CETA programs. But in oper-

ating to reach those easiest to employ, CETA programs are age discriminatory. This deviation from the statutory purpose has affected both ends of the age spectrum: those under 22, and over 44.

Training programs subsidized in part by the Federal government, including the Title I program under CETA and the Vocational Education program, are interpreted in practice to mean imparting skills to younger people who have never worked; not retraining for those who have.

4. Age discrimination takes place when the Federal Government establishes program performance standards which effectively restrict participation to certain age groups in the program.

a. Illustrative material to support this finding is included in the report growing out of the administration of both the Rehabilitation Act of 1973, the Comprehensive Employment and Training Act and the Community Health Centers Program.

5. Age discrimination occurs whenever State legislatures convert a Federal program intended to serve all age groups into categorical programs for specific age groups.

a. The Title XX Social Services program gives States discretion to develop services programs designed to enable low income families and individuals to attain the goals specified in the Act. Each State establishes the services it will provide under the program in its Comprehensive Annual Services Plan which is approved by the Governor. The State Agency designated to administer the Title XX Social Services program is responsible for development of the Plan with input from the public. The Plan must also show how the State has considered the needs of all of its residents in arriving at the final array of services.

b. Legislatures of a number of the States visited by Commission staff directed that specific amounts of funds be spent to support services for a particular age group.

c. In some of these States, the State legislatures had also enacted age-specific legislation (for example, child abuse laws) without appropriating State funds for implementation of the programs called for by the legislation. Some administrators of Title XX Social Services programs and others who were interviewed by Commission staff said that these actions by the State legislatures frequently produce imbalances in funding that favor one age group over another. At most sites visited by Commission staff, older persons were generally the less favored group.

6. Young persons' access to mental health services is restricted by State laws requiring parental consent as a condition to receiving services.

a. At five of the nine sites visited, Community Mental Health Center directors or staff members cited their State's requirement that minors cannot receive mental health services without the consent of a parent or guardian to be a problem in adequately serving children and adolescents. In each State, a State statute dictates the age of consent for medical services.

b. Seven of the States visited use age 18, and two States use age 21 as the general age of consent for medical services. All but two States permit consent by married minors. Four States allow consent by emancipated minors: at age 15 in two States, age 16 in one State, and at any age in the fourth State. Four States permit a minor to consent to treatment for drug abuse: at age 13 in one State, and at any age in three others.

c. The issue of parental consent is particularly serious when centers are not able to provide treatment to adolescents for drug abuse and other mental health problems.

7. Age discrimination takes place when, without express authorization in Federal statutes, State and local program administrators develop program policies or practices that in effect restrict participation to certain age groups.

a. Illustrative material to support the finding is provided in the report from experiences with State administration of the Vocational Rehabilitation program, the Title XX Social Services program, and the Comprehensive Employment and Training Act program.

8. Continuance of historical patterns of age discrimination in the allocation and use of funds for service programs is justified by some Federal, State, and local administrators on the ground that more equitable allocations require additional funds.

a. This Commission recognizes the serious problems that are encountered whenever changes are called for or are made in the historical allocation of funds. Nevertheless, the reasons that may have justified an allocation pattern that was established some years ago do not necessarily prevail today. Unquestionably some areas are not entitled to as large a share as they once were. Some administrators say they would make changes if additional funds were provided. If additional funds can be obtained, this would be the ideal solution But additional funds may not be available. Older persons, for example, should not continue to be treated inequitably because administrators are unwilling to take steps now under current funding levels to correct inequities in the provision of services. Today's older persons are entitled to receive their share of the resources available. Administrators have an obligation to make changes in their allocation patterns to ensure "fair share" results for various age groups. Perpetuating past inequitable practices constitutes a continuing act of discrimination based on age.

9. The failure of public and private administrators to institute outreach programs designed to inform eligible persons of available services results in age discrimination.

10. The Comprehensive Employment and Training Act training and public service employment programs and the Vocational Rehabilitation program restrict participation of older persons because these programs rely for their success on the public and private employment markets, which often discriminate in employment on the basis of age, and which often maintain compulsory retirement policies.

11. Discrimination on the basis of age occurs when program administrators provide services to some age groups rather than others because of a belief that providing services to them will provide a better return on the government's investment.

a. Such beliefs conflict with the concept of the dignity and worth of the individual and lead to the depersonalization of services programs insofar as members of certain age groups are concerned.

B. Commission's Conclusion on "Unreasonable" Age Discrimination

1. In light of its mandate to elicit views on the reasonableness of distinguishing on the basis of age among potential participants or beneficiaries in such programs, the Commission has endeavored through the field study and public hearings to seek out all justifications offered for the discriminatory policies or actions identified.

2. After a thorough examination of the justifications advanced by local, State and Federal administrators, the Commission concludes that except as statutorily prescribed, all present age discriminatory policies uncovered in the Study are unreasonable.

C. Finally, I will discuss briefly seven out of our twelve recommendations.

1. That age should be used as a criterion for eligibility in Federally assisted services and benefit programs only when Federal legislation contains a specific authorization for doing so.

a. The provisions of the Age Discrimination Act place major limits on the coverage and application of a prohibition against age discrimination in Federally assisted programs and activities. The first and foremost among these limitations appears in the purpose clause, which expresses the intent of the Act to ban "unreasonable discrimination." Section 304(b)(1) provides that certain actions will be permitted under the Act if they reasonably take age into account as a factor necessary to the normal operation of a program or achievement of any statutory objective of a program, or if they make differentiations based on reasonable factors other than age. We recommend that "unreasonable" be deleted from the purpose clause and that Section 304(b)(1) be deleted.

b. Program priorities and resource allocation decisions need not be based on criteria that use age to foreclose the opportunities for obtaining needed services and benefits. Other criteria based on an evaluation of the relative needs of individuals are always available.

The fact that they may be more difficult to administer does not constitute a rational basis for rejecting them in favor of some easier method of decisionmaking.

The Commission does not believe that the Congress, in legislating programs to assist the general population, intended that persons responsible for their implementation should pursue administrative policies and procedures which have the effect of restricting services and benefits to persons of particular age groups. We do not believe that administrators should be permitted to introduce age as a criterion in administering their programs when the enabling legislation contains no such exclusionary criterion.

c. Only when statutorily-based age criteria are prescribed by Federal statute should age be used to distinguish among beneficiaries of Federally supported services and benefits.

d. The implementation of this recommendation would lead to a major reduction in as well as a simplification of the regulations issued under the Act.

2. That any person aggrieved by violations of the Act should have the right to institute a civil suit in a court of competent jurisdiction.

a. The Age Discrimination Act as passed would not permit an individual to seek a remedy for a violation of the Act through a private civil suit.

b. The Conference Report on the Older Americans Amendments of 1975 indicates that the perceived effect of not providing a private right of action was that—

" . . . implementation will proceed through a set of consistent Federal regulations rather than on a case-by-case method in the courts."

c. The Commission agrees that consistent Federal regulations are essential to effective implementation of the Act, and that responsibility for enforcement rests primarily with the Federal departments and agencies that prescribe implementing regulations. But the Commission also recognizes that the private right of action is an important tool to achieve compliance. Individuals whose rights are jeopardized by violations of the Act should be authorized to seek redress.

d. The importance of a private right is underscored by its inclusion, explicitly or implicitly, in the provisions of many civil rights statutes. The State and Local Fiscal Assistance Act, which is referenced in the Age Discrimination Act, provides expressly for such actions. Making a private right of action available need not conflict with consistent implementation of the Act; it may in fact spur agencies to carry out effectively their enforcement responsibilities.

3. That an Executive Order be issued granting to the Department of Health, Education, and Welfare authority to approve regulations developed by other Federal departments and agencies to implement the Age Discrimination Act.

a. Congress has made the Department of Health, Education, and Welfare the "lead" agency for implementation of the Act.

b. We believe that the issuance of the suggested Executive Order would strengthen the Department's role and improve implementation of the Act.

4. That an administrative sanction be available to Federal departments and agencies when dealing with violations of the Age Discrimination Act of 1975 that may be applied without terminating or interrupting services to eligible persons.

a. For certain Federally assisted programs, units of State or local government are the only permissible grantees. Funds may be terminated to such a grantee upon a finding of non-compliance with regulations issued pursuant to the Age Discrimination Act. If funds are withheld from such entities, however, services or benefits will not be available to persons within their jurisdictions who still need them. In such cases Federal administrators may be hesitant to use the "all or nothing remedy."

b. In order to ensure a continuity of services and at the same time provide an effective administrative sanction for non-compliance, the Commission recommends that the following language be added at the end of Section 305(b):

"When a determination has been made that a State or local Government is out of conformity with the provisions of the Act and the regulations issued pursuant to the Act, if the State or local government is the only eligible entity according to the Federal statute authorizing assistance, then the head of any Federal department or agency may, in accordance with prescribed regulations, disburse any funds that would otherwise be terminated or discontinued directly to any public or nonprofit private organization or agency or political subdivision of a State which can meet the requirements of the Federal statute authorizing the program or activity."

5. That the units within the Federal departments or agencies responsible for administering Federally assisted services and benefit programs be required by regulation to take the following steps to open up opportunities to participate in such programs to persons of all ages.

a. That the operating units of the Federal departments or agencies require their grantees or contractors to set performance goals and plans of action for the participation of persons in their programs, based on the relationship of the age groups within the eligible population to the total population eligible for the programs, within the boundaries of the service area. For example, a Community Mental Health Center might determine that 9 percent of its eligible service area population is 62 years of age or over and adopt 9 percent of all clients as a goal for this age group. Similarly, a CETA prime sponsor might estimate the ages of those in the service area who have been unemployed at least 16 weeks and find that 12 percent of these people are 19 or 21 years of age. This proportion might be adopted as the goal. . . .

b. That the operating units conduct a semi-annual self-assessment of the progress of their grantees and contractors in achieving the goals and implementing the action plans established for the delivery of services and benefits to eligible persons.

c. That the Department of Health, Education, and Welfare conduct, on a sample basis by program, a continuing audit of the self-assessment effort.

d. That where audits reveal a failure to set goals for the participation of all age groups, or a failure to engage in "good faith" efforts to achieve the goals set and an unwillingness to enter into a voluntary compliance agreement, steps should be taken by the operating units of the Federal departments and agencies to apply the sanctions authorized by the Act. . . .

6. That Federal departments and agencies take the following administrative actions to facilitate implementation of the Act.

a. That subject to the authorities vested in the Secretary of Health, Education, and Welfare, and in the heads of other Federal departments and agencies, primary responsibility for the day-to-day enforcement of the Act be placed with the units within the Federal Departments and agencies that have been given responsibility for the implementation of programs subject to the Act.

b. That all Federal departments and agencies responsible for programs subject to the Act, review all of the relevant authorizing statutes, implementing regulations, and administrative policies to determine whether any restrictions based on age exist in their regulations or policies which do not have an express foundation in the pertinent statute. If a Federal department or agency finds that such restrictions exist, it should amend its program regulations or administrative policies to make them consistent with the authorizing statute.

c. That each Federal department and agency take steps to ensure that each of its programs is carrying forward an outreach program.

7. That as a significant step to participation in CETA and VR programs, the Congress enact the House of Representatives version of H.R. 5383. This bill, if it becomes law, would raise the ceiling in the Age Discrimination in Employment Act from age 65 to 70 and would virtually eliminate compulsory retirement in the Federal Government.

a. If the Congress raises the upper limit in the Age Discrimination in Employment Act from 65 to 70, and if it adds the Federal Government to the list of public and private employers that prohibit compulsory retirement on the basis of age irrespective of the merits of the individual case, it will be opening up increased employment opportunities for older persons. This, in turn, will eliminate one of the primary reasons, namely non-employability, assigned for the failure to make certain Federally supported services and benefits available to older persons. . . .

8. That age should not be included in the criteria which are used to determine eligibility for admission to medical and other professional schools that are supported in whole or in part by the Federal Government.

III. CONCLUSION

A. In brief—

Age is used as a criterion for denying access to services supported in whole or in part by the Federal Government when the statutes authorizing such programs do not include such a criterion.

The reasons assigned by public administrators at all levels of government and by private administrators for using age as a criterion do not stand up under close scrutiny when judged in the light of the concept of the dignity and worth of the individual.

The introduction by administrators of age as a criterion for denying access to services and benefits should be prohibited by law.

Administrators of services and benefit programs financed in whole or in part by Federal funds should be required to institute plans of action for the participation of persons in their programs based on the relationship of the age groups within the eligible population to the total population eligible for the programs within the boundaries of the appropriate service area.

B. The two concluding paragraphs of our letter of transmittal read as follows:

We have given consideration to age discrimination as it relates to all age groups. We have taken note, however, of the fact that the Age Discrimination Act of 1975 is a part of the 1975 amendments to the Older Americans Act of 1965. For that reason we have given special consideration to the impact of age discrimination in the delivery of Federally-supported services and benefits on the lives of older persons. We are shocked at the cavalier manner in which our society neglects older persons who often desperately need certain Federally-supported services and benefits. Reasons advanced for such neglect are devoid of feelings of respect and compassion for women and men who have contributed much to their families, to their communities and to our nation.

A vigorous and unequivocal implementation of the Age Discrimination Act of 1975 provides our nation with the opportunity of demonstrating by our deeds that we intend to do everything within our power to help make the last years the best years of life.

COAL SHORTAGE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. YOUNG of Florida. Mr. Speaker, a national coal shortage could be eased if President Carter would apply a seldom used section of the Taft-Hartley Act to stop the harassment and violence by militant coal mine strikers. In a letter to the President last week, I urged him to use the act against any striker who prevents the mining or transportation of coal by nonstriking mine workers.

The President wants to settle the strike through collective bargaining, but this procedure will take time—time the innocent consumers in the Midwest and Appalachian States do not have. However, if strong action were to be taken while these negotiations are underway, coal mined by nonstrikers could be used to help prevent a complete exhaustion of the supplies the utility companies have on hand. Many utilities have badly underestimated the amount of coal they have in reserve so any supplies they receive will help.

There are many nonunion, nonstriking miners willing to mine and transport coal right now if their personal safety could be insured. There have been numerous reports of incidents when the work at nonunion mines has been disrupted or stopped because of harassment or violence against nonstriking workers. There were additional attacks against nonunion mine property and workers this past weekend and these acts of violence were covered by the national news media. I hope this coverage reminded the President of the urgency for the need to protect the nonstriking workers who want to mine coal.

Under section 8(b)(4) of the Taft-Hartley Act, these types of secondary boycott, coercive acts by a labor organization or its agents would be considered an unfair labor practice. I have called upon President Carter to use the full resources of his office to see that this provision is applied directly to the striking members of the union just as it would be enforced against the union organization if it had directed the illegal tactics.

A copy of my letter to the President follows as I would like to share it with my colleagues:

COAL SHORTAGE

WASHINGTON, D.C.,
February 14, 1978.

President JIMMY CARTER,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The action you took today in calling for the resumption of the coal strike negotiations is to be commended. The persuasive powers of the office of the President can be extremely helpful in such a serious situation which affects the lives of millions of Americans. However, it is my view

that you should not wait to take stronger, more definitive action to insure continued coal supplies.

The parties involved in the coal dispute have already had more than 70 days to settle their differences and during that time many innocent citizens have had their lives disrupted by the effects of the coal shortage. The harsh weather in the Midwest and Appalachian states has been a major cause of the desperate situation faced by these citizens and something needs to be done to keep electricity supplies sufficient to heat homes, hospitals and businesses and to provide the energy necessary to keep industries open so the wage earner can work to provide for his family. Job layoffs, school closings, electrical cutbacks and unheated homes are already cold facts in some areas and each day the shortage is allowed to continue is another day of suffering for the people caught in the middle of it.

Of particular concern to me is the effect the strike is having on individuals who work for a non-union mine or other non-union concerns. There have been various reports of incidents when non-striking truck drivers have been harassed by striking union miners and were forced to dump their loads of coal on roadsides. Other non-union, non-striking miners and workers have been threatened when they reported to work and the entire mining operation has been shut down because of the illegal activities by strikers involved in a dispute over which the non-striking workers have no control. One of the reasons these workers have chosen not to belong to a union is so they would not be prevented from working by such a labor dispute that is now being illegally used to keep them from their non-union jobs.

As you know, section 8(b)(4) of the Taft-Hartley Act makes it an unfair labor practice for any labor organization or its agents to threaten, coerce, or restrain any person engaged in commerce or in an industry affecting commerce where the object is to force the person to cease handling, transporting or otherwise deal in the products of any producer other than the primary producer. When acting against nonunion miners, the strikers have gone beyond affecting the primary producer, the union mine management. Secondary boycotts are illegal and these strikers are illegally affecting secondary parties who have nothing at all to do with the operation of the union mines. If the mining union organization or its agents were to act as these striking miners have been acting, they would be flagrantly guilty of an unfair labor practice and appropriate action would be taken against them. The refusal of the union organization to take strong action against these illegal activities demonstrates tacit approval of the shutdown of nonunion mines.

If all nonstriking miners were allowed to produce coal supplies at the full capacity of their mines, the impact of the shortage on the affected states could be temporarily relieved. The supplies of coal they would furnish might well allow the negotiations to be conducted without additional hardships on citizens who need adequate electricity. If the negotiators need additional time to settle the dispute, coal from nonunion mines may provide the necessary amount. I urge you to put the influence and force of your office behind whatever action is needed to stop these illegal activities so that nonunion miners who want to work will be able to produce and transport coal supplies to where they are needed most.

Each day of delay in taking strong action to allow nonunion mines to remain at full capacity presents new dangers to those who want to work and to provide coal, but who are unable to do so because of harassment, threats, and violence against them by people not even connected with their place of employment. Positive, definite steps are required now before another life is lost because of inadequate supplies of coal or illegal activities by the striking miners against nonunion mine workers.

There have been enough words. The safety and well-being of millions of innocent Americans depend on bold, immediate action to insure increased supplies of coal while the necessary strike settlement negotiations continue.

With best wishes and personal regards, I am

Very truly yours,

C. W. BILL YOUNG,
Member of Congress.

CITIZEN ACTION NEEDED TO PROD FEDERAL GOVERMENT IN HELPING AREAS HIT BY SEVERE WEATHER.

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1978

Mr. BROWN of Ohio. Mr. Speaker, recently much of the Nation has been hit by severe winter weather, including record amounts of snow. This was particularly true through much of Ohio and the Seventh Ohio Congressional District.

The heavy snowfall has caused considerable inconvenience, and in some areas, major hardship. Disaster declarations are being sought for a number of areas. A major factor in the hardships which have been experienced have resulted from the inability of local governments to clear roads and remove snow. During the past few years, as dependence on the Federal Government, especially, has grown, such situations almost automatically raise cries for help from Washington and result in wholesale bellyaching if aid is not immediately forthcoming.

But there have also been signs of a change in attitude during the recent past that is starting to realize that maybe the Federal Government is not always the best answer to every problem. Some healthy questions are beginning to be raised as to whether it might not be better in a lot of instances to seek more of the answers to problems locally, among the citizens who pay the great bulk of taxes for operating big Government, but receive very little in return. If this attitude is growing—which I hope is true—and continues to grow, maybe we will finally begin to see the Federal Government once again concentrating on doing those things for its citizens which they cannot do for themselves, and allowing the citizens to do more of their own thinking and problem solving within the limits of their ability and means.

One small example of "citizen action" was recently illustrated within my district when the Village of LaRue, Ohio, was blanketed with the same deep snow that struck the rest of the Midwest. The citizens of LaRue could have waited for help from somewhere else, since the small village did not have the equipment to immediately cope with the problem.

But they had a better solution. They got together, using privately donated and operated equipment, and cleared the snow themselves. I commend their efforts and wish to insert in the RECORD at this point an article from the Marion Star which publicized their success in the hope that it may serve to inspire others to look first at their own ability to solve problems, without deciding immediately that they can not, and looking only to someone else for help.

[From the Marion Star, Jan. 22, 1978]

COMMUNITY WORKS TOGETHER—LARUE THROWS OFF BLANKET

(By Kevin D. Coffey)

Several LaRue area residents decided that rather than complain about the heavy amounts of snow blanketing the village's main streets, a clearance project should be undertaken.

Beginning at approximately 4 a.m. Saturday, a makeshift task force set to work clearing the main roads in the village and freeing the business district from the frigid grasp of the white stuff.

LaRue Mayor Jack Hicks estimated the turnout at "about 12 at most," but said it varied because everyone pitched in to help.

"It showed a lot about our people," Hicks said. "Some people just stopped what they were doing, helped us out for awhile, then went about their business."

Hicks said area farmers made up the bulk of the crew, many bringing their farm equipment into town to help with the removal efforts.

"Some of those helping us were in-town residents," he explained, "but we had an awful good turnout from farmers living around here. All of them showed up early, and the equipment really aided our work."

Hicks, owner of the LaRue Lumber Company, also chipped in with a company truck that was used in removing the snow to the village park, where it was dumped.

While the effort did not clear all of the streets within the LaRue corporation limits, the business district, which had been plagued by heavy drifts and pileups was nearly totally freed.

"Basically, we cleared the uptown area, where all of the parking spaces are," Hicks said. "We cleared an area from Ohio 95 to the railroad tracks at the other end of town."

The snow, which was piled six feet high in many areas of the town, was graded from the streets and loaded into trucks.

The trucks transported the snow to an area in the park which had been graded off at about 2 a.m. Saturday morning.

The idea for the clearance proceedings came up in a conversation with Hicks and LaRue Council President Harold Surber.

"We were talking about it Friday night," Hicks explained. "Our main concerns were what would happen if we got more snow, or if the snow began to melt and then crusted over. If it would have crusted, we would have had snow here in June."

Conditions of the streets were "excellent" Hicks said late Saturday.

According to at least one LaRue citizen. "The streets are as clear as summer and a car can go anywhere."

This effort marks the first time that the snow has been totally removed from the streets, Hicks said.

"We've had help with the plowing during other winters. but this time we've totally removed the snow from our main business area.

"I guess you could say we're playing it safe for awhile," he added.

Hicks gave special credit to the following for their contribution of both time and equipment to the snow clearing effort:

Jeff Hicks, John Snyder, Kevin Snyder, Kevin Lehman, Kenny Price, Herman Clark, James R. Cook, Mike Sager, Bill Sager, Oscar Holcomb, and Leon Billenstein.